

Talmud - Mas. Berachoth 2a

CHAPTER I

MISHNAH. FROM WHAT TIME MAY ONE RECITE THE SHEMA' IN THE EVENING? FROM THE TIME THAT THE PRIESTS ENTER [THEIR HOUSES] IN ORDER TO EAT THEIR TERUMAH¹ UNTIL THE END OF THE FIRST WATCH.² THESE ARE THE WORDS OF R. ELIEZER. THE SAGES SAY: UNTIL MIDNIGHT. R. GAMALIEL SAYS: UNTIL THE DAWN COMES UP.³ ONCE IT HAPPENED THAT HIS⁴ SONS CAME HOME [LATE] FROM A WEDDING FEAST AND THEY SAID TO HIM: WE HAVE NOT YET RECITED THE [EVENING] SHEMA'. HE SAID TO THEM: IF THE DAWN HAS NOT YET COME UP YOU ARE STILL BOUND TO RECITE. AND NOT IN RESPECT TO THIS ALONE DID THEY SO DECIDE, BUT WHEREVER THE SAGES SAY UNTIL MIDNIGHT', THE PRECEPT MAY BE PERFORMED UNTIL THE DAWN COMES UP. THE PRECEPT OF BURNING THE FAT AND THE [SACRIFICIAL] PIECES, TOO, MAY BE PERFORMED TILL THE DAWN COMES UP.⁵ SIMILARLY, ALL [THE OFFERINGS] THAT ARE TO BE EATEN WITHIN ONE DAY MAY LAWFULLY BE CONSUMED TILL THE COMING UP OF THE DAWN. WHY THEN DID THE SAGES SAY 'UNTIL MIDNIGHT'? IN ORDER TO KEEP A MAN FAR FROM TRANSGRESSION.

GEMARA. On what does the Tanna base himself that he commences: FROM WHAT TIME?⁶ Furthermore, why does he deal first with the evening [Shema']? Let him begin with the morning [Shema']! — The Tanna bases himself on the Scripture, where it is written [And thou shalt recite them] . . . when thou liest down and when thou risest up,⁷ and he states [the oral law] thus: When does the time of the recital of the Shema' of lying down begin? When the priests enter to eat their terumah.⁸ And if you like, I can answer: He learns [the precedence of the evening] from the account of the creation of the world, where it is written, And there was evening and there was morning, one day.⁹ Why then does he teach in the sequel: THE MORNING [SHEMA'] IS PRECEDED BY TWO BENEDICTIONS AND FOLLOWED BY ONE. THE EVENING [SHEMA'] IS PRECEDED BY TWO BENEDICTIONS AND FOLLOWED BY TWO?¹⁰ Let him there, too, mention the evening [Shema'] first? — The Tanna commences with the evening [Shema'], and proceeds then to the morning [Shema']. While dealing with the morning [Shema'], he expounds all the matters relating to it, and then he returns again to the matters relating to the evening [Shema'].

The Master said: FROM THE TIME THAT THE PRIESTS ENTER TO EAT THEIR 'TERUMAH'. When do the priests eat terumah? From the time of the appearance of the stars. Let him then say: 'From the time of the appearance of the stars'? — This very thing he wants to teach us, in passing, that the priests may eat terumah from the time of the appearance of the stars. And he also wants to teach us that the expiatory offering is not indispensable,¹¹ as it has been taught:¹² And when the sun sets we-taher,¹³ the setting of the sun is indispensable [as a condition of his fitness] to eat terumah, but the expiatory offering is not indispensable to enable him to eat terumah. But how do you know that these words 'and the sun sets' mean the setting of the sun, and this 'we-taher' means that the day clears away?

(1) If the priests have become ritually unclean, they are not permitted to eat terumah, to which a certain holiness attaches, till they have taken a bath and the sun has set.

(2) I.e., until either a fourth or a third of the night has passed. V. infra 3a.

(3) Maim: about one and one fifth hours before actual sunrise. V. Pes. 93b.

(4) R. Gamaliel's.

(5) This sentence is parenthetical. It is nowhere laid down that the burning of the fat etc. is permitted only till midnight. It is mentioned here in order to inform us that wherever the time fixed for the performance of a duty is the night, it expires at the rise of the dawn (Rashi).

- (6) I.e., where is it stated in the Law that the recital of the Shema' is prescribed at all?
 (7) Deut. VI, 7.
 (8) This answers also the second question, as the Bible mentions first the recital of the evening time.
 (9) Gen. I, 5.
 (10) Infra 11a.
 (11) For the eating of terumah even where it is necessary to complete the purification rites, v. Ker. II,1.
 (12) Sifra, Emor.
 (13) Lev. XXII, 7. This can be rendered as E.V.: 'he (the man) is clean', or it (the day) is clean (clear), as understood now by the Gemara.

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It means perhaps: And when the sun [of the next morning] appears, and we-taher means the man becomes clean?¹ — Rabbah son of R. Shila explains: In that case, the text would have to read we-yithar.² What is the meaning of we-taher?³ The day clears away, conformably to the common expression, The sun has set and the day has cleared away. This explanation of Rabbah son of R. Shila was unknown in the West,⁴ and they raised the question: This 'and the sun sets', does it mean the real setting of the sun, and 'we-taher' means the day clears away? Or does it perhaps mean the appearance of the sun, and we-taher means the man becomes clean? They solved it from a Baraitha, it being stated in a Baraitha: The sign of the thing is the appearance of the stars. Hence you learn that it is the setting of the sun [which makes him clean] and the meaning of we-taher is the clearing away of the day.

The Master said: FROM THE TIME THAT THE PRIESTS ENTER TO EAT THEIR 'TERUMAH'. They pointed to a contradiction [from the following]: From what time may one recite the Shema' in the evening? From the time that the poor man⁵ comes [home] to eat his bread with salt till he rises from his meal. The last clause certainly contradicts the Mishnah. Does the first clause also contradict the Mishnah? — No. The poor man and the priest have one and the same time.

They pointed to a contradiction [from the following]: From what time may one begin to recite the Shema' in the evening? From the time that the people come [home] to eat their meal on a Sabbath eve. These are the words of R. Meir. But the Sages say: From the time that the priests are entitled to eat their terumah. A sign for the matter is the appearance of the stars. And though there is no real proof of it,⁶ there is a hint for it. For it is written: So we wrought in the work: and half of them held the spears from the rise of the dawn till the appearance of the stars.⁷ And it says further: That in the night they may be a guard to us, and may labour in the day.⁸ (Why this second citation?⁹ — If you object and say that the night really begins with the setting of the sun, but that they left late and came early, [I shall reply]: Come and hear [the other verse]: 'That in the night they may be a guard to us, and may labour in the day'). Now it is assumed that the 'poor man' and 'the people' have the same time [for their evening meal.]¹⁰ And if you say that the poor man and the priest also have the same time, then the Sages would be saying the same thing as R. Meir? Hence you must conclude that the poor man has one time and the priest has another time? — No; the 'poor man' and the priest have the same time, but the 'poor man' and the 'people' have not the same time.

But have the 'poor man' and the priest really the same time? They pointed to a contradiction [from the following]: From what time may one begin to recite the Shema' in the evening? From the time that the [Sabbath] day becomes hallowed on the Sabbath eve. These are the words of R. Eliezer. R. Joshua says: From the time that the priests are ritually clean to eat their terumah. R. Meir says: From the time that the priests take their ritual bath in order to eat their terumah. (Said R. Judah to him: When the priests take their ritual bath it is still day-time!)¹¹ R. Hanina says: From the time that the poor man comes [home] to eat his bread with salt. R. Ahai (some say: R. Aha). says: From the time that most people come home to sit down to their meal. Now, if you say that the poor man and the

priest have the same time, then R. Hanina and R. Joshua would be saying the same thing? From this you must conclude, must you not, that the poor man has one time and the priest has another time. — Draw indeed that conclusion!

Which of them is later? — It is reasonable to conclude that the ‘poor man’ is later. For if you say that the ‘poor man’ is earlier, R. Hanina would be saying the same thing as R. Eliezer.¹² Hence you must conclude that the poor man is later, must you not? — Draw indeed that conclusion.

The Master said:¹³ ‘R. Judah said to him: When the priests take their ritual bath it is still daytime!’ The objection of R. Judah to R. Meir seems well founded? — R. Meir may reply as follows: Do you think that I am referring to the twilight [as defined] by you?¹⁴ I am referring to the twilight [as defined] by R. Jose. For R. Jose says: The twilight is like the twinkling of an eye. This¹⁵ enters and that¹⁶ departs — and one cannot exactly fix it.¹⁷

(1) Through his sin-offering.

(2) The verb being in the future.

(3) Which may be taken as a past tense, the waw not being conversive.

(4) In the Palestinian schools.

(5) Who cannot afford an artificial light.

(6) That the day ends with the appearance of the stars.

(7) Neh. IV, 15.

(8) Ibid. 16.

(9) The first verse seems to afford ample proof.

(10) I.e., the time the ‘poor man’ mentioned in the first Baraitha comes home to take his evening meal is identical with that at which people generally come to eat their meals on Sabbath eve.

(11) And not even twilight, v. Shab. 35a.

(12) Tosef. points out that the ground for this statement is not clear.

(13) In the Baraitha just quoted.

(14) According to which definition it lasts as long as it takes to walk half a mil, v. Shab. 34b.

(15) The evening.

(16) The day.

(17) And consequently the priests may bathe at twilight as defined by R. Jose since it is still day, and one may also read at that time the Shema’ since it is practically night.

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There is a contradiction between R. Meir [of one Baraitha]¹ and R. Meir [of the last Baraitha]?² — Yes, two Tannaim transmit different versions of R. Meir's opinion. There is a contradiction between R. Eliezer [of the last Baraitha]³ and R. Eliezer [of the Mishnah]?⁴ — Yes, two Tannaim⁵ transmit two different versions of R. Eliezer's opinion. If you wish I can say: The first clause of the Mishnah⁶ is not R. Eliezer's.⁷

UNTIL THE END OF THE FIRST WATCH. What opinion does R. Eliezer hold? If he holds that the night has three watches, let him say: Till four hours [in the night]. And if he holds that the night has four watches, let him say: Till three hours? — He holds indeed, that the night has three watches, but he wants to teach us that there are watches in heaven⁸ as well as on earth. For it has been taught: R. Eliezer says: The night has three watches, and at each watch the Holy One, blessed be He, sits and roars like a lion. For it is written: The Lord does roar from on high, and raise His voice from His holy habitation; ‘roaring He doth roar’⁹ because of his fold. And the sign of the thing is:¹⁰ In the first watch, the ass brays; in the second, the dogs bark; in the third, the child sucks from the breast of his mother, and the woman talks with her husband. What does R. Eliezer understand [by the word watch]? Does he mean the beginning of the watches? The beginning of the first watch needs no sign,

it is the twilight! Does he mean the end of the watches? The end of the last watch needs no sign, it is the dawn of the day! He, therefore, must think of the end of the first watch, of the beginning of the last watch, and of the midst of the middle watch. If you like I can say: He refers to the end of all the watches. And if you object that the last watch needs no sign, [I reply] that it may be of use for the recital of the Shema', and for a man who sleeps in a dark room¹¹ and does not know when the time of the recital arrives. When the woman talks with her husband and the child sucks from the breast of the mother, let him rise and recite.

R. Isaac b. Samuel says in the name of Rab: The night has three watches, and at each watch the Holy One, blessed be He, sits and roars like a lion and says: Woe to the children, on account of whose sins I destroyed My house and burnt My temple and exiled them among the nations of the world.

It has been taught: R. Jose says, I was once travelling on the road, and I entered into one of the ruins of Jerusalem in order to pray. Elijah of blessed memory appeared and waited for me at the door till I finished my prayer.¹² After I finished my prayer, he said to me: Peace be with you, my master! and I replied: Peace be with you, my master and teacher! And he said to me: My son, why did you go into this ruin? I replied: To pray. He said to me: You ought to have prayed on the road. I replied: I feared lest passers-by might interrupt me. He said to me: You ought to have said an abbreviated prayer.¹³ Thus I then learned from him three things: One must not go into a ruin; one may say the prayer on the road; and if one does say his prayer on the road, he recites an abbreviated prayer. He further said to me: My son, what sound did you hear in this ruin? I replied: I heard a divine voice, cooing like a dove, and saying: Woe to the children, on account of whose sins I destroyed My house and burnt My temple and exiled them among the nations of the world! And he said to me: By your life and by your head! Not in this moment alone does it so exclaim, but thrice each day does it exclaim thus! And more than that, whenever the Israelites go into the synagogues and schoolhouses and respond: 'May His great name be blessed!'¹⁴ the Holy One, blessed be He, shakes His head and says: Happy is the king who is thus praised in this house! Woe¹⁵ to the father who had to banish his children, and woe to the children who had to be banished from the table of their father!

Our Rabbis taught: there are three reasons why one must not go into a ruin: because of suspicion,¹⁶ of falling debris and of demons. — [It states] 'Because of suspicion'.¹⁷ It would be sufficient to say, because of falling debris'? —

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- (1) Where he says: When people come home for their Sabbath-meal, which is after twilight.
 - (2) Which fixes a time which is before twilight.
 - (3) Which fixes sunset as the time-standard.
 - (4) Which fixes as time-standard, the appearance of the stars (when priests enter to eat terumah).
 - (5) V. Glos.
 - (6) Where the beginning of the time is fixed.
 - (7) R. Eliezer's ruling being merely with reference to the terminus ad quem.
 - (8) Among the ministering angels.
 - (9) So literally. Thus 'roaring' is mentioned three times in the text.
 - (10) I.e., of each watch.
 - (11) That has no windows to admit the daylight.
 - (12) The Tefillah, v. Glos.
 - (13) V. infra 29a.
 - (14) The principal congregational response in the doxology, the Kaddish v. P.B. p. 37.
 - (15) V. D.S. cur. edd.; what is there for the father.
 - (16) That a woman may be waiting for him there.
 - (17) The Gemara now proceeds to explain why all the three reasons must be mentioned.

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When the ruin is new.¹ But it would be sufficient to say: 'because of demons'? — When there are two people.² If there are two people, then there is no suspicion either? — When both are licentious [there is suspicion]. — [It states] 'Because of falling debris'. It would be sufficient to say: 'because of suspicion and demons'? — When there are two decent people. [It states] 'Because of demons'. It would be sufficient to say; 'because of suspicion and falling debris'? — When there are two decent people going into a new ruin. But if there are two, then there is no danger of demons either? — In their haunt there is danger. If you like I can say, indeed the reference is to one man and to a new ruin which was situated in the fields; in which case there is no suspicion, for a woman would not be found in the fields, but the danger of demons does exist.

Our Rabbis taught: The night has four watches. These are the words of Rabbi. R. Nathan says: Three. What is the reason of R. Nathan? — It is written: So Gideon, and the hundred men that were with him, came into the outermost part of the camp in the beginning of the middle watch.³ And one taught: Under 'middle' is to be understood only something which is preceded by one and followed by one. And Rabbi?⁴ — 'The middle' means: one of the middle ones. And R. Nathan? — Not 'one of the middle ones' is written, but 'the middle' is written. What is Rabbi's reason? — R. Zerika, in the name of R. Joshua b. Levi, says: One verse reads, At midnight do I rise to give thanks unto Thee because of Thy righteous ordinances.⁵ And another verse reads: Mine eyes forestall the watches.⁶ How is this?⁷ — [This is possible only if] the night has four watches. And R. Nathan? — He is of the opinion of R. Joshua, as we have learnt: R. Joshua says: until the third hour, for such is the custom of kings, to rise in the third hour.⁸ Six hours of the night and two hours of the day amount to two watches.⁹ R. Ashi says: One watch and a half are also spoken of as 'watches'. (R. Zerika further said, in the name of R. Ammi in the name of R. Joshua b. Levi: One may discuss in the presence of a dead body only things relating to the dead. R. Abba b. Kahana says: This refers only to religious matters,¹⁰ but as for worldly matter there is no harm. Another version is: R. Abba b. Kahana says: This refers even to religious matters. How much more so to worldly matters!)

But did David rise at midnight? [Surely] he rose with the evening dusk? For it is written: I rose with the neshef and cried.¹¹ And how do you know that this word neshef means the evening? It is written: In the neshef, in the evening of the day, in the blackness of night and the darkness!¹² — R. Oshaia, in the name of R. Aha, replies: David said: Midnight never passed me by in my sleep. R. Zera says: Till midnight he used to slumber like a horse,¹³ from thence on he rose with the energy of a lion. R. Ashi says: Till midnight he studied the Torah, from thence on he recited songs and praises. But does neshef mean the evening? Surely neshef means the morning? For it is written: And David slew them from the 'neshef' to the evening 'ereb of the next day,¹⁴ and does not this mean, from the 'morning dawn' to the evening? — No. [It means:] from the [one] eventide to the [next] eventide. If so, let him write: From neshef to neshef, or from 'ereb to 'ereb? — Rather, said Raba: There are two kinds of neshef: [the morning neshef], when the evening disappears [nashaf] and the morning arrives,¹⁵ [and the evening neshef], when the day disappears [nashaf] and the evening arrives.¹⁶

But did David know the exact time of midnight? Even our teacher Moses did not know it! For it is written: About midnight I will go out into the midst of Egypt.¹⁷ Why 'about midnight'? Shall we say that the Holy One, blessed be He, said to him: 'About midnight'? Can there be any doubt in the mind of God?¹⁸ Hence we must say that God told him 'at midnight', and he came and said: 'About midnight'. Hence he [Moses] was in doubt; can David then have known it? — David had a sign. For so said R. Aha b. Bizana in the name of R. Simeon the Pious: A harp was hanging above David's bed. As soon as midnight arrived, a North wind came and blew upon it and it played of itself. He arose immediately and studied the Torah till the break of dawn. After the break of dawn the wise men of Israel came in to see him and said to him: Our lord, the King, Israel your people require sustenance! He said to them: Let them go out and make a living one from the other.¹⁹ They said to

him: A handful cannot satisfy a lion, nor can a pit be filled up with its own clods.²⁰ He said to them: Then go out in troops and attack [the enemy for plunder]. They at once took counsel with Ahithofel and consulted the Sanhedrin and questioned the Urim and Tummim.²¹ R. Joseph says: What verse [may be cited in support of this]? And after Ahithofel was Jehoiada, the son of Benaiah,²² and Abiathar; and the captain of the King's host was Joab.²³ 'Ahithofel', this was the counsellor. And so it is said: Now the counsel of Ahithofel, which he counselled in those days, was as if a man inquired of the word of God.²⁴

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- (1) So that there is no danger of falling debris.
 - (2) The assumption is that where two are together there is no danger of an attack by demons.
 - (3) Judg. VII, 19.
 - (4) How does he explain the term middle?
 - (5) Ps. CXIX, 62.
 - (6) Ibid. 148.
 - (7) That somebody may rise at midnight and still have two watches before him, the minimum of the plural 'watches' being two.
 - (8) V. infra 9b. With reference to the morning Shema'.
 - (9) Since the day for royal personages begins at eight a.m. that is with the third hour when they rise. David by rising at midnight forestalled them by eight hours, i.e., two watches each having four hours.
 - (10) Lit., 'words of the Torah'. It would show disrespect for the dead.
 - (11) Ibid. 147. E.V. 'dawn'.
 - (12) Prov. VII, 9.
 - (13) That has a very light sleep, v. Suk. 26a.
 - (14) I Sam. XXX, 17.
 - (15) Neshef in this case denoting 'dawn'.
 - (16) Neshef in this case denoting 'dusk'.
 - (17) Ex. XI, 4.
 - (18) Lit., 'heaven'.
 - (19) Let the rich support the poor.
 - (20) We cannot be self-supporting to supply all our needs, any more than a handful can satisfy a lion, or the soil taken out of a pit fill its cavity.
 - (21) The divine oracle of the High-Priest's breast-plate.
 - (22) The text here has 'Benaiah, the son of Jehoiada', who is mentioned in II Sam. XX, 23.
 - (23) I Chron. XXVII, 34.
 - (24) II Sam. XVI, 23.

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'Benaiah the son of Jehoiada', this means the Sanhedrin. 'And Abiathar',¹ these are the Urim and Tummim. And so it says: And Benaiah the son of Jehoiada was over the Kerethi and Pelethi.² Why are they³ called 'Kerethi' and 'Pelethi'? Kerethi, because their words are decisive [korethim]; Pelethi, because they are distinguished [mufla'im] through their words. And then it comes 'the captain of the King's host Joab'. R. Isaac b. Adda says: (Some say, R. Isaac the son of Addi says) Which verse?⁴ Awake, my glory; awake, psaltery and harp; I will awake the dawn.⁵

R. Zera says:⁶ Moses certainly knew and David, too, knew [the exact time of midnight]. Since David knew, why did he need the harp? That he might wake from his sleep. Since Moses knew, why did he say 'about midnight'? — Moses thought that the astrologers of Pharaoh might make a mistake, and then they would say that Moses was a liar. For so a Master said: Let thy tongue acquire the habit of saying, 'I know not', lest thou be led to falsehoods [lying]. R. Ashi says: It⁷ was at midnight of the night of the thirteenth passing into the fourteenth [of Nisan], and thus said Moses to Israel: The Holy One, blessed be He, said: Tomorrow [at the hour] like⁸ the midnight of to-night, I

will go out into the midst of Egypt.

A prayer of David . . . Keep my soul, for I am pious.⁹ Levi and R. Isaac:¹⁰ The one says, Thus spoke David before the Holy One, blessed be He; Master of the world, am I not pious? All the kings of the East and the West sleep to the third hour [of the day], but I, at midnight I rise to give thanks unto Thee.¹¹ The other one says: Thus spoke David before the Holy One, blessed be He: Master of the world, am I not pious? All the kings of the East and the West sit with all their pomp among their company, whereas my hands are soiled with the blood [of menstruation], with the foetus and the placenta, in order to declare a woman clean for her husband.¹² And what is more, in all that I do I consult my teacher, Mephibosheth, and I say to him: My teacher Mephibosheth, is my decision right? Did I correctly convict, correctly acquit, correctly declare clean, correctly declare unclean? And I am not ashamed [to ask]. R. Joshua, the son of R. Iddi, says Which verse [may be cited in support]? And I recite Thy testimonies before kings and am not ashamed.¹³ A Tanna taught: His name was not Mephibosheth. And why then was he called Mephibosheth? Because he humiliated¹⁴ David in the Halachah. Therefore was David worthy of the privilege that Kileab¹⁵ should issue from him. R. Johanan said: His name was not Kileab but Daniel. Why then was he called Kileab? Because he humiliated [maklim] Mephibosheth [ab]¹⁶ in the Halachah. And concerning him Solomon said in his wisdom: My son, if thy heart be wise, my heart will be glad, even mine.¹⁷ And he said further: My son, be wise, and make my heart glad, that I may answer him that taunteth me.¹⁸

But how could David call himself pious? It is not written: I am not sure [lule] to see the good reward of the Lord in the land of the living;¹⁹ and a Tanna taught in the name of R. Jose: Why are there dots upon the world 'lule'?²⁰ David spoke before the Holy One, blessed be He: 'Master of the world, I am sure that you will pay a good reward to the righteous in the world to come, but I do not know whether I shall have a share in it'?²¹ [He was afraid that] some sin might cause [his exclusion].²² This conforms to the following saying of R. Jacob b. Iddi. For R. Jacob b. Iddi pointed to a contradiction. One verse reads: And behold, I am with thee, and will keep thee whithersoever thou goest,²³ and the other verse reads: Then Jacob was greatly afraid!²⁴ [The answer is that] he thought that some sin might cause [God's promise not to be fulfilled]. Similarly it has been taught: Till Thy people pass over, O Lord, till the people pass over that Thou hast gotten.²⁵ 'Till Thy people pass over, O Lord': this is the first entry [into the Land]. 'Till the people pass over that Thou hast gotten': this is the second entry. Hence the Sages say: The intention was to perform a miracle for Israel²⁶ in the days of Ezra, even as it was performed for them in the days of Joshua bin Nun,²⁷ but sin caused [the miracle to be withheld].²⁸

THE SAGES SAY: UNTIL MIDNIGHT. Whose view did the Sages adopt?²⁹ If it is R. Eliezer's view, then let them express themselves in the same way as R. Eliezer?

(1) He was the High Priest of David.

(2) II Sam. XX, 23.

(3) The Sanhedrin (Rashi). The Tosafists, however, refer this to the Urim and Tummim.

(4) May be cited in support of the story of David's harp.

(5) Ps. LVII 9.

(6) Here the Gemara resumes the discussion of the question raised above as to how it is possible that David knew something which Moses did not know.

(7) The incident of Ex. XI, 4.

(8) The particle ka being rendered 'like' and not 'about'.

(9) Ps. LXXXVI, 1-2.

(10) Offer different homiletical interpretations.

(11) Ibid. CXIX, 62.

(12) The restrictions of Lev. XII, 2ff do not apply to all cases of abortion nor is all discharge treated as menstrual, and David is represented as occupying himself with deciding such questions instead of with feasting. MS.M. omits 'blood'.

- (13) Ps. CXIX, 46.
- (14) The homiletical interpretation of the name is, Out of my mouth humiliation.
- (15) Cf. II Sam. III, 3.
- (16) Lit., 'father', a teacher.
- (17) Prov. XXIII, 15.
- (18) Ibid. XXVII, II.
- (19) Ps. XXVII, 13.
- (20) The dots are interpreted as meaning he was not quite sure.
- (21) Hence you see that he was not so sure of his piety.
- (22) This is the reply to the question. David was quite sure of his general pious character, but he feared that his sins might exclude him from the reward etc.
- (23) Gen. XXVIII, 15.
- (24) Ibid. XXXII, 8. The contradiction lies in the fact that Jacob was afraid in spite of having God's promise.
- (25) Ex. XV, 16.
- (26) Lit. 'the Israelites were worthy to have a miracle performed for them'.
- (27) When they entered victoriously.
- (28) And they entered only as subjects of Cyrus.
- (29) According to the Gemara, R. Eliezer and R. Gamaliel differ in the interpretation of the Bible words, 'And when thou liest down'. R. Eliezer explains them to mean, when you go to bed; hence he says that the time expires at the end of the first watch. R. Gamaliel understands them to mean, when you sleep; hence he fixes the whole night as the time of the recital.

Talmud - Mas. Berachoth 4b

If it is R. Gamaliel's view, let them express themselves in the same way as R. Gamaliel? — In reality it is R. Gamaliel's view that they adopted, and their reason for saying, UNTIL MIDNIGHT is to keep a man far from transgression. For so it has been taught: The Sages made a fence for their words so that a man, on returning home from the field in the evening, should not say: I shall go home, eat a little, drink a little, sleep a little, and then I shall recite the Shema' and the Tefillah, and meanwhile, sleep may overpower him, and as a result he will sleep the whole night. Rather should a man, when returning home from the field in the evening, go to the synagogue. If he is used to read the Bible, let him read the Bible, and if he is used to repeat the Mishnah, let him repeat the Mishnah, and then let him recite the Shema' and say the Tefillah, [go home] and eat his meal and say the Grace. And whosoever transgresses the words of the Sages deserves to die. Why this difference that, in other cases, they do not say 'he deserves to die', and here they do say 'he deserves to die'? — If you wish, I can say because here there is danger of sleep overpowering him. Or, if you wish, I can say because they want to exclude the opinion of those who say that the evening prayer is only voluntary.¹ Therefore they teach us that it is obligatory.

The Master said:² 'Let him recite Shema' and say the Tefillah'. This accords with the view of R. Johanan.³ For R. Johanan says: Who inherits the world to come? The one who follows the Ge'ullah⁴ immediately with the evening Tefillah. R. Joshua b. Levi says: The Tefilloth were arranged to be said in the middle.⁵ What is the ground of their difference? — If you like, I can say it is [the interpretation of] a verse, and if you like, I can say that they reason differently. For R. Johanan argues: Though the complete deliverance from Egypt took place in the morning time only,⁶ there was also some kind of deliverance in the evening;⁷ whereas R. Joshua b. Levi argues that since the real deliverance happened in the morning [that of the evening] was no proper deliverance.⁸ 'Or if you like, I can say it is [the interpretation of] a verse'. And both interpret one and the same verse, [viz.,] When thou liest down and when thou risest up.⁹ R. Johanan argues: There is here an analogy between lying down and rising. Just as [at the time of] rising, recital of Shema' precedes Tefillah, so also [at the time of] lying down, recital of Shema' precedes Tefillah. R. Joshua b. Levi argues [differently]: There is here an analogy between lying down and rising. Just as [at the time of] rising,

the recital of Shema' is next to [rising from] bed,¹⁰ so also [at the time of] lying down, recital of Shema' must be next to [getting into] bed.¹¹

Mar b. Rabina raised an objection. In the evening, two benedictions precede and two benedictions follow the Shema'.¹² Now, if you say he has to join Ge'ullah with Tefillah, behold he does not do so, for he has to say [in between], 'Let us rest'?¹³ — I reply: Since the Rabbis ordained the benediction, 'Let us rest', it is as if it were a long Ge'ullah. For, if you do not admit that, how can he join in the morning, seeing that R. Johanan says: In the beginning [of the Tefillah] one has to say: O Lord, open Thou my lips [etc.],¹⁴ and at the end one has to say: Let the words of my mouth be acceptable?¹⁵ [The only explanation] there [is that] since the Rabbis ordained that O Lord, open Thou my lips should be said, it is like a long Tefillah.¹⁶ Here, too, since the Rabbis ordained that 'Let us rest' should be said, it is like a long Ge'ullah.

R. Eleazar b. Abina says: Whoever recites [the psalm] Praise of David¹⁷ three times daily, is sure to inherit¹⁸ the world to come. What is the reason? Shall I say it is because it has an alphabetical arrangement? Then let him recite, Happy are they that are upright in the way,¹⁹ which has an eightfold alphabetical arrangement. Again, is it because it contains [the verse], Thou openest Thy hand [and satisfiest every living thing with favour]?²⁰ Then let him recite the great Hallel,²¹ where it is written: Who giveth food to all flesh!²² — Rather, [the reason is] because it contains both.²³ R. Johanan says: Why is there no nun in Ashre?²⁴ Because the fall of Israel's enemies²⁵ begins with it. For it is written: Fallen is²⁶ the virgin of Israel, she shall no more rise.²⁷ (In the West²⁸ this verse is thus interpreted: She is fallen, but she shall no more fall. Rise, O virgin of Israel). R. Nahman b. Isaac says: Even so, David refers to it by inspiration²⁹ and promises them an uplifting. For it is written: The Lord upholdeth all that fall.³⁰

R. Eleazar b. Abina said furthermore: Greater is [the achievement] ascribed to Michael than that ascribed to Gabriel. For of Michael it is written: Then flew unto me one of the Seraphim,³¹ whereas of Gabriel it is written: The man Gabriel whom I had seen in the vision at the beginning, being caused to fly in a flight etc.³² How do you know that this [word] 'one' [of the Seraphim] means Michael? — R. Johanan says: By an analogy from [the words] 'one', 'one'. Here it is written: Then flew unto me one of the Seraphim; and in another place it is written: But, lo, Michael, one of the chief princes, came to help me.³³ A Tanna taught: Michael [reaches his goal] in one [flight], Gabriel in two, Elijah in four, and the Angel of Death in eight. In the time of plague, however, [the Angel of Death, too, reaches his goal] in one.

R. Joshua b. Levi says: Though a man has recited the Shema' in the synagogue, it is a religious act to recite it again upon his bed. R. Assi says: Which verse [may be cited in support]? Tremble and sin not; commune with your own heart upon your bed, and be still, Selah.³⁴ R. Nahman, however, says:

(1) V. infra 27b.

(2) In the Baraitha just quoted.

(3) That in the evening, too, the Shema' has to precede the Tefillah.

(4) The benediction for the deliverance from Egypt (v. P. B. p. 99). It follows the Shema' and precedes the Tefillah.

(5) Between the two Shema' recitals. In the morning the Tefillah follows, and in the evening it precedes the Shema'.

(6) As it says, On the morrow of the Passover the children of Israel went forth (Num. XXXIII, 3).

(7) Hence even in the evening Ge'ullah must be joined closely to Tefillah.

(8) Hence in the evening the Ge'ullah must not be joined closely to Tefillah.

(9) Deut. VI, 7.

(10) I.e., it is the first prayer said on rising from the bed.

(11) I.e., it is the last prayer said before going to bed.

(12) V. infra 11a.

(13) This is the second benediction, to be said in the evening between Ge'ullah and Tefillah, v. P.B. p. 99. The prayer,

'Blessed be the Lord for evermore' that follows the second benediction is a later addition.

(14) Ps. LI, 17. This verse said in introduction to the Tefillah ought to be considered an interruption.

(15) Ps. XIX, 15.

(16) I.e., part of the Tefillah.

(17) I.e., Ps. CXLV.

(18) Lit., 'that he is a son of'.

(19) Ps. CXIX.

(20) Ibid. CXLV, 16.

(21) I.e., Ibid. CXXXVI. On Hallel, v. Glos.

(22) Ibid. v. 25.

(23) The alphabetical arrangement and the sixteenth verse, dealing with God's merciful provision for all living things.

(24) This is Psalm CXLV, which is arranged alphabetically, save that the verse beginning with the letter nun (N) is missing.

(25) Euphemistic for Israel.

(26) Heb. **נְפִלָה**

(27) Amos V, 2.

(28) Palestine. V. supra p. 3, n. 4.

(29) Lit., 'the Holy Spirit'. The meaning is, David knew by inspiration that Amos was going to prophesy the downfall of Israel, and he refers to that verse and prophesies their being raised up again, though their downfall is not mentioned by David.

(30) Ps. CXLV, 14.

(31) Isa. VI, 6.

(32) Dan. IX, 21. The meaning is: Michael covered the distance in one flight, without any stop, whereas Gabriel had to make two flights, resting in between. This is inferred from the fact that the word fly occurs twice.

(33) Ibid. X, 13.

(34) Ps. IV, 5.

Talmud - Mas. Berachoth 5a

If he is a scholar, then it is not necessary. Abaye says: Even a scholar should recite one verse of supplication, as for instance: Into Thy hand I commit my spirit. Thou hast redeemed me, O Lord, Thou God of truth.¹

R. Levi b. Hama says in the name of R. Simeon b. Lakish: A man should always incite the good impulse [in his soul]² to fight against the evil impulse. For it is written: Tremble and sin not.³ If he subdues it, well and good. If not, let him study the Torah. For it is written: 'Commune with your own heart'.⁴ If he subdues it, well and good. If not, let him recite the Shema'. For it is written: 'Upon your bed'. If he subdues it, well and good. If not, let him remind himself of the day of death. For it is written: 'And be still, Selah'.

R. Levi b. Hama says further in the name of R. Simeon b. Lakish: What is the meaning of the verse: And I will give thee the tables of stone, and the law and the commandment, which I have written that thou mayest teach them?⁵ 'Tables of stone': these are the ten commandments; 'the law': this is the Pentateuch; 'the commandment': this is the Mishnah; 'which I have written': these are the Prophets and the Hagiographa; 'that thou mayest teach them': this is the Gemara.⁶ It teaches [us] that all these things were given to Moses on Sinai. R. Isaac says: If one recites the Shema' upon his bed, it is as though he held a two-edged sword in his hand.⁷ For it is said: Let the high praises of God be in their mouth, and a two-edged sword in their hand.⁸ How does it indicate this? — Mar Zutra, (some say, R. Ashi) says: [The lesson is] from the preceding verse. For it is written: Let the saints exult in glory, let them sing for joy upon their beds,⁹ and then it is written: Let the high praises of God be in their mouth, and a two-edged sword in their hand. R. Isaac says further: If] one recites the Shema' upon his bed, the demons keep away from him. For it is said: And the sons of reshet¹⁰ fly

[‘uf] upward.¹¹ The word ‘uf refers only to the Torah, as it is written: Wilt thou cause thine eyes to close [hata’if]¹² upon it? It is gone.¹³ And ‘reshef’ refers only to the demons, as it is said: The wasting of hunger, and the devouring of the reshef [fiery bolt] and bitter destruction.¹⁴ R. Simeon b. Lakish says: If one studies the Torah, painful sufferings are kept away from him. For it is said: And the sons of reshef fly upward. The word ‘uf refers only to the Torah, as it is written: ‘Wilt thou cause thine eyes to close upon it? It is gone’. And ‘reshef’ refers only to painful sufferings, as it is said: ‘The wasting of hunger, and the devouring of the reshef [fiery bolt]. R. Johanan said to him: This¹⁵ is known even to school children.¹⁶ For it is said: And He said: If thou wilt diligently hearken to the voice of the Lord thy God, and wilt do that which is right in His eyes, and wilt give ear to His commandments, and keep all His statutes, I will put none of the diseases upon thee which I have put upon the Egyptians; for I am the Lord that healeth thee.¹⁷ Rather [should you say]: If one has the opportunity to study the Torah and does not study it, the Holy One, blessed be He, visits him with ugly and painful sufferings which stir him up. For it is said: I was dumb with silence, I kept silence from the good thing, and my pain was stirred up.¹⁸ ‘The good thing’ refers only to the Torah, as it is said: For I give you good doctrine; forsake ye not My teaching.¹⁹

R. Zera (some say, R. Hanina b. Papa) says: Come and see how the way of human beings differs from the way of the Holy One, blessed be He. It is the way of human beings that when a man sells²⁰ a valuable object to his fellow, the seller grieves and the buyer rejoices. The Holy One, blessed be He, however, is different. He gave the Torah to Israel and rejoiced. For it is said: For I give you good doctrine; forsake ye not My teaching.

Raba (some say, R. Hisda) says: If a man sees that painful sufferings visit him, let him examine his conduct. For it is said: Let us search and try our ways, and return unto the Lord.²¹ If he examines and finds nothing [objectionable], let him attribute it to the neglect of the study of the Torah. For it is said: Happy is the man whom Thou chastenest, O Lord, and teachest out of Thy law.²² If he did attribute it [thus], and still did not find [this to be the cause], let him be sure that these are chastenings of love. For it is said: For whom the Lord loveth He correcteth.²³

Raba, in the name of R. Sahorah, in the name of R. Huna, says: If the Holy One, blessed be He, is pleased with a man, he crushes him with painful sufferings. For it is said: And the Lord was pleased with [him, hence] he crushed him by disease.²⁴ Now, you might think that this is so even if he did not accept them with love. Therefore it is said: To see if his soul would offer itself in restitution.²⁵ Even as the trespass-offering must be brought by consent, so also the sufferings must be endured with consent. And if he did accept them, what is his reward? He will see his seed, prolong his days.²⁶ And more than that, his knowledge [of the Torah] will endure with him. For it is said: The purpose of the Lord will prosper in his hand.²⁷

R. Jacob b. Idi and R. Aha b. Hanina differ with regard to the following: The one says: Chastenings of love are such as do not involve the intermission of study of the Torah. For it is said: Happy is the man whom Thou chastenest, O Lord, and teachest out of Thy law.²⁸ And the other one says: Chastenings of love are such as do not involve the intermission of prayer. For it is said: Blessed be God, Who hath not turned away my prayer, nor His mercy from me.²⁹ R. Abba the son of R. Hiyya b. Abba said to them: Thus said R. Hiyya b. Abba in the name of R. Johanan: Both of them are chastenings of love. For it is said: For whom the Lord loveth He correcteth.³⁰ Why then does it say: ‘And teachest him out of Thy law’? Do not read telammedenu, [Thou teachest him] but telammedenu, [Thou teachest us]. Thou teachest us this thing out of Thy law as a conclusion a fortiori from the law concerning tooth and eye.³¹ Tooth and eye are only one limb of the man, and still [if they are hurt], the slave obtains thereby his freedom. How much more so with painful sufferings which torment the whole body of a man! And this agrees with a saying of R. Simeon b. Lakish. For R. Simeon b. Lakish said: The word ‘covenant’ is mentioned in connection with salt, and the word ‘covenant’ is mentioned in connection with sufferings: the word ‘covenant’ is mentioned in

connection with salt, as it is written: Neither shalt thou suffer the salt of the covenant of thy God to be lacking.³² And the word 'covenant' is mentioned in connection with sufferings, as it is written: These are the words of the covenant.³³ Even as in the covenant mentioned in connection with salt, the salt lends a sweet taste to the meat, so also in the covenant mentioned in connection with sufferings, the sufferings wash away all the sins of a man.

It has been taught: R. Simeon b. Yohai says: The Holy One, blessed be He, gave Israel three precious gifts, and all of them were given only through sufferings. These are: The Torah, the Land of Israel and the world to come. Whence do we know this of the Torah? — Because it is said: Happy is the man whom Thou chastenest, o Lord, and teachest him out of Thy law.³⁴ Whence of the Land of Israel? — Because it is written: As a man chasteneth his son, so the Lord thy God chasteneth thee,³⁵ and after that it is written: For the Lord thy God bringeth thee into a good land.³⁶ Whence of the world to come? — Because it is written: For the commandment is a lamp, and the teaching is light, and reproofs of sufferings are the way of life.³⁷

A Tanna recited before R. Johanan the following: If a man busies himself in the study of the Torah and in acts of charity

(1) Ibid. XXXI, 6.

(2) In the Talmud the good impulses and evil impulses of a man are personified as two genii or spirits dwelling in his soul, the one prompting him to do good things and the other one to do wicked things. The meaning of this saying here is that a man has always to make an effort and to fight against the evil instincts.

(3) Ibid. IV, 5. The word רָגַז is translated, not as tremble, but as fight, incite to fight.

(4) Ibid.

(5) Ex. XXIV, 12.

(6) MS. M. Talmud, v. B.M., Sonc. ed., p. 206, n. 6.

(7) To protect him against the demons.

(8) Ps. CXLIX, 6.

(9) Ibid. v. 5.

(10) E.V. 'sparks'.

(11) Job V, 7.

(12) I.e., if thou neglect it (the Torah). E.V. 'Wilt thou set thine eyes etc.'.

(13) Prov. XXIII, 5.

(14) Deut. XXXII, 24.

(15) That the Torah is a protection against painful disease.

(16) Who study the Pentateuch, where it is plainly said.

(17) Ex. XV, 26.

(18) Ps. XXXIX, 3. E.V. 'I held my peace, had no comfort, and my pain was held in check'.

(19) Prov. IV, 2.

(20) Out of poverty and not for business.

(21) Lam. III, 40.

(22) Ps. XCIV, 12.

(23) Prov. III, 12.

(24) Isa. LIII, 10.

(25) Ibid. The Hebrew word for 'restitution' is asham which means also 'trespass-offering'.

(26) Ibid.

(27) Ibid.

(28) Ps. XCIV, 12.

(29) Ps. LXVI, 20.

(30) Prov. III 12.

(31) V. Ex. XXI, 26, 27. If the master knocks out the tooth or eye of his slave, then the slave has to be set free.

(32) Lev. II, 13.

(33) Deut. XXVIII, 69. These words refer to the chapter dealing with the sufferings of Israel.

(34) Ps. XCIV, 12.

(35) Deut. VIII, 5.

(36) Ibid. v. 7.

(37) Prov. VI, 23.

Talmud - Mas. Berachoth 5b

and [nonetheless] buries his children,¹ all his sins are forgiven him. R. Johanan said to him: I grant you Torah and acts of charity, for it is written: By mercy and truth iniquity is expiated.² ‘Mercy’ is acts of charity, for it is said: He that followeth after righteousness and mercy findeth life, prosperity and honour.³ ‘Truth’ is Torah, for it is said: Buy the truth and sell it not.⁴ But how do you know [what you say about] the one who buries his children? — A certain Elder [thereupon] recited to him in the name of R. Simeon b. Yohai: It is concluded from the analogy in the use of the word ‘iniquity’. Here it is written: By mercy and truth iniquity is expiated. And elsewhere it is written: And who recompenseth the iniquity of the fathers into the bosom of their children.⁵

R. Johanan says: Leprosy and [the lack of] children are not chastisements of love. But is leprosy not a chastisement of love? Is it not taught: If a man has one of these four symptoms of leprosy,⁶ it is nothing else but an altar of atonement? — They are an altar of atonement, but they are not chastisements of love. If you like, I can say: This [teaching of the Baraitha] is ours [in Babylonia], and that [saying of R. Johanan] is theirs [in Palestine].⁷ If you like, I can say: This [teaching of the Baraitha] refers to hidden [leprosy], that [saying of R. Johanan] refers to a case of visible [leprosy]. But is [the lack of] children not a chastisement of love? How is this to be understood? Shall I say that he had children and they died? Did not R. Johanan himself say: This is the bone of my tenth son?⁸ — Rather [say then] that the former saying refers to one who never had children, the latter to one who had children and lost them.

R. Hiyya b. Abba fell ill and R. Johanan went in to visit him. He said to him: Are your sufferings welcome to you? He replied: Neither they nor their reward.⁹ He said to him: Give me your hand. He gave him his hand and he¹⁰ raised him.

R. Johanan once fell ill and R. Hanina went in to visit him. He said to him: Are your sufferings welcome to you? He replied: Neither they nor their reward. He said to him: Give me your hand. He gave him his hand and he raised him. Why could not R. Johanan raise himself?¹¹ — They replied: The prisoner cannot free himself from jail.¹²

R. Eleazar fell ill and R. Johanan went in to visit him. He noticed that he was lying in a dark room,¹³ and he bared his arm and light radiated from it.¹⁴ Thereupon he noticed that R. Eleazar was weeping, and he said to him: Why do you weep? Is it because you did not study enough Torah? Surely we learnt: The one who sacrifices much and the one who sacrifices little have the same merit, provided that the heart is directed to heaven.¹⁵ Is it perhaps lack of sustenance? Not everybody has the privilege to enjoy two tables.¹⁶ Is it perhaps because of [the lack of] children? This is the bone of my tenth son! — He replied to him: I am weeping on account of this beauty¹⁷ that is going to rot in the earth. He said to him: On that account you surely have a reason to weep; and they both wept. In the meanwhile he said to him: Are your sufferings welcome to you? — He replied: Neither they nor their reward. He said to him: Give me your hand, and he gave him his hand and he raised him.

Once four hundred jars of wine belonging to R. Huna turned sour. Rab Judah, the brother of R. Sala the Pious, and the other scholars (some say: R. Adda b. Ahaba and the other scholars) went in to visit him and said to him: The master ought to examine his actions.¹⁸ He said to them: Am I suspect in your eyes? They replied: Is the Holy One, blessed be He, suspect of punishing without justice? —

He said to them: If somebody has heard of anything against me, let him speak out. They replied: We have heard that the master does not give his tenant his [lawful share in the] vine twigs. He replied: Does he leave me any? He steals them all! They said to him: That is exactly what the proverb says:¹⁹ If you steal from a thief you also have a taste of it!²⁰ He said to them: I pledge myself to give it to him [in the future]. Some report that thereupon the vinegar became wine again; others that the vinegar went up so high that it was sold for the same price as wine.

It has been taught: Abba Benjamin says, All my life I took great pains about two things: that my prayer should be before my bed and that my bed should be placed north and south. 'That my prayer should be before my bed'. What is the meaning of 'before my bed'? Is it perhaps literally in front of my bed? Has not Rab Judah said in the name of Rab (some say, in the name of R. Joshua b. Levi): How do you know that when one prays there should be nothing interposing between him and the wall? Because it says: Then Hezekiah turned his face to the wall and prayed?²¹ — Do not read 'before my bed', but 'near²² my bed'. 'And that my bed should be placed north and south'. For R. Hama b. R. Hanina said in the name of R. Isaac: Whosoever places his bed north and south will have male children, as it says: And whose belly Thou fillest with Thy treasure,²³ who have sons in plenty.²⁴ R. Nahman b. Isaac says: His wife also will not miscarry. Here it is written: And whose belly Thou fillest with Thy treasure, and elsewhere it is written: And when her days to be delivered were fulfilled, behold there were twins in her womb.²⁵

It has been taught: Abba Benjamin says, When two people enter [a Synagogue] to pray, and one of them finishes his prayer first and does not wait for the other but leaves,²⁶ his prayer is torn up before his face.²⁷ For it is written: Thou that tearest thyself in thine anger, shall the earth be forsaken for thee?²⁸ And more than that, he causes the Divine Presence to remove itself from Israel. For it says Or shall the rock be removed out of its place?²⁹ And 'rock' is nothing else than the Holy One, blessed be He, as it says: Of the Rock that begot thee thou wast unmindful.³⁰ And if he does wait, what is his reward? —

(1) An allusion to R. Johanan himself, who was a great scholar and a charitable man, and was bereft of his children.

(2) Ibid. XVI, 6.

(3) Ibid. XXI, 21.

(4) Ibid. XXIII, 23.

(5) Jer. XXXII, 18.

(6) Which are enumerated in Mishnah Nega'im I, I.

(7) In Palestine where a leprous person had to be isolated outside the city (cf. Lev. XIII, 46), leprosy was not regarded as 'chastisements of love' owing to the severity of the treatment involved.

(8) Who died in his lifetime. The Gemara deduces from that saying that he regarded the death of children as a chastisement of love. Aruch understands this to have been a tooth of the last of his sons which he preserved and used to show to people who suffered bereavement in order to induce in them a spirit of resignation such as he himself had in his successive bereavements.

(9) The implication is that if one lovingly acquiesces in his sufferings, his reward in the world to come is very great.

(10) R. Johanan. He cured him by the touch of his hand.

(11) If he could cure R. Hiyya b. Abba, why could not he cure himself?

(12) And the patient cannot cure himself.

(13) R. Eleazar was a poor man and lived in a room without windows.

(14) R. Johanan was supposed to be so beautiful that a light radiated from his body, v. B.M. 84a.

(15) Men. 110b.

(16) Learning and wealth. Or perhaps, this world and the next.

(17) I.e., the beautiful body of yours.

(18) You may perhaps have deserved your misfortune through some sin.

(19) Lit., 'what people say'.

(20) Even if your tenant is a thief this does not free you from giving him his lawful share.

- (21) Isa. XXXVIII, 2.
 (22) Near in time. He used to pray immediately after rising.
 (23) The word צפונך may mean treasure and also north.
 (24) Ps. XVII, 14.
 (25) Gen. XXV, 24.
 (26) The synagogues were outside the town and it was dangerous to remain alone.
 (27) I.e., rejected.
 (28) Job. XVIII, 4. The homiletical interpretation of the verse is: 'Your prayer will be thrown into your face, if on your account the earth or synagogue is forsaken'.
 (29) Ibid.
 (30) Deut. XXXII, 18.

Talmud - Mas. Berachoth 6a

R. Jose b. R. Hanina says: He is rewarded with the blessings enumerated in the following verse: Oh that thou wouldest hearken to My commandments! Then would thy peace be as a river, and thy righteousness as the waves of the sea; Thy seed also would be as the sand, and the offspring of thy body like the grains thereof etc.¹

It has been taught: Abba Benjamin says, If the eye had the power to see them, no creature could endure the demons. Abaye says: They are more numerous than we are and they surround us like the ridge round a field. R. Huna says: Every one among us has a thousand on his left hand and ten thousand on his right hand.² Raba says: The crushing in the Kallah³ lectures comes from them.⁴ Fatigue in the knees comes from them. The wearing out of the clothes of the scholars is due to their rubbing against them. The bruising of the feet comes from them. If one wants to discover them,⁵ let him take sifted ashes and sprinkle around his bed, and in the morning he will see something like the footprints of a cock. If one wishes to see them, let him take the after-birth of a black she-cat, the offspring of a black she-cat, the first-born of a first-born, let him roast it in fire and grind it to powder, and then let him put some into his eye, and he will see them. Let him also pour it into an iron tube and seal it with an iron signet that they⁶ should not steal it from him. Let him also close his mouth, lest he come to harm. R. Bibi b. Abaye did so,⁷ saw them and came to harm. The scholars, however, prayed for him and he recovered.

It has been taught: Abba Benjamin says: A man's prayer is heard [by God] only in the Synagogue. For it is said: To hearken unto the song and to the prayer.⁸ The prayer is to be recited where there is song.⁹ Rabin b. R. Adda says in the name of R. Isaac: How do you know that the Holy One, blessed be He, is to be found in the Synagogue? For it is said: God standeth in the congregation of God.¹⁰ And how do you know that if ten people pray together the Divine presence is with them? For it is said: 'God standeth in the congregation of God'.¹¹ And how do you know that if three are sitting as a court of judges the Divine Presence is with them? For it is said: In the midst of the judges He judgeth.¹² And how do you know that if two are sitting and studying the Torah together the Divine Presence is with them? For it is said: Then they that feared the Lord spoke one with another;¹³ and the Lord hearkened and heard, and a book of remembrance was written before Him, for them that feared the Lord and that thought upon His name.¹⁴ (What does it mean: 'And that thought upon His name'? — R. Ashi¹⁵ says: If a man thought to fulfill a commandment and he did not do it, because he was prevented by force or accident, then the Scripture credits it to him as if he had performed it.) And how do you know that even if one man sits and studies the Torah the Divine Presence is with him? For it is said: In every place where I cause My name to be mentioned I will come unto thee and bless thee.¹⁶ Now, since [the Divine presence is] even with one man, why is it necessary to mention two?¹⁷ — The words of two are written down in the book of remembrance, the words of one are not written down in the book of remembrance. Since this is the case with two, why mention three? — I might think [the dispensing of] justice is only for making peace, and the Divine Presence does not

come [to participate]. Therefore he teaches us that justice also is Torah. Since it is the case with three, why mention ten? — To [a gathering of] ten the Divine Presence comes first, to three, it comes only after they sit down.

R. Abin¹⁸ son of R. Ada in the name of R. Isaac says [further]: How do you know that the Holy One, blessed be He, puts on tefillin?¹⁹ For it is said: The Lord hath sworn by His right hand, and by the arm of His strength.²⁰ ‘By His right hand’: this is the Torah; for it is said: At His right hand was a fiery law unto them.²¹ ‘And by the arm of his strength’: this is the tefillin; as it is said: The Lord will give strength unto His people.²² And how do you know that the tefillin are a strength to Israel? For it is written: And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall be afraid of thee,²³ and it has been taught: R. Eliezer the Great says: This refers to the tefillin of the head.²⁴

R. Nahman b. Isaac said to R. Hiyya b. Abin: What is written in the tefillin of the Lord of the Universe? — He replied to him: And who is like Thy people Israel, a nation one in the earth.²⁵ Does, then, the Holy One, blessed be He, sing the praises of Israel? — Yes, for it is written: Thou hast avouched the Lord this day . . . and the Lord hath avouched thee this day.²⁶ The Holy One, blessed be He, said to Israel: You have made me a unique entity²⁷ in the world, and I shall make you a unique entity in the world. ‘You have made me a unique entity in the world’, as it is said: Hear, O Israel, the Lord our God, the Lord is one.²⁸ ‘And I shall make you a unique entity in the world’, as it is said: And who is like Thy people Israel, a nation one in the earth.²⁹ R. Aha b. Raba said to R. Ashi: This accounts for one case, what about the other cases?³⁰ — He replied to him: [They contain the following verses]: For what great nation is there, etc.; And what great nation is there, etc.;³¹ Happy art thou, O Israel, etc.;³² Or hath God assayed, etc.;³³ and To make thee high above all nations.³⁴ If so, there would be too many cases? — Hence [you must say]: For what great nation is there, and And what great nation is there, which are similar, are in one case; Happy art thou, O Israel, and Who is like Thy people, in one case; Or hath God assayed, in one case; and To make thee high, in one case.

(1) Isa. XLVIII, 18, 19.

(2) Cf. Ps. XCI, 7 which verse is quoted in some editions.

(3) The Assemblies of Babylonian students during the months of Elul and Adar, v. Glos.

(4) For really the lectures are not overcrowded.

(5) MS. M.: their footprints.

(6) The demons.

(7) He put the powder into his eye.

(8) I Kings VIII, 28.

(9) The song of the community and of the officiating Cantor.

(10) Ps. LXXXII, I.

(11) And a congregation consists of not less than ten, v. Sanh. 2b.

(12) Ibid. A Beth din consists of three.

(13) A phrase denoting two.

(14) Mal. III, 16.

(15) MS.M.: R. Assi. This remark is made in passing by the editor of the Gemara, R. Ashi. Hence the reading ‘R. Ashi’ as given by the editions, seems to be correct.

(16) Ex. XX, 21. The lesson is derived from the use of the singular ‘thee’.

(17) This question is asked by the Gemara apropos of Rabin’s statement.

(18) The same as the Rabin mentioned above.

(19) Phylacteries, v. Glos.

(20) Isa. LXII, 8.

(21) Deut. XXXIII, 2.

(22) Ps. XXIX, 11.

- (23) Deut. XXVIII, 10.
 (24) The tefillin of the arm are covered by the sleeves.
 (25) I Chron. XVII, 21.
 (26) Deut. XXVI, 17, 18.
 (27) So the Aruch. Jastrow, however, translates **הַמִּיבֵּה** 'the only object of your love'.
 (28) Deut. VI, 4.
 (29) I Chron. XVII, 21.
 (30) The tefillin of the head has four cases.
 (31) Deut. IV, 7, 8.
 (32) Ibid. XXXIII, 29.
 (33) Ibid. IV, 34.
 (34) Ibid. XXVI, 19.

Talmud - Mas. Berachoth 6b

And all these verses are written on [the tefillin of] His arm.

Rabin son of R. Adda in the name of R. Isaac says [further]: If a man is accustomed to attend Synagogue [daily] and one day does not go, the Holy One, blessed be He, makes inquiry about him. For it is said: Who is among you that feareth the Lord, that obeyeth the voice of His servant, and now walketh in darkness and hath no light?¹ [And still] if he absented himself on account of some religious purpose, he shall have light. But if he absented himself on account of a worldly purpose, he shall have no light. Let him trust in the name of the Lord.² Why?³ Because he ought to have trusted in the name of the Lord and he did not trust.

R. Johanan says: Whenever the Holy One, blessed be He, comes into a Synagogue and does not find ten persons there,⁴ He becomes angry at once.⁵ For it is said: Wherefore, when I came, was there no man? When I called, was there no answer?⁶

R. Helbo, in the name of R. Huna, says: Whosoever has a fixed place for his prayer has the God of Abraham as his helper. And when he dies, people will say of him: Where is the pious man,⁷ where is the humble man,⁸ one of the disciples of our father Abraham! — How do we know that our father Abraham had a fixed place [for his prayer]? For it is written: And Abraham got up early in the morning to the place where he had stood.⁹ And 'standing' means nothing else but prayer. For it is said: Then stood up Phinehas and prayed.¹⁰

R. Helbo, in the name of R. Huna, says [further]: When a man leaves the Synagogue, he should not take large steps. Abaye says: This is only when one goes from the Synagogue, but when one goes to the Synagogue, it is a pious deed to run. For it is said: Let us run to know the Lord.¹¹ R. Zera says: At first when I saw the scholars running to the lecture on a Sabbath day, I thought that they were desecrating the Sabbath.¹² But since I have heard the saying of R. Tanhum in the name of R. Joshua b. Levi: A man should always, even on a Sabbath, run to listen to the word of Halachah, as it is said: They shall walk after the Lord, who shall roar like a lion,¹³ I also run. R. Zera says: The merit of attending a lecture lies in the running. Abaye says: The merit of attending the Kallah sessions¹⁴ lies in the crush. Raba says: The merit of repeating a tradition lies in [improving] the understanding of it. R. Papa says: The merit of attending a house of mourning lies in the silence observed. Mar Zutra says: The merit of a fast day lies in the charity dispensed. R. Shesheth says: The merit of a funeral oration lies in raising the voice.¹⁵ R. Ashi says: The merit of attending a wedding lies in the words [of congratulation addressed to the bride and bridegroom].¹⁶

R. Huna says: Whosoever prays at the rear of a Synagogue is called wicked. For it is said: The wicked walk round about.¹⁷ Abaye says: This only applies where he does not turn his face towards

the Synagogue, but if he does turn his face towards the Synagogue there is no objection to it. There was once a man who prayed at the rear of a Synagogue and did not turn his face towards the Synagogue. Elijah passed by and appeared to him in the guise of an Arabian¹⁸ merchant. He said to him: Are you standing with your back to your Master?¹⁹ and drew his sword and slew him.

One of the scholars said to R. Bibi b. Abaye (some say: R. Bibi said to R. Nahman b. Isaac): What is the meaning of: When vileness is exalted among the sons of men?²⁰ He replied to him: These are the things of supreme importance²¹ which nevertheless people neglect.²² R. Johanan and R. Eliezer both interpret: As soon as a man needs the support of his fellow-creatures his face changes colour like the kerum, as it is said: 'As the kerum is to be reviled among the sons of men'. What is the 'kerum'? When R. Dimi came [from Palestine] he said: There is a bird in the coast towns²³ whose name is kerum, and as soon as the sun shines upon it it changes into several colours.²⁴ R. Ammi and R. Assi both say: [When a man needs the support of his fellow-beings] it is as if he were punished with two [opposite] punishments, with fire and water. For it is said: When Thou hast caused men to ride over our heads, we went through fire and through water.²⁵

R. Helbo further said in the name of R. Huna: A man should always take special care about the afternoon-prayer. For even Elijah was favourably heard only while offering his afternoon-prayer. For it is said: And it came to pass at the time of the offering of the evening offering, that Elijah the prophet came near and said . . . Hear me, O Lord, hear me.²⁶ 'Hear me', that the fire may descend from heaven, and 'hear me', that they may not say it is the work of sorcery. R. Johanan says: [Special care should be taken] also about the evening-prayer. For it is said: Let my prayer be set forth as incense before Thee, the lifting up of my hands as the evening sacrifice.²⁷ R. Nahman b. Isaac says: [Special care should be taken] also about the morning-prayer. For it is said: O Lord, in the morning shalt Thou hear my voice; in the morning will I order my prayer unto Thee, and will look forward.²⁸

R. Helbo further said in the name of R. Huna: Whosoever partakes of the wedding meal of a bridegroom and does not felicitate him does violence to 'the five voices' mentioned in the verse: The voice of joy and the voice of gladness, the voice of the bridegroom and the voice of the bride, the voice of them that say, Give thanks to the Lord of Hosts.²⁹ And if he does gladden him what is his reward? — R. Joshua b. Levi said: He is privileged to acquire [the knowledge of] the Torah which was given with five voices. For it is said: And it came to pass on the third day, when it was morning, that there were thunders³⁰ and lightnings and a thick cloud upon the mount, and the voice of a horn . . . and when the voice of the horn waxed louder . . . Moses spoke and God answered him by a voice.³¹ (This is not so!³² For it is written: And all the people perceived the thunderings?³³ — These voices were before the revelation of the Torah.) R. Abbahu says: It is as if he³⁴ had sacrificed a thanksgiving offering. For it is said: Even of them that bring offerings of thanksgiving into the house of the Lord.³⁵ R. Nahman b. Isaac says: It is as if he had restored one of the ruins of Jerusalem. For it is said: For I will cause the captivity of the land to return as at the first, saith the Lord.³⁶

R. Helbo further said in the name of R. Huna: If one is filled with the fear of God his words are listened to. For it is said: The end of the matter, all having been heard: fear God, and keep his commandments, for this is the whole man.³⁷ What means, 'For this is the whole man'? — R. Eleazar says: The Holy One, blessed be He, says: The whole world was created for his sake only. R. Abba b. Kahana says: He is equal in value to the whole world. R. Simeon b. 'Azzai says (some say, R. Simon b. Zoma says): The whole world was created as a satellite for him.

R. Helbo further said in the name of R. Huna: If one knows that his friend is used to greet him, let him greet him first.³⁸ For it is said: Seek peace and pursue it.³⁹ And if his friend greets him and he does not return the greeting he is called a robber. For it is said: It is ye that have eaten up the vineyard; the spoil of the poor is in your houses.⁴⁰

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- (1) Isa. L, 10.
 - (2) Ibid.
 - (3) Has he no light.
 - (4) The number required for a public service.
 - (5) In the absence of a quorum of ten, a number of important features in the service are omitted.
 - (6) Sc. the congregational responses. Isa. L, 2.
 - (7) Aliter: Alas, the pious man (is no more)!
 - (8) Cf. previous note.
 - (9) Gen. XIX, 27.
 - (10) Ps. CVI, 30.
 - (11) Hos. VI, 3.
 - (12) It is forbidden to take large steps on the Sabbath, v. Shab. 113b.
 - (13) Hos. XI, 10. The text continues: For he shall roar, and the children shall come hurrying (E.V. 'trembling').
 - (14) V. Glos.
 - (15) I.e., in the loud lamentation of the listeners.
 - (16) These aphorisms are intended to bring home the lesson that the real merit of doing certain things lies not in themselves, but in their concomitants. For instance, the people running to the lectures do not benefit by the lectures, as they do not understand them. However they will be rewarded for enduring the rush and crush. The mechanical repetition of a tradition has no value if you do not try to understand it better. The merit of a fast day lies not in the fasting but in giving charity to the poor people, that they may have something to eat, etc.
 - (17) Ps. XII, 9.
 - (18) MS. M.: An Arab passed by and saw him.
 - (19) V. Jast. Rashi: 'As if there were two powers'.
 - (20) Ibid.
 - (21) Lit., 'standing on the highest point of the world'.
 - (22) He interprets, 'When the exalted things (kerum) are reviled among the sons of men'. The reference is to Prayer.
 - (23) The meaning is: In the distant countries lying across the sea.
 - (24) Lewysohn, Zoologie, p. 183 identifies the bird with the 'bird of Paradise'.
 - (25) Ps. LXVI, 12.
 - (26) I Kings XVIII, 36,37.
 - (27) Ps. CXLI, 2.
 - (28) Ibid. V, 4.
 - (29) Jer. XXXIII, II.
 - (30) Lit., 'voices'. The plural is counted as two.
 - (31) Ex. XIX, 16, 19.
 - (32) There were not only five, but seven voices.
 - (33) Ibid. XX, 15. Cf. n. 5.
 - (34) One who felicitates the bridegroom.
 - (35) Jer. XXXIII, II.
 - (36) Ibid.
 - (37) Eccl. XII, 13. He interprets: 'Everything is heard, if you fear God'.
 - (38) [MS.M.: If one is used to greet his neighbour and fails to do so a single day, he transgresses the injunction 'Seek peace, etc.']
 - (39) Ps. XXXIV, 15.
 - (40) Isa. III, 14.

Talmud - Mas. Berachoth 7a

R. Johanan says in the name of R. Jose: How do we know that the Holy One, blessed be He, says prayers? Because it says: Even them will I bring to My holy mountain and make them joyful in My house of prayer.¹ It is not said, 'their prayer', but 'My prayer'; hence [you learn] that the Holy One,

blessed be He, says prayers. What does He pray? — R. Zutra b. Tobi said in the name of Rab: ‘May it be My will that My mercy may suppress My anger, and that My mercy may prevail over My [other] attributes, so that I may deal with My children in the attribute of mercy and, on their behalf, stop short of the limit of strict justice’.² It was taught: R. Ishmael b. Elisha says: I once entered into the innermost part [of the Sanctuary] to offer incense and saw Akathriel Jah,³ the Lord of Hosts, seated upon a high and exalted throne. He said to me: Ishmael, My son, bless Me! I replied: May it be Thy will that Thy mercy may suppress Thy anger and Thy mercy may prevail over Thy other attributes, so that Thou mayest deal with Thy children according to the attribute of mercy and mayest, on their behalf, stop short of the limit of strict justice! And He nodded to me with His head. Here we learn [incidentally] that the blessing of an ordinary man must not be considered lightly in your eyes.

R. Johanan further said in the name of R. Jose: How do you know that we must not try to placate a man in the time of his anger? For it is written: My face will go and I will give thee rest.⁴ The Holy One, blessed be He, said to Moses: Wait till My countenance of wrath shall have passed away and then I shall give thee rest. But is anger then a mood of the Holy One, blessed be He? — Yes. For it has been taught:⁵ A God that hath indignation every day.⁶ And how long does this indignation last? One moment. And how long is one moment? One fifty-eight thousand eight hundred and eighty-eighth part of an hour. And no creature has ever been able to fix precisely this moment except the wicked Balaam, of whom it is written: He knoweth the knowledge of the Most High.⁷ Now, he did not even know the mind of his animal; how then could he know the mind of the Most High? The meaning is, therefore, only that he knew how to fix precisely this moment in which the Holy One, blessed be He, is angry. And this is just what the prophet said to Israel: O my people, remember now what Balak king of Moab devised, and what Balaam the son of Beor answered him . . . that ye may know the righteous acts of the Lord.⁸ What means ‘That ye may know the righteous acts of the Lord’? — R. Eleazar says: The Holy One, blessed be He, said to Israel: See now, how many righteous acts I performed for you in not being angry in the days of the wicked Balaam. For had I been angry, not one remnant would have been left of the enemies of Israel.⁹ And this too is the meaning of what Balaam said to Balak: How shall I curse, whom God hath not cursed? And how shall I execrate, whom the Lord hath not execrated?¹⁰ This teaches us that He was not angry all these days. And how long does His anger last? One moment. And how long is one moment? R. Abin (some say R. Abina) says: As long as it takes to say Rega’.¹¹ And how do you know that He is angry one moment? For it is said: For His anger is but for a moment [rega’], His favor is for a lifetime.¹² Or if you prefer you may infer it from the following verse: Hide thyself for a little moment until the indignation be overpast.¹³ And when is He angry? — Abaye says: In [one moment of] those first three hours of the day, when the comb of the cock is white and it stands on one foot. Why, in each hour it stands thus [on one foot]?¹⁴ — In each other hour it has red streaks, but in this moment it has no red streaks at all.

In the neighbourhood of R. Joshua b. Levi there was a Sadducee¹⁵ who used to annoy him very much with [his interpretations of] texts. One day the Rabbi took a cock, placed it between the legs of his bed and watched it. He thought: When this moment arrives I shall curse him. When the moment arrived he was dozing [On waking up]¹⁶ he said: We learn from this that it is not proper to act in such a way. It is written: And His tender mercies are over all His works.¹⁷ And it is further written: Neither is it good for the righteous to punish.¹⁸ It was taught in the name of R. Meir: At the time when the sun rises and all the kings of the East and West put their crowns upon their heads and bow down to the sun, the Holy One, blessed be He, becomes at once angry.

R. Johanan further said in the name of R. Jose: Better is one self-reproach in the heart of a man than many stripes, for it is said: And she shall run after her lovers . . . then shall she say,¹⁹ I shall go and return to my first husband; for then was it better with me than now.²⁰ R. Simon b. Lakish says: It is better than a hundred stripes, for it is said: A rebuke entereth deeper into a man of understanding

than a hundred stripes into a fool.²¹

R. Johanan further said in the name of R. Jose: Three things did Moses ask of the Holy One, blessed be He, and they were granted to him. He asked that the Divine Presence should rest upon Israel, and it was granted to him. For it is said: Is it not in that Thou goest with us [so that we are distinguished, I and Thy people, from all the people that are upon the face of the earth].²² He asked that the Divine Presence should not rest upon the idolaters, and it was granted to him. For it is said: 'So that we are distinguished, I and Thy people'. He asked that He should show him the ways of the Holy One, blessed be He, and it was granted to him. For it is said: Show me now Thy ways.²³ Moses said before Him: Lord of the Universe, why is it that some righteous men prosper and others are in adversity, some wicked men prosper and others are in adversity? He replied to him: Moses, the righteous man who prospers is the righteous man the son of a righteous man; the righteous man who is in adversity is a righteous man the son of a wicked man. The wicked man who prospers is a wicked man son of a righteous man; the wicked man who is in adversity is a wicked man son of a wicked man.

The Master said above: 'The righteous man who prospers is a righteous man son of a righteous man; the righteous man who is in adversity is a righteous man son of a wicked man'. But this is not so! For, lo, one verse says: Visiting the iniquity of the fathers upon the children,²⁴ and another verse says: Neither shall the children be put to death for the fathers.²⁵ And a contradiction was pointed out between these two verses, and the answer was given that there is no contradiction. The one verse deals with children who continue in the same course as their fathers, and the other verse with children who do not continue in the course of their fathers! — [You must] therefore [say that] the Lord said thus to Moses: A righteous man who prospers is a perfectly righteous man; the righteous man who is in adversity is not a perfectly righteous man. The wicked man who prospers is not a perfectly wicked man; the wicked man who is in adversity is a perfectly wicked man. Now this [saying of R. Johanan]²⁶ is in opposition to the saying of R. Meir. For R. Meir said: only two [requests] were granted to him, and one was not granted to him. For it is said: And I will be gracious to whom I will be gracious, although he may not deserve it, And I will show mercy on whom I will show mercy,²⁷ although he may not deserve it.²⁸

And He said, Thou canst not see My face.²⁹ A Tanna taught in the name of R. Joshua b. Korhah: The Holy One, blessed be He, spoke thus to Moses: When I wanted, you did not want [to see My face]³⁰ now that you want, I do not want. — This is in opposition to [the interpretation of this verse by] R. Samuel b. Nahmani in the name of R. Jonathan. For R. Samuel b. Nahmani said in the name of R. Jonathan: As a reward of three [pious acts]³¹ Moses was privileged to obtain three [favours]. In reward of 'And Moses hid his face', he obtained the brightness of his face.³² In reward of 'For he was afraid', he obtained the privilege that They were afraid to come nigh him.³³ In reward of 'To look upon God', he obtained The similitude of the Lord doth he behold.³⁴

And I will take away My hand, and thou shalt see My back.³⁵ R. Hama b. Bizana said in the name of R. Simon the Pious: This teaches us that the Holy One, blessed be He, showed Moses the knot of the tefillin.³⁶

R. Johanan further said in the name of R. Jose: No word of blessing that issued from the mouth of the Holy One, blessed be He, even if based upon a condition, was ever withdrawn by Him. How do we know this? From our teacher Moses. For it is said: Let me alone, that I may destroy them, and blot out their name from under heaven; and I will make of thee a nation mightier and greater than they.³⁷ Though Moses prayed that this might be mercifully averted and it was cancelled, [the blessing] was nevertheless fulfilled towards his children. For it is said: The sons of Moses: Gershom and Eliezer . . . And the sons of Eliezer were Rehabia the chief . . . and the sons of Rehabiah were very many.³⁸ And R. Joseph learnt: They were more than sixty myriads. This is to be learnt from two

occurrences of the term 'manifold'. Here it is written: were very many, and elsewhere It is written: And the children of Israel were very fruitful and increased abundantly, and became very many.³⁹

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- (1) Ibid. LVI, 7. 'In the house of My prayer'.
 - (2) I.e., not exact the full penalty from them.
 - (3) Lit., 'crown of God'.
 - (4) Ex. XXXIII, 14.
 - (5) V. A.Z. 4a.
 - (6) Ps. VII, 12.
 - (7) Num. XXIV, 16.
 - (8) Micah VI, 5.
 - (9) Euphemism for Israel.
 - (10) Num. XXIII, 8.
 - (11) 'A moment'.
 - (12) Ps. XXX, 6.
 - (13) Isa. XXVI, 20.
 - (14) A better reading is: 'its comb is thus (viz., white)'.
 - (15) Var. lec. Min. v. Glos.
 - (16) Added with MS. M.
 - (17) Ps. CXLV, 9.
 - (18) Prov. XVII, 26.
 - (19) In her heart.
 - (20) Hos. II, 9.
 - (21) Prov. XVII, 10.
 - (22) Ex. XXXIII, 16.
 - (23) Ex. XXXIII, 13.
 - (24) Ibid. XXXIV, 7.
 - (25) Deut. XXIV, 16.
 - (26) That all the three requests of Moses were granted.
 - (27) Ex. XXXIII, 19.
 - (28) And God's ways therefore cannot be known.
 - (29) Ibid. v. 20.
 - (30) At the burning bush, Ex. III, 6.
 - (31) Mentioned in Ex. III, 6; (i) And Moses hid his face; (ii) for he was afraid; (iii) to look upon God.
 - (32) Cf. Ex. XXXIV, 29-30.
 - (33) Ibid. v. 30.
 - (34) Num. XII, 8.
 - (35) Ex. XXXIII, 23.
 - (36) Worn at the back of the head.
 - (37) Deut. IX, 14. This verse contains a curse and a blessing, the blessing being conditional upon the realization of the curse.
 - (38) I Chron. XXIII, 15-17.
 - (39) Ex. I, 7. And we know that they were about sixty myriads when leaving Egypt.

Talmud - Mas. Berachoth 7b

R. Johanan said [further] in the name of R. Simeon b. Yohai: From the day that the Holy One, blessed be He, created the world there was no man that called the Holy One, blessed be He, Lord,¹ until Abraham came and called Him Lord. For it is said: And he said, O Lord [Adonai] God, whereby shall I know that I shall inherit it?² Rab said: Even Daniel was heard [in his prayer] only for the sake of Abraham. For it says: Now therefore, O our God, hearken unto the prayer of Thy servant, and to his supplications, and cause Thy face to shine upon Thy sanctuary that is desolate, for the

Lord's sake.³ He ought to have said: 'For Thy sake', but [he means]: For the sake of Abraham, who called Thee Lord.

R. Johanan further said in the name of R. Simeon b. Yohai: How do you know that we must not try to placate a man in the time of his anger? Because it is said: My face will go and I will give thee rest.⁴

R. Johanan further said in the name of R. Simeon b. Yohai: From the day that the Holy One, blessed be He, created His world there was no man that praised the Holy One, blessed be He, until Leah came and praised Him. For it is said: This time will I praise the Lord.⁵

Reuben. [What is the meaning of 'Reuben'?]⁶ — R. Eleazar said: Leah said: See the difference between⁷ my son and the son of my father-in-law. The son of my father-in-law voluntarily sold his birthright, for it is written: And he sold his birthright unto Jacob.⁸ And, nonetheless, behold, it is written of him: And Esau hated Jacob,⁹ and it is also written: And he said, is not he rightly named Jacob? for he hath supplanted me these two times.¹⁰ My son, however, although Joseph took his birthright from him against his will — as it is written: But, for as much as he defiled his father's couch, his birthright was given unto the sons of Joseph,¹¹ — was not jealous of him. For it is written: And Reuben heard it, and delivered him out of their hand.¹²

Ruth. What is the meaning of Ruth? — R. Johanan said: Because she was privileged to be the ancestress of David, who saturated¹³ the Holy One, blessed be He, with songs and hymns. How do we know that the name [of a person] has an effect [upon his life]?¹⁴ — R. Eleazar said: Scripture says: Come, behold the works of the Lord, who hath made desolations in the earth.¹⁵ Read not shammoth, ['desolations'], but shemoth, [names].

R. Johanan further said in the name of R. Simeon b. Yohai: A bad son¹⁶ in a man's house is worse than the war of Gog and Magog. For it is said: A Psalm of David, when he fled from Absalom his son,¹⁷ and it is written after that: Lord, how many are mine adversaries become! Many are they that rise up against me.¹⁸ But in regard to the war of Gog and Magog it is written: Why are the nations in an uproar? And why do the peoples mutter in vain,¹⁹ but, it is not written: 'How many are mine adversaries become!'

'A Psalm of David, when he fled from Absalom his son'. 'A Psalm of David'? He ought to have said: 'A Lamentation of David'! R. Simeon b. Abishalom said: A parable: To what is this to be compared? To a man who has a bond outstanding against him; until he pays it he worries²⁰ but after he has paid it, he rejoices. So was it with David. When the Holy One, blessed be He, said to him: Behold, I will raise up evil against thee out of thine own house,²¹ he began worrying. He thought: it may be a slave or a bastard who will have no pity on me. When he saw that it was Absalom, he was glad, and therefore he said: 'A Psalm'.

R. Johanan further said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world. For it is said: They that forsake the law praise the wicked, but such as keep the law contend with them.²² It has been taught to the same effect: R. Dosthai son of R. Mattun says: It is permitted to contend with the wicked in this world. For it is said: 'They that forsake the law praise the wicked, etc.' — Should somebody whisper to you: But is it not written: Contend not with evil-doers, neither be thou envious against them that work unrighteousness,²³ then you may tell him: Only one whose conscience smites²⁴ him says so. In fact, 'Contend not with evil-doers', means, to be like them; 'neither be thou envious against them that work unrighteousness', means, to be like them. And so it is said: Let not thy heart envy sinners, but be in the fear of the Lord all the day.²⁵ But this is not so! For R. Isaac said: If you see a wicked man upon whom fortune²⁶ is smiling, do not attack him. For it is said: His ways prosper at all times.²⁷ And more than that, he is victorious in the

court of judgment; for it is said: Thy judgments are far above out of his sight.²⁸ And still more than that, he sees the discomfiture of his enemies; for it is said: As for all his adversaries, he puffeth at them.²⁹ There is no contradiction. The one [R. Isaac] speaks of his private affairs, the other one [R. Johanan] of matters of religion.³⁰ If you wish I can say: both speak of matters of religion, and still there is no contradiction. The one [R. Isaac] speaks of a wicked man upon whom fortune is smiling, the other one speaks of a wicked man upon whom fortune is not smiling. Or if you wish, I can say, both speak of a wicked man upon whom fortune is smiling, and still there is no contradiction. The one [R. Johanan] speaks of a perfectly righteous man, the other one of a man who is not perfectly righteous. For R. Huna said: What is the meaning of the verse: Wherefore lookest Thou, when they deal treacherously, and holdest Thy peace, when the wicked swalloweth up the man that is more righteous than he?³¹ Can then the wicked swallow up the righteous? Is it not written: The Lord will not leave him in his hand?³² And is it not written further: There shall no mischief befall the righteous?³³ [You must] therefore [say]: He swallows up the one who is only ‘more righteous than he’, but he cannot swallow up the perfectly righteous man. If you wish I can say: It is different when fortune is smiling upon him.

R. Johanan further said in the name of R. Simeon b. Yohai: If a man has a fixed place for his prayer, his enemies succumb to him. For it is said: And I will appoint a place for My people Israel, and will plant them, that they may dwell in their own place, and be disquieted no more; neither shall the children of wickedness afflict them any more as at the first.³⁴ R. Huna pointed to a contradiction. [Here] it is written: ‘To afflict them’, and [elsewhere]: To exterminate them?³⁵ [The answer is]: First to afflict them and then to exterminate them.

R. Johanan further said in the name of R. Simeon b. Yohai: The service of the Torah is greater than the study thereof.³⁶ For it is said: Here is Elisha the son of Shaphat, who poured water on the hands of Elijah.³⁷ It is not said, who learned, but who poured water. This teaches that the service of the Torah is greater than the study thereof.

R. Isaac said to R. Nahman: Why does the Master not come to the Synagogue in order to pray?³⁸ — He said to him: I cannot.³⁹ He asked him: Let the Master gather ten people and pray with them [in his house]? — He answered: It is too much of a trouble for me. [He then said]: Let the Master ask the messenger of the congregation⁴⁰ to inform him of the time when the congregation prays?⁴¹ He answered: Why all this [trouble]? — He said to him: For R. Johanan said in the name of R. Simeon b. Yohai:

(1) In Hebrew: Adon.

(2) Gen. XV, 8.

(3) Dan. IX, 17.

(4) Ex. XXXIII, 14. Cf. also supra 7a.

(5) Gen. XXIX, 35. She implied that this had never been done before.

(6) Words in brackets added from MS.M. This passage is suggested by the mention of Leah.

(7) Reuben is explained as **רֵאֵן בֵּין**, ‘See the difference between’.

(8) Ibid. XXV, 33.

(9) Ibid. XXVII, 41.

(10) Ibid. XXVII, 36.

(11) I Chron. V, I.

(12) Gen. XXXVII, 21.

(13) **רִוּת** is derived from **רָוַח** to saturate.

(14) Lit., ‘causes’, ‘determines (one's destiny)’.

(15) Ps. XLVI, 9.

(16) Lit., ‘training’, ‘upbringing’.

(17) Ibid. III, I.

- (18) Ibid. 2.
- (19) Ibid, II, I.
- (20) MS. M.: To a man to whom it is said tomorrow a bill will be issued against you until he sees it . . . after he sees it etc.
- (21) II Sam. XII, II.
- (22) Prov. XXVIII, 4.
- (23) Ps. XXXVII, I. E.V. 'Fret not thyself'.
- (24) Lit., 'whose heart knocks him'.
- (25) Prov. XXIII, 17.
- (26) Lit., 'the hour'.
- (27) Ps. X, 5.
- (28) Ibid.
- (29) Ibid.
- (30) You may fight him with regard to religious affairs, but not with regard to his private affairs.
- (31) Hab. I, 13.
- (32) Ps. XXXVII, 33.
- (33) Prov. XII, 21.
- (34) II Sam. VII, 10.
- (35) I Chron. XVII, 9. The Gemara read there **לבלותו**. Our masoretic text, however, reads **לבלותו**. The meaning is the same.
- (36) To act as the famulus of the teacher is even more meritorious than being his disciple.
- (37) II Kings III, II.
- (38) Why does he not pray publicly with the congregation?
- (39) For physical reasons.
- (40) The Reader.
- (41) So that R. Nahman might say his prayers at the same time as the congregation.

Talmud - Mas. Berachoth 8a

What is the meaning of the verse: But as for me, let my prayer be made unto Thee, O Lord, in an acceptable time?¹ When is the time acceptable? When the congregation prays. R. Jose b. R. Hanina says: [You learn it] from here: Thus saith the Lord, In an acceptable time have I answered thee.² R. Aha son of R. Hanina says: [You learn it] from here: Behold, God despiseth not the mighty.³ And it is further written: He hath redeemed my soul in peace so that none came nigh me; for they were many with me.⁴ It has been taught also to the same effect; R. Nathan says: How do we know that the Holy One, blessed be He, does not despise the prayer of the congregation? For it is said: 'Behold, God despiseth not the mighty'. And it is further written: 'He hath redeemed my soul in peace so that none came nigh me, etc.'. The Holy One, blessed be He, says: If a man occupies himself with the study of the Torah and with works of charity and prays with the congregation, I account it to him as if he had redeemed Me and My children from among the nations of the world.

Resh Lakish said: Whosoever has a Synagogue in his town and does not go there in order to pray, is called an evil neighbour. For it is said: Thus saith the Lord, as for all Mine evil neighbours, that touch the inheritance which I have caused My people Israel to inherit.⁵ And more than that, he brings exile upon himself and his children. For it is said: Behold, I will pluck them up from off their land, and will pluck up the house of Judah from among them.⁶

When they told R. Johanan⁷ that there were old men in Babylon, he showed astonishment and said: Why, it is written: That your days may be multiplied, and the days of your children, upon the land;⁸ but not outside the land [of Israel]! When they told him that they came early to the Synagogue and left it late, he said: That is what helps them. Even as R. Joshua b. Levi said to his children: Come early to the Synagogue and leave it late that you may live long. R. Aha son of R. Hanina says: Which

verse [may be quoted in support of this]? Happy is the man that hearkeneth to Me, watching daily at My gates, waiting at the posts of My doors,⁹ after which it is written: For whoso findeth me findeth life.¹⁰ R. Hisda says: A man should always enter two doors into the Synagogue.¹¹ What is the meaning of 'two doors'? Say: The distance of two doors, and then pray.¹²

For this let every one that is godly pray unto Thee in the time of finding.¹³ R. Hanina says: 'In the time of finding' refers to [the finding of] a wife. For it is said: Whoso findeth a wife findeth a great good.¹⁴ In the West they used to ask a man who married a wife thus: Maza or Moze?¹⁵ 'Maza', for it is written: Whoso findeth [maza] a wife findeth a great good. 'Moze', for it is written: And I find [moze] more bitter than death the woman.¹⁶ R. Nathan says: 'In the time of finding' refers to the [finding of] Torah. For it is said: For whoso findeth me findeth life, etc.¹⁷ R. Nahman b. Isaac said: 'In the time of finding' refers to the [finding of] death. For it is said: The issues of death.¹⁸ Similarly it has been taught: Nine hundred and three species of death were created in this world. For it is said: The issues of death, and the numerical value of Toza'oth is so. The worst of them is the croup, and the easiest of them is the kiss.¹⁹ Croup is like a thorn in a ball of wool pulled out backwards.²⁰ Some people say: It is like [pulling] a rope through the loop-holes [of a ship].²¹ [Death by a] kiss is like drawing a hair out of milk. R. Johanan said: 'In the time of finding' refers to the [finding of a] grave. R. Hanina said: Which verse [may be quoted in support]? Who rejoice unto exultation and are glad, when they can find the grave.²² Rabbah son of R. Shila said: Hence the proverb: A man should pray for peace even to the last clod of earth [thrown upon his grave]. Mar Zutra said: 'In the time of finding', refers to the [finding of a] privy.²³ They said in the West: This [interpretation] of Mar Zutra is the best of all.

Raba said to Rafram b. Papa: Let the master please tell us some of those fine things that you said in the name of R. Hisda on matters relating to the Synagogue! — He replied: Thus said R. Hisda: What is the meaning of the verse: The Lord loveth the gates of Zion [Ziyyon] more than all the dwellings of Jacob?²⁴ The Lord loves the gates that are distinguished [me-zuanim] through Halachah more than the Synagogues and Houses of study.²⁵ And this conforms with the following saying of R. Hiyya b. Ammi in the name of 'Ulla: Since the day that the Temple was destroyed, the Holy One, blessed be He, has nothing in this world but the four cubits of Halachah alone. So said also Abaye: At first I used to study in my house and pray in the Synagogue. Since I heard the saying of R. Hiyya b. Ammi in the name of 'Ulla: 'Since the day that the Temple was destroyed, the Holy One, blessed be He, has nothing in His world but the four cubits of Halachah alone', I pray only in the place where I study. R. Ammi and R. Assi, though they had thirteen Synagogues in Tiberias, prayed only between the pillars where they used to study.²⁶

R. Hiyya b. Ammi further said in the name of 'Ulla: A man who lives from the labour [of his hands] is greater than the one who fears heaven.²⁷ For with regard to the one who fears heaven it is written: Happy is the man that feareth the Lord,²⁸ while with regard to the man who lives from his own work it is written: When thou eatest the labour of thy hands, happy shalt thou be, and it shall be well with thee.²⁹ 'Happy shalt thou be', in this world, 'and it shall be well with thee', in the world to come. But of the man that fears heaven it is not written: 'and it shall be well with thee'.

R. Hiyya b. Ammi further said in the name of 'Ulla: A man should always live in the same town as his teacher. For as long as Shimei the son of Gera was alive Solomon did not marry the daughter of Pharaoh.³⁰ — But it has been taught that he should not live [in the same place]? — There is no contradiction. The former [speaks of a disciple] who is submissive to him, the other [of a disciple] who is not submissive.

R. Huna b. Judah in the name of R. Menahem in the name of R. Ammi said: What is the meaning of the verse: And they that forsake the Lord shall be consumed?³¹ This refers to people who leave the Scroll of the Law [while it is being read from] and go out [from the Synagogue]. R. Abbahu used

to go out between one reader and the next.³² R. Papa raised the question: What of going out between verse and verse? It remains unanswered. — R. Shesheth used to turn his face to another side and study. He said: We [are busy] with ours, and they [are busy] with theirs.³³

R. Huna b. Judah says in the name of R. Ammi: A man should always complete his Parashoth together with the congregation,³⁴ [reading] twice the Hebrew text and once the [Aramaic] Targum,

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- (1) Ps. LXIX, 14.
 - (2) Isa. XLIX, 8.
 - (3) Job. XXXVI, 5. I.e., the mighty and numerous people that pray to Him. E.V. God is mighty and despiseth not any.
 - (4) Joining me in prayer. Ps. LV, 19. (E.V. 'for there were many that strove with me'.)
 - (5) Jer. XII, 14.
 - (6) Ibid.
 - (7) Who was a Palestinian.
 - (8) Deut. XI, 21.
 - (9) Prov. VIII, 34.
 - (10) Ibid. 35.
 - (11) MS. M. adds: 'and then pray, for it is written: Waiting at the posts of My doors'.
 - (12) Were he to remain at the entrance, near the door, it would look as if he was anxious to leave.
 - (13) Ps. XXXII, 6.
 - (14) Prov. XVIII, 22.
 - (15) Whereas the word maza is used in the Bible in connection with a good wife, the word moze is used in connection with a bad wife.
 - (16) Eccl. VII, 26.
 - (17) Prov. VIII, 35.
 - (18) Ps. LXVIII, 21. תוצאות is translated 'findings'.
 - (19) The Talmud refers to an easy death as the 'death by a kiss'.
 - (20) And drawing the wool with it.
 - (21) The' friction being very great (Rashi). Jast.: Like the whirling waters at the entrance of a canal (when the sluicebars are raised).
 - (22) Job. III, 22.
 - (23) In Babylon, owing to the marshy character of the soil, privies were for the most part outside the town at some distance from the dwellings.
 - (24) Ps. LXXXVII, 2.
 - (25) Beth Midrash is here understood as the house of popular, aggadic lectures which, however, was not devoted to the study of Halachah.
 - (26) In the Beth-hamidrash.
 - (27) But for his living relies upon the support of other people.
 - (28) Ps. CXII, I.
 - (29) Ibid. CXXVIII, 2.
 - (30) The assumption is that he forbore to do so out of respect for his teacher.
 - (31) Isa. I, 28.
 - (32) I.e., when one portion was finished and before the next had commenced.
 - (33) They are engaged in listening to the public reading and we, more profitably, with more advanced study.
 - (34) I.e., recite (at home) the same weekly portion (parashah) from the Pentateuch.

Talmud - Mas. Berachoth 8b

and even [such verses as] Ataroth and Dibon,¹ for if one completes his Parashoth together with the congregation, his days and years are prolonged. R. Bibi b. Abaye wanted to finish all the Parashoth of the whole year on the eve of the Day of Atonement. But Hiyya b. Rab of Difti² recited to him [the following Baraitha]: It is written: And ye shall afflict your souls, in the ninth day of the month at

even.³ Now, do we fast on the ninth? Why, we fast on the tenth! But this teaches you that if one eats and drinks on the ninth, Scripture accounts it to him as if he fasted on the ninth and tenth.⁴ Thereupon he wanted to finish them in advance. But a certain Elder recited to him a Baraita teaching: However, he should not read them in advance of nor later [than the congregation]. Even so did R. Joshua b. Levi say to his children: Complete your Parashoth together with the congregation, twice the Hebrew text and once Targum; be careful with the jugular veins to follow [the teaching of] R. Judah, as we have learnt: R. Judah says: He must cut through the jugular veins; and be careful [to respect] an old man who has forgotten his knowledge through no fault of his own,⁵ for it was said: Both the whole tables and the fragments of the tables were placed in the Ark.⁶

Raba said to his children: When you are cutting meat, do not cut it upon your hand. (Some people say on account of danger;⁷ and some in order not to spoil the meal.)⁸ Do not sit upon the bed of an Aramaean woman, and do not pass behind a Synagogue when the congregation is praying. 'Do not sit upon the bed of an Aramaean woman'; some say that this means: Do not go to bed before reciting the Shema';⁹ some say it means: Do not marry a proselyte woman; and some say it means literally [the bed of] an Aramaean woman, and this rule was laid down because of what happened to R. Papa. For R. Papa once visited an Aramaean woman. She brought out a bed and said: Sit down. He said to her: I will not sit down until you raise the cover of the bed. She raised the cover and they found there a dead baby. Hence said the scholars: It is not permitted to sit down upon the bed of an Aramaean woman. 'And do not pass behind a Synagogue when the congregation is praying'; this supports the teaching of R. Joshua b. Levi. For R. Joshua b. Levi said: It is not permitted for a man to pass behind a Synagogue when the congregation is praying. Abaye said: This applies only when there is no other door, but when there is another door,¹⁰ there is no objection. Furthermore, this applies only when there is no other Synagogue, but when there is another Synagogues there is no objection. And furthermore, this applies only when he does not carry a burden, and does not run, and does not wear tefillin. But where one of these conditions is present there is no objection.

It has been taught: R. Akiba says: For three things I like the Medes: When they cut meat, they cut it only on the table; when they kiss, they kiss only the hand; and when they hold counsel, they do so only in the field. R. Adda b. Ahabah says: Which verse [may be quoted in support of the last]? And Jacob sent and called Rachel and Leah to the field unto his flock.¹¹ It has been taught: R. Gamaliel says: For three things do I like the Persians: They are temperate in their eating, modest in the privy, and chaste in another matter.¹² I have commanded My consecrated ones.¹³ R. Joseph learnt: This refers to the Persians who are consecrated and destined for Gehinnom.¹⁴

R. GAMALIEL SAYS: UNTIL THE DAWN RISES. Rab Judah says in the name of Samuel: The Halachah is as laid down by R. Gamaliel. It was taught, R. Simeon b. Yohai says: Sometimes a man may recite the Shema' twice in the night, once before the dawn breaks and once after the dawn breaks, and thereby fulfil his duty once for the day and once for the night.

Now this is self-contradictory. You say: 'A man may sometimes recite the Shema' twice in the night', which shows that it is still night after the dawn breaks. And then you say: 'He thereby fulfils his duty once for the day and once for the night', which shows that it is daytime? — No! It is in reality night, but he calls it day because some people rise at that time. R. Aha b. Hanina said in the name of R. Joshua b. Levi: The Halachah is as stated by R. Simeon b. Yohai. Some people refer this [statement] of R. Aha b. Hanina to the following lesson,¹⁵ which has been taught: R. Simeon b. Yohai says in the name of R. Akiba: Sometimes a man may recite the Shema' twice in the day-time, once before sunrise and once after sunrise, and thereby fulfill his duty once for the day and once for the night. Now this is self-contradictory. You say: 'A man may sometimes recite the Shema' twice in the daytime', which shows that before sunrise it is daytime, and then you state: 'He thereby fulfills his duty once for the day and once for the night', which shows that it is night? —

- (1) Num. XXXII, 3. Even strings of names which are left untranslated in the Targum should be recited in Hebrew and in the Aramaic version.
- (2) Dibtha on the Tigris.
- (3) Lev. XXIII, 32.
- (4) Therefore he should not devote the whole day to study.
- (5) I.e., as a result of illness or struggle for a livelihood.
- (6) V. B.B. 14b.
- (7) Lest he should cut his hand.
- (8) With the blood that will ooze from the meat.
- (9) So that your bed should not be like that of an Aramaean.
- (10) By which he can enter and join in the prayers.
- (11) Gen. XXXI, 4.
- (12) In sexual matters.
- (13) Isa. XIII, 3.
- (14) R. Joseph experienced the Persecution under Shapor II.
- (15) Which is most probably only another version of the previous one.

Talmud - Mas. Berachoth 9a

No! It is in reality day, but he calls it night because some people go to bed at that time. R. Aha b. Hanina said in the name of R. Joshua b. Levi: The Halachah is as stated by R. Simeon who said in the name of R. Akiba. R. Zera says: However, he must not say [the prayer]: ‘cause us to lie down’.¹ When R. Isaac b. Joseph came [from Palestine], he said: This [tradition] of R. Aha b. Hanina in the name of R. Joshua b. Levi was not expressly said [by R. Joshua], but it was said [by R. Aha] by inference.² For it happened that a couple of scholars became drunk at the wedding feast of the son of R. Joshua b. Levi, and they came before R. Joshua b. Levi [before the rise of the sun] and he said: R. Simeon is a great enough authority to be relied on in a case of emergency.

IT ONCE HAPPENED THAT HIS SONS CAME HOME [LATE], etc. How is it that they had not heard before of this opinion of R. Gamaliel? — [They had heard], but they asked thus: Do the Rabbis join issue with you? For if so, where there is a controversy between an individual and a group, the Halachah follows the group. Or do the Rabbis agree with you [in substance], but they say: UNTIL MIDNIGHT, in order to keep a man far away from transgression? — He replied: The Rabbis do agree with me, and it is your duty [to recite the Shema’]. But they say, UNTIL MIDNIGHT, in order to keep a man far from transgression.

AND NOT IN RESPECT TO THIS ALONE DID THEY SO DECIDE, etc. But does R. Gamaliel say ‘until midnight’, that he should continue AND NOT IN RESPECT TO THIS ALONE DID THEY SO DECIDE? — That is what R. Gamaliel said to his sons: Even according to the Rabbis who say, ‘UNTIL MIDNIGHT’, the obligation continues until the dawn breaks, but the reason they said, ‘UNTIL MIDNIGHT’, was in order to keep a man far away from transgression.

THE BURNING OF THE FAT, etc. But [the Mishnah] does not mention the eating of the Passover offering. This would point to a contradiction [with the following Baraitha]: The duty of the recital of the Shema’ in the evening, and of the Hallel³ on the night of the Passover, and of the eating of the Passover sacrifice can be performed until the break of the dawn? — R. Joseph says: There is no contradiction. One statement [the Mishnah] conforms with the view of R. Eleazar b. Azariah, and the other with the view of R. Akiba. For it has been taught: And they shall eat of the flesh in that night.⁴ R. Eleazar b. Azariah says: Here it is said: ‘in that night’, and further on it is said: For I will go through the land of Egypt in that night.⁵ Just as the latter verse means until midnight, so also here it means until midnight. R. Akiba said to him: But it is also said: Ye shall eat it in haste,⁶ which means: until the time of haste?⁷ [Until the break of the dawn]. [Said R. Eleazar to him,]⁸ If that is so,

why does it say: in the night? [R. Akiba answered,]⁸ Because I might think that it may be eaten in the daytime⁹ like the sacrifices; therefore it is said: 'in the night', indicating that only in the night is it eaten and not in the day. We can understand why according to R. Eleazar b. Azariah, whose opinion is based on the Gezerah shawah,¹⁰ the word 'that' is necessary. But according to R. Akiba what is the purpose of this word 'that'?¹¹ — It is there to exclude another night. For, since the Passover sacrifice is a sacrifice of minor sanctity and peace-offerings are sacrifices of minor sanctity, I might think that just as the peace-offerings are eaten for two days and one night so is also the Passover-offering eaten for two nights instead of the two days, and therefore it might be eaten for two nights and one day! Therefore it is said: 'in that night'; in that night it is eaten, but it is not eaten in another night. And R. Eleazar b. Azariah?¹² He deduces it from the verse: And ye shall let nothing of it remain until the morning.¹³ R. Akiba? — If [you deduced it] from there, I could say that 'morning' refers to the second morning. And R. Eleazar? — He answers you: 'Morning' generally means the first morning.

And [the controversy of] these Tannaim is like [the controversy of] the other Tannaim in the following Baraitha: There thou shalt sacrifice the passover-offering at even, at the going down of the sun, at the season that thou camest forth out of Egypt.¹⁴ R. Eliezer says: 'At even',¹⁵ you sacrifice; 'at sunset', you eat; and 'at the season that thou camest out of Egypt',¹⁶ you must burn [the remainder]. R. Joshua says: 'At even', you sacrifice; 'at sunset', you eat; and how long do you continue to eat? Till 'the season that thou camest out of Egypt'.

R. Abba said: All agree that when Israel was redeemed¹⁷ from Egypt they were redeemed in the evening. For it is said: The Lord thy God brought thee forth out of Egypt by night.¹⁸ But they did not actually leave Egypt till the daytime. For it is said: On the morrow after the passover the children of Israel went out with a high hand.¹⁹ About what do they disagree? — About the time of the haste.²⁰ R. Eleazar b. Azariah says: What is meant by 'haste'? The haste of the Egyptians.²¹ And R. Akiba says: It is the haste of Israel.²² It has also been taught likewise: 'The Lord thy God brought thee forth out of Egypt by night.' But did they leave in the night? Did not they in fact leave only in the morning, as it says: 'On the morrow after the passover the children of Israel went out with a high hand? But this teaches that the redemption had already begun in the evening.

Speak now [na] in the ears of the people, etc.²³ In the school of R. Jannai they said: The word 'na' means: I pray. The Holy One, blessed be He, said to Moses: I pray of thee, go and tell Israel, I pray of you to borrow from the Egyptians vessels of silver and vessels of gold, so that

(1) V. P.B. p. 99. This is essentially a night prayer.

(2) From a decision of R. Joshua.

(3) V. Glos.

(4) Ex. XII, 8.

(5) Ibid. 12.

(6) Ibid. 11.

(7) The hour of the break of dawn, when they hastened out of Egypt, v. Ex. XII, 22.

(8) Inserted with MS.M.

(9) I.e., during the very day on which it was slaughtered.

(10) V. Glos.

(11) The text should have simply stated 'in the night'.

(12) How does he deduce this latter ruling?

(13) Ibid. XII, 10.

(14) Deut. XVI, 6.

(15) In the afternoon.

(16) At the break of dawn. Hence according to R. Eliezer, the time of eating extends only till midnight.

(17) I.e., obtained permission to leave.

(18) Ibid. XVI, 1.

(19) Num. XXXIII, 3.

(20) Which is the termination of the time when it is permitted to eat; v. Ex. XII, 11 and the Gemara above.

(21) At midnight the Egyptians hastened to urge Israel to leave Egypt.

(22) I.e., in the morning when the Israelites hastened to go out.

(23) Ex. XI, 2.

Talmud - Mas. Berachoth 9b

this righteous man [Abraham] may not say: And they shall serve them, and they shall afflict them¹ He did fulfill for them, but And afterward shall they come out with great substance² He did not fulfill for them. They said to him: If only we could get out with our lives! A parable: [They were] like a man who was kept in prison and people told him: To-morrow, they will release you from the prison and give you plenty of money. And he answered them: I pray of you, let me go free today and I shall ask nothing more!

And they let them have what they asked.³ R. Ammi says: This teaches that they let them have it against their will. Some say, against the will of the Egyptians, and some say, against the will of the Israelites. Those that say 'against the will of the Egyptians' cite the verse: And she that tarrieth at home divideth the spoil.⁴ Those that say: 'against the will of the Israelites', say it was because of the burden [of carrying it]. And they despoiled Egypt.⁵ R. Ammi says: This teaches that they made it like a snare⁶ without corn. Resh Lakish said: They made it like a pond without fish.

I am that I am.⁷ The Holy One, blessed be He, said to Moses: Go and say to Israel: I was with you in this servitude, and I shall be with you in the servitude of the [other] kingdoms.⁸ He said to Him: Lord of the Universe, sufficient is the evil in the time thereof! Thereupon the Holy One, blessed be He, said to him: Go and tell them: I AM has sent me unto you.⁹

Hear me, O Lord, hear me.¹⁰ R. Abbahu said: Why did Elijah say twice: 'Hear me'? This teaches that Elijah said before the Holy One, blessed be He: Lord of the Universe, 'hear me', that the fire may descend from heaven and consume everything that is upon the altar; and 'hear me', that Thou mayest turn their mind that they may not say that it was the work of sorcery. For it is said: For Thou didst turn their heart backward.¹¹

MISHNAH. FROM WHAT TIME MAY ONE RECITE THE SHEMA IN THE MORNING? FROM THE TIME THAT ONE CAN DISTINGUISH BETWEEN BLUE AND WHITE. R. ELIEZER SAYS: BETWEEN BLUE AND GREEN. AND HE HAS TIME TO FINISH UNTIL SUNRISE. R. JOSHUA SAYS: UNTIL THE THIRD HOUR OF THE DAY, FOR SUCH IS THE CUSTOM OF KINGS, TO RISE AT THE THIRD HOUR. IF ONE RECITES THE SHEMA' LATER HE LOSES NOTHING, BEING LIKE ONE WHO READS IN THE TORAH.¹²

GEMARA. What is the meaning of BETWEEN BLUE AND WHITE? Shall I say: between a lump of white wool and a lump of blue wool? This one may also distinguish in the night! It means rather: between the blue in it and the white in it.¹³ It has been taught: R. Meir says: [The morning Shema' is read] from the time that one can distinguish between a wolf and a dog; R. Akiba says: Between an ass and a wild ass. Others say: From the time that one can distinguish his friend at a distance of four cubits. R. Huna says: The halachah is as stated by the 'Others'. Abaye says: In regard to the tefillin,¹⁴ the halachah is as stated by the 'Others'; in regard to [the recital of] the Shema', as practised by the watin.¹⁵ For R. Johanan said: The watin used to finish it [the recital of the Shema'] with sunrise, in order to join the ge'ullah with the tefillah,¹⁶ and say the tefillah in the daytime. R. Zera says: What text can be cited in support of this? They shall fear Thee with the sun,¹⁷ and so long as the moon throughout all generations.¹⁸ R. Jose b. Eliakim testified¹⁹ in the name of

the holy community of Jerusalem:²⁰ If one joins the ge'ullah to the tefillah, he will not meet with any mishap for the whole of the day. Said R. Zera: This is not so! For I did join, and did meet with a mishap. They asked him: What was your mishap? That you had to carry a myrtle branch into the king's palace?²¹ That was no mishap, for in any case you would have had to pay something in order to see the king! For R. Johanan said: A man should always be eager to run to see the kings of Israel. And not only to see the kings of Israel, but also to see the kings of the Gentiles, so that, if he is found worthy,²² he may be able to distinguish between the kings of Israel and the kings of the Gentiles.

R. Ela said to 'Ulla: When you go up there,²³ give my greeting to my brother R. Berona in the presence of the whole college, for he is a great man and rejoices to perform a precept [in the correct manner]. Once he succeeded in joining ge'ullah with tefillah,²⁴ and a smile did not leave his lips the whole day. How is it possible to join the two, seeing that R. Johanan has said:²⁵ At the beginning of the tefillah one has to say, O, Lord, open Thou my lips,²⁶ and at the end he has to say, Let the words of my mouth be acceptable etc.²⁷ — R. Eleazar replied: This²⁸ must then refer to the tefillah of the evening. But has not R. Johanan said: Who is it that is destined for the world to come? One who joins the ge'ullah of the evening with the tefillah of the evening? — Rather said R. Eleazar: This must then refer to the tefillah of the afternoon. R. Ashi said: You may also say that it refers to all the tefillahs, but since the Rabbis instituted [these words]²⁸ in the tefillah, the whole is considered one long tefillah. For if you do not admit this, how can he join in the evening, seeing that he has to say the benediction of 'Let us rest'?²⁹ You must say then that, since the Rabbis ordained the saying of 'Let us rest', it is considered one long ge'ullah.³⁰ So here, since the Rabbis instituted these words in the tefillah, the whole is considered one long tefillah.

Seeing that this verse, 'Let the words of my mouth be acceptable etc.' is suitable for recital either at the end or the beginning [of the tefillah], why did the Rabbis institute it at the end of the eighteen benedictions? Let it be recited at the beginning? — R. Judah the son of R. Simeon b. Pazzi said: Since David said it only after eighteen chapters [of the Psalms],³¹ the Rabbis too enacted that it should be said after eighteen blessings. But those eighteen Psalms are really nineteen? — 'Happy is the man' and 'Why are the nations in an uproar'³² form one chapter. For R. Judah the son of R. Simeon b. Pazzi said: David composed a hundred and three chapters [of psalms], and he did not say 'Hallelujah' until he saw the downfall of the wicked, as it says, Let sinners cease out of the earth, and let the wicked be no more. Bless the Lord, O my soul. Hallelujah.³³ Now are these a hundred and three? Are they not a hundred and four? You must assume therefore that 'Happy is the man' and 'Why are the nations in an uproar' form one chapter. For R. Samuel b. Nahmani said in the name of R. Johanan:

(1) Gen. XV, 14.

(2) Ibid.

(3) Ex. XII, 36.

(4) Ps. LXVIII, 13.

(5) Ex. XII, 36.

(6) For birds with corn for a lure. Var. lec.: like husks without grain, like a net without fish.

(7) Ibid. III, 14.

(8) Babylon and Rome.

(9) Ibid.

(10) I Kings XVIII, 37.

(11) Ibid. Sc., from such a thought.

(12) It is not a transgression. On the contrary, he has the ordinary merit of one who reads in the Torah, though he has not fulfilled the obligation of reading the Shema'.

(13) In one and the same lump of wool which was dyed blue but had some white spots in it. J. T. refers it to the 'fringes' which contain a thread of blue and which are used when reading the Shema'.

(14) I.e., the time for putting them on. MS.M. reads Tefillah (v. Glos.).

- (15) Lit., strong' (sc., in piety), a title probably applied to certain men who, in the time of the Hasmonean kingdom, set an example of exceptional piety. Some identify them with the Essenes.
- (16) V. supra 4b.
- (17) I.e., when the sun rises. E.V. 'While the sun endureth'.
- (18) Ps. LXXII, 5.
- (19) I.e., transmitted a tradition.
- (20) V. J.E. p. 226.
- (21) He was compelled to do some forced labour. V. T.J.
- (22) To live to the time of the restoration of the Jewish kingdom and to see the Jewish kings.
- (23) To Palestine.
- (24) Apparently this means, having read the Shema' after the manner of the watin. V. Tosaf. ad loc.
- (25) V. supra, 4b.
- (26) Ps. LI, 17.
- (27) Ps. XIX, 15.
- (28) The recital of these extra verses at the beginning and end of the tefillah.
- (29) V. supra, 4b.
- (30) The benediction of 'Let us rest' also comes between ge'ullah and tefillah.
- (31) It comes at the end of Ps. XIX.
- (32) The opening verses of Pss. I and II.
- (33) Ibid. CIV, 35.

Talmud - Mas. Berachoth 10a

: Every chapter that was particularly dear to David he commenced with 'Happy' and terminated with 'Happy'.¹ He began with 'Happy', as it is written, 'Happy is the man', and he terminated with 'Happy', as it is written, 'happy are all they that take refuge in Him'.²

There were once some highwaymen³ in the neighbourhood of R. Meir who caused him a great deal of trouble. R. Meir accordingly prayed that they should die. His wife Beruria⁴ said to him: How do you make out [that such a prayer should be permitted]? Because it is written Let hatta'im cease? Is it written hot'im?⁵ It is written hatta'im!⁶ Further, look at the end of the verse: and let the wicked men be no more. Since the sins will cease, there will be no more wicked men! Rather pray for them that they should repent, and there will be no more wicked. He did pray for them, and they repented.

A certain Min⁷ said to Beruria: it is written: Sing, O barren, thou that didst not bear.⁸ Because she did not bear is she to sing? She replied to him: You fool! Look at the end of the verse, where it is written, For the children of the desolate shall be more than the children of the married wife, saith the Lord.⁹ But what then is the meaning of 'a barren that did not bear'? Sing, O community of Israel, who resemblest a barren woman, for not having born children like you for Gehenna.

A certain Min said to R. Abbahu: It is written: A Psalm of David when he fled from Absalom his son.¹⁰ And it is also written, A mihtam of David when he fled from Saul in the cave.¹¹ Which event happened first? Did not the event of Saul happen first? Then let him write it first? He replied to him: For you who do not derive interpretations from juxtaposition, there is a difficulty, but for us who do derive interpretations from juxtaposition there is no difficulty. For R. Johanan said: How do we know from the Torah that juxtaposition counts? Because it says, They are joined¹² for ever and ever, they are done in truth and uprightness.¹³ Why is the chapter of Absalom juxtaposed to the chapter of Gog and Magog?¹⁴ So that if one should say to you, is it possible that a slave should rebel against his master,¹⁵ you can reply to him: Is it possible that a son should rebel against his father? Yet this happened; and so this too [will happen].

R. Johanan said in the name of R. Simeon b. Yohai: What is the meaning of the verse, She openeth

her mouth with wisdom, and the law of kindness is on her tongue?¹⁶ To whom was Solomon alluding in this verse? He was alluding only to his father David who dwelt in five worlds and composed a psalm [for each of them]. He abode in his mother's womb, and broke into song, as it says, Bless the Lord, O my soul, and all my inwards¹⁷ bless His holy name.¹⁸ He came out into the open air and looked upon the stars and constellations and broke into song, as it says, Bless the Lord, ye angels of His, ye mighty in strength that fulfil His word, hearkening unto the voice of His word. Bless the Lord, all ye His hosts¹⁹ etc. He sucked from his mother's bosom and looked on her breasts and broke into song, as it says, Bless the Lord, O my soul, and forget not all His benefits.²⁰ What means 'all His benefits'? — R. Abbahu said: That He placed her breasts at the source of understanding.²¹ For what reason is this? — Rab Judah said: So that he should not look upon the place of shame; R. Mattena said: So that he should not suck from a place that is foul. He saw the downfall of the wicked and broke into song, as it says, Let sinners cease out of the earth and let the wicked be no more. Bless the Lord, O my soul, Hallelujah.²² He looked upon the day of death and broke into song, as it says, Bless the Lord, O my soul. O Lord my God, Thou art very great, Thou art clothed with glory and majesty.²³ How does this verse refer to the day of death? — Rabbah son of R. Shila said: We learn it from the end of the passage, where it is written: Thou hidest Thy face, they vanish, Thou withdrawest their breath, they perish etc.²⁴

R. Shimi b. 'Ukba (others say, Mar 'Ukba) was often in the company of R. Simeon b. Pazzi, who²⁵ used to arrange aggadahs [and recite them] before R. Johanan. He²⁶ said to him: What is the meaning of the verse, Bless the Lord, O my soul, and all that is within me bless His holy name?²⁷ — He replied: Come and observe how the capacity of human beings falls short of the capacity of the Holy One, blessed be He. It is in the capacity of a human being to draw a figure on a wall, but he cannot invest it with breath and spirit, bowels and intestines. But the Holy One, blessed be He, is not so; He shapes one form in the midst of another, and invests it with breath and spirit, bowels and intestines. And that is what Hannah said: There is none holy as the Lord, for there is none beside Thee, neither is there any zur [rock] like our God.²⁸ What means, neither is there any zur like our God'? There is no artist [zayyar] like our God. What means, 'For there is none beside Thee'? R. Judah b. Menasiah said: Read not, There is none bilteka, but, There is none lebalotheka [to consume Thee]. For the nature of flesh and blood is not like that of the Holy One, blessed be He. It is the nature of flesh and blood to be outlived by its works, but the Holy One, blessed be He, outlives His works. He said to him:²⁹ What I meant to tell you is this: To whom did David refer in these five verses beginning with 'Bless the Lord, O my soul'? He was alluding only to the Holy One, blessed be He, and to the soul. Just as the Holy One, blessed be He, fills the whole world, so the soul fills the body. Just as the Holy One, blessed be He, sees, but is not seen, so the soul sees but is not itself seen. Just as the Holy One, blessed be He, feeds the whole world, so the soul feeds the whole body. Just as the Holy One, blessed be He, is pure, so the soul is pure. Just as the Holy One, blessed be He, abides in the innermost precincts, so the soul abides in the innermost precincts. Let that which has these five qualities come and praise Him who has these five qualities.

R. Hamnuna said: What is the meaning of the verse, Who is as the wise man? And who knoweth the interpretation [peshar] of a thing?³⁰ Who is like the Holy One, blessed be He, who knew how to effect a reconciliation [pesharah] between two righteous men, Hezekiah and Isaiah? Hezekiah said: Let Isaiah come to me, for so we find that Elijah went to Ahab,³¹ as it says, And Elijah went to show himself unto Ahab.³² Isaiah said: Let Hezekiah come to me, for so we find that Jehoram son of Ahab went to Elisha.³³ What did the Holy One, blessed be He, do? He brought sufferings upon Hezekiah and then said to Isaiah, Go visit the sick. For so it says, In those days was Hezekiah sick unto death. And Isaiah the prophet, son of Amoz, came to him and said unto him, Thus saith the Lord, Set thy house in order, for thou shalt die and not live³⁴ etc. What is the meaning of 'thou shalt die and not live'? Thou shalt die in this world and not live in the world to come. He said to him: Why so bad? He replied: Because you did not try to have children. He said: The reason was because I saw by the holy spirit that the children issuing from me would not be virtuous. He said to him: What have you to

do with the secrets of the All-Merciful? You should have done what you were commanded, and let the Holy One, blessed be He, do that which pleases Him. He said to him: Then give me now your daughter; perhaps through your merit and mine combined virtuous children will issue from me. He replied:³⁵ The doom has already been decreed. Said the other: Son of Amoz, finish your prophecy and go. This tradition I have from the house of my ancestor:³⁶ Even if a sharp sword rests upon a man's neck he should not desist from prayer.³⁷ This saying is also recorded in the names of R. Johanan and R. Eleazar: Even if a sharp sword rests on a man's neck, he should not desist from prayer, as it says, Though He slay me, yet will I trust in Him.³⁸

(1) In point of fact this is the only one. V. Tosaf. a.l.

(2) The last verse of Ps. II, which shows that according to R. Johanan Pss. I and II formed one Psalm.

(3) Baryone, a word of doubtful meaning.

(4) Valeria.

(5) Pres. part. of the verb hata, to sin. Hence meaning sinners.

(6) Which can be read **הַטְּאִים** sins. M.T. vocalizes **הַטְּאִים** (sinners).

(7) So MS.M. (v. Glos.) curr. edd.: Sadducee.

(8) Isa. LIV, 1.

(9) Apparently the point is that at present she is barren, but in the future she shall have many children. Probably Beruria was thinking of Rome as 'the married wife' and Jerusalem as 'the desolate'.

(10) Ps. III, 1.

(11) Ibid. LVII, 1.

(12) Heb. semukim, the same word as for juxtaposed. E.V. 'established'.

(13) Ibid. CXI, 8.

(14) Ps. II, which is supposed by the Rabbis to refer to the rebellion of Gog and Magog against God and the Messiah.

(15) Sc. the nations against God.

(16) Prov. XXXI, 26.

(17) I.e., his mother's womb. E.V. 'all that is within me'.

(18) Ps. CIII, 1.

(19) Ps. CIII, 20, 21.

(20) Ibid. 2.

(21) I.e., the heart, (the seat of understanding). R. Abbahu connects the word gemulaw (his benefits) with gamal (weaned).

(22) Ibid. CIV, 35.

(23) Ibid. I.

(24) Ibid. 29.

(25) Reading **דְּהוּרָה** with MS.M.

(26) R. Shimi or Mar 'Ukba.

(27) Ibid. CIII, 1.

(28) I Sam. II, 2.

(29) R. Shimi to R. Simeon b. Pazzi.

(30) Eccl. VIII, 1.

(31) The prophet went to the king.

(32) 1 Kings XVIII, 2.

(33) V. II Kings III, 12.

(34) Isa. XXXVIII, 1.

(35) Insert with MS.M. Behold I say to you 'Set thy house in order', and you say to me 'Give me now your daughter'.

(36) David.

(37) Cf. II Sam. XXIV, 17.

(38) Job XIII, 15.

Talmud - Mas. Berachoth 10b

([Similarly] R. Hanan said: Even if the master of dreams¹ says to a man that on the morrow he will die, he should not desist from prayer, for so it says, For in the multitude of dreams are vanities and also many words, but fear thou God).² Thereupon straightway, Hezekiah turned his face to the kir [wall] and prayed unto the Lord.³ What is the meaning of 'kir'? — R. Simeon b. Lakish said: [He prayed] from the innermost chambers [kiroth] of his heart, as it says, My bowels, my bowels, I writhe in pain! Kiroth [The chambers] of my heart etc.⁴ R. Levi said: [He prayed] with reference to [another] 'kir'. He said before Him: Sovereign of the Universe! The Shunammite woman made only one little chamber [on the roof] and Thou didst restore her son to life.⁵ How much more so then me whose ancestor⁶ overlaid the Temple with silver and gold! Remember now, O Lord, I beseech Thee, how I have walked before Thee in truth and with a whole heart, and have done that which is good in Thy sight.⁷ What means, 'I have done that which is good in Thy sight'? — Rab Judah says in the name of Rab: He joined the ge'ullah with the tefillah.⁸ R. Levi said: He hid away the Book of Cures.⁹

Our Rabbis taught:¹⁰ King Hezekiah did six things; of three of them they [the Rabbis] approved and of three they did not approve. Of three they approved: he hid away the Book of Cures; and they approved of it; he broke into pieces the brazen serpent,¹¹ and they approved of it; and he dragged the bones of his father [to the grave] on a bed of ropes,¹² and they approved of it.¹³ Of three they did not approve: He stopped up the waters of Gihon,¹⁴ and they did not approve of it; he cut off [the gold] from the doors of the Temple and sent it to the King of Assyria,¹⁵ and they did not approve of it; and he intercalated the month of Nisan during Nisan,¹⁶ and they did not approve of it. But did not Hezekiah accept the teaching: This month shall be unto you the beginning of months:¹⁷ [this means] that this is Nisan and no other month shall be Nisan?¹⁸ — He went wrong over the teaching enunciated by Samuel. For Samuel said: The year must not be declared a prolonged year on the thirtieth of Adar, since this day may possibly belong to Nisan;¹⁹ and he thought: We do not pay heed to this possibility.²⁰

R. Johanan said in the name of R. Jose b. Zimra: If a man makes his petition depend on his own merit, heaven makes it depend on the merit of others; and if he makes it depend on the merit of others, heaven makes it depend on his own merit. Moses made his petition depend on the merit of others, as it says, Remember Abraham, Isaac and Israel Thy servants!²¹ and Scripture made it depend on his own merit, as it says, Therefore He said that He would destroy them, had not Moses His chosen stood before Him in the breach to turn back His wrath, lest He should destroy them.²² Hezekiah made his petition depend on his own merit, as it is written: Remember now, O Lord, I beseech Thee, how I have walked before Thee,²³ and God made it depend on the merit of others, as it says, For I will defend this city to save it, for Mine own sake and for My servant David's sake.²⁴ And this agrees with R. Joshua b. Levi. For R. Joshua b. Levi said: What is the meaning of the verse, Behold for my peace I had great bitterness?²⁵ Even when the Holy One, blessed be He, sent him [the message of] peace it was bitter for him.²⁶

Let us make, I pray thee, a little chamber on the roof.²⁷ Rab and Samuel differ.²⁸ One says: It was an open upper chamber, and they put a roof on it. The other says: It was a large verandah, and they divided it into two.²⁹ For him who says that it was a verandah, there is a good reason why the text says kir [wall]. But how does he who says that it was an upper chamber account for the word kir? — [It is used] because they put a roof on it [kiruah]. For him who says it was an upper chamber there is a good reason why the text uses the word 'aliyath [upper chamber]. But how does he who says it was a verandah account for the word 'aliyath? — It was the best [me'ulla]³⁰ of the rooms.

And let us set for him there a bed, and a table, and a stool and a candlestick.³¹ Abaye (or as some say, R. Isaac) said: If one wants to benefit from the hospitality of another, he may benefit, as Elisha did;³² and if he does not desire to benefit, he may refuse to do so, as Samuel the Ramathite did,³³ of whom we read, And his return was to Ramah, for there was his house;³⁴ and R. Johanan said: [This teaches that] wherever he travelled, his house was with him.³⁵

And she said unto her husband: Behold now, I perceive that he is a holy man of God.³⁶ R. Jose b. Hanina said: You learn from this that a woman recognizes the character of a guest better than a man. 'A holy man'. How did she know this? — Rab and Samuel gave different answers. One said: Because she never saw a fly pass by his table. The other said: She spread a sheet of linen over his bed, and she never saw a nocturnal pollution on it. He is a holy [man]. R. Jose son of R. Hanina said: He is holy, but his attendant is not holy. For so it says: And Gehazi came near to thrust her away;³⁷ R. Jose son of Hanina said: He seized her by the breast.³⁸

That passeth by us continually.³⁹ R. Jose son of R. Hanina said in the name of R. Eliezer b. Jacob: If a man entertains a scholar in his house and lets him enjoy his possessions, Scripture accounts it to him as if he had sacrificed the daily burnt-offering.⁴⁰

R. Jose son of Hanina further said in the name of R. Eliezer b. Jacob: A man should not stand on a high place when he prays, but he should pray in a lowly place, as it says; Out of the depths have I called Thee, O Lord.⁴¹ It has been taught to the same effect: A man should not stand on a chair or on a footstool or on a high place to pray, but he should pray in a lowly place, since there is no elevation before God, and so it says, 'Out of the depths have I called Thee, O Lord', and it also says, A prayer of the afflicted, when he fainteth.⁴²

R. Jose son of R. Hanina also said in the name of R. Eliezer b. Jacob: When one prays, he should place his feet in proper position,⁴³ as it says, And their feet were straight feet.⁴⁴

R. Jose son of R. Hanina also said in the name of R. Eliezer b. Jacob: What is the meaning of the verse, Ye shall not eat with the blood?⁴⁵ Do not eat before ye have prayed for your blood.⁴⁶ R. Isaac said in the name of R. Johanan, who had it from R. Jose son of R. Hanina in the name of R. Eliezer b. Jacob: If one eats and drinks and then says his prayers, of him the Scripture says, And hast cast Me behind thy back.⁴⁷ Read not gaweka [thy back], but geeka [thy pride]. Says the Holy One, blessed be He: After⁴⁸ this one has exalted himself, he comes and accepts the kingdom of heaven!⁴⁹

R. JOSHUA SAYS: UNTIL THE THIRD HOUR. Rab Judah said in the name of Samuel: The halachah is as stated by R. Joshua.

HE WHO RECITES THE SHEMA' LATER LOSES NOTHING. R. Hisda said in the name of Mar 'Ukba: Provided he does not say the benediction of 'Who formest the light'.⁵⁰ An objection was raised from the statement: He who recites the Shema' later loses nothing; he is like one reading in the Torah, but he says two blessings before it and one after. Is not this a refutation of R. Hisda? It is [indeed] a refutation. Some there are who say: R. Hisda said in the name of Mar 'Ukba: What is the meaning of HE LOSES NOTHING? He does not lose the benedictions. It has been taught to the same effect: He who says the Shema' later loses nothing, being like one who reads from the Torah, but he says two blessings before and one after.

R. Mani said: He who recites the Shema' in its proper time is greater than he who studies the Torah.⁵¹ For since it says, HE WHO SAYS LATER LOSES NOTHING, BEING LIKE A MAN WHO READS IN THE TORAH, we may conclude that one who recites the Shema' at its proper time is superior. MISHNAH. BETH SHAMMAI SAY: IN THE EVENING EVERY MAN SHOULD RECLINE AND RECITE [THE SHEMA'], AND IN THE MORNING HE SHOULD STAND, AS IT SAYS, AND WHEN THOU LIEST DOWN AND WHEN THOU RISEST UP.⁵² BETH HILLEL, HOWEVER, SAY THAT EVERY MAN SHOULD RECITE IN HIS OWN WAY, AS IT SAYS, AND WHEN THOU WALKEST BY THE WAY.⁵³ WHY THEN IS IT SAID, AND WHEN THOU LIEST DOWN AND WHEN THOU RISEST UP? [THIS MEANS], AT THE TIME WHEN PEOPLE LIE DOWN AND AT THE TIME WHEN PEOPLE RISE UP. R. TARFON SAID:

I WAS ONCE WALKING BY THE WAY AND I RECLINED TO RECITE THE SHEMA' IN THE MANNER PRESCRIBED BY BETH SHAMMAI, AND I INCURRED DANGER FROM ROBBERS. THEY SAID TO HIM: YOU DESERVED TO COME TO HARM, BECAUSE YOU ACTED AGAINST THE OPINION OF BETH HILLEL.

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- (1) This seems to be simply a periphrasis for 'if a man is told in a dream'. Two explanations are then possible of what follows. (i) If he dreams and the dream so far comes true that a sword is placed on his neck, still he should pray. (ii) Even if he only dreams this, he should still pray etc. (R. Bezael of Regensburg.)
- (2) Eccl. V, 6. Apparently this is how R. Hanan understands the verse. E.V. Through the multitude and vanities there are also many words.
- (3) Isa. XXXVIII, 2. MS.M. adds: Finally he gave him his daughter (in marriage) and there issued from him Menasseh and Rabshakeh. One day he (Hezekiah) carried them on his shoulder to the Synagogue (Var. lec. to the house of learning) and one of them said, 'Father's bald head is good for breaking nuts on', while the other said, 'it is good for roasting fish on. He thereupon threw them both on the ground and Rabshakeh was killed, but not Menasseh. He then applied to them the verse, The instruments also of the churl are evil; he deviseth wicked devices. (Isa. XXXII, 7).
- (4) Jer. IV, 19.
- (5) V. II Kings IV, 10.
- (6) King Solomon.
- (7) Isa. XXXVIII, 3. This comes in the prayer of Hezekiah.
- (8) V. supra, 9b.
- (9) A book containing remedies for various illnesses which Hezekiah hid from the public in order that people might pray for healing to God; v. infra.
- (10) V. Pes. 56a.
- (11) V. II Kings XVIII, 4.
- (12) Instead of giving him a royal burial.
- (13) Because Ahaz was a wicked man.
- (14) V. II Chron. XXXII, 30.
- (15) V. II Kings XVIII, 16.
- (16) V. II Chron. XXX, 2.
- (17) Ex. XII, 2.
- (18) I.e., a second Nisan must not be intercalated.
- (19) If the new moon is observed on it.
- (20) And he declared the month Adar Sheni (Second Adar).
- (21) Ex. XXXII, 13.
- (22) Ps. CVI, 23.
- (23) Isa. XXXVIII, 3.
- (24) Ibid. XXXVII 35.
- (25) Ibid. XXXVIII, 17.
- (26) Because it was not made to depend on his own merit.
- (27) II Kings IV, 10.
- (28) In the explanation of **עלית קיר** which means literally 'an upper chamber of (with) a wall'.
- (29) By means of a wall.
- (30) Lit., 'elevated'.
- (31) II Kings IV, 10.
- (32) There is no prohibition against this.
- (33) And this is not to be taken as a sign of pride or enmity.
- (34) I Sam. VII, 17.
- (35) I.e., he did not accept the hospitality of the people. R. Johanan takes the word 'there' to refer to all the places mentioned above.
- (36) II Kings IV, 9.
- (37) Ibid. 27.
- (38) Lit. , 'the pride of her beauty', **בהוד יפיה** , a play on the word **להדפה** , 'to thrust her away'.

- (39) Ibid. 9.
 (40) Which is also called tamid, lit., 'continually'.
 (41) Ps. CXXX, 1.
 (42) Ibid. CII, 1.
 (43) I.e., close together and level.
 (44) Ezek. I, 7.
 (45) Lev. XIX, 26.
 (46) I.e., life.
 (47) I Kings XIV, 9.
 (48) The same Hebrew word may be translated 'behind' and 'after'.
 (49) The technical term for reciting the Shema'.
 (50) The first of the two introductory benedictions to the Shema'. V. P. B. p. 37.
 (51) If he who says later is as good, he who says at the proper time must be better.
 (52) Deut. VI, 7.
 (53) Ibid.

Talmud - Mas. Berachoth 11a

GEMARA. Beth Hillel cause no difficulty; they explain their own reason and the reason [why they reject the opinion] of Beth Shammai. But why do not Beth Shammai accept the view of Beth Hillel? — Beth Shammai can reply: If this is so,¹ let the text say, 'In the morning and in the evening'. Why does it say, 'When thou liest down and when thou risest up'? To show that in the time of lying down there must be actual lying down, and in the time of rising up there must be actual rising up. And how do Beth Shammai explain the words 'And when thou walkest by the way'? — They need it for the following, as has been taught: 'When thou sittest in thy house':² this excludes a bridegroom. 'And when thou walkest by the way': this excludes one who is occupied with the performance of a religious duty.³ Hence they laid down that one who marries a virgin is free [from the obligation to say the Shema' in the evening] while one who marries a widow is bound.⁴ How is the lesson⁵ derived? — R. Papa said: [The circumstances must be] like a 'way'. As a 'way' [journey] is optional, so whatever is optional [does not exempt from the obligation]. But does not the text treat [also] of one who is going to perform a religious duty, and even so the All Merciful said that he should recite? — If that were so, the All Merciful should have written [simply], 'While sitting and while walking'. What is the implication of when thou sittest and when thou walkest? — In the case of thy sitting and thy walking thou art under the obligation, but in the case of performing a religious duty thou art exempt. If that is so, one who marries a widow should also be exempt? — The one⁶ is agitated, the other not. If a state of agitation is the ground, it would apply also the the case of his ship sinking at sea! And should you say, Quite so, why did R. Abba b. Zabda say in the name of Rab: A mourner is under obligation to perform all the precepts laid down in the Torah except that of the tefillin, because the term 'headtire' is applied to them, as it says, Bind thy headtire upon thee?⁷ — In that case the agitation is over a religious duty, here it is over an optional matter.

And Beth Shammai?⁸ — They require it to exclude persons on a religious mission.⁹ And Beth Hillel?¹⁰ — They reply: Incidentally it tells you that one recites also by the way.¹¹

Our Rabbis taught: Beth Hillel say that one may recite the Shema' standing, one may recite it sitting, one may recite it reclining, one may recite it walking on the road, one may recite it at one's work. Once R. Ishmael and R. Eleazar b. Azariah were dining at the same place, and R. Ishmael was reclining while R. Eleazar was standing upright. When the time came for reciting the Shema', R. Eleazar reclined and R. Ishmael stood upright. Said R. Eleazar b. Azariah to R. Ishmael: Brother Ishmael, I will tell you a parable. To what is this [our conduct] like? It is like that of a man to whom people say, You have a fine beard, and he replies, Let this go to meet the destroyers.¹² So now, with you: as long as I was upright you were reclining, and now that I recline you stand upright!¹³ He

replied: I have acted according to the rule of Beth Hillel and you have acted according to the rule of Beth Shammai. And what is more, [I had to act thus], lest the disciples should see and fix the halachah so for future generations. What did he mean by 'what is more'? He meant: Should you argue that Beth Hillel also allow reclining, [I reply that] this is the case only where one was reclining from the first. Here, however, since at first you were upright and now you recline, they may say, This shows that they [both] are of the opinion of Beth Shammai, and perhaps the disciples will see and fix the halachah so for future generations.

R. Ezekiel learnt: If one follows the rule of Beth Shammai he does right, if one follows the rule of Beth Hillel he does right. R. Joseph said: If he follows the rule of Beth Shammai, his action is worthless, as we have learnt: If a man has his head and the greater part of his body in the sukkah¹⁴ while the table is in the house, Beth Shammai declare his action void, while Beth Hillel declare it valid. Said Beth Hillel to Beth Shammai: Once the Elders of Beth Shammai and the Elders of Beth Hillel went to visit R. Johanan b. Ha-horanith, and they found him with his head and the greater part of his body in the sukkah while the table was in the house, and they made no objection. They replied: Do you bring a proof from this?¹⁵ [The fact is that] they also said to him: If such has been your regular custom, you have never performed the precept of the sukkah in your lifetime.¹⁶ R. Nahman b. Isaac said: One who follows the rule of Beth Shammai makes his life forfeit, as we have learnt: R. TARFON SAID: I WAS ONCE WALKING BY THE WAY AND I RECLINED TO RECITE THE SHEMA' IN THE MANNER PRESCRIBED BY BETH SHAMMAI, AND I INCURRED DANGER FROM ROBBERS. THEY SAID TO HIM: YOU DESERVED TO COME TO HARM, BECAUSE YOU ACTED AGAINST THE OPINION OF BETH HILLEL.

MISHNAH. IN THE MORNING TWO BLESSINGS ARE TO BE SAID BEFORE IT¹⁷ AND ONE AFTER IT. IN THE EVENING TWO ARE SAID BEFORE IT AND TWO AFTER IT, ONE LONG AND ONE SHORT.¹⁸ WHERE THEY [THE SAGES] LAID DOWN THAT A LONG ONE SHOULD BE SAID, IT IS NOT PERMITTED TO SAY A SHORT ONE. WHERE THEY ORDAINED A SHORT ONE A LONG ONE IS NOT PERMITTED. [A PRAYER] WHICH THEY ORDERED TO BE CONCLUDED [WITH A BENEDICTION]¹⁹ MUST NOT BE LEFT WITHOUT SUCH A CONCLUSION; ONE WHICH THEY ORDERED TO BE LEFT WITHOUT SUCH A CONCLUSION MUST NOT BE SO CONCLUDED.

GEMARA. What benedictions does one say [in the morning]? R. Jacob said in the name of R. Oshaia:

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- (1) That only the time of the recital is meant.
 - (2) Ibid.
 - (3) This is the reading of MS.M., and this is the version found in Tosaf. Suk. 25a a.v. **ובלכתך** and elsewhere. Cur. edd. reverse the positions of 'bridegroom' and 'one who is occupied, etc.'
 - (4) V. infra.
 - (5) Relating to one who is occupied with the performance.
 - (6) The one who marries a virgin is worried as to whether he shall find her really such.
 - (7) Ezek. XXIV, 17. Ezekiel, though a mourner, was commanded exceptionally to wear his headtire, i.e., (as the Rabbis understand) tefillin, from which it is deduced that ordinarily a mourner does not do so. But the fact remains that worry as a rule does not exempt from the precepts.
 - (8) How do they interpret the words 'and when thou walkest by the way'? V. next note.
 - (9) This seems to be a repetition of the question and answer given above and is best left out with MS.M.
 - (10) How can they infer their view from this verse, seeing that it is required to exempt one who is occupied in performing a religious duty.
 - (11) I.e., in his own way, as explained above.
 - (12) As much as to say, I will have it cut off just to spite you.
 - (13) As if to spite me.

(14) V. Glos.

(15) In respect of fulfilling the precept of the sukkah, v. Suk. 28a.

(16) And since Beth Shammai invalidated action according to Beth Hillel, similarly Beth Hillel declared invalid action according to Beth Shammai.

(17) Sc. the Shema'.

(18) The reference is to the two that follow the evening Shema'.

(19) I.e., with the words, Blessed art Thou, O Lord, etc.

Talmud - Mas. Berachoth 11b

'[Blessed art Thou] who formest light and createst darkness'.¹ Let him say rather: 'Who formest light and createst brightness'? — We keep the language of the Scripture.² If that is so, [what of the next words in the text], Who makest peace and createst evil: do we repeat them as they are written? It is written 'evil' and we say 'all things' as a euphemism. Then here too let us say 'brightness' as a euphemism! — In fact, replied Raba, it is in order to mention the distinctive feature of the day in the night-time and the distinctive feature of the night in the day-time. It is correct that we mention the distinctive feature of the night in the day-time, as we say, 'Who formest light and createst darkness'.³ But where do you find the distinctive feature of the day mentioned in the night-time? — Abaye replied: [In the words,] 'Thou rollest away the light from before the darkness and the darkness from before the light'.⁴

Which is the other [benediction]?⁵ — Rab Judah said in the name of Samuel: 'With abounding love'.⁶ So also did R. Eleazar instruct his son R. Pedath [to say]: 'With abounding love'. It has been taught to the same effect: We do not say, 'With everlasting love', but 'With abounding love'. The Rabbis, however, say that 'With everlasting love'⁷ is said; and so it is also said, Yea, I have loved thee with an everlasting love; therefore with affection I have drawn thee.⁸

Rab Judah said in the name of Samuel: If one rose early to study [the Torah] before he had recited the Shema', he must say a benediction [over the study]. But if he had already recited the Shema', he need not say a benediction, because he has already become quit by saying 'With abounding love'.⁹

R. Huna said: For the reading of Scripture it is necessary to say a benediction,¹⁰ but for the study of the Midrash¹¹ no benediction is required. R. Eleazar, however, says that for both Scripture and Midrash a benediction is required, but not for the Mishnah. R. Johanan says that for the Mishnah also a benediction is required, [but not for the Talmud]. Raba said: For the Talmud also it is necessary to say a blessing. R. Hiyya b. Ashi said:¹² Many times did I stand before Rab to repeat our section in the Sifra of the School of Rab,¹³ and he used first to wash his hands and say a blessing, and then go over our section with us.¹⁴

What benediction is said [before the study of the Torah]? — Rab Judah said in the name of Samuel: [Blessed art Thou . . .] who hast sanctified us by Thy commandments, and commanded us to study the Torah.¹⁵ R. Johanan used to conclude as follows:¹⁶ 'Make pleasant, therefore, we beseech Thee, O Lord our God, the words of Thy Torah in our mouth and in the mouth of Thy people the house of Israel, so that we with our offspring and the offspring of Thy people the house of Israel may all know Thy name and study Thy Torah. Blessed art Thou, O Lord, who teachest Torah to Thy people Israel'.¹⁷ R. Hamnuna said: '[Blessed art Thou . . .] who hast chosen us from all the nations and given us Thy Torah. Blessed art Thou, O Lord, who givest the Torah'.¹⁸ R. Hamnuna said: This is the finest of the benedictions. Therefore let us say all of them.¹⁹

We have learnt elsewhere:²⁰ The deputy high priest²¹ said to them [the priests], Say one benediction, and they said the benediction and recited the Ten Commandments, the Shema', the section 'And it shall come to pass if ye hearken diligently', and 'And the Lord said',²² and recited

with the people three benedictions, viz ., ‘True and firm’,²³ the benediction of the ‘Abodah,²⁴ and the priestly benediction.²⁵ On Sabbath they said an additional benediction for the outgoing watch.²⁶ Which is the ‘one benediction’ referred to above? The following will show. R. Abba and R. Jose came to a certain place the people of which asked them what was the ‘one benediction’ [referred to], and they could not tell them. They went and asked R. Mattena, and he also did not know. They then went and asked Rab Judah, who said to them: Thus did Samuel say: It means, ‘With abounding love’. R. Zerika in the name of R. Ammi, who had it from R. Simeon b. Lakish said: It is, ‘Who formest light’. When R. Isaac b. Joseph came [from Palestine] he said: This statement of R. Zerika was not made explicitly [by R. Simeon b. Lakish], but was inferred by him [from another statement]. For R. Zerika said in the name of R. Ammi, who had it from R. Simeon b. Lakish: This²⁷ shows that the recital of one blessing is not indispensable for that of the other. Now if you say that they used to recite ‘Who formest the light’, it is correct to infer that the recital of one blessing is not indispensable for that of the other, since they did not say, ‘With abounding love’.

(1) V. P.B. P. 37.

(2) The words are a quotation from Isa. XLV, 7.

(3) This formula is said only in the morning prayer.

(4) V. P.B. p. 96.

(5) Said before the morning Shema’.

(6) V. P.B. p. 39.

(7) In fact this blessing is now said in the evening. V. P.B. p. 96.

(8) Jer. XXXI, 3.

(9) This blessing contains a benediction over the Torah, v. P.B. p. 39.

(10) In the morning, v. P. B. p. 4.

(11) The exegetical midrashim of the Torah (Sifra, Sifre and Mekilta) are referred to.

(12) So MS.M. Curr. ed., ‘For R. Hiyya b. Ashi, etc.’.

(13) Sifra debe Rab, an halachic Midrash on Leviticus, v. J.E. XI, p. 330.

(14) This proves that over Midrash a benediction is required.

(15) V. P.B. p. 4.

(16) In order both to open and close with a benediction.

(17) P.B. p. 4.

(18) Ibid.

(19) Alfasi and R. Asher have before these last words: R. Papa says.

(20) Tamid 32b.

(21) Memuneh; lit., ‘the appointed one’; v. Yoma, Sonc. ed., p. 97, n. 3.

(22) The second and third sections of the Shema’, Deut. XI, 13ff. and Num. XV, 37ff. V. P.B. p. 40ff.

(23) V. P.B. p. 42.

(24) The benediction commencing ‘Accept, O Lord our God’ in the Amidah. V. P.B. p. 50.

(25) V. P.B. P. 53.

(26) The priestly watches in the Temple (which were twenty-four in number) were changed every week.

(27) The fact that they said one blessing only.

Talmud - Mas. Berachoth 12a

But if you say that they used to say, ‘With abounding love’, how can you infer that one blessing is not indispensable for the recital of the other? Perhaps the reason why they did not say, ‘Who formest the light’ was because the time for it had not yet arrived,¹ but when the time for it did arrive, they used to say it! And if this statement was made only as an inference, what does it matter? — If it was made only as an inference [I might refute it as follows]: In fact, they said, ‘With abounding love’, and when the time came for ‘Who formest the light’, they said that too. What then is the meaning of ‘One blessing is not indispensable for the other’? The order of the blessings is not indispensable.

‘They recited the Ten Commandments, the Shema’, the sections "And it shall come to pass if ye diligently hearken", and "And the Lord said", "True and firm", the ‘Abodah, and the priestly benediction’. Rab Judah said in the name of Samuel: Outside the Temple also people wanted to do the same,² but they were stopped on account of the insinuations of the Minim.³ Similarly it has been taught: R. Nathan says, They sought to do the same outside the Temple,⁴ but it had long been abolished on account of the insinuations of the Minim. Rabbah b. Bar Hanah⁵ had an idea of instituting this in Sura,⁶ but R. Hisda said to him, It had long been abolished on account of the insinuations of the Minim. Amemar had an idea of instituting it in Nehardea, but R. Ashi said to him, It had long been abolished on account of the insinuations of the Minim.

‘On Sabbath they said an additional blessing on account of the outgoing watch’. What was this benediction? — R. Helbo said: The outgoing watch said to the incoming one, May He who has caused His name to dwell in this house cause to dwell among you love and brotherhood and peace and friendship.

WHERE THEY ORDAINED THAT A LONG BENEDICTION SHOULD BE SAID. There is no question that where a man took up a cup of wine thinking that it was beer and commenced [with the intention to say the benediction] for beer but finished with that of wine, he has fulfilled his obligation. For even had he said the benediction, ‘By whose word all things exist’,⁷ he would have fulfilled his duty, as we have learnt: ‘In the case of all of them,⁸ if he says, "By whose word all things exist", he has performed his obligation’.⁹ But where he took up a cup of beer thinking it was wine and began [with the intention to say the benediction] for wine and finished with the benediction for beer, the question arises, do we judge his benediction according to its beginning or according to its ending? — Come and hear: ‘In the morning, if one commenced with [the intention to say] "Who formest light" and finished with "Who bringest on the evening twilight",¹⁰ he has not performed his obligation; if he commences [with the intention to say] "Who bringest on the evening twilight" and finished with Who formest the light", he has performed his obligation. In the evening, if one commenced [with the intention to say] "Who bringest on the evening twilight" and finished with "Who formest the light", he has not performed his obligation; if he begins with [the intention to say] "Who formest the light" and closes with "Who bringest on the evening twilight", he has performed his obligation. The principle is that the final form is decisive’. — It is different there because [at the end] he says, ‘Blessed art Thou who formest the luminaries’.¹¹ This would be a good argument for Rab who said that any blessing that does not contain the mention of God's name is no blessing.¹² But if we accept the view of R. Johanan who said that any blessing that does not contain a mention of the divine kingship is no blessing, what can be said?¹³ Rather [we must reply]: Since Rabbah b. ‘Ulla has said: So as to mention the distinctive quality of the day in the night-time and the distinctive feature of the night in the day-time,¹⁴ [we may assume that] when he said a blessing [with the divine name] and with the kingship¹⁵ in the beginning, he refers to both of them.¹⁶

Come and hear from the concluding clause: ‘The principle is that the final form is decisive’. What further case is included by the words ‘the principle is’? Is it not the one we have mentioned?¹⁷ — No; it is to include bread and dates. How are we to understand this? Shall I say that he ate bread thinking that he was eating dates,¹⁸ and commenced [with the intention of saying the benediction] for dates and finished [with the blessing for] bread? This is just the same thing! — No, this is required [for the case where] he ate dates thinking that he was eating bread, and he began with [the intention to say the blessing] for bread and finished with that of dates. In this case he has fulfilled his obligation; for even if he had concluded with the blessing for bread, he would also have fulfilled it. What is the reason? — Because dates also give sustenance.¹⁹

Raba b. Hinena the elder said in the name of Rab: If one omits to say True and firm²⁰ in the morning and ‘True and trustworthy’²¹ in the evening, he has not performed his obligation; for it is said, To declare Thy lovingkindness in the morning and Thy faithfulness in the night seasons.²²

Raba b. Hinena the elder also said in the name of Rab: In saying the Tefillah, when one bows,²³ one should bow at [the word] 'Blessed' and when returning to the upright position one should return at [the mention of] the Divine Name. Samuel said: What is Rab's reason for this? — Because it is written: The Lord raiseth up them that are bowed down.²⁴ An objection was raised from the verse, And was bowed before My name?²⁵ — Is it written, 'At My name'? It is written, 'Before My Name'.²⁶ Samuel said to Hiyya the son of Rab: O, Son of the Law, come and I will tell you a fine saying enunciated by your father.²⁷ Thus said your father: When one bows, one should bow at 'Blessed', and when returning to the upright position, one should return at [the mention of] the Divine Name.

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- (1) The priests of the watch used to say the Shema' before daybreak. V. infra.
 - (2) To say the Ten Commandments before the Shema'.
 - (3) That the Ten Commandments were the only valid part of the Torah. V. Glos. s.v. Min.
 - (4) Lit., 'in the borders', 'outlying districts'.
 - (5) MS.M. reads: 'Rabbah b. R. Huna', which is more correct; v. D.S. a.l.
 - (6) In Babylon, the seat of the famous School founded by Rab.
 - (7) The blessing over all liquors except wine. V. P.B. p. 290.
 - (8) Even wine.
 - (9) V. infra 40a.
 - (10) Instead of the morning formula 'Who formest light' he employed the evening formula, P.B. p. 96.
 - (11) Which is the concluding formula of the morning benediction and is a complete blessing by itself. Hence we can disregard the beginning. The same is not the case with wine and beer where there was no benediction to rectify the error made at the beginning.
 - (12) Which implies that if this condition is fulfilled, it is a blessing.
 - (13) According to R. Johanan, since the concluding formula does not contain the words 'King of the Universe', it cannot be considered a complete benediction.
 - (14) V. supra 11b.
 - (15) The reference is to the introductory words 'who createst darkness' in the morning benediction and 'who rollest away light' in the evening benediction, which makes either of them appropriate for either morning or evening. These in turn are introduced by the formula making mention of Divine Kingship.
 - (16) Hence in this case the beginning too was in order, but not in the case of wine and beer.
 - (17) Of wine and beer.
 - (18) The benediction after which is different from that after bread. V. P. B. p. 287 for the former and p. 280 for the latter.
 - (19) Like bread, which is regarded as food par excellence.
 - (20) V. P.B. p. 42.
 - (21) V. ibid. P.
 - (22) Ps. XCII, 3.
 - (23) One has to bow four times in the course of the Tefillah: at the beginning and end of the first benediction (v. P. B. p. 44) and at 'We give thanks unto Thee' (p. 51) and at the close of the last but one benediction (p. 53).
 - (24) Ps. CXLVI, 8.
 - (25) Mal. II, 5. E.V. 'And was afraid of My name'.
 - (26) I.e., before the mention of the name.
 - (27) Samuel outlived Rab.

Talmud - Mas. Berachoth 12b

R. Shesheth, when he bowed, used to bend like a reed,¹ and when he raised himself, used to raise himself like a serpent.²

Raba b. Hinena the elder also said in the name of Rab: Throughout the year one says in the Tefillah, 'The holy God', and 'King who lovest righteousness and judgment',³ except during the ten

days between New Year and the Day of Atonement, when he says, 'The holy King' and 'The King of judgment'. R. Eleazar says: Even during these days, if he said, 'The holy God', he has performed his obligation, since it says, But the Lord of Hosts is exalted through justice, and the holy God is sanctified through righteousness:⁴ When is the Lord of Hosts exalted through justice? In these ten days from New Year to the Day of Atonement; and none-the-less it says, 'the holy God'. What do we decide?⁵ — R. Joseph said: 'The holy God' and 'The King who loves righteousness and judgment'; Rabbah said: 'The holy King' and 'The King of judgment'. The law is as laid down by Rabbah.

Raba b. Hinena the elder said further in the name of Rab: If one is in a position to pray on behalf of his fellow and does not do so, he is called a sinner, as it says, Moreover as for me, far be it from me that I should sin against the Lord in ceasing to pray for you.⁶ Raba said: If [his fellow] is a scholar, he must pray for him even to the point of making himself ill. What is the ground for this? Shall I say, because it is written, There is none of you that is sick for me or discloseth unto me?⁷ Perhaps the case of a king is different. It is in fact derived from here: But as for me, when they⁸ were sick, my clothing was sackcloth, I afflicted my soul with fasting.⁹

Raba b. Hinena the elder further said in the name of Rab: If one commits a sin and is ashamed of it,¹⁰ all his sins are forgiven him, as it says, That thou mayest remember and be confounded, and never open thy mouth any more, because of thy shame; when I have forgiven thee all that thou hast done, saith the Lord God.¹¹ Perhaps with a whole congregation the case is different? — Rather [we derive it] from here: And Samuel said to Saul, Why hast thou disquieted me to bring me up? And Saul answered, I am sore distressed; for the Philistines make war against me, and God is departed from me, and answereth me no more, neither by prophets nor by dreams; therefore I called thee that thou mayest make known unto me what I shall do.¹² But he does not mention the Urim and Thummim¹³ because he had killed all [the people of] Nob, the city of the priests.¹⁴ And how do we know that Heaven had forgiven him? — Because it says, And Samuel said . . . Tomorrow shalt thou and thy sons be with me,¹⁵ and R. Johanan said: 'With me means, in my compartment [in Paradise]. The Rabbis say [we learn it] from here: We will hang them up unto the Lord in Gibeah of Saul, the chosen of the Lord.¹⁶ A divine voice came forth and proclaimed: The chosen of the Lord.¹⁷

R. Abbahu b. Zutrathi said in the name of R. Judah b. Zebida: They wanted to include the section of Balak¹⁸ in the Shema', but they did not do so because it would have meant too great a burden for the congregation.¹⁹ Why [did they want to insert it]? — Because it contains the words, God who brought them forth out of Egypt.²⁰ Then let us say the section of usury²¹ or of weights²² in which the going forth from Egypt is mentioned? — Rather, said R. Jose b. Abin, [the reason is] because it contains the verse, He couched, he lay down as a lion, and as a lioness; who shall rouse him up?²³ Let us then say this one verse and no more? — We have a tradition that every section which our master, Moses, has divided off we may divide off, but that which our master, Moses, has not divided off, we may not divide off. Why did they include the section of fringes?²⁴ — R. Judah b. Habiba said: Because it makes reference to five²⁵ things — the precept of fringes, the exodus from Egypt, the yoke of the commandments, [a warning against] the opinions of the Minim, and the hankering after sexual immorality and the hankering after idolatry. The first three we grant you are obvious: the yoke of the commandments, as it is written: That ye may look upon it and remember all the commandments of the Lord;²⁶ the fringes, as it is written: That they make for themselves fringes;²⁷ the exodus from Egypt, as it is written: Who brought you out of the land of Egypt.²⁸ But where do we find [warnings against] the opinions of the heretics, and the hankering after immorality and idolatry? — It has been taught: After your own heart:²⁹ this refers to heresy; and so it says, The fool hath said in his heart, There is no God.³⁰ After your own eyes:²⁹ this refers to the hankering after immorality; and so it says, And Samson said to his father, Get her for me, for she is pleasing in my eyes.³¹ After which ye use to go astray:²⁹ this refers to the hankering after idolatry; and so it says, And they went astray after the Baalim.³²

MISHNAH. THE EXODUS FROM EGYPT IS TO BE MENTIONED [IN THE SHEMA'] AT NIGHT-TIME. SAID R. ELEAZAR B. AZARIAH: BEHOLD I AM ABOUT³³ SEVENTY YEARS OLD,³³ AND I HAVE NEVER BEEN WORTHY TO [FIND A REASON] WHY THE EXODUS FROM EGYPT SHOULD BE MENTIONED AT NIGHTTIME UNTIL BEN ZOMA EXPOUNDED IT: FOR IT SAYS: THAT THOU MAYEST REMEMBER THE DAY WHEN THOU CAMEST FORTH OUT OF THE LAND OF EGYPT ALL THE DAYS OF THY LIFE.³⁴ [HAD THE TEXT SAID,] 'THE DAYS OF THY LIFE' IT WOULD HAVE MEANT [ONLY] THE DAYS; BUT 'ALL THE DAYS OF THY LIFE' INCLUDES THE NIGHTS AS WELL. THE SAGES, HOWEVER, SAY: 'THE DAYS OF THY LIFE REFERS TO THIS WORLD; ALL THE DAYS OF THY LIFE' IS TO ADD THE DAYS OF THE MESSIAH.

GEMARA. It has been taught: Ben Zoma said to the Sages: Will the Exodus from Egypt be mentioned in the days of the Messiah? Was it not long ago said: Therefore behold the days come, saith the Lord, that they shall no more say: As the Lord liveth that brought up the children of Israel out of the land of Egypt; but, As the Lord liveth that brought up and that led the seed of the house of Israel out of the north country and from all the countries whither I had driven them?³⁵ They replied: This does not mean that the mention of the exodus from Egypt shall be obliterated, but that the [deliverance from] subjection to the other kingdoms shall take the first place and the exodus from Egypt shall become secondary. Similarly you read: Thy name shall not be called any more Jacob, but Israel shall be thy name.³⁶

(1) I.e., sharply, all at once.

(2) Slowly and with effort.

(3) In the third and twelfth benedictions respectively, v. P.B. pp. 45 and 48.

(4) Isa. V, 16.

(5) What should be said on the ten days of penitence.

(6) I Sam. XII, 23.

(7) With reference to Saul. I Sam. XXII, 8. E.V. 'that is sorry for me'.

(8) This is said to refer to Doeg and Ahitophel, who were scholars.

(9) Ps. XXXV, 13.

(10) I.e., conscience-stricken.

(11) Ezek. XVI, 63.

(12) I Sam. XXVIII, 15.

(13) Though from v. 6 of this chapter it appears that he did consult the Urim.

(14) And his silence shows that he was conscience-stricken.

(15) I Sam. XXVIII, 16 and 19.

(16) II Sam. XXI, 6.

(17) And it was not the Gibeonites who said, this.

(18) Num. XXII-XXIV.

(19) On account of its length.

(20) Ibid. XXIII, 22.

(21) Lev. XXV, 35-38.

(22) Ibid. XIX, 36.

(23) Num. XXIV, 9. The reason is that it mentions 'lying down' and 'rising up'. Tanhuma substitutes XXIII, 24.

(24) Ibid. XV, 37-41.

(25) Var. lec.: 'six', which seems more correct.

(26) Ibid. XV, 39.

(27) Num. XV, 38.

(28) Ibid. 41.

(29) Ibid. 39.

(30) Ps. XIV, 1.

- (31) Judg. XIV, 3.
 (32) Ibid. VIII, 33.
 (33) Or, 'like one'. V. infra, 28a.
 (34) Deut. XVI, 3.
 (35) Jer. XXIII, 7. 8.
 (36) Gen. XXXV, 10.

Talmud - Mas. Berachoth 13a

This does not mean that the name Jacob shall be obliterated, but that Israel shall be the principal name and Jacob a secondary one. And so it says: Remember ye not the former things, neither consider the things of old.¹ 'Remember ye not the former things': this refers to the subjections to the other nations; 'Neither consider the things of old': this refers to the exodus from Egypt.

Behold I shall do a new thing; now shall it spring forth.² R. Joseph learnt: This refers to the war of Gog and Magog. A parable: To what is this like? To a man who was travelling on the road when he encountered a wolf and escaped from it, and he went along relating the affair of the wolf. He then encountered a lion and escaped from it, and went along relating the affair of the lion. He then encountered a snake and escaped from it, whereupon he forgot the two previous incidents and went along relating the affair of the snake. So with Israel: the later troubles make them forget the earlier ones.

Abram the same is Abraham.³ At first he became a father to Aram [Ab-Aram] only, but in the end he became a father to the whole world.⁴ [Similarly] Sarai is the same as Sarah. At first she became a princess to her own people, but later she became a princess to all the world.⁵ Bar Kappara taught: Whoever calls Abraham Abram transgresses a positive precept, since it says, Thy name shall be Abraham.⁶ R. Eliezer says: He transgresses a negative command,⁷ since it says, Neither shall thy name any more be called Abram.⁸ But if that is so, then the same should apply to one who calls Sarah Sarai? — In her case the Holy One, blessed be He, said to Abraham, As for Sarai thy wife, thou shalt not call her Sarai, but Sarah shall her name be.⁹ But if that is so, the same should apply to one who calls Jacob Jacob? — There is a difference in his case, because Scripture restored it [the name Jacob] to him, as it is written: And God spoke unto Israel in the visions of the night, and said, Jacob, Jacob.¹⁰ R. Jose b. Abin (or, as some say, R. Jose b. Zebida) cited in objection the following: Thou art the Lord, the God who didst choose Abram!¹¹ — The answer was given: There the prophet¹² is recounting the noble deeds of the All Merciful [and relates] that that was the case originally.

CHAPTER II

MISHNAH. IF ONE WAS READING IN THE TORAH [THE SECTION OF THE SHEMA'] WHEN THE TIME FOR ITS RECITAL ARRIVED, IF HE HAD THE INTENTION¹³ HE HAS PERFORMED HIS OBLIGATION. IN THE BREAKS¹⁴ ONE MAY GIVE GREETING OUT OF RESPECT¹⁵ AND RETURN GREETING; IN THE MIDDLE [OF A SECTION] ONE MAY GIVE GREETING OUT OF FEAR¹⁶ AND RETURN IT. SO R. MEIR. RABBI JUDAH SAYS: IN THE MIDDLE ONE MAY GIVE GREETING OUT OF FEAR AND RETURN IT OUT OF RESPECT, IN THE BREAKS ONE MAY GIVE GREETING OUT OF RESPECT AND RETURN GREETING TO ANYONE. THE BREAKS ARE AS FOLLOWS: BETWEEN THE FIRST BLESSING AND THE SECOND,¹⁷ BETWEEN THE SECOND AND 'HEAR', BETWEEN 'HEAR' AND 'AND IT SHALL COME TO PASS', BETWEEN AND IT SHALL COME TO PASS' AND 'AND THE LORD SAID AND BETWEEN AND THE LORD SAID' AND 'TRUE AND FIRM'.¹⁸ RABBI JUDAH SAYS: BETWEEN 'AND THE LORD SAID' AND 'TRUE AND FIRM' ONE SHOULD NOT INTERRUPT.

R. JOSHUA B. KORHAH SAID: WHY WAS THE SECTION OF 'HEAR' PLACED BEFORE THAT OF 'AND IT SHALL COME TO PASS'? SO THAT ONE SHOULD FIRST ACCEPT UPON HIMSELF THE YOKE OF THE KINGDOM OF HEAVEN¹⁹ AND THEN TAKE UPON HIMSELF THE YOKE OF THE COMMANDMENTS.²⁰ WHY DOES THE SECTION OF 'AND IT SHALL COME TO PASS' COME BEFORE THAT OF 'AND THE LORD SAID'? BECAUSE [THE SECTION] 'AND IT SHALL COME TO PASS' IS APPLICABLE BOTH TO THE DAY AND TO THE NIGHT,²¹ WHEREAS [THE SECTION] 'AND THE LORD SAID' IS APPLICABLE ONLY TO THE DAY.²²

GEMARA. This²³ proves that precepts must be performed with intent.²⁴ [No, perhaps] what IF HE HAD THE INTENTION means is, if it was his intention to read the Scripture? 'To read'? But surely he is reading! — [The Mishnah may refer] to one who is reading [a scroll] in order to revise it.²⁵

Our Rabbis taught: The Shema' must be recited as it is written.²⁶ So Rabbi. The Sages, however, say that it may be recited in any language. What is Rabbi's reason? — Scripture says: and they shall be,²⁷ implying, as they are they shall remain.²⁸ What is the reason of the Rabbis? — Scripture says 'hear',²⁹ implying, in any language that you understand.³⁰ Rabbi also must see that 'hear' is written? — He requires it [for the lesson]: Make your ear hear what your mouth utters.²¹ , The Rabbis, however, concur with the authority who says that even if he did not say it audibly he has performed his obligation. The Rabbis too must see that 'and they shall be' is written? — They require this to teach that he must not say the words out of order. Whence does Rabbi derive the rule that he must not say the words out of order? — He derives it from the fact that the [text says] 'ha-debarim' [the words] when it might have said simply debarim [words]. And the Rabbis? — They derive no lesson from the substitution of ha-debarim for debarim.

May we assume that Rabbi was of opinion that the whole Torah is allowed to be read in any language, since if you assume that it is allowed to be read only in the holy tongue, why the 'and they shall be' written by the All-Merciful? — This was necessary, because 'hear' is written.³¹ May we assume that the Rabbis were of opinion that the whole Torah is allowed to be read only in the holy tongue. since if you assume that it is allowed to be read only in any language. why the 'hear' written by the All-Merciful? — It is necessary because 'and they shall be' is written.³²

Our Rabbis taught: 'And they shall be'.³³ This teaches that they must not be read backwards. 'These words upon thy heart'.³³ Am I to say that the whole [first] section requires kawanah?³⁴ Therefore the text says 'these': up to this point kawanah is necessary, from this point kawanah is not necessary. So R. Eliezer. Said R. Akiba to him: Behold it says.

(1) Isa. XLIII, 18.

(2) Ibid. 29.

(3) I Chron. I, 27.

(4) As it says, Behold I have made thee a father of a multitude of nations, Gen. XVII, 5.

(5) 'Sarai' means literally 'my princess', Sarah 'princess' simply.

(6) Ibid.

(7) Which is more serious.

(8) Ibid.

(9) Sc. for you but not necessarily for others. Gen. XVII, 15.

(10) Ibid. XLVI, 2.

(11) Neh. IX, 7.

(12) Nehemiah, so called because he was here speaking under the guidance of the holy spirit.

(13) This is explained in the Gemara. Lit., 'he directed his heart'.

- (14) Between the sections, as presently explained.
- (15) E.g., to a teacher.
- (16) To one who he is afraid will harm him if he does not give greeting, but not merely out of respect.
- (17) V. P.B. p. 39.
- (18) Ibid. p. 42.
- (19) By proclaiming the unity of God.
- (20) By saying the words, if ye shall diligently hearken to all My commandments.
- (21) Since it mentions all the commandments.
- (22) Since it mentions only the precept of fringes, which is not obligatory by night.
- (23) The words IF HE HAD INTENTION.
- (24) And not, as it were, accidentally.
- (25) And is not attending to the sense.
- (26) I.e., in the original language.
- (27) Deut. VI, 6.
- (28) Lit., 'in their being they shall be'.
- (29) Ibid. 4.
- (30) The Hebrew verb shema', like the French entendre, means both 'hear' and 'understand'. (21) I.e., say it audibly.
- (31) And otherwise I might take this to imply, in any language.
- (32) Which otherwise I might take to imply, in the original only.
- (33) Deut. VI, 6.
- (34) The Hebrew word kavanah combines the meanings of attention and intention-attention to what is being said, intention to perform the commandment.

Talmud - Mas. Berachoth 13b

Which I command thee this day upon thy heart. From this you learn that the whole section requires to be said with kavanah. Rabbah b. Hanah said in the name of R. Johanan: The halachah is as laid down by R. Akiba. Some refer this statement¹ to the following. as it has been taught: One who reads the Shema' must pay proper attention² to what he says. R. Aha said in the name of R. Judah: If he has paid proper attention to the first section, he need not do so for the rest. Rabba b. Bar Hanah said in the name of R. Johanan: The halachah is as stated by R. Aha in the name of R. Judah.

Another [Baraita] taught: 'And they shall be': this teaches that they must not be said backwards. 'upon thy heart': R. Zutra says: Up to this point extends the command of kavanah,³ from this point only the command of reciting applies. R. Josiah says: Up to this point extends the command of reciting; from this point the command of kavanah applies. Why this difference in the application from this point of the command of reciting? [presumably] because it is written 'to speak of them';⁴ here too [in the first] also it is written, 'and thou shalt speak of them'!⁵ What he means is this: Up to this point applies the command both of kavanah and reciting; from this point onwards applies the command of reciting [even] without kavanah.⁶ And why this difference in the application up to the point of the command both of reciting and kavanah? [presumably] because it is written, upon thy heart and thou shalt speak of them?⁷ [In the second section] there too it is written, 'upon thy hearts to speak of them.'⁸ That text was required for the lesson enunciated by R. Isaac, who said: 'Ye shall put these my words [upon your hearts]';⁸ it is requisite that the placing [of the tefillin] should be opposite the heart.

The Master stated [above]: 'R. Josiah said: Up to this point extends the command of reciting; from this point onwards the command of kavanah applies'. Why this difference in the application from this point onward of the command of kavanah? [Presumably] because it is written, 'upon your heart'? There too [in the first section] also it is written upon thy heart? — What he meant is this: Up to this point applies the command of reciting and kavanah, from this point onwards applies that of kavanah [even] without reciting.⁹ Why this difference in the application up to this point of the

command of reciting and kawanah? [Presumably] because it is written, 'upon thy heart and thou shalt speak of them?' There too [in the second section] also it is written, 'upon your heart to speak of them'! These words have reference to words of Torah, and what the All-Merciful meant is this: Teach your children Torah, so that they may be fluent in them.

Our Rabbis taught: Hear, O Israel, the Lord our God, the Lord is one.¹⁰ Up to this point concentration¹¹ is required. So says R. Meir. Raba said: The halachah is as stated by R. Meir.

It has been taught: Symmachus says: Whoever prolongs the word ehad [one]. has his days and years prolonged. R. Aha b. Jacob said: [He must dwell] on the dalet.¹² R. Ashi said: Provided he does not slur over the heth.¹³ R. Jeremiah was once sitting before R. Hiyya b. Abba, and the latter saw that he was prolonging [the word ehad] very much. He said to him: Once you have declared Him king¹⁴ over [all that is] above and below and over the four quarters of the 'heaven, no more is required.

R. Nathan b. Mar 'Ukba said in the name of Rab Judah: 'upon thy heart' must be said standing. [Only] 'Upon thy heart'? How can you assume this? Rather say: Up to 'upon thy heart' must be said standing; from there onwards not [necessarily]. R. Johanan, however, said: The whole [first] section must be said standing. And R. Johanan in this is consistent; for Rabbah b. Bar Hanah said in the name of R. Johanan: The halachah is as stated by R. Aha in the name of R. Judah.¹⁵

Our Rabbis taught: 'Hear, O Israel, the Lord our God, the Lord is one': this was R. Judah the Prince's recital of the Shema'.¹⁶ Rab said once to R. Hiyya: I do not see Rabbi accept upon himself the yoke of the kingdom of heaven.¹⁷ He replied to him: Son of Princes!¹⁸ In the moment when he passes his hand over his eyes, he accepts upon himself the yoke of the kingdom of heaven. Does he finish it afterwards or does he not finish it afterwards?¹⁹ Bar Kappara said: He does not finish it afterwards; R. Simeon son of Rabbi said, He does finish it afterwards. Said Bar Kappara to R. Simeon the son of Rabbi: On my view that he does not finish it afterwards, there is a good reason why Rabbi always is anxious to take a lesson in which there is mention of the exodus from Egypt.²⁰ But on your view that he does finish it afterwards, why is he anxious to take such a lesson? — So as to mention the going forth from Egypt at the proper time.²¹

R. Ela the son of R. Samuel b. Martha said in the name of Rab: If one said 'Hear, O Israel, the Lord our God, the Lord is one', and was then overpowered by sleep, he has performed his obligation. R. Nahman said to his slave Daru: For the first verse prod me,²² but do not prod me for any more. R. Joseph said to R. Joseph the son of Rabbah: How did your father use to do? He replied: For the first verse he used to take pains [to keep awake], for the rest he did not use to take pains.

R. Joseph said: A man lying on his back should not recite the Shema'. [This implies] that he may not read [the Shema' lying on his back], but there is no objection to his sleeping in this posture. But did not R. Joshua b. Levi curse anyone who slept lying on his back?²³ In reply it was said: To sleeping thus if he turns over a little on his side there is no objection, but to read the Shema' thus is forbidden even if he turns over somewhat. But R. Johanan turned over a little and read the Scripture? — R. Johanan was an exception, because he was very corpulent.

IN THE BREAKS HE MAY GIVE GREETING etc. For what may he RETURN GREETING? Shall I say, out of respect? But seeing that he may give greeting, is there any question that he may return it? Rather [what I must say is]: He gives greeting out of respect and returns greeting to anyone. [But then] read the next clause: IN THE MIDDLE HE GIVES GREETING OUT OF FEAR AND RETURNS IT. Returns it for what reason? Shall I say, out of fear? But seeing that he may give greeting, is there any question that he may return it? Rather [what we must say is], out of respect. But then this is the view of R. Judah,²⁴ as we learn, R. JUDAH SAYS: IN THE MIDDLE HE

GIVES GREETING OUT OF FEAR AND RETURNS IT OUT OF RESPECT, AND IN THE BREAKS HE GIVES GREETING OUT OF RESPECT AND RETURNS GREETING TO ANYONE? — There is a lacuna, and [our Mishnah] should read as follows: IN THE BREAKS HE GIVES GREETING OUT OF RESPECT, and needless to say he may return it, AND IN THE MIDDLE HE GIVES GREETING OUT OF FEAR and needless to say he may return it. So R. Meir. R. Judah says: IN THE MIDDLE HE GIVES GREETING OUT OF FEAR AND RETURNS IT OUT OF RESPECT,

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- (1) Of Rabbah b. Bar Hanah's statement of the halachah.
 - (2) Lit., 'direct his heart'. I.e., have kawanah.
 - (3) Presumably kawanah here means concentration without reciting, i.e., reading with the eyes.
 - (4) Ibid. VI; XI. This is the command of reciting.
 - (5) Deut. VI.
 - (6) I.e., attention is optional.
 - (7) Ibid. 6.
 - (8) Ibid. XI, 18. E.V. 'lay up in your heart'.
 - (9) I.e., it is permitted to read with the eyes.
 - (10) Ibid. VI, 4.
 - (11) Lit., 'direction of the heart'.
 - (12) Because the word does not mean 'one' till he comes to this letter.
 - (13) Omitting its vowel and so make the word meaningless.
 - (14) I.e., in your thoughts while saying the word.
 - (15) Supra, that the first section requires kawanah.
 - (16) I.e., he said only this verse and no more.
 - (17) V. supra, p. 75 n. 7. Rabbi commenced studying with his disciples before daybreak and did not break off when the time came for reciting the Shema'
 - (18) I.e., of great scholars; Rab was a nephew of R. Hiyya.
 - (19) After he dismisses his disciples.
 - (20) As a substitute for this, the third section, which deals with the exodus.
 - (21) I.e., when the Shema' is to be recited.
 - (22) Lit., 'worry me so that I may be wide awake'.
 - (23) V. infra 15a.
 - (24) Who is supposed to differ from R. Meir, whose views we have been stating so far.

Talmud - Mas. Berachoth 14a

AND IN THE BREAKS HE GIVES GREETING OUT OF RESPECT AND RETURNS IT TO ANYONE. It has been taught similarly: If one was reciting the Shema' and his teacher or superior meets him in the breaks, he may give greeting out of respect, and needless to say he may return it, and in the middle he may give greeting out of fear and needless to say he may return it. So R. Meir. R. Judah said: In the middle he may give greeting out of fear and return it out of respect, and in the breaks he may give greeting out of respect and return it to anyone.

Ahi the Tanna¹ of the school of R. Hiyya put a question to R. Hiyya: What of interrupting [to give greeting] during the recital of Hallel² and the reading of the Megillah?² Do we argue a fortiori that if he may interrupt during the recital of the Shema' which is a Biblical precept, there is no question that he may do so during the recital of Hallel, which is a Rabbinical precept, or do we say that the proclaiming of the miracle³ is more important? — He replied: He may interrupt, and there is no objection. Rabbah said: On the days on which the individual says the complete Hallel,⁴ he may interrupt between one section and another but not in the middle of a section; on the days on which the individual does not say the complete Hallel⁵ he may interrupt even in the middle of a section. But that is not so. For surely Rab b. Shaba once happened to visit Rabina on one of the days on which the

individual does not say the complete Hallel and he [Rabina] did not break off to greet him? — It is different with Rab b. Shaba, because Rabina had no great respect for him.

Ashian the Tanna' of the school of R. Ammi enquired of R. Ammi: May one who is keeping a [voluntary]⁶ fast take a taste?⁷ Has he undertaken to abstain from eating and drinking, and this is really not such, or has he undertaken not to have any enjoyment, and this he obtains? — He replied: He may taste, and there is no objection. It has been taught similarly: A mere taste does not require a blessing, and one who is keeping a [voluntary] fast may take a taste, and there is no objection. How much may he taste? — R. Ammi and R. Assi used to taste as much as a rebi'ith.⁸

Rab said: If one gives greeting to his fellow before he has said his prayers⁹ it is as if he made him a high place, as it says, Cease ye from man in whose nostrils is a breath, for how little is he to be accounted!¹⁰ Read not bammeh [how little], but bammah [high place].¹¹ Samuel interpreted: How come you to esteem this man and not God?¹² R. Shesheth raised an objection: IN THE BREAKS HE GIVES GREETING OUT OF RESPECT AND RETURNS IT!¹³ — R. Abba explains the dictum to refer to one who rises early to visit another.¹⁴ R. Jonah said in the name of R. Zera: If a man does his own business before he says his prayers, it is as if he had built a high place. He said to him: A high place, do you say? No, he replied; I only mean that it is forbidden.¹⁵ R. Idi b. Abin said in the name of R. Isaac b. Ashian:¹⁶ It is forbidden to a man to do his own business before he says his prayers, as it says, Righteousness shall go before him and then he shall set his steps on his own way.¹⁷

R. Jonah further said in the name of R. Zera: Whoever goes seven days without a dream is called evil, as it says, And he that hath it shall abide satisfied; he shall not be visited with evil.¹⁸ Read not sahea', [satisfied] but sheba' [seven].¹⁹ R. Aha the son of R. Hiyya b. Abba said to him: Thus said R. Hiyya in the name of R. Johanan: Whoever sates himself with words of Torah before he retires will receive no evil tidings, as it says, And if he abides sated he shall not be visited with evil.

THE BREAKS ARE AS FOLLOWS etc. R. Abbahu said in the name of R. Johanan: The halachah follows R. Judah, who says that one should not interrupt between 'your God' and 'True and firm'. R. Abbahu said in the name of R. Johanan: What is R. Judah's reason? Because we find in Scripture the words,

(1) The one who repeated the section of the Mishnah for the teacher to expound. V. Glos. s.v. (b).

(2) V. Glos.

(3) The Hallel proclaims the exodus on Passover, and the Megillah the miraculous deliverance from Haman.

(4) E.g., Tabernacles and Hanukah. V. 'Ar. 10b.

(5) Viz., New Moon and the last six days of passover.

(6) V. Tosaf s.v.

(7) To see if food is cooked properly.

(8) A fourth of a log, i.e., about an egg and a half.

(9) I.e., before he recites the tefillah.

(10) Isa. II, 22.

(11) And render, if he is esteemed he becomes a high place.

(12) Samuel draws a similar lesson without altering the text.

(13) Though the Shema' is said before the tefillah.

(14) After the manner of the Roman clientes with their patrons. But if one meets his neighbour he may greet him.

(15) But it is not so bad as idolatry.

(16) This is the reading of Rashi. Cur. edd. have: This agrees with the dictum of R. Idi b. Abin etc., which is obviously a contradiction.

(17) Ps. LXXXV, 14. 'Righteousness' here is taken to mean justification by prayer. E.V., 'Righteousness shall go before Him and shall make His footsteps a way'.

(18) Prov. XIX, 23.

(19) And render, 'if he abides seven nights without and is not visited (with a dream, this shows that) he is evil'.

Talmud - Mas. Berachoth 14b

The Lord God is truth.¹ Does he repeat the word 'true'² or does he not repeat the word 'true'? — R. Abbahu said in the name of R. Johanan: He repeats the word 'true'; Rabbah says: He does not repeat the word 'true'. A certain man went down to act as reader before Rabbah, and Rabbah heard him say 'truth, truth', twice; whereupon he remarked: The whole of truth has got hold of this man.³

R. Joseph said: How fine was the statement which was brought by R. Samuel b. Judah when he reported that in the West [Palestine] they say [in the evening], Speak unto the children of Israel and thou shalt say unto them, I am the Lord your God, True.⁴ Said Abaye to him: What is there so fine about it, seeing that R. Kahana has said in the name of Rab: [In the evening] one need not begin [this third section of the Shema'] but if he does begin, he should go through with it? And should you say that the words, 'and thou shalt say unto them' do not constitute a beginning, has not R. Samuel b. Isaac said in the name of Rab, 'Speak unto the children of Israel' is no beginning, but 'and thou shalt say unto them' is a beginning? — R. Papa said: In the West they hold that 'and thou shalt say unto them' also is no beginning, until one says, 'and they shall make unto themselves fringes'. Abaye said: Therefore we [in Babylon] begin [the section], because they begin it in the West; and since we begin we go through with it, because R. Kahana has said in the name of Rab: One need not begin, but if he begins he should go through with it.

Hiyya b. Rab said: If one has said [in the evening] 'I am the Lord your God,' he must say also, 'True [etc.]'; if he has not said 'I am the Lord your God', he need not say 'True'. But one has to mention the going forth from Egypt?⁵ — He can say thus: We give thanks to Thee O Lord our God, that Thou hast brought us forth from the land of Egypt and redeemed us from the house of servitude and wrought for us miracles and mighty deeds, by the [Red] Sea, and we did sing unto Thee.⁶

R. JOSHUA B. KORHAH SAID: WHY IS THE SECTION OF 'HEAR' SAID BEFORE etc. It has been taught: R. Simeon b. Yohai says: It is right that 'Hear' should come before 'And it shall come to pass' because the former prescribes learning⁷ and the latter teaching,⁸ and that 'and it shall come to pass' should precede 'And the Lord said' because the former prescribes teaching and the latter performance. But does then 'hear' speak only of learning and not also of teaching and doing? Is it not written therein, 'And thou shalt teach diligently, and thou shalt bind them and thou shalt write them'? Also, does 'and it shall come to pass' speak only of teaching and not also of performance? Is it not written therein, 'and ye shall bind and ye shall write'? — Rather this is what he means to say: It is right that 'hear' should precede 'and it shall come to pass', because the former mentions both learning, teaching, and doing; and that 'and it shall come to pass' should precede 'and the Lord said', because the former mentions both teaching and doing, whereas the latter mentions doing only. But is not the reason given by R. Joshua b. Korhah sufficient? — He [R. Simeon b. Yohai] gave an additional reason. One is that he should first accept Upon himself the yoke of the kingdom of heaven and then accept the yoke of the commandments. A further reason is that it [the first section] has these other features.

Rab once washed his hands and recited the Shema' and put on tefillin and said the tefillah. But how could he act in this way,⁹ seeing that it has been taught: 'One who digs a niche in a grave for a corpse is exempt from reciting Shema' and tefillah and from tefillin and from all the commandments prescribed in the Torah. When the hour for reciting the Shema' arrives, he goes up and washes his hands and puts on tefillin and recites the Shema' and says the tefillah?' Now this statement itself contains a contradiction. First it says that he is exempt and then it says that he is under obligation? — This is no difficulty; the latter clause speaks of where there are two,¹⁰ the former of where there is only one. In any case this seems to contradict Rab? — Rab held with R. Joshua b. Korhah, who said

that first he accepts the yoke of the kingdom of heaven and then he accepts the yoke of the commandments.¹¹ I will grant you that R. Joshua b. Korhah meant that the recital [of one section] should precede that of the other. But can you understand him to mean that the recital should precede the act [of putting on the tefillin]? And further, did Rab really adopt the view of R. Joshua b. Korhah? Did not R. Hiyya b. Ashi say: On many occasions I stood before Rab when he rose early and said a blessing and taught us our section and put on phylacteries and then recited the Shema'?¹² And should you say, he did this only when the hour for reciting the Shema' had not yet arrived — if that is so what is the value of the testimony of R. Hiyya b. Ashi? — To refute the one who says that a blessing need not be said for the study of the Mishnah;¹³ he teaches us that for the Mishnah also a blessing must be said. All the same there is a contradiction of Rab?¹⁴ — His messenger was at fault.¹⁵

'Ulla said: If one recites the Shema' without tefillin it is as if he bore false witness against himself.¹⁶ R. Hiyya b. Abba said in the name of R. Johanan: It is as if he offered a burnt-offering without a meal-offering and a sacrifice without drink-offering.

R. Johanan also said: If one desires to accept upon himself the yoke of the kingdom of heaven in the most complete manner

(1) Jer. X, 10. E.V. 'the true God'.

(2) After concluding the Shema' with the word true, does he have to repeat the word which is really the beginning of the next paragraph in the prayers?

(3) Sc., he cannot stop saying 'truth'.

(4) I.e., the opening and closing words of the third section, omitting the middle part which deals with the fringes since the law of fringes does not apply at night.

(5) And if he omits both the third section and 'True and faithful' where does he mention it?

(6) And he then continues, 'Who is like unto Thee' and 'Cause us to lie down'. P.B., p. 99.

(7) As it says, and thou shalt speak.

(8) As it says, and ye shall teach them to your children.

(9) Viz., say the Shema' before putting on tefillin.

(10) And one prays while the other goes on digging.

(11) By putting on tefillin.

(12) 'Teaching' is here regarded as equivalent to accepting the yoke of the commandments.

(13) V. supra 11b.

(14) The original contradiction has not yet been solved.

(15) And brought him his tefillin late, so he said the Shema' first.

(16) Rather, he accuses himself of falsehood, i.e., inconsistency.

Talmud - Mas. Berachoth 15a

, he should consult nature and wash his hands and put on tefillin and recite the Shema' and say the tefillah: this is the complete acknowledgment of the kingdom of heaven. R. Hiyya b. Abba said in the name of R. Johanan: If one consults nature and washes his hands and puts on tefillin and recites the Shema' and says the tefillah, Scripture accounts it to him as if he had built an altar and offered a sacrifice upon it, as it is written, I will wash my hands in innocency and I will compass Thine altar, O Lord.¹ Said Raba to him: Does not your honour think that it is as if he had bathed himself, since it is written, I will wash in purity and it is not written, 'I will wash my hands'.²

Rabina said to Raba: Sir, pray look at this student who has come from the West [Palestine] and who says: If one has no water for washing his hands, he can rub³ his hands with earth or with a pebble or with sawdust. He replied: He is quite correct. Is it written, I will wash in water? It is written: In cleanliness — with anything which cleans. For R. Hisda cursed anyone who went looking

for water at the time of prayer.⁴ This applies to the recital of the Shema', but for the tefillah one may go looking. How far? — As far as a parasang. This is the case in front of him, but in the rear, he may not go back even a mil. [From which is to be deduced], A mil he may not go back; but less than a mil he may go back.

MISHNAH. IF ONE RECITES THE SHEMA' WITHOUT HEARING WHAT HE SAYS, HE HAS PERFORMED HIS OBLIGATION. R. JOSE SAYS: HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT WITHOUT PRONOUNCING THE LETTERS CORRECTLY, R. JOSE SAYS THAT HE HAS PERFORMED HIS OBLIGATION, R. JUDAH SAYS THAT HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT BACKWARD,⁵ HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT AND MAKES A MISTAKE HE GOES BACK TO THE PLACE WHERE HE MADE THE MISTAKE.

GEMARA. What is R. Jose's reason? — Because it is written, 'Hear' which implies, let your ear hear what you utter with your mouth. The first Tanna, however, maintains that 'hear' means, in any language that you understand. But R. Jose derives both lessons from the word.

We have learnt elsewhere: A deaf person who can speak but not hear should not set aside terumah;⁶ if, however, he does set aside, his action is valid. Who is it that teaches that the action of a deaf man who can speak but not hear in setting aside terumah is valid if done, but should not be done in the first instance? — Said R. Hisda: It is R. Jose, as we have learnt: IF ONE RECITES THE SHEMA' WITHOUT HEARING WHAT HE SAYS, HE HAS PERFORMED HIS OBLIGATION. R. JOSE SAYS: HE HAS NOT PERFORMED HIS OBLIGATION. Now R. Jose holds that he has not performed his obligation only in the case of the recital of the Shema', which is Scriptural, but the setting aside of terumah, [is forbidden] only on account of the blessing, and blessings are an ordinance of the Rabbis,⁷ and the validity of the act does not depend upon the blessing. But why should you say that this⁸ is R. Jose's opinion? Perhaps it is R. Judah's opinion, and he holds that in the case of the recital of the Shema' also, it is valid only if the act is done, but it should not be done in the first instance, and the proof of this is that he states, IF ONE RECITES, which implies, if done, it is done, but it should not be done in the first instance? — The answer is: The reason why it says, IF ONE RECITES, is to show you how far R. Jose is prepared to go, since he says that even if it is done it is not valid. For as to R. Judah, he holds that even if he does it in the first instance he has performed his obligation. Now what is your conclusion? That it is the opinion of R. Jose. What then of this which we have learnt: A man should not say the grace after meals mentally, but if he does so he has performed his obligation. Whose opinion is this? It is neither R. Jose's nor R. Judah's. For it cannot be R. Judah's, since he said that even if he does so in the first instance he has performed his obligation; nor can it be R. Jose's, since he says that even if done it is not valid!⁹ What must we say then? That it is R. Judah's opinion' and he holds that it is valid only if done but it should not be done in the first instance. But what of this which was taught by R. Judah the son of R. Simeon b. Pazzi: A deaf man who can speak but not hear may set aside terumah in the first instance. Whose view does this follow? It can be neither R. Judah's nor R. Jose's. For as for R. Judah, he says that it is valid only if done but it should not be done in the first instance; while R. Jose says that even if done it is not valid! In fact it follows R. Judah's view, and he holds that it may be done even in the first instance, and there is no contradiction [between the two views attributed to him], one being his own and the other that of his teacher, as we have learnt: R. Judah said in the name of R. Eleazar b. Azariah: When one recites the Shema', he must let himself hear what he says,¹⁰ as it says, 'Hear, O Israel, the Lord our God, the Lord is one'. Said R. Meir to him: Behold it says, 'Which I command thee this day upon thy heart': on the intention of the heart depends the validity of the words.¹¹ If you come so far, you may even say that R. Judah agreed with his teacher, and there is no contradiction: one statement¹² gives R. Meir's view, the other R. Judah's.

We have learnt elsewhere.¹³ All are qualified to read the Megillah¹⁴ except a deaf-mute, an

imbecile and a minor; R. Judah declares a minor qualified. Who is it that declares the act of a deaf-mute, even if done, to be invalid?¹⁵ R. Mattena says: It is R. Jose, as we have learnt: IF ONE RECITES THE SHEMA' WITHOUT HEARING WHAT HE SAYS, HE HAS PERFORMED HIS OBLIGATION. SO R. JUDAH. R. JOSE SAYS: HE HAS NOT PERFORMED HIS OBLIGATION. But why should we say that the above statement [regarding a deaf-mute] follows R. Jose, and that the act even if done is invalid?

(1) Ps. XXVI, 6.

(2) Raba apparently stresses the order of the words in the original, and renders: I will (do the equivalent) of bathing in purity [by washing] my hands.

(3) Lit., 'wipe'.

(4) And so delayed to say his prayers.

(5) I.e., with the sections in the wrong order.

(6) Because he cannot hear the blessing which he has to say over the action.

(7) V. Pes. 7.

(8) That a deaf man should not set aside terumah.

(9) Since grace after meals is a Scriptural injunction.

(10) I.e., in the first instance, but the act if done is valid.

(11) Hence even in the first instance the act is valid.

(12) That of R. Judah son of R. Simeon b. Pazzi.

(13) Meg. 1b.

(14) V. Glos.

(15) The questioner assumes this to be the intention of the statement just quoted.

Talmud - Mas. Berachoth 15b

Perhaps it follows R. Judah, and while the act may not be done [only] in the first instance, yet if done it is valid? — Do not imagine such a thing. For the statement puts a deaf-mute on the same level as an imbecile and a minor, [implying that] just as in the case of an imbecile and a minor the act if done is not valid,¹ so in the case of a deaf-mute the act if done is not valid. But perhaps each case has its own rule?² — But [even if so] can you construe this statement as following R. Judah? Since the later clause³ says that 'R. Judah declares it valid', may we not conclude that the earlier clause does not follow R. Judah? — Perhaps the whole statement follows R. Judah, and two kinds of minor are referred to, and there is a lacuna, and the whole should read thus: All are qualified to read the Megillah except a deaf-mute, an imbecile and a minor. This applies only to one who is not old enough to be trained [in the performance of the precepts].⁴ But one who is old enough to be trained may perform the act even in the first instance. This is the ruling of R. Judah: for R. Judah declares a minor qualified. How have you construed the statement? As following R. Judah, and that the act is valid only if done but should not be done in the first instance. But then what of that which R. Judah the son of R. Simeon b. Pazzi taught, that a deaf person who can speak but not hear may set aside terumah in the first instance—which authority does this follow? It is neither R. Judah nor R. Jose! For if it is R. Judah, he says that the act is valid only if done, but it may not be done in the first instance; and if R. Jose, he says that even if done it is not valid! — What then do you say, that the authority is R. Judah and that the act may be done even in the first instance? What then of this which has been taught: A man should not say the grace after meals mentally, but if he does so he has performed his obligation? Whose opinion is this? It can be neither R. Judah's nor R. Jose's. For as to R. Judah, he has said that it may be done even in the first instance, and as to R. Jose, he has said that even if done it is not valid! — In truth it is the opinion of R. Judah, and the act may be done even in the first instance, and there is no contradiction between his two statements; in one case he is giving his own view, in the other that of his teacher, as it has been taught: R. Judah said in the name of R. Eleazar b. Azariah: One who recites the Shema' must let his ear hear what he says, as it says, 'Hear, O Israel'. Said R. Meir to him: 'Which I command thee this day upon thy heart', indicating that the words

derive their validity from the attention of the heart. Now that you have come so far, you may even say that R. Judah was of the same opinion as his teacher, and still there is no contradiction: one statement gives the view of R. Judah, the other that of R. Meir.

R. Hisda said in the name of R. Shila: The halachah is as laid down by R. Judah in the name of R. Eleazar b. Azariah, and the halachah is as laid down by R. Judah. Both these statements are necessary. For if we had been told only that the halachah is as stated by R. Judah I might have thought that the act may be done even in the first instance. We are therefore informed that the halachah is as laid down by R. Judah in the name of R. Eleazar b. Azariah. And if we had been told that the halachah is as laid down by R. Judah in the name of R. Eleazar b. Azariah, I might have thought that the act must [be performed thus] and if not there is no remedy.⁵ We are therefore informed that the halachah is as stated by R. Judah.

R. Joseph said: The difference of opinion relates only to the recital of the Shema', but in the case of other religious acts all agree that he has not performed his obligation [if he says the formula inaudibly], as it is written, attend and hear, O Israel.⁶ An objection was raised: A man should not say grace after meals mentally, but if he does he has performed his obligation! — Rather, if this statement was made it was as follows: R. Joseph said: The difference of opinion relates only to the Shema', since it is written, 'Hear O Israel'; but in regard to all the other religious acts, all are agreed that he performs his obligation. But it is written, 'Attend and hear, O Israel'? — That [text] applies only to words of Torah.⁷

IF ONE RECITED WITHOUT PRONOUNCING THE LETTERS DISTINCTLY. R. Tabi said in the name of R. Josiah: The halachah in both cases follows the more lenient authority.⁸

R. Tabi further said in the name of R. Josiah: What is meant by the text, There are three things which are never satisfied, . . . the grave and the barren womb?⁹ How comes the grave next to the womb? It is to teach you that just as the womb takes in and gives forth again, so the grave takes in and will give forth again. And have we not here a conclusion a fortiori: if the womb which takes in silently gives forth with loud noise,¹⁰ does it not stand to reason that the grave which takes in with loud noise¹¹ will give forth with loud noise? Here is a refutation of those who deny that resurrection is taught in the Torah.¹²

R. Oshaia taught in the presence of Raba: And thou shalt write them:¹³ the whole section must be written [in the mezuzah¹⁴ and tefillin], even the commands.¹⁵ He said to him: From whom do you learn this?¹⁶ This is the opinion of R. Judah, who said with reference to the sotah:¹⁷ He writes the imprecation but not the commands. [And you argue that] this is the rule in that case, since it is written, And he shall write these curses,¹⁸ but here, since it is written, 'and thou shalt write them', even the commands are included. But is R. Judah's reason because it is written, 'and he shall write'? [Surely] R. Judah's reason is because it is written, 'curses', which implies, curses he is to write but not commands!¹⁹ — It was still necessary.²⁰ You might have thought that we should draw an analogy between the 'writing' mentioned here and the 'writing' mentioned there, and that just as there he writes curses but not commands, so here he should not write commands. Therefore the All-Merciful wrote 'and thou shalt write them', implying, commands also.

R. Obadiah recited in the presence of Raba: 'And ye shall teach them':²¹ as much as to say thy teaching must be faultless²² by making a pause 'between the joints'.²³ For instance, said Raba, supplementing his words 'Al lebabeka [upon thy heart], 'al lebabekem [upon your heart], Bekol lebabeka [with all thy heart], bekol lebabekem [with all your heart], 'eseb be-sadeka [grass in thy field], wa-'abaddetem meherah [and ye shall perish speedily], ha-kanaf pesil [the corner a thread], etthkem me-erez [you from the land]. R. Hama b. Hanina said: If one in reciting the Shema' pronounces the letters distinctly, hell is cooled for him, as it says, When the Almighty scattereth

kings therein, it snoweth in Zalmon.²⁴ Read not be-fares [when he scattereth] but befaresh [when one pronounces distinctly], and read not be-zalmon [in Zalmon] but be-zalmaweth [in the shadow of death].

R. Hama b. Hanina further said: Why are 'tents' mentioned

- (1) This is deduced in respect of a minor from the fact that he is mentioned in conjunction with an imbecile.
- (2) I.e., we do not put a deaf-mute on the same footing as an imbecile, although they are mentioned in conjunction.
- (3) In the passage cited from Meg.
- (4) I.e., up to nine or ten years old; v. Yoma 82a.
- (5) I.e., even if done, it is not valid.
- (6) Deut. XXVII, 9. E.V. 'Keep silence and hear'.
- (7) As explained infra 63b.
- (8) I.e., R. Judah in the matter of audibility, and R. Jose in the matter of pronouncing distinctly.
- (9) Prov. XXX, 15, 16.
- (10) The crying of the child.
- (11) The wailing of the mourners.
- (12) V. Sanh. 92a.
- (13) Deut. VI, 9.
- (14) V. Glos.
- (15) I.e., the words 'and thou shalt write them, and thou shalt bind them'. This is derived from **וכתבתם** being interpreted as **וכתבתם** a complete writing.
- (16) That a special text is required to include the writing of the commands.
- (17) The woman suspected of adultery, v. Num. V, 11ff.
- (18) Num. V, 23.
- (19) And but for that implied limitation the expression 'he shall write' by itself would have included commands.
- (20) To appeal to the exposition based on **וכתבתם**.
- (21) Deut. XI, 19.
- (22) We-limmadetem (and you shall train them) is read as we-limmud tam (and the teaching shall be perfect); cf. p. 91, n. 10.
- (23) I.e., not running together two words of which the first ends and the second begins with the same letter. The expression is from 1 Kings XXII, 34.
- (24) Ps. LXVIII, 15.

Talmud - Mas. Berachoth 16a

alongside of 'streams' as it says, [How goodly are thy tents, O Jacob . . .]¹ as streams² stretched out, as gardens by the river side, as aloes planted³ etc.? To tell you that, just as streams bring a man up from a state of uncleanness to one of cleanness, so tents⁴ bring a man up from the scale of guilt to the scale of merit.

IF ONE RECITES IT BACKWARD, HE HAS NOT PERFORMED HIS OBLIGATION etc. R. Ammi and R. Assi were once decorating the bridal chamber for R. Eleazar. He said to them: In the meantime I will go and pick up something from the House of Study and come back and tell you. He went and found a Tanna reciting before R. Johanan: If [reciting the Shema'] one [recollects that] he made a mistake but does not know where, if he is in the middle of a section he should go back to the beginning; if he is in doubt which section he has said, he should go back to the first break;⁵ if he is in doubt which writing⁶ he is on, he goes back to the first one. Said R. Johanan to him: This rule applies only where he has not yet got to 'In order that your days may be prolonged', but if he has got to 'In order that your days may be prolonged', then [he can assume that] force of habit has kept him right.⁷ He came and told them, and they said to him, If we had come only to hear this, it would have been worth our while.

MISHNAH. WORKMEN MAY RECITE [THE SHEMA'] ON THE TOP OF A TREE OR THE TOP OF A SCAFFOLDING, A THING THEY ARE NOT ALLOWED TO DO IN THE CASE OF THE TEFILLAH. A BRIDEGROOM IS EXEMPT FROM THE RECITAL OF THE SHEMA' FROM THE FIRST NIGHT UNTIL THE END OF THE SABBATH, IF HE HAS NOT CONSUMMATED THE MARRIAGE.⁸ IT HAPPENED WITH R. GAMALIEL THAT WHEN HE MARRIED HE RECITED THE SHEMA ON THE FIRST NIGHT: SO HIS DISCIPLES SAID TO HIM: OUR MASTER, YOU HAVE TAUGHT US THAT A BRIDEGROOM IS EXEMPT FROM THE RECITAL OF THE SHEMA'. HE REPLIED TO THEM: I WILL NOT LISTEN TO YOU TO REMOVE FROM MYSELF THE KINGSHIP OF HEAVEN EVEN FOR A MOMENT.

GEMARA. Our Rabbis taught: Workmen may recite [the Shema'] on the top of a tree or on the top of a scaffolding, and they may say the tefillah, on the top of an olive tree and the top of a fig tree,⁹ but from all other trees they must come down to the ground before saying the tefillah, and the employer must in any case come down before saying the tefillah,¹⁰ the reason in all cases being that their mind is not clear.¹¹ R. Mari the son of the daughter of Samuel¹² pointed out to Rab a contradiction. We have learnt, he said: WORKMEN MAY RECITE [THE SHEMA'] ON THE TOP OF A TREE OR THE TOP OF A SCAFFOLDING which would show that the recital does not require kawanah.¹³ Contrast with this: When one recites the Shema', it is incumbent that he should concentrate his attention¹⁴ on it, since it says, 'Hear, O Israel', and in another place it says, Pay attention and hear, O Israel,¹⁵ showing that just as in the latter 'hearing' must be accompanied by attention, so here it must be accompanied by attention. He gave no reply. Then he said to him: Have you heard any statement on this point? — He replied: Thus said R. Shesheth: This is the case only if they stop from their work to recite. But it has been taught: Beth Hillel say that they may go on with their work while reciting? — There is no contradiction. The former statement refers to the first section, the latter to the second section [of the Shema'].

Our Rabbis taught: Labourers working for an employer recite the Shema' and say blessings before it and after it and eat their crust and say blessings before it and after it, and say the tefillah of eighteen benedictions, but they do not go down before the ark¹⁶ nor do they raise their hands [to give the priestly benediction].¹⁷ But it has been taught: [They say] a resume of the eighteen benedictions?¹⁸ — Said R. Shesheth: There is no contradiction: one statement gives the view of R. Gamaliel, the other of R. Joshua.¹⁹ But if R. Joshua is the authority, why does it say 'labourers'? The same applies to anyone! — In fact, both statements represent the view of R. Gamaliel, and still there is no contradiction: one refers to [labourers] working for a wage, and the other to [those] working for their keep;²⁰ and so it has been taught: Labourers working for an employer recite the Shema' and say the tefillah and eat their crust without saying a blessing before it, but they say two blessings after it, namely, [he says] the first blessing²¹ right through²² and the second blessing he begins with the blessing for the land, including 'who buildest Jerusalem' in the blessing²³ for the land. When does this hold good? For those who work for a wage. But those who work for their keep or who eat in the company of the employer say the grace right through.²¹

A BRIDEGROOM IS EXEMPT FROM RECITING THE SHEMA'.²⁴ Our Rabbis taught: 'When thou sittest in thy house': this excludes one engaged in the performance of a religious duty. 'And when thou walkest by the way': this excludes a bridegroom. Hence they deduced the rule that one who marries a virgin is exempt, while one who marries a widow is not exempt. How is this derived? — R. Papa said: [The sitting in the house] is compared to the way: just as the way is optional, so here it must be optional. But are we not dealing [in the words 'walkest by the way'] with one who goes to perform a religious duty, and even so the All-Merciful said that he should recite? — If that were so, the text should say, 'in going'. What is meant by 'in thy going'? This teaches that it is in thy going that thou art under obligation, and in the going for a religious duty thou art exempt.

- (1) V. Tosaf., s.v. אהלים
- (2) E.V. 'valleys'.
- (3) Num. XXIV, 5, 6.
- (4) Where the Torah is studied.
- (5) I.e., to 'and it shall come to pass'.
- (6) I.e., 'and thou shalt write them' in the first section or 'and ye shall write' in the second.
- (7) Lit., 'he has taken his usual course'.
- (8) Lit., 'performed the act'.
- (9) These trees have thick branches which afford a firm foothold.
- (10) Seeing that he is not bound to work.
- (11) To concentrate on their prayers, from anxiety lest they may fall.
- (12) His mother was carried away captive and he was not born in lawful wedlock, and therefore his father's name is not mentioned. (Rashi). V. Keth. 23a.
- (13) V. Glos.
- (14) Lit., 'direct his heart'.
- (15) V. supra, p. 91 n. 1.
- (16) I.e., act as reader to a congregation.
- (17) Because this would rob their employer of too much of their time.
- (18) V. P.B. p. 55.
- (19) Infra, 28b.
- (20) Those who work for a wage have less time to spare.
- (21) V. P. B. p. 280.
- (22) Lit., 'as arranged'.
- (23) The benedictions beginning with 'We thank thee' (ibid.) and 'And rebuild Jerusalem' (p. 282) are condensed into one.
- (24) For notes on this passage, v. supra p. 60.

Talmud - Mas. Berachoth 16b

If that is the case, why does it say, 'One who marries a virgin'? The same would apply to one who marries a widow! — In the former case he is agitated, in the latter case he is not agitated. If his agitation is the ground, then even if his ship has sunk in the sea he should also be exempt? [And if this is so], why then has R. Abba b. Zabda said in the name of Rab: A mourner is under obligation to perform all the precepts laid down in the Torah except that of tefillin, because they are called 'headtire', as it says, 'Thy headtire bound upon thy head' etc.? — The reply is: There the agitation is over an optional matter, here it is over a religious duty.

MISHNAH. [RABBAN GAMALIEL] BATHED ON THE FIRST NIGHT AFTER THE DEATH OF HIS WIFE. HIS DISCIPLES SAID TO HIM: YOU HAVE TAUGHT US, SIR, THAT A MOURNER IS FORBIDDEN TO BATHE. HE REPLIED TO THEM: I AM NOT LIKE OTHER MEN, BEING VERY DELICATE. WHEN TABI HIS SLAVE DIED HE ACCEPTED CONDOLENCES FOR HIM. HIS DISCIPLES SAID TO HIM: YOU HAVE TAUGHT US, SIR, THAT CONDOLENCES ARE NOT ACCEPTED FOR SLAVES? HE REPLIED TO THEM: MY SLAVE TABI WAS NOT LIKE OTHER SLAVES: HE WAS A GOOD MAN. IF A BRIDEGROOM DESIRES TO RECITE THE SHEMA ON THE FIRST NIGHT, HE MAY DO SO. RABBAN SIMEON B. GAMALIEL SAYS: NOT EVERYONE WHO DESIRES TO PASS AS A SCHOLAR¹ MAY DO SO.

GEMARA. How did Rabban Gamaliel² justify his action?³ — He held that the observance of aninuth⁴ by night is only an ordinance of the Rabbis, as it is written, [And I will make it as the mourning for an only son,] and the end thereof as a bitter day,⁵ and where it concerns a delicate person the Rabbis did not mean their ordinance to apply.

WHEN TABI HIS SLAVE DIED etc. Our Rabbis taught: For male and female slaves no row [of comforters]⁶ is formed, nor is the blessing of mourners⁷ said, nor is condolence offered. When the bondwoman of R. Eliezer died, his disciples went in to condole with him. When he saw them he went up to an upper chamber, but they went up after him. He then went into an ante-room and they followed him there. He then went into the dining hall and they followed him there. He said to them: I thought that you would be scalded with warm water; I see you are not scalded even with boiling hot water.⁸ Have I not taught you that a row of comforters is not made for male and female slaves, and that a blessing of mourners is not said for them, nor is condolence offered for them? What then do they say for them? The same as they say to a man for his ox and his ass: 'May the Almighty replenish your loss'. So for his male and female slave they say to him: 'May the Almighty replenish your loss'. It has been taught elsewhere: For male and female slaves no funeral oration is said. R. Jose said: If he was a good slave, they can say over him, Alas for a good and faithful man, who worked for his living! They said to him: If you do that, what do you leave for free-born?

Our Rabbis taught: The term 'patriarchs' is applied only to three,⁹ and the term 'matriarchs' only to four.¹⁰ What is the reason? Shall we say because we do not know if we are descended from Reuben or from Simeon? But neither do we know in the case of the matriarchs whether we are descended from Rachel or from Leah! — [Rather the reason is] because up to this point they were particularly esteemed, from this point they were not so particularly esteemed. It has been taught elsewhere: Male and female slaves are not called 'Father so-and so' or 'Mother so-and so'; those of Rabban Gamaliel, however, were called 'Father so-and-so' and 'Mother so-and-so'. The example [cited] contradicts your rule? It was because they were particularly esteemed.

R. Eleazar said: What is the meaning of the verse, So will I bless Thee as long as I live; in Thy name will I lift up my hands?¹¹ 'I will bless Thee as long as I live' refers to the Shema'; 'in Thy name I will lift up my hands' refers to the tefillah. And if he does this, Scripture says of him, My soul is satisfied as with marrow and fatness.¹² Nay more, he inherits two worlds, this world and the next, as it says, And my mouth doth praise Thee with joyful lips.¹³

R. Eleazar on concluding his prayer¹⁴ used to say the following: May it be Thy will, O Lord our God, to cause to dwell in our lot love and brotherhood and peace and friendship, and mayest Thou make our borders rich in disciples and prosper our latter end with good prospect and hope, and set our portion in Paradise, and confirm us¹⁵ with a good companion and a good impulse in Thy world, and may we rise early and obtain the yearning of our heart to fear Thy name,¹⁶ and mayest Thou be pleased to grant the satisfaction of our desires!¹⁷

R. Johanan on concluding his prayer added the following: May it be Thy will, O Lord our God, to look upon our shame, and behold our evil plight, and clothe Thyself in Thy mercies, and cover Thyself in Thy strength, and wrap Thyself in Thy lovingkindness, and gird Thyself with Thy graciousness, and may the attribute of Thy kindness and gentleness come before Thee!

R. Zera on concluding his prayer added the following: May it be Thy will, O Lord our God, that we sin not nor bring upon ourselves shame or disgrace before our fathers!¹⁸

R. Hiyya on concluding his prayer added the following: May it be Thy will, O Lord our God, that our Torah may be our occupation, and that our heart may not be sick nor our eyes darkened!

Rab on concluding his prayer added the following: May it be Thy will, O Lord our God, to grant us long life, a life of peace, a life of good, a life of blessing, a life of sustenance, a life of bodily vigour,¹⁹ a life in which there is fear of sin, a life free from shame and confusion, a life of riches and honour, a life in which we may be filled with the love of Torah and the fear of heaven, a life in

which Thou shalt fulfil all the desires of our heart for good!²⁰

Rabbi on concluding his prayer added the following: May it be Thy will, O Lord our God, and God of our fathers, to deliver us from the impudent and from impudence, from an evil man, from evil hap, from the evil impulse, from an evil companion, from an evil neighbour, and from the destructive Accuser, from a hard lawsuit and from a hard opponent, whether he is a son of the covenant or not a son of the covenant!²¹ [Thus did he pray] although guards²² were appointed²³ to protect Rabbi.

R. Safra on concluding his prayer added the following: May it be Thy will, O Lord our God, to establish peace

(1) Lit., 'to take the name', viz., of a scholar.

(2) Cur. edd.: R. Simeon b. Gamaliel, which can hardly be justified.

(3) In bathing while onan.

(4) The name given to the mourning of the first day, or the whole period before the burial.

(5) Amos VIII, 10. This shows that according to Scripture mourning is to be observed only by day.

(6) It was customary for those returning from a burial to the mourner's house to stand in a row before him to comfort him.

(7) Said after the first meal taken by the mourner after the funeral, v. Keth. 8a.

(8) As much as to say: I thought you would take the first hint, and you do not even take the last!

(9) Abraham, Isaac and Jacob.

(10) Sarah, Rebecca, Rachel and Leah.

(11) Ps. LXIII, 5.

(12) Ibid. 6.

(13) Ibid. Lit. , 'lips of songs', i.e., two songs.

(14) I.e., after the last benediction of the Amidah.

(15) Or perhaps, cause us to obtain.

(16) I.e., may we be filled with pious thoughts on waking.

(17) Lit., may the coolness of our soul come before Thee for good'.

(18) 'Aruch: more than our fathers.

(19) Lit., 'vigour of the bones'.

(20) This prayer is now said on the Sabbath on which the New Moon is announced. V. P.B. p. 154.

(21) I.e., a Jew or non-Jew. This now forms part of the daily prayers. V. P. B. p. 7

(22) Lit., eunuchs'.

(23) By the Roman Government.

Talmud - Mas. Berachoth 17a

among the celestial family,¹ and among the earthly family,² and among the disciples who occupy themselves with Thy Torah whether for its own sake or for other motives; and may it please Thee that all who do so for other motives may come to study it for its own sake!

R. Alexandri on concluding his prayer added the following: May it be Thy will, O Lord our God, to station us in an illumined corner and do not station us in a darkened corner, and let not our heart be sick nor our eyes darkened! According to some this was the prayer of R. Hamnuna, and R. Alexandri on concluding his prayer used to add the following: Sovereign of the Universe, it is known full well to Thee that our will is to perform Thy will, and what prevents us? The yeast in the dough³ and the subjection to the foreign Powers. May it be Thy will to deliver us from their hand, so that we may return to perform the statutes of Thy will with a perfect heart!

Raba on concluding his prayer added the following: My God, before I was formed I was not worthy [to be formed], and now that I have been formed I am as if I had not been formed. I am dust in my lifetime, all the more in my death. Behold I am before Thee like a vessel full of shame and confusion. May it be Thy will, O Lord my God, that I sin no more, and the sins I have committed before Thee wipe out in Thy great mercies, but not through evil chastisements and diseases! This was the confession of R. Hamnuna Zuti on the Day of Atonement.⁴

Mar the son of Rabina on concluding his prayer added the following: My God, keep my tongue from evil and my lips from speaking guile. May my soul be silent to them that curse me and may my soul be as the dust to all. Open Thou my heart in Thy law, and may my soul pursue Thy commandments, and deliver me from evil hap, from the evil impulse and from an evil woman and from all evils that threaten to come upon the world. As for all that design evil against me, speedily annul their counsel and frustrate their designs!⁵ May the words of my mouth and the meditation of my heart be acceptable before Thee, O Lord, my rock and my redeemer!⁶

When R. Shesheth kept a fast, on concluding his prayer he added the following: Sovereign of the Universe, Thou knowest full well that in the time when the Temple was standing, if a man sinned he used to bring a sacrifice, and though all that was offered of it was its fat and blood, atonement was made for him therewith. Now I have kept a fast and my fat and blood have diminished. May it be Thy will to account my fat and blood which have been diminished as if I had offered them before Thee on the altar, and do Thou favour me.⁷

When R. Johanan finished the Book of Job,⁸ he used to say the following: The end of man is to die, and the end of a beast is to be slaughtered, and all are doomed to die. Happy he who was brought up in the Torah and whose labour was in the Torah and who has given pleasure to his Creator and who grew up with a good name and departed the world with a good name; and of him Solomon said: A good name is better than precious oil, and the day of death than the day of one's birth.⁹

A favourite saying of R. Meir was: Study with all thy heart and with all thy soul to know My ways and to watch at the doors of My law. Keep My law in thy heart and let My fear be before thy eyes. Keep thy mouth from all sin and purify and sanctify thyself from all trespass and iniquity, and I will be with thee in every place.

A favourite saying of the Rabbis of Jabneh was: I am God's creature and my fellow¹⁰ is God's creature. My work is in the town and his work is in the country. I rise early for my work and he rises early for his work. Just as he does not presume to do my work, so I do not presume to do his work. Will you say, I do much¹¹ and he does little? We have learnt:¹² One may do much or one may do little; it is all one, provided he directs his heart to heaven.

A favourite saying of Abaye was: A man should always be subtle in the fear of heaven.¹³ A soft answer turneth away wrath,¹⁴ and one should always strive to be on the best terms with his brethren and his relatives and with all men and even with the heathen in the street, in order that he may be beloved above and well-liked below and be acceptable to his fellow creatures. It was related of R. Johanan b. Zakkai that no man ever gave him greeting first, even a heathen in the street.

A favourite saying of Raba was: The goal of wisdom is repentance and good deeds, so that a man should not study Torah and Mishnah and then despise¹⁵ his father and mother and teacher and his superior in wisdom and rank, as it says, The fear of the Lord is the beginning of wisdom, a good understanding have all they that do thereafter.¹⁶ It does not say, 'that do',¹⁷ but 'that do thereafter', which implies, that do them for their own sake and not for other motives.¹⁸ If one does them for other motives, it were better that he had not been created.

A favourite saying of Rab was: [The future world is not like this world.]¹⁹ In the future world there is no eating nor drinking nor propagation nor business nor jealousy nor hatred nor competition, but the righteous sit with their crowns on their heads feasting on the brightness of the divine presence, as it says, And they beheld God, and did eat and drink.²⁰

[Our Rabbis taught]:²¹ Greater is the promise made by the Holy One, blessed be He, to the women than to the men; for it says, Rise up, ye women that are at ease; ye confident daughters, give ear unto my speech.²² Rab said to R. Hiyya: Whereby do women earn merit? By making their children go to the synagogue²³ to learn Scripture and their husbands to the Beth Hamidrash to learn Mishnah, and waiting for their husbands till they return from the Beth Hamidrash. When the Rabbis²⁴ took leave from the school of R. Ammi — some say, of R. Hanina — they said to him: May you see your requirements provided²⁵ in your lifetime, and may your latter end be for the future world and your hope for many generations; may your heart meditate understanding, your mouth speak wisdom and your tongue indite song; may your eyelids look straight before you,²⁶ may your eyes be enlightened by the light of the Torah and your face shine like the brightness of the firmament; may your lips utter knowledge, your reins rejoice in uprightness²⁷ and your steps run to hear the words of the Ancient of Days. When the Rabbis took leave from the school of R. Hisda — others Say, of R. Samuel b. Nahmani — they said to him: We are instructed, we are well laden²⁸ etc. 'We are instructed, we are well laden'. Rab and Samuel — according to others, R. Johanan and R. Eleazar — give different explanations of this. One Says: 'We are instructed' — in Torah, 'and well laden' — with precepts. The other says: 'We are instructed' — in Torah and precepts; 'we are well laden' — with chastisements.

(1) The Guardian Angels of the various nations.

(2) From the context this would seem to refer to the nations of the earth. Rashi, however, takes it to mean the assembly of the wise men.

(3) I.e., the evil impulse, which causes a ferment in the heart.

(4) It occupies the same place in the present day liturgy. V. P.B. p. 263.

(5) MS.M adds: Pay them their recompense upon their heads; destroy them and humble them before me, and deliver me from all calamities which are threatening to issue and break forth upon the world!

(6) In the present day liturgy this prayer is also added (in a slightly altered form) at the end of every Amidah. V. P.B. p. 54. The last sentence is from Ps. XIX, 15.

(7) MS.M. adds: A certain disciple after he prayed used to say: 'Close mine eyes from evil, and my ears from hearing idle words, and my heart from reflecting on unchaste thoughts, and my veins from thinking of transgression, and guide my feet to (walk in) Thy commandments and Thy righteous ways, and may Thy mercies be turned upon me to be of those spared and preserved for life in Jerusalem'!

(8) M. reads: R. Johanan said: When R. Meir finished etc.

(9) Eccl. VII, 1. R. Johanan was prompted to this reflection by the fact that Job departed with a good name.

- (10) I.e., the 'am ha-arez, or nonstudent.
- (11) In the way of Torah.
- (12) Men. 110a.
- (13) I.e., in finding out new ways of fearing heaven.
- (14) Prov. XV, I.
- (15) Lit., 'kick at'.
- (16) Ps. CXI, 10.
- (17) Another reading is, that learn them.
- (18) I.e., to criticise and quarrel. V. Rashi and Tosaf. ad loc.
- (19) These words are bracketed in the text.
- (20) Ex. XXIV, 11 . These words are interpreted to mean that the vision of God seen by the young men was like food and drink to them.
- (21) These words are missing in cur. edd., but occur in MS.M.
- (22) Isa. XXXII, 9. The women are said to be 'at ease' and 'confident', which is more than is said of the men.
- (23) Where children were usually taught.
- (24) Who had left home to study with R. Ammi.
- (25) Lit., 'see your world'.
- (26) The expression is taken from Prov. IV, 25. The meaning here seems to be, may you have a correct insight into the meaning of the Torah'.
- (27) The reins were supposed to act as counsellors.
- (28) Ps. CXLIV, 14. E.V. Our oxen are well laden.

Talmud - Mas. Berachoth 17b

There is no breach: [that is], may our company not be like that of David from which issued Ahitophel.¹ And no going forth: [that is] may our company not be like that of Saul from which issued Doeg the Edomite.² And no outcry: may our company not be like that of Elisha, from which issued Gehazi.³ In our broad places: may we produce no son or pupil who disgraces himself⁴ in public.⁵

Hearken unto Me, ye stout-hearted, who are far from righteousness⁶ Rab and Samuel — according to others, R. Johanan and R. Eleazar — interpret this differently. One says: The whole world is sustained by [God's] charity, and they⁷ are sustained by their own force.⁸ The other says: All the world is sustained by their merit, and they are not sustained even by their own merit. This accords with the saying of Rab Judah in the name of Rab. For Rab Judah said in the name of Rab: Every day a divine voice goes forth from Mount Horeb and proclaims: The whole world is sustained for the sake of My son Hanina, and Hanina My son has to subsist on a kab of carobs from one week end to the next. This [explanation] conflicts with that of Rab Judah. For Rab Judah said: Who are the 'stout-hearted'? The stupid Gubaeans.⁹ R. Joseph said: The proof is that they have never produced a proselyte. R. Ashi said: The people of Mata Mehasia¹⁰ are 'stout-hearted', for they see the glory of the Torah twice a year,¹¹ and never has one of them been converted.

A BRIDEGROOM IF HE DESIRES TO RECITE etc. May we conclude from this that Rabban Simeon b. Gamaliel deprecates showing off¹² and the Rabbis do not deprecate it? But do we not understand them to hold the opposite views, as we have learnt: In places where people are accustomed to work in the month of Ab they may work, and in places where it is the custom not to work they may not work; but in all places Rabbinical students abstain from study. R. Simeon b. Gamaliel says: A man should always conduct himself as if he were a scholar.¹³ We have here a contradiction between two sayings of the Rabbis, and between two sayings of R. Simeon b. Gamaliel! — R. Johanan said: Reverse the names; R. Shisha the son of R. Idi said: There is no need to reverse. There is no contradiction between the two sayings of the Rabbis. In the case of the recital of the Shema', since everybody else recites, and he also recites, it does not look like showing off on

his part; but in the case of the month of Ab, since everybody else does work and he does no work, it looks like showing off. Nor is there a contradiction between the two sayings of R. Simeon b. Gamaliel. In the case of the Shema', the validity of the act depends on the mental concentration and we are witnesses that he is unable to concentrate. Here, however, anyone who sees will say, He has no work; go and see how many unemployed there are in the market place.¹⁴

CHAPTER III

MISHNAH. ONE WHOSE DEAD [RELATIVE] LIES BEFORE HIM¹⁵ IS EXEMPT FROM THE RECITAL OF THE SHEMA' AND FROM THE TEFILLAH AND FROM TEFILLIN AND FROM ALL THE PRECEPTS LAID DOWN IN THE TORAH. WITH REGARD TO THE BEARERS OF THE BIER AND THOSE WHO RELIEVE THEM AND THOSE WHO RELIEVE THEM AGAIN,¹⁶ WHETHER IN FRONT OF THE BIER OR BEHIND THE BIER¹⁷ — THOSE IN FRONT OF THE BIER, IF THEY ARE STILL REQUIRED, ARE EXEMPT; BUT THOSE BEHIND THE BIER EVEN IF STILL REQUIRED, ARE NOT EXEMPT.¹⁸ BOTH, HOWEVER, ARE EXEMPT FROM [SAYING] THE TEFILLAH. WHEN THEY HAVE BURIED THE DEAD AND RETURNED [FROM THE GRAVE], IF THEY HAVE TIME TO BEGIN AND FINISH [THE SHEMA'] BEFORE FORMING A ROW,¹⁹ THEY SHOULD BEGIN, BUT IF NOT THEY SHOULD NOT BEGIN. AS FOR THOSE WHO STAND IN THE ROW, THOSE ON THE INSIDE²⁰ ARE EXEMPT, BUT THOSE ON THE OUTSIDE ARE NOT EXEMPT. [WOMEN, SLAVES AND MINORS ARE EXEMPT FROM RECITING THE SHEMA' AND PUTTING ON TEFILLIN, BUT ARE SUBJECT TO THE OBLIGATIONS OF TEFILLAH, MEZUZAH, AND GRACE AFTER MEALS].²¹

GEMARA. [If the dead] LIES BEFORE HIM, he is exempt.²² [implying] if it does not lie before him,²³ he is not exempt.²⁴ This statement is contradicted by the following:²⁵ One whose dead lies before him eats in another room. If he has not another room, he eats in his fellow's room. If he has no fellow to whose room he can go, he makes a partition and eats [behind it]. If he has nothing with which to make a partition, he turns his face away and eats. He may not eat reclining, nor may he eat flesh or drink wine; he does not say a blessing [over food] nor grace after meals²⁶

(1) Who made a 'breach' in the kingdom of David. V. Sanh. 106b.

(2) Who went forth to evil ways (ibid.).

(3) Who became a leper and had to cry 'unclean, unclean'.

(4) Lit., 'spoils his food', by addition of too much salt. A metaphor for the open acceptance of heretical teachings.

(5) MS.M. adds: like the Nazarene.

(6) Isa. XLVI, 12. Heb. zedakah, which is taken by the Rabbis in the sense of 'charity'.

(7) The 'stout-hearted', i.e., righteous.

(8) Lit., 'arm'. I.e., the force of their own good deeds.

(9) A tribe in the neighbourhood of Babylon.

(10) A suburb of Sura, where one of the great Academies was situated.

(11) At the 'kallahs' (v. Glos). In Adar and Elul.

(12) I.e., show of superior piety or learning.

(13) V. Pes. 55a.

(14) Even on working days.

(15) I.e., is not yet buried.

(16) In carrying the bier to the grave.

(17) Those in front of the bier have still to carry; those behind have already carried.

(18) Since they have already carried once.

(19) To comfort the mourners. v. p. 97, n. 2.

(20) If they stand two or more deep.

(21) Words in brackets belong properly to the next Mishnah, v. infra 20a.

(22) Lit., 'yes'.

(23) This phrase is now understood literally and thus to include the case where he is in a different room.

(24) Lit., 'No'.

(25) M.K. 23b.

(26) So Rashi. V. however M.K., Sonc. ed., p. 147, n. 2.

Talmud - Mas. Berachoth 18a

, nor do others say a blessing for him nor is he invited to join in the grace. He is exempt from reciting the Shema', from saying the tefillah, from putting on tefillin and from all the precepts laid down in the Torah. On Sabbath, however, he may recline and eat meat and drink wine, and he says a blessing, and others may say the blessing for him and invite him to join in grace, [and he is subject to the obligation of reading the Shema' and tefillah],¹ and he is subject to all the precepts laid down in the Torah. R. Simeon b. Gamaliel says: Since he is subject to these, he is subject to all of them; and R. Johanan said: Where do they differ in practice? In regard to marital intercourse.² At any rate it states that he is exempt from the recital of the Shema' and from saying the tefillah and putting on tefillin and all the precepts laid down in the Torah?³ — Said R. Papa: Explain this [Baraita] as applying only to one who turns his face away and eats.⁴ R. Ashi, however, said: Since the obligation of burial devolves on him, it is as if the corpse was before him,⁵ as it says: And Abraham rose up from before his dead,⁶ and it says. That I may bury my dead out of my sight:⁷ this implies that so long as the obligation to bury devolves upon him, it is as if the corpse were lying before him.⁸

[I infer from our Mishnah] that this is the rule for a dead relative but not for one whom he is merely watching.⁹ But it has been taught: One who watches a dead [body] even if it is not his dead [relative], is exempt from reciting the Shema' and saying the tefillah and putting on tefillin and all the precepts laid down in the Torah? — [We interpret therefore]: He who watches the dead, even if it is not his dead [relative], [is exempt], and [likewise in the case of] his dead relative, even if he is not watching it, he is [exempt], but if he is walking in the cemetery, he is not. But it has been taught: A man should not walk in a cemetery with tefillin on his head or a scroll of the Law in his arm, and recite the Shema',¹⁰ and if he does so, he comes under the heading of 'He that mocketh the poor¹¹ blasphemeth his Maker'¹² — In that case the act is forbidden within four cubits of the dead, but beyond four cubits the obligation [to say Shema' etc.] devolves. For a Master has said: A dead body affects four cubits in respect of the recital of the Shema'. But in this case he is exempt even beyond four cubits.

[To turn to] the above text: One who watches a dead [body], even though it is not his own dead [relative], is exempt from the recital of the Shema' and from saying the tefillah and from putting on tefillin and from all the precepts laid down in the Torah. If there were two [watching], one goes on watching while the other recites, and then the other watches while this one recites. Ben 'Azzai says: If they were bringing it in a ship, they put it in a corner and both say their prayers in another corner. Why this difference? — Rabina said: They differ on the question whether there is any fear of mice¹³ [on board ship]. One held that there is a fear of mice and the other held that there is no fear of mice.

Our Rabbis taught: A man who is carrying bones from place to place should not put them in a saddle-bag and place them on his ass and sit on them, because this is a disrespectful way of treating them. But if he was afraid of heathens and robbers, it is permitted. And the rule which they laid down for bones applies also to a scroll of the Law. To what does this last statement refer? Shall I say to the first clause?¹⁴ This is self-evident: Is a scroll of the Law inferior to bones? — Rather; it refers to the second clause.¹⁵

Rehaba said in the name of Rab Judah: Whoever sees a corpse [on the way to burial] and does not accompany it¹⁶ comes under the head of 'He that mocketh the poor blasphemeth his Maker'. And if

he accompanies it, what is his reward? R. Assi says: To him apply the texts: He that is gracious unto the poor lendeth unto the Lord,¹⁷ and he that is gracious unto the needy honoureth Him.¹⁸

R. Hiyya and R. Jonathan were once walking about in a cemetery, and the blue fringe of R. Jonathan was trailing on the ground. Said R. Hiyya to him: Lift it up, so that they [the dead] should not say: Tomorrow they are coming to join us and now they are insulting us! He said to him: Do they know so much? Is it not written, But the dead know not anything?¹⁹ He replied to him: If you have read once, you have not repeated; if you have repeated, you have not gone over a third time; if you have gone over a third time, you have not had it explained to you. For the living know that they shall die:²⁰ these are the righteous who in their death are called living as it says. And Benaiah the son of Jehoiada, the son of a living²¹ man from Kabzeel, who had done mighty deeds, he smote the two altar-hearths of Moab; he went down and also slew a lion in the midst of a pit in the time of snow.²²

(1) Inserted with MS.M.

(2) At a time when it is a duty. Rabban Simeon declares the mourner subject to this duty on the Sabbath, though it is otherwise forbidden during the week of mourning.

(3) Apparently even if he eats in a neighbour's house, contra the implied ruling of our Mishnah.

(4) I.e., has no other room and so it does not contradict our Mishnah.

(5) And this is the case mentioned in the Baraitha.

(6) Gen. XXIII, 3.

(7) Ibid. 4.

(8) Even if he is in another room. The phrase 'lying before him' is not to be understood literally, and consequently there is no contradiction between the Baraitha and our Mishnah.

(9) And which he is not under obligation to bury. A dead body, according to Jewish law, must be watched to protect it from mice, v. infra.

(10) And the same applies even if he is not carrying a scroll.

(11) I.e., the dead, who are 'poor' in precepts.

(12) Prov. XVII, 5.

(13) The reason why a corpse has to be watched is to protect it from mice.

(14) That it must not be ridden upon.

(15) That in time of danger it is permitted.

(16) MS.M. adds, for four cubits.

(17) Prov. XIX, 17.

(18) Ibid. XIV, 31.

(19) Eccl. IX, 5.

(20) Ibid.

(21) So the kethib. E.V., following the keri, 'valiant'.

(22) II Sam XXIII, 20.

Talmud - Mas. Berachoth 18b

'The son of a living man': are all other people then the sons of dead men? Rather 'the son of a living man' means that even in his death he was called living. 'From Kabzeel, who had done mighty deeds': this indicates that he gathered [kibbez] numerous workers for the Torah. 'He smote two altar-hearths of Moab'; this indicates that he did not leave his like either in the first Temple or in the second Temple.¹ 'He went down and also slew a lion in the midst of a pit in the time of snow': some say that this indicates that he broke blocks of ice and went down and bathed;² others say that he went through the Sifra of the School of Rab³ on a winter's day. 'But the dead know nothing': These are the wicked who in their lifetime are called dead, as it says. And thou, O wicked one, that art slain, the prince of Israel.⁴ Or if you prefer. I can derive it from here: At the mouth of two witnesses shall the dead be put to death.⁵ He is still alive! What it means is, he is already counted as dead.

The sons of R. Hiyya went out to cultivate their property,⁶ and they began to forget their learning.⁷ They tried very hard to recall it. Said one to the other: Does our father know of our trouble? How should he know, replied the other, seeing that it is written, His sons come to honour and he knoweth it not?⁸ Said the other to him: But does he not know? Is it not written: But his flesh grieveth for him, and his soul mourneth over him?⁹ And R. Isaac said [commenting on this]: The worm is as painful to the dead as a needle in the flesh of the living? [He replied]: It is explained that they know their own pain, they do not know the pain of others. Is that so? Has it not been taught: It is related that a certain pious man gave a denar to a poor man on the eve of New Year in a year of drought, and his wife scolded him, and he went and passed the night in the cemetery, and he heard two spirits conversing with one another. Said one to her companion: My dear, come and let us wander about the world and let us hear from behind the curtain¹⁰ what suffering is coming on the world.¹¹ Said her companion to her: I am not able, because I am buried in a matting of reeds.¹² But do you go, and whatever you hear tell me. So the other went and wandered about and returned. Said her companion to her: My dear, what have you heard from behind the curtain? She replied: I heard that whoever sows after the first rainfall¹³ will have his crop smitten by hail. So the man went and did not sow till after the second rainfall,¹⁴ with the result that everyone else's crop was smitten and his was not smitten.¹⁵ The next year he again went and passed the night in the cemetery, and heard the two spirits conversing with one another. Said one to her companion: Come and let us wander about the world and hear from behind the curtain what punishment is coming upon the world. Said the other to her: My dear, did I not tell you that I am not able because I am buried in a matting of reeds? But do you go, and whatever you hear, come and tell me. So the other one went and wandered about the world and returned. She said to her: My dear, what have you heard from behind the curtain? She replied: I heard that whoever sows after the later rain will have his crop smitten with blight. So the man went and sowed after the first rain with the result that everyone else's crop was blighted and his was not blighted.¹⁶ Said his wife to him: How is it that last year everyone else's crop was smitten and yours was not smitten, and this year everyone else's crop is blighted and yours is not blighted? So he related to her all his experiences. The story goes that shortly afterwards a quarrel broke out between the wife of that pious man and the mother of the child,¹⁷ and the former said to the latter, Come and I will show you your daughter buried in a matting of reeds. The next year the man again went and spent the night in the cemetery and heard those conversing together. One said: My dear, come and let us wander about the world and hear from behind the curtain what suffering is coming upon the world. Said the other: My dear, leave me alone; our conversation has already been heard among the living. This would prove that they know? — Perhaps some other man after his decease went and told them. Come and hear; for Ze'iri deposited some money with his landlady, and while he was away visiting Rab¹⁸ she died. So he went after her to the cemetery¹⁹ and said to her, Where is my money? She replied to him: Go and take it from under the ground, in the hole of the doorpost, in such and such a place, and tell my mother to send me my comb and my tube of eye-paint by the hand of So-and-so who is coming here tomorrow. Does not this²⁰ show that they know? — Perhaps Dumah²¹ announces to them beforehand.²² Come and hear: The father of Samuel had some money belonging to orphans deposited with him. When he died, Samuel was not with him, and they called him, 'The son who consumes the money of orphans'. So he went after his father to the cemetery, and said to them [the dead]. I am looking for Abba.²³ They said to him: There are many Abbas here. I want Abba b. Abba, he said. They replied: There are also several Abbas b. Abba here. He then said to them: I Want Abba b. Abba the father of Samuel; where is he? They replied: He has gone up to the Academy of the Sky.²⁴ Meanwhile he saw Levi sitting outside.²⁵ He said to him: Why are you sitting outside? Why have you not gone up [to heaven]? He replied: Because they said to me: For as many years as you did not go up to the academy of R. Efes and hurt his feelings,²⁶ we will not let you go up to the Academy of the Sky. Meanwhile his father came. Samuel observed that he was both weeping and laughing. He said to him: Why are you weeping? He replied: Because you are coming here soon. And why are you laughing? Because you are highly esteemed in this world. He thereupon said to him: If I am esteemed, let them take up Levi; and they did take up Levi. He then said to him: Where is the money of the orphans? He replied: Go and you will find it in the case of the millstones.

The money at the top and the bottom is mine, that in the middle is the orphans' He said to him: Why did you do like that? He replied: So that if thieves came, they should take mine, and if the earth destroyed any, it should destroy mine. Does not this²⁷ show that they know? — Perhaps Samuel was exceptional: as he was esteemed, they proclaimed beforehand, Make way [for him]!

R. Jonathan also retracted his opinion. For R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that the dead converse with one another? Because it says: And the Lord said unto him: This is the land which I swore unto Abraham, unto Isaac, and unto Jacob, saying.²⁸ What is the meaning of 'saying'?²⁹ The Holy One, blessed be He, said to Moses: Say to Abraham, Isaac and Jacob: The oath which I swore to you I have already carried out for your descendants.

(1) 'Altar-hearths of Moab' are taken by the Rabbis to refer to the two Temples, on account of David's descent from Ruth the Moabitess.

(2) To cleanse himself of pollution in order to study the Torah in cleanliness.

(3) The halachic midrash on Leviticus. Lion-like he mastered in a short time (a winter's day) all the intricacies of this midrash.

(4) Ezek. XXI, 30. E.V. 'that art to be slain'.

(5) Deut. XVII, 6. E.V. 'he that is to die'.

(6) Lit., 'to the villages'.

(7) Lit., 'their learning grew heavy for them'.

(8) Job XIV, 21.

(9) Ibid. 22.

(10) Screening the Divine Presence.

(11) Sc., in the divine judgment pronounced on New Year.

(12) And not in a linen shroud.

(13) The first fall of the former rains, which would be about the seventeenth of Heshvan (Rashi).

(14) Which would be about six days after the first.

(15) Being not yet sufficiently grown.

(16) Being by now strong enough to resist.

(17) Whose spirit the pious man had heard conversing

(18) Or 'the school house'.

(19) Lit., 'court of death'.

(20) That she knew someone else was going to die.

(21) Lit., 'Silence'. The angel presiding over the dead.

(22) That So-and-so will die, but they know nothing else.

(23) This was his father's name.

(24) Where the souls of the pious learned foregathered.

(25) Apart from the other dead.

(26) v. Keth. 113b.

(27) His knowing that Samuel would soon die.

(28) Deut. XXXIV,4.

(29) Lit., 'to say'.

Talmud - Mas. Berachoth 19a

Now if you maintain that the dead do not know, what would be the use of his telling them? — You infer then that they do know. In that case, why should he need to tell them? — So that they might be grateful to Moses. R. Isaac said: If one makes remarks about the dead, it is like making remarks about a stone. Some say [the reason is that] they do not know, others that they know but do not care. Can that be so? Has not R. Papa said: A certain man made¹ derogatory remarks about Mar Samuel and a log fell from the roof and broke his skull?² — A Rabbinical student is different, because the Holy One, blessed be He, avenges his insult.³

R. Joshua b. Levi said: Whoever makes derogatory remarks about scholars after their death⁴ is cast into Gehinnom, as it says, But as for such as turn aside⁵ unto their crooked ways, the Lord will lead them away with the workers of iniquity. Peace be upon Israel:⁶ even at a time when there is peace upon Israel, the Lord will lead them away with the workers of iniquity.⁷ It was taught in the school of R. Ishmael: If you see a scholar who has committed an offence by night, do not cavil at him by day, for perhaps he has done penance. 'Perhaps', say you? — Nay, rather, he has certainly done penance. This applies only to bodily [sexual] offences, but if he has misappropriated money, [he may be criticised] until he restores it to its owner.

R. Joshua b. Levi further said: In twenty-four places we find that the Beth din inflicted excommunication for an insult to a teacher, and they are all recorded in the Mishnah.⁸ R. Eleazar asked him, Where? He replied: See if you can find them. He went and examined and found three cases: one of a scholar who threw contempt on the bashing of the hands, another of one who made derogatory remarks about scholars after their death, and a third of one who made himself too familiar towards heaven. What is the case of making derogatory remarks about scholars after their death? — As we have learnt:⁹ He¹⁰ used to say: The water [of the sotah]¹¹ is not administered either to a proselyte or to an emancipated woman; the Sages, however say that it is. They said to him: There is the case of Karkemith an emancipated bondwoman in Jerusalem to whom Shemaiah and Abtalyon administered the water? He replied: They administered it to one like themselves.¹² They thereupon excommunicated him, and he died in excommunication, and the Beth din stoned his coffin.¹³ What is the case of treating with contempt the washing of the hands? — As we have learnt: R. Judah said: Far be it from us to think that Akabiah b. Mahalalel was excommunicated, for the doors of the Temple hall did not close on any man in Israel¹⁴ the equal of Akabiah b. Mahalalel in wisdom, in purity and in fear of sin. Whom did they in fact excommunicate? It was Eleazar b. Hanoch, who raised doubts about washing the hands, and when he died the Beth din sent and had a large stone placed on his coffin, to teach you that if a man is excommunicated and dies in his excommunication, the Beth din stone his coffin.¹⁵

What is the case of one behaving familiarly with heaven? — As we have learnt: Simeon b. Shetah sent to Honi ha-Me'aggel:¹⁶ You deserve to be excommunicated, and were you not Honi, I would pronounce excommunication against you. But what can I do seeing that you ingratiate yourself¹⁷ with the Omnipresent and He performs your desires, and you are like a son who ingratiates himself with his father and he performs his desires; and to you applies the verse: Let thy father and thy mother be glad, and let her that bore thee rejoice.¹⁸

But are there no more [instances of excommunication]? Is not there the case learnt by R. Joseph: Thaddeus a man of Rome accustomed the Roman [Jews] to eat kids roasted whole¹⁹ on the eve of Passover. Simeon b. Shetah sent to him and said: Were you not Thaddeus, I would pronounce sentence of excommunication on you, because you make Israel [appear to] eat holy things outside the precincts.²⁰ — We say, in our Mishnah. and this is in a Baraitha. But is there no other in our Mishnah? Is there not this one, as we have learnt: If he cuts it²¹ up into rings and puts sand between the rings.²² R. Eliezer declares that it is [permanently] clean, while the Rabbis declare that it is unclean; and this is the stove of Akna'i. Why Akna'i? Rab Judah said in the name of Samuel: Because they surrounded it with halachoth like a serpent [akna'i] and declared it unclean. And it has been taught: On that day they brought all the things that R. Eliezer had declared clean²³ and burnt them before him, and in the end they blessed²⁴ him.²⁵ — Even so we do not find excommunication stated in our Mishnah.²⁶ How then do you find the twenty-four places? — R. Joshua b. Levi compares one thing to another,²⁷ R. Eleazar does not compare one thing to another.

THOSE WHO CARRY THE BIER AND THOSE WHO RELIEVE THEM. Our Rabbis taught: A dead body is not taken out shortly before the time for the Shema', but if they began to take it they do

not desist. Is that so? Was not the body of R. Joseph taken out shortly before the time for the Shema'? — An exception can be made for a distinguished man.

BEFORE THE BIER AND BEHIND THE BIER. Our Rabbis taught: Those who are occupied with the funeral speeches, if the dead body is still before them, slip out one by one and recite the Shema'; if the body is not before them, they sit and recite it, and he [the mourner] sits silent; they stand up and say the tefillah and he stands up and accepts God's judgement and says: Sovereign of the Universe, I have sinned much before Thee and Thou didst not punish me one thousandth part. May it be Thy will, O Lord our God, to close up our breaches and the breaches of all Thy people the house of Israel in mercy! Abaye said: A man should not speak thus,²⁸ since R. Simeon b. Lakish said, and so it was taught in the name of R. Jose: A man should never speak in such a way as to give an opening to Satan. And R. Joseph said: What text proves this? Because it says: We were almost like Sodom.²⁹ What did the prophet reply to them? Hear the word of the Lord, ye rulers of Sodom.³⁰

WHEN THEY HAVE BURIED THE DEAD BODY AND RETURNED, etc. [I understand]: If they are able to begin and go through all of it, yes, but if they have only time for one section or one verse, no. This statement was contradicted by the following: When they have buried the body and returned, if they are able to begin and complete even one section or one verse, [they do so]! — That is just what he says: If they are able to begin and go through even one section or one verse before they form a row, they should begin, but otherwise they should not begin.

(1) MS.M.: Did not R. Papa make etc.; cf. next note.

(2) MS.M.: and nearly broke (lit., 'wished to break') his skull. This suits better the reading of MS.M. mentioned in previous note.

(3) Lit., 'his honour'.

(4) Lit., 'Speaks after the bier of scholars'.

(5) Heb. *mattim*, connected by R. Joshua with *mittathan* (their bier) above.

(6) Ps. CXXV,5.

(7) To Gehinnom.

(8) I.e., the Mishnah as a whole.

(9) 'Ed. V, 6.

(10) Akabiah b. Mahalalel.

(11) A woman suspected of infidelity. V. Num. V, 11ff.

(12) They were supposed to be descended from Sennacherib and so from a family of proselytes. Others render: they only pretended to administer it.

(13) V. 'Ed. V, 6 (Sonc. ed.) notes.

(14) When they all assembled there to kill their paschal lambs.

(15) Pes. 64b.

(16) The word *Me'aggel* probably means 'circle-drawer'; v. Ta'an. 19a.

(17) Aliter: 'take liberties with'.

(18) Prov. XXIII, 25. V. Ta'an 19a.

(19) Lit., 'Helmeted goats' — goats roasted whole with their entrails and legs placed on the head, like a helmet. This was how the Passover sacrifice was roasted.

(20) V. Pes. (Sonc. ed.) p. 260 notes.

(21) An earthenware stove which has been declared unclean, and cannot be used till it has been broken up and remade.

(22) To cement them.

(23) After contact with such a stove.

(24) Euphemism for 'excommunicated'.

(25) V. B.M. (Sonc. ed.) 59b notes.

(26) The last statement being from a Baraita.

(27) I.e., he takes count of all the cases where the ruling of the Rabbis was disregarded by an individual, and excommunication should have been incurred, even if this is not mentioned.

(28) Saying, 'Thou didst not punish me', which is like a hint to punish.

(29) Isa. I, 9. E.V.' . . . a little. We were like etc.'

(30) Ibid. 10.

Talmud - Mas. Berachoth 19b

THOSE WHO STAND IN A ROW etc. Our Rabbis taught: The row which can see inside¹ is exempt, but one which cannot see inside is not exempt. R. Judah said: Those who come on account of the mourner are exempt, but those who come for their own purposes² are not exempt.

R. Judah said in the name of Rab: If one finds mixed kinds³ in his garment, he takes it off even in the street. What is the reason? [It says]: There is no wisdom nor understanding nor counsel against the Lord;⁴ wherever a profanation of God's name is involved no respect is paid to a teacher.

An objection was raised: If they have buried the body and are returning, and there are two ways open to them, one clean and the other unclean,⁵ if [the mourner] goes by the clean one they go with him by the clean one, and if he goes by the unclean one they go with him by the unclean one, out of respect for him. Why so? Let us say, There is no wisdom nor understanding against the Lord? — R. Abba explained the statement to refer to a beth ha-peras,⁶ which is declared unclean only by the Rabbis;⁷ for Rab Judah has said in the name of Samuel: A man may blow in front of him⁸ in a beth ha-peras and proceed. And Rab Judah b. Ashi also said in the name of Rab: A beth ha-peras which has been well trodden is clean.⁹ — Come and hear; for R. Eleazar b. Zadok¹⁰ said: We used to leap over coffins containing bodies to see the Israelite kings.¹¹ Nor did they mean this to apply only to Israelite kings, but also to heathen kings, so that if he should be privileged [to live to the time of the Messiah], he should be able to distinguish between the Israelite and the heathen kings. Why so? Let us say, 'There is no wisdom and no understanding and no counsel before the Lord'? — [It is in accord with the dictum of Raba; for Raba said: It is a rule of the Torah¹² that a 'tent'¹³ which has a hollow space of a handbreadth¹⁴ forms a partition against uncleanness, but if it has not a hollow space of a handbreadth it forms no partition against uncleanness.¹⁵ Now most coffins have a space of a handbreadth, and [the Rabbis] decreed that those which had such a space [should form no partition] for fear they should be confused with those which had no space, but where respect to kings was involved they did not enforce the decree.

Come and hear. 'Great is human dignity, since it overrides a negative precept of the Torah'.¹⁶ Why should it? Let us apply the rule, 'There is no wisdom nor understanding nor counsel against the Lord? — Rab b. Shaba explained the dictum in the presence of R. Kahana to refer to the negative precept of 'thou shalt not turn aside'.¹⁷ They laughed at him. The negative precept of 'thou shalt not turn aside' is also from the Torah!¹⁸ Said R. Kahana: If a great man makes a statement, you should not laugh at him. All the ordinances of the Rabbis were based by them on the prohibition of 'thou shalt not turn aside'¹⁹ but where the question of [human] dignity is concerned the Rabbis allowed the act.²⁰

Come and hear.²¹ And hide thyself from them.²² There are times when thou mayest hide thyself from them and times when thou mayest not hide thyself from them. How so? If the man [who sees the animal] is a priest and it [the animal] is in a graveyard, or if he is an elder and it is not in accordance with his dignity [to raise it], or if his own work was of more importance than that of his fellow.²³ Therefore it is said, And thou shalt hide. But why so? Let us apply the rule, 'There is no wisdom nor understanding nor counsel against the Lord'? — The case is different there, because it says expressly, And thou shalt hide thyself from them. Let us then derive from this [the rule for mixed kinds]?²⁴ — We do not derive a ritual ruling from a ruling relating to property.²⁵ Come and hear:²⁶ Or for his sister.²⁷ What does this teach us? Suppose he²⁸ was going to kill his paschal lamb or to circumcise his son, and he heard that a near relative of his had died, am I to say that he should

go back and defile himself? You say, he should not defile himself.²⁹ Shall I say that just as he does not defile himself for them, so he should not defile himself for a meth mizwah?³⁰ It says significantly, ‘And for his sister’: for his sister he does not defile himself,

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- (1) I.e., which can see the mourner, if they stand several deep.
 - (2) To see the crowd.
 - (3) Linen and wool.
 - (4) Prov. XXI, 30.
 - (5) Because there is a grave in it.
 - (6) A field in which there was once a grave which has been ploughed up, so that bones may be scattered about.
 - (7) But not by the Scripture.
 - (8) To blow the small bones away.
 - (9) V. Pes. (Sonc. ed.) p. 492-4 notes.
 - (10) He was a priest.
 - (11) Which proves that showing respect overrides the rules of uncleanness.
 - (12) I.e., a ‘law of Moses from Sinai’.
 - (13) I.e., anything which overshadows, v. Num. XIX, 14.
 - (14) Between its outside and what it contains.
 - (15) The uncleanness which it overshadows breaks through and extends beyond its confines.
 - (16) Men. 37b.
 - (17) Deut. XVII, 11, and not to negative precepts in general.
 - (18) And the objection still remains.
 - (19) They based on these words their authority to make rules equally binding with those laid down in the Torah, and Rab b. Shaba interprets the words ‘negative precept of the Torah’ in the passage quoted to mean, ‘Rabbinical ordinances deriving their sanction from this negative precept of their Torah’.
 - (20) V. Shab. 81b.
 - (21) For notes V. B.M. (Sonc. ed.) 30a.
 - (22) Deut. XXII, 1, 4.
 - (23) I.e., if he stood to lose more from neglecting his own work than the other from the loss of his animal.
 - (24) Of which it was said supra that he takes off the garment even in the street.
 - (25) Lit., ‘money’. To override a ritual rule is more serious.
 - (26) Nazir 48b.
 - (27) Num. VI, 7.
 - (28) A Nazirite who is also a priest.
 - (29) Because those things must be done at a fixed time, and cannot be postponed.
 - (30) Lit., ‘(the burial of) a dead, which is a religious obligation’. V. Glos.

Talmud - Mas. Berachoth 20a

but he does defile himself for a meth mizwah. But why should this be? Let us apply the rule, ‘There is no wisdom nor understanding nor counsel against the Lord?’¹ — The case is different there, because it is written, ‘And for his sister’. Let us then derive a ruling from this [for mixed kinds]? — Where it is a case of ‘sit still and do nothing’, it is different.²

Said R. Papa to Abaye: How is it that for the former generations miracles were performed and for us miracles are not performed? It cannot be because of their [superiority in] study, because in the years of Rab Judah the whole of their studies was confined to Nezikin, and we study all six Orders, and when Rab Judah came in [the tractate] ‘Ukzin [to the law], ‘If a woman presses vegetables in a pot’³ (or, according to others, ‘olives pressed with their leaves are clean’),⁴ he used to say, I see all the difficulties of Rab and Samuel here.⁵ and we have thirteen versions of Ukzin.⁶ And yet when Rab Judah drew off one shoe,⁷ rain used to come, whereas we torment ourselves and cry loudly, and no notice is taken of us!⁸ He replied: The former generations used to be ready to sacrifice their lives for

the sanctity of [God's] name; we do not sacrifice our lives for the sanctity of [God's] name. There was the case of R. Adda b. Ahaba who saw a heathen woman wearing a red head-dress⁹ in the street, and thinking that she was an Israelite woman, he rose and tore it from her. It turned out that she was a heathen woman, and they fined him four hundred zuz. He said to her: What is your name. She replied: Mathun. Mathun, he said to her: that makes four hundred zuz.¹⁰

R. Giddal was accustomed to go and sit at the gates of the bathing-place.¹¹ He used to say to the women [who came to bathe]: Bathe thus, or bathe thus. The Rabbis said to him: Is not the Master afraid lest his passion get the better of him? — He replied: They look to me like so many white geese. R. Johanan was accustomed to go and sit at the gates of the bathing place. He said: When the daughters of Israel come up from bathing they look at me and they have children as handsome as I am.¹² Said the Rabbis to him: Is not the Master afraid of the evil eye? — He replied: I come from the seed of Joseph, over whom the evil eye has no power, as it is written, Joseph is a fruitful vine, a fruitful vine above the eye,¹³ and R. Abbahu said with regard to this, do not read 'ale 'ayin, but 'ole 'ayin'.¹⁴ R. Judah son of R. Hanina derived it from this text: And let them multiply like fishes [we-yidgu] in the midst of the earth.¹⁵ Just as the fishes [dagim] in the sea are covered by water and the evil eye has no power over them, so the evil eye has no power over the seed of Joseph. Or, if you prefer I can say: The evil eye has no power over the eye which refused to feed itself on what did not belong to it.¹⁶

MISHNAH. WOMEN, SLAVES AND MINORS ARE EXEMPT FROM RECITING THE SHEMA'

(1) For notes V. Sanh. (Sonc. ed.) 35a.

(2) Wearing mixed kinds is certainly an active breaking of a rule, but it is not clear how attending to a meth mizwah comes under the head of 'sit and do nothing'. V. Rashi and Tosaf. ad loc.

(3) 'Ukzin, II, 1.

(4) Ibid.

(5) I.e., this Mishnah itself presents as many difficulties to me as all the rest of the Gemara.

(6) I.e., the Mishnah and the various Baraitas and Toseftas. Aliter: We have thirteen colleges which are well versed in it.

(7) In preparation for fasting.

(8) For fuller notes on the passage, v. Sanh. (Sonc. ed.) p. 728.

(9) Aliter: 'mantle'.

(10) The Aramaic for two hundred is mathan. Mathun also means 'deliberate'; had he been less rash he would have saved himself 400 zuz; there is here a double play on words.

(11) Where the women took their ritual bath.

(12) R. Johanan was famous for his beauty. V. supra 5b.

(13) Gen. XLIX, 22.

(14) Lit., 'rising above the (power of the) eye'. I.e., superior to the evil eye.

(15) So lit. E.V. 'grow into a multitude'. Ibid. XLVIII, 16.

(16) Sc. Potiphar's wife.

Talmud - Mas. Berachoth 20b

AND FROM PUTTING ON TEFILLIN. BUT THEY ARE SUBJECT TO THE OBLIGATIONS OF TEFILLAH AND MEZUZAH¹ AND GRACE AFTER MEALS.

GEMARA. That they are exempt from the Shema' is self-evident — It is a positive precept for which there is a fixed time?² You might say that because it mentions the kingship of heaven it is different. We are therefore told that this is not so.

AND FROM PUTTING ON THE TEFILLIN. This also is self-evident?³ You might say that because it is put on a level with the mezuzah⁴ [therefore women should be subject to it]. Therefore we are told that this is not so.

THEY ARE SUBJECT TO THE OBLIGATION OF TEFILLAH. Because this [is supplication for Divine] mercy. You might [however] think that because it is written in connection therewith, Evening and morning and at noonday,⁵ therefore it is like a positive precept for which there is a fixed time. Therefore we are told [that this is not so].

AND MEZUZAH. This is self-evident?⁶ You might say that because it is put on a level with the study of the Torah,⁷ [therefore women are exempt]. Therefore it tells us [that this is not so].

AND GRACE AFTER MEALS. This is self-evident? — You might think that because it is written, When the Lord shall give you in the evening flesh to eat and in the morning bread to the full,⁸ therefore it is like a positive precept for which there is a definite time. Therefore it tells us [that this is not so].

R. Adda b. Ahabah said: Women are under obligation to sanctify the [Sabbath] day⁹ by ordinance of the Torah. But why should this be? It is a positive precept for which there is a definite time, and women are exempt from all positive precepts for which there is a definite time? — Abaye said: The obligation is only Rabbinical. Said Raba to him: But it says, 'By an ordinance of the Torah'? And further, on this ground we could subject them to all positive precepts by Rabbinical authority? Rather, said Raba. The text says Remember and Observe.¹⁰ Whoever has to 'observe' has to 'remember'; and since these women have to 'observe',¹¹ they also have to 'remember'.¹²

Rabina said to Raba: Is the obligation of women to say grace after meals Rabbinical or Scriptural? — What difference does it make in practice which it is? — For deciding whether they can perform the duty on behalf of others. If you say the obligation is Scriptural, then one who is bound by Scripture can come and perform the duty on behalf of another who is bound by Scripture. But if you say the obligation is only Rabbinical, then [a woman] is not strictly bound to do this, and whoever is not strictly bound to do a thing cannot perform the obligation on behalf of others. What [do we decide]? — Come and hear: 'In truth they did say: A son¹³ may say grace on behalf of his father and a slave may say grace on behalf of his master and a woman may say grace on behalf of her husband. But the Sages said: A curse light on the man whose wife or children have to say grace for him.'¹⁴ If now you say that [the obligation of these others] is Scriptural, then there is no difficulty: one who is bound by the Scripture comes and performs the duty on behalf of one who is bound by the Scripture. But if you say that the obligation is Rabbinic, can one who is bound only Rabbinically come and perform the duty on behalf of one who is bound Scripturally? — But even accepting your reasoning, is a minor subject to obligation [Scripturally]?¹⁵ Nay. With what case are we dealing here? If, for instance, he ate a quantity for which he is only Rabbinically bound [to say grace],¹⁶ in which case one who is Rabbinically bound¹⁷ comes and performs the duty on behalf of one who is only Rabbinically bound.¹⁸

R. 'Awira discoursed — sometimes in the name of R. Ammi, and sometimes in the name of R. Assi — as follows: The ministering angels said before the Holy One, blessed be He: Sovereign of the Universe, it is written in Thy law, Who regardeth not persons¹⁹ nor taketh reward,²⁰ and dost Thou not regard the person of Israel, as it is written, The Lord lift up His countenance upon thee?²¹ He replied to them: And shall I not lift up My countenance for Israel, seeing that I wrote for them in the Torah, And thou shalt eat and be satisfied and bless the Lord thy God,²² and they are particular [to say the grace] if the quantity is but an olive or an egg.²³

MISHNAH. A BA'AL KER²⁴ SAYS THE WORDS [OF THE SHEMA']²⁵ MENTALLY²⁶

WITHOUT SAYING A BLESSING EITHER BEFORE OR AFTER. AT MEALS HE SAYS THE GRACE AFTER, BUT NOT THE GRACE BEFORE. R. JUDAH SAYS: HE SAYS THE GRACE BOTH BEFORE AND AFTER.

GEMARA. Said Rabina: This would show that saying mentally is equivalent to actual saying.²⁷ For if you assume that it is not equivalent to actual saying, why should he say mentally?²⁸ What then? [You say that] saying mentally is equivalent to actual saying. Then let him utter the words with his lips! — We do as we find it was done at Sinai.²⁹ R. Hisda said: Saying mentally is not equivalent to actual saying. For if you assume that saying mentally is equivalent to actual saying, then let him utter the words with his lips! What then? [You say that] saying mentally is not equivalent to actual saying? Why then should he say mentally? — R. Eleazar replied: So that he should not have to sit saying nothing while everyone else is engaged saying the Shema'. Then let him read some other section? — R. Adda b. Ahaba said: [He must attend to that] with which the congregation is engaged.

(1) V. Glos.

(2) And women are exempt from such precepts. V. infra.

(3) For the same reason.

(4) Since it is written, and thou shalt bind them, and thou shalt write them.

(5) Ps. LV, 18.

(6) For what reason is there for exempting them?

(7) As it says, And ye shall teach them to your sons, and ye shall write them; and the obligation of teaching applies only to the males.

(8) Ex. XVI, 8.

(9) Over wine. V. P.B. p. 124.

(10) In the two versions of the Fourth Commandment, viz., Ex. XX, 8 and Deut. V, 12 respectively.

(11) I.e., abstain from work.

(12) I.e., say sanctification. (Kiddush). V. Glos.

(13) I.e., a minor.

(14) Because he cannot say it himself; v. Suk. 38a.

(15) As would be presupposed in your argument.

(16) Viz., the quantity of an olive according to R. Meir and an egg according to R. Judah. Infra 45a.

(17) A minor.

(18) The father who had less than the minimum quantity. And it is only in such a case that a woman may say grace on behalf of her husband.

(19) Lit., 'Who lifteth not up the countenance'.

(20) Deut. X, 17.

(21) Num. VI, 26.

(22) Deut. VIII, 10.

(23) Cf. supra n. 2.

(24) V. Glos.

(25) When the hour arrives for reciting it.

(26) Lit., 'in his heart'.

(27) Lit., 'thinking is like speech'.

(28) What religious act does he perform thereby?

(29) Moses ordered the Israelites to keep away from woman before receiving the Torah, but those who were unclean could still accept mentally.

Talmud - Mas. Berachoth 21a

But what of tefillah which is a thing with which the congregation is engaged, and yet we have learnt: If he was standing reciting the tefillah and he suddenly remembered that he was a ba'al kerai he should not break off, but he should shorten [each blessing]. Now the reason is that he had

commenced; but if he had not yet commenced, he should not do so? — Tefillah is different because it does not mention the kingdom of heaven.¹ But what of the grace after meals in which there is no mention of the sovereignty of heaven, and yet we have learnt: AT MEALS HE SAYS GRACE AFTER, BUT NOT THE GRACE BEFORE? — [Rather the answer is that] the recital of the Shema' and grace after food are Scriptural ordinances, whereas tefillah is only a Rabbinical ordinance.²

Rab Judah said: Where do we find that the grace after meals is ordained in the Torah? Because it says: And thou shalt eat and be satisfied and bless.³ Where do we find that a blessing before studying the Torah is ordained in the Torah? Because it says: When I proclaim the name of the Lord, ascribe ye greatness to our God.⁴ R. Johanan said: We learn that a blessing should be said after studying the Torah by an argument a fortiori from grace after food; and we learn that grace should be said before food by an argument a fortiori from the blessing over the Torah. The blessing after the Torah is learnt a fortiori from the grace after food as follows: Seeing that food which requires no grace before it⁵ requires a grace after it, does it not stand to reason that the study of the Torah which requires a grace before it should require one after it? The blessing before food is learnt a fortiori from the blessing over the Torah as follows: Seeing that the Torah which requires no blessing after it⁵ requires one before it, does it not stand to reason that food which requires one after it should require one before it? A flaw can be pointed out in both arguments. How can you reason from food [to the Torah], seeing that from the former he derives physical benefit? And how can you reason from the Torah [to food], seeing that from the former he obtains everlasting life? Further, we have learnt: AT MEALS HE SAYS THE GRACE AFTER BUT NOT THE GRACE BEFORE?⁶ — This is a refutation.

Rab Judah said: If a man is in doubt whether he has recited the Shema', he need not recite it again. If he is in doubt whether he has said 'True and firm', or not, he should say it again. What is the reason? — The recital of the Shema' is ordained only by the Rabbis, the saying of 'True and firm' is a Scriptural ordinance.⁷ R. Joseph raised an objection to this,⁸ 'And when thou liest down, and when thou risest up'. — Said Abaye to him: That was written with reference to words of Torah.⁹

We have learnt: A BA'AL KERI SAYS MENTALLY, AND SAYS NO BLESSING EITHER BEFORE OR AFTER. AT MEALS HE SAYS THE GRACE AFTER BUT NOT THE GRACE BEFORE. Now if you assume that 'True and firm' is a Scriptural regulation, let him say the blessing after the Shema'? — Why should he say [the blessing after]? If it is in order to mention the going forth from Egypt, that is already mentioned in the Shema'! But then let him say the former, and he need not say the latter?¹⁰ — The recital of Shema' is preferable, because it has two points.¹¹ R. Eleazar says: If one is in doubt whether he has recited the Shema' or not, he says the Shema' again. If he is in doubt whether he has said the Tefillah or not, he does not say it again. R. Johanan, however, said: Would that a man would go on praying the whole day!

Rab Judah also said in the name of Samuel: If a man was standing saying the Tefillah and he suddenly remembered that he had already said it, he breaks off even in the middle of a benediction. Is that so? Has not R. Nahman said: When we were with Rabbah b. Abbuha, we asked him with reference to disciples who made a mistake and began the weekday benediction on a Sabbath, whether they should finish it, and he said to us that they should finish that blessing! — Are these cases parallel? In that case one¹² is in reality under obligation,¹³ and it is the Rabbis who did not trouble him out of respect for the Sabbath, but in this case he has already said the prayer.

Rab Judah further said in the name of Samuel: If a man had already said the Tefillah and went into a synagogue and found the congregation saying the Tefillah, if he can add something fresh, he should say the Tefillah again, but otherwise he should not say it again. And both these rulings are required.¹⁴ For if I had been told only the first, I should have said, This applies only to [a case where he said the Tefillah] alone and [is repeating it] alone

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- (1) The words 'King of the Universe' are not used in the Eighteen Benedictions.
 - (2) And therefore he need not say it even mentally.
 - (3) Deut. VIII, 10.
 - (4) Ibid. XXXII, 3. E.V. 'for I will proclaim etc.'. V. Yoma 37a.
 - (5) I.e., no such grace is distinctly prescribed in the Torah.
 - (6) Which proves that the grace before food is not Biblical.
 - (7) Because it mentions the going forth from Egypt, as prescribed in Deut. XVI, 3.
 - (8) That the Shema' is not Scriptural.
 - (9) And it is applied to the Shema' only as an allusion.
 - (10) I.e., let him say the blessing openly, and not the Shema' mentally.
 - (11) It mentions both the Kingdom of Heaven and the going forth from Egypt.
 - (12) Lit., 'the man'.
 - (13) To say the weekday Tefillah.
 - (14) This latter ruling and the case where one remembered whilst praying that he had already prayed.

Talmud - Mas. Berachoth 21b

, or [where he said it] with a congregation and [is repeating it] with a congregation,¹ but when [one who has prayed] alone goes into a congregation, it is as if he had not prayed at all. Hence we are told that this is not so. And if we had been told only the second case, I might think that this ruling applies only because he had not commenced, but where he had commenced I might say that he should not [break off]. Therefore both are necessary.

R. Huna said: If a man goes into a synagogue and finds the congregation saying the Tefillah, if he can commence and finish before the reader² reaches 'We give thanks',³ he may say the Tefillah,⁴ but otherwise he should not say it. R. Joshua b. Levi says: If he can commence and finish before the reader reaches the Sanctification,⁵ he should say the Tefillah, but otherwise he should not say it. What is the ground of their difference? One authority held that a man praying by himself does say the Sanctification, while the other holds that he does not. So, too, R. Adda b. Abahah said: Whence do we know that a man praying by himself does not say the Sanctification? Because it says: I will be hallowed among the children of Israel;⁶ for any manifestation of sanctification not less than ten are required. How is this derived? Rabinai the brother of R. Hiyya b. Abba taught: We draw an analogy between two occurrences of the word 'among'. It is written here, I will be hallowed among the children of Israel, and it is written elsewhere. Separate yourselves from among this congregation.⁷ Just as in that case ten are implied,⁸ so here ten are implied. Both authorities, however, agree that he does not interrupt [the Tefillah].⁹

The question was asked: What is the rule about interrupting [the Tefillah] to respond. May His great name be blessed?¹⁰ — When R. Dimi came from Palestine, he said that R. Judah and R. Simeon¹¹ the disciples of R. Johanan say that one interrupts for nothing except 'May His great name be blessed', for even if he is engaged in studying the section of the work of [the Divine] Chariot,¹² he must interrupt [to make this response]. But the law is not in accordance with their view.¹³

R. JUDAH SAYS: HE SAYS THE GRACE BOTH BEFORE AND, AFTER. This would imply that R. Judah was of opinion that a ba'al keri is permitted to [occupy himself] with the words of the Torah. But has not R. Joshua b. Levi said: How do we know that a ba'al keri is forbidden to study the Torah? Because it says, Make them known unto thy children and thy children's children,¹⁴ and immediately afterwards, The day that thou stoodest [before the Lord thy God in Horeb],¹⁵ implying that just as on that occasion those who had a seminal issue were forbidden,¹⁶ so here too those who have a seminal issue are forbidden? And should you say that R. Judah does not derive lessons from the juxtaposition of texts, [this does not matter] since R. Joseph has said: Even those who do not

derive lessons from the juxtaposition of texts in all the rest of the Torah, do so in Deuteronomy; for R. Judah does not derive such lessons in all the rest of the Torah, and in Deuteronomy he does. And how do we know that in all the rest of the Torah he does not derive such lessons? — As it has been taught; Ben ‘Azzai says: Thou shalt not suffer a sorceress to live.¹⁷ and it says [immediately afterwards], Whosoever lieth with a beast shall surely be put to death.¹⁸ The two statements were juxtaposed to tell you that just as one that lieth with a beast is put to death by stoning, so a sorceress also is put to death by stoning. Said R. Judah to him: Because the two statements are juxtaposed, are we to take this one out to be stoned? Rather [we learn it as follows]: They that divine by a ghost or a familiar spirit come under the head of sorceress. Why then were they mentioned separately?¹⁹ To serve as a basis for comparison: just as they that divine by a ghost or familiar spirit are to be stoned, so a sorceress is to be stoned. And how do we know that he derives lessons from juxtaposition in Deuteronomy? — As it has been taught: R. Eliezer said, A man may marry a woman who has been raped by his father or seduced by his father, one who has been raped by his son, or one who has been seduced by his son. R. Judah prohibits one who has been raped by his father or seduced by his father. And R. Giddal said with reference to this: What is the reason of R. Judah? Because it is written: A man shall not take his father's wife and shall not uncover his father's skirt;²⁰ which implies, he shall not uncover the skirt which his father saw. And how do we know that the text is speaking of one raped by his father? — Because just before it are the words, Then the man that lay with her shall give unto the father, etc!²¹ — They replied: Yes, in Deuteronomy he does draw such lessons, but this juxtaposition he requires for the other statement of R. Joshua b. Levi. For R. Joshua b. Levi said: If any man teaches his son Torah, the Scripture accounts it to him as if he had received it from Mount Horeb, as it says, ‘And thou shalt make them known unto thy children and thy children's children’, and immediately afterwards it is written, ‘The day that thou stoodest before the Lord thy God in Horeb.’²²

We have learnt: A sufferer from gonorrhoea who had an emission, a niddah from whom semen has escaped and a woman who became niddah during sexual intercourse require ritual ablution;²³ R. Judah, however, exempts them.²⁴ Now R. Judah's exemption extends only to a gonorrhoeic person who had an emission, because ritual ablution in his first condition²⁵ is useless for him,²⁶ but an ordinary person who has an emission requires ritual ablution!²⁷ And should you maintain that R. Judah exempts an ordinary ba'al kerî also, and the reason why he and the Rabbis joined issue over the gonorrhoeic person was to show how far the Rabbis are prepared to go, then look then at the next clause: ‘A woman who became niddah during sexual intercourse requires a ritual ablution’. Whose opinion is here stated? Shall I say it is the Rabbis? Surely this is self-evident! Seeing that a gonorrhoeic person who has an emission, although a ritual ablution is useless in his first condition, was yet required by the Rabbis to take one, how much more so a woman who becomes niddah during sexual intercourse, for whom in her first condition a ritual ablution was efficacious!²⁸ We must say therefore that it states the opinion of R. Judah, and he meant exemption to apply only to this case.

(1) I.e., after having prayed with one congregation, he goes in to another.

(2) Lit., ‘the messenger of the congregation’.

(3) The seventeenth benediction, v. P.B. p. 51.

(4) In order that he may be able to bow at this point with the congregation.

(5) Recited in the third benediction. In this also the congregation joins in, v. P.B. p. 45.

(6) Lev. XXII, 32.

(7) Num. XVI, 21.

(8) The ‘congregation’ referred to being the ten spies, Joshua and Caleb being excluded. V. Meg. 23b.

(9) If he has commenced his Tefillah he does not interrupt in order to say the Sanctification with the congregation or to bow down with them.

(10) In the Kaddish, v. Glos.

(11) I.e., Judah b. Pazzi and Simeon b. Abba.

(12) V. Hag. 11b.

- (13) So MS.M. Cur. edd., 'with him'.
- (14) Deut. IV, 9.
- (15) Ibid. 10.
- (16) V. supra p. 124 n. 1.
- (17) Ex. XXII, 27.
- (18) Ibid. 18.
- (19) In Lev. XX, 27. 'A man also . . . that divineth by a ghost or a familiar spirit shall surely be put to death; they shall stone them with stones'.
- (20) Deut. XXIII, 1.
- (21) Ibid. XXII, 29. This shows that R. Judah derives lessons from juxtaposed texts in Deuteronomy. How then does he permit a ba'al kerí to occupy himself with Torah in view of Deut. IV, 9 and 10?
- (22) Ibid. IV, 9 and 10.
- (23) In order to be able to read Shema' or other words of the Torah.
- (24) V. infra 26a.
- (25) I.e., before he experienced the emission.
- (26) He has to wait seven days before he is clean.
- (27) Contra his own ruling in our Mishnah.
- (28) To cleanse her from the seminal issue that took place before the niddah.

Talmud - Mas. Berachoth 22a

so that a woman who becomes niddah during sexual intercourse does not require a ritual ablution, but an ordinary ba'al kerí does require ritual ablution! — Read [in the Mishnah] not: [R. JUDAH SAYS,] HE SAYS THE BLESSING, but 'He says mentally'. But does R. Judah [in any case] prescribe saying mentally? Has it not been taught: A ba'al kerí who has no water for a ritual ablution recites the Shema' without saying a blessing either before or after, and he eats bread and says a blessing after it. He does not, however, say a blessing before it, but says it mentally without uttering it with his lips. So R. Meir. R. Judah says: In either case he utters it with his lips? — Said R. Nahman b. Isaac: R. Judah put it on the same footing as the halachoth of Derek Erez,¹ as it has been taught: 'And thou shalt make them known to thy children and thy children's children', and it is written immediately afterwards, 'The day on which thou didst stand before the Lord thy God in Horeb'. Just as there it was in dread and fear and trembling and quaking, so in this case too² it must be in dread and fear and trembling and quaking. On the basis of this they laid down that sufferers from gonorrhoea, lepers, and those who had intercourse with niddoth are permitted to read the Torah, the Prophets and the Hagiographa, and to study the Mishnah, [Midrash]³ the Talmud,⁴ halachoth and haggadoth, but a ba'al kerí is forbidden.⁵ R. Jose said: He may repeat those with which he is familiar, so long as he does not expound the Mishnah. R. Jonathan b. Joseph said: He may expound the Mishnah but he must not expound the Talmud.⁶ R. Nathan b. Abishalom says: He may expound the Talmud also, provided only he does not mention the divine names that occur⁷ in it. R. Johanan the sandal-maker, the disciple of R. Akiba, said in the name of R. Akiba: He should not enter upon the Midrash at all. (Some read, he should not enter the Beth Ha-midrash at all.) R. Judah says: He may repeat the laws of Derek Erez.⁸ Once R. Judah after having had a seminal issue was walking along a river bank, and his disciples said to him, Master repeat to us a section from the laws of Derek Erez, and he went down and bathed and then repeated to them. They said to him: Have you not taught us, Master, 'He may repeat the laws of Derek Erez'? He replied: Although I make concessions to others, I am strict with myself.

It has been taught: R. Judah b. Bathyra used to say: Words of Torah are not susceptible of uncleanness. Once a certain disciple was mumbling over against R. Judah b. Bathyra.⁹ He said to him: My son, open thy mouth and let thy words be clear, for words of Torah are not susceptible to uncleanness, as it says, Is not My word like as fire.¹⁰ Just as fire is not susceptible of uncleanness, so words of Torah are not susceptible of uncleanness.

The Master said: He may expound the Mishnah, but he must not expound the Talmud. This supports R. Ila'i; for R. Ila'i said in the name of R. Aha b. Jacob, who gave it in the name of our Master:¹¹ The halachah is that he may expound the Mishnah but he must not expound the Talmud. The same difference of opinion is found among Tannaim. 'He may expound the Mishnah but he must not expound the Talmud'. So R. Meir. R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: Both are forbidden. Others report him as having said: Both are permitted. The one who reports 'Both are forbidden' concurs with R. Johanan the sandal-maker; the one who reports, 'both are permitted' concurs with R. Judah b. Bathyra.

R. Nahman b. Isaac said: It has become the custom¹² to follow these three elders, R. Ila'i in the matter of the first shearing,¹³ R. Josiah in the matter of mixed kinds, and R. Judah b. Bathyra in the matter of words of Torah. 'R. Ila'i in the matter of the first shearing', as it has been taught: R. Ila'i says: The rule of the first shearing applies only in Palestine. 'R. Josiah in the matter of mixed kinds', as it is written, Thou shalt not sow thy vineyard with two kinds of seeds.¹⁴ R. Josiah says: The law has not been broken until one sows wheat, barley and grape kernels with one throw.¹⁵ 'R. Judah b. Bathyra in the matter of words of Torah,' as it has been taught: R. Judah b. Bathyra says: Words of Torah are not susceptible of uncleanness. When Ze'iri came [from Palestine], he said: They have abolished the ritual ablution. Some report him to have said: They have abolished the washing of hands. The one who reports 'they have abolished the ritual ablution' concurs with R. Judah b. Bathyra. The one who reports 'they have abolished the washing of hands' is in accord with R. Hisda, who cursed anyone who went looking for water at the hour of prayer.¹⁶

Our Rabbis taught: A ba'al kerī on whom nine kabs¹⁷ of water have been thrown is clean. Nahum a man of Gimzu¹⁸ whispered it to R. Akiba, and R. Akiba whispered it to Ben 'Azzai, and Ben 'Azzai went forth and repeated it to the disciples in public. Two Amoraim in the West differed in regard to this, R. Jose b. Abin and R. Jose b. Zebida. One stated: He repeated it, and one taught, He whispered it. The one who taught 'he repeated it' held that the reason [for the concession] was to prevent neglect of the Torah and of procreation. The one who taught 'he whispered it' thought that the reason was in order that scholars might not always be with their wives like cocks.¹⁹

R. Jannai said: I have heard of some who are lenient in this matter,²⁰ and I have heard of some who are strict in it;²¹ and if anyone is strict with himself in regard to it, his days and years are prolonged.

R. Joshua b. Levi said: What is the sense of those who bathe in the morning? [He asks], What is the sense! Why, it was he himself who said that a ba'al kerī is forbidden [to occupy himself] with the words of the Torah! What he meant is this: What is the sense of bathing in forty se'ahs²² when one can make shift with nine kabs? What is the sense of going right in when throwing the water over one is sufficient? R. Hanina said: They put up a very valuable fence by this,²³ as it has been taught: Once a man enticed a woman to commit an offence and she said to him: Vagabond,²⁴ have you forty se'ahs to bathe in, and he at once desisted. Said R. Huna to the disciples: My masters, why do you make so light of this bathing? Is it because of the cold? You can use the baths! Said R. Hisda to him: Can ablution be performed in hot baths? — He replied: R. Adda b. Ahabah is of the same opinion as you. R. Ze'ira used to sit in a tub of water in the baths and say to his servant, Go and fetch nine kabs and throw over me. R. Hiyya b. Abba said to him: Why, sir, do you take this trouble, seeing that you are sitting in [that quantity of] water? — He replied: The nine kabs must be like the forty se'ahs: just as the forty se'ahs are for immersion and not for throwing, so the nine kabs are for throwing and not for immersion. R. Nahman prepared an ewer holding nine kabs.²⁵ When R. Dimi came, he reported that R. Akiba and R. Judah Glostera²⁶ had said: The rule,²⁷ was laid down only for a sick person who has an emission involuntarily, but for a sick person who has a voluntary emission²⁸ forty se'ahs [are required]. Said R. Joseph: R. Nahman's ewer was broken.²⁹ When Rabin came, he said: The thing

took place in Usha

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- (1) Lit., 'Good Behaviour', two small tractates which did not enjoy the same authority as the rest of the Mishnah.
 - (2) Viz., the study of the Torah.
 - (3) Inserted with MS.M.
 - (4) So MS.M.; cur. edd. Gemara, v. supra p. 64, n. 9.
 - (5) Because the seminal issue is a sign of frivolity.
 - (6) Rashi reads 'Midrash'.
 - (7) In the Biblical verses which it expounds (Rashi).
 - (8) V. M.K. 15a.
 - (9) He had had an issue and was afraid to say the words distinctly.
 - (10) Jer. XXIII, 29.
 - (11) Rab.
 - (12) Lit., 'the world is accustomed'.
 - (13) V. Deut. XVIII, 4.
 - (14) Deut. XXII, 9.
 - (15) Wheat and barley being mixed seeds, and grape kernels mixed seeds of the vineyard.
 - (16) V. supra 15a.
 - (17) A kab is four logs of twenty-four eggs.
 - (18) V. Ta'an. 21a.
 - (19) And therefore he did not want it to be too well known among the scholars.
 - (20) Of using only nine kabs, or not bathing at all.
 - (21) Insisting on forty se'ahs.
 - (22) The minimum quantity of water required for ritual ablution.
 - (23) Insisting on forty se'ahs.
 - (24) Rekah (Raka) 'empty one', 'good for nothing'.
 - (25) For the use of the disciples.
 - (26) According to some, this word means 'locksmith'.
 - (27) That nine kabs are sufficient.
 - (28) Lit., 'a sick person who induces it'. I.e., after marital intercourse.
 - (29) I.e. rendered useless, because in view of his teaching nine kabs can rarely be of effect.

Talmud - Mas. Berachoth 22b

in the anteroom of R. Oshaia. They came and asked R. Assi, and he said to them, This rule was laid down only for a sick person whose emission is voluntary, but a sick person whose emission is involuntary requires nothing at all. Said R. Joseph: R. Nahman's ewer has been repaired again.¹

Let us see! The dispute between all these Tannaim and Amoraim is as to the ordinance of Ezra. Let us see then what Ezra did ordain! Abaye said: Ezra ordained that a healthy man whose emission is voluntary must immerse in forty se'ahs, and a healthy man whose emission is involuntary must use nine kabs, and the Amoraim came and differed over the sick person.² One held that a sick person whose emission is voluntary is on the same footing as a healthy person whose emission is voluntary, and a sick person whose emission is involuntary as a healthy person whose emission is involuntary; while the other held that a sick person whose emission is voluntary is on the same footing as a healthy person whose emission is involuntary and a sick person whose emission is involuntary requires nothing at all. Raba said: Granted that Ezra ordained immersion, did he ordain throwing? Has not a master said: Ezra ordained immersion for persons who have had a seminal emission? Rather, said Raba, Ezra ordained for a healthy person whose emission is voluntary forty se'ahs, and the Rabbis [after Ezra] came and ordained for a healthy person whose emission is involuntary nine kabs. and the [Tannaim and]³ Amoraim came and differed with regard to a sick person,⁴ one holding that a sick person whose emission is voluntary is on the same footing as a healthy person whose

emission is voluntary and a sick person whose emission is involuntary as a healthy person whose emission is involuntary, while the other held that a healthy person whose emission is voluntary requires forty se'ahs and a sick person whose emission is voluntary is on the same footing as a healthy person whose emission is involuntary and requires nine kabs, while a sick person whose emission is involuntary requires nothing at all. Raba said: The law is that a healthy person whose emission is voluntary and a sick person whose emission is voluntary require forty se'ahs, a healthy person whose emission is involuntary requires nine kabs, and a sick person whose emission is involuntary requires nothing at all.⁵

Our Rabbis taught: A ba'al keri over whom nine kabs of water have been thrown is clean. When is this the case? When it is for himself;⁶ but when it is for others,⁷ he requires forty se'ahs. R. Judah says: Forty se'ahs in all cases. R. Johanan and R. Joshua b. Levi and R. Eleazar and R. Jose son of R. Hanina [made pronouncements]. One of the first pair and one of the second pair dealt with the first clause of this statement. One said: This statement of yours, 'When is this the case? When it is for himself, but for others he requires forty se'ahs', was meant to apply only to a sick person whose emission is voluntary, but for a sick person whose emission is involuntary nine kabs are enough. The other said: Wherever it is for others, even if he is a sick person whose emission is involuntary, there must be forty se'ahs. One of the first pair and one of the second pair differed as to the second clause of the statement. One said: When R. Judah said that 'forty se'ahs are required in all cases', he was speaking only of water in the ground,⁸ but not in vessels. The other said: Even in vessels. On the view of the one who says 'even in vessels', there is no difficulty, that is why R. Judah taught: 'Forty se'ahs in all cases'. But on the view of the one who says 'in the ground, yes, in vessels, no', what is added by the words 'in all cases'? — They add drawn water.⁹

R. Papa and R. Huna the son of R. Joshua and Raba b. Samuel were taking a meal together. Said R. Papa to them: Allow me to say the grace [on your behalf] because nine kabs of water have been thrown on me. Said Raba b. Samuel to them: We have learnt: When is this the case? When it is for himself; but if it is for others, forty se'ahs are required. Rather let me say the grace, since forty se'ahs have been thrown on me. Said R. Huna to them: Let me say the grace since I have had neither the one nor the other on me.¹⁰ R. Hama bathed on the eve of Passover in order [that he might be qualified] to do duty on behalf of the public,¹¹ but the law is not as stated by him.¹² MISHNAH. IF A MAN WAS STANDING SAYING THE TEFILLAH AND HE REMEMBERS THAT HE IS A BA'AL KERI, HE SHOULD NOT BREAK OFF BUT HE SHOULD SHORTEN [THE BENEDICTIONS].¹³ IF HE WENT DOWN TO IMMERSE HIMSELF, IF HE IS ABLE TO COME UP AND COVER HIMSELF AND RECITE THE SHEMA' BEFORE THE RISING OF THE SUN, HE SHOULD GO UP AND COVER HIMSELF AND RECITE, BUT IF NOT HE SHOULD COVER HIMSELF WITH THE WATER AND RECITE. HE SHOULD, HOWEVER, NOT COVER HIMSELF EITHER WITH FOUL WATER¹⁴ OR WITH WATER IN WHICH SOMETHING¹⁵ HAS BEEN STEEPED UNTIL HE POURS FRESH WATER INTO IT. HOW FAR SHOULD HE REMOVE HIMSELF FROM IT¹⁴ AND FROM EXCREMENT? FOUR CUBITS.

GEMARA. Our Rabbis taught: If a man was standing saying the Tefillah and he remembered that he was a ba'al keri, he should not break off but shorten the benedictions. If a man was reading the Torah and remembered that he was a ba'al keri, he should not break off and leave it but should go on reading in a mumbling tone. R. Meir said: A ba'al keri is not permitted to read more than three verses in the Torah. Another [Baraita] taught: If a man was standing saying the Tefillah and he saw excrement in front of him, he should go forward until he has it four cubits behind him. But it has been taught: He should move to the side? — There is no contradiction; one statement speaks of where it is possible for him [to go forward], the other of where it is not possible.¹⁶ If he was praying and he discovered some excrement where he was standing, Rabbah says, even though he has sinned,¹⁷ his prayer is a valid one. Raba demurred to this, citing the text, The sacrifice of the wicked is an abomination?¹⁸ No, said Raba: Since he has sinned, although he said the Tefillah, his prayer is

an abomination.

Our Rabbis taught: If a man was standing saying the Tefillah and water drips over his knees, he should break off until the water stops and then resume his Tefillah. At what point should he resume? — R. Hisda and R. Hamnuna gave different replies. One said that he should go back to the beginning, the other said, to the place where he halted. May we say that the ground of their difference is this

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- (1) I.e., the disciples can still make use of it.
 - (2) Inserted with D.S.
 - (3) Inserted with MS.M.
 - (4) Cf. n. 1.
 - (5) This ruling was previous to, and therefore superseded by, that of R. Nahman, that the law follows R. Judah b. Bathyra.
 - (6) E.g., if he wants to study.
 - (7) E.g., if he has to teach.
 - (8) E.g., in a cistern, river or well.
 - (9) I.e., water not directly from a spring.
 - (10) I.e., I have required neither the one nor the other.
 - (11) Say grace on their behalf.
 - (12) That immersion is required to qualify for acting on behalf of others. Or it may mean that the law follows R. Judah b. Bathyra.
 - (13) I.e., say a shorter form of each one.
 - (14) I.e., urine, as explained below.
 - (15) E.g., flax.
 - (16) E.g., if there is a river in the way.
 - (17) I.e., is himself responsible, v. Tosaf.
 - (18) Prov. XXI, 27.

Talmud - Mas. Berachoth 23a

, that one authority holds that if one stops long enough to finish the whole he goes back to the beginning, while the other holds that he goes back [in any event] to the place where he stopped?¹ Said R. Ashi: In that case the statement should distinguish between whether he stopped [long enough] or did not stop.² We must therefore say that both are agreed that if he stopped long enough to finish the whole of it he goes back to the beginning, and here they differ in regard to the case where he did not stop [so long], one holding that the man was unfit³ [to have commenced his prayers] and hence his prayer is no prayer, while the other holds that the man was [nevertheless] in a fit state [to pray] and his prayer is a valid one.

Our Rabbis taught: If a man needs to consult nature he should not say the Tefillah, and if he does, his prayer is an abomination. R. Zebid — or as some say Rab Judah — said: They meant this to apply only if he is not able to hold himself in, but if he is able to hold himself in, his prayer is a valid one. How much must he be able to hold himself in? — R. Shesheth said: Long enough to go a parasang. Some teach this statement as part of the Baraitha [just quoted], thus: When is this the case [that his prayer is an abomination]? When he cannot hold himself in; but if he can hold himself in, his prayer is valid. And how long must he be able to do so? — R. Zebid said: Long enough for him to walk a parasang.

R. Samuel b. Nahmani said in the name of R. Jonathan: One who needs to ease himself should not say the Tefillah, as it says, Prepare to meet thy God, O Israel.⁴ R. Samuel b. Nahmani also said in the name of R. Jonathan: What is the meaning of the verse, Guard thy foot when thou goest to the house

of God?⁵ Guard thyself so that thou shouldst not sin, and if thou dost sin, bring an offering before Me. And be ready to hearken.⁶ Raba said. Be ready to hearken to the words of the wise who, if they sin, bring an offering and repent. It is better than when the fools give!⁷ Do not be like the fools who sin and bring an offering and do not repent. For they know not to do evil,⁸ — if that is the case, they are righteous? — What it means is: Do not be like the fools who sin and bring an offering and do not know whether they bring it for a good action or a bad action. Says the Holy One, blessed be He: They do not distinguish between good and evil, and they bring an offering before Me. R. Ashi, — or, as some say, R. Hanina b. Papa — said: Guard thy orifices⁹ at the time when thou art standing in prayer before Me.

Our Rabbis taught: One who is about to enter a privy should take off his tefillin at a distance of four cubits and then enter. R. Aha son of R. Huna said in the name of R. Shesheth: This was meant to apply only to a regular privy,¹⁰ but if it is made for the occasion, he takes them off and eases himself at once, and when he comes out he goes a distance of four cubits and puts them on, because he has now made it a regular privy. The question was asked, What is the rule about a man going in to a regular privy with his tefillin to make water? Rabina allowed it; R. Adda b. Mattena forbade it. They went and asked Raba and he said to them: It is forbidden, since we are afraid that he may ease himself in them, or, as some report, lest he may break wind in them. Another [Baraita] taught: One who enters a regular privy takes off his tefillin at a distance of four cubits and puts them in the window on the side of the public way¹¹ and enters, and when he comes out he goes a distance of four cubits and puts them on. So Beth Shammai. Beth Hillel say: He keeps them in his hand and enters. R. Akiba said: He holds them in his garment and enters. ‘In his garment’, do you say? Sometimes they may slip out¹² and fall! — Say rather, he holds them in his hand and in his garment, and enters, and he puts them in a hole on the side of the privy, but he should not put them in a hole on the side of the public way, lest they should be taken by passers-by, and he should render himself suspect. For a certain student once left his tefillin in a hole adjoining the public way, and a harlot passed by and took them, and she came to the Beth ha-Midrash and said: See what So-and-so gave me for my hire, and when the student heard it, he went to the top of a roof and threw himself down and killed himself. Thereupon they ordained that a man should hold them in his garment and in his hand and then go in.

The Rabbis taught: Originally they used to leave tefillin in holes on the side of the privy, and mice used to come and take them. They therefore ordained that they should be put in the windows on the side of the public way. Then passers-by came and took them. So they ordained that a man should hold them in his hand and enter. R. Meyasha the son of R. Joshua b. Levi said: The halachah is that he should roll them up like a scroll¹³ and keep them in his right hand, opposite his heart. R. Joseph b. Manyumi said in the name of R. Nahman: He must see that not a handbreadth of strap hangs loose from his hand. R. Jacob b. Aha said in the name of R. Zera: This is the rule only if there is still time left in the day to put them on¹⁴ but if there is no time left in the day, he makes a kind of bag for them of the size of a handbreadth and puts them there.¹⁵ Rabbah b. Bar Hanah said in the name of R. Johanan: In the daytime [when he enters a privy] he rolls them up like a scroll and keeps them in his hand opposite his heart, and for the night he makes a kind of bag for them of the size of a handbreadth, and puts them there. Abaye said: This rule was meant to apply only to a bag which is meant for them, but if the bag is not meant for them, even less than a handbreadth is sufficient. Mar Zutra — or as some say R. Ashi — said: The proof is that small vessels¹⁶ protect [the contents from uncleanness] in a tent of the dead.¹⁷

Rabbah b. Bar Hanah further said: When we were following R. Johanan [as disciples], when he wanted to enter a privy, if he had a book of Aggada, he used to give it to us to hold, but if he was wearing tefillin he did not give them to us, saying, since the Rabbis have permitted them¹⁸

(1) V. infra 24b.

- (2) I.e., the two Rabbis should have stated their views on this case also.
- (3) Since he could not contain himself till he finished. Lit., 'rejected'. Cur. edd. add 'and he is unfit', which is omitted in MS.M.
- (4) Amos. IV, 12. Interpreted to mean, Put thyself in a fit state to meet etc.
- (5) Eccl. IV, 17.
- (6) Eccl. IV, 17.
- (7) Ibid.
- (8) Ibid. This is the literal rendering; E.V. 'for they know not that they do evil'.
- (9) This is an alternative rendering of the word ragleka (thy foot) which is taken in the same sense as in I Sam. XXIV, 4.
- (10) Where there is already excrement.
- (11) The privies in Babylon were out in the fields.
- (12) V. MS.M.
- (13) I.e., wind the straps round them.
- (14) It was customary to wear the tefillin the whole of the day and take them off at night-time.
- (15) A bag of this size would protect them from uncleanness.
- (16) With a tight fitting cover. V. Num. XIX, 15.
- (17) Even if they are less than one handbreadth in size.
- (18) To hold them to one's hand.

Talmud - Mas. Berachoth 23b

they will protect me.¹ Raba said: When we were following R. Nahman, if he had a book of Aggada he used to give it to us, but if he was wearing tefillin he did not give them to us, saying, since the Rabbis have permitted them, they will guard me.

Our Rabbis taught: A man should not hold tefillin in his hand or a scroll of the Law in his arm while saying the Tefillah,² nor should he make water while wearing them, nor sleep in them, whether a regular sleep or a short snatch. Samuel says: A knife, money, a dish and a loaf of bread are on the same footing as tefillin.³ Raba said in the name of R. Shesheth: The law is not in accordance with this Baraitha,⁴ since it expresses the view of Beth Shammai. For seeing that Beth Hillel declare it permissible in a regular privy [to hold the tefillin] is there any question that they would permit it in an ad hoc privy?

An objection was raised: The things which I have permitted to you in the one place I have forbidden to you in the other. Presumably this refers to tefillin. Now if you say the Baraitha quoted follows Beth Hillel, there is no difficulty. 'I have permitted it to you in the one place' — the regular privy, 'and I have forbidden it to you in the other' — the ad hoc privy. But if you say it is Beth Shammai, they do not permit anything! — That statement⁵ refers to the baring of the handbreadth and two handbreadths, as one [Baraitha] taught: When a man eases himself, he may bare a hand breadth behind and two handbreadths in front, and another taught: a handbreadth behind and in front not at all. Is it not the case that both statements refer to a man, and there is no contradiction, the former referring to easing and the latter to making water? But do you think so? If for making water, why a handbreadth behind? Rather both refer to easing, and there is no contradiction, the one referring to a man and the other to a woman. If that is the case,⁶ what of the succeeding statement, 'This is an a fortiori which cannot be rebutted'? What is the point of 'which cannot be rebutted'? This⁷ is merely the natural way! We must say therefore that tefillin are referred to [in the Baraitha], and it is a refutation of what Raba said in the name of R. Shesheth. — It is a refutation. Still a difficulty remains: If it is permissible in a regular privy, how much more so in an ad hoc privy! — What it means is this: In a regular privy where there is no splashing, it is permitted; in an ad hoc privy where there is splashing,⁸ it is forbidden. If that is the case, how can you say, 'which cannot be rebutted'? There is an excellent refutation? — What it means is this: This⁹ rule is based upon a reason¹⁰ and not upon an argument a fortiori; for if we were to employ here an argument a fortiori,¹¹

it would be one which could not be rebutted.

Our Rabbis taught: One who wishes to partake [in company] of a regular meal,¹² should walk four cubits ten times or ten cubits four times and ease himself and then go in. R. Isaac said: One who wishes to [partake of] a regular meal should take off his tefillin¹³ and then go in. He differs from R. Hiyya; for R. Hiyya said: He places them on his table, and so it is becoming for him. How long does he leave them there? Until the time for grace.¹⁴

One [Baraitha] taught: A man may tie up his tefillin in his headgear¹⁵ along with his money, while another teaches, He should not so tie them! — There is no contradiction; in the one case he sets it aside for this purpose, in the other he does not set it aside. For R. Hisda said: If a man has [mentally] set aside a cloth to tie up tefillin in, once he has tied up tefillin in it, it is forbidden to tie up in it money; if he has set it aside but not tied up the tefillin in it, or if he has tied them up in it without setting it aside for the purpose, he may tie up money in it. According to Abaye, however, who says that mere setting aside is operative,¹⁶ once he has set it aside, even though he has not tied up tefillin in it, it is forbidden to tie up money, and if he has tied up tefillin in it, if he has set it aside it is forbidden to tie up money, but if he has not set it aside it is not forbidden.

R. Joseph the son of R. Nehunia asked Rab Judah: What is the rule about placing one's tefillin under one's pillow? About putting them under the place of his feet I have no need to ask, because that would be treating them contemptuously. What I do want to know is, what is the rule about putting them under his pillow? — He replied: Thus said Samuel: It is permitted, even if his wife is with him. An objection was raised. A man should not put his tefillin under the place of his feet, because this is treating them contemptuously, but he may place them under his pillow, but if his wife is with him this is forbidden. If, however, there is a place three handbreadths above his head or three handbreadths below,¹⁷ he may put them there. Is not this a refutation of Samuel? It is. Raba said: Although it has been taught that this is a refutation of Samuel, the law follows his opinion. What is the reason?

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- (1) From evil spirits. Var. lec.: we need not trouble (to take them off).
 - (2) The fear of dropping them will distract his attention.
 - (3) They also will distract his attention if he is holding them.
 - (4) That it is forbidden to make water in tefillin.
 - (5) 'The things I have forbidden to you, etc.'
 - (6) If the Baraitha, 'The things which I have permitted to you in the one place' etc. refers to the difference between a man and a woman.
 - (7) Difference between man and woman.
 - (8) Since it is used for urine only.
 - (9) To permit in a regular privy and prohibit in an ad hoc one.
 - (10) The risk of soiling the hand.
 - (11) Viz., from a regular one to an ad hoc one.
 - (12) And is doubtful if he can contain himself, and to leave the company would be impolite. (Rashi.)
 - (13) As it would not be respectful to eat in them.
 - (14) When he puts them on again.
 - (15) Aparkesuth, a head-covering which flowed down over the body. Aliter: 'underwear', or 'sheet'.
 - (16) In the matter of weaving a sheet for a dead body, Sanh. 47b.
 - (17) Projecting from the bed.

Talmud - Mas. Berachoth 24a

— Whatever conduces to their safe keeping¹ is of more importance.² Where should he put them? R. Jeremiah said: Between the coverlet and the pillow, not opposite to his head. But R. Hiyya taught:

He puts them in a turban³ under his pillow? — It must be in such a way as to make the top of the turban⁴ project outside [the pillow]. Bar Kappara used to tie them in the bed-curtain and make them project outside.⁵ R. Shesheth the son of R. Idi used to put them on a stool and spread a cloth over them. R. Hamnuna the son of R. Joseph said: Once when I was standing before Raba he said to me: Go and bring me my tefillin, and I found them between the coverlet and the pillow, not just opposite his head, and I knew that it was a day of ablution [for his wife],⁶ and I perceived that he had sent me in order to impress upon me a practical lesson.

R. Joseph the son of R. Nehunia inquired of Rab Judah: If two persons are sleeping in one bed, how would it be for one to turn his face away and recite the Shema', and for the other to turn his face away and recite? — He replied: Thus said Samuel: [It is permitted] even if his wife is with him. R. Joseph demurred to this. [You imply, he said] 'His wife', and needless to say anyone else. On the contrary, [we should argue]: His wife is like himself,⁷ another is not like himself! An objection was raised: If two persons are sleeping in one bed, one turns his face away and recites the Shema' and the other turns his face away and recites the Shema'. And it was taught in another [place]: If a man is in bed and his children and the members of his household⁸ are at his side, he must not recite the Shema' unless there is a garment separating them, but if his children and the members of his household are minors, he may. Now I grant you that if we accept the ruling of R. Joseph there is no difficulty, as we can explain one [statement] to refer to his wife and the other to another person. But if we accept Samuel's view there is a difficulty? — Samuel can reply: And on R. Joseph's view is there no difficulty, seeing that it has been taught: If a man was in bed, and his sons⁹ and the members of his household with him,¹⁰ he should not recite the Shema' unless his garments separated them from him? What then must you say? That in R. Joseph's opinion there is a difference of opinion among Tannaim as to his wife. In my opinion also there is a difference among Tannaim.¹¹

The Master has said: 'One turns his face away and recites the Shema'. But there is the contact of the buttocks? — This supports the opinion of R. Huna, who said: Contact of the buttocks is not sexual. May we say that it supports the following opinion of R. Huna: A woman may sit and separate her hallah¹² naked, because she can cover her nakedness in the ground¹³ but not a man! — Said R. Nahman b. Isaac: It means, if her nakedness was well covered by the ground.¹⁴

The Master said: 'If his children and the members of his household were minors, it is permitted'. Up to what age? — R. Hisda said: A girl up to three years and one day, a boy up to nine years and one day. Some there are who say: A girl up to eleven years and a day, and a boy up to twelve years and a day; with both of them [it is] up to the time when Thy breasts were fashioned and thy hair was grown.¹⁵ Said R. Kahana to R. Ashi: In the other case¹⁶ Raba said that, although there was a refutation of Samuel, yet the law followed his ruling. What is the ruling here?¹⁷ — He replied to him: Do we weave them all in the same web?¹⁸ Where it has been stated [that the law follows him] it has been stated, and where it has not been stated it has not been stated.

R. Mari said to R. Papa: If a hair protrudes through a man's garment,¹⁹ what is the rule? — He exclaimed: 'Tis but a hair, a hair!²⁰

R. Isaac said: A handbreadth [exposed] in a [married] woman constitutes sexual incitement.²¹ In which way? Shall I say, if one gazes at it? But has not R. Shesheth [already] said: Why did Scripture enumerate the ornaments worn outside the clothes with those worn inside?²² To tell you that if one gazes at the little finger of a woman, it is as if he gazed at her secret place! — No, It means, in one's own wife, and when he recites the Shema'. R. Hisda said: A woman's leg is a sexual incitement, as it says. Uncover the leg, pass through the rivers,²³ and it says afterwards, Thy nakedness shall be uncovered, yea, thy shame shall be seen.²⁴ Samuel said: A woman's voice is a sexual incitement, as it says, For sweet is thy voice and thy countenance is comely.²⁵ R. Shesheth said: A woman's hair is a sexual incitement, as it says, Thy hair is as a flock of goats.²⁶

R. Hanina said: I saw Rabbi hang up his tefillin. An objection was raised: If one hangs up his tefillin, his life will be suspended. The Dorshe hamuroth²⁷ said: And thy life shall hang in doubt before thee:²⁸ this refers to one who hangs up his tefillin! — This is no difficulty: the one statement refers to hanging by the strap, the other to hanging by the box. Or if you like, I can say that in either case, whether by the strap or by the box, it is forbidden, and when Rabbi hung his up it was in a bag. If so, what does this tell us? — You might think that they must be resting on something like a scroll of the Law. Therefore we are told that this is not necessary.

R. Hanina also said: I saw Rabbi [while Saying the Tefillah] belch and yawn and sneeze and spit

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- (1) From mice or robbers.
 - (2) Than preserving them from disrespect.
 - (3) Which he uses as a bag.
 - (4) I.e., the side where the cases of the tefillin can be recognized.
 - (5) I.e., away from the bed.
 - (6) Which showed that he had slept with her.
 - (7) Lit., 'like his body'.
 - (8) I.e., slaves.
 - (9) Bah. omits this word.
 - (10) 'Members of the household' must here be understood to include the wife. This is a very unusual use of the expression, and Tosaf. emends, 'If he was in bed and his wife was by his side, etc.'.
 - (11) As to his wife or another person.
 - (12) V. Num. XV, 20. A blessing is prescribed for this rite.
 - (13) Although the posteriors are exposed.
 - (14) So that even the posteriors are covered.
 - (15) Ezek. XVI, 7.
 - (16) Of putting the tefillin under the pillow, supra.
 - (17) In regard to reciting the Shema' in bed.
 - (18) I.e., adopt all his rulings indiscriminately.
 - (19) Is it regarded as indecent exposure?
 - (20) I.e., it does not matter.
 - (21) Lit. — 'nakedness'.
 - (22) Among the ornaments taken by the Israelites from the women of Midian (Num. XXXI, 50) was the kumaz (E.V. 'girdles') which the Rabbis supposed to have been worn inside under the garments, while the others were worn outside.
 - (23) Isa. XLVII, 2.
 - (24) Ibid. 3.
 - (25) Cant. II, 14.
 - (26) Ibid. IV, 1.
 - (27) Lit., 'Expounders of essentials', a school of early homiletical exegetes; v. Pes. (Sonc. ed.) p. 266, n. 9.
 - (28) Deut. XXVIII, 66.

Talmud - Mas. Berachoth 24b

and adjust his garment,¹ but he did not pull it over him;² and when he belched, he would put his hand to his chin. The following objection was cited: 'One who says the Tefillah so that it can be heard is of the small of faith;³ he who raises his voice in praying is of the false prophets;⁴ he who belches and yawns is of the arrogant; if he sneezes during his prayer it is a bad sign for him — some say, it shows that he is a low fellow; one who spits during his prayer is like one who spits before a king'. Now in regard to belching and yawning there is no difficulty; in the one case it was involuntary, in the other case deliberate. But the sneezing in Rabbi's case does seem to contradict the sneezing in the other? — There is no contradiction between sneezing and sneezing either; in the one case it is above,

in the other below.⁵ For R. Zera said: This dictum was casually imparted to me in the school of R. Hamnuna, and it is worth all the rest of my learning: If one sneezes in his prayer it is a good sign for him, that as they give him relief below [on earth] so they give him relief above [in heaven]. But there is surely a contradiction between the spitting in the one case and the other? — There is no contradiction between the two cases of spitting either, since it can be done as suggested by Rab Judah. For Rab Judah said: If a man is standing saying the Tefillah, and spittle collects in his mouth, he covers it up in his robe, or, if it is a fine robe, in his scarf.⁶ Rabina was once standing behind R. Ashi and he wanted to spit, so he spat out behind him. Said R. Ashi to him: Does not the Master accept the dictum of Rab Judah, that he covers it up in his scarf? He replied: I am rather squeamish.

‘One who says the Tefillah so that it can be heard is of the small of faith’. R. Huna said: This was meant to apply only if he is able to concentrate his attention when speaking in a whisper, but if he cannot concentrate his attention when speaking in a whisper, it is allowed. And this is the case only when he is praying alone, but if he is with the congregation [he must not do so because] he may disturb the congregation.

R. Abba kept away from Rab Judah because he wanted to go up to Eretz Israel; for Rab Judah said, Whoever goes up from Babylon to Eretz Israel transgresses a positive precept, since it says, They shall be carried to Babylon and there shall they be, until the day that I remember them, saith the Lord.⁷ He said: I will go and listen to what he is saying from outside⁸ the Academy.⁹ So he went and found the Tanna¹⁰ reciting in the presence of Rab Judah: If a man was standing saying the Tefillah and he broke wind, he waits until the odour passes off and begins praying again. Some say: If he was standing saying the Tefillah and he wanted to break wind, he steps back four cubits and breaks wind and waits till the wind passes off and resumes his prayer, saying, Sovereign of the Universe, Thou hast formed us with various hollows and various vents. Well dost Thou know our shame and confusion, and that our latter end is worms and maggots! and he begins again from the place where he stopped. He said:¹¹ Had I come only to hear this, it would have been worth my while.

Our Rabbis taught: If a man is sleeping in his garment and cannot put out his head on account of the cold, he folds his garment round his neck to make a partition¹² and recites the Shema’. Some say, round his heart. But how can the first Tanna [say thus]? His heart is surely in sight of the sexual organ! — He was of opinion that if the heart is in sight of the sexual organ, it is still permissible [to say the Shema’]. R. Huna said in the name of R. Johanan: If a man is walking in a dirty alley way, he puts his hand over his mouth and recites the Shema’. Said R. Hisda to him: By God, had R. Johanan said this to me with his own mouth, I would not have listened to him.¹³ (Some report: Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: If a man is walking in a dirty alley way, he puts his hand over his mouth and recites the Shema’. Said R. Hisda to him: By God, had R. Joshua b. Levi said this to me with his own mouth, I would not have listened to him.) But could R. Huna have said this, seeing that R. Huna has said: A scholar is forbidden to stand in a place of filth, because he must not stand still without meditating on the Torah? — There is no contradiction: one statement speaks of standing, the other of walking. But could R. Johanan have said this, seeing that Rabbah b. Bar Hanah has said in the name of R. Johanan: In every place it is permitted to meditate on words of Torah except in the bath and in a privy? And should you reply, here also one statement speaks of standing and one of walking, can that be so, seeing that R. Abbahu was once walking behind R. Johanan and reciting the Shema’, and when he came to a dirty alley way, he stopped; and [when they emerged] he said to R. Johanan, Where shall I commence again, and he replied: If you have stopped long enough to finish it, go back to the beginning? — What he meant to say to him was this: I do not hold [that you need have stopped]. But taking your view, that it was necessary, if you have stopped long enough to finish it, go back to the beginning. There is a teaching in accordance with R. Huna, and there is a teaching in accordance with R. Hisda. It has been taught in accordance with R. Huna: If one was walking in a dirty alley way, he puts his hand over his mouth and recites the Shema’. It has been taught in accordance with R. Hisda: If one was walking in a dirty alley way, he should not

recite the Shema'; and what is more, if he was reciting and came to one, he should stop. Suppose he does not stop, what happens? R. Meyasha the grandson of R. Joshua b. Levi said: Of him Scripture says: Wherefore I gave them also statutes that were not good and ordinances whereby they should not live.¹⁴ R. Assi said: Woe unto them that draw iniquity with cords of vanity.¹⁵ R. Adda b. Ahabah said: Because he hath despised the word of the Lord.¹⁶ And if he stops, what is his reward? — R. Abbahu said: Of him Scripture says: Through this word¹⁷ ye shall prolong your days.¹⁸

R. Huna said: If a man's garment is girded round his waist,¹⁹ he may recite the Shema'. It has been taught similarly: If his garment, whether of cloth or of leather or of sacking, is girded round his waist, he may recite the Shema'

(1) Aliter: 'feel his garment', to remove insects.

(2) If it fell right off, as this would constitute an interruption in the Tefillah. So Rashi. R. Hananel, however, renders: He adjusted his robe so that it should not fall off his head, but if it did fall he did not replace it.

(3) Because he imagines that otherwise God will not hear him.

(4) Cf. I Kings XVIII, 28.

(5) Euphemism.

(6) Aliter: underwear. V. supra p. 142, n. 1.

(7) Jer. XXVII, 22; v. Keth. 110b.

(8) V. Rashi.

(9) Lit., 'House of Meeting'.

(10) V. Glos. s.v. (b).

(11) Omitting 'to him' of cur. edd. V. Bah.

(12) Between his face and the lower part of his body, if it was bare.

(13) I.e., he would not permit it.

(14) Ezek. XX, 25.

(15) Isa. V, 18.

(16) Num. XV, 31.

(17) E.V. 'thing'.

(18) I.e., through being careful with regard to the utterance of the Torah. Deut. XXXII, 47.

(19) And hangs down from there, leaving his upper part uncovered.

Talmud - Mas. Berachoth 25a

, but the Tefillah he may not say until he covers his chest.¹ R. Huna further said: If a man forgot and entered a privy while wearing his tefillin, he places his hand over them till he finishes. 'Till he finishes'? How can this be assumed? Rather it is as R. Nahman b. Isaac said: Until he finishes the first discharge. But why should he not stop at once and get up? — On account of the dictum of R. Simeon b. Gamaliel, as it has been taught: R. Simeon b. Gamaliel says: Keeping back the faeces brings on dropsy, keeping back urine brings on jaundice.

It has been stated: If there is some excrement on a man's flesh or if his hand is inside a privy,² R. Huna says that he is permitted to say the Shema', while R. Hisda says he is forbidden to say the Shema'. Raba said: What is the reason of R. Huna? — Because it is written, Let everything that hath breath praise the Lord.³ R. Hisda says that it is forbidden to say the Shema'. What is the reason of R. Hisda? — Because it is written, All my bones shall say, Lord, who is like unto Thee.⁴

It has been stated: [If there is] an evil smell [proceeding] from some tangible source, R. Huna says that one removes [from the source of the smell] four cubits and recites the Shema'; R. Hisda says: He removes four cubits from the place where the smell ceases, and then recites the Shema'. It has been taught in accordance with R. Hisda: A man should not recite the Shema' either in front of human excrement or of the excrement of dogs or the excrement of pigs or the excrement of fowls or

the filth of a dungheap which is giving off an evil smell. If, however, it is in a place ten handbreadths above him or ten handbreadths beneath him, he can sit at the side of it and recite the Shema'; otherwise he removes himself out of sight of it; and similarly for the Tefillah. [If there is] an evil smell [proceeding] from a tangible object, he removes four cubits from [the source of] the smell and recites the Shema'. Raba said: The law is not as stated in this Baraita,⁵ but it has been taught in the following: A man should not recite the Shema' in front either of human excrement or excrement of pigs or excrement of dogs when he puts skins in them.⁶ They asked R. Shesheth: What of an evil smell which has no tangible source?⁷ He said to them: Come and see these mats in the school house; some sleep on them⁸ while others study. This, however, applies only to study,⁹ but not to the Shema'. And even as regards study it applies only if the smell is made by another but not if it is made by himself.

It has been stated: If manure is being carried past one, Abaye says it is permitted to recite the Shema',¹⁰ while Raba says it is forbidden to recite the Shema'. Said Abaye: Whence do I derive my opinion? Because we have learnt: If an unclean person is standing under a tree and a clean one passes by, he becomes unclean. If a clean person is standing under a tree and an unclean one passes by, he remains clean, but if he [the unclean person] stands still, he becomes unclean. And similarly with a stone smitten with leprosy.¹¹ To which Raba can reply: In that case the deciding factor is the permanence,¹² as it is written, He shall dwell alone, without the camp shall his dwelling be.¹³ But in this case, the All-Merciful has said, Therefore shall thy camp be holy,¹⁴ and this condition is not fulfilled.

R. Papa said: The snout of a pig is like manure being carried past. This is obvious!¹⁵ — It required to be stated, to show that it applies even if the animal is coming up from the river.

Rab Judah said: If there is a doubt about [the presence of] excrement, it is forbidden; if there is a doubt about urine, it is permitted. Some there are who say: Rab Judah said: If there is a doubt about excrement in the house, it is permitted,¹⁶ in the dungheap it is forbidden. If there is a doubt about urine, it is permitted even in the dungheap. He adopted the view of R. Hamnuna; for R. Hamnuna said: The Torah forbade the recital of the Shema' only in face of the Stream [of urine]. And this is as taught by R. Jonathan; for R. Jonathan contrasted two texts. It is written: Thou shalt have a place also without the camp, whither thou shalt go forth abroad,¹⁷ and it is also written, And thou shalt have a paddle . . . thou shalt cover that which cometh from thee.¹⁸ How are these two statements to be reconciled? The one speaks of easing, the other of urine. This proves that urine was not forbidden by the Torah save in face of the stream only, and once it has fallen to the ground it is permitted, and it is the Rabbis who imposed a further prohibition, and when they did so, it was only in a case of certainty but not in a case of doubt. And in a case of certainty, how long is it forbidden? — Rab Judah said in the name of Samuel: So long as it moistens [the ground]. And so said Rabbah b. Hanah in the name of R. Johanan: So long as it moistens [the ground]. So too said 'Ulla: So long as it moistens [the ground]. Ganiba said in the name of Rab: So long as the mark is discernible. Said R. Joseph: May Ganiba be forgiven by his Master!¹⁹ Seeing that even of excrement Rab Judah has said in the name of Rab that as soon as it has dried on top it is permitted, is there any question about urine! Said Abaye to him: What reason have you for relying on this statement? Rely rather on this one which was made by Rabbah b. Bar Hanah in the name of Rab: Even if excrement is as a potsherd, it is forbidden [to recite the Shema' near it]. What is the test of its being as dry as a potsherd? — So long as one can throw it [on to the ground] and it does not break, [it is not so dry]. Some say: So long as one can roll it without breaking it.²⁰ Rabina said: I was once standing before Rab Judah of Difti, and he saw dung and said to me, Look if the top has dried, or not. Some say that what he said to him was this: Look if it has formed cracks. What is the ultimate decision?²¹ It has been stated: When dung is like a potsherd, Amemar says it is forbidden and Mar Zutra says it is permitted [to say the Shema' near it]. Raba said: The law is that if dung is as dry as a potsherd it is forbidden, and in the case of urine as long as it is moistening [the ground]. An objection was raised:

As long as urine is moistening [the ground] it is forbidden; if it has been absorbed [in the ground] or has dried up,²² it is permitted. Now are we not to understand that ‘absorption’ here is compared to ‘drying’, and that just as after drying there is no mark left, so after absorption there must be no mark left, and that if there is still a mark it is forbidden, even though it no longer moistens? — But adopting your line of argument, let us see the first clause: ‘As long [as urine] is moistening [the ground] it is forbidden’, which implies that if there is a mark it is permitted.²³ — The fact is from this [Baraita] we cannot infer [either way].

Shall we say that there is a difference of Tannaim [on this point]? [For it was taught:] If Urine has been poured out of a vessel, it is forbidden to recite the Shema’ in front of that vessel. As for urine itself, if it has been absorbed in the ground it is permitted, if it has not been absorbed it is forbidden. R. Jose says: So long as it moistens the ground. Now what is meant by the ‘absorbed’ and ‘not absorbed’ mentioned by the first Tanna? Shall I say that ‘absorbed’ means that it does not moisten and that ‘not absorbed’ means that it still moistens, and R. Jose came and said that so long as it moistens it is forbidden, but if only the mark is discernible it is permitted? This is the same as the first Tanna says! We must say then that ‘absorbed’ means that the mark is not discernible and ‘not absorbed’ means that the mark is discernible, and R. Jose came and said that so long as it moistens it is forbidden, but if only the mark is discernible it is permitted? — No; both agree that so long as it moistens it is forbidden, and if only the mark is discernible it is permitted,

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- (1) Because in the Tefillah he is like one standing before a king.
 - (2) I.e., he was standing outside with his hand inside the window.
 - (3) Ps. CL. 6. As much as to say, only the mouth and other breathing organs are concerned with praise.
 - (4) Ibid. XXXV, 10.
 - (5) With reference to the excrement of dogs etc.
 - (6) The excrement of pigs and dogs was used for tanning.
 - (7) I.e., from the breaking of wind.
 - (8) And break wind.
 - (9) Rashi: lit., ‘words of Torah’. He cannot study if he has to leave the school-house.
 - (10) And one need not break off.
 - (11) V. Kid. 33b. Neg. XIII, 7.
 - (12) I.e., the standing still of the unclean object.
 - (13) Lev. XIII, 46. This implies that the leper spreads uncleanness only if he remains in one place.
 - (14) Deut. XXIII, 15.
 - (15) That a pig's snout must always contain filth.
 - (16) Because excrement is not usually found in the house.
 - (17) Deut. XXIII, 13.
 - (18) Ibid. 14. Here ‘covering’ is mentioned.
 - (19) For reporting Rab wrongly.
 - (20) This is a more severe test.
 - (21) With regard to urine.
 - (22) On stones.
 - (23) Which is apparently in contradiction to the implication of the second clause.

Talmud - Mas. Berachoth 25b

and here the difference between them is whether it must be wet enough to moisten something else?¹

IF HE WENT DOWN [TO IMMERSE HIMSELF], IF HE IS ABLE TO COME UP etc. May we say that the Mishnah teaches anonymously the same as R. Eliezer, who said that [the Shema’ may be recited] until the rising of the sun?² You may even say that it is the same as R. Joshua,³ and perhaps [the Mishnah] means this to apply to the wathikin, of whom R. Johanan said: The wathikin used to

finish the recital with the rising of the sun.⁴

IF NOT, HE SHOULD COVER HIMSELF WITH WATER AND RECITE. But in this case his heart sees the sexual organs? — R. Eleazar said? — or as some also say, R. Aha b. Abba b. Aha said in the name of our teacher:⁵ They meant this to apply to turbid water which is like solid earth, in order that his heart should not see his sexual organ.

Our Rabbis taught: If the water is clear, he may sit in it up to his neck and say the Shema'; some say, he should stir it up with his foot. On the ruling of the first Tanna, his heart sees his nakedness? — He held that if his heart sees the sexual organ it is permitted. But his heel sees his nakedness?⁶ — He held that if his heel sees his nakedness it is permitted. It has been stated: If his heel sees his nakedness it is permitted [to read the Shema']; if it touches, Abaye says it is forbidden and Raba says it is permitted. This is the way in which R. Zebid taught this passage. R. Hinnena the son of R. Ika thus: If it touches, all agree that it is forbidden. If it sees, Abaye says it is forbidden and Raba says it is permitted; the Torah was not given to the ministering angels.⁷ The law is that if it touches it is forbidden, but if it sees it is permitted.

Raba said: If one sees excrement through a glass,⁸ he may recite the Shema' in face of it; if he sees nakedness through a glass, he must not recite the Shema' in face of it. 'If he sees excrement through a glass he may recite the Shema' in face of it', because [the permission or otherwise] in the case of excrement depends on whether it is covered.⁹ 'If he sees nakedness through a glass it is forbidden to recite in face of it', because the All-Merciful said, that He see no unseemly thing in thee,¹⁰ and here it is seen.

Abaye said: A little excrement may be neutralized with spittle; to which Raba added: It must be thick spittle. Raba said: If the excrement is in a hole, he may put his shoe over it and recite the Shema'. Mar the son of Rabina inquired: What is the rule if there is some dung sticking to his shoe? — This was left unanswered.

Rab Judah said: It is forbidden to recite the Shema' in face of a naked heathen. Why do you say a heathen? The same applies even to an Israelite! — In the case of an Israelite there is no question to him that it is forbidden, but this had to be stated in the case of a heathen. For you might have thought that since Scripture says of them, Whose flesh is as the flesh of asses and whose issue is as the issue of horses,¹¹ therefore he is just like a mere ass. Hence we are told that their flesh also is called 'nakedness', as it says. And they saw not their father's nakedness.¹²

HE SHOULD NOT COVER HIMSELF EITHER WITH FOUL WATER OR WITH WATER IN WHICH SOMETHING HAS BEEN STEEPED UNTIL HE POURS WATER INTO IT. How much water must he go on pouring?¹³ — What it means is this: He must not cover himself with foul water or with water used for steeping at all, nor [may he recite in face of] urine until he pours water into it.

Our Rabbis taught: How much water must he pour into it? A few drops [are enough]. R. Zakkai says: A rebi'ith.¹⁴ R. Nahman said: Where they differ is when the water is poured in last, but if the water was there first, a few drops are sufficient.¹⁵ R. Joseph, however, said: Where they differ is if the water was there first; but if the water was poured in afterwards both agree that there must be a rebi'ith?. R. Joseph once said to his attendant: Bring me a rebi'ith of water, as prescribed by R. Zakkai.

Our Rabbis taught: It is forbidden to recite the Shema' in face of a chamber pot for excrement or urine even if there is nothing in it, or in face of urine itself [if it is in another vessel] until he pours water into it. How much must he pour? A few drops. R. Zakkai says: A Rebi'ith, whether it is in front of the bed or behind the bed.¹⁶ R. Simeon b. Gamaliel says: If it is behind the bed, he may recite the

Shema', if it is in front of the bed he may not recite, but he must remove four cubits and then recite. R. Simeon b. Eleazar says: Even if the room is a hundred cubits long he should not say the Shema' in it until he takes it away or places it under the bed. The question was asked: How did he [R. Simeon b. Gamaliel] mean? That if it is behind the bed he may recite at once and that if it is in front of the bed he must remove four cubits and then recite? Or did he perhaps mean it this way, that if it is behind the bed he removes to a distance of four cubits, but if it is in front of the bed he does not recite at all? — Come and hear, for it has been taught: R. Simeon b. Eleazar says: If it is behind the bed he may recite at once, if it is in front of the bed he removes four cubits. R. Simeon b. Gamaliel Says: Even in a room a hundred cubits long he should not recite until he takes it out or puts it under the bed. Our question has been answered, but there is a contradiction between the Baraita? — Reverse the [names in] the second one. What reason have you for reversing the second one? Why not reverse the first? — Who is recorded to have said that the whole room is like four cubits? R. Simeon b. Eleazar.¹⁷

R. Joseph said: I asked R. Huna as follows: There is no question in my mind that a bed with legs less than three handbreadths long is reckoned as being attached to the soil.¹⁸ What of one with legs four, five, six, seven, eight or nine handbreadths long? — He replied: I do not know. About ten I was certain and did not need to ask. Said Abaye: You did well not to ask; ten handbreadths constitutes a different domain.¹⁹ Raba said: The law is that less than three is regarded as attached to the soil, ten constitutes a different domain, from ten to three is what R. Joseph asked R. Huna about and he did not decide it for him. Rab said: The halachah follows R. Simeon b. Eleazar. So too said Bali in the name of R. Jacob the son of the daughter of Samuel.²⁰ The halachah follows R. Simeon b. Eleazar. Raba, however, said: The halachah does not follow R. Simeon b. Eleazar.

R. Ahai contracted a match for his son with the house of R. Isaac b. Samuel b. Marta. He brought him into the bridal chamber but it was not a success.²¹ He went in after him to look, and saw a scroll of the Torah lying there. He said to them:²² Had I not come now, you would have endangered the life of my son, for it has been taught: It is forbidden to have marital intercourse in a room in which there is a scroll of the Law or tefillin, until they are taken out or placed in one receptacle inside of another. Abaye said: This rule applies only to a receptacle which is not meant for them, but if the receptacles are specially meant for them, ten are no better than one. Raba said: A covering

(1) Only in this case does the first Tanna forbid, but R. Jose is more stringent.

(2) V. supra 9b. And so the halachah is according to him.

(3) Who says that the time is up to the third hour, v. supra 9b.

(4) V. supra p. 49 n. 4.

(5) Rab.

(6) Since his knees are bent under him.

(7) As much as to say, too much must not be expected of human beings.

(8) Lit., 'a lantern' or 'anything transparent'.

(9) I.e., there is a partition between.

(10) Deut. XXIII, 15.

(11) Ezek. XXIII, 20.

(12) Gen. IX, 23 — of the sons of Noah.

(13) As much as to say, how can he hope to neutralize such a quantity?

(14) A quarter of a log.

(15) Because each drop of urine becomes neutralized as it falls in.

(16) I.e., whether the bed is between him and it or not.

(17) The source (If this dictum is not known (Rashi)).

(18) Labud, v. Glos. And therefore anything placed under it is like being buried in the ground, (e.g., a chamber pot) and the Shema' may be recited.

(19) And therefore it is no covering.

(20) V. supra p. 94. n. 4.

(21) Euphemism.

(22) To the relatives of his daughter-in-law.

Talmud - Mas. Berachoth 26a

over a chest is like a receptacle within a receptacle.

R. Joshua b. Levi said: For a scroll of the Law it is necessary to make a partition of ten [handbreadths].¹ Mar Zutra was visiting R. Ashi, and he saw that in the place where Mar the son of R. Ashi slept there was a scroll of the Law and a partition of ten [handbreadths] was made for it. He said to him: Which authority are you following? R. Joshua b. Levi, is it not? I presume that R. Joshua b. Levi meant this to apply only where one had not another room, but your honour has another room! He replied: I had not thought of it.

HOW FAR SHOULD HE REMOVE FROM IT AND FROM EXCREMENT? FOUR CUBITS. Raba said in the name of R. Sehora reporting Rab: This was meant only if he leaves it behind him, but if he keeps it in front of him he must remove completely out of sight. The same rule applies to Tefillah. Is that so? Has not Rafram b. Papa said in the name of R. Hisda: A man can stand facing a privy [four cubits away] and say the Tefillah? What is referred to here?² A privy in which there is no excrement. Is that so? Has not R. Joseph b. Hanina said: When they spoke of a privy, they meant, even if there is no excrement in it, and when they spoke of a bath,³ they meant even if there is no one in it! But in fact what is referred to here?⁴ A new one. But surely this is the very thing about which Rabina asked a question: If a place has been set aside for a privy [but not yet used], what is the rule? Does setting aside count or does it not count?⁵ — What Rabina wanted to know was whether one might stand in it to pray therein, but as to facing it [he was] not [in doubt].⁶ Raba said: These Persian privies, although there is excrement in them, are counted as closed in.⁷

MISHNAH. A GONORRHOEIC PERSON WHO HAS AN EMISSION AND A NIDDAH FROM WHOM SEMEN ESCAPES AND A WOMAN WHO BECOMES NIDDAH DURING INTERCOURSE REQUIRE A RITUAL BATH; R. JUDAH, HOWEVER EXEMPTS THEM.⁸

GEMARA. The question was raised: What is R. Judah's opinion about a ba'al kerî who has become gonorrhoeic? Are we to say that the case in which R. Judah exempted was that of a gonorrhoeic patient who had a seminal issue, because his first condition precludes him from ablution,⁹ but he does not exempt a ba'al kerî who becomes gonorrhoeic because in his first condition he does require ablution,¹⁰ or are we to say that there is no difference? — Come and hear: **A WOMAN WHO BECOMES NIDDAH DURING INTERCOURSE REQUIRES A RITUAL BATH; R. JUDAH, HOWEVER, EXEMPTS HER.** Now a woman who becomes niddah during intercourse is on the same footing as a ba'al kerî who becomes gonorrhoeic, and R. Judah exempts her. This proves [that there is no difference]. R. Hiyya taught expressly: A ba'al kerî who has become gonorrhoeic requires ablution; R. Judah, however, exempts him.

CHAPTER IV

MISHNAH. THE MORNING TEFILLAH [CAN BE SAID] UNTIL MIDDAY; R. JUDAH SAYS TILL THE FOURTH HOUR. THE AFTERNOON PRAYER¹¹ [CAN BE SAID] TILL EVENING; R. JUDAH SAYS, UNTIL THE MIDDLE OF THE AFTERNOON.¹² THE EVENING PRAYER HAS NO FIXED LIMIT.¹³ THE TIME FOR THE ADDITIONAL PRAYERS¹⁴ IS THE WHOLE OF THE DAY; R. JUDAH SAYS, TILL THE SEVENTH HOUR.

GEMARA. [TILL MIDDAY]. This was contrasted with the following: The proper time for it [the

Shema'] is at the rising of the sun, so that ge'ullah should be followed immediately by Tefillah, with the result that he would say the Tefillah in the day time!¹⁵ — That was taught in reference only to the wathikin; for R. Johanan said: The wathikin used to conclude it [the Shema'] as the sun rose.¹⁶ And may other people delay till midday, but no longer? Has not R. Mari the son of R. Huna the son of R. Jeremiah b. Abba said in the name of R. Johanan: If a man erred and did not say the evening Tefillah, he says it twice in the morning. [If he erred] in the morning, he says it twice in the afternoon? — He may go on praying the whole day. But up to midday he is given the reward of saying the Tefillah in its proper time; thereafter he is given the reward of saying Tefillah, but not of saying Tefillah in its proper time.

The question was raised: If a man erred and did not say the afternoon Tefillah, should he say it twice in the evening? Should you argue from the fact that if he erred in the evening he prays twice in the morning, [I may reply that] this is because it is all one day, as it is written, And there was evening and there was morning, one day;¹⁷ but in this case, prayer being in the place of sacrifice,¹⁸ since the day has passed the sacrifice lapses. Or should we rather say that since prayer is supplication for mercy, a man may go on praying as long as he likes? — Come and hear: For R. Huna h. Judah said in the name of R. Isaac reporting R. Johanan: If a man erred and did not say the afternoon Tefillah, he says it twice in the evening, and we do not apply here the principle that if the day has passed the offering lapses. An objection was raised: That which is crooked cannot be made straight, and that which is wanting cannot be numbered.¹⁹ 'That which is crooked cannot be made straight'; this applies to one who omitted the Shema' of the evening or the Shema' of the morning or the Tefillah of the evening or the Tefillah of the morning. 'And that which is wanting cannot be numbered': this applies to one whose comrades formed a group to perform a religious act and he was not included with them. — R. Isaac said in the name of R. Johanan: With what case are we dealing here?²⁰ With one who omitted deliberately. R. Ashi said: The proof of this is that it says 'omitted', and it does not say, 'erred'. This proves it.

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- (1) To permit intercourse in the same room.
 - (2) In the ruling of R. Hisda.
 - (3) As being a forbidden place for meditating on words of Torah.
 - (4) In the ruling of R. Hisda.
 - (5) Shab. 10a; Ned. 7a.
 - (6) That it was permitted at a distance of four cubits.
 - (7) They were sloping and the excrement rolled into a deep hole out of sight.
 - (8) V. supra, p. 129, n. 4.
 - (9) A gonorrhoeic patient has to wait seven days.
 - (10) Before being able to study the Torah, according to the ordinance of Ezra, supra. p. 134.
 - (11) Minhah, v. Glos.
 - (12) This is explained in the Gemara.
 - (13) V. infra in the Gemara.
 - (14) Musaf, v. Glos.
 - (15) I.e., just after day-break.
 - (16) V. supra 9b.
 - (17) Gen. I, 5.
 - (18) V. infra 26b.
 - (19) Eccl. I, 25.
 - (20) In the teaching cited.

Talmud - Mas. Berachoth 26b

Our Rabbis taught: If a man erred and did not say the afternoon prayer on the eve of Sabbath, he says the [Sabbath] Tefillah¹ twice on the night of the Sabbath. If he erred and did not say the

afternoon Tefillah on Sabbath, he says the [weekday] Tefillah twice on the outgoing of the Sabbath; he says habdalah² in the first but not in the second;³ and if he said habdalah in the second and not in the first, the second is counted to him, the first is not counted to him. This is equivalent, is it not, to saying that since he did not say habdalah in the first, it is as if he had not said the Tefillah and we make him say it again. To this was opposed the following: If one forgot and did not mention the miracle of rain⁴ in the benediction for the resurrection of the dead⁵ and prayed for rain in the benediction of the years,⁶ he is turned back; if he forgot habdalah in 'who graciously grants knowledge',⁷ he is not turned back, because he can say it over wine! — This is indeed a difficulty.

It has been stated: R. Jose son of R. Hanina said: The Tefillahs were instituted by the Patriarchs. R. Joshua b. Levi says: The Tefillahs were instituted⁸ to replace the daily sacrifices. It has been taught in accordance with R. Jose b. Hanina, and it has been taught in accordance with R. Joshua b. Levi. It has been taught in accordance with R. Jose b. Hanina: Abraham instituted the morning Tefillah, as it says, And Abraham got up early in the morning to the place where he had stood,⁹ and 'standing' means only prayer, as it says, Then stood up Phineas and prayed.¹⁰ Isaac instituted the afternoon Tefillah, as it says, And Isaac went out to meditate in the field at eventide,¹¹ and 'meditation' means only prayer, as it says, A prayer of the afflicted when he fainteth and poureth out his meditation¹² before the Lord.¹³ Jacob instituted the evening prayer, as it says, And he lighted [wa-yifga'] upon the place,¹⁴ and 'pegi'ah' means only prayer, as it says, Therefore pray not thou for this people neither lift up prayer nor cry for them, neither make intercession to [tifga'] Me.¹⁵ It has been taught also in accordance with R. Joshua b. Levi: Why did they say that the morning Tefillah could be said till midday? Because the regular morning sacrifice could be brought up to midday. R. Judah, however, says that it may be said up to the fourth hour because the regular morning sacrifice may be brought up to the fourth hour. And why did they say that the afternoon Tefillah can be said up to the evening? Because the regular afternoon offering can be brought up to the evening. R. Judah, however, says that it can be said only up to the middle¹⁶ of the afternoon, because the evening offering could only be brought up to the middle of the afternoon. And why did they say that for the evening Tefillah there is no limit? Because the limbs¹⁷ and the fat¹⁷ which were not consumed [on the altar] by the evening could be brought for the whole of the night. And why did they say that the additional Tefillahs¹⁸ could be said during the whole of the day? Because the additional offering could be brought during the whole of the day. R. Judah, however, said that it can be said only up to the seventh hour, because the additional offering can be brought up to the seventh hour. Which is the 'greater afternoon'? From six hours and a half onwards.¹⁹ And which is the 'small afternoon'? From nine hours and onwards.²⁰ The question was raised: Did R. Judah refer to the middle of the former afternoon-tide or the middle of the latter afternoon-tide?²¹ Come and hear: for it has been taught: R. Judah said: They referred to the middle of the latter afternoon-tide, which is eleven hours less a quarter.²² Shall we say that this is a refutation of R. Jose b. Hanina?²³ R. Jose b. Hanina can answer: I can still maintain that the Patriarchs instituted the Tefillahs, but the Rabbis found a basis for them in the offerings. For if you do not assume this,²⁴ who according to R. Jose b. Hanina instituted the additional Tefillah? He must hold therefore that the Patriarchs instituted the Tefillahs and the Rabbis found a basis for them in the offerings.²⁵

R. JUDAH SAYS: TILL THE FOURTH HOUR. It was asked: Is the point mentioned itself included in the UNTIL or is it not included?²² — Come and hear: **R. JUDAH SAYS, UNTIL THE MIDDLE OF THE AFTERNOON.** If you say that the point mentioned is included in the UNTIL, then there is no difficulty; this is where the difference lies between R. Judah and the Rabbis.¹⁸ O But if you say that the point mentioned is not included,²⁶ then R. Judah says the same thing as the

(1) V. Glosses. Vilna Gaon.

(2) V. P.B. p. 46.

(3) Because the one which is said in compensation is always said second.

(4) Lit., 'the (divine) power (manifested) in rain'.

- (5) The second benediction.
- (6) The ninth benediction.
- (7) The fourth benediction.
- (8) By the Men of the Great Synagogue.
- (9) Gen. XIX, 27.
- (10) Ps. CVI, 30.
- (11) Gen. XXIV, 63.
- (12) E.V. 'complaint'.
- (13) Ps. CII, 1.
- (14) Gen. XXVIII, 11.
- (15) Jer. VII, 16.
- (16) The precise time meant is discussed infra.
- (17) Of the burnt-offerings. (12) Of the other offerings
- (18) Said on Sabbaths, New Moons, and holy days.
- (19) From 12.30 p.m. to 6 p.m. taking the day from 6 a.m. to 6 p.m.
- (20) From 3.30 onwards.
- (21) I.e., does he in his statement in the Mishnah mean midway between 12.30 and 6 or between 3.30 and 6?
- (22) Viz., midway between 9 1/2 hours and 12.
- (23) According to him it was the Patriarchs who instituted the prayers, and the time of the sacrifice should have no bearing on the time of the recital of the prayers.
- (24) That R. Jose admits that the Rabbis based the Tefillah on the offerings.
- (25) And accordingly added a musaf tefillah to those instituted by the Patriarchs, and for the same reason they made the time of the prayers to be determined by the time of the sacrifices. (9) I.e., does he mean the beginning or the end of the fourth hour? (10) Assuming that R. Judah meant the middle of the latter afternoontide, i.e., eleven hours less a quarter.
- (26) So that 'until' means until the end of the point fixed by him.

Talmud - Mas. Berachoth 27a

Rabbis? — You conclude then that the point mentioned is not included in the UNTIL? Look now at the next clause: THE TIME FOR THE ADDITIONAL PRAYERS IS THE WHOLE DAY; R. JUDAH SAYS, TILL SEVEN HOURS, and it has been taught: If a man had two Tefillahs to say, one for musaf¹ and one for minhah,¹ he says first the minhah prayer and afterwards the musaf one, because the former is daily and the latter is not daily. R. Judah, however, says: He says the musaf one and afterwards the minhah one, because the [time for] the former [soon] lapses, while the [time for] the latter does not [so soon] lapse.² Now if you say that the point mentioned is included in the UNTIL there is no difficulty: on this supposition you can find a time which is appropriate to both of the Tefillahs.³ But if you say that the point mentioned is not included in the UNTIL where can you find a time which is appropriate to both the Tefillahs?⁴ As soon as the time for minhah has arrived, the time for musaf has passed! — What then? You say that the point mentioned is included in the UNTIL? Then there is the [afore-mentioned] difficulty of the first clause — what difference is there between R. Judah and the Rabbis? — Do you think that this MIDDLE OF THE AFTERNOON mentioned by R. Judah means the second half? It means the first half, and what he meant is this: When does the first half [of the second part of the afternoon] end and the second half begin? At the end of eleven hours less a quarter.

R. Nahman said: We also have learnt: R. Judah b. Baba testified five things — that they instruct a girl-minor to refuse,⁵ that a woman may remarry on the evidence of one witness [that her husband is dead],⁶ that a cock was stoned in Jerusalem because it killed a human being,⁷ that wine forty days old was poured as a drink-offering on the altar,⁸ and that the morning daily offering was brought at four hours.⁹ This proves, does it not, that the point mentioned is included in the UNTIL? It does. R. Kahana said: The halachah follows R. Jose because we have learnt in the Select Tractate¹⁰ as taught by him.

‘And concerning the regular daily offering that it was brought at four hours’. Who is the authority for what we have learnt: And as the sun waxed hot it melted:¹¹ this was at four hours. You say at four hours; or is it not so, but at six hours? When it says ‘in the heat of the day’,¹² here we have the expression for six hours. What then am I to make of ‘as the sun waxed hot it melted’? At four hours. Whose opinion does this represent? Apparently neither R. Judah's nor the Rabbis’. For if we go by R. Judah, up to four hours also is still morning;¹³ if we go by the Rabbis, up to six hours is also still morning! — If you like I can say it represents the opinion of R. Judah. and if you like of the Rabbis. ‘If you like I can say it represents the opinion of the Rabbis’: Scripture says, morning by morning,¹⁴ thus dividing the morning into two.¹⁵ ‘If you like I can say R. Judah’: this extra ‘morning’ indicates that they began [gathering] an hour beforehand.¹⁶ At any rate all agree that ‘as the sun waxed hot it melted’ refers to four hours. How does the text imply this? R. Aha b. Jacob said: The text says, As the sun waxed hot it melted. Which is the hour when the sun is hot and the shade is cool? You must say, at four hours.

THE AFTERNOON TEFILLAH TILL EVENING. R. Hisda said to R. Isaac: In the other case [of the morning offering] R. Kahana said that the halachah follows R. Judah because we have learnt in the Select Tractate as [taught] by him. What is the decision in this case? — He was silent, and gave him no answer at all. Said R. Hisda: Let us see for ourselves. Seeing that Rab says the Sabbath Tefillah on the eve of Sabbath while it is still day, we conclude that the halachah follows R. Judah!¹⁷ — On the contrary, from the fact that R. Huna and the Rabbis did not pray till night time, we conclude that the halachah does not follow R. Judah! Seeing then that it has not been stated definitely that the law follows either one or the other, if one follows the one he is right and if one follows the other he is right. Rab was once at the house of Genibah and he said the Sabbath Tefillah on the eve of Sabbath, and R. Jeremiah b. Abba was praying behind Rab and Rab finished but did not interrupt the prayer of R. Jeremiah.¹⁸ Three things are to be learnt from this. One is that a man may say the Sabbath Tefillah on the eve of Sabbath. The second is that a disciple may pray behind his master. The third is that it is forbidden to pass in front of one praying. But is that so? Did not R. Ammi and R. Assi use to pass? — R. Ammi and R. Assi used to pass outside a four cubit limit. But how could R. Jeremiah act thus, seeing that Rab Judah has said in the name of Rab: A man should never pray

(1) V. Glos.

(2) Musaf can be said up to seven hours and minhah up to eleven hours less a quarter.

(3) Viz., the second half of the seventh hour.

(4) Because when R. Judah says that the time for musaf is ‘till the seventh hour’, he must exclude the whole of the seventh hour itself.

(5) If a girl-minor who has lost her father is betrothed by her mother, when she becomes mature she can refuse to continue to be bound to her husband, and on some occasions the Beth din instruct her to refuse. V. Glos. s.v. mi’un; Yeb. 109a.

(6) V. Yeb. 122a.

(7) It pierced the skull of a child.

(8) Being no longer ‘new wine’, v. ‘Ed. VI, 1.

(9) As R. Judah says; which shows that he included the ‘four hours’ in the ‘until’.

(10) Behirta (selected). Eduyyoth is so called because all its statements are accepted as halachah; v. Introduction to ‘Ed. (Sonc. ed.).

(11) Ex. XVI, 21.

(12) Gen. XVIII, 1. Here the word ‘day’ is used, implying that it was hot everywhere, and not only in the sun, v. infra.

(13) It says that the Israelites gathered the manna every morning; why then had they stopped at this hour if it was still morning?

(14) Ex. loc. cit. Lit., ‘in the morning, in the morning’.

(15) And the Israelites gathered in the first ‘morning’.

(16) Thus finishing in the third hour of the day.

(17) That after the middle of the afternoon-tide, the afternoon Tefillah can no longer be said, and evening begins.

(18) By passing in front of him to resume his seat.

Talmud - Mas. Berachoth 27b

either next to this master¹ or behind his master?² And it has been taught: R. Eleazar says: One who prays behind his master, and one who gives [the ordinary] greeting to his master³ and one who returns a greeting to his master⁴ and one who joins issue with [the teaching of] the Academy of his master and one who says something which he has not heard from his master causes the Divine Presence to depart from Israel? — R. Jeremiah b. Abba is different, because he was a disciple-colleague; and that is why R. Jeremiah b. Abba said to Rab: Have you laid aside,⁵ and he replied: Yes, I have; and he did not say to him, Has the Master laid aside. But had he laid aside? Has not R. Abin related that once Rab said the Sabbath Tefillah on the eve of Sabbath and he went into the bath⁶ and came out and taught us our section, while it was not yet dark? — Raba said: He went in merely to perspire, and it was before the prohibition had been issued.⁷ But still, is this the rule?⁸ Did not Abaye allow R. Dimi b. Levai to fumigate some baskets?⁹ — In that case there was a mistake.¹⁰ But can [such] a mistake be rectified? Has not Abidan said: Once [on Sabbath] the sky became overcast with clouds and the congregation thought that it was night-time and they went into the synagogue and said the prayers for the termination of Sabbath, and then the clouds scattered and the sun came out and they came and asked Rabbi, and he said to them, Since they prayed, they have prayed?¹¹ — A congregation is different, since we avoid troubling them [as far as possible].¹²

R. Hiyya b. Abin said: Rab used to say the Sabbath Tefillah on the eve of Sabbath;¹³ R. Josiah said the Tefillah of the outgoing of Sabbath on Sabbath. When Rab said the Sabbath Tefillah on the eve of Sabbath, did he say sanctification over wine or not? — Come and hear: for R. Nahman said in the name of Samuel: A man may say the Tefillah of Sabbath on the eve of Sabbath, and say sanctification over wine; and the law is as stated by him. R. Josiah used to say the end-of-Sabbath Tefillah while it was yet Sabbath. Did he say habdalah over wine or did he not say habdalah over wine? — Come and hear: for Rab Judah said in the name of Samuel: A man may say the end-of-Sabbath Tefillah while it is yet Sabbath and say habdalah over wine. R. Zera said in the name of R. Assi reporting R. Eleazar who had it from R. Hanina in the name of Rab: At the side of this pillar R. Ishmael son of R. Jose said the Sabbath Tefillah on the eve of Sabbath. When 'Ulla came he reported that it was at the side of a palm tree and not at the side of a pillar, and that it was not R. Ishmael son of R. Jose but R. Eleazar son of R. Jose, and that it was not the Sabbath Tefillah on the eve of Sabbath but the end-of-Sabbath Tefillah on Sabbath.

THE EVENING PRAYER HAS NO FIXED LIMIT. What is the meaning of HAS NO FIXED LIMIT? Shall I say it means that if a man wants he can say the Tefillah any time in the night? Then let it state, 'The time for the evening Tefillah is the 'whole night'! — But what in fact is the meaning of HAS NO FIXED LIMIT? It is equivalent to saying, The evening Tefillah is optional. For Rab Judah said in the name of Samuel: With regard to the evening Tefillah, Rabban Gamaliel says it is compulsory, whereas R. Joshua says it is optional. Abaye says: The halachah is as stated by the one who says it is compulsory; Raba says the halachah follows the one who says it is optional.

It is related that a certain disciple came before R. Joshua and asked him, Is the evening Tefillah compulsory or optional? He replied: It is optional. He then presented himself before Rabban Gamaliel and asked him: Is the evening Tefillah compulsory or optional? He replied: It is compulsory. But, he said, did not R. Joshua tell me that it is optional? He said: Wait till the champions¹⁴ enter the Beth ha-Midrash. When the champions came in, someone rose and inquired, Is the evening Tefillah compulsory or optional? Rabban Gamaliel replied: It is compulsory. Said Rabban Gamaliel to the Sages: Is there anyone who disputes this? R. Joshua replied to him: No. He said to him: Did they not report you to me as saying that it is optional? He then went on: Joshua,

stand up and let them testify against you! R. Joshua stood up and said: Were I alive and he [the witness] dead, the living could contradict the dead. But now that he is alive and I am alive, how can the living contradict the living?¹⁵ Rabban Gamaliel remained sitting and expounding and R. Joshua remained standing, until all the people there began to shout and say to Huzpith the turgeman,¹⁶ Stop! and he stopped. They then said: How long is he [Rabban Gamaliel] to go on insulting him [R. Joshua]? On New Year last year he insulted him;¹⁷ he insulted him in the matter of the firstborn in the affair of R. Zadok;¹⁸ now he insults him again! Come, let us depose him! Whom shall we appoint instead? We can hardly appoint R. Joshua, because he is one of the parties involved. We can hardly appoint R. Akiba because perhaps Rabban Gamaliel will bring a curse on him because he has no ancestral merit. Let us then appoint R. Eleazar b. Azariah, who is wise and rich and the tenth in descent from Ezra. He is wise, so that if anyone puts a question to him he will be able to answer it. He is rich, so that if occasion arises for paying court¹⁹ to Caesar he will be able to do so. He is tenth in descent from Ezra, so that he has ancestral merit and he [Rabban Gamaliel] cannot bring a curse on him. They went and said to him: Will your honour consent to become head of the Academy? He replied: I will go and consult the members of my family. He went and consulted his wife. She said to him:

- (1) Because he seems to put himself on a level with him.
- (2) This also is a sign of pride. Or perhaps, because he seems to be bowing down to him (Tosaf.).
- (3) I.e., he says, 'Peace upon thee' simply instead of 'Pace upon thee, my master'.
- (4) Omitted by Alfasi and Asheri.
- (5) Have you laid aside all work, since you said the Sabbath Tefillah so early? Lit., 'have you made the distinction' (sc. between weekdays and Sabbath)?
- (6) An act forbidden on the Sabbath.
- (7) Against bathing and perspiring on Sabbath, v. Shab. 40a.
- (8) That work may not be done after saying the Sabbath prayer early on Sabbath eve.
- (9) After saying the Sabbath prayer.
- (10) It was a dark afternoon, and he said the Sabbath prayer thinking that Sabbath had already commenced.
- (11) And since the prayer need not be repeated, work in the case of Sabbath eve ought to be forbidden!
- (12) To repeat the Tefillah.
- (13) Before evening set in.
- (14) Lit., 'masters of bucklers', 'shield-bearers', i.e., great scholars. The Rabbis often applied warlike terms to halachic discussion.
- (15) I.e., how can I deny that I said this?
- (16) Lit., 'interpreter', the man who expounded the ideas of the teacher to the public. The more usual later name is Amora.
- (17) By telling him to appear before him on the Day of Atonement with his staff and wallet. V. R.H. 25a.
- (18) V. Bek. 36a.
- (19) Lit., 'serve'.

Talmud - Mas. Berachoth 28a

Perhaps they will depose you later on. He replied to her: [There is a proverb:] Let a man use a cup of honour¹ for one day even if it be broken the next. She said to him: You have no white hair. He was eighteen years old that day, and a miracle was wrought for him and eighteen rows of hair [on his beard] turned white. That is why R. Eleazar b. Azariah said: Behold I am about seventy years old,² and he did not say [simply] seventy years old. A Tanna taught: On that day the doorkeeper was removed and permission was given to the disciples to enter. For Rabban Gamaliel had issued a proclamation [saying]. No disciple whose character does not correspond to his exterior³ may enter the Beth ha-Midrash. On that day many stools⁴ were added. R. Johanan said: There is a difference of opinion on this matter between Abba Joseph b. Doseithai and the Rabbis: one [authority] says that four hundred stools were added, and the other says seven hundred. Rabban Gamaliel became

alarmed and said: Perhaps, God forbid, I withheld Torah from Israel!⁵ He was shown in his dream white casks full of ashes.⁶ This, however, really meant nothing; he was only shown this to appease him.⁷

A Tanna taught: Eduyyoth⁸ was formulated on that day — and wherever the expression ‘on that day’ is used, it refers to that day — and there was no halachah about which any doubt existed in the Beth ha-Midrash which was not fully elucidated. Rabban Gamaliel also did not absent himself from the Beth ha-Midrash a single hour, as we have learnt: On that day Judah, an Ammonite proselyte, came before them in the Beth ha-Midrash. He said to them: Am I permitted to enter the assembly?⁹ R. Joshua said to him: You are permitted to enter the congregation. Said Rabban Gamaliel to him: Is it not already laid down, At Ammonite or a Moabite shall not enter into the assembly of the Lord?¹⁰ R. Joshua replied to him: Do Ammon and Moab still reside in their original homes? Sennacherib king of Assyria long ago went up and mixed up all the nations, as it says, I have removed the bounds of the peoples and have robbed their treasures and have brought down as one mighty their inhabitants;¹¹ and whatever strays [from a group] is assumed to belong to the larger section of the group.¹² Said Rabban Gamaliel to him: But has it not been said: But afterward I will bring back the captivity of the children of Ammon, saith the Lord,¹³ so that they have already returned? To which R. Joshua replied: And has it not been said, And I will turn the captivity of My people Israel,¹⁴ and they have not yet returned? Forthwith they permitted him to enter the congregation. Rabban Gamaliel thereupon said: This being the case,¹⁵ I will go and apologize to R. Joshua. When he reached his house he saw that the walls were black. He said to him: From the walls of your house it is apparent that you are a charcoal-burner.¹⁶ He replied: Alas for the generation of which you are the leader, seeing that you know nothing of the troubles of the scholars, their struggles to support and sustain themselves! He said to him: I apologize.¹⁷ forgive me. He paid no attention to him. Do it, he said, out of respect for my father. He then became reconciled to him. They said: Who will go and tell the Rabbis? A certain fuller said to them: I will go. R. Joshua sent a message to the Beth hamidrash saying: Let him who is accustomed to wear the robe wear it;¹⁸ shall he who is not accustomed to wear the robe¹⁹ say to him who is accustomed to wear it, Take off your robe and I will put it on? Said R. Akiba to the Rabbis: Lock the doors so that the servants of Rabban Gamaliel should not come and upset the Rabbis.²⁰ Said R. Joshua: I had better get up and go to them. He came and knocked at the door. He said to them: Let the sprinkler son of a sprinkler²¹ sprinkle; shall he who is neither a sprinkler nor the son of a sprinkler say to a sprinkler son of a sprinkler, Your water is cave water²² and your ashes are oven ashes?²³ Said R. Akiba to him: R. Joshua, you have received your apology, have we done anything except out of regard for your honour? Tomorrow morning you and I will wait on him.²⁴ They said: How shall we do? Shall we depose him [R. Eleazar b. Azariah]? We have a rule that we may raise an object to a higher grade of sanctity but must not degrade it to a lower.²⁵ If we let one Master preach on one Sabbath and one on the next, this will cause jealousy. Let therefore Rabban Gamaliel preach three Sabbaths and R. Eleazar b. Azariah one Sabbath. And it is in reference to this that a Master said: ‘Whose Sabbath was it? It was the Sabbath of R. Eleazar b. Azariah’.²⁶ And that disciple²⁷ was R. Simeon b. Yohai.

THE TIME FOR THE ADDITIONAL PRAYER IS THE WHOLE DAY. R. Johanan said: And he is [nevertheless] called a transgressor.²⁸

Our Rabbis taught: If a man had two Tefillahs to say, one for minhah and one for musaf, he says the one for minhah, and afterwards he says the one for musaf. because the one is daily²⁹ and the other is not daily. R. Judah says: He says the musaf one first and then he says the minhah one; the former is an obligation that will soon lapse³⁰ while the other is an obligation that will not lapse. R. Johanan said: The halachah is that he says the minhah Tefillah first and then the musaf one. When R. Zera was tired from studying, he used to go and sit by the door of the school of R. Nathan b. Tobi. He said to himself: When the Rabbis pass by, I will rise before them and earn a reward.³¹ R. Nathan b. Tobi came out. He said to him: Who enunciated a halachah in the Beth ha-Midrash? He replied:

Thus said R. Johanan: The halachah does not follow R. Judah who said that a man first says the musaf Tefillah and then the minhah one. He said to him: Did R. Johanan say it? — He replied, Yes.³² He repeated it after him forty times. He said to him: Is this the one [and only] thing you have learnt [from him]³³ or it is a new thing to you?³⁴ He replied: It is a new thing to me, because I was not certain [whether it was not the dictum] of R. Joshua b. Levi.

R. Joshua b. Levi said: If one says the musaf Tefillah after seven hours, then according to R. Judah the Scripture says of him, I will gather them that are destroyed [nuge]³⁵ because of the appointed season, who are of thee.³⁶ How do you know that the word 'nuge' here implies destruction? It is as rendered by R. Joseph [in his Targum]:³⁷ Destruction comes upon the enemies of Israel³⁸ because they put off till late the times of the appointed seasons³⁹ in Jerusalem.

R. Eleazar said: If one says the morning Tefillah after four hours, then according to R. Judah the Scripture says of him, 'I will gather them that sorrow because of the appointed season, who are of thee'. How do we know that this word nuge implies sorrow? Because it is written, My soul melteth away for heaviness [tugah].⁴⁰ R. Nahman b. Isaac said: We learn it from here: Her virgins are afflicted [nugoth] and she herself is in bitterness.⁴¹

(1) I.e., one used on state occasions. Aliter: 'a cup of filigree work'.

(2) V. supra p. 72 n. 7.

(3) Lit., 'whose inside is not as his outside'; a common Talmudic expression.

(4) Or 'benches'.

(5) By keeping out so many disciples.

(6) Signifying that those he kept out were in fact not genuine.

(7) I.e., they were in fact genuine.

(8) Lit., 'testimonies' not necessarily the Tractate Eduyyoth which we now have.

(9) I.e., marry a Jewess.

(10) Deut. XXIII, 4.

(11) Isa. X, 13.

(12) E.g., if there are nine shops in a street selling kasher meat and one selling trefa, and we find a piece of meat in the street, we presume that it came from one of the kasher shops, v. Keth. 15a. So here, we presume that this man came from one of the other nations.

(13) Jer. XLIX, 6.

(14) Amos IX, 24.

(15) Since he is held in such high respect.

(16) Aliter 'smith'.

(17) Lit., 'I am humbled to thee'.

(18) I.e., let Rabban Gamaliel be restored to the presidency.

(19) I.e., R. Eleazar b. Azariah.

(20) The Rabbis did not want Rabban Gamaliel to be restored, being afraid of his autocratic disposition.

(21) I.e., a priest, son of a priest, sprinkle the water of purification. The reference is again to Rabban Gamaliel who had an hereditary claim to the presidency.

(22) And not living water as required, v. Num. XIX, 27.

(23) And not from the Red Heifer.

(24) I.e., on R. Eleazar b. Azariah. Lit., 'we will rise early to his door'.

(25) V. e.g. Yoma 22b.

(26) Hag. 3a.

(27) Who asked the question about the evening Tefillah.

(28) If he delays too much.

(29) Lit., 'continual', 'regular'.

(30) Its time being limited, in the view of R. Judah, until the seventh hour.

(31) In the next world.

- (32) Var. lec. (v. D.S.): 'Who enunciated a halachah etc.?' He replied, R. Johanan. He said to him, What was it. He replied, A man may say first etc.'
- (33) Sc. R. Johanan.
- (34) That you set so much store by it.
- (35) E.V. 'Them that sorrow for'.
- (36) Zeph. III, 28.
- (37) To R. Joseph is ascribed the Targum on the prophets, v. Graetz, Geschichte, IV, 326.
- (38) Euphemism.
- (39) I.e., the festival prayers.
- (40) Ps. CXIX, 28.
- (41) Lam. I, 4.

Talmud - Mas. Berachoth 28b

R. 'Awia was once ill and did not go to hear the lecture of R. Joseph.¹ On the next day when he came Abaye tried to appease R. Joseph. He said to him [R. 'Awia]: Why did your honour not come to the lecture yesterday? He replied: I felt weak and was not able. He said to him: Why did you not take some food and come? He replied: Does not your honour hold with the dictum of R. Huna? For R. Huna said: It is forbidden to a man to taste anything until he has said the musaf Tefillah. He said to him: Your honour ought to have said the musaf Tefillah privately and taken something and come. He replied: Does not your honour hold with what R. Johanan has laid down, that it is forbidden for a man to say his Tefillah before the congregation says it? He said to him: Has it not been said in regard to this: This refers to when he is with the congregation? And the law is neither as stated by R. Huna nor by R. Joshua b. Levi. 'It is not as stated by R. Huna', namely in what we have just said.² 'It is not as stated by R. Joshua b. Levi', namely, in what R. Joshua b. Levi said: When the time for the minhah Tefillah arrives it is forbidden to a man to taste anything until he has said the minhah Tefillah.

MISHNAH. R. NEHUNIA B. HA-KANEH USED TO SAY A PRAYER AS HE ENTERED THE BETH HA-MIDRASH AND AS HE LEFT IT — A SHORT PRAYER. THEY SAID TO HIM: WHAT SORT OF PRAYER IS THIS? HE REPLIED: WHEN I ENTER I PRAY THAT NO OFFENCE SHOULD OCCUR THROUGH ME,³ AND WHEN I LEAVE I EXPRESS THANKS FOR MY LOT.

GEMARA. Our Rabbis taught: On entering what does a man⁴ say? 'May it be Thy will, O Lord my God, that no offence may occur through me, and that I may not err in a matter of halachah and that my colleagues may rejoice in me⁵ and that I may not call unclean clean or clean unclean, and that my colleagues may not err in a matter of halachah and that I may rejoice in them'. On his leaving what does he say? 'I give thanks to Thee, O Lord my God, that Thou hast set my portion with those who sit in the Beth ha-Midrash and Thou hast not set my portion with those who sit in [street] corners,⁶ for I rise early and they rise early, but I rise early for words of Torah and they rise early for frivolous talk; I labour and they labour, but I labour and receive a reward and they labour and do not receive a reward; I run and they run, but I run to the life of the future world and they run to the pit of destruction.

Our Rabbis taught: When R. Eliezer fell ill, his disciples went in to visit him. They said to him: Master, teach us the paths of life so that we may through them win the life of the future world. He said to them: Be solicitous for the honour of your colleagues, and keep your children from meditation,⁷ and set them between the knees of scholars, and when you pray know before whom you are standing and in this way you will win the future world.

When Rabban Johanan ben Zakkai fell ill, his disciples went in to visit him. When he saw them he

began to weep. His disciples said to him: Lamp of Israel, pillar of the right hand,⁸ mighty hammer! Wherefore weepst thou? He replied: If I were being taken today before a human king who is here today and tomorrow in the grave, whose anger if he is angry with me does not last for ever, who if he imprisons me does not imprison me for ever and who if he puts me to death does not put me to everlasting death, and whom I can persuade with words and bribe with money, even so I would weep. Now that I am being taken before the supreme King of Kings, the Holy One, blessed be He, who lives and endures for ever and ever, whose anger, if He is angry with me, is an everlasting anger, who if He imprisons me imprisons me for ever, who if He puts me to death puts me to death for ever, and whom I cannot persuade with words or bribe with money — nay more, when there are two ways before me, one leading to Paradise and the other to Gehinnom, and I do not know by which I shall be taken, shall I not weep? They said to him: Master, bless us. He said to them: May it be [God's] will that the fear of heaven shall be upon you like the fear of flesh and blood. His disciples said to him: Is that all?⁹ He said to them: If only [you can attain this]! You can see [how important this is], for when a man wants to commit a transgression, he says, I hope no man will see me.¹⁰ At the moment of his departure he said to them: Remove the vessels so that they shall not become unclean, and prepare a throne for Hezekiah the king of Judah who is coming.¹¹

MISHNAH. RABBAN GAMALIEL SAYS: EVERY DAY A MAN SHOULD SAY THE EIGHTEEN BENEDICTIONS. R. JOSHUA SAYS: AN ABBREVIATED EIGHTEEN.¹² R. AKIBA SAYS: IF HE KNOWS IT FLUENTLY HE SAYS THE ORIGINAL EIGHTEEN, AND IF NOT AN ABBREVIATED EIGHTEEN. R. ELIEZER SAYS: IF A MAN MAKES HIS PRAYERS A FIXED TASK, IT IS NOT A [GENUINE] SUPPLICATION. R. JOSHUA SAYS: IF ONE IS TRAVELLING IN A DANGEROUS PLACE, HE SAYS A SHORT PRAYER, SAYING, SAVE, O LORD, THY PEOPLE THE REMNANT OF ISRAEL; IN EVERY TIME OF CRISIS¹³ MAY THEIR REQUIREMENTS NOT BE LOST SIGHT OF BY THEE. BLESSED ART THOU, O LORD, WHO HEARKENEST TO PRAYER. IF HE IS RIDING ON AN ASS HE DISMOUNTS AND PRAYS. IF HE IS UNABLE TO DISMOUNT HE SHOULD TURN HIS FACE [TOWARDS JERUSALEM]; AND IF HE CANNOT TURN HIS FACE HE SHOULD CONCENTRATE HIS THOUGHTS ON THE HOLY OF HOLIES. IF HE IS TRAVELLING IN A SHIP OR ON A RAFT,¹⁴ HE SHOULD CONCENTRATE HIS THOUGHTS ON THE HOLY OF HOLIES.

GEMARA. To what do these eighteen benedictions correspond? R. Hillel the son of Samuel b. Nahmani said: To the eighteen times that David mentioned the Divine Name in the Psalm, Ascribe unto the Lord, O ye sons of might.¹⁵ R. Joseph said: To the eighteen times the Divine Name is mentioned in the Shema'. R. Tanhum said in the name of R. Joshua b. Levi: To the eighteen vertebrae in the spinal column.

R. Tanhum also said in the name of R. Joshua b. Levi: In saying the Tefillah one should bow down [at the appropriate places] until all the vertebrae in the spinal column are loosened. 'Ulla says: Until an issar¹⁶ of flesh is visible opposite his heart.¹⁷ R. Hanina said: If he simply bows his head, he need do no more. Said Raba: This is only if it hurts him [to stoop] and he shows that he would like to bow down.

These eighteen are really nineteen? — R. Levi said: The benediction relating to the Minim¹⁸ was instituted in Jabneh.¹⁹ To what was it meant to correspond? — R. Levi said: On the view of R. Hillel the son of R. Samuel b. Nahmani,²⁰ to The God of Glory thundereth;²¹ on the view of R. Joseph, to the word 'One'²² in the Shema'; on the view of R. Tanhum quoting R. Joshua b. Levi, to the little vertebrae in the spinal column.

Our Rabbis taught: Simeon ha-Pakuli²³ arranged the eighteen benedictions in order before Rabban Gamaliel in Jabneh. Said Rabban Gamaliel to the Sages:²⁴ Can any one among you frame a benediction relating to the Minim?²⁵ Samuel the Lesser arose and composed it. The next year²⁶ he

forgot it

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- (1) R. Joseph was the head of the school at Pumbeditha and he used to lecture every Sabbath morning before the musaf prayer.
- (2) That he must not eat anything before saying musaf.
- (3) E.g., by giving a wrong decision.
- (4) Lit., 'he say'; referring perhaps to R. Nehunia.
- (5) Rashi translates: so that my colleagues may rejoice over me, i.e., over my discomfiture, and so bring sin upon themselves; and similarly in the next clause.
- (6) Rashi explains this to mean shopkeepers or ignorant people. For an alternative rendering v. Sanh., Sonc. ed., p. 6, n. 4.
- (7) Rashi explains this to mean too much reading of Scripture, or alternatively, childish talk. Others explain it as philosophic speculation.
- (8) The reference is to the two pillars in the Temple. V. I Kings VII, 21.
- (9) Should not the fear of God be more than that?
- (10) And therefore if the fear of God is no more than this, it will keep him from many sins.
- (11) Sc. to accompany me into the next world. Perhaps because he, like Hezekiah, had acted mightily for the spread of Torah; v. Sanh. 94b.
- (12) Lit., 'like the eighteen'. V. infra in the Gemara.
- (13) Lit., 'section of the crossing', i.e., transition from one condition to another.
- (14) Aliter: in prison.
- (15) Ps. XXIX.
- (16) A coin, v. Glos.
- (17) I.e., till the flesh bulges.
- (18) V. Glos. The reading 'Sadducees' in our edd. is a censor's correction.
- (19) After the rest.
- (20) This is a marginal correction of the reading in the text, R. Levi son of R. Samuel b. Nahmani said: R. Hillel etc.
- (21) Ps. XXIX, 3. The Hebrew for God here is El.
- (22) Which is also considered a Divine Name.
- (23) Possibly this word means 'cotton seller'. On this passage. cf. Meg. 17.
- (24) On a subsequent occasion.
- (25) V. n. 3.
- (26) Apparently this benediction was at that time not recited daily as now, but on special annual occasions.

Talmud - Mas. Berachoth 29a

and he tried for two or three hours to recall it, and they did not remove him.¹ Why did they not remove him seeing that Rab Judah has said in the name of Rab: If a reader made a mistake in any of the other benedictions, they do not remove him, but if in the benediction of the Minim, he is removed, because we suspect him of being a Min? — Samuel the Lesser is different, because he composed it. But is there not a fear that he may have recanted? — Abaye said: We have a tradition that a good man does not become bad. But does he not? It is not written, But when the righteous turneth away from his righteousness and committeth iniquity?² — Such a man was originally wicked, but one who was originally righteous does not do so. But is that so? Have we not learnt: Believe not in thyself until the day of thy death?³ For lo, Johanan the High Priest officiated as High Priest for eighty years and in the end he became a Min? Abaye said: Johanan⁴ is the same as Jannai.⁵ Raba said: Johanan and Jannai are different; Jannai was originally wicked and Johanan was originally righteous. On Abaye's view there is no difficulty, but on Raba's view there is a difficulty? — Raba can reply: For one who was originally righteous it is also possible to become a renegade. If that is the case, why did they not remove him? — Samuel the Lesser is different, because he had already commenced to say it [the benediction]. For Rab Judah said in the name of Rab — or as some say. R. Joshua b. Levi: This applies only if he has not commenced to say it, but if he has

commenced, he is allowed to finish.

To what do the seven blessings said on Sabbath⁶ correspond? — R. Halefta b. Saul said: To the seven voices mentioned by David [commencing with] ‘on the waters’.⁷ To what do the nine said on New Year [Musaf Tefillah] correspond?⁸ Isaac from Kartignin⁹ said: To the nine times that Hannah mentioned the Divine Name in her prayer.¹⁰ For a Master has said: On New Year Sarah, Rachel and Hannah were visited.¹¹ To what do the twenty-four said on a last day correspond?¹² R. Helbo said: To the twenty-four times that Solomon used the expression ‘prayer’ etc. on the occasion when he brought the ark into the Holy of Holies.¹³ If that is so, then let us say them every day? — When did Solomon say them? On a day of supplication;¹⁴ We also say them on a day of supplication. R. JOSHUA SAYS: AN ABBREVIATED EIGHTEEN. What is meant by ‘AN ABBREVIATED EIGHTEEN’? Rab said: An abbreviated form of each blessing; Samuel said: Give us discernment, O Lord, to know Thy ways, and circumcise our heart to fear Thee, and forgive us so that we may be redeemed, and keep us far from our sufferings, and fatten us in the pastures of Thy land, and gather our dispersions from the four corners of the earth, and let them who err from Thy prescriptions be punished,¹⁵ and lift up Thy hand against the wicked, and let the righteous rejoice in the building of Thy city and the establishment of the temple and in the exalting of the horn of David Thy servant and the preparation of a light for the son of Jesse Thy Messiah; before we call mayest Thou answer; blessed art Thou, O Lord, who hearkenest to prayer.¹⁶ Abaye cursed anyone who prayed ‘Give us discernment’.¹⁷ R. Nahman said in the name of Samuel: A man may say ‘Give us discernment’ any time of the year except on the outgoing of Sabbath and of festivals, because he has to say habdalah in ‘that graciously giveth knowledge’. Rabbah b. Samuel demurred to this. Let him, [he said] make a fourth blessing¹⁸ of it by itself. Have we not learnt: R. Akiba says: He says it as a fourth blessing by itself; R. Eleazar says: He says it in the thanksgiving?¹⁹ — Do we follow R. Akiba all the year that we should follow him now? Why do we not follow R. Akiba the rest of the year? Because eighteen blessings were instituted, not nineteen. Here too, seven were instituted,²⁰ not eight. Mar Zutra demurred to this. Let him [he said] include it²¹ in ‘Give us discernment’ [by saying]. O lord, our God, who distinguisheth between holy and profane. — This is indeed a difficulty.

R. Bibi b. Abaye said: A man may say ‘Give us discernment’ any time in the year except in the rainy season, because he requires to make a request in the benediction of the years.²² Mar Zutra demurred to this. Let him include it [by saying], And fatten us in the pastures of Thy land and give dew and rain? — He might become confused. If so, by saying habdalah²³ in ‘that grantest discernment’ he might equally become confused? They replied: In that case, since it comes near the beginning of the Tefillah he will not become confused, here, as it comes in the middle of the Tefillah he will become confused. R. Ashi demurred to this. Let him say it in ‘that hearkenest to prayer’?²⁴ For R. Tanhum said in the name of R. Assi: If a man made a mistake and did not mention the miracle of rain²⁵ in the benediction of the resurrection of the dead, we turn him back;²⁶ [if he forgot] the request for rain in the benediction of the years,²⁷ we do not turn him back, because he can say it in ‘that hearkenest unto prayer’, and [if he forgot] habdalah in ‘that grantest knowledge’ we do not turn him back, because he can say it later over wine?²⁸ — A mistake is different.²⁹

The text above [said]: R. Tanhum said in the name of R. Assi: If one made a mistake and did not mention the miracle of rain in the benediction of the resurrection, he is turned back; [if he forgot] the request in the benediction of the years he is not turned back, because he can say it in ‘that hearkenest unto prayer’; [if he forgot] habdalah in ‘that grantest knowledge’ he is not turned back, because he can say it later over wine. An objection was raised: If one made a mistake and did not mention the miracle of rain in the benediction of the resurrection, he is turned back; [if he forgot] the request in the benediction of the years, he is turned back; [if he forgot] habdalah in ‘that grantest knowledge’ he is not turned back because he can say it later over wine! — There is no contradiction; the one case where he is turned back refers to where he is saying it by himself, the other, with the congregation. What is the reason why he is not turned back when he says it with the congregation? Because he

hears it from the Reader,³⁰ is it not? If so then instead of ‘because he can say it in "who hearkenest unto prayer"’, we should have ‘because he hears it from the Reader’? — In fact in both cases he is saying it by himself, and still there is no contradiction; the one case refers to where he remembers before he comes to ‘that hearkenest unto prayer’

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- (1) From his post as reader.
 - (2) Ezek. XVIII, 24.
 - (3) Ab. II, 4.
 - (4) The Hasmonean king, John Hyrcanus, is meant.
 - (5) Alexander Jannaeus who was always hostile to the Pharisees, and who massacred Pharisaic Sages. Cf. Kid., Sonc. ed., p. 332. n. 22.
 - (6) In the Tefillah, instead of the eighteen on week-days. V. P.B. 136-142.
 - (7) Ps. XXIX, 3.
 - (8) V. P.B p. 239-242.
 - (9) Carthage or Carthagera in Spain.
 - (10) I Sam. II, 1-10.
 - (11) V. R.H. 11a.
 - (12) Ta'an. II, 3, where six additional blessings to be said on fast days are mentioned.
 - (13) I Kings VIII, 23-53.
 - (14) Because the gates would not open. V. M.K. 9a.
 - (15) Rashi, following Halakoth Gedoloth emends, Let those who err in judgment, judge according to Thy word.
 - (16) Thus Samuel included the contents of the twelve middle benedictions in one. (V. P.B. p. 55.) The first and last three must in every case be said in full.
 - (17) Instead of the eighteen benedictions in full.
 - (18) After the first three.
 - (19) Infra 33a.
 - (20) I.e., the first and last three and ‘Give us discernment’.
 - (21) The reference to habdalah.
 - (22) The twelfth.
 - (23) In the Tefillah on the termination of the Sabbath.
 - (24) Which is at the conclusion of the prayer.
 - (25) Lit., ‘the (divine) might (manifested) in the rain’.
 - (26) Because this, not being a prayer, cannot be said in ‘that hearkenest unto prayer’.
 - (27) V. P.B. p. 47.
 - (28) V. ibid. p. 216.
 - (29) From something which can confuse the person praying.
 - (30) When he repeats the ‘Amidah. V. Glos.

Talmud - Mas. Berachoth 29b

, the other case where he only remembers after ‘that hearkenest unto prayer’.

R. Tanhum said in the name of R. Assi quoting R. Joshua b. Levi: If one made a mistake and did not mention the New Moon in the ‘Abodah¹ benediction, he goes back to the ‘Abodah. If he remembered in the ‘thanksgiving’,² he goes back to the ‘Abodah; if he remembers in ‘grant peace’,³ he goes back to the ‘Abodah. If he has finished, he goes back to the beginning. R. Papa son of R. Aha b. Ada said: In saying that if he has finished he goes back to the beginning, we mean only, if he has moved his feet; but if he has not yet moved his feet⁴ he goes back to the ‘Abodah. He said to him: From where have you that? — He replied: I have heard it from Abba,⁵ and Abba Meri had it from Rab. R. Nahman b. Isaac said: When we say that if he has moved his feet he goes back to the beginning, we mean this to apply only to one who is not accustomed to say a supplication after his Tefillah,⁶ but if he is accustomed to say a supplication after his Tefillah, he goes back to the

‘Abodah. Some report: R. Nahman b. Isaac said: When we say that if he has not moved his feet he goes back to the ‘Abodah, we mean this to apply only to one who is accustomed to say a supplication after his Tefillah, but if he is not accustomed to say a supplication after his Tefillah, he goes back to the beginning.

R. ELIEZER SAYS: HE WHO MAKES HIS PRAYER A FIXED TASK etc. What is meant by a **FIXED TASK?** — R. Jacob b. Idi said in the name of R. Oshaiah: Anyone whose prayer is like a heavy burden on him. The Rabbis say: Whoever does not say it in the manner of supplication.⁷ Rabbah and R. Joseph both say: Whoever is not able to insert something fresh in it.⁸ R. Zera said: I can insert something fresh, but I am afraid to do so for fear I should become confused.⁹ Abaye b. Abin and R. Hanina b. Abin both said: Whoever does not pray at the first and last appearance of the sun.¹⁰ For R. Hiyya b. Abba said in the name of R. Johanan: It is a religious duty to pray with the first and last appearance of the sun. R. Zera further said: What text confirms this? — They shall fear Thee with the sun, and before the moon throughout all generations.¹¹ In the West they curse anyone who prays [minhah] with the last appearance of the sun. Why so? — Perhaps he will miss the time.¹²

R. JOSHUA SAYS: HE WHO IS WALKING IN A DANGEROUS PLACE SAYS A SHORT PRAYER. . . IN EVERY TIME OF CRISIS. What is ‘**TIME OF CRISIS**’ [‘ibbur]? R. Hisda said in the name of Mar ‘Ukba: Even at the time when Thou art filled with wrath [‘ebrah] against them like a pregnant woman, may all their need not be overlooked by Thee.¹³ Some there are who say that R. Hisda said in the name of Mar ‘Ukba: Even at the time when they transgress [‘oberim] the words of the Torah may all their requirements not be overlooked by Thee.

Our Rabbis taught: One who passes through a place infested with beasts or bands of robbers says a short Tefillah. What is a short Tefillah? — R. Eliezer says: Do Thy will in heaven above,¹⁴ and grant relief¹⁵ to them that fear Thee below and do that which is good in Thine eyes.¹⁶ Blessed art Thou, O Lord, who hearest prayer. R. Joshua says: Hear the supplication of Thy people Israel and speedily fulfil their request. Blessed art Thou, O Lord, who hearest prayer. R. Eleazar son of R. Zadok says: Hear the cry of thy people Israel and speedily fulfil their request. Blessed art Thou, O Lord, who hearkenest unto prayer. Others say: The needs of Thy people Israel are many and their wit is small.¹⁷ May it be Thy will, O Lord our God, to give to each one his sustenance and to each body what it lacks. Blessed art Thou, O Lord, who hearkenest unto prayer. R. Huna said: The halachah follows the ‘Others’.

Said Elijah to Rab Judah the brother of R. Sala the Pious: Fall not into a passion and thou wilt not sin, drink not to excess and thou wilt not sin; and when thou goest forth on a journey, seek counsel of thy Maker and go forth. What is meant by ‘seek counsel of thy Maker and go forth’? — R. Jacob said in the name of R. Hisda: This refers to the prayer before setting forth on a journey. R. Jacob also said in the name of R. Hisda: Whoever sets forth on a journey should say the prayer for a journey. What is it? — ‘May it be Thy will, O Lord my God, to lead me forth in peace, and direct my steps in peace and uphold me in peace, and deliver me from the hand of every enemy and ambush by the way, and send a blessing on the works of my hands, and cause me to find grace, kindness, and mercy in Thy eyes and in the eyes of all who see me. Blessed art Thou, O Lord, who hearkenest unto prayer’.¹⁸ Abaye said: A man should always

(1) Lit., ‘Service’: the name of the sixteenth benediction.

(2) The last benediction but one.

(3) The last benediction.

(4) On concluding the Tefillah, one steps back three paces.

(5) Or, my father, my teacher.

(6) E.g., My God, keep my tongue from guile etc. V. P.B. p. 54. Cf. also supra 16b, 17a.

(7) I.e., as if he were really asking for a favour.

- (8) So as to vary it in case of need.
- (9) And not know where I broke off
- (10) I.e., the morning Tefillah in the former case and the afternoon one in the latter. Lit., (a) 'the reddening of the sun', (b) 'the stillness of the sun' i.e., the time in the morning and evening when the sun appears to stand still, v. Jast.
- (11) Ps, LXXII, 5. E.V.'They shall fear Thee while the sun endureth, and so long as the moon'.
- (12) Through delaying so long.
- (13) There is a play here on the words 'ibbur (passage transition), 'ebrah (wrath) and 'ubereth (pregnant) Which are all from the same root, though with different meanings.
- (14) Among the angels who never merit punishment.
- (15) Lit., 'ease of spirit', i.e., a clear mind without fear of danger.
- (16) Cf. Judg. X., 15.
- (17) I.e., they do not know how to ask for their needs.
- (18) V. P. B. p. 310.

Talmud - Mas. Berachoth 30a

associate himself with the congregation. How should he say? 'May it be Thy will, O Lord our God, to lead us forth in peace etc'. When should he say this prayer? — R. Jacob said in the name of R. Hisda: At the moment he starts on his journey. How long [is it still permissible to say it]?¹ — R. Jacob said in the name of R. Hisda: Until [he has gone]² a parasang. How is he to say it? R. Hisda said: Standing still; R. Shesheth said: [He may] also [say it] while proceeding. Once R. Hisda and R. Shesheth were going along together, and R. Hisda stood still and prayed. R. Shesheth asked his attendant, What is R. Hisda doing?³ — He replied: He is standing and praying. He thereupon said to him: Place me in position also that I may pray; if thou canst be good, do not be called bad.⁴

What is the difference between 'Grant us discernment' and the SHORT PRAYER? — 'Grant us discernment' requires to be accompanied by the first and last three blessings [of the 'Amidah], and when he returns home he need not say the Tefillah again. The 'short prayer does not require to be accompanied either by the first or the last three blessings, and when one returns home he must say the Tefillah. The law is that 'Grant us discernment' must be said standing, a 'short prayer' may be said either standing or journeying.

IF ONE WAS RIDING ON AN ASS etc. Our Rabbis taught: If one was riding on an ass and the time arrived for saying Tefillah, if he has someone to hold his ass, he dismounts and prays, if not, he sits where he is and prays. Rabbi says: In either case he may sit where he is and pray, because [otherwise] he will be worrying.⁵ Rab — or, as some say, R. Joshua b. Levi — said: The halachah follows Rabbi.

Our Rabbis taught: A blind man or one who cannot tell the cardinal points should direct his heart towards his Father in Heaven, as it says, And they pray unto the Lord.⁶ If one is standing outside Palestine, he should turn mentally towards Eretz Israel, as it says, And pray unto Thee towards their land.⁷ If he stands in Eretz Israel he should turn mentally towards Jerusalem, as it says, And they pray unto the Lord toward the city which Thou hast chosen.⁸ If he is standing in Jerusalem he should turn mentally towards the Sanctuary, as it says, If they pray toward this house.⁹ If he is standing in the Sanctuary, he should turn mentally towards the Holy of Holies, as it says, If they pray toward this place.¹⁰ If he was standing in the Holy of Holies he should turn mentally towards the mercy-seat.¹¹ If he was standing behind the mercy-seat¹² he should imagine himself to be in front of the mercy-seat. Consequently, if he is in the east he should turn his face to the west; if in the west he should turn his face to the east; if in the south he should turn his face to the north; if in the north he should turn his face to the south. In this way all Israel will be turning their hearts towards one place. R. Abin — or as some say R. Abina — said: What text confirms this? — Thy neck is like the tower of David builded with turrets [talpioth],¹³ the elevation [tel]¹⁴ towards which all mouths (piyyoth) turn.¹⁵

When Samuel's father and Levi were about to set out on a journey, they said the Tefillah before [dawn],¹⁶ and when the time came to recite the Shema', they said it. Whose authority did they follow? — That of the following Tanna, as it has been taught: If a man got up early to go on a journey, they bring him [before dawn] a shofar and he blows,¹⁷ a lulab¹⁸ and he shakes it,¹⁹ a megillah¹⁸ and he reads it,²⁰ and when the time arrives for reciting the Shema', he recites it. If he rose early in order to take his place in a coach or in a ship,²¹ he says the Tefillah,²² and when the time arrives for reciting he Shema', he recites it. R. Simeon b. Eleazar says: In either case he recites the Shema' and then says the Tefillah, in order that he may say the ge'ullah next to the Tefillah. What is the ground of the difference between the two authorities? — One held that it is more important to say the Tefillah standing,²³ the other that it is more important to say ge'ullah next to Tefillah. Meremar and Mar Zutra used to collect ten persons on the Sabbath before a festival²⁴ and say the Tefillah, and then they went out and delivered their lectures.²⁵ R. Ashi used to say the Tefillah while still with the congregation sitting.²⁶ and when he returned home he used to say it again standing. The Rabbis said to him: Why does not the Master do as Meremar and Mar Zutra did? — He replied: That²⁷ is a troublesome business. Then let the Master do like the father of Samuel and Levi? — He replied: I have not seen any of the Rabbis who were my seniors doing thus.²⁸

MISHNAH. R. ELEAZAR B. AZARIAH SAYS: THE MUSAF PRAYERS ARE TO BE SAID ONLY WITH THE LOCAL CONGREGATION;²⁹ THE RABBIS, HOWEVER, SAY: WHETHER WITH OR WITHOUT THE CONGREGATION. R. JUDAH SAID IN HIS NAME:³⁰ WHEREVER THERE IS A CONGREGATION, AN INDIVIDUAL IS EXEMPT FROM SAYING THE MUSAF PRAYER.³¹

GEMARA. R. Judah says the same thing as the first Tanna? — They differ on the case of an individual living in a place where there is no congregation; the first Tanna holds that he is exempt, while R. Judah holds that he is not exempt. R. Huna b. Hinena said in the name of R. Hiyya b. Rab: The halachah follows R. Judah, citing R. Eleazar b. Azariah. Said R. Hiyya b. Abin to him: You are quite right; for Samuel said: All my life I have never said the musaf prayer alone

(1) Another rendering is: How long must the journey be before this prayer is required to be said.

(2) Or, (v. previous note) up to the distance of a parasang.

(3) R. Shesheth was blind.

(4) I.e., although I may pray walking, to pray standing is still better.

(5) At the delay of his journey.

(6) I Kings VIII, 44.

(7) Ibid. 48.

(8) Ibid. 44.

(9) II Chron. VI, 26.

(10) I Kings VIII, 35'

(11) V. Ex. XXV, 17.

(12) In the western part of the Forecourt of the Temple.

(13) Cant. IV, 4.

(14) Taken as an expression for the Temple.

(15) Var. lec. omit 'mouths' and read: towards which all turn (ponim).

(16) So Rashi. Tosaf., however, says, before sunrise.

(17) On New Year.

(18) V. Glos.

(19) On Tabernacles.

(20) On Purim.

(21) Where he cannot stand.

(22) Before leaving.

- (23) Which is not possible when journeying, hence the Tefillah is said at home before setting out.
- (24) When they preached in public, before daybreak.
- (25) Apparently the public who had gathered in the schoolhouse from early dawn said the Shema' before he came, and after the lecture they would not wait to say the Tefillah together, each saying it by himself
- (26) In the course of his lecture, when the turgeman (v. Glos.) was explaining his remarks to the public. He did not stand, as the congregation would have felt it their duty to rise with him.
- (27) To collect ten persons.
- (28) Saying Tefillah before dawn before the Shema'.
- (29) I.e., in a place where at least ten Jews are living. On the term **חבר עיר**, a town organization, v. Meg. Sonc. ed., p. 164, n. 1.
- (30) The name of R. Eleazar b. Azariah.
- (31) If he says prayers alone.

Talmud - Mas. Berachoth 30b

in Nehardea except on that day when the king's forces came to the town and they disturbed the Rabbis and they did not say the Tefillah, and I prayed by myself, being an individual where there was no congregation. R. Hanina the Bible teacher¹ sat before R. Jannai and said: The halachah is as stated by R. Judah in the name of R. Eleazar b. Azariah. He said to him: Go and give your bible-reading outside; the halachah is not as stated by R. Judah citing R. Eleazar b. Azariah. R. Johanan said: I have seen R. Jannai pray [privately]. and then pray again.² R. Jeremiah said to R. Zera: Perhaps the first time he was not attending to what he said, and the second time he did attend? — He said to him: See what a great man it is who testifies concerning him.³

Although there were thirteen synagogues in Tiberias, R. Ammi and R. Assi prayed only between the pillars, the place where they studied.⁴

It has been stated: R. Isaac b. Abdimi said in the name of our Master:⁵ The halachah is as stated by R. Judah in the name of R. Eleazar b. Azariah. R. Hiyya b. Abba prayed once and then prayed again. Said R. Zera to him: Why does the Master act thus? Shall I say it is because the Master was not attending? Has not R. Eleazar said: A man should always take stock of himself: if he can concentrate his attention he should say the Tefillah, but if not he should not say it? Or is it that the Master did not remember that it is New Moon?⁶ But has it not been taught: If a man forgot and did not mention the New Moon in the evening Tefillah, he is not made to repeat, because he can say it in the morning prayer; if he forgot in the morning prayer, he is not made to repeat, because he can say it in the musaf if he forgot in musaf, he is not made to repeat, because he can say it in minhah? — He said to him: Has not a gloss been added to this: R. Johanan says: This applies only to prayer said in a congregation?⁷

What interval should be left between one Tefillah and another?⁸ — R. Huna and R. Hisda gave different answers: one said, long enough for him to fall into a suppliant frame of mind; the other said, long enough to fall into an interceding frame of mind.⁹ The one who says a suppliant frame of mind quotes the text, And I supplicated [wa-ethhanan] the Lord;¹⁰ the one who says an interceding frame of mind quotes the text, And Moses interceded [wa-yehal].¹¹

R. 'Anan said in the name of Rab: If one forgot and made no mention of New Moon in the evening prayer, he is not made to repeat, because the Beth din sanctify the New Moon only by day. Amemar said: This rule of Rab seems right in a full month,¹² but in a defective month he is made to repeat. Said R. Ashi to Amemar: Let us see: Rab gave a reason, so what does it matter whether it is full or defective? In fact there is no difference.

MISHNAH. ONE SHOULD NOT STAND UP TO SAY TEFILLAH SAVE IN A REVERENT FRAME OF MIND.¹³ THE PIOUS MEN OF OLD¹⁴ USED TO WAIT AN HOUR BEFORE PRAYING IN ORDER THAT THEY MIGHT CONCENTRATE THEIR THOUGHTS UPON THEIR FATHER IN HEAVEN. EVEN IF A KING GREETES HIM [WHILE PRAYING] HE SHOULD NOT ANSWER HIM: EVEN IF A SNAKE IS WOUND ROUND HIS HEEL HE SHOULD NOT BREAK OFF.

GEMARA. What is the [Scriptural] source of this rule? — R. Eleazar said: Scripture says, And she was in bitterness of soul.¹⁵ But how can you learn from this? Perhaps Hannah was different because she was exceptionally bitter at heart! Rather, said R. Jose son of R. Hanina: We learn it from here: But as for me, in the abundance of Thy lovingkindness will I come into Thy house, I will bow down toward Thy holy temple in the fear of Thee.¹⁶ But how can we learn from this? perhaps David was different, because he was exceptionally self-tormenting in prayer! Rather, said R. Joshua b. Levi, it is from here: Worship the Lord in the beauty of holiness.¹⁷ Read not hadrath [beauty] but herdath [trembling]. But how can you learn from here? perhaps I can after all say that the word 'hadrath' is to be taken literally, after the manner of Rab Judah, who used to dress himself up before he prayed! Rather, said R. Nahman b. Isaac: We learn it from here: Serve the Lord with fear and rejoice with trembling.¹⁸ What is meant by 'rejoice with trembling'? — R. Adda b. Mattena said in the name of Rab: In the place where there is rejoicing there should also be trembling. Abaye was sitting before Rabbah, who observed that he seemed very merry. He said: It is written, And rejoice with trembling? — He replied: I am putting on tefillin.¹⁹ R. Jeremiah was sitting before R. Zera who saw that he seemed very merry. He said to him: It is written, In all sorrow there is profit?²⁰ — He replied: I am wearing tefillin. Mar the son of Rabina made a marriage feast for his son. He saw that the Rabbis were growing very merry

(1) Heb. kara, a professional reciter of the Hebrew Scriptures.

(2) I.e., apparently, first the morning prayer and then the musaf.

(3) Viz., R. Johanan, who was not likely to have made a mistake.

(4) I.e., they said even the musaf there, privately.

(5) Rab (Rashi); Hyman (Toledoth, p. 785): Rabbi.

(6) And omitted the appropriate reference to it in the first prayer.

(7) Because then he hears the Reader repeat it, and as R. Hiyya b. Abba was praying privately he rightly repeated the Tefillah.

(8) On any occasion when two are to be said.

(9) The difference between them is little more than verbal.

(10) Deut. III, 23.

(11) Ex. XXXII, 11.

(12) When the preceding month is thirty days, two new moon days are observed, viz., the concluding day of the old month and the next day which is the first of the next; in this case if he omitted the reference on one evening, he can rectify the error on the next.

(13) Lit., 'with heaviness of head'. Cf. Latin gravitas.

(14) Perhaps identical with the wathikin. V. supra p. 49 n. 4.

(15) I Sam. I, 10.

(16) Ps. V, 8.

(17) Ibid. XXIX, 2.

(18) Ibid. II, 11.

(19) And this is a guarantee that I am not going too far.

(20) Prov. XIV, 23. E.V. 'In all labour'.

, so he brought a precious cup¹ worth four hundred zuz and broke it before them, and they became serious. R. Ashi made a marriage feast for his son. He saw that the Rabbis were growing very merry, so he brought a cup of white crystal and broke it before them and they became serious. The Rabbis said to R. Hamnuna Zuti at the wedding of Mar the son of Rabina: please sing us something. He said to them: Alas for us that we are to die! They said to him: What shall we respond after you? He said to them: Where is the Torah and where is the mizwah that will shield us!²

R. Johanan said in the name of R. Simeon b. Yohai: It is forbidden to a man to fill his mouth with laughter in this world, because it says, Then will our mouth be filled with laughter and our tongue with singing.³ When will that be? At the time when 'they shall say among the nations, The Lord hath done great things with these'.⁴ It was related of Resh Lakish that he never again filled his mouth with laughter in this world after he heard this saying from R. Johanan his teacher.

Our Rabbis taught: A man should not stand up to say Tefillah either immediately after trying a case or immediately after a [discussion on a point of] halachah;⁵ but he may do so after a halachic decision which admits of no discussion.⁶ What is an example of a halachic decision which admits of no discussion? — Abaye said: Such a one as the following of R. Zera; for R. Zera said:⁷ The daughters of Israel have undertaken to be so strict with themselves that if they see a drop of blood no bigger than a mustard seed they wait seven [clean] days after it.⁸ Raba said: A man may resort to a device with his produce and bring it into the house while still in its chaff⁹ so that his animal may eat of it without its being liable to tithe.¹⁰ Or, if you like, I can say, such as the following of R. Huna. For R. Huna said in the name of R. Zeiri:¹¹ If a man lets blood in a consecrated animal, no benefit may be derived from it [the blood] and such benefit constitutes a trespass. The Rabbis followed the rule laid down in the Mishnah,¹² R. Ashi that of the Baraita.¹³

Our Rabbis taught: One should not stand up to say Tefillah while immersed in sorrow, or idleness, or laughter, or chatter, or frivolity, or idle talk, but only while still rejoicing in the performance of some religious act.¹⁴ Similarly a man before taking leave of his fellow should not finish off with ordinary conversation, or joking, or frivolity, or idle talk, but with some matter of halachah. For so we find with the early prophets that they concluded their harangues with words of praise and comfort; and so Mari the grandson of R. Huna the son of R. Jeremiah b. Abba learnt: Before taking leave of his fellow a man should always finish with a matter of halachah, so that he should remember him thereby. So we find that R. Kahana escorted R. Shimi b. Ashi from Pun, to Be-Zinyatha¹⁵ of Babylon, and when he arrived there he said to him, Sir, do people really say that these palm trees of Babylon are from the time of Adam? — He replied: You have reminded me of the saying of R. Jose son of R. Hanina. For R. Jose son of R. Hanina said: What is meant by the verse, Through a land that no man passed through and where no man dwelt?¹⁶ If no one passed, how could anyone dwell? It is to teach you that any land which Adam decreed should be inhabited is inhabited, and any land which Adam decreed should not be inhabited is not inhabited.¹⁷ R. Mordecai escorted R. Shimi b. Abba from Hagronia to Be Kafi, or, as some report, to Be Dura.¹⁸

Our Rabbis taught: When a man prays, he should direct his heart to heaven. Abba Saul says: A reminder of this is the text, Thou wilt direct their heart, Thou wilt cause Thine ear to attend.¹⁹ It has been taught: Such was the custom of R. Akiba; when he prayed with the congregation, he used to cut it short and finish²⁰ in order not to inconvenience the congregation,²¹ but when he prayed by himself, a man would leave him in one corner and find him later in another, on account of his many genuflections and prostrations.

R. Hiyya b. Abba said: A man should always pray in a house with windows, as it says, Now his windows were open.²²

I might say that a man should pray the whole day? It has already been expressly stated by the hand

of Daniel, And three times. etc.²³ But perhaps [this practice] began only when he went into captivity? It is already said, As he did aforetime.²⁴ I might say that a man may pray turning in any direction he wishes? Therefore the text states, Toward Jerusalem.²⁵ I might say that he may combine all three Tefillahs in one? It has already been clearly stated by David, as is written, Evening and morning and at noonday.²⁶ I might say that he should let his voice be heard in praying? It has already been clearly stated by Hannah, as is said, But her voice could not be heard.²⁷ I might say that a man should first ask for his own requirements²⁸ and then say the Tefillah?²⁹ It has been clearly stated by Solomon, as is said, To hearken unto the cry and to the prayer:³⁰ 'cry' here means Tefillah. 'prayer' means [private] request. A [private] request is not made after 'True and firm',³¹ but after the Tefillah, even the order of confession of the Day of Atonement³² may be said. It has also been stated: R. Hiyya b. Ashi said in the name of Rab: Although it was laid down that a man asks for his requirements in 'that hearkenest unto prayer', if he wants to say something after his prayer, even something like the order of confession on the Day of Atonement, he may do so.

R. Hamnuna said: How many most important laws can be learnt from these verses relating to Hannah!³³ Now Hannah, she spoke in her heart: from this we learn that one who prays must direct his heart. Only her lips moved: from this we learn that he who prays must frame the words distinctly with his lips. But her voice could not be heard: from this, it is forbidden to raise one's voice in the Tefillah. Therefore Eli thought she had been drunken: from this, that a drunken person is forbidden to say the Tefillah. And Eli said unto her, How long wilt thou be drunken, etc.³⁴ R. Eleazar said: From this we learn that one who sees in his neighbour

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- (1) Aliter: crystal cup.
 - (2) From the punishment that is to come.
 - (3) Ps. CXXVI, 2.
 - (4) Ibid. 3.
 - (5) Because through thinking of it he may be unable to concentrate on his prayer.
 - (6) Lit., 'a decided halachah'.
 - (7) Nid. 66a.
 - (8) Though Scripture requires this only if they saw three issues.
 - (9) I.e., before it is winnowed.
 - (10) Whereas if it had been winnowed before being brought into the house, it would have been liable to tithe, v. Pes., Sonc. ed. p. 39, n. 5.
 - (11) Me'il. 12b.
 - (12) That one should rise to pray only in a reverent frame of mind.
 - (13) That one should pray only after dealing with an undisputed halachah.
 - (14) I.e. he should first say something like Ps. CXLIV.
 - (15) Lit., 'among the palms'. The district of the old city of Babylon which was rich in palms.
 - (16) Jer. II, 6.
 - (17) And Adam decreed that this should be inhabited, and so there have always been palm trees here. On the identification of all the places mentioned in this message v. Sotah, Sonc. ed., p. 243 notes.
 - (18) The text here seems to be defective, as we are not told what either of the Rabbis said.
 - (19) I.e., if the heart is directed to heaven, then God will attend. Ps. X, 17.
 - (20) Lit., 'ascend', 'depart'.
 - (21) By detaining them; the congregation would not resume the service until R. Akiba had finished his Tefillah.
 - (22) Dan. VI, 11.
 - (23) Ibid.
 - (24) Ibid.
 - (25) Ibid.
 - (26) Ps. LV, 18.
 - (27) I Sam. I, 13.
 - (28) In the middle benedictions of the 'Amidah.

(29) The first three benedictions.

(30) I Kings VIII, 28.

(31) And before the first three benedictions.

(32) V. P.B. p. 258.

(33) I Sam. I, 10ff.

(34) Ibid. 14.

Talmud - Mas. Berachoth 31b

something unseemly must reprove him. And Hannah answered and said, No, my lord.¹ ‘Ulla, or as some say R. Jose b. Hanina, said: She said to him: Thou art no lord in this matter, nor does the holy spirit rest on thee, that thou suspectest me of this thing. Some say, She said to him: Thou art no lord, [meaning] the Shechinah and the holy spirit is not with you in that you take the harsher and not the more lenient view of my conduct.² Dost thou not know that I am a woman of sorrowful spirit: I have drunk neither wine nor strong drink. R. Eleazar said: From this we learn that one who is suspected wrongfully must clear himself. Count not thy handmaid for a daughter of Belial;³ a man who says the Tefillah when drunk is like one who serves idols. It is written here, Count not thy handmaid for a daughter of Belial, and it is written elsewhere, Certain sons of Belial have gone forth from the midst of thee.⁴ Just as there the term is used in connection with idolatry, so here. Then Eli answered and said, Go in Peace.⁵ R. Eleazar said: From this we learn that one who suspects his neighbour of a fault which he has not committed must beg his pardon;⁶ nay more, he must bless him, as it says, And the God of Israel grant thy petition.⁵

And she vowed a vow and said, O Lord of Zebaoth [Hosts].⁷ R. Eleazar said: From the day that God created His world there was no man called the Holy One, blessed be He, Zeboath [hosts] until Hannah came and called Him Zebaoth. Said Hannah before the Holy One, blessed be He: Sovereign of the Universe, of all the hosts and hosts that Thou hast created in Thy world, is it so hard in Thy eyes to give me one son? A parable: To what is this matter like? To a king who made a feast for his servants, and a poor man came and stood by the door and said to them, Give me a bite,⁸ and no one took any notice of him, so he forced his way into the presence of the king and said to him, Your Majesty, out of all the feast which thou hast made, is it so hard in thine eyes to give me one bite?

If Thou wilt indeed look.⁹ R. Eleazar said: Hannah said before the Holy One, blessed be He: Sovereign of the Universe, if Thou wilt look, it is well, and if Thou wilt not look, I will go and shut myself up with someone else in the knowledge of my husband Elkanah,¹⁰ and as I shall have been alone¹¹ they will make me drink the water of the suspected wife, and Thou canst not falsify Thy law, which says, She shall be cleared and shall conceive seed.¹² Now this would be effective on the view of him who says that if the woman was barren she is visited. But on the view of him who says that if she bore with pain she bears with ease, if she bore females she now bears males, if she bore swarthy children she now bears fair ones, if she bore short ones she now bears tall ones, what can be said? As it has been taught: ‘She shall be cleared and shall conceive seed’: this teaches that if she was barren she is visited. So R. Ishmael. Said K. Akiba to him, If that is so, all barren women will go and shut themselves in with someone and she who has not misconducted herself will be visited! No, it teaches that if she formerly bore with pain she now bears with ease, if she bore short children she now bears tall ones, if she bore swarthy ones she now bears fair ones, if she was destined to bear one she will now bear two. What then is the force of ‘If Thou wilt indeed look’? — The Torah used an ordinary form of expression.

If Thou wilt indeed look on the affliction of Thy handmaid . . . and not forget Thy handmaid, but wilt give unto Thy handmaid etc. R. Jose son of R. Hanina said: Why these three ‘handmaids’? Hannah said before the Holy One, blessed be He: Sovereign of the Universe, Thou hast created in woman three criteria [bidke] of death¹³ (some say, three armour-joints [dibke] of death),¹⁴ namely,

niddah, hallah and the kindling of the light [on Sabbath].¹⁵ Have I transgressed in any of them?

But wilt give unto Thy handmaid a man-child. What is meant by 'a man-child'? Rab said: A man among men;¹⁶ Samuel said: Seed that will anoint two men, namely, Saul and David; R. Johanan said: Seed that will be equal to two men, namely, Moses and Aaron, as it says, Moses and Aaron among His priests and Samuel among them that call upon His name;¹⁷ the Rabbis say: Seed that will be merged among men.¹⁸ When R. Dimi came [from Palestine] he explained this to mean: Neither too tall nor too short, neither too thin nor too corpulent,¹⁹ neither too pale nor too red, neither overclever²⁰ nor stupid.

I am the woman that stood by thee here.²¹ R. Joshua b. Levi said: From this we learn that it is forbidden to sit within four cubits of one saying Tefillah.²² For this child I prayed.²³ R. Eleazar said: Samuel was guilty of giving a decision in the presence of his teacher; for it says, And when the bullock was slain, the child was brought to Eli.²⁴ Because the bullock was slain, did they bring the child to Eli? What it means is this. Eli said to them: Call a priest and let him come and kill [the animal]. When Samuel saw them looking for a priest to kill it, he said to them, Why do you go looking for a priest to kill it? The shechitah may be performed by a layman! They brought him to Eli, who asked him, How do you know this? He replied: Is it written, 'The priest shall kill'? It is written, The priests shall present [the blood]:²⁵ the office of the priest begins with the receiving of the blood, which shows that shechitah may be performed by a layman.²⁶ He said to him: You have spoken very well, but all the same you are guilty of giving a decision in the presence of your teacher, and whoever gives a decision in the presence of his teacher is liable to the death penalty. Thereupon Hannah came and cried before him: 'I am the woman that stood by thee here etc.'. He said to her: Let me punish him and I will pray to God and He will give thee a better one than this. She then said to him: 'For this child I prayed'.

Now Hannah, she spoke in²⁷ her heart.²⁸ R. Eleazar said in the name of R. Jose b. Zimra: She spoke concerning her heart. She said before Him: Sovereign of the Universe, among all the things that Thou hast created in a woman, Thou hast not created one without a purpose, eyes to see, ears to hear, a nose to smell, a mouth to speak, hands to do work, legs to walk with, breasts to give suck. These breasts that Thou hast put on my heart, are they not to give suck? Give me a son, so that I may suckle with them.

R. Eleazar also said in the name of R. Jose b. Zimra: If one keeps a fast on Sabbath,²⁹ a decree of seventy years standing against him is annulled;³⁰ yet all the same he is punished for neglecting to make the Sabbath a delight. What is his remedy? R. Nahman b. Isaac said: Let him keep another fast to atone for this one. R. Eleazar also said: Hannah spoke insolently³¹ toward heaven, as it says, And Hannah prayed unto³² the Lord.³³ This teaches that she spoke insolently toward heaven.

R. Eleazar also said: Elijah spoke insolently toward heaven, as it says, For Thou didst turn their heart backwards.³⁴ R. Samuel b. Isaac said: Whence do we know that the Holy One, blessed be He, gave Elijah right?

(1) Ibid. 15.

(2) Lit., 'You have judged me in the scale of guilt and not of merit'.

(3) So lit. E.V. 'wicked woman'. V. Kid. 16.

(4) Deut. XIII, 14. E.V. 'certain base fellows'.

(5) I Sam. I, 17.

(6) Lit., 'appease him'.

(7) Ibid. 11.

(8) Lit., 'morsel' (sc. of bread).

(9) Ibid.

- (10) So that he will become jealous and test me.
- (11) Lit., 'as I will have been hidden'.
- (12) Num. V, 28.
- (13) Three things by which she is tested to see whether she deserves death.
- (14) I.e., three vulnerable points. Hannah plays on the resemblance of the word amateka (thy handmaid) to mithah (death).
- (15) V. Shab. 32a: For three transgressions woman die in childbirth; because they are not careful with niddah, with hallah and with the kindling of the light.
- (16) I.e., conspicuous among men.
- (17) Ps. XCIX, 6.
- (18) I.e., average, not conspicuous.
- (19) So Rashi.
- (20) So as not to be talked about and so become exposed to the evil eye.
- (21) I Sam. I, 26.
- (22) Because the words imply that Eli also was standing.
- (23) I Sam. I, 27.
- (24) Ibid. 25.
- (25) Lev. I, 5
- (26) V. Zeb. 32a.
- (27) Lit., 'upon'.
- (28) I Sam. I, 13.
- (29) E.g., to avert the omen of a dream.
- (30) I.e., even though it is high time that it was carried out (Rashi).
- (31) Lit., 'she hurled words'.
- (32) The Hebrew word is 'al, lit., 'upon', 'against'.
- (33) I Sam. I, 10.
- (34) I Kings XVIII, 37. As much as to say, it was God's fault that they worshipped idols.

Talmud - Mas. Berachoth 32a

Because it says, And whom I have wronged.¹

R. Hama said in the name of R. Hanina: But for these three texts,² the feet of Israel's enemies³ would have slipped. One is Whom I have wronged; a second, Behold as the clay in the potter's hand, so are ye in My hand, O house of Israel;⁴ the third, And I will take away the stony heart out of your flesh, and I will give you a heart of flesh.⁵ R. papa said: We learn it from here: And I will put My spirit within you and cause you to walk in My statutes.⁶

R. Eleazar also said: Moses spoke insolently towards heaven, as it says, And Moses prayed unto the Lord.⁷ Read not el [unto] the Lord, but 'al [upon] the Lord, for so in the school of R. Eliezer alefs were pronounced like 'ayins and 'ayins like alefs. The school of R. Jannai learnt it from here: And Di-Zahab.⁸ What is ' And Di-Zahab'? They said in the school of R. Jannai: Thus spoke Moses before the Holy One, blessed be He: Sovereign of the Universe, the silver and gold [zahab] which Thou didst shower on Israel until they said, Enough [dai], that it was which led to their making the Calf. They said in the school of R. Jannai: A lion does not roar over a basket of straw but over a basket of flesh. R. Oshaia said: It is like the case of a man who had a lean but large-limbed cow. He gave it lupines to eat and it commenced to kick him. He said to it: What led you to kick me except the lupines that I fed you with? R. Hiyya b. Abba said: It is like the case of a man who had a son; he bathed him and anointed him and gave him plenty to eat and drink and hung a purse round his neck and set him down at the door of a bawdy house. How could the boy help sinning? R. Aha the son of R. Huna said in the name of R. Shesheth: This bears out the popular saying: A full stomach is a bad sort, as It says, When they were fed they became full, they were filled and their heart was exalted; therefore they have forgotten Me.⁹ R. Nahman learnt it from here: Then thy heart be lifted up and thou forget the Lord.¹⁰ The Rabbis from here: And they shall have eaten their fill and waxen fat, and turned unto other gods.¹¹ Or, if you prefer, I can say from here. But Jeshurun waxed fat and kicked.¹² R. Samuel b. Nahmani said in the name of R. Jonathan. Whence do we know that the Holy One, blessed be He, in the end gave Moses right? Because it says, And multiplied unto her silver and gold, which they used for Baal.¹³

And the Lord spoke unto Moses, Go, get thee down.¹⁴ What is meant by 'Go, get thee down'? R. Eleazar said: The Holy One, blessed be He, said to Moses: Moses, descend from thy greatness. Have I at all given to thee greatness save for the sake of Israel? And now Israel have sinned; then why do I want thee? Straightway Moses became powerless and he had no strength to speak. When, however, [God] said, Let Me alone that I may destroy them,¹⁵ Moses said to himself: This depends upon me, and straightway he stood up and prayed vigorously and begged for mercy. It was like the case of a king who became angry with his son and began beating him severely. His friend was sitting before him but was afraid to say a word until the king said, Were it not for my friend here who is sitting before me I would kill you. He said to himself, This depends on me, and immediately he stood up and rescued him.

Now therefore let Me alone that My wrath may wax hot against them, and that I may consume them, and I will make of thee a great nation.¹⁶ R. Abbahu said: Were it not explicitly written, it would be impossible to say such a thing: this teaches that Moses took hold of the Holy One, blessed be He, like a man who seizes his fellow by his garment and said before Him: Sovereign of the Universe, I will not let Thee go until Thou forgivest and pardonest them.

And I will make of thee a great nation etc. R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, seeing that a stool with three legs¹⁷ cannot stand before Thee in the hour of Thy wrath, how much less a stool with one leg! And moreover, I am ashamed before my ancestors, who will now say: See what a leader he has set over them! He sought greatness

for himself, but he did not seek mercy for them!

And Moses besought [wa-yehal] the Lord his God.¹⁸ R. Eleazar said: This teaches that Moses stood in prayer before the Holy One, blessed be He, until he [so to speak] wearied Him [hehelahu]. Raba said: Until he remitted His vow for Him. It is written here wa-yehal, and it is written there [in connection with vows], he shall not break [yahel] his word;¹⁹ and a Master has said: He [himself] cannot break, but others may break for him.²⁰ Samuel says: It teaches that he risked his life for them,²¹ as it says, And if not, blot me, I pray Thee, out of Thy book which Thou hast written.²² Raba said in the name of R. Isaac: It teaches that he caused the Attribute of Mercy to rest [hehelah] on them. The Rabbis say: It teaches that Moses said before the Holy One, blessed be He: Sovereign of the Universe, it is a profanation [hullin] for Thee to do this thing.

And Moses besought the Lord. It has been taught: R. Eliezer the Great says: This teaches that Moses stood praying before the Holy One, blessed be He, until an ahilu seized him. What is ahilu? R. Eleazar says: A fire in the bones. What is a fire in the bones? Abaye said: A kind of fever.

Remember Abraham, Isaac and Israel Thy servants, to whom Thou didst swear by Thyself.²³ What is the force of 'by Thyself'? R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, hadst Thou sworn to them by the heaven and the earth, I would have said, Just as the heaven and earth can pass away, so can Thy oath pass away. Now, however, Thou hast sworn to them by Thy great name: just as Thy great name endures for ever and ever, so Thy oath is established for ever and ever.

And saidst unto them, I will multiply your seed as the stars of heaven and all this land that I have spoken of etc.²⁴ 'That I have spoken of'? It should be, 'That Thou hast spoken of'!²⁵ — R. Eleazar said: Up to this point the text records the words of the disciple,²⁶ from this point the words of the master.²⁷ R. Samuel b. Nahmani, however, said: Both are the words of the disciple, only Moses spoke thus before the Holy One, blessed be He: Sovereign of the Universe, the things which Thou didst tell me to go and tell Israel in Thy name I did go and tell them in Thy name; now what am I to say to them?

Because the Lord was not able [yekoleth].²⁸ It should be yakol!²⁹ R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, now the nations of the world will say, He has grown feeble like a female and He is not able to deliver. Said the Holy One, blessed be He, to Moses: Have they not already seen the wonders and miracles I performed for them by the Red Sea? He replied: Sovereign of the Universe, they can still say, He could stand up against one king, He cannot stand up against thirty. R. Johanan said: How do we know that in the end the Holy One, blessed be He, gave Moses right? Because it says, And the Lord said, I have pardoned according to thy word.³⁰ It was taught in the school of R. Ishmael: According to thy word: the nations of the world will one day say, Happy is the disciple to whom the master gives right!

But in very deed, as I live.³¹ Raba said in the name of R. Isaac: This teaches that the Holy One, blessed be He, said to Moses: Moses, you have revived Me³² with your words.

R. Simlai expounded: A man should always first recount the praise of the Holy One, blessed be He, and then pray. Whence do we know this? From Moses; for it is written, And I besought the Lord at that time,³³ and it goes on, O Lord God, Thou hast begun to show Thy servant Thy greatness and Thy strong hand; for what god is there in heaven and earth who can do according to Thy works and according to Thy mighty acts, and afterwards is written, Let me go over, I pray Thee, and see the good land etc.

(Mnemonic: Deeds, charity, offering, priest, fast, lock, iron).³⁴

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- (1) Micah IV, 6. This is taken to mean that God admits having wronged sinners by creating in them the evil impulse. E.V. 'afflicted'.
- (2) Which show that God is responsible for the evil impulse.
- (3) Euphemism.
- (4) Jer. XVIII, 6.
- (5) Ezek. XXXVI, 26.
- (6) Ibid. 27.
- (7) Num. XI, 2.
- (8) Deut. I, I.
- (9) Hos. XIII, 6.
- (10) Deut. VIII, 24.
- (11) Ibid. XXXI, 20.
- (12) Ibid. XXXII, 15.
- (13) Hos. II, 10.
- (14) Ex. XXXII, 7.
- (15) Deut. IX, 14.
- (16) Ex XXXII, 10.
- (17) The three Patriarchs.
- (18) Ex. XXXII, 11.
- (19) Num. XXX, 3.
- (20) I.e., find a ground of absolution.
- (21) Connecting wayehal with halal, slain.
- (22) Ex. XXXII, 32.
- (23) Ibid. 13.
- (24) Ex. XXXII, 13.
- (25) If Moses were reporting God's promises to the Patriarchs, the words, 'that I have spoken of' are out of place.
- (26) Moses.
- (27) God.
- (28) Num. XIV, 16.
- (29) The ordinary form, which is masculine, while yekoleth, the word used, is feminine.
- (30) Ibid. 20.
- (31) Ibid. 21.
- (32) I.e., preserved My estimation among the nations (Rashi).
- (33) Deut. III, 23ff.
- (34) This is a mnemonic for the seven dicta of R. Eleazar which follow.

Talmud - Mas. Berachoth 32b

R. Eleazar said: prayer is more efficacious even than good deeds, for there was no-one greater in good deeds than Moses our Master, and yet he was answered only after prayer, as it says, Speak no more unto Me,¹ and immediately afterwards, Get thee up into the top of Pisgah.²

R. Eleazar also said: Fasting is more efficacious than charity. What is the reason? One is performed with a man's money, the other with his body.

R. Eleazar also said: prayer is more efficacious than offerings, as it says, To what purpose is the multitude of your sacrifices unto Me,³ and this is followed by, And when ye spread forth your hands.⁴ R. Johanan said: A priest who has committed manslaughter should not lift up his hands [to say the priestly benediction], since it says [in this context], 'Your hands are full of blood'.

R. Eleazar also said: From the day on which the Temple was destroyed the gates of prayer have

been closed, as it says, Yea, when I cry and call for help He shutteth out my prayer.⁵ But though the gates of prayer are closed, the gates of weeping are not closed, as it says, Hear my prayer, O Lord, and give ear unto my cry; keep not silence at my tears.⁶ Raba did not order a fast on a cloudy day because it says, Thou hast covered Thyself with a cloud so that no prayer can pass through.⁷

R. Eleazar also said: Since the day that the Temple was destroyed, a wall of iron has intervened between Israel and their Father in Heaven, as it says, And take thou unto thee an iron griddle, and set it for a wall of iron between thee and the city.⁸

R. Hanin said in the name of R. Hanina: If one prays long his prayer does not pass unheeded. Whence do we know this? From Moses our Master; for it says, And I prayed unto the Lord,⁹ and it is written afterwards, And the Lord hearkened unto me that time also.¹⁰ But is that so? Has not R. Hiyya b. Abba said in the name of R. Johanan: If one prays long and looks for the fulfilment of his prayer, in the end he will have vexation of heart, as it says, Hope deferred maketh the heart sick?¹¹ What is his remedy? Let him study the Torah, as it says, But desire fulfilled is a tree of life;¹² and the tree of life is nought but the Torah, as it says, She is a tree of life to them that lay hold on her!¹³ — There is no contradiction: one statement speaks of a man who prays long and looks for the fulfilment of his prayer, the other of one who prays long without looking for the fulfilment of his prayer.¹⁴ R. Hama son of R. Hanina said: If a man sees that he prays and is not answered, he should pray again, as it says, Wait for the Lord, be strong and let thy heart take courage; yea, wait thou for the Lord.¹⁵

Our Rabbis taught: Four things require to be done with energy,¹⁶ namely, [study of] the Torah, good deeds, praying, and one's worldly occupation. Whence do we know this of Torah and good deeds? Because it says, Only be strong and very courageous to observe to do according to all the law.¹⁷ 'be strong' in Torah, and 'be courageous in good deeds. Whence of prayer? Because it says, 'Wait for the Lord, be strong and let thy heart take courage, yea, wait thou for the Lord'. Whence of worldly occupation? Because it says, Be of good courage and let us prove strong for our people.¹⁸

But Zion said, The Lord hath forsaken me, and the Lord hath forgotten me.¹⁹ Is not 'forsaken' the same as 'forgotten'? Resh Lakish said: The community of Israel said before the Holy One, blessed be He: Sovereign of the Universe, when a man takes a second wife after his first, he still remembers the deeds of the first. Thou hast both forsaken me and forgotten me! The Holy One, blessed be He, answered her: My daughter, twelve constellations have I created in the firmament, and for each constellation I have created thirty hosts, and for each host I have created thirty legions, and for each legion I have created thirty cohorts, and for each cohort I have created thirty maniples, and for each maniple I have created thirty camps, and to each camp²⁰ I have attached three hundred and sixty-five thousands of myriads of stars, corresponding to the days of the solar year, and all of them I have created only for thy sake, and thou sayest, Thou hast forgotten me and forsaken me! Can a woman forsake her sucking child ['ullah]?²¹ Said the Holy One, blessed be He: Can I possibly forget the burn-offerings ['olah] of rams and the firstborn of animals²² that thou didst offer to Me in the wilderness? She thereupon said: Sovereign of the Universe, since there is no forgetfulness before the Throne of Thy glory, perhaps Thou wilt not forget the sin of the Calf? He replied: 'Yea, "these "²³will be forgotten'. She said before Him: Sovereign of the Universe, seeing that there is forgetfulness before the Throne of Thy glory, perhaps Thou wilt forget my conduct at Sinai? He replied to her: 'Yet "the I"²⁴ will not forget thee'. This agrees with what R. Eleazar said in the name of R. Oshaia: What is referred to by the text, 'yea, "these" will be forgotten'? This refers to the sin of the Calf. 'And yet "the I" will not forget thee': this refers to their conduct at Sinai.

THE PIOUS MEN OF OLD USED TO WAIT AN HOUR. On what is this based? — R. Joshua b. Levi said: On the text, Happy are they that dwell in Thy house.²⁵ R. Joshua b. Levi also said: One who says the Tefillah should also wait an hour after his prayer, as it says, Surely the righteous shall give thanks unto Thy name, the upright shall sit in Thy presence.²⁶ It has been taught similarly: One

who says the Tefillah should wait an hour before his prayer and an hour after his prayer. Whence do we know [that he should wait] before his prayer? Because it says: 'Happy are they that dwell in Thy house'. Whence after his prayer? Because it says, 'Surely the righteous shall give thanks unto Thy name, the upright shall dwell in Thy presence'. Our Rabbis taught: The pious men of old used to wait for an hour and pray for an hour and then wait again for an hour. But seeing that they spend nine hours a day over prayer, how is their knowledge of Torah preserved and how is their work done? [The answer is] that because they are pious, their Torah is preserved²⁷ and their work is blessed.²⁸

EVEN IF A KING GREETES HIM HE SHOULD NOT ANSWER HIM. R. Joseph said: This was meant to apply only to Jewish kings, but for a king of another people he may interrupt. An objection was raised: If one was saying Tefillah and he saw a robber²⁹ coming towards him or a carriage coming towards him, he should not break off but curtail it and clear off! — There is no contradiction: where it is possible for him to curtail [he should curtail, otherwise he should break off].³⁰

Our Rabbis taught: It is related that once when a certain pious man was praying by the roadside, an officer came by and greeted him and he did not return his greeting. So he waited for him till he had finished his prayer. When he had finished his prayer he said to him: Fool!³¹ is it not written in your Law, Only take heed to thyself and keep thy soul diligently,³² and it is also written, Take ye therefore good heed unto your souls?³³ When I greeted you why did you not return my greeting? If I had cut off your head with my sword, who would have demanded satisfaction for your blood from me? He replied to him: Be patient and I will explain to you. If, [he went on], you had been standing before an earthly king and your friend had come and given you greeting, would you

(1) Ibid. 26. The meaning is apparently that his good deeds did not avail to procure him permission to enter the land, but his prayer procured for him the vision of Pisgah.

(2) Ibid. 27.

(3) Isa. I, 11.

(4) Ibid. 15. Since spreading of hands is mentioned after sacrifice, it must be regarded as more efficacious.

(5) Lam. III, 8.

(6) Ps. XXXIX, 13. This shows that the tears are at any rate observed.

(7) Lam. III, 44.

(8) Ezek. IV, 3. This wall was symbolical of the wall separating Israel from God.

(9) Deut. IX, 26. This seems to be quoted in error for, And I fell down before the Lord forty days and forty nights, in v. 18; v. MS.M.

(10) Ibid. 19.

(11) Prov. XIII, 12.

(12) Ibid.

(13) Ibid. III, 18.

(14) V. B.B. (Sonc. ed.) p. 717, n. 8.

(15) Ps. XXVII, 14.

(16) Lit., 'require vigour'.

(17) Joshua I, 7.

(18) II Sam. X, 12.

(19) Isa. XLIX, 14.

(20) These terms are obviously taken from Roman military language. There is, however, some difficulty about identifying rahaton (cohorts) and karton (maniples) in the text.

(21) Ibid. 25.

(22) Lit., 'opening of the womb'.

(23) Referring to the golden calf incident when Israel exclaimed 'These are thy gods', Ex. XXXII, 4'

(24) Referring to the revelation at Sinai when God declared, 'I am the Lord Thy God'. This incident will not be

forgotten. R.V. 'Yet will I not forget thee'.

(25) Ps. LXXXIV, 5.

(26) Ibid. CXL, 14.

(27) I.e., they do not forget it.

(28) I.e., a little goes a long way.

(29) The Heb. *annes* usually means 'a man of violence'. Some suppose that it is here equivalent to *hamor*, ass, which is actually found in J.T.

(30) Alfasi reads: In the one case it is possible for him to curtail, in the other it is not possible; where he can curtail he should, otherwise he may break off.

(31) Raka; v. supra p. 133, n. 3.

(32) Deut. IV, 9.

(33) Ibid. 15. 'Soul' in these texts is taken to mean 'life'.

Talmud - Mas. Berachoth 33a

have returned it? No, he replied. And if you had returned his greeting, what would they have done to you? They would have cut off my head with the sword, he replied. He then said to him: Have we not here then an a fortiori argument: If [you would have behaved] in this way when standing before an earthly king who is here today and tomorrow in the grave, how much more so I when standing before the supreme King of kings, the Holy One, blessed be He, who endures for all eternity? Forthwith the officer accepted his explanation, and the pious man returned to his home in peace.

EVEN IF A SNAKE IS WOUND ROUND HIS FOOT HE SHOULD NOT BREAK OFF. R. Shesheth said: This applies only in the case of a serpent, but if it is a scorpion, he breaks off.¹ An objection was raised: If a man fell into a den of lions [and was not seen again] one cannot testify concerning him that he is dead; but if he fell into a trench full of serpents or scorpions, one can testify concerning him that he is dead!? — The case there is different, because on account of his crushing them [in falling] they turn and bite him. R. Isaac said: If he sees oxen [coming towards him] he may break off; for R. Oshaia taught: One should remove from a tam² ox fifty cubits, and from a mu'ad³ ox out of sight. It was taught in the name of R. Meir: If an ox's head is in a [fodder] basket,⁴ go up to a roof and kick the ladder away.⁵ Samuel said: This applies only to a black ox and in the month of Nisan, because then Satan is dancing between his horns.⁶

Our Rabbis taught: In a certain place there was once a lizard⁷ which used to injure people. They came and told R. Hanina b. Dosa. He said to them: Show me its hole. They showed him its hole, and he put his heel over the hole, and the lizard came out and bit him, and it died. He put it on his shoulder and brought it to the Beth ha-Midrash and said to them: See, my sons, it is not the lizard that kills, it is sin that kills! On that occasion they said: Woe to the man whom a lizard meets, but woe to the lizard which R. Hanina b. Dosa meets!⁸

MISHNAH. THE MIRACLE OF THE RAINFALL⁹ IS MENTIONED IN THE BENEDICTION OF THE RESURRECTION, AND THE PETITION¹⁰ FOR RAIN IN THE BENEDICTION OF THE YEARS, AND HABDALAH¹¹ IN 'THAT GRACIOUSLY GRANTED KNOWLEDGE'.¹² R. AKIBA SAYS: HE SAYS IT AS A FOURTH BLESSING¹³ BY ITSELF; R. ELIEZER SAYS: IT IS SAID IN THE THANKSGIVING BENEDICTION.¹⁴

GEMARA. THE MIRACLE OF THE RAINFALL etc. What is the reason? — R. Joseph said: Because it is put on a level with the resurrection of the dead, therefore it was inserted in the benediction of the resurrection.

THE PETITION FOR RAIN IN THE BENEDICTION OF THE YEARS. What is the reason? — R. Joseph said: Because [the petition] refers to sustenance, therefore it was inserted in the

benediction of sustenance.

HABDALAH IN THAT GRACIOUSLY GRANTED KNOWLEDGE'. What is the reason? — R. Joseph said: Because it is a kind of wisdom,¹⁵ it was inserted in the benediction of wisdom. The Rabbis, however, say: Because the reference is to a weekday, therefore it was inserted in the weekday blessing. R. Ammi said: Great is knowledge, since it was placed at the beginning of the weekday blessings. R. Ammi also said: Great is knowledge since it was placed between two names,¹⁶ as it says, For a God of knowledge is the Lord.¹⁷ And if one has not knowledge, it is forbidden to have mercy on him, as it says, For it is a people of no understanding, therefore He that made them will have no compassion upon them.¹⁸ R. Eleazar said: Great is the Sanctuary, since it has been placed between two names, as it says, Thou hast made, O Lord, the sanctuary, O Lord.¹⁹ R. Eleazar also said: Whenever there is in a man knowledge, it is as if the Sanctuary had been built in his days; for knowledge is set between two names, and the Sanctuary is set between two names. R. Aha Karhina'ah demurred to this. According to this, he said, great is vengeance since it has been set between two names, as it says, God of vengeance, O Lord;²⁰ He replied: That is so; that is to say, it is great in its proper sphere; and this accords with what 'Ulla said: Why two vengeance here?²¹ One for good and one for ill. For good, as it is written, He shined forth from Mount Paran;²² for ill, as it is written, God of vengeance, O Lord, God of vengeance, shine forth.²⁰

R. AKIBA SAYS: HE SAYS IT AS A FOURTH BLESSING, etc. R. Shaman b. Abba said to R. Johanan: Let us see: It was the Men of the Great Synagogue²³ who instituted for Israel blessings and prayers, sanctifications and habdalas.²⁴ Let us see where they inserted them! — He replied: At first they inserted it [the habdalah] in the Tefillah: when they [Israel] became richer, they instituted that it should be said over the cup [of wine]; when they became poor again they again inserted it in the Tefillah; and they said that one who has said habdalah in the Tefillah must say it [again] over the cup [of wine]. It has also been stated: R. Hiyya b. Abba said in the name of R. Johanan: The Men of the Great Synagogue instituted for Israel blessings and prayers, sanctifications and habdalas. At first they inserted the habdalah in the Tefillah. When they [Israel] became richer, they instituted that it should be said over the cup [of wine]. When they became poor again, they inserted it in the Tefillah; and they said that one who says habdalah in the Tefillah must [also] say it over the cup [of wine]. It has also been stated: Rabbah and R. Joseph both say: One who has said habdalah in the Tefillah must [also] say it over the cup [of wine]. Said Raba: We can bring an objection against this ruling [from the following]: If a man forgot and did not mention the miracle of the rain in the resurrection blessing, or petition for rain in the blessing of the years, he is made to repeat the Tefillah. If, however, he forgot habdalah in 'that graciously granted knowledge', he is not made to repeat, because he can say it over the cup [of wine]!²⁵ Do not read, because he can say it over the cup [of wine], but read, because he says it over the cup [of wine].

It has also been stated: R. Benjamin b. Jepheth said: R. Jose asked R. Johanan in Sidon — some report, R. Simeon b. Jacob from Tyre asked R. Johanan: But I have heard that one who has said habdalah in the Tefillah says it over the cup [of wine]; or is it not so? He replied to him: He must say it over the cup [of wine].

The question was raised: If one has said habdalah over the cup [of wine], need he say it [again] in the Tefillah? — R. Nahman b. Isaac replied: We learn the answer a fortiori from the case of Tefillah. The essential place of the habdalah is in the Tefillah, and yet it was laid down that one who has said it in the Tefillah must say it also over the cup [of wine]. Does it not then stand to reason that if he has said it over the cup [of wine], which is not its essential place, he must say it [again] in the Tefillah? R. Aha Arika²⁶ recited in the presence of R. Hinena: He who says habdalah in the Tefillah is more praiseworthy than he who says it over the cup [of wine], and if he says it in both, may blessings rest on his head! This statement contains a contradiction. It says that he who says habdalah in the Tefillah is more praiseworthy than he who says it over the cup [of wine], which would show

that to say it in Tefillah alone is sufficient, and again it teaches, 'and if he says it in both, may blessings rest on his head', but since he has said it in one he is quit, the second is a blessing which is not necessary, and Raba, or as some say Resh Lakish, or again as some say, both Resh Lakish and R. Johanan, have said: Whoever says a blessing which is not necessary transgresses the command of 'thou shalt not take [God's name in vain]!'!²⁷ Rather read thus: If he has said habdalah in one and not in the other, blessings shall rest upon his head.

R. Hisda inquired of R. Shesheth: If he forgot in both,²⁸ what is he to do? — He replied: If one forgot in both, he says the whole again.²⁹

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- (1) A scorpion is more certain to sting.
 - (2) One which has 'lot gored before.
 - (3) One which has gored three times. For these terms, v. Glos.
 - (4) I.e., even if it is busy eating.
 - (5) This is a humorous exaggeration.
 - (6) I.e., it is high spirited and full of mischief in the spring.
 - (7) Heb. yarod, apparently a cross-breed of a snake and a lizard.
 - (8) According to J.T. a spring of water had miraculously opened at the feet of R. Hanina, and that sealed the fate of the lizard, for (it is asserted) when a lizard bites a man, if the man reaches water first, the lizard dies, but if the lizard reaches water first the man dies.
 - (9) The formula 'that causeth the wind to blow' etc., P.B. P. 44.
 - (10) The words 'and grant dew and rain for a blessing', *ibid.* p. 47.
 - (11) V. Glos.
 - (12) *Ibid.* p. 46.
 - (13) After the first three.
 - (14) *Ibid.* p. 51.
 - (15) Viz., discerning between holy and profane and between clean and unclean etc.
 - (16) I.e., two mentions of the Deity. Lit., 'letters'; var. lec. 'words'.
 - (17) I Sam. II, 3.
 - (18) Isa. XXVII, 11.
 - (19) Ex. XV, 17. (lit. trans.).
 - (20) Ps. XCIV, 1.
 - (21) The word 'vengeance' is written twice in the verse cited from Psalms.
 - (22) Deut. XXXIII, 2. It is difficult to see what this has to do with vengeance. It seems that in fact the text does not explain the statement of 'Ulla, and instead shows how there are two kinds of 'shining forth'. V. Sanh. 92a.
 - (23) V. Aboth I, 1.
 - (24) The various divisions mentioned in the habdalah benediction.
 - (25) V. *infra* 26b. Which seems to show that it is optional.
 - (26) The Tall.
 - (27) Ex. XX, 7.
 - (28) In the case of habdalah over the cup, he failed to say the last benediction which contains the enumeration of the various divisions. V. D.S. a.l.
 - (29) He recites anew the Tefillah and the benediction over the cup of wine.

Talmud - Mas. Berachoth 33b

Rabina said to Raba: What is the law?¹ He replied to him: The same as in the case of sanctification. Just as the sanctification, although it has been said in the Tefillah, is also said over the cup [of wine], so habdalah, although it has been said in the Tefillah, is also to be said over the cup [of wine].

R. ELIEZER SAYS: IN THE THANKSGIVING BENEDICTION. R. Zera was once riding on an ass, with R. Hiyya b. Abin following on foot.² He said to him: Did you really say in the name of R.

Johanan that the halachah is as stated by R. Eliezer on a festival that falls after Sabbath?³ He replied: Yes, that is the halachah. Am I to assume [he replied] that they [the Rabbis] differ from him?⁴ — And do they not differ? Surely the Rabbis differ! — I would say that the Rabbis differ in regard to the other days of the year, but do they differ in regard to a festival which falls after a Sabbath? — But surely R. Akiba differs?⁵ — Do we follow R. Akiba the rest of the year that we should now⁶ commence to follow him? Why do we not follow R. Akiba all the rest of the year? Because eighteen blessings were instituted, not nineteen. Here too [on the festival] seven were instituted, not eight!⁷ [R. Zera then] said to him: It was not stated that such is the halachah,⁸ but that we incline to this view.⁹ It has been stated: R. Isaac b. Abdimi said in the name of our teacher [Rab]: Such is the halachah, but some say, we [merely] incline to this view. R. Johanan said: [The Rabbis] agree [with R. Eliezer].¹⁰ R. Hiyya b. Abba said: This appears correct.¹¹ R. Zera said: Choose the statement of R. Hiyya b. Abba, for he is very accurate in repeating the statements of his teacher, like Rahaba of Pumbeditha. For Rahaba said in the name of Rabbi Judah: The Temple Mount was a double stoa — a stoa within a stoa.¹² R. Joseph said: I know neither one nor the other,¹³ but I only know that Rab and Samuel instituted for us a precious pearl in Babylon:¹⁴ ‘And Thou didst make known unto us, O Lord our God, Thy righteous judgments and didst teach us to do the statutes that Thou hast willed, and hast made us inherit seasons of gladness and festivals of freewill-offering, and didst transmit to us the holiness of Sabbath and the glory of the appointed season and the celebration of the festival. Thou hast divided between the holiness of Sabbath and the holiness of the festival, and hast sanctified the seventh day above the six working days: Thou hast separated and sanctified Thy people Israel with Thy holiness. And Thou hast given us’ etc.¹⁵

MISHNAH. IF ONE [IN PRAYING] SAYS ‘MAY THY MERCIES EXTEND TO A BIRD'S NEST’,¹⁶ ‘BE THY NAME MENTIONED FOR WELL-DOING’, OR ‘WE GIVE THANKS, WE GIVE THANKS’, HE IS SILENCED.¹⁷

GEMARA. We understand why he is silenced if he says ‘WE GIVE THANKS, WE GIVE THANKS’, because he seems to be acknowledging two powers;¹⁸ also if he says, ‘BE THY NAME MENTIONED FOR WELL-DOING’, because this implies, for the good only and not for the bad, and we have learnt, A man must bless God for the evil as he blesses Him for the good.¹⁹ But what is the reason for silencing him if he says ‘THY MERCIES EXTEND TO THE BIRD'S NEST? — Two Amoraim in the West, R. Jose b. Abin and R. Jose b. Zebida, give different answers; one says it is because he creates jealousy among God's creatures,²⁰ the other, because he presents the measures taken by the Holy One, blessed be He, as springing from compassion, whereas they are but decrees.²¹ A certain [reader] went down [before the Ark] in the presence of Rabbah and said, ‘Thou hast shown mercy to the bird's nest, show Thou pity and mercy to us’. Said Rabbah: How well this student knows how to placate his Master! Said Abaye to him: But we have learnt, HE IS SILENCED? — Rabbah too acted thus only to test²² Abaye.

A certain [reader] went down in the presence of R. Hanina and said, O God, the great, mighty, terrible, majestic, powerful, awful, strong, fearless, sure and honoured. He waited till he had finished, and when he had finished he said to him, Have you concluded all the praise of your Master? Why do we want all this? Even with these three that we do say,²³ had not Moses our Master mentioned them in the Law²⁴ and had not the Men of the Great Synagogue come and inserted them in the Tefillah, we should not have been able to mention them, and you say all these and still go on! It is as if an earthly king had a million denarii of gold, and someone praised him as possessing silver ones. Would it not be an insult to him?

R. Hanina further said: Everything is in the hand of heaven except the fear of heaven,²⁵ as it says, And now, Israel, what doth the Lord thy God require of thee but to fear.²⁶ Is the fear of heaven such a little thing? Has not R. Hanina said in the name R. Simeon b. Yohai: The Holy One, blessed be He, has in His treasury nought except a store of the fear of heaven, as it says, The fear of the Lord is His

treasure?²⁷ — Yes; for Moses it was a small thing; as R. Hanina said: To illustrate by a parable, if a man is asked for a big article and he has it, it seems like a small article to him; if he is asked for a small article and he does not possess it, it seems like a big article to him.

WE GIVE THANKS, WE GIVE THANKS, HE IS SILENCED. R. Zera said: To say ‘Hear, hear’, [in the Shema] is like saying ‘We give thanks, we give thanks’. An objection was raised: He who recites the Shema and repeats it is reprehensible. He is reprehensible, but we do not silence him? — There is no contradiction; in the one case he repeats each word as he says it,²⁸ in the other each sentence.²⁹ Said R. papa to Abaye: But perhaps [he does this because] at first he was not attending to what he said and the second time he does attend? — He replied:

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- (1) About saying habdalah over wine, after having mentioned it in the Tefillah.
 - (2) Lit., ‘betaking himself and going’.
 - (3) I.e., on Saturday night, when the fourth benediction ‘that graciously grantest knowledge’ is not said.
 - (4) Because otherwise there would be no need to say that the halachah follows him.
 - (5) R. Akiba provides for habdalah a benediction by itself. Consequently it was necessary to declare the halachah follows R. Eliezer on a festival which follows Sabbath, to exclude the view of R. Akiba.
 - (6) On a festival following Sabbath.
 - (7) Why then is it necessary to say that the halachah is as R. Eliezer, not as stated by R. Akiba?
 - (8) And is to be taught as such in public.
 - (9) And we advise individuals to act thus if they inquire.
 - (10) When a festival falls on Saturday night.
 - (11) We do not recommend this, but if one does so, we do not interfere.
 - (12) Though the word used in the Mishnah of Pes. (13a) is not stoa (colonnade) but the more familiar iztaba which has the same meaning. V. Pes. (Sonc. ed.) P. 59. nn. 10-11 and Bez. (Sonc. ed.) p. 54 n. 9.
 - (13) That we incline towards the view of R. Eliezer or that we regard it as probable.
 - (14) To be inserted in the fourth benediction of the festival ‘Amidah.
 - (15) This form of habdalah prayer is used with slight variants on a festival that follows Sabbath, v. P.B. p. 227.
 - (16) V. Deut. XXII, 6.
 - (17) For the reasons, v. the Gemara. This Mishnah is found in Meg. 26a with a somewhat different reading.
 - (18) The dualism of the Persian — the God of darkness and the God of light.
 - (19) Infra 54a.
 - (20) By implying that this one is favoured above others.
 - (21) V. Meg. (Sonc. ed.) p. 149 notes.
 - (22) Lit., ‘sharpen’. He wanted to see if he knew the law.
 - (23) Great, mighty, and terrible, in the first benediction.
 - (24) Deut. X, 17.
 - (25) I.e., all a man's qualities are fixed by nature, but his moral character depends on his own choice.
 - (26) Deut. X, 12.
 - (27) Isa. XXXIII, 6.
 - (28) This is merely reprehensible.
 - (29) In this case he is silenced since this is as if he were addressing two Powers.

Talmud - Mas. Berachoth 34a

Can one behave familiarly with Heaven? If he did not recite with attention at first, we hit him with a smith's hammer until he does attend.

MISHNAH. [IF ONE SAYS, LET THE GOOD BLESS THEE, THIS IS A PATH OF HERESY].¹ IF ONE WAS PASSING BEFORE THE ARK AND MADE A MISTAKE, ANOTHER SHOULD PASS IN HIS PLACE, AND AT SUCH A MOMENT ONE MAY NOT REFUSE. WHERE SHOULD HE COMMENCE? AT THE BEGINNING OF THE BENEDICTION IN WHICH THE

OTHER WENT WRONG. THE READER² SHOULD NOT RESPOND AMEN AFTER [THE BENEDICTIONS OF] THE PRIESTS³ BECAUSE THIS MIGHT CONFUSE HIM. IF THERE IS NO PRIEST THERE EXCEPT HIMSELF, HE SHOULD NOT RAISE HIS HANDS [IN PRIESTLY BENEDICTION], BUT IF HE IS CONFIDENT THAT HE CAN. RAISE HIS HANDS AND GO BACK TO HIS PLACE IN HIS PRAYER,⁴ HE IS PERMITTED TO DO SO.

GEMARA. Our Rabbis taught: If one is asked to pass before the Ark, he ought to refuse,⁵ and if he does not refuse he resembles a dish without salt; but if he persists too much in refusing he resembles a dish which is over-salted. How should he act? The first time he should refuse; the second time he should hesitate; the third time he should stretch out his legs and go down.

Our Rabbis taught: There are three things of which one may easily have too much⁶ while a little is good, namely, yeast, salt, and refusal.

R. Huna said: If one made a mistake in the first three [of the Tefillah] blessings, he goes back to the beginning; if in the middle blessings, he goes back to 'Thou graciously grantest knowledge;⁷ if in the last blessings, he goes back to the 'Abodah.⁸ R. Assi, however, says that in the middle ones the order need not be observed.⁹ R. Shesheth cited in objection: 'Where should he commence? At the beginning of the benediction in which the other went wrong'.¹⁰ This is a refutation of R. Huna, is it not?¹¹ — R. Huna can reply: The middle blessings are all one.¹²

Rab Judah said: A man should never petition for his requirements either in the first three benedictions or in the last three, but in the middle ones. For R. Hanina said: In the first ones he resembles a servant who is addressing a eulogy to his master; in the middle ones he resembles a servant who is requesting a largess from his master, in the last ones he resembles a servant who has received a largess from his master and takes his leave.

Our Rabbis taught: Once a certain disciple went down¹³ before the Ark in the presence of R. Eliezer, and he span out the prayer to a great length. His disciples said to him: Master, how longwinded this fellow is! He replied to them: Is he drawing it out any more than our Master Moses, of whom it is written: The forty days and the forty nights [that I fell down]?¹⁴ Another time it happened that a certain disciple went down before the Ark in the presence of R. Eliezer, and he cut the prayer very short. His disciples said to him: How concise this fellow is! He replied to them: Is he any more concise than our Master Moses, who prayed, as it is written: Heal her now, O God, I beseech Thee?¹⁵ R. Jacob said in the name of R. Hisda: If one prays on behalf of his fellow, he need not mention his name, since it says: Heal her now, O God, I beseech Thee', and he did not mention the name of Miriam.

Our Rabbis taught: These are the benedictions in saying which one bows [in the Tefillah]: The benediction of the patriarchs,¹⁶ beginning and end, and the thanksgiving, beginning and end.¹⁷ If one wants to bow down at the end of each benediction and at the beginning of each benediction, he is instructed not to do so. R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, reporting Bar Kappara: An ordinary person bows as we have mentioned;

(1) Minuth, (v. Glos. s.v. Min) implying that only the good are invited to bless God. This passage is wanting in the separate editions of the Mishnah, but occurs in Meg. 25a.

(2) Lit., 'he who passes before the Ark'.

(3) V. P.B. 283a (15th ed.).

(4) Without making a mistake in the prayers.

(5) As feeling himself unworthy for the sacred duty.

(6) Lit., 'a large quantity is hard'.

(7) The fourth benediction in the Tefillah, v. P.B. p. 46.

(8) Lit., 'service'. The seventeenth blessing, v. P.B. p. 50.

(9) And if one was accidentally omitted it can be inserted anywhere. So Rashi. Tosaf., however, say that he goes back to that blessing and continues from there.

(10) So M.S. M. cur. edd. read: 'To where does he go back'.

(11) Because it shows that he need not go back to 'Thou graciously grantest'.

(12) And if one errs in any of them he has to go back to 'Thou graciously grantest'.

(13) The reading desk was at a lower level than the floor of the Synagogue. (v. supra 10); hence the expression 'went down'.

(14) Deut. IX, 25.

(15) Num. XII, 13.

(16) The first benediction.

(17) V. P.B. 51 and 53.

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a high priest at the end of each benediction; a king at the beginning of each benediction and at the end of each benediction.¹ R. Isaac b. Nahmani said: It was explained to me by R. Joshua b. Levi that an ordinary person does as we have mentioned; a high priest bows at the beginning of each blessing; and a king, once he has knelt down, does not rise again [until the end of the Tefillah], as it says: And it was so that when Solomon had made an end of praying, ... he arose from before the Altar of the Lord, from kneeling on his knees.²

Kidah [bowing] is upon the face, as it says: Then Bath-Sheba bowed with her face to the ground.³ Keri'ah [kneeling] is upon the knees, as it says: From kneeling on his knees, prostration is spreading out of hands and feet, as it says: Shall I and thy mother and thy brethren come to prostrate ourselves before thee on the ground.⁴

R. Hiyya the son of R. Huna said: I have observed Abaye and Raba bending to one side.⁵ One [Baraitha] taught: To kneel in the thanksgiving benediction is praiseworthy, while another taught: It is reprehensible? — There is no contradiction: one speaks of the beginning,⁶ the other of the end. Raba knelt in the thanksgiving at the beginning and at the end. The Rabbis said to him: Why does your honour act thus? He replied to them: I have seen R. Nahman kneeling, and I have seen R. Shesheth doing thus. But it has been taught: To kneel in the thanksgiving is reprehensible — That refers to the thanksgiving in Hallel.⁷ But it has been taught: To kneel in the thanksgiving and in the thanksgiving of Hallel is reprehensible? — The former statement refers to the thanksgiving in the Grace after Meals.⁸

MISHNAH. IF ONE MAKES A MISTAKE IN HIS TEFILLAH IT IS A BAD SIGN FOR HIM, AND IF HE IS A READER OF THE CONGREGATION⁹ IT IS A BAD SIGN FOR THOSE WHO HAVE COMMISSIONED HIM, BECAUSE A MAN'S AGENT IS EQUIVALENT TO HIMSELF. IT WAS RELATED OF R. HANINA BEN DOSA THAT HE USED TO PRAY FOR THE SICK AND SAY, THIS ONE WILL DIE, THIS ONE WILL LIVE. THEY SAID TO HIM: HOW DO YOU KNOW? HE REPLIED: IF MY PRAYER COMES OUT FLUENTLY,¹⁰ I KNOW THAT HE IS ACCEPTED, BUT IF NOT, THEN I KNOW THAT HE IS REJECTED.¹¹

GEMARA. In which blessing [is a mistake a bad sign]? — R. Hiyya said in the name of R. Safra who had it from a member of the School of Rabbi: In the blessing of the Patriarchs.¹² Some attach this statement to the following: 'When one says the Tefillah he must say all the blessings attentively, and if he cannot say all attentively he should say one attentively'. R. Hiyya said in the name of R. Safra who had it from a member of the School of Rabbi: This one should be the blessing of the patriarchs.

IT WAS RELATED OF RABBI HANINA etc. What is the [Scriptural] basis for this? — R. Joshua b. Levi said: Because Scripture says: Peace to him that is far off and to him that is near, saith the Lord that createth the fruit of the lips, and I will heal him.¹³

R. Hiyya b. Abba said in the name of R. Johanan: All the prophets prophesied only on behalf of¹⁴ one who gives his daughter in marriage to a scholar and who conducts business on behalf of a scholar and who allows a scholar the use of his possessions. But as for the scholars themselves, Eye hath not seen, oh God, beside Thee what He will do for him that waiteth for Him.¹⁵

R. Hiyya b. Abba also said in the name of R. Johanan: All the prophets prophesied only for the days of the Messiah, but as for the world to come, 'Eye hath not seen, oh God, beside Thee'. These Rabbis differ from Samuel; for Samuel said: There is no difference between this world and the days of the Messiah except [that in the latter there will be no] bondage of foreign powers, as it says: For the poor shall never cease out of the land.¹⁶

R. Hiyya b. Abba also said in the name of R. Johanan: All the prophets prophesied only on behalf of penitents; but as for the wholly righteous, 'Eye hath not seen, oh God, beside Thee'. He differs in this from R. Abbahu. For R. Abbahu said: In the place where penitents stand even the wholly righteous cannot stand, as it says: Peace, peace to him that was far and to him that is near¹⁷ — to him that was far first, and then to him that is near. R. Johanan, however, said: What is meant by 'far'? One who from the beginning was far from transgression. And what is meant by 'near'? That he was once near to transgression and now has gone far from it.¹⁸ What is the meaning of 'Eye hath not seen'? R. Joshua b. Levi said: This is the wine which has been preserved in its grapes from the six days of Creation.¹⁹ R. Samuel b. Nahmani said: This is Eden,²⁰ which has never been seen by the eye of any creature, perhaps you will say, Where then was Adam? He was in the garden. Perhaps you will say, the garden and Eden are the same? Not so! For the text says: And a river went out of Eden to water the garden²¹ — the garden is one thing and Eden is another.

Our Rabbis taught: Once the son of R. Gamaliel fell ill. He sent two scholars to R. Hanina b. Dosa to ask him to pray for him. When he saw them he went up to an upper chamber and prayed for him. When he came down he said to them: Go, the fever has left him; They said to him: Are you a prophet? He replied: I am neither a prophet nor the son of a prophet, but I learnt this from experience. If my prayer is fluent in my mouth, I know that he is accepted: but if not, I know that he is rejected.²² They sat down and made a note of the exact moment. When they came to R. Gamaliel, he said to them: By the temple service! You have not been a moment too soon or too late, but so it happened: at that very moment the fever left him and he asked for water to drink.

On another occasion it happened that R. Hanina b. Dosa went to study Torah with R. Johanan ben Zakkai. The son of R. Johanan ben Zakkai fell ill. He said to him: Hanina my son, pray for him that he may live. He put his head between his knees and prayed for him and he lived. Said R. Johanan ben Zakkai: If Ben Zakkai had stuck his head between his knees for the whole day, no notice would have been taken of him. Said his wife to him: Is Hanina greater than you are? He replied to her: No; but he is like a servant before the king,²³ and I am like a nobleman before a king.²⁴

R. Hiyya b. Abba said in the name of R. Johanan: A man should not pray save in a room which has windows,²⁵ since it says, Now his windows were open in his upper chamber towards Jerusalem.²⁶

R. Kahana said: I consider a man impertinent who prays in a valley.²⁷ R. Kahana also said: I consider a man impertinent who openly²⁸ recounts his sins, since it is said, Happy is he whose transgression is forgiven, whose sin is covered.²⁹ [

- (1) I.e., the greater the individual, the more he humbles himself.
- (2) I Kings VIII, 54.
- (3) Ibid. I, 31.
- (4) Gen. XXXVII, 10.
- (5) And not completely prostrating themselves.
- (6) This is praiseworthy.
- (7) The verse, Give thanks unto the Lord, for he is good, etc., v. P.B. p. 222.
- (8) P.B. p. 281.
- (9) Lit., 'An agent of the congregation'.
- (10) Lit., 'is fluent in my mouth'.
- (11) Lit., 'he is torn'. The word, however, may refer to the Prayer, meaning that it is rejected.
- (12) The first blessing in the Tefillah.
- (13) Isa. LVII, 19. Bore translated 'created' has also the meaning 'strong', hence the verse is rendered to mean: if the fruit of the lips (prayer) is strong (fluent) then I will heal him.
- (14) I.e., their promises and consolations had reference to.
- (15) Isa. LXIV, 3.
- (16) Deut. XV, 11. 'Never' i.e., not even in the Messianic era.
- (17) Isa. LVII, 19.
- (18) I.e., the Penitent.
- (19) To feast the righteous in the future world.
- (20) Paradise.
- (21) Gen. II, 10.
- (22) V. supra, p. 214 n. 4.
- (23) Who has permission to go in to him at anytime.
- (24) Who appears before him only at fixed times.
- (25) So that he should have a view of the heavens.
- (26) Dan. VI, 11.
- (27) A level stretch of ground where people constantly pass; one should pray in an enclosed and secluded spot.
- (28) As though unashamed.
- (29) Lit., trans. E.V. 'whose sin is Pardoned' Ps. XXXII, 1.

Talmud - Mas. Berachoth 35a

CHAPTER VI

MISHNAH. WHAT BLESSINGS ARE SAID OVER FRUIT? OVER FRUIT OF THE TREE ONE SAYS, WHO CREATEST THE FRUIT OF THE TREE, EXCEPT FOR WINE, OVER WHICH ONE SAYS, WHO CREATEST THE FRUIT OF THE VINE. OVER THAT WHICH GROWS FROM THE GROUND ONE SAYS: WHO CREATEST THE FRUIT OF THE GROUND, EXCEPT OVER BREAD, FOR WHICH ONE SAYS, WHO BRINGEST FORTH BREAD FROM THE EARTH. OVER VEGETABLES ONE SAYS, WHO CREATEST THE FRUIT OF THE GROUND; R. JUDAH, HOWEVER, SAYS: WHO CREATEST DIVERS KINDS OF HERBS.

GEMARA. Whence is this derived?¹ — As our Rabbis have taught: The fruit thereof shall be holy, for giving praise unto the Lord.² This³ teaches that they require a blessing both before and after partaking of them. On the strength of this R. Akiba said: A man is forbidden to taste anything before saying a blessing over it.

But is this the lesson to be learnt from these words 'Holy for giving praise'? Surely they are required for these two lessons: first, to teach that the All-Merciful has declared: Redeem it⁴ and then eat it, and secondly, that a thing which requires a song of praise requires redemption,⁵ but one that does not require a song of praise does not require redemption,⁶ as has been taught by R. Samuel b.

Nahmani in the name of R. Jonathan. For R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that a song of praise is sung only over wine?⁷ Because it says, And the vine said unto them: Should I leave my wine which cheereth God and man?⁸ If it cheers man, how does it cheer God? From this we learn that a song of praise is sung only over wine.

Now this reasoning⁹ is valid for him who teaches ‘The planting of the fourth year’.¹⁰ But for him who teaches ‘The vineyard of the fourth year’, what can be said? For it has been stated: R. Hiyya and R. Simeon the son of Rabbi [taught differently]. One taught, ‘Vineyard of the fourth year’, the other taught, ‘Planting of the fourth year’ . — For him who teaches ‘Vineyard of the fourth year’ also there is no difficulty if he avails himself of a *gezerah shawah*.¹¹ For it has been taught: Rabbi says: It says there, that it may yield unto you more richly the increase thereof,¹² and it says in another place, the increase of the vineyard.¹³ Just as in the latter passage ‘increase’ refers to the vineyard, so here it refers to the vineyard. Thus one *hillul* is left over to indicate that a blessing is required. But if he does not avail himself of a *gezerah shawah*, how can he derive this lesson? And even if he does avail himself of a *gezerah shawah*, while we are satisfied that a blessing is required after it,¹⁴ whence do we learn that it is required [before partaking]? — This is no difficulty. We derive it by argument *a fortiori*: If he says a blessing when he is full, how much more so ought he to do so when he is hungry?¹⁵

We have found a proof for the case of [the produce of the vineyard]: whence do we find [that a benediction is required] for other species?¹⁶ It can be learnt from the vineyard. Just as the vineyard being something that is enjoyed requires a blessing, so everything that is enjoyed requires a blessing. But this may be refuted: How can we learn from a vineyard, seeing that it is subject to the obligation of the gleanings?¹⁷ — We may cite the instance of corn.¹⁸ How can you cite the instance of corn, seeing that it is subject to the obligation of *hallah*?¹⁹ — We may then cite the instance of the vineyard, and the argument goes round in a circle: The distinguishing feature of the first instance is not like that of the second, and vice versa. The feature common to both is that being things which are enjoyed they require a blessing; similarly everything which is enjoyed requires a blessing. But this [argument from a] common feature [is not conclusive], because there is with them²⁰ the common feature that they are offered on the altar!²¹ We may then adduce also the olive from the fact that it is offered on the altar. But is [the blessing over] the olive derived from the fact that it is offered on the altar? It is explicitly designated *kerem*,²² as it is written, And he burnt up the shocks and the standing corn and also the olive yards [*kerem*]?²³ — R. Papa replied: It is called an olive *kerem* but not *kerem* simply. Still the difficulty remains: How can you learn [other products] from the argument of a common factor, seeing that [wine and corn] have the common feature of being offered on the altar? — Rather it is learnt from the seven species.²⁴ Just as the seven species are something which being enjoyed requires a blessing,²⁵ so everything which is enjoyed requires a blessing. How can you argue from the seven species. seeing that they are subject to the obligation of first-fruits? And besides, granted that we learn from them that a blessing is to be said after partaking, how do we know it is to be said before? — This is no difficulty, being learnt *a fortiori*: If he says a blessing when he is full, how much more should he do so when he is hungry? Now as for the one who reads ‘planting of the fourth year’, we may grant he has proved his point with regard to anything planted. But whence does he derive it in regard to things that are not planted, such as meat, eggs and fish? — The fact is that it is a reasonable supposition that it is forbidden to a man to enjoy anything of this world without saying a blessing.²⁶

Our Rabbis have taught: It is forbidden to a man to enjoy anything of this world without a benediction, and if anyone enjoys anything of this world without a benediction, he commits sacrilege.²⁷ What is his remedy? He should consult a wise man. What will the wise man do for him? He has already committed the offence! — Said Raba: What it means is that he should consult a wise man beforehand, so that he should teach him blessings and he should not commit sacrilege. Rab Judah said in the name of Samuel: To enjoy anything of this world without a benediction is like

making personal use of things consecrated to heaven, since it says. The earth is the Lord's and the fulness there of.²⁸ R. Levi contrasted two texts. It is written, 'The earth is the Lord's and the fulness thereof', and it is also written, The heavens are the heavens of the Lord, but the earth hath He given to the children of men!²⁹ There is no contradiction: in the one case it is before a blessing has been said

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- (1) That a benediction is necessary before partaking of any food.
 - (2) Lev. XIX, 24, with reference to the fruit of the fourth year.
 - (3) The fact that the word *hillulim* (praise) is in the plural, indicating that there must be two praises.
 - (4) The fruit of the fourth year, if it is to be eaten outside Jerusalem.
 - (5) This is learnt from a play on the word *hillulim*, which is read also as *hillulum* (profaned, i.e., redeemed).
 - (6) Thus limiting the law relating to the fruit of the fourth year only to the vine, as *infra*.
 - (7) By the Levites at the offering of the sacrifices.
 - (8) Judg. IX, 13.
 - (9) That we learn the requirement of saying a blessing from the word *hillulim*.
 - (10) I.e., that the verse quoted from Leviticus refers to all fruit of the fourth year and not to the vine only. In this case the word *hillulim* can not be used to prove that only the vine requires redemption. and is available for teaching that a blessing must be said over fruit.
 - (11) v. *Glos*.
 - (12) Lev. XIX, 25.
 - (13) Deut. XXII, 9.
 - (14) On the analogy of grace after meals as prescribed in Deut. VIII, 10.
 - (15) And is about to satisfy his hunger.
 - (16) On the view that Lev. XIX, 24 refers only to a vineyard.
 - (17) Cf. Lev. XIX, 10. And this may be the reason why it requires a blessing.
 - (18) Which is not subject to the obligation of gleanings, and yet requires a blessing, as laid down in Deut. VIII, 10.
 - (19) The heave-offering of the dough.
 - (20) I.e., wine and corn.
 - (21) In the form of drink-offering and meal-offering.
 - (22) Lit. 'vineyard', and therefore it is on the same footing as wine.
 - (23) Judg. XV. 5.
 - (24) Mentioned in Deut. VIII, 8.
 - (25) As distinctly prescribed in Deut. VIII, 8.
 - (26) Whether we take the law of the fourth year to apply to the vine or to all fruit trees, we cannot derive from it the law for saying a blessing over all things — in the former case because of the difficulty about the altar, in the latter because of the difficulty about things other than plants. Nor can we derive the law from the 'seven kinds', because of the difficulty about first-fruits. Hence we are driven back upon 'reasonable supposition'.
 - (27) Heb. *ma'al*, the technical term for the personal use of consecrated things by a layman.
 - (28) Ps. XXIV. 1.
 - (29) *Ibid.* CXV, 16.

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in the other case after. R. Hanina b. Papa said: To enjoy this world without a benediction is like robbing the Holy One, blessed be He, and the community of Israel, as it says. Whoso robbeth his father or his mother and saith, It is no transgression, the same is the companion of a destroyer;¹ and 'father' is none other but the Holy One, blessed be He, as it says. Is not He thy father that hath gotten thee;² and 'mother' is none other than the community of Israel, as it says, Hear, my son, the instruction of thy father, and forsake not the teaching of thy mother.³ What is the meaning of 'he is the companion of a destroyer'? — R. Hanina b. Papa answered: He is the companion of Jeroboam son of Nebat who destroyed Israel's [faith in] their Father in heaven.⁴

R. Hanina b. Papa pointed out a contradiction. It is written, Therefore will I take back My corn in the time thereof, etc.,⁵ and it is elsewhere written, And thou shalt gather in thy corn, etc.!⁶ There is no difficulty: the one text speaks of where Israel do the will of the Omnipresent, the other of where they do not perform the will of the Omnipresent.⁷

Our Rabbis taught: And thou shalt gather in thy corn.⁶ What is to be learnt from these words? Since it says, This book of the law shall not depart out of thy mouth,⁸ I might think that this injunction is to be taken literally. Therefore it says, 'And thou shalt gather in thy corn', which implies that you are to combine the study of them⁹ with a worldly occupation. This is the view of R. Ishmael. R. Simeon b. Yohai says: Is that possible? If a man ploughs in the ploughing season, and sows in the sowing season, and reaps in the reaping season, and threshes in the threshing season, and winnows in the season of wind, what is to become of the Torah? No; but when Israel perform the will of the Omnipresent, their work is performed by others, as it says. And strangers shall stand and feed your flocks. etc.,¹⁰ and when Israel do not perform the will of the Omnipresent their work is carried out by themselves, as it says, And thou shalt gather in thy corn.¹¹ Nor is this all, but the work of others also is done by them, as it says. And thou shalt serve thine enemy etc.¹² Said Abaye: Many have followed the advice of Ishmael, and it has worked well; others have followed R. Simeon b. Yohai and it has not been successful. Raba said to the Rabbis: I would ask you not to appear before me during Nisan and Tishri¹³ so that you may not be anxious about your food supply during the rest of the year.

Rabbah b. Bar Hanah said in the name of R. Johanan, reporting R. Judah b. Ila'i: See what a difference there is between the earlier and the later generations. The earlier generations made the study of the Torah their main concern and their ordinary work subsidiary to it, and both prospered in their hands. The later generations made their ordinary work their main concern and their study of the Torah subsidiary, and neither prospered in their hands.

Rabbah b. Bar Hanah further said in the name of R. Johanan reporting R. Judah b. Ila'i: Observe the difference between the earlier and the later generations. The earlier generations used to bring in their produce by way of the kitchen-garden¹⁴ purposely in order to make it liable to tithe, whereas the later generations bring in their produce by way of roofs or courtyards or enclosures in order to make it exempt from tithe. For R. Jannai has said: Untithed produce is not subject to tithing¹⁵ until it has come within sight of the house, since it says. I have put away the hallowed things out of my house.¹⁶ R. Johanan, however, says that even [sight of] a courtyard imposes the obligation, as it says, That they may eat within thy gates and be satisfied.¹⁷

EXCEPT OVER WINE. Why is a difference made for wine? Shall I say that because [the raw material of] it is improved¹⁸ therefore the blessing is different? But in the case of oil also [the raw material of] it is improved, yet the blessing is not different, as Rab Judah has laid down in the name of Samuel, and so R. Isaac stated in the name of R. Johanan, that the blessing said over olive oil is 'that createst the fruit of the tree'?¹⁹ — The answer given is that in the case of oil it is not possible to change the blessing. For what shall we say? Shall we say, 'That createst the fruit of the olive'? The fruit itself is called olive!²⁰ But we can say over it, 'That createst the fruit of the olive tree'? — Rather [the real reason is], said Mar Zutra, that wine has food value but oil has no food value. But has oil no food value? Have we not learnt: One who takes a vow to abstain from food is allowed to partake of water and salt,²¹ and we argued from this as follows: 'Water and salt alone are not called food, but all other stuffs are called food? May we not say that this is a refutation of Rab and Samuel, who say that the blessing "who createst various kinds of food" is said only over the five species [of cereals]?'²² and R. Huna solved the problem by saying that [the Mishnah] refers to one who says, 'I vow to abstain from anything that feeds'; which shows that oil has food value?²³ — Rather [say the reason is that] wine sustains²⁴ and oil does not sustain. But does wine sustain? Did not Raba use to drink wine on the eve of the Passover in order that he might get an appetite and eat much unleavened

bread? — A large quantity gives an appetite, a small quantity sustains. But does it in fact give any sustenance? Is it not written, And wine that maketh glad the heart of man . . . and bread that stayeth man's heart,²⁵ which shows that it is bread which sustains, not wine? — The fact is that wine does both, it sustains and makes glad, whereas bread sustains but does not cheer. If that is the case, let us say three blessings after it?²⁶ — People do not make it the basis of the meal. R. Nahman b. Isaac asked Raba: Suppose a man makes it the basis of his meal. what then? — He replied: When Elijah comes he will tell us whether it can really serve as a basis; at present, at any rate, no man thinks of such a thing.²⁷

The text [above] stated: 'Rab Judah said in the name of Samuel, and so too said R. Isaac in the name of R. Johanan, that the blessing said over olive oil is "that createst the fruit of the tree"'. How are we to understand this? Are we to say that it is drunk? If so, it is injurious, as it has been taught: If one drinks oil of terumah,²⁸ he repays the bare value, but does not add a fifth.²⁹ If one anoints himself with oil of terumah, he repays the value and also a fifth in addition. Do we suppose then that he consumes it with bread? In that case, the bread would be the main ingredient and the oil subsidiary, and we have learnt: This is the general rule: If with one article of food another is taken as accessory, a blessing is said over the main article, and this suffices also for the accessory!³⁰ Do we suppose then that he drinks it with elaiogaron? (Rabbah b. Samuel has stated: Elaiogaron is juice of beetroots; oxygaron is juice of

(1) Prov. XXVIII, 24. To rob God can only mean to enjoy something without saying a blessing, in recognition that it comes from Him.

(2) Deut. XXXII, 6.

(3) Prov. I, 8.

(4) Likewise he who enjoys things without a blessing sets a bad example to others.

(5) Hos. II, 11.

(6) Deut. XI, 14.

(7) Who accordingly takes back the corn and shows that it is His.

(8) Joshua I, 8.

(9) Sc. the words of the Torah.

(10) Isa. LXI, 5.

(11) Tosaf. point out that this homily conflicts with that given above on the same verse by R. Hanina b. Papa.

(12) Deut. XXVIII, 48.

(13) Nisan being the time of the ripening of the corn and Tishri of the vintage and olive pressing.

(14) I.e., direct to the house, by the front way. V. infra.

(15) I.e., according to the Torah. The Rabbis, however, forbade a fixed meal to be made of any untithed produce.

(16) Deut. XXVI, 13.

(17) Ibid. 12; v. Git. 81a.

(18) Lit., 'it has been changed for the better'.

(19) As over the olive itself.

(20) There is no special name in Hebrew for the olive tree as there is for the vine.

(21) 'Er. 26b.

(22) wheat, barley, oats, spelt, and rye.

(23) Even according to Rab and Samuel.

(24) And has more than merely food value.

(25) Ps. CIV, 15.

(26) As after bread, v. infra 37a.

(27) Aliter 'His opinion is rejected by all men'.

(28) V. Glos.

(29) Because the fifth is added only for what can be called food, since it says, And if a man eat of the holy thing through error (Lev. XXII, 14).

(30) V. infra 41a.

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all other boiled vegetables.) In that case the elaiogaron would be the main thing and the oil subsidiary, and we have learnt: This is the general rule: If with one article of food another is taken as accessory, a blessing is said over the main article, and this suffices for the accessory! — What case have we here in mind?¹ The case of a man with a sore throat, since it has been taught: If one has a sore throat, he should not ease it directly with oil on Sabbath,² but he should put plenty of oil into elaiogaron and swallow it.³ This is obvious!⁴ — You might think that since he intends it as a medicine he should not say any blessing over it. Therefore we are told that since he has some enjoyment from it he has to say a blessing.

Over wheaten flour⁵ Rab Judah says that the blessing is ‘who createst the fruit of the ground’⁶ while R. Nahman says it is, ‘By whose word all things exist’. Said Raba to R. Nahman: Do not join issue with Rab Judah, since R. Johanan and Samuel would concur with him. For Rab Judah said in the name of Samuel, and likewise R. Isaac said in the name of R. Johanan: Over olive oil the blessing said is ‘that createst the fruit of the tree’, which shows that although it has been transformed it is fundamentally the same. Here too, although it has been transformed, it is fundamentally the same. But are the two cases alike? In that case [of olive oil] the article does not admit of further improvement, in this case it does admit of further improvement, by being made into bread; and when it is still capable of further improvement we do not say over it the blessing ‘that createst the fruit of the ground’, but ‘by whose word all things exist’! — But has not R. Zera said in the name of R. Mattena reporting Samuel: Over raw cabbage and barley-flour we say the blessing ‘by whose word all things exist’, and may we not infer from this that over wheat-flour we say ‘who createst the fruit of the ground’? — No; over wheat-flour also we say ‘by whose word all things exist’. Then let him state the rule for wheat-flour, and it will apply to barley-flour as a matter of course?⁷ — If he had stated the rule as applying to wheat-flour, I might have said: That is the rule for wheat-flour, but over barley-flour we need say no blessing at all. Therefore we are told that this is not so. But is barley-flour of less account than salt or brine, of which we have learnt⁸: Over salt and brine one says ‘by whose word all things exist’? — It was necessary [to lay down the rule for barley-flour]. You might argue that a man often puts a dash of salt or brine into his mouth [without harm], but barley-flour is harmful in creating tapeworms, and therefore we need say no blessing over it. We are therefore told that since one has some enjoyment from it he must say a blessing over it.

Over the palm-heart,⁹ Rab Judah says that the blessing is ‘that createst the fruit of the ground’, while Samuel says that it is ‘by whose word all things exist’. Rab Judah says it is ‘that createst the fruit of the ground’, regarding it as fruit, whereas Samuel says that it is ‘by whose word all things exist’, since subsequently it grows hard. Said Samuel to Rab Judah: Shinnena!¹⁰ Your opinion is the more probable, since radish eventually hardens and over it we say ‘who createst the fruit of the ground’. This, however, is no proof; radishes are planted for the sake of the tuber,¹¹ but palms are not planted for the sake of the heart. But [is it the case that] wherever one thing is not planted for the sake of another [which it later becomes], we do not say the blessing [for that other]?¹² What of the caper-bush which is planted for the sake of the caper-blossom, and we have learnt: In regard to the various edible products of the caper-bush, over the leaves and the young shoots, ‘that createst the fruit of the ground’ is said, and over the berries and buds,¹³ ‘that createst the fruit of the tree’! — R. Nahman b. Isaac replied: Caper-bushes are planted for the sake of the shoots, but palms are not planted for the sake of the heart. And although Samuel commended Rab Judah, the halachah is as laid down by Samuel.

Rab Judah said in the name of Rab: In the case of an ‘uncircumcised’¹⁴ caper-bush outside of Palestine,¹⁵ one throws away the berries and may eat the buds. This is to say that the berries are fruit but the buds are not fruit — A contradiction was pointed out [between this and the following]: In

regard to the various edible articles produced by the caper-bush, over the leaves and the young shoots 'that create the fruit of the ground' is said; over the buds and the berries 'that create the fruit of the tree' is said! — [Rab Judah] followed R. Akiba, as we have learnt: R. Eliezer says: From the caper-bush tithe is given from the berries and buds. R. Akiba, however, says that the berries alone are tithed, because they are fruit.¹⁶ Let him then say that the halachah is as laid down by R. Akiba? — Had he said that the halachah is as laid down by R. Akiba, I should have thought that this was so even in the Holy Land. He therefore informs us that if there is an authority who is more lenient in regard to [uncircumcised products in] the Holy Land, the halachah follows him in respect of [such products] outside of the Holy Land, but not in the Land itself. But let him then say that the halachah is as laid down by R. Akiba for outside the Holy Land, because if an authority is more lenient with regard to the Land, the halachah follows him in the case of outside the Land? — Had he said so, I should have argued that this applies to tithe of fruit which in the Holy Land itself was ordained only by the Rabbis,¹⁷ but that in the case of 'orlah, the law for which is stated in the Torah, we should extend it to outside the Land. Therefore he tells us that we do not do so.

Rabina once found Mar b. R. Ashi throwing away [uncircumcised] caper-berries and eating the buds. He said to him: What is your view? Do you agree with R. Akiba who is more lenient?¹⁸ Then follow Beth Shammai, who are more lenient still, as we have learnt: With regard to the caper-bush, Beth Shammai say that it constitutes kil'ayim¹⁹ in the vineyard, whereas Beth Hillel hold that it does not constitute kil'ayim in the vineyard, while both agree that it is subject to the law of 'orlah. Now this statement itself contains a contradiction. You first say that Beth Shammai hold that a caper-bush constitutes kil'ayim in a vineyard, which shows that it is a kind of vegetable,²⁰ and then you say that both agree that it is subject to the law of 'orlah, which shows that it is a kind of tree!²¹ — This is no difficulty; Beth Shammai were in doubt [whether it was a fruit or a vegetable], and accepted the stringencies of both. In any case,²² Beth Shammai regard it [the caper-bush] as a doubtful case of 'orlah, and we have learnt: Where there is a doubt if a thing is subject to 'orlah, in the Land of Israel, it is prohibited, but in Syria it is allowed; and outside of Palestine one may go down

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- (1) When it is stated that oil requires a benediction.
 - (2) Medicine being forbidden on Sabbath, for fear one might come to pound drugs.
 - (3) For in this case it is not obvious that he is taking it as a medicine.
 - (4) That in this case one should make a blessing over the oil, because the oil is here the principal item.
 - (5) When eaten raw.
 - (6) Which is the blessing over crushed wheat, v. infra 37a.
 - (7) Since It is inferior to wheat-flour.
 - (8) More correctly, 'as it has been taught', v. infra 40b.
 - (9) An edible part of the young palm, which afterwards hardens and becomes part of the tree.
 - (10) An affectionate designation given by Samuel to his disciple Rab Judah. Apparently it means 'sharp-witted'. V. B.K. (Sonc. ed.) p. 60, n. 2.
 - (11) To be eaten before it becomes hard and woody.
 - (12) But 'by whose word all things exist'.
 - (13) Aliter: 'caper-flowers', or 'husks'.
 - (14) I.e., in its first three years. V. Lev. XIX, 23 (A.V.).
 - (15) To which the Rabbis extended the obligation of 'orlah, (v. Glos.).
 - (16) But the buds are not fruit.
 - (17) Since according to the written Torah, tithe was to be given only on corn, oil and wine.
 - (18) In not exacting tithe for the buds.
 - (19) Diverse seeds, v. Glos.
 - (20) Otherwise it would not constitute kil'ayim in a vineyard.
 - (21) Vegetables are not subject to the law of 'orlah.
 - (22) Rabina resumes here his argument against Mar b. R. Ashi.

Talmud - Mas. Berachoth 36b

and buy it, provided he does not see the man plucking it!¹ — When R. Akiba conflicts with R. Eliezer, we follow him, and the opinion of Beth Shammai when it conflicts with that of Beth Hillel is no Mishnah.² But then let us be guided by the fact that it [the bud] is a protection for the fruit, and the All-Merciful said, Ye shall observe its uncircumcision along with its fruit;³ ‘with’ refers to that which is attached to its fruit, namely, that which protects its fruit?⁴ — Raba replied: When do we say a thing is a protection for the fruit? When it does so both when [the fruit is] still attached [to the tree] and after it is plucked. In this case it protects while [the fruit is] attached, but not after it is plucked.

Abaye raised an objection: The top-piece of the pomegranate is counted in with it,⁵ but its blossom is not counted in.⁶ Now since it says that its blossom is not counted in with it, this implies that it is not food: and it was taught in connection with ‘orlah: The skin of a pomegranate and its blossom, the shells of nuts and their kernels are subject to the law of ‘orlah!⁷ — We must say, then, said Raba, that we regard something as a protection to the fruit only where it is so at the time when the fruit becomes fully ripe; but this caper-bud falls off when the fruit ripens. But is that so? Has not R. Nahman said in the name of Rabbah b. Abbuha: The calyces surrounding dates in the state of ‘orlah are forbidden, since they are the protection to the fruit. Now when do they protect the fruit? In the early stages of its growth [only]. Yet he calls them a protection to the fruit? — R. Nahman took the same view as R. Jose, as we have learnt: R. Jose says, The grape-bud is forbidden because it is fruit; but the Rabbis differ from him.⁸ R. Shimi from Nehardea demurred: Do the Rabbis differ from him in respect of other trees?⁹ Have we not learnt: At what stage must we refrain from cutting trees in the seventh year?¹⁰ Beth Shammai say: In the case of all trees, from the time they produce fruit; Beth Hillel say: In the case of carob-trees, from the time when they form chains [of carobs]; in the case of vines, from the time when they form globules; in the case of olive-trees, from the time when they blossom; in the case of all other trees, from the time when they produce fruit; and R. Assi said: Boser and garua¹¹ and the white bean are all one. (‘White bean’, do you say?¹² — Read instead: the size [of them] is that of the white bean.) Now which authority did you hear declaring that the boser is fruit but the grape-bud is not? It is the Rabbis;¹³ and it is they who state that we must refrain from cutting down all other trees from the time when they produce fruit!¹⁴ — No, said Raba. Where do you say that something is the protection to the fruit? Where if you take it away the fruit dies, Here¹⁵ you can take it away and the fruit does not die. In an actual case, they once took away the blossom from a pomegranate and it withered; they took away the flower from a caper and it survived.¹⁶ (The law is as [indicated by] Mar b. R. Ashi when he threw away the caper-berries and ate the buds. And since for purposes of ‘orlah they [the buds] are not fruit, for the purposes of benedictions also they are not fruit, and we do not say over them, ‘who createst the fruit of the tree’, but, ‘who createst the fruit of the ground’.)¹⁷

With regard to pepper, R. Shesheth says that the blessing is ‘by whose word all things exist’; Raba says: It requires no blessing at all.¹⁸ Raba in this is consistent; for Raba said: If a man chews pepper-corns on the Day of Atonement he is not liable [to kareth];¹⁹ if he chews ginger on the Day of Atonement he is not liable. An objection was raised: R. Meir says: Since the text says. Ye shall count the fruit thereof as forbidden,²⁰ do I not know that it is speaking of a tree for food? Why then does it say [in the same context], [‘and shall have planted all manner of] trees for food’? To include a tree of which the wood has the same taste as the fruit. And which is this? The pepper tree, This teaches you that pepper is subject to the law of ‘orlah, and it also teaches you that the land of Israel lacks nothing, as it says, A land wherein thou shalt eat bread without scarceness, thou shalt not lack anything in it!²¹ — There is no contradiction; one statement refers to moist pepper,²² the other to dried. The Rabbis²³ said to Meremar: One who chews ginger on the Day of Atonement is not liable [to kareth]. But has not Raba said: The preserved ginger which comes from India is permitted,²⁴ and we say over it the benediction ‘Who createst the fruit of the ground’?²⁵ — There is no contradiction: one statement refers to moist ginger, the other to dried.

With regard to habiz²⁶ boiled in a pot, and also pounded grain, Rab Judah says the blessing is 'by whose word all things exist', while R. Kahana says that it is 'who createst various kinds of foods'. In the case of simple pounded grain all agree that the correct blessing is 'who createst various kinds of foods'. Where they differ is in respect of pounded grain made like boiled habiz.²⁷ Rab Judah says that the blessing for this is 'by whose word etc.', considering that the honey is the main ingredient; R. Kahana holds that the blessing is 'who createst all kinds of food', considering the flour the main ingredient. R. Joseph said: The view of R. Kahana is the more probable, because Rab and Samuel have both laid down that over anything containing an ingredient from the five species [of cereals] the blessing is 'who createst all kinds of foods'.

The [above] text [states]: 'Rab and Samuel both lay down that over anything containing an ingredient from the five species [of cereals] the blessing is 'who createst all kinds of foods'. It has also been stated: Rab and Samuel both lay down that over anything made of the five species the blessing is 'who createst all kinds of foods'. Now both statements are necessary. For if I had only the statement 'anything made of etc.', I might say, this is because the cereal is still distinguishable, but if it is mixed with something else, this is not [the blessing].

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- (1) Consequently Mar b. R. Ashi should have eaten also the berries.
 - (2) Consequently the caper-bud is certainly subject to the law of 'orlah.
 - (3) Lit. trans. E.V, 'Then ye shall count the fruit thereof as forbidden'. Lev. XIX. 23.
 - (4) How then did he eat the buds?
 - (5) To bring it to the size of an egg and so render it susceptible to uncleanness.
 - (6) The blossom bears the same relationship to the pomegranate that the caper-bud bears to the berry.
 - (7) Although the blossom of the pomegranate does not protect it after it is plucked. The same should apply to the caper-bud.
 - (8) And the halachah follows the Rabbis, who are the majority. And similarly the caper-bud is not subject to 'orlah.
 - (9) And can we say therefore that the halachah does not follow R. Nahman following R. Jose?
 - (10) Cf. Ex, XXIII, 21; Lev. XXV, 4.
 - (11) Boser is the sour grape; garua' the grape when the stone is formed inside.
 - (12) Lit., can you imagine'.
 - (13) Who differ from R. Jose.
 - (14) Which shows that in other cases the halachah is according to R. Jose.
 - (15) In the case of the caper-bud.
 - (16) And therefore you cannot argue from one to the other.
 - (17) The passage in brackets reads like a marginal gloss.
 - (18) Not being regarded as food.
 - (19) V. Glos.
 - (20) Lev. XIX, 23.
 - (21) Deut. VIII, 9. This contradicts Raba.
 - (22) I.e., preserved only in this condition does it become an article of food.
 - (23) MS.M. Rabina.
 - (24) In spite of the fact that it has been prepared by heathens.
 - (25) Which shows that it is food. How then does the chewing thereof on the Day of Atonement not carry with it the guilt of kareth.
 - (26) This is described later as a kind of pull made of flour, honey, and oil.
 - (27) I.e., to which honey has been added.

Talmud - Mas. Berachoth 37a

We are told therefore, 'anything containing an ingredient etc.'. If again I had only the statement, anything containing an ingredient etc.', I might think that this applies to the five species [of cereals],

but not to rice and millet when they are mixed with other things; but when they are distinguishable the blessing even over rice and millet is 'who createst various kinds of foods'. So we are told that over anything which is made of the five species we say 'who createst various kinds of foods', excluding rice and millet, over which we do not say 'who createst various kinds of foods' even when they are distinguishable.

And over rice and millet do we not say, 'who createst various kinds of foods'? Has it not been taught: If one is served with rice bread or millet bread, he says blessings before and after it as for a cooked dish [of the five species]; and with regard to cooked dishes, it has been taught: He says before partaking, 'Who createst various kinds of foods', and after it, he says one blessing which includes three?¹ — It is on a par with cooked dishes in one way and not in another. It resembles cooked dishes in requiring a benediction before and after, and it differs from cooked dishes, because the blessing before these is 'who createst various kinds of foods' and the blessing after is the one which includes three, whereas in this case the blessing before is 'by whose word all things exist', and the blessing after. 'Who createst many living beings with their wants, for all which He has created etc.'²

But is not rice a 'cooked dish'?³ Has it not been taught: The following count as cooked dishes: spelt groats, wheat groats, fine flour, split grain, barley groats, and rice? Whose opinion is this?⁴ That of R. Johanan b. Nuri; for it has been taught: R. Johanan b. Nuri says: Rice is a kind of corn, and when leavened it can entail the penalty of kareth,⁵ and it can be used to fulfil the obligation of [eating unleavened bread on] Passover.⁶ The Rabbis, however, do not admit this.⁴ But do not the Rabbis admit this? Has it not been taught: If one chews wheat, he says over it the benediction, 'who createst the fruit of the ground'. If he grinds and bakes it and then soaks it [in liquid], so long as the pieces are still whole⁷ he says before [partaking the blessing], 'who bringest forth bread from the earth' 'and after, the grace of three blessings;⁸ if the pieces are no longer whole, he says before partaking 'that createst various kinds of foods', and after it one blessing that includes three.⁸ If one chews rice, he says before partaking 'who createst the fruit of the ground'. If he grinds and bakes it and then soaks it, even if the pieces are still whole, he says before partaking who createst various kinds of foods', and after it the one blessing which includes three? Now whose opinion is this? Shall I say it is R. Johanan b. Nuri's? But he said that rice is a kind of corn, and therefore [according to him] the blessing should be 'who bringest forth food from the earth' and the grace the one of three blessings! It must therefore be the Rabbis'; and this is a refutation of Rab and Samuel, is it not? — It is a refutation.

The Master said [above]: 'If one chews wheat 'he says over it the blessing, "who createst the fruit of the ground"'. But it has been taught: 'Who createst various kinds of seeds'? There is no contradiction: one statement represents the view of R. Judah,⁹ the other that of the Rabbis, as we have learnt: Over vegetables one says, 'who createst the fruit of the ground'; R. Judah, however, says: 'Who createst various kinds of herbs'.

The Master said [above]: 'If one chews rice he says over it "Who createst the fruit of the ground". If he grinds and bakes it and then soaks it, even if the pieces are still whole, he says before it, "Who createst the various kinds of foods", and after it one blessing which includes three'. But it has been taught: After it he need not say any blessing at all?¹⁰ — R. Shesheth replied: There is no contradiction: the one statement expresses the view of R. Gamaliel, the other that of the Rabbis, as it has been taught: This is the general rule: after partaking of anything that belongs to the seven species,¹¹ R. Gamaliel says that three blessings should be said, while the Rabbis say, one that includes three. Once R. Gamaliel and the elders were reclining in an upper chamber in Jericho, and dates¹² were brought in and they ate, and R. Gamaliel gave permission to R. Akiba to say grace. and R. Akiba said quickly the one blessing which includes three. Said R. Gamaliel to him: Akiba, how long will you poke your head into quarrels?¹³ He replied: Master, although you say this way and

your colleagues say the other way, you have taught us, master, that where an individual joins issue with the majority, the halachah is determined by the majority. R. Judah said in his [R. Gamaliel's] name:¹⁴ [After partaking of] any food from the seven species

- (1) The benediction, 'for the nourishment and the sustenance etc.', V. infra 44a; v. P.B. p. 287ff.
- (2) Ibid. p. 290.
- (3) For the purpose of a blessing.
- (4) That rice counts as a cooked dish.
- (5) If eaten on Passover. V. Glos.
- (6) V. Ex. XII, 19.
- (7) I.e., have not been softened into a pulp.
- (8) The grace after meals which originally consisted of three blessings. V. infra 46a.
- (9) Who requires (infra 40a) a separate blessing for each kind of fruit or vegetable.
- (10) Rashi explains this to mean, not one of the blessings said after the seven species of food, but simply 'who createst many living creatures etc.', (v. infra, and P.B. p. 287ff.).
- (11) Enumerated in Deut. VIII, 8.
- (12) One of the 'seven species', being included in the term 'honey' in Deut. VIII, 8.
- (13) I.e., go against me.
- (14) So Rashi. We should rather, however, expect it to be R. Akiba's, as R. Gamaliel is mentioned in the statement, and R. Judah can hardly have been a disciple of R. Gamaliel.

Talmud - Mas. Berachoth 37b

, not being a kind of corn or which belongs to one of the kinds of corn but has not been made into bread, R. Gamaliel says that three blessings are to be said, while the Sages say, only one blessing [which includes three]. [After] anything which belongs neither to the seven species nor to any kind of corn, for instance bread of rice or millet, R. Gamaliel says that one blessing which includes three is to be said, while the Sages say, no grace at all. To which authority do you then assign this statement?¹ To R. Gamaliel. Look now at the latter half of the first statement² viz., 'if the pieces are no longer whole, he says before partaking "who createst various kinds of foods", and after partaking one blessing which includes three'. Whose view does this express? Shall I say that of R. Gamaliel? Seeing that R. Gamaliel requires a grace of three blessings after dates and pounded grain,³ is there any question that he should require it if the pieces are no longer whole?⁴ Hence, obviously, it must be the view of the Rabbis.⁵ If that is the case, there is a contradiction between two statements of the Rabbis?⁶ — No; I still say, it is the view of the Rabbis; and in connection with rice you should read, 'after partaking he does not say any blessing'.

Raba said: Over the rihata⁷ of the field workers, in which there is a large quantity of flour, the blessing said is 'who createst various kinds of foods'. What is the reason? The flour is the main ingredient. Over the rihata of the townspeople in which there is not so much flour, the blessing said is 'by whose word all things exist'. What is the reason? The main ingredient is the honey. Raba, however, corrected himself and said: Over both the blessing is 'who createst various kinds of foods'. For Rab and Samuel both laid down that over anything containing one of the five species as an ingredient, the blessing to be said is 'who createst various kinds of foods'.

R. Joseph said: If in a habiz there are pieces of bread⁸ as big as an olive, the blessing said before it is 'who bringest forth bread from the earth', and after it a grace of three blessings is said. If there are no pieces as big as an olive in it, the blessing said before it is 'who createst various kinds of foods', and after it one blessing which includes three. Said R. Joseph: Whence do I derive this? Because it has been taught: If one⁹ is in the act of offering meal-offerings in Jerusalem, he says, 'Blessed be He that hath kept us alive and preserved us and brought us to this season'. When he¹⁰ takes them up in order to eat them, he says the blessing, 'Who bringest forth bread from the earth',

and it was taught in this connection. They are all¹¹ broken into fragments of the size of an olive.¹² Said Abaye to him: If that is so, then similarly according to the Tanna of the school of R. Ishmael who says that he crushes them until he reduces them to flour, he should not require to say 'who bringest forth bread from the earth'? And should you reply that that is indeed the case, has it not been taught: If he scraped together as much as an olive from all of them¹³ and ate [all of] it, if it is leaven he is punished with kareth,¹⁴ and if it is unleaven a man may perform his obligation with it on Passover?¹⁵ — With what case are we dealing here?¹⁶ If he re-kneaded the crumbs.¹⁷ If so, look at the next clause: This is only if he ate them within the time which it takes to eat half [a roll].¹⁸ Now if they are re-kneaded, instead of saying 'to eat them', it should say, 'to eat it'? [Rather] with what case are we here dealing? When it comes from a large loaf.¹⁹ Now what do we decide upon this matter? R. Shesheth said: If the crumbs of bread in a habiz are even less than an olive, the benediction 'who bringest forth bread from the earth' is said over it. Raba added: This is only if they still have the appearance of bread.

Troknin²⁰ is subject to the law of hallah. When Rabin came, he said in the name of R. Johanan: Troknin is not subject to the law of hallah. What is Troknin? — Abaye said: [Dough baked] in a cavity made in the ground.

Abaye also said: Tarita is exempt from the obligation of hallah. What is tarita?—Some say, dough just lightly baked;²¹ others say, bread baked on a spit;²² others again, bread used for kuttah.²³ R. Hiyya said: Bread used for kuttah is not liable to hallah. But it has been taught that it is liable for hallah? — There the reason is stated: Rab Judah says that the way it is made shows what it is; if it is made

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- (1) That after rice one has to say the one blessing including three.
 - (2) In the above-cited Baraitha, 'if one chews wheat etc.', supra p. 232.
 - (3) Which is the same as 'corn which has not been made into bread', mentioned in the Baraitha quoted above.
 - (4) Since they were originally bread.
 - (5) Who hold that after pounded grain (v. n. 2) only the one blessing which includes three is said, and where the pieces are no longer whole the cooked wheat is treated like pounded grain.
 - (6) There the Rabbis declare that after bread made of rice no benediction is necessary, while in the previously cited Baraitha they are said to require one benediction which includes three.
 - (7) A dish resembling the habiz, and containing the same ingredients.
 - (8) I.e., if bread is broken up into it.
 - (9) According to Rashi, this is the layman who gives it to the priest to offer; according to Tosaf., the priest himself.
 - (10) The priest.
 - (11) I.e., all the various kinds of meal-offerings mentioned in Lev. II.
 - (12) V. Lev. II, 6. This proves that crumbs must be at least the size of an olive for the benediction 'Who bringest forth bread' to be said.
 - (13) The various kinds of meal-offerings. Tosaf., however, refers it to ordinary crumbs of different species of cereals, since the continuation, 'if it is leaven etc.', could not apply to meal-offerings which had to be unleavened.
 - (14) If he eats it on Passover.
 - (15) And of course the prescribed blessing 'who bringest forth etc.', must be said over it also.
 - (16) In the teaching last cited.
 - (17) Making them into a compact mass.
 - (18) A piece of bread the size of four eggs. If he does not eat the size of an olive within this time, it does not count for any purpose.
 - (19) Some of which still remains unbroken, even though he did not reknead the bread crumbs.
 - (20) Bread baked in a hole in the ground.
 - (21) By being poured on the hot hearth and formed into fritters.
 - (22) And covered with oil, or eggs and oil. Aliter: 'Indian bread.'
 - (23) A dish made of bread mixed with sour milk and baked in the sun.

Talmud - Mas. Berachoth 38a

like cakes, it is liable for hallah, if like boards,¹ it is not liable.

Abaye said to R. Joseph: What blessing is said over dough baked in a cavity in the ground? — He replied: Do you think it is bread? It is merely a thick mass, and the blessing said over it is ‘who createst various kinds of foods’. Mar Zutra made it the basis of his meal and said over it the blessing, ‘who bringest forth bread from the earth’ and three blessings after it. Mar son of R. Ashi said: The obligation of Passover can be fulfilled with it. What is the reason? We apply to it the term, ‘bread of affliction’.

Mar son of R. Ashi also said: Over honey of the date-palm we say, ‘by whose word all things exist’.² What is the reason? — Because it is merely moisture [of the tree]. With whose teaching does this accord? — With that of the following Tanna, as we have learnt: With regard to the honey of the date-palm and cider and vinegar from stunted grapes³ and other fruit juices of terumah. R. Eliezer requires [in case of sacrilege] payment of the value and an additional fifth,⁴ but R. Joshua exempts [from the additional fifth].⁵

One of the Rabbis asked Raba: What is the law with regard to trimma?⁶ Raba did not quite grasp what he said. Rabina was sitting before Raba and said to the man: Do you mean of sesame⁷ or of saffron⁸ or of grape-kernels?⁹ Raba thereupon bethought himself¹⁰ and said: You certainly mean hashilta;¹¹ and you have reminded me of something which R. Assi said: It is permissible to make trimma¹² of dates of terumah, but forbidden to make mead of them.¹³ The law is that over dates which have been used to make into trimma we say the blessing ‘who createst the fruit of the tree’. What is the reason? They are still in their natural state.

With regard to shatitha,¹⁴ Rab said that the blessing is ‘by whose word all things were made’, while Samuel said that it is ‘who createst various kinds of foods’. Said R. Hisda: They do not really differ: the latter is said over the thick variety, the former over the thin. The thick is made for eating, the thin for a medicine. R. Joseph raised an objection to this: Both alike¹⁵ say that we may stir up a shatitha on Sabbath and drink Egyptian beer. Now if you think that he intends it as a remedy, is a medicine permitted on Sabbath? — Abaye replied: And do you hold that it is not? Have we not learnt: All foods may be eaten on Sabbath for medical purposes and all drinks may be drunk?¹⁶ But what you must say is: in these cases the man intends it for food;¹⁷ here too, the man intends it for food. (Another version of this is: But what you can say is that the man intends it for food and the healing effect comes of itself. So here too, the man intends it for food, and the healing effect comes of itself.) And it was necessary to have this statement of Rab and Samuel.¹⁸ For if I had only the other statement¹⁹ I might think that [he says a blessing because] he intends it for food and the healing effect comes of itself; but in this case, since his first intention is to use it for healing, I might think that he should not say any blessing at all over it. We are therefore told that since he derives some enjoyment from it, he has to say a blessing.

FOR OVER BREAD IS SAID, WHO BRINGEST FORTH etc. Our Rabbis taught: What does he say? ‘Who bringest forth [ha-mozi] bread from the earth’. R. Nehemiah says: ‘Bringing [mozi]²⁰ forth bread from the earth’. Both agree that the word mozi means ‘who has brought forth’,²¹ since it is written, God who brought them forth [moziam] from Egypt.²² Where they disagree is as to the meaning of ha-mozi. The Rabbis held that ha-mozi means ‘who has brought forth’, as it is written, Who brought thee forth [ha-mozi] water out of the rock of flint,²³ whereas R. Nehemiah held that ha-mozi means ‘who is bringing forth’, as it says, Who bringeth you out [ha-mozi] from under the burden of the Egyptians.²⁴ The Rabbis, however, say that those words spoken by the Holy One, blessed be He, to Israel were meant as follows: When I shall bring you out, I will do for you

something which will show you that it is I who brought you forth from Egypt, as it is written, And ye shall know that I am the Lord your God who brought you out.²⁴

The Rabbis used to speak highly to R. Zera of the son of R. Zebid²⁵ the brother of R. Simeon son of R. Zebid as being a great man and well versed in the benedictions. He said to them: When you get hold of him bring him to me. Once he came to his house and they brought him a loaf, over which he pronounced the blessing mozi. Said R. Zebid: Is this the man of whom they say that he is a great man and well versed in benedictions? Had he said ha-mozi,

(1) I.e. in flat thick pieces not resembling bread.

(2) Not 'who createst the fruit of the tree'.

(3) I.e., which never come to maturity. So Rashi; v.l. 'winter grapes'.

(4) V. Lev. V, 15ff.

(5) Because he does not regard these things as fruit.

(6) GR. **, something pounded but not out of recognition; here, a brew made of pounded fruit.

(7) Pounded sesame over which wine is poured.

(8) Saffron pounded to extract its oil.

(9) Over which water is poured to make mead.

(10) Rabina's question suggested to Raba the meaning of the question put to him.

(11) A brew made with rounded date-stones.

(12) I.e., a mere brew, not so strong as mead.

(13) Because then they completely lose their identity.

(14) Flour of dried barleycorns mixed with honey.

(15) R. Judah and R. Jose b. Judah; v. Shab. 156a.

(16) Shab. 109b.

(17) And the healing effect is produced incidentally.

(18) That shatitha though used for medicinal purpose is treated as food and requires a benediction, in addition to the teaching that it is regarded as food and may be partaken of on Sabbath.

(19) That all foods may be consumed on Sabbath for medical purposes.

(20) Mozi is the present participle; ha-,mozi is the same with the definite article.

(21) Which is the meaning required.

(22) Num. XXIII, 22.

(23) Deut. VIII, 15.

(24) Ex. VI, 7.

(25) So the text. There seems to be some corruption. and Goldschmidt reads: The Rabbis praised the father of R. Simeon b. Zebid to R. Zera b. Rab; cf. D.S.

Talmud - Mas. Berachoth 38b

he would have taught us the meaning of a text and he would have taught us that the halachah is as stated by the Rabbis. But when he says mozi, what does he teach us?¹ In fact he acted thus so as to keep clear of controversy. And the law is that we say, ha-mozi bread from the earth', since we hold with the Rabbis who say that it means 'who has brought forth'.

OVER VEGETABLES ONE SAYS etc. Vegetables are placed [by the Mishnah] on a par with bread: just as over bread which has been transformed by fire [the same blessing is said], so [the same blessing is said over] vegetables when they have been changed by fire. Rabinnai said in the name of Abaye: This means to say that over boiled vegetables we say 'who createst the fruit of the ground'. [How? — Because the Mishnah puts vegetables on a par with bread].²

R. Hisda expounded in the name of our Teacher, and who is this? Rab: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'. But teachers who came down from the

land of Israel, and who are these? 'Ulla in the name of R. Johanan, said: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. I say, however,³ that wherever we say over a thing in its raw state 'who createst the fruit of the ground', if it is boiled we say 'by whose word all things exist'; and wherever we say over it in the raw state 'by whose word all things exist', if it is boiled we say 'who createst the fruit of the ground'. We quite understand that where the blessing over a thing in its raw state is 'by whose word all things were created', if it is boiled we say, 'who createst the fruit of the ground';⁴ you have examples in cabbage, beet, and pumpkin. But where can you find that a thing which in its raw state requires 'who createst the fruit of the ground' should, when boiled, require 'by whose word all things exist'?⁵ — R. Nahman b. Isaac replied: You have an instance in garlic and leek.

R. Nahman expounded in the name of our teacher, and who is this? Samuel: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'; but our colleagues who came down from the Land of Israel, and who are these? 'Ulla in the name of R. Johanan, say: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. I personally say that authorities⁶ differ on the matter, as it has been taught: One may satisfy the requirement [of eating unleavened bread on Passover] with a wafer which has been soaked, or which has been boiled, provided it has not been dissolved. So R. Meir. R. Jose, however, says: One fulfils the requirements with a wafer which has been soaked, but not with one which has been boiled, even though it has not been dissolved. But this is not the case.⁷ All [in fact] would agree that over boiled vegetables the blessing is 'who createst the fruit of the ground'; and R. Jose was more particular in the case of the wafer only because we require the taste of unleavened bread and it is not there. In this case, however, even R. Jose would admit [that boiling does not alter its character].

R. Hiyya b. Abba said in the name of R. Johanan: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'. R. Benjamin b. Jefet, however, said in the name of R. Johanan: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. R. Nahman b. Isaac said: 'Ulla⁸ became confirmed in his error by accepting the word of R. Benjamin b. Jefet. R. Zera expressed his astonishment.⁹ How [he said], can you mention R. Benjamin b. Jefet along with R. Hiyya b. Abba? R. Hiyya b. Abba was very particular to get the exact teaching of R. Johanan his master, whereas R. Benjamin b. Jefet was not particular. Further, R. Hiyya b. Abba used to go over what he had learnt every thirty days with his teacher R. Johanan, while R. Benjamin b. Jefet did not do so. Besides, apart from these two reasons¹⁰ there is the case of the lupines which were cooked seven times in the pot, and eaten as dessert,¹¹ and when they came and asked R. Johanan about them, he told them that the blessing to be said was 'who createst the fruit of the ground'. Moreover R. Hiyya b. Abba said: I have seen R. Johanan eat salted olives and say a blessing both before and after. Now if you hold that boiled vegetables are still regarded as the same, we can understand this: before eating he said 'who createst the fruit of the tree', and after it a grace of one blessing which includes three.¹² But if you hold that vegetables after being boiled are not regarded as the same, no doubt he could say before eating 'by whose word all things are created', but what could he say after? — Perhaps he said, 'who createst many living things and their requirements for all that he has created'.

R. Isaac b. Samuel raised an objection: With regard to the herbs with which one may fulfil the requirement [of eating bitter herbs on] Passover,¹³ both they and their stalks may serve this purpose, but not if they are pickled or cooked or boiled.¹⁴ Now if you maintain that after boiling they are still regarded as the same, why may they not be used boiled? — The case is different there. because we require the taste of bitter herbs, and this we do not find.

R. Jeremiah asked R. Zera: How could R. Johanan make a blessing over a salted olive? Since the stone had been removed,

(1) Seeing that all are agreed as to its meaning.

- (2) These words seem to be a needless repetition, and are bracketed in the text.
- (3) In order to reconcile the two opinions.
- (4) Because usually it is improved by boiling.
- (5) I.e., should deteriorate through being boiled.
- (6) I.e., Tannaim.
- (7) That the authorities differ with regard to vegetables and that R. Jose supports R. Johanan.
- (8) Who reported supra in the name of R. Johanan that the blessing is 'by whose word etc.'.
- (9) That this difference of opinion should have been recorded.
- (10) Showing that R. Johanan did not make the statement attributed to him by R. Benjamin b. Jefet.
- (11) And therefore required a separate blessing.
- (12) Because in spite of the salting, it was still regarded as an olive.
- (13) V. Ex. XII, 8.
- (14) I.e., reduced to a pulp. V. Pes. 39a.

Talmud - Mas. Berachoth 39a

it was less than the minimum size! — He replied: Do you think the size we require is that of a large olive? We require only that of a medium sized olive, and that was there, for the one they set before R. Johanan was a large one, so that even when its stone had been removed it was still of the requisite size. For so we have learnt: The 'olive' spoken of¹ means neither a small nor a large one, but a medium one. This is the kind which is called aguri. R. Abbahu, however, said: Its name is not aguri but abruti, or, according to others, samrusi. And why is it called aguri? Because its oil is collected [agur] within it.²

May we say that this controversy [about the blessing to be said over boiled vegetables] is found between Tannaim? For once two disciples were sitting before Bar Kappara, and cabbage, Damascene plums and poultry were set before him. Bar Kappara gave permission to one of them to say a blessing, and he at once said the blessing over the poultry.³ The other laughed at him, and Bar Kappara was angry, He said: I am not angry with the one who said the blessing, but with the one who laughed. If your companion acts like one who has never tasted meat in his life, is that any reason for you to laugh? Then he corrected himself and said: I am not angry with the one who laughed, but with the one who said the blessing. If there is no wisdom here, is there not old age here?⁴ A Tanna taught: Neither of them saw the year out.⁵ Now did not their difference lie in this, that the one who said the blessing held that the benediction over both boiled vegetables and poultry is 'by whose word all things exist', and therefore the dish he liked best had the preference,⁶ while the one who laughed held that the blessing over boiled vegetables is 'who createst the fruit of the ground', and that over poultry is 'by whose word all things were created', and therefore the vegetables should have had the preference?⁷ — Not so. All agree that for both boiled vegetables and poultry the blessing is 'by whose word all things exist', and their difference lies in this, that one held that what is best liked should have the preference, and the other held that the cabbage should have the preference, because it is nourishing.⁸

R. Zera said: When we were with R. Huna, he told us that with regard to the tops of turnips, if they are cut into large pieces, the blessing is 'who createst the fruit of the ground', but if they are cut into small pieces, 'by whose word all things exist'.⁹ But when we came to Rab Judah, he told us that for both the blessing is 'who createst the fruit of the ground', since the reason for their being cut into small pieces is to make them taste sweeter.

R. Ashi said: When we were with R. Kahana, he told us that over a broth of beet, in which not much flour is put, the blessing is 'who createst the fruit of the ground', but for a broth of turnip, in which much flour is put, the blessing is 'who createst all kinds of foods'. Subsequently, however, he said that the blessing for both is 'who createst the fruit of the ground', since the reason why much

flour is put in it is only to make it cohere better.

R. Hisda said: A broth of beet is beneficial for the heart and good for the eyes, and needless to say for the bowels. Said Abaye: This is only if it is left on the stove till it goes tuk, tuk.¹⁰

R. Papa said: It is quite clear to me that beet-water is on the same footing as beet,¹¹ and turnip-water on the same footing as turnips. and the water of all vegetables on the same footing as the vegetables themselves. R. Papa, however, inquired: What about aniseed water? Is its main purpose to sweeten the taste¹² [to the dish] or to remove the evil smell?¹³ — Come and hear: Once the aniseed has given a taste to the dish, the law of terumah no longer applies to it,¹⁴ and it is not liable to the uncleanness of foods.¹⁵ This proves that its main purpose is to sweeten the dish, does it not? — It does.

R. Hiyya b. Ashi said: Over a dry crust which has been put in a pot [to soak], the blessing is 'who bringeth forth bread etc.'. This view conflicts with that of R. Hiyya; for R. Hiyya said: The bread should be broken with the conclusion of the blessing.¹⁶ Raba demurred to this. What [he said], is the reason [why hamozi should not be said] in the case of dry crust? Because, you say, when the blessing is concluded, it is concluded over a broken piece. But when it is said over a loaf, it finishes over a broken piece!

(1) As a standard of quantity.

(2) I.e., can be squeezed out immediately. Probably all these names refer to the place of origin of different kinds of olive.

(3) As being the principal dish.

(4) And why did you not consult me?

(5) As a punishment for the disrespect shown to Bar Kappara.

(6) I.e., he said the blessing over that one first and commenced to eat it.

(7) Even though he liked the poultry better, because the blessing over vegetables is more dignified.

(8) I.e., more than poultry. v. infra 44b.

(9) Because they have been more or less spoiled.

(10) I.e., has been brought to the boil.

(11) And the blessing to be said over it is 'who createst the fruit of the earth'.

(12) And is the blessing to be said over it 'who createst the fruit of the ground'.

(13) And the blessing will be 'by whose word etc.'.

(14) It is regarded as merely wood, not liable to terumah.

(15) 'Uk. III, 4.

(16) But this has already been broken off, and therefore the blessing is 'by whose word'.

Talmud - Mas. Berachoth 39b

The fact is, said Raba, that the benediction is said first and then the loaf is broken.¹ The Nehardeans acted as prescribed by R. Hiyya, while the Rabbis acted as prescribed by Raba. Rabina said: Mother told me: Your father acted as prescribed by R. Hiyya; for R. Hiyya said: The bread should be broken with the conclusion of the blessing, whereas the Rabbis acted as prescribed by Raba. The law is as laid down by Raba, that one says the blessing first and afterwards breaks the loaf.

It has been stated: If pieces and whole loaves are set before one, R. Huna says that the benediction can be said over the pieces,² and this serves also for the whole loaves, whereas R. Johanan says that the religious duty is better performed if the blessing is said over the whole one. If, however, a broken piece of wheat bread and a whole loaf of barley bread are set before one, all agree that the benediction is said over the piece of wheaten bread, and this serves also for the whole loaf of barley bread. R. Jeremiah b. Abba said: There is the same difference of opinion between Tannaim:³ Terumah is given from a small whole onion, but not from the half of a large onion. R. Judah says:

Not so, but also from the half of a large onion.⁴ Are we to say that the point in which they differ is this: one authority holds that the fact of being worth more is more important, while the other holds that the fact of being whole is more important? — Where a priest is on the spot,⁵ all agree that the fact of being worth more is more important. Where they differ is when there is no priest on the spot, since we have learnt: Wherever a priest is on the spot, terumah is given from the best of the produce; where the priest is not on the spot,⁶ terumah is set aside from that which will keep best. R. Judah said: Terumah is in all cases given from the best.⁷ R. Nahman b. Isaac said: A Godfearing man will seek to satisfy both.⁸ Who is such a one? Mar the son of Rabina. For Mar the son of Rabina used to put the broken piece under⁹ the whole loaf and then break the bread.¹⁰ A Tanna recited in the presence of R. Nahman b. Isaac: One should place the broken piece under the whole loaf and then break and say the benediction. He said to him: What is your name? Shalman, he replied. He said to him: Thou art peace [shalom] and thy Mishnah is faultless [shelemah], for thou hast made peace between the scholars.

R. Papa said: All admit that on Passover one puts the broken cake under the whole one and breaks [them together]. What is the reason? Scripture speaks of ‘Bread of poverty’.¹¹ R. Abba said: On Sabbath one should break bread from two loaves. What is the reason? Scripture speaks of ‘double bread’.¹² R. Ashi said: I have observed R. Kahana take two and break one. R. Zera used to break off [a piece of bread] sufficient for the whole meal [on Sabbath]. Said Rabina to R. Ashi: Does not this look like greediness? He replied: Since every other day he does not act thus and today he acts thus, it does not look like greediness. When R. Ammi and R. Assi happened to get hold of a loaf which had been used for an ‘erub,¹³ they used to say over it the blessing, ‘who bringest forth bread from the earth’, saying, Since one religious duty has been performed with it, let us perform with it still another.

(1) So that when the blessing is concluded the bread is still whole.

(2) Especially if they are larger than the whole loaf, in which case preference must be given to the broken one (Rashi).

(3) In the case where the broken one is of wheat and the whole one of barley.

(4) Ter. II, 5.

(5) And the terumah can be given to him immediately.

(6) And the produce has to be kept till he turns up.

(7) Ibid. 4.

(8) I.e., both points of view, sc. of R. Huna and R. Johanan.

(9) V. Rashi.

(10) From both, v. Rashi.

(11) Deut. XVI, 3. (E.V. ‘affliction’). A poor man has usually only a piece.

(12) Ex. XVI, 22, of the manna on Friday. (E.V. ‘twice as much bread’).

(13) For allowing transport through the courts on Sabbath. V. Glos.

Talmud - Mas. Berachoth 40a

Rab said: [If the host says to his guests,¹ Take, the benediction has been said,² take, the benediction has been said, he [the host] need not say the benediction [again].³ If he said [between the benediction and the eating], Bring salt, bring relish, he must say the benediction [again]. R. Johanan, however, said that even if he said, Bring salt, bring relish, the benediction need not be repeated. If he said, Mix fodder for the oxen, mix fodder for the oxen, he must repeat the blessing; R. Shesheth, however, said that even if he said, Mix fodder for the oxen, he need not repeat; for Rab Judah said in the name of Rab: A man is forbidden to eat before he gives food to his beast, since it says. And I will give grass in thy fields for thy cattle, and then, thou shalt eat and be satisfied.⁴

Raba b. Samuel said in the name of R. Hiyya: The one who is about to break the bread is not permitted to do so before salt or relish is placed before each one at table. Raba b. Samuel was once at

the house of the Exilarch, and they brought him bread and he broke it at once. They said to him: Has the Master retraced his own teaching? — He replied: This requires no condiment.⁵

Raba b. Samuel also said in the name of R. Hiyya: Urine is never completely discharged except when sitting.⁶ R. Kahana said: If over loose earth, even when standing. If there is no loose earth, one should stand on a raised spot and discharge down a declivity.

Raba b. Samuel also said in the name of R. Hiyya: After every food eat salt, and after every beverage drink water, and you will come to no harm. It has been taught similarly: After every food eat salt, and after every beverage drink water, and you will come to no harm. It has been taught elsewhere: If one ate any kind of food without taking salt after it, or drank any kind of liquor without taking water after it, by day he is liable to be troubled with an evil-smelling mouth, and by night with croup. The Rabbis taught: One who swills down his food with plenty of water will not suffer with his bowels. How much should he drink? R. Hisda says: A cupful to a loaf.

R. Mari said in the name of R. Johanan: If one takes lentils regularly once in thirty days, he will keep croup away from his house.⁷ He should not, however, take them every day. Why so? Because they cause a bad smell in the mouth. R. Mari also said in the name of R. Johanan: If one takes mustard regularly once in thirty days, he keeps sickness away from his house. He should not, however, take it every day. Why so? Because it is weakening for the heart. R. Hiyya b. Ashi said in the name of Rab: One who eats regularly small fish will not suffer with his bowels. Moreover, small fish stimulate propagation and strengthen a man's whole body. R. Hama b. Hanina said: One who takes regularly black cumin will not suffer from heartburn.⁸ The following was cited in objection to this: R. Simeon b. Gamaliel says: Black cumin is one of the sixty poisons. and if one sleeps on the east side of the place where it is stored, his blood will be on his own head?⁹ — There is no contradiction: The latter statement speaks of its smell, the former of its taste. The mother of R. Jeremiah used to bake bread for him and stick [black cumin] on it¹⁰ and then scrape it off.¹¹

R. JUDAH SAYS, WHO CREATEST DIVERS KINDS OF HERBS. R. Zera, or as some say R. Hinnena b. Papa, said: The halachah is not as stated by R. Judah. R. Zera, or as some say, R. Hinnena b. Papa, further said: What is R. Judah's reason? Scripture says, Blessed be the Lord day by day.¹² Are we then to bless Him by day and not bless Him by night? What it means to tell us is that every day we should give Him the blessing appropriate to the day.¹³ So here, for every species we should give Him the appropriate blessing.

R. Zera, or as some say, R. Hinnena b. Papa, further said: Observe how the character of the Holy One, blessed be He, differs from that of flesh and blood. A mortal can put something into an empty vessel¹⁴ but not into a full one. But the Holy One, blessed be He, is not so; He puts more into a full vessel¹⁵ but not into an empty one; for it says, If hearken thou wilt hearken,¹⁶ implying, if thou hearkenest [once] thou wilt go on hearkening, and if not, thou wilt not hearken. Another explanation is: If thou hearkenest to the old,¹⁷ thou wilt hearken to the new, but if thy heart turns away, thou wilt not hear any more.

MISHNAH. IF ONE SAYS OVER FRUIT OF THE TREE THE BENEDICTION, 'WHO CREATEST THE FRUIT OF THE GROUND, HE HAS PERFORMED HIS OBLIGATION. BUT IF HE SAID OVER PRODUCE OF THE GROUND, 'WHO CREATEST THE FRUIT OF THE TREE', HE HAS NOT PERFORMED HIS OBLIGATION. IF HE SAYS 'BY WHOSE WORD ALL THINGS EXIST OVER ANY OF THEM, HE HAS PERFORMED HIS OBLIGATION.

GEMARA. What authority maintains that the essence of the tree is the ground? — R. Nahman b. Isaac replied: It is R. Judah, as we have learnt: If the spring has dried up or the tree has been cut down,¹⁸ he brings the first-fruits but does not make the declaration.¹⁹ R. Judah, however, says that he

both brings them and makes the declaration.²⁰

OVER FRUIT OF THE GROUND etc. This is obvious, is it not? — R. Nahman b. Isaac said: It required to be stated in view of the opinion of R. Judah, who maintains that wheat is a kind of tree. For it has been taught: R. Meir holds that the tree of which Adam ate was the vine, since the thing that most causes wailing to a man is wine, as it says, And he drank of the wine and was drunken.²¹ R. Nehemiah says it was the fig tree, so that they repaired their misdeed with the instrument of it, as it says, And they sewed fig leaves together.²² R. Judah says it was wheat, since a child does not know how to call ‘father’ and ‘mother’ until it has had a taste of corn.²³ Now you might think that because R. Judah says that wheat is a kind of tree, therefore we should say over it the benediction ‘who createst the fruit of the tree’. Therefore we are told that we say ‘who createst the fruit of the tree’ only in those cases where if you take away the fruit the stem still remains to produce fruit again

(1) After saying the blessing on behalf of all.

(2) Lit., ‘(the bread) has been blessed’.

(3) In spite of the fact that there has been an interruption between the saying and the eating, because the words spoken have reference to the benediction.

(4) Deut. XI, 15.

(5) So Jast. Rashi translates: no delay (in waiting for the salt).

(6) Because one who discharges standing is afraid of the drops falling on his clothes (Rashi).

(7) Rashi explains that they keep away indigestion which is the cause of croup.

(8) Lit., ‘pain of the heart’.

(9) Because the west wind will carry the odour to him and poison him.

(10) So that it should absorb the taste.

(11) To remove the smell.

(12) Ps. LXVIII, 20.

(13) E.g., on Sabbath the Sabbath blessing, on festivals the festival blessing. etc.

(14) Lit., ‘in the case of a mortal man, an empty vessel can be made to hold, etc.’.

(15) I.e., He gives more wisdom to the wise.

(16) Ex. XV, 26, lit. trans. E.V. ‘If thou wilt diligently hearken’.

(17) I.e., constantly revise what you have learnt.

(18) If one has gathered first-fruits, and before he takes them to Jerusalem the spring which fed the tree dries up, or the tree is cut down.

(19) V. Deut. XXVI, 5-10, because it contains the words ‘of the land which Thou, O Lord, hast given me’, and the land is valueless without the tree or the spring.

(20) Because the land is the essence, not the tree; v. Bik. I, 6.

(21) Gen. IX, 21. The reference is to Noah.

(22) Ibid. III, 7.

(23) Hence the Tree of Knowledge must have been some kind of corn.

Talmud - Mas. Berachoth 40b

, but in cases where if you take the fruit the stem does not remain to produce again, the benediction is not ‘who createst the fruit of the tree’ but ‘who createst the fruit of the ground’.

IF HE SAYS, BY ‘WHOSE WORD ALL THINGS EXIST’ etc. It has been stated: R. Huna said: Except over bread and wine.¹ R. Johanan, however, said: Even over bread and wine. May we say that the same difference of opinion is found between Tannaim? [For it was taught:] ‘If a man sees a loaf of bread and says, What a fine loaf this is! Blessed be the Omnipresent that has created it! he has performed his obligation. If he sees a fig and says, What a fine fig this is! Blessed be the Omnipresent that has created it! he has performed his obligation. So R. Meir. R. Jose says: If one alters the formula laid down by the Sages in benedictions, he has not performed his obligation’. May

we say that R. Huna concurs with R. Jose and R. Johanan with R. Meir? — R. Huna can reply to you: I can claim even R. Meir as a supporter of my view. For R. Meir went as far as he did in that case only because the bread is actually mentioned, but where the bread is not actually mentioned even R. Meir would admit [that the obligation is not fulfilled]. And R. Johanan can reply to you: I may claim R. Jose also as a supporter of my view. For R. Jose only went as far as he did in that case because he made a benediction which was not instituted by the Sages, but if he says, ‘by whose word all things exist’, which has been instituted by the Sages, even R. Jose would admit [that he has performed his obligation].

Benjamin the shepherd made a sandwich² and said, Blessed be the Master of this bread,³ and Rab said that he had performed his obligation. But Rab has laid down that any benediction in which God's name is not mentioned is no benediction? — We must suppose he said, Blessed be the All-Merciful, the Master of this bread. But we require three blessings?⁴ — What did Rab mean by saying that he had performed his obligation? He had performed the obligation of the first blessing. What does this tell us [that we did not already know]? That [he has performed his obligation] even if he says it in a secular language. But we have already learnt this: ‘The following may be said in any language: the section of the Unfaithful wife,⁵ the confession over tithe,⁶ the recital of the Shema’, and the Tefillah and grace after food?⁷ — It required to be stated. For you might have thought that this is the case only if one says the grace in a secular language in the same form as was instituted by the Rabbis in the holy tongue, but if one does not say it in the secular language in the same form as was instituted by the Rabbis in the holy tongue, he has not performed his obligation. We are therefore told [that this is not so].

It was stated above: Rab said that any benediction in which the Divine Name is not mentioned is no benediction. R. Johanan, however, said: Any benediction in which [God's] Kingship is not mentioned is no benediction. Abaye said: The opinion of Rab is the more probable. For it has been taught: I have not transgressed any of Thy commandments, neither have I forgotten.⁸ This means: ‘I have not transgressed’ so as not to bless Thee,⁹ ‘neither have I forgotten’ to mention Thy name therein. Of sovereignty, however, there is no mention here. R. Johanan, however, reads: ‘Neither have I forgotten’ to mention Thy name and Thy sovereignty therein.

MISHNAH. OVER ANYTHING WHICH DOES NOT GROW FROM THE EARTH ONE SAYS: ‘BY WHOSE WORD ALL THINGS EXIST’. OVER VINEGAR, NOBELOTH¹⁰ AND LOCUSTS ONE SAYS, ‘BY WHOSE WORD ALL THINGS EXIST’. R. JUDAH SAYS: OVER ANYTHING TO WHICH A KIND OF CURSE ATTACHES NO BENEDICTION IS SAID.¹¹ IF ONE HAS SEVERAL VARIETIES BEFORE HIM, R. JUDAH SAYS THAT IF THERE IS AMONG THEM SOMETHING OF THE SEVEN KINDS,¹² HE MAKES THE BLESSING OVER THAT, BUT THE SAGES SAY THAT HE MAY MAKE THE BLESSING OVER ANY KIND THAT HE PLEASES.

GEMARA. Our Rabbis taught: Over anything which does not grow from the ground, such as the flesh of cattle, beasts and birds and fishes, one says ‘by whose word all things were created’. Over milk, eggs and cheese one says, ‘by whose word, etc.’. Over bread which has become mouldy and over wine on which a film has formed and cooked food which has become spoilt one says, ‘by whose word’. Over salt and brine and morils and truffles one says, ‘by whose word’. This would imply that morils and truffles do not grow from the ground. But has it not been taught: If one vows to abstain from fruit of the ground, he is forbidden to eat of fruit of the ground but is allowed to eat morils and truffles? If he said, I vow abstention from all that grows from the ground, he is forbidden to eat morils and truffles also?¹³ — Abaye said: They do indeed spring up from the earth, but their sustenance is not derived¹⁴ from the earth. But it says, ‘over anything which grows from the earth’? — Read: Over anything which draws sustenance from the earth.

OVER NOBELOTH. What are NOBELOTH? — R. Zera and R. El'a [gave different answers]. One said: fruit parched by the sun;¹⁵ the other said: dates blown down by the wind. We have learnt: R. JUDAH SAYS: OVER ANYTHING TO WHICH A KIND OF CURSE ATTACHES NO BLESSING IS SAID. This accords with the view of the one who says that nobeloth are fruit parched by the sun, which can rightly be called something to which a curse attaches. But if we say they are dates blown down by the wind, what has 'a kind of curse' to do with them? — This expression relates to the other things [mentioned].¹⁶

Some report as follows: On the view of him who says that they are fruit parched by the sun, it is quite right that we should say 'by whose word, etc.'; but according to the one who says that they are dates blown down by the wind, we should say, 'who createst the fruit of the tree'?¹⁷ — The fact is that all are agreed that nobeloth in general are fruit parched by the sun. The difference arises over nobeloth of the date-palm, since we have learnt:¹⁸ Things in regard to which the law of demai is not so strict¹⁹ are shittin, rimin, 'uzradin, benoth shuah, benoth shikmah, gofnin, nizpah and the nobeloth of the date-palm. Shittin, according to Rabbah b. Bar Hanah reporting R. Johanan, are a kind of figs. Rimin are lote. 'Uzradin are crabapples. Benoth shuah, according to Rabbah b. Bar Hanah reporting R. Johanan, are white figs. Benoth shikmah, according to Rabbah b. Bar Hanah reporting R. Johanan, are sycamore figs. Gofnin are winter grapes. Nizpah is the caper-fruit. Nobeloth of the date-palm are explained differently by R. Zera and R. El'a. One says that they are fruit parched by the sun, the other that they are dates blown down by the wind. Now the view of him who says that they are fruit parched by the sun accords well with what it teaches [concerning them], 'things about which the law of demai is not so strict', and if there is a doubt about them, they are free from the obligation of tithe, which shows that if there is no doubt²⁰ they are subject to it. But on the view of him who says that they are dates blown down by the wind, must, in case of certainty, tithe be given from them? They are hefker!²¹ — With what case are we dealing here? Where one made a store of them. For R. Isaac said in the name of R. Johanan reporting R. Eliezer b. Jacob: If [a poor man] has made a store of gleanings, forgotten sheaves and produce of the corner,²² they are liable for tithe.

Some report as follows:

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- (1) Bread because it is the mainstay of the meal, wine because many special benedictions are said over it.
 - (2) Lit., 'doubled (wrapped) a loaf', which seems to mean that he made a sandwich of bread and some relish.
 - (3) He said it in Aramaic.
 - (4) It was assumed that he said this formula after eating.
 - (5) Num. V, 21ff.
 - (6) Deut. XXVI, 13-15.
 - (7) V. Sot. 32a.
 - (8) Deut. XXVI, 13 in reference to the tithe.
 - (9) The benediction, 'Blessed be He . . . who commanded us to set aside terumah and tithe'.
 - (10) Lit., 'withering products'. This is explained in the Gemara.
 - (11) And the things just mentioned come under this heading.
 - (12) Enumerated in Deut. VIII, 8.
 - (13) V. Ned. 55b.
 - (14) Lit., 'they do not suck'.
 - (15) While still on the tree.
 - (16) Viz., vinegar and locusts.
 - (17) Since they are still dates.
 - (18) Demai I, 1.
 - (19) I.e., which a haber (v. Glos.) need not tithe if he buys them from an 'am ha-arez (v. Glos.). These things being of little value, the presumption is that they have been tithed.
 - (20) That they have not been tithed.
 - (21) I.e., ownerless (v. Glos.) and not subject to tithe.

(22) Which he had gathered and which are ordinarily not titheable.

Talmud - Mas. Berachoth 41a

The view of him who says that [they¹ are] dates blown down by the wind accords well with the fact that in one place² nobeloth simply³ are spoken of and in the other⁴ nobeloth of the date-palm. But on the view of him who says they¹ are fruit parched by the sun, in both places we should have nobeloth of the date-palm,⁵ or in both places nobeloth simply, should we not?⁶ — This is indeed a difficulty.

IF ONE HAD SEVERAL VARIETIES BEFORE HIM etc. ‘Ulla said: Opinions differ only in the case where the blessings [over the several varieties] are the same; in such a case R. Judah holds that belonging to the seven kinds is of more importance, while the Rabbis held that being better liked is of more importance. But where they have not all the same benediction, all agree that a blessing is to be said first on one variety⁷ and then on another. An objection was raised: If radishes and olives are set before a person, he says a benediction over the radish, and this serves for the olive also! — With what case are we dealing here? When the radish is the main item.⁸ If so, look at the next clause: R. Judah says that the benediction is said over the olive, because the olive is one of the seven species.⁹ Now would not R. Judah accept the teaching which we have learnt: Whenever with one article of food another is taken as subsidiary to it, a blessing is said over the main article and this serves for the subsidiary one also?¹⁰ And should you be disposed to maintain that in fact he does not accept it, has it not been taught: R. Judah said, If the olive is taken on account of the radish, a blessing is said for the radish and this serves for the olive? — In fact we are dealing with a case where the radish is the main item,¹¹ and the difference of opinion between R. Judah and the Rabbis is really over a different matter, and there is a lacuna in the text and it should read as follows: If radish and olives are set before a person, he says a benediction over the radish and this serves for the olive also. When is this the case? When the radish is the main item; but if the radish is not the main item, all agree that he says a blessing over one and then a blessing over the other. If there are two varieties of food¹² which have the same blessing, he says it over whichever he prefers. R. Judah, however, says that he says the blessing over the olive, since it is of the seven species.

R. Ammi and R. Isaac Nappaha understood this differently. One said that the difference between R. Judah and the Rabbis arises when the blessings over the two kinds of food are the same, R. Judah holding that the fact of belonging to the seven kinds is more important, while the Rabbis held that the fact of being better liked was more important; but where the blessings are not the same, both agreed that a blessing is first said over one kind and then over the other. The other said that R. Judah and the Rabbis differ even when the blessings are not the same. Now accepting the view of him who says that the difference arises when the blessings are the same, we find no difficulty. But accepting the view that they differ also when the blessings are not the same, [we have to ask] on what ground do they differ?¹³ — R. Jeremiah replied: They differ on the question of precedence. For R. Joseph. or as some say. R. Isaac, said: Whatever comes earlier in this verse has precedence in the matter of benediction, viz., A land of wheat and barley, and vine and fig-trees and pomegranates, a land of olive trees and honey.¹⁴

[In the exposition of this verse, R. Isaac] differs from R. Hanan. For R. Hanan said: The whole purpose of the verse was to mention things which serve as standards of measurements. ‘Wheat’, as we have learnt: If one enters a house stricken with leprosy with his garments on his shoulder and his sandals and his rings in his hands, both he and they become unclean immediately. If he is wearing his garments and his sandals and has his rings on his fingers, he is immediately unclean but they remain clean until he stays in the house long enough to eat a piece of wheat bread,¹⁵ but not of barley bread, reclining and taking with it a relish.¹⁶ ‘Barley’, as we have learnt: A bone as large as a barleycorn renders unclean by touch and carrying, but it does not render a tent unclean.¹⁷ ‘Vine’, the measurement for a Nazirite¹⁸ is a fourth [of a log] of wine.¹⁹ ‘Figtree’, a dried fig is the measurement

of what may be taken out of the house on Sabbath. ‘Pomegranates’, as we have learnt: For utensils of a private person²⁰

- (1) The nobeloth mentioned in Demai.
- (2) In our Mishnah.
- (3) Denoting fruit parched by the sun.
- (4) In the passage from Demai.
- (5) Because it is necessary to distinguish the two kinds of nobeloth.
- (6) Because both passages are speaking about the same thing.
- (7) Which he likes best.
- (8) And the olive was only eaten to counteract the sharp taste.
- (9) This shows that we are not dealing with the case where one of the two articles is more important.
- (10) V. supra 35b.
- (11) And we cannot say that in all cases a blessing is said first over one variety and then over the other.
- (12) One of which is of the seven species, e.g., olives.
- (13) Surely in this case the benediction for the one does not serve the other!
- (14) Deut. VIII, 8. R. Judah agrees with R. Isaac, and therefore a fortiori holds that any of these species should have precedence over other species, whereas the Rabbis agree with the view of R. Hanan which follows.
- (15) Which is eaten more quickly than barley bread.
- (16) Neg. XIII, 9.
- (17) Oh. II, 3.
- (18) The quantity of grapes which he may eat without spoiling his Naziriteship.
- (19) Which is somewhat larger than a log (v. Glos.) of water.
- (20) As opposed to an artificer who makes them.

Talmud - Mas. Berachoth 41b

the measurement¹ is a pomegranate.² ‘A land of olive trees’, R. Jose son of R. Hanina said: A land in which the olive is the standard for all measurements. All measurements, do you say? What of those we have just mentioned? — Say rather, in which the olive is the standard for most measurements. ‘Honey’,³ as much as a large date [is the quantity which renders one liable for eating] on the Day of Atonement. What says the other to this? — Are these standards laid down explicitly? They were instituted by the Rabbis, and the text is only an *asmekta*.⁴

R. Hisda and R. Hamnuna were seated at a meal, and dates and pomegranates were set before them. R. Hamnuna took some dates and said a blessing over them. Said R. Hisda to him: Does not the Master agree with what R. Joseph, or as some say R. Isaac, said: Whatever is mentioned earlier in this verse has precedence in the matter of benediction? — He replied: This [the date] comes second after the word ‘land’, and this [the pomegranate] comes fifth.⁵ He replied: Would that we had feet of iron so that we could always [run and] listen to you!

It has been stated: If figs and grapes were set before them in the course of the meal, R. Huna says that they require a benediction before but they do not require a blessing after;⁶ and so said R. Nahman: They require a blessing before but they do not require a blessing after. R. Shesheth, however, said: They require a blessing both before and after, since there is nothing requiring a blessing before which does not also require a blessing after, save bread taken with the sweets.⁷ This is at variance with R. Hiyya; for R. Hiyya said: [A blessing said over] bread suffices for all kinds of food [taken in the meal], and a blessing said over wine for all kinds of drink. R. Papa said: The law is that things which form an integral part of the meal when taken in the course of the meal require no blessing either before or after; things which do not form an integral part of the meal when taken in the course of the meal require a blessing before but not after, and when taken after the meal require a blessing both before and after.

Ben Zoma was asked: Why was it laid down that things which form an integral part of the meal when taken in the course of a meal require no blessing either before or after? — He replied: Because the [blessing over] bread suffices for them. If so, [they said] let the blessing over bread suffice for wine also? — Wine is different, he replied

(1) The size of a breakage which renders the utensil incapable of becoming unclean.

(2) V. Kel. XVI, 1.

(3) According to the Rabbis, the honey of dates is meant.

(4) Lit., 'support'; here, a kind of mnemonic. For further notes on this passage v. Suk. (Sonc. ed.) pp. 19ff.

(5) The verse referred to is Deut. VIII, 8, where two lists are given of the products of the Land of Israel, each introduced with the word 'land', and in the first pomegranates are mentioned fifth, while in the second honey (i.e., date honey) is mentioned second.

(6) The grace after meals serves for them too.

(7) More exactly, 'nibblings' — things like nuts or dates brought in to nibble after the grace after meals.

Talmud - Mas. Berachoth 42a

because it is itself a motive for benediction.¹

R. Huna ate thirteen rolls² of three to a kab without saying a blessing after them. Said R. Nahman to him: This is what [you call] hunger.³ [R. Nahman is consistent with his own view, for R. Nahman said:]⁴ Anything which others make the mainstay of a meal requires a grace to be said after it.

Rab Judah gave a wedding feast for his son in the house of R. Judah b. Habiba.⁵ They set before the guests bread such as is taken with dessert. He came in and heard them saying the benediction ha-Mozi.⁶ He said to them: What is this zizi that I hear? Are you perhaps saying the blessing 'who bringest forth bread from the earth'? — They replied: We are, since it has been taught: R. Muna said in the name of R. Judah: Over bread which is taken with dessert the benediction 'who bringest forth bread' is said; and Samuel said that the halachah is as stated by R. Muna. He said to them: It has been stated that the halachah is not as stated by R. Muna. They said to him: Is it not the Master himself who has said in the name of Samuel that bread wafers may be used for an erub,⁷ and the blessing said over them is 'who bringest forth bread'? — [He replied]: There [we speak] of a different case, namely, where they are made the basis of the meal; but if they are not the basis of the meal, this does not apply.

R. Papa was once at the house of R. Huna the son of R. Nathan. After they had finished the meal, eatables were set before them and R. Papa took some and commenced to eat. They said to him: Does not the Master hold that after the meal is finished it is forbidden to eat?⁸ He replied: 'Removed'⁹ is the proper term.¹⁰

Raba and R. Zera once visited the Exilarch. After they had removed the tray from before them, a gift [of fruit] was sent them from the Exilarch. Raba partook, but R. Zera did not partake. Said the latter to him: Does not the Master hold that if the food has been removed it is forbidden to eat? He replied: We can rely on the tray of the Exilarch.¹¹

Rab said: If one is accustomed to [rub his hands with] oil [after a meal], he can wait for the oil.¹² R. Ashi said: When we were with R. Kahana he said to us: I, for instance, who am accustomed to use oil, can wait for the oil. But the law is not as stated in all those dicta reported above, but as thus stated by R. Hiyya b. Ashi in the name of Rab: Three things should follow immediately one on the other. The killing [of the sacrifice] should follow immediately on the laying on of hands. Tefillah should follow immediately on ge'ullah.¹³ Grace should follow immediately on the washing of

hands.¹⁴ Abaye said: We will add another case. A blessing follows immediately on [the entertaining of] scholars, since it says, The Lord hath blessed me for thy sake.¹⁵ If you prefer, I can learn it from here: The Lord blessed the Egyptian's house for Joseph's sake.¹⁶

MISHNAH. A BLESSING SAID OVER THE WINE TAKEN BEFORE THE MEAL¹⁷ SERVES ALSO FOR THE WINE TAKEN AFTER THE MEAL.¹⁸ A BLESSING OVER THE HORS D'OEUVRES¹⁹ TAKEN BEFORE THE MEAL SERVES FOR THE SWEETS¹⁹ TAKEN AFTER THE MEAL. A BLESSING OVER BREAD SERVES FOR THE SWEETS BUT A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD. BETH SHAMMAI SAY: NEITHER [DOES IT SERVE] FOR A COOKED DISH. IF [THOSE AT THE TABLE] ARE SITTING UPRIGHT,²⁰ EACH ONE SAYS GRACE FOR HIMSELF; IF THEY HAVE RECLINED, ONE SAYS GRACE FOR ALL.

(1) When used for such purposes as sanctification, and not merely as a beverage.

(2) With the 'nibblings'.

(3) I.e., such is enough to satisfy any hunger, and therefore should necessitate grace after it. The original is obscure and the meaning doubtful.

(4) Inserted with MS.M. and deleting 'but' of cur. edd.

(5) Var. lec., R. Habiba.

(6) The ordinary blessing over bread.

(7) I.e., they are reckoned as substantial food.

(8) Until grace after meals had first been said, after which a fresh benediction has to be said.

(9) I.e., it is permissible (if grace has not yet been said) to eat as long as the table has not actually been cleared away.

(10) Lit., 'it has been stated'.

(11) I.e., we can be sure that more food will come.

(12) I.e., he can go on eating till the oil is brought, even if the table has been cleared. Lit., 'the oil impedes him'.

(13) v. supra. 4b, 9b.

(14) The second washing, at the end of the meal, the 'latter water' (v. infra 53b). and this washing is the signal that the meal is finished, whether or not the table has been cleared.

(15) Gen. XXX, 27.

(16) Ibid. XXXIX, 5.

(17) As an appetizer.

(18) Before grace is said.

(19) Lit., 'dainty'.

(20) I.e., do not form a party.

Talmud - Mas. Berachoth 42b

IF WINE IS BROUGHT TO THEM IN THE COURSE OF THE MEAL, EACH ONE SAYS A BENEDICTION FOR HIMSELF; IF AFTER THE MEAL, ONE SAYS IT FOR ALL. THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME,¹ ALTHOUGH THE PERFUME IS NOT BROUGHT IN TILL AFTER THE MEAL.²

GEMARA. Rabbah b. Bar Hanah said in the name of R. Johanan: This³ was meant to apply only to Sabbaths and festivals, because then a man makes wine an essential part of his meal.⁴ On others days of the year, however, a blessing is said over each cup,⁵ it has also been reported: Rabbah b. Mari said in the name of R. Joshua b. Levi: This was meant to apply only to Sabbaths and festivals, and to meals taken when a man leaves the bath or after bloodletting, because on such occasions a man makes wine an essential part of the meal. On other days of the year, however, a blessing is said over each cup. Rabbah b. Mari was once at the house of Raba on a weekday. He saw him say a blessing [over the wine taken] before the meal and again after the meal. He said to him: 'Well done; and so said R. Joshua b. Levi!'

R. Isaac b. Joseph visited Abaye on a festival, and saw him say a blessing over each cup. He said to him: Does your honour not hold with the rule laid down by R. Joshua b. Levi? — He replied: I have just changed my mind.⁶

A question was asked: If wine was brought round in the course of the meal [but not before], can a blessing over it serve for the wine taken after the meal as well? Should you cite the ruling that A BLESSING SAID OVER THE WINE TAKEN BEFORE THE MEAL SERVES FOR WINE TAKEN AFTER THE MEAL, this may be because both are [drunk] for the sake of drinking. Here, however, where one cup is for steeping [the food in] and the other for drinking. shall I say that this is not the rule, or perhaps it makes no difference? — Rab replied that it does serve; R. Kahana that it does not; R. Nahman held that it does serve; R. Shesheth that it does not serve. R. Huna and Rab Judah and all the disciples of Rab held that it does not serve. Raba raised an objection to R. Nahman: IF WINE IS BROUGHT TO THEM IN THE COURSE OF THE MEAL, EACH ONE SAYS A BLESSING FOR HIMSELF; IF AFTER THE MEAL, ONE SAYS IT FOR ALL.⁷ — He replied: The meaning is this: If no wine was brought in during the course of the meal but only after the meal, one says the blessing on behalf of all.

A BLESSING OVER BREAD SERVES FOR THE SWEETS, BUT A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD. BETH SHAMMAI SAY: NEITHER [DOES IT SERVE] FOR A COOKED DISH. The question was asked: Do Beth Shammai differ with regard to the first part of the statement or the second part? [Do we understand] that the First Tanna said that A BLESSING OVER BREAD SERVES FOR THE SWEETS and a fortiori for cooked dishes, and Beth Shammai on the contrary maintained that not merely does the blessing over bread not suffice for the sweets but it does not serve even for the cooked dishes; or are we perhaps to understand that they differ as to the second half of the statement, that A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD, which implies that it does not indeed serve for bread but it does serve for cooked dishes, and Beth Shammai on the contrary maintain that it does not serve even for cooked dishes? — This is left undecided.

IF [THEY] ARE SITTING UPRIGHT, EACH ONE etc. If they are reclining he may, if not he may not. With this was contrasted the following: If ten persons were travelling on the road, even though all eat of one loaf, each one says grace for himself; but if they sat down to eat, even though each one eats of his own loaf, one may say grace on behalf of all. It says here, 'sat', which implies, although they did not recline? — R. Nahman b. Isaac replied: This is the case if for instance, they say: Let us go and eat bread in such and such a place.⁸

When Rab died, his disciples followed his bier. When they returned⁹ they said, Let us go and eat a meal by the river Danak.¹⁰ After they had eaten, they sat and discussed the question: When we learnt 'reclining', is it to be taken strictly, as excluding sitting, or perhaps, when they say, Let us go and eat bread in such and such a place, it is as good as reclining? They could not find the answer. R. Adda b. Ahabah rose

(1) I.e., spices put on coals and brought in after grace is said.

(2) And grace has intervened between it and the vine.

(3) That a blessing said over wine before the meal serves for wine after the meal. The reason is that from the beginning there is an intention to drink later.

(4) Rashi: he intends to linger at the table after the meal and drink wine.

(5) Because each cup requires a separate intention.

(6) To drink an additional cup, as I did not intend at first to take more wine after the meal.

(7) Assuming that the grace after the meal refers to a second serving of wine, this seems to show that wine taken in the course of the meal does not serve for wine taken after.

(8) Which is equivalent to making a party.

(9) Rab was buried in another town from that in which his Academy was situated.

(10) Perhaps a mistake for Anak, a river near Sura; v. MS.M.

Talmud - Mas. Berachoth 43a

and turned the rent in his garment¹ from front to back and made another rent, saying, Rab is dead, and we have not learnt the rules about grace after meals! At length an old man came and pointed out the contradiction between the Mishnah and the Baraita, and solved it by saying, Once they have said, Let us go and eat bread in such and such a place, it is as if they were reclining.

IF THEY HAVE RECLINED, ONE SAYS GRACE: Rab said: The rule is that only bread requires reclining, but wine does not require reclining.² R. Johanan, however, says that wine also requires reclining. Some report thus: Rab said, This applies only to bread, for which reclining is of effect,³ but for wine reclining is not of effect. R. Johanan, however, says that for wine also reclining is of effect.

The following was cited in objection [to Rab]: ‘What is the procedure for reclining? The guests⁴ enter and sit on stools and chairs till they are all assembled. When water is brought, each one washes one hand.⁵ When wine is brought, each one says a blessing for himself. When they go up [on to the couches] and recline, and water is brought to them, although each one of them has already washed one hand, he now again washes both hands. When wine is brought to them, although each one has said a blessing for himself, one now says a blessing on behalf of all.⁶ Now according to the version which makes Rab say that ‘this applies only to bread which requires reclining, but wine does not require reclining’. there is a contradiction between his view and the first part of this statement?⁷ — Guests are different, since they intend to shift their place.⁸ According to the version which makes Rab say that this applies only to bread for which reclining is of effect, but for wine reclining is of no effect, there is a contradiction with the second part?⁹ — The case is different there because, since reclining is of effect for bread, it is also of effect for wine.¹⁰

Ben Zoma was asked: Why was it laid down that if wine is brought in the course of the meal, each one says a blessing for himself, but if after the meal, one may say a blessing for all? He replied: Because [during meals] the gullet is not empty.¹¹

THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME. Since it says, THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME, we may infer that there is present someone superior to him. Why then does he say it? — Because he washed his hands first [after the meal]. This supports Rab; for R. Hiyya b. Ashi said in the name of Rab: The one who first washes his hands [after the meal] can claim the right¹² to say grace. Rab and R. Hiyya were once sitting before Rabbi at dinner. Rabbi said to Rab: Get up and wash your hands. He [R. Hiyya] saw him trembling.¹³ Said R. Hiyya to him: Son of Princes!¹⁴ He is telling you to think over the grace after meals.¹⁵

R. Zera said in the name of Raba b. Jeremiah: When do they say the blessing over the perfume? As soon as the smoke column ascends. Said R. Zera to Raba b. Jeremiah: But he has not yet smelt it! He replied: According to your reasoning, when one says ‘Who brings forth bread from the earth’, he has not yet eaten! But [he says it because] it is his intention to eat. So here, it is his intention to smell.

R. Hiyya the son of Abba b. Nahmani said in the name of R. Hisda reporting Rab — according to others, R. Hisda said in the name of Ze'iri: Over all incense-perfumes the blessing is ‘who createst fragrant woods’, except over musk, which comes from a living creature and the blessing is, ‘who

createst various kinds of spices'. An objection was raised: The benediction 'who createst fragrant woods' is said only over the balsam-trees of the household of Rabbi and the balsam-trees of Caesar's household and over myrtle everywhere!¹⁶ — This is a refutation.

R. Hisda said to R. Isaac: What blessing is said over this balsam-oil? — He replied: Thus said Rab Judah: 'Who createst the oil of our land',¹⁷ He then said to him: Leaving out Rab Judah, who dotes on the Land of Israel, what do ordinary people say? — He replied: Thus said R. Johanan: 'Who createst pleasant oil'. R. Adda b. Ahabah said: Over costum the blessing is, 'Who createst fragrant woods', but not over oil in which it is steeped. R. Kahana, however, says: Even over oil in which it is steeped, but not over oil in which it has been ground. The Nehardeans say: Even over oil in which it has been ground.

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- (1) Which he had made on hearing of the death of Rab.
 - (2) To constitute a party, and even without it one may say the blessing on behalf of all.
 - (3) For the purpose of constituting a party.
 - (4) Probably a party of Haberim (v. Glos.) is referred to.
 - (5) To take the wine which is to be offered before the meal.
 - (6) Since they now form a party.
 - (7) Which says that, till they have reclined, each one says a blessing for himself over wine.
 - (8) I.e., to go up from the stools on to the couches.
 - (9) Which says that having reclined one says a blessing on behalf of all also for wine.
 - (10) Since the guests on this occasion have been invited to partake of bread, the reclining is of effect also for the wine.
 - (11) The guests might be eating at the moment when the blessing was pronounced and would not be able to answer Amen (Tosaf).
 - (12) Lit., 'he is prepared'.
 - (13) He thought Rab had told him to do this because his hands were dirty or something of the sort.
 - (14) V. supra p. 79' n. 6.
 - (15) So as to be able to say it fluently.
 - (16) I.e., over plants of which the wood itself is fragrant.
 - (17) Balsam-trees grew near Jericho.

Talmud - Mas. Berachoth 43b

. R. Giddal said in the name of Rab: Over jasmine¹ the blessing is 'who createst fragrant woods'. R. Hananel said in the name of Rab: Over sea-rush² the blessing is 'who createst fragrant woods'. Said Mar Zutra: What Scriptural verse confirms this? She had brought them up to the roof and hid then, with the stalks of fax.³ R. Mesharsheya said: Over garden narcissus the blessing is 'who createst fragrant woods'; over wild narcissus, 'who createst fragrant herbs'. R. Shesheth said: Over violets the blessing is, 'who createst fragrant herbs'. Mar Zutra said: He who smells a citron or a quince should say. 'Blessed be He who has given a sweet odour to fruits'. Rab Judah says: If one goes abroad in the days of Nisan [spring time] and sees the trees sprouting, he should say, 'Blessed be He who hath not left His world lacking in anything and has created in it goodly creatures and goodly trees for the enjoyment of mankind'. R. Zutra b. Tobiah said in the name of Rab: Whence do we learn that a blessing should be said over sweet odours? Because it says, Let every soul⁴ praise the Lord.⁵ What is that which gives enjoyment to the soul and not to the body? — You must say that this is fragrant smell.

Mar Zutra b. Tobiah further said in the name of Rab: The young men of Israel⁶ are destined to emit a sweet fragrance like Lebanon,⁷ as it says His branches shall spread, and his beauty shall be as the olive tree, and his fragrance as Lebanon.⁸

R. Zutra b. Tobiah further said in the name of Rab: What is the meaning of the verse. He hath

made everything beautiful in its time?⁹ It teaches that the Holy One, blessed be He, made every man's trade seem fine in his own eyes. R. Papa said: This agrees with the popular saying:¹⁰ Hang the heart of a palm tree on a pig, and it will do the usual thing with it.¹¹

R. Zutra b. Tobiah further said in the name of Rab: A torch is as good as two [persons]¹² and moonlight as good as three. The question was asked: Is the torch as good as two counting the carrier, or as good as two besides the carrier? — Come and hear: 'Moonlight is as good as three'. If now you say, 'including the carrier there is no difficulty. But if you say, 'besides the carrier', why do I want four, seeing that a Master has said: To one [person] an evil spirit may show itself and harm him; to two it may show itself, but without harming them; to three it will not even show itself? We must therefore say that a torch is equivalent to two including the carrier; and this may be taken as proved.

R. Zutra b. Tobiah further said in the name of Rab — according to others. R. Hanah b. Bizna said it in the name of R. Simeon the Pious, and according to others again. R. Johanan said it in the name of R. Simeon b. Yohai: It is better for a man that he should cast himself into a fiery furnace rather than that he should put his fellow to shame in public.¹³ Whence do we know this? From Tamar, of whom it says, When she was brought forth etc.¹⁴

Our Rabbis taught: If oil and myrtle are brought before one,¹⁵ Beth Shammai say that he first says a benediction over the oil and then over the myrtle, while Beth Hillel say that he first says a benediction over the myrtle and then over the oil. Said Rabban Gamaliel: I will turn the scale.¹⁶ Of oil we have the benefit both for smelling and for anointing; of myrtle we have the benefit for smelling but not for anointing. R. Johanan said: The halachah follows the one who turned the scale. R. Papa was once visiting R. Huna the son of R. Ika. Oil and myrtle were brought before him and he took up the myrtle and said the blessing over it first, and then he said the blessing over the oil. Said the other to him: Does not your honour hold that the halachah follows the one who turned the scale? He replied: Thus said Raba: The halachah follows Beth Hillel. This was not correct,¹⁷ however; he said so only to excuse himself.

Our Rabbis taught: If oil and wine are brought before one,¹⁸ Beth Shammai say that he first takes the oil in his right hand and the wine in his left hand and says a blessing over the oil¹⁹ and then a blessing over the wine. Beth Hillel, however, say that he takes the wine in his right hand and the oil in his left, and says the blessing over the wine and then over the oil. [Before going out] he smears it on the head of the attendant; and if the attendant is a man of learning, he smears it on the wall, since it is unbecoming for a scholar to go abroad scented.

Our Rabbis taught: Six things are unbecoming for a scholar. He should not go abroad scented; he should not go out by night alone; he should not go abroad in patched sandals; he should not converse with a woman in the street; he should not take a set meal²⁰ in the company of ignorant persons; and he should not be the last to enter the Beth ha-Midrash. Some add that he should not take long strides nor carry himself stiffly.²¹

'He should not go abroad scented'. R. Abba the son of R. Hiyya b. Abba said in the name of R. Johanan: This applies only to a place where people are suspected of pederasty. R. Shesheth said: This applies only to [the scenting of] one's clothes; but [perfuming] the body removes the perspiration. R. Papa said: The hair is on the same footing as clothes; others, however, say: as the body.

'He should not go out at night alone', so as not to arouse suspicion.²² This is the case only if he has no appointment [with his teacher]; but if he has an appointment, people know that he is going to his appointment.

‘He should not go abroad in patched sandals’. This supports R. Hiyya b. Abba; for R. Hiyya b. Abba said: It is unseemly for a scholar to go abroad in patched sandals. Is that so? Did not R. Hiyya b. Abba go out in such? — Mar Zutra the son of R. Nahman said: He was speaking of one patch on top of another. And this applies only to the upper, but if it is on the sole, there is no objection. On the upper too this applies only to the public way; but in the house there is no objection. Further, this is the case only in summer; but in the rainy season there is no objection.²³

‘He should not converse with a woman in the street’. R. Hisda said: Even with his wife. It has been taught similarly: Even with his wife, even with his daughter, even with his sister, because not everyone knows who are his female relatives.

‘He should not take a set meal with ignorant persons’. What is the reason? — Perhaps he will be drawn into their ways.

‘He should not be last to enter the Beth ha-Midrash’, because he will be called a transgressor.²⁴

‘Some add that he should not take long strides’; because a Master has said: Long strides diminish a man's eyesight by a five-hundredth part. What is the remedy? He can restore it with [drinking] the sanctification wine of Sabbath eve.²⁵

‘Nor should he carry himself stiffly’; since a Master has said: If one walks with a stiff bearing even for four cubits, it is as if he pushed against the heels of the Divine Presence,²⁶ since it is written, The whole earth is full of His glory.²⁷

(1) According to Krauss, it should be ‘elder-tree’.

(2) Which has stalks like flax.

(3) Lit., ‘flax of the tree’. Josh. II, 6.

(4) Heb. neshamah, lit., ‘breath’.

(5) Ps. CL, 6.

(6) MS.M. adds here: ‘who have not tasted sin’, and this seems to be the proper reading.

(7) From its trees and blossoms.

(8) Hos. XIV, 7.

(9) Eccl. III, 11.

(10) Lit., ‘this is what people say’.

(11) Sc. takes it to the dungheap.

(12) In respect of the injunction that a man should not go abroad at night unaccompanied, for fear of evil spirits.

(13) Lit., ‘cause his face to blanch’.

(14) Gen. XXXVIII, 25. Even to save herself from the stake, Tamar did not mention Judah's name.

(15) After a meal, oil for removing dirt from the hands, myrtle for scent.

(16) In favour of Beth Shammai.

(17) That Raba ever said so.

(18) After a meal on a weekday. the perfumed oil being for scent.

(19) ‘Blessed is He that created pleasant oil’.

(20) Lit., ‘recline’.

(21) Lit., ‘with erect stature’.

(22) Of immoral practices.

(23) Because the mud will hide it.

(24) Var. lec.: ‘idler’, which in any case is the meaning.

(25) V. Shab. 113b.

(26) I.e., acted haughtily against God.

(27) Isa. VI, 3.

Talmud - Mas. Berachoth 44a

MISHNAH. IF SALTED FOOD IS SET BEFORE HIM AND BREAD WITH IT, HE SAYS A BLESSING OVER THE SALTED FOOD AND THIS SERVES FOR THE BREAD, SINCE THE BREAD IS ONLY SUBSIDIARY TO IT. THIS IS THE GENERAL PRINCIPLE: WHENEVER WITH ONE KIND OF FOOD ANOTHER IS TAKEN AS SUBSIDIARY, A BENEDICTION IS SAID OVER THE PRINCIPAL KIND AND THIS SERVES FOR THE SUBSIDIARY.

GEMARA. But is it ever possible for salted food to be the principal item and bread subsidiary to it? — R. Aha the son of R. 'Awira replied, citing R. Ashi: This rule applies to [one who eats] the fruit of Genessareth.¹ Rabbah b. Bar Hannah said: When we went after R. Johanan to eat the fruit of Genessareth, when there were a hundred of us we used each to take him ten, and when we were ten we used each to take him a hundred, and a hundred could not be got into a basket holding three se'ahs, and he used to eat them all and swear that he had not tasted food. Not tasted food, do you say? — Say rather: that he had not had a meal. R. Abbahu used to eat of them [so freely] that a fly slipped off his forehead.² R. Ammi and R. Assi used to eat of them till their hair fell out. R. Simeon b. Lakish ate until his mind began to wander, and R. Johanan told the household of the Nasi, and R. Judah the Prince send a band of men³ for him and they brought him to his house.

When R. Dimi came [from Palestine], he stated that King Jannaeus⁴ had a city in the King's Mountain⁵ where they used to take out sixty myriads of dishes of salted fish for the men cutting down fig-trees from one week-end to the next.⁶ When Rabin came, he stated that King Jannaeus used to have a tree on the King's Mountain from which they used to take down forty se'ahs of young pigeons from three broods every month. When R. Isaac came, he said: There was a town in the Land of Israel named Gofnith⁷ in which there were eighty pairs of brothers, all priests, who were married to eighty pairs of sisters, also all of priestly family. The Rabbis searched from Sura to Nehardea and could not find [a similar case] save the daughters of R. Hisda who were married to Rami b. Hama and to Mar 'Ukba b. Hama; and while they were priestesses, their husbands were not priests.

Rab said: A meal without salt is no meal. R. Hiyya b. Abba said in the name of R. Johanan: A meal without gravy⁸ is no meal.

MISHNAH. IF ONE HAS EATEN GRAPES, FIGS OR POMEGRANATES HE SAYS A GRACE OF THREE BLESSINGS AFTER THEM. SO R. GAMALIEL. THE SAGES, HOWEVER, SAY: ONE BLESSING WHICH INCLUDES THREE. R. AKIBA SAYS: IF ONE ATE ONLY BOILED VEGETABLES, AND THAT IS HIS MEAL, HE SAYS AFTER IT THE GRACE OF THREE BLESSINGS. IF ONE DRINKS WATER TO QUENCH HIS THIRST, HE SAYS THE BENEDICTION 'BY WHOSE WORD ALL THINGS EXIST. R. TARFON SAYS: 'WHO CREATEST MANY LIVING THINGS AND THEIR REQUIREMENTS.

GEMARA. What is the reason of R. Gamaliel? — Because it is written, A land of wheat and barley. etc.,⁹ and it is also written, A land wherein thou shalt eat bread without scarceness,¹⁰ and it is written, And thou shalt eat and be satisfied and bless the Lord thy God.¹¹ The Rabbis, however, hold that the word 'land'¹² makes a break in the context. R. Gamaliel also must admit that 'land' makes a break in the context? — He requires that for excluding one who chews wheat [from the necessity of saying grace].¹³

R. Jacob b. Idi said in the name of R. Hanina: Over anything belonging to the five species [of cereals],¹⁴ before partaking the blessing 'who createst all kinds of food' is said, and after partaking one blessing which includes three. Rabbah b. Mari said in the name of R. Joshua b. Levi: Over anything belonging to the seven kinds,¹⁵ before partaking the blessing 'who createst the fruit of the tree' is said, and after it the grace of one blessing which includes three.

Abaye asked R. Dimi: What is the one blessing which includes three? — He replied: Over fruit of the tree he says: ‘For the tree and for the fruit of the tree and for the produce of the field and for a desirable, goodly, and extensive land which Thou didst give our ancestors to inherit to eat of its fruit and to be satisfied with its goodness. Have mercy, O Lord our God, on Israel Thy people and on Jerusalem Thy city and on Thy Sanctuary and on Thy altar, and build Jerusalem Thy holy city speedily in our days and bring us up into the midst thereof and rejoice us therein,¹⁶ for Thou art good and doest good to all’.¹⁷ Over the five species [of cereals] one says: ‘For the provision and the sustenance and the produce of the field etc.’, and he concludes, ‘For the land and for the sustenance’.

How does one conclude [in the case of fruits]? When R. Dimi came, he said in the name of Rab: On New Moon one concludes, Blessed is He who sanctifies Israel and New Moons.¹⁸

What do we say in this case [over fruit]? — R. Hisda said: ‘For the land and for its fruits’; R. Johanan said: ‘For the land and for the fruits’. R. Amram said: They are not at variance: the one blessing¹⁹ is for us [in Babylon], and the other for them [in Palestine].²⁰ R. Nahman b. Isaac demurred to this: Shall they eat and we bless?²¹ You must therefore reverse the names, thus: R. Hisda said: For the land and for the fruits; R. Johanan said, For the land and for its fruits.

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- (1) Which is highly prized. Tosaf. explains that the rule applies to salted food taken after the fruit of Genessareth to correct the excessive sweetness.
 - (2) They made his skin so smooth that it could not obtain a footing.
 - (3) Lit., ‘searchers’, ‘officials’.
 - (4) Of the Hasmonean House.
 - (5) Probably some district in Judea was known by this name.
 - (6) So many workers were required for the task.
 - (7) Supposed to be the Biblical Ophni, modern Jifna.
 - (8) So Rashi. Aliter: ‘vegetable juices’; aliter: ‘something sharp’. In all cases the idea is to aid digestion.
 - (9) Deut. VIII, 8.
 - (10) Ibid. 9.
 - (11) Ibid. 10. The first two verses show that grapes etc. are on the same footing as bread, while the third verse contains a hint of three blessings, as explained infra 48b.
 - (12) In the second half of v. 9 so that ‘and thou shalt bless’ in v. 10 refers only to ‘bread’ mentioned in v. 9.
 - (13) The break is necessary to indicate that ‘wheat’ mentioned must first be made into ‘bread’ before the three benedictions are necessary.
 - (14) Viz., wheat, barley, oats, rye and spelt.
 - (15) Mentioned in v. 8, other than corn.
 - (16) Var. lec. (Similarly P.B.): Rejoice us in its rebuilding. MS.M. add (similarly P.B.): May we eat of the fruits of the land and be satisfied with its goodness and bless Thee for it in holiness and purity.
 - (17) Cf. P.B. p. 287.
 - (18) This paragraph seems to be out of place here and is deleted by Wilna Gaon. MS.M.: On New Moon one concludes etc. What do we say in this case?
 - (19) R. Hisda's.
 - (20) R. Hisda was from Babylon and R. Johanan from Palestine.
 - (21) They eat the fruit of Palestine, and we say its fruits!

Talmud - Mas. Berachoth 44b

R. Isaac b. Abdimi said in the name of our Master:¹ Over eggs and over all kinds of meat the blessing said before partaking is ‘by whose word etc.’, and after partaking ‘who createst many living creatures etc.’, vegetables, however, require no blessing [after]. R. Isaac, however, says that even vegetables also require a blessing [after], but not water. R. Papa says: Water also. Mar Zutra acted as

prescribed by R. Isaac b. Abdimi and R. Shimi b. Ashi as prescribed by R. Isaac. (To remember which is which think of one² acting as two and two as one.)³ R. Ashi said: When I think of it, I do as prescribed by all of them.⁴

We have learnt: Whatever requires a blessing to be said after it requires a blessing before it, but some things require a blessing before but not after.⁵ Now this is right on the view of R. Isaac b. Abdimi, since it is to exclude vegetables, and on the view of R. Isaac to exclude water; but on the view of R. Papa, what does it exclude? — It is to exclude the performance of religious duties.⁶ And according to the Palestinians⁷ who after removing their tefillin say ‘Blessed be Thou . . . who hast sanctified us with Thy commandments and commanded us to observe Thy statutes’ — what does it exclude? — It excludes scents.

R. Jannai said in the name of Rabbi: An egg is superior [in food value] to the same quantity of any other kind of food. When Rabin came [from Palestine] he said: A lightly roasted egg is superior to six kaysi⁸ of fine flour. When R. Dimi came, he said: A lightly roasted egg is better than six [kaysi]; a hard baked egg than four;⁹ and a [boiled] egg is better than the same quantity of any other kind of boiled food except meat.

R. AKIBA SAYS: EVEN IF ONE ATE BOILED VEGETABLES etc. Is there any kind of boiled vegetable of which one can make a meal? — R. Ashi replied: The rule applies to the stalk of cabbage.

Our Rabbis taught: Milt is good for the teeth but bad for the bowels; horse-beans are bad for the teeth but good for the bowels. All raw vegetables make the complexion pale and all things not fully grown retard growth. Living beings¹⁰ restore vitality¹¹ and that which is near the vital organs¹² restores vitality. Cabbage for sustenance and beet for healing. Woe to the house¹³ through which vegetables are always passing!

The Master has said, ‘Milt is good for the teeth and bad for the bowels.’ What is the remedy? — To chew it well and then spit it out. ‘Horse-beans are bad for the teeth but good for the bowels’. What is the remedy? — To boil them well and swallow them. ‘All raw vegetables make the complexion pale’. R. Isaac said: That is, in the first meal taken after blood-letting. R. Isaac also said: If one eats vegetables before the fourth hour [of the day],¹⁴ it is forbidden to talk with him. What is the reason? Because his breath smells. R. Isaac also said: It is forbidden to a man to eat raw vegetables before the fourth hour. Amemar and Mar Zutra and R. Ashi were once sitting together when raw vegetables were set before them before the fourth hour. Amemar and R. Ashi ate, but Mar Zutra would not eat. They said to him: What is your reason? Because R. Isaac said that if one eats vegetables before the fourth hour it is forbidden to converse with him because his breath smells? See, we have been eating, and you have been conversing with us? He replied: I hold with that other saying of R. Isaac, where he said that it is forbidden to a man to eat raw vegetables before the fourth hour.¹⁵ ‘Things not fully grown retard growth’. R. Hisda said: Even a kid worth a zuz.¹⁶ This, however, is the case only with that which has not attained a fourth of its full size; but if it has attained a fourth, there is no objection. ‘Living being restore vitality’. R. Papa said: Even tiny fishes from the pools. ‘That which is near the vital organs restores vitality’. R. Aha b. Jacob said: Such as the neck.¹⁷ Raba said to his attendant: When you buy a piece of meat for me, see that you get it from a place near where the benediction is said.¹⁸ ‘Cabbage for sustenance and beet for healing’. Is cabbage then good only for sustenance and not for healing? Has it not been taught: Six things heal a sick person of his disease with a permanent cure, namely, cabbage, beet, a decoction of dry¹⁹ poley, the maw, the womb, and the large lobe of the liver? — What you must say is that the cabbage is good for sustenance also. ‘Woe to the house through which vegetables are always passing’. Is that so? Did not Raba say to his attendant: If you see vegetables in the market, do not stop to ask me, What will you put round your bread.²⁰ — Abaya said: [It means, when they are cooked] without

meat;²¹ Raba said: [It means, when they are taken] without wine. It has been stated: Rab says, without meat, Samuel says, without wood,²² and R. Johanan says, without wine. Said Raba to R. Papa the brewer:²³ We neutralize²⁴ it with meat and wine; you who have not much wine, how you neutralize it? — He replied: With chips [of wood]. R. Papa's wife when she cooked vegetables neutralized their evil effects by using eighty Persian twigs.²⁵

Our Rabbis taught: A small salted fish is sometimes deadly, namely on the seventh, the seventeenth and the twenty-seventh day of its salting. Some say, on the twenty-third. This is the case only if it is imperfectly roasted; but if it is well roasted, there is no harm in it. And even if it is not well roasted there is no harm in it unless one neglects to drink beer after it; but if one drinks beer after it, there is no harm.

IF ONE QUENCHES HIS THIRST WITH WATER etc. What does this exclude? — R. Idi b. Abin said: It excludes one

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- (1) V. supra p. 185. n. 4.
 - (2) Lit., 'and thy sign is'.
 - (3) I.e., the authority who was mentioned alone without his father (Mar Zutra). acted as prescribed by the authority who is mentioned with his father (R. Isaac b. Abdimi) and vice versa.
 - (4) Saying even after water.
 - (5) Nid. 51b.
 - (6) Which require a blessing before the performance of them but not after, such as taking off the tefillin, laying aside of the lulab, etc.
 - (7) Lit., 'the sons of the West'.
 - (8) A measure equal to a log.
 - (9) Var. lec.: a lightly baked egg is better than four hard-baked and a hard-baked than four boiled.
 - (10) Taken whole, like small fish.
 - (11) Lit., 'soul'.
 - (12) Of a slaughtered animal.
 - (13) I.e., stomach.
 - (14) When the first meal was taken.
 - (15) But it is not forbidden to converse with him.
 - (16) I.e., a good fat one.
 - (17) Which is near the heart.
 - (18) I.e., the neck, on cutting which a benediction is said.
 - (19) Reading **יְבִשֵׁן** for **דְּבִשׁ** in the text, as infra .
 - (20) To eat with it as a kind of sandwich.
 - (21) The juices of which neutralize the evil effects of the vegetables.
 - (22) I.e., a good fire to cook it.
 - (23) Aliter: (a) the landowner (v. Obermeyer p. 309); (b) 'Man of Mystery!', i.e., acquainted with the divine mysteries (v. 'Aruch).
 - (24) Lit., 'break (the evil effects)'.
 - (25) Twigs from Persian trees.

Talmud - Mas. Berachoth 45a

who is choked by a piece of meat.¹

R. TARFON SAYS: WHO CREATEST MANY LIVING THINGS AND THEIR REQUIREMENTS. Raba son of R. Hanan said to Abaye, according to others to R. Joseph: What is the law? He replied: Go forth and see how the public are accustomed to act.²

CHAPTER VII

MISHNAH. IF THREE PERSONS HAVE EATEN TOGETHER, IT IS THEIR DUTY TO INVITE [ONE ANOTHER TO SAY GRACE].³ ONE WHO HAS EATEN DEMAI,⁴ OR FIRST TITHE⁵ FROM WHICH TERUMAH HAS BEEN REMOVED,⁶ OR SECOND TITHE OR FOOD BELONGING TO THE SANCTUARY THAT HAS BEEN REDEEMED,⁷ OR AN ATTENDANT WHO HAS EATEN AS MUCH AS AN OLIVE OR A CUTHEAN MAY BE INCLUDED [IN THE THREE]. ONE WHO HAS EATEN TEBEL⁸ OR FIRST TITHE FROM WHICH THE TERUMAH HAS NOT BEEN REMOVED, OR SECOND TITHE OR SANCTIFIED FOOD WHICH HAS NOT BEEN REDEEMED,⁹ OR AN ATTENDANT WHO HAS EATEN LESS THAN THE QUANTITY OF AN OLIVE OR A GENTILE MAY NOT BE COUNTED. WOMEN, CHILDREN AND SLAVES MAY NOT BE COUNTED IN THE THREE. HOW MUCH [MUST ONE HAVE EATEN] TO COUNT? AS MUCH AS AN OLIVE; R. JUDAH SAYS, AS MUCH AS AN EGG.

GEMARA. Whence is this derived?¹⁰ — R. Assi says: Because Scripture says, O magnify ye the Lord with me, and let us exalt His name together.¹¹ R. Abbahu derives it from here: When I [one] proclaim the name of the Lord, ascribe ye [two] greatness unto our God.¹²

R. Hanan b. Abba said: Whence do we learn that he who answers Amen should not raise his voice above the one who says the blessing? Because it says, O magnify ye the Lord with me and let us exalt His name together.¹³ R. Simeon b. Pazzi said: Whence do we learn that the one who translates¹⁴ is not permitted to raise his voice above that of the reader? Because it says, Moses spoke and God answered him by a voice.¹⁵ The words 'by a voice' need not have been inserted. What then does 'by a voice' mean? [It means], by the voice of Moses.¹⁶ It has been taught similarly: The translator is not permitted to raise his voice above that of the reader. If the translator is unable to speak as loud as the reader, the reader should moderate his voice and read.

It has been stated: If two have eaten together, Rab and R. Johanan differ [as to the rule to be followed]. One says that if they wish to invite one another [to say grace] they may do so, the other says that even if they desire to invite one another they may not do so. We have learnt: IF THREE PERSONS HAVE EATEN TOGETHER IT IS THEIR DUTY TO INVITE ONE ANOTHER. That means to say, three but not two? — No; there [in the case of three] it is a duty, here [in the case of two] it is optional.

Come and hear: If three persons have eaten together, it is their duty to invite one another [to say grace], and they are not permitted to separate. This means to say, three but not two, does it not?¹⁷ — No; there is a special reason there [why they may not separate], because from the outset of the meal they laid upon themselves the duty to invite one another.¹⁸

Come and hear: If an attendant is waiting on two persons he may eat with them even without their giving him permission;¹⁹ if he was waiting on three, he may not eat with them unless they give him permission! — There is a special reason there

(1) And drinks simply to wash it down.

(2) And the general practice is to say 'by whose word' before and 'that createst many living beings' after.

(3) By means of the responses given in P.B. p. 279. This invitation is technically known as zimmun (inviting).

(4) Produce from which it is doubtful whether the tithe has been given.

(5) Due to the Levite, v. Num. XVIII, 21.

(6) The terumah (v. Glos) mentioned here is apparently the tithe, v. *ibid.* 26.

(7) And so has been made available for being eaten out of Jerusalem (cf. Deut. XIV, 22ff) or by a layman. All these are kinds of food which may be legitimately partaken of.

(8) Food from which it is known that tithe has not been separated.

- (9) These are foods of which it is not legitimate to partake.
- (10) That three who eat together should invite one another to say grace.
- (11) Ps. XXXIV, 4. 'Ye' implies two, besides the speaker.
- (12) Deut. XXXII, 3. E.V. 'For I will proclaim etc..
- (13) I.e., one not louder than the other.
- (14) The public reading of the Pentateuch in Hebrew was followed by a translation in Aramaic.
- (15) Ex. XIX, 19. Moses is here compared to a reader and God to a translator, v. however Tosaf. s.v. בקולו .
- (16) I.e., a voice not raised above that of Moses.
- (17) Because if two are sufficient, why may not one of the three separate?
- (18) And though two may invite one another, yet to perform an obligation is more meritorious.
- (19) And we assume that they approve of it so that they may be able to invite one another, and this is not presumptuous on his part.

Talmud - Mas. Berachoth 45b

, because [we assume that] it is with their approval¹ since he [thereby] makes [the zimmun] obligatory on them.²

Come and hear: Women by themselves invite one another, and slaves by themselves invite one another, but women, slaves and children together even if they desire to invite one another may not do so. Now³ a hundred women are no better than two men,⁴ and yet it says, Women by themselves invite one another and slaves by themselves invite one another? — There is a special reason there, because each has a mind of her own.⁵ If that is so, look at the next clause: Women and slaves together, even though they desire to invite one another may not do so. Why not? Each has a mind! — There is a special reason in that case, because it might lead to immorality.

We may conclude that it was Rab who said, 'Even though they [two] desire to invite one another they may not do so', because R. Dimi b. Joseph said in the name of Rab: If three persons ate together and one of them went out, the others call to him and count him for zimmun.⁶ The reason is, is it not, that they call him, but if they did not call him they could not [invite one another]? — There is a special reason there, that the obligation to invite one another devolved upon them from the outset. Rather you may conclude that it is R. Johanan who said that even though they desire to invite one another they may not do so. For Rabbah b. Bar Hanah said in the name of R. Johanan: If two persons eat together, one of them is exempted by the benediction of his fellow; and we were perplexed to know what it was that he tells us; for we have learnt: If he heard without responding [Amen], he has performed his obligation, and R. Zera explained that he tells us that they do not invite one another to say grace.⁷ We may therefore draw this conclusion.

Raba b. R. Huna said to R. Huna: But the Rabbis who came from the West⁸ say that if they desire to invite one another they may do so; and must they not have heard this from R. Johanan?⁹ — No; they heard it from Rab before he went down to Babylon.¹⁰

The [above] text [stated]: 'R. Dimi b. Joseph said in the name of Rab: If three persons ate together and one of them went out into the street, they can call to him and count him for zimmun'. Abaye says: This is only when they call to him and he responds.¹¹ Mar Zutra said: This applies only to three; but if it is for [the purpose of completing] ten,¹² they must wait till he comes. R. Ashi demurred to this. We should rather [he said], suppose the contrary; for nine look like ten, but two do not look like three. The law, however, is as laid down by Mar Zutra. What is the reason? — Since they [ten] have to mention God's name,¹³ it is not proper that there should be less than ten.

Abaye said: We have a tradition that if two persons have eaten together, it is their duty to separate.¹⁴ It has been taught similarly: If two persons have eaten together, it is their duty to

separate. When is this case? When they are both educated men. But if one is educated and the other illiterate, the educated one says the benedictions and this exempts the illiterate one.

Raba said: The following statement was made by me independently and a similar statement has been made in the name of R. Zera: If three persons have been eating together, one breaks off to oblige two,¹⁵ but two do not break off to oblige one. But do they not? Did not R. Papa break off for Abba Mar his son, he and another with him? — R. Papa was different because he went out of his way¹⁶ to do so.¹⁷ Judah b. Meremar and Mar son of R. Ashi and R. Aha from Difti took a meal with one another. No one of them was superior to the other¹⁸ that he should have the privilege of saying grace.¹⁹ They said: Where the Mishnah learnt²⁰ that IF THREE PERSONS HAVE EATEN TOGETHER IT IS THEIR DUTY TO INVITE [ONE ANOTHER TO SAY GRACE], this is only where one of them is superior [to the others], but where they are all on a level, perhaps it is better that the blessings should be separate. They thus said [the grace] each one for himself. Thereupon they came before Meremar and he said to them: You have performed the obligation of grace, but you have not performed the obligation of zimmun. Should you say, Let us start again with zimmun, zimmun cannot be said out of its place.²¹

If one came and found three persons saying grace,²² what does he say after them? — R. Zebid says: Blessed and to be blessed [be His Name]. R. Papa said: He answers, Amen. They are not really at variance; the one speaks of the case where he found them saying 'Let us say grace', and the other where he found them saying 'Blessed'. If he found them saying 'Let us say grace', he answers 'Blessed and to be blessed'; if he found them saying 'Blessed', he answers 'Amen'.

One [Baraita] taught: One who answers 'Amen' after his own blessings is to be commended, while another taught that this is reprehensible! — There is no contradiction: the one speaks of the benediction 'who buildest Jerusalem',²³ the other of the other benedictions. Abaye used to give the response²⁴ in a loud voice so that the workmen should hear and rise,²⁵ since the benediction 'Who is good and does good'²⁶ is not prescribed by the Torah.²⁷ R. Ashi gave the response in a low voice, so that they should not come to think lightly of the benediction 'Who is good and does good'.

(1) That the attendant joins them.

(2) Cur. edd. add in brackets 'from the outset', which is best omitted.

(3) Cur. edd. read here in brackets, 'and surely as for women even a hundred' which is best omitted.

(4) In respect of the obligation of zimmun. This proves that two by themselves are not sufficient to form a zimmun.

(5) Lit., 'there are minds' and therefore thanksgiving from three women is more valuable than from two men.

(6) Even while he remains outside, provided he joins in the response v. infra.

(7) But one may be exempted by the other.

(8) Palestine.

(9) Who lived in Palestine.

(10) From Palestine to settle there, v. Git. (Sonc. ed.) p. 17. n. 3.

(11) I.e., he joins in the responses.

(12) V. infra 49b.

(13) In the response, 'Blessed is our God of whose food we have eaten'. V. P.B. p. 279.

(14) For the purpose of saying grace.

(15) If one has not yet finished, he interrupts his meal to join with the two who have finished for the purpose of zimmun.

(16) Lit., 'acted within the limits of strict justice'.

(17) To show respect to his son.

(18) In years or learning.

(19) So MS.M. Cur. edd. add: 'for them'.

(20) Emended reading. v. Marginal Gloss. The text has, They sat and discussed the question. When the Mishnah says. etc.

(21) Lit., 'retrospectively'. I.e., it must come before the actual grace.

- (22) Sc. the zimmun responses.
 (23) The last of the three Scriptural benedictions in the Grace, v. P.B. p. 282.
 (24) To this third benediction.
 (25) To go to their work.
 (26) Which follows 'Who buildest Jerusalem'; v. P.B. p. 283.
 (27) Which prescribes only the first three.

Talmud - Mas. Berachoth 46a

R. Zera once was ill. R. Abbahu went to visit him, and made a vow, saying, If the little one with scorched legs¹ recovers, I will make a feast for the Rabbis. He did recover, and he made a feast for all the Rabbis. When the time came to begin the meal,² he said to R. Zera: Will your honour please commence for us.³ He said to him: Does not your honour accept the dictum of R. Johanan that the host should break bread? So he [R. Abbahu] broke the bread for them. When the time came for saying grace he said to him [R. Zera], Will your honour please say grace for us, He replied: Does your honour not accept the ruling of R. Huna from Babylon,⁴ who said that the one who breaks bread says grace? Whose view then did R. Abbahu accept? — That expressed by R. Johanan in the name of R. Simeon b. Yohai: The host breaks bread and the guest says grace. The host breaks bread so that he should do so generously,⁵ and the guest says grace so that he should bless the host. How does he bless him? 'May it be God's will that our host should never be ashamed in this world nor disgraced in the next world'. Rabbi added some further items: 'May he be very prosperous with all his estates, and may his possessions and ours be prosperous and near a town,⁶ and may the Accuser have no influence either over the works of his hands or of ours, and may neither our host nor we be confronted with⁷ any evil thought or sin or transgression or iniquity from now and for all time'.

To what point does the benediction of zimmun extend?⁸ — R. Nahman says: Up to [the conclusion of] 'Let us bless';⁹ R. Shesheth says: Up to [the conclusion of] 'Who sustains',¹⁰ May we say that there is the same difference between Tannaim? For one [authority] taught: The grace after meals is either two or three benedictions,¹¹ while another has taught: Either three or four. Now we assume that all agree that 'Who is good and does good' is not Scriptural. Is not then the difference [between the two authorities cited] this, that the one who says two or three holds that [the benediction of zimmun] extends up to 'Who sustaineth',¹² while the one who says three or four holds that it extends up to 'Let us bless'?¹³ — No; R. Nahman explains according to his view and R. Shesheth explains according to his view. R. Nahman explains according to his view: All agree that it extends to 'Let us bless'. On the view of him who says, 'three or four', this creates no difficulty.¹⁴ The one who says 'two or three' can say that here we are dealing with a grace said by work-people, regarding which a Master has said, He commences with 'Who sustaineth' and includes 'Who builds Jerusalem' in the benediction of the land.' R. Shesheth can also explain according to his view: All agree that the blessing of zimmun extends up to 'Who sustaineth'. On the view of him who says 'two or three', this creates no difficulty; while the one who says 'three or four' holds that the benediction 'Who is good and does good' is Scriptural.

R. Joseph said: You may know that the benediction 'who is good and does good' is not Scriptural from the fact that workpeople omit it. R. Isaac b. Samuel b. Martha said in the name of Rab: You may know that the benediction 'who is good and does good' is not Scriptural from the fact that it commences with 'Blessed' but does not conclude with 'Blessed', for so it has been taught: All benedictions commence with 'Blessed' and close with 'Blessed', except the blessing over fruits, the blessings said over the performance of precepts, one blessing which joins on to another, and the last blessing alter the recital of the Shema'.¹⁵ Some of these commence with 'Blessed' but do not close with 'Blessed'.¹⁶

(1) A nickname of R. Zera, explained in B.M. 85a.

- (2) By breaking bread.
- (3) I.e., break the bread.
- (4) R. Huna's place of origin is mentioned here because the meal was taking place in Palestine.
- (5) Lit., 'with a pleasant eye'.
- (6) So that he can visit them without difficulty.
- (7) Lit., 'may there not leap before him or us'.
- (8) The point of this query is not clear. Rashi takes it to mean, How much is said by three which is not said by two or one; but in this case the answer of R. Shesheth is unintelligible, since all agree that one says the blessing 'Who sustaineth'. Tosaf. therefore explain that it refers to the statement above that one person may interrupt his meal to join two others in zimmun, and the question is now asked, How long must he wait before resuming.
- (9) The zimmun responses proper.
- (10) The first benediction.
- (11) Emended reading, the numeral being in the feminine, v, Marginal Gloss. In the text the numeral is in the masculine, and we must translate (with Tosaf.), 'with either two or three men'. Tosaf. ad loc. accept this reading and explain it to mean that the recital of the blessings can be shared out between a number of people if no-one knows the whole of it, by assigning to each one benedictions which he happens to know.
- (12) So that if zimmun is said there are three blessings, the zimmun formula together with the first blessing constituting on this view one benediction, otherwise two.
- (13) So that without zimmun there are three and with the zimmun there is an extra one.
- (14) If grace is said with zimmun, there are four blessings, if without, three. (7) They combine the second and third benedictions into one, and thus when two labourers eat together there are two benedictions, when three, they form zimmun and say three.
- (15) Which is separated by the Shema' from the two blessings before it, though it is really a continuation of these.
- (16) E.g., the benediction to be said before the putting on of tefillin.

Talmud - Mas. Berachoth 46b

, while some close with 'Blessed' but do not open with 'Blessed';¹ and 'who is good and does good' opens with 'Blessed' but does not close with 'Blessed'. This shows that it is a separate blessing. R. Nahman b. Isaac said: You may know that 'who is good and does good' is not Scriptural from the fact that it is omitted in the house of a mourner,² as it has been taught: What blessing is said in the house of a mourner? 'Blessed is He that is good and does good'. R. Akiba says: 'Blessed be the true Judge'. And does one [according to the first authority] say. 'Blessed be He that is good and does good', and not 'Blessed be the true Judge'? — Read: He says also, 'Blessed be He that is good and does good'. Mar Zutra visited R. Ashi when the latter had suffered a bereavement, and in the grace after meals he began and uttered the benediction: 'Who is good and does good, God of truth, true Judge, who judges in righteousness and takes away in righteousness, who is Sovereign in His universe to do as pleaseth Him in it, for all His ways are judgment; for all is His, and we are His people and His servants, — and for everything it is incumbent upon us to give thanks to Him and to bless Him. He who closes up the breaches of Israel will close up this breach in Israel, granting life'.

Where does he³ commence again? — R. Zebid says in the name of Abaye: At the beginning; the Rabbis say, at the place where he left off.⁴ The law is, at the place where he left off.

Said the Exilarch to R. Shesheth: Although you are venerable Rabbis, yet the Persians are better versed than you in the etiquette⁵ of a meal. When there are two couches [in the set],⁶ the senior guest takes his place first and then the junior one above him.⁷ When there are three couches, the senior occupies the middle one, the next to him in rank takes the place above him, and the third one below him.⁸ R. Shesheth said to him: So when he wants to talk to him,⁹ he has to stretch himself and sit upright to do so!¹⁰ He replied: This does not matter to the Persians, because they speak with gesticulation. [R. Shesheth asked the Exilarch:] With whom do they commence the washing of the hands before the meal? — He replied: With the senior one. Is then the senior one to sit still [he

exclaimed] and watch his hands¹¹ until they have all washed? — He replied: They bring a table before him immediately.¹² With whom do they begin the washing after the meal [he asked him]? — He replied: With the junior one present. And is the senior one to sit with greasy hands until all have washed? — He replied: They do not remove the table from before him till water is brought to him.¹³ R. Shesheth then said: I only know a Baraitha, in which it is taught: ‘What is the order of reclining? When there are two couches in a set, the senior one reclines first, and then the junior takes his place below him. When there are three couches, the senior takes his place first, the second next above him, and then the third one below him. Washing before the meal commences with the senior one, washing after the meal, if there are five, commences with the senior, and if there are a hundred¹⁴ it commences with the junior until five are left, and then they start¹⁵ from the senior one. The saying of grace is assigned to the one to whom the washing thus reverts’.¹⁶ This supports Rab; for R. Hiyya b. Ashi said in the name of Rab: Whoever washes his hands first at the end of the meal has the right to say grace. Rab and R. Hiyya were once dining with Rabbi. Rabbi said to Rab: Get up and wash your hands. R. Hiyya saw him trembling and said to him: Son of princes, he is telling you to think over the grace.¹⁷

Our Rabbis taught: We do not give precedence [to others]¹⁸ either on the road or on a bridge

(1) E.g., the benedictions in the Tefillah.

(2) According to R. Akiba.

(3) Rashi explains this to mean the one who has interrupted his meal to join with two others in zimmun, (cf. supra 45b) and the question is, on the view of R. Shesheth, (cf. supra) where should he resume his grace.

(4) Viz., (on the view of R. Shesheth) at the second blessing. Tosaf. remark on this that it is very difficult to suppose that he is excused saying the first blessing after having eaten again. They accordingly refer it to the man who leads in the grace, and the question is, after the others have responded ‘Blessed be He of whose bounty we have partaken and through whose goodness we live’, where does he go on, and the reply is, on Abaye's view, that he repeats his own formula with the addition ‘Blessed be He of whose bounty etc.’, whereas according to the Rabbis he merely says ‘Blessed be He of whose bounty etc.’, v. P.B. p. 280.

(5) Lit., ‘requirements’.

(6) It was usual for guests at a set meal to recline on couches arranged in sets of two or three (the latter being the Roman triclinium).

(7) I.e., head to head.

(8) I.e., with his head to the other's feet.

(9) When the senior wishes to speak to the one who is above him.

(10) If he wants to face him.

(11) I.e., do nothing. Aliter: ‘guard them against impurity’.

(12) It was usual to place a small table before each guest.

(13) And meanwhile he can go on eating.

(14) Sc., any number more than five.

(15) I.e., removing the table (Rashi).

(16) I.e., either the senior one, or the one to whom he delegates the honour.

(17) V. supra p. 262, nn. 9 and 10.

(18) Lit., ‘honour’, i.e., ask another to go first, out of politeness.

Talmud - Mas. Berachoth 47a

or in the washing of the greasy hands [at the end of a meal]. Once Rabin and Abaye were on the road and the ass of Rabin got in front of Abaye, and he [Rabin] did not say to him, Will your honour proceed. Said Abaye: Since this student has come up from the West,¹ he has grown proud. When he arrived at the door of the synagogue, he said, Will your honour please enter. He said to him: Was I not 'Your honour', up to now? — He replied: Thus said R. Johanan: One gives precedence only in a doorway in which there is a mezuzah.² [You say] only where there is a mezuzah, but not where there is no mezuzah. If that is so, then in the case of a synagogue and Beth hamidrash also where there is no mezuzah we do not give precedence? What you must say is, in a doorway which is suitable for a mezuzah.³

R. Judah the son of R. Samuel b. Shilath said in the name of Rab: The guests may not eat anything until the one who breaks bread has tasted. R. Safra sat and stated: The statement was, 'May not taste'.⁴ What difference does it make [in practice]? — [It teaches that] one must repeat the exact words of his teacher.

Our Rabbis taught: Two wait for one another⁵ before commencing on the dish,⁶ but three need not wait.⁷ The one who has broken bread stretches out his hand first, but if he wishes to show respect to his teacher or to anyone senior to himself, he may do so. Rabbah b. Bar Hanah made a marriage feast for his son in the house of R. Samuel son of R. Kattina, and he first sat down and taught his son: The one who acts as host⁸ may not break the bread until the guests have finished responding, Amen. R. Hisda said: The bulk of the guests. Rama b. Hama said to him: Why should this be the case only with the majority? Presumably it is because the benediction had not yet been completed.⁹ The same should apply also to a minority, for the benediction has not yet been completed? — He replied: What I say is that whoever [draws out] the response of Amen longer than necessary is in error.¹⁰

Our Rabbis taught: The Amen uttered in response should be neither hurried¹¹ nor curtailed¹² nor orphaned,¹³ nor should one hurl the blessing, as it were, out of his mouth.¹⁴ Ben 'Azzai says: If a man says an 'orphaned' Amen in response, his sons will be orphans; if a hurried Amen, his days will be snatched away; if a curtailed Amen, his days will be curtailed. But if one draws out the Amen, his days and years will be prolonged. Once Rab and Samuel were sitting at a meal and R. Shimi b. Hiyya joined them and ate very hurriedly.¹⁵ Said Rab to him: What do you want? To join us? We have already finished. Said Samuel to him: If they were to bring me mushrooms, and pigeon to Abba,¹⁶ would we not go on eating?¹⁷ The disciples of Rab were once dining together when R. Aha entered. They said: A great man has come who can say grace for us. He said to them: Do you think that the greatest present says the grace? One who was there from the beginning must say grace! The law, however, is that the greatest says grace even though he comes in at the end.

ONE WHO HAD EATEN DEMAI etc. But this is not a proper food for him?¹⁸ — If he likes he can declare his possessions hefker¹⁹ in which case he becomes a poor man, and it is suitable for him. For we have learnt: Demai may be given to the poor to eat and also to billeted soldiers.²⁰ And R. Huna said: A Tanna taught: Beth Shammai say that demai is not given to the poor and to billeted soldiers to eat.²¹

OR FIRST TITHE FROM WHICH TERUMAH HAS BEEN REMOVED. This is obvious! — This had to be stated, for the case in which the Levite came beforehand [and thus obtained the first tithe] in the ear and he separated the terumah of the tithe,²² but not the great terumah.²³ And the rule stated follows R. Abbahu; for R. Abbahu said in the name of Resh Lakish: First tithe for which [the Levite] has come beforehand [and obtained] in the ear is not liable to great terumah, since it says, ye shall offer up an heave offering of it for the Lord, even a tenth part of the tithe.²⁴ I bid you offer a tithe from the tithe, not the great terumah plus the terumah of the tithe from the tithe. Said R. Papa to

Abaye: If that is so, the same should be the case even if he anticipates it at the heap?²⁵ — He replied: It was in anticipation of your question that the text says,

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- (1) Palestine.
 - (2) V. Glos.
 - (3) Excluding open roads and bridges.
 - (4) And not 'may not eat'.
 - (5) When one interrupts his eating, the other must wait till he resumes. This was according to the old custom when all diners ate from the same dish.
 - (6) After breaking bread, it was the custom for each of the guests to take something out of the dish.
 - (7) If one interrupts his eating.
 - (8) Who in this case would be the bridegroom. Lit., 'he who breaks (the bread)'.
 - (9) As long as the Amen response had not been finished.
 - (10) And the minority who unduly prolong the Amen response need not be taken into consideration.
 - (11) I.e., the A should not be slurred over.
 - (12) The N should be clearly pronounced.
 - (13) Said by one who has not heard the blessing itself but only the others responding Amen.
 - (14) He should not gabble it.
 - (15) So as to be able to join them in the grace.
 - (16) A name of endearment given by Samuel to Rab.
 - (17) As dessert, these being our favourite dishes. Therefore it is as though we had not finished and he may join us.
 - (18) Sc. and it is as though he ate stolen property, over which it is forbidden to make a blessing.
 - (19) V. Glos.
 - (20) Dem. III, 1.
 - (21) I.e., it is only Beth Shammai who provided demai to the poor but Beth Hillel, with whom the law agrees, differ from them.
 - (22) The tithe given by the Levite to the priest.
 - (23) The ordinary terumah, (v. Glos. s.v. terumah).
 - (24) Num. XVIII, 26.
 - (25) The grain after winnowing, but before being ground.

Talmud - Mas. Berachoth 47b

Out of all your tithes ye shall offer.¹ But still what reason have you [for including corn in the ear and not grain]? — One has been turned into corn the other has not.²

SECOND TITHE OR FOOD BELONGING TO THE SANCTUARY THAT HAS BEEN REDEEMED. This is obvious! — We are dealing here with a case where, for instance, he has given the principal but not the additional fifth;³ and he teaches us here that the fact that the fifth has not been given is no obstacle.⁴

OR IF AN ATTENDANT WHO HAS EATEN AS MUCH AS AN OLIVE etc. This is obvious! — You might object that the attendant does not sit through the meal.⁵ This teaches, therefore, [that this is no objection].

A CUTHEAN MAY BE INCLUDED [IN THE THREE]. Why so? Wherein is he better than an 'am ha-arez, and it has been taught: An 'am ha-arez is not reckoned in for zimmun? — Abaye replied: It refers to a Cuthean who is a haber. Raba said: You may even take it to refer to a Cuthean who is an 'am ha-arez, the passage cited referring to an 'am ha-arez as defined by the Rabbis who join issue in this matter with R. Meir. For it has been taught: Who is an 'am ha-arez⁶ Anyone who does not eat non-sacred food in ritual cleanness. So R. Meir. The Rabbis, however, say: Anyone who does not tithe his produce in the proper way. Now these cutheans do tithe their produce in the proper

way, since they are very scrupulous about any injunction written in the Torah; for a Master has said: Whenever the Cutheans have adopted a mizwah, they are much more particular with it than the Jews.⁶

Our Rabbis taught: Who is an 'am ha-arez⁶ Anyone who does not recite the Shema' evening and morning. This is the view of R. Eliezer. R. Joshua says: Anyone who does not put on tefillin. Ben 'Azzai says: Anyone who has not a fringe on his garment. R. Nathan says: Anyone who has not a mezuzah on his door. R. Nathan b. Joseph says: Anyone who has sons and does not bring them up to the study of the Torah. Others say: Even if one has learnt Scripture and Mishnah, if he has not ministered to the disciples of the wise,⁷ he is an 'am ha-arez. R. Huna said: The halachah is as laid down by 'Others'.

Rami b. Hama refused to count to zimmun R. Menashiah b. Tahalifa who could repeat Sifra,⁸ Sifre,⁹ and halachah. When Rami b. Hama died, Raba said: Rami b. Hama died only because he would not count R. Menashiah b. Tahalifa for zimmun. But it has been taught: Others say that even if one has learnt Scripture and Mishnah but has not ministered to the disciples of the wise, he is an 'am ha-arez? — R. Menashiah b. Tahalifa was different because he used to minister to the Rabbis, and it was Rami b. Hama who did not make proper inquiries about him. According to another version, he used to hear discussions from the mouth of the Rabbis and commit them to memory. and he was therefore like a Rabbinical scholar.

ONE WHO HAS EATEN TEBEL AND FIRST TITHE etc. In the case of tebel this is obvious! — It required to be stated for the case of that which is tebel only by the ordinance of the Rabbis. What for instance? Food grown in a pot without a hole in the bottom.¹⁰

FIRST TITHE etc. This is obvious! — It required to be stated for the case where [the Levite] anticipated [the priest] at the heap. You might think that the law is as indicated by R. Papa's question to Abaye;¹¹ this teaches that it is as indicated by the latter's answer.

SECOND TITHE etc. This is obvious! — It is required for the case in which the tithe etc., has been redeemed, but not properly redeemed. Second tithe, for instance, if it has been redeemed for

bar silver,¹² since the All-Merciful said; Thou shalt bind up [we-zarta] the silver in thy hands,¹³ implying, silver on which a form [zurah] is stamped. As to FOOD BELONGING TO THE SANCTUARY, if for instance it has been rendered profane for its equivalent in land but has not been redeemed for money, whereas the All Merciful laid down, He shall give the money and it shall be assured unto him.¹⁴

OR THE ATTENDANT WHO HAS EATEN LESS THAN AN OLIVE. This is obvious! — Since the first clause states the rule for the quantity of an olive, the second clause states it for less than an olive.

A GENTILE MAY NOT BE COUNTED. This is obvious! — We are dealing here with the case of a proselyte who has been circumcised but has not yet made ablution. For R. Zera said in the name of R. Johanan: One does not become a proselyte until he has been circumcised and has performed ablution; and so long as he has not performed ablution he is a gentile.

WOMEN SLAVES AND CHILDREN ARE NOT COUNTED [IN THE THREE]. R. Jose said: An infant in the cradle may be counted for zimmun. But we have learnt: WOMEN SLAVES AND CHILDREN MAY NOT BE COUNTED? — He adopts the view of R. Joshua b. Levi. For R. Joshua b. Levi said: Although it was laid down that an infant in a cradle cannot be counted for zimmun, yet he can be counted to make up ten. R. Joshua b. Levi also said: Nine and a slave may be joined [to

make up ten].¹⁵

The following was cited in objection: Once R. Eliezer entered a synagogue and not finding there ten he liberated his slave and used him to complete the ten. This was because he liberated him, otherwise he could not have done so? — He really required two, and he liberated one and one he used to make up the ten. But how could he act so seeing that Rab Judah has said: If one liberates his slave he transgresses a positive precept, since it says, they shall be your bondmen for ever?¹⁶ — If it is for a religious purpose. It is different. But this is a religious act which is carried out by means of a transgression? — A religious act which affects a whole company¹⁷ is different.

R. Joshua b. Levi also said: A man should always rise early to go to synagogue so that he may have the merit of being counted in the first ten; since if even a hundred come after him he receives the reward of all of them. 'The reward of all of them', say you? — Say rather: He is given a reward equal to that of all of them.

R. Huna said: Nine and the Ark join together [to be counted as ten]. Said R. Nahman to him: Is the Ark a man? I mean, said R. Huna, that when nine look like ten, they may be joined together. Some say [this means] when they are all close together,¹⁸ others say when they are scattered. R. Ammi said: Two and the Sabbath may be joined together. Said R. Nahman to him: Is the Sabbath a man? What R. Ammi really said was that two scholars who sharpen one another in the knowledge of the halachah may count as three [for zimmun].¹⁹ R. Hisda gave an example: For instance, I and R. Shesheth. R. Shesheth gave an example: For instance, I and R. Hisda.²⁰

R. Johanan said: A boy [who has reached puberty] before his years²¹ may be counted for zimmun. It has been taught similarly: A boy who has grown two hairs may be counted for zimmun, but if he has not grown two hairs he may not be counted; and we are not particular about a boy. Now this seems to contain a contradiction. You first say that if he has grown two hairs he may count and if not he may not, and then you say, We are not particular with a boy. What case does this include? Is it not

(1) Num, XVIII, 29. The actual word in the text is 'gifts'.

(2) And it is only from what can be called 'corn' that terumah has to be given.

(3) Required for the redemption of second tithe or anything belonging to the Sanctuary.

(4) To render the redemption valid.

(5) He has always to be getting up to wait on the guests.

(6) Hence a Cuthean may be reckoned in.

(7) Rashi explains this to mean that he has not learnt Gemara, which explains the Mishnah.

(8) The Midrash on Leviticus.

(9) The Midrash on Deuteronomy.

(10) So that the earth in it is not in contact with the soil.

(11) V. supra 46b ad fin.

(12) I.e., silver not turned into current coin.

(13) Deut. XIV, 25.

(14) Lev. XXVII, 19. The exact words of the text are: he shall add the fifth part of the money of thy valuation unto it, and it shall be assured to him; v. B.M. (Sonc. ed.) p. 321, n. 1.

(15) For a congregational service which requires a minimum quorum of ten males over the age of thirteen.

(16) Lev. XXV, 46. V. Git. 38b.

(17) As in the case of R. Eliezer.

(18) In which case the absence of one is not so noticeable. The Ark is probably mentioned as being a focal point which enables us to determine whether the worshippers are close together or scattered.

(19) **שׁוֹגִים בְּדַבְרֵי תִּזְרוּהָ שֶׁבֶת** is accordingly explained as an abbreviation for **שׁוֹגִים בְּדַבְרֵי תִּזְרוּהָ** (two) who study the Law; v. Goldschmidt.

(20) R. Shesheth and R. Hisda represented each a different type of scholar, the former's forte being an extensive

knowledge of traditions, the latter's keen dialectical powers; v. 'Er. 67a.

(21) I.e., before reaching the age of thirteen years and one day.

Talmud - Mas. Berachoth 48a

to include a boy who shows signs of puberty before his years? The law, however, is not as laid down in all these statements, but as in this statement of R. Nahman: A boy who knows to whom the benediction is addressed may be counted for zimmun. Abaye and Raba [when boys] were once sitting in the presence of Rabbah. Said Rabbah to them: To whom do we address the benedictions? They replied: To the All-Merciful. And where does the All-Merciful abide? Raba pointed to the roof; Abaye went outside and pointed to the sky. Said Rabbah to them: Both of you will become Rabbis. This accords with the popular saying: Every pumpkin can be told from its stalk.¹

Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: If nine persons have eaten corn and one vegetables, they may combine.² R. Zera said: I asked Rab Judah, What of eight, what of seven,³ and he replied: It makes no difference. Certainly if six [were eating corn]⁴ I did not need to ask. Said R. Jeremiah to him: You were quite right not to ask. What was the reason there [in the first case]? Because there is a majority [eating corn]; here too there is a majority. He, however, thought that perhaps an easily recognizable majority is required.⁵

King Jannai and his queen were taking a meal together. Now after he had put the Rabbis to death,⁶ there was no-one to say grace for them. He said to his spouse: I wish we had someone to say grace for us. She said to him: Swear to me that if I bring you one you will not harm him. He swore to her, and she brought Simeon b. Shetah, her brother.⁷ She placed him between her husband and herself, saying. See what honour I pay you. He replied: It is not you who honour me but it is the Torah which honours me, as it is written, Exalt her and she shall promote thee,⁸ [she shall bring thee to honour when thou dost embrace her].⁹ He [Jannai] said to her: You see that he¹⁰ does not acknowledge any authority!¹¹ They gave him a cup of wine to say grace over.¹² He said: How shall I say the grace? [Shall I say] Blessed is He of whose sustenance Jannai and his companions have eaten? So he drank that cup, and they gave him another and he said grace over it. R. Abba the son of R. Hiyya b. Abba said: Simeon b. Shetah in acting thus¹³ followed his own view. For thus said R. Hiyya b. Abba in the name of Johanan: A man cannot say grace on behalf of others until he has eaten at least the size of an olive of corn food with them. Even as it was taught:¹⁴ R. Simeon b. Gamaliel says: If one went up [on the couch] and reclined with them, even though he only dipped [a little bit] with them in brine and ate only one fig with them, he can be combined with them [for zimmun]. Now he can be combined with them, but he cannot say grace on behalf of others until he eats the quantity of an olive of corn food. It has also been stated: R. Hanah b. Judah said in the name of Raba:

(1) Var. lec. from its sap; i.e., as soon as it begins to emerge from the stalk.

(2) To say the zimmun formula for ten, v. next Mishnah.

(3) Who ate corn while two or three ate vegetables.

(4) Aliter: If six were eating corn and four vegetables (omitting 'certainly'). Rashi's reading (which is found also in Ber. Rab. XCI) is: I am sorry I did not ask what is the rule if six eat (corn). This accords better with what follows.

(5) And even if he were to permit in the first case, he would not permit in the case of six.

(6) V. Kid. (Sonc. ed.) pp. 332ff. notes.

(7) Who was a Pharisaic leader and had been in hiding

(8) Prov. IV, 8.

(9) Cf. Eccles. XI, 1.

(10) Simeon b. Shetah.

(11) So according to some edd. Cur. edd.: He said to him, See how they (i.e., the Pharisees) do not accept my authority! His reply to the king was regarded by Jannai as an affront and evidence of the Pharisees' hostility to the throne.

(12) Though he had not joined in the meal.

(13) In saying grace without having eaten anything.

(14) So Bah. Cur. edd.: An objection was raised.

Talmud - Mas. Berachoth 48b

Even though he only dipped [a little bit] with them in brine or ate with them only one fig, he can be combined with them; but for saying grace on behalf of others he is not qualified until he eats the quantity of an olive of corn food with them. R. Hanah b. Judah said in the name of Raba: The law is that if he ate with them a vegetable-leaf and drank a cup of wine, he can be combined; but he cannot say grace on behalf of others until he eats with them the quantity of an olive of corn food.

R. Nahman said: Moses instituted for Israel the benediction 'Who feeds'¹ at the time when manna descended for them. Joshua instituted for them the benediction of the land² when they entered the land. David and Solomon instituted the benediction which closes 'Who buildest Jerusalem'.³ David instituted the words. 'For Israel Thy people and for Jerusalem Thy city',⁴ and Solomon instituted the words 'For the great and holy House'.⁴ The benediction 'Who is good and bestows good'⁵ was instituted in Jabneh with reference to those who were slain in Bethar. For R. Mattena said: On the day on which permission was given to bury those slain in Bethar,⁶ they ordained in Jabneh that 'Who is good and bestows good' should be said: 'Who is good', because they did not putrefy, and 'Who bestows good', because they were allowed to be buried.

Our Rabbis taught: The order of grace after meals is as follows. The first benediction is that of 'Who feeds'. The second is the benediction of the land. The third is 'Who buildest Jerusalem'. The fourth is 'Who is good and bestows good'. On Sabbath [the third blessing] commences with consolation and closes with consolation.⁷ and the holiness of the day is mentioned in the middle [of this blessing]. R. Eliezer says: If he likes he can mention it in the consolation, or he can mention it in the blessing of the land,⁸ or he can mention it in the benediction which the Rabbis instituted in Jabneh.⁹ The Sages, however, say that it must be said in the consolation blessing. The Sages say the same thing as the First Tanna? — They differ in the case where he actually did say it [in some other place].¹⁰

Our Rabbis taught: Where is the saying of grace intimated in the Torah? In the verse, And thou shalt eat and be satisfied and bless:¹¹ this signifies the benediction of 'Who feeds'.¹² 'The Lord Thy God': this signifies the benediction of zimmun.¹³ 'For the land': this signifies the blessing for the land. 'The good': this signifies 'Who buildest Jerusalem'; and similarly it says This good mountain and Lebanon.¹⁴ 'Which he has given thee': this signifies the blessing of 'Who is good and bestows good'. This accounts for the grace after [meals]; how can we prove that there should be a blessing before [food]? — You have an argument a fortiori; if when one is full he says a grace, how much more so should he do so, when he is hungry! Rabbi says: This argument is not necessary. 'And thou shalt eat and be satisfied and bless' signifies the benediction of 'Who feeds'. The responses of zimmun are derived from O magnify the Lord with me.¹⁵ 'For the land': this signifies the blessing of the land. 'The good': this signifies, 'Who buildest Jerusalem'; and so it says, 'This goodly mountain and Lebanon'. 'Who is good and bestows good' was instituted in Jabneh. This accounts for the grace after [meals]; whence do I learn that a blessing must be said before [food]? — Because it says, 'Which He has given thee', implying, as soon as He has given thee.¹⁶ R. Isaac says: This is not necessary. For see, it says, And He shall bless thy bread and thy water.¹⁷ Read not u-berak [and he shall bless] but u-barek [and say a blessing]. And when is it called 'bread'? Before it is eaten. R. Nathan says: This is not necessary. For see, it says, As soon as ye be come into the city ye shall straightway find him, before he go up to the high place to eat; for the people will not eat until he come, because he doth bless the sacrifice, and afterwards they eat that be bidden.¹⁸ Why did they¹⁹ make such a long story of it? Because²⁰ women are fond of talking. Samuel, however, says that it was so that they might feast their eyes on Saul's good looks, since it is written, From his shoulders

and upward he was higher than any of the people;²¹ while R. Johanan says it was because one kingdom cannot overlap another by a hair's breadth.²²

We have found warrant for blessing over food; whence do we derive it for the blessing over the Torah? R. Ishmael says: It is learnt a fortiori: If a blessing is said for temporal life, how much more should it be said for eternal life! R. Hiyya b. Nahmani, the disciple of R. Ishmael, said in the name of R. Ishmael: This is not necessary. For see, it says, 'For the good land which He has given thee', and in another place it says, And I will give thee the tables of stone and a law and commandments, etc.²³ (R. Meir says: Whence do we learn that just as one says a blessing for good hap, so he should say one for evil hap? — Because it says, Which the Lord thy God hath given thee, [as much as to say,] which He hath judged thee²⁴ — for every judgment which He has passed on thee, whether it is a doom of happiness or a doom of suffering.) R. Judah b. Bathyrah says: This is not necessary. For see, it says 'the good' where it need only have said 'good'. 'Good' signifies the Torah; and so it says, For I give you a good doctrine.²⁵ 'The good' signifies the building of Jerusalem; and so it says, This good mount and Lebanon.²⁶

It has been taught: If one does not say the words 'a desirable, good and extensive land' in the blessing of the land and does not mention the kingdom of the house of David in the blessing 'Who buildest Jerusalem', he has not performed his obligation. Nahum the Elder says: He must mention in it [the second blessing] the covenant. R. Jose says: He must mention in it the Torah. Pelimo says: He must mention the covenant before the Torah, since the latter was given with only three covenants²⁷

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- (1) The first benediction of the grace.
 - (2) The second benediction.
 - (3) The third benediction.
 - (4) In the third benediction.
 - (5) The fourth benediction.
 - (6) The scene of the last stand of the Bar Kocheba Wars, in 135 C.E.
 - (7) I.e., no change is made. The third blessing commences with 'Have mercy', and ends with a prayer for the rebuilding of Jerusalem, which is also a prayer for 'consolation'.
 - (8) I.e., the second.
 - (9) The fourth.
 - (10) In which case the First Tanna insists that it must be said again in the proper place.
 - (11) Deut. VIII. 10.
 - (12) This appears to be a mistake for 'zimmun'. V. Wilna Gaon Glosses.
 - (13) This appears to be a mistake for 'Who feeds'. V. Wilna Gaon Glosses.
 - (14) Deut. III, 25.
 - (15) Ps. XXXIV, 4.
 - (16) Even before partaking thereof.
 - (17) Ex. XXIII, 25.
 - (18) I Sam. IX, 13.
 - (19) The women who were talking to Saul.
 - (20) MS.M. inserts, Rab said: Hence (is proved) that women etc.
 - (21) Ibid. 2.
 - (22) Samuel's regime was destined to cease as soon as Saul's commenced.
 - (23) Ex. XXIV, 12; the derivation here is based on the principle of Gezerah Shawah.
 - (24) So Bah. Cur. edd.: 'Thy Judge', explaining the term 'thy God Elohim', which in Rabbinic thought represents God as Judge.
 - (25) Prov. IV, 2.
 - (26) The text is in disorder, v. D.S. a.l.
 - (27) At Mount Sinai (or the Tent of Meeting). at Mount Gerizim and in the plains of Moab.

Talmud - Mas. Berachoth 49a

but the former with thirteen.¹ R. Abba² says: He must express thanksgiving at the beginning and end of it, or at the very least once; and one who omits to do so at least once is blameworthy. And whoever concludes the blessing of the land with 'Who givest lands in inheritance' and 'Who buildest Jerusalem' with the words 'Saviour of Israel' is a boor.³ And whoever does not mention the covenant and the Torah in the blessing of the land and the kingdom of the house of David in 'Who buildest Jerusalem' has not performed his obligation. This supports R. Ela; for R. Ela said in the name of R. Jacob b. Aha in the name of our Teacher:⁴ 'Whoever omits to mention covenant and Torah in the blessing of the land and the kingdom of the house of David in 'Who buildest Jerusalem' has not performed his obligation. There is a difference of opinion between Abba Jose b. Dosethai and the Rabbis. One authority says that [God's] kingship must be mentioned in the blessing 'Who is good and bestows good', the other says it need not be mentioned. The one who says it must be mentioned holds that this blessing has only Rabbinic sanction,⁵ the one who says it need not be mentioned holds that it has Scriptural sanction.

Our Rabbis taught: How does one conclude the blessing of the building of Jerusalem? — R. Jose son of R. Judah says: Saviour of Israel. 'Saviour of Israel' and not 'Builder of Jerusalem'? Say rather, 'Saviour of Israel' also. Rabbah b. Bar Hanah was once at the house of the Exilarch. He mentioned one⁶ at the beginning of [the third blessing] and both at the end.⁷ R. Hisda said: Is it a superior way to conclude with two? And has it not been taught: Rabbi says that we do not conclude with two?

The [above] text [stated]: Rabbi says that we do not conclude with two. In objection to this Levi pointed out to Rabbi that we say 'for the land and for the food'?⁸ It means, [he replied] a land that produces food. [But we say,] 'for the land and for the fruits'?⁹ — [It means,] a land that produces fruits. [But we say,] 'Who sanctifiest Israel and the appointed seasons'?¹⁰ [It means,] Israel who sanctify the seasons. [But we say,] Who sanctifiest Israel and New Moons? — [It means,] Israel who sanctify New Moons. [But we say,] Who sanctifies the Sabbath, Israel and the seasons?¹¹ — This is the exception.¹² Why then should it be different? — In this case it¹³ is one act, in the other two, each distinct and separate.¹⁴ And what is the reason for not concluding with two? — Because we do not make religious ceremonies into bundles.¹⁵ How do we decide the matter? — R. Shesheth says: If one opens with 'Have mercy on Thy people Israel' he concludes with 'Saviour of Israel'; If he opens with 'Have mercy on Jerusalem', he concludes with 'Who buildest Jerusalem'. R. Nahman, however, said: Even if one opens with 'Have mercy on Israel', he concludes with 'Who buildest Jerusalem', because it says. The Lord doth build up Jerusalem. He gathereth together the dispersed of Israel,¹⁶ as if to say: When does God build Jerusalem? — When He gathereth the dispersed of Israel.

R. Zera said to R. Hisda: Let the Master come and teach us [grace]. He replied: The grace after meals I do not know myself, and shall I teach it to others? — He said to him: What do you mean? — Once, he replied. I was at the house of the Exilarch, and I said grace after the meal, and R. Shesheth stretched out his neck at me like a serpent,¹⁷ and why? — Because I had made no mention either of covenant or of Torah¹⁸ or of kingship.¹⁹ And why did you not mention them [asked R. Zera]? Because, he replied. I followed R. Hananel citing Rab; for R. Hananel said in the name of Rab: If one has omitted to mention covenant, Torah and kingship he has still performed his obligation: covenant, because it does not apply to women; 'Torah and kingship' because they apply neither to women nor to slaves. And you [he exclaimed] abandoned all those other Tannaim and Amoraim and followed Rab!

Rabbah b. Bar Hanah said in the name of R. Johanan: The blessing 'Who is good and bestows good' must contain mention of [God's] kingship. What does he tell us? That any benediction which does not contain mention of [God's] kingship is no proper blessing? R. Johanan has already said this

once!²⁰ R. Zera said: He tells us that it requires kingship to be mentioned twice,²¹ once for itself and once for the benediction 'Who buildest Jerusalem'.²² If that is so, we should require three times, once for itself, once for 'Who buildest Jerusalem', and once for the blessing of the land?²³ Hence what you must say is: Why do we not require one for the blessing of the land? — Because it is a benediction closely connected with the one which precedes it. Then 'Who buildest Jerusalem' should also not require it, being a benediction closely connected with the one which precedes it? — The fact is that, strictly speaking, the blessing 'Who buildest Jerusalem' also does not require it, but since the kingdom of the house of David is mentioned,²⁴ it is not seemly that the kingship of heaven also should not be mentioned.²⁵ R. Papa said: What he [R. Johanan] meant is this: It requires two mentions of the kingship [of heaven] besides its own.²⁶

R. Zera was once sitting behind R. Giddal, and R. Giddal was sitting facing R. Huna, and as he [R. Giddal] sat, he said: If one forgot and did not mention in the grace Sabbath, he says, 'Blessed be He who gave Sabbaths for rest to His people Israel in love for a sign and a covenant, blessed is He who sanctifies the Sabbath!' He [R. Huna] said to him: Who made this statement? — He replied, Rab. He then continued: If one forgot and did not mention the festival, he says, 'Blessed is He who gave holy days to His people Israel for joy and for remembrance, blessed is He who sanctifies Israel and the festivals'. He again asked him who made the statement, and he answered, Rab. He then continued: If one forgot and did not mention the New Moon, he says, 'Blessed is He who gave New Moons to His people Israel for a remembrance'. But, said R. Zera: I do not know whether he also said that he must add 'for joy', or not, whether he concluded with a benediction or not, or whether he said it on his own authority or was repeating the words of his teacher.²⁷

Once when R. Giddal b. Manyumi was in the presence of R. Nahman, R. Nahman made a mistake [in the grace],²⁸

(1) The word of 'covenant' occurring thirteen times in the section of the circumcision of Abraham, Gen. XVII, 1-14.

(2) Rab is here intended, v. Marginal Gloss.

(3) Probably because he leaves out the reference to Palestine and Jerusalem; v. infra.

(4) This must refer to Rabbi, Rab, who is usually so designated, being excluded here, since Rab has already stated his view. (V. p. 294, n. 7.)

(5) Hence it is not a continuation of the preceding blessings, which are Scriptural; and therefore kingship must be mentioned afresh in it.

(6) Either Israel or Jerusalem. The third blessing begins 'Have mercy . . . upon Israel Thy people and upon Jerusalem Thy city'.

(7) Of the third blessing.

(8) In concluding the second blessing.

(9) V. P.B. p. 289.

(10) Ibid. p. 229.

(11) V. P.B. p. 229.

(12) Israel do not sanctify the Sabbath by means of a formal proclamation, hence we cannot here apply the same explanation as in the case of festivals and New Moons.

(13) God's sanctifying of the Sabbath and Israel.

(14) Saving Israel and building Jerusalem.

(15) Cf. Pes. 102b.

(16) Ps. CXLVII. 2.

(17) In astonishment.

(18) In the second benediction.

(19) The kingship of the house of David in the third benediction.

(20) V. supra 40b.

(21) As in fact we find in the benediction of 'Who is good etc.', which begins with the formula, 'Blessed art Thou . . . King of the Universe . . .' and goes on, 'Our father, our King . . .'.

- (22) Which does not conclude with the formula, 'Blessed art Thou . . . King of the universe,
 (23) Which also concludes without the kingship formula.
 (24) In the third blessing.
 (25) And therefore we repair the omission in the next benediction.
 (26) And in fact the benediction proceeds, 'Our father our King . . . the king who is good etc.'
 (27) Rab.
 (28) I.e., forgot to mention Sabbath or New Moon.

Talmud - Mas. Berachoth 49b

and he went back to the beginning. He said to him: What is the reason why your honour does this? — He replied: Because R. Shila said in the name of Rab: If one makes a mistake, he goes back to the beginning. But R. Huna has said in the name of Rab: If he goes wrong, he says, 'Blessed be He who gave [etc.]'? — He replied: Has it not been stated in reference to this that R. Menashia b. Tahalifa said in the name of Rab: This is the case only where he has not commenced, 'Who is good and bestows good'; but if he has commenced 'Who is good and bestows good', he goes back to the beginning.

R. Idi b. Abin said in the name of R. Amram quoting R. Nahman who had it from Samuel: If one by mistake omitted to mention New Moon in the Tefillah, he is made to begin again; if in the grace after meals, he is not made to begin again. Said R. Idi b. Abin to R. Amram: Why this difference between Tefillah and grace? — He replied: I also had the same difficulty, and I asked R. Nahman, and he said to me: From Mar Samuel personally I have not heard anything on the subject, but let us see for ourselves. [I should say that] in the case of Tefillah, which is obligatory, he is made to begin again, but in the case of a meal, which he can eat or not eat as he pleases, he is not made to begin again. But if that is so [said the other], in the case of Sabbaths and festivals, on which it is not possible for him to abstain from eating, I should also say that if he makes a mistake he must go back to the beginning? — He replied: That is so; for R. Shila said in the name of Rab: If one goes wrong, he goes back to the beginning. But has not R. Huna said in the name of Rab that if one goes wrong he says 'Blessed is He who gave [etc.]'? — Has it not been stated in reference to this that this is the case only if he has not commenced 'Who is good and bestows good', but if he has commenced, 'Who is good and bestows good', he goes back to the beginning?

HOW MUCH [MUST ONE HAVE EATEN] TO COUNT etc. This would seem to show that R. Meir's standard is an olive and R. Judah's an egg. But we understand the opposite, since we have learnt: Similarly, if one has left Jerusalem and remembers that he has in his possession holy flesh, if he has gone beyond Zofim¹ he burns it on the spot, and if not he goes back and burns it in front of the Temple with some of the wood piled on the altar. For what minimum quantity do they turn back? R. Meir says: In either case,² the size of an egg; R. Judah says: In either case the size of an olive.³ R. Johanan said: The names must be reversed. Abaye said: There is no need to reverse. In this case [of zimmun] they differ in the interpretation of a Scriptural text. R. Meir holds that 'thou shalt eat' refers to eating and 'thou shalt be satisfied' to drinking, and the standard of eating is an olive. R. Judah holds that 'And thou shalt eat and be satisfied' signifies an eating which gives satisfaction, and this must be as much as an egg. In the other case, they differ in their reasoning. R. Meir considers that the return for a thing should be analogous to its defilement; just as its defilement is conditioned by the quantity of an egg, so is the return for it conditioned by the quantity of an egg.⁴ R. Judah held that the return for it should be analogous to its prohibition. Just as the prohibition thereof comes into force for the quantity of an olive, so is the return for it conditioned by the quantity of an olive.

MISHNAH. WHAT IS THE FORMULA FOR ZIMMUN? IF THERE ARE THREE, HE [THE ONE SAYING GRACE] SAYS, 'LET US BLESS [HIM OF WHOSE BOUNTY WE HAVE EATEN]'. IF THERE ARE THREE BESIDE HIMSELF HE SAYS, 'BLESS'. IF THERE ARE TEN, HE SAYS, LET US BLESS OUR GOD'; IF THERE ARE TEN BESIDE HIMSELF HE

SAYS, 'BLESS'. IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS.⁵ IF THERE ARE A HUNDRED HE SAYS, 'LET US BLESS THE LORD OUR GOD'; IF THERE ARE A HUNDRED BESIDE HIMSELF HE SAYS, 'BLESS'. IF THERE ARE A THOUSAND HE SAYS 'LET US BLESS THE LORD OUR GOD, THE GOD OF ISRAEL'; IF THERE ARE A THOUSAND BESIDE HIMSELF HE SAYS 'BLESS'. IF THERE ARE TEN THOUSAND HE SAYS, 'LET US BLESS THE LORD OUR GOD, THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN'. IF THERE ARE TEN THOUSAND BESIDE HIMSELF HE SAYS, 'BLESS'. CORRESPONDING TO HIS INVOCATION THE OTHERS RESPOND, 'BLESSED BE THE LORD OUR GOD THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN'. R. JOSE THE GALILEAN SAYS: THE FORMULA OF INVOCATION CORRESPONDS TO THE NUMBER ASSEMBLED, AS IT SAYS: BLESS YE GOD IN FULL ASSEMBLIES, EVEN THE LORD, YE THAT ARE FROM THE FOUNTAIN OF ISRAEL.⁶ SAID R. AKIBA: WHAT DO WE FIND IN THE SYNAGOGUE? WHETHER THERE ARE MANY OR FEW⁷ THE READER SAYS, 'BLESS YE THE LORD.'⁸ R. ISHMAEL SAYS: BLESS YE THE LORD WHO IS BLESSED.

GEMARA. Samuel said: A man should never exclude himself from the general body.⁹ We have learnt: IF THERE ARE THREE BESIDE HIMSELF HE SAYS 'BLESS'?¹⁰ —

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- (1) Mt. Scopus, the furthest point from which the Temple was still visible.
 - (2) The case of holy flesh just mentioned, and the case of leaven which one who is bringing the Paschal lamb remembers that he has not cleared out of his house.
 - (3) V. Pes. (Sonc. ed.) p. 23 notes.
 - (4) Less than the quantity of an egg does not communicate defilement in case of food.
 - (5) This is the opinion of R. Akiba, as appears infra.
 - (6) Ps. LXVIII, 27.
 - (7) Provided there are ten.
 - (8) V. P.B. p. 37 and p. 68.
 - (9) He should always say 'Let us bless'.
 - (10) Thus excluding himself from their company.

Talmud - Mas. Berachoth 50a

Read: he may also say 'Bless'; but all the same to say 'Let us bless' is preferable. For R. Adda b. Ahabah said: The school of Rab say: We have learnt that [a company consisting of from] six to ten may divide.¹ Now if you say that 'Let us bless' is preferable, we can see a reason why they should divide. But if you say that 'Bless' is preferable, why should they divide?² You must therefore conclude that 'Let us bless' is preferable; and so we do conclude.

It has been taught to the same effect: Whether he says 'Bless' or 'Let us bless', no fault is to be found with him for this. But those who are punctilious do find fault with him for this.³ And from the way a man says the benedictions it may be recognized whether he is a scholar or not. For example, Rabbi says: If he says 'and by his goodness', he is a scholar; if he says 'and from his goodness', he shows himself an ignoramus.⁴ Said Abaye to R. Dimi: But it is written, And from thy blessing let the house of thy servant be blessed for ever.⁵ — In a petition it is different.⁶ But of a petition also it is written, Open thy mouth wide and I will fill it?⁷ — That was written with reference to words of Torah. It has been taught: Rabbi says: If one says, 'And by his goodness we live', he shows himself a scholar; if he says 'they live', he shows himself an ignoramus.⁸ The scholars of Neharbel⁹ state the opposite,¹⁰ but the law is not as stated by the scholars of Neharbel. R. Johanan says: If one says 'let us bless Him of whose bounty we have partaken' he shows himself a scholar; if he says 'Let us bless the one of whose bounty we have partaken', he shows himself an ignoramus.¹¹ Said R. Aha the son

of Raba to R. Ashi: But do we not say 'We will bless the one who wrought for our ancestors and for us all these miracles'?¹² — He replied: There the meaning is obvious, for who performs miracles? The Holy One, blessed be He. R. Johanan said: If one says 'Blessed is He of whose bounty we have eaten', he shows himself a scholar. If he says, 'For the food which we have eaten',¹³ he shows himself an ignoramus. R. Huna the son of R. Joshua said: This is the case only where there are three, since the name of heaven is not mentioned [in the zimmun],¹⁴ but if there are ten, since the name of heaven is mentioned, it is clear what is meant, as we have learnt: CORRESPONDING TO HIS INVOCATION THE OTHERS RESPOND, 'BLESSED BE THE LORD OUR GOD, THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN.'

IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS. There seems here to be a contradiction. You say, IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS, which would show that they are all alike. Then it states: IF THERE ARE A HUNDRED HE SAYS so and so, IF THERE ARE A THOUSAND HE SAYS, IF THERE ARE TEN THOUSAND HE SAYS? — R. Joseph said: There is no contradiction; the one statement expresses the view of R. Akiba, the other of R. Jose the Galilean, since we have learnt: R. JOSE THE GALILEAN SAYS: THE FORMULA OF INVOCATION CORRESPONDS TO THE NUMBER ASSEMBLED, AS IT SAYS: BLESS YE GOD IN ALL ASSEMBLIES, EVEN THE LORD, YE THAT ARE FROM THE FOUNTAIN OF ISRAEL.

SAID R. AKIBA: WHAT DO WE FIND IN THE SYNAGOGUE etc. And what does R. Akiba make of the verse cited by R. Jose the Galilean? — He wants it for the following lesson, as it has been taught: R. Meir used to say: Whence do we learn that even children [yet unborn] in their mothers' womb chanted a song by the Red Sea? — Because it says, Bless ye the Lord in full assemblies, even the Lord, ye that are from the fountain of Israel.¹⁵ What says the other [R. Jose] to this? — He derives the lesson from the word 'fountain'.

Raba said: The halachah is as laid down by R. Akiba. Rabina and R. Hama b. Buzi once dined at the house of the Exilarch, and R. Hama got up and commenced to look about for a hundred. Said Rabina to him: There is no need for this. For thus said Raba: The halachah is as stated by R. Akiba.

Raba said: When we take a meal at the house of the Exilarch, we say grace in groups of three.¹⁶ Why not in groups of ten?¹⁷ — Because the Exilarch might hear them and be angry.¹⁸ But could not the grace of the Exilarch suffice for them? — Since everybody would respond loudly, they would not hear the one who says grace.

Raba Tosfa'ah said: If three persons had a meal together and one said grace for himself before the others, his zimmun is effective for them but theirs is not effective for him,¹⁹ since zimmun cannot be said out of its place.²⁰

R. ISHMAEL SAYS. Rafram b. Papa once attended the synagogue of Abi Gobar.²¹ He was called up to read in the Scroll and he said, 'Bless ye the Lord' and stopped, without adding 'who is to be blessed'. The whole congregation cried out, 'Bless ye the Lord who is to be blessed'. Raba said to him: You black pot!²² Why do you want to enter into controversy?²³ And besides, the general custom is to use the formula of R. Ishmael.

MISHNAH. IF THREE PERSONS HAVE EATEN TOGETHER THEY MAY NOT SEPARATE [FOR GRACE].²⁴ SIMILARLY WITH FOUR AND SIMILARLY WITH FIVE.²⁵ SIX MAY DIVIDE,²⁶ [AND HIGHER NUMBERS] UP TO TEN; BETWEEN TEN AND TWENTY THEY MAY NOT DIVIDE. IF TWO GROUPS EAT IN THE SAME ROOM, AS LONG AS SOME OF THE ONE CAN SEE SOME OF THE OTHER THEY COMBINE [FOR ZIMMUN], BUT

OTHERWISE EACH GROUP MAKES ZIMMUN FOR ITSELF. A BLESSING IS NOT SAID OVER THE WINE UNTIL WATER IS PUT IN IT.²⁷ SO R. ELIEZER. THE SAGES, HOWEVER, SAY THAT THE BLESSING MAY BE SAID.

GEMARA. What does this tell us? We have already learnt it once: Three persons who have eaten together must say zimmun?²⁸ — This teaches us the same thing as was stated by R. Abba in the name of Samuel: If three persons have sat down to eat, even though they have not yet commenced, they are not at liberty to separate. Another version: R. Abba said in the name of Samuel: What is meant is this: if three persons sit down to eat together, even though each eats of his own loaf, they are not at liberty to separate. Or [it may teach us] the same as R. Huna; for R. Huna said: If three persons from these groups come together,²⁹ they are not at liberty to separate.³⁰ R. Hisda said: This is only if they come from three groups of three men each.³¹ Raba said:

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- (1) I.e., form groups of three or four. But ten may not divide, since they will not then be able to say 'Our God'.
 - (2) Rashi reads: 'Why should six divide?' If they form two groups of three, neither can say 'bless'.
 - (3) For excluding himself from the group.
 - (4) Because he belittles the goodness of the Almighty.
 - (5) 11 Sam. VII, 29.
 - (6) The Petitioner likes to be modest in his request.
 - (7) Ps. LXXXI, 11.
 - (8) Because he excludes himself from their company.
 - (9) Neharbel, east of Bagdad.
 - (10) Taking 'they live' to refer to the whole of mankind.
 - (11) Because this form may be taken to refer to the host.
 - (12) In the Haggadah on Passover eve.
 - (13) Without assigning its ownership to God.
 - (14) In the responses 'Let us bless our God'.
 - (15) The lesson being derived from the word 'assemblies'.
 - (16) Before the Exilarch finishes and says grace.
 - (17) So as to add the word 'Our God'.
 - (18) At their not waiting for him.
 - (19) I.e., he does not perform the mizwah of zimmun.
 - (20) V. supra. p. 278. n. 6.
 - (21) Be Gobar, in the vicinity of Mahuzah.
 - (22) Probably he was of swarthy complexion.
 - (23) I.e., follow a minority view.
 - (24) But must say zimmun together.
 - (25) One or two may not say grace for themselves.
 - (26) Into two groups of three.
 - (27) To dilute it, otherwise it is too strong to be drunk.
 - (28) V. supra 45b.
 - (29) Each having left his group for one reason or another.
 - (30) But they must say grace together even though they have not eaten together.
 - (31) So that each of them was under the obligation of zimmun.

Talmud - Mas. Berachoth 50b

This applies only if the groups had not already counted them for zimmun; but if they had reckoned upon them where they were,¹ the obligation of zimmun has departed from them. Said Raba: Whence do I derive this rule? Because we have learnt: If the half of a bed has been stolen or lost, or if a bed has been divided by brothers or partners, it cannot receive uncleanness. If it is restored [to its original state] it can receive uncleanness thenceforward. Thenceforward it can, but not

retrospectively.² This shows that from the time it was divided, uncleanness no longer attached to it.³ So here, once they had used them for zimmun, the obligation of zimmun no longer attached to them.⁴

TWO GROUPS etc. A Tanna taught: If there is an attendant waiting on both, the attendant combines them.⁵

A BLESSING IS NOT SAID OVER WINE. Our Rabbis taught: If wine has not yet been mixed with water, we do not say over it the blessing 'Who createst the fruit of the vine',⁶ but 'Who createst the fruit of the tree', and it can be used for washing the hands.⁷ Once water has been mixed with it, we say over it the blessing 'Who createst the fruit of the vine', and it may not be used for washing the hands. So R. Eliezer. The Sages, however, say: In either case we say over it the blessing 'Who createst the fruit of the vine', and we do not use it for washing the hands. Whose view is followed in this statement of Samuel: A man may use bread for any purpose he likes?⁸ — Whose view? That of R. Eliezer. R. Jose son of R. Hanina said: The Sages agree with R. Eliezer in the matter of the cup of wine used for grace, that a blessing should not be said over it until water has been added. What is the reason? — R. Oshaiah said: For a religious ceremony we require the best. And according to the Rabbis — for what kind of drink is undiluted wine suitable? — It is suitable for [mixing with] karyotis.⁹

Our Rabbis taught: Four things have been said with reference to bread. Raw meat should not be placed on bread; a full cup should not be passed along over bread;¹⁰ bread should not be thrown; and a dish should not be propped up on bread. Amemar and Mar Zutra and R. Ashi were once taking a meal together. Dates and pomegranates were served to them, and Mar Zutra took some and threw them in front of R. Ashi as his portion. He said to him: Does not your honour agree with what has been taught, that eatables should not be thrown? — [He replied]: That was laid down with reference to bread. But it has been taught that just as bread is not to be thrown, so eatables should not be thrown? But, he replied, it has also been taught that although bread is not to be thrown, eatables may be thrown? But in fact there is no contradiction; one statement refers to things which are spoilt by throwing,¹¹ the other to things which are not spoilt.

Our Rabbis taught: Wine can be run through pipes¹² before the bridegroom and the bride, and roasted ears of corn and nuts may be thrown in front of them in the summer season but not in the rainy season;¹³ while cakes may not be thrown in front of them either in the summer or the rainy season.¹⁴

Rab Judah said: If one forgot and put food into his mouth without saying a blessing, he shifts it to the side of his mouth and says the blessing. One [Baraita] taught that he swallows it, and another taught that he spits it out, and yet another taught that he shifts it to one side. There is no contradiction. Where it says that he swallows it, the reference is to liquids; where it says that he spits it out, the reference is to something which is not spoilt thereby; and when it says that he shifts it, the reference is to something which would be spoilt [by being spat out].

(1) I.e., if the party to which they belonged consisted of four persons each and they had left only after their respective parties has said the zimmun formula introducing the grace.

(2) Kelim XVIII, 9.

(3) An incomplete article does not contract defilement.

(4) Lit., 'flew away from them'.

(5) Even though they do not see one another.

(6) Because as yet it shows no improvement over its original condition. This, of course, refers to the very strong wine of the ancients.

(7) Like fruit juice.

(8) I.e., wiping his hands after a meal, in spite of the general rule that food must not be wasted.

(9) A kind of date with the shape of a nut, used for medicinal purpose.

(10) For fear some should spill on the bread.

(11) I.e., ripe, juicy figs.

(12) This was done either as a symbol of prosperity, or for the purpose of diffusing a pleasant odour; it could be caught up in cups and so not wasted.

(13) Because they may be spoiled by the muddy roads.

(14) Because in either case they may be spoiled.

Talmud - Mas. Berachoth 51a

But why should he not also shift to one side anything which would not be spoiled and say the blessing? — R. Isaac Kaskasa'ah¹ gave the reason in the presence of R. Jose son of R. Abin, quoting R. Johanan: Because it says, My mouth shall be filled with Thy praise.²

R. Hisda was asked: If one has eaten and drunk without saying a blessing, should he say the blessing afterwards? — He replied: If one has eaten garlic so that his breath smells, should he eat more garlic so that his breath should go on smelling?³ Rabina said: Therefore⁴ even if he has finished his meal he should say the blessing retrospectively, since it has been taught: If a man has taken a ritual immersion and come out of the water, he should say on his emerging, 'Blessed be He who has sanctified us with His commandments and commanded us concerning immersion'. This, however, is not correct. In that case [of immersion] the man at the outset was not in a fit state to say a blessing;⁵ in this case the man at the outset was in a fit state, and once it has been omitted it must remain omitted.

Our Rabbis taught: Asparagus brew⁶ is good for the heart and good for the eyes, and, needless to say, for the bowels. If one uses it regularly it is good for the whole body, but if one gets drunk on it it is bad for the whole body. Since it is stated that it is good for the heart, we infer that we are dealing with a brew of wine. Yet it states that it is, needless to say, good for the bowels; but surely it has been taught: For La'AT⁷ it is good. for Ramat⁸ it is bad? — Our statement⁹ was made with reference to a brew of old wine,¹⁰ as we have learnt: If one takes a vow to abstain from wine because it is bad for the bowels and they say to him, Is not the old wine good for the bowels, and he says nothing, he is forbidden to drink new wine but permitted to drink old wine.¹¹ This proves [that we are dealing with old wine].

Our Rabbis taught: Six things were said with reference to asparagus. It is only taken when the wine is undiluted and from a [full] cup; it is received in the right hand and held in the left hand when drunk; one should not talk after drinking it, nor stop in the middle of drinking it, and it should be returned only to the person who served it; one should spit after drinking it, and he should take immediately after it¹² only something of the same kind. But it has been taught: He should take immediately after it only bread? — There is no contradiction: the one statement applies to a brew of wine, the other to a brew of beer.

One [authority] teaches: It is good for La'AT and bad for Ramat, while another teaches that it is good for Ramat and bad for La'AT! There is no contradiction: one statement speaks of a brew of wine, the other of a brew of beer. One [authority] teaches that if he spits after it he will suffer, another that if he does not spit after it he will suffer! There is no contradiction: the one statement speaks of a brew of wine, the other of a brew of beer. R. Ashi said: Now that you say that if he does not spit after it he will suffer, he should eject the liquid even in the presence of a king.

R. Ishmael b. Elisha said: Three things were told me by Suriel the Officer of the [Divine] Presence.¹³ Do not take your shirt from the hand of your attendant when dressing in the morning,¹⁴ and do not let water be poured over your hands by one who has not already washed his own hands,

and do not return a cup of asparagus brew to anyone save the one who has handed it to you, because a company of demons (according to others, a band of destroying angels) lie in wait for a man and say, When will the man do one of these things so that we can catch him.

R. Joshua b. Levi says: Three things were told me by the Angel of Death. Do not take your shirt from your attendant when dressing in the morning, and do not let water be poured on your hands by one who has not washed his own hands,¹⁵ and do not stand in front of women when they are returning from the presence of a dead person, because I go leaping in front of them with my sword in my hand, and I have permission to harm. If one should happen to meet them what is his remedy? — Let him turn aside four cubits; if there is a river, let him cross it, and if there is another road let him take it, and if there is a wall, let him stand behind it;¹⁶ and if he cannot do any of these things, let him turn his face away and say, And the Lord said unto Satan, The Lord rebuke thee, O Satan etc.,¹⁷ until they have passed by.

R. Zera said in the name of R. Abbahu — according to others, it was taught in a Baraita: Ten things have been said in connection with the cup used for grace after meals. It requires to be rinsed and washed, it must be undiluted and full, it requires crowning and wrapping,¹⁸ it must be taken up with both hands and placed in the right hand, it must be raised a handbreadth from the ground, and he who says the blessing must fix his eyes on it. Some add that he must send it round to the members of his household. R. Johanan said: We only know of four: rinsing, washing, undiluted and full. A Tanna taught: Rinsing refers to the inside, washing to the outside. R. Johanan said: Whoever says the blessing over a full cup is given an inheritance without bounds, as it says, And full with the blessing of the Lord; possess thou the sea and the south.¹⁹ R. Jose son of R. Hanina says: He is privileged to inherit two worlds, this world and the next. ‘Crowning’: Rab Judah crowned it with disciples;²⁰ R. Hisda surrounded it with cups. ‘And undiluted’: R. Shesheth said: Up to the blessing of the land.²¹ ‘Wrapping’: R. Papa used to wrap himself in his robe and sit down [to say grace over a cup]; R. Assi spread a kerchief over his head. ‘It is taken in both hands’: R. Hinena b. Papa said: What is the Scriptural warrant for this? — Lift up your hands in holiness and bless ye the Lord.²² ‘And placed in the right hand’. R. Hiyya b. Abba said in the name of R. Johanan: The earlier [students] asked: Should the left hand support the right? — R. Ashi said: Since the earlier [students] inquired and the question was not decided

(1) The reading is not certain.

(2) Ps. LXXI, 8. There should be no room for anything besides the benediction.

(3) I.e., having made one mistake, should he make another by not saying a blessing over the part he has still to eat (Maharsha).

(4) Since he stops in the middle to say the blessing which he did not say at the beginning.

(5) Having been unclean.

(6) A beverage made by soaking certain roots in wine or beer.

(7) L == leb (heart); ‘A == ‘ayin (eyes); T == tehol (milt).

(8) R == rosh (head); M == me‘ayim (bowels); T == tahtonioth (piles).

(9) Lit., ‘that’.

(10) At least three years old (Rashi).

(11) Ned. 66a.

(12) Lit., ‘he must only support it with’. (9) According to Rashi, bread should be taken after wine; according to the Aruch, after beer.

(13) I.e., an angel of high rank.

(14) But get it yourself.

(15) MS.M. inserts: and do not return the cup of asparagus brew to anyone save the one who has handed it to you. Do not enter alone a synagogue in which children are not being taught, because I hide there my weapons; and when there is a pestilence raging in the city do not walk in the middle of the road but on the side, and when there is peace in the city, do not walk on the side but in the middle of the road.

(16) MS.M. inserts: and turn his face to the wall.

(17) Zech. III, 2.

(18) This is explained infra.

(19) Deut. XXXIII, 23.

(20) I.e., made them sit around him.

(21) I.e., up to this point he leaves it undiluted, then he adds water. This is the reading of Alfasi; the reading of our text which has the words 'R. Hanan said' before 'and undiluted' is not intelligible.

(22) Ps. CXXXIV, 2.

Talmud - Mas. Berachoth 51b

we will follow the more stringent view.¹ 'He raises it a handbreadth from the ground': R. Aha b. Hanina said: What Scriptural text have we for this? — I will lift up the cup of salvation and call upon the name of the Lord.² 'He fixes his eyes on it': so that his attention should not wander from it. 'He sends it round to the members of his household': so that his wife may be blessed.

'Ulla was once at the house of R. Nahman. They had a meal and he said grace, and he handed the cup of benediction to R. Nahman. R. Nahman said to him: Please send the cup of benediction to Yaltha.³ He said to him: Thus said R. Johanan: The fruit of a woman's body is blessed only from the fruit of a man's body, since it says, He will also bless the fruit of thy body.⁴ It does not say the fruit of her body, but the fruit of thy body. It has been taught similarly: Whence do we know that the fruit of a woman's body is only blessed from the fruit of a man's body? Because it says: He will also bless the fruit of thy body. It does not say the fruit of her body, but the fruit of thy body. Meanwhile Yaltha heard,⁵ and she got up in a passion and went to the wine store and broke four hundred jars of wine. R. Nahman said to him: Let the Master send her another cup. He sent it to her with a message: All that wine⁶ can be counted as a benediction. She returned answer: Gossip comes from pedlars and vermin from rags.⁷

R. Assi said: One should not speak over the cup of benediction.⁸ R. Assi also said: One should not speak over the cup of punishment. What is the cup of punishment? — R. Nahman b. Isaac said: a second cup.⁹ It has been taught similarly: He who drinks an even number¹⁰ should not say grace,¹¹ because it says, Prepare to meet thy God, O Israel,¹² and this one is not fitly prepared.

R. Abbahu said (according to others, it was taught in a Baraita): One who eats as he walks says grace standing; if he eats standing up he says grace sitting; if he eats reclining he sits up to say grace. The law is that in all cases he says grace sitting.

CHAPTER VIII

MISHNAH. THESE ARE THE POINTS [OF DIFFERENCE] BETWEEN BETH SHAMMAI AND BETH HILLEL IN RELATION TO A MEAL. BETH SHAMMAI SAY THAT THE BENEDICTION IS FIRST SAID OVER THE DAY¹³ AND THEN OVER THE WINE, WHILE BETH HILLEL SAY THAT THE BENEDICTION IS FIRST SAID OVER THE WINE AND THEN OVER THE DAY. BETH SHAMMAI SAY THAT WASHING THE HANDS PRECEDES THE FILLING OF THE CUP,¹⁴ WHILE BETH HILLEL SAY THAT THE FILLING OF THE CUP PRECEDES THE WASHING OF THE HANDS. BETH SHAMMAI SAY THAT AFTER WIPING HIS HANDS WITH A NAPKIN THE DINER PLACES IT ON THE TABLE, WHILE BETH HILLEL SAY THAT HE PLACES IT ON THE CUSHION.¹⁵ BETH SHAMMAI SAY THAT [AFTER THE MEAL] THE FLOOR IS SWEEPED BEFORE THE WASHING OF THE HANDS,¹⁶ WHILE BETH HILLEL SAY THAT [THE DINERS] WASH THEIR HANDS AND THEN THE FLOOR IS SWEEPED. BETH SHAMMAI SAY THAT [THE PROPER ORDER¹⁷ IS] LIGHT, GRACE, SPICES, AND HABDALAH, WHILE BETH HILLEL SAY: LIGHT, SPICES, GRACE,

AND HABDALAH.¹⁸ BETH SHAMMAI SAY [THAT THE BLESSING OVER LIGHT CONCLUDES WITH THE WORDS], WHO CREATED THE LIGHT OF THE FIRE, WHILE BETH HILLEL SAY [THAT THE WORDS ARE], WHO IS CREATING THE LIGHTS OF THE FIRE.

A BENEDICTION MAY NOT BE SAID OVER THE LIGHTS OR THE SPICES OF IDOLATERS OR OVER THE LIGHTS OR THE SPICES OF DEAD,¹⁹ OR OVER THE LIGHTS OR THE SPICES OF IDOLATRY, AND A BLESSING IS NOT SAID OVER THE LIGHT UNTIL IT HAS BEEN UTILIZED.

IF ONE HAS EATEN AND FORGOTTEN TO SAY GRACE, BETH SHAMMAI SAY THAT HE MUST RETURN TO THE PLACE WHERE HE ATE AND SAY THE GRACE, WHILE BETH HILLEL SAY THAT HE SHOULD SAY IT IN THE PLACE WHERE HE REMEMBERED. UNTIL WHEN CAN HE SAY THE GRACE? UNTIL SUFFICIENT TIME HAS PASSED FOR THE FOOD IN HIS STOMACH TO BE DIGESTED. IF WINE IS SERVED TO THEM AFTER THE FOOD, AND THAT IS THE ONLY CUP THERE, BETH SHAMMAI SAY THAT A BLESSING IS FIRST SAID OVER THE WINE AND THEN [THE GRACE] OVER THE FOOD, WHILE BETH HILLEL SAY THAT A BLESSING IS FIRST SAID OVER THE FOOD AND THEN OVER THE WINE. ONE SAYS AMEN AFTER A BLESSING SAID BY AN ISRAELITE BUT NOT AFTER A BLESSING SAID BY A CUTHEAN, UNLESS THE WHOLE OF IT HAS BEEN HEARD.²⁰

GEMARA. Our Rabbis taught: The points of difference between Beth Shammai and Beth Hillel in relation to a meal are as follows: Beth Shammai say that the blessing is first said over the [sanctity of] the day and then over the wine, because it is on account of the day that the wine is used, and [moreover] the day has already become holy²¹ before the wine has been brought. Beth Hillel say that a blessing is said over the wine first and then over the day, because the wine provides the occasion for saying a benediction.²² Another explanation is that the blessing over wine is said regularly²³ while the blessing of the day is said only at infrequent intervals, and that which comes regularly always has precedence over that which comes infrequently. The halachah is as laid down by Beth Hillel. What is the point of the 'other explanation'? — Should you say that there [in explanation of Beth Shammai's view] two reasons are given and here [in explanation of Beth Hillel's] only one, we reply, there are two here also, [the second one being that] the blessing over wine is regular and the blessing of the day infrequent, and that which is regular has precedence over that which is infrequent, 'And the halachah is as stated by Beth Hillel'. This is self-evident, for the Bath Kol²⁴ went forth [and proclaimed so]!²⁵ If you like I can reply that this statement was made before the Bath Kol [had issued forth], and if you like I can say that it was made after the Bath Kol

(1) And do not support with the left.

(2) Ibid. CXVI, 13.

(3) R. Nahman's wife.

(4) Deut. VII, 13.

(5) That 'Ulla had refused to send her the cup.

(6) I.e., all the wine of the flask from which the cup of benediction was poured.

(7) As much as to say, what could he expected from a man like 'Ulla.

(8) Once it is taken up for grace, it is not permitted to speak.

(9) Even numbers were supposed to be unlucky.

(10) Lit., 'Doubles'.

(11) Probably it means, lead in the grace.

(12) Amos IV, 12.

(13) E.g., Sabbath or festival.

(14) The cup of benediction drunk before meals, v. supra 43a.

- (15) The reason is given in the Gemara.
- (16) The 'latter water' before grace.
- (17) After a meal on the conclusion of the Sabbath or festival when habdalah (v. Glos.) has to be said.
- (18) I.e., the principal benediction in the habdalah, v. Glos.
- (19) Used at a funeral, cf. Roman turibula and faces.
- (20) For fear he may have made all allusion to Mount Gerizim.
- (21) At sunset or before by the formal acceptance of the sanctity of the day in prayers or otherwise.
- (22) If there is no wine or its equivalent, no benediction is said.
- (23) I.e., practically every day.
- (24) Lit., 'daughter of a voice', 'A heavenly voice'.
- (25) V. 'Er. 13b.

Talmud - Mas. Berachoth 52a

and that it represents the view of R. Joshua, who said that we pay no attention to a Bath Kol.¹

But do Beth Shammai hold that the blessing over the day is more important, seeing that it has been taught: 'When one goes into his house on the outgoing of Sabbath, he says blessings over wine and light and spices and then he says the habdalah [benediction].² If he has only one cup, he keeps it for after the meal and then says the other blessings in order after it? — But how do you know that this represents the view of Beth Shammai? Perhaps it represents the view of Beth Hillel? — Do not imagine such a thing. For it mentions first light and then spices; and who is it that we understand to hold this view? Beth Shammai, as it has been taught: R. Judah says: Beth Shammai and Beth Hillel concurred in holding that the grace after food comes first and the habdalah [benediction] last. In regard to what did they differ? In regard to the light and the spices, Beth Shammai holding that light should come first and then spices, and Beth Hillel that spices should come first and then light. And how do you know that this represents the view of Beth Shammai as reported by R. Judah? Perhaps it represents the view of Beth Hillel as reported by R. Meir!³ — Do not imagine such a thing. For it states here, BETH SHAMMAI SAY, LIGHT, GRACE AND SPICES, AND HABDALAH; WHILE BETH HILLEL SAY LIGHT, SPICES, GRACE, AND HABDALAH, and there in the Baraita it says, 'If he has only one cup he keeps it for grace and says the others in order after it'. This shows that it represents the view of Beth Shammai as reported by R. Judah. In any case there is a difficulty?⁴ — Beth Shammai hold that the entrance of a [holy] day is different from its outgoing. At its entrance, the earlier we can make it the better, but at its exit, the longer we can defer it the better, so that it should not seem to be a burden on us.

But do Beth Shammai hold that grace requires a cup [of wine] seeing that we have learnt: IF WINE IS SERVED TO THEM AFTER THE FOOD,⁵ AND THAT IS THE ONLY CUP THERE, BETH SHAMMAI SAY THAT A BLESSING IS FIRST SAID OVER THE WINE AND THEN [THE GRACE] OVER THE FOOD. Does not this mean that he says a blessing over it and drinks it?⁶ No; he says a blessing over it and puts it aside.⁷ But a Master has said: [After saying the blessing] one must taste it? — He does taste it. But a Master has said: If he tastes it he spoils it?⁸ — He tastes it with his finger. But a Master has said: The cup of benediction must have a certain quantity, and he diminishes it? — We must suppose that he has more than the prescribed quantity. But it says, 'If there is only that cup'? — There is not enough for two but more than enough for one. But R. Hiyya taught: Beth Shammai say that he says a blessing over wine and drinks it and then says grace? — Two Tannaim report Beth Shammai differently.⁹

BETH SHAMMAI SAY etc. Our Rabbis taught: Beth Shammai say that washing of the hands precedes the filling of the cup. For should you say that the filling of the cup comes first, there is a danger lest liquid on the back of the cup will be rendered unclean through one's hands and it in turn will render the cup unclean. But would not the hands make the cup itself unclean? — Hands receive

uncleanness in second degree,¹⁰ and that which has received uncleanness in the second degree cannot pass on the uncleanness to a third degree in the case of non-sacred things, save through liquids.¹¹ Beth Hillel, however, say that the cup is first filled and then the hands are washed. For if you say that the hands are washed first, there is a danger lest the liquid on the hands should become unclean through the cup¹² and should then in turn make the hands unclean. But would not the cup make the hands themselves unclean? — A vessel does not make a man unclean. But would not [the cup] render unclean the liquid inside it? — We are here dealing with a vessel the outside of which has been rendered unclean by liquid, in which case its inside is clean and its outside unclean, as we have learnt: If the outside of a vessel has been rendered unclean by liquids, its outside is unclean

(1) 'Er. 7a.

(2) Which is the blessing of the day.

(3) *Infra*.

(4) That Beth Shammai seem to give precedence to the blessing over wine over that of the day.

(5) But before grace has been said.

(6) That is if he wishes, he can drink the wine before the grace.

(7) To serve as the cup of benediction.

(8) For other ceremonial purposes.

(9) R. Hiyya reporting them as saying that the grace after meals does not require a cup of benediction.

(10) They are rendered unclean by something which has become unclean through touching something by its nature unclean.

(11) This is a Rabbinic rule enunciated in *Toh. II, 3*.

(12) Supposing that this happens to be unclean.

Talmud - Mas. Berachoth 52b

while its inside, its rim, its handle and its haft are clean. If its inside has been rendered unclean, it is all unclean. What is the point at issue between them? — Beth Shammai hold that it is forbidden to use a vessel the outside of which has been rendered unclean by liquids for fear of drippings,¹ and consequently there is no need to fear that the liquid on the hands will be rendered unclean by the cup.² Beth Hillel on the other hand hold that it is permitted to use a vessel the outside of which has been rendered unclean by liquids, considering that drippings are unusual, and consequently there is a danger lest the liquid on the [undried] hands should be rendered unclean through the cup.³ Another explanation is, so that the meal should follow immediately the washing of the hands. What is the point of this 'other explanation'? — Beth Hillel argued thus with Beth Shammai: Even from your standpoint, that it is forbidden to use a vessel the outside of which has been rendered unclean by liquids, for fear of drippings, even so our ruling is superior, because the washing of the hands is immediately followed by the meal.

BETH SHAMMAI SAY THAT AFTER WIPING HIS HAND WITH THE NAPKIN etc. Our Rabbis taught: Beth Shammai say that [the diner] after wiping his hands with the napkin places it on the table. For if you say that he places it on the cushion, there is a danger lest liquid on the napkin may be rendered unclean through the cushion and then in turn render the hands unclean. But will not the cushion make the napkin itself unclean? — One vessel does not render another unclean. But will not the cushion make the man himself unclean? — A vessel does not render a man unclean. Beth Hillel, however, say that he puts it on the cushion. For if you say that he puts it on the table there is a fear lest the liquid on the napkin should be rendered unclean through the table and should in turn render the food unclean. But will not the table render the food on it unclean? — We are dealing here with a table which is unclean in the second degree, and that which is unclean in the second degree does not pass on uncleanness to a third degree in the case of non-sacred things, save through the medium of liquids. What is the point at issue between them? — Beth Shammai hold that it is forbidden to use a table which is unclean in the second degree for fear lest it may be used by persons

eating terumah⁴, while Beth Hillel hold that it is permissible to use a table which is unclean in the second degree since persons who eat terumah are careful [to avoid such]. Another explanation is that washing of hands for non-sacred food is not prescribed by the Torah. What is the point of the 'other explanation'? — Beth Hillel argued thus with Beth Shammai: Should you ask what reason is there for being particular in the case of food⁵ and not being particular in the case of hands, even granting this, our rule is better, since washing of hands for non-sacred food is not prescribed by the Torah. It is better that hands, the rule for which has no basis in the Torah, should become unclean, rather than food, the rule for which has a basis in the Torah.

BETH SHAMMAI SAY THAT THE FLOOR IS SWEEPED etc. Our Rabbis taught: Beth Shammai say: The floor is swept and then they wash their hands. For should you say that the hands are washed first, the result might be to spoil the food. (Beth Shammai do not hold that the washing of the hands comes first.)⁶ What is the reason? — On account of the crumbs [of bread]. Beth Hillel, however, say that if the attendant is a scholar, he removes the crumbs which are as large as an olive and leaves those which are smaller than an olive. This supports the dictum of R. Johanan; for R. Johanan said: It is permissible to destroy wilfully crumbs [of bread] smaller than an olive.⁷ What is the ground of their difference? — Beth Hillel hold that it is not permissible to employ an attendant who is an 'am ha-arez,⁸ while Beth Shammai hold that it is permissible to employ an attendant who is an 'am ha-arez. R. Jose b. Hanina said in the name of R. Huna: In all this chapter the halachah is as stated by Beth Hillel, save in this point where it is as stated by Beth Shammai. R. Oshaia, however, reverses the teaching⁹ and in this point also the halachah follows Beth Hillel.

BETH SHAMMAI SAY, LIGHT, GRACE, etc. R. Huna b. Judah was once at the house of Raba, and he saw Raba say the blessing over spices first.¹⁰ He said to him: Let us see. Beth Shammai and Beth Hillel do not differ with respect to the light [that it should come first], as we learnt: **BETH SHAMMAI SAY, [THE ORDER IS] LIGHT, GRACE, SPICES, AND HABDALAH, WHILE BETH HILLEL SAY THAT IT IS LIGHT, SPICES, GRACE AND HABDALAH!** — Raba answered after¹¹ him: These are the words of R. Meir, but R. Judah said: Beth Shammai and Beth Hillel agreed that grace comes first and habdalah last. Where they differed was in respect of light and spices, Beth Shammai maintaining that light comes first and then spices, while Beth Hillel held that spices comes first and then light; and R. Johanan has stated: The public have adopted the custom of following Beth Hillel as reported by R. Judah.

BETH SHAMMAI SAY, WHO CREATED etc. Raba said: All are agreed that the word bara¹² refers to the past. Where they differ is with respect to the word bore.¹³ Beth Shammai maintain that bore means 'who will create in the future', while Beth Hillel hold that bore can also refer to the past. R. Joseph cited in objection [to Beth Shammai] the verses, I form the light and create [bore] darkness,¹⁴ He formeth the mountains and createth [bore] the wind,¹⁵ He that created [bore] the heavens and stretched them forth.¹⁶ Rather, said R. Joseph: Both sides are agreed that both bara and bore can refer to the past. Where they differ is as to whether ma'or [light] or me'-ore [lights] should be said. Beth Shammai are of the opinion that there is only one light in the fire, while Beth Hillel are of the opinion that there are several.¹⁷ It has been taught to the same effect: Said Beth Hillel to Beth Shammai: There are several illuminations in the light.

A BLESSING IS NOT SAID etc. There is a good reason in the case of the light [of idolaters], because it has not 'rested'.¹⁸ But what reason is there in the case of the spices? — Rab Judah said in the name of Rab: We are dealing here with [spices used at] a banquet of idolaters¹⁹ because ordinarily a banquet of idolaters is held in honour of idolatry. But since it is stated further on, **OR OVER THE LIGHT OR THE SPICES OF IDOLATRY,** we may infer that the earlier statement does not refer to idolaters? — R. Hanina of Sura replied: The latter statement is explanatory. What is the reason why a blessing is not said over the light and the spices of idolaters? Because ordinarily a banquet of idolaters is in honour of idolatry.

Our Rabbis taught: A blessing may be said over a light which has 'rested', but not over one which has not 'rested'. What is meant by 'which has not rested'?

- (1) Drops from the inside may spill on to the outside, and in virtue of the uncleanness of the cup the drops would render the hands unclean.
- (2) Since ex hypothesi the cup may not be used. Hence it is quite safe to wash the hands before filling the cup.
- (3) Hence it is safer to wash the hands after the cup has been filled.
- (4) And terumah would be rendered unclean by a table unclean in the second degree.
- (5) To protect it from uncleanness.
- (6) This sentence seems to be an interpolation.
- (7) In spite of the prohibition against wasting food.
- (8) Who would not know the difference between crumbs of the size of an olive and those of smaller size. Probably a meal of haberim (v. Glos.) is referred to.
- (9) I.e., ascribes to Beth Hillel the teaching that an 'am ha-arez may be employed, and consequently the floor is swept first.
- (10) I.e., before the light.
- (11) I.e., supplemented the reading in our Mishnah as follows.
- (12) Past tense, 'he created'.
- (13) Participle, 'creating', or 'who creates'.
- (14) Isa. XLV, 7.
- (15) Amos. IV, 13.
- (16) Isa. XLII, 5.
- (17) I.e., several colours in the light-red, white, green etc.
- (18) I.e., forbidden work has been done by its light.
- (19) Lit., 'Cutheans' which throughout this passage is probably a censor's correction for 'Gentiles'.

Talmud - Mas. Berachoth 53a

. Shall we say that it has not rested on account of work [done by it], even permissible work?¹ But it has been taught: A blessing may be said over a light used for a woman in confinement or for the sake of a sick person? — R. Nahman b. Isaac replied: What is meant by 'rested'? That it rested from work which is a transgression on Sabbath. It has been taught to the same effect: A blessing may be said over a lamp which has been burning throughout the day² to the conclusion of Sabbath.³

Our Rabbis taught: We may say the blessing over a light kindled by a Gentile⁴ from an Israelite or by an Israelite from a Gentile, but not by a Gentile from a Gentile. What is the reason for barring a light kindled by a Gentile from a Gentile? Because it may not have rested.⁵ But a light kindled by an Israelite from a Gentile also may not have rested? Perhaps you will say that the prohibited [flame] has vanished and the light is now a different one and is reborn in the hand of the Israelite.⁶ What then of this which has been taught: If one carries out a flame to the public way [on Sabbath],⁷ he is liable to a penalty.⁸ Why is he liable? That which he took up he did not set down and that which he set down he did not take up?⁹ — We must say therefore that [in our present case] the prohibited flame is still present, only the blessing which he says is said over the additional permitted part. If that is the case [a blessing over] a light kindled by a Gentile from a Gentile should also be permitted? — That is so; but [the prohibition is] a precaution on account of the first Gentile¹⁰ and the first flame.¹¹

Our Rabbis taught: If one was walking [at the termination of Sabbath] outside the town and saw a light, if the majority [of the inhabitants] are Gentiles he should not say a benediction, but if the majority are Israelites he may say the benediction. This statement is self-contradictory. You first say, 'if the majority are Gentiles, he may not say the blessing', which implies that if they are half and half

he may say it, and then it states, 'if the majority are Israelites, he may say it', which implies that if they are half and half he may not say it! — Strictly speaking, even if they are half and half he may say it, but since in the first clause it says 'the majority are Gentiles', in the second clause it says 'the majority are Israelites'.

Our Rabbis taught: If a man was walking outside the town and saw a child with a torch in its hands, he makes inquiries about it; if it is an Israelite child, he may say the benediction, but if it is a Gentile he may not. Why does it speak of a child? The same applies even to a grown-up! — Rab Judah said in the name of Rab: We suppose this to happen immediately after sunset. In the case of a grown-up it is obvious that he must be a Gentile.¹² In the case of a child, I can suppose that it is an Israelite child who happened to take hold [of the light].

Our Rabbis taught: If one was walking outside the town at the termination of Sabbath and saw a light, if it is thick like the opening of a furnace he may say the benediction over it,¹³ otherwise not. One [authority] states: A benediction may be said over the light of a furnace, while another says that it may not! — There is no contradiction: one speaks of the beginning of the fire, the other of the end.¹⁴ One [authority] teaches: A benediction may be said over the light of an oven or a stove, while another says that it may not, and there is no contradiction: one speaks of the beginning of the fire, the other of the end.¹⁵ One [authority] teaches: The benediction may be said over the light of the synagogue or the Beth ha-Midrash, while another says it may not, and there is no contradiction: one speaks of a case where an eminent man is present,¹⁶ the other of a case where no eminent man is present. Or if you like, I can say that both speak of where an eminent man is present, and there is no contradiction: one speaks of where there is a beadle,¹⁷ and the other of where there is no beadle. Or if you like, I can say that both speak of where there is a beadle, and there is no contradiction; one speaks of where there is moonlight,¹⁸ the other of where there is no moonlight.

Our Rabbis taught: If people were sitting in the Beth ha-Midrash and light was brought in [at the termination of the Sabbath], Beth Shammai say that each one says a blessing over it for himself, while Beth Hillel say that one says a blessing on behalf of all, because it says, In the multitude of people is the King's glory.¹⁹ Beth Hillel at any rate explain their reason; but what is the reason of Beth Shammai? — It is probably to avoid an interruption of study.²⁰ It has been taught similarly: The members of the household of Rabban Gamaliel did not use to say 'Good health'²¹ in the Beth ha-Midrash so as not to interrupt their study.

A BENEDICTION MAY NOT BE SAID OVER THE LIGHTS OR THE SPICES OF THE DEAD. What is the reason? — The light is kindled only in honour of the dead, the spices are to remove the bad smell. Rab Judah said in the name of Rab: Wherever [the person buried is of such consequence that] a light would be carried before him either by day or by night, we do not say a blessing over the light [if he is buried on the termination of Sabbath];²² but if he is one before whom a light would be carried only at night, we may say the blessing.²³

R. Huna said: A blessing is not said over spices used in a privy²⁴ or oil used for removing grease [from the hands].²⁵ This implies that wherever [spice] is not used for scent no blessing is said over it. An objection was raised [to this]: If one enters a spice-dealer's shop and smells the fragrance, even though he sits there the whole day he makes only one blessing, but if he is constantly going in and out he makes a blessing each time he enters. Now here is a case where it is not used for smell,²⁶ and yet one makes a blessing? — In fact it is used for smell, the object being that people should smell and come and make purchases thereof.

Our Rabbis taught: If one was walking outside the town and smelt an odour [of spices], if the majority of the inhabitants are idolaters he does not say a blessing, but if the majority are Israelites he does say a blessing. R. Jose says: Even if the majority are Israelites he does not say a blessing,

because the daughters of Israel use incense for witchcraft. Do all of them use incense for witchcraft? — The fact is that a small part is used for witchcraft and a small part for scenting garments, with the result that the greater part of it is not used for smell, and wherever the greater part is not used for smell a blessing is not said over it. R. Hiyya b. Abba said in the name of R. Johanan: If one was walking on the eve of Sabbath in Tiberias, or at the conclusion of Sabbath in Sepphoris, and smelt an odour [of spices], he does not say a blessing, because the probability is that they are being used only to perfume garments. Our Rabbis taught: If one was walking in a street of idolaters and smelt the spices willingly, he is a sinner.

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- (1) E.g., a light lit for the sake of a sick person.
 - (2) I.e., which was lit before Sabbath came in.
 - (3) Because no Sabbath transgression had been performed with it.
 - (4) On the termination of Sabbath.
 - (5) I.e., some forbidden work has been done by its light.
 - (6) The light being regarded as not having a continuous existence but as consisting of a series of flashes.
 - (7) E.g., if burning wick is placed in oil in a potsherd so small that the prohibition of carrying on Sabbath does not apply to it.
 - (8) For transferring from one domain to another on Sabbath, v. Bezah 39a.
 - (9) Such transference renders liable only when the same object is taken up from its place in one domain and set down in its place in the other. Here the flame which is taken from its place in the house is not the same as is set down outside. The reason therefore why he is liable must be because the flame is in fact considered throughout to be one and the same.
 - (10) I.e., against the light kindled by a Gentile on Sabbath.
 - (11) Lit., 'pillar'. The first flame of the light kindled on Sabbath, by the Gentile.
 - (12) Since a grown-up Israelite would not use a light immediately on the termination of the Sabbath, before saying habdalah.
 - (13) Because this is a genuine light.
 - (14) A furnace (of lime burners) is first lit to burn the lime, but afterwards it is kept alight for the purpose of lighting.
 - (15) The fire is lit for cooking, but afterwards chips are thrown in to give light.
 - (16) In whose honour the light has been kindled.
 - (17) Who has his meals in the synagogue.
 - (18) Which suffices for the beadle, and the light must have been kindled out of respect for an eminent man.
 - (19) Prov. XIV, 28.
 - (20) One may be in the middle of a difficult part just at the moment for saying Amen.
 - (21) To someone who sneezed.
 - (22) Because the light is carried for his honour.
 - (23) Because the light is really to give light.
 - (24) To counteract the bad smell.
 - (25) This oil contained spices, and the blessing said over it was that for oil and not for spices.
 - (26) But for sale.

Talmud - Mas. Berachoth 53b

. A BLESSING IS NOT SAID OVER THE LIGHT TILL IT HAS BEEN UTILIZED. Rab Judah said in the name of Rab: This does not mean literally till it has been utilized, but it means a light which can be serviceable if one stands near enough to it, and then even those at a distance [may say the blessing]. So too said R. Ashi: We have learnt that it serves for those at a distance.

An objection was raised: If one had a light hidden in the folds of his dress or in a lamp, or if he could see a flame but could not use its light, or if he could do something by the light but saw no flame, he should not say the blessing; he must both see a flame and be able to use the light. We understand the statement 'he can use its light but sees no flame'; this can happen when the light is in a corner. But how can it happen that he sees the flame and cannot make use of the light? Is it not

when he is at a distance? — No; it is when, for instance, the flame keeps on flickering.

Our Rabbis taught: We may say the blessing over glowing coals but not over dying coals. How do you define 'glowing'? — R. Hisda replied: This means coals from which a chip, if inserted between them, will catch of itself. The question was asked: Is the proper form *omemoth* or 'omemoth'?¹ — Come and hear: for R. Hisda b. Abdimi quoted the verse, The cedars in the garden of God could not darken ['amamuhu] it.²

Rab, however,³ said that [the Mishnah means literally] 'utilize it'. How near must one be? — 'Ulla said: Near enough to distinguish between an as and a dupondium.⁴ Hezekiah said: Near enough to distinguish between a meluzma⁵ of Tiberias and one of Sepphoris. Rab Judah used to say the blessing over the light in the house of Adda the waiter.⁶ Raba said the blessing over the light in the house of Guria b. Hama.⁷ Abaye said it over the light in the house of Bar Abbuha. Rab Judah said in the name of Rab: We do not go looking for a light⁸ in the same way as we do in the case of other commandments. R. Zera said: At first I used to go looking for a light. But since hearing this statement of Rab Judah reporting Rab, I also do not look for one, but if one comes my way I say the blessing over it.

IF ONE HAS EATEN etc. R. Zebid, or as some say R. Dimi b. Abba, said: Opinions differ only in the case where one forgot, but if he omitted wilfully he must return to his place and say grace. This is obvious! The Mishnah says 'HAS FORGOTTEN'? — You might think that the rule is the same even if he did it purposely, and the reason why it says 'HAS FORGOTTEN' is to show you how far Beth Shammai are prepared to go. Therefore we are told [that this is not so]. It has been taught: Beth Hillel said to Beth Shammai: according to you, if one ate at the top of the Temple Mount and forgot and descended without having said grace, he should return to the top of the Temple Mount and say grace? Beth Shammai replied to Beth Hillel: According to you, if one forgot a purse at the top of the Temple Mount, is he not to go up and get it? And if he will ascend for his own sake, surely he should do so all the more for the honour of Heaven!

There were once two disciples who omitted to say grace. One who did it accidentally followed the rule of Beth Shammai⁹ and found a purse of gold, while the other who did it purposely¹⁰ followed the rule of Beth Hillel,¹¹ and he was eaten by a lion. Rabbah b. Bar Hanah was once travelling with a caravan, and he took a meal and forgot to say grace. He said to himself: What shall I do? If I say to the others, I have forgotten to say grace, they will say to me, Say it [here]: wherever you say the benediction you are saying it to the All-Merciful. I had better tell them that I have forgotten a golden dove. So he said to them: Wait for me, because I have forgotten a golden dove. He went back and said grace and found a golden dove. Why should it have been just a dove? — Because the community of Israel are compared to a dove, as it is written, The wings of the dove are covered with silver, and her pinions with the shimmer of gold.¹² Just as the dove is saved only by her wings, so Israel are saved only by the precepts.

UNTIL WHEN CAN HE SAY THE GRACE. How long does it take to digest a meal? — R. Johanan said: Until he becomes hungry again; Resh Lakish said: As long as one is thirsty on account of the meal. Said R. Yemar b. Shelemia to Mar Zutra, or, according to others R. Yemar b. Shezbi to Mar Zutra: Can Resh Lakish have said this? Has not R. Ammi said in the name of Resh Lakish: How long does it take to digest a meal? Long enough for one to walk four mil? — There is no contradiction: one statement refers to a light meal, the other to a heavy one.¹³

IF WINE IS SERVED etc. This implies, [if] an Israelite [says the grace],¹⁴ even though one has not heard the whole of it he responds [Amen]. But if he has not heard how can he have performed his duty by doing so?¹⁵ Hiyya b. Rab replied: This applies to one who has not joined in the meal. Similarly said R. Nahman in the name of Rabbah b. Abbuha: It refers to one who has not joined in

the meal. Said Rab to his son Hiyya: My son, snatch [the cup of wine] and say grace.¹⁶ And so said R. Huna to his son Rabbah: My son, snatch and say grace. This implies that he who says the grace is superior to one who answers, Amen. But it has been taught: 'R. Jose says: Greater is he who answers, Amen than he who says the blessing? — Said R. Nehorai to him: I swear to you by heaven that it is so. The proof is that while the common soldiers advance and open the battle, it is the seasoned warriors who go down to win the victory!' — On this point there is a difference between Tannaim, as it has been taught: Both he who says the blessing and he who answers, Amen are equally implied,¹⁷ only he who says the blessing is more quickly [rewarded] than he who answers, Amen.

Samuel inquired of Rab: Should one respond Amen after [a blessing said by] schoolchildren? — He replied: We respond Amen after everyone except children in school, because they are merely learning. This is the case only when it is not the time for them to say the haftarah;¹⁸ but when it is the time for them to say the haftarah, we respond Amen after them.

Our Rabbis taught: The absence of oil¹⁹ is a bar to the saying of grace. So said R. Zilai. R. Ziwai said: It is no bar. R. Aha said: Good oil is indispensable. R. Zuhamai said: Just as a dirty person is unfit for the Temple service, so dirty hands unfit one for saying grace. R. Nahman b. Isaac said: I know nothing either of Zilai or Ziwai or Zuhamai, but I do know the following teaching, viz.: Rab Judah said in the name of Rab: some say it was taught in a Baraitha, Sanctify yourselves:²⁰ this refers to washing of the hands before the meal;²¹ And be ye holy: this refers to washing of the hands after the meal;²² 'For holy': this refers to the oil; 'Am I the Lord your God': this refers to the grace. [

(1) I.e., does the word translated 'dying' commence with an alef or an 'ayin.

(2) Ezek. XXXI, 8.

(3) This goes back to the statement of Rab Judah in the name of Rab above.

(4) A dupondium was twice the size of an as.

(5) According to Rashi, a weight; according to Jastrow, a stamp of a coin.

(6) Which was some distance away.

(7) Which was quite near.

(8) To say the blessing.

(9) And returned to the place where he forgot, thus following the stricter rule.

(10) Being in a hurry to go somewhere else.

(11) Which applies only to accidental omission.

(12) Ps. LXVIII, 14.

(13) According to Rashi, it takes the time for walking four mil to digest a heavy meal; according to Tosaf., to digest a light one.

(14) V. supra p. 312 n. 1.

(15) He assumes that he is one of the diners, who too must hear the grace.

(16) I.e., seize every opportunity of saying it on behalf of the company.

(17) In the text of Neh. IX, 5, which speaks of those who 'stand up and bless', and those who respond 'Blessed be Thy glorious name', which is equivalent to Amen, v. infra 63a.

(18) The prophetic reading following the public reading of the Pentateuch on Sabbath and festivals and public fasts.

(19) For cleansing the hands after the meal.

(20) Lev. XI, 44.

(21) Lit., 'the first water'.

(22) Lit., 'the latter water'.

Talmud - Mas. Berachoth 54a

CHAPTER IX

MISHNAH. IF ONE SEES A PLACE WHERE MIRACLES HAVE BEEN WROUGHT FOR ISRAEL, HE SHOULD SAY, BLESSED BE HE WHO WROUGHT MIRACLES FOR OUR ANCESTORS IN THIS PLACE. ON SEEING A PLACE FROM WHICH IDOLATRY HAS BEEN EXTIRPATED, HE SHOULD SAY, BLESSED BE HE WHO EXTIRPATED IDOLATRY FROM OUR LAND. [ON WITNESSING] SHOOTING STARS, EARTHQUAKES, THUNDERCLAPS, STORMS AND LIGHTNINGS ONE SHOULD SAY, BLESSED BE HE WHOSE STRENGTH AND MIGHT FILL THE WORLD. ON SEEING MOUNTAINS, HILLS, SEAS, RIVERS AND DESERTS HE SHOULD SAY, BLESSED BE HE WHO WROUGHT CREATION.¹ R. JUDAH SAYS: IF ONE SEES THE GREAT SEA² ONE SHOULD SAY, BLESSED BE HE WHO MADE THE GREAT SEA, [THAT IS] IF HE SEES IT AT [CONSIDERABLE] INTERVALS. FOR RAIN AND FOR GOOD TIDINGS ONE SAYS, BLESSED BE HE THAT IS GOOD AND BESTOWS GOOD. FOR EVIL TIDINGS ONE SAYS, BLESSED BE THE TRUE JUDGE. ONE WHO HAS BUILT A NEW HOUSE OR BOUGHT NEW VESSELS SAYS, BLESSED BE HE WHO HAS KEPT US ALIVE AND PRESERVED US AND BROUGHT US TO THIS SEASON. OVER EVIL A BLESSING IS SAID SIMILAR TO THAT OVER GOOD AND OVER GOOD A BLESSING IS SAID SIMILAR TO THAT OVER EVIL,³ BUT TO CRY OVER THE PAST IS TO UTTER A VAIN PRAYER. IF A MAN'S WIFE IS PREGNANT AND HE SAYS, [GOD] GRANT THAT MY WIFE BEAR A MALE CHILD, THIS A VAIN PRAYER. IF HE IS COMING HOME FROM A JOURNEY AND HE HEARS CRIES OF DISTRESS IN THE TOWN AND SAYS, [GOD] GRANT THAT THIS IS NOT IN MY HOUSE, THIS IS A VAIN PRAYER. ONE WHO [IN THE COURSE OF A JOURNEY] GOES THROUGH A CAPITAL CITY⁴ SHOULD SAY TWO PRAYERS, ONE ON ENTERING AND ONE ON LEAVING. BEN AZZAI SAYS, FOUR,⁵ TWO ON ENTERING AND TWO ON LEAVING- HE GIVES THANKS FOR PAST MERCIES AND SUPPLICATES FOR THE FUTURE. IT IS INCUMBENT ON A MAN TO BLESS [GOD] FOR THE EVIL IN THE SAME WAY AS FOR THE GOOD, AS IT SAYS, AND THOU SHALT LOVE THE LORD THY GOD WITH ALL THY HEART ETC.⁶ 'WITH ALL THY HEART, MEANS WITH THY TWO IMPULSES, THE EVIL IMPULSE AS WELL AS THE GOOD IMPULSE; 'WITH ALL THY SOUL' MEANS, EVEN THOUGH HE TAKES THY SOUL [LIFE]; 'WITH ALL THY MIGHT' MEANS, WITH ALL THY MONEY. ANOTHER EXPLANATION OF 'WITH ALL THY MIGHT [ME'ODEKA]' IS, WHATEVER TREATMENT⁷ HE METES OUT TO THEE.

ONE SHOULD AVOID SHOWING DISRESPECT TO THE EASTERN GATE⁸ BECAUSE IT IS IN A DIRECT LINE WITH THE HOLY OF HOLIES.⁹ A MAN SHOULD NOT ENTER THE TEMPLE MOUNT WITH HIS STAFF OR WITH HIS SHOES ON OR WITH HIS WALLET OR WITH HIS FEET DUST-STAINED; NOR SHOULD HE MAKE IT A SHORT CUT [KAPPANDARIA], AND SPITTING [ON IT IS FORBIDDEN] A FORTIORI.

AT THE CONCLUSION OF THE BENEDICTIONS SAID IN THE TEMPLE THEY USED AT FIRST TO SAY SIMPLY, 'FOR EVER'.¹⁰ WHEN THE SADDUCEES PERVERTED THEIR WAYS AND ASSERTED THAT THERE WAS ONLY ONE WORLD, IT WAS ORDAINED THAT THE RESPONSE SHOULD BE, FROM EVERLASTING TO EVERLASTING.¹¹ IT WAS ALSO LAID DOWN THAT GREETING SHOULD BE GIVEN IN [GOD'S] NAME,¹² IN THE SAME WAY AS IT SAYS, AND BEHOLD BOAZ CAME FROM BETHLEHEM AND SAID UNTO THE REAPERS, THE LORD BE WITH YOU; AND THEY ANSWERED HIM, THE LORD BLESS THEE;¹³ AND IT ALSO SAYS, THE LORD IS WITH THEE, THOU MIGHTY MAN OF VALOUR;¹⁴ AND IT ALSO SAYS, AND DESPISE NOT THY MOTHER WHEN SHE IS OLD;¹⁵ AND IT ALSO SAYS, IT IS TIME TO WORK FOR THE LORD; THEY HAVE MADE VOID THY LAW.¹⁶ R. NATHAN SAYS: [THIS MEANS] THEY HAVE MADE VOID THY LAW BECAUSE IT IS TIME TO WORK FOR THE LORD.

GEMARA. Whence is this rule¹⁷ derived?-R. Johanan said: Because Scripture says, And Jethro said, Blessed be the Lord who hath delivered you, etc.¹⁸ And is a blessing said only for a miracle

wrought for a large body, but not for one wrought for an individual? What of the case of the man Who was once travelling through Eber Yemina¹⁹ when a lion attacked him, but he was miraculously saved, and when he came before Raba he said to him, Whenever you pass that place say, Blessed be He who wrought for me a miracle in this place? There was the case, too, of Mar the son of Rabina who was once going through the valley of 'Araboth²⁰ and was suffering from thirst and a well of water was miraculously created for him and he drank, and another time he was going through the manor of Mahoza²¹ when a wild camel attacked him and at that moment the wall of a house just by fell in and he escaped inside; and whenever thereafter he came to 'Araboth he used to say, Blessed be He who wrought for me miracles in 'Araboth and with the camel, and when he passed through the manor of Mahoza he used to say, Blessed be He who wrought for me miracles with the camel and in 'Araboth?—The answer [is that] for a miracle done to a large body it is the duty of everyone to say a blessing, for a miracle done to an individual he alone²² is required to say a blessing.

Our Rabbis taught: If one sees the place of the crossing of the Red Sea, or the fords of the Jordan, or the fords of the streams of Arnon, or hail stones [abne elgabish] in the descent of Beth Horon, or the stone which Og king of Bashan wanted to throw at Israel, or the stone on which Moses sat when Joshua fought with Amalek, or [the pillar of salt of] Lot's wife,²³ or the wall of Jericho which sank into the ground,²⁴ for all of these he should give thanksgiving and praise to the Almighty. I grant you the passage of the Red Sea, because it is written, And the children of Israel went into the midst of the sea upon the dry ground;²⁵ also the fords of the Jordan, because it is written, And the priests that bore the ark of the covenant of the Lord stood firm on dry ground in the midst of the Jordan, while all Israel passed over on dry ground, until all the nation were passed clean over the Jordan.²⁶ But whence is the title derived for the fords of the streams of Arnon? — Because it is written: Wherefore it is said in the book of the Wars of the Lord, Eth and Heb in the rear;²⁷ [in explanation of which] a Tanna taught: 'Eth and Heb in the rear' were two lepers who followed in the rear of the camp of Israel, and when the Israelites were about to pass through [the valley of Arnon] the Amorites came

(1) Var. lec.: who fashions the work of creation.

(2) Generally taken to refer to the Mediterranean Sea.

(3) This is explained in the Gemara.

(4) The residence of a governor or ruler.

(5) As explained in the Gemara.

(6) Deut. VI, 5.

(7) Heb. Lit., 'measure'; Heb. middah, a play on me'odeka.

(8) Of the Temple Mount.

(9) I.e., a direct line led from it through the other gates up to the inner shrine.

(10) Heb. le'olam, which can also mean 'for the world'.

(11) Or 'from world to world', i.e., two worlds.

(12) I.e., the Tetragrammaton, although this might appear to be breaking the third commandment. The reason of this ordinance is not certain. Marmorstein, *The Old Testament Conception of God*, etc. I, pp. 24ff conjectures this to have been designed to counteract the Hellenistic teaching that God had no name.

(13) Ruth 11, 4.

(14) Judg. VI, 12.

(15) Prov. XXIII, 22.

(16) In time of emergency the law of God may be set aside. Ps. CXIX, 126. E.V. 'for the Lord to work'. The relevance of these citations is explained in the Gemara.

(17) Of saying a blessing over a miracle.

(18) Ex. XVIII, 10.

(19) Lit., 'the south side'. The southern suburb of Mahoza, v. Obermeyer, p. 181.

(20) Between the river Chabor and the canal of Is.

(21) Rostaka di Mahoza, v. Obermeyer, p. 172.

(22) Alfasi adds, His son and his son's son.

(23) V. Gen. XIX, 26.

(24) Lit., 'was swallowed in its place'.

(25) Ex. XIV, 22.

(26) Josh. III, 17.

(27) Num. XXI, 14. E.V. 'Vahab in Suphah'.

Talmud - Mas. Berachoth 54b

and made cavities [in the rocks] and hid in them, saying, When Israel pass by here we will kill them. They did not know, however, that the Ark Was advancing in front of Israel and levelling the hills before them. When the Ark arrived there, the mountains closed together and killed them, and their blood flowed down to the streams of Arnon. When Eth and Heb came they saw the blood issuing from between the rocks¹ and they went and told the Israelites, who thereupon broke out into song. And so it is written, And he poured forth the streams² [from the mountain] which inclined toward the seat of Ar³ and leaned upon the border of Moab.⁴ 'Hailstones [abne elgabish]'. What are 'abne elgabish'? A Tanna taught: Stones [abanim] which remained suspended for the sake of a man ['al gab ish] and came down for the sake of a man. 'They remained suspended for the sake of a man': this was Moses, of whom it is written, Now the man Moses was very meek,⁵ and it is also written, And the soldiers and hail ceased, and the rain poured not upon the earth.⁶ 'They came down for the sake of a man': this was Joshua, of whom it is written, Take thee Joshua the son of Nun, a man in whom there is spirit,⁷ and it is written, And it came to pass as they fled from before Israel, while they were at the descent of Beth-Horon, that the Lord cast down great stones.⁸

'The stone which Og, king of Bashan wanted to throw at Israel'. This has been handed down by tradition. He said: How large is the camp of Israel? Three parasangs. I will go and uproot a mountain of the size of three parasangs and cast it upon them and kill them. He went and uprooted a mountain of the size of three parasangs and carried it on his head. But the Holy One, blessed be He, sent ants which bored a hole in it, so that it sank around his neck. He tried to pull it off, but his teeth projected on each side, and he could not pull it off. This is referred to in the text, Thou hast broken the teeth of the wicked,⁹ as explained by R Simeon b. Lakish. For R. Simeon b. Lakish said: What is the meaning of the text, Thou hast broken the teeth of the wicked? Do not read, shibbarta [Thou hast broken], but shirbabta [Thou hast lengthened]. The height of Moses was ten cubits.¹⁰ He took an axe ten cubits long, leapt ten cubits into the air, and struck him on his ankle and killed him.

'The stone on which Moses sat'. As it is written, But Moses' hands were heavy; and they took a stone and put it under him and he sat thereon.¹¹ 'Lot's wife'. As it says, But his wife looked back from behind him and she became a pillar of salt.¹²

'And the wall of Jericho which sank into the ground'. As it is written, And the wall fell down flat.¹³

We understand [why this blessing should be said over] all the others, because they are miracles, but the transformation of Lot's wife was a punishment. One should say on seeing it, Blessed be the true Judge,¹⁴ yet [the Baraitha] says: 'Thanksgiving and praise'? — Read: 'For Lot and his wife two blessings are said. For his wife we say, "Blessed be the true Judge", and for Lot we say, "Blessed be He who remembereth the righteous"'. R. Johanan said: Even in the hour of His anger the Holy One, blessed be He, remembers the righteous, as it says, And it came to pass when God destroyed the cities of the Plain, that God remembered Abraham and sent Lot out of the midst of the overthrow.¹⁵

'And the wall of Jericho which sank [into the ground]'. But did the wall of Jericho sink [into the ground]? Surely it fell, as it says, And it came to pass when the people heard the sound of the horn, that the people shouted with a great shout and the wall fell down flat?¹⁶ — Since its breadth and its

height were equal, it must have sunk [into the ground].¹⁷

Rab Judah said in the name of Rab: There are four [classes of people] who have to offer thanksgiving: those who have crossed the sea, those who have traversed the wilderness, one who has recovered from an illness, and a prisoner who has been set free. Whence do we know this of those who cross the sea? — Because it is written, They that go down to the sea in ships these saw the works of the Lord He raised the stormy wind they mounted up to the heaven, they went down to the deeps they reeled to and fro and staggered like a drunken man they cried unto the Lord in their trouble, and He brought them out of their distresses. He made the storm a calm then were they glad because they were quiet Let them give thanks unto the Lord for His mercy, and for His wonderful works to the children of men.¹⁸ Whence for those who traverse the desert? — Because it is written: They wandered in the wilderness in a desert way; they found no city of habitation Then they cried unto the Lord and He led them by a straight way Let them give thanks unto the Lord for His mercy.¹⁹ Whence for one who recovers from an illness? — Because it is written: Crazed because of the way of their transgressions and afflicted because of their iniquities, their soul abhorred all manner of food They cried unto the Lord in their trouble. He sent His word unto them Let them give thanks unto the Lord for His mercy.²⁰ Whence for a prisoner who was set free? — Because it is written: Such as sat in darkness and in the shadow of death Because they rebelled against the words of God Therefore He humbled their heart with travail They cried unto the Lord in their trouble He brought them out of darkness and the shadow of death Let them give thanks unto the Lord for His mercy.²¹ What blessing should he say? Rab Judah said: ‘Blessed is He who bestows lovingkindnesses’. Abaye said: And he must utter his thanksgiving in the presence of ten, as it is written: Let them exalt Him in the assembly of the people.²² Mar Zutra said: And two of them must be rabbis, as it says, And praise Him in the seat of the elders.²³ R. Ashi demurred to this: You might as well say [he remarked], that all should be rabbis! — Is it written, ‘In the assembly of elders’? It is written, ‘In the assembly of the people’! — Let us say then, in the presence of ten ordinary people and two rabbis [in addition]? — This is a difficulty.

Rab Judah was ill and recovered. R. Hanna of Bagdad and other rabbis went to visit him. They said to him: ‘Blessed be the All Merciful who has given you back to us and has not given you to the dust’. He said to them: ‘You have absolved me from the obligation of giving thanks’. But has not Abaye said that he must utter his thanksgiving in the presence of ten! — There were ten present. But he did not utter the thanksgiving? — There was no need, as he answered after them, Amen. Rab Judah said: Three persons require guarding,²⁴ namely, a sick person, a bridegroom, and a bride. In a Baraitha it was taught: A sick person, a midwife, a bridegroom and a bride; some add, a mourner, and some add further, scholars at night-time.

Rab Judah said further: There are three things the drawing out of which prolongs a man's days and years; the drawing out of prayer, the drawing out of a meal, and the drawing out of [easing in] a privy. But is the drawing out of prayer a merit? Has not R. Hiyya b. Abba said in the name of R. Johanan:

(1) Lit., ‘mountains’. After they had opened out again.

(2) E.V. ‘and the slope of the valleys’.

(3) I.e., Moab.

(4) Ibid. 15.

(5) Num. XII, 3.

(6) Ex. IX, 33.

(7) Num. XXVII, 18.

(8) Josh. X, 11.

(9) Ps. III, 8.

(10) About fifteen feet.

(11) Ex. XVII, 12. MS.M adds: 'Had not Moses a cushion or bolster to sit upon? Moses said to himself: Since Israel are suffering, I will suffer with them'; v. Ta'an. 11a.

(12) Gen. XIX, 26.

(13) Josh. VI, 20. This sentence is obviously out of place and should be transferred to the next paragraph.

(14) The formula recited on hearing bad news.

(15) Gen. XIX, 29.

(16) Josh. VI, 20.

(17) To enable the people to enter the city. According to Rashi this is also signified by the word translated 'flat', which means literally 'under it' or 'in its place'.

(18) Ps, CVII, 23-31.

(19) Ibid. 4-8.

(20) Ibid. 17-21.

(21) Ibid. 10-15.

(22) Ibid. 32.

(23) Ibid.

(24) Against evil spirits (Rashi).

Talmud - Mas. Berachoth 55a

If one draws out his prayer and expects therefore its fulfilment, he will in the end suffer vexation of heart, as it says, Hope deferred maketh the heart sick;¹ and R. Isaac also said: Three things cause a man's sins to be remembered [on high], namely, [passing under] a shaky wall,² expectation of [the fulfilment of] prayer, and calling on heaven to punish his neighbour?³ — There is no contradiction; one statement speaks of a man who expects the fulfilment of his prayer, the other of one who does not count upon it. What then does he do? — He simply utters many supplications. 'He who draws out his meal', because perhaps a poor man will come and he will give him something, as it is written, The altar of wood three cubits high . . . and he said to me, This is the table that is before the Lord⁴ [Now the verse] opens with 'altar' and finishes with 'table'? R. Johanan and R. Eleazar both explain that as long as the Temple stood, the altar atoned for Israel, but now a man's table atones for him. 'To draw out one's stay in a privy', is this a good thing? Has it not been taught: Ten things bring on piles; eating the leaves of reeds, and the leaves of vines, and the sprouts of vines, and the rough parts of the flesh of an animal,⁵ and the backbone of a fish, and salted fish not sufficiently cooked, and drinking wine lees, and wiping oneself with lime, potters' clay or pebbles which have been used by another. Some add, to strain oneself unduly in a privy! — There is no contradiction: one statement refers to one who stays long and strains himself, the other to one who stays long without straining himself. This may be illustrated by what a certain matron said to R. Judah b. R. Ila'i: Your face is [red] like that of pig-breeders and usurers,⁶ to which he replied: On my faith, both [occupations] are forbidden me, but there are twenty-four privies between my lodging and the Beth ha-Midrash, and when I go there I test myself in all of them.⁷

Rab Judah also said:⁸ Three things shorten a man's days and years: To be given a scroll of the Law to read from and to refuse, to be given a cup of benediction to say grace over and to refuse, and to assume airs of authority. 'To be given a scroll of the Law to read from and to refuse', as it is written: For that is thy life and the length of thy days.⁹ 'To be given a cup of benediction to say grace over and to refuse', as it is written: I will bless them that bless thee.¹⁰ 'To assume airs of authority', as R. Hama b. Hanina said: Why did Joseph die before his brethren?¹¹ Because he assumed airs of authority.

Rab Judah also said in the name of Rab: There are three things for which one should supplicate: a good king, a good year, and a good dream.¹² 'A good king', as it is written: A king's heart is in the hands of the Lord as the water-courses.¹³ 'A good year', as it is written: The eyes of the Lord thy

God are always upon it, from the beginning of the year even unto the end of the year.¹⁴ 'A good dream', as it is written; Wherefore cause Thou me to dream¹⁵ and make me to live.¹⁶

R. Johanan said: There are three things which the Holy One, blessed be He, Himself proclaims, namely, famine, plenty, and a good leader. 'Famine', as it is written: The Lord hath called for a famine.¹⁷ 'Plenty', as it is written: I will call for the corn and will increase it.¹⁸ 'A good leader', as it is written: And the Lord spoke unto Moses, saying, See I have called by name Bezalel, the son of Uri.¹⁹

R. Isaac said: We must not appoint a leader over a Community without first consulting it, as it says: See, the Lord hath called by name Bezalel, the son of Uri.²⁰ The Holy One, blessed be He, said to Moses: Do you consider Bezalel suitable? He replied: Sovereign of the Universe, if Thou thinkest him suitable, surely I must also! Said [God] to him: All the same, go and consult them. He went and asked Israel: Do you consider Bezalel suitable? They replied: If the Holy One, blessed be He, and you consider him suitable, surely we must!

R. Samuel b. Nahmani said in the name of R. Johanan: Bezalel was so called on account of his wisdom. At the time when the Holy One, blessed be He, said to Moses; Go and tell Bezalel to make me a tabernacle, an ark and vessels,²¹ Moses went and reversed the order, saying, Make an ark and vessels and a tabernacle. Bezalel said to him: Moses, our Teacher, as a rule a man first builds a house and then brings vessels into it; but you say, Make me an ark and vessels and a tabernacle. Where shall I put the vessels that I am to make? Can it be that the Holy One, blessed be He, said to you, Make a tabernacle, an ark and vessels? Moses replied: Perhaps you were in the shadow of God²² and knew!

Rab Judah said in the name of Rab: Bezalel knew how to combine the letters by which the heavens and earth were created.²³ It is written here, And He hath filled him with the spirit of God, in wisdom and in understanding, and in knowledge,²⁴ and it is written elsewhere, The Lord by wisdom founded the earth; by understanding He established the heavens,²⁵ and it is also written, By His knowledge the depths were broken up.²⁶

R. Johanan said: The Holy One, blessed be He, gives wisdom only to one who already has wisdom, as it says, He giveth wisdom unto the wise, and knowledge to them that know understanding.²⁷ R. Tahlifa from the West²⁸ heard and repeated it before R. Abbahu. He said to him: You learn it from there, but we learn it from this text, namely, In the hearts of all that are wise-hearted I have put wisdom.²⁹

R. Hisda said: Any dream rather than one of a fast.³⁰ R. Hisda also said: A dream which is not interpreted is like a letter which is not read.³¹ R. Hisda also said: Neither a good dream nor a bad dream is ever wholly fulfilled. R. Hisda also said: A bad dream is better than a good dream.³² R. Hisda also said: The sadness caused by a bad dream is sufficient for it and the joy which a good dream gives is sufficient for it.³³ R. Joseph said: Even for me³⁴ the joy caused by a good dream nullifies it. R. Hisda also said: A bad dream is worse than scourging, since it says, God hath so made it that men should fear before Him,³⁵ and Rabbah b. Bar Hanah said in the name of R. Johanan: This refers to a bad dream.

A prophet that hath a dream let him tell a dream: and he that hath My word let him speak My word faithfully. What hath the straw to do with the wheat, saith the Lord.³⁶ What is the connection of straw and wheat with a dream? The truth is, said R. Johanan in the name of R. Simeon b. Yohai, that just as wheat cannot be without straw, so there cannot be a dream without some nonsense. R. Berekiah said: While a part of a dream may be fulfilled, the whole of it is never fulfilled. Whence do we know this? From Joseph, as it is written, And behold the sun and the moon [and eleven stars

bowed down to me,]³⁷ and

- (1) Prov, XIII, 12. Cf. 32b, p. 200.
- (2) Which is, as it were, tempting Providence.
- (3) Which is a mark of selfrighteousness. Lit., 'surrendering the case against his fellow to heaven'.
- (4) Ezek. XLI, 22.
- (5) E.g., the palate. Lit., 'threshing-sledge'.
- (6) Who were notoriously good livers.
- (7) Cf. Ned. 49b.
- (8) We should probably add, 'In the name of Rab'.
- (9) Deut. XXX, 20.
- (10) Gen. XII, 3. The one who says grace blesses his host.
- (11) As we learn from Ex. I, 6: 'And Joseph died and (then) all his brethren'.
- (12) These things depending directly upon the will of God.
- (13) prov. XXI, 1.
- (14) Deut. XI, 12.
- (15) E.V. 'Recover Thou me'. The Talmud, however, connects the word in the text tahalimenei with halom, a dream.
- (16) Isa. XXXVIII, 16.
- (17) II Kings VIII, 1.
- (18) Ezek. XXXVI, 29.
- (19) Ex. XXXI, 1.
- (20) Ibid. XXXV, 30.
- (21) This is the order in Ex. XXXI, 7.
- (22) Heb. bezel el.
- (23) The Kabbalah assigns mystic powers to the letters of the Hebrew alphabet.
- (24) Ibid. XXXV, 31.
- (25) prov. III, 19.
- (26) Ibid. 20.
- (27) Dan. II, 21.
- (28) I.e., palestine.
- (29) Ex. XXXI, 6. It was preferable to learn it from a text of the Pentateuch.
- (30) I.e., to dream oneself fasting. So Rashi. The Aruch, however, explains: There is reality in every dream save one that comes in a fast.
- (31) Compare the dictum infra, 'A dream follows its interpretation
- (32) Because it incites one to repentance.
- (33) I.e., there is no need for them to be fulfilled.
- (34) R. Joseph was blind, and consequently could not derive so much pleasure from a dream.
- (35) Eccl. III, 14.
- (36) Jer. XXIII, 28.
- (37) Gen. XXXVII, 9.

Talmud - Mas. Berachoth 55b

at that time his mother was not living. R. Levi said: A man should await the fulfilment of a good dream for as much as twenty-two years. Whence do we know this? From Joseph. For it is written: These are the generations of Jacob. Joseph being seventeen years old, etc.;¹ and it is further written, And Joseph was thirty years old when he stood before Pharaoh.² How many years is it from seventeen to thirty? Thirteen. Add the seven years of plenty and two of famine,³ and you have twenty-two.

R. Huna said: A good man is not shown a good dream, and a bad man is not shown a bad dream.⁴ It has been taught similarly; David, during the whole of his lifetime, never saw a good dream and

Ahitophel, during the whole of his lifetime, never saw a bad dream. But it is written, There shall no evil befall thee,⁵ and R. Hisda said, in the name of R. Jeremiah: this means that you will not be disturbed either by bad dreams or by evil thoughts, neither shall any plague come nigh thy tent⁵ i.e., thou shalt not find thy wife doubtfully menstruous when thou returnest from a journey? — Though he does not see an evil dream, others see one about him. But if he does not see one, is this considered an advantage? Has not R. Ze'ira said: If a man goes seven days without a dream he is called evil, since it says, He shall abide satisfied, he shall not be visited by evil?⁶ — Read not sabe'a [satisfied] but [seven] sheba'.⁷ What he means is this: He sees, but he does not remember what he has seen.

R. Huna b. Ammi said in the name of R. Pedath who had it from R. Johanan: If one has a dream which makes him sad he should go and have it interpreted in the presence of three. He should have it interpreted! Has not R. Hisda said: A dream which is not interpreted is like a letter which is not read?⁸ — Say rather then, he should have a good turn given to it in the presence of three. Let him bring three and say to them: I have seen a good dream; and they should say to him, Good it is and good may it be. May the All-Merciful turn it to good; seven times may it be decreed from heaven that it should be good and may it be good. They should say three verses with the word hapak [turn], and three with the word padah [redeem] and three with the word shalom [peace]. Three with the word 'turn', namely (i) Thou didst turn for me my mourning into dancing, Thou didst loose my sackcloth and gird me with gladness;⁹ (ii) Then shall the virgin rejoice in the dance, and the young men and the old together; for I will turn their mourning into joy and will comfort them and make them rejoice from their sorrow;¹⁰ (iii) Nevertheless the Lord thy God would not hearken unto Balaam; but the Lord thy God turned the curse into a blessing unto thee.¹¹ Three verses with the word 'redeem', namely, (i) He hath redeemed my soul in peace, so that none came nigh me;¹² (ii) And the redeemed of the Lord shall return and come with singing unto Zion and sorrow and sighing shall flee away;¹³ (iii) And the people said unto Saul, Shall Jonathan die who hath wrought this great salvation in Israel? So the people redeemed Jonathan that he died not.¹⁴ Three verses with the word 'peace', namely, (i) Peace, peace, to him that is far off and to him that is near, saith the Lord that createth the fruit of the lips; and I will heal him;¹⁵ (ii) Then the spirit clothed Amasai who was chief of the captains: Thine are we, David, and on thy side, thou son of Jesse: Peace, peace, be unto thee and peace be to thy helpers, for thy God helpeth thee;¹⁶ (iii) Thus ye shall say: All hail! and peace be both unto thee, and peace be to thy house, and peace be unto all that thou hast.¹⁷

Amemar, Mar Zutra and R. Ashi were once sitting together. They said: Let each of us say something which the others have not heard. One of them began: If one has seen a dream and does not remember what he saw, let him stand before the priests at the time when they spread out their hands,¹⁸ and say as follows: 'Sovereign of the Universe, I am Thine and my dreams are Thine. I have dreamt a dream and I do not know what it is. Whether I have dreamt about myself or my companions have dreamt about me, or I have dreamt about others, if they are good dreams, confirm them and reinforce them¹⁹ like the dreams of Joseph, and if they require a remedy, heal them, as the waters of Marah were healed by Moses, our teacher, and as Miriam was healed of her leprosy and Hezekiah of his sickness, and the waters of Jericho by Elisha. As thou didst turn the curse of the wicked Balaam into a blessing, so turn all my dreams into something good for me'.²⁰ He should conclude his prayer along with the priests, so that the congregation may answer, Amen! If he cannot manage this,²¹ he should say: Thou who art majestic on high, who abidest in might, Thou art peace and Thy name is peace. May it be Thy will to bestow peace on us.

The second commenced and said: If a man on going into a town is afraid of the Evil Eye,²² let him take the thumb of his right hand in his left hand and the thumb of his left hand in his right hand, and say: I, so-and-so, am of the seed of Joseph over which the evil eye has no power, as it says: Joseph is a fruitful vine, a fruitful vine by a fountain.²³ Do not read 'ale 'ayin [by a fountain] but 'ole 'ayin [overcoming the evil eye]. R. Jose b. R. Hanina derived it from here: And let them grow into a

multitude [weyidgu] in the midst of the earth;²⁴ just as the fishes [dagim] in the sea are covered by the waters and the evil eye has no power over them so the evil eye has no power over the seed of Joseph.²⁵ If he is afraid of his own evil eye, he should look at the side of his left nostril.

The third commenced and said: If a man falls ill, the first day he should not tell anyone, so that he should not have bad luck; but after that he may tell. So when Raba fell ill, on the first day he did not tell anyone, but after that he said to his attendant: Go and announce that Raba is ill. Whoever loves him, let him pray for him, and whoever hates him, let him rejoice over him; for it is written: Rejoice not when thine enemy falleth, and let not thy heart be glad when he stumbleth, lest the Lord see it and it displease Him and He turn away His wrath from him.²⁶

When Samuel had a bad dream, he used to say, The dreams speak falsely.²⁷ When he had a good dream, he used to say, Do the dreams speak falsely, seeing that it is written, I [God] do speak with him in a dream?²⁸ Raba pointed out a contradiction. It is written, 'I do speak with him in a dream', and it is written, 'the dreams speak falsely'. — There is no contradiction; in the one case it is through an angel, in the other through a demon.

R. Bizna b. Zabda said in the name of R. Akiba who had it from R. Panda who had it from R. Nahum, who had it from R. Biryam reporting a certain elder — and who was this? R. Bana'ah: There were twenty-four interpreters of dreams in Jerusalem. Once I dreamt a dream and I went round to all of them and they all gave different interpretations, and all were fulfilled, thus confirming that which is said: All dreams follow the mouth.²⁹ Is the statement that all dreams follow the mouth Scriptural?³⁰ Yes, as stated by R. Eleazar. For R. Eleazar said: Whence do we know that all dreams follow the mouth? Because it says, and it came to pass, as he interpreted to us, so it was.³¹ Raba said: This is only if the interpretation corresponds to the content of the dream: for it says, to each man according to his dream he did interpret.³² When the chief baker saw that the interpretation was good.³³ How did he know this? R. Eleazar says: This tells us that each of them was shown his own dream and the interpretation of the other one's dream.³⁴

R. Johanan said: If one rises early and a Scriptural verse comes to his mouth,³⁵ this is a kind of minor prophecy. R. Johanan also said: Three kinds of dream are fulfilled: an early morning dream, a dream which a friend has about one, and a dream which is interpreted in the midst of a dream. Some add also, a dream which is repeated, as it says, and for that the dream was doubled unto Pharaoh twice, etc.³⁶

R. Samuel b. Nahmani said in the name of R. Jonathan: A man is shown in a dream only what is suggested by his own thoughts, as it says, As for thee, Oh King, thy thoughts came into thy mind upon thy bed.³⁷ Or if you like, I can derive it from here: That thou mayest know the thoughts of the heart.³⁸ Raba said: This is proved by the fact that a man is never shown in a dream a date palm of gold, or an elephant going through the eye of a needle.³⁹

(1) Ibid. 2.

(2) Gen. XLI, 46.

(3) After which Joseph saw his brothers.

(4) Rashi reads: A good man is shown a bad dream and a bad man is shown a good dream. The purpose is to turn the good man to repentance and to give the bad man his reward in this world.

(5) Ps. XCI, 10.

(6) Prov. XIX, 23.

(7) And translate: If he abides seven nights without being visited, it is evil.

(8) And therefore what harm can it do?

(9) Ps. XXX, 12.

(10) Jer. XXXI, 13.

- (11) Deut. XXIII, 6.
 (12) Ps, LV, 19.
 (13) Isa. XXXV, 10.
 (14) I Samuel XIV, 45.
 (15) Isa. LVII, 19.
 (16) I Chron. XII, 19.
 (17) I Sam. XXV, 6.
 (18) To say the priestly benediction.
 (19) Var. lec. adds here the words: And may they be fulfilled.
 (20) This prayer is included in the prayer books and recited in some congregations between each of the three blessings constituting the priestly benediction, whether they have dreamt or not.
 (21) I.e., he is unable to finish it together with the priests. Var. lec.: When the priests (at the conclusion of the benediction) turn their faces (to the ark).
 (22) I.e., his own sensual passions.
 (23) Gen. XLIX, 22.
 (24) Ibid. XLVIII, 16.
 (25) V. supra p. 120, nn. 9 and 10.
 (26) Prov. XXiv, 17.
 (27) Zech. X, 2.
 (28) Num. XII, 6.
 (29) 'Mouth' here seems to have the sense of interpretation.
 (30) As the formula 'thus confirming' etc., would seem to imply.
 (31) Gen. XLI, 13.
 (32) Ibid. 12.
 (33) Ibid. XL, 16.
 (34) R. Eleazar stresses the word 'saw'.
 (35) I.e., either he spontaneously utters it, or he hears a child repeating it.
 (36) Ibid. XLI, 32.
 (37) Dan. II, 29.
 (38) Ibid. 30.
 (39) Because he never thinks of such things.

Talmud - Mas. Berachoth 56a

The Emperor [of Rome]¹ said to R. Joshua b. R. Hananyah: You [Jews] profess to be very clever. Tell me what I shall see in my dream. He said to him: You will see the Persians² making you do forced labour, and despoiling you and making you feed unclean animals with a golden crook. He thought about it all day, and in the night he saw it in his dream.³ King Shapor [I] once said to Samuel: You [Jews] profess to be very clever. Tell me what I shall see in my dream. He said to him: You will see the Romans coming and taking you captive and making you grind date-stones in a golden mill. He thought about it the whole day and in the night saw it in a dream.

Bar Hedyā was an interpreter of dreams. To one who paid him he used to give a favourable interpretation and to one who did not pay him he gave an unfavourable interpretation. Abayē and Raba each had a dream. Abayē gave him a zuz, and Raba did not give him anything. They said to him: In our dream we had to read the verse, Thine ox shall be slain before thine eyes,⁴ etc. To Raba he said: Your business will be a failure, and you will be so grieved that you will have no appetite to eat. To Abayē he said: Your business will prosper, and you will not be able to eat from sheer joy. They then said to him: We had to read in our dream the verse, Thou shalt beget sons and daughters but they shall not be thine,⁵ etc. To Raba he interpreted it in its [literal] unfavourable sense. To Abayē he said: You have numerous sons and daughters, and your daughters will be married and go away, and it will seem to you as if they have gone into captivity. [They said to him:] We were made to read the

verse: Thy sons and thy daughters shall be given unto another people.⁶ To Abaye he said: You have numerous sons and daughters; you will want your daughters to marry your relatives, and your wife will want them to marry her relatives, and she will force you to marry them to her relatives, which will be like giving them to another people. To Raba he said: Your wife will die, and her sons and daughters will come under the sway of another wife. (For Raba said in the name of R. Jeremiah b. Abba, reporting Rab: What is the meaning of the verse: 'Thy sons and thy daughters shall be given to another people'? This refers to a step-mother.) [They further said]: We were made to read in our dream the verse, Go thy way, eat thy bread with joy, etc.⁷ To Abaye he said: Your business will prosper, and you will eat and drink, and recite this verse out of the joy of your heart. To Raba he said: Your business will fail, you will slaughter [cattle] and not eat or drink and you will read Scripture to allay your anxiety. [They said to him]: We were made to read the verse, Thou shalt carry much seed out into the field, [and shalt gather little in, for the locusts will consume it].⁸ To Abaye he interpreted from the first half of the verse; to Raba from the second half. [They said to him:] We were made to read the verse, Thou shalt have olive trees throughout all thy borders, [but thou shalt not anoint thyself, etc.]⁹ To Abaye he interpreted from the first half of the verse; to Raba from the second half. [They said to him:] We were made to read the verse: And all the peoples of the earth shall see that the name of the Lord is called upon thee, etc.¹⁰ To Abaye he said: Your name will become famous as head of the college, and you will be generally feared. To Raba he said: The King's treasury¹¹ will be broken into, and you will be arrested as a thief, and everyone will draw an inference from you.¹² The next day the King's treasury was broken into and they came and arrested Raba: They said to him: We saw a lettuce on the mouth of a jar. To Abaye he said: Your business will be doubled like a lettuce. To Raba he said: Your business will be bitter like a lettuce. They said to him: We saw some meat on the mouth of a jar. To Abaye he said: Your wine will be sweet, and everyone will come to buy meat and wine from you. To Raba, he said: Your wine will turn sour, and everyone will come to buy meat to eat with it.¹³ They said: We saw a cask hanging on a palm tree. To Abaye he said: Your business will spring up like a palm tree. To Raba he said: Your goods will be sweet like dates.¹⁴ They said to him: We saw a pomegranate sprouting on the mouth of a jar. To Abaye he said: Your goods will be high-priced like a pomegranate. To Raba he said: Your goods will be stale like a [dry] pomegranate. They said to him: We saw a cask fall into a pit. To Abaye he said: Your goods will be in demand according to the saying: The pu'ah¹⁵ has fallen into a well and cannot be found.¹⁶ To Raba he said: Your goods will be spoilt and they will be thrown into a pit. They said to him: We saw a young ass standing by our pillow and braying. To Abaye he said: You will become a king,¹⁷ and an Amora¹⁸ will stand by you. To Raba he said: The words 'The first-born of an ass'¹⁹ have been erased from your tefillin. Raba said to him: I have looked at them and they are there. He replied to him: Certainly the waw of the word hamor [ass] has been erased from your tefillin.²⁰

Subsequently Raba went to him by himself and said to him: I dreamt that the outer door fell. He said to him: Your wife will die. He said to him: I dreamt that my front and back teeth fell out. He said to him: Your sons and your daughters will die. He said: I saw two pigeons flying. He replied: You will divorce two wives.²¹ He said to him: I saw two turnip-tops.²² He replied: You will receive two blows with a cudgel. On that day Raba went and sat all day in the Beth ha-Midrash. He found two blind men quarrelling with one another. Raba went to separate them and they gave him two blows. They wanted to give him another blow but he said, Enough! I saw in my dream only two.

Finally Raba went and gave him a fee. He said to him: I saw a wall fall down. He replied: You will acquire wealth without end. He said: I dreamt that Abaye's villa fell in and the dust of it covered me. He replied to him: Abaye will die and [the presidency of] his College will be offered to you. He said to him: I saw my own villa fall in, and everyone came and took a brick. He said to him: Your teachings will be disseminated throughout the world. He said to him: I dreamt that my head was split open and my brains fell out. He replied: The stuffing will fall out of your pillow. He said to him: In my dream I was made to read the Hallel of Egypt.²³ He replied: Miracles will happen to you.

Bar Hedyā was once travelling with Raba in a boat. He said to himself: Why should I accompany a man to whom a miracle will happen?²⁴ As he was disembarking, he let fall a book. Raba found it, and saw written in it: All dreams follow the mouth. He exclaimed: Wretch! It all depended on you and you gave me all this pain! I forgive you everything except [what you said about] the daughter of R. Hisda.²⁵ May it be God's will that this fellow be delivered up to the Government, and that they have no mercy on him! Bar Hedyā said to himself: What am I to do? We have been taught that a curse uttered by a sage, even when undeserved, comes to pass; how much more this of Raba, which was deserved! He said: I will rise up and go into exile. For a Master has said: Exile makes atonement for iniquity. He rose and fled to the Romans. He went and sat at the door of the keeper of the King's wardrobe. The keeper of the wardrobe had a dream, and said to him: I dreamt that a needle pierced my finger. He said to him: Give me a zuz! He refused to give him one, and he would not say a word to him. He again said to him: I dreamt that a worm²⁶ fell between two of my fingers. He said to him: Give me a zuz. He refused to give him one, and he would not say a word to him. I dreamt that a worm filled the whole of my hand. He said to him: Worms have been spoiling all the silk garments. This became known in the palace, and they brought the keeper of the wardrobe in order to put him to death. He said to them: Why execute me? Bring the man who knew and would not tell. So they brought Bar Hedyā, and they said to him: Because of your zuz, the king's silken garments have been ruined

(1) Probably Trajan, when he passed through Palestine during his expedition to Persia.

(2) I.e., the Parthians.

(3) Trajan was defeated by the Parthians in 116 C.E.

(4) Deut. XXVIII, 31.

(5) Ibid. 41.

(6) Deut. XXVIII, 32.

(7) Eccl. IX, 7.

(8) Deut. XXVIII, 38.

(9) Ibid. 40.

(10) Ibid. 10.

(11) Where the tax payments were received.

(12) Saying: If Raba is suspect, how much more so are we.

(13) I.e., to dip in it.

(14) Rashi explains this to mean: Sweet to the customer because of its cheapness.

(15) A vegetable dyer's madder, a prophylactic.

(16) I.e., it is a useless remedy, v. Shab. 66b. MS.M. reads: Your goods will be in demand like something which has fallen into a pit.

(17) I.e., president of a college.

(18) An interpreter.

(19) Ex. XIII, 13. This passage is one of the four contained in the tefillin.

(20) Bah adds: 'Raba examined and found that the waw of hamor had been erased etc.'

(21) A wife is compared to a dove in Cant. V, 2.

(22) Looking like sticks.

(23) I.e., the Hallel as said on Passover Eve to celebrate the going forth from Egypt, v. Glos. s.v. Hallel.

(24) As much as to say, he will be saved but I will not.

(25) Raba's wife, whose death Bar Hedyā had foretold.

(26) Aliter: 'decay'.

Talmud - Mas. Berachoth 56b

. They tied two cedars together with a rope, tied one leg to one cedar and the other to the other, and released the rope, so that even his head was split.¹ Each tree rebounded to its place and he was

decapitated and his body fell in two.

Ben Dama, the son of R. Ishmael's sister, asked R. Ishmael: I dreamt that both my jaws fell out; [what does it mean]? — He replied to him: Two Roman counsellors² have made a plot against you, but they have died.

Bar Kappara said to Rabbi: I dreamt that my nose fell off. He replied to him: Fierce anger³ has been removed from you. He said to him: I dreamt that both my hands were cut off. He replied: You will not require the labour of your hands. He said to him: I dreamt that both my legs were cut off. He replied: You will ride on horseback.¹ I dreamt that they said to me: You will die in Adar and not see Nisan. He replied: You will die in all honour [adrutha], and not be brought into temptation [nisayon].

A certain Min said to R. Ishmael: I saw myself [in a dream] pouring oil on olives. He replied: [This man]⁴ has outraged his mother. He said to him: I dreamt I plucked a star. He replied: You have stolen an Israelite.⁵ He said to him: I dreamt that I swallowed the star. He replied: You have sold an Israelite and consumed the proceeds. He said to him: I dreamt that my eyes were kissing one another. He replied: (This man) has outraged his sister. He said to him: I dreamt that I kissed the moon. He replied: He has outraged the wife of an Israelite. He said to him: I dreamt that I was walking in the shade of a myrtle. He replied: He has outraged a betrothed damsel.⁶ He said to him: I dreamt that there was a shade above me, and yet it was beneath me. He replied: It means unnatural intercourse. He said to him: I saw ravens keep on coming to my bed. He replied: Your wife has misconducted herself with many men. He said to him: I saw pigeons keep on coming to my bed. He replied: You have defiled many women. He said to him: I dreamt that I took two doves and they flew away. He replied: You have married two wives and dismissed them without a bill of divorce. He said to him: I dreamt that I was shelling eggs. He replied: You have been stripping the dead. He then said to him: You are right in all of these, except the last! of which I am not guilty. Just then a woman came and said to him: This cloak which you are wearing belonged to So-and-so who is dead, and you have stripped it from him. He said to him: I dreamt that people told me: Your father has left you money in Cappadocia. He said to him: Have you money in Cappadocia? No, he replied. Did your father ever go to Cappadocia? No. In that case, he said, kappa means a beam and dika means ten.⁷ Go and examine the beam which is at the head of ten, for it is full of coins. He went, and found it full of coins.

R. Hanina said: If one sees a well in a dream, he will behold peace, since it says: And Isaac's servants digged in the valley, and found there a well of living water.⁸ R. Nathan said: He will find Torah, since it says, Whoso findeth me findeth life⁹ and it is written here, a well of living water.¹⁰ Raba said: It means life literally.

Rab Hanan said: There are three (kinds of dreams which signify] peace, namely, about a river, a bird, and a pot. 'A river', for it is written: Behold I will extend peace to her like a river.¹¹ 'A bird', for it is written: As birds hovering so will the Lord of Hosts protect Jerusalem.¹² 'A Pot' for it is written, Lord, thou wilt establish¹³ peace for us.¹⁴ Said R. Hanina: But this has been said of a pot in which there is no meat, [for it says]:¹⁵ They chop them in pieces, as that which is in the pot and as flesh within the cauldron.¹⁶

R. Joshua b. Levi said: If one sees a river in his dreams, he should rise early and say: Behold I will extend peace to her like a river,¹¹ before another verse occurs to him, viz., for distress will come in like a river.¹⁷ If one dreams of a bird he should rise early and say: As birds hovering, so will the Lord of Hosts protect,¹² before another verse occurs to him, viz., As a bird that wandereth from her nest, so is a man that wandereth from his place.¹⁸ If one sees a pot in his dreams, he should rise early and say, Lord thou wilt establish [tishpoth] peace for us,¹⁴ before another verse occurs to him, viz., Set [shefoth] on the pot, set it on.¹⁹ If one sees grapes in his dream, he should rise early and say: I

found Israel like grapes in the wilderness,²⁰ before another verse occurs to him, viz., their grapes are grapes of gall.²¹ If one dreams of a mountain, he should rise early and say: How beautiful upon the mountains are the feet of the messenger of good tidings,²² before another verse occurs to him, viz., for the mountains will I take up a weeping and wailing.²³ If one dreams of a horn he should rise early and say: And it shall come to pass in that day that a great horn shall be blown,²⁴ before another verse occurs to him, viz., Blow ye the horn of Gibeah.²⁵ If one sees a dog in his dream, he should rise early and say: But against any of the children of Israel shall not a dog whet his tongue,²⁶ before another verse occurs to him, viz., Yea, the dogs are greedy.²⁷ If one sees a lion in his dream he should rise early and say: The lion hath roared, who will not fear?²⁸ before another verse occurs to him, viz., A lion is gone up from his thicket.²⁹ If one dreams of shaving, he should rise early and say: And Joseph shaved himself and changed his raiment,³⁰ before another verse occurs to him, viz., If I be shaven, then my strength will go from me.³¹ If one sees a well in his dream, he should rise early and say: A well of living waters,³² before another verse occurs to him, viz., As a cistern wellet with her waters, so she wellet with her wickedness.³³ If one sees a reed, he should rise early and say, A bruised reed shall he not break,³⁴ before another verse occurs to him, viz., Behold thou trusteth upon the staff of this bruised reed.³⁵

Our Rabbis taught: If one sees a reed [kaneh] in a dream, he may hope for wisdom, for it says: Get [keneh] wisdom.³⁶ If he sees several reeds, he may hope for understanding, since it says: With all thy getting [kinyaneka] get understanding.³⁷ R. Zera said: A pumpkin [kara], a palm-heart [kora] wax [kira], and a reed [kanya] are all auspicious in a dream.³⁸ It has been taught: Pumpkins are shown in a dream only to one who fears heaven with all his might.³⁹ If one sees an ox in a dream, he should rise early and say: His firstling bullock, majesty is his,⁴⁰ before another verse occurs to him, viz., If an ox gore a man.⁴¹

Our Rabbis taught: There are five sayings in connexion with an ox in a dream. If one [dreams that he] eats of its flesh, he will become rich; if that an ox has gored him, he will have sons who will contend together⁴² in the study of the Torah; if that an ox bit him, sufferings will come upon him; if that it kicked him, he will have to go on a long journey; if that he rode upon one, he will rise to greatness. But it has been taught: If he dreamt that he rode upon one,⁴³ he will die? — There is no contradiction. In the one case the dream is that he rides on the ox, in the other that the ox rode upon him.

If one sees an ass in a dream, he may hope for salvation, as it says, Behold thy king cometh unto thee; he is triumphant and victorious, lowly and riding upon an ass.⁴⁴ If one sees a cat in a dream, if in a place where they call it shunara, a beautiful song [shirah na'ah] will be composed for him; if in a place where they call it shinra, he will undergo a change for the worse [shinnui ra'].⁴⁵ If one sees grapes in a dream, if they are white, whether in their season or not in their season, they are a good sign; if black, in their season they are a good sign, not in their season a bad sign.⁴⁶ If one sees a white horse in a dream, whether walking gently or galloping, it is a good sign, if a red horse, if walking gently it is a good sign, if galloping it is a bad sign. If one sees Ishmael in a dream, his prayer will be heard.⁴⁷ And it must be Ishmael, the son of Abraham, but not an ordinary Arab.⁴⁸ If one sees a camel in a dream, death has been decreed for him from heaven and he has been delivered from it. R. Hama b. Hanina said: What is the Scriptural text for this? — I will go down with thee into Egypt, and I will also surely bring thee up again.⁴⁹ R. Nahman b. Isaac derives it from here: The Lord also hath put away thy sin, thou shalt not die.⁵⁰ If one sees Phineas in a dream, a miracle will be wrought for him. If one sees an elephant [pil] in a dream, wonders [pela'oth] will be wrought for him; if several elephants, wonders of wonders will be wrought for him. But it has been taught: All kinds of beasts are of good omen in a dream except the elephant and the ape? — There is no contradiction.

(1) Another reading is: 'released the rope till he was split in two. Said Raba: I will not forgive him till his head is split.

Each tree, etc.’.

(2) Signified by ‘jaws’ because of their powers of speech.

(3) The word for ‘nose’ (af) means also ‘anger’.

(4) In attributing to him such a crime he would not address him in the second person.

(5) The Israelites being compared to stars. Gen. XV, 5.

(6) For whom it is usual to make a canopy of myrtle.

(7) Kappa in the sense of ‘beam’ is an Aramaic word (Kofa), while dika in the sense of ten is the Greek GR.** The Jer. more plausibly explains kappa as the Greek letter equivalent to twenty, and dokia as representing the Greek GR.**, a beam.

(8) Gen. XXVI, 19.

(9) Prov. VIII, 35.

(10) Lit. ‘water of life’.

(11) Isa. LXVI, 12.

(12) Ibid. XXXI, 5.

(13) Heb. tishpoth, which is also used for placing a pot on a fire.

(14) Ibid. XXVI, 12.

(15) V. Marginal Gloss.

(16) Micah III, 3.

(17) Isa. LIX, 19.

(18) Prov. XXVII, 8.

(19) Ezek. XXIV, 3.

(20) Hos. IX, 10.

(21) Deut. XXXII, 32.

(22) Isa. LII, 7.

(23) Jer. IX, 9.

(24) Isa. XXVII, 13.

(25) Hos. V, 8. This introduces a denunciation.

(26) Ex. XI, 7.

(27) Isa. LVI, 11.

(28) Amos III, 8.

(29) Jer. IV, 7.

(30) Gen. XLI, 24.

(31) Judg. XVI, 17. Spoken by Samson.

(32) Cant. IV, 15.

(33) Jer. VI, 7.

(34) Isa. XLII, 3.

(35) Ibid. XXXVI, 6.

(36) Prov. IV, 5.

(37) Ibid. 7.

(38) They all resemble in sound the word ‘reed’ and hence have a favourable significance.

(39) Despite their large size they do not grow high above the ground, and are plants symbolic of the Godfearing man who, despite his worth, remains lowly and humble. (R. Nissim, Gaon.)

(40) Deut. XXXIII, 17.

(41) Ex. XXI, 28.

(42) Lit., ‘gore’ (one another).

(43) The original can equally mean ‘it rides upon him’.

(44) Zech. IX, 9.

(45) MS.M. reads: If in a place . . . shunara he will undergo a change for the worse; if shunara a beautiful song, etc.

(46) MS.M. adds: He should offer supplication. If (he dreamt) that he had eaten these, he can be assured that he is a son of the world to come.

(47) Cf. Gen. XXI, 17.

(48) Who is also called Ishmael.

(49) Gen. XLVI, 4. The last words in the Hebrew are gam 'aloh, which resemble gamal, 'a camel'.

(50) II Sam. XII, 13. The derivation in this case is not clear; perhaps it is from the word gam 'also' which resembles gamal.

Talmud - Mas. Berachoth 57a

The elephants are of good omen¹ if saddled, of bad omen if not saddled. If one sees the name Huna in a dream, a miracle will be wrought for him.² If one sees the name Hanina, Hananiah or Jonathan, miracles will be wrought for him.³ If one dreams of a funeral oration [hesped] mercy will be vouchsafed to him from heaven and he will be redeemed.⁴ This is only if he sees the word in writing.⁵ If one [in a dream] answers, 'May His great name be blessed', he may be assured that he has a share in the future world. If one dreams that he is reciting the Shema', he is worthy that the Divine presence should rest upon him, only his generation is not deserving enough. If one dreams he is putting on tefillin, he may look forward to greatness, for it says: And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall fear thee;⁶ and it has been taught: R. Eliezer the Great says: This refers to the tefillin of the head.⁷ If one dreams he is praying, it is a good sign, for him, provided he does not complete the prayer.⁸

If one dreams that he has intercourse with his mother, he may expect to obtain understanding, since it says, Yea, thou wilt call understanding 'mother'.⁹ If one dreams he has intercourse with a betrothed maiden, he may expect to obtain knowledge of Torah, since it says, Moses commanded us a law [Torah], an inheritance of the congregation of Jacob.¹⁰ Read not morashah [inheritance], but me'orasah [betrothed]. If one dreams he has had intercourse with his sister, he may expect to obtain wisdom, since it says, Say to wisdom, thou art my sister.¹¹ If one dreams he has intercourse with a married woman, he can be confident that he is destined for the future world,¹² provided, that is, that he does not know her and did not think of her in the evening.

R. Hiyya b. Abba said: If one sees wheat in a dream, he will see peace, as it says: He maketh thy borders peace; He giveth thee in plenty the fat of wheat.¹³ If one sees barley¹⁴ in a dream, his iniquities will depart, as it says: Thine iniquity is taken away, and thy sin expiated.¹⁵ R. Zera said: I did not go up from Babylon to the Land of Israel until I saw barley in a dream.¹⁶ If one sees in a dream a vine laden with fruit, his wife will not have a miscarriage, since it says, thy wife shall be as a fruitful vine.¹⁷ If one sees a choice vine, he may look forward to seeing the Messiah, since it says, Binding his foal unto the vine and his ass's colt unto the choice vine.¹⁸ If one sees a fig tree in a dream, his learning will be preserved within him, as it says: Whoso keepeth the fig tree shall eat the fruit thereof.¹⁹ If one sees pomegranates in a dream, if they are little ones, his business will be fruitful like a pomegranate; if big ones, his business will increase like a pomegranate. If they are split open, if he is a scholar, he may hope to learn more Torah, as it says: I would cause thee to drink of spiced wine, of the juice of my pomegranate;²⁰ if he is unlearned, he may hope to perform precepts, as it says: Thy temples are like a pomegranate split open.²¹ What is meant by 'Thy temples' [rakotheh]? — Even the illiterate [rekanim]²² among thee are full of precepts like a pomegranate. If one sees olives in a dream, if they are little ones his business will go on fructifying and increasing like an olive. This is if he sees the fruit; but if he sees the tree he will have many sons, as it says: Thy children like olive plants, round about thy table.¹⁷ Some say that if one sees an olive in his dream he will acquire a good name, as it says, The Lord called thy name a leafy olive-tree, fair and goodly fruit.²³ If one sees olive oil in a dream, he may hope for the light of the Torah, as it says, That they bring unto thee pure olive oil beaten for the light.²⁴ If one sees palm-trees in a dream his iniquities will come to an end, as it says, The punishment of thine iniquity is accomplished, O daughter of Zion.²⁵

R. Joseph said: If one sees a goat in a dream, he will have a blessed year; if several goats, several blessed years, as it says: And there will be goat's milk enough for thy food.²⁶ If one sees myrtle in

his dream, he will have good luck with his property,²⁷ and if he has no property he will inherit some from elsewhere. ‘Ulla said — according to others, it was taught in a Baraita: this is only if he sees myrtle on its stem.²⁸ If one sees citron [hadar] in his dream, he is honoured [hadur] in the sight of his Maker, since it says: The fruit of citrons,²⁹ branches of palm-trees.³⁰ If one sees a palm branch in a dream, he is single-hearted in devotion to his Father in Heaven.³¹ If one sees a goose in a dream, he may hope for wisdom, since it says: Wisdom crieth aloud it, the street;³² and he who dreams of being with one will become head of an academy. R. Ashi said: I saw one and was with one, and I was elevated to a high position.³³ If one sees a cock in a dream he may expect a male child; if several cocks, several sons; if a hen, a fine garden and rejoicing.³⁴ If one sees eggs in a dream, his petition remains in suspense;³⁵ if they are broken his petition will be granted. The same with nuts and cucumbers and all vessels of glass and all breakable things like these.

If one dreams that he enters a large town, his desire will be fulfilled, as it says, And He led them unto their desired haven.³⁶ If one dreams that he is shaving his head, it is a good sign for him; if his head and his beard, for him and for all his family. If one dreams that he is sitting in a small boat, he will acquire a good name; if in a large boat, both he and all his family will acquire one; but this is only if it is on the high sea. If one dreams that he is easing himself, it is a good omen for him, as it is said, He that is bent down shall speedily be loosed,³⁷ but this is only if he did not wipe himself [in his dream]. If one dreams that he goes up to a roof, he will attain a high position; if that he goes down, he will be degraded. Abaye and Raba, however, both say that once he has attained a high position he will remain there. If one dreams he is tearing his garments, his evil decree³⁸ will be rent. If one dreams that he is standing naked, if in Babylon he will remain sinless,³⁹ if in the Land of Israel he will be bare of pious deeds.⁴⁰ If one dreams that he has been arrested by the police, protection will be offered him; if that he has been placed in neck-chains,⁴¹ additional protection will be afforded him. This is only [if he dreams] of neck-chains, not a mere rope. If one dreams that he walks into a marsh, he will become the head of an academy;⁴² if into a forest he will become the head of the collegiates.⁴³

R. Papa and R. Huna the son of Joshua both had dreams. R. Papa dreamt that he went into a marsh and he became head of an academy.⁴⁴ R. Huna the son of R. Joshua dreamt that he went into a forest and he became head of the collegiates. Some say that both dreamt they went into a marsh, but R. Papa who was carrying a drum⁴⁵ became head of the academy, while R. Huna the son of R. Joshua who did not carry a drum became only the head of the collegiates. R. Ashi said: I dreamt that I went into a marsh and carried a drum and made a loud noise with it.

A Tanna recited in the presence of R. Nahman b. Isaac: If one dreams that he is undergoing blood-letting, his iniquities are forgiven.⁴⁶ But it has been taught: His iniquities are recounted? — What is meant by recounted? Recounted so as to be forgiven.

A Tanna recited in the presence of R. Shesheth: If one sees a serpent in a dream, it means that his living is assured;⁴⁷ if it bites him it will be doubled; if he kills it he will lose his living. R. Shesheth said to him: [In this case] all the more will his living be doubled! This is not so, however; R. Shesheth [explained thus] because he saw a serpent in his dream and killed it.⁴⁸

A Tanna recited in the presence of R. Johanan: All kinds of drinks are a good sign in a dream except wine; sometimes one may drink it and it turns out well and sometimes one may drink it and it turns out ill. ‘Sometimes one may drink it and it turns out well’, as it says: Wine that maketh glad the heart of man’.⁴⁹ ‘Sometimes one may drink it and it turns out ill’, as it says: Give strong drink unto him that is ready to perish, and wine unto the bitter in soul.’⁵⁰ Said R. Johanan unto the Tanna: Teach that for a scholar it is always good, as it says: Come eat of my bread and drink of the wine which I have mingled.⁵¹

- (1) Lit., 'this is . . . that is'.
- (2) The Hebrew for miracle, nes, also contains the letter nun.
- (3) These names contain more than one nun.
- (4) Heaped is here connected with hus 'to have pity' and padah 'to redeem'.
- (5) And similarly the proper names Huna, etc. enumerated above.
- (6) Deut. XXVIII, 10.
- (7) V. supra 6a.
- (8) I.e., wakes up before it is finished.
- (9) Prov. II, 3 with a slight change of reading. E.V. Yea, If thou wilt call for understanding.
- (10) Deut. XXXIII, 4.
- (11) Prov. VII, 4.
- (12) The signification being that he obtains his own share and that of his neighbour (Rashi).
- (13) Ps. CXLVII, 14.
- (14) Se'orim (barley) equals sar 'awon, 'iniquity has departed'.
- (15) Isa VI, 7.
- (16) A visit to the Holy Land was held to bring with it an expiation for sin.
- (17) Ps. CXXXVIII, 3.
- (18) Gen. XLIX, 11. This verse is supposed to refer to the Messiah.
- (19) Prov. XXVII, 18.
- (20) Cant. VIII, 2.
- (21) Ibid. IV, 3.
- (22) Lit., 'the empty ones'.
- (23) Jer. XI, 16.
- (24) Ex. XX VII, 20.
- (25) Lam. IV, 22. Tamarin (palm-trees) suggest tammu morin, 'finished are rebels (sins)'.
- (26) Prov. XXVII, 27.
- (27) Like a myrtle which has numerous leaves.
- (28) I.e., attached to the soil.
- (29) E.V. 'Goodly trees'.
- (30) Lev. XXIII, 40.
- (31) The palm branch having no twigs.
- (32) Prov. I, 20.
- (33) He became the head of the Academy of Matha Mehasia (a suburb of Sura).
- (34) The Hebrew word for cock (tarnegol) suggests these interpretations.
- (35) Like the contents of the egg, of which one is doubtful as long as the shell is unbroken (Rashi).
- (36) Ps. CVII, 30.
- (37) Isa. LI, 14.
- (38) The evil decreed against him from heaven.
- (39) V. Keth. 110b. He who dwells outside the Land of Israel is as though he worshipped idols. To stand naked in a dream in Babylon hence means to be sinless.
- (40) V. Keth. 111a. He who dwells in the Land abides sinless. To stand naked in a dream in Palestine hence means to be bare of pious deeds.
- (41) With which criminals were strung together to be led to execution.
- (42) Short and long reeds in a marsh are figurative of the students of different ages and standards attending the Academy.
- (43) The full-grown trees in a forest represent the mature students who meet often for discussion and study. V., however, Rashi.
- (44) He became the head of the school in Naresh, near Sura.
- (45) Such as was used for announcing the approach of a man of distinction.
- (46) Sins are described as crimson, cf. Isa. I, 18.
- (47) Because the serpent eats dust of which there is always abundance.
- (48) And he wished to give his dream a favourable interpretation.

(49) Ps. CIV, 15.

(50) Prov. XXXI, 6.

(51) Ibid. IX, 5.

Talmud - Mas. Berachoth 57b

R. Johanan said: If at the moment of rising a text occurs to one, this is a minor kind of prophecy.

Our Rabbis taught there are three kings [who are important for dreams]. If one sees David in a dream, he may hope for piety; if Solomon, he may hope for wisdom; if Ahab, let him fear for punishment. There are three prophets [of significance for dreams]. If one sees the Book of Kings, he may look forward to greatness; if Ezekiel, he may look forward to wisdom; if Isaiah he may look forward to consolation; if Jeremiah, let him fear for punishment. There are three larger books of the Hagiographa [which are significant for dreams]. If one sees the Book of Psalms, he may hope for piety; if the Book of Proverbs, he may hope for wisdom; if the Book of Job, let him fear for punishment. There are three smaller books of the Hagiographa [significant for dreams]. If one sees the Songs of Songs in a dream, he may hope for piety;¹ if Ecclesiastes, he may hope for wisdom; if Lamentations, let him fear for punishment; and one who sees the Scroll of Esther will have a miracle wrought for him. There are three Sages [significant for dreams]. If one sees Rabbi in a dream, he may hope for wisdom; if Eleazar b. Azariah, he may hope for riches;² if R. Ishmael b. Elisha, let him fear for punishment.³ There are three disciples⁴ [significant for dreams]. If one sees Ben 'Azzai in a dream, he may hope for piety; if Ben Zoma, he may hope for wisdom; if Aher,⁵ let him fear for punishment.

All kinds of beasts are a good sign in a dream, except the elephant, the monkey and the long-tailed ape. But a Master has said: If one sees an elephant in a dream, a miracle will be wrought for him?⁶ — There is no contradiction; in the latter case it is saddled, in the former case it is not saddled. All kinds of metal implements are a good sign in a dream, except a hoe, a mattock, and a hatchet; but this is only if they are seen in their hafts.⁷ All kinds of fruit are a good sign in a dream, except unripe dates. All kinds of vegetables are a good sign in a dream, except turnip-tops. But did not Rab say: I did not become rich until I dreamt of turnip-tops? — When he saw them, it was on their stems.⁸ All kinds of colours are a good sign in a dream, except blue.⁹ All kinds¹⁰ of birds are a good sign in a dream, except the owl, the horned owl and the bat.

(Mnemonic: The body, The body, Reflex, Restore, Self-esteem.) Three things enter the body without benefiting it: melilot,¹¹ dateberries, and unripe dates. Three things benefit the body without being absorbed by it: washing, anointing, and regular motion. Three things are a reflex of the world to come: Sabbath, sunshine, and tashmish.¹² Tashmish of what? Shall I say of the bed?¹³ This weakens. It must be then tashmish of the orifices. Three things restore a man's good spirits: [beautiful] sounds, sights, and smells. Three things increase a man's self-esteem:¹⁴ a beautiful dwelling, a beautiful wife, and beautiful clothes.

(Mnemonic: Five, Six, Ten). Five things are a sixtieth part of something else: namely, fire, honey, Sabbath, sleep and a dream. Fire is one-sixtieth part of Gehinnom. Honey is one-sixtieth part of manna. Sabbath is one-sixtieth part of the world to come. Sleep is one-sixtieth part of death. A dream is one-sixtieth part of prophecy.

Six things are a good sign for a sick person, namely, sneezing, perspiration, open bowels, seminal emission, sleep and a dream. Sneezing, as it is written: His sneezings flash forth light.¹⁵ Perspiration, as it is written, In the sweat of thy face shalt thou eat bread.¹⁶ Open bowels, as it is written: If lie that is bent down hasteneth to be loosed, he shall not go down dying to the pit.¹⁷ Seminal emission, as it is written: Seeing seed, he will prolong his days.¹⁸ Sleep, as it is written: I should have slept, then

should I have been at rest.¹⁹ A dream, as it is written: Thou didst cause me to dream and make me to live.²⁰

Six things heal a man of his sickness with a complete cure, namely, cabbage, beet, a decoction of dried poley, the maw [of an animal], the womb, and the large lobe of the liver. Some add small fishes, which [not only have this advantage] but also make fruitful and invigorate a man's whole body.

Ten things bring a man's sickness on again in a severe form, namely, to eat beef, fat meat, roast meat, poultry and roasted egg, shaving, and eating cress, milk or cheese, and bathing. Some add, also nuts; and some add further, also cucumbers. It was taught in the school of R. Ishmael: Why are they called kishshu'im [cucumbers]? Because they are painful [kashim] for the body like swords. Is that so? See, it is written: And the Lord said unto her, Two nations are in thy womb.²¹ Read not goyim [nations] but ge'im [lords], and Rab Judah said in the name of Rab: These are Antoninus and Rabbi, whose table never lacked either radish, lettuce or cucumbers either in summer or winter!²² — There is no contradiction; the former statement speaks of large ones, the latter of small ones.

Our Rabbis taught: [If one dreams of] a corpse in the house, it is a sign of peace in the house; if that he was eating and drinking in the house, it is a good sign for the house; if that he took articles from the house, it is a bad sign for the house. R. Papa explained it to refer to a shoe or sandal. Anything that the dead person [is seen in the dream] to take away is a good sign except a shoe and a sandal; anything that it puts down is a good sign except dust and mustard.

A PLACE FROM WHICH IDOLATRY HAS BEEN UPROOTED. Our Rabbis taught: If one sees a statue of Hermes,²³ he says, Blessed be He who shows long suffering to those who transgress His will. If he sees a place from which idolatry has been uprooted, he says, Blessed be He who uprooted idolatry from our land; and as it has been uprooted from this place, so may it be uprooted from all places belonging to Israel; and do Thou turn the heart of those that serve them²⁴ to serve Thee. Outside Palestine it is not necessary to say: Turn the heart of those that serve them to serve Thee, because most of them are idolaters. R. Simeon b. Eleazar says: Outside Palestine also one should say this, because they will one day become proselytes, as it says, For then will I turn to the peoples a pure language.²⁵

R. Hamnuna said in a discourse: If one sees the wicked Babylon, he should say five benedictions: On seeing [the city] Babylon itself he says, Blessed be He who has destroyed the wicked Babylon. On seeing the palace of Nebuchadnezzar, he says, Blessed be He who destroyed the palace of the wicked Nebuchadnezzar. On seeing the lions' den, or the fiery furnace, he says, Blessed be He who wrought miracles for our ancestors²⁶ in this place. On seeing the statue of Hermes, he says, Blessed be He who shows long suffering to those that transgress His will. On seeing the place from which dust is carried away,²⁷ he says, Blessed be He who says and does, who decrees and carries out. Rab, when he saw asses carrying dust, used to give them a slap on the back and say, Run, ye righteous ones, to perform the will of your Master. When Mar the son of Rabina came to [the city of] Babylon, he used to put some dust in his kerchief and throw it out, to fulfil the text, I will sweep it with the besom of destruction.²⁸ R. Ashi said: I had never heard this saying of R. Hamnuna, but of my own sense I made all these blessings.

(1) The Song of Songs being calculated to implant in the reader the love of God.

(2) R. Eleazar was very wealthy.

(3) R. Ishmael suffered martyrdom under the Romans, v. Halevi, Doroth I, p. 309.

(4) Who became authorities though they were never ordained as Rabbis.

(5) Elisha b. Abuya, called Aher (lit., 'Another') when he came a renegade, v. Hag. 15a.

(6) V. supra 56b.

- (7) Otherwise they portend blows, as stated above.
- (8) I.e., attached to the soil.
- (9) The colour of sickness.
- (10) MS.M. inserts: 'of reptiles are a good sign in a dream except the mole. All kinds'.
- (11) A kind of clover.
- (12) Lit., 'service'.
- (13) I.e., sexual intercourse.
- (14) Lit., 'enlarge his spirit'.
- (15) Job XLI, 10.
- (16) Gen. III, 19.
- (17) Isa. LI, 14. E.V. 'He that is bent down shall speedily, etc.'.
- (18) Ibid. LIII, 10.
- (19) Job. III, 13.
- (20) Isa. XXXVIII, 16. V. p. 335, n. 10.
- (21) Gen. XXV, 23.
- (22) V. A.Z. (Sonc. ed.) p. 50, n. 3.
- (23) Heb. Markolis, the Latin Mercurius. This was the commonest of the heathen images.
- (24) I.e., of renegade Israelites.
- (25) Zeph. III, 9.
- (26) Daniel and Hananiah, Mishael and Azariah.
- (27) The ruins of the city of Babylon from which earth was taken for building elsewhere, v. Obermeyer, p. 303.
- (28) Isa. XIV, 23.

Talmud - Mas. Berachoth 58a

R. Jeremiah b. Eleazar said: When Babylon was cursed, her neighbours were also cursed; but when Samaria was cursed, her neighbours were blessed. 'When Babylon was cursed her neighbours were cursed', as it is written: I will also make it a possession for the bittern and pools of water.¹ 'When Samaria was cursed her neighbours were blessed', as it is written: Therefore I will make Samaria a heap in the field, a place for the planting of vineyards.²

R. Hammuna further said: If one sees a crowd of Israelites, he should say: Blessed is He who discerneth secrets.³ If he sees a crowd of heathens, he should say: Your mother shall be ashamed, etc.⁴

Our Rabbis taught: If one sees a crowd of Israelites, he says, Blessed is He who discerneth secrets, for the mind of each is different from that of the other, just as the face of each is different from that of the other. Ben Zoma once saw a crowd on one of the steps of the Temple Mount. He said, Blessed is He that discerneth secrets, and blessed is He who has created all these to serve me. [For] he used to say: What labours Adam had to carry out before he obtained bread to eat! He ploughed, he sowed, he reaped, he bound [the sheaves], he threshed and winnowed and selected the ears, he ground [them], and sifted [the flour], he kneaded and baked, and then at last he ate; whereas I get up, and find all these things done for me. And how many labours Adam had to carry out before he obtained a garment to wear! He had to shear, wash [the wool], comb it, spin it and weave it, and then at last he obtained a garment to wear; whereas I get up and find all these things done for me. All kinds of craftsmen⁵ come early to the door of my house, and I rise in the morning and find all these before me.

He used to say: What does a good guest say? 'How much trouble my host has taken for me! How much meat he has set before me! How much wine he has set before me! How many cakes he has set before me! And all the trouble he has taken was only for my sake!' But what does a bad guest say? 'How much after all has mine host put himself out? I have eaten one piece of bread, I have eaten one

slice of meat, I have drunk one cup of wine! All the trouble which my host has taken was only for the sake of his wife and his children!' What does Scripture say of a good guest? Remember that thou magnify his works, where of men have sung.⁶ But of a bad guest it is written: Men do therefore fear him; [he regardeth not any that are wise of heart].⁷

And the man was an old man in the days of Saul, stricken in years among men.⁸ Raba (or, as some say, R. Zebid; or again, as some say, R. Oshaia) said: This is Jesse, the father of David, who went out with a crowd and came in with a crowd, and expounded [the Torah] to a crowd. 'Ulla said: We have a tradition that there is no crowd⁹ in Babylon. It was taught: A multitude is not less than sixty myriads.

Our Rabbis taught: On seeing the Sages of Israel one should say: Blessed be He who hath imparted of His wisdom to them that fear Him. On seeing the Sages of other nations, one says, Blessed be He who hath imparted of His wisdom to His creatures. On seeing kings of Israel, one says: Blessed be He who hath imparted of His glory to them that fear Him. On seeing non-Jewish kings, one says: Blessed be He who hath imparted of His glory to His creatures. R. Johanan said: A man should always exert himself and run to meet an Israelitish king; and not only a king of Israel but also a king of any other nation, so that if he is deemed worthy,¹⁰ he will be able to distinguish between the kings of Israel and the kings of other nations.

R. Shesheth was blind. Once all the people went out to see the king, and R. Shesheth arose and went with them. A certain Sadducean¹¹ came across him and said to him: The whole pitchers go to the river, but where do the broken ones go to?¹² He replied: I will show you that I know more than you. The first troop passed by and a shout arose. Said the Sadducean: The king is coming. He is not coming, replied R. Shesheth. A second troop passed by and when a shout arose, the Sadducean said: Now the king is coming. R. Shesheth replied: The king is not coming. A third troop passed by and there was silence. Said R. Shesheth: Now indeed the king is coming. The Sadducean said to him: How did you know this? — He replied: Because the earthly royalty is like the heavenly. For it is written: Go forth and stand upon the mount before the Lord. And behold, the Lord passed by and a great and strong wind rent the mountains, and broke in pieces the rocks before the Lord; but the Lord was not in the wind; and after the wind an earthquake; but the Lord was not in the earthquake; and after the earthquake a fire; but the Lord was not in the fire; and after the fire a still small voice.¹³ When the king came, R. Shesheth said the blessing over him. The Sadducean said to him: You, you say a blessing for one whom you do not see? What happened to that Sadducean? Some say that his companions put his eyes out; others say that R. Shesheth cast his eyes upon him and he became a heap of bones.

R. Shila administered lashes to a man who had intercourse with an Egyptian¹⁴ woman. The man went and informed against him to the Government, saying: There is a man among the Jews who passes judgment without the permission of the Government. An official was sent to [summon] him. When he came he was asked: Why did you flog that man? He replied: Because he had intercourse with a she-ass. They said to him: Have you witnesses? He replied: I have. Elijah thereupon came in the form of a man and gave evidence. They said to him: If that is the case he ought to be put to death! He replied: Since we have been exiled from our land, we have no authority to put to death; do you do with him what you please. While they were considering his case, R. Shila exclaimed, Thine, Oh Lord, is the greatness and the power.¹⁵ What are you saying? they asked him. He replied: What I am saying is this: Blessed is the All-Merciful Who has made the earthly royalty on the model of the heavenly, and has invested you with dominion, and made you lovers of justice. They said to him: Are you so solicitous for the honour of the Government? They handed him a staff¹⁶ and said to him: You may act as judge. When he went out that man said to him: Does the All-Merciful perform miracles for liars? He replied: Wretch! Are they not called asses? For it is written: Whose flesh is as the flesh of asses.¹⁷ He noticed that the man was about to inform them that he had called them asses.

He said: This man is a persecutor, and the Torah has said: If a man comes to kill you, rise early and kill him first.¹⁸ So he struck him with the staff and killed him. He then said: Since a miracle has been wrought for me through this verse, I will expound it. ‘Thine, Oh Lord, is the greatness’: this refers to the work of creation; and so it says: Who doeth great things past finding out.¹⁹ ‘And the power’: this refers to the Exodus from Egypt, as it says: And Israel saw the great work, etc.²⁰ ‘And the glory’: this refers to the sun and moon which stood still for Joshua, as it says: And the sun stood still and the moon stayed.²¹ ‘And the victory [nezah]’: this refers to the fall of Rome,²² as it says: And their life-blood [nizham] is dashed against my garments.²³ ‘And the majesty’: this refers to the battle of the valleys of Arnon, as it says, Wherefore it is said in the book of the wars of the Lord: Vaheb in Supah, and the valleys of Arnon.²⁴ ‘For all that is in heaven and earth’: this refers to the war of Sisera, as it says: They fought front heaven, the stars in their courses fought against Sisera.²⁵ ‘Thine is the kingdom, O Lord’: this refers to the war against Amalek. For so it says: The hand upon the throne of the Lord, the Lord will have war with Amalek from generation to generation.²⁶ ‘And Thou art exalted’: this refers to the war of Gog and Magog; and so it says: Behold I am against thee, Oh Gog, chief prince of Meshech and Tubal.²⁷ ‘As head above all’: R. Hanan b. Raba said in the name of R. Johanan: Even a waterman²⁸ is appointed from heaven. It was taught in a Baraitha in the name of R. Akiba: ‘Thine, oh Lord, is the greatness’: this refers to the cleaving of the Red Sea. ‘And the power’: this refers to the smiting of the first-born. ‘And the glory’: this refers to the giving of the Torah. ‘And the victory’: this refers to Jerusalem. ‘And the majesty’: this refers to the Temple.

(1) Ibid. The whole neighbourhood of Babylon became desolate.

(2) Micah I, 6.

(3) Lit., ‘wise in secrets’. Vi., the secrets of each one's heart.

(4) Jer. L, 12.

(5) So Marginal Gloss. Cur. edd. ‘peoples’.

(6) Job XXXVI, 24.

(7) Ibid. XXXVII, 24.

(8) I Sam. XVII, 12.

(9) Of Israelites assembled to hear the Torah.

(10) Of the Messianic age.

(11) MS.M. min (v. Glos.).

(12) As much as to say: What is the use of a blind man going to see the king.

(13) I Kings XIX, 11f.

(14) Var. lec. Gentile.

(15) I Chron. XXIX, 11.

(16) Or perhaps, ‘strap’ (J.T.).

(17) Ezek. XXIII, 20.

(18) This lesson is derived by the Rabbis from Ex. XXII, 1 which declares it legitimate to kill a burglar who is prepared to commit murder.

(19) Job. IX, 10.

(20) Ex. XIV, 31.

(21) Josh. X, 13.

(22) MS.M.: The wicked kingdom.

(23) Isa. LXIII, 3.

(24) Num. XXI, 14.

(25) Judg. V, 20.

(26) Ex. XVII, 16.

(27) Ezek. XXXVIII, 3.

(28) A man who looked after the well from which fields were irrigated — quite a menial office.

Talmud - Mas. Berachoth 58b

Our Rabbis taught: On seeing the houses of Israel, when inhabited one says: Blessed be He who sets the boundary of the widow;¹ when uninhabited, Blessed be the judge of truth. On seeing the houses of heathens, when inhabited, one says: The Lord will pluck up the house of the proud;² when uninhabited he says: O Lord, thou God, to whom vengeance belongeth, thou God, to whom vengeance belongeth, shine forth.³

Once when 'Ulla and R. Hisda Were walking along the road, they came to the door of the house of R. Hana b. Hanilai. R. Hisda broke down and sighed. Said 'Ulla to him: Why are you sighing, seeing that Rab has said that a sigh breaks half a man's body, since it says, Sigh therefore thou son of man, with the breaking of thy loins,⁴ etc.; and R. Johanan said that it breaks even the whole of a man's body, as it says: And it shall be, when they say unto thee, wherefore sighest thou? Thou shalt say: Because of the tidings for it cometh; and every heart shall melt, etc.⁵ — He replied: How shall I refrain from sighing on seeing the house in which there used to be sixty⁶ cooks by day and sixty cooks by night, who cooked for every one who was in need. Nor did he [R. Hana] ever take his hand away from his purse, thinking that perhaps a respectable poor man might come, and while he was getting his purse he would be put to shame. Moreover it had four doors, opening on different sides, and whoever went in hungry went out full. They used also to throw wheat and barley outside in years of scarcity, so that anyone who was ashamed to take by day used to come and take by night. Now it has fallen in ruins, and shall I not sigh? — He replied to him: Thus said R. Johanan: Since the day when the Temple was destroyed a decree has been issued against the houses of the righteous that they should become desolate, as it says: In mine ears, said the Lord of hosts: Of a truth many houses shall be desolate, even great and fair, without inhabitants.⁷ R. Johanan further said: The Holy One, blessed be He, will one day restore them to their inhabited state, as it says: A Song of Ascents. They that trust in the Lord are as Mount Zion.⁸ Just as the Holy One, blessed be He, will restore Mount Zion to its inhabited state, so will He restore the houses of the righteous to their inhabited state. Observing that he was still not satisfied, he said to him: Enough for the servant that he should be like his master.⁹

Our Rabbis taught: On seeing Israelitish graves, one should say: Blessed is He who fashioned you in judgments who fed you in judgment and maintained you in judgment, and in judgment gathered you in, and who will one day raise you up again in judgment. Mar, the son of Rabina, concluded thus in the name of R. Nahman: And who knows the number of all of you; and He will one day revive you and establish you. Blessed is He who revives the dead.¹⁰ On seeing the graves of heathens one says: Your mother shall be sore ashamed, etc.

R. Joshua b. Levi said: One who sees a friend after a lapse of thirty days says: Blessed is He who has kept us alive and preserved us and brought us to this season. If after a lapse of twelve months he says: Blessed is He who revives the dead. Rab said: The dead is not forgotten till after twelve months, as it says: I am forgotten as a dead man out of mind; I am like a lost vessel.¹¹ R. Papa and R. Huna the son of R. Joshua were once going along the road when they met R. Hanina, the son of R. Ika. They said to him: Now that we see you we make two blessings over you: 'Blessed be He who has imparted of His wisdom to them that fear Him', and 'That has kept us alive etc.'. He said to them: I, also, on seeing you counted it as equal to seeing sixty myriads of Israel, and I made three blessings over you, those two, and 'Blessed is He that discerneth secrets'. They said to him: Are you so clever as all that? They cast their eyes on him and he died.¹²

R. Joshua b. Levi said: On seeing pock-marked persons one says: Blessed be He who makes strange creatures. An objection was raised: If one sees a negro, a very red or very white person, a hunchback, a dwarf or a dropsical person, he says: Blessed be He who makes strange creatures. If he sees one with an amputated limb, or blind, or flatheaded, or lame, or smitten with boils, or pock-marked, he says: Blessed be the true Judge! — There is no contradiction; one blessing is said if he is so from birth, the other if he became so afterwards. A proof of this is that he is placed in the

same category as one with an amputated limb; this proves it.

Our Rabbis taught: On seeing an elephant, an ape, or a long-tailed ape, one says: Blessed is He who makes strange creatures. If one sees beautiful creatures and beautiful trees, he says: Blessed is He who has such in His world.

OVER SHOOTING-STARS [ZIKIN]. What are ZIKIN? Samuel said: A comet.¹³ Samuel also said: I am as familiar with the paths of heaven as with the streets of Nehardea, with the exception of the comet, about which I am ignorant. There is a tradition that it never passes through the constellation of Orion, for if it did, the world would be destroyed. But we have seen it pass through? — Its brightness passed through, which made it appear as if it passed through itself. R. Huna the son of R. Joshua said: Wilon¹⁴ was torn asunder and rolled up,¹⁵ showing the brightness of Rakia.¹⁶ R. Ashi said: A star was removed from one side of Orion and a companion star appeared on the other side, and people were bewildered and thought the star had crossed over.¹⁷

Samuel contrasted two texts. It is written, Who maketh the Bear, Orion, and the Pleiades.¹⁸ And it is written elsewhere, That maketh Pleiades and Orion.¹⁹ How do we reconcile these? Were it not for the heat of Orion the world could not endure the cold of Pleiades; and were it not for the cold of Pleiades the world could not endure the heat of Orion. There is a tradition that were it not that the tail of the Scorpion has been placed in the Stream of Fire,²⁰ no one who has ever been stung by a scorpion could live. This is what is referred to in the words of the All-Merciful to Job: Canst thou bind the chains of Pleiades or loose the bands of Orion?²¹

What is meant by Kimah [Pleiades]?¹⁸ Samuel said: About a hundred [ke'me-ah] stars. Some say they are close together; others say that they are scattered. What is meant by ‘Ash [the Bear]’?¹⁸ — Rab Judah said: Jutha. What is Jutha? — Some say it is the tail of the Ram; others say it is the hand of the Calf.²² The one who says it is the tail of the Ram is more probably right, since it says: ‘Ayish will be comforted for her children.’²³ This shows that it lacks something,

(1) Sc., Jerusalem.

(2) Prov. XV, 25.

(3) Ps. XCIV, 1.

(4) Ezek. XXI, 11.

(5) Ibid. 22.

(6) I.e., a great many.

(7) Isa. V, 9.

(8) Ps. CXXV, 1.

(9) I.e., that R. Hana's house should be like the house of God.

(10) V. P.B. p. 319.

(11) Ps. XXXI, 13. A thing is not given up as lost till after twelve months.

(12) Apparently they thought he was sarcastic.

(13) Kokeba di-Shabi Lit., ‘Star that draws’. What exactly is meant is a matter of dispute. Rashi explains as ‘shooting-stars’.

(14) The lowest of the seven firmaments, which is a kind of ‘Veil’ to the others.

(15) Rashi and Tosaf. omit ‘and rolled up’.

(16) Lit., ‘firmament’. The next of the seven firmaments.

(17) I.e., mere error of perspective, v. on the passage Brodetsky, Jewish Review July, 1909, p. 167 ff.

(18) Job IX, 9.

(19) Amos V, 8. The order is here reversed.

(20) Mentioned in Dan. VII, 10, denoting probably the Milky Way.

(21) Job. XXXVIII, 31.

(22) This constellation follows that of the Ram.

Talmud - Mas. Berachoth 59a

and in fact it looks like a piece torn off;¹ and the reason why she follows her is because she is saying to her: Give me my children. For at the time when the Holy One, blessed be He, wanted to bring a flood upon the world, He took two stars from Kimah and brought a flood upon the world. And when He wanted to stop it, He took two stars from 'Ayish and stopped it. But why did He not put the other two back? — A pit cannot be filled with its own clods;² or another reason is, the accuser cannot become advocate. Then He should have created two other stars for it? — There is nothing new under the sun.³ R. Nahman said: The Holy one, blessed be He, will one day restore them to her, as it says: and 'Ayish will be comforted for her children.⁴

AND OVER EARTHQUAKES [ZEWA'OTH]. What are ZEWA'OTH? R. Kattina said: A rumbling of the earth. R. Kattina was once going along the road, and when he came to the door of the house of a certain necromancer, there was a rumbling of the earth. He said: Does the necromancer know what this rumbling is? He called after him, Kattina, Kattina, why should I not know? When the Holy One, blessed be He, calls to mind His children, who are plunged in suffering among the nations of the world, He lets fall two tears into the ocean, and the sound is heard from one end of the world to the other, and that is the rumbling. Said R. Kattina: The necromancer is a liar and his words are false. If it was as he says, there should be one rumbling after another! He did not really mean this, however. There really was one rumbling after another, and the reason why he did not admit it was so that people should not go astray after him. R. Kattina, for his own part, said: [God] clasps His hands, as it says: I will also smite my hands together, and I will satisfy my fury.⁵ R. Nathan said: [God] emits a sigh, as it is said: I will satisfy my fury upon them and I will be eased.⁶ And the Rabbis said: He treads upon the firmament, as it says: He giveth a noise as they that tread grapes against all the inhabitants of the earth.⁷ R. Aha b. Jacob says: He presses his feet together beneath the throne of glory, as it says: Thus saith the Lord, the heaven is my throne and the earth is my foot-stool.⁸

AND OVER THUNDERS [RE'AMIM]. What are RE'AMIM? — Clouds in a whirl, as it says: The voice of Thy thunder was in the whirlwind; the lightning lighted up the world, the earth trembled and shook.⁹ The Rabbis, however, say: The clouds pouring water into one another, as it says: At the sound of His giving a multitude of waters in the heavens.¹⁰ R. Aha b. Jacob said: A powerful lightning flash that strikes the clouds and breaks off hailstones. R. Ashi said: The clouds are puffed out and a blast of wind comes and blows across the mouth of them and it makes a sound like wind blowing across the mouth of a jar. The most probable view is that of R. Aha b. Jacob; for the lightning flashes and the clouds rumble and then rain falls.

AND OVER STORMS [RUHOTH]. What are RUHOTH? — Abaye said: A hurricane. Abaye further said: We have a tradition that a hurricane never comes at night. But we see that it does come? — It must have commenced by day. Abaye further said: We have a tradition that a hurricane does not last two hours, to fulfil the words of Scripture, Troubles shall not rise up the second time.¹¹ But we have seen it lasting as long? — There was an interval in the middle.

OVER LIGHTNINGS [BERAKIM] ONE SAYS, BLESSED IS HE WHOSE STRENGTH AND MIGHT FILL THE WORLD. What are BERAKIM? Raba said: Lightning. Rab also said: A single flash, white lightning, blue lightning, clouds that rise in the west and come from the south, and two clouds that rise facing one another are all [signs of] trouble. What is the practical bearing of this remark? That prayer is needed [to avert the omen]. This is only the case by night; but in the daytime there is no significance in them. R. Samuel b. Isaac said: Those morning clouds have no significance,¹² as it is said: Your goodness is as a morning cloud.¹³ Said R. Papa to Abaye: But there

is a popular saying: When on opening the door you find rain, ass-driver, put down your sack and go to sleep [on it]?¹⁴ — There is no contradiction; in the one case the sky is covered with thick clouds, in the other with light clouds.

R. Alexandri said in the name of R. Joshua b. Levi: Thunder was created only to straighten out the crookedness of the heart, as it says: God hath so made it that men should fear before him.¹⁵ R. Alexandri also said in the name of R. Joshua b. Levi: One who sees the rainbow in the clouds should fall on his face, as it says, As the appearance of the bow that is in the cloud, and when I saw it I fell upon my face.¹⁶ In the West [Palestine] they cursed anyone who did this, because it looks as if he was bowing down to the rainbow; but he certainly makes a blessing. What blessing does he say? — ‘Blessed is He who remembers the Covenant’. In a Baraitha it was taught: R. Ishmael the son of R. Johanan b. Beroka says: He says: Who is faithful with his Covenant and fulfils his word.

FOR MOUNTAINS AND HILLS, etc. Do all the things we have mentioned hitherto not belong to the work of creation? Is it not written, He maketh lightnings for the rain?¹⁷ — Abaye said: Combine the two statements.¹⁸ Raba said: In the former cases he says two blessings, ‘Blessed be He whose strength fills the world and who has wrought the work of creation’; in this case there is ground for saying ‘Who has wrought creation’ but not for ‘Whose strength fills the world’.¹⁹

R. Joshua b. Levi said: If one sees the sky in all its purity, he says: Blessed is He who has wrought the work of creation. When does he say so? — Abaye said: When there has been rain all the night, and in the morning the north wind comes and clears the heavens. And they differ from Rafram b. Papa quoting R. Hisda. For Rafram b. Papa said in the name of R. Hisda: Since the day when the Temple was destroyed there has never been a perfectly clear sky, since it says: I clothe the heavens with blackness

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- (1) And then stuck on artificially.
 - (2) V. supra, p. 10, n. 1.
 - (3) Eccl. 1, 9.
 - (4) Job. XXXVIII, 32. E.V. ‘or canst thou guide the Bear with her sons’.
 - (5) Ezek. XXI, 22.
 - (6) Ibid. V, 13.
 - (7) Jer. XXV, 30.
 - (8) Isa. LXVI, 1.
 - (9) Ps. LXXXVII, 19.
 - (10) Jer. X, 13.
 - (11) Nahum I, 9.
 - (12) I.e., do not portend a good fall of rain.
 - (13) Hosea VI, 4.
 - (14) Because corn will be cheap on account of the abundant rain.
 - (15) Eccl. III, 14.
 - (16) Ezek. I, 28.
 - (17) Ps. CXXXV, 7.
 - (18) I.e., say in all cases the double blessing.
 - (19) Because the mountains are not all in one place.

Talmud - Mas. Berachoth 59b

and I make a sackcloth their covering.¹

Our Rabbis taught:* He who sees the sun at its turning point,² the moon in its power,³ the planets in their orbits,⁴ and the signs of the zodiac in their orderly progress,⁵ should say: Blessed be He who

has wrought the work of creation. And when [does this happen]?⁶ — Abaye said: Every twenty-eight years when the cycle⁷ begins again and the Nisan [Spring] equinox falls in Saturn on the evening of Tuesday,⁸ going into Wednesday.

R. JUDAH SAYS: IF ONE SEES THE GREAT SEA etc. How long must the intervals be? Rami b. Abba said in the name of R. Isaac: From thirty days. Rami b. Abba also said in the name of R. Isaac: If one sees the River Euphrates by the Bridge of Babylon, he says: Blessed is He who has wrought the work of creation.⁹ Now, however, that the Persians have changed it,¹⁰ only if he sees it from Be Shapor¹¹ and upwards. R. Joseph says: From Ihi Dekira¹² and upwards. Rami b. Abba also said: If one sees the Tigris by the Bridge of Shabistana,¹³ he says: Blessed is He who wrought the work of creation. Why is it [the Tigris] called Hiddekel?¹⁴ — R. Ashi said: Because its waters are sharp [had] and swift [kal]. Why is it [the Euphrates] called Perath? — Because its waters are fruitful [parim] and multiply. Raba also said: The reason why people of Mahoza are so sharp is because they drink the waters of the Tigris; the reason why they have red spots is because they indulge in sexual intercourse in the daytime; the reason why their eyes blink is because they live in dark houses.¹⁵

FOR THE RAIN etc. Is the benediction for rain ‘Who is good and does good’? Has not R. Abbahu said — some say it has been taught in a Baraitha: From when do they say the blessing over rain? From the time when the bridegroom goes out to meet his bride.¹⁶ What blessing do they say? R. Judah said: We give thanks to Thee for every drop which Thou hast caused to fall for us; and R. Johanan concluded thus: ‘If our mouths were full of song like the sea . . . we could not sufficiently give thanks unto Thee, O Lord our God, etc.’ up to ‘shall prostrate itself before Thee. Blessed art Thou, O Lord, to whom abundant thanksgivings are due’.¹⁷ (Is it abundant thanksgivings and not all thanksgivings? — Raba said: Say, ‘the God to whom thanksgivings are due’. R. Papa said: Therefore let us say both ‘to whom abundant thanksgivings are due’ and ‘God of thanksgivings’.) But after all there is a contradiction? — There is no contradiction; the one blessing¹⁸ is said by one who has heard [that it has been raining]; the other by one who has seen it. But one who hears of it hears good tidings, and we have learnt: For good tidings one says: Blessed is He who is good and does good?¹⁹ In fact both are said by one who sees it, and still there is no contradiction: the one is said if only a little falls, the other, if much falls. Or if you like, I can say that both are said for a heavy fall, and still there is no contradiction: the one is said by a man who has land, the other by one who has no land. Does one who has land say the blessing, ‘Who is good and does good’? Has it not been taught: One who has built a new house or bought new clothes says: Blessed is He who has kept us alive and brought us to this season; [if it is] for himself along with others, he says: ‘Who is good and does good’?²⁰ This is no contradiction. The one blessing²¹ is said if he has a partnership the others if he has no partnership. And thus it has been taught: In a word, for his own things he says: Blessed is He who has kept us alive and preserved us; for things which belong to him in conjunction with this neighbour, he says: Blessed is He who is good and does good.²² And if no-one is associated with him in the ownership, does he never say the blessing, Who is good and does good? Has it not been taught: If a man is told that his wife has borne a son, he says: Blessed is He that is good and does good? — In that case, too, his wife is associated with him, because she is glad to have a son. Come and hear: If a man's father dies and he is his heir, first he says: Blessed is the true Judge, and afterwards he says: Blessed is He who is good and does good? — There, too, it is a case where there are brothers who inherit with him. Come and hear: Over a new kind of wine²³ there is no need to make a blessing; but if one goes to another place,²⁴ he must say a blessing again; and R. Joseph b. Abba said in the name of R. Johanan: Although they said that over a fresh kind of wine there is no need to make a blessing, still he says: Blessed is He who is good and does good? — There, too, It is a case where there are other members of the company who drink with him.

ONE WHO HAS BUILT A NEW HOUSE OR BOUGHT NEW VESSELS etc. R. Huna said: This is the rule only if he does not possess similar things; but if he has similar ones, he need not say the blessing. R. Johanan, however, says: Even if he has similar ones²⁵ he must make the blessing.²⁶

(1) Isa. L. 3.

(2) In its apparent motion in the ecliptic, the sun has four 'turning points' which mark the beginnings of the four respective seasons. These points are generically referred to as the tekufoth (sing. tekufah). They are: the two equinoctial points when the sun crosses the equator at the beginning of spring and autumn respectively, and 'turns' from one side of the equator to the other; and the two solstices, when the sun is at its maximum distance, or declination, from the equator, at one or other side of it, at the beginning (*) Note 6 and the notes on the following page are based on material supplied by the late Dr. W. M. Feldman, M.D., B.S., F.R.C.P., F.R.A.S., F.R.S. (Edin.), shortly before his death on July 1st, 1939. of summer and winter respectively, and instead of progressively increasing its declination it 'turns' to decrease it progressively. (It may be mentioned that the term 'tekufah' is also used not only for the beginning of a season but for the whole of the season itself.)

(3) As the sun and moon were created to rule the day and night respectively (Gen. I, 16), they are necessarily endowed with the attribute of power (cf. Sabbath Liturgy כַּח וְגִבּוּרָה נִתֵּן בָּהֶם). In this passage, however, 'the moon in its power' may have a special significance, because at the Nisan, or spring equinox, the spring tides are greatest, owing to the combined action of the sun and the moon in conjunction, or new moon. The moon in its power to cause tides (a fact known to Pliny and Aristotle, and referred to by Maimonides (Guide II, 10), although never directly mentioned in the Talmud), is therefore best seen at this time.

(4) The orbits of the planets which are now known to be ellipses, were, on the Ptolemaic system, which prevailed at that time, assumed to be traced out by a most ingenious combination of eccentric circles and epicycles, (v. for instance, the epicyclic theory of the moon in Feldman W.M., Rabbinical Mathematics and Astronomy, London, 1931, pp. 132ff). Hence the contemplation of the planets in their orbits was an adequate reason for pronouncing the blessing.

(5) The vernal or autumnal equinox is not a fixed point in relation to the signs of the zodiac, but keeps on changing its position to the extent of 50.1". (50.1 seconds of arc) per year. This movement which is called 'precession of the equinoxes' is due to the continual shifting of the point of intersection of the ecliptic with the equator, but was believed by the ancients to be due to the progressive movement of the signs of the zodiac. As the result of precession, the equinoctial point which 2,000 years ago was the beginning of the sign Ram (first point of Aries) has since shifted 30° to the sign Pisces, although it is still spoken of as the first point of Aries.

(6) The reference is to the sun at its turning point (Rashi).

(7) This means here the Big or Solar Cycle. Taking a Samuel, or Julian, year to consist of 365 1/4 days or 52 weeks 1/4 days, every tekufah occurs 1 1/4 days later in the week every consecutive year, so that after 4 years it occurs at the same time of the day but (1 1/4 X 4 =) 5 days later in the week. After 28, or 4 X 7 years, the tekufah will recur not only at the same time of the day, but also on the same day of the week. V. Feldman, op. cit. p. 199.

(8) As the sun and moon were created on the 4th day, the beginning of the 28 years cycle is always on a Wednesday which begins at the vernal equinox at 6 p.m. on Tuesday. This, according to computation coincides with the rise of Saturn, v. Rashi.

(9) Because it was supposed that the River Euphrates from that point upwards had never changed its course since the days of Adam (Rashi).

(10) By making canals.

(11) Piruz Shabur on the eastern side of the Euphrates at the part where the Nahr Isa Canal branches off from the Euphrates connecting it at Bagdad with the Tigris (Obermeyer P. 57).

(12) The modern Hit.

(13) The bridge on the southern Tigris forming part of the great trading route between Khurzistan and Babylon during the Persian period (Obermeyer pp. 62ff.). For a full discussion and explanation of this whole passage v. Obermeyer pp. 52ff.

(14) Gen. II, 14.

(15) I.e., well-shaded from the sun.

(16) I.e., when the drops commence to rebound from the earth.

(17) V. P.B. p. 125.

(18) I.e., 'Who is good and does good'.

(19) And why should we be taught this again in the case of rain?

(20) And a landowner presumably does not share his land with others.

(21) The blessing, 'Who has kept us alive, etc.'.

(22) And the landowner shares the rain with all other landowners. (V. Rashi and Asheri).

(23) I.e., if one drinks a new (and better) kind of wine in the course of a meal.

(24) To finish his meal, and wine is brought to him there.

(25) E.g., from an inheritance.

(26) Because the buying at any rate is fresh.

Talmud - Mas. Berachoth 60a

We infer from this that if one bought things, and then bought some more, all agree that he need not say a blessing.¹ Some say: R. Huna said, This rule applies only where he does not buy again after already buying; but if he buys again after already buying, he need not say the blessing. R. Johanan, however, says: Even if he buys again after already buying, he must make a blessing. We infer from this that if he buys a kind of thing which he has already,² all agree that he has to say a blessing. An objection was raised: If one builds a new house, not having one like it already, he must say a blessing. If he already has any like them, he need not say a blessing. So R. Meir. R. Judah says: In either case he must make a blessing. Now this accords well with the first version, R. Huna following R. Meir and R. Johanan following R. Judah. But if we take the second version, it is true that R. Huna follows R. Judah, but whom does R. Johanan follow? It is neither R. Meir nor R. Judah!³ — R. Johanan can reply: The truth is that according to R. Judah also If one buys again after already buying, he must make a blessing, and the reason why they join issue over the case of his buying something of a kind which he has already is to show you how far R. Meir is prepared to go, since he says that even if he buys something of a kind which he already has, he need not make a blessing, and all the more so if he buys again after already buying, he need not make a blessing. But should they rather not join issue over the case of buying again after already buying, where there is no need to say a blessing,⁴ to show how far he [R. Judah] is prepared to go?⁵ — He prefers that the stronger instance should be a case of permission.⁶

OVER EVIL A BLESSING IS SAID etc. How is this to be understood? — For instance, if a freshet flooded his land. Although it is [eventually] a good thing for him, because his land is covered with alluvium and becomes more fertile, nevertheless for the time being it is evil.⁷

AND OVER GOOD etc. How can we understand this? — If for instance he found something valuable. Although this may [eventually] be bad for him, because if the king hears of it he will take it from him, nevertheless for the time being it is good.

IF A MAN'S WIFE IS PREGNANT AND HE SAYS, MAY [GOD] GRANT THAT MY WIFE BEAR etc. THIS IS A VAIN PRAYER. Are prayers then [in such circumstances] of no avail? R. Joseph cited the following in objection: And afterwards she bore a daughter and called her name Dinah.⁸ What is meant by 'afterwards'? Rab said: After Leah had passed judgment on herself, saying, 'Twelve tribes are destined to issue from Jacob. Six have issued from me and four from the handmaids, making ten. If this child will be a male, my sister Rachel will not be equal to one of the handmaids'. Forthwith the child was turned to a girl, as it says, And she called her name Dinah!⁹ — We cannot cite a miraculous event [in refutation of the Mishnah]. Alternatively I may reply that the incident of Leah occurred within forty days [after conception], according to what has been taught: Within the first three days a man should pray that the seed should not putrefy; from the third to the fortieth day he should pray that the child should be a male; from the fortieth day to three months he should pray that it should not be a sandal;¹⁰ from three months to six months he should pray that it should not be still-born; from six months to nine months he should pray for a safe delivery. But does such a prayer¹¹ avail? Has not R. Isaac the son of R. Ammi said: If the man first emits seed, the child will be a girl; if the woman first emits seed, the child will be a boy?¹² — With what case are we dealing here? If, for instance, they both emitted seed at the same time.

IF HE WAS COMING FROM A JOURNEY. Our Rabbis taught: It once happened with Hillel the elder that he was coming from a journey, and he heard a great cry in the city, and he said: I am confident that this does not come from my house. Of him Scripture says: He shall not be afraid of evil tidings; his heart is steadfast, trusting in the Lord.¹³ Raba said: Whenever you expound this verse you may make the second clause explain the first, or the first clause explain the second. 'You may make the second clause explain the first', thus: 'He will not fear evil tidings'. Why? Because 'his heart is steadfast, trusting in the Lord'. 'You may explain the second clause by the first', thus: 'His heart is steadfast trusting in the Lord'; therefore, 'he shall not be afraid of evil tidings'. A certain disciple was once following R. Ishmael son of R. Jose in the market place of Zion. The latter noticed that he looked afraid, and said to him: You are a sinner, because it is written: The sinners in Zion are afraid.¹⁴ He replied: But it is written: Happy is the man that feareth alway?¹⁵ — He replied: That verse refers to words of Torah.¹⁶ R. Judah b. Nathan used to follow R. Hamnuna. Once he sighed, and the other said to him: This man wants to bring suffering on himself, since it is written: For the thing which I did fear is come upon me, and that which I was afraid of hath overtaken me.¹⁷ But [he replied] it is written: 'Happy is the man who feareth alway'? — He replied: That is written in connection with words of Torah.

ONE WHO GOES THROUGH A CAPITAL CITY. Our Rabbis taught: What does he say on entering? 'May it be Thy will O Lord, my God, to bring me into this city in peace'. When he is inside he says: 'I give thanks to Thee, O Lord, my God, that Thou hast brought me into this city in peace'. When he is about to leave he says: 'May it be Thy will, O Lord, my God, and God of my fathers, to bring me out of this city in peace'. When he is outside he says: 'I give thanks to Thee, O Lord, my God, that Thou hast brought me out of this city in peace, and as Thou hast brought me out in peace, so mayest Thou guide me in peace and support me in peace and make me proceed in peace and deliver me from the hands of all enemies and liers-in-wait by the way'. R. Mattena said: This applies only to a city where criminals are not tried and sentenced:¹⁸ but in a city where criminals are tried and sentenced, this is unnecessary. Some report: R. Mattena said: Even in a city where criminals are tried and sentenced, for sometimes he may happen not to find a man who can plead in his defence.

Our Rabbis taught: On entering a bath-house one should say: 'May it be Thy will O Lord, my God, to deliver me from this and from the like of this, and let no humiliation or iniquity befall me; and if I do fall into any perversity or iniquity, may my death be an atonement for all my iniquities'. Abaye said: A man should not speak thus, so as not to open his mouth for the Satan.¹⁹ For Resh Lakish said—and so it was taught in the name of R. Jose: A man should never open his mouth for the Satan. R. Joseph said: What text proves this? Because it is written, We should have been as Sodom, we should have been like unto Gomorrah.²⁰ What did the prophet answer them? Hear the word of the Lord, ye rulers of Sodom, etc.²¹ On leaving the bath-house what does he say? R. Aha said: 'I give thanks unto Thee, O Lord, my God, that Thou hast delivered me from the fire'. R. Abbahu once went into the bathhouse and the floor of the bath-house gave way beneath him, and a miracle was wrought for him, and he stood on a pillar and rescued a hundred and one men with one arm. He said: This is what R. Aha meant.²²

Or²³ going in to be cupped one should say: 'May it be Thy will, O Lord, my God, that this operation may be a cure for me, and mayest Thou heal me, for Thou art a faithful healing God, and Thy healing is sure, since men have no power to heal, but this is a habit with them'.²⁴ Abaye said: A man should not speak thus, since it was taught in the school of R. Ishmael: [It is written], He shall cause him to be thoroughly healed.²⁵ From this we learn that permission has been given to the physician to heal. When he gets up [after cupping] what does he say? — R. Aha said: Blessed be He who heals without payment.

(1) Because in this case it is not a fresh buying.

- (2) By inheritance or presentation.
- (3) Because even R. Judah holds that if he buys again after already buying, he need not make a blessing.
- (4) For the second purchase according to R. Meir.
- (5) In demanding a blessing for the second purchase.
- (6) I.e., a case in which a blessing need not be made.
- (7) Because it spoils the produce of this year, and he has to say the blessing, 'Blessed is the true Judge'.
- (8) Gen. XXX, 21.
- (9) Lit., 'judgment'.
- (10) A kind of abortion resembling a flat-shaped fish called sandal.
- (11) That the child should be a male.
- (12) Which shows that it is all fixed beforehand.
- (13) Ps CXII, 7.
- (14) Isa. XXXIII, 14.
- (15) Prov. XXVIII, 14.
- (16) A man should always be afraid lest he may forget them.
- (17) Job III, 25.
- (18) I.e., where the protection of the law can not be relied on
- (19) Cf. supra 190.
- (20) Isa. I, 9.
- (21) Ibid., 10.
- (22) In saying that one should give thanks on emerging.
- (23) Cur. edd. introduce this with the words 'for R. Aha said': but this is best left out.
- (24) To be cupped.
- (25) Ex. XXI, 19.

Talmud - Mas. Berachoth 60b

On entering a privy one should say: 'Be honoured, ye honoured and holy ones¹ that minister to the Most High. Give honour to the God of Israel. Wait for me till I enter and do my needs, and return to you'. Abaye said: A man should not speak thus, lest they should leave him and go. What he should say is: 'Preserve me, preserve me, help me, help me, support me, support me, till I have entered and come forth, for this is the way of human beings'. When he comes out he says: 'Blessed is He who has formed man in wisdom and created in him many orifices and many cavities. It is fully known before the throne of Thy glory that if one of them should be [improperly] opened or one of them closed it would be impossible for a man to stand before Thee'. How does the blessing conclude? Rab said: '[Blessed art Thou] that healest the sick'. Said Samuel: Abba² has turned the whole world into invalids! No; what he says is, 'That healest all flesh'. R. Shesheth said: 'Who doest wonderfully'. R. Papa said: Therefore let us say both, 'Who healest all flesh and doest wonderfully'.³

On going to bed one says from 'Hear, oh Israel' to 'And it shall come to pass if ye hearken diligently'. Then he says: 'Blessed is He who causes the bands of sleep to fall upon my eyes and slumber on my eyelids, and gives light to the apple of the eye. May it be Thy will, O Lord, my God, to make me lie down in peace, and set my portion in Thy law and accustom me to the performance of religious duties, but do not accustom me to transgression; and bring me not into sin, or into iniquity, or into temptation, or into contempt. And may the good inclination have sway over me and let not the evil inclination have sway over me. And deliver me from evil hap and sore diseases, and let not evil dreams and evil thoughts disturb me, and may my couch be flawless before Thee, and enlighten mine eyes lest I sleep the sleep of death. Blessed art Thou, oh Lord, who givest light to the whole world in Thy glory.'⁴

When he wakes he says: 'My God, the soul which Thou hast placed in me is pure. Thou hast fashioned it in me, Thou didst breathe it into me, and Thou preservest it within me and Thou wilt one

day take it from me and restore it to me in the time to come. So long as the soul is within me I give thanks unto Thee, O Lord, my God, and the God of my fathers, Sovereign of all worlds, Lord of all souls. Blessed art Thou, O Lord, who restorest souls to dead corpses'.⁵ When he hears the cock crowing he should say: 'Blessed is He who has given to the cock understanding to distinguish between day and night'. When he opens his eyes he should say: 'Blessed is He who opens the eyes of the blind'. When he stretches himself and sits up he should say: 'Blessed is He who looseneth the bound'. When he dresses he should say: 'Blessed is He who clothes the naked'. When he draws himself up he should say: 'Blessed is He who raises the bowed'. When he steps on to the ground he should say: 'Blessed is He who spread the earth on the waters'. When he commences to walk he should say: Blessed is He who makes firm the steps of man'. When he ties his shoes he should say: 'Blessed is He who has supplied all my wants'. When he fastens his girdle, he should say: 'Blessed is He who girds Israel with might'. When he spreads a kerchief over his head he should say: 'Blessed is He who crowns Israel with glory'. When he wraps himself with the fringed garment he should say: 'Blessed is He who hast sanctified us with His commandments and commanded us to enwrap ourselves in the fringed garment'. When he puts the tefillin on his arm he should say: 'Blessed is He who has sanctified us with His commandments and commanded us to put on tefillin'. [When he puts it] on his head he should say: 'Blessed is He who has sanctified us with His commandments and commanded us concerning the commandment of tefillin'. When he washes his hands he should say: 'Blessed is He who has sanctified us with His commandments and commanded us concerning the washing of hands'.⁶ When he washes his face he should say: 'Blessed is He who has removed the bands of sleep from mine eyes and slumber from mine eyes. And may it be Thy will O Lord, my God, to habituate me to Thy law and make me cleave to Thy commandments, and do not bring me into sin, or into iniquity, or into temptation, or into contempt, and bend my inclination to be subservient unto Thee, and remove me far from a bad man and a bad companion, and make me cleave to the good inclination and to a good companion in Thy world, and let me obtain this day and every day grace, favour, and mercy in Thine eyes, and in the eyes of all that see me, and show lovingkindness unto me. Blessed art Thou, O Lord, who bestowest lovingkindness upon Thy people Israel'.⁷

IT IS INCUMBENT ON A MAN TO BLESS etc. What is meant by being bound to bless for the evil in the same way as for the good? Shall I say that, just as for good one says the benediction 'Who is good and bestows good', so for evil one should say the benediction 'Who is good and bestows good'? But we have learnt: FOR GOOD TIDINGS ONE SAYS, WHO IS GOOD AND BESTOWS GOOD: FOR EVIL TIDINGS ONE SAYS, BLESSED BE THE TRUE JUDGE? — Raba said: What it really means is that one must receive the evil with gladness. R. Aha said in the name of R. Levi: Where do we find this in the Scripture? I will sing of mercy and justice, unto Thee, O Lord, will I sing praises,⁸ whether it is 'mercy' I will sing, or whether it is 'justice' I will sing. R. Samuel b. Nahmani said: We learn it from here: In the Lord I will praise His word, in God I will praise His word.⁹ 'In the Lord'¹⁰ I will praise His word': this refers to good dispensation; 'In God'¹¹ I will praise His word': this refers to the dispensation of suffering. R. Tanhum said: We learn it from here: I will lift up the cup of salvation and call on the name of the Lord;¹² I found trouble and sorrow, but I called upon the name of the Lord.¹³ The Rabbis derive it from here: The Lord gave and the Lord hath taken away,' blessed be the name of the Lord.¹⁴

R. Huna said in the name of Rab citing R. Meir, and so it was taught in the name of R. Akiba: A man should always accustom himself to say 'Whatever the All-Merciful does is for good', [as exemplified in] the following incident. R. Akiba was once going along the road and he came to a certain town and looked for lodgings but was everywhere refused. He said 'Whatever the All-Merciful does is for good', and he went and spent the night in the open field. He had with him a cock, an ass and a lamp. A gust of wind came and blew out the lamp, a weasel came and ate the cock, a lion came and ate the ass. He said: 'Whatever the All-Merciful does is for good'. The same night some brigands came and carried off the inhabitants of the town. He said to them:¹⁵ Did I not

say to you, 'Whatever the All-Merciful does

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- (1) These words are addressed to the angels who are supposed to accompany a man to the privies, which were regarded as the haunt of evil spirits, v. infra 61a.
 - (2) Rab.
 - (3) P.B. p. 4.
 - (4) Ibid. p. 293.
 - (5) Ibid. p. 5.
 - (6) For all these blessings v. P.B. P. 5f. These blessings are now no longer said after each act, but are all said together in the morning service.
 - (7) Ibid. p. 6.
 - (8) Ps. CI, 1.
 - (9) Ibid. LVI, 11. in the M.T. the order of the divine names is reserved.
 - (10) The name of the Attribute of Mercy.
 - (11) The name of the Attribute of Justice.
 - (12) Ibid. CXVI, 13.
 - (13) Ibid. 3.
 - (14) Job. I, 21.
 - (15) Apparently to the men of the town, on a subsequent occasion; or perhaps to his disciples who accompanied him.

Talmud - Mas. Berachoth 61a

is all for good?¹

R. Huna further said in the name of R. Meir: A man's words should always be few in addressing the Holy One, blessed be He, since it says, Be not rash with thy mouth and let not thy heart be hasty to utter a word before God,' for God is in heaven and thou upon earth; therefore let thy words be few.²

R. Nahman b. R. Hisda expounded: What is meant by the text, Then the Lord God formed [wa-yizer] man?³ [The word wa-yizer] is written with two yods,⁴ to show that God created two inclinations, one good and the other evil. R. Nahman b. Isaac demurred to this. According to this, he said, animals, of which it is not written wa-yizer,⁵ should have no evil inclination 'yet we see that they injure and bite and kick? In truth [the point of the two yods] is as stated by R. Simeon b. Pazzi; for R. Simeon b. Pazzi said: Woe is me because of my Creator [yozri],⁶ woe is me because of my evil inclination [yizri]!⁷ Or again as explained by R. Jeremiah b. Eleazar; for R. Jeremiah b. Eleazar said: God created two countenances in the first man,⁸ as it says, Behind and before hast Thou formed me.⁹

And the rib which the Lord God had taken from man made he a woman.¹⁰ Rab and Samuel explained this differently. One said that [this 'rib'] was a face, the other that it was a tail.¹¹ No objection can be raised against the one who says it was a face, since so it is written, 'Behind and before hast Thou formed me'. But how does he who says it was a tail explain 'Behind and before hast Thou formed me'? — As stated by R. Ammi; for R. Ammi said: 'Behind' [i.e.,last] in the work of creation, and 'before' [i.e., first] for punishment. We grant you he was last in the work of creation, for he was not created till the eve of Sabbath. But when you say 'first for punishment', to what punishment do you refer? Do you mean the punishment in connection with the serpent? Surely it has been taught: Rabbi says, in conferring honour we commence with the greatest, in cursing with the least important. 'In conferring honour we commence with the greatest', as it is written, And Moses spoke to Aaron and to Eleazar and to Ithamar his sons that were left, Take the meal-offering that remaineth etc.¹² 'In cursing we commence with the least'; first the serpent was cursed then Eve and then Adam!¹³ I must say then that the punishment of the Flood is meant, as it is written, And He

blotted out every living substance which was upon the face of the ground, both man and cattle.¹⁴

No difficulty arises for the one who says that Eve was created from the face, for so it is written, wa-yizer, with two yods. But he who says it was a tail, what does he make of wa-yizer? — As explained by R. Simeon b. Pazzi? For R. Simeon b. Pazzi said: Woe is me because of my Creator [yozri,] woe is me because of my evil inclination [yizri]! No difficulty arises for one who says it was a face, for so it is written, Male and female created He them',¹⁵ But he who says it was a tail, what does he make of 'male and female created He them'? — As explained by R. Abbahu. For R. Abbahu contrasted two texts. It is written, 'Male and female created He them', and it is also written, For in the image of God made He man.¹⁶ How are these statements to be reconciled? At first the intention was to create two, but in the end only one was created. No difficulty arises for him who says it was a face, since so it is written, He closed up the place with flesh instead thereof.¹⁷ But he who says it was a tail, how does he explain, 'he closed up the place with flesh instead thereof'¹⁸ — R. Jeremiah, or as some say R. Zebid, or again as some say, R. Nahman b. Isaac, replied: These words are meant to apply only to the place of the cut. No difficulty arises for the one who says it was a tail, for so it is written, And God built.¹⁸ But he who says, it was a face, what does he make of the words 'And God built'?¹⁹ As explained by R. Simeon b. Menasia. For R. Simeon b. Menasia expounded: What is meant by the words, 'And the Lord built the rib'? It teaches that the Holy One, blessed be He, plaited Eve's hair and brought her to Adam; for in the seacoast towns 'plaiting' [keli'atha]²⁰ is called, 'building' [binyatha]. Another explanation: R. Hisda said (some say, it was taught in a Baraitha): It teaches that [God] built Eve after the fashion of a storehouse. Just as a storehouse is narrow at the top and broad at the bottom so as to hold the produce [safely], so a woman is narrower above and broader below so as to hold the embryo. And he brought her to the man.²¹ R. Jeremiah b. Eleazar said: This teaches that [God] acted as best man²² to Adam. Here the Torah teaches a maxim of behaviour, that a man of eminence should associate himself with a lesser man in acting as best man, and he should not take it amiss.

According to the one who says it was a face, which of the two faces went in front? — R. Nahman b. Isaac answered: It is reasonable to suppose that the man's face went in front, since it has been taught: A man should not walk behind a woman on the road,²³ and even if his wife happens to be in front of him on a bridge he should let her pass on one side, and whoever crosses a river behind a woman will have no portion in the future world.²⁴

Our Rabbis taught: If a man counts out money from his hand into the hand of a woman so as to have the opportunity of gazing at her, even if he can vie in Torah and good deeds with Moses our teacher, he shall not escape the punishment of Gehinnom, as it says, Hand to hand, he shall not escape from evil,²⁵ he shall not escape from the punishment of Gehinnom.

R. Nahman said: Manoah was an 'am ha-arez:, since it is written, And Manoah went after his wife.²⁶ R. Nahman b. Isaac demurred to this. According to this, [he said,] in the case of Elkanah when it says, 'And Elkanah went after his wife',²⁷ and in the case of Elisha when it says, And he rose and went after her,²⁸ are we to suppose that this means literally after her? No; it means, after her words and her advice. So here [in the case of Manoah] it means, after her words and her advice! Said R. Ashi: On the view of R. Nahman that Manoah was an 'am ha'arez, he cannot even have known as much of Scripture as a schoolboy;²⁹ for it says, And Rebekah arose and her damsels, and they rode upon the cammels and followed the man,³⁰ [after the man] and not in front of the man.

R. Johanan said: Better go behind a lion than behind a woman; better go behind a woman than behind an idol; better go behind an idol than behind the synagogue when the congregation are praying.³¹ This, however, is the case only when he is not carrying a load; if he is carrying a load, there is no objection. And also this is the case only when there is no other entrance; but if there is another entrance there is no objection. And again this is the case only when he is not riding on an

ass, but if he is riding on an ass, there is no objection. And again this is the case only when he is not wearing tefillin; but if he is wearing tefillin there is no objection.

Rab said: The evil inclination resembles a fly³² and dwells between the two entrances of the heart, as it says, Dead flies make the ointment of the perfumers fetid and putrid.³³ Samuel said: It is like a kind of wheat [hittah], as it says, Sin [hattath] coucheth at the door.³⁴

Our Rabbis taught: Man has two kidneys, one of which prompts him to good, the other to evil; and it is natural to suppose that the good one is on his right side and the bad one on his left, as it is written, A wise man's understanding is at his right hand, but a fool's understanding is at his left.³⁵

Our Rabbis taught: The kidneys prompt, the heart discerns, the tongue shapes [the words], the mouth articulates, the gullet takes in and lets out all kinds of food, the wind-pipe produces the voice,

(1) Because the lamp or the cock or the ass might have disclosed his whereabouts to the brigands.

(2) Eccl. V, 1.

(3) Gen. II, 7.

(4) יִיצֵר .

(5) In Gen. II, 19, And the Lord God formed all the beasts of the field, etc., the word wa-yizer is spelt with one yod.

(6) If I follow my inclination.

(7) If I combat it.

(8) And out of one of them Eve was made.

(9) Ps. CXXXIX, 5. E.V. 'Thou hast hemmed me in'.

(10) Gen. II, 22.

(11) I.e., projected like a tail.

(12) Lev. X, 12. Aaron is mentioned first.

(13) V. Gen. III, 14-20.

(14) Ibid. VII, 23. Man is here mentioned before cattle.

(15) Ibid. V, 2.

(16) Ibid. IX, 6.

(17) Ibid. II, 22.

(18) Ibid. 22. E.V. 'made'.

(19) The face needed no 'building', since it was already there.

(20) This word in Aramaic also means 'tents'.

(21) Gen. II, 22.

(22) Heb. shoshbin, the man who looks after the wedding arrangements; v. B.B. , Sonc. ed., p. 618 n. 10.

(23) To avoid unchaste thoughts.

(24) Because the woman in crossing will naturally lift up her dress.

(25) Prov. XI, 21. E.V. 'My hand upon it! The evil man shall not be unpunished!'

(26) Judg. XIII, 11.

(27) This text is not found in the Scripture, and Tosaf. deletes the mention of Elkanah here; v. Rashal and Maharsha.

(28) II Kings IV, 30.

(29) Lit., 'he did not read Scripture in a schoolhouse'.

(30) Gen. XXIV, 61.

(31) V. supra 8b.

(32) V. Suk. 52b.

(33) Eccl. X, 1.

(34) Gen. IV, 7. This is probably connected with the view that the forbidden fruit of which Adam ate was wheat; v. supra 40a (Maharsha).

(35) Eccl. X, 2.

Talmud - Mas. Berachoth 61b

the lungs absorb all kinds of liquids,¹ the liver is the seat of anger, the gall lets a drop fall into it and allays it, the milt produces laughter, the large intestine grinds [the food], the maw brings sleep and the nose awakens. If the awakener sleeps or the sleeper rouses,² a man pines away. A Tanna taught: If both induce sleep or both awaken, a man dies forthwith.

It has been taught: R. Jose the Galilean says, The righteous are swayed³ by their good inclination, as it says, My heart⁴ is slain within me.⁵ The wicked are swayed by their evil inclination, as it says, Transgression speaketh to the wicked, methinks, there is no fear of God before his eyes.⁶ Average people are swayed by both inclinations, as it says, Because He standeth at the right hand of the needy,⁷ to save him from them that judge his soul.⁸ Raba said: People such as we are of the average. Said Abaye to him: The Master gives no one a chance to live!⁹ Raba further said: The world was created only for either the totally wicked or the totally righteous.¹⁰ Raba said: Let a man know concerning himself whether he is completely righteous or not! Rab said: The world was created only for Ahab son of Omri and for R. Hanina b. Dosa; for Ahab son of Omri this world, and for R. Hanina b. Dosa the future world.

And thou shalt love the Lord thy God etc.¹¹ It has been taught: R. Eliezer says: If it says 'with all thy soul', why should it also say, 'with all thy might',¹² and if it says 'with all thy might', why should it also say 'with all thy soul'? Should there be a man who values his life more than his money, for him it says; 'with all thy soul'; and should there be a man who values his money more than his life, for him it says, 'with all thy might'. R. Akiba says: With all thy soul': even if He takes away thy soul.¹³

Our Rabbis taught: Once the wicked Government¹⁴ issued a decree forbidding the Jews to study and practise the Torah. Pappus b. Judah came and found R. Akiba publicly bringing gatherings together and occupying himself with the Torah. He said to him: Akiba, are you not afraid of the Government? He replied: I will explain to you with a parable. A fox was once walking alongside of a river, and he saw fishes going in swarms from one place to another. He said to them: From what are you fleeing? They replied: From the nets cast for us by men. He said to them: Would you like to come up on to the dry land so that you and I can live together in the way that my ancestors lived with your ancestors? They replied: Art thou the one that they call the cleverest of animals? Thou art not clever but foolish. If we are afraid in the element in which we live, how much more in the element in which we would die! So it is with us. If such is our condition when we sit and study the Torah, of which it is written, For that is thy life and the length of thy days,¹⁵ if we go and neglect it how much worse off we shall be! It is related that soon afterwards R. Akiba was arrested and thrown into prison, and Pappus b. Judah was also arrested and imprisoned next to him. He said to him: Pappus, who brought you here? He replied: Happy are you, R. Akiba, that you have been seized for busying yourself with the Torah! Alas for Pappus who has been seized for busying himself with idle things! When R. Akiba was taken out for execution, it was the hour for the recital of the Shema', and while they combed his flesh with iron combs, he was accepting upon himself the kingship of heaven.¹⁶ His disciples said to him: Our teacher, even to this point? He said to them: All my days I have been troubled by this verse, 'with all thy soul', [which I interpret,] 'even if He takes thy soul'. I said: When shall I have the opportunity of¹⁷ fulfilling this? Now that I have the opportunity shall I not fulfil it? He prolonged the word ehad¹⁸ until he expired while saying it. A bath kol¹⁹ went forth and proclaimed: Happy art thou, Akiba, that thy soul has departed with the word ehad! The ministering angels said before the Holy One, blessed be He: Such Torah, and such a reward? [He should have been] from them that die by Thy hand, O Lord.²⁰ He replied to them: Their portion is in life.²¹ A bath kol went forth and proclaimed, Happy art thou, R. Akiba, that thou art destined for the life of the world to come.

ONE SHOULD AVOID SHOWING DISRESPECT TO THE EASTERN GATE BECAUSE IT IS

IN A DIRECT LINE WITH THE HOLY OF HOLIES, etc. Rab Judah said in the name of Rab: These rules apply only to this side of Mount Scopus²² and to one who can see the Temple.²³ It has also been recorded: R. Abba the son of R. Hiyya b. Abba said: Thus said R. Johanan: These rules apply only to this side of Scopus and to one who can see [Jerusalem], and when there is no fence intervening, and at the time when the Divine Presence rests on it.²⁴

Our Rabbis taught: One who consults nature in Judea should not do so east and west²⁵ but north and south. In Galilee he should do so only east and west.²⁶ R. Jose, however, allows it, since R. Jose said: The prohibition was meant to apply only to one in sight of the Temple and in a place where there is no fence intervening and at the time when the Divine Presence rests there. The Sages, however, forbid it. The Sages say the same as the First Tanna? — They differ with regard to the sides.²⁷ It has been taught elsewhere: One who consults nature in Judea should not do so east and west but south and north, and in Galilee north and south is forbidden, east and west is permitted. R. Jose, however, permits it, since R. Jose used to say: This prohibition was meant to apply only to one who is in sight [of Jerusalem]. R. Judah says: When the Temple is in existence it is forbidden, when the Temple is not in existence it is permitted. R. Akiba forbids it in all places. R. Akiba says the same as the First Tanna? — They differ in the matter of outside of Palestine. Rabbah had bricks placed for him east and west.²⁸ Abaye went and changed them round to north and south. Rabbah went in and readjusted them. He said, Who is this that is annoying me? I take the view of R. Akiba, who said that it is forbidden in every place.

(1) I.e., they absorb some moisture from the stomach.

(2) I.e., if the nose induces sleep or the maw waking.

(3) Lit., 'judged'.

(4) I.e., evil promptings

(5) Ps CIX, 22. E.V. 'wounded'.

(6) Ibid. XXXVI, 2.

(7) I.e., in good deeds.

(8) I.e., his two inclinations. Ibid. CIX, 31.

(9) If Raba is only average, what must other people be?

(10) I.e., this world for the wicked and the next for the righteous.

(11) Deut. VI, 5.

(12) This word is interpreted by the Rabbis to mean money.

(13) I.e., thy very self, thy life.

(14) I.e., Roman.

(15) Deut. XXX, 20.

(16) I.e., recited the Shema'. V. supra 130.

(17) Lit., 'when will it come to my hands'.

(18) 'One' in Hear, O Israel etc.

(19) V. Glos.

(20) Ps. XVII, 14. E.V. 'From men by thy hand, O Lord'.

(21) Ibid.

(22) From the other side of Mount Scopus the Temple was no longer visible.

(23) Even from this side of Scopus, not being in a hollow.

(24) I.e., when the Temple is in existence.

(25) So as not to turn his back to Jerusalem.

(26) Galilee being north of Jerusalem.

(27) I.e., those parts of Judea and Galilee which were not due east or due north of Jerusalem. The first Tanna prohibits even in these parts, since they speak of the whole of Judea, whereas the Sages permit, referring as they do only to R. Jose's statement.

(28) So that he should not turn his back on Palestine.

Talmud - Mas. Berachoth 62a

. It has been taught: R. Akiba said: Once I went in after R. Joshua to a privy, and I learnt from him three things. I learnt that one does not sit east and west but north and south; I learnt that one evacuates not standing but sitting; and I learnt that it is proper to wipe with the left hand and not with the right. Said Ben Azzai to him: Did you dare to take such liberties with your master? He replied: It was a matter of Torah, and I required to learn. It has been taught: Ben 'Azzai said: Once I went in after R. Akiba to a privy, and I learnt from him three things. I learnt that one does not evacuate east and west but north and south. I also learnt that one evacuates sitting and not standing. I also learnt it is proper to wipe with the left hand and not with the right. Said R. Judah to him: Did you dare to take such liberties with your master? — He replied: It was a matter of Torah, and I required to learn. R. Kahana once went in and hid under Rab's bed. He heard him chatting [with his wife] and joking and doing what he required. He said to him: One would think that Abba's mouth had never sipped the dish before! He said to him: Kahana, are you here? Go out, because it is rude.¹ He replied: It is a matter of Torah, and I require to learn.

Why should one wipe with the left hand and not with the right? — Raba said: Because the Torah was given with the right hand, as it says, At His right hand was a fiery law unto them.² Rabbah b. Hanah said: Because it is brought to the mouth.³ R. Simeon b. Lakish said: Because one binds the tefillin [on the left arm] with it. R. Nahman b. Isaac said: Because he points to the accents in the scroll with it.⁴ A similar difference of opinion is found among Tannaim. R. Eliezer says, because one eats with it; R. Joshua says, because one writes with it; R. Akiba says, because one points with it to the accents in the scroll.

R. Tanhum b. Hanilai said: Whoever behaves modestly in a privy is delivered from three things: from snakes, from scorpions, and from evil spirits. Some say also that he will not have disturbing dreams.⁵ There was a certain privy in Tiberias which if two persons entered together even by day, they came to harm. R. Ammi and R. Assi used to enter it separately, and they suffered no harm. The Rabbis said to them, Are you not afraid? They replied: We have learnt a certain tradition.⁶ The tradition for [avoiding harm in] the privy is modesty and silence; the tradition relating to sufferings is silence⁷ and prayer. The mother of Abaye trained for him a lamb to go with him into the privy.⁸ She should rather have trained for him a goat?⁹ A satyr might be changed into a goat.¹⁰ Before Raba became head of the Academy, the daughter of R. Hisda¹¹ used to rattle a nut in a brass dish.¹² After he became head, she made a window for him,¹³ and put her hand on his head.¹⁴

'Ulla said: Behind a fence one may ease himself immediately; in an open field, so long as he can break wind without anyone hearing it. Issi b. Nathan reported thus: Behind a fence, as long as he can break wind without anyone hearing it; in an open field, as long as he cannot be seen by anyone. An objection was raised: [The watchers]¹⁵ may go out by the door of the olive press and ease themselves behind a fence [immediately] and they [the olives] remain clean! — For the sake of ritual purity they made a concession. Come and hear: How far can one go without affecting the cleanness [of the olive press]? Any distance as long as he can still see it!¹⁶ — The case of food-stuffs prepared in purity is different, as the Rabbis made a concession for them. R. Ashi said: What is meant by the words 'as long as he cannot be seen by anyone' used by Issi b. Nathan? As long as the exposed part of his body cannot be seen; but the man himself may be seen.

A certain funeral orator went down in the presence of R. Nahman [to deliver an address] and said: This man was modest in all his ways. Said R. Nahman to him: Did you ever follow him into a privy so that you should know whether he was modest or not? For it has been taught: A man is called modest only if he is such in the privy. And why was R. Nahman so much concerned about it? Because it has been taught: Just as the dead are punished,¹⁷ so the funeral orators are punished¹⁸ and those who answer [Amen] after them.

Our Rabbis taught: Who is a modest man? One who eases himself by night in the place where he eased himself by day.¹⁹ Is that so? Has not Rab Judah said in the name of Rab: A man should always accustom himself [to consult nature] in the early morning and in the evening²⁰ so that he may have no need to go a long distance? And again, in the day-time Raba used to go as far as a mile, but at night he said to his attendant, Clear me a spot in the street of the town, and so too R. Zera said to his attendant, See if there is anyone behind the Seminary as I wish to ease myself? — Do not read ‘in the place’, but read, ‘in the same way as he eases himself by day’.²¹ R. Ashi said, You may even retain the reading ‘place’, the reference being to a private corner.²²

The [above] text [states:] ‘Rab Judah said in the name of Rab: A man should always accustom himself to consult nature morning and evening so that he may have no need to go a long distance’. It has been taught similarly, Ben ‘Azzai said: Go forth before dawn and after dark, so that you should not have to go far. Feel yourself before sitting, but do not sit and then feel yourself, for if one sits and then feels himself, should witchcraft be used against him even as far away as Aspamia,²³ he will not be immune from it. And if he forgets and does sit and then feels, what is his remedy? — When he rises he should say, thus: Not for me, not for me; not tahim nor tahtim;²⁴ not these nor any part of these;²⁵ neither the sorceries of sorcerers nor the sorceries of sorceresses!

(1) Lit., ‘it is not the way of the world’.

(2) Deut. XXXIII, 2.

(3) It was usual to bring food to the mouth with the right hand and not with the left.

(4) Rashi explains: Because in chanting he makes corresponding movements with the right hand, this having been the custom of Palestinians in his day.

(5) Lit., ‘his dreams will be settled on him’.

(6) Jastrow, with a slight change of reading (kible), renders ‘charm’.

(7) I.e., resignation.

(8) As a protection against evil spirits.

(9) Goats were associated by the ancients with evil spirits.

(10) The Hebrew word sa’ir means both ‘he-goat’ and ‘satyr’.

(11) His wife.

(12) To frighten away the evil spirits.

(13) In the wall of the house, through which she could put her hand.

(14) As a protection. After becoming head of the Academy, he was more exposed to danger from the evil spirits.

(15) Men who watched the olive-oil press to see that no unclean person entered.

(16) But not further, so that he would himself still be visible. This refutes Issi.

(17) If they were sinners.

(18) For uttering false eulogies.

(19) I.e., a long way off.

(20) I.e., before daylight and after dark.

(21) I.e., modestly; v. supra, p. 389.

(22) To be used by night as well as by day.

(23) A name given to several far-distant places, including Spain.

(24) Words apparently used in incantations

(25) Aliter: ‘Let not avail against me either the sorceries etc.’.

Talmud - Mas. Berachoth 62b

. It has been taught: Ben ‘Azzai says: Lie on anything but not on the ground;¹ sit on anything but not on a beam.²

Samuel said: Sleep³ at dawn is like a steel edge to iron; evacuation at dawn is like a steel edge to

iron. Bar Kappara used to sell sayings for denarii. 'While thou art still hungry, eat; while thou art still thirsty, drink; while thy pot is still hot, empty it out.'⁴ When the horn is sounded in [the market of] Rome, do you, O son of the fig-seller, sell thy father's figs'.⁵ Abaye said to the Rabbis: When you go through the lanes of Mahoza to get to the fields, do not look to this side or to that, for perhaps women⁶ are sitting there, and it is not proper to gaze at them.

R. Safra entered a privy. R. Abba came and cleared his throat at the entrance.⁷ He said to him: Let the master enter. When he came out, he [R. Abba] said to him: You have not yet been turned into a satyr,⁸ but you have learnt the manners of a satyr.⁹ Have we not learnt as follows: There was a fire there,¹⁰ and a superior privy. Its superiority lay in this: if one found it locked, he could be sure that someone was in there, but if he found it open, he could be sure that there was no one there. We see therefore, that it is not proper [for two to be in a privy].¹¹ He [R. Safra], however, was of opinion that it was dangerous [to keep him waiting], as it has been taught:¹² R. Simeon b. Gamaliel says: To keep back the fecal discharge causes dropsy; to keep back the urinary discharge causes jaundice.

R. Eleazar once entered a privy, and a Persian¹³ came and thrust him away. R. Eleazar got up and went out, and a serpent came and tore out the other's gut.¹⁴ R. Eleazar applied to him the verse, Therefore will I give a man for thee.¹⁵ Read not adam [a man] but edom [an Edomite].

And he bade to kill thee, but he spared thee.¹⁶ 'And he bade'! It should be, 'And I bade'!¹⁷ 'And he spared'! It should be, 'And I spared'! R. Eleazar said: David said to Saul: According to the law, you deserve to be slain, since you are a pursuer, and the Torah has said, If one comes to kill your rise and kill him first.¹⁸ But the modesty which you have shown has caused you to be spared. What is this? As it is written: And he came to the fences¹⁹ by the way, where was a cave; and Saul went in le-hasek [to cover his feet].²⁰ It has been taught: There was a fence within a fence, and a cave within a cave. R. Eleazar says: It [the word le-hasek] teaches that he covered himself like a booth [sukkah].

Then David arose and cut off the skirt of Saul's robe privily.²¹ R. Jose son of R. Hanina said: Whoever treats garments contemptuously will in the end derive no benefit from them; for it says, Now King David was old and stricken in years; and they covered him with clothes, but he could get no heat.²²

If it be the Lord that hath stirred thee up against me, let Him accept an offering.²³ R. Eleazar said: Said the Holy One blessed be He, to David: Thou callest me a 'stirrer-up'. Behold, I will make thee stumble over a thing which even school-children know, namely, that which is written, When thou takest the sum of the children of Israel according to their number, then shall they give every man a ransom for his soul into the Lord. ... [that there be no plague among them] etc.²⁴ Forthwith, Satan stood up against Israel;²⁵ and it is further written, He stirred up David against them saying, Go, number Israel.²⁶ And when he did number them, he took no ransom from them and it is written, So the Lord sent a pestilence upon Israel from the morning even to the time appointed.²⁷ What is meant by 'the time appointed'? Samuel the elder, the son-in-law of R. Hanina, answered in the name of R. Hanina: From the time of slaughtering the continual offering until the time of sprinkling the blood. R. Johanan said: Right up precisely to midday.

And He said to the Angel that destroyed the people, It is enough²⁸ [rab]. R. Eleazar said: The Holy One, blessed be He, said to the Angel: Take a great man [rab] among them, through whose death many sins can be expiated for them.²⁹ At that time there died Abishai son of Zeruiah, who was [singly] equal in worth to the greater part of the Sanhedrin.

And as he was about to destroy, the Lord beheld, and He repented Him.³⁰ What did He behold? — Rab said: He beheld Jacob our ancestor, as it is written, And Jacob said when he beheld them.³¹ Samuel said: He beheld the ashes of [the ram of] Isaac, as it says, God will see³² for Himself the

lamb.³³ R. Isaac Nappaha said: He saw the money of the atonement, as it says, And thou shalt take the atonement money from the children of Israel, and it shall be a memorial³⁴ etc. R. Johanan said: He saw the Temple, as it is written, In the mount where the Lord is seen.³⁵ R. Jacob b. Iddi and R. Samuel b. Nahmani differed on the matter. One said that He saw the atonement money, the other that He saw the Temple. The more likely view is that of him who says that He saw the Temple, since it is written, As it will be said on that day, in the mount where the Lord is seen.

A MAN SHOULD NOT ENTER THE TEMPLE MOUNT WITH HIS STAFF etc. What is the meaning of kappandaria? Raba said: A short cut, as its name implies.³⁶ R. Hanah b. Adda said in the name of R. Sama the son of R. Meri: It is as if a man said, instead of going round the blocks [makkifna adari], I will go in here. R. Nahman said in the name of Rabbah: If one enters a synagogue not intending to use it as a short cut, he may use it as a short cut. R. Abbahu said: If there was a path there originally,³⁷ it is permitted. R. Helbo said in the name of R. Huna: If one entered a synagogue to pray, he may use it as a short cut, as it says, But when the people of the land shall come before the Lord in the appointed seasons [he that entereth by the north gate shall go forth by the south gate, etc.].³⁸

AND SPITTING [ON IT IS FORBIDDEN] A FORTIORI. R. Bibi said in the name of R. Simeon b. Lakish: If one spits in these times³⁹ on the Temple mount, it is as if he spat into the pupil of His eye, since it says: And Mine eyes and My heart shall be there perpetually.⁴⁰ Raba said: It is permitted to expectorate in the synagogue, this being on the same footing as wearing a shoe. Just as wearing a shoe is forbidden on the Temple mount but permitted in the synagogue, so spitting is forbidden in the Temple mount but permitted in the synagogue. Said R. Papa to Raba — according to others, Rabina said to Raba, while others again report that R. Adda b. Mattena said it to Raba, Instead of learning the rule from the analogy of a shoe, why not learn it from that of a short cut?⁴¹ — He replied: The Tanna derives it from a shoe, and you want to derive it from a short cut! What is this [reference]? As it has been taught: ‘A man should not enter the Temple mount either with his staff in his hand or his shoe on his foot, or with his money tied up in his cloth, or with his money bag slung over his shoulder, and he should not make it a short cut, and spitting [on it is forbidden] a fortiori from the case of the shoe: seeing that regarding a shoe, the wearing of which does not show contempt, the Torah has said, Put off thy shoes from off thy feet,⁴² must not the rule all the more apply to spitting, which does show contempt? R. Jose b. Judah said: This reasoning is not necessary. For see, it says, For none might enter within the king's gate clothed in sackcloth.⁴³ Now have we not here an argument a fortiori: if such is the case with sackcloth which is not in itself disgusting, and before an earthly king, how much more so with spitting which is in itself disgusting, and before the supreme King of Kings!’⁴⁴ He [R. Papa] replied to him [Raba]: What I mean is this. Let us be stringent in both cases,⁴⁵ and reason thus:

(1) For fear of serpents.

(2) Lest it may break.

(3) The Aruch renders the word shinah here ‘Making water’.

(4) The proverb is applied to relieving oneself.

(5) And do not wait for thy father to come; an admonition against procrastination.

(6) MS.M. ‘men’.

(7) To find out if anyone was within.

(8) שְׂעִיר Lit., ‘goat’ v. supra p. 389, n. 6.

(9) Inviting me to come in, not in accordance with the rules of propriety. The meaning is not clear, Rashi seems to read שְׂעִיר (Seir), thus rendering: You have not yet entered Seir (Edom) and you have learnt the manners of (the people of) Seir, v. Maharsha.

(10) In the Temple court, to keep the priests warm.

(11) V. Strashun Glosses.

(12) V. supra 25a.

- (13) This is obviously a censor's correction for 'Roman', v. MS.M.
- (14) Jast. renders 'his gut dropped', from fright.
- (15) Isa. XLIII, 4.
- (16) I Sam. XXIV, 11.
- (17) Since David is reporting his own action.
- (18) V. supra 58a.
- (19) E.V. 'sheepcotes'.
- (20) Ibid. 4.
- (21) Ibid. 5.
- (22) I Kings I, 1.
- (23) I Sam. XXVI, 19.
- (24) Ex. XXX, 12.
- (25) I Chron. XXI, 1.
- (26) II Sam. XXIV, 1.
- (27) Ibid. 15.
- (28) Ibid. 16.
- (29) According to the dictum that the death of the righteous is an atonement.
- (30) I Chron. XXI, 15.
- (31) Gen. XXXII, 3.
- (32) So lit., E.V. 'provide'.
- (33) Ibid. XXII, 8.
- (34) Ex. XXX, 16.
- (35) Adverting to the name of the mountain which is 'The Lord shall see'. Gen. XXII, 14.
- (36) Representing as it does the Latin compendiaria via. Raba seems to imply that there is no need to try to interpret it as an Aramaic expression.
- (37) Before the synagogue was built.
- (38) Ezek. XLVI, 9.
- (39) When the Temple is no longer there.
- (40) I Kings IX, 3.
- (41) A synagogue may not be used as a short cut, v. Meg. 28a.
- (42) Ex. III, 5.
- (43) Esth. IV, 2.
- (44) Thus we see that the Tanna derives the rule regarding spitting from the analogy of a shoe.
- (45) Of spitting on the Temple mount and in the synagogue.

Talmud - Mas. Berachoth 63a

The rule [about spitting] for the Temple mount where the shoe is forbidden we may derive from the analogy of the shoe, but in the case of the synagogue where the shoe is permitted, instead of deriving the rule from the shoe and permitting it, let us rather derive it from the short cut and forbid it? — Rather, said Raba: [The synagogue is] on the same footing as a man's house. Just as a man objects to his house being made a short cut but does not object to the wearing of shoes or to spitting there, so in the case of the synagogue, the using it as a short cut is forbidden, but wearing the shoe and spitting in it is not forbidden.

AT THE CONCLUSION OF THE BENEDICTIONS SAID IN THE TEMPLE [THEY USED TO SAY, FOR EVER etc.]. Why all this? — Because the Amen response is not given in the Sanctuary. And whence do we know that the Amen response was not made in the Sanctuary? — Because it says, Stand up and bless the Lord your God from everlasting to everlasting,¹ and it goes on, And let them say,² Blessed be Thy glorious name that is exalted above every³ blessing and praise. I might think that one praise would suffice for all the blessings.⁴ It therefore says, 'Above every blessing and praise', implying, for every blessing assign to Him praise.⁵

IT WAS LAID DOWN THAT GREETING SHOULD BE GIVEN IN [GOD'S] NAME etc. Why the further citation? — You might think that Boaz spoke thus on his own accord;⁶ come and hear, therefore, [the other text] 'THE LORD IS WITH THEE, THOU MIGHTY MAN OF VALOUR'. You might still say that it was an angel who spoke thus to Gideon;⁷ come and hear, therefore, the other text, 'DESPISE NOT THY MOTHER WHEN SHE IS OLD';⁸ and it says, 'IT IS TIME TO WORK FOR THE LORD, THEY HAVE MADE VOID THY LAW.'⁹ Raba said: The first clause of this verse can be taken as explaining the second, and the second can be taken as explaining the first. 'The first clause may be taken as explaining the second', thus: It is time to work for the Lord.¹⁰ Why? Because they have made void Thy law.' The second clause may be taken as explaining the first', thus: They have made void Thy law.¹¹ Why? Because it is time to work for the Lord.

It was taught: Hillel the Elder said: When the scholars keep in [the teaching of] the Torah, do thou disseminate it,¹² and when they disseminate it do thou keep it in.¹³ If thou seest a generation which is eager for the knowledge of the Torah, spread it abroad,¹⁴ as it says, There is that scattereth and yet increaseth.¹⁵ But if thou seest a generation which takes no interest in the Torah, keep it in to thyself, as it says, When it is time to work for the Lord,¹⁶ they make void Thy law. Bar Kappara expounded: When goods are cheap, collect¹⁷ [money] and buy. In a place where there is no man, there be a man. Abaye said: You may infer from this that in a place where there is a man [to teach the Torah], there you should not be a man. This is obvious? — It required to be stated for the case where the two are equal.¹⁸

Bar Kappara expounded: What short text is there upon which all the essential principles of the Torah depend? In all thy ways acknowledge Him and He will direct thy paths.¹⁹ Raba remarked: Even for a matter of transgression.²⁰ Bar Kappara [further] expounded: A man should always teach his son a clean and not laborious trade. What, for example? R. Hisda said: Needle-stitching.²¹

It has been taught: Rabbi says, A man should not invite too many friends to his house, as it says, There are friends that one hath to his own hurt.²² It has been taught: Rabbi says, A man should not appoint a steward over his house, for had not Potiphar appointed Joseph as steward over his house, he would not have fallen into such trouble as he did. It has been taught: Rabbi says, Why does the section of the Nazirite²³ follow immediately on that of the unfaithful wife?²⁴ To teach you that anyone who sees an unfaithful wife in her evil ways should completely abstain from wine. Hezekiah the son of R. Parnak said in the name of R. Johanan: Why does the section of the unfaithful wife follow immediately on one dealing with terumoth²⁵ and tithes?²⁶ To teach you that if one has terumoth and tithes and does not give them to the priest, in the end he will require the priest's services to deal with his wife. For so it says, Every man's hallowed things shall be his,²⁷ and immediately afterwards it says, If any man's wife go aside,²⁸ and later is it written, And the man shall bring his wife, etc.²⁹ Nay more, in the end he shall be in need of them,³⁰ as it says, 'Every man's hallowed things shall be his'.³¹ R. Nahman b. Isaac said: If he does give, he will eventually become rich, as it says, Whatever a man giveth the priest, he shall have³² — he shall have much wealth.

R. Huna b. Berekiah said in the name of R. Eleazar ha-Kappar: Whoever associates the name of heaven with his suffering³³ will have his sustenance doubled, as it says, And the Almighty shall be in thy distress, and thou shalt have double silver.³⁴ R. Samuel b. Nahmani said: His sustenance shall fly to him like a bird, as it says, And silver shall fly to thee.³⁵

R. Tabi said in the name of R. Josiah: Whoso is faint³⁶ in the study of the Torah will have no strength to stand in the day of trouble, as it says, If thou art faint [in the study of the Torah] in the day of adversity thy strength will be small.³⁷ R. Ammi b. Mattenah said in the name of Samuel: Even if only in the performance of a single precept, as it says, 'If thou faint', in any case.

R. Safra said: R. Abbahu used to relate that when Hananiah the son of R. Joshua's brother went down to the Diaspora,³⁸ he began to intercalate the years and fix new moons outside Palestine. So they [the Beth din] sent after him two scholars, R. Jose b. Kippar and the grandson of R. Zechariah b. Kebutal. When he saw them, he said to them: Why have you come? — They replied: We have come to learn Torah [from you]. He thereupon proclaimed: These men are among the most eminent of the generation. They and their ancestors have ministered in the Sanctuary (as we have learnt: Zechariah b. Kebutal said: Several times I read to him³⁹ out of the book of Daniel). Soon they began to declare clean what he declared unclean and to permit what he forbade. Thereupon he proclaimed: These men are worthless, they are good for nothing. They said to him: You have already built and you cannot overthrow, you have made a fence and you cannot break it down.⁴⁰ He said to them: Why do you declare clean when I declare unclean, why do you permit when I forbid? — They replied: Because you intercalate years and fix new moons outside of Palestine. He said to them: Did not Akiba son of Joseph intercalate years and fix new moons outside of Palestine?⁴¹ — They replied: Don't cite R. Akiba, who left not his equal in the Land of Israel. He said to them: I also left not my equal in the Land of Israel. They said to him: The kids which you left behind have become goats with horns, and they have sent us to you, bidding us, 'Go and tell him in our name. If he listens, well and good; if not, he will be excommunicated.

(1) Neh. IX, 5.

(2) Those who made the response.

(3) E.V. 'all'.

(4) I.e., that one response should be made at the end of all the blessings (Rashi).

(5) V. Sot. (Sonc. ed.) p. 198, n. 2.

(6) And his action need not be taken as a precedent.

(7) Simply transmitting his message.

(8) I.e., despise not the example of Boaz.

(9) V. p. 329, n. 4.

(10) As much as to say, Boaz had good warrant for what he did. This rule apparently was cavilled at in certain quarters, and the Rabbis felt that some very strong justification was needed for it.

(11) Like Elijah in sacrificing on Mount Carmel.

(12) So that it should not be forgotten. Lit., 'scatter', like a sower scattering.

(13) So as not to compete with them.

(14) Lit., 'scatter'. Cf. n. 7.

(15) Prov. XI, 24.

(16) I.e., when disseminating the Torah would bring it into contempt.

(17) The Aruch reads, 'make haste'.

(18) For there is no question that a superior may displace an inferior.

(19) Prov. III, 6.

(20) Weigh the pros and cons of it. This must be linked with the foregoing principle which permits the violation of the law when the exigencies of the time demand it.

(21) Lit., 'the stitching of furrows'.

(22) Prov. XVIII, 24.

(23) Num. VI.

(24) Ibid. V, 11-31.

(25) Plural of terumah, v. Glos.

(26) Ibid. V, 5-10.

(27) Ibid. 10.

(28) Ibid. 12. The juxtaposition implies: 'If a man keeps his hallowed things to himself and does not give them to the priest, then this wife, etc.'

(29) Ibid. 15.

(30) Since he will lose his money.

(31) In the form of poor man's tithe.

(32) Ibid. 10. E.V. 'it shall be his'.

(33) By blessing God for the evil, or praying.

(34) Job XXII, 25. E.V. 'And the Almighty shall be thy treasure, and thou shalt have precious silver. The word to'afoth (precious) is connected by the Rabbis with the Aramaic word 'af, to double.

(35) Here the word to'afoth is connected with the Hebrew 'uf, to fly.

(36) I.e., is negligent.

(37) Prov. XXIV, 10. E.V. 'If thou art faint in the day of adversity, thy strength shall be small indeed'.

(38) Golah, Babylon. Here the reference is to Pumbeditha. This was during the Hadrianic persecution following the Bar Kochabah Wars. V. J.E. VI, p. 207.

(39) The High Priest. V. Yoma 18b.

(40) I.e., you cannot take away from us the name you have conferred on us.

(41) Yeb. 122a.

Talmud - Mas. Berachoth 63b

Tell also our brethren in the Diaspora [not to listen to him]. If they listen to you, well and good; if not, let them go up to the mountain, let Ahia¹ build an altar and let Hananiah play the harp,² and let them all become renegades and say that they have no portion in the God of Israel'. Straightway all the people broke out into weeping and cried, Heaven forbid, we have a portion in the God of Israel. Why all this to-do? — Because it says, For out of Zion shall go forth the law, and the word of the Lord from Jerusalem.³ We can understand that if he declared clean they should declare unclean, because this would be more stringent. But how was it possible that they should declare clean what he declared unclean, seeing that it has been taught: If a Sage has declared unclean, his colleague is not permitted to declare clean? — They thought proper to act thus so that the people should not be drawn after him.

Our Rabbis have taught: When our teachers entered the vineyard at Jabneh,⁴ there were among them R. Judah and R. Jose and R. Nehemiah and R. Eliezer the son of R. Jose the Galilean. They all spoke in honour of hospitality and expounded texts [for that purpose]. R. Judah, the head of the speakers in every place,⁵ spoke in honour of the Torah and expounded the text, Now Moses used to take the tent and pitch it without the camp.⁶ Have we not here, he said, an argument a fortiori? Seeing that the Ark of the Lord was never more than twelve mil distant⁷ and yet the Torah says, Everyone that sought the Lord went out unto the tent of meeting,⁸ how much more [is this title⁹ applicable to] the disciples of the wise who go from city to city and from province to province to learn Torah!

And the Lord spoke unto Moses face to face.¹⁰ R. Isaac said: The Holy One, blessed be He, said to Moses, Moses, I and thou will propound views¹¹ on the halachah. Some say that the Holy One, blessed be He, said thus to Moses: Just as I have turned upon thee a cheerful face, so do thou turn upon Israel a cheerful face and restore the tent to its place. And he would return to the camp.¹² R. Abbahu said: The Holy One, blessed be He, said to Moses: Now they will say, The Master¹³ is angry and the disciple¹⁴ is angry, what will happen to Israel? If thou wilt restore the tent to its place, well and goods but if not, Joshua son of Nun, the disciple, will minister in thy place. Therefore it is written, 'And he would return to the camp'. Raba said: All the same [God's] word was not uttered in vain, since it says, But his minister Joshua, the son of Nun, a young man, departed not out of the tent.¹⁵

R. Judah spoke further in honour of the Torah, expounding the text, Attend [hasket] and hear, O Israel: this day thou art become a people unto the Lord thy God.¹⁶ Now was it on that day that the Torah was given to Israel? Was not that day the end of the forty years [of the wandering]? It is, however, to teach thee that the Torah is as beloved every day to those that study it as on the day when it was given from Mount Sinai. R. Tanhum the son of R. Hiyya, a man of Kefar Acco¹⁷ said:

The proof is that if a man recites the Shema' every morning and evening and misses one evening, it is as if¹⁸ he had never recited the Shema'. The word 'hasket' implies: Make yourselves into groups [kittoth] to study the Torah, since the knowledge of the Torah can be acquired only in association with others, as stated by R. Jose b. Hanina; for R. Jose b. Hanina said: What is the meaning of the text, A sword is upon the boasters [baddim] and they shall become fools?¹⁹ A sword is upon the enemies of the disciples of the wise²⁰ who sit separately [bad bebad] and study the Torah. What is more, they become stupid. It is written here, 'and they shall become fools', and it is written elsewhere, For that we have done foolishly.²¹ What is more, they are sinners, as it says, and we have sinned.²² If you prefer, I can learn the meaning from here: The princes of Zoan are become fools [no'alu].²³ Another explanation of 'Attend [hasket] and hear, Israel'. Cut yourselves to pieces [kattetu] for words of Torah, as was said by Resh Lakish. For Resh Lakish said: Whence do we learn that words of Torah are firmly held by one who kills himself for it? Because it says, This is the Torah, when a man shall die in the tent.²⁴ Another explanation of 'Attend and hear, O Israel': Be silent [has] and then analyse [katteth],²⁵ as stated by Raba; for Raba said: A man should always first learn Torah and then scrutinize it.

They said in the school of R. Jannai: What is meant by the verse, For the churning of milk bringeth forth curd, and the wringing of the nose bringeth forth blood; so the forcing of wrath bringeth forth strife?²⁶ With whom do you find the cream of the Torah? With him who spits out upon it the milk which he has sucked from the breasts of his mother.²⁷ 'The wringing of the nose²⁸ bringeth forth blood'. Every student who is silent when his teacher is angry with him the first time will become worthy to distinguish between clean blood and unclean. 'The forcing of wrath²⁹ bringeth forth strife': Every student who is silent when his teacher is angry with him a first and a second time will be worthy to distinguish between money cases and capital cases,³⁰ as we have learnt: R. Ishmael says, One who desires to be wise should occupy himself with money judgments, since no branch of the Torah surpasses them, for they are like a perpetual fountain [of instruction]. R. Samuel b. Nahmani said: What is meant by the verse, If thou hast done foolishly [nobaltah] in lifting up thyself, or if thou hast planned devices [zammotah], lay thy hand upon thy mouth?³¹ Whoever abases [menabbel] himself for words of Torah³² will in the end be exalted, but if one muzzles [zamam] himself, his hand will be upon his mouth.³³

R. Nehemiah began to speak in praise of hospitality, expounding the text, And Saul said unto the Kenites, Go, depart, get you down from among the Amalekites, lest I destroy you with them; for ye showed kindness to all the children of Israel when they came up out of Egypt.³⁴ Have we not here an argument a fortiori: if such was the reward of Jethro³⁵ who befriended Moses only for his own benefit, how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions!

R. Jose began to speak in praise of hospitality, expounding the verse, Thou shalt not abhor an Edomite, for he is thy brother; thou shalt not abhor an Egyptian, because thou wast a stranger in his land.³⁶ Have we not here an argument a fortiori? If such was the reward of the Egyptians who befriended the Israelites only for their own purposes, as it says, And if thou knowest any able men among them, then make them rulers over my cattle,³⁷ how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions!

R. Eliezer the son of R. Jose the Galilean began to speak in praise of hospitality, expounding the verse, And the Lord blessed Obed-Edom and all his house . . . because of the Ark of God.³⁸ Have we not here an argument a fortiori? If such was the reward for attending to the ark which did not eat or drink, but before which he merely swept and laid the dust, how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions! What was the blessing with which God blessed him [Obed-Edom]? — R. Judah b.

Zebida says: This refers to Hamoth³⁹ and her eight daughters-in-law who each bore six children at a birth,

- (1) The head of the community.
- (2) Hananiah was a Levite.
- (3) Isa. II, 3.
- (4) The Academy at Jabneh, so called either because it actually was in a vineyard, or because the disciples sat in rows like the vines in a vineyard. The incident is related in a somewhat different form in the Midrash Rabbah on Cant. II, 5.
- (5) V. Shab. 33b.
- (6) Ex. XXXIII, 7.
- (7) This being the extent of the Israelitish camp.
- (8) Ex. XXXIII, 7.
- (9) Of 'one who seeks the Lord'.
- (10) Ibid. 11.
- (11) Lit., 'faces'.
- (12) Ibid.
- (13) God.
- (14) Moses.
- (15) Ibid. This is taken to mean that he succeeded Moses.
- (16) Deut. XXVII, 9.
- (17) In Lower Galilee.
- (18) I.e., he feels as if.
- (19) Jer. L, 36.
- (20) Euphemism for the disciples themselves.
- (21) Num. XII, 11. In both texts the Hebrew word is no'alu.
- (22) Ibid.
- (23) Isa. XIX, 13.
- (24) Num. XIX, 14. 'Tent' is taken to mean a place of study.
- (25) I.e., first listen to the teacher, and then discuss what he has said.
- (26) Prov. XXX, 33.
- (27) I.e., who commences to learn in his earliest childhood.
- (28) Heb. af, which also means anger.
- (29) Heb. appayim, lit., 'two angers'.
- (30) I.e., to decide to which category an intricate case belongs.
- (31) Prov. XXX, 32.
- (32) I.e., is not ashamed to ask questions which may at first sound foolish.
- (33) He will be unable to answer questions put to him.
- (34) I Sam. XV, 6.
- (35) Who is called the Kenite, Judg. I, 16.
- (36) Deut. XXIII, 8.
- (37) Gen. XLVII, 6.
- (38) II Sam. VI, 12.
- (39) The wife of Obed-Edom.

Talmud - Mas. Berachoth 64a

as it says, Peullethai the eighth son¹ for God blessed him,² and it is written, All these were of the sons of Obed-Edom, they and their sons and their brethren, able men in the strength for the service, threescore and two of Obed-Edom.³

R. Abin the Levite said: Whoever tries to force his [good] fortune will be dogged by [ill] fortune,⁴ and whoever forgoes his [good] fortune will postpone his [ill] fortune.⁵ This we can illustrate from

the case of Rabbah and R. Joseph. For R. Joseph was ‘Sinai’⁶ and Rabbah was ‘an uprooter of mountains’.⁷ The time came when they were required [to be head of the Academy].⁸ They [the collegiates] sent there [to Palestine] to ask, As between ‘Sinai’ and an ‘uprooter of mountains’, which should have the preference? They sent answer: Sinai, because all require the owner of wheat.⁹ Nevertheless, R. Joseph would not accept the post, because the astrologers had told him that he would be head for only two years. Rabbah thereupon remained head for twenty-two years, and R. Joseph after him for two years and a half.¹⁰ During all the time that Rabbah was head, R. Joseph did not so much as summon a cupper to come to his house.¹¹

R. Abin the Levite further said: What is the point of the verse, The Lord answer thee in the day of trouble, the name of the God of Jacob set thee up on high?¹² The God of Jacob and not the God of Abraham and Isaac? This teaches that the owner of the beam should go in with the thickest part of it.¹³

R. Abin the Levite also said: If one partakes of a meal at which a scholar is present, it is as if he feasted on the effulgence of the Divine Presence, since it says, And Aaron came and all the elders of Israel, to eat bread with Moses’ father-in-law before God.¹⁴ Was it before God that they ate? Did not they eat before Moses? This tells you, however, that if one partakes of a meal at which a scholar is present, it is as if he feasted on the effulgence of the Divine Presence.

R. Abin the Levite also said: When a man takes leave of his fellow, he should not say to him, ‘Go in peace’. but ‘Go to peace’. For Moses, to whom Jethro said, Go to peace,¹⁵ went up and prospered, whereas Absalom to whom David said, Go in peace,¹⁶ went away and was hung.

R. Abin the Levite also said: One who takes leave of the dead¹⁷ should not say to him ‘Go to peace’, but ‘Go in peace’, as it says, But thou shalt go to thy fathers in peace.¹⁸

R. Levi b. Hiyya said: One who on leaving the synagogue goes into the House of Study and studies the Torah is deemed worthy to welcome the Divine Presence, as it says, They go from strength to strength, every one of them appeareth before God in Zion.¹⁹

R. Hiyya b. Ashi said in the name of Rab: The disciples of the wise have no rest either in this world or in the world to come,²⁰ as it says, They go from strength to strength, every one of them appeareth before God in Zion’.

R. Eleazar said in the name of R. Hanina: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children.²¹ Read not banayik [thy children] but bonayik [thy builders].²² Great peace have they that love Thy law, and there is no stumbling for them.²³ Peace be within thy walls and prosperity within thy palaces.²⁴ For my brethren and companions’ sake I will now say, Peace be within thee.²⁵ For the sake of the house of the Lord our God I will seek thy good.²⁶ The Lord will give strength unto His people, the Lord will bless His people with peace.²⁷

(1) Omitting with Bah: ‘and it is written’ inserted in cur. edd.

(2) I Chron. XXVI, 5. This shows that he had eight sons.

(3) Ibid. 8. The sixty-two are made up of the eight sons mentioned, six more to his wife at one birth, and six to each of his eight daughters-in-law.

(4) Lit., ‘whoever pushes his hour will be pushed by his hour’.

(5) Lit., ‘if one is pushed away from before his hour, his hour is pushed away from before him’.

(6) I.e., possessed an encyclopaedic knowledge of the traditions.

(7) I.e., exceptionally skillful in dialectic.

(8) Sc. of Pumbeditha.

- (9) I.e., to know the authentic traditions.
- (10) Rabbah was head 309-330. R. Joseph who succeeded him died in 333.
- (11) But went instead to him, like any ordinary individual. On the whole passage v. Hor. (Sonc. ed.) p. 105 notes.
- (12) Ps. XX, 2.
- (13) He should put the thicker end in the ground so as to give better support. So the name of Jacob would be more efficacious in prayer because he was the more immediate ancestor of the Jewish people.
- (14) Ex. XVIII, 12.
- (15) Ibid. IV, 18.
- (16) II Sam. XV, 9.
- (17) On leaving the funeral procession.
- (18) Gen. XV, 15.
- (19) Ps. LXXXIV, 8.
- (20) Because they are always progressing in their spiritual strivings.
- (21) Isa. LIV, 13.
- (22) I.e., learned men.
- (23) Ps. CXIX, 165.
- (24) Ibid. CXXII, 7.
- (25) Ibid. 8.
- (26) Ibid. 9.
- (27) Ibid. XXIX, 11.

Mishna - Mas. Pe'ah Chapter 1

MISHNAH 1. THE FOLLOWING ARE THE THINGS FOR WHICH NO DEFINITE QUANTITY IS PRESCRIBED:¹ THE CORNERS [OF THE FIELD].² FIRST-FRUITS,³ [THE OFFERINGS BROUGHT] ON APPEARING [BEFORE THE LORD AT THE THREE PILGRIM FESTIVALS].⁴ THE PRACTICE OF LOVINGKINDNESS,⁵ AND THE STUDY OF THE TORAH.⁶ THE FOLLOWING ARE THE THINGS FOR WHICH A MAN ENJOYS THE FRUITS IN THIS WORLD WHILE THE PRINCIPAL REMAINS FOR HIM IN THE WORLD TO COME: THE HONOURING OF FATHER AND MOTHER,⁷ THE PRACTICE OF CHARITY, AND THE MAKING OF PEACE BETWEEN A MAN AND HIS FRIEND; BUT THE STUDY OF THE TORAH IS EQUAL TO THEM ALL.⁸

MISHNAH 2. ONE SHOULD NOT MAKE THE AMOUNT OF PE'AH LESS THAN ONE-SIXTIETH⁹ [OF THE ENTIRE CROP]. BUT ALTHOUGH NO DEFINITE AMOUNT IS GIVEN FOR PE'AH,¹⁰ YET EVERYTHING DEPENDS UPON THE SIZE OF THE FIELD, THE NUMBER OF POOR MEN,¹¹ AND THE EXTENT OF THE STANDING CROP.¹²

MISHNAH 3. PE'AH MAY BE GIVEN EITHER AT THE BEGINNING OF THE [REAPING OF THE] FIELD OR AT THE MIDDLE THEREOF.¹³ R. SIMEON SAYS: [THIS IS SO] PROVIDED HE GIVES AT THE END ACCORDING TO THE AMOUNT FIXED.¹⁴ R. JUDAH SAYS: SHOULD HE EVEN LEAVE [FOR THE CONCLUSION OF THE REAPING] ONE STALK, HE CAN RELY ON THIS¹⁵ AS [FULFILLING THE LAW OF] PE'AH; AND IF HE DID NOT DO SO, [THEN EVEN THOSE STALKS LEFT AT THE BEGINNING OR AT THE MIDDLE] ARE TO BE REGARDED AS OWNERLESS PROPERTY.¹⁶

MISHNAH 4. A GENERAL PRINCIPLE HAS BEEN ENJOINED CONCERNING PE'AH: WHATSOEVER IS USED FOR FOOD,¹⁷ AND IS LOOKED AFTER,¹⁸ AND GROWS FROM THE SOIL,¹⁹ AND IS HARVESTED ALTOGETHER,²⁰ AND IS BROUGHT IN FOR STORAGE,²¹ IS SUBJECT TO THE LAW OF PE'AH. GRAIN²² AND PULSE²³ FALL INTO THIS GENERAL PRINCIPLE.²⁴

MISHNAH 5. AMONG TREES: THE SUMMACH, THE CAROB²⁵ THE NUT, THE ALMOND, THE VINE, THE POMEGRANATE, THE OLIVE AND THE PALM²⁶ ARE SUBJECT TO PE'AH.

MISHNAH 6. ONE CAN ALWAYS GIVE PE'AH²⁷ AND BE EXEMPT FROM GIVING TITHES²⁸ [FROM IT] UNTIL IT IS FINALLY STACKED.²⁹ OR ONE MAY PRONOUNCE [HIS FIELD] OWNERLESS AND BE EXEMPT FROM GIVING TITHE THEREOF UNTIL IT IS FINALLY STACKED.³⁰ ONE MAY FEED CATTLE, WILD ANIMALS AND BIRDS [OF THE CROP] BEFORE IT IS FINALLY STACKED AND BE EXEMPT FROM TITHES.³¹ HE MAY TAKE FROM THE THRESHING FLOOR AND USE AS SEED AND BE EXEMPT FROM TITHES UNTIL IT IS STACKED.³² SO R. AKIBA. IF A PRIEST OR LEVITE PURCHASE [THE GRAIN OF] A THRESHING FLOOR THE TITHES ARE THEIRS UNLESS THE STACKING HAS TAKEN PLACE.³³ ONE WHO DEDICATED [HIS CROP]³⁴ AND REDEEMS IT [AFTERWARDS] IS BOUND TO GIVE TITHES SO LONG AS THE TREASURER HAD NOT YET FINALLY STACKED IT.

(1) In the Torah; but v. the next Mishnah where Rabbinic tradition fixes the minimum at one-sixtieth.

(2) Lev. XIX, and XXIII, 22 enjoin the owner to leave unreaped the former for the poor and the stranger to gather.

(3) Bikkurim; v. Ex. XXIII, 19; Deut. XXVI, 1-11. These were presented to the priests in the Temple.

(4) Re'ayon; v. Ex. XXIII, 17; Deut. XVI, 16. Biblically, 'every man according to the gift of his hand' (Deut. XVI, 17), but Rabbinic halachah prescribes a ma'ah (a silver coin) as the minimum value of the burnt-offering and two silver coins

- that of the festival offering, v. Hag. 1a. According to Bertinoro, Re'ayon denoted 'appearing' in the Temple, i.e., there is no limit as to the number of times the Israelite may enter the Temple during the three festivals.
- (5) Gemilluth hasadim, a term implying more than mere charity and denoting personal service to all men of all classes.
- (6) Josh. 1, 8.
- (7) Fifth Commandment; Ex. XX, 12, Deut. V, 16.
- (8) The fuller version given in our Prayer Books (v. P.B. p. 5) is based on a Baraita quoted in Shab. 127a.
- (9) But he can, of course, give more.
- (10) V. supra I, 1.
- (11) If the field is large and the poor few, the amount of Pe'ah is determined by the size of the field, and he has to give the minimum of one-sixtieth; if, on the other hand, the field is small and the poor many, it is determined by the number of the poor and is to be increased beyond the barest minimum.
- (12) Pe'ah may not be chosen only of the inferior crop, but from the whole field. עֲנוּה usually identified with עֲנֵבָה whence the adopted translation. V. infra VI, 7. Others render: 'according to the piety (of the landowner)'.
- (13) Pe'ah need not necessarily be given at the very end of the reaping.
- (14) Opinion varies as to the precise meaning of this proviso. Maim. maintains that one-sixtieth must be left at the end, irrespective of what he has left before; others interpret R. Simeon's statement to mean that what he leaves at the end must supplement towards the minimum quantity prescribed. The object of the proviso is to counteract a deceitful plea that Pe'ah had been set aside already before. Tosephta and Yerushalmi cite other reasons.
- (15) I.e., the last stalk and that which he gave at the beginning or middle together constitute the Pe'ah.
- (16) If nothing is set aside for Pe'ah at the end, then even that left hitherto is hefker (v. Glos.), and even the rich can acquire possession thereof no less than the poor. In this R. Judah differs from R. Simeon, whereas according to R. Simeon all that he left counts as Pe'ah and is reserved for the poor; but according to It. Judah, if nothing is left as Pe'ah at the end, then the stalks left before are treated as hefker.
- (17) To exclude aftergrowths not fit for human food. And when ye harvest, Lev. XIX, 9 rules out crop not normally cut.
- (18) To exclude hefker, which is already the property of the poor; hence Lev, XIX, 10 can no longer apply to it.
- (19) Mushrooms, which according to the Rabbis, receive their nurture not from the soil, are thus excluded. Lev. XIX, 9 stresses the harvest of your land (soil).
- (20) Not singly as they ripen, as in the case of figs.
- (21) Hence greens and herbs that will not keep are excluded.
- (22) Of this, five species are included: wheat, barley, rye, oats and spelt.
- (23) Such as lentils and peas.
- (24) Because they fulfil the conditions concerning which the general principle was laid down, they are subject to the law of Pe'ah.
- (25) Or Sr. John's bread; cf, Ma'as. I, 3. The 'Aruch (s.v. אָרֵב) says it takes seventy years for this tree to bear fruit from its planting.
- (26) The eight trees here mentioned in no wise exclude others that fulfil the given conditions, but only those most common in Palestine are enumerated.
- (27) If omitted from the standing corn, the stipulated amount (I, 2) must be given from the corn already cut.
- (28) Tithes are of three kinds: (a) that given to the Levite, who in turn gives a tenth thereof to the priest (Num. XVIII, 26), is called First Tithe (cf. Num. XVIII, 21); (b) that which the owner himself must eat in Jerusalem (Deut. XIV, 23) is known as Second Tithe. The produce could be converted into money for which, plus one quarter of its original value, food was bought and eaten in Jerusalem (Deut. XIV, 26); (c) in the third and sixth year of the seven-year cycle a tithe was taken from the produce and given to the poor. This was known as Poor Man's Tithe, Deut. XIV, 29; XXVI, 12. Tithes are not given from Pe'ah.
- (29) שִׁמְרָה , 'to smoothe, to make level'. The custom was to stack the produce, after the winnowing, in upright piles, broad at the base and thinning towards the top. The 'smoothing' was the final act of making the pile even prior to its being stored. If, however, the giving of the Pe'ah was delayed until after the stacking, the tithes had to be given from it.
- (30) The exemption of hefker from tithes is based on Deut. XIV, 28. A declaration of hefker after the process of stacking, when the duty of tithes had already become incumbent, does not exempt the 'ownerless' produce from tithes. The fear was lest an 'am ha-arez eat thereof under the impression that it had been tithed as soon as it had been finally stacked, Cf. Dem. III, 2.
- (31) He could even snatch an improvised meal for himself since the law of tithe does not become binding prior to the

final stacking. His cattle, however, could partake of regular meals therefrom. This is based on a statement in Ma'as. I, 1: 'Whatsoever is not used for food at first but only in its later stage, is not liable to tithes until it has become fit for human food',

(32) In Deut. XIV, 23, and thou shalt eat is used in reference to tithes; that used for seed is therefore excluded. Rabbinic tradition, however, compels also the tithes to be given from seeds. R. Akiba maintains that all seed before stacking is exempt.

(33) Had they purchased the store after the stacking, the tithes would not have been theirs as a penalty for snatching away the 'gifts' which might have been given to other priests and Levites. The custom indulged by some Levites of buying the grain prior to the winnowing in order to make sure of the tithes was condemned by the Rabbis.

(34) Hekdesh (v. Glos.) like hefker was not liable to tithes. Should this redemption take place before the Temple Treasurer had stacked it, the duty falls on the redeemer. Only if the stacking was done when it was still in the possession of the Sanctuary does it become exempt. The point stressed throughout the Mishnah is that the law of tithes comes into force with the stacking.

Mishna - Mas. Pe'ah Chapter 2

MISHNAH 1. THE FOLLOWING SERVE AS DIVIDING-LINES FOR PE'AH:¹ A STREAM, A POOL,² A PRIVATE ROAD,³ A PUBLIC ROAD,⁴ A PUBLIC PATH,⁵ OR A PRIVATE PATH IN CONSTANT USE IN SUMMER AND THE RAINY SEASON, FALLOW LAND, NEWLY-CULTIVATED LAND AND A DIFFERENT SEED.⁶ IF ONE CUT [YOUNG CORN] FOR FODDER, [THE PLOT SO REAPED] SERVES AS A DIVIDING-LINE.⁷ THUS R. MEIR. BUT THE SAGES SAY: IT DOES NOT SERVE AS A BOUND FOR PE'AH UNLESS [THIS PLOT USED FOR FODDER] IS RE-PLOUGHED.⁸

MISHNAH 2. IF A WATER CHANNEL MAKES THE CUTTING OF THE CORN [ON EITHER SIDE] IMPOSSIBLE [FROM ITS MIDST],⁹ R. JUDAH SAYS: IT SERVES AS A DIVISION.¹⁰ ANY HILL-TOP THAT CAN BE DUG WITH A HOE,¹¹ ALTHOUGH THE HERD¹² CANNOT PASS OVER IT IN THEIR OUTFIT,¹³ [IS REGARDED AS PART OF THE FIELD] FROM WHICH ONLY ONE PE'AH IS GRANTED.¹⁴

MISHNAH 3. ALL [THESE ABOVE ENUMERATED] SERVE AS DIVISIONS IN THE CASE OF SOWN CROPS,¹⁵ BUT IN THE CASE OF TREES NOTHING SAVE A FENCE SERVES AS A DIVISION.¹⁶ SHOULD THE BRANCHES INTERTWINE,¹⁷ THEN [EVEN A FENCE] DOES NOT DIVIDE AND ONE PE'AH IS GRANTED FOR THE WHOLE FIELD.

MISHNAH 4. AS FOR CAROB TREES, THE GENERAL PRINCIPLE IS THAT THEY MUST BE IN SIGHT OF ONE ANOTHER.¹⁸ RABBAN GAMALIEL SAID: THE CUSTOM PREVAILING IN THE HOUSE OF MY FATHER WAS TO GIVE SEPARATE PE'AH FROM THE OLIVE TREES IN EACH DIRECTION¹⁹ AND [ONE PE'AH] FOR ALL THE CAROB TREES WITHIN SIGHT OF EACH OTHER. R. ELEAZAR SON OF R. ZADOK SAID IN HIS NAME, THAT ALSO FOR THE CAROB TREES THEY HAD IN THE WHOLE CITY²⁰ [ONE PE'AH ONLY WAS GIVEN].

MISHNAH 5. HE WHO SOWS HIS FIELD WITH ONE KIND OF SEED, THOUGH HE MAKES UP OF IT TWO THRESHING-FLOORS, NEED GIVE ONLY ONE PE'AH [FOR THE LOT]. IF HE SOWS IT OF TWO KINDS, THEN EVEN, IF ONLY HE MAKES UP OF IT ONE THRESHING-FLOOR, HE MUST GIVE TWO PE'AHs.²¹ HE WHO SOWS HIS FIELD WITH TWO SPECIES OF WHEAT²² AND HE MAKES UP OF IT ONE THRESHING-FLOOR, HE GIVES ONLY ONE PE'AH; BUT IF TWO THRESHING-FLOORS, HE GIVES TWO PE'AHs.

MISHNAH 6. THE STORY IS TOLD OF R. SIMEON OF MIZPAH²³ THAT HE SOWED ONCE HIS FIELD [WITH TWO DIFFERENT KINDS] AND CAME BEFORE RABBAN GAMALIEL.

THEY BOTH WENT UP TO THE CHAMBER OF HEWN STONE²⁴ AND ENQUIRED [THE LAW]. NAHUM THE SCRIBE²⁵ SAID: I HAVE A TRADITION FROM R. ME'ASHA,²⁶ WHO RECEIVED IT FROM ABBA,²⁷ WHO RECEIVED IT FROM THE ZUGOTH,²⁸ WHO RECEIVED IT FROM THE PROPHETS AS AN HALACHAH OF MOSES FROM SINAI,²⁹ THAT A MAN WHO SOWS HIS FIELD WITH TWO KINDS OF WHEAT AND MAKES IT UP INTO ONE THRESHING-FLOOR MUST GIVE ONE PE'AH, IF TWO THRESHING-FLOORS, [HE GIVES] TWO PE'AH'S.³⁰

MISHNAH 7. A FIELD REAPED BY GENTILES,³¹ OR ROBBERS, OR WHICH ANTS HAVE BITTEN [THE GRAINS THEREOF AT THE ROOTS]. OR WHICH WIND AND CATTLE HAVE BROKEN DOWN, IS EXEMPT FROM PE'AH.³² IF [THE OWNER] REAPED HALF THEREOF AND ROBBERS THE REMAINING HALF, IT IS EXEMPT FROM PE'AH; FOR THE OBLIGATION OF PE'AH IS IN THE STANDING CORN.³³

MISHNAH 8. IF ROBBERS REAPED HALF AND THE OWNER THE OTHER HALF, HE GIVES PE'AH FROM WHAT HE HAS REAPED. IF HE REAPED HALF AND SOLD THE OTHER HALF, THEN THE PURCHASER MUST GIVE PE'AH FOR THE WHOLE.³⁴ IF HE REAPED HALF AND DEDICATED THE OTHER HALF, THEN HE WHO REDEEMS IT FROM THE TREASURER MUST GIVE PE'AH FOR THE WHOLE.³⁵

(1) From a field divided by these into sections, Pe'ah is given separately from each.

(2) A 'wady', smaller than a stream.

(3) Only four cubits in breadth.

(4) Sixteen cubits.

(5) Much smaller than a road. If used constantly, it is a division.

(6) E.g. a plot growing spelt 'twixt two growing wheat. The length of the last three divisions mentioned must be three turns of the plough at least.

(7) Corn not quite a third of its full growth used to serve as fodder for cattle; hence is not to be regarded as crop from which Pe'ah is due. V. supra I, 4.

(8) The Sages hold that the cutting of fodder is to be regarded as the beginning of the reaping and consequently one Pe'ah for the whole field is to be given. Only when the plot cut for fodder is broken afresh does it indicate its separateness from the rest of the field.

(9) The reaper, standing in mid-stream, is unable to reap the field on either side.

(10) R. Judah opposes the view of the preceding Mishnah where a **שְׁלוּלִית** (the same as **אֲמַת הַמַּיִם**) is held always to serve as a division, regardless of the stipulation here given.

(11) Isa. VII, 25. The criterion is the hoeing; the fact that its height precludes the oxen from passing over it does not serve as a division.

(12) Var. lec.: **הַבָּקָר** 'the herdsman'.

(13) Pack-saddle and cushions.

(14) It will not be regarded on this account as fallow ground which serves as a division. People will interpret this inability of the oxen or herdsmen to pass over it as a disinclination on their part to dig to-day.

(15) Should even a rock interrupt the even tenure of the plough across the field, it is regarded as a division (J.).

(16) The fence must be at least ten handbreadths in height. Not all trees come under this category, for the following Mishnah prescribes a different rule for the carob and olive trees. Pe'ah was given also from trees.

(17) **שַׁעַר** 'hair'; here, the ramifications of a tree; **כֹּתֵשׁ** from **כָּתַשׁ** 'to crush'; here, 'to twine'. This intertwining renders the fence no division as to Pe'ah.

(18) Not even a fence divides as long as, standing near one tree, the other can be seen.

(19) East, west, north and south.

(20) Even when not in sight of one another.

(21) The point stressed is that Pe'ah is given from every kind and not according to quantity.

(22) Even of the same kind but of two different colours, like dark and white. Wheat is in a different category from seed, for here quantity rather than different species decides.

- (23) With the def. article: Josh. XV, 38 (in Judah); XVIII, 26 (in Benjamin); II Kings XXV, 23. In Hos. V, 1 Mizpah appears without the def. article.
- (24) V. Mid. v, 4; Sanh. XI, 2. One of the five chambers in the Temple Court, north of the Court of the Israelites. Named **גזית** either because of its hewn stone, or because it was 'cut off' (separate) from the other chambers, or on account of it being the seat of the Sanhedrin.
- (25) **לבלר** from the Latin 'libellarius'.
- (26) The only reference to this Palestinian Tanna who lived in the time of Hillel's descendants.
- (27) Or '(his) father'. As a praenomen the reference here is probably to Abba, a contemporary of R. Johanan b. Zakkai (v. J.E. I, s.v.).
- (28) For a century and a half—from the time of Jose b. Joezer (c. 160 B.C.E.) to the time of Hillel and Shammai, there were two chiefs of the Sanhedrin, a President (**נשיא**) and a Vice-President (**סבב"ד**). V. Aboth I, 4 — 10; Hag. II, 2.
- (29) A formula denoting an ancient established tradition not derived from the Written Law.
- (30) This tradition makes quantity the decisive factor in the giving of Pe'ah and contradicts the view of the preceding Mishnah which made the different species of wheat the criterion.
- (31) Some versions instead of 'gentiles' read 'Cutheans', a sect of Samaritans. This is due to censorial influence. The Mishnah refers to non-Jews who reaped their own field; for had they been in the employ of Jews, Pe'ah would have been due.
- (32) Even if the produce reaped had been returned (v. supra I, 6). The principle to bear in mind is that **ובקצרכם** (Lev. XXIII, 22) excludes Pe'ah from any reaping not done by or for the owner.
- (33) Since the Law of Pe'ah comes into force with the cutting of the standing corn, it does not apply when reaped by someone other than the owner.
- (34) For the Pe'ah due from the first reaping is included in that part of the field subsequently bought by the purchaser.
- (35) Likewise the dedication cannot declare 'holy' the Pe'ah already due from the moment of the first reaping; accordingly the redeemer must return to the poor their due. In supra I, 6 the 'dedication' took place before Pe'ah was due, i.e., prior to any reaping whatsoever.

Mishna - Mas. Pe'ah Chapter 3

MISHNAH 1. IN THE CASE OF PLOTS OF CORN¹ BETWEEN OLIVE TREES, BETH SHAMMAI SAY ONE MUST GIVE PE'AH FROM EACH PLOT,² BUT BETH HILLEL MAINTAIN THAT FOR ALL [THE PLOTS] ONE PE'AH IS GIVEN. BETH SHAMMAI AGREE, HOWEVER, THAT IF THE ENDS OF THE ROWS BORDER ON ONE ANOTHER, ONE PE'AH IS GRANTED FROM ONE PLOT FOR THE WHOLE.³

MISHNAH 2. IF ONE GIVES A STRIPED APPEARANCE⁴ TO HIS FIELD AND LEAVES BEHIND SOME MOIST STALKS,⁵ R. AKIBA SAID, HE GIVES PE'AH FROM EVERY PATCH.⁶ BUT THE SAGES SAY: FROM ONE PATCH ONLY FOR ALL. THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO SOWS DILL⁷ OR MUSTARD SEED IN THREE PLACES MUST GIVE PE'AH FROM EACH PLACE.⁸

MISHNAH 3. HE WHO PLUCKS⁹ FRESH ONIONS FOR THE MARKET AND LEAVES THE DRY ONES [IN THE GROUND] FOR LATER STORAGE, MUST GIVE PE'AH FROM EACH SEPARATELY.¹⁰ THE SAME APPLIES TO BEANS¹¹ AND TO A VINEYARD. IF HE, HOWEVER, ONLY THINS THEM OUT,¹² THEN HE GIVES [PE'AH] FROM THE REMAINDER ACCORDING TO THE QUANTITY OF THAT WHICH HE LEFT. HE THAT PLUCKS UP FROM ONE PLACE,¹³ GIVES FROM THE REMAINDER FOR THE WHOLE.

MISHNAH 4. SEED ONIONS¹⁴ ARE LIABLE TO PE'AH, BUT R. JOSE EXEMPTS THEM.¹⁵ IN THE CASE OF PLOTS OF ONIONS [GROWING] BETWEEN VEGETABLES, R. JOSE SAYS: PE'AH MUST BE GIVEN FROM EACH [PLOT].¹⁶ BUT THE SAGES SAY: FROM ONE [PLOT] FOR ALL.

MISHNAH 5. [TWO] BROTHERS WHO HAVE DIVIDED [AN INHERITANCE] MUST GIVE [TWO] PE'AH.¹⁷ IF THEY AFTERWARDS AGAIN BECOME PARTNERS [IN THE WHOLE POSSESSION]. THEY NEED ONLY GIVE ONE PE'AH.¹⁸ TWO WHO PURCHASE A TREE¹⁹ GIVE ONE PE'AH. IF ONE BUYS THE NORTHERN SECTION THEREOF AND THE OTHER ITS SOUTHERN PART, EACH MUST GIVE PE'AH SEPARATELY. HE WHO SELLS THE TREE-STALKS IN HIS FIELD²⁰ MUST GIVE PE'AH FROM EACH STALK. R. JUDAH SAID: THIS IS ONLY WHEN THE OWNER OF THE FIELD LEFT NOTHING [FOR HIMSELF].²¹ BUT IF HE DID LEAVE AUGHT FOR HIMSELF, HE GIVES ONE PE'AH FOR THE WHOLE.²²

MISHNAH 6. R. ELIEZER SAYS: A PIECE OF GROUND, ONE FOURTH OF A KAB²³ IN SIZE IS SUBJECT TO PE'AH. R. JOSHUA SAYS: IT MUST [BE LARGE ENOUGH] TO PRODUCE TWO SE'AH.²⁴ R. TARFON MAINTAINS THAT IT MUST BE SIX HANDBREADTHS BY SIX.²⁵ R. JUDAH B. BATHYRA²⁶ SAYS: [IT MUST BE LARGE ENOUGH] FOR THE SICKLE TO CUT AT LEAST TWO HANDFULS.²⁷ THE HALACHAH IS ACCORDING TO HIS WORDS. R. AKIBA SAYS: EVEN THE TINIEST PLOT IS LIABLE TO PE'AH AND THE FIRST-FRUITS,²⁸ AND [IS SUFFICIENT] FOR THE WRITING OF THE PROZBUL,²⁹ AND ALSO TO ACQUIRE THROUGH IT MOVABLE PROPERTY³⁰ BY MONEY, BY DEED OF SALE, OR BY A CLAIM BASED ON UNDISTURBED POSSESSION.³¹

MISHNAH 7. IF A MAN ON THE POINT OF DYING³² ASSIGNED HIS PROPERTY IN WRITING [TO ANOTHER]. AND HE RETAINED ANY LAND, HOWEVER SMALL,³³ HE RENDERS HIS GIFT VALID; BUT IF HE RETAINS NO LAND WHATSOEVER, HIS GIFT IS NOT VALID.³⁴ HE WHO ASSIGNED IN WRITING HIS PROPERTY TO HIS CHILDREN, AND HE ASSIGNED TO HIS WIFE IN WRITING ANY PLOT OF LAND, HOWEVER SMALL, SHE THEREBY FORFEITS³⁵ HER KETHUBAH. R. JOSE SAYS: IF SHE ACCEPTED [SUCH AN ASSIGNMENT] EVEN THOUGH HE DID NOT ASSIGN IT TO HER IN WRITING. SHE FORFEITS HER KETHUBAH.³⁶

MISHNAH 8. IF A MAN ASSIGNED IN WRITING HIS POSSESSIONS TO HIS SLAVE, HE THEREBY BECOMES A FREEDMAN.³⁷ IF HE, HOWEVER, RESERVED FOR HIMSELF ANY IMMOVABLE PROPERTY, HOWEVER SMALL, HE DOES NOT BECOME A FREEDMAN.³⁸ R. SIMEON SAYS: HE BECOMES A FREEDMAN UNDER ALL CONDITIONS,³⁹ UNLESS [THE MASTER] SAYS: BEHOLD, ALL MY GOODS ARE GIVEN TO SO-AND-SO MY SLAVE, WITH THE EXCEPTION OF ONE TEN-THOUSANDTH PART OF THEM.⁴⁰

(1) Garden beds ploughed and sown with seed between the trees and arranged in square shapes in the form of bricks. Olive trees are specifically mentioned to teach that though liable to Pe'ah (II, 4) they do not, according to Beth Hillel, act as divisions between the grain plots. Others take מלבנות to refer to the light (white) colour of the grain.

(2) Since the corn of each row does not touch that of the other, each plot acts as a separate unit for Pe'ah.

(3) Since the entire field is then regarded as one, regardless of the intervening plots. (Cf. supra II, 4 in reference to the carob trees whose branches intertwined.)

(4) Each patch is reaped separately as soon as its corn is ready for cutting, a process the effect of which is to give a speckled appearance to the field. The more manured parts would, of course, ripen first.

(5) Those still unripe and not ready for cutting.

(6) When he later proceeds to cut the remaining stalks; for each patch must be regarded as a distinct unit.

(7) Dill is an 'umbelliferous, annual, yellow-flowered herb' (Concise Oxford Dictionary).

(8) Each patch is rendered a separate unit for Pe'ah, since the normal practice is not to have more than one plot of these in one field. Dill and mustard seed are subject to Pe'ah, though the general rule is to exempt vegetables (v. supra I, 4), since they are kept for seed.

(9) מהליק the act of removing at least three trees growing side by side. Another explanation is to divide the field's products into portions, some for storing and others for the market.

- (10) Different objects in view convert the onions, as it were, into two kinds. Supra II, 5.
- (11) Cf. Kel. III, 2.
- (12) מִדֵּל is explained as the act of removing one or two olive tree seeds to allow the others crowded together more 'breathing-space'. Those seeds removed to make room for the others are not subject to Pe'ah, since their removal cannot be regarded as the beginning of reaping.
- (13) ד', 'place'. Maim. explains it to mean that he reserved special parts of the field respectively for storage purposes and for the market. The Bertinoro explains מִזְחֵת ד' 'If he uprooted some of the onions for the same purpose for which he leaves the rest (i.e., either for storage or for sale)'.
- (14) Lit., 'the roots of onions'.
- (15) Onions left in the ground too long become unfit to eat and therefore not subject to Pe'ah.
- (16) Since this is not the usual practice, each plot must be regarded as a different unit, cf. supra II, 5.
- (17) Each from his own portion.
- (18) Since each has a right in the whole field, the number of owners makes no difference.
- (19) Of those trees mentioned in I, 5.
- (20) Stalks or tree-trunks from which Pe'ah is due. Cf. Kil. I, 8. Since he does not sell with the stalks the soil on which they grow, there is no connecting link to make them all of one 'kind'.
- (21) Also provided that the owner did not begin to reap the field prior to selling it, for in that case his would have been the duty of giving one Pe'ah for the whole (cf. II, 8).
- (22) R. Judah elucidates the opinion of the first authority quoted anonymously in the Mishnah, without in any way differing from him.
- (23) Approximately 10 1/2 X 10 cubits (Bert.).
- (24) Twelve kabs' space or forty-eight times the size required by R. Eleazar; R. Joshua stresses the produce rather than size of soil.
- (25) One handbreadth equals four fingerbreadths (circa. 9 1/3 centimetres). R. Tarfon measures by distance instead of by dry measure. His measure equals one cubit or six handbreadths.
- (26) A Tanna of the First Generation (c. 10-80 C.E.).
- (27) Lit., 'to cut and repeat'. Reapers usually cut a handful at a time, cf. Ps. CXXIX, 7. If there is sufficient for two cuttings, the law of Pe'ah is binding.
- (28) Ex. XXIII, 19. The word אֲדָמָתָךְ is there mentioned and refers to wheat and barley. The stipulation regarding first-fruits, that there should be sixteen cubits soil round the tree — the space required for its proper nurture, applies only to fruits of the tree (Bert.).
- (29) Explained as an abbreviation of GR.** (before the council). A declaration made in court by the creditor to the effect that the operation of the law of the Sabbatical year (Deut. XV, 2) shall not apply to the loan transacted. V. Sheb. x, 3 and Git. (Sonc. ed.) p. 148, n. 4. The 'Prozbul' could only be drawn up when the debtor possessed immovable property. Of this, even the smallest amount sufficed in regarding the debt as mortgaged in a Court of Law, the principle being that the law of defrauding does not apply to immovable property, v. Sheb. X, 6.
- (30) Lit., 'property that has no security'. Movable goods cannot be resorted to by the creditor in the case of non-payment.
- (31) Usucaption. The legally fixed period is three years and with it there must be a plea of purchase or any other mode of legal acquisition. v. B.B. 28a. Movable property is generally acquired by the purchaser 'drawing' it to himself (Meshikah, v. Glos.). But the tiniest piece of immovable property acquired by means of money, writ, or usucaption effects title to any movable property brought together along with it.
- (32) Lit., 'one that lies sick'.
- (33) Thus indicating that the assignment was not prompted by thoughts of death, with the result that he cannot retract from the gift on his recovery. Bertinoro calls attention to the fact that קִרְקַע, (land, immovable property) mentioned in this and the following Mishnah, does not refer specifically to immovable property; for even the minimum amount of movable goods is included in this term. The word קִרְקַע is used here since it is the sine qua non of Pe'ah, Bikkurim and Prozbul mentioned in the Mishnah preceding.
- (34) Had he not anticipated death, he would not have left himself penniless; his recovery. therefore, revokes the validity of his gift.
- (35) The implication is that she prefers to be regarded among the heirs of her husband rather than demand her rights under her marriage settlement, the kethubah (v. Glos.).

(36) She cannot afterwards retract and claim it.

(37) Since the slave is part of the master's possessions, he becomes owner of himself, too. A more correct reading, which not all versions have, is 'all his possessions'.

(38) Perhaps the slave is included in the part reserved for himself; if so, then the entire gift is nullified, since a slave has no legal right of possession. It is only when the master explicitly says: 'I give thee thyself and my property', that the slave becomes free, even if the owner still reserves aught for himself.

(39) Whether the master possessed naught else beside the slave and the portion reserved for himself, in which case the assignment of his possessions must refer to the slave; or whether he had other goods besides the portion reserved for himself, the slave becomes free. R. Simeon wishes to stress that the modification made in the assignment afterwards by no means invalidates the emancipation of the slave.

(40) Since this fraction is not specified, it may easily refer to the slave, though he be worth ever so much more.

Mishna - Mas. Pe'ah Chapter 4

MISHNAH 1. PE'AH IS GIVEN FROM [THE CROP] STILL DIRECTLY CONNECTED WITH THE SOIL,¹ BUT IN THE CASE OF HANGING VINE-BRANCHES² AND THE DATE-PALM, THE OWNER BRINGS DOWN [THE FRUIT] AND DISTRIBUTES IT AMONG THE POOR.³ R. SIMEON SAYS: THE SAME APPLIES TO SMOOTH NUT TREES.⁴ EVEN IF NINETY-NINE [OF THE POOR]⁵ URGE DISTRIBUTION [BY THE OWNER] AND ONE ONLY IS [IN FAVOUR] OF INDIVIDUAL SNATCHING, THIS LATTER IS LISTENED TO,⁶ SINCE HE SPOKE IN ACCORDANCE WITH THE HALACHAH.

MISHNAH 2. BUT IT IS OTHERWISE WITH HANGING VINE-BRANCHES AND PALM TREES;⁷ FOR EVEN IF NINETY-NINE URGE INDIVIDUAL SNATCHING AND ONE POOR MAN PRESSES FOR DISTRIBUTION,⁸ THE LATTER IS LISTENED TO, SINCE HE SPOKE ACCORDING TO THE HALACHAH.

MISHNAH 3. IF [A POOR MAN] TOOK SOME OF THE PE'AH [ALREADY COLLECTED] AND CAST IT OVER THE REMAINDER [NOT YET COLLECTED],⁹ HE THEREBY FORFEITS THE WHOLE.¹⁰ IF HE FELL DOWN UPON IT,¹¹ OR SPREAD HIS CLOAK OVER IT,¹² IT IS TAKEN AWAY FROM HIM.¹³ THE SAME APPLIES TO GLEANINGS,¹⁴ AND THE FORGOTTEN SHEAF.¹⁵

MISHNAH 4. [THE POOR] MAY NOT REAP PE'AH WITH SCYTHES OR TEAR IT UP WITH SPADES, SO THAT THEY MIGHT NOT STRIKE AT ONE ANOTHER [WITH THESE IMPLEMENTS].¹⁶

MISHNAH 5. THRICE A DAY [THE POOR] MAKE A SEARCH:¹⁷ MORNING,¹⁸ NOON,¹⁹ AND SUNSET.²⁰ RABBAN GAMALIEL SAYS, THESE [TIMES] WERE SET LEST THE POOR SEARCH LESS OFTEN.²¹ ACCORDING TO R. AKIBA: THESE WERE SET LEST [THEY SEARCH] MORE OFTEN.²² [THE MEN] OF BETH NAIMER²³ USED TO REAP [THEIR CROPS] WITH THE AID OF A ROPE,²⁴ AND LEFT PE'AH AT THE END OF EACH FURROW.

MISHNAH 6. IF A GENTILE REAPED HIS FIELD AND BECAME AFTERWARDS A PROSELYTE, HE IS EXEMPT FROM [LEAVING] GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH.²⁵ R. JUDAH DECLARES HIM LIABLE TO LEAVE THE FORGOTTEN SHEAF SINCE THAT BECOMES DUE AT THE TIME OF THE SHEAF-BINDING.²⁶

MISHNAH 7. IF A MAN DEDICATED STANDING CORN [TO THE TEMPLE]. AND REDEEMED IT WHILE IT WAS YET STANDING CORN, HE IS LIABLE [TO GIVE THE POOR MAN'S GIFTS].²⁷ [IF HE DEDICATED] SHEAVES AND REDEEMED THEM WHILST THEY WERE YET SHEAVES, HE IS ALSO LIABLE [TO RENDER THE GIFTS].²⁸ [IF HE

DEDICATED] STANDING CORN AND REDEEMED IT [WHEN IT WAS ALREADY IN] SHEAVES, HE IS EXEMPT,²⁹ SINCE AT THE TIME WHEN IT BECAME LIABLE [AS STANDING CORN]. IT WAS EXEMPT [BY BEING DEDICATED].

MISHNAH 8. SIMILARLY IF ONE DEDICATED HIS HARVESTED PRODUCTS PRIOR TO THE STAGE WHEN THEY ARE SUBJECT TO TITHES³⁰ AND REDEEMED THEM AFTERWARDS, THEY ARE LIABLE³¹ [TO THE GIFTS]. IF [HE DEDICATED THEM] WHEN THEY HAD ALREADY BECOME SUBJECT TO TITHES AND REDEEMED THEM, THEY ARE ALSO LIABLE [TO THE GIFTS].³² IF HE DEDICATED THEM BEFORE THEY HAD RIPENED, AND THEY BECAME RIPE WHILE IN THE POSSESSION OF THE [TEMPLE] TREASURER, AND HE AFTERWARDS REDEEMED THEM, THEY ARE EXEMPT, SINCE AT THE TIME WHEN THEY WOULD HAVE BEEN LIABLE, THEY WERE EXEMPT.³³

MISHNAH 9. IF ONE COLLECTED PE'AH AND SAID: THIS IS FOR SUCH-AND-SUCH A POOR MAN',³⁴ THEN R. ELIEZER SAYS HE HAS THUS ACQUIRED IT FOR HIM.³⁵ THE SAGES SAY: HE MUST GIVE IT TO THE POOR MAN HE FIRST COMES ACROSS.³⁶ GLEANINGS, THE FORGOTTEN SHEAF AND THE PE'AH OF GENTILES ARE SUBJECT TO TITHES,³⁷ UNLESS HE [THE GENTILE] HAD DECLARED THEM OWNERLESS.³⁸

MISHNAH 10. WHAT CONSTITUTES GLEANINGS?³⁹ THAT WHICH FALLS DOWN DURING THE REAPING. IF WHILE HE WAS REAPING, HE GRASPED A HANDFUL OR PLUCKED A FISTFUL, AND THEN A THORN PRICKED HIM, AND WHAT HE HAD IN HIS HAND FELL TO THE GROUND, IT STILL BELONGS TO THE OWNER.⁴⁰ [THAT WHICH DROPS FROM] INSIDE THE HAND OR THE SICKLE [BELONGS] TO THE POOR,⁴¹ BUT [THAT WHICH FALLS FROM] THE BACK OF THE HAND OR THE SICKLE [BELONGS] TO THE OWNER.⁴² [ANYTHING FALLING OUT OF] THE TOP OF THE HAND OR SICKLE,⁴³ R. ISHMAEL SAYS, BELONGS TO THE POOR;⁴⁴ BUT R. AKIBA SAYS, IT BELONGS TO THE OWNER.⁴⁵

MISHNAH 11. [GRAIN FOUND IN] ANT-HOLE⁴⁶ WHILE THE CORN IS STILL STANDING⁴⁷ BELONGS TO THE OWNER;⁴⁸ AFTER THE REAPERS [HAD PASSED OVER THEM]⁴⁹ THOSE [FOUND LYING] UPPERMOST⁵⁰ [IN THE ANT-HOLES BELONG] TO THE POOR, BUT [THOSE FOUND] BENEATH⁵¹ [BELONG] TO THE OWNER. R. MEIR SAYS: EVERYTHING BELONGS TO THE POOR;⁵² FOR GLEANINGS ABOUT WHICH THERE IS ANY DOUBT ARE REGARDED AS GLEANINGS.

(1) The Law: 'Thou shalt leave it to the poor and the stranger' (Lev. XIX, 10) implies that the Pe'ah must be left to the poor to seize for themselves while it is still joined to the ground.

(2) Branches of the vine twined to an espalier.

(3) Every caution must be taken to obviate any risk to the poor during their gathering. 'Distribution' is stressed, because the owner is precluded from giving the Pe'ah to a poor relative or to the first poor man who chances to pass by the field.

(4) Smooth nut trees, being free from joints or protuberances are all the more difficult to climb.

(5) This refers to the first clause of the Mishnah.

(6) Though his claim might be weakened by the fact that he is stronger or more voracious than the other poor and likely to obtain more of the Pe'ah.

(7) In whose case the Pe'ah is given after the fruit has been plucked by the owner, as stated' in the preceding Mishnah.

(8) Though he may be weakest of the poor and his claim construed as due to the fear lest he receive little Pe'ah, his view must be upheld.

(9) Under the impression that he has in this wise gained possession of the rest; though legally, this act by no means effects a title, v. B.M. 10b.

(10) Even the Pe'ah he had gathered; this is a punishment for his greed.

(11) The law which enables a man to claim possession of things found within his four cubits, applies only to alleys

adjoining open places or short cuts to public roads; not to fields owned by others. Moreover, by falling across the Pe'ah, his intention seems to have been to acquire possession by the act of falling and not by the law of **אמות ד** (B.M. 10aff.).

(12) Either as an assertion of possession or to hide the Pe'ah from the view of the other poor.

(13) From our text it would seem, that with the exception of the first instance, only the Pe'ah over which he fell or spread his cloak is taken away from him, but that he is allowed to retain that gathered in the ordinary way. According to Maim., however, it would seem that in all cases is the fine imposed on him by taking away even the Pe'ah he had already gathered. (So Tosaf. Y.T.).

(14) V. infra 10.

(15) V. infra V, 8.

(16) So great might the throng of poor be, that in their eagerness to gather they might accidentally strike one another with their sickles and spades; or some quarrels might easily break out between them and these implements be improvised as weapons.

(17) **אבעינת**, 'searchings'. Another rendering is 'appearings'. The translation, accordingly, would be: 'Thrice a day does the owner appear in his 'field to attract the poor to come'. The word has also been connected with **המבעה** (B.K.I., 1) and the following translation effected: 'Thrice daily is the crop of Pe'ah removed from the field'. Cf. T.f. IV, 3.

(18) To enable poor nursing mothers to come, whilst the children are still asleep.

(19) So that young children, awake by now, assist their poor parents in the search.

(20) To enable the old and the infirm, whose pace is of necessity slow, to obtain their share before the day passes.

(21) In order to afford an equal opportunity for all poor to come.

(22) Probably so as not to take up the time of the owner unduly.

(23) Either the town mentioned in Num. XXXII, 3, or the name of a family. It has been identified by some with the modern Nimrin in Transjordan. Others explain it as a field cultivated in irregular strips and patches (cf. supra III, 2).

(24) A rope was tied around the standing corn in a straight line and the reaping went on till the end of the measuring line. This generous practice is here held up for commendation for it enabled the poor to gather at the end of each furrow, instead of waiting patiently for the very end of the reaping. Other explanations have also been offered. The people of Beth Namer used to divide the field into three portions with a rope, a portion being reaped at each of the three searches, (v. n. 1 supra); the idea being that the three kinds of poor for whom provision was made do not encroach upon one another. Var lec.: **ימי**, 'they made the poor to gather'.

(25) The phrase 'and when ye reap' (Lev. XXIII, 22) in reference to Gleanings and Pe'ah rules out non-Jews. In speaking of the Forgotten Sheaf, the word is also 'thy reaping' (Deut. XXIV, 19); hence a proselyte is exempt from giving the 'poor man's gifts' if the reaping took place before his conversion.

(26) When he has already become a Jew, upon whom all obligations are due.

(27) The law being binding as long as the corn is rooted in the soil, regardless of the change of ownership that took place in the interval.

(28) Even the Forgotten Sheaf (supra IV, 6); for Gleanings and Pe'ah automatically become due with the first reaping.

(29) The same word 'thy reaping' (Deut. XXIV, 19) that excludes non-Jews also excludes all Temple property from gifts to the poor and tithes. R. Judah would no doubt disagree with the Sages here, too, as he does in the case of the non-Jew who becomes a proselyte after the reaping.

(30) At the time when they were finally stacked (supra I, 6). Had they been finally stacked by the Treasurer they would be exempt from tithes. (V. Ma'as I, 2 for the times when the various fruits became subject to tithes). By 'Tithes' is understood the Heave-offering, the First (or Levitic) Tithe and the Second Tithe, and the Poor Man's Tithe in the third and sixth years of the seven years' cycle.

(31) Since they ripen in his possession.

(32) One cannot dedicate the property of another, and the tithes were already virtually the property of the poor prior to the dedication.

(33) Temple property was exempt from tithes and gifts and by becoming ripe when still in the possession of the Temple, the law does not apply to them at all.

(34) A man not poor himself, i.e., a man possessing more than two hundred zuz, who wishes to acquire the Pe'ah for a poor friend.

(35) Because he could easily have declared all his possession 'ownerless' and thus rendered himself qualified to get the

Pe'ah for himself; and consequently he can acquire it for another.

(36) The Sages do not admit the argument advanced by R. Eliezer (v. B.M. 9b). But if the poor man for whom he had collected passes by first, it is given to him.

(37) The law of tithes does not apply to the gifts of the poor; but since a non-Jew is exempt from tithes, the gifts of the poor obtained from his field are not treated as such and any Jew who acquires them must set aside tithes.

(38) Ownerless property is exempt from dues.

(39) Lev. XIX, 9.

(40) That which drops accidentally out of his hand is not subject to 'Gleanings'. The Bible stresses 'the gleaning of thy reaping' (Lev. XXIII, 22), thus precluding any accidental falling, such as the pricking of a thorn.

(41) After being within the hand, its falling out is not considered as accidental.

(42) This is evidently a pure accident.

(43) His fist is full to capacity and the grains that fall are those between his fingers.

(44) R. Ishmael regards the tops of his fingers as part of the hand (v. supra n. 6).

(45) R. Akiba regards the tops of the fingers as the back of the hand, hence the falling is accidental.

(46) Ants usually bring the grain into their holes.

(47) prior to the reaping

(48) While the corn is yet uncut, the poor have no claim.

(49) The ants had probably gathered the grains from the gleanings.

(50) I.e., grain still fresh and whitish in appearance (Bert.).

(51) The grain showing signs of staleness in appearance — an even better proof that the grains had been stored in these ant-holes for some considerable time before the reaping.

(52) Even the grain found below, for some rotten grains are found even among corn freshly cut. What assurance is there that these have not been brought even after the reaping had commenced or finished?

Mishna - Mas. Pe'ah Chapter 5

MISHNAH 1. IF A HEAP OF CORN WAS PLACED [ON PART OF A FIELD] FROM WHICH GLEANINGS HAD NOT YET BEEN COLLECTED,¹ WHATEVER TOUCHES THE GROUND BELONGS TO THE POOR.² IF THE WIND SCATTERED THE SHEAVES,³ ONE ESTIMATES THE AMOUNT OF GLEANINGS THE FIELD WOULD HAVE YIELDED AND GIVES THAT TO THE POOR.⁴ R. SIMEON B. GAMALIEL SAYS: ONE MUST GIVE TO THE POOR THE USUAL AMOUNT THAT FALLS [AT THE TIME OF REAPING].⁵

MISHNAH 2. IF THE TOP OF A SINGLE EAR OF CORN [THAT ESCAPED THE SICKLE] AFTER THE REAPING⁶ TOUCHES THE STANDING CORN, IF IT CAN BE CUT WITH THE STANDING CORN, IT BELONGS TO THE OWNER;⁷ BUT IF NOT, IT IS THE PROPERTY OF THE POOR. IF AN EAR OF CORN OF GLEANINGS BECAME MIXED UP WITH THE STACKED CORN, [THE OWNER] MUST TITHE ONE EAR OF CORN AND GIVE THAT TO HIM [THE POOR].⁸ R. ELIEZER SAID: HOW CAN THIS POOR MAN GIVE IN EXCHANGE SOMETHING THAT HAD NOT YET BECOME HIS?⁹ NO; [THE OWNER] MUST TRANSFER TO THE POOR MAN THE OWNERSHIP OF THE WHOLE STACK¹⁰ AND THEN TITHE AN EAR OF CORN AND GIVE IT TO HIM.¹¹

MISHNAH 3. ONE SHOULD NOT [IN SOWING] MIX INFERIOR SEEDS [WITH THE REST OF THE GRAIN].¹² THUS R. MEIR. THE SAGES PERMIT IT, BECAUSE IT IS STILL POSSIBLE [FOR THE POOR TO GET THEIR PROPER DUE].¹³

MISHNAH 4. IF A MAN OF PROPERTY¹⁴ WAS TRAVELLING ABOUT FROM PLACE TO PLACE AND HAPPENED TO BE IN NEED OF TAKING GLEANINGS, THE FORGOTTEN SHEAF, PE'AH OR THE POOR MAN'S TITHE,¹⁵ HE MAY TAKE THEM; AND ON HIS RETURN HOME, HE MUST PAY [FOR THE AMOUNT GATHERED]. SO R. ELIEZER. THE SAGES, HOWEVER, SAY: HE WAS A POOR MAN AT THAT TIME [AND SO HE NEED

MAKE NO RESTITUTION].

MISHNAH 5. HE THAT MAKES AN EXCHANGE WITH THE POOR,¹⁶ [WHAT THEY GIVE IN EXCHANGE] FOR HIS IS EXEMPT [FROM TITHES].¹⁷ BUT WHAT [HE GIVES IN EXCHANGE] FOR THAT OF THE POOR IS SUBJECT [TO TITHES].¹⁸ TWO¹⁹ WHO LEASE A FIELD ON A TENANCY²⁰ MUST GIVE, EACH TO THE OTHER, HIS DUE OF THE POOR MAN'S TITHE.²¹ ONE²² WHO UNDERTAKES TO REAP A FIELD MUST NOT TAKE GLEANINGS, THE FORGOTTEN SHEAF, PE' AH OR THE POOR MAN'S TITHE.²³ R. JUDAH SAID: WHEN IS THIS SO? WHEN HE RENTS FROM THE OWNER ON THE TERMS OF [PAYING] A HALF, THIRD OR QUARTER²⁴ [OF THE CROP]; BUT [IF THE OWNER] HAD STIPULATED WITH HIM THAT: 'A THIRD OF WHAT THOU REAPEST IS THINE',²⁵ THEN HE IS PERMITTED TO TAKE GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH, BUT NOT THE POOR MAN'S TITHE.²⁶

MISHNAH 6. IF ONE SELLS A FIELD THE VENDOR IS PERMITTED²⁷ [TO GATHER THE DUES OF THE POOR]. BUT NOT THE PURCHASER. A MAN MAY NOT HIRE A LABOURER ON THE CONDITION THAT THE SON [OF THE LABOURER] SHOULD GATHER THE GLEANINGS AFTER HIM.²⁸ ONE WHO PREVENTS THE POOR TO GATHER, OR ALLOWS ONE BUT NOT ANOTHER, OR HELPS ONE OF THEM [TO GATHER]. IS DEEMED TO BE A ROBBER OF THE POOR. CONCERNING SUCH A ONE HATH IT BEEN SAID: REMOVE NOT THE LANDMARK OF THOSE THAT COME UP.²⁹

MISHNAH 7. A SHEAF WHICH THE LABOURERS HAD FORGOTTEN BUT NOT THE LANDLORD, OR WHICH THE LANDLORD FORGOT BUT NOT THE LABOURERS;³⁰ OR A SHEAF IN FRONT OF WHICH THE POOR STOOD, OR COVERED UP WITH STUBBLE, IS NOT TO BE REGARDED AS A FORGOTTEN SHEAF.

MISHNAH 8. IF ONE BINDS SHEAVES TO COVER THE TOP OF THE HEAF³¹ OR TO PLACE AT THE BOTTOM OF THE STACK,³² OR FOR A TEMPORARY PILE,³³ OR INTO [SMALL BUNDLES OF] SHEAVES,³⁴ HE IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF;³⁵ IF THEY ARE AFTERWARDS TAKEN THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES APPLY. IF ONE PILES UP THE SHEAVES FOR THE STACK,³⁶ HE IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; IF HE AFTERWARDS REMOVES THEM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY.³⁷ THIS IS THE GENERAL PRINCIPLE: WHOEVER PILES UP THE SHEAVES AT THE PLACE WHICH MARKS THE END OF THE WORK [WHERE THEY ARE GOING TO BE THRESHED]. IS SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF DOES NOT APPLY. HE, HOWEVER, WHO PILES UP THE SHEAVES AT A PLACE WHICH IS NOT TO MARK THE END OF THE WORK, IS NOT SUBJECT TO THE LAW OF THE FORGOTTEN SHEAF; BUT [IF THEY ARE REMOVED] FROM THENCE TO THE THRESHING-FLOOR, THE LAW OF THE FORGOTTEN SHEAF APPLIES.

(1) A fine is imposed lest his intention was to hide the 'Gleanings' due to the poor.

(2) Even if he heaps up wheat upon 'Gleanings' of barley, the wheat which touches the ground also belongs to the poor.

(3) With the result that the sheaves of the owner got confused with those of 'Gleanings' belonging to the poor.

(4) In accordance with R. Meir's principle, *infra* v, 3.

(5) So Bertinoro and Tiferes Yisrael; roughly, the prescribed fortyfifth part. Maim., however, in E.M. IX, 5 explains as the amount of seed required for the field.

(6) Cf. 'Ed.' II. 4.

(7) If it is so near that it can be cut together with the standing corn in one fistful, the standing corn saves it from being

regarded as 'Gleanings' since the words 'thou shalt not go back to fetch it' (Deut. XXIV, 19) do not apply to it.

(8) Upon each ear of corn there is the doubt whether it is 'Gleanings' and so exempt from all tithes, or whether it belongs to the owner and is subject to tithes. To solve this doubt, the owner must take another 'ear of corn' and give that to the poor, for the poor must be given that which is free from dues. Tithes, unlike Pe'ah (which falls due with the reaping), become liable with the final stacking. (V. supra I. 6). The 'tithing' here referred to is thus performed: Two ears of corn are brought from the stack which contains the 'ear' that became mixed up. The owner then says over one of the 'ears': 'Should this one be the "Gleanings", well and good; but if not, then let the tithe due from it be fixed in the other ear and the first be given to the poor'.

(9) R. Eliezer is surprised at the view of the Sages seeing that they maintained (supra IV, 9) that the owner has no proprietary right to transfer gifts to any particular poor. How can they now allow the owner to exchange, in the name of a poor man, an ear of corn which had so far not become his? (It will be remembered that R. Eliezer in IV, 9 was of the opinion that a man could transfer ownership of Pe'ah to another).

(10) Holding the view that a gift given on condition of returning it later is valid. This makes the exchange possible here.

(11) The Sages, without agreeing with R. Eliezer, would reply that in this case the ear of corn was regarded as the poor man's property, in order to make the exchange possible.

(12) So Bert. and Maim. who take טופח to be an inferior type of barley seed or beans; for this mixing would be to the detriment of the poor (for the 'Gleanings' might fall from the inferior grain). Aliter: One should not irrigate the field (before Gleanings have been taken) with a pitcher (טיפה) of water (an irrigation); since this would make it all the more difficult for the poor to glean.

(13) Is it not equally possible for the 'Gleanings' to fall from the superior kinds of grain? According to the second explanation: 'Is it not possible for the owner of the field to compensate the poor for their loss?'

(14) Lit., 'a householder'; one who possesses more than two hundred zuz is disqualified from receiving these poor man's dues (v. infra VIII, 8).

(15) In the third and sixth years of the Sabbatical cycle, the Second Tithe was given to the poor (Deut. XIV. 29).

(16) Giving them some other produce in exchange for the 'Gleanings'.

(17) All the dues of the poor are exempt from tithes.

(18) The produce of the owner must be tithed prior to the exchange.

(19) Poor men,

(20) An אריס is a labourer who accepts as his payment a stipulated portion of the field's harvest, The labourer thus becomes virtually the owner of the field and, though poor otherwise, is disqualified from taking the dues.

(21) In Lev. XIX, 10 the words לא תלקט לעני are taken to refer as a warning to the poor not to gather their own 'Gleanings'. From this verse is also derived the law that one cannot gather 'dues' for another poor man (v. Git. 12a). Hence here, each one being the owner of his part of the field, can only accept the tithe due to the other (cf. Hul. 131b).

(22) A poor man.

(23) He is no longer regarded as poor.

(24) The produce then becomes the property of the labourer already before the reaping, when still attached to the soil.

(25) Since in this case, the poor man has only a share in the corn after its reaping, the duty falls upon the owner. Even from the Forgotten Sheaf is the poor man exempt, although its law comes into force at the time of the stacking of the sheaves (after reaping), since the word 'thy reaping' cannot here be applied; for it becomes the poor man's only after it had been cut.

(26) Since the tithe becomes due after the reaping (I, 6) when the poor man is already owner of his share in the produce.

(27) If compelled by poverty to do so. This only applies if he sold the field together with the standing corn thereon. For should he dispose of the latter and reserve the field for himself, both the vendor and buyer would be debarred; the former because 'thy field' (Lev. XIX, 9) still applies to him, and the latter because of the application in his case of 'thy reaping' (ibid.).

(28) On account of this concession, the labourer reduces his fees and the employer is thus found settling part of his debts with money due to the poor.

(29) Prov. XXII, 28; the word עולם 'of old' is read by the Mishnah as עולים 'those who go up', a euphemistic name for the poor, who 'have come down in the world' ('ורדים); cf. infra VII, 3. Bert. also gives the following rendering: 'Do not change the warnings (fences round the law) that were given to those who went up from Egypt'.

(30) The principle is that before being regarded as (Forgotten Sheaf), it must have been forgotten by both.

(31) In the shape of a hat. Or perhaps the hat improvised from a few sheaves and worn by the labourers as a protection

from the sun (Bert.).

(32) As a foundation for the pile above. Others explain the reference to the holes dug in the field in which the sheaves were stacked temporarily.

(33) Often used with which to bake an improvised cake (הַרְרָה) or two on live coals. Bert. appends this illuminating note: 'Some cut corn and heap it up into one place, afterwards carrying it to the threshing-floor. The names in the Mishnah are those given to the shapes of the piles prior to their removal to the threshing-floor. Accordingly, this temporary stacking does not constitute the end of the process'. In view of this explanation, הַרְרָה is a cake-shaped temporary pile.

(34) To be arranged afterwards into bigger piles, from which the threshing will be done.

(35) Those sheaves dropped during the process of carrying from place to place; for just as the law of Pe'ah in Deut. XXIV, 19 refers to the end of reaping, so the law of the Forgotten Sheaf applies only to the very end of the process of threshing.

(36) On the understanding that they are going to be threshed there.

(37) This change of mind shows that the process was not to be finished there and hence it does not conform to the general principle enunciated at the end of our Mishnah.

Mishna - Mas. Pe'ah Chapter 6

MISHNAH 1. BETH SHAMMAI SAY THAT RENUNCIATION OF OWNERSHIP¹ [OF THE CROP] IN FAVOUR OF THE POOR IS VALID; BUT BETH HILLEL SAY THAT IT IS NOT 'OWNERLESS'² UNLESS THE RENUNCIATION IS ALSO MADE IN FAVOUR OF THE RICH, AS IN THE CASE OF THE YEAR OF RELEASE.³ IF ALL THE SHEAVES IN A FIELD ARE A KAB⁴ EACH IN QUANTITY, WHEREAS ONE COMPRISES FOUR KABBS AND THAT ONE IS FORGOTTEN, BETH SHAMMAI SAY IT IS NOT DEEMED 'FORGOTTEN';⁵ BUT BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.⁶

MISHNAH 2. IF A SHEAF IS LEFT NEAR A STONE FENCE⁷ OR NEAR A STACK [OF CORN]. OR NEAR OXEN AND [FIELD] IMPLEMENTS,⁸ BETH SHAMMAI SAY IT IS NOT DEEMED 'FOR GOTTEN';⁹ BETH HILLEL SAY THAT IT IS DEEMED 'FORGOTTEN'.

MISHNAH 3. [WHETHER OR NOT ANY SHEAF] AT THE END OF THE ROW IS TO BE REGARDED AS FORGOTTEN', THE SHEAF LYING OVER AGAINST IT SERVES AS AN INDICATION.¹⁰ IF [THE OWNER] TOOK UP A SHEAF WITH THE INTENTION OF BRINGING IT TO THE CITY AND FORGOT IT, ALL AGREE¹¹ THAT IT IS NOT DEEMED A 'FORGOTTEN SHEAF'.

MISHNAH 4. THESE ARE TO BE CONSIDERED ENDS OF THE ROWS:¹² IF TWO MEN BEGIN [TO GATHER] FROM THE MIDDLE OF THE ROW, ONE FACING NORTHWARDS AND THE OTHER SOUTHWARDS¹³ AND THEY FORGET [SOME SHEAVES] EITHER IN FRONT OF THEM OR BEHIND THEM,¹⁴ THEN THOSE LEFT IN FRONT OF THEM ARE TO BE DEEMED 'FORGOTTEN',¹⁵ BUT THOSE LEFT BEHIND THEM ARE NOT DEEMED 'FORGOTTEN'.¹⁶ IF¹⁷ AN INDIVIDUAL BEGINS FROM THE END OF THE ROW AND HE FORGETS [SOME SHEAVES] EITHER IN FRONT OF HIM OR BEHIND HIM, THOSE IN FRONT OF HIM ARE NOT TO BE DEEMED 'FORGOTTEN',¹⁸ WHEREAS THOSE BEHIND HIM ARE DEEMED 'FORGOTTEN'; FOR THIS COMES UNDER THE CATEGORY OF 'THOU SHALT NOT GO BACK [TO FETCH IT].¹⁹ THIS IS THE GENERAL RULE: ANYTHING THAT CAN BE SAID TO FALL UNDER THE LAW 'THOU SHALT NOT GO BACK' IS DEEMED 'FORGOTTEN'; BUT THAT TO WHICH THE PRINCIPLE OF THOU SHALT NOT GO BACK' CANNOT BE APPLIED IS NOT DEEMED 'FORGOTTEN'.²⁰

MISHNAH 5. TWO SHEAVES [LEFT LYING TOGETHER] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED FORGOTTEN'.²¹ TWO BUNDLES²² OF OLIVES OR

CAROBS [LEFT LYING] ARE DEEMED 'FORGOTTEN'. BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO FLAX-STALKS²³ ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'. TWO BERRIES ARE DEEMED 'GRAPE GLEANINGS',²⁴ BUT THREE ARE NOT DEEMED 'GRAPE GLEANINGS'. TWO EARS OF CORN ARE DEEMED 'GLEANINGS',²⁵ BUT THREE ARE NOT DEEMED GLEANINGS'. ALL THESE [RULINGS] ARE ACCORDING TO BETH HILLEL;²⁶ OF THEM ALL BETH SHAMMAI SAY THAT THREE [THAT ARE LEFT] BELONG TO THE POOR, AND FOUR BELONG TO THE OWNER.²⁷

MISHNAH 6. IF A SHEAF OF TWO SE'AHS²⁸ WAS FORGOTTEN IT IS NOT DEEMED 'FORGOTTEN'.²⁹ IF TWO SHEAVES [BE FOUND] THAT TOGETHER COMPRISE TWO SE'AHS, RABBAN GAMALIEL SAYS THEY BELONG TO THE OWNER, BUT THE SAGES SAY THAT THEY BELONG TO THE POOR.³⁰ THEREUPON RABBAN GAMALIEL SAID: 'ARE THE RIGHTS OF THE OWNER STRENGTHENED OR WEAKENED ACCORDING TO THE GREATER NUMBER OF THE SHEAVES?' [TO WHICH] THEY REPLIED, 'HIS RIGHTS ARE STRENGTHENED'.³¹ THEN SAID HE UNTO THEM: 'IF, THEREFORE, ONE SHEAF OF TWO SE'AHS IS NOT DEEMED "FORGOTTEN", THEN HOW MUCH MORE SHOULD BE THE CASE OF TWO SHEAVES THAT TOGETHER CONTAIN TWO SE'AHS?' THEREUPON THEY REPLIED: 'NO. IF YOU ARGUE IN THE CASE OF ONE SHEAF [TO WHICH WE AGREED]. BECAUSE IT IS LARGE ENOUGH TO BE CONSIDERED A STACK, ARE YOU GOING TO ARGUE LIKewise IN THE CASE OF TWO SHEAVES WHICH ARE AS SMALL BUNDLES?'

MISHNAH 7. IF STANDING CORN³² THAT CONTAINS TWO SE'AHS WAS FORGOTTEN, IT IS NOT DEEMED 'FORGOTTEN.' IF IT DOES NOT CONTAIN TWO SE'AHS NOW, BUT WAS FIT TO YIELD TWO SE'AHS,³³ EVEN IF IT WAS OF AN INFERIOR KIND OF BARLEY.³⁴ IT IS REGARDED AS A YIELD³⁵ OF BARLEY.

MISHNAH 8. STANDING CORN³⁶ CAN SAVE A SHEAF AND OTHER STANDING CORN³⁷ [FROM BEING REGARDED AS 'FORGOTTEN'].³⁸ THE SHEAF,³⁹ HOWEVER, CANNOT SAVE EITHER ANOTHER SHEAF OR STANDING CORN.⁴⁰ WHAT STANDING CORN CAN SAVE THE SHEAF?⁴¹ THAT WHICH HAS NOT BEEN FORGOTTEN, EVEN THOUGH IT IS A SINGLE STALK.⁴²

MISHNAH 9. A SE'AH OF PLUCKED CORN AND A SE'AH OF UNPLUCKED CORN⁴³ (AND THE SAME APPLIES TO FRUIT TREES,⁴⁴ GARLIC AND ONIONS)⁴⁵ CANNOT BE COMBINED TOGETHER FOR THE PURPOSE OF COUNTING THEM AS TWO SE'AHS.⁴⁶ BUT THEY MUST BE LEFT TO THE POOR. R. JOSE SAYS: IF ANYTHING THAT BELONGS TO THE POOR⁴⁷ INTERVENES, THE TWO CANNOT BE COMBINED TOGETHER;⁴⁸ , OTHERWISE, THEY MAY BE SO COMBINED.

MISHNAH 10. CORN USED FOR FODDER⁴⁹ OR [GRAIN-STALKS] USED FOR BINDING A SHEAF, (THE SAME APPLIES TO GARLIC-STALKS⁵⁰ USED FOR TYING OTHER BUNCHES, OR TIED BUNCHES⁵¹ OF GARLIC AND ONIONS)⁵² DO NOT COME UNDER THE LAW OF THE 'FORGOTTEN SHEAF'.⁵³ ANYTHING STORED IN THE GROUND LIKE THE ARUM⁵⁴ AND GARLIC AND ONIONS, R. JUDAH SAYS, THEY DO NOT COME UNDER THE CATEGORY OF THE 'FORGOTTEN SHEAF',⁵⁵ BUT THE SAGES SAY, THE LAW OF THE 'FORGOTTEN SHEAF' APPLIES TO THEM.⁵⁶

MISHNAH 11. ONE WHO REAPS BY NIGHT AND BINDS SHEAVES [BY NIGHT] OR ONE WHO IS BLIND⁵⁷ IS SUBJECT TO THE LAW OF THE 'FORGOTTEN SHEAF'. IF HE INTENDS TO REMOVE ONLY THE LARGE LEAVES,⁵⁸ THEN THE LAW DOES NOT

APPLY.⁵⁹ IF HE SAYS: BEHOLD, I AM REAPING ON THE CONDITION THAT I TAKE AFTERWARDS THAT WHICH I HAVE FORGOTTEN', THE LAW OF THE 'FORGOTTEN SHEAF' STILL APPLIES TO HIM.⁶⁰

(1) Heb. Hefker (v. Glos.). The word **הבקר** in our Mishnah is the Palestinian dialect for **הפקר**. Cf. 'Ed. IV, 3. Deemed as ownerless, the standing crop is exempt from all tithes as is the case with all the other gifts to the poor discussed in this Tractate. The Shammaites find support for their view in Lev. XIX, 10 (v. Bert.).

(2) And, therefore, not exempt from tithes.

(3) Deut. XV, 1-6 describes the Sabbatical year in which the soil was to rest and in which all debts were cancelled. Beth Hillel argue that no hefker can be exempt from tithes unless it be declared the property of rich and poor alike, as is the case with the products of the Sabbatical year which all could enjoy.

(4) The kab was four logs == 24 eggs in size, and equal to a sixth of a se'ah.

(5) Since it comprises four kabs, it is to be regarded as a sheaf from which a row of four smaller sheaves could be made; and according to Beth Shammai (infra Mishnah 5) only three sheaves belonged to the poor, but not four. A similar provision would apply to a field in which all the sheaves were two kabs each in size and the Forgotten Sheaf of 8 kabs.

(6) Beth Hillel refuse to regard the large sheaf as so many potential smaller ones and regard it only as one sheaf that is left.

(7) Or a heap of stones piled one on top of another loosely (Bert.).

(8) Including the outfit of the oxen.

(9) The very fact that the sheaf had been left near these objects is an indication that the owner had but temporarily deposited it there.

(10) If a sheaf is left at the end of the row, then the other sheaf over against it at the end of the second row indicates whether it is to be deemed 'Forgotten'. A fuller explanation of what is implied by 'the ends of a row' is given in the Mishnah following.

(11) Even Beth Hillel. V. supra VI, 2.

(12) The reference is to many rows equally arranged; for example, ten rows of ten sheaves each, all arranged side by side.

(13) I.e., they stand back to back and face the two opposite ends of the fields. Each would thus recede further away from each other as they proceed.

(14) In the course of their gathering a sheaf or two came to be overlooked.

(15) Because Deut. XXIV, 19 can be applied to it.

(16) Since the sheaf is behind both of them, each relies on the other to pick it up.

(17) An illustration of the statement in the preceding Mishnah that the sheaf lying over against the ends of the row serves as an indication whether a sheaf is to be regarded as 'Forgotten' or not (Bert.).

(18) His intention may have been to include it in the new row about to be formed from east to 'west (Bert.).

(19) Deut. XXIV, 19.

(20) For other interpretations of this difficult Mishnah v. Tosaf. Y.T.

(21) The underlying principle seems to be, according to Beth Hillel, that whereas two can be deemed 'Forgotten', the number three suggests that these had been deposited there temporarily. Three is a number too large to be overlooked.

(22) 'Bundles' of olives, not single ones; for there must be a completion of the process of gathering (**גמר מלאכה**) before the law of the 'Forgotten Sheaf' is applied.

(23) These stalks must still be in the hard state, prior to being prepared for spinning and also fit for human food; otherwise the law of the 'Forgotten Sheaf' does not apply to them.

(24) V. Lev. XIX. 10.

(25) V. Ibid. XIX, 9.

(26) They find support for their contention in the words 'for the poor and the stranger', Ibid. XIX, 10, one for each; hence two in all.

(27) They cite Deut. XXIV, 19 instead of Lev. XIX, 10, and cite the words 'the stranger, the orphan and the widow' as proof that even three are to be regarded as the property of the poor.

(28) Twelve kabs are more than a man could carry. and the law regarding the 'Forgotten Sheaf' seems to stress the word to take it (Deut. XXIV, 19) that is, a sheaf which a man can easily carry.

(29) Since in size and weight it is almost as a stack, it cannot come under the law of the 'Forgotten Sheaf', which refers

- only to the single sheaf. V. supra the argument of the Sages.
- (30) Both their views are clarified in the course of their discussion.
- (31) Because the law refers only to a single sheaf that is left.
- (32) The same law equally operates upon the standing corn as upon the sheaf.
- (33) I.e., in a more fruitful year.
- (34) 'An aquatic plant like the Colocasia' (fast.). Maim. defines it as 'a seed similar to barley'. cf. Kil. I, 1.
- (35) I.e., though the ears of corn have been blasted and do not contain two se'ahs, they are treated as if they were full (Bert.).
- (36) That has clearly not been overlooked.
- (37) Which seems to have been overlooked and that stands near to the corn that has not been so overlooked.
- (38) For when he will return to cut the corn, he will bethink himself of the sheaf and the other corn unintentionally left. According to Bert. this is based on Deut. XXIV, 19.
- (39) Which has obviously not been forgotten.
- (40) Which have been forgotten and which lie in its proximity.
- (41) Or the forgotten standing corn near it.
- (42) Aliter: 'Even a single ear of corn left unforgotten in the whole corn, can save'.
- (43) Both had evidently been left forgotten; for had he forgotten only the plucked corn and not the other, the first would have saved the other from coming under the category of the 'Forgotten Sheaf'. V. preceding Mishnah.
- (44) Plucked and unplucked fruit that only together combine to make two se'ahs that have been forgotten. Had all the fruit been plucked, they would have belonged to the owner, according to Rabban Gamaliel (supra VI, 6).
- (45) The same refers to all vegetables; two kinds cannot be combined together.
- (46) And thus not be regarded as liable to the law; supra 6, n. 10.
- (47) This refers only to the field or vineyard, where there can be 'Gleanings' or 'Grape Gleanings' between one se'ah and another. Unapplicable in the case of trees, where these laws do not operate.
- (48) To make two se'ahs; but they belong to the poor.
- (49) The Hebrew term for corn that had not yet reached a third of its full maturity. It was usually given to the cattle, cf. supra II, 1.
- (50) Others render: 'bunches of garlic on one stalk'.
- (51) Tosef. Pe'ah III, 8, **אונרי**
- (52) These small bundles are afterwards re-tied into larger bundles; the 'finishing process' is not yet completed, hence the law is not yet applicable. Cf. supra V, 8.
- (53) They are not used for human food.
- (54) A species of onion whose root is exceedingly bitter. 'A plant similar to colocasia with edible leaves and root, and bearing beans' (Jast.). Like **טפח** in Mishnah 7 supra. V. Sheb. V, 2; VII, 1; Ter. IX, 6. A full discussion of the word 'arum' will be found in Kohut's ed. of the 'Aruch s.v. **הלוף**
- (55) R. Judah is of the opinion that the law of the 'Forgotten Sheaf' does not apply to things, though edible, that are stored in the ground.
- (56) V. Bert. for the exegetical basis for the respective opinions of R. Judah and the Sages.
- (57) Night-time or blindness cannot be grouped into the category of things that had been forgotten owing to an untoward accident. V. supra IV, 10.
- (58) The largest leaves are those that began to grow first. Cf. Sheb. IV, 1. Nid. 2b.
- (59) Since he does not gather them all but selects only the largest, the forgetfulness may be said to be due to untoward circumstances.
- (60) The principle throughout the Talmud is that, 'If one makes a stipulation which is contrary to what is written in the Torah, his stipulation is void'. Keth. IX, 1.

Mishna - Mas. Pe'ah Chapter 7

MISHNAH 1. AN OLIVE TREE THAT HAS A DISTINGUISHING NAME¹ IN THE FIELD, LIKE² THE OLIVE TREE OF 'NETOFAH' IN ITS SEASON,³ AND THAT HAS BEEN LEFT FORGOTTEN, IS NOT DEEMED 'FORGOTTEN'.⁴ WHEN DOES THIS STIPULATION APPLY? [ONLY TO A TREE THAT IS DISTINGUISHED] BY ITS NAME, OR ITS PRODUCE,

OR ITS SITUATION. 'BY ITS NAME': IF IT WERE [FOR INSTANCE] A SHIFKONI⁵ OR BESHANI⁶ TREE. 'ITS PRODUCE': IF IT YIELDS LARGE QUANTITIES. 'ITS SITUATION': IF IT STANDS AT THE SIDE OF THE WINEPRESS OR NEAR THE GAP IN THE FENCE.⁷ AS FOR OTHER KINDS OF OLIVE TREES,⁸ TWO [IF THEY ARE LEFT] ARE DEEMED 'FORGOTTEN', BUT THREE ARE NOT DEEMED 'FORGOTTEN'.⁹ R. JOSE IS OF THE OPINION THAT THE LAW OF THE 'FORGOTTEN SHEAF' DOES NOT AT ALL APPLY TO OLIVE TREES.¹⁰

MISHNAH 2. IF AN OLIVE-TREE WAS FOUND STANDING BETWEEN THREE ROWS [OF OLIVE TREES] AT A DISTANCE OF TWO PLOTS¹¹ FROM ONE ANOTHER, AND FORGOTTEN, IT IS DEEMED, 'FORGOTTEN.¹² IF AN OLIVE TREE CONTAINING TWO SE'AH¹³ HAS BEEN LEFT, IT IS NOT DEEMED FORGOTTEN. WHEN DOES THIS APPLY?¹⁴ ONLY WHEN HE [THE OWNER] HAD NOT YET BEGUN [TO PLUCK THE TREE]; BUT IF HE HAD BEGUN, (EVEN IF IT WERE LIKE THE OLIVE TREE NETOFAH IN ITS SEASON)¹⁵ AND THEN FORGOTTEN IT, IT IS DEEMED FORGOTTEN'. AS LONG AS THE OWNER HAS SOME OF THE FRUIT BELONGING TO HIM LYING AT THE FOOT OF THE TREE, HE CAN CLAIM POSSESSION OF THOSE STILL ON TOP OF THE TREE.¹⁶ R. MEIR SAYS: [THE LAW APPLIES ONLY] AFTER THOSE WITH THE BEATING-ROD¹⁷ HAVE DEPARTED.

MISHNAH 3. WHAT IS MEANT BY PERET?¹⁸ THAT WHICH FALLS DOWN DURING THE VINTAGE. IF WHILE HE WAS CUTTING [THE GRAPES], HE CUT OFF AN ENTIRE CLUSTER BY ITS STALK AND THIS WAS INTERCEPTED BY THE FOLIAGE, AND THEN IT FELL FROM HIS HAND TO THE GROUND AND THE SINGLE BERRIES DISPERSED THEREFROM, THEY STILL BELONG TO THE OWNER.¹⁹ HE WHO PLACES A BASKET UNDER THE VINE²⁰ WHEN HE IS CUTTING [THE GRAPES], IS ROBBING THE POOR;²¹ OF HIM IT HAS BEEN SAID: 'REMOVE NOT THE LANDMARK OF THOSE THAT COME UP'.²²

MISHNAH 4. WHAT CONSTITUTES A DEFECTIVE CLUSTER?²³ ANY CLUSTER²⁴ WHICH HAS NO SHOULDER²⁵ AND [OF WHICH THE TOP GRAPES] DO NOT HANG DOWN [FROM THE TRUNK].²⁶ IF IT HAS A SHOULDER OR ITS TOP GRAPES HANG DOWN, IT BELONGS TO THE OWNER; IF THERE IS A DOUBT, IT BELONGS TO THE POOR.²⁷ AS TO A DEFECTIVE CLUSTER ON THE JOINT²⁸ OF A VINE, IF IT²⁹ CAN BE NIPPED OFF WITH THE CLUSTER,³⁰ IT BELONGS TO THE OWNER; BUT IF IT CAN NOT, IT BELONGS TO THE POOR. R. JUDAH SAYS: A SINGLE STALK [OF BERRIES]³¹ IS DEEMED AS A WHOLE CLUSTER,³² BUT THE SAGES CONTEND THAT [THEY ARE TO BE REGARDED] AS A DEFECTIVE CLUSTER.³³

MISHNAH 5. HE WHO IS ENGAGED IN THINNING OUT³⁴ VINES MAY THIN OUT THE VINES THAT BELONG TO THE POOR JUST AS HE THINS OUT WHAT BELONGS TO HIMSELF;³⁵ SO R. JUDAH. BUT R. MEIR SAYS: HE CAN ONLY DO SO TO THAT WHICH BELONGS TO HIM BUT NOT TO THAT WHICH IS THE PROPERTY OF THE POOR.³⁶

MISHNAH 6. [AS FOR THE GRAPES OF] A VINEYARD IN ITS FOURTH YEAR,³⁷ BETH SHAMMAI SAY, THE LAWS OF THE ADDED FIFTH³⁸ AND REMOVAL³⁹ DO NOT APPLY TO THEM; BUT BETH HILLEL SAY, THEY DO. BETH SHAMMAI FURTHER SAY: THE LAWS OF PERET⁴⁰ AND THE DEFECTIVE CLUSTERS⁴¹ APPLY TO THEM, AND THE POOR CAN REDEEM THE GRAPES FOR THEMSELVES;⁴² BUT BETH HILLEL MAINTAIN THAT THE WHOLE MUST GO TO THE WINE-PRESS.⁴³

MISHNAH 7. IF A VINEYARD CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS',⁴⁴ R. ELIEZER SAYS IT BELONGS TO THE OWNER, BUT R. AKIBA SAYS, TO THE POOR. SAID

R. ELIEZER: [IT IS WRITTEN,] ‘WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD, THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE’.⁴⁵ IF THERE IS NO GRAPE GATHERING,⁴⁶ WHENCE WILL YOU HAVE ‘DEFECTIVE CLUSTERS’? SAID R. AKIBA TO HIM: [IT IS WRITTEN,] ‘AND FROM THY VINEYARD SHALT THOU NOT TAKE THE DEFECTIVE CLUSTERS’⁴⁷ — EVEN IF IT CONSISTS ENTIRELY OF DEFECTIVE CLUSTERS. IF THAT IS SO, WHY IS IT SAID: ‘WHEN THOU GATHEREST THE GRAPES OF THY VINEYARD THOU SHALT NOT TAKE THE DEFECTIVE CLUSTERS AFTER THEE’? — [TO TEACH THAT] THE POOR HAVE NO RIGHT TO CLAIM THE DEFECTIVE CLUSTERS PRIOR TO THE VINTAGE.⁴⁸

MISHNAH 8. IF ONE DEDICATES HIS ENTIRE VINEYARD [TO THE SANCTUARY] BEFORE EVEN THE ‘DEFECTIVE CLUSTERS’⁴⁹ WERE RECOGNISABLE, THE ‘DEFECTIVE CLUSTERS’ DO NOT BELONG TO THE POOR; BUT [IF THE DEDICATION TOOK PLACE] AFTER THE DEFECTIVE CLUSTERS WERE RECOGNISABLE,⁵⁰ THEN THEY DO BELONG TO THE POOR.⁵¹ R. JOSE SAYS: LET [THE POOR] GIVE THE VALUE OF THEIR IMPROVED GROWTH TO THE TEMPLE.⁵² WHAT CAN BE DEEMED ‘FORGETFULNESS’ IN THE CASE OF AN ‘ESPALIER’?⁵³ WHEN ONE IS NO LONGER ABLE TO STRETCH FORTH HIS HAND AND TAKE THEREFROM.⁵⁴ AND IN THE CASE OF RUNNERS?⁵⁵ ONLY AFTER [THE GATHERERS] HAD PASSED BY IT.⁵⁶

(1) A differentiating epithet given on account of its general excellence.

(2) The word ‘even’ in our editions is best omitted; its inclusion here is due to its occurring in the next Mishnah.

(3) v. Ezra II, 22; Neh. VII, 26. In II Kings XXV, 23 it refers to a city near Bethlehem, in Judah, wherein olive trees were renowned. Others derive the word from **נָטַף** ‘to flow’, because it was a tree always overflowing with oil, and render: like an olive tree that yields much oil in its season. An alternative rendering: An olive tree which at one time bore a special name like the Netofah (olive tree).

(4) The literal interpretation of the law in Deut. XXIV, 19: ‘and thou shalt forget a sheaf in the field’ is of a sheaf that will always be left forgotten; but an olive tree of the kind referred to here is remembered after a time.

(5) The name applied to a species of olive tree, literally pouring forth (**שֶׁפַךְ**) large quantities of oil. Others take the word as a place-name. like the following ‘Beshani’.

(6) The general explanation of this word is that it is an abbreviation of the place-name ‘Beth-Shean’. Others interpret the word figuratively, thus: ‘A tree, that on account of the abundance of its fruit and oil, puts all the other trees to shame’. The two words are thus either taken as adjectives or proper names; though logically they would point to being place-names. Since they are included under the rubric of ‘in its name’ and not ‘in its produce’. But then the retort of those who treat them as adjectives would be: ‘If so, then why are they not included as examples of “in its situation”?’ Others again render as the ‘ill-yielding’.

(7) When its trunk is used to block up the gap in the fence.

(8) Those not distinguished by a special title.

(9) Agreeing with Beth Hillel, v. supra VI, 5.

(10) R. Jose referred to the days when owing to the Hadrianic persecutions (2nd cent. C.E.) Palestinian olive trees were rare; for the owner who left behind olives would bethink himself of them later, but at a time when the olive trees were no rarity, he would agree that the law of the ‘Forgotten Sheaf’ applies even to them (v. Bert.).

(11) A malben is a small garden plot, quadrangular in shape and three handbreadths in width, cf. supra III, 1, 4.

(12) As it is hidden from view by the other trees. V. supra V, 7. The reason why olive trees receive here such frequent mention, though the law applies to other trees, is that they are the most common trees of Palestine.

(13) V. supra VI, 6.

(14) This refers back to the opening Mishnah of this Chapter: ‘When does the law not apply to the tree of a special name?’

(15) It would be considered ‘Forgotten’ unless the fruit comprised two se’ahs.

(16) The fruit still ungathered at his feet is an indication that the ‘finishing process’ of plucking the whole tree has not yet been completed. V. supra V, 8.

(17) Aliter: ‘The workers searching after the remaining (hidden) olives’. This searching was done with the aid of a stick,

- with which they used to beat the branches, so that the olives still nestling between the leaves may fall down. T.J. Pe'ah substitutes the word כרכר 'turner' for the מַחבֵּא of our Mishnah.
- (18) 'Grape Gleanings'. Lev. XIX, 10. V. supra VI, 5, n. 6.
- (19) Only those grapes belong to the poor that fall to the ground in the natural course of the vintage. The case cited in the Mishnah can be construed as an accidental cause.
- (20) With the intention of collecting therein the single grapes that fall.
- (21) The reason being that single grapes (peret) are already prior to their reaching earth the property of the poor.
- (22) V. supra V, 6, n. 3.
- (23) 'Oleleth (lit., 'grape gleaning') which, according to Lev. XIX, 20 must be given to the poor. 'Oleleth here used for a defective cluster is connected with עוֹלֵל (a small child), the defective cluster being in proportion to the full cluster as that of the child to the man.
- (24) That still remains on a stem.
- (25) Its grapes hang loose and do not rest on other stalks as if on a shoulder as is usual with fully ripe grapes.
- (26) Lit., 'have no pendant'.
- (27) Who always receive the benefit of the doubt. V. supra IV, 11.
- (28) The word usually applied to the knee-joint, or the leg from under the hip bone to the ankle; Hul. IV, 6. Here it refers to one branch of the vine that comes out of another branch, like so many joints, or to that part of the vine which is bent down and laid in the ground to rise at another place; cf. Rail. VII, 1.
- (29) Namely, the defective cluster on the joint of the vine.
- (30) That adjoins it.
- (31) Single grapes that are joined to the stem itself or to the rib of the cluster and not small bunches on top of one another.
- (32) Belonging, accordingly, to the owner.
- (33) And, therefore, the property of the poor.
- (34) הַמְדֵּל, V. supra III, 3, n. 4.
- (35) The reason being a logical one: since the object of this thinning out process is so that the grapes, or the clusters, may grow better by being less cramped together. V. next note.
- (36) According to R. Meir, the poor are to be regarded only in the role of purchasers of the defective clusters, not as partners (which is the view of R. Judah) with the original owners; hence the latter have no right to touch these grapes.
- (37) Cf. Lev. XIX, 23-25. After the first three years during which the fruit of any tree could not be eaten (עֵרְלָה), the fruit was in the fourth year taken to Jerusalem to be enjoyed there.
- (38) Though the grapes required redemption if not taken to Jerusalem, yet the 'Fifth' which is prescribed for Second Tithe, need not be added; for the Torah mentions this only in the case of the Second Tithe. V. B.M. 55b.
- (39) This refers to the removal from the house of fruits in the third and sixth year of the Sabbatical period; Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 3, 6; Sheb. VII, 1.
- (40) V. supra VII, 3.
- (41) V. supra VII, 4.
- (42) The poor can eat the grapes wherever they are, provided that they afterwards bring the redemption money to Jerusalem.
- (43) Since in their view the grapes are 'consecrated', the poor have no right to them and they are, therefore, the property of the owner to bring them to Jerusalem or redeem them, as he thinks fit. Even the 'defective clusters' are thus 'trodden' together with the other grapes and the value of the whole yield taken off to the Holy City.
- (44) I.e., in the entire vineyard there is not a single cluster which has either shoulder (כַּתֵּף) or pendant (נֶטֶף).
- (45) Deut. XXIV, 21.
- (46) The extent of a vintage is at least three full clusters yielding at least one fourth of a log (v. Glos.). Since our Mishnah speaks of defective clusters, hardly likely to produce this required vintage the grapes therefore belong, according to R. Eliezer, to the owner.
- (47) Lev. XIX, 10. This verse does not mention 'grape gathering' at all but just 'thy vineyard'; hence, according to R. Akiba, even a vineyard of defective clusters belongs to the poor.
- (48) They must wait until the owner has finished gathering his grapes. R. Eliezer would take R. Akiba's verse to debar the owner from taking possession of the defective clusters before he has finished the vintage.
- (49) V. supra VII, 4. In ordinary circumstances, these would become the share of the poor.

(50) To be defective and not full clusters.

(51) The generally accepted principle being that a man cannot consecrate anything which does not belong to him.

(52) Unto the Temple authorities is due the value of the improvement the grapes have made since they were first dedicated. Cf. Me'il. III, 6.

(53) A lattice-work on which trees or shrubs are trained. In Kil. VI, 1 the word is explained as a row of at least five vines running along a fence, or perched on any high pole.

(54) When, later, he recalls the grapes thereon, he finds that he can no longer reach them.

(55) These are ground-trained vines; grapes growing in a row on isolated vines, almost foot level.

(56) For getting all about them. Each 'runner' vine is regarded as a border-bed or an outmost furrow by itself; on this account, the owner, after having forgotten to collect them once, can no longer return to them.

Mishna - Mas. Pe'ah Chapter 8

MISHNAH 1. FROM WHAT TIME ARE ALL MEN PERMITTED TO TAKE THE 'GLEANINGS'? AFTER THE LAST TROOP OF THE POOR¹ HAD GONE. AND IN THE CASE OF 'PERET'² AND 'DEFECTIVE CLUSTERS'³ AFTER THE POOR HAD GONE INTO THE VINEYARD AND COME BACK AGAIN.⁴ AND IN THE CASE OF THE OLIVE TREES? AFTER THE DESCENT OF THE SECOND RAINFALL?⁵ SAID R. JUDAH: 'BUT ARE THERE NOT SOME WHO DO NOT HARVEST THEIR OLIVES BEFORE THE SECOND RAINFALL?' NO;⁶ [THE TIME LIMIT FOR OLIVES IS] AFTER THE POOR MAN GOES OUT⁷ AND CANNOT BRING BACK WITH HIM [MORE THAN THE VALUE OF] FOUR ISSARS.⁸

MISHNAH 2. THEY⁹ ARE TO BE BELIEVED CONCERNING GLEANINGS', THE FORGOTTEN SHEAF AND PE'AH DURING THEIR [HARVEST] SEASON, AND CONCERNING THE POOR MAN'S TITHE¹⁰ DURING THE WHOLE YEAR THEREOF. A LEVITE IS ALWAYS TO BE TRUSTED.¹¹ THEY MUST NOT BE TRUSTED [IN OTHER CASES] SAVE IN THOSE THINGS WHICH MEN ARE WONT TO GIVE THEM.¹²

MISHNAH 3. THEY ARE TO BE TRUSTED CONCERNING WHEAT,¹³ BUT NOT CONCERNING FINE FLOUR OR BREAD;¹⁴ CONCERNING RICE STILL IN ITS STALK,¹⁵ BUT NOT WHEN IT IS EITHER RAW OR COOKED.¹⁶ THEY CAN BE TRUSTED CONCERNING BEANS BUT NOT WHEN THESE ARE POUNDED, WHETHER RAW OR COOKED. THEY ARE TO BE BELIEVED WHEN THEY DECLARE THAT THEIR OIL IS FROM THE 'POOR MAN'S TITHE', BUT THEY ARE NOT BELIEVED WHEN THEY CLAIM THAT IT IS FROM THE FEW OLIVES THAT HAVE BEEN KNOCKED DOWN.¹⁷

MISHNAH 4. THEY ARE TO BE TRUSTED CONCERNING RAW VEGETABLES,¹⁸ BUT NOT CONCERNING THOSE THAT ARE COOKED, UNLESS HE HAD ONLY A SMALL QUANTITY; FOR SO IT WAS THE CUSTOM OF THE HOUSEHOLDER TO TAKE OUT OF HIS STEW-POT [AND GIVE TO THE POOR].¹⁹

MISHNAH 5. ONE MUST NOT GIVE TO THE POOR FROM THE THRESHING-FLOOR,²⁰ LESS THAN A HALF KAB OF WHEAT OR A KAB OF BARLEY.²¹ R. MEIR SAYS: [ONLY] HALF A KAB.²² [ONE MUST GIVE] A KAB AND A HALF OF SPELT, A KAB OF DRIED FIGS OR A MINA²³ OF PRESSED FIGS; R. AKIBA SAYS: [ONLY] HALF. [ONE MUST GIVE] HALF A LOG²⁴ OF WINE; BUT R. AKIBA SAYS: A QUARTER.²⁵ [ONE MUST GIVE] A QUARTER OF OIL; BUT R. AKIBA SAYS: AN EIGHTH.²⁶ AS FOR OTHER KINDS OF PRODUCE, ABBA SAUL SAYS, [THE AMOUNT GIVEN MUST BE SUCH] AS TO ENABLE THE POOR MAN TO SELL THEM AND BUY WITH THE PRICE THEREOF FOOD SUFFICIENT FOR TWO MEALS.

MISHNAH 6. THIS MEASURE IS STIPULATED FOR THE PRIEST, LEVITE AND

ISRAELITE ALIKE.²⁷ SHOULD HE DESIRE TO SAVE AUGHT,²⁸ HE CAN ONLY RETAIN A HALF²⁹ AND GIVE THE OTHER HALF AWAY. IF HE HAS ONLY A VERY SMALL QUANTITY,³⁰ THEN HE MUST PLACE IT BEFORE THEM AND THEY THEN DIVIDE IT AMONG THEMSELVES.³¹

MISHNAH 7. ONE MUST NOT GIVE THE WANDERING POOR MAN LESS THAN A LOAF WORTH A PONDION³² AT A TIME WHEN FOUR SE'AH'S [OF WHEAT COST] ONE SELA'.³³ IF HE SPENDS THE NIGHT [AT A PLACE], ONE MUST GIVE HIM THE COST OF WHAT HE NEEDS FOR A NIGHT.³⁴ IF HE STAYS OVER THE SABBATH HE IS GIVEN FOOD FOR THREE MEALS.³⁵ HE WHO HAS THE MEANS FOR TWO MEALS, MUST NOT ACCEPT ANYTHING FROM THE CHARITY DISH,³⁶ AND IF HE HAS FOR FOURTEEN MEALS, HE MAY NOT ACCEPT ANY SUPPORT FROM THE COMMUNAL FUND.³⁷ THE COMMUNAL FUND IS COLLECTED BY TWO³⁸ AND DISTRIBUTED BY THREE PEOPLE.³⁹

MISHNAH 8. HE WHO POSSESSES TWO HUNDRED ZUZ⁴⁰ MAY NOT TAKE 'GLEANINGS', THE FORGOTTEN SHEAF, PE'AH OR THE POOR MAN'S TITHE. IF HE POSSESSES TWO HUNDRED MINUS ONE DENAR,⁴¹ THEN EVEN IF A THOUSAND [MEN] EACH GIVE HIM [ONE ZUZ], HE MAY ACCEPT.⁴² IF HIS PROPERTY IS MORTGAGED UNTO HIS CREDITORS OR TO THE KETHUBAH⁴³ OF HIS WIFE, HE MAY ACCEPT. THEY⁴⁴ CANNOT COMPEL HIM⁴⁵ TO SELL HIS HOUSE OR HIS TOOLS.⁴⁶

MISHNAH 9. IF A MAN POSSESSES FIFTY ZUZ AND HE USES THEM FOR HIS BUSINESS, HE MUST NOT TAKE [THE POOR GIFTS].⁴⁷ WHOEVER DOES NOT NEED TO TAKE [CHARITY] AND YET TAKES, WILL NOT DEPART FROM THIS WORLD BEFORE BEING ACTUALLY IN NEED OF HIS FELLOW-MEN;⁴⁸ BUT HE WHO NEEDS TO TAKE AND DOES NOT TAKE,⁴⁹ WILL NOT DIE BEFORE HE WILL HAVE COME IN OLD AGE TO SUPPORT OTHERS FROM HIS OWN [BOUNTY]. CONCERNING HIM THE VERSE SAYS: BLESSED BE THE MAN WHO TRUSTETH IN THE LORD AND WHOSE HOPE IS THE LORD.⁵⁰ THE SAME MAY BE APPLIED TO A JUDGE WHO JUDGES IN TRUTH ACCORDING TO ITS INTEGRITY.⁵¹ AND IF A MAN IS NOT LAME,⁵² BLIND OR HALTING, AND HE FEIGNS TO BE AS ONE OF THESE, HE WILL NOT DIE IN HIS OLD AGE BEFORE HE ACTUALLY BECOMES AS ONE OF THESE;⁵³ AS IT IS SAID: HE WHO SEARCHES FOR EVIL, IT SHALL COME UNTO HIM,⁵⁴ AND ALSO AS IT IS SAID: RIGHTEOUSNESS, RIGHTEOUSNESS SHALT THOU SURELY PURSUE.⁵⁵ AND ANY JUDGE WHO ACCEPTS A BRIBE OR WHO PERVERTS JUSTICE WILL NOT DIE IN OLD AGE BEFORE HIS EYES HAVE BECOME DIM, AS IT IS SAID: AND A GIFT SHALT THOU NOT ACCEPT; FOR A GIFT BLINDETH THEM THAT HAVE SIGHT.⁵⁶

(1) נמושות from מוש 'to grope', 'search'. T.J. gives two explanations of the word. They are either so called because they are the very last searchers; or because they are the very old people, who have to grope their way painfully along (supra IV, 5). When these last have gone and the poor no longer seem to claim it, it becomes 'ownerless' — the property of rich and poor alike.

(2) V. supra VII, 3.

(3) V. supra VII, 4.

(4) A second time; v. Ta'an. 6a.

(5) Circa 23rd Heshwan (Ned. VIII, 5; Ta'an. I, 4). So called because this rain fructifies the soil. 'The rain is husband to the soil' (Ta'an. 6b). Cf. also Lev. XIX, 19. The Talmud (Ta'an. 6b) explains what is meant by a satisfactory second rainfall; when the soil is left fit to be used for sealing the mouth of a cask.

(6) This, therefore, cannot be the stipulated time.

(7) Of the vineyard.

(8) An issar == 8 perutahs (the smallest copper coin current). This sum was calculated as sufficient for a man to buy meals — two for himself and two for his wife. Cf. infra 7.

- (9) Even the uninstructed poor ('amme ha-arez) are to be relied on when they claim that the wheat they sell is what they received as gifts and hence exempt from all tithes.
- (10) The tithe was given during the third and sixth year of the Sabbatical cycle.
- (11) He is to be trusted in his declaration that the wheat is the 'First Tithe'. Since this tithe to the Levite was unrestricted as to time, there is no doubt that he must afterwards give the tithe due to the priest. Just as an Israelite 'am ha-arez was not suspected of retaining for himself the terumah due to the priest, because the penalty of eating this terumah was death at the hands of heaven, so the Levite is not to be suspected of having failed to give the 'tithe of the tithe' which he owes to the priest. (Num. XVIII, 26).
- (12) As explained in the following Mishnah.
- (13) To state that they receive it as Poor Man's Tithe.
- (14) It is not usual to give these to the poor on account of the additional trouble and expense they involve. The same reason applies to the other instances cited in our Mishnah.
- (15) Because in this state it was usually given to the poor. The word **שערה** is also explained as the kernels of the rice after the threshing and prior to the peeling of the husks.
- (16) That is after the rice has been threshed or peeled.
- (17) It is hardly likely that the oil could have been produced from the few olives left on the tree after the continual beatings (**נְקוּף**) made upon it during the harvest-time, for the olives to drop down. (Cf. Isa. XVII, 6; XXIV, 13); and since the poor only receive the few remaining olives, their statement is not credible. Cf. Hallah III, 9.
- (18) Vegetables (since they are perishable) though exempt from Pe'ah, supra I, 4, are subject rabbinically to the poor Man's Tithe.
- (19) It is very likely that the owner, having forgotten to give his dues, does so afterwards direct from the stew-pot. This, however, would only be a small quantity; for as explained (supra 3, n. 5) it is unlikely for the owner to give the poor readily prepared food.
- (20) The measures quoted in the Mishnah are based on the stipulation of Deut. XXVI, 12 that the gifts to the poor must be such as to satisfy them. This refers to the Poor Man's Tithe only; for with regard to 'Gleanings' or Pe'ah or the 'Forgotten Sheaf', the owner could leave these dues in the field for the poor to divide among themselves (supra IV, 1).
- (21) . A kab == 4 logs == one sixth of a se'ah == 24 eggs (in size).
- (22) The variance as to the amounts mentioned here is due to what is considered sufficient to satisfy temporarily the needs of the poor.
- (23) A weight measure equalling 25 sela's or 100 denars. After the figs are pressed, they are sold according to weight.
- (24) A log (v.n. 3) was 2 litras.
- (25) Of a log. This is the standard measure mentioned in connection with religious ceremonies. V.B.B. 58b.
- (26) All the measures given here apply only when the distribution takes place in the threshing-floor, amidst the scene of plenty; in his house, however, the owner can obey the dictates of his own heart, since the Rabbis have not fixed a minimum.
- (27) The priest and the Levite, like the Israelite, are subject to the Poor Man's Tithe of which they must give sufficient for at least two meals (Bert.). Moreover, even if the priest and Levite had already received their tithes, they are further entitled, should they be very poor, to the stipulated minimum due to the poor (R. Samson of Sens).
- (28) He is not desirous of giving away all the tithes he has at once, but would save some for his own poor relatives.
- (29) For this purpose, but not more.
- (30) After setting aside the half for his poor relative, the remainder is not sufficient with which to give each poor man the stipulated amount.
- (31) As long as the poor have all that is left, it does not matter even if each does not receive the stipulated amount. The onus is thus shifted from the owner to the poor.
- (32) Abridged from dupondium, a Roman coin equal to a half zuz or two issars (Ma'as. Sh. IV, 8).
- (33) The sela' == 4 denars == 24 ma'ah == 48 pondions. Four se'ahs would equal twenty-four kabs, though actually in the loaf worth one sela', there would be less than this amount, since the baker would wish to profit for the expense of grinding and baking. Only when the distribution takes place in the threshing-floor is the poor to receive not less than the stipulated sum — half a kab; when receiving a baked loaf, this need not be more than a quarter of a kab, or six eggs in size. V. 'Er. VIII, 2.
- (34) I.e., for bed and warmth; Shab.118a.
- (35) On the Sabbath day each Jew is enjoined to partake of three meals.

- (36) Tamhui, a dish containing victuals for distribution among the poor, each receiving at least the amount of two meals, v. B.B. 8b.
- (37) The Kuppah from which sustenance was disbursed among the poor every Friday, and since he has enough to eat for the whole of next week, he is not entitled to poor relief from this source.
- (38) All charitable collections must be undertaken by at least two accredited persons, Shek. V, 2.
- (39) The disbursement required the presence of three adjudicators as in a Beth din; v. B.B. 8a.
- (40) The sum considered by the Rabbis sufficient for food and clothing for a whole year.
- (41) Latin denarius, another name for a zuz. Roughly speaking, a denar or zuz may be considered the equivalent of a shilling or mark (Danby).
- (42) The poor man's gifts above mentioned.
- (43) The marriage contract, v. Glos.
- (44) The overseers of the poor.
- (45) The applicant for these gifts.
- (46) Or such articles of furniture used to adorn his house on the Sabbath and festivals. Cf. Keth. 68a.
- (47) Fifty zuz sunk in business are as good as two hundred lying idle.
- (48) As a penalty for robbing the poor of their due.
- (49) Preferring to lead a humbler, more economical life instead.
- (50) Jer. XVII, 7.
- (51) Lit., 'who judges a true judgment according to its truth', i.e., an absolutely true verdict which can be arrived at by the judge if he endeavours to find out the truth himself and does not rely on evidence alone, v. Sanh. (Sonc. ed.) p. 27, n. 8. A judge whose hope is God is one to whom the truth is above the fear of men; cf. Shab. 10.
- (52) The distinction drawn between **הגנר** and **פסוה** is that the first describes a man lame in one foot and the second a man lame in both. (cf. II Sam. IV, 4). A few versions add also 'deaf and dumb'.
- (53) In accordance with the Rabbinic principle that God punishes 'measure for measure'.
- (54) Prov. XI, 27.
- (55) Deut. XVI, 20.
- (56) Ex. XXIII, 8; the verse goes on: 'and perverteth the words of the righteous'. The judge who accepts a gift to pervert judgment is compared to the man who feigns blindness. He, therefore, courts the same punishment.

Mishna - Mas. Demai Chapter 1

MISHNAH 1. THE [FOLLOWING] ARE TREATED LENIENTLY¹ IN RESPECT OF [THE RULES OF] DEMAI: WILD FIGS,² JUJUBE FRUIT,³ CRAB APPLES, WILD WHITE FIGS,⁴ YOUNG SYCAMORE FIGS, UNRIPE DATES,⁵ LATE GRAPES AND THORNY CAPERS; IN JUDEA⁶ ALSO SUMACH, JUDEAN⁷ VINEGAR, AND CORIANDER. R. JUDAH SAYS: ALL WILD FIGS ARE EXEMPT, EXCEPT THOSE WHICH HAVE A CROP TWICE [A YEAR]; ALL JUJUBE FRUITS ARE EXEMPT, EXCEPT THE JUJUBE FRUITS OF SHIKMONAH;⁸ ALL YOUNG SYCAMORE FIGS ARE EXEMPT, EXCEPT THOSE THAT BURST OPEN ON THE TREE.

MISHNAH 2. THE [SECOND TITHE⁹ OF] DEMAI IS NOT SUBJECT TO [THE RULES OF] THE FIFTH¹⁰ AND OF REMOVAL;¹¹ IT MAY BE EATEN BY AN ONAN;¹² IT MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN;¹³ IF SMALL IN QUANTITY¹⁴ IT MAY BE ALLOWED TO BE LOST ON THE ROAD;¹⁵ ONE MAY GIVE IT TO AN 'AM HA-AREZ¹⁶ AND CONSUME ITS EQUIVALENT IN JERUSALEM. [SECOND TITHE MONEY¹⁷ OF DEMAI] MAY BE CHANGED¹⁸ AGAIN, SILVER [COINS] FOR [OTHER] SILVER [COINS], COPPER [COINS] FOR [OTHER] COPPER [COINS], SILVER FOR COPPER, AND COPPER [BACK] INTO FRUIT, PROVIDED¹⁹ THAT THE FRUIT WILL AGAIN BE REDEEMED FOR MONEY; THUS R. MEIR. BUT THE SAGES SAY: THE FRUIT ITSELF MUST BE BROUGHT UP AND CONSUMED IN JERUSALEM.

MISHNAH 3. IF A MAN BOUGHT [CORN]²⁰ FOR SEED OR FOR CATTLE, FLOUR FOR HIDES,²¹ OIL FOR THE LAMP, OR OIL FOR GREASING UTENSILS, IT IS EXEMPT FROM [THE RULES OF] DEMAI. [PRODUCE GROWN] BEYOND CHEZIB²² IS EXEMPT FROM [THE RULES OF] DEMAI. THE HALLAH²³ OF AN 'AM HA-AREZ, PRODUCE MIXED WITH TERUMAH,²⁴ PRODUCE BOUGHT WITH SECOND TITHE MONEY,²⁵ AND THE REMAINDER OF MEAL-OFFERINGS²⁶ ARE EXEMPT²⁷ FROM [THE RULES OF] DEMAI. SPICED²⁸ OIL, BETH SHAMMAI DECLARE LIABLE [TO THE RULES OF DEMAI]; BUT BETH HILLEL EXEMPT²⁹ IT.

MISHNAH 4. DEMAI MAY BE USED FOR MAKING AN 'ERUB³⁰ AND FOR FORMING A PARTNERSHIP.³¹ A BENEDICTION IS SAID OVER IT,³² AND GRACE IN COMPANY IS RECITED AFTER IT.³³ ONE MAY SEPARATE [TITHES] FROM IT EVEN WHEN ONE IS NAKED,³⁴ OR WHEN IT IS TWILIGHT³⁵ ON THE EVE OF SAB BATH. LO, IF ONE HAS TAKEN FROM IT THE SECOND TITHE BEFORE THE FIRST TITHE IT MATTERS NOUGHT.³⁶ THE OIL WITH WHICH THE WEAVER GREASES HIS FINGERS IS LIABLE³⁷ TO [THE RULES OF] DEMAI, BUT [THE OIL] WHICH THE WOOL-COMBER PUTS ON THE WOOL IS EXEMPT³⁸ FROM [THE RULES OF] DEMAI.

(1) The rules of demai are not enforced in the case of these fruits when bought from an 'am ha-arez. The list consists of fruits which are esteemed of little value, and the owners of which often leave them for general use without claiming in them their property rights. Therefore it may be assumed that they had not been grown by the 'am ha-arez who sold them, but had been picked up by him as ownerless property, in which case they would be exempt from tithes; cf. Ma'as. I, 1. Or again, even if they had been grown by the 'am ha-arez himself, it may be assumed that he had already tithed them, since the cost of tithing them would have been small. And on account of this double doubt they are treated leniently in respect of demai.

(2) Cf. Ber. 40b.

(3) Or 'lote'.

(4) These grow wild once in three years.

(5) Which only ripen after they had been picked. According to another explanation: dates blown from the tree by the wind.

- (6) Where the value of these articles is small.
- (7) Made from wine which had been extracted from grape-skins, and therefore of little value. Ordinary wine was much used in Judea for drink-offerings in the Temple, and could not be spared for making vinegar; cf. Pes. 42b; Buchler, *Der galilaeische 'Am-ha-'Arez*, p. 18, n. 1.
- (8) A place in the vicinity of Haifa.
- (9) Cf. Introduction p. 50.
- (10) If a man set apart Second Tithe from demai produce and he wished to redeem it for money (Deut. XIV, 25) he need not add a fifth of its value, as in the case of Second Tithe from produce which had been certainly untithed; cf. Lev. XXVII, 31; Ma'as. Sh. IV, 3; B.M. IV, 8. The reason is because the duty of tithing demai is only a Rabbinic enactment; cf. B.M. 54a.
- (11) Tithes taken from demai need not be removed from the house and distributed on the eve of the Passover of the fourth and seventh year of the Sabbatical cycle, as in the case of tithes from ordinary produce; cf. Deut. XIV, 28; XXVI, 13; Ma'as. Sh. V, 6; also 'Ed. IV, 5 (Sonc. ed. p. 23, n. 12; p. 24, n. 1).
- (12) Lit., 'one who grieves', 'a mourner': on the day of the death of a kinsman whether before or after the burial, and also Rabbinically on the day of the burial. This is forbidden in the case of Second Tithe from ordinary produce, Deut. XXVI, 14; Ma'as. Sh. V, 12.
- (13) In the case of Second Tithe from ordinary produce this is forbidden, Ma'as. Sh. III, 5.
- (14) And therefore of little value.
- (15) If its preservation would involve risk from robbers and the like.
- (16) He need not be suspected of eating it outside Jerusalem, though he may be suspected of eating it in uncleanness.
- (17) V. n. 9, p. 53.
- (18) Lit., 'rendered common'; cf. 'Ed. I, 9 (Sonc. ed. p. 4, n. 15).
- (19) Other texts read: 'And the fruit may again be redeemed for money'.
- (20) Of demai.
- (21) For use in tanning.
- (22) The Biblical Achzib (Josh. XIX, 29; Judg. I, 31) north of Acre. It formed the limit of Jewish territory after the return from the Babylonian exile, and what was beyond it was therefore treated as Syria; cf. *infra* VI, 11, n. 5.
- (23) Lit., 'cake'; the portion of dough which had to be given to the priest; cf. Num. XV, 20; 'Ed. I, 2 (Sonc. ed. p. 2, n. 2).
- (24) Cf. Introduction p. 50. If one part of terumah produce was mixed up with less than a hundred parts of common produce, the whole mixture could not be eaten by a non-priest, and had to be sold to a priest at the price of less than the terumah in the mixture. If terumah was mixed with common produce a hundred times in quantity, the terumah is neutralized in the mixture, and it may be eaten by a non-priest; cf. Ter. IV, 7.
- (25) To be eaten in Jerusalem.
- (26) After a handful of the meal had been offered on the altar. This remainder was to be eaten by the priests only, Lev. II, 3.
- (27) Because owing to their great sanctity. the 'am ha-arez may be presumed to have duly tithed them.
- (28) Cf. Buchler, *op. cit.* p. 15, n. 2. Others explain it as Balsam oil.
- (29) Because it may have been already tithed owing to its scarcity and its great value.
- (30) Lit., 'mixture', or 'amalgamation' of boundaries; food placed before the Sabbath at a convenient spot, making that spot a temporary abode, and enabling the owner to move freely on the Sabbath day within a distance of 2000 cubits on all sides of the spot. The 'erub thus serves to amalgamate and extend the limits of a Sabbath day journey; cf. 'Er. III, 2.
- (31) I.e., שְׂתוּף, shittuf, partnership of a courtyard or a private alley, containing several private domiciles. The owners of the domiciles combine to place jointly before the Sabbath some food in a convenient spot in the courtyard or the alley, which thus converts the several domiciles into a joint property, and enables the various owners to move freely on the Sabbath day from one domicile into the other; cf. 'Er. VII, 6 — 8.
- (32) V. Rashi Shab. 23a; Aliter: One recites grace after it (alone).
- (33) I.e., זְמֻן, invitation. Three or more persons eating together in the same room may be invited by one of them by a prescribed formula to join together in saying grace; cf. Ber. VII, 1,3. But produce which is certainly untithed cannot be used for these purposes, since its consumption involves a sin.
- (34) Since no benediction need be said on tithing demai produce, as on tithing produce which is certainly untithed; cf. Ter. I, 6.

(35) This is forbidden in the case of produce certainly untithed; cf. Shab. II,7.

(36) This is forbidden in the case of ordinary produce; cf. Ter. III, 6; Ma'as. Sh. V, 11.

(37) This is like anointing the body, and anointing is equivalent to drinking, Shab. IX, 4.

(38) It is like the greasing of utensils, v. supra 3, p. 54.

Mishna - Mas. Demai Chapter 2

MISHNAH 1. THE FOLLOWING THINGS MUST BE TITHED AS DEMAI IN ALL PLACES:¹ PRESSED FIGS, DATES, CAROBS, RICE, AND CUMIN. AS TO RICE FROM OUTSIDE THE LAND [OF ISRAEL], WHOEVER USES IT² IS EXEMPT FROM TITHING IT.

MISHNAH 2. IF A MAN HAS TAKEN UPON HIMSELF TO BE TRUSTWORTHY,³ HE MUST TITHE WHATEVER HE EATS AND WHATEVER HE SELLS⁴ AND WHATEVER HE BUYS;⁵ AND HE MAY NOT BE THE GUEST⁶ OF AN 'AM HA-AREZ.⁷ R. JUDAH SAYS: A MAN WHO IS THE GUEST OF AN 'AM HA-AREZ MAY STILL BE CONSIDERED TRUSTWORTHY.⁸ BUT THEY SAID TO HIM: IF HE IS NOT TRUSTWORTHY IN RESPECT OF HIMSELF,⁹ HOW CAN HE BE CONSIDERED TRUSTWORTHY IN RESPECT OF OTHERS?¹⁰

MISHNAH 3. IF A MAN HAS TAKEN UPON HIMSELF TO BECOME AN ASSOCIATE,¹¹ HE MAY NOT SELL TO AN 'AM HA-AREZ EITHER MOIST OR DRY¹² [PRODUCE]; NOR MAY HE BUY FROM HIM MOIST¹³ [PRODUCE]. HE MAY NOT BE THE GUEST OF AN 'AM HA-AREZ,¹⁴ NOR MAY HE RECEIVE AS GUEST AN AM HA-AREZ WHO IS WEARING HIS OWN GARMENT.¹⁵ R. JUDAH SAYS: HE MAY NOT ALSO BREED SMALL CATTLE,¹⁶ NOR MAY HE BE ADDICTED TO MAKING VOWS¹⁷ , OR TO LAUGHTER;¹⁸ NOR MAY HE DEFILE HIMSELF BY THE DEAD,¹⁹ BUT HE MUST BE AN ATTENDANT AT THE HOUSE OF STUDY. BUT THEY SAID TO HIM: THESE [REQUIREMENTS] DO NOT COME WITHIN THE GENERAL RULE [OF ASSOCIATESHIP].²⁰

MISHNAH 4. BAKERS²¹ [WHO ARE ASSOCIATES] ARE BOUND BY THE SAGES TO SET APART [FROM DEMAI PRODUCE] NO MORE THAN SUFFICES FOR THE TERUMAH OF TITHE²² AND FOR HALLAH.²³ SHOPKEEPERS²⁴ MAY NOT SELL DEMAI [PRODUCE]. ALL [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES²⁵ MAY SELL DEMAI. [MERCHANTS] WHO SUPPLY IN LARGE QUANTITIES ARE SUCH AS WHOLESALE PROVISION DEALERS AND VENDORS OF CORN.

MISHNAH 5. R. MEIR SAYS: IF [PRODUCE] WHICH IS USUALLY MEASURED OUT [FOR SALE] IN A LARGE [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A SMALL [QUANTITY]. THE SMALL QUANTITY IS TREATED AS IF IT WAS A LARGE²⁶ [QUANTITY]; IF [PRODUCE] WHICH IS USUALLY MEASURED OUT FOR SALE IN A SMALL [QUANTITY] HAPPENED TO HAVE BEEN MEASURED OUT IN A LARGE [QUANTITY]. THE LARGE [QUANTITY] IS TREATED AS IF IT WAS A SMALL²⁷ [QUANTITY]. WHAT IS CONSIDERED A LARGE QUANTITY? THREE KABS FOR DRY [PRODUCE], AND [OF THE VALUE OF] ONE DENAR FOR LIQUID [PRODUCE]. R. JOSE SAYS: IF BASKETS OF FIGS AND BASKETS OF GRAPES AND HAMPERS OF VEGETABLES ARE SOLD IN THE LUMP, THEY ARE EXEMPT [FROM THE RULES OF DEMAI].

(1) Even when bought beyond Chezib (I, 3, n. 11). because they may be produce grown in the Land of Israel.

(2) Even in the Land of Israel, because foreign rice is easily distinguished by its reddish colour from the white rice grown in the Land of Israel.

(3) **יָמֵי** , in respect of tithes, so that the produce he sells may be considered duly tithed; cf. Introduction, p. 51.

- (4) From his fields.
- (5) For selling to others.
- (6) That he may not be tempted to eat untithed produce.
- (7) עַם הָאָרֶץ . Lit., 'the people of the land', an uninstructed person who is indifferent to the tithing of produce and to the observance of clean and unclean; cf. Introduction p. 51; 'Ed. I, 14 (Sonc. ed. p. 8, n. 1).
- (8) If he declares that he did not eat with his host anything untithed.
- (9) As is proved by his eating with an 'am ha-arez.
- (10) In respect of the produce he sells to others.
- (11) הַבֵּר , haber, a member of an association of scrupulous observers of the Law, especially in matters of tithes and purity.
- (12) Lest it contract a defilement while in the possession of the 'am ha-arez.
- (13) Moisture renders produce susceptible to defilement; cf. Lev. XI, 38; 'Ed. I, 8 (Sonc. ed. p. 4, n. 12); Maksh.
- (14) Lest he contract a defilement while at his house.
- (15) The garment of an 'am ha-arez is considered a 'principal' cause of defilement, because it may have been used by a menstruous woman or by a person with an issue; cf. Lev. XV, 4, 20; Hag. II, 7.
- (16) Breeding small cattle is prohibited in the Land of Israel because of the damage they cause to trees and bushes; cf. B.K. VII, 7.
- (17) That he may not be tempted to break a vow; cf. Eccl. V, 4.
- (18) Which leads to immorality; cf. Ab. III, 13 (Sonc. ed. p. 36, n. 3).
- (19) Unnecessarily.
- (20) Associateship is concerned only with the observance of tithing and purity.
- (21) Who supply bread to shopkeepers at a low profit.
- (22) The heave-offering which the Levite gives to the priest from the First Tithe; cf. Introduction p. 50.
- (23) cf. I, 3, n. 12.
- (24) Who sell to the private consumer at a big profit.
- (25) Whose profit is small, as they generally give a liberally heaped measure.
- (26) And is exempt from tithing as demai.
- (27) It must be tithed as demai by the vendor.

Mishna - Mas. Demai Chapter 3

MISHNAH 1. ONE MAY GIVE DEMAI PRODUCE FOR FOOD TO THE POOR¹ AND TO PASSING TROOPS.² RABBAN GAMALIEL USED TO GIVE DEMAI FOR FOOD TO HIS WORKMEN.³ AS FOR COLLECTORS OF CHARITY, BETH SHAMMAI SAY: THEY SHOULD GIVE TITHED [PRODUCE] TO PERSONS WHO DO NOT TITHE, AND UNTITHED [PRODUCE] TO PERSONS WHO DO TITHE;⁴ IT WILL THUS RESULT THAT EVERY ONE WILL BE EATING [PRODUCE] THAT HAS BEEN SET RIGHT.⁵ BUT THE SAGES SAY: THEY MAY COLLECT INDETERMINATELY⁶ AND DISTRIBUTE INDETERMINATELY. AND WHOEVER [OF THE RECIPIENTS] WISHES TO SET RIGHT⁷ [HIS PORTION] MAY DO SO.

MISHNAH 2. IF A MAN WISHED TO CUT OFF LEAVES OF VEGETABLES IN ORDER TO LIGHTEN HIS BURDEN, HE MAY NOT THROW THEM DOWN UNLESS HE HAS [FIRST] TITHED THEM.⁸ IF A MAN PICKED UP VEGETABLES⁹ IN THE MARKET [WITH THE INTENTION OF BUYING THEM], AND THEN DECIDED TO PUT THEM BACK, HE MAY NOT PUT THEM BACK EXCEPT HE HAD [FIRST] TITHED THEM,¹⁰ FOR NOTHING WAS NEEDED [TO MAKE THEM HIS OWN] BUT NUMBERING¹¹ , [THEM]. BUT IF HE [ONLY] STOOD [THERE] BARGAINING¹² AND THEN SAW ANOTHER LOAD OF BETTER QUALITY, HE MAY PUT THEM BACK [UNTITHED]. SINCE HE HAD NOT YET DRAWN THEM INTO HIS POSSESSION.¹³

MISHNAH 3. IF A MAN FOUND FRUIT ON THE ROAD AND PICKED IT UP IN ORDER

TO EAT IT, AND THEN DECIDED TO HIDE IT, HE MAY NOT HIDE IT UNLESS HE HAS [FIRST] TITHED IT. BUT IF FROM THE FIRST HE HAD PICKED IT UP ONLY IN ORDER TO GUARD IT AGAINST DESTRUCTION,¹⁴ HE IS EXEMPT [FROM TITHING IT]. ANY PRODUCE WHICH A MAN MAY NOT SELL¹⁵ [IN THE CONDITION OF] DEMAI, HE MAY NEITHER SEND IT [AS A GIFT] TO HIS FRIEND¹⁶ [IN THE CONDITION OF] DEMAI. R. JOSE PERMITS [TO BE SENT AS A GIFT PRODUCE] THAT IS CERTAINLY UNTITHED,¹⁷ ON CONDITION THAT HE MAKES THE MATTER KNOWN TO THE RECIPIENT.

MISHNAH 4. IF A MAN CARRIED HIS WHEAT¹⁸ TO A MILLER WHO WAS A CUTHEAN¹⁹ OR TO A MILLER WHO WAS AN 'AM HA-AREZ, [THE WHEAT WHEN GROUND CONTINUES] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR²⁰ PRODUCE. [BUT IF HE CARRIED IT] TO A MILLER WHO WAS A GENTILE, [THE WHEAT WHEN GROUND BECOMES] DEMAI.²¹ IF A MAN LEFT HIS FRUIT IN THE KEEPING OF A CUTHEAN OR OF AN 'AM HA-AREZ, [IT CONTINUES WHEN RETURNED] IN ITS FORMER CONDITION IN RESPECT OF TITHES AND THE LAW OF SEVENTH YEAR PRODUCE. [BUT IF HE LEFT IT] WITH A GENTILE,²² [IT BECOMES] LIKE THE FRUIT OF THE GENTILE.²³ R. SIMEON SAYS: [IT BECOMES] DEMAI.²⁴

MISHNAH 5. IF A MAN GAVE [PRODUCE] TO THE HOSTESS OF AN INN [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER²⁵ AND WHAT HE TAKES BACK FROM HER,²⁶ BECAUSE SHE MAY BE SUSPECTED OF CHANGING IT. R. JOSE SAID: WE ARE NOT RESPONSIBLE FOR IMPOSTORS.²⁷ NAY, HE NEED TITHE ONLY WHAT HE TAKES BACK FROM HER.

MISHNAH 6. IF A MAN GAVE [PRODUCE] TO HIS MOTHER-IN-LAW [TO PREPARE IT FOR FOOD], HE MUST TITHE WHAT HE GIVES TO HER²⁵ AND WHAT HE TAKES BACK FROM HER, BECAUSE SHE IS SUSPECTED OF CHANGING ANY [FOOD] WHICH IS LIABLE TO BE SPOILT. R. JUDAH SAID: [SHE MIGHT HAVE TO DO IT BECAUSE] SHE DESIRES THE WELFARE OF HER DAUGHTER AND IS BASHFUL OF HER SON-IN-LAW.²⁸ R. JUDAH AGREES THAT IF A MAN GAVE TO HIS MOTHER-IN-LAW SEVENTH YEAR PRODUCE,²⁹ SHE IS NOT SUSPECTED OF CHANGING IT³⁰ AND GIVING HER DAUGHTER TO EAT OF SEVENTH YEAR PRODUCE.

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- (1) Even if they are associates; but they must be told that the food is demai.
 - (2) Who are Israelites. The Hebrew word אַכְמַנִּיאַ (from the Greek **) may also mean 'passing guests'.
 - (3) Who were poor, though he was bound to provide their food during their working hours; cf. infra VII, 3, n. 2.
 - (4) Telling them that the produce is demai.
 - (5) Hebrew מְתוּקָן ; i.e., that has been duly tithed; cf. Introduction p. 49.
 - (6) I.e., without inquiring from the donors whether the produce they give has been tithed.
 - (7) I.e., tithe it.
 - (8) To prevent their being eaten untithed by an 'am ha-arez who may happen to pick them up.
 - (9) Which are sold at a fixed price per bundle.
 - (10) And paying the dealer the cost of the tithe.
 - (11) Since they are sold at a fixed price per bundle, the mere act of picking them up is sufficient to make him the owner of the vegetables, and to render him responsible for tithing them.
 - (12) Without having decided to buy them.
 - (13) I.e., he had not performed the required Meshikah, v. Glos.
 - (14) Without intending to take possession of them.
 - (15) Such as bread by shopkeepers, or produce in a small quantity; cf. supra II, 5.
 - (16) Even if his friend is an associate.
 - (17) Even in a small quantity.
 - (18) Which had been duly tithed.

- (19) A man from Cutha, a Samaritan; cf. II Kings XVII, 24.
- (20) The Cuthean and the 'am ha-arez are not suspected of having changed the tithed wheat for untithed wheat, or for wheat of Seventh Year produce in which the laws regulating the produce of the Sabbatical Year had not been observed; cf. Lev. XXV, 4 — 7 and Tractate Shebi'ith.
- (21) The Gentile may have exchanged the wheat for wheat brought to him by another Israelite, an 'am ha-arez which is demai.
- (22) Which is exempt from tithing.
- (23) Unlike the case of the miller, it is not usual for people to deposit fruit with another person.
- (24) The Gentile may still have exchanged it for the fruit of an Israelite 'am ha-arez, who happened to deposit some with him.
- (25) So that if she cheats him and eats it herself, she may not eat it untithed.
- (26) This may not be the same produce he had given her.
- (27) To guard them against eating untithed produce.
- (28) She has a high respect for him. For these reasons she may be suspected of having exchanged the produce he had given her for produce of a better quality.
- (29) In which the laws of Seventh Year produce had been observed, and was therefore permitted to be eaten.
- (30) For Seventh Year produce in which the special laws had not been observed. She would not wish to cause her daughter to commit the sin of eating prohibited Seventh Year produce.

Mishna - Mas. Demai Chapter 4

MISHNAH 1. IF A MAN BOUGHT FRUIT FROM ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES, AND HE FORGOT TO TITHE IT,¹ HE MAY EAT OF IT AT THE VENDOR'S WORD IF HE ASKED HIM ON THE SABBATH.² BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT³ UNLESS HE HAD FIRST TITHED IT. IF HE COULD NOT FIND THE VENDOR, BUT ANOTHER PERSON WHO WAS NOT TRUSTWORTHY IN RESPECT OF TITHES DECLARED TO HIM THAT IT HAD BEEN TITHED, HE MAY EAT OF IT AT HIS WORD.⁴ BUT AT THE NIGHTFALL OF THE SABBATH DAY, HE MAY NOT EAT OF IT UNLESS HE HAD FIRST TITHED IT. IF TERUMAH OF THE TITHE OF DEMAI⁵ HAD BECOME MIXED UP AGAIN [WITH THE FRUIT] FROM WHICH IT HAD BEEN TAKEN, R. SIMEON OF SHEZUR SAYS: EVEN ON A WEEK-DAY HE MAY ASK THE VENDOR AND EAT AT HIS WORD.⁶

MISHNAH 2. IF A MAN IMPOSED A VOW⁷ UPON HIS FRIEND TO EAT WITH HIM, AND THE FRIEND DOES NOT TRUST HIM IN RESPECT OF TITHES, HE MAY EAT WITH HIM⁸ ON THE FIRST SABBATH⁹ THOUGH HE DOES NOT TRUST HIM IN RESPECT OF TITHES, PROVIDED THAT THE MAN HAD DECLARED TO HIM THAT THE FOOD HAD BEEN TITHED. BUT ON THE SECOND SABBATH, THOUGH THE MAN HAD BOUND HIMSELF BY A VOW NOT TO ENJOY ANY BENEFIT FROM HIM,¹⁰ HE MAY NOT EAT WITH THE MAN EXCEPT HE HAD FIRST TITHED [THE FOOD].¹¹

MISHNAH 3. R. ELIEZER SAYS: A MAN NEED NOT DESIGNATE¹² THE POORMAN'S¹³ TITHE OF DEMAI. BUT THE SAGES SAY: HE MUST DESIGNATE IT, BUT HE NEED NOT SET IT APART.¹⁴

MISHNAH 4. IF A MAN HAD DESIGNATE¹⁵ THE TERUMAH OF THE TITHE OF DEMAI,¹⁶ OR THE POORMAN'S TITHE OF PRODUCE THAT HAD CERTAINLY NOT BEEN TITHED,¹⁷ HE MAY NOT TAKE THEM ON THE SABBATH.¹⁸ BUT IF THE PRIEST AND THE POOR MAN WERE WONT TO EAT WITH HIM, THEY MAY COME AND EAT OF THEM PROVIDED THAT HE MAKES THE MATTER KNOWN TO THEM.¹⁹

MISHNAH 5. IF A MAN SAID TO ONE WHO WAS NOT TRUSTWORTHY IN RESPECT OF

TITHES: 'BUY [PRODUCE] FOR ME FROM ONE WHO IS TRUSTWORTHY OR FROM ONE WHO GIVES TITHES', [THE MESSENGER] MAY NOT BE TRUSTED.²⁰ BUT IF THE MAN SAID: BUY IT FOR ME FROM SO-AND-SO', HE IS TO BE TRUSTED.²¹ IF HE WENT TO BUY IT FROM HIM [AND THEN CAME BACK] AND SAID: 'I DID NOT FIND HIM, SO I BOUGHT FOR YOU FROM ANOTHER MAN WHO IS TRUSTWORTHY', HE MAY NOT BE TRUSTED.

MISHNAH 6. IF A MAN ENTERED A CITY WHERE HE KNEW NO ONE, AND SAID: 'WHO IS HERE TRUSTWORTHY? WHO GIVES TITHES HERE?', AND SOME ONE REPLIED: 'I', HE MAY NOT BE TRUSTED. BUT IF HE REPLIED: 'SO-AND-SO IS TRUSTWORTHY', HE MAY BE BELIEVED.²² IF THE MAN WENT TO BUY FROM SO-AND-SO, AND HE ASKED HIM: 'WHO SELLS HERE OLD PRODUCE?'²³ AND SO-AND-SO REPLIED: 'HE WHO HAD SENT YOU TO ME', THOUGH THEY APPEAR AS REPAYING EACH OTHER'S FAVOUR, THEY MAY YET BE TRUSTED.²⁴

MISHNAH 7. IF ASS-DRIVERS²⁵ ENTERED A CITY AND ONE OF THEM DECLARED: 'MY PRODUCE IS NEW BUT MY FRIEND'S PRODUCE IS OLD', OR: 'MY PRODUCE HAS NOT BEEN SET RIGHT BUT MY FRIEND'S PRODUCE HAS BEEN SET RIGHT',²⁶ THEY MAY NOT BE TRUSTED.²⁷ R. JUDAH SAYS: THEY MAY BE TRUSTED.²⁸

(1) Before the Sabbath. Tithing is not permitted on the Sabbath; cf. supra I, 4, n. 12.

(2) It may be presumed that the vendor, though an 'am ha-arez, will not lie on the Sabbath day.

(3) Although he had already eaten of it on the Sabbath, because he is now able to tithe it.

(4) Even another person may be believed on the Sabbath day.

(5) Lit., 'which had returned to its place'; supra II, 4, n. 10. The quantity of this terumah is one tenth of the tithe, or a hundredth part of the whole, and this had become mixed up with the remaining ninety-nine parts, which are not sufficient to neutralize the sanctity of the terumah; cf. I, 3, n. 2.

(6) If the vendor declares that the produce had been tithed from the first, and that the tithing by the buyer was unnecessary, he is believed, as otherwise the whole mixture would be rendered forbidden as terumah, and the buyer would suffer a great loss; v. Rashi. Men. 30b.

(7) He said: 'May you be forbidden to derive any benefit from me if you do not eat with me'; cf. Ned. III, 1; IV. The man was celebrating his marriage to a virgin.

(8) In order to prevent ill-feeling.

(9) The Hebrew word 'Sabbath' may also mean 'week'.

(10) A vow by which he binds his own person is more conducive to ill-feeling than a vow by which he binds his friend.

(11) The rule that an 'am ha-arez may be believed on the Sabbath (supra I, n. 2) applies only to the statement of a vendor.

(12) I.e., declare that the tithe shall be in a certain part of the produce, as infra V, 1, 2; VII; cf. Ter. III, 5, and Introduction p. 51. R. Eliezer holds that the 'am ha-arez does set apart the Poorman's Tithe, but keeps it for his own use.

(13) V. Introduction p. 50.

(14) He need not give it to the poor, because the burden of proof that the demai produce had not been tithed by the 'am ha-arez who was its original owner, lies on the poor; cf. Introduction p. 51.

(15) Before the Sabbath.

(16) In the case of produce that was certainly untithed, the owner himself cannot separate the Terumah of the Tithe. This must be done by the Levite who receives the tithe.

(17) In the case of demai produce there is no need to give away the Poorman's Tithe, as stated above n. 7.

(18) In order to deliver them respectively to the priest and to the poor. This delivery is forbidden on the Sabbath or on the Festival; cf. Bez. 12b.

(19) That they may know that they are eating their own produce. It is forbidden to discharge one's personal obligations to guests by treating them with tithes.

(20) When he says that he had bought it from a trustworthy person because the vendor considered trustworthy by the messenger may not really be so.

- (21) When he says that he bought it from the person named by the sender.
- (22) The rule that a person who is not trustworthy himself may not testify about the trustworthiness of another person is relaxed in this case, in view of the difficulty the enquirer may have in obtaining food in a strange place from a trustworthy person.
- (23) Of last year's harvest. The new produce of the current year may not be eaten before the 'Omer, or Sheaf-offering, has been offered on the altar on the first day of the Passover; cf. Lev. XXIII, 10 — 14; Men. X, 5.
- (24) Most 'amme ha-arez used to observe the rules respecting the consumption of new produce.
- (25) 'Who hawk their produce for sale in different localities.
- (26) Duly tithed; III, 1, n. 5.
- (27) This testimony may be part of a mutual arrangement to assist one another in the sale of their produce in different localities.
- (28) Since most 'amme ha-arez do tithes, the strict rule of demai may be relaxed in this case, in order to attract produce dealers to the city and thereby promote its economic prosperity.

Mishna - Mas. Demai Chapter 5

MISHNAH 1. IF A MAN¹ BOUGHT BREAD FROM A BAKER² HOW SHOULD HE TITHE? HE SHOULD TAKE³ SUFFICIENT FOR THE TERUMAH OF THE TITHE⁴ AND FOR HALLAH⁵ AND SAY: A HUNDREDTH PART OF WHAT IS HERE⁶ SHALL BE TITHE ON THIS SIDE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;⁷ THAT WHICH I MADE TITHE⁸ SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE;⁹ THE REMAINDER¹⁰ SHALL BE HALLAH, AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT¹¹ SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED¹² FOR MONEY.¹³

MISHNAH 2. IF A MAN WISHED TO SET APART¹⁴ TERUMAH¹⁵ AND THE TERUMAH OF THE TITHE BOTH TOGETHER, HE SHOULD TAKE THREE HUNDREDTHS¹⁶ AND SAY: ONE HUNDREDTH PART OF WHAT IS HERE SHALL BE COMMON PRODUCE¹⁷ ON THIS SIDE, AND THE REST¹⁸ SHALL BE TERUMAH FOR THE WHOLE; THE HUNDREDTH PART¹⁹ COMMON PRODUCE WHICH IS HERE SHALL BE TITHE ON THIS SIDE,²⁰ AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;²¹ THAT WHICH I MADE TITHE²² SHALL BECOME THE TERUMAH OF TITHE FOR THE WHOLE;²³ THE REMAINDER SHALL BE HALLAH,²⁴ AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 3. IF A MAN BOUGHT FROM A BAKER, HE MAY GIVE TITHE FROM HOT²⁵ BREAD FOR COLD²⁶ OR FROM COLD BREAD FOR HOT BREAD, EVEN WHEN THEY ARE OF VARIOUS MOULDS; THUS R. MEIR. R. JUDAH PROHIBITS IT, BECAUSE IT MAY BE ASSUMED THAT YESTERDAY'S WHEAT WAS BOUGHT FROM ONE MAN²⁷ AND TO-DAY'S WHEAT FROM ANOTHER MAN.²⁸ R. SIMEON PROHIBITS IT IN THE CASE OF TERUMAH OF THE TITHE, BUT PERMITS IT IN THE CASE OF HALLAH.²⁹

MISHNAH 4. IF A MAN BOUGHT FROM A BREAD DEALER HE MUST TITHE EVERY MOULD [SEPARATELY;]³⁰ THUS R. MEIR. R. JUDAH SAYS: HE MAY GIVE TITHES FROM ONE MOULD FOR ALL THE OTHERS.³¹ BUT R. JUDAH AGREES THAT IF A MAN BOUGHT FROM A MONOPOLIST³² HE MUST TITHE EVERY MOULD [SEPARATELY].

MISHNAH 5. IF A MAN BOUGHT FROM A POOR MAN³³ (LIKEWISE IF A POOR MAN WAS GIVEN SLICES OF BREAD OR PIECES OF FIG-CAKE) HE MUST TITHE EVERY PIECE;³⁴ BUT IN THE CASE OF DATES AND DRIED FIGS HE MAY MIX THEM TOGETHER AND TAKE [THE TITHES FROM THE MIXTURE]. R. JUDAH SAID: HE MAY DO SO ONLY WHEN THE POOR MAN WAS GIVEN A LARGE QUANTITY; BUT WHEN THE GIFT WAS SMALL [IN QUANTITY] HE MUST TITHE EACH KIND SEPARATELY.

MISHNAH 6. IF A MAN BOUGHT FROM A WHOLESALE MERCHANT³⁵ ONCE AND THEN AGAIN, HE MAY NOT GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER, EVEN WHEN BOTH CAME FROM THE SAME HAMPER AND BOTH ARE OF THE SAME KIND. BUT THE WHOLESALE MERCHANT MAY BE TRUSTED IF HE SAYS THAT BOTH CAME FROM ONE MAN.

MISHNAH 7. IF A MAN BOUGHT FROM A LANDOWNER³⁶ ONCE AND THEN AGAIN, HE MAY GIVE TITHES FROM THE ONE [PURCHASE] FOR THE OTHER,³⁷ EVEN WHEN THEY CAME FROM TWO BASKETS AND EVEN FROM TWO TOWNS. IF A LANDOWNER SOLD VEGETABLES IN THE MARKET, [HE THAT BOUGHT FROM HIM] MAY GIVE TITHES FROM ONE [LOT OF VEGETABLES] FOR ALL [THE OTHER LOTS] IF THEY WERE [ALL] BROUGHT TO THE LANDOWNER FROM HIS OWN GARDENS; BUT [IF THEY WERE BROUGHT] FROM OTHER GARDENS, THE PURCHASER MUST TITHE EACH LOT SEPARATELY.

MISHNAH 8. IF A MAN BOUGHT UNTITHED PRODUCE³⁸ FROM TWO PLACES HE MAY GIVE TITHES FROM ONE LOT FOR THE OTHER. ALTHOUGH THEY HAVE PERMITTED [THIS, NEVERTHELESS] ONE MAY NOT SELL UNTITHED PRODUCE³⁹ EXCEPT IN THE CASE OF A NECESSITY.⁴⁰

MISHNAH 9. TITHES MAY BE GIVEN FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM A GENTILE,⁴¹ FROM PRODUCE [BOUGHT] FROM A GENTILE FOR PRODUCE [BOUGHT] FROM AN ISRAELITE, FROM PRODUCE [BOUGHT] FROM AN ISRAELITE FOR PRODUCE [BOUGHT] FROM CUTHEANS,⁴² AND FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS. R. ELIEZER PROHIBITS [THE TITHING] FROM PRODUCE [BOUGHT] FROM CUTHEANS FOR PRODUCE [BOUGHT] FROM [OTHER] CUTHEANS.⁴³

MISHNAH 10. A PERFORATED POT⁴⁴ IS CONSIDERED AS THE SOIL⁴⁵ [ITSELF]. IF A MAN GAVE TERUMAH FROM [PRODUCE GROWN IN] THE SOIL FOR [PRODUCE GROWN IN] A PERFORATED POT, OR FROM [PRODUCE GROWN IN] A PERFORATED POT FOR [PRODUCE GROWN IN] THE SOIL, THE TERUMAH IS VALID. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A POT THAT WAS NOT PERFORATED FOR [PRODUCE GROWN IN] A POT THAT WAS PERFORATED, [IT BECOMES] TERUMAH,⁴⁶ BUT HE MUST GIVE TERUMAH OVER AGAIN. [IF HE GAVE TERUMAH] FROM [PRODUCE GROWN IN] A PERFORATED POT FOR [PRODUCE GROWN IN] A POT WHICH WAS NOT PERFORATED, [IT BECOMES] TERUMAH, BUT MAY NOT BE EATEN⁴⁷ EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

MISHNAH 11. IF A MAN GAVE TERUMAH FROM [PRODUCE OF] DEMAI FOR [OTHER PRODUCE OF] DEMAI, OR FROM [PRODUCE OF] DEMAI FOR [PRODUCE] WHICH WAS CERTAINLY UNTITHED, [THIS BECOMES] TERUMAH, BUT HE MUST GIVE TERUMAH OVER AGAIN.⁴⁸ [IF HE GAVE TERUMAH] FROM [PRODUCE] WHICH WAS CERTAINLY UNTITHED FOR [PRODUCE OF] DEMAI, [THIS BECOMES] TERUMAH, BUT IT MAY NOT BE EATEN⁴⁷ EXCEPT HE FIRST GAVE AGAIN TERUMAH AND TITHES FOR IT.

(1) Who is an associate.

(2) Who is an 'am ha-arez and who does not observe the rule laid down in II, 4 or one who sells in large quantities and is exempt from tithing demai produce; II, 4.

(3) By word of mouth, i.e., by designating them and without actually cutting off from the bread the various portions of the tithes.

- (4) One hundredth part of the whole; IV, 1, n. 5.
- (5) Cf. I, 3, n. 12. The legal quantity of Hallah for a private person is one twenty-fourth part of the whole, and one forty-eighth part for a baker; cf. Hal. II, 7.
- (6) Of the bread.
- (7) I.e., 9/100 of the whole, making together with the first hundredth, one tenth of the whole for First (Levitical) Tithe.
- (8) I.e., the first hundredth.
- (9) Of the 10/100, or the First Tithe.
- (10) I.e., 1/24 of the 9/10 of the loaf.
- (11) Of the Terumah of the Tithes.
- (12) Lit., 'rendered common'; cf. I, 2, n. 7.
- (13) To enable it to be eaten outside Jerusalem. He need not add the Fifth; I, 2, n. 10. This rather complicated method is enjoined because the more sacred portion must be set apart before the less sacred, (cf. Ter. III, 6 — 7). Hence when a person who is not a Levite wishes to set apart not only First Tithe but also the Terumah of the Tithe (cf. IV, 4, n. 9) he must set apart the Terumah of the Tithe (viz., one hundredth part) before the tithe, as more sacred than the tithe. But this hundredth part cannot become Terumah of the Tithe before it had first become tithe, therefore the man must set apart the tithe in two portions; first one tenth of the tithe (one hundredth of the whole), which later becomes Terumah of the Tithe, and then the remaining nine tenths of the tithe (nine hundredths of the whole). Hallah is indeed more sacred than the tithe (since Hallah belongs to the priest), but nevertheless it may be set apart after the tithe, from the remaining nine tenths of the whole, because Hallah need not be given from the tithe. Finally, Second Tithe must be set apart only after the First Tithe; cf. I, 4, n. 1.
- (14) From produce which had certainly not been tithed.
- (15) The Priest's heave-offering; cf. I, 3, n. 1.
- (16) Lit., 'one part in thirty-three and a third'.
- (17) Provisionally, to be made later into First Tithe, and finally into Terumah of the Tithe.
- (18) Of the three hundredths, i.e., two hundredths, or one fiftieth of the whole, which is the usual quantity of the terumah; cf. Introd. p. 50. Terumah, as the most sacred of all portions, must be set apart first, to be followed by Terumah of the Tithe, as explained in n. 12, p. 67.
- (19) I.e., the first hundredth of the three hundredths.
- (20) Later to become Terumah of the Tithe, as in the last Mishnah.
- (21) I.e., nine tenths of the tithe, or about nine hundredths of the whole, making together with the one hundredth, which will become Terumah of the Tithe, one tenth of the whole.
- (22) I.e., the first hundredth.
- (23) Of the ten hundredths.
- (24) I.e., one twenty-fourth of the remainder of the produce after Terumah and the Tithe with its terumah have been taken off. In this way the more sacred portions, terumah and Terumah of the Tithe are separated first.
- (25) I.e., freshly baked.
- (26) Stale.
- (27) Who gave tithes.
- (28) Who did not give tithes. The buyer may thus be tithing from tithed produce for untithed produce, or from produce which is exempt for produce which is liable, but this is forbidden; cf. Ter. I, 5; B.M. 56a.
- (29) Because produce does not become liable to Hallah, except when turned into dough (cf. Hal. II, 5); so that even if the wheat was bought from two different persons, it became liable to Hallah only after it had come into the possession of the baker.
- (30) The dealer may have bought the bread in the different moulds from different people. Therefore if he tithed from one mould for another, he may be tithing from produce which is exempt for produce which is liable.
- (31) The dealer usually buys his bread from one baker.
- (32) A dealer who has the sole right of selling bread to the public. He usually buys from various bakers.
- (33) Who begs from door to door.
- (34) To prevent tithing from what is exempt for what is liable.
- (35) Who buys from different people.
- (36) Lit., 'a householder', who sells the produce of his own fields.
- (37) Both purchases are either tithed or untithed.

- (38) Lit., 'tebel,' but not quite in its stricter sense of produce from which neither terumah nor tithes have been separated; cf. Introd. p. 50.
- (39) Even to an associate.
- (40) As when some tithed produce was mixed up with tebel which can only be set right by finding for it Terumah and Tithes from another similar lot; cf. Men. 31a. But if the owner has not got other similar produce, he must sell the mixture to one who has.
- (41) According to this halachah, produce grown by a Gentile in the soil of the Land of Israel is liable to the duty of tithes; cf. B.M. 101a.
- (42) Cf. III, 4, n. 8. Samaritans usually tithe the produce they keep for their own use, but not the produce they keep for sale.
- (43) One Cuthean may have sold tithed produce which he had originally intended for his own use, whilst the other Cuthean sold untithed produce. In tithing from one for the other, one may be tithing the exempt for the liable.
- (44) A pot with holes in the bottom, filled with soil, and used for growing plants.
- (45) Produce grown in it is liable to the laws of Terumah and Tithes.
- (46) In name, and therefore can be eaten only by a priest; but it is not valid to discharge the produce of the other pot from the duty of terumah.
- (47) Even by priests, because it is still tebel.
- (48) The terumah he gave from demai is not valid to discharge the other produce from the duty of terumah, because the demai from which the terumah was taken may have been set right originally by its former owner, and the present owner may thus be giving terumah from what is exempt for what is liable.

Mishna - Mas. Demai Chapter 6

MISHNAH 1. IF A MAN RENTED A FIELD FROM AN ISRAELITE, OR FROM A GENTILE, OR FROM A CUTHEAN [FOR A SHARE IN THE PRODUCE].¹ HE MAY SET THE [LANDLORD'S] SHARE BEFORE HIM [UNTITHED].² IF A MAN HIRED A FIELD FROM AN ISRAELITE [FOR A FIXED RENTAL OUT OF THE PRODUCE],³ HE MUST FIRST GIVE TERUMAH [FROM THE RENTAL]⁴ AND THEN GIVE IT TO THE LANDLORD.⁵ R. JUDAH SAID: THIS APPLIES ONLY WHEN HE PAYS HIM [THE RENTAL WITH PRODUCE] OF THE SAME FIELD AND OF THE SAME KIND; BUT WHEN HE PAYS HIM WITH THE PRODUCE OF ANOTHER FIELD OR OF ANOTHER KIND, HE MUST [ALSO] TITHE [THE RENTAL FIRST] AND THEN GIVE IT TO HIM.⁶

MISHNAH 2. IF A MAN HIRED A FIELD FROM A GENTILE [FOR A FIXED RENTAL OUT OF THE PRODUCE], HE MUST [FIRST] TITHE [THE RENTAL] AND THEN GIVE IT TO HIM.⁷ R. JUDAH SAYS: ALSO IF A MAN RENTED FROM A GENTILE A FIELD WHICH HAD FORMERLY BELONGED TO HIS FATHERS⁸ [FOR A SHARE IN THE PRODUCE], HE MUST FIRST TITHE THE RENTAL⁹ AND THEN GIVE IT TO HIM.

MISHNAH 3. IF A PRIEST OR A LEVITE RENTED A FIELD FROM AN ISRAELITE [FOR A SHARE IN THE PRODUCE], THE TENANTS SHARE WITH THE LANDLORD THE TERUMAH¹⁰ JUST AS THEY SHARE THE COMMON PRODUCE. R. ELIEZER SAYS: ALSO THE TITHES¹¹ BELONG TO THE TENANTS, FOR THEY ENTERED THE FIELD WITH THIS EXPECTATION.

MISHNAH 4. IF AN ISRAELITE RENTED A FIELD FROM A PRIEST OR FROM A LEVITE [FOR A SHARE IN THE PRODUCE.] THE TITHES BELONG TO THE LANDLORD.¹² R. ISHMAEL SAYS: IF AN INHABITANT OF THE PROVINCES RENTED A FIELD FROM AN INHABITANT OF JERUSALEM, THE SECOND TITHE BELONGS TO THE INHABITANT OF JERUSALEM.¹³ BUT THE SAGES SAY: THE INHABITANT OF THE PROVINCES IS ABLE TO GO UP HIMSELF AND EAT THE SECOND TITHE IN JERUSALEM.

MISHNAH 5. IF [AN ISRAELITE] RENTED OLIVE TREES [FROM A PRIEST OR A LEVITE] FOR THE OIL. HE AND THE LANDLORD SHARE THE TERUMAH¹⁴ JUST AS THEY SHARE THE COMMON PRODUCE. R. JUDAH SAYS: IF AN ISRAELITE RENTED OLIVE TREES FROM A PRIEST OR A LEVITE FOR THE OIL FOR A SHARE OF HALF THE PROFIT, THE TITHES BELONG TO THE LANDLORD.¹⁵

MISHNAH 6. BETH SHAMMAI SAY: A MAN MAY ONLY SELL HIS OLIVES TO AN ASSOCIATE.¹⁶ BUT BETH HILLEL SAY: ONE MAY SELL THEM ALSO TO A MAN WHO ONLY GIVES TITHES.¹⁷ HOWBEIT, THE PIOUS AMONG BETH HILLEL USED TO ACT IN ACCORDANCE WITH THE OPINION OF BETH SHAMMAI.

MISHNAH 7. IF TWO MEN GATHERED [THE FRUIT OF] THEIR VINEYARDS INTO ONE VAT,¹⁸ [OF WHOM] ONE GIVES TITHES AND THE OTHER DOES NOT GIVE TITHES, HE WHO GIVES TITHES MAY TITHE HIS OWN SHARE¹⁹ AND [TAKE] HIS SHARE WHEREVER IT MAY BE.

MISHNAH 8. IF TWO MEN RENTED A FIELD [FOR A SHARE IN THE PRODUCE], OR IF THEY INHERITED [THE FIELD] OR BECAME PARTNERS IN IT, THE ONE [WHO GIVES TITHES] MAY SAY TO THE OTHER [WHO DOES NOT GIVE TITHES]: ‘YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE’, OR: ‘YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE’;²⁰ BUT HE MAY NOT SAY TO HIM: ‘YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY’, OR: ‘YOU TAKE THE WINE AND I WILL TAKE THE OIL.’²¹

MISHNAH 9. IF AN ASSOCIATE AND AN ‘AM HA-AREZ INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS AN ‘AM HA-AREZ, THE ASSOCIATE MAY SAY TO HIS BROTHER: ‘YOU TAKE THE WHEAT WHICH IS IN THIS PLACE AND I WILL TAKE THE WHEAT WHICH IS IN THAT PLACE’, OR: ‘YOU TAKE THE WINE WHICH IS IN THIS PLACE AND I WILL TAKE THE WINE WHICH IS IN THAT PLACE’; BUT HE MAY NOT²² SAY TO HIM: ‘YOU TAKE THE WHEAT AND I WILL TAKE THE BARLEY,’ OR: ‘YOU TAKE THE MOIST PRODUCE AND I WILL TAKE THE DRY²³ PRODUCE’.

MISHNAH 10. IF A PROSELYTE AND A GENTILE INHERITED [THE PROPERTY OF] THEIR FATHER WHO WAS A GENTILE, THE PROSELYTE MAY SAY TO HIS BROTHER:²⁴ ‘YOU TAKE THE IDOLS²⁵ AND I WILL TAKE THE MONEY’, OR: ‘YOU TAKE THE WINE²⁵ AND I WILL TAKE THE FRUIT’: BUT IF ANY [PART OF THE INHERITANCE] HAD ALREADY COME INTO THE POSSESSION OF THE PROSELYTE, HE IS FORBIDDEN²⁶ [TO SAY SO].

MISHNAH 11. IF A MAN SOLD FRUIT IN SYRIA²⁷ AND DECLARED THAT IT WAS GROWN IN THE LAND OF ISRAEL, THE PURCHASER IS BOUND TO TITHE IT.²⁸ [BUT IF HE ADDED THAT] IT HAD ALREADY BEEN TITHED, HE MAY BE TRUSTED, ‘BECAUSE THE EVIDENCE²⁹ WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL’. [IF HE SAID: ‘THE FRUIT IS] FROM MY OWN FIELD’,³⁰ THE PURCHASER IS BOUND TO TITHE IT. [BUT IF HE ADDED:] ‘IT HAS ALREADY BEEN TITHED’, HE MAY BE TRUSTED, ‘BECAUSE THE EVIDENCE WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE WHICH MADE IT LAWFUL’. IF IT WAS KNOWN THAT HE HAD ANOTHER FIELD IN SYRIA, THE PURCHASER IS BOUND³¹ TO TITHE IT.

MISHNAH 12. IF AN ‘AM HA-AREZ SAID TO AN ASSOCIATE:³² ‘BUY FOR ME A BUNDLE OF VEGETABLES’, OR: ‘BUY FOR ME A LOAF OF BREAD’, THE ASSOCIATE

MAY BUY IT WITHOUT INQUIRING [WHETHER IT HAD BEEN TITHED], AND HE IS ABSOLVED³³ [FROM TITHING IT]. BUT IF THE ASSOCIATE SAID: 'THIS ONE I BUY FOR MYSELF AND THIS ONE FOR MY FRIEND', AND THE TWO PURCHASES WERE MIXED UP, HE IS BOUND TO TITHE³⁴ [BOTH PURCHASES], EVEN IF THE PURCHASE [FOR THE 'AM HA-AREZ] IS A HUNDRED [TIMES MORE THAN HIS OWN].

(1) **מקבלי באריסות** viz., cf. Mishnah 8.

(2) But he must tell the landlord that his share is untithed.

(3) **חיבר**.

(4) Because the produce becomes liable to terumah while still in the threshing-floor; but not tithes, which the landlord must give himself.

(5) After deducting the amount of the terumah from the rental.

(6) In this case he is like one paying a debt with his own produce, and therefore he is bound to tithe the produce before it leaves his possession.

(7) This rule is intended to make it unprofitable for a Jew to rent the field from the Gentile, originally confiscated from another Jew; and this may induce the Gentile to sell his field to the Jew rather than leave it uncultivated.

(8) And which the Gentile had seized by violence.

(9) In order to lead to the sale of the field by the Gentile; cf. n. 7.

(10) Including also the tithe. The landlord may give them to any other priest or Levite he likes.

(11) Including the terumah.

(12) It must be presumed that when the landlord leased his field he reserved the tithe for himself.

(13) The landlord must have reserved the Second Tithe for himself, since it can only be consumed in Jerusalem.

(14) In the case of trees the terumah, and also the tithe, belong to both landlord and tenant according to their respective shares.

(15) And also the terumah. R. Judah holds that trees must be treated in the same way as the field in Mishnah 4.

(16) An 'am ha-arez may cause them to be defiled when they are pressed.

(17) And who does not observe the laws of purity.

(18) To press it together; and they pressed out the wine together.

(19) Which is now mixed up with the other's share. According to the Palestinian Gemara he must also give tithe out of his own share for his fellow's share, as for demai produce.

(20) So that the one who gives tithes need only tithe his own share.

(21) For this would be like exchanging or selling one kind of produce for another, in which case the one who gives tithes would have to tithe also the produce he assigns to his partner who does not give tithes.

(22) For the reason given in the last note.

(23) Which is not susceptible to uncleanness; cf. II, 3, n. 1.

(24) The right of a proselyte to inherit his father's property is based only on Rabbinic law. Therefore the strict law laid down in the case of an associate and an 'am ha-arez inheriting from their father is relaxed in the case of the proselyte, in order not to cause him a loss of property which might lead him to relapse back into heathenism; cf. Kid. 17b; 'A. Z. 64a.

(25) It is prohibited to derive any benefit from idols, and also from heathen wine which may have been used for libation to the idols; cf. 'A. Z. III, 1; II, 3.

(26) It has become his property, therefore such an exchange would involve deriving a benefit from the idols and their wine.

(27) Syria, which was conquered by David (II Sam. VIII, 10) and not by the whole nation under Joshua, was not considered a heathen country, but it did not possess the sanctity of the Land of Israel; cf. 'A. Z. 21a. To the produce sold in Syria the laws of demai did not apply, as most of the produce sold there came from outside Palestine.

(28) As demai.

(29) Lit., 'the mouth'. If you believe his statement that the produce came from the Land of Israel, which renders the produce liable to tithes as demai, you must also believe his statement that the produce had already been tithed; cf. 'Ed. II, 6. (Sonc. ed. p. 19, n. 4).

(30) Situated in Syria.

(31) The produce would be liable to tithes even without the vendor's admission, so the above argument does not apply.

(32) Who was going to the market to buy for himself.

(33) Because from the first the particular purchase became the property of the 'am ha-arez.

(34) Because what he gives to the 'am ha-arez may have been his own purchase, which he is now exchanging for the purchase of the 'am ha-arez; cf. supra 8, n. 4.

Mishna - Mas. Demai Chapter 7

MISHNAH 1. IF A MAN INVITED¹ HIS FRIEND TO EAT WITH HIM ON THE SABBATH, AND [HIS FRIEND] DOES NOT TRUST HIM IN RESPECT OF TITHES, [THE FRIEND] MAY SAY ON THE EVE² OF THE SABBATH: WHAT³ I SHALL SET APART TO-MORROW⁴ SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE;⁵ THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF THE TITHE FOR THE WHOLE,⁶ AND WHAT IS TO THE NORTH OR TO THE SOUTH OF IT SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 2. WHEN THE CUP OF WINE⁷ HAS BEEN FILLED FOR HIM [ON THE SABBATH].⁸ HE MAY SAY: WHAT I SHALL LEAVE AT THE BOTTOM OF THE CUP SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR THE WHOLE, AND WHAT IS AT THE MOUTH⁹ OF THE CUP SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY.¹⁰

MISHNAH 3. IF A WORKMAN¹¹ DOES NOT TRUST HIS EMPLOYER [IN RESPECT OF TITHES], HE MAY TAKE ONE DRIED FIG¹² AND SAY: THIS ONE¹³ AND THE NINE WHICH COME AFTER IT SHALL BECOME TITHE FOR THE NINETY WHICH I SHALL EAT; THIS ONE SHALL BECOME THE TERUMAH OF TITHE FOR THEM, AND THE LAST ONES SHALL BE SECOND TITHE WHICH SHALL BE EXCHANGED FOR MONEY; BUT HE MUST STINT HIMSELF OF ONE DRIED FIG.¹⁴ RABBAN SIMEON THE SON OF GAMALIEL SAYS: HE MAY NOT STINT HIMSELF, SINCE THEREBY HE MAY REDUCE HIS WORK FOR HIS EMPLOYER.¹⁵ R. JOSE SAYS: HE NEED NOT STINT HIMSELF, BECAUSE THIS IS A CONDITION [IMPOSED UPON THE EMPLOYER] BY THE COURT.¹⁶

MISHNAH 4. IF A MAN BOUGHT WINE AMONG CUTHEANS,¹⁷ HE MAY SAY [ON THE SABBATH]:¹⁸ TWO LOGS¹⁹ WHICH I SHALL SET APART²⁰ SHALL BE TERUMAH, TEN LOGS TITHE, AND NINE LOGS²¹ SECOND TITHE; HE MAY THEN EXCHANGE [THE SECOND TITHE FOR MONEY]²² AND DRINK IT [THE WINE].

MISHNAH 5. IF A MAN HAD FIGS OF TEBEL²³ IN HIS HOUSE WHEN HE WAS IN THE HOUSE OF STUDY OR IN THE FIELD,²⁴ HE MAY SAY: THE TWO FIGS²⁵ WHICH I SHALL SET APART SHALL BE TERUMAH, TEN FIGS SHALL BE FIRST TITHE, AND NINE FIGS SECOND TITHE. IF THE FIGS WERE DEMAI, HE MAY SAY: WHATEVER I SHALL SET APART TO-MORROW SHALL BE TITHE, AND WHAT IS NEAREST TO IT SHALL BE THE REST OF THE TITHE; THAT WHICH I MADE TITHE SHALL BECOME THE TERUMAH OF TITHE FOR IT, AND WHAT IS TO THE NORTH OF IT OR TO THE SOUTH OF IT SHALL BE SECOND TITHE, WHICH SHALL BE EXCHANGED FOR MONEY.

MISHNAH 6. IF HE HAD BEFORE HIM TWO BASKETS FULL OF PRODUCE OF TEBEL, AND HE SAID: LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET]. THE FIRST [BASKET] IS THEREBY TITHED;²⁶ [IF HE SAID:] LET THE TITHES OF THIS [BASKET] BE IN THAT [BASKET], AND THE TITHES OF THAT [BASKET] IN THIS [BASKET], THE FIRST [BASKET ALONE]²⁷ IS THEREBY TITHED; [IF HE SAID:] LET THE TITHES OF BOTH BE SO THAT THE TITHES OF EACH BASKET BE IN THE OTHER, HE HAS THEREBY DESIGNATED²⁸ [THE TITHES OF BOTH BASKETS].

MISHNAH 7. IF A HUNDRED [PARTS OF] TEBEL²⁹ [WERE MIXED WITH] A HUNDRED [PARTS OF] COMMON³⁰ PRODUCE, ONE MUST TAKE OUT A HUNDRED AND ONE³¹ [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] A HUNDRED [PARTS OF FIRST] TITHE,³² ONE MUST TAKE OUT A HUNDRED AND ONE³³ [PARTS]. IF A HUNDRED [PARTS OF] COMMON PRODUCE WHICH HAD BEEN SET RIGHT³⁴ [WERE MIXED WITH] A HUNDRED [PARTS OF] TITHE,³⁵ ONE MUST TAKE OUT A HUNDRED AND TEN³⁶ [PARTS]. IF A HUNDRED [PARTS OF] TEBEL [WERE MIXED WITH] NINETY [PARTS OF] TITHE,³⁷ OR NINETY [PARTS OF] TEBEL [WERE MIXED WITH] EIGHTY³⁸ [PARTS OF] TITHE, ONE LOSES NOTHING. THIS IS THE GENERAL RULE: WHENEVER THE TEBEL IS THE GREATER [PORTION OF THE MIXTURE] ONE LOSES NOTHING.³⁹

MISHNAH 8. IF A MAN HAD TEN ROWS EACH CONTAINING TEN JARS OF WINE,⁴⁰ AND HE HAD SAID: ONE EXTERIOR ROW⁴¹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH ROW⁴² [HE MEANT], HE MUST TAKE TWO JARS [EACH FROM THE ENDS OF] A DIAGONAL LINE.⁴³ [IF HE HAD SAID:] ONE HALF OF THE EXTERIOR ROW⁴⁴ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE FOUR JARS FROM THE FOUR CORNERS.⁴⁵ [IF HE HAD SAID:] ONE ROW⁴⁶ SHALL BE TITHE,⁴⁷ AND IT IS NOT KNOWN WHICH ROW [HE MEANT], HE MUST TAKE ONE [WHOLE] ROW IN A DIAGONAL LINE.⁴⁸ [IF HE HAD SAID:] HALF OF ONE ROW⁴⁹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH HALF ROW [HE MEANT], HE MUST TAKE TWO ROWS IN A DIAGONAL LINE.⁵⁰ [IF HE HAD SAID:] ONE JAR⁵¹ SHALL BE TITHE, AND IT IS NOT KNOWN WHICH JAR [HE MEANT], HE MUST TAKE FROM EVERY JAR.⁵²

(1) Without the conditions mentioned supra IV, 2, n. 7; viz., the imposition of a vow and the celebration of a marriage feast.

(2) But not on the Sabbath itself; cf. IV, 1, n. 1.

(3) Viz., a hundredth part of the whole, which is subsequently to become Terumah of the Tithe. This is set apart first for the reason given supra, V, 1, n. 13.

(4) From my food and drink at the table of the 'am ha-arez.

(5) Viz., nine hundredths, completing the one tenth which is to be set apart for the First Tithe.

(6) Of the First Tithe.

(7) Over which the benediction for the sanctification of the Sabbath day (Kiddush; cf. Ber. VIII, 1) is pronounced at the opening of the Sabbath meal.

(8) At the house of the 'am ha-arez. The declaration made on the eve of the Sabbath must be repeated on the Sabbath before he drinks wine, and again before he eats food, when the wine and the food are actually before him, in order to complete thereby the process of tithing by designation (IV, 3, n. 5) begun by the declaration on the eve of the Sabbath.

(9) This formula must be used in the case of wine in a cup, instead of the formula 'what is to the north or the south of it', because one cannot distinguish the sides of a round cup.

(10) What he actually has to leave is one hundredth part of what he consumes for the Terumah of the Tithe.

(11) Whose food during his working hours must be provided by his employer; cf. III, 1, n. 3; B.M. VII, 2.

(12) If, for example, his meal consists of dried figs.

(13) To be made subsequently into Terumah of the Tithe; cf. VII, 1, n. 3.

(14) He must put it aside as Terumah of the Tithe which can be eaten by a priest only.

(15) Because he may be left hungry. Therefore he must buy a fig at his own expense, and complete his meal.

(16) That the employer should provide a full meal for his workmen; therefore the employer has to provide an extra fig.

(17) Samaritans, before the use of their wine was prohibited to Jews; cf. Hul, 6a. Produce sold by Samaritans is real tebel (cf. V, 9, n. 7), and the buyer must give from it terumah as well as First Tithe and Second Tithe, but not Terumah of the Tithe which devolves upon the Levite who receives the First Tithe,

(18) He bought on a week-day, but was prevented from tithing it before the Sabbath,

(19) Of a hundred logs, the usual quantity of terumah; cf. V, 2, n. 5. For the size of a log cf. 'Ed, (Sonc. ed.) p. 2, n. 3,

(20) After the Sabbath.

(21) I.e., one tenth of the produce left after taking off First Tithe; cf. Introduction p. 50.

(22) מִיִּדְהָלֵךְ So 'Aruch. Maim. and other authorities render 'begin'. R. Hai Gaon and others read מִזְהָלֵךְ, 'mix it with water'; cf. Kohut, Aruch Completum, III, p. 385.

(23) Cf. V, 8, n. 3.

(24) Late on Friday, when he had not sufficient time to return home and set apart the terumah and the tithes before the coming in of the Sabbath.

(25) Of every hundred.

(26) And he may give Tithes from the second basket both for its own contents and for the contents of the first basket.

(27) But not the second basket. For as soon as he said: 'Let the tithes of the first be in the second', the first becomes thereby tithed, but not yet the second; therefore when he added: 'Let the tithes of the second be in the first', he is tithing produce which is exempt for produce which is liable; cf. V, 3, n. 1.

(28) And he must give tithes for each one out of the other.

(29) Here equivalent to untithed produce. as supra V, 8, n. 3.

(30) Produce from which terumah and Terumah of the Tithe had been taken. The whole mixture becomes prohibited to non-priests like tebel, because of the Terumah of the Tithe contained in the tebel parts of it.

(31) Hundred parts being tebel from which the usual tithes must be taken, and one extra part being Terumah of the Tithe to free the hundred parts common produce in the mixture. The owner thus loses one part.

(32) From which Terumah of the Tithe had not been taken.

(33) Hundred parts being tebel from which the usual tithes must be taken, and one part being Terumah of the Tithe for the tebel. The remaining ninety-nine parts of the mixture are First Tithe, from which he must take 99/10 parts as Terumah of the Tithe. The owner thus loses 9/10 of a part.

(34) From which all the terumah and tithes had been taken; III, 1, n. 5.

(35) From which the Terumah of the Tithe had not been taken. The common produce becomes prohibited because of the ten parts Terumah of the Tithe in the other constituent of the mixture.

(36) Hundred parts being tithe from which terumah of the Tithe must be given, and ten parts being Terumah of the Tithe to free the hundred parts common produce. The owner thus loses ten parts.

(37) Terumah of the Tithe for hundred parts tebel is one part, and for ninety parts tithe nine parts; therefore he may take ten parts as Terumah of the Tithe and discharge the whole mixture.

(38) Terumah of the Tithe for ninety parts tebel is 9/10 of a part, and of eighty parts tithe eight parts; therefore he must take 89/10 parts as Terumah of the Tithe and discharge the whole mixture.

(39) In the case of a mixture of tithed and untithed produce, one cannot take tithe from the mixture for its untithed portion, because one may happen to pick up as tithe some of the tithed portion of the mixture, and this would be tithing produce which is exempt for produce which is liable (cf. supra 6, n. 7). But if the owner happens to have elsewhere other untithed produce of the same kind as the untithed produce in the mixture, he may use it for tithing the untithed produce in the mixture; cf. Hal. III, 9 and supra V, 8, n. 5. Hence when the tebel in the mixture exceeds the other portion of the mixture, this excess may be used for tithing the tebel as if the excess was elsewhere, and thus the owner loses nothing in the process of freeing the mixture from the Terumah of the Tithe in it. Similarly, if the owner had had tebel produce apart from the mixture and of the same kind as the tebel in the mixture, he may have used it for tithing the tebel mixture also in the cases mentioned above where the two constituents of the mixture were equal in quantity, thus obviating a loss of produce in extra Terumah of the Tithe.

(40) Forming a square of ten by ten.

(41) I.e., ten jars of which one jar will be Terumah of the Tithe.

(42) The problem is to secure that the one jar which has to be given to a priest as Terumah of the Tithe shall come from the exterior row which he had originally designated as tithe, and which may be any one of the, four exterior rows.

(43) So that the two jars belong together to all the four exterior rows. These two jars must be sold to a priest for the price of one jar, thus both jars will be consumed by a priest, and one of them will be a gift to him in respect of Terumah of the Tithe.

(44) Only fifty of the hundred jars had to be tithed. Here the half jar which must go as Terumah of the Tithe is to be found in one of the eight exterior half-rows.

(45) So that the four jars belong together to all the eight exterior half-rows. The four jars must be sold to a priest for the price of three and a half jars, so that all the four jars will be consumed by a priest and one half will be a gift to him in respect of Terumah of the Tithe.

(46) Not necessarily an exterior row.

(47) For all the hundred jars.

(48) I.e., ten jars, which together belong to all the ten rows of the square. These ten jars must be sold to a priest for the price of nine jars, so that all the ten jars will be consumed by a priest and one of them will be a gift to him in respect of Terumah of the Tithe,

(49) Only fifty of the hundred jars had to be tithed. Here the half jar of Terumah of the Tithe will be in one of the twenty half-rows of the square.

(50) The two diagonal lines of the square. The twenty jars of these two lines, which together belong to all the twenty half-rows of the square, must be sold to a priest for the price of nineteen and a half, and one half as a gift in respect of Terumah of the Tithe.

(51) Only one row had to be tithed.

(52) One hundredth part of it to make up one whole jar which must be sold to a priest for nine tenths of its price, one tenth bring a gift to him in respect of Terumah of the Tithe. The explanation of the Mishnah given here follows the commentary of R. Simson of Sens and Tifereth Yisrael. It accords well with the wording of the text, and seems to be supported by the Palestinian Gemara. R. Hai Gaon, Maimonides and Bertinoro explain the Mishnah in a more complicated manner, holding that the subject under discussion is of the designation of one jar only out of the hundred in the square as tithe for wine which was elsewhere.

Mishna - Mas. Kilayim Chapter 1

MISHNAH 1. WHEAT AND DARNEL¹ DO NOT CONSTITUTE KIL'AYIM² ONE WITH THE OTHER.³ [LIKEWISE] BARLEY AND OATS, OR SPELT AND RYE, OR BEANS AND CHICK-PEAS, OR BITTER PEAS⁴ AND TOFAH,⁵ OR WHITE BEANS AND KIDNEY BEANS, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.³

MISHNAH 2. CUCUMBERS AND CUCUMBER-MELON⁶ DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. JUDAH SAID THEY DO CONSTITUTE KIL'AYIM. GARDEN-LETTUCE AND WILD⁷ LETTUCE, OR ENDIVES AND WILD⁸ ENDIVES, OR LEEK AND WILD⁸ LEEK, OR CORIANDER AND WILD⁸ CORIANDER, OR MUSTARD AND EGYPTIAN MUSTARD, OR THE EGYPTIAN AND THE BITTER-APPLE,⁹ OR EGYPTIAN BEANS¹⁰ AND BEANS IN CAROB-SHAPED PODS DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 3. TURNIPS AND RADISHES,¹¹ OR CABBAGE AND CAULIFLOWER, OR BEET AND GARDEN-ORACHE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. R. AKIBA ADDED: ALSO GARLIC AND SMALL WILD GARLIC, OR ONION AND SMALL WILD ONION, OR LUPINE AND WILD LUPINE DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER.

MISHNAH 4. AS FOR TREES, THE PEAR AND THE CRUSTUMENIAN PEAR,¹² OR THE QUINCE AND SORB-APPLE, DO NOT CONSTITUTE KIL'AYIM ONE WITH THE OTHER. THE APPLE AND THE CRAB-APPLE, OR THE PEACH AND ALMOND, OR THE JUJUBE¹³ AND LOTE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, YET CONSTITUTE KIL'AYIM¹⁴ ONE WITH THE OTHER.

MISHNAH 5. HORSE-RADISH AND RADISH,¹⁵ OR MUSTARD AND CHARLOCK,¹⁶ OR THE GREEK GOURD WITH THE EGYPTIAN GOURD OR [THE GREEK GOURD] WITH THE BITTER-APPLE, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, ARE NEVERTHELESS,¹⁷ KIL'AYIM ONE WITH THE OTHER.

MISHNAH 6. A WOLF AND A DOG, OR A WILD¹⁸ DOG AND A JACKAL, OR A GOAT AND A DEER, OR A GAZELLE AND A EWE-LAMB, OR A HORSE AND A MULE, OR A MULE AND AN ASS, OR AN ASS AND A WILD-ASS, EVEN THOUGH THEY ARE SIMILAR ONE TO THE OTHER, CONSTITUTE NEVERTHELESS, KIL'AYIM¹⁹ ONE WITH THE OTHER.

MISHNAH 7. IT IS NOT PERMITTED TO GRAFT FROM ONE TREE TO ANOTHER,²⁰ OR FROM ONE HERB TO ANOTHER,²¹ OR FROM A TREE TO A HERB, OR FROM A HERB TO A TREE. R. JUDAH PERMITS IT FROM A HERB TO A TREE.²²

MISHNAH 8. IT IS NOT PERMITTED TO PLANT HERBS IN A TRUNK OF A SYCAMORE. IT IS NOT PERMITTED TO GRAFT RUE ON WHITE CASSIA, SINCE THAT IS [GRAFTING] A HERB ON A TREE. IT IS FORBIDDEN TO PLANT A YOUNG FIG-SHOOT IN A CISTUS SHRUB²³ FOR THE PURPOSE OF PROVIDING SHADE²⁴ FOR THE LATTER, OR TO INSERT A VINE-SHOOT INTO A MELON IN ORDER THAT THE LATTER MIGHT CONTRIBUTE²⁵ ITS MOISTURE TO THE FORMER, SINCE THAT IS [GRAFTING] A TREE ON A HERB. IT IS PROHIBITED TO PLACE GOURD SEED INTO THE JUICE OF A MALLOW FOR THE PURPOSE OF PRESERVING THE FORMER,²⁶ SINCE THAT CONSTITUTES [GRAFTING] A HERB ON A [HETEROGENEOUS] HERB.

MISHNAH 9. ONE WHO BURIES²⁷ TURNIPS OR HORSERADISH²⁸ BENEATH A VINE,

WITH SOME OF THEIR LEAVES UNCOVERED,²⁹ NEED HAVE NO APPREHENSION AS TO TRANSGRESSING THE LAW OF KIL'AYIM,³⁰ OR THE LAW OF THE SEVENTH YEAR,³¹ OR THAT OF TITHES,³² THEY MAY ALSO BE PULLED UP ON THE SABBATH.³³ IF ONE SOWS A WHEAT-GRAIN AND A BARLEY-GRAIN WITH ONE THROW OF THE HAND IT DOES NOT CONSTITUTE KIL'AYIM.³⁴ R. JUDAH SAID IT IS NOT KIL'AYIM UNLESS THERE BE TWO WHEAT-GRAINS AND ONE BARLEY-GRAIN, OR ONE WHEAT-GRAIN AND TWO BARLEY-GRAINS, OR A WHEAT-GRAIN, A BARLEY-GRAIN AND A SPELT-GRAIN.³⁵

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- (1) This Mishnah deals with grain and pulse which can be ground into flour.
- (2) 'Mingled seeds' within the meaning of the Biblical precept, (Lev. XIX, 19) prohibiting the sowing of such.
- (3) Despite such dissimilarities there is between the two of each pair.
- (4) פרקדן T.J. 27a, גולבינא which according to Jast. quoting Fleischer (in Levy Talm. Dict.) is *Vicia sativa*, *Lathyrus cicerea*.
- (5) Jast. An aquatic plant like the colocasia.
- (6) מלפפון.
- (7) Lit., mound: or 'hill'.
- (8) Lit., 'field'.
- (9) רמוצה (דלעת), a kind of gourd made edible by rolling in hot ashes.
- (10) Colocasia. (Jast.).
- (11) A species having foliage like carrots and taste like radishes.
- (12) *Crusimimum* (*pyrum*).
- (13) *Zizyphus*.
- (14) In respect of grafting only.
- (15) V. supra 3, n. 11.
- (16) A plant resembling the mustard plant.
- (17) On account of dissimilarity of flavour.
- (18) Lit., 'village'.
- (19) In respect of crossbreeding., v. Lev. XIX, 19, Deut. XXII, 10.
- (20) Sc. dissimilar to it in accordance with Mishnah 4. This prohibition applies to grafting as between one fruit tree and another dissimilar to it, between a fruit tree and a non-fruit tree, but not as between one non-fruit tree and another.
- (21) Sc. dissimilar to it in accordance with the classifications already given. 'Herb' (ירק) is the term for vegetables, garden produce planted in rows.
- (22) Or vice-versa, since they never coalesce to form a hybrid species, even though one may draw nourishment from the other. The original Tanna of the Mishnah held that the latter consideration is decisive, and his opinion prevails.
- (23) Used for hedging.
- (24) Or, cooling.
- (25) Lit., 'inject', 'infuse'.
- (26) Until it germinates in the soil (L.).
- (27) For keeping fresh; not 'plants'.
- (28) In bundles, so that it is clear that the purpose is not planting.
- (29) This proviso is immaterial except in respect of their being pulled out on the Sabbath.
- (30) Since only the sowing of 'mixed seeds' in a vineyard is prohibited (Deut. XXII, 9), not the burying.
- (31) Since only sowing (i.e., for purposes of reproduction), not burying (for purposes of keeping fresh) is prohibited in the Sabbatical Year. (Lev. XXV, 4).
- (32) Produce is subject to tithes only as harvested off the tree or ground (v. Lev. XXVII, 30). These vegetables had, it is presumed, been duly tithed already; they do not require tithing again by reason of having been buried underground to be kept fresh.
- (33) The prohibition of 'plucking' (תולש) on the Sabbath applies only to produce attached by roots to the ground; these vegetables had been 'plucked' already. Also the (indirect) 'handling' of the soil involved in the moving of the soil adhering to the vegetables, does not come within the prohibition of 'handling' on the Sabbath (v. Shab. 123a), since it is done for the purpose of what is permissible for use on the Sabbath.

(34) Since the word kil'ayim is a dual, it would follow that the sowing of the minimum of two heterogeneous seeds comes under the prohibition.

(35) Since Scripture says: Thou shalt not sow thy field with two kinds of seed (Lev. XIX, 19) it follows, according to R. Judah, that the sowing of two diverse seeds becomes prohibited only when it is on 'Thy field' i.e., on ground in which at least one other seed has been, or is being sown; the prohibition thus applies only to the sowing of a minimum of three seeds, either all three heterogeneous, or comprising two like seeds and one heterogeneous to them.

Mishna - Mas. Kilayim Chapter 2

MISHNAH 1. IF A SE'AH¹ CONTAINS A QUARTER [OF A KAB]² OF A HETEROGENEOUS SPECIES, ONE SHOULD REDUCE [THE PROPORTION OF THE LATTER]³ (R. JOSE SAID ONE SHOULD PICK [IT ALL OUT]).⁴ WHETHER IT [THE ADMIXTURE] CONSISTS OF ONE SPECIES OR OF TWO⁵ SPECIES.⁶ R. SIMEON SAID: THEY SAID THIS⁷ ONLY IF IT CONSISTS OF ONE SPECIES.⁸ THE SAGES SAID: [ONLY] THAT WHICH IS KIL'AYIM VIS-A-VIS THE [MAIN CONTENTS OF THE] SE'AH COUNTS IN MAKING UP THE QUARTER.⁹

MISHNAH 2. IN RESPECT OF WHAT [MIXTURES OF PRODUCE] ARE THE [ABOVE] RULES¹⁰ STATED? IN RESPECT OF [AN ADMIXTURE OF] GRAIN [OCCURRING] IN [HETEROGENEOUS] GRAIN, OF PULSE IN [HETEROGENEOUS] PULSE, OF GRAIN IN PULSE, AND OF PULSE IN GRAIN.

IT IS AN IMMEMORIAL RULE:¹¹ GARDEN-SEED OF A KIND WHICH IS NOT USED AS FOOD,¹² COUNTS QUANTITATIVELY. [IN THE MATTER OF KIL'AYIM] IF [WITHIN A SE'AH OF PRODUCE] IT FORMS [AS LITTLE AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.¹³ R. SIMEON SAID: EVEN AS THEY RULED¹⁴ THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A STRINGENCY,¹⁵ EVEN SO THEY RULED THUS [IN CIRCUMSTANCES WHEN THE APPLICATION OF THE RULE IS CALCULATED] TO RESULT IN A LENIENCY.¹⁶ [ACCORDINGLY,¹⁷ IN THE CASE OF AN ADMIXTURE OF] LIN SEED¹⁸ IN GRAIN THE QUANTITY [OF THE FORMER] COUNTS WHEN IT FORMS [AS MUCH AS] ONE TWENTY-FOURTH OF THE QUANTITY [OF SUCH SEED] THAT CAN BE SOWN IN A BETH-SE'AH.¹⁹

MISHNAH 3. IF ONE'S FIELD IS SOWN WITH WHEAT AND ON SECOND THOUGHTS HE DECIDES TO SOW IT WITH BARLEY, HE MUST WAIT UNTIL IT [THE WHEAT] ROTTS,²⁰ THEN HE TURNS [THE SOIL].²¹ AND, THEREAFTER, HE MAY SOW [THE BARLEY]. IF IT HAS ALREADY GROWN,²² HE MUST NOT SAY: 'I SHALL [FIRST] SOW [THE BARLEY] AND, THEREAFTER TURN [THE SOIL]'²³ BUT HE MUST TURN [THE SOIL] [FIRST], AND, THEREAFTER, HE MAY SOW [THE BARLEY]. TO WHAT EXTENT SHOULD ONE [IN THE ABOVE CIRCUMSTANCES] PLOUGH? FURROWS SUCH AS ARE PLOUGHED AFTER²⁴ THE [FIRST] RAINY SEASON.²⁵ ABBA SAUL SAID: [ONE SHOULD PLOUGH] SO THAT ONE DOES NOT LEAVE [UNPLOUGHED] AS MUCH [GROUND]²⁶ AS HOLDS A QUARTER [KAB] TO A BETH-SE'AH.

MISHNAH 4. IF ONE'S FIELD HAS BEEN SOWN [WITH GRAIN, OR PULSE, OR GARDEN-SEED'], AND ON SECOND THOUGHTS HE DECIDED TO PLANT IT [WITH VINES], HE MAY NOT SAY: I SHALL [FIRST] PLANT [THE VINES] AND THEREAFTER TURN [THE SOIL], BUT HE MUST [FIRST] TURN [THE SOIL] AND THEREAFTER HE MAY PLANT [THE VINES].

[IF IT WAS] 'PLANTED' [WITH VINES]²⁷ AND ON SECOND THOUGHTS HE DECIDED

TO SOW IT [WITH GRAIN ETC.], HE MAY NOT SAY: 'I SHALL SOW [THE GRAIN ETC.] AND AFTERWARDS I SHALL UPROOT [THE VINES],' BUT HE MUST [FIRST] UPROOT [THE VINES] AND THEREAFTER HE MAY SOW [THE GRAIN ETC.]. IF HE DESIRES IT, HE MAY CUT DOWN [THE VINES] TO LESS THAN A HANDBREADTH [ABOVE GROUND], WHEREAFTER HE MAY SOW [THE GRAIN ETC.] AND LATER, UPROOT [THE VINES].

MISHNAH 5. IF ONE'S FIELD IS SOWN WITH COMMON CUMIN²⁸ OR WITH LOF,²⁹ HE MUST NOT SOW³⁰ ON TOP OF THEM, SINCE THEY PRODUCE CROPS ONLY AFTER THREE YEARS.³¹ [A FIELD OF] GRAIN AMONG WHICH SPRANG UP SOME AFTERGROWTH OF ISATIS [TINCTORIA].³² LIKEWISE THE AREA OF A THRESHING-FLOOR IN WHICH MANY SPECIES³³ SPRANG UP, LIKEWISE [A FIELD OF] FENUGREEK AMONG WHICH GREW UP A NUMBER OF SPECIES OF HERBS,³⁴ HE IS NOT OBLIGED TO WEED THEM OUT.³⁵ BUT ONCE HE HAS DONE SOME WEEDING OUT OR [EVEN ONLY] CUTTING DOWN,³⁶ HE IS TOLD: 'UPROOT ALL EXCEPT ONE SPECIES.'³⁷

MISHNAH 6. IF ONE WISHES TO LAY OUT HIS FIELD IN LONG BEDS EACH SOWN WITH A DIFFERENT SPECIES, BETH SHAMMAI SAY: [HE SHOULD SEPARATE THEM BY THE WIDTH OF] THREE FURROWS OF NEWLY BROKEN LAND,³⁸ WHILE BETH HILLEL SAY: BY THE WIDTH OF A SHARON YOKE.³⁹ THE DICTUM OF THE ONE IS IN EFFECT APPROXIMATE TO THE DICTUM OF THE OTHER.⁴⁰

MISHNAH 7. IF THE POINT OF A TRIANGLE⁴¹ OF [A] WHEAT [FIELD] OVERLAPS INTO⁴² [A] BARLEY [FIELD].⁴³ IT IS PERMITTED SINCE IT IS APPARENT THAT IT IS THE END OF HIS FIELD.⁴⁴ IF ONE MAN'S FIELD IS OF WHEAT, AND THAT OF HIS NEIGHBOUR OF ANOTHER SPECIES, THE FORMER IS PERMITTED TO SOW [IN HIS OWN FIELD] CLOSE TO HIS NEIGHBOUR'S FIELD, SOME OF THE SPECIES OF THE LATTER.⁴⁵ IF ONE MAN'S FIELD IS OF WHEAT AND THAT OF HIS NEIGHBOUR LIKEWISE OF WHEAT, HE MAY SOW CLOSE THERETO A ROW OF FLAX,⁴⁶ BUT NOT A ROW OF ANY OTHER [HETEROGENEOUS] SPECIES.⁴⁷ R. SIMEON SAID: IT IS ALL THE SAME WHETHER HE SOWS FLAX OR ANY OTHER SPECIES.⁴⁸ R. JOSE SAID: EVEN IN THE MIDDLE OF ONE'S FIELD IT IS PERMITTED TO SOW, FOR EXPERIMENTAL PURPOSES, A ROW OF FLAX.⁴⁹

MISHNAH 8. IT IS FORBIDDEN TO SOW⁵⁰ MUSTARD OR SAFFRON CLOSE TO A CORN-FIELD,⁵¹ BUT IT IS PERMITTED TO SOW MUSTARD OR BASTARD SAFFRON CLOSE TO A VEGETABLE FIELD.⁵² ONE MAY SOW [HETEROGENEOUS SPECIES] CLOSE TO FALLOW LAND⁵³ OR TO PLOUGHED⁵⁴ LAND,⁵³ OR TO A LOOSESTONE FENCE, OR TO A PATH, OR TO A FENCE TEN HANDBREADTHS HIGH, OR TO A TRENCH TEN [HANDBREADTHS] DEEP AND FOUR WIDE, OR TO A TREE FORMING A TENT OVER THE GROUND, TO A ROCK TEN [HANDBREADTHS] HIGH AND FOUR WIDE [ON EITHER SIDE OF THE INTERVENING OBJECT OR SPACE].⁵⁵

MISHNAH 9. IF ONE WISHES TO DIVIDE HIS FIELD KARAHATH⁵⁶ BY KARAHATH EACH TO BE SOWN WITH A DIFFERENT SPECIES, HE SHOULD DIVIDE IT INTO TWENTY-FOUR KARAHATH, A KARAHATH TO A BETH-ROBA',⁵⁷ AND HE MAY THEN SOW IN EACH WHATEVER SPECIES HE DESIRES.⁵⁸ IF THERE IS ONE KARAHATH OR TWO,⁵⁹ HE MAY SOW THEM WITH MUSTARD, BUT IF THERE ARE THREE⁵⁹ HE MAY NOT SOW THEM WITH MUSTARD, SINCE IT WOULD LOOK LIKE A FIELD OF MUSTARD.⁶⁰ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAID:⁶¹ NINE KARAHATH ARE PERMITTED,⁶² TEN ARE FORBIDDEN. R. ELLEZER B. JACOB, SAID: EVEN THOUGH THE WHOLE OF ONE'S FIELD IS A BETH-KOR, HE MAY NOT MAKE WITHIN IT BEYOND ONE KARAHATH.⁶³

MISHNAH 10. WHATEVER⁶⁴ THERE IS WITHIN A BETH-ROBA' [WHICH SEPARATES HETEROGENEOUS SPECIES] IS INCLUDED IN⁶⁵ THE AREA OF THE BETH-ROBA'. THE SPACE OCCUPIED BY VINE ROOTS,⁶⁶ LIKEWISE A GRAVE,⁶⁷ OR A ROCK,⁶⁸ IS INCLUDED. [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF HETEROGENEOUS] GRAIN [MUST BE SEPARATED BY] A BETH-ROBA';⁶⁹ [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF HETEROGENEOUS] VEGETABLES [BY] SIX HANDBREADTHS [SQUARE];⁷⁰ [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN, OR [A KARAHATH SOWN WITH] GRAIN WITHIN [A FIELD OF] VEGETABLES [BY] A BETH-ROBA'.⁷¹ R. ELIEZER SAID: [A KARAHATH SOWN WITH] VEGETABLES WITHIN [A FIELD OF] GRAIN [NEED BE SEPARATED BY] SIX HANDBREADTHS [SQUARE].⁷²

MISHNAH 11. [EARS OF] CORN BENDING OVER ON TO [EARS OF HETEROGENEOUS] CORN,⁷³ OR VEGETABLE [LEAVES] ON TO [LEAVES OF A HETEROGENEOUS] VEGETABLE,⁷⁴ OR [EARS OF] CORN ON TO VEGETABLE [LEAVES],⁷⁴ OR VEGETABLE [LEAVES] ON TO [EARS OF] CORN,⁷⁴ ALL THIS IS PERMITTED,⁷⁵ EXCEPT IN THE CASE OF THE GREEK GOURD.⁷⁶ R. MEIR SAID: '[EXCEPT] ALSO IN THE CASE OF THE CUCUMBER OR EGYPTIAN BEANS;⁷⁷ BUT I RECOGNIZE THEIR⁷⁸ DICTUM AS MORE ACCEPTABLE THAN MINE'.⁷⁹

(1) Of produce about to be sown.

(2) Also known as a log. 4 log == 1 kab; 6 kab == 1 se'ah.

(3) Either by adding to the main species or by taking away from the lesser admixture, so that the latter is less than one twenty-fourth of the bulk.

(4) Once he has to remove the admixture he should remove the whole of it. (T.J.). Otherwise it would appear as if he is positively maintaining, or even, as if he is deliberately bringing about kil'ayim. (T.B., B.B. 94b and Rashi *ibid*).

(5) Or more.

(6) Even if one of them is not kil'ayim vis-a-vis the main species. One must in either case reduce the proportion of the total of the admixture(s) to less than one twenty-fourth of the bulk. R. Jose's view is not accepted.

(7) I.e., the authorities ruled thus.

(8) Sc. but not of two or more species, as long as these do not together amount to the greater part of the bulk; if they do, R. Simeon agrees that the proportion of the combined admixtures must be reduced.

(9) E.g., a se'ah of grain consisting substantially of barley and partially to the amount of the minimum of a quarter kab — of oats and spelt. Now whilst spelt is kil'ayim vis-a-vis the barley, oats are not. In such a case, the Sages said the spelt and oats do not 'combine' to form a quarter kab condemning the whole se'ah as kil'ayim (and there is, therefore, no need to reduce the proportion of the oats-cum-spelt); according to the anonymous original Tanna of the Mishnah they do 'combine' (and one should 'reduce'); according to R. Simeon even if both (or all) of the constituents of the quarter-kab of admixture are kil'ayim towards the main contents of the se'ah, they do not 'combine'.

(10) Lit., 'words'. Sc. regarding the proportion of admixture to bulk, viz., 1 to 24, rendering kil'ayim.

(11) באמת אמרו 'As a matter of (trustworthily tradited and undisputedly accepted) truth they said', a phrase which, according to R. Eleazar in T.J. to this Mishnah, introduces a rule held to have been orally communicated by God to Moses at Sinai. V. Frankel, *Darke* (ed. Warsaw 1923) p. 304, and Bacher, *Tradition*, p. 41.

(12) E.g., turnip-seed or parsley-seed or any seed which, by reason of fineness or any other reason, requires extensive area for sowing.

(13) A standard measure of area — to wit 2,500 square cubits — designed for sowing a se'ah of wheat. In relation to our problem it works out thus: Since 'garden-seed' is so much finer than wheat and its produce takes up more space, only 1 1/2 kab of it can be sown in a beth-se'ah. A twenty-fourth of that quantity viz., one sixteenth, of a kab of 'garden-seed' forming part of a se'ah of wheat, is, accordingly, sufficient to render it kil'ayim.

(14) Viz., that the proportion of produce which renders kil'ayim is one twenty-fourth of the quantity of that same produce which can be sown in a beth-se'ah. According to Maim. this refers to the rule in Mishnah 1 regarding an admixture consisting of one or two species. See latter part of n. 2, p. 93.

- (15) Viz., necessitating the reduction of the proportion of an admixture of fine seed even when there is no more of it than one sixteenth kab within a se'ah of grain or pulse.
- (16) I.e., when the admixture is of a seed coarser, or which is sown more closely, and therefore requires less area than wheat.
- (17) Maim., however, says that what follows is not a continuation of R. Simeon's statement, but a resumption of the words of the anonymous original Tanna of the Mishnah., v. n. 2, p. 93, latter part.
- (18) Which is sown more compactly than wheat, so that three se'ahs of it can be sown in a beth-se'ah.
- (19) One need not reduce the proportion of linseed in wheat unless there is as much as 3/4 kab of the former within a se'ah of the latter. Maim. construes the Mishnah text thus: R. Simeon said: Even as they ruled (that two heterogeneous species do not 'combine') to effect a stringency (as implied in his statement in the preceding Mishnah., v. ibid. n. 8), even so they ruled (that two heterogeneous species do not 'combine') to effect a leniency. An instance of the latter is cited, by way of example in T.J. ad loc: A mixture measuring a se'ah (i.e., twenty-four quarter kabs) consists of twenty-two and a half 'quarters' of wheat, half 'quarter' of barley, and less than one 'quarter' of lentils. Now if 'combining' two or more species were permitted, then one might consider that, since the half 'quarter' of barley is too small a quantity to render the mixture (of twenty-two and a half quarter wheat plus half quarter barley) kil'ayim, the wheat and barley may be taken as forming a combined quantity of twenty-three quarters and since the maximum amount of lentils, viz. .9 'quarter'. is less than one twenty-fourth of 23.9 (the whole of the mixture) the lentils do not render the mixture kil'ayim, and there would consequently be no need to 'reduce' the lentils which, of course, is a 'leniency'; but, says, R. Simeon, 'combining' is not allowed whatever the consequence, be it a stringency or a leniency. The position according to R. Simeon is that .9 'quarters' lentils got mixed with twenty-two and a half 'quarters' wheat, and .9 being more than one twenty-fourth of (22.5 plus .9), the lentils alone are sufficient to render the mixture' kil'ayim, and the proportion of these must be reduced.
- (20) Or, 'until it shoots forth thin worm-like roots in the soil'. In well-watered ground this takes three days; in dry soil it takes longer.
- (21) With a plough; so as to destroy the first-sown crop.
- (22) And the wheat is already visible above ground.
- (23) Thinking to himself: 'I shall be able, after sowing the new grain, to see the sprouting first-sown grain to destroy it'.
- (24) So Rash. and Bert., but Maim. (Yad, Hilch. Kil'ayim II, 13) 'before'.
- (25) I.e., wide furrows, there being no need to plough close furrows.
- (26) Either in one plot, or in an aggregate of more than one lesser patch.
- (27) So the commentators, since with regard to other trees only grafting of a tree with a heterogeneous tree, or of trees with 'herbs', is prohibited.
- (28) Edd. קנבום (= hemp) which is impossible here, but read (with R. Isaac Sipponte) קרבם.
- (29) לוף, a plant of the bulb type.
- (30) Sc. a heterogeneous species.
- (31) These species stay intact in the soil for a long time without rotting. Ploughing up the soil will, therefore, not avail to destroy their productivity, so that even with 'turning the soil' a heterogeneous seed sown on top of these would constitute kil'ayim.
- (32) אטמים. It is injurious to grain.
- (33) Which spoil the threshing-floor.
- (34) Which are noxious to fenugreek when the latter is intended for human consumption.
- (35) Because (a) the strange species have not been deliberately sown there; (b) their presence there is not welcome, and, consequently (c) no person noticing the mixed species will even suspect the owner of intentionally sowing kil'ayim. Weeding out means, of course, pulling out by the roots.
- (36) Either of one or of some of the species springing up from the threshing-floor. This would show, or, at least, suggest, that the intention is not to clear the threshing-floor, but merely to get rid of only some of the growths and to retain the others.
- (37) As otherwise it would appear as if he is purposely maintaining kil'ayim.
- (38) Representing a distance of two cubits.
- (39) A yoke, or team, as used in the plain of the Sharon, was wider than the yoke driven in the hilly districts.
- (40) I.e., The Hillelite standard represents also about (but rather less than) two cubits. According to T.J. it is sufficient as long as at some place between the two long beds there is this distance, even if further on the intervening space narrows

down, since it is already clear that the intention, so far from sowing kil'ayim, was, in fact, to keep the heterogeneous species apart.

(41) **ראש תיר** . Most commentators take **תור** as meaning originally, a triangular feminine ornament. (v. S.S. I, 10); Others as 'ox', an 'ox-head' suggesting a triangle.

(42) Or (as seems from the illustration within the text of Maim.'s commentary), abuts on.

(43) The possibilities visualized by commentators are: —

(44) The prohibition, according to Scripture, is only against sowing heterogeneous seeds with one and the same throw of the hand; otherwise the prohibition extends only to circumstances in which it would appear to strangers that kil'ayim had deliberately been sown. In this case it is clear to all that there was no such intention and that it is just a case of: here one field ends, and the other begins.

(45) So the majority of commentators. Rash attempts an alternative rendering. The reason for permissibility here is that (a) in strict law it is permitted, and (b) there is not even a likelihood of suspicion on the part of a stranger, since anyone not acquainted with the actual facts would assume that the heterogeneous crop belonged to the other man's field, where its presence is perfectly proper.

(46) No one will think that he sowed the one row of flax for its actual yield, but will assume that he did it as an experiment to test the suitability of the soil for flax.

(47) Since, even if his intention is experimentation, a stranger seeing it would not, as a matter of course, assume it.

(48) Either is prohibited; so Maim. and Rash. But according to T.J. ad lec. R. Simeon held that either is permitted., v. L. to our Mishnah.

(49) Because its legitimate purpose cannot be mistaken.

(50) Where A's field adjoins B's.

(51) This is forbidden, because a stranger will assume, correctly, that mustard etc. being harmful as a neighbour to corn, A would have objected to B sowing the former, and therefore, that A must have sown it himself, and, incorrectly, that it had been done with 'one and the same handthrow'.

(52) Which is not harmed by the proximity of mustard etc.

(53) Being in area at least a beth-roba' i.e. , capable of being sown with a roba' (quarter kab) of wheat, viz., 104.15 square cubits; as long as there is this space somewhere between the two species, it does not matter if elsewhere the latter converge to within a narrower distance between them.

(54) But unsown.

(55) If the branches hang over until they reach to within three handbreadths from the ground, they are considered in law, as forming an effective partition.

(56) Lit., 'a bald or bare patch'. A term for a piece of ground as yet unsown, forming a part of a field, and quadrilateral, approximately square in shape, and, therefore, substantial enough to sight to be readily distinguishable in its surroundings.

(57) Since a beth-se'ah == 2,500 square cubits, a beth-roba' (one twenty-fourth of a beth-se'ah == 104.15 square cubits), i.e., an area of 10.205 cubits square.

(58) Since the various species each occupy an easily distinguishable plot, nobody will mistakenly think that heterogeneous species have been sown 'with one handthrow'; there is therefore no need for any object or space to separate one species from another.

(59) Sc. together.

(60) Considering that it is not usual to sow large areas of mustard, three beth-roba' thereof constitute a field, and a field within a field of heterogeneous species is prohibited.

(61) With regard to the subject of the first part of R. Meir's statement.

(62) The idea is that there must be a beth-roba' separating heterogeneous species. A field of a beth-se'ah should, thus, be divided into twenty-five squares. Since between each karahath to be sown there must be a beth-roba', i.e., a square approximately 10.205 X 10.205 cubits, the former will measure 9.86 X 9.86 cubits (approx), (After Maim.), thus. V. Diag. (a). Rash. visualized it similarly, except that he seems content to divide the beth-se'ah into 25 equal squares, and to accept an intervening unsown space of 10 X 10 cubits, instead of the strict beth-roba' which is 10.205 X 10.205 cubits. According to T.J., however, the scheme should be either of the following. V. Diag. (b). The objection to (b) would be that the centre square though not adjoined by another sown patch is, nevertheless, 'bound' at its four corners. It is true that this junction at corners is not forbidden as it comes under the rule at the beginning of Mishnah 7, but it might be thought that it is too much to extend such permissibility to a case where a sown patch is 'tied', at all of its four corners to

heterogeneous species. Diagram (c) whilst fulfilling the conditions of T.J. (viz., that three patches be sown in the first line, two in the second, one in the third, two in the fourth, and one in the fifth) avoids even that possible objection.

(63) What R. Eliezer b. Jacob meant was, apparently, that however large the field (one kor == thirty se'ah), it is permissible to have with it only one karahath sown with a heterogeneous species.

(64) Even if the space occupied thereby be unfit for sowing, e.g., a ditch or gutter filled with water.

(65) I.e., the space occupied thereby is not deducted.

(66) Calculated to be six handbreadths from the vine in all directions, within which space it is forbidden to sow anything else.

(67) Which is forbidden for other use, including sowing.

(68) On which it is impossible to sow. In view of the rule at the end of Mishnah 8, the reference here must be to a rock less than ten handbreadths in height and four in width.

(69) Which is the minimum for a grain plantation to be termed a grain field.

(70) The minimum for a vegetable plantation to be termed a vegetable field.

(71) I.e., when both are 'fields'; but when there is only one row of vegetables adjoining a grain field, an intervening space of six by six handbreadths is sufficient.

(72) In his opinion we should not, in a case of a karahath and a field, be more stringent than in a case of a row and a field.

(73) Sc. although originally sown at the required distance from one another, and/or because, though separated by the required space at one place, the furrows or beds converge further on (cf. supra 8, n. 4).

(74) V. p. 99, n. 10.

(75) Since the heterogeneous species touch, one might have thought that on account of the appearance of kil'ayim, this is prohibited. The Mishnah therefore makes it clear that it is permitted.

(76) Whose leaves are particularly long and liable to entangle themselves with others, and thus create a very strong suggestion of kil'ayim.

(77) Their leaves and stalks are long enough and sufficiently liable to entangling to class them for the present purpose with the Greek gourd.

(78) I.e., the majority Rabbis'.

(79) R. Meir felt it his duty to record the view which had been tradited to him by his teachers, but also to acknowledge that there was more justification for the view put forward by his colleagues, and which he accepted as binding.

Mishna - Mas. Kilayim Chapter 3

MISHNAH 1. IN A VEGETABLE-BED MEASURING SIX HANDBREADTHS BY SIX HANDBREADTHS¹ IT IS PERMITTED TO SOW FIVE [HETEROGENEOUS] VEGETABLE-SEEDS,² VIZ., FOUR [SPECIES]. [ONE] ON [EACH OF] THE FOUR SIDES OF THE BED, AND ONE³ IN THE MIDDLE.⁴ IF A VEGETABLE-BED HAS A BORDER ONE HANDBREADTH HIGH,⁵ ONE MAY SOW THEREIN THIRTEEN [HETEROGENEOUS SPECIES]. VIZ., THREE ON EVERY BORDER, AND ONE IN THE MIDDLE. IT IS PROHIBITED TO PLANT A TURNIP-HEAD IN THE BORDER SINCE THAT WOULD FILL IT [COMPLETELY].⁶

R. JUDAH SAID: [IT IS PERMITTED TO SOW] SIX [SPECIES] IN THE MIDDLE.⁷

MISHNAH 2. IT IS FORBIDDEN TO SOW HETEROGENEOUS SPECIES OF SEEDS⁸ IN ONE BED; IT IS PERMITTED TO SOW HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]⁹ IN ONE BED.¹⁰ MUSTARD AND SMALL POLISHED PEAS ARE A SPECIES OF SEED;¹¹ LARGE PEAS ARE A VEGETABLE SPECIES. IF A BORDER ORIGINALLY A HANDBREADTH HIGH¹² FELL IN HEIGHT, IT REMAINS VALID,¹³ SINCE IT WAS VALID AT THE BEGINNING.¹⁴

IN A FURROW OR WATER-COURSE¹⁵ A HANDBREADTH DEEP,¹⁶ IT IS PERMITTED TO SOW THREE HETEROGENEOUS SPECIES OF VEGETABLE [SEEDS]. ONE ON ONE SIDE,

ONE ON THE OTHER SIDE, AND ONE IN THE MIDDLE.¹⁷

MISHNAH 3. THE HEAD OF A TRIANGLE¹⁸ OF A VEGETABLE-FIELD OVERLAPPING INTO¹⁸ A FIELD OF ANOTHER VEGETABLE, IS PERMITTED, SINCE IT IS APPARENT THAT IT IS THE END OF THE FORMER FIELD! IF ONE'S FIELD IS SOWN WITH A CERTAIN VEGETABLE AND HE WISHES TO PLANT THEREIN A ROW OF ANOTHER VEGETABLE,¹⁹ R. ISHMAEL SAID: [HE MAY DO SO] AS LONG AS THE FURROW²⁰ RUNS RIGHT THROUGH FROM ONE END OF THE FIELD TO THE OTHER; R. AKIBA SAID: [AS LONG AS] THE LENGTH [THEREOF] IS SIX HANDBREADTHS AND THE WIDTH [THEREOF] ITS FULL ONE;²¹ R. JUDAH SAID: [AS LONG AS] THE WIDTH [THEREOF] IS THE FULL WIDTH OF A FOOTSTEP.²²

MISHNAH 4. PLANTING TWO ROWS²³ OF CUCUMBERS, TWO ROWS OF GOURDS, AND TWO ROWS OF EGYPTIAN BEANS IS PERMITTED,²⁴ [BUT PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS AND ONE ROW OF EGYPTIAN BEANS IS PROHIBITED.²⁵ [AS FOR PLANTING] ONE ROW OF CUCUMBERS, ONE ROW OF GOURDS, ONE ROW OF EGYPTIAN BEANS AND [AGAIN] ONE ROW OF CUCUMBERS, R. ELIEZER PERMITS,²⁶ BUT THE SAGES FORBID.²⁷

MISHNAH 5. ONE MAY PLANT A CUCUMBER AND A GOURD²⁸ IN ONE DECLIVITY²⁹ PROVIDED ONLY THAT ONE [SPECIES] INCLINE IN ONE DIRECTION, AND THE OTHER IN THE OPPOSITE DIRECTION,³⁰ OR THAT THE TIPS OF THE LEAVES OF ONE [SPECIES] INCLINE ONE WAY, AND THE OTHER THE OPPOSITE WAY,³⁰ SINCE ALL THE SAGES' PROHIBITIONS [IN THE MATTER OF KIL'AYIM] WERE DECREED BY THEM ON ACCOUNT OF APPEARANCES.³¹

MISHNAH 6. IF ONE'S FIELD IS SOWN WITH ONIONS,³² AND HE WISHES TO PLANT THEREIN ROWS OF GOURDS, R. ISHMAEL SAID: HE MUST PULL UP TWO ROWS³³ [OF ONIONS]. AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS].³⁴ LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS] AND PLANT [IN THE CLEARED SPACE] ONE ROW [OF GOURDS; AND SO ON].³⁵ R. AKIBA SAID: HE MUST PULL UP TWO ROWS [OF ONIONS], PLANT [IN THE CLEARED SPACE] TWO ROWS [OF GOURDS].³⁶ LEAVE THE ONION CROP OVER A SPACE OF TWO ROWS, PULL UP TWO ROWS [OF ONIONS], AND PLANT TWO ROWS [OF GOURDS; AND SO ON].³⁷ THE SAGES SAID: IF BETWEEN ONE ROW [OF GOURDS] AND THE NEXT THERE ARE NOT TWELVE CUBITS, ONE MAY NOT ALLOW THAT WHICH IS SOWN IN THE INTERVENING SPACE TO REMAIN.³⁸

MISHNAH 7. A GOURD³⁹ AMONG A [HETEROGENEOUS] VEGETABLE [IS TO BE SEPARATED FROM THE LATTER BY AS MUCH] AS ANY OTHER [HETEROGENEOUS] VEGETABLE.⁴⁰ [A GOURD] AMONG CORN IS TO BE GIVEN [A SEPARATING SPACE OF] A BETH-ROBA'.⁴¹ IF ONE'S FIELD IS SOWN WITH CORN, AND HE WISHES TO PLANT WITHIN IT A ROW OF GOURDS, THE LATTER IS TO BE PROVIDED WITH A SERVICE-BORDER⁴² OF SIX HANDBREADTHS,⁴³ AND IF IT OVERGROWS [INTO THE BORDER] HE MUST PULL UP THAT WHICH IS WITHIN IT.⁴⁴ R. JOSE SAID: IT IS TO BE PROVIDED WITH A SERVICE-BORDER OF FOUR CUBITS. SAID THEY TO HIM: DO YOU RULE MORE STRINGENTLY WITH REGARD TO THIS THAN WITH REGARD TO A VINE'?⁴⁵ — SAID HE TO THEM: 'INDEED WE FIND THAT THIS IS TREATED MORE STRINGENTLY THAN A VINE, INASMUCH AS FOR A SINGLE VINE A SERVICE-BORDER IS PRESCRIBED OF SIX HANDBREADTHS,⁴⁶ BUT FOR A SINGLE GOURD ONE OF A BETH-ROBA'.⁴⁷ R. MEIR SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-SE'AH, ONE MAY NOT BRING [HETEROGENEOUS] SEED

INTO THE BETH-SE'AH.⁴⁸ R. JOSE B. HA-HOTEF THE EPHRATHITE⁴⁹ SAID IN THE NAME OF R. ISHMAEL: IF THERE ARE AS MANY AS THREE GOURDS IN A BETH-KOR, ONE MAY NOT BRING [HETEROGENEOUS] SEED INTO THE BETH-KOR.⁵⁰

- (1) I.e., a square cubit, the smallest area for such a bed.
- (2) It is possible to effect this by sowing five heterogeneous seeds set as specified infra.
- (3) Sc. single seed (Bert.).
- (4) For diagrams v. Shab. Sonc. ed. p. 403. The shaded part is shown. (For another possible arrangement v. printed edition of the separate Mishnayoth). The main underlying principle is that there must be a distance of at least three handbreadths between seed and seed, allowing for each species a space of one and a half handbreadths for drawing sustenance without coming into contact with any of the roots of another species. The contact of the diverse seeds at the corners does not matter, as the very position shows that they belong to different beds, v. Shab, Sonc. ed., p. 403. n. 5. and Feldman W.M., Rabbinical Mathematics pp. 45ff.
- (5) And of the same width, designed for a person attending to the patch to stand on, a human foot being a 'handbreadth' in width. The whole of the area of the patch is now 8 X 8 handbreadths.
- (6) And to appearances all the species would be mixed up.
- (7) Sc. of the last bed (8 X 8 handbreadths) mentioned, (v. diagram in printed editions of the separate Mishnayoth). It is equally clear that in the first mentioned bed (6 x 6 handbreadths) also, R. Judah permitted the sowing of six species. According to Maim. R. Judah actually contested the anonymous Tanna's planning of the five species, presumably on the ground that the species on the large centre patch would predominate to such an extent as to make the whole bed look as if intended to be solely of that species and the heterogeneous species on the borders would make it appear like kil'ayim.
- (8) Such as grain and others which are usually sown in large quantities in fields.
- (9) Such as are themselves not used for human consumption, and are as a rule sown in smaller quantities in beds.
- (10) In the manner prescribed in the preceding Mishnah.
- (11) And, though used for human consumption, are not considered 'vegetable-seed', and are, consequently, not to be sown with heterogeneous varieties in the same bed.
- (12) The reference is to the case mentioned in the preceding Mishnah.
- (13) There is no need to pull up the vegetables sown on the border.
- (14) But before the next sowing it must be raised to the proper level.
- (15) When dry and fit for sowing.
- (16) And six handbreadths (= a cubit) wide.
- (17) So that there are three handbreadths between any two heterogeneous species. Rashi, followed by Bert., requires three handbreadths as the minimum in such circumstances, whereas Maim., also Rash., 'require only one and a half handbreadths, the radius of ground from which such a plant 'sucks'. In accordance with this it should be permitted to sow five heterogeneous vegetable seeds across a furrow etc., six handbreadths wide.
- (18) V. II, 7, notes.
- (19) According to Maim. it must be assumed that the new row is being kept at the requisite distance from the main field.
- (20) Either: (i) in which the new row is planted (Maim., Bert.) or (ii) which separates the new row from the crop already there (Rash.).
- (21) I.e., the width of a normal furrow, viz., six handbreadths. In accordance with Rash's interpretation of 'furrow' (supra note 1) this means that at some place between the row and the rest of the field there must be an intervening space of 6 x 6 handbreadths. Maim., however, understands the words **מלוואו רוחב** as 'the width as its full depth' i.e., whatever the depth of the furrow (in which he plants the new row) its width must be the same. On the matter of width R. Ishmael agreed with R. Akiba, but as to length the latter held that the row itself (Maim.) or the intervening space (Rash.) need be only six handbreadths.
- (22) I.e., a handbreadth (v. supra Mishnah 1, n. 5). According to R. Judah the new row (Maim.) needs only. or the space separating the new row from the rest (Rash.) should at least, measure 6 X 1 handbreadths.
- (23) A normal 'row' is four cubits wide, v. infra 6.
- (24) Since two rows of each of these species present the appearance of a whole field, and as long as between the several sets of two rows there is the requisite intervening space, there is no objection to their being alongside.
- (25) Even if they are separated, the leaves of these species are long and intertwine one with another, and thus, present an appearance of having been sown indiscriminately with one 'handthrow'.

(26) On the ground that two rows of cucumbers, though not next to one another, are yet sufficient to constitute the plot into a cucumber field, within which it is permitted, in accordance with the preceding Mishnah, to plant a row of heterogeneous vegetables. Sipponte gives as R. Eliezer's reason that these four rows are to be regarded as two separate sets of two species each, one of a row each of cucumbers and Egyptian beans and the other one of a row each of cucumbers and gourds, which, in accordance with the next Mishnah, may be planted. In T.J., R. Jannai holds that R. Eliezer's permission refers also to the case, immediately preceding, of the three rows (one of cucumbers, one of gourds, and one of Egyptian beans) in pursuance of his principle that two species combine so as to effect a permission or a leniency. According to this, in the case of the three rows, the cucumbers and gourds are (under conditions stipulated in Mishnah 5) permitted, and these two 'combine' to make the three rows together permitted; likewise in the case of the four rows.

(27) Because the two rows of cucumbers, not being close to one another, do not give the appearance of a cucumber field, and the whole of the four rows look as if haphazardly sown. According to Sipponte, the Sages' prohibition is in keeping with their principle that though two species combine to effect a prohibition, they do not combine to effect a permission.

(28) I.e., even cucumbers and gourds, although their leaves are long and liable to intertwine.

(29) Without an intervening space between the two species.

(30) This makes it abundantly clear that they were certainly not planted with 'one handthrow' (which is all that the Torah prohibits).

(31) I.e., so as to obviate all reasonable possibility of strangers getting the impression that the Biblical prohibition had been transgressed

(32) Onions are instanced merely as an example. presumably because the procedure described in this Mishnah was a common practice in onion fields (Maim.).

(33) I.e., over a space of eight cubits.

(34) I.e., in the middle of the cleared space of eight cubits, thus leaving two cubits unsown on either side.

(35) Each row of gourds would thus be separated two cubits from the adjoining onions, and twelve cubits from the nearest row of gourds.

(36) One species being, of course, separated from the other by a furrow.

(37) One plot of gourds being eight cubits from the next, thus:

(38) The Sages agree with R. Ishmael except in so far as he requires unsown spaces of two cubits each separating gourds from onions, whilst they do not, but permit onions to remain over all the space of twelve cubits (provided of course that a furrow's width separates species from species).

(39) It should be noted that wherever the gourd has been instanced it was, and is here, in consequence of its long leaves which become tangled with nearby vegetation; hence the Greek gourd is meant and no other variety.

(40) Six handbreadths, v. supra II, 10.

(41) V. *ibid.*

(42) עבודה, 'service', used here as an agricultural technical term for a border along which one has access to a plantation for watering and other purposes.

(43) A single gourd requires a large separating space. viz., a beth-roba' (approx. 10.15 cubits square), because the single gourd in the midst of a heterogeneous species would otherwise look as if haphazardly sown and constituting kil'ayim; a whole row of gourds, however, needs a separating space only like that for any other heterogeneous vegetable viz., of six handbreadths (one cubit) square, since the row by itself already presents something distinctive, and makes it clear to all and sundry that it was sown separately.

(44) If the gourd leaves have spread into the service-border separating the gourds from the corn, these leaves must be pulled up and the border kept clear.

(45) The prohibition of kil'ayim in connection with vines, extending as it does to consumption and other uses, is stricter than kil'ayim of corn, pulse, and vegetables, applying as it does only to sowing and to deliberately suffering them to remain in one's field; here R. Jose reverses the order of stringency.

(46) Cf. *infra* IV, 5.

(47) As *supra* in this Mishnah.

(48) I.e., heterogeneous species are not allowed within a third of a beth-se'ah of a gourd. So Maim. and Bert., but v. L. for another interpretation.

(49) Mentioned here only. V. Bacher, *Tradition*, p. 91.

(50) I.e., heterogeneous species are not allowed within a third of a beth-kor of a gourd., v. note I.

Mishna - Mas. Kilayim Chapter 4

MISHNAH 1. A KARAHATH¹ [I.E.. A BARE PATCH] WITHIN A VINEYARD. SHOULD MEASURE, BETH SHAMMAI SAY, TWENTY-FOUR CUBITS;² BUT BETH HILLEL SAY, SIXTEEN CUBITS.³ A MEHOL [I.E.. AN UNSOWN BELT OF GROUND ROUND THE OUTER EDGES] OF A VINEYARD BETH SHAMMAI SAY, SHOULD MEASURE SIXTEEN CUBITS, BUT BETH HILLEL SAY, TWELVE CUBITS. NOW WHAT CONSTITUTES A KARAHATH OF A VINEYARD? A PLOT WITHIN A VINEYARD WHICH HAS BEEN DENUDED⁴ [OF VINES]. IF IT IS LESS THAN SIXTEEN CUBITS, THEN⁵ ONE MUST NOT INTRODUCE SEED INTO IT;⁶ IF IT IS SIXTEEN CUBITS. IT⁷ IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 2. WHAT IS A MEHOL OF A VINEYARD? [THE SPACE] BETWEEN VINEYARD [PRO PER] AND FENCE. IF IT DOES NOT MEASURE TWELVE CUBITS,⁸ IT IS FORBIDDEN TO INTRODUCE SEED INTO IT;⁹ IF IT DOES MEASURE TWELVE CUBITS, IT¹⁰ IS GIVEN ITS SERVICE-BORDER, AND ONE MAY SOW THE REST.

MISHNAH 3. R. JUDAH SAID: THE ABOVE IS BUT A VINEYARD FENCE [GADER].¹¹ WHAT THEN IS A MEHOL OF A VINEYARD? [AN INTERVENING SPACE] BETWEEN TWO VINEYARDS.¹² WHAT NOW IS A [STATUTORY] VINEYARD FENCE? — ONE TEN HANDBREADTHS HIGH.¹³ AND [WHAT IS] A [STATUTORY] TRENCH? — ONE TEN HANDBREADTHS DEEP AND FOUR WIDE.¹³

MISHNAH 4. [IF A VINEYARD HAS] A PARTITION OF REEDS, THEN IF BETWEEN ONE REED AND ANOTHER THERE BE LESS THAN THREE HANDBREADTHS, [THE SPACE] THROUGH WHICH A KID CAN ENTER, IT COUNTS AS A [LEGALLY EFFECTIVE] PARTITION.¹⁴ IF A [STONE] FENCE HAS BEEN BROKEN THROUGH UP TO [THE LENGTH OF] TEN CUBITS, IT [THE BREACH] IS [REGARDED] AS A DOORWAY;¹⁵ [IF THE BREACH IS] MORE THAN THAT, [SOWING CLOSE TO THE LINE OF THE FENCE] IMMEDIATELY OPPOSITE THE BREACH IS PROHIBITED. IN THE EVENT OF MANY BREACHES HAVING BEEN MADE THEREIN, THEN IF THAT WHICH REMAINS STANDING¹⁶ EXCEEDS THAT WHICH IS BROKEN THROUGH,¹⁶ IT IS PERMITTED [TO SOW CLOSE TO THE LINE OF THE FENCE OPPOSITE THE BREACHES]; BUT IF THAT WHICH IS BROKEN THROUGH EXCEEDS THAT WHICH REMAINS STANDING, IT IS FORBIDDEN [TO SOW CLOSE TO THE LINE OF THE FENCE] OPPOSITE THE BREACH [OR BREACHES].¹⁷

MISHNAH 5. WHEN A MAN HAS SOWN A LINE OF [AT LEAST] FIVE VINES, BETH SHAMMAI SAID: THESE CONSTITUTE A VINEYARD;¹⁸ BUT BETH HILLEL SAID: THEY [VINES]¹⁹ DO NOT CONSTITUTE A VINEYARD²⁰ UNLESS THEY BE IN TWO ROWS.²¹ CONSEQUENTLY, IF ONE HAS SOWN IN THE FOUR CUBITS [OF THE SERVICE-PATH] WITHIN THE VINEYARD, BETH SHAMMAI SAID: HE HAS [THEREBY] CAUSED THE PROHIBITION [AS KIL'AYIM]²² OF ONE ROW,²³ WHEREAS BETH HILLEL SAID: HE HAS CAUSED THE PROHIBITION OF TWO ROWS.²⁴

MISHNAH 6. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] FORMING A 'TAIL',²⁵ THIS CONSTITUTES A VINEYARD. IF ONE HAS PLANTED TWO [VINES] OPPOSITE TWO, AND ONE [OTHER VINE] IN BETWEEN,²⁶ OR TWO OPPOSITE TWO, AND ONE IN THE MIDDLE,¹⁷ , NEITHER OF THESE [COLLECTIONS OF VINES] CONSTITUTE A VINEYARD UNLESS THERE BE TWO OPPOSITE TWO WITH ONE [OTHER] PROJECTING LIKE A TAIL.²⁷

MISHNAH 7. IF ONE HAS PLANTED ONE ROW²⁸ [OF VINES] ON HIS OWN [LAND] AND ANOTHER ROW²⁸ ON HIS NEIGHBOUR'S [LAND], THEN EVEN THOUGH THERE BE IN THE MIDDLE A PRIVATE ROAD,²⁹ OR A PUBLIC ROAD,³⁰ OR A FENCE LOWER THAN TEN HANDBREADTHS, THESE [TWO ROWS] COMBINE.³¹ IF THERE BE A FENCE HIGHER THAN TEN HANDBREADTHS³² THEY DO NOT COMBINE. R. JUDAH SAID: IF HE INTERTWINES THEM [THE ROWS OF VINES] ABOVE [THE FENCE, THOUGH IT BE HIGHER THAN TEN HANDBREADTHS] THEY DO COMBINE.

MISHNAH 8. IF ONE HAS PLANTED TWO ROWS [OF VINES]³³ AND THERE ARE NOT EIGHT CUBITS BETWEEN THEM, HE MAY NOT INTRODUCE SEED THERE [I.E., IN THE SPACE INTERVENING BETWEEN THE TWO ROWS].³⁴ IF THERE BE THREE [ROWS].³⁵ THEN IF BETWEEN ONE ROW AND ITS COMPANION [ROW]³⁶ THERE ARE NOT SIXTEEN CUBITS,³⁷ HE MAY NOT INTRODUCE SEED THERE. R. ELIEZER B. JACOB SAID IN THE NAME OF HANINA B. HAKINAI: IF EVEN THE MIDDLE ROW WAS LAID WASTE AND BETWEEN ONE ROW AND ITS COMPANION [ROW] THERE ARE NOT SIXTEEN CUBITS,³⁸ HE MAY NOT INTRODUCE SEED THERE;³⁹ ALTHOUGH, HAD HE AB INITIO PLANTED THESE [TWO ROWS], IT WOULD HAVE BEEN PERMITTED [TO SOW BETWEEN THEM] IF THEY WERE EIGHT CUBITS [APART].⁴⁰

MISHNAH 9. IF ONE HAS PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS FOR EVERY INTER-SPACE,⁴¹ IT IS PERMITTED TO INTRODUCE SEED THERE.⁴² R. JUDAH SAID: IT HAPPENED AT ZALMON⁴³ THAT A MAN PLANTED HIS VINEYARD ON [A PLAN OF] SIXTEEN CUBITS TO EVERY INTER-SPACE; [ONE YEAR] HE TURNED THE TIPS OF THE VINE BRANCHES OF TWO [ADJACENT ROWS] TOWARDS ONE PLACE,⁴⁴ AND SOWED⁴⁵ THE PLOUGHED LAND, AND THE FOLLOWING YEAR HE TURNED THE TIPS OF THE VINE BRANCHES IN THE OPPOSITE DIRECTION, AND SOWED THE LAND WHICH HAD BEEN LEFT UNTILLED [THE PRECEDING YEAR]. THE MATTER CAME BEFORE THE SAGES, AND THEY DECLARED IT PERMITTED. R. MEIR AND R. SIMEON SAID: EVEN IF ONE HAS PLANTED ONE'S VINEYARD ON [A PLAN OF] EIGHT CUBITS [BETWEEN EVERY TWO ROWS], THIS IS PERMITTED.⁴⁶

(1) Cf. supra II, 9.

(2) Allowing for vineyard service-borders of four cubits each (v. infra VI, 1) on either side, and sixteen cubits in the middle for sowing. It should be borne in mind that Beth Shammai hold that 8 X 8 cubits is the smallest area that can be regarded as a 'field'. If therefore in our case, less than eight cubits remain, that ground is reckoned as forming a part of the vineyard, and it is forbidden to plant seeds there. As our karahath is flanked by vines on (at least) two sides there must be the minimum of eight cubits towards either side of the vineyard, i.e., a block of at least sixteen cubits in all, before it can be sown.

(3) Allowing for service-borders as above, and four cubits, the minimum 'field' after Beth Hillel, towards either side, i.e., altogether eight cubits, for sowing.

(4) **. lit., 'laid waste'.

(5) Sc. in accordance with the Hillelite ruling.

(6) Even its very centre may not be sown.

(7) The vineyard.

(8) The Hillelite minimum; i.e., after allowing for four cubits of service-border and after deducting the four cubits close to the fence which are not sown, there are left less than four cubits.

(9) Since not being large enough to constitute a 'field' on its own, it is regarded as part of the vineyard.

(10) V. supra I, n. 7.

(11) I.e., the technical term for the space 'between vineyard and fence', is not mehal ha-kerem, as stated by the original anonymous Tanna, but geder ha-kerem ('the vineyard fence'), and it is to this geder ha-kerem (as long as it measures not less than six (Maim. four and a half) cubits) that the rule 'it is given its service-border, and one may sow the rest' applies.

- (12) And this must measure at least twelve cubits if it is in part to be sown.
- (13) Cf. supra II, 8. These are effective partitions and one may sow vines hard upon one side and seeds hard upon the other side of such partitions.
- (14) That a gap of less than three handbreadths does not impair the character of a partition where the law depends on the presence or absence of a partition is a law (orally imparted) to Moses at Sinai', (v. 'Er. 15a).
- (15) Which is regarded de jure as wall or fence, and it is therefore permitted to sow immediately in front of it a vine on the side of the boundary. and seed on the other just as if the fence were actually standing between them.
- (16) In the aggregate.
- (17) But it is permitted to do so where the fence still stands; if, however, the standing part is less than four handbreadths and more than three (and the broken part exceeds it) it is forbidden to sow vines on one side, and seed on the other even where the fence still stands.
- (18) And sowing of seed within four cubits thereof is prohibited.
- (19) Any number of them.
- (20) And one may sow seed at a distance of six handbreadths.
- (21) Either of three vines each, vine opposite vine (v. T.J.) or of five vines altogether set out as described infra 6.
- (22) **, as used in Deut. XXII, 9.
- (23) Since, according to them this constitutes a vineyard.
- (24) Which according to them form the vineyard which according to Scripture (Deut. ibid.) becomes prohibited as a result of too close a proximity of other seed. How many and which of the vines are thus affected is discussed in detail in T.J. Our Mishnah is an instance of the rare occasions on which Beth Shammai took the more lenient, and Beth Hillel the more stringent rule. Cf. 'Ed. V, 2. (Sonc. ed.) p. 31f.
- (25) Thus: Rash and Bert.: Maim.:
- (26) Maim. and Rash: 'between either pair', thus: Bert.: in the continuation of the space between the pairs, thus: (11) Rash. and Bert.: Maim., Sipponte:
- (27) I.e., if in addition to either of the arrangements just described there is another vine 'projecting like a tail', they constitute a vineyard.
- (28) One row of two vines and one row of three vines (v. preceding Mishnah).
- (29) Four cubits wide.
- (30) The standard 'public road', דרך הרבים (referred to in Pe'ah II, 1) is sixteen cubits wide; this is taken by Maim. as meant here. Others, however, say that here a path less than eight cubits wide is to be understood, rather the kind designated in Pe'ah ibid., as שביל הרבים, 'a public path' (passable in the rainy as well as in the dry season).
- (31) Sc. to constitute a vineyard so as to forbid sowing seed either between the two rows or within four cubits from either of them. Even though according to R. Jose and R. Simeon one man's vine forming a tent over another person's produce does not cause kil'ayim (infra VII, 4). here not another person's but the man's own 'seed' is concerned; moreover the second row belongs to the first man's next-door neighbour, and this might easily give rise to a notion that the two rows belong to the same man, whose sowing seed between them causes kil'ayim.
- (32) The same applies if it is only ten handbreadths high; it is on account of what follows in this Mishnah that here it is said: 'higher than ten etc.'
- (33) Of two vines in each, without another one 'projecting like a tail'.
- (34) Because they form sufficient of a vineyard to disallow sowing in the middle of it, even though for the purposes of sowing on the outer sides they are deemed as not forming a vineyard but as just individual vines. If, however, there are eight cubits (exclusive of the ground occupied by the vines) between them, the two rows (of two vines each) are deemed as separate, unrelated rows, and one may sow even between them at a distance of six handbreadths from the vines on either side.
- (35) Of two vines each. Such three rows constitute a vineyard.
- (36) Some say (a) between the two outer rows. Others say (b) between one and the next.
- (37) The size of a karahath of a vineyard (v. supra 1).
- (38) In accordance with note 2 (a), this means only as long as all three rows are there, is a distance of sixteen cubits required between the two outer rows (before sowing can be done in the intervening space); but if the middle row has been razed, the character of 'vineyard' ceases and one may sow between them (six handbreadths from the vines) even if they are not sixteen cubits apart. In accordance with note 2 (b) it means: Three rows constitute a 'vineyard' and sowing in either inter-row space is permitted only when each of the latter measures sixteen cubits (v. 1). If the middle row is

razed, the character of the vineyard ceases, etc.

(39) Having once been a vineyard, it remains a vineyard even if any of the three vines, even the middle one, is razed, and a full-size karahath, i.e. of sixteen cubits, is essential, if the inter-space is to be sown.

(40) According to the beginning of this Mishnah.

(41) Originally so, and not when there were sixteen cubits only after the elimination of one row or more.

(42) At a distance from the vines of only six handbreadths. Even Beth Shammai concur that if, originally, rows of vines are planted sixteen cubits apart, it is permitted to sow there; they require twenty-four cubits (supra I) only when the empty space has been formed by the elimination of some vines.

(43) A place-name. Mount Zalmon is mentioned in Judg. IX, 47-48, as near Shechem.

(44) I.e., towards one another.

(45) Leaving six handbreadths clear.

(46) Because then they are deemed as individual vines, and one may sow seed at a distance of six handbreadths.

Mishna - Mas. Kilayim Chapter 5

MISHNAH 1. IF A VINEYARD HAS BEEN [PARTLY] RAZED,¹ THEN SHOULD IT STILL BE POSSIBLE TO PICK TEN VINES WITHIN A BETH-SE'AH,² AND THESE ARE PLANTED ACCORDING TO THE ESTABLISHED LAW,³ IT CONSTITUTES A 'POOR' VINEYARD. IF A [POOR]⁴ VINEYARD IS PLANTED IN IRREGULAR LAY-OUT, THEN SHOULD THERE BE THEREIN AN ALIGNMENT OF [ONE LINE OF] TWO [VINES] PARALLEL AND OPPOSITE TO [A LINE OF] THREE, IT CONSTITUTES A VINEYARD;⁵ BUT IF THERE IS NOT [SUCH AN ALIGNMENT] IT DOES NOT CONSTITUTE A VINEYARD. R. MEIR SAID: SINCE IT IS IN APPEARANCE LIKE VINEYARDS [IN GENERAL], IT CONSTITUTES A VINEYARD.

MISHNAH 2. IF A VINEYARD⁶ HAS BEEN PLANTED ON [A PLAN OF] LESS THAN FOUR CUBITS [TO AN INTER-SPACE].⁷ R. SIMEON SAID: IT DOES NOT CONSTITUTE A VINEYARD.⁸ THE SAGES, ON THE OTHER HAND, SAID: IT DOES CONSTITUTE A VINEYARD, AND WE REGARD THE MIDDLE [ROWS] AS IF THEY WERE NOT [VINES].⁹

MISHNAH 3. IF A TRENCH PASSES THROUGH A VINEYARD, AND IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE,¹⁰ R. ELIEZER B. JACOB SAYS: IF IT RUNS RIGHT THROUGH FROM THE BEGINNING OF THE VINEYARD TO THE END THEREOF,¹¹ IT PRESENTS THE APPEARANCE OF TWO [SEPARATELY OWNED] VINEYARDS, AND IT IS PERMITTED TO SOW THEREIN; BUT IF IT IS NOT,¹² IT IS [DEEMED] AS [IF IT WERE] A WINE-PRESS. AND AS FOR A WINE-PRESS IN A VINEYARD THAT IS TEN [HANDBREADTHS] DEEP AND FOUR WIDE, R. ELIEZER SAYS: IT IS PERMITTED TO SOW THEREIN,¹³ WHILST THE SAGES,¹⁴ FORBID.¹⁵ IF A WATCH-MOUND IN A VINEYARD IS TEN HANDBREADTHS HIGH AND FOUR WIDE IT IS PERMITTED TO SOW THEREIN;¹⁶ BUT IF THE ENDS OF THE VINE-BRANCHES BECAME INTERTWINED THEREON,¹⁷ IT IS FORBIDDEN.

MISHNAH 4. IF A VINE IS PLANTED IN A WINE-PRESS OR IN A DEPRESSION,¹⁸ IT IS ALLOWED ITS SERVICE-BORDER,¹⁹ AND ONE MAY SOW IN THE REST.²⁰ R. JOSE SAYS: IF THERE ARE NOT FOUR CUBITS THERE,²¹ ONE MAY NOT INTRODUCE SEED THITHER.²² AS FOR A HOUSE THAT IS WITHIN A VINEYARD, IT IS PERMITTED TO SOW THEREIN.²³

MISHNAH 5. IF ONE PLANTS A VEGETABLE OR SUFFERS IT TO REMAIN IN A VINEYARD, HE RENDERS PROHIBITED [AS KIL'AYIM] FORTY-FIVE VINES. WHEN? IN THE EVENT OF THEIR HAVING BEEN PLANTED ON A PLAN OF EITHER FOUR OR FIVE [CUBITS TO AN INTER-SPACE].²⁴ IN THE EVENT, HOWEVER, OF THEIR HAVING BEEN PLANTED ON [A PLAN OF] EITHER SIX OR SEVEN [CUBITS TO AN INTER-SPACE] HE

RENDERS PROHIBITED AS KIL'AYIM [THE VINES WITHIN AN AREA OF] SIXTEEN CUBITS IN EVERY DIRECTION, IN THE FORM OF A CIRCLE, NOT OF A SQUARE.²⁵

MISHNAH 6. IF ONE²⁶ SEES A VEGETABLE IN A VINEYARD, AND SAYS: WHEN I REACH IT I SHALL PLUCK IT', [ALL THAT HAS GROWN THERE] IS PERMITTED;²⁷ [BUT IF HE SAYS:] 'WHEN I COME BACK I SHALL PLUCK IT', THEN IF IT [THE VEGETABLE] HAS [IN THE MEANTIME] INCREASED BY A TWO-HUNDREDTH,²⁸ IT [ALL THAT HAS GROWN THERE] IS FORBIDDEN.²⁹

MISHNAH 7. IF, WHEN ONE HAS PASSED THROUGH A VINEYARD, SEEDS HAVE FALLEN FROM HIM, OR [SEEDS] HAVE GONE [INTO THE FIELD] WITH MANURE OR WITH [IRRIGATION] WATER, OR IF AS HE WAS [IN A CORNFIELD] SCATTERING SEED, THE WIND BLEW SOME BEHIND HIM [INTO A VINEYARD]. NO PROHIBITION APPLIES;³⁰ IF THE WIND BLEW THE SEED BEFORE HIM [INTO A VINEYARD]³¹ R. AKIBA SAID: IF³² IT HAS PRODUCED BLADES, HE MUST TURN THE SOIL;³³ IF IT HAS REACHED THE STAGE OF GREEN EARS,³⁴ HE MUST BEAT THEM OUT;³⁵ IF IT HAS GROWN INTO CORN,³⁶ IT MUST BE BURNT.³⁷

MISHNAH 8. IF ONE SUFFERS THORNS TO REMAIN GROWING IN A VINEYARD, R. ELIEZER SAID: [THEREBY] HE EFFECTS A STATE OF PROHIBITION,³⁸ BUT THE SAGES SAID: NOTHING CAUSES SUCH A STATE OF PROHIBITION EXCEPT THAT WHICH IT IS A COMMON PRACTICE [IN THE PLACE CONCERNED] TO PERMIT TO GROW.³⁹ IRIS,⁴⁰ IVY,⁴¹ AND THE KING'S LILY,⁴² LIKEWISE ALL MANNER OF SEEDS⁴³ [OTHER THAN THOSE ALREADY SPECIFICALLY DEALT WITH]⁴⁴ ARE NOT KIL'AYIM IN A VINEYARD.⁴⁵ [AS FOR] HEMP, R. TARFON SAID: IT IS NOT KIL'AYIM, BUT THE SAGES SAY IT IS KIL'AYIM.⁴⁶ ARTICHOKE⁴⁷ ARE KIL'AYIM IN A VINEYARD.

(1) Not a substantial patch (karahath) denuded of vines within a vineyard, but a vine, or a few vines missing here and there.

(2) An area of 2,500 square cubits (v. supra II, 9).

(3) 'Two vines opposite two, with one projecting like a tail', (v. supra IV. 6). and not more than sixteen cubits apart (supra IV, 9).

(4) So some versions.

(5) R. Zera in T.J.

(6) Of three or more rows of three vines in a row.

(7) I.e., less than the minimum distance required for attendance on a vineyard (with a yoke of oxen) v. infra VI, 1.

(8) Sc. but the vines are regarded as single vines, at a distance of six handbreadths (one cubit) from which it is permitted to sow other seed.

(9) But intended for fuel only. Close planting of vines would seem according to this to have been practised with a view to utilizing only the best rows for their fruit, but not the inferior ones. According to the Sages the latter, if they are inner rows, are virtually eliminated (they may even be trained to hang over corn, without bringing about kil'ayim) and the remaining ones are sufficiently apart to constitute a vineyard. R. Simeon's view is (v. T.J.) that all the vines, including those regarded by the Sages as so negligible as if nonexistent, are an essential part of the plantation (one does not plant vines with a view to pulling them out), which is therefore not a vineyard in respect of the law requiring inter-spaces of four cubits.

(10) V. supra IV, 3.

(11) Cf. supra III, 3.

(12) Either ten handbreadths deep, or four wide, or it does not traverse the plantation from end to end.

(13) Since, owing to its dimensions, it is deemed a separate domain.

(14) As well as R. Eliezer b. Jacob.

(15) Since it is within a hollow space formed by a vineyard.

(16) Cf. supra II, 8. The Sages and R. Eliezer are agreed on this.

(17) So rendered by Rash. (who insists on adding 'of their own accord and not trained by hand') and others. Maim. renders 'reach and touch'. Some render the verb used here, viz., כּוּתַשׁ, in the sense in which it is used in the Bible, viz., 'pound', 'pulverize', and say that the point here is that if the vine branches reach the top of the mound, they will rub the soil and powder it so that the wind blows it off and the mound becomes lower than ten handbreadths and/or narrower than four. (v. Rosh. and Rash. and cf. Pe'ah II. 3 and commentators a.l.).

(18) Measuring two to three cubits in length and three handbreadths in width (T.J., v. Rash. and Sipponte).

(19) Of six handbreadths, like an individual vine.

(20) Sc. of the wine-press or depression.

(21) Either in length or in width.

(22) But if there are four cubits, R. Jose agrees with the anonymous Tanna.

(23) Even if the vines hang over the house; since the house has a roof over it.

(24) In an area planted at intervals of four cubits (especially if it be four cubits clear, exclusive of the thickness of the vines), a circle with a radius of sixteen cubits (v. infra in this Mishnah) will contain forty-five vines. In an area planted, at intervals of five cubits, such a circle will actually contain only thirty-seven vines, but as the circumference passes only just four cubits (the width of a statutory service-border for a vineyard) from the outermost rows, we must visualize a virtual circle having a twenty cubit radius, which too, would contain forty-five vines. So Maim., Asheri, and Bert.

(25) In the six-cubit plan, twenty-four, in the seven-cubit plan, twenty-one. vines become kil'ayim. The numbers mentioned in this and the preceding notes can be easily verified by drawing appropriate diagrams.

(26) In this case, either the owner or an employee.

(27) Because his evident readiness to remove the vegetable (or corn) shows that the latter is there without his knowledge or intention, whereas the Torah says: (Lev. XIX, 19) Thy field thou shalt not sow etc., and (Deut. XXII, 9) Thou shalt 'not sow thy vineyard etc., a prohibition, explain the Rabbis, only against such making or maintaining kil'ayim as is as deliberate as the act of sowing.

(28) Since the processes of growth and withering are one the inverse of the other, it was assumed that the time taken by any species of produce to grow is the same as taken by that same species to become dried up after it had been cut or plucked, which period was of course, easily determinable by experiment.

(29) Since he had knowingly allowed the 'offending' vegetable or corn to remain among the vines for a substantial period.

(30) Since in each case the introduction of the seed was unintentional. If and when he notices it, he must of course remove it, as indicated in the preceding Mishnah.

(31) Sc. and he has noticed it, then the prohibition applies, and he must retrieve the seed.

(32) In the event of his having failed to retrieve the seed soon enough.

(33) So as to ensure that they do not grow again.

(34) I.e., before it has reached a third of its normal full growth.

(35) And make no use of either grain or stalk. So R. Johanan; but in R. Hoshai's view only the grain is prohibited, but the stalks are permitted. (T.J.).

(36) Having attained a third of its possible normal growth.

(37) The rule of burning kil'ayim is derived from Deut. XXII, 9, which says: Thou shalt not sow thy vineyard with kil'ayim; lest the fulness of the seed which thou hast sown be forfeited with the increase of the vineyard. The Hebrew word for 'be forfeited' viz. תּקַדַּשׁ, is explained as signifying 'it shall be burnt'.

(38) Sc. of kil'ayim; since thorns are deliberately allowed to grow in some countries, e.g.. Arabia, for camel's food, this reason, primarily local, for ruling that they produce a state of kil'ayim in a vineyard, is deemed, by extension, as making the ruling applicable universally.

(39) Thus only in places where thorns are suffered gladly do they render a vineyard kil'ayim, but not elsewhere.

(40) אַרְיִים.

(41) קִיסוֹם.

(42) שׁוֹשַׁנַּת הַמַּלְךְ rendered by T.J. קִירִינְטוֹן which according to Kohut, is the lily flower, white in colour. Maim. renders (in Arabic) נַעֲמָן i.e., anemone. Danby renders 'fritillary'; there is a type called Fritillaria imperialis.

(43) Viz., grain and vegetables.

(44) Such as legumes, which also come under the term 'seeds' (zera'im).

(45) The reason being, according to Maim., that they are 'seeds', but not vegetables (or grain) which alone constitute kil'ayim in a vineyard; or, according to Rabad, that even though (in his view) both 'seeds' and vegetables are prohibited

in a vineyard, the specimens mentioned here are permitted because it is not the usual thing to let them grow in a vineyard. In Rabad's view, it appears, the Mishnah found it necessary to state specifically that these species do not constitute kil'ayim, because otherwise one might have thought that they do, on the analogy of the Sages' principle in the matter of thorns, inasmuch as both iris and ivy are, on botanical authority, eaten by cattle. The same uses probably apply to the 'king's lily'. The permissibility, however, is only as far as the purely Pentateuchal requirements are concerned. The Rabbis, however, have, some say, on the authority of a prophetic tradition, extended the prohibition to include other types of 'seeds' (Men. 15b). Some are of the opinion that they are prohibited also by Pentateuchal law though no penalty of stripes is prescribed for sowing these 'seeds' in a vineyard.

(46) Because hemp resembles grapes.

(47) קינרם , cynara.

Mishna - Mas. Kilayim Chapter 6

MISHNAH 1. WHAT IS AN 'ARIS¹ [WHICH IS REGARDED AS A VINEYARD]?² IF ONE HAS PLANTED A [SINGLE] ROW CONSISTING OF FIVE VINES BESIDE A FENCE TEN HANDBREADTHS HIGH,³ OR BESIDE A TRENCH TEN HANDBREADTHS DEEP AND FOUR WIDE,³ IT IS ALLOWED ITS SERVICE-BORDER OF FOUR CUBITS.⁴ BETH SHAMMAI SAY: THE FOUR CUBITS ARE TO BE MEASURED FROM THE BODY OF THE VINE TO THE FIELD;⁵ BUT BETH HILLEL SAY: FROM THE FENCE TO THE FIELD.⁵ R. JOHANAN B. NURI SAID: ALL WHO SAY SO⁶ ARE MISTAKEN;⁷ IN FACT [WHAT WAS SAID⁸ WAS]: IF THERE BE FOUR CUBITS FROM THE BODY OF THE VINES TO THE FENCE, THE APPROPRIATE SERVICE-BORDER IS ALLOWED, AND THE REST MAY BE SOWN.⁹ AND HOW MUCH IS THE SERVICE-BORDER OF A VINE? SIX HANDBREADTHS IN EVERY DIRECTION;¹⁰ R. AKIBA SAID: THREE.¹¹

MISHNAH 2. AS FOR AN 'ARIS WHICH PROJECTS FROM A TERRACE, R. ELIEZER B. JACOB SAID: IF A PERSON STANDING ON THE [LEVEL] GROUND IS ABLE TO PICK ALL OF IT, [SUCH AN 'ARIS] PROHIBITS [THE SOWING OF SEED IN] FOUR CUBITS OF THE FIELD;¹² IF [HE IS] NOT [ABLE TO DO SO], IT PROHIBITS [THE SOWING OF SEED] ONLY [IN] THE [SOIL] WHICH IS DIRECTLY OPPOSITE¹³ IT.¹⁴ R. ELIEZER SAID: LIKEWISE,¹⁵ IF ONE HAS PLANTED ONE ON THE GROUND, AND ONE ON A TERRACE, THEN IF IT IS TEN HANDBREADTHS ABOVE THE [LEVEL] GROUND, ONE DOES NOT COMBINE WITH THE OTHER;⁶ , IF IT IS NOT [SO HIGH] ONE DOES COMBINE WITH THE OTHER.

MISHNAH 3. IF ONE HAS SUSPENDED VINE-BRANCHES OVER SOME OF THE LATHS [OF A TRELLIS], HE MAY NOT INTRODUCE SEED [INTO THE SOIL] BENEATH THE REMAINDER [OF THE TRELLIS]; YET IF HE DID INTRODUCE HE HAS NOT THEREBY BROUGHT ABOUT A PROHIBITED STATE.¹⁶ IF, HOWEVER, NEW [TENDRILS] HAVE SPREAD [OVER THE 'REMAINDER']. THAT [WHICH HAD BEEN SOWN UNDER THE 'REMAINDER'] IS PROHIBITED.¹⁷ EVEN SO IS IT WHEN ONE SUSPENDS VINE-BRANCHES OVER SOME PART OF A NON-FRUIT-BEARING¹⁸ TREE.

MISHNAH 4. IF ONE SUSPENDS [BRANCHES OF] A VINE ON PART OF [THE BRANCHES OF] A FRUIT TREE,¹⁹ IT IS PERMITTED TO INTRODUCE SEED BENEATH THE 'REMAINDER';²⁰ IF A NEW [GROWTH] SPREAD [OVER THE REMAINDER']. HE MUST TURN IT BACK.²¹ THERE WAS THE CASE OF R. JOSHUA WHO WENT TO R. ISHMAEL IN KEFAR 'AZIZ,²² AND THE LATTER SHOWED HIM A VINE [WITH ITS BRANCHES] SUSPENDED ON PART OF [THE BRANCHES OF] A FIG-TREE. HE [R. JOSHUA] ASKED HIM [R. ISHMAEL]: 'WHAT [IS THE LAW? MAY] I INTRODUCE SEED BENEATH THE REMAINDER?' HE ANSWERED HIM: IT IS PERMITTED'.²³ HE TOOK HIM TO BETH-HAMMAGGANYAH²⁴ WHERE HE SHOWED HIM A VINE [WHOSE BRANCHES WERE] SUSPENDED ON PART OF A BEAM²⁵ BELONGING TO THE TRUNK OF A

SYCAMORE,²⁶ WHICH HAD MANY BEAMS.²⁵ HE SAID TO HIM: BENEATH THIS BEAM IT IS PROHIBITED [TO SOW].²⁷ BUT BENEATH THE REMAINDER IT IS PERMITTED'.²⁸

MISHNAH 5. WHAT IS A SERAK²⁹ TREE? ANY TREE WHICH DOES NOT YIELD FRUIT. R. MEIR SAID: ALL TREES ARE SERAK, EXCEPT OLIVE AND THE FIG TREE.³⁰ R. JOSE SAID: ALL SUCH TREES AS ARE NOT PLANTED IN WHOLE FIELDS, ARE SERAK TREES.

MISHNAH 6. 'ARIS-GAPS³¹ MUST BE EIGHT CUBITS AND SOMEWHAT MORE.³² [IN THE CASE OF] ALL MEASUREMENTS [BY THE CUBIT] SPOKEN OF BY THE SAGES IN CONNECTION WITH A VINEYARD,³³ THERE IS NO 'AND SOMEWHAT MORE', EXCEPT IN THAT OF 'ARIS-GAPS. THE FOLLOWING CONSTITUTES AN 'ARIS-GAP: IF AN 'ARIS WAS RAZED MIDWAY, AND FIVE VINES WERE LEFT ON ONE SIDE AND FIVE VINES ON THE OTHER SIDE,³⁴ THEN IF THE GAP³⁵ BE [ONLY] EIGHT CUBITS, ONE MUST NOT INTRODUCE SEED THITHER;³⁶ IF IT BE EIGHT CUBITS AND SOMEWHAT MORE, ONE SHOULD ALLOT THE REQUISITE SERVICE-BORDER,³⁷ AND HE MAY SOW THE REST.³⁸

MISHNAH 7. IF AN 'ARIS TURNS AWAY FROM A WALL WHERE IT FORMS AN ANGLE, AND COMES TO AN END,³⁹ IT⁴⁰ IS GIVEN ITS SERVICE-BORDER,⁴¹ AND IT IS PERMITTED TO SOW THE REST.⁴² R. JOSE SAID: IF THERE BE NOT FOUR CUBITS THERE,⁴³ ONE MAY NOT INTRODUCE SEED THITHER.⁴⁴

MISHNAH 8. IF CANES [FORMING THE TRELLIS] PROTRUDE FROM THE 'ARIS AND ONE HAS FORBORN FROM CUTTING THEM SHORT,⁴⁵ IT IS PERMITTED TO SOW DIRECTLY BENEATH⁴⁶ THEM; IF, HOWEVER, HE MADE THEM [LONG] SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG THEM, IT IS FORBIDDEN.

MISHNAH 9. IF A BLOSSOM PROTRUDED BEYOND THE ARIS, IT IS REGARDED AS IF A PLUMMET WERE SUSPENDED THEREFROM: DIRECTLY BENEATH IT, IT IS PROHIBITED [TO SOW].⁴⁷ IT IS LIKEWISE IN THE CASE OF A [PROTRUDING] BLOSSOM FROM A HANGING BRANCH OF A SINGLE VINE. IF ONE HAS STRETCHED A VINE-SHOOT FROM TREE TO TREE, IT IS FORBIDDEN TO SOW BENEATH IT.⁴⁸ IF HE MADE AN EXTENSION THERETO BY MEANS OF ROPE OR REED-GRASS, IT IS PERMITTED UNDER THE EXTENSION; IF HE MADE THE EXTENSION SO THAT THE NEW [GROWTH] MIGHT SPREAD ALONG IT, IT IS FORBIDDEN.⁴⁹

(1) ערים a plaited cradle (cf. Biblical Heb. ערש) or trellis, on which vines are trained.

(2) And which forms, infra, a subject of dispute between the Shammaites and Hillelites.

(3) V. supra IV, 3.

(4) Thus the 'aris is regarded as a vineyard even by Beth Hillel who (supra IV, 5) require a minimum of two rows to form a vineyard within the meaning of the Scriptural precept.

(5) Either (a) to a field on the same side of the fence thus: (i) According to Shammaites: (ii) According to Hillelites: or (b) to a field on the other side of the fence, thus: (i) According to the Shammaites: (ii) According to the Hillelites: Although interpretation (b) (Maim. and Bert.) is apparently borne out by T.J. there is this difficulty, that this would constitute a stringency of Beth Hillel against a leniency of Beth Shammai, which is not mentioned in the list of such instances given in 'Ed. IV, and V, (v. Rash.). L. gets over the difficulty by explaining: A field on either side of the fence.

(6) Viz., that Beth Hillel ever, in any circumstances, recognized one row as a vineyard.

(7) They did not get the correct version of the orally transmitted tradition.

(8) By Beth Hillel.

(9) But not if there are not four cubits between the vines and the fence, in which case it is forbidden to plant seed there altogether (cf. supra V, 4).

(10) This is not part of R. Johanan b. Nuri's statement, but a consensus of opinion.

(11) שלשה == three, masc. qualifying the masc. noun טפחים 'handbreadths'. Rash. mentions a variant reading

- שלש == three, fem. qualifying, apparently, the fem. noun אמות , 'cubits' and referring to the distance between the vines and the fence. It is, however, clear from T.J. that the correct reading is the one accepted here.
- (12) I.e., four cubits in every direction outward from the edge of the plot of ground immediately beneath the 'aris.
- (13) I.e., beneath.
- (14) R. Eliezer b. Jacob's view is accepted. L. thinks that the same rule applies when a vine planted on flat ground has its uppermost branches resting on an aris.
- (15) In so far as the dictum following refers to a terrace. The consideration of an 'aris does not, according to Maim. and Bert. enter into the latter case; according to Sipponte it does. V. next note. (11) Maim. and Bert. interpret: If one has planted one row of vines on the ground and another on a terrace, one row of two vines and the other of three vines, one of which projects like a tail (v. IV, 6), then if the terrace is ten handbreadths above the level, the row on the terrace does not combine with the row on the level to form a vineyard in respect of the laws of kil'ayim. Sipponte interprets: If one has planted one vine on the level and one on a terrace, and so on, in all five vines, three of which are on the level and two on the terrace, then if those on the terrace are ten handbreadths high, the five trees do not combine to form an 'aris which requires that seed should not be sown within four cubits thereof. Rash. mentions both interpretations.
- (16) Sc. of kil'ayim.
- (17) According to Bert, this is so only if the crop of the vine increased by a two-hundredth part since the sowing under the 'remainder'. L. says, even if the increase was less.
- (18) סרק , v. infra 5. Such a tree is considered 'inconsiderable', in relation to a vine, and when the branches of the latter rest on it, the non-fruit-bearing tree is deemed the same as a trellisframe of dead wood.
- (19) Lit., '(human) food tree'.
- (20) Because such a tree retains its full individuality vis-a-vis the vine, and such ground beneath its branches over which vine-tendrils are not actually suspended, 'belongs' to the tree itself, and one may, therefore, sow seed there.
- (21) And keep it within the original bounds.
- (22) South of Hebron, v. Klein, S. Beitrage p. 52.
- (23) Because a fig-tree as a tree producing fruit for human consumption does not become subsidiary to the vine.
- (24) Near Hebron., v. Horowitz, I.S. Palestine, p. 143.
- (25) Apparently in view of the Tosef. (v. n. 6 infra) a rough beam or beams, severed from, but still resting, on the trunk.
- (26) Which is a kind of wild fig tree.
- (27) Even under that part of that beam which is not itself overhung by vine-branches.
- (28) Maim.: since the sycamore is a fruit tree. Tosef. IV, 4, however, gives the reason: Since every single beam is like a tree by itself. This would seem to suggest that the sycamore was not universally considered an אילן מאכל , 'a tree bearing fruit for human consumption'.
- (29) The term has already been used at the end of Mishnah 3, where in anticipation of the accepted definition given here, it was rendered a non-fruit-bearing tree'.
- (30) These alone, in R. Meir's minority view, do not become negligible vis-a-vis a vine in the circumstances discussed in the two preceding Mishnahs.
- (31) Explained infra.
- (32) Fixed in T.J. as one handbreadth, Tosef. as one sixth of a cubit (which is one handbreadth). Maim. both in Mishnah-Commentary and Yad (Hil. Kil. VIII, 6) also Shulhan Aruk, Yoreh De'ah Sec. 296. sub-sec. 60, say one-sixtieth of a cubit. This is due evidently to another reading in the Tosef.
- (33) L. says that from T.J. it seems to him that 'in a vineyard' should be omitted.
- (34) Less than which number do not form an 'aris.
- (35) Between the two short 'arisen newly formed out of the one long one.
- (36) In accordance with supra IV, 8.
- (37) According to R. Johanan b. Nuri (Mishnah 1), six handbreadths; according to the first-quoted Tanna (ibid), four cubits.
- (38) R. Johanan b. Nuri and the original Tanna differ on the extent of this 'rest'. V. preceding note.
- (39) Or is completed (to the number of five vines) thus: The above is the accepted interpretation of the Mishnah. Maim. interprets: If an 'aris goes forth (i.e., commences) from the angles formed by two walls with another, and comes to a point. thus:
- (40) I.e., each vine.
- (41) Of six handbreadths.

(42) Even if there be less than four cubits.

(43) This refers to the space between the two walls (Maim.) or to the length of the wail (Sipponte).

(44) In pursuance of his (R. Jose's) view expressed supra V, 4.

(45) So that the protrusion of the canes is due not to deliberation but to passivity.

(46) Lit., 'opposite'.

(47) I.e., even when the blossom extended beyond the six handbreadths (of the service-border) from the stem of the vine, within which space sowing is prohibited even when there is no blossom overhanging.

(48) But not either side of it (as long, of course, as it is not within six handbreadths of the vine itself).

(49) Since the circumstances resemble those of Mishnah 3.

Mishna - Mas. Kilayim Chapter 7

MISHNAH 1. IF ONE HAS BENT [INTO, AND CONDUCTED THROUGH, THE SOIL] A VINE [SHOOT]¹, THEN IF THERE IS NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, HE MAY NOT INTRODUCE SEED ABOVE IT,² EVEN IF HE BENT [AND CONDUCTED IT UNDERGROUND] THROUGH A GOURD³ OR THROUGH A PIPE.⁴ IF HE BENT [AND CONDUCTED] IT THROUGH ROCKY SOIL,⁵ THEN EVEN IF THERE BE NOT SOIL OVER IT TO THE HEIGHT OF THREE HANDBREADTHS, IT IS PERMITTED TO INTRODUCE SEED ABOVE IT. AS FOR A KNEE-JOINT-LIKE VINE-STEM [FORMED BY BURYING AND CONDUCTING IT UNDERGROUND],⁶ ITS SERVICE-BORDER IS MEASURED FROM THE SECOND ROOT.⁷

MISHNAH 2. IF ONE HAS BENT [AND CONDUCTED UNDERGROUND] THREE VINES SO THAT THEIR [ORIGINAL] STEMS ARE VISIBLE [AS WELL AS THE CONTINUATION OF THESE EMERGING ABOVE GROUND]⁸. R. ELIEZER B. ZADOK SAID: IF THERE IS BETWEEN THEM FROM FOUR TO EIGHT CUBITS,⁹ THEY COMBINE,¹⁰ IF NOT, THEY DO NOT COMBINE. IF A VINE IS WITHERED, IT IS PROHIBITED [TO SOW NEAR IT].¹¹ BUT¹² IT DOES NOT CONDEMN [THE SEED AS KIL'AYIM]. R. MEIR SAID: THE SAME APPLIES TO A COTTON-PLANT.¹³ IT IS FORBIDDEN [TO SOW NEAR IT.] BUT IT DOES NOT CONDEMN. R. ELIEZER B. ZADOK SAID IN HIS¹⁴ NAME: ABOVE THE VINE¹⁵ TOO, IT IS PROHIBITED [TO SOW], YET IT DOES NOT CONDEMN.

MISHNAH 3. IN THE FOLLOWING [SOWING] IS PROHIBITED, BUT THEY DO NOT CONDEMN [SEED ALREADY SOWN THERE]:¹⁶ THE REMAINDER OF A [STATUTORILY INADEQUATE] KARAHATH OF A VINEYARD,¹⁷ THE REMAINDER OF A [STATUTORILY INADEQUATE] MEHOL OF A VINEYARD,¹⁸ THE REMAINDER OF A [STATUTORILY INADEQUATE] 'ARIS-GAP,¹⁹ THE [GROUND UNDER THE] REMAINDER OF TRELLIS-LATHS.²⁰ BUT [THE GROUND] BENEATH A VINE,²¹ AND THE SERVICE-BORDER OF A VINE,²² AND THE [GROUND WITHIN] FOUR CUBITS OF A VINEYARD,²³ DO CONDEMN [SEED SOWN THERE].²⁴

MISHNAH 4. IF ONE CAUSES HIS VINE TO OVERHANG THE [STANDING] CORN OF HIS NEIGHBOUR, HE RENDERS [THAT CORN] CONDEMNED [AS KIL'AYIM].²⁵ AND HE IS RESPONSIBLE FOR IT.²⁶ R. JOSE AND R. SIMEON SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.²⁷

MISHNAH 5. R. JOSE SAID: IT HAPPENED THAT A MAN SOWED [SEED IN] HIS VINEYARD IN THE SABBATICAL YEAR,²⁸ AND THE MATTER CAME BEFORE R. AKIBA, WHO SAID: A PERSON DOES NOT CONDEMN [AS KIL'AYIM] THAT WHICH IS NOT HIS OWN.²⁹

MISHNAH 6. IF A HIGH-HANDED OCCUPIER³⁰ HAS SOWN SEED IN A VINEYARD,³¹

AND IT LEFT HIS OCCUPATION [AND REVERTED TO THE RIGHTFUL OWNER],³² THE LATTER SHOULD CUT IT DOWN,³³ EVEN IF IT BE DURING [THE MIDDLE DAYS OF] A FESTIVAL.³⁴ UP TO WHAT AMOUNT SHOULD HE PAY THE LABOURERS?³⁵ UP TO A THIRD.³⁶ IF [THEY DEMAND] MORE THAN THIS, HE SHOULD CUT IT IN HIS USUAL WAY EVEN IF HE HAS TO RESUME AFTER THE FESTIVAL.³⁷ FROM WHAT STAGE [ONWARDS] IS ONE TERMED A 'HIGH-HANDED OCCUPIER' ['ANNAS]?³⁸ FROM SUCH TIME AS [THE NAME OF THE ORIGINAL OWNER] HAS SUNK [INTO OBLIVION].³⁹

MISHNAH 7. IF THE WIND HAS BLOWN⁴⁰ VINE-SHOOTS [SO THAT THEY] OVERHANG [STANDING] CORN, ONE SHOULD IMMEDIATELY LOP THEM OFF;⁴¹ IF A MISHAP OCCURRED TO HIM,⁴² IT [I.E., THE PRODUCE] IS PERMITTED.⁴³ IF CORN IS BENT [AND THE EARS REACH] BENEATH A VINE [LIKewise IN THE CASE OF GREENS], ONE SHOULD TURN THEM BACK, BUT [IF THIS HAS NOT BEEN DONE], IT DOES NOT CREATE A STATE OF CONDEMNATION [AS KIL'AYIM].⁴⁴ FROM WHAT STAGE IS CORN CAPABLE OF BEING CONDEMNED AS KIL'AYIM? FROM THE TIME IT HAS STRUCK ROOT.⁴⁵ AND GRAPES? FROM THE TIME THEY BECOME AS LARGE AS WHITE BEANS.⁴⁶ CORN WHICH HAS BECOME THOROUGHLY DRY,⁴⁷ AND GRAPES WHICH HAVE BECOME FULLY RIPE,⁴⁸ ARE NOT LIABLE TO BE CONDEMNED [As KIL'AYIM].

MISHNAH 8. [SEED SOWN IN A] PERFORATED FLOWERPOT,⁴⁹ CREATES A STATE OF CONDEMNATION [AS KIL'AYIM] IN A VINEYARD;⁵⁰ [IN] ONE NOT PERFORATED, IT DOES NOT CREATE A STATE OF CONDEMNATION.⁵¹ R. SIMEON, HOWEVER, SAID: [THE SOWING OF SEED IN] EITHER ONE OR THE OTHER IS PROHIBITED, BUT IT DOES NOT [IN THE EVENT] CREATE A STATE OF CONDEMNATION. IF ONE CARRIES A PERFORATED FLOWER-POT THROUGH A VINEYARD, THEN IF [THAT WHICH IS SOWN THEREIN] HAS GROWN A TWO-HUNDREDTH PART,⁵² IT IS FORBIDDEN.⁵³

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- (1) And it emerges more than six handbreadths away; otherwise the question does not arise.
 - (2) Since the roots struck by the 'seed' are then liable to penetrate into the soft vine-shoot and this would be like grafting, that is forbidden.
 - (3) Which has been hollowed out and dried; otherwise the very putting into or passing through it of a vine-shoot would constitute kil'ayim.
 - (4) Made of earthenware, which is soft enough for the roots of the 'seed' to penetrate.
 - (5) Or through a conduit of metal or other substance impervious to penetration by the roots.
 - (6) Emerging above the ground some distance from the root of the vine.
 - (7) I.e., where it emerges from the ground; this applies only if the original root and stem are completely concealed underground.
 - (8) Thus presenting six vines in two rows of three each, which constitute a statutory vineyard. In fact only two of the trees need be assumed to have been bent into the soil and conducted underground to emerge some distance away, as then the result would be five vines in two rows of two vines opposite two, and one other 'projecting like a tail'.
 - (9) I.e., not less than four, and not more than eight cubits.
 - (10) To form a statutory vineyard, and inter alia necessitate a service-border of four cubits.
 - (11) On account of appearances, sine people might think that the vine had cast its leaves only temporarily, which happens to all vines, as a rule in the autumn but in some instances also in the summer; this rule, therefore, applies throughout the year.
 - (12) Once the seed has in innocence been sown.
 - (13) צמר גפן, lit., 'vine-wool'; the cotton-plant bears resemblance to the vine.
 - (14) R. Meir's.
 - (15) When it is sunk underground, and there is not a depth of three handbreadths of soil over it (Maim. and Bert.).
 - (16) As kil'ayim.
 - (17) According to supra IV, 1, end, in a karahath of the statutory measure of sixteen cubits, four cubits are allotted on each side as service-borders, and the remaining eight cubits may be sown. Here we speak of a karahath less than sixteen

cubits, in which case the space left for sowing is less than eight cubits.

(18) V. supra IV, 1 and 2; a mehol should be twelve cubits if any of it is to be sown, i.e., to allow for a service-border of four cubits on each side leaving four cubits for sowing.

(19) V. supra VI, 6. An 'aris-gap should be eight cubits and one handbreadth.

(20) As already stated in VI, 3, it is prohibited to sow beneath those laths of a trellis which are not themselves overhung with vine-shoots, but once seed has been innocently sown there, it is not condemned as kil'ayim.

(21) I.e., beneath a vine-shoot which extends beyond the six handbreadths constituting the vine's service-border.

(22) I.e., of an individual vine not being part of a vineyard, viz., six handbreadths.

(23) I.e., its service-border. Cf. IV, 5.

(24) As kil'ayim.

(25) Just as if it were his own; especially since it was a deliberate action.

(26) He must compensate his neighbour for the amount of corn which had thus become a total loss to the latter

(27) Since Scripture says: Thou shalt not sow thy vineyard with two kinds of seed (Deut. XXII, 9); the effect of this dictum in the present case is that he has made his own vine kil'ayim¹, but not his neighbour's corn.

(28) When all produce is hefker, i.e., ownerless, and at the disposal of any person wishing to help himself to it.

(29) Applied to the case in question this would mean that, in the circumstances given, neither the seed-produce nor the grapes of the vineyard are kil'ayim. The vines — themselves, however, are condemned as kil'ayim, even according to R. Akiba, since there are not hefker in the Sabbatical Year, (v. T.J., and L.).

(30) אָנָם , one who has seized property illegally and by violence.

(31) Since the public are under the impression that it is his own vineyard, the rule that 'a person does not condemn as kil'ayim that which is not his own' does not apply here.

(32) Now the position is that the person who had sown the seed in the vineyard had been operating with something not his own, and that, therefore, no state of kil'ayim had in fact been brought about.

(33) On account of 'appearances'. i.e., in order that people might not be under the impression that this man, the rightful owner, is allowing kil'ayim to stay in his vineyard.

(34) When, as a rule only such work may be done as is necessary to obviate deterioration or loss; here this consideration does not apply, but in order to remove suspicion through 'appearances', the work is permitted.

(35) For cutting the corn.

(36) Either a third more than the customary wage-rate, or a third of the value of the entire produce affected.

(37) Even though by this time the produce might have increased by a two-hundredth part. (Cf. supra V, 6).

(38) In the sense that the field is regarded as his, so that the sowing by him of seed in a vineyard results in kil'ayim.

(39) Maim. renders: From such time as he, i.e., the original owner has sunk, i.e., disappeared, withdrawn himself, hidden, to avoid terrorization by the 'annas.

(40) Maim. 'broken'; L. adds 'but not severed'.

(41) Reading יגדור Maim. 'Our text יגדור might mean: 'prop up (the shoots) with a fence'.

(42) Preventing him from taking the measure prescribed.

(43) Since it is there not with the owner's acquiescence.

(44) The difference between this case and the one dealt with in Mishnah 4 is that in the latter the roots of the corn are under the foliage of the vine, and here only the top ends.

(45) Reading משתשליש . Another version mentioned already in T.J. משתשליש , 'from the time it has grown a third (of its possible full size)'. Till then there is no 'fulness of the seed', required by the precept of kil'ayim (Deut. XXII, 9).

(46) Till then the 'produce (E.V. 'increase') of the vineyard' (ibid.) is not applicable.

(47) After this the term '(fulness of the) seed' no longer applies; (it is called just wheat or barley etc. Maim.).

(48) After this the expression 'produce of the vineyard' is no longer applied; (the term is just: 'grapes', Maim.).

(49) The hole being sufficient to permit a thin root to go through.

(50) Or within its four cubits service-border, just as if it had been sown in the soil of the vineyard itself; if the flower-pot stayed there long enough for the seed in it to grow a two-hundredth part of its normally possible full size.

(51) Since the earth in the flower-pot is not exposed towards the soil of the vineyard or of its service-border.

(52) Of its possible full size. For the method of calculating this, v. supra V, 6, notes.

(53) The seed; but since the flowerpot had not been set down on the ground, the vines are not affected. Maim. understands this passage thus: Carrying a perforated flower-pot across a vineyard, if in the course of transit it could grow

a two-hundredth part, is prohibited (Yad. Hil. Kil'ayim V, 23). It seems that according to Maim. it is prohibited ab initio to do this, but that in the event the seed does not thereby become forbidden.

Mishna - Mas. Kilayim Chapter 8

MISHNAH 1. KIL'AYIM OF THE VINEYARD IT IS FORBIDDEN EITHER TO SOW OR TO SUFFER TO GROW; IT IS, MOREOVER, FORBIDDEN TO DERIVE USE THEREFROM.¹ KIL'AYIM OF SEEDS² IT IS PROHIBITED EITHER TO SOW³ OR TO SUFFER TO GROW;³ BUT IT IS PERMITTED TO CONSUME IT, AND, SO MUCH THE MORE, TO DERIVE USE THEREFROM. KIL'AYIM OF CLOTHING MATERIALS IS PERMITTED IN ALL RESPECTS, EXCEPT THAT THE WEARING THEREOF [ALONE] IS FORBIDDEN.⁴ KIL'AYIM OF CATTLE IT IS PERMITTED TO REAR AND TO KEEP,⁵ THE DELIBERATE CROSS-BREEDING [PRODUCING SUCH] BEING ALONE PROHIBITED. [THE DELIBERATE MATING, OR YOKING TOGETHER OF] ONE KIND OF KIL'AYIM OF CATTLE WITH ANOTHER⁶ IS PROHIBITED.⁷

MISHNAH 2. IT IS PROHIBITED TO USE A BEHEMAI⁸ WITH A BEHEMAH [OF ANOTHER SPECIES], OR A HAYYAH⁹ WITH A HAYYAH [OF ANOTHER SPECIES], OR A BEHEMAH WITH A HAYYAH, OR A HAYYAH WITH A BEHEMAH, OR AN UNCLEAR BEAST WITH AN UNCLEAR BEAST [OF ANOTHER SPECIES], OR A CLEAR BEAST WITH A CLEAR BEAST [OF ANOTHER SPECIES], OR AN UNCLEAR BEAST WITH A CLEAR BEAST, OR A CLEAR BEAST WITH AN UNCLEAR BEAST,¹⁰ FOR PLOUGHING OR FOR TRACTION, OR TO LEAD THEM [TIED TOGETHER].¹¹

MISHNAH 3. THE PERSON DRIVING¹² RECEIVES THE FORTY [LASHES].¹³ AND THE PERSON SITTING IN THE WAGON RECEIVES THE FORTY [LASHES].¹⁴ BUT R. MEIR EXEMPTS [THE LATTER].¹⁵ [THE TYING OF] A THIRD [ANIMAL HETEROGENEOUS TO TWO ALREADY HARNESSSED TO A WAGON] TO THE STRAPS [OF THOSE ANIMALS]¹⁶ IS PROHIBITED.

MISHNAH 4. IT IS PROHIBITED TO TIE A HORSE EITHER TO THE SIDES OF A WAGON [DRAWN BY OXEN] OR BEHIND THE WAGON,¹⁷ OR [TO TIE] A LIBYAN ASS TO [THE SIDES OF, OR BEHIND, A WAGON DRAWN BY] CAMELS.¹⁸ R. JUDAH SAID: ALL [MULES] BORN FROM MARES, NOTWITHSTANDING THAT THEIR SIRES WERE ASSES, ARE PERMITTED ONE WITH ANOTHER;¹⁹ LIKEWISE [MULES] BORN FROM SHE-ASSES, NOTWITHSTANDING THAT THEIR SIRES WERE HORSES, ARE PERMITTED ONE WITH ANOTHER;¹⁹ BUT [MULES] BORN FROM MARES WITH [MULES] BORN FROM SHE-ASSES ARE PROHIBITED ONE WITH ANOTHER.²⁰

MISHNAH 5. MULES OF UNCERTAIN PARENTAGE²¹ ARE FORBIDDEN ONE WITH ANOTHER, BUT A RAMMAK [A MULE WHOSE DAM IS KNOWN TO HAVE BEEN A MARE] IS PERMITTED [WITH ANOTHER RAMMAK].²² WILD MAN-LIKE CREATURES²³ ARE DEEMED AS BELONGING TO THE CATEGORY OF HAYYAH.²⁴ R. JOSE SAID: [WHEN DEAD] THEY [OR PART OF THEIR CORPSES] COMMUNICATE UNCLEANNESS [TO MEN AND TO OBJECTS SUSCEPTIBLE THERETO WHICH ARE] UNDER THE SAME ROOF,²⁵ AS DOES [THE CORPSE OF] A HUMAN BEING.²⁶ THE HEDGEHOG AND THE MOLE²⁷ OF THE BUSHES BELONG TO THE CATEGORY OF HAYYAH.²⁸ AS FOR A MOLE, R. JOSE SAID IN THE NAME OF BETH SHAMMAI: AN OLIVE'S SIZE [OF ITS CARCASE] RENDERS A PERSON CARRYING IT UNCLEAR, AND A LENTILS SIZE THEREOF RENDERS A PERSON TOUCHING IT UNCLEAR.²⁹

MISHNAH 6. THE WILD OX BELONGS TO THE CATEGORY OF BEHEMAH,³⁰ BUT R.

JOSE SAID: TO THE CATEGORY OF HAYYAH.³¹ THE DOG BELONGS TO THE CATEGORY OF HAYYAH,³² BUT R. MEIR SAID: TO THE CATEGORY OF BEHEMAH.³² THE SWINE BELONGS TO THE CATEGORY OF BEHEMAH; THE WILD ASS TO THAT OF HAYYAH,³³ THE ELEPHANT AND THE APE TO THAT OF HAYYAH.³² A HUMAN BEING IS PERMITTED TO DRAW, PLOUGH, OR LEAD WITH ANY OF THEM.³⁴

(1) According to supra V, 7, it should be burnt.

(2) Including grain and vegetables.

(3) Only in the Holy Land.

(4) V. Lev. XIX, 19 and Deut. XXII, 12.

(5) For one's use. It was necessary for the Mishnah to mention both 'rear' and 'keep'. If the former only had been mentioned one might have thought that whilst rearing was permitted, it was forbidden to use the animal. If the latter only had been mentioned one might have thought that one may use such an animal only when it had been reared by a non-Israelite.

(6) E.g., the sire of one having been a horse, and of the other, an ass.

(7) The prohibition applies to any two kil'ayim offspring of cattle which are unlike in respect of ears, tail and the sound emitted by them.

(8) The word rendered in E.V. 'cattle'; it is, however, used also for an individual piece of cattle and denotes a domestic, mostly horned, animal.

(9) (One of the) animals of chase. Cf. supra I, 6. Scripture forbids ploughing with an ox and an ass together (Deut. XXII, 10), but on analogy with the prohibition of suffering one's animals to work on the Sabbath, this prohibition is understood as applying to any two animals of diverse species and likewise to birds.

(10) The repetition of 'A with B, or B with A' in all these instances is for the purpose of making it clear that the prohibition applies whether animal A is the principal factor in the case and B secondary. or vice-versa.

(11) Ploughing is expressly forbidden in Scripture, y. Deut. loc. cit.; the Rabbis extend the prohibition to all forms of traction and load-carrying, as well as to tying them together even if it be for the purpose only of leading them, without their drawing or carrying a load. T.J. discusses whether leading them together by means of the driver's call is also prohibited. According to T.B., B.M. 9a it would appear that 'drawing' (מושך) and 'leading' (מנהיג) are synonymous terms, the first being used in connection with camels and the latter with asses.

(12) Lit., 'leading'. sc. two heterogeneous animals.

(13) Prescribed as the penalty for the transgression of a negative precept (v. Deut, XXV, 3).

(14) Since it is on his account that the wagon is being drawn.

(15) On the ground that he takes no active part in the driving.

(16) I.e., even though not to the wagon itself. Maim. (in his commentary) renders: 'Sitting in a third wagon tied to the straps of a second which is attached to the first wagon'.

(17) Since the horse assists in some measure in the propelling of the vehicle.

(18) One would think that an ass can make no appreciable difference to the propelling of the wagon already drawn by camels, since the latter are so much the stronger. The Libyan ass, however, was of a heftier species approximately to the camel, and would, when tied even to a camel-drawn vehicle, help in pulling it.

(19) Since their sires and dams respectively were, in each case, of the same species.

(20) Sc., for purposes of cross-breeding or use, but one is not liable to lashes. On the other hand if their respective sires were of the same species and not their dams, transgression of the prohibition is punishable by lashes.

(21) In the case of these mules it is impossible, when they are young, to recognize whether its sire belonged to the horses and its dam to the asses, or vice-versa.

(22) L., 'with other horses'.

(23) אדני השדה n . Perhaps a chimpanzee or gorilla. Another reading אדמי (? constr. pl. of אדם , 'man'). Some versions, אבני השדה. Cf. Rashi to Job. V, 23. T.J. renders בר נש דטורא , 'man of the mountain' in connection with which Kohut suggests that the reading must be supposed to have been ארני (a fem. sing. adjective from the noun GR.** 'mountain').

(24) And are subject to the same laws re yoking etc., together as a hayyah. Cf. supra 2, n. 9.

(25) v. Num. XIX, 14. Cf. Oh. II, 1.

(26) Which means that the creatures referred to are deemed as belonging to the human species, and not to the category of

hayyah, and therefore, not subject to the laws applying to a hayyah in respect of yoking etc., together with other animals.

(27) Or, weasel.

(28) In respect of the laws of uncleanness.

(29) V. B. K. 80a. If the mole (or weasel) is identical with inn of Lev. XI, 23. it is a שרע , 'a creeping thing', a lentil's-size thereof renders unclean by contact, not by carrying; if it is a hayyah, an olive's-size thereof renders a person carrying it unclean. As there is doubt as to which category the mole belongs, both disabilities attach thereto.

(30) On the assumption that its origin is domestic. As a behemah, its heleb (fat v. Glos.) is prohibited and when it is slaughtered its blood does not require covering with earth.

(31) His assumption being that its origin is wild. As a hayyah, its heleb is permitted, and its blood requires covering.

(32) The matter is of practical importance in the event of a person entering into a contract to sell all his hayyah, or all his behemah.

(33) And is therefore forbidden with a domestic ass.

(34) I.e., a human being may pull a vehicle-drawing (or load-carrying) animal by the bridle, help to propel and guide a plough drawn by an animal, and walk beside an animal attached to him by a rope.

Mishna - Mas. Kilayim Chapter 9

MISHNAH 1. NO [CLOTHING MATERIAL] IS FORBIDDEN ON ACCOUNT OF KIL'AYIM EXCEPT [A MIXTURE OF] WOOL AND LINEN.¹ NO [CLOTHING MATERIAL] IS SUBJECT TO UNCLEANNESS BY LEPROSY EXCEPT [SUCH AS IS MADE OF] WOOL OR LINEN.² PRIESTS DON FOR SERVICE IN THE SANCTUARY, NONE BUT [GARMENTS OF] WOOL AND LINEN.³ IF ONE HAS HACKLED TOGETHER CAMEL'S WOOL WITH SHEEP'S WOOL, IF THE GREATER PART BE CAMEL'S WOOL, IT IS PERMITTED [TO MIX LINEN THEREWITH];⁴ IF THE GREATER PART BE SHEEP'S WOOL, IT IS FORBIDDEN; IF IT IS HALF AND HALF, IT IS FORBIDDEN. THE SAME APPLIES TO HEMP AND LINEN HACKLED TOGETHER.

MISHNAH 2. [GARMENTS MADE OF A MIXTURE OF] SILK AND FLOSS-SILK⁵ DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM, BUT ARE PROHIBITED ON ACCOUNT OF APPEARANCES.⁶ TO MATTRESSES AND PILLOWS THE PROHIBITION OF KIL'AYIM DOES NOT APPLY,⁷ PROVIDED ONE'S FLESH DOES NOT COME INTO [IMMEDIATE] CONTACT WITH THE MIXED MATERIAL. THERE IS NO [PERMISSIBILITY FOR THE] CASUAL [WEARING] OF KIL'AYIM,⁸ NEITHER MAY ONE WEAR KIL'AYIM EVEN ON TOP OF TEN [GARMENTS]. EVEN FOR THE PURPOSE OF ELUDING [UNAUTHORIZED] IMPOSTS.⁹

MISHNAH 3. HAND-TOWELS, SCROLL-WRAPPINGS,¹⁰ AND BATH-TOWELS DO NOT COME UNDER THE PROHIBITION OF KIL'AYIM.¹¹ R. ELIEZER DECLARED THEM SUBJECT TO THAT PROHIBITION.¹² BARBERS'-SHEETS ARE SUBJECT TO THE PROHIBITION OF KIL'AYIM.¹³

MISHNAH 4. SHROUDS FOR THE DEAD, AND THE PACKSADDLE OF AN ASS ARE NOT SUBJECT TO THE LAW OF KILAYIM;¹⁴ ONE MUST NOT [HOWEVER] PLACE A PACK-SADDLE [MADE OF KIL'AYIM] ON ONE'S SHOULDER EVEN FOR THE PURPOSE OF CARRYING DUNG OUT THEREON.

MISHNAH 5. VENDORS OF CLOTHES MAY SELL [CLOTHES MADE OF KIL'AYIM] IN ACCORDANCE WITH THEIR [TRADE] CUSTOM,¹⁵ AS LONG AS THEY HAVE NOT THE INTENTION. IN THE SUN, [TO PROTECT THEMSELVES] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS¹⁶ SUSPEND [SUCH MATERIALS OR GARMENTS] ON A STICK OVER THEIR BACKS.¹⁷

MISHNAH 6. TAILORS MAY SEW [MATERIALS WHICH ARE KIL'AYIM] IN THEIR ACCUSTOMED WAY,¹⁸ AS LONG AS THEY HAVE NO INTENTION, IN THE SUN, [TO PROTECT THEMSELVES THEREBY] FROM THE SUN, OR, IN THE RAIN, [TO PROTECT THEMSELVES THEREBY] FROM THE RAIN. THE PARTICULARLY SCRUPULOUS SEW [SUCH MATERIALS AS THEY ARE LAID] ON THE GROUND.¹⁹

MISHNAH 7. THE BIRRUS BLANKET OR BRINDISIAN²⁰ BLANKET, OR [NETHER GARMENTS OF] DALMATIAN CLOTH, OR FELT²¹ SHOES, MAY NOT BE WORN UNTIL ONE HAS EXAMINED THEM].²² R. JOSE SAID THAT SUCH [OF THE ABOVE] AS COME FROM THE SEA-COAST OR FROM LANDS BEYOND THE SEA, DO NOT REQUIRE EXAMINATION, SINCE THE PRESUMPTION WITH REGARD TO THEM IS [THAT THEY ARE SEWN] WITH HEMPEN THREAD.²³ TO CLOTH-LINED FOOTWEAR THE PROHIBITION OF KIL'AYIM DOES NOT APPLY.²⁴

MISHNAH 8. ONLY THAT WHICH IS SPUN OR WOVEN IS FORBIDDEN²⁵ UNDER THE LAW OF KIL'AYIM, FOR IT IS SAID: THOU SHALT NOT WEAR SHA'ATNEZ,²⁶ WHICH WORD IS A COMPOUND STANDING FOR SHUA',²⁷ TAWUI,²⁸ AND NUZ.²⁹ R. SIMEON SAID: [THE WORD SHA'ATNEZ SUGGESTS THAT] HE [THE TRANSGRESSOR OF THE PRECEPT] IS PERVERTED³⁰ AND CAUSES HIS FATHER IN HEAVEN TO AVERT HIMSELF [FROM HIM].³¹

MISHNAH 9. TO FELTED MATERIALS THE PROHIBITION OF KIL'AYIM APPLIES, SINCE [THE STRANDS CONSTITUTING THEM] HAVE BEEN CARDED. IT IS PROHIBITED TO ATTACH³² AN EDGING OF WOOL TO LINEN MATERIAL,³³ SINCE THIS RESEMBLES WEAVING.³⁴ R. JOSE SAID: IT IS FORBIDDEN TO USE CORDS OF RED PURPLE [WOOL] [TO TIE ROUND A LOOSE LINEN GARMENT], SINCE PRIOR TO TYING IT, ONE STITCHES IT ON. IT IS FORBIDDEN TO TIE A STRIP OF WOOLLEN MATERIAL WITH ONE OF LINEN MATERIAL FOR THE PURPOSE OF GIRDLING ONE'S LOINS THEREWITH, EVEN IF THERE IS A LEATHER STRAP BETWEEN THE TWO.³⁵

MISHNAH 10. TO [STITCHED-ON] WEAVERS' MARKS OR LAUNDRYMEN'S MARKS THE PROHIBITION OF KIL'AYIM APPLIES. IF ONE HAS DRAWN A THREAD [THROUGH MATERIAL]³⁶ ONCE, THIS DOES NOT [IN LAW] CONSTITUTE A CONNECTION,³⁷ NOR DOES [THE PROHIBITION OF] KIL'AYIM APPLY THERETO,³⁸ AND IF ONE HAS DRAWN IT OUT ON THE SABBATH, HE IS NOT PUNISHABLE.³⁹ IF ONE MADE ITS TWO ENDS COME OUT ON THE SAME SIDE [OF THE MATERIAL], THIS CONSTITUTES A CONNECTION, AND COMES UNDER THE PROHIBITION OF KIL'AYIM,⁴⁰ AND ONE WHO HAS DRAWN THIS THREAD OUT ON THE SABBATH IS LIABLE.⁴¹ R. JUDAH SAID: [THE PROHIBITION DOES NOT APPLY] UNTIL ONE HAS MADE THREE STITCHES. A SACK AND A BASKET [ONE HAVING A STRIP OF WOOLLEN MATERIAL ATTACHED TO IT, AND THE OTHER A STRIP OF LINEN] COMBINE TO FORM KIL'AYIM.⁴²

(1) Termed sha'atnez cf. infra 8. V. Lev. XIX, 19 and, more explicitly. Deut. XXII, 11. Wool for the purpose of this prohibition, is only sheep's wool, since from II Kings III, 4 it is apparent that צמר (zemer) 'wool' without any qualifying description, means, sheep's wool.

(2) V. Lev. XIII, 47ff. This is taken to apply only to undyed wool or linen. With regard to kil'ayim, however, there is no difference whether these be dyed or undyed.

(3) The priestly garments were made of byssus (fine linen) and wool dyed blue-purple, red-purple and crimson. V. Ex. XXVIII, 4-8, XXXIX, 1.

(4) The permission applies only when the two kinds of wool have been well mixed together e.g., by hackling or combing or crushing; but if a piece of cloth of camel's wool has one distinct thread of sheep's wool drawn through it, it is not

permitted to draw a linen thread through the material.

(5) כִּלְאִים. A vegetable yarn variously identified which in some respects resembles sheep's wool.

(6) Since the silk resembles linen, and the floss-silk wool. Likewise silk would be forbidden with wool (and floss-silk with linen) 'on account of appearances', but since silk has become a generally known commodity, the reason 'on account of appearances' has entirely fallen away, and silk is permitted with either wool or linen. V. Yoreh De'ah 298, 1. and cf. L. to our Mishnah and his בְּתֵי כִּלְאִים 113. and Pithehe Teshubah to Yoreh De'ah, loc. cit.

(7) Since Scripture says of material which is kil'ayim: 'it shall not come upon thee' (Lev. XIX, 19) and: 'thou shalt not wear' (Deut. XXII, 11), having it beneath a person, is not forbidden. This permission is, in practice, operative only if the bolsters or mattresses made with kil'ayim are hard; but if they are soft, and there is consequently the possibility of even a thread winding itself round one's body and giving some warmth, it is not permitted to lie on them even if they are under ten permitted blankets.

(8) When the person's intention is that it shall serve him as a garment or covering.

(9) The commentators explain: By wearing garments which, had they been carried otherwise, would have been dutiable, a device not unknown nowadays. According to the Gemara in B.K. 113a (Sonc. ed. p. 662 f.) the Mishnah must have had in mind here imposts unauthorized by the proper authority, since were it otherwise, the duty of complying with the law of the land is, in Jewish teaching, beyond question; in fact the eluding of customs is denounced (Semahoth II, 9) as being as reprehensible as bloodshed, idol-worship, incest and Sabbath-desecration. In connection with an incident reported (Gen. R. LXXXII, 8) of two scholars who in time of persecution varied their garb but were, nevertheless, held up by Roman soldiers, who expressed surprise that the scholars should have attempted to save their lives by transgressing the Torah, the present writer has suggested, that since it was evidently a transgression of a biblical precept relating to clothing that was involved, it seems that the disguise consisted in wearing kil'ayim so as not to be recognized as Jews. The tax referred to in our Mishnah might thus have been the Fiscus Judaicus which was considered an affront to Jewish religious feelings. The editor has, as a comment on this surmise, brought to my notice an anonymous opinion cited in קְּשָׁרֵי מַהְרֵי קְּשָׁרֵי שְׂאֵלוֹת וְתַשׁוּבוֹת No. 84, to the effect that the impost referred to in our Mishnah might have been one enforced on Jews only. In B.K., loc. cit. the view is expressed that the legal principle involved is the question of דְּבַר שְׂאֵינוֹ מֵתְכוּוֹן i.e., the permissibility of an action which is in itself permissible, but which unavoidably, though unintentionally, results in something forbidden.

(10) Cloth bands and 'mantles' used to tie up and cover Scrolls of the Law, or cloths spread on the desk on which the Scrolls are unrolled and read.

(11) Since these are not intended for protecting or warming the human body. A table-cloth is in the same category.

(12) Since when drying oneself with either towel one does warm oneself; with a bath-towel one also covers oneself as with a cloak; when one clasps the covered Torah-scroll one derives warmth therefrom.

(13) Only if it has an aperture for the head; otherwise it is not an article of wear nor is it intended to protect the body, but one's clothes.

(14) In the case of the shrouds the reason is that on the strength of a Rabbinic interpretation of Ps. LXXXVIII, 6, the dead are declared exempt from all precepts. The saddle-cloth is exempt because it is stiff (cf. p. 135. n. 1). The exemption in the latter case operate only when the heterogeneous element is recognizable in the material but not otherwise, since one might in error use some of it for patching one's garments. (V. Nid. 61b).

(15) Either by way of carrying them over their shoulder, or by way of putting them for the purpose of displaying them before prospective customers.

(16) צְנוּעִים, lit., the 'modest', denoting a positive quality, probably nothing else but discretion or modesty 'Buchler' Types (contra Kohler who identifies the Zenu'im with the Essenes) pp. 59 ff.

(17) So that the forbidden materials or garments do not touch the person carrying them.

(18) I.e., letting them lie across one's lap.

(19) Placing the material on a board or table would answer the same purpose viz., avoid letting the material rest on one's body.

(20) הַבְּרֵסִין וְהַבְּרֵדִין. Our rendering is after last. But v. Kohut, 'Aruk s.v. בְּרֵסִין for variant readings and varying renderings; he concludes that one represents a (? woven) woollen and the other a felt material. Maim., frankly admits that he is unable definitely to identify the materials mentioned here except in so far as it is apparent from T.J. that they were woollens for covering the feet and thighs, and were often sown with linen thread.

(21) פִּינוּן, pile.

(22) To see whether they are made with linen.

(23) Since in the days of the Mishnah linen was very rare in those countries. T.J., however, says: Now that linen is common, all must be examined. Rash. (ca. 1150 — 1230 C.E.) says that in his own locality (Sens, district of Yonne, France) there was no need to examine because hempen thread was much cheaper there than linen and also made a stronger thread and was therefore commonly used; but, he adds, in England and Normandy (of which he was a native) where hemp is scarce, examination is essential.

(24) Maim., Yad. Hil. Kil. X, 15 gives as the reason that the skin of the feet is very hard and that consequently in comparison with that of other parts of the body, the foot does not derive so much warmth from the cloth lining. Kesef Mishneh to this says that the footwear spoken of in our Mishnah was lined with linen for the summer, but additionally lined with wool for the winter. Ikkar Tosaf. Yomtov rightly says that the reason for this exemption is not apparent.

(25) By the Pentateuchal law.

(26) **שעטנז**, Deut. XXII, 11. What follows is an interpretation by the Midrashic device of Notarikon.

(27) **שוע**, each thread (one of wool and the other of linen) smoothed out by the process of carding.

(28) **טווי** (each strand) spun.

(29) **נוז**. Maim., and Rashi to Nid., 61b, 'woven', but Rashi to Lev. XIX, 19, also R. Tam (v. Tosaf. to Nid. l.c.) 'twisted'. The latter is the accepted meaning, and the Mishnah is taken to mean that according to Pentateuchal law, the prohibition of sha'atnez applies only when a strand of wool and one of linen, each carded (shua'), and spun (tawui), and twisted (nuz) have been joined together (**יחדו** in the text) by weaving or sewing or tying. According to R. Tam (also Maim.), we should understand: When each strand has been carded, or spun, or twisted etc. This is accepted as a Rabbinic extension of the Pentateuchal law. Bert., prefers a rendering which he quotes (among others) from an anonymous teacher. Viz., 'When the strands have been shua' (carded), and tawui (spun), and nuz, which he renders 'woven'. This authority apparently takes the word **יחדו** 'together' in the text as adding sewing and tying to the prohibition of weaving, which according to him, is covered by nuz.

(30) **נלוז**, Naloz, another play on the last syllable of the word sha'atnez.

(31) So Maim., and others. An alternative rendering: 'And he perverts or subverts (the order willed by) his Father in Heaven (in that he joins together species which He ordained should be kept distinct)'.

(32) Either by drawing through or interlacing, or by means of an adhesive substance (v. L.).

(33) Or vice-versa.

(34) Or, 'since this (i.e., the edging) is wound round (or encloses) the woven material'.

(35) Since the woollen and linen strips will be tied together when the girdle is used. Otherwise such a combination of wool-leather-linen is not forbidden.

(36) A thread of linen through woollen material, or vice versa; or any thread through two pieces of material one woollen and the other linen.

(37) In the case of more than one piece of material, the drawing through of a thread once would not make them into one piece in respect of the laws of uncleanness, thus: If one piece becomes unclean, the other is not thereby rendered unclean; likewise if both are unclean, the ritual cleansing of the one will not restore cleanness to the other.

(38) Some stipulate: As long as the ends of the thread are not tied together, (v. L.).

(39) Even if he has done so in order later to sew up again, since it is 'tearing so as to sew two stitches' which is prohibited on the Sabbath (Shab. VII, 2).

(40) Some say: Even if the ends of the thread are not tied together, (v. L.).

(41) But only if the ends had been tied together.

(42) Sc. when the two strips are sewn together (with at least two stitches); and we do not say that each piece of cloth, being merely an appendage to the principal article, is negligible. Maim.: A garment made of wool and linen joined together by a sack or basket. Sipponte, apparently on the basis of a variant reading in Sifre, Deut. 232 (ed. Friedmann, p. 117a): If a sack, or a basket, contain wool and linen, the sack, or basket have the effect of combining the two species, so as to form kil'ayim (and it is therefore forbidden to carry such a sack or basket on one's shoulder). v. Rosh. In view of the fact that T.J. here comments: 'But tents, (covered enclosures containing wool and linen together) do not effect kil'ayim,' the latter interpretation seems to be the correct one.

Mishna - Mas. Shevi'ith Chapter 1

MISHNAH 1. UNTIL WHEN MAY AN ORCHARD¹ BE PLOUGHED IN THE SIXTH YEAR?² BETH SHAMMAI SAY: AS LONG AS SUCH WORK WILL BENEFIT THE FRUIT;³ BUT BETH HILLEL SAY: TILL PENTECOST.⁴ [IN FACT] THE VIEWS OF ONE [SCHOOL] APPROXIMATE THE OTHER.⁵

MISHNAH 2. WHAT CONSTITUTES AN ORCHARD? ANY FIELD TO WHICH THERE ARE AT LEAST THREE TREES TO EVERY SE'AH.⁶ IF EACH TREE BE CAPABLE⁷ OF A YIELD OF A TALENT OF PRESSED FIGS, BEING SIXTY MANEH⁸ OF THE ITALIAN [SYSTEM] IN WEIGHT, THEN THE ENTIRE AREA MAY BE PLOUGHED FOR THEIR SAKE.⁹ IF LESS THAN THIS AMOUNT,¹⁰ THEN ONLY SUCH AREA MAY BE PLOUGHED THAT IS ACTUALLY OCCUPIED BY THE GATHERER WHEN HIS BASKET¹¹, IS PLACED BEHIND HIM.¹²

MISHNAH 3. WHETHER THEY BE FRUIT-BEARING TREES OR NON-FRUIT-BEARING TREES,¹³ THEY ARE TREATED AS FIG-TREES; AND IF THEY ARE ABLE TO YIELD A CAKE OF PRESSED FIGS, SIXTY MANEH OF THE ITALIAN [SYSTEM] IN WEIGHT,¹⁴ THEN THE WHOLE AREA OF THE SE'AH MAY BE PLOUGHED ON THEIR ACCOUNT.¹⁵ IF NOT, ONLY SUCH AREA MAY BE PLOUGHED THAT IS ESSENTIAL FOR THEM.¹⁶

MISHNAH 4. IF ONE TREE IS CAPABLE OF BEARING A CAKE OF DRIED FIGS, AND THE OTHER TWO UNABLE; OR, IF TWO CAN DO SO, BUT ONE CANNOT, THEN PLOUGHING IS PERMITTED ONLY WITHIN SUCH AREA ESSENTIAL FOR EACH OF THEM [THIS IS THE RULE IF THE NUMBER OF TREES IS] FROM THREE TO NINE;¹⁷ BUT IF THERE WERE TEN TREES OR MORE, THE WHOLE AREA MAY ON THEIR ACCOUNT BE PLOUGHED, IRRESPECTIVE OF THE FACT WHETHER THEY BEAR FRUIT OR NOT.¹⁸ BECAUSE IT SAYS: 'IN PLOUGHING-TIME AND IN HARVEST, THOU SHALT REST'.¹⁹ NOW IT WAS UNNECESSARY TO SPEAK OF PLOUGHING AND HARVESTING IN THE SEVENTH YEAR,²⁰ BUT [WHAT IT MEANS IS] THE PLOUGHING OF THE YEAR PRECEDING, WHICH ENCROACHES ON THE SABBATICAL YEAR, AND THE HARVEST OF THE SEVENTH YEAR WHICH EXTENDS INTO THE YEAR AFTER. R. ISHMAEL SAYS:²¹ JUST AS PLOUGHING IS AN OPTIONAL ACT,²² SO HARVESTING REFERS TO SUCH AS IS OPTIONAL, THUS EXCLUDING THE HARVESTING OF THE OMER²³ [WHICH IS OBLIGATORY].

MISHNAH 5. IF THREE TREES BELONG TO THREE PERSONS, THEY ARE INCLUDED TOGETHER AND THE WHOLE AREA OF THE SE'AH MAY BE PLOUGHED ON THEIR ACCOUNT.²⁴ WHAT SPACE SHOULD THERE BE BETWEEN THEM?²⁵ R. GAMALIEL SAID: SUFFICIENT FOR THE DRIVER OF THE HERD²⁶ TO PASS THROUGH WITH HIS IMPLEMENTS.²⁷

MISHNAH 6. IF TEN SAPLINGS ARE SCATTERED OVER THE ENTIRE AREA OF A SE'AH, ONE MAY PLOUGH THE WHOLE SPACE OF THE SE'AH,²⁸ EVEN UNTIL THE NEW YEAR;²⁹ BUT IF THEY WERE ARRANGED IN A ROW AND SURROUNDED BY A FENCE,³⁰ THEN ONLY SUCH PLOUGHING IS PERMITTED THAT IS ESSENTIAL TO THEM.³¹

MISHNAH 7. SAPLINGS AND GOURDS MAY BE INCLUDED³² WITHIN THE SE'AH'S SPACE. R. SIMEON B. GAMALIEL SAYS: ONE MAY PLOUGH THE WHOLE SPACE UNTIL THE NEW YEAR WHEN THERE ARE TEN GOURDS TO THE SE'AH.³³

MISHNAH 8. TILL WHEN ARE THEY TERMED SAPLINGS?³⁴ R. ELEAZAR B. AZARIAH

SAYS: UNTIL THEY ARE PERMITTED FOR COMMON USE;³⁵ BUT R. JOSHUA SAYS: UNTIL THEY ARE SEVEN YEARS OLD. R. AKIBA SAYS: [THE WORD] SAPLING MUST BE TAKEN LITERALLY.³⁶ IF A TREE HAD BEEN FELLED AND PRODUCED FRESH SHOOTS OF ONE HANDBREADTH OR LESS, THEY ARE REGARDED AS SAPLINGS;³⁷ IF OF MORE THAN A HANDBREADTH THEY ARE REGARDED AS TREES. SO R. SIMEON.

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- (1) Lit., 'a field with trees'; opp. to שדה לבן , 'a field of white', 'a bright, shadeless field, sown with grain or vegetables.
- (2) Lit., 'on the eve of the seventh year'. Like the weekly Sabbath, the Sabbatical year also cast a foreglow of sanctity on the preceding year. This was to safeguard the inviolability of the holy day or year itself.
- (3) That will ripen in the sixth year; but all work must cease as soon as the fruit of the sixth year no longer needs attention.
- (4) All work after this period being considered as intended to benefit the crop of the seventh year. Were it a vegetable field (שדה לבן) work could only be done until Passover, v. infra II, 1. This is the earlier teaching; later legislation enacted for post-Temple times, however, permitted labour till the New Year itself.
- (5) Though Beth Hillel's view would still be the more lenient, in accordance with their usual tradition.
- (6) An area of 2,500 square cubits. Normally, such a space contains ten trees, each within a square of sixteen cubits.
- (7) Considering its size, and even if not actually bearing such a crop. Maim, and others interpret: 'If the three trees together are capable'.
- (8) A gold or silver weight equal to a hundred common, or fifty sacred, shekels; v. Bek. 5a.
- (9) Till Pentecost.
- (10) Viz., than sixty maneh in the Italian system.
- (11) In which figs picked were placed.
- (12) Lit., 'outside' him'. More space is thus needed than if he had placed the basket in front of him; i.e., between him and the tree. Outside this area, the orchard is placed in the category of a vegetable field, to be ploughed until Passover.
- (13) Namely, the three trees above-mentioned. The phrase איילן מרק is defined in Kil. VI, 5 as fruitless trees.
- (14) The fruit of the fig-tree is large and abundant, hence this seemingly large criterion.
- (15) The stems of fruitless trees are made thicker by ploughing.
- (16) I.e., for the gatherer and his basket, when deposited behind him.
- (17) Within a se'ah's area.
- (18) Even if they do not yield the amount above stipulated.
- (19) Ex. XXXIV, 21. Context is Sabbath observance, but since there was no point in saying that one must not plough on the Sabbath, when all kinds of work are forbidden, the verse was applied to ploughing and harvesting of the seventh year, and even of the sixth year after periods duly prescribed.
- (20) Since this is specifically stated in Lev. XXV, 3ff.
- (21) That verse quoted applies indeed to the Sabbath.
- (22) Neither ploughing nor harvesting are found as obligatory commands, and therefore are never permitted on Sabbath.
- (23) And consequently overrides even the Sabbath; Men. X, 9; Mak. 8b.
- (24) As if there were only one proprietor; supra I, 2.
- (25) Between each tree.
- (26) Reading בקר nomen agentis. Aliter: for oxen and yoke to pass through; reading בקר 'herd'.
- (27) About four cubits; 'Er. III, 1. If less than this space separates each tree, it is obvious that trees are needed more for their wood than for their fruit. The more space that exists, the better will be the quality of the fruit.
- (28) Whereas three trees constituted an orchard (supra I, 2). of saplings there must be ten in this area, and each equi-distant from the other.
- (29) In order to safeguard the saplings that they might not wither. V. Ta'an. 3a.
- (30) Being thus arranged and fenced in, work done would be interpreted as intended not for the trees but for the soil, for the purpose of the Sabbatical year.
- (31) Namely, sufficient space for the gatherer and his basket behind him; the rest is treated as a vegetable field.
- (32) To complement the number of saplings required in the preceding Mishnah. The Greek gourd is meant, which is as large as a young tree. Bert. stipulates that saplings have to be in a majority of 6 : 4.
- (33) With no saplings whatsoever; regarding the gourds as tantamount to saplings.

(34) So that ploughing should be allowed for the whole area until New Year.

(35) In the fourth year, when they cease to be 'Orlah (v. Glos.) Lev. XIX, 23. They are then 'redeemed', their equivalent in money plus one fifth of their value being set apart. After this, they were then fit for common use. The fruit had to be consumed in Jerusalem, wherever possible; but should distance prevent, then their money equivalent was spent there. Fruit not redeemed in the fourth year, automatically became fit for common use in the fifth year.

(36) I.e., if in its first year; maintaining that after this it is called a tree.

(37) Both as regards ploughing in the seventh year and also with regard to 'Orlah.

Mishna - Mas. Shevi'ith Chapter 2

MISHNAH 1. UNTIL WHEN MAY A GRAIN-FIELD¹ BE PLOUGHED IN THE SIXTH YEAR? UNTIL THE MOISTURE HAS DRIED UP IN THE SOIL;² OR AS LONG AS MEN STILL PLOUGH IN ORDER TO PLANT CUCUMBERS AND GOURDS.³ SAID R. SIMEON: IN THIS CASE YOU ARE PLACING THE LAW IN THE HANDS OF EACH MAN?⁴ NO; [THE PRESCRIBED PERIOD] IN THE CASE OF A GRAIN-FIELD⁵ IS UNTIL PASSOVER, AND IN THE CASE OF AN ORCHARD,⁶ TILL PENTECOST.⁷

MISHNAH 2. BEDS OF CUCUMBERS AND GOURDS MAY BE MANURED⁸ AND HOED⁹ UNTIL THE NEW YEAR;¹⁰ SO, TOO, MAY FIELDS THAT MUST BE IRRIGATED.¹¹ ONE MAY REMOVE PARASITIC EXCRESCENCES FROM TREES,¹² STRIP OFF LEAVES,¹³ COVER ROOTS WITH POWDER,¹⁴ AND FUMIGATE PLANTS.¹⁵ R. SIMEON SAYS: ONE MAY ALSO REMOVE LEAVES¹⁶ FROM A GRAPE CLUSTER EVEN IN THE SEVENTH YEAR ITSELF.¹⁷

MISHNAH 3. STONES MAY BE CLEARED AWAY UNTIL THE ADVENT OF THE NEW YEAR.¹⁸ TREES MAY BE TRIMMED,¹⁹ NIPPED,²⁰ AND THE DRY TWIGS LOPPED OFF UNTIL THE NEW YEAR. R. JOSHUA SAYS: JUST AS ONE MAY TRIM AND SNIP IN THE FIFTH YEAR [TO AID GROWTH IN THE SIXTH]. SO MAY ONE PERFORM THIS WORK IN THE SIXTH YEAR [IN PREPARATION FOR THE SEVENTH];²¹ BUT R. SIMEON SAYS: AS LONG AS I MAY LEGALLY TEND THE TREE ITSELF, SO LONG MAY I LOP OFF THE BRANCHES THEREOF.²²

MISHNAH 4. SAPLINGS MAY BE BESMEARED,²³ WRAPPED ROUND,²⁴ AND TRIMMED,²⁵ AND UNTIL THE NEW YEAR ONE MAY ALSO CONSTRUCT FOR THEM SHELTERS²⁶ AND IRRIGATE THEM.²⁷ R. ELEAZAR B. ZADOK SAYS: THE FOLIAGE MAY EVEN BE WATERED IN THE SEVENTH YEAR ITSELF, BUT NOT THE ROOTS THEMSELVES.²⁸

MISHNAH 5. UNRIPE FIGS MAY BE SMEARED WITH OIL²⁹ OR PIERCED³⁰ UNTIL THE NEW YEAR; BUT THOSE OF THE SIXTH YEAR³¹ WHICH REMAIN UNPLUCKED UNTIL THE SEVENTH YEAR, OR OF THOSE OF THE SEVENTH YEAR WHICH REMAIN UNPLUCKED UNTIL THE EIGHTH, MUST NOT BE SMEARED OR PLUCKED.³² R. JUDAH SAYS: IN PLACES WHERE IT IS THE CUSTOM TO DO SO,³³ ONE MAY NOT SMEAR [THE FIGS], SINCE THAT WOULD BE CONSIDERED WORK; BUT WHERE THIS WAS NOT DONE, THEN PERMISSION WAS GIVEN TO ONE TO DO SO. R. SIMEON PERMITTED ANY KIND OF WORK IN CONNECTION WITH THE TREE ITSELF,³⁴ BECAUSE ALL WORK BENEFITING THE TREE WAS LEGAL.

MISHNAH 6. ONE MAY NOT PLANT, ENGRAFT³⁵ TREES, NOR SINK [VINE-SHOOTS]³⁶ IN THE SIXTH YEAR³⁷ WITHIN THIRTY DAYS OF THE NEW YEAR. IF HE HAS DONE SO, HE MUST UPROOT THEM ALL. R. JUDAH SAYS: ANY GRAFTING THAT HAS NOT TAKEN ROOT WITHIN THREE DAYS WILL NEVER DO SO. R. JOSE AND R. SIMEON SAY:

TWO WEEKS.³⁸

MISHNAH 7. RICE, MILLET, PANIC³⁹ AND SESAME⁴⁰ THAT HAD TAKEN ROOT BEFORE THE NEW YEAR MUST BE TITHED⁴¹ ACCORDING TO THE PREVIOUS YEAR,⁴² AND BECOME PERMISSIBLE IN THE SEVENTH YEAR.⁴³ IF THEY DID NOT,⁴⁴ THEN THEY ARE FORBIDDEN IN THE SEVENTH YEAR, AND ARE TITHED ACCORDING TO THE YEAR FOLLOWING.⁴⁵

MISHNAH 8. R. SIMEON SHEZURI⁴⁶ SAID: EGYPTIAN BEANS SOWN ORIGINALLY AS SEED ONLY,⁴⁷ FOLLOW A LIKE PROCEDURE.⁴⁸ R. SIMEON SAYS: ALSO LARGE BEANS⁴⁹ FOLLOW A LIKE PROCEDURE; BUT R. ELIEZER SAYS: [THIS IS SO] IN THE CASE OF LARGE BEANS ONLY IF THEY BEGAN TO FORM PODS⁵⁰ BEFORE THE NEW YEAR.

MISHNAH 9. SEEDLESS ONIONS⁵¹ AND EGYPTIAN BEANS⁵² FROM WHICH WATER HAS BEEN WITHHELD FOR THIRTY DAYS PRIOR TO NEW YEAR⁵³ ARE TITHED IN ACCORDANCE WITH THE YEAR PRECEDING,⁵⁴ AND BECOME PERMITTED IN THE SEVENTH YEAR. IN OTHER CASES THEY ARE FORBIDDEN IN THE SEVENTH,⁵⁵ AND ARE TITHED IN ACCORDANCE WITH THE YEAR FOLLOWING. [A SIMILAR PROCEDURE IS FOLLOWED] SAYS R. MEIR, IN THE CASE OF A NATURALLY-WATERED FIELD⁵⁶ FROM WHICH TWO SEASONS⁵⁷ OF RAIN HAVE BEEN WITHHELD; BUT THE SAGES SAY: THREE.

MISHNAH 10. IF GOURDS HAD BEEN KEPT FOR SEED⁵⁸ AND THEY HAD HARDENED BEFORE THE NEW YEAR, THUS BECOMING UNFIT FOR HUMAN FOOD, THEY MAY BE LEFT GROWING DURING THE SEVENTH YEAR; OTHERWISE, THEY MUST NOT BE KEPT IN THE SEVENTH YEAR.⁵⁹ THEIR BUDS⁶⁰ ARE FORBIDDEN IN THE SEVENTH YEAR.⁶¹ THE SOIL OF 'A WHITE FIELD' MAY BE IRRIGATED;⁶² SO R. SIMEON; BUT R. ELEAZAR B. JACOB FORBIDS. THE SOIL OF A RICE FIELD MAY BE STIRRED⁶³ IN THE SABBATICAL YEAR [WITH WATER]. R. SIMEON SAYS: BUT [THE RICE-PLANTS] MAY NOT BE TRIMMED.⁶⁴

(1) Lit., 'field of white'; v. supra I, 1, n. 1.

(2) After Passover, when rains cease.

(3) That need much moisture in order to expedite their ripeness before the dawn of the seventh year. After this period work is forbidden.

(4) For one person will claim that the moisture in his soil has dried up and the other will claim to the contrary; not all soil being of even nature.

(5) Sown after ploughing requiring more moisture.

(6) Which does not need much ploughing, and all that is required is to enable the rain to descend to the soil.

(7) V. supra I, 1, n. 4.

(8) Manure is formed from the garbage of foliage that had been piled up.

(9) I.e., to dig around the roots of the trees. Only such work being permitted at the approach of the Sabbatical year as is essential for the fruit of the sixth year. Work calculated to improve the tree itself is forbidden, unless it be such work that is prohibited in the seventh year by Rabbinical decree.

(10) The Biblical prohibition of Sabbatical year only embraces such labour as ploughing, sowing, reaping, pruning and gleaning. According to Maim., ploughing itself is only of Rabbinical origin.

(11) בית השלהין . Opp, to בית הבעל , a naturally irrigated field; v. M.K. 2a. Cucumbers must have plenty of moisture in the soil.

(12) Heb. יבלת , a withered excrescence on trees, or a wart on the skin.

(13) To lighten the burden of the tree.

(14) To enhance fertility of plants.

(15) So as to stay the worms gnawing around them.

- (16) That had withered.
- (17) If it would damage the cluster itself. R. Simeon is of the opinion that such work does not directly benefit the tree itself.
- (18) Even if the stones were piled one on top of the other to resemble some construction: loose, isolated stones could of course be removed without the slightest qualms; *infra* III, 7.
- (19) V. Ps. LXXX, 14. Maim. translates: Cut the ears off, leaving only the stems.
- (20) When shoots abound, they are clipped to accelerate and strengthen their growth.
- (21) Could proof be clearer that his work is intended solely for the sixth year?
- (22) Namely, until Pentecost.
- (23) With rancid oil to ward off vermin. According to last, it means 'to cover a wound in a tree with dung and tie it up'. so that the tree improves and becomes strong.
- (24) With rags as protection against heat and cold.
- (25) מִקְטָמִין Suk. 29b. Aliter: And covered with powder washes; cf. *supra* 2.
- (26) A booth-construction whereby to protect tender saplings from spells of heat and cold, heavy downpours or storms that might blight the fruit. Others: a fence-like arrangement, a cubit in height, filled with soil, to aid the tree's growth.
- (27) By pouring water on them so that their roots may receive the needed moisture. Because such work, even in the seventh year, was only due to Rabbinical prohibition, no ban was placed on it being performed in the sixth year.
- (28) For this would be to encourage work in the Sabbatical year ordinarily performed in the sixth year, and it is essential that distinction should be made.
- (29) To accelerate their ripeness.
- (30) Either to lubricate them from within, or to expedite growth by allowing rain to soak them thoroughly.
- (31) That usually ripen in Tishri of the seventh year.
- (32) Since they had not ripened in the seventh year even after oiling in the sixth, they must not be oiled in the seventh to facilitate their full growth in the eighth year.
- (33) To smear or pierce unripe figs in the sixth year.
- (34) Refers to unripe figs of the seventh year that are still on the tree in the eighth year. Though such work in the eighth year was permitted, yet fruit of the seventh year could not be eaten till the fifteenth of Shebat of the eighth year.
- (35) Lit., 'to form a tree'; viz., to bend a vine by driving it into the ground, and making it grow forth as an independent plant.
- (36) Lit., 'causing one branch to ride on another of the same kind'; another form of engrafting.
- (37) Even after Temple times. Laws of the Sabbatical year must not be forgotten.
- (38) These periods are apart from the thirty days before the New Year within which no work may be done.
- (39) Lat. panicum; a genus of grasses including Italian millet. According to Bert. it is a kind of pomegranate, filled with seed which can be heard rattling from within.
- (40) Very copious in Palestine.
- (41) In an ordinary year.
- (42) Thus if the previous year was the first, second, fourth or fifth of the Sabbatical cycle, the First and Second Tithe must be given; and if it was the third, then both the First Tithe and the Poor Man's Tithe must be given; R.H. 14a.
- (43) Since they took root in the sixth year, the sanctity of the seventh year does not apply to them.
- (44) Take root before the New Year.
- (45) I.e., of the year they are plucked. Should this be the seventh year itself, they are not to be tithed at all, since the sanctity of the Sabbatical year already applies to them. Tithing is due in the case of trees from their moment of blossoming, of vegetables as soon as they had been picked, and in the case of grain and olives after they had become a third ripe, but in the case of rice, etc. the time is when they have taken root. Being planted at the same time, the flowering of roots is also identical
- (46) So named after his birth-place, Shezur.
- (47) Never intending to use them as food.
- (48) Described in the Mishnah preceding; i.e., when they have taken root, and not when plucked, as in the case of vegetable and edible produce.
- (49) Kil. III, 2 includes them with vegetables.
- (50) Tithing is due when beans harden, and appear encased in a kind of bag.
- (51) Lit., 'eunuchs'. Unlike other species of onion that are kept in the soil in order to yield seed, the shallot onion is the

fruit itself, and is seedless.

(52) Sown for food, and grown after irrigation. Had they been sown for seed, tithing would have been due from the time of taking root, even if they had not been watered; cf. supra 8.

(53) They now become as naturally watered fields dependent on rain.

(54) Following the practice of trees and grain, and not of vegetables that are watered by hand and tithed according to the year when they are gathered. This law is derived from a comparison of phrase between 'threshing-floor' and 'wine-press' (גרן ויקב), produce of which depends on rainfalls and tithed in accordance with the preceding year. Vegetables that need hand-irrigation are regarded as naturally watered fields if water has been withheld from them.

(55) Since they are still moist when the New Year dawns, it would seem as if they had been watered in the Sabbatical year. Other vegetables do not share this distinction.

(56) Independent of hand-irrigation, but relying on the winter rainfalls. The term בעץ is still correct among the Arab felaheen.

(57) I.e., the two usual spells when rain might normally have been expected, a period longer than thirty days.

(58) Left growing in the soil

(59) Even for seed. All Sabbatical year produce must be 'removed'; they may be kept only when they become unfit for human food.

(60) Lit, 'palms'; the efflorescence on gourds resembles palm-leaves; Suk. 33a.

(61) Like all other things that grow of their own accord in that year; cf. infra IX, 1.

(62) In the sixth and seventh years, so that vegetables may ripen before the dawn of the Sabbatical year. The law was modified in the case of damage accruing to the former, so that irrigation was allowed in the seventh year to enable vegetables to ripen in the eighth year.

(63) A rice-field requires a good soaking, so that the soil becomes well-kneaded; cf. Yoma 43b.

(64) Calculated to benefit the growth of the rice.

Mishna - Mas. Shevi'ith Chapter 3

MISHNAH1. WHEN MAY MANURE BE BROUGHT OUT TO THE DUNG-HEAPS?¹ R. MEIR SAYS: TILL SUCH TIME WHEN THE LABOURERS HAVE CEASED;² BUT R. JUDAH OPINES TILL THE MANURE³ HAS DRIED UP.⁴ R. JOSE SAYS: TILL [THE DUNG DRIES] INTO KNOTTY EXCRESCENCES.⁵

MISHNAH 2. WHAT QUANTITY OF DUNG MAY BE DEPOSITED⁶. THREE DUNG-HEAPS TO EVERY SE'AH, [CONSISTING OF] TEN BASKETS [OF FOLIAGE]⁷ OF A LETHEK⁸ EACH. YOU MAY ADD TO THE NUMBER OF BASKETS,⁹ BUT NOT TO THE NUMBER OF HEAPS.¹⁰ R. SIMEON SAYS: ALSO TO THE NUMBER OF HEAPS.¹¹

MISHNAH 3. A MAN MAY DEPOSIT IN HIS FIELD THREE DUNG-HEAPS TO EVERY SE'AH-SPACE, SO R. SIMEON;¹² MORE THAN THIS,¹³ HE MUST ARRANGE IN THE FORM OF A TRIPOD.¹⁴ THE SAGES FORBID UNLESS HE DEPOSITS [THEM] THREE [HANDBREADTHS] BELOW OR ABOVE.¹⁵ A MAN MAY PILE UP ALL THE MANURE INTO ONE [LARGE] STORE;¹⁶ R. MEIR FORBIDS, UNLESS HE DEPOSITS [THEM] EITHER THREE [HANDBREADTHS] BELOW OR ABOVE [THE SOIL].¹⁷ IF HE HAD A LITTLE PILE, HE MAY CONSTANTLY ADD TO IT.¹⁸ R. ELEAZAR B. AZARIAH FORBIDS¹⁹ UNLESS HE DEPOSITS [IT] THREE [HANDBREADTHS] BELOW OR ABOVE THE SOIL, OR HE DEPOSITS [IT] ON ROCKY GROUND.²⁰

MISHNAH 4. HE WHO ALLOWS CATTLE TO CHANGE FOLDS WITHIN HIS FIELDS,²¹ MUST MAKE AN ENCLOSURE TWO SE'AHS IN AREA.²² HE THEN PULLS OUT THREE SIDES THEREOF,²³ AND LEAVES THE MIDDLE SIDE; HE WILL THEN POSSESS A FOLD OF FOUR SE'AHS SPACE²⁴ R. SIMEON B. GAMALIEL SAYS: EVEN ONE OF EIGHT SE'AHS [MAY BE USED].²⁵ IF HIS ENTIRE FIELD IS ONLY FOUR SE'AHS IN AREA, HE MUST ALLOW A PORTION THEREOF TO REMAIN [UNENCLOSED] FOR APPEARANCE'S

SAKE.²⁶ AND HE MAY TAKE THE DUNG²⁷ FROM THE ENCLOSURE, AND SPREAD ACROSS HIS FIELD IN THE MANNER OF THOSE WHO MANURE THEIR FIELDS.²⁸

MISHNAH 5. A MAN MAY NOT OPEN A STONE-QUARRY WITHIN HIS FIELD FOR THE FIRST TIME,²⁹ UNLESS THERE BE THEREIN THREE LAYERS [OF HEWN STONES], EACH THREE [CUBITS LONG], THREE WIDE AND THREE HIGH, TOGETHER MAKING TWENTY-SEVEN STONES.³⁰

MISHNAH 6. A WALL OF TEN STONES, EACH A LOAD FOR TWO MEN, MAY BE REMOVED [PROVIDED] THAT THIS WALL IS [AT LEAST] TEN HANDBREADTHS HIGH,³¹ LESS THAN THAT,³² IT IS REGARDED AS A QUARRY, AND IT IS TO BE RAZED³³ WITHIN ONE HANDBREADTH OF THE GROUND.³⁴ THIS REFERS ONLY TO [THE REMOVAL] FROM HIS OWN FIELD;³⁵ BUT FROM THAT OF ANOTHER, HE MAY REMOVE WHATEVER HE WISHES.³⁶ THIS APPLIES ONLY TO A CASE WHERE THE REMOVAL [OF THE STONES] WAS NOT BEGUN BEFORE THE SIXTH YEAR; BUT IF HE HAD BEGUN IN THE SIXTH YEAR, HE MAY REMOVE WHATEVER HE PLEASES.³⁷

MISHNAH 7. STONES WHICH THE PLOUGHSHARE HAS STIRRED UP,³⁸ OR WHICH HAD BEEN HIDDEN AND ARE NOW LAID BARE, MAY BE REMOVED IF THERE BE AMONG THEM AT LEAST TWO, [EACH] THE LOAD OF TWO MEN.³⁹ HE WHO REMOVES⁴⁰ STONES FROM A FIELD MAY REMOVE ONLY THE TOP LAYERS, BUT MUST LEAVE THOSE TOUCHING THE GROUND.⁴¹ AND LIKEWISE IN THE CASE OF A HEAP OF PEBBLES, OR A PILE OF STONES; HE MAY REMOVE THE TOP LAYERS BUT MUST LEAVE THOSE TOUCHING THE GROUND. IF, HOWEVER, THERE IS BENEATH THEM ROCKY SOIL OR STUBBLE,⁴² THEY MAY BE REMOVED.

MISHNAH 8. STEPS⁴³ LEADING TO RAVINES MUST NOT BE CONSTRUCTED IN THE SIXTH YEAR AFTER THE CESSATION OF THE RAINFALLS; FOR THIS WOULD BE [A CASE OF] IMPROVING THE FIELDS FOR THE SEVENTH YEAR. IN THE SEVENTH YEAR ITSELF, THEY MAY BE BUILT EVEN AFTER THE RAINS HAVE CEASED, SINCE SUCH AN ACT WILL BENEFIT THE FIELD IN THE EIGHTH YEAR. THEY [THE STEPS] MAY NOT BE BLOCKED WITH EARTH,⁴⁴ BUT ONLY MADE IN A LOOSE EMBANKMENT.⁴⁵ ANY STONE WHICH CAN BE TAKEN BY THE MERE STRETCHING OUT OF A HAND,⁴⁶ MAY BE REMOVED.⁴⁷

MISHNAH 9. SHOULDER-STONES MAY BE REMOVED FROM ANY PLACE,⁴⁸ AND THEY MAY BE BROUGHT BY A CONTRACTOR⁴⁹ FROM ANYWHERE.⁵⁰ THESE ARE SHOULDER-STONES: SUCH AS CANNOT BE HELD WITH ONE HAND;⁵¹ SO R. MEIR. BUT R. JOSE SAYS: THE NAME IS TO BE TAKEN LITERALLY, NAMELY, SUCH STONES AS CAN BE CARRIED ON A MAN'S SHOULDER, EITHER TWO OR THREE AT A TIME.

MISHNAH 10. IF ONE MAKES A FENCE BETWEEN HIS OWN PROPERTY AND THAT BELONGING TO THE PUBLIC DOMAIN, HE IS ALLOWED TO DIG DOWN TO ROCK LEVEL.⁵² WHAT SHOULD HE DO WITH THE SOIL? HE MAY PILE IT UP IN THE PUBLIC DOMAIN,⁵³ AND AFTERWARDS REPAIR IT.⁵⁴ SO R. JOSHUA. R. AKIBA SAYS: JUST AS NO DAMAGE MAY BE DONE TO A PUBLIC DOMAIN, SO MAY ONE NOT RESTORE IT TO ORDER.⁵⁵ THEN WHAT SHOULD HE DO WITH THE SOIL [DUG UP]? HE HEAPS IT UP IN HIS OWN FIELD IN THE MANNER OF THOSE WHO BRING OUT DUNG [FOR MANURE].⁵⁶ IT IS LIKEWISE WHEN ONE DIGS A WELL, A TRENCH OR A CAVE.⁵⁷

(1) Till what time in the seventh year may the field be manured to benefit the produce of the eighth year? Manure used to be collected in one spot during the seventh year, and when it became a huge pile was scattered across the field.

- (2) **עובדי עבודה** , work in the fields. Var. lec. **עוברי עברה** , referring to those who contravene the Sabbatical laws.
- (3) Lit., 'sweetness', because it imparts flavour and ripeness to the fruit; infra IX, 6; Job XXI, 33.
- (4) When all work ceases, since the manure is no longer of any use to the soil.
- (5) Manure is said to be dried up as soon as an uppermost protuberance is noticeable.
- (6) Without the semblance of infringing upon the Sabbatical law.
- (7) Used for dung; Kel. XIX, 10.
- (8) Fifteen se'ahs, or half a kor.
- (9) To be placed on dung-hills, and add to the number of ten.
- (10) One may not exceed three, for this would come into the actual category of manuring.
- (11) Since they are all piled in one heap, it will not be interpreted as manuring.
- (12) Amplifying his statement in the previous Mishnah.
- (13) I.e., more than three heaps.
- (14) **מהציב** , an unusual word; here connected with a stand for a pitcher, triangular in shape, and not in a row, so as to avoid the appearance that he is measuring his field. Var. lec.: **מותר**
- (15) Ground level; an action clearly designed to show that his purpose is not actually to manure.
- (16) I.e. heap. Viz., even one hundred baskets on one dung-heap; for this is not the same as placing more than three dung-heaps in a se'ah's space.
- (17) For in the event of this huge pile covering the extent of the field, the suspicion will be aroused that he is actually manuring the soil
- (18) Of smaller quantity than those above mentioned; hence insufficient to take into the fields.
- (19) He may not procure more manure, and the little he has would give the impression of actually manuring the soil. He must then wait until he has dung below, or until it has been piled on high.
- (20) Unfit for sowing and hence impervious to manure. Being rocky soil it need not be raised three handbreadths.
- (21) By allowing his cattle to abide there, manure is collected. The case is of one who has no other place to keep his cattle; for had his intention been deliberately to gather manure, it would have been forbidden in the seventh year.
- (22) I.e., 100 X 50 cubits.
- (23) After that area has been filled with dung.
- (24) Having set up the three sides uprooted around the adjoining two se'ah's space.
- (25) On this device; without being suspected of manuring in the Sabbatical year.
- (26) Lest it appear that his primary intention was to manure his field.
- (27) After the enclosure had been filled.
- (28) Viz., three dung-heaps to every se'ah's space; supra III,3.
- (29) In the seventh year.
- (30) For a smaller quantity would excite suspicion that he is merely clearing his field in order to sow it in the Sabbatical year an act forbidden with the advent of the seventh year; v. supra II, 3. Only when the quarry has sufficient stones for building purposes was the act allowed.
- (31) Such heavy stones are obviously for building purposes.
- (32) Than ten stones, each two men's burden, and ten handbreadths high.
- (33) Heb. **גזם** , 'to peel', or 'raze'; applicable to cases where no complete uprootal takes place.
- (34) Still regarded as unfit for sowing. Greater precaution was taken in the case of a stone quarry, whose soil was natural and lent itself to sowing.
- (35) Where there is the fear lest his intention be to do work forbidden on the eve of the seventh year.
- (36) For why should one be so eager to perform work in the field of another?
- (37) Even from his own field may he do so, since he had begun to clear away the stones when such action was perfectly lawful still.
- (38) Or loosened from the soil, so as easily to be removed.
- (39) An essential stipulation for the removal of stones.
- (40) Heb. **מסקל** Piel in Heb. has the effect of the alpha in Greek; cf. Isa. V, 2.
- (41) For all to see that his intention is to build, and not to plant.
- (42) Unfit for sowing, even after the removal of stones.
- (43) To convey the water for irrigation during the rainfalls. These steps were built along mountain slopes to lead the

water into the valleys.

(44) To prevent the water from flowing away. Such a completed dam would be interpreted as doing work in the seventh year.

(45) I.e., a pile of loose and uneven material, uncemented, forming a rough, extemporized embankment.

(46) Which the builder can grasp just by the mere stretching out of a hand.

(47) Otherwise, it would be deemed work.

(48) Even from his own field; for such heavy stones can only be intended obviously for no other purpose than is building.

(49) For being a building contractor, all will divine that his purpose is for building.

(50) Even from a field of his own.

(51) Cf. supra III, 6; in the case of such stones which two men together could lift, we permit even the smaller stones to be removed

(52) As it is unusual for one to sow on soil bordering on public property, he will not be suspected of infringing the Sabbatical laws; but if the fence demarcates his field and that of a neighbour's, digging is not allowed lest he afterwards decides to plant thereon.

(53) I.e., he removes afterwards the soil from the public domain to scatter it on his own field. To do so, however, in the first instance is forbidden, lest the impression be given that he is preparing his field for sowing.

(54) I.e., remove soil piled up in the public domain to fill up therewith holes in public ways.

(55) For every respect must be paid to public property, lest the slightest damage accrue to it (Bert.).

(56) I.e., three heaps to every se'ah's space; supra III, 2.

(57) In such cases, too, the same dispute occurs between R. Joshua and R. Akiba as to what he should do with the soil dug out.

Mishna - Mas. Shevi'ith Chapter 4

MISHNAH 1. AT FIRST IT WAS THE PRACTICE TO ALLOW A MAN TO GATHER THE LARGEST¹ WOOD, STONES AND HERBS FROM HIS FIELD AS HE WAS ALLOWED TO DO FROM THE FIELD OF HIS FELLOW.² WHEN THE TRANSGRESSORS MULTIPLIED,³ PERMISSION WAS ONLY GIVEN TO COLLECT THEM FROM ANOTHER'S FIELD, PROVIDED IT WAS NOT [PRE-ARRANGED] AS BESTOWING A MUTUAL FAVOUR.⁴ IT GOES WITHOUT SAYING THAT NO STIPULATION COULD BE MADE THEREWITH FOR MAINTENANCE.⁵

MISHNAH 2. A FIELD FROM WHICH THORNS HAD BEEN REMOVED⁶ MAY BE SOWN IN THE EIGHTH YEAR; BUT IF IT HAD BEEN IMPROVED UPON,⁷ OR CATTLE HAD BEEN ALLOWED TO LIVE THEREON,⁸ IT MAY NOT BE SOWN IN THE EIGHTH YEAR.⁹ IF A FIELD HAD BEEN IMPROVED UPON IN THE SEVENTH YEAR, BETH SHAMMAI SAY: ITS FRUITS MAY NOT BE EATEN, BUT BETH HILLEL SAY: THEY MAY BE EATEN. BETH SHAMMAI SAY: FRUITS OF THE SABBATICAL YEAR MAY NOT BE EATEN AS A FAVOUR,¹⁰ BUT BETH HILLEL SAY: THEY MAY BE EATEN, WHETHER THEY BE REGARDED AS A FAVOUR OR OTHERWISE. R. JUDAH SAYS: THE STATEMENTS MUST BE REVERSED; FOR THIS IS ONE OF THE INSTANCES WHERE BETH SHAMMAI ARE THE MORE LENIENT AND BETH HILLEL THE MORE RIGOROUS.

MISHNAH 3. NEWLY-PLOUGHED LAND MAY BE HIRED FROM A GENTILE IN THE SEVENTH YEAR,¹¹ BUT NOT FROM AN ISRAELITE; GENTILES MAY BE ENCOURAGED DURING THE SEVENTH YEAR,¹² BUT NOT ISRAELITES. IN THE INTERESTS OF PEACEFUL RELATIONSHIPS, GREETINGS MAY BE EXCHANGED WITH THEM.¹³

MISHNAH 4. IF ONE THINS OUT HIS OLIVE-TREES [IN THE SEVENTH YEAR].¹⁴ BETH SHAMMAI SAY: HE MAY ONLY RAZE THEM TO THE GROUND;¹⁵ BETH HILLEL SAY: HE MAY COMPLETELY UPROOT. THEY, HOWEVER, CONCUR THAT IF ONE LEVELS HIS

FIELD, HE MAY ONLY RAZE IT TO THE GROUND. WHAT IS THE PROCESS OF THINNING-OUT [MODDAL]? THE TAKING OUT OF ONE OR TWO PLANTS. AND LEVELLING?¹⁶ THE REMOVING OF AT LEAST THREE PLANTS CLOSE TO EACH OTHER. THIS APPLIES TO HIS OWN PROPERTY ONLY, FOR FROM THE PROPERTY OF ANOTHER, EVEN HE THAT LEVELS MAY UPROOT.¹⁷

MISHNAH 5. IF ONE CUTS DOWN AN OLIVE-TREE,¹⁸ HE MAY NOT COVER UP [THE STUMP] WITH EARTH,¹⁹ BUT HE MAY COVER IT WITH STONES OR STRAW.²⁰ IF ONE FELLS A SYCAMORE TREE,²¹ HE MUST NOT COVER [THE STUMP] WITH EARTH, BUT HE MAY COVER IT WITH STONES OR STRAW. ONE MAY NOT HEW DOWN A VIRGIN SYCAMORE²² IN THE SEVENTH YEAR, FOR THIS WOULD CONSTITUTE ACTUAL LABOUR.²³ R. JUDAH SAYS: IF [CUT DOWN] IN THE USUAL MANNER,²⁴ IT IS FORBIDDEN; BUT HE EITHER CUTS IT TEN HANDBREADTHS ABOVE [THE SOIL], OR HE RAZES IT TO GROUND LEVEL.²⁵

MISHNAH 6. IF ONE TRIMS GRAPE-VINES,²⁶ OR CUTS REEDS,²⁷ R. JOSE THE GALILEAN SAYS: HE MUST LEAVE [UNCUT AT LEAST] ONE HANDBREADTH,²⁸ BUT R. AKIBA SAYS: HE MAY CUT THEM WITH THE AXE, SICKLE OR SAW IN THE USUAL MANNER, OR WITH WHATSOEVER HE PLEASURES. A TREE THAT HAD SPLIT MAY BE TIED UP IN THE SEVENTH YEAR, NOT THAT IT MAY HEAL, BUT ONLY THAT IT SHOULD NOT WIDEN.

MISHNAH 7. FROM WHEN MAY ONE BEGIN TO EAT OF THE FRUIT OF THE TREES IN THE SEVENTH YEAR?²⁹ WITH UNRIPE FIGS AS SOON AS THEY HAD ASSUMED A ROSY APPEARANCE,³⁰ ONE MAY EAT THEREOF IN THE FIELD WITH HIS BREAD;³¹ ONCE THEY HAD RIPENED, HE MAY ALSO TAKE THEM HOME. AND SIMILARLY IN THE OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THIS LATTER STAGE HAS BEEN REACHED] THEY ARE SUBJECT TO TITHES.³²

MISHNAH 8. UNRIPE GRAPES³³ AS SOON AS THEY CONTAIN JUICE,³⁴ MAY BE EATEN WITH BREAD IN THE FIELD; BUT AS SOON AS THEY HAVE RIPENED,³⁵ THEY MAY BE TAKEN HOME. AND SIMILARLY IN THE OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THEY HAVE REACHED THIS LATTER STAGE] THEY ARE SUBJECT TO TITHES.³⁶

MISHNAH 9. OLIVES AS SOON AS THEY PRODUCE³⁷ A QUARTER LOG [OF OIL] TO EACH SE'AH, MAY BE SPLIT³⁸ AND EATEN IN A FIELD; WHEN THEY PRODUCE A HALF-LOG,³⁹ THEN HE MAY CRUSH THEM IN A FIELD AND USE THEIR OIL. WHEN THEY ARE ABLE TO PRODUCE A THIRD,⁴⁰ THEY MAY BE CRUSHED IN THE FIELD⁴¹ AND BROUGHT HOME. AND SIMILARLY IN THE OTHER YEARS OF THE SABBATICAL CYCLE [WHEN THEY HAVE REACHED THIS LATTER STAGE] THEY ARE SUBJECT TO TITHES.⁴² WITH ALL OTHER FRUIT OF TREES [THE SEASON WHEN THEY BECOME DUE TO BE TITHED] IS THE SEASON WHEN THEY ARE PERMITTED IN THE SEVENTH YEAR.⁴³

MISHNAH10. FROM WHEN CAN TREES NO LONGER BE FELLED⁴⁴ IN THE SEVENTH YEAR?⁴⁵ BETH SHAMMAI SAY: AFTER THEY HAD PUT FORTH LEAVES.⁴⁶ BETH HILLEL SAY: CAROB-TREES AFTER THEY⁴⁷ BEGIN TO DROOP;⁴⁸ VINES AFTER THEY HAD YIELDED BERRIES; OLIVE-TREES AFTER THEY HAD BLOSSOMED, ANY OTHER TREES AFTER THEY HAD PRODUCED LEAVES.⁴⁹ ANY TREE AS SOON AS IT REACHES THE SEASON FOR TITHES MAY BE CUT DOWN.⁵⁰ WHAT QUANTITY SHALL AN OLIVE-TREE YIELD THAT IT BE NOT CUT DOWN? — A QUARTER [KAB]. R. SIMEON B. GAMALIEL SAYS: ALL DEPENDS ON THE OLIVE-TREE.⁵¹

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- (1) By selecting only the largest, he makes obvious his intention to use them only for building purposes.
 - (2) From which he may collect even the smallest pieces of wood or stones, for none is keen on rendering unnecessary service in a field not his own; supra III, 6.
 - (3) Who removed even the smallest stones under the pretence of clearing away only the biggest of their kind.
 - (4) For then the fear would be instinctive that the field is being prepared for sowing.
 - (5) To consider them as a reward for labour would to be derive benefit from work done in the Sabbatical year.
 - (6) During the seventh year.
 - (7) Tilled oftener than is usual; i.e., twice instead of once. Though even one ploughing was originally prohibited, yet permission was given during years of persecution when triumphant Emperors would impose a land tax on Israelitish property.
 - (8) Thus collecting manure over the extra field; supra III, 4 allowed cattle-folds within a field provided a pen of two se'ah's space was constructed.
 - (9) Since no such pen was erected, it seems that the field is being prepared for the seventh year.
 - (10) Since all produce grown of its accord in the seventh year is declared ownerless, it is not within the prerogative of the original owner to bestow favours, or rewards; cf. 'Ed. V, 1
 - (11) I.e., an Israelite may hire a field in the seventh year to sow in the eighth year, though a Gentile will have ploughed it in the seventh.
 - (12) By extending them every encouragement and greeting during their work in the seventh.
 - (13) Irrelevant to our theme, but to emphasize the desirability of greeting them even in their pagan festivals, a reminder necessitated by Israel's care to steer clear of every association with idolatry.
 - (14) When olives are clustered together in too close proximity, several are plucked away to afford the remainder more growing space.
 - (15) Only as far as the roots; further would be categorized as forbidden labour.
 - (16) A process which leaves a large portion of the soil bare of all trees, and ready for ploughing.
 - (17) For all will gather that the plants are here wanted for fuel purposes, cf. supra 1, n. 2.
 - (18) In the seventh year, for fuel purposes.
 - (19) For he would thus be improving the growth of trees through work done in the seventh year.
 - (20) To protect it from drying up.
 - (21) For building purposes; these trunks grow again after being cut.
 - (22) That had not known an axe before.
 - (23) Improving the tree, which yields more abundant fruit as a result.
 - (24) Lower than ten handbreadths from the soil, constituting work equivalent to pruning in the case of grapes.
 - (25) Since he goes out of his way to differentiate between the usual practice; cf. supra I, 8.
 - (26) I.e., clipping their ends only; not like pruning which entails an actual clipping of grapes from the top of the trees, a labour forbidden expressly in the Bible.
 - (27) That they grow more copiously.
 - (28) So that it does not appear as if he is working his field.
 - (29) Fruits may not be wantonly destroyed, for the Bible emphasizes **לֶאֱכֹלָהּ** 'for food'; and to eat them before they are fully ripe would be a sheer waste.
 - (30) Lit., 'to glisten', a sign of incipient ripeness.
 - (31) For to take them home is forbidden.
 - (32) Cf. Ma'as. I, 2. The criterion given above for fruit to be taken home is also the time when other fruits are liable to tithes.
 - (33) Not yet the size of a white bean.
 - (34) Lit., 'water'; when pressed juice comes out.
 - (35) Lit., 'became foul'. Fruits begin to deteriorate when kernels become visible beneath their shells.
 - (36) V. supra n. 2.
 - (37) When crushed.
 - (38) This was done to soften them and sweeten their taste prior to eating them.
 - (39) Viz., a third of their usual quantity when fully ripe.
 - (40) Of their full quantity.

(41) This could be done even in the home; our Mishnah just cites an example at random.

(42) V. supra n. 2.

(43) Only figs, grapes and olives which were often eaten before becoming fully ripe may be eaten in the seventh year, even before they reached their season for tithes.

(44) Since the Bible stipulates 'for eating' any wastage is debarred, especially since in the case of ownerless Sabbatical produce it would likewise constitute a deprivation of the poor to enjoy the fruits.

(45) The Mishnah refers to fruit-trees.

(46) Usually in Nisan.

(47) Their branches.

(48) The leaves become abundant, and droop from the tree like chains. Alter: when carobs begin to assume a round shape.

(49) When no tree may be cut down.

(50) For there is no longer any wastage of fruit. A tree may not be cut if the fruit thereof be more valuable than its wood for fuel.

(51) Cf. Deut. XX, 19; trees of a besieged city may not be destroyed. V. also B.K. 91b. T.J. refers the question to the seventh year, maintaining that if it involves loss it should not be cut down. The better the tree, the more is it forbidden to be felled; cf. Pe'ah VII, 1.

Mishna - Mas. Shevi'ith Chapter 5

MISHNAH 1. WHITE FIGS HAVE THE LAW OF THE SEVENTH YEAR¹ APPLIED TO THEM IN THE SECOND YEAR,² SINCE THEY RIPEN ONCE IN THREE YEARS. R. JUDAH SAYS: PERSIAN FIGS HAVE THE LAW OF THE SEVENTH YEAR APPLIED TO THEM IN THE YEAR FOLLOWING THE SEVENTH YEAR,³ SINCE THEY RIPEN ONCE IN TWO YEARS. THEREUPON THEY SAID TO HIM: THIS WAS SAID ONLY OF THE SPECIES OF WHITE FIGS?⁴

MISHNAH 2. IF LOF⁵ IS PLACED IN THE SOIL FOR PRESERVATION DURING THE SABBATICAL YEAR, R. MEIR SAYS: IT MUST BE NOT LESS THAN TWO SE'AHs IN QUANTITY, THREE HANDBREADTHS IN HEIGHT, AND COVERED WITH EARTH ONE HANDBREADTH DEEP.⁶ THE SAGES SAY: IT MUST BE NOT LESS THAN FOUR KABS IN QUANTITY, ONE HANDBREADTH HIGH, AND COVERED WITH EARTH ONE HANDBREADTH DEEP. MOREOVER, IT SHALL BE HIDDEN IN GROUND OVER WHICH MEN MAY TREAD.⁷

MISHNAH 3. IF LOF HAS REMAINED [IN THE GROUND UNTIL] AFTER THE PASSING OF THE SEVENTH YEAR, R. ELIE ZER SAYS: IF THE POOR HAD GATHERED THE LEAVES THEREOF,⁸ ALL IS WELL; IF NOT,⁹ THEN AN ACCOUNT SHOULD BE MADE WITH THE POOR.¹⁰ R. JOSHUA SAYS: IF THE POOR HAD PLUCKED THE LEAVES THEREOF, ALL IS WELL; IF NOT, NO ACCOUNT IS NECESSARY.¹¹

MISHNAH 4. LOF OF THE SIXTH YEAR¹² THAT REMAINS UNTIL THE SEVENTH, SIMILARLY SUMMER ONIONS¹³ AND PU' AH¹⁴ GROWN IN CHOICE SOIL, BETH SHAMMAI SAY MUST BE UPROOTED WITH WOODEN RAKES.¹⁵ BETH HILLEL SAY: [EVEN] WITH METAL SPADES.¹⁶ THEY¹⁷ CONCUR IN THE CASE OF PU' AH GROWN IN STRONG SOIL¹⁸, THAT THEY MAY BE UPROOTED WITH METAL SPADES.

MISHNAH 5. FROM WHEN MAY A MAN BUY THE LOF AFTER THE GOING OUT OF THE SEVENTH YEAR?¹⁹ R. JUDAH SAYS: AT ONCE;²⁰ BUT THE SAGES SAY: [ONLY] AFTER THE NEW CROP HAS APPEARED.²¹

MISHNAH 6. THESE ARE THE IMPLEMENTS WHICH A CRAFTSMAN MAY NOT SELL

IN THE SEVENTH YEAR:²² A PLOUGH AND ALL ITS APPURTENANCES, A YOKE, A WINNOWER-FAN, AND A MATTOCK;²³ BUT HE MAY SELL A SICKLE USED BY HAND,²⁴ A SCYTHE, AND A CART WITH ALL ITS IMPLEMENTS. THIS IS THE GENERAL PRINCIPLE: ANY TOOLS DESIGNED FOR WORK INVOLVING A TRANSGRESSION IN THE SEVENTH YEAR MUST NOT BE SOLD; BUT IF IT IS USED BOTH FOR A FORBIDDEN AND A PERMISSIBLE PURPOSE, IT MAY BE [SOLD].²⁵

MISHNAH 7. THE POTTER MAY SELL²⁶ FIVE OIL-JARS AND FIFTEEN WINE-JARS. FOR THIS IS THE USUAL AMOUNT ONE COLLECTS FROM OWNERLESS PRODUCE;²⁷ BUT IF HE BROUGHT MORE,²⁸ THIS IS STILL PERMITTED HIM.²⁹ HE³⁰ MAY ALSO SELL [MORE JARS] TO GENTILES IN PALESTINE AND TO ISRAELITES IN OTHER LANDS.³¹

MISHNAH 8. BETH SHAMMAI SAY: ONE MUST NOT SELL HIM³² A PLOUGHING-COW IN THE SEVENTH YEAR, BUT BETH HILLEL PERMIT, SINCE HE MAY BE SLAUGHTERING IT.³³ ONE MAY SELL HIM FRUIT EVEN AT SOWING-TIME,³⁴ AND ONE MAY LEND HIM A SE'AH MEASURE THOUGH IT IS KNOWN THAT HE HAS A THRESHING-FLOOR.³⁵ ONE MAY GIVE HIM SMALL MONEY IN CHANGE THOUGH IT IS KNOWN THAT HE HAS LABOURERS. BUT IF ALL THESE THINGS [ARE] EXPRESSLY [KNOWN] TO BE REQUIRED FOR UNLAWFUL PURPOSES,³⁶ THEN THEY ARE FORBIDDEN.³⁷

MISHNAH 9. A WOMAN MAY LEND TO HER NEIGHBOUR WHO IS SUSPECT OF TRANSGRESSING THE SABBATICAL LAW,³⁸ A WINNOW,³⁹ A SIEVE, A HAND-MILL, OR AN OVEN; BUT SHE MAY NOT [ACTUALLY] WINNOW OR GRIND [CORN] WITH HER.⁴⁰ THE WIFE OF A HABER⁴¹ MAY LEND TO THE WIFE OF AN 'AM HA-AREZ⁴² A WINNOW AND A SIEVE⁴³ AND MAY EVEN WINNOW, GRIND CORN OR SIFT FLOUR WITH HER;⁴⁴ BUT ONCE SHE Poured OUT THE WATER [OVER THE FLOUR],⁴⁵ SHE SHOULD NOT TOUCH HER, FOR NO HELP MUST BE GIVEN TO THOSE WHO COMMIT TRANSGRESSION.⁴⁶ ALL THESE THINGS WERE ONLY ALLOWED IN THE INTERESTS OF PEACE.⁴⁷ TO HEATHENS, ENCOURAGEMENT MAY BE OFFERED IN THE SABBATICAL YEAR,⁴⁸ BUT [ON NO ACCOUNT] TO ISRAELITES. IN THE INTERESTS OF PEACE, ONE MAY ALSO OFFER GREETINGS TO HEATHENS.⁴⁹

(1) With regard to the renunciation of ownership and other regulations.

(2) Of the Sabbatical cycle. Though the fruit does not actually ripen until the third year, they are already fit to be eaten in the second year.

(3) I.e., the eighth year, which is the first of the new Sabbatical year.

(4) And not in the case of Persian figs; for after much investigation, it was discovered that the latter ripen each year (Tosef.). Moreover, the Rabbis were mainly concerned with such fruit grown in Eretz Israel; Bez. 19a.

(5) A plant resembling colocasia with edible leaves and root, and bearing beans. It is classified with onions and garlic (Jast.). The usual translation is 'arum'. It was placed underground for preservation.

(6) To remove all semblance of sowing.

(7) To avoid it burgeoning forth into fruit.

(8) In the seventh year the leaves of the lof were subject to the law of Removal; v. infra VII, 7.

(9) And the arum had increased in the eighth year.

(10) The owner must give the poor the amount calculated to have grown in the seventh year. The rest he can keep for himself.

(11) Since he himself is also entitled to their possession after they had been liable to the law of Removal, he being of the view that after the removal, the rich too can eat of the fruit; v. infra VIII, 9.

(12) It was perfectly ripe then; had its growth increased in the seventh, it would be forbidden to eat it as all aftergrowth; v. infra IX, 1.

(13) Either that had been sown in summer, or had been set aside for summer use.

- (14) Dyer's madder (Jast.). Madder is an herbaceous climbing-plant with yellowish flowers.
- (15) For the usual metal implements would arouse the suspicion that he is cultivating his field in the seventh year.
- (16) Since he is using spades he has averted suspicion; for this is not the usual practice.
- (17) Beth Shammai.
- (18) **צלעות**. Lit., 'on the ribs (sides) of the fields'. Being an unusual place for sowing, it will not appear suspicious. Aliter: **צלעות** is the same as **סלעות**, 'rocky'.
- (19) Without fear lest it is Sabbatical produce; i.e., in the case of a seller who is suspect of infringing Biblical laws.
- (20) Since the lof had to be uprooted not in the usual way, prohibited Sabbatical produce was not likely to be available in the market immediately after the termination of the seventh year; only in the case of other vegetables requiring no such differentiation was the stipulation made until such new crop could have grown (Bert.).
- (21) Usually from the time of Passover of the eighth year; cf. infra VI, 4.
- (22) To a man who is suspect only. To one who is not, this may be done, for his intentions are honourable.
- (23) A pronged tool.
- (24) Being hand-tools, only little could be cut at a time; not enough to pile up a store. One was allowed to give of it to cattle, since it was ownerless property.
- (25) Since the purchaser can claim that the tools are going to be used for such work as is permitted.
- (26) To one even suspect of disregarding Sabbatical regulations.
- (27) Of the seventh year.
- (28) I.e., the one who is suspect brought more produce for which he wants jars.
- (29) The potter may sell him more jars. Perhaps he desires the other jars for legitimate uses. Wine-and oil-jars were distinctive and could not be mixed.
- (30) The potter.
- (31) To these he may sell more than the amount prescribed above and we do not fear lest the Gentile or the Israelite, if outside Palestine, will later sell them again to Israelites in Palestine suspected of illegitimate trading in the seventh year.
- (32) Who is suspect in regard to the Sabbatical laws.
- (33) Beth Shammai were of the opinion that a cow used for ploughing would not be slaughtered for food. A heifer used for ploughing was one that was barren and whose breasts had dried up. Oxen were used ordinarily.
- (34) We assume he needs it for food rather than for sowing.
- (35) We do not suspect him of the intention to measure therewith seventh year produce for storage purposes, but assume his intention to be for grinding purposes.
- (36) That his intention is deliberately to transgress the Sabbatical laws.
- (37) To be an accessory to the infringement of a Biblical law is indefensible.
- (38) Namely, eating its produce without removal after the time of its removal has been due. They may be wanted here for legal uses.
- (39) The holes of the **נפה** are smaller than those of the sieve (**נברה**). One may need them for sifting sand, or the mill for spices or drugs, and the oven for dry flax.
- (40) Actually to help a violation of the law is not to be thought of.
- (41) V. Glos. This statement of our Mishnah is actually more relevant to the laws of purity than to those of the Sabbatical year.
- (42) V. Glos.
- (43) The hand-mill and oven are omitted, since being large, they are not easily immersed into water for purification purposes; if they were of clay or earthenware, they had to be broken up.
- (44) As the majority even of the 'am ha-arez give tithes.
- (45) Thus rendering it 'susceptible to uncleanness' (Lev. XI, 34), as was the case of all food that had received contact with liquids like water.
- (46) To help her rolling the dough and thus assist her in causing uncleanness to bread that becomes in the process subject to the law of Hallah (v. Glos.). Once the dough is rolled it is liable to Hallah.
- (47) Lit., 'ways of peace', cf. prov. III, 17.
- (48) Even when actually working in the seventh year; cf. supra IV, 3.
- (49) And even on their pagan festivals. It must be remembered that the name of God was used in all greetings, and Jews always had an instinctive shudder at associating His name with anything pagan.

Mishna - Mas. Shevi'ith Chapter 6

MISHNAH 1. [PALESTINE IS DIVIDED INTO] THREE COUNTRIES WITH REFERENCE TO THE SABBATICAL LAW.¹ [THE FRUIT OF] THAT TERRITORY OCCUPIED BY THOSE WHO CAME UP FROM BABYLON,² NAMELY FROM ERETZ ISRAEL AS FAR AS CHEZIB,³ MAY NOT BE EATEN,⁴ NOR [MAY ITS SOIL] BE CULTIVATED.⁵ [THE FRUIT OF] THAT TERRITORY OCCUPIED BY THOSE WHO CAME UP FROM EGYPT, NAMELY FROM CHEZIB TO THE RIVER,⁶ AND UNTIL AMONAH,⁷ MAY BE EATEN, BUT [ITS SOIL] NOT CULTIVATED. FROM THE RIVER TILL AMONAH AND INWARDS, [PRODUCE] MAY BE EATEN AND [THE SOIL] CULTIVATED.⁸

MISHNAH 2. IN SYRIA,⁹ ONE MAY PERFORM WORK ON SUCH PRODUCE AS HAD BEEN DETACHED,¹⁰ BUT NOT ON SUCH STILL ATTACHED [TO THE SOIL].¹¹ THEY MAY THRESH,¹² WINNOW, AND TREAD [THE CORN], AND EVEN BIND THEM [INTO SHEAVES], BUT THEY MAY NOT REAP [THE CROPS], NOR CUT THE GRAPES, NOR HARVEST THE OLIVES.¹³ R. AKIBA FORMULATED THIS PRINCIPLE: THE KIND OF WORK THAT IS PERMITTED IN ERETZ ISRAEL MAY ALSO BE DONE IN SYRIA.¹⁴

MISHNAH 3. ONIONS¹⁵ ON WHICH RAIN HAD DESCENDED AND WHICH HAD SPROUTED FORTH, ARE FORBIDDEN IF THEIR LEAVES HAD TURNED BLACK;¹⁶ IF THEY HAD BECOME GREEN THEY ARE PERMITTED.¹⁷ R. HANINA B. ANTIGONUS SAYS: AS LONG AS THEY CAN BE PLUCKED OUT BY THEIR LEAVES,¹⁸ THEY ARE FORBIDDEN. IN THE YEAR AFTER THE SABBATICAL YEAR, THE LIKE OF THESE¹⁹ ARE PERMITTED.²⁰

MISHNAH 4. WHEN MAY A MAN BUY VEGETABLES AT THE OUTGOING OF THE SABBATICAL YEAR?²¹ WHEN THE CROP OF THE SAME KIND BEGINS [AGAIN] TO RIPEN.²² WHERE FRUIT RIPENS QUICKLY. EVEN THAT WHICH IS LATE IN RIPENING IS ALSO PERMISSIBLE.²³ , RABBI USED TO ALLOW THE BUYING OF VEGETABLES ON THE IMMEDIATE TERMINATION OF THE SEVENTH YEAR.²⁴

MISHNAH 5. ONE MAY NOT EXPORT OIL [OF TERUMAH] THAT HAD TO BE BURNT,²⁵ NOR PRODUCE OF THE SEVENTH YEAR,²⁶ FROM THE LAND [OF ISRAEL] TO OTHER COUNTRIES. R. SIMEON SAID: I HAVE HEARD IT EXPRESSLY STATED THAT THEY MAY BE EXPORTED TO SYRIA, BUT NOT TO ANY OTHER COUNTRY OUTSIDE THE LAND.

MISHNAH 6. TERUMAH MAY NOT BE IMPORTED FROM OUTSIDE THE LAND OF ERETZ ISRAEL.²⁷ R. SIMEON SAID: I HAVE HEARD IT EXPRESSLY STATED THAT ONE MAY BRING FROM SYRIA,²⁸ BUT NOT FROM OUTSIDE THE LAND.

(1) V. infra IX, 2.

(2) Under Ezra and Nehemiah. Our Tanna is of the opinion that the land then became holy for all time.

(3) The Biblical Achzib, between Acre and Tyre; Josh. XIX, 29; Judg. I, 31. North of Acre.

(4) If illegally cultivated, or without the removal of the produce which grew of its own accord.

(5) In the seventh year.

(6) The Orontes in Northern Syria; v. Horowitz, Palestine, p. 20.

(7) Mount Ammanon, N.W. Syria; v. Git. (Sonc. ed.) p. 27. n. 1.

(8) Since its soil does not possess holiness of the Lord; and in Ex. XXIII, 10 the stress is on 'thy land' (**אֶרֶץ**), thus implying that only 'thy land' was subject to these laws.

(9) Conquered by David, Mesopotamia was awarded the character of Eretz Israel in some things, and of other lands in other things. It was conquered before David had yet finally subdued the whole of the land.

- (10) Even with those suspect of disregarding the law; cf. supra V, 9.
- (11) Then no reaping or gleaning may be done in the Sabbatical year. The reason for this precaution was lest people, on account of the difficulties of the Sabbatical observance, forsake the cultivation of the land and settle in Mesopotamia. In the case of detached produce it was permitted, so that the poor of Eretz Israel be able to obtain extra means in Syria, which was quite near.
- (12) Our Mishnah defines the kinds of labour permitted when produce no longer is attached to the Soil.
- (13) Being work on what is still attached to the soil.
- (14) Work, which in Palestine could be performed provided the procedure was different from the usual (supra V, 4), was allowed in Syria in the ordinary way (Bert.).
- (15) That had remained in the soil until the Sabbatical year.
- (16) Not actually black, but a deep green, like all unripe onions. They are forbidden because they had benefited by the seventh year.
- (17) Not having benefited by the seventh year, it is as if they had been plucked before.
- (18) The whole onion following suit. This is evidence of their ripeness in the seventh year. When onions begin to wither, their leaves weaken.
- (19) Viz., onions that had been plucked in the sixth year and re-planted in the seventh, and uprooted again in the eighth year. Since they were almost ripe before the seventh year, the little improvement they received in the Sabbatical year was neutralized by their growth in the eighth year.
- (20) Even when pulled out by their leaves.
- (21) Without being suspect of trading with seventh year produce.
- (22) Until such time that it takes other vegetables to ripen. The quantity of vegetables permitted negative the minority prohibited.
- (23) Since it can be claimed that this belongs to the crop that ripened early.
- (24) Vegetables were not only imported from other lands, where they had grown legally, but could also be grown in the land in two or three days.
- (25) Having become unclean, it had to be burnt in Palestine. On *terumah v. Glos.*
- (26) The Removal of fruits of the third and sixth years of the Sabbatical period had to be done in Palestine; v. Lev. XXV, 7.
- (27) So that priests be not tempted to go outside the Land to fetch *terumah*, and thus be defiled by a pagan atmosphere; v. Shab. 16b.
- (28) Since its air was not held to be contaminating; moreover, it showed some of the sanctity of Palestine.

Mishna - Mas. Shevi'ith Chapter 7

MISHNAH 1. AN IMPORTANT GENERAL PRINCIPLE WAS LAID DOWN CONCERNING SABBATICAL YEAR PRODUCE. TO ANYTHING THAT MAY BE CONSIDERED FOOD FOR MAN OR CATTLE, OR TO A SPECIES [OF PLANTS] USED FOR DYEING, IF IT IS NOT LEFT GROWING IN THE SOIL,¹ THE LAW OF THE SABBATICAL YEAR IS APPLIED BOTH TO IT² AND TO ITS MONEY SUBSTITUTE.³ [SIMILARLY] THE LAW OF REMOVAL⁴ APPLIES BOTH TO IT AND TO ITS MONEY SUBSTITUTE. WHICH ARE THEY?⁵ THE EDIBLE LEAVES OF THE WILD ARUM,⁶ OF MINT,⁷ ENDIVES,⁸ LEEKS,⁹ PORTULACA,¹⁰ AND ASPHODEL.¹¹ WHAT IS THE FOOD FOR CATTLE?¹² THORNS AND THISTLES. WHAT IS SPECIES OF DYEING MATTER?¹³ AFTERGROWTHS OF WOAD¹⁴ AND MADDER.¹⁵ THE LAW OF THE SEVENTH YEAR APPLIES TO THEM AND THEIR EQUIVALENTS AND THE LAW OF REMOVAL APPLIES TO THEM AND THEIR MONEY [SUBSTITUTES].

MISHNAH 2. YET ANOTHER GENERAL PRINCIPLE WAS ENUNCIATED. EVEN SUCH THINGS NOT FIT FOR FOOD OF MAN OR BEAST, OR THOSE PLANTS NOT USED FOR DYEING PURPOSES, IF THEY HAD BEEN LEFT IN THE SOIL,¹⁶ ARE SUBJECT TO THE SABBATICAL LAW¹⁷ AS ARE THEIR SUBSTITUTES. BUT THE LAW OF REMOVAL DOES NOT APPLY EITHER TO THEM OR TO THEIR MONEY SUBSTITUTE. WHICH ARE THESE? THE ROOTS OF THE WILD ARUM, THE MINT, AND THE HART'S TONGUE,¹⁸ THE

ASPHODEL AND THE HAZEL-WORT.¹⁹ WHAT IS THE SPECIES OF DYEING MATTER? DYER'S Madder AND SOW-BREAD.²⁰ THE SABBATICAL LAW APPLIES TO THEM AND TO THEIR MONEY EQUIVALENT, BUT THE LAW OF REMOVAL DOES NOT APPLY EITHER TO THEM OR TO THEIR MONEY EQUIVALENT. R. MEIR SAYS: THE LAW OF REMOVAL APPLIES TO THEIR MONEY SUBSTITUTE UNTIL THE NEW YEAR.²¹ THE SAGES ANSWERED: SINCE THIS LAW DOES NOT APPLY TO THE PLANTS THEMSELVES, HOW MUCH LESS DOES IT APPLY TO THEIR MONEY SUBSTITUTE!²²

MISHNAH 3. THE LAW OF THE SABBATICAL YEAR APPLIES TO HUSKS AND BLOSSOMS OF THE POMEGRANATE, TO SHELLS AND KERNELS OF NUTS, AND ALSO TO THEIR MONEY SUBSTITUTES. THE DYER MAY USE THEM²³ FOR HIMSELF, BUT NOT FOR PAYMENT²⁴ SINCE NO TRADE MAY BE DONE WITH SEVENTH YEAR PRODUCE, OR WITH FIRSTLINGS,²⁵ OR WITH HEAVE-OFFERINGS, OR WITH CARRION, OR WITH TREFAH,²⁶ OR WITH REPTILES²⁷ OR WITH CREEPING THINGS.²⁸ ONE SHOULD NOT GATHER²⁹ WILD VEGETABLES³⁰ AND SELL THEM IN THE MARKET; BUT IF HE GATHERS THEM AND HIS SON SELLS THEM FOR HIM, IT IS WELL.³¹ IF HE GATHERED THEM FOR HIS OWN USE, AND AUGHT REMAINS OVER, HE MAY SELL THEM.³²

MISHNAH 4. IF ONE BUYS A FIRSTLING³³ FOR HIS SON'S [WEDDING] FEAST, OR FOR A FESTIVAL, AND THEN DECIDES THAT HE HATH NO NEED OF IT, HE MAY SELL IT.³⁴ HUNTERS OF WILD ANIMALS, BIRDS AND FISHES, WHO CHANCED UPON UNCLEAN SPECIES, MAY SELL THEM.³⁵ R. JUDAH SAYS: ALSO A MAN WHO HAPPENED TO CHANCE UPON BY ACCIDENT³⁶ MAY BUY OR SELL, PROVIDED THAT HE DOES NOT MAKE A REGULAR TRADE OF IT. BUT THE SAGES DO NOT ALLOW THIS.³⁷

MISHNAH 5. THE LAW OF THE SABBATICAL YEAR IS APPLIED³⁸ TO THE YOUNG SPROUTS OF THE SERVICE-TREE³⁹ AND THE CAROBS AND THEIR MONEY EQUIVALENT; SO ALSO IS THE LAW OF REMOVAL APPLIED BOTH TO THEM AND THEIR SUBSTITUTES. THE LAW OF THE SABBATICAL YEAR IS APPLIED TO BRANCHES OF THE TEREBINTH, THE PISTACHIO TREE AND THE WHITE THORN,⁴⁰ AND TO THEIR SUBSTITUTES; BUT THEY ARE NOT LIABLE TO THE LAW OF REMOVAL, NOR IS THEIR MONEY SUBSTITUTE LIABLE TO THE LAW OF REMOVAL.⁴¹ BUT THE LAW OF REMOVAL APPLIES TO THEIR LEAVES,⁴² SINCE THEY HAD ALREADY FALLEN FROM THEIR STEM.⁴³

MISHNAH 6. THE SABBATICAL LAW APPLIES TO THE ROSE, HENNA,⁴⁴ BALSAM, THE LOTUS TREE AND TO THEIR MONEY SUBSTITUTES.⁴⁵ R. SIMEON SAYS: THE SABBATICAL LAW DOES NOT APPLY TO THE BALSAM, SINCE THIS CANNOT BE REGARDED AS A FRUIT.⁴⁶

MISHNAH 7. IF A NEW ROSE⁴⁷ HAS BEEN PRESERVED IN OLD OIL,⁴⁸ THE ROSE MAY BE TAKEN OUT;⁴⁹ BUT IF AN OLD ROSE⁵⁰ WAS PRESERVED IN NEW OIL,⁵¹ IT IS SUBJECT TO THE LAW OF REMOVAL.⁵² NEW CAROBS⁵⁰ PRESERVED IN OLD WINE, OR OLD CAROBS IN NEW WINE,⁵³ ARE SUBJECT TO THE LAW OF REMOVAL. THIS IS THE GENERAL PRINCIPLE:⁵⁴ IF ONE KIND IS MIXED WITH A DIFFERENT KIND⁵⁵ AND IT HAS THE POWER TO IMPART FLAVOUR [TO THE OTHER], BOTH KINDS ARE SUBJECT TO THE LAW OF REMOVAL; BUT IF IT IS MIXED WITH THE IDENTICAL KIND, THEN [THE WHOLE IS SUBJECT TO REMOVAL] EVEN IF ONLY THE SMALLEST QUANTITY EXISTS.⁵⁶ PRODUCE OF THE SEVENTH YEAR RENDERS SIMILAR KINDS PROHIBITED⁵⁷ EVEN [IF IT EXISTS] IN THE SMALLEST QUANTITY; BUT IF THEY BE OF DIFFERENT SPECIES [PROHIBITION SETS IN] ONLY WHEN FLAVOUR IS IMPARTED.⁵⁸

- (1) Had it been left rooted, it would have rotted in winter.
- (2) Not to be sold as merchandise, but eaten free.
- (3) Cf. infra VIII, 3. Should the produce be exchanged for meat or fish, then the latter become endowed with the sanctity of the former. Should the meat or fish be in turn exchanged for other things, they too become holy.
- (4) Sabbatical produce could be eaten as long as similar produce grew in the country of his domicile, and was available to the beast of the field. Once the produce began to wither and was no longer available to the cattle, all similar produce that had been gathered had to be removed from one's possession; Deut. XXVI, 13 and infra IX, 2.
- (5) Plants fit for human food.
- (6) Though these leaves are not subject to food uncleanness ('Uk. III, 4), nevertheless, they have to conform to the Sabbatical rules, since they are human food.
- (7) Or, miltwaste.
- (8) Of endives there are two kinds: those grown in the orchard and those in the field. When the former abound, the latter are not regarded as human food, and hence are not subject to food uncleanness; but in the seventh year, when endives are not found in the orchard, those in the field are food and accordingly are subject to food uncleanness, and the Sabbatical laws apply to them.
- (9) Also of two kinds, as of endives.
- (10) Or purslane; 'Uk. III, 2.
- (11) A bulbous plant. Star of Bethlehem; the plants referred to by poets as 'the immortal flower in Elysium'. Some explain כִּלְבִּי as either referring to the colour of the plant, pure white like milk, or by the fact that when cut open, a milk juice pours forth.
- (12) To which the law is applied.
- (13) The Mishnah now demands details.
- (14) *Isatis tinctoria*, producing a deep blue dye.
- (15) A plant used for red dye.
- (16) Over the winter.
- (17) Since the cattle can still eat thereof.
- (18) Prickly creepers on palm-trees.
- (19) *Baccor*, an aromatic plant identified with spikenard.
- (20) Or round-leaved cyclamen; a tuberous rooted plant used for dyeing; a remedy for worms (Bert.).
- (21) Of the eighth year.
- (22) To which R. Meir could retort that greater rigidity was applied to substitutes than to original produce which are easily recognizable, and will not be used in the seventh year. Not so with their substitutes.
- (23) The plants of the seventh year.
- (24) I.e., he must not dye for others with them.
- (25) Ex. XIII, 2, 12. They were not to remain in his possession lest he transgress the law concerning them. When slaughtered, they could be sold, but not in market places.
- (26) Which could neither be eaten nor sold; Pes. 23a (On trefah, v. Glos.). Trade was forbidden with such animals as are generally used for food, but such as are specially used for work like the camel, the horse and the mule, could be sold; Lev. XXII, 8. Trefah signified flesh of clean beasts which had been mauled, or killed by beasts of prey, and thus rendered unfit for Jewish food.
- (27) Lev. XI. 4ff.
- (28) Ibid. 29ff.
- (29) In the Sabbatical year.
- (30) Vegetables that grow of their own accord.
- (31) For this does not court the suspicion of trading with Sabbatical produce.
- (32) Namely, those left over, since his primary intention to eat all the wild vegetables he had gathered.
- (33) That was blemished and could, therefore, be eaten by non-priests.
- (34) Only at the price he paid for it.
- (35) Not being forbidden to sell if accidentally acquired.
- (36) Lit., 'according to his way'. Even without hunting for wild game.
- (37) Only the professional hunter was given this concession, since he had a heavy tax into the royal coffers. Where they differ from the first Tanna is that they even make the concession for a huntsman even if his deliberate intention was to

catch game of the unclean species (Tosaf. Yom Tob).

(38) Since they are food for cattle.

(39) Whose interior is eaten as relish.

(40) Which sprouts a kind of acorn.

(41) Since they are there even in winter.

(42) Separated from their branches.

(43) Since they are now lost even to beasts of the field, they are liable to the law of Removal.

(44) Tif. Yis. identifies it with the cypress tree. Jast. s.v. **נופרא** says: 'the inflorescence of palms, a spike covered with numerous flowers, and enveloped by one or more sheathing bracts called spathes'.

(45) So is the law of Removal applied to them.

(46) Being used as ordinary wood for fuel, to which the Sabbatical law does not apply. The Torah stresses 'for eating', the prohibition only of such produce as is actually food.

(47) Of the seventh year.

(48) Of the sixth year.

(49) The oil does not become subject to the law of Removal on account of the rose.

(50) Of the seventh year.

(51) Of the eighth year.

(52) Since one flavours the other, they must be removed.

(53) Of the eighth year. Since flavour is imparted, the wine cannot be drunk after the time of removal.

(54) Applicable to all Sabbatical year produce.

(55) Both the new and the old produce.

(56) Even without the imparting of flavour.

(57) If mixed with a similar kind allowed in the seventh year. The Mishnah refers to after the time of removal period.

(58) An explanation of the opening statement of the Mishnah. This is the determining factor even after the period of removal to render the mixture forbidden.

Mishna - Mas. Shevi'ith Chapter 8

MISHNAH 1. AN IMPORTANT PRINCIPLE WAS LAID DOWN CONCERNING SABBATICAL YEAR PRODUCE. OF SUCH PRODUCE AS IS DESIGNATED AS FOOD FOR MAN,¹ ONE MAY NOT MAKE A POULTICE² FOR MAN; AND NEEDLESS TO SAY, FOR CATTLE. SUCH PRODUCE, HOWEVER, THAT IS NOT EXCLUSIVELY USED FOR HUMAN FOOD MAY BE USED AS A POULTICE FOR MAN, BUT NOT FOR CATTLE. SUCH PRODUCE NOT USUALLY DESIGNATED EITHER FOR HUMAN OR FOR CATTLE FOOD, BUT NOW INTENDED³ AS FOOD FOR BOTH MAN AND CATTLE, HAS IMPOSED UPON IT THE STRINGENT LAWS APPLYING BOTH TO MEN⁴ AND BEASTS.⁵ IF HIS INTENTION⁶ WAS TO USE IT [ONLY] AS FUEL, IT MUST BE ACCOUNTED ONLY AS WOOD;⁷ AS, FOR EXAMPLE, SAVORY,⁸ HYSSOP, OR THYME.⁹

MISHNAH 2. SABBATICAL YEAR PRODUCE MAY BE USED FOR FOOD, DRINK AND FOR ANOINTING.¹⁰ THAT USUALLY EATEN SHOULD BE USED FOR FOOD ONLY; THAT USUALLY USED FOR ANOINTING PURPOSES IS TO BE USED AS AN UNGUENT [ONLY], AND THAT USED USUALLY FOR DRINKING IS TO BE USED FOR THIS PURPOSE ONLY.¹¹ ONE MAY NOT ANOINT WITH WINE AND VINEGAR, BUT WITH OIL ONLY.¹² SO IS THE CASE WITH HEAVE-OFFERING AND SECOND TITHE.¹³ GREATER LENIENCY WAS APPLIED TO [OIL OF] THE SEVENTH YEAR, SINCE IT CAN ALSO BE USED FOR LAMP-KINDLING.¹⁴

MISHNAH 3. PRODUCE OF THE SEVENTH YEAR¹⁵ MAY NOT BE SOLD BY MEASURE, WEIGHT OR NUMBER.¹⁶ NEITHER MAY FIGS [BE SOLD] BY NUMBER, NOR VEGETABLES BY WEIGHT.¹⁷ BETH SHAMMAI SAY: THEY MAY NOT BE SOLD, EVEN IN BUNDLES;¹⁸ BUT BETH HILLEL SAY: PRODUCTS USUALLY TIED IN BUNDLES IN THE

HOUSE¹⁹ MAY ALSO BE TIED INTO BUNDLES FOR THE MARKET,²⁰ FOR EXAMPLE: LEEKS AND ASPHODEL.²¹

MISHNAH 4. IF ONE SAYS TO A LABOURER: 'TAKE THIS ISSAR²² AND GATHER VEGETABLES FOR ME TO-DAY', HIS PAYMENT IS PERMITTED;²³ [BUT IF HE TOLD HIM THUS:] 'IN RETURN [FOR THIS ISSAR], DO THOU GATHER VEGETABLES FOR ME TO-DAY', THEN HIS PAYMENT IS FORBIDDEN.²⁴ IF ONE BOUGHT A LOAF FROM A BAKER WORTH A PONDION²⁵ [AND SAID:] 'WHEN I HAVE GATHERED VEGETABLES FROM THE FIELD,²⁶ THEN I WILL BRING THEM TO YOU', THIS IS PERMITTED.²⁷ IF, HOWEVER, HE BOUGHT IT OF HIM WITHOUT ANY EXPLANATION,²⁸ HE MAY NOT PAY HIM HIS DEBT WITH THE VALUE OF SEVENTH YEAR PRODUCE;²⁹ FOR NO DEBT CAN BE PAID WITH THE VALUE OF SUCH PRODUCE.

MISHNAH 5. ONE MUST NOT PAY³⁰ A WELL-DIGGER,³¹ AN ATTENDANT AT THE PUBLIC BATH,³² A BARBER, OR A SAILOR; BUT HE MAY GIVE THE WELL-DIGGER [THE PRODUCE] TO BUY THEREWITH TO DRINK. AS A FREE GIFT, HOWEVER, HE MAY GIVE IT TO ALL OF THEM.³³

MISHNAH 6. SABBATICAL FIGS MAY NOT BE CUT WITH A FIG-KNIFE,³⁴ BUT WITH AN ORDINARY KNIFE.³⁵ GRAPES MAY NOT BE TRODDEN IN THE WINE-PRESS,³⁶ BUT THEY ARE TRODDEN IN THE KNEADING-TROUGH.³⁷ OLIVES MAY NOT BE PREPARED IN AN OLIVE-PRESS OR WITH AN OLIVE-CRUSHER.³⁸ BUT THEY MAY BE CRUSHED AND BROUGHT INTO A SMALL OLIVE-PRESS. R. SIMEON SAYS: THEY MAY EVEN BE CRUSHED IN THE [LARGER] OLIVE-PRESS, AFTERWARDS TO BE BROUGHT INTO THE SMALLER PRESS.

MISHNAH 7. SABBATICAL VEGETABLES MAY NOT BE COOKED IN OIL OF TERUMAH LEST THEY BECOME INVALIDATED;³⁹ BUT R. SIMEON PERMITS IT.⁴⁰ THE LAST THING EXCHANGED IS ALWAYS SUBJECT TO THE SABBATICAL LAW,⁴¹ AND THE PRODUCE ITSELF⁴² ALSO REMAINS FORBIDDEN.⁴³

MISHNAH 8. SLAVES, PROPERTY, OR UNCLEAN CATTLE MAY NOT BE BOUGHT WITH MONEY REALIZED BY SALE OF SEVENTH YEAR PRODUCTS; IF ONE HAS DONE SO HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT.⁴⁴ BIRD-OFFERINGS BROUGHT BY A MAN OR WOMAN WHO SUFFERED A FLUX,⁴⁵ OR BY A WOMAN AFTER CHILDBIRTH,⁴⁶ MUST NOT BE BOUGHT WITH THE VALUE OF SABBATICAL PRODUCE; AND IF THIS HAS BEEN DONE, HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT. VESSELS MAY NOT BE ANOINTED WITH OIL OF SEVENTH YEAR PRODUCE; WHERE THIS HAS BEEN DONE, HE MUST [BUY AND] EAT [FOOD] FOR THEIR EQUIVALENT.⁴⁷

MISHNAH 9. A HIDE⁴⁸ SMEARED WITH OIL OF THE SEVENTH YEAR, R. ELIEZER SAYS, MUST BE BURNT; BUT THE SAGES SAY THAT HE MUST [BUY AND] EAT [PRODUCE] OF CORRESPONDING VALUE. THEY TOLD R. AKIBA THAT R. ELIEZER USED TO SAY, A HIDE THAT HAS BEEN SMEARED WITH OIL OF THE SEVENTH YEAR MUST BE BURNT. HE REPLIED: 'HOLD YOUR PEACE; FOR I WILL NOT DIVULGE TO YOU WHAT R. ELIEZER ACTUALLY SAID IN THIS CONNECTION'.⁴⁹

MISHNAH 10. THEY ALSO TOLD HIM⁵⁰ THAT R. ELIEZER SAID: 'HE WHO EATS BREAD [BAKED] BY SAMARITANS⁵¹ IS LIKE ONE WHO EATS THE FLESH OF A PIG'.⁵² [TO THIS, TOO] HIS REPLY WAS: 'HOLD YOUR PEACE; FOR I WILL NOT DIVULGE TO YOU WHAT R. ELIEZER REALLY DID SAY IN THIS CONNECTION'.

MISHNAH 11. ONE MAY WASH IN A BATH HEATED WITH STRAW OR STUBBLE OF THE SEVENTH YEAR;⁵³ BUT IF HE IS A MAN HELD IN HONOUR, HE SHOULD NOT WASH THEREIN.⁵⁴

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- (1) Sabbatical produce was not to be wasted; hence if fit for human food it must not be used for healing purposes.
 - (2) Greek** (Jast.); an emollient, or plaster.
 - (3) At the time of gathering.
 - (4) Not to make a poultice thereof.
 - (5) Not to cook vegetables if they can be eaten raw.
 - (6) At the time of gathering.
 - (7) Since they were only used for burning purposes, they are not liable to the law of Removal
 - (8) A herb of mint, classified with hyssop, *Satureia thymbra* (Jast.).
 - (9) A shrub with pungent aromatic leaves used in cooking. The three shrubs here specified are not usually designated for any particular purpose; hence his intention is respected.
 - (10) Such produce as grapes and olives are borne in mind which can be used for all these three purposes.
 - (11) No change was allowed in the natural purpose of the food; such food, however, that had become unfit for human consumption could be used for other purposes.
 - (12) Wine, being used for drinking, was not to be wasted on an inferior purpose; cf. B.K. 15b.
 - (13) Which can only be applied for the abovementioned purposes.
 - (14) Whether the oil is clean or unclean. Forbidden, however, in the case of oil of terumah that is clean. Oil of the Second Tithe could be burnt only when clean; but oil of the seventh year could be burnt regardless of its being clean or not.
 - (15) Left over after having been gathered to be eaten in one's household; v. supra VII, 3.
 - (16) Respect must be attached to Sabbatical produce; accordingly, different methods of sale procedure must be employed.
 - (17) In departure from the regular procedure in order to emphasize the sanctity of seventh year products. He can only sell them by approximation.
 - (18) To obviate the impression that they are being sold as ordinary wares.
 - (19) For private purposes.
 - (20) Since this is unusual it will be regarded as different produce entitled to regard.
 - (21) Cf. supra VII, I notes.
 - (22) Equivalent to eight perutahs.
 - (23) The issar can be regarded as a gift, and the work to be done as a favour.
 - (24) Being too much like an express wish to perform work for him in the seventh year.
 - (25) Equivalent to two issars.
 - (26) That grow of their own accord.
 - (27) For it is like exchanging gifts. The baker gives his loaf, he his vegetables, with no money crossing their hands.
 - (28) I.e., on credit.
 - (29) This would be actually a case of trading with Sabbatical produce.
 - (30) With Sabbatical year produce.
 - (31) Who supplies the town with water from the wells he is asked to dig.
 - (32) Who heats the water to his liking. Though the labour of all these mentioned is for his own personal benefit, yet they must not be paid with produce of the seventh year.
 - (33) Even though, as a consequence, no reward for labour may be demanded.
 - (34) The one used specially for this purpose.
 - (35) Sword-like in shape. The point emphasized is that some different procedure must be followed (שנוי). Aliter: These figs are not to be cut in the place usually designated for this purpose, thus taking the words מוקצה and חרבה as names of places instead of names of knives.
 - (36) As usual
 - (37) To show the nature of the produce.
 - (38) A small olive-press with a cylindrical beam with which to extract oil from olives in the press. According to Bert. it

consisted of a large beam, topped by a large stone, with which oil was extracted from the olives.

(39) Since the oil is susceptible to uncleanness, the vegetables, too, will have to be burnt, and thus wilful wastage of Sabbatical produce will accrue. Terumah, with its special sanctity, can suffer impurity at one further remove than ordinary food; and when invalid, must be burnt.

(40) Being of the opinion that dedicated things may be brought to a state of invalidity. Pes. 98b.

(41) The equivalent of the thing exchanged is also regarded as invested with Sabbatical sanctity, and though not all the substitutes are considered Sabbatical, yet the original produce still remains forbidden.

(42) Of the seventh year.

(43) V. Bert. ad loc.

(44) Since sanctity cannot be attached to the things bought, he must eat produce of equal value.

(45) Lev. XV, 14, 29; the sacrifice being two turtle-doves, or two pigeons.

(46) Ibid. XII, 6, 8. These are cited here to show that though they permit the bearer to eat of holy things, nevertheless, they cannot be purchased with Sabbatical produce.

(47) Only man could be anointed with Sabbatical oil. Oil preserves vessels.

(48) Or any other object; a hide is cited as being the more usual object to receive such treatment.

(49) From this it would appear that R. Eliezer held very lenient views which R. Akiba was not eager to discuss (Bert.). V. however, T.J. ad loc. R. Eliezer b. Hyrcanus was under a ban (v. B.M. 59b), and was forbidden to participate in the discussions and decisions of the court; Yad. IV, 3.

(50) R. Akiba.

(51) Excommunicated by Ezra for their intransigence in disturbing the construction of the Temple.

(52) Not to be taken too literally. Their bread was prohibited as a punishment; v. Hul. 4a.

(53) In pursuance of the policy formulated in supra VIII, 1 that anything not used exclusively for human food can be used for other purposes.

(54) Such a man must impose upon himself added restrictions.

Mishna - Mas. Shevi'ith Chapter 9

MISHNAH 1. RUE,¹ GOOSEFOOT,² PURSLANE,³ HILL CORIANDER,⁴ WATER-PARSLEY,⁵ AND MEADOW-BERRIES, ARE EXEMPT FROM TITHES.⁶ AND MAY BE PURCHASED⁷ FROM ANY MAN⁸ DURING THE SABBATICAL YEAR, SINCE SUCH PRODUCE IS NOT USUALLY WATCHED. R. JUDAH SAYS: AFTERGROWTHS OF MUSTARD ARE PERMITTED, SINCE TRANSGRESSORS ARE NOT SUSPECTED CONCERNING THEM.⁹ R. SIMEON SAYS: ALL AFTERGROWTHS ARE PERMITTED,¹⁰ WITH THE EXCEPTION OF THE AFTERGROWTHS OF CABBAGE,¹¹ SINCE SUCH CANNOT BE PLACED WITHIN THE CATEGORY OF WILD VEGETABLES. BUT THE SAGES SAY: ALL AFTERGROWTHS ARE FORBIDDEN.¹²

MISHNAH 2. THERE ARE THREE DISTINCT COUNTRIES¹³ IN RESPECT OF THE LAW OF REMOVAL.¹⁴ [THESE ARE]: JUDAH, TRANSJORDANIA, AND GALILEE, EACH OF THESE IS [IN TURN] DIVIDED INTO THREE TERRITORIES.¹⁵ THUS [GALILEE¹⁶ IS DIVIDED INTO] UPPER GALILEE, NETHER GALILEE, AND THE VALLEY; FROM KEFAR HANANIAH UPWARDS, [NAMELY], THE REGION WHERE SYCAMORES DO NOT GROW,¹⁷ IS UPPER GALILEE; FROM KEFAR HANANIAH DOWNWARDS, WHERE THE SYCAMORES DO GROW, IS NETHER GALILEE; THE NEIGHBOURHOOD OF TIBERIAS IS THE VALLEY. THOSE OF JUDAH ARE: THE MOUNTAIN REGION, THE SHEPHELAH,¹⁸ AND THE VALLEY.¹⁹ THE PLAIN OF LYDDA²⁰ IS LIKE THE PLAIN OF THE SOUTH, AND ITS MOUNTAIN REGION IS LIKE THE KING'S HILL-COUNTRY.²¹ FROM BETH-HORON TO THE SEA IS CONSIDERED AS ONE DISTRICT.²²

MISHNAH 3. WHY DID THEY SPEAK OF THREE COUNTRIES?²³ SO THAT THEY MAY EAT IN EACH COUNTRY UNTIL THE LAST OF THE SEVENTH YEAR PRODUCE IN THAT COUNTRY IS ENDED.²⁴ R. SIMEON SAID: THEY HAVE SPOKEN OF THREE COUNTRIES

ONLY IN THE CASE OF JUDAH, BUT ALL OTHER COUNTRIES²⁵ ARE TO BE REGARDED AS ROYAL HILL-COUNTRY;²⁶ AND ALL OTHER COUNTRIES RECEIVE EQUAL TREATMENT WITH REGARD TO THE OLIVE AND DATE.²⁷

MISHNAH 4. ONE MAY EAT²⁸ [ONLY SO LONG AS] SIMILAR PRODUCE IS STILL REGARDED AS OWNERLESS²⁹ [IN THE FIELDS], BUT NOT WHEN IT IS BEING WATCHED.³⁰ R. JOSE, HOWEVER, PERMITS IT ALSO WHEN [SIMILAR PRODUCE] IS FOUND GUARDED.³¹ ONE MAY CONTINUE TO EAT³² SO LONG AS THERE IS STILL GROWTH BETWEEN THE GRASS,³³ OR BY VIRTUE OF THE TREES THAT YIELD BI-ANNUALLY;³⁴ BUT ONE MUST NOT EAT BY VIRTUE OF WINTER-GRAPES.³⁵ R. JUDAH PERMITS [EVEN BY VIRTUE OF THE LATTER] PROVIDED THEY BEGAN TO RIPEN BEFORE THE SUMMER [OF THE SEVENTH YEAR] HAD ENDED.

MISHNAH 5. IF THREE KINDS OF VEGETABLES³⁶ WERE PRESERVED IN ONE JAR, THEY MAY BE EATEN ONLY SO LONG AS THE FIRST STILL REMAINS;³⁷ SO R. ELIEZER. BUT R. JOSHUA SAYS: EVEN SO LONG AS THE LAST REMAINS.³⁸ RABBAN GAMALIEL SAYS: WHEN THE LIKE KIND IS NO LONGER TO BE FOUND WITHIN THE FIELD, THE CORRESPONDING KIND IN THE JAR MUST BE REMOVED.³⁹ AND THE HALACHAH AGREES WITH HIM. R. SIMEON SAYS: ALL VEGETABLES ARE REGARDED AS ONE [KIND] IN RESPECT OF THE LAW OF REMOVAL. PURSLANE⁴⁰ MAY BE EATEN AS LONG AS VETCHES⁴¹ ARE STILL FOUND IN THE VALE OF BETH NETOPHA.⁴²

MISHNAH 6. IF ONE GATHERED FRESH VEGETABLES,⁴³ HE MAY EAT THEM UNTIL THE [GROUND] MOISTURE IS DRIED UP;⁴⁴ AND IF HE GATHERED DRY [VEGETABLES] [HE MAY EAT THEM] UNTIL THE SECOND RAINFALL.⁴⁵ LEAVES OF REEDS AND OF THE VINE⁴⁶ [MAY BE EATEN] UNTIL THEY FALL FROM THE STEMS; BUT IF THEY HAVE BEEN GATHERED DRY, THEY MAY BE EATEN ONLY UNTIL THE SECOND RAINFALL. R. AKIBA SAYS: IN ALL CASES,⁴⁷ [THEY MAY BE EATEN] UNTIL THE SECOND RAINFALL.

MISHNAH 7. SIMILARLY, IF ONE HIRES TO ANOTHER A HOUSE 'UNTIL THE RAINFALL', [HE IMPLIES THEREBY] 'UNTIL THE SECOND RAINFALL'; OR IF ONE HAD VOWED NOT TO DERIVE ANY BENEFIT FROM HIS FELLOW 'UNTIL THE RAINS'. [THIS LIKewise IMPLIES] 'UNTIL THE SECOND RAINFALL'. UNTIL WHEN MAY THE POOR ENTER THE GARDENS?⁴⁸ UNTIL THE SECOND RAINFALL.⁴⁹ AND WHEN MAY ONE BEGIN TO ENJOY OR BURN THE STRAW AND STUBBLE OF SABBATICAL PRODUCE?⁵⁰ AFTER THE SECOND RAINFALL.⁵¹

MISHNAH 8. IF ONE HAD SABBATICAL PRODUCE [AT HOME] AND THE TIME OF REMOVAL HAD COME,⁵² HE MAY APPORTION FOOD FOR THREE MEALS TO EVERY ONE.⁵³ R. JUDAH SAYS: THE POOR⁵⁴ MAY EAT THEREOF, EVEN AFTER THE REMOVAL, BUT NOT THE RICH;⁵⁵ BUT R. JOSE SAYS: THE POOR AND THE RICH ALIKE MAY EAT THEREOF.⁵⁶ [EVEN AFTER THE TIME OF] THE REMOVAL.

MISHNAH 9. IF ONE HAD INHERITED SEVENTH YEAR PRODUCE,⁵⁷ OR HAD RECEIVED THEM AS A GIFT, R. ELIEZER SAYS: THEY MUST BE GIVEN⁵⁸ UNTO ALL WHO WISH TO EAT THEREOF.⁵⁹ BUT THE SAGES SAY: THE SINNER MUST NOT BENEFIT,⁶⁰ BUT THE PRODUCE SHOULD BE SOLD TO THOSE WHO WOULD EAT THEREOF,⁶¹ AND ITS PRICE DIVIDED AMONG THEM ALL.⁶² IF ONE EATS OF DOUGH OF THE SEVENTH YEAR [PRODUCE] BEFORE THE HALLAH⁶³ WAS TAKEN FROM IT, HE HAS INCURRED THEREBY THE DEATH PENALTY.⁶⁴

- (1) A perennial ever-green shrub with bitter, strong-scented leaves frequently used in medicine.
- (2) A kind of asparagus, says Bert. Goosefoot is so named from the shape of its leaves.
- (3) A low succulent herb used in salads and pickled.
- (4) Annual plants with aromatic fruit used for flavouring. Kil. I, 2.
- (5) An umbelliferous plant.
- (6) Tithes are only taken from owned produce; those above-mentioned generally grow in ownerless property and are not deemed of much value.
- (7) For food.
- (8) Even from such that are suspected of trading with Sabbatical produce; for the law does not embrace ownerless produce.
- (9) To guard them in the seventh year.
- (10) Since they are usually ownerless.
- (11) Which are not generally ownerless and do not grow wild.
- (12) As a precaution against transgressors who will sow things in secret, and then claim that they are aftergrowths. Those of vegetables were permitted, according to all, since it was not usual to sow them at all.
- (13) Though they are all in the Land, they differ with regard to the application of this law; the reason being that produce ripens at different seasons in each of these territories.
- (14) Sabbatical produce stored in the house may be eaten as long as similar produce still abounds in the fields of the country of his domicile; as soon as this produce begins to wither or disappear from the fields, the time has come for him to remove that which he has stored up at home. The object of this law was to enable man and beast alike to have equal access to seventh year produce. This stipulation was based on the words in Lev. XXV, 7 (**וּלְבַהֲמֹתֶיךָ וּלְחַיִּיתָ**) as long only as cattle can eat thereof in the field, may man eat thereof in his house.
- (15) Though three territories, yet each is part of one country-Galilee.
- (16) The three partitions of Galilee are given.
- (17) These grow in the plain; I Kings X, 27.
- (18) Maritime Plain.
- (19) From Engedi to Jericho; Josh. X, 40. The three partitions 'If Transjordan seem to be inadvertently omitted; these are outlined in Josh. XV and in Tosef Shebi'ith, and also consist of hill-country, plain and valley. Machwar, Gador and the rest are the hill-country, Heshbon with its surrounding towns constitute the plain, and the valley is Beth Haran and its environs.
- (20) Continuing the description of Judah's territories.
- (21) Viz., the mountain region of Judah, in the region of Lydda, Sabbatical produce could be eaten until similar produce declines in the Judean hill-country, where, owing to its altitude, it is late in ripening.
- (22) As long as the cattle of that region still find food in the fields, one can continue to eat at home food stored.
- (23) Since each, in turn, is again partitioned into three, there are really nine in all. Why then three?
- (24) Viz., if produce in Judah's hilly region has ended in the field, but is still found in the plain; or if it has ceased in the fields of the plain and hill-country, but is still to be found in the valley, then the whole country of Judah may still eat. Similarly with Transjordan and Galilee. One cannot, however, eat in Judah because produce is still found in the fields of Galilee and Transjordan, for each of the three countries is perfectly autonomous with regard to the law of Removal.
- (25) I.e., Galilee and Transjordan.
- (26) Where there is always an abundance of fruit, even late in the year, and as long as there is produce to be found there, it may be eaten also in Galilee and Transjordan.
- (27) As long as they are still to be found in one place, they may be eaten in those even where they have ceased from the fields, be it Judah, Galilee, or Transjordan.
- (28) Stored Sabbatical produce.
- (29) Regardless of the fact whether it be attached or plucked from the soil.
- (30) Symbol of private ownership, as for example, produce from one's garden. From the words **וּלְבַהֲמֹתֶיךָ וּלְחַיִּיתָ** we deduce that men cannot eat from produce of which the beasts cannot avail themselves; viz., from one's garden.
- (31) And still attached to the soil; but once detached, and guarded, the produce is forbidden.
- (32) Sabbatical produce.
- (33) So Jast. Bert. explains it as 'a pitcher-shaped vessel, put up in walls and crevices as a bird's nest'. As long as grain is found in these pitchers, so long may one eat similar grain stored at home. Aliter: 'poor, stunted grain kept in soil'; also,

'the ledges placed on roofs of houses, where crumbs were scattered for birds to pick'; cf. I Kings VII, 9.

(34) I.e., as long as there is on the tree fruit of the second crop.

(35) Late fruits remaining on the edges of the trees till the approach of winter. I.e., one may not eat of the summer grapes by virtue of the grapes that will ripen in the winter of the eighth year.

(36) The time of Removal of each being different.

(37) In the field. I.e., as soon as one of them has ceased from the fields, the other two will then be forbidden, though their like is still in the fields.

(38) Though the other two kinds similar to those in the jar have ceased from fields, those preserved can still be eaten by virtue of the one which is still in the fields with which they are intermixed.

(39) And each vegetable may be eaten as long as that kind of vegetable is still found in the fields.

(40) In the seventh year.

(41) Of the artichoke genus, a plant of which the base of the flower and the scales thereof are edible. Those grown in the Holy Land were species of sunflower with edible tuberous roots.

(42) Purslane, which after being plucked, lasts longest, owing to the moisture within, may be eaten as long as the vetches last in Beth Netopha, where on account of its fertility and plentiful supply of water, the crop remains longest in the field. Beth Netopha has been identified with the El Battof valley in Galilee, v. Klein, Beitrage, p. 83.

(43) Of the seventh year.

(44) After this drying up, those left in the field are no longer fit for food, and therefore those in the house must be removed. The word for 'moisture' (**מתוק**) is lit., 'sweetness', since it is this that makes them palatable. Cf. supra III, 1.

(45) Usually the twenty-third Heshwan (November) of the eighth year. Plants in the field then become unfit even for beasts in the fields.

(46) Eaten as long as they were still attached to their stems.

(47) Of plants enumerated in the Mishnah. The Halachah is not in agreement with Akiba.

(48) To gather gleanings, the Forgotten Sheaf and Pe'ah every year, and in the seventh year, the produce; Pe'ah VIII, 1.

(49) But not afterwards; for they will then harm the soil that has become soft on account of the rain; B.K. 81b.

(50) During the seventh year the produce can only be food for the cattle of the field not for man's profit; Lev. XXV, 7. Straw and stubble were eaten by cattle, hence they must not be used for any other purpose until such time when they cease to be fit for them.

(51) When nothing left in the field is fit for food, and henceforth the Sabbatical law no longer applies to things stored at home.

(52) Of each species, according to its place and season; Pes, 53a.

(53) Of his household, and friends and neighbours; the rest must be removed, after he had issued an open invitation to all to partake thereof.

(54) Who gathered ownerless produce.

(55) Who had gathered from their own fields v. Tif. Yis.

(56) Maim. reads: 'may not eat'.

(57) Legally gathered, but now the period of Removal had come.

(58) Free.

(59) This is in accordance with Beth Shammai, supra IV, 2, who forbid the eating of Sabbatical produce when bestowed by the owner as a favour. The beneficiary consequently must share the produce he had received with others (Bert.).

(60) For he has been the recipient of a forbidden gift, and if allowed to eat himself and bestow favours on others, he will be deriving benefit from forbidden gifts.

(61) So that he be not the bestower of favours.

(62) Perhaps by the Beth din (v., however, Tif. Yis).

(63) Lit., 'cake'; Num. XV. 18 — 21 Though we deduce from **לאכלה** ('for eating'), **ולא לשרפה**, ('and not for burning'), and the dough-offering if rendered unclean had to be burnt, still Hallah had to be taken from seventh year produce.

(64) The 'heavenly' penalty (**בידי שמים**) for such an offence, no distinction being made in the dough from which Hallah had to be taken.

Mishna - Mas. Shevi'ith Chapter 10

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MISHNAH 1. THE SABBATICAL YEAR CANCELS A CASH DEBT,¹ WHETHER IT IS SECURED BY BOND² OR NOT; BUT SHOP-DEBTS³ IT DOES NOT CANCEL. IF, HOWEVER, IT HAD BEEN CONVERTED INTO THE FORM OF A LOAN, THEN IT IS CANCELLED. R. JUDAH SAYS: THE FORMER DEBT IS ALWAYS CANCELLED.⁴ THE WAGE OF A HIRELING IS NOT CANCELLED, BUT IF IT HAD BEEN CONVERTED INTO A LOAN IT IS CANCELLED. R. JOSE SAYS: THE [PAYMENT FOR] ANY WORK THAT MUST CEASE⁵ WITH THE SEVENTH YEAR, IS CANCELLED; BUT IF IT NEED NOT CEASE WITH THE SEVENTH YEAR, THEN IT IS NOT CANCELLED.⁶

MISHNAH 2. HE WHO SLAUGHTERS A COW AND DIVIDES IT UP ON THE NEW YEAR,⁷ IF THE MONTH HAD BEEN INTERCALATED,⁸ [THE DEBT INCURRED BY THEN] IS REMITTED; BUT IF IT HAD NOT BEEN INTERCALATED, IT IS NOT REMITTED. [FINES FOR] OUTRAGES,⁹ FOR SEDUCTION,¹⁰ FOR DEFAMATION,¹¹ AND ALL OTHER OBLIGATIONS ARISING FROM LEGAL PROCEDURE,¹² ARE NOT CANCELLED. A LOAN SECURED BY A PLEDGE, AND ONE OF THE BONDS OF WHICH HAVE BEEN HANDED OVER TO A COURT, ARE NOT CANCELLED.¹³

MISHNAH 3. [A LOAN SECURED BY] A PROZBUL¹⁴ IS NOT CANCELLED. THIS WAS ONE OF THE THINGS INSTITUTED BY HILLEL THE ELDER; FOR WHEN HE OBSERVED PEOPLE REFRAINING FROM LENDING TO ONE ANOTHER, AND THUS TRANSGRESSING WHAT IS WRITTEN IN THE LAW, 'BEWARE, LEST THERE BE A BASE THOUGHT IN THY HEART',¹⁵ HE INSTITUTED THE PROZBUL.

MISHNAH 4. THIS IS THE FORMULA¹⁶ OF THE PROZBUL: 'I DECLARE BEFORE YOU, SO-AND-SO,¹⁷ JUDGES OF THAT PLACE,¹⁷ THAT TOUCHING ANY DEBT THAT I MAY HAVE OUTSTANDING, I SHALL COLLECT IT WHENEVER I DESIRE'. AND THE JUDGES SIGN BELOW, OR THE WITNESSES.¹⁸

MISHNAH 5. AN ANTE-DATED PROZBUL IS LEGAL,¹⁹ IF POST-DATED, IT IS ILLEGAL.²⁰ ANTE-DATED BONDS [OF LOANS] ARE NOT VALID,²¹ BUT THOSE POST-DATED ARE VALID.²² IF ONE BORROWS FROM FIVE PERSONS, A SEPARATE PROZBUL MUST BE MADE FOR EACH [CREDITOR]; BUT IF FIVE BORROW FROM THE SAME PERSON, THEN ONE PROZBUL ONLY WILL SUFFICE FOR THEM ALL.

MISHNAH 6. A PROZBUL IS WRITTEN ONLY FOR [A DEBT SECURED BY] IMMOVABLE PROPERTY; AND IF [THE DEBTOR] HAS NONE, THEN [THE CREDITOR] CAN GIVE HIM TITLE TO A SHARE, HOWEVER SMALL, OF HIS OWN FIELD.²³ IF HE²⁴ HAD LAND IN PLEDGE IN A CITY, A PROZBUL CAN BE WRITTEN ON [THE SECURITY THEREOF]. R. HUZPETH SAYS: A PROZBUL MAY BE WRITTEN FOR A MAN ON THE SECURITY OF HIS WIFE'S PROPERTY,²⁵ OR FOR AN ORPHAN ON THE SECURITY OF PROPERTY BELONGING TO HIS GUARDIAN.²⁶

MISHNAH 7. A BEE-HIVE, R. ELIEZER SAYS, IS CONSIDERED LANDED ESTATE,²⁷ A PROZBUL MAY BE DRAWN UP ON ITS SECURITY, AND IT IS NOT SUSCEPTIBLE TO UNCLEANNESS WHILE IT REMAINS IN ITS PLACE, AND HE WHO TAKES HONEY THEREFROM ON THE SABBATH DAY IS HELD CULPABLE.²⁸ THE SAGES, HOWEVER, SAY: IT IS NOT LIKE LANDED ESTATE, A PROZBUL MAY NOT BE DRAWN UP ON ITS SECURITY, IT DOES CONTRACT UNCLEANNESS WHILE IN ITS PLACE, AND HE WHO TAKES HONEY THEREFROM ON THE SABBATH IS EXEMPT FROM ANY PENALTY.

MISHNAH 8. IF ONE WOULD RETURN A DEBT IN THE SEVENTH YEAR, THE

[CREDITOR] MUST SAY TO [THE DEBTOR]: 'I REMIT IT'; BUT SHOULD [THE LATTER] SAY: 'NONE-THE-LESS [I WILL REPAY IT]'. HE MAY ACCEPT IT FROM HIM, BECAUSE IT SAYS:' AND THIS IS THE WORD OF THE RELEASE'.²⁹ SIMILARLY, WHEN [AN INVOLUNTARY] MANSLAYER HAS ARRIVED AT HIS CITY OF REFUGE, AND THE CITIZENS THEREOF DESIRE TO DO HIM HONOUR, HE MUST SAY TO THEM: 'I AM A MURDERER'.³⁰ IF THEY SAY: '[NONE-THE-LESS WE WOULD HONOUR THEE]'. THEN HE MAY ACCEPT [THE HONOUR] FROM THEM, BECAUSE IT SAYS: 'AND THIS IS THE WORD OF THE MANSLAYER'.³¹

MISHNAH 9. IF ONE REPAYS HIS DEBTS IN THE SEVENTH YEAR THE SAGES ARE WELL PLEASED WITH HIM. IF ONE BORROWS FROM A PROSELYTE WHOSE SONS HAD BECOME CONVERTED WITH HIM, THE DEBT NEED NOT BE REPAID TO HIS SONS;³² BUT IF HE RETURNS IT THE SAGES ARE WELL PLEASED WITH HIM. ALL MOVABLE PROPERTY CAN BE ACQUIRED [ONLY] BY THE ACT OF DRAWING THEM;³³ BUT WHOSOEVER FULFILLS HIS [BARE] WORD, THE SAGES ARE WELL PLEASED WITH HIM.

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- (1) Deut. XV, 2. With the passing of the Sabbatical year, the creditor has no longer any claim on the debtor.
 - (2) Though the debtor had pledged in the bond his immovable property for the recovery of the debt.
 - (3) Goods purchased on credit.
 - (4) When a second credit purchase is transacted, the first is always considered a loan subject to the Sabbatical law of cancellation, and the last credit purchase a trust not subject to this law.
 - (5) Such as pruning, ploughing, sowing, etc.
 - (6) Since it is the price of such labour as is permitted.
 - (7) On the first of Tishri of the eighth year, he sells portions of it to purchasers.
 - (8) I.e., Ellul, the preceding month, had been declared by the Beth din to possess thirty instead of twenty-nine days. Accordingly, the day when the cow was distributed among purchasers was the last day of the seventh year, and the debts are released. Note that debts were only released at the end of the seventh year; Deut. XV, 2.
 - (9) Deut. XXII, 29.
 - (10) Ex. XXII, 16. Penalty for both was fifty shekels.
 - (11) Deut. XXII, 18, 19. Penalty, one hundred shekels.
 - (12) All payments enjoined by the Beth din are regarded as if they were already claimed.
 - (13) Being in the hands of the Beth din, the debt is considered as if it had already been paid.
 - (14) It was a declaration made in court, to the effect that the law shall not apply to the loan transacted; cf. Pe'ah III, 6. For a full discussion v. Git. 36b and note in Sonc. ed. a.l.
 - (15) Deut. XV, 9.
 - (16) Lit., 'the body of'.
 - (17) The exact names being given.
 - (18) The effect of this document was tantamount to the debt already having been collected before the advent of the Sabbatical year (v. supra 2). According to Asheri the time of writing the Prozbul was until the end of the sixth year; but Maim. is of the opinion that since the law of cancellation actually came into force at the end of the seventh year, it could be written even in the seventh year.
 - (19) For the harm done by this is only to the lender himself; for should he lend any money after the drawing up of the Prozbul, the Prozbul will have no effect on the claim of the loan.
 - (20) For all the debts contracted in the interval will be claimed in the seventh year, contrary to the law, which limits the operation of the Prozbul to loans made before it had been drawn up.
 - (21) Because he will be illegally claiming from property which the debtor had sold before the actual transaction of the debt.
 - (22) For the lender will then be harming only himself, as he will not be entitled to claim any property other than from such time mentioned in the bond.
 - (23) Immovable property of little value is sufficient to secure a large debt (v. Tosaf. Yom. Tov.).
 - (24) The debtor.

- (25) Even of his wife's estate of which the husband enjoys the fruit without the responsibility for loss or deterioration,
- (26) Where the guardian had borrowed money on behalf of the orphan.
- (27) All would agree with R Eliezer if it were attached to the soil with lime. On the other hand, were it suspended above ground on pegs, all would agree that it is movable property. The dispute only arose here, where the bee-hive is lying on the ground, unattached to the soil with lime; cf. 'Uk. III, 10.
- (28) 'Plucking' from the soil on Sabbath was classed under the category of reaping; Shab. VII, 2.
- (29) Deut. XV, 2. The emphasis is in word, hence by a single admission of the obligation to cancellation the law is fulfilled, and no qualms need be felt now at accepting the debt.
- (30) Cf. Mak. II, 8.
- (31) Deut, XIX, 4; having demurred but once at the honour extended to him, he may now be the recipient thereof.
- (32) Children of a proselyte are regarded as newly born; accordingly, they are not the legal heirs of their pagan father, and, consequently, cannot claim debts due to him. Nevertheless, if his debt is returned to them, the Rabbis are pleased with the debtor.
- (33) Into the possession of the purchaser; Kid. I, 4 — 5. Both parties could retract, even if money had already crossed hands, as long as the object to be acquired had not yet been drawn into the possession of the purchaser; v. Glos. s.v. Meshikah.

Mishna - Mas. Terumoth Chapter 1

MISHNAH 1. FIVE MAY NOT GIVE TERUMAH, AND IF THEY DO SO, THEIR TERUMAH IS NOT CONSIDERED VALID:¹ THE HERESH [DEAF MUTE], THE IMBECILE,² THE MINOR,³ AND THE ONE WHO GIVES TERUMAH FROM THAT WHICH IS NOT HIS OWN. IF A GENTILE GAVE TERUMAH FROM THAT WHICH BELONGS TO AN ISRAELITE, EVEN IF IT WAS WITH HIS FULL CONSENT, HIS TERUMAH IS NOT VALID.

MISHNAH 2. A HERESH, WHO SPEAKS BUT CANNOT HEAR, MAY NOT GIVE TERUMAH,⁴ BUT IF HE DOES SO, HIS TERUMAH IS VALID.⁵ THE HERESH OF WHOM THE SAGES GENERALLY SPEAK IS ONE WHO NEITHER HEARS NOR SPEAKS.

MISHNAH 3. IF A MINOR HAS NOT YET PRODUCED TWO HAIRS [OF PUBERTY] R. JUDAH SAYS: HIS TERUMAH IS VALID. R. JOSE SAYS: IF HE HAS NOT ARRIVED AT THE AGE WHEN HIS VOWS ARE VALID, HIS TERUMAH IS NOT VALID, BUT AS SOON AS HIS VOWS BECOME VALID, HIS TERUMAH BECOMES VALID.⁶

MISHNAH 4. TERUMAH SHOULD NOT BE TAKEN FROM OLIVES FOR OIL, OR FROM GRAPES FOR WINE.⁷ IF THIS IS DONE, BETH SHAMMAI SAY: THERE IS THEN TERUMAH OF [THE OLIVES OR GRAPES] THEMSELVES,⁸ BUT BETH HILLEL SAY: THE [WHOLE] TERUMAH IS NOT VALID.⁹

MISHNAH 5. TERUMAH IS NOT TAKEN FROM 'GLEANINGS', FROM 'THE FORGOTTEN SHEAF', FROM PE'AH¹⁰ OR FROM OWNERLESS PRODUCE.¹¹ [NEITHER IS IT TAKEN] FROM FIRST TITHE FROM WHICH ITS TERUMAH HAD ALREADY BEEN TAKEN,¹² NOR FROM SECOND TITHE AND DEDICATED PRODUCE THAT HAD NOT BEEN REDEEMED.¹³ [NOR MAY IT BE TAKEN] FROM WHAT IS SUBJECT [TO TERUMAH] FOR THAT WHICH IS EXEMPT;¹⁴ OR FROM THAT WHICH IS EXEMPT FOR THAT WHICH IS SUBJECT. ALSO, NOT FROM PRODUCE ALREADY PLUCKED [FROM THE SOIL] FOR THAT STILL ROOTED TO IT,¹⁵ OR FROM THAT ROOTED [TO THE SOIL] FOR THAT ALREADY PLUCKED; ALSO, NOT FROM NEW PRODUCE¹⁶ FOR OLD,¹⁷ OR FROM OLD FOR NEW. ALSO NOT FROM FRUIT OF THE LAND¹⁸ FOR FRUIT GROWN OUTSIDE THE LAND,¹⁹ OR FROM THOSE GROWN WITH OUT THE LAND FOR THOSE GROWN IN THE LAND. [IN ALL THESE CASES] SHOULD THIS HAVE BEEN DONE, THE TERUMAH IS NOT VALID.

MISHNAH 6. FIVE MAY NOT GIVE TERUMAH, BUT IF THEY DO, THEIR TERUMAH IS VALID. HE THAT IS MUTE,²⁰ OR DRUNKEN,²¹ OR NAKED,²² OR BLIND,²¹ OR HAS SUFFERED POLLUTION BY SEMEN;²³ THESE MAY NOT GIVE TERUMAH,²⁴ BUT IF THEY DO, THEIR TERUMAH IS VALID.²⁵

MISHNAH 7. TERUMAH MAY NOT BE GIVEN ACCORDING TO MEASURE,²⁶ OR WEIGHT, OR NUMBER, THOUGH ONE MAY GIVE IT FROM THAT WHICH HAS ALREADY BEEN MEASURED,²⁷ WEIGHED OR COUNTED. TERUMAH MAY NOT BE GIVEN IN A BASKET OR A HAMPER OF A MEASURED CAPACITY,²⁸ BUT IF THEY BE ONLY [ABOUT A] HALF OR A THIRD FILLED, ONE MAY GIVE TERUMAH IN THEM. TERUMAH MAY NOT BE GIVEN IN [A VESSEL] CONTAINING A SE'AH, THOUGH IT BE ONLY A HALF FULL, FOR THIS HALF CONSTITUTES A KNOWN MEASURE.²⁹

MISHNAH 8. OIL MAY NOT BE GIVEN AS TERUMAH FOR OLIVES DUE TO BE CRUSHED,³⁰ NOR MAY WINE FOR GRAPES DUE TO BE TRODDEN; IF, HOWEVER, ONE HAS DONE SO, HIS TERUMAH IS VALID,³¹ BUT HE MUST GIVE TERUMAH ANEW.³² THE

FIRST TERUMAH RENDERS [PRODUCE INTO WHICH IT HAD FALLEN] MEDUMMA³³ AND IS SUBJECT TO THE ADDED FIFTH,³⁴ BUT NOT THE SECOND.³⁵

MISHNAH 9. TERUMAH MAY BE GIVEN FROM OIL FOR OLIVES DUE FOR PICKLING³⁶, OR FROM WINE FOR GRAPES ABOUT TO BE MADE INTO RAISINS.³⁷ HE WHO GIVES TERUMAH FROM OIL FOR OLIVES INTENDED FOR EATING,³⁸ OR FROM [OTHER] OLIVES FOR OLIVES INTENDED FOR EATING, OR FOR WINE FOR GRAPES INTENDED FOR EATING, OR FROM [OTHER] GRAPES FOR GRAPES INTENDED FOR EATING, AND DECIDES AFTERWARDS TO PRESS THEM,³⁹ NEED NOT GIVE TERUMAH ANEW.⁴⁰

MISHNAH 10. TERUMAH MAY NOT BE TAKEN FROM PRODUCE IN A FINISHED STATE⁴¹ FOR PRODUCE IN AN UNFINISHED STATE,⁴² OR FROM PRODUCE IN AN UNFINISHED STATE FOR PRODUCE IN A FINISHED STATE. NOR CAN IT BE TAKEN FROM PRODUCE IN AN UNFINISHED STATE FOR OTHER PRODUCE IN AN UNFINISHED STATE. IF, HOWEVER, TERUMAH HAD BEEN TAKEN, IT IS CONSIDERED VALID.⁴³

(1) And the produce remains forbidden to be eaten as *tebel* (v. *Glos.*)

(2) V. *Hag.* 3b for some signs of idiocy, to which *Maim.* adds other instances.

(3) A boy prior to the age of thirteen years and one day, and a girl of twelve years and one day.

(4) As he cannot hear the blessing to be made when giving the *terumah*; v. *Ber.* II, 3; *Meg.* II, 4.

(5) The omission of the blessing does not *de facto* affect the validity of the *terumah*, since he knows in whose honour the *terumah* is being given.

(6) The age for vows is twelve years and a day for a boy, and eleven years and a day for a girl, when they already know to whom the vow is made. *Terumah* and vows all belong to the same category, since they all depend on the spoken word.

(7) One who has olives and oil or grapes and wine subject to *terumah*, cannot take *terumah* from the olives or grapes to cover the amount of *terumah* due from both. From *Num.* XVIII, 27, it is inferred that *terumah* cannot be taken from produce still in the process of completion to cover also the *terumah* due from produce in a completed state. Hence olives or grapes cannot be classed together with oil or wine for purposes of *terumah*. Cf. *infra* I, 8.

(8) And separate *terumah* must again be given for the oil and the wine.

(9) Accordingly, he must give the whole *terumah* anew, for the olives or grapes separately, and the oil and wine separately.

(10) V. *Pe'ah* IV, 10 — 11, V. 7. Since they are dues belonging to the poor, they are exempt from *terumah* which can only be taken from produce of which one is the owner; but even the poor themselves cannot take *terumah* from these gifts for any other produce he may have, since these are originally exempt, v. *infra*.

(11) By renouncing all ownership before the process of completion of the produce had ended, the owner renders it exempt from *terumah*.

(12) I.e., the *terumah* of the tithe, even though the *terumah gedolah* had not been given. (If the Levite had obtained tithe from ears of corn, when fully grown, the produce is exempt from *terumah gedolah*).

(13) Since not having been redeemed, these are not his property but the property of the Sanctuary.

(14) E.g., not having yet reached a third of their full growth; cf. *R.H.* 13.

(15) *Terumah* could only be given from detached produce.

(16) Grown that year; *Deut.* XIV, 22.

(17) That grown last year; cf. *ibid.* XIV, 22.

(18) Palestine. Syria is here included.

(19) The general name for the lands of the Diaspora, where fruits are exempt from *terumah*, as they do not possess the desired Sanctity.

(20) He can hear, but cannot speak, and his disqualification is due to his inability to recite the blessing when taking the *terumah*.

(21) Being drunk or blind, he might take *terumah* from inferior produce and *Num.* XVIII, 29 explicitly tells us that it must be of the very best (*מִכֵּל הַלֵּב*). The term DRUNKEN is applied to one who could not appear in the presence of a king (Bert.): but if the state of inebriation resembled that of Lot, his action was invalid even 'de facto'.

(22) Derived from *Deut.* XXIII, 15; no blessing may be recited before any nakedness.

- (23) Before ritual ablution, he was debarred from reciting any blessing. Lest it be asked: Why does not the Mishnah include these five classes under the one category of all those unable to recite the requisite blessing? The answer is, that if even one man combined within himself all these five disqualifications, his action would be valid.
- (24) The repetition to emphasize that on no account may they give terumah at the outset, relying on its validity after the act (Maim.).
- (25) Important as the blessing over the terumah is, the non-recital thereof does not invalidate the terumah. The same is true of having taken terumah from inferior produce (infra II, 6).
- (26) From Num. XVIII, 27 it was derived that terumah could only be given approximately. Since even 'the giving of one wheat exempts the whole pile', the amount given varied with the disposition of the giver and mattered not from the legal standpoint. The heave-offering of tithe had to be measured. The order followed in the Mishnah corresponds to that which was more usual. Only a minority gave it by counting.
- (27) Prior to the giving of terumah, the untithed produce would often be measured or weighed.
- (28) Though he had not measured the whole pile nor intended the basket to serve as a measure. This was to avoid the very semblance of wrong-doing. 'A thing forbidden for appearance sake, is forbidden even in the strictest privacy' (Bez. 9a).
- (29) Unlike a basket nor hamper, it was usual to have in a se'ah measure indications marking the proportional capacity of measurement at different heights in the measure; hence it was forbidden even in a se'ah which has no such indications.
- (30) For the oil to come. Terumah cannot be given from produce in a finished state, as oil, for oil that is still awaiting the final process — in these cases, the olives and the grapes.
- (31) Having fulfilled the command of the Torah, if not according to Rabbinic interpretation.
- (32) In order to lend strength to the ruling of the Rabbis, fresh terumah had to be taken after the olives and grapes had been turned into oil and wine respectively. It is not clear from our Mishnah whether even the second terumah (really a fine) must be given to the priest free, as his right due; or in view of his having fulfilled the Biblical command the first time, he may sell the second terumah to the priest; cf. infra V, 1.
- (33) **מְדוּמָי** Lit., 'that which becomes demai', (the priest's share of the produce, v. Ex. XXII, 28). If the hullin into which the terumah had fallen is less than 100 times the quantity of the amount that had fallen in, the whole produce becomes forbidden to non-priests and must be sold to priests with the exception of the value of the terumah therein, for which no money may be taken; (v. Glos.).
- (34) V. Lev. V. 16.
- (35) Since this second terumah was only imposed as a fine, it does not have the same sanctity as the first terumah, which fulfilled the injunction of the Torah. The reason why the same alternative is not given in supra I, 4 is because it would involve loss to the priest if terumah were allowed to be taken 'de facto' from olives for oil. In our Mishnah, no such loss is entailed, hence this second giving of terumah makes even the first valid.
- (36) To preserve them, they were placed in salt or vinegar. Though the olives were still awaiting this final process, the Rabbis regarded them as finished products and terumah could, accordingly, be taken from oil on their behalf.
- (37) When they would no longer be deemed grapes at all. The amount of terumah to be given from the oil and wine must be according to the quantity yielded after the olives had been preserved and the grapes converted into raisins.
- (38) The best olives or grapes were eaten in their natural state.
- (39) Instead of his original intention of eating them; cf. Demai III, 2.
- (40) Having fulfilled his duty with the first giving of terumah, since both the grapes and olives were fit for food and were in a finished state.
- (41) Lit., 'a thing, the work of which is finished'. After e.g., corn had been winnowed and shaped into a pile and taken into the house for food.
- (42) E.g., not yet winnowed or stacked up. The priest had to be spared unnecessary trouble. From Num. XVIII, 29 it was inferred that both the produce from which terumah is taken and that for which it is taken must be in their finished stages; cf. Ma'as. I, 2.
- (43) This cannot refer to olives and grapes, concerning which supra I, 4 declared the terumah invalid even 'de facto'; it must, therefore, refer to other kinds of fruit.

Mishna - Mas. Terumoth Chapter 2

MISHNAH 1. TERUMAH MAY NOT BE GIVEN FROM THE CLEAN FOR THE UNCLEAN,¹

BUT IF IT IS GIVEN, THE TERUMAH IS VALID.² IN TRUTH THEY HAVE SAID:³ IF A CAKE OF PRESSED FIGS⁴ HAD BECOME PARTLY DEFILED, TERUMAH MAY BE TAKEN FROM THE CLEAN PART FOR THAT PART WHICH HAD BECOME DEFILED. THE SAME APPLIES TO A BUNCH OF VEGETABLES,⁵ OR A STACK OF GRAIN.⁶ IF THERE WERE TWO CAKES [OF FIGS], TWO BUNCHES, TWO STACKS OF GRAIN, AND ONE OF THEM WAS DEFILED AND THE OTHER CLEAN, TERUMAH CANNOT BE GIVEN FROM ONE FOR THE OTHER. R. ELIEZER SAYS THAT ONE CAN GIVE TERUMAH FROM THAT WHICH IS CLEAN FOR THAT WHICH IS DEFILED.⁷

MISHNAH 2. TERUMAH MAY NOT BE GIVEN FROM UNCLEAN [PRODUCE] FOR THAT WHICH IS CLEAN;⁸ AND IF IT IS GIVEN UNWITTINGLY,⁹ THE TERUMAH IS VALID; IF INTENTIONALLY THE ACT IS VOID.¹⁰ SO TOO, IF A LEVITE HAD [UNCLEAN] TITHE [FROM WHICH TERUMAH] HAD NOT BEEN GIVEN,¹¹ AND HE GAVE TERUMAH FROM THIS,¹² IF PERFORMED IN ERROR HIS ACTION IS VALID;¹³ BUT IF INTENTIONALLY HIS ACT IS OF NO EFFECT.¹⁴ R. JUDAH SAYS: IF HE KNEW OF IT AT THE OUTSET,¹⁵ EVEN IF DONE IN ERROR, HIS ACTION IS OF NO EFFECT.

MISHNAH 3. HE WHO IMMERSES [UNCLEAN] VESSELS ON THE SABBATH!¹⁶ IN ERROR MAY USE THEM,¹⁷ BUT IF DONE DELIBERATELY HE MAY NOT USE THEM.¹⁸ HE WHO SEPARATES TITHES,¹⁹ OR COOKS ON THE SABBATH, UNWITTINGLY, MAY EAT OF IT,²⁰ BUT IF INTENTIONALLY, HE MAY NOT EAT OF IT. HE WHO PLANTS ANYTHING ON THE SABBATH²¹ IN ERROR CAN ALLOW IT TO REMAIN, BUT IF DELIBERATELY MUST UPROOT IT. BUT DURING THE SABBATICAL YEAR, WHETHER [IT WAS PLANTED] UNWITTINGLY OR DELIBERATELY²² HE MUST UPROOT IT.

MISHNAH 4. TERUMAH MAY NOT BE GIVEN FROM ONE KIND FOR ANOTHER KIND,²³ AND IF ONE DOES SO, THE TERUMAH IS NOT VALID. ALL KINDS OF WHEAT²⁴ COUNT AS ONE,²⁵ ALL KINDS OF FRESH FIGS, DRIED FIGS AND FIG CAKES COUNT AS ONE,²⁶ AND TERUMAH CAN BE TAKEN FROM ONE FOR THE OTHER.²⁷ WHEREVER THERE IS A PRIEST, ONE MUST GIVE TERUMAH OF THE VERY BEST,²⁸ AND WHERE THERE BE NO PRIEST, TERUMAH MUST BE GIVEN OF THAT KIND WHICH KEEPS LONGEST.²⁹ R. JUDAH SAYS: AT ALL TIMES MUST IT BE GIVEN ONLY FROM THE VERY BEST.³⁰

MISHNAH 5. A WHOLE ONION, THOUGH SMALL, SHOULD BE GIVEN AS TERUMAH RATHER THAN HALF OF A LARGE ONION.³¹ R. JUDAH SAYS: NOT SO, BUT HALF OF A LARGE ONION.³² SO TOO, R. JUDAH SAID: TERUMAH SHOULD BE GIVEN FROM TOWN ONIONS FOR THOSE OF THE VILLAGE,³³ BUT NOT FROM VILLAGE ONIONS FOR THOSE OF THE TOWN, SINCE THESE³⁴ ARE THE FOOD OF ITS PRINCIPAL CITIZENS.³⁵

MISHNAH 6. TERUMAH MAY BE GIVEN FROM OLIVES [TO BE USED] FOR OIL FOR THOSE DUE TO BE PRESERVED,³⁶ BUT NOT FROM OLIVES DUE TO BE PRESERVED FOR OLIVES [TO BE USED] FOR OIL. [IT MAY BE GIVEN] FROM UNBOILED WINE FOR BOILED WINE, BUT NOT FROM BOILED WINE FOR UNBOILED WINE. THIS IS THE GENERAL RULE: ANY TWO THINGS WHICH TOGETHER INFRINGE THE LAW OF DIVERSE KINDS³⁷ CANNOT BE USED FOR TERUMAH FROM ONE FOR THE OTHER, EVEN IF THE KIND FROM WHICH IT IS GIVEN BE SUPERIOR TO THE ONE FOR WHICH IT IS GIVEN;³⁸ BUT IF THEY DO NOT CONSTITUTE DIVERSE KINDS, THEN ONE MAY GIVE TERUMAH FROM THE SUPERIOR KIND FOR THAT WHICH IS INFERIOR, BUT NOT FROM THE INFERIOR KIND FOR THAT WHICH IS SUPERIOR. IF ONE DOES GIVE TERUMAH FROM THE INFERIOR KIND FOR THAT WHICH IS SUPERIOR, HIS TERUMAH IS VALID,³⁹ EXCEPTING WHEN TARES⁴⁰ ARE GIVEN FOR WHEAT, SINCE THESE ARE

NOT FOOD. CUCUMBERS AND SWEET MELONS⁴¹ COUNT AS ONE KIND.⁴² R. JUDAH SAYS: TWO KINDS.

- (1) Being afraid that the unclean fruit defiles by contact the clean, he might take the terumah from produce that is not lying near by, contrary to the regulation; v. Hal. I, 9.
- (2) Being only a precautionary measure, the fear was expressed at the outset only.
- (3) באמת ; v. Kil. II, 2.
- (4) Though all the figs are closely pressed together, the presence of one that is unclean does not contaminate the others, because of the absence of any of the seven liquids (dew, water, wine, oil, blood, milk, and bees' honey) that render edibles susceptible to levitical uncleanness (Maksh. VI; 4; Tebul Yom II, 3). The figs are connected only by their own juice, and fruit-juice does not render food susceptible to defilement; cf. Lev. XI, 34.
- (5) Not so tightly compressed into one mass as a cake of pressed figs.
- (6) Not even tied together as the vegetables. Since each of these three instances is not similar, all the three are quoted.
- (7) He does not fear lest he will contravene the rule mentioned in n. 1; cf. Hal. II, 8.
- (8) Since defiled terumah had to be burnt, he would thus be robbing the priest of his due.
- (9) Provided that it was at one time clean and subject to tithe, otherwise it could not be deemed terumah.
- (10) A fresh terumah is necessary, as in supra I, 8. According to some, even the second terumah is of no effect if done with intention.
- (11) The terumah of the tithe he had to give to the priest.
- (12) To serve as terumah for other untithed produce in his possession; cf. Hal. IV, 6. The expression היה מפריש עליו והולך means that from the very first he had set aside this tithe for this purpose, discovering only later that it had been defiled.
- (13) After his action, he discovered that it had been unclean.
- (14) Since it could not be considered terumah when he separated it.
- (15) He maintains that forgetfulness cannot be considered 'in error'.
- (16) When it is forbidden, being considered the equivalent of repairing and thus constituting work.
- (17) Even on the Sabbath day itself.
- (18) He must wait till the termination of the Sabbath.
- (19) An act considered as work since it qualifies the tebel to be eaten.
- (20) When Sabbath terminates. The reason why the cases of tithe and cooking are cited together is because the words 'he may eat' can be applied to them both; otherwise, the instance of tithe would have been better bracketed with the case of vessel immersion.
- (21) Planting is forbidden on the Sabbath.
- (22) Though the average Israelite would not lightly break the Sabbath, he was suspected of treating the Seventh year lightly; hence no distinction is drawn here between the unwitting and deliberate transgression.
- (23) E.g., from wheat for barley.
- (24) Either reddish or white in hue; B.B. V, 6.
- (25) For the purpose of terumah.
- (26) The black and the white species are regarded of one kind.
- (27) E.g., from fig cakes for fresh figs.
- (28) The kind best to eat, i.e., fresh figs.
- (29) Dried figs keep longer than fresh figs.
- (30) Cf. Num. XVIII, 30.
- (31) Whole onions keep longest, and where there is no priest, these are to be given preference.
- (32) Since it is the best; v. supra 4.
- (33) Those from the town are better and healthier to eat, though wild onions of the villages keep longest; cf. Ned. 66a.
- (34) Those of the town.
- (35) Bert. renders: of royal courtiers. Village onions have a more pungent flavour and, being inferior, cannot be given as terumah for that of a superior kind.
- (36) Being from a superior kind for an inferior kind. (Olives which were pickled in vinegar had not oil.) The same reason applies to the case of wine.
- (37) V. Kil. I, 1 — 2.

- (38) Even 'de facto', the terumah would not be valid.
 (39) Since they are not of two kinds.
 (40) Field-seed or vetch similar to wheat used as animal fodder and unfit for human food.
 (41) An apple-shaped melon, probably the fruit-squash (Jast); v. Kil. I, 2.
 (42) For terumah purposes.

Mishna - Mas. Terumoth Chapter 3

MISHNAH 1. IF ONE GAVE A CUCUMBER AS TERUMAH AND IT WAS FOUND TO BE BITTER, OR A MELON AND IT WAS FOUND TO BE ROTTEN, IT MAY BE CONSIDERED TERUMAH,¹ BUT HE MUST AGAIN GIVE TERUMAH.² IF ONE GAVE A JAR OF WINE AS TERUMAH AND IT WAS FOUND TO BE OF VINEGAR, IF PRIOR TO HIS ACT HE KNEW THAT IT WAS VINEGAR,³ THE TERUMAH IS NOT VALID; BUT IF IT HAD TURNED SOUR AFTER HE HAD GIVEN IT AS TERUMAH, HIS ACTION IS VALID.⁴ IN CASE OF DOUBT,⁵ IT IS TERUMAH BUT HE MUST AGAIN GIVE TERUMAH.⁶ THE FIRST DOES NOT OF ITSELF MAKE ANY OTHER PRODUCE⁷ MEDUMMA', NOR IS IT SUBJECT TO THE LAW OF THE FIFTH.⁸ THE SAME APPLIES TO THE SECOND [TERUMAH].⁹

MISHNAH 2. IF ONE OF THEM¹⁰ FALLS INTO COMMON PRODUCE,¹¹ IT DOES NOT MAKE [THE MIXTURE] MEDUMMA'.¹² IF THE SECOND [PORTION OF TERUMAH] FALLS [THEN] INTO ANOTHER PLACE,¹³ IT ALSO DOES NOT MAKE IT MEDUMMA'; BUT IF BOTH FALL INTO ONE PLACE,¹⁴ THEY DO MAKE IT MEDUMMA', ACCORDING TO THE SIZE OF THE SMALLER OF THE TWO.¹⁵

MISHNAH 3. IF [TWO] PARTNERS TOOK TERUMAH, THE ONE AFTER THE OTHER,¹⁶ R. AKIBA SAYS: THE TERUMAH OF THEM BOTH IS VALID;¹⁷ BUT THE SAGES SAY: ONLY THE TERUMAH OF THE FIRST IS VALID.¹⁸ R. JOSE SAYS:¹⁹ IF THE FIRST GAVE THE PRESCRIBED AMOUNT,²⁰ THE TERUMAH OF THE SECOND IS NOT VALID, BUT HAD HE NOT GIVEN THE PRESCRIBED AMOUNT,²¹ THE TERUMAH OF THE SECOND IS VALID.

MISHNAH 4. WHEN DO THESE WORDS APPLY?²² ONLY IF THE ONE DID NOT CONFER WITH THE OTHER,²³ BUT IF A MAN SANCTIONS A MEMBER OF HIS HOUSEHOLD,²⁴ OR HIS SLAVE OR BOND-MAID TO GIVE TERUMAH FOR HIM, THIS TERUMAH IS VALID.²⁵ IF HE ANNULLED [THIS SANCTION],²⁶ THE TERUMAH IS RENDERED INVALID IF HE ANNULLED IT BEFORE THE TAKING OF THE TERUMAH, BUT IF HE ANNULLED IT AFTER THE TERUMAH HAD BEEN TAKEN, THE TERUMAH IS VALID. LABOURERS HAVE NO AUTHORITY TO GIVE TERUMAH,²⁷ SAVE THOSE WHO TREAD [GRAPES]. FOR THEY²⁸ DEFILE THE WINEPRESS IMMEDIATELY.²⁹

MISHNAH 5. IF ONE SAYS: '[LET] THE TERUMAH OF THIS PILE BE WITHIN IT', OR, 'LET ITS TITHES BE WITHIN IT', OR, 'LET THE HEAVE-OFFERING OF TITHE BE WITHIN IT', R. SIMEON SAYS: HE HAS THEREBY DESIGNATED IT;³⁰ BUT THE SAGES SAY: NOT UNLESS HE SAID, LET IT BE TO THE NORTH OR SOUTH OF IT.³¹ R. ELEAZAR HISMA SAYS: HE WHO SAYS, LET TERUMAH BE GIVEN FROM THIS FOR THIS SAME PILE', HAS THEREBY DESIGNATED IT.³² R. ELIEZAR B. JACOB SAYS: IF HE SAYS, 'LET THE TENTH PART OF THIS TITHE BE THE HEAVE-OFFERING OF TITHE FOR THAT PILE', HE HAS THEREBY DESIGNATED IT.³³

MISHNAH 6. HE WHO GIVES TERUMAH BEFORE FIRST-FRUITS,³⁴ OR FIRST TITHE BEFORE TERUMAH, OR SECOND TITHE BEFORE FIRST TITHE, ALTHOUGH HE TRANSGRESSES A NEGATIVE COMMAND,³⁵ HIS ACTION IS VALID, FOR IT IS SAID:

THOU SHALT NOT DELAY TO OFFER OF THE FULNESS OF THY HARVEST AND OF THE OUTFLOW OF THY PRESSES.³⁶

MISHNAH 7. WHENCE DO WE DERIVE THAT FIRST-FRUITS MUST PRECEDE TERUMAH, SEEING THAT THE ONE IS CALLED 'TERUMAH' AND 'THE FIRST' ?³⁷ FIRST-FRUITS TAKE PRECEDENCE SINCE THEY ARE THE FIRST FRUITS OF ALL PRODUCE,³⁸ AND TERUMAH COMES BEFORE THE FIRST TITHE ALSO, BECAUSE IT IS [CALLED] 'FIRST'. AND FIRST TITHE PRECEDES SECOND TITHE, BECAUSE IT INCLUDES THAT WHICH IS CALLED 'FIRST'.³⁹

MISHNAH 8. HE WHO INTENDS SAYING 'TERUMAH' AND SAYS 'TITHE', OR 'TITHE' AND HE SAYS 'TERUMAH'; OR 'BURNT-OFFERING' AND HE SAYS 'PEACE-OFFERING', OR 'PEACE-OFFERING' AND HE SAYS 'BURNT-OFFERING'; OR '[I VOW] THAT I WILL NOT ENTER THIS HOUSE' AND SAYS INSTEAD 'THAT HOUSE', OR, 'THAT I WILL NOT DERIVE ANY BENEFIT FROM THIS [MAN]',⁴⁰ AND SAYS INSTEAD 'FROM THAT [MAN]', HE HAS SAID NOTHING UNTIL HIS HEART AND MIND ARE AT ONE.

MISHNAH 9. TERUMAH GIVEN BY A HEATHEN OR A SAMARITAN IS VALID; THEIR TITHES AND THEIR DEDICATIONS ARE ALSO VALID ACTS.⁴¹ R. JUDAH SAYS: THE LAW OF THE VINEYARD IN THE FOURTH YEAR⁴² IS NOT APPLICABLE TO A HEATHEN;⁴³ BUT THE SAGES SAY: IT IS. THE TERUMAH OF THE HEATHEN RENDERS [PRODUCE INTO WHICH IT FALLS] MEDUMMA' AND IS SUBJECT TO THE LAW OF THE FIFTH,⁴⁴ BUT R. SIMEON EXEMPTS IT.⁴⁵

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- (1) Since it was given unintentionally; besides even a bad cucumber is used for human food in emergency.
 - (2) A penalty for not tasting thereof prior to giving it away. Being only a Rabbinical prohibition, tasting thereof was first allowed.
 - (3) Wine and vinegar were regarded as of two different kinds.
 - (4) He cannot be held responsible after having discharged his obligation.
 - (5) Whether it had turned sour before or after his act.
 - (6) Both are given to the priest. Being a doubt concerning a Biblical prohibition, we adopt stringency and pronounce even the first portion as terumah. The priest, however, can have definite claim only to the second portion, which is smaller than the first, having been taken from a diminished pile, and consequently he can be asked to return the value of the first portion, on the principle that in case of doubt the claimant must bring proof of his claim.
 - (7) Should the first portion of terumah fall into common produce of less than a hundred times its quantity, it does not make the whole subject to terumah.
 - (8) A non-priest eating any of the two portions of terumah is not required to return its value, plus the requisite Fifth, as in the case of having eaten that which was unquestionably terumah; cf. Lev. V, 16.
 - (9) For of each it can be said that the other is the real terumah, and this only common produce.
 - (10) This Mishnah elaborates the one previous.
 - (11) Heb. hullin, produce from which terumah has been taken, as opposed to untithed produce (tebel)
 - (12) Since neither of them can definitely be said to be terumah.
 - (13) Also common produce.
 - (14) That is into hullin less than a hundred times the amount of both.
 - (15) If there be a hundred times the amount of the second terumah, which is smaller, the hullin may be eaten after he had given to the priest the amount of the two portions that had fallen in.
 - (16) If from a pile of fifty se'ahs held in joint ownership, each took one se'ah as terumah, (1/50th being the amount usually given).
 - (17) Each of the two se'ahs can only be considered half terumah and half hullin, as each partner gave terumah without permission of the other. They then must give the two se'ahs to the priest, and the priest returns them the value of the price of one.
 - (18) They hold that the whole se'ah of the first is terumah, and that of the second hullin.

- (19) Explaining the view of the sages.
- (20) 1/50th of the whole produce.
- (21) Giving either 1/40th or 1/60th.
- (22) Referring to words of R. Akiba in the Mishnah preceding.
- (23) The partners acting independently.
- (24) Who has no proprietary rights in the pile. The slave here is 'a son of the Covenant' and, therefore, can act as a messenger.
- (25) And even if the owner himself later gives terumah anew, his action is void, though he gives a larger amount than the messenger; cf. infra IV.
- (26) After the departure of the messenger to perform his charge, he publicly renounces his first charge.
- (27) Though they are responsible for its growth, it is not theirs to give away.
- (28) The owners who are 'amme ha-arez; v. next note.
- (29) The Mishnah refers to owners who are 'amme ha-arez (v. Glos.) who defile terumah with their touch, and to labourers who are haberim (associates) who, unlike their employers, were most scrupulous in observing the laws of purity and in setting apart tithes from produce. It was therefore the duty of 'associate' labourers to take terumah immediately they began treading, lest the owners, thinking that terumah had already been taken, might touch the grapes or olives and thus defile them. This is, therefore, a case where the owners tacitly give the labourers sanction to give terumah on their behalf in purity. Moreover, it was even allowed here to take terumah before the entire process was finished, contrary to the ruling of supra I, 8, in order to safeguard terumah being taken in purity, Tif. Yis.
- (30) And cannot set aside terumah from any other pile.
- (31) The designation must be more definite. Just to say 'within it' is not enough, as not sufficient distinction is made between that which is taken and that left. V. 'Er. 37b.
- (32) Agreeing with R. Simeon that it is not necessary to have a discernible distinction between the portion given as terumah and the remainder.
- (33) Differing from R. Simeon in that he insists that the tithe must be separated before the heave-offering of tithe can be taken or designated as such.
- (34) Declaring: 'Let these fruits be terumah as soon as they are plucked'. The fruit is not yet fully ripe.
- (35) V. n. 3.
- (36) Ex. XXII, 28. 'Fulness' and 'harvest' are respectively interpreted as referring to first fruits and to terumah and First Tithe. The words 'thou shalt not delay' are also taken to enjoin against a variation of this order. Cf. Bez. 13b.
- (37) Deut. XII, 6 refers to first-fruits as 'the terumah of your hands' (cf. Deut. XXVI, 4) and in Ex. XXIII, 19, we read 'the first of the first fruits of thy ground'; of terumah, too, both terms are used (Num. XVIII, 8; Deut. XVIII, 4).
- (38) The word 'bikkurim' actually implies what is brought first.
- (39) Since it contains the heave-offering of tithe to which applies as terumah the term, 'The first'.
- (40) Since he wrongly specifies the man or thing intended for his ban.
- (41) Only if the things tithed and dedicated are their very own.
- (42) Lev. XIX, 23 — 25.
- (43) In the fourth year of planting Jews could eat fruits from the vineyard of a gentile without redemption, R. Judah being of the opinion that the gentile can take 'possession' of land in Eretz Israel to exempt him from the law of the vineyard.
- (44) If there be not in the produce a hundred times the quantity of the terumah that fell in.
- (45) From the added Fifth, since it is not definitely terumah; R. Simeon, however, agrees that it does make other produce medumma'.

Mishna - Mas. Terumoth Chapter 4

MISHNAH 1. HE WHO SETS ASIDE ONLY PART OF TERUMAH AND TITHES,¹ MAY EXTRACT FROM THAT [HEAP] THE OTHER TERUMAH DUE,² BUT HE MAY NOT EXTRACT THEREFROM FOR PRODUCE ELSEWHERE.³ R. MEIR SAYS: HE CAN ALSO TAKE THEREFROM TERUMAH AND TITHES⁴ FOR PRODUCE ELSEWHERE.

MISHNAH 2. IF ONE HAD HIS FRUIT IN THE STOREHOUSE,⁵ AND GAVE A SE'AH TO A

LEVITE,⁶ AND A SE'AH TO A POOR MAN,⁷ HE MAY SET ASIDE FROM THE STORE AS MANY AS EIGHT SE'AHS AND EAT THEM;⁸ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: HE MAY ONLY SET ASIDE ACCORDING TO PROPORTION.⁹

MISHNAH 3. [THIS IS] THE AMOUNT OF TERUMAH: THE BENEVOLENT¹⁰ [GIVES] A FORTIETH; BETH SHAMMAI SAY, ONE THIRTIETH. THE AVERAGE MAN ONE FIFTIETH¹¹ AND THE NIGGARDLY MAN ONE SIXTIETH.¹² IF HE GAVE TERUMAH¹³ AND DISCOVERED THAT IT WAS ONLY ONE SIXTIETH, HIS TERUMAH IS VALID AND HE NEED NOT GIVE IT ANEW. IF HE ADDS TO IT,¹⁴ THEN IT IS LIABLE TO TITHES.¹⁵ IF HE FOUND THAT IT WAS ONLY ONE SIXTY-FIRST IT IS VALID, BUT HE MUST GIVE TERUMAH ANEW ACCORDING TO HIS ESTABLISHED PRACTICE,¹⁶ IN MEASURE, WEIGHT OR NUMBER.¹⁷ R. JUDAH SAYS: EVEN IF IT BE NOT FROM PRODUCE CLOSE BY.¹⁸

MISHNAH 4. HE WHO SAYS TO HIS MESSENGER: 'GO AND GIVE TERUMAH [FOR ME]'. THEN [THE LATTER] MUST DO SO IN ACCORDANCE WITH THE MIND OF THE OWNER.¹⁹ , IF HE DOES NOT KNOW THE MIND OF THE OWNER, HE GIVES ACCORDING TO THE AMOUNT OF THE AVERAGE MAN — ONE FIFTIETH. IF HE GAVE TEN PARTS LESS OR MORE,²⁰ THE TERUMAH IS VALID.²¹ IF, HOWEVER, HIS INTENTION WAS TO ADD EVEN ONE PART MORE, HIS TERUMAH IS NOT VALID.²²

MISHNAH 5. IF ONE WISHES TO GIVE MORE TERUMAH,²³ R. ELIEZER SAYS HE MAY GIVE UP TO A TENTH PART, AS IN THE CASE OF HEAVE-OFFERING OF TITHE.²⁴ [IF HE GAVE] MORE THAN THIS [MEASURE] HE MUST MAKE IT TERUMAH OF TITHE FOR OTHER PRODUCE.²⁵ R. ISHMAEL SAYS: TILL HALF BE SECULAR AND HALF TERUMAH.²⁶ R. TARFON AND R. AKIBA SAY: AS LONG AS HE RETAINS A PART AS HULLIN.²⁷

MISHNAH 6. ON THREE OCCASIONS²⁸ DOES ONE MEASURE THE CONTENTS OF THE BASKET:²⁹ AT THE FULL TIME OF THE FIRST RIPE FRUITS,³⁰ AND OF THE LATE SUMMER FRUITS,³¹ AND IN THE MIDDLE OF THE SUMMER.³² HE WHO COUNTS [THE FRUITS] DESERVES PRAISE,³³ , HE WHO MEASURES THEM EVEN MORE PRAISE, BUT HE WHO WEIGHS THEM IS MOST MERITORIOUS.

MISHNAH 7. R. ELIEZER SAYS: TERUMAH IS NEUTRALIZED IN A HUNDRED AND ONE PARTS;³⁴ R. JOSHUA SAYS: IN JUST A LITTLE OVER A HUNDRED,³⁵ AND THIS 'LITTLE OVER' HAS NO DEFINITE MEASURE.³⁶ R. JOSE B. MESHULLAM SAYS: THIS 'LITTLE OVER' MUST BE A KAB TO A HUNDRED SE'AHS,³⁷ NAMELY A SIXTH [OF THE SE'AH]³⁸ WHICH RENDERS THE WHOLE AS MEDUMMA'.

MISHNAH 8. R. JOSHUA SAYS: BLACK FIGS SERVE TO NEUTRALIZE WHITE ONES, AND WHITE ONES SERVE TO NEUTRALIZE BLACK ONES.³⁹ IN THE CASE OF CAKES OF FIGS, THE LARGE SERVE TO NEUTRALIZE THE SMALL, AND THE SMALL SERVE TO NEUTRALIZE THE LARGE.⁴⁰ ROUND CAKES OF FIGS SERVE TO NEUTRALIZE THOSE PRESSED IN SQUARE MOULDS,⁴¹ AND THOSE PRESSED IN SQUARE MOULDS SERVE TO NEUTRALIZE THE ROUND ONES. R. ELIEZER PROHIBITS THIS. R. AKIBA SAYS: IF THE KIND WHICH FELL IN BE KNOWN,⁴² THEN THE ONE KIND CANNOT NEUTRALIZE THE OTHER;⁴³ BUT IF THE KIND BE NOT KNOWN, THEN THE ONE KIND SERVES TO NEUTRALIZE THE OTHER.⁴⁴

MISHNAH 9. FOR EXAMPLE⁴⁵ IF THERE WERE FIFTY BLACK FIGS AND FIFTY WHITE ONES,⁴⁶ AND A BLACK ONE⁴⁷ FELL AMONG THEM, THE BLACK ONES ARE

FORBIDDEN, BUT THE WHITE FIGS ARE PERMITTED; AND IF A WHITE FIG⁴⁷ FELL AMONG THEM, THE WHITE ONES ARE FORBIDDEN AND THE BLACK FIGS ARE PERMITTED. IF IT BE NOT KNOWN WHICH KIND FELL IN, THEN EACH KIND HELPS TO NEUTRALIZE THE OTHER. IN THIS CASE, R. ELIEZER IS MORE STRINGENT AND R. JOSHUA MORE LENIENT.

MISHNAH 10. BUT IN THIS INSTANCE [THAT FOLLOWS].⁴⁸ R. ELIEZER IS THE MORE LENIENT AND R. JOSHUA THE MORE STRINGENT. IF A LITRA⁴⁹ OF DRIED FIGS⁴⁷ WAS PRESSED INTO A JAR⁵⁰ AND IT IS NOT KNOWN INTO WHICH,⁵¹ R. ELIEZER SAYS: THEY⁵² ARE TO BE REGARDED AS IF THEY WERE SEPARATED,⁵³ SO THAT THOSE BELOW NEUTRALIZE THOSE ABOVE. R. JOSHUA MAINTAINS THAT NO NEUTRALIZATION CAN TAKE PLACE UNTIL THERE BE A HUNDRED JARS.⁵⁴

MISHNAH 11. IF A SE'AH OF TERUMAH FELL ON TOP OF A PILE⁵⁵ AND HE SKIMMED IT OFF,⁵⁶ R. ELIEZER SAYS, IF THERE BE IN WHAT HE SKIMMED OFF⁵⁷ A HUNDRED SE'AHS, IT BECOMES NEUTRALIZED IN ONE HUNDRED AND ONE; BUT R. JOSHUA SAYS THAT IT DOES NOT BECOME NEUTRALIZED.⁵⁸ [BUT WHAT SHOULD HE DO?] IF A SE'AH OF TERUMAH FELL ON TOP OF A PILE OF GRAIN, IT MUST BE SKIMMED OFF WITH THE WHOLE OF THE TOP LAYER.⁵⁹ IF THIS BE SO, WHEREFORE THEN HAVE THEY SAID THAT TERUMAH BECOMES NEUTRALIZED IN ONE HUNDRED AND ONE PARTS?⁶⁰ [ONLY] WHEN IT BE NOT KNOWN WHETHER IT HAS BECOME MIXED UP OR WHERE IT HAS FALLEN.⁶¹

MISHNAH 12. IF INTO TWO BASKETS OR TWO PILES⁶² A SE'AH OF TERUMAH FELL, AND IT IS NOT KNOWN INTO WHICH IT HAD FALLEN, THEY SERVE TO NEUTRALIZE EACH OTHER.⁶³ R. SIMEON SAYS: EVEN IF THEY BE IN TWO CITIES, THEY SERVE TO NEUTRALIZE THE TERUMAH.

MISHNAH 13. R. JOSE SAID: A CASE ONCE CAME BEFORE R. AKIBA CONCERNING FIFTY BUNDLES OF VEGETABLES INTO WHICH A LIKE BUNDLE HAD FALLEN,⁶⁴ HALF OF WHICH WAS TERUMAH, AND I RULED IN HIS PRESENCE THAT IT BECAME NEUTRALIZED, NOT BECAUSE TERUMAH CAN BE NEUTRALIZED IN FIFTY AND ONE, BUT SIMPLY BECAUSE THERE WERE ONE HUNDRED AND TWO HALVES THERE.⁶⁵

(1) Only one se'ah instead of the usual two from a pile containing a hundred se'ahs, with the result that a part is 'tithed' and a part still untithed.

(2) The other se'ah must be taken from that pile and we do not fear lest it be taken just from that part which is 'tithed' and thus have a case of terumah being taken from that which is methukan (v. Glos.) for that which is not.

(3) If he has another pile of a hundred se'ahs, he may not take two se'ahs from the pile already partly tithed. In the case of two piles the fear is expressed lest he take terumah from that which is tithed for that untithed.

(4) R. Meir follows his principle of bererah (v. Glos.) 'retrospective designation'; that is, the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose; here, since part of the pile is partly untithed, we assume that it is from that part that the terumah for the second pile is taken.

(5) Cf. Hag. II, 19.

(6) As first tithe.

(7) What in other years would be set apart as second tithe was, in the third and sixth years of the Sabbatical Cycle, given to the poor; v. Deut. XIV, 29. In reality, only 9/10ths of a se'ah is due to the poor man, as the pile had been diminished by a tenth after the Levite had received his due.

(8) The case dealt with is that of an 'am ha-arez who gives a se'ah each to a Levite and a poor man; should his workmen be 'associates' they may eat, on the strength of the two se'ahs thus set aside, eight se'ahs, on the assumption that the terumah gedolah had been set aside. For even an 'am ha-arez was not suspected of not taking terumah gedolah.

(9) I. e., the workman may eat only as much as he requires for one meal, since it is to be assumed that the owner gave

tithe only in proportion of what his workman would need for one meal, and whatever he gave in excess to the Levite and poor man was to be considered a free gift. This is the interpretation of this obscure Mishnah according to the first version in Bert.

(10) Lit., 'a good eye'; cf. Ex. XXV, 2.

(11) Cf. Num. XXXI, 30.

(12) Cf. Ezek. XLV, 13.

(13) Namely, the generous or average man. Since terumah had to be given approximately, it was only natural to err in the amount.

(14) Till it becomes his usual gift.

(15) The amount added is not considered terumah and is subject to tithes.

(16) As much as he usually gives.

(17) This second terumah may be given by measure etc. Cf supra I, 7.

(18) The condition governing the first taking of terumah.

(19) Finding out first what amount he usually gave.

(20) Mistaking in each case the usual practice of the owner.

(21) On the plea of the messenger that since some people do give these amounts, he had judged his sender in that light.

(22) The sine qua non of a messenger is that he must fulfil the wishes of the one who sent him to the most minute particular, and since he knows how much his sender gave, he had no right to add to it; cf. Me'il. VI, 4.

(23) Even more than 1/40th, the most generous measure.

(24) Which is also known by the name of terumah.

(25) The surplus cannot be deemed as terumah, but as produce from which terumah has been taken but not the tithe with which terumah is mixed up. It can consequently be sold to a Levite who can use it only as terumah of tithe for other produce.

(26) One may even declare half his pile terumah, leaving only half as hullin.

(27) He may separate most of his pile as terumah; v. Hal. I, 9.

(28) When the fruits vary in size.

(29) In which the tithes are usually taken. Terumah gedolah was given approximately, yet consideration must be taken as to the size of the fruits.

(30) Being large, the basket will not contain so many.

(31) Of these, since they are parched and shrivelled, there will be more in the basket.

(32) When the fruits are midway in quality between the first-ripe and late summer fruits.

(33) With reference to tithes only. Terumah gedolah is to be given approximately, since the amount fixed is only a Rabbinical injunction, the Torah requiring only one grain. Tithes had to be properly measured; cf. Aboth. I. 16.

(34) If into a hundred se'ahs of hullin there falls one of terumah, making a hundred and one se'ahs in all, one se'ah is taken out and given to the priest and the rest is permissible to the Israelite, though the se'ah of terumah may still be in the pile.

(35) Even if the se'ah of terumah falls into a pile of hullin of just over ninety-nine se'ahs, a little more than a hundred se'ahs in all, the terumah is neutralized.

(36) Even if it be the most trifling over a hundred, then terumah is negated.

(37) A kab equals 1/6th of a se'ah. The whole mixture including the se'ah of terumah must then be at least a hundred se'ahs plus one kab.

(38) I.e., of terumah that fell into ninety-nine se'ahs and a kab of hullin.

(39) If a white or black fig of terumah falls into a basket containing fifty of each kind so that it is impossible to discern which is terumah and which is hullin, the two kinds combine to neutralize the fig of terumah. He must, however, first give to the priest a fig of the same kind that fell in before all the figs of hullin are permitted to him.

(40) Similarly, a large or small cake of figs of terumah falling into a pile containing fifty of each kind, is neutralized, and all the figs may be eaten after having given to the priest a cake of figs similar to the kind that fell in.

(41) Cf. Pe'ah III, 1, where the word is used of a garden-bed three handbreadths in width.

(42) What its colour, size or shape was.

(43) Since he can only eat those figs of hullin that are of a different kind to that of the terumah which fell in.

(44) The whole pile being in a state of doubt, one kind serves to neutralize the other. The ruling adopted is that of R. Akiba.

- (45) Elucidating the opinion of R. Akiba in the Mishnah preceding.
- (46) Of hullin.
- (47) Of terumah.
- (48) V. Infra n. 8.
- (49) Latin libra. The figs used to be pressed into round shapes of a pound in weight.
- (50) Near a lot of others each containing a hundred litras of figs of hullin.
- (51) There is definitely a litra of terumah on top of one of the vessels, but of which one it is unknown.
- (52) The litra of dried figs that fell in.
- (53) And not as pressed together into one solid mass; accordingly a doubt rests on each fig of the vessel, even on those at the bottom, if it be of the litra that fell in. Hence all help to neutralize the terumah. But R. Eliezer will admit that this only applies when the figs in the vessel are of the same kind that fell in, but in the case of white figs that fell into black ones, or those of a different shape into those of another, no neutralization can take place, since the terumah is easily discernible.
- (54) In order to neutralize the top layer of figs in the jars. Should there be less than this number, the top layers in all the jars are prohibited, and subject to the law of terumah.
- (55) In a barn stacked with grain.
- (56) Together with much other grain of hullin.
- (57) By skimming the entire top layer, it is clear that he does not intend including the bottom layer at all for the purpose of neutralization, for though the grain can be said to have become mixed with the whole stack, yet it is apparently only the top layer which is his concern.
- (58) On the ground that it is suspiciously like an attempt to nullify terumah deliberately. (V. however, Bert.)
- (59) This agrees with R. Joshua that no neutralization can take place, but the whole top layer must be removed.
- (60) Since the remedy lies in the removal of the top layer, then in which case is the principle of one hundred and one applied?
- (61) Either when the terumah is not definitely present or if he had forgotten or was unaware from the outset where it had fallen.
- (62) In each basket being at least fifty se'ahs of hullin.
- (63) I.e., they combine with each other to effect neutralization. This is achieved by extracting one se'ah from any of the two baskets, or even half a se'ah from each.
- (64) Similar in all respects to the others, but consisting half of terumah and half of hullin. It is immaterial whether he knew which half was terumah or whether he had originally just declared half of the bundle terumah, without precisely specifying which that half was.
- (65) For together with the half of the bundle that fell in, there are one hundred and one parts of hullin, and one part of terumah; hence the half bundle of terumah cannot render the whole a mixture of terumah.

Mishna - Mas. Terumoth Chapter 5

MISHNAH 1. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO LESS THAN A HUNDRED OF HULLIN,¹ OR FIRST TITHE, OR SECOND TITHE, OR DEDICATED PROPERTY,² WHETHER THESE WERE UNCLEAR OR CLEAR, THEY MUST ALL BE LEFT TO ROT.³ IF, HOWEVER, THAT SE AH WAS CLEAR,⁴ [THE ADMIXTURE] MUST BE SOLD TO PRIESTS AT THE PRICE OF TERUMAH,⁵ EXCLUDING THE VALUE OF THAT SE'AH ITSELF.⁶ IF IT FELL INTO FIRST TITHE,⁷ THE WHOLE IS PRONOUNCED AS HEAVE-OFFERING OF TITHE;⁸ AND IF IT FELL INTO SECOND TITHE OR DEDICATED PROPERTY, THEY MUST BE REDEEMED.⁹ IF THE HULLIN¹⁰ WAS UNCLEAR, IT MAY BE EATEN IN THE FORM OF DRIED CRUSTS,¹¹ OR PARCHED CORN,¹² OR KNEADED WITH FRUIT JUICE,¹³ OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT IN ANY ONE PLACE.¹⁴

MISHNAH 2. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO A HUNDRED OF CLEAR HULLIN,¹⁵ R. ELIEZER SAYS: A SE'AH MUST BE TAKEN OUT AND BURNT,¹⁶ ON THE ASSUMPTION THAT THE SE'AH TAKEN OUT IS THE ONE THAT FELL IN. BUT THE

SAGES SAY: IT IS NEUTRALIZED AND EATEN¹⁷ AS DRIED CRUSTS, PARCHED CORN, OR WHEN KNEADED WITH FRUIT-JUICE, OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT FOUND IN ANY ONE PLACE.¹⁸

MISHNAH 3. IF A SE'AH OF CLEAN TERUMAH FELL INTO A HUNDRED OF UNCLEAR HULLIN, IT BECOMES NEUTRALIZED¹⁹ AND MAY BE EATEN IN THE FORM OF DRY CRUSTS, OR PARCHED CORN, OR KNEADED WITH FRUIT-JUICE, OR DIVIDED INTO PIECES OF DOUGH SO THAT THE CONTENTS OF ONE EGG BE NOT FOUND IN ANY ONE PLACE.

MISHNAH 4. IF A SE'AH OF UNCLEAR TERUMAH FELL INTO ONE HUNDRED SE'AHS OF CLEAN TERUMAH, BETH SHAMMAI PROHIBIT²⁰ [THE WHOLE], BUT BETH HILLEL PERMIT IT. SAID BETH HILLEL TO BETH SHAMMAI: SEEING THAT CLEAN [TERUMAH] IS FORBIDDEN TO NON-PRIESTS AND UNCLEAR [TERUMAH IS FORBIDDEN] TO PRIESTS, THEN JUST AS CLEAN [TERUMAH] BECOMES NEUTRALIZED,²¹ SO SHOULD UNCLEAR [TERUMAH] BE NEUTRALIZED.²² BETH SHAMMAI ANSWERED THEM: CERTAINLY NOT; JUST BECAUSE HULLIN WHICH IS TREATED MORE LENIENTLY [IN THAT IT IS PERMITTED TO NON-PRIESTS], NEUTRALIZES CLEAN [TERUMAH], [SHALL] TERUMAH [WHICH IS FAR MORE STRINGENT IN THAT IT IS FORBIDDEN TO NON-PRIESTS] ALSO NEUTRALIZE THAT WHICH IS UNCLEAR? AFTER THEY HAD AGREED,²³ R. ELIEZER SAID: IT SHOULD BE TAKEN OUT AND BURNT, BUT THE SAGES SAID: IT IS REGARDED, ON ACCOUNT OF ITS PAUCITY, AS NON-EXISTENT.²⁴

MISHNAH 5. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN] AND WAS LIFTED OUT AND FELL INTO [HULLIN] ELSEWHERE, R. ELIEZER SAYS: THE WHOLE IS RENDERED MEDUMMA'²⁵ AS THOUGH UNDOUBTED TERUMAH [HAD FALLEN IN].²⁶ BUT THE SAGES SAY: IT IS RENDERED MEDUMMA' ONLY ACCORDING TO PROPORTION.²⁷

MISHNAH 6. IF A SE'AH OF TERUMAH FELL INTO LESS THAN A HUNDRED [OF HULLIN], RENDERING THE WHOLE MEDUMMA, AND PART OF THIS ADMIXTURE FELL AFTERWARDS INTO ANOTHER PLACE,²⁸ R. ELIEZER SAYS: IT RENDERS THIS AGAIN MEDUMMA. AS THOUGH UNDOUBTED TERUMAH [HAD FALLEN IN]²⁹ ; BUT THE SAGES SAY THAT THE [FIRST] MIXTURE CAN AFFECT THE [SECOND] MIXTURE ONLY ACCORDING TO THE PROPORTION.³⁰ [SIMILARLY], THAT WHICH IS LEAVENED [WITH TERUMAH] CAN RENDER OTHER DOUGH LEAVENED [AS WITH TERUMAH], ONLY ACCORDING TO THE PROPORTION;³¹ AND DRAWN WATER CAN DISQUALIFY THE RITUAL BATH ALSO ONLY ACCORDING TO THE PROPORTION.³²

MISHNAH 7. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN] AND [A SE'AH] IS LIFTED OUT,³³ AND THERE FELL IN ANOTHER AND IS LIFTED OUT AND ANOTHER FELL IN,³⁴ THE HULLIN IS PERMISSIBLE AS LONG AS THE AMOUNT OF TERUMAH DOES NOT EXCEED THAT OF THE HULLIN.³⁵

MISHNAH 8. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN], AND BEFORE HE COULD TAKE IT OUT, ANOTHER FELL IN, THE WHOLE BECOMES FORBIDDEN.³⁶ R. SIMEON PERMITS IT.³⁷

MISHNAH 9. IF A SE'AH OF TERUMAH FELL INTO A HUNDRED [OF HULLIN], AND THEY WERE GROUND TOGETHER AND REDUCED IN BULK, [IT IS ASSUMED THAT] JUST AS THE HULLIN BECAME LESS SO THE TERUMAH BECAME LESS, AND THE WHOLE IS PERMISSIBLE.³⁸ IF A SE'AH OF TERUMAH FELL INTO LESS THAN A

HUNDRED [OF HULLIN] AND THEY WERE GROUND TOGETHER AND INCREASED IN BULK, [IT IS ASSUMED THAT] JUST AS THE HULLIN BECAME MORE, SO DID THE TERUMAH BECOME MORE,³⁹ AND IT IS FORBIDDEN. IF IT IS KNOWN THAT THE WHEAT OF HULLIN WAS BETTER THAN THE TERUMAH, IT IS PERMITTED.⁴⁰ IF A SE'AH OF TERUMAH FELL INTO LESS THAN A HUNDRED [OF HULLIN], AND MORE HULLIN FELL THEREIN LATER,⁴¹ IF [THE OCCURRENCE WAS] ACCIDENTAL IT IS PERMISSIBLE,⁴² BUT IF INTENTIONAL IT IS FORBIDDEN.⁴³

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- (1) Had there been the prescribed hundred se'ahs, even unclean terumah, though forbidden to priests, would have been neutralized.
 - (2) For sacred Temple use, either for sacrifice purchase or for Temple repair.
 - (3) Since even a priest cannot eat it. It must not be burnt, like other terumah, lest he come to eat thereof.
 - (4) And, of course, also the hullin into which it had fallen.
 - (5) Which is less than that of hullin since only priests can be the purchasers, and since it cannot be eaten by them when they are unclean.
 - (6) Which must be given free to the priest, its rightful owner.
 - (7) From which the Levite had to give heave-offering of tithe to the priest.
 - (8) And must be sold to the priest, with the exception of the value of the terumah and the heave-offering of tithe therein, which already belong to the priest.
 - (9) The redemption money to be enjoyed in Jerusalem.
 - (10) Into which it had fallen.
 - (11) It can only be enjoyed in these forms. Each crust must be less than half an egg in size and must be eaten without any liquid, so it be not susceptible to uncleanness.
 - (12) If roasted in fire in its dry state, it will not be susceptible to defilement.
 - (13) Which is not of those seven liquids that render food susceptible to uncleanness (v. Maksh. VI, 4). Once the terumah becomes susceptible, it can no longer be eaten by the priest.
 - (14) The amount fixed in Toh. III, 4 for foods to be susceptible to uncleanness. Unclean terumah cannot be eaten even in these forms.
 - (15) Thus becoming neutralized. The reference is to hullin that had not been rendered susceptible by means of liquids to uncleanness.
 - (16) As is the law regarding all terumah that had become defiled. Since prior to burning it had become neutralized, there is no fear lest he may eat thereof. No benefit, however, must be derived from the actual burning.
 - (17) I.e., the whole mixture, v. Rashi Bek. 22b.
 - (18) V notes to preceding Mishnah. One se'ah, however, must actually be burnt or given to a priest, since its very retention would give the appearance of 'robbing the tribe'. For other interpretations v. Tif. Yis.
 - (19) Even R. Eliezer, who maintained above that the se'ah taken out as terumah must be burnt, will here admit that it may be eaten, for, when taken out, it resumes its status of clean terumah. Yet, despite this admission, he insists that it can be enjoyed only in the manner here prescribed, arguing that when he ruled that 'the se'ah which is taken out may be the one that fell in', it was meant as a stringent measure and not as a tendency to leniency.
 - (20) Maintaining that terumah falling into other terumah is not neutralized even in one hundred and one parts.
 - (21) By falling into a hundred parts of clean hullin.
 - (22) The instance cited in our Mishnah.
 - (23) Beth Shammai agreed to the view of Beth Hillel — said to be the only admission of such a kind. The counter-argument of Beth Hillel, omitted from the Mishnah, must have been this: If clean terumah (which non-priests must not eat on penalty of death) is neutralized, then surely unclean terumah, which the priest is debarred from eating only by a positive command, ought certainly to be neutralized!
 - (24) The admixture pronounced clean and there is no need for even one se'ah to be taken out and burnt, since the whole has been neutralized.
 - (25) V. Glos.
 - (26) In accordance with his principle (supra V, 2) that the se'ah taken out is assumed to be the very one that fell in; hence though neutralized the first time, it is treated as terumah once again and requires a hundred se'ahs of hullin to neutralize it.

(27) After it had been neutralized, only one 1/100th part thereof is actually terumah, and accordingly it becomes nullified in one se'ah of hullin the second time, and only that proportion need be separated as terumah to make the second admixture permissible.

(28) Into other hullin.

(29) True to his principle of supra V, 2.

(30) Of terumah in the mixture that fell in. An illustration: If a se'ah of terumah fell into fifty of hullin, rendering the whole medumma', and a se'ah of the medumma' afterwards fell into other hullin, it only requires two se'ahs, to counteract the terumah in the se'ah which fell in a second time, to neutralize it.

(31) Dough leavened with terumah is forbidden to non-priests ('Orlah II, 4).

(32) A mikweh has to contain forty se'ahs of undrawn water, and if the slightest amount be lacking of this quantity and three logs of drawn water from a vessel were poured therein, it becomes ritually disqualified. If some water of this disqualified mikweh afterwards fell into another mikweh, likewise defective in the prescribed quantity, it only disqualifies according to the proportion of drawn water in the quantity now poured in.

(33) In order to make the hullin by which it was neutralized permissible.

(34) Into the same hullin, a se'ah of terumah keeps falling in and a se'ah is taken out.

(35) As long as over fifty se'ahs of terumah have not fallen in one after another.

(36) To a non-priest; it is as if the two had fallen in together, with no hundred to neutralize it.

(37) On this principle that since it was about to be removed, we deem it as already removed.

(38) And there is still the prescribed quantity in the hullin to neutralize the terumah. (The wheat becomes less in grinding if worms had got in and had taken out the flour).

(39) Since both are ground together.

(40) It being now obvious that the hullin had become more, and therefore possesses now the amount to neutralize the terumah.

(41) Making the hullin one hundred and one se'ahs.

(42) He must remove, however, the se'ah that fell in.

(43) An intentional act implies a disregard of an injunction. The admixture is then treated as medumma'.

Mishna - Mas. Terumoth Chapter 6

MISHNAH 1. ONE WHO EATS TERUMAH UNWITTINGLY MUST REPAY ITS VALUE PLUS A FIFTH,¹ WHETHER HE EATS OR DRINKS IT, OR ANOINTS HIMSELF WITH IT,² OR WHETHER THE TERUMAH IS CLEAN OR UNCLEAR; HE MUST PAY ITS FIFTH, AND A FIFTH OF THAT FIFTH.³ THE REPAYMENT MUST NOT BE IN TERUMAH BUT IN HULLIN,⁴ DULY TITHED, WHICH BECOMES TERUMAH, AND WHATEVER MAY BE REPAID IN ITS PLACE ALSO BECOMES TERUMAH.⁵ IF THE PRIEST WISHES TO FOREGO [THE FINE], HE CANNOT DO SO.⁶

MISHNAH 2. IF THE DAUGHTER OF AN ISRAELITE ATE TERUMAH,⁷ AND AFTERWARDS MARRIED A PRIEST,⁸ IF THE TERUMAH SHE HAD EATEN HAD NOT YET BEEN ACQUIRED BY ANOTHER PRIEST SHE CAN REPAY TO HERSELF THE VALUE AND THE FIFTH;⁹ BUT IF A PRIEST HAD ALREADY ACQUIRED THE TERUMAH SHE HAD EATEN, SHE MUST REPAY THE VALUE TO THE OWNERS,¹⁰ BUT THE FIFTH TO HERSELF; BECAUSE IT HAD BEEN SAID THAT HE WHO EATS TERUMAH UNWITTINGLY, MUST PAY THE VALUE TO THE OWNERS AND THE FIFTH TO WHOMSOEVER¹¹ HE DESIRES.

MISHNAH 3. IF ONE GIVES HIS WORKMEN OR HIS GUESTS TERUMAH TO EAT HE MUST REPAY THE VALUE THEREOF,¹² WHILST THEY MUST PAY THE FIFTH;¹³ SO R. MEIR. BUT THE SAGES SAY: THEY MUST PAY BOTH THE VALUE AND THE FIFTH, WHILST HE MUST PAY THEM FOR THE PRICE OF THEIR MEAL.¹⁴

MISHNAH 4. IF ONE STEALS TERUMAH BUT DID NOT EAT IT, HE MUST RETURN

TWOFOLD AT THE PRICE OF THE TERUMAH.¹⁵ IF HE HAD EATEN IT, HE MUST PAY TWICE THE VALUE PLUS A FIFTH: ONE VALUE AND A FIFTH FROM HULLIN,¹⁶ AND THE OTHER VALUE AT THE PRICE OF TERUMAH.¹⁷ IF ONE STEALS THE TERUMAH OF DEDICATED PROPERTY¹⁸ AND ATE IT, HE MUST REPAY TWO FIFTHS,¹⁹ IN ADDITION TO THE VALUE, FOR TO DEDICATED THINGS [THE LAW OF] TWOFOLD RESTITUTION DOES NOT APPLY.²⁰

MISHNAH 5. THIS REPAYMENT²¹ CANNOT BE MADE FROM GLEANINGS, AND THE FORGOTTEN SHEAF, FROM PE'AH OR OWNERLESS PROPERTY;²² NOR FROM FIRST TITHE FROM WHICH TERUMAH HAS BEEN TAKEN, OR FROM SECOND TITHE²³ OR DEDICATED PRODUCE²⁴ WHICH HAVE BEEN REDEEMED, FOR ONE DEDICATED THING CANNOT REDEEM ANOTHER WHICH HAS BEEN DEDICATED. SO R. MEIR; BUT THE SAGES PERMIT [PAYMENT] WITH THESE.²⁵

MISHNAH 6. R. ELIEZER SAYS: REPAYMENT MAY BE MADE FROM ONE KIND FOR THAT OF ANOTHER,²⁶ PROVIDED THAT IT IS FROM A SUPERIOR FOR THAT OF AN INFERIOR KIND.²⁷ R. AKIBA SAYS: REPAYMENT CAN BE MADE ONLY FROM THE SAME KIND. HENCE IF A MAN ATE CUCUMBERS GROWN A YEAR BEFORE THE SEVENTH YEAR, HE MUST WAIT FOR THOSE GROWN AFTER THE TERMINATION OF THE SEVENTH YEAR AND REPAY WITH THEM.²⁸ THE SAME SOURCE WHICH CAUSES R. ELIEZER TO BE LENIENT CAUSES R. AKIBA TO ADOPT A STRINGENT RULING; FOR IT IS WRITTEN: AND HE SHALL GIVE UNTO THE PRIEST THE HOLY THING,²⁹ [IMPLYING,] WHATEVER IS LIABLE TO BECOME 'HOLY'. SO. R ELIEZER. BUT R. AKIBA SAYS: 'AND HE SHALL GIVE UNTO THE PRIEST THE HOLY THING', [MEANING] THE SAME KIND OF HOLY THING WHICH HE HAD EATEN.

(1) V. Lev. XXII, 14. This Fifth amounts to a quarter of the value of the terumah he ate. Thus if the terumah was valued at one denar, he must pay a denar and a quarter. All fifths mentioned in the Torah are computed thus.

(2) Drinking wine of terumah is like eating terumah, and anointing oneself with oil of terumah like drinking it; cf. Shab. IX, 4.

(3) If he further unwittingly eats of the Fifth he had brought, he must bring yet another fifth of this Fifth.

(4) Since a debt must be repaid from one's own possessions, he cannot do so from terumah, which belongs to the priest. Even terumah which he inherits and may sell cannot be brought as compensation.

(5) If he ate the hullin which he had repaid for eating terumah, the second repayment, too, becomes terumah.

(6) The priest has no power to renounce a due ordained by the Torah.

(7) Before giving it to the priest, she ate of it in error. The term 'Israelite' in this connection denotes one who is not a priest.

(8) Prior to bringing the required compensation of the value plus a Fifth. Being now the wife of a priest, she could eat terumah herself (Lev. XXII, 11).

(9) For she is now like any other priest.

(10) Here, to the priest who had already acquired the terumah.

(11) Any priest.

(12) Lit., 'the principal'.

(13) As an atonement for having eaten terumah unwittingly, but he must pay the whole value for having 'robbed the tribe' The case is of one who is unaware that he is giving them terumah to eat. The Fifth is only paid by him who actually derives benefit from the terumah (supra VI, 1). and not by him who causes it to be eaten. This is derived from Lev. XXII, 14, 'and if a man eat of the holy thing', which excludes one who causes damage to it.

(14) He intended to give them. According to R. Meir, he has to pay them the value of the terumah they ate in their meal, which is cheaper in price; but according to the Sages, the full value of what they had eaten, as though it was hullin. For though they had eaten the meal, their enjoyment of it had been impaired when they learnt that they had eaten terumah.

(15) V. Ex. XXII, 3.

(16) Which becomes terumah automatically.

- (17) As the twofold restitution.
- (18) Which the priest had dedicated for Temple repairs.
- (19) One fifth for the terumah he ate, and the other because he had enjoyed consecrated property; Lev. V, 16.
- (20) Ex. XXII, 8; the word 'to his neighbour' excludes property which has been 'dedicated'.
- (21) To the priest for eating terumah unwittingly.
- (22) These, being once exempt from all tithes and dues (supra I, 5), cannot become terumah even when now acquired by him. Cf. Pe'ah IV passim.
- (23) Being of the opinion that Second Tithe is also 'dedicated' produce.
- (24) Also exempt from terumah (supra I, 5), hence even after their redemption, no repayment can be made with them.
- (25) With tithes and dedicated produce that have been redeemed.
- (26) If he had eaten figs of terumah, he can repay with dates, but those offered must be of a superior kind to those eaten.
- (27) Must be of the same amount as those eaten, but of better value and more sought after by purchasers.
- (28) Those now left of the sixth year are no longer fit to be eaten, owing to having become hard, whilst from those grown in the Sabbatical year no benefit whatsoever may be derived (Sheb. VII, 3). Repayment, which must be of the same kind can, therefore, only be made with those grown after the Seventh year.
- (29) Lev. XXII, 14.

Mishna - Mas. Terumoth Chapter 7

MISHNAH 1. HE WHO EATS TERUMAH OF SET PURPOSE¹ MUST REPAY ITS VALUE,² BUT NOT THE FIFTH,³ AND THE REPAYMENT REMAINS HULLIN.⁴ [ACCORDINGLY,] IF THE PRIEST WISHES TO REMIT THIS, HE CAN.

MISHNAH 2. IF THE DAUGHTER OF A PRIEST MARRIED AN ISRAELITE⁵ AND AFTERWARDS ATE TERUMAH, SHE MUST REPAY THE VALUE BUT NOT THE FIFTH;⁶ AND HER DEATH-PENALTY [FOR ADULTERY] IS BY BURNING.⁷ IF SHE MARRIED ANY OF THOSE DISQUALIFIED,⁸ SHE MUST PAY BACK BOTH THE VALUE AND THE FIFTH, AND HER DEATH-PENALTY [FOR ADULTERY] IS BY STRANGLING; SO SAYS R. MEIR. BUT THE SAGES SAY: IN EITHER CASE, SHE REPAYS THE VALUE BUT NOT THE FIFTH, AND THE DEATH PENALTY IS BY BURNING.

MISHNAH 3. [AN ISRAELITE] WHO FEEDS [WITH TERUMAH] HIS SMALL SONS, OR HIS SLAVES WHETHER THEY ARE OF AGE OR MINORS,⁹ OR WHO EATS TERUMAH FROM OUTSIDE THE LAND,¹⁰ OR LESS THAN AN OLIVE'S BULK OF TERUMAH,¹¹ MUST REPAY THE VALUE THEREOF, BUT NOT THE FIFTH; AND THE REPAYMENT REMAINS HULLIN. [HENCE] IF THE PRIEST DESIRES TO FOREGO [THE RESTITUTION], HE MAY DO SO.

MISHNAH 4. THIS IS THE GENERAL PRINCIPLE: WHENSOEVER ONE HAS TO REPAY BOTH THE VALUE AND THE FIFTH, THE REPAYMENT BECOMES TERUMAH, AND IF THE PRIEST DESIRES TO REMIT, HE CANNOT REMIT REPAYMENT; BUT WHENSOEVER ONE HAS TO REPAY THE VALUE ONLY AND NOT THE FIFTH, THE REPAYMENT REMAINS HULLIN, AND IF THE PRIEST WISHES TO REMIT HE CAN REMIT.

MISHNAH 5. IF THERE WERE TWO BASKETS, ONE OF TERUMAH AND ONE OF HULLIN, AND A SE'AH OF TERUMAH FELL INTO ONE OF THEM, BUT IT IS NOT KNOWN INTO WHICH, I ASSUME THAT IT HAD FALLEN INTO THAT OF THE TERUMAH.¹² IF IT IS NOT KNOWN WHICH WAS OF TERUMAH AND WHICH OF HULLIN,¹³ AND HE EATS FROM ONE OF THEM, HE IS EXEMPT,¹⁴ AND THE SECOND BASKET IS TREATED AS TERUMAH AND SUBJECT TO THE LAW OF 'DOUGH-OFFERING', SO R. MEIR;¹⁵ BUT R. JOSE EXEMPTS IT.¹⁶ IF ANOTHER MAN EATS OF THE SECOND BASKET HE IS EXEMPT,¹⁷ BUT IF ONE MAN ATE OF BOTH, HE MUST REPAY THE VALUE OF THE

SMALLER OF THE TWO.¹⁸

MISHNAH 6. IF ONE OF THESE [BASKETS] FELL INTO HULLIN, IT DOES NOT RENDER IT MEDUMMA',¹⁹ BUT THE SECOND IS TREATED AS TERUMAH AND SUBJECT TO THE LAW OF HALLAH, SO R. MEIR. R. JOSE EXEMPTS IT.²⁰ IF THE SECOND FALLS ELSEWHERE [INTO HULLIN]. IT DOES NOT RENDER IT MEDUMMA'. IF BOTH OF THEM FALL INTO ONE PLACE, THEY RENDER IT MEDUMMA' ACCORDING TO [THE PROPORTION] OF THE SMALLER OF THE TWO.²¹

MISHNAH 7. IF HE USED ONE OF THESE [BASKETS] AS SEED, HE IS EXEMPT,²² AND THE SECOND IS TREATED AS IF IT WERE TERUMAH AND SUBJECT TO THE LAW OF HALLAH: SO R. MEIR; BUT R. JOSE EXEMPTS IT. IF ANOTHER PERSON USES THE SECOND AS SEED, THEN HE IS EXEMPT. IF ONE MAN SOWS BOTH AS SEED, IF IT IS OF A KIND WHOSE SEED ROTS [IN THE GROUND]²³ IT IS PERMISSIBLE, BUT IF IT IS OF THE KIND WHOSE SEED DOES NOT ROT,²⁴ IT IS PROHIBITED.

(1) But did not receive legal warning by witnesses (**התראה**); for had he been so warned prior to committing the offence, he would have received flogging (**מלקות**) and be exempt from the monetary fine, the lesser penalty being merged in the greater offence. The wilful offender without such warning, incurred the penalty of death (heavenly) which did not, however, exempt him from repayment.

(2) Having robbed a priest.

(3) Which was brought as atonement only in the case of him who ate terumah unwittingly.

(4) The repayment becomes terumah only when this restitution was made for an unintentional act; v. supra VI, 1.

(5) Thus forfeiting her right to terumah; Lev. XXII, 12.

(6) Which was only paid by one totally alien to priesthood. Besides she may qualify again to eat terumah on her return to her father's household after her husband's death (Lev. XXII, 13). Since sanctity of priestly stock clings to her, she is not deemed totally a stranger to terumah.

(7) Like all daughters of a priest, v. Lev. XXI, 9. Though irrelevant to our main issue, it is cited here en passant.

(8) From marrying into the priesthood, e.g., a **גלית** one who is profane (Lev. XXI, 7), or a Nathin, a descendant of the Gibeonites, or a **במזר**, a bastard. By marrying any of these, she severs all connection with the priesthood and is deemed the daughter of an Israelite.

(9) Not having property of their own, the owner must pay the value for them, but not the Fifth, which is only paid by him who actually eats of the terumah. The case here is of one who feeds them on terumah unintentionally.

(10) Regarded as terumah only by an injunction of the Rabbis; cf. Yad. IV, 3.

(11) The minimum standard for culpability.

(12) And the basket of hullin is absolutely permissible, even if there be not therein a hundred to neutralize it. This leniency is due to the fact that terumah these days is only a Rabbinical injunction.

(13) In this case, the above hypothetical argument cannot be applied.

(14) From the value of the terumah and its Fifth, since he can claim that he had eaten of the hullin.

(15) Doubt cannot exempt it from obligations that fall upon hullin; cf. Hal. 1, 3.

(16) From hallah, since it may contain an admixture of terumah.

(17) The proviso here is that they must come independently to enquire about their own position, for we can then argue that each one had eaten of the pile of hullin, an argument hardly tenable if both come together. The exemptions refer only to the Fifth; cf. Toh. V, 5.

(18) In all cases of doubt we inflict the smaller penalty on the plea that it is upon him who claims to bring proof.

(19) On the plea that it might have been the hullin which fell in.

(20) Each of the two instances are necessary; the first to emphasize the view of R. Jose, though the terumah is still actually there; and the present to emphasize the view of R. Meir who subjects the admixture to the law of hallah.

(21) And if there be a hundred to neutralize this smaller of the two, the admixture is permitted.

(22) I.e., what will grow therefrom will be hullin and he must not plough up the seed, as is the case where one sows undoubted terumah; cf. infra IX, 1. But where there is the slightest doubt, leniency is advised.

(23) Like seed of wheat and barley. In this case it is regarded as what grows from medumma' and hence permissible; cf.

infra IX, 6.

(24) Like seed of garlic and onion. It is regarded as the growth of terumah, and hence prohibited.

Mishna - Mas. Terumoth Chapter 8

MISHNAH 1. IF A WOMAN WAS EATING TERUMAH,¹ AND THEY CAME AND SAID TO HER: 'THY HUSBAND IS DEAD', OR 'HE HAS DIVORCED THEE';² OR, IF A SLAVE WAS EATING TERUMAH,³ AND THEY CAME AND SAID TO HIM: 'THY MASTER IS DEAD',⁴ OR 'HE HAS SOLD THEE TO AN ISRAELITE', OR 'HE HAS GIVEN THEE AWAY AS GIFT', OR 'HE HAS EMANCIPATED THEE'; SO, TOO, IF A PRIEST WAS EATING TERUMAH AND IT BECAME KNOWN THAT HE WAS THE SON OF A DIVORCED WOMAN⁵ OR OF ONE THAT HAD GIVEN HALIZAH,⁶ R. ELIEZER SAYS: THEY MUST REPAY BOTH THE VALUE AND THE FIFTH;⁷ BUT R. JOSHUA EXEMPTS THEM.⁸ IF [A PRIEST] WAS STANDING AND SACRIFICING ON THE ALTAR AND IT BECAME KNOWN THAT HE WAS THE SON OF A DIVORCED WOMAN OR OF ONE WHO HAD GIVEN HALIZAH, R. ELIEZER SAYS: ALL THE SACRIFICES HE HAD OFFERED ON THE ALTAR ARE RITUALLY DISQUALIFIED; BUT R. JOSHUA PRONOUNCES THEM VALID.⁹ IF IT, HOWEVER, BECAME KNOWN THAT HE POSSESSED A BLEMISH, HIS MINISTRATION IS INVALID.¹⁰

MISHNAH 2. IN ALL THE ABOVE CASES,¹¹ IF TERUMAH WAS STILL IN THEIR MOUTH,¹² R. ELIEZER SAYS: THEY MAY SWALLOW IT;¹³ BUT R. JOSHUA SAYS: THEY MUST SPIT IT OUT. [IF IT WAS SAID TO HIM]. 'THOU ART BECOME UNCLEAR',¹⁴ OR THAT 'THE TERUMAH IS DEFILED', R. ELIEZER SAYS: HE MAY SWALLOW IT; BUT R. JOSHUA SAYS: HE MUST SPIT IT OUT. [IF IT WAS SAID TO HIM], 'THOU HAST BEEN UNCLEAR'¹⁵ OR THAT THE TERUMAH WAS DEFILED', OR IT HAD BECOME KNOWN THAT IT WAS UNTITHED, OR THAT IT WAS FIRST TITHE FROM WHICH TERUMAH HAD NOT YET BEEN TAKEN, OR SECOND TITHE OR DEDICATED PRODUCE THAT HAD NOT BEEN REDEEMED, OR IF HE TASTED THE TASTE OF A BUG IN HIS MOUTH,¹⁶ HE MUST SPIT IT OUT.

MISHNAH 3. IF HE WAS EATING A BUNCH OF GRAPES,¹⁷ AND HE ENTERED FROM THE GARDEN INTO THE COURTYARD,¹⁸ R. ELIEZER SAYS: HE MAY FINISH EATING;¹⁹ BUT R. JOSHUA SAYS: HE MAY NOT FINISH.²⁰ IF DUSK SET IN AT THE EVE OF SABBATH,²¹ R. ELIEZER SAYS: HE MAY FINISH EATING;²² BUT R. JOSHUA SAYS: HE MAY NOT FINISH.²³

MISHNAH 4. IF WINE OF TERUMAH HAD REMAINED UNCOVERED,²⁴ IT MUST BE Poured OUT;²⁵ AND THERE IS LESS NEED TO SAY THIS IN THE CASE OF HULLIN.²⁶ THREE KINDS OF LIQUIDS ARE FORBIDDEN ON ACCOUNT OF BEING UNCOVERED: WATER, WINE AND MILK, BUT ALL OTHER DRINKS ARE PERMITTED. HOW LONG SHOULD THEY REMAIN UNCOVERED FOR THEM TO BECOME PROHIBITED? THE TIME IT TAKES THE SERPENT²⁷ TO CREEP OUT FROM A PLACE NEAR BY AND DRINK.²⁸

MISHNAH 5. THE AMOUNT OF WATER THAT MAY REMAIN UNCOVERED²⁹ MUST BE SUFFICIENT TO NEGATIVE THE POISON THEREIN. R. JOSHUA SAYS: IN VESSELS [IT IS FORBIDDEN] WHATEVER BE THE QUANTITY, BUT FOR WATER ON THE GROUND, IT MUST BE FORTY SE'AH.³⁰

MISHNAH 6. FIGS, GRAPES, CUCUMBERS, PUMPKINS, WATER-MELONS OR SWEET MELONS THAT HAVE BEEN BITTEN,³¹ EVEN IF THERE IS AS MUCH AS A TALENT,³² WHETHER THEY BE LARGE OR SMALL,³³ PLUCKED OR STILL ATTACHED TO THE SOIL, THEY ARE FORBIDDEN AS LONG AS THERE IS JUICE IN THEM.³⁴ [A BEAST]

BITTEN BY A SERPENT³⁵ IS FORBIDDEN ON ACCOUNT OF THE DANGER TO LIFE.³⁶

MISHNAH 7. A WINE-FILTER, USED AS A COVER, RENDERS [THE WINE BENEATH ALSO] FORBIDDEN THROUGH BEING UNCOVERED;³⁷ BUT R. NEHEMIAH PERMITS IT.³⁸

MISHNAH 8. IF A DOUBT OF IMPURITY ARISES CONCERNING A JAR OF TERUMAH,³⁹ R. ELIEZER SAYS: IF IT HAD BEEN HITHERTO DEPOSITED IN AN EXPOSED PLACE,⁴⁰ HE MUST NOW PLACE IT IN A HIDDEN PLACE;⁴¹ AND IF IT HAD FORMERLY BEEN UNCOVERED, IT MUST NOW BE COVERED.⁴² BUT R. JOSHUA MAINTAINS THAT IF IT HAD BEEN IN A HIDDEN PLACE, HE MUST⁴³ NOW DEPOSIT IT IN AN EXPOSED PLACE; AND IF IT HAD FORMERLY BEEN COVERED UP, HE MUST⁴³ NOW UNCOVER IT.⁴⁴ R. GAMALIEL SAYS: LET HIM NOT DO ANYTHING NEW TO IT.⁴⁵

MISHNAH 9. IF A JAR [OF TERUMAH] WAS BROKEN IN THE UPPER PART OF THE WINE-PRESS,⁴⁶ AND THE LOWER PART WAS UNCLEAN,⁴⁷ BOTH R. ELIEZER AND R. JOSHUA AGREE THAT IF ONE CAN SAVE AT LEAST A REBI'ITH⁴⁸ THEREOF IN CLEANNESS HE SHOULD SAVE IT;⁴⁹ BUT IF NOT,⁵⁰ R. ELIEZER SAYS: LET IT FLOW DOWN AND BECOME UNCLEAN OF ITS OWN ACCORD,⁵¹ AND LET HIM NOT MAKE IT UNCLEAN WITH HIS OWN HANDS.⁵²

MISHNAH 10. SIMILARLY, IF A JAR OF OIL [OF TERUMAH] WAS UPSET, BOTH R. ELIEZER AND R. JOSHUA AGREE THAT IF HE CAN SAVE THEREOF AT LEAST A REBI'ITH IN CLEANNESS HE SHOULD SAVE IT; BUT IF NOT, R. ELIEZER SAYS: LET IT FLOW AWAY AND BE ABSORBED [IN THE GROUND] AND LET HIM NOT GATHER IT UP WITH HIS OWN HANDS.⁵³

MISHNAH 11. CONCERNING BOTH CASES,⁵⁴ R. JOSHUA SAID: 'THIS IS NOT THE KIND OF TERUMAH OVER WHICH I AM CAUTIONED LEST I DEFILE IT, BUT LEST I EAT OF IT.' OF WHICH [WAS IT CAUTIONED] 'THAT THOU MUST NOT DEFILE IT'? IF ONE WAS PASSING FROM PLACE TO PLACE WITH LOAVES OF TERUMAH IN HIS HAND AND A GENTILE SAID TO HIM: 'GIVE ME ONE OF THESE AND I WILL MAKE IT UNCLEAN; FOR IF NOT, I WILL DEFILE THEM ALL', LET HIM DEFILE THEM ALL, AND NOT GIVE HIM DELIBERATELY ONE TO DEFILE. BUT R. JOSHUA SAYS: HE SHOULD PLACE ONE OF THEM ON A ROCK.⁵⁵

MISHNAH 12. SIMILARLY,⁵⁶ IF GENTILES SAY TO WOMEN: 'GIVE US ONE OF YOU THAT WE MAY DEFILE HER,⁵⁷ AND IF NOT, WE WILL DEFILE YOU ALL', THEN LET THEM ALL BE DEFILED RATHER THAN HAND OVER TO THEM ONE SOUL FROM ISRAEL.⁵⁸

(1) The daughter of an Israelite married to a priest, unless she is divorced or widowed, may eat terumah. The mother of a priest's son may also eat terumah, v. supra VII, 2.

(2) I.e., he had delivered the bill of divorce to your messenger at the place appointed for him to receive it (T.J.).

(3) Lev. XXII, 11 permits non-Hebrew slaves of priests to eat terumah; Hebrew slaves, not being the 'possession' of their masters, cannot eat terumah.

(4) 'And a non-priestly relative of his has now inherited thee', such as his daughter or the son of his daughter who married an Israelite.

(5) And, therefore, deprived of all the rights and privileges of the priesthood: Lev. XXI, 7 and cf. supra VII, I.

(6) The ceremony of taking off the levir's shoe by his childless sister-in-law on his refusing to contract with her the levitical marriage; Deut. XXV, 7 — 9.

(7) As in all cases of an Israelite eating terumah unwittingly, and as if these never had connection with the priesthood.

(8) On the grounds that these are cases not of mere unwitting transgression (שוגג) but of pure accident. V. Yeb 34a.

- (9) He holds that even the work of one unfit for priesthood, owing to illegitimacy, is acceptable to God.
- (10) Even R. Joshua agrees to this.
- (11) Enumerated in the previous Mishnah; v. however, n. 4.
- (12) When word came that their right of eating terumah had ceased.
- (13) In the case of the son of a divorced woman or one who had performed halizah, since he never had the right to eat terumah, R. Eliezer will admit that the terumah must be spewed out (Bert.).
- (14) The defilement coming after he had begun to eat the terumah legally.
- (15) Before eating the terumah, similar to the son of a divorced woman or haluzah, who never possessed the privilege of eating terumah.
- (16) In such cases, he need have no qualms for wasting terumah by spitting it out. In these cases, R. Eliezer agrees with R. Joshua.
- (17) It was permissible to take a casual snack from the produce prior to tithing.
- (18) Once produce enters the owner's domain, it becomes subject to tithes and even a casual meal is now disallowed; Ma'as. I, 5.
- (19) I.e., he returns to the garden where he may finish that which he had begun to eat legally; should he want more to eat, he must take tithe first.
- (20) Before he has taken tithe; even in the garden. without first tithing what he had begun to eat.
- (21) When it is forbidden to tithe (Shab. II, 7) and he had not yet finished his casual meal in the garden. The Sabbath converts even the casual meal into a fixed one.
- (22) After its termination (Bert.)
- (23) Even on the termination of the Sabbath, without first tithing it.
- (24) The danger being lest a serpent had drunk of it and deposited therein some of its venom, a fear more real than imaginary in Talmudic times.
- (25) Without the slightest qualms of wasting terumah; the saving of one's life being more important than a prohibition. The wine may not be given to cattle to drink, lest the poison which may not affect them may affect those who will afterwards eat of their flesh.
- (26) In which case no qualms exist about waste.
- (27) Lit., 'the creeping thing'.
- (28) That place may even be the vessel containing the liquid itself; namely, as long as it takes the serpent to crawl out from the crevice in the handle of the vessel, sip of its contents and creep back.
- (29) And be used for drinking.
- (30) The coldness of the ground helps to neutralize poison.
- (31) Lit., 'hollowed', probably by snakes.
- (32) Cf. R. H. 15. I.e., even though the fruit on the trees are many so that a serpent cannot be supposed to have gnawed them all, Tif. Yis. The phrase is obscure.
- (33) This probably refers to the holes.
- (34) The juice in the fruit helps to circulate the venom; if the fruit is, however, very dry, the affected part can be cut out and thrown away and the rest eaten.
- (35) An animal bitten by a serpent and afterwards slaughtered must not be eaten, not because it is trefah, but because of danger to life.
- (36) Cf. Hul. 49a.
- (37) The poison can easily percolate into the wine through the tiny holes of the strainer.
- (38) Maintaining that since it is the nature of poison to swim on the surface, it would be easily discernible were it in the strainer.
- (39) The instance is of two jars, each containing terumah and left in private grounds one of which had come into contact with a dead serpent, but which it was is uncertain. Being in private territory, all doubts of impurity are unclean; whereas in public grounds it would have been deemed pure; cf. Nazir 57a.
- (40) Lit., 'filth', 'dirt'. A place to which all and sundry can have access, for being an open place, uncleanness can easily come.
- (41) Since it is terumah and only a doubt has arisen as to its uncleanness, it must be further protected from uncleanness, and cannot be laid open to contamination deliberately. Even terumah suspected of uncleanness must be protected.
- (42) So that no serpent may now have access to it.

(43) Or 'may' v. Rashi; Pes. 15a.

(44) Once a doubt has arisen, it no longer requires the protection due to the sacred nature of terumah. When it has definitely become unclean, the wine of terumah may be used for aromatic sprinkling, but not when only a doubt exists concerning its nature. R. Joshua's intention is not leniency, but in order to make the wine forbidden definitely.

(45) But allow it to remain in the position it was before doubt arose, not being required to guard it any more closely, or deliberately to allow it to become defiled.

(46) The vat consisted of two parts, one above the other, so that when the grapes were trodden above, the wine flowed down below.

(47) Containing wine of hullin that had become unclean and less than a hundred to neutralize the clean wine of terumah now about to fall in.

(48) A quarter of a log.

(49) In clean vessels; for it is more important to save the terumah from becoming unclean than to save the hullin below from becoming through an admixture of terumah forbidden both to priest and to Israelite. If it be not possible to save terumah in clean vessels then he must save the hullin.

(50) No clean vessels being at hand.

(51) With the hullin becoming forbidden as a result.

(52) By saving the terumah in unclean vessels in order to save the hullin.

(53) Lit., 'absorb it with his hands'. Had the jar been merely broken, as in the case of the wine, R. Joshua would agree with R. Eliezer that he may not save it in unclean vessels, since there would not be much loss in allowing the oil to flow down in the lower part of the vat, for the hullin oil even when containing an admixture of terumah that has become unclean may still be used for burning purposes.

(54) In the case of terumah whose defilement is in doubt (supra 8) and in the case of the two previous Mishnahs where the terumah is in danger of being lost.

(55) And on no account defile the loaves with his own hands and also not give it from hand to hand.

(56) Irrelevant to our main theme, but indirectly connected with the preceding Mishnah.

(57) By forcibly cohabiting with her.

(58) The general principle is that no person may be sacrificed for the saving of others. If, however, they specify one woman in particular, then she may be given over in order to prevent the others from impurity; but if they specify any one man for slaughter, he must not be handed over unless he had been legally condemned to death as a result of some crime. But some maintain that even if he had not been condemned to death owing to some crime, he may be handed over to them if specified by name, in order to save the others (Tif. Yis.).

Mishna - Mas. Terumoth Chapter 9

MISHNAH 1. HE WHO PLANTS TERUMAH, IF UNWITTINGLY, MAY UPROOT IT;¹ IF OF SET PURPOSE, HE MUST ALLOW IT TO REMAIN.² IF IT HAD ALREADY GROWN A THIRD OF ITS FULL SIZE, WHETHER HE HAD PLANTED IT UNWITTINGLY OR INTENTIONALLY, HE MUST ALLOW IT TO REMAIN;³ BUT IN THE CASE OF FLAX, EVEN WHEN PLANTED INTENTIONALLY⁴ HE MUST UPROOT IT.

MISHNAH 2. AND IT⁵ IS SUBJECT TO GLEANINGS, THE FORGOTTEN SHEAF AND PE'AH.⁶ POOR ISRAELITES AND POOR PRIESTS MAY GLEAN THEM, BUT THE POOR ISRAELITES MUST SELL THEIRS TO PRIESTS FOR THE PRICE OF TERUMAH⁷ AND THE MONEY BECOMES THEIRS. R. TARFON SAYS: ONLY POOR PRIESTS MAY GLEAN THEM, LEST [THE OTHERS] FORGET AND PUT IT INTO THEIR MOUTHS.⁸ WHEREUPON R. AKIBA SAID TO HIM: IF THAT BE SO, THEN ONLY THOSE WHO ARE CLEAN SHOULD BE ALLOWED TO GLEAN.⁹

MISHNAH 3. AND IT¹⁰ IS ALSO SUBJECT TO TITHES¹¹ AND POOR MAN'S TITHE. BOTH ISRAELITES AND PRIESTS THAT ARE POOR MAY ACCEPT THEM, BUT THE POOR ISRAELITES MUST SELL THAT WHICH IS THEIRS TO THE PRIEST FOR THE PRICE OF TERUMAH AND THE MONEY BELONGS TO THEM.¹² HE WHO THRESHES THE GRAIN¹³

IS TO BE PRAISED;¹⁴ BUT HE WHO TREADS IT,¹⁵ WHAT SHOULD HE DO?¹⁶ HE MUST SUSPEND BAGS¹⁷ FROM THE NECK OF THE ANIMAL AND PLACE THEREIN FODDER OF THE SAME KIND, WITH THE RESULT THAT HE WILL NEITHER MUZZLE¹⁸ THE ANIMAL NOR CAUSE IT TO EAT TERUMAH.¹⁹

MISHNAH 4. WHAT GROWS FROM TERUMAH IS TERUMAH,²⁰ BUT THAT WHICH [FIRST] GREW OUT FROM IT IS HULLIN. AS FOR UNTITHED PRODUCE,²¹ FIRST TITHE,²² THE AFTER-GROWTH OF THE SABBATICAL YEAR,²³ TERUMAH GROWN OUTSIDE THE LAND,²⁴ THE ADMIXTURE OF HULLIN WITH TERUMAH,²⁵ THE FIRST-FRUITS²⁶ — WHAT GROWS FROM THEM IS REGARDED AS HULLIN. WHAT GROWS FROM DEDICATED PRODUCE AND SECOND TITHE IS HULLIN AND IS TO BE REDEEMED [AT ITS VALUE]²⁷ AT THE TIME WHEN IT WAS SOWN.

MISHNAH 5. IF A HUNDRED ROWS WERE PLANTED WITH TERUMAH SEEDS AND ONE WITH HULLIN,²⁸ THEY ALL ARE PERMITTED, IF THEY ARE OF A KIND WHOSE SEED PERISHES IN THE SOIL;²⁹ BUT IF THEY ARE OF A KIND WHOSE SEED DOES NOT PERISH IN THE SOIL, THEN EVEN IF THERE BE A HUNDRED [ROWS] OF HULLIN AND ONE OF TERUMAH, THEY ALL ARE PROHIBITED.

MISHNAH 6. AS FOR UNTITHED PRODUCE,³⁰ WHAT GROWS FROM IT IS PERMISSIBLE IF OF A KIND WHOSE SEED PERISHES [IN THE SOIL]; BUT IF OF A KIND WHOSE SEED DOES NOT PERISH, THEN EVEN WHAT GROWS FROM WHAT [LATER] GREW OUT OF IT IS FORBIDDEN. WHICH IS THE KIND WHOSE SEED DOES NOT PERISH?³¹ ANYTHING LIKE ARUM,³² GARLIC AND ONIONS. R. JUDAH SAYS: ONIONS [IN THIS RESPECT] ARE LIKE BARLEY.³³

MISHNAH 7. HE WHO WEEDS³⁴ LEEK-PLANTS³⁵ FOR A GENTILE,³⁶ THOUGH THE PRODUCE STILL BE UNTITHED,³⁷ MAY SNATCH THEREFROM A CASUAL MEAL.³⁸ PLANTINGS OF TERUMAH³⁹ WHICH HAD BECOME UNCLEAN AND WERE RE-PLANTED, BECOME CLEAN INSOFAR THAT THEY DO NOT CAUSE DEFILEMENT,⁴⁰ BUT THEY MUST NOT BE EATEN⁴¹ UNTIL THE EDIBLE PART [OF THE STALK] HAS BEEN LOPPED OFF.⁴² R. JUDAH SAYS: HE MUST [BEFORE EATING] LOP OFF A SECOND TIME THAT WHICH GREW ON THE EDIBLE PART.⁴³

(1) By ploughing the soil and tearing out the roots, so that the produce does not grow and be forbidden as terumah.

(2) As a penalty, the produce will be forbidden to him. He must not plough it up, as it would appear as if he is wilfully destroying terumah.

(3) For having attained this size, it is already fit for food and it would appear as if he is destroying terumah deliberately.

(4) And even after it had reached a third of its full size. The reason for this additional stringency in the case of flax is lest he derive benefit from the stalks on the plea that only the seeds are forbidden as terumah, but not the stalks; whereas the main part about flax is just the stalks and not the seed.

(5) What grows from the terumah seeds.

(6) Cf. supra VI, 5 and Pe'ah IV, 10. These Poor Man's dues are imposed since the terumah here is only a Rabbinic ordinance.

(7) Though what grows from terumah is forbidden to strangers, the sanctity of the terumah does not descend upon the money value thereof.

(8) Arguing that since they are allowed to glean the terumah, they may unwittingly eat of it.

(9) Since a priest who had become unclean must not eat terumah. To this challenge, R. Tarfon's rejoinder no doubt was that a priest who is unclean is very careful not to eat terumah Cf. Pes. 33a, 40a.

(10) What grows from terumah seeds.

(11) Including terumah, in the third and sixth year of the Sabbatical cycle.

(12) The fear expressed by R. Tarfon in the previous Mishnah does not apply here, since not being preoccupied as at the

time of gleaning, the poor Israelites will be careful not to eat the terumah.

(13) Smiting the ears of corn with flails.

(14) Because he need not muzzle the oxen in order to prevent them from eating of terumah, forbidden to animals not belonging to priests.

(15) Employing oxen to do the threshing for him.

(16) To avoid them eating terumah. Muzzling during threshing is forbidden in Deut. XXV, 4.

(17) Containing fodder of hullin of the same kind which he is treading.

(18) For it still eats of the same kind which it is threshing.

(19) The fodder in the bags containing hullin.

(20) Being one of the eighteen decrees of the Rabbis to prevent priests in possession of terumah that had become unclean, from keeping it till seedtime and then sowing it in order to eat the products Shab. 17a.

(21) Since most of the grain is hullin, only when the seed is entirely terumah is what grows from it also deemed terumah.

(22) Only a tenth being terumah, the rest being hullin.

(23) That which falls from ears of corn at harvest time and grows again of its own accord in the Sabbatical year. This after-growth is dated from the sixth year. Being an infrequent occurrence, occurring once in seven years, it was not held necessary to impose this added stricture regarding what grows from it.

(24) Eretz Israel. Since it was not so usual to import terumah from places outside Palestine, no additional stricture was imposed.

(25) Since most of it is hullin, as in the case of untithed produce and First Tithe.

(26) Brought only of the seven kinds mentioned in Deut. VIII, 8: (wheat, barley, grapes, figs, pomegranates, olives and honey dates) and they are not of such frequent occurrence to warrant the restriction upon what grows from terumah.

(27) I.e., the value of the seeds actually sown.

(28) And it be not known which this is.

(29) leniency was always followed in cases in connection with what grows from terumah, and thus one row of hullin makes all that grows from the hundred rows of terumah permitted, though no neutralization takes place in anything still attached to the soil.

(30) V. supra Mishnah 4, which our Mishnah explains. One may partake a casual meal of what grows from tebel, as long as it does not reach the stage when it is liable to tithes.

(31) So that what grows of it, even in the second grade, is forbidden.

(32) V. Pe'ah VI, 10.

(33) Whose seed perishes. Barley is cited because its seeds perish very quickly. Bert. explains R. Judah's statement thus: 'Only seeds of onions as large as barley do not perish, but those smaller than barley do perish'.

(34) Removing weeds interfering with growth.

(35) Species of onions whose seeds do not rot.

(36) In a field belonging to a non-Jew.

(37) A non-Jew cannot acquire land in Eretz Israel in order to exempt its produce from tithes.

(38) During his labours.

(39) שתילין . Seedlings ready for planting.

(40) Because rooted to the soil, they do not receive defilement and are not yet regarded as food.

(41) Being products of terumah, supra IX, 4.

(42) Leaving only the root. That which grows afterwards is permitted; v. Pes. 34a.

(43) Only that which grows a third time on the spot twice lopped off is permitted.

Mishna - Mas. Terumoth Chapter 10

MISHNAH 1. IF AN ONION [OF TERUMAH] WAS PLACED INTO LENTILS¹ AND THE ONION WAS WHOLE, [THE LENTILS] ARE PERMISSIBLE;² BUT IF [THE ONION] HAD BEEN CUT UP, [IT IS FORBIDDEN³ IF THE ONION] IMPARTS A FLAVOUR. IN THE CASE OF OTHER DISHES,⁴ WHETHER THE ONION IS WHOLE OR CUT UP [IT IS FORBIDDEN] IF IT IMPARTS A FLAVOUR. R. JUDAH PERMITS⁵ IT IN THE CASE OF PICKLED FISH,⁶ BECAUSE THERE IT IS USED ONLY TO REMOVE THE UNPLEASANT FLAVOUR.

MISHNAH 2. IF AN APPLE [OF TERUMAH] WAS CHOPPED AND PLACED INTO DOUGH [OF HULLIN] SO THAT IT LEAVENED IT,⁷ [THE DOUGH] IS FORBIDDEN.⁸ IF BARLEY [OF TERUMAH] FELL INTO A CISTERN OF WATER, THOUGH [THE BARLEY] DETERIORATE IT, THE WATERS ARE PERMISSIBLE.⁹

MISHNAH 3. IF ONE TAKES OFF WARM BREAD¹⁰ FROM THE OVEN¹¹ AND PLACES IT OVER AN OPEN BARREL OF WINE OF TERUMAH,¹² R. MEIR SAYS: IT IS FORBIDDEN;¹³ BUT R. JUDAH¹⁴ PERMITS IT. R. JOSE PERMITS THE BREAD IF IT IS OF WHEAT BUT NOT OF BARLEY, BECAUSE BARLEY ABSORBS.¹⁵

MISHNAH 4. IF AN OVEN WAS HEATED WITH CUMMIN¹⁶ OF TERUMAH AND BREAD WAS BAKED THEREIN, THE BREAD IS PERMITTED, BECAUSE IT IS THE SMELL BUT NOT THE FLAVOUR OF THE CUMMIN [THAT IS CONVEYED THEREIN].¹⁷

MISHNAH 5. IF FENUGREEK¹⁸ FELL INTO A WINE-VAT AND IT WAS TERUMAH OR SECOND TITHE, AND IF THERE IS IN THE SEED ALONE WITHOUT THE STALK SUFFICIENT TO IMPART A FLAVOUR¹⁹ [IT IS FORBIDDEN].²⁰ BUT IN THE CASE OF SEVENTH YEAR²¹ PRODUCE, OR MIXED SEEDS IN VINEYARDS,²² OR DEDICATED PRODUCE, [IT IS FORBIDDEN] IF IN BOTH SEED AND STALK THERE IS SUFFICIENT TO IMPART A FLAVOUR.

MISHNAH 6. IF ONE HAD BUNCHES OF FENUGREEK OF MIXED SEEDS OF THE VINEYARD, THEY MUST BE BURNT.²³ IF HE HAD BUNCHES OF FENUGREEK OF UNTITHED PRODUCE, HE MUST BEAT THEM AND CALCULATE²⁴ THE AMOUNT OF SEED WITHIN THEM AND SET ASIDE [TERUMAH] FROM THE SEED, BUT NOT FROM THE STALKS.²⁵ BUT IF HE DID SET ASIDE [THE TERUMAH ALSO FROM THE STALKS]²⁶ HE MUST NOT SAY: 'I WILL BEAT OUT [THE SEED] AND TAKE THE STALKS AND GIVE ONLY THE SEED', BUT HE MUST GIVE THE STALKS TOGETHER WITH THE SEED.²⁷

MISHNAH 7. IF OLIVES OF HULLIN WERE PICKLED TOGETHER²⁸ WITH OLIVES OF TERUMAH, WHETHER IT WAS A CASE WHERE CRUSHED [OLIVES] OF HULLIN [WERE PICKLED TOGETHER] WITH CRUSHED [OLIVES] OF TERUMAH, OR CRUSHED [OLIVES] OF HULLIN WITH WHOLE [OLIVES] OF TERUMAH,²⁹ OR WITH JUICE OF TERUMAH,³⁰ THEY ARE FORBIDDEN. BUT IF WHOLE [OLIVES] OF HULLIN WERE PICKLED WITH CRUSHED [OLIVES] OF TERUMAH, THEY ARE PERMITTED.³¹

MISHNAH 8. IF UNCLEAN FISH WAS PICKLED WITH CLEAN FISH THE BRINE THEREOF IS FORBIDDEN IF IN A BARREL OF TWO SE'AHS THE UNCLEAN FISH WEIGHS TEN ZUZ³² IN JUDEAN MEASURE, WHICH IS FIVE SELA'S IN GALILEAN MEASURE.³³ R. JUDAH SAYS: IT NEEDS BE A QUARTER [OF A LOG] IN TWO SE'AHS;³⁴ R. JOSE SAYS: ONE-SIXTEENTH THEREOF.³⁵

MISHNAH 9. IF UNCLEAN LOCUSTS WERE PICKLED TOGETHER WITH CLEAN ONES, THEY DO NOT MAKE THE BRINE FORBIDDEN.³⁶ R. ZADOK TESTIFIED THAT THE BRINE OF UNCLEAN LOCUSTS³⁷ IS CLEAN.³⁸

MISHNAH 10. WHATSOEVER [VEGETABLES] ARE PICKLED TOGETHER³⁹ ARE PERMITTED, SAVE [WHEN PICKLED] WITH LEEKS.⁴⁰ LEEKS OF HULLIN [PICKLED] WITH THOSE OF TERUMAH, OR OTHER VEGETABLES OF HULLIN WITH LEEKS OF TERUMAH ARE FORBIDDEN,⁴¹ BUT LEEKS OF HULLIN WITH VEGETABLES OF TERUMAH ARE PERMITTED.

MISHNAH 11. R. JOSE SAYS: WHATSOEVER IS STEWED WITH BEET⁴² BECOMES FORBIDDEN, BECAUSE THE LATTER IMPARTS A FLAVOUR. R. SIMEON SAYS: CABBAGE FROM A FIELD ARTIFICIALLY IRRIGATED [THAT IS STEWED] WITH CABBAGE⁴³ FROM A FIELD WATERED BY RAIN, IS FORBIDDEN BECAUSE IT ABSORBS.⁴⁴ R. AKIBA SAYS:⁴⁵ ALL THINGS COOKED TOGETHER⁴⁶ ARE PERMITTED, EXCEPT THOSE WITH MEAT.⁴⁷ R. JOHANAN B. NURI SAYS: LIVER RENDERS OTHER THINGS FORBIDDEN,⁴⁸ BUT DOES NOT ITSELF BECOME FORBIDDEN,⁴⁹ BECAUSE IT EXUDES AND DOES NOT ABSORB.⁵⁰

MISHNAH 12. IF AN EGG IS BOILED⁵¹ WITH FORBIDDEN SPICES⁵² EVEN ITS YOLK IS FORBIDDEN, BECAUSE IT ABSORBS.⁵³ THE WATER IN WHICH TERUMAH HAS BEEN STEWED OR PICKLED IS FORBIDDEN TO NON-PRIESTS.

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- (1) Of hullin, cooked but dry. Lit., 'it is permissible'. T.J., basing itself on the word in the sing., says that the case here is of an onion of hullin placed into lentils of terumah, and that the onion is permissible though mixed with terumah.
 - (2) Even to non-priests; for a whole onion does not impart to the entire dish the pungency imparted by an onion sliced up; and similarly, if the lentils had been of terumah and the onion of hullin, the onion does not absorb from them or their juice any of their taste, unless they have been cooked together.
 - (3) To non-priests.
 - (4) Not of lentils, like garlic or leeks of hullin into which an onion of terumah has been placed.
 - (5) The use of terumah in a dish of hullin.
 - (6) Small fish pickled in brine, of unsavoury flavour. When the onion, whose sole purpose here was to absorb the unpleasant flavour of the fish, has been removed, the fish may be eaten. R. Judah will admit that if the onion had been sliced up or crushed with the fish, the dish would be forbidden.
 - (7) With its pungent flavour; 'Orlah II, 4.
 - (8) To all non-priests, because the dough had been flavoured with terumah.
 - (9) According to the principle that any flavour which has a deteriorating effect is permissible.
 - (10) Of hullin.
 - (11) In ancient ovens, bread was stuck to the sides of the oven during baking and it required great skill to remove the bread.
 - (12) Warm bread quickly absorbs the flavour of wine in the barrel below.
 - (13) Because the flavour is as forbidden as the substance itself.
 - (14) Being of the opinion that smell is of no consequence; v. Pes. 76b.
 - (15) Its tendency is to absorb moisture of the wine.
 - (16) An umbelliferous plant like fennel.
 - (17) Agreeing with the opinion of R. Judah in the preceding Mishnah.
 - (18) A leguminous plant with seeds, used in farriery. Its fruit and stalk taste alike: Kil. II, 5.
 - (19) The flavour of terumah itself making the wine forbidden. Only the seed is forbidden in the case of terumah and second tithe and though stalks have the same taste as seed, yet they were not considered holy enough to be counted as terumah.
 - (20) If it flavours the second tithe, it must not be eaten outside Jerusalem without redemption, and in Jerusalem it must be eaten with the sanctity due to tithes.
 - (21) When even the stalks of fenugreek are forbidden, because they have the same taste as the fruit.
 - (22) Lev. XIX, 19; Deut. XXII, 9 — 11. The prohibition applies to stalks as well as to the seed.
 - (23) Like all other products of kil'ayim, since even the stalks are forbidden; v. Deut. XXII, 9.
 - (24) For all terumah had to be given approximately.
 - (25) Though the taste of both stalk and seed is similar the stalks are not subject to terumah.
 - (26) I.e., he set aside terumah from seed and stalk before beating them out.
 - (27) Once terumah had been pronounced in regard to the stalks, they belong to the priest, and especially since they have the same taste as the seeds.
 - (28) In salt water.
 - (29) Once the olives of hullin are crushed they absorb the taste of those of terumah that are whole.

- (30) Water in which terumah olives had been pickled.
- (31) Because whole olives only emit flavour, but do not absorb that of the olives of terumah.
- (32) Or 1/960th of the whole contents of the barrel. A se'ah == 24 logs == 48 litras == 4,800 zuzim. If the unclean fish is less than this prescribed amount the brine is permitted. Brine, on account of its pungency, requires a greater amount than 60 to neutralize it.
- (33) Judean measures being double those of Galilee.
- (34) The brine of the unclean fish must be 1/192nd of the contents of the barrel before we declare it forbidden. (The se'ah == 6 kabs == 24 logs; 2 se'ahs == 48 logs, and a quarter of a log is, therefore, 1/192nd of two se'ahs). Though R. Judah is of opinion that the admixture of a prohibited matter in another of a like kind is not neutralized even in a thousand, he is more lenient in the case of brine, since it is only the perspiration of the fish and is only forbidden on Rabbinical authority.
- (35) Only when the brine of the unclean fish is 1/16th part of the contents of the barrel is all the brine forbidden.
- (36) This leniency is due to the fact that they have no blood, but only perspiration.
- (37) Forbidden in Lev. XI, 20.
- (38) I.e., it may be eaten; v. 'Ed. VII, 2.
- (39) Those of terumah with hullin.
- (40) A species of onions like leek, garlic and onions, that are very sharp in taste and pungent in smell.
- (41) On account of their pungency, which pervades everything.
- (42) Of terumah or kil'ayim. Beet, unlike other vegetables (which, in the opinion of R. Jose, as distinct from the Tanna of the preceding Mishnah, are permitted when stewed together) impart a sharp flavour.
- (43) Of terumah or kil'ayim.
- (44) The former being by nature dry and always ready for moisture, will easily absorb flavour of cabbage of terumah.
- (45) Var. lec.: R. Judah.
- (46) Even when one is permitted and the other is not; for one does not absorb from the other to the extent of rendering it prohibited; Tif. Yis.
- (47) That is when forbidden meat is cooked together with permissible meat. It is the nature of meat to exude and to absorb.
- (48) If it be the liver of an animal declared to be trefah.
- (49) Permissible liver does not become forbidden if cooked with things forbidden; v. Hul. 110a.
- (50) While it is engaged in exuding its own juice, it does not absorb the juices of other flesh.
- (51) Var. lec.: 'that had been spiced'.
- (52) Of 'orlah, terumah or kil'ayim.
- (53) The shell of the egg being thin, the yolk absorbs the spices. The white of the egg, being outside, certainly becomes forbidden.

Mishna - Mas. Terumoth Chapter 11

MISHNAH 1. ONE MUST NOT PUT INTO FISH-BRINE¹ A CAKE OF PRESSED FIGS OR DRIED FIGS,² SINCE IT SPOILS THEM;³ BUT ONE MAY PLACE WINE OF TERUMAH] INTO FISH BRINE.⁴ ONE MUST NOT PERFUME THE OIL,⁵ BUT IT MAY BE MADE INTO HONIED WINE.⁶ WINE OF TERUMAH MUST NOT BE BOILED, BECAUSE THAT MAKES IT DECREASE.⁷ R. JUDAH PERMITS THIS, BECAUSE IT IMPROVES IT.⁸

MISHNAH 2. [IF A NON- PRIEST DRANK] HONEY OF DATES, WINE OF APPLES,⁹ VINEGAR FROM WINTER GRAPES,¹⁰ AND ALL OTHER KINDS OF FRUIT JUICE OF TERUMAH,¹¹ R. ELIEZER DECLARES HIM LIABLE TO REPAY THEIR VALUE AND THE FIFTH;¹² BUT R. JOSHUA EXEMPTS FROM THE FIFTH.¹³ R. ELIEZER DECLARES [THESE] SUSCEPTIBLE TO UNCLEANNESS AS LIQUIDS.¹⁴ R. JOSHUA, HOWEVER, SAYS: THE SAGES HAVE NOT ENUMERATED SEVEN LIQUIDS¹⁵ AS THOSE THAT COUNT SPICES,¹⁶ BUT HAVE EXPRESSLY STATED: SEVEN LIQUIDS MAKE THINGS SUSCEPTIBLE TO DEFILEMENT, WHEREAS ALL OTHER LIQUIDS ARE NOT SUSCEPTIBLE.¹⁷

MISHNAH 3. ONE MUST NOT MAKE DATES INTO HONEY,¹⁸ APPLES INTO WINE, WINTER-GRAPES INTO VINEGAR, OR CHANGE ANY OTHER KIND OF FRUIT THAT IS TERUMAH OR SECOND TITHE FROM THEIR NATURAL STATE, WITH THE SOLE EXCEPTION OF OLIVES AND GRAPES.¹⁹ ONE DOES NOT ADMINISTER THE FORTY LASHES²⁰ ON ACCOUNT OF 'ORLAH EXCEPT WITH THE PRODUCT OF OLIVES AND GRAPES.²¹ LIQUIDS CANNOT BE BROUGHT AS FIRST FRUITS, EXCEPT THE PRODUCT OF OLIVES AND GRAPES, AND NO FRUIT JUICE IS SUSCEPTIBLE TO UNCLEANNESS AS LIQUIDS EXCEPT THE PRODUCT OF OLIVES AND GRAPES. NO FRUIT JUICE IS BROUGHT ON THE ALTAR, EXCEPT THAT WHICH PROCEEDS FROM OLIVES AND GRAPES.²²

MISHNAH 4. THE STALK²³ OF FRESH FIGS AND DRIED FIGS, ACORNS²⁴ AND CAROBS OF TERUMAH ARE FORBIDDEN TO NON-PRIESTS.²⁵

MISHNAH 5. KERNELS OF TERUMAH²⁶ ARE FORBIDDEN²⁷ WHEN IN THE POSSESSION OF A PRIEST, BUT PERMITTED WHEN HE CASTS THEM AWAY. SIMILARLY, THE BONES OF HOLY OFFERINGS²⁸ ARE FORBIDDEN WHEN [THE PRIEST HAS THEM] IN HIS POSSESSION, BUT PERMITTED WHEN HE CASTS THEM AWAY.²⁹ COARSE BRAN IS PERMITTED,³⁰ BUT FINE BRAN IS FORBIDDEN IF IT IS OF NEW WHEAT, AND PERMITTED IF IT IS OF OLD WHEAT.³¹ ONE MAY ADOPT IN TERUMAH THE PRACTICE FOLLOWED IN HULLIN.³² HE WHO SIFTS³³ A KAB OR TWO [OF FINE FLOUR] FROM A SE'AH OF WHEAT, MUST NOT ABANDON THE REST, BUT DEPOSIT IT IN SOME HIDDEN PLACE.³⁴

MISHNAH 6. IF A STORE-CHAMBER WAS CLEARED OF WHEAT OF TERUMAH, ONE NEED NOT SIT DOWN AND COLLECT EACH GRAIN, BUT SWEEP IT ALL UP IN HIS USUAL MANNER³⁵ AND THEN DEPOSIT HULLIN THEREIN.

MISHNAH 7. SIMILARLY, IF A JAR OF OIL³⁶ IS UPSET, HE NEED NOT SIT DOWN AND SCOOP IT UP [WITH HIS FINGERS],³⁷ BUT DEAL WITH IT AS HE WOULD IN A CASE OF HULLIN.

MISHNAH 8. HE WHO POURS OUT³⁸ FROM JAR TO JAR AND ALLOWS THREE DROPS TO DRIP,³⁹ MAY PLACE HULLIN THEREIN.⁴⁰ BUT IF HE INCLINES THE JAR [ON ITS SIDE] IN ORDER TO DRAIN IT,⁴¹ IT IS TERUMAH. HOW MUCH TERUMAH OF TITHE OF

DEM'AI⁴² MUST THERE BE FOR HIM TO TAKE IT TO THE PRIEST?⁴³ ONE EIGHTH OF AN EIGHTH.⁴⁴

MISHNAH 9. VETCHES⁴⁵ OF TERUMAH MAY BE GIVEN⁴⁶ TO CATTLE, BEASTS OR FOWLS.⁴⁷ IF AN ISRAELITE HIRED A COW FROM A PRIEST, HE MAY GIVE IT VETCHES OF TERUMAH⁴⁸ TO EAT, BUT IF A PRIEST HIRED A COW FROM AN ISRAELITE, THOUGH THE RESPONSIBILITY OF FEEDING IT IS HIS,⁴⁹ HE MUST NOT FEED IT WITH VETCHES OF TERUMAH. IF AN ISRAELITE UNDERTAKES THE CARE OF A COW FROM A PRIEST,⁵⁰ HE MUST NOT FEED IT WITH VETCHES OF TERUMAH⁵¹ BUT IF A PRIEST UNDERTAKES THE CARE OF A COW FROM AN ISRAELITE, HE MAY FEED IT ON VETCHES OF TERUMAH.⁵²

MISHNAH 10. ONE MAY KINDLE OIL THAT HAS TO BE BURNT⁵³ IN SYNAGOGUES, HOUSES OF STUDY, DARK ALLEYS, AND FOR SICK PEOPLE WHEN A PRIEST IS NEAR.⁵⁴ IF THE DAUGHTER OF AN ISRAELITE MARRIED TO A PRIEST REGULARLY GOES TO HER FATHER'S HOUSE, HER FATHER MAY KINDLE [SUCH OIL] IN HER PRESENCE. IT MAY ALSO BE KINDLED AT A BANQUETING HOUSE⁵⁵ BUT NOT IN A HOUSE OF MOURNING;⁵⁶ SO R. JUDAH. R. JOSE SAYS: [IT MAY BE KINDLED] IN THE HOUSE OF MOURNING, BUT NOT IN THE BANQUETING HOUSE.⁵⁷ R. MEIR FORBIDS IT IN BOTH PLACES⁵⁸ BUT R. SIMEON PERMITS IT IN EITHER CASE.⁵⁹

(1) Latin muria or muries, a kind of salted pickle, containing fish hash and occasionally wine; also salt water in which chopped fish or locusts have been pickled.

(2) Of terumah.

(3) After the brine they had absorbed is squeezed out, the figs were thrown away.

(4) Wine was often put into the brine in order to deodorize it.

(5) Of terumah with spices of hullin, since the oil of terumah is thus absorbed by the spices and later wasted by being thrown away. Moreover, the oil is rendered unfit for food, and used only for anointing purposes, thus causing damage to terumah.

(6) I.e., wine of terumah may be mixed with water, honey and spices to make it into a sweet-honied wine; 'A.Z. 30a.

(7) And terumah must not suffer damage either by reduction in quantity, or by making it fit for less people to drink, boiled wine not being agreeable to many.

(8) Unboiled wine may taste better, but turns sour more quickly than boiled wine.

(9) Cider.

(10) Being very sour, they were usually converted into vinegar.

(11) Except wine and oil.

(12) As in all cases of a non-priest eating terumah.

(13) He does not consider these as liquid of terumah, but simply as exudation of the fruit.

(14) Lev. XI, 34, 38.

(15) Water, dew, wine, oil, honey, milk, blood (Maksh. VI, 4). These become unclean themselves and make other foods susceptible to defilement. R. Joshua, therefore, debarb those mentioned in our Mishnah, which R. Eliezer includes.

(16) That are not at all precise in the enumeration of their wares.

(17) Even they themselves contract no defilement.

(18) Once the fruit is converted from its original state into a liquid, some loss is incurred to the terumah by reducing it in quantity or value.

(19) Which are more usually made into oil and wine than eaten as olives and grapes; hence, it cannot be said that fruits of terumah have in any way been altered from their natural state.

(20) In reality thirty-nine, forty being a round number.

(21) The juice of any other fruit of 'orlah not being considered as a liquid for which the penalty is administered.

(22) Oil for meal-offerings and wine for libations.

(23) By which the fruit is attached to the tree.

(24) כַּלְיִם 'Word of dubious meaning. According to Maim.: a species of fig; Hash; a kind of pea or bean. Others

think it is the fruit of the carob-tree.

(25) Being considered as part of the actual fruit.

(26) Those that are soft and left with some sap.

(27) To be eaten by a non-priest.

(28) That contain marrow and can yet be enjoyed.

(29) Thus showing that he has no further use for them. If the kernels and the bones cannot be enjoyed at all any more, they are permitted to non-priests even whilst still in possession of the priest.

(30) Being almost useless as food.

(31) When the bran is new (within thirty days of being cut), much of the flour clings to the bran even after being ground, but old wheat is dry and grinds so well that little flour is left in the bran.

(32) That is, he may extract from terumah also the fine flour and cast away the coarse bran without scruples of wasting terumah.

(33) A se'ah has six kabs, and after extracting the kab or two of fine flour, the rest was thrown away as refuse.

(34) Since some of it is still edible in cases of emergency, non-priests may not eat thereof, for the name of terumah still adheres to it. (In other cases, food only used in cases of emergency is not deemed food at all, but being terumah added strictures have been imposed.)

(35) That is with a broom, and even if a few grains of terumah are left, it matters not, since he has no intention of wilfully destroying the terumah.

(36) Of terumah.

(37) Cf. Shab. 143b.

(38) Wine and oil of terumah.

(39) After emptying a bottle.

(40) Regardless of some drops that may still be in the first jar.

(41) After the dripping of the three drops.

(42) V. Glos.

(43) A question somewhat irrelevant here, but cited in consequence of the reference to small grains and drops of terumah about which one need not bother. Note that the question only concerns doubtful terumah, for in a case of definite and clean terumah, even smallest particles must not be wasted.

(44) Of a log, that is 1/64th of a log. Less than that may be wasted.

(45) A species of bean rarely used as human food, serving mostly as fodder for animals, but since man eats of it in cases of emergency, terumah must be taken therefrom.

(46) By the priest.

(47) If these are his own. Of terumah, only that which man could not eat, was given to animals.

(48) Since the cow belongs to a priest, he might just as well give the vetches to her as to any other priest.

(49) Hiring not constituting a sale, the cow is still the property of the Israelite.

(50) Lit., 'values'; he undertakes to tend it and to share in its increased value after he had fattened it. Thus, if the cow was now worth 20 dollars and he improved it to be worth 30 dollars, he would share half of the 10 dollars with the priest.

(51) By this arrangement, the cow actually becomes the property of the Israelite and not of the priest; v. Lev, XXII, 11.

(52) Since it becomes his own possession.

(53) Oil of terumah which becomes unclean must be burnt.

(54) Since a priest himself may enter these places and derive benefit from the kindled oil. Only in the case of the sick should the priest be near; he is sure to enter the other places sooner or later (T.J.).

(55) Since a priest may enter there; nor need one fear lest the guests will carry the lamp into a chamber where the priest is not present, for they will not risk soiling the festive garments in which they are attired.

(56) In the house of mourning, where no festive garments are worn, the fear referred to in the preceding note is entertained.

(57) On the contrary, argues R. Jose. In a house of mourning, all sit quietly and will not think of removing the lamp to a room where the priest is not there, but the merriment of the banqueting chamber may prompt them to do so, regardless of soiling their clothes.

(58) Applying the arguments of both R. Judah and R. Jose, and adopting the stringent ruling of each.

(59) Adopting the lenient ruling of both and having no fear that the lamp will be shifted to a place in which no priest is

present.

Mishna - Mas. Ma'aseroth Chapter 1

MISHNAH 1. THEY HAVE LAID DOWN A GENERAL RULE CONCERNING TITHES:¹ WHATEVER IS [CONSIDERED] FOOD² AND IS GUARDED³ AND GROWS OUT OF THE SOIL,⁴ IS LIABLE TO TITHES.⁵ AND THEY HAVE FURTHER LAID DOWN ANOTHER RULE [AS REGARDS TITHE]: WHATSOEVER IS CONSIDERED FOOD BOTH AT THE BEGINNING AND AT THE CONCLUSION [OF ITS GROWTH].⁶ EVEN THOUGH HE WITHHOLDS IT FROM USE SO AS TO ENABLE THE QUANTITY OF FOOD TO INCREASE, IS LIABLE [TO TITHE]. WHETHER [IT BE GATHERED] IN ITS EARLIER OR LATER STAGES [OF RIPENING].⁷ WHEREAS WHATSOEVER IS NOT CONSIDERED FOOD IN THE EARLIER STAGES [OF ITS GROWTH] BUT ONLY IN ITS LATER STAGES,⁸ IS NOT LIABLE [TO TITHE] UNTIL IT CAN BE CONSIDERED FOOD.⁹

MISHNAH 2. WHEN DO THE FRUITS BECOME LIABLE TO TITHE?¹⁰ FIGS FROM THE TIME THEY ARE CALLED BOHAL,¹¹ GRAPES AND WILD GRAPES IN THE EARLY STAGES OF RIPENING,¹² RED BERRIES AND MULBERRIES AFTER THEY BECOME RED; [SIMILARLY] ALL RED FRUITS, AFTER THEY BECOME RED. POMEGRANATES ARE LIABLE TO TITHE AFTER THEIR CORE BECOMES PULPY,¹³ DATES AFTER THEY BEGIN TO SWELL,¹⁴ PEACHES AFTER THEY ACQUIRE [RED] VEINS,¹⁵ WALNUTS FROM THE TIME THEY FORM DRUPES.¹⁶ R. JUDAH SAYS: WALNUTS AND ALMONDS, AFTER THEIR KERNEL SKINS HAVE BEEN FORMED.¹⁷

MISHNAH 3. CAROBS [ARE SUBJECT TO] TITHES AFTER THEY FORM DARK SPOTS.¹⁸ SIMILARLY ALL BLACK-FINISHED FRUITS¹⁹ AFTER THEY FORM DARK SPOTS; PEARS AND CRUSTUMENIAN PEARS,²⁰ QUINCES,²¹ AND MEDLARS²² [ARE LIABLE TO TITHES] AFTER THEIR SURFACE BEGINS TO GROW SMOOTH.²³ SIMILARLY ALL WHITE FRUITS,²⁴ AFTER THEIR SURFACE BEGINS TO GROW SMOOTH; FENUGREEK [IS LIABLE TO TITHE, WHEN IT IS SO FAR ADVANCED] THAT THE SEEDS [CAN BE PLANTED AND] WILL GROW,²⁵ GRAIN AND OLIVES AFTER THEY ARE ONE-THIRD RIPE.²⁶

MISHNAH 4. WITH REGARD TO VEGETABLES,²⁷ CUCUMBERS, GOURDS, WATER-MELONS, CUCUMBER-MELONS,²⁸ APPLES AND CITRONS ARE LIABLE [TO TITHE], WHETHER GATHERED IN THE EARLIER OR LATER STAGES OF RIPENING.²⁹ R. SIMEON EXEMPTS THE CITRON IN THE EARLIER STAGES.³⁰ THE CONDITION IN WHICH BITTER ALMONDS ARE LIABLE [TO TITHE] IS EXEMPT IN THE CASE OF SWEET ALMONDS, AND THE CONDITION IN WHICH SWEET ALMONDS ARE LIABLE [TO TITHE] IS EXEMPT IN THE CASE OF BITTER ALMONDS.³¹

MISHNAH 5. WHEN ARE THE FRUITS FIXED TO BE TITHED?³² CUCUMBERS AND GOURDS [ARE LIABLE TO TITHE] AFTER THEIR FRINGE³³ FALLS OFF, OR IF THIS DOES NOT FALL OFF, AFTER [THE FRUIT] HAS BEEN PILED UP; MELONS SO SOON AS THEY BECOME SMOOTH,³⁴ AND IF THEY HAVE NOT BECOME SMOOTH, AFTER THEY ARE STORED AWAY;³⁵ VEGETABLES WHICH ARE TIED IN BUNDLES,³⁶ FROM THE TIME THEY ARE TIED UP IN BUNDLES; IF THEY ARE NOT TIED UP IN BUNDLES, AFTER THE VESSEL HAS BEEN FILLED WITH THEM;³⁷ IF THE VESSEL IS NOT TO BE FILLED WITH THEM, AFTER THERE HAS BEEN GATHERED ALL THAT HE WISHES TO GATHER. [PRODUCE WHICH IS PACKED IN] A BASKET [IS LIABLE TO TITHE] AFTER IT HAS BEEN COVERED;³⁸ IF IT IS NOT TO BE COVERED, AFTER A VESSEL IS FILLED; IF A VESSEL IS NOT TO BE FILLED, AFTER HE HAS GATHERED ALL HE REQUIRES. WHEN DOES THIS REGULATION APPLY?³⁹ WHEN A MAN BRINGS [THE PRODUCE] TO THE MARKET, BUT WHEN HE BRINGS IT TO HIS OWN HOUSE, HE MAY MAKE A CHANCE

MEAL OF IT, UNTIL HE REACHES HIS HOUSE.

MISHNAH 6. DRIED SPLIT-POMEGRANATES, RAISINS AND CAROBS, ARE LIABLE [TO TITHE] AFTER THEY ARE STACKED; ONIONS, AFTER THEY ARE STRIPPED;⁴⁰ IF THEY ARE NOT STRIPPED, AFTER THEY ARE STACKED; GRAIN, AS SOON AS THE PILE HAS BEEN EVENED;⁴¹ IF IT IS NOT EVENED, AFTER IT HAS BEEN STACKED; PULSE, AFTER IT HAS BEEN SIFTED;⁴² IF IT IS NOT SIFTED, AFTER THE PILE HAS BEEN EVENED. EVEN AFTER THE PILE HAS BEEN EVENED, HE MAY [WITHOUT TITHING] TAKE OF THE TINY EARS,⁴³ FROM THE SIDES OF THE PILES, AND FROM THAT WHICH IS STILL IN THE HUSK, AND EAT.⁴⁴

MISHNAH 7. WINE [IS LIABLE TO TITHE] AFTER IT HAS BEEN SKIMMED,⁴⁵ BUT ALTHOUGH IT HAS BEEN SKIMMED, HE MAY TAKE FROM THE UPPER WINE-PRESS,⁴⁶ OR FROM THE DUCT,⁴⁷ AND DRINK THEREOF [WITHOUT GIVING TITHE]. OIL, AFTER IT HAS DRIPPED INTO THE TROUGH,⁴⁸ BUT EVEN AFTER IT HAS DRIPPED HE MAY STILL TAKE OF THE OIL FROM THE BALE,⁴⁹ OR FROM THE PULP [UNDER THE PRESS],⁵⁰ OR FROM BETWEEN THE BOARDS OF THE PRESS,⁵¹ [WITHOUT TITHING,] AND PUT THE OIL ON A CAKE,⁵² OR PLATE,⁵³ BUT NOT IN A DISH OR STEWPOT, WHILE THE CONTENTS THEREOF ARE BOILING.⁵⁴ R. JUDAH SAYS: HE MAY PUT IT INTO ANYTHING⁵⁵ SAVE IN TO THAT WHICH CONTAINS VINEGAR OR BRINE.⁵⁶

MISHNAH 8. A CAKE OF PRESSED FIGS [IS LIABLE TO TITHE] FROM THE MOMENT ITS SURFACE HAS BEEN SMOOTHED.⁵⁷ IT MAY BE SMOOTHED WITH [THE JUICE OF] UNTITHED FIGS OR GRAPES,⁵⁸ BUT R. JUDAH FORBIDS THIS. IF IT IS SMOOTHED WITH GRAPES, IT IS NOT SUSCEPTIBLE TO [RECEIVE] LEVITICAL UNCLEANNESS,⁵⁹ R. JUDAH, HOWEVER, SAYS, IT IS SUSCEPTIBLE.⁶⁰ DRIED FIGS [ARE LIABLE TO TITHE] AFTER THEY HAVE BEEN TRODDEN,⁶¹ AND [FIGS] STORED IN A BIN [ARE LIABLE TO TITHE] AFTER THEY HAVE BEEN PRESSED. IF ONE WAS TREADING [THE FIGS] INTO A JAR, OR PRESSING THEM IN A STORE BIN, AND THE CASK WAS BROKEN OR THE STORE BIN OPENED, IT IS NOT ALLOWED TO MAKE A CHANCE MEAL OF THEM; R. JOSE, HOWEVER, PERMITS THIS.

(1) V. Introduction. The ruling here also applies to terumah.

(2) This excludes e.g., madder, although in times of dire necessity both are used as food.

(3) In contradistinction to ownerless property, looked after by no private owner.

(4) This excludes such things as mushrooms and truffles, which are not deemed to be things growing from the soil, since they are not sown. In all these cases the ruling is deduced from Deut. XIV, 22, Thou shalt surely tithe all the produce of thy seed, identifying 'produce' with food; 'thy seed', with privately owned produce, and 'seed' with earth-sown produce.

(5) The whole of this paragraph refers to what are technically known as 'regular' meals in contradistinction to 'chance' meals, to which this ruling does not apply.

(6) As for example, all herbs which become fit for consumption as soon as they begin to ripen. The owner nevertheless withholds them from being gathered until they are fully ripe, so as to enable him to accumulate the maximum quantity of produce.

(7) Since they are considered as food, fit to be eaten, from the very beginning of their ripening. Lit., 'whether small or large'.

(8) As for example, certain kinds of fruit which grow on trees.

(9) Derived from Lev. XXVII, 30. From the seed of the earth, from the fruit of the tree, which is interpreted to mean that it is not to be considered food until it grows up and becomes fruit proper.

(10) Fruit, that is to say, which in the early stages of its growth is not considered a food, and which is also eaten at regular times.

(11) The commencement of the ripening is known as **בוהל**. Rashi: From the time their tips become white.

(12) They have reached that stage of ripeness when the berries appear from inside the husks. In the case of a cluster, if

one berry has reached this measure of ripeness, the whole of the cluster is liable to tithe.

- (13) When the eatable portion, the core, can be mashed under one's fingers.
- (14) Lit., 'they cast a dough'. When they rise like dough.
- (15) When there appears in the skin a sort of red vein.
- (16) Lit., 'they form a store'. When the food is actually separated from the outer shell, and gives the appearance of something laid in a store-house.
- (17) R. Judah refers to a thin skin nearest to the food, which does not form upon the fruit until after the completion of the ripening.
- (18) They begin to darken at the completion of their ripening.
- (19) This refers to all fruits which are black on the completion of their ripening, eg., the berries of the myrtle and thorn.
- (20) Small pears resembling nuts. These have hair on them which needs smoothening.
- (21) V. Kil. I, 4.
- (22) A sort of crab-apple.
- (23) After the hair upon them, which covers them in the earlier stages of ripening, falls out. These fruits in their early stages are covered with small hairs, like feathers, and as they ripen they gradually become bald, so that eventually when they are completely ripe, all their hair has fallen out.
- (24) The law does not specifically apply only to those which are actually white, but it also includes those which are neither black nor red.
- (25) Namely when it has become so complete in its ripeness that if it were seed, it would sprout forth. The method of testing to discover when it had reached this stage is by putting the plant in water.
- (26) A third part of that which will eventually grow, or alternately, if he were to store them or in the case of grain to grind them) he would be able to produce from them, at that stage, one third of the amount which will be produced when they are fully ripe.
- (27) The four species of vegetables enumerated here.
- (28) An apple-shaped melon.
- (29) Since both in their earlier and later stages they are considered to be food. Lit., 'whether large or small'.
- (30) Since he holds that they are not eaten at this stage.
- (31) Bitter almonds are gathered and eaten at their earlier stages, not at their later. With sweet almonds the reverse is the case.
- (32) To forbid even a chance meal. Lit., 'when is their threshing-floor (condition) for tithes'. In the case of corn, the tithing-season begins after the produce has been stacked on the threshing-floor.
- (33) In the early stages of ripening there is a woolly substance on their surface; when fully ripe this falls off.
- (34) By the loss of their woolly substance on the surface.
- (35) Lit 'made into a store'. When they have been spread out to be dried. Melons are not piled up but spread out.
- (36) That which it is customary to sell in bundles.
- (37) If a man customarily fills many vessels from his field, he may eat a chance meal until the last vessel has been filled.
- (38) It was customary to cover the fruits with the leaf of a tree when taken to the market so that they should not wither.
- (39) When do the above conditions concerning the season for tithing hold good?
- (40) After the bad peel has been taken off.
- (41) After the produce has been cleansed from its chaff, it is heaped up and levelled.
- (42) Since it is usual to uproot the pulse with dust, it is therefore necessary to sift it in a sieve in order to cleanse it.
- (43) Plucked ears of corn not well threshed.
- (44) Since all these latter things are as yet not ready for tithe.
- (45) From the time that he removes the kernels and the husks which rise to the surface of the wine on its fermenting.
- (46) From the wine which has not yet gone into the press tank.
- (47) Formed in the mouth of the wine-press from which the wine flows into the press tank. The wine which is still in the upper wine-press or in the duct is as yet not completely ready for use.
- (48) The cavity into which the oil drips.
- (49) The meaning of this Hebrew word is obscure; Jast. translates: 'A bale of loose texture containing the olive pulp to be pressed'. Bert.: 'A vessel made of ropes in which the olives are heaped up during the time they lay the press-beam upon them'. Tif. Yis: A perforated basket into which the pressed-out olives are placed when they are gathered together. The oil creeps and oozes out from the holes in the basket.

- (50) The upper millstone with which they grind the olives (Bert.). The stone placed in the basket to press upon the olives and to squeeze them (Tif. Yis.).
- (51) The oil which comes out from between the boards.
- (52) A small, thin and hot cake which, when taken out of the oven, used to be smoothed with oil over its face. This last statement is made to teach us that the cake is not considered in the category of 'cooked' dishes, since generally it is forbidden to eat a chance meal from all produce, fruits and vegetables, cooked by the fire.
- (53) A large dish upon which there is hot cooking.
- (54) Even though he has removed them from the fire.
- (55) He may put it into all boiling pots and dishes, after he has removed it from the fire, and it is still not liable to tithe.
- (56) Brine-water which issues from salted fish or meat. The sharpness of these two ingredients, vinegar and brine, aids considerably in the cooking process.
- (57) It is customary to smoothen its surface with juice in order to beautify it. Then, and then only, does the tithing stage begin.
- (58) Since juices used for smoothing purposes are considered of no consequence. R. Judah, however, holds the contrary view, and therefore, since their fruit is untithed, they are forbidden.
- (59) V. Lev. XI, 34, 38. This refers only to grapes and not to figs, since fig-juice does not render food susceptible to uncleanness.
- (60) The dispute between R. Judah and the other authorities is as to whether the juice is to be considered liquid or not.
- (61) The figs are dried and then are trodden with staves in a vessel, or are pressed with the hands in the store-house.

Mishna - Mas. Ma'aseroth Chapter 2

MISHNAH 1. IF A MAN WAS PASSING THROUGH THE STREET,¹ AND SAID 'TAKE YE OF MY FIGS', ONE MAY EAT AND BE EXEMPT FROM TITHE;² THEREFORE IF³ THEY BROUGHT THEM INTO THEIR HOUSES,⁴ THEY MUST GIVE THE PRIESTLY DUES AS IF THEY WERE CERTAINLY UNTITHED. [IF HE SAID] TAKE YE AND BRING INTO YOUR HOUSES',⁵ THEY MAY NOT MAKE A CHANCE MEAL OF THEM.⁶ THEREFORE, IF THEY BROUGHT THEM INTO THEIR HOUSES, THEY NEED TITHE THEM ONLY AS DEMAI.⁷

MISHNAH 2. IF MEN WERE SITTING IN A DOORWAY OR A SHOP, AND HE⁸ SAID, 'TAKE YE OF MY FIGS',⁹ THEY MAY EAT AND BE EXEMPT FROM TITHES,¹⁰ BUT THE OWNER OF THE DOORWAY, OR THE OWNER OF THE SHOP, IS LIABLE [TO GIVE TITHE]. R. JUDAH, HOWEVER, EXEMPTS HIM¹¹ UNLESS HE TURNS HIS FACE¹² OR CHANGES THE PLACE WHERE HE WAS SITTING [AND SELLING].¹³

MISHNAH 3. IF A MAN BRINGS FRUIT FROM GALILEE TO JUDEA,¹⁴ OR IF HE GOES UP TO JERUSALEM, HE MAY EAT OF THEM,¹⁵ UNTIL HE ARRIVES AT THE PLACE TO WHICH HE INTENDS TO GO;¹⁶ AND SO, ALSO, IF HE RETURNS.¹⁷ R. MEIR, HOWEVER, SAYS: [HE MAY EAT] ONLY UNTIL HE REACHES THE PLACE WHERE HE INTENDS TO REST [ON THE SABBATH].¹⁸ BUT PEDLARS WHO GO ABOUT THE CITIES,¹⁹ MAY EAT,²⁰ UNTIL THEY REACH THE PLACE WHERE THEY INTEND STAYING OVER NIGHT.²¹ R. JUDAH SAYS: 'THE FIRST HOUSE [HE REACHES] IS HIS HOUSE'.²²

MISHNAH 4. IF ONE SET ASIDE THE TERUMAH FROM FRUITS BEFORE THEIR WORK WAS FINISHED,²³ R. ELIEZER SAYS: IT IS FORBIDDEN TO MAKE A CHANCE MEAL OF THEM,²⁴ BUT THE SAGES PERMIT IT²⁵ EXCEPT WHEN IT IS A BASKET OF FIGS. IF ONE SET ASIDE THE TERUMAH FROM A BASKET OF FIGS, R. SIMEON PERMITS IT,²⁶ BUT THE SAGES FORBID IT.²⁷

MISHNAH 5. IF A MAN SAYS TO HIS FELLOW: 'HERE IS THIS ISSAR,²⁸ GIVE ME FIVE FIGS FOR IT', HE MAY NOT EAT OF [THEM] UNTIL HE HAS TITHED THEM;²⁹ SO R. MEIR. R. JUDAH SAYS: IF HE ATE THEM ONE BY ONE, HE IS EXEMPT, BUT IF SEVERAL

TOGETHER,³⁰ HE IS LIABLE [TO TITHE.] R. JUDAH SAID: IT HAPPENED IN A ROSE-GARDEN IN JERUSALEM THAT THERE WERE FIGS BEING SOLD THREE OR FOUR FOR AN ISSAR,³¹ AND NEITHER TERUMAH NOR TITHE WAS EVER GIVEN FROM IT.³²

MISHNAH 6. IF A MAN SAID TO HIS FELLOW: 'HERE IS AN ISSAR FOR TEN FIGS WHICH I MAY SELECT FOR ME',³³ HE MAY SELECT AND EAT;³⁴ [IF HE SAID] 'FOR A CLUSTER OF GRAPES WHICH I MAY SELECT FOR ME', HE MAY PICK GRAPES FROM THE CLUSTER AND EAT;³⁵ [IF HE SAID], 'FOR A POMEGRANATE WHICH I MAY SELECT FOR ME', HE MAY SPLIT³⁶ [THE POMEGRANATE] AND EAT [A SLICE]; [IF HE SAID] 'FOR A WATER-MELON, WHICH I MAY SELECT FOR ME', HE MAY SLICE AND EAT;³⁷ IF HE, HOWEVER, SAID 'FOR THESE TWENTY FIGS', OR 'FOR THESE TWO CLUSTERS', OR 'FOR THESE TWO WATER-MELONS', HE MAY EAT THEM IN HIS USUAL WAY AND BE EXEMPT [FROM TITHE], BECAUSE HE BOUGHT THEM WHILST THEY WERE STILL ATTACHED TO THE GROUND.³⁸

MISHNAH 7. IF A MAN HIRED A LABOURER TO HELP HIM HARVEST FIGS,³⁹ AND HE [THE LABOURER] SAID UNTO HIM 'ON CONDITION THAT I MAY EAT THE FIGS', HE MAY EAT THEM AND BE EXEMPT [FROM TITHE].⁴⁰ IF HE, HOWEVER, SAID, 'ON CONDITION THAT I AND MY SON MAY EAT',⁴¹ OR 'THAT MY SON MAY EAT OF THEM IN LIEU OF MY RECEIVING A WAGE',⁴² HE MAY EAT AND BE EXEMPT [FROM TITHE], BUT IF HIS SON EATS HE IS LIABLE. IF HE SAID: 'ON CONDITION THAT I MAY EAT OF THEM DURING THE TIME OF THE FIG HARVEST, AND AFTER THE FIG HARVEST', DURING THE TIME OF THE FIG HARVEST HE MAY EAT AND BE EXEMPT [FROM TITHE], BUT IF HE EATS AFTER THE FIG HARVEST HE IS LIABLE, SINCE HE DOES NOT EAT OF THEM AFTER THE MANNER PRESCRIBED BY THE TORAH.⁴³ THIS IS THE GENERAL RULE: ONE WHO EATS AFTER THE MANNER PRESCRIBED BY THE TORAH IS EXEMPT [FROM TITHE], AND ONE WHO DOES NOT EAT AFTER THE MANNER PRESCRIBED BY THE TORAH IS LIABLE.⁴⁴

MISHNAH 8. IF A MAN IS DOING [HIRED LABOUR] AMONG POOR FIGS, HE MAY NOT EAT OF GOOD FIGS,⁴⁵ AND IF HE IS DOING [HIRED LABOUR] AMONG GOOD FIGS, HE MAY NOT EAT OF THE POOR FIGS, BUT HE MAY RESTRAIN HIMSELF UNTIL HE REACHES THE PLACE WHERE THERE ARE THE BETTER FIGS,⁴⁶ AND THEN HE MAY EAT. IF A MAN EXCHANGES WITH HIS FELLOW EITHER HIS FRESH FIGS FOR HIS FRESH FIGS,⁴⁷ HIS DRIED FIGS FOR HIS DRIED FIGS,⁴⁸ HIS FRESH FIGS FOR HIS DRIED FIGS, THEN HE IS LIABLE TO GIVE TITHE.⁴⁹ R. JUDAH, HOWEVER, SAYS: IF A MAN EXCHANGES [HIS FIGS] FOR [HIS FELLOW'S] FRESH FIGS HE IS LIABLE, BUT [IF FOR THE OTHER'S] DRIED FIGS HE IS EXEMPT.⁵⁰

(1) The statement speaks of an 'am ha-arez who is suspected of not having given his tithe, and also of fruit which is not being taken to be sold.

(2) Because we can say they have not been taken indoors, and therefore, the time has not yet arrived when they are liable to tithe; v. supra I, 5.

(3) Since he uses only this phrase 'Take' in his statement, implying a chance meal.

(4) The man who gave them had not tithed them, thinking they were going to eat them in the street, which does not require tithing. From the moment, however, that they are taken indoors, they are liable to tithe. In this case, they give the tithe of tithe which the Levite owes to the priest (תרומת מעשר) v. Num. XVIII, 26; the first tithe (מעשר ראשון) belonging to the Levite; the second tithe (מעשר שני) to be consumed by the owner in Jerusalem (v. Deut. XIV, 23) they may keep for themselves.

(5) Thus indicating that they may be eaten, even in the house, as having been tithed, after having become liable to tithe.

(6) The man is believed in so far that the produce had reached the stage when it became liable to tithe, and consequently forbidden even for a chance meal, but he is not believed that the tithe had been taken from them.

- (7) v. Glos.
- (8) The owner of the doorway or the ship, who was carrying fruit.
- (9) Which I have in the street; because if they were in the doorway or shop they would become liable, as if they were in the house.
- (10) Since a man's house renders produce liable to tithe only as far as he is concerned.
- (11) R. Judah holds that since a doorway or shop is a place where he will be ashamed to eat, it is not regarded as a courtyard or house which renders produce liable to tithe.
- (12) Enabling him to eat without feeling ashamed.
- (13) Even though his face is turned towards his buyers, by changing his position he indicates his desire to find a place where he can eat unashamed.
- (14) He gathered them in his field in Galilee with the intention of taking them up to Judea and selling them there.
- (15) A chance meal without tithing.
- (16) Even if he stops on the way, he is still exempt from giving tithe, because it is his intention to sell them only in Judea.
- (17) If before he reached Judea he decided to take them back to Galilee, he may make a chance meal of them until he reaches Galilee again.
- (18) That is to say until he has brought them into the house where he intends to rest on Sabbath, and as soon as he reaches his destination, and even though Sabbath has not yet arrived, he is liable to give tithe.
- (19) To sell spices and other perfumery of women; and they carry with them at the same time fruit which has been given to them, but which has not yet been tithed.
- (20) A chance meal, until they reach their destination, and then the fruit is liable to tithe.
- (21) He is only liable when they have been actually brought into the house.
- (22) As regards the law of tithes. Because as soon as the man reaches the city he will enter the first house he can find with the intention of staying there. Therefore, even although ultimately he does not settle with the owner of the house to stay in this particular house, he has, by bringing his fruit into this house, made it liable to tithe.
- (23) The season has not yet been reached when they are liable to tithe, as defined *supra* I.
- (24) Until all the tithes have been separated. because he holds the view that the setting aside of *terumah* fixes the liability of fruit tithes, even though they are not yet fully finished.
- (25) They do not accept R. Eliezer's principle.
- (26) Because the tithing season in this case begins only after all the fruit has been gathered or as much as is required; V. *supra* I, 5.
- (27) Because once the *terumah* has been set aside from the basket, it is indicative that all that is needful has been gathered.
- (28) V. Glos.
- (29) Because the sale fixes liability to tithing.
- (30) If the owner of the garden gives him two or more, at the same time, he is liable to tithe, because these constitute for him an immature threshing-floor.
- (31) Here the seller used to gather them, since he would allow no buyers to enter the garden on account of the roses.
- (32) Since they eat them one by one.
- (33) Which I may select and gather from the trees.
- (34) He may pluck them one by one, and eat without tithing. If, however, he plucked two together he is liable to give tithe.
- (35) He may gather the single berries from the cluster which he has chosen and eat. The cluster itself must be attached to the ground, otherwise even under these conditions he is liable.
- (36) While the pomegranate is still attached to the ground he may eat it slice by slice
- (37) He may cut off separate thin slices from the fruit whilst it is attached in the ground
- (38) Since he bought that which was attached to the ground his is the same ruling as that if the owner of the garden who may eat a chance meal until he reaches his house (v. *supra* I, 5). For the sale does not fix the liability to tithe in that which is attached to the ground.
- (39) Either to cut them or to store them for drying.
- (40) The condition does not invalidate anything normally observed, since even without this stipulation he is legally entitled to eat, according to Deut. XXIII, 25: 'If thou shalt come to the vineyard of thy friend and thou shalt eat grapes'

etc., which verse refers to a workman. It is therefore not like a sale and does not therefore fix liability to tithing.

(41) The eating by the son constitutes a sale and therefore fixes the liability in tithing.

(42) In lieu of wages for my work, and instead of my eating.

(43) Since his status is then not one of a workman, he eats on the basis of a condition, and hence it is like a sale.

(44) V. B.M. 87b as to what work entitles the labourer to eat.

(45) Deduced from Deut. XXIII, 25. V. supra p. 264, n. 6.

(46) The labourer who harvests both amongst poor and good figs restrains himself from eating whilst working amongst the poor figs, and then when he arrives at the good figs, he may eat even the amount due to him from the previous poor figs.

(47) Lit., 'the one to eat, and the one to eat'. If he says, you eat my fresh figs and I yours.

(48) Lit., 'the one to store' etc.. A similar stipulation with regard to figs spread out to dry.

(49) Since the exchange is considered equivalent to the sale.

(50) R. Judah holds that a sale does not fix liability to tithe in regard to anything the work of which is unfinished, as in the case of figs stored for drying.

Mishna - Mas. Ma'aseroth Chapter 3

MISHNAH 1. IF A MAN WAS TAKING HIS FIGS THROUGH HIS COURTYARD TO BE DRIED,¹ HIS CHILDREN AND THE OTHER MEMBERS OF HIS HOUSEHOLD² MAY EAT [OF THEM] AND BE EXEMPT [FROM TITHE].³ THE LABOURERS⁴ [WHO WORK] WITH HIM MAY EAT,⁵ AND BE EXEMPT⁶ SO LONG AS HE IS NOT OBLIGED TO MAINTAIN THEM;⁷ IF, HOWEVER, HE IS OBLIGED TO MAINTAIN THEM,⁸ THEY MAY NOT EAT.⁹

MISHNAH 2. IF A MAN BROUGHT HIS LABOURERS INTO THE FIELD,¹⁰ SO LONG AS HE IS NOT OBLIGED TO MAINTAIN THEM, THEY MAY EAT AND BE EXEMPT FROM TITHES.¹¹ IF, HOWEVER, HE IS OBLIGED TO MAINTAIN THEM THEY MAY EAT OF THE FIGS ONE AT A TIME,¹² BUT NOT FROM THE BASKET, NOR FROM THE LARGE VESSELS, NOR FROM THE DRYING SHED.¹³

MISHNAH 3. IF A MAN HIRED A WORKMAN TO PREPARE HIS OLIVES¹⁴ AND HE SAID TO HIM, 'ON CONDITION THAT I MAY EAT THE OLIVES',¹⁵ HE MAY EAT OF THEM ONE AT A TIME AND BE EXEMPT [FROM TITHE]. IF, HOWEVER, HE ATE SEVERAL TOGETHER HE IS LIABLE. [IF HE HAD BEEN HIRED] TO WEED OUT ONIONS,¹⁶ AND HE SAID TO HIM, 'ON CONDITION THAT I MAY EAT THE VEGETABLES', HE MAY PLUCK LEAF BY LEAF,¹⁷ AND EAT [WITHOUT TITHING]; IF, HOWEVER, HE ATE SEVERAL TOGETHER, HE IS LIABLE [TO GIVE TITHE].¹⁸

MISHNAH 4. IF A MAN FOUND CUT FIGS¹⁹ ON THE ROAD, OR EVEN BESIDE A FIELD [WHERE CUT FIGS] HAVE BEEN SPREAD [TO DRY] (AND SO, TOO, IF A FIG TREE OVERHANGS THE ROAD, AND FIGS WERE FOUND BENEATH IT). THEY ARE ALLOWED [AS NOT COMING WITHIN THE LAW] OF ROBBERY,²⁰ AND THEY ARE EXEMPT FROM TITHE;²¹ OLIVES AND CAROBS, HOWEVER, ARE LIABLE.²² IF A MAN FOUND DRIED FIGS, THEN IF THE MAJORITY OF PEOPLE HAD ALREADY TRODDEN [THEIR FIGS].²³ HE IS LIABLE [TO TITHE], BUT IF NOT HE IS EXEMPT. IF A MAN FOUND SLICES OF FIG-CAKE²⁴ HE IS LIABLE [TO TITHE]. SINCE IT IS OBVIOUS THEY COME FROM SOMETHING [THE WORK IN CONNECTION THEREWITH IS] FULLY COMPLETED. WITH CAROBS,²⁵ IF THEY HAD NOT YET BEEN ON THE TOP OF THE ROOF, HE MAY TAKE SOME DOWN FOR THE CATTLE²⁶ AND BE EXEMPT [FROM TITHE]. SINCE HE MAY RETURN THAT WHICH IS LEFT OVER.²⁷

MISHNAH 5. WHICH COURTYARD IS IT WHICH MAKES [THE PRODUCE] LIABLE TO TITHE.²⁸ R. ISHMAEL SAYS: THE TYRIAN YARD [WITH A LODGE AT THE ENTRANCE].²⁹

WHEREIN WATCH IS KEPT OVER THE VESSELS. R. AKIBA SAYS: ANY YARD WHICH ONE PERSON MAY OPEN AND ANOTHER MAY SHUT [AS THEY PLEASE],³⁰ IS EXEMPT. R. NEHEMIAH SAYS: ANY YARD IN WHICH A MAN IS NOT ASHAMED TO EAT, IS LIABLE. R. JOSE SAYS: ANY YARD INTO WHICH A PERSON³¹ MAY ENTER, AND ONE DOES NOT SAY UNTO HIM, WHAT ARE YOU SEEKING? IS EXEMPT.³² R. JUDAH SAYS: 'IF THERE ARE TWO YARDS ONE WITHIN THE OTHER, THE INNER ONE MAKES [THE PRODUCE] LIABLE [TO TITHE], THE OUTER ONE IS EXEMPT'.³³

MISHNAH 6. ROOFS DO NOT RENDER [PRODUCE] LIABLE, EVEN THOUGH THEY BELONG TO A COURTYARD WHICH RENDERS IT LIABLE.³⁴ A GATEWAY,³⁵ PORTICO,³⁶ OR BALCONY,³⁷ IS CONSIDERED [IN THE SAME CATEGORY] AS THE COURTYARD [TO WHICH IT BELONGS]; IF THIS MAKES [PRODUCE] LIABLE [TO TITHE] SO DO THEY, AND IF IT DOES NOT, THEY DO NOT.

MISHNAH 7. CONE-SHAPED HUTS,³⁸ THE STORES IN TURRETS,³⁹ AND SHEDS IN THE FIELD⁴⁰ DO NOT RENDER [PRODUCE] LIABLE; THE LODGE OF GENESARETH GARDENS,⁴¹ EVEN THOUGH IT CONTAINS HANDMILL AND POULTRY,⁴² DOES NOT RENDER [PRODUCE] LIABLE. AS FOR THE POTTER'S HUT,⁴³ THE INNER PART RENDERS [PRODUCE] LIABLE, THE OUTER PART DOES NOT. R. JOSE SAYS: ANYTHING WHICH IS NOT BOTH A SUMMER AND WINTER DWELLING DOES NOT RENDER [PRODUCE] LIABLE [TO TITHES].⁴⁴ AS REGARDS THE FESTIVE BOOTHS USED ON THE FESTIVAL, R. JUDAH SAYS: THIS ALSO RENDERS [PRODUCE] LIABLE TO TITHE,⁴⁵ BUT THE SAGES SAY: IT DOES NOT.

MISHNAH 8. IF A FIG TREE STOOD IN A COURTYARD,⁴⁶ A MAN MAY EAT THE FIGS FROM IT SINGLY AND BE EXEMPT [FROM TITHE], BUT IF HE TOOK TWO OR MORE TOGETHER HE IS LIABLE. R. SIMEON SAYS: [EVEN] IF HE HAS [AT ONE AND THE SAME TIME] ONE IN HIS RIGHT HAND, ONE IN HIS LEFT HAND AND ONE IN HIS MOUTH, HE IS STILL EXEMPT.⁴⁷ IF HE ASCENDED TO THE TOP [OF IT],⁴⁸ HE MAY FILL HIS BOSOM AND EAT.⁴⁹

MISHNAH 9, IF A VINE WAS PLANTED IN A COURTYARD, A MAN MAY TAKE A WHOLE CLUSTER.⁵⁰ SIMILARLY WITH A POMEGRANATE, OR A MELON. SO R. TARFON. R. AKIBA SAYS: HE SHOULD PICK SINGLE BERRIES FROM THE CLUSTER,⁵¹ OR SPLIT THE POMEGRANATE INTO SLICES, OR CUT SLICES OF MELON. IF CORIANDER WAS SOWN IN A COURTYARD HE MAY PLUCK LEAF BY LEAF AND EAT [WITHOUT TITHING], BUT IF HE ATE THEM TOGETHER HE IS LIABLE [TO GIVE TITHE]. SAVORY AND HYSSOP, AND THYME⁵² WHICH ARE IN THE COURTYARD,⁵³ IF KEPT WATCH OVER, ARE LIABLE TO TITHE.⁵⁴

MISHNAH 10. IF A FIG TREE STOOD IN A COURTYARD, AND OVERHUNG A GARDEN, A MAN MAY EAT AFTER HIS CUSTOMARY FASHION⁵⁵ AND BE EXEMPT [FROM TITHE]. IF, HOWEVER, IT STOOD IN THE GARDEN AND OVERHUNG THE COURTYARD, A MAN MAY EAT [THE FIGS] SINGLY⁵⁶ AND BE EXEMPT, BUT IF HE TAKES TWO OR MORE TOGETHER, HE IS LIABLE [TO TITHES]. IF IT STOOD IN THE LAND [OF ISRAEL] AND OVERHUNG [THE TERRITORY] OUTSIDE THE LAND, OR IF IT STOOD IN [THE TERRITORY] OUTSIDE THE LAND, AND OVERHUNG THE LAND, IN ALL THESE CASES [THE LAW IS] DECIDED ACCORDING TO THE POSITION OF THE ROOT.⁵⁷ AND AS REGARDS HOUSES IN WALLED CITIES, EVERYTHING IS DECIDED ACCORDING TO THE POSITION OF THE ROOT.⁵⁸ BUT AS REGARDS CITIES OF REFUGE, EVERYTHING IS DECIDED [ALSO] ACCORDING TO THE LOCATION OF THE BRANCHES.⁵⁹ AND ALSO IN WHAT CONCERNS JERUSALEM,⁶⁰ EVERYTHING IS [ALSO] DECIDED BY THE

LOCATION OF THE BRANCHES.⁶¹

- (1) He was taking them through his courtyard to the place where they were to be dried.
- (2) His wife.
- (3) Because a courtyard does not fix the liability to tithing any produce the work of which is not complete. Nevertheless he himself is still forbidden to make a chance meal of them, without tithing, except in the place where they are to be dried, where it is evident that the work in connection with the figs has not been completed.
- (4) Whom he has hired to take the fruit through the courtyard. Then it is a work which does not entitle them to eat; v. supra II, 7.
- (5) If he offered the fruit to them.
- (6) A gift, unlike a sale, does not fix liability to tithing; v. supra II, 2.
- (7) Lit., 'their food is not upon him'. So long as he has not stipulated that he will maintain them.
- (8) He stipulated he would maintain them.
- (9) For this is like a sale.
- (10) For some other work, and not to gather fruits, and therefore, not entitled Biblically to eat.
- (11) If he gave unto them, because a gift does not follow the same ruling as a sale.
- (12) Which is a casual meal and permissible even in the case of a sale, unless the work in connection with the produce had been completed.
- (13) In these cases it is treated as produce taken to the market, which is in itself sufficient to fix 'liability to tithing; v. supra I, 5.
- (14) To hoe beneath the olives, but not to gather, and therefore not entitled to eat according to the Biblical law.
- (15) This is equivalent to a sale.
- (16) To weed out the bad herbs which grow beneath the onions. This also does not entitle him to eat Biblically.
- (17) Singly, from that which is joined to the ground.
- (18) The combination of several together constitutes a kind of threshing-floor and fixes liability to tithing; v. supra II, 5.
- (19) קציצות, figs partly dried. The development in the growth of figs is as follows: When they are plucked from the tree and are still juicy they are called in Hebrew תאנים; after this, when they are laid upon mats of reed grass to be dried, and their surface contracts a little when they begin to dry they are called קציעות or קציצות. Then when they are altogether dried they are called גרוגרות, and finally, when they are trodden into a round cake they are called דבילה. The vessel in which the figs are dried is called מוקצה.
- (20) Because when a fig falls it is spoilt and the owners have therefore disclaimed ownership from it. Similarly, where the figs are found on the road, it is assumed the owner has surrendered his ownership of them.
- (21) As all ownerless produce.
- (22) It is considered robbery because the owners do not give it up; moreover its appearance proves that it fell from this tree; but when a fig falls it is spoilt, and it is not known from which tree it fell.
- (23) If the majority of the inhabitants of that city had already trodden their dried figs in their fields, we can see, therefore, that these are also from the trodden ones, and therefore have become liable to tithe, and this liability remains even when the produce becomes ownerless.
- (24) After the round cake has been trodden, it is divided up into many slices.
- (25) This does not refer to a find, but to the case where a man had carobs on his roof. Since it was his intention to bring them up on to this roof in order to dry them, therefore their work is not complete, and their liability to tithe is not fixed by the courtyard.
- (26) Though they are already on the roof, provided they have not been thoroughly dried, and not yet heaped up there for storing (Tif. Yis.).
- (27) To the place where he spreads them out to dry; even if he has brought down much for the cattle, he is nevertheless exempt.
- (28) Which like a house determines the tithe brought there.
- (29) In the province of Tyre there sat a watchman at the entrance to the courtyard (cf. Isa. XXIII, 8). Because all the inhabitants of Tyre were princes and dwelt in royal residences, therefore out of respect for them, there was also a lodge to their court in which sat a watchman (Tif. Yis.).
- (30) I.e., in a court in which there are two houses for two men, and where one opens the entrance of the court, the second may come in and close it; similarly where one locks it, the second may object and open it, such a court is 'not

well-guarded'.

(31) A stranger.

(32) Even though he is not ashamed to eat in it.

(33) Since access is gained to the inner one through the outer one, the latter is not considered 'well guarded'.

(34) Even though he has brought the produce up to the roof by the way of the courtyard, it is nevertheless not liable to tithe, since at the time he brought them into the courtyard it was his intention to bring them up, and to eat them on the roof.

(35) Near the entrance of the courtyard.

(36) Exedra, a covered place in front of the house surrounded by three walls.

(37) A gallery from which one descends by a ladder to the courtyard.

(38) They have no roof, but the walls at the top touch one another and then gradually broaden downwards.

(39) Sort of network arrangement in the field, to store therein the fruits. Often used as a station for travellers.

(40) A booth erected in the summer and generally in the days of the sun as a shade. A shed for stacks in the field.

(41) The district of the Sea of Galilee, where the fruits are many and good, and its inhabitants make booths in which to dwell during the entire season of the fruits, which means actually the greater part of the year.

(42) Which indicates that this is their dwelling place day and night.

(43) It has two booths, one within the other; in the outer one he makes dishes etc. and sells them, and in the inner one, where he lives, he keeps and stores them.

(44) Consequently, since the potter does not live in the inner booth in the rainy season, it does not render produce liable.

(45) He holds the opinion that since the booth is a regular abode it fixes liability to tithing. The law was not according to R. Judah.

(46) Of a kind which renders produce liable for tithing.

(47) Even three taken in this manner are not considered as taken together, and are allowed.

(48) The fig-tree.

(49) Only at the top of the tree. He is allowed to eat so long as he does not descend into the courtyard.

(50) He may eat after his customary fashion, and he need not pick single berries only nor take separate slices of pomegranate and melon.

(51) Whilst it is still joined to the soil.

(52) Or, organum.

(53) It is usual for these plants to grow in gardens etc., without being sown; v. Nid. 51b.

(54) Otherwise they are ownerless property since it is their custom to grow without being sown, and exempt from tithes.

(55) From the branch which overhangs the garden.

(56) From that branch which overhangs the courtyard.

(57) This follows the principle laid down that the branches always comply with the same conditions as the root, which is the source from which the tree grows.

(58) V. Lev. XXV, 29ff, and 'Ar. 31aff, Whether or not the tree is included in the law depends on whether the roots are within or outside the bounds of the walled city.

(59) If there is a tree the branch of which is within the area allocated to the city of refuge, and the root outside the area, as soon as the murderer reaches the root, though it is outside the area, the avenger of blood may not kill him; v. Mak. 12a — b.

(60) As regards second tithe which may not be taken out of Jerusalem once it has entered the city (v. M. Sh. III, 5, 7) and the holy sacrifices which must be consumed within the wall of Jerusalem.

(61) We adopt the more stringent ruling, as is done in what appertains to the cities of refuge.

Mishna - Mas. Ma'aseroth Chapter 4

MISHNAH 1. IF A MAN PICKLED,¹ STEWED,² OR SALTED³ [PRODUCE].⁴ HE IS LIABLE⁵ [TO GIVE TITHE]; IF HE HID [PRODUCE] IN THE GROUND,⁶ HE IS EXEMPT.⁷ IF HE DIPPED IT [WHILE YET] IN THE FIELD,⁸ HE IS EXEMPT. IF HE BRUISED OLIVES⁹ SO THAT THE ACRID SAP MAY COME OUT OF THEM, HE IS EXEMPT. IF A MAN SQUEEZED OLIVES AGAINST HIS SKIN,¹⁰ HE IS EXEMPT; IF HOWEVER, HE SQUEEZED THEM AND PUT THEM INTO HIS HAND,¹¹ HE IS LIABLE. HE THAT SKIMS [WINE PUT IN] A [COLD]¹²

DISH¹³ IS EXEMPT.¹⁴ BUT [IF WINE IS PUT] IN AN [EMPTY] POT, HE IS LIABLE BECAUSE IT MAY BE CONSIDERED AS A SMALL VAT.¹⁵

MISHNAH 2. IF CHILDREN¹⁶ HAVE HIDDEN FIGS [IN THE FIELD] FOR THE SABBATH AND THEY FORGOT TO TITHE THEM,¹⁷ THEY MUST NOT BE EATEN¹⁸ AFTER THE CONCLUSION OF THE SABBATH UNTIL THEY HAVE BEEN TITHED.¹⁹ IN THE CASE OF A BASKET OF FRUITS FOR THE SABBATH,²⁰ BETH SHAMMAI EXEMPT IT FROM TITHE; BUT BETH HILLEL RENDER IT LIABLE.²¹ R. JUDAH SAYS: ALSO HE WHO SELECTS A BASKETFUL OF FIGS TO SEND AS A PRESENT TO HIS FRIEND,²² MUST NOT EAT OF THEM, UNTIL THEY HAVE BEEN TITHED.

MISHNAH 3. IF A MAN TOOK OLIVES FROM THE VAT,²³ HE MAY DIP THEM SINGLY IN SALT, AND EAT THEM;²⁴ IF, HOWEVER, HE SALTED THEM, AND PUT THEM IN FRONT OF HIM,²⁵ HE IS LIABLE [TO GIVE TITHE]. R. ELIEZER SAID: [IF AN UNCLEAN PERSON TOOK THEM OUT] FROM A CLEAN VAT HE IS LIABLE;²⁶ FROM AN UNCLEAN [VAT]. HE IS EXEMPT BECAUSE HE IS ABLE TO RESTORE THAT WHICH IS LEFT OVER.

MISHNAH 4. ONE MAY DRINK [WINE] OUT OF THE WINEPRESS,²⁷ WHETHER²⁸ [IT IS MIXED] WITH HOT OR COLD WATER, AND BE EXEMPT [FROM TITHE]; SO R. MEIR. R. ELIEZER, THE SON OF R. ZADOK, HOWEVER, RENDERS THIS LIABLE;²⁹ WHILST THE SAGES SAY: IF MIXED WITH HOT WATER IT IS LIABLE [TO TITHE]. BUT WITH COLD WATER, IT IS EXEMPT.³⁰

MISHNAH 5. HE WHO HUSKS BARLEY MAY HUSK EACH [GRAIN] SINGLY AND EAT³¹ [WITHOUT TITHING], BUT IF HE HUSKED AND PUT THEM INTO HIS HAND, HE IS LIABLE [TO TITHE].³² HE WHO RUBS PARCHED EARS OF WHEAT³³ MAY BLOW OUT [THE CHAFF OF THE WHEAT] FROM HAND TO HAND AND EAT,³⁴ BUT IF HE BLOWS AND PUTS THE GRAIN IN HIS LAP HE IS LIABLE. IF CORIANDER WAS SOWN FOR THE SAKE OF THE SEED, THE PLANT³⁵ IS EXEMPT [FROM TITHE]. BUT IF SOWN FOR THE SAKE OF THE PLANT THEN BOTH THE SEED AND THE PLANT MUST BE TITHED. R. ELIEZER SAID: AS FOR DILL, TITHE MUST BE GIVEN FROM THE SEED AND THE PLANT, AND THE PODS. BUT THE SAGES, HOWEVER, SAY: BOTH THE SEEDS AND PLANT ARE TITHED ONLY IN THE CASE OF PEPPERWORT AND ERUCA.

MISHNAH 6. RABBAN GAMALIEL³⁶ SAID: SHOOTS³⁷ OF FENUGREEK, OF MUSTARD, AND OF WHITE BEANS ARE LIABLE [TO TITHE].³⁸ R. ELIEZER SAYS: AS FOR THE CAPER-TREE, TITHES MUST BE GIVEN FROM THE SHOOTS.³⁹ THE CAPERBERRIES AND THE CAPER FLOWER.⁴⁰ R. AKIBA SAYS: ONLY THE CAPERBERRIES ARE TITHED SINCE THEY [ALONE] COUNT AS FRUIT.

(1) Olives or vegetables in vinegar or in wine.

(2) **הַשׂוֹלֵק** This is a more thorough preparation than mere boiling.

(3) Many vegetables, olives etc. together.

(4) Var. lec. add: 'while yet in the field'.

(5) Any one of these acts fixed liability to tithing.

(6) Fruits which have not completely ripened on the tree are hidden in the earth, where, by means of the warmth, they ripen.

(7) I.e., he may take of it 'a chance meal'.

(8) In salt, brine or vinegar, and eats it.

(9) He crushes and pounds them so that the acrid sap should go forth from them.

(10) To anoint his skin.

(11) Because that which he puts into his hand can be considered as if he had put it into a small cistern or pit into which

the oil flows.

(12) Boiling fixes liability to tithing, v. supra I, 7.

(13) He removes the kernels which float above the wine after it has been put in a dish; when he skims it the work is complete. v. supra I, 7.

(14) Liability to tithing is not fixed here by this skimming, since the wine has been already mixed before the skimming.

(15) Before he puts the food into it he puts the wine into it and skims it, therefore it is as one skimming wine in a small tank, and is therefore liable.

(16) Whose intention usually is of no effect.

(17) On the Sabbath eve.

(18) Not even a chance meal.

(19) Sabbath fixes the liability to tithing; now since their intention to have them for the Sabbath meal has fixed the liability of them to tithing, they therefore remain forbidden for ever until they have been tithed.

(20) A basket full of fruits which has been set apart for the Sabbath.

(21) The dispute here is in the case of one who wishes to make a 'chance meal' of them before the Sabbath.

(22) This selection fixes the liability of the fruits to tithing, and he must not make a chance meal of it until it has been tithed, even if he does not eventually send it.

(23) The place where they pile up olives in order that they should become soft, and capable of exuding their oil.

(24) Normally salting itself is sufficient to fix liability to tithe, provided, however, some time is allowed for the salt to penetrate and to soften the produce; if, however, it is immediately eaten as salted, salting does not fix liability to tithing.

(25) That is, at least the two together.

(26) Since they cannot be put back: for by so doing, the olives in the vat would be defiled; the salting fixes the liability to tithing.

(27) Outside the wine-press the liability to tithing is fixed and it is forbidden to drink of the wine

(28) Whether the wine is mixed with hot or cold water.

(29) This enactment has been made by R. Eliezer as a precaution lest the wine is taken outside the wine-press, and drunk there.

(30) If mixed with hot water, the wine which is left over cannot be put back, because the wine in the press will thus be spoiled; the taking out of the wine thus fixes the liability to tithing; but if it is mixed with cold water, what is left over can be put back, hence it is exempt.

(31) One barley-corn. This applies only when it is not near the threshing-floor.

(32) Even if only three kernels are husked together he is liable (T.J.).

(33) He parches ears of corn over the fire and crushes them in his hand to remove the worthless matter.

(34) He shakes them from one hand to the other, and blows to separate.

(35) The seed is the principal and the herb or plant secondary. The plant here means the herb or foliage.

(36) Var. lec.: R. Simeon b. Gamaliel.

(37) תמרות . Either the shoots or the berries.

(38) Because they can be eaten.

(39) Its sprouts or stalks.

(40) Which protects the fruit that surrounds it.

Mishna - Mas. Ma'aseroth Chapter 5

MISHNAH 1. IF ONE UPROOTS SEEDLINGS¹ OUT OF HIS OWN [PROPERTY] AND PLANTS THEM [ELSEWHERE] WITHIN HIS OWN [PROPERTY]. HE IS EXEMPT FROM TITHE.² IF HE BOUGHT SUCH AS WERE ATTACHED TO THE GROUND,³ HE IS EXEMPT;⁴ IF HE GATHERED THEM IN ORDER TO SEND THEM TO HIS FELLOW, HE IS EXEMPT.⁵ R. ELIEZER SON OF AZARIAH SAID: IF THEIR LIKE WERE BEING SOLD IN THE STREET,⁶ THEY ARE LIABLE TO TITHE.

MISHNAH 2. IF A MAN UPROOTS TURNIPS AND RADISHES FROM WITHIN HIS OWN [PROPERTY] AND PLANTS [THEM ELSEWHERE] WITHIN HIS OWN [PROPERTY] FOR THE PURPOSE OF SEED,⁷ HE IS LIABLE TO TITHE,⁸ SINCE THIS WOULD BE

[CONSIDERED] THEIR HARVEST-TIME.⁹ IF ONIONS TAKE ROOT IN AN UPPER STOREY¹⁰ THEY BECOME LEVITICALLY CLEAN FROM ANY IMPURITY;¹¹ IF SOME DEBRIS FELL UPON THEM AND THEY ARE UNCOVERED,¹² THEY ARE REGARDED AS THOUGH THEY WERE PLANTED IN THE FIELD.¹³

MISHNAH 3. NO PERSON MAY SELL HIS FRUITS¹⁴ AFTER THE SEASON FOR TITHING HAS ARRIVED¹⁵ TO ONE WHO IS NOT TO BE TRUSTED CONCERNING TITHES, NOR IN THE SABBATICAL YEAR [MAY ONE SELL SABBATICAL YEAR PRODUCE]¹⁶ TO ANYONE SUSPECTED OF [INFRINGING] THE SABBATICAL YEAR. IF ONLY [SOME] PRODUCE RIPENED,¹⁷ HE TAKES THE RIPE ONES AND MAY SELL THE REMAINDER.

MISHNAH 4. A MAN MAY NOT SELL HIS STRAW,¹⁸ NOR HIS OLIVE-PEAT,¹⁹ NOR HIS GRAPE-POMACE²⁰ TO ONE WHO IS NOT TO BE TRUSTED IN [THE OBSERVANCE OF] TITHES, FOR HIM TO EXTRACT THE JUICE FROM THEM.²¹ IF HE, HOWEVER, EXTRACTED THEM HE IS LIABLE TO TITHES, BUT IS EXEMPT FROM TERUMAH; BECAUSE WHEN A MAN SEPARATES TERUMAH HE HAS IN MIND THE FRAGMENTS,²² AND WHAT [IS] BY THE SIDES,²³ AND INSIDE THE STRAW.²⁴

MISHNAH 5. IF A MAN BOUGHT A FIELD OF VEGETABLES IN SYRIA²⁵ BEFORE THE SEASON FOR TITHING ARRIVED, THEN HE IS LIABLE TO TITHE²⁶; AFTER THE SEASON FOR TITHING HE IS EXEMPT, AND MAY GO ON GATHERING AFTER HIS USUAL MANNER.²⁷ R. JUDAH SAYS: HE MAY ALSO HIRE WORKMEN AND GATHER.²⁸ R. SIMEON B. GAMALIEL SAYS: THIS²⁹ APPLIES ONLY IF HE HAS BOUGHT THE LAND; IF, HOWEVER, HE HAS NOT BOUGHT THE LAND, THOUGH IT WAS BEFORE THE SEASON FOR TITHING ARRIVED, HE IS EXEMPT.³⁰ RABBI SAYS: HE MUST ALSO TITHE ACCORDING TO CALCULATION.³¹

MISHNAH 6. IF A MAN MAKES POMACE WINE,³² PUTTING WATER ON BY MEASURE, AND HE FINDS [AFTERWARDS] THE SAME QUANTITY, HE IS EXEMPT FROM GIVING TITHE.³³ R. JUDAH RENDERS HIM LIABLE.³⁴ IF, HOWEVER, HE FOUND MORE THAN THE SAME QUANTITY, HE MUST GIVE [TITHE] FOR IT FROM ANOTHER PLACE, IN PROPORTION.³⁵

MISHNAH 7. IF ANT-HOLES HAVE REMAINED THE WHOLE NIGHT NEAR A PILE OF CORN WHICH WAS LIABLE TO TITHE,³⁶ THEN THESE ARE ALSO LIABLE,³⁷ SINCE IT IS OBVIOUS THAT THEY [THE ANTS] HAVE BEEN DRAGGING AWAY THE WHOLE NIGHT FROM SOMETHING [OF WHICH THE WORK] HAD BEEN COMPLETED.³⁸

MISHNAH 8. BAALBEK GARLIC,³⁹ RIKPA⁴⁰ ONIONS, CICILIAN BEANS AND EGYPTIANS LENTILS (R. MEIR INCLUDES ALSO COLOCASIA, AND R. JOSE SAYS: ALSO WILD LENTILS)⁴¹ ARE EXEMPT FROM TITHES⁴² AND MAY BE BROUGHT FROM ANY MAN IN THE SEVENTH YEAR.⁴³ THE HIGHER SEED-PODS OF THE ARUM,⁴⁴ THE SEED OF LEEKS, THE SEED OF ONIONS, THE SEED OF TURNIPS AND RADISHES, AND OTHER SEEDS OF GARDEN PRODUCE WHICH ARE NOT EATEN, ARE EXEMPT FROM TITHES, AND MAY BE BOUGHT FROM ANY MAN IN THE SEVENTH YEAR;⁴⁵ AND ALTHOUGH THE STOCK FROM WHICH THEY GREW WAS TERUMAH, THEY MAY STILL BE EATEN [BY NON-PRIESTS]⁴⁶.

(1) E.g., onions or leeks which are fit to be eaten. It was customary for gardeners to uproot them and to plant them in another place, where they became thicker and broader.

(2) He may make a chance meal of them, even though they have been fixed for tithe before he plants them again, since it was his intention to sow them again at the time he uprooted them, and not to eat them.

- (3) If one buys fruits when they were still attached.
- (4) Sale fixes liability to tithe only in the case of plucked produce, but not attached.
- (5) A gift does not fix liability to tithe (v. supra IV, 2) in respect of that which is attached.
- (6) It must be considered as though their growth was complete.
- (7) So that the seed should increase and multiply in the place where it was planted in the second time.
- (8) Before he re-plants them.
- (9) Their uprooting is the final work completing their harvesting.
- (10) Where they have been stored.
- (11) The floor of the upper storey is treated like the natural ground that frees anything sown in it from Levitical impurity in accordance with Lev XI, 37.
- (12) I.e., the leaves remained uncovered.
- (13) I.e., he who plucks of them on the Sabbath is liable, and the law of the Sabbatical year and of tithes applies to them.
- (14) In an unplucked condition. This ruling is laid down on the basis of the Biblical command: 'Do not put a stumbling block before the blind', Lev. XIX, 14.
- (15) V. supra II, 2.
- (16) Under conditions defined Sheb. VIII, 3.
- (17) And thus reached the season for tithing.
- (18) Ears of corn which have been threshed out and sometimes some wheat grains remain.
- (19) The residue of the olives after they have been pressed out.
- (20) The residue of squeezed-out grapes.
- (21) From the peat and grape-pomace, and in the case of straw, to gather wheat from it.
- (22) The wheat fragments which have not yet been threshed.
- (23) The sides of the pile (store) of grain, similarly with grapes and olives; cf. supra I, 6.
- (24) Also what is in the peat, and grape-pomace.
- (25) V. Demai VI, 11; supra p. 75, n. 5.
- (26) Since at the time of liability for tithing they were under the control of an Israelite.
- (27) He is exempt from tithe even as regards that which grows whilst already in his possession. But he should not hire workmen since he might do likewise in a field which he bought before the season for tithing arrives.
- (28) V. preceding note.
- (29) That he is liable if he buys before the season for tithing arrives.
- (30) Since he possesses nothing in the actual land.
- (31) This statement reverts back to the first authority. Just as he is liable, if he bought it before the tithing season, to tithe all he had acquired, so is he liable if it was after the tithing season had arrived, to tithe according to calculation that which has grown whilst in his possession; e.g., if the produce had reached only one-third of its normal growth at the time of the purchase (v. supra I, 3) he must tithe the two-thirds which grew after it came into his possession.
- (32) He puts water upon the lees of wine which is untithed so as to obtain the taste of wine from it.
- (33) Because it is mere water, though it has slightly absorbed the appearance and taste of wine from the husks and kernels.
- (34) Because its appearance and taste determine its status as wine, v. B. B. 96b.
- (35) I.e., he can even give tithe for it from other wine according to the proportion of the wine he found more than the measure of water he had put in it.
- (36) Cf. supra I, 6.
- (37) The produce which is found inside the holes is liable both to teruma and tithe.
- (38) Since it was near the pile.
- (39) Enbekhi, later Heliopolis, an ancient city of Syria, v. 'A.Z. 11b. Aliter: weeping garlic, i.e., the garlic is so pungent that it makes the eyes water.
- (40) A tuberous rooted plant used for dyeing Aliter: a name of a place.
- (41) Kind of lentil.
- (42) Because they grow wild.
- (43) Even from one who is normally suspected of selling fruits in the Sabbatical year.
- (44) It is classified with onions and garlic.
- (45) Because all these are not considered food.

(46) I.e., although the seedlings from which they grew were terumah (cf. supra 1) and the law is that what grows out of terumah is terumah, these species may be eaten even by non-priests, since they are not considered food.

Mishna - Mas. Ma'aser Sheni Chapter 1

MISHNAH 1. SECOND TITHE MAY NOT BE SOLD,¹ NOR MAY IT BE PLEDGED, NOR MAY IT BE EXCHANGED,² NOR MAY IT BE USED AS A WEIGHT.³ ONE MAY NOT SAY TO HIS FELLOW [EVEN] IN JERUSALEM: HERE IS WINE,⁴ GIVE ME [FOR IT] OIL;⁴ THIS APPLIES ALSO TO ALL OTHER PRODUCE. BUT PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. TITHE OF CATTLE⁵ WHEN UNBLEMISHED MAY NOT BE SOLD⁶ ALIVE,⁷ AND WHEN BLEMISHED NEITHER ALIVE NOR SLAUGHTERED; NOR MAY A WIFE BE BETROTHED THEREWITH.⁸ A FIRSTLING⁹ WHEN UNBLEMISHED MAY BE SOLD ALIVE, AND WHEN BLEMISHED BOTH ALIVE AND SLAUGHTERED; AND A WIFE MAY BE BETROTHED THEREWITH.¹⁰ SECOND¹¹ TITHE MAY NOT BE EXCHANGED¹² FOR UNSTAMPED COIN,¹³ NOR FOR COIN WHICH IS NOT CURRENT,¹⁴ NOR FOR MONEY WHICH IS NOT IN ONE'S POSSESSION.¹⁵

MISHNAH 3. IF CATTLE WAS BOUGHT¹⁶ FOR A PEACE-OFFERING OR A WILD ANIMAL¹⁷ FOR SECULAR MEAT,¹⁸ THE HIDE BECOMES COMMON,¹⁹ EVEN THOUGH THE VALUE OF THE HIDE EXCEEDS THE VALUE OF THE FLESH. IF SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY WERE USUALLY SOLD SEALED,²⁰ THE JARS BECOME COMMON.¹⁹ IF WALNUTS AND ALMONDS [WERE BOUGHT], THEIR SHELLS BECOME COMMON. GRAPE-SKIN WINE²¹ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY BEFORE IT HAS FERMENTED,²² BUT AFTER IT HAS FERMENTED IT MAY BE BOUGHT WITH SECOND TITHE MONEY.

MISHNAH 4. IF A WILD ANIMAL²³ WAS BOUGHT FOR A PEACE-OFFERING OR CATTLE FOR SECULAR MEAT, THE HIDE DOES NOT BECOME COMMON.²⁴ IF OPEN OR SEALED JARS OF WINE [WERE BOUGHT] IN A LOCALITY WHERE THEY ARE USUALLY SOLD OPEN, THE JARS DO NOT BECOME COMMON.²⁵ IF BASKETS OF OLIVES OR BASKETS OF GRAPES WERE BOUGHT TOGETHER WITH THE VESSEL, THE VALUE OF THE VESSEL DOES NOT BECOME COMMON.²⁶ MISHNAH 5. IF WATER OR SALT²⁷ WERE BOUGHT, OR PRODUCE STILL JOINED TO THE SOIL, OR PRODUCE WHICH CANNOT REACH JERUSALEM, THE PURCHASE DOES NOT BECOME SECOND TITHE. IF PRODUCE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF WITH FULL KNOWLEDGE, THE PRODUCE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE;³⁰ AND WHEN THERE IS NO SANCTUARY,³¹ IT MUST BE LEFT TO ROT.

MISHNAH 6. IF CATTLE WAS BOUGHT UNWITTINGLY,²⁸ THE MONEY MUST BE RESTORED TO ITS FORMER PLACE;²⁹ BUT IF [IT WAS BOUGHT] WITH FULL KNOWLEDGE, THE CATTLE MUST BE TAKEN UP AND BE CONSUMED IN THE [HOLY] PLACE; AND WHEN THERE IS NO SANCTUARY, IT MUST BE BURIED TOGETHER WITH ITS HIDE.³²

MISHNAH 7. MAN-SERVANTS OR MAID-SERVANTS, LAND OR UNCLEAN CATTLE²⁷ MAY NOT BE BOUGHT WITH SECOND TITHE MONEY; AND IF ANY OF THESE WERE BOUGHT, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].³³ BIRD-OFFERINGS OF MEN OR WOMEN WHO HAD A FLUX,³⁴ OR BIRD-OFFERINGS OF WOMEN AFTER CHILD-BIRTH,³⁵ OR SIN-OFFERINGS, OR GUILT-OFFERINGS, MAY NOT BE OFFERED OUT OF SECOND TITHE MONEY; BUT IF ANY OF THESE WERE OFFERED, THEIR VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM]. THIS IS THE GENERAL RULE: WHATEVER [IS BOUGHT] OUT OF SECOND TITHE MONEY WHICH

CANNOT BE USED FOR EATING OR DRINKING OR ANOINTING, ITS VALUE MUST BE CONSUMED [AS SECOND TITHE IN JERUSALEM].

- (1) In Jerusalem or elsewhere, even on condition that it would be taken up to Jerusalem to be consumed there as Second Tithe. But it may be sold in order that its purchase money should be taken up to Jerusalem and be spent there as Second Tithe money, just as Second Tithe can be redeemed by the owner for money; cf. infra IV, 6, n. 1.
- (2) Bartered for other produce.
- (3) To weigh by it other produce in the scales of a balance. Second Tithe is 'holy unto the Lord', (Lev. XXVII, 30), and must not be treated like secular produce.
- (4) Of Second Tithe.
- (5) Cf. Ibid. XXVII, 32 — 33.
- (6) This is deduced from the expression 'it shall not be redeemed'. (Ibid., 33), which includes any business transaction.
- (7) Nor when slaughtered. The only difference between unblemished and blemished is that the unblemished has to be offered as a sacrifice and its flesh consumed by the owner in Jerusalem (cf. Zeb. V, 8), whereas the blemished may be slaughtered and eaten by the owner anywhere. The wording of the text is merely intended to bring out the difference between cattle tithes and firstlings, spoken of lower down in our Mishnah.
- (8) Cf. Kid. II, 8. This is also considered a business transaction.
- (9) Cf. Deut. XV, 19 — 23 etc.
- (10) Only when it cannot be offered as a sacrifice, viz., after the destruction of the Temple. It is then the property of the Priest.
- (11) Cf. 'Ed. III, 2.
- (12) Lit., render it 'non-holy' or common.
- (13) This cannot be called 'money'; Deut. XIV, 25.
- (14) Which has become obsolete, or is of foreign origin.
- (15) E.g., where one has lost his money in the sea, though a diver could recover it for him. (Bert.). With such coin nothing can be bought. (Deut. ibid., 26).
- (16) With Second Tithe money in Jerusalem.
- (17) An animal of chase.
- (18) Lit., 'flesh of lusting'; cf. Deut. XII, 15.
- (19) Lit., 'non-holy'. No sanctity of Second Tithe attaches to it.
- (20) I.e., these jars are not sold as a rule without wine, so that the relation of the jar to the wine is that of the hide to the flesh of the animal.
- (21) תַּמְזַר an inferior wine made by steeping in water husks and stones of pressed grapes.
- (22) It is not yet wine, but mere water; cf. infra 5. Mik. VII, 2, nn. 8 — 9.
- (23) A wild animal may not be offered as a sacrifice.
- (24) In order to encourage people to use Second Tithe money for buying peace-offerings.
- (25) And their value must be consumed as Second Tithe in Jerusalem.
- (26) Since it is unusual to sell olives and grapes without the vessel.
- (27) These do not belong to the list in Deut. XIV, 26.
- (28) Not knowing that the money was Second Tithe money.
- (29) The bargain is void.
- (30) In Jerusalem. Things bought with Second Tithe money cannot be redeemed.
- (31) After the destruction of the Temple.
- (32) The hide also belongs to Second Tithe; cf. III, 2.
- (33) I.e., the owner must set aside an amount of money corresponding to the amount of money he had expended for them and consume it as Second Tithe. The reference is where he did it with full knowledge, otherwise the law here applies as supra 5 and 6.
- (34) Cf. Lev XV, 14, 29.
- (35) Lev. XII, 8.

Mishna - Mas. Ma'aser Sheni Chapter 2

MISHNAH 1. SECOND TITHE MUST BE SET APART FOR EATING, FOR DRINKING¹ AND FOR ANOINTING;² FOR EATING WHAT IS USUALLY EATEN,³ FOR DRINKING WHAT IS USUALLY DRUNK, AND FOR ANOINTING WHAT IS CUSTOMARILY USED FOR ANOINTING. [THUS] ONE MAY NOT ANOINT ONESELF WITH WINE OR WITH VINEGAR, BUT ONE MAY ANOINT ONESELF WITH OIL. OIL OF SECOND TITHE MAY NOT BE SPICED,⁴ NOR MAY SPICED OIL BE BOUGHT WITH SECOND TITHE MONEY;⁵ BUT WINE MAY BE SPICED. IF HONEY OR SPICES FELL INTO WINE⁶ AND IMPROVED ITS VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION.⁷ IF FISH WAS COOKED WITH LEEK OF SECOND TITHE AND IT IMPROVED IN VALUE, THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION. IF DOUGH OF SECOND TITHE WAS BAKED AND IT IMPROVED IN VALUE, THE WHOLE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].⁸ THIS IS THE GENERAL RULE: WHENEVER THE IMPROVEMENT IS RECOGNIZABLE⁹ [EXTERNALLY] THE IMPROVED VALUE [IS DIVIDED] ACCORDING TO THE PROPORTION, BUT WHENEVER THE IMPROVED VALUE IS NOT RECOGNIZABLE THE IMPROVED VALUE BELONGS TO THE SECOND [TITHE].

MISHNAH 2. R. SIMEON SAYS: ONE MAY NOT ANOINT ONESELF WITH OIL¹⁰ OF SECOND TITHE IN JERUSALEM. BUT THE SAGES ALLOW IT. THEY SAID TO R. SIMEON: IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING¹¹ WHICH IS A GRAVE MATTER,¹² SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE WHICH IS A LIGHT MATTER? HE SAID TO THEM: WHY, NO; A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF HEAVE-OFFERING THOUGH IT IS A GRAVE MATTER, BECAUSE IN HEAVE-OFFERING WE HAVE ADOPTED A LENIENT RULING ALSO AS REGARDS VETCHES¹³ AND FENUGREEK;¹⁴ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF SECOND TITHE THOUGH IT IS A LIGHT MATTER, WHEN WE HAVE NOT ADOPTED A LENIENT RULING IN SECOND TITHE AS REGARDS VETCHES AND FENUGREEK?¹⁵

MISHNAH 3. FENUGREEK OF SECOND TITHE MAY BE EATEN [ONLY] WHEN IT IS STILL TENDER;¹⁶ BUT AS FOR FENUGREEK OF HEAVE-OFFERING, BETH SHAMMAI SAY: WHATEVER IS DONE WITH IT MUST BE DONE IN A STATE OF PURITY,¹⁷ EXCEPT WHEN IT IS USED FOR CLEANSING THE HEAD. BUT BETH HILLEL SAY: WHATEVER IS DONE WITH IT MAY BE DONE IN A STATE OF IMPURITY,¹⁸ EXCEPT SOAKING IT IN WATER.¹⁹

MISHNAH 4. VETCHES²⁰ OF SECOND TITHE MAY BE EATEN ONLY WHEN STILL TENDER, AND MAY BE BROUGHT INTO JERUSALEM AND TAKEN OUT AGAIN.²¹ IF THEY BECAME UNCLEAR, R. TARFON SAYS: THEY MUST BE DIVIDED²² AMONG PIECES OF DOUGH. BUT THE SAGES SAY: THEY MAY BE REDEEMED.²³ [VETCHES] OF HEAVE OFFERING, BETH SHAMMAI SAY: THEY MUST BE SOAKED AND RUBBED IN A STATE OF PURITY,²⁴ BUT MAY BE GIVEN AS FOOD²⁵ IN A STATE OF IMPURITY.²⁶ BETH HILLEL SAY: THEY MUST BE SOAKED [ONLY] IN A STATE OF PURITY,²⁷ BUT MAY BE RUBBED AND GIVEN AS FOOD IN A STATE OF IMPURITY. BETH SHAMMAI SAY: THEY MUST BE EATEN DRY²⁸ [ONLY]. R. AKIBA SAYS: WHATEVER IS DONE WITH THEM²⁹ MAY BE DONE IN A STATE OF IMPURITY.

MISHNAH 5. IF COMMON MONEY AND SECOND TITHE MONEY WERE SCATTERED TOGETHER,³⁰ WHATEVER IS PICKED UP [SINGLY] BELONGS TO SECOND TITHE UNTIL ITS SUM IS COMPLETED, AND THE REMAINDER BELONGS TO THE COMMON MONEY.³¹ IF THEY WERE SO MIXED UP AS TO BE TAKEN UP BY THE HANDFUL, [THEY ARE DIVIDED] ACCORDING TO THE PROPORTION.³² THIS IS THE GENERAL RULE: WHAT IS PICKED UP [SINGLY] MUST BE FIRST GIVEN TO SECOND TITHE, BUT WHAT

IS PICKED UP IN A MIXED [QUANTITY MUST BE DIVIDED] ACCORDING TO THE PROPORTION.

MISHNAH 6. IF A SELA³³ OF SECOND TITHE WAS MIXED UP WITH A SELA' OF COMMON MONEY,³⁴ ONE MAY BRING COPPER COINS FOR A SELA' AND SAY: LET THE SELA' OF SECOND TITHE WHEREVER IT MAY BE, BE EXCHANGED FOR THESE COPPER COINS;³⁵ AND THEN HE MUST SELECT THE BETTER OF THE TWO SELA'S, AND CHANGE [AGAIN] THE COPPER COINS FOR IT.³⁶ FOR THEY HAVE DECLARED: ONE MAY CHANGE SILVER FOR COPPER [ONLY] IN CASE OF NECESSITY, AND NOT TO LEAVE IT SO BUT TO CHANGE IT AGAIN FOR SILVER.

MISHNAH 7. BETH SHAMMAI SAY: ONE MAY NOT TURN HIS SELA'S³⁷ INTO GOLD DENARS.³⁸ BUT BETH HILLEL ALLOW IT. R. AKIBA SAID: ONCE I TURNED SILVER COINS FOR GOLD DENARS FOR RABBAN GAMALIEL AND R. JOSHUA.

MISHNAH 8. IF³⁹ ONE CHANGES FOR A SELA' COPPER COINS OF SECOND TITHE,⁴⁰ BETH SHAMMAI SAY: HE MAY CHANGE COPPER COINS FOR A WHOLE SELA. BUT BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL.⁴¹ R. MEIR SAYS: SILVER AND PRODUCE MAY NOT BE EXCHANGED TOGETHER FOR SILVER.⁴² BUT THE SAGES ALLOW IT.

MISHNAH 9. IF⁴³ ONE CHANGES A SELA OF SECOND TITHE IN JERUSALEM,⁴⁴ BETH SHAMMAI SAY: HE MAY CHANGE THE WHOLE SELA' FOR COPPER COINS. BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COINS FOR THE OTHER SHEKEL. THE DISPUTANTS⁴⁵ BEFORE THE SAGES SAY: SILVER FOR THREE DENARS AND COPPER COINS FOR ONE DENAR. R. AKIBA SAYS: SILVER FOR THREE DENARS AND COPPER COINS FOR A FOURTH [OF THE FOURTH DENAR].⁴⁶ R. TARFON SAYS: FOUR ASPERS⁴⁷ IN SILVER. BETH SHAMMAI SAY: HE MUST LEAVE IT⁴⁸ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH 10. IF ONE HAD SOME OF HIS SONS CLEAN AND SOME UNCLEAN,⁴⁹ HE MAY LAY DOWN A SELA'⁵⁰ AND SAY: MAY THIS SELA BE AN EXCHANGE FOR WHAT THE CLEAN SHALL DRINK. THUS THE CLEAN AND THE UNCLEAN MAY DRINK FROM ONE JAR.⁵¹

(1) Drinking is implied in the expression 'and for wine, or for strong drink'. (Deut. XIV, 26).

(2) Ointment is considered a drink for the bones of the human body; cf. Ps. CIX, 18.

(3) But not spoilt or raw food.

(4) The spices absorb oil which is thus wasted.

(5) Because spiced oil is an unusual luxury.

(6) Second Tithe wine.

(7) If for example the wine alone was worth two sela's and the honey or spices which fell into it was worth one sela', and the mixture was now worth six sela's, the wine must be assessed for redemption at four sela's, and two sela's must be assigned to the spices.

(8) It must be redeemed at the price of bread without deduction for the cost of baking etc.

(9) By an increase in the weight or measure.

(10) He holds that oil must be used for food only.

(11) Oil of heave-offering may be used as an ointment; cf. Sheb. VIII, 3.

(12) Heave offering is of greater sanctity than Second Tithe.

(13) It may be given to animals; cf. Ter. XI, 9,

(14) It may be eaten when green or dry.

(15) Both these if of Second Tithe may only be eaten when green; cf. 3 and 4.

- (16) When it overgrows it becomes tasteless and unfit for ordinary food. But fenugreek of heave-offering may be eaten also when dry since it may be used for other purposes than eating and in an unclean state.
- (17) With clean hands, as mere indication that it is heave-offering, not to be eaten by non-priests
- (18) With hands unclean.
- (19) Cf. n. 8. Because the water renders it susceptible to contract uncleanness from the touch of the unclean hands. Cf. Lev. XI, 37 — 38. Maksh., Introd.
- (20) Like fenugreek, n. 7. They are eaten by human beings only in case of great poverty.
- (21) Which is not permitted in the case of other produce; cf. III, 5.
- (22) In quantities less than the size of an egg, so that they may be neutralized by the dough.
- (23) Like other Second Tithe produce which has become unclean.
- (24) As in n. 8, p 289.
- (25) To animals.
- (26) As in n. 9, P. 289.
- (27) As in n. 10, p 289.
- (28) When it is not susceptible to uncleanness, cf. n. 10, p. 289.
- (29) Even soaking in water.
- (30) And were mixed up.
- (31) Stipulating to the effect that whatever coin in the remainder may belong to the Second Tithe would be exchanged for a corresponding coin the lot first picked up.
- (32) If the Second Tithe money was ten and the common money twenty, a third of the money recovered belongs to the Second Tithe and two thirds to the common money.
- (33) סֵלָע . It equals two silver shekels or four silver denars.
- (34) And the owner wants to spend the common sela' outside Jerusalem.
- (35) So that now both sela's are common.
- (36) Thus turning the better sela' back into Second Tithe.
- (37) Of Second Tithe money.
- (38) The difficulty of changing again the gold into silver may cause the owner to delay his pilgrimage to Jerusalem.
- (39) Cf. 'Ed. I, 9. (Sonc. Ed.).
- (40) He changes copper coin into silver sela's, in order to lighten for the journey to Jerusalem the weight of the money.
- (41) If pilgrims will bring to Jerusalem only silver coin, copper coin will go up in price and thus cause a loss to Second Tithe.
- (42) Half a silver denar and its value in produce may not together be changed for a silver denar.
- (43) Cf. 'Ed. I, 10. (Sonc. Ed.).
- (44) Silver for copper in order to buy provisions.
- (45) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (46) I.e., for one sixteenth of a sela'. So the commentaries, The text is uncertain.
- (47) According to Bert. it equals one fifth of a denar, or one twentieth of a sela'.
- (48) The whole sela' without changing it at all, lest when there is any surplus he may unwittingly use it as common money.
- (49) Unclean persons may not consume Second Tithe produce, but the father wants all the sons to drink wine out of one jug, and the drink of the clean ones should be on the account of Second Tithe.
- (50) Second Tithe money.
- (51) The wine drunk by the clean sons becomes Second Tithe, while the wine drunk by the unclean sons (without, of course, coming into contact with the jar itself) remains common.

Mishna - Mas. Ma'aser Sheni Chapter 3

MISHNAH 1. A MAN MAY NOT SAY TO HIS FELLOW: CARRY UP THIS [SECOND TITHE] PRODUCE TO JERUSALEM THAT YOU MAY HAVE A SHARE THEREIN¹ BUT HE MAY SAY TO HIM: 'CARRY IT UP THAT WE MAY BOTH EAT AND DRINK OF IT IN JERUSALEM'. 'BUT² PEOPLE MAY GIVE IT TO ONE ANOTHER AS A FREE GIFT.

MISHNAH 2. HEAVE-OFFERING MAY NOT BE BOUGHT WITH SECOND TITHE MONEY, BECAUSE THEREBY THE NUMBER OF THOSE WHO CAN EAT IT BECOMES REDUCED.³ BUT R. SIMEON ALLOWS IT. R. SIMEON SAID TO THEM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS,⁴ THOUGH THEY MAY BECOME UNFIT OR A REMNANT OR UNCLEAR,⁵ SHOULD WE NOT ALSO ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING?⁶ BUT THEY SAID TO HIM: WHY, IF A LENIENT RULING HAS BEEN ADOPTED IN THE CASE OF PEACE-OFFERINGS, IT IS BECAUSE THEY ARE PERMITTED TO NON-PRIESTS,⁷ BUT HOW CAN WE ADOPT A LENIENT RULING IN THE CASE OF HEAVE-OFFERING, SEEING THAT IT IS FORBIDDEN TO NON-PRIESTS?

MISHNAH 3. IF A MAN HAD [SECOND TITHE] MONEY IN JERUSALEM AND HE NEEDED [TO SPEND] IT,⁸ AND HIS FELLOW HAD [COMMON] PRODUCE, HE MAY SAY TO HIS FELLOW: 'LET THIS MONEY BE EXCHANGED FOR YOUR PRODUCE'. THUS, THE ONE EATS HIS PRODUCE IN A CONDITION OF PURITY⁹ AND THE OTHER MAY DO WHAT HE NEEDS WITH HIS MONEY. BUT HE MAY NOT SAY THUS TO AN AM HA-AREZ¹⁰ EXCEPT WHEN [THE MONEY WAS] FROM [SECOND TITHE OF] DEMAI.¹¹

MISHNAH 4. IF [ONE HAD COMMON] PRODUCE IN JERUSALEM AND [SECOND TITHE MONEY] IN THE PROVINCES,¹² HE MAY SAY: 'LO, LET THAT MONEY BE EXCHANGED FOR THIS PRODUCE'.¹³ IF [HE HAD SECOND TITHE] MONEY IN JERUSALEM AND [COMMON] PRODUCE IN THE PROVINCES, HE MAY SAY: LO, LET THIS MONEY BE EXCHANGED FOR THAT PRODUCE, BUT ONLY ON CONDITION THAT THE PRODUCE SHALL BE CARRIED UP AND BE EATEN IN JERUSALEM.

MISHNAH 5. [SECOND TITHE] MONEY MAY BE BROUGHT INTO JERUSALEM AND BE TAKEN OUT AGAIN, BUT [SECOND TITHE] PRODUCE MAY ONLY BE BROUGHT IN, BUT MAY NOT BE TAKEN OUT AGAIN.¹⁴ RABBAN SIMEON B. GAMALIEL SAYS: PRODUCE¹⁵ ALSO MAY BE BROUGHT IN AND BE TAKEN OUT AGAIN.

MISHNAH 6. IF PRODUCE HAD ALL ITS WORK FINISHED¹⁶ AND IT PASSED THROUGH JERUSALEM.¹⁷ THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND EATEN IN JERUSALEM.¹⁸ IF ALL ITS WORK HAD NOT BEEN FINISHED, [SUCH AS] BASKETS OF GRAPES [THAT WERE GOING] TO THE WINE-PRESS OR BASKETS OF FIGS [THAT WERE GOING] TO THE DRYING-PLACE, BETH SHAMMAI SAY: THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM.¹⁹ BUT BETH HILLEL SAY: IT MAY BE REDEEMED AND EATEN ANYWHERE. R. SIMEON B. JUDAH SAYS IN THE NAME OF R. JOSE: THERE WAS NO CONTROVERSY BETWEEN BETH SHAMMAI AND BETH HILLEL CONCERNING PRODUCE WHICH DID NOT HAVE ALL ITS WORK FINISHED THAT THE SECOND TITHE THEREOF MAY BE REDEEMED AND BE EATEN ANYWHERE. BUT ABOUT WHAT WAS THEIR CONTROVERSY? ABOUT PRODUCE WHICH HAD ALL ITS WORK FINISHED, OF WHICH BETH SHAMMAI SAID THAT THE SECOND TITHE THEREOF MUST BE BROUGHT BACK AND BE EATEN IN JERUSALEM, AND BETH HILLEL SAID THAT IT MIGHT BE REDEEMED AND BE EATEN ANYWHERE.²⁰ IN THE CASE OF DEMAI²¹, [THE SECOND TITHE THEREOF] MAY BE BROUGHT IN AND TAKEN OUT AGAIN AND BE REDEEMED.²²

MISHNAH 7. IF A TREE STOOD WITHIN²³ AND WAS BENDING OUTWARDS, OR IF IT STOOD OUTSIDE AND WAS BENDING INWARDS, WHAT FACES THE WALL INWARDS AS DEEMED AS BEING WITHIN,²⁴ AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE. OLIVE-PRESSES WHICH HAVE THEIR ENTRANCE WITHIN AND THEIR INNER SPACE OUTSIDE, OR WHICH HAVE THEIR ENTRANCE

OUTSIDE AND THEIR INNER SPACE WITHIN, BETH SHAMMAI SAY: THE WHOLE IS DEEMED AS BEING WITHIN.²⁵ BUT BETH HILLEL SAY: WHAT FACES THE WALL INWARDS IS DEEMED AS BEING WITHIN, AND WHAT FACES THE WALL OUTWARDS IS DEEMED AS BEING OUTSIDE.

MISHNAH 8. IN CHAMBERS WHICH WERE BUILT ON HOLY GROUND²⁶ BUT WERE OPEN TOWARDS COMMON GROUND,²⁷ THE INTERIOR WAS DEEMED COMMON²⁸ AND THEIR ROOFS WERE DEEMED HOLY.²⁹ IN THOSE WHICH WERE BUILT ON COMMON GROUND BUT WERE OPEN TOWARDS HOLY GROUND, THE INTERIOR WAS DEEMED HOLY AND THEIR ROOFS WERE DEEMED COMMON. IN THOSE WHICH WERE BUILT BOTH ON HOLY AND ON COMMON GROUND AND WERE OPEN BOTH TOWARDS HOLY AND COMMON GROUND, [THE INTERIOR AND THE ROOFS] FACING HOLY GROUND INWARDS³⁰ WERE DEEMED HOLY, BUT THOSE FACING COMMON GROUND OUTWARDS³¹ WERE DEEMED COMMON.

MISHNAH 9. IF SECOND TITHE WAS BROUGHT INTO JERUSALEM AND IT BECAME UNCLEAR, WHETHER IT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT³² OR BY A SECONDARY DEFILEMENT,³³ WHETHER IT BECAME UNCLEAR WITHIN [JERUSALEM] OR OUTSIDE, BETH SHAMMAI SAY: IT MUST ALL BE REDEEMED AND BE EATEN WITHIN EXCEPT WHAT BECAME UNCLEAR BY A PRINCIPAL DEFILEMENT OUTSIDE.³⁴ BUT BETH HILLEL SAY: IT MUST ALL BE REDEEMED AND BE EATEN OUTSIDE EXCEPT WHAT BECAME UNCLEAR BY A SECONDARY DEFILEMENT WITHIN.

MISHNAH 10. IF WHAT WAS BOUGHT WITH SECOND TITHE MONEY BECAME UNCLEAR, IT SHOULD BE REDEEMED. R. JUDAH SAYS: IT MUST BE BURIED.³⁵ THEY SAID TO R. JUDAH: WHY, IF SECOND TITHE ITSELF WHEN IT BECAME UNCLEAR MAY BE REDEEMED, SHOULD NOT ALSO WHAT IS BOUGHT WITH SECOND TITHE MONEY BE REDEEMED WHEN IT BECAME UNCLEAR? HE SAID TO THEM: NO; IF YOU SAY THUS OF SECOND TITHE ITSELF, IT IS BECAUSE IT MAY BE REDEEMED ALSO WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE;³⁶ BUT HOW CAN YOU SAY THUS OF WHAT IS BOUGHT WITH SECOND TITHE MONEY, SEEING THAT IT CANNOT BE REDEEMED WHEN CLEAR AT A DISTANCE FROM THE [HOLY] PLACE.

MISHNAH 11. IF A GAZELLE WHICH HAD BEEN BOUGHT WITH SECOND TITHE MONEY DIED, IT MUST BE BURIED TOGETHER WITH ITS HIDE. R. SIMEON SAYS: IT MAY BE REDEEMED.³⁷ IF IT WAS BOUGHT ALIVE AND SLAUGHTERED AND IT THEN BECAME UNCLEAR, IT MAY BE REDEEMED. R. JOSE SAYS: IT MUST BE BURIED. IF IT WAS BOUGHT SLAUGHTERED AND IT BECAME UNCLEAR, THIS IS LIKE PRODUCE.³⁸

MISHNAH 12. IF JARS WERE LENT³⁹ FOR SECOND TITHE [WINE], EVEN IF THEY WERE CORKED,⁴⁰ THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE.⁴¹ IF UNDEFINED WINE⁴² WAS Poured INTO THEM THEY DO NOT ACQUIRE [THE SANCTITY OF] SECOND TITHE BEFORE THEY ARE CORKED,⁴³ BUT AFTER THEY ARE CORKED⁴⁴ THEY ACQUIRE [THE SANCTITY OF] SECOND TITHE. BEFORE THEY ARE CORKED THEY ARE NEUTRALIZED IN A HUNDRED AND ONE,⁴⁵ BUT AFTER THEY ARE CORKED THEY SANCTIFY ANY QUANTITY.⁴⁶ BEFORE THEY ARE CORKED HEAVE-OFFERING MAY BE TAKEN FROM ONE JAR FOR ALL THE OTHERS, BUT AFTER THEY ARE CORKED HEAVE-OFFERING MUST BE TAKEN FROM EACH JAR SEPARATELY.

MISHNAH 13. BETH SHAMMAI SAY: THE JARS MUST BE OPENED AND EMPTIED INTO THE WINE-PRESS.⁴⁷ BETH HILLEL SAY: THEY MUST BE OPENED BUT NEED NOT

BE EMPTIED. WHERE IS THIS THE CASE?⁴⁸ IN A PLACE WHERE THEY ARE USUALLY SOLD CLOSED;⁴⁹ BUT IN A PLACE WHERE THEY ARE USUALLY SOLD OPEN, THE JAR DOES NOT REMAIN COMMON.⁵⁰ IF, HOWEVER, THE DEALER WISHED TO IMPOSE A STRINGENCY UPON HIMSELF AND TO SELL [ONLY] BY MEASURE, THE JAR REMAINS COMMON.⁵¹ R. SIMEON SAYS: ALSO WHEN ONE SAYS TO HIS FELLOW: 'THIS JAR [OF WINE] I SELL THEE⁵² WITHOUT THE EMPTY JAR', THE JAR⁵³ REMAINS COMMON.

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- (1) It is the duty of the owner to carry up his Second Tithe to Jerusalem. If he employs another person to do it for him, he must not pay him out of the Second Tithe. But he may make him a gift of Second Tithe.
 - (2) A quotation from I, 1.
 - (3) Heave-offering may only be eaten by priests, and by them also only when they are in a state of purity.
 - (4) Allowing it to be bought with Second Tithe money.
 - (5) Which restricts the consumption of peace-offerings. Cf. Lev. VII, 17,19; Zeb. I, 2 ff.
 - (6) And allow it to be bought with Second Tithe money.
 - (7) Thus everybody can eat of it.
 - (8) On things which cannot be bought with Second Tithe money; cf. II, 1.
 - (9) The produce has now become Second Tithe which may be eaten only by those who are clean.
 - (10) Who does not observe the laws of purity; cf. Demai, Introd.
 - (11) And thus it is doubtful whether it is really Second Tithe.
 - (12) And he needed the money for things which may not be bought with Second Tithe money.
 - (13) The produce becomes Second Tithe and the money becomes common. For the purpose of such an exchange the produce and the money need not be both in one and the same place.
 - (14) Once produce enters Jerusalem, it must be consumed there as Second Tithe and cannot be redeemed for money.
 - (15) Such as wheat may be taken out of Jerusalem to be ground and baked and then be brought back to Jerusalem for consumption.
 - (16) In connection with its harvesting, when it becomes liable for tithing; cf. Ma'as. I, 1 ff.
 - (17) Before, it had been tithed.
 - (18) It may not be redeemed for money. For since the produce was already liable to tithing when it reached Jerusalem, a tenth part of it is considered as virtual Second Tithe which had entered Jerusalem; cf. n. 7, p. 294.
 - (19) Like regular Second Tithe which had once been brought into Jerusalem.
 - (20) Since the Second Tithe had not actually been separated from the produce.
 - (21) Even if all its work had been finished.
 - (22) Even according to Beth Shammai.
 - (23) Within the wall of Jerusalem.
 - (24) And the Second Tithe of its fruit may not be redeemed, like Second Tithe which has once entered into Jerusalem, n. 7, p. 294.
 - (25) It all belongs to the precincts of the Holy City in respect of the consumption of sacrificial flesh (cf. Zeb. V, 6 — 8), of Second Tithe, etc.
 - (26) On the Temple court.
 - (27) Outside the Temple precincts.
 - (28) As outside the Temple.
 - (29) As within the Temple.
 - (30) Lit., 'towards the holy'.
 - (31) Lit., 'towards the common'.
 - (32) By the touch of a carcase or a dead creeping thing; cf. Kelim I, 1 ff.
 - (33) A defilement produced by the touch of a principal defilement; cf. 'Ed.. (Sonc. Ed.), p. 9, n. 14.
 - (34) The rule that Second Tithe which had entered Jerusalem may not be redeemed does not apply to such unclean Second Tithe.
 - (35) It may not be redeemed again.
 - (36) From Jerusalem.
 - (37) And given to dogs for food.
 - (38) Viz., like the case of produce bought with Second Tithe money, which had become unclean, discussed in the last

Mishnah.

(39) Outside Jerusalem.

(40) After being filled with Second Tithe wine.

(41) And the owner need redeem the wine only.

(42) Which had not been tithed.

(43) If after pouring in the wine and before corking the jars he designated the wine as Second Tithe.

(44) If he designated the wine as Second Tithe.

(45) If such an open jar containing heave-offering wine was mixed up with 101 jars of common wine, it is neutralized and becomes common, as in the case of heave-offering becoming mixed up with ordinary common produce; cf. Ter. IV, 7.

(46) If a corked jar of heave-offering wine was mixed with any number of jars containing common wine, all the jars become forbidden to the non-priest, and the owner must sell all the jars, but one, to a priest at the price of heave-offering wine (which is lower than the price of common wine, because its consumption is restricted to the small public of priests), and one jar he must give away to a priest as heave-offering.

(47) If he wants to give heave-offering from one corked jar for other corked jars.

(48) That if he designated the wine as Second Tithe after he had corked the jars they acquire the sanctity of Second Tithe.

(49) Cf. supra I, 3.

(50) And the jar has to be redeemed together with its contents.

(51) If he sold for Second Tithe money a jar full of wine by measure, whether the jar was open or closed.

(52) For Second Tithe money.

(53) Var. lec. 'its jar'.

Mishna - Mas. Ma'aser Sheni Chapter 4

MISHNAH 1. IF A MAN CARRIED PRODUCE OF SECOND TITHE FROM A PLACE WHERE IT WAS DEAR TO A PLACE WHERE IT WAS CHEAP, OR FROM A PLACE WHERE IT WAS CHEAP TO A PLACE WHERE IT WAS DEAR, HE MAY REDEEM IT ACCORDING TO THE MARKET PRICE OF THE PLACE [OF REDEMPTION]. IF A MAN BROUGHT PRODUCE FROM THE THRESHING-FLOOR INTO THE CITY, OR JARS OF WINE FROM THE WINE-PRESS INTO THE CITY, THE INCREASE IN THE PRICE¹ BELONGS TO THE SECOND TITHE AND THE EXPENSES² [MUST BE COVERED] FROM HIS HOUSEHOLD.

MISHNAH 2. SECOND TITHE MAY BE REDEEMED AT THE LOWER MARKET PRICE, AT THE PRICE AT WHICH THE SHOPKEEPER BUYS AND NOT AT WHICH HE SELLS, AT THE PRICE AT WHICH THE MONEY-CHANGER TAKES³ SMALL CHANGE AND NOT AT THE PRICE AT WHICH HE GIVES⁴ SMALL CHANGE. SECOND TITHE MAY NOT BE REDEEMED IN A LUMP.⁵ IF ITS VALUE IS KNOWN,⁶ IT MAY BE REDEEMED ACCORDING TO THE VALUATION OF ONE WITNESS;⁷ BUT IF ITS VALUE IS NOT KNOWN, IT MUST BE REDEEMED ACCORDING TO THE VALUATION OF THREE, AS FOR INSTANCE IN THE CASE OF WINE WHICH HAS FORMED A FILM,⁸ OR PRODUCE WHICH HAS BEGUN TO ROT, OR COINS WHICH HAVE BECOME RUSTY.

MISHNAH 3. IF THE OWNER OFFERED A SELA⁹ AND A STRANGER OFFERED A SELA, THE OWNER HAS THE FIRST RIGHT, BECAUSE HE MUST ADD A FIFTH.¹⁰ IF THE OWNER OFFERED A SELA AND A STRANGER OFFERED A SELA' AND AN ISSAR,¹¹ THE ONE WHO OFFERED A SELA' AND AN ISSAR HAS THE FIRST RIGHT, BECAUSE HE ADDED TO THE PRINCIPAL.¹² IF A MAN REDEEMS HIS SECOND TITHE HE MUST ADD A FIFTH,¹³ WHETHER IT IS HIS OWN OR IT WAS GIVEN HIM AS A GIFT.¹⁴

MISHNAH 4. ONE MAY USE AN ARTIFICE IN RESPECT OF SECOND TITHE.¹⁵ IN WHAT MANNER? A MAN MAY SAY TO HIS GROWN-UP SON OR DAUGHTER, OR TO HIS

HEBREW MAN-SERVANT OR MAID-SERVANT: TAKE THIS MONEY¹⁶ AND REDEEM¹⁷ THIS SECOND TITHE FOR THYSELF'. BUT HE MAY NOT SAY SO TO HIS SON OR DAUGHTER WHO ARE MINORS OR TO HIS CANAANITE MAN-SERVANT OR MAID-SERVANT, BECAUSE THEIR HAND IS AS HIS OWN HAND.¹⁸

MISHNAH 5. IF A MAN WAS STANDING IN HIS THRESHING-FLOOR AND HE HAD NO MONEY,¹⁹ HE MAY SAY TO HIS FELLOW: 'LO, THIS PRODUCE IS GIVEN TO THEE AS A GIFT', AND THEN HE MAY SAY AGAIN: 'LO, LET THIS PRODUCE BE EXCHANGED FOR MONEY WHICH I HAVE IN THE HOUSE'.²⁰

MISHNAH 6. IF A MAN²¹ TOOK POSSESSION²² FROM THE OWNER OF SECOND TITHE FOR A SELA', BUT BEFORE HE HAD TIME TO REDEEM IT,²³ IT STOOD AT THE PRICE OF TWO SELA'S, HE MAY GIVE HIM ONE SELA' AND MAKE A PROFIT OF ONE SELA' AND THE SECOND TITHE REMAINS HIS.²⁴ IF HE TOOK POSSESSION FROM THE OWNER OF SECOND TITHE FOR TWO SELA'S, BUT BEFORE HE HAD TIME TO REDEEM²³ IT, IT STOOD AT THE PRICE OF ONE SELA',²⁵ HE MAY GIVE HIM ONE SELA' OUT OF COMMON [MONEY] AND ONE SELA' OUT OF HIS SECOND TITHE [MONEY].²⁶ IF THE OWNER WAS AN'AM HA-AREZ, HE MAY GIVE HIM OUT OF [SECOND TITHE OF] DEM'AI.²⁷

MISHNAH 7. IF A MAN REDEEMED SECOND TITHE BUT DID NOT CALL IT BY ITS NAME,²⁸ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NAME IT EXPLICITLY. IF A MAN WAS SPEAKING TO A WOMAN CONCERNING HER DIVORCE OR HER BETROTHAL, AND GAVE HER HER BILL OF DIVORCE OR HER GIFT OF BETROTHAL BUT DID NOT NOTIFY IT EXPLICITLY,²⁹ R. JOSE SAYS: IT IS SUFFICIENT. BUT R. JUDAH SAYS: HE MUST NOTIFY IT EXPLICITLY.

MISHNAH 8. IF A MAN PUT DOWN AN ISSAR³⁰ [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [THE VALUE OF] HALF [AN ISSAR] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR A PONDION,³¹ HE MAY EAT OF IT [ONLY TO THE VALUE OF] ANOTHER ISSAR.³² IF HE PUT DOWN A PONDION [FOR THE REDEMPTION OF SECOND TITHE] AND ON THE ACCOUNT THEREOF HE ATE [TO THE VALUE OF] HALF [A PONDION] AND THEN WENT TO ANOTHER PLACE WHERE THE PRODUCE WAS SOLD FOR AN ISSAR, HE MAY EAT OF IT [ONLY TO THE VALUE OF ANOTHER] HALF [AN ISSAR].³³ IF HE PUT DOWN AN ISSAR³⁴ OF SECOND TITHE [MONEY] HE MAY EAT ON THE ACCOUNT THEREOF [UNTIL THERE IS LEFT] AN ELEVENTH PART³⁵ OF [THE VALUE OF] AN ISSAR,³⁶ OR [UNTIL THERE IS LEFT] A HUNDREDTH PART OF [THE VALUE OF] AN ISSAR.³⁷ BETH SHAMMAI SAY: IN BOTH CASES³⁸ [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] ONE TENTH PART³⁹ [OF AN ISSAR]. BUT BETH HILLEL SAY: IN THE CASE OF CERTAIN⁴⁰ [SECOND TITHE HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] AN ELEVENTH PART⁴¹ [OF AN ISSAR] BUT IN THE CASE OF [SECOND TITHE] OF DEMAI,⁴² [HE MAY EAT UNTIL THERE IS LEFT THE VALUE OF] A TENTH PART⁴¹ [OF AN ISSAR].

MISHNAH 9. ANY MONEY FOUND⁴³ IS CONSIDERED COMMON,⁴⁴ EVEN A GOLD DENAR WITH SILVER AND WITH COPPER COINS.⁴⁵ IF A POTSHERD WAS FOUND WITH THE MONEY ON WHICH WAS WRITTEN 'TITHE' THIS IS CONSIDERED SECOND TITHE [MONEY].

MISHNAH 10. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN 'KORBAN'⁴⁵ R. JUDAH SAYS: IF IT WAS OF EARTHENWARE, IT IS ITSELF COMMON AND WHAT IS IN IT IS KORBAN;⁴⁶ BUT IF IT WAS OF METAL IT IS ITSELF KORBAN AND WHAT IS IN IT IS

COMMON. BUT THEY SAID UNTO HIM: IT IS NOT THE CUSTOM OF PEOPLE TO PUT WHAT IS COMMON INTO WHAT IS KORBAN.⁴⁷

MISHNAH 11. IF A VESSEL WAS FOUND ON WHICH WAS WRITTEN A KOF,⁴⁸ IT IS KORBAN; IF A MEM, IT IS MA'ASER;⁴⁹ IF A DALETH, IT IS DEMAI; IF A TETH, IT IS TEBEL;⁵⁰ IF A TAW, IT IS TERUMAH,⁵¹ FOR IN THE TIME OF DANGER⁵² PEOPLE WROTE TAW FOR TERUMAH. R. JOSE SAYS: THEY MAY ALL STAND FOR THE NAMES OF MEN.⁵³ R. JOSE SAID: EVEN IF A JAR WAS FOUND WHICH WAS FULL OF PRODUCE AND ON IT WAS WRITTEN 'TERUMAH'⁵⁴ IT MAY YET BE CONSIDERED COMMON PRODUCE, BECAUSE I MAY ASSUME THAT LAST YEAR IT WAS FULL OF PRODUCE OF HEAVE-OFFERING AND WAS AFTERWARDS EMPTIED.⁵⁵

MISHNAH 12. IF A MAN SAID TO HIS SON: 'THERE IS SECOND TITHE [MONEY] IN THIS CORNER, BUT THE SON FOUND [MONEY] IN ANOTHER CORNER, THIS MAY BE CONSIDERED COMMON⁵⁶ [MONEY]. [IF THE FATHER SAID] THERE WAS THERE A HUNDRED AND THE SON FOUND TWO HUNDRED, THE REMAINDER IS COMMON. [IF THE FATHER SAID THERE WERE THERE] TWO HUNDRED AND THE SON FOUND ONE HUNDRED, IT IS ALL SECOND TITHE MONEY.

(1) In the city, as compared with the lower price at the threshing-floor or wine-press.

(2) Of the transport to the city.

(3) For a sela' in exchange for the customer's copper coin. He receives copper coin at a lower rate than its real value.

(4) For the sela' of his customer. He charges the copper coin at a higher rate than its true value.

(5) But only according to its exact measure or weight.

(6) It has a more or less fixed price.

(7) Who acts as valuer.

(8) שקרם . Var. lec. שקםם 'which has become pungent'.

(9) For Second Tithe produce which is to be redeemed.

(10) As infra, n. 5.

(11) The Roman As. Its value was 1/24 of a denar, or 1/96 of a sela'; cf. B.M. IV, 5.

(12) Thus increasing the real price of the Second Tithe, although the increase is less than the fifth which the owner would have to add.

(13) In accordance with the law in Lev. XXVII, 31; cf. Introd.; B.M. IV, 8.

(14) I.e., the produce was given him as a gift before the Second Tithe was taken from it. Cf. supra I, 1.

(15) To escape the duty of adding a fifth.

(16) As a gift.

(17) I.e., buy, and since they are not the owners, they need not add the fifth.

(18) Whatever they do possess is deemed his possession.

(19) He wants to evade paying the fifth in redeeming his Second Tithe, but has no money in hand which he might give to his fellow that his fellow should redeem the Second Tithe for him.

(20) It is as if he had bought back his gift from his fellow.

(21) Who had bought Second Tithe produce in order that its purchase money might be turned by the owner.

(22) Lit., 'drew into his possession.' I.e., he acquired it by means of Meshikah, v. Glos.

(23) To pay its purchase money.

(24) The produce became the property of the purchaser as soon as he took possession of it; cf. B.M. IV, 2. But it still retained its sanctity as Second Tithe until its price was paid. Therefore the sela' increase in its value becomes Second Tithe money, and the purchaser must redeem the produce at its new price of two sela's, one of which is Second Tithe which must be spent in Jerusalem.

(25) But he must still pay the seller two sela's.

(26) Thus redeeming the produce at its present price of one sela'.

(27) מדמאי, the sanctity of which is not as great as of certain Second Tithe. Var. lec., מדמיו, 'of his own money'. I.e., he may pay the sela' with common money.

- (28) He had not designated the money as Second Tithe money; cf. *infra*, V. .
- (29) That what he gave her was a bill of divorce or a gift of betrothal.
- (30) Cf. *supra*, 3, n. 3.
- (31) Which is equal to two issars.
- (32) And not one issar and a half.
- (33) And not to the value of half a pondion.
- (34) To serve as the purchase price of produce.
- (35) Lit., 'eleven'. The interpretation of this passage is difficult and doubtful. The explanation given here follows Maim. and Bert.
- (36) In case the issar was the redemption money of Second Tithe of demai, and then the remaining eleventh becomes common produce.
- (37) In case the issar was the redemption money of certain Second Tithe, and then the remaining hundredth becomes common produce.
- (38) Whether the issar was the redemption money of demai Second Tithe or of certain Second Tithe.
- (39) Lit., 'ten'.
- (40) The issar was the redemption money of certain Second Tithe.
- (41) Lit., 'eleven', 'ten'.
- (42) The issar was the redemption money of demai Second Tithe.
- (43) Except in Jerusalem during a festival or pilgrimage; cf. *Shek.* VII, 2.
- (44) It need not be suspected of being Second Tithe money. (15) Which is not usual to mix together, except in the case of Second Tithe money; cf. *supra*, II, 7 ff.
- (45) 'Offering', or gift to the Temple.
- (46) Holy property, because people did not make gifts to the Temple of earthenware articles and therefore the inscription was intended for the contents, and not for the vessel itself.
- (47) Therefore in the case of a metal vessel, both the vessel and its contents are holy.
- (48) This and the following are names of letters of the Hebrew alphabet.
- (49) 'Tithe'.
- (50) Produce from which heave-offering and tithes have not yet been taken.
- (51) Heave-offering.
- (52) When Jews were persecuted by the Romans for the observance of the Torah.
- (53) The initials of the names of the owners of the vessels.
- (54) The word in full.
- (55) And then filled again with common produce.
- (56) The Second Tithe money had been removed before the son came to look for it, and this is other money, which is usually common money.

Mishna - Mas. Ma'aser Sheni Chapter 5

MISHNAH 1. A VINEYARD¹ IN ITS FOURTH YEAR² MUST BE MARKED³ WITH CLODS OF EARTH, [TREES OF] 'ORLAH⁴ WITH POTTER'S CLAY, AND GRAVES⁵ WITH LIME WHICH IS DISSOLVED AND Poured ON.⁶ RABBAN SIMEON R. GAMALIEL SAID: WHEN IS THIS DONE?⁷ IN THE SEVENTH YEAR.⁸ THE CONSCIENTIOUS⁹ USED TO PUT DOWN MONEY AND SAY: ANY FRUIT GATHERED FROM THIS VINEYARD MAY BE EXCHANGED FOR THIS MONEY.

MISHNAH 2. [THE FRUIT OF] A VINEYARD IN ITS FOURTH YEAR WAS BROUGHT UP TO JERUSALEM¹⁰ WITHIN A DISTANCE OF ONE DAY'S JOURNEY ON EACH SIDE. AND WHAT WAS THE LIMIT THEREOF? ELATH ON THE SOUTH, AKRABAH ON THE NORTH, LYDDA ON THE WEST, AND THE JORDAN ON THE EAST.¹¹ WHEN FRUIT INCREASED,¹² IT WAS ORDAINED THAT IT SHOULD BE REDEEMED EVEN IF THE VINEYARD WAS CLOSE TO THE WALL;¹³ BUT THIS WAS DONE ON THE CONDITION THAT WHENEVER IT WAS SO DESIRED, THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN

BEFORE.¹⁴ R. JOSE SAYS: THIS WAS THE UNDERSTANDING AFTER THE TEMPLE WAS DESTROYED, AND THE UNDERSTANDING WAS THAT WHEN THE TEMPLE SHOULD BE REBUILT THE ARRANGEMENT WOULD BE RESTORED AS IT HAD BEEN BEFORE.¹⁴

MISHNAH 3. A¹⁵ VINEYARD¹⁶ IN ITS FOURTH YEAR, BETH SHAMMAI SAY, IS NOT SUBJECT TO THE LAW OF THE FIFTH¹⁷ NOR TO THE LAW OF REMOVAL.¹⁸ BUT BETH HILLEL SAY: IT IS SUBJECT. BETH SHAMMAI SAY: IT IS SUBJECT¹⁹ TO THE LAW OF THE GRAPE GLEANING AND TO THE LAW OF DEFECTIVE CLUSTER, AND THE POOR MUST REDEEM THEM FOR THEMSELVES.²⁰ BUT BETH HILLEL SAY: ALL OF IT²¹ GOES TO THE WINE-PRESS.²²

MISHNAH 4. HOW DOES ONE REDEEM THE FRUIT OF A PLANT IN ITS FOURTH YEAR? THE OWNER PUTS DOWN A BASKET IN THE PRESENCE OF THREE [PERSONS]²³ AND SAYS: HOW MANY SUCH BASKETS WOULD A MAN WISH TO REDEEM²⁴ FOR HIMSELF FOR A SELA' ON CONDITION THAT THE OUTLAY²⁵ SHALL BE BORNE BY THIS HOUSE?'²⁶ HE THEN PUTS DOWN THE MONEY²⁷ AND SAYS: WHATEVER SHALL BE PICKED FROM THIS PLANT MAY IT BE EXCHANGED FOR THIS MONEY AT THE PRICE OF SO MANY BASKETS FOR A SELA'.

MISHNAH 5. BUT IN THE SEVENTH²⁸ YEAR HE MUST REDEEM IT FOR ITS FULL VALUE.²⁹ IF IT HAD ALL BEEN MADE OWNERLESS PROPERTY,³⁰ THE PERSON WHO SEIZED IT CAN ONLY CLAIM THE COST OF PICKING IT.³¹ IF A MAN REDEEMED HIS FRUIT OF A PLANT IN ITS FOURTH YEAR, HE MUST ADD A FIFTH OF ITS VALUE,³² WHETHER THE FRUIT WAS HIS OWN OR WAS GIVEN HIM AS A GIFT.

MISHNAH 6. ON THE EVE OF THE FIRST FESTIVAL-DAY OF THE PASSOVER IN THE FOURTH AND IN THE SEVENTH³³ [YEARS OF THE SABBATICAL CYCLE] THE REMOVAL³⁴ WAS PERFORMED. HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE³⁵ WERE GIVEN TO THEIR OWNERS,³⁶ THE FIRST TITHE WAS GIVEN TO ITS OWNER,³⁷ THE TITHE OF THE POOR TO ITS OWNER,³⁸ AND SECOND TITHE AND FIRST-FRUITS³⁹ WERE REMOVED EVERYWHERE. R. SIMEON SAYS: FIRST-FRUITS WERE GIVEN TO THE PRIESTS⁴⁰ LIKE HEAVE-OFFERING. AS FOR BROTH,⁴¹ BETH SHAMMAI SAY: IT MUST BE REMOVED. BUT BETH HILLEL SAY: LO, IT MAY BE CONSIDERED AS ALREADY REMOVED.⁴²

MISHNAH 7. IF A MAN HAD PRODUCE AT THIS TIME⁴³ AND THE TIME OF REMOVAL ARRIVED, BETH SHAMMAI SAY: HE MUST EXCHANGE IT FOR MONEY.⁴⁴ BUT BETH HILLEL SAY: IT IS ALL THE SAME WHETHER IT BECOMES MONEY OR IT REMAINS FRUIT.⁴⁵

MISHNAH 8. R. JUDAH SAID: FORMERLY THEY USED TO SEND TO HOUSEHOLDERS IN THE PROVINCES [SAYING:] 'HASTEN TO SET RIGHT YOUR PRODUCE⁴⁶ BEFORE THE TIME OF REMOVAL ARRIVES', UNTIL R. AKIBA CAME AND TAUGHT THAT ALL PRODUCE WHICH HAS NOT REACHED THE SEASON⁴⁷ OF TITHING IS EXEMPT FROM THE REMOVAL.

MISHNAH 9. IF A MAN HAD HIS PRODUCE AT A DISTANCE FROM HIM,⁴⁸ HE MUST CALL BY NAME [THE RECIPIENTS OF THE TITHE] THEREOF.⁴⁹ ONCE IT HAPPENED THAT RABBAN GAMALIEL AND THE ELDERS WERE TRAVELLING HOME BY SHIP,⁵⁰ AND RABBAN GAMALIEL SAID: 'ONE TENTH WHICH I SHALL MEASURE IS GIVEN TO JOSHUA,⁵¹ AND THE PLACE THEREOF IS LEASED TO HIM,⁵² THE OTHER TENTH WHICH I SHALL MEASURE IS GIVEN TO AKIBA B. JOSEPH⁵³ THAT HE MAY HOLD IT FOR THE

POOR, AND THE PLACE THEREOF IS LEASED TO HIM'. R. JOSHUA SAID: THE TENTH WHICH I SHALL MEASURE⁵⁴ IS GIVEN TO ELEAZAR B. AZARIAH,⁵⁵ AND THE PLACE THEREOF IS LEASED TO HIM', AND THEY EACH RECEIVED RENT⁵⁶ ONE FROM ANOTHER.

MISHNAH 10. IN THE AFTERNOON OF THE LAST FESTIVAL-DAY THE CONFESSION⁵⁷ WAS MADE. HOW WAS THE CONFESSION MADE? [HE SAID:] 'I HAVE REMOVED THE HALLOWED THINGS OUT OF MINE HOUSE' — THIS MEANS⁵⁸ SECOND TITHE AND THE FRUIT OF PLANTS IN THEIR FOURTH YEAR; 'I HAVE GIVEN THEM TO THE LEVITE' — THIS MEANS THE TITHE OF THE LEVITES; 'AND ALSO⁵⁹ I HAVE GIVEN THEM' — THIS MEANS HEAVE-OFFERING AND THE HEAVE-OFFERING OF TITHE; 'UNTO THE STRANGER, TO THE FATHERLESS, AND TO THE WIDOW' — THIS MEANS THE TITHE OF THE POOR, GLEANINGS, FORGOTTEN SHEAF, AND THE CORNER OF THE FIELD, ALTHOUGH THESE DO NOT DEBAR⁶⁰ [ONE FROM MAKING] THE CONFESSION; 'OUT OF MINE HOUSE' — THIS MEANS THE DOUGH-OFFERING.⁶¹

MISHNAH 11. 'ACCORDING TO ALL THY COMMANDMENTS WHICH THOU HAST COMMANDED ME' — LO, IF HE TOOK OFF THE SECOND TITHE BEFORE THE FIRST TITHE HE CANNOT MAKE THE CONFESSION; 'I HAVE NOT TRANSGRESSED ANY OF THY COMMANDMENTS' — I HAVE NOT SET APART [DUES] FROM ONE KIND FOR SOME OTHER KIND, NOR FROM PLUCKED [PRODUCE] FOR [PRODUCE STILL] JOINED [TO THE SOIL], NOR FROM NEW [PRODUCE] FOR OLD [PRODUCE], NOR FROM OLD [PRODUCE] FOR NEW;⁶² 'NEITHER HAVE I FORGOTTEN' — I HAVE NOT FORGOTTEN TO BLESS THEE, NOR TO MAKE MENTION OF THY NAME OVER IT.⁶³

MISHNAH 12. 'I HAVE NOT EATEN THEREOF IN MY MOURNING' — LO, IF HE HAD EATEN THEREOF IN HIS MOURNING,⁶⁴ HE CANNOT MAKE THE CONFESSION; 'NEITHER HAVE I REMOVED OUGHT THEREOF WHEN UNCLEAN' — LO, IF HE HAD SET IT APART IN UNCLEANNESS HE CANNOT MAKE THE CONFESSION; 'NOR GIVEN OUGHT THEREOF FOR THE DEAD' — I HAVE NOT TAKEN THEREOF FOR A COFFIN OR SHROUDS FOR THE DEAD, NOR HAVE I GIVEN THEREOF TO OTHER MOURNERS: 'I HAVE HEARKENED TO THE VOICE OF THE LORD MY GOD' — I HAVE BROUGHT IT TO THE CHOSEN HOUSE.⁶⁵ 'I HAVE DONE ACCORDING TO ALL THAT THOU HAST COMMANDED ME' — I HAVE REJOICED AND MADE OTHERS⁶⁶ TO REJOICE.

MISHNAH 13. 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN' — WE HAVE DONE WHAT THOU HAST DECREED CONCERNING US, DO THOU ALSO WHAT THOU HAST PROMISED US; 'LOOK DOWN FROM THY HOLY HABITATION, FROM HEAVEN, AND BLESS THY PEOPLE ISRAEL' — WITH SONS AND DAUGHTERS; 'AND THE LAND WHICH THOU HAST GIVEN US' — WITH DEW AND RAIN AND WITH OFFSPRING OF CATTLE; 'AS THOU DIDST SWEAR UNTO OUR FATHERS, A LAND THAT FLOWETH WITH MILK AND HONEY' — THAT THOU MAYEST GRANT A GOOD TASTE IN THE FRUIT.

MISHNAH 14. HENCE⁶⁷ IT WAS DEDUCED THAT ISRAELITES AND BASTARDS MAY MAKE THE CONFESSION, BUT NOT PROSELYTES, NOR FREED BONDMEN, SINCE THEY HAVE NO SHARE IN THE LAND. R. MEIR SAYS: NEITHER MAY PRIESTS AND LEVITES SINCE THEY DID NOT RECEIVE A SHARE IN THE LAND. R. JOSE SAYS: THEY HAVE THE CITIES WITH SUBURBS.⁶⁸

MISHNAH 15. JOHANAN⁶⁹ THE HIGH PRIEST⁷⁰ SET ASIDE THE CONFESSION OF THE TITHES.⁷¹ HE ALSO ABOLISHED THE 'WAKERS'⁷² AND THE 'STRIKERS'.⁷³ UNTIL HIS

DAYS THE HAMMER USED TO BEAT IN JERUSALEM.⁷⁴ AND IN HIS DAYS ONE HAD NO NEED TO ENQUIRE CONCERNING DEMAI.⁷⁵

- (1) The same applies also to a single vine or other fruit tree.
- (2) Cf. Lev. XIX, 24. The Fruit of the fourth year since the tree was planted was considered like Second Tithe. It had to be consumed in Jerusalem, or redeemed and its value spent in Jerusalem.
- (3) As a sign that its fruit must not be picked and eaten.
- (4) 'Uncircumcision', Lev. XIX, 23.
- (5) To mark them as a place of impurity, cf. Shek I, 1; M.K. I, 2.
- (6) On the grave.
- (7) The marking of forbidden fruit.
- (8) The sabbatical year when all produce was ownerless and free to everybody; cf. Lev. XXV, 6. But in other years no marking was needed because strangers who were scrupulous about the observance of religious laws would not in any case eat of fruit which was private property.
- (9) Who were eager to prevent the commission of a religious transgression through their fruit. Lit., 'the modest'. v. Kil'ayim, IX, 5.
- (10) The fruit itself, and not its redemption money, in order to enrich the Holy City with an abundance of fruit.
- (11) V. Bez. 5a, R.H. 31b.
- (12) And there was a superfluity of fruit in Jerusalem.
- (13) Of Jerusalem.
- (14) That no redemption of such fruit should be allowed within a day's journey from Jerusalem. When Jerusalem was in the hand of the enemy there was no eagerness to increase the supply of fruit in Jerusalem, and it was therefore permitted to redeem all such fruit from outside Jerusalem, even within a day's journey from the city.
- (15) Cf. Pe'ah. VII, 6; 'Ed. IV, 5.
- (16) The same applies also to a single fruit tree; cf. note I, p. 305.
- (17) Like Second Tithe; cf. IV, 3, n. 5.
- (18) Like Second Tithe; cf. infra Mishnah 6.
- (19) Like common fruit; cf. Lev. XIX, 10; Pe'ah VII, 3-4.
- (20) If they will not take up their gleanings to Jerusalem.
- (21) The whole crop, including defective cluster and gleanings.
- (22) As the property of the owner, who must take up to Jerusalem either itself or its redemption money.
- (23) Who are expert valuers of fruit.
- (24) I.e., to buy it on the tree.
- (25) The cost of guarding, hoeing, picking etc.
- (26) Thus reducing the value of the fruit by the amount of this outlay.
- (27) As fixed by the valuers in reply to his inquiry.
- (28) When there is no work on the soil, nor guarding of produce in the field; Lev. XXV, 4.
- (29) And without having to value by experts the cost involved by the fruit on the tree until it is gathered.
- (30) In years other than the seventh year.
- (31) He must redeem it at its full value minus the cost of picking it.
- (32) In accordance with the opinion of Beth Hillel in Mishnah 3.
- (33) Cf. Deut. XIV, 28: 'At the end of every three years'. i.e., at the end of each period of three years, viz., the fourth and the seventh years; cf. also Deut. XXVI, 12.
- (34) **בעור**, derived from the verb **בערתי**, Deut. XXVI, 13; cf. infra 10. All the dues on the produce which had not been paid in the previous three years had to be removed from the house and given to those who had a right to receive them.
- (35) Of the First, or Levitical, Tithe; cf. Num. XVIII, 26ff.
- (36) Viz., the priests.
- (37) The Levites; cf. Mishnah 10.
- (38) The poor.
- (39) Of the previous three years were removed and destroyed.
- (40) They originally belonged to the priests.

- (41) Containing produce subject to removal.
- (42) Such produce is absorbed and neutralized by the broth.
- (43) After the destruction of the Temple.
- (44) And destroy the money.
- (45) Since neither itself nor its value in money can nowadays be consumed in Jerusalem; therefore it should just be destroyed.
- (46) By distributing its dues in the manner prescribed by the law.
- (47) As laid down in Ma'as. I, 2ff.
- (48) When the season for removal arrived.
- (49) And this is considered as if the tithes were already given away.
- (50) At the season of removal.
- (51) Who was a Levite.
- (52) That this place may secure for him the ownership of the tithe.
- (53) Who was a guardian of the poor.
- (54) The heave-offering of the Levitical tithe.
- (55) Who was a priest.
- (56) For the lease of the respective places.
- (57) The declaration as given in Deut. XXVI, 13ff.
- (58) Here follows a running commentary on the verses of the confession after the Midrashic method of exposition of the Torah. Cf. also Sifre, Deut., ad loc.
- (59) The particle וְגַם, 'and also', implies something more than the explicit words of the text.
- (60) One may make the confession even if these had not been given to the poor.
- (61) Which was given from the home; cf. Num. XV, 20.
- (62) All of which acts would have rendered the tithing invalid; cf. Ter. I, 5; II, 4.
- (63) To pronounce the prescribed benediction prior to setting apart these dues.
- (64) אֶזְרֵינוּת, the interval between the death and the end of the day on which the deceased was buried.
- (65) The Temple. Cf. Deut. XII, 5.
- (66) The poor and the unprotected; cf. Deut. XXVI, 11; XII, 12.
- (67) From the expression 'the land which thou hast given us'.
- (68) Cf. Num. XXXV, 2 ff.
- (69) Cf. Sot. IX, 10.
- (70) John Hyrcanus, 135 — 104 B.C.E. The rendering and explanation of this ancient Mishnah are uncertain. The interpretation given here follows the explanations found in Tosef Sot. XIII, 9 — 10; T.J. Ma'as Sh. ad loc., and Sot. l.c.; V. Sot. 47b, 48a and notes a.l. in Sonc. ed.
- (71) Because Ezra had enacted that the First Tithe should be given to the priests, not to the Levites, as a punishment for the refusal of the Levites to return from Babylon; cf. Ezra VIII, 15. Therefore one could not truthfully declare in confession, 'I have given it to the Levite'.
- (72) The singing by the Levites in the temple of the verse 'Awake, why sleepest thou, O Lord?' (Ps. XLIV, 24), because it sounded like blasphemy.
- (73) Those who used to strike the animal between its horns before slaughtering it for a sacrifice, in order to stun it. This appeared like causing a blemish in the sacrifice.
- (74) Workmen's hammers on the middle days of Passover and the Feast of Tabernacles. Johanan abolished work on these semi-sacred days.
- (75) Whether the original owner had tithed it. Johanan ordered that all demai produce of an 'am ha-arez must be tithed by the new owners; cf. Demai, introd.

Mishna - Mas. Hallah Chapter 1

MISHNAH 1. FIVE SPECIES [OF CEREALS] ARE SUBJECT TO [THE LAW OF] HALLAH.¹ WHEAT, BARLEY, SPELT, OATS AND RYE.² THESE ARE SUBJECT TO HALLAH, AND [SMALL QUANTITIES OF DOUGH MADE OF THE DIFFERENT SPECIES] ARE RECKONED TOGETHER ONE WITH ANOTHER [AS ONE QUANTITY]³ AND ARE ALSO SUBJECT TO THE PROHIBITION OF [THE CONSUMPTION OF] 'NEW' [PRODUCE]⁴ PRIOR TO THE OMER,⁵ AND TO [THE PROHIBITION OF] REAPING PRIOR TO PASSOVER.⁶ IF THEY TOOK ROOT PRIOR TO THE OMER, THE OMER RELEASES THEM;⁷ IF NOT, THEY ARE PROHIBITED UNTIL THE NEXT OMER HAS COME.

MISHNAH 2. IF ONE HAS EATEN ON THE PASSOVER AN OLIVE-SIZE⁸ OF UNLEAVENED BREAD [MADE] OF THESE [CEREALS], HE HAS FULFILLED HIS OBLIGATION;⁹ [IF ONE HAS EATEN ON THE PASSOVER] AN OLIVE-SIZE OF LEAVEN [MADE OF THESE CEREALS], HE HAS INCURRED THE PENALTY OF KARETH.¹⁰ IF ONE OF THESE [CEREALS, HAVING BECOME LEAVENED,] HAS BECOME MIXED WITH ANY OTHER SPECIES, ONE TRANSGRESSES THE [LAWS OF] PASSOVER.¹¹ IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] BREAD AND TEBU'AH [(CEREAL) PRODUCE].¹² HE IS PROHIBITED FROM CONSUMING THESE [FIVE SPECIES]; THIS IS THE OPINION OF R. MEIR. THE SAGES SAY: IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] DAGAN [CORN], HE IS PROHIBITED FROM [CONSUMING] THESE [SPECIES] ONLY.¹³ THEY ARE SUBJECT TO HALLAH AND TITHES.¹⁴

MISHNAH 3. THE FOLLOWING ARE SUBJECT TO HALLAH, BUT EXEMPT FROM TITHES: LEKET,¹⁵ SHIKEHAH,¹⁶ PE'AH,¹⁷ AND PRODUCE, OWNERSHIP OF WHICH HAS BEEN WAIVED,¹⁸ AND THE FIRST TITHE¹⁹ OF WHICH TERUMAH [THE PRIEST'S PORTION] HAD BEEN TAKEN OFF,²⁰ AND THE SECOND TITHE,²¹ AND CONSECRATED [PRODUCE]²² WHICH HAVE BEEN REDEEMED, AND THAT WHICH REMAINS OVER FROM THE OMER,²³ AND GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE].²⁴ R. ELIEZER SAID: GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE] IS EXEMPT [ALSO] FROM HALLAH.²⁵

MISHNAH 4. THE FOLLOWING ARE SUBJECT TO TITHES, BUT EXEMPT FROM HALLAH: RICE, MILLET, POPPY-SEED, SESAMUM, PULSE,²⁶ AND LESS THAN FIVE-FOURTHS [OF A KAB] OF [THE FIVE KINDS OF] GRAIN,²⁷ SPONGE-BISCUITS, HONEYCAKES,²⁸ DUMPLINGS,²⁹ CAKE [COOKED] IN A PAN³⁰ AND MEDUMMA'³¹ ARE EXEMPT FROM HALLAH.

MISHNAH 5. DOUGH WHICH WAS ORIGINALLY [INTENDED FOR] FANCY-BAKING,³² AND FINALLY [COOKED AS] FANCY-BAKING, IS EXEMPT FROM HALLAH.³³ [IF IT WAS] ORIGINALLY [ORDINARY] DOUGH, BUT FINALLY [COOKED AS] FANCY-BAKING, [OR IF IT WAS] ORIGINALLY [INTENDED FOR] FANCY-BAKING, BUT FINALLY [COOKED AS ORDINARY] DOUGH, IT IS SUBJECT TO HALLAH; SIMILARLY ARE RUSKS³⁴ SUBJECT [TO HALLAH].³⁵

MISHNAH 6. THE [FLOUR-PASTE CALLED] ME'ISAH³⁶ BETH SHAMMAI DECLARE EXEMPT [FROM], BUT BETH HILLEL DECLARE SUBJECT [TO HALLAH].³⁷ THE [FLOUR-PASTE CALLED] HALITA³⁸ BETH SHAMMAI DECLARE SUBJECT [TO], AND BETH HILLEL DECLARE EXEMPT [FROM HALLAH].³⁹ AS FOR THE LOAVES OF THE THANKSGIVING SACRIFICE⁴⁰ AND THE WAFERS OF A NAZIRITE,⁴¹ — IF ONE MADE THEM FOR ONESELF, THEY ARE EXEMPT [FROM HALLAH].⁴² [IF ONE MADE THEM] TO SELL IN THE MARKET,⁴³ THEY ARE SUBJECT [TO HALLAH].

MISHNAH 7. IF A BAKER MADE DOUGH FOR DISTRIBUTING,⁴⁴ IT IS SUBJECT TO HALLAH.⁴⁵ IF WOMEN GAVE [FLOUR]⁴⁶ TO A BAKER TO MAKE FOR THEM DOUGH,⁴⁷ — AND IF THERE IS NOT IN THAT WHICH BELONGS TO [ANY] ONE OF THEM THE [MINIMUM] MEASURE,⁴⁸ IT⁴⁹ IS EXEMPT FROM HALLAH.⁵⁰

MISHNAH 8. DOUGH FOR DOGS⁵¹ AS LONG AS [IT IS SUCH AS] SHEPHERDS PARTAKE THEREOF,⁵² IS SUBJECT TO HALLAH;⁵³ AND ONE MAY MAKE AN 'ERUB⁵⁴ THEREWITH,⁵⁵ AND EFFECT A SHITTUF⁵⁶ THEREWITH;⁵⁵ AND ONE SHOULD SAY THE BLESSINGS FOR [BEFORE⁵⁷ AND AFTER⁵⁸ EATING] IT, AND ONE SHOULD SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁵⁹ AND IT MAY BE COOKED ON A FESTIVAL,⁶⁰ AND A PERSON DISCHARGES THEREWITH ONE'S OBLIGATION ON THE PASSOVER;⁶¹ BUT IF [THE DOUGH BE SUCH AS] SHEPHERDS DO NOT PARTAKE THEREOF⁶² IT IS NOT SUBJECT TO HALLAH;⁶³ NOR MAY ONE MAKE AN 'ERUB THEREWITH, NOR EFFECT A SHITTUF THEREWITH; NOR SHOULD ONE SAY THE BLESSINGS FOR [BEFORE⁶⁴ AND AFTER]⁶⁵ IT, NOR SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁶⁶ NOR MAY IT BE COOKED ON A FESTIVAL; NOR DOES A PERSON DISCHARGE THEREWITH ONE'S OBLIGATION ON THE PASSOVER. IN EITHER CASE IT IS SUSCEPTIBLE TO RITUAL DEFILEMENT AFFECTING FOODSTUFFS.⁶⁷

MISHNAH 9. IN THE CASE OF HALLAH AND TERUMAH; ONE IS LIABLE, ON ACCOUNT OF [HAVING EATEN] THEM, TO DEATH,⁶⁸ OR⁶⁹ TO [REPAY] 'ONE-FIFTH',⁷⁰ AND THEY ARE FORBIDDEN [AS FOOD] TO 'STRANGERS',⁷¹ THEY ARE THE PROPERTY OF THE PRIEST;⁷² THEY ARE VOID [IF ONE PART OF EITHER IS MIXED] WITHIN ONE-HUNDRED-AND-ONE [PARTS, THE REST BEING NON-SACRED DOUGH OR PRODUCE];⁷³ THEY REQUIRE WASHING OF ONE'S HANDS,⁷⁴ AND [WAITING UNTIL] THE SETTING OF THE SUN [PRIOR TO EATING THEM];⁷⁵ THEY MAY NOT BE TAKEN OFF A CLEAN [LOT]⁷⁶ FOR [DISCHARGING THE OBLIGATION⁷⁷ IN RESPECT ALSO OF] AN UNCLEAN [LOT],⁷⁸ AND [ARE NOT TAKEN OFF ONE LOT IN RESPECT ALSO OF ANY OTHER LOT]⁷⁹ EXCEPT OF SUCH [LOTS] AS ARE CLOSE TOGETHER,⁸⁰ AND FROM SUCH AS ARE [IN A] FINISHED [STATE].⁸¹ IF ONE SAID: ALL MY THRESHING-FLOOR IS TERUMAH, OR ALL MY DOUGH IS HALLAH, HE HAS NOT SAID ANYTHING, UNLESS HE HAS LEFT SOME OVER.⁸²

(1) The law relating to the portion of dough assigned to the priests in accordance with Num. XV, 17-21, . . . When ye eat the bread of the land . . . of the first of your dough ye shall set apart a cake (hallah) for a gift . . . Of the first of your dough ye shall give unto the Lord a portion for a gift throughout your generations.

(2) V. Kil. I, notes. These species are held to be subject to Hallah because the word **חלה** (bread) is used here and also in connection with Passover, 'bread of affliction', Deut. XVI, 3. The argument, by gezerah shawah (v. Glos.) is: Since, in the case of Passover, **חלה** obviously implies a cereal capable of becoming leavened, so too does the capacity for leavening determine the liability of produce to hallah.

(3) Amounting to the minimum subject to hallah. It is only when all of these are mixed together in the flour, or if after having been kneaded separately, they are kneaded together, that this rule applies unconditionally. If, however, the doughs (each less than the minimum) were kneaded out of various species and later they stuck together (v. infra II. 4) their being deemed as forming one quantity liable to hallah depends on which particular species have been used (v. note *ibid*).

(4) V. Lev. XXIII, 14.

(5) 'This selfsame day' (*ibid.*) refers to the day on which the Omer was brought to the Temple. viz., the second day of Passover.

(6) V. *ibid.* v. 10ff. The expression 'The sheaf (Omer) of the first of your harvest', is taken to imply that the reaping of the Omer must be the first reaping, and that, therefore, there must be no reaping prior thereto, i.e., before Passover. The

analogy between liability to hallah and liability to Hadash (the law relating to 'new' sc. produce) is based — by gezerah shawah — on the use of the term ראשית 'first' in the case of hallah (the first of your dough) as well as in the case of new produce (the first of your harvest).

(7) For harvesting.

(8) The statutory minimum in matters of this kind.

(9) Only species which are liable to leaven can, when deliberately prevented from doing so, serve for unleavened bread for Passover.

(10) 'Cutting off', 'excision'; a punishment by the hand of God as distinct from one by that of man; v. Ex. XII, 19: For whosoever eateth that which is leavened, that soul shall be cut off from the Congregation of Israel.

(11) If he keeps the mixture in his possession during the festival; v. Ibid. XII, 19; XIII. 7.

(12) A term which, in the opinion of all, denotes only the five species enumerated in Mishnah I.

(13) because they considered Tebu'ah and Dagan synonymous whereas H. Meir — who was at one with the Sages with regard to the word Tebu'ah — considered Dagan a more comprehensive term including also all seed- and pulse-foods and held that a man using that term in his vow debarred himself not only from the five species but also from seed- and pulse-foods.

(14) There are also other species subject to tithes, but the species so far enumerated are subject to both tithes and hallah. The Mishnah proceeds to specify categories which are subject to hallah but not to tithes, and vice-versa.

(15) Gleanings, v. Lev. XIX, 9.

(16) The Forgotten, sc. Sheaf. Deut. XXIV, 19.

(17) The Corner, sc. of the field. Lev. XIX, 9.

(18) Such waiving of ownership is termed hefker. It is only when the owner declared the produce hefker before smoothing the pile of grain that it is exempt from tithing. The Levites were entitled to tithes from commodities belonging to Israelites, in which the former, on account of being Levites, had no share (deduced from Deut. XIV, 29, v. T.J.); but since the Levites were included among those entitled to help themselves to the produce coming under the categories named (v. Deut. ibid.) the latter were not subject to being tithed for the benefit of the Levites.

(19) Assigned to the Levites.

(20) The terumah which the Levite had to give, a tithe out of the tithe received by him from the Israelite, to the Priests. In Ter. I, 5, a marginal reading is 'of which terumah had not been taken', meaning the terumah gedolah due from the Israelite to the Priest, The case contemplated in our reading is, according to T.J., one in which a Levite took his tithe from an Israelite whilst the grain was still in ears, and before the ordinary terumah had been taken off. In that event a Levite is bound to give thereof only his terumah (a tithe from the tithe he received) to the priest, but he is not expected to give to the priest anything on account of the terumah which would have accrued to the latter from the Israelite if the Levite had not claimed his tithe so soon. It might have been thought that as the Levite's portion in such a case contained something that might be regarded as due to the priest, it would, for that reason, be exempt from hallah; the Mishnah therefore makes it clear that it is subject thereto.

(21) Which at the end of the agricultural year was to be taken to Jerusalem and consumed there. In the event of inconvenience through distance, it was to be redeemed and the money spent in Jerusalem on food, drink and anointing oneself, in which case (v. Lev. XXVII, 31) the proceeds of the redemption were to be increased by an amount equal to one-fifth of the eventual sum total, i.e., by one-fourth of the money-value of the tithe. The Mishnah here intimates that in the event of the second tithe having been separated whilst the corn was in a state when it was not liable to terumah or tithes (viz., when still in ear, v. T. J. and L.) it is exempt from the (first) tithe even after redemption, cf. Terumah I, 5. Such redeemed second tithe is, however, subject to hallah, because the latter is to be taken from the dough, and at the time of kneading the produce is already hullin (non-sacred).

(22) Being Temple property, technically termed hekdesch. V. Lev. XXVII, 11-27; cf. infra III, 3.

(23) In the Omer they offered up one-tenth of an ephah taken from flour made from three se'ah of barley; the remainder of the flour (spoken of here) was redeemed and could thereafter be eaten by anybody, and was therefore subject to hallah. It is, on the other hand, exempt from tithes, because at the material time, i.e., 'when the pile was made even' it was Temple property and thus exempt from tithes.

(24) T.J. deduces this exemption from Deut. XIV, 22, Thou shalt surely tithe the produce of thy sowing, the argument being: If the sowing has been productive it is to be tithed, if it has not been productive (and if it has resulted in a crop less than one-third ripe it cannot be said to have been productive) it does not require to be tithed. To hallah, however, it is subject because even when only one-third ripe it is capable of leavening (v. supra I, n. 2).

(25) This view is based on Num. XV, 20, where with reference to hallah it is said: As that which is set apart (terumah) of the threshing-floor so shall ye set it (i.e., hallah) apart, from which R. Eliezer deduces that whatever applies to terumah applies equally to hallah and, therefore, that just as a grain which has not grown one-third ripe is exempt from terumah and tithes it is likewise exempt from hallah.

(26) These are liable to tithes as produce, but not being capable of leavening, are not subject to hallah (v. supra I, n. 2). There are other species of produce which do not leaven, but these are particularized because they were often milled into flour and made into dough.

(27) The statutory minimum amount subject to hallah, as laid down infra II, 6; somewhat over 3 1/2 lbs. V. 'Ed. I, 2 and notes (Sonc. ed.) p. 2.

(28) T.J. renders 'honey-milk (cake)'. v. Simponte a.l. Cake made of ordinary dough cooked in honey. According to some, also is made of dough kneaded with honey, it is exempt from hallah, but v. infra p. 328. n. 1.

(29) **אסקריטין** Jast. 'dumpling'. B. here and Rashi (to Pes. 37a) 'something made of a very soft (light) dough'. T.J. (p. 57) renders Halita, 'sold in the open market'. Halita, according to Pes. 37b (explaining the terms of Hallah I, 5), is dough made by pouring boiling water on flour, but according to R. Ishmael b. Jose (T.J.) it is flour poured into hot water. Aruch identifies the term with the Latin crustulum, 'small cake'. For other possible etymologies v. Kohut in Aruch Completum s.v.

(30) A cake or loaf prepared in a **משרת** pan (rather in a manner of frying) and not in an oven, and it is only something baked inside an oven and also styled bread (**לחם**) which is liable to hallah. T.J. renders halita, of water v. preceding note. Maim. emphasizes that the point about these four preparations is that from the very beginning they are kneaded with oil, or honey, or spices and are cooked in unusual ways, and are, in fact, designated not as bread but are named after the various admixtures which give them their distinctive character.

(31) I.e., produce or (as here) dough to which originally no holiness attached, but which by accidentally receiving an admixture of terumah of a quantity more than one-hundredth part of the original amount, becomes thereby prohibited to non-priests and permitted only to priests and is, therefore, not liable to hallah. Tosaf Yom-Tob and other commentators say that here the Mishnah has in mind post-Temple days, for the following reason: In Temple times hallah is a biblical precept, but medumma' is a Rabbinic institution (in purely Biblical law the admixture of terumah of a lesser quantity than the original amount of non-sacred produce is considered as neutralized, 'lost' and ritually of none effect, so that the whole mixed quantity would, in such a case, be non-sacred, hullin, and subject to hallah), and a remission resulting from the application of a Rabbinic ordinance cannot cancel a duty imposed by Scriptural command. In non-Temple times, however, when hallah, too, is only on Rabbinic authority, it can be, and is over-ridden by the Rabbinic regulation of medumma'.

(32) **סופגנין**, the word translated 'sponge-biscuits' in Mishnah 4, but used here for all fancy-baking, various kinds of which are enumerated there.

(33) This is explanatory of Mishnah 4.

(34) **הקנובקאות**, explained by Maim, and others as brittle cakes of parched flour kneaded with oil, which after having been baked, are crushed and prepared as gruel for very young children, v. Jast. For possible etymologies v. Aruch Completum.

(35) R. Joshua b. Levi (T.J. Hallah 58a) explains: Since these are to be crushed back into flour, it might have been thought that they are exempt from hallah, the Mishnah had, therefore, to make it clear that this is not the case.

(36) Made by pouring hot water on flour.

(37) Cf. 'Ed. V, 2 where this is mentioned as one of six exceptional instances in which Beth Hillel hold the stringent, and Beth Shammai the lenient view.

(38) Made by pouring flour into hot water (v. Mish. 4, n. 6).

(39) For the purposes of practical law the difference between me'isah and halita does not matter. The relevant difference between the two statements is that whilst the first-reported Tanna held that in this instance Beth Hillel were stringent and Beth Shammai the lenient, the latter Tanna held that the reverse was the case. The final state of the law with regard to any variety of plain dough is that if cooked inside an oven (i.e., baked), it is subject to hallah, but if cooked in a pan over a flame that passes underneath it, it is exempt.

(40) V Lev. VII, 22ff.

(41) Forming part of the sacrifice brought by a Nazirite when the period for which he vowed self-consecration is completed. Num. VI, 15. In fact, both loaves and wafers were required in either case.

(42) Being intended for the offering the dough was thus consecrated ab initio.

- (43) But, naturally, with the intention of making ordinary use of them should there be no buyers requiring them for sacrificial purposes; thus at the material time (viz., of kneading) these loaves or wafers were not consecrated.
- (44) In portions every one of which is less than the minimum liable to hallah.
- (45) Because it is obviously his intention, in the event of there being no customers, to bake it all himself,
- (46) But not money. v. Yoreh De'ah, 326, 3.
- (47) And he, without their knowledge, kneaded all the flour together.
- (48) Liable to hallah, viz., 1 1/4 kab, v. supra Mish. 4.
- (49) I.e., the whole dough.
- (50) Though the dough as a whole is now large enough to be subject to hallah; for the reason that it is taken for granted that those who gave their flour to the baker were 'particular' that their several quantities of flour be kneaded separately. — The Mishnah here speaks of women, because it is, as a rule, they who attend to a matter of this kind.
- (51) I.e., for baking bread or biscuits for dogs. It consisted of flour and coarse bran (T.J.).
- (52) When it contains rather less bran.
- (53) The law of hallah is introduced (Num. XV, 19), And it shall come to pass when ye eat of the bread . . . Since this dough (when baked) is fit for human food, it is liable to hallah.
- (54) Lit., 'a merging' of rights, interests or privileges; the legal device whereby permission is contrived for (a) carrying on the Sabbath from a private to a public domain, and vice-versa (v. Shabb. 6a), known as 'The 'Erub of Courtyards', for (b) walking on the Sabbath more than the Sabbath limit (2000 cubits) outside a town, known as 'The 'Erub of Boundaries', and for (c) cooking food on a festival for the following day, if a Sabbath, known as 'The 'Erub of Cooked Foods' (Bezah II, 1). In (a), the food, contributed to by all the participants and kept in a place accessible to all of them, creates and represents a community of possession, constituting the area concerned a private domain ad hoc; in (b), the placing of food at the Sabbath boundary is presumed to constitute, for those having and deemed as having, a share in that food, a 'dwelling-place' which serves as a starting-point for a further Sabbath-limit of 2000 cubits; in (c), the setting aside of food cooked on the day prior to the festival, and leaving it till the end of the Sabbath is presumed to have the effect of rendering the cooking on the festival day (originally permitted in the Bible, Ex. XII, 16 for that day only) merely a continuation of the cooking in preparation for the Sabbath which had been commenced on the week-day prior to the festival.
- (55) For the above purposes human food is obviously essential,
- (56) Lit., 'a partnership'; the full form is 'a partnership in an alley or street', presumed to create 'a private domain', and conferring the right to carry on the Sabbath between a number of courtyards and an alley into which these open. 'Shittuf' is similar in significance to 'Erub.
- (57) Viz., 'Who bringest forth bread from the earth', the benediction for bread.
- (58) **ברכת המזון**. The full form of Grace after Meals said only if bread was part of the meal, v. Ber. 44a.
- (59) When three or more adults have partaken of a common major meal (i.e., one of which bread formed part) a special formula (termed 'summoning') is pronounced by one of them, calling on his companions to join in Grace. V. Ber. 45a.
- (60) The law prohibiting work on festivals is qualified thus: No manner of work shall be done in them, save that which every man may eat (Ex. XII, 16). The word rendered 'by you', viz., **לכם**, is capable of being translated 'for yourselves', from which the Rabbis infer that only food fit for human beings is permitted to be cooked on a festival.
- (61) Sc. to eat unleavened bread on the first night of Passover. Only that which is capable of leavening is (if fit for human food) subject to hallah, and is also (if deliberately prevented from leavening) usable for unleavened bread (v. supra I, 1, n. 2, 2, n. 3). In the course of mixing this dough it was intended that it should be eatable by human beings; it is therefore subject to the same laws as all dough meant for human consumption.
- (62) On account of there being too much bran in the mixture.
- (63) Because hallah is due only from 'your dough' (Num. XV, 20) i.e., dough fit for human consumption (Sifre Zutta). — According to Tosef. Hal. I and T.J. 58a this rule obtains only if the 'dog's dough' was baked in the shape of boards, i.e., quite unlike bread for human consumption, but not if baked in the shape of **ככרין** 'round cakes' (so Tosef. ed. Wilna. Jast reads there **כעבין** which he renders 'prongs', also in T.J. where some texts have **כעבין**) V. Yoreh De'ah 310, 9. In Pithehe Teshubah, ad loc., it is pointed out that the latter ruling can be applicable only to the Land of Israel where alone hallah is a Biblical precept (cf. infra IV, 8), and that, even so, the insistence on separating hallah from exclusively 'dog's dough' for no other reason than their having been baked in the shape of ordinary loaves, can be attributed only to the principle of 'appearance to the eyes', i.e., the desire to avoid even the merest semblance of wrong-doing, in conjunction with the maxim 'that which the Rabbis have decreed on account of appearances is

prohibited even in the strictest privacy’.

(64) I.e., not ‘Who bringest forth bread from the earth’; the correct blessing in this case is ‘by Whose word all things came into being’, (so L. q.v.).

(65) I.e., not the full grace after meals. The correct one in this case is the shorter grace after food.

(66) I.e., if two of the three forming the (minimum) company at the meal have eaten bread made of ‘dog's dough’. If, however, two ate real bread, and only the third had the other kind (or any which is not considered bread), then the latter man may be reckoned in the company for purposes of zimmun.

(67) According to Lev. XI, 34. All food which may be eaten, that on which water cometh, shall be unclean, when it has come into contact with the carcass of an unclean swarming thing. The Rabbis understood ‘all food that may be eaten’ by anyone, whether man or beast; as long, therefore, as any food is fit for dogs, it is susceptible to ritual uncleanness. Dough, of course, satisfies the condition: ‘That on which water cometh’.

(68) Sc. ‘by the hand of heaven’, Sanh. 83a. This refers to a non-priest who has eaten either hallah or terumah wittingly, though without having been first warned. If he has eaten these after statutory warning, his punishment is ‘stripes’ (v. Ter. VII, 1). This is deduced from Lev. XXII, 9 in conjunction with v. 10 and v. 6, it being understood from the latter that by the ‘holy things’ spoken of throughout the passage, precisely terumah is intended (since only for eating terumah need the priest who had been unclean wait, on the day of his ablution, till sunset). V. Sanh. loc. cit. Hallah is considered as terumah since in Num. XV, 20 the latter term is applied also to the former.

(69) In ease of an unwitting transgressor.

(70) V. Lev. XXII, 14, And if a man eat of the holy thing unwittingly, then he shall put the fifth part thereof unto it and shall give unto the priest the holy thing, i.e. its cost. The added sum was to be equal to a fifth of the eventual total paid, i.e., a quarter of the assessed money-value of the consecrated produce or dough eaten. Cf supra 3, n. 4. The principal was to be paid to the priest whose property the terumah or hallah was, and the added sum to any priest.

(71) I.e., non-priests, non-Aaronides. Though this prohibition is already understood from the provisions preceding it in this Mishnah, its re-statement in positive form is not superfluous — as some authorities thought it to be — but is required to establish the fact that the prohibition is against non-priests consuming even less than the minimum quantity for which they are punishable.

(72) He may sell it, or acquire with it anything he wishes; if it should become unclean, he may use it as fuel over which to do cooking for himself.

(73) If the non-sacred is more than a hundred times the sacred (terumah or hallah), the non-sacred character of the mixture is in no wise affected; if the proportion of non-sacred to sacred is less than 100 to 1, the mixture is medumma’ and prohibited to non-priests (v. supra 4 n. 8).

(74) On the part of the priest, before touching or eating them. If he does not wash his hands specially he renders terumah (even of fruit) or hallah pasul i.e., unfit.

(75) A priest who has become unclean has to undergo ablutions and wait till after sunset before eating terumah (or hallah), Lev. XXII, 6-7.

(76) Of produce or dough.

(77) Of terumah, hallah or tithes.

(78) Terumah, hallah or tithes may be separated from one lot of produce or dough in a quantity sufficient to cover the terumah-, hallah- or tithe-obligation, also for other lots, but only if all such lots are close together; should one of the lots be unclean, the owner would be afraid to let it be close enough to the others lest the unclean touches the clean and makes the latter, too, unclean. Hence this regulation. Cf, infra IV, 6.

(79) So Maim. and other commentators.

(80) V. n. 5.

(81) Ma'as. I, 2ff, enumerate the stages at which various kinds of produce are considered in a ‘finished’ state, at which they severally become liable to have terumah or tithes separated from them. In the case of dough the time of separating hallah is when it has been rolled (v. infra III, 1).

(82) Terumah and hallah are both to be the ‘first’ of the produce or the dough respectively (Deut. XVIII, 4, Num. XV, 20), which implies that there must be some left over after they have been taken off.

Mishna - Mas. Hallah Chapter 2

MISHNAH 1. PRODUCE [GROWN] OUTSIDE THE LAND,¹ THAT CAME INTO THE LAND

IS SUBJECT TO HALLAH;² [IF IT] WENT OUT FROM HERE³ TO THERE,⁴ R. ELIEZER DECLARES [IT] TO BE SUBJECT [THERETO],⁵ BUT R. AKIBA DECLARES [IT] TO BE EXEMPT [THEREFROM].⁶

MISHNAH 2. IF EARTH FROM OUTSIDE THE LAND HAS COME TO THE LAND IN A BOAT,⁷ [THE PRODUCE GROWN THEREIN] IS SUBJECT TO TITHES AND TO THE [LAW RELATING TO] THE SEVENTH YEAR.⁸ SAID R. JUDAH: WHEN [DOES THIS APPLY]? WHEN THE BOAT TOUCHES [THE GROUND].⁹ DOUGH WHICH HAS BEEN KNEADED WITH FRUIT-JUICE¹⁰ IS SUBJECT TO HALLAH,¹¹ AND MAY BE EATEN WITH UNCLEAN HANDS.¹²

MISHNAH 3. A WOMAN MAY SIT AND SEPARATE HER HALLAH¹³ [WHILST SHE IS] NAKED,¹⁴ SINCE SHE CAN COVER HERSELF¹⁵ BUT A MAN [MAY] NOT. IF ONE IS NOT ABLE TO MAKE ONE'S DOUGH IN CLEANNESSE HE SHOULD MAKE IT [IN SEPARATE] KABS,¹⁶ RATHER THAN MAKE IT IN UNCLEANNESSE;¹⁷ BUT R. AKIBA SAYS: LET HIM MAKE IT IN UNCLEANNESSE RATHER THAN MAKE IT [IN SEPARATE] KABS, SINCE THE SAME DESIGNATION AS HE GIVES TO THE CLEAN, HE LIKewise GIVES TO THE UNCLEAN; THE ONE HE DECLARES HALLAH TO THE NAME,¹⁸ AND THE OTHER HE DECLARES HALLAH TO THE NAME¹⁸ BUT [SEPARATE] KABS HAVE NO PORTION [DEVOTED] TO THE NAME.¹⁹

MISHNAH 4. IF ONE MAKES HIS DOUGH [IN SEPARATE] KABS,²⁰ AND THEY TOUCH ONE ANOTHER,²¹ THEY ARE EXEMPT FROM HALLAH,²² UNLESS THEY STICK TOGETHER.²³ R. ELIEZER SAYS: ALSO IF ONE SHOVELS²⁴ [LOAVES FROM AN OVEN] AND PUTS [THEM] INTO A BASKET,²⁵ THE BASKET JOINS THEM TOGETHER FOR [THE PURPOSES OF] HALLAH.²⁶

MISHNAH 5. IF ONE SEPARATES HIS HALLAH [IN THE STATE OF] FLOUR, IT IS NOT HALLAH,²⁷ AND IN THE HAND OF A PRIEST IT IS [AS] A THING ROBBED;²⁸ THE DOUGH ITSELF²⁹ IS STILL SUBJECT TO HALLAH,³⁰ AND THE FLOUR,³¹ IF THERE BE OF IT THE STATUTORY MINIMUM QUANTITY,³² IT³³ [ALSO IS] SUBJECT TO HALLAH,³⁴ AND IT IS PROHIBITED TO NONPRIESTS:³⁵ [THE LATTER IS] THE OPINION OF R. JOSHUA. THEY TOLD HIM OF AN OCCURRENCE WHEN A SCHOLAR — NONPRIEST — SEIZED IT.³⁶ SAID HE TO THEM: INDEED, HE DID SOMETHING DAMAGING TO HIMSELF,³⁷ BUT BENEFITING TO OTHERS.³⁸

MISHNAH 6. FIVE-FOURTHS [OF A KAB]³⁹ OF FLOUR⁴⁰ ARE SUBJECT TO HALLAH. [IF] THESE⁴¹ INCLUDING THEIR LEAVEN⁴² AND THEIR LIGHT BRAN AND THEIR COARSE BRAN [MAKE UP THE] FIVE-FOURTHS, THEY ARE SUBJECT;⁴³ IF THEIR COARSE BRAN HAD BEEN REMOVED FROM THEM⁴⁴ AND RETURNED TO THEM, THEY ARE EXEMPT.⁴⁵

MISHNAH 7. THE [STATUTORY MINIMUM] MEASURE OF HALLAH IS ONE TWENTY-FOURTH [PART OF THE DOUGH].⁴⁶ IF ONE MAKES DOUGH FOR ONESELF, OR ONE MAKES IT FOR HIS SON'S BANQUET,⁴⁷ IT IS ONE TWENTY-FOURTH. IF A BAKER MAKES TO SELL IN THE MARKET, AND SO [ALSO] IF A WOMAN⁴⁸ MAKES TO SELL IN THE MARKET, IT IS ONE FORTY-EIGHTH.⁴⁹ IF DOUGH IS RENDERED UNCLEAN EITHER UNWITTINGLY OR BY FORCE,⁵⁰ IT IS ONE FORTY-EIGHTH,⁵¹ IF IT WAS RENDERED UNCLEAN DELIBERATELY, IT IS ONE TWENTY-FOURTH, IN ORDER THAT ONE WHO SINS SHALL NOT PROFIT [FROM HIS SIN].⁵²

MISHNAH 8. R. ELIEZER SAID: HALLAH MAY BE TAKEN FROM [DOUGH] THAT IS

CLEAN, [IN A QUANTITY SUFFICIENT TO DISCHARGE THE OBLIGATION] IN RESPECT ALSO OF [DOUGH] THAT IS UNCLEAN!⁵³ HOW [MAY THIS BE DONE]? [IF ONE HAS] A CLEAN DOUGH AND AN UNCLEAN DOUGH, HE TAKES SUFFICIENT HALLAH⁵⁴ OUT OF A DOUGH, HALLAH WHEREOF HAD NOT YET BEEN TAKEN,⁵⁵ AND PUTS [DOUGH] LESS THAN THE SIZE OF AN EGG⁵⁶ IN THE MIDDLE,⁵⁷ IN ORDER THAT HE MAY TAKE OFF [THE HALLAH] FROM WHAT IS CLOSE TOGETHER,⁵⁸ BUT THE SAGES PROHIBIT.⁵⁹

(1) Sc. of Israel.

(2) Based on Num. XV, 18 ff. When ye come to the land whither I bring you . . . ye shall set apart hallah.....which implies that in Palestine dough from grain whether of native or foreign growth is subject to hallah (v. T.J.).

(3) Palestine.

(4) Abroad.

(5) Relying on When ye eat of the bread (i.e., cereal produce) of the land (ibid 19), whether made into dough in the Land or elsewhere (T.J.).

(6) Being of the opinion that the word 'There' (in Num. XV, 18, which literally translated is When ye come to the land which I bring you there) has the force of making the law of hallah applicable exclusively to dough kneaded in the Land (T.J.).

(7) Which has an aperture in its bottom, and (as explained by R. Judah) is aground on Palestinian soil, and thus anything grown in the soil in the boat sucks up sustenance from the soil of Palestine.

(8) And to all laws applicable to Palestinian produce (v. Maim.). On the 'SEVENTH YEAR' v. Ex. XXIII, 10 and Lev. XXV, 3-7; it is the subject of Tractate Shebi'ith in this Seder.

(9) V. supra n. 1. R. Judah explains what the first reported unnamed Tanna (R. Meir) meant. The term 'WHEN' used by R. Judah in the Mishnah introduces, as here, an explanation; in Baraitha it introduces, as a rule, a differing view (v. 'Ikkar Tosaf. Yom. Tob).

(10) Apparently even without water (v. infra p. 328, n. 1).

(11) There are two considerations that might have led people to assume a contrary ruling. (a) The principle indicated in I, 4 and 5 that any but plain dough, and especially such as had an admixture giving it a special character, is exempt from hallah. (b) If a standard for liquids affecting ritual considerations regarding food were sought, it could be found in the seven liquids (viz., wine, date-honey, blood, water, oil, milk and dew) which when they moisten food render it susceptible to uncleanness (v. p. 325. n. 1). It might have been thought that whichever liquids rendered the flour-paste susceptible to uncleanness, also rendered it subject to hallah, in which case it would have appeared as if only those fruit-juices which had the former effect and are numbered among the seven liquids (viz., wine, date-honey and oil) rendered dough kneaded with them subject to hallah, but that dough kneaded with other fruit-juices is exempt from hallah. Hence the need for the Mishnah to make it clear that dough kneaded with any fruit-juice is liable to hallah. On the other hand, however, according to I, 4 (v. p. 320, n. 5) cake dough prepared with date-honey appears to be exempt from hallah. Thus there seems to be no unexceptionable guidance on the subject of how fruit-juices affect liability to hallah in view of these uncertainties, the dilemma could, in practice, be solved either by separating hallah in such a case, but without reciting the blessing ('who . . . hast commanded us to separate hallah from the dough'), or by putting that doubtful dough close to dough that is certainly subjected to hallah, and take hallah from the latter for both (cf. supra I, 9). V. Yoreh De'ah, 329, 9 and the commentators ad loc.

(12) This can be the case only if fruit-juices are not considered as moisture rendering food liable to uncleanness, as it is only then that unclean hands will not make the dough (or whatever is baked therefrom) unclean. Incidentally the difficulty arises again in that three of the liquids rendering food susceptible to uncleanness are fruit-juices; but even if we should decide that 'fruit-juices' in this Mishnah means 'fruit-juices except those among the seven liquids' there should still arise the following dilemma: In non-Temple days hallah is separated (and a blessing recited), but it is not given to a priest to eat because hallah must be eaten only in the levitical purity of the person, which state of purity is virtually nonexistent in non-Temple times (owing to the absence of means of purification). Eo ipso the hand of the person separating the hallah, who too cannot be ritually clean, renders the hallah unclean, and it is for these reasons burnt. Now if it be the case that dough kneaded with fruit-juice is altogether insusceptible to defilement and yet liable to hallah, then since one is debarred from giving the hallah to a priest, the only alternative would be to burn perfectly 'clean' hallah, and that is a thing that should not be done. To avoid this dilemma it is strongly recommended by the authorities that those

who bake should be sure always to mix into the dough some water or other liquid which renders it susceptible to uncleanness; hallah is then separated (accompanied with the recital of the appropriate blessing) and being through unavoidable conditions unclean is burnt (v. Yoreh De'ah ibid, 10).

(13) Pronouncing the appropriate benediction.

(14) Not withstanding the rule that in the presence of nakedness one is not permitted to utter sacred words (v. Per. 22b).

(15) By sitting with her feet together, so that the labia cannot be seen (Maim). The buttocks do not constitute 'nakedness' for the purpose of preventing the uttering of a benediction (v. Ber. 24a).

(16) Less than 1 1/4 kab being exempt from hallah (v. infra Mishnah 6).

(17) Which would result in wittingly defiling sacred matter, viz., hallah.

(18) Reading not **בשם** but **לשם** the variant mentioned in the commentators. For **שם** as The Name of God, v. Yoma III, 8 etc. and Marmorstein The Old Rabbinic Doctrine of God, p. 105.

(19) R. Akiba held that as hallah is given to the priest, whether — when it is clean — to be eaten or — when it is unclean — to be burnt by him as fuel for cooking for himself, it is — in either case — an expression of the Israelite's indebtedness to God, and of use to the priest, and should therefore not be avoided by deliberately kneading one's dough in quantities less than the minimum liable to hallah. R. Akiba's view is not accepted since as 'they said before R. Akiba: One does not say to a person: "Arise and commit a transgression so that thou mayest create for thyself an opportunity for a meritorious act"', or "'Arise and spoil in order that thou mayest mend"' (Tosef. Hal. 1, 8).

(20) Every separate piece of dough being thus exempt from hallah.

(21) In the course of baking (Maim.).

(22) But not from terumah, with regard to which, only proximity is required.

(23) Lit., 'bite [one into another]', stick together in the oven so that when pulling apart a portion of one loaf is detached by the other. Even so the effectiveness of such coalescence in rendering such loaves liable to hallah, depends on the precise species thus stuck together. V. infra IV, 2.

(24) Singly and separately, and they had not stuck together.

(25) Or any container.

(26) In Pes. 48b, it is discussed whether a flat board having no rim is to be considered as 'joining together' small quantities of dough for purposes of hallah, but the matter is left undecided. Later authorities recommend the covering over of all pieces of dough, or loaves, with a cloth, which has the same effect as a basket. (Yoreh De'ah, 325, 1).

(27) Because the commandment is definitely 'the first of your dough'.

(28) He must give it back to the Israelite, else by retaining it he would cause the latter to believe that he has duly performed the obligation of hallah, and that the dough he makes from the remaining flour is thereby exempt and permitted to be eaten, which is not the case (v. Kid. 46b).

(29) Made from the remaining flour.

(30) V. supra n. 7.

(31) Erroneously separated as hallah.

(32) 1 1/4 kab, or an Omer. v. infra Mish. 6.

(33) When made into dough.

(34) According to Maim. this liability is not a definite one.

(35) Lit., 'strangers'. This prohibition has, according to Rash and Asheri, no positive basis and is enacted only in view of the possibility of people seeing a non-priest eating something that had already been given to a priest, and thinking that the non-priest is committing the sin of partaking of consecrated food.

(36) **קפשה** the verb is, according to Maim. a cognate of **כבש**. Maim. appears to say that the word occurs often, and Emden (Glosses in Wilna Talmud) says. I know no place where it occurs except Lam. III, 16 (where the root is **כפש**). Maim. evidently thought of the frequent occurrence of **כבש**. The assumption, in T.J., is that this lay scholar not only seized the flour but also ate it, and thus demonstrated a view opposed to that of R. Joshua. L. assumed that the scholar, before eating the flour, had separated hallah from the flour, or that the latter was less in quantity than the statutory minimum and, of course, exempt from hallah.

(37) Since he is punished (T.J.).

(38) In that 'They eat and rely on him' (T.J.) which B. and L. and the codes apparently assume to mean that non-priests will be glad to partake of such flour and escape punishment by referring to a authoritative personal example. This interpretation was evidently felt to be, and indeed it is, strained and unsatisfactory; witness that some read the reverse (v. T.J.) viz., 'he did something that is benefiting to himself, but damaging to others' which is explained (ibid.), 'he

benefited himself since — anyway — he ate it, but did a disservice to others who will think that what he has eaten is exempt from hallah, whereas it is subject.

(39) 1 1/4 of this measure, as standardized in Sepphoris, was equivalent to an Omer which in the wilderness was the standard measure of food per person per day (Ex. XVI, 16); v. supra I, 4.

(40) When made into dough.

(41) Quantities of flour.

(42) The leaven (yeast) put into the dough-mixture.

(43) Because such flour, though coarse, is largely used for human food, particularly by the poor.

(44) And less than 1 1/4 kab is, thus, left.

(45) Because whilst it is usual, for the purposes of kneading dough, to sift flour and remove the coarse bran, it is not usual to put it back once it has been removed (T.J.); also, because coarse bran itself is not subject to hallah (Maim.).

(46) The proportions here laid down are not indicated in the Torah, but are 'a tradition of the Scribes'. T.J. explains that since Scripture says of hallah 'ye shall give', the amount handed over as hallah should be sufficiently appreciable to be handed over. From the minimum quantity of dough liable to hallah, viz., 1 1/4 kab (which == about 3 1/2 lbs), one twenty-fourth amounts to 2 to 2 1/2 ounces.

(47) No distinction is made between doughs whether big or small intended for private consumption

(48) This applies equally to a man in similar circumstances, viz., who bakes in a small way at home but for sale. The Mishnah speaks here of a woman because it was as a rule women who engaged in this kind of small baking-business. Again no distinction is made between doughs whether large or small, intended for trading purposes.

(49) T.J. (as corrected according to Tosef Hal. I, 6) explains the reason for varying the proportions: The individual person baking for one's private use is more liberal than the professional baker who bakes to sell and make profit. — In non-Temple times when, owing to the all-prevailing ritual uncleanness (from defilement, direct and indirect, by dead bodies) all hallah is unclean, and cannot be given to priests (even in Palestine, and certainly outside Palestine even in Temple times since there hallah is separated always in deference not to a Scriptural precept, but only to a Rabbinic requirement), just a kazayith 'the size of an olive' of dough is taken off and burnt.

(50) Of unavoidable or overpowering circumstances.

(51) The smaller proportion is laid down in this case because the hallah being unclean it may not be eaten and can serve the priest only as fuel (Rash and Bert.); also, because one should not deliberately increase the amount of such holy things as are ab initio and inevitably rendered unclean.

(52) I.e., so that no premium be placed on transgression by way of deliberate defilement of dough for the purpose of evading half of one's obligation in respect of hallah.

(53) Even if each dough is large enough to be itself subject to hallah. The advantage of this procedure is that the full quota of hallah in respect of all the doughs concerned could be eaten by the priest.

(54) I.e., the aggregate amount due from both doughs.

(55) Because it is not permitted to reckon in dough (already) exempt from hallah.

(56) 'Less than the size of an egg' is a quantity which even though it may itself become unclean, does not render other objects unclean by contact ('Orlah II, 4, end). For the principle that the standard proportion in matters of food rendered unclean by contact with or being in the same vessel as, a dead reptile, is 'the size of an egg', v. Yoma 79b-80a.

(57) The commentators amplify: the portion of clean dough already taken off as hallah is placed on the small piece put in the middle — between the two doughs — and lifted off as hallah for all the doughs together. By this method (a) all the dough has had the hallah levy discharged for it; (b) all the hallah is available as food (for the priest); (c) the (bulk of the) clean dough remains clean.

(58) V supra p. 326, n. 5.

(59) The Sages' ruling is due to the possibility of the two main pieces of dough coming into contact (Bert.) or the middle piece (advocated by R. Eliezer) being the size of an egg (Rashi, Sotah 30b). For a full examination of the possible reasons underlying the difference of opinion between R. Eliezer and the Sages on this point v. Sotah 30a — b.

Mishna - Mas. Hallah Chapter 3

MISHNAH 1. ONE MAY EAT IN A CASUAL MANNER FROM DOUGH BEFORE IT IS ROLLED,¹ IN [THE CASE OF] WHEATEN [FLOUR], OR BEFORE IT IS MIXED INTO A COHESIVE BATTER, IN [THE CASE OF] BARLEY [FLOUR].² [ONCE] ONE HAS ROLLED IT

[IN THE CASE OF] WHEATEN [FLOUR], OR ONE HAS MIXED IT INTO A COHESIVE PASTE, IN [THE CASE OF] BARLEY [FLOUR], ONE WHO EATS THEREOF,³ IS LIABLE TO DEATH.⁴ AS SOON AS SHE⁵ PUTS IN THE WATER SHE SHOULD LIFT OFF HER HALLAH,⁶ PROVIDED ONLY THAT THERE ARE NOT FIVE-FOURTHS [OF A KAB] OF FLOUR⁷ THERE.⁸

MISHNAH 2. [IF] THE DOUGH BECAME MEDUMMA⁹ BEFORE SHE HAD ROLLED IT, IT IS EXEMPT [FROM HALLAH].¹⁰ [IF] AFTER SHE HAD ROLLED IT, IT IS SUBJECT [THERETO].¹¹ [IF] THERE OCCURRED TO HER SOME UNCERTAIN UNCLEANNESS¹² BEFORE SHE HAD ROLLED IT, IT MAY BE COMPLETED¹³ IN UNCLEANNESS,¹⁴ [IF] AFTER SHE HAD ROLLED IT, IT SHOULD BE COMPLETED IN CLEANNESS.¹⁵

MISHNAH 3 . [IF] SHE¹⁶ CONSECRATED¹⁷ HER DOUGH BEFORE ROLLING IT, AND REDEEMED IT,¹⁸ SHE IS BOUND [TO SEPARATE HALLAH];¹⁹ [IF SHE CONSECRATED IT] AFTER ROLLING IT, AND REDEEMED IT, SHE IS [LIKewise] BOUND;²⁰ [BUT IF] SHE CONSECRATED IT BEFORE ROLLING IT, AND THE GIZBAR²¹ ROLLED IT, AND AFTER THAT SHE REDEEMED IT, SHE IS EXEMPT, SINCE AT THE TIME OF HER OBLIGATION²² IT WAS EXEMPT.²³

MISHNAH 4.²⁴ SIMILAR THERETO²⁵ [IS THE FOLLOWING]: [IF] ONE CONSECRATED HIS PRODUCE BEFORE IT REACHED THE STAGE [WHEN IT BECOMES LIABLE] FOR TITHES,²⁶ AND REDEEMED IT,²⁷ IT IS SUBJECT [TO TITHES];²⁸ [IF ONE CONSECRATED IT] AFTER IT HAD REACHED THE STAGE FOR TITHES, AND REDEEMED IT, IT IS [LIKewise] SUBJECT;²⁹ [BUT IF] ONE CONSECRATED IT BEFORE IT WAS 'COMPLETED',³⁰ AND THE GIZBAR 'COMPLETED' IT,³¹ AND AFTERWARDS [THE OWNER] REDEEMED IT, IT IS EXEMPT, SINCE AT THE TIME OF ITS OBLIGATION IT WAS EXEMPT.³²

MISHNAH 5. [IF] A NON-ISRAELITE GAVE [FLOUR] TO AN ISRAELITE TO MAKE FOR HIM DOUGH, IT IS EXEMPT FROM HALLAH;³³ IF HE [THE NON-ISRAELITE] GAVE IT TO HIM AS A GIFT, BEFORE ROLLING IT, HE IS LIABLE.³⁴ [IF] AFTER ROLLING IT, HE IS EXEMPT.³⁵ [IF] ONE MAKES DOUGH TOGETHER WITH A NON-ISRAELITE, [THEN] IF THERE IS NOT IN [THE PORTION] OF THE ISRAELITE THE [MINIMUM] MEASURE SUBJECT TO HALLAH,³⁶ IT IS EXEMPT FROM HALLAH.³⁷

MISHNAH 6. [IF] ONE BECAME A PROSELYTE AND HAD DOUGH, [THEN IF] IT WAS MADE³⁸ BEFORE HE BECAME A PROSELYTE, HE IS EXEMPT [FROM HALLAH]. [BUT IF] AFTER HE BECAME A PROSELYTE, HE IS LIABLE. ALSO IF THERE IS A DOUBT,³⁹ HE IS LIABLE;⁴⁰ BUT [A NON-PRIEST WHO HAS UNWITTINGLY EATEN OF SUCH HALLAH] IS NOT LIABLE IN RESPECT THEREOF TO [REFUND AN ADDITIONAL] 'ONE-FIFTH'.⁴¹ R. AKIBA SAID: IT ALL DEPENDS ON THE [TIME OF THE] FORMATION OF THE LIGHT CRUST IN THE OVEN.⁴²

MISHNAH 7. [IF] ONE MAKES DOUGH FROM WHEATEN [FLOUR] AND FROM RICE [FLOUR],⁴³ AND IT HAS A TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁴⁴ AND ONE FULFILLS THEREWITH ONE'S OBLIGATION ON PASSOVER;⁴⁵ BUT IF IT HAS NO TASTE OF CORN, IT IS NOT SUBJECT TO HALLAH, NOR DOES ONE FULFIL THEREWITH ONE'S OBLIGATION ON PASSOVER.

MISHNAH 8. [IF] ONE HAS TAKEN LEAVEN⁴⁶ OUT OF DOUGH FROM WHICH HALLAH HAD NOT BEEN TAKEN,⁴⁷ AND PUT IT INTO DOUGH FROM WHICH HALLAH HAD BEEN TAKEN,⁴⁸ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE,⁴⁹ HE [RECKONS IN

WITH IT THE LEAVEN],⁵⁰ [AND] TAKES OUT⁵¹ [HALLAH] IN ACCORDANCE WITH THE PRECISE AMOUNT;⁵² BUT IF [HE HAS] NOT,⁵³ HE TAKES OUT ONE [PORTION OF] HALLAH FOR THE WHOLE [DOUGH].⁵⁴

MISHNAH 9. SIMILAR THERETO⁵⁵ [IS THE FOLLOWING]: IF OLIVES OF [REGULAR] PICKING⁵⁶ BECAME MIXED WITH OLIVES [LEFT OVER] FOR STRIKING-OFF⁵⁷ [BY THE NEEDY],⁵⁸ OR GRAPES OF [REGULAR] VINTAGE WITH GRAPES [LEFT OVER] FOR GLEANING [BY THE NEEDY],⁵⁹ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE⁶⁰ HE [RECKONS IN WITH IT THE REGULAR FRUIT CONTAINED IN THE MIXTURE, AND] TAKES OUT⁶¹ [TERUMAH AND TITHES] IN ACCORDANCE WITH THE PRECISE AMOUNT,⁶² IF [HE HAS] NOT,⁶³ HE TAKES OUT TERUMAH AND TERUMAH-OF-THE-TITHE⁶⁴ FOR ALL [THE FRUIT]⁶⁵ , AND [AS FOR] THE REST [OF THE DUES], [HE SEPARATES] THE TITHE AND THE SECOND TITHE⁶⁶ IN ACCORDANCE WITH THE PRECISE AMOUNT.⁶⁷

MISHNAH10 . IF ONE TAKES LEAVEN FROM A DOUGH OF WHEATEN [FLOUR]⁶⁸ AND PUTS [IT] INTO DOUGH OF RICE [FLOUR],⁶⁹ [THEN] IF IT HAS THE TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁷⁰ [BUT] IF [IT HAS] NOT, IT IS EXEMPT.⁷⁰ IF [THAT IS] SO, WITH REGARD TO WHAT⁷¹ THEN DID THEY SAY:⁷² ‘[AN ADMIXTURE OF] TEBEL,⁷³ HOWEVER LITTLE OF IT⁷⁴ THERE BE, RENDERS FOOD PROHIBITED’? [WITH REGARD TO A MIXTURE OF] A SPECIES WITH ITS OWN SPECIES,⁷⁵ BUT [WITH REGARD TO A MIXTURE OF A SPECIES] NOT WITH ITS OWN SPECIES,⁷⁶ [THE PROHIBITION APPLIES ONLY] WHEN IT [THE TEBEL ADMIXTURE] IMPARTS TASTE.

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- (1) I.e., properly kneaded, when it constitutes dough in the sense of the Biblical precept relating to hallah.
 - (2) Barley flour does not form so firm a dough as wheaten flour, and there is no point in waiting for a perfect dough which cannot be achieved.
 - (3) Without hallah having been taken from it. in that state it is termed Tebel.
 - (4) Sc. ‘by the hand of Heaven’, v. Lev. XXII. 9; cf., supra I, 9.
 - (5) This provision applies also to a man; but the Mishnah speaks here of a woman since (a) it is women who are usually occupied in baking, cf. supra II, 7, n. 2 and (b) the reason for the regulation which follows is the contingency of a condition more liable to occur with a woman than with a man.
 - (6) This a Rabbinic precautionary regulation, viz., to take off hallah at the earliest possible moment (even though the stage of liability according to Scriptural requirement has not fully been reached, v. supra n. 1) lest the dough become unclean before there is a chance of separating hallah from the rolled dough. In non-Temple times the point of anticipating possible defilement does not arise, and hallah should be taken off when the dough has been rolled, prior to dividing it up into loaves.
 - (7) Sc. left entirely unmixed with the water, and as dry flour not yet liable to hallah, being also of an amount large enough to become (when eventually mixed with water) liable thereto. T.J. rules that in these circumstances one may take hallah for the whole of the contents of the mixing vessel by deliberately and explicitly reckoning in the as yet unmixed flour which is in it. — Another reading is ‘provided only that there are five-fourths of flour’ etc. already mixed with the water.
 - (8) In the mixing vessel.
 - (9) V. supra I, 4, n. 8.
 - (10) For the reason explained *ibid.*
 - (11) It had already, through having been rolled, become liable to hallah, and this being a Biblical precept, it cannot be overridden by the Rabbinic regulation of Medumma’.
 - (12) V. Nid. 5a ff.
 - (13) Lit., ‘done’.
 - (14) Because in any case the hallah when taken will be unfit for eating owing to the possibility of its being unclean. Further, it is permitted to cause uncleanness to hullin (Sot. 30b) v. Hid. 6b (bottom).
 - (15) Because hullin which is subject to hallah is like hallah, and the latter, like all terumah (a term also applied to hallah)

the cleanness of which is in doubt, must not be made unclean deliberately. Such 'hallah in suspense' is not to be eaten, as it may be unclean, nor may it be burnt, as it may be clean; one should wait until it becomes certainly unclean and then burn it (v. Nid. 7a).

(16) V. supra Mishnah I n. 5.

(17) V. Lev. XXVII, 14 and passim.

(18) Also before rolling. On 'redeeming' consecrated things. v. Lev. ibid. 15 and passim.

(19) Since at the material time, viz., that of rolling, it was her property (again), cf. supra I, 3.

(20) Since at the material time it was obviously her property.

(21) The Temple store-keeper who received and was in charge of consecrated objects.

(22) I.e., the time of rolling.

(23) Because at that time the dough was not her property, but that of the Sanctuary.

(24) This Mishnah occurs verbatim also in Pe'ah IV, 8. The reason for this repetition is discussed in T.J. Hal. ad loc. and T.J. Pe'ah ad loc.

(25) Lit., 'as something that goes in [the same way as] it (viz., the preceding case)', a case that takes the same course, follows the same lines.

(26) The several stages at which different kinds of produce become subject to tithes are particularized in Ma'as. I, 2 — 4.

(27) Also before the tithestage.

(28) Since at the material time it was his property (again).

(29) Since at the material time it was certainly his property.

(30) I.e., brought to the state at which it becomes subject to terumah and tithes. Such 'completed state' varies according to the produce, v. ibid. I, 5 ff.

(31) By the appropriate act which brings it to the terumah and tithe stage.

(32) Having been at the time Temple property.

(33) Since it is not the property of an Israelite, and it is only the 'first of your dough' which I commanded, Num. XV, 20.

(34) Because at the material time (viz., of rolling) it was the Israelite's property.

(35) Because at the material time, it was not the property of an Israelite.

(36) 1 1/4 kab., v. supra II, 6.

(37) The converse is implied, viz., if the portion belonging to the Israelite is itself sufficiently large to be subject to hallah, the hallah must be given accordingly.

(38) V. supra Mishnah I, n. 1.

(39) As to whether he was a proselyte at the material time.

(40) Since, however, it is doubtful whether the priest is entitled to it, it may be sold — instead of given — to him.

(41) Lev. XXII, 14 And if a man eat of the holy thing through error, then he shall put the fifth part thereof unto it, and shall give unto the priest the holy thing. On 'one-fifth', v. supra I, 9, n. 4. p. 325, In our case, in view of the doubt, he is to separate as a compensatory quantity of dough as great as, but not greater than, he had eaten; because of the doubt too, he is permitted to sell it to the priest. V. preceding note. Cf. Demai I, 2.

(42) R. Akiba differs from the accepted view. From T.J. ad loc. it would appear as if R. Akiba is here confining himself to the case under discussion. Maim., however, basing himself on Sifre to Num. XV, 21 understands R. Akiba as regarding the formation of a light crust in the oven as the statutory stage at which dough, in all cases, becomes liable to hallah.

(43) Which is a species not subject to hallah, v. supra I, 4.

(44) Even if it contains less than the minimum (1 1/4 kab) liable to hallah. L. points out that this ruling applies exclusively in the case of wheat and rice, because of the latter's resemblance to the former; if, however, a species which is subject to hallah has been kneaded with some species which is exempt, then the resultant dough is subject to hallah only if both the following conditions are present: (a) the taste of corn is noticeable, and (b) it contains at least the minimum quantity (1 1/4 kab) of corn, even though the latter be exceeded by the non-labile species present in the mixture.

(45) Cf. supra I, 2.

(46) To be used for leavening another dough; likewise, for the purpose of this Mishnah, dough.

(47) Such dough, or produce, from which the priestly dues had not been separated is known as *tebel* and may not be eaten.

(48) This latter dough thereby becomes prohibited for eating (v. infra 10, n. 4) until an appropriate portion, such as the

Mishnah proceeds to define, is separated as hallah.

(49) I.e., some dough from which or in respect of which no hallah had yet been taken.

(50) So Tosef.; so as to make up with the leaven the minimum subject to hallah.

(51) From the new supply.

(52) In respect of which no hallah had yet been taken, viz., the tebel leaven put into the dough, and the dough 'from another place'.

(53) Sc. any other such dough, or flour, to reckon in with the leaven.

(54) Including the leaven and the dough into which it had got mixed. In this case he takes off as hallah the appropriate proportion (1/24th or 1/48th, v. supra II, 7) of the whole dough.

(55) V. supra Mishnah 4, n. 17.

(56) Which are subject to terumah and tithes.

(57) A term suggested by the expression 'the striking-off of olives', Isa. XVII, 6, XXIV, 13.

(58) As commanded in Deut. XXIV, 20. When thou beatest thine olive-tree, thou shalt not go over the boughs again; it shall be for the stranger, for the fatherless, and the widow. These olives are exempt from priestly and levitical dues; v. Pe'ah I, 6.

(59) As commanded Deut. ibid. v. 21: When thou gatherest the grapes of thy vineyard, thou shalt not glean after thee; it shall be for the stranger, for the fatherless, and for the widow. These gleanings are exempt from priestly and levitical dues; v. Pe'ah ibid.

(60) I.e., other lots of regular olives and grapes in respect of which terumah or tithes have yet to be taken.

(61) From the new supply.

(62) Viz., of the regular fruit mixed with the gleanings, plus the new supply, in respect of both of which terumah and tithes are still outstanding.

(63) I.e., no new supply.

(64) Otherwise called the 'tithe of the tithe', Num. XVIII, 26. I.e., the tithe which a Levite is enjoined to give to the priest out of the tithe which he, the Levite himself, receives from the Israelite (ibid. vv. 21ff). Here it means the amount that would become due for this 'tithe of the tithe', if the first tithe were to be taken off the total produce (which, in fact, is not the case; v. note 4) i.e., one-hundredth part of the latter.

(65) I.e., the gleanings together with the admixture of regular fruit which made the whole lot tebel.

(66) The designation given by tradition to the tithe (commanded in Deut. XIV, 22ff) which was itself, or its equivalent in money, to be taken to Jerusalem and there consumed in rejoicing.

(67) I.e. supposing the total that had got mixed up was 100 quarters, 50 of regular fruit (still to be tithed etc.), and 50 of gleanings (which do not require to be tithed etc.). In that case the owner is to give 2 quarters (i.e. one-fiftieth of the total) as terumah, and 1 quarter (one-hundredth of the total, v. note 1) as 'tithe of the tithe'. For the first tithe, however, he is to separate only 5 quarters (one-tenth of the 50 quarters which alone are liable to tithing) and deduct half a quarter in respect of the 'tithe of the tithe' (which he had already set aside), thus handing over to the Levite 4 1/2 quarters. The 'second tithe' he is to take from that which remains (over from the 50 quarters which were liable to tithing (after Simponte). L. explains the procedure thus: He separates terumah, tithe and second tithe from all the produce; from the first tithe he gives a tithe to the priest as the 'tithe of the tithe'; but to the Levite he gives only such part of the tithe as is due from the amount that had been originally liable to tithing. The second tithe he also gives as from the bulk amount. — The requirement, here, that terumah and terumah of the tithe be levied upon a larger amount of produce than are the other dues, is attributed to the circumstance that the penalty for infringement of the law of terumah of the tithe is death ('by the hand of heaven'; cf. I, 9 note 2), and so as to be certain of having fully complied with these precepts, the proportions to be set aside are computed on the maximum amount of produce so 'taxable'.

(68) Which is subject to hallah and from which hallah is still due.

(69) Which, as such, is not subject to hallah (v. supra I, 4).

(70) In accordance with the principle established in Mishnah 7.

(71) Vocalizing למה .

(72) The Sages, v. 'Abodah Zara 73b. Halevy, Doroth II, p. 830 says, אמרו ('they said') introduces a quotation from the Mishnah in its original form; such passages as ours are additions made at the time of the closing of the Mishnah for the purpose of finally elucidating the point under discussion by correlating all the relevant dicta having a bearing thereon.

(73) Eatables at the stage when they severally become subject to the separation of priestly and levitical dues, but before

that separation has been effected, at which stage they may not be eaten.

(74) I.e., of the tebel.

(75) E.g., wheat which is tebel, with other wheat (or like species; v. infra IV, 2) which is not.

(76) E.g., wheat-dough which is tebel, with dough from a grain dissimilar thereto (v. IV, 2) which is exempt (either abintio or so rendered) from hallah, or with rice dough which is in no circumstances subject to hallah.

Mishna - Mas. Hallah Chapter 4

MISHNAH 1. IF TWO WOMEN¹ MADE [SEPARATE DOUGHS] FROM TWO [SEPARATE] KABBS,² AND THESE [THE DOUGHS] TOUCHED ONE ANOTHER, [THEN] EVEN IF THEY ARE OF ONE SPECIES, THEY ARE EXEMPT [FROM HALLAH].³ BUT IF THEY BELONG TO ONE WOMAN, [THEN] IF IT BE [A CASE OF] ONE SPECIES WITH ITS [LIKE] SPECIES, THEY ARE SUBJECT [TO HALLAH].⁴ BUT WITH AN UNLIKE SPECIES, THEY ARE EXEMPT.⁵

MISHNAH 2. WHAT IS IT [THAT CONSTITUTES THE CATEGORY OF] A SPECIES WITH ITS [LIKE] SPECIES?⁶ WHEAT IS NOT RECKONED TOGETHER WITH ANY [SPECIES]⁷ OTHER THAN WITH SPELT; BARLEY IS RECKONED TOGETHER WITH ALL [SPECIES] EXCEPT WHEAT. R. JOHANAN B. NURI SAID, THE REST OF THE SPECIES⁸ ARE RECKONED TOGETHER ONE WITH ANOTHER.⁹

MISHNAH 3. [IF THERE ARE TWO DOUGHS FROM] TWO [SEPARATE] KABBS,¹⁰ AND [DOUGH FROM] A KAB OF RICE,¹¹ OR [FROM] A KAB OF TERUMAH¹² [LYING] BETWEEN,¹³ THEY ARE NOT RECKONED TOGETHER;¹⁴ [IF THERE WAS] A THING [VIZ., DOUGH] FROM WHICH HALLAH HAD BEEN TAKEN¹⁵ [LYING] BETWEEN, THEY ARE RECKONED TOGETHER, SINCE IT¹⁶ HAD ALREADY [ONCE] BEEN SUBJECT TO HALLAH.¹⁷

MISHNAH 4. [IF DOUGH FROM] A KAB OF 'NEW' [CORN].¹⁸ AND [DOUGH FROM] A KAB OF 'OLD' [CORN]¹⁸ STUCK ONE WITH THE OTHER,¹⁹ R. ISHMAEL SAID: LET HIM TAKE [HALLAH] FROM THE MIDDLE,²⁰ BUT THE SAGES PROHIBIT.²¹ IF ONE HAS TAKEN HALLAH FROM [DOUGH MADE OUT OF] ONE KAB, R. AKIBA SAYS: IT IS HALLAH,²² BUT THE SAGES SAY: IT IS NOT HALLAH.²³

MISHNAH 5. [IF ONE HAS] TWO [SEPARATE] KABBS [OF DOUGH]²⁴ FROM ONE OF WHICH HALLAH HAD BEEN TAKEN SEPARATELY, AND FROM THE OTHER [TOO,] SEPARATELY, AND HE WENT BACK [TO THEM] AND MADE [OF] THEM ONE DOUGH, R. AKIBA DECLARES IT EXEMPT,²⁵ BUT THE SAGES DECLARE IT LIABLE.²⁶ [THUS] IT IS FOUND THAT [THE VERY PROPOSITION²⁷ GIVING RISE TO] THE STRINGENCY OF THE ONE [RULING]²⁸ IS [THE PROPOSITION THAT GIVES RISE TO] THE LENIENCY OF THE OTHER [RULING].²⁹

MISHNAH 6. A MAN MAY TAKE THE REQUISITE AMOUNT FOR HALLAH OUT OF A [CLEAN] DOUGH FROM WHICH HALLAH HAS NOT [PREVIOUSLY] BEEN TAKEN — [HIS PURPOSE BEING] TO EFFECT IT IN CLEANNESS — BY WAY OF GOING ON SEPARATING [HALLAH] THEREFROM IN RESPECT OF [UNCLEAN] DEMAI,³⁰ UNTIL IT PUTRIFIES, SINCE HALLAH IN RESPECT OF DEMAI MAY BE TAKEN FROM CLEAN [DOUGH] IN RESPECT OF UNCLEAR [DOUGH], AND FROM [ONE DOUGH IN RESPECT OF ANOTHER DOUGH] WHICH IS NOT CLOSE TOGETHER.

MISHNAH 7. IF ISRAELITES WERE TENANTS OF GENTILES IN SYRIA,³¹ R. ELIEZER DECLARES THEIR PRODUCE SUBJECT TO TITHES AND TO [THE LAW OF] THE

SEVENTH [YEAR],³² BUT RABBAN GAMALIEL DECLARES [IT] EXEMPT.³³ RABBAN GAMALIEL SAYS: [ONE IS TO GIVE] TWO HALLAH-PORCTIONS IN SYRIA,³⁴ BUT R. ELIEZER SAYS: [ONLY] ONE HALLAH-PORCION.³⁵ THEY³⁶ ADOPTED THE LENIENT RULING OF RABBAN GAMALIEL,³⁷ AND THE LENIENT RULING OF R. ELIEZER.³⁸ EVENTUALLY THEY WENT BACK [ON THIS PRACTICE]³⁹ AND INSTITUTED THE PRACTICE IN ACCORDANCE WITH RABBAN GAMALIEL IN BOTH RESPECTS.⁴⁰

MISHNAH 8. RABBAN GAMALIEL SAYS: THERE ARE THREE TERRITORIAL DIVISIONS⁴¹ WITH REGARD TO [LIABILITY TO] HALLAH: FROM THE LAND OF ISRAEL TO KEZIB⁴² — ONE HALLAH-PORCION; FROM KEZIB⁴³ TO AMANAH⁴⁴ — TWO HALLAH-PORCTIONS: ONE FOR THE FIRE⁴⁵ AND ONE FOR THE PRIEST,⁴⁶ TO THE ONE FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁴⁷ TO THE ONE FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY;⁴⁸ FROM THE RIVER⁴² TO AMANAH AND [THE ZONE] INWARD, TWO HALLAH-PORCTIONS: ONE FOR THE FIRE AND ONE FOR THE PRIEST, TO THE ONE [INTENDED] FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY,⁴⁹ TO THE ONE [INTENDED] FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁵⁰ AND [A PRIEST] WHO HAS IMMERSSED HIMSELF DURING THE DAY [AND HAS TO WAIT TILL SUNSET FOR HIS PURIFICATION TO BE COMPLETE]⁵¹ MAY EAT IT.⁵² R. JOSE SAYS: ONE DOES NOT REQUIRE IMMERSION.⁵³ IT IS FORBIDDEN [AS FOOD] TO MEN WHO HAVE AN ISSUE,⁵⁴ TO WOMEN WHO HAVE AN ISSUE, TO WOMEN DURING MENSTRUATION,⁵⁵ TO WOMEN AFTER CHILDBIRTH,⁵⁶ BUT MAY BE EATEN WITH A 'STRANGER' AT THE [SAME] TABLE,⁵⁷ AND MAY BE GIVEN TO ANY PRIEST.⁵⁸

MISHNAH 9. THESE, TOO, MAY BE GIVEN TO ANY PRIEST:⁵⁹ DEVOTED THINGS,⁶⁰ FIRSTLINGS,⁶¹ THE [LAMB SUBSTITUTED AS] RANSOM FOR THE FIRSTLING OF AN ASS,⁶² THE SHOULDER, THE TWO CHEEKS AND THE MAW,⁶³ THE FIRST OF THE FLEECE,⁶⁴ OIL [FIT ONLY] FOR BURNING,⁶⁵ CONSECRATED FOOD [ORDAINED TO BE CONSUMED WITHIN THE PRECINCTS] OF THE SANCTUARY,⁶⁶ AND THE FIRST-RIPE FRUITS.⁶⁷ R. JUDAH PROHIBITS IN [THE CASE OF] FIRST-RIPE FRUITS.⁶⁸ [AS FOR] HORSEBEANS [SET ASIDE] FOR TERUMAH, R. AKIBA PERMITS,⁶⁹ BUT THE SAGES PROHIBIT.⁷⁰

MISHNAH 10. NITTAI [A MAN OF] TEKOA⁷¹ BROUGHT HALLAH-PORCTIONS FROM BE-JATTIR,⁷² BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷³ THE MEN OF ALEXANDRIA BROUGHT THEIR HALLAH-PORCTIONS FROM ALEXANDRIA, BUT THEY DID NOT ACCEPT [THESE] FROM THEM.⁷³ THE MEN OF MOUNT ZEBOIM⁷⁴ BROUGHT THEIR FIRST-RIPE FRUITS PRIOR TO THE FESTIVAL,⁷⁵ BUT THEY DID NOT ACCEPT [THESE] FROM THEM, ON ACCOUNT OF THAT WHICH IS WRITTEN IN THE LAW: AND THE FEAST OF THE HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD.⁷⁶

MISHNAH 11. BEN ANTIGONUS⁷⁷ BROUGHT UP⁷⁸ FIRSTLINGS FROM BABYLON, BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷⁹ JOSEPH THE PRIEST⁸⁰ BROUGHT FIRST-RIPE FRUITS [IN THE FORM] OF WINE AND OIL,⁸¹ BUT THEY DID NOT ACCEPT [THESE] FROM HIM;⁸² HE ALSO BROUGHT UP HIS SONS AND MEMBERS OF HIS HOUSEHOLD TO CELEBRATE THE LESSER PASSOVER⁸³ IN JERUSALEM, BUT THEY TURNED HIM BACK,⁸⁴ SO THAT THE THING SHOULD NOT BECOME FIRMLY FIXED AS AN OBLIGATION. ARISTON⁸⁵ BROUGHT HIS FIRST-RIPE FRUITS FROM APAMEA⁸⁶ AND THEY ACCEPTED [THESE] FROM HIM,⁸⁷ BECAUSE THEY SAID,⁸⁸ ONE WHO OWNS [LAND] IN SYRIA IS AS ONE WHO OWNS [LAND] IN THE OUTSKIRTS OF JERUSALEM.⁸⁹

- (1) Not necessarily, but most likely to occur with women in the course of their household activities.
- (2) One kab is not subject to hallah, in accordance with the view of the School of Hillel ('Ed. I, 2).
- (3) Because as a rule each of the women not only does not contemplate her dough coming into contact with someone else's, but actually objects to it; the two kabs are, therefore, considered as separate (just as their owners deem them to be) despite the fact that by chance they touched or even stuck together.
- (4) In circumstances explained supra II, 4.
- (5) This exemption applies also in the event of the two doughs being of the same species but otherwise different, e.g., one of coarse and the other of fine flour (T.J.) or one seasoned with saffron and the other not (v. L.).
- (6) So that they might combine by contact to make up the requisite minimum (viz., 1 1/4 kab) to be subject to hallah. It should be noted that the considerations envisaged in this Mishnah have reference only to hallah but not to other priestly or levitical dues.
- (7) Of the five kinds of grain. v. supra I, 1.
- (8) Enumerated supra I, 1.
- (9) The question as to which species combine with which to form a minimum subject to hallah, arises only when the doughs touch or stick to one another; if any two or more species (liable to hallah) have mingled, either in the flour or in two kneading, they are without question 'reckoned together' (T.J.).
- (10) Both of one species which is liable to hallah.
- (11) A species not liable to hallah
- (12) Which, as a priestly perquisite, is not liable to hallah.
- (13) And sticking to the two on either side.
- (14) Because the connecting intervening piece of dough, whether it is of rice or terumah, is one not liable to hallah. T.J. explains the necessity for instancing both rice and terumah: (a) if rice only had been mentioned, it might have been thought that just rice is not to be 'reckoned in' for the reason that it is a species ab initio not subject to hallah, but that terumah, which is of course of grain, that is in itself liable to hallah, should be reckoned in; (b) if terumah alone had been mentioned it might have been inferred, that just terumah is not 'reckoned in' for the reason that an admixture of it to other dough, by making the whole Medumma' (v. I, 4, n. 8). renders it exempt from hallah, but that rice, an admixture of which to grain does not invariably impair the liability of the dough to hallah (v. III. and 10), might be 'reckoned in'.
- (15) And therefore no longer liable to hallah.
- (16) The piece of dough in the middle.
- (17) Constituting in this respect a category different from the preceding cases where the dough lying in the middle had never been liable to hallah.
- (18) According to Ter. I, 5, it is unavailing to separate terumah from one year's corn an amount large enough to cover the requirements for terumah in respect also of either the preceding or the following year's corn. The same rule applies mutatis mutandis to taking hallah.
- (19) Lit., 'hit one with the other', cf. supra II, 4, n. 2.
- (20) Where the two doughs run into one another, thus taking some from each.
- (21) The prohibition of the Sages is directed against taking, in these circumstances, just one hallah-portion even if it be out of the place where both doughs coalesce. The fact that the two doughs have stuck together certainly renders them jointly subject to hallah, but since one is of 'old' and the other of 'new' corn, the statutory proportion (1/24th or 1/48th v. supra II, 7) must be taken separately from each dough.
- (22) I.e., if subsequently the kab was increased to 1 1/4 kab, whereby the portion that had erroneously been taken off is deemed as having been only prematurely separated and retroactively made into hallah with all due sanctity attaching thereto.
- (23) Since at the time a portion was taken off the dough was, owing to the small amount thereof, not subject to hallah, the separation of the dough portion was gratuitous and entirely without effect on its non-sacred (hullin) status.
- (24) I.e., neither is large enough to be subject to hallah.
- (25) Since in accordance with the view enunciated in his name in Mishnah 4, the dough-portions taken separately from each of the doughs and, erroneously, but in good faith-intended as hallah, have been validated as such by the subsequent addition of the other dough.
- (26) In accordance with their view, contrary to R. Akiba's, in Mishnah 4.
- (27) Viz., that of R. Akiba set out supra n. I.
- (28) I.e., the stringency which results from the application of R. Akiba's view to the case in Mish. 4, where the owner is

thereby deprived of the dough-portions which are, in that view, held to have been consecrated by him as hallah.

(29) I.e., the leniency which is the effect of the application of that same view to the case in our Mishnah, inasmuch as here the owner is thereby exempted from giving away a further portion of dough as hallah.

(30) Ordinarily demai denotes produce with regard to which there is suspicion, inasmuch as it has been obtained from an 'am ha-arez, that it may not have been properly tithed. Here, according to Maim. it means dough with regard to which there is doubt, for the same reason as above, whether hallah had been separated. Rash and Bert, say it means dough from grain that was demai (in the original sense, viz., in respect of tithes). Such corn presumed to have come from an 'am ha-arez was unclean and so, too, the dough made from it. L. reviews and criticizes the above interpretations and finally rejects them as untenable. His own interpretation is, that this Mishnah is concerned with dough bought from a Cuthean (Samaritan) and it is uncertain whether the latter has intended the dough for his own consumption (when, in view of known Samaritan religious scruples, he can be trusted to have separated hallah), or for sale (when one cannot assume that the Samaritan had separated hallah, inasmuch as the Samaritan code did not require hallah to be taken from dough intended for sale). Such dough is thus demai (in respect of hallah), and it is this kind of demai that is meant here. Furthermore, a Samaritan's dough is, failing certain knowledge to the contrary, unclean. The dough spoken of first in our Mishnah is also demai, but it is clean, either because the Samaritan had, in the presence of an Israelite, undergone ritual ablution from uncleanness immediately prior to preparing the dough, or because the flour had been mixed not with water but with fruit-juice (which does not render dough capable of contracting uncleanness; cf. supra II, 2, p. 328, n. 1). The position then is this: One dough is clean, the other unclean. In ordinary circumstances it is not permitted to take hallah from clean dough in sufficient quantity to exempt also unclean dough (v. supra I, 9), but because in our case both doughs are demai in respect of hallah, it is permitted to do so, as well as to take hallah from such a dough in sufficient quantity to exempt also other similar doughs without putting them close together.

(31) A geographical term denoting territories outside the boundaries of the Land of Israel (as delimited in Num. XXXIV) which were captured by King David before he completed the conquest of the Land of Israel proper (Jebus i.e. Zion remained in gentile possession till nearly the end of David's reign; v. II Sam. XXIV). It was agreed that these adjacent territories were of lesser sanctity than the Land proper, but there were differences of opinion as to which of the precepts enjoined for the Land of Israel were applicable also to Syria.

(32) Since in his view Syria was like the Land of Israel in these matters. In T.J. it is suggested that the intention of R. Eliezer in imposing this obligation was to 'fine' these Israelite tenants in Syria. Rash suggests that the purpose of the proposed fine was to discourage Jews from settling permanently in Syria. The law of the 'Seventh Year' is promulgated in Ex. XXIII, 10-11, Lev, XXV, 1 ff and forms the subject of tractate Shebi'ith in our Seder.

(33) Because he held that Syria was like the Land of Israel in regard to tithes etc., only if the land (in Syria) on which the produce was grown was the property of Israelites (v. end of chapter) but not when, as here, the latter were merely tenants.

(34) One portion to burn, because it is unclean (as everywhere outside the Land), and the other to give to a priest so as to prevent the law of hallah from being entirely forgotten (v. infra 9).

(35) Just as in the Land of Israel (v. n. i).

(36) The Jews in Syria.

(37) Exempting the produce of Israelite tenants in Syria from tithes and Shebi'ith.

(38) Demanding from them only one hallah-portion (instead of two as R. Gamaliel).

(39) Because they found that it was considered unworthy, and even wicked, to take advantage of the lenient rulings of two authorities when those rulings arose from opposing principles. The norm was that if you adopt the principle of one authority giving rise to a lenient ruling, you must consistently follow that principle wherever it applies, whether the effect of such application is a leniency or a stringency.

(40) Lit., 'ways'; i.e., both in the matter of tithes and Shebi'ith (where he is lenient) and in that of hallah (where he is stringent).

(41) Lit., 'lands'.

(42) For these geographical items v. Shebi'ith VI, 1. notes.

(43) That zone was authentic Land of Israel by reason of being within the boundaries mentioned in Num. XXXIV, having been occupied in the first conquest, and also reoccupied by the returned Babylonian exiles under Zerubbabel and Ezra, and therefore indubitably subject to the precepts bound up with the sanctity of the Land.

(44) A zone within the Pentateuchal boundaries of the Land of Israel and therefore originally holy; but since it had not been reoccupied by those who returned from Babylon, it did not re-assume complete holiness.

- (45) I.e., to be burnt by the owner, being unclean hallah. Since this zone was not restored to its original holiness, its hallah is unclean just as the hallah in any land outside the Land of Israel.
- (46) This is not mandatory, but instituted by the authorities to draw attention to the peculiar character of that zone with regard to sanctity. This procedure is to obviate on the one hand the likely erroneous notion that the territory is to be regarded as definitely outside the Land in respect of sanctity, and on the other hand the other mistaken notion that it is to be regarded as completely holy territory. The very contradictoriness of the procedure will stimulate enquiry which will enable people to learn of the special status of the zone.
- (47) Because this portion is in virtue of that zone having been originally holy and liable to hallah on Biblical authority — the direction to burn it being due solely to its being unclean, in which circumstances it would have to be burnt even in the Land of Israel proper.
- (48) Because this portion is only an institution of the Scribes.
- (49) Less than the minimum may be separated because (a) it is on solely Scribal authority and (b) because it is to be burnt.
- (50) This hallah-portion too is only on Scribal authority, but since it is to be eaten the full amount should be given.
- (51) V. supra I, 9, p. 326, n. 2. The regulations with regard to a person in that state are detailed in the tractate of that name *Tebul Yom* in *seder Tohoroth*.
- (52) Since this hallah-portion is on the authority only of the Scribes, the eating thereof is prohibited only to such as are in a state of actual uncleanness by reason of an issue or of menstruation (v. *infra* notes 4-6) but not to anyone unclean through any other cause, or whose cleanness is, as in the case of *tebul yom*, in a state of suspense until the end of the day.
- (53) So that, according to R. Jose, outside the Land, one who has had an issue may eat hallah.
- (54) V. Lev. XV, 2-15.
- (55) V. *ibid.* 19-30.
- (56) V. *ibid.* XII.
- (57) With consecrated food it is insisted that it should not be eaten by the priest at the same table where a non-priest is eating, lest the latter partake of the consecrated food either by accident or in error. Since the hallah-portion with which we are here concerned is not scripturally ordained this precaution is not required.
- (58) *Maim.* reproduces the T.J. interpretation of 'any priest', viz., 'be it a priest who is a *kaber* (i.e., a scholar) or one who is an 'am ha-rez (i.e., an unlearned person)'. Evidently what is meant is: whether the priest be one who takes care to eat consecrated food in cleanness, or one who does not. V. Bert. and *Tusef. Yom Tob.* Bert. writes as if *Maim.*'s explanation is at variance with that of the Talmud, whilst *Maim.* does nothing but reproduce T.J. verbatim.
- (59) V. preceding *Mishnah*, end n. 8.
- (60) V. Lev. XXVII, 28. No devoted thing, a man may devote to the Lord of all that he hath . . . shall be sold or redeemed: every devoted thing is most holy unto the Lord; Num. XVIII, 14: Every devoted thing in Israel shall be thine i.e., the priest's. Since it is to be redeemed with money, the latter may obviously be given to any priest without references to the likelihood of his being clean or unclean.
- (61) V. Ex XIII, 12: Thou shalt set apart unto the Lord all that openeth the womb; every firstling that is a male, which thou hast coming of a beast, shall be the Lord's, Deut. XV, 19 ff: All the firstling males of thy herd all of thy flock thou shalt sanctify unto the Lord thy God . . . thou shalt eat it before the Lord thy God . . . in the place which the Lord shall choose (i.e. the Holy City of Jerusalem) . . . And if there be any blemish therein, lameness, or blindness, any ill blemish whatsoever, thou shalt not sacrifice it unto the Lord thy God. Thou shalt eat it within thy gates: the unclean and the clean may eat it. Reference to Num. XVIII, 17-18 shows that 'Thou shalt eat it' is addressed to the priest. It is clear that our *Mishnah* speaks of the flesh of a blemished firstling, and since this may be eaten by 'the unclean and the clean' it may, obviously, be given to any priest irrespective of his cleanness.
- (62) V. Ex. XIII, 13: And the firstling of an ass thou shalt redeem with a lamb. This lamb is not considered consecrated (Bert.).
- (63) V. Deut, XVIII, 3: And this shall be the priests' due from the people, from them that offer a sacrifice, whether it be ox or sheep, that they shall give to the priest the shoulder, the two cheeks and the maw. V. n. 5 *infra*.
- (64) V. *ibid.* 4 . . . the first of thy fleece shalt thou give him.
- (65) I.e. , oil set aside as *terumah*, which has become unclean.
- (66) Since these are parts of sacrifices brought into the Sanctuary where no unclean priest may enter there is, obviously, no fear that it may be eaten by a priest during his uncleanness. (It is different with hallah and *terumah*; these may be

- eaten outside sacred precincts where there are priests of all kinds, and care should therefore be taken that these priestly dues do not get into the hands of priests who are either unclean or possibly neglectful of their ritual cleanness.)
- (67) V. Num. XVIII, 13: The first-ripe fruits of all that is in their land, which they bring unto the Lord, shall be thine; every one that is clean in thy house may eat thereof. These were to be brought by the Israelite direct to the Sanctuary, v. n. 5.
- (68) R. Judah's reason is: Seeing that first-ripe fruits are not offered on the altar, ignorant priests are likely to underrate the sacredness of first-ripe fruits and to eat them prior to self-purification.
- (69) Sc. to give to any priest, since these are rarely eaten by human beings, and the likelihood of these being eaten by an unclean priest is therefore remote.
- (70) Seeing that they are sometimes eaten by human beings, no exception is to be made of them.
- (71) In South Judah v. Amos I, 1, II Sam. XIV, 2.
- (72) Reading with Kohut, Aruch Completum, s.v. יתיר יתיר יתיר (or spelt defectivum יתר) is mentioned Josh. XV, 48, XXI, 14, I Sam. XXX, 27, I Chron. VI, 42 in S. Judah. In T.J. Sheb. p. 36, it is mentioned among places on the borders of the Land of Israel in relation to the applicability of the laws of the sanctity of the Land. According to the above data it would be in the neighbourhood of Tekoa. It is this place that is probably meant by Schurer (*Geschichte des Volkes Israel I*, p. 693) when he identifies our place-name as Be-jittar. Hirschensohn, Sheba' Hokmoth s.v. בתיר thinks of Botrys on the North African coast.
- (73) For the reasons: (a) These hallah-portions could not be eaten, since, coming from not fully sacred territory, they were unclean. (b) They could not accept them and burn them, because (since their place of origin was in a zone of partial but not complete sanctity) the fact that such hallah is unclean is not generally known, and people might be led to think that clean hallah was being — and permitted to be — burnt in Palestine. (c) Accepting these hallah-portions and sending them out of Palestine to burn them, would lead people to think, entirely erroneously, that any hallah or terumah may be sent out of the Land of Israel. The only possible thing to do is to let these dough-portions remain till the Eve of Passover when they should be burnt with other leaven (T.J.).
- (74) Probably close to the valley of that name (I Sam. XIII, 18) and the town of that name (Neh. XI, 34) in Judea.
- (75) Azereth, a Rabbinic designation for the Feast of Weeks or Pentecost, on which the first-ripe fruits were due to be brought to the Temple. Lit., 'the closing', Pentecost being considered the closing festival to Passover.
- (76) Ex. XXIII, 16 (cf. Lev. XXIII, 15-21, Num. XXVIII, 26). According to this verse it was the first-fruits coming from 'that which thou sowest in the field' i.e., the 'Two Loaves' (which, too, were termed 'First-fruits') that were the first to be brought to the Temple, before the other first-ripe produce, indeed before any of the other priestly and levitical dues. Seemingly the refusal recorded here is contrary to Mishnah Men. X, 6 which lays it down that although the first-fruits are in the first instance not to be brought before the Two Loaves, nevertheless if one had already unintentionally done so, such first-fruits are valid. (They are not accepted at the time but laid aside till after the bringing of the Two Loaves on the day of the Festival, and then they are handed to the priest and the declaration prescribed in Deut. XXVI is recited.) T.J., however, explain that the refusal of the prematurely brought first-fruits, in our case, was on the ground that acceptance would, in the circumstances, have given the impression that it was the proper thing to bring first-fruits prior to the Feast of Weeks.
- (77) Var. lec.: Antinos.
- (78) To the Temple.
- (79) From Deut. XIV, 23. And thou shalt eat before the Lord thy God, in the place which He shall choose . . . the tithes of thy corn, thy wine and thine oil, and the firstlings of thy cattle and thy flocks, a deduction is made that even as terumah and tithes are not to be brought to the altar from outside of sacred territory so too are firstlings not to be brought from such places. Such firstlings are to be allowed to pasture till they become unfit for sacrifice and then they are eaten by priests (v. T.J.).
- (80) He was evidently well-known as one who was particularly concerned to avoid circumstances defiling the sanctity attaching to a priest (v. Zeb. 10a, Sifra to Lev. XXI, 2, 'Er. 47b; 'A.Z. 13a).
- (81) The law is that first-ripe fruits may be brought in liquid form only if there was such intention at the time of the picking of the olives or grapes.
- (82) Because there had been no prior intention to bring them in liquid form; T.J.
- (83) As a rule designated 'the Second Passover'. According to Num. IX, 1-12, a person who was unclean on the Eve of the Passover and therefore unable to offer up the Paschal Lamb, was to do so exactly a month later (i.e. on the eve of the 15th Iyyar). The occasion reported here was probably in the year when his wife died on the Eve of Passover. Unwilling

to miss the Paschal Sacrifice, he was, then, most reluctant to allow himself to become defiled through her dead body (v. Num. XIX, II, 14) although the death of a wife is a case in which a man is permitted to defile himself (Lev. XXI, 2, where the phrase 'for his kin that is near unto him' refers, according to Rabbinic interpretation, to his wife). His colleagues, however, forcibly overcame his reluctance and he did allow himself to become unclean (Sifra loc. cit., Zeb. loc. cit. and parallels). V. Hyman, *Toledoth Tannaim* s.v. where he usually corrects an erroneous inference by Weiss (Dor I. P. 46, n. 2, p. 47) as to the date of the halachah permitting a priest to defile himself on the death of his wife.

(84) According to Ex. XXIII, 17, Passover was one of the three festivals when all males were to 'appear before the Lord', but that is ordained only for the real Passover and not for the 'Second (called here Lesser) Passover'. Pilgrimage to the Temple was of course permitted throughout the year and priests — like Joseph ha-Kohen — naturally had access to the Temple. Notwithstanding this and the fact that he was attending for the purposes of carrying out the precept of the 'Second Passover', he was turned back because he brought his young sons etc. with him, lest his act lead the public — as it was most likely to do — to an erroneous conclusion that the Second Passover required just like Passover itself not only the sacrifice of the Paschal Lamb by those who had been unable to do so on the real Passover, but also the pilgrimage of all males.

(85) Perhaps not the proper name of a man, but just a man of noble birth or standing.

(86) A few places of this name are known. Probably Paneas in Syria is meant here.

(87) First-ripe fruits were accepted from abroad, unlike *terumah*. The decision not to subject produce abroad to *terumah* is due to a desire to discourage priests from leaving the Holy Land as they would be tempted to do in order to collect *terumah* abroad. Owners had no need to 'bring' *terumah* to the Temple but just to distribute it among priests. Such a cause did not exist in the case of first-ripe fruits which had to be brought to the Sanctuary.

(88) The phrase indicates a reference to a Mishnah in the Mishnah-collection in its earliest form. Cf. *supra* III end.

(89) And the product of such Jewish owned land in Syria is accordingly subject to tithes etc. This is not the case if the land in Syria is held by Jews only on tenancy v. *supra* Mish. 7. V. Git. 8a for a list of particulars in which Syria is treated in law like the Land of Israel. MS. M. adds the following passage (which is quoted in B. K 110b and Hul. 133b as a *Baraitha*): Twenty-four dues were given to the priests: ten in the Temple and four in Jerusalem and ten within the borders (of the Land of Israel). These are the ten given them in the Temple: Sin-offerings, sin-offerings of birds, the unconditional and suspensive guilt-offerings, the peace-offering of the congregation, the log of oil of the leper, the remainder of the Omer, the Two Loaves, the Shewbread, the residue of the meal-offerings. And these are the four given in Jerusalem: The firstlings, the first-fruits, the heave-offering from the thank-offering, and the ram of the Nazirite, and the skins of hallowed sacrifices. And these are the ten given them within the borders: *Terumah*, *terumah* of the tithe, *hallah*, the first of the shearing, the priestly gifts (from every beast slaughtered for food), the redemption price of the firstborn son, the redemption price of the firstling of an ass, the field of possession, the devoted field, and what was wrongly obtained of a proselyte (who died without any legal issue). No priest who is not well versed in these things may receive them as gifts.

Mishna - Mas. Bikkurim Chapter 1

MISHNAH 1. SOME THERE ARE WHO BRING BIKKURIM¹ AND RECITE [THE DECLARATION];² OTHERS WHO MAY ONLY BRING THEM, BUT DO NOT MAKE RECITAL; AND SOME THERE ARE WHO MAY NOT EVEN BRING THEM AT ALL. THESE MAY NOT BRING THEM: HE WHO PLANTS [A TREE] ON HIS OWN SOIL, BUT SINKS³ [A SHOOT] SO THAT [IT] GROWS IN THE TERRITORY BELONGING TO AN INDIVIDUAL⁴ OR TO THE PUBLIC; AND LIKewise IF ONE SINKS [A SHOOT] IN ANOTHER'S PRIVATE PROPERTY OR IN PUBLIC PROPERTY, SO THAT IT GROWS ON HIS OWN PROPERTY:⁴ OR, IF ONE PLANTS [A TREE] ON HIS OWN [PROPERTY] AND SINKS IT SO THAT IT STILL GROWS ON HIS OWN PROPERTY, BUT THERE IS A PRIVATE OR PUBLIC ROAD BETWEEN, SUCH A ONE MAY NOT BRING BIKKURIM.⁵ R. JUDAH SAYS, SUCH A ONE HAS TO BRING BIKKURIM.⁶

MISHNAH 2. FOR WHAT REASON MAY HE NOT BRING THEM? BECAUSE IT IS SAID, 'THE FIRST-FRUITS OF THY LAND', MEANING THAT THOU MAYEST NOT BRING THEM UNLESS ALL THE PRODUCE [COMES] FROM THY LAND. TENANTS,⁷ LESSEES,⁸ OR OCCUPIERS OF CONFISCATED PROPERTY,⁹ OR A ROBBER MAY NOT BRING THEM FOR THE SAME REASON, BECAUSE IT SAYS, 'THE FIRST-FRUITS OF THY LAND'.

MISHNAH 3. BIKKURIM ARE BROUGHT ONLY FROM SEVEN KINDS,¹⁰ BUT NONE [MAY BE BROUGHT] FROM DATES GROWN ON HILLS, OR FROM VALLEY-FRUITS,¹¹ OR FROM OLIVES THAT ARE NOT OF THE CHOICE KIND. BIKKURIM ARE NOT TO BE BROUGHT BEFORE PENTECOST.¹² THE MEN OF MT. ZEBOIM¹³ BROUGHT THEIR BIKKURIM BEFORE PENTECOST,¹⁴ BUT THEY WERE NOT ACCEPTED BECAUSE OF WHAT IS WRITTEN IN THE TORAH: 'AND THE FEAST OF HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD'.¹⁵

MISHNAH 4. THESE BRING [BIKKURIM] BUT DO NOT MAKE THE RECITAL: THE PROSELYTE, SINCE HE CANNOT SAY: WHICH THE LORD HATH SWORN TO OUR FATHERS, TO GIVE UNTO US'.¹⁶ IF HIS MOTHER WAS AN ISRAELITE, THEN HE BOTH BRINGS BIKKURIM AND RECITES THE DECLARATION.¹⁷ WHEN HE PRAYS PRIVATELY, HE SHALL SAY: 'O GOD OF THE FATHERS OF ISRAEL'; BUT WHEN HE IS IN THE SYNAGOGUE, HE SHOULD SAY: 'THE GOD OF YOUR FATHERS'. BUT IF HIS MOTHER WAS AN ISRAELITE WOMAN, HE SAYS: 'THE GOD OF OUR FATHERS'.¹⁷

MISHNAH 5. R. ELIEZER B. JACOB SAYS: A WOMAN WHO IS A DAUGHTER OF A PROSELYTE MAY NOT MARRY A PRIEST UNLESS HER MOTHER WAS HERSELF AN ISRAELITE WOMAN. [THIS LAW APPLIES EQUALLY TO THE OFFSPRING] WHETHER OF PROSELYTES OR FREED SLAVES, EVEN TO TEN GENERATIONS, UNLESS THEIR MOTHER IS AN ISRAELITE. A GUARDIAN,¹⁸ AN AGENT, A SLAVE, A WOMAN,¹⁹ ONE OF DOUBTFUL SEX, OR A HERMAPHRODITE²⁰ BRING THE BIKKURIM, BUT DO NOT RECITE, SINCE THEY CANNOT SAY: 'WHICH THOU, O GOD, HAST GIVEN UNTO ME'.²¹

MISHNAH 6. HE WHO BUYS TWO TREES [THAT HAD GROWN] IN PROPERTY BELONGING TO HIS FELLOW BRINGS BIKKURIM BUT IS NOT TO MAKE THE RECITAL.²² R. MEIR SAYS: HE ALSO MAKES THE RECITAL.²³ IF THE WELL DRIED UP,²⁴ OR THE TREE WAS CUT DOWN,²⁵ HE BRINGS BUT DOES NOT RECITE. R. JUDAH SAYS: HE BRINGS AND RECITES.²⁶ FROM PENTECOST TILL SUKKOTH²⁷ ONE MAY BRING [BIKKURIM] AND MAKE THE RECITAL; FROM SUKKOTH TILL HANUKAH,²⁸ ONE MAY BRING, BUT DOES NOT MAKE THE RECITAL. R. JUDAH B. BATHYRA SAYS: ONE MAY BRING AND ALSO MAKE THE RECITAL.

MISHNAH 7. IF A MAN SET ASIDE HIS BIKKURIM AND SOLD [AFTERWARDS] HIS FIELD, HE BRINGS THEM BUT DOES NOT MAKE THE RECITAL;²⁹ WHEREAS THE OTHER [WHO BOUGHT THE FIELD] MAY NOT BRING [BIKKURIM] OF THE SAME SPECIES,³⁰ BUT HE BRINGS THEM OF ANOTHER KIND AND MAKES THE RECITAL. R. JUDAH SAYS: HE MAY ALSO BRING FIRST-FRUITS OF THE SAME KIND AND MAKE THE RECITAL.

MISHNAH 8. IF ONE SET ASIDE [HIS BIKKURIM] AND THEY WERE PLUNDERED, OR ROTTED WERE STOLEN OR LOST, OR CONTRACTED UNCLEANNESS, HE MUST BRING OTHERS IN THEIR STEAD,³¹ BUT DOES NOT MAKE THE RECITAL. THESE OTHERS ARE NOT SUBJECT TO THE LAW OF THE [ADDED] FIFTH.³² IF THEY CONTRACTED UNCLEANNESS WHILE IN THE TEMPLE COURT, HE MUST SCATTER THEM³³ AND DOES NOT MAKE THE RECITAL.

MISHNAH 9. WHENCE DO WE INFER THAT A MAN IS RESPONSIBLE FOR THEM UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT? BECAUSE IT SAYS: 'THE FIRST OF THE FIRST-FRUITS OF THY LAND SHALT THOU BRING INTO THE HOUSE OF THE LORD THY GOD',³⁴ THIS TEACHES THAT HE IS RESPONSIBLE UNTIL HE BRINGS THEM INTO THE TEMPLE MOUNT. IF HE BROUGHT [BIKKURIM] OF ONE KIND AND MADE THE RECITAL AND THEN BROUGHT OF ANOTHER KIND, HE MAKES NO [SECOND] RECITAL.³⁵

MISHNAH 10. THESE BRING AND MAKE THE RECITAL: [ONE WHO BRINGS BIKKURIM] FROM PENTECOST TO SUKKOTH, FRUITS OF THE SEVEN SPECIES, AND THOSE GROWN ON THE MOUNTAINS,³⁶ OR DATES GROWN IN THE VALLEYS,³⁷ OIL-OLIVES³⁸ [AND PRODUCE] FROM TRANSJORDANIA.³⁹ R. JOSE THE GALILEAN SAYS: ONE MAY NOT BRING [BIKKURIM] FROM TRANSJORDANIA, SINCE THAT IS NOT 'A LAND FLOWING WITH MILK AND HONEY'.

MISHNAH 11. IF ONE BOUGHT THREE TREES IN THE FIELD OF HIS FELLOW, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL.⁴⁰ R. MEIR SAYS: EVEN [IF HE BOUGHT] ONLY TWO.⁴¹ IF HE BOUGHT ONE TREE WITH ITS SOIL, HE BRINGS [BIKKURIM] AND MAKES THE RECITAL. R. JUDAH SAYS, ALSO TENANTS AND LESSEES⁴² BRING AND RECITE.⁴³

(1) Deut. XXVI, 1-11.

(2) Ibid. 5-11.

(3) By bending the shoot-into the ground so that it springs forth as an independent plant.

(4) The sine qua non of bikkurim is that the fruit had to be grown in soil indisputably that of the owner, v. next Mishnah.

(5) The reason being that some of the fruit of both his fields derive their nature from soil belonging to another.

(6) Agreeing with the view of B.B. 60a, which permits a cavity to be dug under public property provided that the surface still remains firm enough to bear a waggon loaded with stones traversing across it. Accordingly, the fruit grown in such wise is still sufficiently his own to warrant bikkurim. R. Judah, however, only claims his view in the case of a public foot-path, and even then no recital is to be made. In the case of a private foot-path, he concurs that the products cannot be deemed his own.

(7) Heb. אַרְיִסִין, labourers who receive a certain share of the produce in lieu of their work for the owner.

(8) Heb. חֲכוּרוֹת, labourers who, irrespective of the yield of the crops, pay the landlord a certain rent in kind.

(9) Heb. סְקָרִיקִין, probably of Greek origin. Lat. sicarius. The allusion is no doubt to the Hadrianic persecutions following the Bar Cochba wars (132-135 C.E.) when the Romans confiscated the property of the Jews killed or taken captive in the wars. The produce of such confiscated property, afterwards re-acquired by other Jews, was exempt from the law of Bikkurim, v. Git. (Sonc. ed.) p. 252, n. 2.

- (10) For which Palestine was renowned, namely wheat, barley, grapes, figs, pomegranates, olive-oil and date-honey; cf. Deut. VIII, 8.
- (11) Fruit grown in valleys (except dates) were not of the choice kind.
- (12) Azereth, the closing festival, Pentecost. Shabuoth being the closing festival to Passover, on this festival two wheaten loaves of new corn were offered in the Temple, and these sanctioned the use of new produce in the Temple. Lev. XXIII, 17.
- (13) Neh. XI, 34.
- (14) V. Hal. IV, 10.
- (15) Ex. XXIII, 16.
- (16) Deut. XXVI, 3. Proselytes did not receive any portion in the division of the land under Joshua. Maim. contends contrary to this Mishnah, that since Eretz Israel was given to Abraham, who was also the father of proselytes (Gen. XVII, 4), even the latter can conscientiously declare 'to our fathers' in the recital, and in his prayers 'God of our fathers'.
- (17) In Jewish Law the child always assumes the religious status of the mother.
- (18) An administrator of the property of orphans appointed either by the Beth din or the family of the orphan during his minority.
- (19) But if she has a husband, he may bring and recite for her.
- (20) A person of double sex.
- (21) Because the Land was not divided among women. Num. XXVI, 54 implies that only 'men', i.e., such whose sex was not the subject of doubt, were the inheritors.
- (22) Since it is doubtful whether in such a case the purchaser also acquires the soil beneath the trees, whereas the avowal is conditional on the fact that the soil that had borne the fruits was his own. Two trees are stressed, because had the number been more, the declaration could be made; for with such a purchase, the purchaser acquires the soil under the trees too.
- (23) Contending that even in the case of two trees, the soil beneath them becomes also the property of the purchaser.
- (24) From which the tree receives its vitality.
- (25) Prior to the offering of the first-fruits.
- (26) Since the soil is still there.
- (27) Lit., 'the festival', par excellence.
- (28) This is the Maccabean festival commemorating the victory of Judas Maccabeus over the Greco-Syrians on Kislev 25th, 165 B.C.E. (I Macc. IV, 45 ff).
- (29) Since the land is no longer his.
- (30) Since the first-fruits of this field had already been set aside.
- (31) For only the choicest fruits could be brought; cf. Mal. I, 8.
- (32) V. Lev. XXII, 14.
- (33) The fruit is thrown out and the basket given to the officiating priest, v. infra III, 8. The fruit need not be substituted, as responsibility for their safety ceases with their entry into Temple precincts.
- (34) Ex. XXIII, 19.
- (35) Even R. Judah (v. supra 7) concurs that two recitals cannot be made by the same man even over two kinds of produce.
- (36) These are choicer than those grown in the valley.
- (37) Such dates are of superior brand and contain more honey than those grown on the mountains.
- (38) Being the choicest of this kind.
- (39) So Bert. Cf. the view of R. Jose the Galilean.
- (40) Because in this case the soil beneath them and round about them also passes into the hands of the purchaser. V. B.B. 82a and b.
- (41) V. previous note.
- (42) Cf. supra I, 2.
- (43) The reference is such as descend from a family that have for long had this particular field farmed out to them; cf. I, 2.

Mishna - Mas. Bikkurim Chapter 2

MISHNAH 1 . FOR TERUMAH AND BIKKURIM ONE IS LIABLE TO DEATH¹ AND THE [ADDITIONAL] FIFTH;² AND THEY ARE FORBIDDEN TO NON-PRIESTS³ AND ACCOUNTED AS THE PROPERTY OF THE PRIEST;⁴ THEY ARE NEUTRALIZED IN A HUNDRED AND ONE PARTS,⁵ REQUIRE THE WASHING OF HANDS,⁶ AND [AWAITING] TILL SUNSET.⁷ THESE [LAWS] APPLY ONLY TO TERUMAH AND BIKKURIM, WHICH IS NOT SO IN THE CASE OF TITHE.⁸

MISHNAH 2. THERE ARE [LAWS] WHICH APPLY TO SECOND TITHE AND BIKKURIM BUT NOT TO TERUMAH: FOR [SECOND] TITHE AND BIKKURIM REQUIRE TO BE BROUGHT TO [THE APPOINTED] PLACE;⁹ THEY REQUIRE CONFESSION;¹⁰ AND ARE FORBIDDEN TO AN ONAN¹¹ (BUT R. SIMEON PERMITS [BIKKURIM TO AN ONAN]);¹² AND THEY ARE SUBJECT TO [THE LAW OF] REMOVAL¹³ (BUT R. SIMEON EXEMPTS [BIKKURIM FROM REMOVAL]).¹⁴ AND THE SLIGHTEST ADMIXTURE OF THEM [WITH COMMON PRODUCE OF A LIKE KIND] RENDERS IT FORBIDDEN TO BE CONSUMED [AS COMMON FOOD] IN JERUSALEM;¹⁵ AND SO IS WHAT GROWS FROM THEM FORBIDDEN TO BE CONSUMED IN JERUSALEM EVEN BY NON-PRIESTS OR BY CATTLE,¹⁶ BUT R. SIMEON PERMITS THEM.¹⁷ THESE ARE [THE LAWS] WHICH APPLY TO [SECOND] TITHE AND BIKKURIM, WHICH IS NOT THE CASE WITH TERUMAH.

MISHNAH 3. THERE ARE [LAWS] WHICH APPLY TO TERUMAH AND TITHE BUT NOT TO BIKKURIM; TERUMAH AND THE [SECOND] TITHE RENDER FORBIDDEN [THE CONTENTS OF] THE THRESHING-FLOOR,¹⁸ AND HAVE THEIR QUANTITY [PRESCRIBED].¹⁹ AND APPLY TO ALL PRODUCE BOTH DURING AND AFTER TEMPLE TIMES,²⁰ AND [TO PRODUCE GROWN] BY TENANTS, LESSEES, HOLDERS OF CONFISCATED PROPERTY AND ROBBERS.²¹ THESE ARE [THE LAWS] WHICH APPLY TO TERUMAH AND TITHE, WHICH IS NOT THE CASE WITH BIKKURIM.²²

MISHNAH 4. AND THERE ARE [LAWS] APPLYING TO BIKKURIM WHICH DO NOT [APPLY] TO TERUMAH AND TITHE; FOR BIKKURIM CAN BECOME ACQUIRED WHILE STILL ATTACHED [TO THE SOIL].²³ AND A MAN MAY MAKE HIS ENTIRE FIELD AS BIKKURIM; HE IS RESPONSIBLE FOR THEM,²⁴ AND THEY REQUIRE AN OFFERING,²⁵ SINGING,²⁶ WAVING AND THE PASSING OF THE NIGHT IN JERUSALEM.²⁷

MISHNAH 5. THE TERUMAH OF THE TITHE IS LIKE TO BIKKURIM IN TWO INSTANCES, AND LIKE TO TERUMAH IN TWO OTHERS. IT MAY BE TAKEN FROM CLEAN PRODUCE FOR THAT WHICH IS UNCLEAR,²⁸ AND FROM SUCH PRODUCE THAT IS NOT IN CLOSE PROXIMITY LIKE BIKKURIM.²⁹ AND IT RENDERS THE CONTENTS OF THE THRESHING-FLOOR FORBIDDEN,³⁰ AND HAS A PRESCRIBED AMOUNT LIKE TERUMAH.³¹

MISHNAH 6. THE ETHROG³² IS IN THREE THINGS LIKE TO AN [ORDINARY] TREE, AND IN ONE THING LIKE TO A VEGETABLE.³³ IT IS LIKE TO A TREE IN RESPECT OF 'ORLAH,³⁴ FOURTH YEAR PLANTINGS,³⁵ AND [THE LAW OF] THE SEVENTH YEAR,³⁶ AND LIKE TO A VEGETABLE IN ONE THING IN THAT ITS TITHING SEASON COMMENCES WITH THE SEASON OF ITS GATHERING.³⁷ SO R. GAMALIEL; BUT R. ELIEZER SAYS, [THE CITRON] IS LIKE A TREE IN ALL THINGS.

MISHNAH 7. THE BLOOD OF A HUMAN BEING³⁸ IS LIKE TO THE BLOOD OF ANIMALS IN THAT IT RENDERS SEEDS SUSCEPTIBLE [TO LEVITICAL IMPURITY]³⁹ AND [LIKE TO] THE BLOOD OF A REPTILE, NO CULPABILITY IS INCURRED ON ACCOUNT THEREOF.⁴⁰

MISHNAH 8. A KOY⁴¹ IS IN SOME WAYS LIKE TO A BEAST OF CHASE; IN SOME WAYS IT IS MORE LIKE TO CATTLE; AND AGAIN IN SOME WAYS IT IS LIKE TO BOTH A BEAST OF CHASE AND CATTLE, AND IN SOME THINGS IS NEITHER LIKE TO A BEAST OF CHASE NOR CATTLE.

MISHNAH 9. WHEREIN IS IT LIKE TO A BEAST OF CHASE? ITS BLOOD MUST BE COVERED LIKE THE BLOOD OF A BEAST OF CHASE.⁴² IT MAY NOT BE SLAUGHTERED ON A FESTIVAL; IF IT IS SLAUGHTERED, ITS BLOOD IS NOT TO BE COVERED.⁴³ ITS FAT CONVEYS CARRION UNCLEANNESS⁴⁴ LIKE A BEAST OF CHASE, BUT ITS UNCLEANNESS IS ALSO A MATTER OF DOUBT. NOR CAN ONE REDEEM WITH IT THE FIRST-BORN OF AN ASS.⁴⁵

MISHNAH 10. AND WHEREIN DOES IT RESEMBLE CATTLE? ITS FAT IS PROHIBITED LIKE THE FAT OF CATTLE,⁴⁶ BUT ONE DOES NOT INCUR ON ACCOUNT THEREOF THE PENALTY OF KARETH;⁴⁷ IT MAY NOT BE BOUGHT WITH THE REDEMPTION MONEY OF THE SECOND TITHE⁴⁸ TO BE EATEN IN JERUSALEM; IT IS SUBJECT TO [THE PRIEST'S DUE OF] THE SHOULDER, THE TWO CHEEKS AND THE MAW.⁴⁹ R. ELIEZER EXEMPTS IT [FROM THESE DUES] BECAUSE UPON HIM WHO WISHES TO EXACT AUGHT OF HIS NEIGHBOUR IT DEVOLVES TO BRING PROOF [OF HIS CLAIM].⁵⁰

MISHNAH 11. AND WHEREIN IS IT NEITHER LIKE TO CATTLE NOR TO BEAST OF CHASE? IT IS FORBIDDEN ON ACCOUNT OF [THE LAW OF] KIL'AYIM⁵¹ [TO YOKE IT] WITH EITHER A BEAST OF CHASE OR CATTLE, AND IF ONE ASSIGNED TO HIS SON HIS BEAST OF CHASE AND⁵² HIS CATTLE HE HAS NOT [THEREBY] ASSIGNED THE KOY. IF ONE SAYS, I WILL BECOME A NAZIRITE IF THIS IS A BEAST OF CHASE OR [‘IF THIS IS] A CATTLE’, HE BECOMES A NAZIRITE.⁵³ IN ALL OTHER WAYS IT IS LIKE BOTH ANIMALS OF CHASE AND CATTLE: IT REQUIRES SLAUGHTERING LIKE THEM BOTH,⁵⁴ IT CAN CONVEY CARRION UNCLEANNESS,⁵⁵ AND TO IT APPLIES THE LAW RELATING TO A LIMB OF A LIVING BEING — LIKE TO THEM BOTH.⁵⁶

(1) If eaten by ‘a stranger’; Lev. XXII, 9. First-fruits are also designated as heave-offering.

(2) V. Lev. XXII, 14.

(3) This is implied to the previous ruling, but is mentioned here to contrast it with tithes.

(4) In that he can employ them as kiddushin (v. Glos.) for betrothing a woman.

(5) If one se'ah of terumah or bikkurim fell into one hundred se'ahs of ordinary produce, numbering one hundred and one in all, any one se'ah may be taken out and given to the priest; the rest is free for common use. V. Ter. I, 7.

(6) He who wishes to eat them must first wash his hands, as according to the laws of levitical purity, unwashed hands which are of second degree uncleanness, cause in terumah uncleanness in the third grade.

(7) According to Lev. XXII, 6ff, a priest who had become unclean had to immerse himself and await sunset before he could eat terumah.

(8) The reference is to Second Tithe. It may be eaten by non-priests; it cannot be used for kiddushin (v. Kid. 52b); It is neutralized in a majority; it may be eaten with unwashed hands; it can be eaten after immersion even before sunset.

(9) Jerusalem; v. Deut. XIV, 22ff and XXVI, 2ff.

(10) V. Deut. XXVI, 10 (bikkurim); ibid. 13 (tithe).

(11) V. Glos. Cf. Deut. XXVI, 14.

(12) Since bikkurim are designated terumah, which is permitted to an onan.

(13) V. Deut. XXVI, 12ff and M. Sh. V, 6.

(14) He compares bikkurim to terumah which is not removed but given to the priests; v. M. Sh. ibid.

(15) I.e., if the admixture occurred after they had been brought into Jerusalem, since the whole mixture can be eaten without any extra trouble in Jerusalem respectively as second tithe or bikkurim; if, however, the admixture took place before they had been brought to Jerusalem, it is neutralized in one hundred and one parts, since otherwise it would mean taking up the whole of the mixture to Jerusalem.

- (16) I.e., the character of the bikkurim and second tithe is extended alike to the whole mixture referred to as well as to what grows from them, not only in that these must not be consumed outside Jerusalem but also in that they are forbidden even in Jerusalem to non-priests and cattle.
- (17) With reference to what grows from them.
- (18) Whereas fruit may be eaten even before the bikkurim were delivered in the Temple Mount, the produce of the threshing-floor could not be eaten prior to the actual taking of terumah and tithes; cf. Ma'as. I, 5.
- (19) Whereas no quantity was fixed for first-fruits, that for terumah has been fixed for the ordinary man as one-fiftieth of his produce. The generous man could bring one-fortieth, and the niggardly even one-sixtieth.
- (20) First-fruits were brought only during Temple times, being conditional on the existence of an altar; v. Deut. XXVI, 4. Hence no altar, no offering.
- (21) V. supra I, 2 notes.
- (22) V. p. 395, n. 10.
- (23) They can be designated as such while still unplucked. V. infra III, 2.
- (24) Until they are brought to the Mount. If lost on the way, bikkurim had to be replaced; cf. supra I, 9.
- (25) The peace-offering had to be brought on all joyous occasions; v. infra III, 3.
- (26) V. infra III, 4.
- (27) Derived from Deut. XVI, 7.
- (28) Not permissible in the case of terumah.
- (29) Since terumah required proximity it was not permissible to have clean and unclean together, lest the latter defile the former. V. Ter. II, 1.
- (30) Prior to the separation of the terumah of the tithe.
- (31) One-tenth of what the Levite receives from the Israelite.
- (32) The citron used with the festive wreath in Tabernacles; Lev. XXIII, 40.
- (33) Because both grow by means of artificial irrigation as well as rain.
- (34) V. Glos.
- (35) V. 'Orlah I, 7.
- (36) Lev. XXV, 2-7. 20. In respect of these three things the citron is assimilated to trees in that the years are determined by the time of the formation of the fruit, unlike vegetables, where they are determined by the time of their gathering.
- (37) Unlike lotus where it is determined by the time of the formation of the fruits or leaves.
- (38) Lit., 'two-legged creature'.
- (39) V. lev. XI, 34-38; Maksh. VI, 4. Blood is likened to water in Deut. XII, 16.
- (40) The blood of animals is forbidden in Lev. VII, 26, but no prohibitions as blood attaches to the blood of a reptile.
- (41) A kind of bearded deer or antelope. The Talmud is undecided whether it belongs to the genus of cattle or beasts of chase.
- (42) Lev. XVII, 13.
- (43) Since a doubt exists regarding koy whether it is in the category of a beast if chase the blood of which is to be covered, or in the category of cattle the blood of which is exempt, it may not be slaughtered perchance it is a cattle and the covering of the blood would involve handling earth unnecessarily on the festival, and if it is slaughtered the blood is not covered up, v. Bez. 8a.
- (44) Lev. VII, 24. Only the fat of a clean animal that died of itself was deemed clean; that of a beast of chase was regarded as carrion.
- (45) Ex. XXXIV, 20. Only a lamb could be used for the purpose.
- (46) The heleb (v. Glos.) of the ox, lamb or goat was prohibited, v. Lev. VII, 23.
- (47) V. Glos. Since it may be in the category of a beast of chase.
- (48) As a peace-offering on account of its dubious origin. A wild beast was barred from the category of sacrifices.
- (49) The portions due to the priest from the slaughtered ox or sheep; Deut. XVIII, 3.
- (50) Since the owner of the koy could retort to the priest: 'Cite evidence that it is of the cattle genus and the dues are yours'.
- (51) Lev. XIX, 19; Deut. XXII, 10.
- (52) Aliter: 'or'.
- (53) The rigidity of this law is evidenced by the fact that the vow becomes valid even in the case of doubt regarding its efficacy.

(54) To render it permissible for food.

(55) V. Lev. XI, 8.

(56) Cf. Hul. 101b.

Mishna - Mas. Bikkurim Chapter 3

MISHNAH 1. HOW WERE THE BIKKURIM SET ASIDE? A MAN GOES DOWN INTO HIS FIELD, HE SEES A FIG THAT RIPENED,¹ OR A CLUSTER OF GRAPES THAT RIPENED, OR A POMEGRANATE THAT RIPENED, HE TIES A REED-ROPE AROUND IT AND SAYS: LET THESE BE BIKKURIM'.² R. SIMEON SAYS: NOTWITHSTANDING THIS HE MUST AGAIN DESIGNATE THEM AS BIKKURIM AFTER THEY HAVE BEEN PLUCKED FROM THE SOIL.

MISHNAH 2. HOW WERE THE BIKKURIM TAKEN UP [TO JERUSALEM]? ALL [THE INHABITANTS OF] THE CITIES THAT CONSTITUTED THE MA'AMAD³ ASSEMBLED IN THE CITY OF THE MA'AMAD,⁴ AND SPENT THE NIGHT IN THE OPEN PLACE THEREOF WITHOUT ENTERING ANY OF THE HOUSES.⁵ EARLY IN THE MORNING THE OFFICER⁶ SAID: 'LET US ARISE AND GO UP TO ZION, INTO THE HOUSE OF THE LORD OUR GOD'.⁷

MISHNAH 3. THOSE WHO LIVED NEAR⁸ BROUGHT FRESH FIGS AND GRAPES, BUT THOSE FROM A DISTANCE BROUGHT DRIED FIGS AND RAISINS.⁹ AN OX WITH HORNS BEDECKED WITH GOLD AND WITH AN OLIVE-CROWN ON ITS HEAD¹⁰ LED THE WAY.¹¹ THE FLUTE WAS PLAYED BEFORE THEM¹² UNTIL THEY WERE NIGH TO JERUSALEM; AND WHEN THEY ARRIVED CLOSE TO JERUSALEM THEY SENT MESSENGERS IN ADVANCE,¹³ AND ORNAMENTALLY ARRAYED THEIR BIKKURIM.¹⁴ THE GOVERNORS AND CHIEFS AND TREASURERS [OF THE TEMPLE]¹⁵ WENT OUT TO MEET THEM. ACCORDING TO THE RANK OF THE ENTRANTS¹⁶ USED THEY TO GO FORTH. ALL THE SKILLED ARTISANS OF JERUSALEM WOULD STAND UP BEFORE THEM AND GREET THEM:¹⁷ 'BRETHREN, MEN OF SUCH AND SUCH A PLACE, WE ARE DELIGHTED TO WELCOME YOU'.¹⁸

MISHNAH 4. THE FLUTE WAS PLAYING BEFORE THEM TILL THEY REACHED THE TEMPLE MOUNT; AND WHEN THEY REACHED THE TEMPLE MOUNT EVEN KING AGRIPPA WOULD TAKE THE BASKET AND PLACE IT ON HIS SHOULDER¹⁹ AND WALK AS FAR AS THE TEMPLE COURT. AT THE APPROACH TO THE COURT, THE LEVITES WOULD SING THE SONG: 'I WILL EXTOL THEE, O LORD, FOR THOU HAST RAISED ME UP, AND HAST NOT SUFFERED MINE ENEMIES TO REJOICE OVER ME'.²⁰

MISHNAH 5. THE TURTLE-DOVES [TIED TO] THE BASKET²¹ WERE [OFFERED UP AS] BURNT-OFFERINGS, BUT THAT WHICH THEY HELD IN THEIR HANDS²² THEY PRESENTED TO THE PRIESTS.

MISHNAH 6. WHILE THE BASKET WAS YET ON HIS SHOULDER HE WOULD RECITE FROM: 'I PROFESS THIS DAY UNTO THE LORD THY GOD',²³ UNTIL THE COMPLETION OF THE PASSAGE.²⁴ R. JUDAH SAID: TILL [HE HAD REACHED] 'A WANDERING ARAMEAN WAS MY FATHER'.²⁵ HAVING REACHED THESE WORDS, HE TOOK THE BASKET OFF HIS SHOULDER AND HELD IT BY ITS EDGE;²⁶ AND THE PRIEST PLACED HIS HAND BENEATH IT AND WAVED IT, HE²⁷ THEN RECITED FROM 'A WANDERING ARAMEAN WAS MY FATHER' UNTIL HE COMPLETED THE ENTIRE PASSAGE. HE WOULD THEN DEPOSIT THE BASKET BY THE SIDE OF THE ALTAR,²⁸ PROSTRATE HIMSELF, AND DEPART.

MISHNAH 7. ORIGINALLY ALL WHO KNEW HOW TO RECITE WOULD RECITE

WHILST THOSE UNABLE TO DO SO WOULD REPEAT IT;²⁹ BUT WHEN THEY REFRAINED FROM BRINGING,³⁰ IT WAS DECIDED THAT BOTH THOSE WHO COULD AND THOSE WHO COULD NOT [RECITE] SHOULD REPEAT THE WORDS.

MISHNAH 8. THE RICH BROUGHT THEIR BIKKURIM IN BASKETS OVERLAID WITH SILVER OR GOLD, WHILST THE POOR USED WICKER-BASKETS OF PEELED WILLOW-BRANCHES, AND THEY³¹ USED TO GIVE BOTH THE BASKETS AND THE BIKKURIM TO THE PRIEST.

MISHNAH 9. R. SIMEON B. NANOS SAID: THE BIKKURIM MAY BE BEDECKED [WITH PRODUCE] OTHER THAN THE SEVEN SPECIES,³² BUT R. AKIBA SAYS: THEY COULD ONLY BE BEDECKED WITH PRODUCE OF THE SEVEN KINDS.³³

MISHNAH 10. R. SIMEON SAYS: THERE ARE THREE ELEMENTS IN BIKKURIM: THE BIKKURIM,³⁴ THE ADDITIONS³⁵ TO THE BIKKURIM, AND THE ORNAMENTATIONS OF THE BIKKURIM.³⁶ THE ADDITIONS TO THE BIKKURIM HAD TO BE OF A LIKE KIND, BUT THE ORNAMENTAL FRUIT OF THE BIKKURIM COULD ALSO BE OF ANOTHER KIND.³⁷ THE ADDITIONS TO THE BIKKURIM COULD ONLY BE EATEN IN LEVITICAL PURITY, AND WERE EXEMPT FROM [THE LAW OF] DEMAI,³⁸ BUT THE FRUITS USED FOR ORNAMENTATIONS OF THE BIKKURIM WERE SUBJECT TO [THE LAW OF] DEMAI.

MISHNAH 11. WHEN DID [THE SAGES] DEEM THE ADDITIONS TO THE BIKKURIM IN THE SAME RANK AS THE BIKKURIM [THEMSELVES]? WHEN THEY COME FROM THE LAND [OF ISRAEL]; BUT IF THEY DO NOT COME FROM THE LAND,³⁹ THEY WERE NOT TO BE REGARDED AS THE BIKKURIM [THEMSELVES].

MISHNAH 12. IN WHAT RESPECT DID THEY RULE THAT THE BIKKURIM WERE THE [EXCLUSIVE] PROPERTY OF THE PRIEST? IN THAT HE CAN PURCHASE THEREWITH SLAVES AND IMMOVABLE PROPERTY AND UNCLEAN CATTLE, AND A CREDITOR [OF HIS] MAY TAKE THEM FOR HIS DEBT, AND HIS WIFE FOR HER KETHUBAH⁴⁰ — AS MAY BE DONE ALSO WITH A SCROLL OF THE LAW.⁴¹ R. JUDAH SAYS: THE BIKKURIM MAY BE GIVEN ONLY TO [A PRIEST THAT IS] AN ASSOCIATE]⁴² AND AS A FAVOUR;⁴³ AND THE SAGES SAY: THEY ARE GIVEN TO THE MEN OF THE Mishmar,⁴⁴ AND THEY DIVIDE THEM AMONG THEMSELVES AS [THEY DO] WITH ALL OTHER CONSECRATED OBJECTS.⁴⁵

(1) Though the vine is enumerated first in Deut. VIII, 8, yet the fig is the first to ripen; cf. Cant. II, 13. The fruits had to be fully ripe when they were brought (Deut. XXVI, 10) but not necessarily at the time of their designation.

(2) This exempts him from further specification at the time of cutting.

(3) Lit., 'place of standing'. The name of a group of Israelite representatives from outlying districts, corresponding to the twenty-four courses of priests (Mishmaroth), each ma'amad serving a week in turn. Some would go to the Temple to witness the sacrificial offerings, whilst others would assemble in their home town to conduct prayers during the day corresponding to the fixed time when the sacrifices were brought in the Temple. V. Ta'an. 26a.

(4) Where the leader resided; the idea being to form one united and impressive procession. The principle governing Jewish ceremonial being that majesty resides with a throng of worshippers.

(5) Lest impurity be contracted through contact with the dead.

(6) The head of the Ma'amad.

(7) Jer. XXXI, 6. They also recited various Psalms as they wended their way to the Temple Mount (Bert.). According to the T. Y. the fifteen Songs of Degrees (Pss. CXX — CXXXIV) were recited.

(8) Jerusalem.

(9) For fresh fruit would rot on the way.

(10) The olive-tree supplies the richest leaves, and served as a token of the kinds of fruit brought as Bikkurim

- (11) This ox afterwards served as the peace-offering.
- (12) Lit. , 'was struck', referring to the tapping of the tips of the fingers on the little openings of the flute.
- (13) To herald their coming.
- (14) Fresh figs would be placed as the top layer of a basket containing dried ones, and raisins would be covered by fresh grapes; whilst the choicest of the fruit would be placed on top of a basket containing only fresh fruits.
- (15) Cf. Shek. V, I. The 'governors' were the heads of the priests, and the 'chiefs' were the leaders of the Levites.
- (16) The size of the welcoming delegation would vary with the size of the procession.
- (17) A craftsman at his work was exempt from the command of rising before a scholar, but in order to manifest his love for the precept, he was to rise before the Bikkurim procession.
- (18) Lit, 'you have come in peace'.
- (19) For the priest had to receive it from his hand; Deut. XXVI, 4.
- (20) Ps. XXX, 2.
- (21) They were suspended from the sides of the basket so as not to soil the fruit.
- (22) I.e., the bikkurim. Maim. refers them to pigeons.
- (23) Deut. XXVI, 3.
- (24) Ibid.
- (25) Ibid. 5.
- (26) Whilst the priest officiated (Bert.).
- (27) The Israelite.
- (28) In the S.W. corner.
- (29) After the priest. The declaration had to be made in Hebrew. v. Sot. VII, 3.
- (30) Abashed at this public avowal of their ignorance in reading Hebrew.
- (31) I.e., the poor; the rich retained their valuable baskets (Bert). This gave rise to the saying, 'poverty drags after the poor' (v. B.K. 92a). Though the poor would thereby be abashed, yet it was considered prudent to encourage the rich to bring valuable baskets out of respect for God's house.
- (32) Deut. VIII,8. R. Simeon maintained that they could be ornamented with citrons and quinces, or fruits imported from abroad.
- (33) That grew in Palestine.
- (34) The actual first-fruits.
- (35) The fruit added at the time of plucking to the first ripened figs or cluster of grapes.
- (36) The choice fruit placed on top and around the basket.
- (37) Even such fruit not enumerated in Deut. VIII, 8 could be used.
- (38) V. Glos. If the priest accepts them from the hands of an 'am ha-arez.
- (39) From Transjordan. Cf. supra I, 10 where we learn that produce from Transjordan could be offered up as Bikkurim.
- (40) Marriage settlement, v. Glos.
- (41) Others explain: One may also buy with the Bikkurim a Scroll of the Law.
- (42) One who undertook to be conscientious in observing the laws appertaining especially to cleanness and impurity. V. Glos. s.v. haber.
- (43) The priest must not sell it. T. Y. refers it to owners who are at liberty to give it to any haber.
- (44) The men on duty in the Temple be they associates or not. V. Glos.
- (45) Including things dedicated to the Temple for various uses; since they are brought to the Temple, the priests will take care not to eat them in impurity.

Mishna - Mas. Bikkurim Chapter 4

MISHNAH 1. THE HERMAPHRODITE¹ IS IN SOME THINGS LIKE TO MEN, AND IN OTHER THINGS LIKE TO WOMEN. IN OTHER THINGS AGAIN HE IS LIKE TO MEN AND TO WOMEN, AND IN OTHERS HE IS LIKE NEITHER MEN NOR WOMEN.

MISHNAH 2. WHEREIN IS HE LIKE TO MEN? HE CONTAMINATES WITH THE SEMINAL FLUX² LIKE MEN, AND HE DRESSES LIKE MEN;³ HE CAN TAKE A WIFE BUT

NOT BE TAKEN AS A WIFE LIKE MEN.⁴ AT HIS BIRTH HIS MOTHER MUST COUNT THE BLOOD OF PURIFICATION LIKE MEN,⁵ AND HE MUST NOT BE ALONE IN THE COMPANY OF WOMEN LIKE MEN.⁶ HE IS NOT MAINTAINED WITH THE DAUGHTERS LIKE MEN,⁷ AND MAY NOT TRANSGRESS THE LAW OF: 'YE SHALL NOT ROUND',⁸ AND 'THOU SHALT NOT DEFILE FOR THE DEAD'⁹ LIKE MEN; AND HE MUST PERFORM ALL THE COMMANDS OF THE TORAH¹⁰ LIKE MEN.

MISHNAH 3. AND WHEREIN IS HE LIKE WOMEN? IN THAT HE CONTAMINATES WITH HIS MENSTRUAL FLOW LIKE WOMEN;¹¹ AND HE MUST NOT BE ALONE IN THE COMPANY OF MEN LIKE WOMEN; AND DOES NOT SHARE [THE INHERITANCE] WITH THE SONS LIKE WOMEN¹² AND CANNOT EAT OF MOST HOLY SACRIFICES LIKE WOMEN.¹³ AT HIS BIRTH HIS MOTHER REMAINS UNCLEAN ON ACCOUNT OF THE BLOOD OF HER IMPURITY;¹⁴ AND LIKE WOMEN, TOO, HE IS DISQUALIFIED FROM ACTING AS A WITNESS. IF HE HAD BECOME THE VICTIM OF ILLICIT INTERCOURSE, HE IS DISQUALIFIED FROM THE PARTAKING OF TERUMAH LIKE WOMEN.¹⁵

MISHNAH 4. WHEREIN IS HE COMPARED TO BOTH MEN AND WOMEN? GUILT IS INCURRED FOR SMILING OR CURSING HIM¹⁶ AS IN THE CASE OF MEN AND WOMEN, AND HE WHO UNWITTINGLY SLAYS HIM MUST GO INTO EXILE;¹⁷ AND IF OF SET PURPOSE, THEN [THE SLAYER] RECEIVES THE DEATH PENALTY.¹⁸ HIS MOTHER MUST [AT HIS BIRTH] BRING AN OFFERING AS FOR MEN AND WOMEN, AND LIKE MEN AND WOMEN HE MAY PARTAKE OF THE SACRED GIFTS¹⁹ OF THE BORDER,²⁰ AND MAY INHERIT ANY INHERITANCE²¹ LIKE MEN AND WOMEN.

MISHNAH 5. AND WHEREIN IS HE LIKENED NEITHER TO MEN NOR WOMEN? BECAUSE OF HIS UNCLEAN ISSUE²² TERUMAH IS NOT TO BE BURNT, NEITHER IS ANY PENALTY INCURRED BY HIM ON ENTERING THE TEMPLE IN AN UNCLEAN STATE.²³ HE MUST NOT BE SOLD AS A HEBREW SLAVE, UNLIKE MEN OR WOMEN,²⁴ AND HE CANNOT BE EVALUATED, UNLIKE MEN OR WOMEN.²⁵ IF ONE SAYS: 'I WILL BECOME A NAZIRITE, IF HE IS NEITHER A MAN NOR A WOMAN', THEN HE BECOMES A NAZIRITE. R. JOSE SAYS: THE HERMAPHRODITE IS A CREATURE BY ITSELF, AND THE SAGES COULD NOT DECIDE ABOUT HIM. BUT THIS IS NOT SO WITH ONE OF DOUBTFUL SEX, FOR SUCH A ONE IS, AT TIMES, A MAN AND AT OTHERS, A WOMAN.

(1) This chapter is entirely irrelevant to this tractate, yet included in all printed editions. Derived from the Tosef. of Bikkurim and develops the subject of the hermaphrodite; supra I, 5. The text is in disorder and receives various expansions in different editions. The text adopted here is of the Stettin edition 1862.

(2) Lit., 'the white'; Lev. XV, 2; Zab. II, 1.

(3) He must not don woman's dress, lest he be a man.

(4) This would be regarded as sodomy.

(5) Lev. XII, 1 ff.

(6) Cf. Kid. IV, 12.

(7) In the event of little property having been left, the hermaphrodite is thrust by the daughters among the males, who must seek maintenance elsewhere; B.B. IX, 1-2.

(8) Lev. XIX, 27.

(9) V. Lev. XXI, 1.

(10) Even those occasioned by time from which women are exempt.

(11) Lit., 'the red'; Lev. XV, 19ff.

(12) When much property was left the sons inherited and the daughters received maintenance B.B. IX, 1

(13) I.e., of sin- and meal-offerings; for of these the Bible says (Lev. VI, 22) that only those who are definitely males may eat.

(14) For two weeks, Lev. XII, 5.

- (15) A male, in such circumstances, would not have been disqualified, but the hermaphrodite is here treated as a woman; Bek. VII, 7.
- (16) Ex. XXI, 15, 17.
- (17) Ibid. 13.
- (18) Ibid 14.
- (19) I.e., holy food that could be eaten, e.g., terumah.
- (20) Even outside 'the border', Jerusalem. Keth. 24b; Shek. VII, 3.
- (21) If there be no other heir. We do not allow the argument lest he be a creature apart from all others to interfere with his rights of inheritance.
- (22) Cf. Zab. II, 1; Nid. 28b.
- (23) Because the penalty was only imposed upon those whose sex was not a matter of doubt.
- (24) V. Ex. XXI. 2, 7.
- (25) V. Lev. XXVII, 2ff.

Talmud - Mas. Shabbath 2a

CHAPTER I

MISHNAH. THE CARRYINGS OUT¹ OF THE SABBATH² ARE TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT.³ HOW SO? THE POOR MAN STANDS WITHOUT AND THE MASTER OF THE HOUSE WITHIN: [i] IF THE POOR MAN STRETCHES HIS HAND WITHIN AND PLACES [AN ARTICLE] INTO THE HAND OF THE MASTER OF THE HOUSE, OR [ii] IF HE TAKES [AN ARTICLE] FROM IT AND CARRIES IT OUT, THE POOR MAN IS LIABLE,⁴ AND THE MASTER OF THE HOUSE IS EXEMPT.⁵ [AGAIN] [i] IF THE MASTER OF THE HOUSE STRETCHES HIS HAND WITHOUT AND PLACES [AN OBJECT] IN THE POOR MAN'S HAND, OR [ii] TAKES [AN OBJECT] THEREFROM AND CARRIES IT IN, THE MASTER IS LIABLE, WHILE THE POOR MAN IS EXEMPT.⁶ [iii] IF THE POOR MAN STRETCHES HIS HAND WITHIN AND THE MASTER TAKES [AN OBJECT] FROM IT, OR PLACES [AN OBJECT] THEREIN AND HE CARRIES IT OUT, BOTH ARE EXEMPT; [iv] IF THE MASTER STRETCHES HIS HAND WITHOUT AND THE POOR MAN TAKES [AN OBJECT] FROM IT, OR PLACES [AN ARTICLE] THEREIN AND HE CARRIES IT INSIDE, BOTH ARE EXEMPT.⁷

GEMARA, We learnt elsewhere:⁸ [False] oaths are two which are four:⁹

(1) Lit., 'outgoings'.

(2) i.e., the acts of transporting objects from private to public ground or vice versa, which are forbidden on the Sabbath, Tosaf. observes that the phraseology, 'outgoings, **צִיּוּת**' instead of the more usual 'carryings out' **הוֹצָאוֹת** is based on Ex. XVI, 29: let no man go out of his place on the seventh day.

(3) I.e., by Biblical law two acts of carrying out are interdicted to the person standing in a private domain ('within') and two to the person standing in public ground ('without'); to each two the Rabbis added another two, thus making 'TWO WHICH ARE FOUR.' Tosaf. is much exercised with the question why this is taught at the beginning of the Tractate, instead of in the seventh chapter, where all the principal forbidden acts of the Sabbath, including this, are enumerated, and offers various answers. L. Blau in MGWJ., 1934 (Festschrift), P. 124f maintains that this was originally part of the Mishnah of Shebu. I, 1, which is quoted at the beginning of the Gemara (infra), where a number of subjects, having no inner connection, are grouped together by the catch phrase 'two which are four.' As an aid to the memory each subject was then put at the head of the Tractate to which it refers.

(4) For desecrating the Sabbath.

(5) Because the poor man performs the two acts which together constitute 'carrying out' in the Biblical sense, viz., he removes an object from one domain and replaces it in another. (When he withdraws the object into the street, holding it in his hand, he is regarded as having deposited it in the street.) The master, on the other hand, is quite passive, performing no action at all.

(6) In both cases here the master performs the two acts, the poor man being passive. Thus there are two Biblically forbidden acts for each.-'Liable' means to a sin-offering, if the acts are committed unwittingly, or to death (in theory, hardly in practice) if committed knowingly, and can apply here only to a Biblical interdict.

(7) In iii and iv each performs one act only, either removing from one domain or depositing in another. This is Rabbinically forbidden, and involves no liability. (When the master places an object into the poor man's outstretched hand, which is already in the house, he, and not the poor man, is regarded as having removed it from the private domain.)

(8) Shebu. I, 1.

(9) In Lev. V, 4-7 (q.v.) a variable sacrifice (vv. 6-7) is imposed for taking a false oath (v. 4 is so explained). 'To do evil, or to do good,' is interpreted as meaning that one swears, 'I will eat,' or 'I will not eat,' which are the two referred to, viz., a positive or a negative oath relating to the future. These are further increased to four by including similar oaths relating to the past: 'I ate', or 'I did not eat.'

Talmud - Mas. Shabbath 2b

Talmud - Mas. Shabbath 2b

the forms of consciousness of uncleanness are two which are four;¹ the appearances of leprosy are two, which are four;² the carryings out of the Sabbath are two which are four.³ Now, why is it taught here, TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT; whereas there it is [simply] stated, 'two which are four,' and nothing else? — Here, since the Sabbath is the main theme, [both] principal [forms of labour] and derivatives are taught;⁴ but there, since the main theme is not the Sabbath, principal labours only are taught, but not derivatives. What are the principal labours? — carryings out! But the carryings out are only two?⁵ And should you answer, some of these involve liability, and some do not involve liability⁶ — surely it is taught on a par with the appearances of leprosy: just as there all involve liability,⁷ so here too all involve liability?—Rather said R. Papa: here that the Sabbath is the main theme, acts of liability and non-liability are taught;⁸ there, since the Sabbath is not the main theme, only acts of liability are taught, but not of exemptions.⁹ Now, what are the cases of liability-carryings out? But the carryings out are [only] two?¹⁰ — There are two forms of carrying out and two of carrying in. But 'carry ings out' are taught?—Said R. Ashi: The Tanna designates carrying in' too as 'carrying out.'¹¹ How do you know it? — Because we learnt: If one carries out [an object] from one domain to another, he is liable. Does this not mean even if he carries [it] in from the public to a private domain, and yet it is called 'carrying out.' And what is the reason? — Every removal of an article from its place the Tanna designates 'carrying out.' Rabina said: Our Mishnah too proves it, because CARRYINGS OUT are taught, yet straightway a definition of carrying in is given; this proves it. Raba said: He [the Tanna] teaches [the number of] domains; the domains of the Sabbath are two.¹²

R. Mattenah objected to Abaye: Are there eight?¹³ but there are twelve!¹⁴ — But according to your reasoning, there are sixteen!¹⁵ Said he to him, That is no difficulty: as for the first clause, it is well:

(1) In Lev. V, 2f, 5-7 a variable sacrifice is also decreed for transgressing through uncleanness. According to the Talmud (Shebu. 7b) this refers to the eating of holy food, e.g., the flesh of sacrifices, and entering the Temple while unclean. Further, liability is contracted only if one was originally aware of his uncleanness, forgot it, and ate sacred food or entered the Temple, and then became conscious of it again. Thus there are two, viz., forgetfulness of uncleanness when eating sacred food, and same when entering the Temple. To these another two are added: forgetfulness of the sacred nature of the food and forgetfulness of the sanctity of the Temple while being aware of one's uncleanness.

(2) The two are 'a rising' and 'a bright spot' (Lev. XIII, 2), which, in order to be unclean, must be snowy white and white as wool respectively. To these the Rabbis added, by exegesis, the whiteness of the plaster of the Temple and the whiteness of the white of an egg respectively—in each case a darker shade.

(3) Bah, on the basis of the text in Shebu. I, 1, reverses the order of the last two.

(4) Labours forbidden on the Sabbath are of two classes: (i) principal labours (aboth, lit., 'fathers') and (ii) derivatives (toledoth, lit., 'offsprings'), which are prohibited as partaking of the nature of the principal labours. Both are regarded as Biblical. Carrying out from private into public ground is a principal labour, while the reverse is a derivative thereof (infra 96b).

(5) Viz., that of the poor man who takes an article from the houseowner's hand, and that of the master of the house who puts an article into the poor man's hand. Where then are the 'two which are four?'

(6) I.e., two carryings out impose liability, as in preceding note, and another two are forbidden yet do not involve liability. Viz., if the poor man stretches his hand within, receives an article, and withdraws it; likewise, if the master of the house puts forth his hand with an object which the other takes, as explained on p. 1, n. 5 on the Mishnah. — Thus there are 'two which are four,' all referring to carrying out.

(7) To the purificatory sacrifices of a leper (Lev. XIV).

(8) V. notes on Mishnah.

(9) Two instances of carrying out, and two of carrying in, as explained in the Mishnah.

(10) Though there is liability for carrying in, the Mishnah in Shebu. speaks only of 'carryings out.'

(11) Employing 'carrying out' in the wider sense of transporting between private and public ground.

(12) I.e., in respect of the Sabbath we recognize two domains, public and private, carrying between which is prohibited.

On account of these two four acts are forbidden to a person standing within and four to a person standing without, and that is the meaning of 'TWO WHICH ARE FOUR,' both here and in Shebu. (Rashi). Riba explains it differently. — Actually four domains are distinguished (infra 6a), but these are the principal two.

(13) 'TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT.'

(14) In addition to the four acts which involve liability, there are eight which do not. Viz., two acts of removal by the poor man without depositing, i.e., if he stretches his hand into the house and the master takes an object from him, or the master puts his hand without and the poor man places an object in it. Reversing these, we have two acts of depositing by the poor man without removal. These four, again, are also to be viewed from the standpoint of the master of the house, which gives eight in all.

(15) For the two actions which involve liability for the poor man are likewise to be regarded from the standpoint of the master of the house, and vice versa, which yield another four.

Talmud - Mas. Shabbath 3a

he does not teach what involves no liability and is [also] permitted.¹ But the last clause, where no liability is involved, yet it is forbidden, is indeed difficult.² (But is there in the whole [of the laws relating to] Sabbath [an action described as involving] no liability [yet] permitted: did not Samuel say: Everything [taught as] involving no liability on the Sabbath, involves [indeed] no liability, yet it is forbidden, save these three, which involve no liability and are [also] permitted: [viz.,] the capture of a deer,³ the capture of a snake, and the manipulation of an abscess?⁴ — Samuel desires to say this only of exemptions where an act is performed; but as for exemptions where no act [at all] is done, [of such] there are many?)

Yet still there are twelve? — Non-liaible acts whereby one can come to the liability of a sin-offering are counted; those whereby one cannot come to the liability of a sin-offering are not counted.⁵

'BOTH ARE EXEMPT?' But between them a [complete] action is performed! — It was taught: [And if anyone] of the common people sin unwittingly, in doing [any of the things etc.]:⁶ only he who performs the whole of it [a forbidden action], but not he who performs a portion thereof. [Hence] if a single person performs it, he is liable; if two perform it, they are exempt. It was stated likewise: R. Hiyya b. Gamada said: It emanated⁷ from the mouth of the company⁸ and they said: 'In doing': if a single person performs it, he is liable: if two perform it, they are exempt.

Rab asked Rabbi: If one's neighbour loads him with food and drink, and he carries them without, what is the law? Is the removing⁹ of one's body like the removing of an article from its place, and so he is liable; or perhaps it is not so? He replied: He is liable, and it is not like his hand.¹⁰ What is the reason? — His body is at rest¹¹ whereas his hand is not at rest.¹²

(1) E.g., if the man without extends his hand and places an article into the hand of the man within, the latter commits no action at all, being passive throughout, and, as far as the Sabbath is concerned, he does nothing forbidden.

(2) Why these are not counted as separate actions, as explained in n. 4.

(3) V. infra 106b end and 107a.

(4) V. infra 107a.

(5) Stretching out one's hand with an article from a private to a public domain or vice versa may involve a sin-offering, viz., by depositing the said article in the new domain. But acceptance can never lead to this (Riba).

(6) Lev. IV, 27.

(7) Lit., 'it was cast forth'.

(8) Of scholars — i.e., it was generally ruled.

(9) Lit., 'uprooting'.

(10) For, as stated in the Mishnah, if an article is placed in one's hand and he withdraws it, he is exempt.

(11) Hence the article upon his body is likewise at rest, and he effects its removal,

(12) On the ground: hence he does not actually remove the article from its place.

Talmud - Mas. Shabbath 3b

Said R. Hiyya to Rab: Son of illustrious ancestors! Have I not told you that when Rabbi is engaged on one Tractate you must not question him about another, lest he be not conversant with it. For if Rabbi were not a great man, you would have put him to shame, for he might have answered you incorrectly.¹ Still, he has now answered you correctly, for it was taught: If one was laden with food and drink while it was yet day,² and he carries them out after dark, he is culpable, because it is not like his hand.³

Abaye said: I am certain that a man's hand is neither like a public nor like a private domain:⁴ it is not like a public domain [this follows] from the poor man's hand;⁵ it is not like a private domain — [this follows] from the hand of the master of the house.⁶ Abaye propounded: Can a man's hand become as a karmelith:⁷ did the Rabbis penalize him not to draw it back to himself, or not? — Come and hear: If one's hand is filled with fruit and he stretches it without — one [Baraitha] taught: He may not draw it back; another taught: He may draw it back. Surely they differ in this: one Master holds that it [the hand] is like a karmelith, and the other holds that it is not? [No.] All agree that it is like a karmelith, yet there is no difficulty: the one [refers to a case where it is] below ten [handbreadths], and the other [where it is] above ten [handbreadths].⁸ Alternatively, both [Baraithas refer] to [a hand) below ten, and [hold that] it is not like a karmelith, yet there is no difficulty: one [speaks of a case] while it is yet day; the other, when it is already dark [the Sabbath has commenced]. [If he stretches out his hand] while it is yet day, the Rabbis did not punish him;⁹ if after sunset, the Rabbis punished it. On the contrary, the logic is the reverse: [if he stretches out his hand] by day, so that if he throws it [the article] away he does not come to the liability of a sin-offering,¹⁰ let the Rabbis penalize him; but if [he does it] after nightfall, so that if he throws it away he incurs the liability of a sin-offering, the Rabbis should not punish him. Now, since we do not answer thus,¹¹ you may solve R. Bibi b. Abaye's [problem]. For R. Bibi b. Abaye asked: If a person places a loaf in an oven,¹² do the Rabbis permit him to remove it before he incurs the liability of a sin-offering, or not?¹³ Now you may deduce that they do not permit it!¹⁴ That is no difficulty, and indeed solves it! Alternatively, you cannot solve it, after all: [and reply thus],¹⁵ The one Baraitha refers to an unwitting, the other to a deliberate act. Where it is unwitting, the Rabbis did not punish him¹⁶ for it; where it is deliberate, they punished.¹⁷ Another alternative: both [Baraithas] refer to an unwitting act, but here they differ as to whether they [the Rabbis] punished an unwitting [offender] on account of a deliberate one: one Master holds that they did punish an unwitting [offender] on account of a deliberate one; the other, that they did not punish an unwitting [offender] on account of a deliberate one. Another alternative: after all, they did not punish [the one on account of the other], yet there is no difficulty. The one [Baraitha] means into the same courtyard; [

(1) Lit., 'he would have given you an answer which is not an answer.'

(2) I.e., before sunset on Friday.

(3) As explained above.

(4) If a man stands in one and stretches out his hand into the other, the hand is not accounted the same as his body, to have the legal status of the domain in which the body is.

(5) For the Mishnah states that if the Master takes an article from the poor man's hand stretched within he is exempt.

(6) If the poor man takes an object from it, he is not liable.

(7) V. infra 6a. A karmelith is part of a public domain which is but little frequented, therefore regarded as neither public nor private ground; by Rabbinical law one may not carry from a karmelith to a public or a private domain, or vice versa. Now, as we have seen, when one stretches out his hand into another domain, it does not enjoy the body's status. Yet does it occupy the intermediate status of a karmelith, and since it holds an object, its owner shall be forbidden to withdraw it until the termination of the Sabbath?

(8) V. infra 100a. If the hand is within ten handbreadths from the ground it is in a public domain, and therefore the

Rabbis ordered that he must not withdraw it. But if it is above, it is in a place of non-liability; hence he is not penalized.

(9) Lit. 'it' sc. his hand. They did not compel him to keep his hands stretched out till the termination of the Sabbath.

(10) Since he does not perform a complete forbidden act on the Sabbath.

(11) This reversed answer.

(12) Lit., 'sticks a loaf to (the wall of) an oven.'

(13) If it remains in the oven until baked he incurs a sin-offering for baking on the Sabbath. On the other hand, it is Rabbinically forbidden to remove bread from the oven on the Sabbath. How is it here?

(14) Since the reverse answer is not given, we see that the Rabbis do not abrogate their interdict even when it leads to a liability to a sin-offering.

(15) To reconcile the two Baraitas.

(16) V.n.1.

(17) Thus this has no bearing on R. Bibi b. Abaye's problem.

Talmud - Mas. Shabbath 4a

the other, into a different courtyard.¹ Even as Raba asked R. Nahman: If a person holds a handful of produce in his hand and he extends it without,² may he withdraw it into the same courtyard? He replied, It is permitted. And what about another courtyard? Said he to him, It is forbidden. And what is the difference? — When you measure out a measure of salt for it!³ There his intention is not carried out; here his intention is carried out.⁴

[To revert to] the main text: 'R. Bibi b. Abaye propounded: If one places a loaf of bread in an oven, do they permit him to remove it before he incurs the liability of a sin-offering or not?' R. Aha b. Abaye said to Rabina: What are the circumstances? Shall we say [that he did it] unwittingly and he did remind himself,⁵ then whom are they to permit?⁶ Hence it must surely mean that he did afterwards become aware thereof,⁷ but then would he be liable? Surely we learnt: All who are liable to sin-offerings are liable only if the beginning and end [of the forbidden action] are unwitting. On the other hand, if his problem refers to a deliberate action, he should have asked [whether he may remove it] before he comes to an interdict involving stoning!⁸ -R. Shila said: After all, it means unwittingly; and [as to the question] 'whom are they to permit?', [the reply is], Others. R. Shesheth demurred: Is then a person told, 'Sin, in order that your neighbour may gain thereby?'⁹ Rather, said R. Ashi, after all it refers to a deliberate act; but say [in the problem], before he comes to an interdict involving stoning.¹⁰ R. Aba son of Raba recited it explicitly: R. Bibi b. Abaye said: If one places a loaf in an oven, he is permitted to remove it before he comes to an interdict involving stoning.

IF THE POOR MAN STRETCHES OUT HIS HAND. Why is he liable? Surely removal and depositing must be from [and into] a place four [handbreadths] square,¹¹ which is absent here?¹² — Said Rabbah: The author of this [Mishnah], is R. Akiba, who maintains: We do not require a place four by four. For we learnt: If one throws [an article] from one private domain to another and public ground lies between: R. Akiba holds him liable; but the Sages hold him not liable. R. Akiba holds: We say, An object intercepted by [air] is as though it rested there;¹³ While the Rabbis maintain: We do not say, An object intercepted by [air] is as though it rested there. Shall we say that Rabbah is certain that they differ as to whether an object intercepted is considered at rest,

(1) When one stands in a courtyard, which is private ground, and stretches his laden hand into the street, he may withdraw it into the same courtyard, but not into an adjoining one and drop the article there.

(2) I.e., into the street.

(3) A jesting remark: then I will tell you the difference.

(4) If he stretches out his hand into the street he wants to remove the produce from that courtyard. Hence he may draw it back into the same, when his intention remains unfulfilled, but not into an adjoining courtyard, whereby his intention would be carried out.

(5) Before it was completely baked, that it was the Sabbath, or that baking on the Sabbath is forbidden.

- (6) Being unaware of anything wrong, he does not come to ask.
- (7) Before it was baked.
- (8) Which is the penalty for the deliberate desecration of the Sabbath, and not 'before he incurs the liability of a sin-offering'?
- (9) Can one be told to infringe the minor injunction of removing bread from an oven in order to save his neighbour from the greater transgression of baking on the Sabbath?
- (10) From this it is obvious that R. Bibi's original question was merely whether he is permitted to remove it or not. 'Before he incurs etc.,' was a later addition, which R. Ashi emends. The same assumption must be made in similar cases. V. Kaplan, Redaction of the Talmud, Ch. XIII.
- (11) Removal from one domain and depositing in the other necessitates in each case that the object shall rest upon a place four handbreadths square.
- (12) A person's hand does not fulfil this condition.
- (13) Hence when it crosses public ground it is as though it rested there, and so liability is incurred.

Talmud - Mas. Shabbath 4b

and when it [crosses the public domain] within ten handbreadths [of the ground]?¹ But surely Rabbah asked a question thereon. For Rabbah propounded: Do they disagree when it is below ten, and they differ in this: R. Akiba holds, An object intercepted is as though it rested, while the Rabbis hold that it is not as though it rested; but above ten all agree that he is not liable, all holding that we do not derive throwing from reaching across?² Or perhaps they disagree when it is above ten, and they differ in this: R. Akiba holds, We derive throwing from reaching across, while the Rabbis hold, We do not learn throwing from reaching across; but below ten all agree that he is liable. What is the reason? We say that an object intercepted is as though it rested?—That is no difficulty: after propounding, he solved it that R. Akiba holds that an object intercepted is as though it rested.³

But perhaps he [R. Akiba] does not require depositing [on a place four handbreadths square], yet he may require removal [from such a place]?⁴ Rather, said R. Joseph, the author of this [Mishnah] is Rabbi. Which [ruling of] Rabbi [intimates this]? Shall we say, This [ruling of] Rabbi: If one throws [an object]⁵ and it comes to rest upon a projection,⁶ of a small size,⁷ Rabbi holds him liable; the Sages exempt him? [But] surely there, as we will state below, it is in accordance with Abaye. For Abaye said: The reference here is to a tree standing in private ground while its branch inclines to the street, and one throws [an article] and it comes to rest upon the branch,⁸ Rabbi holding, We say, cast the branch after its trunk;⁹ but the Rabbis maintain; We do not rule, Cast the branch after its stock? — Rather it is this [ruling of] Rabbi. For it was taught: If one throws [an article] from public to public ground, and private ground lies between: Rabbi holds him liable; but the Sages exempt him. Now, Rab Judah said in Samuel's name: Rabbi imposed a twofold liability, one on account of carrying out and one on account of carrying in:¹⁰ this proves that neither removal nor depositing requires a place four by four. But surely it was stated thereon, Rab and Samuel both assert,

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- (1) For the space above ten does not rank as public ground.
- (2) If one reaches over an object from private to private ground across public ground, even if it is above ten handbreadths, he is liable.
- (3) Var. lec.:... he solved it. Granted that R. Akiba holds, An object intercepted is as at rest, yet perhaps (etc., continuing text as in next paragraph).
- (4) This objection reverts to Rabbah's answer that our Mishnah agrees with R. Akiba.
- (5) In the street.
- (6) A bracket moulding, or anything which projects from the wall of a house; both the house and the projection are private ground.
- (7) Lit., 'whatever (size) it is'. I.e., very small, less than four square.
- (8) Which is a projection of the tree.
- (9) Hence it is private ground, and therefore liability is incurred. — The tree as a whole is regarded, and so we have 'a

place four by four.’

(10) When the object enters the air space in a private domain, there is ‘carrying in’ from public to private ground; when it leaves it and re-enters the public domain, there is ‘carrying out’ from private to public ground. Since the man’s act has caused both, he is liable twice over.

Talmud - Mas. Shabbath 5a

Rabbi imposed liability only in the case of a covered-in private domain, for we say that a house is as though it were full,¹ but not in one which is uncovered. And should you answer, Here too [in our Mishnah it speaks of] it as covered, [I might retort] that is well of a covered private ground, but is one liable for a covered public ground? Did not R. Samuel b. Judah say in the name of R. Abba in the name of R. Huna in Rab’s name: If one carries an article four cubits in covered public ground, he is not liable, because it is not like the banners of the wilderness?² — Rather, said R. Zera, the authority of this is the ‘others.’³ For it was taught: Others say: If he stands still in his place and catches it, he [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt.⁴ [Now it states], ‘If he stands in his place and catches it, he [the thrower] is liable’, — but surely there must be depositing on an area four [handbreadths square], which is absent! Hence this proves that we [i.e., ‘others’] do not require a place four by four. Yet perhaps only depositing [on such an area] is not required, but removal [from such] may be necessary? And even in respect to depositing too: perhaps it means that he spread out his garment and caught it, so that there is also depositing [on such an area]? — Said R. Zera: Our Mishnah also means that he removes it [the article] from a basket and places it in a basket, so that there is depositing too [in a place four square]. But HIS HAND is stated? — Learn: a basket in HIS HAND. Now, that is well of a basket in a private domain; but a basket in public ground ranks as a private domain?⁵ Must we then say that it does not agree with R. Jose son of R. Judah? For it was taught: R. Jose son of R. Judah said: If one fixes a rod in the street, at the top of which is a basket, [and] throws [an article] and it comes to rest upon it, he is liable.⁶ , For if it agrees with R. Jose son of R. Judah, WHERE THE MASTER OF THE HOUSE STRETCHES HIS HAND WITHOUT AND PLACES [AN OBJECT] IN THE POOR MAN’S HAND, why is he LIABLE? Surely he [merely] carries it from private ground to private ground! — You may even say [that it agrees with] R. Jose son of R. Judah: There it is above ten [handbreadths];⁷ here it is below ten.⁸ This⁹ presented a difficulty to R. Abbahu: Is then ‘a basket in his hand’ taught: surely HIS HAND [alone] is stated! Rather, said R. Abbahu, it means that he lowered his hand to within three handbreadths [of the ground] and accepted it.¹⁰ But HE STANDS is taught!¹¹ — It refers to one who bends down. Alternatively, [he is standing] in a pit; another alternative: this refers to a dwarf. Raba demurred: Does the Tanna trouble to inform us of all these!¹² Rather, said Raba, A man’s hand is accounted to him as [an area] four by four. And thus too, when Rabin came,¹³ he said in R. Johanan’s name: A man’s hand is accounted to him as [an area] four by four.

R. Abin said in the name of R. Elai in R. Johanan’s name: If one throws an article and it alights on his neighbour’s hand, he is liable. What does he inform us? [that] a man’s hand is accounted to him as [an area] four by four! But surely R. Johanan already stated it once? — You might argue. That is only when he himself accounts his hand such,¹⁴ but where he does not account his hand as such,¹⁵ I might say [that it is] not [so]. Therefore we are informed [otherwise].

R. Abin said in R. Elai’s name in the name of R. Johanan: If he [the recipient stands still in his place and catches it, [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt. It was taught likewise: Others say: If he stands still in his place and catches it, he [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt.¹⁶ R. Johanan propounded: What if he throws an article and himself moves from his place, and catches it? What is his problem?¹⁷ — Said R. Ada b. Ahaba: His problem concerns two forces in the same man: are two forces in the same man accounted as the action of one man, hence he is liable, or perhaps

they count as the action of two men?¹⁸ The question stands over.

R. Abin said in R. Johanan's name: If he puts his hand into his neighbour's courtyard and receives [some] rain, and then withdraws it, he is liable. R. Zera demurred: What does it matter whether his neighbour loads him¹⁹ or Heaven loads him; he himself did not effect removal? — Do not say, he [passively] receives rain, but, he catches it up.²⁰ But removal must be from a place four [square], which is absent? — Said R. Hiyya son of R. Huna: E.g., he catches it up [as it rebounds] from the wall. But even on the wall, it does not rest there?²¹ — It is as Raba²² said [elsewhere], It refers to a sloping wall; so here too it refers to a sloping wall. Now, where was Raba's [dictum] said? — In connection with the following. For we learnt:

(1) Of articles — i.e., it is accounted as though lacking air space entirely, and immediately an object enters therein, we regard it as lying on the ground.

(2) It is stated infra 49b and 96b that the definition of what constitutes forbidden work on the Sabbath is dependent on the work that was done in connection with the Tabernacle in the wilderness. Carrying was necessary, and so carrying an article four cubits is work. But there it was done under the open sky; hence Rab's dictum, and the same applies here. By 'banners of the wilderness' is meant the whole disposition and encampment of the Israelites, and they did not have any covered-in public ground.

(3) In Hor. 13b 'others' is identified with R. Meir.

(4) If A throws an article in the street to B, and B catches it while standing in his place, A is liable, because he is regarded as having both removed and deposited it. But if B moves away and catches it, A did not effect its deposit, since it does not lie where it would have done on account of his throw.

(5) Why then should he be liable in respect of carrying out?

(6) For it ranks as private ground, v. infra 101a.

(7) Then it ranks as private ground.

(8) Then it is public ground.

(9) Explanation of R. Abba.

(10) Everything within three handbreadths is regarded as the ground itself on the principle of labud (v. Glos), and thus the hand becomes a place four square.

(11) And he would have to be sitting for his hand to be so low.

(12) Surely he does not state a law which requires all these conditions. He should rather have taught: If the poor man spreads out his garment, etc.

(13) From Palestine to Babylon. Rabin and R. Dimi were two Palestinian amoraim who travelled between the Palestinian and the Babylonian academies to transmit the teachings of one to the other.

(14) If one intentionally deposits an article in his neighbour's hand, or takes an article into his own, in each case he accounts the hand as a resting place, i.e., an area four square.

(15) I.e., when it merely chances to alight on a man's hand.

(16) V. supra 5a notes.

(17) On what grounds should he be exempted: did he not remove it from one place and deposit it in another?

(18) The throw is one manifestation of his force: the catch arrests that force and is in the nature of a counter act; hence they may be regarded as performed by two people, which involves no liability.

(19) In which case the Mishnah declares him exempt.

(20) Actively. This is assumed to mean that he intercepts the flow of rain, beating it with one hand into the other.

(21) The side of a wall — it being assumed that an ordinary vertical one is meant — affords no resting place for the rain, whereas removal must be from a place where it can stay.

(22) Rashal reads: Rabbah.

Talmud - Mas. Shabbath 5b

If he is reading a scroll on a threshold, and it rolls out of his hand,¹ he may rewind it to himself.² If one is reading on the top of a roof,³ and the scroll rolls out of his hand, — before it comes within ten handbreadths [of the ground] he may wind it back himself;⁴ if it comes within ten handbreadths, he

must turn the written side inwards.⁵ Now, we pondered thereon: why must he turn the written side inwards, surely it did not come to rest?⁶ and Raba answered: This refers to a sloping wall.⁷ Yet may it not be urged that Raba said this [only] of a scroll, whose nature it is to rest [where it falls]; but is it the nature of water to rest?⁸ Rather, said Raba, [R. Johanan spoke of a case] where he collected [the rain] from the top of a [water] hole. 'A hole'! But then it is obvious? — You might argue, Water upon water is not at rest;⁹ [therefore] he [R. Johanan] informs us [that it is].

Now Raba follows his opinion. For Raba said: Water [lying] upon water, that is its [natural] rest; a nut upon water, that is not its [natural] rest.¹⁰ Raba propounded: If a nut [lies] in a vessel, and the vessel floats on water,¹¹ do we regard the nut, which is at rest,¹² or the vessel, which is not at rest, since it is unstable? The question stands over.

In respect to oil floating upon wine R. Johanan b. Nuri and the Rabbis differ. For we learnt: If oil is floating upon wine¹³ and a tebul yom¹⁴ touches the oil, he disqualifies the oil only. R. Johanan b. Nuri said: Both are attached to each other.¹⁵

R. Abin said in R. Elai's name in the name of R. Johanan: If one is laden with food and drink and goes in and out all day,¹⁶ he is liable only when he stands still.¹⁷ Said Abaye: Providing that he stands still to rest.¹⁸ How do you know it? — Because a Master said: Within four cubits, if he stops to rest, he is exempt; to shoulder his burden, he is liable. Beyond four cubits, if he stops to rest, he is liable; to rearrange his burden, he is exempt.¹⁹ What does he [R. Johanan] inform us — that the original removal was not for this purpose?²⁰ But R. Johanan stated it once. For R. Safra said in R. Ammi's name in R. Johanan's name: If one is carrying articles from corner to corner [in private ground] and then changes his mind and carries them out, he is exempt, because his original removal was not for this purpose? — It is dependent on Amoraim: one stated it in the former version; the other stated it in the latter version.²¹

Our Rabbis taught: If one carries [an article] from a shop to an open space via a colonnade,²² he is liable; but Ben 'Azzai holds him not liable. As for Ben 'Azzai, it is well: he holds that walking is like standing.²³ But according to the Rabbis, granted that they hold that walking is not like standing, yet where do we find liability for such a case?²⁴ — Said R. Safra in the name of R. Ammi in R. Johanan's name:

-
- (1) Into a public domain skirting it.
 - (2) This refers, e.g., to a threshold three handbreadths above the ground and four handbreadths square, This constitutes a karmelith (v. p. 6, n. 7), and even if it entirely falls out of his hand it is only Rabbinically prohibited to carry it back; hence here that he retains one end there is not even that.
 - (3) Which is a private domain. In the East all roofs were flat and put to use; T.A.I, p. 33.
 - (4) Because only the first ten handbreadths above the street surface count as public ground.
 - (5) He must not draw it back, since it has entered public ground, so he reverses it, because it is degrading for a scroll to lie open with its writing upward.
 - (6) Hence he should be permitted to roll it back.
 - (7) V.'Er., Sonc. ed., p. 697 and notes.
 - (8) It does not stay even on a sloping wall.
 - (9) The article must be removed from a place where it may be regarded as naturally at rest, e.g., a stone lying on the ground.
 - (10) And if one picks it up and carries it without, he is not liable.
 - (11) And he lifts up both and carries them out.
 - (12) In the vessel.
 - (13) Both of terumah.
 - (14) V. Glos. He renders terumah (q.v. Glos.) unfit for food.
 - (15) And both become unfit. Thus in respect to the Sabbath too: the Rabbis hold that the oil is not at rest upon the wine,

whereas R. Johanan b. Nuri holds that the oil is at rest upon the wine. The same applies to oil floating upon water: wine is mentioned on account of the quotation, as there is no *terumah* of water.

(16) From private to public ground.

(17) And then goes in or out; this alone constitutes removal. He was laden in the first place to carry the stuff from one part of a private domain to another, and if he goes out instead it is not removal, since when the food was moved at first there was no intention of carrying from a private to a public domain; v. *supra* 3a.

(18) But if he stops merely to rearrange the burden, it is all part of his walking.

(19) One is liable for carrying an article four cubits over public ground, providing that he himself removes it from the first spot and deposits it on the other. Now, if he stops to rest within the four cubits, that constitutes depositing, and when he restarts there is a fresh removal; consequently, the article was carried four cubits with a single removal and deposit, and so he is exempt. But if he stops to rearrange the burden, it is still part of the first removal; therefore he is liable. Hence if he stops to rest after walking four cubits, he is regarded as depositing the article there, and is liable. But if he stops to rearrange his burden, he is still engaged in walking, and should another relieve him of it before he stops to rest, both are exempt.

(20) *Viz.*, to carry it without, and so he is not liable.

(21) R. Johanan did not teach both, but amoraim reporting his words gave different versions of what he did state.

(22) The shop is private ground, the open space is public ground, and the colonnade ranks as a *karmelith*, being occupied by stall holders and not frequented as a public thoroughfare.

(23) When he walks through the colonnade it is as though he stood there. Hence he performs two separate actions: (i) carrying an object from private ground to a *karmelith*; (ii) carrying an object from a *karmelith* to public ground. Neither of these imposes liability.

(24) In Scripture, by analogy with the Tabernacle (v. p. 11, n. 2) we find liability only for direct transference from private to public ground.

Talmud - Mas. Shabbath 6a

Compare it to one who carries an article in the street: there, surely, though he is not liable as long as he holds it and proceeds, yet when he lays it down he is liable; so here too, it is not different. How compare! there, wherever he puts it down it is a place of liability; but here, if he deposits it in the colonnade, it is a place of non-liability? Rather compare it to one who carries an article [in the street] exactly four [cubits].¹ There, surely, though he is exempt if he deposits it within the four cubits, yet when he deposits it at the end of the four cubits he is liable; so here too, it is not different. How compare? There it is a place of exemption [only] as far as this man is concerned, but to all others² it is a place of liability; but here it is a place of exemption for all? Rather compare it to one who carries [an object] from private to public ground through the sides of the street:³ there, surely, though he is exempt if he lays it down in the sides of the street, yet when he lays it down in the street [itself] he is liable; so here too it is not different.

R. Papa demurred thereto: that is well according to the Rabbis, who maintain that the sides of the street are not regarded as the street; but according to R. Eliezer [b. Jacob],⁴ who rules that the sides of the street are regarded as the street, what can be said? — Said R. Aha son of R. Ika to him: Granted that you know R. Eliezer [b. Jacob] to rule that the sides of the street are regarded as the street where there is no fencing;⁵ but do you know him [to rule thus] where there is fencing?⁶ Hence it⁷ is analogous to this.

R. Johanan said: Yet Ben 'Azzai agrees in the case of one who throws.⁸ It was taught likewise: If one carries [an object] from a shop to an open place through a colonnade, he is liable, whether he carries [it] out or carries [it] in; or whether he reaches it across or throws it. Ben 'Azzai said: If he carries it out or in, he is exempt; if he reaches it across or throws it, he is liable.

Our Rabbis taught: There are four domains in respect to the Sabbath; private ground, public ground, *karmelith*, and a place of non-liability. And what is private ground? A trench ten

[handbreadths] deep and four wide, and likewise a wall ten [handbreadths] high and four broad, — that is absolute private ground.⁹ And what is public ground? A highroad,¹⁰ a great public square,¹¹ and open alleys,¹² — that is absolute public ground. One may not carry out from this private to this public ground, nor carry in from this public to this private ground; and if one does carry out or in, unwitting, he is liable to a sin-offering; if deliberately, he is punished by kareth¹³ or stoned.¹⁴ But the sea, a plain, a colonnade, or a karmelith, ranks neither as public nor as private ground:¹⁵ one must not carry [objects] about¹⁶ within it and if he does, he is liable; and one must not carry out [an object] thence into public ground or from the public ground into it, nor carry [an object] from it into private ground or from the private ground into it; yet if he does carry out or in, he is not liable. As to courtyards with many owners¹⁷ and blind alleys,¹⁸ if an ‘erub is made, they are permitted; if an ‘erub is not made, they are forbidden.¹⁹ A man standing on a threshold²⁰ may take [an object] from the master of the house, or give [it] to him, and may take [an object] from the poor man or give [it] to him; providing however that he does not take from the master of the house and give to the poor man or from the poor man and give it to the master of the house;²¹ and if he does take and give, the three are exempt. Others state, A threshold serves as two domains: if the door is open, it is as within; if shut, it is as without. But if the threshold is ten [handbreadths] high and four broad, it is a separate domain.²² The Master said: ‘That is [absolute] private ground.’ What does this exclude?²³ — It excludes the following [view] of R. Judah. For it was taught: Even more than this did R. Judah say: If one owns two houses on the opposite sides of the street,²⁴ he can place

(1) Lit., ‘from the beginning of four to the end of four’.

(2) To whom the limit of four cubits terminates at this particular spot.

(3) E.g., if the wall of a private courtyard fronting on the street is broken through, the place of the wall is called the sides of the street. In ‘Er. 94b (quoted below) it is disputed whether this is private or public ground; yet when one carries an object into the street through the breach he is certainly liable.

(4) b. Jacob is omitted in ‘Er. 94b and Keth. 31a.

(5) Rashi: stakes against which vehicles rub to protect the wall.

(6) And yet if one carries through the breach into the street he is liable.

(7) The case of the colonnade.

(8) From a shop to an open place through a colonnade: he is then liable.

(9) Even if they are in a public thoroughfare. A house, of course, is also private ground.

(10) Jast.: a camp.

(11) Or, an open place.

(12) i.e., open at both ends into streets.

(13) If he was not formally warned.

(14) If formally warned.

(15) The former, because they are not for the general passage of the multitude; the latter, because they are not enclosed. It should be observed that ‘public ground’ does not mean any ground that is open to the public, but that which is actually frequented by the masses.

(16) Lit., ‘carry and give,’ across a distance of four or more cubits.

(17) I.e., a courtyard into which many houses open and which itself abuts on the street. The inhabitants of these houses own the courtyard in common and must pass through it into the street.

(18) These too are provided with courtyards through which the inhabitants pass into the streets.

(19) For ‘erub v. Glos. If the separate householders make an ‘erub, e.g., each contributing a little flour for baking a large loaf, all the houses and the courtyard into which they open are counted as one domain, and carrying between them is permitted. Again, if all the courtyards are thus joined by an ‘erub, carrying is permitted between the courtyards themselves and between them and the blind alley on which they abut.

(20) This is less than four handbreadths square, and is a place of non-liability, i.e., not a separate domain at all, but counted with public or private ground indifferently.

(21) This is a Rabbinical measure, lest one treat the Sabbath lightly and carry direct between public or private ground.

(22) Like the trench or wall mentioned above. it is private ground, yet not part of the house, and carrying between the two is prohibited.

(23) The emphasis suggests that only that is private ground.

(24) Facing each other.

Talmud - Mas. Shabbath 6b

a board or a beam at each side¹ and carry between them.² Said they to him: A street cannot be made fit [for carrying] by an 'erub in this way.³ And why is it called 'absolute' [public ground]? — You might argue, The Rabbis differ from R. Judah, [maintaining] that it is not private ground only in respect of carrying [therein]:⁴ but in respect of throwing⁵ they agree with R. Judah:⁶ hence we are informed [otherwise].

The Master said: 'That is [absolute] public ground.' What does this exclude? — It excludes R. Judah's other [ruling]. For we learnt: R. Judah said: If the public thoroughfare interposes between them, it must be removed to the side; but the Sages maintain: It is unnecessary.⁷ And why is it called 'absolute?' — Because the first clause states 'absolute', the second does likewise. Now, let the desert too be enumerated, for it was taught: What is public ground? A high-road, a great open space, open alleys and the desert?—Said Abaye, There is no difficulty: The latter means when the Israelites dwelt in the desert; the former refers to our own days.⁸

The Master said: 'If one carries out or in, unwittingly, he is liable to a sin-offering; if deliberately, he is punished by kareth or stoned.' 'Unwittingly, he is liable to a sin-offering': but it is obvious? — It is necessary [to state] 'If deliberately, he is punished by kareth or stoned.' But that too is obvious? — We are informed the following, in agreement with Rab. For Rab said, I found a secret scroll of the school of R. Hiyya⁹ wherein it is written, Issi b. Judah said: There are thirty-nine principal labours, but one is liable only [for] one. Yet that is not so? for we learnt: The principal labours are forty less one: and we pondered thereon, Why state the number?¹⁰ And R. Johanan answered: [To teach] that if one performs all of them in one state of unawareness,¹¹ he is liable for each separately! Rather, say thus: for one of these he is not liable; and so we are informed here that this one [sc. carrying] is of those about which there is no doubt.

The Master said: 'But the sea, a plain, a colonnade, and a karmelith rank neither as public nor as private ground.' But is a plain neither private nor public ground? Surely we learnt: A plain: in summer it is private ground in respect to the Sabbath and public ground in respect to uncleanness;¹² in winter it is private ground in both respects!¹³ — Said 'Ulla: After all it is a karmelith; yet why is it called private ground? Because it is not public ground.¹⁴ R. Ashi said:

(1) Of one of the houses.

(2) R. Judah holds that two partitions facing each other render the space between private ground by Biblical law. The outside walls of the houses are two such partitions, while the two are added to mark out this particular space and distinguish it from the rest of the street.

(3) V. 'Er., Sonc. ed., p. 32 notes.

(4) Forbidding it as a precautionary measure, lest one carry in public ground too.

(5) An object from other public ground into this.

(6) That liability is incurred, because by Biblical law two partitions constitute private ground,

(7) A well ten handbreadths deep and four broad in a public highway is private ground, as stated above; consequently, if one draws water and places it at the side, he desecrates the Sabbath. Therefore the Rabbis enacted that it should be surrounded by boards, even at some distance, and placed at intervals, providing that there is not a gap of more than ten cubits between any two; this renders the whole private ground, as though it were entirely enclosed. But R. Judah maintains that if the actual road taken by travellers lies between these boards, it destroys its character as private ground and makes it public ground in spite of the boards, and therefore it must be diverted. The emphasis in our Baraita — that is public ground — is to reject this view of R. Judah.

(8) When it is not frequented.

(9) **מגלת סתרים** Rashi: When a scholar heard a new law which had no authoritative tradition behind it and was thus rejected by the schools, he committed it to writing for fear that he might forget it, and kept it secret. Weiss, Dor, II, 189 thinks that the scroll contained views which R. Juda ha-Nasi had desired to exclude from his authoritative compilation, and therefore it was kept concealed. — On these lines a very considerable portion of the Baraita would have had to be kept secret! Kaplan, Redaction of the Talmud, p. 277 suggests that the concealed scroll contained laws which were unsuited for unrestricted publicity. He also suggests that the phrase may not mean ‘concealed’ but written in a ‘concealed’, i.e. esoteric style. But there is nothing particularly esoteric about the style of the law quoted here. V. also Levi, Worterbuch s.v.

(10) Since they are all stated separately,

(11) I.e., he is unaware throughout that these are forbidden on the Sabbath.

(12) In summer it is not sown, hence a few may pass through it, yet not many will trouble to leave the highway. Hence carrying therein is permitted. With respect to uncleanness, it is a general principle that if a doubt arises in a strictly private place, a stringent ruling is given, and the article or person concerned is unclean; if it arises in a public i.e., not a strictly private place, we are lenient. Hence, since the plain is not strictly private, it ranks as public ground.

(13) Since it is sown, no stranger enters therein.

(14) And as the main purpose of that Mishnah is to draw a distinction between the Sabbath and uncleanness, that is sufficient, without pointing out that it is a karmelith.

Talmud - Mas. Shabbath 7a

E.g., when it has barriers,¹ and [this is] in accordance with the following dictum of ‘Ulla in R. Johanan's name: An enclosure more than two se'ahs [in area]² which is not enclosed in attachment to a dwelling place,³ even if it is a kor or two kor [in area],⁴ if one throws [an article] therein [from public ground] he is liable. What is the reason? It is a partitioned area, but it lacks inhabitants.⁵ Now, as for R. Ashi, it is well that he does not explain it as ‘Ulla,⁶ but why does ‘Ulla not explain it in accordance with his own dictum? — He answers you: if it has barriers, is it called a plain: [surely] it is an enclosure! And R. Ashi?⁷ - ‘Private ground’ is taught.⁸

‘And a karmelith.’ Are then all these [sea, plain and colonnade] too not karmelith? — When R. Dimi came,⁹ he said in the name of R. Johanan: This is necessary only in respect of a corner near a street¹⁰ : though the masses sometimes press and overflow therein,¹¹ yet since it is inconvenient for [general] use, it ranks as a karmelith.

When R. Dimi came, he said in R. Johanan's name: [The place] between the pillars¹² is treated as a karmelith. What is the reason? Though the general public walk through there, since they cannot proceed with ease,¹³ it is as a karmelith. R. Zera said in Rab Judah's name: The balcony in front of the pillars is treated as a karmelith. Now, he who stated thus of [the ground] between the pillars, — how much more so the balcony!¹⁴ But he who mentions the balcony-only the balcony [ranks as a karmelith], because it is inconvenient for [general] use, but not [the ground] between the pillars, which is convenient for [general] use.¹⁵ Another version: but [the place] between the pillars, through which the public occasionally walk, is as public ground.

Rabbah b. Shila said in R. Hisda's name: If a brick is standing upright in the street, and one throws [an article]¹⁶ and it adheres to its side, he is liable; on top, he is not liable.¹⁷ Abaye and Raba both state: Providing that it is three handbreadths high, so that the public do not step on it;¹⁸ but thorns and shrubs, even if not three [handbreadths] high.¹⁹ Hiyya b. Rab maintained: Even thorns and shrubs, but not dung.²⁰ R. Ashi ruled: Even dung.

Rabbah, of the school of R. Shila, said: When R. Dimi came,²¹ he said in the name of R. Johanan: No karmelith can be less than four [handbreadths square].²² And R. Shesheth said: And it extends²³ up to ten. What is meant by, ‘and it extends up to ten?’ Shall we say that only if there is a partition ten [handbreadths high] is it a karmelith, not otherwise;²⁴ but is it not? Surely R. Gidal said in the

name of R. Hiyya b. Joseph in Rab's name: In the case of a house, the inside of which is not ten [hand breadths in height] but its covering makes it up to ten, it is permitted to carry on the roof over the whole [area];²⁵ but within, one may carry only four cubits!²⁶ But what is meant by 'and it extends up to ten?' That only up to ten is it a karmelith, but not higher.²⁷ And even as Samuel said to Rab Judah, Keen scholar!²⁸ In matters concerning the Sabbath do not consider²⁹ aught above ten. In what respect? Shall we say, that there is no private ground above ten? Surely R. Hisda said: If one fixes a rod in private ground³⁰ and throws [an article from the street] and it alights on the top, even if it is a hundred cubits high, he is liable, because private ground extends up to heaven!

(1) i.e., it is enclosed by a fence, wall, etc. Though the Rabbis treat it as a karmelith in so far that carrying therein is forbidden, it is nevertheless private ground by Biblical law, and carrying between it and public ground involves liability. It is in that sense that the Mishnah designates it a private domain.

(2) Se'ah is primarily a measure of capacity; by transference it is used as a surface measure on the basis that two se'ahs' seed require an area of five thousand square cubits.

(3) V. Rashi: Aliter: which is not enclosed for living purposes.

(4) 1 kor = 6 se'ahs.

(5) An enclosed place is private ground by Biblical law, whatever its size. Now, if it is attached to a dwelling (or enclosed for living purposes), e.g., a house stood in a field and then the field, upon which one of the doors of the house opens, was enclosed, it remains private ground by Rabbinical law too. But if it is not connected with a house, it is private ground only up to the area of two se'ahs; beyond that one may not carry therein by Rabbinical law. Since, however, it is private ground by Biblical law, if one throws an article into it from public ground he is liable, and to this the Mishnah quoted refers when it states that a plain is private ground.

(6) Viz., that the Mishnah means that it is a karmelith, because he prefers to explain it in accordance with 'Ulla's other dictum.

(7) That being so, why does he not accept 'Ulla's explanation?

(8) Which is definitely not a karmelith.

(9) V. p. 12, n. 9.

(10) At which stood a house the front of which the owner had thrown open to the public.

(11) When the street is very crowded.

(12) Pillars were erected in public squares or markets, upon which traders hung their wares.

(13) Lit., 'directly'. On account of the numerous pillars, which were not always in a straight line.

(14) Which is even less convenient. — The balcony was used as a stand for traders' stalls.

(15) In his opinion.

(16) Across a distance of at least four cubits.

(17) When an article lies in the street and is less than ten handbreadths high and four square it is a place of non-liability; but that is only in respect of what can be put to a well-defined, natural use; e.g., the top of a low wall or of a brick, upon which articles may be placed. But the side of a wall or a brick can only give accidental service, as in the example, and in that case everything less than ten handbreadths high is as the street itself, and so when one throws an article and after traversing four cubits it cleaves to the side of the brick, it is as though it fell in the street, and he is liable. But the top, which, as explained by Abaye and Raba, is three handbreadths high, constitutes a separate domain — a place of non-liability.

(18) Then it is not part of the street; v. preceding note. [Whether the surface area of the brick has to be four square handbreadths v. Tosaf. a.l.].

(19) Rank as a separate domain, because people avoid stepping on them.

(20) People wearing thick shoes may step upon the former; but dung is avoided.

(21) V. P. 12, n. 9.

(22) If it is, it is not a karmelith but a place of non-liability.

(23) Lit., 'takes hold'.

(24) I.e., an enclosed space less than two se'ahs in area and not attached to a house (v. p. 21, n. 7) is a karmelith only if its fencing is ten handbreadths high.

(25) The roof is ten high, and therefore private ground.

(26) Since it is unfit for a dwelling, its walls are disregarded and it ranks not as a private domain but as a karmelith (R.

Han.). This is the reverse of our hypothesis.

(27) If its top is more than ten handbreadths above ground level it is not a karmelith.

(28) Or, man of long teeth.

(29) Lit., 'be'.

(30) A rod is generally less than four handbreadths square.

Talmud - Mas. Shabbath 7b

But [if it means] that there is no public ground above ten,¹ it is our Mishnah! For we learnt: If one throws [an article] four cubits on to a wall above ten handbreadths, it is as though he throws it into the air;² if below ten, it is as though he throws it on to the ground.³ Hence he must refer to a karmelith, [teaching] that there is no karmelith above ten. And [R. Dimi and R. Shesheth inform us that] the Rabbis treated it with the leniencies of both private and public ground. 'With the leniencies of private ground': that only if [it measures] four [handbreadths square] is it a karmelith, but if not it is simply a place of non-liability. 'With the leniencies of public ground': only up to ten is it a karmelith, but above ten it is not a karmelith.

[To revert to] the main text: 'R. Gidal said in the name of R. Hiyya b. Joseph in Rab's name: In the case of a house, the inside of which is not ten [handbreadths in height] but its covering makes it up to ten, it is permitted to carry on the roof thereof over the whole [area]; but within, one may carry only four cubits.' Said Abaye: But if one digs out four square [handbreadths]⁴ and makes it up to ten, carrying over the whole is permitted. What is the reason? [The rest] is [as] cavities of a private domain, and such are [themselves] a private domain.⁵ For it was stated: The cavities of a private domain constitute private ground. As to the cavities of a public domain,⁶ — Abaye said: They are as public ground; Raba said: They are not as public ground.⁷ Said Raba to Abaye: According to you who maintains that the cavities of public ground are as public ground, wherein does it differ from what R. Dimi, when he came, said in the name of R. Johanan: 'This is necessary only in respect of a corner near to the street',⁸ — yet let it be as cavities of a public domain? — There the use thereof is inconvenient; here the use thereof is convenient.

We learnt: If one throws an article four cubits on to a wall, above ten handbreadths, it is as though he throws it into the air; if below ten, it is as though he throws it on to the ground.⁹ Now we discussed this: why 'as though he throws it on to the ground'; surely it does not rest [there]?¹⁰ And R. Johanan answered: This refers to a juicy cake of figs.¹¹ But if you maintain that the cavities of public ground are as public ground, why relate it to a juicy cake of figs; relate it to a splinter or any article and it is a case where it alighted in a cavity?—Sometimes he answered him, A splinter or any other article are different, because they fall back;¹² sometimes he answered him: The reference must be to a wall not possessing a cavity. — How do you know it? — Because the first clause states: If one throws above ten handbreadths, it is as though he throws it into the air. Now if you imagine that this refers to a wall with a cavity, why is it as though he throws it into the air; surely it came to rest in the cavity?¹³ And should you answer, Our Mishnah [refers to a cavity] that is not four square, — surely did not Rab Judah say in R. Hiyya's name: If one throws [an article] above ten handbreadths and it goes and alights in a cavity of any size,¹⁴ we come to a controversy of R. Meir and the Rabbis, R. Meir holding, We [imaginarily] hollow it out to complete it,¹⁵ while the Rabbis maintain, We do not hollow it out to complete it.¹⁶ Hence it surely follows that the reference is to a wall without a cavity. This proves it.

[To revert to] the main text: R. Hisda said: If one fixes a rod in private ground and throws [an article from the street] and it alights on the top, even if it is a hundred cubits high, he is liable, because private ground extends up to heaven'. Shall we say that R. Hisda holds with Rabbi?¹⁷ For it was taught: If one throws [an object] and it alights upon a projection of whatever size; Rabbi holds him liable; the Sages exempt him!

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- (1) I.e., anything above ten handbreadths from ground level is not treated as public ground.
 - (2) He is not liable.
 - (3) And since it traverses four cubits, he is liable. — Why then need Samuel state it?
 - (4) I.e., he lowers the level of four square handbreadths of the ground.
 - (5) Cavities in a wall bounding private ground rank as private ground. Here, the lowered portion is true private ground, and the rest is regarded as cavities in an imaginary wall surrounding it.
 - (6) I.e., in a wall fronting a street.
 - (7) But constitute a separate domain. If four handbreadths square, they are a karmelith; if less, a place of non-liability.
 - (8) V- supra 7a, notes, it is there accounted as a karmelith.
 - (9) Mishnah, infra 100a.
 - (10) Since it must rebound at least slightly, the final distance is less than the four cubits that is the least for which a penalty is incurred.
 - (11) Which sticks.
 - (12) Lit., 'come again'. Even if they do not rebound.
 - (13) Which, if four handbreadths square, is private ground.
 - (14) I.e., less than four square.
 - (15) Where the wall is thick enough, we regard the small cavity as enlarged to four square, and liability is incurred.
 - (16) And since the Mishnah under discussion is anonymous, it reflects R. Meir's view; v. Sanh. 86a.
 - (17) That depositing upon a place four handbreadths square is not required.

Talmud - Mas. Shabbath 8a

— Said Abaye: In the case of private ground none differ, agreeing with R. Hisda. But here the reference is to a tree standing in private ground, while a branch inclines to the street, and one throws [an article] and it alights on the branch: Rabbi holds, We say, Cast the branch after its trunk; but the Rabbis maintain, We do not say, Cast the branch after its trunk.¹

Abaye said: If one throws a bin² into the street, [even] if it is ten [handbreadths] high but not six broad, he is liable; if six broad, he is exempt.³ Raba said: Even if it is not six broad, he is [still] exempt. What is the reason? It is impossible for a piece of cane not to project above ten.⁴ If he overturns it,⁵ mouth downwards, [and throws it], then if it is a shade more than seven [in height] he is liable; if seven and a half, he is exempt.⁶ R. Ashi said: Even if it is seven and a half, he is liable. What is the reason? The walls are made for their contents.⁷

'Ulla said: If there is a column nine [handbreadths high] in the street, and the public rest and rearrange their burdens thereon,⁸ and one throws [an object] and it alights upon it, he is liable. What is the reason? If it is less than three, the multitude step upon it;⁹ from three to nine, they neither walk upon it nor arrange their burdens upon it;¹⁰ nine, they certainly re-arrange their burdens upon it.¹¹ Abaye asked R. Joseph: What of a pit?¹² — He replied: The same holds good of a pit. Raba said: It does not hold good of a pit. What is the reason? Service through difficulty is not designated service.¹³

R. Adda b. Mattenah raised an objection before Raba: If one's basket is lying in the street, ten [handbreadths] high and four broad,¹⁴ one may not move an object] from it into the street or from the street into it; but if less, one may carry; and the same applies to a pit. Surely that refers to the second clause?¹⁵ — No: to the first clause.

He raised an objection:

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- (1) V. supra 4b for notes.
 - (2) Jast.: a large round vessel, receptacle of grain, water, etc.

- (3) A circle with a diameter of six is the least (roughly) in which a square of four can be inscribed. Now, as stated above (6a), an object four square is a separate domain itself, and no liability is incurred for throwing one domain into another.
- (4) Since it is ten handbreadths high, it is impossible that the top and bottom canes of the circumference shall be absolutely even and straight, and so something must project above ten from ground level, which is a place of non-liability, not public ground. But in order to incur liability the whole of the article thrown must rest in public ground.
- (5) Where it was less than six handbreadths broad (Rashi).
- (6) It is a principle that the walls of an object are regarded as extending beyond its opening down to the ground itself as soon as that opening comes within a shade less than three handbreadths from the ground. V. Glos. s.v. labud. Hence, when this overturned bin, which is a shade more than seven in height (and certainly if less), enters within just under three handbreadths from the ground and is regarded as already resting on the ground, the whole is within ten from the ground, and therefore he is liable. But if it is slightly taller than this it is partly above ten; hence there is no liability.
- (7) I.e., to enable it to be used as a receptacle, and not to create an imaginary extension downwards.
- (8) it being of the exact height to facilitate this.
- (9) And it is therefore part of the street.
- (10) It is too low for the latter purpose.
- (11) And since it is thus put to public use, it is part of the thoroughfare.
- (12) Nine deep.
- (13) It can only be used with difficulty; therefore it is not part of the street.
- (14) As such it is private ground; v. supra fol. 6a.
- (15) sc. o n nine handbreadths.

Talmud - Mas. Shabbath 8b

If one intends to take up his Sabbath abode in a public ground, and places his 'erub¹ in a pit above ten handbreadths, it is a valid 'erub; if below ten handbreadths, it is not a valid 'erub.² How is this meant? Shall we say, [he placed it] in a pit ten [handbreadths] in depth, and 'above' means that he raised [the bottom] and set it [the 'erub] there;³ and 'below' means that he lowered it⁴ and set it there: what is the difference between above and below? He is in one place and his erub in another!⁵ Hence it must surely refer to a pit not ten deep,⁶ and it is taught, it is a valid 'erub, which proves that use with difficulty is regarded as use?⁷ Sometimes he answered him: Both he and his 'erub were in a karmelith,⁸ and why is it called public ground? Because it is not private ground.⁹ And sometimes he answered him: He was on public ground while his 'erub was in a karmelith, this agreeing with Rabbi, who maintained: Whatever is [interdicted] as a shebuth¹⁰ was not forbidden at twilight.¹¹ And do not think that I am merely putting you off, but I say it to you with exactitude.¹² For we learnt: If there is a water pool and a public road traverses it, if one throws [an object] four cubits therein, he is liable. And what depth constitutes a pool? Less than ten handbreadths. And if there is a pool of water traversed by a public road, and one throws [an object] four cubits therein,¹³ he is liable. Now, as for mentioning this pool twice, it is well; one refers to summer and the other to winter, and both are necessary. For if we were informed [this about] summer, [it might be said the reason] is because it is the practice of people to cool themselves;¹⁴ but in winter I would say [that it is] not [so]. And if we were informed this of winter, [it might be id the reason] is because becoming mud-stained¹⁵ it may happen that he goes down [into the water]; but in summer [I would say that it is] not [so]; thus both are necessary. But why mention traversing, twice? Hence. it must surely follow that a passage under difficulties¹⁶ is regarded as a [public] passage, whereas use under difficulties is not regarded as [public] use.¹⁷ This proves it. Rab Judah said: In the case of a bundle of canes: if one repeatedly throws it down and raises it,¹⁸ he is not liable unless he lifts it up.¹⁹

The Master said: 'A man standing on a threshold may take [an object] from or give [it] to the master of the house, and may take an object] from or give [it] to the poor man.' What is this threshold? Shall we say, a threshold of a public road?²⁰ [How state that] he 'may take [an object] from the master of the house'? Surely he [thereby] carries [it] from private to public ground! Again, if it is a threshold of a private domain-[how state that] 'he may take [an object] from the poor man'?

Surely he [thereby] carries [it] from public to private ground? Or again if it is a threshold of a karmelith,²¹ — [how state that] ‘he may take or give’ [implying] even at the very outset? But after all, the prohibition does exist.²² Rather it must mean a threshold which is merely a place of non-liability, e.g., if it is not four [handbreadths] square. And [it is] even as what R. Dimi, when he came,²³ said in the name of R. Johanan: A place which is less than four square, the denizens both of public and private ground may rearrange their burdens upon it, provided that they do not exchange.²⁴

The Master said: ‘Providing that he does not take from the master of the house and give to the poor man or the reverse, and if he does take and give [from one to the other], the three are exempt.’ Shall we say that this refutes Raba? For Raba said: if one carries an object full four cubits²⁵ in the street, even if he carries it

(1) V. Glos.

(2) Lit., ‘his ‘erub is an ‘erub ... his ‘erub is not an ‘erub.’ On the Sabbath one may not go more than two thousand cubits out of the town. This, however, may be extended by placing some food (called an ‘erub) at any spot within the two thousand cubits on Friday; by a legal fiction that spot becomes the Sabbath abode, since he can now eat his meal there, and from there he is permitted to walk a further two thousand cubits in any direction. This food must so be placed that it is permissible to take it on the Sabbath.

(3) E.g., he placed a small board on the bottom and the food upon it.

(4) E.g., by removing some of the earth at the bottom.

(5) The whole of that pit being ten deep, it is private ground (supra 6a), and no object in it, even if raised to the very edge, may be taken out into the thoroughfare. Hence the ‘erub is inaccessible, and therefore invalid.—‘He is in one place’ — sc. in public ground, ‘and his ‘erub in another,’-in private ground.

(6) ‘Above’ and ‘below’ referring to the bottom of the pit.

(7) For otherwise it would not be regarded as public ground.

(8) E.g., the pit was in a plain; supra fol. 6a.

(9) Cf. supra 6b.

(10) V. Glos. This includes carrying between public ground and a karmelith.

(11) On Friday, because it is doubtful whether twilight belongs to the day (Friday) or night (the Sabbath), while a shebuth itself is not a stringent prohibition. Hence he could have taken out his food at twilight, which is just the time when the ‘erub acquires that spot for him as his resting place for the Sabbath,

(12) Viz., that service with difficulty is not regarded as public use.

(13) I.e., it travels four cubits before it alights.

(14) Hence it is open for public use.

(15) Through travelling.

(16) As when the public road traverses a pool.

(17) This is deduced from the emphasis on ‘traversing’.

(18) Thus moving it: yet he does not actually lift it entirely from the ground at any moment.

(19) Lit., ‘removes it’ completely from the ground.

(20) Rashi: e.g., one leading to an alley.

(21) Being four handbreadths square but less than ten high, so that it does not rank as private ground.

(22) Of carrying between a karmelith and public or private ground, though its infringement is not punishable.

(23) V. p. 12, n. 9.

(24) Using it as a means of transport between public and private ground.

(25) Lit., ‘from the beginning of four to the end of four.’

Talmud - Mas. Shabbath 9a

across [or, over] himself,¹ he is liable.² -There it does not come to rest [in the place of non-liability], whereas here it does.³

‘Others state, A threshold serves as two domains: if the door is open, it is as within; if the door is

shut, it is as without.⁴ Even if it has no stake?⁵ But R. Hama b. Goria said in Rab's name: That which lies within the opening requires another stake to permit it.⁶ And should you answer that [the reference is to a threshold which] is not four square: surely R. Hama b. Goria said in Rab's name: That which lies within the opening, even if less than four square, requires another stake to permit it!-Said Rab Judah in Rab's name: The reference here is to the threshold of an alley, half of which [threshold] is covered and half uncovered, the covering being toward the inner side: [hence] if the door is open, it is as within; if the door is shut, it is as without.⁷ R. Ashi said: After all, it refers to the threshold of a house, and e.g., where it is covered over with two beams, neither being four [handbreadths wide], and there are less than three [handbreadths] between them, while the door is in the middle: if the entrance is open, it is as within, if shut, it is as without.⁸

‘But if the threshold is ten [handbreadths] high and four broad, it is a separate domain.’ This supports R. Isaac b. Abdimi. For R. Isaac b. Abdimi said, R. Meir⁹ used to teach: Wherever you find two domains which are really one, e.g., a pillar in private ground ten high and four broad, one may not re-arrange a burden thereon, for fear of a mound in a public domain.¹⁰

(1) Rashi: above his hand; i.e., through space more than ten handbreadths from the ground, which is a place of non-liability. R. Han. and Tosaf.: from the right to the left hand, i.e., across his body.

(2) On Rashi's interpretation the difficulty is obvious: carrying an object via a place of non-liability is the same as transferring it from public to private ground by way of a threshold, which is a similar place, yet Raba rules that the former imposes liability, whereas the Baraita states that the three are exempt. According to R. Han. and Tosaf. the difficulty appears to be this: when a person passes an object from one hand to another, his own body not moving, he is in a similar position to this man who stands on the threshold and takes the one and gives to the other, himself not moving, and its passing his stationary body in the former case is the same as when in the latter case it is laid down on the threshold; so, at least, one might argue. (Tosaf. a.l. s.v. **לִימָא** and in ‘Er. 98a s.v. **וְהָאֵמֶר**)

(3) Hence in the case posited by Raba we disregard the method of its passage and condemn him for carrying an object four cubits in the street.

(4) Rashi: this is now assumed to refer to a threshold lying at the opening of a blind alley between it and the public road. An alley was made fit for carrying by planting a stake at the side of the opening, which by a legal fiction was regarded as a complete partition stretching right across, and it is understood that this threshold is excluded from the partitioning influence of a stake, which was fixed at the inner side of the threshold. Tosaf. explains it somewhat differently.

(5) On the outer side; v. preceding note.

(6) ‘That which ... opening’ is understood to mean the threshold, it being assumed that the stake is fixed on its inner side, so that the threshold does not come within its influence and therefore it must be enclosed, as it were, and converted into private ground before carrying therein is permitted. This contradicts the Baraita.

(7) This alley was rendered fit for carrying not by a stake but by a beam across its front (v. ‘Er. 11b); and it was also furnished with a door or gate at its opening. Now, the threshold referred to here lies in front of the door, while the beam overhead covers the inner half of the threshold. If the door is open (it opened inwards) the whole threshold is counted as part of the alley, and so it is permitted; if it is closed, the threshold is shut out, and even the portion under the beam is forbidden.

(8) The entrance was covered over from above; if the cover was a single beam four handbreadths wide, everything beneath it, including the threshold, is permitted, as imaginary partitions are assumed to descend from the sides of the beam parallel to the house and enclose the entrance. But this assumption is not made when the beam is less than four in width. Again, when two beams are less than three handbreadths apart, the whole, including the space, is regarded as one, on the principle of *labud*, providing that there is nothing between them to break their imaginary unity. Now, the reference here is to a threshold in the middle of which the door is set. If this entrance is open, nothing breaks the unity above, and since the width of the two beams plus the space between is four cubits, the threshold is permitted. But if it is shut, the door coming between the two beams above forbids the assumption that they are united, and by corollary, the imaginary existence of partitions; hence the threshold remains forbidden.

(9) Who is the ‘others’ mentioned as authors of this teaching, v. *supra* p. 11, n. 3.

(10) Of the same size; since such constitutes private ground, one may not move an article from it into the street, and so even when situated in private ground it is also forbidden, lest one lead to the other.

Talmud - Mas. Shabbath 9b

MISHNAH. ONE MUST NOT SIT DOWN BEFORE A BARBER NEAR MINHAH¹ UNTIL, HE HAS PRAYED: NOR MAY HE ENTER THE BATHS OR A TANNERY, NOR TO EAT NOR FOR A LAWSUIT,² YET IF THEY BEGAN, THEY NEED NOT BREAK OFF.³ ONE MUST BREAK OFF FOR THE READING OF THE SHEMA', BUT NOT FOR PRAYER.⁴

GEMARA. Near what minhah?⁵ Shall we say, near the major minhah? But why not, seeing that there is yet plenty of time in the day? But if near the minor Minhah: YET IF THEY BEGAN THEY NEED NOT BREAK OFF? Shall we say that this is a refutation of R. Joshua b. Levi? For R. Joshua b. Levi said: As soon as it is time for the minhah service one may not eat⁶ anything before he has recited the minhah service. — No. After all [it means] near the major minhah, but the reference is to a hair-cut in the fashion of Ben' Elasa.⁷ [Similarly.] [NOR MAY HE ENTER] THE BATHS [means] for the complete process of the baths; NOR A TANNERY, for tanning on a large scale; NOR EAT at a long meal [of many courses]:⁸ NOR FOR A LAWSUIT, at the beginning of the trial.

R. Aha b. Jacob said: After all, it refers to our mode of hair cutting and why must he not sit down [for it] at the very outset? For fear lest the scissors be broken.⁹ [Similarly] NOR TO THE BATHS [means] merely for sweating; [and] why not [do this] in the first place? For fear lest he faint [there].¹⁰ NOR A TANNERY, merely to inspect it:¹¹ [and] why not at the very outset? Lest he see his wares being spoilt, which will trouble him.¹² NOR TO EAT [means even] a small meal: [and] why not at the very outset? Lest he come to prolong it. NOR TO A LAWSUIT, for the end of the trial; [and] why not [enter] at the very outset? Lest he see an argument to overthrow the verdict.¹³

What is the beginning of a hair-cut?¹⁴ — Said R. Abin: When the barber's sheet is placed on one's knees. And when is the beginning of a bath? Said R. Abin: When one removes his cloak.¹⁵ And when is the beginning of tanning? When he ties [an apron] round his shoulders. And when is the beginning of eating? Rab said: When one washes his hands; R. Hanina said: When he loosens his girdle. But they do not differ: the one refers to ourselves [Babylonians]: the other to them [Palestinians].¹⁶ Abaye said: These Babylonian scholars, on the view that the evening service is voluntary,¹⁷ once they have undone their girdle [to eat], we do not trouble them;¹⁸ but on the view that it is obligatory, do we trouble them? But what of the minhah service, which all agree is obligatory, and still we learnt, YET IF THEY BEGAN, THEY NEED NOT BREAK OFF; whereon R. Hanina said, [That means] when he loosens his girdle?

(1) The afternoon service.

(2) Lest he forget about the service. This refers to weekdays, and is taught here because of its similarity to the next Mishnah on 11a.

(3) For the service — providing that there will still be time when they finish.

(4) The Shema' ('hear') is the name of the Biblical passages Deut. VI, 4-9; XI, 13-21; Num. XV, 37-41 the first of which commences with that word shema' (Hear O Israel, the Lord our God the Lord is One). The 'prayer' par excellence is the 'Eighteen Benedictions.' Both the shema' and the service must be recited daily, but the former is regarded as a Biblical obligation whereas the latter is a Rabbinical institution (v. Elbogen, *Judische Gottesdienst*, 27ff; J.E. art. *Shemoneh Esreh*); hence the activities mentioned in the Mishnah must be interrupted as soon as it is time to recite the shema', even though it can be recited later, but not for the 'service.'

(5) The Talmud distinguished two times for minhah: the major, i.e., first minhah, at 12:30 p.m. and the minor, i.e., the late minhah, from 3:30 to sunset, which was calculated as at 6 p.m. but the service was not generally delayed after the minor minhah, i.e., after 3:30. V. Elbogen, *op. cit.* pp. 98ff; J. E. XVIII, 59b.

(6) Lit., 'taste'.

(7) The son-in-law of R. Judah ha-Nasi; he cropped his hair closely in the manner of the High Priest, v. Sanh. 22b. This was a long process and if one commenced it even before the major minhah he might be too late for the service.

- (8) For descriptions of long meals and short meals v. T.A. III, pp. 28f.
 (9) And by the time another pair is procured it may be too late for the service.
 (10) Or, be overcome by weakness.
 (11) Even not to superintend the whole process.
 (12) And make him forget about the service.
 (13) Which will necessitate starting afresh.
 (14) So that it shall be unnecessary to break it off for the service.
 (15) I.e., when he starts undressing.
 (16) Rashi: the Babylonians were tightly belted, so they loosened the girdle before eating; but for the Palestinians this was unnecessary. R. Han. reverses it.
 (17) It is disputed in Ber. 27b whether the evening service is compulsory or voluntary.
 (18) To refrain from their meal until they have prayed.

Talmud - Mas. Shabbath 10a

— There¹ drinking is rare; here it is usual.² Alternatively, as for minhah, since it has a fixed time, one is afraid³ and will not come to transgress; but as for the evening service, since there is time for it all night, he is not afraid, and may come to transgress.

R. Shesheth demurred: Is it any trouble to remove the girdle⁴ moreover, let him stand thus [ungirdled] and pray?—Because it is said, prepare to meet thy God, O Israel.⁵ Raba son of R. Huna put on stockings and prayed, quoting, ‘prepare to meet etc.’ Raba removed his cloak,⁶ clasped his hands and prayed, saying, ‘[I pray] like a slave before his master.’ R. Ashi said: I saw R. Kahana, when there was trouble in the world, removing his cloak, clasp his hands, and pray, saying, ‘[I pray] like a slave before his master.’ When there was peace, he would put it on, cover and enfold himself and pray, quoting, ‘Prepare to meet thy God, O Israel.’⁷

Raba saw R. Hamnuna prolonging his prayers.⁸ Said he, They forsake eternal life and occupy themselves with temporal life.⁹ But he [R. Hamnuna] held, The times for prayer and [study of the] Torah are distinct from each other. R. Jeremiah was sitting before R. Zera engaged in study; as it was growing late for the service, R. Jeremiah was making haste [to adjourn]. Thereupon R. Zera applied to him [the verse], He that turneth away from hearing the law, even his prayer is an abomination.¹⁰

When is the beginning of a lawsuit? R. Jeremiah and R. Jonah one maintains: When the judges wrap themselves round;¹¹ and the other says: When the litigants commence [their pleas]. And they do not differ: the latter means when they are already engaged in judging;¹² the former, when they are not already engaged in judging.

R. Ammi and R. Assi were sitting and studying between the pillars;¹³ every now and then they knocked at the side of the door and announced: If anyone has a lawsuit, let him enter and come. R. Hisda and Rabbah son of R. Huna were sitting all day [engaged] in judgments, and their hearts grew faint,¹⁴ [whereat] R. Hiyya b. Rab of Difti¹⁵ recited to them, and the people stood about Moses from the morning into the evening;¹⁶ now, can you really think that Moses sat and judged all day? when was his learning done? But it is to teach you, Every judge who judges with complete fairness¹⁷ even for a single hour, the Writ gives him credit as though he had become a partner to the Holy One, blessed be He, in the creation.¹⁸ [For] here it is written, ‘and the people stood about Moses from the morning into the evening’; whilst elsewhere it is written, and there was morning, and there was evening, one day.¹⁹

Until when must they [the judges] sit at judgment?—R. Shesheth said: Until the time of the [main] meal [of the day]. R. Hama observed, What verse [teaches this]? For it is written, Woe to thee, [] land, when thy king is a child, and thy princes eat in the morning! Happy art thou, [] land, when thy

king is the son of nobles, and thy princes eat in due season, for strength, and not for drunkenness!²⁰ [i.e.,] in the strength of the Torah and not in the drunkenness of wine.²¹

Our Rabbis taught: The first hour [of the day]²² is the mealtime for gladiators;²³ the second, for robbers;²⁴ the third, for heirs;²⁵ the fourth, for labourers,²⁶ the fifth, for all [other] people. But that is not so, for R. Papa said: The fourth [hour] is the mealtime for all people?-Rather the fourth hour is the mealtime for all [other] people, the fifth for [agricultural] labourers, and the sixth for scholars. After that it is like throwing a stone into a barrel.²⁷ Abaye said: That was said only if nothing at all is eaten in the morning; but if something is eaten in the morning, there is no objection.²⁸

R. Adda b. Ahabah said: One may recite his prayers [the Eighteen Benedictions] at the baths. An objection is raised: If one enters the baths in the place where people stand dressed,²⁹ both reading [the shema'] and prayer [the Eighteen Benedictions] are permissible, and a greeting of 'Peace'³⁰ goes without saying; and one may don the phylacteries there,³¹ and it goes without saying that he need not remove them [if already wearing them]; in the place where people stand undressed,³² a greeting of 'Peace' is not permissible there³³ and reading and praying goes without saying; the phylacteries must be removed, and it goes without saying that they must not be donned!-When R. Adda b. Ahabah made his statement it referred to baths in which no one is present. But did not R. Jose b. Hanina say: The baths of which they [the Rabbis] spoke are even those in which none are present; the privy closet of which they spoke³⁴ means even such as contains no excrement?-Rather, when R. Adda stated [his ruling] it was in reference to new [baths].³⁵ But surely [this is just what] Rabina propounded: What if a place is designated for a privy closet; is designation recognized or not?³⁶ and it was not solved. Now did not the same [query of his] apply to baths?³⁷ No. Perhaps

(1) At minhah time.

(2) It was not customary to drink much by day; but the evening meal was often prolonged through drinking; therefore, on the view that the evening service is obligatory, one must refrain from his meal even if he has removed his girdle.

(3) Careful not to overstep it.

(4) Surely you cannot maintain that by that slight act he has commenced his meal.

(5) Amos IV, 12. When it is customary to wear a girdle, it is not fitting to pray without one.

(6) Rashi: divested himself of his costly upper cloak as a mark of humility.

(7) On these preparations for prayer cf. MGWJ. 1935 Vol. 4, pp. 330f.

(8) Though the general order and contents of the service, e.g., the Eighteen Benedictions (v. Elbogen, op. cit. pp. 5, 27: צלי and צלותא refer to these) was settled, the actual text was left to each individual (ibid, pp. 41 seqq.), and R. Hamnuna may have thus prayed at great length; or perhaps this length was due to devotional intensity.

(9) They spend time in prayer which might be more usefully employed in study: the former, which is a petition for health, sustenance, etc., he called temporal life — not with great exactitude, as it also contains prayers for knowledge, repentance, and forgiveness. This is interesting as shewing the high place occupied by study as a religious observance in itself,

(10) Prov. XXVIII, 9.

(11) In their praying shawls (tallith), that they might be duly impressed with the solemnity of dispensing justice,

(12) Having started earlier with a different suit.

(13) Of the Beth Hamidrash.

(14) Rashi: they grieved at not being able to study. Or literally, because they had not eaten all day.

(15) A town probably to be identified with Dibtha, in the vicinity of Wasit on the Tigris; Obermeyer, p. 197.

(16) Ex. XVIII, 13.

(17) Lit., 'who judges a true judgment according to its truth'. V. Sanh., Sonc. ed., p. 27, n. 8.

(18) Lit., 'work of the Beginning'.

(19) Gen. 1, 5. The deduction is based on the similarity of the phrases used in both cases.-Thus, according to Rashi's first reason for their faintness (v. n. 4) he comforted them with the assurance of great reward. According to the second, he told them that they were not bound to sit and judge all day.

(20) Eccl. X, 16f.

- (21) Translating: thy princes, viz., judges, do not eat the first thing in the morning, but sit and judge until the proper time for eating.
- (22) Which was reckoned from six a.m. to six p.m.
- (23) Whose diet required special attention (Jast.); or perhaps, circus attendants.
- (24) Rashi in Pes. 12b: both are rapacious, hence they eat so early; but robbers, being awake all night, sleep during the first hour of the day.
- (25) Not having to earn a living, they can eat earlier than others.
- (26) In the field.
- (27) Rashi: no benefit is derived.
- (28) To postponing the main meal,
- (29) In the outer chamber.
- (30)) Lit., 'enquiring after one's Peace.'
- (31) In Talmudic times these were worn all day, not only at the morning service as nowadays.
- (32) In the inner chamber.
- (33) V. infra.
- (34) In the same connection.
- (35) I.e., which had never been used, but merely (designated for baths
- (36) Does designation subject the place to the laws appertaining to a privy?
- (37) But surely he could have solved it on the latest interpretation from R. Adda's ruling.

Talmud - Mas. Shabbath 10b

a privy is different, because it is offensive.¹

'A greeting of 'Peace' is not permissible there'. This supports the following dictum of R. Haninuna on 'Ulla's authority: A man may not extend a greeting of 'Peace' to his neighbour in the baths, because it is said, And he called it, The Lord is peace.² If so, let it also be forbidden to mention, By faith!³ in a privy, for it is written, the faithful God?⁴ And should you answer, that indeed is so: but R. Hama b. Gorias said in Rab's name, By faith! may be mentioned in a privy?-There the Name itself is not so designated, as we translate it, God is faithful; but here the Name itself is designated 'Peace,' as it is written, and he called it, The Lord is Peace.⁵

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: If one makes a gift to his neighbour, he must inform him [beforehand], as it is written, that ye may know that I the Lord sanctify you.⁶ It was taught likewise: That ye may know that I the Lord sanctify you: The Holy One, blessed be He, said to Moses, I have a precious gift in My treasure house, called the Sabbath, and desire to give it to Israel; go and inform them. Hence R. Simeon b. Gamaliel said: If one gives a loaf to a child, he must inform his mother. What shall he do to him?⁷ — Said Abaye, He must rub him with oil and paint⁸ him with kohl.⁹ But nowadays that we fear witchcraft what [shall be done]?¹⁰ -Said R. Papa: He must rub him with the self-same kind.¹¹ But that is not so, for R. Hama son of R. Hanina said: If one makes a gift to his neighbour, he need not inform him, as it is said, and Moses did not know that the skin of his face shone by reason of his speaking with him?¹² — There is no difficulty: the one refers to a matter which is likely to be revealed; the other, to one which is not likely to be revealed. But the Sabbath is a matter which stood to be revealed!-Its reward did not stand to be revealed.¹³

R. Hisda was holding two [priestly] gifts of oxen in his hand.¹⁴ Said he, 'Whoever will come and tell me a new dictum in Rab's name, I will give them to him.' Said Raba b. Mehasia to him, Thus did Rab say: If one makes a gift to his neighbour he must inform him, as it is said, 'that ye may know that I the Lord sanctify you'. Thereupon he gave them to him. Are Rab's dicta so dear to you? asked he. Yes, he replied. That illustrates what Rab said, he rejoined, A garment is precious to its wearer.¹⁵ Did Rab indeed say thus! he exclaimed; I rate the second higher than the first, and if I had another

[priestly gift] I would give it to you.

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: A man should never single out¹⁶ one son among his other sons, for on account of the two sela's weight of silk, which Jacob gave Joseph in excess of his other sons, his brothers became jealous of him and the matter resulted in our forefathers' descent into Egypt.¹⁷

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: A man should always seek to dwell in a city but recently populated, for since it is but recently populated its sins are few, as it is said, behold now, this city is near [kerobah] to flee to, and it is a little one.¹⁸ What is meant by 'kerobah'? Shall we say that it is near and small? But surely they could see that for themselves! Rather [he meant,] because it has been recently populated¹⁹ its sins are few. R. Abin said: What verse [supports this]? Oh, let me [na] escape thither:²⁰ the numerical value of na is fifty-one;²¹ whereas that of Sodom is fifty-two, whilst its peace

(1) Hence mere designation may suffice there, yet be ineffective in respect to baths.

(2) Judg. VI, 24. The form of the greeting was 'Peace unto thee,' 'What is thy peace?'

(3) By my word! A term of asseveration,

(4) Deut. VII, 9.

(5) 'Faithful' is an adjective; 'peace' is a predicative substantive referring to God.

(6) Ex. XXXI, 13.

(7) To the child, that his mother may know.

(8) Lit., 'fill',

(9) A powder used for painting the eyelids.-His mother, seeing this, will enquire who did it, and so the child will tell her about the loaf too.

(10) The mother may think that the child was put under a spell.

(11) Of whatever he gives him.

(12) Ex. XXXIV, 29.

(13) And this Moses was bidden to do.

(14) He was a priest, v. Ber. 44a. The 'gifts' are the priestly dues, viz., the shoulder, jaws and the maw.

(15) And you, being Rab's disciple, cherish his sayings.

(16) Lit., 'distinguish'.

(17) Lit., 'and the matter was rolled on and our forefathers descended' etc.

(18) Gen. XIX, 20.

(19) Likewise expressed by kerobah.

(20) Gen. XIX, 20.

(21) Heb. נ; every letter in Hebrew is also a number.

Talmud - Mas. Shabbath 11a

[lasted] twenty-six [years], as it is written, Twelve years they served Chedorlaomer, and thirteen years they rebelled. And in the fourteenth year, etc.¹ Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: Every city whose roofs are higher than the synagogue will ultimately be destroyed, as it is said, to exalt the house of our God, and to repair the ruins thereof.² Yet that refers only to houses; but as for towers and turrets, we have no objection. R. Ashi said: I achieved for the town of Mehasia³ that it was not destroyed.⁴ But it was destroyed!⁵ -It was not destroyed as a result of that sin.

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: [Let one be] under an Ishmaelite but not under a 'stranger';⁶ under a stranger but not under a Gueber;⁷ under a Parsee but not under a scholar; under a scholar but not under an orphan or a widow.⁸

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: Rather any complaint, but not a complaint of the bowels; any pain, but not heart pain; any ache, but not head ache; any evil, but not an evil wife! Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: If all seas were ink, reeds pens, the heavens parchment, and all men writers, they would not suffice to write down the intricacies of government. Said R. Mesharshia, What verse [teaches this]? The heaven for height, and the earth for depth, and the heart of kings is unsearchable.⁹

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: Fasting is as potent against a dream as fire against tow.¹⁰ Said R. Hisda: Providing it is on that very day. R. Joseph added: And even on the Sabbath.¹¹

R. Joshua son of R. Idi chanced on the home of R. Ashi. A third grown calf¹² was prepared for him and he was invited, 'Master, partake somewhat.' 'I am engaged in a fast,' he replied. 'And do you not accept Rab Judah's ruling in Rab's name: One may borrow his fast and repay it?'¹³ 'It is a fast on account of a dream,' he answered, 'and Raba b. Mehasia said in the name of R. Hama b. Goria in Rab's name: Fasting is as potent against a dream as fire against tow; and R. Hisda said, Providing it is on that very day; and R. Joseph added: And even on the Sabbath.'

YET IF THEY BEGAN, THEY NEED NOT BREAK OFF. ONE MUST BREAK OFF FOR THE READING OF THE SHEMA', [BUT NOT FOR PRAYER]. But the first clause teaches, THEY NEED NOT BREAK OFF?-The second clause refers to study.¹⁴ For it was taught: If companions [scholars] are engaged in studying, they must break off for the reading of the shema', but not for prayer. R. Johanan said: This was taught only of such as R. Simeon b. Yohai and his companions, whose study was their profession; but we¹⁵ must break off both for the reading of the shema' and for prayer. But it was taught: Just as they do not break off for the service, so do they not break off for the reading of the shema'?-That was taught in reference to the intercalation of the year.¹⁶ For R. Adda b. Ahabah said, and the Elders of Hagraunia¹⁷ recited likewise: R. Eleazar b. Zadok said: When we were engaged in intercalating the year at Yabneh,¹⁸ we made no break for the reading of the shema' or prayer.

MISHNAH. A TAILOR MUST NOT GO OUT WITH HIS NEEDLE NEAR NIGHTFALL,¹⁹ LEST HE FORGET AND GO OUT,²⁰ NOR A SCRIBE WITH HIS QUILL; AND ONE MAY NOT SEARCH HIS GARMENTS [FOR VERMIN, NOR READ BY THE LIGHT OF A LAMP.²¹ IN TRUTH IT WAS SAID, THE HAZZAN²² MAY SEE WHERE THE CHILDREN READ,²³ BUT HE HIMSELF MUST NOT READ. SIMILARLY IT WAS SAID, A ZAB MUST NOT DINE TOGETHER WITH A ZABAH,²⁴ AS IT MAY LEAD TO SIN.²⁵

GEMARA. We learnt elsewhere: One must not stand in private ground and drink in public ground, or on public ground and drink in private ground;²⁶ but if he inserts his head and the greater part [of his body] into the place where he drinks, it is permitted;

(1) Ibid. XIV, 4f. During the twelve years of servitude, the thirteen of rebellion, and the fourteenth of war, they were not at peace; this leaves 26 years of peace before its destruction.

(2) Ezra IX, 9. Thus, when 'the house of our God' is exalted, the ruins are repaired; the present saying is its converse.

(3) A famous town near Sura on the Euphrates (Obermeyer, p. 188) which possessed an academy of which R. Ashi was the principal.

(4) By not permitting houses to be built higher than the Synagogue.

(5) There is evidence that Mehasia was still standing in the second half of the seventh; consequently the destruction mentioned here must have been a partial one; *ibid.* p. 290.

(6) Var. lec.: Edomite. Jast.: rather under Arabic dominion than under Byzantium.

(7) Parsee, v. Git., Sonc. ed., p. 63, n. 2.

(8) A scholar is quick to punish; and God himself punishes an affront to an orphan or widow.

(9) Prov. XXV, 3.

(10) Dreams were believed portents foreshadowing the future, though, as seen here, the evil they foretold might be averted. Cf. Ber. 55-58. B.B. 10a; Yoma 87b et passim. Though R. Meir said, 'Dreams neither help nor harm,' (Hor. 13b) we find that he was warned against a certain innkeeper in a dream (Yoma 38b).

(11) Though otherwise fasting is forbidden on the Sabbath, a dream-fast is permitted.

(12) So Rashi in 'Er. 63a.

(13) If one vows to fast, he may 'borrow,' i.e., postpone it and subsequently 'repay,' i.e., keep it later.

(14) Lit., 'words of Torah.'

(15) Who interrupt our studies for business.

(16) The Jewish year consists of twelve lunar months. As this is about eleven days shorter than the solar year, an additional month was periodically intercalated, and when the Intercalatory Board deliberated the question of prolonging the year, they did not interrupt themselves for the shema or the service.

(17) A town in immediate proximity to Nehardea on the Euphrates. By the middle of the fourth century Nehardea was already on the decline and many scholars preferred to live in Hagrunia, as shown by the phrase, the Elders (i.e., the leading scholars) of Hagrunia. Obermeyer, pp. 265-267.

(18) The famous town N.W. of Jerusalem which R. Johanan b. Zakkai made the chief academical centre and the seat of the Sanhedrin after the fall of the Jewish state in 70 C.E.

(19) Of the Sabbath.

(20) In the evening.

(21) Lest the light flickers and he tilts the lamp that the oil should flow more freely, which is forbidden on the Sabbath.

(22) Lit., 'supervisor.' In the Talmudic period the word did not denote synagogue reader, as in modern times, but was applied to various functionaries, e.g., the person who supervised children's studies in the synagogue, the beadle, the court crier, and the janitor at academical debates. Possibly the same man combined a number of these functions. V. Sot., Sonc. ed., p. 202, n. 4.

(23) V. Gemara.

(24) On zab and zabah v. Glos.

(25) Viz., intimacy, which is forbidden.

(26) On the Sabbath. He must not put his head into the other domain, lest he draw the drinking cup to himself, thus transferring an object from one domain to another.

Talmud - Mas. Shabbath 11b

and the same applies to a wine vat.¹ The scholars propounded: What of a karmelith?² -Abaye said: It is precisely the same. Raba said: That itself³ is only a preventive measure.⁴ are we to arise and enact a preventive measure⁵ to safeguard⁶ another preventive measure!⁷

Abaye said, Whence do I say it? Because it is taught, and the same applies to a wine vat. Now what is this wine vat? If private ground, it has [already] been taught: if public ground, it has [also] been taught. Hence it must surely refer to a karmelith. Raba said: 'And the same applies to a wine vat' is [stated] in reference to tithes; and R. Shesheth said likewise, 'And the same applies to a wine vat' refers to tithes. For we learnt: One may drink [wine] over the vat in [a dilution of] both hot or cold [water], and is exempt [from tithing]: this is R. Meir's view. R. Eleazar son of R. Zadok holds him liable. But the Sages maintain: For a hot [dilution] he is liable; for a cold one he is exempt, because the rest is returned.⁸ We learnt: A TAILOR MUST NOT GO OUT WITH HIS NEEDLE NEAR NIGHTFALL, LEST HE FORGET HIMSELF AND GO OUT. Surely that means that it is stuck in his garment?⁹ -No: it means that he holds it in his hand.¹⁰ Come and hear: A tailor must not go out with a needle sticking in his garment. Surely that refers to the eve of Sabbath?-No; that was taught with reference to the Sabbath. But it was taught, A tailor must not go out with a needle sticking in his garment on the eve of the Sabbath just before sunset?-The author of that is R. Judah, who maintained, An artisan is liable [for carrying out an object] in the manner of his trade.¹¹ For it was taught: A tailor must not go out with a needle stuck in his garment, nor a carpenter with a chip behind his ear,¹² nor a [wool] corder with the cord in his ear, nor a weaver with the cotton¹³ in his

ear, nor a dyer with a [colour] sample round his neck, nor a money-changer with a denar¹⁴ in his ear; and if he does go forth, he is not liable, though it is forbidden: this is R. Meir's view.¹⁵ R. Judah said: An artisan is liable [for carrying out an object] in the manner of his trade, but all other people are exempt. One [Baraita] taught: A zab must not go out with his pouch;¹⁶ yet if he goes out he is not liable, though it is forbidden. And another taught: A zab must not go out with his pouch, and if he goes out he is liable to a sin-offering!-Said R. Joseph, There is no difficulty: the former is R. Meir; the latter R. Judah. Abaye said to him. When have you heard R. Meir [to give this ruling], in respect to something which it is not natural [to carry thus]; but have you heard him in respect to something which demands that mode [of carrying]? For should you not say so, then if an unskilled worker hollows out a measure from a log on the Sabbath, would he indeed be exempt on R. Meir's view?¹⁷ Rather, said R. Hamnuna, there is no difficulty; the one refers to a zab who has had two attacks,¹⁸ the other to a zab who has had three attacks.¹⁹ Now, why does a zab of two attacks differ in that he is liable? [Presumably] because he requires it for examination!²⁰ But then a zab of three attacks also requires it for counting?²¹ It holds good only for that very day.²² Yet still he needs it to prevent the soiling of his garments?-Said R. Zera, This agrees with the following Tanna, who maintains, The prevention of soiling has no [positive] importance.²³ For we learnt: If one overturns a basin on a wall, in order that the basin be washed [by the rain], it falls within [the terms of], 'and if it [water] be put [etc.]'; if in order

(1) This is now assumed to mean that one must not stand in either a public or private ground, as the case may be, and drink from the vat.

(2) May one stand in public or private ground and drink in a karmelith, or vice versa?

(3) The prohibition of actually transporting an object between a karmelith and public or private ground.

(4) V. supra 6a on karmelith.

(5) Sc. the prohibition of standing in one domain and drinking in another.

(6) Lit., 'for'.

(7) Surely not.

(8) The vat is the utensil into which the expressed juice of the grapes runs, whence it descends into the pit beneath. Once it is in the pit its manufacture as wine is complete, and it is liable to tithes, before the rendering of which nothing at all may be drunk. But while it is yet in the vat its manufacture is not complete, and so a little wine may be drunk even before the rendering of the tithes. That, however, is only if it is drunk directly over the vat; if it is taken out, that action itself confers upon it the status of finished wine, and the tithes, etc., must first be given. Thus, when it is taught, 'and the same applies to a wine vat', it means that if one drinks wine from the vat, he is regarded as taking it away, unless he has his head and greater part of his body in the vat, and must render the tithes before he drinks.-Wine was not drunk neat, but diluted with water; if it is diluted with cold water, the rest can be poured back into the vat; if with hot water, it cannot, the hot mixture injuring the rest. R. Meir holds that in both cases, since he does not take it away from the vat, he can drink a little without tithing; R. Eleazar b. R. Zadok rejects this view. The Sages agree with R. Meir if it is diluted with cold water; if it is diluted with hot, since the rest cannot be returned into the vat, it is as though it were carried away, and therefore may not be drunk.

(9) Then even carrying it out on the Sabbath is only Rabbinically forbidden as a preventive measure, lest one carry in general, and yet he must also not go out before the Sabbath as a preventive measure lest he go on the Sabbath itself. Thus we have one preventive measure to safeguard another in respect to the Sabbath.

(10) This is Biblically forbidden on the Sabbath.

(11) And this is such; thus he regards it as Biblically forbidden.

(12) Rashi: this was the sign of his trade, and he wore it that he might be recognized and offered employment.

(13) Krauss in T.A. 1. p. 249 and p. 281 a.l. translates: a small distaff, carried behind the ear as an indication of a man's trade.

(14) A coin.

(15) He regards these as unnatural ways of carrying, whereas Scripture prohibits only the natural mode of any particular form of labour.

(16) To receive his discharge.

(17) Because he did not do it in a professional manner? Surely not, for if so only a skilled worker will be liable for doing

something of his own trade. Hence it must be that a person is liable for doing any labour in the manner natural to himself, and the same applies to a zab and his pouch.

(18) Lit., 'sights'-of discharge.

(19) When a zab has had three attacks he must bring a sacrifice (Lev. XV, 13-15). Consequently, after two attacks he needs this pouch to see whether he has a third (which otherwise may pass unknown to him), and since he needs it that is the natural way for him to carry it, and therefore he is liable.

(20) As in last note.

(21) After he ceases to discharge he must count seven consecutive days of cleanness, i.e., in which there is no discharge (ibid.): a single attack during this period necessitates counting afresh from the following day. Hence he too needs this pouch for that period.

(22) I.e., he is not liable only if he had the third attack on that Sabbath itself; he does not need the pouch then, as in any case he commences counting only on the next day.

(23) I.e., when a thing is done not for its own sake but to prevent something from being soiled, it is not regarded as a positive act and involves no liability.

Talmud - Mas. Shabbath 12a

that the wall be not damaged [by the rain], it does not fall within [the terms of] 'and if it be put [etc.]'¹ But how compare! There he does not want that fluid at all, whereas here he needs this pouch to receive the discharge.² This can only be compared to the second clause: If a tub³ is placed so that the dripping [of water] should fall therein, the water which rebounds or overflows is not within [the meaning of] 'and if [water] be put'; but the water inside it is within [the meaning of] and if [water] be put!⁴ -Rather, said both Abaye and Raba, There is no difficulty: the one is according to R. Judah; the other agrees with R. Simeon.⁵

The School of R. Ishmael taught: A man may go out with his tefillin⁶ on the eve of Sabbath near nightfall.⁷ What's the reason? Because Rabbah son of R. Huna said: One must feel his tefillin every now and then, [inferring] a minori from [the High Priest's] headplate. If in the case of the headplate, which contained the Divine Name⁸ only once, yet the Torah said, and it shall always be on his forehead,⁹ [i.e.,] his mind must not be diverted from it; then with the tefillin, which contain the Divine Name many times, how much more so! therefore he is fully cognizant thereof.¹⁰

It was taught: Hanania said: One must examine¹¹ his garments on Sabbath eve before nightfall. R. Joseph observed: That is a vital¹² law for the Sabbath.¹³

ONE MAY NOT SEARCH HIS GARMENTS [FOR VERMIN] etc. The scholars propounded: [Does this mean] , ONE MAY NOT SEARCH HIS GARMENTS by day, lest he kill [the vermin], and would this agree with R. Eliezer, (for it was taught, R. Eliezer said: If one kills vermin on the Sabbath, it is as though he killed a camel);¹⁴ while ONE MAY NOT READ BY THE [LIGHT OF A LAMP, lest he tilt it? Or perhaps, both are [forbidden] lest he tilt [the lamp]?¹⁵ -Come and hear: One may not search [his garments] nor read by the light of a lamp. But is it stronger than our Mishnah?¹⁶ Come and hear: One may not search his garments by the light of a lamp, nor read by the light of a lamp, and these are of the halachoth stated in the upper chamber of Hananiah b. Hezekiah b. Garon.¹⁷ This proves that both are on account lest he tilt [the lamp]; this proves it.

Rab Judah said in Samuel's name: [It is forbidden] even to distinguish between one's own garments and his wife's [by lamp light]. Said Raba: That was stated only of townspeople;¹⁸ but those of country folk¹⁹ are easily distinguished. And [even] in the case of townspeople this was stated only of old women; but those of young women are readily distinguishable. Our Rabbis taught: One must not search [his garments] in the street out of decency. In like way R. Judah-others state, R. Nehemiah-said: One must not cause himself to vomit in the street, out of decency. Our Rabbis taught: If one searches his garments [on the Sabbath] he may press [the vermin] and throw it away,

providing that he does not kill it. Abba Saul said: He must take and throw it away, providing that he does not press it. R. Huna said, The halachah is, he may press and throw it away, and that is seemly, even on weekdays. Rabbah killed them, and R. Shesheth killed them.²⁰ Raba threw them into a basin of water. R. Nahman said to his daughters, 'Kill them and let me hear the sound of the hated ones.'²¹

It was taught, R. Simeon b. Eleazar said: Vermin must not be killed on the Sabbath: this is the view of Beth Shammai; while Beth Hillel permit it. And R. Simeon b. Eleazar said likewise on the authority of R. Simeon b. Gamaliel: One must not negotiate for the betrothal of children [girls],²² nor for a boy, to teach him the book²³ and to teach him a trade,²⁴ nor may mourners be comforted, nor may the sick be visited on the Sabbath:²⁵ that is the ruling of Beth Shammai; but Beth Hillel permit it.

Our Rabbis taught: If one enters [a house] to visit a sick person [on the Sabbath], he should say, 'It is the Sabbath, when one must not cry out, and recovery will soon come.' R. Meir said, [One should say] 'It [the Sabbath] may have compassion.'²⁶

(1) V. Lev. XI, 38. Foodstuffs, e.g., grain, fruit, etc., cannot become unclean unless moisture has fallen upon them after being harvested; also, this moisture must be such as the owner of the foodstuffs desires. Now, in the first instance the rain was desired; hence, even if it rebounds from the basin on to the fruit, it is regarded as desired moisture, though it was not wanted for the latter, and the fruit is henceforth liable to uncleanness. But in the second it was not wanted at all, and therefore does not render the fruit liable. This proves that an action to prevent another thing from being soiled (here, to save the wall from damage) has no positive value.

(2) And precisely because he needs the pouch he should be liable.

(3) Or kneading trough.

(4) The latter is desired, and therefore if it comes into contact with fruit the fruit is liable to uncleanness, but the water that squirts or overflows is not desired. This shows that when a man's intentions are fulfilled, the action is of positive value; so here too, he carries the pouch with a definite intention, which is fulfilled. Hence he should be liable!

(5) R. Judah maintains that one is culpable for an act even if that which necessitates it is undesired; while R. Simeon holds that there is no liability for such. Thus, here the carrying of the pouch is necessitated by the discharge, but the discharge itself is certainly unwanted.

(6) V. Glos. phylacteries.

(7) In Talmudic times the phylacteries were worn all day and in the street, but not on the Sabbath.

(8) Lit., 'mention'.

(9) Ex. XXVIII, 38.

(10) And need not fear that he will go out with them after nightfall,

(11) Lit., 'feel'; to see whether there is anything attached to them or in them.

(12) Lit., 'great'.

(13) In general, steps must be taken before the Sabbath to avoid the desecration of the Sabbath.

(14) I.e., it is a complete labour, and forbidden.

(15) In which case HE MAY NOT SEARCH HIS GARMENTS at night only.

(16) The same question of interpretation arises here.

(17) V. Mishnah infra 13b.

(18) Rashi: being idle, the men wear wide garments like women's.

(19) Land workers. (11) Whose garments were more like those of men.

(20) Even on the Sabbath (Rashi).

(21) Of their death?

(22) On marrying young v. T.A. II, pp, 28f.

(23) I.e., for his elementary education. The obligation of a child's education lies primarily upon his father (Kid. 30a), and was left to him originally, public instruction being given to adults only. By the reforms of R. Simeon b. Shetah and Joshua b. Gamala elementary schools were set up for children from the age of six or seven and upwards (J. Keth VIII, ad fin.). From this passage we may conclude that the system of engaging private teachers was also in vogue in the education of girls, v. Kid., Sonc. ed., p. 141, n. 1 and Ned., p. 107, n. 2. It may be observed that only boys are referred to here.

(24) This was definitely obligatory upon the father; Kid. 29a.

(25) Both are too sad for the Sabbath.

(26) The due observance of the Sabbath will bring recovery in its wake.

Talmud - Mas. Shabbath 12b

R. Judah said, 'May the Omnipresent have compassion upon you and upon the sick of Israel.' R. Jose said, 'May the Omnipresent have compassion upon you in the midst of the sick of Israel.' Shebna, a citizen of Jerusalem, on entering would say 'Peace'; and on leaving, 'It is the Sabbath, when one must not cry out and healing will soon come, His compassion is abundant and enjoy the Sabbath rest in peace.' With whom does this dictum of R. Hanina agree: One who has an invalid in his house should combine him with other Jewish sick?¹ With whom? — With R. Jose.

R. Hanina also said: It was [only] with difficulty that comforting mourners and visiting the sick was permitted on the Sabbath.²

Rabbah b. Bar Hanah said: When we followed R. Eleazar to inquire after a sick person. sometimes he would say to him, [in Hebrew], 'The Omnipresent visit thee in peace'; at others, he said, [in Aramaic], 'The Omnipresent remember thee in peace'. But how might he do thus: did not Rab Judah say, One should never petition for his needs in Aramaic; and R. Johanan said: When one petitions for his needs in Aramaic, the Ministering Angels do not heed him, for they do not understand Aramaic?³ — An invalid is different, because the Divine Presence is with him. For R. 'Anan said in Rab's name, How do you know that the Divine Presence supports an invalid? Because it is written, The Lord supports him upon the couch of languishing.⁴ It was taught likewise: One who enters [a house] to visit the sick may sit neither upon the bed nor on a seat, but must wrap himself about⁵ and sit in front of him,⁶ for the Divine Presence is above an invalid's pillow, as it is said, The Lord supports him upon the couch of languishing. And Raba said in Rabin's name: How do we know that the Holy One, blessed be He, sustains the sick? Because it is said, The Lord supports him on the couch of languishing.

NOR MUST HE READ BY THE LIGHT OF A LAMP. Raba said: Even if it is as high as twice a man's stature, or as two ox-goads [height],⁷ or even as ten houses on top of each other.⁸

One alone may not read, but for two [together] it is well?⁹ But it was taught: Neither one nor two! — Said R. Eleazar, There is no difficulty: the former refers to one subject; the latter to two.¹⁰ R. Huna said: But by [the light] of an open fire even ten people are forbidden.¹¹ Said Raba: If he is an important man,¹² it is permitted.

An objection is raised: One must not read by the light of a lamp, lest he tilt [it]. Said R. Ishmael b. Elisha, 'I will read and will not tilt.' Yet once he read and wished to tilt. 'How great are the words of the Sages!' he exclaimed, 'who said, One must not read by the light of a lamp.' R. Nathan said, He read and did tilt [it], and wrote in his note book, 'I, Ishmael b. Elisha, did read and tilt the lamp on the Sabbath. When the Temple is rebuilt I will bring a fat sin-offering.'¹³ -R. Ishmael b. Elisha was different, since he treated himself as an ordinary person in respect to religious matters.

One [Baraita] taught: An attendant may examine glasses and plates by the light of a lamp; and another taught: He must not examine [them]! There is no difficulty: one refers to a permanent attendant, the other to a temporary one.¹⁴ Alternatively, both refer to a permanent attendant yet there is no difficulty: one refers to [a lamp fed with] oil, the other to naphtha.¹⁵

The scholars propounded: What of a temporary attendant and a [lamp fed with] oil?-Rab said: There is the halachah, but we do not teach thus.¹⁶ R. Jeremiah b. Abba said: There is the halachah

and we teach it so. R. Jeremiah b. Abba chanced to visit R. Assi. Now, his¹⁷ attendant arose and examined [the glasses] by candlelight.¹⁸ Thereupon his [R. Assi's] wife said to him [R. Assi], 'But you do not act thus!' 'Let him be,' he answered her, 'he holds with his master.'¹⁹

IN TRUTH IT WAS SAID, THE HAZZAN etc., But you say in the first clause, [HE] MAY SEE; Surely that means to read?²⁰ -No: to arrange the beginnings of the sections.²¹ And Rabbah b. Samuel said likewise: But he may arrange the beginnings of the sections; But not the whole section?

(1) I.e., pray for him as one of many.

(2) Because both induce grief, which is contrary to the spirit of the Sabbath, which is 'a day of delight.'

(3) Angels were held to mediate between God and man, carrying the prayers of the latter to the Former (Tobit XII, 12, 15). This is not to be compared with prayer to or worshipping angels, from which Judaism is free. 'Not as one who would first send his servant to a friend to ask for aid in his hour of need should man apply to Michael, or Gabriel, to intercede for him; but he should turn immediately to God Himself, for 'whosoever shall call on the name of the Lord shall be delivered'. (Joel III, 5; Yer. Ber. IX, '3a. Many Rabbinical authorities disapprove even of invoking angels as mediators, as shown by the passage quoted; v. Zunz, S P. p. 148,)

(4) Ps. XLI, 4. — Hence he does not need the angel's intercession,

(5) In a spirit of reverence.

(6) In Ned. 40a the reading is, 'upon the ground.'

(7) Probably twice the height of an ass and its saddle.

(8) Though the lamp is inaccessible and cannot be tilted, the Rabbis enacted a general measure without distinctions.

(9) This follows from the use of the singular in the Mishnah. But when two read, each may remind the other should he wish to tilt the lamp.

(10) When both are reading the same subject in the scroll, each can remind the other. But if they are occupied with different subjects, neither thinks of his companion.

(11) Each sits at a distance from the other, and any one may forget himself and stir up the fire.

(12) Who is not accustomed even on weekdays to trim the lamp.

(13) This shows that the prohibition applies even to a great man like R. Ishmael b. Elisha.

(14) The former is more careful, and may tilt the lamp to see whether there is the least grease on the crockery; hence he must not examine them by a lamp.

(15) The latter emits an unpleasant odour, and so one naturally refrains from tilting.

(16) It is permitted, but this must not be publicly diffused.

(17) R. Jeremiah's.

(18) In R. Assi's house; he was not of course a permanent attendant.

(19) The light of naphtha (or of a candle) is the same as the light of an oil-fed lamp,

(20) How then explain BUT HE HIMSELF MAY NOT READ?

(21) In ancient times the Pentateuch portion which was part of the Sabbath service was read by a number of worshippers (on Sabbaths, seven), whilst the hazzan prompted them.

Talmud - Mas. Shabbath 13a

An objection is raised: R. Simeon b. Gamaliel said: School children used to prepare their [Biblical] portions and read by lamplight?¹ — There is no difficulty: I can answer either [that it means] the beginnings of the sections; or that children are different: since they are in awe of their teacher, they will not come to tilt it.

SIMILARLY ... A ZAB MUST NOT DINE, [etc.]. It was taught, R. Simeon b. Eleazar said: Come and see how far purity has spread in Israel! For we did not learn, A clean man must not eat with an unclean woman, but A ZAB MUST NOT DINE TOGETHER WITH A ZABAH, AS IT MAY LEAD To SIN.² Similarly, a zab, a parush³ may not dine with a zab, who is an 'am ha-arez,⁴ lest he cause him to associate with him. But what does it matter if he does cause him to associate with him? Rather say [thus]: lest he offer him unclean food to eat. Does then a zab who is a parush

not eat unclean food?⁵ -Said Abaye: For fear lest he provide him with unfit food.⁶ Raba said: The majority of the 'amme ha-arez do render tithes, but [we fear] lest he associate with him and he provide him with unclean food in the days of his purity.⁷

The scholars propounded: May a niddah⁸ sleep together with her husband, she in her garment and he in his?⁹ - Said R. Joseph, Come and hear: A fowl may be served together with cheese at the [same] table, but not eaten [with it]: this is Beth Shammai's view. Beth Hillel rule: It may neither be served nor eaten [together]!¹⁰ -There it is different, because there are no [separate] minds.¹¹ It is reasonable too that where there are [separate] minds it is different, because the second clause teaches, R. Simeon b. Gamaliel said: Two boarders¹² eating at the same table, one may eat meat and the other cheese, and we have no fear.¹³ But was it not stated thereon, R. Hanin b. Ammi said in Samuel's name: This was taught only when they do not know each other;¹⁴ but if they do, they are forbidden? And here too they know each other!-How compare! There we have [separate] minds but no unusual feature;¹⁵ but here there are [separate] minds and an unusual feature.¹⁶

Others state, Come and hear: R. Simeon b. Gamaliel said: Two boarders may eat at the same table, one meat and the other cheese. And it was stated thereon, R. Hanin b. Ammi said in Samuel's name: This was taught only if they do not know each other, but if they do, it is forbidden; and these two know each other! — [No.] There we have [separate] minds but nothing unusual, whereas here there are [separate] minds and an unusual feature.

Come and hear: A ZAB MUST NOT DINE TOGETHER WITH A ZABAH, LEST IT LEAD TO SIN!¹⁷ — Here too there are [separate] minds but nothing unusual.

Come and hear: And hath not eaten upon the mountains, neither hath lifted up his eyes to the idols of the house of Israel, neither hath defiled his neighbour's wife, neither hath come near to a woman who is a niddah:¹⁸ thus a woman who is a niddah is assimilated to his neighbour's wife: just as his neighbour's wife, he in his garment and she in hers is forbidden, so if his wife is a niddah, he in his garment and she in hers is forbidden. This proves it. Now, this disagrees with R. Pedath. For R. Pedath said: The Torah interdicted only intimacy of incestuous coition, as it is said, None of you, shall approach to any that is near of kin to him, to uncover their nakedness.¹⁹

'Ulla, on his return from the college,²⁰ used to kiss his sisters on their bosoms; others say, on their hands. But he is self-contradictory, for 'Ulla said, Even any form of intimacy is forbidden,²¹ because we say, 'Take a circuitous route, O nazirite, but do not approach the vineyard.'²² [It is taught in the] Tanna debe Eliyahu:²³ It once happened that a certain scholar who had studied much Bible and Mishnah²⁴ and had served scholars much,²⁵ yet died in middle age. His wife took his tefillin and carried them about in the synagogues and schoolhouses and complained to them, It is written in the Torah, for that is thy life, and the length of thy days:²⁶ my husband, who read [Bible], learned [Mishnah],

(1) [This proves that children may read on Friday night by lamplight? Our Mishnah affords no such proof as it could refer to children who read in disregard of the prohibition, v. Tosaf. a.l.].

(2) But there was no need to interdict the first, because even Israelites ate their food only when it was ritually clean (though under no obligation) and would not dine together with an unclean woman, sc. a niddah (v. Glos.) in any case.

(3) Lit., 'separated,' v. text note.

(4) Lit., 'people of the earth', 'the rural population'; the term is synonymous with ignoramus and law breaker, for living on the land they were only partially accessible to the teachings of the Rabbis, and in particular were negligent of ritual purity and the separation of tithes. Those who held aloof from them (separatists) were known as perushim (sing. parush), who were very particular in matters of purity and tithes; v. also Glos. s.v. haber.

(5) Whatever he eats is unclean, since his contact defiles food.

(6) I.e., food from which the priestly and Levitical dues were not rendered,

- (7) If he is a visitor, he will continue even when he becomes clean.
- (8) V. Glos.
- (9) Taking precaution to avoid all bodily contact. Intimacy, of course, is forbidden: do we fear that this may lead to it?
- (10) And the halachah is always as Beth Hillel. They may not be served lest they be eaten together, and by analogy the answer to our problem is in the negative.
- (11) There is no one to restrain the diner from eating the fowl and the cheese together. But here each may restrain the other.
- (12) Or travellers lodging at an inn.
- (13) The assumed reason is that each restrains the other.
- (14) Then one does not take from the other.
- (15) Lit., 'change'. There is nothing on the table to remind one diner that he must not eat of his neighbour's.
- (16) Viz., that they take care to avoid all bodily contact.
- (17) And the same applies here.
- (18) Ezek. XVIII, 6.
- (19) Lev. XVIII, 6. 'Incest' in the Talmud includes adultery.-The same applies to a niddah.
- (20) The term Be Rab denotes either the great Academy founded by Rab or college in general.
- (21) With consanguineous relations, such as a sister.
- (22) A nazirite must not eat grapes or drink wine (v. Num. VI, 1-3); as a precaution he is forbidden even to approach a vineyard. The same reasoning holds good here.
- (23) This is the Midrash consisting of two parts, 'Seder Eliyahu Rabbah' and 'Seder Eliyahu Zuta'. According to the Talmud Keth. 106a the Prophet Elijah taught this Midrash, the Seder Eliyahu, to R. 'Anan, a Babylonian amora of the third century. Scholars are agreed that the work in its present form received its final redaction in the tenth century C.E., though they are not agreed as to where it was written. V. Bacher, Monatschrift, XXIII, 267 et seqq.; in R.E.J. XX, 144-146; Friedmann, introduction to his edition of Seder Eliyahu.
- (24) Kara refers to the study of the Bible; shanah to the study of the Mishnah.
- (25) 'Serving scholars', i.e., being in personal attendance on scholars, was one of the requisites of an academical course.
- (26) Deut. XXX, 20.

Talmud - Mas. Shabbath 13b

and served scholars much, why did he die in middle age? and no man could answer her. On one occasion I¹ was a guest at her house,² and she related the whole story to me. Said I to her, 'My daughter! how was he to thee in thy days of menstruation?' 'God forbid!' she rejoined; 'he did not touch me even with his little finger.' 'And how was he to thee in thy days of white [garments]?'³ 'He ate with me, drank with me and slept with me in bodily contact, and it did not occur to him to do other.' Said I to her, 'Blessed be the Omnipresent for slaying him, that He did not condone on account of the Torah!⁴ For lo! the Torah hath said, And thou shalt not approach unto a woman as long as she is impure by her uncleanness.'⁵ When R. Dimi came,⁶ he said, It was a broad bed. In the West [Palestine] they said, R. Isaac b. Joseph said: An apron interposed between them.⁷ MISHNAH. AND THESE ARE OF THE HALACHOTH WHICH THEY STATED IN THE UPPER CHAMBER OF HANANIAH B. HEZEKIAH B. GARON, WHEN THEY WENT UP TO VISIT HIM. THEY TOOK A COUNT, AND BETH SHAMMAI OUTNUMBERED BETH HILLEL.; AND ON THAT DAY THEY ENACTED EIGHTEEN MEASURES.⁸

GEMARA. Abaye said to R. Joseph: Did we learn, THESE ARE or AND THESE ARE? Did we learn AND THESE ARE [viz.] those that we have stated [in the former Mishnah]; or did we learn THESE ARE [viz.] those that are to be stated soon?⁹ -Come and hear: One may not search his garments by the light of a lamp, nor read by the light of a lamp; and these are of the halachoth stated in the upper chamber of Hananiah b. Hezekiah b. Garon. This proves that we learnt, AND THESE ARE;¹⁰ this proves it.

Our Rabbis taught: Who wrote Megillath Ta'anith?¹¹ Said they, Hananiah b. Hezekiah and his

companions, who cherished their troubles.¹² R. Simeon b. Gamaliel observed: We too cherish our troubles, but what can we do? For if we come to write [them down], we are inadequate.¹³ Another reason is: a fool is not assailed.¹⁴ Another reason: the flesh of the dead does not feel the scalpel. But that is not so, for did not R. Isaac say, Worms are as painful to the dead as a needle in the flesh of the living, for it is said, But his flesh upon him hath pain, And his soul within him mourneth?¹⁵ Say: The dead flesh in a living person does not feel the scalpel.

Rab Judah said in Rab's name: In truth, that man, Hananiah son of Hezekiah by name, is to be remembered for blessing:¹⁶ but for him, the Book of Ezekiel would have been hidden,¹⁷ for its words contradicted the Torah.¹⁸ What did he do? Three hundred barrels of oil were taken up to him and he sat in an upper chamber and reconciled¹⁹ them.

AND ON THAT DAY THEY ENACTED EIGHTEEN MEASURES. What are the eighteen measures?—For we learnt: The following render terumah unfit:²⁰ one who eats food of the first degree or the second degree, or who drinks unclean liquid;²¹ one who enters with head and the greater part of his body into drawn water;²² a clean person upon whose head and the greater part of his body there fell three logs²³ of drawn water; a Book;²⁴ one's hands;²⁵ a tebul yom;²⁶ and food or utensils which were defiled by a liquid.²⁷

which Tanna [holds that] one who eats food of the first or of the second degree [merely] renders unfit

(1) Elijah, the supposed author of the Tanna debe Eliyahu; v. n. 1.

(2) Elijah was believed to visit the earth and speak to people.

(3) When a middah's discharge ceased, she donned white garments and examined herself for seven consecutive days, which had to pass without any further discharge of blood before she became clean. During this time she was forbidden to her husband.

(4) He showed no unfair favoritism because of the man's learning.

(5) Lev. XVIII, 19.

(6) V. p. 12, n. 9.

(7) But they were not actually in bodily contact.

(8) Scholars are divided as to when this took place. Z. Frankel, *Darke ha-Mishnah* assigns it to the beginning of the division of the two schools. Graetz maintains that it took place about four years before the destruction of the Temple; Weiss favours the last generation before the destruction, not long after the death of Agrippa I. V. also Halevi, *Doroth*, 1, 3, 580 seq.

(9) Lit., 'before us'. The actual eighteen were forgotten in course of time—hence Abaye's question.

(10) Since the halachoth quoted are given in the previous Mishnah.

(11) 'The scroll of fasting', containing a list of the days on which fasting is forbidden. Thirty five days are listed; on fourteen public mourning was forbidden, whilst fasting was prohibited on all. V. J.E. VIII, 427.

(12) I.e., the days of victorious release from their troubles, and declared the minor festivals.

(13) Every day marks the release from some trouble.

(14) I.e., he does not perceive the troubles which surround him. So we too do not perceive our miraculous escapes.

(15) Job XIV, 22.

(16) Lit., 'for good'.

(17) The technical term for exclusion from the Canon'

(18) E.g. Ezek. XLIV, 31; XLV, 20, q.v.

(19) Lit., 'expounded them'.

(20) For terumah v. Glos. 'Unfit' denotes that it may not be eaten on account of defilement, but does not defile any other terumah by its contact; 'unclean' denotes that it defiles other food too by its touch.

(21) Various degrees of uncleanness are distinguished. The greatest of all is that of a human corpse, called the prime origin (lit., 'father of fathers') of uncleanness; this is followed in successively decreasing stages by 'origin' (lit., 'father') of uncleanness, first, second, third and fourth degrees of uncleanness. When an object becomes unclean through contact

with another, its degree of defilement is one stage below that which defiles it. By Biblical law unclean food or drink does not defile the person who eats it; but the Rabbis enacted that it does, and so he in turn renders terumah unfit by contact.-Ordinary unsanctified food (hullin) does not proceed beyond the second degree; i.e., if second degree hullin touches other hullin the latter remains clean; but if it touches terumah, it becomes a third degree. Again, terumah does not go beyond the third degree (hence it is then designated 'unfit', not 'unclean' in respect of other terumah); but if it touches flesh of sacrifices (hekdesch) it renders this unfit, and it is called 'fourth degree'.

(22) Water which had passed through a vessel, as opposed to 'living water', i.e., well water, river water, or rain water collected in a pit.

(23) 1 log = 549.4 cu.centimetres; v. J.E. Weights and Measures.

(24) Any of the Books of the Bible.

(25) Before washing.

(26) V. Glos.

(27) All these render terumah unfit-they are all discussed in the Gemara.

Talmud - Mas. Shabbath 14a

but does not defile?¹ -Said Rabbah b. Bar Hanah, It is R. Joshua. For we learnt: R. Eliezer said: One who eats food of the first degree is [himself defiled in] the first degree; of the second degree, is [defiled in] the second degree, of the third degree, is [defiled in] the third degree.² R. Joshua said: One who eats food of the first or of the second degree is [defiled in] the second degree;³ of the third degree, [he enters] the second degree in respect of hekdesch,⁴ but not in respect of terumah,⁵ this referring to hullin subjected to the purity of terumah.⁶

When one eats food of the first or of the second degree, why did the Rabbis decree uncleanness in his case? Because one may sometimes eat unclean food [hullin] and take a liquid of terumah and put it in his mouth and thus render it unfit.⁷ When one drinks unclean liquid, why did the Rabbis decree uncleanness in his case?-Because he may sometimes drink unclean liquid and take food of terumah and put it in his mouth, and thus render it unfit. But it is the same thing!⁸ -You might argue, The first is usual but not the second:⁹ therefore he informs us [that it is not so]. And one who comes with his head and the greater part of his body [into drawn water], why did the Rabbis decree uncleanness in his case?-Said R. Bibi in R. Assi's name: Because originally people performed tebillah¹⁰ in collected pit water, which was stagnant [noisome], and so they poured drawn water upon them selves.¹¹ [But when] they began to make this a fixed [law], the Rabbis imposed uncleanness thereon. What is meant by 'a fixed [law]?' Abaye said: They maintained, Not this [pit water] purifies, but both together purify. Said Raba to him, Then what did it matter, seeing that they did perform tebillah in this [the pit water]? But, said Raba, they maintained, Not this [the pit water] purifies but that [the drawn water].¹²

And a clean person upon whose head and the greater part of his body there fell three logs of drawn water, why did the Rabbis decree uncleanness in his case? For if not this, the other would not stand.¹³

And why did the Rabbis impose uncleanness upon a Book? Said R. Mesharsheya: Because originally food of terumah was stored near the Scroll of the Law, with the argument, This is holy and that is holy.¹⁴ But when it was seen that they [the Sacred Books] came to harm,¹⁵ the Rabbis imposed uncleanness upon them.¹⁶ 'And the hands'?-Because hands are fidgety.¹⁷ It was taught: Also hands which came into contact with a Book¹⁸ disqualify terumah, on account of R. Parnok['s dictum]. For R. Parnok said in R. Johanan's name: One who holds a Scroll of the Law naked¹⁹ will be buried naked. 'Naked!' can you really think so? Rather said R. Zera, [It means] naked without good deeds.²⁰ 'Without good deeds!' can you really think so?²¹ Rather say, naked, without that good deed [to his credit].²² Which was first enacted? Shall we say that the former was first enacted?²³

- (1) 4. P. 55, n. 5.
- (2) Hence, when he eats defiled food in the first degree, he defiles terumah, not merely renders it unfit (v. p. 55, nn. 5, 6).
- (3) Hence in both cases he merely renders terumah unfit.
- (4) Flesh of sacrifices.
- (5) If he touches hekdesh he defiles it in the third degree, being regarded himself as second degree in respect thereto; but he does not affect terumah at all.
- (6) People (particularly perushim, v. p. 51, n. 1) voluntarily treated hullin as terumah; then it could become unfit in the third degree, but not otherwise (v. p. 55, n. 6), and this is the only way in which it is possible for a person to eat hullin of the third degree, v. Hul. 33b.
- (7) For it may touch the food still in his mouth. Unfit terumah may not be eaten.
- (8) Both being based on the same reason, the second is a corollary of the first and need not be stated.
- (9) So that a Rabbinical measure is not required in the second case.
- (10) I.e., took a ritual bath to be purified of defilement.
- (11) The correct reading appears to be: three logs of drawn water; v. Marginal Gloss to cur. edd.
- (12) This would lead to the neglect of proper tebillah.
- (13) A general measure had to be enacted that three logs of drawn water defiled a person, whether it came upon him by his intention or accidentally. Had the Rabbis drawn a distinction, the former too would have remained unobserved.
- (14) Hence it is fitting that they be placed together.
- (15) The food attracted mice, which naturally injured the Books too.
- (16) To put an end to the practice.
- (17) They are active and apt to touch things. Hence unless their owner has taken care that they should not touch a ritually unclean object after he washed them, they are treated as unclean.
- (18) Lit., 'which come on account of a Book.'
- (19) Without its wrapping.
- (20)) As though he had never performed a good deed or fulfilled a precept.
- (21) Surely that act does not nullify all his meritorious deeds!
- (22) If he took it for Study or to wrap it up after the public reading likewise a 'good deed'-it is not accounted to him (Tosaf.). Tosaf. also observes that presumably this applies to any of the Books of the Bible.-The reference is to the actual parchment; but there is no objection to the modern practice of elevating the uncovered Scroll whilst holding it by the rollers on which it is wound. The Sephardi Jews, i.e., the descendants of the Spanish Jews, have the entire parchment of the Scroll from end to end shielded with silk or cloth.
- (23) Viz., that hands in general are unclean.

Talmud - Mas. Shabbath 14b

But since this was first enacted, why was the other too needed?-Rather the latter was first decreed, and then it was enacted in respect of all hands.

'And a tebul yom.' But the law of tebul yom is Biblical, for it is written, and when the sun is down, he shall be clean; [and afterwards he shall eat of the holy things,¹ i.e., terumah]?-Delete tebul yom from here.

'And food which was defiled through liquid'. Through liquid of which [uncleanness]?² Shall we say, through liquid which was defiled by a [dead] reptile:³ then its law is Biblical,⁴ for it is written, and all drink that may be drunk [in every such vessel shall be unclean]⁵ _ Rather it means through liquid defiled by the hands, and it is a preventive measure on account of liquid defiled by a reptile.⁶

'And vessels which were defiled by liquid'. Vessels which were defiled by liquid of which [uncleanness]?⁷ Shall we say, By the liquid of a zab? But that is Biblical, for it is written, and if the zab spit upon him that is clean; [then he shall wash his clothes, and bathe himself in water],⁸ [meaning] what is in the clean man's hand have I declared unclean unto thee!⁹ Rather it refers to

liquid defiled by a reptile, and it is a preventive measure on account of the fluid of a zab.¹⁰

‘And the hands’. Did then the disciples of Shammai and Hillel¹¹ decree this: [Surely] Shammai and Hillel [themselves] decreed it! For it was taught, Jose b. Jo’ezer of Zeredah¹² and Jose b. Johanan of Jerusalem¹³ decreed uncleanness in respect of the country of the heathens and glassware.¹⁴ Simeon b. Shetah instituted the woman's marriage settlement¹⁵ and imposed uncleanness upon metal utensils.¹⁶ Shammai and Hillel decreed uncleanness for the hands. And should you answer, [It means] Shammai and his band and Hillel and his band [of scholars];¹⁷ surely Rab Judah said in Samuel's name: They enacted eighteen measures, and they differed on eighteen measures,¹⁸ whereas Hillel and Shammai differed only in three places; for R. Huna said, in three places they differed, and no more! And should you answer, They [Hillel and Shammai] came and decreed that it be suspended,¹⁹ while their disciples came and decreed that it be burnt;²⁰ surely Ilia said: The original decree concerning hands was for burning?-Rather, they [Hillel and Shammai] came and decreed it, yet it was not accepted from them; then their disciples came and decreed, and it was accepted from them.²¹

But still, Solomon decreed it? For Raba Judah said in Samuel's name, When Solomon instituted ‘erubin²² and the washing of the hands, a Heavenly Echo came forth and declared, ‘My son, if thine heart be wise; My heart shall be glad, even mine’;²³ and ‘My son, be wise, and make my heart glad, That I may answer him that reproacheth me’?²⁴

(1) Lev. XXII, 7.

(2) I.e., how did this liquid itself become unclean?

(3) Lit., ‘which come on account of a reptile’.

(4) Sc. that this food disqualifies terumah.

(5) Ibid. XI, 34. Though that refers to a liquid defiled through an earthenware vessel, the Talmud deduces in Pes. 18b that the same holds good if it is defiled by a reptile. Now, the latter is original (‘father of’) uncleanness; the fluid is first degree, and the food is second degree, and therefore it renders terumah the third degree, i.e., unfit (v. p. 55, n. 6), and all this is Biblical law, not a Rabbinical enactment.

(6) The latter is Biblical; but if the former were not declared unclean, it would be thought that the latter is not unclean either.

(7) How did the liquid itself become unclean?

(8) Ibid. XV, 8.

(9) This interpretation is not really germane to the difficulty which arises directly from the verse; v. Rashi. Since the clothes are to be washed etc., the saliva must rank as original (‘father of’) uncleanness, for only such defiles garments and man. The vessels therefore defiled by the saliva (or any fluid emanating from a zab) are unclean in the first degree, and defile terumah by Biblical law.

(10) The former is unclean in the first degree, and by Biblical law does not (defile vessels (v. previous note); nevertheless the Rabbis enacted that it shall defile vessels, which in turn render terumah unfit, lest it might be confused with the fluid of a zab, which will also be held incapable of defiling vessels.

(11) As is implied by the terms Beth Shammai, Beth Hillel.

(12) A town in Persia; Neub. Geogr. p. 275.

(13) Two Rabbis of the early Maccabean period (second century B.C.E.); together they formed the beginning of the Zugoth (duumvirate) which governed Jewish religious life until Hillel and Shammai. It may be observed that the title ‘Rabbi’ is not prefixed to their names: the famous letter of Sherira Gaon to Jacob b. Nissim, quoted by Nathan b. Jehiel in the Aruk (s.v. declares that this title dates from the time of R. Johanan b. Zakkai only.

(14) The former, to stem the emigration of Jews from Palestine consequent upon the troublous times of the Maccabees; and the latter probably because glassware was manufactured in those countries, or because they learnt at that time that its manufacture was similar to that of earthenware; Weiss, Dor. 1, 105

(15) When a woman married, she brought a dowry to her husband, which was returnable if he divorced her. Originally the security for the return of the dowry was deposited with her father. This went through a number of changes until Simeon b. Shetah enacted that the husband should trade with the dowry and mortgage all his effects for its repayment,

the purpose being to make divorce more difficult. This is the meaning of the present passage, not that he actually instituted the marriage settlement itself, J, Keth. end of chapter VIII, and Weiss, Dor. 1, 144 and note a.l.

(16) This is discussed below,.

(17) I.e., enacted the eighteen measures.

(18) I.e., these eighteen measures which they enacted jointly were originally subjects of controversy between them (Rashi).

(19) I.e., that the hands are only suspected of uncleanness, and if they touch terumah it is 'suspended', and may neither be eaten, as clean, nor burnt as unclean.

(20) Ruling that the hands are definitely unclean, not merely suspected.

(21) The need for renewing some of the early Rabbinical enactments, to which reference is made in the present discussion, arose through the interdict which the Sadducees laid upon their observance; Weiss, Dor, I, 143f; cf. Halevi, Doroth, I, 3, pp. 584 seq.

(22) V, Glos. and p. 18, n. 7.

(23) Prov. XXIII, 15.

(24) Ibid. XXVII, 11.

Talmud - Mas. Shabbath 15a

— Solomon came and decreed in respect of holy things,¹ while they came and instituted [it] in respect of terumah.

[To revert to] the main text: 'Rab Judah said in Samuel's name: They enacted eighteen measures, and differed in eighteen 'But it was taught: They were in agreement?-On that day they differed and [only] on the morrow were they in agreement.'²

[To revert to] the main text: R. Huna said: In three places Shammai and Hillel differed: Shammai said: Hallah³ is due from a kab [of flour]; Hillel said: From two kabs: but the Sages ruled neither as the one nor as the other, but a kab and a half is liable to hallah. When the measures were enlarged, they said, Five quarters of flour are liable to hallah. R. Jose said: [Exactly] five are exempt; just over five are liable.⁴

And the second?-Hillel said: A hin full of drawn water renders a mikweh unfit. (For one must state [a dictum] in his teacher's phraseology. Shammai maintained: nine kabs). But the Sages ruled neither as one nor as the other, until two weavers⁵ came from the dung gate of Jerusalem and testified on the authority of Shemaiah and Abtalion that three logs of drawn water render a mikweh unfit, and the Sages ratified their words.⁶

And the third?-Shammai said: All women, their time suffices them; Hillel maintained: From examination to examination; but the Sages ruled neither as the one nor as the other, but a full day⁷ reduces [the time] between examination and examination, and [the time] between examination and examination reduces a full day.⁸ And are there no more? But there is [this]: Hillel said: One shall lay [hands]; while Shammai ruled that one must not lay [hands]?⁹ — R. Huna spoke only of those concerning which there is no dispute of their teachers in addition.¹⁰ But there is also [this:] When one vintages [grapes] for the vat [i.e., to manufacture wine], Shammai maintains: It is made fit [to become unclean]; while Hillel ruled: It is not made fit.¹¹ — That is excepted, for there Hillel was silenced by Shammai'.¹²

'Jose b. Jo'ezer of Zeredah and Jose b. Johanan of Jerusalem decreed uncleanness in respect of the country of the heathens and glassware.' But the Rabbis of the 'eighty years' decreed this? For R. Kahana said, When R. Ishmael son of R. Jose fell sick, they [the Rabbis] sent [word] to him, 'Rabbi, Tell us the two or three things which you stated [formerly] on your father's authority.' He sent back, 'Thus did my father say: One hundred and eighty years before the destruction of the Temple the

wicked State [sc. Rome] spread over Israel.¹³ Eighty years before the destruction of the Temple uncleanness was imposed in respect of the country of heathens and glassware. Forty years before the destruction of the Temple the Sanhedrin went into exile¹⁴ and took its seat in the Trade Halls.¹⁵ (in respect to what law [is this stated]?-Said R. Isaac b. Abdimi, To teach that they did not adjudicate in laws of fines.¹⁶ 'The laws of fines' can you think so!¹⁷ But say: They did not adjudicate in capital cases.¹⁸) And should you answer, They [Jose b. Jo'ezer and Jose b. Johanan] flourished during these eighty years too: surely it was taught: Hillel and Simeon [his son], Gamaliel and Simeon wielded their Patriarchate during one hundred years of the Temple's existence;¹⁹ whereas Jose b. Jo'ezer of Zeredah and Jose b. Johanan were much earlier!²⁰

(1) That the hands must be washed before eating e.g., flesh of sacrifices.

(2) V. Halevi, *Doroth*, 1, p. 600 for a discussion of a variant which he considers correct.

(3) V. *Glos*.

(4) 1 kab = four logs = 2197.4 cu.cm. The controversy centres on the interpretation of 'your dough' in Num. XV, 20. The Talmud does not state when the measures were enlarged, but the enlargement was by one fifth, i.e., one 'Sepphoric' log (which was the name of the new measure) == one and one fifth Jerusalem log, as the old one was called; v. 'Ed., *Sonc. ed.*, p. 2, n. 3.

(5) V. Halevi, *op. cit.*, p. 122, n. 59.

(6) A mikveh (v. *Glos*.) must be filled with 'living' water, as opposed to 'drawn' water, i.e., water drawn in vessels, and it must contain not less than forty se'ahs. The controversy refers to the quantity of drawn water which, if poured into the mikveh before it contains forty se'ahs of 'living' water, renders it unfit. The hin is a Biblical measure, equal to twelve logs. The passage 'for one must state (a dictum) in his teacher's phraseology' is difficult, and various interpretations have been advanced. They are discussed by Halevi in *Doroth*, 1, 3, 95-7, who explains it thus: The teachers referred to are not Shemaiah and Abtalion, Hillel's masters in Palestine, but his Babylonian teachers (unnamed). Now hin is not the usual Mishnaic term but Biblical. This, however, was sometimes preferred to Babylonian because it was constant, whereas the Babylonian measure varied in different places (cf. J. E. XIII, 488 s:v. Cab.). Thus Hillel said a hin full instead of twelve logs, in order to be faithful to his teacher's phraseology. V. 'Ed., *Sonc. ed.*, p. 2 notes.

(7) Lit., 'from time to time', the technical phrase for a twenty-four hour day.

(8) A menstruous woman defiles whatever food she touches. Shammai maintains that this is only from when she discovers her discharge, but not retrospectively. Hillel holds that since her discharge may have been earlier, though she has only now observed it, her uncleanness is retrospective to when she last examined and found herself clean. Thus Shammai said, Their time, sc. when they actually find that they are unclean, suffices them and it has no retrospective effects; whilst Hillel rules, They are retrospectively unclean from the present examination to the last. The Sages make a compromise: she is retrospectively unclean for twenty-four hours or from the last examination, whichever is less. V. 'Ed., *Sonc. ed.*, p. 1 notes.

(9) When a man brings a freewill-offering, part of the ritual consists in his laying hands upon the head of the animal (v. Lev. I, 4; III, 2, 8). The dispute refers to festivals.

(10) This matter was disputed by Shammai and Hillel's predecessors too; v. Hag. 16a. For the importance of this particular question v. Frankel, *Darke ha-Mishnah*, p. 44; Weiss, *Dor. I*, 104.

(11) V. P. 45, nn. 1, 4; the same applies to grapes. Now, if the grapes are to be eaten, the liquid they exude whilst being gathered does not subject them to uncleanness, since their owner is displeased therewith. But when they are vintaged for wine they differ; V. *infra* 17a for the full discussion.

(12) I.e., he was unable to refute his proofs and accepted Shammai's ruling.

(13) Judea appears to have entered into official relations with Rome for the first time in 161 B.C.E. at the instance of Judas Maccabeus; Margolis and Marx, *Jewish History*, p. 145. But the first step which laid Judea under subjection of Rome was the quarrel of Hyrcanus II and Aristobulus II over the throne, when both brothers appealed to Pompey (c. 66 C.E). A date midway between these two is given here (110 B.C.E.) which may be assumed as merely approximate. This corresponds roughly to the death of Hyrcanus I in 106 B.C.E.

(14) I.e., they forsook their locale in the Chamber of Hewn Stones in the Temple.

(15) A place on the Temple Mount Hannuth, v. *Sanh.*, *Sonc. ed.*, p. 267, n. 11.

(16) E.g., the fine for seduction, Deut. XXII, 29.

(17) Any court in Palestine consisting of ordained judges was competent to adjudicate in laws of fine, whatever its

locale.

(18) V. Krauss, *op. cit.*, pp. 23f.

(19) I.e., Hillel commenced his Patriarchate a hundred years before the destruction of the Temple, and he was followed by Simeon, Gamaliel and Simeon, his direct descendants, the four spreading over that century. V, Halevi, Doroth, I, 3, pp. 706 seq.

(20) V. P. 59, n. 4.

Talmud - Mas. Shabbath 15b

Rather say they came and decreed in respect to a clod, that it be burnt,¹ but nothing at all in respect to the atmosphere;² while the Rabbis of the eighty years came and decreed in respect to the atmosphere that it [terumah] be suspended.³ Shall we say that the original enactment was for burning? Surely Ilfa said: The original decree concerning hands was for burning. Thus, only concerning hands was the original decree for burning, but concerning nothing else?—Rather say they came and decreed in respect to a clod, that it be suspended, and nothing at all in respect to the atmosphere; and then the Rabbis of these eighty years came and decreed in respect to a clod that it be burnt and in respect to the atmosphere that it be suspended. Yet still, that⁴ was decreed in Usha?⁵ For we learnt: Terumah is burnt on account of six doubtful cases [of uncleanness]: — [i] The doubt of Beth ha-Peras;⁶ [ii] The doubt of earth which comes from the land of the heathens;⁷ [iii] The doubt attached to the garments of an 'am ha-arez;⁸ [iv] the doubt of vessels which are found;⁹ [v] doubtful saliva;¹⁰ and [vi] the doubtful human urine near cattle urine.¹¹ On account of their certain contact, which is doubtful defilement, terumah is burnt.¹² R. Jose said: It is burnt even on account of their doubtful contact in a private domain.¹³ But the Sages maintain: [If there is doubtful contact] in a private domain we suspend it; in public ground, it [the terumah] is clean. Now 'Ulla observed, These six cases of doubt were enacted at Usha!¹⁴ -Rather say they [Jose b. Jo'ezer and Jose b. Johanan] came and decreed suspense in respect of a clod and nothing at all in respect of atmosphere; then the Rabbis of the eighty years came and decreed suspense in both cases; then they came at Usha and decreed burning in respect of a clod, and as to the atmosphere they left it in status quo.

Why did the Rabbis impose uncleanness upon glassware? — Said R. Johanan in the name of Resh Lakish, Since it is manufactured from¹⁵ sand, the Rabbis declared it the same as earthenware.¹⁶ If so, let them be incapable of purification in a mikweh?¹⁷ Why then did we learn, And the following interpose in utensils: pitch and myrrh gum in the case of glass vessels?¹⁸ -The circumstances here¹⁹ are e.g., they were perforated, and molten lead was poured into them, this agreeing with R. Meir, who maintained, Everything depends on the support.²⁰ For it was taught: If glass vessels are perforated and [molten] lead is poured into them,—said R. Simeon b. Gamaliel: R. Meir declares them unclean, while the Sages declare them clean.²¹ If so,²²

(1) Sc. terumah which came into contact with a clod of earth from the 'land of the heathens', as something definitely unclean.

(2) When terumah enters the atmosphere of the 'land of the heathen' with nothing intervening between it and the ground.

(3) On 'suspended' v. p. 60, n. 2

(4) The enactment of burning in respect to a clod.

(5) A city in Galilee, near Sepphoris and Tiberias, and the scene of an important Rabbinical synod or synods about the time of the Hadrianic persecution in the middle of the second century C.E. V. J.E. 'Synod of Usha'.

(6) A field one square peras (peras half the length of a furrow — fifty cubits) in area, declared unclean because a grave was ploughed in it and the crushed bones scattered over the field, so that their exact position is not known, If terumah enters its atmosphere it must be burnt, though it is doubtful whether it was actually over the crushed bones.

(7) I.e., any earth which comes thence.

(8) V. P. 51, n. 1. His garments are doubtful, because his wife may have sat upon them while a menstruant; v. Hag. 18b.

(9) And it is unknown whether they are clean or not.

(10) All saliva found is suspected of uncleanness, as it may be of a zab; v. p. 58, n. 10.

(11) This is not the same as the preceding, where the substances themselves were not in doubt; e.g., the object was definitely a utensil, or saliva. Here, however, there is a double doubt; it may not be human urine at all, but cattle urine; and even if it is, it may not be a zab's (only his defiles). Yet the Rabbis ruled it definitely unclean, even when found near cattle urine, so that it might be supposed that this is the same.

(12) If terumah comes definitely into contact (or as explained in n. 2) with these, which renders it doubtfully unclean, it is burnt.

(13) Cf. p. 20, n. 5.

(14) The difficulty arises from ii.

(15) Lit., 'the beginning of its making'.

(16) Other edd. omit 'R. Johanan said in the name of', reading simply Resh Lakish. It is certainly unlikely that R. Johanan, who, as head of the Academy at Tiberias enjoyed a superiority over Resh Lakish, his contemporary, would report his statement.

(17) Just as earthenware.

(18) Mik. IX, 5. When a utensil is purified in a mikweh, nothing must interpose between it and the water; if it does, the immersion is ineffective: pitch and gum on the side of a glass vessel constitute an interposition.

(19) In Mik. IX, 5.

(20) The perforated glass vessel is supported by the lead, i.e., it can be used only through the lead. Hence, according to R. Meir, it is a metal, not a glass vessel.

(21) Rashi in R.H. 19a offers two explanations: (i) When an unclean vessel is perforated, it becomes clean, since it can no longer be used as a vessel. Now, if a metal utensil is thus broken and then repaired, it reverts to its former state, but not so a glass vessel (infra 16a). R. Meir maintains that a glass vessel supported by metal is treated as metal; while the Rabbis hold that it is still regarded as a glass vessel. (ii) A clean glass vessel supported by metal becomes Biblically unclean, according to R. Meir, as a metal utensil, while the Rabbis hold that it is Biblically clean, as a glass vessel, and is subject to defilement only on account of the Rabbinical enactment; the reasoning being the same as before. Tosaf. a.l. s.v. **אֵינָם** is inclined to agree with the second interpretation.

(22) Since they are treated as earthenware vessels.

Talmud - Mas. Shabbath 16a

let them not become unclean through their [flat or convex] backs.¹ Why did we learn, Earthen vessels and nether vessels² are alike in regard to their uncleanness: they become defiled and defile [other objects] through their air space;³ they become unclean through their outside,⁴ but they cannot be defiled through their backs;⁵ and their breaking renders them clean.⁶ Thus, only earthen and nether vessels are alike in regard to their uncleanness, but not other things?⁷ -I will tell you: since they can be repaired when broken,⁸ they were assimilated to metal utensils.⁹

If so, let them revert to their former uncleanness, like metal utensils? For we learnt: Metal vessels, both flat and hollow,¹⁰ are subject to defilement. If broken, they become clean; if remade into utensils, they revert to their former uncleanness. s. Whereas in respect to glass vessels we learnt: Wooden, skin, bone and glass utensils, if flat, they are clean;¹¹ if hollow, they are unclean;¹² if broken, they become clean; if remade into vessels, they are liable to defilement from then onwards. [Thus] only from then onwards, but not retrospectively?-The uncleanness of glass utensils is Rabbinical, and [the resuscitation of] former uncleanness is [also] Rabbinical: now, in the case of that which is unclean by Scriptural law, the Rabbis have imposed [retrospective] uncleanness upon it, but upon that which is unclean by Rabbinical law the Rabbis have imposed no [retrospective] uncleanness.

Yet at least let their flat utensils be unclean, since flat metal utensils are [susceptible to uncleanness] by Scriptural law!-The Rabbis made a distinction in their case, so that terumah and sacred food should not be burnt on their account.¹³

(1) If an unclean object touches them on the back, which is flat or convex, they should not become unclean, in

accordance with the Mishnah quoted.

(2) Rashi: a kind of white earth; Jast.: a vessel made of alum crystals.

(3) If an unclean object is suspended in the hollow of one of these vessels, even if it does not touch its side, it becomes unclean. Again, if a clean object is suspended in the hollow of an unclean vessel, though it does not actually touch it, it too becomes unclean.

(4) E.g., if the base is concave, and an unclean object is suspended from the outside in the hollow.

(5) Which are flat or convex.

(6) If these vessels, being already unclean, are broken, they become clean; cf. p. 65, n. 7.

(7) yet glass vessels too should be the same according to Resh Lakish's reason.

(8) By being melted down and refashioned, which is impossible with earthen utensils.

(9) Which can be repaired in the same way.

(10) Lit., 'those of them which receive'.

(11) I.e., they cannot be defiled.

(12) As in n. 7.

(13) For these must not be burnt when defiled by Rabbinical law, except in the six cases of doubtful uncleanness enumerated on 15b.

Talmud - Mas. Shabbath 16b

R. Ashi said: After all, it is similar to earthen utensils, and as for your difficulty, 'let them not become unclean through their [flat or convex] backs', [the reply] is because its inside is as visible as its outside.¹

'Simeon b. Shetah instituted a woman's marriage settlement and imposed uncleanness upon metal utensils.' But [the uncleanness of] metal utensils is Biblical, for it is written, howbeit the gold, and the silver [... etc.]?² -This [the Rabbinical law] was necessary only in respect of former uncleanness.³ For Rab Judah said in Rab's name: It once happened that Queen Shalzion⁴ made a banquet for her son and all her utensils were defiled. Thereupon she broke them and gave them to the goldsmith, who melted them down and manufactured new utensils of them. But the Sages declared, They revert to their previous uncleanness. What is the reason?-They were concerned there to provide⁵ a fence against the water of separation.⁶

Now, that is well on the view that they [the Sages] did not rule thus in respect of all forms of defilement but only in respect of the defilement of the dead:⁷ then it is correct. But on the view that they ruled thus for all forms of uncleanness, what can be said?-Abaye answered: As a preventive measure lest he might not perforate it to the standard of purification.⁸ Raba said: As a preventive measure lest it be said that tebillah⁹ of that very day is effective for it.¹⁰ Wherein do they differ?-They differ where a smith refashioned it.¹¹ And what is another?¹² For we learnt: If one places vessels under a spout to catch rain water therein, whether they are large vessels or small, or even vessels [made] of stone, earth¹³ or dung, they render the mikweh unfit. It is all one whether he places or forgets them [there]: that is Beth Shammai's view; but Beth Hillel declare it clean¹⁴ if he forgets them.¹⁵ Said R. Meir: They took a count, and Beth Shammai outnumbered Beth Hillel. Yet Beth Shammai admit it that if he forgets [the utensils] in a courtyard,¹⁶ it is clean.¹⁷ R. Jose said: The controversy still stands in its place.¹⁸

R. Mesharsheya said: The scholars of Rab¹⁹ said: All agree that, if he places them [under the spout] when clouds are massing, they²⁰ are unclean;²¹ [if he places them there] when the clouds are dispersed, all agree that they are clean.²² They differ only if he places them there when the clouds were massing, but they then dispersed, and subsequently massed together again:²³ one Master [Beth Hillel] holds that his intention was nullified,²⁴ while the other Master holds that his intention was not nullified.

Now, according to R. Jose, who maintained, The controversy still stands in its place, they are less [than eighteen]?²⁵ -Said R. Nahman b. Isaac: On that same day they also enacted that the daughters of Cutheans²⁶ are niddoth²⁷ from their cradles.²⁸

And what is another? For we learnt: All movable objects induce uncleanness by the thickness of an ox-goad.²⁹ Said R. Tarfon,

(1) From without; hence it is all regarded as the inside.

(2) Num. XXXI, 22. The text continues: everything that may abide the fire, ye shall make go through the fire, and it shall be clean; nevertheless it shall be purified with the water of separation.

(3) V, supra a.

(4) i.e., Salome Alexandra, wife and successor of Alexander Jannai and according to the Talmud, sister of Simeon b. Shetah.

(5) Lit., 'on account of'.

(6) V. n. 2.; i.e., they were anxious to safeguard this law, which would fall into disuse if the expedient of melting and refashioning were widely adopted.

(7) Only then is the former uncleanness revived.-The verse quoted in n. 2. refers to such.

(8) The hole which removes its status of a utensil must be of a certain size, — large enough to permit a pomegranate to fall through.

(9) V. Glos.

(10) When it is purified by means of tebillah it may not be used until the evening; but making a hole and repairing it permits its immediate use. One seeing this vessel thus used on the same day may think that it underwent tebillah, and that the latter too releases it for immediate use.

(11) Abaye's reason still holds good, for one may think that a small note too would have sufficed. But Raba's reason does not operate, for it is plainly evident that this was newly remade.

(12) Of the eighteen enactments.

(13) Roughly manufactured, without being kneaded and baked.

(14) I.e., the mikweh retains its powers of purification.

(15) V. p. 61, n. 3. The spout was fixed in the earth before it was actually a spout, and after fixing it was made hollow to act as a water duct to the mikweh. In that case the water that passes through it is regarded as 'living water'. When, however, the water falls from the spout into vessels, it becomes 'drawn water', which renders the mikweh unfit. This holds good whether they are very large vessels, too big to be susceptible to uncleanness, e.g., a tub more than forty se'ahs in capacity, or very small, so that I might think of disregarding them altogether; also, even if of dung, when they are not regarded as vessels at all in respect to uncleanness. If they are merely forgotten there, Beth Hillel maintain that the water is not 'drawn', since it was unintentional.

(16) But not under the spout, and they are filled with the rain water which flows thence into the mikweh.

(17) V. n. 3. Because he had no intention at all of filling it, since he did not place it under the spout.

(18) I.e., they differ here too.

(19) The term debe Rab means either the disciples of the Academy founded by Rab or scholars in general; Weiss, Dor, III, 158 (Ed. 1924).

(20) Utensils purified in the mikweh.

(21) Because the mikweh was rendered unfit, as above. For he showed that he desired the water to flow into the utensils, and though he had forgotten them by the time the rain descended, his original intention was fulfilled, and the water is regarded as drawn.

(22) Since there were no clouds, his placing the utensils there was not with the intention of filling them.

(23) And by then he has forgotten them.

(24) By the dispersal of the clouds; hence the subsequent filling does not render the water drawn.

(25) Since there is a controversy, the halachah agrees with Beth Hillel, that the mikweh is fit.

(26) The Cutheans were the descendants of the heathens who settled in Samaria after the destruction of the Northern Kingdom. They accepted a form of Judaism, and the Rabbis' attitude towards them varied. At times they were regarded as Jews, but they were subsequently declared non-Jews. The present enactment treats them as Jews, who, however, are looked upon with disfavour.

(27) Pl. of niddah, a menstruant woman.

(28) I.e., from birth they are treated as unclean, like a niddah. The purpose of this enactment was to discourage intermarriage with them (Tosaf.).

(29) This refers to the defilement caused by a dead person, not by contact but through the fact that both the dead person and the object defiled are under the same covering, e.g., the roof of a house or an overhead awning (cf. Num. XIX, 14f), which induces uncleanness to the object defiled. The width of the covering object must not be less than the thickness of an ox-goad, for which v. infra '7a.

Talmud - Mas. Shabbath 17a

May I bury my children,¹ if this is not an erroneous halachah, for the hearer heard [a ruling] and erred [therein]. [Viz.,] a peasant was passing with an ox-goad on his shoulder and one end thereof overshadowed a grave, and he was declared unclean in virtue of [the law of] utensils which overshadowed the dead.² R. Akiba said, I will rectify [it] so that the words of the Sages³ may be fulfilled. [Viz.,] all movable objects induce uncleanness in their bearers by the thickness of an ox-goad; [and induce uncleanness] in themselves, by any thickness; and in other people or utensils, by the width⁴ of a handbreadth. And R. Jannai observed: and the ox-goad of which they spoke is not a handbreadth in thickness but in circumference, and they enacted [this law] concerning its circumference on account of its thickness.⁵ But according to R. Tarfon who said, 'May I bury my children but this halachah is incorrect!' they are less [than eighteen]? — Said R. Nahman b. Isaac, That the daughters of Cutheans are niddoth from their cradles was also enacted on that same day; and on the other [question]⁶ he agrees with R. Meir.⁷

And another?-When one vintages [grapes] for the vat [I.C., to manufacture wine], Shammai maintains: It is made fit (to become unclean); while Hillel ruled, It is not made fit.⁸ Said Hillel to Shammai: Why must one vintage [grapes] in purity, yet not gather [olives] in purity?⁹ If you provoke me, he replied, I will decree uncleanness in the case of olive gathering too. A sword was planted in the Beth Hamidrash and it was proclaimed, 'He who would enter, let him enter, but he who would depart, let him not depart!'¹⁰ And on that day Hillel sat submissive before Shammai, like one of the disciples,¹¹ and it was as grievous to Israel¹² as the day when the [golden] calf was made. Now, Shammai and Hillel enacted [this measure], but they would not accept it from them; but their disciples came¹³ and enacted it, and it was accepted from them.¹⁴

[Now,] what is the reason?¹⁵ -Said Ze'iri in R. Hanina's name: For fear lest he vintage it into unclean baskets.¹⁶ Now, that is well on the view that an unclean vessel renders fluid effective;¹⁷ but on the view that an unclean vessel does not render fluid effective, what can be said?-Rather, said Ze'iri in R. Hanina's name: For fear lest he vintage it in pitch lined baskets.¹⁸ Raba said: It is a preventive measure on account of tightly cleaving, [clusters].¹⁹ R. Nahman said in Rabbah b. Abbuha's name: [It is a preventive measure, for] a man sometimes goes to his vineyard to see if the grapes are ready for vintaging, takes a bunch of grapes to squeeze it, and sprinkles [the juice] on the grapes, and at the time of gathering the moisture is still dripping on them.

And another?-Said

(1) Lit., 'may I cut off my children that this halachah is cut off'.

(2) I.e. any utensil which overshadows the dead becomes itself unclean, whatever its width, and the peasant was declared unclean for the same day till the evening because he was actually carrying and in direct contact with this ox-goad. But one of the disciples who heard this ruling erroneously imagined that he was unclean in virtue of the law stated in n. 7. involving an uncleanness of seven days, and thus drew a false conclusion.

(3) Who said that all movable objects induce uncleanness by the thickness of an ox-goad.

(4) Lit., 'aperture'.

(5) If its thickness is a handbreadth, it induces uncleanness of seven days by Biblical law, and therefore the Sages extended this to the former case too, to prevent confusion. This is one of the eighteen enactments. V. Oh. XVI, 1.

(6) Sc. one who places vessels under a spout, v. supra 16b.

(7) Rashba's version omits this passage, because R. Tarfon accepted R. Akiba's view; v. Halevi, Doroth, I, 3, P. 587-8.

(8) V. P. 45, nn. 1 and 4.

(9) You maintain that grapes are fit to become defiled, and therefore must be vintaged into ritually clean baskets: why then do you not insist upon it when the olives are gathered too, for surely the same reasoning applies?

(10) This was the practice when a vote was taken upon any question; Halevi, Doroth, I, 3, p. 585 n. 18.

(11) I.e., the assembly voted against him-of course the actual expression is not to be understood literally.

(12) In view of the humility to which Hillel, who was the Nasi, had been subjected.

(13) At the assembly in the house of Hananiah b. Hezekiah b. Garon.

(14) Hence it is one of the eighteen measures.

(15) Why does the exuding liquid make the grapes susceptible to uncleanness? For the logic is the reverse, seeing that this liquid is wasted and its exuding is not with its owner's desire, whereas the owner's desire is necessary for it to cause susceptibility to defilement.

(16) Since the uncleanness comes simultaneously with the fluid, the latter renders the grapes fit to become unclean, even without the owner's desire.

(17) Lit., 'makes the liquid count'-to qualify other objects to become unclean.

(18) Since the liquid is not lost, its exuding is not contrary to the owner's desire.

(19) Lit., 'the biting ones'. One must separate these by force, thus causing juice to spurt out. Since he does this himself, the juice certainly makes the grapes susceptible; then as a preventive measure the law was extended to all exuding juice, in order to obviate confusion.

Talmud - Mas. Shabbath 17b

Tabi the hunter in Samuel's name: That the produce of terumah is terumah was also enacted on that day.¹ What is the reason?-R. Hanina said: It was a preventive measure, on account of undefiled terumah [being retained] in the hand of an Israelite.² Raba observed: If they are suspected of this, they would not separate [terumah] at all: [and furthermore] — since he can render one grain of wheat [as terumah for the whole], in accordance with Samuel,³ and does not, he is indeed trusted.⁴ Rather, said Raba, it is a preventive measure on account of unclean terumah in the priest's hands, lest he keep it with him and be led to sin.⁵

And another?-R. Hiyya b. Ammi said in 'Ulla's name: That one must give his purse to a Gentile if [the Sabbath] evening falls upon him on the road was also enacted on that day.⁶

And another? — Bali said in the name of Abimi of Senawta:⁷ [The interdict against] their bread, oil, wine and daughters⁸ all these are of the eighteen measures.⁹

Now, this is well according to R. Meir; but according to R. Jose, there are only seventeen?¹⁰ — There is also that of R. Aha b. Adda. For R. Aha b. Adda said in R. Isaac's name: Their bread was forbidden on account of their oil, and their oil on account of their wine.¹¹ 'Their bread on account of their oil'!-wherein is [the interdict of] oil stronger than that of bread?¹² Rather [say] they decreed against their bread and oil on account of their wine, and against their wine on account of their daughters, and against their daughters on account of 'the unmentionable,'¹³ and [they decreed] something else on account of some other thing. What is this 'something else?'- Said R. Nahman b. Isaac: They decreed that a heathen child shall defile by gonorrhoea,¹⁴ so that an Israelite child should not associate with him for sodomy.¹⁵ But if so, according to R. Meir too [it is difficult, for] there are nineteen!-Food and drink which were defiled through liquid he accounts as one.

MISHNAH. BETH SHAMMAI RULE: INK, DYES AND ALKALINE PLANTS¹⁶ MAY NOT BE STEEPED UNLESS THEY CAN BE DISSOLVED WHILE IT IS YET DAY;¹⁷ BUT BETH HILLEL, PERMIT IT. BETH SHAMMAI RULE: BUNDLES OF WET FLAX MAY NOT BE PLACED IN AN OVEN UNLESS THEY CAN BEGIN TO STEAM WHILE IT IS YET DAY, NOR WOOL. IN THE DYER'S KETTLE UNLESS IT CAN ASSUME THE COLOUR [OF THE DYE]; BUT BETH HILLEL PERMIT IT. BETH SHAMMAI MAINTAIN: SNARES FOR WILD BEASTS, FOWLS, AND FISH, MAY NOT BE SPREAD UNLESS THEY CAN BE CAUGHT WHILE IT IS YET DAY; BUT BETH HILLEL PERMIT IT. BETH SHAMMAI RULE: ONE MUST NOT SELL, TO A GENTILE, OR HELP HIM TO LOAD [AN ASS], OR LIFT UP [AN ARTICLE] UPON HIM UNLESS HE CAN REACH A NEAR PLACE;¹⁸ BUT BETH HILLEL PERMIT IT. BETH SHAMMAI MAINTAIN: HIDES MUST NOT BE GIVEN TO A TANNER,

NOR GARMENTS TO A GENTILE FULLER, UNLESS THEY CAN BE DONE WHILE IT IS YET DAY; BUT IN ALL THESE [CASES] BETH HILLEL, PERMIT [THEM]

- (1) By Biblical law, if terumah is resown its produce is hullin (q.v. Glos.), but the Rabbis decreed that it is terumah and belongs to the priest.
- (2) Who may resow and keep it for himself, thus depriving the priest of his dues. (10) The text is in slight disorder.
- (3) V. Kid. 58b.
- (4) Not to retain the terumah, by resowing it.
- (5) Whilst keeping it for resowing, he may forget that it is unclean, and eat it. Therefore it was enacted that even if resown its produce may not be eaten, though it will not be regarded as unclean (Tosaf. as explained by Maharsha).
- (6) Infra 153a; and not carry it along short distances of less than four cubits each.
- (7) In A.Z. 36a the reading is Niwte, i.e., the Nabatean. Senawta is probably a dialect form of the same.
- (8) Sc. of Gentiles.
- (9) They are counted as one.
- (10) V. supra 16b. This seems a repetition of the question there.
- (11) Actually these were ancient prohibitions, going back to the days of Daniel (cf. Dan. I, 8; Josephus, Ant. I. 3, 12.). But in the course of time their observance grew weak, and the disciples of Shammai and Hillel renewed and strengthened the prohibition as one of their eighteen enactments. V. Halevi, Doroth, I, 3, pp. 591ff, seq., v. also Weiss, Dor, I, 129.
- (12) For this implies that there was greater reason for prohibiting their oil than their bread.
- (13) Lit., 'something else', viz., idolatry.
- (14) Even if he is not suffering therewith.
- (15) Thus this is the eighteenth.
- (16) Jast. Rashi: horse beans, used for cattle.
- (17) These materials had to be steeped in water before they were fit for their purpose, and Beth Shammai rule that this may not be done on Friday unless there is time for the process to be completed before the Sabbath. Yashuru means dissolved and soaked through, and will bear the latter meaning in respect of beans, according to Rashi's translation.
- (18) i.e., his destination must be near enough to be reached before the Sabbath.

Talmud - Mas. Shabbath 18a

BEFORE SUNSET.¹ R. SIMEON B. GAMALIEL, SAID: IT WAS THE PRACTICE IN MY FATHER'S HOUSE TO GIVE WHITE GARMENTS TO A GENTILE FULLER THREE DAYS BEFORE THE SABBATH.² AND BOTH [SCHOOLS] AGREE THAT THE BEAM OF THE [OIL] PRESS AND THE CIRCULAR WINE PRESS MAY BE LADEN.³ GEMARA. Which Tanna [holds that] pouring water into ink constitutes its steeping?⁴ -Said R. Joseph, It is Rabbi. For it was taught: If one pours in flour and another water, the second is liable:⁵ this is Rabbi's view.⁶ R. Jose son of R. Judah said: He is not liable unless he kneads [them]. Abaye said to him, Yet perhaps R. Jose [son of R. Judah] ruled thus only in respect to flour, which is subject to kneading: but as for ink, which is not subject to kneading, I may say that he is liable?⁷ -You cannot think so, for it was taught: if one pours in the ashes and another the water, the second is liable: this is Rabbi's view. R. Jose son of R. Judah said: [He is not liable] unless he kneads them.⁸ Yet perhaps what is [meant by] ashes? Earth [dust],⁹ which does require kneading.¹⁰ But both ashes and earth [dust] were taught?-Were they then taught together?¹¹

Our Rabbis taught: Water may be conducted into a garden on the eve of the Sabbath just before dark, and it may go on being filled the whole day; and a perfume brazier may be placed under garments which continue to absorb the perfume the whole day; and sulphur may be placed under [silver) vessels and they undergo the process of sulphuring the whole day; and an eye salve¹² may be placed on the eye and a plaster on a wound and the process of healing continues all day.¹³ But wheat may not be placed in a water-mill unless it can be ground when it is still day. What is the reason? Rabbah answered, Because it makes a noise.¹⁴ Said R. Joseph to him, Let the Master say it is on account of the resting of utensils? For it was taught: And in all things that I have said unto you take

ye heed:¹⁵ this includes the resting of utensils!¹⁶ Rather, said R. Joseph, it is on account of the resting of utensils. Now that you say that according to Beth Hillel the resting of utensils is a Biblical precept,¹⁷ why are sulphur and a perfume brazier permitted?-Because it [the vessel in which they lie] performs no action. Why are wet bundles of flax permitted? — Because it [the oven in which they lie] performs no action and is motionless. But what of the trap for wild beasts, fowl and fish, which performs an action,¹⁸ Why are they permitted?-There too [it means] with a fish hook and a trap made with little joists,¹⁹ so that no action is performed.

Now, however, that R. Oshaia said in R. Assi's name, Which Tanna [maintains that] the resting of utensils is a Biblical precept? It is Beth Shammai: then according to Beth Shammai, whether it [the utensil] performs an action or not, it is forbidden, while in the opinion of Beth Hillel even if it performs an action it is permitted. And now that you say that according to Beth Shammai it is forbidden even if it performs no action, if so,

(1) Lit., 'with the sun', i.e., while the sun is shining.

(2) Because these require more time.

(3) By day, though the fluid goes on oozing during the Sabbath.

(4) The Mishnah merely discusses this, and does not speak about kneading the ingredients too. Hence the mere pouring must be regarded as a labour forbidden on the Sabbath, for otherwise there would be no controversy in respect to Friday.

(5) For desecrating the Sabbath.

(6) Thus he holds that the mere pouring in of water constitutes kneading, which is forbidden on the Sabbath. The making of ink is prohibited as a derivative (v. p. 3, n. 2.) of kneading.

(7) For mere pouring, even on R. Jose son of Judah's view.

(8) Though ashes do not require kneading.

(9) In Heb. these words are very similar and sometimes interchanged.

(10) For making clay.

(11) In the same Baraitha? They were stated in separate Baraithas, not necessarily by the same teacher, and both may mean the same thing.

(12) Heb. kilur, ** collyrium.

(13) Healing on the Sabbath itself is forbidden, unless there is danger to life.

(14) Which detracts from the sanctity of the Sabbath.

(15) Ex. XXIII, 13. The preceding verse deals with the Sabbath.

(16) A man is commanded to let the vessels rest as well as he himself.

(17) For this Baraitha must reflect Beth Hillel's ruling, since its other clauses oppose the views of Beth Shammai as expressed in our Mishnah.

(18) The spring of the trap closes and the mesh of the nets tightens as they catch their prey,

(19) So arranged as to permit the animal to get in but not out. Thus they are passive instruments.

Talmud - Mas. Shabbath 18b

why are a perfume brazier and sulphur permitted?¹ -There it lies upon the earth.² What of a tank [for brewing beer], a lamp, a pot and a spit-why do Beth Shammai permit [them]?³ -Because their ownership is renounced.⁴ Who is the author of the following, which our Rabbis taught: A woman must not fill a pot with pounded wheat⁵ and lupines and place it in the oven on the eve of the Sabbath shortly before nightfall; and if she does put them [there], they are forbidden at the conclusion of the Sabbath for as long as they take to prepare.⁶ Similarly, a baker must not fill a barrel of water and place it in the oven on the eve of the Sabbath shortly before nightfall; and if he does, it [the water] is forbidden at the conclusion of the Sabbath for as long as it takes to prepare [boil]. Shall we say that this agrees with Beth Shammai, not Beth Hillel?⁷ — You may even say that it is Beth Hillel: it is a preventive measure, lest he stir the coals. If so, let us decree [likewise] in respect of a perfume brazier and sulphur?-There he will not stir them] for if he does, the smoke will enter and harm them.⁸ Let us decree in respect of wet bundles of flax too?-There, since a draught is

injurious to them, he will not uncover it.⁹ Let us decree also in respect of wool in the dye kettle?-Samuel answered: This refers to a kettle removed [from the fire]. But let us fear that he may stir within it?¹⁰ -This refers to [a kettle] removed from [the fire] and sealed down.¹¹

And now that the Master said: 'It is a preventive measure, lest one rake the coals', a raw dish¹² may be placed in an oven on the eve of Sabbath shortly before nightfall. What is the reason? Since it will not be fit for the evening,¹³ he withdraws his mind from it and will not come to rake the coals.¹⁴ Again, if it is [quite] boiled, it is well.¹⁵ If partly boiled,¹⁶ it is forbidden. Yet if a raw bone is thrown into it, it is permitted.¹⁷

And now that the Master said, 'Whatever may be harmed by the draught, one will not uncover it': with flesh of a kid, where it [the oven] is daubed round,¹⁸ it is well;¹⁹ with [flesh] of a buck, where it [the oven] is not daubed round, is forbidden. But as to [flesh] of a kid, where it is not daubed round, or of a buck, where it is daubed round: R. Ashi permits it, while R. Jeremiah of Difti²⁰ forbids it. Now, according to R. Ashi, who permits it, did we not learn, Meat, onion[s] or egg[s] may not be roasted unless they can be roasted before sunset?-There the reference is to [flesh] of a buck, and where it [the oven] is not daubed round. Others state: With [the flesh] of a kid, whether it [the oven] is daubed round or not, it is well; of a buck too, if it is daubed round, it is well. They differ in respect to [flesh] of a buck, it [the oven] not being daubed: R. Ashi permits it, while R. Jeremiah of Difti forbids it. Now, according to R. Ashi who permits it, did we not learn, Meat, onion[s] or egg[s] may not be roasted unless they can be roasted before sunset?-There the reference is to meat on the coals [direct].²¹ Rabina said: As for a raw gourd, it is well:²² since a draught is injurious to it, it is like flesh of a kid.

BETH SHAMMAI MAINTAIN: ONE MUST NOT SELL[etc.]. Our Rabbis taught: Beth Shammai maintain: A man must not sell an article to a Gentile, nor lend [it] to him nor loan him [money] nor make him a gift [on the eve of Sabbath], unless he can reach his house [before sunset]; while Beth Hillel rule: [unless] he can reach the house nearest the [city] wall.²³ R. Akiba said: [Unless] he can depart from the door of his [the Jew's] house [before the Sabbath]. Said R. Jose son of R. Judah: The words of R. Akiba are the very words of Beth Hillel:²⁴ R. Akiba comes only to explain the words of Beth Hillel.²⁵

Our Rabbis taught: Beth Shammai maintain: A man must not sell his leaven to a Gentile, unless he knows that it will be consumed before Passover: this is Beth Shammai's view. But Beth Hillel say: As long as he [the Jew] may eat it, he may sell it. R. Judah said:

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- (1) For on this hypothesis the Baraita must agree with Beth Shammai, since the placing of wheat in a mill is forbidden.
 - (2) Not in a vessel.
 - (3) Beer brews in its tank more than eight days, thus including the Sabbath. Similarly, the lamp burns during the Sabbath, the pot stands on the heated range, causing some shrinkage of its contents, and the spit was allowed to lie in the oven with the Passover sacrifice roasting on Friday night. Thus all these utensils are employed on the Sabbath.
 - (4) This is a legal fiction. Their owner formally renounces his ownership, and then he is under no obligation to ensure that they rest.
 - (5) Or, peas.
 - (6) So that she should not profit by having virtually prepared it on the Sabbath.
 - (7) Since Beth Hillel do not require utensils to rest.
 - (8) The garments or vessels.
 - (9) The oven, to rake up the coals.-The coals burnt inside the ancient ovens.
 - (10) Sc. the wool within the kettle, to make it absorb the dye more thoroughly. This too is forbidden.
 - (11) Hence he is not likely to forget.-In this and the following cases the fear is not that he may do these things intentionally but unintentionally in a moment of forgetfulness.
 - (12) I.e., a pot containing a raw dish.

- (13) The evening meal was eaten soon after nightfall, and it would not be ready by then.
- (14) There is ample time for it to be ready on the morrow without his stirring. But pounded wheat and lupines require very much boiling, and therefore they are forbidden.
- (15) Permitted, because the coals will not require raking.
- (16) Lit., 'boiled and not boiled'.
- (17) This serves to show that he has no mention of eating it before the morrow.
- (18) To seal it down.
- (19) Goat flesh is tender and injured by a draught.
- (20) V. p. 35, n. 5.
- (21) Not in the oven. It is then easy to turn it and rake the coals: hence it is forbidden.
- (22) It may be placed in the oven even if it cannot be cooked by the Sabbath.
- (23) If the Gentile lives in another town, it is sufficient if he can take it to the nearest house there, even if he cannot reach his own before the Sabbath.
- (24) Their views are identical.
- (25) I.e., he states Beth Hillel's ruling, not an independent one, and thus differs from the first Tanna's interpretation of Beth Hillel's attitude.

Talmud - Mas. Shabbath 19a

Babylonian kutah¹ and any [other] kind of kutah may not be sold thirty days before Passover.²

Our Rabbis taught: Food may be placed before a dog in a courtyard, [and] if it takes it and goes out, one has no duty toward it.³ Similarly, food may be placed before a Gentile in a courtyard, [and] if he takes it and goes out, one has no duty toward him. What is the purpose of this further [dictum]; [surely] it is the same [as the first]?-You might argue, The one is incumbent upon him, whereas the other is not:⁴ therefore we are informed [otherwise].⁵

Our Rabbis taught: A man must not hire his utensils to a Gentile on the eve of Sabbath; [but] on Wednesday or Thursday it is permitted.⁶ Similarly, letters may not be sent by a Gentile on the eve of Sabbath, [but] on Wednesday or Thursday it is permitted. It was related of R. Jose the priest-others say, of R. Jose the Pious-that his handwriting was never found in a Gentile's hand.⁷ Our Rabbis taught: Letters may not be sent by Gentiles on the eve of Sabbath unless a fee is stipulated.⁸ , Beth Shammai maintain: There must be time to reach his [the addressee's] house [before the Sabbath];⁹ while Beth Hillel rule: There must be time to reach the house nearest the [city] wall.¹⁰ But has he not stipulated?¹¹ -Said R. Shesheth, This is its meaning: And if he did not stipulate, Beth Shammai maintain: There must be time to reach his [the addressee's] house; while Beth Hillel rule: to reach the house nearest the [city] wall. But you said in the first clause that one must not send [at all]?¹² — There is no difficulty: in the one case a post office is permanently located in the town,¹³ in the other case a post office is not permanently located in the town.¹⁴ Our Rabbis taught: One may not set out in a ship less than three days before the Sabbath. This was said only [if it is] for a voluntary purpose, but [if] for a good deed,¹⁵ it is well; and he stipulates with him¹⁶ that it is on condition that he will rest [on the Sabbath], yet he does not rest:¹⁷ this is Rabbi's view. R. Simeon b. Gamaliel said: It is unnecessary. But from Tyre to Sidon¹⁸ it is permitted even on the eve of Sabbath.¹⁹

Our Rabbis taught: Gentile cities must not be besieged less than three days before the Sabbath, yet once they commence they need not leave off. And thus did Shammai say: until until it fall,²⁰ even on the Sabbath. R. SIMEON B. GAMALIEL, SAID: IT WAS THE PRACTICE IN MY FATHER'S HOUSE etc. It was taught, R. Zadok said, This was the practice of R. Gamaliel's house, viz., they used to give white garments to the fuller three days before the Sabbath, but coloured garments even on the eve of the Sabbath. And from their usage²¹ we learn that white [garments] are more difficult to wash than coloured ones. Abaye was giving a coloured garment to a fuller and asked him, How much do you want for it? 'As for a white garment,' he answered. 'Our Rabbis have already

anticipated you,' said he.²²

Abaye said: When one gives a garment to a fuller he should deliver it to him by measure and receive it back by measure, for if it is more, he spoiled it by stretching, and if less he spoiled it by shrinking.²³

AND BOTH AGREE THAT THE BEAM OF THE [OIL] PRESS AND THE CIRCULAR WINE PRESS MAY BE LADEN. Wherein do all [the other acts] differ that Beth Shammai forbid them, and wherein do [those relating to] the beam of the [oil] press and the circular wine press differ, that Beth Shammai do not forbid them?—Those other [acts] which, if done on the Sabbath involve a sin-offering, Beth Shammai forbade on the eve of the Sabbath just before nightfall; [but the loading of] the beam of the [oil] press and the circular wine press, which if done on the Sabbath does not involve a sin-offering, they did not forbid.²⁴

Which Tanna [maintains] that everything which comes automatically is well?²⁵ — Said R. Jose son of R. Hanina, It is R. Ishmael. For we learnt: [In the case of] garlic, half-ripe grapes, and parched ears [of corn] were crushed before sunset, R. Ishmael said: One may finish them at night; R. Akiba said:

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- (1) Jast.: a preserve consisting of sour milk, bread-crusts and salt.
 - (2) It is used as a sauce or relish and hence lasts a long time. It was customary to give popular lectures about the Festivals thirty days before them, and therefore from that time one was forbidden to sell kutah to a Gentile.
 - (3) To restrain it from carrying it out into the street.
 - (4) He has a duty towards his animals which he does not owe to a stranger, and therefore I might think that in the latter case food must not be given, since it may be carried out.
 - (5) That even so food may be placed before a Gentile. Because though one has no legal obligation, he has the duty of charity towards him, just as towards a Jew, as stated in Git. 61a (Tosaf.).
 - (6) Though he will use it on the Sabbath.
 - (7) He never sent a letter by a Gentile lest he might take it to its destination on Sabbath. This was a measure of ultra stringency.
 - (8) Once the fee is stipulated the Gentile works for himself, to earn it, and not for the Jew.
 - (9) Otherwise it is forbidden even if the fee was already stipulated.
 - (10) If the addressee lives in a different town; cf. p. 77, n. 9.
 - (11) In which case the first Tanna, i.e., Beth Hillel, rules that it may be carried on the Sabbath itself.
 - (12) Other edd. more plausibly, But it was taught that they must not be sent (at all)? The reference is then to the preceding Baraitha, not this one, for this one distinctly states that if the fee was arranged it is permitted; v. marg. gloss, cur. edd.
 - (13) Of the addressee. Then letters may be sent, even if the fee was not stipulated, providing that the messenger can reach the post office or the nearest house in that town before the Sabbath.
 - (14) Rashi: then one must not send if the fee was not stipulated, as he may go searching for him on the Sabbath.
 - (15) Lit., 'a matter of a precept'.
 - (16) The Gentile owner of the ship.
 - (17) I.e., though the condition will not be carried out.
 - (18) Both on the Phoenician coast, about thirty miles apart.
 - (19) Being such a short distance.
 - (20) Deut. XX, 20. The reference is to a besieged city.
 - (21) Lit., 'words'.
 - (22) I know from them that this requires less labour.
 - (23) And he is entitled to make a deduction.
 - (24) On Sabbath eve before nightfall.
 - (25) I.e., permitted, as here, the beams being laden before the Sabbath and the juice then oozing automatically on the Sabbath.

Talmud - Mas. Shabbath 19b

One may not finish them [at night].¹ And R. Eleazar [b. Pedath] said, It is R. Eleazar [b. Shammua']. For we learnt: If honeycombs are crushed on the eve of Sabbath and it [the honey] exudes spontaneously,² it is forbidden;³ but R. Eleazar permits it.

Now, as to R. Jose son of R. Hanina, what is the reason that he did not answer as R. Eleazar?-He can tell you: it is only there [that R. Eleazar permits it], since it was originally food and still food;⁴ but here⁵ it was originally food and now a liquid.⁶ And R. Eleazar [b. Pedath]?⁷ - He can answer you: But we know R. Eleazar [b. Shammua'] to hold that even olives and grapes are also permitted. For when R. Hoshaya came from Nehardea, he came and brought a Baraitha in his hands: If olives and grapes are crushed on the eve of Sabbath and they [their juices] exude spontaneously, they are forbidden;⁸ R. Eleazar and R. Simeon permit it. And R. Jose b. R. Hanina?-He did not know this Baraitha.⁹

And R. Eleazar! what is the reason that he did not answer as R. Jose son of R. Hanina?-He can tell you: was it not stated thereon:¹⁰ where they lack crushing there is no controversy at all;¹¹ they differ only where pounding is lacking:¹² and these too¹³ are similar to those that lack crushing. R. Jose son of R. Hanina gave a practical decision in accordance with R. Ishmael.¹⁴

As to the oil belonging to the pressers, and the mats of the pressers:¹⁵ Rab forbade it,¹⁶ and Samuel permitted it.¹⁷ As to coupled mattings¹⁸ Rab forbids them,¹⁹ and Samuel permits [them R. Nahman said: As to a goat [kept] for its milk, a ewe for its shearings, a fowl for its eggs, oxen for ploughing and dates for trading: Rab forbids, and Samuel permits [them],²⁰ and they differ in the controversy of R. Simeon and R. Judah.²¹ A certain disciple gave a practical decision in Harta of Argiz²² in accordance with R. Simeon;²³ thereupon R. Hamnuna banned him.²⁴ But do we not hold as R. Simeon?-It was in the place of Rab,²⁵ and so he should have acted accordingly. There were two disciples: one saved [food, etc.] in one utensil, and one saved [it] in four or five utensils;²⁶ and they differ in the same dispute as that of Rabbah b. Zabda and R. Huna.²⁷

MISHNAH. MEAT, ONION[S], AND EGG[S] MAY NOT BE ROASTED UNLESS THEY CAN BE ROASTED WHILE IT IS YET DAY. BREAD MAY NOT BE PUT INTO AN OVEN JUST BEFORE NIGHTFALL, NOR A CAKE UPON COALS, UNLESS ITS SURFACE CAN FORM A CRUST WHILE IT IS YET DAY; R. ELEAZAR SAID: THERE MUST BE TIME FOR THE BOTTOM [SURFACE] THEREOF TO FORM A CRUST. THE PASSOVER SACRIFICE MAY BE LOWERED INTO THE OVEN JUST BEFORE NIGHTFALL,²⁸ AND THE FIRE MAY BE LIGHTED WITH CHIPS²⁹ IN THE PILE IN THE CHAMBER OF THE HEARTH,³⁰

(1) A heavy weight was placed upon them to cause their juice to run out, and the controversy is whether this may be done on the Sabbath, since they were already crushed before.

(2) On the Sabbath.

(3) To consume them on the Sabbath.

(4) Honey is a food, not a drink, even after it oozes out.

(5) The case of the Mishnah, where the oil exudes from the olives, etc.

(6) Olives and grapes are food; oil and wine are liquid. Since it changes so much on the Sabbath, it may be that R. Eleazar forbids it.

(7) Does he not admit the force of this argument?

(8) For drinking on the Sabbath.

(9) This may also mean: he rejects the authenticity of this Baraitha, for not all Baraithas were of equal authority.

(10) On the Mishnah quoted by R. Jose b. R. Hanina.

(11) It is certainly forbidden on all views.

- (12) 'Pounding' (shehikah) connotes a further stage in the process, after crushing.
- (13) In our Mishnah.
- (14) Supra a bottom.
- (15) The remnants of the oil in the corners and the oil which gathered in the mats with which the olives were covered belonged to the workers who pressed it out.
- (16) To be handled on the Sabbath.
- (17) This oil is 'mukzeh,' v. p. 81, n. 4, and it is disputed infra44a et passim whether such may be handled on the Sabbath. Rab and Samuel differ on the same question.
- (18) Keroke (כֶּרֶקֶ) connotes mattings which can be rolled up, and zuze means in pairs. Rashi explains: mattings used in couples to form a roof-like protection for merchandise. He also quotes a variant found in Geonic responsa: כֶּרֶקֶ דְּזִיּוּי ship mattings.
- (19) To be handled on the Sabbath.
- (20) V. next note.
- (21) Infra 156b on 'mukzeh'. All these are 'mukzeh', set apart, i.e., their owner has set them apart not to be eaten but for the purposes stated, and it is disputed infra 156b whether one may change his mind and slaughter them on Festivals for food. With the exception of dates kept for trading the present controversy is in respect of Festivals, whilst that of dates refers to the Sabbath too.
- (22) In S. Babylon on the right arm of the Euphrates, subsequently called Hira. Obermeyer, Landschaft, p. 234.
- (23) That the above are permitted.
- (24) A form of excommunication. The banned person observed certain mourning rites and was shunned by his colleagues. Generally speaking it lasted for thirty days.
- (25) I.e., it was within his jurisdiction.
- (26) They saved them from being destroyed in a fire.
- (27) V. infra i 20a.
- (28) And left to roast on the Sabbath. We have no fear that one may rake the coals on the Sabbath (v. supra 18b).
- (29) Ma'ahizin means to ignite logs by means of burning chips.
- (30) A room where the priests warmed themselves, as they performed the service in the Temple barefoot and became cold. The priests were very careful, and so it is sufficient if the fire just catches on, and no fear is entertained that they may forgetfully rake it into a blaze in the evening.

Talmud - Mas. Shabbath 20a

BUT IN THE COUNTRY¹ THERE MUST BE TIME FOR THE FIRE TO TAKE HOLD OF ITS GREATER PART.² R. JUDAH SAID: IN THE CASE OF CHARCOAL, JUST A LITTLE [SUFFICES].³

GEMARA. And how much?⁴ - R. Eleazar said in Rab's name: That it may be roasted before sunset as the food of the son of Derusai.⁵ It was stated likewise: R. Assi said in R. Johanan's name: Whatever is as the food of the son of Derusai's not subject to [the interdict of] the cooking of Gentiles.⁶ It was taught: Hanina said: Whatever is as the food of the son of Derusai may be kept on the stove,⁷ though it is not swept [clear of the cinders] and besprinkled with ashes.⁸

BREAD MAY NOT BE PUT, etc. The scholars propounded: Does the BOTTOM [surface] mean the one by the oven, or perhaps BOTTOM means the one by the fire?⁹ -Come and hear: R. Eleazar said: There must be time for the surface adhering to the oven to form a crust.

because a whole company is present and should one man forget himself another will remind him. THE PASSOVER SACRIFICE MAY BE LOWERED), [etc.]. What is the reason? - Because the members of the company are extremely careful.¹⁰ But otherwise, it would not [be permitted]? Yet a Master said: [With the flesh of) a kid, whether it [the oven] is daubed round or not, it is well?¹¹ — There it is cut up, whereas here it is not cut up.¹²

AND THE FIRE IS LIGHTED WITH CHIPS, etc. Whence do we know this?—Said R. Huna: Ye shall kindle no fire throughout your habitations:¹³ [only] throughout your habitations you may not kindle, but you may kindle in the pile in the chamber of the Hearth. R. Hisda demurred: If so, even on the Sabbath too!¹⁴ Rather, said R. Hisda: The verse, when it comes, conies to permit [the burning of] limbs and the fat;¹⁵ while the priests are very particular.¹⁶

BUT IN THE COUNTRY, THERE MUST BE TIME FOR THE FIRE TO TAKE HOLD, etc. What is meant by ‘their greater part?’ — Rab said: the greater part of each [log]; and Samuel said: That it should not be said, Let us bring chips to place under them.¹⁷ R. Hiyya taught [a Baraita which affords] support to Samuel: That the flame should ascend of its own accord, and not with the help of something else.¹⁸

As to a single log, Rab said: The greater part of its thickness; while others state, The greater part of its circumference. R. Papa observed: Therefore we require the greater part of both its thickness and its circumference. This is a controversy of Tannaim: R. Hiyya said: That the log may be rendered unfit for an artisan's work; R. Judah b. Bathyra said: That the fire should take hold on both sides.¹⁹ And though there is no proof of the matter, there is a hint thereof: the fire hath devoured both the ends of it, and the midst of it is burned; is it profitable for any work.²⁰

And there was a fire lit the ah²¹ burning before him,²² What is ‘ah?’²⁰ ‘Rab said, Willow-fire;²³ while Samuel said: Logs kindled by willowfire. A certain man announced, who wants ahwawna? and it was found to be willows.

R. Huna said: Canes do not require the greater part,²⁴ [but] if they are tied together, the greater part is required;²⁵ kernels [of dates] do not require the greater part; but if they are put in bales they require the greater part. R. Hisda demurred: On the contrary, [separate] canes may fall apart,²⁶ but if tied together they cannot fall apart; kernels can fall apart, but if placed in bales they cannot? It was stated likewise,

(1) Lit., ‘borders’, the technical term for Palestine in contradistinction to the Temple (and generally, though not here, to Jerusalem).

(2) Sc. of the logs.

(3) Providing that the coals start burning before nightfall, even if only slightly, it is permitted.

(4) Must the meat etc. be roasted before the Sabbath?

(5) I.e., a third done. Rashi: he was a robber and always ate in a hurry.

(6) Food cooked entirely by Gentiles is forbidden; but if a third done by a Jew, it may be finished by a Gentile.

(7) On the Sabbath; i.e., if it was a third done before.

(8) V. infra 36b.

(9) The oven or stove would appear to have been without a closed bottom, but perhaps consisted of a number of bars over the fire, and the loaves were placed thereon and pressed to the sides of the oven; v. T.A., pp. 87f- The question is whether BOTTOM surface means the surface directly on the open bars facing the fire underneath, or that adhering to the side of the oven.

(10) V. p. 82, n. 11.

(11) V. supra 18b.

(12) The Passover sacrifice was roasted whole. Hence the draught would not injure it, and therefore it is permitted only on account of the reason stated.

(13) Ex. XXXV, 3.

(14) Let it be permitted.

(15) Of animals sacrificed on Friday; these may be burnt on Friday night, the interpretation being, ‘through all your habitations’, i.e., for a secular purpose, but not for a sacred purpose.

(16) That is the real reason of the ruling in the Mishnah, as explained in p. 83, n. 2.

(17) it should be burning strongly enough not to require such assistance.

(18) V. infra 21a (p. 89). But Rashi observes that its author there is Hama b. Hama, and further that it is not a Baraita, and so he mentions that other scholars relate it immediately to this Mishnah, whereof it is an explanation. (10) The fire must take hold of the greater part of its thickness before the Sabbath. (11) I.e., the fire must take hold of the greater part of its thickness.

(19) I.e., the greater part of its circumference.

(20) Ezek. XV, 4.

(21) A.V. hearth; R.V. brazier.

(22) Jer. XXXVI, 22.

(23) אַהַוַּנָּה ahawwna; willow twigs used for kindling a fire.

(24) it is sufficient if they are kindled before the Sabbath, even if the greater part has not caught on, because they will go on burning without further attention.

(25) To be burning before the Sabbath, because the air has no access and it may otherwise require attention.

(26) And fail to catch alight from each other, thus necessitating attention.

Talmud - Mas. Shabbath 20b

R. Kahana said: Canes tied together require the greater part; if not tied together, they do not require the greater part. Kernels require the greater part; if put in bales they do not.¹

R. Joseph learned: Four fires do not require the greater part, [viz.] of pitch, sulphur, cheese,² and grease.³ In a Baraita it was taught: straw and rakings too.⁴ R. Johanan said: Babylonian woods do not require the greater part. R. Joseph demurred: To what does this refer? Shall we say, To chips?⁵ But if [concerning] a wick 'Ulla said, He who kindles must kindle the great part of what protrudes,⁶ is there a question of chips!⁷ Rather, said R. Joseph: [It refers to] the bark of cedar.⁸ Rami b. Abba said: [It refers to] dry twigs.

CHAPTER II

MISHNAH. WHEREWITH MAY WE KINDLE [THE SABBATH LIGHTS], AND WHEREWITH MAY WE NOT KINDLE THEM?⁹ WE MAY NOT KINDLE [THEM] WITH LEKESH, HOSEN [TOW], KALLAK, A BAST WICK, A DESERT WICK, SEAWEED, ZEFETH [PITCH], SHA'AWAH [WAX], KIK OIL, OIL OF BURNING,¹⁰ TAIL FAT, OR TALLOW. NAHUM THE MEDE SAID: WE MAY KINDLE [THEM] WITH BOILED HELEB; BUT THE SAGES MAINTAIN: WHETHER BOILED OR NOT, YOU MAY NOT KINDLE THEREWITH.¹¹

GEMARA. Lekesh is cedar bark. But cedar bark is simply wood!¹² -It means the woolly substance [bast] within it.

NOR WITH HOSEN [TOW]. R. Joseph said: [That is,] hatched flax. Abaye demurred: But it is written, And the hason shall be as ne'oreth?¹³ Rather said Abaye: It is crushed but uncombed flax.

NOR WITH KALLAK. Samuel said: I asked all seafarers about it, and they told me that it is called kulka.¹⁴ R. Isaac b. Ze'ira said: Gushkera.¹⁵ Rabin and Abaye were sitting before Rabana¹⁶ Nehemiah the brother of the Resh Galutha.¹⁷ Seeing that he was wearing metaksa,¹⁸ Rabin said to Abaye, That is the kallak of which we learnt. We call it peranda silk, he answered him. An objection is raised: [Garments of] silk, kallak and corded [silk], are liable to fringes.¹⁹ This refutes it.²⁰ Alternatively, silk is one thing and peranda silk is another.

NOR WITH A BAST WICK: [I.e.,] willow-bast. Rabin and Abaye were walking in the valley of Tamruritha,²¹ when they saw some willows. Said Rabin to Abaye, That is the idan [bast] of which we learnt. But that is simply wood, he objected. Thereupon he peeled it and showed him the wool-like substance within.

NOR WITH A DESERT WICK: Mullein.²²

NOR WITH SEAWEED. What is this? Shall we say, The black moss of pits? But that is crumbly!²³ Rather said R. Papa: it is the black fungus of ships. A Tanna taught: To these [enumerated in the Mishnah] were added [wicks] of wool and hair.²⁴ And our Tanna?-Wool shrinks [and] hair smoulders.²⁵

NOR WITH PITCH [ZEFETH]. ZEFETH is pitch; SHA'AWAH is wax. A Tanna taught: Thus far the unfitnes of wicks [is taught]; from here onwards it is the unfitnes of oils.²⁶ But that is obvious?-It is necessary in respect to wax: you may say, It is not fit for wicks either; hence we are informed [otherwise].²⁷

Rami b. Abin said: 'Itrona²⁸ is the by-product of pitch; wax is the residue of honey.

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- (1) Thus he agrees with R. Huna in respect to staves, and with R. Hisda in respect to kernels.
 - (2) Alfasi reads: wax.
 - (3) I.e., any fatty substance.
 - (4) 'Rakings' refers to small stubble collected in the field.
 - (5) Because they burn easily.
 - (6) Before the Sabbath.
 - (7) Which burn less freely.
 - (8) This was extremely dry and burnt rapidly.
 - (9) I.e., of what must the wick be made?
 - (10) Explained in the Gemara.
 - (11) The foreign terms are discussed in the Gemara.
 - (12) And is obviously unfit for a wick.
 - (13) Isa. I, 31. E.V. And the strong shall be as tow, but Abaye identifies hason with hosen and thus deduces that hosen is not ne'oreth (hatcheled flax).
 - (14) Jast.: cissaros-blossom, 'a woolly substance growing on stones at the Dead Sea, looking like gold, and being very soft; its name is **קלף** (**): and it resembles sheep wool'.
 - (15) A cotton-like plant.
 - (16) I.e., Rabbi. This is a Babylonian title, perhaps = Rabbenu, our teacher.
 - (17) 'Head of the Exile', the title of the official head of Babylonian Jewry.
 - (18) **, silk. (11)Sachs, Beitr. II, p. 185 refers to late Greek ** (**, fillet) from which he derives French frange, Eng. fringe (Jast.).
 - (19) V. Num. XV, 38.-This shows that kallak is not identical with silk.
 - (20) Raban's observation.
 - (21) Or perhaps, in a secluded valley.
 - (22) A tall, woolly weed.
 - (23) A wick cannot be made from it in any case.
 - (24) As being unfit for use.
 - (25) When lit; hence they are unfit in any case.
 - (26) I.e., from PITCH.
 - (27) A waxen wick (i.e., a wax candle) is permitted. V., however, Tosaf. a.l.
 - (28) A sort of resin.

Talmud - Mas. Shabbath 21a

What is the practical bearing of this?-In respect of buying and selling."¹

Our Rabbis taught: All those of which they ruled that you must not light [the Sabbath lamp]

therewith on the Sabbath, yet a fire may be made of them, both for warming oneself and for using the light thereof, whether on the earth or on the stove;² and they merely prohibited the making of a wick of them for a [Sabbath] lamp. NOR WITH KIK OIL. Samuel said: I asked all seafarers about it, and they told me that there is a certain bird in the sea towns called kik.³ R. Isaac son of Rab Judah said: It is cotton-seed oil; Resh Lakish said: Oil from Jonah's kikayon.⁴ Rabbah b. Bar Hanah said: I myself have seen Jonah's kikayon; it resembles the ricinus tree and grows in ditches. It is set up at the entrance of shops;⁵ I from its kernels oil is manufactured, and under its branches rest all the sick of the West [i.e., Palestine].

Raba said: As to the wicks which the Sages said that you must not kindle therewith for the Sabbath, [the reason] is because their flame burns unevenly.⁶ The oils which the Sages said you must not kindle therewith is because they do not flow [freely] to the wick.⁷ Abaye asked Rabbah: As to the oils which the Sages said you must not kindle therewith for the Sabbath, is it permissible to pour a little [good] oil into them and light [therewith]? Do we forbid it, lest one come to light therewith [the forbidden oil in its unmixed state, or not? He answered him, You must not light [therewith]. What is the reason?—Because you must not light.⁸

He raised an objection: if one wraps a material which may be used [as a wick] for lighting around a material which may not be lit, one must not light therewith. R. Simeon b. Gamaliel said: In my father's house a wick was wound over a nut and they did light therewith. Thus he teaches that one may light!⁹ -He replied: Instead of refuting me by R. Simeon b. Gamaliel's view, support me by the first Tanna's [ruling]!— That is no difficulty: an act is [more] weighty.¹⁰ Thus the difficulty still remains, [for] surely it was for lighting?¹¹ - No: for floating.¹² If for floating, what is the reason of the first Tanna?¹³ -It is all R. Simeon b. Gamaliel, but there is a lacuna, and it was taught thus: If one wraps a material which may be used for lighting around a material which may not be lit, you must not light therewith. When is that said? For lighting; but for floating it is permitted, for R. Simeon b. Gamaliel said, In my father's house a wick was wound about a nut and lit. Yet that is not so, for R. Beruna said in Rab's name: The melted tallow and the dissolved inwards of fish, one may pour a little oil and light [therewith]?¹⁴ -These flow [freely] in their natural state, while those [in the Mishnah] do not flow [freely] in their natural state,¹⁵ but that the Rabbis forbade melted tallow on account of unmelted tallow and the dissolved inwards of fish on account of the undissolved inwards of fish.¹⁶ Then let us prohibit melted tallow and the dissolved inwards of fish diluted with oil on account of the same without an admixture of oil?¹⁷ -That itself is [merely] a preventive measure, and are we to arise and enact one preventive measure to safeguard¹⁸ another preventive measure?

Rami b. Hama recited: The wicks and oil which the Sages said, One may not light therewith on the Sabbath, one must [also] not light therewith in the Temple, because it is said, to cause a lamp to burn continually.¹⁹ -He recited and he interpreted it: the flame must ascend of itself, and not through something else.²⁰ We learnt: The outworn breeches and girdles of priests were unravelled, and with these they kindled [the lights]?²¹ -The rejoicing of the Water-Drawing²² was different.²³ Come and hear: Worn out priestly garments were unravelled, and of these wicks were made for the Temple. Surely that means [the garments] of composite materials?²⁴ -No: [the garments] of linen [are meant].²⁵

R. Huna said: With regard to the wicks and oils which the Sages said, One must not light therewith on the Sabbath, one may not light therewith on Hanukkah,²⁶ either on the Sabbath or on weekdays. Raba observed, What is R. Huna's reason? He holds that if it [the Hanukkah lamp] goes out, one must attend thereto,²⁷ and one may make use of its light.²⁸ R. Hisda maintained: One may light therewith on weekdays, but not on the Sabbath. He holds, If it goes out,

(1) When one orders 'itrona or wax, he must be supplied with the residue of pitch or honey respectively.

(2) Var. lec.: in the lamp.

- (3) Jast. identifies it with the pelican.
- (4) V. Jonah IV, 6. E.V. gourd, Jast.: ricinus tree, or the sprout bearing the castor-berry.
- (5) To provide shade and fragrance.
- (6) In a notched manner, as it were (Rashi). Jast.: the flame nibbles at them, producing sputtering sparks.
- (7) And so one may trim the wick or tilt the lamp on the Sabbath; hence they are forbidden, Riban states the reason because the lamp may go out, thus destroying the cheerfulness of the Sabbath.
- (8) Rashi: you must not light it when unmixed, and therefore when mixed too it is forbidden, as a preventive measure. The 'Aruk explains; Because etc., i.e., there is a tradition to that effect. But there is also another reading: because it cannot be lit., i.e., the mixture has the same defects as the forbidden oil itself.
- (9) Though a nut itself is not fit.
- (10) Lit., 'an act is a teacher'. Since R. Simeon b. Gamaliel relates that this was actually done, it must be presumed that this is the halachah, for an individual did not act upon his view in opposition to the majority
- (11) I.e., the wick and the nut were meant to burn together.
- (12) To enable the wick to float on the surface of the oil instead of sinking.
- (13) Why does he forbid it?
- (14) Though tallow itself is forbidden (supra 20b), which refutes Raba.
- (15) The Mishnah speaks of unmelted tallow.
- (16) But the prohibition went no further; hence if diluted with oil, it is permissible.
- (17) If the former is permitted, the latter too may be used.
- (18) Lit., 'for'.
- (19) Ex. XXVII, 21.
- (20) Le-ha'aloth (E.V. to burn) literally means to cause to go up.-These wicks and oils do not burn of themselves but need frequent attention. V. p. 84, n. 9.
- (21) The girdles contained wool, which, as stated on 20b, was added to the forbidden materials enumerated in the Mishnah. The reference is to the Temple, and thus this refutes Rami b. Hama.
- (22) Lit., 'the house of drawing'.
- (23) At the daily morning service during the Feast of Tabernacles a libation of water, in addition to the usual libation of wine, was poured out on the altar. This was drawn from the Pool of Siloam on the night of the first day, and carried in procession to the Temple amid great rejoicing; cf. Suk. 53a: 'He who has not seen the rejoicing of the Water-Drawing has never seen rejoicing in his life.' The outer court of the Temple was brilliantly illuminated, and for this, not for the ordinary Temple lamp, the unravelled breeches and girdles were used. Rashi observes: because this was not a Biblical precept. Another reason may be that so much was used that it was really a fire, rather than a flame, which is permitted supra. V. J.E. XII, 476 2.
- (24) Of wool and linen. I.e., the girdles; v. n. i.
- (25) The breeches.
- (26) V. infra b.
- (27) I.e., relight it. Therefore it must be made of good oil in the first place, lest it go out and is not relit.-This, of course, can only apply to weekdays.
- (28) E.g., for reading. Therefore these wicks and oils are forbidden on the Sabbath as the first reason in p. 88, n. 5, which applies here too.

Talmud - Mas. Shabbath 21b

it does not require attention, and one may make use of its light. R. Zera said in R. Mattenah's name — others state, R. Zera said in Rab's name — :Regarding the wicks and oils which the Sages said, One must not light therewith on the Sabbath, one may light therewith on Hanukkah, either on weekdays or on the Sabbath. Said R. Jeremiah, What is Rab's reason? He holds, If it goes out, it does not require attention, and one may not make use of its light.¹ The Rabbis stated this before Abaye in R. Jeremiah's name, but he did not accept it. [But] when Rabin came,² the Rabbis stated it before Abaye in R. Johanan's name, whereupon he accepted it.³ Had I, he observed, merited the great fortune,⁴ I would have learnt this dictum originally. But he learnt it [now]?-The difference is in respect of the studies of one's youth.⁵

Now, if it goes out, does it not require attention? But the following contradicts it: Its observance is from sunset until there is no wayfarer in⁶ the street. Does that not mean that if it goes out [within that period] it must be relit?—No: if one has not yet lit, he must light it;⁷ or, in respect of the statutory period.⁸

‘Until there is no wayfarer in the street.’ Until when [is that]? — Rabbah b. Bar Hanah said in R. Johanan's name: Until the Palmyreans have departed.⁹

Our Rabbis taught: The precept of Hanukkah [demands] one light for a man and his household;¹⁰ the zealous [kindle] a light for each member [of the household]; and the extremely zealous, — Beth Shammai maintain: On the first day eight lights are lit and thereafter they are gradually reduced;¹¹ , but Beth Hillel say: On the first day one is lit and thereafter they are progressively increased.¹² ‘Ulla said: In the West [Palestine] two amoraim,¹³ R. Jose b. Abin and R. Jose b. Zebida, differ therein: one maintains, The reason of Beth Shammai is that it shall correspond to the days still to come,¹⁴ and that of Beth Hillel is that it shall correspond to the days that are gone; but another maintains: Beth Shammai's reason is that it shall correspond to the bullocks of the Festival;¹⁵ whilst Beth Hillel's reason is that we promote in [matters of] sanctity but do not reduce.

Rabbah b. Bar Hana said: There were two old men¹⁶ in Sidon:¹⁷ one did as Beth Shammai and the other as Beth Hillel: the former gave the reason of his action that it should correspond to the bullocks of the Festival, while the latter stated his reason because we promote in [matters of] sanctity but do not reduce.

Our Rabbis taught: It is incumbent to place the Hanukkah lamp by the door of one's house on the outside;¹⁸ if one dwells in an upper chamber, he places it at the window nearest the street. But in times of danger¹⁹ it is sufficient to place it on the table. Raba said: Another lamp is required for its light to be used;²⁰ yet if there is a blazing fire it is unnecessary. But in the case of an important person,²¹ even if there is a blazing fire another lamp is required.

What is [the reason of] Hanukkah? For our Rabbis taught: On the twenty-fifth of Kislev²² [commence] the days of Hanukkah, which are eight on which a lamentation for the dead and fasting are forbidden.²³ For when the Greeks entered the Temple, they defiled all the oils therein, and when the Hasmonean dynasty prevailed against and defeated them, they made search and found only one cruse of oil which lay with the seal of the High Priest,²⁴ but which contained sufficient for one day's lighting only; yet a miracle was wrought therein and they lit [the lamp] therewith for eight days. The following year these [days] were appointed a Festival with [the recital of] Hallel²⁵ and thanksgiving.²⁶

We learnt elsewhere: If a spark which flies from the anvil goes forth and causes damage, he [the smith] is liable. If a camel laden with flax passes through a street, and the flax overflows into a shop, catches fire at the shopkeeper's lamp, and sets the building alight, the camel owner is liable; but if the shopkeeper placed the light outside, the shopkeeper is liable.²⁷ R. Judah said: In the case of a Hanukkah lamp he is exempt.²⁸ Rabina said in Rab's name: This proves that the Hanukkah lamp should [in the first instance] be placed within ten.²⁹ For should you think, above ten, let him say to him, ‘You ought to have placed it higher than a camel and his rider.’ ‘Yet perhaps if he is put to too much trouble, he may refrain from the [observance of the] precept’.³⁰

R. Kahana said, R. Nathan b. Minyomi expounded in R. Tanhum's name:

(1) To show that it was lit in celebration of Hanukkah, not merely for illumination.

(2) V. p. 12, n. 9.

- (3) R. Johanan being a greater authority than R. Jeremiah.
- (4) The verb denotes both to be fortunate and to merit.
- (5) These are more abiding. Abaye felt that he would have had a surer hold upon it had he learned it earlier.
- (6) Lit., 'Until the foot ceases from'.
- (7) Anytime within that period.
- (8) I.e., the lamp must contain sufficient oil to burn for that period. Nevertheless, if it goes out sooner, it need not be rekindled.
- (9) Lit., 'until the feet of the Tarmodians have ceased'. Tarmod or Tadmor is Palmyra, an oasis of the Syrian desert. They sold lighting materials and went about in the streets later than the general populace as their wares might be needed.
- (10) I.e., one light is lit every evening of the eight days (v.infra) for the entire household.
- (11) One less each day.
- (12) Up to eight.
- (13) V. Glos.
- (14) I.e., each evening one must kindle as many lights as the number of days of Hanukkah yet to come.
- (15) 'The Festival', without a determinate, always refers to Tabernacles (Sukkoth). Thirteen bullocks were sacrificed on the first day, twelve on the second, and so on, one less each succeeding day; v, Num. XXIX, 12 seqq.
- (16) The Heb. zaken, pl. zekenim, frequently means learned men, without particular reference to age (Kid. 32b), and may connote this here.
- (17) On the coast of Phoenicia.
- (18) To advertise the miracle. Their houses did not open directly on to the street but into a courtyard, and there the lamp was to be placed (Rashi); v., however, Tosaf, a.l.
- (19) When there is religious persecution.
- (20) Agreeing with the view supra that the light of the Hanukkah lamp may not be used.
- (21) Who is not accustomed to work at the light of a blazing fire.
- (22) The ninth month of the Jewish year, corresponding to about December.
- (23) This is an extract of the Megillath Ta'anith, lit., 'the scroll of fasting'.
- (24) Hence untouched and undefiled.
- (25) 'Praise', Ps. CXIII-CXVIII, recited on all Festivals; v. Weiss, Dor, I, p. 108, n. 1.
- (26) This lighting took place in 165 B.C.E. Exactly three years before, on the same day, Antiochus Epiphanes had a pagan altar erected in the Temple, upon which sacrifices were offered (I Macc. I, 41-64). Apart from the Talmudic reason stated here, Judas Maccabeus chose 25th of Kislev as the anniversary of the Temple's defilement, and the dedication of the new altar was celebrated with lights for eight days, similarly to the Feast of Tabernacles, which lasted eight days and was celebrated by illuminations (I Macc. IV, 36; II Macc. X, 6; supra a, p. 90, n. 3). Actually the revolt was against the Syrians, of whom Antiochus Epiphanes was king, but the term 'Greeks' is used loosely, because the Seleucid Empire was part of the older Empire founded by Alexander the Great of Macedon, and because it was a reaction against the attempted Hellenization of Judea. The historic data are contained in the First Book of the Maccabees.
- (27) For the loss of the flax.
- (28) Because, as stated above, it should be placed outside; the onus then lies upon the camel driver.
- (29) Handbreadths from the ground.
- (30) Possibly the lamp may be placed at the outset higher, yet the Rabbis did not wish to make the precept too burdensome.

Talmud - Mas. Shabbath 22a

If a Hanukkah lamp is placed above twenty cubits [from the ground] it is unfit, like sukkah and a cross-beam over [the entrance of] an alley.¹ R. Kahana also said, R. Nathan b. Minyomi expounded in R. Tanhum's name: Why is it written, and the pit was empty, there was no water in it?² From the implication of what is said, 'and the pit was empty', do I not know that there was no water in it; what then is taught by, 'there was no water in it'? There was no water, yet there were snakes and scorpions in it.

Rabbah said: The Hanukkah lamp should be placed within the handbreadth nearest the door.³ And

where is it placed?-R. Aha son of Raba said: On the right hand side: R. Samuel⁴ of Difti⁵ said: On the left hand side.⁶ And the law is, on the left, so that the Hanukkah lamp shall be on the left and the mezuzah⁷ on the right.

Rab Judah said in R. Assi's name:⁸ One must not count money by the Hanukkah light. When I state this before Samuel, he observed to me, Has then the lamp sanctity?⁹ R. Joseph demurred: Does blood possess sanctity? For it was taught: he shall pour out [the blood thereof], and cover it [with dust]:¹⁰ wherewith he pours out, he must cover,¹¹ i.e., he must not cover it with his foot,¹² so that precepts may not appear contemptible to him. So here too¹³ it is that precepts may not appear contemptible to him.

R. Joshua b. Levi was asked: Is it permitted to make use of the booth decorations during the whole of the seven days?¹⁴ He answered him [the questioner], Behold! it was said, One must not count money by the Hanukkah light.¹⁵ God of Abraham! exclaimed R. Joseph, he makes that which was taught dependent upon what was not taught: [of] booths it was taught, whereas of Hanukkah it was not. For it was taught: if one roofs it [the booth] in accordance with its requirements, beautifies it with hangings and sheets, and suspends therein nuts, peaches, almonds, pomegranates, grape clusters, garlands of ears of corn, wines, oils and flours; he may not use them until the conclusion of the last day of the Feast; yet if he stipulates concerning them,¹⁶ it is all according to his stipulation. — Rather, said R. Joseph: The basis¹⁷ of all is [the law relating to] blood.¹⁸

It was stated: Rab said: One must not light from lamp to lamp;¹⁹ but Samuel maintained, You may light from lamp to lamp. Rab said: Fringes²⁰ may not be detached²¹ from one garment for [insertion in] another, but Samuel ruled, Fringes may be detached from garment to garment. Rab said, The halachah is not as R. Simeon in respect to dragging; but Samuel maintained, The halachah is as R. Simeon in respect to dragging. Abaye said: In all matters the Master [Rabbah] acted in accordance with Rab, except in these three, where he did as Samuel: [viz.,] one may light from lamp to lamp; one can detach [the fringes] from one garment for [insertion in] another; and the halachah is as R. Simeon in respect to dragging. For it was taught: R. Simeon said: One may drag a bed, seat, or bench,²² provided that he does not intend to make a rut.

One of the Rabbis sat before R. Adda b. Ahabah and sat and said: Rab's reason²³ is on account of the cheapening of the precept. Said he to them, Do not heed him: Rab's reason is because he impairs the precept.²⁴ Wherein do they differ?-They differ where he lights from lamp to lamp:²⁵ on the view that it is because of the cheapening of the precept, one may light from lamp to lamp;²⁶ but on the view that it is because he impairs the precept, even from lamp to lamp is forbidden.

R. Awia objected: As to a sela'²⁷ of

(1) A sukkah (q.v. Glos.) built higher than twenty cubits, or a cross-beam which permits carrying in a side street (v. p. 30, n. 5 and 'Er. 2a) placed higher than twenty cubits from the ground, is unfit. Similarly a Hanukkah lamp, because it is too high to be noticed and does not advertise the miracle.

(2) Gen. XXXVII, 24.

(3) On the outside, as stated on 21b. But if it is placed further away, there is nothing to show that it was set there by the owner of the house.

(4) In She'eltoth, Wa-yishlah, 26 the reading is R. Jeremiah.

(5) V. p. 35, n. 5.

(6) Both meaning as one enters the house.

(7) V. Glos.

(8) Cur. ed. adds: in Rab's name: Rosh omits it, and it appears to be absent from Rashi's text too.

(9) Surely not.

(10) Lev. XVII, 13. This refers to a beast or a fowl killed for food.

- (11) Sc. with this hand.
- (12) Kicking the dust over it.
- (13) Viz., the Hanukkah lamp.
- (14) The booths which were erected for the Feast of Tabernacles (Lev. XXIII, 42) were adorned with fruit suspended from the roofs.
- (15) Being dedicated to a religious observance, it must not be put to secular use. The same applies here.
- (16) the prohibition is regarded as coming into force at twilight of the first day when they become dedicated to their religious purpose. The stipulation whereby the prohibition is lifted is: 'I will not hold aloof from them throughout the period of twilight', so that it does not become dedicated them,
- (17) Lit. 'the father'.
- (18) As stated above: things taken for religious purposes must not be treated slightly.
- (19) One Hanukkah lamp must not be lit from another. Or, when a lamp with several branches is used, in accordance with the practice of the 'most zealous' (supra 21b; this too is the modern usage), one branch must not be lit from another.
- (20) V. Num. XV, 38.
- (21) Lit., 'untied'.
- (22) Over an earthen floor on the Sabbath.
- (23) For ruling that one must not kindle one lamp from another.
- (24) It looks like taking light away from one lamp and giving it to another.
- (25) Directly, without an intermediary chip.
- (26) There is nothing degrading when it directly lights another lamp for the same religious purpose.
- (27) V. Glos.

Talmud - Mas. Shabbath 22b

second tithe,¹ one may not weigh by it gold denarii,² even to redeem therewith other second tithe. Now, it is well if you say that Rab and Samuel differ [over direct lighting] from lamp to lamp, yet with a chip Samuel admits that it is forbidden: then this is not a refutation.³ But if you [on Samuel's view] say that it is permitted even with a chip, then this is a refutation?—Rabbah answered: It is a preventive measure, lest he does not find his weights exact and leaves⁴ them hullin.⁵

R. Shesheth objected: Without the veil of testimony ... shall [Aaron] order it?⁶ does He then require its light: surely, during the entire forty years that the Israelites travelled in the wilderness they travelled only by His light! But it is a testimony to mankind⁷ that the Divine Presence rests in Israel. What is the testimony?⁸ — Said Rab: That was the western branch [of the candelabrum] in which the same quantity of oil was poured as into the rest, and yet he kindled [the others] from it and ended therewith.⁹ Now here, since the branches are immovable, it is impossible other than that he take [a chip] and kindle [it];¹⁰ which is a difficulty both on the view that it is because of the cheapening of the precept and on the view that it is because of the impairing of the precept? — R. Papa reconciled it [thus: it is lit] by long wicks.¹¹ Yet after all, on the view that it is because of the impairing of precepts there is a difficulty? That is [indeed] a difficulty.

What is our decision thereon? — R. Huna, the son of R. Joshua, said: We consider: if the lighting fulfils the precept, one may light from lamp to lamp:¹² but if the placing [of the lamp] fulfils the precept,¹³ one may not light from lamp to lamp.¹⁴ For the scholars propounded: Does the kindling or the placing constitute the precept? — Come and hear: For Raba said, If one was holding the Hanukkah lamp and thus standing, he does nothing:¹⁵ this proves that the placing constitutes the precept! — [No:] There a spectator may think that he is holding it for his own purposes.¹⁶ Come and hear: For Raba said: if one lights it within and then takes it outside, he does nothing. Now, it is well if you say that the kindling constitutes the precept; [for this reason] we require the kindling to be [done] in its proper place,¹⁷ [and] therefore he does nothing. But if you say that the placing constitutes the precept, why has he done nothing? — There too an observer may think that he lit it for his own purposes. Come and hear: For R. Joshua b. Levi said,

(1) The tenth of the produce which was eaten by its owner in Jerusalem. When the actual produce could not be carried, it was redeemed, and the redemption money assumed the sanctity of second tithe and was expended in Jerusalem, v. Deut. XIV, 22-26.

(2) One sela' = four denarii, and the value depended on the weight.

(3) For the gold denarii are not actually sanctified when they are weighed, though that is their purpose. Thus they are similar to the chip which may not be lit at the Hanukkah lamp because it is secular itself.

(4) Lit., 'withdraws'.

(5) The gold denarii may be deficient in weight and not be declared second tithe after all. Thus he will have used the second tithe sela' purely for a secular purpose.

(6) Lev. XXIV, 3; v. 1-4.

(7) Lit., 'those who enter the world'.

(8) How was this a testimony?

(9) Half a log of oil was poured into each branch, which was estimated to burn through the longest night. Thus by the morning they were extinguished. The following evening the priest cleaned out the old wicks, poured in fresh oil, and relit it: yet this western branch was still burning when he came to clean them out, which was done last of all. This miracle testified to the Divine Presence in Israel. On the western branch of the candelabrum v. Men. 78b.

(10) In order to light the others.

(11) Which reached the other branches.

(12) Just as the kindling of the branches of the candlestick in the Temple from the western branch.

(13) I.e., the prime observance of the Hanukkah lamp is not the kindling thereof but placing it in a conspicuous place.

(14) For the lit lamp or branch is already sanctified, as it were, whilst no complete religious observance is fulfilled by the act of lighting the next, on the present hypothesis.

(15) He does not fulfil the precept.

(16) Whereas the essence of the Hanukkah lamp is to advertise the miracle.

(17) Sc. outside; supra 21b.

Talmud - Mas. Shabbath 23a

With regard to a lantern which was burning the whole day [of the Sabbath],¹ at the conclusion of the Sabbath it is extinguished and then [re-]lit.² Now, it is well if you say that the kindling constitutes the precept: then it is correct. But if you say that the placing constitutes the precept, is this [merely] extinguished and [re-]lit: surely it should [have stated], It must be extinguished, lifted up, replaced and then relit? Moreover, since we pronounce a benediction, 'Who sanctified us by His commandments and commanded us to kindle the lamp of Hanukkah,' it proves that the kindling constitutes the precept. This proves it.

And now that we say that the kindling constitutes the precept, if a deaf-mute, idiot, or minor³ lights it, he does nothing. But a woman may certainly light [it], for R. Joshua b. Levi said: The [precept of the] Hanukkah lamp is obligatory upon women, for they too were concerned in that miracle.⁴

R. Shesheth said: The [precept of the] Hanukkah lamp is incumbent upon a guest.⁵ R. Zera said: Originally, when I was at the academy, I shared the cost⁶ with mine host;⁷ but after I took a wife I said, Now I certainly do not need it, because they kindle [the lamp] on my behalf at my home.⁸

R. Joshua b. Levi said: All oils are fit for the Hanukkah lamp, but olive oil is of the best. Abaye observed: At first the Master [Rabbah] used to seek poppy-seed oil, saying, The light of this is more lasting;⁹ but when he heard this [dictum] of R. Joshua b. Levi, he was particular for olive oil, saying, This yields a clearer light. R. Joshua b. Levi also said: All oils are fit¹⁰ for ink, and olive oil is of the best. The scholars propounded: for kneading or for smoking?¹¹ — Come and hear: For R. Samuel b. Zutra recited: All oils are fit for ink, and olive oil is of the best, both for kneading and for smoking.

R. Samuel b. Zutra recited it thus: All soots are fit for ink: and olive oil is the best. R. Huna said: All gums are good for ink, but balsam gum is the best of all.

R. Hiyya b. Ashi said: He who lights the Hanukkah lamp must pronounce a blessing; while R. Jeremiah said He who sees the Hanukkah lamp must pronounce a blessing. Rab Judah said: On the first day, he who sees must pronounce two, and he who lights must pronounce three blessings;¹² thereafter, he who lights pronounces two, and he who sees pronounces one. What is omitted?¹³ — The 'season' is omitted.¹⁴ Yet let the 'miracle' be omitted?¹⁵ The miracle holds good for every day.¹⁶

What benediction is uttered?¹⁷ -This: Who sanctified us by His commandments and commanded us to kindle the light of Hanukkah.¹⁸ And where did He command us?¹⁹ -R. Awia said: [It follows] from, thou shalt not turn aside [from the sentence Which they shall shew thee].²⁰ R. Nehemiah quoted: Ask thy father, and he will shew thee; Thine elders, and they will tell thee.²¹

R. Amram objected: Dem'a²² can be employed for an 'erub²² and for a joint ownership;²³ a benediction is pronounced over it, and grace in common is recited after it,²⁴ and it²⁵ may be separated by a naked person, and at twilight.²⁶ But if you say that every Rabbinical [precept] requires a benediction, here, when one stands naked, how can he pronounce a benediction: lo! we require, therefore shall thy camp be holy [that he see no unclean thing in thee],²⁷ which is absent?-Said Abaye, A certain Rabbinical law²⁸ requires a benediction, whereas a doubtful Rabbinical law does not.²⁹ But what of the second day of Festivals, which is a Rabbinical [institution] based on doubt,³⁰ and yet it requires a benediction?³¹ -There it [was instituted] in order that it should not be treated slightly.³² Raba said: The majority of the 'amme ha-arez tithe³³ [their produce].³⁴ R. Huna said: If a courtyard has two doors, it requires two [Hanukkah] lamps. Said Raba, That was said only [if they are situated] at two [different] sides; but [if] on the same side, it is unnecessary. What is the reason?³⁵ Shall we say, because of suspicion?³⁶ Whose suspicion? Shall we say, that of strangers:³⁷ then let it be necessary even on the same side?³⁸ Whilst if the suspicion of townspeople, then even [if] on two different sides it is still unnecessary?³⁹ — After all, it is on account of the suspicion of the townspeople, yet perchance they may pass one [door] and not the other, and say, 'just as it [the lamp] has not been lit at this door, so has it not been lit at the other.'

And whence do you know⁴⁰ that we pay regard to suspicions? Because it was taught, R. Simeon said: On account of four considerations the Torah ordered pe'ah⁴¹ to be left at the end of the field:⁴² [as a precaution] against the robbing of the poor, against wasting the time of the poor, against suspicion, and against [transgressing], thou shalt not finish off [the corners of thy field].⁴³ [As a precaution] against the robbing of the poor: lest the owner see a free hour⁴⁴ and say to his poor relations, 'This is pe'ah;'⁴⁵

(1) Having been lit on the Sabbath eve as a Hanukkah lamp,

(2) As a Hanukkah lamp for the next day.

(3) These three are frequently grouped: their actions have no legal or religious validity.

(4) According to the Talmud Jewish virgins were subjected to the *jus primae noctis* before the Maccabean revolt (cf. I Macc. I, 26f, which may perhaps refer to this), and were rescued from it by the 'miracle', i.e., the successful Maccabean uprising.

(5) Not living in his own house but as a guest or boarder elsewhere.

(6) Lit., 'the coins'-the cost of the oil for the Hanukkah lamp.

(7) He did not kindle lights for himself but purchased a share in those lit by his host.

(8) He continued to study away from home after marriage.

(9) Rashi: this oil burned slower. Tosaf.'s reading seems to be: this gives a stronger light: on grounds of logic this would appear preferable.

(10) Ink was made of soot and oil or gum, and was a solid cake of pigment which had to be loosened before use. Cf.

supra, Mishnah on 17b.

(11) Is it the best for kneading with soot or for creating the smoke which produces the soot?

(12) V. P.B. p. 274; the spectator omits the first, since he does not kindle the lights. Rashi and Asheri observe that only a spectator who has not yet kindled the lights himself, or who cannot do so, e.g., when he is in a boat, is required to pronounce these benedictions.

(13) After the first day.

(14) *ibid.* the third blessing: ‘ . . . and has enabled us to reach this season’. This is appropriate for the first evening only.

(15) I.e., the second benediction: ‘ . . . Who wroughtest miracles . . .’

(16) The cruse miraculously burned all the eight days; v. supra 21b.

(17) Lit., ‘he blesses’.

(18) *Ibid.* the first blessing. The literal translation is given here, the passage being in the third person.

(19) This precept is not Biblical, of course.

(20) Deut. XVII, 11.

(21) *Ibid.* XXXII, 7. Both verses teach that a Rabbinical observance has Biblical sanction, and thus roots subsequent tradition in the Bible itself. Cf. I. Abrahams, *Permanent Values of the Talmud*, pp. 79ff.

(22) V. Glos,

(23) I.e., to link up a number of side streets in respect of carrying on the Sabbath; v. p. 18, n. 7; it is the same with side streets.

(24) ‘Grace in common’ is recited when three persons or more dine together; it is then prefaced by one of them saying, ‘My masters, let us recite grace;’ this man acts as leader. When only two dine together, each recites grace by himself.

(25) The tithe of dem'ai.

(26) Friday evening. The tithe of certain tebel (v. Glos.) may not be separated on the Sabbath, nor at twilight, for it is doubtful whether this belongs to the previous or to the following day. But since dem'ai is only a doubtful tithe, it is permitted as a double doubt; cf. p. 64, n. 7.

(27) Deut. XXIII, 15.

(28) Lit., ‘a certain (law) of their words’.

(29) The kindling of light is a definite and certain observance; the tithing of dem'ai, however, is done through doubt.

(30) Scripture ordained Festivals of one day only at the beginning and end (*viz.*, Passover and Tabernacles, v. Lev. XXIII, 7f, 35f) or one day altogether (Pentecost and New Year; *ibid.* 21, 24). The exact days when these were to be observed depended upon New Moon of the month in which they fell (except Pentecost), which was originally determined by direct observation, not by calculation. By experience it was found that New Moon was always either twenty-nine or thirty days after the previous New Moon, and as soon as it was thus fixed by the Great Court in Jerusalem, envoys were dispatched to inform the communities in time for the Festival. But they could not reach the Jewish communities outside Palestine in time, and therefore they observed two days instead of one. Thus the original reason of the added second day at the beginning and the end was on account of doubt, though it was retained even when the New Moon came to be determined by calculation, which precluded doubt.

(31) *Viz.* ‘sanctification of the Festival’, which was done by means of a benediction.

(32) Unless the second day was formally sanctified people would not treat it as holy.

(33) Pl. of ‘am ha-arez; v. p. 51, n. 1.

(34) So that dem'ai is less than an ordinary doubt, but merely a Rabbinical stringency; therefore a benediction is not required.

(35) That two lamps are required.

(36) *Viz.*, if a person sees a door without a lamp he may suspect the owner of having neglected it altogether.

(37) Lit., the world’-i.e., a stranger passing through the town may be unaware that a lamp is burning at another door.

(38) For a stranger may think that the courtyard fronts two separate houses.

(39) They know that both belong to the same house.

(40) Lit., ‘say’.

(41) V. Glos.

(42) Instead of enacting that a certain portion of the field be left for the poor, its situation to be at the owner's discretion.

(43) Lev. XIX, 9. ‘Thou shalt not finish off’ implies at the end of the field, where the harvesting is completed.

(44) When no poor are about in the field.

(45) But now the poor will know when the end of the field is likely to be reached.

Talmud - Mas. Shabbath 23b

and against wasting the time of the poor: that the poor should not have to sit and watch out, 'now the owner will leave pe'ah'; and against suspicion: that passers-by may not say, 'cursed be the man who has not left pe'ah in his field'; and against [transgressing] thou shalt not finish off: are not all these on account of, 'thou shalt not finish off'?¹ -Said Raba, [It means, as a precaution] against cheats.²

R. Isaac b. Redifah said in R. Huna's name: A lamp with two spouts is credited to two people.³ Raba said: If one fills a dish with oil and surrounds it with wicks, and places a vessel over it,⁴ it is credited to many people; if he does not place a vessel over it, he turns it into a kind of fire,⁵ and is not credited even to one.

Raba said: It is obvious to me [that if one must choose between] the house light and the Hanukkah light,⁶ the former is preferable, on account [of the importance] of the peace of the home;⁷ [between] the house light and [wine for] the Sanctification of the Day,⁸ the house light is preferable, on account of the peace of the home. Raba propounded: What [if the choice lies between] the Hanukkah lamp and the Sanctification of the Day: is the latter more important, because it is permanent;⁹ or perhaps the Hanukkah lamp is preferable, on account of advertising the miracle? After propounding, he himself solved it: The Hanukkah lamp is preferable, on account of advertising the miracle.

R. Huna said: He who habitually practises [the lighting of] the lamp will possess scholarly sons; he who is observant of [the precept of] mezuzah¹⁰ will merit a beautiful dwelling; he who is observant of fringes¹¹ will merit a beautiful garment; he who is observant of the Sanctification of the Day will be privileged to fill barrels of wine.¹²

R. Huna was accustomed frequently to pass the door of R. Abin the carpenter.¹³ Seeing that he habitually lit many lights, he remarked, Two great men will issue hence. R. Idi b. Abin and R. Hiyya b. Abin issued thence. R. Hisda was accustomed frequently to pass the house of R. Shizbi's father.¹⁴ Seeing that he habitually lit many lights, he remarked, A great man will issue hence. R. Shizbi issued thence.

R. Joseph's wife used to kindle [the Sabbath lights] late.¹⁵ [Thereupon] R. Joseph said to her, It was taught: He took not away the pillar of cloud by day, and the pillar of fire by night.¹⁶ this teaches that the pillar of cloud overlapped¹⁷ the pillar of fire, and the pillar of fire overlapped the pillar of cloud. Thereupon she thought of doing it very early. Said an old man to her: It was taught: Providing that one is not too early¹⁸ or too late.

Raba said: He who loves the Rabbis will have sons who are Rabbis ; he who honours the Rabbis will have Rabbis for sons-in-law; he who stands in awe of the Rabbis will himself be a Rabbinical scholar. But if he is not fit for this, his words will be heeded like those of a Rabbinical scholar.¹⁹

NOR WITH OIL OF BURNING. What is OIL OF BURNING? Said Rabbah, Oil of terumah which was defiled; and why is it called OIL OF BURNING? Because it stands to be burnt. And why is this forbidden on the Sabbath?-Since it is one's duty to destroy it, we fear lest he tilt [the lamp].²⁰ Abaye objected: if so, let it be permitted on Festivals.²¹ Why did we learn: One must not kindle [the lamp] on Festivals with oil of burning!-Festivals are forbidden on account of the Sabbath.²² R. Hisda said: We have no fear lest he tilt [it], but here the reference is to a Festival which falls on the eve of the Sabbath, and as for the prohibition, [the reason is] because sacred food²³ must not be burnt on Festivals.²⁴ But since the second clause²⁵ states, One must not light on Festivals with oil of burning, it follows that the first clause does not refer to Festivals?-R. Hanina of Sura answered: This [the second clause] states, 'What is the reason': what is the reason that one must not light [the lamp] on

Festivals with oil of burning? Because sacred food must not be burnt on Festivals.²⁶

- (1) The other three are reasons why the Torah said this.
- (2) Who may not leave anything and maintain that they left pe'ah in the middle of the field.
- (3) Who each fulfils his obligations, i.e., where only one light is used; supra 21b.
- (4) So that the whole looks like a lamp with many spouts.
- (5) All the flames merge into one and create one great blaze; it does not look like a lamp at all then.
- (6) He cannot afford both. Rashi observes that this refers to the Sabbath.
- (7) V. infra 25b.
- (8) The Sabbath and the Festivals were sanctified over wine.
- (9) Coming every week; by comparison Hanukkah is temporary, coming but once a year.
- (10) V. Glos.
- (11) V.Num. XV, 38.
- (12) I.e., he will be wealthy.
- (13) Many of the Rabbis were workers or tradespeople, the office of the Rabbinate being unpaid in most cases.
- (14) So translated by Bah.
- (15) Just before nightfall.
- (16) Ex. XIII, 22.
- (17) Lit., 'completed'.
- (18) As it is not evident that it is lit in honour of the Sabbath.
- (19) This dictum was possibly a reproof of the hostility sometimes shown towards the Rabbis: cf. Sanh. 99b.
- (20) To accelerate it.
- (21) Since making a fire on Festivals is permitted.
- (22) Lest it be thought that the latter too is permitted.
- (23) Which includes terumah.
- (24) Even when, being defiled, it is unfit for food.
- (25) The Mishnah on 24b.
- (26) [The words, 'one must not light on Festivals with oil of burning' in the second clause, is another way of stating the rule that holy food must not be burnt on Festivals].

Talmud - Mas. Shabbath 24a

It was taught in accordance with R. Hisda: All those [materials] concerning which the Rabbis ruled, One must not light therewith on Sabbath, may be used for lighting on Festivals, except oil of burning,¹ because sacred food must not be burnt on Festivals.

The scholars propounded: Is Hanukkah to be mentioned in grace after meals? Since it is a Rabbinical [institution], we do not mention it; or perhaps it is mentioned to give publicity to the miracle?-Said Raba in R. Sehora's name in R. Huna's name: It need not be mentioned; yet if one comes to mention it, he does so in the 'Thanks' [benediction].² R. Huna b. Judah chanced to visit Raba's academy [and] thought to mention it [Hanukkah] in [the benediction] 'he will rebuild Jerusalem.'³ Said R. Shesheth to them [the scholars], It is as the Prayer:⁴ Just as [it is inserted in] the Prayer in the [benediction of] 'Thanks,'⁵ So [is it inserted in] grace after meals in the [benediction of] 'Thanks'.⁶

The scholars propounded: Is New Moon to be mentioned in grace after meals? Should you say that it is unnecessary in the case of Hanukkah, which is only Rabbinical, then on New Moon, which is Biblical,⁷ it is necessary; or perhaps since the performance of work is not forbidden, it is not mentioned? Rab said: It is mentioned; R. Hanina said: It is not mentioned. R. Zerika said: Hold fast⁸ to Rab's [ruling], because R. Oshaia supports him. For R. Oshaia taught: On those days when there is an additional offering,⁹ viz., New Moon and the weekdays of Festivals¹⁰ at the Evening, Morning and Afternoon [services] the Eighteen [Benedictions] are recited, and the nature of the occasion is

inserted in the 'Abodah;¹¹ and if one does not insert it, he is turned back;¹² and there is no Sanctification over wine,¹³ and mention thereof is made in grace after meals. On those days when there is no additional offering, viz., Mondays, Thursdays,¹⁴ Fasts,¹⁵ and Ma'amadoth¹⁶ -What business have Mondays and Thursdays [here]?¹⁷ -Rather [say thus:] on the Mondays, Thursdays and the [following] Mondays of Fasts¹⁸ - and of Ma'amadoth¹⁹ — at the Evening, Morning and Afternoon [Services] the Eighteen [Benedictions] are recited, and the nature of the occasion is inserted in 'Thou hearkenst unto Prayer';²⁰ yet if one does not insert it he is not made to repeat it,²¹ and no reference is made on these [days] in grace after meals.²²

The scholars propounded: Should one refer to Hanukkah in the Additional Services?²³ Since there is no Additional Service for [Hanukkah] itself, we do not refer to it; or perhaps it [the Sabbath and New Moon] is a day which requires four services?²⁴ — R. Huna and Rab Judah both maintain: It is not referred to; R. Nahman and R. Johanan both maintain: It is referred to. Abaye observed to R. Joseph. This [ruling] of R. Huna and Rab Judah is [synonymous with] Rab's. For R. Gidal said in Rab's name: If New Moon falls on the Sabbath, he who reads the Haftarah²⁵ in the prophetic lesson need not mention New Moon,²⁶ since but for the Sabbath there is no prophetic lesson on New Moon.²⁷ How compare! There, there is no prophetic lesson on New Moon at all; whereas here it [the reference to Hanukkah] is found in the Evening, Morning and Afternoon Services. Rather it is similar to the following. Viz., R. Ahadebuy said in the name of R. Mattenah in Rab's name: When a Festival falls on the Sabbath, he who reads the haftarah in the prophetic lesson at the Sabbath Afternoon Service²⁸ need not mention the Festival, since but for the Sabbath there is no prophetic lesson at the Afternoon Service on Festivals.

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- (1) [Although one may light therewith on Sabbaths, one may not do so on Festivals, v. Tosaf a.l.].
 - (2) The second benediction of grace; so called because it commences with, 'we give thanks unto Thee'.
 - (3) The fourth benediction of grace.
 - (4) The 'Prayer' par excellence is the Eighteen Benedictions; v. p. 32, n. 3.
 - (5) The eighteenth benediction.
 - (6) The 'mention' is an added passage which relates very briefly the story of Hanukkah.
 - (7) Cf. Num. XXVIII, 11-15.
 - (8) Lit., 'in your hand'.
 - (9) I.e., additional to the daily burnt-offering; v. Num. XXVIII, 1, seq.
 - (10) The first and seventh days of Passover, and the first and eighth of Tabernacles have the full sanctity of Festivals, and no work, except what is necessary for the preparation of food, is permitted. The intermediate days are of a semi-festive nature, other work too being permitted under certain conditions.
 - (11) Lit., '(sacrificial) service', the name of the seventeenth Benediction.
 - (12) To repeat the passage, because these are special occasions instituted in the Bible.
 - (13) Lit., 'goblet'. V. p. 102, n. 8.
 - (14) On these days Reading of the Law forms part of the Service, as on the Sabbath. According to the Talmud (B.K. 82a) this was instituted by Ezra, so that three days should not pass without Torah.
 - (15) Specially proclaimed for rain (Ta'an. 10a).
 - (16) Ma'amad, pl. ma'amadoth, lit., posts': 'a division of popular representatives deputed to accompany the daily services in the Temple with prayers, and also a corresponding division in the country towns, answering to the divisions of priests and Levites' (Jast.). Each district sent its representatives on certain days; v. Ta'an. Mishnah 26a.
 - (17) This is an interjection. Why should I think that special mention must be made? The Reading of the Law is certainly insufficient cause.
 - (18) In times of drought fasts were held on Monday, Thursday and the following Monday.
 - (19) On these days four fasts were kept: Tuesday, Wednesday and Thursday; Ta'an ibid.
 - (20) The name of the sixteenth Benediction.
 - (21) Because these are not Biblical institutions.
 - (22) The first clause states that a reference is made on New Moon, in agreement with Rab.
 - (23) Of the Sabbath and New Moon; these always occur during Hanukkah, which commences on the 25th of the month

and lasts eight days.

(24) The three stated above plus the Additional. Hence this Additional Service ranks as the rest, and requires a mention of Hanukkah.

(25) 'Conclusion'. A passage of the Prophets, with which the Reading of the Law concludes. The passage generally had some bearing upon the portion of the Law, except on special occasions. On the origin and the development of the Haftarah v. J.E. s.v. 'Haftarah' and 'Liturgy': Elbogen, *Der Judische Gottesdienst*, 174 seq.

(26) 'Who sanctifieth the Sabbath and the New Moon', the conclusion of the last benediction after the haftarah.

(27) This is the same reasoning as that which governs R. Huna's and Rab Judah's view above.

(28) This is not mentioned elsewhere in the Talmud. Rashi quotes a Geonic responsum that a haftarah from the prophets was read in early times, until the practice was forbidden by the Persians. V. Elbogen, *op. cit.*, p. 182.

Talmud - Mas. Shabbath 24b

Yet the law is as none of these rulings, but as R. Joshua b. Levi's dictum: When the Day of Atonement falls on the Sabbath, he who recites the Ne'ilah Service¹ must refer to the Sabbath:² it is a day when four services are obligatory.³ Then one law contradicts another! [First] you say that the law is as R. Joshua b. Levi, whereas it is an established principle that the law is as Raba. For Raba said: On a Festival that falls on the Sabbath, the Reader⁴ who descends before the desk⁵ at the Evening Service⁶ need not make mention of the Festival,⁷ since but for the Sabbath the Reader would not descend [before the desk] at the Evening Service on Festivals.⁸ -How compare! There, by ritual law it is not required even on the Sabbath,⁹ and it was the Rabbis who instituted it on account of danger;¹⁰ but here it is a day when four services are a [statutory] obligation.

NOR WITH TAIL FAT etc. But the SAGES are identical with the first Tanna?¹¹ -They differ in respect to R. Beruna's dictum in Rab's name,¹² but it is not clearly defined.¹³

MISHNAH. ONE MAY NOT KINDLE [THE SABBATH LAMP] WITH OIL OF BURNING ON FESTIVALS.¹⁴ R. ISHMAEL SAID: ONE MAY NOT LIGHT [IT] WITH 'ITRAN,¹⁵ FOR THE HONOUR OF THE SABBATH; BUT THE SAGES PERMIT IT WITH ALL OILS; WITH SESAME OIL, NUT OIL, RADISH OIL, FISH OIL,, GOURD OIL, ITRAN AND NAPHTHA. R. TARFON SAID: ONE MAY LIGHT [IT] WITH OLIVE OIL, ONLY.

GEMARA. What is the reason?-Because sacred [commodities] may not be burnt on Festivals.¹⁶ Whence do we know it?-Said Hezekiah, and the School of Hezekiah taught likewise: And ye shall let nothing of it remain until the morning; but that which remaineth of it until the morning [ye shall burn with fire]:¹⁷ now [the second] until the morning' need not be stated. What then is the teaching of, until the morning'? Scripture comes to appoint the second morning for its burning.¹⁸ Abaye said: Scripture saith, 'the burnt-offering of the Sabbath [shall be burnt] on its Sabbath',¹⁹ but not the burnt-offering of weekdays on the Sabbath, nor the burnt-offering of weekdays on Festivals.²⁰ Raba said, Scripture saith, [no manner of work shall be done on them, save that which every man must eat,] that only may be done of you:²¹ 'that', but not its preliminaries;²² 'only', but not circumcision out of its proper time, which might [otherwise] be inferred a minori.²³ R. Ashi said: on the first day shall be a solemn rest [Shabbathon]²⁴

(1) The 'closing service'. Originally this was held daily in the Temple just before the closing of the Temple gates (cf. Ta'an. IV, 1). Outside the Temple a Ne'ilah service was held only on public fast days; sub sequently, however, it was abolished and retained for the Day of Atonement only. Elbogen, pp. 68, 152.

(2) 'Thou didst sanctify the Sabbath and this Day of Atonement'.

(3) And the same applies to Festivals falling on the Sabbath.

(4) Lit., 'the congregation messenger or representative'.

(5) In Talmudic times the reading desk in Babylonian synagogues was on a lower level than the rest of the synagogue.

(6) He recites the 'one benediction embodying the seven'. V. P.B. pp. 119f.

- (7) He merely concludes with 'Who sanctifiest the Sabbath'.
- (8) To read the benediction mentioned in n. 5. This runs counter to the view of R. Joshua b. Levi.
- (9) The repetition of the Eighteen Benedictions on weekdays and the 'seven benedictions' on Sabbaths and Festivals by the Reader was originally instituted on account of the uneducated, who could not pray for themselves. In the Evening Service, however, which in origin was regarded as of a voluntary character (v. Ber. 27b), this repetition was omitted, and the same should apply to the Sabbath too.
- (10) The Synagogues were situated outside the town, therefore the Rabbis prolonged the service by the addition of this passage so that latecomers might not be left alone in the synagogue and have to return home by themselves.
- (11) V. Mishnah on 20b.
- (12) Supra 21a.
- (13) Who accepts and who rejects that view.
- (14) V. supra 23b.
- (15) Jast.: a sort of resin used for lighting in place of oil.
- (16) V. supra 23b.
- (17) Ex. XII, 10. The reference is to the Passover sacrifice.
- (18) i.e., the sixteenth of the month, which was not a Festival, v. p. 105, n. 2. This shows that its burning on the Festival is forbidden.
- (19) Num. XXVIII, 10. This is the literal translation of the verse; the E.V. is not so true to the original.
- (20) E.g., the animal sacrificed before the Sabbath or a Festival is not to be burnt the following evening. Hence sacrifices and sacred food in general, if unfit, may a minori not be burnt on Festivals.
- (21) With reference to festivals. Ex. XII, 16.
- (22) E.g., one may roast meat, but not construct an oven or make a spit for the roasting.
- (23) A child is circumcised on the Sabbath if it is the eighth day after birth (Lev. XII, 3), but not otherwise. This is deduced from 'alone', which is a limitation. But for this one could infer a minori (v. infra 132b) that it is permissible. Thus we learn that when an act need not be done on a particular day, it may not be done on the Sabbath or Festivals, and the same applies to the burning of defiled sacred food.
- (24) Lev. XXIII, 39.

Talmud - Mas. Shabbath 25a

is an affirmative precept:¹ thus there is an affirmative and a negative precept in respect of Festivals, and an affirmative precept cannot supersede a negative and an affirmative precept.²

Thus it [the burning of defiled terumah] is forbidden only on Festivals, but on weekdays it is well.³ What is the reason? Said Rab: Just as it is obligatory to burn defiled sacred food, so it is obligatory to burn defiled terumah, and the Torah said, When it is burnt, you may benefit therefrom. Where did the Torah say thus?-[It follows] from R. Nahman's [dictum]. For R. Nahman said in Rabbah b. Abbuha's name, Scripture saith, And I, behold, I have given thee the charge of mine heave-offerings:⁴ the Writ refers to two terumoth,⁵ viz., clean and unclean terumah, and the Divine Law said '[I have given] thee', [meaning], let it be thine for burning it under thy pot. Alternatively, [it follows] from R. Abbahu's [dictum]. For R. Abbahu said in R. Johanan's name: 'Neither have I put away thereof, being unclean:'⁶ 'thereof' you may not 'put away,'⁷ but you may 'put away' [burn] defiled oil of terumah. Yet [perhaps] say: 'thereof' you may not 'put away', but you may 'put away undefiled oil of kodesh⁸ which is defiled? — Does it [the reverse] not follow a fortiori: if tithe, which is light,⁹ yet the Torah said, neither have I put away thereof, being unclean'; then how much more so kodesh, which is more stringent? If so, in the case of terumah too let us say, does it [the reverse] not follow a afortiori?¹⁰ — Surely thereof' is written!¹¹ And why do you prefer it thus?¹² — It is logical that I do not exclude kodesh, since it is [stringent] in respect of (Mnemonic: Pa Nak'akas):¹³ [i] Piggul, [ii] Nothar, [iii] sacrifice [Korban], [iv] Me'ilah, [v] Kareth, and [vi] 'it is forbidden [asur] to an onen.¹⁴ On the contrary, terumah is not to be excluded, since [it is stringent] in respect of its (mnemonic Ma HPaz): [i] Death [Mithah], [ii] a fifth [Homesh],

- (1) For it intimates, rest therein.
- (2) The negative precept is 'no manner of work' etc.; while the affirmative precept to burn what is left over is in Ex. XII, 10, quoted supra. Thus unfit sacred food may not be burnt on Festivals, and the same applies to unclean terumah.
- (3) One may benefit from the burning, e.g., by using it as fuel.
- (4) Num. XVIII, 8. Heb. terumothai, pl. of terumah with passage.
- (5) Since it is in the plural.
- (6) Deut. XXVI, 14; v. whole passage. The reference is to the second tithe, and 'being unclean' is understood as meaning whether the person or the tithe was unclean.
- (7) I.e., by using it as fuel.
- (8) V. Glos. E.g., that used in connection with the meal offerings; v. Lev. II, 1.
- (9) I.e., its sanctity is less than that of sacrifices.
- (10) For its sanctity is higher than that of tithes.
- (11) Implying a limitation as stated.
- (12) Lit., 'what (reason) do you see?'- Why exclude terumah by exegesis and include kodesh a fortiori? Perhaps it should be the reverse?
- (13) A mnemonic is a word or phrase made up of the initial letters of a number of other words or phrases, as an aid to the memory.
- (14) V. Glos. for these words. (i) Piggul, lit., 'abomination', is a sacrifice killed with the intention of eating it without the boundaries appointed for same; (ii) nothar, with the intention of eating it after its appointed time. These are the connotations of the words here, though elsewhere piggul has the meaning given here to nothar (Tosaf.). These unlawful intentions render the sacrifice an 'abomination', and it may then not be eaten even within its lawful boundaries and time on pain of kareth. (iii) It is designated a sacrifice (Korban). (iv) If one puts it to secular use he is liable to a trespass-offering (Me'ilah). (v) Kareth is incurred for eating it in an unclean bodily state. Kareth (lit., 'cutting off') is the Divine penalty of premature death and childlessness, which is severer than 'Death at the hand of Heaven', which does not include childlessness.-Since Kodesh is so strict in all these matters, it is logical that the limitation does not apply to it.

Talmud - Mas. Shabbath 25b

, [iii] it cannot be redeemed [Pidyon], and [iv] it is forbidden to Zarim?¹ The former are more numerous. Alternatively, kodesh is more stringent, since it involves the penalty of kareth. R. Nahman b. Isaac said: Scripture saith, [The first-fruits of thy corn, of thy wine, and of thine oil ...] shalt thou give to him:² to 'him', but not for its light;³ hence it can be used for light [if defiled].⁴

R. ISHMAEL SAID etc. What is the reason?-Rabbah answered, Since it is malodorous, it is feared that he [the occupant of the house] will leave it and go out. Said Abaye to him, Then let him leave it! I maintain, he replied, that the kindling of the lamp on the Sabbath is a duty,⁵ for R. Nahman b. R. Zabda-others state, R. Nahman b. Raba-said in Rab's name: The kindling of the lamp for the Sabbath is a duty; the washing of the hands and the feet in warm water on the eve [of the Sabbath] is voluntary. Whilst I maintain that it is a mizwah.⁶ How is it a mizwah? For Rab Judah said in Rab's name: This was the practice of R. Judah b. Il'ai: On the eve of the Sabbath a basin filled with hot water was brought to him, and he washed his face, hands, and feet, and he wrapped himself and sat in fringed linen robes,⁷ and was like an angel of the Lord of Hosts. But his disciples hid the corners of their garments from him.⁸ Said he to them, My sons! Have I not thus taught you: A linen robe, in respect to fringes-Beth Shammai exempt it, while Beth Hillel hold it liable, and the halachah is as Beth Hillel? But they held, It is forbidden on account of a night garment.⁹

And thou hast removed my soul far off from peace; I forgot prosperity.¹⁰ What is the meaning of, 'and thou hast removed my soul far off from peace'?-R. Abbahu said: This refers to the kindling of the light on the Sabbath.¹¹ I forgot prosperity;¹² R. Jeremiah said: This refers to the [loss of] baths. R. Johanan said: This means the washing of hands and feet in hot water. R. Isaac Nappaha¹³ said: This refers to a beautiful bed and beautiful bedclothes upon it.¹⁴ R. Abba said: This refers to a decked-out bed and an adorned wife for scholars. Our Rabbis taught: Who is wealthy? He who has

pleasure in his wealth: this is R. Meir's view. (Mnemonic: Mat Kas).¹⁵ R. Tarfon said: He who possesses a hundred vineyards, a hundred fields and a hundred slaves working in them.¹⁶ R. Akiba said: He who has a wife comely in deeds.¹⁷ R. Jose said: He who has a privy near his table.¹⁸

It was taught: R. Simeon b. Eleazar said: One may not light [the Sabbath lamp] with balsam. What is the reason?—Rabbah said: Since its smell is fragrant, there is [the need of] a preventive measure, lest one draw supplies from it.¹⁹ Said Abaye to him,

(1) For Zar, pl. Zarim, v. Glos. (i) If a zar or an unclean priest eats terumah, he is liable to Death at the hand of heaven; (ii) if a zar eats it unwittingly, he must restore it and add a fifth; (iii) under no circumstances can terumah be redeemed and converted to hullin, whereas kodesh can be redeemed if it is blemished; and finally (iv), it is always forbidden to zarim. But certain sacrifices (kodesh) are permitted to zarim after the sprinkling of the blood, e.g., the thanksgiving and the peace-offerings.

(2) Deut. XVIII, 4.

(3) I.e., the priest must be able to use it himself, and not have to burn it for its heat or light. Hence defiled corn, etc., which may not be eaten as terumah, may not be separated as terumah for undefiled corn.

(4) For otherwise, why exclude it?

(5) I.e., the lamp must be lit where the evening repast is consumed. If the person leaves it and dines elsewhere he does not fulfil his obligation.

(6) Mizwah denotes either a definite precept or something which while not actually commanded is meritorious. The latter is meant here.

(7) The fringes were of wool. This constitutes a forbidden mixture (v. Deut. XXII, 11), and it is disputed by Tannaim whether this should be done.

(8) Because they were not provided with fringes, V. next note.

(9) A garment worn only at night is not subject to fringes; consequently, this forbidden mixture (v. n. 3) is then forbidden, since there is no precept of fringes to supersede it. The disciple held that Beth Hillel's ruling was Scriptural only; nevertheless it is forbidden by Rabbinical law, to avoid confusing night attire with day attire.

(10) Lam. III, 17.

(11) Jeremiah laments that they could not even afford this; loss of light brings loss of peace.

(12) Lit., 'good'.

(13) Or, the smith; v. p. 102, n. 13.

(14) Or, a beautiful couch and its appointments.

(15) V. p. 110, n. 1. R. Meir, R. Tarfon, R. AKiba, and R. Jose.

(16) The most famous dictum on wealth is in Ab. IV, 1: Who is wealthy? He who rejoices in his portion. Nevertheless, other Rabbis took a more material view of wealth, as here. Maharsha suggests that R. Tarfon intentionally states his case in an exaggerated form, to intimate that one who seeks wealth can never really attain it, unless he is satisfied with what he possesses. On that view R. Tarfon's statement really agrees with that in Aboth. Actually R. Tarfon was very wealthy, and Judaism is not opposed to wealth in principle. 'Despise not riches. Honour the wealthy if they are benevolent and modest. But remember that the true riches is contentment'. — Sefer Ma'alothe Hammidoth, quoted by M. Joseph in Judaism as Creed and Life, p. 388.

(17) He spoke from personal experience: his wife stood out as a model of fidelity and trust, and it was she alone who enabled and encouraged him to attain his high position (Ned. 50a).

(18) In a time when sanitary arrangements were very primitive and privies were situated in fields, this would be a sign of wealth, V. T.A. I, 48.

(19) Which is forbidden; v. Bez. 22a.

Talmud - Mas. Shabbath 26a

Let the Master say, because it is volatile?¹ — He states, one thing and yet another.' One thing, because it is volatile; and yet another, as a preventive measure, lest he draw supplies from it.

A certain mother-in-law hated her daughter-in-law. Said she to her, 'Go and adorn yourself with

balsam oil.² She went and adorned herself. On her return she said to her, 'Go and light the lamp.' She went and lit the lamp: a spark flew out on her and consumed her.

But Nebuzaradan the captain of the guard left of the poorest of the land to be vinedressers [kormim] and husbandmen [yogbim].³ 'Kornim:' R. Joseph learnt: This means balsamum gatherers from the En Gedi to Ramah. Yogbim: These are those which catch hilazon⁴ from the promontory of Tyre as far as Haifa.⁵

Our Rabbis taught: One must not feed a lamp with unclean tebel⁶ on weekdays, and all the more so on the Sabbath. Similarly, one must not light [a lamp] with white naphtha on weekdays, and all the more so on the Sabbath. As for white naphtha, that is well, [the reason being] because it is volatile. But what is the reason of unclean tebel?-Scripture saith, And I, behold, I have given thee the charge of mine heave-offerings [terumothai]:⁷ the Writ refers to two terumoth, clean and unclean terumah:⁸ just as you enjoy nought of clean terumah save from its separation and onwards,⁹ So also unclean terumah, you may enjoy nought thereof save from its separation and onwards.¹⁰

[To turn to] the main text: R. Simeon b. Eleazar said: One may not kindle [the Sabbath lamp] with balsam. And thus did R. Simeon b. Eleazar say: Balsam [zari] is merely the sap of resinous trees. R. Ishmael said: All that proceeds from trees, one may not light. R. Ishmael b. Berokah said: One may light only with the produce of fruit.¹¹ R. Tarfon said: One may light [the Sabbath lamp] with nought but olive oil. Thereupon R. Johanan b. Nuri rose to his feet and exclaimed, What shall the Babylonians do, who have only sesame oil? And what shall the Medeans do, who have only nut oil? And what shall the Alexandrians do, who have only radish oil? And what shall the people of Cappadocia¹² do, who have neither the one nor the other, save naphtha? But you have nought else but that concerning which the Sages said, One may not kindle [therewith].¹³ And one may kindle with fish oil and 'itran.¹⁴ R. Simeon Shezuri¹⁵ said: One may kindle with oil of gourds and with naphtha. Symmachos said: All that which comes from flesh, we may not kindle therewith, except fish oil. But Symmachos is identical with the earlier Tanna?¹⁶ -They differ in respect to R. Beruna's dictum in Rab's name,¹⁷ but it is not clearly defined.¹⁸

It was taught, R. Simeon b. Eleazar said: Whatever comes forth from trees is not subject to the law of three by three fingerbreadths,¹⁹ and one may cover [a booth] therewith,²⁰ except flax.²¹ Abaye observed,

(1) Explosive and dangerous.

(2) Anointing with oil is and was a common practice in the hot eastern countries; Krauss, T.A. I, 229 and 233.

(3) Jer. LII, 16.

(4) Purple-fish, used for dyeing tekeleth, a peculiar kind of blue.

(5) 'וּגְבִים' is derived from גָּב 'to split', with reference to the splitting of the mollusc in order to extract the dye; v. infra 76a.

(6) V. Glos.

(7) Num. XVIII, 8.

(8) V. supra 25a.

(9) Clean terumah is used for human consumption, and before it is actually separated it is forbidden, even to the priest, i.e., he may not enjoy the produce in which it is contained.

(10) Unclean terumah can be used only as fuel, and the analogy shows that this is permitted only when it is actually separated, but not while it is yet tebel.

(11) Excluding fish and mineral oil, and oil tapped direct from the tree.

(12) A district of Asia Minor.

(13) You cannot add to the list of forbidden oils enumerated on 20b.

(14) A sort of resin.

(15) Of Shezor, supposed to be Sheghor, near Kefar Anan in Galilee, v. Neub., Geogr., p. 278.

(16) Sc. R. Johanan b. Nuri.

(17) V. supra 11a. One holds that tallow, being flesh, may not be used at all, even if mixed with oil, thus rejecting the view expressed there, and the other maintains that the mixture is permitted.

(18) Who accepts R. Beruna's dictum and who rejects it.

(19) A piece of cloth three fingerbreadths square (or more) is liable to become unclean. R. Simeon b. Eleazar excepts the produce of trees, e.g., cotton cloth.

(20) The booth (sukkah), in which one must dwell during the Feast of Tabernacles (Lev. XXIII, 42), must be covered with a material that is not liable to defilement (Suk. 12.b); hence the produce of trees is fit for this purpose.

(21) Even if not made up into a garment and as yet merely spun (v. infra 27b). Though not liable to defilement by reptiles it is subject to the uncleanness of leprosy.

Talmud - Mas. Shabbath 26b

R. Simeon b. Eleazar and the Tanna of the School of R. Ishmael¹ said the same thing. R. Simeon b. Eleazar, as stated. The Tanna of the School of R. Ishmael: what is that? For the School of R. Ishmael taught: Since garments are mentioned in the Torah unspecified, while the Writ specified wool and flax in the case of one of them: [then] just as there, wool and flax [are specified], so all [garments] are of wool and flax.² Raba said: They differ in respect to three [handbreadths] by three in other clothes [not wool or linen]: R. Simeon b. Eleazar accepts [their liability to defilement],³ whilst the Tanna of the School of R. Ishmael rejects it.⁴

Now all at least agree that an area of three [fingerbreadths] of wool or linen is subject to the defilement of leprosy. How do we know it? Because it was taught, A garment:⁵ I know it only of a [complete] garment; whence do I learn it of [cloth] three [fingerbreadths] square? From the verse, and the garment.⁶ Yet say that it is to include three [handbreadths] square?⁷ -Does that not follow a minori: if a warp and a woof become unclean,⁸ is there a question of three [handbreadths] square?⁹ If so, if it is three [fingerbreadths] square, let it also be deduced a minori?¹⁰ — Rather, [this is the reply]: three [handbreadths] square, which is of use¹¹ both to the wealthy and to the poor, can be deduced a minori¹² three [fingerbreadths] square, which is of use to the poor only, but not to the rich,¹³ cannot be learnt a minori: hence it is only because Scripture wrote it; but had Scripture not written it, we could not deduce it a minori.

Yet say [that its purpose is] to include three [handbreadths] square of other materials?¹⁴ -Scripture saith, a woollen garment, or a linen garment:¹⁵ only a woollen or a linen garment, but not anything else. Yet say, when it is excluded it is from [the defilement of] three [fingerbreadths] square, but three [handbreadths] square can become unclean?-Two limitations are written: 'a woollen garment or a linen garment',¹⁶ [hence] one is to exclude [them] from [the defilement of] three [fingerbreadths] square, and the other to exclude them from [the defilement of] three [handbreadths] square.

Now, according to Raba, who said, They differ in respect of three [handbreadths] by three in other clothes, R. Simeon b. Eleazar accepting [their liability to defilement], whilst the Tanna of the School of R. Ishmael rejects it,-how does he [R. Simeon b. Eleazar] know [the defilement of] three [handbreadths] square of other materials?

(1) No particular Tanna is meant, but the collective view of that School.

(2) E.g., the uncleanness of garments caused by the carcasses of forbidden animals (Lev. II, 25) or reptiles (v. 32): there the garments are unspecified. On the other hand, with respect to leprosy in garments wool and flax are specified: The garment also that the plague of leprosy is in, whether it be a woollen garment, or a linen garment.-Lev. XIII, 47.

(3) In his statement he employs the word shalosh, feminine, which must refer to fingerbreadths (ezba'oth, fem.). Hence they are not subject to the stricter law that even when only three fingerbreadths square they shall be liable to defilement. Whence it follows that they are subject to the next standard of liability, viz., three handbreadths (sheloshah, masc).

agreeing with tefahim, handbreadths); v. infra.

(4) For he simply rules that wherever 'garments' is stated it means wool or flax.

(5) Lev. XIII, 47: referring to leprosy.

(6) We-habeged, E.V. The garment also, 'And' is regarded as an extension.

(7) But not the smaller standard.-Shalosh refers to ezba'oth, fingerbreadths; sheloshah to tefahim, handbreadths; v. n. 1.

(8) Lev. ibid.

(9) No extension is needed for that.

(10) Since cloth containing a warp and a woof can be less.

(11) Lit., 'fit'.

(12) For it is then nearer to an actual garment.

(13) A rich man would not trouble to save it for some possible service-hence it is further removed from 'garment'.

(14) Lit., 'garments'.

(15) Lev. XIII, 48; these are also specified in v. 47.

(16) V. P. 115, n. 13.

Talmud - Mas. Shabbath 27a

— He deduces it from, or raiment.¹ For it was taught:² 'raiment': I only know [it] of raiment,³ how do I know [it of] three [handbreadths] square of other materials?⁴ Therefore it is stated, 'or raiment.' And Abaye? how does he employ this or raiment!-He utilizes it to include three [fingerbreadths] square of wool or linen, that it becomes unclean through creeping things.⁵ And Raba?⁶ -The Merciful One revealed this in reference to leprosy,⁷ and the same holds good of reptiles. And Abaye?⁸ — It [the analogy] may be refuted: as for leprosy, [the reason is] because the warp and the woof [of wool or linen] become defiled in their case.⁹ And the other?¹⁰ -Should you think that leprosy is stricter, let the Divine Law write [it]¹¹ with reference to reptiles,¹² and leprosy would be learnt from them. And the other?-Leprosy could not be derived from reptiles, because it may be refuted: as for reptiles, [the reason is] because they defile by the size of a lentil.¹³ Abaye said: This Tanna of the School of R. Ishmael rebuts another Tanna of the School of R. Ishmael. For the School of R. Ishmael taught: 'A garment': I know it only of a woollen or a linen garment: whence do I know to include camel hair¹⁴, rabbit wool, goat hair,¹⁵ silk, kallak,¹⁶ and seritim?¹⁶ From the verse, or raiment'. Raba said: When does this Tanna of the School of R. Ishmael reject [the defilement of] other materials? [Only in respect of] three [fingerbreadths] square; but [if it is] three [handbreadths] square, he accepts it. But it was Raba who said that in respect of three [handbreadths] by three in other clothes, R. Simeon b. Eleazar accepts [their liability to defilement], while the Tanna of the School of R. Ishmael rejects it?-Raba retracted from that [view]. Alternatively, this latter [statement] was made by R. Papa.¹⁷

R. Papa said: 'So all [are of wool or flax],¹⁸ is to include kil'ayim.¹⁹ But of kil'ayim it is explicitly stated, Thou shalt not wear a mingled stuff, wool and linen together?²⁰ -I might argue, That is only in the manner of wearing,²¹ but to place it over oneself²² any two materials [mingled] are forbidden. Now, does that not follow a fortiori': if of wearing, though the whole body derives benefit from kil'ayim,²³ you say, wool and linen alone [are forbidden] but nothing else; how much more so wrapping oneself! Hence this [dictum] of R. Papa is a fiction.²⁴ R. Nahman b. Isaac said: 'So all etc.'

(1) Lev. XI, 32, q.v. 'Or'-(Heb. **אֵשׁ** is an extension.

(2) This phrase always introduces a Baraita, which contains the teaching of a Tanna. Since it is controverted by Abaye (v. text), Rashi deletes 'for it was taught', for it is axiomatic that an amora (Abaye was such) cannot disagree with a Tanna, and assumes that it is a continuation of Raba's statement. Tosaf. defends it, and the style too is that of a Baraita.

(3) Sc. that a garment is subject to defilement.

(4) Not wool or linen.

(5) 'Or raiment' is in a passage referring to these.

(6) How does he know that?

(7) V. supra 26b.

(8) Does he not admit this?

(9) I.e., the thread itself, whether warp or woof, is liable to defilement. But Scripture does not state this in reference to reptiles, and so the deduction of three fingerbreadths square may not apply to it either.

(10) Raba: how does he dispose of this refutation?

(11) The extension of 'and the garment' supra 26b.

(12) Instead of leprosy.

(13) A piece the size of a lentil is sufficient to defile, whereas the smallest leprous eruption to defile is the size of a bean, which is larger than a lentil.

(14) Lit., 'wool of camels'.

(15) I.e., stuffs made of these.

(16) V. supra p. 86, n. 6.

(17) Raba's successor; of many dicta it was not known whether they were his or Raba's; Tosaf. infra b. s.v. **רב פפא**

(18) In the first citation of the Tanna of the School of R. Ishmael, supra 26b.

(19) V. Glos. I.e., only a mixture of wool or flax is forbidden, but no other. Accordingly it does not relate to defilement at all, and does not contradict the other teaching of the School of R. Ishmael. — Rashi reads at the beginning of this passage, For R. Papa said, since this dictum of R. Papa explains why in his opinion the two are not contradictory.

(20) Deut. XXII, 11.

(21) Then a mixture of wool and linen alone is forbidden.

(22) E.g., as a covering or wrap.

(23) When one wears a garment it comes into closer contact with the separate limbs of the body, affording them protection and warmth, than when he merely covers or wraps himself in a robe.

(24) Incorrect.

Talmud - Mas. Shabbath 27b

is to include fringes.¹ [But] of fringes it is explicitly stated, 'Thou shalt not wear a mingled stuff, wool and linen together'; and then it is written, Thou shalt make thee fringes?², I might argue, it is as Raba. For Raba opposed [two verses]: it is written, [and that they put upon the fringe of] each border,³ [which indicates] of the same kind of [material as the] border; but it is also written, '[Thou shalt not wear a mingled stuff,] wool and linen together'?⁴ How is this [to be reconciled]? Wool and linen fulfil [the precept]⁵ both in their own kind and not in their own kind;⁶ other kinds [of materials] discharge [the obligation] in their own kind, but not in a different kind. [Thus,] you might argue, it is as Raba:⁷ therefore we are informed [otherwise].⁸

R. Aha son of Raba asked R. Ashi: According to the Tanna of the School of R. Ishmael, why is uncleanness different that we include other garments? Because 'or raiment' is written! Then here too⁹ let us say that other garments are included from [the verse] wherewith thou coverest thyself?¹⁰ — That comes to include a blind person's garment. For it was taught: That ye may look upon it:¹¹ this excludes a night garment. You say, this excludes a night garment; yet perhaps it is not so, but rather it excludes a blind man's garment? When it is said, 'wherewith thou coverest thyself', lo! a blind man's garment is stated. How then do I interpret¹² that ye may look upon it'? As excluding a night garment. And what [reason] do you see to include a blind man's [garment], and to exclude a night garment? I include a blind man's garment, which can be seen by others,¹³ while I exclude night garments, which are not seen by others. Yet say [rather] that it¹⁴ is to include other garments?¹⁵ It is logical that when one treats of wool and linen he includes [a particular garment of] wool and linen; but when one treats of wool and linen, shall he include other garments?¹⁶

Abaye said: R. Simeon b. Eleazar and Symmachos said the same thing. R. Simeon b. Eleazar, as stated.¹⁷ Symmachos, for it was taught: Symmachos said: If one covers it [the booth] with spun [flax], it is unfit, because it may be defiled by leprosy. With whom [does that agree]? With this Tanna. For we learnt: The warp and the woof are defiled by leprosy immediately:¹⁸ this is R. Meir's ruling. But R. Judah maintained: The warp, when it is removed;¹⁹ the wool, immediately; and

bundles of [wet] flax,²⁰ after bleaching.²¹

MISHNAH. WHATEVER COMES FORTH FROM A TREE [‘EZ] YOU MAY NOT LIGHT [THE SABBATH LAMP] THEREWITH,²² SAVE FLAX; AND WHATEVER COMES FORTH FROM A TREE CANNOT BE DEFILED WITH THE UNCLEANNES OF TENTS,²³ EXCEPT LINEN.²⁴ GEMARA. How do we know that flax is designated tree [‘ez]? Said Mar Zutra, Because Scripture saith, But she had brought them up to the roof, and hid them with the stalks [‘ez] of the flax.²⁵

AND WHATEVER COMES FORTH FROM A TREE CANNOT BE DEFILED WITH THE UNCLEANNES OF TENTS, EXCEPT LINEN. How do we know it?—Said R. Eleazar, The meaning of tent [ohel] is learnt

(1) Num. XV, 38; i.e., only wool and linen garments are liable thereto.

(2) And the juxtaposition shows that they are required only in garments of wool or linen. It may be observed that the Talmud regards the deduction from this juxtaposition as an explicit statement, and not merely as something derived by exegesis.

(3) Num. *ibid.* ‘Border’ is superfluous, since the first half of the verse reads, and bid them that they make them fringes in the borders of their garments. Hence it is thus interpreted.

(4) Since this is immediately followed by the precept of fringes, we translate: though a mixture of wool and linen are forbidden, yet ‘thou shalt make thee fringes’, i.e., wool fringes are permitted in a linen garment and vice versa, which contradicts the implication of the other verse.

(5) Lit., ‘acquit’ (the garment of its obligation).

(6) Whatever the material, wool or linen fringes may be inserted.

(7) That the juxtaposition illumines the nature of the fringes, but does not teach that the garment itself must be of wool or linen. For in fact, according to Raba, there is an obligation whatever the material.

(8) V. Yeb., Sonc. ed., p. 15 notes.

(9) In reference to fringes.

(10) *Ibid.* This too is superfluous and indicates extension.

(11) Sc. the fringed garment. — Num. XV, 39.

(12) Lit., ‘fulfil’.

(13) Lit., ‘which is subject to looking in respect to others’.

(14) Sc. ‘wherewith thou coverest thyself’.

(15) Not of wool or linen.

(16) Surely not.

(17) *Supra*, 26a bottom, and note a.l.

(18) After spinning, though given no further treatment.

(19) From the kettle in which it is boiled. *Maim. Neg. XI, 8* appears to read: when it has been boiled.

(20) *Jast. Rashi*: unspun flax; *Tosaf.*: spun flax.

(21) Thus *Symmachos*, who rules that it is liable to leprous defilement immediately it is spun (this being the reason that it may not be used as a covering of the booth, v. p. 114, n. 8.), agrees with R. Meir.

(22) Using it as a wick.

(23) If a tent or awning of such material overshadows a dead body, it does not become unclean, just as the roof of a house which contains a dead body is not unclean, though all utensils under the same roof or covering are defiled.

(24) If the tent is of linen, that itself is defiled.

(25) *Josh. II, 6*.

Talmud - Mas. Shabbath 28a

from the Tabernacle. Here it is written, This is the law when a man dieth in a tent [ohel];¹ and there it is written, and he spread the tent [ohel] over the Tabernacle:² just as there [the covering] of linen is designated tent, so here too, [a covering] of linen is designated tent.³ If so, just as there it was twisted

and the thread was doubled sixfold,⁴ so here too it must be twisted and its thread doubled sixfold?⁵ - The repetition of tent⁶ is an extension.⁷ If the repetition of tent is an extension, then everything else⁸ too should be included? — If so, what avails the gezerah shawah?⁹ Yet [perhaps] say, just as there [the Tabernacle was of] boards, so here too [a tent of] boards [is meant]?-Scripture saith, And thou shalt make boards for the tabernacle:¹⁰ the tabernacle¹¹ is called tabernacle, but the boards are not designated tabernacle. If so, [when it is stated,] and thou shalt make a covering¹² for the tent [ohel],¹³ is the covering indeed not designated tent [ohel]? But when R. Eleazar propounded: Can the skin of an unclean animal¹⁴ be defiled by overshadowing¹⁵ the dead?-[What doubt was there] seeing that the skin of a clean animal cannot be defiled,¹⁶ is there a question of the skin of an unclean animal? — There it is different, because Scripture restored it,¹⁷ as it is written, they shall bear the curtains of the tabernacle, and the tent of meeting, its covering and the covering of sealskin that is above it:¹⁸ thus the upper [covering]¹⁹ is assimilated to the lower:²⁰ just as the lower is designated tent,²¹ so is the upper designated tent.

[To revert to] the main text: ‘R. Eleazar propounded: Can the skin²² of an unclean animal be defiled with the defilement of tents?’²³ What is his problem?²⁴ -Said R. Adda b. Ahabah: His question relates to the tahash which was in the days of Moses,²⁵ -was it unclean or clean? R. Joseph observed, What question is this to him? We learnt it! For the sacred work none but the skin of a clean animal was declared fit.

R. Abba objected: R. Judah said: There were two coverings, one of dyed rams’ skins, and one of tahash skins. R. Nehemiah said: There was one covering²⁶ and it was like a squirrel[‘s].²⁷ But the squirrel is unclean!-This is its meaning: like a squirrel[‘s], which has many colours, yet not [actually] the squirrel, for that is unclean, whilst here a clean [animal is meant]. Said R. Joseph: That being so, that is why we translate it sasgawna [meaning] that it rejoices in many colours.²⁸

Raba said: That the skin of an unclean animal is defiled by overshadowing²⁹ the dead [is inferred] from the following. For it was taught: [Scripture could state] skin; [by stating or in] skin³⁰ it extends [the law to] the skin of an unclean animal and to one which was smitten [with leprosy] in the priests hand.³¹ If one cuts off [pieces] of all these³² and makes one [piece] out of them, how do we know [it]?³³ From the verse, ‘or in any thing [meleketh] made of skin’.³⁴ But this [Raba's statement] can be refuted: as for leprosy, [the reason³⁵ is] because the warp and the wool is defiled in their case?³⁶ Rather it is learnt from leprosy. For it was taught: Skin:³⁷ I know it only of the skin of a clean animal; how do I know it of the skin of an unclean animal? Therefore it is stated, or skin.³⁸ But this may be refuted: as for reptiles, [the reason is] they defile by the size of a lentil.³⁹ Let leprosy prove it.⁴⁰ And thus the argument revolves: the characteristic of one is not that of the other, and vice versa: the feature common to both is that skin is unclean in their case, and the skin of an unclean animal was assimilated to that of a clean animal: so also do I adduce the tent of the dead, that skin is unclean in its case,⁴¹ and the skin of an unclean animal is assimilated to that of a clean animal.

Raba of Barnesh⁴² observed to R. Ashi: But this can be refuted: as for the feature common to both, it is that they defile others in less than the size of an olive:⁴³ will you say [the same] of the dead, which defiles only by the size of an olive? Rather, said Raba of Barnesh,

(1) Num. XIX, 14.

(2) Ex. XL,19.

(3) The only covering of vegetable growth of the Tabernacle was linen.

(4) Deduced in Yoma 71b.

(5) Otherwise it should not be defiled.

(6) Lit., ‘tent, tent’: ‘tent’ is mentioned three times in Num. XIX, 14 in reference to defilement.

(7) Extending the law to a linen tent even if not made in the same way as the covering of the tabernacle.

(8) Any other material.

- (9) V. Glos.
- (10) Ex. XXVI, 15.
- (11) E.g., the ten curtains on the roof curtains thereof, *ibid* 1.
- (12) Of animal skins.
- (13) *ibid*. 14.
- (14) I.e., which is not fit for food.
- (15) Lit., 'by the uncleanness of tents'.
- (16) On the present hypothesis that the covering, which included ramskins (Ex. XXVI, 14; the ram is a clean animal), is not a tent, hence excluded from Num. XIX, 14. (18) For this is less likely to suffer such defilement, as is shown below, where a superfluous word is necessary to include it, and also in the Sifra, Thazria'.
- (17) To be included in the term 'tent' (ohel).
- (18) Num. IV 25.
- (19) The covering of animal skins.
- (20) Viz., the eleven curtains of goats' hair, v. Ex. XVI, 7.
- (21) The 'tent of meeting' is understood to refer not to the Tabernacle as a whole but to these curtains.
- (22) It is so designated in verse 7.
- (23) The wording is not exactly as above, but the sense is.
- (24) How can he think that it is subject to such defilement, seeing that he learns the definition of 'tent' from the Tabernacle (*supra* 27b bottom), where the skins of clean animals alone were used?
- (25) A.V. badger; R.V. seal, Levy, Worterbuch: marter, others: badges, sea-dog, seal, cf. Lewysohn, Zool. d. Tal. I, 95f. Tahash skins formed one of the coverings of the Tabernacle; verse quoted *supra* et passim.
- (26) Consisting half of rams' skin and half of tahash skins.-I.e., apart from the coverings of linen, etc. and of goats' hair.
- (27) Jast., lit., 'hanging on the tree'. It is doubtful, however, whether a squirrel is meant, as the context shows that a striped (or speckled) animal of many colours is referred to.
- (28) Sas, it rejoices, be-gawwanim, in colours. R. Joseph was an expert in the Targumim (Aramaic translations of the Bible), and given to quoting them.
- (29) Lit., 'by the tent of a dead'.
- (30) Lev. XIII, 48.
- (31) In Heb. **נ** is an extension (Rashi). Even if the skin was not leprous when the priest was sent for, but became affected whilst he was examining it (or after), it is unclean. By analogy, the skin of an unclean animal too is defiled by overshadowing the dead.
- (32) Materials mentioned in the verse, q.v.
- (33) That it is liable to defilement.
- (34) Meleketh, melakah, work, suggests a manufactured article, and is therefore applied to a combination Of materials.
- (35) Sc. the defilement of the skin of an unclean animal.
- (36) Which is not the case with corpse defilement, v. *infra* 64a.
- (37) *Ibid*. XI, 32. This refers to the materials liable to defilement by reptiles.
- (38) Or is an extension. By analogy the same applies to the defilement of the dead.
- (39) V. p. 116, n. 14. But the minimum portion of a human corpse is the size of an olive, which is larger than a lentil. Since the defilement of reptiles is stricter in that respect, it may also be stricter in respect of the skin of an unclean animal.
- (40) The minimum for leprosy is the size of a bean.
- (41) I.e., if it forms a tent,
- (42) In Babylon on the canal of the same name, near the town of Mehasia, and some three parasangs from a synagogue named after Daniel; Obermeyer, Landschaft, p. 302.
- (43) A bean too is less.

Talmud - Mas. Shabbath 28b

it is inferred a *minori* from goats' hair, which is not defiled by leprosy, yet is defiled by overshadowing the dead; then the skin of an unclean animal, which is defiled by leprosy, is surely defiled by overshadowing the dead.

Then when R. Joseph recited, 'For the sacred work none but the skin of a clean animal was considered fit,' for what practical law [did he say it]?¹ -In respect of phylacteries.² Of phylacteries it is explicitly stated, that the law of the Lord may be in thy mouth,³ [meaning] of that which is permitted in thy mouth?⁴ Rather in respect of their hide.⁵ But Abaye said, The skin of phylacteries is a law of Moses from Sinai?⁶ — Rather, it is in respect of tying it with hair and sewing it with its tendons.⁷ But that is a law of Moses from Sinai. For it was taught: Rectangular phylacteries⁸ are a law of Moses from Sinai: they must be tied with their hair and sewn with their tendons.⁹ — Rather it is in respect of their straps.¹⁰ But R. Isaac said, Black straps are a law of Moses from Sinai? Granted that black is traditional, is clean traditional?¹¹

What is our conclusion with respect to the tahash which existed in Moses' days? — Said R. Elai in the name of R. Simeon b. Lakish, R. Meir used to maintain, The tahash of Moses' day was a separate species, and the Sages could not decide whether it belonged to the genus of wild beasts or to the genus of domestic animals; and it had one horn in its forehead, and it came to Moses' hand [providentially] just for the occasion,¹² and he made the [covering of the] Tabernacle, and then it was hidden. Now, since he says that it had one horn in its forehead, it follows that it was clean. For R. Judah said, The ox which Adam the first [man] sacrificed had one horn in its forehead, for it is said, and it shall please the Lord better than an ox, or a bullock that hath a horn [sic] and hoofs.¹³ But makrin¹⁴ implies two? -Said R. Nahman b. Isaac: Mi-keren¹⁵ is written.¹⁶ Then let us solve thence that it was a genus of domestic animal?¹⁷ — Since there is the keresh,¹⁸ which is a species of beast, and it has only one horn, one can say that it [the tahash] is a kind of wild beast.

MISHNAH. A WICK [MADE] OF A CLOTH WHICH WAS TWISTED BUT NOT SINGED, -R. ELIEZER SAID: IT IS UNCLEAN, AND ONE MAY NOT LIGHT [THE SABBATH LAMP] THEREWITH; R. AKIBA MAINTAINED: IT IS CLEAN, AND ONE MAY LIGHT THEREWITH."

GEMARA. As for the matter of uncleanness, it is well, [for] they differ in this: R. Eliezer holds that twisting is of no effect, and it remains in its previous condition;¹⁹ while R. Akiba holds that twisting is effective, and it [its previous condition] is indeed annulled. But with reference to lighting, wherein do they differ? — R. Eleazar said in R. Oshaia's name, and R. Adda b. Ahabah said likewise: The reference here is to [a rag] exactly three [fingerbreadths] square;²⁰ and also to a Festival falling on the eve of the Sabbath. Now, all agree with R. Judah, who maintained, One may fire [an oven, etc.,] with [whole] utensils, but not with broken utensils.²¹ Further, all agree with 'Ulla's dictum, viz.: He who lights must light the greater part [of the wick] which protrudes. R. Eliezer holds that twisting is of no avail, and immediately one kindles it slightly it becomes a broken utensil,²² and when he goes on kindling it,²³ he kindles a broken utensil. But R. Akiba holds that twisting is effective, and it does not bear the character of a utensil, and therefore when he kindles, he kindles a mere piece of wood.²⁴ R. Joseph observed: This is what I learnt, exactly three [fingerbreadths] square, but did not know in reference to what law.

Now, since R. Adda b. Ahabah explains it in accordance with R. Judah,²⁵ it follows that he himself holds as R. Judah. Yet did R. Adda b. Ahabah say thus? Surely R. Adda b. Ahabah said:

(1) As a mere historical fact it is of no importance. Hence what is its purpose, seeing that it does not teach that the skin of an unclean animal is not defiled by overshadowing the dead, as one wished to deduce supra a?

(2) That the parchment of these must be made of the skin of a clean animal.

(3) Ex. XIII, 9; the reference is to tefillin (v. Glos.).

(4) Cf. p. 118, n. 2 (on explicitness).

(5) The leather of the capsules in which the parchment is placed. This cannot be deduced from the verse quoted, for 'the law of the Lord' was not written upon them.

(6) The letter shin (שׁ) is stamped out of the leather itself at the side of the capsule. This is part of the Name Shaddai (שׁדׁי) and therefore comes within the meaning of ‘the law of the Lord’. — With respect to the meaning of ‘a law of Moses from Sinai’, some take it literally: this was handed down direct from Moses; others understand it in a more figurative sense: it is traditional, but its exact origin is unknown, and hence ascribed to Moses, who in general is the source of Jewish law. V. Weiss, Dor, I, 71 seq.

(7) The parchment within the phylacteries, on which Biblical passages are written, is rolled up and tied round with animal hair. The receptacles themselves are sewn together with the tendons of animals. Both must be from clean animals.

(8) I.e., the faces of the capsules must be rectangular in shape, the whole forming a cube.

(9) ‘Their’ meaning of the same animal or species which furnishes the parchment and the leather. Thus they must be all of a clean animal and this is a traditional law.

(10) These must be of the skin of a clean animal.

(11) I.e., is there a tradition that they must be of the skin of a clean animal? Surely not! Hence R. Joseph's teaching is necessary.

(12) Lit., ‘garment’.

(13) Ps. LXIX, 32.

(14) E. V. ‘that hath horns.’

(15) Than a horn,

(16) I.e., which is normally punctuated **מִקְרָן** (mi-keren), but here **מִקְרִין** makrin. On the identification of this ox with that sacrificed by Adam v. A.Z. 8a.

(17) Viz., an ox or bullock.

(18) Jast.: a kind of antelope, unicorn. (10) The reasons are discussed in the Gemara,

(19) A rag, being part of a garment, is liable to become unclean, a wick does not become unclean. R. Eliezer holds that mere twisting without singeing-this was done to facilitate the lighting-does not make it a wick, and therefore it is still subject to uncleanness.

(20) This is the smallest size liable to defilement (supra 26b); in that sense it is regarded as a whole garment (or utensil).

(21) On Festivals. A whole utensil may be handled on Festivals, and therefore it may be taken for burning. But if a utensil is broken on the Festival so that it can now be used as fuel only, it is regarded as a thing newly-created (nolad v. Glos.)-i.e., a new use for it has just been created-and such may not be handled on Festivals.

(22) Since it was the minimum size originally.

(23) Until the greater part is alight.

(24) I.e., this twisted rag is just like a piece of wood,

(25) That nolad (v. n. 3) is forbidden.

Talmud - Mas. Shabbath 29a

If a Gentile hollows out a kab¹ in a log, an Israelite may heat [the oven] therewith on a Festival.² Yet why? Is it not nolad!-He states [it] according to the views of R. Eliezer and R. Akiba, but does not hold thus himself. Raba said, This is R. Eliezer's reason: Because one must not light [the Sabbath lamp] with an unsinged wick or unsinged rags.³ Then when R. Joseph recited, Exactly three [fingerbreadths] square, In respect of what law [was it]? — In respect of uncleanness. For we learnt, The three [fingerbreadths] square of which they [the Sages] spoke is exclusive of the hem: this is R. Simeon's view. But the Sages say: Exactly three [fingerbreadths] square.⁴

Rab Judah said in Rab's name: One may fire [an oven, etc.] with [whole] utensils, but not with broken utensils: this is R. Judah's opinion; but R. Simeon permits it.⁵ One may fire [it] with dates;⁶ but if they are eaten, one may not fire [it] with their stones:⁷ that is R. Judah's opinion; but R. Simeon permits it. One may heat with nuts: if they are eaten, one must not heat with their shells: this is R. Judah's ruling; but R. Simeon permits it.

Now, they are [all] necessary. For if we were told the first, R. Judah rules [thus] in that case, because it was a utensil before but only a fragment of a utensil now, and so it is nolad, hence forbidden; but as for dates, since they were stones originally and are stones now, I might argue that it

is well [permitted]. And if we were informed [this] of dates, I might say, [the reason is] because they [the stones] were originally concealed but are now revealed; but as for nutshells, which were uncovered originally and are uncovered still, I might argue that it is well [permitted]. Thus they are necessary.⁸

Now, this [ruling] of Rab was stated not explicitly but by implication. For Rab ate dates and threw the stones into a pan;⁹ whereupon R. Hiyya said to him, 'Son of great ancestors!¹⁰ A similar act on Festivals is forbidden.' Did he accept [this ruling] from him or not?-Come and hear: For when Rab came to Babylon,¹¹ he ate dates¹² and threw the stones to animals. Surely this means Persian [dates]?¹³ No: this means Syrian [dates], since they are fit [for handling] on account of their flesh.¹⁴

R. Samuel b. Bar Hanah said to R. Joseph: According to R. Judah who ruled, One may fire [an oven] with utensils, but not with broken utensils,-immediately one lights with it a little it becomes a broken utensil, and when he stirs [the fuel] he is stirring something that is forbidden?-He acts in accordance with R. Mattenah: For R. Mattenah said in Rab's name: if wood falls from a palm tree into a stove on a Festival, one adds more prepared wood and lights them.¹⁵

R. Hamnuna said: The reference here [in our Mishnah] is to [a rag] less than three [handbreadths] square,¹⁶ and they taught here some of the leniencies [relating to the law] of rags, both R. Eliezer and R. Akiba following their views. For we learnt: If [material] less than three [handbreadths] square is set aside for stopping a bath, pouring from a pot,¹⁷ or cleaning a mill therewith, whether it is of prepared [material] or not,¹⁸ it is unclean:¹⁹ that is R. Eliezer's view; R. Joshua maintained: Whether it is of prepared [material] or not, it is clean; R. Akiba ruled: If of prepared [material], it is unclean; if of unprepared, it is clean. Now 'Ulla-others state, Rabbah b. Bar Hanah in R. Johanan's name-said: All admit that if it was thrown away on the refuse heap,²⁰ it is universally agreed that it is clean;²¹

(1) A measure; or, a kind of artificial leg.

(2) Though it is nolad,

(3) These do not burn well. Thus R. Eliezer refers to all Sabbaths.

(4) V. Kelim. XXVIII, 7.

(5) He permits nolad.

(6) Since they may be handled as food, they may be handled as fuel.

(7) This and the following are similar to the first, the stones of dates and the shells of nuts being like fragments of utensils.

(8) Reversing the argument, all cases are necessary for R. Simeon's view.

(9) A kind of coal brazier.-This was done on weekdays.

(10) Supra 3b,

(11) Rab was a Babylonian who went to study in Palestine and then returned.

(12) On Festivals.

(13) These become very ripe, so that the whole of the fruit can be removed from the stones. Since he threw them to animals, he evidently held that they might be handled, and could also have used them for fuel. Hence he must have rejected R. Hiyya's view.

(14) The fruit cannot be entirely separated from the stone.

(15) The timber that falls may not be handled by itself, since it was not destined for this before the Festival. Hence a greater quantity of wood set aside for fuel must be added, and both may be handled together. The same must be done here.

(16) He holds that if it is three handbreadths square, it retains the character of a garment and is liable to defilement on all views.

(17) Using this material as a holder.

(18) The meaning is discussed below.

(19) I.e., liable to uncleanness as a garment (begeh), which connotes any material that may be put to a useful purpose.

(20) And then salvaged for one of these purposes.

(21) Since it is less than three handbreadths square, and was also thrown away as worthless, it is certainly not a 'garment', even when salvaged.

Talmud - Mas. Shabbath 29b

if one placed it in a chest, all agree that it is unclean.¹ They differ only where he hung it on a frame or placed it behind the door: R. Eliezer holds: Since he did not throw it on the refuse heap, he had his mind upon it; why then does he call it 'unprepared'?² Because relatively to [placing it in] a chest it is not prepared.³ While R. Joshua maintains: Since he did not place it in a chest, he has indeed accounted it as nought;⁴ and why then does he call it 'prepared'? Because relatively to [throwing it on] a refuse heap it is prepared. But R. Akiba agrees with R. Eliezer where he hangs it on a clothes frame, and with R. Joshua, where he puts it behind the door. Yet R. Akiba retracted in favour of R. Joshua ['s view]. Whence [is this deduced]?-Said Raba, Since it is stated, A WICK [MADE] OF A CLOTH: why choose to teach A WICK [MADE] OF A CLOTH, teach A WICK OF CLOTH; why a WICK [MADE] OF A CLOTH? [To show] that it is still a cloth.⁵

MISHNAH. A MAN MAY NOT PIERCE AN EGG SHELL, FILL IT WITH OIL, AND PLACE IT OVER THE MOUTH OF A LAMP, IN ORDER THAT IT SHOULD DRIP, AND EVEN IF IT IS OF POT;⁶ BUT R. JUDAH PERMITS IT. BUT IF THE POTTER JOINS IT BEFOREHAND, IT IS PERMITTED, BECAUSE IT IS ONE UTENSIL. A MAN MUST NOT FILL A DISH OF OIL, PLACE IT AT THE SIDE OF A LAMP, AND PUT THE WICK END THEREIN IN ORDER THAT IT SHOULD DRAW; BUT R. JUDAH PERMITS IT. GEMARA. Now, they are [all] necessary. For if we were told about an eggshell; there the Rabbis say [that it is forbidden] because since it is not loathsome⁷ he will come to take supplies therefrom;⁸ but as for an earthen [shell], which is loathsome,⁹ I might argue that they agree with R. Judah.¹⁰ While if we were told of an earthen [shell]: [only] there does R. Judah rule thus, but in the other case I might say that he agrees with the Rabbis.¹¹ And if we were told of these two: R. Judah rules [thus] of these because nothing interposes;¹² but as for a dish, which interposes,¹³ I would say that he agrees with the Rabbis. While if we were told of that: [only] there do the Rabbis rule [thus], but in the first two I would say that they agree with R. Judah. Thus they are necessary.

BUT IF THE POTTER JOINS IT BEFOREHAND, IT IS PERMITTED, etc. It was taught: if he joins it with plaster or potter's clay, it is permitted. But we learnt, THE POTTER?¹⁴ -What is meant by POTTER? After the manner of a potter.¹⁵

It was taught, R. Judah said: We were once spending the Sabbath in the upper chamber of Nithzeh's house in Lydda, when an eggshell was brought, which we filled with oil, perforated, and placed over the mouth of the lamp; and though R. Tarfon and the elders were present, they said nothing to us.¹⁶ Said they [the Sages] to him, Thence [you adduce] proof? The house of Nithzeh is different, because they were most heedful.¹⁷

Abin of Sepphoris dragged a bench in a stone-paved upper chamber in the presence of R. Isaac b. Eleazar, Said he to him, If I let this pass in silence,¹⁸ as his companions kept silent before R. Judah, harm will ensue: a stone-paved chamber is forbidden on account of an ordinary chamber.¹⁹ The synagogue overseer²⁰ of Bazrah²¹ dragged a bench in front of R. Jeremiah Rabbah. Said he to him, in accordance with whom?²² [Presumably] R. Simeon!²³ Assume that R. Simeon ruled [thus] in the case of larger ones, since it is impossible otherwise;²⁴ did he say thus of small ones?²⁵ Now, he disagrees with 'Ulla, who said: They differ [only] in respect of small ones, but as for large, all agree that it is permitted.

R. Joseph objected: R. Simeon said, A man may drag a couch, chair, or bench, providing that he does not intend making a rut. Thus both large and small [articles] are taught,²⁶ which is a difficulty

on both views.²⁷ -'Ulla reconciles it according to his view, and R. Jeremiah Rabbah reconciles it according to his. 'Ulla reconciles it according to his view: the couch is like the chair.²⁸ While R. Jeremiah Rabbah reconciles it according to his: the chair is like the couch.²⁹

Rabbah objected: Clothes merchants sell in their normal fashion, providing that one does not intend [to gain protection] from the sun in hot weather³⁰ or from the rain when it is raining;³¹ but the strictly religious³² sling them on a staff behind their back.³³ Now here that it is possible to do as the strictly religious, it is the same as small [articles of furniture], yet when one has no intention R. Simeon permits it at the outset? This refutation of R. Jeremiah Rabbah is indeed a refutation. MISHNAH. IF ONE EXTINGUISHES THE LAMP BECAUSE HE IS AFRAID OF GENTILES, ROBBERS, OR AN EVIL SPIRIT,³⁴ OR FOR THE SAKE OF AN INVALID, THAT HE SHOULD SLEEP, HE IS NOT CULPABLE.³⁵ IF [BECAUSE] HE WOULD SPARE THE LAMP, THE OIL, OR THE WICK, HE IS CULPABLE. R. JOSE EXEMPTS HIM IN ALL CASES, EXCEPT IN RESPECT OF THE WICK, BECAUSE HE MAKES CHARCOAL.³⁶

- (1) He showed that he attributed value to it, hence it is a 'garment'.
- (2) Since he intends to use it, it is 'prepared', i.e., designated for use.
- (3) When he places it in a chest he certainly intends using it; but here he merely ensures that he will have it in case he wants it.
- (4) Not assigning any real worth to it.
- (5) The suggested reading פתילה של בנד implies that a portion of a beged (cloth) is taken, viz., such as itself is not a cloth (in the sense stated in p. 127, n. 9). The actual reading פתילת הבנד implies that a cloth itself is turned into a wick. Since R. Akiba maintains in the Mishnah that it is not liable to uncleanness, he evidently agrees with R. Judah that it is not 'prepared'.
- (6) I.e., even a pot shell may not be used thus.
- (7) The oil in the eggshell is clean.
- (8) On the Sabbath. This is forbidden on account of extinguishing the light. [Though it is not actually extinguished when he removes some oil, it subsequently goes out sooner than it would otherwise have done.]
- (9) The oil in it becomes soiled and unclean.
- (10) There is no fear that one may draw supplies from it.
- (11) Inverting the reasoning.
- (12) Between the lamp and the shell, which is directly over its mouth: hence R. Judah regards it all as one, even when not actually joined.
- (13) Between the lamp and the oil.
- (14) Which implies that it must be professionally done, whereas 'he joins it' denotes an amateur job by the owner.
- (15) I.e., firmly.
- (16) To forbid it.
- (17) And there was no fear of their drawing off oil.
- (18) Lit., 'if I am silent for you'.
- (19) Which is earth-paved; dragging there is prohibited because it forms a rut.
- (20) Rashi: the man who conducts worshippers (assemblies) in and out of the synagogue and supervises the seating of pupils.
- (21) An Idumean town; cf. Isa. XXXIV, 6; LXIII, 1.
- (22) Do you act thus.
- (23) Supra 22a.
- (24) A large bench, table, etc., cannot be lifted but must be dragged.
- (25) Here it was a small one.
- (26) A couch is large; a chair is small.
- (27) For R. Judah forbids both.
- (28) I.e., a small couch is meant.
- (29) A large, heavy chair is meant.
- (30) Lit., 'in the sun'.

- (31) The reference is to garments containing the forbidden mixture of wool and linen (v. Deut. XXII, 11) sold to Gentiles. Merchants slung their wares across their shoulders for display, and though some protection is afforded thereby and it is like wearing them, it is permitted.
- (32) צנועים 'modest', 'humble', hence punctilious in carrying out religious duties. V. Buchler, Types p. 60ff].
- (33) So that they do not actually lie upon them.
- (34) V. MGWJ. 11 (1927)pp. 162-165.
- (35) For desecrating the Sabbath.
- (36) By extinguishing the light he makes kindling material, i.e., prepares the wick for easier lighting.

Talmud - Mas. Shabbath 30a

GEMARA. Since the second clause teaches, HE IS CULPABLE, it may be inferred that it is R. Judah.¹ Then to what does the first clause refer? if to an invalid dangerously ill, [the Tanna] should have stated, 'it is permitted'?² While if to an invalid who is not in danger, he should have stated, He is liable to a sin-offering?³ -After all, [it refers] to an invalid dangerously sick, and logically he should teach, it is permitted; but because he wishes to teach 'HE IS CULPABLE' in the second clause, he also teaches 'HE IS NOT CULPABLE' in the first. And as for what R. Oshaia taught: If it is for the sake of a sick person, that he should sleep, he must not extinguish it; but if he extinguishes it, he is not liable, though it is forbidden-that refers to one who is not dangerously ill, and agrees with R. Simeon.⁴

This question was asked before R. Tanhum of Neway:⁵ What about extinguishing a burning lamp for a sick man on the Sabbath? — Thereupon he commenced and spake:⁶ Thou, Solomon, where is thy wisdom and where is thine understanding? It is not enough for thee that thy words contradict the words of thy father David, but that they are self-contradictory! Thy father David said, The dead praise not the Lord;⁷ whilst thou saidest, Wherefore I praised the dead which are already dead⁸ but yet again thou saidest, for a living dog is better than a dead lion.⁹ Yet there is no difficulty. As to what David said: 'The dead praise not the Lord', this is what he meant: Let a man always engage in Torah and good deeds before he dies, for as soon as he dies he is restrained from [the practice of] Torah and good deeds, and the Holy One, blessed be He, finds nought to praise in him. And thus R. Johanan said, What is meant by the verse, Among the dead [I am] free?¹⁰ Once a man dies, he becomes free of the Torah and good deeds. And as to what Solomon said, 'Wherefore I praised the dead that are already dead' for when Israel sinned in the wilderness, Moses stood before the Holy One, blessed be He, and uttered many prayers and supplications before Him, but he was not answered. Yet when he exclaimed, 'Remember Abraham, Isaac, and Israel, thy servants!'¹¹ he was immediately answered. Did not then Solomon well say, wherefore I praised the dead that are already dead'? Another interpretation: In worldly affairs, when a prince of flesh and blood issues a decree, it is doubtful whether it will be obeyed or not; and even if you say that it is obeyed, it is obeyed during his lifetime but not after his death. Whereas Moses our Teacher decreed many decrees and enacted numerous enactments, and they endure for ever and unto all eternity. Did then not Solomon well say, 'Wherefore I praise the dead, etc.' Another interpretation [of] 'wherefore I praise, etc.' is in accordance with Rab Judah's dictum in Rab's name, viz., What is meant by, Shew me a token for good, that they which hate me may see it, and be ashamed?¹² David prayed before the Holy One, blessed be He, 'Sovereign of the Universe! Forgive me for that sin!'¹³ 'It is forgiven thee,' replied He. 'Shew me a token in my lifetime,' he entreated. 'In thy lifetime I will not make it known,' He answered, 'but I will make it known in the lifetime of thy son Solomon.' For when Solomon built the Temple, he desired to take the Ark into the Holy of Holies, whereupon the gates clave to each other. Solomon uttered twenty-four prayers,¹⁴ yet he was not answered. He opened [his mouth] and exclaimed, 'Lift up your heads, O ye gates; and be ye lifted up, ye everlasting doors: And the King of glory shall come in.'¹⁵ They rushed upon him to swallow him up, crying, 'Who is the king of glory?' 'The Lord, strong and mighty,'¹⁶ answered he. Then he repeated, 'Lift up your heads, O ye gates; Yea, lift them up, ye everlasting doors: and the King of glory shall come in. Who is this King

of glory? The Lord of hosts, He is the King of glory. Selah';¹⁷ yet he was not answered. But as soon as he prayed, 'O Lord God, turn not away the face of thine anointed remember the good deeds of David thy servant,'¹⁸ he was immediately answered. In that hour the faces of all David's enemies turned [black] like the bottom of a pot, and all Israel knew that the Holy One, blessed be He, had forgiven him that sin. Did then not Solomon well say, wherefore I praised the dead which are already dead'? And thus it is written, On the eighth day he sent the people away, and they blessed the king, and went into their tents joyful and glad of heart for all the goodness that the Lord had shewed unto David his servant, and to Israel his people.¹⁹ 'And they went unto their tents' [means] that they found their wives clean; 'joyful', because they had enjoyed the lustre of the Divine Presence; 'and glad of heart', because their wives conceived and each one bore a male child; 'for all the goodness that the Lord had shewed unto David his servant', that He had forgiven him that sin; and to Israel his people', for He had forgiven them the sin of the Day of Atonement.²⁰

And as to what Solomon said, 'for a living dog is better than a dead lion', — that is as Rab Judah said in Rab's name, viz.; what is meant by the verse, Lord, make me to know mine end, and the measure of my days, what it is; let me know how frail I am.²¹ David said before the Holy One, blessed be He, 'Sovereign of the Universe! Lord, make me to know mine end.' 'It is a decree before Me,' replied He, 'that the end of a mortal²² is not made known.' 'And the measure of my days, what it is' - it is a decree before Me that a person's span [of life] is not made known.' 'Let me know how frail [hadel] I am.'²³ Said He to him. 'Thou wilt die on the Sabbath.' 'Let me die on the first day of the week!'²⁴ 'The reign of thy son Solomon shall already have become due, and one reign may not overlap another even by a hairbreadth.' 'Then let me die on the eve of the Sabbath!' Said He, 'For a day in thy courts is better than a thousand':²⁵ better is to Me the one day that thou sittest and engagest in learning than the thousand burnt-offerings which thy son Solomon is destined to sacrifice before Me on the altar.'²⁶

(1) The work of extinguishing is not needed per se but merely to effect something else, e.g., to spare the oil, and it is R. Judah who maintains that such work involves liability.

(2) 'He is exempt' implies that it is actually forbidden.

(3) Since there is no danger of life, it is prohibited like any other work.

(4) That no liability is incurred on account of a labour not required for itself, v. n. 4 and infra 93b.

(5) A district in North Palestine (Jast.). MS.M. reads: Nineweh. V. Ta'an., Sonc. ed., p. 64, n. 5.

(6) This formula generally introduces a popular sermon, which preceded the answering of the question. Such follows here.

(7) Ps. CXV, 17.

(8) Eccl. IV, 2.

(9) Ibid. IX, 4.

(10) Ps. LXXXVIII, 6 (E.V. 5: (Cast off among the dead).

(11) Ex. XXXII, 13.

(12) Ps. LXXXVI, 17.

(13) Sc. of Bathsheba.

(14) Heb. **רננות** songs. In Solomon's prayer (I Kings VIII, 23-53) expressions of entreaty (**רנה** song; **תפלה**, prayer; and **תחינה**, supplication) occur twenty-four times.

(15) Ps. XXIV, 7.

(16) Ibid. 8,

(17) Ibid. 9f.

(18) 11 Chron. VI, 42.

(19) I Kings VIII, 66.

(20) Which they had kept as a Feast instead of a Fast. V. vv. 2 and 65: the fourteen days must have included the tenth of the seventh month, which is the Day of Atonement; v. M.K. 9a.

(21) Ps. XXXIX, 5 (E.V. 4).

(22) Lit., 'flesh and blood'.

(23) Translating: Let me know when I will cease (to be), fr. hadal, to cease.

(24) The following day, so that the usual offices for the dead may be performed, some of which are forbidden on the Sabbath.

(25) Ps. LXXXIV, 11 (E.V. 10).

(26) Thus your life is too precious for a single day to be renounced.—Study itself is regarded in Judaism as an act of worship — indeed, the greatest, though only when it leads to piety; cf. Pe'ah I, 1.

Talmud - Mas. Shabbath 30b

Now, every Sabbath day he would sit and study all day.¹ On the day that his soul was to be at rest,² the Angel of death stood before him but could not prevail against him, because learning did not cease from his mouth. 'What shall I do to him?' said he. Now, there was a garden before his house; so the Angel of death went, ascended and soughed in the trees. He [David] went out to see: as he was ascending the ladder, it broke under him. Thereupon he became silent [from his studies] and his soul had repose. Then Solomon sent to Beth Hamidrash: My father is dead and lying in the sun; and the dogs of my father's house are hungry; what shall I do? They sent back, Cut up a carcass and place it before the dogs; and as for thy father, put a loaf of bread or a child upon him and carry him away.³ Did then not Solomon well say, for a living dog is better than a dead lion?⁴ And as for the question which I asked before you,⁵ — a lamp is designated lamp, and the soul of man is called a lamp:⁶ better it is that the lamp of flesh and blood be extinguished before the lamp of the Holy One, blessed be He.⁷

Rab Judah son of R. Samuel b. Shilath said in Rab's name: The Sages wished to hide the Book of Ecclesiastes,⁸ because its words are self-contradictory; yet why did they not hide it? Because its beginning is religious teaching⁹ and its end is religious teaching. Its beginning is religious teaching, as it is written, What profit hath man of all his labour wherein he laboureth under the sun?¹⁰ And the School of R. Jannai commented: Under the sun he has none, but he has it [sc. profit] before the sun.¹¹ The end thereof is religious teaching, as it is written, Let us hear the conclusion of the matter, fear God, and keep his commandments: for this is the whole of man.¹² What is meant by, 'for this is the whole of man'?—Said R. Eleazar, The entire world was created only for the sake of this [type of] man. Simeon b. 'Azzai—others state, Simeon b. Zoma—said: The entire world was created only to be a companion to this man.

And how are its words self-contradictory?—It is written, anger is better than play,¹³ but it is written, I said of laughter, It is to be praised.¹⁴ It is written, Then I commended joy;¹⁵ but it is written, and of joy [I said] What doeth it?" There is no difficulty: 'anger is better than laughter': the anger which the Holy One, blessed be He, displays to the righteous in this world is better than the laughter which the Holy One, blessed be He, laughs with the wicked in this world.¹⁶ 'And I said of laughter, it is to be praised': that refers to the laughter which the Holy One, blessed be He, laughs with the righteous in the world to come. 'Then I commended joy': this refers to the joy of a precept.¹⁷ 'And of joy [I said], what doeth it': this refers to joy [which is] not in connection with a precept.¹⁸ This teaches you that the Divine Presence rests [upon] man] neither through gloom,¹⁹ nor through sloth, nor through frivolity, nor through levity, nor through talk, nor through idle chatter,²⁰ save through a matter of joy in connection with a precept, as it is said, But now bring me a minstrel. And it came to pass, when the minstrel played, that the hand of the Lord came upon him.²¹

Rab Judah said: And it is likewise thus for a matter of halachah.²² Raba said: And it is likewise thus for a good dream.²³ But that is not so, for R. Giddal said in Rab's name: If any scholar sits before his teacher and his lips do not drip bitterness,²⁴ they shall be burnt, for it is said, his lips are as lilies [shoshanim], dropping liquid myrrh [mor'ober].²⁵ read not mor'ober, but mar'ober [dropping bitterness]; read not shoshanim but sheshonin [that study]?²⁶ There is no difficulty: the former applies to the teacher; the latter to the disciple. Alternatively, both refer to the teacher, yet there is no

difficulty: the one means before he commences; the other, after he commences. Even as Rabbah before he commenced [his discourse] before the scholars used to say something humorous, and the scholars were cheered; after that he sat in awe and began the discourse.

The Book of Proverbs too they desired to hide, because its statements are self-contradictory. Yet why did they not hide it? They said, Did we not examine the Book of Ecclesiastes and find a reconciliation? So here too let us make search. And how are its statements self-contradictory?-It is written, Answer not a fool according to his folly;²⁷ yet it is also written, Answer a fool according to his folly?²⁸ There is no difficulty: the one refers to matters of learning;²⁹ the other to general matters. Even as a certain person came before Rabbi and said to him, 'Your wife is my wife and your children are mine.'³⁰ 'Would you like to drink a glass of wine?' asked he. He drank and burst.

A certain man came before R. Hiyya and said to him, 'Your mother is my wife and you are my son! Would you like to drink a glass of wine?' asked he. He drank and burst.

R. Hiyya observed: Rabbi's prayer was in-so-far effective that his sons were not made illegitimate.³¹ For when Rabbi prayed he used to say, May it be Thy will, O Lord our God, to save me this day from the impudent and from impudence.³²

'Matters of learning'-what is that?-As R. Gamaliel sat and lectured, Woman is destined to bear every day, for it is said, the woman conceived and beareth simultaneously.³³ But a certain disciple scoffed at him, quoting, 'there is no new thing under the sun.'³⁴ Come, and I will show you its equal in this world,³⁵ he replied. He went forth and showed him a fowl. On another occasion R. Gamaliel sat and lectured, Trees are destined to yield fruit every day, for it is said, and it shall bring forth boughs and bear fruit:³⁶ just as the boughs [exist] every day, so shall there be fruit every day. But a certain disciple scoffed at him, saying, but it is written, 'there is no new thing under the sun!' Come, and I will show you its equal in this world, replied he. He went forth and showed him the caper bush.³⁷ On another occasion R. Gamaliel sat and expounded, Palestine is destined to bring forth cakes and wool robes, for it is said, There shall be an handful of corn in the land.³⁸ But a certain disciple scoffed at him, quoting, 'there is no new thing under the sun!' 'Come, and I will show you their equal in this world,' replied he. He went forth and showed him morels and truffles;³⁹ and for silk robes [he showed him] the bark of a young palm-shoot.⁴⁰

Our Rabbis taught: A man should always be gentle like Hillel, and not impatient like Shammai. It once happened that two men

(1) The angel of death cannot approach one who is studying the Torah; Sot. 21a.

(2) A euphemism for death.

(3) V. infra 156b.

(4) For the sake of the living dogs it was permitted to handle the carcass without further ado, yet the great king David might not be handled this! Or, the answer concerning the dogs was given precedence over that concerning David.

(5) Supra a. This was said in a spirit of humility, instead of 'which you asked before me.'

(6) Prov. XX, 27: the soul of man is the lamp of the Lord.

(7) Where life is endangered, the lamp may certainly be extinguished.

(8) V. supra p. 55, n. 2. Weiss, Dor, 1, p. 212 conjectures that this was at the time of the Synod in the upper chamber of Hanania b. Hezekiah b. Garon (v. p. 54, n. 1), when it was desired to 'hide' Ezekiel too. This activity was occasioned by the spread of books of Hellenistic tendencies, in consequence of which existing material was closely scrutinized as to its fitness.

(9) Lit., 'words of the Torah'.

(10) Eccl. 1, 3.

(11) I.e., one profits if he toils in the Torah, which existed before the sun; Pes. 54a; Ned. 39b.

(12) Ibid. XII, 13.

- (13) Ibid. VII, 3.
- (14) Ibid. II, 2.
- (15) Ibid. VIII, 15. (12) Ibid. II, 2.
- (16) The latter is an idiom for prosperity and well being: the sufferings inflicted upon the righteous are preferable to the prosperity conferred upon the wicked.
- (17) The celebrations of such, e.g., a marriage.
- (18) The Rabbis frowned upon this. But in all probability this does not apply to a simple and harmless gathering, but to attendance at theatres and circuses, at which the Jewish authorities looked askance, perhaps because they originated in idolatry and also because images of royalty were placed there. — Lev. R. XXXIV. The early Christians too were opposed to this, Tertullian (*De Spectaculis*, X) describing the theatre as a place of sexual immorality.
- (19) Judaism does not encourage asceticism; cf. Ned. 10a.
- (20) Or, vain pursuits.
- (21) II Kings III, 15. Maharsha observes that the verse is quoted merely to show that the Divine Presence does not rest on a man plunged in gloom, Elisha requiring the minstrel to dissipate the gloom occasioned by Jehoram's visit.
- (22) Serious study must be preceded by some light-hearted conversation.
- (23) If one goes to sleep in good spirits, he has happy dreams.
- (24) Caused by his awe and reverence.
- (25) Cant. V, 13.
- (26) Translating: the lips of those who study drop bitterness.—This shows that one must not study light-heartedly.
- (27) Prov. XXVI, 4.
- (28) Ibid. 5.
- (29) Then he may be answered.
- (30) Thus accusing his wife of adultery and his children of illegitimacy,
- (31) The man's miraculous death proved his accusation unfounded. [The text is not clear. Var. lec.; that he was not made (accused to be) illegitimate unlike R. Hiyya, who was declared by the man to be his son; only the character of Rabbi's son was impugned but not of Rabbi himself].
- (32) Private prayers were added after the Eighteen Benedictions (v. p. 32, n. 3); Elbogen, *Der Judische Gottesdienst*, p. 75. This prayer has become incorporated in the daily liturgy. Weiss, *Dor*, II, 192 conjectures, though on insufficient grounds, that it was occasioned by the opposition he met with among the Rabbis.
- (33) Jer. XXXI, 7. (E.V. 8: the woman with child and her that travaileth with child ,together).
- (34) Eccl. I, 9.
- (35) 'This world' is here contrasted with the destined future of change, while generally it is contrasted with the 'world to come'. Whether these two are synonymous it is difficult to say; v. Sanh. p. 601, n. 3. But perhaps the phrase here means, 'the world under present conditions.'
- (36) Ezek. XVII, 23.
- (37) Jast: of which the various products are eaten successively; v. B.B. 28b.
- (38) Ps. LXXII, 16. Rashi: this implies, corn as wide as a handbreadth, i.e., cakes as wide. The Hebrew *pissath bar* may also be translated pure wool (or, silken) garments'.
- (39) Which resemble cakes.
- (40) This has a downy, silk-like substance on the inside.

Talmud - Mas. Shabbath 31a

made a wager with each other, saying, He who goes and makes Hillel angry shall receive four hundred zuz. Said one, 'I will go and incense him.' That day was the Sabbath eve, and Hillel was washing his head. He went, passed by the door of his house, and called out, 'Is Hillel here, is Hillel here?'¹ Thereupon he robed and went out to him, saying, 'My son, what do you require?' 'I have a question to ask,' said he. 'Ask, my son,' he prompted. Thereupon he asked: 'Why are the heads of the Babylonians round?'² 'My son, you have asked a great question,' replied he: 'because they have no skillful midwives.' He departed, tarried a while, returned, and called out, 'Is Hillel here; is Hillel here?' He robed and went out to him, saying, 'My son, what do you require?' 'I have a question to ask,' said he. 'Ask, my son,' he prompted. Thereupon he asked: 'Why are the eyes of the

Palmyreans³ bleared?’ ‘My son, you have asked a great question, replied he: ‘because they live in sandy places.’ He departed, tarried a while, returned, and called out, ‘Is Hillel here; is Hillel here?’ He robed and went out to him, saying, ‘My son, what do you require?’ ‘I have a question to ask,’ said he. ‘Ask, my son,’ he prompted. He asked, ‘Why are the feet of the Africans [negroes] wide?’ ‘My son, you have asked a great question,’ said he; ‘because they live in watery marshes.’⁴ ‘I have many questions to ask,’ said he, ‘but fear that you may become angry.’ Thereupon he robed, sat before him and said, ‘Ask all the questions you have to ask,’ ‘Are you the Hillel who is called the nasi⁵ of Israel?’ ‘Yes,’ he replied. ‘If that is you,’ he retorted, may there not be many like you in Israel. ‘ ‘ Why, my son?’ queried he. ‘Because I have lost four hundred zuz through you,’ complained he. ‘Be careful of your moods,’ he answered. ‘Hillel is worth it that you should lose four hundred zuz and yet another four hundred zuz through him, yet Hillel shall not lose his temper.’

Our Rabbis taught: A certain heathen once came before Shammai and asked him, ‘How many Torah⁶ have you?’ ‘Two,’ he replied: ‘the Written Torah and the Oral Torah.’⁷ ‘I believe you with respect to the Written, but not with respect to the Oral Torah; make me a proselyte on condition that you teach me the Written Torah [only].’⁸ [But] he scolded and repulsed him in anger. When he went before Hillel, he accepted him as a proselyte. On the first day, he taught him, Alef, beth, gimmel, dalet;⁹ the following day he reversed [them] to him. ‘But yesterday you did not teach them to me thus,’ he protested. ‘Must you then not rely upon me?’¹⁰ Then rely upon me with respect to the Oral [Torah] too.’¹¹

On another occasion it happened that a certain heathen came before Shammai and said to him, ‘Make me a proselyte, on condition that you teach me the whole Torah while I stand on one foot.’ Thereupon he repulsed him with the builder's cubit which was in his hand.¹² When he went before Hillel, he said to him, ‘What is hateful to you, do not to your neighbour:¹³ that is the whole Torah, while the rest is the commentary thereof; go and learn it.’ On another occasion it happened that a certain heathen was passing behind a Beth Hamidrash, when he heard the voice of a teacher¹⁴ reciting, And these are the garments which they shall make; a breastplate, and an ephod.¹⁵ Said he, ‘For whom are these?’ ‘For the High Priest,’ he was told. Then said that heathen to himself, ‘I will go and become a proselyte, that I may be appointed a High Priest.’ So he went before Shammai and said to him, ‘Make me a proselyte on condition that you appoint me a High Priest.’ But he repulsed him with the builder's cubit which was in his hand. He then went before Hillel, who made him a proselyte. Said he to him, ‘Can any man be made a king but he who knows the arts of government? Do you go and study the arts of government!’¹⁶ He went and read. When he came to, and the stranger that cometh nigh shall be put to death,¹⁷ he asked him, ‘To whom does this verse apply?’ ‘Even to David King, of Israel,’ was the answer. Thereupon that proselyte reasoned within himself a fortiori: if Israel, who are called sons of the Omnipresent,¹⁸ and who in His love for them He designated them, Israel is my son, my firstborn,¹⁹ yet it is written of them, ‘and the stranger that cometh nigh shall be put to death’: how much more so a mere proselyte, who comes with his staff and wallet! Then he went before Shammai and said to him. ‘Am I then eligible to be a High Priest; is it not written in the Torah, ‘and the stranger that cometh nigh shall be put to death?’ He went before Hillel and said to him, ‘O gentle Hillel; blessings rest on thy head for bringing me under the wings of the Shechinah!’²⁰ Some time later the three met in one place; said they, Shammai's impatience sought to drive us from the world, but Hillel's gentleness brought us under the wings of the Shechinah.²¹

Resh Lakish said, What is meant by the verse, and there shall be faith in thy times, strength, salvation, wisdom and knowledge?²² ‘Faith’ refers to the Order of Seeds; thy times, the Order of Festivals; strength, the Order of Women; salvation, the Order of Nezikin;²³ wisdom, the Order of Sacrifices; and knowledge, to the Order of Purity.²⁴ Yet even so the fear of the Lord is his treasure.²⁵

Raba said, When man is led in for Judgment²⁶ he is asked, Did you deal faithfully [i.e., with

integrity], did you fix times for learning, did you engage in procreation, did you hope for salvation, did you engage in the dialectics of wisdom, did you understand one thing from another.²⁷ Yet even so, if ‘the fear of the Lord is his treasure,’ it is well: if not, [it is] not [well]. This may be compared to a man who instructed his agent, ‘Take me up a kor of wheat in the loft,’ and he went and did so. ‘Did you mix in a kab of humton?’²⁸ he asked him, ‘No,’ replied he. ‘Then it were better that you had not carried it up,’ he retorted. The School of R. Ishmael taught: A man may mix a kab of humton in a kor of grain, and have no fear.²⁹

Rabbah b. R. Huna said: Every man who possesses learning without

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- (1) Insolently, without the courtesy of a title.
 - (2) Hillel himself was a Babylonian.
 - (3) V. p. 91, n. 8.
 - (4) Hence their feet must be wide to enable them to walk there, just as ducks’ feet are webbed.
 - (5) Patriarch, the religious head of the people.
 - (6) Torah, pl. Toroth, is generally, though incorrectly, translated ‘law’. It means rather a system of teaching; v.R.T.Herford, *The Pharisees*.pp-53ff.
 - (7) The Written Torah is the Pentateuch; the Oral Torah is the whole body of Rabbinical and traditional teaching thereon. This was originally not committed to writing (for the reasons v. Weiss, Dor, 111, 24b; and Kaplan, *Redaction of the Talmud*, ch. XIX), and hence designated the Oral Torah. Weiss, op. cit. I, p. 1, n. 1. observes that Hillel was the first man to whom the use of the term **תורה שבעל פה** ‘Oral Law’ is found ascribed.
 - (8) Of teaching him.
 - (9) The first four letters of the Hebrew alphabet.
 - (10) As to what the letters are.
 - (11) There must be a certain reliance upon authority before anything can be learnt at all. Cf. M. Farbridge, *Judaism and the Modern Mind*, chs. VII and VIII.
 - (12) Rashi: a cubit to measure off the amount of work done by a builder.
 - (13) The golden Rule; cf. Lev. XIX, 18: but thou shalt love thy neighbour as thyself.- V. Hertz, *Leviticus*, pp.22 or 223, and cf. R. T. Herford, *Talmud and Apocrypha*, p. 148.
 - (14) Lit., ‘a scribe’.
 - (15) Ex. XXVIII, 4.
 - (16) The laws appertaining to the functions of a High Priest.
 - (17) Num. I, 51.
 - (18) Deut. XIV, 11.
 - (19) Ex. IV, 22.
 - (20) V. Glos.
 - (21) From these stories it would appear that proselytes were eagerly accepted by Hillel; v. Kid., Sonc. ed., p. 313, n. 3.
 - (22) Isa. XXXIII, 6.
 - (23) V. n. 9.
 - (24) These are the six orders into which the Talmud is divided. Faith is applied to Seeds, because it requires faith in the Almighty to sow with the assurance of a crop (J.T.); ‘times’ as meaning Festivals is self-explanatory; hosen, here translated ‘strength’, is derived by Rashi from a root meaning to inherit, and thus identified with the Order of Women, because heirs are created through women; Nezikin treats of civil law, knowledge of which saves men (i.e., brings him ‘salvation’) from encroaching upon his neighbour’s rights or allowing his own to be filched away; the last two Orders are very intricate and require deep understanding, and are therefore identified with wisdom and knowledge.
 - (25) Ibid. Learning without piety is valueless.
 - (26) In the next world.
 - (27) That is Raba’s interpretation of the verse; he too translates ‘hosen’ as inheritance, and thus applies it to procreation (v. preceding note), and understands ‘knowledge’ as the process of inferring the unknown from the known.
 - (28) last.: a sandy soil containing salty substances and used for the preservation of wheat.
 - (29) Of dishonesty, when he sells the whole as grain, because that proportion is necessary for its preservation. One kab = one hundred and eightieth of a kor.

Talmud - Mas. Shabbath 31b

the fear of Heaven is like a treasurer who is entrusted with the inner keys but not with the outer: how is he to enter? R. Jannai proclaimed: Woe to him who has no courtyard yet makes a gate for same!¹ Rab Judah said, The Holy One, blessed be He, created His world only that men should fear Him,² for it is said, and God hath done it, that men should fear before Him.³

R. Simon and R. Eleazar⁴ were sitting, when R. Jacob b. Aha came walking past. Said one to his companion, 'Let us arise before him, because he is a sin-fearing man.' Said the other, 'Let us arise before him, because he is a man of learning.' 'I tell you that he is a sin-fearing man, and you tell me that he is a man of learning!' retorted he.⁵ It may be proved that it was R. Eleazar who observed that he was a sin-fearing man. For R. Johanan said in R. Eleazar's name:⁶ The Holy One, blessed be He, has nought else in His world but⁷ the fear of Heaven alone, for it is said, And now, Israel, what doth the Lord thy God requires of thee, but to fear the Lord thy God?⁸ and it is written, And unto man he said, Behold [hen], the fear of the Lord, that is wisdom, and in Greek one is hen.⁹ That proves it.¹⁰

R. 'Ulla expounded: Why Is it written, Be not much wicked?¹¹ must one not be much wicked, yet he may be a little wicked! But if one has eaten garlic and his breath smells, shall he eat some more garlic that his breath may [continue to] smell?¹²

Raba son of R. 'Ulla expounded: What is meant by, For there are no pangs [harzuboth] in their death: but their strength is firm [bari] ulam)?¹³ The Holy One, blessed be He, said, it is not enough for the wicked that they do not tremble and are not grief-stricken before the day of death, but their hearts are as firm as an edifice.¹⁴ And that is what Raba said, What is meant by, This their way is their confidence [kesel]?¹⁵ The wicked know that their way is to death, but they have fat on their loins [kislam].¹⁶ But lest you think that it is their forgetfulness, therefore it is stated, and they approve their end with their own mouths.¹⁵

IF HE WOULD SPARE THE LAMP, etc. With whom does R. Jose agree? If with R. Judah,¹⁷ then one should be liable for the others too; and if with R. Simeon,¹⁸ he should be exempt even for[sparing] the wick?-Said 'Ulla, After all, he agrees with R. Judah; yet R. Jose holds that demolishing in order to rebuild on the same site is destroying, but if it is in order to rebuild elsewhere, it is not destroying.¹⁹ Said Rabbah to him, Consider; all forms of labour are derived from the Tabernacle,²⁰ yet there it was taking down in order to rebuild elsewhere?²¹ It was different there, answered he; for since it is written, At the commandment of the Lord they encamped, [and at the commandment of the Lord they journeyed],²² it was like demolishing in order to rebuild on the same site.

But R. Johanan maintained: After all, he agrees with R. Simeon, yet why is the case of a wick different? As R. Hamnuna-others state, R. Adda b. Ahabah-said: This refers to a wick which needs singeing,²³ and in such a case even R. Simeon agrees since he renders an object fit.²⁴ Raba said, This may be inferred too, for it is stated, BECAUSE HE MAKES CHARCOAL, and not, because a charcoal is formed.²⁵ This proves it.

MISHNAH. FOR THREE SINS WOMEN DIE IN CHILDBIRTH: BECAUSE THEY ARE NOT OBSERVANT OF [THE LAWS OF] NIDDAH, HALLAH,²⁶ AND THE KINDLING OF THE [SABBATH] LIGHTS.²⁷

GEMARA. What is the reason of niddah?-Said R. Isaac: She transgressed through the chambers of her womb, therefore she is punished through the chambers of her womb. That is right of niddah, but what can be said of hallah and the kindling of lights? — As a certain Galilean lectured before R.

Hisda: The Holy One, blessed be He, said: I put a rebi'ith of blood in you;²⁸ therefore I commanded you concerning blood.²⁹

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- (1) Learning is a gate whereby one enters the court of piety. Woe to him who prepares the entry without the court itself!
- (2) By 'fear' not dread but awe and reverence is to be understood, proceeding out of man's realization of God's essential perfection. This reverence, and the attempt to attain something of that perfection which it inculcates, is man's highest aim in life, and that is probably the meaning of this dictum; cf. Maim. (Guide, III, 52.
- (3) Eccl. III, 14.
- (4) in the Yalkut, 'Ekeb, 855 the reading is: Rabbi and R. Eleazar b. Simeon.
- (5) The former is a greater attribute.
- (6) This would be R. Eleazar b. Pedath, R. Johanan's younger contemporary; he is hardly likely to have quoted him. Hence the Yalkut's version given in p. 142, n. 7 is preferable, and the reading is: R. Johanan in the name of R. Eleazar b. R. Simeon.
- (7) i.e., cherishes nothing so highly.
- (8) Deut. X, 12.
- (9) Thus translating: the fear of the Lord is one, unique (in God's affections).
- (10) Sc. R. Eleazar's (or, R. Eleazar b. Simeon's) view.
- (11) Eccl. VII, 17.
- (12) i.e., having sinned a little, do not think that you must go on sinning.
- (13) Ps. LXXIII, 4.
- (14) Regarding harzuboth as a combination of hared (trembling) and 'azeb (grief-stricken) and translating ulam, a hall, edifice.
- (15) Ps. XLIX, 14.
- (16) Which close their understanding. The loins (reins) were regarded as the seat of understanding.
- (17) That one is liable for work not needed in itself, v. p. 131, n. 4
- (18) V. supra 12a.
- (19) One is not liable for desecrating the Sabbath when his work is destructive; but if he demolishes a house in order to rebuild, it is regarded as constructive. Now, extinguishing a wick, thereby destroying its light, is the equivalent of demolishing a house; if the purpose is to save the wick to be used again later, it is analogous to demolishing a house to build on the same site, since it is the wick which is extinguished and the wick which is to be relit. But if the purpose is to save the oil or the lamp, it is analogous to demolishing a house in order to rebuild elsewhere, for whereas the wick is extinguished, it is the oil or lamp that is saved for subsequent use.
- (20) infra 49b.
- (21) The Tabernacle was only taken down when they had to journey onwards, and it was re-erected on their new camping pitch.
- (22) Num. IX, 23.
- (23) In order to burn clearer.
- (24) For its purpose, and thus it is a labour needed for itself, which involves liability.
- (25) The text implies that by extinguishing it he intends making charcoal, i.e., to make it more ready for relighting, and thus must apply to a wick which needs singeing.
- (26) On the terms v. Glos.
- (27) [In time before Sabbath sets in, v. Strashun].
- (28) Rebi'ith=one log=one fourth of a kab, and was held to be the smallest quantity of blood within a human being on which life in be supported.
- (29) Not to shed it: Gen. IX. 5f.

Talmud - Mas. Shabbath 32a

I designated you the first;¹ wherefore I commanded you concerning the first.² The soul which I placed in you is called a lamp, wherefore I commanded you concerning the lamp.³ If ye fulfil them, 'tis well; but if not, I will take your souls.

And why particularly in childbirth?-Raba said, When the ox is fallen, sharpen the knife. Abaye said, Let the bondmaid increase her rebellion: it will all be punished by the same rod. R. Hisda said, Leave the drunkard alone: he will fall of himself. Mar 'Ukba said, When the shepherd is lame, and the goats are fleet, at the gate of the fold are words, and in the fold there is the account. R. Papa said, At the gate of the shop there are many brothers and friends; at the gate of loss⁴ there are neither brothers nor friends.⁵

And when are men examined?-Said Resh Lakish: When they pass over a bridge.⁶ A bridge and nothing else?-Say, that which is similar to a bridge. Rab would not cross a bridge where a heathen was sitting; said he, Lest judgment be visited upon him, and I be seized together with him. Samuel would cross a bridge only when a heathen was upon it, saying, Satan has no power over two nations [simultaneously]. R. Jannai examined [the bridge] and then crossed over. R. Jannai [acted] upon his views, for he said, A man should never stand in a place of danger and say that a miracle will be wrought for him, lest it is not. And if a miracle is wrought for him, it is deducted from his merits.⁷ R. Hanin said, Which verse [teaches this]? I am become diminished⁸ by reason of all the deeds of kindness and all the truth.⁹ R. Zera would not go out among the palm-trees on a day of the strong south wind.¹⁰

R. Isaac the son of Rab Judah said: Let one always pray for mercy not to fall sick; for the falls sick he is told, Show thy merits [rights] and be quit.¹¹ Said Mar 'Ukba, Which verse [teaches this]? If any man fall mimmenu;¹² It is from him [mimmenu] that proof must be brought.¹³ The School of R. Ishmael taught: 'If any man [hanofel] fall from thence': this man was predestined to fall since the six days of Creation, for lo! he has not [yet] fallen, and the Writ [already] calls him nofel [a faller].¹⁴ But reward [zekut] is brought about through a person of merit [zakkai], and punishment [hobah] through a person of- guilt.¹⁵

Our Rabbis taught: if one falls sick and his life is in danger,¹⁶ he is told, Make confession, for all who are sentenced to death make confession. When a man goes out into the street, let him imagine that he is given in charge of an officer;¹⁷ when he has a headache, let him imagine that he is put in irons; when he takes to bed, let him imagine that he ascended the scaffold to be punished. For whoever ascends the scaffold to be punished, if he has great advocates he is saved, but if not he is not saved. And these are man's advocates: repentance and good deeds. And even if nine hundred and ninety-nine argue for his guilt, while one argues in his favour, he is saved, for it is said, If there be with him an angel, an advocate, one among a thousand, To shew unto man what is right for him; Then he is gracious unto him, and saith, Deliver him from going down to the pit, etc.¹⁸ R. Eliezer the son of R. Jose the Galilean said: Even if nine hundred and ninety-nine parts of that angel are in his disfavour and one part is in his favour, he is saved, for it is said, 'an advocate, one part in a thousand'.

Our Rabbis taught: For three sins women die in childbirth. R. Eleazar said: women die young.¹⁹ R. Aha said, As a punishment for washing their children's napkins²⁰ on the Sabbath. Others say, Because they call the holy ark a chest.

It was taught, R. Ishmael b. Eleazar said: On account of two sins 'amme ha-arez²¹ die: because they call the holy ark a chest, and because they call a synagogue beth-'am.²²

It was taught, R. Jose said: Three death scrutineers were created in woman; others state: Three causes²³ of death: niddah, hallah, and the kindling of the [Sabbath] lights. One agrees with R. Eleazar, and the other with the Rabbi's.²⁴

It was taught, R. Simeon b. Gamaliel said: The laws of hekdesch, terumoth²⁵ and tithes are indeed essential parts of the law,

- (1) Jer. II, 3: Israel was holiness unto the Lord, the first-fruits of his increase.
- (2) Sc. the first portion of the dough, which is hallah; Num. XV, 20.
- (3) Sc. the Sabbath lights.
- (4) Rashi. Levi, Worterbuch s.v. **זינא** conjectures that **בי זינא** should be read instead of **אבב בזינא**: he translates as Rashi: where there is loss. Jast.: at the prison gate, Krauss in T.A. II, p. 699, n. 435 appears to translate: at the toll-gate, and this is a reference to the severity with which tolls were exacted.
- (5) These are a series of proverbs, the general tenor of which is that when danger is near, one's faults are remembered and punished. Childbirth is dangerous, and that is when a woman is punished for her transgressions. — Mar 'Ukba's proverb means: the shepherd waits until the goats are by the gate of the fold or pen, and then rebukes and punishes them.
- (6) That involves danger, and then they are liable to be punished for their misdeeds,
- (7) The miracle is a reward for some of his merits, and so he has now less to his credit.
- (8) I.e., I have less merit to my credit.
- (9) Gen, XXXII, 10.
- (10) Aruch: east wind.
- (11) I.e., he must prove by what merit he is entitled to regain his health.
- (12) Deut. XXII, 8.
- (13) Of merit, that he is entitled to recover from his injuries.
- (14) The lit. translation of the verse is: if the faller falls. But before he starts falling he should not be designated the faller.
- (15) And this man who builds a house without a parapet is guilty therein, and he is used as the Divine instrument for fulfilling the other man's destiny to fall as a punishment.
- (16) Lit., 'inclines to death'.
- (17) To be bought to trial.
- (18) Job. XXXIII, 23f.
- (19) For these three sins. The variants involve but a change of vocalization in the Hebrew text.
- (20) Lit., 'excrement'.
- (21) Pl. of 'am ha-arez, q.v. Glos,
- (22) Lit., 'house of the people'-a contemptuous designation.
- (23) Cf. n. 2..
- (24) 'Death scrutineers' connotes sins which scrutinize a woman when she is in danger, sc. at childbirth; thus this agrees with the Rabbis, 'Causes' implies avenues to premature death, thus agreeing with R. Eleazar's dictum, 'women die young'-The translation of the first follows Rashi. last.: breaches through which death enters, i.e., sins for which one is visited with death.
- (25) V. Glos.

Talmud - Mas. Shabbath 32b

and they were entrusted to the ignorant.¹

It was taught, R. Nathan said: A man's wife dies in punishment for [his unfulfilled] vows, for it is said. If thou, hast not wherewith to pay [thy vows], why should he take away thy bed [i.e., wife] from under thee?² Rabbi said, For the sin of [unfulfilled] vows one's children die young, for it is said, Suffer not thy mouth to cause thy flesh to sin, neither say thou, before the angel, that it was an error: wherefore should God be angry at thy voice, and destroy the work of thine hands.³ What is the work of a man's hands? Say, it is a man's sons and daughters.

Our Rabbis taught: Children die as a punishment for [unfulfilled] vows: this is the view of R. Eleazar b. R. Simeon. R. Judah the Nasi said: For the sin of neglect of Torah [study]. As for the view that it is for the sin of vows, it is well, even as we have said. But on the view that it is for the sin of neglect of Torah, what verse [teaches this]? — For it is written, Have I smitten your children for nought? They received no instruction!⁴ R. Nahman b. Isaac said: The view that it is for the sin of vows is also [deduced] from this: For vain [utterance] have I smitten your children, i.e., on account of vain (neglected) vows.⁵ Consider: R. Judah the Nasi is identical with Rabbi, whereas Rabbi said that it is for the sin of vows? — He said that after he had heard it from R. Eleazar son of R. Simeon.⁶

R. Hiyya b. Abba and R. Jose⁷ differ therein: one maintained: It is for the sin of [neglect of] mezuzah;⁸ while the other held that it is for the sin of neglect of Torah. On the view that it is for the sin of mezuzah: a verse is interpreted with its precedent, but not with its ante-precedent verse. While on the view that it is for the sin of neglect of Torah: a verse is interpreted with its precedent and its ante-precedent.⁹ R. Meir and R. Judah differ therein: One maintains, It is for the neglect of mezuzah, while the other holds that it is for the neglect of fringes.¹⁰ Now, as for the view that it is for the neglect of mezuzah, it is well, for it is written, ‘and thou shalt write them upon the door posts [mezuzoth] of thine house’, which is followed by, ‘that your days may be multiplied, and the days of your children’. But what is the reason of the view that it is for the neglect of fringes?—Said R. Kahana—others state, Shila Mari: because it is written, Also in thy skirts is found the blood of the souls of the innocent poor.¹¹ R. Nahman b. Isaac said, The view that it is for the neglect of mezuzah is also [learnt] from this: did I not find them like caves?¹² [which means] that they made their entrances like caves.¹³

Resh Lakish said: He who is observant of fringes will be privileged to be served by two thousand eight hundred slaves, for it is said, Thus saith the Lord of hosts: In those days it shall come to pass, that ten men shall take hold, out of all the languages of the nations shall even take hold of the skirt of him that is a Jew, saying, We will go with you, etc.¹⁴

(Mnemonic: Hate, Hallah, Terumah, Robbed, Law, Oath, Shedding, Uncovering, Folly.)¹⁵ It was taught, R. Nehemiah said: As a punishment for causeless hate strife multiplies in a man's house, his wife miscarries, and his sons and daughters die young.

R. Eleazar b. R. Judah said: Because of the neglect of hallah there is no blessing in what is stored, a curse is sent upon prices,¹⁶ and seed is sown and others consume it, for it is said, I also will do this unto you: I will visit you with terror [behalah], even consumption and fever, that shall consume the eyes, and make the soul to pine away. and ye shall sow your seed in vain, for your enemies shall eat it:¹⁷ read not behalah but be-hallah.¹⁸ But if they give it, they are blessed, for it is said, ye shall also give unto the priest the first of your dough, to cause a blessing to rest on thine house.¹⁹

As a punishment for the neglect of terumoth and tithes the heavens are shut up from pouring down dew and rain, high prices are prevalent, wages are lost, and people pursue a livelihood but cannot attain it,²⁰ for it is written: Drought [ziyyah] and heat [hom] consume the snow waters: So doth the grave those which have sinned.²¹ How does this imply it?—The School of R. Ishmael taught: On account of the things which I commanded you in summer²² but ye did them not, the snowy waters shall rob you in winter.²³ But if they render them, they are blessed, for it is said, Bring ye the whole tithe into the storehouse, that there may be meat in mine house, and prove me now herewith, saith the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it [‘ad beli day].²⁴ What is meant by ‘ad beli day?—Said Rami b. Hama: Until your lips are exhausted²⁵ through saying, ‘Enough!’ [day].

For the crime of robbery locusts make invasion, famine is prevalent, and people eat the flesh of

their sons and daughters, for it is said, Hear this word, ye kine of Bashan, that are in the mountain of Samaria, which oppress the poor, which crush the needy.²⁶ (Said Raba, E.g., these women of Mahoza,²⁷

(1) No supervisors were appointed to ensure that the ignorant observe them. Rashi: haberim (q.v. Glos.) eat the bread of the ignorant and assume that the priestly dues have been rendered. Likewise, they use their movables without fearing that they may have dedicated them as hekdesch and rendered them forbidden for secular use.

(2) Prov. XXII, 27.

(3) Eccl. V, 5.

(4) Jer. II, 30.

(5) The Heb. is la-shaw, which bears this meaning too. Cf. Deut. V, 11: Thou shalt not take the name of the Lord thy God in vain (la-shaw).

(6) But the compiler of this Baraita quoted his former view.

(7) Wilna Gaon emends this to R. Ammi or R. Assi.

(8) V. Glos.

(9) V. Deut. XI, 19-21: And ye shall teach them your children ... and thou shalt write them upon the door posts of thine house (mezuzoth) ... that your days may be multiplied. and the days of your children. One maintains: the promise 'and the days of your children' is made conditional upon the immediately preceding command, and thou shalt write them (sc. mezuzah); the other holds that it refers to the previous verse too, viz., and ye shall teach them your children.

(10) Num. XV, 38.

(11) Jer. II, 34: 'in thy skirts'-i.e., in the neglect of fringes, which are inserted in the skirts of one's garment: 'the innocent poor,' i.e., the children who die guiltlessly.

(12) E.V.: I have not found it at the place of breaking in.

(13) Without mezuzoth.

(14) Zech. VIII, 23, 'Skirt' is regarded as referring to the fringe (cf. n. 2.). There are four fringes, and traditionally there are seventy languages: we thus have $70 \times 10 \times 4 = 2800$.

(15) Catch words of the themes that follow, as an aid to memory.

(16) What is stored — grain, wine, oil, etc. does not keep, with the result that prices rise.

(17) Lev. XXVI, 16.

(18) On account of (the neglect of) hallah.

(19) Ezek. XLIV, 30.

(20) Cf. Ab. V. 8.

(21) Job. XXIV, 19.

(22) Viz., the rendering of terumoth and tithes.

(23) I.e., there will be no rain, etc. Ziyah (E.V. drought) is thus connected with ziwah (he commanded), and hom (E.V. heat) with summer.

(24) Mal. III, 10.

(25) Yibelu, connected here with beli.

(26) Amos. IV, 1. The proof lies in the sequel, quoted below.

(27) The famous town on the Tigris not far from Ktesifon, where Raba possibly founded the academy (Weiss, Dor, 111, 202) with himself as head, which was recognized as one of the foremost in Babylon; Obermeyer, p. i 66. (i 2.) Thus they rob their husbands; or, demanding food and producing nothing in return, they may force their husbands to robbery,-Women were expected to do a certain amount of labour, e.g., spinning; Keth. 59b, cf. Prov. XXXI, 13, 19. It would appear that Raba was not very popular in Mahoza (cf. Sanh. 99b); such sentiments may be either partially the cause, or Raba's reaction.

Talmud - Mas. Shabbath 33a

who eat without working). And it is [further] written, I have smitten you with blasting and mildew: the multitude of your gardens and your vineyards and your fig trees and your olive trees hath the palmerworm devoured.¹ and it is also written, That which the palmerworm hath left hath the locust eaten; and that which the locust hath left hath the cankerworm eaten; and that which the cankerworm

hath left hath the caterpillar eaten;² and it is written, And one shall snatch on the right hand, and be hungry, and he shall eat on the left hand, and they shall not be satisfied; they shall eat every man the flesh of his own arm.³ Read not, the flesh of his own arm [zero'o], but, the flesh of his own seed [zar'o].

As a punishment for delay of judgment,⁴ perversion of judgment,⁵ spoiling of judgment,⁶ and neglect of Torah, sword and spoil increase, pestilence and famine come, people eat and are not satisfied, and eat their bread by weight, for it is written, and I will bring a sword upon you, that shall execute the vengeance of the covenant:⁷ now 'covenant' means nothing else but Torah, as it is written, But for my covenant of day and night [I had not appointed the ordinances of heaven and earth];⁸ and it is written, When I break your staff of bread, ten women shall bake your bread in one oven, and they shall deliver your bread again by weight;⁹ and it is written, because, even because they rejected my judgments.¹⁰

For the crime of vain oaths, false oaths,¹¹ profanation of the Divine Name,¹² and the desecration of the Sabbath, wild beasts multiply, [domestic] animals cease, the population decreases, and the roads become desolate, for it is said, And if by these things [be-eleh] ye will not be reformed unto me;¹³ read not be-eleh but be-alah;¹⁴ and it is written, and I will send the beast of the field among you, etc.¹⁵ Now, in respect to false oaths it is written, And ye shall not swear by my name falsely, so that you profane [we-hillalta] the name of thy God;¹⁶ and of the profanation of the Name it is written, and that they profane not [ye-hallelu] my holy name;¹⁷ and of the profanation of the Sabbath it is written, every one that profaneth it [mehallelehah] shall surely be put to death:¹⁸ and [the punishment for] profanation is learnt¹⁹ from a false oath.²⁰

Through the crime of bloodshed the Temple was destroyed and the Shechinah departed from Israel, as it is written, So ye shall not pollute the land wherein ye are; for blood, it polluteth the land ... And thou shalt not defile the land which ye inhabit, in the midst of which I dwell.-²¹ hence, if ye do defile it, ye will not inhabit it and I will not dwell in its midst.²²

As a punishment for incest,²³ idolatry, and non-observance of the years of release and jubilee²⁴ exile comes to the world, they [the Jews] are exiled, and others come and dwell in their place, for it is said, for all these abominations have the men of the land done, etc.;²⁵ and it is written, and the land is defiled,- therefore do I visit the in iniquity thereof upon it;²⁶ and it is written, that the land vomit not you out also, when ye defile it.²⁷ Again, with respect to idolatry it is written, and I will cast your carcasses [upon the carcasses of your idols];²⁸ and it is written, And I will make your cities a waste, and will bring your sanctuaries into desolation etc....²⁹ and you will I scatter among the nations.³⁰ Further, in reference to release and jubilee years it is written, Then shall the land enjoy her sabbaths, as long as it lieth desolate, and ye be in your enemies' land, etc.;³¹ and it is written, As long as it lieth desolate it shall have rest.³²

As a punishment for obscenity,³³ troubles multiply, cruel decrees are proclaimed afresh, the youth of Israel's enemies³⁴ die, and the fatherless and widows cry out and are not answered; for it is said, Therefore shall the Lord not rejoice over the young men, neither shall he have compassion over their fatherless and their widows: for every one is profane and an evil-doer, and every mouth speaketh folly. For all is his anger is not turned away, but his hand is stretched out still.³⁵ What is meant by, 'but his hand is stretched out still'?-Said R. Hanan b. Rabbah: All know for what purpose a bride enters the bridal canopy, yet against whomsoever who speaks obscenely [thereof], even if a sentence of seventy years' happiness had been sealed for him,³⁶ it is reversed for evil.

Rabbah b. Shila said in R. Hisda's name: He who puts his mouth to folly,³⁷ Gehenna is made deep for him, as it is said, A deep pit is for the mouth [that speaketh] perversity.³⁸ R. Nahman b. Isaac said, Also [for] one who hears and is silent,³⁹ for it is said, he that is abhorred of the Lord⁴⁰ shall fall

therein.⁴¹

R. Oshaia said: He who devotes himself⁴² to sin, wounds and bruises break out over him, as it is said, Stripes and wounds are for him that devoteth himself to evil.⁴³ Moreover, he is punished by dropsy, for it is said, and strokes reach the innermost parts of the belly.⁴⁴ R. Nahman b. Isaac said: Dropsy is a sign of sin.

Our Rabbis taught: There are three kinds of dropsy: that [which is a punishment] of sin is thick; that caused by hunger is swollen; and what is caused by magic is thin.⁴⁵ Samuel the Little⁴⁶ suffered through it. 'Sovereign of the Universe!' he cried out, who will cast lots?'⁴⁷ [Thereupon] he recovered. Abaye suffered from it. Said Raba, I know of Nahmani⁴⁸ that he practises hunger.⁴⁹ Raba suffered from it. But was it not Raba himself who said, More numerous are those slain by delayed calls of nature⁵⁰ than the victims⁵¹ of starvation?⁵² -Raba was different, because the scholars compelled him [to practise restraint] at the set times [for lectures].

Our Rabbis taught: There are four signs:-[i] Dropsy is a sign of sin; [ii] jaundice is a sign of causeless hatred; [iii] poverty is a sign of conceit;⁵³ croup⁵⁴ is a sign of slander.⁵⁵

Our Rabbis taught: Croup comes to the world

(1) Prov. XXXI, 9.

(2) Joel I, 4.

(3) Isa. IX, 19.

(4) Lit., 'affliction of judgment'-through unnecessary delay in executing judgment.

(5) Intentionally, through bias or partiality.

(6) Giving erroneous verdicts through carelessness and insufficient deliberation; cf. Aboth, I, 2.

(7) Lev. XXVI, 25.

(8) Jer. XXXIII, 25. 'The covenant of day and night' is understood to refer to the Torah, which should be studied day and night; v. Ned. 32.

(9) Ibid. XXVI, 26.

(10) Ibid. 43.

(11) Rashi: the first is swearing what is obviously untrue; the second is an ordinary false oath which can deceive. Cf. Aboth, Sonc. ed., p. 47, n. 11.

(12) Any unworthy action which reflects discredit upon Judaism since Judaism is blamed for it'-is regarded as profanation of the Divine Name. Cf. Aboth, V, 9, and IV, 4.

(13) Ibid. 23.

(14) the consonants are the same. The verse then reads: and if ye will not be reformed unto me in the matter of (false) oaths.

(15) Lev. XXVI, 22.

(16) Ibid. XIX, 12.

(17) Ibid. XXII, 2.

(18) Ex. XXXI, 14.

(19) Lit., 'and profanation, profanation is learnt'. I.e., the statement made in respect to one profanation holds good for the others too.

(20) just as this is punished by the sending of wild beasts, etc. (Lev. XXVI, 22), so are the others.

(21) Num. XXXV, 33f.

(22) It may be remarked that the destruction of the Temple is regarded here as synonymous with exile from the country.

(23) Which includes adultery.

(24) V. Lev. XXV, 1ff.

(25) Ibid. XVIII, 27; 'abominations' refers to incest, of which the whole passage treats.

(26) Ibid. 25.

(27) Ibid. 28.

- (28) Ibid. XXVI, 30.
- (29) Ibid. 31.
- (30) Ibid. 33.
- (31) Lev. XXVI, 34.
- (32) Ibid. 35.
- (33) Lit., 'folly of the mouth'.
- (34) A euphemism for the youth of Israel. It was held inauspicious even merely to express a possible mishap, on the score of 'open not thy mouth to Satan'.
- (35) Isa. IX, 16.
- (36) This derives from the idea that there is a book of Life, in which man's destiny is recorded; cf. Ned., Sonc. ed., p. 62, n. 7.
- (37) Speaks lewdly.
- (38) Prov. XXII, 14. Lit., 'strange (things)'.-Gehenna, as an equivalent of hell, takes its name from the place where children were once sacrificed to Moloch, viz., ge ben hinnom, the valley of the son of Hinnom, to the south of Jerusalem. (Josh. XV, 8; II Kings XXIII, 10; Jer. II, 23; VII, 31-32; XIX, 6).
- (39) Does not protest.
- (40) Viz., who hears it without protesting.
- (41) Prov. XXII, 14.
- (42) Either: makes himself empty from all other purposes; or, polishes himself up, i.e., prepares himself.
- (43) Ibid. XX, 30.
- (44) Ibid.
- (45) Jewish magic is mentioned in Deut. XVIII, 10-11, in a passage forbidding its practice. But its potency was generally recognized. V. J.E. Arts, 'Magic', and 'Demonology'.
- (46) A Tanna, contemporary of R. Gamaliel I.
- (47) To see from what cause I am suffering-I will be accused of sin.
- (48) A nickname of Abaye, who was brought up in the house of Rabbah b. Nahmani.
- (49) This may indicate that Abaye was an ascetic. Judaism generally was opposed to asceticism (cf. Ned. 10a: he who deprives himself of what he may legitimately enjoy is called a sinner); nevertheless, in times of stress or for particular reasons Rabbis resorted to fasting (B.M. 85a), and private fasts were practised from early times: Judith VIII, 6; 1 Macc. III, 47.
- (50) Lit., 'pot'.
- (51) Lit., 'swollen'.
- (52) Now, Raba evidently disapproved of Abaye's fasting; also, he himself warned against trifling with nature's calls. How then did he come to dropsy — sin being ruled out?—Presumably its symptoms precluded the assumption that he was a victim of witchcraft.
- (53) In Kid. 49b it is explained that this refers to poverty of knowledge, which results when one is too conceited to learn from others.
- (54) **אִסְכְּרָה**, or perhaps 'Diphtheria'.
- (55) Each is the punishment for the other.

Talmud - Mas. Shabbath 33b

on account of [neglect of] tithes.¹ R. Eleazar b. R. Jose said: On account of slander. Said Raba-others maintain, R. Joshua b. Levi-what verse [teaches this]? But the king shall rejoice in God: Everyone that sweareth by him shall glory; For the mouth of them that speak lies shall be stopped [yissaker].² The scholars propounded: Does R. Eleazar son of R. Jose say, [Only] on account of slander, or perhaps on account of slander too? — Come and hear: For when our Rabbis entered the 'vineyard' in Yabneh,³ R. Judah, R. Eleazar son of R. Jose and R. Simeon were present, and this question was raised before them: why does this affliction commence in the bowels and end in the throat? Thereupon R. Judah son of R. Ila'i, the first speaker on all occasions⁴ answered and said: Though the kidneys counsel, the heart gives understanding,⁵ and the tongue gives form,⁶ yet the mouth completes it. R. Eleazar son of R. Jose answered: Because they eat unclean food therewith. 'Unclean

food!' can you think so?⁷ Rather [say] because they eat unfit food.⁸ R. Simeon answered and said, As a punishment for the neglect of study.⁹ Said they to him. Let women prove it!¹⁰ -That is because they restrain their husbands [from study]. Let Gentiles prove it!¹¹ -That is because they restrain Israel. Let children prove it! — That is because they make their fathers to neglect [study].¹² Then let school-children prove it!-There it is as R. Gorion. For R. Gorion-others state, R. Joseph son of R. Shemaiah-said: When there are righteous men in the generation, the righteous are seized [by death] for the [sins of the] generation; when there are no righteous in a generation, school-children are seized for the generation.¹³ R. Isaac b. Ze'iri others state, R. Simeon b. Neizra-said: Which verse [teaches this]? If thou know not, O thou, fairest among women, Go thy way forth by the footsteps of the flock, etc.,¹⁴ and we interpret this as [referring to] the goats which are taken in pledge for the [debts of the] shepherds. Thus this proves that he said on account of slander too. This proves it.

Now, why is he [R. Judah son of R. Ila'i] called the first speaker on all occasions?-For R. Judah, R. Jose, and R. Simeon were sitting, and Judah, a son of proselytes, was sitting near them. R. Judah commenced [the discussion] by observing, 'How fine are the works of this people!¹⁵ They have made streets, they have built bridges, they have erected baths.' R. Jose was silent. R. Simeon b. Yohai answered and said, 'All that they made they made for themselves; they built market-places, to set harlots in them; baths, to rejuvenate themselves; bridges, to levy tolls for them.' Now, Judah the son of proselytes went and related their talk,¹⁶ which reached¹⁷ the government. They decreed: Judah, who exalted [us], shall be exalted,¹⁸ Jose, who was silent, shall be exiled to Sepphoris;¹⁹ Simeon, who censured, let him be executed.

He and his son went and hid themselves in the Beth Hamidrash,[and] his wife brought him bread and a mug of water and they dined.²⁰ [But] when the decree became more severe he said to his son, Women are of unstable temperament: she²¹ may be put to the torture and expose us.'²² So they went and hid in a cave. A miracle occurred and a carob-tree and a water well were created for them. They would strip their garments and sit up to their necks in sand. The whole day they studied; when it was time for prayers they robed, covered themselves, prayed, and then put off their garments again, so that they should not wear out. Thus they dwelt twelve years in the cave.²³ Then Elijah came and stood at the entrance to the cave and exclaimed, Who will inform the son of Yohai that the emperor is dead and his decree annulled?²⁴ So they emerged. Seeing a man ploughing and sowing, they exclaimed, 'They forsake life eternal and engage in life temporal!' Whatever they cast their eyes upon was immediately burnt up. Thereupon a Heavenly Echo came forth and cried out, 'Have ye emerged to destroy My world: Return to your cave!'²⁵ So they returned and dwelt there twelve months, saying, 'The punishment²⁶ of the wicked in Gehenna is [limited to] twelve months.'²⁷ A Heavenly Echo then came forth and said, 'Go forth from your cave!' Thus, they issued: wherever R. Eleazar wounded,²⁸ R. Simeon healed. Said he to him, 'My son! You and I are sufficient for the world.'²⁹ On the eve of the Sabbath before sunset they saw an old man holding two bundles of myrtle and running at twilight. What are these for?' they asked him. 'They are in honour of the Sabbath,' he replied.³⁰ 'But one should suffice you?'-One is for 'Remember-' and one for 'Observe.'³¹ Said he to his son, 'See how precious are the commandments to Israel.' Thereat their minds were tranquilized. R. Phinchas b. Ya'ir his son-in-law heard [thereof] and went out to meet him. He took him into the baths and massaged³² his flesh. Seeing the clefts in his body³³ he wept and the tears streamed from his eyes. 'Woe to me that I see you in such a state!' he cried out. 'Happy are you that you see me thus,' he retorted, 'for if you did not see me in such a state you would not find me thus [learned].'³⁴ For originally, when R. Simeon b. Yohai raised a difficulty, R. Phinehas b. Ya'ir would give him thirteen answers, whereas subsequently when R. Phinehas b. Ya'ir raised a difficulty, R. Simeon b. Yohai would give him twenty-four answers.

Since a miracle has occurred, said he, let me go and amend something, for it is written, and Jacob came whole³⁵ [to the city of Shechem],³⁶ which Rab interpreted. Bodily whole [sound], financially whole, and whole in his learning. And he was gracious to the city.,³⁷ Rab said: He instituted coinage

for them.³⁸ Samuel said: He instituted markets for them; R. Johanan said: He instituted baths for them. Is there ought that requires amending? he³⁹ asked. There is a place of doubtful uncleanness,⁴⁰ he was informed,

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- (1) Rashi: one who eats untithed food (tebel) is liable to death by a divine visitation, which takes the form of croup. Having sinned through his throat (eating), he is punished through his throat.
 - (2) Ps. LXIII, 12. Yissaker is connected here with askera, croup.
 - (3) The famous town north west of Jerusalem, the seat of the Sanhedrin and R. Johanan b. Zakkai's academy after the destruction of the Temple. Sittings were held in a 'vineyard', i.e., members sat in rows similar to vines in a vineyard.
 - (4) The reason is given below, p. 56.
 - (5) 'Counsel' and 'understanding' were ascribed to these two organs respectively. Rashi in Ber. 61a s.v. **והלב** quotes: Ps. XVI, 7: Yea, my kidney (E.V. reins) admonish me in the night seasons, and Isa. VI, 10: and he understands with his heart.
 - (6) To the words. Lit., 'cuts'.
 - (7) That does not merit so heavy a punishment, particularly as only terumah and sacred food are forbidden when defiled.
 - (8) I.e., untithed.
 - (9) Which is likewise performed with the mouth.
 - (10) Who are not bidden to study (Kid. 29b), and yet suffer from croup. (cf. Sot. III, 4).
 - (11) Who are not bidden to study the Torah, and are yet subject to it.
 - (12) By childish demands on their time;-a harsh doctrine, but it is abandoned.
 - (13) This is not to be confused with the doctrine of vicarious atonement, which is rejected by Judaism.
 - (14) Cant. I, 8. The Midrash and the Targum interpret the whole of this poem as a dialogue between God and Israel, This verse is explained: If you do not understand how to keep God's commandments, go and learn them for the sake of the flocks, sc. your children, who otherwise may die on your account.
 - (15) The Romans.
 - (16) Rashi: to his parents, without evil intent.
 - (17) Lit., 'and they were heard by'.
 - (18) With the privilege of being the first to speak on all occasions.
 - (19) In Upper Galilee.
 - (20) Lit., 'they wrapped (bread)'; a term derived from the custom of eating bread with a relish wrapped in it.
 - (21) His wife.
 - (22) The context shows that he was not censuring women for constitutional instability, but feared their weakness.
 - (23) Notwithstanding its miraculous elements this story is substantially true. R. Simeon b. Yohai was persecuted very much by the Roman authorities; this explains his anti-Gentile (i.e., Roman) utterances, which are not illustrative of the Talmud as a whole.
 - (24) Elijah the Prophet was believed to appear frequently to men; cf, supra 13b.
 - (25) This story is a protest against super piety and an assertion that practical work is necessary for the world. Their return to the cave is thus depicted as a punishment, not a meritorious deed.
 - (26) Lit., 'judgment'.
 - (27) On 'Gehenna' v. p. 153, n. 8. Judaism rejects on the whole the idea of eternal punishment, for punishment is regenerative, not vindictive, and therefore must terminate; v. M. Joseph, Judaism as Creed and Life, p. 145.
 - (28) With a glance of his eyes.
 - (29) Not to be taken literally.
 - (30) Their fragrance is to beautify the Sabbath and lend cheer to it.-Contrary to the opinion of many, the Sabbath, in spite of its prohibitions, is and has been 'a day of delight' and spiritual nourishment to millions of observant Jews, not a day of gloom; v. Shechter, Studies in Judaism, p. 296.
 - (31) Ex. XX, 8. Remember the Sabbath day; Deut. V, 12: Observe the Sabbath day.
 - (32) Lit., 'dressed'.
 - (33) Caused by the sand,
 - (34) He felt that all his sufferings were compensated for by the knowledge he had gained. R. Simeon b. Yohai was one of the few Rabbis who devoted himself entirely to learning, 'his study being his profession' (supra 11a) not interrupting it even for prayer.

(35) E. V. 'in peace'.

(36) Gen. XXXIII, 18.

(37) Ibid.; Wa-yihan is thus derived from hanan, to be gracious. E.V.: and he encamped before the city.

(38) In place of barter.

(39) R. Simeon b. Yohai.

(40) A grave or human bones having been lost there.

Talmud - Mas. Shabbath 34a

and priests have the trouble of going round it. Said he: Does any man know that there was a presumption of cleanness here?¹ A certain old man replied, Here [R. Johanan] b. Zakkai cut down lupines of terumah. So he did likewise. Wherever it (the ground) was hard he declared it clean, while wherever it was loose he, marked it out. Said a certain old man. The son of Yohai has purified a cemetery! Said he, Had you not been with us, even if you have been with us but did not vote,² you might have said well. But now that you were with us and voted with us,³ It will be said, [Even] whores paint one another; how much more so scholars!⁴ He cast his eye upon him, and he died. Then he went out into the street and saw Judah, the son of proselytes: 'That man is still in the world!' he exclaimed. He cast his eyes upon him and he became⁵ a heap of bones.

MISHNAH. ON THE EVE OF THE SABBATH JUST BEFORE NIGHT⁶ A MAN MUST SAY THREE THINGS IN HIS HOUSE: HAVE YE RENDERED TITHES?⁷ HAVE YE PREPARED THE 'ERUB?⁸ KINDLE THE [SABBATH] LAMP. WHEN IT IS DOUBTFUL, WHETHER IT IS NIGHT⁹ OR NOT,¹⁰ THAT WHICH IS CERTAINLY [UNTITHED] MAY NOT BE TITHED, UTENSILS MAY NOT BE IMMERSSED,¹¹ AND THE LIGHTS MAY NOT BE KINDLED. BUT DEM'AI¹² MAY BE TITHED,¹³ AN 'ERUB MAY BE PREPARED, AND HOT FOOD MAY BE STORED AWAY.¹⁴

GEMARA. Whence do we know it?-Said R. Joshua b. Levi, Scripture saith, And thou, shalt know that thy tent is in peace; and thou shalt visit thy habitation, and shalt not err.¹⁵

Rabbah son of R. Huna said: Although the Rabbis said, a man MUST SAY THREE THINGS, etc., yet they must be said with sweet reasonableness, so that they may be accepted from him. R. Ashi observed: I had not heard this [statement] of Rabbah son of b. R. Huna, but understood¹⁶ it by logic.

This is self contradictory. You say, ON THE EVE OF THE SABBATH JUST BEFORE NIGHT A MAN MUST SAY THREE THINGS IN HIS HOUSE: only just before night, but not when it is doubtful whether it is night or not;¹⁷ then you teach, WHEN IT IS DOUBTFUL, WHETHER IT IS NIGHT OR NOT ... AN 'ERUB MAY BE PREPARED? (Mnemonic: Self, Pruning, Bird, Cord, Silk.)¹⁸ — Said R. Abba in the name of R. Hiyya b. Ashi in Rab's name: There is no difficulty: the one refers to 'erub of boundaries; the other to the 'erub of courtyards.¹⁹ Now Raba said: If two men said to one person, 'Go forth and place an 'erub for us', and he placed an 'erub for one while it is yet day, and for the other he made the 'erub at twilight, and the 'erub of him for whom he placed it by day was eaten at twilight, and the 'erub of him for whom he placed it at twilight was eaten after nightfall, both acquire [their] 'erub.²⁰ What will you: if twilight is day, the second should acquire, but not the first; while if twilight is night, the first should acquire, but not the second?-Twilight is doubtful,²¹ and a doubt in respect to a Rabbinical law is judged leniently.²²

Raba said: Why was it said, One must not store [food] after nightfall [even] in a substance that does not add heat?²³ For fear lest he make it boil.²⁴ Said Abaye to him: if so, let us forbid it at twilight too?-The average pot is at the boil, he replied.²⁵

Raba also said:

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- (1) Before the doubt arose, was there a time when this place was assumed to be clean, so that it enjoyed the status of cleanness? (11) I.e., he planted them while *terumah* and cut them down after they had grown. (12) As unclean. In the *Pesikta* and *1. Shab. VII* it is stated that a miracle happened and the dead floated upwards (v. Rashi). (13) Derisively.
- (2) Lit., 'you were not counted'. — R. Simeon b. Yohai had acted in accordance with the decision of the majority of the Rabbis.
- (3) In favour of this.
- (4) Surely they should pay regard to each other's honour.
- (5) Lit., 'he made him'.
- (6) Lit., with darkness (setting in),
- (7) Of the food we are to eat on the Sabbath,
- (8) V. *Glos.* The 'erub referred to is for courtyards; v. p. 18, n. 7.
- (9) Lit., 'dark'.
- (10) I.e., at twilight.
- (11) Made fit for use by means of *tebillah* (immersion) in a ritual bath (*mikveh*). Both these acts render objects fit for use, which is forbidden at twilight.
- (12) V. *Glos.*
- (13) Because the probability is that tithes have already been rendered, and thus this tithing does not really make it fit.
- (14) To retain its heat.
- (15) *Job V. 24, She'eltoth 63* explains: if an 'erub has not been prepared, so that the carrying of utensils is forbidden, or if the lights have not been kindled, or the tithes rendered, so that the food may not be eaten, the resultant inconvenience and lack of cheer are inimical to the peace of the household.
- (16) Lit., 'adduced'. V. *Marginal Gloss.*
- (17) Which implies that there is no purpose in his saying it then, since an 'erub may not be prepared then.
- (18) These indicate statements made in the *Tractate* by R. Abba in the name of R. Hiyya on Rab's authority. Doubt arose as to the authorship of some of these, and so this mnemonic was given. 'Self' indicates the present passage, 'This is self contradictory'. For the others v. *infra 73b* (pruning); *107a* (bird), *113a* (cord) and *124b* (silk). — *Maharsha*,
- (19) V. p. 18, n. 7. The limitation of boundaries was held to be either Biblical or partaking of the nature of a Scriptural law; therefore the 'erub, whereby that limitation is extended, really makes the territory beyond these boundaries accessible on the Sabbath, and consequently its preparation is forbidden at twilight, when the Sabbath may have commenced, although where it was prepared at twilight, it is effective. But the prohibition of carrying between houses and courtyards was merely a measure of stringency; hence the 'erub permits only what might have been permitted in any case, and so it may be prepared at twilight.
- (20) 'Acquire their 'erub' means that the 'erub confers upon on them the rights for which it is set. Now, an 'erub must be prepared by day and be still in existence when the Sabbath commences, otherwise it is invalid. Now, in respect of the first, whose 'erub was placed by day and eaten at twilight, twilight is regarded as night, i.e., the commencement of the Sabbath, when the 'erub was still in existence. Whilst in respect of the second twilight is regarded as day, so that it was placed the day. — *Rashi*: the reference is to the 'erub of boundaries which, though it may not be set at the outset at twilight, is nevertheless effective. *Tosaf.*: the 'erub of courtyards is meant.
- (21) Whether it is day or night.
- (22) The law of 'erub is Rabbinical, as stated above.
- (23) The *Mishnah* states that storing away food is permitted at twilight, whence it follows that it is forbidden after nightfall. And the reference must be to a substance which does not add heat, for if it does, food may not be stored in it even by day (*infra 47b*).
- (24) When he comes to put it away, he may find it cold and heat up it first, which is the equivalent of cooking on the Sabbath.
- (25) At twilight, because it has only just been removed from the fire.

Talmud - Mas. Shabbath 34b

Why was it said that one must not put away [food] in a substance which adds heat, even by day? For

fear lest he put it away in hot ashes containing a burning coal. Said Abaye to him, Then let him put it away!¹ -[That is forbidden] for fear lest he rake the coals.²

Our Rabbis taught: As to twilight [period] it is doubtful whether it is partly day and partly night, or the whole of it [belongs to the] day, or the whole of it night: [therefore] it is cast upon the stringencies of both days.³ And what is twilight? From sunset as long as the face of the east has a reddish glow: when the lower [horizon] is pale⁴ but not the upper, it is twilight; [but] when the upper [horizon] is pale and the same as the lower, it is night: this is the opinion of R. Judah. R. Nehemiah said: For as long as it takes a man to walk half a mil⁵ from sunset. R. Jose said: Twilight is as the twilight of an eye, one entering and the other departing,⁶ and it is impossible to determine it. The Master said: 'One applies to it the stringencies of both days.' In respect of what [point of] law?-Said R. Huna son of R. Joshua, In respect of uncleanness. Even as we learnt: if he saw [discharges] on two days at twilight, he is doubtful in respect of uncleanness and sacrifice: if he sees [a discharge] one day at twilight, he is doubtful in respect of uncleanness.⁷

This is self-contradictory. You say, 'What is twilight? From sunset as long as the face of the east has a reddish glow.' Hence, if the lower horizon is pale but not the upper, it is night.⁸ Then it is taught, 'When the lower [horizon] is pale but not the upper, it is twilight'?-Rabbah answered in the name of Rab Judah in Samuel's name: Combine [them] and learn: What is twilight? From sunset as long as the face of the east has a reddish glow, And if the lower [horizon] is pale but not the upper, that too is twilight. But when the upper horizon is pale and the same as the lower, it is night. While R. Joseph answered in the name of Rab Judah in Samuel's name, This is what he teaches: From sunset as long as the face of the east has a reddish glow, it is day; if the lower [horizon] is pale but not the upper, it is twilight; when the upper is pale and the same as the lower, it is night.

Now, they follow their views. For it was stated: How long is the period of twilight?-Rabbah said in the name of Rab Judah in Samuel's name. Three parts of a mil.⁹ What is meant by, 'three parts of a mil'? Shall we say, three half mils? Then let him say, 'A mil and a half'? While if it is three thirds of a mil, let him say, 'One mil'? Hence it must mean three quarters of a mil. While R. Joseph said in the name of Rab Judah in Rab's name: Two parts of a mil. What is 'two parts of a mil'? Shall we say, two halves: let him say, 'One mil'? while if it means two quarters of a mil; let him say, 'half a mil'. Hence

(1) Even in such, since it is yet day.

(2) In the evening.

(3) This is explained infra.

(4) I.e., dark, no longer red.

(5) = Two thousand cubits = 112,037'316 cm, i.e., about three fourths of an English mile; v. J.E. XII, 487,

(6) Night enters and day departs in the twinkling of an eye.

(7) If a zab (q.v. Glos.) has two discharges on one day or on two consecutive days, or one discharge spread over parts of two days, e.g., the end of one and the beginning of the next, which likewise counts as two discharges, he becomes unclean for seven days, as a zab. If he has three discharges (taking into account that one discharge spread over two days ranks as two), he incurs a sacrifice in addition. Now, if he has discharges for a short period at twilight on Sunday and Monday there are the following possibilities: — (i) The twilight of both were either day or night, so that he had two discharges on two consecutive days, viz., Sunday and Monday or Monday and Tuesday, the night belonging to the following day, which render him unclean, but not liable to a sacrifice; (ii) the first twilight period was day, while the second was night, so that his two discharges were on Sunday and Tuesday, and he is not unclean for seven days, because the discharges were not on consecutive days; and (iii) the first twilight period was day (Sunday) and the second embraced the end of one day (Monday) and the beginning of the night (Tuesday), so that he had three discharges on three consecutive days, and therefore incurs a sacrifice.-On account of these doubts he is unclean for seven days and must bring a sacrifice, which, however, may not be eaten. Similarly, if he has one discharge at twilight, it is doubtful whether it counts as one or two.

(8) For 'the face of the east' includes the lower horizon.

(9) As long as it takes to walk this.

Talmud - Mas. Shabbath 35a

it must mean two thirds of a mil. What is the difference between them?-One half of a sixth.¹

Now, it is the reverse in respect of a bee-hive.² For Rabbah said: A bee-hive of two kors capacity³ may be moved; of three kors capacity, may not be moved. But R. Joseph said: Three kors capacity also is permitted; four kors is forbidden.⁴

Abaye said: I asked it of Mar⁵ at the time of action,⁶ and he did not permit one [to move] even a two-kors size. With whom [does that agree]?-With the following Tanna. For we learnt: A receptacle of stubble, or of staves, and the cistern of an Alexandrian boat, though they have rims and contain forty se'ahs in liquid measure which is two kors in dry measure,⁷ are clean.⁸ Abaye observed: This proves that the heap [in dry measures] is a third. Abaye saw Raba gazing at the West.⁹ Said he to him, But it was taught, 'As long as the face of the east has a reddish glow?' Do you think that the face of the east is meant literally? he replied. [It means] the face which casts a red glow upon the east,¹⁰ and your token is a window.¹¹

'R. Nehemiah said: For as long as it takes a man to walk half a mil from sunset.' R. Hanina said: One who wishes to know R. Nehemiah's period should leave the sun on the top of the Carmel,¹² descend, dip in the sea, and reascend, and this is R. Nehemiah's period. R. Hiyya said: One who wishes to see Miriam's well should ascend to the top of the Carmel and gaze, when he will observe a kind of sieve in the sea, and that is Miriam's well. Rab said: A moveable well is clean,¹³ and that is Miriam's well.¹⁴

Rab Judah said in Samuel's name: At twilight, as defined by R. Judah, unclean priests may perform tebillah.¹⁵ According to whom? Shall we say, according to R. Judah [himself]? but it is doubtful!¹⁶ But if it means twilight, as defined by R. Judah, according to R. Jose; [why state] priests may perform tebillah then-it is obvious!¹⁷ -I might think that twilight, as defined by R. Jose, is a continuation of R. Judah's; [therefore] we are told that R. Judah's twilight ends and then R. Jose's commences.

Rabbah b. Bar Hanah said in R. Johanan's name: The halachah is as R. Judah in respect to the Sabbath, and the halachah is as R. Jose in respect to terumah. Now, as for the halachah being as R. Judah in respect to the Sabbath, it is well: this is in the direction of stringency.¹⁸ But in respect of terumah, what is it? Shall we say, for tebillah?¹⁹ it is doubtful!²⁰

(1) Rabbah's period is one twelfth of a mil longer than R. Joseph's; above too Rabbah gives a longer period than R. Joseph. — In the East night comes more quickly than in the West.

(2) Rashi. Jast.: a loose wicker-work used for making bee-hives, etc.

(3) One kor = thirty se'ahs = 395,533'2 cu.cent; J.E. XII, 489 (Table).

(4) A utensil may be moved on the Sabbath. Rabbah maintains that if it is more than two kors in capacity it ceases to be a utensil, while R. Joseph holds that it is a utensil up to three kors. Thus R. Joseph's standard here is larger than Rabbah's, while in respect to twilight it is smaller.

(5) The Master-i.e., Rabbah.

(6) When I actually wished to move it.

(7) Two kors — sixty se'ahs. A utensil held more in dry measure, because it could be heaped up.

(8) These are too large to rank as utensils, and only utensils are liable to uncleanness; V. 'Er., Sonc. ed., 14b notes.

(9) To see whether the reddish glow was still discernible.

(10) By reflection hence the west.

- (11) Through which light enters and irradiates the opposite wall.
- (12) I.e., when the sun is going down and its dying rays illumine the top of the mountain.
- (13) Its waters cannot become unclean and it is fit for ritual purification (tebillah).
- (14) According to the Rabbis the well miraculously followed Israel for Miriam's sake; Ta'an. 9a.
- (15) V. Glos. Its purpose was to cleanse them and permit them to eat sacred food. Sunset had to follow the tebillah before they might do so, but Rab Judah holds that twilight, as defined by R. Judah, is day, and therefore sunset does follow it.
- (16) Whether it is day or night. It may be night already, in which case the tebillah is not followed by sunset.
- (17) R. Judah's twilight period is certainly earlier than that of R. Jose which is but the twinkling of an eye.
- (18) All those things which are forbidden Friday at twilight are forbidden at the earlier time stated by R. Judah.
- (19) That priests may perform tebillah during twilight as defined by R. Judah, because the halachah is as R. Jose that it is still day then.
- (20) Since he rules that the halachah is as R. Judah in respect to the Sabbath, he must regard R. Judah's view as possibly correct.

Talmud - Mas. Shabbath 35b

— Rather it is in respect of the eating of terumah, viz., the priests may not eat terumah until twilight, as defined by R. Jose, ends.¹

Rab Judah said in Samuel's name: When [only] one star [is visible], it is day; when two [appear], it is twilight; three, it is night. It was taught likewise: When one star [is visible], it is day; when two [appear], it is twilight; three, it is night. R. Jose b. Abin² said: Not the large stars, which are visible by day, nor the small ones, which are visible only at night, but the medium sized.

R. Jose son of R. Zebida said: If one performs work at two twilights,³ he incurs a sin-offering, whatever view you take.⁴

Raba said to his attendant: You, who are not clear in the Rabbinical standards, light the lamp when the sun is at the top of the palm trees.⁵ How is it on a cloudy day? — In town, observe the fowls; in the field, observe the ravens or arone.⁶

Our Rabbis taught: Six blasts were blown on the eve of the Sabbath. The first, for people to cease work in the fields; the second, for the city and shops to cease [work]; the third, for the lights to be kindled: that is R. Nathan's view. R. Judah the Nasi said: The third is for the tefillin to be removed.⁷ Then there was an interval for as long as it takes to bake a small fish, or to put a loaf in the oven,⁸ and then a teki'ah, teru'ah, and a teki'ah were blown,⁹ and one commenced the Sabbath. Said R. Simeon b. Gamaliel, What shall we do to the Babylonians who blow a teki'ah and a teru'ah, and commence the Sabbath in the midst of the teru'ah?¹⁰ (They blow a teki'ah and a teru'ah [only]: but then there are five?-Rather they blow a teki'ah, repeat the teki'ah, and then blow a teru'ah and commence the Sabbath in the midst of the teru'ah.) — They retain their fathers' practice.¹¹

Rab Judah recited to R. Isaac, his son: The second is for the kindling of the lights. As which [Tanna]? Neither as R. Nathan nor as R. Judah the Nasi!-Rather [read] 'the third is for the kindling of the lights'. As which [Tanna]? — As R. Nathan.

The School of R. Ishmael taught: Six blasts were blown on the eve of the Sabbath. When the first was begun, those who stood in the fields ceased to hoe, plough, or do any work in the fields, and those who were near [to town] were not permitted to enter [it] until the more distant ones arrived, so that they should all enter simultaneously.¹² But the shops were still open and the shutters were lying.¹³ When the second blast began, the shutters were removed and the shops closed. Yet hot [water] and pots still stood on the range. When the third blast was begun, what was to be removed¹⁴

was removed, and what was to be stored away¹⁵ was stored away, and the lamp was lit.¹⁶ Then there was an interval for as long as it takes to bake a small fish or to place a loaf in the oven; then a teki'ah, teru'ah and a teki'ah were sounded, and one commenced the Sabbath. R. Jose b. R. Hanina said: I have heard that if one comes to light after the six blasts he may do so, since the Sages gave the hazzan of the community¹⁷ time to carry his shofar¹⁸ home.¹⁹ Said they to him, If so, your rule depends on [variable] standards.²⁰ Rather the hazzan of the community had a hidden place on the top of his roof, where he placed his shofar, because neither a shofar nor a trumpet may be handled [on the Sabbath].²¹ But it was taught: A shofar may be handled, but not a trumpet?²² -Said R. Joseph: There is no difficulty: The one refers to an individual[‘s]; the other to a community[‘s]. Said Abaye to him, And in the case of an individual's, what is it fit for?-It is possible to give a child a drink therewith?

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- (1) Only then is it evening for certain, but not at the end of R. Judah's period.
 (2) So the text as amended by Bah.
 (3) Of Friday and Saturday. It means either during the whole of both twilights or at exactly the same point in each (Tosaf. 34b s.v. **פפד**)
 (4) Whether twilight is day or night, he has worked on the Sabbath.
 (5) I.e., by day.
 (6) Fowls and ravens retire to roost at night: hence the lamp should be lit before. Arone is a plant whose leaves turn eastward by day and westward by night (Rashi). MS.M. reads: in marsh-land observe arone (Jast.: name of certain plants growing in marshes which close their leaves at nightfall).
 (7) In Talmudic times they were worn all day; but they are not worn on the Sabbath.
 (8) The word literally means to cause it to cleave, because the loaf was pressed to the side of the oven.
 (9) Teki'ah is a long blast; teru'ah, a series of very short blasts, all counted as one. These three were blown in rapid succession.
 (10) I.e., hard on the heels of(or, immediately they hear) the teru'ah.
 (11) This was a very ancient custom; v. Neh. XIII, 19 and Halevi, Doroth, I, 3, pp. 336f.
 (12) To protect the more distant ones from the suspicion of continuing their work after the first blast.
 (13) The shutters were placed on trestles during the day to serve as stalls.
 (14) For the evening meal.
 (15) For the next day.
 (16) Lit., 'and the lighter lit'.
 (17) V. p. 41, n. 7.
 (18) The ram's horn, on which these blasts were produced.
 (19) The shofar was blown on the top of a high roof, and R. Jose b. Hanina assumed that the hazzan then took it home.
 (20) The commencement of the Sabbath will depend on the distance of that roof from his house.
 (21) A shofar was curved, whereas a trumpet was straight.
 (22) The shofar, being curved, could be used for taking up a drink of water; this being permitted, its handling too (even without that use) is permitted.

Talmud - Mas. Shabbath 36a

Then in the case of a community[‘s] too, it is fit for giving a drink to a poor child?¹ Moreover, as to what was taught: 'Just as a shofar may be moved, so may a trumpet be moved': with whom does that agree?-Rather [reply thus]; there is no difficulty: one agrees with R. Judah, one with R. Simeon, and one with R. Nehemiah;² and what indeed is meant by 'shofar', a trumpet,³ in accordance with R. Hisda. For R. Hisda said: The following three things reversed their designations after the destruction of the Temple: [i] trumpet [changed to] shofar, and shofar to trumpet. What is the practical bearing thereof? in respect of the shofar [blown] on New Year.⁴ [ii] 'Arabah [willow] [changed to] zafzafah and zafzafah to 'Arabah. What is the practical bearing thereof?-In respect of the lulab⁵ [iii] Pathora⁶ [changed to] pathorta⁷ and pathorta to Pathora. What is the practical bearing thereof?-In respect of buying and selling.⁸ Abaye observed: We too can state: Hoblila [changed to] be kasse and be kasse

to hoblila.⁹ What is the practical bearing thereof? In respect of a needle which is found in the thickness of the beth hakosoth,¹⁰ which if [found] on one side, it [the animal] is fit [for food]; [if through both sides,¹¹ it [the animal] is terefah.¹² R. Ashi said, We too will state: Babylon [changed to] Borsif and Borsif to Babylon.¹³

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- (1) The community has to look after him, and therefore the community's shofar may be used for this purpose.
 - (2) (i) R. Judah holds that a shofar may be moved, since it can be put to a permitted use, but not a trumpet. This can be used only in a way that is forbidden on the Sabbath, sc. drawing a blast, and is therefore mukzeh (q.v. Glos.), the handling of which R. Judah prohibits on the Sabbath, (ii) R. Simeon holds that mukzeh may be handled, hence both may be moved. (iii) R. Nehemiah holds that a utensil may be handled only for its normal use: hence both are forbidden:
 - (3) In the first Baraitha, once it is stated that a shofar may not be moved, though it can be put to a permitted use, a trumpet need not be mentioned. Hence it is stated that the language changed in the course of time, 'shofar' and 'trumpet' reversing their meaning. Thus the first Baraitha first states that a trumpet may not be handled, and then adds that the same applies even to a shofar.
 - (4) V. Lev. XXIII, 24; Num. XXIX, 1. This must be blown on what is popularly called a trumpet, which is really a shofar (ram's horn).
 - (5) The palm-branch; V. Lev. XXIII, 40. For the willow (Heb. 'arabah), what is now called zafzafah must be taken.
 - (6) A small money-changer's table, counter.
 - (7) A large table.
 - (8) If one orders a pathora it now means a large table.
 - (9) Hoblila is the second stomach in ruminants; be kasse the first. But nowadays the terms have reversed their meanings.
 - (10) I.e., the be kasse.
 - (11) I.e., penetrating both sides of the wall.
 - (12) Unfit for food. Abaye states that this law applies only to what is now called hoblila.
 - (13) The town Babylon is on the Euphrates, and Borsif is on an arm of the Euphrates. V. Obermeyer, P. 314 and map.

Talmud - Mas. Shabbath 36b

What is the practical difference? — In respect of women's bills of divorce.¹

CHAPTER III

MISHNAH. IF A [DOUBLE]² STOVE IS HEATED WITH STUBBLE OR RAKINGS, A POT MAY BE PLACED THEREON;³ WITH PEAT OR WOOD, ONE MAY NOT PLACE [A POT THERE] UNTIL, HE SWEEPS IT⁴ OR COVERS IT WITH ASHES.⁵ BETH SHAMMAI MAINTAIN: HOT WATER, BUT NOT A DISH;⁶ BUT BETH HILLEL RULE; BOTH HOT WATER AND A DISH. BETH SHAMMAI MAINTAIN: ONE MAY REMOVE [IT], BUT NOT PUT [IT] BACK; BUT BETH HILLEL RULE: ONE MAY PUT [IT] BACK TOO.

GEMARA. The scholars propounded: Does this, ONE MAY NOT PLACE, mean one must not put [it] back,⁷ yet it is permitted to keep [it there],⁸ even if it [the stove] is neither swept nor covered with ashes: and who is the authority thereof? Hananiah. For it was taught, Hananiah said: 'Whatever is as the food of the son of Derusai⁹ may be kept on the stove, even if it is neither swept nor covered with ashes'¹⁰ Or perhaps we learnt about keeping [it there], and that is [permitted] only if it is swept or covered with ashes, but not otherwise: how much more so with respect to putting it back!-Come and hear! For two clauses are taught in our Mishnah: BETH SHAMMAI MAINTAIN: HOT WATER, BUT NOT A DISH; BUT BETH HILLEL RULE: BOTH HOT WATER AND A DISH. BETH SHAMMAI MAINTAIN: ONE MAY REMOVE [IT], BUT NOT PUT [IT] BACK; BUT BETH HILLEL, RULE: ONE MAY PUT [IT] BACK TOO. Now, if you say that we learnt about keeping [it there], it is well, for this is what he [the Tanna] teaches: IF A STOVE IS HEATED WITH STUBBLE OR RAKINGS, a pot may be kept thereon; WITH PEAT OR WOOD, one may not keep [a pot] there UNTIL, HE SWEEPS IT OR COVERS IT WITH ASHES. And what may be

kept there? BETH SHAMMAI MAINTAIN: HOT WATER, BUT NOT A DISH; BUT BETH HILLEL. RULE: BOTH HOT WATER AND A DISH. And just as they differ in respect to keeping it there, so do they differ in respect to putting it back, where BETH SHAMMAI MAINTAIN: ONE MAY REMOVE [IT], BUT NOT PUT [IT] BACK; BUT BETH HILLEL- RULE: ONE MAY PUT [IT] BACK TOO. But if you say that we learnt about putting it back, then this is what he teaches: IF A STOVE IS HEATED WITH STUBBLE OR RAKINGS, A POT MAY BE PUT BACK THEREON; WITH PEAT OR WOOD, one must not put it back UNTIL, HE SWEEPS IT OR COVERS IT WITH ASHES. And what may be put back? BETH SHAMMAI MAINTAIN: HOT WATER, BUT NOT A DISH; BUT BETH HILLEL, RULE: BOTH HOT WATER AND A DISH. BETH SHAMMAI MAINTAIN: ONE MAY REMOVE [IT], BUT NOT PUT [IT] BACK;¹¹ BUT BETH HILLEL, RULE: ONE MAY PUT [IT] BACK TOO. Then what is the purpose of this addition?¹² —

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- (1) The name of the towns in which the husband and wife are residing must be written in divorces. With respect to Babylon and Borsipha, the names as after the change must be written.
- (2) A stove which held two pots.
- (3) On the eve of the Sabbath, the reference being to a cooked dish.
- (4) Clear of burning pieces.
- (5) Otherwise it adds heat, which is forbidden; v. supra 34a.
- (6) Only the former may be placed there after it is swept; but not the latter, because he may wish it to boil more, forget himself, and rake the coals or logs.
- (7) After the commencement of the Sabbath.
- (8) From the eve of the Sabbath.
- (9) A third cooked.
- (10) V. supra 20a, q.v. notes.
- (11) Presumably referring to a dish, since Beth Shammai permit the replacing of hot water.
- (12) It has already been stated in the previous clause, 'BUT NOT A DISH'.

Talmud - Mas. Shabbath 37a

After all, I can tell you that we learnt about replacing it, but the text is defective, and this is what he [the Tanna] teaches: IF A STOVE IS HEATED WITH STUBBLE OR RAKINGS, A POT may be placed thereon; WITH PEAT OR WOOD, one must not replace it UNTIL HE SWEEPS IT OR COVERS IT WITH ASHES; but as for keeping it there, that is permitted even if it is neither swept nor covered with ashes. Yet what may be kept there? BETH SHAMMAI MAINTAIN; HOT WATER, BUT NOT A DISH; WHILE BETH HILLEL RULE: BOTH HOT WATER AND A DISH. And as to this replacing, of which I tell you,¹ it is not an agreed ruling, but [the subject of] a controversy between Beth Shammai and Beth Hillel. For BETH SHAMMAI MAINTAIN: WE MAY REMOVE [IT], BUT NOT REPLACE [IT]; BUT BETH HILLEL RULE: WE MAY REPLACE [IT] TOO. Come and hear: For R. Helbo said in the name of R. Hama b. Goria in Rab's name: We learnt this only of the top [of the stove]; but within it is forbidden. Now, if you say that we learnt about replacing it, it is well: hence there is a difference between the inside and the top.² But if you say that we learnt about keeping it there, what does it matter whether it is within or on top?—Do you think that R. Helbo refers to the first clause? He refers to the last: BUT BETH HILLEL RULE: WE MAY REPLACE [IT] TOO, Whereon R. Helbo said in the name of R. Hama b. Goria in Rab's name: We learnt this only of the top; but within it is forbidden.

Come and hear: If two stoves that are joined, one being swept or covered with ashes, whilst the other is not, we may keep [aught] upon the one that is swept or covered with ashes³ but not upon the one that is not swept or covered with ashes. And what may be kept there? Beth Shammai maintain: Nothing at all; while Beth Hillel rule: Hot water, but not a dish. If one removes it, all agree that he must not replace it: that is R. Meir's view. R. Judah said: Beth Shammai maintain: Hot water, but not

a dish; while Beth Hillel rule: Both hot water and a dish. Beth Shammai maintain: We may remove, but not replace it; while Beth Hillel rule: We may replace it too. Now, if you say that we learnt about keeping [it] there, it is well; with whom does our Mishnah agree? R. Judah. But if you say that we learnt about replacing, who is the authority of our Mishnah? neither R. Judah nor R. Meir! [For] if R. Meir, there is a difficulty on Beth Shammai's view in one respect,⁴ and on Hillel's in two?⁵ If R. Judah, [the case of a stove that is] swept or covered with ashes is difficult!⁶ -After all, I can tell you that we learnt about replacing it, but our Tanna agrees with R. Judah in one respect and disagrees with him in another. He agrees with R. Judah in one respect, viz., in respect to hot water, and a dish, and removing and replacing [them]. But he disagrees with him in another. For whereas our Tanna holds that keeping them [there is permitted] even if it is neither swept nor covered with ashes, R. Judah maintains that even keeping [them there] is [permitted] only if it is swept or covered with ashes, but not otherwise.

The scholars propounded: May one lean [a pot] against it?⁷ on the inside and top thereof it is forbidden, but leaning against it may be permitted; or perhaps, there is no difference?-Come and hear: If two stoves are joined, one being swept and covered with ashes, whilst the other is neither swept nor covered with ashes: we may keep [aught] upon the one that is swept or covered with ashes, but not upon the one that is not swept or covered with ashes, though the heat reaches it from the other.⁸ Perhaps there it is different, because since it is elevated, the air affects it.⁹ Come and hear: For R. Safra said in R. Hiyya's name: If it [the stove] was covered with ashes, yet blazed up again, one may lean [a pot] against it, keep [a pot] upon it, remove [it] thence and replace [it]. This proves that even leaning is [permitted] only when it is covered with ashes, but not otherwise. Yet according to your reasoning, when he states, 'one may remove [it] thence,' [does this imply] only if covered with ashes, but not otherwise?¹⁰ But [you must answer,] removing is mentioned on account of replacing; so here too, leaning is stated on account of keeping.¹¹ How compare! There, since removing and replacing refer to the same place, removing is stated on account of replacing; but here, the leaning is in one place whereas the keeping is in another! What is our decision thereon?-Come and hear: If a stove is heated with peat or wood, one may lean [a pot] against it, but must not keep [it there] unless it is swept or covered with ashes. If the coals have died down,¹² or thoroughly beaten flax is placed upon it, it is as though covered with ashes.¹³

R. Isaac b. Nahmani said in R. Oshaia's name: If he covered it with ashes yet it blazed up again, one may keep upon it hot water that has [previously] been heated as much as is required, or a dish which has been boiled all it needs.

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- (1) That it is permissible provided the stove is swept.
 - (2) It is intelligible that a pot may not be replaced within the oven, even after it is swept or covered with ashes, since the heat there is naturally greater than on top (Ri in Tosaf).
 - (3) Though heat reaches it from the second stove.
 - (4) In our Mishnah they permit hot water to be kept there even if it is not swept or covered with ashes, whilst here they permit nothing.
 - (5) In the Mishnah they permit hot water and a dish to be kept there even if it is unswept, etc., whilst here it is stated that if it is swept hot water only may be kept there, and nothing at all if it is unswept. Again, in the Mishnah they state that it may be replaced if it is swept, whereas here it is taught that all agree that it may not be replaced.
 - (6) Here it is stated that nothing at all may be kept there, while in the Mishnah either hot water alone or a dish too may be kept there according to Beth Shammai and Beth Hillel respectively.
 - (7) Sc. a stove that is unswept etc.
 - (8) Our problem is similar, and this shows that it is permitted.
 - (9) The pot stands on the stove and is surrounded by air, which cools it, and therefore the heat from the other stove is disregarded. But leaning against an unswept stove, without air interposing, may be forbidden.
 - (10) Surely not!
 - (11) Yet covering with ashes may not be required for leaning.

(12) Not being entirely extinguished, but burning dully and feebly.

(13) Thus for leaning it need not be swept, etc.

Talmud - Mas. Shabbath 37b

Then this proves that when it shrinks¹ and is improved thereby, it is permitted?² -[No.] There it is different, because he covered it with ashes. If so, why state it?-It is necessary [to state it, because] it blazed up again. You might argue, since it blazed up again, it reverts to its original state;³ hence he informs us [that it is not so].⁴

Rabbah b. Bar Hanah said in R. Johanan's name: If he covered it with ashes, yet it blazed up again; one may keep upon it hot water, if that has been heated all it needs, or a dish which has been boiled all it needs, even if they are coals of broom.⁵ Then this proves that when it shrinks and is improved thereby it is permitted?-[No.] Here it is different, because he covered it with ashes. If so, why state it? It is necessary [to state it where] it blazed up again. Then it is identical with the first [dictum]?-It is necessary [to state it] of coals of broom.

R. Shesheth said in R. Johanan's name: If a stove is fired with peat or wood, hot water insufficiently heated, and a dish insufficiently cooked, may be kept upon it. But if he [the owner] moved [them], he must not replace [them] before he sweeps or covers [it] with ashes. Thus he holds that we learnt our Mishnah with respect to replacing, but keeping is permitted even if it is not swept or covered with ashes.⁶ Said Raba: We learnt both: We learnt with respect to keeping: 'Bread may not be set in an oven before nightfall, nor a cake set upon coals, unless its surface can form a crust while it is yet day'.⁷ Hence if its surface formed a crust, it is permitted.⁸ With respect to replacing we also learnt: BETH HILLEL RULE: WE MAY REPLACE TOO. Now Beth Hillel permit it only when it is swept or covered with ashes, but not if it is neither swept nor covered with ashes.⁹ -R. Shesheth indeed informs us of the deduction of the Mishnah.¹⁰

R. Samuel b. Judah said in R. Johanan's name: If a stove is fired with peat or wood, one may keep upon it a dish sufficiently cooked or hot water which is sufficiently heated, even if it [the dish] shrinks and is improved thereby. Said one of the Rabbis to R. Samuel b. Judah. But Rab and Samuel both maintain: If it shrinks and is improved thereby it is forbidden?¹¹ -He answered him: Do I then not know that R. Joseph said in Rab Judah's name in Samuel's name: If it shrinks and is improved thereby it is forbidden? I tell it to you¹² according to R. Johanan. R. 'Ukba of Mesene¹³ said to R. Ashi: You, who are near to Rab and Samuel, do act as Rab and Samuel; but we will act according to R. Johanan.¹⁴ Abaye asked R. Joseph, What about keeping [a pot on the stove]?¹⁵ — He answered him, It is indeed kept for Rab Judah, and he eats thereof! Put Rab Judah aside, said he, for since he is in danger,¹⁶ it may be done for him even on the Sabbath. What about keeping it for me and you? — in Sura,¹⁷ he replied, they do keep it. For R. Nahman b. Isaac is most particular,¹⁸ and yet they keep it for him and he eats.

R. Ashi said: I was standing before R. Huna, when he ate a fish pie which they had kept [on the stove] for him. And I do not know whether it is because he holds that if it shrinks and is improved thereby it is permitted, or because since it contains flour paste it deteriorates in shrinking. R. Nahman said: If it shrinks and is improved thereby, it is forbidden;¹⁹ if it shrinks and deteriorates, it is permitted. This is the general rule of the matter: whatever contains flour paste, shrinks and deteriorates, except a stew of turnips, which though containing flour paste shrinks and improves. Yet that is only if it contains meat; but if it contains no meat, it shrinks and deteriorates. And even if it contains meat, we say thus only if it is not intended for guests; but if it is intended for guests, it deteriorates in the shrinking.²⁰ Pap of dates, daysa,²¹ and a dish of dates shrink and deteriorate.

R. Hiyya b. Abba was asked:

(1) Through cooking.

(2) Rashi: the reference must be to a dish which improves the longer it is kept on the stove, for if it deteriorates, it may obviously be kept there, as we certainly need not fear that the owner may rake up the coals, and the dictum is superfluous. Ri: the reference is presumably to the average dish, which improves with shrinking.

(3) And the dish may not be kept there.

(4) For by covering it with ashes he showed that he did not desire any further shrinkage.

(5) Rotherm is a species of broom growing in the desert (Jast.), which retains its heat longer than other coals and is slower to go out.

(6) V. supra 37a.

(7) V. supra 19b.

(8) To keep it there, though the oven is not swept, etc.

(9) What need then of R. Johanan's dictum?

(10) This is the answer: R. Shesheth informs us that the Mishnah refers to replacing (v. Tosaf. a.l.). Though Raba takes that for granted, the matter was in doubt (supra 36b).

(11) To keep it on the stove.

(12) That it is permitted.

(13) In Babylon: it is the island formed by the Euphrates, the Tigris, and the Royal Canal.

(14) Though they too were much nearer to the academies of Rab and Samuel than to R. Johanan's, the communities of Mesene preferred the authority of Palestine; v. Obermeyer, p. 204.

(15) If the stove is unswept.

(16) He suffered from bulimy, and had to eat hot food.

(17) A town on the Euphrates, where Rab founded his famous academy.

(18) Rashi. Or perhaps, a master of practice (Jast.), i.e., thoroughly versed in correct practice.

(19) To keep it on the stove.

(20) When intended for personal consumption it is cut up into small pieces before being placed in the pot, and so the fat pervades the whole and prevents deterioration. But when intended for guests it is cut up in large chunks; since the fat cannot pervade the whole the shrinking causes it to deteriorate.

(21) A dish of pounded grain.

Talmud - Mas. Shabbath 38a

What¹ if one forgot a pot on the stove and [thus] cooked it on the Sabbath? He was silent and said nothing to them [his questioners]. On the morrow he went out and lectured to them: If one cooks [food] on the Sabbath unwittingly, he may eat [it]; if deliberately, he may not eat [it];² and there is no difference. What is meant by, 'and there is no difference'?-Rabbah and R. Joseph both explain it permissively: only he who cooked it, thus performing an action, may not eat if it was deliberate; but this one³ who did no action may eat even if it was deliberate. R. Nahman b. Isaac explained it restrictively: only one who cooks may eat if it was done unwittingly, because he will not [thereby] come to dissemble;⁴ but this one, who may come to dissemble,⁵ may not even eat if it was unwitting.

An objection is raised: if one forgot a pot on the stove and [thus] cooked it on the Sabbath: unwittingly, he may eat [thereof]; if deliberately, he may not eat. When is that said? In the case of hot water insufficiently heated or a dish insufficiently cooked; but as for hot water sufficiently heated or a dish sufficiently cooked, whether unwitting or deliberate, he may eat [thereof]: thus said R. Meir. R. Judah said: Hot water sufficiently heated is permitted, because it boils away⁶ and is thus harmed;⁷ a dish sufficiently cooked is forbidden, because it shrinks and is thereby improved, and whatever shrinks and is thereby improved, e.g., cabbage, beans, and mincemeat, is forbidden; but whatever shrinks and thereby deteriorates, is permitted. At all events, a dish insufficiently cooked is mentioned.⁸ As for R. Nahman b. Isaac, it is well, there is no difficulty: here⁹ it is before [the enactment of] the preventive measure;¹⁰ there¹¹ it is after the preventive measure.¹² But [on the view of] Rabbah and R. Joseph who explain it permissively, if before the preventive measure,¹³

‘deliberate’ is a difficulty;¹⁴ if after the preventive measure, even unwitting’ too is a difficulty.¹⁵ That is [indeed] a difficulty.

What was the preventive measure?-For R. Judah b. Samuel said in the name of R. Abba in the name of R. Kahana in Rab's name: At first it was ruled: One who cooks [food] on the Sabbath unwittingly, he may eat [thereof], if deliberately, he may not eat; and the same applies to one who forgets.¹⁶ But when those who intentionally left [it there] grew numerous, and they pleaded, We had forgotten [it on the stove], they [the Sages] retraced their steps and penalized him who forgot.

Now, R. Meir is self-contradictory, and R. Judah is [likewise] self-contradictory?¹⁷ -R. Meir is not self-contradictory: the one means at the outset; the other, if done.¹⁸ R. Judah too is not self-contradictory: there it means that it [the stove] was swept or covered with ashes;¹⁹ here, that it was not swept or covered with ashes.

The scholars propounded: What if one transgressed and deliberately left it? Did the Rabbis penalize him or not?-Come and hear: For Samuel b. Nathan said in R. Hanina's name: When R. Jose went to Sepphoris, he found hot water which had been left on the stove, and did not forbid it to them; [he also found] shrunken eggs,²⁰ and forbade them to them. Surely it means for that Sabbath?²¹ -No: for the following Sabbath.²² Now, this implies that shrunken eggs go on shrinking and are thereby improved?-Yes. For R. Hama b. Hanina said: My Master and I were once guests in a certain place, and eggs shrunken to the size of crab-apples were brought before us, and we ate many of them.

BETH HILLEL RULE: ONE MAY REPLACE [IT] TOO. R. Shesheth said: On the view of him who maintains

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- (1) On the view that it is forbidden to keep food on an unswept stove.
 - (2) This is a Mishnah. ‘And there is no difference’ is R. Hiyya b. Abba's addition in answer to the question.
 - (3) Sc. who left the pot on the stove. ‘If one cooks’ means by placing it on the stove.
 - (4) I.e., cook deliberately and pretend that it was unwitting. Since cooking is Biblically forbidden, one is not suspected of evading the prohibition.
 - (5) If it may be eaten when it is inadvertently left on the stove and cooked, he may leave it there deliberately and pretend forgetfulness, for the prohibition of leaving a pot on the stove is only Rabbinical.
 - (6) Lit., ‘shrinks’.
 - (7) By the loss. Hence there is no fear of raking up the coals to make it boil more.-‘Sufficiently heated’ means to boiling point.
 - (8) And a distinction is drawn between inadvertence and a deliberate act. This contradicts both views supra.
 - (9) In the Baraitha quoted.
 - (10) Stated infra.
 - (11) R. Nahman's interpretation of R. Hiyya b. Abba's ruling.
 - (12) The prohibition stated by R. Nahman is only a preventive measure of the Rabbis, and the Baraitha states the law prior thereto.
 - (13) I.e., if R. Hiyya b. Abba's ruling was stated before the preventive measure was enacted.
 - (14) The Baraitha states that it is forbidden, whilst he ruled that it is permitted.
 - (15) Because the Baraitha which states that it is permitted in that case was taught before the preventive measure.
 - (16) A dish on the stove, and it is cooked.
 - (17) V. supra 37a. There R. Meir forbids a dish, even if sufficiently cooked, whilst here he permits it. On the other hand, R. Judah permits there a dish if sufficiently cooked, whilst here he forbids it. — The views they both give there of Beth Hillel's ruling must be regarded as their own too, since the halachah is always as Beth Hillel.
 - (18) On 37a the question is what may be done at the outset; there R. Meir rules that one must not leave a dish on the stove, even if it was sufficiently cooked before the Sabbath. But here he rules that if it was so left it is permitted.
 - (19) Then the dish is permitted.
 - (20) Eggs boiled or roasted down to a small size.

(21) He forbade them to eat the eggs on that Sabbath. This answers the question.

(22) He told them not to leave the eggs on the stove for the future.

Talmud - Mas. Shabbath 38b

that one may replace it, [it is permitted] even on the Sabbath.¹ And R. Oshaia too holds that ONE MAY REPLACE IT TOO means even on the Sabbath. For R. Oshaia said: We were once standing before R. Hiyya Rabbah, and we brought up a kettle of hot water for him from the lower to the upper storey, mixed the cup for him,² and then replaced it, and he said not a word to us. R. Zerika said in the name of R. Abba in R. Taddai's name: We learnt this only if they³ are still in his hand: but if he set them down on the ground, it is forbidden.⁴ R. Ammi observed: R. Taddai who acted [thus] acted for himself [only].⁵ But thus did R. Hiyya say in R. Johanan's name: Even if he set them down on the ground, it is permitted. R. Dimi and R. Samuel b. Judah differ therein, and both [state their views] in R. Eleazar's name: One says: If they are still in his hand, it is permitted; on the ground, it is forbidden. While the other maintains: Even if he placed them on the ground, it is still permitted. Hezekiah⁶ observed in Abaye's name: As to what you say that if it is still in his hand it is permitted, — that was said only where it was his [original] intention to replace them; but if it was not his intention to replace them, it is forbidden. Hence it follows that [if they are] on the ground, even if it was his intention to replace them, it is forbidden. Others state: Hezekiah observed in Abaye's name: As to what you say that if they are on the ground it is forbidden, that was said only if it was not his [original] intention to replace them; but if it was his intention to replace them, it is permitted. Hence it follows that [if they are] in his hand, even if it was not his intention to replace them, it is permitted.

R. Jeremiah propounded: What if he hung them on a staff or placed them on a couch?⁷ R. Ashi propounded: What if he emptied them from one kettle to another? The questions stand over.

MISHNAH. IF AN OVEN WAS HEATED WITH STUBBLE OR RAKINGS, ONE MUST NOT PLACE [A POT, ETC.,] EITHER INSIDE OR ON TOP.⁸ IF A KUPPAH⁹ WAS HEATED WITH STUBBLE OR RAKINGS, IT IS LIKE A DOUBLE STOVE;¹⁰ WITH PEAT OR TIMBER, IT IS LIKE AN OVEN,

GEMARA. IF AN OVEN WAS HEATED: R. Joseph thought to explain **INSIDE AND ON TOP** literally, but as for leaning [a pot against it], that is well. Abaye objected to him: **IF A KUPPAH WAS HEATED WITH STUBBLE OR RAKINGS, IT IS LIKE A DOUBLE STOVE; WITH PEAT OR TIMBER, IT IS LIKE AN OVEN,** and is forbidden. Hence if it were like a [double] stove, it would be permitted. To what is the reference: Shall we say, on its top? Then under what circumstance? Shall we say that it is not swept or covered with ashes? Is the top of a stove permitted when it is not swept or covered with ashes? Hence it must surely mean to lean against it; yet it is taught, **IT IS LIKE AN OVEN,** and forbidden? — Said R. Adda b. Ahabah: Here the reference is to a kuppah that is swept or covered with ashes, and an oven that is swept or covered with ashes: **IT IS LIKE AN OVEN,** in that though it is swept or covered with ashes, the top is forbidden; for if it were like a [double] stove, if swept or covered with ashes, it would be well.¹¹

It was taught in accordance with Abaye: If an oven is heated with stubble or rakings, one may not lean [a pot, etc.,] against it, and [placing on] the top goes without saying,¹² and in the inside goes without saying; and it goes without saying [when it is heated] with peat or wood. If a kuppah is heated with stubble or rakings, one may lean [a pot] against it, but not place [it] on top;¹³ [but if it is heated] with peat or wood, one must not lean [a pot] against it.

R. Aha son of Raba asked R. Ashi: How is this kuppah regarded? If like a [double] stove, even with peat or wood too?¹⁴ If like an oven, neither with stubble or rakings?¹⁵ He answered: Its heat is greater than a [double] stove's but less than an oven's.¹⁶ What is a kuppah and what is a [double]

stove [kirah]?-Said R. Jose b. Hanina: A kuppah has room for placing one pot; a [double] stove [kirah] has room for placing two pots. Abaye — others state, R. Jeremiah — said: We learnt likewise: If a [double] stove [kirah] is divided along its length, it is clean; along its breadth, it is unclean; [if] a kuppah [is divided], whether along its length or along its breadth, it is clean.¹⁷

MISHNAH. ONE MUST NOT PLACE AN EGG AT THE SIDE OF A BOILER FOR IT TO BE ROASTED,¹⁸ AND ONE MUST NOT BREAK IT INTO A [HOT] CLOTH;¹⁹ BUT R. JOSE PERMITS IT. AND ONE MAY NOT PUT IT AWAY IN [HOT] SAND OR ROAD DUST FOR IT TO BE ROASTED. IT ONCE HAPPENED THAT THE PEOPLE OF TIBERIAS DID THIS: THEY CONDUCTED A PIPE OF COLD WATER THROUGH AN ARM OF THE HOT SPRINGS.²⁰ SAID THE SAGES TO THEM: IF ON THE SABBATH,²¹ IT IS LIKE HOT WATER HEATED ON THE SABBATH, AND IS FORBIDDEN BOTH FOR WASHING AND FOR DRINKING; IF ON A FESTIVAL, IT IS LIKE WATER HEATED ON A FESTIVAL, WHICH IS FORBIDDEN FOR WASHING BUT PERMITTED FOR DRINKING.

GEMARA. The scholars propounded: What if one does roast²² it?—Said R. Joseph: If one roasts it, he is liable to a sin-offering. Mar son of Rabina said, We learnt likewise:

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- (1) Rashi: not only Friday evening, but on the morrow too.
 - (2) Wine was not drunk neat but diluted.
 - (3) The pot or hot water.
 - (4) To replace them on the stove.
 - (5) Being stricter than necessary.
 - (6) Var. lec.: Rab Hezekiah.
 - (7) That is intermediate between retaining them in his hand and placing them on the ground.
 - (8) The oven (tannur) had a broad base and narrowed at the top. It thereby retained more heat than a stove (kirah); hence the prohibition even if it is beated with stubble or rakings only.
 - (9) Jast.: a small stove or brazier.
 - (10) I.e., the ordinary stove which held two pots; v. 38b.
 - (11) I.e., permitted.
 - (12) That it is forbidden.
 - (13) Wilna Gaon emends: and may place (it) on top.
 - (14) It should be permitted, if it is swept or covered with ashes.
 - (15) Should it be permitted.
 - (16) Hence it occupies an intermediate position.
 - (17) When the kirah is divided along its length it cannot be used at all, hence it ceases to be a utensil and is clean (cf p. 163, n. 9); but when divided along its breadth, each portion can be used for one pot, and it is therefore subject to uncleanness. Since a kuppah has room for only one pot, whichever way it is divided it ceases to be a utensil and is clean.
 - (18) Lit., 'that it should be rolled'.
 - (19) To be roasted thus (Rashi). Others: he must not cause it to crack by wrapping it in a hot cloth and rolling it; v. Tosaf. Yom. Tob. a.l.
 - (20) Tiberias possesses thermal springs. This was done before the Sabbath.
 - (21) I.e., the water which is drawn from the pipe on the Sabbath.
 - (22) Lit., 'roll'.

Talmud - Mas. Shabbath 39a

That which came into hot water before the Sabbath¹ may be steeped in hot water on the Sabbath;² but whatever did not come into hot water before the Sabbath, may be rinsed with hot water on the Sabbath,³ except old salted [pickled] fish and the colias of the Spaniards,⁴ because their rinsing completes their preparation.⁵ This proves it.

AND HE MUST NOT BREAK IT INTO A [HOT] CLOTH. Now, as to what we learnt: 'A dish may be placed in a pit, in order that it should be guarded, and wholesome water into noisome water,⁶ for it to be cooled, or cold water in the sun, for it to be heated'⁷ shall we say that that agrees with R. Jose, but not with the Rabbis? Said R. Nahman: In the sun, all agree that it is permitted;⁸ in a fire-heated object,⁹ all agree that it is forbidden.¹⁰ Where do they differ? Concerning a sun-heated object.¹¹ One Master holds that we forbid a sun-heated object on account of a fire-heated object; whilst the other Master holds that we do not forbid it.

AND ONE MAY NOT PUT IT AWAY IN [HOT] SAND. Now, let R. Jose differ here too? — Rabbah said: It is a preventive measure, lest one come to hide it in hot ashes.¹² R. Jose said: Because he may move earth [sand] from its place.¹³ Wherein do they differ?-In respect of crushed earth.¹⁴

An objection is raised: R. Simeon b. Gamaliel said: An egg may be rolled [roasted] on a hot roof¹⁵ but not on boiling lime.¹⁶ As for the view that it is forbidden lest he hide it in hot ashes, it is well: there is nought to fear (here).¹⁷ But on the view that it is because he may move earth from its place, let us forbid it?-The average roof has no earth.

Come and hear: IT ONCE HAPPENED THAT THE PEOPLE OF TIBERIAS DID THUS: THEY CONDUCTED A PIPE OF COLD WATER THROUGH AN ARM OF THE HOT SPRINGS etc. On the view that it is forbidden lest he hide it in hot ashes, it is well: hence this is similar to hiding.¹⁸ But on the view that it is because he may move earth from its place, what can be said?¹⁹ -Do you think that the incident of Tiberias refers to the second clause?²⁰ It refers to the first clause: ONE MUST NOT BREAK IT INTO A [HOT] CLOTH; BUT R. JOSE PERMITS IT; and the Rabbis argued thus with R. Jose: but in the incident of the people of Tiberias, it was a sun-heated object,²¹ yet the Rabbis forbade it? That was a product of fire, he retorted, because they²² pass over the entrance to Gehenna.²³ R. Hisda said:

(1) I.e., anything which was boiled before the Sabbath.

(2) To soften it. It is not regarded as preparing the food in any way, since it was already prepared before the Sabbath.

(3) But not steeped.

(4) Jast.: A species of tunny fish.

(5) The phrase implies that it is 'work' in the full sense of the term, involving the doer in a sin-offering. The same applies to an egg placed at the side of a boiler and roasted.

(6) A vessel of hot water may be placed in a pool of stagnant cold water.

(7) V. infra 146b.

(8) Because it is unusual to cook thus, and there is no fear that it will lead to cooking by fire.

(9) Sc. a cloth.

(10) Because it can be confused with the fire itself, and if that is permitted, people will roast directly on the fire.

(11) A cloth heated by the sun.

(12) Which is definitely forbidden as cooking; hence R. Jose admits the interdict here.

(13) He may have insufficient sand, and scoop out more, which itself is forbidden; therefore R. Jose agrees. — The Mishnah treats of sand scooped out before the Sabbath, and even then it is forbidden.

(14) In a large quantity. R. Joseph's reason does not operate, hence it will be permitted; but Rabbah's reason still holds good.

(15) Heated by the sun.

(16) Heated by the fire.

(17) In the case of a hot roof, since the egg is not hidden in anything.

(18) The cold water is kept in the pot.

(19) That does not apply here; why did they forbid it?

(20) The prohibition of putting an egg in hot sand, etc.

(21) He thought that the thermal springs were hot through the sun,

(22) The springs.

(23) And are heated by the fires of hell! On Gehenna v. p. 153, n. 8. [Maim. Mishnah Commentary Nega'im IX, 1: It is said that the springs (of Tiberias) are hot because they pass a sulphur source.]

Talmud - Mas. Shabbath 39b

On account of the incident of what the people of Tiberias did and the Rabbis forbade them, [the practice of] putting away [aught] in anything that adds heat, even by day,¹ has no sanction.² 'Ulla said: The halachah agrees with the inhabitants of Tiberias.³ Said R. Nahman to him, The Tiberians have broken their pipe long ago!⁴

IT ONCE HAPPENED THAT THE PEOPLE OF TIBERIAS DID THIS: [etc.] which washing [is meant]? Shall we say, of the whole body; is only hot water heated on the Sabbath forbidden, whereas hot water heated on the eve of the Sabbath is permitted? Surely it was taught: As to hot water which was heated on the eve of the Sabbath, on the morrow [Sabbath day] one may wash his face, hands, and feet in it, but not his whole body. Hence [it must refer to] his face, hands, and feet. Then consider the second clause: IF ON A FESTIVAL, IT IS LIKE WATER HEATED ON A FESTIVAL, WHICH IS FORBIDDEN FOR WASHING BUT PERMITTED FOR DRINKING. Shall we say that we learnt an anonymous [Mishnah] in accordance with Beth Shammai? For we learnt, Beth Shammai maintain: A man must not heat water for [washing his] feet, unless it is fit for drinking; but Beth Hillel permit it!⁵ -Said R. Ika b. Hanina: The reference is to the sousing⁶ of the whole body, and it agrees with the the following Tanna. For it was taught: A man must not souse the whole of his body, whether with hot or with cold water:⁷ this is R. Meir's view; but R. Simeon permits it. R. Judah said: It is forbidden with hot water, but permitted with cold. R. Hisda said: They differ only in respect to a vessel;⁸ but if [the water is] in the earth,⁹ all agree that it is permitted. But the case of the people of Tiberias was in respect to the earth,¹⁰ yet the Rabbis forbade them?-Rather if stated, it was thus stated: They differ only in respect to earth [-heated water]; but as for a vessel, all agree that it is prohibited.

Rabbah b. Bar Hanah said in R. Johanan's name: The halachah is as R. Judah. Said R. Joseph to him, Did you hear this explicitly, or [learn it] by deduction? What is the deduction? For R. Tanhum said in the name of R. Johanan in the name of R. Jannai in Rabbi's name: Wherever you find two disputing and a third compromising, the halachah is as the words of the compromiser, except in the case of the leniencies relating to rags,¹¹ Where though R. Eliezer is stringent and R. Joshua is lenient and R. Akiba makes a compromise, the halachah is not as the words of the compromiser. Firstly, because R. Akiba was a disciple;¹² moreover, R. Akiba indeed

(1) I.e., before the Sabbath.

(2) Lit , 'has ceased'.

(3) Their action is permitted.

(4) They themselves retracted. Thus all agree now that it is forbidden.

(5) The reference is to Festivals.-Thus our Mishnah would appear to agree with Beth Shammai, whereas it is a principle throughout the Talmud that Beth Hillel's view is always halachah, and no anonymous Mishnah is taught according to the former.

(6) Not washing-sousing is more lenient.

(7) On the Sabbath. 'Hot water' means even if it was heated before the Sabbath.

(8) I.e., if the water is in a vessel. Obviously it was heated by fire, and one seeing it may think that it was heated on the Sabbath. Hence it was forbidden.

(9) E.g., a spring.

(10) The water was heated by being passed through a natural hot-water spring.

(11) V. supra 29a.

(12) His principal teacher was R. Eliezer, but he studied under R. Joshua too (Ab. R.N.; Ned. 50a).-From Raba (fourth century) and onwards the halachah is always as the later view, hence, generally speaking as the disciple; but before that

it was always as the teacher. V. Asheri: 'Er. I, 4.

Talmud - Mas. Shabbath 40a

retracted in favour of R. Joshua.¹ Yet what if it is by deduction?-Perhaps that² is only in the Mishnah, but not in a Baraita? — I heard it explicitly, said he to him.

It was stated: if hot water is heated on the eve of the Sabbath, — Rab said: On the morrow one may wash his whole body in it, limb by limb; while Samuel ruled: They [the Sages] permitted one to wash his face, hands, and feet only.

An objection is raised: If hot water is heated on the eve of the Sabbath, on the morrow one may wash his face, hands, and feet therein, but not his whole body. This refutes Rab?-Rab can answer you: Not his whole body at once, but limb by limb. But he [the Tanna] states, his face, hands, and feet?-[It means] similar to the face, hands, and feet.³ Come and hear: It was permitted to wash only one's face, hands, and feet [on the Sabbath] in water heated on the eve of the Sabbath? — Here too [it means] similar to the face, hands, and feet.

It was taught in accordance with Samuel: If hot water is heated on the eve of the Sabbath, on the morrow [the Sabbath day] one may wash his face, hands, and feet therein, but not his whole body limb by limb; and with water heated on a Festival it goes without saying.⁴ Rabbah recited this ruling of Rab in the following version: If hot water is heated on the eve of the Sabbath,-Rab said, On the morrow one may wash his whole body in it,⁵ but must omit one limb. He raised against him all the [above] objections. He is [indeed] refuted.⁶

R. Joseph asked Abaye, Did Rabbah act in accordance with Rab's ruling? I do not know, he replied. What question is this: it is obvious that he did not act, for he was refuted? He did not hear them.⁷ But if he had not heard them he certainly acted [thus]! For Abaye said: In all matters the Master [sc. Rabbah] acted in accordance with Rab, except in these three where he did as Samuel: [viz.,] one may light from lamp to lamp, one can detach [the fringes] from one garment for [insertion in] another, and the halachah is as R. Simeon in respect to dragging.⁸ -He followed Rab's restrictions, but not his leniencies.

Our Rabbis taught: If the holes of a bath-house are plugged⁹ on the eve of the Sabbath, one may bathe therein immediately after the conclusion of the Sabbath; if on the eve of a Festival, one may enter on the morrow,¹⁰ sweat, and go out and have a souse bath¹¹ in the outer chamber.¹² Rab Judah said: it once happened at the baths of Bene Berak¹³ that the holes were plugged on the eve of a Festival: on the morrow R. Eleazar b. 'Azariah and R. Akiba entered, sweated therein, went out, and had a souse bath in the outer chamber, but the warm water was covered over with boards.¹⁴ When the matter came before the Sages, they said: Even if the warm water is not covered with boards.¹⁵ But when transgressors grew in number, they began forbidding it.¹⁶ One may stroll through the baths of large cities and need have no fear.¹⁷

What is [this reference to] transgressors? For R. Simeon b. Pazzi said in the name of R. Joshua b. Levi on the authority of Bar Kappara: At first people used to wash in pit water heated on the eve of the Sabbath; then bath attendants began to heat the water on the Sabbath, maintaining that it was done on the eve of the Sabbath. So [the use of] hot water was forbidden, but sweating was permitted. Yet still they used to bathe in hot water and maintain, We were perspiring. So sweating was forbidden, yet the thermal springs of Tiberias were permitted. Yet they bathed in water heated by fire and maintained, We bathed in the thermal springs of Tiberias. So they forbade the hot springs of Tiberias but permitted cold water. But when they saw that this [series of restriction] could not stand,¹⁸ they permitted the hot springs of Tiberias, whilst sweating remained in status quo.¹⁹

Raba said: He who violates [even] a Rabbinical enactment, may be stigmatized a transgressor.²⁰
According to whom?

- (1) Supra 29b.
- (2) Sc. Johanan's rule on compromise.
- (3) I.e., limb by limb.
- (4) One may certainly not wash his whole body therein on the Festival.
- (5) This, in view of the reservation that follows, must mean simultaneously (Rashi).
- (6) As the answer given previously that it means similar to the face, etc., does not apply to his version in which he permits the whole body simultaneously, v. n. 2.
- (7) Rabbah did not know of these refutations. Or possibly, he did not accept them; cf. Kaplan, Redaction of the Talmud, p. 138.
- (8) V. supra 22a, q.v. notes.
- (9) So that its steam should not be lost.
- (10) I.e., the Festival day.
- (11) Of cold water or water warmed on Sabbath eve, v. supra 39b.
- (12) But not in the inner chamber where people wash, lest it be said that he washed his whole body. which is forbidden.
- (13) Near Jaffa, the seat of R. Akiba's academy: v. Josh. XIX, 45.
- (14) I.e., and they had no fear that the water in which they soused might have been heated by the heat of the baths. (Rashi). [Aliter: they took a souse in cold water, and the hot water in the bath house was covered to prevent the shower-bath water getting warm, v. Tosaf. a.l.]
- (15) It is permitted.
- (16) A steam bath on Sabbath.
- (17) He may stroll through, not to sweat, and need not fear that he will be suspected of an unlawful purpose.
- (18) They could not be enforced, being regarded as too onerous for the masses.
- (19) Forbidden. — It is not clear whether these subterfuges were resorted to because the Rabbis might punish non-observance, or because public opinion condemned the open desecration of the Sabbath, even in respect of Rabbinical enactments.
- (20) Without fear of proceedings for libel.

Talmud - Mas. Shabbath 40b

According to this Tanna.¹ 'One may stroll through the baths of large cities, and need have no fear.'
Raba said: Only in large cities, but not in villages. What is the reason? Since they are small, their heat is great.²

Our Rabbis taught: A man may warm himself at a big fire, go out, and have a souse in cold water; providing that he does not have a souse in cold water [first] and then warm himself at the fire, because he warms the water upon him.

Our Rabbis taught: A man may heat a cloth on the Sabbath to place it on his stomach, but must not bring a hot water bottle³ and place it on his stomach on the Sabbath;⁴ and this is forbidden even on weekdays, because of its danger.⁵

Our Rabbis taught: A man may bring a jug of water and stand it in front of a fire; not for it to become warm, but for its coldness to be tempered. R. Judah said: A woman may bring a cruse of oil and place it in front of the fire; not for it to boil, but to become lukewarm. R. Simeon b. Gamaliel said: A woman may smear her hand with oil, warm it at a fire, and massage her infant son without fear.⁶

The scholars propounded: What is the first Tanna's view on oil? — Rabbah and R. Joseph both

interpret it permissively; R. Nahman b. Isaac interprets it restrictively. Rabbah and R. Joseph both interpret it permissively: Oil, even if the hand shrinks from it,⁷ is permitted, the first Tanna holding that oil is not subject to [the prohibition of] cooking. Then R. Judah comes to say that oil is subject to cooking, but making it lukewarm is not cooking [boiling] it; whereupon R. Simeon b. Gamaliel comes to say that oil is subject to cooking, and making it lukewarm is tantamount to cooking in its case. R. Nahman b. Isaac interprets it restrictively: oil, even if the hand does not shrink from it, is forbidden, the first Tanna holding that oil is subject to [the prohibition of] cooking, and making it lukewarm is cooking it; then R. Judah comes to say that oil is subject to cooking, but making it lukewarm is not boiling it; whereupon R. Simeon b. Gamaliel comes to say: oil is subject to boiling, and making it lukewarm is tantamount to boiling it.⁸ Then R. Simeon b. Gamaliel is identical with the first Tanna? — They differ in respect to a back-handed manner.⁹

Rab Judah said in Samuel's name: Both in the case of oil and water, if the hand shrinks from it,¹⁰ it is forbidden;¹¹ if the hand does not shrink from it, it is permitted. And how is 'the hand shrinking from it' defined?—Said Rahaba: if an infant's belly is scalded [by it].

R. Isaac b. Abdimi said: I once followed Rabbi into the baths, and wished to place a cruse of oil for him in the bath.¹² Whereupon he said to me, Take [some water] in a second vessel¹³ and put [the cruse of oil in it]. Three things are inferred from this: [i] Oil is subject to [the prohibition of] boiling; [ii] a second vessel cannot boil; [iii] making it lukewarm is boiling it.¹⁴ But how might he [Rabbi] act thus? Did not Rabbah b. Bar Hanah say in R. Johanan's name: One may meditate [on the words of the Torah] everywhere, except at the baths or a privy?¹⁵ And should you answer, He said it to him in secular language,¹⁶ —surely Abaye said: Secular matters may be uttered in the Holy language, whereas sacred matters must not be uttered in secular language. — Restraining one from transgression is different. The proof is: Rab Judah said in Samuel's name: It once happened that a disciple of R. Meir followed him into the baths and wished to swill the ground for him, but he said to him, One may not swill;¹⁷ [then he wished] to oil the ground for him, but he said to him, One may not oil. This proves that restraining one from transgression is different; so here too, restraining one from transgression is different.

Rabina said: This proves that if one cooks in the hot waters of Tiberias on the Sabbath, he is liable. For the incident of Rabbi happened after the decree,¹⁸ yet he said to him, Take [some water] in a second vessel and put [the cruse of oil in it].¹⁹ But that is not so? For R. Hisda said: If one cooks in the hot springs of Tiberias on the Sabbath, he is exempt? — By 'liable' he too meant flagellation for disobedience.²⁰

R. Zera said: I saw R. Abbahu swimming in a bath, but I do not know whether he lifted [his feet] or not.²¹ Is it not obvious that he did not 'lift' [his feet]? For it was taught: One must not swim in a pool full of water, even if it stands in a courtyard.²² There is no difficulty: in the one case

(1) Who refers to the above as transgressors for evading Rabbinical enactments,

(2) And even a stroll through them causes sweating.

(3) Kumkumos is a kind of kettle; obviously something in the nature of an open hot water bottle is meant here.

(4) Rashi: in case it spills, and so he will have bathed on the Sabbath.

(5) Of scalding. — Needless self-endangering of life is forbidden.

(6) Of desecrating the Sabbath.

(7) I.e., even if it becomes so hot that one involuntarily withdraws his hand when he touches it.—In respect to Sabbath prohibitions, as also in respect to certain laws concerning the mixing of forbidden with permitted commodities, this is recognized as the last stage before boiling.

(8) Since a higher temperature is not required. Hence he permits it only when the oil is smeared on one's hand, which is an unusual way of heating it, but it may not be put in front of the fire in a cruse.

(9) An idiom for doing anything in an unusual way. R. Simeon permits it, while the first Tanna forbids it.

- (10) I.e., the hand put in it is spontaneously withdrawn.
- (11) They may not be placed in front of a fire to reach temperature.
- (12) This was in the hot springs of Tiberias, which was finally permitted; supra a.-He wished to warm the oil before use.
- (13) A vessel into which a boiling mass has been poured, opposed to כלי ראשון, a first vessel, containing the mass direct from the fire. The water was drawn direct from the spring into the bath (it was a bath naturally constructed in the ground), which is regarded as a first vessel. It is a Talmudic principle that a first vessel, if the mass in it is still seething, can cook or boil something placed in it, but a second vessel, even if very hot, cannot do this. He therefore told him to pour water out of the bath into a second vessel, and then place the oil in it, to avoid boiling.
- (14) For he did not intend more than this, and yet Rabbi forbade him to place it in the bath itself. In the second vessel it would not even become lukewarm, but merely have its coldness tempered.
- (15) Hence Rabbi should not have thought of the religious aspect of the act in the bath.
- (16) Probably: in a phraseology not usually associated with learning. This might indicate that the language of learning as incorporated in the Mishnah was an artificial one; scholars, however, are opposed to that view; v. Segal, Mishnaic Hebrew Grammar, Introduction; S. D. Luzatto in 'Orient. Lit.' 1846, col. 829; 1847, cols. 1 et seq.
- (17) Lest the water form ruts, which is forbidden.
- (18) Forbidding sweating in ordinary (artificially heated) baths. Hence this must have happened in the natural thermal baths of Tiberias.
- (19) But he forbade him to put it directly in the first vessel (v. p. 188, n. 6.), which proves that boiling even in naturally hot water involves liability.
- (20) Punishment decreed by the Rabbis, as opposed to stripes, ordained by Biblical law.
- (21) I.e., he did not know whether he was actually swimming or merely bathing.
- (22) Where there is no fear of splashing water for a distance of four cubits in public ground.

Talmud - Mas. Shabbath 41a

it [the pool] has no embankments; in the other case it has.¹

R. Zera also said: I saw R. Abbahu put his hand near his buttocks,² but do not know whether he touched them or not. It is obvious that he did not touch them, for it was taught, R. Eliezer said: He who holds his membrum and passes water is as though he brought a flood upon the world?³ — Said Abaye: It was accounted as [analogous to] a marauding band. For we learnt: If a marauding band enters a town⁴ in peace-time, open barrels [of wine] are forbidden,⁵ closed barrels are permitted; in war time, both are permitted, because they have no time to make nesek.⁶ Thus we see, since they are afraid,⁷ they do not make nesek; so here too, since he is in fear, he will not come to meditate [impure thoughts]. And what fear is there here?—The fear of the river.

But that is not so? For R. Abba said in the name of R. Huna in Rab's name: He who puts his hand near his buttocks is as though he denied the covenant of Abraham?⁸ There is no difficulty: the one means when he descends [into the river];⁹ the other refers to when he ascends.¹⁰ Just as Raba used to bend over; R. Zera would stand upright. The scholars of the college of R. Ashi, when they descended, they stood upright, [but] when they ascended they bent over.

R. Zera was evading Rab Judah. For he [R. Zera] desired to emigrate¹¹ to Palestine, whereas Rab Judah said, He who emigrates from Babylon to Palestine violates a positive command, for it is said, They shall be carried to Babylon, and there they shall be.¹² Said he, I will go, hear a teaching from him, return and emigrate. He went and found him standing at the baths and saying to his attendant, Bring me natron,¹³ bring me a comb,¹⁴ open your mouths and expel the heat,¹⁵ and drink of the water of the baths. Said he, Had I come to hear nought but this, it would suffice me. As for 'bring me natron, bring me a comb,' it is well: he informs us that secular matters may be said in the Holy Tongue. 'Open your mouths and expel the heat' too is as Samuel. For Samuel said: Heat expels heat.¹⁶ But 'drink the water of the baths' — what is the virtue of that?—For it was taught: If one eats without drinking, his eating is blood,¹⁷ and that is the beginning of stomach trouble. If one eats

without walking four cubits [after it], his food rots,¹⁸ and that is the beginning of a foul smell.¹⁹ One who has a call of nature yet eats is like an oven which is heated up on top of its ashes,²⁰ and that is the beginning of perspiration odour. If one bathes in hot water and drinks none, he is like an oven heated without but not within. If one bathes in hot water and does not have a cold shower bath, he is like iron put into fire but not into cold water.²¹ If one bathes without anointing,²² he is like water [poured] over a barrel.²³

MISHNAH. IF A MILIARUM IS CLEARED [OF ITS] COALS,²⁴ ONE MAY DRINK FROM IT ON THE SABBATH. BUT AS TO AN ANTIKI,²⁵ EVEN IF ITS COALS HAVE BEEN CLEARED ONE MAY NOT DRINK FROM IT.²⁶

GEMARA. What is meant by 'IF A MILIARUM IS CLEARED OF ITS] COALS'?-A Tanna taught: the water is within and the coals are without.²⁷ Antiki: Rabbah said: [It means a vessel suspended] between fire places [heated bricks]; R. Nahman b. Isaac said: [It means a vessel suspended] within a cauldron-like vessel.²⁸ He who defines it [as a vessel suspended] within a cauldron-like vessel, all the more so a vessel between fire places;²⁹ whereas he who defines it as [a vessel] between fire places, — but not one within a cauldron-like vessel.³⁰ It was taught in accordance with R. Nahman: From an antiki, even when cleared of coals and covered with ashes, one may not drink, because its copper heats it.³¹

MISHNAH. IF A BOILER IS REMOVED, ONE MAY NOT POUR COLD WATER THEREIN TO HEAT IT, BUT ONE MAY POUR IT [WATER] THEREIN [THE BOILER] OR INTO A GOBLET IN ORDER TO TEMPER IT.³²

GEMARA. What does this mean? — Said R. Adda b. Mattenah, This is its meaning: in the case of a boiler from which the hot water is removed, one must not pour into it a little [cold] water in order to heat it, but he may pour in a large quantity of [cold] water to temper it.

(1) Rashi: in the former case it is like a river; hence forbidden (the prohibition in Bez. 36b refers to a river); in the latter case it is like a large utensil, hence permitted.

(2) When bathing in the river; this was a gesture of decency.

(3) Because lust is inflamed.

(4) And they may have touched or moved open barrels of wine, thus rendering them forbidden.

(5) V. preceding note.

(6) Lit., 'make a libation'. That is the reason of the interdict mentioned in n. 4, because the heathen is suspected of having dedicated the wine to his deity,

(7) To put their minds to such things.

(8) As though he were ashamed of being circumcised.

(9) As his face is towards the river, a gesture of decency is not needed.

(10) His face is towards the people, and so he can cover his circumcision in modesty.

(11) Lit., 'ascend'.

(12) Jer. XXVII, 22. — Weiss, Dor, III, p. 188, maintains that R. Zera's desire to emigrate was occasioned by dissatisfaction with Rab Judah's method of study; it is vigorously combated by Halevi, Doroth, II pp. 421 et seq. The sequel of this story, as also of the similar one in Ber. 24b, shows that he prized Rab Judah's teaching very highly indeed; Rab Judah's prohibition of emigration was merely a reflex of his great love for Babylon, though his love for Palestine too was extraordinarily great: v. Ber. 43a.

(13) For cleansing.

(14) These were said in pure Hebrew.

(15) Rashi: let the heat of the baths enter and the heat of perspiration be driven out.

(16) V. n. 4.

(17) I.e., harmful.

(18) Is not properly digested.

- (19) Issuing from the mouth.
- (20) New fuel being added without the ashes of the old being cleared out.
- (21) To temper it.
- (22) Anointing with oil is and was practised in hot countries; T.A. I, 229 and 233.
- (23) Which is poured all over the barrel, but does not enter it.
- (24) Lit., 'a cauldron that is swept out' — before the Sabbath.
- (25) The Gemara discusses what this is.
- (26) The antiki retains its heat more effectively than the miliarum and therefore adds heat on Sabbath to the water it contains, which makes it forbidden.
- (27) This explains מוֹלִיָּאָר (miliarum). It is a large vessel on the outside of which a receptacle for coals is attached. Thus it would be something like the old-type Russian samowar.
- (28) The vacant space beneath being filled with coals. — Jast.
- (29) The ruling of the Mishnah will certainly apply to the latter too.
- (30) The ruling of the Mishnah will not apply to the latter, which in his opinion is the same as a miliarium.
- (31) Thus it adds heat, which is forbidden.
- (32) This is discussed in the Gemara.

Talmud - Mas. Shabbath 41b

But does he not harden it?¹ -This agrees with R. Simeon, who ruled: That which is unintentional is permitted.² Abaye demurred to this: Is it then stated, A BOILER from which the water IS REMOVED: Surely it is stated, IF A BOILER IS REMOVED? Rather said Abaye, this is the meaning: If a boiler is removed [from the fire] and it contains hot water, one must not pour therein a little water to heat it [the added water], but he may pour a large quantity of [cold] water therein to temper it.³ But if the water is removed from a boiler, no water at all may be poured therein, because that hardens it; this agreeing with R. Judah, who maintains: [Even] that which is un-intentional is forbidden.

Rab said: They taught [that it is permitted] only to temper [the water]; but if it is to harden [the metal], it is forbidden. Whereas Samuel ruled: Even if to harden it, it is still permitted. If the primary purpose is to harden it, can it be permitted!⁴ Rather if stated, it was thus stated: Rab said: They taught this only where there is [merely] a sufficient quantity to temper it; but if there is enough to harden it, it is forbidden.⁵ Whereas Samuel maintained: Even if there is a sufficient quantity to harden it,

(1) Sc. The metal of the boiler, by pouring cold water into it while it is hot. This itself is forbidden on the Sabbath.

(2) Supra 22a, 29b.

(3) I.e., reduce its heat.

(4) Surely not.

(5) Rashi; Rab explains the Mishnah as R. Adda b. Mattanah, viz., that the water was removed from the boiler. Thereon Rab observes: though a large quantity of water may be poured into it, it must nevertheless be insufficient to harden it, but merely enough to temper the water, i.e., it must not be completely filled with cold water, for that hardens the metal. Ri maintains that if the hot water is first emptied, even a small quantity of cold water poured into it immediately afterwards will harden it. Hence he interprets it thus: Rab explains the Mishnah as Abaye, as meaning that the boiler was removed with its hot water. Nevertheless, it must not be filled up with cold water, for that hardens it, as before.

Talmud - Mas. Shabbath 42a

it is permitted.¹

Shall we say that Samuel agrees with R. Simeon?² But surely Samuel said: One may extinguish a lump of fiery metal in the street, that it should not harm the public,³ but not a burning piece⁴ of

wood.⁵ A Now if you think that he agrees with R. Simeon, even that of wood too [should be permitted]?⁶ -In respect to what is unintentional he holds with R. Simeon; but in the matter of work which is not needed per se, he agrees with R. Judah.⁷ Rabina said: As a corollary, a thorn in public ground may be carried away in stages of less than four cubits;⁸ whilst in a karmelith⁹ even a great distance too [is permitted].

BUT ONE MAY POUR, etc. Our Rabbis taught: A man may pour hot water into cold, but not cold water into hot; this is the view of Beth Shammai;¹⁰ while Beth Hillel maintain: Both hot into cold and cold into hot are permitted. This applies only to a cup,¹¹ but in the case of a bath, hot into cold [is permitted], but not cold into hot.¹² But R. Simeon b. Menassia forbids it.¹³ R. Nahman said: The halachah is as R. Simeon b. Menassia.

R. Joseph thought to rule: A basin is as a bath. Said Abaye to him, R. Hiyya taught: A basin is not as a bath. Now, on the original supposition that it is as a bath, while R. Nahman ruled, The halachah is as R. Simeon, can there be no washing in hot water on the Sabbath?¹⁴ -Do you think that R. Simeon refers to the second clause? He refers to the first clause: 'While Beth Hillel maintain: Both hot into cold and cold into hot are permitted';¹⁵ but R. Simeon b. Menassia forbids even cold into hot. Shall we say that R. Simeon b. Menassia rules as Beth Shammai?¹⁶ -He says thus: Beth Shammai and Beth Hillel did not differ in this matter.¹⁷

R. Huna son of R. Joshua said: I saw that Raba was not particular about vessels,¹⁸ since R. Hiyya taught: A person may pour a jug of water into a basin of water, hot into cold or cold into hot.¹⁹ Said R. Huna to R. Ashi: Perhaps it is different there, because the vessel intervenes?²⁰ -It is stated that he pours it, was his answer.²¹ [Thus:] A person may pour a jug of water into a basin of water, both hot into cold and cold into hot.

MISHNAH. IF A STEW POT OR A BOILING POT²² IS REMOVED SEETHING; [FROM THE FIRE],²³ ONE MUST NOT PUT SPICES THEREIN,²⁴

(1) Since that is not his intention.

(2) That whatever is unintentional is permitted.

(3) Metal does not really burn, but throws off fiery sparks when red-hot. The prohibition of extinguishing does not apply in this case by Biblical law at all, save by Rabbinical law; hence where general damage may ensue the Rabbis waived their prohibition.

(4) Lit., 'coal'.

(5) For that is Biblically forbidden.

(6) For R. Simeon rules that if work is not needed per se (v. p. 510, n. 3) it imposes no liability, and every case of extinguishing, except the extinguishing of a wick to make it easier for subsequent relighting (v. supra 29b bottom), falls within this category. Hence it is only Rabbinically forbidden, and therefore the same as metal.

(7) That it is interdicted.

(8) The least distance which is Biblically forbidden is four cubits in a single passage, without an interval. A thorn too may cause harm to the public; hence the Rabbinical interdict is waived.

(9) V. Glos. and supra 6a.

(10) Rashi: they hold that the lower prevails against the upper. Hence in the former case the hot water is tempered by the cold, which is permitted; but in the latter the cold is heated by the hot, which is forbidden. R. Tam: 'hot water into cold' implies that the cold water exceeds the hot, and therefore cools it, hence it is permitted. 'Cold water into hot' implies that there is more hot water, which heats the cold; consequently, it is forbidden. According to this interpretation this is independent of the question whether the lower prevails against the upper or the reverse, which refers to equal quantities; cf. ערוך השלחן Yoreh De'ah XCI, 12.

(11) The water being required for drinking, one does not wish it to become very hot. Moreover, a cup is a 'second vessel' (v. supra p. 188, n. 6), i.e., the water is not actually heated therein, and the contents of a second vessel cannot cause anything that comes into contact therewith to boil.

(12) The water is needed for washing, and must be very hot. Therefore if the latter case is permitted, we fear that one will come intentionally to heat water in a forbidden manner. The reference is to a bath which is a 'second vessel', and yet it is forbidden for this reason.

(13) Even hot into cold.

(14) Rashi: even if heated on the eve of the Sabbath, cold water must be added to temper its heat, which according to R. Simeon b. Menassia is forbidden.

(15) The reference being to a cup, not a bath, as stated.

(16) Surely not, for it is axiomatic that the halachah is always as Beth Hillel.

(17) Both agreeing that it is forbidden.

(18) Pouring hot water into cold and vice versa. Asheri omits 'about vessels.'

(19) Tosaf. suggests that this may be the identical Baraita cited above, but that there it was quoted in brief.

(20) He assumed that the water is poured on to the inner side of the basin first, which somewhat cools it.

(21) I.e., directly into the water.

(22) The first means a tightly covered pot.

(23) At twilight on Friday.

(24) After nightfall. The pot is a 'first vessel' (v. p. 188, n. 6) and its contents, as long as they are seething, cause any other commodity put therein to boil likewise.

Talmud - Mas. Shabbath 42b

BUT ONE MAY PUT [SPICES] INTO A DISH OR A TUREEN.¹ R. JUDAH SAID: HE MAY PUT [SPICES] INTO ANYTHING EXCEPT WHAT CONTAINS VINEGAR OR BRINE.² GEMARA. The scholars propounded: Does R. Judah refer to the first clause, and [he rules] in the direction of leniency,³ or perhaps he refers to the second clause, [inclining] to stringency?⁴ — Come and hear: R. Judah said: One may put [spices] into all stew pots and into all boiling pots that are seething, except aught that contains vinegar or brine.⁵

R. Joseph thought to rule that salt is like spices, [viz.,] that it boils in a 'first vessel' but not in a second vessel'. Said Abaye to him, R. Hiyya taught: Salt is not like spices, for it boils even in a second vessel'. Now, he differs from R. Nahman, who said: Salt requires as much boiling as ox flesh. Others state, R. Joseph thought to rule: Salt is like spices, [viz.,] that it boils in a 'first vessel' but not in a 'second vessel'. Said Abaye to him, R. Hiyya taught: Salt is not like spices, for it does not boil even in a 'first vessel'. And this is identical with R. Nahmanis dictum: Salt requires as much boiling as ox flesh.⁶

MISHNAH. ONE MAY NOT PLACE A VESSEL UNDER A LAMP TO CATCH THE OIL.⁷ BUT IF IT IS PLACED THERE BEFORE SUNSET,⁸ IT IS PERMITTED. YET ONE MAY NOT BENEFIT FROM IT,⁹ BECAUSE IT IS NOT OF MUKAN.¹⁰

GEMARA. R. Hisda said: Though they [the Sages] ruled, A vessel may not be placed under a fowl to receive its eggs,¹¹ yet a vessel may be overturned upon it [the egg] that it should not be broken. Said Rabbah, What is R. Hisda's reason? — He holds that it is usual for a fowl to lay her eggs in a dung heap, but not on sloping ground; now, they [the Sages] permitted¹² in a common [case of] saving,¹³ but in an uncommon [case of] saving they did not permit.¹⁴ Abaye raised an objection: Now, did they [the Sages] not permit in an uncommon [case of] saving? Surely it was taught: If a person's barrel of tebel¹⁵ burst on the top of his roof, he may bring a vessel and place it beneath it.¹⁶ -The reference is to new jars, which frequently burst.

He raised an objection: A vessel may be placed under a lamp to catch the sparks?-Sparks too are common.

(1) Containing a hot stew. The dish or tureen is a 'second vessel', which cannot make the spices boil.

- (2) Being sharp, they cause the spices to boil.
- (3) I.e., the first Tanna, having stated that spices may not be put into a 'first vessel', R. Judah permits it, save where it contains vinegar or brine.
- (4) The first Tanna permits spices to be put into a 'second vessel', no matter what its contents, whereas R. Judah makes an exception.
- (5) Thus he refers to a 'first vessel'.
- (6) Hence it does not boil unless actually on the fire.
- (7) On the Sabbath. Rashi offers two reasons: (i) The oil, having been set apart for fuel, is mukzeh, i.e., it must not be used in any other manner, nor may it be handled, and this Tanna holds that a utensil can be moved only for the sake of an object which may itself be handled. (ii) At present the vessel may be handled for a number of purposes. Once oil drops into it, it may not be moved, because the oil is mukzeh, and in the opinion of this Tanna one may not cause a vessel to become immovable, for it is as though he joins it to the lamp on the Sabbath.
- (8) Lit., 'while it is yet day.'
- (9) I.e., use the oil which drops therein.
- (10) V.Glos.
- (11) When she lays them on sloping ground; the vessel is to prevent them from rolling down the incline and breaking.
- (12) To move a vessel for the sake of an object that may not be handled, as the egg in question.
- (13) Viz., to save the eggs from being trampled upon while they lay on the dung heap. People walked over dung (manure) heaps; cf. B.K. 30a.
- (14) Viz., to save them from rolling down the slope.
- (15) V. Glos. The reference is to oil or wine.
- (16) Though tebel itself may not be handled, while such a case of saving is uncommon, as it is rare for a barrel to burst. The same assumption is made in the other attempted refutations, that the savings permitted are in an uncommon case.

Talmud - Mas. Shabbath 43a

He raised an objection: A dish may be overturned above a lamp, that the beams should not catch [fire]? This refers to houses with low ceilings, for it is a common thing for them to catch fire. [He raised a further objection:] And likewise, if a beam is broken, it may be supported by a bench or bed staves?¹ -This refers to new planks, for it is a common thing for them to split. [Another objection:] A utensil may be placed under a leak [in the roof] on the Sabbath?-This refers to new houses, where leaking is common.

R. Joseph said: This is R. Hisda's reason, [viz.,] because he deprives the vessel of its readiness [for use].² Abaye objected to him: if a barrel [of tebel] is broken, another vessel may be brought and placed under it?³ -Tebel is ready [for use] in respect to the Sabbath, replied he, for if he transgresses and prepares it,⁴ it is prepared. [Another objection:] A vessel may be placed under a lamp to catch the sparks?-Said R. Huna son of R. Joshua: Sparks are intangible.⁵ [Another objection:] And likewise, if a beam is broken, it may be supported by a bench or bed-staves?⁶ That means that it is loose,⁷ So that, if he desires, he can remove it. [Another objection:] A vessel may be placed under drippings on the Sabbath?⁸ -The reference is to drippings that are fit [for use]. [Another objection:] A basket may be overturned before fledglings, for them to ascend or descend?⁹ -He holds that it [the basket] may [still] be moved. But it was taught, It may not be moved?-That is [only] while they [the fledglings] are yet upon it. But it was taught, Though they are not still upon it, it is forbidden?-Said R. Abbahu: That means that they were upon it throughout the period of twilight; since It was forbidden to handle¹⁰ at twilight, it remains so forbidden for the whole day.¹¹

R. Isaac said: just as a vessel may not be placed under a fowl to receive her eggs, so may a vessel not be overturned upon it [the egg] that it should not be broken. He holds that a vessel may be handled only for the sake of that which itself may be handled on the Sabbath.¹² All the foregoing objections were raised;¹³ and he answered, It means that its place is required.¹⁴ Come and hear: An egg laid on the Sabbath or an egg laid on a Festival may not be moved, neither for covering a

vessel¹⁵ nor for supporting the legs of a bed therewith;¹⁶ but a vessel may be turned over it, that it [the egg] should not be broken? — Here too it means that its place is required.

Come and hear: Mats may be spread over stones on the Sabbath?¹⁷ -The reference is to smoothly rounded stones, which are fit [for use] in a privy.

Come and hear: Mats may be spread on the Sabbath upon bricks which were left over from a building?-That is because they are fit for reclining [thereon].

Come and hear: One may spread mats over bee-hives on the Sabbath: in the sun on account of the sun and in the rain on account of the rain, providing he has no intention of capturing [the bees]?¹⁸ -The circumstances are that they contain honey. Said R. 'Ukba of Mesene¹⁹ to R. Ashi: That is correct of summer,

(1) I.e., the long sides of bedsteads.

(2) V. p. 196, n. 5.

(3) Tebel may not be made fit for food on the Sabbath by rendering its dues. Hence neither it nor the vessel which receives it may be handled. Thus that too loses its general fitness, and yet it is permitted.

(4) On the Sabbath, by separating the tithes.

(5) Consequently the vessel into which they fall may be handled.

(6) Though it is then impossible to remove them for general use.

(7) The bench, etc., is not planted there firmly.

(8) He assumed that the drippings consisted of dirty water, unfit for use, as a result of which one may not handle the vessel which receives them.

(9) Into or from the hen-coop.

(10) I.e., mukzeh q.v. Glos.

(11) This is a principle often met with. But if the basket is placed there after nightfall, so that it was fit for handling at twilight, it may be moved when the birds are not upon it.

(12) Which excludes an egg laid on the Sabbath.

(13) In every case there the article itself for which the utensil is taken may not be handled.

(14) A utensil may be moved when its place is required, and when so moved it may be utilized for the purposes enumerated above,

(15) E.g., the neck of a bottle.

(16) The egg did not actually support the bed, but was placed near it for magical purposes; v. A. Marmorstein, MGWJ. 72. 1928, pp. 391-395.

(17) Stones, being unfit for use, may not be handled.

(18) Though the hives themselves may not be handled.

(19) The region to the south of Babylon bounded by the Tigris, the Euphrates and the Royal Canal, and differentiated from Babylon proper in respect to marriage; v. Kid. 71b, Obermeyer, pp. 90 seqq.

Talmud - Mas. Shabbath 43b

when there is honey; but what can be said of winter, when it does not contain honey?¹ -It is in respect of two loaves.² -But they are mukzeh?³ -It means that he designated them.⁴ Then what if he did not designate them? It is forbidden! If so, instead of teaching, 'providing he has no intention of capturing [the bees],' let a distinction be drawn and taught in that itself: [thus:] when is that said? When he designated them; but if he did not designate them, it is forbidden?-He [the Tanna] teaches us this: even if he designated them, yet there is the proviso that he must not intend to capture [the bees]. With whom does this agree?⁵ If R. Simeon, surely he rejects [the prohibition of] mukzeh! If R. Judah, then what matters if one does not intend [to capture the bees],-[surely he holds that] an unintentional act is forbidden?⁶ -In truth this agrees with R. Judah; and what is meant by, 'providing he has no intention of capturing [the bees]?' That he must not arrange it like a net, namely, he must

leave an opening⁷ so that they [the bees] should not be automatically caught.

R. Ashi said:⁸ Is it then taught, 'in summer' and 'in winter'? Surely, it is stated, 'in the sun because of the sun and in the rain because of the rain.' [That means,] in the days of Nisan and Tishri,⁹ when there is sun, rain, and honey.

R. Shesheth said to them [his disciples], 'Go forth and tell R. Isaac, R. Huna has already stated your ruling in Babylon. For R. Huna said: A screen may be made for the dead for the sake of the living, but not for the sake of the dead. What does this mean? As R. Samuel b. Judah said, and Shila Mari recited likewise: If a dead man is lying in the sun, two men come and sit down at his side. If they feel hot underneath,¹⁰ each brings a couch and sits upon it.¹¹ If they feel hot above, they can bring a hanging and spread it above them: then each sets up his couch, slips away and departs, and thus the screen [for the dead] is found to have been made automatically.¹²

It was stated: If a corpse is lying in the sun, — Rab Judah maintained in Samuel's name: It may be changed over from bier to bier.¹³ R. Hanina said on Rab's authority: A loaf or a child is placed upon it,¹⁴ and it is moved away. Now, if a loaf or a child is available, all agree that that is permitted. When do they differ?—When they are not available: one Master holds, Sidelong moving is designated moving;¹⁵ while the other Master holds, Sidelong moving is not designated moving.

Shall we say that this is dependent on Tannaim? A corpse may not be rescued from a conflagration.¹⁶ R. Judah b. Lakish said: I have heard that a corpse may be rescued from a fire. What are the circumstances? if a loaf or a child is available, what is the reason of the first Tanna? If it is not,¹⁷ what is the reason of R. Judah b. Lakish? Hence they surely differ in respect to sidelong moving, one Master holding that such is designated moving, while the other Master holds that it is not? — No. All agree that sidelong moving is designated moving, but this is the reason of R. Judah b. Lakish: since a man is agitated over his dead,

(1) The questioner assumes 'in the sun' and 'in the rain' to mean 'in the days of the sun' and 'in the days of rain' respectively, i.e., in summer and in winter.

(2) Of honey, left in the honeycomb for the bees themselves.

(3) V. Glos. Having been set apart for the bees, they may not be handled.

(4) For food, before the Sabbath.

(5) Assuming that the reference 'is to one who designated the two loaves, who is the author of this Baraitha?

(6) Since the covering blocks the bees' exit, he does in fact capture them, notwithstanding his lack of intention.

(7) Lit., 'space'

(8) In reply to the objection from the last cited Baraitha.

(9) The first and seventh months of the Jewish year, corresponding roughly to mid-March-April and mid-September-October.

(10) The sun having heated the pavement.

(11) The prohibitions of carrying from domain to domain (v. supra 2a, 6a) must of course not be violated.

(12) Thus the awning is not made for the dead, but for the sake of the living. This is a legal fiction.

(13) Until it reaches the shade.

(14) Cf. supra 30b; infra 142b.

(15) Moving indirectly, by changing over from bier to bier, is nevertheless moving, and forbidden.

(16) On the Sabbath, because it must not be handled.

(17) And consequently the point at issue is whether the dead may be rescued directly.

Talmud - Mas. Shabbath 44a

if you do not permit [it] to him, he will come to extinguish [the fire].¹ R. Judah b. Shila said in the name of R. Assi in R. Johanan's name: The halachah is as R. Judah b. Lakish in the matter of the

corpse.

YET ONE MAY NOT BENEFIT FROM IT, BECAUSE IT IS NOT OF MUKAN. Our Rabbis taught: The residue of oil in the lamp or in the dish is forbidden; but R. Simeon permits [it].

MISHNAH. A NEW LAMP² MAY BE HANDLED, BUT NOT AN OLD ONE.³ R. SIMEON MAINTAINED: ALL LAMPS MAY BE HANDLED, EXCEPT A LAMP [ACTUALLY] BURNING ON THE SABBATH.

GEMARA. Our Rabbis taught: A new lamp⁴ may be moved, but not an old one: this is R. Judah's opinion. R. Meir ruled: All lamps may be moved, except a lamp which was lit on the Sabbath;⁵ R. Simeon said: Except a lamp burning on the Sabbath; if it is extinguished, it may be moved; but a cup, dish or glass lantern⁶ may not be stirred from its place. R. Eliezer son of R. Simeon said: One may take supplies from an extinguished lamp or from dripping oil, even while the lamp is burning.

Abaye observed: R. Eliezer son of R. Simeon agrees with his father on one [point] and disagrees with him on another. He agrees with his father on one [point] in reflecting [the prohibition of] mukzeh. Yet he disagrees with him on another: for whereas his father holds, Only if it is extinguished [is it permitted], but not otherwise; he holds, Even if it is not extinguished. 'But a cup, dish, or glass lantern may not be stirred from its place'. Wherein do these differ? — Said 'Ulla: This last clause follows R. Judah. Mar Zutra demurred to this: If so, why 'but'? — Rather, said Mar Zutra: In truth, it follows R. Simeon; yet R. Simeon permits [handling] only in the case of a small lamp, because one's mind is set upon it;⁷ but not [in the case of] these, which are large. But it was taught: The residue of oil in a lamp or in a dish is forbidden; while R. Simeon permits [it]?—There the dish is similar to the lamp;⁸ here the dish is similar to the cup.⁹

R. Zera said: A shaft¹⁰ in which [a lamp] was lit on [that] Sabbath,¹¹ in the view of him who permits [an earthen lamp],¹² this is prohibited;¹³ in the view of him who forbids [an earthen lamp],¹⁴ this is permitted.¹⁵ Shall we say that R. Judah accepts [the prohibition of] mukzeh on account of repulsiveness, but rejects [that of] mukzeh on account of an interdict? But it was taught, R. Judah said: All metal lamps may be handled, except a lamp which was lit on the Sabbath?¹⁶ But if stated, it was thus stated: R. Zera said: A shaft on which a lamp was lit¹⁷ on the Sabbath, all agree that it is forbidden [to handle it]; if a lamp was not lit therein, all agree that it is permitted.

Rab Judah said in Rab's name: If a bed is designated for money, it may not be moved.¹⁸ R. Nahman b. Isaac objected: A NEW LAMP MAY BE HANDLED, BUT NOT AN OLD ONE.

(1) Yet he may not permit it when the corpse is lying in the sun.

(2) I.e., one which has never been used.

(3) Once used it is mukzeh (q. v. Glos.) on account of its repulsiveness, which this Tanna holds is forbidden.

(4) The reference is to an earthenware lamp.

(5) Var. lec.: on that Sabbath.

(6) The three used as lamps. For the various types of lamps and their descriptions v. T.A. I, 68 seq.

(7) Thinking, the oil will not last long, and when it goes out I will use the lamp.

(8) I.e., small.

(9) Large.

(10) פִּירוֹט: 'a shaft with a receptacle for a lamp, a plain candlestick', Jast. Rashi: a metal candlestick.

(11) jast. reads: a shaft on which a lamp was lit etc. V. also) T.A. I, p. 70 and n. 234.

(12) R. Meir.

(13) Because it burnt on that Sabbath. This is known as mukzeh on account of an interdict, I.e., the lamp was employed on that Sabbath for burning, and one may not light a lamp on the Sabbath itself.

(14) R. Judah: the reference is to an old lamp, which is mukzeh on account of repulsiveness.

(15) Because R. Judah rejects the prohibition of mukzeh on account of an interdict.-Being of metal, the lamp is not regarded as repulsive, even when it has been used.

(16) Var. lec.: on that Sabbath.

(17) V. P. 202, n. 7. Here this is the reading of cur. edd.

(18) Mere designation renders it forbidden, even if money was not actually placed there.

Talmud - Mas. Shabbath 44b

Now if a lamp, though made for that purpose, may be handled if it was not lit, how much more so a bed, which was not made for that purpose! Rather if stated, it was thus stated: Rab Judah said in Rab's name: In the case of a bed which was designated for money, if money was placed upon it,¹ it may not be handled; if money was not placed upon it, it may be handled. But if it was not designated for money, then if money is lying upon it [now], it may not be handled; if money is not lying upon it, it may be handled, provided that there was none upon it at twilight.²

R. Eleazar objected: As for its wheel-work, if detachable, it has no connection therewith, is not measured with it, does not protect together with it in [the matter of] a covering above the dead, and it may not be rolled on the Sabbath if there is money upon it.³ Hence if there is no money upon it [now] it is permitted, though it was there at twilight?-That is according to R. Simeon, who rejects [the law of] mukzeh,⁴ whereas Rab agrees with R. Judah.

(1) Even on weekdays, and it was removed before the Sabbath. Yet it has thereby been set apart and employed for something (sc. money) that may not be handled on the Sabbath, and therefore may not be handled itself either.

(2) Before the commencement of the Sabbath. For if there was money upon it at twilight, it could not be handled then, and being interdicted then it remains so for the whole Sabbath.

(3) Kel. XVIII, 2. The reference is to the wheel-work of a carriage. It has no connection with the body of the carriage: if either the wheel-work or the carriage comes into contact with an unclean object, the other remains unaffected. Now, a utensil can become unclean only if its capacity is less than forty se'ahs, which Beth Hillel defines as referring to its displacement. Thus, not only is the hollow of the vessel reckoned, but also its sides, etc. Consequently, if the wheel-work were not detachable, its own volume too would be measured in conjunction with the body itself, but being detachable, it is not. Again, if any object or a human being is stationed directly above a corpse, e.g., it is suspended above a grave, even without touching it, it becomes unclean; but if an object of forty se'ahs capacity, e.g., a large box or the body of a carriage, intervenes, it is saved from uncleanness. Now, if the body of this carriage, which is of forty se'ahs capacity, is piled up with articles, some of which protrude and overflow its sides, while the detachable wheel-work too is higher than the body, and thus the wheel-work interposes between these articles and the grave, it does not save them from uncleanness. For the body itself does not intervene, while the wheel-work has not a capacity of forty se'ahs, and it is not counted as part of the whole. The object which becomes unclean is technically called a tent or covering (ohel) of the dead. With respect to the last clause Ri explains: if it is not detachable it may be rolled even if money is lying upon it, because the wheel-work is then only part of the carriage, whilst there is no money upon the body thereof, which is the chief portion.

(4) Nevertheless, since money may not be handled for any purpose whatsoever, he admits that the wheel may not be rolled when there is actually money upon it now.

Talmud - Mas. Shabbath 45a

Logic too avers that Rab agrees with R. Judah. For Rab said: A lamp may be placed on a palm tree for the Sabbath,¹ but not on a Festival.² Now, it is well if you admit that Rab holds as R. Judah: hence he draws a distinction between the Sabbath and Festivals.³ But if you say that he holds as R. Simeon, what is the difference between the Sabbath and Festivals?⁴

But does Rab hold as R. Judah? Surely Rab was asked: Is it permitted to move the Hanukkah lamp⁵ on account of the Guebres on the Sabbath?⁶ and he answered them, It is well.⁷ -A time of

emergency is different. For R. Kahana and R. Ashi asked Rab: Is that the law? whereat he answered them, R. Simeon is sufficient to be relied upon in an emergency.

Resh Lakish asked R. Johanan: What of wheat sown in the earth or eggs under a fowl?⁸ When does R. Simeon reflect [the prohibition of] mukzeh? Where one has not rejected it [an object] with his [own] hands; but where one rejects it with his own hands,⁹ he accepts [the interdict of] mukzeh: or perhaps there is no difference? — He answered him: R. Simeon accepts mukzeh only in respect of the oil in the [Sabbath] lamp while it is burning: since it was set apart for its precept,¹⁰ and set apart on account of its prohibition.¹¹ But does he not [accept it where] it [only] was set apart for its precept?¹² Surely it was taught: If one roofs it [the booth] in accordance with its requirements, beautifies it with hangings and sheets, and suspends therein nuts, peaches, almonds, pomegranates, grape clusters, garlands of ears of corn, wines, oil, and flours, he may not use them until the conclusion of the last Festival day of the Feast; yet if he stipulates concerning them, it is all according to his stipulation.¹³ And how do you know that this is R. Simeon's view? Because R. Hiyya b. Joseph recited before R. Johanan: Wood must not be taken from a hut on a Festival,¹⁴ save from what is near it;¹⁵ but R. Simeon permits it.¹⁶ Yet both agree in respect to the sukkah of the Festival¹⁷ that it is forbidden on the Festival;¹⁸ yet if he [the owner] stipulated concerning it, it all depends on his stipulation!¹⁹ — We mean, similar to the oil in the lamp: since it was set apart for its precept, it was set apart for its interdict.²⁰ It was stated likewise: R. Hiyya b. Abba said in R. Johanan's name: R. Simeon rejects mukzeh save in a case similar to the oil in the lamp while it is burning: since it was set apart for its precept, it was set apart for its interdict.

Rab Judah said in Samuel's name: In R. Simeon's view mukzeh applies only to drying figs and grapes.²¹ But [does it apply] to nothing else? Surely it was taught: If one was eating figs, left [some] over, and took them up to the roof to make dried figs; or grapes, and left [some] over and took them up to the roof to make raisins: he may not eat [of them] unless he designates them.²² And you must say the same of peaches, quinces, and other kinds of fruit.²³ Which Tanna is this? Shall we say, R. Judah: seeing that he maintains [the prohibition of] mukzeh even where one does not reject it with his own hands, how much more so where he does reject it with his own hands!²⁴ Hence it must surely be R. Simeon?²⁵ — After all, it is R. Judah, yet the case of eating is necessary: I might argue, since he was engaged in eating, no designation is required; hence we are informed that since he took them up to the roof, he withdrew his thoughts thence.

R. Simeon b. Rabbi asked Rabbi:

(1) I.e., before the Sabbath, that it should burn during the Sabbath. There is no fear that he will take and use it if it goes out, thereby technically making use of what is attached to the soil. For since it was mukzeh at twilight it may not be used for the whole of the Sabbath.

(2) For then one may remove it from the tree, replace it, and so on, thus making use of the tree itself, which is prohibited.

(3) He will not remove it from the tree on the Sabbath, because of the interdict of mukzeh, which in this respect does not operate on Festivals.

(4) None at all. Hence he must hold as R. Judah.

(5) After it has been extinguished.

(6) The Parsees, being fire worshippers, forbade the Jews to have fire in their houses during their (the Parsees') festivities. Consequently the Hanukkah lamp, which was lit near the street (supra 21b), would have to be hidden on the approach of a Parsee.

(7) This does not agree with R. Judah.

(8) May they be removed on the Sabbath for use, before the wheat has taken root or the egg become addled?

(9) As here. When one sows wheat in the soil or places an egg under a fowl, he rejects it for the time being.

(10) I.e., for the Sabbath lamp.

(11) Sc. the prohibition of extinguishing a light on the Sabbath renders this oil inaccessible while the lamp is burning. The text follows an old Tosaf. (v. Marginal gloss). Curr. edd.: since it was set apart for its precept, it was set apart (i.e.,

rendered mukzeh and forbidden) for its interdict. But the general context shows that the amended version is preferable.

(12) Viz., that that alone suffices to render it forbidden.

(13) V. supra 22a for notes. Thus we see that mere setting apart for the fulfilment of a precept casts an interdict.

(14) The reference is not to a sukkah (q.v. Glos.) but to an ordinary booth or hut. Even if it collapses during a Festival, one must not take the timber for use, because had it not collapsed it might not be pulled down on the Festival, and this renders it mukzeh.

(15) Or, supporting it. If a bundle of wood was laid against the wall of the hut, in a measure serving as a support, it may be used on the Festival, because that must have been the owner's intention before the Festival, and so it is not mukzeh. Again, its removal will not cause the hut to collapse.

(16) Because he rejects the prohibition of mukzeh,

(17) 'The Festival' without a determinant always means Tabernacles.

(18) if the sukkah collapses, its wood must not be used during the whole seven days of the Festival, as it had been set aside for the precept.

(19) Thus we see that the previous Baraitha does agree with R. Simeon!

(20) I.e., the former alone imposes the interdict.

(21) When they are spread out to dry they cease to be fit for food until fully dried. Hence they are certainly rejected as food, and so even R. Simeon admits the prohibition.

(22) He may not eat them on a Festival, because he has rendered them mukzeh, unless he designates them as food before the Festival, thereby annulling their character of mukzeh.

(23) Though they are fit during the process of drying.

(24) Hence it is unnecessary to state it where he puts fruit aside for drying. Even if he merely stores it is forbidden, according to R. Judah.

(25) Proving that he admits mukzeh in other cases too,

Talmud - Mas. Shabbath 45b

What of unripe dates¹ according to R. Simeon? Said he to him: R. Simeon holds that mukzeh applies only to drying figs and raisins.

But does not Rabbi accept mukzeh?² Surely we learnt: Pasture animals may not be watered and killed,³ but home animals may be watered and killed. And it was taught: These are pasture animals: those that go out on Passover and re-enter [the town limits] at the rainfall;⁴ home animals: those that go out and graze beyond the tehum and re-enter and spend the night within the tehum.⁵ Rabbi said: Both of these are home animals; but the following are pasture animals: those that graze in the meadow⁶ and do not enter the town limits⁷ either in summer or in winter.⁸ -If you wish I can answer: these too are like drying figs and raisins. Alternatively, he⁹ answered according to R. Simeon's view, which he himself does not accept. Another alternative: he¹⁰ speaks according to the view of the Rabbis. As for me, I do not accept mukzeh at all;¹¹ but even on your view, you must at least agree with me that if they go out on Passover and return at the rainfall they are home animals? But the Rabbis answered him: No! they are pasture animals.¹²

Rabbah b. Bar Hanah said in R. Johanan's name: They¹³ ruled: The halachah is as R. Simeon. But did R. Johanan say thus? Surely a certain old man of Kirwaya-others say, of Sirvaya-asked R. Johanan: May a fowl-nest be handled on the Sabbath? He answered him: Is it made for aught but fowls?¹⁴ — Here the circumstances are that it contains a dead bird.¹⁵ That is well according to Mar b. Amemar in Raba's name, who said: R. Simeon admits that if living creatures die, they are forbidden;¹⁶ but on the view of Mar son of R. Joseph in Raba's name, who maintained: R. Simeon differed even in respect of living creatures that died, [ruling] that they are permitted, what can be said? — The reference here is to one [sc. a hen coop] that contains an egg.¹⁷ But R. Nahman said: He who accepts [the prohibition of] mukzeh accepts [that of] nolad; he who rejects mukzeh, rejects nolad?-That is when it contains the egg of a fledgling.¹⁸

When R. Isaac son of R. Joseph came,¹⁹ he said in the name of R. Johanan The halachah is as R. Judah: while R. Joshua b. Levi said: The halachah is as R. Simeon. R. Joseph observed: Hence Rabbah b. Bar Hanah said in R. Johanan's name, They said, The halachah is as R. Simeon: they said, but he himself [R. Johanan] did not rule thus. Said Abaye to R. Joseph: And do you yourself not hold that R. Johanan [rules] as R. Judah?²⁰ Surely R. Abba and R. Assi visited R. Abba of Haifa,²¹ when a candelabrum fell on R. Assi's robe, but he did not remove it. What is the reason? Surely because R. Assi was R. Johanan's disciple, and R. Johanan held as R. Judah, who maintained [the prohibition of] mukzeh?-You speak of a candelabrum? he replied. A candelabrum is different, for R. Aha b. Hanina said in R. Assi's name: Resh Lakish gave a practical ruling in Zidon: A candelabrum which can be lifted with one hand may be moved; that which requires two hands may not be moved. But R. Johanan said: In the matter of a lamp we accept no other view but R. Simeon's; but as for a candelabrum, whether it can be lifted by one hand or by two, it may not be moved.²² And what is the reason?²³ -Rabbah and R. Joseph both say: Because one appoints a place for it. Said Abaye to R. Joseph, But what of a bridal couch²⁴ for which [too] one appoints a place, yet Samuel said on R. Hiyya's authority: A bridal couch

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- (1) Lit., 'burst dates', i.e., unripe dates that fell off from the tree and were placed in the sun to ripen (Jast.). Others: dates that are split and placed in the sun to ripen. Whilst they are ripening and drying they suffer discoloration and are unfit, yet not so unfit as drying figs and raisins.
- (2) It is now assumed that Rabbi was asked about R. Simeon's view because it is his own too.
- (3) On Festivals. The animals were first watered, to make it easier to flay them.
- (4) Which takes place in Marheshwan: thus they spend about eight months in the commons beyond the town limits.
- (5) V. Glos.
- (6) Outside the town limits.
- (7) Lit., 'inhabited territory'.
- (8) Pasture animals may not be slaughtered on Festivals because they are mukzeh, i.e., their owner has altogether put them out of mind.-Animals were frequently watered before slaughter, in order to facilitate the flaying of their skin.
- (9) Rabbi, in his reply to his son Simeon.
- (10) Rabbi, in the last cited Baraita.
- (11) So that pasture animals, however defined, are permitted.
- (12) On this passage see Beza, Sonc. ed., p. 202f notes.
- (13) The scholars of the Academy.
- (14) I.e., it is mukzeh, and forbidden. Thus he does not rule as R. Simeon.
- (15) Hence it may not be handled, even according to R. Simeon.
- (16) They may not even be cut up for dogs. That is if they were in good health at twilight, so that one's thoughts were completely turned away from it. If the animal was dying at twilight and perished after nightfall, R. Simeon maintains that it can be cut up for dogs, because the owner must have thought of it.
- (17) Laid that day. It is then nolad (newly created), which R. Simeon admits is forbidden.
- (18) I.e., upon which the fowl is brooding. This is quite unfit and the nest may not be handled on all views.
- (19) From Palestine to Babylon. He was a Palestinian amora, the disciple of R. Abbahu and R. Johanan, and transmitted teachings in the latter's name; he travelled to Babylon (Hul. 101a) and acted as an intermediary between the two countries on religious questions.
- (20) Even before you heard it from R. Isaac.
- (21) A harbour of the Mediterranean sea on the coast of Palestine.
- (22) Hence, but for the dictum of R. Isaac, R. Joseph would not have known R. Johanan's view. But now he knows that in all cases R. Johanan ruled as R. Judah, that mukzeh is forbidden, save in the matter of an old lamp, which he holds may be handled, agreeing there with R. Simeon.
- (23) That a candelabrum which requires both hands for lifting may not be moved.
- (24) Without an overhead awning. V. also T.A. III, 42f, ¶ 122.

may be set up and dismantled on the Sabbath?¹ Rather, said Abaye: [it refers to a candelabrum] of [movable] joints.² If So, what is the reason of R. Simeon b. Lakish, who permits it? What is meant by joints'? Similar to joints, viz., it has grooves.³ Hence, [if it is of real] joints, whether large or small it may not be handled; also, a large one which has grooves is forbidden on account of a large jointed one;⁴ where do they differ? in respect to a small grooved one: one Master holds, We forbid it as a preventive measure;⁵ while the other Master holds, We do not forbid it thus.⁶

But did R. Johanan rule thus?⁷ Surely R. Johanan said: The halachah is [always] as an anonymous Mishnah,⁸ and we learnt: As for its wheel-work, if detachable, it has no connection therewith, is not measured with it, and does not protect together with it in [the matter of] a covering over the dead, and it may not be rolled on the Sabbath if there is money upon it.⁹ Hence if there is no money upon it, it is permitted, though it was upon it at twilight?¹⁰ — Said. R. Zera: Interpret our Mishnah as meaning¹¹ that there was no money upon it during the whole of twilight, so as not to overthrow¹² R. Johanan's words.

R. Joshua b. Levi said: Rabbi once went to Diospera¹³ and gave a practical ruling in respect to a candelabrum as R. Simeon's view in respect to a lamp.¹⁴ — The scholars asked: Did he give a practical ruling in respect to a candelabrum as R. Simeon's view in respect to a lamp, i.e., permissively; or perhaps he gave a restrictive ruling in respect to a candelabrum, and as R. Simeon in respect to a lamp, i.e., permissively?¹⁵ The question stands over.

R. Malkia visited R. Simlai's home and moved a lamp,¹⁶ to which R. Simlai took exception. R. Jose of Galilee visited the town of R. Jose son of R. Hanina; he moved a lamp, to which R. Jose son of R. Hanina took exception. When R. Abbahu visited R. Joshua b. Levi's town he would move a lamp: when he visited R. Johanan's town he would not move a lamp. What will you: if he holds as R. Judah, let him act accordingly; while if he holds as R. Simeon, let him act accordingly?— In truth, he agreed with R. Simeon, but did not act [thus] out of respect to R. Johanan. R. Judah said: An oil lamp may be handled;¹⁷ a naphtha lamp may not be handled.¹⁸ Rabbah and R. Joseph both maintain: A naphtha [lamp] too may be handled.¹⁹

R. Awia visited Raba's home. Now, his boots were muddied with clay, [yet] he sat down on a bed before Raba. [Thereupon] Raba was annoyed and wished to vex him. Said he to him: What is the reason that Rabbah and R. Joseph both maintain that a naphtha lamp too may be handled? — Because it is fit for covering a utensil, replied he. If so, all chips of the yard may be handled, since they are fit to cover a utensil?—The one [a naphtha lamp] bears the character of a utensil; the others do not bear the character of a utensil. Was it not taught:

(1) The ordinary bed had an overhead awning. Hence when it was set up or dismantled, technically speaking it constituted the erecting or the taking down of a tent, which is forbidden. But that prohibition does not hold good here, since there is no overhead awning.

(2) it may not be handled lest it fall to pieces and be put together again, which is tantamount to making a utensil.

(3) It is all fastened in one piece, but by means of grooves it looks like being moveably jointed.

(4) Since a large one is generally jointed, even if it is only an imitation, it is still forbidden, lest they be confused with each other.

(5) Likewise lest it be confused with a jointed candelabrum.

(6) Since a small one is not generally jointed.

(7) That the halachah is as R. Judah.

(8) If a Mishnah bears no name it represents the final decision of Rabbi and his colleagues.

(9) V. p. 203, n. 6.

(10) Which renders it mukzeh.

(11) Lit., 'let our Mishnah be.' I.e., the Mishnah, Kel. XVIII, 2.

(12) Lit., 'break'.

- (13) Probably Diosopolis = Lydda (Jast.),
 (14) Menorah is a branched candlestick; ner a single lamp.
 (15) The exact version of R. Joshua's statement is in doubt.
 (16) That had gone out.
 (17) Because it is not repulsive.
 (18) Even R. Simeon agrees, because of its unpleasant odour it cannot be used for anything save its purpose.
 (19) Its unpleasant odour does not make it repulsive, whilst at the same time it is fit for covering a utensil.

Talmud - Mas. Shabbath 46b

Bracelets, ear-rings and [finger]rings are like all utensils which may be handled in a yard.¹ And 'Ulla said: What is the reason? Since they bear the character of a utensil. So here too, since it bears the character of a utensil [it may be handled]. R. Nahman b. Isaac observed: Praised be the All Merciful, that Raba did not put R. Awia to shame.

Abaye pointed out a contradiction to Rabbah: It was taught: The residue of the oil in the lamp or in the dish is forbidden; but R. Simeon permits [it]. Thus we see that R. Simeon rejects mukzeh. But the following opposes it: R. Simeon said: Wherever the blemish was not perceptible from the eve of the Festival, it is not mukan!² -How compare! There, a man sits and hopes, When will his lamp go out!³ But here, does a man sit and hope, When will it receive a blemish?⁴ [For] he argues: Who can say that it will receive a blemish? And even if you say that it will, who can say that it will be a permanent blemish?⁵ And even if you say that it will be a permanent blemish, who can say that a scholar will oblige him?⁶

Rami b. Hama objected: Vows can be annulled on the Sabbath,⁷ and one may apply⁸ for absolution from vows where such is necessary for the Sabbath. Yet why: let us argue, who can say that her husband will oblige her?⁹ -There it is as R. Phinehas in Raba's name. For R. Phinehas said in Raba's name: Whoever vows does so conditional upon her husband's consent.¹⁰

Come and hear: One may apply for absolution from vows on the Sabbath where it is necessary for the Sabbath. Yet why? let us argue, Who can say that a Sage will oblige him?-There, if a Sage will not oblige, three laymen suffice; but here,¹¹ who can say that a Sage will oblige him?¹²

Abaye raised a difficulty before R. Joseph: Did then R. Simeon rule, If it [the lamp] is extinguished, it may be handled: thus, only if it is extinguished, but not if it is not extinguished What is the reason? [Presumably] lest through his handling it, it goes out?¹³ But we know R. Simeon to rule that whatever is unintentional is permitted. For it was taught, R. Simeon said: One may drag a bed, seat, or bench, providing that he does not intend to make a rut! — Wherever there is a Scriptural interdict if it is intentional,¹⁴ R. Simeon forbids it by Rabbinical law even if unintentional; but wherever there is [only] a Rabbinical interdict even if it is intentional,¹⁵ R. Simeon permits it at the outset if unintentional.

Raba objected: Clothes' merchants may sell in their normal fashion, providing that one does not intend [to gain protection] from the sun in hot weather or from the rain when it is raining; but the strictly religious sling them on a staff behind their back.¹⁶ Now here, though it is Scripturally intentional, yet if unintentional R. Simeon permits it at the outset?-Rather said Raba,

(1) Though a woman may not wear them in the street; v. infra 59b and M.K. 12b.

(2) V. Bez. 27a. A firstling may not be slaughtered and consumed unless it has a blemish: R. Simeon said that it may not be slaughtered on a Festival unless its blemish was already known on the eve thereof. Otherwise the animal was not mukan, i.e., prepared for the Festival, Thus he accepts the interdict of mukzeh.

(3) To save the oil. Hence R. Simeon holds that it is not really mukzeh.

- (4) Surely not! In fact, he does hope, but without expecting it, whereas one does expect a lamp to go out.
- (5) For a temporary blemish does not permit the animal to be slaughtered.
- (6) A scholar had to examine the blemish and declare it permanent. Could he be sure that he would obtain a scholar for this on the Festival?
- (7) A husband can annul his wife's vows, or a father his daughter's.
- (8) To a scholar.
- (9) When a woman forswears benefit from anything, she thrusts it away from herself, and it becomes like mukzeh. Even if her husband annuls her vow, she could not have anticipated it, and so it should remain mukzeh.
- (10) Hence she relies that her husband will annul it as soon as he is cognizant of it and the object was never mukzeh.
- (11) In the case of the blemish of a firstling.
- (12) Absolution can be granted by a Sage or three laymen; but only a Sage can declare a blemish permanent, unless it is obvious, e.g., when a limb is missing.
- (13) By lifting it up he may create a draught.
- (14) Extinguishing a light is Scripturally forbidden.
- (15) E.g., indirectly making a rut by dragging a heavy article over the floor.
- (16) V. supra 29b.

Talmud - Mas. Shabbath 47a

leave the lamp, oil, and wicks alone,¹ because they become a base for a forbidden thing.²

R. Zera said in R. Assi's name in R. Johanan's name in R. Hanina's name in the name of R. Romanus: Rabbi permitted me to handle a pan with its ashes.³ Said R. Zera to R. Assi: Did R. Johanan say thus? But we learnt: A man may take up his son while he is holding a stone, or a basket containing a stone. Whereon Rabbah b. Bar Hanah said in R. Johanan's name: The reference is to a basket filled with fruit. Thus, only because it contains fruit; but if it does not contain fruit, it is not so?⁴ 'He was astonished for a while,'⁵ then answered, Here too it means that it [the pan] contains [also] some grains [of spice]. Abaye objected: Did grains have any value in Rabbi's house?⁶ And should you answer, They were fit for the poor, -surely it was taught: 'The garments of the poor for the poor, and the garments of the wealthy for the wealthy'.⁷ But those of the poor are not [deemed fit] for the purpose of the wealthy?⁸ But said Abaye, it is analogous to a chamber pot.⁹ Raba observed: There are two refutations to this. Firstly, a chamber pot is repulsive, while this is not repulsive.¹⁰ And secondly, a chamber pot is uncovered, whereas this is covered!¹¹ Rather, said Raba, when we were at R. Nahmanis we would handle a brazier on account of its ashes,¹² even if broken pieces of wood were lying upon it.¹³

An objection is raised: And both¹⁴ agree that if it [a lamp] contains fragments of a wick, it may not be handled.¹⁵ Said Abaye: They learnt this of Galilee.¹⁶

Levi b. Samuel met R. Abba and R. Huna b. Hiyya standing at the door of R. Huna's college. Said he to them: Is it permissible to re-assemble a weaver's frame on the Sabbath?¹⁷ -It is well, answered they. Then he went before Rab Judah, who said: Surely Rab and Samuel both rule: If one re-assembles a weaver's frame on the Sabbath, he is liable to a sin-offering.¹⁸

An objection is raised: If one puts back the branch of a candelabrum on the Sabbath, he is liable to a sin-offering; as for the joint of a whitewasher's pole,¹⁹ it must not be re-inserted, yet if one does re-insert it, he is exempt, but it is forbidden.²⁰ R. Simai said: For a circular horn, one is liable; for a straight horn, one is exempt.²¹ -They²² ruled as this Tanna. For it was taught: The sockets of a bed,²³ the legs of a bed, and the archer's tablets,²⁴ may not be re-inserted, yet if one does re-insert [them], he is not liable [to a sin-offering],

(1) They cannot be compared with others.

(2) Sc. the flame. Whilst the lamp is alight everything may be regarded as subsidiary to the flame: R. Simeon admits that such mukzeh is forbidden.

(3) Used for fumigating. This is the meaning as first supposed. Ashes are mukzeh, and it is assumed that he was permitted to move the ashes on account of the pan, which is a utensil.

(4) And the pan is analogous.

(5) Dan. IV, 16.

(6) Surely not! Hence the pan with the ashes may not be handled on their account.

(7) The reference is to the minimum size of material which is liable to defilement as a 'garment'. The smallest size which has any value to a wealthy person is three handbreadths square; if it is less, he throws it away. A poor man, however, endeavours to find a use for it even if it is only three fingerbreadths square, and that accordingly is his minimum (cf. supra 26b seq.). These are the minima for the wealthy and the poor respectively which are technically called garments.

(8) They do not rank as 'garments' when in a wealthy man's possession. The same principle applies here.

(9) Which may be carried away with the excrements, and similarly the pan and ashes.

(10) Hence the former must be removed.

(11) Their shovels or coal pans were covered with a lid or top.

(12) I.e., when the ashes were needed for covering anything. These ashes were counted upon for this from before the Sabbath, and hence the whole might be handled. So here too, R. Romanus states that Rabbi permitted him to handle a

fumigating pan on account of the ashes.

(13) The latter might not be handled, and therefore the utensil which contained it likewise, save that it also contained ashes.

(14) R. Judah and R. Simeon.

(15) The same applies to pieces of wood on a brazier. For the lamp also contains oil, just as the brazier contains ashes too.

(16) Owing to the abundance of oil in Galilee the residue of oil in the lamp would be of no value to its owner, and therefore the lamp with the fragments of wick may not be handled on account of its oil (Tosaf. and R. Nissim Gaon).

(17) The frame or loom consisted of jointed parts, which fitted into each other.

(18) If done in ignorance.

(19) The handle of the painter's brush was jointed, to allow of different lengths according to requirements.

(20) A candelabrum is not taken to pieces frequently, and therefore when one inserts its branches he finishes its manufacture; hence he is liable to a sin-offering, it being a general rule that this is incurred for the completion of any utensil. But a painter's brush is continually taken to pieces; therefore the insertion of one of its parts is only temporary and does not complete it.

(21) These are musical instruments into which reeds were inserted to give various notes; v. T.A. III, 96. The putting together of the former was skilled work; hence liability is incurred. But the latter was assembled amateurishly, being frequently taken to pieces; hence no liability is incurred.—The difficulty is presented by the branch of a candelabrum, whose principle is the same as a weaver's frame.

(22) R. Abba and R. Huna b. Hiyya.

(23) Into which the legs of a bed fitted. to prevent them from being rotted by the damp earth.

(24) Rashi: a small wooden plaque inserted in the bow upon which the arrow presses before it is released. Jast. translates: 'the boards on which the straw rests', but does not make it clear what fitting or joining is required there.

Talmud - Mas. Shabbath 47b

but it is forbidden; nor must they be [tightly] fixed in, and if one does so, he is liable to a sin offering. R. Simeon b. Gamaliel said: if it is loose, it is permitted.¹ At R. Hama's home there was a folding bed, which they used to put up on Festivals. Said one of the Rabbis to Raba: What is your view, that it is building from the side?² granted that there is no Scriptural prohibition, yet it is Rabbinically forbidden? Said he to him, I agree with R. Simeon b. Gamaliel, who ruled: If it is loose, it is permitted.

MISHNAH. A VESSEL, MAY BE PLACED UNDER A LAMP TO CATCH THE SPARKS, BUT ONE MUST NOT POUR WATER THEREIN, BECAUSE HE EXTINGUISHES [THEM].

GEMARA. But he deprives the vessel of its readiness?³ — Said R. Huna the son of R. Joshua: Sparks are intangible.⁴

BUT ONE MUST NOT POUR WATER THEREIN, BECAUSE HE EXTINGUISHES [THEM]. Shall we say that we learnt anonymously as R. Jose, who maintained: That which is a cause of extinguishing is forbidden?⁵ Now, is that logical: granted that R. Jose ruled thus for the Sabbath: did he rule thus for the eve of the Sabbath? And should you say, Here also it refers to the eve of the Sabbath, — surely it was taught: A vessel may be placed under a lamp on the Sabbath to catch the sparks, and on the eve of the Sabbath goes without saying; but one must not pour water therein on the eve of the Sabbath, because he extinguishes [them], and the Sabbath goes without saying?—Rather, said R. Ashi, you may say that it agrees even with the Rabbis: here it is different, because one brings the extinguisher near.⁶

CHAPTER IV

MISHNAH. WHEREIN MAY WE STORE [FOOD], AND WHEREIN MAY WE NOT STORE

[IT]?⁷ WE MAY NOT STORE [IT] IN PEAT,⁸ FOLIAGE,⁹ SALT, LIME, OR SAND, WHETHER MOIST OR DRY; NOR IN STRAW, GRAPE-SKINS, SOFT FLOCKING¹⁰ OR HERBAGE, WHEN THEY ARE MOIST; BUT WE MAY STORE [FOOD] IN THEM WHEN THEY ARE DRY.

GEMARA. The scholars propounded: Did we learn, peat of olives, whereas peat of poppy seed is well; or perhaps we learnt peat of poppy seed, and how much more so of olives?-Come and hear: For R. Zera said on the authority of one of the disciples of the School of R. Jannai: A basket in which one put away [food]¹¹ may not be placed on peat of olives. This proves that we learnt peat of olives!-[No.] After all I may tell you that in respect of storing [peat] of poppy seed too is forbidden; [but] as for

(1) I.e., if it is so constructed that it need be only loosely joined, it is permitted even at the very outset. R. Abba and R. Huna b. Hiyya likewise refer to branches that sit lightly in their sockets.

(2) The technical term for work not done in a professional and usual way.-I.e., do you think that because it is loosely fitted it does not constitute building?

(3) V. p. 196, n. 5.

(4) V. p. 198, n. 2.

(5) Even if one does not directly extinguish; v. infra 120a.

(6) By pouring water into the vessel, And therefore as a preventive measure it is forbidden, also on the eve of sabbath. But in the case below, q.v., it is indirect extinguishing, because the heat must first cause the jars to burst before the water is released.

(7) When a pot is removed from the fire on the eve of the Sabbath, it may be stored in anything that preserves heat, but not in something that adds heat (supra 34b).

(8) I.e., a pressed, hard mass. The Gemara discusses which mass is meant.

(9) Zebel is foliage piled up for forming manure.

(10) E.g., rags, wool, etc.

(11) For the Sabbath, to preserve its heat.

Talmud - Mas. Shabbath 48a

causing heat to ascend,¹ [peat] of olives causes heat to ascend, but not [peat] of poppy seed.

Rabbah and R. Zera visited the Resh Galutha,² and saw a slave place a pitcher of water on the mouth of a kettle.³ Thereupon Rabbah rebuked him. Said R. Zera to him: Wherein does it differ from a boiler [placed] upon a boiler?⁴ -There he [merely] preserves [the heat]⁵, he replied, whereas here he creates it.⁶ Then he saw him spread a turban over the mouth of a cask and place a cup⁷ upon it. Thereupon Rabbah rebuked him. Said R. Zera to him: Why? You will soon see,⁸ said he. Subsequently he saw him [the servant] wringing it out.⁹ Wherein does this differ from [covering a cask with] a rag?¹⁰ he asked him. There one is not particular about it;¹¹ here he is particular about it.¹²

[NOR WITH] STRAW. R. Adda b. Mattenah asked Abaye: Is it permissible to handle flocking in which one stored [food]?¹³ Said he to him: Because he lacks a bundle of straw, does he arise and renounce a bundle of soft flocking?¹⁴ - Shall we say that the following supports him: We may store [food] in wool clip, hatchelled wool, strips of purple [wool],¹⁵ and flocking, but they may not be handled?-As for that, it is no proof: this may be its meaning: if one did not store [food] in them, they may not be handled. If so, why state it?¹⁶ -You might say, They are fit for reclining:¹⁷ hence we are told [otherwise].

R. Hisda permitted stuffing to be replaced in a pillow on the Sabbath. R. Hanan b. Hisda objected to R. Hisda: The neck [of a shirt] may be undone on the Sabbath,¹⁸ but may not be opened;¹⁹ nor

may flocking be put into a pillow or a bolster on a Festival, and on the Sabbath it goes without saying?—There is no difficulty: one refers to new ones, the other to old ones.²⁰ It was taught likewise: Flocking may not be put into a pillow or a bolster on the Festival, and on the Sabbath it need not be stated; if it falls out, it may be replaced [even] on the Sabbath, while on Festivals it goes without saying.

Rab Judah said in Rab's name: One who opens the neck [of a shirt] on the Sabbath incurs a sin-offering.²¹ R. Kahana objected:

- (1) As here, the food is stored in a substance which does not add heat, but heat may mount up from the peat and penetrate the basket.
- (2) Head of the Exile, Exilarch, official title of the head of Babylonian and Persian Jewry, whose authority was recognized and sustained by the State. V. J.E. V, p. 228, s.v. Exilarch.
- (3) The pitcher contained cold water, and the kettle was hot.
- (4) Which is permissible; 51b.
- (5) For the upper boiler too is filled with hot water.
- (6) The kettle below heats the cold water in the pitcher.
- (7) Natla is a ladle or a small vessel for taking liquid out of a large vessel.
- (8) Lit., 'you see now'.
- (9) This is forbidden on the Sabbath.
- (10) Which is permitted, and we do not fear that the owner will wring it dry. And though the servant did so here, yet on what grounds did Rabbah rebuke him at the outset?
- (11) He does not mind if the rag remains wet.
- (12) Hence he is likely to wring it.
- (13) Normally they may not be handled; the question is whether this use converts it into a 'utensil' which may be handled on the Sabbath.
- (14) Where possible straw is used, because it is cheaper. When one must use rags, he does not on that account renounce them, i.e., declare that they have no value in his eyes save for that purpose, but they remain independent, as it were, just as before they were so used: hence they may not be handled.
- (15) **אָרְגָמָן** is translated purple in E.V. (Ex. XXV, 4). But this was an extremely costly dye, and its proposed use here for storing food shows that such is not meant. It is rather a scarlet red dye, more brilliant than purple but not so enduring; v. T.A. I, 146f.
- (16) In their present state they cannot be used, hence they certainly do not rank as 'utensils'.
- (17) So that they are utensils.
- (18) When it is returned by the launderer, who generally tied the neck up.
- (19) The first time after it is sewn. This opening makes it fit for wear and thus finishes its work.
- (20) A pillow etc., must not be stuffed for the first time, as that is part of its manufacture; but if the stuffing falls out, it may be replaced.
- (21) V. n. 1.

Talmud - Mas. Shabbath 48b

What is the difference between this and the bung of a barrel?¹ —Said Raba to him: The one is an integral part thereof, whereas the other is not.

R. Jeremiah pointed out a contradiction to R. Zera. We learnt: The fuller's loosely stitched bundle,² or a bunch of keys, or a garment stitched together with kil'ayim thread³ are counted as connected in respect of uncleanness,⁴ until one begins to undo them. This proves that they are [regarded as] joined even not at the time of work.⁵ But the following is opposed thereto: If a stick is improvised to serve as a handle for an axe, it is counted as connected in respect of uncleanness at the time of work. [Thus,] only at the time of work, but not otherwise? — There, he replied, a man is wont to throw it [the handle] among the timber when it is not being used. Here, a man prefers [that

pieces remain together]⁶ even not at the time of work, so that if they are soiled he can rewash them.⁷

In Sura the following discussion was recited in R. Hisda's name. in Pumbeditha it was recited in R. Kahana's name-others state, in Raba's name. Who is the Tanna responsible for the statement of the Rabbis: Whatever is joined to an article is counted as the article itself?-Said Rab Judah in Rab's name, It is R. Meir. For we learnt: The receptacles on a stove for the oil-flask, spicepot, and the lamp are defiled through contact, but not through air space: this is R. Meir's opinion. But R. Simeon declares them clean.⁸ Now, as for R. Simeon, it is well: he holds that they are not as the stove. But according to R. Meir, — if they are as the stove, let them be defiled even through air space; if they are not as the stove, let them not be defiled even through contact?In truth, they are not as the stove, but the Rabbis decreed [uncleanness] in their case. If they decreed it, let them be defiled even through air space too?-The Rabbis made a distinction, so that people might not come to burn terumah and holy food on account of them.⁹

Our Rabbis taught: A shears of separate blades¹⁰ and the cutter of a [carpenter's] plane are [counted as] connected in respect of uncleanness,¹¹ but not in respect of sprinkling.¹² What will you: if they are both [counted as] connected, [they are so] even in respect of sprinkling too; if [they do] not [count as] connected, [they are not so] even in respect of defilement?-Said Raba: By Scriptural law, when in use they are [counted as] connected in respect of both defilement and sprinkling, when not in use, they are [counted as] connected in respect of neither defilement nor sprinkling,

(1) Which according to the Rabbis infra 146a, may be pierced on the Sabbath.

(2) Of linen; they used to sew articles of washing loosely together, to prevent loss.

(3) V. Glos.

(4) If one part becomes unclean, the others are likewise, though they are sure to be untied at a later stage.

(5) E.g., the fuller's bundle need be sewn together only at the actual washing, yet the single pieces are regarded as one even afterwards, so long as one has not commenced to untie them.

(6) That the pieces remain together until required.

(7) Without having to search for the pieces.

(8) Separate receptacles for a flask of oil, spices, and a lamp were attached to earthen stoves. These stoves are defiled in two ways: (i) when an unclean object actually touches them on the inside; (ii) if an unclean object is suspended within their cavity, i.e., their air space. R. Meir holds that in the first case the attached receptacles too are defiled, as part of the stove, but not in the second; while R. Simeon maintains that they remain clean in both cases.

(9) If these receptacles, having been defiled through the stove, came into contact with terumah and holy food, they are unclean in their turn, but only by Rabbinical law, whereas they must be unclean by Scriptural law before they may be burnt. Hence the Rabbis limited their defilement, that it might be fully understood that it is merely Rabbinical.

(10) Lit., 'joints'

(11) If one part becomes unclean the other is too.

(12) If a utensil is defiled through a corpse, it needs sprinkling of water mixed with the ashes of the red heifer to render it clean (v. Num. XIX). If the mixture is sprinkled on one part but not on the other the latter is not cleansed.

Talmud - Mas. Shabbath 49a

But the Rabbis imposed a preventive measure in respect of defilement, when they are not in use,¹ on account of defilement when they are in use;² and in respect of sprinkling, when they are in use,³ on account of when they are not in use.

WHEN THEY ARE MOIST. The Scholars propounded: Naturally moist, or artificially moist?⁴ — Come and hear: [WE MAY NOT STORE . . .] IN STRAW, (GRAPE-SKINS, FLOCKING OR HERBAGE WHEN THEY ARE MOIST. Now, if you say [that it means] artificially moistened, it is well; but if you say, naturally moist, how can flocking be naturally moist?-[It is possible] in the case of wool plucked from between the flanks.⁵ And as to what R. Oshaia taught: We may store [food] in

a dry cloth⁶ and in dry produce, but not in a damp cloth or moist produce,-how is naturally damp cloth possible?-In the case of- wool plucked from between the flanks.

MISHNAH. WE MAY STORE [FOOD] IN, GARMENTS, PRODUCE,⁷ DOVES' WINGS, CARPENTERS' SAWDUST⁸ AND THOROUGHLY BEATEN HATCHELLED FLAX. R. JUDAH FORBIDS [STORING] IN FINE, BUT PERMITS [IT] IN COARSE [BEATEN FLAX].

GEMARA. R. Jannai said: Tefillin⁹ demand a pure body, like Elisha, the man of wings. What does this mean?-Abaye said: That one must not pass wind while wearing them; Raba said: That one must not sleep in them.¹⁰ And why is he called the man of wings'? Because the wicked Roman government once proclaimed a decree against Israel that whoever donned tefillin should have his brains pierced through;¹¹ yet Elisha put them on and went out into the streets. [When] a quaestor saw him, he fled before him, whereupon he gave pursuit. As he overtook him he [Elisha] removed them from his head and held them in his hand. 'What is that in your hand?' he demanded. 'The wings of a dove,' was his reply. He stretched out his hand and lo! they were the wings of a dove. Therefore he is called 'Elisha the man of the wings'. And why the wings of a dove rather than that of other birds? Because the Congregation of Israel is likened to a dove, as it is said, as the wings of a dove covered with silver:¹² just as a dove is protected by its wings, so is Israel protected by the precepts.¹³

IN CARPENTERS' SAWDUST, etc. The scholars propounded: Does R. Judah refer to carpenters' sawdust or to hatchelled flax? Come and hear: R. Judah said: Fine hatchelled flax is like foliage.¹⁴ This proves that he refers to hatchelled flax. This proves it.

MISHNAH. WE MAY STORE [FOOD] IN FRESH HIDES, AND THEY MAY BE HANDLED;¹⁵ IN WOOL SHEARINGS, BUT THEY MAY NOT BE HANDLED.¹⁶ WHAT THEN IS DONE? THE LID [OF THE POT] IS LIFTED, AND THEY [THE SHEARINGS] FALL OFF OF THEIR OWN ACCORD. R. ELEAZAR B. AZARIAH SAID: THE BASKET¹⁷ IS LIFTED ON ONE SIDE AND [THE FOOD] IS REMOVED, LEST ONE LIFT [THE LID OF THE POT] AND BE UNABLE TO REPLACE IT.¹⁸ BUT THE SAGES SAY: ONE MAY TAKE AND REPLACE [IT].¹⁹ GEMARA. R. Jonathan b. Akinai and R. Jonathan b. Eleazar were sitting, and R. Hanina b. Hama sat with them and it was asked: Did we learn, FRESH HIDES belonging to a private individual, but those of an artisan, since he is particular about them²⁰ may not be handled; or perhaps, we learnt about those of an artisan, and all the more so those of a private individual?-Said R. Jonathan b. Eleazar to them: It stands to reason that we learnt about those belonging to a private individual, but as for those of an artisan, he is particular about them. Thereupon R. Hanina b. Hama observed to them: Thus did R. Ishmael b. R. Jose say:

(1) That both limbs should count as one.

(2) To prevent laxity in the latter case,

(3) That they should not count as one.

(4) Lit., 'through themselves or through something else'. The former throws out more heat.

(5) Of a living animal: this contains its own moisture.

(6) Lit., 'raiment'.

(7) E.g., corn or pulse.

(8) Or, shavings.

(9) V. Glos.

(10) Phylacteries used to be worn all day.

(11) V. infra 130a.

(12) Ps. LXVIII, 14.

(13) In Gen. R. XXXIX, 8 the point of comparison is stated thus: all birds fly with both wings, and when exhausted they rest on a crag or rock; but the dove, when tired, rests on one wing and flies with the other. So Israel, when driven from one country, finds refuge and rest in another; v. also note a.l. in Sonc. ed.

(14) Which may not be used; supra 47b.

(15) Whether food was put away in them or not. They are fit for reclining upon, and therefore rank as utensils, which may be handled.

(16) Because they are mukzeh, being set aside to be woven and spun.

(17) Containing the pot and the shearings,

(18) If the pot is bodily lifted out, the shearings may all collapse, and since they must not be handled, they cannot be parted in order to replace the pot.

(19) This is discussed in the Gemara.

(20) He has to sell, and is therefore particular not to spoil them. This may render them mukzeh.

Talmud - Mas. Shabbath 49b

My father was a hide worker, and he would say: Fetch hides and that we may sit on them.¹

An objection is raised: Boards belonging to a householder may be handled; those of an artisan may not be handled;² but if one intended to place bread upon them for guests, in both cases they may be handled? — Boards are different, for one is [certainly] particular about them.

Come and hear: Hides, whether tanned or not, may be handled on the Sabbath, 'tanned' being specified only in respect to uncleanness.³ Now surely, no distinction is drawn whether they belong to a householder or an artisan? — No: [It means those] of a householder. But what of those of an artisan? They may not be handled? If so, when it is taught, "'tanned" being specified only in respect to uncleanness,' let a distinction be drawn and taught in that itself: [viz.,] when is that said? [Only] of those belonging to a householder, but not concerning those of an artisan?—The whole deals with those of a householder.⁴

This is dependent on Tannaim: Hides of a private individual may be handled, but those of an artisan may not: R. Jose maintained: Either the one or the other may be handled.

Again they⁵ sat and pondered: Regarding what we learnt, The principal categories of labour⁶ are forty less one,—to what do they correspond?⁷ —Said R. Hanina b. Hama to them: To the forms of labour in the Tabernacle.⁸ R. Jonathan son of R. Eleazar said to them, Thus did R. Simeon b. R. Jose b. Lakonia say: They correspond to [the words] 'work' [melakah], 'his work' [melakto], and 'the work of' [meleketh], which are [written] thirty-nine times in the Torah.⁹ R. Joseph asked: Is 'and he went into the house to do his work'¹⁰ included in this number, or not?—Said Abaye to him, Then let a Scroll of the Torah be brought and we will count! Did not Rabbah b. Bar Hanah say in R. Johanan's name: They did not stir thence until they brought a Scroll of the Torah and counted them?¹¹ The reason that I am doubtful, replied he, is because it is written, for the work¹² they had was sufficient:¹³ is that of the number, while this¹⁴ is [to be interpreted] in accordance with the view that he entered to perform his business;¹⁵ or perhaps and he went into the house to do his work' is of the number, while this 'for the work they had was sufficient' is meant thus: their business was completed?¹⁶ The question stands over.

It was taught as the opinion that it corresponds to the forms of labour in the Tabernacle. For it was taught: Liability is incurred only for work of which the same was performed in the Tabernacle. They sowed, hence ye must not sow; they reaped, hence ye must not reap;¹⁷ they lifted up the boards from the ground to the waggon,¹⁸ hence ye must not carry in from a public to a private domain; they lowered the boards from the waggon to the ground, hence ye must not carry out from a private to a public domain; they transported [boards, etc.,] from waggon to waggon, hence ye must not carry from one private to another private domain. 'From one private to another private domain'— what [wrong] is done? Abaye and Raba both explained — others say, R. Adda b. Ahabah: It means from one private to another private domain via public ground.

IN WOOL. SHEARINGS, BUT THEY MAY NOT BE HANDLED. Raba said: They learnt this only where one had not stored [food] in them; but if one had stored food in them [on that Sabbath], they may be handled. A certain student of one day's standing¹⁹ refuted Raba: WE MAY STORE [FOOD] ... IN WOOL. SHEARINGS, BUT THEY MAY NOT BE HANDLED. WHAT THEN IS DONE?

- (1) This shows that he was not particular.
- (2) This shows that an artisan is particular.
- (3) Tanned hides are subject to the laws of defilement; untanned hides are not.
- (4) In whose case no distinction can be drawn between tanned and untanned skins save in respect of defilement.
- (5) The Rabbis maintained above.
- (6) Forbidden on the Sabbath; for aboth, lit., 'fathers', v. supra 2b.
- (7) On what basis are they selected?
- (8) Every form of labour necessary in the Tabernacle was regarded as a principal category of work forbidden on the Sabbath. This is learnt from the juxtaposition of the commands concerning the Sabbath and the erection of the Tabernacle, Ex. XXXV, 1-3;4 seq.
- (9) Lit., 'forty times minus one'.
- (10) Gen. XXXIX, 11
- (11) Rashi conjectures that the reference may be to the waw (ו) of gahown (גחון); v. Kid, 30a.
- (12) E.V. 'stuff'.
- (13) Ex. XXXVI, 7.
- (14) 'And he went into the house to do his work',
- (15) A euphemism for adultery; v. Sot. 36b. In that case melakto (his work) does not connote actual work, and is not included.
- (16) They had brought all the materials required. On this supposition the verse is translated as in the E.V.
- (17) Certain vegetables had to be sown and reaped to provide dyes for the hangings.
- (18) The ground was a public domain, while the waggon was a private domain.
- (19) I.e., who had come to the college for the first time that day. V. Hag. 5b.

Talmud - Mas. Shabbath 50a

THE LID [OF THE POT] IS LIFTED, AND THEY [THE SHEARINGS] FALL. OFF OF THEIR OWN ACCORD.¹ Rather if stated, it was thus stated: Raba said: They learnt this only when one had not designated them for storing, but if he had, they may be handled. It was stated likewise: When Rabin came,² he said in the name of R. Jacob in the name of R. Assi b. Saul in Rab's name: They learnt this only where one had not designated them for [constant]³ storing; but if he had designated them for [constant) storing, they may be handled. Rabina said: They [the Sages of the Mishnah] learnt in reference to the [merchant's] shelves.⁴ it was taught likewise: Wool shearings of the shelves may not be handled; but if a private individual prepared them for use, they may be handled.

Rabbah b. Bar Hanah recited before Rab: If one cuts down dried branches of a palm tree for fuel and then changes his mind, [intending them] for a seat, he must tie [them] together;⁵ R. Simeon b. Gamaliel said: He need not tie them together. He recited it and he stated it: The halachah is as R. Simeon b. Gamaliel.

It was stated: Rab said: He must tie [them] together; Samuel maintained: He must intend [to sit upon them]: while R. Assi ruled: If he sits upon them,⁶ though he had neither tied nor intended them [for sitting, it is well].⁷ As for Rab, it is well: he rules as the first Tanna: and Samuel too [is not refuted, for he] rules as R. Simeon b. Gamaliel. But according to whom does R. Assi rule?-He rules as the following Tanna. For it was taught: One may go out [into the street] with a wool tuft or a flake of Wool,⁸ if he had dipped them [in oil]⁹ and tied them with a cord. If he did not dip them [in oil]

and tie them with a cord, he may not go out with them; yet if he had gone out with them for one moment¹⁰ before nightfall,¹¹ even if he had not dipped or tied them with a cord, he may go out with them [on the Sabbath].¹²

R. Ashi said, We too have learnt [so]: One must not move straw [lying] upon a bed with his hand, yet he may move it with his body;¹³ but if it is fodder for animals, or a pillow or a sheet was upon it before nightfall,¹⁴ he may move it with his hand.¹⁵

And which Tanna disagrees with R. Simeon b. Gamaliel? R. Hanina b. Akiba. For when R. Dimi came,¹⁶ he said in the name of Ze'iri in R. Hanina's name: R. Hanina b. Akiba once went to a certain place and found dried branches of a palm tree cut down, and he said to his disciples, 'Go out and declare your intention,¹⁷ so that we may be able to sit upon them tomorrow'. And I do not know whether it was a house of feasting or a house of mourning.¹⁸ Since he says, '[I do not know] whether it was a house of feasting or a house of mourning', [it implies] only there, because they are occupied;¹⁹ but elsewhere it must be tied together; but if not, it is not [permitted].

Rab Judah said: A man may bring a sack full of earth [into the house] and use it for his general needs.²⁰ Mar Zutra lectured in the name of Mar Zutra Rabbah: Providing that he allotted a certain corner to it.²¹ Said the students before R. Papa: With whom [does this agree]: R. Simeon b. Gamaliel? For if with the Rabbis, — an act is required!²² -R. Papa answered: You may even say, with the Rabbis. The Rabbis ruled that an act is required only where an act is possible,²³ but not where it is impossible.²⁴

Shall we say that this is disputed by Tannaim? Utensils may be cleaned²⁵ with anything,²⁶ save silver vessels with white earth.²⁷ This [implies] that natron²⁸ and sand are permitted. But surely it was taught, Natron and sand are forbidden? Surely they differ in this: one Master holds that an act is required,²⁹ while the other Master holds that no act is required? No. All agree that no act is required, yet there is no difficulty: one is according to R. Judah, who maintains, What is unintentional is forbidden; the other is according to R. Simeon, who rules, What is unintentional is permitted.³⁰

How have you explained the view that it is permitted? As agreeing with R. Simeon! Then consider the last clause: But one must not cleanse his hair with them.³¹ Rather if R. Simeon, surely he permits it? For we learnt:

(1) This proves that even when food was stored in the shearings on that day, they may not be handled.

(2) V. p. 12, n. 9.

(3) So Rashi.

(4) Wool shearings stored in the merchant's shelves are certainly not designated for storing, and even if thus employed they will eventually be replaced in the shelves. Hence they may not be handled even if used for storing. But Raba referred to ordinary shorn wool: when one employs them for such a purpose, it is as though he designated them for storing, and therefore they may be handled. Thus Rabina justifies the first version of Raba's statement.

(5) Before the Sabbath, thus indicating their purpose, Otherwise they are regarded as fuel and may not be handled on the Sabbath, a change of mind without corresponding action being of no account. — 'Intended' means that this was verbally stated, and not mental.

(6) Before the Sabbath.

(7) He may handle and use them as a seat on the Sabbath.

(8) Both used as a dressing for a wound. Tosaf. translates a wig.

(9) So Rashi. He thereby shows that his purpose is to prevent his garments from chafing the wound. Rashal deletes 'in oil', and translates: if he had dyed them, thus rendering them an adornment. Otherwise, on both translations, they are a burden and may not be taken out into the street.

(10) Lit., 'one hour'.

(11) Lit., 'while yet daytime' -i.e., before the Sabbath.

- (12) The principle is the same as in R. Assi's ruling.
- (13) Generally speaking, straw is meant for fuel or brickmaking, and is therefore mukzeh. Therefore if straw is lying on a bed, not having been designated for a mattress, one must not move it with his hand to straighten it and make the bed more comfortable, but he may do so with his body, because that is an unusual manner (v. p. 201, n. 1 and p. 115, n. 7).
- (14) Lit., 'by day' -i.e., if one had lain upon it before the Sabbath, though he had neither put aside the straw nor declared his intention to use it as a mattress.
- (15) Here too the principle is the same as in R. Assi's ruling.
- (16) V. P. 12, n. 9,
- (17) To sit upon them on the Sabbath.
- (18) This is Ze'iri's comment.
- (19) Lit., 'troubled'. For that reason mere intention was sufficient.
- (20) On the Sabbath or Festivals. This must be done before the Sabbath or Festivals.
- (21) Which renders it prepared (mukan) for these purposes.
- (22) The equivalent of tying the branches.
- (23) Lit., 'for something that can be the subject of an act'.
- (24) Nothing can be done to the earth to show that it is meant for a particular purpose.
- (25) Lit., 'rubbed'.
- (26) On the Sabbath.
- (27) A kind of chalk. Rashi: **סלסול** i.e., the tartar deposited in wine vessels; Aruch: pulverized resin, These do more than cleanse, but actually smooth the silver, which is forbidden work.
- (28) V. Sanh., Sonc. ed., p. 330, n. 5.
- (29) To show its purpose, and since such is impossible, they are forbidden, but not because there is anything objectionable in them per se.
- (30) Supra, 22a, 29b. Natron and sand sometimes smooth the silver too, in addition to cleansing it, but that smoothing is unintentional. But white chalk always smooths: hence all rule it out.
- (31) Because it pulls hair out.

Talmud - Mas. Shabbath 50b

A nazirite may cleanse [his hair]¹ and part it,² but he must not comb it.³ Rather both are according to R. Judah, yet two Tannaim differ as to R. Judah's view: one Tanna holds that in R. Judah's view they [natron and sand] smooth,⁴ while the other Tanna holds that in R. Judah's view they do not smooth. How have you explained them? As agreeing with R. Judah! Then consider the second clause: 'But the face, hands, and feet are permitted';⁵ but surely it removes the hair?-If you wish, I can answer that it refers to a child; alternatively, to a woman, another alternative, to a eunuch [by nature].⁶

Rab Judah said: Powdered brick is permitted.⁷ R. Joseph said: Poppy pomace [scented] with jasmine is permitted.⁸ Raba said: Crushed pepper is permitted. R. Shesheth said: Barda is permitted. What is barda?-Said R. Joseph: [A compound consisting of] a third aloes, a third myrtle, and a third violets. R. Nehemiah b. Joseph said: Providing that there is not a greater quantity of aloes, it is well.⁹

R. Shesheth was asked: Is it permissible to bruise olives on the Sabbath?¹⁰ He answered them: Who permitted it then on weekdays? (He holds [that it is forbidden] on account of the destruction of food).¹¹ Shall we say that he disagrees with Samuel; for Samuel said: One may do whatever he desires with bread?-I will tell you: A loaf [crumbled] is not repulsive, but these are.

Amemar, Mar Zutra, and R. Ashi were sitting, when barda was brought before them.¹² Amemar and R. Ashi washed [their hands therewith]; Mar Zutra did not. Said they to him, Do you not accept R. Shesheth's ruling that barda is permitted? R. Mordecai answered them: Exclude the Master [Mar Zutra], who does not hold it [permitted] even on weekdays. His view is as what was taught: One may scrape off the dirt scabs and wound scabs that are on his flesh because of the pain;¹³ [but] if in order to beautify himself, it is forbidden.¹⁴ And whose view do they adopt? — As what was taught: One

must wash his face, hands, and feet daily in his Maker's honour, for it is said, The Lord hath made every thing for his own purpose.¹⁵

R. ELEAZAR B. AZARIAH SAID: THE BASKET IS TILTED ON ONE SIDE AND [THE FOOD] IS REMOVED, LEST ONE LIFT [THE LID OF THE POT], etc. R. Abba said in R. Hiyya b. Ashi's name: All agree that if the cavity becomes disordered,¹⁶ we may not replace [the pot].¹⁷ We learnt: BUT THE SAGES SAY: ONE MAY TAKE AND REPLACE [IT]. What are the circumstances? If the cavity is not disordered, the Rabbis [surely] say well?¹⁸ Hence it must mean even if the cavity becomes disordered!-No. In truth, it means that the cavity was not disordered, but here they differ as to whether we fear. One Master holds: We fear lest the cavity become disordered;¹⁹ while the other Master holds: We do not fear.

R. Hana said: With respect to selikustha,²⁰ if one put it in, drew it out, and put it in again,²¹ it is permitted;²² if not, it is forbidden.

Samuel said: As regards the knife between the rows of bricks,²³ — if one inserted it, withdrew it, and reinserted it,²⁴ it is permitted; if not, it is forbidden. Mar Zutra-others state R. Ashi-said: Yet it is well [to insert a knife] between the branches of a reed hedge.²⁵ R. Mordecai said to Raba, R. Kattina raised an objection: if one stores turnips or radishes under a vine, provided some of their leaves are uncovered, he need have no fear

(1) By rubbing it (hafaf denotes to rub) with sand or natron.

(2) With his fingers (Jast.). Rashi: he may beat out his hair.

(3) With a comb. A nazirite may not cut his hair (v. Num, VI, 5); a comb is certain to pull some hair out (v. T.A. II, 197 and note a.l.), and therefore it is forbidden as cutting. Now the first clause permits sand or natron: it can only agree with R. Simeon, who holds that what is unintentional is permitted, and it must be assumed therefore that sand or natron is not bound to pull out the hair. But that being so, R. Simeon will permit it on the Sabbath too.

(4) Lit., 'scrape'.

(5) This follows the prohibition of cleansing the hair with natron or sand.

(6) None of these three have hair on the face or body.

(7) For cleaning the face, even to one who has a beard.

(8) To be used as lotion.

(9) He permits even more than a third of aloes, but there must not be more of aloes than of the other ingredients combined, because aloes act as a depilatory.

(10) May olives be bruised on a stone, which improves their taste? (Rashi) Ri: May one rub his face with olives, using them as a detergent?

(11) He regarded it as wanton waste.

(12) On Sabbath.

(13) Which their presence causes him.

(14) Rashi: on account of, neither shall a man put on a woman's garment (Deut. XXII, 5), which he interprets as a general injunction against aping femininity. Self adornment for its own sake is a woman's prerogative!

(15) Prov. XVI, 4.

(16) Its walls collapsing.

(17) Because we thereby move the shearings.

(18) There can be no reason for prohibiting its return.

(19) If one is permitted to remove the pot without tilting the basket on one side, we fear that he might replace it even if the walls of the cavity happened to collapse.

(20) A fragrant plant used after meals in place of burnt spices (Jast.). it was removed from its pot earth, its fragrance inhaled, and then put back.

(21) Before the Sabbath, thus loosening the earth around it.

(22) To remove it from the pot and replace it on the Sabbath.

(23) Where it was inserted for safety (Rashi).

(24) Cf. n. 3.

(25) The branches spreading from a common stem (Jast.). We do not fear that in removing it he may scrape off the peel of the reeds, which is forbidden.

Talmud - Mas. Shabbath 51a

on account of kil'ayim,¹ or the seventh year,² or tithes,³ and they may be removed on the Sabbath.⁴ This is indeed a refutation.⁵

MISHNAH. IF IT [A POT] WAS NOT COVERED' WHILE IT WAS YET DAY, IT MAY NOT BE COVERED AFTER NIGHTFALL.⁶ IF IT WAS COVERED BUT BECAME UNCOVERED, IT MAY BE RECOVERED. A CRUSE MAY BE FILLED WITH [COLD] WATER AND PLACED UNDER A PILLOW OR BOLSTER.⁷

GEMARA. Rab Judah said in Samuel's name: Cold [water, food, etc.]⁸ may be hidden.; Said R. Joseph, What does he inform us? We learnt: A CRUSE MAY BE FILLED WITH [COLD] WATER AND PLACED UNDER A PILLOW OR A BOLSTER. Abaye answered him: He tells us much. For if [we learnt] from the Mishnah [alone], I might argue: That applies only to an object which it is not customary to store away,⁹ but not to an object which it is customary to store away.¹⁰ Therefore he informs us [that it is not so]. R. Huna said on Rabbi's authority: Cold [water, food, etc.] may not be hidden.¹¹ But it was taught: Rabbi permitted cold [water, etc.] to be hidden?-There is no difficulty: the one [ruling was given] before he heard it from R. Ishmael son of R. Jose; the other after he heard it [from him]. For Rabbi sat and declared: Cold [water, etc.] may not be hidden. Said R. ishmael son of R. Jose to him, My father permitted cold [water] to be hidden. Then the Elder¹² has already given a ruling, answered he.¹³ R. Papa observed: Come and see how much they loved each other! For were R. Jose alive, he would have sat submissively before Rabbi, since R. Ishmael son of R. Jose, who occupied his father's place,¹⁴ sat submissively before Rabbi,¹⁵ yet he [Rabbi] said, Then the Elder has already given a ruling.¹⁶

R. Nahman said to his slave Daru: Put away cold water for me,¹⁷ and bring me water heated by a Gentile¹⁸ cook¹⁹ When R. Ammi heard thereof, he objected. Said R. Joseph: Why should he have objected? He acted in accordance with his teachers, one [act] being according to Rab, and the other according to Samuel. According to Samuel, for Rab Judah said in Samuel's name: Cold [water, etc.] may be hidden. According to Rab, for R. Samuel son of R. Isaac said in Rab's name: Whatever can be eaten in its natural state,²⁰ raw, is not subject to [the interdict against] the cooking of Gentiles. But he [R. Ammi] held that an important man is different.²¹

Our Rabbis taught: Though it was said, One may not store [food] after nightfall even in a substance which does not add heat, yet if one comes to add,²² he may add. How does he do it?²³ R. Simeon b. Gamaliel said: He may remove the sheets and replace them with blankets, or remove the blankets and replace them with sheets.²⁴ And thus did R. Simeon b. Gamaliel say: Only the self-same boiler was forbidden;²⁵ but if it [the food] was emptied from that boiler into another, it is permitted: seeing that he cools it,²⁶ will he indeed heat it up!²⁷ If one stored [food] in and covered [it] with a substance that may be handled on the Sabbath, or if he stored [it] in something that may not be handled on the Sabbath, but covered [it] with something that may be handled on the Sabbath, he may remove [the covering] and replace it.²⁸ If one stored [food] in and covered [it] with a substance that may not be handled on the Sabbath, or if he stored (it) in something that may be handled on the Sabbath, but covered it with something that may not be handled on the Sabbath, provided it was partly uncovered, he may take it [out] and replace [it];²⁹ but if not,

(1) V. Glos. This does not constitute the planting of diverse seeds.

(2) If these are from the sixth year and are placed in the earth in the seventh, they are not subject to the laws of seventh

year produce.

(3) Having been tithed before they were placed in the earth they are not to be retithed on removal, as though this were a new harvest.

(4) On this account the proviso is made that some of the leaves must be uncovered, for otherwise it would be necessary to remove the earth, which may not be done. But the other statements hold good even if they are entirely covered (Rashi and Tosaf.).

(5) For it is not stated that the earth must be loosened before the Sabbath. (14) I.e., put away in something to retain its heat.

(6) V. supra 34a.

(7) To prevent the sun from reaching and warming it.

(8) V. preceding note.

(9) To heat it, as for instance cold water; therefore it may be hidden in order to keep it cold.

(10) For if permission is given to hide it in order to keep it cold, the reverse too may be regarded as permitted.

(11) To keep it cool.

(12) The Sage, referring to R. Jose.

(13) And I retract.

(14) I.e., he was as great as his father (Rashi).

(15) As a disciple before his master.

(16) Thus showing deference to his views.

(17) On the Sabbath.

(18) Lit., 'Syrian'.

(19) On weekdays. Food cooked by Gentiles is forbidden. R. Nahman showed that this interdict does not apply to boiled water.

(20) Lit., 'as it is raw'.

(21) He should be more stringent for himself.

(22) Another covering.

(23) In which the pot is wrapped.

(24) According as he desires more or less heat.

(25) I.e., food may not be stored after nightfall in the same pot in which it was cooked.

(26) By emptying it from one pot into another.

(27) Surely there is no fear of this, which is the reason for the usual prohibition (supra 34a); hence it is permitted.

(28) Since the cover can be removed, one can take hold of the pot.

(29) Since there is something by which he can grasp it.

Talmud - Mas. Shabbath 51b

it may not be removed and replaced. R. Judah said: Thoroughly beaten flax is the same as foliage.¹ A boiler may be placed upon a boiler, and a pot upon a pot,² but not a pot upon a boiler,³ or a boiler upon a pot;⁴ and the mouth [thereof]⁵ may [also] be daubed over with dough:⁶ not in order to make them⁷ hotter, but that [their heat] may be retained. And just as hot [food] may not be hidden, so may cold [food] not be hidden. Rabbi permitted cold [food] to be hidden. And neither snow nor hail may be broken up on the Sabbath in order that the water should flow, but they may be placed in a goblet or dish, without fear.⁸

CHAPTER V

MISHNAH. WHEREWITH MAY AN ANIMAL GO OUT [ON THE SABBATH], AND WHEREWITH MAY IT NOT GO OUT? A CAMEL MAY GO FORTH WITH A BIT, A DROMEDARY [NE' AKAH] WITH ITS NOSE-RING [HOTEM], A LYBIAN ASS WITH A HALTER, A HORSE WITH ITS CHAIN, AND ALL CHAINWEARING ANIMALS MAY GO OUT WITH THEIR CHAINS AND BE LED BY THEIR CHAINS, AND [WATER OF LUSTRATION] MAY BE SPRINKLED UPON THEM, AND THEY MAY BE IMMersed IN

THEIR PLACE.⁹

GEMARA. What is meant by a NE'AKAH WITH A HOTEH? — Said Rabbah b. Bar Hanah: A white [female] camel with its iron nose-ring.

A LYBIAN ASS WITH A HALTER. R. Huna said: That means a Lybian ass with an iron halter.¹⁰ Levi sent money to Be Hozae¹¹ for a Lybian ass to be bought for him. [But] they parcelled up some barley and sent it to him, to intimate to him that an ass's steps depend on barley.¹²

Rab Judah said in Samuel's name: They [the scholars] transposed them [in their questions] before Rabbi: What about one animal going forth with [the accouterment] of the other? As for a dromedary [ne'akah] with a bit, there is no question; since it is not guarded thereby, it is a burden.¹³ The problem is in respect of a camel with a nose-ring. How is it: Since a bit is sufficient, this [the nose-ring] is a burden; or Perhaps an additional guard is not called a burden? Said R. Ishmael son of R. Jose before him, Thus did my father rule: Four animals may go out with a bit: a horse, mule, camel and ass. What does this exclude? Surely it excludes a camel [from being led out] with a nose-ring? — No: it excludes a dromedary [ne'akah] with a bit. In a Baraita it was taught: A Lybian ass and a camel may go out with a bit.

This is dependent on Tannaim: A beast may not go forth with a muzzle;¹⁴ Hananiah said: It may go forth with a muzzle and with anything whereby it is guarded. To what is the reference? Shall we say, to a large beast? is a muzzle sufficient! But if a small beast is meant, is a muzzle insufficient?¹⁵ Hence they must surely differ in respect to a cat: the first Tanna holds: since a mere cord is sufficient, it [a muzzle] is a burden;¹⁶ while Hananiah holds, Whatever is an additional guard is not called a burden. R. Huna b. Hiyya said in Samuel's name: The halachah, is as Hananiah.

Levi son of R. Huna b. Hiyya and Rabbah b. R. Huna were travelling on a road, when Levi's ass went ahead of Rabbah b. R. Huna's, whereupon Rabbah b. R. Huna felt aggrieved.¹⁷ Said he [Levi], I will say something to him, so that

(1) It adds heat, and therefore food may not be put away in it even before the Sabbath.

(2) A boiler is of copper, and a pot is of earthenware.

(3) That is the corrected text.

(4) Var. lec.: and a pot upon a boiler, but not a boiler upon a pot. [The reason for the distinction is not clear and Rashi explains because a pot being of earthenware retains more effective heat which it communicates to the boiler of copper. Tosef. Shab. VI, however reads: and a pot upon a boiler and a boiler upon a pot. V. Asheri and Alfasi].

(5) [I.e., of the lower vessel, v. R. Hananel].

(6) Kneaded before the Sabbath.

(7) [I.e., the contents of the upper vessel].

(8) Of desecrating the Sabbath, though they may melt there.

(9) To whom the law of Sabbath rest applies. V. Ex. XX, 10; Deut. V, 14. If the chain becomes ritually unclean, the ceremony of sprinkling (v. Num. XIX, 14 seq.) and immersion (tebillah) may be performed while they are on the animal.

(10) The words used in the Mishnah had become unfamiliar to the Babylonian amoraim and needed explaining.

(11) A district on the caravan route along the Tigris and its canals. The modern Khuzistan, a province of S.W. Persia, Obermeyer, Landschaft, pp. 204ff.

(12) I.e., barley is the proper food for asses. — Rashi: they returned the money, not wishing to send an ass so far. (5) [I.e., the appurtenances mentioned in the Mishnah.

(13) And must certainly not be led out with it.

(14) Or, collar.

(15) It is a complete guard in itself, and there can be no reason for prohibiting it.

(16) Therefore it is forbidden.

(17) He thought that Levi had acted intentionally, which was disrespectful, for Rabbah b. R. Huna was a greater scholar.

Talmud - Mas. Shabbath 52a

his mind may be appeased. Said he: An ass of evil habits, such as this one, may it go forth wearing a halter on the Sabbath? — Thus did your father say in Samuel's name, he answered him, The halachah is as Hananiah.¹

The School of Manasseh taught: If grooves are made between a goat's horns, it may be led out with a bit on the Sabbath.² R. Joseph asked: What if one fastened it through its beard:³ since It is painful [to the goat] to tug at it,⁴ it will not come to do so;⁵ or perhaps it may chance to loosen and fall, and he will come to carry it four cubits in the street? The question stands over.

We learnt elsewhere: Nor with the strap between its horns.⁶ R. Jeremiah b. Abba said: Rab and Samuel differ therein: One maintains: Whether as an ornament or as a guard, it is forbidden; while the other rules: As an ornament it is forbidden; as a guard it is permitted. R. Joseph observed: It may be proved that it was Samuel who maintained: As an ornament it is forbidden; as a guard it is permitted. For R. Huna b. Hiyya said in Samuel's name: The halachah is as Hananiah.⁷ Said Abaye to him, On the contrary, It may be proved that it was Samuel who maintained: Whether as an ornament or as a guard it is forbidden. For Rab Judah said in Samuel's name: They transposed them [in their questions] before Rabbi: What about one animal going forth with [the accoutrement] of the other? Said R. Ishmael b. R. Jose before him, Thus did my father rule: Four animals may go out with a bit: A horse, mule, camel and ass. What does it exclude?⁸ Surely it excludes a camel [from being led out] with a nose-ring?⁹ Delete the latter on account of the former.¹⁰ And what [reason] do you see to delete the latter on account of the former? Delete the former on account of the latter! — Because we find that it was Samuel who ruled: As an ornament it is forbidden; as a guard it is permitted. [For it was stated:]¹¹ R. Hiyya b. Ashi said in Rab's name: Whether as an ornament or as a guard it is forbidden; while R. Hiyya b. Abin said in Samuel's name: As an ornament it is forbidden; as a guard it is permitted.

An objection is raised: If it [the red heifer] was tied up in a loft by a cord,¹² it is fit.¹³ Now if you say that it is a burden, surely Scripture saith, Upon which never came yoke?¹⁴ — Abaye answered: This is when it is led from one town to another.¹⁵ Raba said: The red heifer is different, because its value is high. Rabina said: This refers to an intractable [animal].¹⁶

A HORSE WITH ITS CHAIN, etc. What is GO OUT and what is LED? — R. Huna said: [It means,] They may either go out [with the chain] wound round them,¹⁷ or led [by the chain]; while Samuel maintained: [It means,] They may go out led [by the chain], but they may not go out [with the chain] wound round them. In a Baraitha it was taught: They may go out [with the chain] wound round then, [ready] to be led.¹⁸

R. Joseph said: I saw the calves of R. Huna's house go forth with their cords¹⁹ wound about them, on the Sabbath. When R. Dimi came,²⁰ he related in R. Hanina's name: The mules of Rabbi's house went forth with their reins on the Sabbath. The scholars propounded: 'Wound about them', or 'led'?- Come and hear: When R. Samuel b. Judah came, he related in R. Hanina's name: The mules of Rabbi's house went forth on the Sabbath with their reins wound about them. Said the Rabbis before R. Assi, This [dictum] of R. Samuel b. Judah is unnecessary, [because] it may be deduced from R. Dimi's [statement]. For should you think that R. Dimi meant 'led', it would follow from Rab Judah's [statement] in Samuel's name. For Rab Judah said in Samuel's name: They [the scholars] transposed them [in their questions] before Rabbi: What about one animal going forth with [the accoutrement] of the other? Said R. Ishmael son of R. Jose before him, Thus did my father rule: Four animals may go out with a bit: a horse, mule, camel, and ass!²¹ — Said R. Assi to them, This [R. Samuel b. Judah's statement] is necessary. For if it were derived from Rab Judah's [dictum], I could argue: He

[R. Ishmael Son of R. Jose] stated it before him, but he did not accept it. Hence R. Dimi's statement informs us [that he did]. And if there were R. Dimi's [alone], I could argue: It means 'led', but not merely 'wound round'; hence R. Samuel b. Judah's [statement] informs us [otherwise].

AND, [WATER OF LUSTRATION] MAY BE SPRINKLED UPON THEM, AND THEY MAY BE IMMERSSED IN THEIR PLACE. Are we to say that they can contract uncleanness? But we learnt: A man's ring is unclean,²² but the rings of animals and utensils and all other rings

(1) Hence even if it is an extra guard it is permitted.

(2) Which is fastened to the grooves. But otherwise it is forbidden, because It can easily slip off the head, which is very narrow, and its owner may carry it in the street.

(3) Making a circle of the beard and inserting the bit through it.

(4) On account of the beard.

(5) Hence we may assume that it is safe there, and is permitted.

(6) V. infra 54b.

(7) Hence he holds that an extra guard is permitted, and this includes the strap between a cow's horns.

(8) v. supra 51b.

(9) That being forbidden because it is an extra guard. Since Samuel quotes it with evident approval, it is his view too.

(10) Because these two statements of Samuel are contradictory.

(11) Other edd. omit the bracketed passage, and substitute: What is our decision on the matter? — It was stated:

(12) Or, the reins.

(13) For its purpose; v. Num. XIX, 2 Seq.

(14) Num. XIX, 2. A burden is a yoke.

(15) The cord or reins are then required as an ordinary, not an additional, guard.

(16) According to both answers, what would be an extra guard elsewhere is only an ordinary one here.

(17) Even that is permitted.

(18) I.e., either that it must be wound round it loosely, so that one can insert his hand between the animal's neck and the chain and grasp it; or that a portion of the cord must be left free, whereby the animal may be led.

(19) Lit., 'bit'.

(20) V. p. 12, n. 9.

(21) V. supra 51b.

(22) I.e., it is liable to uncleanness.

Talmud - Mas. Shabbath 52b

are clean!¹ — Said R. Isaac: It [our Mishnah] refers to such as pass from [being] men's ornaments to [become] animals' ornaments;² while R. Joseph said: [They³ become unclean] because a man leads the animal by them. [For] was it not taught: An animal's staff⁴ of metal⁵ is susceptible to uncleanness.' What is the reason? Since a man beats [the animal] with it. So here too; [they are unclean,] because a man leads [the animals] by them.

AND THEY MAY BE IMMERSSED IN THEIR PLACE. But there is an intervention?⁶ — Said R. Ammi: It means that he beat them out.⁷ Shall we say that R. Ammi holds as R. Joseph? For if as R. Isaac, who maintained that it refers to such as pass from [being] men's ornaments to [become] animals' ornaments; since he beat them out, he has performed an act, and their uncleanness vanishes. For we learnt: All utensils enter upon their uncleanness by intention, but are relieved from their uncleanness only by a change-effecting act!⁸ — He holds as R. Judah, who maintained, An act to adapt [an object] is not [considered] an act.⁹ For it was taught: R. Judah said: A change-effecting act was not mentioned¹⁰ where it adapts [the object], save where it spoils it. In a Baraita it was taught: It [our Mishnah] refers to [chains] with movable links.¹¹

A certain disciple from Upper Galilee asked R. Eleazar: I have heard that a distinction is drawn

between one ring and another?¹² Perhaps you heard it only in reference to the Sabbath;¹³ for if in connection with uncleanness, they are all alike.¹⁴ Now, in connection with uncleanness, are they all alike? Surely we learnt: A man's ring is unclean, but the rings of animals and utensils and all other rings are clean.¹⁵ — He¹⁶ too was referring to men's [rings]. And are all men's [rings] alike? Surely it was taught: A ring made to gird one's loins therewith or to fasten [the clothes about] the shoulders is clean, and only a finger [ring] was declared to be unclean! — He too was referring to finger rings. And are all finger rings alike? Surely we learnt: If the ring is of metal and its signet is of coral,¹⁷ It is unclean; if it is of coral while the signet is of metal, it is clean.¹⁸ — He too referred to [rings] wholly of metal.

He asked him further: I have heard that we distinguish between one needle and another? Perhaps you heard it only in respect to the Sabbath,¹⁹ for if in the matter of uncleanness, they are all alike. Now, in the matter of uncleanness, are they all alike? Surely we learnt: If the eyehole or the point of a needle is removed, it is clean! — He referred to a whole [needle]. And are all whole [needles] alike? Surely we learnt: If a needle gathers rust and it hinders the sewing, it is clean; if not, it is unclean. And the School of R. Jannai said: Providing that its mark is perceptible.²⁰ He referred to a bright [needle]. But are all bright [needles] alike? Surely it was taught; A needle, whether containing an eyehole or not, may be handled on the Sabbath;²¹ while a needle with an eyehole was specified only in respect to uncleanness.²² Surely Abaye interpreted it according to Raba as referring to unfinished utensils!²³

MISHNAH. AN ASS MAY GO OUT WITH ITS CUSHION IF IT IS TIED TO IT;²⁴ RAMS MAY GO OUT COUPLED [LEBUBIN]. EWES MAY GO OUT [WITH THEIR POSTERIORS] EXPOSED [SHEHUZOTH], TIED [KEBULOTH], AND COVERED [KEBUNOTH]; GOATS MAY GO OUT [WITH THEIR UDDERS] TIED UP. R. JOSE FORBIDS IN ALL THESE CASES, SAVE EWES THAT ARE COVERED. R. JUDAH SAID: GOATS MAY GO OUT [WITH THEIR UDDERS] TIED IN ORDER TO DRY UP,²⁵ BUT NOT TO SAVE THEIR MILK.²⁶ gemara.

(1) Because they do not rank either as utensils or ornaments, v. Kel. XIII.

(2) And they had become unclean as human ornaments. But when they are animals' ornaments they cannot become unclean, though they retain the defilement contracted before.

(3) The appurtenance mentioned in our Mishnah.

(4) With which it is beaten.

(5) Flat wooden implements are not susceptible to defilement.

(6) Nothing must come between the object that is immersed and the water; but here the neck of the animal intervenes.

(7) Sc. the rings, halters, etc., were beaten thin, so that they fit loosely about the animal and leave room for the water to touch it on all sides.

(8) Utensils become unclean only from when they are quite finished for use; if they still require smoothing, scraping, etc., they are not liable to uncleanness, unless their owner declares his intention to use them as they are. On the other hand, having done so, it is not enough that he subsequently declares that he will not use them, in order to relieve them from their susceptibility to defilement, unless he actually begins smoothing them. Or, if the utensils are unclean, it is insufficient for their owner to state that he will not use them any more, so that they should lose the status of utensils and become clean, but must render them unfit for use by an act, e.g., break or make a hole in them.

(9) To annul the status of a utensil. Hence he can agree with R. Isaac in the explanation of the Mishnah.

(10) In this connection.

(11) Loosely joined and fitting roomily round the animal's neck, so that the water can enter.

(12) In respect to what is that drawn?

(13) Where a distinction is made between a signet ring and an ordinary one; v. infra 59a.

(14) Lit., 'this and this are one'.

(15) V. supra 52b.

(16) R. Eleazar.

(17) Probably a species of cedar-tree.

(18) Only a metal ring becomes unclean, the matter being determined by the ring itself, not the signet. This shows that a distinction is drawn also in connection with uncleanness between finger ring and finger ring.

(19) For carrying a needle with an eye in it from public or private ground or vice versa one is liable to a sin-offering but not if it has no eye.

(20) I.e., providing it is recognizable as a needle — only then is it unclean. Others: providing that the mark of the rust is perceptible when one sews with it — that is regarded as hindering the sewing and makes it clean.

(21) Like any other utensil.

(22) This shows that there is a distinction in connection with defilement between needle and needle also.

(23) I.e., if it is unfinished and a hole is still to be punched therein, it is not liable to defilement. But if it is thus finished off without an eye, e.g., as a kind of bodkin, it is a utensil and liable to uncleanness, no distinction being drawn in connection with defilement between needle and needle. In connection with Sabbath, however, even the former may be handled, for one may decide to use it in its unfinished state, e.g., as a toothpick or for removing splinters from the flesh, and so it ranks as a utensil.

(24) The cushion is to protect it from the cold.

(25) To cease giving milk.

(26) A pouch is sometimes loosely tied round the udder to prevent the milk from dripping; hence it may fall off and therefore R. Judah forbids it (v. 53a). But in the second case it is tied very tightly.

Talmud - Mas. Shabbath 53a

Samuel said: Providing it was tied thereto since the eve of the Sabbath. R. Nahman observed, Our Mishnah too proves it, as it states: An ass may not go out with its cushion if it is not tied thereto.¹ How is this meant? Shall we say that it is not tied thereto at all, — then it is obvious, lest it fall off and he come to carry it? Hence It must mean that it was not tied to it since the eve of the Sabbath, whence it follows that the first clause² means that it was tied thereto since the eve of the Sabbath. This proves it.

It was taught likewise: An ass may go out with its cushion when it was tied thereto on the eve of the Sabbath, but not with its saddle, even if tied thereto on the eve of the Sabbath. R. Simeon b. Gamaliel said: With its saddle too, if it was tied to it since the eve of the Sabbath,³ providing, however, that he does not tie its band thereto,⁴ and providing that he does not pass the strap under its tail.⁵

R. Assi b. Nathan asked R. Hiyya b. R. Ashi: May the cushion be placed on an ass on the Sabbath?⁶ It is permitted, replied he. Said he to him, Yet wherein does this differ from a saddle? He remained silent. Thereupon he refuted him:⁷ One must not move by hand the saddle upon an ass, but must lead it [the ass] up and down in the courtyard until it [the saddle] falls off of its own accord. Seeing that you say that it must not [even] be moved, can there be a question about placing it [on the ass]?⁸ — Said R. Zera to him, Leave him alone: he agrees with his teacher. For R. Hiyya b. Ashi said in Rab's name: A fodder-bag may be hung around [the neck of] an animal on the Sabbath, and how much more so [may] a cushion [be placed on its back]: for if it is permitted there for [the animal's] pleasures how much more so here, that it is [to save the animal] suffering!⁹ Samuel said: A cushion is permitted, a fodder-bag is forbidden.¹⁰ R. Hiyya b. Joseph went and related Rab's ruling before Samuel. Said he: If Abba¹¹ said thus, he knows nothing at all in matters pertaining to the Sabbath.

When R. Zera went up [to Palestine], he found R. Benjamin b. Jepheth sitting and saying in R. Johanan's name: A cushion may be placed on an ass on the Sabbath. Said he to him, 'Well spoken! and thus did Ariocho teach it in Babylon too.' Now, who is Ariocho? Samuel!¹² But Rab too ruled thus? — Rather he had heard him conclude: Yet a fodder-bag may not be hung [around the animal's neck] on the Sabbath. Thereupon he exclaimed, 'Well spoken! And thus did Ariocho teach it in Babylon.'¹³

At all events, it is generally agreed that a cushion is permitted: wherein does it differ from a saddle? — There it is different, as it may possibly fall off of its own accord.¹⁴ R. Papa said: The former¹⁵ is to warm it [the ass]; the latter¹⁶ is in order to cool it.¹⁷ Where it needs warming it suffers; but where it needs cooling it does not. And thus people say: An ass feels cold even in the summer solstice.¹⁸

An objection is raised: A horse must not be led out with a fox's tail,¹⁹ nor with a crimson strap between its eyes.²⁰ A zab must not go out with his pouch,²¹ nor goats with the pouch attached to their udders,²² nor a cow with a muzzle on its mouth,²³ nor may foals [be led out] into the streets with fodder-bags around their mouths; nor an animal with shoes on its feet, nor with an amulet, though it is proven;²⁴ and this is a greater stringency in the case of an animal than in that of a human being.²⁵ But he may go out with a bandage on a wound or with splints on a fracture; and [an animal may be led out] with the after-birth hanging down;²⁶ and the bell at the neck must be stopped up,²⁷ and it may then amble about with it in the courtyard.²⁸ At all events it is stated, nor may foals [be led out] into the street with fodder-bags around their mouths': thus only into the street is it forbidden, but in a courtyard it is well [permitted]. Now, does this not refer to large [foals], its purpose being [the animals' greater] pleasure?²⁹ — No: it refers to small ones, the purpose being [to obviate] suffering.³⁰ This may be proved too, because it is taught

(1) V. infra 54b.

(2) Sc. the present Mishnah.

(3) The saddle too affords some warmth.

(4) The band with which the saddle is fastened around the ass's belly. Rashi: lest it appear that he intends placing a burden upon it.

(5) Which is generally placed there to prevent the saddle and burden from slipping forward or backward

(6) Not to be led out with it, but to warm it.

(7) Thinking that his silence meant that no answer was necessary, the difference being too obvious.

(8) Surely not!

(9) Suffering from cold.

(10) The animal of course must be fed, but the fodder can be placed on the ground, and it is a mere luxury to hang the nose-bag around its neck.

(11) An affectionate and reverential name for Rab — 'father'. Others maintain that his name was Abba Arika, while Rab was a title — the teacher par excellence —, the equivalent of Rabbi as the title of R. Judah ha-nasi.

(12) V. Kid., Sonc. ed., p. 189 n. 11.

(13) Whereas Rab forbade it.

(14) And the owner may carry it in the street; supra.

(15) Sc. the cushion.

(16) Sc. the removing of the saddle.

(17) When it becomes overheated through its burden. But in any case an ass cools very rapidly.

(18) Tammuz is the fourth month of the Jewish year, generally corresponding to mid June-July.

(19) Rashi: it was suspended between its eyes to ward off the evil eye; cf. Sanh., Sonc. ed., _ p. 623, n. 2. Animals too were regarded as subject thereto.

(20) Suspended as an ornament.

(21) V. Supra 11b.

(22) Either to catch the milk that may ooze out, or to protect the udders from thorns, etc.

(23) It was muzzled until it came to its own fields, so that it should not browse in other peoples' land.

(24) I.e., three animals had been healed thereby. Generally speaking, Judaism is opposed to superstitious practices (v. Sanh. 65b, 66a; M. Joseph, Judaism as Creed and Life, pp. 79-81; 384); nevertheless, the Rabbis were children of their time and recognized the efficacy of such practices and took steps to regulate them.

(25) This is now assumed to refer to an amulet; a human being may wear a proven amulet; infra 61a.

(26) Not having been removed yet.

(27) With cotton, wool, etc., to prevent it from ringing, which is forbidden on the Sabbath.

(28) But not in the street, v. infra 54b.

(29) Though they can stretch their necks and eat from the ground. This contradicts Samuel.

(30) It is difficult for very young foals to eat from the ground.

Talmud - Mas. Shabbath 53b

analogous to an amulet.¹ This proves it.

The Master said: 'Nor with an amulet, though it is proven'. But we learnt: 'Nor with an amulet that is not proven'; hence if it is proven, it is permitted? — That means proven in respect of human beings but not in respect of animals. But can they be proven in respect of human beings yet not in respect of animals? — Yes: for it may help man, who is under planetary influence, but not animals, who are not under planetary influence.² If so, how is this 'a greater stringency in the case of an animal than in the case of a human being'?³ — Do you think that that refers to amulets? It refers to the shoe.⁴

Come and hear: One may anoint [a sore] and scrape [a scab] off for a human being, but not for an animal. Surely that means that there is [still] a sore, the purpose being [to obviate] pain? — No. It means that the sore has healed,⁵ the purpose being pleasure.⁶

Come and hear: If an animal has an attack of congestion. It may not be made to stand in water to be cooled; if a human being has an attack of congestion, he may be made to stand in water to be cooled?⁷ — 'Ulla answered: It is a preventive measure, on account of the crushing of [medical] ingredients.⁸ If so, the same should also apply to man? — A man may appear to be cooling himself.⁹ If so, an animal too may appear to be cooling itself? — There is no [mere] cooling for an animal,¹⁰ Now, do we enact a preventive measure in the case of animal? But it was taught: 'If it [an animal] is standing without the tehum,¹¹ one calls it and it comes',¹² and we do not forbid this lest he [thereby] come to fetch it? — Said Rabina: It means, e.g., that its tehum fell¹³ within his tehum.¹⁴ R. Nahman b. Isaac said: The crushing of ingredients itself¹⁵ is dependent on Tannaim. For it was taught: If an animal ate [an abundance of] vetch,¹⁶ one must not cause it to run about in the courtyard to be cured; but R. Josiah¹⁷ permits it.¹⁸ Raba lectured: The halachah is as R. Josiah.

The Master said: 'A zab may not go out with his pouch, nor goats with the pouch attached to their udders.' But it was taught: Goats may go out with the pouch attached to their udders? Said Rab Judah, There is no difficulty: Here it means that it is tightly fastened;¹⁹ there it is not tightly fastened. R. Joseph answered: You quote Tannaim at random!²⁰ This is a controversy of Tannaim. For we learnt: GOATS MAY BE LED OUT [WITH THEIR UDDERS] TIED UP. R. JOSE FORBIDS IN ALL THESE CASES, SAVE EWES THAT ARE COVERED. R. JUDAH SAID: GOATS MAY BE LED OUT [WITH THEIR UDDERS] TIED UP IN ORDER TO GO DRY, BUT NOT IN ORDER TO SAVE THEIR MILK.²¹ Alternatively, both are according to R. Judah: in the one case it is in order that they may go dry; in the other it is for milking.²² It was taught: R. Judah said: It once happened that goats in a household of Antioch²³ had large udders, and pouches were made for them, that their udders should not be lacerated.

Our Rabbis taught: It once happened that a man's wife died and left a child to be suckled, and he could not afford to pay a wet-nurse, whereupon a miracle was performed for him and his teats opened like the two teats of a woman and he suckled his son. R. Joseph observed, Come and see how great was this man, that such a miracle was performed on his account! Said Abaye to him, On the contrary: how lowly was this man, that the order of the Creation²⁴ was changed on his account!²⁵ Rab Judah observed, Come and see how difficult are men's wants [of being satisfied]. that the order of the Creation had to be altered for him! R. Nahman said: The proof is that miracles do [frequently] occur, whereas food is [rarely] created²⁶ miraculously.

Our Rabbis taught: It once happened that a man married a woman with a stumped hand, yet he did not perceive it in her until the day of her death. Rabbi observed: How modest this woman must have been, that her husband did not know her! Said R. Hiyya to him, For her it was natural;²⁷ but how modest was this man, that he did not scrutinize his wife!

RAMS MAY GO OUT COUPLED [LEBUBIN]. What is lebubin? R. Huna said: coupled. How is it indicated that LEBUBIN implies nearness? For it is written, Thou hast drawn me near,²⁸ my sister, my bride.²⁹ 'Ulla said: It refers to the hide which is tied over their hearts³⁰ that wolves should not attack them.³¹ Do then wolves attack rams only but not ewes? — [Yes.] because they [the rams] travel at the head of the flock. And do wolves attack the head of the flock and not the rear? — Rather [they attack rams] because they are fat. But are there no fat ones among ewes? Moreover, can they distinguish between them? — Rather it is because their noses are elevated and they march along as though looking out [for the wolf].³² R. Nahman b. Isaac said, It means the skin which is tied under their genitals, to restrain them from copulating with the females. Whence [is this interpretation derived]? Because the following clause states: AND EWES MAY GO OUT SHEHUZOTH. What is SHEHUZOTH? With their tails tied back³³ upwards, for the males to copulate with them: thus in the first clause it is that they should not copulate with the females, whilst in the second it is for the males to copulate with them. Where is it implied that SHEHUZOTH denotes exposed? In the verse, And behold, there met him a woman

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- (1) The purpose of which is not pleasure but the avoidance of sickness.
 - (2) The planetary influence was regarded as in the nature of a protecting angel; v. Sanh., Sonc. ed., p. 629, n. 10.
 - (3) For a man too may go out only with an amulet proven for humans.
 - (4) With which an animal may not be led out, though that is permitted for men.
 - (5) Lit., 'is finished'.
 - (6) To mollify the slight rawness which remains; that rawness, however, does not really cause suffering.
 - (7) On the Sabbath. This proves that in the case of an animal, even to obviate its sufferings, it is forbidden.
 - (8) This is forbidden on the Sabbath, save where life is in danger. If cooling in water is permitted, it will be thought that crushing ingredients is likewise permitted.
 - (9) Not for medical purposes.
 - (10) It is not customary to take an animal for cooling save for medical purposes.
 - (11) V. Glos.
 - (12) V. infra 151a.
 - (13) Lit., 'was swallowed up'.
 - (14) When an animal is entrusted to a cowherd, its *tehum* is that of the cowherd, i.e., it may go only where the cowherd may go. Here the owner's *tehum* stretched beyond that of the cowherd; hence he may call the animal that strayed beyond its own *tehum*, for even if he forgets himself and goes for it, he is still within his own boundaries. Nevertheless he may not actually go for it, because when one (a man or a beast) goes beyond his *tehum*, he becomes tied to that spot and may only move within a radius of four cubits from it; hence the owner must not actually lead the animal away, but may only call it. (One can extend his *tehum* by placing some food at any spot within the two thousand cubits, whereupon he may then walk a further two thousand cubits from that spot. Here the owner had extended his *tehum*, but not the cowherd).
 - (15) I.e., whether any other form of healing is forbidden as a preventive measure, lest one come to crush ingredients too.
 - (16) Which made it constipated.
 - (17) v. marginal gloss cur. edd. R. Oshaia.
 - (18) The first Tanna forbids it as a preventive against the crushing of ingredients, while R. Josiah declares this preventive measure unnecessary.
 - (19) And there is no fear of its falling off, so that the owner may carry it.
 - (20) Aliter: have you removed Tannaim from the world, v. Rashi.
 - (21) Thus this is disputed in our Mishnah, and so possibly in the Baraitas too.
 - (22) Rashi: to preserve the milk in its pouch. Ri: both are to protect the udders from being scratched by thorns, but in the one case it is desired that the goats shall go dry; then it is permitted, since it is tied very tightly; but in the other it is

desired that the goats shall remain milkers; then it is forbidden, because it is lightly tied.

(23) The capital of Syria.

(24) Lit., 'the beginning'; i.e., nature.

(25) In Ber. 20a Abaye himself regards miracles wrought for people as testifying to their greatness and merit. Rashi observes that his lowliness lay in the fact that a means of earning money was not opened to him.

(26) So Rashi.

(27) It is natural for a woman to cover herself, particularly when it is in her own interest.

(28) Heb. libabtini (E.V. Thou hast ravished my heart).

(29) Cant. IV, 9.

(30) Heb. leb, which 'Ulla takes to be the root of lebubin.

(31) Thus he translates: RAMS MAY GO OUT with their hides over their hearts. Wolves usually seize beasts at the heart (Rashi).

(32) Which rouses its ire, Var. lec.: ke-budin, like bears, i.e., proudly and fiercely. V. D.S.

(33) Heb. she'ohazin, lit., 'we catch up'

Talmud - Mas. Shabbath 54a

exposed¹ and wily of heart.²

EWES MAY GO OUT TIED [KEBULOTH]. What is KEBULOTH? — With their tails tied downwards, to restrain the males from copulating with them. How is it implied that kabul³ denotes non-productively? — Because it is written, What cities are these which thou hast given me, my brother? And he called them the land of Cabul, unto this day.⁴ What is 'the land of Cabul'? — Said R. Huna: It contained inhabitants who were smothered [mekubbolin] with silver and gold. Said Raba to him, If so, is that why it is written, and they pleased him not?⁵ because they were smothered with silver and gold they pleased him not! — Even so, he replied; being wealthy and soft-living, they would do no work. R. Nahman b. Isaac said, It was a sandy region.⁶ and why was it called Cabul? Because the leg sinks into it up to the ankle, and people designate it an ankle-bound land which produces no fruit.

[AND COVERED] KEBUNOTH. What is KEBUNOTH? — It means that they [the sheep] are covered for the sake of the fine wool.⁷ As we learnt: [The hue of] a rising is like white wool.⁸ What is white wool? — Said R. Bibi b. Abaye: Like pure wool [from a sheep] which is covered from birth⁹ in order to produce fine wool.

AND GOATS MAY BE LED OUT [WITH THEIR UDDERS] TIED UP. It was stated: Rab said: The halachah is as R. Judah; while Samuel said: The halachah is as R. Jose. Others learn this controversy independently. Rab said: If it is in order to go dry, it is permitted. but if it is for milking it is forbidden; while Samuel said: Both are forbidden. Others learn it in reference to the following: Goats may go out [with their udders] tied up in order to go dry, but not for milking. On the authority of R. Judah b. Bathyra it was said: That is the halachah; but who can vouch¹⁰ which is for going dry and which is for milking? And since we cannot distinguish [between them], both are forbidden. Said Samuel, — others say. Rab Judah said in Samuel's name: The halachah is as R. Judah b. Bathyra. When Rabin came,¹¹ he said in the name of R. Johanan: The halachah is as the first Tanna.¹²

MISHNAH. AND WHEREWITH MAY IT NOT GO OUT? A CAMEL MAY NOT GO OUT WITH A PAD [TIED TO ITS TAIL] OR 'AKUD OR RAGUL,¹³ AND SIMILARLY OTHER ANIMALS. ONE MUST NOT TIE CAMELS TOGETHER AND PULL [ONE OF THEM]. BUT HE MAY TAKE¹⁴ THE CORDS IN HIS HAND AND PULL [THEM]. PROVIDING HE DOES NOT TWINE THEM TOGETHER.

GEMARA. It was taught: A camel must not go out with a pad tied to its tail, but it may go out

with a pad tied to its tail and its hump.¹⁵ Rabbah son of R. Huna said: A camel may be led out with a pad tied to its after-birth.¹⁶

OR 'AKUD OR RAGUL. Rab Judah said: 'AKUD means the tying of hand and foot¹⁷ together, like Isaac the son of Abraham; RAGUL means that the forefoot must not be bent back on to the shoulder and tied. An objection is raised: 'Akud refers to the two forefeet or the two hindfeet [tied together]; ragul means that the forefoot must not be bent back on to the shoulder and tied? — He interprets as the following Tanna. For it was taught: 'Akud means the tying together of the forefoot and the hindfoot, or of the two forefeet or the two hindfeet; ragul means that the forefoot must not be bent back on to the shoulder and tied. Yet it is still not the same: as for the first and the last clauses, it is well; but the middle one is difficult?¹⁸ — Rather [he maintains] as the following Tanna. For it was taught: 'Akud means the tying of hand and foot, like Isaac the son of Abraham; ragul means that the forefoot must not be bent back on to the shoulder and tied.

ONE MUST NOT TIE CAMELS TOGETHER. What is the reason? — Said R. Ashi: Because it looks as if he is going to the fair.

BUT HE MAY TAKE [etc.]. R. Ashi said: This was taught only in respect to Kil'ayim.¹⁹ Kil'ayim of what? Shall we say, kil'ayim of man?²⁰ Surely we learnt: A man is permitted to plough and pull with all of them.²¹ But if it means kil'ayim of the cords,²² — surely we learnt: If one fastens [two pieces together] with one fastening,²³ it is not a connection?²⁴ — After all, it means kil'ayim of the cords, but this is its teaching: providing that he does not twine and knot [them together].²⁵

Samuel said: Providing that a handbreadth of a cord does not hang out of his hand.²⁶ But the School of R. Ishmael taught, Two handbreadths? — Said Abaye, Now that Samuel said one handbreadth, while the School of R. Ishmael taught two handbreadths, Samuel comes to inform us the halachah in actual practice.²⁷

(1) Heb. Shith zonah, which is regarded as connected with SHEHUZOTH. E.V.: With the attire of a harlot.

(2) Prov. VII, 10.

(3) Sing. masc. of kebuloth.

(4) I Kings IX, 13.

(5) Ibid. 12.

(6) Jast.: the land of Humton, a district of northern Palestine.

(7) That the wool should be of a fine, silky texture.

(8) The reference is to Lev. XIII, 2.

(9) Lit., 'its first day'.

(10) Lit., 'cast lots'.

(11) V. p. 12, n. 9

(12) In our Mishnah that both are permitted.

(13) This is explained in the Gemara.

(14) Lit., 'insert'.

(15) In the first case it can slide off (v. supra 53a top). but not in the second.

(16) The camel refrains from pulling at it, because it is painful; hence it will not fall off.

(17) In the case of an animal, the forefoot and the hindfoot.

(18) For this Tanna includes the tying together of the two forefeet or the two hindfeet in the term 'akud, whereas according to Rab Judah, who gives the analogy of Isaac, only the tying of the forefoot to the hindfoot is thus designated.

(19) V. Glos. The prohibition of twining them together cannot refer to the Sabbath.

(20) When he winds the cords round his hand, he may pull at something simultaneously with the camels; thus they act in unison, and this may be regarded as two different species working together, which is forbidden, v. Deut. XXII, 10. On this supposition the Mishnah must be translated: providing he does not wind them (round his hand).

(21) Sc. various animals, and this does not constitute kil'ayim.

(22) In case some are of wool, while others are of flax; when twined together they become kil'ayim, and as he holds them, they warm his hands, which is the equivalent of 'wearing' (v. Deut. XII, 11).

(23) I.e., if he joins two pieces of cloth, one of wool and the other of linen, with a single stitch or knot.

(24) Hence when he twines the cords together they are not kil'ayim.

(25) This is a double fastening, which renders the combination kil'ayim.

(26) For then it looks like a separate cord which he is carrying.

(27) I.e., to be on the safe side we rule one handbreadth, yet no prohibition is violated for less than two.

Talmud - Mas. Shabbath 54b

But it was taught: Providing that he lifts it a handbreadth from the ground?¹ — That was taught of the cord between.²

MISHNAH. AN ASS MAY NOT GO OUT WITH A CUSHION, WHEN IT IS NOT TIED TO IT, OR WITH A BELL, EVEN IF IT IS PLUGGED, OR WITH A LADDER[-SHAPED YOKE] AROUND ITS NECK, OR WITH A THONG AROUND ITS FOOT. FOWLS MAY NOT GO OUT WITH RIBBONS, OR WITH A STRAP ON THEIR LEGS; RAMS MAY NOT GO OUT WITH A WAGGONETTE UNDER THEIR TAILS,³ EWES MAY NOT GO OUT PROTECTED [HANUNOTH].⁴ OR A CALF WITH A GIMON,⁵ OR A COW WITH THE SKIN OF A HEDGEHOG,⁶ OR WITH THE STRAP BETWEEN ITS HORNS. R. ELEAZAR B. 'AZARIAH'S COW USED TO GO OUT WITH A THONG BETWEEN ITS HORNS, [BUT] NOT WITH THE CONSENT OF THE RABBIS.

GEMARA. What is the reason?⁷ — As we have said.⁸

OR WITH A BELL., EVEN IF IT IS PLUGGED UP. Because it looks like going to the fair.

OR WITH A LADDER [-SHAPED YOKE] AROUND ITS NECK. R. Huna said: That is a jaw bar.⁹ For what purpose is it made? For where it has a bruise, lest it chafe it afresh.¹⁰

OR WITH A STRAP ON THEIR LEGS. It is put on him [the ass] as a guard.¹¹ FOWLS MAY NOT GO OUT WITH RIBBONS. Which are put on them, for a sign, that they should not be exchanged.

OR WITH A STRAP. Which is fastened on them to restrain them from breaking utensils.¹²

RAMS MAY NOT GO OUT WITH A WAGGONETTE. [Its purpose is] that their tails may not knock [against rocks, etc.].

EWES MAY NOT GO OUT PROTECTED [HANUNOTH]. R. Aha b. 'Ulla sat before R. Hisda, and he sat and said: When it is sheared, a compress is saturated¹³ in oil and placed on its forehead that it should not catch cold. Said R. Hisda to him: If so, you treat it like Mar 'Ukba!¹⁴ But R. Papa b. Samuel sat before R. Hisda,¹⁵ and he sat and said: When she kneels for lambing two oily compresses are made for her, and one is placed on her forehead and the other on her womb, that she may be warmed. Said R. Nahman to him, If so, you would treat her like Yaltha!¹⁶ But said R. Huna, there is a certain wood in the sea towns called hanun, whereof a chip is brought and placed in her nostril to make her sneeze, so that the worms in her head should fall out. If so, the same [is required] for males? — Since the males butt each other, they fall out in any case. Simeon the Nazirite said: A chip of the juniper tree [is placed in its nostril]. As for R. Huna, it is well: hence HANUNOTH is mentioned. But according to the Rabbis, what is the meaning of HANUNOTH? — That an act of kindness is done for it.¹⁷

NOR MAY A CALF GO OUT WITH A GIMON. What is the meaning of A CALF WITH A GIMON? — Said R. Huna: A little yoke.¹⁸ Where is it implied that ‘GIMON’ connotes bending?¹⁹ In the verse, Is it to bow down his head as a rush [ke-agmon]?²⁰

NOR A COW WITH THE SKIN OF A HEDGEHOG. It is placed upon it to prevent hedgehogs²¹ from sucking it. NOR WITH THE STRAP BETWEEN ITS HORNS. On Rab's view, whether as an ornament or as a protection, it is forbidden; on Samuel's view, as an ornament it is forbidden, as a protection it is permitted.²²

R. ELEAZAR B. ‘AZARIAH'S COW. Did he have [but] one cow? Surely Rab-others state, Rab Judah in Rab's name — said: The tithes of R. Eleazar b. ‘Azariah's flocks amounted to thirteen thousand calves annually? — It was taught: This was not his,²³ but a female neighbour of his; yet since he did not protest thereat, it was designated his.²⁴

Rab and R. Hanina, R. Johanan and R. Habiba taught [the following] (In the whole of the Order Mo'ed²⁵ whenever this pair²⁶ occur some substitute R. Jonathan for R. Johanan)²⁷ Whoever can forbid his household [to commit a sin] but does not, is seized²⁸ for [the sins of] his household; [if he can forbid] his fellow citizens, he is seized for [the sins of] his fellow citizens; if the whole world, he is seized for [the sins of] the whole world. R. Papa observed, And the members of the Resh Galutha's [household]²⁹ are seized for the whole world. Even as R. Hanina said, Why is it written, The Lord will enter into judgement with the elders of his people, and the princes thereof:³⁰ if the Princes sinned,

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- (1) Implying that there is no limit to the length that may hang out of his hand.
 - (2) Between the man and the camel. If it trails nearer to the ground, it looks as though he is carrying a cord.
 - (3) This refers to a species of ram whose tail was very fat, to preserve which it was yoked to a waggonette.
 - (4) v. Gemara.
 - (5) Discussed in the Gemara.
 - (6) Tied round its udder.
 - (7) For the prohibition relating to the cushion.
 - (8) Supra 53a.
 - (9) Jast.: a bandage or bar under the jaw.
 - (10) I.e., it should let it heal.
 - (11) To prevent the legs from knocking each other.
 - (12) The two legs were tied together; hence it could not run about and cause damage.
 - (13) Lit., ‘hid’
 - (14) The head of the Beth din. — A sheep will not be treated with such care.
 - (15) Rashal reads: R. Nahman.
 - (16) His wife.
 - (17) Deriving HANUNOTH from hanan, to be gracious, kind.
 - (18) To accustom it to bend its head under the yoke when it grows up.
 - (19) V. preceding note.
 - (20) Isa. LVIII,5.
 - (21) ‘Believed to suck and injure the udders of cattle’ (Jast).
 - (22) V. supra 52a.
 - (23) Sc. the cow referred to in the Mishnah.
 - (24) Lit., ‘it was called by his name’.
 - (25) V. Introduction to this Order, in this volume.
 - (26) I.e., these four names.
 - (27) This is a parenthetic observation by the Talmud (Tosaf.).
 - (28) Just as a pledge is seized for non-payment of debt. I.e., he is punished.

(29) V. p. 217. n. 7.

(30) Is'. III, 14.

Talmud - Mas. Shabbath 55a

how did the elders sin? But say, [He will bring punishment] upon the elders because they do not forbid the princes.

Rab Judah was sitting before Samuel. [when] a woman came and cried before him,¹ but he ignored her. Said he to him, Does not the Master agree [that] 'whoso stoppeth his ears at the cry of the poor, he also shall cry, but shall not be heard'?² 'O keen scholar!'³ he replied. 'Your superior [will be punished] with cold [water]. but your superior's superior [will be punished] with hot.'⁴ Surely Mar 'Ukba, the Ab-Beth din⁵ is sitting!' For it is written, O house of David, thus saith the Lord. Execute judgement in the morning, and deliver the spoiled out of the hand of the oppressor, lest my fury go forth like fire, and burn that none can quench it, because of the evil of your doing, etc.⁶

R. Zera said to R. Simeon, Let the Master rebuke the members of the Resh Galutha's suite. They will not accept it from me, was his reply. Though they will not accept its returned he, yet you should rebuke them. For R. Aha b. R. Hanina said: Never did a favourable word⁷ go forth from the mouth of the Holy One, blessed be He, of which He retracted for evil, save the following, where it is written, And the Lord said unto him, Go through the midst of the city, through the midst of Jerusalem, and set a mark [taw] upon the foreheads of the men that sigh and that cry for all the abominations that be done in the midst thereof, etc.⁸ The Holy One, blessed be He, said to Gabriel,⁹ Go and set a taw¹⁰ of ink upon the foreheads of the righteous, that the destroying angels may have no power over them; and a taw of blood upon the foreheads of the wicked, that the destroying angels may have power over them. Said the Attribute of Justice¹¹ before the Holy One, blessed be He, 'Sovereign of the Universe! Wherein are these different from those?' 'Those are completely righteous men, while these are completely wicked,' replied He. 'Sovereign of the Universe!' it continued, 'they had the power to protest but did not.' 'It was fully known¹² to them that had they protested they would not have heeded them.'¹³ 'Sovereign of the Universe!' said he, 'If it was revealed to Thee, was it revealed to them?' Hence it is written, [Slay utterly] the old man, the young and the maiden, and little children and women; but come not near any man upon whom is the mark; and begin at my Sanctuary [mikdash]. Then they began at the elders which were before the house.¹⁴ R. Joseph recited: Read not mikdash but mekuddashay [my sanctified ones]: this refers to the people who fulfilled the Torah from alef to taw.¹⁵ And straightway, And behold, six men came from the way of the upper gate, which lieth toward the north, every man with his slaughter weapon in his hand; and one man in the midst of them clothed in linen, with a writer's inkhorn by his side. And they went in, and stood beside the brazen altar.¹⁶ Was then the brazen altar [still] in existence?¹⁷ — The Holy One, blessed be He, spake thus to them; Commence [destruction] from the place where song is uttered before Me.¹⁸ And who were the six men? — Said R. Hisda: Indignation [Kezef], Anger [Af], Wrath [Hemah], Destroyer [Mashhith] Breaker [Meshabber] and Annihilator [Mekaleh]. And why taw? — Said Rab: Taw [stands for] tihyeh [thou shalt live], taw [stands for] tamuth [thou shalt die]. Samuel said: The taw denotes, the merit of the Patriarchs is exhausted [tamah].¹⁹ R. Johanan said: The merit of the Patriarchs will confer grace [tahon].²⁰ While Resh Lakish said: Taw is the end of the seal of the Holy One, blessed be He. For R. Hanina said: The seal of the Holy One, blessed be He, is emeth [truth]. R. Samuel b. Nahmani said: It denotes the people who fulfilled the Torah from alef to taw.²¹

And since when has the merit of the Patriarchs been exhausted? — Rab said, Since the days of Hosea the son of Beeri, for it is written, [And now] will I discover her lewdness in the sight of her lovers, and none shall deliver her out of mine hand.²² Samuel said. Since the days of Hazael, for it is said, And Hazael king of Syria oppressed Israel all the days of Jehoahaz;²³ and it is written, But the

Lord was gracious unto them, and had compassion upon them, and had respect unto them, because of the covenant with Abraham, Isaac, and Jacob, and would not destroy them, neither cast he them from his presence until now.²⁴ R. Joshua b. Levi said: Since the days of Elijah, for it is said, And it came to pass at the time of the offering of the evening oblation, that Elijah the prophet came near, and said, O Lord, the God of Abraham, of Isaac, and of Israel, let it be known this day that thou art God in Israel, and that I am thy servant, and that I have done all these things at thy word.²⁵ R. Johanan said: Since the days of Hezekiah, for it is said, Of the increase of his government and of peace there shall be no end, upon the throne of David, and upon his kingdom, to establish it, and to uphold it with judgement and with righteousness for henceforth even for ever. The zeal of the Lord of hosts shall perform this.²⁶

R. Ammi said: There is no death without sin,²⁷ and there is no suffering without iniquity. There is no death without sin, for it is written, The soul that sinneth, it shall die: the son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son, the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him, etc.,²⁸ There is no suffering without iniquity, for it is written, Then will I visit their transgression with the rod, and their iniquity with stripes.²⁹

(1) About a wrong done to her.

(2) Prov. XXI, 13.

(3) Or, man of long teeth.

(4) I.e., I, your superior, will go unscathed, because there is a higher court than mine, viz., Mar 'Ukba's. which should really take the matter up.

(5) The father, i.e., the head of the Beth din.

(6) Jer. XXI, 12. From this Samuel deduced that only the head, with whom lay the real power, would be punished.

(7) Lit., 'a good attribute'.

(8) Ezek. IX, 4.

(9) Gabriel, 'man of God', is mentioned in the Book of Daniel VIII, 16-26; IX, 21-27. He was regarded as God's messenger, who executes His will on earth.

(10) The last letter of the Hebrew alphabet.

(11) Justice was often hypostasized as an independent being.

(12) Lit., 'it was revealed and known'.

(13) Lit., 'accepted (it) from them'.

(14) Ezek. IX, 6.

(15) The first and the last letters of the alphabet — as we say from Alpha to Omega'. Nevertheless they were included, because they had failed to protest. Thus the Almighty retracted from His original intention, the change being for evil.

(16) Ibid. 2.

(17) According to tradition Solomon hid it and substituted an earthen altar for it; v. I Kings VIII, 64 and Zeb. 59b.

(18) I.e., start with the Levites, who utter song to the accompaniment of musical instruments of brass.

(19) The merit of the Patriarchs, which acted as a shield for the wicked, is at an end.

(20) Samuel explains the law on the wicked; R. Johanan that on the righteous.

(21) V. n. 2.

(22) Hos. II, 12; 'and none', i.e., their merit

(23) II Kings XIII, 22.

(24) Ibid. 23. 'Until now' implies, but no longer.

(25) I Kings XVIII, 36. Here too this day implies a limitation.

(26) Isa. IX, 6. 'The zeal, etc.' implies, but not the merit of the Patriarchs, this being exhausted by now.

(27) One's sins cause his death.

(28) Ezek. XVIII, 20.

(29) Ps. LXXXIX, 33.

Talmud - Mas. Shabbath 55b

An objection is raised: The ministering angels asked the Holy One, blessed be He: 'Sovereign of the Universe! Why didst Thou impose the penalty of death upon Adam?' Said He to them, I gave him an easy command, yet he violated it.' 'But Moses and Aaron fulfilled the whole Torah,' they pursued — 'yet they died'. 'There is one event to the righteous and to the wicked; to the good, etc.,¹ He replied .² — He maintains as the following Tanna. For it was taught: R. Simeon b. Eleazar said: Moses and Aaron too died through their sin, for it is said, Because ye believed not in me[...therefore ye shall not bring this assembly into the land which I have given them]:³ hence, had ye believed in Me, your time had not yet come to depart from the world.⁴

An objection is raised: Four died through the serpent's machinations,⁵ viz., Benjamin the son of Jacob, Amram the father of Moses, Jesse the father of David, and Caleb the son of David. Now, all are known by tradition, save Jesse the father of David, in whose case the Writ gives an explicit intimation. For it is written, And Absalom set Amasa over the host instead of Joab. Now Amasa was the son of a man whose name was Ithra the Israelite, that went in to Abigail the daughter of Nahash, sister to Zeruah Joab's mother.⁶ Now, was she the daughter of Nahash? Surely she was the daughter of Jesse, for it is written, and their sisters were Zeruah and Abigail?⁷ Hence it must mean, the daughter of one who died through the machinations of the nahash [serpent].⁸ Who is [the author of this]? Shall we say, the Tanna [who taught] about the ministering angels? — Surely there were Moses and Aaron too! Hence it must surely be R. Simeon b. Eleazar, which proves that there is death without sin and suffering without iniquity. Thus the refutation of R. Ammi is [indeed] a refutation.

R. Samuel b. Nahman said in R. Jonathan's name: Whoever maintains that Reuben sinned is merely making an error, for it is said, Now the sons of Jacob were twelve,⁹ teaching that they were all equal.¹⁰ Then how do I interpret, and he lay with Bilhah his father's concubine?¹¹ This teaches that he transposed his father's couch,¹² and the Writ imputes [blame] to him as though he had lain with her. It was taught, R. Simeon b. Eleazar said: That righteous man was saved from that sin and that deed did not come to his hand.¹³ Is it possible that his seed was destined to stand on Mount Ebal and proclaim, Cursed be he that lieth with his father's wife,¹⁴ yet this sin should come to his hand? But how do I interpret, and he lay with Bilhah his father's concubine'? He resented his mother's humiliation. Said he, If my mother's sister was a rival to my mother, shall the bondmaid of my mother's sister be a rival to my mother? [Thereupon] he arose and transposed her couch. Others say, He transposed two couches, one of the Shechinah and the other of his father.¹⁵ Thus it is written, Then thou defiledst, my couch on which [the Shechinah] went up.¹⁶

This is dependent on Tannaim. Unstable [Pahaz] as water, thou shalt not excel.¹⁷ R. Eliezer interpreted: Thou wast hasty [Paztah], thou wast guilty [Habtah] thou didst disgrace [Zaltah]. R. Joshua interpreted: Thou didst overstep [Pasatah] the law, thou didst sin [Hatatha], thou didst fornicate [Zanitha]. R. Gamaliel interpreted: Thou didst meditate [Pillaltah],¹⁸ thou didst supplicate [Haltah], thy prayer shone forth [Zarhah]. Said R. Gamaliel, We still need [the interpretation of] the Modiite. R. Eleazar the Modiite¹⁹ said, Reverse the word and interpret it: Thou didst tremble [Zi'az'atha], thou didst recoil [Halitha], thy sin fled [Parhah] from thee.²⁰ Raba — others state, R. Jeremiah b. Abba interpreted: Thou didst remember [Zakarta] the penalty of the crime, thou wast [grievously] sick [Halitha],²¹ thou heldest aloof [Pirashta] from sinning.

(Mnemonic: Reuben, the sons of Eli, the sons of Samuel, David, Solomon, and Josiah.)²² R. Samuel b. Nahmani said in R. Jonathan's name: Whoever maintains that the sons of Eli sinned is merely making an error, for it is said, And the two sons of Eli, Hophni and Phinehas, priests unto the Lord, were there.²³ Now he agrees with Rab, who said, Phinehas did not sin. [Hence] Hophni is likened to Phinehas: just as Phinehas did not sin, so did Hophni not sin. Then how do I interpret, and how that they [sc. Eli's sons] lay with the women?²⁴ Because they delayed their bird-offerings²⁵ so that they did not go to their husbands,²⁶ the Writ stigmatizes them as though they had lain with them.

It was stated above, ‘Rab said, Phinehas did not sin,’ for it is said, and Ahijah, the son of Ahitub, Ichabod’s brother, the son of Phinehas, the son of Eli, the priest of the Lord, etc.²⁷ Now, is it possible that sin had come to his hand, yet the Writ states his descent? Surely It is said, The Lord will cut off to the man that doeth this, him that waketh [‘er] and him that answereth, out of the tents of Jacob, and him that offereth an offering unto the Lord of hosts:²⁸ [this means:] if an Israelite,²⁹ he shall have none awakening [i.e., teaching] among the Sages and none responding among the disciples; if a priest, he shall have no son to offer an offering? Hence it follows that Phinehas did not sin. But it is written, ‘how that they lay [etc.]’? — ‘He lay’ is written.³⁰ But it is written, Nay, my sons; for it is no good report that I hear?³¹ — Said R. Nahman b. Isaac: My son is written.³² But it is written, ye make [the Lord’s people] to transgress?³³ — Said R. Huna son of R. Joshua, It is written, he causes them to transgress.³⁴ But it is written, sons of Belial?³⁵ — Because Phinehas should have protested to Hophni but did not, the Writ regards him as though he [too] sinned.

R. Samuel b. Nahmani said in R. Jonathan’s name: Whoever maintains

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- (1) Eccl. IX, 2.
 - (2) Showing that death may come without sin.
 - (3) Num. XX, 12.
 - (4) On the view that they died sinless, this deduction is made: but had ye believed, you would have led the assembly into the land, etc. The punishment therefore was that they would not lead, not that they should die, which would have been disproportionate to their fault (Maharsha).
 - (5) I.e., because the serpent caused Adam and Eve to sin, but not on account of their own sin. — This is not to be confused with the doctrine of Original sin, which is rejected by Judaism, v. B.B., Sonc. ed., p. 86, n. 11.
 - (6) II Sam. XVII, 25.
 - (7) I Chron. II, 16. ‘Their sisters’ refers to the sons of Jesse; v. preceding verse.
 - (8) It may be observed that the Talmud calls this an explicit intimation.
 - (9) Gen. XXXV, 22.
 - (10) Lit., ‘balanced as one’ — they were all equal in righteousness.
 - (11) Ibid.
 - (12) Placing it in Leah’s tent; v. infra.
 - (13) He did not even have the opportunity.
 - (14) Deut. XXVII; 20; v. 13.
 - (15) Rashi: Jacob set a couch for the Shechinah in the tents of each of his wives, and where the Shechinah came to rest, there he spent the night.
 - (16) Gen. XLIX, 4. This translation is based on the change of person from second (defiledst) to third (went), which implies a different subject for ‘went’.
 - (17) Ibid.
 - (18) To be saved from sin.
 - (19) Of Modim, some fifteen miles north of Jerusalem.
 - (20) All treat the word Pahaz (E.V. unstable) as a mnemonic, each letter indicating a word. Thus R. Eliezer and R. Joshua maintain that he sinned, while the others hold that his nobler feelings triumphed.
 - (21) Through defying his lust.
 - (22) V. p. 149, n. 6.
 - (23) I Sam. I, 3.
 - (24) Ibid. II, 22.
 - (25) After childbirth; v. Lev. XII, 6-8.
 - (26) They had to wait in Shiloh until their birds were sacrificed.
 - (27) Ibid. XIV, 3.
 - (28) Mal. II, 12.
 - (29) I.e., not a priest.
 - (30) **יִשְׁכַּבְנִי**, defectively, and to be treated as 3rd. person singular; cf. Arabic ending in an].

(31) I Sam. II, 24.

(32) The sing. and the plural are the same in Heb. He must mean that the earlier traditional reading was my son.

(33) Ibid.

(34) [מעבירים]: M.T. has מעבירים, but in a number of places the Talmud version differs from ours. V. Tosaf and Marginal Gloss].

(35) Ibid. 12.

Talmud - Mas. Shabbath 56a

that Samuel's sons sinned is merely erring. For it is said, And it came to pass when Samuel was old... that his sons walked not in his ways:¹ thus, they [merely] walked not in his ways, yet they did not sin either. Then how do I fulfil, 'they turned aside for lucre'?² That means that they did not act like their father. For Samuel the righteous used to travel to all the places of Israel and judge them in their towns, as it is said, And he went from year to year in circuit to Beth-el, and Gilgal, and Mizpah; and he judged Israel.³ But they did not act thus, but sat in their own towns, in order to increase the fees of their beadles⁴ and scribes.⁵

This is a controversy of Tannaim: 'They turned aside for lucre': R. Meir said, [That means,] They openly demanded their portions.⁶ R. Judah said: They forced⁷ goods on private people. R. Akiba said: They took an extra basket of tithes by force. R. Jose said: They took the gifts by force.⁸

R. Samuel b. Nahmani said in R. Jonathan's name: Whoever says that David sinned is merely erring, for it is said, And David behaved himself wisely in all his ways: and the Lord was with him.⁹ Is it possible that sin came to his hand, yet the Divine Presence was with him? Then how do I interpret, Wherefore hast thou despised the word of the Lord, to do that which is evil in his sight?¹⁰ He wished to do [evil], but did not. Rab observed: Rabbi, who is descended from David, seeks to defend him, and expounds [the verse] in David's favour. [Thus:] The 'evil' [mentioned] here is unlike every other 'evil' [mentioned] elsewhere in the Torah. For of every other evil [mentioned] in the Torah it is written, 'and he did,' whereas here it is written, 'to do': [this means] that he desired to do, but did not. Thou hast smitten Uriah the Hittite with the sword:¹¹ thou shouldst have had him tried by the Sanhedrin,¹² but didst not. And hast taken his wife to be thy wife: thou hast marriage rights in her.¹³ For R. Samuel b. Nahmani said in R. Jonathan's name: Every one who went out in the wars of the house of David wrote a bill of divorcement for his wife, for it is said, and bring these ten cheeses unto the captain of their thousand, and look how thy brethren fare, and take their pledge ['arubatham].¹⁴ What is meant by 'arubatham? R. Joseph learned: The things which pledge man and woman [to one another].¹⁵ And thou hast slain him with the sword of the children of Ammon:¹¹ just as thou art not [to be] punished for the sword of the Ammonites, so art thou not [to be] punished for [the death of] Uriah the Hittite. What is the reason? He was rebellious against royal authority, saying to him, and my lord Joab, and the servants of my lord, are encamped in the open field [etc].¹⁶

Rab said: When you examine [the life of] David, you find nought but 'save only in the matter of Uriah the Hittite.'¹⁷ Abaye the Elder pointed out a contradiction in Rab['s dicta]: Did Rab say thus? Surely Rab said, David paid heed to slander? The difficulty remains.

[To revert to] the main text: 'Rab said, David paid heed to slander,' for it is written, And the king said unto him, where is he? And Ziba said unto the king, Behold, he is in the house of Machir the son of Ammiel, belo da bar [in Lo-debar].¹⁸ And it is written, Then David sent, and fetched him out of the house of Machir the son of Ammiel, millo dabar [from Lo-debar].¹⁹ Now consider: he [David] saw that he [Ziba] was a liar; then when he slandered him a second time, why did he pay heed thereto? For it is written, And the king said, And where is thy master's son? And Ziba said unto the king, Behold, he abideth at Jerusalem [: for he said, To-day shall the house of Israel restore me the kingdom of my father].²⁰ And how do we know that he accepted it [the slander] from, him? Because

it is written, Then said the king to Ziba, Behold, thine is all that pertaineth unto Mephibosheth. And Ziba said, I do obeisance; let me find favour in thy sight, my lord, O king.²¹

But Samuel maintained: David did not pay heed to slander, [for] he saw self-evident things in him,²² For it is written, And Mephibosheth the son of Saul came down to meet the king; and he had neither dressed his feet, nor trimmed his beard, nor washed his clothes, etc.²³ While it is written, And it came to pass, when he was come to Jerusalem to meet the king, that the king said unto him, Wherefore wentest thou not with me, Mephibosheth? And he answered, My Lord, O king, my servant deceived me: for thy servant said, I will saddle me an ass, that I may ride thereon, and go with the king, because thy servant is lame,

(1) I Sam. VIII, 1, 3.

(2) Ibid.

(3) Ibid. VII, 16.

(4) Who are sent to summon the litigants. On hazzan v. p. 41, n. 7.

(5) Who record the pleas, arguments, verdicts, etc.

(6) They were Levites, and personally demanded the tithes. Owing to their exalted position their demands were acceded to, while the humbler Levites might starve. But they did not actually pervert judgment. — R. Meir's interpretation may have been called forth by the troublous times before the overthrow of the Jewish state, when many High Priests abused their positions by such extortion; v. Halevi, Doroth I, 5, pp. 4 seq.

(7) They compelled people to be their business agents.

(8) Either the priestly dues, viz., the shoulder, cheeks, and maw of animals, though they were not priests; or the Levitical dues, sc. the first tithes, their sin being that they used force.

(9) Ibid. XVIII, 14.

(10) II Sam. XII, 9.

(11) II Sam. Xli, 9.

(12) The great court; v. Sanh. 2a.

(13) Lakah, the verb employed here, denotes marriage; cf. Deut. XXIV, 1.

(14) I Sam. XVII, 18.

(15) Lit., 'him and her', sc. the marriage. I.e., take away their marriage — cancel it by means of a divorce. — The divorce was conditional, in the sense that it became retrospectively valid if the husband died. Thus, since Uriah died, she was a free woman from the time he went out, and was not married when David took her.

(16) II Sam. XI, 11. Thus he disobeyed David's order to go home.

(17) I Kings XV, 5. Rashi: his only sin lay in encompassing Uriah's death, but not in taking Bathsheba (as explained above). From the context, however, it appears that Rab does not exculpate him from adultery with Bathsheba, but means that David was guilty of no other sin save that in connection with Uriah, which naturally includes his behaviour with Bathsheba. On that view Rab rejects Rabbi's exegesis (That too appears from Rab's prefacing remark: 'Rabbi who is descended, etc.').

(18) II Sam. IX, 4.

(19) Ibid. 5. Maharsha: belo dabar is translated: He (Mephibosheth son of Jonathan and grandson of Saul) has words, i.e., makes unloyal accusations against you. But David found that he was millo dabar, i.e., he had not made such accusations. Thus Ziba's charges were unfounded. This explains the Gemara that follows.

(20) Ibid. XVI, 3.

(21) Ibid. 4.

(22) Which substantiated Ziba's charges. Thus it was not a mere acceptance of slander.

(23) Ibid. XIX, 24.

Talmud - Mas. Shabbath 56b

And he hath slandered thy servant unto my lord the king; but my lord the king is as an angel of God: do therefore what is good in thine eyes. For all my father's house were but dead men before my lord the king: yet didst thou set thy servant among them that did eat at thine own table. What right

therefore have I yet that I should cry and more unto the king? And the king said unto him, Why speakest thou any more of thy matters? I say, Thou and Ziba divide the land. And Mephibosheth said unto the king, Yea, let him take all, forasmuch as my lord the king is come in peace unto his own house.¹ He said [thus] to him: I prayed,² when wilt thou return In peace? Yet thou treatest me so. Not against thee have I resentment, but against Him who restored thee in peace!³ Hence it is written, And the son of Jonathan was Meribbaal:⁴ was then his name Merib-baal? Surely it was Mephibosheth? But because he raised a quarrel [meribah] with his Master,⁵ a Heavenly Echo went forth and rebuked him, Thou man of strife, [and] the son of a man of strife! Man of strife, as we have stated. Son of a man of strife, for it is written, And Saul came to the city of Amalek, and strove in the valley.⁶ R. Manni said: [That means,] concerning the matter of the valley.⁷

Rab Judah said in Rab's name: When David said to Mephibosheth, 'Thou and Ziba divide the land,' a Heavenly Echo came forth and declared to him, Rehoboam and Jeroboam shall divide the kingdom.⁸ Rab Judah said in Rab's name: Had not David paid heed to slander, the kingdom of the House of David would not have been divided, Israel had not engaged in idolatry,⁹ and we would not have been exiled from our country.¹⁰

R. Samuel b. Nahmani said in R. Jonathan's name: Whoever maintains that Solomon sinned is merely making an error, for it is said, and his heart was not perfect with the Lord his God, as was the heart of David his father:¹¹ it was [merely] not as the heart of David his father, but neither did he sin. Then how do I interpret, For it came to pass, when Solomon was old, that his wives turned away his heart?¹² That is [to be explained] as R. Nathan. For R. Nathan opposed [two verses]: It is written, For it came to pass, when Solomon was old, that his wives turned away his heart,' whereas it is [also] written, and his heart was not perfect with the Lord his God, as was the heart of David his father, [implying that] it was [merely] not as the heart of David his father, but neither did he sin? This is its meaning: his wives turned away his heart to go after other gods, but he did not go.¹³ But it is written, Then would¹⁴ Solomon build a high place for Chemosh the abomination of Moab?¹⁵ — That means, he desired to build, but did not.¹⁶ If so, Then Joshua built [yibneh] an altar unto the Lord,¹⁷ [does this too mean,] he desired to build but did not! Hence it [surely means] that he [actually] built; so here too it means that he built? — Rather it¹⁸ is as was taught: R. Jose said, and the high places that were before Jerusalem, which were on the right hand of the mount of corruption, which Solomon the king of Israel had builded for Ashtoreth the abomination of Moab.¹⁹ Now, is it possible that Assa came and did not destroy them, then Jehoshaphat, and he did not destroy them, until Josiah came and destroyed them! But surely Assa and Jehoshaphat destroyed all the idolatrous cults in Palestine? Hence [the explanation is that] the earlier are assimilated to the later: just as the later did not do, yet it was ascribed to them, to their glory, so the earlier ones too did not do, yet it was ascribed to them, to their shame.²⁰ But it is written, And Solomon did that which was evil in the sight of the Lord?²¹ — But because he should have restrained his wives, but did not, the Writ regards him as though he sinned.

Rab Judah said in Samuel's name: Better had it been for that righteous man to be an acolyte to the unmentionable,²² only that it should not be written of him, 'and he did that which was evil in the sight of the Lord'.

Rab Judah said in Samuel's name: When Solomon married Pharaoh's daughter, she brought him a thousand musical instruments and said to him, Thus we play²³ in honour of that idol, thus in honour of that idol, yet he did not forbid her.

Rab Judah said in Samuel's name: When Solomon married Pharaoh's daughter, Gabriel descended and planted a reed in the sea, and it gathered a bank around it, on which the great city of Rome was built.²⁴ In a Baraitha it was taught: On the day that Jeroboam brought the two golden calves, one into Bethel and the other into Dan, a hut was built,²⁵ and this developed into Greek Italy.²⁶

R. Samuel b. Nahmani said in R. Jonathan's name: Whoever maintains that Josiah sinned is merely making an error, for it is said, And he did that which was right in the eyes of the Lord, and walked in all the ways of David his father.²⁷ Then how do I interpret, and like unto him there was no king before him, that returned [shab] to the Lord with all his heart etc.?²⁸ [This teaches] that he revised every judgment which he had pronounced between the ages of eight and eighteen.²⁹ You might say that he took from one and gave to another:³⁰ therefore it is taught, 'with all me'odo [his might]', [teaching] that he gave of his own.³¹ Now, he disagrees with Rab. For Rab said: There was no greater penitent than Josiah in his generation and a certain person in ours; and who is that? Abba the father of R. Jeremiah b. Abba, and some say Aha the brother of Abba the father of Jeremiah b. Abba. (For a Master said: R. Abba and Aha were brothers). R. Joseph said: And there is yet another in our generation. And who is he? 'Ukban b. Nehemiah the Resh Galutha.³² And he is 'Nathan with the ray of light.'³³ R. Joseph said: I was sitting at the session and dozing, and saw in a dream how one [an angel] stretched out his hand and received him. [

(1) II Sam. XIX, 25-30.

(2) Lit., 'said'.

(3) Thus he confirmed Ziba's accusation. For David regarded Mephibosheth's unkempt appearance too as a sign that he grieved over his return.

(4) I Chron. VIII, 34; IX, 40.

(5) Be'alaw fr. ba'al.

(6) I Sam. XV, 5.

(7) Saul argued: If the Torah decreed that a heifer should have its neck broken in the valley on account of a single murdered man (Deut. XXI, 1-9), how much greater is the sin of slaying all these Amalekites! (v. Yoma 22b). Thus he strove against God's command.

(8) This agrees with Rab's view (supra a) that David paid heed to slander and acted unjustly. Hence this punishment.

(9) The first step to idolatry was Jeroboam's setting up of the golden calves in order to maintain the independence of his kingdom (v. I Kings XII, 26 seq.).

(10) As a punishment for idolatry.

(11) I Kings XI, 4.

(12) Ibid.

(13) His wives attempted to seduce him, but failed.

(14) E.V. 'did'.

(15) I Kings XI, 7.

(16) Yibneh is imperfect, denoting uncompleted action; v. Driver's Hebrew Tenses, ch. III, 21 seq.

(17) Josh. VIII, 30.

(18) The statement that Solomon did not sin.

(19) II Kings XXIII, 13. This refers to the religious reformations of Josiah.

(20) Josiah merely removed the idols that were reintroduced after the deaths of the former two kings, but not all idols, since they had already been destroyed, yet it is all attributed to him. So Solomon too was not responsible for the building of the idolatrous high places; nevertheless, since he did not veto them, they are ascribed to him.

(21) I Kings XI, 6.

(22) Lit., 'something else' — i.e., to an idol, receiving pay for drawing water and hewing wood in its service, etc., though not believing in it.

(23) Lit., 'do'.

(24) This, of course, is an allegory. Solomon's unfaithfulness laid the seeds for the dissolution of the Jewish State.

(25) On the site of Rome.

(26) This term was particularly applied to the southern portion of Italy, called Magna Graecia, Cf. Meg. 6b in the ed. Ven. (omitted in later ed.): Greek Italy, that means the great city of Rome, v. Meg., Sonc. ed., p. 31, nn. 5-6.

(27) II Kings XXII, 2.

(28) Ibid. XXIII, 25. Shab really means that he repented, and thus implies that he first sinned.

(29) I.e., from his accession until the finding of the Book of the Law, i.e., the Torah (v. XXII, 1-8). He revised his

judgments in the light of the Torah, and shab is translated accordingly.

(30) In the course of this revision.

(31) Me'odo <me'od is translated money, wealth, in the Talmud. Cf. Sanh. 74a on Deut. VI, 5 (Sonc. ed., p. 502).

(32) V. p. 217, n. 7.

(33) Jast.: a repentant sinner with a halo; others: whom an angel seized by his forelock (accepting his repentance and bringing him to God).

Talmud - Mas. Shabbath 57a

CHAPTER VI

MISHNAH. WHEREWITH MAY A WOMAN GO OUT, AND WHEREWITH MAY SHE NOT GO OUT?¹ A WOMAN MAY NOT GO OUT WITH RIBBONS OF WOOL, LINEN RIBBONS, OR FILLETS ROUND HER HEAD;² NOR MAY SHE PERFORM RITUAL IMMERSION WHILST WEARING THEM, UNLESS SHE LOOSENS THEM. [SHE MAY NOT GO OUT] WITH FRONTLETS,³ GARLANDS [SARBITIN], IF THEY ARE NOT SEWN,⁴ OR WITH A HAIR-NET [KABUL]⁵ INTO THE STREET,⁶ OR WITH A GOLDEN CITY,⁷ OR WITH A NECKLACE [KATLA]. OR WITH EAR-RINGS, OR WITH A FINGER — RING WHICH HAS NO SIGNET, OR WITH A NEEDLE WHICH IS UNPIERCED. YET IF SHE GOES OUT WITH THESE], SHE IS NOT LIABLE TO A SIN-OFFERING.⁸

GEMARA. Who mentioned anything about ritual immersion?⁹ — Said R. Nahman b. Isaac in Rabbah b. Abbuha's name: He [the Tanna] states what is the reason. [Thus:] what is the reason that A WOMAN MAY NOT GO OUT WITH WOOL RIBBONS OR LINEN RIBBONS? Because the Sages ruled, SHE MAY NOT PERFORM RITUAL IMMERSION WHILST WEARING THEM, UNLESS SHE LOOSENS THEM. And since she may not perform ritual immersion on weekdays while wearing them, she may not go out [with them] on the Sabbath, lest she happen to need immersion by ritual law¹⁰ and she untie them, and so come to carry them four cubits in the street.

R. Kahana asked Rab: What of openwork bands?¹¹ — Said he to him, You speak of something woven:¹² whatever is woven, no prohibition was enacted [in respect thereof].¹³ It was stated likewise: R. Huna son of R. Joshua said: Whatever is woven, no prohibition was enacted [in respect thereof]. Others state, R. Huna son of R. Joshua said: I saw that my sisters are not particular about them,¹⁴ What is the difference between the latter version and the former? — There is a difference where they are soiled. On the version that no prohibition was enacted for anything that is woven, these too are woven. But according to the version which bases it on [not] being particular; since they are soiled, one does indeed object to them.¹⁵

We learnt elsewhere: And the following constitute interpositions in the case of human beings: Wool ribbons, linen ribbons, and the fillet round maidens' heads.¹⁶ R. Judah said: [Ribbons] of wool or of hair do not interpose. because the water enters through them.¹⁷ R. Huna observed: And we learnt all with reference to maidens' heads.¹⁸ R. Joseph demurred: What does this exclude? Shall we say it excludes [ribbons] of the neck, — and of what [material]? Shall we say, it excludes wool: [The question can be raised] if soft [material] on hard¹⁹ forms an interposition, is there a question of soft upon soft?²⁰ Again. if it excludes linen ribbons, [one might ask] if hard upon hard constitutes an interposition, is there a question of hard upon soft?²¹ Rather, said R. Joseph. this is R. Huna's reason, because a woman does not strangle herself.²²

Abaye refuted him: Maidens may go out with the threads through their ears,²³ but not with fillets round their necks. Now if you say that a woman will not strangle herself, why not with fillets round their necks?²⁴ — Said Rabina:

- (1) On the Sabbath. The general rule is that a woman may wear superfluous garments which are ornamental, save some which the Rabbis prohibited for fear that she might remove them for a friend's inspection and admiration, carrying them meanwhile in the street. Those which are not considered ornamental constitute a burden, and are always forbidden.
- (2) 'Her head' applies to all three. These are for tying the hair.
- (3) Ornaments worn on the forehead.
- (4) To the wig which was generally worn.
- (5) The Gemara discusses these. V. also T.A. I, 188 and note a.l.
- (6) But she may wear it in a courtyard, whereas all the others are forbidden even in a courtyard, lest she forget herself and go out into the street; v. infra 64b.
- (7) An ornament which contained a picture of Jerusalem.
- (8) Because all these are ornaments, hence only Rabbinically prohibited; v. n. I .
- (9) The reference to immersion is apparently irrelevant.
- (10) I.e., if the first evening, when she is permitted to take a ritual bath after menstruation to enable her to cohabit with her husband, falls on the Sabbath.
- (11) Chains or cords formed in network fashion. These cannot be tied very tightly; hence the question is whether they need be loosened before a ritual bath and by corollary, must not be worn on the Sabbath, or not.
- (12) I.e., a network.
- (13) In connection with Sabbath, since they need not be removed for immersion.
- (14) To remove them before bathing. This shows that they know that the water enters through the network. Consequently it is unnecessary to remove them before a ritual bath, and they may be worn on the Sabbath.
- (15) And is particular to remove them.
- (16) When one takes a ritual bath, nothing must interpose between the water and his body. If one of these is worn it does interpose, rendering the bath invalid.
- (17) And reaches the skin.
- (18) I.e., the wool and linen ribbons also mean those that are used for tying the hair.
- (19) Sc. the hair, which is hard in comparison with the skin of the neck.
- (20) Surely not, for it is more clinging, making it more difficult for the water to enter.
- (21) Linen ribbon is regarded as hard in comparison with wool.
- (22) Though ribbons cling more closely to flesh than to hair when tied with equal strength, they are always worn more loosely around the neck, for the reason stated.
- (23) They are inserted there after the ear is pierced for ear-rings to prevent the hole from closing up.
- (24) For they need not be removed before a ritual bath, being loose; v. p. 267. n. 5.

Talmud - Mas. Shabbath 57b

The reference here is to a broad band¹ which a woman ties very tightly,² as she is pleased to have a fleshy appearance.³

'R. Judah said: [Ribbons] of wool or of hair do not interpose, because the water enters through them.' R. Joseph said in the name of Rab Judah in Samuel's name: The halachah is as R. Judah in respect of ribbons of hair. Said Abaye to him: 'The halachah [is thus]' implies that they differ thereon?⁴ And should you say, Had he not known the first Tanna to treat of ribbons of hair [too], he would not have treated thereof either: but perhaps he argued with them from analogy:⁵ just as you agree with me in the matter of ribbons of hair, so should you agree with me in respect of wool ribbons? It was stated: R. Nahman said in Samuel's name: The Sages agree with R. Judah in respect to ribbons of hair. It was taught likewise: Ribbons of wool interpose; ribbons of hair do not interpose. R. Judah maintained: [Ribbons] of wool or of hair do not interpose. R. Nahman b. Isaac said: Our Mishnah too proves this. For it teaches: A woman may go out with ribbons of hair, whether of her own [hair] or of her companion's.⁶ Who is the authority [for this]? Shall we say. R. Judah — even ribbons of wool too [are permitted]? Hence it must surely be the Rabbis, which proves that they do not disagree in respect of ribbons of hair. This proves it.

[SHE MAY] NOT [GO OUT] WITH FRONTLETS [TOTEFETH]. What is TOTEFETH? — Said R. Joseph: A charm containing balsam.⁷ Said Abaye to him: Let it be [regarded] as an approved amulet, and hence permitted? Rather said Rab Judah on Abaye's authority: It is an ornament of beads.⁸ It was taught likewise: A woman may go out with a gilded hair-net,⁹ a totefeth, and with sarbitin that are fastened to her. What is totefeth and what is sarbitin? — Said R. Abbahu: A totefeth encompasses her [head] from ear to ear; sarbitin reach to her cheeks. R. Huna said: poor women make them of various dyed materials; wealthy women make them of gold and silver.

NOR WITH A HAIR-NET [KABUL]. R. Jannai said: I do not know what is this [kabul]: whether we learnt of a slave's chain, but a wool hair-net¹⁰ is permitted; or perhaps we learnt of a wool hair-net and how much more so a slave's neckchain?¹¹ Said R. Abbahu: Reason supports the view that we learnt of a wool hair-net. And it was taught likewise: A woman may go out into a courtyard with a kabul and a clasp [istema].¹² R. Simeon b. Eleazar said: [She may go out] with a kabul into the street too. R. Simeon b. Eleazar stated a general rule: Whatever is [worn] beneath the net, one may go out therewith: whatever is [worn] above the net, one may not go out with it.¹³

What is istema? — Said R. Abbahu: Bizyune. What is bizyune? Said Abaye in Rab's name: That which imprisons the flying [locks].¹⁴ Our Rabbis taught: Three things were said of an istema: It is not subject to [the interdict of] kil'ayim.¹⁵ it is not defiled by leprosy,¹⁶ and one may not go out with it into the street. On the authority of R. Simeon it was said: It is also not subject to [the interdict against]

(1) Rashi.

(2) Lit., 'chokes or strangles herself'.

(3) In eastern countries that constitutes beauty. Being broad, the band does not injure her.

(4) But the first Tanna says nothing about this!

(5) Lit., 'he said to them, "just as".'

(6) V. infra 64b.

(7) Rashi: to ward off the evil eye.

(8) Jast.: obsidian beads.

(9) For if she removes it, her hair is uncovered; hence she is unlikely to remove it.

(10) Or wig.

(11) The term Kabul bears both meanings.

(12) To keep the hair in order under the net or wig.

(13) Thus he refers to the kabul as something above the hair band. Hence it can only mean the hair-net.

(14) I.e., a clasp or buckle.

(15) V. Glos. This may contain diverse materials. Rashi: because it is not spun; Riba: because it is hard, in which case the Rabbis did not impose a prohibition.

(16) I.e., if leprosy breaks out in the istema. The reason is that it is not technically a garment.

Talmud - Mas. Shabbath 58a

bridal crowns.¹

But Samuel maintained: We learnt of a slave's neck-chain. Now, did Samuel say thus? Surely Samuel said: A slave may go out with a seal round his neck,² but not with a seal on his garments? There is no difficulty: in the one case [the reference is] where his master set it upon him; in the other where he set it upon himself.³ How have you explained this latter [dictum] of Samuel? that his master set it upon him! Then why [may he] not [go out] with the seal on his garment? — Lest it break off, and he be afraid and fold it [the garment] and put it over his shoulder.⁴ This is as R. Isaac b. Joseph, who said in R. Johanan's name: If one goes out on the Sabbath with a folded garment slung over his shoulder, he incurs a sin-offering. And [this is] as Samuel said to R. Hinena b. Shila:

No scholar of the house of the Resh Galutha⁵ may go out with a cloak bearing a seal, except you, because the house of the Resh Galutha is not particular about you.⁶

It was stated above: ‘Samuel said: A slave may go out with a seal around his neck, but not with the seal on his garments.’ It was taught likewise: A slave may go out with a seal around his neck, but not with the seal on his garments. But the following contradicts this: A slave may not go out with the seal around his neck, nor with the seal on his garments; and neither are susceptible to defilement.⁷ [He may] not [go out] with the bell around his neck, but he may go out with the bell on his garments, and both are susceptible to defilement.⁸ An animal may not go out with a seal around its neck nor with a seal on its covering, nor with the bell on its covering nor with the bell around its neck,⁹ and none of these are susceptible to defilement.¹⁰ Shall we say that in the one case his master had set it upon him, while in the other he had set it upon himself?¹¹ — No. In both cases his master had set it upon him, but one refers to a metal [seal] while the other refers to a clay [seal].¹² And [this is] as R. Nahman said in Rabbah b. Abbuha's name: That about which the master is particular,¹³ one [a slave] may not go out with it; that about which the master is not particular, one may go out with it. Reason too supports this, since it is stated: ‘none of these are susceptible to defilement’. Now, if you say [that the reference is to] metal [seals], it is well; [hence] only these are not susceptible to defilement, but their utensils¹⁴ are. But if you say that we learnt of clay [seals], [it might be asked] are only these not susceptible to defilement, whereas their utensils¹⁵ are? Surely it was taught: Utensils of stone, dung, or earth do not contract uncleanness either by Biblical or by Rabbinical law.¹⁶ Hence it follows that the reference is to metal [seals]. This proves it.

The Master said: ‘[He may] not [go out] with the bell around his neck, but he may go out with the bell on his garment.’ Why not with the bell around his neck; [presumably] ‘lest it snap off and he come to carry it: then also in the case of the bell on his garment let us fear that it may snap off and he come to carry it? — The reference here is to one that was woven [sewn] into it. And [this is] in agreement with R. Huna the son of R. Joshua, who said: Concerning whatever is woven they enacted no prohibition.¹⁷

The Master said: ‘An animal may not go out with a seal around its neck, with a seal on its covering, nor with a bell around its neck nor with a bell on its coat, and none of these are susceptible to defilement.’ Now, does not an animal's bell contract uncleanness? But the following contradicts it: An animal's bell is unclean,¹⁸

(1) The wearing of bridal crowns was forbidden as a sign of mourning for the destruction of the Temple; v. Sot. 49a.

(2) This is the slave's neck-chain.

(3) In the former case he fears to remove it; hence he may wear it. But he is not afraid to remove it in the latter case, and possibly will.

(4) He may fold the garment to hide the absence of the signet, fearing that his master may accuse him of having purposely removed it in order to pass as a free man.

(5) V. p. 217. n. 7.

(6) From this it appears that some scholars wore a badge to indicate that they belonged to the retinue of the exilarch, and were possibly in the position of his clients. He was also evidently very particular about this, so that if the seal fell off one might fold up the garment to hide its absence.

(7) Because they are neither ornaments nor useful utensils, but merely badges of shame.

(8) These are ornamental.

(9) v. supra 54b for the reason.

(10) They are not ornamental for the animal.

(11) V. p. 270, n. 6.

(12) It is shown below that this must refer to a metal seal; hence even if his master set it upon him he may not go out with it, for should it accidentally snap off the slave would be afraid to leave it in the street on account of its value, but would bring it home, which is forbidden. But the value of a clay seal is negligible, whilst if his master set it upon him he

is certainly afraid to remove it; hence he may go out with it. Consequently, the prohibition in the Mishnah, which treats of a clay seal, must refer to one that he set upon himself.

(13) On account of its value.

(14) I.e., the general appointments of an animal, its accoutrement and equipment, which rank as utensils.

(15) Of clay.

(16) Lit., 'the words of the scribes; v. Kid., Sonc. ed., p. 79, n. 7. These clay seals were not glazed or

(17) I.e., if something is woven into a garment, it may be worn on the Sabbath without fear of its falling off. V. supra 57b.

(18) I.e., liable to uncleanness.

Talmud - Mas. Shabbath 58b

but a door bell is clean.¹ A door [bell] appointed for an animal[‘s use] is unclean; an animal [bell] appointed for [fixing] to a door, even if attached to the door and fastened with nails, is unclean; for all utensils enter upon their uncleanness by intention, but are relieved from their uncleanness only by a change-effecting act?² — There is no difficulty: in the one case [the reference is] where it has a clapper: in the other where it has no clapper.³ What will you: if it is a utensil, then even if it has no clapper [it is unclean]; if it is not a utensil, does the clapper make it one? Yes, as R. Samuel b. Nahmani said in R. Johanan's name, Viz.: How do we know that a metal object which causes sound is unclean?⁴ Because it is said, Everything [dabar] that may abide the

burnt in a kiln, to be regarded as pottery, which can be defiled. Thus there is no point in teaching that they are free thereof, for no utensil of similar make is susceptible. fire, ye shall make go through the fire.⁵ even speech [dibbur — i.e., sound] must pass through the fire.⁶

How have you interpreted it? as referring to [a bell] without a clapper! Then consider the middle clause: 'Nor with a bell around his neck, but he may go out with a bell on his garments, and both can contract uncleanness.' But if it has no clapper, can it become defiled? Surely the following contradicts this: If one makes bells for the mortar,⁷ for a cradle,⁸ for the mantles of Scrolls,⁹ or for children's mantles, then if they have a clapper, they are unclean; if they have no clapper,¹⁰ they are clean. If their clappers are removed,¹¹ they still retain their uncleanness.¹² — That is only in the case of a child, where its purpose is [to produce] sound.¹³ But in the case of an adult, it is an ornament for him even without a clapper.

The Master said: 'If their clappers are removed, they still retain their uncleanness.' What are they fit for?¹⁴ Said Abaye: [They are still utensils,] because an unskilled person can put it back. Raba objected: A bell and its clapper are [counted as] connected.¹⁵ And should you answer, This is its meaning: Even when they are not connected, they are [counted as] connected,¹⁶ — surely it was taught: A shears of separate blades¹⁷ and the cutter of a [carpenter's] plane are [counted as] connected in respect of uncleanness, but not in respect of sprinkling. Now we objected, What will you: if they are [counted as] connected, [they should be so] even in respect of sprinkling too; [if they count] not as connected, they should not [be so] even in respect of defilement either? And Rabbah answered: By Scriptural law, when in use they are [counted as] connected in respect of both defilement and sprinkling; when not in use, they are [counted as] connected in respect of neither defilement nor sprinkling. But they [the Rabbis] enacted a preventive measure in respect of defilement when they are not in use on account of defilement when they are in use; and in respect of sprinkling, when they are in use, on account of when they are not in use!¹⁸ Rather said Raba,

(1) The door being part of the house, it is not a utensil, and hence cannot become unclean; the bell, in turn, is part of the door.

(2) V. p. 238, n. 9. Here too the bells were left unchanged.

(3) If it has a clapper it is susceptible to defilement as a utensil.

- (4) I.e., it ranks as a utensil.
- (5) Num. XXXI, 23.
- (6) In order to cleanse it, which shows that it is liable to defilement. This connects *dabar* (E.V. thing) with *dibbur*, speech, i.e., a sound-producing object is a utensil.
- (7) In which the spices are pounded for use as frankincense in the Temple. Sound was thought to add to the efficacy of crushing; v. Ker. 6b.
- (8) To amuse the baby or lull it to sleep.
- (9) Of the Torah. It was customary to adorn these with bells.
- (10) From the very outset.
- (11) After the bells were defiled.
- (12) Because they do not lose the status of utensils and become as broken utensils through the removal of the clapper.
- (13) Hence without a clapper its purpose is not fulfilled, and it is not a utensil.
- (14) That they are not regarded as broken utensils.
- (15) And rank as a single utensil, so that if once becomes unclean the other is too. (This is, of course, when they are together.) Similarly, if one is besprinkled (v. Num. XIX, 18f), the other becomes clean. This shows that when they are separated, each is but a fragment of a utensil, though an unskilled person can replace it, and should therefore be clean.
- (16) Exactly as the sense in Abaye's explanation.
- (17) Lit., 'joints'.
- (18) For notes v. supra 48b and 49a. Now, obviously this must all refer to where the parts are joined, since we compare these utensils when not in use to same when in use. Hence it is implied that when not actually together they do not become defiled even by Rabbinical law, because each is regarded as a fragment, though all unskilled person can join them.

Talmud - Mas. Shabbath 59a

[The reason is] because they¹ are fit for beating on an earthen utensil.² It was stated likewise: R. Jose son of R. Hanina said: [The reason is] because they are fit for beating on an earthen utensil. R. Johanan said: Because they are fit for giving a child a drink of water therein.

Now, does not R. Johanan require [that it shall be fit for] a usage of its original nature?³ Surely it was taught: And everything whereon he sitteth [shall be unclean];⁴ I might think that if he [the zab] overturns a *se'ah*⁵ and sits upon it, or a *tarkab*⁶ and sits upon it, it is unclean: hence it is stated, 'whereon he sitteth', teaching, [only] that which is appointed for sitting, excluding this, where we say to him, 'Get up, that we may do our business!'⁷ R. Eleazar said: In cases of *midras*⁸ we say. 'Get up, that we may do our business'; but we do not say in the case of the defilement of the dead, 'Get up, that we may do our business!'⁹ But R. Johanan maintained: In the case of defilement through the dead too we say. 'Get up, that we may do our business!'¹⁰ — Reverse the former.¹¹ But what [reason] do you see to reverse the former; reverse the latter?¹² — Because we know R. Johanan to require [fitness for] usage of its original nature For we learnt an animal's shoe, [if] of metal, is unclean.¹³ For what is it fit? — Rab said: It is fit for drinking water therein in battle.¹⁴ R. Hanina said: It is fit for anointing oneself with oil from, it in battle.¹⁵ R. Johanan said: When one is fleeing from the field of battle, he places this [shoe] on his [own] feet and runs over briars and thorns.¹⁶ Wherein do Rab and R. Johanan differ? — Where it is repulsive.¹⁷ R. Johanan and R. Hanina differ where it is [too] heavy.¹⁸ NOR WITH A GOLDEN CITY, what is meant by, WITH A GOLDEN CITY? — Rabbah b. Bar Hanah said in R. Johanan's name: A golden Jerusalem.¹⁹

(1) The bells that had their clappers removed.

(2) Then they produce a bell-like sound just as when they have a clapper. Hence It is a utensil like before, and so remains unclean. But when the parts of a shears or of a plane are separated, they cannot be used at all.

(3) Where a utensil is damaged or divided, does not R. Johanan hold that in order to remain unclean or susceptible to defilement it must still be fit for the same usage as before, it being insufficient that it shall merely be fit for some purpose?

- (4) Lev. XV, 6. The reference is to a zab, q.v. Glos.
- (5) A measure of capacity. V. Glos.
- (6) Half a se'ah.
- (7) I.e., the zab would be told that the measure is needed for its main purpose; hence it is not unclean. This shows that as a general principle every article is regarded from the point of view of its original and primary function.
- (8) Lit., 'treading'. The uncleanness caused by a zab's treading, leaning against, or weighing down upon an article, even if he does not actually touch it with his body. This includes sitting.
- (9) I.e., in respect of an article's defilement through a corpse, or by a person who was himself defiled by a corpse, we do not say that in order to become unclean or remain unclean it shall be fit for its main purpose, but even if one has to say to the person using it, 'Get up, that we may do our business' it is still subject to the laws of uncleanness.
- (10) Thus he insists that it shall be fit for its original function. Rashi maintains that this can refer only to a utensil which is broken or divided after becoming defiled; it does not remain unclean unless fit for a usage of its original nature. R. Han. holds that it refers to its defilement from the very outset.
- (11) Transpose the reasons given by R. Jose b. Hanina and R. Johanan.
- (12) Transpose the views of R. Johanan and R. Eleazar.
- (13) I.e., liable to become unclean.
- (14) On a field of battle where no other utensils may be available, one can take up water in the cavity of the shoe into which the animal's foot fits.
- (15) This is a necessary part of one's toilet in the hot eastern countries; v. T.A., I, 229-233. The shoe might serve as an improvised oil pot.
- (16) Thus R. Johanan justifies its uncleanness only because it is still fit for a usage of the original nature.
- (17) For drinking. Hence, on Rab's view it is not subject to defilement, but on R. Hanina's it is. Rab disregards its possible use as an oil container, holding that soldiers dispense with oil on a field of battle.
- (18) For running. According to R. Hanina it is nevertheless susceptible to defilement, but not according to R. Johanan.
- (19) An ornament with the picture or the engraving of Jerusalem; v. T.A., I, p. 662, n. 961.

Talmud - Mas. Shabbath 59b

such as R. Akiba made for his wife.¹

Our Rabbis taught: A woman must not go out with a golden city, and if she does, she incurs a sin-offering: this is R. Meir's view. The Sages maintain: She may not go out [therewith], but if she does, she is not liable. R. Eliezer ruled: A woman may go out with a golden city at the very outset. Wherein do they differ? — R. Meir holds that it is a burden; while the Rabbis hold that it is an ornament, [and it is forbidden only] lest she remove it to show [to a friend], and thus come to carry it [in the street];² but R. Eliezer reasons: Whose practice is it to go out with a golden city? [That of] a woman of rank; and such will not remove it for display.

As for a coronet,³ Rab forbids it;⁴ Samuel permits it. Where it is made of cast metal, all agree that it is forbidden;⁵ they differ about an embroidered stuff:⁶ one Master holds that the cast metal [sewn on to it] is the chief part;⁷ while the other Master holds that the embroidered stuff is the chief part.⁸ R. Ashi learnt it in the direction of leniency. As for an embroidered stuff, all agree that it is permitted. They differ only about what is made of cast metal: one Master holds [that it is forbidden] lest she remove it in order to show, and [thus] come to carry it; while the other Master holds: Whose practice is it to go out with a coronet? That of a woman of rank; and such will not remove it for display.

R. Samuel b. Bar Hanah said to R. Joseph: You explicitly told us in Rab's name that a coronet is permitted.⁹

Rab was told: A great, tall, and lame man has come to Nehardea, and has lectured: A coronet is permitted. Said he: Who is a great tall man who is lame? Levi. This proves that R. Afes is dead¹⁰ and

R. Hanina [now] sits at the head [of the Academy], so that Levi has none for a companion,¹¹ and therefore he has come hither.¹² But perhaps R. Hanina had died, R. Afes remaining as before, and since Levi [now] had no companion he had come hither? — Had R. Hanina died, Levi would indeed have subordinated himself to R. Afes.¹³ Moreover, it could not be that R. Hanina should not rule.¹⁴ For when Rabbi was dying he ordered, ‘Let Hanina son of R. Hama sit at the head.’ And of the righteous men it is written, Thou shalt also decree a thing, and it shall be established unto thee.¹⁵

Levi lectured in Nehardea: A coronet is permitted; [whereupon] there went forth twenty-four coronets from the whole of Nehardea. Rabbah b. Abbuha lectured in Mahoza:¹⁶ A coronet is permitted: [whereupon] there went forth eighteen coronets from a single alley.¹⁷ Rab Judah said in the name of R. Samuel:¹⁸ A girdle [kamra] is permitted.¹⁹ Some say, That means of embroidered stuff,²⁰ and R. Safra said: It may be compared to a robe shot through with gold.²¹ Others say, It means of cast metal; whereon R. Safra observed: It may be compared to a royal girdle.²² Rabina asked R. Ashi: What about wearing a kamra over a [plain] girdle [HEMYANA]? — You ask about two girdles! he replied.²³ R. Ashi said: As for a piece of a garment, if it has fringes, it is permitted;²⁴ if not, it is forbidden.

NOR WITH A KATLA. What is a KATLA? — A trinket holder.²⁵

NEZAMIM. [That is] ear-rings.

NOR WITH A FINGER-RING THAT HAS NO SIGNET. This [implies that] if it has a signet, she is liable;²⁶ hence it proves that it is not an ornament. But the following contradicts this: Women's ornaments are unclean.²⁷ And these are women's ornaments: Necklaces, ear-rings and finger-rings, and a finger-ring, whether it has a signet or has no signet, and nose-rings? — Said R. Zera, There is no difficulty: one agrees with R. Nehemiah; the other with the Rabbis. For it was taught: If it [the ring] is of metal and its signet is of coral, it is unclean; if it is of coral while the signet is of metal, it is clean.²⁸ But R. Nehemiah declares it unclean. For R. Nehemiah maintained: In the case of a ring, follow its signet; in the case of a yoke, go by its carved ends;²⁹ [

(1) V. Ned. 50a.

(2) Thus it is only Rabbinically forbidden, and involves no sacrifice.

(3) A wreath or chaplet worn on the forehead. Some were entirely of gold or silver; others of silk shot through with gold or silver.

(4) To be worn by a woman in the street on the Sabbath.

(5) This being very costly, a woman is more likely to remove it to show to her friends.

(6) I.e., where the chaplet or coronet is of a stuff with gold or silver embroidery, which would contain pieces of cast metal too.

(7) And therefore a woman may be tempted to remove and show it.

(8) And that is not worth showing. The translation follows what seems to be Rashi's interpretation. Jast.: they differ in respect of what is made of beaten, wrought metal, opp. to cast metal. One Master holds that what is made of cast metal is original (or perhaps, reading **מִיָּקָר**, v. MS.M., more precious), while the other holds the reverse.

(9) Hence R. Ashi's version must be correct, for on the other version there is no case where Rab permits it.

(10) Lit., ‘his soul has gone to rest’.

(11) Lit., ‘to be by his side’. On R. Afes' accession as head of the Academy R. Hanina, who would not recognize him as his superior, pursued his studies outside, where he was joined by Levi; v. Keth. 103b.

(12) Levi being in no way inferior to R. Hanina, he could not accept him as a head, and so he has come hither. Zuri, I. S. Toledoth, First Series, Bk. 2 pp. 137-139 observes that Levi was probably born in Babylon, whither he was now returning to resettle.

(13) Who was his senior.

(14) As head of the academy. Lit., ‘there is no way or path that R. Hanina’ etc.: i.e., it is impossible.

(15) Job XXII, 28.

- (16) The famous town on the Tigris where Raba had his great academy; v. Obermeyer, pp. 161-186,
- (17) V. I. S. Zuri, op. cit., Part I, Bk. 3, pp. 19-27 on the significance of numbers. He maintains that eighteen is often used symbolically to denote a large number. — Mahoza was a very wealthy town, owing to its central position and the great caravan and shipping trade that passed through it; this is reflected in the present statement. Obermeyer, p. 173.
- (18) Var. lec.: Mar Judah in the name of R. Shesheth, v. D.S.
- (19) Kamra was a costly girdle, made either of solid gold or of cloth adorned with gold and precious stones (Rashi).
- (20) V. p. 276, n. 7.
- (21) There is no fear of either being removed.
- (22) Which was likewise made of beaten gold. Rashi: all Israel are princes, and worthy to wear such belts.
- (23) Rashi: That is certainly forbidden, for one is superfluous and a burden. Rashi quotes another interpretation to the effect that it is permitted, but prefers the first.
- (24) For by their means it can be firmly tied to the wearer, so that it will not fall off and necessitate its being carried in the street.
- (25) A band or necklace on which beads, trinkets, etc., are suspended.
- (26) The deduction is from the end of the Mishnah.
- (27) I.e., susceptible to defilement.
- (28) V. supra 52b for notes.
- (29) Jast. Rashi: Two rods fitted into the yoke the breadth of an ox's shoulder apart. Jast.: if they are broken off, the yoke ceases to be susceptible to defilement. Rashi: if they are of metal, the yoke is susceptible to defilement. The yoke itself is a straight piece of wood, and wood utensils are not subject to uncleanness unless they possess a cavity which, e.g., can hold water.

Talmud - Mas. Shabbath 60a

in the case of a rack,¹ go after its nails;² in the case of a ladder, go after its rungs; in the case of a weighing machine, go after its chains.³ But the Sages maintain: Everything depends on the support.⁴

Raba said: It is taught disjunctively:⁵ if it has a signet, it is a man's ornament; if it has no signet, it is a woman's ornament. R. Nahman b. Isaac answered: Do you oppose uncleanness to the Sabbath!⁶ [In respect to] uncleanness, the Divine Law said, utensils [fit] for work,⁷ and this [a signet ring] is a utensil. But the Sabbath [interdiction] was imposed by the Divine Law on account of the burden: if it has no signet, it is an ornament; if it has a signet, it is a burden.

NOR WITH A NEEDLE WHICH IS UNPIERCED. What is it fit for?⁸ — Said R. Joseph: Since a woman tidies⁹ her hair with it [it is therefore ornamental]. Said Abaye objected: Let it be as a garter, which is clean, and hence permitted?¹⁰ But R. Adda of Naresh¹¹ interpreted it before R. Joseph: Since a woman parts her hair with it, [it is ornamental]. What is it fit for on the Sabbath?¹² — Said Raba: It has a golden plaque at the end thereof:¹³ on weekdays she parts her hair therewith, [while] on the Sabbath she lets it lie against her forehead.¹⁴

MISHNAH. A MAN MAY NOT GO OUT WITH A NAIL-STUDDED SANDAL, NOR WITH A SINGLE [SANDAL]. IF HE HAS NO WOUND ON HIS FOOT;¹⁵ NOR WITH TEFILLIN, NOR WITH AN AMULET, IF IT IS NOT FROM AN EXPERT, NOR WITH A COAT OF MAIL [SHIRYON], NOR WITH A CASQUE [KASDA], NOR WITH GREAVES [MEGAFAYYIM]. YET IF HE GOES OUT, HE DOES NOT INCUR A SIN-OFFERING.¹⁶

GEMARA. A NAIL-STUDDED SANDAL: What is the reason? — Said Samuel: It was at the end of the period of persecution.¹⁷ and they [some fugitives] were hiding in a cave. They proclaimed, 'He who would enter, let him enter,¹⁸ but he who would go out, let him not go out.'¹⁹ Now, the sandal of one of them became reversed, so that they thought that one of them had gone out and been seen by the enemies, who would now fall upon them. Thereupon they pressed against each other,²⁰ and they killed of each other more than their enemies slew of them. R. Ila'i b. Eleazar said: They

were stationed in a cave when they heard a sound [proceeding] from above the cave. Thinking that the enemy was coming upon them, they pressed against each other and slew amongst themselves more than the enemy had slain of them. Rami b. Ezekiel said: They were stationed in a Synagogue, when they heard a sound from behind the synagogue. Thinking that the enemy was coming upon them, they pressed against each other and slew amongst themselves more than the enemy had slain of them. In that hour it was enacted: A man must not go out with a nail-studded sandal.²¹ If so, it should be forbidden on weekdays too? — The incident happened on the Sabbath.²² Then let it be permitted on Festivals! Why did we learn:

- (1) Placed outside a shop and fitted with nails and hooks for exhibiting goods.
- (2) If they are of metal, the whole is susceptible to uncleanness.
- (3) The machine itself was of wood.
- (4) E.g., the ladder depends on its frame, not on the rungs, etc. — Hence, according to R. Nehemiah the signet is the chief part of the ring, and since a signet is not ornamental, a sin-offering is incurred. But the Rabbis hold that the ring itself is the chief part, and that is an ornament.
- (5) Lit., 'to (separate) sides'. The clause 'and a ring whether it has a signet etc.' is not included in the definition of 'women's ornaments'.
- (6) He likewise treats the clause 'and a ring etc.' as independent of the preceding but as referring to the general laws of uncleanness.
- (7) Num. XXXI. 51; i.e., which have a definite function.
- (8) How can it be regarded as an ornament? V. p. 266, n. 1.
- (9) Lit., 'gathers up': if some wisps of hair stray out from under her wig, they are wound about this needle or bodkin and pushed back (Rashi). Tosaf.: the needle is thrust through the wig to keep the hair in order and prevent it from straying out. 'Aruch reads: ogedeth, she fastens.
- (10) V. infra 63a. So here too, since the bodkin is required to keep the hair in order, and uncovered hair is considered disgraceful (v. Sanh. 58b), a woman will certainly not remove it for display.
- (11) Identical with Nahras or Nahr-sar, on the canal of the same name, which was a tributary falling into the Euphrates on its eastern bank; Obermeyer, pp. 307 seq.
- (12) When parting the hair is forbidden.
- (13) One end was needle-like while the other was flattened and broadened into a plaque.
- (14) She thrusts the needle end into her wig, letting the other end come over her forehead as an ornament.
- (15) Either because he may be suspected of carrying the other sandal under his garments (T.J.), or because he may evoke ridicule, which will cause him to remove and carry it. But when one foot is wounded, there is no fear of this. V. Rashi.
- (16) Because these are garments in war, hence do not rank as burdens.
- (17) So Jast. Rashi: There were fugitives from persecution. [The reference is generally held to be to the Syrian persecutions under Antiochus Epiphanes; v. Berliner, Hoffmann Magazin XX, p. 123].
- (18) As he could see beforehand whether the enemies' spies were on the watch.
- (19) For fear of spies, lest their whereabouts be disclosed.
- (20) Panic stricken, in order to flee.
- (21) According to Samuel, because this had led them astray. According to R. Ila'i b. Eleazar and Rami b. Ezekiel, because the carnage had been wrought by their nail-studded sandals.
- (22) The interdict was felt to be in memory of the disaster rather than through actual fear of its repetition, and therefore confined to the Sabbath.

Talmud - Mas. Shabbath 60b

But one may not [send] a nail-studded sandal or an unsewn shoe [on Festivals]?¹ — What is the reason of the Sabbath?² Because there is a gathering [of people]. So on Festivals too there is a gathering. But there is a gathering on a public fast day:³ let it be forbidden [then too]? — The incident happened on a day of assembly when there is an interdict [against work]; but here it is [a day of] assembly when it is permitted [to work]. And even according to R. Hanina b. Akiba who maintained, They enacted a prohibition only in respect of the Jordan and a ship, just as the incident

that occurred:⁴ that applies only to the Jordan, which differs from other rivers;⁵ but Festivals and the Sabbath are alike, for we learnt: There is no difference between Festivals and the Sabbath save in respect of food consumption.⁶ Rab Judah said in Samuel's name: They learnt this only [where the nails are] to strengthen [the sandal], but where they are ornamental, it is permitted.⁷ And how many [nails] constitute an ornament? — R. Johanan said: Five on each; R. Hanina maintained: Seven on each⁸ and one on [each of] the straps; according to R. Hanina, there are three on each side⁹ and one in the strapping.

An objection is raised: For an inclining sandal¹⁰ one inserts seven [nails]; this is R. Nathan's view. But Rabbi permits thirteen.¹¹ As for R. Hanina, It Is well: he rules as R. Nathan. But whose view does R. Johanan state? — He rules as R. Nehorai. For it was taught, R. Nehorai said: Five are permitted, but seven are forbidden. Efah said to Rabbah b. Bar Hanah: You, as disciples of R. Johanan, should act as R. Johanan; but we will act as R. Hanina.

R. Huna asked R. Ashi: What of five [nails]? — Even seven are permitted, he answered him. What of nine? Even eight are forbidden, was his reply. A certain shoe-maker asked R. Ammi: What if it is sewn from within?¹² It is permitted, replied he, but I do not know what is the reason.¹³ Said R. Ashi, And does not the Master know what is the reason?¹⁴ Since it was sewn from within, it becomes a shoe:¹⁵ the Rabbis enacted a decree in respect to a sandal, but in respect of a shoe they did not enact any decree.

R. Abba b. Zabda asked R. Abba b. Abina: What if he arranged them [the nails] zigzag-shape?¹⁶ — It is permitted, he answered him. It was stated likewise: R. Jose b. R. Hanina said: If they are arranged zigzag-shape, it is permitted.

R. Shesheth said: If the whole of it [the sole] is covered with nails [underneath] so that the ground should not wear it away. it is permitted. It was taught in accordance with R. Shesheth, A man may not go out wearing a nail-studded sandal, nor may he stroll [in it] from house to house,¹⁷ and even from bed to bed. But it may be handled in order to cover a utensil or support the legs of a bed therewith;¹⁸ but R. Eleazar b. R. Simeon forbids this.¹⁹ If most of its nails are fallen out, but four or five are left, it is permitted; while Rabbi permits it up to seven. If one covers it with leather underneath and drives nails into it on top, it is permitted.²⁰ If one arranges them [the nails] zigzag-fashion,²¹ or flattens [them] out, or points [them],²² or covers the whole of it with nails so that the ground should not wear it out, it is permitted. Now, this is self-contradictory: You say, if most of the nails are fallen out, [implying], even if many are left [it may be worn]; then it is taught, only four or five, but not more? — Said R. Shesheth, There is no difficulty: in the one case they are scooped out; in the other they are pulled out.²³

‘[If] four or five [are left], it is permitted.’ Seeing that it is permitted [with] five, need four be stated? — Said R. Hisda: [It means] four in a small sandal and five in a large sandal.

‘While Rabbi permits it up to seven.’ But it was taught: Rabbi permits it up to thirteen? An inclining [sandal] is different.²⁴ Now that you have arrived at this [distinction], on R. Johanan's view too there is no difficulty: an inclining [sandal] is different.²⁵

R. Mattenah — others state, R. Ahadboi b. Mattenah in R. Mattenah's name — said: The halachah is not as R. Eleazar son of R. Simeon. But that is obvious: [where] one disagrees with many, the halachah is as the majority? — You might argue, R. Eleazar son of R. Simeon's view is logical here;²⁶ hence we are informed [that we do not follow him].

R. Hiyya said: But that I would be dubbed a Babylonian who permits forbidden things,²⁷ I would permit more. And how many, — In Pumbeditha they say, Twenty-four; in Sura, twenty-two. R.

Nahman b. Isaac said: And your sign [to remember this is]: by the time he [R. Hiyya] travelled from Pumbeditha to Sura²⁸ two [nails] were missing [from his sandals].

NOR WITH A SINGLE [SANDAL]. IF HE HAS NO WOUND [or, BRUISE] ON HIS FOOT.

(1) V. Bez. 14b. These may not be sent because they cannot be used for the Festival. — A sandal (סנדל) consists only of a sole and straps, while a shoe (מנעל) has uppers in addition, Levi, Worterbuch, s.v. סנדל.

(2) Why was it forbidden then?

(3) V. Ta'an. 15a.

(4) V. Hag. 23a. It once happened that the purification water (v. Num. XIX, 9 Seq.) was carried in a boat over the Jordan, when a portion of a corpse was found in the bottom of the boat, whereby the water itself was defiled. The Rabbis maintain that it was then enacted that the water of lustration must not be carried over any river, whether in a boat or over a bridge. But R. Hanina disputes this, as quoted. It might therefore be thought that in the matter under discussion he maintains that there was no prohibition in respect to Festivals.

(5) In breadth, depth, current, etc.

(6) Lit., 'food for a person', which may be prepared on Festivals (Ex. XII, 16) but not on the Sabbath.

(7) To go out wearing the sandal on the Sabbath. Nails are normally put in to strengthen the sandal, and such must have been worn on the occasion of the tragedy; hence the decree was only in respect of same.

(8) But if there are more, their purpose is to strengthen, not ornamental.

(9) Of the sandal, one at the heel and the other at the toe.

(10) The sole of which is thicker at one side than at the other. It is leveled by nails inserted at the thin end.

(11) These too are ornamental, not for strength. But if there are more, the sandal may not be worn on the Sabbath, as above.

(12) Rashi. i.e., a leather shoe was placed inside a sandal and sewn thereto.

(13) He had heard this ruling, but did not know why.

(14) [MS.M. omits 'but I do not know' and 'does not the Master ... reason'. This reading is preferable as R. Ashi and R. Ammi were not contemporaries].

(15) A sandal (סנדל) is merely a sole, while a shoe (מנעל) has uppers too.

(16) Kalbus is a tongs or pinchers, which presumably opened X-wise.

(17) Probably from room to room in the same house, where each room has a separate occupant.

(18) Because it ranks as a utensil; v. Supra 46a, p. 211.

(19) Lest he put it on.

(20) Because the sandal is not exactly similar to that which caused the disaster.

(21) Bah deletes this.

(22) These refer to the tops of the nails (Rashi).

(23) If they are levelled down, leaving marks of nails on the sole, then even if more than four or five are left it is permissible, since the sandal was obviously not made like this originally. But if they are clean pulled out, leaving no mark on the wood of the sole, the sandal may appear to have been originally manufactured thus, and therefore not more than five are permitted. Others reverse the translation, but the sense remains the same.

(24) All are necessary to level it up, and none are for strength.

(25) V. supra.

(26) V. p. 283, n. 4.

(27) He was a Babylonian who went to study in Palestine; Suk. 20a. This may indicate that the Palestinians on the whole were stricter.

(28) On his way to Palestine.

Talmud - Mas. Shabbath 61a

Hence if he has a wound on his foot, he may go out. With which of them does he go out?¹ — R. Huna said: With that [worn on the foot] which has the wound. This proves that he holds that the purpose of the sandal is [to save him] pain. Hiyya b. Rab said: With that [worn] where there is no wound. This proves that he holds that it is employed as a luxury, while this [foot] that has a wound,

its wound is evidence for it.² Now, R. Johanan too holds as R. Huna. For R. Johanan said to R. Shamen b. Abba: Give me my sandals. When he gave him the right one, he [R. Johanan] observed, You treat it as though it had a wound.³ [No]. Perhaps he agrees with Hiyya b. Rab, and he meant thus: You treat the left [foot] as though it had a wound? Now, R. Johanan [here] follows his general view. For R. Johanan said: Like tefillin, so are shoes: just as tefillin [are donned] on the left [hand], so are shoes [put on] the left [foot first]. An objection is raised: When one puts on his shoes, he must put on the right first and then the left? — Said R. Joseph: Now that it was taught thus, while R. Johanan said the reverse, he who acts in either way acts [well].⁴ Said Abaye to him: But perhaps R. Johanan did not hear this Baraitha, but if he had heard it, he would have retracted? Or perhaps he heard it and held that the halachah is not as that Mishnah?⁵ R. Nahman b. Isaac said: A God-fearing person satisfies both views. And who is that? Mar, the son of Rabina. What did he do? He put on the right foot [sandal] but did not tie it. Then he put on the left, tied it, and then tied the right [sandal]. R. Ashi said: I saw that R. Kahana was not particular.

Our Rabbis taught: When one puts on his shoes, he must put on the right first and then the left; when he removes [them], he must remove the left [first] and then the right.⁶ When one washes, he must [first] wash the right [hand, foot] and then the left. When one anoints [himself] with oil,⁷ he must anoint the right and then the left. But one who desires to anoint his whole body must anoint his head first, because it is the king of all the limbs.⁸

NOR WITH TEFILLIN. R. Safra said: Do not think that this is [only] according to the view that the Sabbath is not a time for tefillin; but even on the view that the Sabbath is a time for tefillin,⁹ one must not go out [with them], lest he come to carry them [four cubits] in the street.¹⁰ Others learn this in reference to the last clause: YET IF HE GOES OUT, HE DOES NOT INCUR A SIN OFFERING: Said R. Safra: Do not think that this is [only] according to the view that the Sabbath is a time for tefillin; but even on the view that the Sabbath is not a time for tefillin, he is [nevertheless] not liable to a sin-offering. What is the reason? He treats it as a garment.¹¹

NOR WITH AN AMULET, IF IT IS NOT FROM AN EXPERT. R. Papa said: Do not think that both the man [issuing it] and the amulet must be approved; but as long as the man is approved, even if the amulet is not approved.¹² This may be proved too for it is stated, NOR WITH AN AMULET, IF IT IS NOT FROM AN EXPERT; but it is not stated, if it is not approved.¹³ This proves it.

Our Rabbis taught: What is an approved amulet? One that has healed [once], a second time and a third time; whether it is an amulet in writing or an amulet of roots, whether it is for an invalid whose life is endangered or for an invalid whose life is not endangered. [It is permitted] not [only] for a person who has [already] had an epileptic fit, but even [merely] to ward it off.¹⁴ And one may tie and untie it even in the street, providing that he does not secure it

(1) Wearing the sandal on which foot?

(2) For the sandal is obviously being worn merely as a luxury, and no one will suspect him of carrying the other (v. p. 280, n. 4) which he is not wearing, because he cannot put it on on account of the wound.

(3) R. Johanan holds that the left sandal must be put on first (infra). Hence if he put on the right, the other foot would have to be left unshod, and people would think that his right foot was wounded. Thus he holds with R. Huna that the sandal is donned on the wounded foot as a protection.

(4) [It is left to each individual to decide for himself whether to assign pride of place to the right or left side each enjoys in some respects distinction over the other. V. Tosaf.].

(5) It is really a Baraitha, not a Mishnah.

(6) The right half of the body being stronger, more honour must be shown to it. Removing the left first is likewise a mark of honour to the right, for the right shoe remains longer on the foot.

(7) V. p. 275, n. 8.

(8) I.e., the most important.

(9) V. 'Er. 95b.

(10) In his hand, in case of need.

(11) By donning it in the usual manner.

(12) It may be worn on the Sabbath.

(13) Heb. mumheh describes both the practitioner who issues it and the charm itself. The Mishnah, however, refers only to the former.

(14) Even if the wearer has not actually suffered but fears an attack of epilepsy.

Talmud - Mas. Shabbath 61b

with a ring or a bracelet and go out therewith into the street, for appearances sake.¹ But it was taught: What is an approved amulet? One that has healed three men simultaneously?² — There is no difficulty: the one is to approve the man; the other is to approve the amulet.³ R. Papa said: It is obvious to me that if three amulets⁴ [are successful for] three people, each [being efficacious] three times,⁵ both the practitioner⁶ and the amulets are [henceforth] approved. If three amulets [are successful for] three people, each [being efficacious] once, the practitioner is [henceforth] approved, but not the amulets. If one amulet [is efficacious] for three men, the amulet is approved but not the practitioner. [But] R. Papa propounded: What if three amulets [are efficacious] for one person?⁷ The amulets are certainly not rendered approved: but does the practitioner become approved or not? Do we say, Surely, he has healed him! Or perhaps, it is this man's fate⁸ to be susceptible to writings?⁹ The question stands over.

The scholars propounded: Have amulets sanctity or not? In respect of what law? Shall we say, in respect of saving them from a fire?¹⁰ Then come and hear: Benedictions¹¹ and amulets, though they contain the [divine] letters and many passages from the Torah, may not be saved from a fire, but are burnt where they are. Again, in respect of hiding,¹² — Come and hear: If it [the Divine Name] was written on the handles of utensils or on the legs of a bed,¹³ it must be cut out and hidden.¹⁴ Rather [the problem is] what about entering a privy with them? Have they sanctity, and it is forbidden; or perhaps they have no sanctity, and it is permitted? — Come and hear: NOR WITH AN AMULET, IF IT IS NOT FROM AN EXPERT. This [implies that] if it is from an expert, one may go out [with it]; now if you say that amulets possess sanctity, it may happen that one needs a privy, and so come to carry it four cubits in the street?¹⁵ The reference here is to an amulet of roots.¹⁶ But it was taught. Both a written amulet and an amulet of roots? — The reference here is to an invalid whose life is endangered.¹⁷ But it was taught: 'Both an invalid whose life is endangered and one whose life is not endangered'? — Rather [this is the reply]: since it heals even when he holds it in his hand, it is well.¹⁸

(1) If secured with a ring or a bracelet it looks like being worn as an ornament, which it is not, and it would be forbidden to wear it as such.

(2) 'Simultaneously' is absent from Rashi's version, but present in cur. edd. and Tosaf., which explains that it refers to three amulets (presumably of exactly the same pattern) worn by three men. Whereas by the previous definition it is sufficient if it has healed three times, even the same person.

(3) In order that the practitioner may rank as an expert, he must have healed three different men with three different amulets; these three men would be suffering from three diverse maladies, and the amulets likewise would be different, i.e., contain different charms. Whatever amulet he subsequently issues is approved. The second Baraita must now accordingly be translated thus: What is an amulet of an approved person? (An amulet issued by) one who has healed three persons. But the first Baraita refers to the approving of the amulet itself; once it has healed three times, whether the same person or three different persons suffering from the same complaint, it is now approved for all men. Or, the same charm can now be written by any man, and it is approved.

(4) Each with a different charm and all written or prepared by the same man.

(5) Even for the same person.

(6) Who prepared them.

- (7) V. p. 286, n. 7.
- (8) Lit., 'planetary destiny', v. infra 156a, h.
- (9) Sc. written amulets. But the practitioner might not be successful for another.
- (10) That if a fire breaks out in a house, it shall be permitted to carry these into a courtyard which is not formally joined to the house by means of an 'erub (v. Glos.). Nothing may be taken out of a house into this courtyard, except sacred writings, to save them from fire; infra 115a.
- (11) In writing.
- (12) When sacred writings are worn out and not fit for use, they may not be thrown away or burnt, but must be 'hidden', i.e., buried; Meg. 26b.
- (13) For magical purposes; v. A. Marmorstein in MGWJ. (1928), pp. 391 seq.
- (14) Thus whatever contains the Divine Name must be treated as sacred in this respect.
- (15) He may have to remove it in order to deposit it somewhere and carry it thither.
- (16) This certainly does not possess sanctity, since the Divine Name is not there.
- (17) If the amulet is removed. He may take it into a privy even if it possesses sanctity.
- (18) Permitted as a kind of cure. For even if one does carry it in the street in his hands, it is not a culpable act.

Talmud - Mas. Shabbath 62a

But it was taught: R. Oshaia said: Providing one does not hold it in his hand and carry it four cubits in the street? But the reference here is to [an amulet that is] covered with leather.¹ But tefillin are leather-covered,² yet it was taught: When one enters a privy, he must remove his tefillin at a distance of four cubits and then enter? There it is on account of the [letter] shin, for Abaye said: The shin of tefillin is a halachah of Moses at Sinai.³ Abaye also said: The dalet of tefillin is a halachah of Moses at Sinai. Abaye also said: The yod of tefillin is a halachah of Moses at Sinai.⁴

NOR WITH A SHIRYON, NOR WITH A KASDA, NOR WITH MEGAFAYYIM. SHIRYON is a coat of mail. KASDA, — Rab said: It is a polished metal helmet.⁵ MEGAFAYYIM, — Rab said: These are greaves. MISHNAH. A WOMAN MAY NOT GO OUT WITH A NEEDLE THAT IS PIERCED, NOR WITH A RING BEARING A SIGNET, NOR WITH A KOKLIAR,⁶ NOR WITH A KOBELETH,⁷ NOR WITH A BALSAM PHIAL; AND IF SHE DOES GO OUT, SHE IS LIABLE TO A SIN-OFFERING; THIS IS R. MEIR'S VIEW.⁸ BUT THE SAGES RULE THAT SHE IS NOT CULPABLE IN THE CASE OF A KOBELETH AND A BALSAM PHIAL.

GEMARA. 'Ulla said: And it is the reverse in the case of a man.⁹ Thus we see that 'Ulla holds that whatever is fit for a man is not fit for a woman, and whatever is fit for a woman is not fit for a man.¹⁰ R. Joseph objected: Shepherds may go out [on the Sabbath] with sackcloths;¹¹ and not only of shepherds did they [the Sages] say [thus], but of all men, but that it is the practice of shepherds to go out with sacks.¹² Rather said R. Joseph. 'Ulla holds that women are a separate [independent] people.

Abaye put an objection to him: If one finds tefillin,¹³ he must bring them in¹⁴ pair by pair;¹⁵ [this applies to] both a man and a woman. Now if you say that women are a separate people, surely it is¹⁶ a positive command limited in time, and from all such women are exempt?¹⁷ — There R. Meir holds that night is a time for tefillin, and the Sabbath [too] is a time for tefillin: thus it is a positive precept not limited by time, and all such are incumbent upon women. But it is carrying out in a 'backhanded' manner?¹⁸ — Said R. Jeremiah: The reference is to a woman who is a charity overseer.¹⁹ Raba said [to him]: You have answered the case of a woman; but what can be said of a man?²⁰ Said Raba, [This is the answer:] Sometimes a man gives a signet-ring to his wife to take it to a chest, and she places it on her hand²¹ until she comes to the chest. And sometimes a woman gives a non-signet ring to her husband to take it to an artisan to be repaired, and he places it on his hand until he comes to the artisan.²²

NOR WITH A KOKLIAR, NOR WITH A KOBELETH. What is a KOKLIAR? — Said Rab: A brooch.²³ KOBELETH? — Said Rab: A charm [bead] containing phyllon; and thus did R. Assi explain it : A charm containing phyllon.

Our Rabbis taught: She may not go out with a kobelet, and if she does, she incurs a sin-offering, this is R. Meir's view; while the Sages maintain: She may not go out, but if she does, she is not culpable. R. Eliezer ruled: A woman may go out with a kobelet at the very outset. Wherein do they differ? R. Meir holds that it is a burden. Whereas the Rabbis hold that it is an ornament, and [she hence may not wear it at the outset] lest she remove it for display, and so come to carry it. But R. Eliezer argues: Whose practice is it to wear this? A woman with an unpleasant odour;²⁴ and such a woman will not remove it for display, and so will not come to carry it four cubits in the street. But it was taught: R. Eliezer declares [her] non culpable on account of a kobelet and a flask of spikenard oil?²⁵ — There is no difficulty: the one [ruling] is in reference to R. Meir; the other, in reference to the Rabbis. [Thus:] when referring to R. Meir, who maintained that she is liable to a sin-offering, he [R. Eliezer] said to him that she is not culpable. When treating of the Rabbis who maintained that there is no culpability, yet it is forbidden, he ruled that it is permitted at the outset.

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- (1) Or, skin. This may be taken into a privy.
- (2) I.e., the strips of parchment bearing the Biblical passages are encased in leather capsules.
- (3) V. supra 28b, p. 123. n. 7. Thus part of the Divine Name itself is uncovered; therefore one may not enter a privy with it.
- (4) The strap of the head-phyllactery is knotted at the back of the head in the shape of a dalet (ד); that of the hand-phyllactery forms a noose and is knotted near the capsule in the shape of a yod (י). Cf. Heilprin. Seder ha-Doroth, I, p. 208 ed. Maskileison. Warsaw, 1897. Thus the three together make up the word ידדו Almighty. Tosaf., however, s.v. ידדו, deletes Abaye's last two statements on the dalet and yod.
- (5) Jast. Rashi: a leather helmet worn under the metal helmet.
- (6) A pin of the shape of a cochlea, which is a part of the inner ear.
- (7) 'Aruch reads: kokeleth, a perfume charm.
- (8) He regards these as burdens, not ornaments.
- (9) This refers to a ring. If it bears a signet he is not culpable; if not, he is.
- (10) So that what is an ornament for one is a burden for the other.
- (11) As a protection from the rain.
- (12) This shows that even when people are not in the habit of wearing it, yet since it is an ornament for one it is the same for the other.
- (13) In the street on the Sabbath.
- (14) To a safe place, where they will not be exposed to misuse.
- (15) I.e., he dons one pair on the hand and the head as they are usually worn, and walks with them as with an ordinary article of attire to his destination; then he returns and does the same with the second pair, and so on. This is R. Meir's view: Erub. 96b.
- (16) The precept of donning tefillin.
- (17) V. Kid. 29a. The difficulty is based on the assumption that tefillin are not to be worn on the Sabbath, nor at night. Since women are exempt, and at the same time they rank as a separate people, tefillin can surely not be accounted for them an article of attire?
- (18) V. p. 188, n. 2. This raises a difficulty on the Mishnah. Why is a woman culpable for going out wearing a signet ring, seeing that this is not the usual manner of carrying out an object? [Liability is incurred only when the work done is performed in the usual manner.]
- (19) Lit., 'treasurer'. She impresses the seal of her signet ring upon her orders for charity disbursements. Thus she usually wears the ring on her finger, and that is her way of carrying it out into the street. Yet since women do not generally wear such rings, this cannot be regarded as an ornament. — It is interesting to observe a woman occupying this position.
- (20) 'Ulla states that a man is culpable for wearing a non-signet ring; but that too is a backhanded manner?
- (21) I.e., on her finger.
- (22) Thus in both cases this becomes the usual manner of carriage. Hence the reference in the Mishnah is to any woman, not particularly a treasurer.
- (23) V. note on Mishnah.
- (24) Which the kobelet counteracts.
- (25) This implies that they may nevertheless not be worn.

Talmud - Mas. Shabbath 62b

And what is [this reference to] R. Meir?¹ - As it was taught: A woman may not go out with a key in her hand, and if she does, she incurs a sin-offering; this is R. Meir's view. R. Eliezer holds her non-culpable in the case of a kobelet and a flask of spikenard oil. Who mentioned a kobelet?² — There is a lacuna, and it was thus taught: And she may likewise not go out with a kobelet or a flask of spikenard oil; and if she does, she incurs a sin-offering: this is R. Meir's view. R. Eliezer holds her non-culpable in the case of a kobelet and a flask of spikenard oil. When is that said? When they contain perfume;³ but if they do not contain perfume, she is culpable.⁴ R. Adda b. Ahabah said: This implies that if one carries out less than the statutory quantity of food in a utensil, he is culpable. For

when it [the flask] does not contain perfume, it is analogous to less than the statutory quantity [of food carried out] in a utensil, and yet it is taught that she is culpable.⁵ R. Ashi said: In general I may hold that there is no liability, but here it is different, because there is nothing concrete at all.⁶ And anoint themselves with the chief ointments:⁷ Rab Judah said in Samuel's name: This refers to spikenard oil. R. Joseph objected: R. Judah b. Baba forbade spikenard oil too, but they [the Sages] did not agree with him.⁸ Now if you say [that the prophet's objection] is on account of its being a luxury,⁹ why did they not agree with him? Said Abaye to him, Then on your view, when it is written, that drink in bowls of [mizreke] wine,¹⁰ [which] R. Ammi and R. Assi — one interpreted it [as meaning] kenishkanim,¹¹ while the other said, It means that they threw [mezarkim] their goblets to each other¹² — is that too forbidden? Surely Rabbah son of R. Huna visited the house of the Resh Galutha,¹³ who drank from a kenishkanim, yet he said nothing to him!¹⁴ But whatever provides both enjoyment and rejoicings, the Rabbis forbade; but that which is a luxury but not associated with rejoicing, the Rabbis did not forbid.

That lie upon beds of ivory, and stretch themselves [seruhim] upon their couches.¹⁵ R. Jose son of R. Hanina said: This refers to people who urinate before their beds naked.¹⁶ R. Abbahu derided this: If so, is that why it is written: Therefore shall they now go captive with the first that go captive:¹⁷ because they urinate before their beds naked they shall go captive with the first that go captive! Rather said R. Abbahu: This refers to people who eat and drink together, join their couches, exchange their wives, and make their couches foul [maserihim] with semen that is not theirs.

R. Abbahu⁷ said — others say, In a Baraita it was taught: Three things bring man to poverty. viz., urinating in front of one's bed naked, treating the washing of the hands with disrespect,¹⁸ and being cursed by one's wife in his presence. 'Urinating in front of one's bed naked': Raba said, This was said only when his face is turned to the bed: but if it is turned in the opposite direction, we have nought against it. And even when his face is turned to the bed, this was said only when it is on to the ground;¹⁹ but if it is into a vessel, we have nought against it. 'And the treating of the washing of the hands with disrespect': Raba said, This was said only when one does not wash his hands at all; but if he washes them inadequately,²⁰ we have nought against it. (But this is not so, for R. Hisda said: I washed with full handfuls of water and was granted full handfuls of prosperity).²¹ 'And being cursed by one's wife in his presence': Said Raba: [That is when she curses him] on account of her adornments.²² But that is only when he has the means but does not provide them.²³

Raba son of R. Ilai lectured: What is meant by, Moreover the Lord said, Because the daughters of Zion are haughty?²⁴ That means that they walked with haughty bearing.²⁵ And walk with outstretched necks²⁶ — they walked heel by toe.²⁷ And wanton [mesakrothh] eyes:²⁸ they filled their eyes with stibium and beckoned.²⁹ Walking and mincing: they walked, a tall woman by the side of a short one. And making a tinkling [te'akasnah] with their feet: R. Isaac of the School of R. Ammi said: This teaches that they placed myrrh and balsam in their shoes and walked through the market-places of Jerusalem, and on coming near to the young men of Israel, they kicked their feet and spurted it on them, thus instilling them with passionate desire like with serpent's poison.³⁰

And what is their punishment? — As Rabbah b. 'Ulla lectured: And it shall come to pass, that instead of sweet spices [bosem] there shall be rotteness:³¹ the place where they perfumed themselves [mithbasmoth] shall be decaying sores. And instead of a girdle a rope [nikpeh]: the place where they were girded with a girdle shall become full of bruises [nekafim]. And instead of well-set hair baldness: the place where they adorned themselves shall be filled with bald patches. And instead of a stomacher [pethigil] a girding of sackcloth: the openings that lead to [sensual] joy³² shall be for a girding of sackcloth. Branding [ki] instead of beauty: Said Raba, Thus men say, Ulcers instead of beauty.

Therefore the Lord will smite with a scab [wesipah] the crown of the head of the daughters of

Zion.³³ R. Jose son of R. Hanina said: This teaches that leprosy broke out in them: here is written wesipah; whilst elsewhere it is written, [This is the law for all manner of plagues of leprosy ...] and for a rising and for a scab [sapahath].³⁴ And the Lord will lay bare [ye'areh] their secret parts.³⁵ Rab and Samuel — one maintained: This means that they were poured out like a cruse,³⁶ while the other said: Their openings became like a forest.

Rab Judah said in Rab's name: The men of Jerusalem were vulgar. One would say to his neighbour, On what did you dine to-day: on well-kneaded bread or on bread that is not well kneaded,³⁷ on white wine³⁸ or

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- (1) Where is R. Meir's view found without that of the Rabbis that R. Eliezer should refer exclusively to his ruling?
 - (2) R. Eliezer's ruling does not bear upon R. Meir's statement.
 - (3) Then they are ornaments.
 - (4) Because they are burdens.
 - (5) V. 76b; also 93b for an opposing view. Liability is incurred for carrying out any quantity of perfume, no matter how little. Now even a flask without any perfume at all contains its fragrance: this fragrance may be regarded as less than the minimum quantity of food which imposes liability, and R. Eliezer rules that when it is together with the utensil it does involve culpability. — The opposing view on 93b is that the utensil is merely subordinate in purpose to the food, and since the food does not impose liability, the utensil does not either.
 - (6) Mere fragrance is not a concrete object; hence the utensil cannot be subordinate to it, but is an independent article, for which liability is incurred. But even a very small quantity of food may render the utensil subordinate to it.
 - (7) Amos VI, 6.
 - (8) This was during the Hadrianic persecutions, when luxuries were proscribed.
 - (9) The people, by setting their minds on such things, disregarded the essentials, viz., the teachings of the prophets.
 - (10) Ibid.
 - (11) A cup with spouts, enabling several persons to drink from it; v. T.A. II, pp. 280 and 64 1 (n. 237).
 - (12) Both derive *mizreke* from *zarak*, to throw, the first holds that the wine was 'thrown', i.e., passed from one spout to the other. — Thus the prophet criticizes this too as an unnecessary luxury.
 - (13) V. p. 217. n. 7.
 - (14) In reproof.
 - (15) Ibid. 4.
 - (16) Translating *seruhim* that act indecently.
 - (17) Ibid. 7.
 - (18) Eating without washing the hands.
 - (19) Their floors were of earth.
 - (20) Lit., 'he washes and does not wash', — i.e., he uses the barest minimum.
 - (21) Lit., 'goodness'. This shows that water must be used generously.
 - (22) Because he refuses them.
 - (23) Cf. this with Raba's statement *supra* 32b, 33a.
 - (24) Isa. III, 16.
 - (25) Lit., 'erect stature'.
 - (26) Ibid.
 - (27) I.e., with short mincing steps. One who walks with outstretched neck must take short steps, because he cannot see his feet (Rashi).
 - (28) Ibid.
 - (29) To the men.
 - (30) Reading 'akus (serpent) and connecting *te'akasnah* with it by a play on words.
 - (31) Ibid. 24.
 - (32) Reading *pethigil* as an abbreviation for *pethahim* (openings) of *gilah* (joy).
 - (33) Isa. III, 17.
 - (34) Lev. XIV, 56.
 - (35) Isa. III, 17.

(36) I.e., they discharged an abundance of matter. Ye'areh (E. V. lay bare) is translated, will empty; cf. Gen. XXIV, 20: and She emptied (wate'ar) her pitcher.

(37) The whole is a vulgar metaphor for the satisfaction of one's lust.

(38) Gurdeli fr. garad, to scrape, means scraper, a nickname for an inferior white wine.

Talmud - Mas. Shabbath 63a

on dark [i.e., mustard-coloured] wine; on a broad couch or on a narrow couch; with a good companion or with a poor companion? R. Hisda observed: And all these are in reference to immorality.

Rahabah said in R. Judah's name: The [fuel] logs of Jerusalem were of the cinnamon tree, and when lit their fragrance pervaded the whole of Eretz Israel. But when Jerusalem was destroyed they were hidden, only as much as a barley grain being left, which is to be found in the queen's collections of rarities.¹ MISHNAH. A MAN MUST NOT GO OUT WITH A SWORD, BOW, SHIELD, LANCE [ALLAH], OR SPEAR; AND IF HE DOES GO OUT, HE INCURS A SIN-OFFERING. R. ELIEZER SAID: THEY ARE ORNAMENTS FOR HIM. BUT THE SAGES MAINTAIN, THEY ARE MERELY SHAMEFUL, FOR IT IS SAID, AND THEY SHALL BEAT THEIR SWORDS INTO PLOWSHARES, AND THEIR SPEARS INTO PRUNING HOOKS: NATION SHALL NOT LIFT UP SWORD AGAINST NATION, NEITHER SHALL THEY LEARN WAR ANY MORE.² A KNEE-BAND [BERITH] IS CLEAN, AND ONE MAY GO OUT WITH IT ON THE SABBATH; ANKLE-CHAINS [KEBALIM] ARE UNCLEAR,³ AND ONE MAY NOT GO OUT WITH THEM ON THE SABBATH.

GEMARA. What is, WITH AN ALLAH? — A lance.

R. ELIEZER SAID: THEY ARE ORNAMENTS FOR HIM. It was taught: Said they [the Sages] to R. Eliezer: Since they are ornaments for him, why should they cease in the days of the Messiah? Because they will not be required, he answered, as it is said, nation shall not lift up sword against nation. Yet let them exist merely as ornaments? — Said Abaye. It may be compared to a candle at noon.⁴

Now this disagrees with Samuel.⁵ For Samuel said, This world differs from the Messianic era only in respect to servitude of the exiled, for it is said, For the poor shall never cease out of the land.⁶ This supports R. Hiyya b. Abba,⁷ who said, All the prophets prophesied only for the Messianic age, but as for the world to come, the eye hath not seen, O Lord, beside thee [what he hath prepared for him that waiteth for him].⁸ Some there are who state: Said they [the Sages] to R. Eliezer:

Since they are Ornaments for him, why should they cease in the days of the Messiah? In the days of the Messiah too they shall not cease, he answered. This is Samuel's view, and it disagrees with R. Hiyya b. Abba's.

Abaye asked R. Dimi — others state, R. Awia, — others again state, R. Joseph [asked] R. Dimi — and others state, R. Awia whilst others state, Abaye [asked] R. Joseph: What is R. Eliezer's reason for maintaining that they are ornaments for him? — Because it is written, Gird thy sword upon thy thigh, O mighty one, Thy glory and thy majesty.⁹ R. Kahana objected to Mar son of R. Huna: But this refers to the words of the Torah?¹⁰ — A verse cannot depart from its plain meaning, he replied.¹¹ R. Kahana said: By the time I was eighteen years old I had studied the whole Shas,¹² yet I did not know that a verse cannot depart from its plain meaning.¹³ until to-day. What does he inform us? — That a man should study and subsequently understand.¹⁴

(Mnemonic: Zaruth.)¹⁵ R. Jeremiah said in R. Eleazer's name: When two scholars sharpen each

other in halachah,¹⁶ the Holy One, blessed be He, gives them success, for it is said, and in thy majesty [wa-hadareka] be successful:¹⁷ read not wa-hadareka but wa-hadadeka [thy sharpening]. Moreover, they ascend to greatness, as it is said, 'ride on prosperously' [successfully]. One might think [that this is so] even if it is not for its own sake, therefore it is taught, 'In behalf of truth'. I might think [that this is so] even if he becomes conceited; therefore it is taught, 'and meekness of righteousness'. But if they do thus, they are privileged to acquire¹⁸ the Torah, which was given by the right Hand,¹⁹ as it is said, and thy right hand shall teach thee awe-inspiring things.²⁰ R. Nahman b. Isaac said: They will obtain the things which were promised at the right hand of the Torah. For Raba b. R. Shila said — others state, R. Joseph b. Hama — said in R. Shesheth's name: What is meant by the verse, Length of days is in her right hand, In her left hand are riches and honour:²¹ is there in her right hand length of days only, but not riches and honour? But to those who go to the right hand thereof there is length of days, and riches and honour a fortiori; but for those that go to the left hand thereof there is riches and honour, but not length of days.²²

R. Jeremiah said in the name of R. Simeon b. Lakish:²³ When two scholars are amiable to each other in [their discussions in] halachah, the Holy One, blessed be He, gives heed to them, for it is said, Then they that feared the Lord spake [nidberu] one with another: and the Lord hearkened, and heard;²⁴ now speech [dibbur] can 'only mean [with] gentleness, for it is said, He shall subdue [yadber] the peoples under us.²⁵ What is meant by, and that thought upon his name?²⁶ — Said R. Ammi: Even if one thinks of doing a good deed but is forcibly prevented and does not do it, the Writ ascribes it to him as though he did it.

R. Hinena b. Idi said: Whoever fulfils a precept as it is commanded,²⁷ no evil tidings are told to him, for it is said, Whoso keepeth the commandment shall know no evil thing.²⁸ R. Assi — others state, R. Hanina — said: Even if the Holy One, blessed be He, makes a decree, He annuls it,²⁹ for it is said, Because the king's word hath power; and who may say unto him, what doest thou;³⁰ in proximity to which [is written,] Whoso keepeth the commandment shall know no evil thing.³¹

R. Abba said in the name of R. Simeon b. Lakish: When two scholars pay heed to each other in halachah, the Holy One, blessed be He, listens to their voice, as it is said, Thou that dwellest in the gardens, The companions hearken to thy voice: Cause me to hear it.³² But if they do not do thus, they cause the Shechinah to depart from Israel, as it is said, Flee, my beloved, and be thou like, etc.³³

R. Abba said in the name of R. Simeon b. Lakish: When two disciples form an assembly³⁴ in halachah,³⁵ the Holy One, blessed be He, loves them, as it is said, and his banner over me was love.³⁶ Said Raba: Providing they know the features of a subject;³⁷ providing also that there is no greater [scholar] in the town from whom to learn.

R. Abba also said in the name of R. Simeon b. Lakish: He who lends [money] is greater than he who performs charity;³⁸ and he who forms a partnership³⁹ is greater than all. R. Abba also said in the name of R. Simeon b. Lakish: [Even] if a scholar is vengeful and bears malice like a serpent.⁴⁰ gird him on thy loins;⁴¹ [whereas even] if an 'am ha-arez is pious, do not dwell in his vicinity.⁴²

R. Kahana said in the name of R. Simeon b. Lakish — others state, R. Assi said in the name of R. Simeon b. Lakish — others state, R. Abba said in the name of R. Simeon b. Lakish: He who breeds a wild dog in his house keeps loving kindness away from his house,⁴³ as it is said, To him that is ready to faint [lamos]

(1) Jast. Rashi: of Queen Zimzamai.

(2) Isa. II, 4.

(3) 'Clean' and 'unclean' mean not susceptible and susceptible to uncleanness respectively.

(4) Being unnecessary then, it is not beautiful either. Thus, when war will be abolished, the instruments of war will not

be adornments. Now, however, that they may be needed, they are also ornamental.

(5) Sc. the view that they will cease to be in the days of the Messiah.

(6) Deut. XV, 11 . This implies that poverty will continue in the Messianic era. Hence the prophets' tidings of a new state of affairs cannot refer to the Messianic era, which will be the same as the present, save in this matter.

(7) Sc. the Baraitha which states that weapons of war will cease to exist in the Messianic age.

(8) Isa. LXIV, 3. — The conception of the future world is rather vague in the Talmud. In general, it is the opposite of עולם הזה, this world. In Ber, I, 5, 'this world' is opposed to the days of the Messiah, and this in turn is differentiated here from the future world. The following quotation from G. Moore, 'Judaism' (Vol. 2, p. 389) is apposite: 'Any attempt to systematize the Jewish notions of the hereafter imposes upon them an order and consistency which does not exist in them'.

(9) Ps. XLV, 4.

(10) 'Thy sword' is metaphorical for learning, which is Israel's weapon. It is indicative of the peace-loving spirit of the Rabbis and their exaltation of Torah that they regarded it as axiomatic that such a verse could not be taken literally.

(11) Granted that it is metaphorical, yet the Torah would not have been likened to the sword, unless the latter were ornamental.

(12) An abbreviation of shishah sedarim, the six orders into which the Talmud is divided: v. supra 31a. [MS.M. Talmud, Shas being a correction by the censor].

(13) [In the narrative and poetical passages v. Chayyes. Z. H. Glosses].

(14) Even when one does not understand all he learns he should nevertheless study, and understanding will come eventually.

(15) V. p. 110, n. 1 . For the explanation of this Mnemonic v. Hyman, Toledoth, p. 18.

(16) By means of debating, etc.

(17) Ibid. 5.

(18) Zakah implies to acquire through one's merit.

(19) V. Deut. XXXIII, 2.

(20) Ps. XLV, 5.

(21) Prov. III, 16.

(22) Rashi: '... to the right hand' means that they study the Torah profoundly and intensively, just as the right hand is the stronger for work; alternatively, it refers to those who study the Torah for its own sake. '... to the left hand' implies the opposite of these.

(23) Otherwise known as Resh Lakish.

(24) Mal. III, 16.

(25) Ps. XLVII, 3. Subdue implies lowliness, which in turn implies gentleness.

(26) Mal. III, 16.

(27) In the proper spirit.

(28) Eccl. VIII, 5.

(29) 'He' may refer either to God or to the observer of the precept, who is given power to annul God's decree — a daring thought. The former interpretation is indicated in the parallel passage in B.M. 85a (Sonc. ed., p. 488); the latter in M.K. 16b; but v. Weiss, Dor, I, p. 145.

(30) Ibid. 4.

(31) I.e., in spite of the king's word, viz., God's decree, whoso keepeth, etc.

(32) Cant. VIII, 13. The Song of Songs was allegorically interpreted as a dialogue between God and Israel. 'In the gardens' thus means in the academies, and when one scholar hearkens to another's voice, God says. 'Cause me to hear it'.

(33) Ibid. 14.

(34) Rashi, deriving the word from degel, a flag, i.e., who come under one flag. Tosaf. in A.Z. 22b, s.v. אגל, interprets: even when two students outwit each other by sophistries, without seeking the real truth, yet God loves them.

(35) In the absence of a teacher.

(36) Ibid. II, 4.

(37) I.e., they have a general understanding of the subjects to be studied, so that a teacher is not indispensable.

(38) Rashi: because the poor man is not ashamed to borrow. Also perhaps because one generally lends a larger sum than he would give as charity, and that may suffice to make the poor man independent.

- (39) With a poor man, providing the capital for him to trade with on agreed terms. Lit., 'who throws (money) into a (common) purse'.
- (40) The serpent was probably given that character on account of its part in the sin of Adam and Eve; cf. also Ta'an., Sonc. ed., 8a, Yoma 23a.
- (41) Cleave to him, for you will benefit by his scholarship.
- (42) His piety is tainted by his ignorance, which may influence his neighbour too. Cf. Ab. II, 6 (Sonc. ed., p. 15, n. 5).
- (43) The poor are afraid to call. Thus he can show no lovingkindness to them, nor can he earn the love of God.

Talmud - Mas. Shabbath 63b

kindness should be shewed from his friend;¹ and in Greek a dog is called lamos.² R. Nahman b. Isaac said: He also casts off the fear of Heaven from himself, as it is said, and he forsaketh the fear of the Almighty.³

A certain woman entered a house to bake. The dog barked at her, [whereupon] her child⁴ moved [from its place]. Said the householder to her, 'Fear not: his fangs and claws have been extracted.' 'Take your favours and throw them on the thorns,' she retorted, 'the child has already moved.'

R. Huna said: What is meant by the verse, Rejoice, O young man, In thy youth; and let thy heart cheer thee in the days of thy youth, and walk in the ways of thine heart, and in the sight of thine eyes: but know thou, that for all these things God will bring thee into judgement?⁵ Thus far are the words of Evil Desire; thereafter are the words of Good Desire.⁶ Resh Lakish said: Thus far the reference is to study;⁷ thereafter, to good deeds.⁸ A BERITH IS CLEAN. Rab Judah said: A berith is a bracelet.⁹ R. Joseph objected: A BERITH IS CLEAN, AND ONE MAY GO OUT WITH IT ON THE SABBATH; but a bracelet is [liable to become] unclean? — He meant this: A berith stands in the place of a bracelet.¹⁰

Rabin and R. Huna were sitting before R. Jeremiah, and R. Jeremiah was dozing. Now Rabin sat and said: A berith is on one [leg]; whilst kebalim [ankle-chain] is on two.¹¹ Said R. Huna to him, Both are on two, but a chain is placed between them and they become kebalim [anklets]. Does then the chain turn it into a utensil?¹² And should you answer, This is in accordance with R. Samuel b. Nahmani, for R. Samuel b. Nahmani said in R. Jonathan's name: How do we know that a metal object which causes sound is unclean? Because it is said: Everything [dabar] that may abide the fire, ye shall make go through the fire.¹³ even speech [dibbur — i.e., sound] is implied.¹⁴ — As for there, it is well: it [the utensil] is needed for sound¹⁵ and it performs an action;¹⁶ but here, what action does it perform?¹⁷ — Here too it performs an action, for Rabbah b. Bar Hanah said in R. Johanan's name: There was a certain family in Jerusalem that had large steps, whereby their virginity was destroyed. So they made them leg-suspenders and placed a chain between them, that their steps should not be large, and then their virginity was not destroyed. R. Jeremiah awoke at that and exclaimed to them, Well spoken!¹⁸ and thus did R. Johanan say [too].

When R. Dimi came,¹⁹ he said in the name of R. Johanan: How do we know that woven [material] of whatever size is [liable to become] unclean? From the ziz.²⁰ Said Abaye to him, Was then the ziz woven? But it was taught: The ziz was a kind of golden plate two fingerbreadths broad, and it stretched round [the forehead] from ear to ear, and upon it was written in two lines 'yod he' above and 'Holy lamed' below.²¹ But R. Eliezer son of R. Jose said: I saw it in the city of Rome,²² and 'Holy unto the Lord' was written in one line.²³ When R. Dimi went up to Nehardea, he sent word: The things that I told you were erroneous. But in truth it was thus said on R. Johanan's authority: How do we know that an ornament of whatever size is [liable to become] unclean? From the headplate. And how do we know that woven material of whatever size is unclean? From [the phrase] or raiment.²⁴

Our Rabbis taught: Woven stuff of whatever size is unclean, and an ornament of whatever size is unclean. [An object partly] woven and [partly] an ornament of whatever size is unclean.²⁵ A sack goes beyond a garment, in that it is unclean as woven material.²⁶ Raba said: Woven stuff of whatever size is unclean: this is [deduced] from, 'or raiment'. An ornament of whatever size is unclean: [this is learnt] from the headplate. [An object partly] woven and [partly] an ornament of whatever size is unclean: this is [deduced] from, every serviceable utensil.²⁷ Said one of the Rabbis to Raba, But that is written in reference to Midian?²⁸ We learn

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- (1) Job. VI, 14.
 - (2) Perhaps from the Gk. **. Thus he translates: on account of a (wild) dog, love is kept back from one's neighbour.
 - (3) Ibid.
 - (4) She was pregnant.
 - (5) Eccl. XI, 9.
 - (6) From 'Rejoice' to 'thine eyes' is spoken by the Tempter (sin personified), urging man to sin; 'but know thou, etc.' is the warning of Good Desire, man's better nature (Rashi). Maharsha explains it differently.
 - (7) Lit., 'the words of the Torah'.
 - (8) Rejoice in your youth, when you can study, and apply your heart and eyes. i.e. , your full understanding, to same. But know that you will be judged for non-fulfilment of the precepts learned by you in your studies.
 - (9) For the hand.
 - (10) It corresponds to a bracelet, i.e., the bracelet encircles the arm while the berith encircles the foot.
 - (11) V. Krauss, T.A. I, pp. 205 and 665 (n. 977) on these terms.
 - (12) That it is susceptible to uncleanness, as taught in the Mishnah. Surely not!
 - (13) Num. XXXI, 23.
 - (14) V. supra 58b for notes.
 - (15) E.g., a bell.
 - (16) Viz., it makes a sound.
 - (17) Though, of course, it holds up the stockings, that does not make it a utensil, which must serve an independent function, whereas this is merely an adjunct, as it were, to the stockings.
 - (18) Lit., (with **תב** understood) 'thy strength be well'.
 - (19) V. p. 12, n. 9.
 - (20) The headplate worn by the High Priest, v. Ex. XXVIII, 36ff. Though quite small, it was counted among the High Priest's adornments, and was therefore susceptible to uncleanness.
 - (21) I.e., the Divine Name on the upper line and 'Holy unto' on the lower line.
 - (22) Whither it was taken after the destruction of the Temple.
 - (23) From this Baraitha we see that the ziz was not of woven material.
 - (24) Lev. XI, 32. 'Or' is an extension.
 - (25) Tosaf. observes that this implies that nevertheless some minimum is required in the size of woven material and ornaments.
 - (26) This is explained below.
 - (27) Num. XXXI, 51 (E. V.: all wrought jewels).
 - (28) Which treats of defilement through the dead. Such is graver than uncleanness through dead reptiles (sherazim), which it is sought to prove here.

Talmud - Mas. Shabbath 64a

the meaning of utensil' [here] from [the employment of] 'utensil' there, answered he.¹ 'A sack goes beyond a garment, in that it is unclean as woven material.' Is then a garment not woven material? — This is its meaning: A sack goes beyond a garment, for though it is not of woven material, yet it is unclean.² For what is it fit? — Said R. Johanan: A poor man plaits three threads [of goats' hair]³ and suspends it from his daughter's neck.

Our Rabbis taught: [And upon whatsoever any of them . . . doth fall, it shall be unclean; whether it

be any vessel of wood ... or] sack:⁴ I know it only of a sack:⁵ how do we know to include a horse cover and the saddle band?⁶ Therefore it is said, 'or sack'.⁷ I might think that I can include ropes and cords;⁸ therefore 'sack' is stated: just as a sack is spun and woven, so must everything be spun and woven.⁹ Now, concerning the dead it is stated, and all that is made of skin, and all work of goats' hair ... ye shall purify yourselves:¹⁰ this is to include a horse cover and the saddle band.¹¹ I might think that I can include ropes and cords. (But it [the reverse] is logical:¹² [the Divine Law] teaches defilement by a dead reptile, and it teaches defilement by the dead: just as when it teaches defilement by a reptile, it declares unclean only that which is spun and woven; so when it teaches defilement by the dead, it declares unclean only that which is spun and woven. How so! If it is lenient in respect to defilement through a reptile, which is lighter, shall we be lenient¹³ in respect to defilement by the dead, which is graver?)¹⁴ Therefore 'raiment and skin' is stated twice, to provide a gezerah shawah.¹⁵ Thus: raiment and skin are mentioned in connection with reptiles,¹⁶ and also in connection with the dead:¹⁷ just as the 'raiment and skin' which are mentioned in connection with reptiles, it [Scripture] declares unclean only that which is spun and woven, so the 'raiment and skin' which are stated in connection with the dead, it declares unclean only that which is spun and woven;¹⁸ and just as 'raiment and skin' which are stated in connection with the dead, anything made of goats' hair is unclean, so 'raiment and skin' which are stated in connection with reptiles, anything made of goats' hair is unclean.¹⁹ Now, I know it only of that which comes from goats: how do I know to include what is produced from the tail of a horse or a cow? Therefore it is stated, 'or sack'.²⁰ (But you have utilized it in respect of a horse cover and saddle bands? — That was only before the gezerah shawah was adduced; but now that we have the gezerah shawah, it [sc. the 'or'] is superfluous.)²¹ And I know this only in the case of a reptile: how do we know it in respect to defilement by the dead? But it is logical:²² [Scripture] declares uncleanness through the dead, and also declares uncleanness through reptiles: just as when it declares uncleanness through the dead, it treats that which is produced from the tail of a horse or cow as that which is made of goats' hair, so when it declares uncleanness through the dead, it treats that which is produced from the tail of a horse or a cow as that which is made of goats' hair. How so! If it [Scripture] includes [this] in defilement until evening, which is extensive, shall we include [it] in seven days' defilement, which is limited?²³ Therefore 'raiment and skin' are stated twice, to provide a gezerah shawah. 'Raiment and skin' are stated in connection with reptiles, and 'raiment and skin' are stated also in connection with the dead; just as raiment and skin,' which are stated in connection with reptiles, that which comes from the tail of a horse or cow is treated as that which is made of goats' hair, so 'raiment and skin' which are stated in connection with the dead, that which is produced from the tail of a horse or cow is treated as that which is made of goats' hair. And this must be redundant.²⁴ For if it is not redundant, one can refute [the deduction]: as for a reptile, that is because it defiles by the size of a lentil.²⁵ In truth, it is redundant. For consider: a reptile is likened to semen, for it is written, a man whose seed goeth from him,²⁶ in proximity to which it is written, or whosoever toucheth any creeping thing;²⁷ while in respect to semen it is written, and every garment and every skin, whereon is the seed of copulation,²⁸ then what is the purpose of 'raiment and skin' written by the Divine Law in connection with reptiles? Infer from this that its purpose is to leave it redundant.²⁹ Yet it is still redundant [only] on one side:³⁰ this is well on the view that where it is redundant on one side we can learn [identity of law] and cannot refute [the deduction]; but on the view that we can learn, but also refute,³¹ what can be said? — That [stated] in connection with the dead is also redundant. For consider: the dead is likened to semen, for it is written, 'and whoso toucheth anything that is unclean by the dead, or a man whose seed goeth from him'; while in respect to semen it is written, 'and every garment and every skin, whereon shall be the seed of copulation. What then is the purpose of 'raiment and skin' written by the Divine Law in connection with the dead? Infer from this that its purpose is to leave it redundant.

And we have brought the Lord's oblation, what every man hath gotten, of jewels of gold, ankle chains, and bracelets, signet-rings, ear-rings, and armllets.³² R. Eleazar said: 'Agil is a cast of female breasts; kumaz is a cast of the womb. R. Joseph observed: Thus it is that we translate it³³ mahok, [meaning] the place that leads to obscenity [gihuk]. Said Rabbah to him, It is implied in the very

Writ itself: Kumaz=here [Ka-an] is the place [Mekom] of unchastity [Zimmah].³⁴

And Moses was wroth with the officers of the host.³⁵ R. Nahman said in Rabbah b. Abbuha's name: Moses said to Israel: 'Maybe ye have returned to your first lapse [sin]?'³⁶ 'There lacketh not one man of us,'³⁷ they replied. 'If so,' he queried, 'Why an atonement?' 'Though we escaped from sin,' said they. 'yet we did not escape from meditating upon sin.' Straightway, 'and we have brought the Lord's offering'³⁸ The School of R. Ishmael taught: Why were the Israelites of that generation in need of atonement? Because

(1) Concerning defilement by dead reptiles it is written, every utensil wherewith any work is done (Lev. XI, 32), and the meaning of 'utensil' is learnt from 'utensil' mentioned in connection with the dead, where ornaments are referred to. Tosaf explains the passage differently: But that ... Midian, i.e., it treats of the spoil of Midian and has no bearing upon uncleanness at all? To which Raba replied that as 'utensil' in Lev. XI, 32 refers to uncleanness, so 'utensil' in Num. XXXI, 51 provides a teaching on uncleanness, notwithstanding that this does not appear so from the context.

(2) The words are explained: ... it is unclean as woven material though it is not woven. — By 'sack' a few plaited strands of goats' hair is meant.

(3) Which are first spun.

(4) Lev. XI, 32. — The reference is to defilement by dead reptiles (sherazim).

(5) Which is usually worn by shepherds.

(6) The band with which the saddle or housing of a horse is fastened to its belly. Others: the housing itself. It was made of goats' hair spun and woven.

(7) 'Or' is an extension.

(8) Used for measuring. These were of unspun plaited goats' hair.

(9) Before it is susceptible to uncleanness.

(10) Num. XXXI, 20. These become unclean through contact with the dead.

(11) 'All' is an extension.

(12) This is a parenthesis. A verse will be quoted to show that they are not included, but before that it is parenthetically argued that it is logical not to include them, so that no verse for their exclusion is required. But it is shown that logic does not suffice to exclude them, so that a verse is required.

(13) I.e., shall we deduce a lenient ruling by analogy?

(14) Surely not! Hence logic does not prove the exclusion of cords and ropes, and therefore a verse is necessary.

(15) V. Glos.

(16) Lev. XI, 32.

(17) Num. XXXI, 51. E.V. garment.

(18) Though an analogy between the two cannot be drawn, as shown, because the uncleanness of one is graver than that of the other, yet one can deduce equality of law through the *gezerah shawah*.

(19) Providing it is spun and woven.

(20) 'Or' being an extension.

(21) For the susceptibility of a horse cover and a saddle band to uncleanness follows from the *gezerah shawah*, on the same lines as before.

(22) V. p. 302, n. 11; the same applies here.

(23) Uncleanness through a reptile ceases on the evening after the defiled object is subjected to ritual immersion, but uncleanness caused by the dead lasts seven days (v. Lev. XI, 32; Num. XIX, 11 seq.). Now, defilement until evening is extensive, in that it can be caused by many agencies, e.g., reptiles, the carcass of all animal (*nebelah*), semen, the touch of a *zab* and the touch of one who is himself unclean through the dead. Therefore it is logical that many objects too shall be susceptible to such uncleanness. But seven days' defilement is limited to the direct action of a corpse; hence it is probable that it does not extend to many objects either. Therefore the fact that what is made from the tail of a horse or cow is subject to defilement by reptiles is no warrant that it is also liable to defilement through the dead.

(24) In a *gezerah shawah* the word used as a basis of deduction must be redundant (*mufneh*). Otherwise the deduction may be refuted if a point of known dissimilarity is found between the two subjects which are linked by the *gezerah shawah*. On this redundancy there are two views: (i) the redundancy is required in one passage only; (ii) the redundancy is necessary in both subjects. — There is a third view, that of R. Akiba, that no redundancy at all is required in order to

make the deduction conclusive and incapable of being refuted.

(25) Whereas the smallest portion of corpse to defile must be the size of an olive. In this matter defilement by a reptile is more stringent, and thus it may also be more stringent in the matter under discussion.

(26) Lev. XXII, 4.

(27) (Ibid. 5. Proximity indicates likeness in law.

(28) Lev. XV, 17. Thus raiment and skin are defiled by semen, and therefore by reptiles too.

(29) For the gezerah shawah.

(30) I.e., in one of the two passages.

(31) V. p. 656, n. 2.

(32) Num. XXXI, 50.

(33) Metargemanan, i.e., in the Targum, the Aramaic version of the Scriptures. The citation given here by R. Joseph is from the Targum ascribed to Onkelos the proselyte.

(34) Treating Kumaz as an abbreviation.

(35) Ibid. 14.

(36) When they sinned with the daughters of Moab; v. Num. XXV.

(37) Ibid. 49.

(38) V. 50, to make atonement for their impure thoughts.

Talmud - Mas. Shabbath 64b

they gratified their eyes with lewdness. R. Shesheth said: Why does the Writ enumerate the outward ornaments with the inner?¹ To teach you: Whoever looks upon a woman's little finger is as though he gazed upon the pudenda.²

MISHNAH. A WOMAN MAY GO OUT WITH RIBBONS MADE OF HAIR,³ WHETHER THEY ARE OF HER OWN [HAIR] OR OF HER COMPANIONS, OR OF AN ANIMAL, AND WITH FRONTLETS AND WITH SARBITIN⁴ THAT ARE FASTENED TO HER. [SHE MAY GO OUT] WITH A HAIR-NET [KABUL] AND WITH A WIG⁵ INTO A COURTYARD; WITH WADDING IN HER EAR, WITH WADDING IN HER SANDALS,⁶ AND WITH THE CLOTH PREPARED FOR HER MENSTRUATION; WITH A PEPPERCORN, WITH A GLOBULE OF SALT AND ANYTHING THAT IS PLACED IN HER MOUTH,⁷ PROVIDING THAT SHE DOES NOT PUT IT IN HER MOUTH IN THE FIRST PLACE ON THE SABBATH, AND IF IT FAILS OUT,⁸ SHE MAY NOT PUT IT BACK. AS FOR AN ARTIFICIAL TOOTH, [OR] A GOLD TOOTH,⁹ — RABBI PERMITS BUT THE SAGES FORBID IT.

GEMARA. And it is necessary [to state all the cases].¹⁰ For if we were told about her own [hair], that might be because it is not ugly; but as for her companions', which is unbecoming.¹¹ I might say [that it is] not [permitted].¹² While if we were informed about her companions', that might be because she is of her own kind; but an animal's, that is not of her own kind, I might say [that it is] not [permitted].¹³ Thus they are necessary.

It was taught: Providing that a young woman does not go out with an old woman's [hair], or an old woman with a young woman's.¹⁴ As for an old woman [not going out] with a young woman's hair, that is well, because it is an improvement for her; but [that] a young woman [may not go out] with an old woman's [hair]. why [state it], seeing that it is unsuitable for her?¹⁵ — Because he teaches of an old woman's [going out] with a young woman's [hair], he also teaches of a young woman's [going out] with an old woman's hair.

WITH A HAIR-NET AND A WIG INTO A COURTYARD. Rab said: Whatever the Sages forbade to go out therewith into the street, one may not go out therewith into a courtyard,¹⁶ except a hair-net and a wig. R. 'Anani b. Sason said on the authority of R. Ishmael son of R. Jose: It is all like a hair-net. We learnt: WITH A HAIR-NET AND A WIG INTO A COURTYARD. As for Rab, it is

well; but according to R. ‘Anani b. Sason it is a difficulty? — On whose authority does R. ‘Anani b. Sason say this? On that of R. Ishmael son of R. Jose! R. Ishmael son of R. Jose is a Tanna, and can disagree.¹⁷

Now, according to Rab, why do these differ? — Said ‘Ulla, [They are permitted] lest she become repulsive to her husband.¹⁸ As it was taught: And she that is sick shall be in her impurity:¹⁹ the early Sages²⁰ ruled: That means that she must not rouge nor paint nor adorn herself in dyed garments; until R. Akiba came and taught: If so, you make her repulsive to her husband, with the result that he will divorce her! But what [then] is taught by, ‘and she that is sick shall be it, her impurity’? She shall remain in her impurity until she enters Into water.²¹

Rab Judah said in Rab's name: Wherever the Sages forbade [aught] for appearances' sake, it is forbidden even In one's innermost chambers.²²

We learnt: Nor with a bell, even if it is plugged.²³ And it was elsewhere taught.²⁴ One may plug the bell around its [the animal's] neck and saunter with it in the courtyard?²⁵ — It is [a controversy of] Tannaim. For it was taught:

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- (1) In this verse, according to the translation given above of ‘agil and kumaz.
 - (2) The first is where the finger-ring is worn, and since it is enumerated, it follows that even for looking upon that they needed atonement.
 - (3) With which she dresses her hair.
 - (4) V. supra 57b.
 - (5) Lit., ‘strange (false) curls’.
 - (6) I.e., any soft substance to ease the foot.
 - (7) Before the commencement of the Sabbath.
 - (8) On the Sabbath.
 - (9) Rashi regards these as one: an artificial tooth of gold.
 - (10) Referring to ribbons of hair.
 - (11) I.e, ribbons made of another woman's hair may not match her own.
 - (12) She may be ridiculed and thereby tempted to remove it, and thus carry it in the street.
 - (13) For there the disharmony is even more striking.
 - (14) Young hair on old — e.g. black on grey — or vice versa is ugly, and so the wearer might remove it in the street.
 - (15) No young woman would dream of wearing ribbons made from an old woman's hair. — The translation follows one interpretation given in Tosaf. Tosaf. offers another, which is based on a reversed order of the text.
 - (16) Lest she forget herself and go out into the street too.
 - (17) It is axiomatic that an amora cannot disagree with a Tanna, but another Tanna of course can. The Mishnah certainly disagrees with R. ‘Anani b. Sason, but it does not matter, as he is supported by another Tanna.
 - (18) Hence some ornaments must be permitted.
 - (19) Lev. XV, 33. The reference is to a menstruant.
 - (20) Lit., ‘elders’.
 - (21) I.e., until she has a ritual bath.
 - (22) E.g., one must not lead on Sabbath a number of animals tied together, lest he be suspected of going to market with them (supra 54a). Accordingly he may not do so even in the utmost privacy.
 - (23) V. supra 54b Mishnah.
 - (24) Var. lec.: and it was taught thereon.
 - (25) This refutes Rab, for though it may not be done publicly in the street, it may be done privately in one's courtyard.

Talmud - Mas. Shabbath 65a

He may spread them out in the sun, but not in the sight of people; R. Eleazar and R. Simeon forbid it.¹

AND WITH THE WADDING IN HER EAR. Rami b. Ezekiel learnt: Providing it is tied to her ear.

AND WITH THE WADDING IN HER SANDALS. Rami b. Ezekiel learnt: Providing it is tied to her sandal.

AND WITH THE CLOTH SHE PREPARED FOR HER MENSTRUATION. Rami b. Ezekiel thought to say, Providing it is fastened between her thighs. Said Raba, Even if it is not tied to her: since it is repulsive, she will not come to carry it.² R. Jeremiah asked R. Abba: What if she made a handle for it?³ — It is permitted, replied he.⁴ It was stated likewise: R. Nahman b. Oshaia said in R. Johanan's name: [Even] if she made a handle for it, it is permitted.

R. Johanan used to go out with them⁵ to the Beth Hamidrash, but his companions disagreed with him.⁶ R. Jannai would go out with it into a karmelith⁷ but all his contemporaries disagreed with him. But Rami b. Ezekiel learnt: Providing it is tied to her ear?⁸ — There is no difficulty: in the one case it is firmly placed;⁹ in the other it was not.¹⁰

WITH A PEPPERCORN, AND WITH A GLOBULE OF SALT. A peppercorn is for [counteracting] the [evil] breath of the mouth; a globule of salt is for the gum.¹¹

AND WITH ANYTHING THAT SHE PLACES¹² IN HER MOUTH. [Sc.] ginger, or cinnamon.

AN ARTIFICIAL TOOTH, [OR] A GOLD TOOTH, — RABBI PERMITS BUT THE SAGES FORBID IT. R. Zera said: They taught this only of a gold [tooth], but as for a silver one, all agree that it is permitted.¹³

Abaye said: Rabbi, R. Eliezer, and R. Simeon b. Eleazar all hold that whatever detracts from a person[’s appearance], one will not come to display it. Rabbi, as stated.¹⁴ R. Eliezer, for it was taught: R. Eliezer declares [her] non-culpable on account of a kobelet and a flask of spikenard oil.¹⁵ R. Simeon b. Eleazar, for it was taught: R. Simeon b. Eleazar stated a general rule: Whatever is [worn] beneath the net, one may go out therewith; whatever is [worn] above the net, one may not go out with it.¹⁶

MISHNAH. SHE MAY GO FORTH WITH THE SELA’¹⁷ ON A ZINITH [CALLUS]. YOUNG GIRLS¹⁸ MAY GO OUT WITH THREADS, AND EVEN WITH CHIPS IN THEIR EARS.¹⁹ ARABIAN WOMEN MAY GO FORTH VEILED, AND MEDIAN WOMEN MAY GO FORTH WITH THEIR CLOAKS THROWN OVER THEIR SHOULDERS.²⁰ INDEED, ALL PEOPLE [MAY DO LIKEWISE]. BUT THAT THE SAGES SPOKE OF NORMAL USAGE.²¹ A WOMAN MAY WEIGHT [HER CLOAK] WITH A STONE, NUT, OR COIN, PROVIDING THAT SHE DOES NOT ATTACH THE WEIGHT IN THE FIRST PLACE ON THE SABBATH.

GEMARA. What is ZINITH? A growth caused by the soil.²² And why particularly a sela’? Shall we say that anything hard is beneficial thereto? Then let a shard be prepared for it? Again, if it is on account of the corrosion,²³ let a metal foil be used? But if it is on account of the figure,²⁴ let him use any circular plate?²⁵ Said Abaye: This proves that all [these things] are beneficial for it.²⁶

YOUNG GIRLS MAY GO OUT WITH THREADS. Samuel's father did not permit his daughters to go out with threads, nor to sleep together; and he made mikwa'oth²⁷ for them in the days of Nisan, and had mats placed in the days of Tishri.²⁸ ‘He did not permit them to go out with threads’. But we learnt, YOUNG GIRLS MAY GO OUT WITH THREADS! — The daughters of Samuel's father had coloured ones.²⁹ ‘He did not permit them to sleep together’. Shall we say that this supports R. Huna?

For R. Huna said: Women that commit lewdness with one another are unfit for the priesthood.³⁰ -

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- (1) This refers to one whose garments are accidentally wetted on the Sabbath. The first Tanna forbids them to be spread out in the sight of the people, lest they suspect him of having washed them on the Sabbath, yet he permits it to be done privately, thus agreeing with the Baraita just quoted. While R. Eleazar and R. Simeon forbid it even in private, which agrees with Rab.
- (2) If it drops out.
- (3) Sewing on to it a piece that she could hold in her hand. This is not repulsive, and so she may carry it.
- (4) It is repulsive none the less.
- (5) Sc. the wadding in his ear, because he had a copious discharge of pus, and with wadding in his sandals. This must be the explanation according to cur. edd. which reads 'with them'; this appears to be Alfasi's version too (v. Korban Nethanel on Asheri a.l.). Rashi reads: with it, and refers it to the first mentioned.
- (6) Rashi: because he did not have it tied to his ear.
- (7) V. Glos. and supra 6a.
- (8) Whereas R. Johanan did not have it tied to his ear.
- (9) [In which case tying to the ear is not necessary. Hence the practice of R. Johanan.
- (10) Rami b. Ezekiel refers to the latter case.
- (11) Jast. Rashi: toothache.
- (12) Sic. The reading in the Mishnah is slightly different.
- (13) Rashi: a gold tooth being valuable, the woman may take it out of her mouth for display, and meanwhile carry it in the street; but this does not apply to a silver tooth.
- (14) This being the reason that he permits a gold tooth, in spite of its being valuable.
- (15) V. supra 62a.
- (16) V. supra 57b.
- (17) A coin.
- (18) Lit., 'daughters'.
- (19) To prevent the hole pierced for ear-rings from closing up.
- (20) Parap, p.p. parup. f.p. perupoth, means to fasten a garment over the shoulder by attaching a weight to its overhanging corner (Jast.).
- (21) Arabian and Median women affect these fashions.
- (22) The pressure or chafing of the ground on the foot causing a wound or a bunion.
- (23) Of the metal, which softens the callus.
- (24) Stamped on the coin, which may protect the growth.
- (25) Rashi: of wood, upon which a figure is impressed.
- (26) Viz., the hardness, corrosion, and the figure, and only a coin possesses all three.
- (27) Mikweh, pl. mikwa'oth, ritual bath.
- (28) A mikweh made of collected rain water is efficacious only if its water is still, not running or flowing. But 'a well or spring, with its waters gushing forth from its source, is efficacious even when they flow onward. Now, during the whole year the river may contain more rain water or melted snow (which is the same) than its own natural waters; consequently it is all considered as rain water, which does not cleanse when in a running state. But in Tishri when the rains have ceased, nor is there any melted snow in the river, it is like a well or spring, and even though running its waters are efficacious. — According to this the river's rise is caused mainly by rain. — Hence in Nisan he did not permit them to take their ritual bath in the river, but made special enclosed baths for them. But in Tishri they could perform their ablutions in the river. Yet since the bed of the river is miry, and should the feet sink into it, the water cannot reach the soles, thus rendering the immersion invalid, he placed mats on the river bed for them to stand on (Rashi). R. Tam a.l. and Rab in Ned. 40b explain: he hung up mats on the shore, to serve as a screen.
- (29) Which they might remove and show.
- (30) Sc. to marry a High Priest, who must marry none but a virgin (Lev. XXI, 13), for their lewdness destroys their virginity. Though there were no High Priests in his days, he nevertheless objected to this on grounds of decency, and therefore may have taken steps to prevent it. — V. Weiss, Dor, II, 23.

Talmud - Mas. Shabbath 65b

No: it was in order that they should not become accustomed to a foreign body. 'And he made a mikweh for them in the days of Nisan'. This supports Rab, for Rab said: Rain in the West [Palestine] is strongly testified to by the Euphrates;¹ and he [Samuel's father] feared that the rainwater might exceed the running water.² Now, he differs from Samuel, who said: A river increases in volume from its beds.³ But this conflicts with another [statement] of his. For Samuel said: No water purifies when flowing, save the Euphrates in the days of Tishri alone.⁴

A WOMAN MAY WEIGHT [HER CLOAK] WITH A STONE, etc. But you say in the first clause, that she may weight it?⁵ — Said Abaye: The second clause refers to a coin.⁶ Abaye asked: May a woman evade [the Sabbath prohibition] by weighting [her cloak] with a nut in order to carry it out to her infant child on the Sabbath? This is a problem on the view of both him who maintains that an artifice may be used and him who holds that an artifice may not be used.⁷ It is a problem on the view that all artifice may be used in the case of a conflagration: that is only there, because if you do not permit it to him, he will come to extinguish it; but here, if you do not permit it, one will not come to carry it [sc. the nut] out.⁸ Or perhaps, even on the view that all artifice may not be used; there that is a normal way of carrying [clothes] out;⁹ but here this is not a usual way of carrying it, and therefore I might say that it is well.¹⁰ The question stands over.

MISHNAH. A STUMP-LEGGED PERSON MAY GO FORTH WITH HIS WOODEN STUMP:¹¹ THIS IS R. MEIR'S VIEW;

(1) Rashi: for when it rains in Palestine the water flows down to Babylon and causes the swelling of the Euphrates. Obermeyer, p 45 and n. 2 rejects this on hydrographical grounds, and explains that in most cases the rains in northern Mesopotamia in the Taurus range, where the Euphrates has its source, are the precursors of rain in Palestine. — Thus Rab too holds that the swelling of a river is caused chiefly through rain.

(2) I.e., the added rain water might exceed the normal volume of the river, in which case it is all regarded as rain water; v. p. 310, n. 11.

(3) Lit., 'rock'. Though it seems to swell through the rains, actually more water gushes upward from the river bed than is added by the rain.

(4) Which is in accordance with his father and with Rab.

(5) Which certainly means that she may do so in the first place on the Sabbath, since the preceding clause has already taught that she may wear a weighted cloak.

(6) Which may not be handled on the Sabbath.

(7) V. infra 120a.

(8) Hence it is possibly forbidden.

(9) E.g., clothes; merchants wear the clothes they have to sell (Rashi).

(10) Since the first is the normal way of carrying, when one puts on more than he requires the excess is a mere burden, carried out in the normal manner; hence it is forbidden. But in the case under discussion, even if a person intentionally carries a nut out thus, without any subterfuge, he does not transgress by Biblical law and is not liable to a sin-offering, which is incurred only for doing a thing in its normal fashion. Hence a subterfuge may be permitted even by Rabbinical law (R. Jacob Emden, *Novellae*).

(11) A log of wood hollowed out to receive the stump.

Talmud - Mas. Shabbath 66a

WHILE R. JOSE FORBIDS IT. AND IF IT HAS A RECEPTACLE FOR PADS,¹ IT IS UNCLEAN.² HIS SUPPORTS³ ARE UNCLEAN THROUGH MIDRAS,⁴ AND ONE MAY GO OUT THEREWITH ON THE SABBATH,⁵ AND ENTER THE TEMPLE COURT WHILST WEARING THEM.⁶ HIS STOOL AND SUPPORTS⁷ ARE UNCLEAN AS MIDRAS, AND ONE MAY NOT GO OUT WITH THEM ON THE SABBATH,⁸ AND ONE MAY NOT ENTER THE TEMPLE COURT WITH THEM.⁹ AN ARTIFICIAL ARM [LUKITMIN]¹⁰ IS CLEAN, BUT ONE MAY

NOT GO OUT THEREWITH.¹¹

GEMARA. Raba asked R. Nahman, How do we learn [this]?¹² I do not know, replied he. What is the law? I do not know, was his answer. It was stated: Samuel said: A stump-legged person may not, [etc.]; and R. Huna said likewise: A stump-legged person may not, [etc.].¹³ R. Joseph observed: Since Samuel said: A stump-legged person may not [etc.], and R. Huna [also] said: A stump-legged person may not [etc.], then we too should learn, A stump-legged person may not. Rabbah b. Shila demurred: Did they not hear what R. Hanan b. Raba recited to Hiyya b. Rab before Rab in a little room of Rab's academy: A stump-legged person may not go out with his wooden stump: this is R. Meir's view; but R. Jose permits it; whereupon Rab signalled to them that it was the reverse? R. Nahman b. Isaac observed: And your token is samek samek.¹⁴

Now, Samuel too retracted.¹⁵ For we learnt: If she performs halizah¹⁶ with a shoe that is not his,¹⁷ with a wooden shoe, or with a left-footed [shoe] placed on the right foot, the halizah is valid. Now we observed, Which Tanna [rules thus]?¹⁸ Said Samuel, R. Meir: For we learnt: A STUMP-LEGGED PERSON MAY GO OUT WITH HIS WOODEN STUMP: THIS IS R. MEIR'S VIEW; WHILE R. JOSE FORBIDS IT.¹⁹

Now, R. Huna too retracted. For it was taught: A lime burner's shoe²⁰ is unclean as midras, a woman may perform halizah therewith, and one may not go out with it on the Sabbath: this is R. Akiba's view; but they [the Sages] did not agree with him. But it was taught:²¹ They agree with him? — Said R. Huna, Who agreed with him? R. Meir.²² And who did not agree with him? R. Jose.²³ R. Joseph said: Who did not agree with him? R. Johanan b. Nuri. For we learnt: A hive of straw and a tube of canes:²⁴ . R. Akiba declares it unclean; while R. Johanan b. Nuri declares it clean.²⁵

The Master said: 'A lime-burner's shoe is unclean as midras'. But it is not made for walking?²⁶ — Said R. Aha son of R. 'Ulla: That is because the lime-burner walks in it until he comes home.

AND IF IT HAS A RECEPTACLE FOR PADS, IT IS UNCLEAN. Abaye said: It has the uncleanness of a corpse, but not midras; Raba said: It is unclean even as midras.²⁷ Said Raba: Whence do I know it? For we learnt: A child's waggonette²⁸ is unclean as midras. But Abaye said: There he [the child] leans upon it, but here he [the stump-legged person] does not lean upon it. Abaye said: How do I know it? Because it was taught: A staff of old men is completely clean.²⁹ And Raba?³⁰ — There

(1) Upon which the stump rests.

(2) 'Unclean' and 'clean' in this and similar passages means susceptible and not susceptible to uncleanness respectively. A wooden article is unclean only when it has a receptacle for objects to be carried therein. If the log is merely hollowed out for the stump, it is not a receptacle in this sense.

(3) Leather supports for one who is stumped in both legs.

(4) If he is a zab, q.v. Glos. Midras, lit., 'treading' is the technical term for the uncleanness occasioned by a zab through bringing his weight to bear upon an object, e.g., by treading, sitting, or leaning, even if he does not actually touch it with his body. The degree of defilement imposed thereby is called 'the principal degree of uncleanness' (Heb. ab, father), and is only one grade less than that of a corpse: cf. p. 55, n. 6.

(5) They rank as ornaments.

(6) Though one may not enter wearing his shoes (Ber. 54a), these are not accounted as such.

(7) This refers to one who is unable to walk upon supports alone, the muscles of his foreleg being atrophied or paralysed. A stool is made for him, and also supports for his stumps, and he propels himself along with his hands and just a little with his feet too. R. Israel Lipshitz in his commentary זרע ישראל on Mishnah seems to translate סמוכות here as referring to the hand supports used by the cripple in propelling himself along, and not to the foot supports, which meaning it bears in the earlier clause.

(8) Rashi: as he does not actually walk upon them, they dangle in the air and may fall off, which will cause him to carry

them in the street.

(9) There seems no adequate reason for this, and most commentators are silent upon the matter. Tosaf. Yom Tob states that 'ONE MAY NOT ... SABBATH' refers only to the 'SUPPORTS' mentioned in the first clause, not to the 'STOOL AND ITS SUPPORTS' (he appears to agree with R. Israel Lipshitz in his interpretation), which are mentioned only to teach that they are unclean as midras.

(10) Jast. s.v. **אֲנָקְטָמִין**: for carrying burdens. Rashi: a kind of mask for frightening children. The actual meaning of the word is discussed in the Gemara.

(11) Jast.: because it is intended for carrying burdens. Rashi: because it is neither useful nor ornamental.

(12) The text seems to have been doubtful, and it was not clear whether R. Meir gave a lenient ruling and R. Jose a stringent one or the reverse. V. Weiss, Dor, II, 213 seqq. on doubtful and corrupt readings in the Mishnah.

(13) This was their text in the Mishnah; thus it differed from ours.

(14) Samek (ס) is a letter of the Hebrew alphabet. Thus R. Jose (י'וס') forbids (א'וסר), the samek occurring in the name and in the ruling.

(15) 'Too' in the sense that he too subsequently held as Rab.

(16) V. Glos.

(17) Sc. her brother-in-law's.

(18) That a wooden shoe comes within the term and she shall loose his shoe' (Deut. XXV, 9).

(19) R. Meir regards even a hollowed-out log as a shoe, though it is unusual, and the same applies here, though wood is an unusual material for a shoe. Thus Samuel quotes Rab's version of the Mishnah.

(20) Rashi states two views: (i) that it was of wood; (ii) that it was of straw. Rashi and Tosaf. incline to the latter view.

(21) Wilna Gaon emends: but we learnt, since the citation is from a Mishnah.

(22) V. n. 6; the same argument applies here.

(23) Thus he accepts our version of the Mishnah.

(24) Or reeds, Wilna Gaon emends: A straw mat and a tube of straw.

(25) The former holds that straw is the same as wood, which is susceptible to uncleanness, while the latter regards it as a different material.

(26) It was put on over the ordinary leather shoe to protect the latter from the burning action of the lime. In order to be subject to midras uncleanness an object must be used for walking, sitting, or lying upon.

(27) 'The uncleanness of a corpse' is mentioned merely as an example of any ordinary defilement, where the uncleanness of the object defiled is one degree less than that of the object which defiles it, and which requires either actual contact or that the object be under the same covering as the corpse. Thus Abaye holds that it attains even a primary degree of uncleanness (ab hatum'ah) through a corpse, which itself possesses a supra-primary degree of uncleanness, but not through the midras of a zab. Abaye holds that the wooden stump is not made primarily for leaning upon.

(28) Rashi: on which it is carried, thus a perambulator. Tosaf. with which a child learns to walk, by holding on to it.

(29) I.e., it is susceptible neither to midras nor to any other form of defilement. It is not susceptible to midras because it is not made for leaning, since one walks on his feet. This shows that though one does lean on it occasionally, yet since that is not its main purpose, it is not defiled as midras, and the same applies here. — It is not susceptible to other forms of defilement because it is a wooden utensil without a cavity (p. 238, n. 6).

(30) How does he rebut this proof?

Talmud - Mas. Shabbath 66b

it is made to facilitate his steps;¹ whereas here it is made to lean on, and he does so.²

HIS STOOL AND SUPPORTS ARE UNCLEAN AS MIDRAS, AND ONE MAY NOT GO OUT WITH THEM ON THE SABBATH, AND ONE MAY NOT ENTER THE TEMPLE COURT WITH THEM. A tanna recited before R. Johanan: One may enter the Temple court with them. Said he to him, I learn, A woman can perform halizah therewith,³ yet you say [that] they may enter! Learn, One may not enter the Temple court with them. AN ARTIFICIAL, ARM [LUKITMIN] IS CLEAN. What is lukitmin? — Said R. Abbahu: A pulley for loads.⁴ Raba b. Papa said: Stilts. Raba son of R. Huna said: A mask.

MISHNAH. BOYS MAY GO OUT WITH GARLANDS [KESHARIM], AND ROYAL CHILDREN MAY GO OUT WITH BELLS, AND ALL PEOPLE [MAY DO LIKEWISE], BUT THAT THE SAGES SPOKE OF THE USUAL PRACTICE.

GEMARA. What is kesharim? — Said Adda Mari in the name of R. Nahman b. Baruch in the name of R. Ashi b. Abin in Rab Judah's name: Garlands of pu'ah.⁵ (Abaye said, Mother⁶ told me: Three⁷ arrest [illness], five cure [it], seven are efficacious even against witchcraft. R. Aha b. Jacob observed: Providing that neither the sun nor the moon see it, and that it does not see rain nor hear the sound of iron, or the cry of a fowl or the sound of steps. R. Nahman b. Isaac said: The pu'ah has fallen into a pit!)⁸ Why [then] particularly BOYS; even girls too [may go out therewith]? And why particularly children; even adults too?⁹ — But [then] what is meant by KESHARIM? As Abin b. Huna said in the name of It. Hama b. Guria: If a son yearns for his father [the father] takes a strap from his right shoe and ties it to his left [hand].¹⁰ R. Nahman b. Isaac said: And your token is phylacteries.¹¹ But if the reverse there is danger.¹²

Abin b. Huna said in the name of R. Hama b. Guria: The placing of a [hot] cup upon the navel on Sabbath¹³ is permitted. Abin b. Huna also said in the name of R. Hama b. Guria: One may rub in oil and salt on the Sabbath.¹⁴ Like R. Huna at Rab's college, and Rab at R. Hiyya's, and R. Hiyya at Rabbi's,¹⁵ when they felt the effect of the wine they would bring oil and salt and rub into the palms of their hands and the instep of their feet and say, 'Just as this oil is becoming clear,¹⁶ so let So-and-so's wine become clear.'¹⁷ And if [this was] not [possible], they would bring the sealing clay of a wine vessel and soak it in water and say, 'Just as this clay becomes clear, so let So-and-so's wine become clear.'¹⁸

Abin b. Huna also said in the name of R. Hama b. Guria: One may reset [a laryngeal muscle]¹⁹ on the Sabbath. Abin b. Huna also said in the name of R. Hama b. Guria: To swaddle a babe on the Sabbath is in order.²⁰ R. Papa recited [two dicta about] children, [while] R. Zebid recited [one dictum] about a child.²¹ R. Papa recited [the two dicta about] children,²² and both in the name of Abin b. Huna. While R. Zebid recited a dictum about a child [in his name]; for the first he recited in the name of Abin b. Huna, but this [latter one] he recited in the name of Rabbah b. Bar Hanah, for Rabbah b. Bar Hanah said: To swaddle a babe on the Sabbath is in order.

Abaye said: Mother told me, All incantations which are repeated several times must contain the name of the patient's mother, and all knots²³ must be on the left [hand?]. Abaye also said: Mother told me, of all incantations, the number of times they are to be repeated, is as stated; and where the number is not stated, it is forty-one times.

Our Rabbis taught: One may go out with a preserving stone²⁴ on the Sabbath. On the authority of R. Meir it was said: Even with the counterweight of a preserving stone.²⁵ And not only when one has miscarried,²⁶ but even [for fear] lest she miscarry; and not only when she is [already] pregnant, but even lest she become pregnant and miscarry. R. Yemar b. Shalmia said on Abaye's authority: Provided that it was found to be its natural counterweight.²⁷ Abaye asked: What about the counterweight of the counterweight? The question stands over.

Abaye also said: Mother told me, For a daily fever²⁸ one must take a white zuz,²⁹ go to a salt deposit,³⁰ take its weight in salt, and tie it up in the nape of the neck with a white twisted cord. But if this is not [possible], let one sit at the cross-roads, and when he sees a large ant carrying something, let him take and throw it into a brass tube and close it with lead, and seal it with sixty seals.³¹ Let him shake it, lift it up and say to it, 'Thy burden be upon me and my burden be upon thee.' Said R. Aha son of R. Huna to R. Ashi: But perhaps [another] man had [previously] found it and cast [his illness] upon it?³² Rather let him say to it, 'My burden and thy burden be upon thee.' But if this is

impossible, let him take a new pitcher, go to the river and say to it, 'O river, O river, lend me a pitcher of water for a journey that had chanced to me.' Let him then turn it seven times about his head, throw it behind his back, and say to it, 'O river, O river, take back the water thou gavest me, for the journey that chanced to me came in its day and departed in its day!'

R. Huna said:

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- (1) But not that his whole body should lean upon it.
 - (2) I.e., its purpose is to bear the weight of his whole body.
 - (3) Which shows that they count as shoes, in which one may not enter the Temple court.
 - (4) So Jast. Rashi: a wooden donkey's head worn by mummers.
 - (5) A vegetable; dyer's madder; a prophylactic.
 - (6) She was really his foster-mother, v. Kid. 31a.
 - (7) Garlands; or, plants.
 - (8) It is useless as a remedy to-day, as none take all these precautions — probably a sarcastic remark showing his disbelief in these remedies.
 - (9) This is an objection to Rab Judah's explanation. If the Mishnah means garlands used as prophylactics, they are surely not confined to young boys!
 - (10) This cures him so that he is able to bear his father's absence.
 - (11) The right hand winds the strap on the left hand.
 - (12) If the strap of his left is tied to the son's right.
 - (13) To alleviate stomach ache.
 - (14) Into the skin.
 - (15) I.e., when they were at these colleges.
 - (16) The heat of the flesh would clarify it.
 - (17) Let the fumes depart!
 - (18) This is an instance of sympathetic magic.
 - (19) Lit., 'strangle'. An operation performed in cases of abdominal affection by squeezing the jugular veins. Rashi and 'Aruk reads: one may have the laryngeal muscle reset.
 - (20) In order to set its limbs.
 - (21) I.e., R. Papa recited two separate dicta about children, both in the name of Abin b. Huna, as explained below, while R. Zebid recited a single law about children in his name.
 - (22) The one referring to the child that yearns for his father and the other relating to swaddling.
 - (23) For magical purposes of healing.
 - (24) As a safeguard against abortion. [The aetit (or Eagle stone). For the belief in the efficacy of this stone against abortion among the ancients v. Preuss, *Medizin*, p. 446].
 - (25) Anything that was weighed against it.
 - (26) To protect her from a repetition.
 - (27) Without anything having been added or taken away.
 - (28) A quotidian whose paroxysms recur every day.
 - (29) I.e., new and clean.
 - (30) In a cavity in which sea-water was allowed to evaporate.
 - (31) The number is not exact, but simply means many e.g., sealing wax over the lead, then pitch above that, then clay, etc. (Rashi).
 - (32) And the second would now take it over.

Talmud - Mas. Shabbath 67a

[As a remedy] for a tertian fever one should procure seven prickles from seven palm trees, seven chips from seven beams, seven pegs from seven bridges, seven [heaps of] ashes from seven ovens, seven [mounds of] earth from under seven door-sockets, seven specimens of pitch from seven ships, seven handfuls of cummin, and seven hairs from the beard of an old dog, and tie them, in the nape of

the neck with a white twisted thread.¹

R. Johanan said: For an inflammatory fever let one take an all-iron knife, go whither thorn-hedges² are to be found, and tie a white twisted thread thereto.³ On the first day he must slightly notch it, and say, 'and the angel of the Lord appeared unto him, etc.'⁴ On the following day he [again] makes a small notch and says, 'And Moses said, I will turn aside now, and see, etc.' The next day he makes [another] small notch and says, 'And when the Lord saw that he turned aside [sar] to see.'⁵ R. Aha son of Raba said to R. Ashi, Then let him say, 'Draw not nigh hither?'⁶ Rather on the first day he should say. 'And the angel of the Lord appeared unto him, etc. ... And Moses said, I will, etc.'; the next day he says, 'And when, the Lord saw that he turned aside to see'; on the third, 'And he said, Draw not nigh.' And when he has recited his verses he pulls it down [sc. the bush] and says thus: 'O thorn, O thorn, not because thou art higher than all other trees did the Holy One, blessed be He, cause His Shechinah to rest upon thee, but because thou art lower than all other trees did He cause His Shechinah to rest upon thee. And even as thou sawest the fire [kindled] for Hananiah, Mishael and Azariah and didst flee from before them, so look upon the fire [i.e., fever.] of So-and-so⁷ and flee from him.' For an abscess one should say thus: 'Let it indeed be cut down, let it indeed be healed, let it indeed be overthrown; Sharlai and Amarlai are those angels who were sent from the land of Sodom⁸ to heal boils and aches: bazak, bazik, bizbazik, mismasik, kamun kamik,⁹ thy colour [be confined] within thee, thy colour [be confined] within thee,¹⁰ thy seat be within thee,¹¹ thy seed be like a kalut¹² and like a mule that is not fruitful and does not increase; so be thou not fruitful nor increase in the body of So-and-so.'¹³ Against ulcers¹⁴ one should say thus: 'A drawn sword and a prepared sling, its name is not Joheb, sickness and pains.' Against a demon one should say thus: 'Thou wast closed up; closed up wast thou. Cursed, broken, and destroyed be Bar Tit, Bar Tame, Bar Tina¹⁵ as Shamgez, Mezigaz and Istamai.' For a demon of the privy one should say thus: 'On the head of a lion and on the snout of a lioness did we find the demon Bar Shirika Panda; with a bed of leeks I hurled him down, [and] with the jawbone of an ass I smote him.'

AND ROYAL CHILDREN MAY GO OUT WITH BELLS. Who is the authority [for this ruling]? — Said R. Oshaia: It is R. Simeon, who maintained: All Israel are royal children. Raba said: It means that it is woven [sewn] into his garment; thus it agrees with all.

MISHNAH. ONE MAY GO OUT WITH A HARGOL'S EGG,¹⁶ A FOX'S TOOTH, AND A NAIL FROM [THE GALLOWS OF] AN IMPALED CONVICT AS A PROPHYLACTIC: THIS IS R. MEIR'S VIEW; BUT THE SAGES FORBID THIS EVEN ON WEEKDAYS ON ACCOUNT OF 'THE WAYS OF THE AMORITE.'¹⁷ GEMARA. ONE MAY GO OUT WITH A HARGOL'S EGG, which is carried for ear-ache; AND WITH A FOX'S TOOTH, which is worn on account of sleep: a living [fox's] for one who sleeps [too much], a dead [fox's] for him who cannot sleep.

AND A NAIL FROM [THE GALLOWS OF] AN IMPALED CONVICT. It is applied to an inflammation,

AS A PROPHYLACTIC: THIS IS R. MEIR'S VIEW. Abaye and Raba both maintain: Whatever is used as a remedy is not [forbidden] on account of the ways of the Amorite.¹⁸ Then if it is not an [obvious] remedy, is it forbidden on account of the ways of the Amorite? But surely it was taught: If a tree casts its fruit, one paints it with sikra¹⁹ and loads it with stones. Now, as for loading it with stones, that is in order to lessen its strength.²⁰ But when he paints it with sikra, what remedy does he effect?²¹ — That is in order that people may see and pray for it. Even as it was taught: And he [the leper] shall cry, 'Unclean, unclean':²² he must make his grief publicly known, so that the public may pray for him. Rabina observed: In accordance with whom do we suspend a cluster of dates on a [sterile] date tree? In accordance with this Tanna.

A tanna recited the chapter of Amorite practices²³ before R. Hiyya b. Abin. Said he to him: All

these are forbidden as Amorite practices, save the following: If one has a bone in his throat, he may bring of that kind, place it on his head, and say thus: 'One by one go down, swallow, go down one by one': this is not considered the ways of the Amorite. For a fish bone he should say thus: 'Thou art stuck in like a pin, thou art locked up as [within] a cuirass; go down, go down.'

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- (1) Magical properties were ascribed to the number seven, which was regarded as the most sacred number. Various factors were responsible for this: it is a combination of three and four, themselves held to be sacred; there are seven days in the week; the seventh day is holy. — The Rabbis, though opposed to superstitions practices in general (v. p. 243, n. 3), were nevertheless children of their age, and recognized their efficacy.
- (2) Or, wild rose bushes.
- (3) The knife, or the thorn bush?
- (4) Ex. III, 2.
- (5) Ibid. 4. Sar also means to depart, and it is applied magically to the fever. The belief in the efficacy of sacred books or verses to effect cures, etc., was widespread in ancient times both among pagans and believers in God. V. J.E. art. Bibliomancy.
- (6) Ibid. 5; this may appropriately be referred to the illness.
- (7) Mentioning the mother's name.
- (8) Rashi: this is the incantation formula, but they were not actually sent thence.
- (9) Unintelligible words forming part of the incantation.
- (10) Let it not change to a deeper red.
- (11) Let it not spread.
- (12) An animal with uncloven hoofs (the sign of uncleanness) born of a clean animal. Rashi: one whose semen is locked up, so that he cannot reproduce.
- (13) Mentioning the mother's name.
- (14) Others: epilepsy.
- (15) Lit., 'the son of clay, son of defilement, son of filth' — names for the demon.
- (16) Hargal is a species of locust.
- (17) These are forms of heathen magic, forbidden in neither shall ye walk in their statutes, Lev. XVIII, 3.
- (18) I.e., where its remedial character is obvious, in contrast to magic.
- (19) A red paint.
- (20) It casts its fruit because they grow too heavy, owing to the tree's super-vitality.
- (21) Surely it is only magic?
- (22) Lev. XIII, 45.
- (23) Chapters seven and eight of the Tosefta on Shabbath, which deals with these.

Talmud - Mas. Shabbath 67b

He who says, 'Be lucky, my luck [gad gedi] and tire not by day or night,'¹ is guilty of Amorite practices. R. Judah said: Gad is none other but an idolatrous term, for it is said, ye that prepare a table for Gad.² If husband and wife exchange their names,³ they are guilty of Amorite practices. [To say], 'Be strong, o ye Barrels'! is [forbidden] as the ways of the Amorite. R. Judah said: Dan [Barrel] is none other but the designation of an idol, for it is said, They that swear by the sin, of Samaria, and say, As thy god Dan liveth.⁴ He who says to a raven, 'Scream,' and to a she-raven, 'Screech, and return me thy tuft for [my] good,' is guilty of Amorite practices. He who says, 'Kill this cock, because it crowed in the evening,'⁵ or, 'this fowl, because it crowed like a cock,' is guilty of Amorite practices. He who says, 'I will drink and leave over, I will drink and leave over,'⁶ is guilty of the ways of the Amorite. He who breaks eggs on a wall in front of fledglings, is guilty of Amorite practices. He who stirs [eggs?] before fledglings is guilty of Amorite practices. He who dances and counts seventy-one fledglings in order that they should not die, is guilty of Amorite practices. He who dances for kutah,⁷ or imposes silence for lentils, or cries for beans,⁸ is guilty of Amorite practices. She who urinates before her pot in order that it should be quickly cooked is guilty of Amorite practices. Yet one may place a chip of a mulberry tree and broken pieces of glass in a pot in

order that it should boil quickly.⁹ But the Sages forbade broken pieces of glass [to be employed thus] on account of danger.

Our Rabbis taught: A lump of salt may be placed in a lamp in order that it should burn brightly,¹⁰ and mud and clay may be placed under a lamp in order that it should burn slowly.¹¹

R. Zutra said: He who covers an oil lamp or uncovers a naphtha [lamp] infringes the prohibition of wasteful destruction.¹² 'Wine and health to the mouth of our teachers!'¹³ is not considered the ways of the Amorite. It once happened that R. Akiba made a banquet for his son and over every glass [of liquor] that he brought he exclaimed, 'Wine and health to the mouth of our teachers; health and wine to the mouths of our teachers and their disciples!'

CHAPTER VII

MISHNAH. A GREAT PRINCIPLE WAS STATED IN RESPECT TO THE SABBATH: HE WHO FORGETS THE FUNDAMENTAL LAW OF THE SABBATH¹⁴ AND PERFORMS MANY LABOURS ON MANY SABBATHS, INCURS ONE SIN-OFFERING ONLY. HE WHO KNOWS THE FUNDAMENTAL LAW OF THE SABBATH AND PERFORMS MANY LABOURS ON MANY SABBATHS,¹⁵ INCURS A SIN-OFFERING ON ACCOUNT OF EACH SABBATH. HE WHO KNOWS THAT IT IS THE SABBATH AND PERFORMS MANY LABOURS ON MANY SABBATHS, IS LIABLE FOR EVERY

(1) This is the conjectured translation.

(2) Isa. LXV, II. Hence this statement is an invocation to an idol.

(3) Lit., 'he by her name and she by his name — probably done to ward off evil.

(4) Amos. VIII, 14. This translation differs from that of the E.V. q.v.

(5) Later than usual. Others: it crowed like a raven.

(6) That the rest may be blessed.

(7) V. Glos.

(8) That they should be well prepared. — Sound (or silence in some cases) was thought to benefit certain food preparations; cf. Ker. 6b.

(9) This is not enchantment.

(10) The salt clarifies the oil.

(11) These cool the oil and retard its flow.

(12) Derived from Deut. XX, 19, q.v. Because these cause the lamp to burn with unnecessary speed.

(13) A drinking toast.

(14) Not knowing at all that there exists a law of the Sabbath.

(15) Forgetting on each occasion that it was the Sabbath.

Talmud - Mas. Shabbath 68a

PRIMARY LABOUR.¹ HE WHO PERFORMS MANY LABOURS BELONGING TO THE SAME CATEGORY OF WORK² IS LIABLE TO ONE SIN-OFFERING ONLY.

GEMARA. Why does he [the Tanna] state, A GREAT PRINCIPLE? Shall we say that because he wishes to teach 'another principle',³ he [therefore] states here, A GREAT PRINCIPLE?⁴ And in respect to shebi'ith⁵ too, because he wishes to teach another principle, he states, This is a great principle?⁶ But what of tithes, though 'another principle' is taught, he nevertheless does not teach [elsewhere] 'a great principle'?⁷ — Said R. Jose b. Abin: As for the Sabbath and shebi'ith, since they possess both primaries and derivatives,⁸ he teaches GREAT; but in respect to tithes, since there are no primaries and derivatives, he does not teach great'. Then according to Bar Kappara, who did learn 'A great principle' in respect to tithes,⁹ what primaries and what derivatives are there? But surely

this must be the reason:¹⁰ The penal scope of the Sabbath is ‘greater’ than that of shebi’ith, for whereas [the restriction of] the Sabbath is found in respect of both detached and growing [produce], [the prohibitions of] shebi’ith do not operate in respect of detached, but only in respect of growing [produce].¹¹ Again, the penal scope of the seventh year is ‘greater’ than that of tithes: for whereas [the law of] shebi’ith applies to both human food and animal fodder, [the law of] tithes operates in the case of human food, but not of animal fodder.¹² And according to Bar Kappara who learned ‘a great principle’ in connection with tithes, — the penal scope of tithes is greater than that of pe’ah:¹³ for whereas [the law of] tithes operates in figs and vegetables [too], pe’ah does not operate in figs and vegetables.¹⁴ For we learnt: A general principle was stated in respect to pe’ah: whatever is a foodstuff, is guarded, grows from the earth, is [all] gathered simultaneously,¹⁵ and is collected for storage,¹⁶ is liable to pe’ah. ‘Foodstuff’ excludes the aftergrowth of woad¹⁷ and madder;¹⁸ ‘is guarded’ excludes hefker;¹⁹ ‘grows from the earth’ excludes mushrooms and truffles;²⁰ ‘is [all] gathered simultaneously’ excludes the fig-tree;²¹ ‘and is taken in to be stored’ excludes vegetables.²² Whereas in respect to tithes we learnt: A general principle was stated in respect to tithes: Whatever is a foodstuff, is guarded, and grows from the earth is subject to tithes; but we did not learn, ‘is gathered simultaneously and is collected for storage.

Rab and Samuel both maintain: Our Mishnah treats of a child who was taken captive among Gentiles, or a proselyte who became converted in the midst of Gentiles.²³ But if one knew and subsequently forgot, he is liable [to a sin-offering] for every Sabbath.²⁴ We learnt: HE WHO FORGETS THE ESSENTIAL LAW OF THE SABBATH: surely that implies that he knew [it] originally? — No: what is meant by HE WHO FORGETS THE ESSENTIAL LAW OF THE SABBATH? That the very existence of the Sabbath was unknown²⁵ to him. But what if he knew and subsequently forgot; he is liable for every Sabbath? Then instead of teaching, HE WHO KNOWS THE ESSENTIAL LAW OF THE SABBATH AND PERFORMS MANY LABOURS ON MANY SABBATHS, INCURS A SIN-OFFERING ON ACCOUNT OF EACH SABBATH: let him teach, He who knew and subsequently forgot, and how much more so this one? — What is meant by, HE WHO KNOWS THE ESSENTIAL LAW OF THE SABBATH? That he who knew the essential law of the Sabbath and forgot it.

(1) The general principle is this: a sin-offering in connection with the Sabbath is incurred for every unwitting transgression. The number of transgressions is determined by the number of unknown facts. Thus, when one is ignorant of the Sabbath law altogether, he is unaware of a single fact, and incurs one sin-offering only. If he forgets a number of Sabbaths, each is a separate fact; hence he is liable for each. If he knows that it is the Sabbath but forgets that certain labours are forbidden, each labour is a separate fact, and he is liable for each separately. — For primary (Heb. *ab*, lit., ‘father’) labours v. p. 3, n. 2.

(2) I.e., all derivatives (toledoth) of the same primary labour (*ab*).

(3) *Infra* 75b.

(4) By contrast, this being wider in scope.

(5) V. *Glos.* It is also the name of a Tractate dealing with the laws thereof.

(6) V. *Sheb.* v, 5 and VII, 1.

(7) V. *Ma’as.* I, 1, and II,7.

(8) V. *infra* 73a seq. Agricultural labour forbidden during the seventh year is likewise divided into primaries and derivatives: sowing, harvesting, reaping and fruit gathering, are primaries, other forms of labour in a field or vineyard are derivatives; v. *M.K.* 3a.

(9) In his collection of *Baraitas*. These are collections of Tannaitic teachings not incorporated by R. Judah ha-Nasi in the *Mishnah*; there were several such collections, the most authoritative being those of R. Hiyya and R. Oshaia.

(10) Why GREAT is stated in connection with Sabbath.

(11) Thus: one must do no work on growing (lit., attached’) produce on the Sabbath, e.g., sow, reap, etc., nor on detached produce, e.g., grind corn. But only the former is forbidden in the seventh year, not the latter.

(12) Thus the scope of both the Sabbath and shebi’ith is greater than that of tithes, and for that reason ‘great’ is employed in connection with the first two.

(13) V. Glos.

(14) 'Penal scope', Heb. 'onesh, is employed here in the sense that the violation of these laws is punishable.

(15) I.e., the whole of the crop ripens about the same time.

(16) Lit., 'is brought in to be kept'. This applies to cereals in general, which are stored in granaries over long periods.

(17) Gr. **, isatis tinctoria, a plant producing a deep blue dye.

(18) Both being used as dyes.

(19) V. Glos.

(20) Though these grow in the earth, they were held to draw their sustenance mainly from the air.

(21) Whose fruits do not all ripen at the same time. The same holds good of many other trees, which are likewise excluded.

(22) Which must be consumed whilst fresh.

(23) So that they never knew the laws of the Sabbath.

(24) He is regarded as knowing the sanctity of the Sabbath but forgetting on each occasion that it is the Sabbath.

(25) Lit., 'forgotten'.

Talmud - Mas. Shabbath 68b

What if he did not forget it?¹ He is liable for each labour? Then instead of teaching, HE WHO KNOWS THAT IT IS THE SABBATH AND PERFORMS MANY LABOURS ON MANY SABBATHS, IS LIABLE FOR EVERY LABOUR, let him teach, He who knows the essential law of the Sabbath, and how much more so this case? Rather our Mishnah refers to one who knew but subsequently forgot, and Rab and Samuel's [ruling] too is similar to the case of one who knew but subsequently forgot, and it was thus stated: Rab and Samuel both maintain: Even a child who was taken captive among Gentiles or a proselyte who became converted in the midst of Gentiles is as one who knew but subsequently forgot, and so he is liable. But R. Johanan and Resh Lakish maintain: Only one who knew but subsequently forgot [is liable], but a child who was taken captive among Gentiles, or a proselyte who became converted in the midst of Gentiles, is not culpable.

An objection is raised: A great principle is stated in respect to Sabbath: He who forgets the essential law of Sabbath and performs many labours on many Sabbaths, incurs one sin-offering only. E.g., if a child is taken captive among Gentiles or a proselyte is converted in the midst of Gentiles and performs many labours on many Sabbaths, he is liable to one sin-offering only. And he is liable to one [sin-offering] on account of blood, one on account of heleb,² and one on account of idolatry.³ But Monabaz exempts him. And thus did Monabaz argue before R. Akiba: Since a wilful transgressor is designated a sinner, and an unwitting transgressor [too] is designated a sinner;⁴ then just as wilful transgression implied that he had knowledge,⁵ so when unwittingly transgressing he must have had the knowledge.⁶ Said R. Akiba to him, Behold, I will add to your words. If so, just as wilful transgression involves that he shall have had knowledge at the time of his deed, so in unwitting transgression he must have had knowledge at the time of his deed.⁷ Even so, he replied, and all the more so since you have added [this argument]. As you define it,⁸ such is not designated unwitting, but wilful transgression, he retorted. Now after all it is stated, 'E.g., if a child' [etc.]: as for Rab and Samuel, it is well.⁹ But according to R. Johanan and Resh Lakish it presents a difficulty? — R. Johanan and Resh Lakish can answer you: Is there not Monabaz who declares him non-culpable? We rule as Monabaz.

What is Monabaz's reason?¹⁰ Because it is written, Ye shall have one law for him that doeth unwittingly;¹¹ and in proximity thereto [it is written], And the soul that doeth aught with a high hand:¹² hence unwitting is assimilated to wilful transgression:¹³ just as wilful transgression involves that he shall have had knowledge, so unwitting transgression implies that he shall have had knowledge.¹⁴ And the Rabbis: how do they employ this [verse], Ye shall have one law, [etc.]? — They employ it even as R. Joshua b. Levi taught his son: Ye shall have one law for him that doeth unwittingly; and it is written,

(1) Sc. the essential law of the Sabbath, but merely that that particular day was the Sabbath.

(2) V. Glos.

(3) I.e., for the violation of each law, which if deliberately infringed, carries with it the penalty of kareth, he incurs one sin-offering only, no matter how many times he actually infringes it. The consumption of blood and heleb and the worshipping of idols are given as examples.

(4) For a wilful transgressor v. Lev. V, 1: And if any one sin, etc. That refers to wilful transgression, since Scripture does not maintain that his sin be hidden from him', i.e., committed in ignorance. For unwitting transgression v. Lev. IV, 2 et passim.

(5) of the forbidden nature of his action.

(6) Formerly, though at the time of sinning he had forgotten it.

(7) Which is absurd!

(8) Lit., 'according to your words'.

(9) For they too maintain that he is liable. Now, they can argue that the same holds good even if one originally knew the law but subsequently forgot it, just as they explain the Mishnah, while the particular illustration is given because of Monabaz's dissent in this case.

(10) The analogy on mere grounds of logic is insufficient, since wilful and unwitting transgression are obviously dissimilar.

(11) Num. XV, 29.

(12) Ibid. 30; this obviously applies to deliberate transgression.

(13) I.e., Scripture itself intimates by this proximity that the two are similar.

(14) Before a sin-offering is incurred.

Talmud - Mas. Shabbath 69a

and when ye shall err, and not observe all these commandments;¹ and it is written, And the soul that doeth aught with a high hand . . . [that soul shall be cut off]: thus they are all assimilated to idolatry: just as there it is something for the wilful transgression of which kareth² is incurred, and for the unwitting transgression a sin-offering is incurred,³ so for everything the wilful transgression of which involves kareth, its unwitting transgression involves a sin-offering.⁴ But according to Monabaz, wherein lies his non-wilfulness?⁵ E.g., if he was ignorant in respect of the sacrifice.⁶ But the Rabbis hold that ignorance in respect of the sacrifice does not constitute ignorance.

Now according to the Rabbis, in respect to what is ignorance [required]? R. Johanan said: As long as one errs in respect to kareth, even if he wilfully sins in respect of the negative command;⁷ while Resh Lakish maintained: He must offend unwittingly in respect of the negative injunction and kareth. Raba said, What is R. Simeon b. Lakish's reason? Scripture saith, [And if any one of the common people sin unwittingly, in doing any of the things which the Lord hath commanded] not to be done, and be guilty:⁸ hence he must err both as to the negative injunction and its attendant kareth.⁹ And R. Johanan: how does he employ this verse adduced by R. Simeon b. Lakish? — He utilizes it for what was taught: [And if any one] of the common people: this excludes a mumar.¹⁰ R. Simeon b. Eleazar said on the authority of R. Simeon:¹¹ [. . . sin unwittingly in doing any of the things which the Lord hath commanded] not to be done, and be guilty: he who would refrain¹² on account of his knowledge, brings a sacrifice for his unwitting offence; but he who would not refrain on account of his knowledge cannot bring a sacrifice for his unwitting offence.¹³

We learnt: The primary forms of labour are forty less one.¹⁴ Now we pondered thereon, Why state the number?¹⁵ And R. Johanan replied: [To teach] that if one performs all of them in a single state of unawareness,¹⁶ he is liable [to a sin-offering] for each. Now, how is this possible? [Surely only] where he is aware of the Sabbath but unconscious of [the forbidden nature of] his labours.¹⁷ As for R. Johanan, who maintained that since he is ignorant in respect of kareth, though fully aware of the negative injunction, [his offence is unwitting], it is well: it is conceivable e.g., where he knew [that

labour is forbidden on] the Sabbath by a negative injunction. But according to R. Simeon b. Lakish, who maintained that he must be unaware of the negative injunction and of kareth, wherein did he know of the Sabbath?¹⁸ — He knew of [the law of] boundaries,¹⁹ this being in accordance with R. Akiba.²⁰

Who is the authority for the following which was taught by the Rabbis: If one is unaware of both,²¹ he is the erring sinner mentioned in the Torah;²² if one wilfully transgresses in respect of both, he is the presumptuous offender mentioned in the Torah. If one is unaware of the Sabbath but conscious of [the forbidden character of] his labours or the reverse, or if he declares, 'I knew that this labour is forbidden, but not whether it entails a sacrifice or not, he is culpable? With whom does this agree? With Monabaz.²³

Abaye said: All agree in respect to an 'oath of utterance'²⁴ that a sacrifice is not incurred on account thereof unless one is unaware of its interdict.²⁵ 'All agree': who is that? R. Johanan?²⁶ But that is obvious! When did R. Johanan say [otherwise], where there is [the penalty of] kareth; but here [in the case of an 'oath of utterance'] that there is no [penalty of] kareth, he did not state [his ruling]? — One might argue: Since liability to a sacrifice [here] is an anomaly,²⁷ for we do not find in the whole Torah that for a [mere] negative injunction²⁸ one must bring a sacrifice, whilst here it is brought; hence even if he is unaware of the [liability to a] sacrifice, he is culpable.²⁹

(1) Ibid. 22; in Hor. 8a it is deduced that this refers to idolatry.

(2) I.e., cutting off.

(3) V. v. 27.

(4) But where wilful transgression involves a lesser penalty than kareth, an unwitting offence does not involve a sin-offering.

(5) When the offender has knowledge at the time of his action.

(6) He knew that the wilful offence involved kareth, but not that the unwitting transgression involved a sin-offering.

(7) I.e., he knows that it is forbidden by a negative injunction but not that its penalty is kareth. This constitutes sinning in ignorance, and involves a sin-offering.

(8) Lev. IV, 27.

(9) Not to be done after 'sin unwittingly' implies that he is ignorant that it is forbidden at all.

(10) One who is professedly antagonistic to Jewish law. If he sins unwittingly, he cannot offer a sacrifice, even if he desires. This is deduced from the partitive of the common people, expressed in the original by the letter mem (מ), which is regarded as a limitation.

(11) I.e., R. Simeon b. Yohai.

(12) Lit., 'turn back'.

(13) For the verse implies that he acted solely through his ignorance; only then can he atone with a sacrifice. R. Simeon too teaches the exclusion of a mumar, but deduces it differently.

(14) Infra 73a.

(15) Since they are enumerated by name.

(16) Of their forbidden nature.

(17) For in the reverse case he incurs only one sin-offering (v. Mishnah 67b). Now awareness of the Sabbath implies that he knows at least one of the labours forbidden, for otherwise the Sabbath is the same to him as any other day, and he cannot be said to be aware thereof. But in the present passage he appears to have known none at all: how then can we regard him as being aware of the Sabbath? This the Talmud proceeds to discuss.

(18) Seeing that he was ignorant of all the forbidden labours.

(19) That one may not go on the Sabbath more than a certain distance beyond the town limits. Infringement of this law does not entail a sacrifice.

(20) Who maintains that the limitation of boundaries is Biblical. The Rabbis dispute this.

(21) I.e., of the Sabbath and that this labour is forbidden on the Sabbath.

(22) He certainly falls within this category.

(23) Supra.

(24) E.g., 'I swear that I will eat', or, 'I swear that I will not eat', and then broken, cf. Lev. V, 4.

(25) I.e., the offender must have forgotten his oath at the time of breaking it, so that he is unaware that his action is interdicted by his oath. A sacrifice for a broken oath is decreed in Lev. V, 4 seq.

(26) For Abaye cannot mean by 'all' that even Monabaz agrees that it is insufficient that he shall merely be ignorant that a vain oath entails a sacrifice. For how can this be maintained? On the contrary, the reverse follows a fortiori: if Monabaz regards unawareness of the liability to a sin-offering elsewhere as true unawareness, though such liability is in accordance with the general principle that where kareth is incurred for a wilful offence a sin-offering is incurred for an unwitting transgression, how much more so here, seeing that the very liability to a sacrifice is an anomaly unexpected, for the deliberate breaking of an oath does not entail kareth. Hence Abaye must refer to R. Johanan's view on the ruling of the Rabbis.

(27) Lit., 'a new thing' — something outside the general rule.

(28) Which does not entail kareth.

(29) Even on the views of the Rabbis.

Talmud - Mas. Shabbath 69b

hence he [Abaye] informs us [otherwise].

An objection is raised: What is an unwitting offence in respect of an 'oath of utterance' relating to the past?¹ Where one says, 'I know that this oath is forbidden,² but I do not know whether it entails a sacrifice or not,' he is culpable?³ — This agrees with Monabaz. (Another version: Who is the authority for this? Shall we say, Monabaz? But then it is obvious! seeing that in the whole Torah, where it [liability to a sacrifice] is not an anomaly, Monabaz rules that unawareness of the sacrifice constitutes unawareness, how much more so here that it is an anomaly!⁴ Hence it must surely be the Rabbis, and this refutation of Abaye is indeed a refutation.)⁵ Abaye also said: All agree in respect to *terumah* that one is not liable to [the addition of] a fifth unless he is unaware of its interdict.⁶ 'All agree': who is that? R. Johanan: But that is obvious: when did R. Johanan say [otherwise], where there is the penalty of kareth, but here that there is no penalty of kareth, he did not state [his ruling]? — You might argue: death stands in the place of kareth,⁷ and therefore if one is ignorant of [this penalty of] death, he is culpable; hence he informs us [otherwise]. Raba said: Death stands in the place of kareth, and the fifth stands in the place of a sacrifice.⁸

R. Huna said: If one is travelling on a road or⁹ in the wilderness and does not know when it is the Sabbath, he must count six days and observe one.¹⁰ Hiyya b. Rab said: He must observe one¹¹ and count six [weekdays]. Wherein do they differ? One Master holds that it is as the world's Creation,¹² the other Master holds that it is like [the case of] Adam.¹³

An objection is raised: If one is travelling on a road and does not know when it is the Sabbath, he must observe one day for six. — Surely that means that he counts six days and observes one? No: he keeps one day and counts six. If so, [instead of] 'he must observe one day for six,' he should state, 'he must observe one day and count six'? Moreover, it was taught: If one is travelling on a road or in a wilderness and does not know when it is the Sabbath, he must count six and observe one day.' This refutation of Hiyya b. Rab is indeed a refutation.

Raba said: Every day he does sufficient for his requirements [only],¹⁴ except on that day. And on that day he is to die? — He prepared double his requirements on the previous day. But perhaps the previous day was the Sabbath? But every day he does sufficient for his requirements, and even on that day. Then wherein may that day be recognized? By *kiddush* and *habdalah*.¹⁵

Raba said: If he recognizes the relationship to the day of his departure,¹⁶ he may do work the whole of that day.¹⁷ But that is obvious? — You might say, Since he did not set out on the Sabbath, he did not set out on the eve of the Sabbath either;¹⁸ hence this man, even if he set out on Thursday.

it shall be permitted him to do work on two days. Hence he informs us that sometimes one may come across a company and chance to set out [on a Friday].

HE WHO KNOWS THE ESSENTIAL LAW OF THE SABBATH. How do we know it? — Said R. Nahman in the name of Rabbah b. Abbuha, Two texts are written: Wherefore the children of Israel shall keep the Sabbath;¹⁹ and it is written, and ye shall keep my Sabbaths.²⁰ How is this to be explained?²¹ ‘Wherefore the children of Israel shall keep the Sabbath’ [implies] one observance for many Sabbaths;²² [whereas] ‘and ye shall keep my Sabbaths’ [implies] one observance for each separate Sabbath.²³ R. Nahman b. Isaac demurred: On the contrary, the logic is the reverse: Wherefore the children of Israel shall keep the Sabbath [implies] one observance for each separate Sabbath; [whereas] ‘and ye shall keep my Sabbaths’ [implies] one observance for many Sabbaths.²⁴

HE WHO KNOWS THAT IT IS THE SABBATH.

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- (1) I.e., where one falsely swears that he has eaten.
 - (2) Knowing that he is swearing to an untruth.
 - (3) This contradicts Abaye.
 - (4) V. n. 2.
 - (5) The passage ‘Another. . . refutation’ is bracketed in the edd., and Rashi deletes it. For in fact the ruling is necessary according to Monabaz too. For whereas elsewhere ignorance is constituted by unawareness either of the forbidden nature of the act or of the sacrifice it entails, here the former does not constitute ignorance, and there must be unawareness of the liability to a sacrifice. This does not follow from Monabaz’s other ruling and so must be stated.
 - (6) If a non-priest eats terumah unwittingly, he must indemnify the priest for its value and add a fifth (Lev. XXII, 14). Abaye states that he must have been unaware of its forbidden nature, i.e., thinking it to be ordinary food.
 - (7) If terumah is knowingly eaten by a non-priest, he is liable to death inflicted by Heaven.
 - (8) Death and the addition of a fifth for the conscious and unconscious eating of terumah respectively are the equivalent of kareth and a sacrifice in the case of other transgressions. Hence according to R. Johanan on the basis of the ruling of the Rabbis one is liable to the addition of a fifth if he eats terumah in ignorance that the conscious offence is punishable by death at the hands of Heaven.
 - (9) Alfasi, Asheri, Maim., Tur and J.D. omit ‘on a road or’.
 - (10) From the day that he discovers that he has forgotten when it is the Sabbath.
 - (11) The first after his discovery.
 - (12) Where the Sabbath followed six working days.
 - (13) He was created on the sixth day; thus his first complete day was the Sabbath.
 - (14) But no unnecessary work, since each day may be the Sabbath.
 - (15) Kiddush =sanctification; habdalah=distinction. The former is a prayer recited at the beginning of the Sabbath; the latter is recited at the end thereof, and thanks God for making a distinction between the sanctity of the Sabbath and the secular nature of the other days of the week.
 - (16) On the day that he discovers that he has forgotten when it is the Sabbath, he nevertheless remembers how many days it is since he set out. The passage may also possibly be translated: if he recognizes a part, viz., the day on which he set out.
 - (17) Viz., on the seventh after he set out, without any restrictions, since he certainly did not commence his journey on the Sabbath.
 - (18) As it is unusual.
 - (19) Ex. XXXI, 16.
 - (20) Lev. XIX, 3.
 - (21) Sc. the employment of the sing. in one verse and the plural in the other.
 - (22) In the sense that if one desecrates many Sabbaths he fails in a single observance and is liable to one sin-offering only.
 - (23) Viz., that the desecration of each Sabbath entails a separate sacrifice. It then rests with the Rabbis to decide where each shall apply.
 - (24) R. Nahman b. Isaac agrees that the distinctions of the Mishnah follow from these texts, but he reverses their

significance.

Talmud - Mas. Shabbath 70a

Wherein does the first clause differ from the second? — Said R. Safra: Here he would refrain on account of the knowledge that it is the Sabbath: whilst there he would refrain through the knowledge of the [forbidden] labor[s]. Said R. Nahman to him: Does one refrain from [action on] the Sabbath [for any other reason] save that the labours [are forbidden]; and does one refrain from labours for aught save because of the Sabbath?¹ But said R. Nahman: for what does the Divine Law impose a sacrifice? For ignorance. There there is one fact of ignorance; here there are many facts of ignorance.²

HE IS LIABLE FOR EVERY SEPARATE LABOUR. Whence do we know the division of labors?³ — Said Samuel: Scripture saith, every one that profaneth it shall surely be put to death:⁴ the Torah decreed many deaths for one desecration. But this refers to wilful [desecration]? — Seeing that it is irrelevant in connection with wilful transgression, for it is written, whosoever doeth any work therein shall be put to death,⁵ apply it to an unwitting offender;⁶ then what is meant by, shall be put to death? He shall be amerced⁷ in money.⁸

But let the division of labours be deduced whence R. Nathan derives it? For it was taught, R. Nathan said: Ye shall kindle ‘no fire throughout your habitations on the Sabbath day:⁹ why is this stated?¹⁰ Because it is said, And Moses assembled all the congregation of the children of Israel, and said unto them, These are the words which the Lord hath commanded . . . Six days shall work be done:¹¹ ‘words’ [debarim], ‘the words’ [ha-debarim], ‘these [eleh] are the words’: this indicates the thirty-nine labours taught to Moses at Sinai.¹² I might think that if one performs all of them in a single state of unawareness,¹³ he incurs only one [sin-offering]: therefore it is stated, from ploughing and from harvesting thou shalt rest.¹⁴ Yet I might still argue, For ploughing and for harvesting one incurs two sacrifices, but for all others [together] there is but a single liability: therefore it is stated, ‘Ye shall kindle no fire’ — Now kindling is included in the general law: why is it singled out? That analogy therewith may be drawn, teaching: just as kindling is a principal labour and it entails a separate liability,¹⁵ so for every principal labour a separate liability is incurred.¹⁶ — Samuel holds as R. Jose, who maintained: Kindling is singled out to teach that it is [merely the object of] a negative precept.¹⁷ For it was taught: Kindling is singled out to teach that it is [merely the object of] a negative precept: this is R. Jose's view. R. Nathan said: It is particularly specified to indicate division.¹⁸

Now, let division of labours be derived, whence it is learnt by R. Jose? For it was taught: R. Jose said: [If a soul shall sin through ignorance against any one of the commandments of the Lord, concerning things which ought not to be done,] and shall do of one of them:¹⁹ sometimes one sacrifice is incurred for all of them, whilst at others one is liable for each separately. Said R. Jose son of R. Hanina, What is R. Jose's reason?²⁰ [Of one of them teaches that liability is incurred for] one [complete act]; [for one which is but part] of one; for performing labours forbidden in themselves [i.e. ‘them’], and [for labours whose prohibition is derived] from others [i.e., ‘of them’]; [further,] ‘one transgression may involve liability for a number of sacrifices [i.e., ‘one’=‘them’], while many offences may involve but one sacrifice [i.e., ‘them’=‘one’],²¹ [Thus:] one [complete act]: [the writing of] Simeon; [one which is but part] of one, —

(1) If the matter is determined by what one would refrain from, the Sabbath and its forbidden labours are tantamount to the same thing, and there would be one law for both forms of ignorance.

(2) V. notes on the Mishnah 67b.

(3) That a sacrifice is incurred for every separate labour, though they are all performed in one state of unawareness.

(4) Ex. XXXI, 14. ‘Surely’ is expressed in Hebrew by the doubling of the verb, which according to Talmudic exegesis

signifies extension.

(5) Ex. XXXV, 2. Here the verb is not doubled.

(6) This is one of the methods of Talmudic exegesis: a text or its deduction which is irrelevant or incorrect in reference to its own case is applied to another case.

(7) Lit., 'put to death'.

(8) I.e., a sacrifice. Hence the verse teaches that many sacrifices may be incurred for the desecration of one Sabbath.

(9) Ex. XXXV, 3.

(10) It is apparently superfluous, being included in the general prohibition of labour.

(11) Ibid. 1f.

(12) 'Words' implies at least two; 'the' (Heb. הַ) is regarded as an extension, whereby two is extended to three; 'these' (Heb. אֵלֶּם) is given its numerical value, which is thirty-six, thus totalling thirty-nine in all. (Hebrew letters are also numbers.) — The existence of a large body of oral law, stated verbally to Moses or generally known, was assumed. V. Weiss, Dor, I, and supra p. 123, n. 7.

(13) Without being informed in between that some of these labours are forbidden, but remaining in ignorance from the first labour to the last.

(14) Ibid. XXXIV, 21. Since these are specified individually, it follows that each entails a separate sacrifice.

(15) Since it is stated separately.

(16) Hence the difficulty, why does Samuel quote different verses to learn this?

(17) Whereas other labours, wilfully performed, are punishable by death or kareth, this is punished by flagellation, like the violation of any negative precept.

(18) As above.

(19) Lev. IV, 2.

(20) How does he deduce this from the verse?

(21) 'Of one of them', Heb. מִאֶחָד מֵהֵנָּה is a peculiar construction. Scripture should have written, 'and shall do one' (not of one) 'of them', or, 'and do of them' (one being understood), or, 'and shall do one' (of them being understood). Instead of which a partitive preposition is used before each. Hence each part of the pronoun is to be interpreted separately, teaching that he is liable for the transgression of 'one' precept, and for part of one (i.e., 'of one'); for 'them' (explained as referring to the primary labours); and for the derivatives 'of them' (toledoth — labours forbidden because they partake of the same nature as the fundamentally prohibited labours). Also, each pronoun reacts upon the other, as explained in the text.

Talmud - Mas. Shabbath 70b

[the writing of] Shem as part of Simeon.¹ Labours forbidden in themselves' [i.e., 'them']-the primary labours,' [labours whose prohibition is derived] from others' [i.e., 'of them'] — derivatives; 'one transgression may involve liability for a number of sacrifices [i.e., 'one' = 'them'] — awareness of the Sabbath coupled with unawareness of [the forbidden nature of his] labours.² Many offences may involve but one sacrifice [i.e., 'them' = 'one'] — unawareness of the Sabbath coupled with awareness of [the forbidden nature of his] labours.³ — Samuel does not accept the interpretation that 'one' [transgression] may involve liability for a number of sacrifices, while many offences may involve but one sacrifice.⁴

Raba asked R. Nahman: What if one forgot both?⁵ — Said he, Surely he is unaware of the Sabbath; hence he incurs only one [sacrifice].⁶ On the contrary, he has forgotten the labours; hence he is liable for each?⁷ But said R. Ashi: We see: if he would desist [from these labours] on account of the Sabbath,⁸ his unawareness is of the Sabbath, and he incurs only one sacrifice. While if he would desist on account of the labours,⁹ his unawareness is [chiefly] of the labours, and he is liable for each. Said Rabina to R. Ashi: Would he then desist on account of the Sabbath save because of the [forbidden nature of his] labours; and would he desist on account of [the forbidden nature of his] labours save because of the Sabbath?¹⁰ Hence there is no difference.¹¹

We learnt: The primary labours are forty less one. Now we pondered thereon, Why state the

number? And R. Johanan answered: [It is to teach] that if one performs all of them in one state of unawareness he is liable for each separately. Now, it is well if you say that if one is unaware of both he is liable for each separately; then it is correct.¹² But if you maintain that this is [mainly] an unawareness of the Sabbath [and] entails only one sacrifice, then how is this possible?¹³ [Presumably] by awareness of the Sabbath and ignorance of the [forbidden] labours. Now, that is well if he¹⁴ agrees with R. Johanan, who ruled: As long as one is unaware of kareth, even if he deliberately offends in respect of the negative command:¹⁵ then it is conceivable where he knows that the Sabbath is the object of a negative injunction. But if he agrees with R. Simeon b. Lakish, who maintained: He must offend unwittingly in respect of both the negative injunction and kareth, then wherein does he know that it is the Sabbath?¹⁶ — He knew of boundaries, this being in accordance with R. Akiba.¹⁷

Raba said: If one reaped and ground [corn] of the size of a dried fig¹⁸ in unawareness of the Sabbath but awareness in respect of the labours,¹⁹ and then he again reaped and ground [corn] of the size of a dried fig in awareness of the Sabbath but unawareness in respect of the labours,²⁰ and then he was apprised of the reaping and/or grinding [performed] in unawareness of the Sabbath but awareness of the labours,²¹ then he was apprised of the reaping and/or grinding [performed] in awareness of the Sabbath but unawareness in respect of the labours:

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- (1) A sin-offering is incurred only when a complete action is performed. The writing of a complete word — Simeon — is given as an example. Now, if one commences the word Simeon, שִׁמְעוֹן SHimeon in Hebrew, but writes only the first two letters thereof, viz., SHeM שֵׁם, he is also liable, though his intention is only partly fulfilled, because SHeM is a complete word in itself. This is called one labour which is part of another (i.e., 'of them'). If, however, the part he writes is not complete in itself, e.g., the first two letters of Reuben, in Hebrew, there is no liability.
- (2) Hence though he violates only one injunction, viz. the sacredness of the Sabbath, yet since he is ignorant of each of these acts, he is regarded as having committed a number of separate inadvertent transgressions, for each of which a sacrifice is due.
- (3) Since all his actions are the result of being unaware of one single fact, viz., that it is the Sabbath, only one sacrifice is due. — Hence the same difficulty, why does Samuel not learn from these verses? (The notes on this passage follow Rashi's explanation in Sanh. 62a; v. Sonc. ed., pp. 421 ff.)
- (4) He does not agree to their implication of the verse, holding that it is all required in respect of primary and derivative labours.
- (5) Lit., 'if there is the forgetfulness of both in his hand'. — I.e., he was unaware that it was the Sabbath and that his acts are forbidden on the Sabbath.
- (6) As in n. 2.
- (7) As in n. 1.
- (8) I.e., on being informed that it is the Sabbath.
- (9) When informed that these labours are forbidden on the Sabbath.
- (10) When he is reminded of one, he naturally understands that the other is meant too, and desists on account of both.
- (11) Hence the problem remains in both cases; therefore only one sacrifice is brought, since a sin-offering may not be offered unless one is definitely liable thereto (Rashi as elaborated by Maharsha).
- (12) For if he is ignorant of all the forbidden labours of the Sabbath, the Sabbath is exactly the same as any other day to him, and he may be regarded as unaware of both.
- (13) That he should be liable for every single labour.
- (14) R. Nahman. Rashi reads.: That is well in the view of R. Johanan etc., v. supra 69a.
- (15) V. p. 329, n. 3.
- (16) Seeing that he does not know of a single forbidden labour: v. n. 1.
- (17) V. supra 69a for notes.
- (18) That is the minimum for which one is culpable.
- (19) So that he is liable to one sacrifice only.
- (20) Having been apprised of the Sabbath, whilst he forgot that these are prohibited labours. In this case he is separately culpable on account of each. In the interval between his first labours and his second he did not learn of his offence.

(21) Whereupon he set aside one sacrifice on account of both labours — this being before he learnt of his second series of offences.

Talmud - Mas. Shabbath 71a

then [atonement for] the [first] reaping involves [atonement for] the [second] reaping and [atonement for] the [first] grinding involves [atonement for] the [second] grinding.¹ But if he was [first] apprised of his reaping [performed] in awareness of the Sabbath but unawareness in respect of labours: then [atonement for] this [second] reaping involves [atonement for] the [first] reaping and its accompanying grinding;² but the corresponding [second] grinding remains in its place.³ Abaye maintained: [Atonement for the first] grinding involves atonement for the second grinding too: the designation of grinding is the same.⁴

Now, does then Raba hold the theory of involvement?⁵ But it was stated: If one eats two olive-sized pieces of heleb⁶ in one state of unawareness,⁷ is apprised of one of them, and then eats another olive-sized piece whilst still unaware of the second — Raba said: If he offers a sacrifice for the first, the first and second are expiated,⁸ but the third is not. If he brings a sacrifice for the third, the third and second are expiated, but not the first. If he offers a sacrifice for the middle one, all are atoned for.⁹ Abaye maintained: Even if he offers a sacrifice for the first, all are expiated! — After hearing from Abaye he adopted it. If so, let grinding too be carried along with grinding?¹⁰ — He accepts the theory of [direct], but not that of indirect involvement.¹¹ The matter that is clear to Abaye and Raba¹² was a problem to R. Zera: For R. Zera asked R. Assi — others state, R. Jeremiah asked R. Zera: What if one reaped or¹³ ground [corn] of the quantity of half a dried fig in unawareness of the Sabbath but awareness in respect of the labours, then he again reaped or ground [corn] of the quantity of half a dried fig in awareness of the Sabbath but unawareness in respect of the labours; can they be combined?¹⁴ — Said he to him: They are distinct in respect of sin-offerings,¹⁵ therefore they do not combine.¹⁶

Now, wherever [acts] are distinct in respect of sin-offerings, do they not combine? Surely we learnt: If one eats heleb and [then again] heleb in one state of unawareness, he is culpable for only one [sin-offering]. If one eats heleb, blood, nothar, and piggul¹⁷ in one state of unawareness, he is culpable for each separately: in this many kinds [of forbidden food] are more stringent than one kind. — But in the following one kind is more stringent than many kinds: viz., if one eats half the size of an olive and then eats half the size of an olive of the same kind of [commodity],¹⁸ he is culpable; of two different commodities, he is not culpable. Now we questioned this: ‘of the same commodity, he is culpable’: need this be stated?¹⁹ And Resh Lakish said on the authority of Bar Tutani: The reference here is to one e.g., who ate [them] from two tureens,²⁰ this being according to R. Joshua, who ruled: Tureens divide.²¹ You might say that R. Joshua rules [thus] whether it leads to leniency or to stringency: hence we are informed that he did not rule thus leniently, but only stringently.²² Thus here, though distinct in respect of sin-offerings, yet they combine? — Said he to him: You learn this in reference to the first clause: hence it presents a difficulty to you.²³ But we learn it in reference to the second clause, and it presents no difficulty to us. [Thus:] ‘Of two kinds of [commodities], he is not culpable’: need this be said? And Resh Lakish answered on the authority of Bar Tutani: After all, it means of the same kind of [commodity]. Yet why is it designated two kinds of [commodities]? Because he ate them out of two tureens, this agreeing with R. Joshua, who maintained: Tureens divide, and we are informed this: that R. Joshua ruled [thus] both leniently and stringently. Now, since the second clause refers to one kind of [commodity] and two tureens,

(1) In respect to expiation. The sacrifice for his first two acts of reaping and grinding is an atonement for his second two acts, since all were performed in one state of unawareness, without any appraisal in the interval, notwithstanding that his first unawareness differed in kind from his second unawareness.

(2) When he makes atonement for his second reaping he automatically makes atonement for the first too, and since his

first reaping and grinding only necessitate one sacrifice, his first grinding too is atoned for thereby.

(3) Unatoned for, until another sacrifice is brought.

(4) I.e., all acts of grinding made in one state of unawareness are covered by this sacrifice, though it is not primarily offered on account of grinding at all.

(5) That atonement for one involves atonement for the other, as above.

(6) This is the minimum quantity of forbidden food the eating of which entails a sacrifice.

(7) Not being apprised in between that he had eaten heleb.

(8) Since they were eaten in one state of unawareness.

(9) Since both the first and the third were eaten in the state of unawareness of the second. — The first two rulings show that he rejects the theory of involvement.

(10) As Abaye rules above.

(11) Lit., 'involvement of involvement'. Thus the first act of grinding is atoned for only because it is involved in the atonement for reaping; hence this in turn cannot involve the second act of grinding.

(12) Viz., that awareness of the Sabbath and ignorance of the forbidden nature of one's labours followed by the reverse constitute a single state of unawareness, though the first differs in kind from the second, and the two states or periods are not separate in respect to sacrifice, but sacrifice for one makes atonement for the other.

(13) The context shows that the waw is disjunctive here, and it is thus translated by Rashi.

(14) Viz., the two reapings or the two acts of grinding. Is it all regarded as a single state of unawareness, so that they do combine, or as two states of unawareness, since they differ in kind and they do not combine? Thus he was doubtful of what was clear to Abaye and Raba.

(15) Had each reaping been sufficient to entail a sin-offering, a sacrifice for one would not make atonement for the other. He thus differs from Abaye and Raba.

(16) Hence there is no liability.

(17) V. Glos.

(18) The overall time being less than is required for the eating of half an average meal. It is then regarded as one act of eating.

(19) It is obvious.

(20) I.e., the two pieces of heleb were differently prepared.

(21) If one eats two pieces, each the size of an olive, out of different tureens, in one state of unawareness, they are treated as two separate acts, and he must make atonement on account of each.

(22) Therefore the two half-olive sized pieces combine, though they are of two tureens.

(23) Since it must be explained as treating of two tureen.

Talmud - Mas. Shabbath 71b

it follows that the first clause treats of one kind of [commodity] and one tureen. But if it is one kind of [commodity] and one tureen, need it be stated?¹ — Said R. Huna: The circumstances here dealt with are e.g., that he was aware in between,² this agreeing with Rabban³ Gamaliel, who maintained: Knowledge of half the standard quantity is of no consequence.⁴

It was stated: If one eats two olive-sized pieces of heleb in one state of unawareness, is apprised of the first and subsequently of the second, — R. Johanan maintains: He is liable to two [sin-offerings]; while Resh Lakish rules: He is liable to one only. R. Johanan maintains: He is liable [for the second], [deducing] for his sin . . . he shall bring [a sacrifice].⁵ While Resh Lakish rules, He is not liable [for the second], [interpreting,] of his sin . . . and he shall be forgiven.⁶ But according to Resh Lakish too, surely it is written, 'for his sin . . . he shall bring?' — That holds good after atonement.⁷ But according to R. Johanan too, surely it is written, 'of his sin . . . and he shall be forgiven'? — That refers to one e.g., who ate an olive and a half [of heleb],⁸ was apprised concerning the size of an olive,⁹ and then ate again as much as half an olive in the unawareness of the second [half].¹⁰ Now you might say, let these combine; therefore it¹¹ informs us [otherwise].¹²

Rabina asked R. Ashi: Do they disagree where it [the eating of the second piece] became known to

him before setting apart [a sacrifice] for the first, and they differ in this: one Master holds, Appraisements divide,¹³ whilst the other Master holds, [Only] separations [of sacrifices] divide;¹⁴ but if [he learnt of the second piece] after setting apart [a sacrifice for the first], Resh Lakish concedes to R. Johanan that he is liable to two. Or perhaps they disagree where it became known to him after the act of setting apart, and they differ in this: One Master holds, Separations [of sacrifices] divide, while the other Master holds, [Only] acts of atonement divide;¹⁵ but if [he learnt of the second piece] before setting apart [a sacrifice for the first], R. Johanan concedes to Resh Lakish that he is liable only to one [sacrifice]. Or perhaps they differ in both cases? — Said he to him: It is logical that they differ in both cases. For should you think that they differ before the setting apart of a sacrifice, whereas after ‘setting apart’ Resh Lakish concedes to R. Johanan that he is liable to two sacrifices, — then instead of interpreting the verse as referring to after atonement, let him interpret it as referring to after ‘setting apart’.¹⁶ Whilst if they differ after ‘setting apart’, whereas before separation R. Johanan agrees with Resh Lakish that he is liable only to one [sacrifice]; — instead of interpreting the verse as referring to [one who ate] as much as an olive and a half, let him relate it to [apprisement of the second] before ‘setting apart’? But perhaps that itself is in doubt, and it is hypothetically stated.¹⁷ [Thus:] if you assume that they differ before ‘setting apart’, how can R. Johanan interpret the verse? As referring to [one who ate] the quantity of an olive and a half. And if you assume that they differ after separation, how can Resh Lakish interpret the verse? As referring to after atonement.

‘Ulla said: On the view that a certain guilt-offering does not require previous knowledge:¹⁸

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- (1) Surely his culpability is obvious!
 - (2) That he had eaten heleb.
 - (3) A higher title than ‘Rabbi’.
 - (4) I.e., it does not separate two acts of eating, when in each case only half the standard quantity to create liability is consumed.
 - (5) Lev. IV, 28, q.v. I.e., for each sin a separate sacrifice is required.
 - (6) Ibid. 35. ‘Of’ (Heb. **וּמִן**) is interpreted partitively: i.e., even if he offers a sacrifice for part of his sin only, he is forgiven for the whole.
 - (7) If he offends a second time after having atoned for the first, he must make atonement again.
 - (8) At once, though the heleb was not in one piece.
 - (9) That that amount of the fat was heleb.
 - (10) Which was eaten the first time.
 - (11) The verse quoted by Resh Lakish.
 - (12) As in n. 2.
 - (13) I.e., the knowledge first obtained concerning one piece separates this piece from the second, and necessitates a sacrifice for each.
 - (14) And since a sacrifice was not set apart — i.e., separated — until he learnt of the second piece, it atones for both.
 - (15) V. n. 3.
 - (16) Even before it was actually sacrificed.
 - (17) Lit., ‘and he says, “should you say”.’
 - (18) There are two classes of guilt-offerings (Heb. *asham*, pl. *ashamoth*): (i) A guilt-offering of doubt. This is due when one is doubtful if he has committed a sin which, when certainly committed, entails a sin-offering. (ii) A certain guilt-offering. This is due for the undoubted commission of certain offences, viz., (a) robbery (after restoration is made, v. Lev. V, 25); (b) misappropriation of sacred property to secular uses (Lev. V, 16); (c) coition with a bondmaid betrothed to another (Lev. XIX, 21); (d) a nazirite's interrupting of the days of his purity by permitting himself to be ritually defiled (Num. VI, 12); and (e) a leper's guilt-offering (Lev. XIV, 12). Now with respect to b, the Rabbis hold that no guilt-offering is incurred for doubtful misappropriation, whilst R. Akiba and R. Tarfon hold that one can bring a guilt-offering conditionally, stating: ‘If I learn at some future date that I was definitely guilty, let this be accounted now as a certain guilt-offering. But if I am destined to remain in doubt, let this be a guilt-offering of doubt’. Thus on the first hypothesis a certain guilt-offering is brought, though at the time one has no knowledge whether he has actually sinned.

— This follows Tosaf. Rashi holds that R. Akiba and R. Tarfon differ in this very question.

Talmud - Mas. Shabbath 72a

if one cohabits five times with a betrothed bondmaid,¹ he is liable to one [guilt-offering] only.² R. Hammuna objected: If so, if one cohabits, sets aside a sacrifice, and states, 'Wait for me until I cohabit again,'³ is he then liable to only one?⁴ — Said he to him, You speak of an act after separation [of the sacrifice]: in such a case I did not state [my ruling].⁵

When R. Dimi came⁶ he said: On the view that a certain guilt-offering requires previous knowledge: If one cohabits five times with a betrothed maiden, he is liable for each [act]. Said Abaye to him, But in the case of a sin-offering [definite] knowledge is required beforehand,⁷ yet R. Johanan and Resh Lakish differ [therein]?⁸ He remained silent. Said he to him, Perhaps you refer to an act after separation [of the sacrifice], and as R. Hammuna?⁹ Even so, he replied.

When Rabin came,⁶ he said: All agree about a betrothed bondmaid [in one respect], and all agree about a betrothed bondmaid [in another respect], and there is disagreement about a betrothed bondmaid [in a third respect].¹⁰ [Thus:] All agree in the case of [coition with] a betrothed bondmaid, that one is liable only to one [sacrifice], as Ulla. All agree in the case of [coition with] a betrothed bondmaid, that one is liable for each, as R. Hammuna. And there is disagreement about a betrothed bondmaid: on the view that a certain guilt-offering requires previous knowledge, there is disagreement between R. Johanan and Resh Lakish.¹¹ It was stated:

(1) Unwittingly. Between each act of coition he learnt of his previous offence.

(2) Since knowledge of guilt is not required, the knowledge that he does possess is insufficient to separate his actions and necessitate a sacrifice for each. But on the view that previous knowledge is essential for a guilt-offering, this matter will be disputed by R. Johanan and Resh Lakish, as on 71b. — Though we do not find a doubtful guilt-offering for doubtful coition, and so it would appear that here at least knowledge is essential, for otherwise how does he know that he sinned at all, a sacrifice is nevertheless conceivable without previous knowledge. Thus: when in doubt one might bring a conditional sacrifice and stipulate: 'If I have sinned, let this be a certain guilt-offering; if not, let this be a peace-offering' (Tosaf.).

(3) So that this sacrifice may atone for both. — Even conscious coition with a betrothed bondmaid necessitates a sacrifice, though in all other cases only an unwitting offence entails an offering.

(4) Surely not!

(5) For this certainly divides the offences, and a sacrifice is required for each.

(6) V. p. 12, n. 9.

(7) That an offence was committed. If one brings a sin-offering before he knows that he has sinned, and then learns that he has sinned, the sacrifice is invalid for atonement.

(8) And the same principle applies here. How then can you make a general statement?

(9) Whereas R. Johanan and Resh Lakish differ where all his actions were committed before the separation of an animal for a sacrifice.

(10) 'All' and 'there is disagreement' refer to the views of R. Johanan and Resh Lakish.

(11) V. p. 343. n. 5.

Talmud - Mas. Shabbath 72b

If one intended to lift up something detached, but cut off something attached [to the soil],¹ he is not culpable. [If he intended] to cut something detached, but cut something attached [instead],² Raba ruled: He is not culpable; Abaye maintained: He is culpable.³ Raba ruled, He is not culpable, since he had no intention of a prohibited cutting.⁴ Abaye maintained: He is culpable, since he had the intention of cutting in general.⁵

Raba said, How do I know it? Because it was taught: [In one respect] the Sabbath is more stringent than other precepts; [in another respect] other precepts are more stringent than the Sabbath. The Sabbath is more stringent than other precepts in that if one performs two [labours] in one state of unawareness, he is culpable on account of each separately; this is not so in the case of other precepts. Other precepts are more stringent than the Sabbath, for in their case if an injunction is unwittingly and unintentionally violated, atonement must be made: this is not so with respect to the Sabbath.

The Master said: ‘The Sabbath is more stringent than other precepts in that if one performs two [labours] in one state of unawareness, he is culpable on account of each separately: this is not so in the case of other precepts.’ How is this meant? Shall we say, that he performed reaping and grinding? Then an analogous violation of other precepts would be the partaking of heleb and blood — then in both cases two [penalties] are incurred! But how is it possible in the case of other precepts that only one liability is incurred? If one ate heleb twice,⁶ then by analogy, with respect to the Sabbath [it means] that he performed reaping twice — then in each case only one liability is incurred? — After all, it means that he performed reaping and grinding, and what is meant by ‘this is not so in the case of other precepts’? This refers to idolatry, and is in accordance with R. Ammi, who said: If one sacrificed, burnt incense, and made libations [to an idol] in one state of unawareness, he is only liable to one [sacrifice].⁷ How have you explained it: as referring to idolatry? Then consider the second clause: Other precepts are more stringent [than the Sabbath], for in their case if an injunction is unwittingly and unintentionally violated, atonement must be made: this is not so with respect to the Sabbath. Now, how is an unwitting and unintentional transgression of idolatry possible? Shall we say that one thought it [sc. an idolatrous shrine] to be a synagogue and bowed down to it — then his heart was to Heaven! But if he saw a royal statue and bowed down to it — what are the circumstances? If he accepted it as a god, he is a wilful sinner; while if he did not accept it as a god, he has not committed idolatry at all!⁸ Hence it must mean [that he worshipped it idolatrously] through love or fear:⁹ now this agrees with Abaye's view that a penalty is incurred,¹⁰ but on Raba's view that there is no culpability, what can you say? Rather it must refer to one who thinks that it [sc. idolatry] is permitted.¹¹ Then ‘this is not so in the case of the Sabbath’ means that there is no liability at all! Yet when Raba questioned R. Nahman,¹² it was only whether one is liable to one [sacrifice] or to two, but certainly not to exempt him completely!

(1) The latter is a forbidden act on the Sabbath. Rashi: e.g., if a knife fell down amidst growing corn, and whilst intending to lift it up one cut the corn.

(2) R. Tam: e.g., he thought it was a detached bundle of corn, but after cutting it he discovered that it had been attached.

(3) Throughout the Talmud Abaye's view is always quoted before Raba's. Hence it is suggested that either the order should be reversed here, or Rabbah (Abaye's teacher) should be read instead of Raba, v. Marginal Gloss.

(4) Whereas in order to be culpable he must have intended to do what he did, save that his offence was unintentional either because he did not know that it was the Sabbath or that that action is forbidden on the Sabbath.

(5) Whereas to avoid culpability he must have had no intention of cutting at all.

(6) In one state of unawareness, not being reminded in between that heleb is forbidden.

(7) Though he performed a number of services.

(8) Lit. , ‘it is nothing’.

(9) And this is called unwitting and unintentional, for it was unwitting in so far as he thought this permissible.

(10) V. Sanh. 61b.

(11) E.g., if he was brought up among heathens. Since he has never known of any prohibition, it is regarded not only as unwitting but as unintentional too.

(12) About such a case. v. supra 70b. Where one forgets both the Sabbath and the forbidden labours it is tantamount to ignorance of the Sabbath altogether, and is thus analogous to the belief that idolatry is permitted.

Talmud - Mas. Shabbath 73a

Surely then the first clause [dealing with the greater severity of the Sabbath] refers to idolatry, whilst

the second treats of other precepts; and how is unwitting and unintentional transgression possible? When one thought that it [heleb] was permitted fat, and ate it.¹ [While] ‘this is not so with respect to the Sabbath,’ viz., that he is not culpable, for if [by analogy] one intended cutting something detached but cut something attached [instead], he is not culpable.² But Abaye [maintains:] how is an unwitting and unintentional offence meant? When one thinks that it [heleb] is spittle and swallows it.³ [While] ‘which is not so in the case of the Sabbath,’ where he is exempt, for if [by analogy] one intends lifting something detached but cuts something attached [to the soil], he is not culpable. But if he intends to cut something detached and cuts something attached, he is liable.

It was stated: If one intends to throw [an object] two [cubits], but throws it four,⁴ Raba said: He is not culpable; Abaye ruled: He is culpable.⁵ Raba said: He is not culpable, since he had no intention of a four [cubits’] throw. Abaye ruled, He is culpable, since he intended throwing in general. If he thinks it private ground but it is learnt to be public ground, Raba ruled: He is not culpable; Abaye said: He is culpable. Raba ruled, He is not culpable, since he had no intention of a forbidden throw. While Abaye ruled that he is culpable, since he intended throwing in general.

Now, it is necessary.⁶ For if we were informed of the first, [it might be argued] there [only] does Raba rule thus, since he did not intend [to perform] a forbidden eating, but if he intended throwing [an object] two [cubits] but throws it four, since four cannot be thrown without two,⁷ I would say that he agrees with Abaye. And if we were informed of this, [it might be argued] here [only] does Raba rule thus, since he did not intend a four [cubits’] throw; but if he thought it private ground but it was discovered to be public ground, seeing that he intended a four [cubits’] throw, I would say that he agrees with Abaye. Thus they are [all] necessary.

We learnt: The primary labours are forty less one. Now we questioned this, Why state the number? And R. Johanan answered: [To teach] that if one performs all of them in one state of unawareness, he is liable [to a sacrifice] on account of each separately. Now, as for Abaye who ruled that in such a case one is liable, this is well: for this is conceivable where one knows the interdict of the Sabbath and the interdicts of labours, but errs in respect of the standards.⁸ But according to Raba who maintained that one is not culpable [for this], how is this conceivable? [Presumably] [only] where he was conscious of the Sabbath but unaware of [the forbidden character of his] labors. Now that is well if he agrees with R. Johanan who ruled, Since he was ignorant of kareth, even if he was conscious of the negative injunction, [he is liable]:⁹ then it is possible where he knew [that his labors are prohibited on] Sabbath by a negative injunction. But if he holds with R. Simeon b. Lakish, who maintained, He must offend unwittingly in respect of both the negative injunction and kareth, then wherein did he know of the Sabbath?¹⁰ — He knew it by the law of boundaries, this being in accordance with R. Akiba.¹¹

MISHNAH. THE PRIMARY LABOURS ARE FORTY LESS ONE, [VIZ.:] SOWING,¹² PLOUGHING, REAPING, BINDING SHEAVES, THRESHING, WINNOWING, SELECTING,¹³ GRINDING, SIFTING, KNEADING, BAKING, SHEARING WOOL, BLEACHING, HACKLING, DYEING, SPINNING, STRETCHING THE THREADS,¹⁴ THE MAKING OF TWO MESHES, WEAVING TWO THREADS, DIVIDING TWO THREADS,¹⁵ TYING [KNOTTING] AND UNTYING, SEWING TWO STITCHES, TEARING IN ORDER TO SEW TWO STITCHES,¹⁶ CAPTURING A DEER, SLAUGHTERING, OR FLAYING, OR SALTING IT,¹⁷ CURING ITS HIDE, SCRAPING IT [OF ITS HAIR], CUTTING IT UP, WRITING TWO LETTERS, ERASING IN ORDER TO WRITE TWO LETTERS [OVER THE ERASURE], BUILDING, PULLING DOWN, EXTINGUISHING, KINDLING, STRIKING WITH A HAMMER,¹⁸ [AND] CARRYING OUT FROM ONE DOMAIN TO ANOTHER: THESE ARE THE FORTY PRIMARY LABOURS LESS ONE.

(1) Thus it was unwitting, because he thought it permitted fat, and unintentional, since he had no intention of eating

heleb. On the present hypothesis it is regarded as unwitting but intentional only when he knows that it is heleb and eats it as such, thinking, however, that heleb is permitted.

(2) Thus on this interpretation the Baraita supports Raba.

(3) It is unwitting, because he thinks it spittle, and unintentional, because he has no intention of eating at all, swallowing not being eating. But the case posited by Raba is not unintentional in Abaye's view, since he did intend to eat.

(4) Four cubits in the street is the minimum distance for culpability.

(5) On Raba and Abaye v. supra 72b, p. 345. n. 3.

(6) For the three controversies — i.e., these two and that on 72b top — to be stated, though apparently two are superfluous, since the same principle underlies all.

(7) I.e., in throwing it four cubits he did fulfil his intention.

(8) In each case he intended performing less than the standard for which liability is incurred, but actually performed the full standard.

(9) V. p. 329, n. 2.

(10) V. p. 330, n. 3.

(11) V. p. 330, nn. 5-6.

(12) Lit., 'he who sows', and similarly with the others that follow.

(13) By hand, the unfit food from the fit.

(14) On the loom.

(15) I.e., dividing the ends of the web.

(16) Where it is inconvenient to sew unless one tears the cloth first, that tearing is a primary labour.

(17) Sc. its skin.

(18) I.e., giving the finishing blow with the hammer.

Talmud - Mas. Shabbath 73b

GEMARA. Why state the number? — Said R. Johanan: [To teach] that if one performs them all in one state of unawareness, he is liable on account of each separately.

SOWING AND PLOUGHING. Let us see: ploughing is done first, then let him [the Tanna] state PLOUGHING first and then SOWING? — The Tanna treats of¹ Palestine, where they first sow and then plough.²

A Tanna taught: Sowing, pruning, planting, bending,³ and grafting are all one labour. What does this inform us? — This: that if one performs many labours of the same nature, he is liable only to one [sacrifice]. R. Abba⁴ said in the name of R. Hiyya b. Ashi in R. Ammi's name: He who prunes is culpable on account of planting, while he who plants, bends [the vine], or grafts is culpable on account of sowing. On account of sowing only but not on account of planting?⁵ — Say: on account of planting too.⁶

R. Kahana said: If one prunes and needs the wood [too], he is liable to two [penalties],⁷ one on account of reaping⁸ and one on account of planting.⁹ R. Joseph said: He who cuts hay is liable to two [penalties], one on account of reaping and the other on account of planting.¹⁰ Abaye said: He who trims beets [in the ground] is liable to two [penalties], one on account of reaping¹¹ and one on account of planting.¹²

PLOUGHING. A Tanna taught: Ploughing, digging, and trenching are all one [form of] work.¹³ R. Shesheth said: If one has a mound [of earth] and removes it, in the house, he is liable on the score of building;¹⁴ if in the field, he is liable on the score of ploughing. Raba said: If one has a depression and fills it up: if in the house, he is liable on account of building; if in the field, he is liable on account of ploughing.¹⁵

R. Abba said: If one digs a pit on the Sabbath, needing only the earth thereof,¹⁶ he is not culpable

on its account. And even according to R. Judah, who ruled: One is liable on account of a labour which is not required on its own account:¹⁷ that is only when he effects an improvement, but this man causes damage.¹⁸

REAPING: A Tanna taught: Reaping, vintaging, gathering [dates], collecting [olives], and gathering [figs] are all one [form of] labour. R. Papa said: He who throws a clod of earth at a palm tree and dislodges dates is liable to two [penalties], one on account of detaching¹⁹ and one on account of stripping.²⁰ R. Ashi said: This is not the mode of detaching, nor is it the mode of stripping.²¹

BINDING SHEAVES. Raba²² said: He who collects salt out of a salina²³ is liable on the score of binding sheaves.²⁴ Abaye said: Binding sheaves applies only to products of the soil.

THRESHING. It was taught: Threshing, beating [flax in their stalks], and beating [cotton] are all the same form of work.

WINNOWER, SELECTING, GRINDING AND SIFTING. But winnowing, selecting, and sifting are identical?²⁵ — Abaye and Raba both said: Whatever was performed in [connection with the erection of] the Tabernacle,

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- (1) Lit., 'stands in' — all the Tannaim, of course, were Palestinians.
 - (2) Involving only one liability if performed at the same time.
 - (3) Bending a vine for drawing it into the ground and making it grow as an independent plant (Jast.).
 - (4) So text as amended.
 - (5) Surely bending and grafting are forms of planting? — Planting and sowing are identical, the former applying to trees and the latter to cereals.
 - (6) Hence if he grafts and sows, he is only liable to one penalty.
 - (7) I.e., sin-offering, if done unwittingly.
 - (8) Cutting wood from a tree for its use is a derivative of reaping.
 - (9) Pruning is done to enable what is left to grow more freely, and thus it is a derivative of planting.
 - (10) The hay is cut so that new grass can grow, and thus it is a derivative of planting (i.e., sowing) too.
 - (11) Because the beets he cuts constitute a harvest.
 - (12) As in n. 5.
 - (13) Involving only one liability if performed at the same time.
 - (14) For he thereby levels the floor, which is part of building.
 - (15) For he thereby prepares the ground for sowing.
 - (16) But not the pit itself.
 - (17) V. supra 12a, 31b.
 - (18) He spoils the ground by the pit.
 - (19) That which is attached to the soil, the clod being taken up from the soil.
 - (20) Rashi: the tree of a burden, sc. the dates. Ri: the dates of their outer skin. In both cases this is a derivative of threshing, which separates the grain from the chaff.
 - (21) Hence he is not liable on either score.
 - (22) Maim. and Asheri read: Rabbah.
 - (23) A salt deposit, formed by causing sea water to flow into a trench; the water evaporates through the heat of the sun, leaving the salt. Raba refers to this action of directing the water into the trench.
 - (24) It partakes of the same nature, and ranks as a derivative thereof.
 - (25) All consist of separating fit from unfit food.

Talmud - Mas. Shabbath 74a

even if there are [labours] similar thereto, is counted [separately].¹ Then let him also enumerate

pounding [wheat]?² — Said Abaye: Because a poor man eats his bread without pounding.³ Raba said: This agrees with Rabbi, who said: The primary labours are forty less one; but if pounding were enumerated, there would be forty.⁴ Then let one of these be omitted and pounding be inserted? Hence it is clear [that it must be explained] as Abaye [does].

Our Rabbis taught: If various kinds of food lie before one, he may select and eat, select and put aside; but he must not select, and if he does, he incurs a sin-offering. What does this mean? — Said ‘Ulla, This is its meaning: He may select to eat on the same day, and he may select and put aside for the same day; but he must not select for [use on] the morrow, and if he does, he incurs a sin-offering. R. Hisda demurred: Is it then permitted to bake for [use on] the same day, or is it permitted to cook for the same day?⁵ Rather said R. Hisda: He may select and eat less than the standard quantity, and he may select and put aside less than the standard quantity;⁶ but he must not select as much as the standard quantity, and if he does, he incurs a sin-offering. R. Joseph demurred: Is it then permitted to bake less than the standard quantity?⁷ Rather said R. Joseph: He may select by hand and eat, or select by hand and put aside; but he may not select with a reed-basket or a dish; and if he does, he is not culpable, nevertheless it is forbidden.⁸ He may not select with a sieve or a basket-sieve, and if he does he incurs a sin-offering.⁹ R. Hamnuna demurred: Are then a reed-basket and a dish mentioned? — Rather said R. Hamnuna: He may select and eat, [taking the] eatable from the non-eatable, and he may select and put aside, [taking] the eatable from the non-eatable. But he must not select the non-eatable out of the eatable, and if he does, he incurs a sin-offering.¹⁰ Abaye demurred: Is it then taught, ‘the eatable from the non-eatable’? Rather said Abaye: He may select and eat immediately, and he may select and put aside for immediate use;¹¹ but he may not select for [later consumption on] the same day, and if he does, it is regarded as though he were selecting for [making] a store, and he incurs a sin-offering.¹² The Rabbis reported this to Raba. Said he to them, Nahmani¹³ has said well.

If two kinds of food lie before a person, and he selects and eats or selects and puts aside,¹⁴ — R. Ashi learnt: He is not culpable: R. Jeremiah of Difti¹⁵ learnt: He is culpable, ‘R. Ashi learnt: He is not culpable’! but it was taught:¹⁶ ‘He is culpable’? — There is no difficulty: the one treats of a reed-basket and a plate;¹⁷ the other refers to a sieve and a basket-sieve.

When R. Dimi came,¹⁸ he related: It was R. Bibi's Sabbath,¹⁹ and R. Ammi and R. Assi chanced to be there. He cast a basket of fruit before them,²⁰ and I do not know whether it was because he held that it is forbidden to pick out the eatable from the noneatable, or whether he wished to be generous.²¹

Hezekiah said: One who picks lupines [after boiling] out of their husks²² is culpable. Shall we say that Hezekiah holds that it is forbidden to select the eatable from the non-eatable? [No.] Lupines are different,

(1) What constitutes primary labours is learnt from the Tabernacle (v. 49b). All these labours were needed for the Tabernacle in the wilderness; hence they are counted separately.

(2) In a mortar, to remove the husk. Drugs were pounded in connection with the Tabernacle for dyes.

(3) Hence it is omitted, for the Tanna evidently follows the general order of making bread, and bread for the poor is prepared with the husk of the wheat. But it is certainly a primary labour forbidden on the Sabbath.

(4) Rabbi deduces even the number of labours from Scripture (v. infra 97b).

(5) Surely not! And since you say that selecting for use on the next day entails a sin-offering, it is a forbidden labour in the full sense of the term, and hence prohibited even if required for the same day.

(6) For which a penalty is incurred, viz., as much as a dried fig.

(7) Granted that there is no penalty, it is nevertheless forbidden, and the same applies here.

(8) There is no liability, because this is not the proper mode of selecting; nevertheless it is forbidden, because it is somewhat similar to selecting by means of a sieve.

- (9) Because this is the usual mode of sifting, and it is therefore a primary labour, as stated in the Mishnah. For a description of the nafah v. Aboth, Sonc. ed., p. 69, n. 10.
- (10) The former is not the ordinary mode of sifting, while the latter is.
- (11) I.e., immediately he finishes putting aside he will consume what is eatable.
- (12) But the former does not constitute sifting and is entirely permissible.
- (13) A familiar name of Abaye, because he was brought up in the house of Rabbah b. Nahmani. V. however, Git., Sonc. ed., p. 140, n. 6.
- (14) For another to eat. The two kinds were mixed up, and he selected the kind he desired.
- (15) v. p. 35, n. 5.
- (16) Supra.
- (17) When the selecting is done by these, he is not culpable.
- (18) V. p. 12, n. 9.
- (19) It was his turn that Sabbath to wait on the scholars.
- (20) **סָטַף** denotes to put down with some violence. He did this instead of first separating the leaves from the fruit, as they would fall away automatically through the force of his setting it down.
- (21) Hence placed a large quantity before them.
- (22) Lit., 'refuse'.

Talmud - Mas. Shabbath 74b

because they are boiled seven times, and if one does not remove it [the edible portion], it goes rancid, hence it is like [picking] the non-edible out of the edible.¹

GRINDING. R. Papa said: He who cuts up beets very fine is liable on account of grinding. R. Manasseh said: He who cuts chips [for fuel] is liable on account of grinding. Said R. Ashi: If he is particular about their size, he is liable on account of cutting.²

KNEADING AND BAKING. R. Papa said: Our Tanna omits the boiling of ingredients [for dyes],³ which took place in [connection with] the Tabernacle, and treats of baking!⁴ — Our Tanna takes the order of [making] bread.⁵

R. Aha son of R. Awira said: He who throws a tent peg into a stove⁶ is liable on account of cooking. But that is obvious? — You might say, His intention is to strengthen [harden] the article,⁷ therefore we are informed that it [first] softens and then hardens.⁸

Rabbah son of R. Huna said: He who boils pitch is liable on account of cooking. But that is obvious? — You might argue, Since it hardens again, I might say [that he is] not [liable]. Hence he informs us [otherwise].

Raba said: He who makes an [earthenware] barrel is culpable on account of seven sin-offerings.⁹ [He who makes] an oven is liable on account of eight sin-offerings.¹⁰ Abaye said: He who makes a wicker work is liable to eleven sin-offerings,¹¹ and if he sews round the mouth thereof, he is liable to thirteen sin-offerings.¹²

SHEARING WOOL AND BLEACHING. Rabbah b. Bar Hanah said in R. Johanan's name: He who spins wool from off the animal's back on the Sabbath incurs three sin-offerings, one on account of shearing, another on account of hackling, and the third on account of spinning.¹³ R. Kahana said: Neither shearing, hackling, nor spinning is [done] in this manner.¹⁴ But is it not so? Surely it was taught in the name of R. Nehemiah: It was washed [direct] on the goats and spun on the goats:¹⁵ which proves that spinning direct from the animal is designated spinning? — Superior skill is different.¹⁶

Our Rabbis taught: He who plucks the wing [of a bird], trims it [the feather], and plucks it [the down], is liable to three sin offerings. Said R. Simeon b. Lakish: For plucking [the wing] one is liable on account of shearing; for trimming [the feather] he is liable on the score of cutting; and for plucking [the down] he is liable under the head of smoothing.

TYING AND UNTYING. Where was there tying in the Tabernacle?¹⁷ — Said Raba: The tent-pegs were tied. But that was tying with the intention of [subsequent] untying?¹⁸ But said Abaye: The weavers of the curtains, when a thread broke, tied it up. Said Raba to him: You have explained tying; but what can be said about untying? And should you answer that when two knots [in the material] chanced to come together, one untied one and left the other knotted?¹⁹ [it may be asked], seeing that one would not do thus before a king of flesh and blood, how much more so before the Supreme King of kings, the Holy One, blessed be He?²⁰ Rather said Raba — others state, R. Elai: Those who caught the hillazon²¹ tied and untied.²²

SEWING TWO STITCHES. But it cannot endure?²³ — Said Rabbah b. Bar Hanah in R. Johanan's name: Providing that he knots them.²⁴

TEARING IN ORDER TO SEW TWO STITCHES. Was there any tearing in the Tabernacle? — Rabbah and R. Zera both say:

(1) Which is forbidden.

(2) Sc. Hides to measure; v. Mishnah on erection.

(3) E.g., for the hangings and curtains, v. Rashi 73a, s.v. **האיפה**.

(4) Which has nothing to do with the Tabernacle (Rashi).

(5) I.e., he takes bread as an example and enumerates the various principal labours connected with it.

(6) To dry it.

(7) Whereas cooking softens.

(8) The fire heats the moisture in the wood, which softens it, and it is only after it evaporates that the wood hardens. This prior softening partakes of the nature of cooking.

(9) So MS.M., deleting 'on account of' in cur. edd. (i) The clods of earth are first crushed and powdered — this constitutes grinding; (ii) the thicker balls which do not powder well are removed — selecting (iii) it is then sifted; (iv) the powder is mixed with water — kneading; (v) the resultant clay is smoothed when the cast of the vessel is made — smoothing; (vi) the fire is lit in the kiln; and (vii) the vessel is hardened in the kiln — boiling.

(10) The seven foregoing, which are also needed here, and an additional one. For after it is hardened in the kiln, a layer of loam or plaster is daubed on the inside, to enable it to preserve heat. This completes it, and it is stated infra 75b that every special act needed to complete an article falls within the term 'striking with the hammer' (v. Mishnah, 73a). But a barrel needs no special labour to complete it.

(11) It entails this number of labours: (i and ii) cutting the reeds is a two-fold labour: (a) reaping, (b) planting, since it leaves more room for the others to grow (v. supra 73b); (iii) collecting them — binding sheaves, (iv) selecting the best; (v) smoothing them; (vi) splitting them lengthwise into thinner rods — grinding; (vii) cutting them — to measure; (viii) stretching the lengthwise rods; (ix) drawing one cane through these, threading it above and below the lengthwise rods — this is the equivalent of 'the making of two meshes'; (x) plaiting the canes — weaving; and finally (xi) cutting it round after plaiting in order to finish it off, — 'striking with a hammer' (v. n. 7).

(12) The additional two are sewing and then tying up (presumably the unattached lengths of the thread or twine used for same).

(13) Spinning direct from the animal embraces these three labours.

(14) Hence he is not liable at all, for one is liable only when he performs a labour in the usual manner.

(15) The reference is to Ex. XXXV, 26, q.v., which R. Nehemiah translates literally, without adding 'hair' as in E.V., and so he deduces that it was spun directly from the animal.

(16) Scripture emphasizes there the skill that this demanded (v. 25), which shows that normal spinning is different.

(17) V. p. 224, n. 4.

(18) When they struck camp. Such is not Biblically forbidden and is not the tying referred to in the Mishnah.

(19) The two knots together would spoil the evenness of the fabric.

(20) The untying of a knot in the fabric would leave an ugly gap, particularly as the threads were six-stranded. Hence the utmost care would be taken to prevent the thread from knotting in the first place.

(21) A kind of snail or purple-fish whose blood was used for dyeing the tents of the Tabernacle.

(22) The nets.

(23) Two stitches alone will slip out of the cloth. Thus the work is not permanent and entails no punishment.

(24) After sewing, so that they will remain.

Talmud - Mas. Shabbath 75a

A curtain which was attacked by a moth was torn [round the moth hole] and resewn.

R. Zutra b. Tobiah said in Rab's name: He who pulls the thread of a seam¹ on the Sabbath is liable to a sin-offering; and he who learns a single thing from a Magian² is worthy of death;³ and he who is able to calculate the cycles⁴ and planetary courses but does not, one may hold no conversation with him.⁵

As to magianism, Rab and Samuel [differ thereon]: one maintains that it is sorcery; the other, blasphemy. It may be proved that it is Rab who maintains that it is blasphemy. For R. Zutra b. Tobiah said in Rab's name: He who learns a single thing from a magian is worthy of death. Now should you think that it is a sorcerer, surely it is written, thou shalt not learn to do [after the abomination of those nations],⁶ [implying], but you may learn in order to understand and instruct! This proves it. R. Simeon b. Pazzi said in the name of R. Joshua b. Levi on the authority of Bar Kappara: He who knows how to calculate the cycles and planetary courses, but does not, of him Scripture saith, but they regard not the work of the Lord, neither have they considered the operation of his hands.⁷ R. Samuel b. Nahmani said in R. Johanan's name: How do we know that it is one's duty to calculate the cycles and planetary courses? Because it is written, for this is your wisdom and understanding in the sight of the peoples:⁸ what wisdom and understanding is in the sight of the peoples?⁹ Say, that it is the science of cycles and planets.

CAPTURING A DEER, etc. Our Rabbis taught: He who captures a purple-fish¹⁰ and crushes it is liable to one [sin-offering];¹¹ R. Judah said: He is liable to two, for R. Judah maintained: Crushing comes under the head of threshing. Said they to him: Crushing does not come under the head of threshing. Raba observed: What is the Rabbis' reason? They hold that threshing is applicable only to produce from the soil. But let him be culpable too on the score of taking life? — Said R. Johanan: This means that he crushed it when [already] dead.¹² Raba said: You may even explain that he crushed it whilst alive: in respect to the taking of life he is but incidentally occupied.¹³ But Abaye and Raba both maintain: R. Simeon admits in a case of 'cut off his head but let him not die!'¹⁴ Here it is different, because he is more pleased that it should be alive, so that the dye should be clearer.¹⁵

AND SLAUGHTERING IT. As for him who slaughters, on what score is he culpable? — Rab said: On the score of dyeing;¹⁶ while Samuel said: On the score of taking life.

(1) If the seam gapes, and he pulls the thread to draw the pieces together. This constitutes sewing.

(2) One of the priestcraft of Ancient Persia.

(3) This is an idiom expressing strong abhorrence, cf. similar expressions in Sanh. 58b and 59a. The Magi were hostile to Jews, and caused them much suffering in various ways; cf. Sanh., Sonc. ed., p. 504, n. 6 and 98a; Yeb. 63b; Git. 17a. This evoked the present remark.

(4) Sc. of the seasons.

(5) The science of astronomy was necessary for the fixing of the calendar, upon which Jewish Festivals depended. In early times this was done by observation, but gradually calculation took its place. Hence Rab's indignation at one who fails to employ such knowledge.

- (6) Deut. XVIII,9.
 (7) Isa. V, 12.
 (8) Deut. IV, 6.
 (9) I.e., which testifies to itself.
 (10) Hillazon, v. p. 356, n. 2
 (11) Crushing not being a culpable offence.
 (12) In order to make the blood exude.
 (13) I.e., the taking of life is not his main purpose, but merely follows incidentally; such does not entail culpability.
 (14) R. Simeon holds that a labour performed unintentionally in the course of doing something that is permitted is itself permitted, unless it follows inevitably from the latter, when it is the same as any other forbidden labour. Here too it must inevitably die when crushed.
 (15) Hence its death is more than unintentional, but actually contrary to his desire.
 (16) The blood that gushes forth from its cut throat stains and dyes the flesh.

Talmud - Mas. Shabbath 75b

On the score of dyeing but not on the score of taking life!¹ Say, on the score of dyeing too. Rab said: As to this dictum of mine, I will make an observation thereon so that later generations should not come and deride me. Wherein is one pleased with the dyeing? One is pleased that the throat should be stained with blood, so that people may see it² and come and buy from him.

SALTING AND CURING IT. But salting and tanning are identical?³ — R. Johanan and Resh Lakish both said: Omit one of these and insert the tracing of lines.⁴ Rabbah son of R. Huna said: He who salts meat is liable on account of tanning [dressing]. Raba said: Curing does not apply to foodstuffs. R. Ashi observed: And even Rabbah son of R. Huna ruled thus only when he requires it for a journey;⁵ but [when he needs it] for his house, one does not turn his food into wood.

SCRAPING AND CUTTING IT UP. R. Aha b. Hanina said: He who rubs [smooths skins] between columns⁶ on the Sabbath is liable on the score of scraping. R. Hiyya b. Abba said, R. Ammi told me three things in the name of R. Joshua b. Levi: He who planes the tops of beams⁷ on the Sabbath is culpable on account of cutting.⁸ He who spreads a poultice [evenly over a sore] on the Sabbath is culpable on the grounds of scraping. And he who chisels round a stone on the Sabbath⁹ is liable on the score of striking with the hammer.¹⁰ R. Simeon b. Bisna said in the name of R. Simeon b. Lakish: He who describes a figure on a utensil, and he who blows in glassware,¹¹ is liable on the score of striking with a hammer. Rab Judah said: He who removes threads¹² from garments on the Sabbath is liable on the score of striking with the hammer;¹³ but that is only when he objects to them.¹⁴ WRITING TWO LETTERS. Our Rabbis taught: If one writes one large letter in the place of which there is room for writing two, he is not culpable. If he erases one large letter and there is room in its place for writing two, he is culpable. Said R. Menahem son of R. Jose: And this is the greater stringency of erasing over writing.

BUILDING, PULLING DOWN, EXTINGUISHING, KINDLING, AND STRIKING WITH A HAMMER. Rabbah and R. Zera both say: Whatever comprises the finishing of the work imposes liability on the score of striking with a hammer.¹⁵

THESE ARE THE PRIMARY LABOURS. THESE is to reject R. Eleazar's view, who imposes liability on account of a derivative labour [when performed concurrently] with a primary labour.¹⁶

LESS ONE. This is to reject R. Judah's view. For it was taught: R. Judah adds the closing up of the web and the beating of the woof.¹⁷ Said they to him: Closing up of the web is included in stretching the threads, and beating [the woof] is included in weaving.

MISHNAH. THEY ALSO STATED ANOTHER GENERAL PRINCIPLE: WHATEVER IS FIT TO PUT AWAY¹⁸ AND SUCH IS [GENERALLY] PUT AWAY,¹⁹ AND ONE CARRIES IT OUT ON THE SABBATH, HE IS LIABLE TO A SIN-OFFERING ON ITS ACCOUNT. BUT WHATEVER IS NOT FIT TO PUT AWAY AND SUCH IS NOT [GENERALLY] PUT AWAY, AND ONE CARRIES IT OUT ON THE SABBATH, ONLY HE THAT PUT IT AWAY IS LIABLE.²⁰

GEMARA. 'WHATEVER IS FIT TO PUT AWAY': What does this exclude? — R. Papa said: It excludes the blood of menstruation. Mar 'Ukba said: It excludes the wood of an Asherah.²¹ He who says the blood of menstruation, certainly [excludes] the wood of an Asherah. But he who says the wood of an Asherah; the blood of menstruation, however, is put away for a cat. But the other [argues]: since she would sicken,²² one would not put it away [for that purpose].

R. Jose b. Hanina said: This does not agree with R. Simeon. For if it were as R. Simeon, surely he maintained: All these standards were stated only in respect of those who put away.²³

AND THAT WHICH IS NOT FIT TO PUT AWAY.

-
- (1) Surely not!
 - (2) That it is freshly killed.
 - (3) Salting the hide being the first step in the tanning process.
 - (4) Before cutting.
 - (5) It is then salted very much and is thus akin to tanning.
 - (6) Tosaf. and Jast. Rashi: he who smooths the ground between the columns.
 - (7) To make them all of the same level.
 - (8) To measure.
 - (9) Giving it its final touches.
 - (10) V. infra.
 - (11) Where the blowing shapes it.
 - (12) I.e., anything sticking out of the web, as thread, knots, splinters, etc., which was accidentally woven into the material.
 - (13) As this completes their labour.
 - (14) And would not wear the garments otherwise.
 - (15) Cf. p. 354 n. 7.
 - (16) Hence it is possible to incur more than thirty-nine sin-offerings, whereas the number stated is to exclude this possibility.
 - (17) In order to even it.
 - (18) For later use.
 - (19) It is large enough to be put away for later use.
 - (20) If he carries it out, since by putting it away he showed that he attaches a value to it. But for others it is of no account; hence if they carry it out there is no liability.
 - (21) A tree, or perhaps a post, devoted to idolatry; V. Deut. XVI, 21. It is forbidden to benefit thereof.
 - (22) It was thought that if an animal consumed blood drawn from any person, that person would lose strength.
 - (23) v. infra Mishnah VIII, 1. Thus a wealthy man is not liable for carrying out something which he personally would not put away, though most people would. But according to our Mishnah general practice is the decisive factor for all, and the exceptions are ignored.

Talmud - Mas. Shabbath 76a

R. Eleazar said: This does not agree with R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar stated a general rule: That which is not fit to put away, and such is not [generally] put away, yet it did become fit to a certain person¹ and he did put it away; then another came and carried it out,

the latter is rendered liable through the former's intention.

MISHNAH. HE WHO CARRIES OUT A COW'S MOUTHFUL OF STRAW, A CAMEL'S MOUTHFUL OF PEA-STALKS [‘EZAH], A LAMB'S MOUTHFUL OF EARS OF CORN, A GOAT'S MOUTHFUL OF HERBS, MOIST GARLIC OR ONION LEAVES TO THE SIZE OF A DRIED FIG, [OR] A GOAT'S MOUTHFUL OF DRY [LEAVES], [IS CULPABLE].² AND THEY DO NOT COMBINE WITH EACH OTHER,³ BECAUSE THEY ARE NOT ALIKE IN THEIR STANDARDS.

GEMARA. What is ‘EZAH? — Said Rab Judah: The stalks of certain kinds of peas. When R. Dimi came,⁴ he stated: If one carries out a cow's mouthful of straw for a camel, — R. Johanan maintained: He is culpable: R. Simeon b. Lakish said: He is not culpable. In the evening R. Johanan ruled thus, [but] in the morning he retracted. R. Joseph observed: He did well to retract, since it is not sufficient⁵ for a camel. Said Abaye to him: On the contrary, logic supports his original view, since it is sufficient for a cow.⁶ But when Rabin came,⁷ he said: If one carries out a cow's mouthful of straw for a camel, all agree that he is culpable. Where do they differ: if one carries out a cow's mouthful of pea-stalks for a cow,⁸ and the reverse was stated: R. Johanan maintained: He is not culpable; Resh Lakish maintained: He is culpable. R. Johanan maintained; He is not culpable: eating through pressing need is not designated eating. Resh Lakish maintained, He is culpable: eating through pressing need is designated eating.

A LAMB'S MOUTHFUL OF EARS OF CORN. But it was taught: As much as a dried fig? — Both standards are identical.

MOIST GARLIC OR ONION LEAVES TO THE SIZE OF A DRIED FIG, [OR] A GOAT'S MOUTHFUL OF DRY LEAVES. AND THEY DO NOT COMBINE WITH EACH OTHER, BECAUSE THEY ARE NOT ALIKE IN THEIR STANDARDS. R. Jose b. Hanina said: They do not combine for the more stringent, but they do combine for the more lenient [standard].⁹ Yet can anything combine when their standards are not alike?¹⁰ But surely we learnt: A garment¹¹ three [handbreadths] square, a sack¹² four square, a hide five square, and [reed] matting six square [are susceptible to uncleanness as midras].¹³ Now it was taught thereon: A garment, sacking, a hide, and matting combine with each other.¹⁴ And R. Simeon observed: What is the reason? Because they are liable to the uncleanness of sitting.¹⁵ Thus the reason is that they are liable to the uncleanness of sitting;¹⁶ but whatever is not liable to the uncleanness of sitting is not so? — Said Raba:

(1) He found a use for it.

(2) These are the respective minima to which value is assigned, and for which a penalty is incurred. Each is the minimum which will satisfy the animal whose food it is. Moist garlic or onion leaves are fit for human consumption, hence the standard of a dried fig, which is the minimum for all human food.

(3) To make up the minimum.

(4) V. p. 12, n. 9.

(5) Lit., ‘fit’.

(6) And since it is cow's fodder, that is the determining factor, notwithstanding that he carries it out for a camel.

(7) V. p. 12, n. 9.

(8) This is not a cow's usual food, and it eats it only when nothing else is obtainable.

(9) The commodity whose standard is greater does not combine with that whose standard is lesser to make up that lesser quantity, but the latter does combine with the former to make up the greater quantity. That which requires a lesser quantity is naturally more stringent.

(10) Even for the more lenient?

(11) I.e., a piece of cloth.

(12) A rough material, as of goats hair.

(13) v. p. 312, n. 9.

(14) When joined to make up the requisite minimum, they are susceptible to midras.

(15) I.e., the uncleanness caused by a zab's (q.v. Glos.) sitting upon them when pieced together. That is because one may employ them thus for patching up a saddle.

(16) And having that in common, they can naturally combine.

Talmud - Mas. Shabbath 76b

Here too they are fit for patterns.¹

MISHNAH. HE WHO CARRIES OUT [HUMAN] FOODSTUFFS TO THE SIZE OF A DRIED FIG IS LIABLE, AND THEY COMBINE WITH EACH OTHER, BECAUSE THEY ARE EQUAL IN THEIR STANDARDS, EXCEPT THEIR SHELLS, KERNELS, STALKS, HUSKS² AND COARSE BRAN.³ R. JUDAH SAID: EXCLUDING THE SHELLS OF LENTILS, BECAUSE THEY ARE BOILED TOGETHER WITH THEM.⁴

GEMARA. Now, do not husks and coarse bran combine [with the grain or flour]? But we learnt: Just over five quarters of flour are liable to hallah,⁵ [including] that itself [sc. the flour], the husks and the bran?⁶ — Said Abaye: That is because a poor man eats his bread [baked] of unsifted dough.⁷

R. JUDAH SAID: EXCLUDING THE SHELLS OF LENTILS, BECAUSE THEY ARE BOILED TOGETHER WITH THEM. Only lentils, but not beans? But it was taught, R. Judah said: Excluding the shells of beans and lentils. — There is no difficulty: The one refers to new [beans],⁸ the other to old. Why not old ones? Said R. Abbahti: Because they look like flies in the dish.⁹

CHAPTER VIII

MISHNAH. HE WHO CARRIES OUT [RAW] WINE, [THE STANDARD IS THAT IT BE] ENOUGH FOR THE MIXING OF A CUP;¹⁰ MILK, AS MUCH AS IS QUAFFED AT A TIME; HONEY, SUFFICIENT TO PLACE ON A SCAB;¹¹ OIL, AS MUCH AS IS REQUIRED TO RUB IN A SMALL LIMB; WATER, ENOUGH FOR RUBBING COLLYRIUM;¹² AND ALL OTHER LIQUIDS, [THE STANDARD IS] A REBI'ITH;¹³ AND ALL WASTE WATER,¹⁴ A REBI'ITH. R. SIMEON SAID: [THE STANDARD FOR] ALL THESE IS A REBI'ITH, ALL THESE MEASURES HAVING BEEN STATED ONLY IN RESPECT OF THOSE WHO PUT THEM AWAY.¹⁵

GEMARA. A Tanna taught: Enough for the mixing of a full-measured¹⁶ cup. And what is a full-measured cup? The cup of benediction.¹⁷ R. Nahman said in Rabbah b. Abbuha's name: The cup of benediction must contain a quarter of a rebi'ith [of raw wine], so that it may be mixed and amount to a rebi'ith. Said Raba, We too

(1) These can be pieced together to serve as a commercial pattern or sample of one's ware.

(2) Or, thin bran (Levy, Worterbuch).

(3) These are not eaten, and consequently do not combine with the edible foodstuffs.

(4) Hence they count as foodstuffs too, and are excluded from the exception.

(5) v. supra 15a for notes.

(6) Thus they do combine.

(7) But with respect to the Sabbath bread of better quality is required before liability is incurred.

(8) Their shells combine.

(9) The peel of old beans goes black and when in the dish looks like flies.

(10) Wine had to be mixed with water before it could be drunk.

(11) Rashi offers two interpretations: (i) the sore spot on the backs of horses or camels, caused by the chafing of the saddle; (ii) a bruise on the hand or foot.

(12) An eye-salve. Rashi: to rub it over and cause it to dissolve. — So that it can be applied to the eye in liquid form.

(13) v. Glos.

(14) Any dirty liquid that must be poured out.

(15) v. supra 75b, p. 359, n. 6. Here Rashi explains: These measures are less than a rebi'ith, and only one who actually put away that quantity and then carries it out is liable to a sin-offering. Tosaf. on 75b s.v. **ס** accepts Rashi's explanation a.l. and rejects the present one.

(16) Lit., 'fair'.

(17) Grace after meals. It is sometimes recited over a cup of wine, which must be a full-measured rebi'ith, i.e., full to the very brim.

Talmud - Mas. Shabbath 77a

learnt likewise: HE WHO CARRIES OUT [RAW] WINE, [THE STANDARD IS THAT THERE BE] ENOUGH FOR THE MIXING OF A CUP, whereon it was taught, Enough for the mixing of a full-measured cup; while the subsequent clause states; AND ALL OTHER LIQUIDS, [THE STANDARD IS] A REBI'ITH.¹ Now Raba is consistent with his view [expressed elsewhere]. For Raba said: Wine which does not carry three parts of water to one [of itself] is not wine. Abaye observed: There are two refutations to this. Firstly, because we learnt, And as for mixed [wine], that means two parts of water and one of wine, [namely] of Sharon wine.² Secondly, the water is in the jug and it is to combine!³ Said Raba to him, As to what you quote, 'and as for mixed [wine], that means two parts of water and one of wine, [namely] of Sharon wine' — Sharon wine stands apart, being [exceptionally] weak. Alternatively, there it is on account of appearance,⁴ but for taste more [water] is required. Whilst as for your objection, The water is in the jug and it is to combine! in the matter of the Sabbath we require something that is of account, and this too is of account.⁵

A Tanna taught: As for congealed⁶ [wine], the standard is the size of an olive:⁷ this is R. Nathan's view. R. Joseph said: R. Nathan and R. Jose son of R. Judah both said the same thing. R. Nathan, as stated. R. Jose son of R. Judah, for it was taught: R. Judah said: Six things [were stated as being] of the lenient rulings of Beth Shammai and the stricter rulings of Beth Hillel.⁸ The blood of a nebelah,⁹ Beth Shammai declare it clean;¹⁰ while Beth Hillel rule it unclean. Said R. Jose son of R. Judah: Even when Beth Hillel declared it unclean, they did so only in respect of a rebi'ith of blood in measure, since it can congeal to the size of an olive.¹¹ Said Abaye. Perhaps that is not so. R. Nathan states that it [sc. a congealed piece the size of an olive] requires a rebi'ith [of liquid] only here in the case of wine, which is thin; but in the case of blood, which is thick, the size of an olive [when congealed] does not require a rebi'ith [in liquid form]. Alternatively. R. Jose b. R. Judah states that for the size of an olive [when congealed] a rebi'ith [in liquid form] is sufficient only there in the case of blood, which is thick; but as for wine, which is thin, the size of an olive represents more than a rebi'ith, so that if one carries out [even] less than the size of an olive, he is liable.

MILK, AS MUCH AS IS QUAFFED AT A TIME. The scholars asked: As much as GEM'IAH or GEM'IAH?¹² R. Nahman b. Isaac cited, Give me to drink [hagmi'ini], I pray thee, a little water of thy pitcher.¹³ The scholars asked:

(1) This shows that the lowest standard of potable liquids is a rebi'ith; hence the first clause must mean as much as is required for mixing to produce a cup of a rebi'ith.

(2) Sharon is the plain along the Mediterranean coast from Japho to Carmel. Thus a proportion of two to one is stated here.

(3) If the reason of our Mishnah is because with the addition of water it amounts to a rebi'ith, which is the average drink, but that by itself it is insufficient, are we to assume the addition of water that is elsewhere, as though he had carried it all out! Surely not.

(4) The reference there is to the colours of blood which are unclean. If it is of the colour of a two to one mixture, it is unclean; but a three to one mixture is paler, and blood of that colour is clean.

(5) Though it does not contain the water yet, since it can bear the addition of so much water.

(6) Lit., 'dry'.

(7) Because that represents a rebi'ith of liquid wine.

(8) In the many controversies between these two schools Beth Shammai generally adopt the stricter attitude. Hence particular attention is drawn to the cases where it is the reverse.

(9) V. Glos.

(10) It does not defile food by its contact.

(11) Which is the minimum quantity of flesh of nebelah which defiles.

(12) The question is about the spelling, whether it is with an alef or an 'ayin. The following questions are the same.

(13) Gen. XXIV, 17; the word there is spelled with an alef.

Talmud - Mas. Shabbath 77b

Gar'inin or gar'inin?¹ — Raba b. 'Ulla cited: and an abatement shall be made [we-nigra'] from thy estimation.² The scholars asked: Ommemoth or 'ommemoth?³ — R. Isaac b. Adbimi cited: The cedars in the garden of God could not obscure him.⁴ The scholars asked: Did we learn me'amzin or me'amzin?⁵ R. Hiyya b. Abba cited: and shutteth ['ozem] his eyes from looking upon evil.⁶

Our Rabbis taught: When one carries out cow's milk, [the standard is] as much as one quaffs at a time; woman's milk or the white of an egg, as much as is required for putting in an embrocation; collyrium, as much as is dissolved in water.⁷ R. Ashi asked: [Does that mean] as much as is required for dissolving. or as much as is required for holding and dissolving?⁸ The question stands over.

HONEY, SUFFICIENT TO PLACE ON A SCAR. A Tanna taught: As much as is required for putting on the opening of a scab. R. Ashi asked: 'On a scab': [does that mean] on the whole opening of the scab,⁹ or perhaps [it means] on the top of the scab,¹⁰ thus excluding [sufficient for] going all round the sore, which is not required?¹¹ The question stands over.

Rab Judah said in Rab's name: Of all that the Holy One, blessed be He, created in His world, He did not create a single thing without purpose. [Thus] He created the snail as a remedy for a scab; the fly as an antidote to the hornet['s sting];¹² the mosquito [crushed] for a serpent['s bite]; a serpent as a remedy for an eruption. and a [crushed] spider as a remedy for a scorpion['s bite]. 'A serpent as a remedy for an eruption':¹³ what is the treatment? One black and one white [serpent] are brought, boiled [to a pulp] and rubbed in.

Our Rabbis taught: There are five instances of fear [cast] by the weak over the strong: the fear of the mafgia'¹⁴ over the lion; the fear of the mosquito upon the elephant;¹⁵ the fear of the spider upon the scorpion;¹⁶ the fear of the swallow upon the eagle;¹⁷ the fear of the kilbith¹⁸ over the Leviathan.¹⁹ Rab Judah said in Rab's name: What verse [alludes to these]? That strengtheneth the despoiled [i.e., weak] over the strong.²⁰

R. Zera met Rab Judah standing by the door of his father-in-law's house and saw that he was in a cheerful mood, and if he would ask him all the secrets of the universe he would disclose [them] to him. He [accordingly] asked him: Why do goats march at the head [of the flock], and then sheep? — Said he to him: It is as the world's creation, darkness preceding and then light.²¹ Why are the latter covered, while the former are uncovered?²² — Those with whose [material] we cover ourselves are themselves covered, whilst those wherewith we do not cover ourselves are uncovered. Why is a camel's tail short? — Because it eats thorns.²³ Why is an ox's tail long? — Because it grazes in meadows and must beat off the gnats [with its tail]. Why is the proboscis of a locust soft [flexible]? Because it dwells among willows, and if it were hard [non-flexible] it [the proboscis] would be dislocated and it [the locust] would go blind. For Samuel said: If one wishes to blind a locust, let him extract its proboscis. Why is a fowl's [lower] eyelid bent upwards?²⁴ — Because it dwells among the rafters, and if dust entered [its eyes] it would go blind.²⁵

[The word] Dashsha [entrance] [implies] Derek SHam [there is the way];²⁶ Darga [stairs, ladder]; Derek Gag [a way to the roof]; mathkulithat [a relish]; mathay thikleh da [when will this end]?²⁷ Betha [a house] [implies] Bo we-ethib [come and sit therein]; Biketha [a small house]: Be aketha [a confined narrow house].²⁸ Kuftha [an inverted vessel, a low seat]: Kof we-THab [invert it and sit down]; libne [bricks]: libene bene [unto children's children];²⁹ huza [prickly shrubbery, hedge]: haziza [barrier]. Hazba [pitcher] [is so called] because hozeb [it draws]³⁰ water from the river; kuzah [small jug]: kazeh [like this];³¹ shotitha [myrtle branch]: shetutha [folly];³² meshikla [wash basin]: mashe kulah [washing everybody]; mashkiltha: [wash-basin]³³ mashya kalatha [washing brides];³⁴

asitha [mortar]: hasirtha [missing],³⁵ bukana [a club used as a pestle]: bo we-akkenah [‘come, and I will strike it’]; lebrushah [upper garment]: lo bushah [no shame]. Gelima [a cloak] [is so called] because one looks in it like a shapeless mass [golem].³⁶ Golitha [a long woollen cloak] [implies] Galle wethib [roll it up and sit down]; puria [bed] is so called because it leads to procreation [parin we-rabin]; Bur Zinka [a leaping well]³⁷ Bor Zeh naki [this well is empty],³⁸ sudra [turban]: sod adonai lire'aw [the secret of the Lord is revealed to those that fear him],³⁹ Apadna [palace] Apithha Din [at the door is judgment].⁴⁰

Our Rabbis taught: Three wax stronger as they grow older, viz., a fish, a serpent, and a swine.

OIL, AS MUCH AS IS REQUIRED TO RUB IN A SMALL LIMB. The School of R. Jannai said: Oil, as much as is required to rub in a small limb of an infant one day old. An objection is raised: Oil, as much as is required to rub in a small limb⁴¹ and [a limb of] a day-old infant. Surely this means, a small limb of an adult, and a large limb of a day-old infant? — The School of R. Jannai can reply: No. This is its meaning: Oil, as much as is required to rub in a small limb of a day-old infant.⁴²

Shall we say that this is dependent on Tannaim? Oil, as much as is required to rub in a small limb and [a limb of] a day-old infant: this is the view of R. Simeon b. Eleazar. R. Nathan said: As much as is required to rub in a small limb. Now surely they differ in this, R. Simeon b. Eleazar holding a small limb of an infant, while R. Nathan holds a small limb of an adult or a large limb of an infant, but a small limb of a day-old infant [does] not [impose liability]? No. All agree that the small limb of a day-old infant is not [sufficient],

(1) Kernels: with an alef or ‘ayin? (The word occurs in the Mishnah supra 76b.)

(2) Lev. XXVII, 18. We-nigra’ is with an ‘ayin, and Raba b. ‘Ulla connects gar'inin with this, as the kernels are thrown away and so are an abatement of the edible portion.

(3) Dim, i.e., dying coals.

(4) Ezek. XXXI, 8; ‘ammamuhu, with an ‘ayin — lit., ‘keep him dim’.

(5) In the Mishnah infra 151b. Me'amzin, we close (the eyes).

(6) Isa. XXXI, 15; ‘ozem, with an ‘ayin.

(7) To paint both eyes.

(8) It is dissolved by being crushed in the water. Part remains on the fingers, and R. Ashi asked whether that must be allowed for or not.

(9) The entire surface being referred to as the opening.

(10) Lit., ‘the first projecting point’.

(11) Before a penalty is incurred.

(12) A crushed fly applied to the affected part is a remedy.

(13) This phrase is added in the text by Bah.

(14) Lit., ‘plague’. The Ethiopian gnat (Lewysohn. Zool. d. Talmud, p. 316). Rashi: a small animal that terrifies the lion with its loud cry.

(15) Caused by entering its trunk.

(16) In whose ear it lodges.

(17) Rashi: it creeps under its wings and hinders it from spreading them.

(18) A small fish, supposed to be the stickleback.

(19) Likewise caused by entering its ear.

(20) Amos V, 9 (E.V. ‘that bringeth sudden destruction upon the strong’).

(21) Goats are dark coloured, while sheep are white!

(22) Sheep have thick tails, which cover their hind parts; but goats have a thin tail.

(23) A long tail would become entangled in the thorns.

(24) Rashi: When its eyes are closed the lower eyelid turns upwards and lies upon the upper.

(25) Hence this arrangement affords it the most protection.

- (26) Reading Dashsha as an abbreviation. The following words are similarly treated. These may be regarded either as examples of popular etymology or merely as jeux d'esprit, not being meant seriously.
- (27) Relishes being used sparingly and lasting a long time.
- (28) Rashi. Jast. s.v. **בְּקֵתָא** q.v. translates rather differently.
- (29) I.e., lasting many generations.
- (30) Lit., 'hews out'.
- (31) 'Give us a glass of this size to drink'.
- (32) People danced therewith at weddings, and looked fools in doing so!
- (33) V. next note.
- (34) A fancy-shaped, probably expensive basin, used by distinguished persons only.
- (35) I.e., carved out.
- (36) The cut of the arms being covered up.
- (37) A well which springs forth periodically only to disappear again (Jast.).
- (38) Lit., 'clean'.
- (39) The turban being worn by Rabbinical scholars; cf. Kid. 8a; Pes. 111b.
- (40) I.e., all come — for justice to the King's palace.
- (41) Eber Katan. This phrase, used both there and in the Mishnah, may mean either a small limb or a limb of a child (or, infant).
- (42) 'And a day-old infant' is thus taken in the explanative sense, 'even a limb of a day-old infant'.

Talmud - Mas. Shabbath 78a

R. Jannai's dictum being incorrect. But here they differ in this: R. Simeon b. Eleazar holds: an adult's small limb and a day-old infant's large limb are identical [in size]. While R. Nathan holds: Only an adult's small limb [creates culpability], but not the large limb of a day-old infant.¹ What is our decision thereon? — Come and hear: For it was taught, R. Simeon b. Eleazar said: Oil, as much as is required to rub in a small limb of a day-old infant.²

WATER, ENOUGH FOR RUBBING COLLYRIUM. Abaye said, Consider: Whatever has a common use and an uncommon use, the Rabbis followed the common use, [even] in the direction of leniency; where it has two common uses, the Rabbis followed the common use [which leads to] stringency. [Thus,] in the case of wine the drinking thereof is common, whilst its employment as a remedy is uncommon; hence the Rabbis followed its drinking use in the direction of leniency.³ In the case of milk, the drinking⁴ thereof is common, whilst its employment as a remedy⁵ is uncommon: hence the Rabbis followed its drinking use in the direction of leniency. As for honey, both the eating thereof and its use as a remedy are common, [so] the Rabbis followed its use as a remedy in the direction of stringency.⁶ But in the case of water — consider: its drinking is common, whereas its use for healing is uncommon: why then did the Rabbis follow its use for healing in the direction of stringency? — Said Abaye: They learnt this with reference to Galilee.⁷ Raba said: You may even say that this refers to other places, thus agreeing with Samuel. For Samuel said: All liquids⁸ heal [eye sickness] but dim [the eyesight], save water, which heals without dimming.⁹

AND ALL OTHER LIQUIDS, A REBI'ITH. Our Rabbis taught; As for blood, and all [other] kinds of liquids, [the standard is] a rebi'ith. R. Simeon b. Eleazar said: Blood, as much as is required for painting one eye, because a cataract [of the eye] is painted [with blood]. And which [blood] is that? The blood of a wildfowl. R. Simeon b. Gamaliel said: Blood, as much as is required for painting one eye, because a white spot in the eye is painted [with blood]. And with what is that? with the blood of bats.¹⁰ And your token is: within for within, without for without.¹¹ Now this applies only to him who carries it out; but if one puts it away, no matter how little, he is liable.¹² R. Simeon said: This applies only to one who puts it away, but he who carries it out is culpable only when there is a rebi'ith. And the Sages agree with R. Simeon that if one carries out waste water into the street, the standard thereof is a rebi'ith.

The Master said: 'Now this applies only to him who carries it out; but if one puts it away, no matter how little, [he is liable].' And he who puts it away. does he not carry it out?¹³ Said Abaye: The reference here is to an apprentice to whom his master said, 'Go, and clear me a place for a meal.' Now, if he goes and clears out [into the street] something that is valued by all, he is guilty on its account; something that is not valued by all: if his master had put it away,¹⁴ he is guilty on its account; if not, he is not guilty.¹⁵

The Master said: 'And the Sages agree with R. Simeon that if one carries out waste water into the street, the standard thereof is a rebi'ith.' For what is waste water fit?¹⁶ Said R. Jeremiah: To knead clay therewith. But it was taught: Clay, [the standard is] as much as is required for making the hole of a smelting pot?¹⁷ There is no difficulty: in the latter case it is kneaded, but in the former it is not [already] kneaded, because no man troubles to knead clay [only] for making the hole of a smelting pot.

MISHNAH. HE WHO CARRIES OUT CORD, [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR MAKING A HANDLE FOR A BASKET; A REED CORD, AS MUCH AS IS REQUIRED FOR MAKING A HANGER FOR A SIEVE OR A BASKET-SIEVE. R. JUDAH SAID: AS MUCH AS IS REQUIRED FOR TAKING THE MEASURE OF A CHILD'S SHOE. PAPER, LARGE ENOUGH TO WRITE A TAX-COLLECTOR'S RECEIPT ON IT.¹⁸ (AND HE WHO CARRIES OUT A TAX-COLLECTOR'S RECEIPT IS LIABLE.)

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- (1) And the phrasing of the controversy must be interpreted accordingly.
 - (2) Hence this must be his meaning in the controversy quoted, while R. Nathan disagrees, as suggested in the first explanation.
 - (3) Teaching that the minimum which creates liability for carrying out is the average drink, though a lesser quantity is used for remedial purposes. — The others are explained similarly.
 - (4) Lit., 'eating'.
 - (5) By external application.
 - (6) As in the Mishnah, though for consumption the size of a dried fig — a greater standard — would be required.
 - (7) Rashi: whose inhabitants are poor. They would never use wine or milk for dissolving collyrium, but only water, and so this use for water is as common as its drinking use.
 - (8) Used for dissolving collyrium.
 - (9) Hence this use too is common.
 - (10) The word denotes with large eyeballs — a species of bats.
 - (11) The white spot is within the eye, and the bat is generally found within human settlements; whereas a cataract protrudes on the outside of the eye, and the wildfowl too dwells without human settlements.
 - (12) This is explained below.
 - (13) Surely this alone is his sin.
 - (14) For use, thus showing that he did value it.
 - (15) This is consistent with R. Simeon's view (supra 76a) that one is guilty through another's intention.
 - (16) No penalty is incurred for carrying out something that is entirely useless.
 - (17) The hole through which the bellows are inserted. This requires less clay than is made with a rebi'ith of water, and since the waste water is regarded as being for the purpose of making clay, the standard should be only as much as is required for kneading this smaller quantity.
 - (18) Lit., 'knot'. Rashi: the receipt was indicated by two letters above normal size.

Talmud - Mas. Shabbath 78b

ERASED PAPER,¹ AS MUCH AS IS REQUIRED TO WRAP ROUND A SMALL PHIAL OF SPIKENARD OIL; SKIN, FOR MAKING AN AMULET; PARCHMENT, FOR WRITING THEREON THE SHORTEST PASSAGE OF THE TEFILLIN, WHICH IS 'HEAR O ISRAEL,'²

INK, FOR WRITING TWO LETTERS; STIBIUM,³ FOR PAINTING ONE EYE; PASTE, FOR PUTTING ON THE TOP OF A LIME BOARD [SHAFSHAF];⁴ PITCH AND SULPHUR, FOR MAKING A PERFORATION [THEREIN];⁵ WAX, FOR PUTTING OVER A SMALL HOLE;⁶ CLAY, FOR MAKING A HOLE IN A GOLD REFINER'S POT.⁷ R. JUDAH SAID: FOR MAKING A [TRIPOD'S] PEG.⁸ BRAN, FOR PUTTING ON THE MOUTH OF A GOLD REFINER'S POT; LIME,⁹ FOR SMEARING THE SMALLEST OF GIRLS.¹⁰ R. JUDAH SAID: ENOUGH TO PRODUCE A HAIR-CROWN [KALKAL].¹¹ R. NEHEMIAH SAID: ENOUGH FOR MAKING SIDE-CURLS [ONDAFE].¹²

GEMARA. For a cord too, let one be culpable on account of as much as is required to make a hanger for a sieve or a basketsieve? — Since it chafes the utensil, people do not make it [thus].¹³

Our Rabbis taught: As for palm leaves, the standard is as much as is required for making a handle for a basket, an Egyptian basket. As for bast; Others say:¹⁴ as much as is required for putting on the opening of a small funnel for straining wine. Fat; as much as is required for greasing under a small cake. And what size is that? — As [large as] a sela'. But it was taught, As [large as] a dried fig? Both are the same standard. Soft rags, as much as is required for making a small ball. Anti what size is that? As [large as] a nut.

PAPER, LARGE ENOUGH TO WRITE A TAX-COLLECTOR'S RECEIPT ON IT. It was taught: How much is a tax-collector's receipt? Two letters.¹⁵ But the following contradicts this: If one carries out smooth [blank] paper. if large enough for writing two letters thereon, he is culpable; if not, he is not culpable?¹⁶ — Said R. Shesheth: What is meant by 'two letters'? Two letters of a tax-collector's receipt. Raba said: [It means] two letters of ours, together with a margin for holding which is the equivalent of a tax-collector's receipt.

An objection is raised: If one carries out erased paper or a receipted note; if its blank portion is large enough for two letters to be written thereon, or if the whole is sufficient for wrapping round the mouth of a small phial of spikenard oil, he is culpable; but if not, he is not culpable. As for R. Shesheth, who explained, What is meant by 'two letters'? two letters of a tax-collector's receipt, it is well.¹⁷ But according to Raba, who said that it means two letters of ours together with a margin for holding, which is the equivalent of a tax-collector's receipt — surely here no margin for holding is required?¹⁸ This is a difficulty.

Our Rabbis taught: If one carries out a tax-collector's receipt before having shown it to the collector, he is culpable;¹⁹ after having shewn it to the collector, he is not culpable.²⁰ R. Judah said: Even after showing it to the collector, he is culpable, because he still needs it. Wherein do they differ? Abaye said: They differ in respect to collectors' runners.²¹ Raba said: They differ in respect to the higher and the lesser collectors.²² R. Ashi said: They [even] differ in respect of one tax-collector, because he needs it [the document] for showing to the second, so that he can say to him, 'See, I am a man [exempted] by the collector.'²³

Our Rabbis taught: If one carries out a note of debt, if before it has been settled, he is culpable; if after it has been settled, he is not culpable. R. Judah said: Even after settlement he is culpable, because he needs it. Wherein do they differ? R. Joseph said: They differ as to whether it is forbidden to keep a settled note. The Rabbis maintain: It is forbidden to keep a settled note;²⁴ while R. Judah holds: One may keep a settled note.²⁵ Abaye said: All hold that a settled note may not be kept; but here they differ as to whether a note requires confirmation [even] when he [the debtor] admits that it was [validly] written. The first Tanna holds: Even when [the debtor] admits that a note [was validly] written, it must be confirmed.²⁶ R. Judah holds: When [the debtor] admits that a note was [validly] written, it need not be confirmed. And what is the meaning of 'if before it has been settled' and 'if after it has been settled'?

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- (1) Palimpsest paper from which writing has been erased, and which cannot be written upon again.
- (2) Deut. VI, 4-9. The Tefillin (v. Glos.) contain four Biblical passages.
- (3) Used for painting the eyes.
- (4) For catching birds; v. infra 80a.
- (5) Rashi: The phial in which mercury is kept is closed with a perforated stopper of pitch or sulphur.
- (6) As a plug.
- (7) Through which he inserts his bellows.
- (8) A leg of the tripod which supports the refiner's pot.
- (9) Used as a depilatory.
- (10) V. Gemara.
- (11) Formed by the depilation of the undergrowth of hair.
- (12) Var. lec. Andife, v. Gemara.
- (13) Culpability is incurred only when the article transported can be used in its normal manner.
- (14) 'Others' frequently refers to R. Meir, Hor. 13a.
- (15) 'Aruk reads: two Greek letters — which are larger than Hebrew letters.
- (16) 'Two letters' implies of normal size, which is smaller than tax-collector's letters; v. also preceding note.
- (17) The same explanation holds good here too.
- (18) It can be held by the erased or the written portion.
- (19) Since he still needs it.
- (20) The receipt of tax-exemption was issued by a higher authority and then shown to the actual collector. Once shown, he has no further use for it, and is therefore not liable for carrying it out.
- (21) The police, who stop people and demand toll. R. Judah argues that the receipt must be shown to these; while the Rabbis hold that the person stopped could refer him to the collector or superintendent.
- (22) Cf. n. 4. R. Judah maintains that for this reason the document is always required, while the Rabbis hold that a secret password was used as a proof of exemption.
- (23) E.g., if the exemption is in respect of a toll-bridge. Even if there is always one man only on duty at one end, the document may be required for the man at the other end. V. T.A. II, p. 375.
- (24) Therefore it is of no value either to the creditor or to the debtor; consequently no culpability is entailed in carrying it out. — The reason of the prohibition is that one may demand payment afresh.
- (25) Hence the paper itself is of value.
- (26) By its signatories attesting their signatures (Rashi in Keth. 19a, B.M. 7a and 72b). Otherwise the debtor can plead that it has been settled. For without the confirmation of the signatories he could successfully plead that it is a forgery, hence he is also believed in his plea of repayment, since the validity of the note rests on his word. Consequently if the debtor pleads that he has repaid the loan — this is now the meaning of 'if after it has been settled' — the note is valueless.

Talmud - Mas. Shabbath 79a

If the debtor pleads that it has been settled or not settled [respectively].¹ Raba said: All agree that [even] when [the debtor] admits that a note was [validly] written, it must [still] be confirmed. But here they differ as to whether we write a quittance.² The first Tanna holds: We write a quittance;³ while R. Judah holds: A quittance⁴ is not written. R. Ashi said: [R. Judah's reason is] because he [the debtor] needs it to show to a second creditor, as he can say to him, 'See, I am a man who repays.'

SKIN, FOR MAKING AN AMULET. Raba asked R. Nahman: If one carries out skin, what is the standard [to involve a penalty]. Even as we learnt, he replied: SKIN, FOR MAKING AN AMULET. If one dresses it, what is the standard? — There is no difference, he replied. When it needs dressing,⁵ what is the standard? — There is no difference, replied he. And whence do you say thus? — As we learnt: if one bleaches [wool]. hatchels, dyes, or spins it, the standard is a full double span.⁶ And if one weaves two threads together, the standard is a full span.⁷ This shows that since it stands to be spun,⁸ the standard is as though it were spun. So here too, since it [the skin] stands to be dressed, its

standard is as though it were [already] dressed. And if it is not to be dressed [at all], what is the standard? There is no difference, said he to him.

But, is there no difference between dressed and undressed [hide]? He raised an objection to him: If one carries out dissolved dyes.⁹ [the standard is] as much as is required for dyeing a sample of wool.¹⁰ Whereas of undissolved dyes we learnt: [In the case of] nutshells,¹¹ pomegranate shells, woad, and madder,¹² [the standard is] as much as is required for dyeing the small piece of cloth at the opening [top] of a network?¹³ — Surely it was stated thereon, R. Nahman observed in Rabbah b. Abbuha's name: That is because one does not trouble to steep dyes [merely] for dyeing a sample of wool. Yet what of the seeds of a vegetable garden, whereof, before they are sown, we learnt: [If one carries out] garden seeds, [the standard is] less than the size of a dried fig; R. Judah b. Bathyra ruled: 'Five', yet after they are sown we learnt: As for manure, or thin sand, [the standard is] as much as is required for fertilizing a cabbage stalk; this is R. Akiba's view. But the Sages maintain: For fertilizing one leek plant?'¹⁴ Surely it was stated thereon, R. Papa said: In the one case it refers to where it is sown, in the other where it is not sown, because one does not trouble to carry out a single seed for sowing.¹⁵

Yet what of clay, whereof, before it is kneaded, it was taught: 'The Sages agree with R. Simeon, that if one carries out waste water into the street, the standard is a rebi'ith'. And we debated thereon. For what is waste water fit? And R. Jeremiah said: For kneading clay therewith. And yet after it is mixed, it was taught: As for clay, [the standard is] as much as is required for making the hole of a smelting pot?¹⁶ — There too it is as we stated, because no man troubles to knead clay [only] for making the hole of a smelting pot.

Come and hear: For R. Hiyya b. Ammi said on 'Ulla's authority: There are three [kinds of] hide: mazzah, hippa, and diftera. Mazzah¹⁷ is as its name implies, neither salted nor treated with flour or gall-nut. And what is its standard? R. Samuel b. Rab Judah recited: As much as is required for wrapping a small weight therein. And how much is that? Said Abaye: A quarter of a Pumbedithan quarter.¹⁸ Hippa is a skin that is salted but not treated with flour and gall-nut. And what is its standard? Even as we learnt: SKIN, AS MUCH AS IS REQUIRED FOR MAKING AN AMULET. Diftera is skin that has been dressed with salt and flour but not treated with gall-nut. And what is its standard? As much as is required for writing a divorce.¹⁹ Now incidentally it is stated, As much as is required for wrapping a weight therein, which Abaye explained [as meaning] a quarter of a Pumbedithan quarter?²⁰ — There it treats of a steaming hide.²¹ But we learnt: A garment three [handbreadths] square is susceptible to midras,²² sacking four square, a hide five square and reed matting six square²³ are susceptible to [the uncleanness of] both midras and the dead. Now it was taught thereon: As for a garment, sacking and hide, as their standard is for uncleanness, so it is for carrying out!²⁴ — That refers to a leather spread.²⁵ [

(1) V. preceding note.

(2) V. B.B. 170b.

(3) Therefore the debtor does not require the original note, since he holds a receipt, and so if he carries it out he is not culpable (R. Han. Rashi explains differently, referring this to the creditor).

(4) But the creditor has to return the note to the debtor, who in turn must take care not to lose it, lest it fall into the hands of the creditor, enabling him to claim payment a second time.

(5) And one carries it out — at this stage it cannot be used for an amulet.

(6) Of the thumb and the forefinger.

(7) The text adds 'double', but it is bracketed and is absent from the Mishnah infra 105b.

(8) Bleaching, etc., are antecedent to spinning.

(9) Ready for use.

(10) Jast. V. also supra 11b.

(11) These were quite commonly used in ancient days for dyes; v. T.A. I, p. 552, n. 222.

- (12) All these, including the two former, used as dyes.
- (13) Or, hair-net. V. also T.A. I, pp. 187 and 636, n. 776. This is a larger standard than the preceding and a similar distinction should be made between undressed and dressed hides.
- (14) Thus here too there is a different standard after sowing.
- (15) V. infra 90b.
- (16) V. notes supra 75a.
- (17) Lit., 'unleavened'.
- (18) Of a litra. V.J.E. XII, p. 48b s.v. Litra, though it is not clear whether what is stated there applies to a Pumbedithan litra too — probably not. Weights were wrapped in hide to prevent their being rubbed away; hence this standard.
- (19) V. Git. 22a.
- (20) Which is a larger standard than the others.
- (21) I.e., immediately after it is flayed and before it has had time to dry. It is not yet fit for tanning, and hence a different standard is applied to it (Rashi).
- (22) V. p. 275, n. 1.
- (23) V. notes supra 76a.
- (24) That size carried out on the Sabbath involves a penalty. Hence the standard for hide is five square, which is not the same as that given in the Mishnah. Presumably the difficulty must be answered by drawing a distinction between tanned and untanned hide, and this contradicts R. Nahman.
- (25) The hide being so treated that it can only be used as a leather cover on couches, etc., but not for writing thereon. Hence there is a different standard.

Talmud - Mas. Shabbath 79b

PARCHMENT, AS MUCH AS IS REQUIRED FOR WRITING THE SHORTEST PASSAGE, [etc.]. But the following contradicts this: Parchment [kelaf] and dukstos,¹ as much as is required for the writing of a mezuzah?² — What is meant by mezuzah? A parchment slip of the tefillin.³ Are then tefillin designated mezuzah? Yes, and it was taught [likewise]: tefillin straps, when together with the tefillin, defile the hands;⁴ when apart, they do not defile the hands. R. Simeon b. Judah said on the authority of R. Simeon,⁵ He who touches the strap is clean, unless he touches the capsule [of the tefillin]. R. Zakkai said in his name: He is clean, unless he touches the mezuzah itself.⁶ But since the second clause teaches, PARCHMENT, AS MUCH AS IS REQUIRED FOR WRITING THE SHORTEST PASSAGE OF THE TEFILLIN, WHICH IS 'HEAR O ISRAEL,' it follows that the first clause refers to the mezuzah itself? — This is its meaning: Parchment and dukstos, what are their standards? Dukstos, as much as is required for writing a mezuzah;⁷ parchment, for writing the shortest passage of the tefillin, which is 'Hear O Israel'.

Rab said: Dukstos is as parchment: just as tefillin may be written upon parchment, so may they be written upon dukstos. We learnt: PARCHMENT, FOR WRITING THEREON THE SHORTEST PASSAGE OF THE TEFILLIN, WHICH IS HEAR O ISRAEL. [Thus, only parchment, but not dukstos?]⁸ — That is for the [most preferable observance of the] precept.⁹ Come and hear: It is a halachah of Moses from Sinai¹⁰ that tefillin [should be written] upon parchment, and a mezuzah upon dukstos; parchment is [the skin] on the side¹¹ of the flesh, and dukstos is [that] on the side of the hair?¹² — That is for the [most preferable observance of the] precept. But it was taught: If one does otherwise, it is unfit? — That refers to the mezuzah. But it was taught: If one does otherwise, in either it is unfit? — Both refer to mezuzah, one meaning that he wrote it on parchment [kelaf] facing the hair; the other, on dukstos facing the flesh.¹³ An alternative answer is: [The ruling]. If one does otherwise in either, it is unfit, is dependent on Tannaim. For it was taught: If one does otherwise, it is unfit. R. Aha declares it fit on the authority of R. Ahi b. Hanina — others state, on the authority of R. Jacob b. R. Hanina. R. Papa said: Rab's ruling is as the teaching of the School of Manasseh. For the School of Manasseh taught: If one writes it on paper¹⁴ or on a cloth strip, it is unfit; on parchment, gewil,¹⁵ or dukstos, it is fit. 'If one writes it' — what? Shall we say, a mezuzah; can then a mezuzah be written upon kelaf?' Hence it Surely

means tefillin. Yet [even] on your reasoning, can tefillin be written upon gewil?¹⁶ But that was taught of a Torah Scroll.¹⁷

Shall we say that the following supports him: When tefillin or a Torah Scroll wear out, a mezuzah may not be made of them,¹⁸ because we may not debase [anything] from a higher¹⁹ sanctity to a lower sanctity. Thus there is the reason that we may not debase, but if we might debase, we could make [a mezuzah]: now, whereon is it written? Surely it means that it is written on dukstos?²⁰ — No: It is written upon parchment [kelaf]. — But may a mezuzah be written upon kelaf?— Yes. And it was taught [likewise]: If one writes it on kelaf, on paper, or on a cloth strip, it is unfit. R. Simeon b. Eleazar said: R. Meir used to write it²¹ upon kelaf, because it keeps [better]. Now that you have arrived at this [conclusion],²² according to Rab too, do not say. Dukstos is as kelaf but say, kelaf is as dukstos: just as a mezuzah may be written upon dukstos, so may it be written upon kelaf.

INK, FOR WRITING [TWO LETTERS].

- (1) An inferior kind of parchment, v. infra.
- (2) v. Glos. This contains two passages. viz., Deut. VI, 4-9. and XI, 13-21.
- (3) In the head tefillin each of the four passages is written on a separate slip. Since the particular slip is unspecified, it is assumed that it is the one required for the shortest passage.
- (4) In respect of terumah; v. supra 14a.
- (5) I.e., R. Simeon b. Yohai.
- (6) Thus mezuzah is used of the parchment slip containing the writing.
- (7) Literally; that is because it is not fit for tefillin.
- (8) This passage is bracketed in the edd. It was present in Rashi's text, but absent from other versions. — But if tefillin might be written upon dukstos, the same standard would apply to that too.
- (9) Kelaf being superior, phylacteries are normally written thereon, and not upon dukstos, though it is permissible. Hence one would not keep dukstos for that purpose and consequently it does not involve a penalty; cf. supra 75b Mishnah.
- (10) V. p. 123. n. 7.
- (11) Lit., 'place'.
- (12) When the hide is split in two, the portion facing the flesh is called kelaf (parchment), whilst that toward the hair is called dukstos. Tosaf. s.v. קלף reverses the reading.
- (13) I.e., the parchment and the dukstos were manufactured from the wrong portions of the hide.
- (14) נייר, papyrus.
- (15) A certain kind of parchment. Rashi: that which has been dressed with gall-nut. Tosaf.: the undivided skin (v. n. 3) with the hair removed. V. also T.A. II. p. 263 and notes a.l.
- (16) Surely not!
- (17) Thus it has no bearing on Rab's dictum.
- (18) E.g., if the margin is in good condition and fit for use.
- (19) Lit., 'from a graver . . . lighter'.
- (20) Which supports Rab.
- (21) R. Meir was an expert calligraphist — a much esteemed talent before the invention of printing.
- (22) That a mezuzah may be written upon kelaf.

Talmud - Mas. Shabbath 80a

It was taught: Two letters in ink, two letters on a pen, or two letters in an inkstand [involve culpability].¹ Raba asked: What [if one carries out sufficient for] one letter [in the form of] dry ink, one letter on the pen, and one letter in an inkstand?² The question stands over.

Raba said: If one carries out [ink sufficient for writing] two letters, and writes them whilst walking, he is culpable: the writing is tantamount to depositing.³ Raba also said: If one carries out

[ink sufficient for writing] one letter [only] and writes it down. and then again carries out [sufficient for] one letter, and writes it down,⁴ he is not culpable. What is the reason? By the time he carries out the second, the standard of the first is defective.⁵

Raba also said: If one carries out half a dried fig and deposits it,⁶ and then carries out another half of a dried fig and deposits it,⁷ the first is regarded as though caught by a dog or burnt, and he is not culpable. But why so: surely it is lying there! — He means this: But if one anticipates and takes up the first before the depositing of the second, the first is regarded as though caught up by a dog or burnt,⁸ and he is not culpable. Raba also said: If one carries out half of a dried fig and deposits it and then carries out another half of a dried fig over the same route as the first,⁹ he is liable. But why: surely it does not rest [in the street]? E.g., if he carries it within three [handbreadths].¹⁰ But Raba said: [An article brought] within three [handbreadths] must, according to the Rabbis, be deposited upon something of small size [at least]?¹¹ — There is no difficulty. The latter reference is to throwing;¹² the former is to carrying.¹³

Our Rabbis taught: If one carries out half a dried fig, and then carries out another half of a dried fig in one state of unawareness, he is culpable; in two states of unawareness, he is not culpable. R. Jose said: In one state of unawareness [and] into the same ground he is culpable; into two [different] grounds,¹⁴ he is not culpable. Rabbah said: Providing that there lies between them a domain involving liability to a sin-offering;¹⁵ but a karmelith¹⁶ does not [effect a separation].¹⁷ Abaye said: Even a karmelith [separates them], but not a board.¹⁸ But Raba maintained: Even a board [separates them]. Now Raba is consistent with his ruling [elsewhere]; for Raba said: [The law of] domains in respect to the Sabbath is the same as domains in respect to divorces.¹⁹

STIBIUM, FOR PAINTING ONE EYE: But one eye [alone] is not painted? — Said R. Huna: Because modest women paint [only] one eye.²⁰ An objection is raised: As for stibium, if [carried out] for medicinal use, [the standard is] as much as is required for painting one eye;²¹ if for adornment, [the standard is] two eyes? — Hillel son of R. Samuel b. Nahmani explained it: That was taught in reference to small-townners.²²

PASTE, FOR PUTTING ON THE TOP OF A LIME BOARD. A Tanna taught: As much as is required for putting on the top of a lime board of a hunter's rod.²³

WAX, FOR PUTTING OVER A SMALL HOLE. It was taught: As much as is required for putting over a small wine hole.²⁴

CLAY, FOR MAKING A HOLE IN A GOLD-REFINER'S POT, etc.²⁵ Shall we say that R. Judah's standard is larger? But we know the Rabbis' standard to be larger, for we learnt: R. JUDAH SAID: AS MUCH AS IS REQUIRED FOR TAKING THE MEASURE OF A CHILD'S SHOE?²⁶ — Say, as much as is required for plastering [the splits in] the tripod leg of a small stove.²⁷

(1) Ink, Heb. dyo, is the solid pigment which was dissolved before use (cf. supra 17b and note a.I.). The Baraita teaches that whether one carries out dry pigment in his hand or the liquid on a pen or in an inkstand, in each case sufficient for writing two letters, he is culpable.

(2) Do they combine to involve liability or not? The pen and inkstand do not cause culpability, since they are subsidiary to their contents, which in themselves do not separately cause liability; v. infra 93b.

(3) Culpability for carrying from one domain to another is incurred only when the article transported is actually deposited in the second domain; v. supra 2a.

(4) Both in the same state of unawareness, so that normally they should rank as one act.

(5) The first ink has dried and is now insufficient for the writing of one letter.

(6) One fig is the minimum involving liability.

(7) V. n. 6.

- (8) Since the whole fig does not lie in the street.
- (9) The second actually passing above the first.
- (10) Of the ground. It is then regarded as actually lying thereon; cf. supra 5a.
- (11) Though not necessarily upon a place four handbreadths square; v. infra 100a for the general explanation of the passage.
- (12) Then it must actually come to rest.
- (13) In the hand. The article itself is then at rest, and if the hand moreover comes within three handbreadths of the ground, it is as though deposited thereon.
- (14) Both public, but separated from each other.
- (15) I.e., private ground. Transport between private and public ground imposes liability; hence the private ground here completely separates the two public grounds. and they do not rank as one.
- (16) V. Glos. and supra 6a.
- (17) Since by Biblical law one may carry between a karmelith and public (or private) ground, it is insufficient to separate the two.
- (18) Placed right across the street and thus dividing it.
- (19) And there a board is sufficient to create separate domains; v. Git. 77b.
- (20) They go veiled, leaving only one eye visible.
- (21) Since only one eye may need it.
- (22) Or, villagers. Temptation not being so great there, it is safe even for modest women to paint both eyes.
- (23) The paste being to entrap the birds that alight thereon.
- (24) I.e., a hole through which wine is poured; this is smaller than one made for oil or honey.
- (25) The translation of these three passages, from PASTE, etc., follows the text as emended by Bah.
- (26) Which is less than the standard of the Rabbis which precedes it; v. Mishnah supra 75a.
- (27) This is a smaller standard.

Talmud - Mas. Shabbath 80b

Our Rabbis taught: If one carries out hair, [the standard is] as much as is required for the kneading of clay;¹ [if one carries out] clay, [the standard is] for making a hole in a gold-refiner's pot.

LIME, TO SMEAR THE SMALLEST OF GIRLS. A Tanna taught: As much as is required to smear the little finger of girls.² Rab Judah said in Rab's name: When maidens of Israel attain puberty before the proper age:³ poor maidens plaster it [the unwanted hair] with lime; rich maidens plaster it with fine flour; whilst royal princesses plaster it with oil of myrrh, as it is said, six months with oil of myrrh.⁴ What is oil of myrrh? — R. Huna b. Hiyya said: Satkath.⁵ R. Jeremiah b. Abba said: Oil of olives less than a third grown.

It was taught: R. Judah said: Anpakkinon is oil of olives less than a third grown, and why does one anoint herself therewith? Because it removes the hair and smoothes the skin.

R. Bibi had a daughter. He treated her limb by limb [with a depilatory] and took four hundred zuz for her.⁶ Now, a certain heathen lived in the vicinity. He [too] had a daughter, and he plastered her [whole body] all at once, whereupon she died. 'R. Bibi has killed my daughter!' he exclaimed. R. Nahman observed: As for R. Bibi who drank strong liquor, his daughter required pasting over; [but] as for us, who do not drink strong liquor, our daughters do not require such treatment.⁷

R. JUDAH SAID: ENOUGH TO PLASTER⁸ A KILKUL.⁹ What is KILKUL and what is ANDIFE? Rab said: The [upper] temple and the lower temple. Shall we say that R. Judah's standard is larger? But we know the standard of the Rabbis to be larger!¹⁰ It is smaller than the Rabbis', but larger than R. Nehemiah's.

An objection is raised: Rabbi said: I approve R. Judah's view in respect of loosely dissolved lime,

and R. Nehemiah's view in respect of chalky lime.¹¹ But if you maintain that they mean the [upper] temple and the lower temple, — [surely] both require loose lime?¹² Rather, said R. Isaac, The School of R. Ammi recited andifa [in the Mishnah].¹³ R. Kahana demurred: Does one destroy [break up] his wealth?¹⁴ Rather, said R. Kahana: It means the teeth-like marks [of a vessel];¹⁵ even as we learnt: The hin-measure had teethlike marks, [to indicate] so far [must it be filled with wine] for a bullock, so far for a ram, so far for a sheep.¹⁶ Alternatively, what is andifa? The lock on the forehead.¹⁷ Even as a certain Galilean chanced to visit Babylon and was requested to lecture on the chariot passage;¹⁸ Said he to them, 'I will lecture to you as R. Nehemiah lectured to his companions.' Thereupon a wasp came out of the wall and stung him on the andifa [forehead] and he died. Said they. 'This [befell] him through his own [fault].'¹⁹

MISHNAH. [IF ONE CARRIES OUT] EARTH [A KIND OF CLAY], [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR A SEAL ON PACKING BAGS;²⁰ THIS IS R. AKIBA'S VIEW. BUT THE SAGES SAY; AS MUCH AS IS REQUIRED FOR THE SEAL ON LETTERS.²¹ [FOR] MANURE, OR THIN SAND, [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR FERTILIZING A CABBAGE STALK; THIS IS R. AKIBA'S VIEW. BUT THE SAGES MAINTAIN: FOR FERTILIZING ONE LEEK PLANT. THICK SAND, AS MUCH AS IS REQUIRED FOR PUTTING ON A FULL PLASTER TROWEL. A REED, AS MUCH AS IS REQUIRED FOR MAKING A PEN. BUT IF IT IS THICK OR CRUSHED,²² [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR BOILING THE LIGHTEST OF EGGS BEATEN UP AND PLACED IN A STEW POT. GEMARA. ON A FULL PLASTER TROWEL. A Tanna taught: As much as is required for putting on the top of a plasterer's trowel. Which Tanna holds that sand improves plaster? — Said R. Hisda: R. Judah. For it was taught: One must not plaster his house with lime unless he mixed it with straw or sand.²³ R. Judah said: Straw is permitted, but sand is forbidden, because it becomes cement.²⁴ Raba said, You may say that it agrees even the Rabbis: The spoiling thereof makes it fit.²⁵

A REED, AS MUCH AS IS REQUIRED FOR MAKING A PEN. It was taught: A pen which reaches one's finger joints. R. Ashi asked: The upper joint or the lower? The question stands over.

BUT IF IT IS THICK, etc. A Tanna taught: Beaten up with oil and placed in a stew pot. Mar, son of Rabina, said to his son: Have you heard what a light egg is? — He replied: An egg of a turtle dove. What is the reason? Because it is small! Then say [the egg of a zipparta?]²⁶ He was silent. Have you then heard anything on this? he²⁷ asked him. Said he to him, Thus did R. Shesheth say: It is a fowl's egg, and why is it called a light egg? The Sages estimated, You have no egg quicker [lighter] to boil than a fowl's egg. And wherefore [he²⁷ asked] are all the [food-]standards of the Sabbath the size of a dried fig, whereas here it is an egg? Said he to him, Thus did R. Nahman say: [It means] as much as [is required to boil the size of] a dried fig of a light egg.

(1) Sc. as much clay as is made with a quarter log of waste water (Tosaf.). Hair too was used in the kneading.

(2) To redden it (Rashi). קטנה שבנות may be rendered either the smallest of girls, or the little (finger) of girls.

(3) Lit., 'and do not attain their years' — i.e., they have the hairy growth, which is the evidence of puberty, before time, and wish to remove it.

(4) Esth. II, 12 q.v.

(5) Jast.: oil of myrrh or cinnamon (a corruption of Gr. **)

(6) As a dowry. This would appear to be a reversion to the very ancient practice of giving a dowry for a bride. Cf. Jacob giving his labour as a dowry for Rachel, and Shechem offering a dowry for Dinah (Gen. XXIX, 18; XXXIV, 12).

(7) Their skin being white and smooth in any case — a strong argument in favour of teetotalism!

(8) Sic. The reading in the Mishnah is, produce, make.

(9) Mishnah: KALKAL.

(10) V. Mishnah 78a.

(11) I.e., thick lime.

(12) Then why this distinction?

(13) Instead of andife. Rashi: andifa is an earthen vessel with two spouts, one above and one below. When one wishes to fill it with wine he closes the lower spout with lime, and it is to this that R. Nehemiah refers in the Mishnah. Jast. translates quite differently.

(14) By keeping wine in such a vessel. The wine will gradually dissolve the lime and then run out.

(15) A vessel for measuring. Notches were made to indicate the measure, e.g., log. hin, etc., and these were plastered over with lime. To this R. Nehemiah refers.

(16) Sacrifices were accompanied by libations wine, the measure of which depended upon the animal sacrificed, v. Num. XXVIII, 14.

(17) Jast. Rashi: The forehead where hair does not grow. This was reddened with lime.

(18) Ezek. ch. 1, which treats of the Heavenly Chariot.

(19) Through wishing to lecture publicly on the Chariot. This was regarded as esoteric learning, and was to be confined to the initiated only; cf. Hag. 11b, 13a and 14b.

(20) Large bags in which ships' cargoes were carried.

(21) This is a smaller standard.

(22) And unfit for a pen.

(23) To darken it as a sign of mourning. This was after the destruction of the Temple. v. B.B. 60b.

(24) And is an improvement.

(25) Rashi: since it may not be used without darkening, this spoiling makes it fit for use, and hence is adopted as a standard. Others (with whom Rashi disagrees): the spoiling of the colour is nevertheless an improvement, for the sand strengthens it.

(26) Jast.: a small bird, supposed to be the humming bird.

(27) The son.

Talmud - Mas. Shabbath 81a

MISHNAH. [IF ONE CARRIES OUT] BONE, [THE STANDARD IS AS MUCH AS IS REQUIRED FOR MAKING A SPOON;¹ R. JUDAH MAINTAINED: FOR MAKING THEREOF² A HAF; GLASS, LARGE ENOUGH FOR SCRAPING THE TOP OF THE WHORL [OF A SPINDLE]; A CHIP OR A STONE, LARGE ENOUGH TO THROW AT A BIRD; R. ELEAZAR B. JACOB SAID: LARGE ENOUGH TO THROW AT AN ANIMAL.³

GEMARA. Shall we say that R. Judah's standard is larger: but we know the standard of the Rabbis to be larger?⁴ — Said 'Ulla: [It means] the wards of a lock.⁵

Our Rabbis taught: The wards of a lock are clean;⁶ [but] when one fits them into the lock, they are [liable to become] unclean.⁷ But if it [the lock] is of a revolving door,⁸ even when it is fixed on the door and nailed on with nails, they [the wards] are clean, because whatever is joined to the soil is as the soil.⁹

GLASS, LARGE ENOUGH FOR SCRAPING [etc.]. A Tanna taught: Glass,¹⁰ large enough to break across two threads simultaneously.

A CHIP, OR A STONE, LARGE ENOUGH TO THROW AT A BIRD: R. ELEAZAR [etc.]. R. Jacob said in R. Johanan's name: Providing that it can feel it. And what size is that? It was taught, R. Eleazar b. Jacob said: Ten zuz in weight.¹¹

Zonin entered the Beth Hamidrash [and] said to them [the students]: My masters, what is the standard of the stones of a privy?¹² Said they to him: [One] the size of an olive, [a second] the size of a nut, and [a third] the size of an egg.¹³ Shall one take [them] in a [gold] balance! he objected.¹⁴ [Thereupon] they voted and decided: A handful.¹⁵ It was taught; R. Jose said: [One] the size of an olive, [another] the size of a nut, and [a third] the size of an egg: R. Simeon b. Jose said on his

father's authority: A handful.

Our Rabbis taught: One may carry three smoothly rounded stones¹⁶ into a privy. And what is their size? R. Meir said: As [large as] a nut; R. Judah maintained: As [large as] an egg. Rafram b. Papa observed in R. Hisda's name: Even as they differ here, so do they differ in respect to an ethrog.¹⁷ But there it is a Mishnah, whereas here it is [only] a Baraitha?¹⁸ Rather [say:] Just as they differ in respect to an ethrog, so do they differ here.

Rab Judah said: But not brittle stone [payas].¹⁹ What is payas? — Said R. Zera: Babylonian pebbles.²⁰

Raba said: One may not use a chip on the Sabbath [as a suppository] in the same way as one uses it on weekdays. Mar Zutra demurred: Shall one then endanger [his health]? — [It may be done] in a back-handed manner.²¹

R. Jannai said: If there is a fixed place for the privy,²² [one may carry in] a handful [of stones];²³ if not, [only] the size of the leg of a small spice mortar [is permitted].²⁴ R. Shesheth said: If there is evidence upon it,²⁵ it is permitted.²⁶ An objection is raised: Ten things lead to hemorrhoids in a man, and these are they: [i] eating the leaves of reeds; [ii] the leaves of vines; [iii] sprouts of grapevine; [iv] the rough flesh²⁷ of an animal without salt; [v] the spine of a fish; [vi] a salted fish insufficiently cooked; [vii] drinking the lees of wine; [viii] wiping oneself with lime, [ix] with clay. [x] [and] with a chip which one's neighbour has [already] used thus.²⁸ And some say, Suspending oneself in a privy too.²⁹ — There is no difficulty; the one refers to a damp [stone];³⁰ the other to a dry one. Alternatively, here the reference is to the same side [of the stone];³¹ there, to the other side. Another alternative: the one refers to his own;³² the other, to his neighbour's. Abaye asked R. Joseph: What if rain fell on it and it [the stain] was washed away? If the mark thereof is perceptible, he replied, it is permitted.

Rabbah son of R. Shila asked R. Hisda:

(1) Jast.: pointed on top and curved at the end.

(2) This is first assumed in the Gemara to mean a lock, which gives a greater standard than that of the Rabbis, but is subsequently translated ward of a lock.

(3) But one does not trouble to throw anything at a bird, which is frightened away with the voice.

(4) v. supra 80a, p. 381. n. 7.

(5) V. note on Mishnah

(6) I.e., they are not susceptible to uncleanness, being unfit for use by themselves (Rashi). Rashi also maintains that the reference is to wards made of bones; Tosaf., to wards made of metal.

(7) For they are now parts of utensils.

(8) It is not the lock of a box or chest, but of something fixed to soil, e.g., the door of a house.

(9) Which cannot become unclean.

(10) Sekukith is a rarer form of the more usual zekukith.

(11) One zuz = 3.585 grammes (J.E., 'Weights and Measures', vol. XII, p. 489 Table 1).

(12) Used for cleansing.

(13) These three together constitute the standard, as they are all required.

(14) For weighing them accurately.

(15) Of stones, no matter what their number.

(16) Jast. Rashi (as emended by Rashal): sharpened stones.

(17) A citron, which is one of the fruits to be taken on the Feast of Tabernacles (v. Lev. XXIII. 40). R. Meir holds that its minimum size must be that of a nut, while R. Judah holds that it must be at least as large as an egg.

(18) And the Mishnah being better known, he surely should have taken that as the point of comparison.

(19) This being unsuited for this purpose. it may not be handled on the Sabbath.

(20) Which are cloddy and brittle.

(21) V. p. 188, n. 2.

(22) Their privies were in the fields. Some were permanent, others were not.

(23) I.e., over a distance of less than four cubits. V., however, R. Han. For those that are left over in the evening may be used in the morning.

(24) This translation follows R. Han and Tosaf.

(25) I.e., a stain of excrements.

(26) To handle it, even if larger than the standard size normally allowed on the Sabbath, since it has already been used for that purpose before.

(27) Rashi. Jast.: the palate.

(28) This contradicts R. Shesheth.

(29) Instead of sitting.

(30) From former use; that is unfit.

(31) That is injurious.

(32) I.e., a stone which he himself has used before; that is permitted.

Talmud - Mas. Shabbath 81b

Is it permissible to carry them up [the stones] after one to the roof?¹ Human dignity is very important, he replied, and it supersedes a negative injunction of the Torah.² Now, Meremar sat and reported this discussion, [whereupon] Rabina raised an objection to Meremar: R. Eliezer said: One may take a chip [lying] before him to pick his teeth therewith;³ but the Sages maintain: He may take only from an animal's trough?⁴ How compare! There, one appoints a place for his meal;⁵ but here, does one appoint a place for a privy?⁶

R. Huna said: One may not obey the call of nature on a ploughed field on the Sabbath. What is the reason? Shall we say, because of treading down?⁷ Then the same holds good even on weekdays? Again, if it is on account of the grasses,⁸ — surely Resh Lakish said: One may cleanse himself with a pebble whereon grass has sprouted, but if one detaches [the grass] thereof on the Sabbath, he incurs a sin-offering? Rather [the reason is] lest he take [a clod] from an upper level⁹ and throw it below,¹⁰ and he is then liable on account of Rabbah's [dictum], for Rabbah said: If one has a depression and fills it up, — if in the house, he is culpable on account of building; if in the field, he is culpable on account of ploughing.

[To revert to] the main text: Resh Lakish said: One may cleanse himself with a pebble whereon 'grass has sprouted; but if one detaches [the grass] thereof on the Sabbath, he incurs a sin-offering. R. Pappi said: From Resh Lakish you may infer that one may take up a parpisa.¹¹ R. Kahana demurred: If they said [that it is permitted] in case of need,¹² shall they say [thus] where there is no need!¹³

Abaye said: As for parpisa, since it has come to hand, we will state something about it. If it is lying on the ground and one places it upon pegs, he is culpable on the score of detaching; if it is lying on pegs and one places it on the ground, he is liable on the score of planting.¹⁴

R. Johanan said: One must not cleanse oneself with a shard on the Sabbath. What is the reason? Shall we say on account of danger?¹⁵ Then on weekdays too [let it be forbidden]? Again if it is on account of witchcraft:¹⁶ it may not [be done] even on weekdays too? Again, if it is on account of the tearing out of hair, — but surely that is unintentional? — Said R. Nathan b. Oshaia to them: [Since] a great man has stated this dictum, let us give a reason for it. [Thus:] it is unnecessary [to state] that it is forbidden on weekdays;¹⁷ but on the Sabbath, since it bears the rank of a utensil, [I might think that] it is permitted:¹⁸ therefore he informs us [otherwise].

Raba recited it on account of the tearing out of hair, and found R. Johanan to be self-contradictory. [Thus:] did then R. Johanan say, One must not cleanse oneself with a shard on the Sabbath, which shows that what is unintentional is forbidden? Surely R. Johanan said: The halachah is as [every] anonymous Mishnah, and we learnt: A nazirite may cleanse [his hair] and part it, but he must not comb it.¹⁹ But it is clear that it is as R. Nathan b. Oshaia.

What is [the reference to] witchcraft? — R. Hisda and Rabbah son of R. Huna were travelling in a boat, when a certain [non-Jewish] matron said to them, ‘Seat me near you,’ but they did not seat her. Thereupon she uttered something [a charm] and bound the boat;²⁰ they uttered something, and freed it. Said she to them, ‘What shall I do to you,

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- (1) Since he could have carried them up there on the eve of Sabbath, Tosaf.
 - (2) I.e., it is permitted. v. infra 94b.
 - (3) Though not designated for this purpose beforehand, it is not regarded as mukzeh (q.v. Glos.).
 - (4) There it is regarded as standing ready for use, but otherwise it is mukzeh, and human dignity, viz., the necessity to clean one's teeth, does not negative this prohibition.
 - (5) Beforehand, and at the same time he could have prepared his toothpicks too. Hence the prohibition retains its force.
 - (6) Surely not! (Cf. p. 386. n. 7).
 - (7) The loose ploughed soil, thus spoiling it, the reference being to a neighbour's field.
 - (8) Which sprout on the loose, moist earth, and in picking up a clod for cleansing one may involuntarily detach the grass.
 - (9) E.g.. a mound or any other protuberance.
 - (10) Into a depression; he thus levels them.
 - (11) Rashi: a perforated pot. Though the earth in it might be regarded as attached to the ground in virtue of the perforation which permits the sap or moisture to mount from the one to the other, yet just as Resh Lakish rules that the pebble is treated as detached in spite of the grass which has grown on it, which is only possible through its lying on the soil, so is this pot too regarded thus. Jast.: a lump of earth in a bag of palm-leaves (v. Rashi in name of **תשובת הגאונים**).
 - (12) Sc. for cleansing, which is necessary.
 - (13) Surely not!
 - (14) Cf. n. 3. ‘Culpable’ here merely denotes that the action is forbidden, but does not imply liability to a sin-offering, as usual (Rashi and Tosaf.).
 - (15) He may cut himself.
 - (16) As below.
 - (17) Since one can just as easily take a chip or a pebble, to which no suspicion of danger or witchcraft attaches.
 - (18) Being preferable to a chip or a pebble, which are not utensils, and in general it is permitted to handle a utensil sooner than that which is not a utensil.
 - (19) v. supra 50b for notes.
 - (20) So that it could not proceed further.

Talmud - Mas. Shabbath 82a

seeing that you do not cleanse yourselves with a shard,¹ nor kill vermin on your garments, and you do not pull out and eat a vegetable from a bunch which the gardener has tied together’?²

R. Huna said to his son Rabbah, ‘Why are you not to be found before R. Hisda, whose dicta are [so] keen?’ ‘What should I go to him for,’ answered he, ‘seeing that when I go to him he treats me to secular discourses!’³ [Thus] he tells me, when one enters a privy, he must not sit down abruptly, nor force himself overmuch, because the rectum rests on three teeth-like glands, [and] these teeth-like glands of the rectum, might become dislocated and he [his health] is endangered. ‘He treats of health matters,’⁴ he exclaimed, ‘and you call them secular discourses! All the more reason for going to him!’

If a pebble and a shard lie before one, — R. Huna said: He must cleanse himself with the pebble, but not with the shard;⁵ but R. Hisda ruled: He must cleanse himself with the shard, and not with the pebble.⁶ An objection is raised: If a pebble and a shard lie before one, he must cleanse himself with the shard, not with the pebble this refutes R. Huna? — Rafram b. Papa interpreted it before R. Hisda on R. Huna's view as referring to the rims of utensils.⁷

If a pebble and grass lie before one, — R. Hisda and R. Hamnuna [differ therein]: one maintains: He must cleanse himself with the pebble, but not with the grass;⁸ whilst the other ruled: He must cleanse himself with the grass, not with the pebble.⁹ An objection is raised: If one cleanses himself with inflammable material,¹⁰ his lower teeth¹¹ will be torn away? — There is no difficulty: the one refers to wet [grass];¹² the other to dry [grass].

If one has a call of nature but does not obey it — R. Hisda and Rabina — one said: He has an attack of offensive odour;¹³ the other said: He is infected by an offensive smell.¹⁴ It was taught in accordance with the view that he is infected by an offensive smell. For it was taught: One who has a call of nature yet eats, is like an oven which is heated up on top of its ashes, and that is the beginning of perspiration odour.¹⁵

If one has a call of nature but cannot obey it, — R. Hisda said: He should repeatedly stand up and sit down; R. Hanan of Nehardea said: Let him move to [different] sides; R. Hamnuna said: Let him work about that place with a pebble; while the Rabbis advise: Let him not think: Said R. Aha son of Raba to R. Ashi: If he does not think [of it], he is all the more likely not to be moved? Let him not think of other things, replied he.¹⁶ R. Jeremiah of Difti observed: I myself saw a certain Arab repeatedly arise and sit down until he poured forth like a cruse.

Our Rabbis taught: If one enters [a house] to [partake of] a complete meal,¹⁷ he should [first] walk ten four-cubit lengths others say, four ten-cubit lengths — be moved, then enter and take his seat.

MISHNAH. [IF ONE CARRIES OUT] A SHARD, [THE STANDARD IS] AS MUCH AS IS NEEDED FOR PLACING BETWEEN ONE BOARD AND ANOTHER.¹⁸ THIS IS R. JUDAH'S VIEW. R. MEIR SAID: LARGE ENOUGH TO SCRAPE OUT THE FIRE THEREWITH; R. JOSE SAID: LARGE ENOUGH TO CONTAIN A REBI'ITH. R. MEIR OBSERVED: THOUGH THERE IS NO PROOF OF THE MATTER, YET THERE IS A HINT: SO THAT THERE SHALL NOT BE FOUND AMONG THE PIECES THEREOF A SHARD TO TAKE FIRE FROM THE HEARTH.¹⁹ SAID R. JOSE TO HIM, THENCE IS PROOF [OF MY VIEW, VIZ.]: OR TO TAKE WATER WITHAL OUT OF THE CISTERN.²⁰

GEMARA. (The Scholars asked: Is R. Meir's standard greater or R. Jose's standard greater?)²¹ Logically, R. Jose's standard is greater, whereas the verse [quoted indicates that] R. Meir's standard is greater, for should you think that R. Jose's standard is greater, does he [the prophet] [first] curse in respect to a small vessel, and then curse in respect to a large one!²² — Said Abaye: Our Mishnah too [means] to scrape out a fire from a large hearth.²³

SAID R. JOSE TO HIM, THENCE IS PROOF. But R. Jose says well to R. Meir! — R. Meir maintains that he proceeds to a climax: Not only will nothing that is of value to people be found therein, but even that which is of no value to people shall not be found therein.

CHAPTER IX

MISHNAH. R. AKIBA SAID: WHENCE DO WE KNOW THAT AN IDOL DEFILES BY CARRIAGE LIKE A NIDDAH?²⁴ BECAUSE IT IS SAID, THOU SHALT CAST THEM [SC. THE IDOLS] AWAY AS A MENSTRUOUS THING; THOU SHALT SAY UNTO IT, GET THEE

HENCE:²⁵ JUST AS A NIDDAH DEFILES BY CARRIAGE, SO DOES AN IDOL DEFILE BY CARRIAGE.²⁶

GEMARA. We learnt elsewhere:²⁷ If one's house adjoins an idol,²⁸ and it collapses, he must not rebuild it.²⁹ What shall he do? He must retreat four cubits within his own [ground] and rebuild.

- (1) And are thus not exposed to witchcraft — this remark gives the point of the story.
- (2) But you first untie the bunch.
- (3) I.e., not on Torah.
- (4) Lit., 'the life (health) of the creatures.
- (5) Though the first is not a utensil (v. p. 389. n. 1), because the latter is dangerous.
- (6) Because the former is technically a utensil.
- (7) Which are rounded and smooth; hence they are not dangerous.
- (8) Because it injures the flesh (Rashi). Or the reference is to attached (growing) grass, and one must not make use on the Sabbath of that which is attached to the soil.
- (9) He ignores the prohibition mentioned in the last note, and holds grass to be preferable, because a pebble is not a utensil and may normally not be handled on the Sabbath.
- (10) Lit., 'over which the fire rules'.
- (11) I.e., the teeth-like glands supporting the rectum.
- (12) This is permissible.
- (13) From his mouth.
- (14) From the whole body.
- (15) Which affects the whole body.
- (16) But concentrate on this.
- (17) Lit., 'a fixed meal' as opposed to a mere snack, so that he will have to sit some time there.
- (18) When they are piled up. Rashi: the boards are not allowed to touch, but are separated by shards to prevent them from warping. 'Aruk: to enable the air to enter and dry them.
- (19) Isa. XXX. 14.
- (20) Ibid. The least quantity of water to be counted is a rebi'ith; v. first Mishnah of this chapter.
- (21) Rashal and Bah delete this bracketed passage.
- (22) This is raised as a difficulty. Generally speaking, only a very small shard is required for scraping out a fire from a stove, certainly not one large enough to contain a rebi'ith. On the other hand, the prophet would not curse by first observing that not even a small shard will remain, and then add that a large shard will not remain either.
- (23) Which requires a larger shard.
- (24) If one carries a niddah (q.v. Glos.), even without actually touching her, he becomes unclean, and R. Akiba teaches that the same applies to an idol.
- (25) Isa. XXX, 22.
- (26) Rashi: This Mishnah is quoted here because of its similarity in style to a later Mishnah concerning circumcision on the Sabbath (infra 86a). R. Han. and Tosaf.: Since the last Mishnah of the preceding chapter quotes a law which is supported by, though not actually deduced from, a Biblical verse, this chapter commences similarly. Both verses quoted are from Isa. XXX.
- (27) V. A.Z. 47b.
- (28) So that its wall is also the wall of the heathen temple, though actually it belongs entirely to him.
- (29) Since he thereby builds a wall for the temple too.

Talmud - Mas. Shabbath 82b

If it belongs to him and to the idol, it is judged as half and half.¹ The stones, timber and earth thereof defile like a [dead] creeping thing [sherez], for it is said, Thou shalt treat a creeping thing.² R. Akiba said: [They defile] like a niddah, because it is said, 'Thou shalt cast them away [tizrem] as a menstruous thing': just as a niddah defiles by carriage, so does an idol defile by carriage. Rabbah observed, Tizrem, mentioned in the verse, means 'thou shalt alienate them from thee as a zar

[stranger].’ ‘Thou shalt say unto it, Get thee hence’, but thou shalt not say unto it, Enter hither.³

Rabbah also observed: As for carriage, all agree that it defiles thereby, since it is assimilated to niddah. They differ in respect to a stone that closes a cavity:⁴ R. Akiba holds, It is like a niddah: just as a niddah defiles through a cavity-closing stone, so does an idol defile through a cavity-closing stone; while the Rabbis maintain, It is like a creeping thing [sherez]: just as a sherez does not defile through a cavity-closing stone, so does an idol not defile through a cavity-closing stone.

Now, according to R. Akiba, in respect of which law is it likened to a sherez?⁵ -In respect of its service utensils.⁶ And according to the Rabbis, in respect of which law is it likened to niddah?-In respect of carriage. Then let it be likened to nebelah?⁷ That indeed is so, but [the analogy with niddah teaches:] just as a niddah is not [a source of contamination] through her [separate] limbs,⁸ So is an idol not [a source of contamination] through its limbs. Then when R. Hama b. Guria asked: ‘Does the law of an idol operate in respect of its limbs or not?’-solve it for him from this that according to the Rabbis it does not operate in respect of its limbs?-R. Hama b. Guria asked it on R. Akiba's view.

But R. Eleazar maintained: In respect of a cavity-closing stone all agree that it does not defile thereby, since it is likened to a sherez,⁹ they differ only in respect of carriage. R. Akiba holds, It is like a niddah: just as a niddah defiles through carriage, so does an idol defile through carriage. While the Rabbis argue. It is like a sherez: just as a sherez does not defile through carriage, so does an idol not defile through carriage. Now, according to R. Akiba, in respect of what law is it likened to a sherez?-In respect of its service utensils. And according to the Rabbis’, in respect of what law is it likened to a niddah?-Just as a niddah is not [a source of contamination] through her [separate] limbs, so is an idol not [a source of contamination] through its limbs.

(1) E.g., if the wall is two cubits thick, one cubit only is accounted as his portion, and he must retreat another three cubits.

(2) Deut. VIII, 26. Shakkez teshakkezenu fr. shekez, something loathsome, which is connected with sherez (E.V.: thou shalt utterly detest it). A sherez defiles by its touch, but not when it is merely carried; but v. discussion infra.

(3) I.e., one must absolutely reject it (Tosaf. s.v. אָמַר).

(4) Rashi: a stone resting upon laths, and under it lie utensils. Tosaf.: a stone so heavy that when a niddah sits upon it her additional weight makes no difference to the utensils upon which it rests. According to both definitions, the question is whether these utensils are defiled when an idol is placed upon the stone.

(5) As it is in the verse, v.p. 393, n. 8.

(6) The utensils used in an idol's service do not defile through carriage or through a cavity-closing stone.

(7) V. Glos. This analogy would give the exact law, whereas the analogy with niddah has to be qualified by a further analogy with sherez.

(8) If a limb e.g., an arm, is cut off from a niddah, it defiles as the severed limb of a living human being in general, but not as niddah. The practical difference is that it does not defile through a cavity-closing stone.

(9) This is the text as emended by Rashal.

Talmud - Mas. Shabbath 83a

Now according to R. Akiba, in respect of what law is it likened to a niddah? [only] in respect of carriage! Then let it be likened to nebelah?-That indeed is so, but [the analogy with niddah, rather, teaches: just as niddah is not a source of contamination] through her [separate] limbs, so is an idol not [a source of contamination] through its limbs. Then when R. Hama b. Guria asked: ‘Does the law of an idol operate in respect of its limbs or not?’ solve it for him from this, according to both the Rabbis and R. Akiba, that it does not operate in respect of its limbs? — R. Hama b. Guria learns this as Rabbah, and asked it on R. Akiba's view. An objection is raised: An idol is like a [creeping thing] sherez and its service utensils are like a sherez; R. Akiba maintained: An idol is like a niddah, and its

service utensils are like a sherez. Now, according to R. Eleazar, it is well; but on Rabbah's view, it is a difficulty?-Rabbah answers you: Is it stronger than the Mishnah, which states, 'The stones, timber and earth thereof defile like a sherez,' and we explained, What is meant by 'like a sherez?' That it does not defile through a cavity-closing stone: here too it means that it does not defile through a cavity-closing stone.

An objection is raised: A heathen man or woman, an idol and its service utensils, they themselves [defile] but not their motion [hesset];¹ R. Akiba maintained: They and their hesset. Now, as for R. Eleazar, it is well;² but on Rabbah's view it is a difficulty? — Rabbah answers you: And [even] on your view, [can you say of] a heathen man and woman too, they but not their motion [hesset],-surely it was taught: Speak unto the children of Israel [... when any man hath an issue out of his flesh, etc.]:³ the children of Israel defile through gonorrhoea, but heathens do not defile through gonorrhoea, but they [the Rabbis] decreed concerning them that they rank as zabim in all respects.⁴ But Rabbah answers [the difficulty] according to his view, [Thus:] A heathen man or woman: they themselves, their motion [hesset], and their cavity-closing stone [all defile]; an idol: it and its motion [hesset], but not its cavity-closing stone; R. Akiba maintains: An idol: it, its hesset and its cavity-closing stone [defile]. Whilst R. Eleazar interprets it in accordance with his view: A heathen man or woman: they themselves, their motion [hesset], and their cavity-closing stone [defile]; an idol: it, but not its motion [hesset]. Whilst R. Akiba maintains: An idol: it and its motion [defile].⁵

R. Ashi objected thereto: [If so,] what is [the meaning of] they themselves'?⁶ -Rather said R. Ashi: This is the meaning: In the case of a heathen man or woman, whether they move others⁷ or others move them,⁸ [these others] are unclean.⁹ If idol moves others, they are clean;¹⁰ if others move it,¹¹ they are unclean. [As for] its service utensils, whether they move others or others move them, [these others] are clean. R. Akiba maintained: In the case of a heathen man or woman and an idol, whether they move others or others move them, [these others], are unclean; as for its service utensils, whether they move others or others move them, they are clean.

[In the case of] an idol, as for others moving it, that is well, [for] it is possible; but how is it conceivable for it to move others? Said Rami son of R. Yeba, Even as we learnt: If a zab is on one pan of the scales, and foodstuffs or drinks are in the other pan and the zab outweighs them, they are unclean¹²,

(1) Hesset is the technical term for uncleanness induced by the motion or shaking caused by a gonorrhoeist (zab). E.g., if he moves a bench upon which a clean person is sitting, even without actually touching it, the latter becomes unclean. The Rabbis enacted that heathens defile in the same way as a zab. But it is now assumed that hesset is used here in the sense that the heathen, etc. are moved by the clean person, which is another expression for their being carried, and it is taught that these do not defile by carriage.

(2) That the first view which is that of the Rabbis, is that they do not defile through carriage.

(3) Lev. XV, 2. This introduces the laws of a zab.

(4) Which includes defilement through carriage.

(5) On both interpretations the Baraita must be emended.

(6) If 'hesset' means 'carriage' (v. p. 395, n. 1), what is meant by 'they'? For it cannot mean that they are unclean in themselves, since that is obvious from the fact that we debate whether even their carriage defiles.

(7) E.g., by moving or weighing down the bench upon which they are sitting.

(8) Which is tantamount to carrying them.

(9) Thus he translates: 'they themselves'-i.e., when they are moved by others, and their 'hesset'- i. e., when they move others. This gives hesset its usual connotation.

(10) This agrees with Rabbah in accordance with whom R. Ashi explains this Baraita. It can be explained on similar lines according to R. Eleazar too.

(11) I.e., carriage.

(12) Since he thereby moves the foodstuffs or drinks, which is hesset. In this way an idol may move others, sc. by

outweighing them on a pair of scales.

Talmud - Mas. Shabbath 83b

if they out weigh [him], they are clean.¹

With whom does that which was taught agree, [viz.]: [As for] all unclean things which move [others], they [the things moved] are clean, save [in the case of] moving by a zab, for which no analogy² is found in the whole Torah. Shall we say that this is not according to R. Akiba, for if according to R. Akiba, there is an idol too? — You may even say that it agrees with R. Akiba: He states zab and all that is like thereto.³

R. Hama b. Guria asked: Does the law of an idol operate in respect to its limbs or not?⁴ Now, where an unskilled person can replace it [the limb in the idol], there is no question, for it is as though [already] joined [thereto]. When does the question arise? If an unskilled person cannot replace it, what [then]? Since an unskilled person cannot replace it, it is as broken;⁵ or perhaps it is actually not defective?⁶ Some there are who put the question in the reverse direction: Where an unskilled person cannot replace it, there is no question, for it is as broken. When does the question is if an unskilled person can replace it: what [then]? Since an unskilled person can replace it, it is as though [already] joined [thereto]; or perhaps now it is nevertheless disjoined and loose [separate]? — The question stands over.

R. Ahedbuy b. Ammi asked: What of an idol less than an olive in size? R. Joseph demurred to this: In respect of what [does he ask]? Shall we say, in respect of the interdict?⁷ — let it be no more than the fly [zebug] of Baal Ekron,⁸ for it was taught: And they made Baal-berith their God:⁹ this refers to the fly-god of Baal Ekron. It teaches that everyone made a likeness of his idol¹⁰ and put it in his bag: whenever he thought of it he took it out of his bag and embraced and kissed it!¹¹ But [the question is] in respect of uncleanness: what [is the law]? since it is assimilated to sherez¹² then just as sherez [defiles] by the size of a lentil,¹³ so an idol too [defiles] by the size of a lentil; or perhaps it is [also] likened to a corpse:¹⁰ just as a corpse [defiles] by the size of an olive,¹⁴ so does an idol [defile] by the size of an olive? — Said R. Awia — others state, Rabbah b. 'Ulla-Come and hear: For it was taught: An idol less than an olive in size has no uncleanness at all, for it is said, And he cast the powder thereof [sc. of the idol] upon the graves of the children of the people:¹⁵ just as a corpse [defiles] by the size of an olive, so does an idol [defile] by the size of an olive.

Now, according to the Rabbis, in respect of what law is it [an idol] likened to sherez?-that it does not defile by carriage; to a niddah?-that it is not [a source of contamination] through its [separate] limbs; [and] to a corpse?-that it does not defile by the size of a lentil!¹⁶ [Why?] Interpret it rather stringently: In respect of what law does the Divine Law liken it to a sherez? that it defiles by the size of a lentil; to a niddah? that it defiles through a cavity-closing stone; [while] the Divine Law assimilates it to a corpse, [teaching] that it defiles under the law of a covering?¹⁷ The uncleanness of an idol is [only] by Rabbinical law: [consequently,] where there are lenient and stringent [analogies], we draw a lenient analogy, but do not draw a stringent analogy.¹⁸

MISHNAH. How DO WE KNOW THAT A SHIP IS CLEAN?¹⁹ BECAUSE IT IS SAID, THE WAY OF A SHIP IN THE MIDST OF THE SEA.²⁰

GEMARA. Now, it is obvious that a ship is in the midst of the sea, but we are informed this: just as the sea is clean, so is a ship clean. It was taught: Hananiah said: We learn it from a sack:²¹ just as a sack can be carried both full and empty, so must everything [which is to be susceptible to defilement] be possible to be carried both full and empty, thus excluding a ship, seeing that it cannot be carried full and empty.²² Wherein do they differ?-They differ in respect to an earthen ship: he

who quotes, 'a ship in the midst of the sea', [holds that] this too is in the midst of the sea. But as for him who maintains that it must be like a sack: only those [vessels] that are mentioned in conjunction with a sack²³ if they can be carried full and empty, are [susceptible to uncleanness], if not, they are not [susceptible]; but an earthen ship, even if it cannot be carried full and empty, [is still susceptible to defilement]. Alternatively, [they differ in respect to] a boat of the Jordan:²⁴ he who quotes, 'a ship in the midst of the sea', [holds that] this too is a ship in the midst of the sea;²⁵ but as for him who requires that it be carried full and empty, this too is carried full and empty, for R. Hanina b. Akiba said: Why was it ruled that a Jordan boat is unclean? Because it is loaded on dry land and [then] lowered into the water. Rab Judah said in Rab's name: One should never abstain from [attendance at] the Beth Hamidrash even for a single hour, for lo! how many years was this Mishnah learnt in the Beth Hamidrash without its reason being revealed, until R. Hanina b. Akiba came and elucidated it. R. Jonathan said: One should never abstain from the Beth Hamidrash and from Torah, even in the hour of death, for it is said, This is the Torah, when a man dieth in a tent:²⁶ even in the hour of death one should be engaged in [the study of] the Torah.²⁷ Resh Lakish said: The words of the Torah can endure only with him who sacrifices²⁸ himself for it, as it is said, This is the Torah, when a man dieth in a tent.²⁹

Raba said:

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- (1) For they bear the zab, and only articles which are fit for lying or sitting upon, or human beings, are unclean in such a case.
- (2) Lit., 'companion'.
- (3) Which includes an idol, since R. Akiba deduces an idol's power to contaminate from a niddah, who is akin to a zab.
- (4) V. supra 82b.
- (5) And therefore does not defile.
- (6) All the parts are there, even if not assembled; hence each part should defile.
- (7) One may not benefit in any way from an idol.
- (8) A Phoenician idol; cf. II Kings I, 2.
- (9) Judg. VIII, 34.
- (10) Lit., 'fear'.
- (11) This shows that it is the same as any other idol, and benefit thereof is certainly forbidden.
- (12) V. supra 82b.
- (13) Less than the size of an olive.
- (14) That is the least portion of a corpse which defiles.
- (15) II Kings XXIII, 6.
- (16) V. supra 82zb.
- (17) Cf. p. 69, n. 7.
- (18) All the verses quoted above as intimating the uncleanness of an idol are only supports (asmakta), but not the actual source of the law. Cf. Halevy, Dorothe, I, 5, ch. 8, pp. 470 seqq.
- (19) I.e., it cannot become unclean.
- (20) Prov. XXX, 19.
- (21) A ship is a wooden vessel, and only those wooden vessels which are like a sack can become unclean, since they are assimilated to a sack in Lev. XI, 32.
- (22) By 'carried' is meant actually as one carries a sack.
- (23) V. Lev. XI, 32.
- (24) Owing to the rapid course of the Jordan the boats that plied on it were of canoe-like structure, which could be taken up and carried over the unnavigable stretches.
- (25) For all rivers are the same, not susceptible to defilement.
- (26) Num. XIX, 14.
- (27) In the face of the boundless love for the Torah displayed by this dictum, the criticism of Rabbinism as a dry, legalistic system is seen to be shallow and superficial. No system which does not appeal to the warm-hearted emotions could call forth such love.

(28) Lit., 'kills'.

(29) I.e., this Torah can live only when a man is prepared to die for it—an interpretation that has been historically justified.

Talmud - Mas. Shabbath 84a

Now according to Hananiah, carrying by means of oxen is regarded as carrying.¹ For we learnt: There are three waggons: That which is built like a cathedra² is liable to uncleanness as midras;³ that which is like a bed⁴ is liable to uncleanness through the defilement caused by a corpse;⁵ that of stones⁶ is completely clean. Now R. Johanan observed thereon: But if it has a receptacle for pomegranates, it is liable to uncleanness through the defilement of a corpse.⁷ There are three chests: a chest with an opening at the side is liable to uncleanness as midras;⁸ at the top, is liable to uncleanness through the defilement of a corpse;⁹ but an extremely large one¹⁰ is completely clean.¹¹

Our Rabbis taught: The midras of an earthen vessel is clean;¹² R. Jose said: A ship too. What does he mean?¹³ — Said R. Zebid. He means this: The midras of an earthen vessel is clean, but contact there with renders it unclean,¹⁴ while an earthen ship is unclean, in accordance with Hananiah;¹⁵ R. Jose ruled: An [earthen] ship too is clean, in agreement with our Tanna. R. Papa demurred: [if so,] why say, A ship too?¹⁶ Rather said R. Papa, This is its meaning: The midras of an earthen vessel is clean, whilst contact therewith defiles it; but [in the case of a vessel] of wood, both its midras and its touch are unclean; while a boat of the Jordan is clean, in agreement with our Tanna; R. Jose said: A ship too is unclean, in accordance with Hananiah.

Now, how do we know that the midras of an earthen vessel is clean?—Said Hezekiah, Because Scripture saith, and whosoever toucheth his bed.¹⁷ this assimilates 'his bed' to himself [the zab]: just as he can be cleansed in a mikweh,¹⁸ so can 'his bed' be cleansed in a mikweh. The School of R. Ishmael taught: It shall be unto her as the bed of her impurity [niddah]:¹⁹ this assimilates her bed to herself: just as she can be cleansed in a mikweh, so can 'her bed' be cleansed in a mikweh, thus excluding earthen vessels, which cannot be cleansed in a mikweh.²⁰ R. Ela raised an objection: How do we know that a [reed] mat [is susceptible to defilement] through the dead?

(1) For the boats of the Jordan are too large to be loaded and carried overland otherwise than by oxen.

(2) Short and three sided, like an armchair.

(3) Since such are made specifically for sitting; v. supra 59a.

(4) Long, its purpose being the carriage of goods.

(5) I.e., it is susceptible to every form of defilement save midras, because it ranks as a utensil, in that it can become unclean, but it is not made for sitting thereon.

(6) A cart made for carrying large stones. Its bottom was perforated with large holes, and therefore could not be used to carry articles as small as a pomegranate or less, and for a vessel to be susceptible to defilement it must be able to hold pomegranates.

(7) Though the same waggon cannot be moved when full except by oxen. Thus though it is a wooden vessel, and therefore must be capable of being moved full or empty (supra 83b), the fact that it can be moved by oxen is sufficient.

(8) Because a zab can sit on its top without being told 'get up and let us do our work' (v. supra 59a). as things can be put in or taken out from the side.

(9) I.e., it is susceptible to all forms of uncleanness save that of midras, because a zab if sitting on it would be told to get off it, v; supra p. 312, n. 9

(10) Lit., 'one that comes in measurement'.

(11) it is unfit for lying or sitting upon on account of the opening at the top, and therefore it is not susceptible to midras, while since it cannot be moved about owing to its size, it is free from other defilement (v. supra 83b).

(12) I.e., if- a zab sits upon it, it without actually infringing upon the air space within it.

(13) A ship is not susceptible to any form of defilement.

(14) Viz., if a zab touches it on the inside.

(15) Supra 83 b.

(16) He certainly must mean that it is clean even from defilement, it through contact; then how explain 'too', which intimates that the first Tanna has stated that a certain article cannot be defiled by contact and R. Jose adds this?

(17) Lev. XV, 5. 'His bed' denotes anything upon which the zab has lain, and this passage teaches the law of midras.

(18) V. Glos.

(19) Ibid. 26, q.v.

(20) This is deduced from Lev. XI, 33, q.v. Since they cannot be cleansed, they cannot become unclean in the first place through the midras of a zab.

Talmud - Mas. Shabbath 84b

This follows a fortiori: if small [earthen] pitchers which cannot be defiled by a zab¹ can be defiled through the dead,² then a mat, which is defiled by a zab,³ is surely defiled through the dead? But why so [it may be asked], seeing that it cannot be cleansed in a mikweh?⁴ Said R. Hanina to him: There it is different, since some of its kind [of the same material] are [capable of being cleansed in a mikweh].⁵ The All Merciful save us from this view! he exclaimed.⁶ On the contrary, he retorted, The All Merciful save us from your view! And what is the reason?⁷ Two verses are written: [i] and whosoever touches his bed; and [ii] every bed whereon he that hath the issue lieth [shall be unclean].⁸ How are these [to be reconciled]? If something of its kind [can be cleansed in a mikweh], even if that itself cannot be cleansed in a mikweh [it is susceptible to midras]; but if nothing of its kind [can be cleansed in a mikweh], his bed is assimilated to himself.

Raba said: [That] the midras of an earthen vessel is clean [is deduced] from the following: and every open vessel, which hath no covering bound upon it[, is unclean]:⁹ hence, if it has a covering bound upon it, it is clean.¹⁰ Now, does this not hold good [even] if he had appointed it [as a seat] for his wife, when a niddah, yet the Divine Law states that it is clean.¹¹

MISHNAH. HOW DO WE KNOW THAT IF A SEED-BED IS SIX HANDBREADTHS SQUARE, WE MAY SOW THEREIN FIVE KINDS OF SEEDS, FOUR ON THE FOUR SIDES, AND ONE IN THE MIDDLE?¹² BECAUSE IT IS SAID, FOR AS THE EARTH BRINGETH FORTH HER BUD, AND AS THE GARDEN CAUSETH ITS SEEDS TO SPRING FORTH:¹³ NOT ITS SEED, BUT ITS SEEDS IS STATED.¹⁴

GEMARA. How is this implied? — Said Rab Judah: For as the earth bringeth forth her bud: 'bringeth forth' [denotes] one, [and] 'her bud' [denotes] one, which gives two; 'her seeds' [denotes] two,¹⁵ making four; 'causeth to spring forth' denotes one, making five [in all],

(1) They are not susceptible to midras, as he cannot sit upon them. Again, an earthen vessel can be defiled only through the contaminating thing coming into contact with its inner air space, which is here impossible, as the neck of a small pitcher is too narrow to permit a zab to insert his finger. Furthermore, they cannot become unclean through hesset, as hesset and contact are interdependent, and only that which is susceptible to the latter is susceptible to the former.

(2) They become unclean when under the same roof as a corpse, v. Num. XIX, 15.

(3) With the uncleanness of midras, since it is fit for lying upon.

(4) This is R. Ela's objection: how can the Baraitha state axiomatically that a mat can be defiled by a zab?

(5) E.g., when they are provided with a receptacle.

(6) That a mat should be susceptible to midras merely because something else of the same material can be cleansed in a mikweh.

(7) On what grounds does R. Hanina base his thesis?

(8) Lev. XV, 4. The first verse implies that the bed must be like himself, on account of the suffix 'his', but not the second, since the suffix is absent there.

(9) Num. XIX, 15.

(10) The contamination must, as it were, penetrate into the inner air space of the vessel, which it is unable to do on

account of the covering which interposes a barrier. — This shows that the reference is to an earthen vessel, where the defilement must enter its atmosphere (cf. Ps. 402, n. 1).

(11) Now in such a case it is regarded as a seat, and if it were susceptible to midras the cover would not save the vessel from becoming unclean, because whatever is itself liable to defilement cannot constitute a barrier to save something else from same. Hence it follows that an earthen vessel is not subject to midras at all.

(12) Without infringing the prohibition of sowing diverse seeds (kil'ayim) together (Deut. XX, 9).

(13) Isa. LXI, 11.

(14) Rashi: almost the whole of each side is sown with one species, and one seed is sown in the middle, as in Fig. 1. The shaded part is sown. Though the corners come very near each other, and their roots certainly intermingle, that does not matter, as their very position makes it clear that each side has been sown as a separate strip. But with respect to the middle seed there is nothing to show that it was not sown indiscriminately together with the rest, and therefore a substantial space (three handbreadths) between it and the sides is required. Maim. explains it as in Fig. 2.

(15) The minimum number of the plural.

Talmud - Mas. Shabbath 85a

and the Rabbis ascertained that five [species sown] in six [handbreadths square] do not draw [sustenance] from each other.¹ And how do we know that that which the Rabbis ascertain is of consequence?² For R. Hiyya b. Abba said in R. Johanan's name: What is meant by, Thou shalt not remove thy neighbour's landmark, which they of old have set?³ The landmark which they of old have set thou shalt not encroach upon.⁴ What landmarks did they of old set? R. Samuel b. Nahmani said in R. Johanan's name, [Even] as it is written, These are the sons of Seir the Horite, the inhabitants of the earth:⁵ are then the whole world inhabitants of heaven? But it means that they were thoroughly versed in the cultivation of the earth. For they used to say, This complete [measuring] rod [of land is fit] for olives, this complete [measuring] rod [is fit] for vines, this complete [measuring] rod for figs.⁶ And Horite [hori] implies that they smelled [merikin] the earth. And Hivite [hiwi]? Said R. Papa: [It teaches] that they tasted the earth like a serpent [hiwya].⁷ R. Aha b. Jacob said: Horite [hori] implies that they become free [horin] from [the cares of] their property.⁸

R. Assi said: The internal area of the seed-bed must be six [handbreadths square], apart from its borders.⁹ It was taught likewise: The internal area of the seed-bed must be six [handbreadths square]. How much must its borders be?¹⁰ — As we learnt, R. Judah said: Its breadth must be the full breadth of [the sole of] a foot, R. Zera — others say, R. Hanina b. Papa — said: What is R. Judah's reason? Because it is written, and wateredst it with thy foot:¹¹ just as the [sole of] the foot is a handbreadth, so must the border too be a handbreadth.

Rab said: We learnt of a seed bed in a waste plot.¹² But there is the corner space?¹³ — The School of Rab¹⁴ answered in Rab's name: It refers to one who fills up the corners. Yet let one sow on the outside,¹⁵ and not fill up the inside?

(1) Hence the implications of the verse are referred to a plot of this size.

(2) To base a law thereon.

(3) Deut. XIX, 14.

(4) By planting so near to your neighbour's border that the roots must draw sustenance from his land, thus impoverishing it.

(5) Gen. XXXVI, 20.

(6) They know how to divide up the land for cultivation, and as a corollary they must have known how much earth each species required for its sustenance. It was from them that the Rabbis acquired this knowledge, whose correctness is vouched for by this verse.

(7) In both cases for agricultural purposes.

(8) Being dispossessed thereof, v. Deut. II, 12.

(9) Fallow borders were left around seed-beds for the convenience of threshing; the area stated in the Mishnah does not

include the borders.

(10) That the whole may be technically regarded as a seed-bed, and the laws appertaining thereto (v. infra) apply to it.

(11) Ibid. XI, 10.

(12) I.e., the Mishnah refers to sub. But if it is surrounded by other beds sown with different seeds, there is only the two handbreadths space occupied by the borders of the two contiguous beds between them, whereas three handbreadths space is required between two rows of different plants.

(13) Which can be left unsown. It is then possible to have the bed surrounded by others.

(14) The term Be Rab may mean either the School founded by Rab or scholars in general; Weiss Dor, III, 158.

(15) Of the seed-bed, i.e., it need not be in the middle of an unsown plot.

Talmud - Mas. Shabbath 85b

— It is a preventive measure, lest he fill up the corners. Yet let it not be other than a triangular plot¹ of vegetables? Did we not learn, If a triangular plot of vegetables enters another field,² this is permitted, because it is evidently the end of a field?³ — [The permissibility of] a triangular plot does not apply to a seed-bed.⁴

But Samuel maintained: We learnt of a seed-bed in the midst of [other] seed-beds. But they intermingle? — He inclines one strip in one direction and one strip in another direction,

‘Ulla said: They asked in the West [Palestine]: What if a person draws one furrow across the whole?⁵ R. Shesheth maintained: The intermingling comes and annuls the strips.⁶ R. Assi said: The intermingling does not annul the strips. Rabina raised an objection to R. Ashi: If one plants two rows of cucumbers, two rows of gourds, and two rows of Egyptian beans, they are permitted;⁷ one row of cucumbers, one row of gourds and one of Egyptian beans, they are forbidden?⁸ — Here it is different, because there is entanglement.⁹

R. Kahana said in R. Johanan's name: If one desires to fill his whole garden with vegetables,¹⁰ he can divide it into¹¹ bed[s] six [handbreadths] square, describe in each a circle five [handbreadths in diameter], and fill its corners with whatever he pleases.¹² But there is the [space] between [the beds]?¹³ — Said the School of R. Jannai: He leaves the interspaces waste.¹⁴ R. Ashi said: If they [the beds] are sown in the length, he sows them [the interspaces] in the breadth, and vice versa.¹⁵ Rabina objected to R. Ashi: The planting¹⁶ of one vegetable with another [requires] six handbreadths [square],¹⁷ and they are regarded

(1) Lit., ‘an ox-head’.

(2) Sown with other crops. Fields were generally ended off in a triangular shape.

(3) Though it comes right up to the other crops, one can see that there has been no indiscriminate sowing (cf. note on our Mishnah, p. 403, n. 5); the same should apply here.

(4) Because in the proposed case there is nothing to show that the different strips are distinct.

(5) Rashi: From north to south, crossing the middle seeds, this furrow being either of one of the five seeds or of a sixth. Tosaf: The furrow is drawn right round the four sides of the plot but deepened (by a handbreadth) and the question is whether this deepening constitutes a distinguishing mark, so that it shall be permitted.

(6) I.e., it is not a distinguishing mark, but on the contrary breaks up the separateness of the other strips, and so is forbidden.

(7) Two rows constitute a field, and therefore each plant is regarded as in a separate field, though they are in proximity to each other.

(8) This proves that a single row effects a prohibited intermingling.

(9) Their leaves become entangled above as they grow high. On this account they are forbidden.

(10) Of different kinds.

(11) Lit., ‘make’.

(12) Thus (see drawing): planting in this way shows that there has been no indiscriminate intermingling.

(13) Viz., the borders which are to be left fallow, v. supra a.

(14) R. Johanan's phrase 'his whole garden' is not meant literally, but merely applies to the seed-beds into which it is divided.

(15) in this way literally the whole garden can be filled.

(16) Lit., 'working'.

(17) I.e., within a bed of this area it is possible to plant a number of different kinds of vegetables, as stated in our Mishnah.

Talmud - Mas. Shabbath 86a

as a square board. Thus it is only permitted as a [square] board, but otherwise it is forbidden?¹ — There [it desires to] teach another leniency in respect thereof, [viz.,] to permit a triangular wedge that issues thence [into another plot or field].²

MISHNAH. HOW DO WE KNOW THAT IF ONE [A WOMAN] DISCHARGES SEMEN ON THE THIRD DAY SHE IS UNCLEAN? BECAUSE IT IS SAID, BE READY AGAINST THE THIRD DAY.³ HOW DO WE KNOW THAT A CIRCUMCISED CHILD⁴ MAY BE BATHED [EVEN] ON THE THIRD DAY [AFTER CIRCUMCISION] WHICH FALLS ON THE SABBATH? BECAUSE IT IS SAID, AND IT CAME TO PASS ON THE THIRD DAY, WHEN THEY WERE SORE.⁵ HOW DO WE KNOW THAT A CRIMSON-COLOURED STRAP IS TIED TO THE HEAD OF THE GOAT THAT IS SENT [TO 'AZAZ'EL]?⁶ BECAUSE IT IS SAID, IF YOUR SINS BE AS SCARLET, THEY SHALL BE AS WHITE AS SNOW.⁷ HOW DO WE KNOW THAT ANOINTING IS THE SAME AS DRINKING ON THE DAY OF ATONEMENT?⁸ THOUGH THERE IS NO PROOF OF THIS, YET THERE IS A SUGGESTION THEREOF, FOR IT IS SAID, AND IT CAME INTO HIS INWARD PARTS LIKE WATER, AND LIKE OIL INTO HIS BONES.⁹

GEMARA. The first clause does not agree with R. Eleazar b. 'Azariah, whilst the second clause does agree with R. Eleazar b. 'Azariah, for if it [the first clause] were according to R. Eleazar b. 'Azariah, we have heard from him that she is clean?¹⁰ — He who does not [wish to] explain [a Mishnah] as [reflecting the views of two] Tannaim learns 'she is clean' in the first clause, and [thus] establishes the whole of it in accordance with R. Eleazar b. 'Azariah. Whilst he who does explain it as [the opinions of two] Tannaim¹¹ [holds that] the first clause agrees with the Rabbis, while the second is according to R. Eleazar b. 'Azariah. Our Rabbis taught: if one [a woman] discharges semen on the third day, she is clean; this is the view of R. Eleazar b. 'Azariah.¹² R. Ishmael said: This [interval] sometimes comprises four periods,¹³ sometimes five, and sometimes six periods.¹⁴ R. Akiba maintained: It [the interval for uncleanness] is always [up to] five periods. And if part of the first period has gone,¹⁵ a part of the sixth period is given her.¹⁶ Now the Rabbis stated this [the following difficulty] before R. Papa-others say, R. Papa said to Raba: As for R. Eleazar b. 'Azariah, it is well: he holds with the Rabbis, who maintain, Abstention [from intimacy] was effected on Thursday.¹⁷ Again, R. Ishmael holds with R. Jose that abstention was effected on Wednesday. But with whom does R. Akiba agree?¹⁸ — After all, R. Akiba holds as R. Jose, [but it is] as R. Adda b. Ahabah said: Moses ascended early in the morning and descended early in the morning. 'He ascended early in the morning,' for it is written, and Moses rose up early in the morning, and went up unto mount Sinai;¹⁹ 'he descended early in the morning', for it is written, Go, get thee down; and thou shalt come up, thou, and Aaron with thee.²⁰ this likens descent to the ascent: just as ascent was early in the morning, so was descent early in the morning.²¹ But why did he [Moses] have to tell them [in the morning]? Surely R. Huna said: The Israelites are holy, and do not cohabit by day!²² — But Raba said: If the house is in darkness, it is permitted. Raba also said others state, R. Papa: A scholar may cause darkness with his garment, and it is [then] permitted.

(1) This excludes planting in a circle.

- (2) I.e., when it is planted in this shape the triangular wedge too is permitted. But the plot itself may contain a circle. (14) After cohabitation.
- (3) Ex. XIX, 15. Lit., 'three days'. The verse continues, 'come not near a woman'. The Tanna understands this to mean that intercourse was debarred to them for three whole days, including the first day of abstention, before the Giving of the Law, which took place on the fourth day. This proves that a discharge within this period would render her unclean for the day of the discharge, whereas all had to be clean at the Revelation.
- (4) Lit., 'the circumcised'.
- (5) Gen. XXXIV, 24. This shows that one is in danger until three days have elapsed, and therefore the Sabbath may be desecrated on its account by bathing the child.
- (6) V. Lev. XVI, 22-26.
- (7) Isa. I, 18. By a miracle this crimson coloured strap turned white, thus showing the people that they were forgiven of their sins; V. Buchler, Sin and Atonement, p. 327.
- (8) That the former is interdicted equally with the latter?
- (9) Ps. CIX, 19. The former is a simile from drinking, the latter from anointing, and the two similes are treated as parallel.
- (10) V. infra.
- (11) V. B.M. 41a.
- (12) Thus, if she cohabits on Thursday and discharges on the Sabbath, she is clean, no matter at which part of the two days intimacy and discharge took place.
- (13) 'Onah, pl, 'onoth, is the technical term of a day or a night when these are equal.
- (14) He holds that she is unclean. Now, if cohabitation took place at the very beginning of Thursday evening whilst the discharge occurred at the end of the Sabbath, we have six periods; if at the end of Thursday night, five; and if at the end of Thursday, four. In all cases she is unclean.
- (15) When intimacy takes place.
- (16) A discharge up to then defiles her.
- (17) Whilst the giving of the Law took place on the Sabbath, at the very beginning of which they performed their ritual ablutions to purify themselves, if they had discharged semen on the Friday. Now some may have cohabited at the end of Thursday, and yet they were fit for the Revelation on the Sabbath, which shows that a discharge of semen on the third day does not defile.
- (18) For the Torah speaks of days, which implies that whether intimacy took place at the beginning or at the end of the day, she would be clean on the third (or, the fourth, according to R. Jose) day, irrespective of the numbers of 'periods' that elapsed.
- (19) Ex. XXXIV, 4. Though this refers to his second ascent after the breaking of the first tables, it is held to show that he always went up early in the morning.
- (20) Ibid. XIX, 24.
- (21) Hence Moses' order to the Israelites to abstain from intimacy was given early Wednesday morning; this allows five full 'periods' until the beginning of the Sabbath, when they purified themselves.
- (22) So Moses could have waited for the end of the day.

Talmud - Mas. Shabbath 86b

But they were tebul yom?¹ — Abaye b. Rabin and R. Hanina b. Abin both say: The Torah was given to tebul yom. Now Meremar sat and reported this discussion. Said Rabina to him: Do you say that it was given, or that it was fitting [that it should be given]? I mean that it was fitting, he replied.² Yet they should have bathed at twilight and received the Torah at twilight?³ — R. Isaac quoted [as an answer], from the beginning I have not spoken in secret.⁴ Yet they could have bathed on the Sabbath morning and received the Torah on the Sabbath morning?⁵ — Said R. Isaac. It was unfitting that some should go to receive the Torah whilst others went to Tebillah.⁶

R. Hiyya son of R. Abba said in R. Johanan's name: These are the views of R. Ishmael and R. Akiba; but the Sages maintain: We require six⁷ full periods.⁸ R. Hisda said: This controversy is [only] where it [the semen] issues from the woman; but if it issues from a man,⁹ it is unclean as long

as it is moist. R. Shesheth objected: And every garment, and every skin, whereon is the seed of copulation, [shall be washed with water and be unclean until the even]:¹⁰ this excludes semen that is foul.¹¹ Surely this refers [even] to that which issues from a man? — No: [only] to that which issues from a woman.

R. Papa asked: What of an Israelite's semen within a Cuthean woman?¹² [Do we say,] Because Israelites are anxious about [the observance of] precepts, their bodies are heated,¹³ but not so Gentiles, who are not anxious about precepts; or perhaps, as they eat creeping crawling things, their bodies [too] are heated? Now should you say, as they eat creeping crawling things their bodies are heated, what of [semen] within an animal?¹⁴ [Do we say,] A woman, who has a fore-uterus, causes it to become foul, but not so an animal, who s no fore-uterus; or perhaps there is no difference? The questions stands over.

Our Rabbis taught: On the sixth day of the month [Siwan] were the Ten Commandments given to Israel. R. Jose maintained: On the seventh thereof. Said Raba: All agree that they arrived in the Wilderness of Sinai on the first of the month. [For] here it is written, on this day they came into the wilderness of Sinai;¹⁵ whilst elsewhere it is written, This month shall be unto you the beginning of months:¹⁶ just as there the first of the month,¹⁷ so here [too] the first of the month [is meant]. Again, all agree that the Torah was given to Israel on the Sabbath. [For] here it is written, Remember the Sabbath day, to keep it holy;¹⁸ whilst elsewhere it is written, And Moses said unto the people, Remember this day:¹⁹ just as there, [he spoke] on that very day,²⁰ so here too it was on that very day.²¹ [Where] they differ is on the fixing of the New Moon. R. Jose holds that New Moon was fixed on the first day of the week [Sunday], and on that day he [Moses] said nothing to them on account of their exhaustion from the Journey. On Monday he said to them, and ye shall be unto me a kingdom of priests;²²

(1) V. Glos. tebul yom, pl. tebul yom. If they had their ritual bath on Friday evening, they would not be thoroughly clean until the following evening, as a tebul yom does not become clean until the evening after his ablutions. Hence we must assume that they cleansed themselves at the end of Friday, in which case there is one 'period' short on all views.

(2) But actually none discharged semen on the Friday, so that they were completely clean.

(3) Rashi: According to R. Akiba, if God desired exactly five periods to elapse, why did he postpone Revelation until the morning, which suggests that six periods are necessary? Tosaf. maintains that the difficulty arises on all views.

(4) Isa. XLVIII, 16 — i.e., the Torah had to be given in broad daylight.

(5) If discharge after five 'periods' leaves the woman clean, cohabitation could have been permitted until the very end of Wednesday, and ritual ablution performed on the Sabbath morning, for a subsequent discharge would not matter.

(6) V. Glos.

(7) Wilna Gaon quotes a reading 'three'.

(8) To elapse before discharge shall have no effect.

(9) E.g., on to a garment.

(10) Lev. XV, 27.

(11) Being unfit then to engender, it does not defile.

(12) For Cuthean v. supra p. 69, n. 4. Here, however, 'Cuthean' is the censor's substitute for 'gentile', which word appears in this passage in Nid. 34b, and also in the present discussion.

(13) Which makes the semen foul and unfit to engender in three days.

(14) This is merely a theoretical question. Bestiality was forbidden on pain of death (Ex. XXII, 18), and Jews were not suspected of this crime (Sanh. 27b).

(15) Ex. XIX, 1.

(16) Ibid. XII, 2.

(17) V. Pes. 6b and Tosaf. ibid. s.v. **מזוהי**

(18) Ex. XX, 8.

(19) Ibid. XIII, 3.

(20) Of their exodus — implied by 'this'.

(21) I.e., the command to keep the Sabbath, and hence all the Ten Commandments were promulgated on the Sabbath itself.

(22) Ex. XIX, 6.

Talmud - Mas. Shabbath 87a

on Tuesday he informed them of the order to set boundaries,¹ and on Wednesday they separated themselves [from their wives].² But the Rabbis hold: New Moon was fixed on Monday, and on that day he said nothing to them on account of their exhaustion from the journey. On Tuesday he said to them, and ye shall be unto me a kingdom of priests; on Wednesday he informed them of the order to set boundaries, and on Thursday they separated themselves. An objection is raised: And sanctify them to-day and to-morrow:³ this is difficult in the view of R. Jose?⁴ — R. Jose can answer you: Moses added one day of his own understanding.⁵ For it was taught, Three things did Moses do of his own understanding, and the Holy One, blessed be He, gave His approval:⁶ he added one day of his own understanding, he separated himself from his wife,⁷ and he broke the Tables. ‘He added one day of his own understanding’: what [verse] did he interpret? To-day and to-morrow: ‘to-day’ [must be] like ‘tomorrow: just as to-morrow includes the [previous] night, so ‘to-day’ [must] include the [previous] night, but the night of to-day has already passed! Hence it must be two days exclusive of to-day. And how do we know that the Holy One, blessed be He, gave his approval? — Since the Shechinah did not rest [upon Mount Sinal] until the morning of the Sabbath.⁸ And ‘he separated himself from his wife’: What did he interpret? He applied an a minori . argument to himself, reasoning: If the Israelites, with whom the Shechinah spoke only on one occasion and He appointed them a time [thereof], yet the Torah said, Be ready against the third day: come not near a woman: I, with whom the Shechinah speaks at all times and does not appoint me a [definite] time, how much more so! And how do we know that the Holy One, blessed be He, gave his approval? Because it is written, Go say to them, Return to your tents,⁹ which is followed by, But as for thee, stand thou here by me. Some there are who quote, with him [sc. Moses] will I speak mouth to mouth.¹⁰ ‘He broke the Tables’: how did he learn [this]? He argued: If the Passover sacrifice, which is but one of the six hundred and thirteen precepts, yet the Torah said, there shall no alien eat thereof:¹¹ here is the whole Torah, and the Israelites are apostates, how much more so!¹² And how do we know that the Holy One, blessed be He, gave His approval? Because it is said, which thou brakest,¹³ and Resh Lakish interpreted this: All strength to thee¹⁴ that thou brakest it.

Come and hear: And be ready against the third day: this is a difficulty according to R. Jose?¹⁵ — Surely we have said that Moses added one day of his own understanding!

Come and hear: The third, the third day of the month and the third day of the week:¹⁶ this is a difficulty according to the Rabbis?¹⁷ — The Rabbis answer you: with whom does this agree? with R. Jose.

In respect of what is [the first] ‘the third’ [mentioned]? — [In respect] of that which was taught: And Moses reported the words of the people unto the Lord;¹⁸ and it is written, And Moses told the words of the people unto the Lord.¹⁹ Now, what did the Holy One, Blessed be He, say unto Moses, what did Moses say unto Israel, what did Israel say to Moses, and what did Moses report before the Omnipotent?²⁰ This is the order of setting boundaries:²¹ that is the view of R. Jose son of R. Judah. Rabbi said: At first he explained the penalties [for non-observance], for it is written, ‘And Moses reported [wa-yasheb]’, [which implies] things which repel [meshabbebin] one's mind.²² But subsequently he explained its reward, for it is said, ‘And Moses told [wa-yagged]’, [which means,] words which draw one's heart like a narrative [aggadah]. Some there are who maintain, At first he explained the reward it confers, for it is written, ‘And Moses reported [wa-yasheb]’, [which means,] words which appease [meshibin] one's mind. Whilst subsequently he explained its penalties, for it is written, ‘and Moses told [wa-yagged]’, [meaning,] words as hard [unpleasant] to man as worm-wood

[giddin].

Come and hear: The sixth, the sixth day of the month and the sixth day of the week [Friday]: this is a difficulty according to the Rabbis?²³ — This too agrees with R. Jose. In respect of what is [the first] ‘the sixth’ [mentioned]? — Raba said:

(1) V. *ibid.* 12.

(2) Though the reference to this precedes the command to set boundaries, it is nevertheless assumed that events were in this order; v. *infra*.

(3) *Ibid.* 10.

(4) For it implies Thursday and Friday, Revelation taking place on the Sabbath. The sanctification consisted in their separation from their wives (v. 14f).

(5) The command ‘sanctify them’ was given him on Wednesday, and he interpreted it as implying three days.

(6) Lit., ‘agreed with him’.

(7) Entirely, after the Revelation.

(8) Had Moses’ interpretation been incorrect, the Shechinah should have alighted Friday morning.

(9) Deut, V, 30. This was permission to resume marital relations.

(10) Num. XII, 8 — the same conclusion may be drawn from this.

(11) Ex. XII, 43. ‘Alien’ is interpreted, one whose actions have alienated him from God, v. Targum Onkelos a.l.

(12) They are surely unfit to receive the Torah!

(13) *Ibid.* XXXIV, 1.

(14) Lit., ‘thy strength be well’, an expression of approval. For further notes V. Yeb., Sonc. ed., pp. 412ff.

(15) Cf. P. 411, n. 7.

(16) The meaning of the first ‘the third’ is discussed *infra*.

(17) Since they hold that New Moon was on Monday, the third was on Wednesday, not Tuesday.

(18) *Ibid.* 8.

(19) Ex. XXXIV, 9.

(20) Lit., ‘the strength’- one of the names of God. The difficulty is this: what conversations took place between v.v. 8 and 9, necessitating a second statement by Moses?

(21) Though this is mentioned only in v. 12, it is assumed to have been given between Moses’ two statements, the second of which signified the people’s willingness to set boundaries.

(22) Threats of punishment would naturally make the people reluctant to accept the Torah in the first place (Rashi). *jast.*: words which chasten, etc.

(23) Since they held that New Moon was on Monday, Friday was not the sixth day of the month.

Talmud - Mas. Shabbath 87b

[In respect] of their encamping.¹ R. Aha b. Jacob said: [In respect] of their journeying.² Now, they disagree about [the precept of] the Sabbath [as communicated to them at at Marah, for it is written, [Observe the Sabbath day ...] as the Lord my God commanded thee,³ whereon Rab Judah commented in Rab’s name: As he commanded thee at Marah.⁴ One Master holds: They were commanded concerning the Sabbath [in general], but not concerning tehumin.⁵ Whilst the other Master holds: They were commanded concerning tehumin too.⁶

Come and hear: As to the Nisan in which the Israelites departed from Egypt, on the fourteenth day they slaughtered their Passover sacrifices, on the fifteenth they went forth, and in the evening the first-borns were smitten. ‘In the evening’: can you think so!⁷ Rather say, The first-borns having been smitten the [previous] evening, and that day was a Thursday. Now, since the fifteenth of Nisan was on a Thursday, the first of Iyar was on the Sabbath,⁸ and the first of Siwan was on a Sunday,⁹ which is a difficulty according to the Rabbis?—The Rabbis answer you: Iyar in that year was indeed made full.¹⁰

Come and hear that they did not make it full! As to the Nisan in which the Israelites departed from Egypt, on the fourteenth they killed their Passover sacrifices, on the fifteenth they went forth, and in the evening the first-borns were smitten. ‘In the evening’ can you think so! Rather, say, The first-borns having been smitten since the [previous] evening, and that day was a Thursday. Nisan was a full month, so that [the first of] Iyar fell on the Sabbath. Iyar was defective, so that [the first of] Siwan fell on a Sunday. This is a difficulty according to the Rabbis? — That agrees with R. Jose. R. Papa observed, Come and hear: And they took their journey from Elim, and all the congregation of the children of Israel came unto the wilderness of Sin . . . on the fifteenth day of the second month.¹¹ Now that day was the Sabbath, for it is written, and in the morning, then ye shall see the glory of the Lord,¹² and it is written, six days ye shall gather it.¹³ Now, since the fifteenth of Iyar was on the Sabbath, the first of Siwan was on a Sunday, which is a difficulty according to the Rabbis? — The Rabbis can answer you: Iyar of that year was made full.

R. Assi¹⁴ of Hozna'ah¹⁵ said to R. Ashi, Come and hear: And it came to pass in the first month of the second year, on the first day of the month, that the tabernacle was reared up;¹⁶ [and with reference to this] a Tanna taught: That day took ten crowns.¹⁷ It was the first of the Creation,¹⁸ the first for the princes,¹⁹ the first for the priesthood,²⁰ the first for [public] sacrifice, the first for the fall of fire [from Heaven],²¹ the first for the eating of sacred food,²² the first for the dwelling of the Shechinah in Israel, the first for the [priestly] blessing of Israel,²³ the first for the interdict of the high places,²⁴ [and] the first of months. Now, since the first of Nisan of that year was on a Sunday, that of the previous year must have been on a Wednesday. For it was taught: Others say, Between one ‘Azereth²⁵ and another, and between one New Year[’s day] and another, there can be a difference of only four days,²⁶ and in a leap year, five [days].²⁷ Hence the first of Iyar must have fallen on the eve of the Sabbath [Friday], and the first of Siwan on the Sabbath, which is a difficulty according to both R. Jose and the Rabbis? — In R. Jose's view, seven months were declared defective;²⁸

(1) The Baraitha states that the sixth day from when they pitched their tents, which was on New Moon, was also the sixth of the month and the sixth day of the week.

(2) From Rephidim (v. Ex. XIX, 2). He holds that they left Rephidim and came to the wilderness of Sinai on the same day.

(3) Deut. V, 12. This occurs in the second Decalogue, which is a repetition of the first Decalogue. Hence these words, ‘as ... commanded thee’, must have been spoken on the first occasion at Sinai too, and they imply that the Israelites had already been commanded to keep the Sabbath.

(4) V. Ex. XV, 25.

(5) Tehum pl. tehumin, q.v. Glos.

(6) Raba maintains that it was the sixth day from their encamping only, whilst they departed from Rephidim on the previous day, which was the Sabbath, since the law of tehumin was as yet non-existent. But R. Aha b. Jacob holds that they must have set out from Rephidim on Sunday too, not on the Sabbath, this law already being in existence.

(7) For this implies that the death of the first-borns took place after their departure.

(8) Nisan containing thirty days.

(9) Iyar containing twenty-nine days.

(10) Before the calendar was fixed by calculation months might be made full (thirty days) or defective (twenty-nine days) according to the exigencies of the moment.

(11) Ex. XVI, 1.

(12) Ibid. 7.

(13) Ibid. 26. Now, the manna first fell on the day after they arrived at Sin, for Moses says ‘and in the morning’, i.e., tomorrow, ‘ye shall see the glory’, etc., which refers to the manna. Since Moses permitted them to gather it for six days, the first must have been Sunday, and the previous day was the Sabbath.

(14) So the text as emended by Bah.

(15) (Be-) Hozae, Khuzistan.

(16) Ex. XL, 17.

(17) I.e., it was pre-eminent in ten things.

(18) I.e., it was a Sunday.

(19) To make their offerings for the dedication of the Tabernacle, v. Num. VII.

(20) When Aaron began to officiate as a priest, v. Lev. IX; before that Divine Service was performed by first-borns.

(21) V. *ibid.* 24.

(22) I.e., flesh of sacrifices, which had henceforth to be eaten within a fixed locale, whereas hitherto it might be consumed anywhere.

(23) By Aaron, v. *ibid.* 22.

(24) Upon which sacrifices were offered before the erection of the Tabernacle.

(25) Lit., 'solemn assembly' — the Feast of Weeks.

(26) I.e., one falls four days later in the week than the previous year's, since the Jewish year, which is lunar, consists of three hundred and fifty-four days.

(27) An extra month of twenty-nine days being intercalated.

(28) So there was a difference of three days, not four, that year consisting of three hundred and fifty-three days, which makes the first of Siwan fall on a Sunday.

Talmud - Mas. Shabbath 88a

in that of the Rabbis', eight months were declared defective.¹

Come and hear: For it was taught in the Seder 'Olam.² As to the Nisan in which the Israelites departed from Egypt, on the fourteenth they slaughtered their Passover sacrifices, on the fifteenth they went out, and that day was the Sabbath eve. Now, since the first of Nisan was the Sabbath eve, the first of Iyar was on a Sunday, and [the first of] Siwan on a Monday. This is a difficulty according to R. Jose? — R. Jose answers you: This agrees with the Rabbis. Come and hear: R. Jose said: On the second day Moses ascended and descended;³ on the third he ascended and descended;⁴ on the fourth he descended and ascended no more.⁵ But since he did not go up,⁶ whence did he descend? — Rather [say,] on the fourth he ascended and descended; on the fifth he built an altar and offered a sacrifice thereon; [but] on the sixth he had no time. Surely that was on account of [the giving of] the Torah?⁷ — No: it was on account of the preparations for⁸ the Sabbath.⁹

A certain Galilean lectured before R. Hisda: "Blessed be the Merciful One who gave a three-fold Torah¹⁰ to a three-fold people¹¹ through a third[-born]¹² on the third day¹³ in the third month. With whom does this agree? With the Rabbis.¹⁴

And they stood under the mount:¹⁵ R. Abdimi b. Hama b. Hasa said: This teaches that the Holy One, blessed be He, overturned the mountain upon them like an [inverted] cask, and said to them, 'If ye accept the Torah, 'tis well; if not, there shall be your burial.' R. Aha b. Jacob observed: This furnishes a strong protest against the Torah.¹⁶ Said Raba, Yet even so, they re-accepted it in the days of Ahasuerus, for it is written, [the Jews] confirmed, and took upon them [etc.]:¹⁷ [i.e.,] they confirmed what they had accepted long before. Hezekiah said: What is meant by, Thou didst cause sentence to be heard from Heaven; The earth feared, and was tranquil:¹⁸ if it feared, why was it tranquil, and if it was tranquil, why did it fear? But at first it feared, yet subsequently it was tranquil,¹⁹ And why did it fear? — Even in accordance with Resh Lakish. For Resh Lakish said: Why is it written, And there was evening and there was morning, the sixth day;²⁰ What is the purpose of the additional 'the'?²¹ This teaches that the Holy One, blessed be He, stipulated with the Works of Creation and said thereto. 'If Israel accepts the Torah, ye shall exist; but if not, I will turn you back into emptiness and formlessness.'²²

R. Simla lectured: When the Israelites gave precedence to 'we will do' over 'we will hearken,'²³ six hundred thousand ministering angels came and set two crowns upon each man of Israel, one as a reward for²⁴ 'we will do,' and the other as a reward for 'we will hearken'. But as soon as Israel sinned,²⁵ one million two hundred thousand destroying angels descended and removed them, as it is

said, And the children of Israel stripped themselves of their ornaments from mount Horeb.²⁶ R. Hama son of R. Hanina said: At Horeb they put them on and at Horeb they put them off. At Horeb they put them on, as we have stated. At Horeb they put them off, for it is written, And [the children of Israel] stripped themselves, etc. R. Johanan observed: And Moses was privileged and received them all, for in proximity thereto it is stated, And Moses took the tent.²⁷ Resh Lakish said: [Yet] the Holy One, blessed be He, will return them to us in the future, for it is said, and the ransomed of the Lord shall return, and come with singing unto Zion; and everlasting joy shall be upon their heads;²⁸ the joy from of old²⁹ shall be upon their heads.

R. Eleazar said: When the Israelites gave precedence to 'we will do' over 'we will hearken,' a Heavenly Voice went forth and exclaimed to them, Who revealed to My children this secret, which is employed by the Ministering Angels, as it is written, Bless the Lord, ye angels of his. Ye mighty in strength, that fulfil his word, That hearken unto the voice of his word:³⁰ first they fulfil and then they hearken?

R. Hama son of R. Hanina said: What is meant by, As the apple tree among the trees of the wood, [So is my beloved among the sons]:³¹ why were the Israelites compared to an apple tree? To teach you: just as the fruit of the apple tree precedes its leaves,³² so did the Israelites give precedence to 'we will do' over 'we will hearken'. There was a certain Sadducee who saw Raba³³ engrossed in his studies while the finger[s] of his hand were under his feet, and he ground them down, so that his fingers spurted blood. 'Ye rash people,' he exclaimed, 'who gave precedence to your mouth over your ears: ye still persist in your rashness. first ye should have listened, if within your powers, accept; if not, ye should not have accepted.' Said he to him, 'We

(1) Hence the year consisted of three hundred and fifty-two days, And the first of Siwan fell on a Monday.

(2) The Seder 'Olam is the earliest extant post-exilic chronicle in Hebrew, and is a chronological record extending from Adam to Bar Kochba's revolt during the reign of Hadrian. Most scholars are agreed in assigning its authorship to R. Halafta, a Tanna of the first century, on the strength of a statement by R. Johanan in Yeb. 82b. V. J.E., art. Seder 'Olam Rabbah.

(3) Hearing, 'and ye shall be ... a kingdom of priests' and telling it to the people.

(4) Being given the order to set boundaries.

(5) Until the Revelation.

(6) On the fourth.

(7) Which supports the Rabbis that the Torah was given on the sixth of the month.

(8) Lit., 'trouble of'.

(9) The sixth of the month being Friday, the eve of the Sabbath. (12) In the public lectures or sermons the scholar sat and whispered his statements to a speaker, who conveyed them to the people; this Galilean was probably R. Hisda's speaker (generally referred to as 'meturgeman').

(10) I.e., the Torah (Pentateuch), Prophets and Hagiographa.

(11) Israel consisting of Priests, Levites, and Israelites.

(12) Sc. Moses, born third after Miriam and Aaron.

(13) Of their separation from their wives.

(14) For according to R. Jose it was on the fourth day of their separation, Moses having added a day (supra 87a).

(15) Ex. XIX. 17. The translation is literal. E.V. nether part.

(16) It provides an excuse for non-observance, since it was forcibly imposed in the first place.

(17) Esth. IX, 27.

(18) Ps. LXXVI, 9.

(19) It feared lest Israel would reject the Torah, and became tranquil when Israel accepted it.

(20) Gen. I, 31.

(21) In the case of the other days it is simply stated, a second day, a third day, etc., 'a' being altogether unexpressed in Hebrew.

(22) He thus translates homiletically: and the continuance of morning and evening was depended on the sixth day, sc. of

Siwan, when Israel was offered the Torah. The general idea is: Without law and order as exemplified by the Torah the world must lapse into chaos and anarchy.

(23) V. Ex. XXIV, 7. Thus they promised to obey God's commands even before hearing them.

(24) Lit., 'corresponding to'.

(25) Through the Golden Calf

(26) I.e., which they had received at Mount Horeb. Ibid. XXXIII, 6. E.V. from mount onwards'.

(27) Ibid. 7 — The reference is not clear. V. Rashi.

(28) Isa. XXXV, 10.

(29) The verse may be translated thus.

(30) Ps. CIII, 20.

(31) Cant. II, 3. The two lovers in this poem were regarded as God and Israel.

(32) Tosaf. observes this is untrue of the apple tree, which grows like all other trees; consequently refer this to the citron tree. As the citron remains on the tree from one year to the next, at which time the tree sheds its' leaves of the previous year, the fruit may be said to precede the leaves.

(33) There were no Sadducees in Raba's time, and the word is probably a censor's substitute for Gentile. In J.E. X, 633 bottom it is suggested that he was probably a Manichean. [MS.M: Min (v. Glos.)].

Talmud - Mas. Shabbath 88b

who walked in integrity, of us it is written, The integrity of the upright shall guide them.¹ But of others, who walked in perversity, it is written, but the perverseness of the treacherous shall destroy them.

R. Samuel b. Nahmani said in R. Jonathan's name. What is meant by, Thou hast ravished my heart, my sister, my bride: Thou hast ravished my heart with one of thine eyes?² In the beginning with one of thine eyes; when thou fulfillest, with both thine eyes.³

'Ulla said: Shameless is the bride that plays the harlot within her bridal canopy!⁴ Said R. Mari the son of Samuel's daughter, What verse [refers to this]? While the king sat at his table, [my spikenard gave up its fragrance].⁵ Said Rab, Yet [His] love was still with us, for 'gave' is written, not 'made noisome'.

Our Rabbis taught: Those who are insulted but do not insult, hear themselves reviled without answering, act through love and rejoice in suffering, of them the Writ saith, But they who love Him are as the sun when he goeth forth in his might.⁶

R. Johanan said: What is meant by the verse, The Lord giveth the word: They that publish the tidings are a great host?⁷ — Every single word that went forth from the Omnipotent was split up into seventy languages.⁸ The School of R. Ishmael taught: And like a hammer that breaketh the rock in pieces.,⁹ just as a hammer is divided into many sparks,¹⁰ so every single word that went forth from the Holy One, blessed be He, split up into seventy languages.¹¹

R. Hananel b. Papa said: What is meant by, Hear, for I will speak princely things:¹² why are the words of the Torah compared to a prince? To tell you: just as a prince has power of life and death, so have the words of the Torah [potentialities] of life and death. Thus Raba said; To those who go to the right hand thereof it is a medicine of life; to those who go to the left hand thereof¹³ it is a deadly poison. Another interpretation: princely' [denotes] that on every word which went forth from the mouth of the Holy One, blessed be He, two crowns were set.¹⁴

R. Joshua b. Levi said: What is meant by, My beloved is unto me as a bundle of myrrh [zeror ha-mor], That lieth betwixt my breasts?¹⁵ The congregation of Israel spake before the Holy One, blessed be He, 'Sovereign of the Universe! Though my life be distressed [mezar] and embittered

[memar], yet my love lieth betwixt my breasts.¹⁶ My beloved is unto me as a cluster [eshkol] of henna-flowers [kofer] in the vineyards of [karme] En-gedi:¹⁷ He to Whom everything belongs [she-ha-kol shelo] shall make atonement [mekapper] for me for the sin of the kid¹⁸ which I stored up [karamti] for myself.¹⁹ Where is it implied that this word 'karme' connotes gathering? — Said Mar Zutra the son of R. Nahman: Even as we learnt: A fuller's stool on which linen is heaped up [kormin].²⁰

R. Joshua b. Levi also said: What is meant by, His cheeks are as a bed of spices?²¹ With every single word that went forth from the mouth of the Holy One, blessed be He, the whole world was filled with spices [fragrance]. But since it was filled from the first word, whither did the [fragrance of the] second word go? The Holy One, blessed be He, brought forth the wind from His store-chambers and caused each to pass on in order,²² as it is said, His lips are as lilies [shoshannim], dropping myrrh that pass on:²³ read not shoshannim but sheshonim.²⁴

R. Joshua b. Levi also said: At every word which went forth from the mouth of the Holy One, blessed be He, the souls of Israel departed, for it is said, My soul went forth when he spake.²⁵ But since their souls departed at the first word, how could they receive the second word? — He brought down the dew with which He will resurrect the dead and revived them, as it is said, Thou, O God, didst send a plentiful rain, Thou didst confirm thine inheritance, when it was weary.²⁶

R. Joshua b. Levi also said: At every single word which went forth from the mouth of the Holy One, blessed be He, the Israelites retreated twelve mil, but the ministering angels led them back [medaddin],²⁷ as it is said, The hosts of angels²⁸ march, they march [yiddodun yiddodun]:²⁹ read not yiddodun but yedaddun [they lead]. R. Joshua b. Levi also said: When Moses ascended on high, the ministering angels spake before the Holy One, blessed be He, 'Sovereign of the Universe! What business has one born of woman amongst us?' 'He has come to receive the Torah,' answered He to them. Said they to Him, 'That secret treasure, which has been hidden by Thee for nine hundred and seventy-four generations before the world was created.³⁰ Thou desirest to give to flesh and blood! What is man, that thou art mindful of him, And the son of man, that thou visitest him? O Lord our God, How excellent is thy name in all the earth! Who hast set thy glory [the Torah] upon the Heavens!'³¹ 'Return them an answer,' bade the Holy One, blessed be He, to Moses. 'Sovereign of the Universe' replied he, 'I fear lest they consume me with the [fiery] breath of their mouths.' 'Hold on to the Throne of Glory,' said He to him, 'and return them an answer,' as it is said, He maketh him to hold on to the face of his throne, And spreadeth [Parshez] his cloud over him,³² whereon R. Nahman³³ observed: This teaches that the Almighty [SHaddai] spread [Pirash] the lustre [Ziw] of His Shechinah³⁴ and cast it as a protection³⁵ over him. He [then] spake before Him: Sovereign of the Universe! The Torah which Thou givest me, what is written therein? I am the Lord thy God, which brought thee out of the Land of Egypt.³⁶ Said he to them [the angels], 'Did ye go down to Egypt; were ye enslaved to Pharaoh: why then should the Torah be yours? Again, What is written therein? Thou shalt have none other gods:³⁷ do ye dwell among peoples that engage in

(1) Prov. XI, 3.

(2) Cant. IV, 9.

(3) Maharsha: A thing may be perceived spiritually and materially. When the Israelites first accepted the Torah they perceived its greatness in spirit only, i.e., in theory (one eye). Having observed it, they saw materially too, i.e., in actual practice (both eyes).

(4) Thus did Israel make the Golden Calf at Mount Sinai itself.

(5) Ibid. I, 12. i.e., while the King, viz., God, was at Sinai, the Israelites lost their fragrance through sin.

(6) Judg. V, 31.

(7) Ps. LXVIII, 12.

(8) The traditional number of the languages of man, i.e., the Torah was given to all humanity. Cf. M. Joseph, *Judaism as Creed and Life*, pp. 157 seq.

- (9) Jer. XXIII, ag.
- (10) Perhaps referring to the sparks that fly off when it beats the anvil.
- (11) Commentators differ as to the exact point of the comparison; v. Sanh., Sonc. ed., p. 214, n. 9.
- (12) Prov. VIII, 6.
- (13) These phrases probably mean, to those who employ it rightly ... wrongly, cf. supra P. 197, n. 5. which seems, however, inapplicable here.
- (14) The words themselves having substance: cf. the Greek doctrine of the logos.
- (15) Cant. I, 13.
- (16) I.e., God is with Israel in all his sorrows. This translation follows Maharsha; Rashi interprets differently-Zeror and ka-mor are connected here with mezar and memar.
- (17) Ibid. 14.
- (18) Gedi, kid standing for small cattle in general, and here referring to the Golden Calf.
- (19) For future punishment. Thus eshkol is connected with shehakol shelo, kopher with mekapper, karme with karamti, and En-gedi with gedi, a kid.
- (20) V. Kel. XXIII, 4.
- (21) Cant. V, 13.
- (22) The fragrance of each word was carried of to the Garden of Eden, leaving room for the next.
- (23) Ibid. E. V.: liquid myrrh.
- (24) That study, i.e.. His words spread fragrance.
- (25) Ibid. 6.
- (26) Ps. LXVIII, 10.
- (27) The word denotes to lead step by step, like one leads a child who can hardly walk.
- (28) Our texts read: Kings.
- (29) Ibid. 13.
- (30) Cf. Weber, Judische Theologie, p. 15 for parallels.
- (31) Ps. VIII, 5, 2.
- (32) Job XXVI, 9.
- (33) In Suk. 5a the reading is Tanhum.
- (34) Thus Parshez is treated as an abbreviation; in Hebrew the words follow the same order as these letters.
- (35) Lit., 'cloud'.
- (36) Ex. XX, 2.
- (37) Ibid. 3.

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idol worship? Again what is written therein? Remember the Sabbath day, to keep it holy:¹ do ye then perform work, that ye need to rest? Again what is written therein? Thou shalt not take [tissa] [the name ... in vain]:² is there any business [massa] dealings among you?³ Again what is written therein, Honour thy father and thy mother;⁴ have ye fathers and mothers? Again what is written therein? Thou shalt not murder. Thou shalt not commit adultery. Thou shalt not steal;⁵ is there jealousy among you; is the Evil Tempter among you? Straightway they conceded [right] to the Holy One, blessed be He, for it is said, O Lord, our Lord, How excellent is thy name, etc.⁶ whereas 'Who has set thy glory upon the heavens is not written.⁷ Immediately each one was moved to love him [Moses] and transmitted something to him, for it is said, Thou hast ascended on high, thou hast taken spoils [the Torah]; Thou hast received gifts on account of man:⁸ as a recompense for their calling thee man [adam]⁹ thou didst receive gifts. The Angel of Death too confided his secret to him, for it is said, and he put on the incense, and made atonement for the people;¹⁰ and it is said. and he stood between the dead and the living, etc.¹¹ Had he not told it to him, whence had he known it?

R. Joshua b. Levi also said: When Moses descended from before the Holy One, blessed be He. Satan came and asked Him, 'Sovereign of the Universe! Where is the Torah? 'I have given it to the earth.' answered He to him. He went to the earth and said to her, 'Where is the Torah?' 'God

understandeth the way thereof, etc.’¹² she replied. He went to the sea and it told him, ‘It is not with me.’ He went to the deep and it said to him, ‘It is not in me,’ for it is said. The deep saith, It is not in me: And the sea saith, It is not with me. Destruction and Death say, We have heard a rumour thereof with our ears.¹³ He went back and declared before Him, ‘Sovereign of the Universe! I have searched throughout all the earth but have not found it!’ ‘Go thee to the son of Amram. answered He. [So] he went to Moses and asked him, ‘Where is the Torah which the Holy One, blessed be He, gave unto thee?’ ‘Who am I then,’ he retorted, ‘that the Holy One, blessed be He, should give me the Torah?’ Said the Holy One, blessed be He, to Moses, ‘Moses, art thou a liar!’ ‘Sovereign of the Universe!’ he replied, ‘Thou hast a stored-up treasure in which Thou takest delight every day: shall I keep the benefit for myself?’¹⁴ ‘Said the Holy One, blessed be He, to Moses, ‘Moses, since thou hast [humbly] disparaged thyself, it shall be called by thy name, as it is said, Remember ye the law of Moses my servant.¹⁵ R. Joshua b. Levi also said: When Moses ascended on high, he found the Holy One. blessed be He, tying crowns on the letters [of the Torah].¹⁶ Said He to him, ‘Moses, is there no [greeting of] Peace in thy town?’¹⁷ ‘Shall a servant extend [a greeting of] Peace to his Master!’ replied he: ‘Yet thou shouldst have assisted Me,’¹⁸ said He. immediately¹⁹ he cried out to Him, And now, I pray thee, let the power of the Lord be great, according as thou hast spoken.²⁰

R. Joshua b. Levi also said: Why is it written; And when the people, saw that Moses delayed [boshesh] [to come down from the mount]?²¹ ‘Read not boshesh’ [delayed] but ba’u shesh [the sixth hour had come]. When Moses ascended on high, he said to Israel, I will return at the end of forty days, at the beginning of the sixth hour.²² At the end of forty days Satan came and confounded the world. Said he to them: ‘Where is your teacher Moses?’ ‘He has ascended on high,’ they answered him. ‘The sixth [hour] has come,’ said he to them, but they disregarded him. ‘He is dead’ — but they disregarded him. [Thereupon] he showed them a vision of his bier, and this is what they said to Aaron, for this Moses, the man, etc.,²³

One of the Rabbis asked R. Kahana: Hast thou heard what the mountain of Sinai [connotes]? The mountain whereon miracles [nissim] were performed for Israel, he replied. Then it should be called Mount Nisal? But [it means] the mountain whereon a happy augury [siman] took place for Israel. Then it should be called, Mount Simanai? Said he to him, Why dost thou not frequent [the academy of] R. Papa and R. Huna the son of R. Joshua, who make a study of aggadah. For R. Hisda and Rabbah the son of R. Huna both said, What is [the meaning of] Mount Sinai? The mountain whereon there descended hostility [sin’ah] toward idolaters.²⁴ And thus R. Jose son of R. Hanina said: It has five names: The Wilderness of Zin, [meaning] that Israel were given commandments there;²⁵ the Wilderness of Kadesh, where the Israelites were sanctified [kadosh], the Wilderness of Kedemoth, because a priority [kedumah] was conferred there;²⁶ the Wilderness of Paran,

(1) Ibid. 8.

(2) Ibid. 7.

(3) This connects tissa with massa. [Or, to involve you in a false oath.]

(4) Ibid. 12.

(5) Ibid. 13-15.

(6) Ps. VIII, 10.

(7) Showing that they no longer demanded that the Torah be kept in Heaven.

(8) Ps. LXVIII, 19.

(9) I.e.. for their disparaging reference to thee as a mere mortal created from the dust (adamah); cf. Gen. II, 7, where the Hebrew for ‘Man’ and ‘ground’ are adam and adamah respectively.

(10) Num. XVI, 47.

(11) Ibid. 48.

(12) Job. XXVIII, 23.

(13) Ibid. 14, 22.

(14) Surely it was not given to me alone!

(15) Mal. III, 22.

(16) The 'crowns' or 'Taggin', as they are generally designated, are three small strokes (ziyyunim =daggers) which are written on the top of the letters **ז** **נ** **ז** **ג** **ז** **ש**. For a discussion of their origin and purpose v. J.E. art. Taggin.

(17) Shalom (peace) is the usual greeting in Hebrew.

(18) By wishing Me success in My labours.

(19) At a later ascent (Rashi).

(20) Num. XIV, 17.

(21) Ex. XXXII, 1.

(22) I.e., at midday.

(23) Ibid.

(24) They showed their unworthiness by rejecting the Torah.

(25) Zin being connected with ziwah, 'he commanded'.

(26) I.e., Israel was made pre-eminent by his acceptance of the Torah. [Or, the Torah which preceded Creation, v. Pes. 54a.]

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because Israel was fruitful [paru] and multiplied there; and the Wilderness of Sinai, because hostility toward idolaters descended thereon. Whilst what was its [real] name? its name was Horeb. Now they disagree with R. Abbahu, For R. Abbahu said: its name was Mount Sinai, and why was it called Mount Horeb? Because desolation [hurbah] to idolaters descended thereon.

HOW DO WE KNOW THAT A CRIMSON-COLOURED STRAP IS TIED, etc., [Instead of] ka-shanim [like scarlet threads], kashani [like a scarlet thread] is required?¹ Said R. Isaac, The Holy One, blessed be He, said to Israel: [Even] if your sins be like these years [ka-shanim] which have continued in ordered fashion from the six days of the Creation until now,² yet they shall be as white as snow.³ Raba lectured: What is meant by, Go now, and let us reason together, shall say the Lord.⁴ [Instead of] 'Go now', Come now, is required: [instead of] 'shall say the Lord', saith the Lord, is required?⁵ in the time to come the Holy One, blessed be He, shall say unto Israel, 'Go now to your forefathers, and they will reprove you.'⁶ And they shall say before Him, 'Sovereign of the Universe! To whom shall we go? To Abraham, to whom Thou didst say, Know of a surety [that thy seed shall be a stranger ... and they shall afflict them ...],⁷ yet he did not entreat mercy for us? To Isaac, who blessed Esau, And it shall come to pass, when thou shalt have dominion,⁸ and yet he did not entreat mercy for us? To Jacob, to whom Thou didst say, I will go down with thee into Egypt, and yet he did not entreat mercy for us? To whom then shall we go now? [Rather] let the Lord state [our wrongs]!⁹ The Holy One, shall answer them, Since ye have made yourselves dependent upon Me, 'though your sins be as scarlet, they shall be as white as snow'.

R. Samuel b. Nahmani also said in R. Jonathan's name: What is meant by, For thou art our father, though Abraham knoweth is not, and Israel doth not acknowledge us: thou, O Lord, art our father; our redeemer from everlasting is thy name?¹⁰ In the future to come the Holy One, blessed be He, will say to Abraham. 'Thy children have sinned against Me.' He shall answer Him, 'Sovereign of the Universe! Let them be wiped out for the sanctification of Thy Name.' Then shall He say, 'I will say this to Jacob, who experienced the pain of bringing up children: peradventure he will supplicate mercy for them. 'So He will say to him, 'Thy children have sinned.' He [too] shall answer Him, 'Sovereign of the Universe! Let them be wiped out for the sanctification of Thy Name.' He shall retort, 'There is no reason in old men, and no counsel in children!' Then shall he say to Isaac, 'Thy children have sinned against me.' But he shall answer Him, 'Sovereign of the Universe! Are they my children and not Thy children. When they gave precedence to "we will do" over "we will hearken" before Thee, Thou calledst them, Israel my son, my firstborn:¹¹ now they are my sons, not Thy sons! Moreover, how much have they sinned? How many are the years of man? Seventy. Subtract twenty, for which Thou dost not punish,¹² [and] there remain fifty. Subtract twenty-five which comprise the

nights,¹³ [and] there remain twenty-five. Subtract twelve and a half of prayer, eating, and Nature's calls, [and] there remain twelve and a half. If Thou wilt bear all, 'tis well; if not, half be upon me and half upon Thee. And shouldst Thou say, they must all be upon me, lo! I offered myself up before Thee [as a sacrifice]!' [Thereupon] they shall commence and say, 'For thou [i.e., Isaac] art our father.' Then shall Isaac say to them, 'Instead of praising me, praise the Holy One, blessed be He,' and Isaac shall show them the Holy One, blessed be He, with their own eyes. Immediately they shall lift up their eyes on high and exclaim, 'Thou, O Lord, art our father; our redeemer from everlasting is thy name.'

R. Hiyya b. Abba said in R. Johanan's name: it was fitting for our father Jacob to go down into Egypt in iron chains, but that his merit saved him,¹⁴ for it is written, I drew them with the cords of a man, with bands of love; and I was to them as they that take off the yoke on their jaws, and I laid meat before them.¹⁵

MISHNAH. IF ONE CARRIES OUT WOOD, [THE STANDARD FOR CULPABILITY IS] AS MUCH AS IS REQUIRED FOR BOILING A LIGHT EGG; [SEASONING] SPICES, AS MUCH AS IS REQUIRED FOR SEASONING A LIGHT EGG; AND THEY COMBINE WITH EACH OTHER.¹⁶ NUTSHELLS, POMEGRANATE SHELLS, WOAD AND MADDER, [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR DYEING THE SMALL PIECE OF CLOTH AT THE OPENING [TOP] OF A NETWORK. URINE, NATRON.¹⁷ LYE,¹⁸ CIMOLIAN EARTH,¹⁹ AND ASHLEG,²⁰ AS MUCH AS IS REQUIRED FOR WASHING THE SMALL PIECE OF CLOTH AT THE OPENING [TOP] OF A NETWORK; R. JUDAH SAID: AS MUCH AS IS REQUIRED FOR REMOVING THE STAIN.²¹

GEMARA. [But] we have [already] learnt it once: A reed, (the standard is) as much as is required for making a pen. But if it is thick or crushed, as much as is required for boiling the lightest of eggs beaten up and placed in a stew pot?²² — You might say, [That is only] there, because it is unfit for anything [else], but since wood is fit for the tooth of a key, for no matter how little involved [culpability is]; hence we are informed [otherwise]. [SEASONING] SPICES, AS MUCH AS IS REQUIRED FOR SEASONING A LIGHT EGG. But the following contradicts this: Spices of two or three designations²³ belonging to the same species or three [different] species are forbidden,²⁴ and they combine with each other.²⁵ And Hezekiah observed;

(1) Isaiah should employ the singular, parallel to 'snow' in the other half of the sentence.

(2) I.e., no matter how deeply sin has eaten into you.

(3) Isa. I, 18.

(4) Ibid.

(5) E.V. is 'come' and 'saith', but these translations are inexact.

(6) Or, convince you — of your wrong-doing.

(7) Gen. XV, 13.

(8) Ibid. XXVII, 40. (11) Ibid. XLVI, 4.

(9) Do Thou rebuke us, not they, for they did not show themselves merciful.

(10) Isa. LXIII, 16.

(11) Ex. IV. 22.

(12) Rashi: As we find God did not punish those up to twenty years of age who accepted the report of the spies; v. Num. XIV, 29.

(13) When one sleeps and does not sin.

(14) Lit., 'caused it for him' — that he went down as Joseph's honoured guest.

(15) Hos. XI, 4.

(16) To make up the standard.

(17) V. Sanh., Sonc. ed., p. 330, n. 5.

(18) A sort of soap.

- (19) A clay used for cleansing.
 (20) A kind of alkali or mineral used as soap.
 (21) Caused by a menstruous woman, v. Sanh. 49b.
 (22) And obviously the same applies to wood.
 (23) Rashi: e.g., black pepper, white pepper, etc. Tosaf.: spices forbidden under various headings, e.g., 'orlah, kil'ayim, etc.
 (24) If used for seasoning food, the food is interdicted.
 (25) If there is not sufficient in one to impart a flavour but only in combination with each other.

Talmud - Mas. Shabbath 90a

They learnt this of sweetening condiments,¹ Since they are fit for sweetening a dish. Thus it is only because they are fit for sweetening a dish, but otherwise it is not so? — Here too [in our Mishnah] they are fit for sweetening.

NUTSHELLS, POMEGRANATE SHELLS, WOAD AND MADDER, [THE STANDARD IS] AS MUCH AS IS REQUIRED FOR DYEING THE SMALL PIECE OF CLOTH, [etc.]. But this contradicts it: If one carries out dissolved dyes,² [the standard is] as much as is required for dyeing a sample colour for wool?³ — Said R. Nahman in the name of Rabbah b. Abbuha: That is because no man troubles to steep dyes in order to dye therewith a sample colour for wool.

URINE. A Tanna taught: Urine, until forty days.⁴

NATRON. it was taught: Alexandrian natron, but not natron of Antipatris.⁵

LYE [BORITH]. Rab Judah said: That is sand. But it was taught: Borith and sand? Rather what is Borith? Sulphur. An objection is raised: To these were added halbezin⁶ and le'enn⁷ and borith and ahol.⁸ But if you maintain that it is sulphur, is then sulphur subject to shebi'ith? Surely it was taught: This is the general rule: Whatever as a root is subject to shebi'ith, but that which has no root is not subject to shebi'ith? But what is borith? Ahala.⁹ But it was taught: And borith and ahala?¹⁰ — There are two kinds of ahala.

CIMOLIAN EARTH. Rab Judah said: That is 'pull out stick in.'¹¹

ASHLEG. Samuel said: I asked all seafarers and they told me that it is called shunana; it is found in the cavity wherein the pearl lies and it is scraped out with an iron nail.

MISHNAH. [IF ONE CARRIES OUT] LONG PEPPER, OF WHATEVER QUANTITY, ITRAN,¹² OF WHATEVER QUANTITY, VARIOUS KINDS OF PERFUME, OF WHATEVER QUANTITY, VARIOUS KINDS OF METAL, OF WHATEVER QUANTITY, [PIECES] OF THE ALTAR STONES OR THE ALTAR EARTH, MOTH-EATEN SCROLLS OR THEIR MOTH-EATEN MANTLES, OF WHATEVER QUANTITY, [HE IS CULPABLE]. BECAUSE THEY ARE STORED AWAY IN ORDER TO BE HIDDEN.¹³ R. JUDAH SAID: ALSO HE WHO CARRIES OUT THE SERVICE VESSELS OF IDOLS, OF WHATEVER SIZE, [IS CULPABLE], FOR IT IS SAID, AND THERE SHALL NOT CLEAVE AUGHT OF THE ACCURSED THING TO THINE HAND.¹⁴

GEMARA. Of what use is any [small] quantity of long pepper? For [dispelling] the [evil] odour of one's mouth.

ITRAN, OF WHATEVER QUANTITY. What is this good for? For megrim.

VARIOUS KINDS OF PERFUME, OF WHATEVER QUANTITY. Our Rabbis taught: If one carries out a malodorous [perfume], [the standard is] however little: good oil, however little: crimson [dye],¹⁵ however little; and a closed rose,¹⁶ [the standard is] one. VARIOUS KINDS OF METAL, OF WHATEVER QUANTITY. What is it fit for? — It was taught; R. Simeon b. Eleazar said: Because one can make a small goad out of it.

Our Rabbis taught: If one says, ‘Behold, I vow¹⁷ iron,’¹⁸ — others rule:¹⁹ He must not give less than a square cubit [of sheet iron]. What is it fit for? — Said R. Joseph: To ward off the ravens.²⁰ Some state, Others rule: He must not give less than a raven barrier. And how much is that? — Said R. Joseph: A square cubit. [If he vows] brass, he must not give less than a silver ma'ah[‘s worth]. it was taught, R. Eleazar said: He must not give less than a small brass hook. What is it fit for?²¹ — Said Abaye, The wicks were scraped out and the branches [of the candelabrum] were cleansed therewith.

MOTH-EATEN SCROLLS AND MOTH-EATEN MANTLES. Rab Judah said: The worm [mekak] that attacks scrolls, the worm [tekak] of silk, the mite [ela] of grapes, the worm [pah] of figs, and the worm [heh] of pomegranates are all dangerous.²² A certain disciple was sitting before R. Johanan eating figs. ‘My Master,’ he exclaimed, there are thorns in the figs. ‘The pah [worm] has killed this person,’ answered he.²³

MISHNAH. IF ONE CARRIES OUT A PEDLAR'S BASKET, THOUGH IT CONTAINS MANY COMMODITIES, HE INCURS ONLY ONE SIN-OFFERING. [FOR] GARDEN-SEEDS, [THE STANDARD IS] LESS THAN THE SIZE OF A DRIED FIG; R. JUDAH B. BATHYRA RULED: FIVE.

(1) I.e., where the different kinds of spices are all for sweetening.

(2) Ready for use.

(3) Given to the dyer.

(4) After that it loses its efficacy as a cleansing agent, and the standard of the Mishnah does not apply.

(5) A city founded by Herod the Great c. 10 B.C.E. in the plain of Kefar Saba. it was the most northerly limit of Judea (Tosaf. Git. VII. 9; Yoma 69a), and about twenty-six miles south of Caesarea.

(6) Jast.: bulb of ornithogalum.

(7) Jast.: garden-orache.

(8) Jast.: an alcalic plant used as soap. — These were added to the list of plants subject to the laws of the seventh year (shebi'ith).

(9) Jast.: a mineral substance used for cleansing. Maim. Nid. IX, 6. states that it is a vegetable.

(10) This is not the same Baraitha as cited before; v. Maharsha.

(11) A popular nickname for Cimolian carth.

(12) A kind of resin used for lighting: cf. supra 24b.

(13) When a sacred thing ceases to be fit for use, it must be ‘hidden’, i.e., buried or otherwise disposed of in accordance with the regulations stated in Meg. 26b, but not thrown away.

(14) Deut. XIII, 17.

(15) V. p. 218, n. 11.

(16) Lit., ‘the virgin of a rose’.

(17) Lit.. ‘I (take) upon myself’.

(18) To the Temple.

(19) ‘Others’ frequently refers to R. Meir, Hor. 13b.

(20) Rashi: spiked sheets of metal were placed on the Temple roof to prevent birds from alighting thereon; v. M.K. 9a.

(21) In the Temple.

(22) To him who eats them.

(23) They are dangerous worms, not thorns.

Talmud - Mas. Shabbath 90b

[FOR] CUCUMBER SEED, [THE STANDARD IS] TWO; SEED OF GOURDS, TWO; SEED OF EGYPTIAN BEANS, TWO. IF ONE CARRIES OUT A LIVE CLEAN¹ LOCUST, WHATEVER ITS SIZE; DEAD, [ITS STANDARD IS] THE SIZE OF A DRIED FIG. THE BIRD OF THE VINEYARDS,² WHETHER LIVE OR DEAD, WHATEVER ITS SIZE, BECAUSE IT IS STORED AWAY FOR A MEDICINE.³ R. JUDAH SAID: ALSO HE WHO CARRIES OUT A LIVE UNCLEAN LOCUST, WHATEVER ITS SIZE, [IS CULPABLE], BECAUSE IT IS PUT AWAY FOR A CHILD TO PLAY WITH.

GEMARA. But this contradicts it: Manure, or thin sand, [the standard is] as much as is required for fertilizing a cabbage stalk: this is R. Akiba's view. But the Sages maintain: For fertilizing one leek-plant?⁴ — Said R. Papa: In the one case it is sown, and in the other it is not, because one does not trouble to carry out a single seed for sowing.

CUCUMBER SEED. Our Rabbis taught: if one carries out kernels [of dates], — If for planting, [the standard for culpability is] two; if for eating, as much as fills the mouth of a swine. And how much fills the mouth of a swine? One. If for fuel, as much as is required for boiling a light egg; if for calculating,⁵ two — others say, five. Our Rabbis taught: if one carries out two hairs of a horse's tail or a cow's tail, he is culpable, because these are laid aside for [bird] snares. Of the stiff bristles of a swine, one [involves liability]; of palm bands,⁶ two; of palm fillets,⁷ one.

THE BIRD OF THE VINEYARDS, WHETHER LIVE OR DEAD, WHATEVER ITS SIZE. What is the bird of the vineyards? — Said Rab: Palya be'ari.⁸ Abaye observed: And it is found in a palm tree of [only] one covering, and it is prepared [as food] for [acquiring] wisdom; one eats half of its right [side] and half of its left, places it [the rest] in a brass tube and seals it with sixty [i.e., many] seals and suspends it around his left arm; and the token thereof is. A wise man's heart is at his right hand; but a fool's heart is at his left.⁹ He acquires as much wisdom as he desires, studies as much as he desires, and [then] eats the other half, for if [he does] not, his learning will vanish.¹⁰

R. JUDAH SAID: ALSO HE WHO CARRIES OUT, etc. But the first Tanna holds, Not so.¹¹ What is the reason? Lest he [the child] eat it. If so, a clean [locust] is the same, for R. Kahana was standing before Rab and passing a shoshiba¹² in front of his mouth. 'Take it away,' said he to him, 'that people should not say that you are eating it and thereby violating [the injunction], ye shall not make yourselves abominable.'¹³ Rather [the reason is] lest it dies and he [the child] eat it. But R. Judah [holds], if it dies the child will indeed weep for it.¹⁴

CHAPTER X

MISHNAH. IF ONE LAYS [AUGHT] ASIDE FOR SOWING, FOR A SAMPLE, OR FOR A MEDICINE, AND [THEN] CARRIES IT OUT ON THE SABBATH, HE IS CULPABLE WHATEVER ITS SIZE.¹⁵ BUT ALL OTHERS ARE NOT CULPABLE THEREFOR SAVE IN ACCORDANCE WITH ITS STANDARD.¹⁶ IF HE CARRIES IT BACK AGAIN,¹⁷ HE IS LIABLE ONLY IN ACCORDANCE WITH ITS STANDARD.¹⁸

GEMARA. Why must he teach, IF ONE LAYS ASIDE; let him teach, If one carries out [aught] for sowing, for a sample, or for a medicine, he is culpable, whatever its size?¹⁹ — Said Abaye: We discuss here a case e.g., where one laid it aside and [then] forgot why he laid it aside, and now he carries it out without specifying the purpose:

(1) I.e., that may be eaten.

(2) A species of locust; it is discussed in the Gemara.

- (3) in accordance with the general rule of the Mishnah supra 75b.
- (4) Which shows that the seed for a single plant entails culpability.
- (5) E.g., each to denote a certain sum.
- (6) I.e., made of palm bark.
- (7) Rashi: made of the bast of palm trees. These are finer than palm bands.
- (8) Perhaps, 'searcher in forests' (Jast.) — the name of a locust.
- (9) Eccl. X, a fool who has to acquire wisdom has to tie this on his left arm.
- (10) Lit., 'be eradicated'.
- (11) An unclean locust is not laid aside, etc.
- (12) A species of long-headed locust, which is eatable.
- (13) Lev. XI, 43. The abomination consists in eating it alive.
- (14) But not eat it.
- (15) Since by laying it aside he shows that he values it.
- (16) As stated in the previous chapter.
- (17) Having carried it out he decides not to sow it, etc., after all, and takes it back into the house.
- (18) For by changing his mind he removes the artificial value which he first attached to it, and it is the same as any other of its kind.
- (19) For a definite standard is required only when one carries it out without any specified purpose. But if he states his purpose, he ipso facto attaches a value to it.

Talmud - Mas. Shabbath 91a

you might say, His intention has been cancelled;¹ hence we are informed that whenever one does anything, he does it with his original purpose.

Rab Judah said in Samuel's name: R. Meir maintained that one is culpable even if he carries out a single [grain of] wheat for sowing. But that is obvious, [for] we learnt, **WHATEVER ITS SIZE?**-You might say, **WHATEVER ITS SIZE** Is to exclude [the standard of] the quantity of a dried fig, yet even so [one is not guilty unless there is as much as an olive: hence we are informed [otherwise]. R. Isaac son of Rab Judah demurred: If so,² if one declares his intention of carrying out his whole house, is he really not culpable unless he carries out his whole house?-There his intention is null vis a vis that of all men.

BUT ALL OTHERS ARE NOT CULPABLE THEREFOR SAVE IN ACCORDANCE WITH ITS STANDARD. Our Mishnah does not agree with R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar stated a general rule: That which is not fit to put away, and such is not [generally] put away, yet it did become fit to a certain person,³ and he did put it away, and then another came and carried it out, the latter is rendered liable through the former's intention.

Raba said in R. Nahman's name: If one carries out as much as a dried fig for food, and then decides to [use it] for sowing, or the reverse, he is liable. But that is obvious: consider it from this point of view⁴ [and] there is the standard, and consider it from that point of view, [and] there is the standard? — You might say, [Both] removal and depositing⁵ must be done with the same intention, which is absent [here]: hence he informs us [otherwise].

Raba asked: What if one carries out half as much as a dried fig for sowing, but it swells⁶ and he decides [to use it] for food? Can you argue, only there⁷ is he culpable, because consider it from this point of view [and] there is the standard, and consider it from that point of view and there is the standard: whereas here, since it did not contain the standard of food when he carried it out, he is not culpable. Or perhaps, since he would be culpable for his intention of sowing if he were silent and did not intend it [for another purpose],⁸ he is still culpable now? Now, should you rule that since he would be culpable for his intention of sowing if he were silent and did not intend it for another

purpose, he is still culpable now: what if one carries out as much as a dried fig for food and it shrivels up and he decides [to keep it] for sowing?⁹ Here it is certain that if he remained silent he would not be culpable on account of his original intention; or perhaps we regard¹⁰ the present [only]; hence he is culpable? Should you rule that we regard the present, hence he is culpable: what if one carries out as much as a dried fig for food, and it shrivels and then swells up again? Does [the principle of] disqualification operate with respect to the Sabbath or not?¹¹ The question stands over.

Raba asked R. Nahman: What if one throws terumah¹² of the size of an olive into an unclean house? In respect of what [is the question]? If in respect of the Sabbath,¹³ we require the size of a dried fig? If in respect of defilement,¹⁴ we require food as much as an egg?- After all, it is in respect of the Sabbath, [the circumstances being] e.g., that there is food less than an egg in quantity¹⁵ and this makes it up to an egg in quantity.¹⁶ What then: since it combines in respect of defilement he is also culpable in respect to the Sabbath; or perhaps in all matters relating to the Sabbath we require the size of a dried fig?-Said he to him, We have learnt it: Abba Saul said: As for the two loaves of bread,¹⁷ and the shewbread,¹⁸ their standard is the size of a dried fig.¹⁹ But why so: let us say, since in respect of

(1) Since he forgot it.

(2) That according to the Mishnah culpability depends on one's intentions.

(3) He found a use for it.

(4) Lit., 'go here'.

(5) v. p. I, n. 5.

(6) To the size of a dried fig-i.e., before he deposited it, and he changes his mind likewise before depositing it.

(7) In the preceding case.

(8) Intention must be verbally expressed, and is not merely mental.

(9) V. n. 4.

(10) Lit., 'go after'.

(11) The principle of disqualification (lit., 'rejection') is that once a thing or a person has been rendered unfit in respect to a certain matter, it or he remains so, even if circumstances change. Thus here, when it shrivels, it becomes unfit to cause liability, being less than the standard: does it remain so or not? (Of course, if one carries it out thus and deposits it on another occasion, he is certainly culpable. But here it became unfit in the course of one act, and the question is whether it can become fit again for the completion of this same act.)

(12) v. Glos.

(13) Whether his throwing is a culpable act.

(14) Whether it becomes unclean.

(15) Already in the house.

(16) And it alights near the first, touching it, and so both become unclean.

(17) V. Lev. XXIII, 17.

(18) v. Ex. XXV, 30.

(19) I.e., if one carries them out on the Sabbath, this is the minimum quantity involving culpability.

Talmud - Mas. Shabbath 91b

its going out,¹ [the standard is] the size of an olive, in respect of the Sabbath too it is the size of an olive?² How compare! There, immediately one takes it without the wall of the Temple Court it becomes unfit as that which has gone out, whereas there is no culpability for the [violation of the] Sabbath until he carries it into public ground. But here the Sabbath and defilement come simultaneously.³

IF HE CARRIES IT BACK AGAIN, HE IS LIABLE ONLY IN ACCORDANCE WITH ITS STANDARD. But that is obvious?Said Abaye: What case do we discuss here? E.g.,if he throws it on to a store, but its place is [distinctly] recognizable.⁴ You, might argue, since Its place is recognizable,

it stands in its original condition;⁵ he [the Tanna] therefore teaches us that by throwing it on to a store he indeed nullifies it⁶

MISHNAH. IF ONE CARRIES OUT FOOD AND PLACES IT ON THE THRESHOLD, WHETHER HE [HIMSELF] SUBSEQUENTLY CARRIES IT OUT [INTO THE STREET] OR ANOTHER DOES SO, HE IS NOT CULPABLE, BECAUSE THE [WHOLE] ACT WAS NOT PERFORMED AT ONCE. [IF ONE CARRIES OUT] A BASKET WHICH IS FULL OF PRODUCE AND PLACES IT ON THE OUTER THRESHOLD, THOUGH MOST OF THE PRODUCE IS WITHOUT,⁷ HE IS NOT CULPABLE UNLESS HE CARRIES OUT THE WHOLE BASKET.

GEMARA. What is this threshold? Shall we say, a threshold that is public ground? [How state then] 'HE IS NOT CULPABLE'! Surely he has carried out from private into public ground? Again, if it is a threshold that is private ground, [how state then] WHETHER HE [HIMSELF] SUBSEQUENTLY CARRIES IT OUT [INTO THE STREET] OR ANOTHER DOES SO, HE IS NOT CULPABLE'? Surely he carries out from private into public ground? Rather the threshold is a karmelith,⁸ and he [the Tanna] informs us this: The reason [that he is not culpable] is because it rested in the karmelith; but if it did not rest in the karmelith he would be liable,⁹ our Mishnah not agreeing with Ben 'Azzai. For it was taught: If one carries [an article] from a shop to an open place via a colonnade, he is liable; but Ben 'Azzai holds him not liable.¹⁰

A BASKET WHICH IS FULL OF PRODUCE. Hezekiah said: They learnt this only of a basket full of cucumbers and gourds;¹¹ but if it is full of mustard, he is culpable.¹² This proves that the tie of the vessel is not regarded as a tie.¹³ But R. Johanan maintained: Even if it is full of mustard he is not culpable, which proves that he holds that the tie of the vessel is regarded as a tie. R. Zera observed: Our Mishnah implies that it is neither as Hezekiah nor as R. Johanan. 'It implies that it is not as Hezekiah', for it states: UNLESS HE CARRIES OUT THE WHOLE BASKET. Thus only the whole basket; but if all the produce [is without] he is not culpable, which shows that he holds that the tie of the vessel is regarded as a tie. 'It implies that it is not as R. Johanan', for it states: THOUGH MOST OF THE PRODUCE IS WITHOUT: thus only most of the produce, but if all the produce [is without], though the tie of the basket is within, he is liable, which shows that he holds that the tie of a vessel is not regarded as a tie. But in that case there is a difficulty?¹⁴ -Hezekiah reconciles it in accordance with his view, while R. Johanan reconciles it in accordance with his view. Hezekiah reconciles it in accordance with his view: UNLESS HE CARRIES OUT THE WHOLE BASKET. When is that? in the case of a basket full of cucumbers and gourds. But if it is full of mustard, it is treated as though HE CARRIED OUT THE WHOLE BASKET, and he is culpable' — While R. Johanan reconciles it according to his view. THOUGH MOST OF THE PRODUCE IS WITHOUT, and not only most of the produce, but even if all the produce [is without] he is not culpable, UNLESS HE CARRIES OUT THE WHOLE BASKET.

An objection is raised: If one carries out a spice pedlar's basket and places it on the outer threshold, though most of the kinds [of the spices] are without he is not culpable, unless he carries out the whole basket. Now this was assumed to refer to grains [of spices],¹⁵ which is a difficulty according to Hezekiah? Hezekiah answers you: The reference here is to prickly shrubs.¹⁶

R. Bibi b. Abaye raised an objection: If one steals a purse on the Sabbath, he is bound to make restitution, since his liability for theft arises before his desecrating of the Sabbath. But if he drags it out of the house he is exempt, since the interdict of theft and the interdict of the Sabbath come simultaneously.¹⁷ But if you think that the tie of a vessel is regarded as a tie,¹⁸ the interdict of theft precedes that of the Sabbath?¹⁹ — If he carries it out by way of its opening,²⁰ that indeed is so. Here we discuss the case where he carries it out by way of its bottom.²¹ But there is the place of its seams,

(1) Beyond the walls of the Temple Court. — These must be consumed within the Temple precincts; if they are taken

beyond that they become unfit for food, and the priest who eats then, violates a negative injunction.

(2) And since we do not reason thus, we see that there is no connection between the standard of culpability for carrying out on the Sabbath and that required for other purposes.

(3) As it comes to rest the action of throwing is completed. and simultaneously the standard for defilement is reached.

(4) He did not actually state that he had changed his mind, but let it be inferred from the fact that he threw it on to a store of other grain.

(5) As being destined for separate sowing.

(6) I.e., it loses its separate identity. and becomes merely part of the store.

(7) In the street.

(8) Supra 6a.

(9) Though it was carried out by way of a karmelith.

(10) V. supra 5b.

(11) These are long, and are still partly within.

(12) Since some of it is entirely in the street.

(13) We do not regard all the mustard as one because it is tied together, as it were, by the basket, and treat it the same as cucumbers and gourds. [The 'tie of a vessel' in connect on with Sabbath is a technical phrase denoting that side of the vessel in the direction of the domain whence it is carried out (Rashi)].

(14) The Mishnah being self-contradictory.

(15) E.g.,it contained ground spices, which makes it similar to a basket of mustard.

(16) Gr. **, a kind of prickly shrub used for medicinal purposes and carried in long bundles (Jast.).

(17) v. Sanh., Sonc. ed., p. 491, n. 1.

(18) So that the vessel is still regarded as being within.

(19) I.e., he violates the former before the latter. For as soon as part of the purse is outside, all the money within that part is regarded as stolen, since he can take it out through the mouth of the purse as it lies thus.

(20) The mouth or opening preceding.

(21) Through which he cannot remove the coins; hence he has not stolen them yet.

Talmud - Mas. Shabbath 92a

which he can rip open¹ if he desires and extract [the coins]? — The reference is to a bar of metal.² But since it has straps,³ he [the thief] can take it out up to its opening, untie [the straps] and take out the bar,⁴ whilst the straps [still] unite it to within?⁵ — It refers to one that has no straps. Alternatively, it has straps, but they are wound round about it [the purse].⁶ And Raba said likewise: They learnt this only of a basket full of cucumbers and gourds, but if it is full of mustard he is culpable. This proves that he holds that the tie of a vessel is not regarded as a tie. Abaye ruled: Even if it is full of mustard he is not culpable, [which] proves that he holds that the tie of a vessel is regarded as a tie. Abaye [subsequently] adopted Raba's view, while Raba adopted Abaye's view. Now Abaye is self-contradictory, and Raba likewise. For it was taught: If one carries out produce into the street, — Abaye said: If in his hand, he is culpable;⁷ if in a vessel, he is not culpable.⁸ But Raba ruled: If in his hand, he is not culpable;⁹ if in a vessel, he is culpable?¹⁰ -Reverse it. 'If in his hand, he is culpable'? But we learnt: If the master stretches his hand without and the poor man takes [an object] from it, or places [an article] therein and he carries it inside, both are exempt? — There it is above three [handbreadths],¹¹ but here it is below three.¹²

MISHNAH. IF ONE CARRIES OUT [AN ARTICLE], WHETHER WITH HIS RIGHT OR WITH HIS LEFT [HAND], IN HIS LAP OR ON HIS SHOULDER, HE IS CULPABLE, BECAUSE THUS WAS THE CARRYING OF THE CHILDREN OF KOHATH.¹³ IN A BACKHANDED MANNER,¹⁴ [E.G.,] WITH HIS FOOT, IN HIS MOUTH, WITH HIS ELBOW, IN HIS EAR, IN HIS HAIR, IN HIS BELT WITH ITS OPENING DOWNWARDS,¹⁵ BETWEEN HIS BELT AND HIS SHIRT, IN THE HEM OF HIS SHIRT, IN HIS SHOES OR SANDALS, HE IS NOT CULPABLE, BECAUSE HE HAS NOT CARRIED [IT] OUT AS PEOPLE [GENERALLY] CARRY OUT.

GEMARA. R. Eleazar said: If one carries out a burden above ten handbreadths [from the street level], he is culpable,¹⁶ for thus was the carrying of the children of Kohath. And how do we know that the carrying of the children of Kohath [was thus]? Because it is written, by the tabernacle, and by the altar round about:¹⁷ the altar is likened to the Tabernacle: just as the Tabernacle was ten cubits [high], so was the altar ten cubits high. And how do we know this of the Tabernacle itself? — Because it is written, Ten cubits shall be the length of a board,¹⁸ and it is [also] said, and he spread the tent over the Tabernacle,¹⁹ whereon Rab commented: Moses our Teacher spread it. Hence you may learn that the Levites were ten cubits tall.²⁰ Now it is well known that any burden that is carried on staves, a third is above [the porter's height] and two thirds are below: thus it is found that it was very much raised.²¹ Alternatively, [it is deduced] from the Ark. For a Master said: The Ark was nine [handbreadths high], and the mercy-seat was one handbreadth; hence we have ten. And it is well known that any burden that is carried on staves, a third is above and two thirds are below: thus it is found that it was very much raised.²² But deduce it from Moses? — Perhaps Moses was different, because a Master said: The Shechinah rests only on a wise man, a strong man, a wealthy man and a tall man.²³

Rab said on R. Hiyya's authority: If one carries out a burden on his head²⁴ on the Sabbath, he is liable to a sin-offering. because the people of Huzal²⁵ do thus. Are then the people of Huzal the world's majority!²⁶ Rather if stated, it was thus stated: Rab said on R. Hiyya's authority: if a Huzalite carries out a burden on his head on the Sabbath, he is liable to a sin-offering, because his fellow-citizens do thus. But let his practice²⁷ be null by comparison with that of all men?²⁸ Rather if stated, it was thus stated: If one carries out a burden on his head, he is not culpable.

(1) [The seams of their purses were loosely sewn (Tosaf.).].

(2) And as long as part of it is within he has committed no theft.

(3) To close it.

- (4) Whereby he has already committed the theft.
- (5) In respect of the Sabbath; hence he has not yet desecrated the Sabbath.
- (6) So that when he takes it out as far as its opening, the whole bag and straps are outside too.
- (7) Even if his body is in the house, because the tie of his body is not a tie in this respect.
- (8) If part of the utensil is within, as R. Johanan supra 91b; this contradicts Abaye's subsequent view.
- (9) The tie of the body is a tie.
- (10) [It was known to the retractors of the Talmud that this controversy took place after Abaye and Raba had retracted (Tosaf.);];
- (11) And the exemption is because the same person did not effect both the removal and the depositing, not because of the tie of the body.
- (12) So that it is technically at rest; Cf. p. 12, n. 6.
- (13) In connection with the Tabernacle in the wilderness, v. Num. VII, 9. The definition of forbidden labour on the Sabbath which involves culpability is learnt from the Tabernacle; v. supra 49b.
- (14) This is the idiom for anything done in an unusual way.
- (15) Of course, if the opening is on top such carrying would be quite usual.
- (16) Though the space there ranks as a place of non-culpability v. supra 6a.
- (17) Num. III,26.
- (18) Ex. XXVI, 16.
- (19) Ibid. XL, 19.
- (20) It is now assumed that all Levites were as tall as Moses.
- (21) The Kohathites carried the altar on staves on their shoulders. Allowing for two thirds of the altar to swing below the top of their heads, the bottom of the altar would still be a third of ten cubits-i.e., three and one third cubits-from the ground, which is considerably more than ten handbreadths.
- (22) For allowing for Levites of the usual height, viz., three cubits eighteen handbreadths, and two thirds of the Ark, i.e., six and two thirds handbreadths swinging below the level of their heads, its bottom would still be eleven and one third handbreadths above the ground. — This alternative rejects the deduction from Moses.
- (23) Hence Moses' height may have been exceptional. V. Ned., Sonc. ed., p. 119 n. 4; also Gorfinkle, 'The Eight chapters of Maimonides', p. 80, for an interesting though fanciful explanation of this passage.
- (24) Not holding it with his hands at all.
- (25) V. Sanh., p. 98, n. 3.
- (26) To set the standard for all others
- (27) Lit, 'mind'.
- (28) For since most people do not carry it thus, it is an unusual form of carriage

Talmud - Mas. Shabbath 92b

And should you object, But the people of Huzal do thus, their practice is null by comparison with that of all men.

MISHNAH. IF ONE INTENDS TO CARRY OUT [AN OBJECT] IN FRONT OF HIM, BUT IT WORKS ROUND¹ BEHIND HIM, HE IS NOT CULPABLE; BEHIND HIM, BUT IT WORKS ROUND BEFORE HIM, HE IS CULPABLE. [YET] IN TRUTH IT WAS SAID: A WOMAN, WHO WRAPS HERSELF ROUND WITH AN APRON WHETHER [THE ARTICLE IS CARRIED] BEFORE OR BEHIND HER,² IS CULPABLE, BECAUSE IT IS NATURAL³ FOR IT TO REVERSE ITSELF.⁴ R. JUDAH SAID: ALSO THOSE WHO RECEIVE NOTES.⁵

GEMARA. What is the difference in [intending to carry it] BEFORE HIM, BUT IT WORKS ROUND BEHIND HIM, that HE IS NOT CULPABLE? [Presumably] because his intention was not fulfilled! But then [if he intended to carry it] BEHIND HIM, BUT IT WORKS ROUND BEFORE HIM, [there] too his intention was not fulfilled! Said R. Eleazar: There is a contradiction:⁶ he who learnt the one did not learn the other. Raba said: But what is the difficulty: Perhaps [where he intended to carry it] BEFORE HIM, BUT IT WORKS ROUND BEHIND HIM, this is the reason

that HE IS NOT CULPABLE, because he intended a strong vigilance whereas he succeeded [in giving it only] a weak vigilance;⁷ but [if he intended to carry it] BEHIND HIM, BUT IT WORKED ROUND BEFORE HIM, this is the reason that HE IS CULPABLE, because he intended [only] a weak vigilance whereas he succeeded [in giving it] a strong vigilance.⁸ But then what is R. Eleazar's difficulty? The implications of the Mishnah are a difficulty:⁹ IF ONE INTENDS TO CARRY OUT [AN OBJECT] IN FRONT OF HIM, BUT IT WORKS ROUND BEFORE HIM, HE IS NOT CULPABLE: hence [if he intends to carry it] behind him and it comes behind him, he is culpable. Then consider the second clause: BEHIND HIM, BUT IT WORKS ROUND BEFORE HIM, only then is he CULPABLE: hence [if he intends to carry it] behind him and it comes behind him, he is not culpable?¹⁰ — Said R. Eleazar: There is a contradiction: he who learnt the one did not learn the other. R. Ashi observed: But what is the difficulty: Perhaps he leads to a climax:¹¹ it is unnecessary [to rule that if he intended to carry it] behind him and it came behind him, he is culpable, since his intention was fulfilled. But even [if he intends to carry it] BEHIND HIM, BUT IT WORKS ROUND BEFORE HIM, it must be [stated]. [For] you might think that I will rule, since his intention was unfulfilled, he is not culpable; therefore he informs us that he intended [only] a weak vigilance whereas he succeeded [in giving it] a strong vigilance, So that he is culpable. [Shall we say that where he intends to carry it] behind him, and it comes behind him, there is a controversy of Tannaim? For it was taught: If one intends carrying out [an object] in his belt with its opening above, but he carries [it] out in, his belt with its opening below, [or] if one intends to carry out in his belt with its opening below,¹² -R. Judah rules that he is culpable, but the Sages hold him not culpable. Said R. Judah to them: Do you not admit that [if one intends to carry out an object] behind him and it comes behind him,, he is culpable?¹³ Whilst they said to him: Do you not admit that [if one carries out an object] as with the back of his hand or with his foot, he is not culpable? Said R. Judah: I stated one argument, and they stated one argument. I found no answer to their argument, and they found no answer to mine. Now, since he says to them, 'Do you not admit,' does it not surely follow that the Rabbis hold that he is not culpable?¹⁴ Then on your reasoning, when they say to him, 'Do you not admit,' does it follow that R. Judah holds him, culpable! But surely it was taught: With the back of his hand or his foot, all agree that he is not culpable! Rather [conclude thus: if one intends to carry out an object] behind him and it comes behind him, all agree that he is culpable; with the back of his hand or foot, all agree that he is not culpable. They differ when [he carries it out] in his belt with its opening below: one Master likens it to [intending to carry it out] behind him and it comes behind him, while the other Master likens it [to carrying] with the back of one's hand or foot.

IN TRUTH IT WAS SAID: A WOMAN, etc. It was taught: Every [statement of] 'In truth [etc.]' is the halachah.¹⁵

R. JUDAH SAID: ALSO THOSE WHO RECEIVE NOTES. A Tanna taught: Because clerks of the State do thus.¹⁶ MISHNAH. IF ONE CARRIES OUT A LOAF INTO THE STREET, HE IS CULPABLE; IF TWO CARRY IT OUT, THEY ARE NOT CULPABLE. IF ONE COULD NOT CARRY IT OUT AND TWO CARRY IT OUT, THEY ARE CULPABLE; BUT R. SIMEON EXEMPTS [THEM].¹⁷

GEMARA. Rab Judah said in Rab's name-others state, Abaye said — others again state, it was taught in a Baraitha: If each alone is able,¹⁸ -R. Meir holds [them] culpable, while R. Judah and R. Simeon hold [them] not culpable. If each alone is unable, R. Judah and R. Meir hold [them] culpable, while R. Simeon exempts [them]. If one is able but the other is not, all agree that he is culpable.¹⁹ It was taught likewise: if one carries out a loaf into the street, he is culpable. If two carry it out: R. Meir declares him culpable; R. Judah rules: If one could not carry it out and both carry it out, they are culpable, otherwise they are not culpable; while R. Simeon exempts [them].

Whence do we know this?-For our Rabbis taught: [And if any one ... sin...] in his doing [etc.]:²⁰ [only] he who does the whole of it [is culpable], but not he who does part of it. How so? If two hold

a pitchfork and sweep [corn together];²¹ [or] the shuttle, and press;²² or a quill. and write; or a cane, and carry it out into the street,²³ -I might think that they are culpable: hence it is stated, 'in his doing': [only] he who does the whole of it, but not he who does part of it.

(1) Lit., 'it comes'.

(2) I.e., if she hangs anything on it to carry it out, either before or behind her, but it becomes reversed.

(3) Lit., 'fit'.

(4) Hence she knows of this, and such must be considered her intention.

(5) Tosaf.: officials who go out with documents for taking a census, inventories of the State treasury, etc. They carried these in pouches hanging from their belts, which sometimes turned round back to front. R. Judah rules that these too are culpable in such a case.

(6) Jast. R. Han .: (I take) an oath! (quoted in Tosaf. Keth. 75b s.v. תברא).

(7) Hence his intention is unfulfilled.

(8) Hence his intention was more than fulfilled.

(9) [MS.M.: Rather if there is a difficulty the following is the difficulty.]

(10) Presumably because such carriage is unnatural, as one cannot exercise a proper vigilance.

(11) Lit., 'he states', 'it is unnecessary'.

(12) This is the reading in the Tosef. Shab. and is thus emended here by Wilna Gaon. Cur. edd.: If one carries out money in his belt with its opening above he is culpable; if its opening is below, R. Judah rules that he is culpable etc.

(13) So here too, though carrying an object in a belt with its opening below is unusual.

(14) Thus it is dependent on Tannaim.

(15) V. B.M. 60a.

(16) 'Aruk: they carry their documents in an apron around their loins, and sometimes these are at the front and sometimes at the back.

(17) From a sin-offering.

(18) To carry it out alone.

(19) This is discussed infra.

(20) Lev. lv, 27.

(21) Which is forbidden on the ground of binding sheaves, supra 73a.

(22) Which is weaving.

(23) All these actions can be done by one man.

Talmud - Mas. Shabbath 93a

[If they hold] a round cake of pressed figs and carry it out into the street, or a beam, and carry it out into the street, — R. Judah said: If one cannot carry it out and both carry it out, they are culpable; if not, they are not culpable. R. Simeon ruled: Even if one cannot carry it out and both carry it out, they are not culpable: for this [reason] it is stated, 'in his doing', [to teach that] if a single person does it, he is liable; whereas if two do it, they are exempt.

Wherein do they differ? In this verse: And if one person of the common people shall sin unwittingly, in his doing, [etc.]. R. Simeon holds: Three limitations are written: 'a person' shall sin, 'one' shall sin, 'in his doing' he shall sin.¹ One excludes [the case where] one [person] removes an article [from one domain] and another deposits [it in the other domain]; a second is to exclude [the case of] each being able [separately to perform the action]; and the third is to exclude where neither is able [alone]. R. Judah [holds]: one excludes [the case where] one [person] removes and another deposits; the second is to exclude [the case of] each being able; and the third is to exclude [the case of] an individual who acts on the ruling of Beth din.² But R. Simeon is consistent with his view, for he maintains: An individual who acts on the ruling of Beth din is liable.³ While R. Meir [argues]: Is it then written, 'a person shall sin', 'one shall sin', 'in his doing he shall sin'! [Only] two limitations are written:⁴ one excludes [the case where] one removes and another deposits, and the other excludes [the case of] an individual who acts on the ruling of Beth din.

The Master said. 'If one is able but the other is not, all agree that he is culpable.' Which one is culpable? — Said R. Hisda: He who is able. For if the one who is unable, — what does he do then?⁵ Said R. Hamnuna to him: Surely he helps him? Helping is no concrete [act], replied he. R. Zebid said on Raba's authority: We learnt likewise: If he [a zab] is sitting on a bed and four cloths are under the feet of the bed,⁶ they are unclean, because it cannot stand on three;⁷ but R. Simeon declares it clean.⁸ If he is riding on an animal and four cloths are under its feet, they are clean, because it can stand on three. But why so? surely each helps the other? Hence it must be because we maintain that helping is not a concrete [act]. Said Rab Judah of Diskarta:⁹ After all I may tell you that helping is a concrete [act]; but here it is different because it [the animal] removes it [the foot] entirely [from the ground].¹⁰ But since it alternatively removes one foot and then another, let it be as a zab who turns about.¹¹ Did we not learn, If a zab is lying on five benches or five hollow belts:¹² if along their length, they are unclean;¹³ but if along their breadth, they are clean. [But] if he is sleeping, [and] there is a doubt that he may have turned [about upon them],¹⁴ they are unclean? Hence¹⁵ it must surely be because we say, helping is no concrete [act].

R. Papi said in Raba's name, We too learnt thus.

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- (1) I.e., each of these expressions limits the law to the action of a single individual.
 - (2) And thereby sins; he is not liable to a sin.offering.
 - (3) v. Hor. 2b.
 - (4) v., 'one soul' and 'in his doing'.
 - (5) He himself can effect nothing.
 - (6) I.e., one cloth under each foot.
 - (7) So that each one is regarded as affording complete support. since the bed cannot stand without it, and therefore the cloth under it is unclean as midras (v. p. 312, n. 9). — For a thing to become unclean as midras the greater weight of the zab must rest on it.
 - (8) Consistently with his view here that where neither can do the work alone, each is regarded merely as a help.
 - (9) Deskarah, sixteen parasangs N.E. of Bagdad, Obermeyer, p. 146.
 - (10) Hence it is not even regarded as helping.
 - (11) Shifting from one support to another, as in the Mishnah quoted.
 - (12) Probably like long straps. but hollow, and can be used as money pouches.
 - (13) Because he may have shifted from one to another, so that each received the greater part of his weight.
 - (14) And come to be along their length.
 - (15) In the case of the animal.

Talmud - Mas. Shabbath 93b

R. Jose said: A horse defiles through its forefeet, an ass through its hindfeet, because a horse rests its weight¹ on its forefeet, while an ass rests its upon its hindfeet.² But why so, seeing that they [the feet] help each other [to bear the animal's weight]? Hence it must surely be because we say, helping is no concrete [act].

R. Ashi said, We too learnt this: R. Eliezer said: If one foot is on the utensil and the other on the pavement, one foot on the stone and the other on the pavement, we consider: wherever if the utensil or the stone be removed, he can stand on the other foot, his service is valid; if not, his service is invalid.³ Yet why so, seeing that they [the feet] help each other? Hence it must surely be because we say, helping is no concrete [act].

Rabina said, We too learnt this: If he [the priest] catches [the blood] with his right hand, while his left helps him,⁴ his service is valid. But why so, Seeing that they [the hands] help each other? But it must surely be because we say, helping is no concrete [act]. This proves it.

The Master said: 'If each alone is able: R. Meir holds [them] culpable.' The scholars asked: Is the standard quantity required for each, or perhaps one standard [is sufficient] for all?⁵ R. Hisda and R. Hamnuna [differ therein]: one maintains, The standard [is required] for each; while the other rules: One standard [is sufficient] for all. R. Papa observed in Raba's name, We too learnt thus: If he [a zab] is sitting on a bed and four cloths are under the feet of the bed, they are unclean, because it cannot stand on three.⁶ But why so: let the standard of gonorrhoea be necessary for each?⁷ Hence it must surely be because we say, One standard [suffices] for all.

R. Nahman b. Isaac said, We too learnt thus: If a deer enters a house and one person locks [it] before him,⁸ he is culpable; if two lock it, they are exempt.⁹ If one could not lock it, and both lock it, they are culpable. But why so? let the standard of trapping be necessary for each?¹⁰ Hence it must surely be because we say, One standard [suffices] for all.

Rabina said, We too learnt thus: If partners steal [an ox or a sheep] and slaughter it, they are liable.¹¹ But why so? let the standard of slaughtering be necessary for each? Hence it must surely be because we say, One standard [suffices] for all. And R. Ashi [also] said, We too learnt thus: If two carry out a weaver's cane [quill], they are culpable. But why so? let the standard of carrying out be necessary for each? Hence it must surely be because we say, One standard [suffices] for all. Said R. Aha son of Raba to R. Ashi: Perhaps that is where it contains sufficient [fuel] to boil a light egg for each?¹² -If so, he [the Tanna] should inform us about a cane in general?¹³ why particularly a weaver's?¹⁴ Yet perhaps it is large enough for each to weave a cloth therewith?¹⁵ Hence nothing can be inferred from this.

A tanna¹⁶ recited before R. Nahman: If two carry out a weaver's cane, they are not culpable; but R. Simeon declares them culpable. Whither does this tend!¹⁷ — Rather say, They are culpable, while R. Simeon exempts [them].

MISHNAH. IF ONE CARRIES OUT LESS THAN THE STANDARD QUANTITY OF FOOD IN A UTENSIL, HE IS NOT CULPABLE EVEN IN RESPECT OF THE UTENSIL, BECAUSE THE UTENSIL IS SUBSIDIARY THERETO. [IF ONE CARRIES OUT] A LIVING PERSON IN A BED, HE IS NOT CULPABLE EVEN IN RESPECT OF THE BED, BECAUSE THE BED IS SUBSIDIARY TO HIM;¹⁸ A CORPSE IN A BED, HE IS CULPABLE. AND LIKEWISE [IF ONE CARRIES OUT] THE SIZE OF AN OLIVE OF A CORPSE, THE SIZE OF AN OLIVE OF A NEBELAH, OR THE SIZE OF A LENTIL OF A [DEAD] CREEPING THING [SHEREZ], HE IS CULPABLE.¹⁹ BUT R. SIMEON DECLARES HIM EXEMPT.²⁰

GEMARA. Our Rabbis taught: If one carries out foodstuffs of the standard quantity, if in a utensil, he is liable in respect of the foodstuffs and exempt in respect of the utensil! but if he needs the utensil, he is liable in respect of the utensil too.²¹ Then this proves that if one eats two olive-sized pieces of heleb in one state of unawareness, he is liable to two [sacrifices]?²² Said R. Shesheth: What are we discussing here? E.g.,

(1) Lit., 'the leaning of a horse'.

(2) The reference is to a cloth placed under the feet of these animals when a zab rides upon them.

(3) A priest performed the service in the Temple barefooted, and nothing might interpose between his feet and the pavement.

(4) Catching the blood of a sacrifice for its subsequent sprinkling on the altar is part of the sacrificial service, and like all other parts thereof must be performed with the right hand.

(5) When two people carry out an article of food which each could carry out alone, must it be as large as two dried figs, so that there is the standard for each, Or is one sufficient to render them both culpable?

(6) V. supra a for notes.

- (7) 'The standard of gonorrhoea' is that a whole zab rests on an article-then it is unclean. Then here too four zabim should be lying on the bed for the four cloths to be defiled.
- (8) So that it cannot escape. This constitutes trapping, which is a culpable labour; v. Mishnah supra 73a.
- (9) Cf. supra 92b.
- (10) Viz., two deers should be required.
- (11) v. Ex. XXI, 37.
- (12) Mishnah supra 89b.
- (13) The standard of which is boil a light egg.
- (14) The standard of which is different; v. next note.
- (15) This is the standard of a weaver's cane.
- (16) V. s.v. (b).
- (17) I.e., surely R. Simeon rules in the opposite direction, that if two perform an action, even if each is unable to do it separately, they are exempt. Jast. translates: towards the tail! i.e., reverse it.
- (18) Carrying a living person is not a culpable offense, v. infra 94a.
- (19) These are the respective minima which defile. Hence carrying them out of the house ranks as a labour of importance, since a source of contamination is thereby removed.
- (20) For carrying out a corpse, etc. For its purpose is merely negative, i.e., he does not wish to have the corpse in his house, but does not actually want it in the street; hence it is a labour unessential in itself, and which R. Simeon holds is not a culpable offence, though it is forbidden.
- (21) Thus he is liable to two sacrifices.
- (22) Surely that is not so, yet the cases are analogous.

Talmud - Mas. Shabbath 94a

where he sinned unwittingly in respect of the food, but deliberately in respect of the utensil.¹ R. Ashi demurred: But it is stated, 'in respect of the utensil too'?² Rather said R. Ashi: E.g., where he sinned unwittingly in respect of both, then [one offence] became known to him, and subsequently the other became known to him, this being dependent on the controversy of R. Johanan and Resh Lakish.³

[IF ONE CARRIES OUT] A LIVING PERSON IN A BED, HE IS NOT CULPABLE EVEN IN RESPECT OF THE BED. Shall we say that our Mishnah is [according to] R. Nathan, but not the Rabbis? For it was taught: If one carries out an animal, beast,⁴ or bird into the street, whether alive or [ritually] killed, he is liable [to a sacrifice]; R. Nathan said: For killed ones he is liable, but for live ones he is exempt, because the living [creature] carries itself! Said Raba, You may even say [that it agrees with] the Rabbis: the Rabbis differ from R. Nathan only in respect of an animal, beast, and bird, which stiffen themselves,⁵ but as for a living person, who carries himself,⁶ even the Rabbis agree. R. Adda b. Ahabah observed to Raba, But as to what we learnt: Ben Bathyra permits [it] in the case of a horse.⁷ And it was taught: Ben Bathyra permits [it] in the case of a horse, because it is employed for work which does not entail liability to a sin-offering⁸. And R. Johanan observed, Ben Bathyra and R. Nathan said the same thing.⁹ Now if you say that the Rabbis disagree with R. Nathan only in respect of an animal, beast, or bird, because they stiffen themselves, why particularly Ben Bathyra and R. Nathan: Surely you have said that even the Rabbis agree?-When R. Johanan said [thus] it was in respect of a horse that is set apart for [carrying] birds. But are there horses set apart for birds? Yes, there are the falconers' [horses].¹⁰ R. Johanan said: Yet R. Nathan agrees in the case of a tied [living being].¹¹ R. Adda b. Mattenah said to Abaye: But these Persians are like bound [men],¹² yet R. Johanan said, Ben Bathyra and R. Nathan said the same thing?¹³ There they suffer from haughtiness,¹⁴ for a certain officer with whom the king was angry ran three parasangs on foot.

A CORPSE IN A BED, HE IS CULPABLE.¹⁵ AND LIKEWISE [IF ONE CARRIES OUT] THE SIZE OF AN OLIVE OR A CORPSE, etc. Rabbah b. Bar Hanah said in R. Johanan's name, and R. Joseph said in the name of Resh Lakish: R. Simeon declared exempt

- (1) And 'liable' - means to death, for the wilful desecration of the Sabbath.
- (2) Which implies the same liability.
- (3) v. supra 71b. Thus according to R. Johanan he is liable to two sin-offerings if he is apprised of each in succession, and then comes to make atonement for both. But in the view of Resh Lakish he is liable to two sacrifices only if he is apprised of one, makes atonement, and is then apprised of the other (Tosaf.).
- (4) Behemah means a domestic animal; hayyah, a non-domestic animal.
- (5) Making themselves a dead weight, and thus they are a real burden.
- (6) He has natural buoyancy.
- (7) One may not sell his cattle to a Gentile, because they are used for ploughing, and thereby lose the Sabbath rest to which they are entitled (v. Ex. XX, (10). Horses, however, were not used for ploughing in Mishnaic times, but merely for riding.
- (8) Riding being only Rabbinically prohibited.
- (9) Sc. that it is not a labour to carry a living being, because it carries itself.
- (10) The falcons which they carry are free and do not stiffen themselves; yet in the view of the Rabbis, who make an exception only in respect of a human being, one would be culpable carrying out a falcon. Hence R. Johanan specified R. Nathan.
- (11) Whether human or animal, because these certainly do not carry themselves.
- (12) Rashi: they ride swathed in their garments and could not walk if they wished to.
- (13) I.e., Ben Bathyra permits the sale of a horse even to a Persian, showing that even a bound person is not a burden.
- (14) Their haughty bearing makes them look as if they cannot walk, but actually they are able to quite well.
- (15) [Tosaf. identifies R. Judah as the authority for this ruling, he being of the opinion that there is liability for a labour not essential in itself cf. supra p. 448, n. 8.]

Talmud - Mas. Shabbath 94b

even him who carries out a corpse for burial.¹ Raba observed: Yet R. Simeon admits in the case of [one who carries out] a spade for digging therewith or the Scroll of the Torah to read it, that he is culpable.² That is obvious, for if this too should be regarded as a labour unrequired per se, how would a labour necessary per se be conceivably according to R. Simeon?—You might say, it must be [carried out] both for his requirements and for its own purpose, e.g., a spade in order to make it into a [metal] plate³ and for digging, a Scroll of the Law for correcting and reading: [therefore] he informs us [that it is not so].

A dead body was lying in Darukra,⁴ which R. Nahman b. Isaac allowed to be carried out into a karmelith. Said R. Nahman the brother of Mar son of Rabbana to R. Nahman b. Isaac: On whose authority? R. Simeon's! But Perhaps R. Simeon merely exempts [such] from liability to a sin-offering, yet there is a Rabbinical interdict. By God! said he to him, you yourself may bring it in. For [this is permitted] even according to R. Judah:⁵ did I then say [that it may be carried out] into the street? I [merely] said, into a karmelith: the dignity of human beings is a great thing, for it supersedes [even] a negative injunction of the Torah.⁶

We learnt elsewhere: If one plucks out the symptoms of uncleanness⁷ or burns out the raw flesh,⁸ he transgresses a negative injunction.⁹ It was stated: [If he plucks out] one of two [hairs]. he is culpable;¹⁰ one of three: R. Nahman maintained, He is culpable; R. Shesheth said, He is not culpable. R. Nahman maintained, He is culpable: his action is effective in so far that if another is removed the uncleanness departs. R. Shesheth said, He is not culpable: now at all events the uncleanness is present. R. Shesheth observed: Whence do I know it? Because we learnt: AND LIKEWISE [IF ONE CARRIES OUT] THE SIZE OF AN OLIVE OF A CORPSE, THE SIZE OF AN OLIVE OF A NEBELAH,... HE IS CULPABLE. This implies, [for] half the size of an olive he is exempt; but it was taught: [For] half the size of an olive he is culpable? Surely [then], where it was taught that he is culpable, [it means] that he carries out half the size of an olive from [a piece as large as] an olive; while where we learnt [by implication] that he is exempt, [it means] that he carries out

half the size of an olive from an olive and a half.¹¹ But R. Nahman maintains: In both these cases he is culpable;¹² but as to what we learnt that he is exempt, that is where he carries out half the size of an olive of a large corpse.¹³

MISHNAH. IF ONE PARES HIS NAILS WITH EACH OTHER OR WITH HIS TEETH, LIKEWISE [IF ONE PLUCKS] HIS HAIR, LIKEWISE HIS MOUSTACHE, LIKEWISE HIS BEARD; AND LIKEWISE IF [A WOMAN] PLAITS [HER HAIR], LIKEWISE IF SHE PAINTS [HER EYELIDS] LIKEWISE IF SHE ROUGES [HER FACE],¹⁴ — R. ELIEZER DECLARES [THEM] CULPABLE, WHILE THE RABBIS FORBID [THESE ACTIONS] AS A SHEBUTH.¹⁵

GEMARA. R. Eleazar said: They differ only [where it is done] by hand; but if with an implement, all agree that he is culpable. That is obvious, [for] we learnt, WITH EACH OTHER?-You might say, the Rabbis hold [him] exempt even [if he does it] with an implement, while as to what is stated, WITH EACH OTHER, that is to teach you the extent¹⁶ of R. Eliezer[‘s ruling]:¹⁷ [hence] he informs us [otherwise].

R. Eleazar also said: They differ only [where one does it] for himself; but [if he does it] for his neighbour, all agree that he is not culpable. That is obvious, [for] we learnt, HIS NAILS?You might say. R. Eliezer holds [him] culpable even [if he does it] for his neighbour, while as to what is stated — HIS NAILS, that is to teach you the extent of the Rabbis[‘ ruling]:¹⁸ [hence] he informs us [otherwise].

LIKEWISE HIS HAIR, etc. It was taught: If one plucks out a full scissors’ edge [of hair], he is culpable. And how much is a full scissors’ edge? Said Rab Judah: Two [hairs]. But it was taught: But in respect of baldness [the standard is] two?¹⁹ -Say, and likewise in respect of baldness, [the standard is] two. It was taught likewise: If one plucks out a full scissors’ edge [of hair] on the Sabbath, he is culpable. And how much is a full scissors’ edge? Two. R. Eliezer said: One. But the Sages agree with R. Eliezer in the case of one who picks out white hairs from black ones, that he is culpable even for one;²⁰ and this is interdicted even on weekdays, for it is said, neither shall a man put on a woman's garment.²¹

It was taught: R. Simeon b. Eleazar said: As for a nail the greater part of which is severed,²² and shreds [of skin] the largest portions of which are severed [from the body], — by hand it is permitted [wholly to remove them]; (if one severs them) with a utensil, he is liable to a sin-offering. Is there anything which [if done] with a utensil renders one liable to a sin-offering, yet is permitted by hand at the very outset?²³ -This is its meaning: If the greater portions thereof are severed by hand, it is permitted [to remove them wholly]; if done with a utensil one is not culpable, yet it is prohibited. If the greater portions thereof are not severed, [if wholly removed] by hand one is not culpable. yet it is prohibited: with a utensil, one is liable to a sin-offering. Rab Judah said: The halachah is as R. Simeon b. Eleazar. Said Rabbah b. Bar Hanah in R. Johanan's name: Providing they are severed towards the top.²⁴ so that they pain him.

LIKEWISE IF [A WOMAN] PLAITS, etc. She who plaits, paints or rouges, on what score is she culpable?-R. Abin said in the name of R. Jose son of R. Hanina: She who plaits on the score of weaving; she who paints on the score of writing; she who rouges on account of spinning.²⁵ Said the Rabbis before R. Abbahu: Are then weaving, writing, and spinning done in this way? Rather said R. Abbahu: R. Jose son of R. Hanina's [statement] was explained to me [thus]:

(1) Though that is for the requirements of the dead, he is exempt, since it is not for the requirements of the living.

(2) Since it is for his own requirements.

(3) [Aliter: to fix upon it (if blunted) a plate. v. Rash.]

(4) Or, Drukerith, Darkerith, a Babylonian town near Wasit on the lower Tigris; Obermeyer, p. 197.

- (5) Who holds a labour not required per se to be a culpable offence.
- (6) Hence this is permitted. [Not exactly a Biblical prohibition but an interdict of the Rabbis whose enactments have Biblical force (Rashi). V. Ber. 19b.]
- (7) v., the two whitened hairs which are a proof of leprosy; v. Lev. XIII, 3 (the minimum is two hairs).
- (8) Also a symptom of leprosy, *ibid.* 10.
- (9) Deut. XXI, 8: Take heed in the plague of leprosy this is interpreted as a command not to remove the evidences thereof.
- (10) Since he thereby effectively removes the symptom of leprosy, the remaining one being insufficient to prove him unclean.
- (11) He is culpable in the first case because his action is effective, but in the second it does not effect anything, and the same applies here.
- (12) His reasoning is the same as in the case of leprosy.
- (13) For even if another half is carried out, it makes no difference to the contaminating efficacy of the corpse.
- (14) One of the explanations of Rashi. V. also Krauss, T.A. I p. 692 n. 293.
- (15) V. Glos.
- (16) Lit., 'power'.
- (17) Viz., that even then he is culpable.
- (18) Viz., that he is not culpable even when he pares his own nails.
- (19) V. Deut. XIV, 1: the prohibition is infringed by the plucking of two hairs. The conjunction *waw* may mean, either 'and' or 'but'; it is understood in the latter sense here, and thus implies that there is a different standard for the Sabbath, since both statements are part of the same Baraitha.
- (20) For its removal makes him look younger; hence it is regarded as a labour.
- (21) *Ibid.* XXII, 5. This is interpreted as a general prohibition of effeminacy. which includes the attempt to make oneself look young by such methods.
- (22) I.e., it is hanging and nearly torn off.
- (23) Surely not!
- (24) Near the nail.
- (25) The rouge was drawn out in thread-like lengths, and thus it resembled spinning; v. Tosaf. M.K. 9b s.v. פוקמת.

Talmud - Mas. Shabbath 95a

She who paints [is culpable] on the score of dyeing; she who plaits and rouges, on the score of building. Is this then the manner of building?-Even so, as R. Simeon b. Menassia expounded: And the Lord God builded the rib [. . . into a woman]:¹ this teaches that the Holy One, blessed be He, plaited Eve['s hair] and brought her to Adam, for in the sea-towns plaiting is called 'building'.

It was taught, R. Simeon b. Eleazar said: If [a woman] plaits [hair], paints [the eyes], or rouges [the face], — if [she does this] to herself, she is not culpable; [if to] her companion, she is culpable. And thus did R. Simeon b. Eleazar [say on R. Eliezer's authority: A woman must not apply paint to her face, because she dyes.

Our Rabbis taught: One who milks, sets milk [for curdling],² and makes cheese, [the standard is] the size of a dried fig. If one sweeps [the floor], lays the dust [by sprinkling water], and removes loaves of honey, if he does this unwittingly on the Sabbath, he is liable to a sin-offering; if he does it deliberately on a Festival, he is flagellated with forty³ [lashes]: this is R. Eliezer's view. But the Sages say: In both cases it is [forbidden] only as a shebuth.⁴ R. Nahman b. Guria visited Nehardea. He was asked. If one milks, on what score is he culpable? On the score of milking, He replied. If one sets milk, or what score is he culpable? On the score of setting milk, he replied. If one makes cheese, on what score is he liable? On account of making cheese, he replied. Your teacher must have been a reed-cutter in a marsh, they jeered at him. [So] he went and asked in the Beth Hamidrash. Said they to him, He who milks is liable on account of unloading.⁵ He who sets milk is liable on account of selecting.⁶ He who makes cheese is liable on account of building.⁷

‘If one sweeps, lays the dust, and removes loaves of honey, if he does this unwittingly on the Sabbath, he is liable to a sin-offering; if he does it deliberately on a Festival, he is flagellated with forty [lashes]: this is R. Eliezer's view.’ R. Eleazar observed, ‘What is R. Eliezer's reason? Because it is written, and he dipped it in the forest of honey:⁸ now, what is the connection between a forest and honey?⁹ But it is to teach you: just as a forest, he who detaches [aught] from it on the Sabbath is liable to a sin-offering, so are loaves of honey, he who removes [honey] therefrom is liable to a sin-offering.

Amemar permitted sprinkling [the floors] in Mahoza.¹⁰ He argued: What is the reason that the Rabbis said [that it is forbidden]? [It is] lest one come to level up depressions [in the earthen floor]. Here there are no depressions.¹¹ Rabbah Tosfa'ah¹² found Rabina suffering discomfort on account of the heat — others state, Mar Kashisha son of Raba found R. Ashi suffering discomfort on account of the heat. Said he to him — Does not my Master agree with what was taught: If one wishes to sprinkle his house on the Sabbath, he can bring a basin full of water, wash his face in one corner, his hands in another, and his feet in another, and thus the house is sprinkled automatically? I did not think of it,¹³ he replied. It was taught: A wise woman can sprinkle her house on the Sabbath.¹⁴ But now that we hold as R. Simeon,¹⁵ it is permitted even at the very outset.¹⁶

MISHNAH. IF ONE DETACHES [AUGHT] FROM A PERFORATED POT, HE IS CULPABLE;¹⁷ IF IT IS UNPERFORATED, HE IS EXEMPT. BUT R. SIMEON DECLARES [HIM] EXEMPT IN BOTH CASES.

GEMARA. Abaye pointed out a contradiction to Raba — others state, R. Hiyya b. Rab to Rab: We learnt, R. SIMEON DECLARES [HIM] EXEMPT IN BOTH CASES, which proves that according to R. Simeon a perforated [pot] is treated the same as an unperforated [one]. But the following contradicts it. R. Simeon said: The only difference between a perforated and an unperforated [pot]

(1) Gen. II, 22.

(2) Rashi: Jast.: who beats milk into a pulp. Levy, Worterbuch, s.v. חֲבִי: if one curdles milk in order to press butter out of it; v. also T.A. II,135.

(3) Strictly speaking, thirty-nine.

(4) v. Glos. This being a Rabbinical interdict, there is neither a sin-offering nor flagellation.

(5) It is similar thereto, the milk being unloaded from whence it is collected in the cow. As such it is a secondary form of threshing, where the chaff is separated and unloaded, as it were, from the grain.

(6) For the whey is thereby selected and separated from the rest of the milk which is to curdle.

(7) The solidifying of the liquid is regarded as similar to the act of putting together an edifice.

(8) I Sam. XIV, 27, lit. translation. E.V.: honeycomb.

(9) Surely none at all!

(10) V. p. 150, n. 11.

(11) All the houses had stone floors.

(12) Perhaps of Thospia. Neub. Geogr. p. 332: capital of the Armenian district Thospitis.

(13) Others: do not agree with it.

(14) By the foregoing or a similar device.

(15) That what is unintentional is permitted. When one sprinkles it is not his intention that the water should knead together bits of earth and thus smooth out the depressions.

(16) Without resort to any expedient.

(17) Cf. p. 388, n.3.

is in respect of making [its] plants fit [to become unclean]?¹ — In all respects, answered he, R. Simeon treats it as detached, but in the matter of uncleanness it is different, because the Torah extended [the scope of] cleanness in the case of plants [seeds], for it is said, [And if aught of their carcase fall] upon any sowing seed which is to be sown, [it is clean].²

A certain old man asked R. Zera: If the root is over against the hole, what is R. Simeon's ruling then?³ He was silent and answered him nought. On a [subsequent] occasion he found him sitting and teaching: Yet R. Simeon admits that if it is perforated to the extent of making it clean, [there is culpability].⁴ Said he to him, Seeing that I asked you about a root that is over against the perforation and you gave me no reply. can there be a doubt concerning [a pot that is] perforated to the extent of making it clean?⁵ Abaye observed: If this [dictum] of R. Zera was stated, it was stated thus: Yet R. Simeon agrees that if it is perforated below [the capacity of] a rebi'ith, [there is culpability].⁶

Raba said: There are five principles in the case of an earthen utensil: [i] If it has a perforation sufficient [only] for a liquid to run out, it is clean in that it cannot be defiled when already a mutilated vessel,⁷ yet it is still a utensil in respect of sanctifying the water of lustration therein.⁸ [ii] If it has a perforation sufficient for a liquid to run in,⁹ it is 'clean' in respect of sanctifying the water of lustration therein,¹⁰ yet it is still a utensil to render its plants fit [to become unclean].¹¹ [iii] If it has a perforation as large as a small root, it is 'clean' in respect of making its plants fit [to become defiled], yet it is still a utensil in that it can hold olives.¹² [iv] If it has a perforation large enough to allow olives to fall out, it is clean in that it cannot hold olives, yet it is still a utensil to contain pomegranates.¹³ [v] If it has a perforation large enough to allow pomegranates to fall through, it is clean in respect of all things.¹⁴ But if it is closed with an airtight lid — [it ranks as a utensil] unless the greater portion thereof is broken.¹⁵

R. Assi said: I have heard that the standard of an earthen vessel is [a hole] large enough to allow a pomegranate to fall out.¹⁶ Said Raba to him: Perhaps you heard [this] Only of [a vessel] closed with a tight-fitting lid!¹⁷ But it was Raba himself who said: If it is closed with a tight-fitting lid, [it ranks as a utensil] unless the greater portion thereof is broken? — There is no difficulty:

(1) Edibles, e.g., grain, vegetables, etc., can be defiled only if moisture has fallen upon them after they were detached from the soil. Now, a perforated pot is regarded as attached to the soil, and therefore its plants cannot become susceptible to uncleanness; whereas an unperforated pot is detached, and so if moisture falls upon its plant, when grown it is henceforth fit to become unclean — This shows that R. Simeon too recognizes this difference.

(2) Lev. XI, 37, i.e., if it is in any way attached to the soil it is clean, and this includes a perforated pot.

(3) If one tears out that root on the Sabbath (Rashi). Here the root draws sustenance directly from the ground.

(4) If a utensil becomes unclean and then a hole is made in it large enough for an olive to fall through. It technically ceases to be a utensil and becomes clean. Thus here too, if the perforation is of that size, R. Simeon admits that the pot and its contents, even such as are not over against the perforation, are regarded as attached to the soil.

(5) It is certain that such a case is doubtful and one cannot positively state R. Simeon's views thereon.

(6) I.e., if the perforation is so low in the sides of the pot that the portion of the pot beneath it cannot hold a rebi'ith. Then it is certainly not regarded as a utensil, and its plants are held to grow direct from the ground. Accordingly the perforations spoken of hitherto, and in the Mishnah, are high up in the sides of the pot, and certainly not in the bottom, as is the case with our pots.

(7) If the vessel is sound, such a small hole does not deprive it of its character as a utensil and it is still susceptible to uncleanness. But if it was already mutilated, e.g., cracked, this added perforation renders it incapable of becoming unclean.

(8) If otherwise sound, v. Num. XIX, 17: putting the water in a utensil is designated sanctification.

(9) That is naturally somewhat larger than the preceding.

(10) 'Clean' is employed idiomatically to imply that it is not a utensil in respect of what follows; thus one cannot sanctify, etc.

(11) V. p. 456. n. 6. Even the Rabbis admit that if the perforation is not larger the pot and its contents are treated as

detached.

(12) And hence susceptible to defilement. If a utensil is not designated for any particular purpose, it must be able to hold olives in order to be susceptible to defilement.

(13) I.e., if it was explicitly designated for holding pomegranates, it is still a utensil and susceptible to defilement.

(14) It is no longer susceptible, or, if it was defiled before it was perforated, it becomes clean. Henceforth it is susceptible to defilement only if its owner puts it aside to use as a mutilated vessel (Rashi).

(15) The reference is to Num. XIX, 15, q v. If the vessel is closed with a tight-fitting lid, its contents too remain clean, unless the greater portion is broken, in which case it does not rank as a vessel and cannot protect its contents from the contamination spread by the corpse.

(16) I.e. — unless it has such a large hole it ranks as a utensil.

(17) I.e. — that it affords no protection if it has such a large hole.

Talmud - Mas. Shabbath 96a

the one refers to large ones, the other to small ones.¹

R. Assi said, They [the Tannaim] learnt. As for an earthen vessel, its standard is [a hole] large enough to admit a liquid, while [one merely] sufficient to allow a liquid to run out was mentioned only in connection with a mutilated vessel.² What is the reason? — Said Mar Zutra son of R. Nahman: Because people do not say, 'Let us bring one fragment for another.'³ 'Ulla said, Two amoraim in Palestine differ on this matter, [viz.,] R. Jose son of R. Abin and R. Jose son of Zabda: One maintains: [the standard is a hole] large enough to allow a pomegranate to fall out; while the other rules: As large as a small root.⁴ And your sign is, 'whether one increases or whether one diminishes.'⁵

R. Hinena b. Kahana said in R. Eliezer's name: As for an earthen vessel, its standard is [a hole] large enough to allow olives to fall out;⁶ and Mar Kashisha son of Rabbah completes [this statement] in R. Eliezer's name: And then they rank as vessels of dung, stone, or clay,⁷ which do not contract uncleanness either by Biblical or by Rabbinical law;⁸ but in respect to [the law of] a tight. fitting lid [it ranks as a vessel] unless the greater portion thereof is broken through.

CHAPTER XI

MISHNAH. IF ONE THROWS [AN ARTICLE] FROM PRIVATE INTO PUBLIC GROUND [OR] FROM PUBLIC INTO PRIVATE GROUND, HE IS CULPABLE. FROM ONE PRIVATE DOMAIN TO ANOTHER, AND PUBLIC GROUND LIES BETWEEN, R. AKIBA HOLDS HIM LIABLE, BUT THE SAGES DECLARE HIM EXEMPT. HOW SO?⁹ IF THERE ARE TWO BALCONIES FACING EACH OTHER IN THE STREET, HE WHO REACHES OVER OR THROWS [AN ARTICLE] FROM ONE TO THE OTHER IS NOT CULPABLE. IF BOTH ARE ON THE SAME STOREY,¹⁰ HE WHO REACHES OVER IS CULPABLE, WHILE HE WHO THROWS IS NOT, FOR THUS WAS THE SERVICE OF THE LEVITES:¹¹ TWO WAGGONS [STOOD] BEHIND EACH OTHER IN PUBLIC GROUND, [AND] THEY REACHED OVER THE BOARDS FROM ONE TO ANOTHER, BUT DID NOT THROW.

(1) Rashi: in the case of large ones the greater portion must be broken, but for small ones a hole large enough for a pomegranate to fall out is sufficient. Ri: In the case of large ones a hole large enough etc., is required, but in the case of small ones, where this may be considerably more than half if the greater portion thereof is broken it is no longer a utensil.

(2) v. p. 457, n. 4.

(3) I.e., when a mutilated vessel springs a leak of this size, people throw it away without troubling to bring another such vessel or a shard to catch its drippings, therefore it is no longer a vessel.

(4) Rashi: the question is how large the hole of a perforated pot must be in order to render its plants susceptible to

- defilement (v. p. 456, n. 6). R. Tam: they differ in reference to a vessel closed with a tight-fitting lid (cf. p. 458, n. 5).
- (5) I.e., part of a Talmudic dictum, v. Men. 110a', the two extremes (v. Raba's enumeration of the five principles, supra 95b) are taken, and neither of these amoraim takes one of the intermediate standards.
- (6) A hole of that size renders it clean.
- (7) I.e., neither glazed nor baked in a kiln.
- (8) Lit., 'the words of the Scribes'; v. Kid. p. 79, n.7. (6) v. p. 458, n. 3.
- (9) This explains the view of the Rabbis.
- (10) I.e. on the same side of the street, which interposes lengthwise.
- (11) In connection with the Tabernacle in the Wilderness.

Talmud - Mas. Shabbath 96b

GEMARA. Consider: throwing is a derivative of carrying out:¹ where is carrying out itself written? — Said R. Johanan, Scripture saith, And Moses gave commandment, and they caused a proclamation to pass throughout the camp, [etc.]:² now, where was Moses stationed? in the camp of the Levites, which was public ground,³ and he said to the Israelites, Do not carry out and fetch from your private dwellings into public ground. But how do you know that this was on the Sabbath: perhaps this happened⁴ during the week, the reason being that the material was complete[ly adequate], as it is written, For the stuff they had was sufficient, etc.⁵ — The meaning of 'passing through' is learnt from [its employment in connection with] the Day of Atonement, Here it is written, and they caused a proclamation to pass throughout the camp; whilst there it is written, Then shalt thou cause a loud trumpet to pass through [sc. the land]:⁶ just as there the reference is to the day of the interdict, so here too the day of the interdict [is meant].⁷ We have thus found [an interdict for] carrying out: whence do we know [that] carrying in [is forbidden]? — That is common sense: consider: it is [transference] from one domain to another: what does it matter whether one carries out or carries in? Nevertheless. carrying out is a primary [labour], [whereas] carrying in is a derivative.

Yet let us consider: one is culpable for both: why is one designated a principal and the other a derivative [labour]?-The practical difference is that if one performs two principal or two derivative [labours] together he is liable to two [sacrifices], whereas if he performs a principal [labour] and its derivative he is liable only to one. But according to R. Eliezer, who imposes liability for a derivative [when performed] conjointly with⁸ the principal, why is one called a principal and the other a derivative? — That which was of account in the Tabernacle is designated a principal, whereas that which was not of account in the Tabernacle is designated a derivative.⁹ Alternatively, that which is written is designated a principal, whereas that which is not written is designated a derivative.

Again, as to what we learnt, 'If one throws [an article] four cubits on to a wall above ten handbreadths, it is as though he throws it into the air;¹⁰ if below ten, it is as though he throws it on to the ground;¹¹ and he who throws [an article] four cubits along the ground is culpable',¹² - how do we know that he who throws [an article] four cubits in the street is culpable? — Said R. Josiah: Because the curtain weavers threw their needles to each other.¹³ Of what use are needles to weavers? — Rather [say:] Because the sewers threw their needles to each other. But perhaps they sat close together? — Then they would reach each other with their needles.¹⁴ Yet perhaps they sat within four [cubits] of each other? Rather said R. Hisda: Because the curtain weavers threw the clue into the curtain. But the other [worker] still has the distaff in his hand?-He refers to the last manipulation.¹⁵ But it passed through a place of non-liability?¹⁶ — Rather [say:] Because the curtain weavers threw the clue to those who would borrow it from them.¹⁷ Yet perhaps they sat near each other? Then they would touch each other on making the border. Yet perhaps they sat in irregular lines?¹⁸ Moreover, did they borrow from each other? Surely Luda¹⁹ taught: every man from his work which they wrought:²⁰ he wrought of his own work [stuff], but not of his neighbour's.²¹ Again, how do we know that if one carries [an article] four cubits in the street, he is culpable? Rather the whole [law of transporting] four cubits in the street is known by tradition.

Rab Judah said in Samuel's name: [The offence of] the gatherer [of sticks]²² was that he carried [them] four cubits over public ground. In a Baraita it was taught: He cut [them] off.²³ R. Aha b. Jacob said: He tied [them] together.²⁴ In respect of what is the practical difference?—In respect of Rab's [dictum]. For Rab said, I found a secret scroll of the School of R. Hiyya, wherein It is written, Issi b. Judah said: There are thirty-nine principal labours, but one is liable only [for] one. One and no more? Surely we learnt, The principal labours are forty less one. And we pondered thereon: why state the number? And R. Johanan answered: [To teach] that if one performs all of them, in one state of unawareness, he is liable for each separately? Say: for one of these he is not culpable.²⁵ Now, Rab Judah is certain that he who carries [in the street] is culpable; the Baraita is certain that he who cuts off is culpable; while R. Aha b. Jacob is certain that he who binds is culpable. [Thus] one Master holds, This at least is not in doubt, while the other Master holds, That at least is not in doubt.²⁶

Our Rabbis taught: The gatherer was Zelophehad. And thus it is said, and while the children of Israel were in the wilderness, they found a man [gathering sticks, etc.];²⁷ whilst elsewhere it is said, our father died in the wilderness;²⁸ just as there Zelophehad [is meant], so here too Zelophehad [is meant]: this is R. Akiba's view. Said R. Judah b. Bathyra to him, 'Akiba! in either case you will have to give an account [for your statement]: if you are right,²⁹ the Torah shielded³⁰ him, while you reveal him; and if not, you cast a stigma upon a righteous man.'

(1) On principal and derivative labours v. p. 3. n. 2. Throwing is certainly a derivative only, since it is not enumerated in the principal labours supra 73a: also it must be a derivative of carrying out, for it is not similar to any of the other principal labours,

(2) Ex. XXXVI, 6.

(3) As everyone had to pass through to gain access to Moses.

(4) Lit., 'he stood'.

(5) Ex. XXXVI, 7.

(6) Lev. XXV, 9.

(7) Sc. the Sabbath. This method of exegesis is called *gezerah shawah*, q.v. Glos.

(8) Lit., 'in the place of'.

(9) V. infra 100a.

(10) And he is not liable.

(11) And since it traverses four cubits, he is culpable.

(12) V. supra 75a.

(13) Through public ground.

(14) When stretching their arms to thread the needles they would strike each other.

(15) When the weaver throws the clue through the web for the last time.

(16) V. supra 6a; i.e., it passed between the portions of the curtain, which is certainly not public ground.

(17) 'Aruch reads: their apprentices. On both readings the reference is to people working on other curtains, and the clue had to traverse public ground.

(18) Crosswise, or in zigzag rows, so that they could work close together without touching each other.

(19) An amora: Yalkut reads: Levi.

(20) Ex. XXXVI, 4.

(21) Having sufficient material of his own.

(22) V. Num. XV 32 seq.

(23) He cut off twigs or branches from a tree, which is the equivalent of detaching produce from the soil.

(24) They were already lying on the ground. Tying them together is the same as binding sheaves.

(25) V. supra 6b for notes.

(26) As being referred to in Issi's dictum.

(27) Num. XV, 32.

(28) Ibid. XXVII, 3.

(29) Lit., 'if it is as your words'.

(30) Lit., 'covered'.

Talmud - Mas. Shabbath 97a

But surely he learns a gezerah shawah?¹ -He did not learn the gezerah shawah.² Then of which [sinners] was he?³ -Of those who 'presumed [to go up to the top of the mountain].'⁴

Similarly you read, and the anger of the Lord was kindled against them; and he departed.⁵ this teaches that Aaron too became leprous: this is R. Akiba's view. Said R. Judah b. Bathyra to him, 'Akiba! in either case you will have to give an account: if you are right, the Torah shielded him, while you disclose him; and if not, you cast a stigma upon a righteous man.' But it is written, 'against them'?⁶ That was merely with a rebuke. It was taught in accordance with the view that Aaron too became leprous. For it is written, And Aaron turned [wa-yifen] to Miriam, and behold, she was leprous:⁷ [and] it was taught: [That means] that he became free [panah] from his leprosy.⁸

Resh Lakish said: He who entertains a suspicion against innocent⁹ men is bodily afflicted, for it is written, [And Moses . . . said,] But, behold, they will not believe me;¹⁰ but it was known¹¹ to the Holy One, blessed be he, that Israel would believe. Said He to him: They are believers, [and] the descendants of believers, whereas thou wilt ultimately disbelieve. They are believers, as it is written, and the people believed;¹² the descendants of believers: and he [Abraham] believed in the Lord.¹³ Thou wilt ultimately disbelieve, as it is said, [And the Lord said unto Moses and Aaron,] Because ye believed not in me.¹⁴ Whence [is it learnt] that he was smitten? — Because it is written, And the Lord said furthermore unto him, Put now thine hand into thy bosom, etc.¹⁵

Raba-others state, R. Jose b. R. Hanina-said: The dispensation of good comes more quickly than that of punishment [evil]. For in reference to the dispensation of punishment it is written, until he took it out, and behold, his hand was leprous, as white as snow;¹⁶ whereas in reference to the dispensation of good it is written, and he took it out of his bosom, and behold, it was turned again as his other flesh:¹⁷ from his very bosom,¹⁸ it had turned again as his other flesh.

But Aaron's rod swallowed up their rods:¹⁹ R. Eleazar observed, It was a double miracle.²⁰ FROM ONE PRIVATE DOMAIN TO ANOTHER, etc. Rabbah asked: Do they disagree when it is below ten, and they differ in this: R. Akiba holds, An object caught up is at rest; while the Rabbis hold that it is not as at rest; but above ten all agree that he is not liable, for we do not learn throwing from reaching across. Or perhaps they disagree when it is above ten, and they differ in this: R. Akiba holds, We learn throwing from reaching across; while the Rabbis hold, We do not learn throwing from reaching across; but below ten, all agree that he is culpable. What is the reason? An object caught up is as at rest?²¹ Said R. Joseph: This question was asked by R. Hisda, and R. Hamnuna solved it for him from this: [If one removes an object] from one private domain, to another and it passes through the street itself, R. Akiba declares [him] liable, while the Sages exempt [him]. Now, since it states, through the street itself, it is obvious that they differ where it is below ten. Now, in which [case]? Shall we say, in the case of one who carries [it] across: is he culpable only when it is below ten, but not when it is above ten? Surely R. Eleazar said: If one carries out a burden above ten [handbreadths from the street level], he is culpable, for thus was the carrying of the children of Kohath, Hence it must surely refer to throwing. and one is culpable only when it is below ten, but not when it is above ten; this proves that they differ in whether an object caught up is as at rest. This proves it.

Now, he [R. Hamnuna] differs from A. Eleazar. For R. Eleazar said: R. Akiba declared [him] culpable even when it is above ten; but as to what is stated, through the street itself,²² that is to teach you the extent²³ of the Rabbis' ['ruling].²⁴ Now he [R. Eliezer] differs from R. Hilkiyah b. Tobi, for R. Hilkiyah b. Tobi said: Within three [handbreadths from the ground], all agree that he is culpable;²⁵

above ten, all agree that he is not culpable; between three and ten, we come to the controversy of R. Akiba and the Rabbis. It was taught likewise: Within three, all agree that he is liable; above ten, It is [prohibited] only as a shebuth,²⁶ and if they are [both] his own grounds, it is permitted [at the very outset]; between three and ten, R. Akiba ruled [him] culpable, while the sages exempt him.

The Master said: 'And if they are [both] his own grounds, it is permitted.' Shall we say that this is a refutation of Rab? For it was stated: If there are two houses on the two [opposite] sides of a street, Rabbah son of R. Huna said in Rab's name: One may not throw [an object] from one to another; while Samuel ruled: It is permitted to throw from one to another!²⁷ — But did we not establish that law [as referring] e.g., to [the case] where one [house] is higher and one is lower, so that it [the object] may fall [into the street]²⁸ and he come to fetch it?

R. Hisda asked R. Hamnuna-others state, R. Hamnuna asked R. Hisda-How do we know this principle which the Rabbis stated, viz.: Whatever is [separated by] less than three [handbreadths] is as joined?²⁹ Said he to him, Because it is impossible for the street to be trimmed with a plane and shears.³⁰ If so, the same should apply to three also? Moreover, when we learnt: If one lets down walls from above to below,³¹ if they are three handbreadths high above the ground, it [the sukkah] is unfit,³² Hence if [they are] less than three it is fit:³³ what can be said?³⁴ -There the reason is that it is a partition through which goats can enter.³⁵ That is well [for] below; what can be said [for] above?³⁶ — Rather [the fact is] that whatever is [separated by] less than three [handbreadths] is regarded as joined is a law received on tradition. Our Rabbis taught: [If one throws³⁷ an article] from public to public ground, and private ground lies between: Rabbi holds him liable, but the sages exempt him — Rab and Samuel both assert: Rabbi imposed liability only in the case of covered-in private ground, when we say that the house is as though it were full, but not if it is uncovered,³⁸ R. Hana³⁹ said in Rab Judah's name in Samuel's name: Rabbi held him liable to two [sacrifices], one on account of carrying out and another on account of carrying in,⁴⁰ Now R. Hana sat [studying] and this presented a difficulty to him:⁴¹

(1) v. Glos. That which is so derived is regarded as explicitly stated.

(2) Rashi: R. Judah b. Bathyra did not receive this gezerah shawah on tradition from his teachers, and no analogy by gezerah shawah can be employed unless sanctioned by tradition. 'Aruch: R. Akiba did not learn it from his teachers, but inferred it himself.

(3) On the view of R. Judah b. Bathyra. For it is stated, but he died in his own sin, *ibid.*

(4) *Ibid.* XIV, 44.

(5) *Ibid.* Xli, 9 q.v.

(6) The plural definitely includes Aaron.

(7) Num. XXVII. 10.

(8) 'he turned' is understood to mean, he turned away from, i.e., he was freed.

(9) Lit., 'worthy'.

(10) Ex. IV, 1.

(11) Lit., 'revealed'.

(12) *Ibid.* 31.

(13) Gen. XV, 6.

(14) Num. XX, 12.

(15) Ex. IV, 6; he was smitten with leprosy, *Ibid.*

(16) It became leprous only when he took it out.

(17) *Ibid.* 7.

(18) I.e., before It was fully withdrawn.

(19) *Ibid.* VII, 12.

(20) Lit., 'a miracle within a miracle'. It first became a rod again, and as a rod it swallowed up their serpents.

(21) v, *supra* 4b for notes.

(22) Which implies below ten.

- (23) Lit., 'power'.
- (24) Even then they hold that he is not culpable.
- (25) because that is regarded as on the ground itself, and therefore at rest.
- (26) v. Glos. — The shebuth here is that he carries from his domain to his neighbour's, both being private ground.
- (27) Both houses must belong to the same person. for otherwise Samuel would certainly not permit it, V. 'Er., Sonc. ed., p. 593 notes.
- (28) For the houses not being on the same level, more skill is required to throw from one to the other.
- (29) Labud, v, Glos,
- (30) The ground cannot be perfectly levelled, and it must contain bumps of that height. Therefore everything within three handbreadths is regarded as joined to the ground.
- (31) The reference is to the walls of a sukkah (booth, v. Lev, XXIII. 42). He takes a wall, e.g.. of boards, lowers it, but not right down to the ground, and fastens it to something on top.
- (32) As the walls are incomplete.
- (33) For they are then regarded as touching the ground.
- (34) The sukkah not being in a public ground, the reason stated is inapplicable here.
- (35) Lit., 'cleave'. But they cannot squeeze through a gap less than three.
- (36) This principle of labud operates also where the gap is above; v. e.g.. 'Er, 16b, Suk. 7a; obviously these reasons do not hold good in that case.
- (37) so supra 4b.
- (38) V. notes on this passage supra 4b and 5,
- (39) Var. lec.: R. Hisda.
- (40) For during its journey it passes out of private into public ground, and enters from public into private ground.
- (41) In connection with what he had heard from Rab Judah,

Talmud - Mas. Shabbath 97b

shall we say that Rabbi holds one liable for a derivative [when performed] conjointly with its principal?¹ But surely it was taught. Rabbi said: Words [debarim], the words [ha-debarim], these [eleh] are the words: this indicates the thirty-nine labours stated to Moses at Sinai.² Said R. Joseph to him: You learn it³ in reference to this, and so find Rabbi self-contradictory; We learn it in reference to R. Judah[’s ruling]. and find no difficulty.⁴ For it was taught: [If one throws an article] from private to public ground, and it traverses four cubits over the public ground: R. Judah holds [him] liable, whereas the sages exempt [him]. [Whereon] Rab Judah said in Samuel's name: R. Judah holds [him] liable to two [sacrifices], one on account of transporting [from private ground] and a second on account of carrying over [public ground]. For if you think that he holds him liable to one [only]. it follows that the Rabbis exempt [him] completely: but surely he has carried it out from private to public ground? [But] how so? Perhaps I may tell you after all that R. Judah holds him liable to one [only]. and the Rabbis exempt [him] completely: yet [as to the question] how is that possible? it is where e.g.. he declared, 'Immediately on issuing into the street, let it come to rest ; and they differ in this: R. Judah holds: 'We say. An object caught up [in the air] is as at rest, and his intention is fulfilled; while the Rabbis hold, We do not say. An object caught up is as at rest, and his intention is not fulfilled;⁵ but for a derivative [performed] simultaneously with its principal R. Judah does not impose liability? You cannot think so, for it was taught: R. Judah adds the closing up of the web and the evening of the woof. Said they to him: Closing the web is included in stretching the threads, and evening [the woof] is included in weaving.⁶ Does that not mean that one performs both of them together. which proves that R. Judah imposed liability for a derivative [performed] simultaneously with its principal — Why so? perhaps it really means that each was performed separately. R. Judah not imposing liability for a derivative [performed] simultaneously with its principal, and they differ in this: R. Judah holds. These are principal labours; while the Rabbis hold, These are derivatives. The proof [of this assumption] is that it is stated, 'R. Judah adds etc.': now. it is well if you agree that they are principal labours [on his view, for then] what does he add? he adds principals; but if you say that they are derivatives, what does he add?⁷ It was stated likewise, Rabbah and R. Joseph both

maintain: R. Judah imposed liability only for one [sacrifice].

Rabina observed to R. Ashi: But on our original assumption that R. Judah held [him] liable to two, — if he desires it [to alight] here, he does not desire it [to alight] there, and vice versa?⁸ -Said he to him, It means that he declared, ‘Wherever it pleases, let it come to rest.’⁹

It is obvious that if one intends throwing [an object] eight [cubits] but throws [it] four, it is as though he wrote SHem [as part of] SHimeon.¹⁰ [But] what if one intends throwing [an object] four [cubits] but throws [it] eight: do we say, Surely he has carried it out¹¹ or perhaps it has surely not alighted where he desired? But is this not what Rabina observed to R. Ashi, and he answered him, It means that he said, ‘Wherever it pleases, let it come to rest’!¹² And as to what you say. It is the same as writing SHem [as part] of SHimeon: how compare? There, without writing SHem, SHimeon cannot be written;¹³ but here, without [intentionally] throwing [it] four, cannot one throw it eight?¹⁴

Our Rabbis taught: If one throws [an object] from public to public ground, and private ground lies between them: [if it traverses] four cubits [over public ground], he is culpable.¹⁵

(1) V. supra 96b.

(2) V. supra 70a. Now the only purpose of deducing the number is to show that his is the maximum number of sacrifices to which one can be liable; but if one is liable for derivatives in addition to the principal labours there can be far more.

(3) What you heard from Rab Judah.

(4) For we find nowhere that R. Judah exempts for a derivative performed conjointly with the principal.

(5) Hence he is not liable on its account.

(6) V. supra 75a.

(7) For only principals are enumerated there.

(8) In order to be liable to two it would be necessary that he should carry it out and deposit it in the street, then lift it up and carry it four cubits, and deposit it again. Now it may be argued that an object caught up in the air is as at rest, and therefore immediately it enters the street atmosphere it is as though it alights on the ground, and when it travels further it is as though it is taken up and carried again. But the thrower's intention is that it should come to rest at one place only, either as soon as it emerges into the street or after four cubits; in either case it cannot be regarded as though he deposited it, picked it up and deposited it again. Hence he can be liable for carrying it out only, but not for its passage in the street (v. Rashi and R. Han.).

(9) Then it is regarded as though it rested at both places in accordance with this intention,

(10) V. infra 103a and p. 336. n. 5. Hence here too he is liable.

(11) of its original spot and it has traversed the four cubits he desired, though it has gone further too,

(12) But otherwise he is not liable; so here too he should not be liable in either case unless he made such a declaration.

(13) Hence when one writes SHem he does so intentionally, though he also intends to add to it,

(14) Surely not! I.e., one need have no intention to throw it exactly four cubits in order to be able to throw it eight. (The difference is that when one writes SHem he has performed a labour, whereas when one throws an article, his action is incomplete until it comes to rest.)

(15) I.e., over the two public grounds combined.

Talmud - Mas. Shabbath 98a

less than four cubits, he is not culpable. What does this inform us? — This is what he informs us, that [similar] domains combine,¹ and we do not say, An object caught up [in the air] is as at rest.²

R. Samuel b. Judah said in R. Abba's name in R. Huna's name in the name of Rab: If one carries [an article] four cubits in covered public ground, he is liable, because it is not like the banners of the wilderness.³ But that is not so? for the waggons surely were covered,⁴ and yet Rab said in R. Hiyya's name: As for the waggons, beneath them, between them, and at their sides it was public ground?⁵ - Rab referred to the interspaces⁶ — Consider: what was the length of the waggons? Five cubits. What

was the breadth of the board? A cubit and a half. Then how many [rows] could be placed: three: thus leaving half a cubit, and when you divide it among them [the spaces] they are as joined!⁷ -Do you think that the boards lay on their width? they were laid on their thickness. Yet even so, what was the thickness of the board? One cubit. How many [rows] were [then] laid? Four, thus leaving a cubit, and when you divide it among them [the spaces] they are as joined!⁸ Now, on the view that the boards were one cubit thick at the bottom, but tapered to a fingerbreadth, it is well:⁹ but on the view that just as they were a cubit thick at the bottom, so at the top too, what can be said?-Said R. Kahana: (They were arranged] in clasped formation.¹⁰ Now, where were they placed: on the top of the waggon. But the waggon itself was covered?¹¹

(1) If it travels part of the ground; this does not agree with R. Jose supra 80a.

(2) For if we did, he would be culpable on account of carrying in from public to private ground, even if it does not travel four cubits over the latter.

(3) V. supra 5a.

(4) With the boards of the Tabernacle placed crosswise on top along their length.

(5) V. supra 99a. The width of the waggons was five cubits, and five cubits' space was allowed between them in the breadth, whilst the boards were ten cubits in length. Hence when placed crosswise on top of the waggons they projected two and a half cubits on both sides; thus the space between them was completely covered over, and yet he states that it was public ground.

(6) Between the rows of boards, which were not arranged close to each other.

(7) For there was only a quarter cubit one and a half handbreadths between the rows of boards, whereas a space less than three cubits is disregarded (v. supra 97a).

(8) For there are three spaces which give two handbreadths for each.

(9) As there would be more at the ends than three handbreadths' space between each.

(10) I.e., the four rows were not equidistant. but in two rows (as though clasped) at the head and at the tail of the waggon respectively, this leaving a cubit between them. This was necessary because each row contained three boards, which would give a height of four and a half cubits, and as the thickness was only one cubit they might otherwise topple over.

(11) It is assumed that the floor of the waggon was completely closed, like the floor, e.g., of a cement-carrying lorry. How then did Rab state that the space underneath the waggon too was public ground? [The translation follows Rashi's reading and interpretation. R. Han and Tosaf, adopt different readings both here and supra. 'Rab referred to the interspaces', and explain accordingly.]

Talmud - Mas. Shabbath 98b

— Said Samuel: [The bottom consisted] of laths. Our Rabbis taught: The boards were one cubit thick at the bottom, but tapered to a fingerbreadth at the top, for it is said, they shall be entire [thammim] unto the top thereof¹ whilst elsewhere it is said, [the waters . . .] ended [tammu] and were cut off;² this is R. Judah's view. R. Nehemiah said: Just as their thickness at the bottom, was a cubit, so at the top was their thickness a cubit, for it is said, 'and in like manner [they shall be entire]'. But surely 'thammim' is written? That [teaches] that they were to come whole,³ and not divided.⁴ And the other too, surely is written 'in like manner'?-That [teaches] that they were not to erect them irregularly.⁵ Now, on the view that just as they were a cubit thick at the bottom, so were they at the top, it is well: thus it is written, And from the hinder part of the tabernacle westward thou shalt make six boards, and two boards shalt thou make for the corners of the tabernacle:⁶ thus the breadth of these comes and fills in the thickness of those.⁷ But on the view that they were a cubit thick at the bottom, while they tapered at the top to a fingerbreadth, one receded and the other protruded?⁸ They were planed mountain-fashion.⁹ And the middle bar in the midst of the boards [shall pass through from end to end].¹⁰ A Tanna taught: It lay¹¹ there by a miracle.¹²

Moreover thou shalt make the tabernacle with ten curtains. The length of each curtain shall be eight and twenty cubits.¹³ Throw their length over the breadth of the Tabernacle; how much was it? twenty-eight cubits. Subtract ten for the roof, and this leaves nine cubits on each side. According to

R. Judah. the cubit of the sockets was left uncovered; according to R. Nehemiah, a cubit of the boards was uncovered [too].¹⁴ Cast their breadth over the length of the Tabernacle: how much was it? forty cubits.¹⁵ Subtract thirty for the roof,¹⁶ leaves ten. According to R. Judah the cubit of the sockets was covered; according to R. Nehemiah the cubit of the sockets was uncovered.

And thou shalt make curtains of goats' hair for a tent over the tabernacle: [eleven curtains shalt thou make them]. The length of each curtain Shall be be thirty cubits. [and the breadth of each curtain four cubits].¹⁷ Cast their length over the breadth of the Tabernacle; how much was it? Thirty. Subtract ten for the roof, which leaves ten [cubits] on each side. According to R. Judah the cubit of the sockets was covered; according to R. Nehemiah the cubit of the sockets was uncovered. It was taught likewise: And the cubit on one side, and the cubit of the other side of that which remaineth [in the length of the curtains of the tent]:¹⁸ this was to cover the cubit of the sockets: that is R. Judah's view. R. Nehemiah said: It was to cover the cubit of the boards.¹⁹ Cast their breadth over the length of the Tabernacle: how much was it? Forty-four [cubits]. Subtract thirty for the roof leaves fourteen. Subtract two for the doubling over, as it is written, and thou shalt double over the sixth curtain in the forefront of the tent,²⁰ leaves twelve. Now, according to R. Judah, it is well; thus it is written, the half curtain that remaineth shall hang;²¹ but according to R. Nehemiah, what is meant by [the half curtain . . .] shall hang?²² -It shall hang over its companions.²³ The School of R. Ishmael taught: What did the Tabernacle resemble? A woman who goes in the street and her skirts trail after her.²⁴

Our Rabbis taught: The boards were cut out and the sockets were grooved;²⁵

(1) Ex, XXVI. 24.

(2) Josh. III, 17.

(3) Translating thammim as in E.V.

(4) Each board was to be of one piece. not of two joined together (Rashi). Jast. translates: the boards were to be solid, not veneered.

(5) Lit.. 'they were not to remove them one from another'; but they were all to stand in the same row.

(6) Ex, XXVI, 22f.

(7) Since the Tabernacle was ten cubits in breadth, and these six boards accounted for nine only, the additional two boards, one at each side made up the deficiency, whilst the extra cubit left in each fitted exactly over the thickness of the board ranged along the length of the Tabernacle,

(8) Obviously these two side boards protruded at the top beyond the attenuated thickness of the boards ranged lengthwise. — 'one receded' refers to the latter.

(9) These two boards were wider at the bottom and narrower at the top so that their outward line resembled a mountain slope. 'Aruch reads: like a gusset (ki tariz).

(10) Ex. XXVI, 28.

(11) Lit.. 'stood'.

(12) It was one long straight bar which passed along the three walls; the necessary bending between the angles of the walls was miraculously done by itself.

(13) Ibid. If.

(14) The boards were fitted into sockets (v. 19) one cubit in height. Consequently if the thickness of the top was only one fingerbreadth, practically the whole length of the boards up to the socket was covered by the curtain; (the fingerbreadth and the slightly larger length of the hypotenuse being disregarded). But if the top too was one cubit in thickness. only eight cubits of the boards were covered.

(15) I.e., ten curtains each of four cubits in breadth. Ibid. 2.

(16) Which was the length of the Tabernacle, twenty boards each one and a half cubits broad,

(17) Ibid. 7f.

(18) Ibid. 13.

(19) Left uncovered by the first covering. v. supra.

(20) Ex. XXVI, 9.

(21) Since R. Judah requires only a fingerbreadth for the top thickness of the board, practically two cubits-i.e., half a

curtain hung, i.e., trailed on the floor.

(22) only one cubit was left over, the other being required for the thickness.

(23) Sc. the lower covering, beyond which the upper fell two cubits.

(24) On the ground. So did the Tabernacle's covering trail too.

(25) So that the former fitted into the latter.

Talmud - Mas. Shabbath 99a

also, the clasps in the loops¹ looked like stars [set] in the sky.

Our Rabbis taught: The lower curtains [were made] of blue [wool], purple [wool]. crimson thread and fine linen,² whilst the upper ones were of goats' [hair] manufacture; and greater wisdom [skill] is mentioned in connection with the upper than in connection with the lower. For whereas of the lower ones it is written, And all the women that were wise-hearted did spin with their hands;³ in reference to the upper ones it is written, And all the women whose heart stirred them up in wisdom spun the goats;⁴ and it was taught in R. Nehemiah's name: It was washed [direct] on the goats and spun on the goats.⁵

IF THERE ARE TWO BALCONIES, etc. Rab said in R. Hiyya's name: As for the waggons, beneath them, between them, and at their sides it was public ground. Abaye said: Between one waggon and another [as its side] there was [the space of] a full waggon. length. And how much was a waggon-length? five cubits. Why was it [this length] necessary: four and a half would have sufficed?⁶ — So that the boards should not press [against each other].⁷

Raba said: The sides of the waggon⁸ equalled the fit [internal] breadth of the waggon, and how much was the [internal] breadth of the waggon? Two cubits and a half.⁹ Why was this necessary: a cubit and a half would have sufficed?¹⁰ — In order that the boards should not jump about.¹¹ Then as to what we have as an established fact that the path [width] of public ground must be sixteen cubits: since we learn it from the Tabernacle,¹² surely [the public ground] of the Tabernacle was [only] fifteen?¹³ -There was an additional cubit where a Levite stood, so that if the boards slipped he would support them.

MISHNAH. AS FOR THE BANK OF A CISTERN,¹⁴ AND A ROCK, WHICH ARE TEN [HANDBREADTHS] HIGH AND FOUR IN BREADTH,¹⁵ IF ONE REMOVES [AUGHT] FROM THEM OR PLACES [AUGHT] UPON THEM, HIS IS CULPABLE;¹⁶ IF LESS THAN THIS, HE IS NOT CULPABLE.

GEMARA. Why state, THE BANK OF A CISTERN, AND A ROCK: let him [the Tanna] state, 'A cistern and a rock'?¹⁷ [Hence] this supports R. Johanan, who said: A cistern together with the bank thereof combine to [give a height of] ten [handbreadths].¹⁸ It was taught likewise: As for a cistern In public ground ten [handbreadths] deep and four broad [square]. We may not draw [water] from it on the Sabbath,¹⁹

(1) V. ibid. 10f,

(2) V. ibid. 1.

(3) Ibid. XXXV. 25.

(4) Ibid. 26.

(5) V. p. 355, n. 4.

(6) Either for three rows of boards lying on their breadth, which gives exactly four and a half cubits, or for four rows lying on their thickness, thus allowing an additional half cubit to cover the extra space needed for the bars.

(7) Rashi: if laid on their breadth. Tosaf: if laid on their thickness, the half cubit being insufficient both for the bars and for freedom of movement of the boards.

- (8) Which includes the thickness of the sides, the wheels which reached up alongside of them, and the space between the wheels and the sides.
- (9) So that the sides, as defined in n. 3, were one and a quarter each.
- (10) To permit the boards to be placed on their thickness inside the waggon down its length if necessary.
- (11) When placed on top, more than one and a quarter cubits should be necessary to support their length firmly.
- (12) All definitions in connection with work on the Sabbath are learnt thence.
- (13) Two waggons side by side, each five cubits in width and five cubits' space between them, the whole constituting a public pathway.
- (14) Formed by the earth dug of it.
- (15) I.e., four square on top.
- (16) Because the bank or stone is private ground (v. supra 6a), whilst the remover stands in public ground.
- (17) This would teach that anything either ten high or ten deep and four square is a private domain.
- (18) So that the cistern is counted as private ground.
- (19) Because the well is private ground whilst the drawer stands in the street.

Talmud - Mas. Shabbath 99b

unless a wall ten handbreadths high is made around it;¹ and one may not drink from it on the Sabbath unless he brings his head and the greater part of his body into it,² and a cistern and its bank combine to [give a height of] ten.

R. Mordecai asked Rabbah: What of a pillar in the street, ten high and four broad, and one throws [an article] and it alights upon it? Do We say, Surely the removal is [effected] in transgression and the depositing is [effected] in transgression;³ or perhaps since it comes from a place of non-liability⁴ it is not [a culpable action]? — Said he to him, This is [treated in] our Mishnah. He [then] went and asked it of R. Joseph: Said he to him, This is [treated in] our Mishnah. He went and asked it of Abaye, Said he to him, This is [treated in] our Mishnah. 'You all spit with each other's spittle,'⁵ cried he to them: Do you not hold thus, they replied. Surely we learnt, IF ONE REMOVES [AUGHT] FROM THEM OR PLACES [AUGHT] UPON THEM, HE IS CULPABLE.⁶ But perhaps our Mishnah treats of a needle? he suggested to them! — It is impossible even for a needle not to be slightly raised. — It [the rock] may have a projecting point,⁷ or it [the needle] may lie in a cleft.⁸ R. Misha said, R. Johanan propounded: What of a wall in a street, ten high but not four broad, surrounding a karmelith⁹ and converting it [thereby] into private ground,¹⁰ and one throws [an article] and it alights on the top of it? Do we say, Since it is not four broad it is a place of non-liability; or perhaps, since it converts it into private ground it is as though it were [all] filled up?¹¹ Said 'Ulla, [This may be solved] a fortiori: if it [the wall] serves as a partition for something else,¹² how much more so for itself!¹³ This was stated too: R. Hiyya b. Ashi said in Rab's name, and thus said R. Isaac in R. Johanan's name: In the case of a wall in the street ten high and not four broad, surrounding a karmelith and converting it into private ground, he who throws [an article] which alights thereon is culpable: if it serves as a partition for something- else, how much more so for itself. R. Johanan propounded: What of a pit nine [handbreadths deep] and one removes one segment from it and makes it up to ten;¹⁴ [do we say] the taking up of the object and the making of the partition come simultaneously, hence he is culpable; or is he not culpable? Now should you say, since the partition was not ten originally he is not liable: what of a pit ten [deep] and one lays the segment therein and [thus] diminishes it['s depth]? [Here] the depositing of the article and the removal of the partition come simultaneously: is he culpable or not? — You may solve it for him by his own [dictum]. For we learnt: if one throws [an article] four cubits on to a wall,-if above ten handbreadths, it is as though he throws it into the air; if below, it is as though he throws it on to the ground; and he who throws [an article] four cubits along the ground is culpable. Now we discussed this: surely it does not stay there? And R. Johanan answered: This refers to a juicy cake of figs.¹⁵ Yet why so? Surely it diminishes the four cubits?¹⁶ — There he does not render it as nought;¹⁷ here he does render it as nought.¹⁸

Raba propounded: What if one throws a board and it alights upon poles?¹⁹ What does he ask? [The law where] the depositing of the article and the constituting of the partition come simultaneously? [but] that is R. Johanan's [problem]!-When does Raba ask? e.g.. if he throws a board with an article on top of it: what [then]? [Do we say], Since they come simultaneously, it is like the depositing of the article and the making of a partition [at the same time];²⁰ or perhaps, since it is impossible for it [the article] not to be slightly raised and then alight,²¹ it is like the making of a partition and the [subsequent] depositing of an article?²² The question stands over.

Raba said: I am certain, water [lying] upon water, that is its [natural] rest; a nut upon water,

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- (1) For the drawer to stand in private ground.
 - (2) Cf. supra 11a bottom.
 - (3) I.e., the article is removed from public and deposited in private ground.
 - (4) v. supra 6a. The object must sail through the air above ten handbreadths in order for it to alight on the top of column of that height.
 - (5) Your opinions are all traceable to the same source.
 - (6) And in so doing he must lift the object to a height above ten.
 - (7) Part of the top may slope downward and thence project upward, and there the needle lies. In that case it is below ten, and even when picked up does not go above ten.
 - (8) Or groove, likewise below ten. — Thus in R. Mordecai's view the Mishnah does not solve his problem.
 - (9) v. Glos.
 - (10) V. infra 7a,
 - (11) Reaching to the top of the wall, so that the wall and the karmelith are one, the whole, including the wall, being private ground.
 - (12) Converting the karmelith into private ground.
 - (13) It is certainly private ground, just as the karmelith which it converts.
 - (14) [The segment was one handbreadth in thickness and by removing it the pit reaches the depth of ten handbreadths, which constitutes the legal height for the partition of a private domain.]
 - (15) V. supra 7b.
 - (16) For the thickness of the figs must be deducted. Nevertheless he is culpable, and the same reasoning applies to R. Johanan's second problem.
 - (17) When he throws the cake of figs on the wall, he does not mean it to become part thereof and cease to exist separately, as it were.
 - (18) For it becomes part of the wall. Hence the two cases are dissimilar.
 - (19) The poles are ten handbreadths high, but not four square, whilst the board is; thus as it rests on these poles it constitutes a private domain.
 - (20) Hence he is not liable. assuming this to be the solution of R. Johanan's problem.
 - (21) For it does not stick to the board; hence the board alights first and then this article.
 - (22) Therefore he is culpable.

Talmud - Mas. Shabbath 100a

that is not its [natural] rest. Raba propounded: If a nut [lies] in a vessel, and the vessel floats on water, what [is the law]? Do we regard the nut, and behold it is at rest; or do we regard the vessel, and behold it is not at rest? The question stands over. [In respect to] oil [floating] upon wine, R. Johanan b. Nuri and the Rabbis differ. For we learnt: If oil is floating upon wine, and a tebul yom touches the oil, he disqualifies the oil only. R. Johanan b. Nuri said: Both are attached to each other.¹

Abaye said: If a pit in the street [is] ten deep and eight broad, and² one throws a mat into it, he is culpable; but if he divides it with the mat,³ he is not culpable.⁴ Now according to Abaye. who is certain that the mat annuls the partition,⁵ a segment certainly annuls the partition;⁶ but according to

R. Johanan to whom a segment is a problem, a mat certainly does not annul the partition.⁷

Abaye also said: If a pit in the street, ten deep and four broad, [is] full of water and one throws [an object] therein, he is culpable; [but if it is] full of produce and one throws [an object] therein, he is not culpable. What is the reason? Water does not annul the partition,⁸ [whereas] produce does annul the partition. It was taught likewise: If one throws [an object] from the sea into a street, or from a street into the sea, he is not liable,⁹ R. Simeon said: If there is in the place where he throws [it a separate cavity] ten deep and four broad, he is liable.¹⁰

MISHNAH. IF ONE THROWS [AN ARTICLE] FOUR CUBITS ON TO A WALL ABOVE TEN HANDBREADTHS, IT IS AS THOUGH HE THROWS IT INTO THE AIR; IF BELOW, IT IS AS THOUGH IT THROWS IT ON TO THE GROUND, AND HE WHO THROWS [AN ARTICLE] FOUR CUBITS ALONG THE GROUND¹¹ IS CULPABLE.

GEMARA. But it does not stay there?-Said R. Johanan: We learnt of a juicy cake of figs.¹² Rab Judah said in Rab's name in the name of R. Hiyya: If one throws [an article] above ten [handbreadths] and it goes and alights in a cavity of any size, we come to a controversy of R. Meir and the Rabbis. According to R. Meir. who holds: We [imaginarily] hollow out to complete it, he is liable; according to the Rabbis who 'maintain, We do not hollow out to complete it, he is not liable.¹³ It was taught likewise: If one throws [an article] above ten and it goes and alights in a cavity of any size, R. Meir declares [him] culpable. whereas the Rabbis exempt [him].

Rab Judah said in Rab's name: If a [sloping] mound attains [a height of] ten [handbreadths] within [a distance of] four,¹⁴ and one throws [an object] and it alights on top of it, he is culpable. It was taught likewise: If an alley¹⁵ is level with within but becomes a slope towards the [main] street,¹⁶ or is level with the [main] street, but becomes a slope within,¹⁷ that alley requires neither a lath nor a beam.¹⁸ R. Hanina b. Gamaliel said: If a [sloping] mound attains [a height of] ten [handbreadths] within [a distance of] four, and one throws [an object] and it alights on top of it, he is culpable.

MISHNAH. IF ONE THROWS [AN OBJECT] WITHIN FOUR CUBITS BUT IT ROLLS BEYOND FOUR CUBITS, HE IS NOT CULPABLE; BEYOND FOUR CUBITS BUT IT ROLLS WITHIN FOUR CUBITS, HE IS CULPABLE.¹⁹

GEMARA. But it did not rest [beyond four cubits]?²⁰ -Said R. Johanan: Providing it rests [beyond four cubits] on something, whatever its size.²¹ It was taught likewise: If one throws [an article] beyond four cubits, but the wind drives it within, even if it carries it out again, he is not liable; if the wind holds it for a moment,²² even if it carries it in again, he is liable.

Raba said: [An article brought] within three [handbreadths] must, according to the Rabbis, rest upon something, however small.²³ Meremar sat and reported this statement. Said Rabina to Meremar:

(1) V. supra 5b for notes on the whole passage.

(2) I.e., eight by four-the pit of course is private ground.

(3) E.g., a stiff cane mat, which stands up vertically across the middle of the pit,

(4) The thickness of the mat leaves less than four square handbreadths on either side, so that neither is now private ground.

(5) As in the previous note.

(6) V. question asked by R. Johanan, supra 99b.

(7) For the mat does not become part of the pit; v. p. 477. n. 3.

(8) Hence the pit is private ground in spite of the water,

(9) The sea is a karmelith, supra 6a.

- (10) Since it stands apart from the rest of the sea. This cavity too is naturally filled with water; hence we see that water does not annul the partition.
- (11) Or, over the ground, within the height of ten handbreadths.
- (12) V. supra 7b for notes on this and the Mishnah.
- (13) v. supra 7b for notes.
- (14) This renders it too steep to be negotiated in one's ordinary stride, and the top is therefore counted as private ground.
- (15) This ranks as a karmelith, supra 6a.
- (16) Into which it debouches.
- (17) The ground on the inner side of the entrance is of the same level as the main street for a short distance, but then falls away.
- (18) To convert it into private ground (v. supra 9a), the slope itself being an effective partition.
- (19) In both cases it did not properly rest before the wind drove it back or forward.
- (20) Why is he culpable in the latter case?
- (21) Even not on the ground itself, and stays there momentarily. Rashi: The same holds good if the wind keeps it stationary for a moment within three handbreadths of the ground 'in the principle of labud (v. Glos.). [Wilna Gaon reads: Provided it rests for a little while.]
- (22) Beyond the four cubits.
- (23) The reference is to the Rabbis' view that an object caught up in the air is not regarded as at rest, in contrast to R. Akiba's ruling that it is as at rest (supra 97a). Raba states that the Rabbis hold thus even if the object comes within three handbreadths of the ground: it must actually alight upon something, otherwise it is not regarded as having been deposited.

Talmud - Mas. Shabbath 100b

Is this not [to be deduced from] our Mishnah, whereon R. Johanan commented. Providing it rests on something, whatever its size?¹ You speak of [a] rolling [object]. replied he; [a] rolling [object] is not destined to rest; but this, since it is destined to rest,² [I might argue that] though it did not come to rest, it is as though it had rested:³ therefore he informs us [that it is not so].

MISHNAH. IF ONE THROWS [AN OBJECT OVER A DISTANCE OF] FOUR CUBITS IN THE SEA, HE IS NOT LIABLE. IF THERE IS A WATER POOL. AND A PUBLIC ROAD TRAVERSES IT, AND ONE THROWS [AN OBJECT] FOUR CUBITS THEREIN. HE IS LIABLE. AND WHAT DEPTH CONSTITUTES A POOL? LESS THAN TEN HANDBREADTH³. IF THERE IS A POOL OF WATER AND A PUBLIC ROAD TRAVERSES IT, AND ONE THROWS [AN OBJECT] FOUR CUBITS THEREIN,⁴ HE IS LIABLE.

GEMARA. One of the Rabbis said to Raba, As for 'traversing [mentioned] twice, that is well, [as] it informs us this: [i] traversing with difficulty is designated traversing;⁵ [ii] use with difficulty is not designated use.⁶ But why [state] POOL twice? — One refers to summer, and the other to winter, and both are necessary. For if only one were stated, I would say: That is only in summer, when it is the practice of people to walk therein to cool themselves; but in winter [it is] not [so]. And if we were informed [this] of winter, [I would say that] because they are mudstained they do not object;⁷ but in summer [it is] not [so]. Abaye said, They are necessary: I might argue, That is only where it [the pool] is not four cubits [across]; but where it is four cubits [across], one goes round it.⁸ R. Ashi said; They are necessary: I might argue, That is only where it [the pool] is four [across];⁹ but where it is not four, one steps over it.¹⁰ Now, R. Ashi is consistent with his opinion. For R. Ashi said: If one throws [an object] and it alights on the junction of a landing bridge.¹¹ he is culpable, since many pass across it.¹²

MISHNAH. IF ONE THROWS [AN OBJECT] FROM THE SEA TO DRY LAND,¹³ OR FROM DRY LAND TO THE SEA, FROM THE SEA TO A SHIP¹⁴ OR FROM A SHIP TO THE SEA OR FROM ONE SHIP TO ANOTHER, HE IS NOT CULPABLE. IF SHIPS ARE TIED TOGETHER,

ONE MAY CARRY FROM ONE TO ANOTHER. IF THEY ARE NOT TIED TOGETHER, THOUGH LYING CLOSE [TO EACH OTHER], ONE MAY NOT CARRY FROM ONE TO ANOTHER.

GEMARA. It was stated: As for a ship. R. Huna said, A projection, whatever its size, is stuck out [over the side of the ship]. and [water] may then be drawn [from the sea]; R. Hisda and Rabbah son of R. Huna both maintain: One rigs up an enclosure¹⁵ four [handbreadths square] and draws [water].¹⁶ [Now], R. Huna said: A projection, whatever its size, is stuck out, and [water] may then be drawn; he holds that the karmelith is measured from the [sea-]bed. so that the air space is a place of non-liability'.¹⁷ Hence logically not even a projection is required.¹⁸ but [it is placed there] to serve as a distinguishing mark.¹⁹ R. Hisda and Rabbah son of R. Huna both maintain: One rigs up an enclosure four square and draws [water]': they hold that the karmelith is measured from the surface of the water, the water being [as] solid ground.²⁰ [Hence] if a place of four [square] is not set up. one transports [the water] from a karmelith to private ground.²¹

R. Nahman said to Rabbah b. Abbuha: But according to R. Huna, who said, 'A projection, whatever its size, is stuck out and [water] may then be drawn', — but sometimes these are not ten,²² and so one carries from a karmelith to private ground? — Said he to him: It is well known that a ship cannot travel in less than ten [handbreadths of water].²³ But it has a projecting point?²⁴ — Said R. Safra: Sounders precede it.²⁵

R. Nahman b. Isaac said to R. Hiyya b. Abin: But according to R. Hisda and Rabbah son of R. Huna, who maintain, 'One rigs up an enclosure four [square] and draws [water]'. — how could he throw out his waste water?²⁶ And should you answer that he throws it [likewise] through that same enclosure, — it is [surely] repulsive to him!²⁷ — He throws it against the sides of the ship.²⁸ But there is his force [behind it]?²⁹ They [the Sages] did not prohibit one's force in connection with a karmelith. And whence do you say this? Because it was taught: As for a ship. one may not carry [e.g.. water] from it into the sea or from the sea into it.

(1) Since he does not explain that the object came within three, it follows that even then it must alight on something.

(2) It is actually falling when intercepted within three handbreadths from the ground.

(3) Hence the thrower is culpable.

(4) I.e., it travels four cubits before it rests. That is also the meaning in the previous case.

(5) Hence the public road that passes through a pool counts as public ground, though one can only traverse it with difficulty.

(6) E.g., a pit in the street nine handbreadths deep. Though one can put objects therein, it is inconvenient, and therefore is not the same as a pillar of that height in the street upon which people temporarily place their burdens whilst pausing to rest, and which ranks as public ground (supra 8a). The deduction that such use is not designated use follows from the repetition of traversing, which intimates that only traversing with difficulty is regarded as such, but nothing else.

(7) To wade through a pool.

(8) Instead of wading through it; hence it is not public ground. Therefore it is stated twice, to show that this case too is included.

(9) Rashi adds cubits; but the masc. form ארבעה must refer to handbreadths. This reading is also more likely, as otherwise he would not say that if less than four one might step across it. — S. Strashun.

(10) And thus avoids it.

(11) Perhaps where the bridge joins the quay.

(12) Though many, on the other hand, step over it, it does not on that account cease to be ground publicly used, and the same applies above.

(13) Which is from a karmelith to public ground.

(14) I.e., from a karmelith to private ground.

(15) Lit., 'place'.

(16) I.e., an enclosure above the water is made, which renders the water immediately below technically private ground.

and through this the water is drawn.

(17) Only ten handbreadths above the ground rank as a karmelith, whilst the space above that is a place of non-liability (supra 7a). Hence everything above the surface of the sea, and even the sea itself above ten handbreadths from its bed, fall within the latter category.

(18) For one may certainly carry from a place of non-liability.

(19) That one may not carry from a real karmelith.

(20) The sea-bed and the sea count as one, as though the ground of the karmelith rose very high.

(21) Viz., the ship.

(22) Handbreadths from the sea-bed to its surface, so that the whole of the sea is a karmelith.

(23) By sefina a large ship is meant, not a small boat.

(24) Rashi: the ship has a projecting point (sc. a helm), and as that rises out of the water it is possible for it to sail into a draught of even less than ten handbreadths, and should water be drawn at this point one transports from a karmelith to private ground. Tosaf. and R. Han. (on the reading preserved in MS. M.): perhaps it (the sea-bed) has a projecting eminence just where the water is drawn, from the top of which there are less than ten handbreadths to the sea surface?

(25) Men who sound the depth of the water with long poles, and they take care to avoid such shallows.

(26) For it is forbidden to throw from a private ground (the ship) to a karmelith (the sea).

(27) To draw water subsequently through the same place.

(28) Whence it descends into the sea.

(29) Even if he does not throw it directly into the sea, he does so indirectly through the exercise of his force.

Talmud - Mas. Shabbath 101a

R. Judah said: If it is ten [handbreadths] deep [internally] but not ten high,¹ one may transport from it into the sea, but not from the sea into it. Why not from the sea into it: because we [thus] transport from a karmelith into private ground? Then from it into the sea, one also transports from private ground to a karmelith? Hence it must surely mean on its edge.² which proves that they do not forbid one's force in connection with a karmelith: this proves it.

R. Huna said: As for the canal boats of Mesene,³ we may carry in them only within [a distance of] four cubits.⁴ But we say this only if they lack [a breadth of] four [handbreadths] at less than three [from the bottom edge]; but if they have [a breadth of] four at less than three, we have no objection; or if they are filled with canes and bullrushes,⁵ we have no objection.⁶ R. Nahman demurred to this: But let us say, Stretch and bring the partitions down.⁷ Was it not taught, R. Jose son of R. Judah said: If one plants a rod in the street, at the top of which is a basket, and throws [an article] and it comes to rest upon it, he is liable: this proves that we say, Stretch and bring the partitions down,⁸ so here too let us say, Stretch and bring the partition down? R. Joseph demurred to this, Yet did they not hear what was said by Rab Judah in Rab's name, which some trace to R. Hiyya: And it was taught thereon, But the Sages exempt [him]?⁹ Said Abaye to him: And do you not hold thus? But it was taught: If a pillar in the street [is] ten [handbreadths] high and four broad, but its base is not four, and this narrow portion is three [in height],¹⁰ and one throws [an article] and it alights upon it, he is liable: this proves that we say, Stretch and bring the partitions down;¹¹ so here too, stretch and bring the partition down. Hence [Abaye continues].¹² this is surely [not] an argument; there¹³ it is partition through which goats can pass;¹⁴ but here¹⁵ they are partitions through which goats cannot pass.¹⁶ R. Aha son of R. Aha said to R. Ashi: But in the case of a ship too, there is the passing through of fish? The passing through of fish is not designated passing through, he replied. And whence do you say this? For R. Tabla asked Rab: Can a suspended partition make a ruin permissible [for carrying therein]?¹⁷ And he answered him: A suspended partition makes [something] permissible only

(1) From the edge of the water.

(2) In the latter case the water is not poured directly into the sea but on to the ship's edge. whence it descends into the sea.

(3) V. p, 174. n. 8.

- (4) So MS.M. These boats are very narrow and taper to a knife edge in the water. Being thus less than four handbreadths wide at the bottom they do not count as private ground (v. supra 6a), and therefore one may not carry in them.
- (5) Up to the height where they have a breadth of four.
- (6) Providing in both cases that they are ten high above the level which gives the breadth of four.
- (7) I.e., adopt the legal fiction that the sides of the boat drop vertically down to the water, which gives the necessary breadth to make it rank as private ground.
- (8) For only if we assume imaginary partitions descending from the sides of the basket, which is not ten handbreadths deep itself have we the necessary conditions for culpability.
- (9) Which proves that the majority reject this legal fiction.
- (10) So that the principle of being accounted as joined to the ground from the level which gives a breadth of four does not operate.
- (11) Otherwise the base would be disregarded, and the sides above would count as partitions suspended in the air, which cannot form a private domain.
- (12) R. Joseph's question.
- (13) In the case of the basket set on top of a rod.
- (14) I.e., even if one adopts that fiction, such imaginary partitions cannot keep goats out! and that is the legal test of a barrier; therefore the Rabbis exempt him.
- (15) In the case of the boat.
- (16) Being in the water.
- (17) E.g. the ruins of a hut which has part of a wall hanging from the roof: does this wall make it as though enclosed, so that it ranks as a private domain?

Talmud - Mas. Shabbath 101b

in water, this being a leniency which the Rabbis permitted in connection with water. But why so: surely there is the passing through of fish? Hence infer from this that the passing through of fish is not designated passing through.

IF SHIPS ARE TIED TOGETHER, etc. This is obvious?—Said Raba. This is necessary only to permit [carrying via] a small boat [lying] between them.¹ Said R. Safra to him, By Moses!² do you say right? We learnt, ONE MAY CARRY FROM ONE TO ANOTHER!³—Rather said R. Safra. It is necessary only to [teach that one may] combine them⁴ and carry from one to another, and as it was taught: If ships are tied to each other, one may combine them and carry from one to another. If they are separated, they become prohibited. If they are rejoined, whether in ignorance⁵ or wilfully, accidentally or erroneously,⁶ they revert to their original permitted condition. Likewise, if mats are spread [i.e.. hung up].⁷ one may combine them and carry from one to another. If they are rolled up, they become prohibited. If they are respread,⁸ whether in ignorance or wilfully, accidentally or erroneously, they revert to their original permitted condition. For every partition that is made on the Sabbath, whether ignorantly or wilfully, is designated a partition, But that is not so? For did not R. Nahman say: They learnt this only in respect of throwing,⁹ yet it is forbidden to carry [therein]?¹⁰ — R. Nahman's [dictum] was stated in reference to wilful [erection].¹¹

Samuel said: Even if they are tied by a cloak ribbon. How is that: if it can hold them together, it is obvious? If it cannot hold them together, why [does it suffice]? — In truth, it is one that can hold them together, but Samuel comes to discount his own [dictum]. For we learnt: If one ties it [a ship]¹² with something that holds it still, it brings defilement to it; with something that does not hold it still, it does not bring defilement to it. Whereon Samuel observed: Providing that it is fastened with iron chains.¹³ Now, it is only with respect to defilement where it is written, one that it slain with a sword,¹⁴ [teaching.] the sword is like the slain,¹⁵ that that [Samuel's dictum] is so. But with respect to the Sabbath, since it can hold it still, even [if it be] with the ribbon of a cloak, [it is sufficient].

(1) The larger ships being fastened to the opposite sides of the boat,

- (2) Or, Scholar, great as Moses!
- (3) Not via a third.
- (4) By means of an 'erub (q.v. Glos.), if they belong to different owners.
- (5) Either of the fact that it is the Sabbath, or that this is interdicted on the Sabbath.
- (6) While engaged in fastening something else one tied the boats instead.
- (7) Forming tents, all belonging to separate owners.
- (8) On the Sabbath.
- (9) The space enclosed by partitions erected on the Sabbath is private ground only in so far that throwing an object therein from public ground is a culpable offence.
- (10) By Rabbinical law.
- (11) In which case the Rabbis have imposed the interdict as penalty.
- (12) If it is a ship that can be defiled (v. supra 83b).
- (13) Rashi: If a ship is moored by a chain to a wharf where a corpse is lying and touching the chain. Tosaf. explains the passage quite differently but with emendation of the text.
- (14) Num. XIX, 16.
- (15) I.e.. metal that touches a corpse has the same degree of uncleanness as the corpse itself (v. Pes. 14b). and therefore the chain defiles the ship.

Talmud - Mas. Shabbath 102a

MISHNAH. IF ONE THROWS [AN ARTICLE] AND RECALLS [THAT IT IS THE SABBATH] AFTER IT LEAVES HIS HAND, AND ANOTHER CATCHES IT,¹ OR A DOG CATCHES IT. OR IT IS BURNT, HE IS NOT LIABLE.² IF ONE THROWS [AN ARTICLE] IN ORDER TO INFLICT A WOUND. WHETHER IN MAN OR IN BEAST, AND HE RECALLS [THAT IT IS THE SABBATH] BEFORE THE WOUND IS INFLICTED. HE IS NOT LIABLE THIS IS THE GENERAL PRINCIPLE: ALL WHO ARE LIABLE TO SIN-OFFERINGS ARE LIABLE ONLY IF THE BEGINNING AND THE END [OF THE FORBIDDEN ACTION] ARE UNWITTING. IF THEIR BEGINNING IS UNWITTING WHILE THEIR END IS WILFUL, IF THEIR BEGINNING IS WILFUL WHILE THEIR END IS UNWITTING. THEY ARE NOT LIABLE, UNLESS THEIR BEGINNING AND END ARE UNWITTING.

GEMARA. Hence if it alighted. he is liable:³ But surely he did not remind himself, and we learnt, ALL WHO ARE LIABLE TO SIN-OFFERINGS ARE LIABLE ONLY IF THE BEGINNING AND THE END [OF THE FORBIDDEN ACTION] ARE UNWITTING? Said R. Kahana: The last clause is applicable to a bolt and a cord.⁴ [You say.] 'A bolt and a cord'! But is not its tie in his hand?⁵ -It means, e.g., that he intended to inflict a wound. But this too we learnt:⁶ IF ONE THROWS [AN ARTICLE] IN ORDER TO INFLICT A WOUND, WHETHER IN MAN OR IN BEAST, AND HE RECALLS [THAT IT IS THE SABBATH] BEFORE THE WOUND IS INFLICTED, HE IS NOT LIABLE?-Rather said Raba: It refers to one who carries.⁷ But the statement, THIS IS THE GENERAL PRINCIPLE, is stated with reference to throwing? Rather said Raba: Two [contingencies] are taught. [Thus:] IF ONE THROWS [AN ARTICLE] AND RECALLS [that it is the Sabbath] after it leaves his hand, or even if he does not recall [it], but ANOTHER CATCHES IT, OR A DOG CATCHES IT, OR IT IS BURNT, HE IS NOT LIABLE'- R. Ashi said: It [the Mishnah] is defective, and teaches this: 'IF ONE THROWS [AN ARTICLE] AND RECALLS [THAT IT IS THE SABBATH] AFTER IT LEAVES HIS HAND, AND ANOTHER CATCHES IT, OR A DOG CATCHES IT, OR IT IS BURNT, HE IS NOT LIABLE.'⁸ But if it alights, he is liable. That, however, is said only if he forgot again;⁹ but if he did not forget again, he is not liable, because ALL WHO ARE LIABLE TO SIN-OFFERINGS ARE LIABLE ONLY IF THE BEGINNING AND THE END [OF THE FORBIDDEN ACTION] ARE UNWITTING'.

THIS IS THE GENERAL PRINCIPLE: ALL WHO ARE LIABLE TO SIN-OFFERINGS. etc. It was stated: [If the object travels] two cubits unwittingly, two cubits deliberately, and two cubits

unwittingly.¹⁰ — Rabbah ruled, He [the thrower] is not liable; Raba said: He is liable. ‘Rabbah ruled, He is not liable’: even according to R. Gamaliel, who maintained, Knowledge in respect of half the standard is of no consequence,¹¹ that is [only] there, because when he completes the standard, he completes it unwittingly, but here that [he completes it] wilfully, it is not so. But to what [does this refer]? If to one who throws, [surely] he is an unwitting offender?¹² -Rather it must refer to one who carries. ‘Raba said, He is liable’: even according to the Rabbis, who maintained, Knowledge in respect of half the standard is of consequence: that is [only] there, because it is in his power,¹³ but here that it is not in his power, it is not so. But to what [does this refer]? If to one who carries, surely it is in his power? Rather it must refer to one who throws.¹⁴

Raba said: If one throws [an article] and it falls into the mouth of a dog or a furnace, he is culpable. But we learnt, AND ANOTHER CATCHES IT, OR A DOG CATCHES IT, OR IT IS BURNT, HE IS NOT LIABLE? — There that is not his intention; here this is his intention. R. Bibi b. Abaye said, We too have learnt [thus]: A person may eat once, and be liable to four sin-offerings and one guilt-offering on account thereof, [viz.:] All unclean person who eats heleb, which is nothar¹⁵ of sacred food [sacrifices] on the Day of Atonement.¹⁶ R. Meir said: If in addition it is the Sabbath, and he carries it out in his mouth, he is liable.¹⁷ Said they to him, That does not fall under this designation.¹⁸ Yet why so? Surely this is not the normal way of carrying out?¹⁹ But [what you must say is.] since he intends it this, his design renders it [his mouth) the [right] place,²⁰ so here too, since he intends [it this].²¹ his design renders it [the mouth of the dog or of the furnace] a place [for depositing] [

(1) Before it falls to the ground.

(2) The exact meaning is discussed infra.

(3) This assumes that the Mishnah means, AND RECALLS, and, ANOTHER CATCHES, etc.

(4) Tied together. I.e., the second clause can refer only to one who throws a bolt whilst retaining the cord in his hand. If he recollects before it reaches the ground, he can pull it back; hence if he does not pull it back the end (sc. its alighting) is deliberate. But if the article has left his hand entirely and he cannot prevent its falling, the end too is regarded as unwitting, whether he recollects or not.

(5) That is not throwing at all.

(6) Rashi reads: But we learnt this explicitly why then intimate it in the general principle?

(7) Sc. the last clause: if he recollects, he can stop before he has traversed four cubits.

(8) This is all one, not as Raba interprets it.

(9) Before it alighted.

(10) The thrower or carrier (v. infra to which this actually refers) was unaware of the Sabbath (or that throwing is prohibited) during the first two cubits of its passage, recollected for the next two, and forgot again for the last two. — Of course, this is a most unlikely hypothesis almost impossible in fact. Many similar unlikely contingencies are discussed in the Talmud, and their purpose is to establish the principles by which they are governed and which may then be applied to normal possibilities.

(11) Cf. p. 341. n. 8. Here too’ two cubits is half the standard.

(12) Even if he recollects, since it has left his hand and he cannot bring it back.

(13) Not to complete the action.

(14) Thus there is no controversy, each referring to a different case.

(15) For heleb and nothar v. Glos.

(16) He is liable to separate sin-offering because he has violated the interdicts of heleb, nothar, eating on the Day of Atonement, and the prohibition against an unclean person’s consumption of sacred food. Again, since the heleb of a sacrifice belongs to the altar, he is liable to a guilt-offering for trespass.

(17) On account of carrying.

(18) Sc. eating, for this liability is on account of carrying, not of eating; v. Ker. 13b.

(19) One is not liable for performing an action in an abnormal manner.

(20) For holding the food in to carry it out. R. Han.: his design renders his mouth the equivalent of a place four handbreadths square, whence and whither removal and depositing can take place.

(21) Sc. that the dog should catch it, etc.

Talmud - Mas. Shabbath 102b

CHAPTER XII

MISHNAH. IF ONE BUILDS HOW MUCH MUST HE BUILD TO BE CULPABLE? he WHO BUILDS HOWEVER LITTLE, AND HE WHO CHISELS, AND HE WHO STRIKES WITH A HAMMER OR WITH AN ADZE, AND HE WHO BORES [A HOLE], HOWEVER LITTLE,¹ IS CULPABLE. THIS IS THE GENERAL PRINCIPLE: WHOEVER DOES WORK ON THE SABBATH AND HIS WORK ENDURES,² IS CULPABLE. R. SIMEON B. GAMALIEL SAID: HE TOO IS CULPABLE WHO BEATS WITH THE SLEDGE HAMMER ON THE ANVIL AT THE TIME OF HIS WORK, BECAUSE HE IS AS ONE WHO IMPROVES HIS WORK.³

GEMARA. 'HOWEVER LITTLE'-what is that fit for?-Said R. Jeremiah: Because a poor man digs a hole to hide his perutoth therein.⁴ Similarly in connection with the Tabernacle such a labour was performed because those who sewed the curtain dug holes to put away their needles therein. Said Abaye. Since they would rust, they would not do so! Rather [say]: because a poor man makes the feet of a small stove to place a pot upon it. Similarly in connection with the Tabernacle, [such a labor was performed] because those who boiled the dyes for dyeing the curtains, when their materials [the finished dyes] were insufficient, they made the feet of a small stove to place a small kettle upon it. Said R. Aha b. Jacob: There is no poverty in the place of wealth.⁵ Rather [say] because a householder who finds a hole in his dwelling closes it up. Similarly in connection with the Tabernacle, [such a labour was performed] because when a board was attacked by wood-worms, one dropped molten lead into it and closed it.⁶

Samuel said: He who arranges a building stone⁷ is culpable.⁸ An objection is raised: If one places the stone and another the mortar, he who places the mortar is culpable?⁹ — But according to your view, consider the second clause: R. Jose said:¹⁰ Even if one lifts up [the stone] and sets [it] on the row of stones, he is liable? Rather [the fact is that] there are three modes of building, [viz., in connection with] the lower, the middle, and the upper [rows]. The lower requires arranging in place and [filling] earth [around it];¹¹ the middle¹² requires mortar too; whilst the top merely [requires] placing.¹³

AND HE WHO CHISELS. On what score is a chiseller culpable? — Rab said: On the score of building: while Samuel said: On the score of beating with a hammer.¹⁴ If one makes a hole in a hencoop,¹⁵ — Rab said: [He is culpable] on account of building; while Samuel said: On account of beating with a hammer. If one inserts a pin through the eyelet of a spade,¹⁶ -Rab said: [He is liable] on account of building; while Samuel said: On account of beating with a hammer. Now, these are [all] necessary. For if we were informed of the first, [I would argue]: in that case Rab rules [so], because such is a mode of building;¹⁷ but if one makes a hole in a hen-coop, seeing that this is not a mode of building, I would maintain that he agrees with Samuel. And if we were informed of this [latter one only],-here does Rab rule [thus], because it is similar to a building, since it is made for ventilation; but [as for inserting] a pin through the eyelet of a spade, which is not a mode of building, I would say that he agrees with Samuel. And if we were told of this [latter one], only here does Samuel rule [thus], but in the former two I would maintain that he agrees with Samuel:¹⁸ [hence] they are necessary.

R. Nathan b. Oshaia asked R. Johanan: On what grounds is a chiseller culpable? He intimated to him with his hand, On account of beating with a hammer. But we learnt, HE WHO CHISELS AND HE WHO BEATS WITH A HAMMER?- Say,' HE WHO CHISELS, WHO BEATS WITH A HAMMER'¹⁹ Come and hear:

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- (1) 'However little' applies to all the foregoing labours.
 - (2) I.e., it is not necessary to add thereto, which on occasion may be complete in itself
 - (3) This is explained in the Gemara.
 - (4) Perutah. pl. perutoth, a very small coin. Thus we find an instance of very little building, and therefore this sets the standard. Money was hidden in the earth. Cf. B.M. 42a: 'Money can only be guarded by placing it in the earth'; Josephus. Wars, V. 7. 2: 'which the owners have treasured up underground against the uncertain fortunes of war'. (5) The labors performed there being the basis for the principal Sabbath labours, v. supra 73a.
 - (5) This would never be necessary there, for everything was prepared in large quantities.
 - (6) All these are instances of building.
 - (7) Shifting the stone about on the ground until it is in the right spot.
 - (8) For building, even if no mortar is used.
 - (9) But not the former, which contradicts Samuel.
 - (10) Tosaf. omits 'R. Jose said', and Wilna Gaon makes a somewhat similar emendation.
 - (11) But no mortar, and Samuel refers to this.
 - (12) This means all the rows between the bottom and the top rows.
 - (13) Without the meticulous care needed for the bottom row, since nothing was to go upon it.
 - (14) This being the completion of the work, v. supra 75b.
 - (15) For ventilation, etc.
 - (16) Rashi: the pin passed through the handle and made it fast to the blade.
 - (17) Chiselling a stone to smooth it is an essential part of building.
 - (18) By reversing the former argument.
 - (19) The latter being explanatory of the former.

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HE WHO BORES A HOLE, HOWEVER LITTLE, IS CULPABLE. As for Rab, it is well: it looks like boring a hole for a building. But according to Samuel,¹ [surely] this is not a completion of work?² — The meaning here is that he pierces it with an iron pick and leaves it therein, so that that is the completion of its work. THIS IS THE GENERAL PRINCIPLE. What does THIS IS THE GENERAL PRINCIPLE add?³ -It adds the case of hollowing out a kapiza in a kab measure.⁴

R. SIMEON B. GAMALIEL SAID: HE TOO IS CULPABLE WHO BEATS WITH THE SLEDGE-HAMMER ON THE ANVIL, etc. What does he do?⁵ -Rabbah and R. Joseph both say: Because he trains his hand. The sons of Rahabah found this difficult: if so, if one sees a labour [being performed] on the Sabbath he really culpable?⁶ — But Abaye and Raba both say: Because those who beat out the [metal] plates of the Tabernacle⁷ did thus.⁸ It was taught likewise: R. Simeon b. Gamaliel said: Also he who beats with the sledge-hammer on the anvil at the time of his work is culpable, because those who beat out the [metal] plates of the Tabernacle did thus.

MISHNAH. HE WHO PLOUGHS, HOWEVER LITTLE, HE WHO WEEDS AND HE WHO TRIMS [TREES],⁹ AND HE WHO CUTS OFF YOUNG SHOOTS, HOWEVER LITTLE, IS CULPABLE. HE WHO GATHERS TIMBER: IF IN ORDER TO EFFECT AN IMPROVEMENT,¹⁰ [THE STANDARD OF CULPABILITY IS] HOWEVER LITTLE; IF FOR FUEL, AS MUCH AS IS REQUIRED FOR BOILING A LIGHT EGG. IF ONE COLLECTS GRASS, IF TO EFFECT AN IMPROVEMENT, [THE STANDARD OF CULPABILITY IS] HOWEVER LITTLE; IF FOR AN ANIMAL[‘S FODDER], A KID'S MOUTHFUL.

GEMARA. What is it fit for?¹¹ -It is fit for [planting] the seeds of a pumpkin.¹² Similarly in respect to the Tabernacle, [such a labour was performed] because it is fit for one stalk of [vegetable] dyes.

HE WHO WEEDS AND HE WHO TRIMS [TREES] AND HE WHO CUTS OFF YOUNG SHOOTS. Our Rabbis taught: He who plucks endives and he who cuts greens [shoots],¹³ if for [human] consumption, [the standard of culpability is] the size of a dried fig; is for animal [food], a kid's mouthful; if for fuel, as much as is required for boiling a light egg; if in order to improve the soil,¹⁴ however little. Are not all in order to improve the soil?¹⁵ Rabbah and R. Joseph both say: They [the Sages] learnt this of an uncleared field.¹⁶ Abaye said: You may even say [that they spoke] of a field that is not uncleared, but in a case where he has no intention.¹⁷ But surely Abaye and Raba both said, R. Simeon admits in a case of, 'cut off his head but let him not die'?¹⁸ This holds good only when he works in his neighbour's field.¹⁹

MISHNAH. HE WHO WRITES TWO LETTERS, WHETHER WITH HIS RIGHT OR WITH HIS LEFT HAND, OF THE SAME DESIGNATION OR OF TWO DESIGNATIONS²⁰ OR IN TWO PIGMENTS,²¹ IN ANY LANGUAGE, IS CULPABLE. SAID R. JOSE: THEY DECLARED ONE CULPABLE [FOR WRITING] TWO LETTERS ONLY BECAUSE [HE MAKES] A MARK, BECAUSE THUS DID THEY WRITE ON EACH BOARD OF THE TABERNACLE, TO KNOW WHICH WAS ITS COMPANION.²² R. JUDAH SAID: WE FIND A SHORT NAME [FORMING PART] OF A LONG NAME: SHEM AS PART OF SHime'on OR SHemuel, Noah AS PART OF Nahor, Dan AS PART OF Daniel, Gad AS PART OF Gaddi'el.²³

GEMARA. As for his being culpable on account of his right hand, that is well, since that is the [usual] way of writing; but why on account of his left hand, seeing that it is not the [usual] way of writing?—Said R. Jeremiah, They learnt this of a left-handed person. Then let his left hand be as the right hand of all [other] people, and so let him be liable on account of his left, but not his right hand? — Rather said Abaye: [They learned this] of one who can use both hands. R. Jacob the son of Jacob's daughter²⁴ said: The author of this is R. Jose, who said: THEY DECLARED ONE CULPABLE [FOR WRITING] TWO LETTERS ONLY BECAUSE [HE MAKES] A MARK.²⁵ But since the second clause is R. Jose['s], the first clause is not R. Jose? — The whole is R. Jose.

R. JUDAH SAID: WE FIND, [etc.] Then according to R. Judah, one is culpable only on account of two letters of two designations,²⁶ but not two letters of the same designation? But surely it was taught: [If a soul shall sin unwittingly against any of the commandments of the Lord concerning things which ought not to be done,] and shall do of one [of them]:²⁷ I might think that one must write the whole noun or weave a whole garment or make a whole sieve [before he is guilty]; hence 'of one' is stated. If 'of one', I might think that even if one writes only one letter or weaves a single thread or makes only one mesh of a sieve, [he is culpable];

(1) Who holds that boring a hole is not building.

(2) For the hole must be filled up subsequently.

(3) It is a rule that this phrase always adds something not explicitly mentioned.

(4) The kapiza was a small measure, less than a kab. If one hollows out a kapiza in a block of wood that is large enough for a kab, one might think that this labour is incomplete for he will probably enlarge it subsequently to a kab. Therefore the general principle is stated to teach that this is a complete labour. On the size of a kapiza v. J.E. XII, 488 I; and 489 Table.

(5) How does this constitute a labour? (8) Merely by watching.

(6) Surely not.

(7) For covering the altar.

(8) They beat the anvil occasionally, that it might present a smooth surface for the metal plates.

(9) By lopping off dead branches, etc.

(10) E.g., he cuts off branches or twigs to allow of a more vigorous growth.

(11) Sc. ploughing very little.

(12) 'Ar. and MS.M.: as a cavity for a pumpkin.

(13) When very young these are fit for human consumption; a little later they are only fit for animals, and still later,

when more hardened, they are used as fuel.

(14) To leave room for expansion for the other plants.

(15) That is their effect, whatever the intention.

(16) Where the improvement is unnecessary.

(17) Of improving the soil.

(18) v. 75a. This too is inevitable.

(19) Since he has no interest in his neighbour's field, the inevitable improvement is disregarded.

(20) I.e., the same letter twice or two different letters.

(21) E.g., one letter in black and one in red.

(22) So that when the Tabernacle was dismantled and subsequently re-erected. the boards should remain in the same order as before. Therefore if one makes any two marks, not particularly letters, he is guilty in R. Jose's view.

(23) If one commences writing long names, but writes only part thereof, which forms a complete name in itself, he is liable. The actual transliteration is employed here and in the Gemara below, to show the exact letters referred to.

(24) Rashi in 'Er. 8 states that the father was an unworthy person, and so he is not mentioned.

(25) Even a right-handed person can do that quite easily with his left.

(26) I.e., two different letters, since he does not give an example of two identical letters, e.g., SHesh as part of SHishak.

(27) Lev. IV, 2; lit. translation. In a way, 'of' and 'one' are contradictory. since 'of' denotes a portion of an act, whereas 'one' implies a complete act. This is discussed here, the various views put forward really being attempts to harmonize the two.

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therefore 'one' is stated. How is this [to be reconciled]? One is liable only if he writes a short noun [as part] of a long noun: SHem as part of SHime'on or SHemu'el, Noah as part of Nahor, Dan as part of Dani'el, Gad as part of Gaddi'el.¹ R. Judah said: Even if one writes two letters of the same designation, he is liable: e.g., SHesh, Teth, Rar, Gag, Hah.² Said R. Jose: Is he then guilty on account of writing? Surely he is guilty only on account of [making] a mark, because marks were made on [each of] the boards of the Tabernacle to know which was its companion Therefore if one draws one line across two boards, or two lines on one board, he is culpable. R. Simeon said: 'And shall do one': I might think that one must write the whole noun or weave a complete garment or make a whole sieve [before he is liable]; therefore it is written, 'of one'. If of one, I might think that even if one writes one letter only, or weaves one thread only, or makes one mesh only in a sieve, [he is guilty]: therefore 'one' is stated. How is this [to be reconciled]? One is liable only when he performs an action the like of which stands [on its own].³ R. Jose said: 'And shall do one, and shall to them': sometimes one sacrifice is incurred for all of them, at others one is liable for each separately.⁴ Now it is incidentally taught, R. Judah said: Even if one only writes two letters of the same designation, he is liable?-There is no difficulty: one is his own [view], the other is his teacher's. For it was taught: R. Judah said in R. Gamaliel's name: Even if one only writes two letters of the same designation, he is liable, e.g., SHesh, Teth, Rar, Gag, Hah.

Now R. Simeon, is he not identical with the first Tanna? And should you answer, they differ in respect of the a'a of a'azzereka:⁵ the first Tanna holding, [for writing] the a'a of a'azzereka one is not liable:⁶ while R. Simeon holds, Since it is contained in charms in general,⁷ he is culpable, — shall we then say that R. Simeon is more stringent? Surely it was taught: He who bores, however little,⁸ he who scrapes,⁹ however little, he who tans, however little, he who draws a figure on a vessel, however little, [is culpable]. R. Simeon said: [He is not culpable] unless he bores right through or scrapes the whole of it [the skin] or tans the whole of it or draws the whole of it!¹⁰ Rather R. Simeon comes to teach us this: [one is not guilty] unless he writes the whole word. But can you say so? Surely it was taught, R. Simeon said: 'And shall do one': you might think that one must write the whole word; therefore 'of one' is stated?-Answer and say thus: You might think that one must write a complete sentence, therefore 'of one' is stated.

R. Jose said: 'And shall do one, and shall do them': sometimes one sacrifice is incurred for all of them, at others one is liable for each separately. Said R. Jose son of R. Hanina, What is R. Jose's reason? 'One', 'of one', 'them', 'of them': [this implies] one may be the equivalent of many, and many may equal one. 'one', [i.e.,] SHime'on; 'of one', [i.e.,] SHem [as part] of SHime'on; 'them' [i.e.,] the principal labours; 'of them':, the derivative labours. 'One is the equivalent of many' — awareness of the Sabbath coupled with unawareness of [the forbidden nature of his] labours. 'Many may equal one' unawareness of the Sabbath coupled with awareness [of the forbidden nature of his] labours.¹¹

R. JUDAH SAID: WE FIND A SHORT NAME [FORMING PART] OF A LONG NAME. Are they then similar: the mem of SHem is closed, whereas that of SHime'on is open?¹² -Said R. Hisda: This proves that if a closed [mem] is written open,¹³ it is valid.¹⁴ An objection is raised: U-kethabtam:¹⁵ it must be kethibah tammah [perfect writing];¹⁶ thus one must not write the alef as an 'ayyin, the 'ayyin as an alef, the beth as a kaf, or the kaf as a beth, the gimmel as a zadde or the zadde as a gimmel,¹⁷ the daleth as a resh or the resh as a daleth, the heh as a heth or the heth as a heh, the waw as a yod or the yod as a waw, the zayyin as a nun or the nun as a zayyin, the teth as a pe or the pe as a teth, bent letters straight or straight letters bent,¹⁸ the mem as a samek or the samek as a mem, closed [letters] open or open letters closed.¹⁹ An open section [parashah] may not be written closed, nor a closed section open.²⁰ If one writes it as the 'Song', or if one writes the 'Song' as the general text,²¹ or if one writes it without ink, or if one writes the 'Names'²² in gold, they [the Scrolls thus written] must be 'hidden'.²³ -He [R. Hisda] holds with the following Tanna. For it was taught, R. Judah b. Bathyra said: In reference to the second [day] 'We-niskehem [and their drink-offerings]' is stated; in reference to the sixth, 'u-nesakehah [and the drink-offerings thereof]'; in reference to the seventh, 'ke-mishpatam [after the ordinance]':²⁴ this gives mem, yod, mem²⁵ [i.e.,] mayim [water], whence we have a Biblical intimation of the water libation.²⁶ Now since if an open letter is written closed, it is valid,²⁷ a closed [letter] is the same, [viz.,] if a closed letter is written open, it is fit. But how compare! If an open [letter] is written closed,

(1) Though examples of proper nouns are given, there is no reason for not assuming that the same does not apply to common nouns too, both here and in the Mishnah.

(2) These are complete words in themselves, and also the beginnings of longer words. SHesh == linen; Teth == giving; Rar == flowing; Gag == roof; Hah == hook.

(3) V. p. 490, n.2 on Mishnah supra 102b.

(4) This is explained below.

(5) Isa. XLV, 5, E.V.: I will gird thee. The word commences with a double alef (ךך), and a double alef does not form an independent word.

(6) Since it is not a word.

(7) Rashi. Tosaf., and R. Han. Jast.: since it has merely the value of a vowel letter.

(8) Even if the wood is not pierced right through.

(9) E.g., hair off skin.

(10) I.e., the entire figure which he intended to draw. This proves that he is more lenient.

(11) V. supra 70a and b for notes.

(12) Mem at the end of a word is written מ (closed); in the middle it is written מ (open).

(13) In a Scroll of the law, or in a mezuzah or phylacteries.

(14) Hence when one writes מ with a closed mem it is still possible to add thereto as it stands.

(15) Deut. VI, 9: E.V.: and thou shalt write them.

(16) This is a play on u-kethabtam by dividing it into two words.

(17) The original reads, the gamma, this being the ancient name of the letter. In the translation the modern name is used.

(18) The medial forms of kaf, pe, zadde and nun are bent, thus: כ פ צ נ the final forms are straight, thus: כף פף צף נף.

(19) This refers to the open and closed mem.-Thus this contradicts R. Hisda.

(20) The parashiot (chapters or sections) are either open or closed, the nature of each parashah being fixed by tradition. Maimonides and Asheri differ on the definition of 'open' and 'closed', but the present practice is this: Both an open and

a closed parashah end in the middle of the line, but in an open one the next parashah commences on the following line, whereas in a closed parashah the next one commences on the same line after a short blank space. V.J.E. art. Scroll of the Law, XI, 192'f.

(21) The 'Song' refers to the two songs of Moses, Ex. XV, 1-18 and Deut. XXXII, 1-43. The first is written in the form of half bricks set over whole bricks, _____ thus: _____ The second is written in seventy double half-columns, thus: _____

(22) Lit., 'the mentions' (of the Divine Name).

(23) This is the technical term to indicate that a Scroll is unfit for public use and must be 'hidden', i.e., buried; v. Meg. 26b.

(24) V. Num. XXIX, 19, 31, 33. The reference is to the Feast of Tabernacles.

(25) Taking one letter out of each of these three words.

(26) Which took place on that Feast, v. Ta'an. 2b. For a description of the ceremony v. Suk. 48a and b. The sanctity of this ceremony was disputed by the Sadducees, as stated in the Mishnah a.l.; cf. also Josephus, Ant. XIII, 13, 5 and Halevy, Doroth, 1, 3, 480 seq. This may be the reason why R. Judah b. Bathyra sought a hint for it in the Bible.

(27) The mem of we-niskehem, coming as it does at the end, is closed; but it is taken as the first letter of mayim, i.e., open; hence it follows that if an open letter is written closed the Scroll is fit.

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it['s sanctity] is enhanced, for R. Hisda said: The mem and the samek which were in the Tables stood [there] by a miracle.¹ But as for a closed letter which is written open, it['s sanctity] is diminished, for R. Jeremiah-others state, R. Hiyya b. Abba-said [The double form of] manzapak² was declared by the Watchmen [prophets].³ (But, is that reasonable: surely is is written, These are the commandments,⁴ [teaching] that a prophet may henceforth [i.e., after Moses] make no innovations! — Rather they were in existence, but it was not known which were [to be used] medially and which finally, and the Watchmen came and fixed [the mode of their employment]). But still, 'these are the commandments' [teaches] that a prophet may henceforth make no innovations?⁵ — Rather they had forgotten them, and they [the Watchmen] reinstated them.⁶

It was stated above, R. Hisda said: The mem and the samek which were in the Tables stood [there] by a miracle. R. Hisda also said: The writing of the Tables could be read from within and without,⁷ e.g., nehub [hollow] would be read buban;-behar [in the mountain] [as] rahab; saru [they departed] [as] waras.⁸ The Rabbis told R. Joshua b. Levi: Children have come to the Beth Hamidrash and said things the like of which was not said even in the days of Joshua the son of Nun. [Thus:] alef Beth [means] 'learn wisdom [alef Binah];⁹ Gimmel Daleth, show kindness to the Poor [Gemol Dallim]. Why is the foot of the Gimmel stretched toward the Daleth? Because it is fitting for¹⁰ the benevolent to run after [seek out] the poor. And why is the roof¹¹ of the Daleth stretched out toward the Gimmel? Because he [the poor] must make himself available to him.¹² And why is the face of the Daleth turned away from the Gimmel? Because he must give him [help] in secret,¹³ lest he be ashamed of him. He, Waw, that is the Name of the Holy One, blessed be He;¹⁴ Zayyin, Heth, Teth, Yod, Kaf, Lamed: [this sequence teaches,] and if thou doest thus, the Holy One, blessed be He, will sustain [Zan] thee, be gracious [Hen] unto thee, show goodness [metib] to thee, give thee a heritage [Yerushah], and bind a crown [Kether] on thee in the world to come. The open Mem and the closed Mem [denote] open teaching [Ma'amar] and closed [esoteric] teaching.¹⁵ The bent Nun and the straight Nun: the faithful [Ne'eman] if bent [humble], [will ultimately be] the faithful, straightened.¹⁶ Samek, 'ayyin: support [Semak] the poor ['aniyyim]. Another interpretation: devise ['aseh] mnemonics [Simanin] in the Torah and [thus] acquire [memorize] it.¹⁷ The bent pe and the straight pe [intimate] an open mouth [peh], a closed mouth.¹⁸ A bent zadde and a straight zadde: the righteous [zaddik] is bent [in this world]; the righteous is straightened [in the next world].¹⁹ But that is identical with the faithful bent [and] the faithful straightened?-The Writ added humility²⁰ to his humility;²¹ hence [we learn that] the Torah was given under great submissiveness.²² Kuf [stands for] Kadosh [holy]; Resh [for] Rasha' [wicked]: why is the face of the Kuf averted from, the Resh? The

Holy One, blessed be He, said: I cannot look at the wicked. And why is the crown of the Kuf²³ turned toward the Resh? The Holy One, blessed be He, saith: If he repents, I will bind a crown on him like Mine. And why is the foot of the Kuf suspended?²⁴ [To show] that if he repents, he can enter and be brought in [to God's favour] through this [opening]. This supports Resh Lakish, for Resh Lakish said: What is meant by, Surely he scorneth the scorers, But he giveth grace unto the lowly?²⁵ If one comes to defile himself, he is given an opening;²⁶ if one comes to cleanse himself, he is helped. SHin [stands for] SHeker [falsehood]; Taw [for] emeth [truth]: why are the letters of Sheker close together, whilst those of 'emeth are far apart?²⁷ Falsehood is frequent, truth is rare.²⁸ And why does falsehood [stand] on one foot, whilst truth has a brick-like foundation?²⁹ Truth can stand, falsehood cannot stand. AT Bash.³⁰ he that rejects Me [othi Ti'ew], shall I desire [eth'aweh] him? Bash: he that delighteth not in Me [Bi lo hashak], shall My Name [SHemi] rest upon him? Gar: he has defiled his body [Gufo] — shall I have mercy [arahem] upon him? Dak he has closed My doors [Dalthothay] shall I not cut off his horns [Karnaw]?³¹ Thus far is the exegesis for the wicked, but the interpretation for the righteous is: AT Bash: If thou are ashamed [to sin] [attah Bosh], then Gar Dak [i.e.,] dwell [Gur] in heaven [Dok]. Haz Waf there will be a barrier [Hazisah] between thee and wrath [af] — Za' Has Tan nor wilt thou tremble [mizda'aze'a] before Satan [Satan]. Yam Kol: the prince of Gehenna said to the Holy One, blessed be He, Sovereign of the Universe! To the sea [Yam] let all [Kol] be consigned.³² But the Holy One, blessed be He, replieth, AHas, Beta, Gif.³³ I [ani] spare [Has] them, because they have spurned [Ba'atu] sensual pleasures [Gif]. Dakaz: they are contrite [Dakkim]; they are true [Kenim]; they are righteous [Zaddikim]. Halak: thou hast [Lak] no portion [Helek] in them. UMarzan SHeth: the Gehenna cried out before Him, Sovereign of the Universe! My Lord [Mari]! Satiat me [Zenini] with the seed of SHeth.³⁴ [But] He retorted, al Bam [thou hast nought in them]; Gan Das: Whither shall I lead them? to the Garden [Gan] of myrtles [hadass].³⁵ Ha! Waf: the Gehenna cried out before the Holy One, blessed be He, Sovereign of the Universe! I am faint ['ayef] [with hunger]. [To which He relied.] Zaz Hak: these are the seed [Zar'o] of Isaac [Yizhak]. Tar Yesh Kat: Wait [Tar]! I have [Yesh] whole companies [Kitoth] of heathens whom I will give thee.

(1) The engraving of the Tables went right through from side to side. Consequently the completely closed letters, viz., the mem and the samek, should have fallen out, and the fact that they did not was a miracle. This assumes that only the closed mem was then in use, for it is now assumed that the employment of distinct medial forms was a later innovation. Hence if one writes a closed mem instead of an open one, he enhances its sanctity, since that is the older form. This is historically correct: the present medial forms were probably introduced in order to make it possible to join them to the next letter, and since this was unnecessary in the case of final letters, they were left in their original state. V. J.E., art. Alphabet, Vol. 1,443

(2) I.e., mem, nun, zadde, pe, and kaf (מ נ ז פ כ). V. Meg., Sonc. ed., p. 8, n. 5.

(3) Hence the open letters, dating from a later period, are less sacred.

(4) Lev. XXVII, 34.

(5) Even such definitive fixing, where none existed before, is held to be an innovation. Weiss, Dor, II, p. 8 maintains that this exegesis was directed against Paul's claim to abrogate the Torah.

(6) Hence both forms are of equal sanctity.

(7) I.e., from both sides.

(8) These words do not actually occur in the Ten Commandments written on the Tables, but are given as examples of what words might be legible backwards. For the writing would naturally appear backwards as seen from without and the letters of the words given as examples are fairly easy to read thus. Maharsha assumes that R. Hisda found some meaning in these reversed readings.

(9) Here follows an homiletic interpretation of the names of the Hebrew letters in alphabetical order.

(10) Lit., 'the way of'.

(11) Lit., 'foot'.

(12) And not trouble his benefactor too much, to find him.

(13) As though with averted face.

(14) These letters form part of the Tetragrammaton.

- (15) Such which men are forbidden to seek.
- (16) I.e., upright in the world to come. (Rashi): Jast. (s.v. **קפף** faithful when bent, faithful when straightened.
- (17) Cf. 'Er. 54b.
- (18) The medial (bent) pe is almost closed (**פ**). — 'A time to keep silence, and a time to speak' (Eccl. III, 7).
- (19) Or, righteous when bent, righteous when straight: cf. n. 8.
- (20) Lit., 'bending'.
- (21) I.e., particularly emphasized the virtue of humility.
- (22) Lit., 'with bent head'
- (23) The upward turn of the 'tittle' or 'dagger' on the upper line of the Kuf.
- (24) Not joined to the rest of the letter.
- (25) Prov. III, 34.
- (26) I.e., he is permitted, but not actively helped.
- (27) The three letters of Sheker, **שקר** occur together; whereas the three of emeth, **אמת** are far apart, **א** being the first, **מ** the middle, and **ת** the last letters of the alphabet.
- (28) I.e., Instances of truth are found only at distant intervals.
- (29) I.e., each of the letters of **שקר** is insecurely poised on one leg (**ש** was anciently written with a narrow pointed bottom) whereas those of **אמת** are firmly set, each resting on two ends, the **מ** too resting on a horizontal bar.
- (30) Here follows an interpretation of the letters coupled, the first with the last, the second with the last but one, and so on.
- (31) Or the passages may be understood affirmatively: though he has rejected Me, yet shall I desire him; etc.
- (32) Rashi: 'all'-i.e., including Israel; the sea, i.e., Gehenna.
- (33) A combination of letters wherein the first, eighth. and fifteenth are grouped together; similarly the second, ninth and sixteenth, and so on.
- (34) I.e., with all, both Jews and non-Jews.
- (35) I.e., of Eden, probably so called here on account of its fragrance: cf. B.B. 75a.

Talmud - Mas. Shabbath 104b

MISHNAH. IF ONE WRITES TWO LETTERS IN ONE STATE OF UNAWARENESS,¹ HE IS CULPABLE. IF ONE WRITES WITH INK, CHEMICALS, SIKRA,² KUMOS,³ KANKANTUM,⁴ OR WITH ANYTHING THAT LEAVES A MARK ON THE ANGLE OF TWO WALLS OR ON THE TWO LEAVES [TABLES] OF A LEDGER, AND THEY [THE TWO LETTERS] ARE READ⁵ TOGETHER, HE IS CULPABLE. IF ONE WRITES ON HIS FLESH, HE IS CULPABLE: HE WHO SCRATCHES A MARK ON HIS FLESH, R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING; BUT THE SAGES EXEMPT HIM. IF ONE WRITES WITH A FLUID, WITH FRUIT JUICE, WITH ROAD DUST,⁶ OR WITH WRITER'S POWDER,⁷ OR WITH⁸ ANYTHING THAT CANNOT ENDURE, HE IS NOT CULPABLE. [IF ONE WRITES] WITH THE BACK OF HIS HAND, WITH HIS FOOT, WITH HIS MOUTH, OR WITH HIS ELBOW; IF ONE WRITES ONE LETTER NEAR [OTHER] WRITING,⁹ OR IF ONE WRITES UPON WRITING;¹⁰ IF ONE INTENDS WRITING A HETH BUT WRITES TWO ZAYYININ; ONE [LETTER] ON THE GROUND AND ANOTHER ON A BEAM; IF ONE WRITES ON TWO WALLS OF THE HOUSE, OR ON TWO LEAVES OF A LEDGER WHICH ARE NOT TO BE READ¹¹ TOGETHER, HE IS NOT CULPABLE. IF ONE WRITES ONE LETTER AS AN ABBREVIATION,¹² R. JOSHUA B. BATHYRA HOLDS HIM LIABLE, WHILST THE SAGES EXEMPT HIM.

GEMARA. DY^o [ink] is deyutha,- Sam [chemical] is samma [orpiment]; SIKRA: Rabbah b. Bar Hanah said, Its name is sekarta. Kumos is Kumma. Kankantum: Rabbah b. Bar Hanah said in Samuel's name, The blacking used by shoemakers.¹³

OR WITH ANYTHING THAT LEAVES A MARK. What does this add?¹⁴ -It adds what was taught by R. Hanina: If he writes it [a divorce] with the fluid of taria,¹⁵ or gall-nut [juice], it is

valid.¹⁶ R. Hiyya taught: If he writes it with dust,¹⁷ with a black pigment, or with coal, it is valid. HE WHO SCRATCHES A MARK ON HIS FLESH, [etc.] It was taught. R. Eliezer said to the Sages: But did not Ben Stada bring forth witchcraft from Egypt by means of scratches¹⁸ [in the form of charms] upon his flesh?¹⁹ He was a fool, answered they. and proof cannot be adduced from fools.²⁰

IF ONE WRITES ONE LETTER NEAR [OTHER] WRITING. Who teaches this? — Said Rabbah son of R. Huna, It does not agree with R. Eliezer. For if [it agreed with] R. Eliezer, — surely he maintained, [for] one [thread] added to woven stuff, he is culpable.²¹

IF ONE WRITES UPON WRITING. Who teaches this? Said R. Hisda, It does not agree with R. Judah. For it was taught: If one had to write the [Divine] Name,²² but [erroneously] intended to write Judah [YHWDH]²³ but omitted the daleth,²⁴ he can trace his reed [writing pen] over it and sanctify it: this is R. Judah's view;²⁵ but the Sages maintain: The [Divine] Name [thus written] is not of the most preferable.

It was taught: If one writes one letter and completes a book²⁶ therewith, [or] weaves one thread and completes a garment therewith, he is culpable. Who is the authority? — Said Rabbah son of R. Huna, It is R. Eliezer, who maintained: [For] one [thread] added to woven stuff, he is culpable. R. Ashi said, You may even say that it is the Rabbis: completing is different.

R. Ammi said: If one writes one letter in Tiberias and another In Sepphoris,²⁷ he is culpable: it is one [act of] writing but that it lacks being brought together. But we learnt: IF ONE WRITES ON TWO WALLS OF A HOUSE, OR ON TWO LEAVES OF A LEDGER WHICH CANNOT BE READ TOGETHER, HE IS NOT CULPABLE? — There the act of being brought together is lacking,²⁸ but here the act of bringing together is not lacking.²⁹

A Tanna taught: If one corrects one letter, he is culpable. Now, seeing that if one writes one letter he is not culpable. if he [merely] corrects one letter he is culpable?³⁰ -Said R. Shesheth: The circumstances here are e.g., that he removes the roof [i.e.. the upper bar] of a heth and makes two zayyin thereof. Raba said: E.g.. he removes the projection of a daleth and makes a resh thereof.³¹

A Tanna taught: If one intended writing one letter,

(1) V. supra 67b.

(2) A kind of red paint.

(3) Ink prepared with gum.

(4) Vitriol used as an ingredient of ink.

(5) Lit., — lead'.

(6) Mixed with water to produce a weak ink. — Others: in the dust of the roads, i.e., one traces writing therein with his finger.

(7) The refuse of writing material, or the coloured sand strewn over the writing (Rashi and Jast.). Others: in writer's powder.

(8) Or 'in'.

(9) I.e., near a letter already written, so as to complete the word.

(10) To make it clearer.

(11) Lit., 'lead'.

(12) I.e., a letter followed by a short stroke or point to indicate that it is an abbreviation, e.g. ר for רבי.

(13) In the above the Hebrew of the Mishnah is translated into the more familiar Aramaic used by the amoraim. V. Git., Sonc. ed., p. 71, n. 2.

(14) V. p. 492. n. 5.

(15) A sort of ink. Rashi: either fruit juice or rain water. V. Low. Graph. Requisiten, pp. 158, 161. v. Meg.. Sonc. ed., p. 103.

- (16) Hence it must be regarded as durable and therefore involves culpability in connection with the Sabbath.
- (17) So cur. edd. Rashi reads: with lead.
- (18) Incisions.
- (19) Which proves that scratches are important. and so one should be liable therefore. In the uncensored text this passage follows: Was he then the son of Stada: surely he was the son of Pandira?-Said R. Hisda: The husband was Stada, the paramour was Pandira. But the husband was Pappos b. Judah? — His mother was Stada. But his mother was Miriam the hairdresser? — It is as we say in Pumbeditha: This one has been unfaithful to (lit., ‘turned away from’ — satath da) her husband. — On the identity of Ben Stada v. Sanh., Sonc. ed., p. 456, n. 5.
- (20) His action was too unusual to furnish a criterion.
- (21) V. infra 105a. The same principle applies here too.
- (22) The Tetragrammaton; the reference is to a Scroll of the Law, in which the Tetragrammaton must be written with sacred intention.
- (23) In this word the waw (W) is a vowel.
- (24) Thus writing YHWH-the Tetragrammaton-after all, but without sacred intention.
- (25) Thus he counts retracing as writing.
- (26) Rashi: of one of the Hebrew Scriptures.
- (27) Two towns of Galilee.
- (28) Before the two letters can be read as one the paper must be cut away. so that they can be put together.
- (29) E.g.. if the letters are written on the edges of two boards.
- (30) Surely not.
- (31) In a Scroll of one of the Biblical books. This constitutes a complete labour, because one may not permit a Scroll of Scripture to remain with an error.

Talmud - Mas. Shabbath 105a

but chanced to write two, he is culpable. But we learnt: HE IS NOT CULPABLE?¹ -There is no difficulty: in the one case it requires crownlets; in the other, it does not require crownlets.²

IF ONE WRITES ONE LETTER AS AN ABBREVIATION, R. JOSHUA B. BATHYRA HOLDS HIM LIABLE, WHILST THE SAGES EXEMPT HIM. R. Johanan said in R. Jose b. Zimra's name; How do we know [that] abbreviated forms [are recognized] by the Torah? Because it is written, for' AB [the father of] Hamwn [a multitude of]³ nations have I made thee:⁴ a father [Ab] of nations have I made thee; a chosen one [Bahur] among nations have I made thee. Hamwn beloved [Habib]⁵ have I made thee among nations; a king [Melek] have I appointed thee for the nations; distinguished [Wathik] have I made thee among the nations; faithful [Ne'eman] have I made thee to the nations.⁶ R. Johanan on his own authority quoted. anoky [I — am the Lord thy God, etc.].⁷ I [ana] Myself [Nafshi] have written the Script [Kethibah Yehabith]. The Rabbis interpreted: Sweet speech [amirah Ne'imah], a writing, a gift [Kethibah Yehibah]. Others state, anoky [interpreted] reversed is: Scripture was given [to man] [Yahibah Kethibah]. faithful are its words [Ne'emanin amarehah]. The School of R. Nathan quoted, Because thy way is perverse [Yarat] before me:⁸ She [the ass] feared [Yare'ah], saw [Ra'athah], [and] turned aside [natethah]. The School of R. Ishmael taught: Karmel [fresh ears]:⁹ rounded [Kar] and full [Male]. R. Aha b. Jacob quoted, and he cursed me with a curse that is grievous [Nimrezeth].¹⁰ This is an abbreviation: he is an adulterer [No'ef], a Moabite, a murderer [Rozeah], an adversary [Zorer], an abomination [To'ebah]. R. Nahman b. Isaac quoted, What shall we speak⁷ or how shall we clear ourselves [Nitzadak]:¹¹ We are honest [Nekonim], we are righteous [Zaddikim], we are pure [Tehorim], we are submissive [Dakkim], we are holy [Kedoshim].

MISHNAH. IF ONE WRITES TWO LETTERS IN TWO STATES OF UNAWARENESS, ONE IN THE MORNING AND ONE IN THE EVENING, R. GAMALIEL HOLDS HIM LIABLE, WHILST THE SAGES EXEMPT HIM.

GEMARA. Wherein do they differ?-R. Gamaliel holds: Awareness in respect of half the standard is of no account; whilst the Rabbis hold: Awareness in respect of half the standard is of account.¹²

CHAPTER XIII

MISHNAH. R. ELIEZER SAID: HE WHO WEAVES THREE THREADS AT THE BEGINNING¹³ OR ONE [THREAD] ADDED TO¹⁴ WOVEN STUFF, IS CULPABLE; BUT THE SAGES MAINTAIN: WHETHER AT THE BEGINNING OR AT THE END, THE STANDARD [FOR CULPABLE] IS TWO THREADS. HE WHO MAKES TWO MESHES, ATTACHING THEM EITHER TO THE CROSS-PIECES [NIRIM] OR TO THE SLIPS [KEROS], OR IN A WINNOW, SIEVE, OR BASKET, IS CULPABLE. AND HE WHO SEWS TWO STITCHES, AND HE WHO TEARS IN ORDER TO SEW TWO STITCHES [IS LIKEWISE CULPABLE].

GEMARA. When R. Isaac came,¹⁵ he recited: Two. But we learnt THREE?- There is no difficulty: the one refers to thick [threads], the other to thin [ones]. Some explain it in one way, others explain it the reverse. Some explain it in one way: [of] thick threads, three will not break, but two will break;¹⁶ [of] thin threads, even two will not break. Others explain it the reverse: [of] thin [threads], three are noticeable¹⁷ whereas two are not:¹⁸ [of] thick threads, even two are noticeable.

It was taught: He who weaves three threads at the beginning or one thread added to woven stuff, is culpable; but the Sages maintain: Whether at the beginning or at the end, the standard is two threads, and at the selvedge, two threads over the breadth of three meshes. To what is this like? To weaving a small belt two threads over the breadth of three meshes [in size].¹⁹ [Now,] ‘He who weaves three threads at the beginning or one thread added to woven stuff, is culpable’: this anonymous [teaching] is in agreement with R. Eliezer. Another [Baraita] taught: He who weaves two threads added to²⁰ the border of the web²¹ or to the hem,²² is culpable. R. Eliezer said: Even one. And at the selvedge, two threads over the breadth of three meshes. To what is this like? To weaving a small belt two or three threads over the breadth of three meshes [in size]. ‘He who weaves two threads added to the border of the web or to the hem, is culpable’: this anonymous [teaching is] in agreement with the Rabbis. HE WHO MAKES TWO MESHES, ATTACHING THEM EITHER TO THE CROSS-PIECES [NIRIM]. What does, ‘To THE NIRIM mean? — Said Abaye: Two in a mesh and one in the cross-piece. OR TO THE SLIPS [KEROS]. What is KEROS?-Said Rab:The slips.²³

AND HE WHO SEWS TWO STITCHES. But we have [already] learnt it in [the list of] principal labours: ‘and he who sews two stitches?’²⁴ - Because he wishes to teach the second clause: AND HE WHO TEARS IN ORDER TO SEW TWO STITCHES, he also teaches, AND HE WHO SEWS, [etc.]. But we learnt about tearing too in [the list of] principal labours? Rather because he wishes to teach in a subsequent clause, ‘He who tears in his anger or for his dead’,²⁵ he therefore teaches [here], HE WHO SEWS TWO STITCHES. AND HE WHO TEARS IN ORDER TO SEW TWO STITCHES. How is that possible?

(1) If he intends writing a heth and writes two zayyinin.

(2) The references to a Scroll of the Law, where certain letters, including the **ד**, are embellished with ‘tittles’, ‘daggers’. If one writes **דד** instead of a **ד** (in a Scroll of the law **ד** is written as a double **דד**, thus: **דד**) but without the daggers, he is not culpable; with the daggers, he is culpable.

(3) Here too the waw is used vocally, but is interpreted consonantly.

(4) Gen. XVII, 5.

(5) Heh and Het interchange.

(6) Thus AB Hamwn is interpreted as an abbreviation.

(7) Ex. XX, 1.

(8) Num. XXII, 32.

(9) Lev. XXIII, 14.

- (10) 1 Kings II 8.
 (11) Gen. XLIV, 16.
 (12) V. supra 71b; 102a.
 (13) Of a garment or a piece of cloth. V. Halevy, Doroth, I, 3, pp. 261 seq.
 (14) Lit., 'upon'.
 (15) From Palestine to Babylon; cf. p. 12, n. 9.
 (16) Under their own weight. Or, the thickness of the thread prevents them from being closely woven; hence if there are only two they may split.
 (17) Lit., 'known'.
 (18) One cannot see that anything substantial has been made; therefore he is not culpable.
 (19) Therefore weaving this amount on the selvedge is a culpable offence.
 (20) Lit., upon'.
 (21) Or, thickly woven material.
 (22) Rashi: made at the beginning of the cloth.
 (23) Jast.: the thrums or slips to which the threads of the warp are attached.
 (24) Supra 73a.
 (25) Infra b.

Talmud - Mas. Shabbath 105b

— If he made it [the garment] like a pocket.¹

MISHNAH. HE WHO TEARS IN HIS ANGER OR [IN MOURNING] FOR HIS DEAD,² AND ALL WHO EFFECT DAMAGE ARE EXEMPT; BUT HE WHO DAMAGES IN ORDER TO REPAIR,³ HIS STANDARD [FOR CULPABILITY] IS AS FOR REPAIRING. THE STANDARD OF BLEACHING [WOOL], HATCHELLING, DYEING OR SPINNING IT, IS A FULL DOUBLE SIT.⁴ AND HE WHO WEAVES TWO THREADS TOGETHER, HIS STANDARD IS A FULL SIT.

GEMARA. But the following contradicts this: He who rends [his garment] in his anger, in his mourning or for his dead, is guilty, and though he desecrates the Sabbath, he has fulfilled his duty of rending?⁵ — There is no difficulty: the one refers to his dead,⁶ the other to the dead in general.⁷ But he [our Tanna] states, HIS DEAD? — After all, it does refer to his dead,⁸ but those for whom there is no duty of mourning?⁹ Now, if he [the dead] was a Sage, he is indeed bound [to rend his garments]? For it was taught: If a Sage dies, all are his kinsmen. All are his kinsmen! can you think so? Rather say, all are as his kinsmen, [i.e.,] all must rend [their garments] for him; all must bare [their shoulders] for him,¹⁰ and all partake of the [mourner's] meal for him in a public square!¹¹ -This holds good only if he was not a Sage. But [even] if he was [merely] a worthy man, one is indeed bound [to rend his garments]? For it was taught: Why do a man's sons and daughters die in childhood? So that he may weep and mourn for a worthy man? 'So that he may weep' — is a pledge taken!¹² But because he did not weep and mourn for a worthy man, for whoever weeps for a worthy man is forgiven all his iniquities on account of the honour which he showed him! — This holds good only if he was not a worthy man. But if he stood [there] at the parting of the soul¹³ he is indeed bound? For it was taught, R. Simeon b. Eleazar said: He who stands by the dead at the parting of the soul is bound to rend [his garments]: [for] what does this resemble? A scroll of the Law that is burnt!¹⁴ -This holds good only if he was not standing there at the moment of death. Now, that is well in respect to his dead. But [the two statements concerning tearing] in one's anger are contradictory? — These too cause no difficulty: one agrees with R. Judah, the other with R. Simeon. One agrees with R. Judah, who maintained: One is liable in respect of a labour which is not required per se, the other with R. Simeon, who maintained: One is exempt in respect of a labour which is not required per se.¹⁵ But you know R. Judah [to rule thus] in the case of one who repairs? do you know him [to rule thus] in the case of one who causes damage?—Said R. Abin: This man too effects an improvement, because

he appeases his wrath. But is it permitted [to effect this] in such a manner? Surely it was taught, R. Simeon b. Eleazar said in the name of Halfa b. Agra in R. Johanan b. Nuri's name: He who rends his garments in his anger, he who breaks his vessels in his anger, and he who scatters his money in his anger, regard him as an idolater, because such are the wiles of the Tempter: To-day he says to him, 'Do this'; to-morrow he tells him, 'Do that,' until he bids him, 'Go and serve idols,' and he goes and serves [them].¹⁶ R. Abin observed: What verse [intimates this]? There shall be no strange god in thee; neither shalt thou worship any strange god;¹⁷ who is the strange god that resides in man himself? Say, that is the Tempter!¹⁸ -This holds good only where he does it in order to instil fear in his household, even as Rab Judah pulled the thrums [of his garment;]¹⁹ R. Aha b. Jacob broke broken vessels; R. Shesheth threw brine on his maidservant's head; R. Abba broke a lid.

R. Simeon b. Pazzi said in the name of R. Joshua b. Levi in Bar Kappara's name: If one sheds tears for a worthy man, the Holy One, blessed be He, counts them and lays them up in His treasure house, for it is said, Thou countest my grievings: Put thou my tear into thy bottle; Are they not in thy book?²⁰ Rab Judah said in Rab's name: He who is slothful to lament a Sage deserves to be buried alive, because it is said, And they buried him in the border of his inheritance in Timnath-serah, which is in the hill country of Ephraim; on the north of the mountain of Gaash:²¹ this teaches that the mountain raged against them to slay them.²² R. Hiyya b. Abba said in R. Johanan's name: He who is slothful to lament a Sage will not prolong his days, [this being] measure for measure, as it is said, In measure, when thou sendest her away, thou dost contend with her.²³ R. Hiyya b. Abba objected to R. Johanan: And Israel served the Lord all the days of Joshua and all the days of the elders who prolonged their days after Joshua?²⁴ — O Babylonian! answered he, they prolonged 'their days',²⁵ but not years. If so, that your days may be multiplied, and the days of your children.²⁶ [does that mean] days but not years! — A blessing is different.²⁷

R. Hiyya b. Abba also said in R. Johanan's name]: When one of brothers dies,

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- (1) Rashi: bulging and creasing, so that part has to be torn open in order for it to be resewn.
 - (2) At the death of one's parents, brothers, sisters, children, wife or husband the garments are rent.
 - (3) As in the example mentioned immediately preceding the Mishnah.
 - (4) Rashi: the distance between the tips of the index finger and middle finger when held wide apart, v. Gemara.
 - (5) Sc. for the dead.
 - (6) Sc. those enumerated in p. 508. n. 9. Since rending is a duty there, it is an act of positive value, and he is liable.
 - (7) Though he rends his garment in grief, it is not actually necessary.
 - (8) I.e., one whom through certain circumstances it is his duty to bury.
 - (9) I.e., other than those enumerated in p. 508, n. 9.
 - (10) This was a mourning rite in former times, but is no longer practised.
 - (11) The first meal after the funeral is called the meal of comfort (se'udath habra'ah), and is supplied by friends of the mourner. In the case of a Sage all must partake of such a meal.
 - (12) For the future surely not!
 - (13) I.e., at the moment of death.
 - (14) If one sees this he must rend his garments, and even the most ignorant and the most worthless Jew has some knowledge thereof and has fulfilled some of its precepts.
 - (15) V. supra 30a.
 - (16) Since then this is forbidden, he cannot be held to effect an improvement.
 - (17) Ps. LXXXI, 10.
 - (18) This shows that no real separate identity was ascribed to the source of evil, of which the Tempter is merely a personification; cf. Joseph, M., 'Judaism as Creed and Life', pp. 65-68.
 - (19) To show his anger.
 - (20) Ps. LVI, 9.
 - (21) Josh. XXIV, 30. 'Gaash' is derived from a root meaning to tremble or rage.
 - (22) Because they did not fittingly lament him.

(23) Isa. XXVII, 8.

(24) Josh. *ibid.* 31. Thus they lived long in spite of their failure to mourn for Joshua.

(25) (Maharsha: Their days seemed prolonged on account of the difficult times they experienced, v. however Rashi.)

(26) Deut. XI, 21.

(27) [The length of days in the case of a blessing can be only another expression for length of years, cf. n. 6.]

Talmud - Mas. Shabbath 106a

all the other brothers should fear. When one of a company dies, the whole company should fear. Some say that this means where the eldest [or chief] dies; others say, where the youngest¹ dies.

AND ALL WHO EFFECT DAMAGE ARE EXEMPT. R. Abbahu recited before R. Johanan: All who cause damage are exempt, except he who wounds and he who sets fire [to a stack of corn]. Said he to him, Go and recite it outside:² wounding and setting fire is not a Mishnah;³ and should you say that it is a Mishnah, wounding refers to one who needs [the blood] for his dog, and setting fire, to one who needs the ashes.⁴ But we learnt, ALL WHO EFFECT DAMAGE ARE EXEMPT?⁵ -Our Mishnah is [in accordance with] R. Judah, while the Baraitha⁶ [agrees with] R. Simeon. What is R. Simeon's reason? — Since a verse is required to permit circumcision [on the Sabbath],⁷ it follows that for wounding elsewhere one is liable. And since the Divine Law forbade burning in respect of a priest's [adulterous] daughter,⁸ it follows that for kindling a fire in general one is liable. And R. Judah?⁹ -There he effects an improvement, even as R. Ashi [said]. For R. Ashi said: What is the difference whether one repairs [the foreskin by] circumcision or one repairs a utensil: what is the difference whether one boils [melts] the lead bar¹⁰ or one boils dyes?

THE STANDARD OF BLEACHING, etc. R. Joseph indicated the double [measure]; R. Hiyya b. Ammi showed the single [measure].¹¹

MISHNAH. R. JUDAH SAID: HE WHO HUNTS A BIRD [AND DRIVES IT] INTO A TURRET, OR A DEER INTO A HOUSE, IS GUILTY; BUT THE SAGES MAINTAIN: [HE WHO HUNTS] A BIRD INTO A TURRET,

(1) Or, least important.

(2) It is not an authenticated teaching to be admitted to the school.

(3) I.e., no Mishnah states that these are exceptions.

(4) For medical purposes. Then the wounding and setting fire is beneficial, not a damage-effecting labour.

(5) Which refutes n. Abbahu.

(6) Cited by R. Abbahu.

(7) V. *infra* 132a.

(8) Who may not be thus executed on the Sabbath, Sanh. 35b.

(9) How does he refute these arguments?

(10) Death by fire was carried out by pouring molten lead down the condemned person's throat, Sanh. 52a.

(11) [Rashi: The distance between the tips of the index and middle fingers held widely apart, which is the measure of a single sit, is half the distance between the tips of the outstretched thumb and index finger. Thus, whereas R. Joseph using the smaller unit indicated by gesture a double measure to explain the meaning of DOUBLE SIT', R. Hiyya b. Ammi, using the larger unit, indicated a single measure. For other interpretations v. Jast. s.v. **סִיט**.]

Talmud - Mas. Shabbath 106b

AND A DEER INTO A GARDEN,¹ COURTYARD OR VIVARIUM, IS LIABLE. R. SIMEON B. GAMALIEL SAID: NOT ALL VIVARIA ARE ALIKE. THIS IS THE GENERAL PRINCIPLE: IF IT [STILL] NEEDS TO BE CAUGHT, HE IS EXEMPT IF IT DOES NOT STILL NEED TO BE CAUGHT,² HE IS LIABLE.

GEMARA. We learnt elsewhere: Fish may not be caught out of aquaria on a Festival, nor may food be placed before them; but beasts and birds may be caught out of vivaria, and food may be placed before them. But the following contradicts it: As for vivaria of beasts, birds and fish, one may not catch [the animals, etc.] out of them on a Festival, and we may not place food before them: [thus the rulings on] beasts are contradictory, and [the rulings on] birds are contradictory. As for [the rulings on] beasts, it is well: there is no difficulty, one agreeing with R. Judah,³ the other with the Rabbis.⁴ But [the rulings on] birds are contradictory? And should you say, [The rulings on] birds too are not contradictory: one refers to a covered vivarium,⁵ whereas the other refers to an uncovered vivarium — [It might be asked]: But a house is covered, yet both R. Judah and the Rabbis hold, Only [if one hunts a bird] into a turret [is he culpable], but not [if he hunts it] into a house?—Said Rabbah b. R. Huna: Here we treat of a free bird,⁶ [the reason being] because it does not submit to domestication.⁷ For the School of R. Ishmael taught: Why is it called a free bird? Because it dwells in a house [free] just as in the field. Now that you have arrived at this [answer], [the rulings on] beasts too are not contradictory: one refers to a large vivarium, the other to a small vivarium. What is a large vivarium and what is a small vivarium? Said R. Ashi: Where one can run after and catch it with a single lunge, that is a small vivarium; any other is a large vivarium. Alternatively, if the shadows of the walls fall upon each other, it is a small vivarium; otherwise it is a large vivarium. Alternatively, if there are not many recesses,⁸ it is a small vivarium; otherwise it is a large vivarium.⁹

R. SIMEON B. GAMALIEL SAID, etc. R. Joseph said in Rab Judah's name in Samuel's name: The halachah is as R. Simeon b. Gamaliel. Said Abaye to him, [You say,] The halachah [etc.]: hence it follows that they [the Rabbis] disagree?¹⁰ And what difference does that make? he replied.¹¹ Shall one learn a tradition as it were [merely] a song? he retorted.¹²

Our Rabbis taught: If one catches a deer that is blind or asleep, he is culpable; a deer that is lame, aged or sick, he is exempt. Abaye asked R. Joseph: What is the difference between them?—The former try to escape;¹³ the latter do not try to escape. But it was taught: [If one catches] a sick [deer] he is culpable?—Said R. Shesheth, There is no difficulty: one refers to [an animal] sick with fever,¹⁴ the other to [an animal] sick through exhaustion.

Our Rabbis taught: He who catches locusts, gazin,¹⁵ hornets, or gnats on the Sabbath is culpable: that is the view of R. Meir. But the Sages rule: If that species is hunted, one is liable; if that species is not hunted, one is not liable.¹⁶ Another [Baraita] taught: He who catches locusts at the time of dew is not liable;¹⁷ at the time of dry heat [midday], is liable. Eleazar b. Mahabai said: If they advance in thick swarms, he is not culpable.¹⁸ The scholars asked: Does Eleazar b. Mahabai refer to the first clause or to the last?—Come and hear: He who catches locusts at the time of dew is not liable; at the time of dry heat, is liable. Eleazar b. Mahabai said: Even at the time of dry heat, if they advance in thick swarms he is not culpable.

MISHNAH. IF A DEER ENTERS A HOUSE AND ONE PERSON SHUTS [THE DOOR] BEFORE IT, HE IS CULPABLE; IF TWO SHUT IT, THEY ARE EXEMPT. IF ONE COULD NOT SHUT IT, AND BOTH SHUT IT, THEY ARE CULPABLE. R. SIMEON DECLARES [THEM] EXEMPT.¹⁹

GEMARA. R. Jeremiah b. Abba said in Samuel's name: If one catches a lion on the Sabbath he is not culpable unless he entices it into its cage.

MISHNAH. IF ONE SITS DOWN IN THE DOORWAY BUT DOES NOT FILL IT, AND A SECOND SITS DOWN AND FILLS IT,²⁰ THE SECOND IS CULPABLE. IF THE FIRST SITS DOWN IN THE DOORWAY AND FILLS IT, AND A SECOND COMES AND SITS DOWN AT HIS SIDE, EVEN IF THE FIRST [THEN] RISES AND DEPARTS, THE FIRST IS CULPABLE

WHILE THE SECOND IS EXEMPT. WHAT DOES THIS RESEMBLE? ONE WHO SHUTS HIS HOUSE TO GUARD IT,²¹ AND A DEER IS [THEREBY] FOUND TO BE GUARDED THEREIN.²²

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- (1) Bah reads: into a house, garden, etc. V. Halevy, Doroth, I, 3, pp. 233-234 and n. 38 a.l.
 - (2) The animal having been driven into a place where it is easy to seize it.
 - (3) In our Mishnah, Since he holds that only when an animal is in a house is it regarded as trapped, it follows that it is not trapped in a vivarium, and therefore if one catches a beast out of a vivarium he is guilty, in accordance with the general principle of the Mishnah.
 - (4) That it is trapped even in a vivarium.
 - (5) In which a bird is regarded as already trapped, and so one may catch a bird out of it on a Festival.
 - (6) Swallow(?). It lives in a house just as in the open and it is difficult to catch it there. But other birds are trapped when driven into a house.
 - (7) Lit., 'authority'.
 - (8) Into which the animals may run when chased.
 - (9) On the whole passage v. Bez. 23b.
 - (10) But it has just been stated that they too differentiate between large and small vivaria.
 - (11) If the Rabbis do not disagree, the halachah is certainly so.
 - (12) I.e., why use words superfluously?
 - (13) Their senses are on the alert and they feel the attempt to take them. Hence they need hunting and catching.
 - (14) That animal tries to escape.
 - (15) Rashi: hagazin; a species of wild bees, or locusts, Jast.
 - (16) Nobody hunts gnats or hornets, as they are of no use.
 - (17) Rashi: they are blind then and need no catching.
 - (18) They are easily taken and need no catching.
 - (19) In accordance with his view supra 92b.
 - (20) Thereby effectively trapping an animal that has entered the house.
 - (21) But not to trap an animal.
 - (22) I.e., a deer which had previously been caught; so here too the first, by filling up the doorway, traps the deer, and the second only guards all animal already caught.

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GEMARA. R. Abba said in R. Hiyya b. Ashi's name in Rab's name: If a bird creeps under the skirts [of one's garments], he may sit and guard it¹ until evening. R. Nahman b. Isaac objected: IF THE FIRST SITS DOWN IN THE DOORWAY AND FILLS IT, AND A SECOND COMES AND SITS DOWN AT HIS SIDE, EVEN IF THE FIRST [THEN] RISES AND DEPARTS, THE FIRST IS CULPABLE WHILE THE SECOND IS EXEMPT. Surely that means, he IS EXEMPT, yet it is forbidden?— No: he is exempt, bind it is permitted. Reason too supports this: since the second clause teaches, WHAT DOES THIS RESEMBLE? ONE WHO SHUTS HIS HOUSE TO GUARD IT, AND A DEER IS [THEREBY] FOUND TO BE GUARDED THEREIN, it follows that it means, he is EXEMPT, and it is permitted.² Others state, R. Nahman b. Isaac said: We too learnt thus: EVEN IF THE FIRST [THEN] RISES AND DEPARTS, THE FIRST IS CULPABLE, WHILE THE SECOND IS EXEMPT: surely that means, he IS EXEMPT, and it is permitted? No: he is EXEMPT, yet it is forbidden. But since the second clause states, WHAT DOES THIS RESEMBLE? ONE WHO SHUTS HIS HOUSE TO GUARD IT, AND A DEER IS [THEREBY] FOUND TO BE GUARDED THEREIN, it follows that he is EXEMPT, and it is permitted. This proves it.

Samuel said: Everything [taught as] involving no liability on the Sabbath involves [indeed] no liability, yet is forbidden, save these three, which involve no liability and are permitted. This [sc. the capture of a deer] is one. And how do you know that he is exempt and it is permitted? Because the second clause teaches: WHAT DOES THIS RESEMBLE? ONE WHO SHUTS HIS HOUSE TO GUARD IT, AND A DEER IS THEREBY FOUND TO BE GUARDED THEREIN. A second [is this]: If one manipulates an abscess on the Sabbath, if in order to make an opening for it, he is liable;³ if in order to draw the matter out of it, he is exempt. And how do you know that he is exempt and it is permitted? Because we learnt: A small needle⁴ [may be moved on the Sabbath] for the purpose of extracting a thorn.⁵ And the third: If one catches a snake on the Sabbath: if he is engaged therewith [sc. in catching it] so that it should not bite him,⁶ he is exempt; if for a remedy,⁷ he is liable. And how do you know that he is exempt and it is permitted? — Because we learnt: A dish may be inverted over a lamp, that the beams should not catch [fire], or over an infant's excrements, or over a scorpion, that it should not bite.⁸

CHAPTER XIV

MISHNAH. AS FOR THE EIGHT REPTILES [SHERAZIM] WHICH ARE MENTIONED IN THE TORAH,⁹ HE WHO CATCHES OR WOUNDS THEM [ON THE SABBATH] IS CULPABLE;¹⁰ BUT [AS FOR] OTHER ABOMINATIONS AND CREEPING THINGS,¹¹ HE WHO WOUNDS THEM IS EXEMPT; HE WHO CATCHES THEM, BECAUSE HE NEEDS THEM, HE IS LIABLE; IF HE DOES NOT NEED THEM, HE IS EXEMPT, AS FOR A BEAST OR BIRD IN ONE'S PRIVATE DOMAIN, HE WHO CATCHES IT IS EXEMPT; HE WHO WOUNDS IT IS CULPABLE.

GEMARA. Since he [the Tanna] teaches, HE WHO WOUNDS THEM IS CULPABLE, it follows that they have skin.¹² Which Tanna [maintains this]? — Said Samuel, It is R. Johanan b. Nuri. For we learnt, R. Johanan b. Nuri said: The eight reptiles have skins.¹³ Rabbah son of R. Huna said in Rab's name, You may even say [that this agrees with] the Rabbis: the Rabbis disagree with R. Johanan b. Nuri only in respect of defilement, because it is written, And these are they which are unclean unto you,¹⁴ extending [the law to teach] that their skins are as their flesh; but in respect to the Sabbath even the Rabbis agree. But do they not differ in respect of the Sabbath? Surely it was taught: He who catches one of the eight reptiles mentioned in the Torah, [or] he who wounds them, is culpable: this is R. Johanan b. Nuri's view. But the Sages maintain: Only those which the Sages enumerated¹⁵ have skin.

- (1) To prevent it from flying away.
- (2) For obviously one may lock his house in order to guard it.
- (3) Rashi: either on account of building an opening, or because of mending, for there is no difference between mending a utensil and mending (i.e., healing) a wound.
- (4) Lit., 'hand.needle'.
- (5) Because it pains him, and matter which causes pain is similar.
- (6) 'Mith'assek' may be understood in the sense of performing indirect labour, i.e., he catches it only incidentally, as he does not need the snake but merely desires to prevent it from doing harm.
- (7) The snake's poison can be used medicinally.
- (8) Though it is thereby caught.
- (9) As unclean, i.e., non-edible; Lev. XI, 29f.
- (10) These have a skin distinct from the flesh (v. infra), and a wound does not completely heal but leaves a scar; this is regarded as a minor degree of killing, i.e., part of the animal's life is taken away.
- (11) E.g., worms, insects, snakes, etc.
- (12) V. n. 2.
- (13) V. Hul. 122a. The Rabbis rule that the skins of four of these defile by the same standard as their flesh, viz., the size of a lentil. Thus they hold that their skin is not distinct from their flesh, and R. Johanan b. Nuri disputes it.
- (14) Ibid.
- (15) As those whose skins are the same as their flesh.

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[Whereon it was asked]: On the contrary, Those which the Sages enumerated have no skin?¹ And 'Abaye said, This is what he [the Tanna] states: Only those not enumerated by the Sages have a skin distinct from the flesh.² Said Raba to him: But he states, which the Sages enumerated? Rather said Raba, This is the meaning: the skin of those [reptiles] only which the Sages enumerated defiles like the flesh.³ Hence it follows that R. Johanan b. Nuri holds that even those which the Sages did not enumerate defile [in this way]? But it is stated, R. Johanan b. Nuri said: The eight reptiles have skins and do not defile?—Rather Said R. Adda b. Mattenah, Reconcile it thus: But the Sages maintain: In respect of defilement those which the Sages enumerated have skin.

Still, however, do they not differ in respect of the Sabbath? But it was taught: He who catches one of the eight reptiles mentioned in the Torah, [or] he who wounds them, is culpable, [viz.,] in the case of the reptiles which have skins.⁴ And what is a wound that does not heal?⁵ If the blood becomes clotted, even if it does not issue. R. Johanan b. Nuri said: The eight reptiles have skins!⁶ — Said R. Ashi, Who is the first Tanna? R. Judah, who maintains that touch is the criterion.⁷ For we learnt, R. Judah said: The halta'ah⁸ is like the weasel. But the Rabbis who disagree with R. Johanan b. Nuri in respect of defilement agree with him in respect of the Sabbath.⁹ If so, instead of 'this is the view of R. Johanan b. Nuri,' 'this is the view of R. Johanan b. Nuri and his opponents' is required?¹⁰ — Learn: 'this is the view of R. Johanan b. Nuri and his opponents.'¹¹

Levi asked Rabbi: How do we know that a wound¹² is such as is permanent?¹³ — Because it is written, Can the Ethiopian change his skin, or the leopard his spots [habarbarothaw]?¹⁴ What does 'habarbarothaw' mean: shall we say, that it is covered with spots? Then instead of 'and a leopard habarbarothaw,' it should read, 'a leopard gawwanaw [its colours]'? Rather it is parallel to Ethiopian, — just as the skin of an Ethiopian cannot turn, so is a [real] wound one that does not turn [i.e., heal].¹⁵

BUT OTHER ABOMINATIONS, etc. But if one kills them, he is culpable: which Tanna [holds thus]? Said R. Jeremiah, It is R. Eliezer. For it was taught, R. Eliezer said: He who kills vermin on the Sabbath is as though he killed a camel on the Sabbath. R. Joseph demurred to this: The Rabbis disagree with R. Eliezer only in respect to vermin, which does not multiply and increase, but as for

other abominations and creeping things, which multiply and increase, they do not differ [therein]. And both learn it from none but the rams.¹⁶ R. Eliezer holds, It is as the rams: just as there was the taking of life in the case of the rams, so whatever constitutes the taking of life [is a culpable offence]. While the Rabbis argue, It is as the rams: just as rams multiply and increase, so are all which multiply and increase [of account].¹⁷ Said Abaye to him, Do not vermin multiply and increase? But a Master said: 'The Holy One, blessed be He, sits and sustains [all creatures], from the horns of wild oxen to the eggs of vermin'?¹⁸ — It is a species called 'eggs of vermin'. But it was taught: Tippuyi¹⁹ and the eggs of vermin? — The species is called 'eggs of vermin'. But there is the flea, which multiplies and increases, yet it was taught, If one catches a flea on the Sabbath: R. Eliezer declares him liable, while R. Joshua exempts [him]?-Said R. Ashi: You oppose catching to killing! R. Eliezer and R. Joshua disagree only in that one Master holds: If the species is not hunted, one is liable; whilst the other Master holds: He is exempt. But in respect to killing even R. Joshua agrees.

HE WHO CATCHES THEM BECAUSE HE NEEDS THEM, HE IS LIABLE, etc. Which Tanna [rules thus]?-Said Rab Judah in Rab's name: It is R. Simeon, who maintains, One is not culpable on account of a labour unrequired per se.²⁰ Others learn it in reference to this: If one manipulates an abscess on the Sabbath, — if in order to make an opening for it, he is liable; if in order to draw the matter out of it, he is exempt. Which Tanna [rules thus]? Said Rab Judah in Rab's name: It is R. Simeon, who maintains: One is not culpable on account of a labour unrequired per se. Others again learn it in reference to this: If one catches a snake on the Sabbath: if he is engaged therewith [in catching it] so that it should not bite him, he is exempt; if for a remedy, he is liable.²¹ Which Tanna [rules thus]? Said Rab Judah in Rab's name, It is R. Simeon, who maintains: One is not culpable on account of a labour unrequired per se. Samuel said: If one removes a fish from the sea,²² as soon as the size of a sela' thereof becomes dry, he is liable.²³ R. Jose b. Abin observed: provided it is between the fins.²⁴ R. Ashi said: Do not think literally dry, but even if it forms slimy threads.²⁵

Mar Bar Hamduri said in Samuel's name: If one inserts his hand in an animal's bowels and detaches an embryo that is inside her, he is culpable. What is the reason? Said Raba: Bar Hamduri explained it to me: Did not R. Shesheth say: If one plucks cuscuta from shrubs and thorns, he is culpable on account of uprooting something from the place of its growth;²⁶ so here too he is culpable on account of uprooting something [sc. the embryo] from the place of its growth. Abaye said: He who plucks

(1) Since their skin is the same as their flesh.

(2) But those enumerated by them have no skin distinct from the flesh, and consequently wounding them involves no liability. On this interpretation the Rabbis differ even in respect of the Sabbath, which contradicts Rab. But on the following explanations there is no difficulty.

(3) V. p. 518, n. 5.

(4) I.e., the four not enumerated by the Sages. This shows that they differ even in respect of the Sabbath.

(5) I.e., which leaves a permanent discolouring only such entails liability.

(6) All involve culpability on the Sabbath.

(7) Lit., 'who goes after touch'.

(8) A species of lizard.

(9) R. Judah holds that the question whether the skin of reptiles is like their flesh or not in the matter of defilement is not settled by deduction from the verse, 'and these are they which are unclean, etc.' (quoted supra a), but is dependent on touch. I.e., if the skin, is thick and perceptibly distinct from the flesh, it is not the same as the flesh; otherwise it is. By this criterion the halta'ah is like the weasel, since both have thick skins; though if the matter were decided by Scriptural exegesis these two would be dissimilar, as is shown in Hul. 142a. Hence he holds that in respect of the Sabbath, too, three of these eight have no skin, i.e., if one wounds them he is not guilty, for the skin is thin and not distinct from the flesh. But the Rabbis in Hul. count the halta'ah as one of the reptiles whose skin is the same as their flesh, in spite of its thickness. This shows that they settle the matter solely by reference to the verse, and therefore their view, which disagrees with R. Johanan b. Nuri's, applies only to defilement, since the verse is written in that connection, but not to

the Sabbath.

(10) Since the Rabbis agree with him.

(11) This is probably not an emendation, but merely implies that it is to be understood thus.

(12) For it to involve culpability on the Sabbath.

(13) Lit., 'return'.

(14) Jer. XIII, 23.

(15) On this interpretation namer (E.V. leopard) is derived from mur, to change, and the verse is translated: Can the Ethiopian change his skin, or turn (i.e., heal) his wounds? habarbarothaw (E.V. spots) being derived from haburah, a wound.

(16) Which were killed for the sake of their skins, which were dyed red and used in the Tabernacle. Thus killing was a labour of importance in the Tabernacle, and hence ranks as a principal labour; v. supra 49b.

(17) In that killing them renders one liable.

(18) 'Eggs of vermin is assumed to mean its progeny.

(19) Name of certain small insects.

(20) V. supra 105b.

(21) V. end of last chapter for notes.

(22) Rashi and Tosaf. both explain that this refers to a fish that was already caught before the Sabbath, In that case 'from the sea' is un-intelligible. Maim. in Hilchoth Shabbath beginning of ch. XI reads 'from a bowl', which is preferable. V. Marginal Gloss, [Rashi, however, did not seem to read 'from the sea'].

(23) For taking life, as it cannot live after that. — There is no culpability for catching, since it was caught before the Sabbath.

(24) But a dryness in any other part does not mean that the fish can no longer live.

(25) I.e., it becomes partially dry only, so that the moisture adheres to one's finger in slimy threads.

(26) But not for detaching from the soil, as cuscuta was not held to be attached to the soil; v. 'Er. 28b,

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fungus from the handle of a pitcher is liable on account of uprooting something from the place of its growth. R. Oshaia objected: If one detaches [aught] from a perforated pot, he is culpable; if it is unperforated, he is exempt?—There, that is not its [normal place for] growing; but here this is its [normal place for] growing.¹ AN ANIMAL OR A BIRD, etc. R. Huna said: Tefillin may be written upon the skin of a clean bird. R. Joseph demurred: What does he inform us? That it has a skin!² [But] we have [already] learnt it: HE WHO WOUNDS IT IS CULPABLE?³ Said Abaye to him, He informs us much. For if we [deduced] from our Mishnah, I might object, Since it is perforated all over,⁴ it may not [be thus used]; hence he informs us as they say in the West [Palestine]: Any hole over which the ink can pass is not a hole.

R. Zera objected: [And he shall rend it] by the wings thereof:⁵ this is to teach that the skin is fit.⁶ Now if you think that it is [a separate] skin, how can Scripture include it?⁷ —Said Abaye to him, it is [indeed a separate] skin, but the Divine Law includes it.⁸ Others state, R. Zera said: We too learnt thus: 'By the wings thereof';— this is to include the skin. Now, if you say that it is [a separate] skin, it is well: hence a verse is required for including it. But if you say that it is not skin, why is a verse required for including it? Said Abaye to him, in truth I may tell you that it is not [a separate] skin, yet it is necessary. I might argue, Since it is covered with splits [holes], it is repulsive. [Hence] we are informed [otherwise].

Mar son of Rabina asked R. Nahman b. Isaac: May tefillin be written upon the skin of a clean fish? If Elijah will come and declare, he replied. What does 'if Elijah will come and declare' mean. Shall we say, whether it has a [separate] skin or not, — but we see that it has a skin? Moreover we learnt: The bones of a fish and its skin afford protection in the tent wherein is a corpse!⁹ Rather [he meant]: If Elijah comes and tells [us] whether its foul smell¹⁰ evaporates or not.

Samuel and Karna were sitting by the bank of the Nehar Malka,¹¹ and saw the water rising and becoming discoloured. Said Samuel to Karna, A great man is arriving from the West who suffers from stomach trouble, and the water is rising to give him a welcome, Go and smell his bottle!¹² So he went and met Rab. He asked him, How do we know that tefillin maybe written only on the skin of a clean [edible] animal? Because it is written, that the Law of the Lord may be in thy mouth,¹³ [meaning] of that which is permitted in thy mouth, he replied. How do we know that blood is red? he asked.¹⁴ — Because it is said, and the Moabites saw the water over against them as red as blood.¹⁵ How do we know that circumcision [must be performed] in that [particular] place? — ‘His ‘orlah’¹⁶ is stated here, and ‘its ‘orlah’¹⁷ is stated elsewhere: just as there something that produces fruit [is meant], so here too something [the limb] that produces fruit [is meant]. Perhaps it means the heart, for it is written, Circumcise therefore the foreskin of your heart?¹⁸ Perhaps it means the ear, for it is written, behold, their ear is uncircumcised?¹⁹ — We learn the complete [word] ‘orlatho from the complete [word] ‘orlatho, but we do not learn the complete ‘orlatho from ‘orlath, which is incomplete.²⁰ ‘What is your name?’ he asked. Karna. ‘May it be [His] will that a horn [karna] shall sprout out from between his eyes!’ he retorted.²¹ Subsequently Samuel took him into his house, gave him barley bread and a fish pie to eat, and strong liquor to drink,²² but did not show him the privy, that he might be eased.²³ Rab cursed, saying, He who causes me pain, may no sons arise from him — And thus it was.

This is a controversy of Tannaim. How do we know that circumcision [must be performed] in that place? ‘Orlatho is stated here, and ‘orlatho is stated elsewhere: just as there something that produces fruit [is meant], so here too something that produces fruit [is meant]: that is R. Josiah's view. R. Nathan said: It is unnecessary: surely it is said, And the uncircumcised male who is not circumcised in the flesh of his foreskin:- [that indicates] the place where the male sex is differentiated from the female sex.

Our Rabbis taught: Tefillin can be written upon the skin of clean animals and upon the skin of clean beasts, and²⁴ upon the skin of their nebeloth or terefoth,²⁵ and they are tied round with their hair,²⁶ and sewn with their tendons. And it is a halachah from Moses at Sinai²⁷ that tefillin are tied round with their hair and sewn with their tendons. But we may not write [them] upon the skin of unclean animals or upon the skin of unclean beasts, and the skin of their nebeloth and terefoth need not be stated,²⁸ nor may they be tied round with their hair or sewn with their tendons. And this question a certain Boethusian²⁹ asked R. Joshua the grits dealer: How do we know that tefillin may not be written upon the skin of an unclean animal? Because it is written, ‘that the law of thy Lord may be in thy mouth’ [implying] of that which is permitted in thy mouth. If so, they should not be written on the skin of nebeloth and terefoth.? Said he to him, I will give you a comparison. What does this resemble? Two men who were condemned to death by the State, one being executed by the king and the other by the executioner. Who stands higher? Surely he who was slain by the king!³⁰ If so, let them be eaten? The Torah saith, Ye shall not eat any nebelah,³¹ he retorted, yet you say, let them be eaten! Well spoken!³² admitted he. MISHNAH. ONE MAY NOT PREPARE [PICKLING] BRINE ON THE SABBATH,³³

(1) The reference being to a moss or fungus which sprouts up in such places.

(2) Distinct from its flesh.

(3) Which shows that it has a distinct skin, v. p. 518, n. 2.

(4) Lit., ‘it has holes (and) holes’- where the feathers are set.

(5) Lev. I, 17. The reference is to a fowl burnt-offering, whose wings were burnt upon the altar.

(6) To be burnt on the altar, it being unnecessary to skin the bird first.

(7) It should be the same as the skin of all animal, which must be first removed, v. 6.

(8) This verse shows that the skin of a bird is not the same as that of an animal.

(9) If food is in a vessel which is covered by the bones or the skin of a fish, or if the whole vessel, which is closed, is made from these materials, the food is protected from contamination; v. Num. XIX, 15. — Thus the skin is mentioned as

a separate entity.

(10) Lit., 'filth'.

(11) The Royal Canal. The Canal connecting the Euphrates and the Tigris at Nehardea and Mahoza respectively; Obermeyer, 244f.

(12) Examine his knowledge—a humorous allusion to Karna's ability to judge whether wine was good or not merely by smelling the bottle, Keth. 105a. V. Obermeyer. op. cit., p. 247 and notes.

(13) Ex. XIII, 9.

(14) Only blood that is red or of colours akin to redness defiles a woman as a menstruant (Nid. 19a), and this was the point of his question.

(15) II Kings III, 22.

(16) Gen. XVII, 14, in connection with circumcision (E.V. foreskin).

(17) Lev. XIX, 23, in reference to the fruit of a tree within the first three years of its planting, which may not be eaten (E.V. uncircumcision).

(18) Deut. X, 16. This question of course was not mentioned seriously, but was put merely to point out that 'circumcision' is mentioned in connection with other organs too.

(19) Jer. VI, 10.

(20) 'Orlatho' is written in both verses quoted by Rab, whereas 'orlah and 'orlath are written in the verses proposed by Karna.

(21) He was probably annoyed at Karna's temerity in thus examining him.

(22) All this he gave him to act as a laxative.

(23) This, too, was part of the treatment. Samuel was a doctor.

(24) Behemah denotes a domestic animal; hayyah, a wild animal.

(25) V. Glos.

(26) The slips of parchment are rolled up and tied round with hair of these animals.

(27) V. p. 123, n. 7.

(28) As unfit.

(29) The Boethusians were a sect similar to the Sadducees, and disagreed with the Pharisees on certain religious beliefs, such as immortality and its concomitant, reward and punishment in the hereafter, and resurrection, which they rejected; and in certain practices, viz., the date of Pentecost and the method of preparing incense on the Day of Atonement (Men. X, 3; Tosaf. Yoma I, 8—the parallel passage in Yoma 39a has 'Sadducees'). The opinion most generally held is that the Boethusians were a variety of the Sadducees.

(30) Similarly, nebeloth and terefoth may be regarded as slain by God.

(31) Deut, XIV, 21. (E.V.: 'of anything that dieth of itself').

(32) The same law applies to both — either both are forbidden or both are permitted.

(33) Before the salt is put into it.

Talmud - Mas. Shabbath 108b

BUT ONE MAY PREPARE SALT WATER AND DIP HIS BREAD INTO IT OR PUT IT INTO A STEW. SAID R. JOSE, BUT THAT IS BRINE, WHETHER [ONE PREPARES] MUCH OR LITTLE?¹ RATHER THIS IS THE SALT WATER THAT IS PERMITTED: OIL IS FIRST PUT INTO THE WATER² OR INTO THE SALT.³

GEMARA. What does he [the first Tanna] mean?⁴ Said Rab Judah in Samuel's name, He means this: One may not prepare a large quantity of salt water, but one may prepare a small quantity of salt water.

SAID R. JOSE, BUT THAT IS BRINE, WHETHER [ONE PREPARES] MUCH OR LITTLE? The scholars asked: Does R. Jose [mean] to forbid [both] or to permit [both]?- Said Rab Judah: He [means] to permit [both], since it is not stated, R. Jose forbids. Said Rabbah to him: But since the final clause states, RATHER THIS IS THE SALT WATER THAT IS PERMITTED, it follows that R. Jose [means] to forbid [in the first clause]! Rather said Rabbah: He [means] to forbid; and thus did

R. Johanan say: He [means] to forbid. It was taught likewise: One may not prepare a large quantity of salt water for putting into preserved vegetables in a mutilated vessel;⁵ but one may prepare a little salt water and eat his bread therewith or put it into a stew. Said R. Jose: Is it just because this is in large quantity and this is in small, that the one is forbidden and the other is permitted? then it will be said, Much work is forbidden but a little work is permitted! Rather both are forbidden, and this is the salt water that is permitted: one puts oil and salt [mixed into water] or oil and water [over salt], but provided that water and salt are not mixed at the outset. [Mnemonic: Strong radish and citron.]⁶ R. Judah b. Habiba recited: We may not prepare strong salt water. What is strong salt water? — Rabbah and R. Joseph b. Abba both say: Such that an egg floats in it. And how much is that?—Said Abaye: Two parts of salt and one part of water. For what is it made? Said R. Abbahu: For muries.⁷

R. Judah b. Habiba recited: One may not salt a radish or an egg on the Sabbath.⁸ R. Hezekiah said in Abaye's name: Radish is forbidden, but an egg is permitted. R. Nahman said: Originally I used to salt radish, arguing, I do indeed spoil it, for Samuel said, Sharp radish is [more] beneficial. But when I heard what 'Ulla said when he came,⁹ viz., In the West [Palestine] they salt them slice by slice,¹⁰ I no longer salt them,¹¹ but I certainly do drop them [in salt].¹²

R. Judah b. Habiba recited: A citron, radish, and egg, but for their outer shell,¹³ would never leave the stomach.¹⁴

When R. Dimi came,¹⁵ he said: No man ever sank in the Lake of Sodom.¹⁶ R. Joseph observed: Sodom was overturned and the statement about it is topsy-turvy:¹⁷ No man sank [in it], but a plank did?¹⁸ Said Abaye to him, He states the more surprising thing.¹⁹ It is unnecessary [to mention] a plank, seeing that it does not sink in any water; but not even a man, who sinks in all [other] waters of the world, [ever] sank in the Lake of Sodom. What difference does that make? — Even as it once happened that Rabin was walking behind R. Jeremiah by the bank of the Lake of Sodom, [and] he asked him, May one wash with this water on the Sabbath?²⁰ — It is well, he replied.²¹ Is it permissible to shut and open [one's eyes]?²² I have not heard this, he answered, [but] I have heard something similar; for R. Zera said, at times in R. Mattenah's name, at others in Mar 'Ukba's name, and both [R. Mattenah and Mar 'Ukba] said it in the names of Samuel's father and Levi: one said: [To put] wine into one's eye²³ is forbidden; [to put it] on the eye, is permitted.²⁴ Whilst the other said: [To put] tasteless saliva,²⁵ even on the eye, is forbidden. It may be proved that it was Samuel's father who ruled, '[To put] wine into one's eye is forbidden; on the eye, is permitted': for Samuel said: One may soak bread in wine and place it on his eye on the Sabbath. Now, from whom, did he hear this, surely he heard it from his father? — But then on your reasoning, when Samuel said: [To apply] tasteless saliva even on the eye is forbidden; from whom did he hear it? Shall we say that he heard it from his father, — then Levi did not state any one [of these laws]! Hence he [must have] heard one from his father and one from Levi, but we do not know which from his father and which from Levi.

Mar 'Ukba said in Samuel's name: One may steep collyrium [an eye salve] on the eve of the Sabbath and place it upon his eyes on the Sabbath without fear.²⁶ Bar Lewai was standing before Mar 'Ukba, and saw him opening and shutting [his eyes].²⁷ To this extent Mar Samuel certainly did not give permission, he observed to him.²⁸ R. Jannai sent [word] to Mar 'Ukba, Send us some of Mar Samuel's eye-salves.²⁹ He sent back [word], I do indeed send [them] to you, lest you accuse me of meanness; but thus did Samuel say: A drop of cold water in the morning, and bathing the hands and feet in hot water in the evening, is better than all the eye-salves in the world. It was taught likewise: R. Muna said in R. Judah's name: A drop of cold water in the morning and bathing the hands and feet [in hot water]³⁰ in the evening is better than all the eye-salves in the world. He [R. Muna] used to say: If the hand [be put] to the eye, let it be cut off;³¹ the hand to the nose, let it be cut off: the hand to the mouth, let it be cut off; the hand to the ear, let it be cut off; the hand to the vein [opened for blood letting], let it be cut off; the hand to the membrum, let it be cut off; the hand to the anus, let it

be cut off; the hand

- (1) Gr. **
- (2) This is forbidden under 'salting', v. supra 73a.
- (3) Before the salt is put into the water. The oil weakens the salt in both cases.
- (4) Surely brine and salt water are identical.
- (5) Which is specially set aside for pickling.
- (6) A mnemonic is a string of words to aid the memory.
- (7) A pickle containing fish hash and sometimes wine (Jast.).
- (8) A number of slices at the same time (Rashi).
- (9) Cf p. 12, n. 9,
- (10) Eating the one before the next is salted.
- (11) More than one slice. Two slices at once (Rashi).
- (12) Each radish as I eat it.
- (13) This refers to the white of the egg, not what is generally called the shell.
- (14) They are very constipating.
- (15) V. p. 12, n. 9.
- (16) Owing to its high specific gravity due to its large proportion of salt.
- (17) Lit., 'overturned'.
- (18) Surely a plank is even lighter.
- (19) Lit., 'he says, it is unnecessary (to state)'.
- (20) Its saltiness conferred healing properties upon it; hence the question, since one may not heal on the Sabbath.
- (21) For it is not evident that one washes himself for that reason. [Healing is forbidden only for fear lest one crushes the necessary ingredients, but it is not labour in itself: consequently the Rabbis did not impose this interdict unless one is obviously performing a cure.]
- (22) Several times in succession, for the salt to enter and heal them. The purpose is more obvious here.
- (23) By opening and shutting it. This is similar to Rabin's question, Thus the saltiness of the Lake of Sodom has a practical bearing in law.
- (24) For it looks as though he is merely washing himself.
- (25) I.e., saliva of a person who has tasted nothing a(er sleeping.
- (26) Of transgression.
- (27) For the salve to enter right in.
- (28) Surely one was reported in his name!
- (29) Samuel was a doctor.
- (30) So the text is emended in 'Aruch.
- (31) R causes it injury, and so the rest. In nearly all cases it means before washing in the morning.

Talmud - Mas. Shabbath 109a

to the vat,¹ let it be cut off: [because] the [unwashed] hand leads to blindness, the hand leads to deafness, the hand causes a polypus.²

It was taught, R. Nathan said: It³ is a free agent, and insists [on remaining on the hands] until one washes his hands three times. R. Johanan said: Stibium removes [cures] the Princess,⁴ stops the tears, and promotes the growth of the eye-lashes. It was taught likewise, R. Jose said: Stibium removes the Princess, stops the tears, and promotes the growth of the eye-lashes.

Mar 'Ukba also said in Samuel's name: Leaves⁵ have no healing properties.⁶ R. Joseph said: Coriander has no healing properties. R. Shesheth said: Cuscuta has no healing properties. R. Joseph observed: Coriander is injurious even to me.⁷ R. Shesheth observed: Eruca is beneficial even to me.⁸

Mar 'Ukba said in Samuel's name: All kinds of cuscuta are permitted, except teruza.⁹ R. Hisda

said: To glair roast meat¹⁰ is permitted; to make hashed eggs¹¹ is forbidden.

Ze'iri's wife made [it] for Hiyya b. Ashi,¹² but he did not eat it. Said she, 'I have made this for your teacher [Ze'iri] and he ate, yet do you not eat'!-Ze'iri follows his view. For Ze'iri said: One may pour clear wine and clear water through a strainer on the Sabbath, and he need have no fear.¹³ This proves that since it can be drunk as it is,¹⁴ he does nothing;¹⁵ so here too, since it can be eaten as it is,¹⁶ he does nothing.

Mar 'Ukba also said: If one knocks his hand or foot, he may reduce the swelling with wine, and need have no fear. The scholars asked: What about vinegar? Said R. Hillel to R. Ashi, When I attended R. Kahana's academy they said, Not vinegar.¹⁷ Raba observed: But the people of Mahoza,¹⁸ since they are delicate, even wine heals them.¹⁹

Rabina visited R. Ashi: He saw that an ass had trodden on his foot, and he was sitting and reducing the swelling in vinegar.²⁰ Said he to him, Do you not accept R. Hillel's statement, Not vinegar? [A swelling on] the back of the hand or on the foot is different, he replied.²¹ Others state, He saw him reducing the swelling in wine. Said he to him, Do you not agree with what Raba said, The people of Mahoza, since they are delicate, even wine heals them, and you too are delicate? [A swelling on] the hand or on the foot is different, he replied, for R. Adda b. Mattenah said in Rab's name, [A blow on] the hand or on the foot is like an internal wound, and the Sabbath may be desecrated on its account.

Our Rabbis taught: One may bathe in the water of Gerar,²² in the water of Hammethan,²³ in the water of Essa,²⁴ and in the water of Tiberias,²⁵ but not in the Great Sea [the Mediterranean], or in the water of steeping,²⁶ or in the Lake of Sodom. But this contradicts it: One may bathe in the water of Tiberias and in the Great Sea, but not in the water of steeping or in the Lake of Sodom. Thus [the rulings on] the Great Sea are contradictory. — Said R. Johanan, There is no difficulty: one agrees with R. Meir, the other with R. Judah. For we learnt: All seas are like a mikweh,²⁷ for it is said, and the gathering of [mikweh] the waters called he Seas:²⁸ this is R. Meir's view. R. Judah said: The Great Sea [alone] is like a mikweh, 'seas' being stated only because it contains many kinds of waters.²⁹ R. Jose maintained: All seas [including the Great Sea] purify when running,³⁰ but they are unfit for zabim, lepers, and to be sanctified as the water of lustration.³¹ R. Nahman b. Isaac demurred:

(1) Which is to be filled with wine.

(2) A morbid growth in the nose.

(3) The evil spirit that rests on the hands during the night. The belief in same is held to have been borrowed from the Persians, and many regulations were based thereon; v. Weiss, Dor, II, p. 13.

(4) The name of a demon afflicting the eye, also a certain disorder of the eye. Var. lec.: **בת חורין** the Nobleman's daughter, likewise with the same meaning.

(5) 'Alin. Rashi: the name of a certain herb.

(6) Therefore they may be applied to the eye on the Sabbath (Ri).

(7) Who am blind.

(8) Though I possess good eyesight already.

(9) A kind of cucumber or melon possessing medicinal properties. These are used for no other purpose; hence they are forbidden (cf. p. 527, n. 16).

(10) Rashi; R. Han.: to strain off the juice of melon, which is taken as a laxative. V. Tosaf. a.l.

(11) I.e., a hash of roasted eggs beaten up.

(12) Rashi: roast meat glared.

(13) Of transgression.

(14) Without straining.

(15) Though one may not filter muddy wine on the Sabbath.

- (16) Without the covering of eggs.
- (17) Its purpose is too obviously medicinal.
- (18) V. p. 150, n. 11.
- (19) Their skin is so delicate that even wine acts like vinegar upon it. Hence they would only use it medicinally, and therefore it is forbidden.
- (20) It was the Sabbath.
- (21) A bruise there is dangerous.
- (22) Gerar was the seat of a Philistine prince (Gen. X, 19; XX, 1 et seq; I Chron. IV, 39) whose site has not been identified with certainty. Some think it was southwest of Kadesh; others, that it was south of Gaza.
- (23) The word means 'hot Springs'. It was a town a mile away from Tiberias.
- (24) Supposed to be east of the lake of Tiberias, v. Neub. Geogr. p. 38; Jast. s.v.
- (25) Though all these are salty, it is permitted, as it does not look that one is bathing particularly for medicinal purposes (v. p. 527, n. 16).
- (26) In which flax was steeped.
- (27) v. Glos. They are like a mikweh in all respects, and not like a spring. The difference between these two are: (i) a zab can have his ritual bath in a spring, but not in a mikweh; (ii) the water of a spring, but not of a mikweh, is fit for sprinkling upon a leper (Lev. XIV, 5) and for mixing with the ashes of the red heifer (Num. XIX, 17); (iii) the water of a spring purifies when running, whereas a mikweh purifies only when its water is still (v. supra 65a bottom and b top and notes a.l.). — Since R. Meir maintains that all seas are alike, he draws no distinction in respect to bathing either, and permits it in the Great Sea too.
- (28) Gen. I, 10.
- (29) Many different rivers flow into the sea, hence the plural; but actually the verse refers to the Great Sea only. Thus he draws a distinction between the Great Sea and other seas, and so he also forbids bathing therein on the Sabbath.
- (30) Since that is the nature of seas.
- (31) I.e., to be mixed with the ashes of the red heifer.

Talmud - Mas. Shabbath 109b

Say that they differ in respect to uncleanness and purity; but do you know them [to differ] in respect of the Sabbath?¹ Rather said R. Nahman b. Isaac: There is no difficulty: in the one case he tarries [there];² in the other he does not tarry [there]. To what have you referred the second [Baraita]? Where he does not tarry! If he does not tarry, [it is permitted] even in the water of steeping too. For it was taught: One may bathe in the waters of Tiberias and in the water of steeping and in the Lake of Sodom, even if he has scabs on his head. When is that? If he does not tarry [there]; but if he tarries [there], it is forbidden! — Rather [reply thus]: [The rulings on] the Great Sea are not contradictory: one refers to its wholesome [water]; the other to its malodorous [water].³ [The rulings on] the water of steeping too are not contradictory: in the one case he tarries; in the other he does not tarry.

MISHNAH. WE MAY NOT EAT GREEK HYSSOP ON THE SABBATH, BECAUSE IT IS NOT THE FOOD OF HEALTHY PEOPLE;⁴ BUT WE MAY EAT YO'EZER⁵ AND DRINK ABUB RO'EH.⁶ A MAN MAY EAT ANY KIND OF FOOD AS A REMEDY, AND DRINK ANY LIQUID,⁷ EXCEPT WATER OF PALM TREES⁸ AND A POTION⁹ OF ROOTS, BECAUSE THEY ARE [A REMEDY] FOR JAUNDICE; BUT ONE MAY DRINK WATER OF PALM TREES FOR HIS THIRST AND RUB HIMSELF WITH OIL. OF ROOTS WITHOUT MEDICAL PURPOSE.

GEMARA. R. Joseph said: Hyssop¹⁰ is abratha bar hemag;¹¹ Greek hyssop is abratha bar henag.¹² 'Ulla said: [Hyssop is] white marwa [sage]. 'Ulla visited R. Samuel b. Judah [and] they set white marwa before him. Said he to them, That is the hyssop prescribed in Scripture. R. Pappi said, It is shumshuk. [marjoram]. R. Jeremiah of Difti¹³ said: Reason Supports R. Pappi. For we learnt: 'The law of hyssop [requires] three stalks [each] containing three calyxes'; and shumshuk, is found to have that shape. For what is it eaten? — [As a remedy] for worms. With what is it eaten? With seven

black dates. By what is it [the disease of worms] caused? — Through [eating] barley-flour forty days old.

BUT ONE MAY EAT YO'EZER. What is YO'EZER?-Pennyroyal.¹⁴ For what is it eaten? [As a remedy] for worms in the bowels¹⁵ With what is it eaten? With seven white dates. Through what is it caused? Through [eating] raw meat¹⁶ and [drinking] water on an empty stomach; through meat on an empty stomach or ox meat on an empty stomach; through nuts on an empty stomach; shoots of fenugreek on an empty stomach and drinking water after it.¹⁷ But if not,¹⁸ let him swallow white cress. If not, let him fast, then bring fat meat and cast it on the coals, suck out a thick piece and drink vinegar. But others say, not vinegar, because it affects the liver. If not, let him procure the scrapings of a thorn bush which was scraped from top to bottom but not from below and upward, lest [the worms] issue through his mouth, and boil them in strong liquor¹⁹ at twilight.²⁰ On the morrow let him stop up his orifices²¹ and drink it: And when he eases himself, he must do so on the stripped parts of a palm tree.

AND DRINK ABUB RO'EH. What is ABUB RO'EH? Humtarya [eupatorium]. What is humtarya?; The lonely staff.²² What is it prepared for? [As a remedy for] one who drank uncovered water.²³ If not,²⁴ let him bring five roses and five glasses of strong liquor, boil them together until they amount to an anpak,²⁵ and drink it. The mother of R. Ahadbuy b. Ammi prepared [a potion of] one rose and one glass of strong liquor for a certain man. She boiled them up, made him drink it, lit the stove and swept it out, placed bricks in it,²⁶ and it [the poison of the snake] issued like a green palm-leaf. R. Awia said: A quarter [log] of milk from a white goat.²⁷ R. Huna b. Judah said: Let him obtain a sweet citron, scoop it out, fill it with honey, set it on burning embers [to boil], and then eat it. R. Hanina said: [One drinks] urine forty days old²⁸ [as a remedy]; a barzina²⁹ for [the sting of] a wasp; a quarter [log] for a scorpion [bite]; an eighth [of a log] for uncovered water; a quarter is efficacious even against witchcraft. R. Johanan said: Elaiogaron,³⁰ kangad,³¹ and theriac are efficacious against both uncovered water and witchcraft. If one swallows a snake, he should be made to eat cuscuta with salt and run three mils. R. Shimi b. Ashi saw a man swallow a snake; thereupon he appeared to him in the guise of a horseman,³² made him eat cuscuta with salt and run three mils before him, [and] it issued from him in strips.³³ Others say: R. Shimi b. Ashi swallowed a snake, thereupon Elijah came,³⁴ appeared to him in the guise of a horseman, made him eat cuscuta with salt and run three mils before him, [and] it issued from him in strips.

If one is bitten by a snake, he should procure an embryo of a white ass, tear it open, and be made to sit upon it; providing, however, that it was not Found to be terefah. A certain

(1) Which is totally different.

(2) Then it is obvious that his purpose is to effect a cure.

(3) The latter is forbidden, since no one would bathe therein for cleanliness.

(4) But obviously a medicine.

(5) A certain plant.

(6) Lit., 'shepherd's flute' — name of a plant (Eupatorium) used for medicinal purposes (Jast.).

(7) Provided that they are eaten and drunk without healing intentions too.

(8) Explained infra 110a.

(9) Lit., 'clip'.

(10) Prescribed in the Torah for purification, e.g.. Lev. Xlv, 4.

(11) So they called it.

(12) Abratha is probably *Artemisia abrotanum*, and with the designations bar hemag (of the bush) and bar hemag (of the shrub) the names of two sub-species of hyssop were meant.

(13) V p. 35, n. 5.

(14) *Mentha pelegium*; Jast.

(15) Fluke worms(?).

- (16) Umza is meat roasted directly on coals or pickled in a strong acid.
- (17) That probably applies to all the foregoing.
- (18) If pennyroyal is unobtainable or has failed to cure.
- (19) Mead, or beer.
- (20) Or the text may mean, 'in a neighbour's house', so that the sufferer himself should not smell it, lest the smell affect him.
- (21) Either his nostrils, so as not to smell it, lest the smell nostrils and ears, that the strength of the potion should not pass out of his body.
- (22) Name of a drink made of liver-wort (Jast.).
- (23) Water left uncovered over night might not be drunk, lest a snake had drunk of it — a necessary precaution in Eastern countries.
- (24) V. n. 6.
- (25) A quarter of a log. B.B. 58b.
- (26) For the sufferer to sit on.
- (27) Is a good remedy for this.
- (28) Or, of a babe forty days old.
- (29) A small measure, one thirty-second of log.
- (30) A sauce of oil and garum, to which wine is sometimes added (Jast.).
- (31) A kind of chervil.
- (32) Rashi: in order to frighten him, which would help to kill the snake.
- (33) The snake was broken up within him.
- (34) Elijah was thought to appear quite frequently to favoured persons: cf. B.M. 59b; Sanh. 113a; Keth. 61a, passim.

Talmud - Mas. Shabbath 110a

officer of Pumbeditha was bitten by a snake. Now there were thirteen white asses in Pumbeditha; they were all torn open and found to be terefah. There was another on the other side of Pumbeditha, [but] before they could go and bring it a lion devoured it. [Thereupon] Abaye observed to them. 'Perhaps he was bitten by a snake of the Rabbis,¹ for which there is no cure, as it is written, and whoso breaketh through a fence,² a serpent shall bite him?'³ 'Indeed so, Rabbi,' answered they. For when Rab died, R. Isaac b. Bisna decreed that none should bring myrtles and palm-branches to a wedding feast to the sound of a tabla,⁴ yet he went and brought myrtle and palm-branches at a wedding to the sound of the tabla; [so] a snake bit him and he died.

If a snake winds itself around a person, let him go down into water, put a basket over its head and force it [the snake] away from himself, and when it goes on to it [the basket], he should throw it into the water, ascend and make off.

If a man is scented by a snake,⁵ if his companion is with him, he should make him ride four cubits.⁶ If not, let him jump a ditch.⁷ If not, let him cross a river; and at night place his bed on four barrels and sleep under the stars,⁸ and bring four cats and tie them to the four legs of the bed. Then he should fetch rubbish⁹ and throw it there, so that when they hear a sound they [the cats] will devour it.

If a man is chased by one [a snake], he should flee into sandy places.¹⁰

If a woman sees a snake and does not know whether it has turned its attention to her or not, let her remove her garments and throw them in front of it; if it winds itself around them, its mind is upon her; if not, its mind is not upon her. What can she do? She should cohabit [with her husband] in front of it. Others say, That will even strengthen its instincts. Rather she should take some of her hair and nails and throw them at it and say, 'I am menstruous'.

If a snake enters a woman, let her spread her legs and place them on two barrels; fat meat must be brought and cast on the burning coals; a basket of cress must be brought together with fragrant wine and placed there, and be well beaten together.¹¹ They should take a pair of tongs in their hand, for when it smells the fragrance it will come out, so that it can be seized and burnt in the fire, as otherwise it will re-enter.

EXCEPT WATER OF PALM TREES. It was taught: Except water that pierces. He who teaches, water that pierces, [calls it thus] because it pierces the gall.¹² And he who says **WATER OF PALM TREES**, that is because it comes forth from [between] two palm trees. What is water of palm trees?¹³ — Rabbah b. Beruna said: There are two tali¹⁴ in the west [Palestine] and a spring of water issues from between them. The first cup [thereof] loosens, the second causes motion, and the third passes out just as it enters. ‘Ulla said: I myself drank Babylonian beer and it is more efficacious than these [waters];¹⁵ provided, however, that one had discontinued [drinking] it for forty days.¹⁶

R. Joseph said: Egyptian beer consists of one part barley, one part safflower, and one part salt. R. Papa said: One part wheat, one part safflower, and one part salt. And the token is sisane.¹⁷ And it is drunk between Passover¹⁸ and Pentecost; upon him who is constipated it acts as a laxative, while him who suffers with diarrhoea it binds.

AND A POTION OF ROOTS. What is a **POTION OF ROOTS**? Said R. Johanan: The weight of a zuz¹⁹ of Alexandrian gum is brought, a zuz weight of liquid alum and a zuz weight of garden crocus, and they are powdered together. For a zabah, a third thereof [mixed] with wine [is efficacious] that she shall not become barren. For jaundice two thirds thereof [mixed] with beer [is drunk], and he [the sufferer] then becomes impotent.²⁰ ‘For a zabah, a third thereof [mixed] with win [is efficacious] that she shall not become barren’: but if not,²¹ let them procure three

(1) I.e., as a punishment for disobeying the Rabbis.

(2) Rabbinical laws were often so called; cf. Aboth, I, 13.

(3) Eccl. X, 8.

(4) A bell or a collection of bells forming an instrument specially used at public processions, weddings, etc.

(5) Which pursues him.

(6) To break the track of the scent.

(7) The water breaks the scent.

(8) So that the snake cannot attack him either from below or above.

(9) Rashi: branches, twigs, etc., which rustle and make a noise when anything passes over them. ‘Ar: refuse of reeds.

(10) Where the snake cannot follow.

(11) To cause their fragrance to ascend.

(12) I.e., makes it function.

(13) Bah deletes this question.

(14) A species of palms.

(15) Sc. of the well just mentioned.

(16) Otherwise the system does not react to it.

(17) A basket made of twigs. Sisane contains two sameks; thus R. Joseph (יֹסֵף) mentioned barley (שְׁעוּרִים) — the samek and sin being interchangeable.

(18) Lit., ‘the sacrifice’.

(19) Three and five hundred eighty-five thousand grammes; v. J.E. Weights and Measures, XII, p. 486: Other Weights and Table on p. 489.

(20) Though cured of his illness.

(21) If it is unavailable or fails to cure.

kapiza¹ of Persian onions, boil them in wine, make her drink it, and say to her, 'Cease your discharge.' But if not, she should be made to sit at cross-roads, hold a cup of wine in her hand, and a man comes up from behind, frightens her and exclaims, 'Cease your discharge!' But if not, a handful of cummin, a handful of saffron, and a handful of fenugreek are brought and boiled in wine, she is made to drink it, and they say to her, 'Cease your discharge'. But if not, let sixty pieces of sealing clay of a [wine] vessel be brought, and let them smear her² [therewith] and say to her, 'Cease your discharge'. But if not, let one take a fern,³ boil it in wine, smear her with it and say to her, 'Cease your discharge'. But if not, let one take a thistle growing among Roman thorns,⁴ burn it, and gather it up in linen rags in summer and in cotton rags in winter. If not, let one dig seven holes and burn therein a young shoot of 'orlah,⁵ put a cup of wine into her hand, then make her rise from one [hole] and seat her on the next, make her rise from that and seat her on the following [and so on], and at each one he should say to her, 'Cease your discharge'. But if not, let one take the flour, rub her from the lower half downwards and say to her, 'Cease your discharge'. If not; let him take an ostrich egg, burn it, and wrap it in linen rags in summer and in cotton rags in winter. If not, let him broach a barrel of wine specially for her sake. If not, let him fetch barley grain which is found in the dung of a white mule: if she holds it one day, it [her discharge] will cease (or two days; if she holds it two days, it will cease for three days; but if she holds it three days, it will cease for ever.

'For jaundice two thirds thereof with beer [is drunk], and he [the sufferer] then becomes impotent.' But if not, let him take the head of a salted shibuta,⁶ boil it in beer and drink it. If not, let him take brine of locusts. If brine of locusts is not available, let him take brine of small birds,⁷ carry it into the baths and rub himself [therewith]. If there are no baths, he should be placed between the stove and the wall.⁸

R. Johanan said: If one wishes to make him [the sufferer from jaundice] warm, he should wrap him well⁹ in his sheet. R. Aha b. Jacob suffered therewith, so R. Kahana treated him thus and he recovered. But if not, let him take three kapiza of Persian dates, three kapiza of dripping wax,¹⁰ and three kapiza of purple aloes, boil them in beer and drink it. If not, let him take a young ass; then he [the invalid] shaves half his head, draws blood from its forehead and applies it to his [own] head, but he must take care of his eyes, lest it [the blood] blind him. If not, let him take a buck's head which has lain in preserves [vinegar], boil it in beer and drink it. If not, let him take a speckled swine, tear it open and apply it to his heart: If not, let him take porret [leeks] from the wastes of the valley.¹¹ A certain Arab suffered with it. Said he to a gardener, Take my robe and give me some leeks from the wastes of the valley.¹² He gave them to him [and] he ate them. Then he requested, Lend me your robe and I will sleep in it. He singed it, wrapped himself therein and slept. As he became heated through and got up, it fell away from him bit by bit.¹³

'For jaundice two [thirds thereof] with beer, and he becomes impotent.' But is this permitted? Surely it was taught: How do we know that the castration of a man is forbidden? From the verse, neither shall ye do thus in your land:¹⁴ [this means], ye shall not do [thus] to yourselves: the words of R. Hanina! — That is only if he intends [it so], but here it is automatic. For R. Johanan said: If one wishes to castrate a cock, let him cut off its crest, and it is automatically castrated.¹⁵ But R. Ashi said: There it suffers from conceit?¹⁶ Rather [the reference here is to] one who is [already] a castrate.¹⁷ But R. Hiyya b. Abba said in R. Johanan's name:

(1) v. p. 492, n. 6.

(2) Rashi: after soaking it in water.

(3) Pastina. The word means a low, spreading plant.

(4) Jast.: probably *corduelis spinosa*.

(5) v. Glos.

(6) Name of a fish, probably mullet (Jast.).

(7) 'Aruch: clear fish brine.

(8) To make him perspire.

(9) Or, rub him.

(10) That drips down from an overful honeycomb.

(11) Jast., who also suggests an alternative: of the after-crops of valleys. Rash: from the middle of the furrow, where the leeks are sharp.

(12) Or, as Rash. V. preceding note.

(13) From the feverish heat of the sleeper.

(14) Lev. XXII, 24 v. preceding part of the verse.

(15) Thus direct castration only is prohibited, but not indirect, and the same applies here.

(16) It grieves that its crest is removed and refuses to copulate, but actually it is not castrated.

(17) Who suffers from jaundice.

Talmud - Mas. Shabbath 111a

All agree that if one prepares it [a meal-offering] as leaven after another has prepared it as leaven,¹ he is culpable; because it is said, It shall not be baked leaven,² it shall not be made leaven,³ If one castrates after another has castrated, he is culpable, for it is said, That which hath its stones bruised, or crushed, or broken, or cut away,⁴ [ye shall not offer unto the Lord; neither shall ye do thus in your land]:⁵ now, if one is guilty for cutting [them] away, how much more so for breaking them!⁶ But it is to teach⁷ that if one castrates after another, he is culpable!⁸ -Rather it refers to an old man.⁹ But R. Johanan said: It was those very [remedies]¹⁰ which restored me to my youth?¹¹ — Rather the reference [here] is to a woman.¹² But according to R. Johanan b. Beroka, who said: Concerning both [man and woman] it is said, And God blessed them: and God said unto them, Be fruitful and multiply,¹³ what can be said?- The reference [here] is to an old woman¹⁴ or to a barren woman.

MISHNAH. IF ONE'S TEETH PAIN HIM, HE MUST NOT SIP VINEGAR THROUGH THEM,¹⁵ BUT MAY DIP [HIS BREAD IN VINEGAR] IN THE USUAL MANNER,¹⁶ AND IF HE IS CURED, HE IS CURED. IF ONE'S LOINS PAIN HIM, HE MUST NOT RUB THEM WITH WINE OR VINEGAR, BUT HE MAY ANOINT THEM WITH OIL,¹⁷ YET NOT ROSE OIL.¹⁸ ROYAL CHILDREN MAY ANOINT THEIR WOUNDS WITH ROSE OIL, SINCE IT IS THEIR PRACTICE TO ANOINT THEMSELVES THUS ON WEEKDAYS. R. SIMEON SAID: ALL ISRAEL ARE ROYAL CHILDREN.

GEMARA. R. Aha the Long, i.e., R. Ahab. Papa, pointed out a contradiction to R. Abbahu. We learnt: IF ONE HAS TOOTHACHE, HE MUST NOT SIP VINEGAR ON THEM. Shall we say that vinegar is beneficial to the teeth,-but it is written, As vinegar to the teeth, and as smoke to the eyes?¹⁹ -There is no difficulty: the one refers to vinegar of fruit;²⁰ the other to acid. Alternatively, both refer to acid: one means where there is a wound; the other, where there is no wound.²¹ If there is a wound it heals; if there is no wound it loosens [the teeth in the gums].

HE MUST NOT SIP VINEGAR THROUGH THEM. But it was taught, He must not sip and eject, yet he may sip and swallow? — Said Abaye, When we learnt our Mishnah we too learnt of sipping and ejecting. Raba said, You may even say [that it refers to] sipping and swallowing: the one holds good before the dipping, the other after the dipping.²² But let us say, Since it is permitted before the dipping, it is permitted after the dipping too,²³ for we know that Raba accepts this argument.²⁴ For Raba said: There is nothing which is permitted on the Sabbath and forbidden on the Day of Atonement:²⁵ since it is permitted on the Sabbath, it is permitted on the Day of Atonement too? He retracted from the present statement.²⁶ How do you know that he retracted from, this statement: perhaps he retracted from the other?- You cannot think so, For it was taught: All who are obliged to perform tebillah may do so in the normal way, both on the ninth of Ab and on the Day of Atonement.²⁷

IF ONES LOINS PAIN HIM, etc. R. Abba b. Zabda said in Rab's name: The halachah is as R. Simeon. Shall we say that Rab holds with R. Simeon?²⁸ Surely R. Simeon son of R. Hiyya said in Rab's name: The stopper of the brewing vat²⁹

- (1) I.e., the first kneads the dough after it was leaven, a second shapes it, and a third bakes it.
- (2) Lev. VI, 10.
- (3) Ibid. II, 11. The repeated prohibition shows that every separate act of preparation entails guilt.
- (4) E. V. cut,' from the present discussion it appears, however, that the Talmud translates the word 'cut away'.
- (5) Ibid. XXII, 24.
- (6) Then why mention it?
- (7) Lit., 'bring'.
- (8) Hence even a castrate may not drink this potion.
- (9) Who is in any case unable to beget children.
- (10) The reference is to the remedies mentioned in Git. 70a.
- (11) And made me potent again.
- (12) Who is not commanded to procreate: hence she may sterilize herself.
- (13) Gen. I, 28. This is understood as a positive command.
- (14) 'Who certainly can not regain her youth in this respect.
- (15) This is healing which is forbidden on the Sabbath.
- (16) And eat the vinegar-soaked bread.
- (17) Since this is done even without intention of healing.
- (18) Which ordinary people use only as a remedy.
- (19) Prov. X, 26.
- (20) Rashi: Wine not fully matured in the grapes — that is injurious.
- (21) Or, swelling.
- (22) Bread dipped in vinegar was eaten before meals. Before one has done this he may sip vinegar for his tooth, as it merely looks like a substitute for soaked bread. But if he has already eaten, he is obviously sipping it now as a remedy only.
- (23) For a thing cannot be permitted during one portion of the Sabbath and forbidden during the other.
- (24) Lit., 'he accepts "Since"'.
(25) In the matter of labour.
- (26) Sc. that which differentiates between before and after dipping.
- (27) It was in reference to this that Raba stated that what is permitted on the Sabbath is permitted on the Day of Atonement, and he is supported by a Baraitha.
- (28) I.e., with his lenient rulings relating to the Sabbath.
- (29) In which beer is kept during the process of brewing. The stopper was made of soft materials, such as rags, wound round the bung.

Talmud - Mas. Shabbath 111b

may not be forced into [the bung-hole] on a Festival!¹ — There even R. Simeon agrees, For Abaye and Raba both maintain: R. Simeon agrees in the case of 'cut off his head but let him not die'.² But R. Hiyya b. Ashi said in Rab's name: The halachah is as R. Judah,³ while R. Hanan b. Ammi said in Samuel's name: The halachah is as R. Simeon. Further, R. Hiyya b. Abin recited it without [intermediary] scholars:⁴ Rab said: The halachah is as R. Judah; while Samuel ruled: The halachah is as R. Simeon?—Rather said Raba, I and a lion of the company,⁵ viz., R. Hiyya b. Abin, explained it: [Rab said:] The halachah is as R. Simeon, but not on account of his view. What is meant by 'The halachah is as R. Simeon, but not on account of his view?' Shall we say, 'The halachah is as R. Simeon', that it is permitted; 'but not through his reason for R. Simeon holds [that] it heals,⁶ whereas Rab holds that it does not heal? Does then Rab hold that it does not heal? But surely, since he [the Tanna] states, ROYAL CHILDREN MAY ANOINT THEIR WOUNDS WITH ROSE OIL, it follows that [all agree] that it does heal? But 'the halachah is as R. Simeon', that it is permitted; 'but

not through his reason': for whereas R. Simeon holds that in spite of its being rare it is permitted, Rab holds: Only if it is common [is it permitted], but not if it is rare,⁷ and in Rab's place rose oil was common.

CHAPTER XV

MISHNAH. Now, THESE ARE THE KNOTS WHICH ENTAIL CULPABILITY⁸: CAMEL-DRIVERS' KNOTS AND SAILORS' KNOTS. AND JUST AS ONE IS GUILTY FOR TYING THEM, SO IS HE GUILTY FOR UNTYING THEM. R. MEIR SAID: ANY KNOT WHICH ONE CAN UNTIE WITH ONE HAND ENTAILS NO GUILT.

GEMARA. What are CAMEL-DRIVERS' KNOTS AND SAILORS' KNOTS? Shall we say, the knot which is tied through the nose ring⁹ and the knot which is tied through the ship's ring,¹⁰ but these are non-permanent knots?¹¹ Rather it means the knot of the nose ring itself and of the ship's ring itself.¹²

R. MEIR SAID: ANY KNOT, etc. R. Ahadbuy the brother of Mar Aha asked: What of a slip-knot¹³ on R. Meir's view: is R. Meir's reason because it can be untied with one hand, and this too can be untied;¹⁴ or perhaps R. Meir's reason is that it is not well-fastened,¹⁵ whereas this is well-fastened? The question stands over.

MISHNAH. YOU HAVE SOME KNOTS WHICH DO NOT ENTAIL GUILT LIKE FOR CAMEL-DRIVERS' KNOTS AND SAILORS' KNOTS.¹⁶ A WOMAN MAY TIE UP THE OPENING OF HER CHEMISE, THE RIBBONS OF HER HAIR-NET AND OF HER GIRDLE,¹⁷ THE LACES OF HER SHOES OR SANDALS, PITCHERS OF WINE AND OIL, AND THE MEAT POT.¹⁸ R. ELEAZAR B. JACOB SAID: ONE MAY TIE [A ROPE] IN FRONT OF AN ANIMAL,¹⁹ THAT IT SHOULD NOT GO OUT.

GEMARA. This is self-contradictory: you say, YOU HAVE SOME KNOTS WHICH DO NOT ENTAIL GUILT LIKE FOR CAMEL-DRIVERS' KNOTS AND SAILORS' KNOTS; thus there is indeed no guilt, but there is a prohibition. Then he [the Tanna] teaches: A WOMAN MAY TIE UP THE OPENING OF HER CHEMISE, [which means] even at the very outset? — This is what he says: YOU HAVE SOME KNOTS WHICH DO NOT ENTAIL GUILT LIKE FOR CAMEL-DRIVERS' KNOTS AND SAILORS' KNOTS, and which are they?

(1) For thereby the moisture which it previously absorbed is wrung out, and this is forbidden. But it is unintentional, whereas R. Simeon holds that such is permitted, v. supra 75a.

(2) V. p. 357, II. 8.

(3) Viz., that whatever is unintentional is forbidden.

(4) Lit., 'men'.

(5) I.e., one of our great scholars.

(6) Yet it is permitted to all because a thing cannot be permitted to one and forbidden to another.

(7) Where it is evident that it is applied as a remedy.

(8) Tying knots is a principal labour, supra 73a.

(9) Rash: a ring was inserted through the camel's nose (this ring was of cord, and had to be knotted after passing through the nose — R. Han., and the same appears from the Gemara) and when it was to be tethered a long rope was tied thereto. The reference is to the knot that is made in tying this long rope.

(10) Rashi: a ring at the head of the ship, through which a rope was passed and tied when the ship was moored. Jast. translates: the loop which they made when attaching the sail to the rigging.

(11) Only a permanent knot entails guilt, and these are naturally untied when the camel or the ship moves on.

(12) Which are permanent.

(13) Or, loop, which, however, is strongly fastened.

- (14) Hence it does not involve guilt.
 (15) An ordinary knot must be quite loose if it can be untied with one hand.
 (16) Nevertheless they are forbidden. The Gemara explains which are meant.
 (17) Rashi. Jast.: the cords of the breast bandage.
 (18) All these are tied and untied daily, and therefore are not permanent.
 (19) I.e., across the stable entrance.

Talmud - Mas. Shabbath 112a

The knot which is tied through the nose ring and the knot which is tied through the ship's ring: [for these] there is indeed no guilt, nevertheless there is a prohibition.¹ But some are permitted at the outset. And which are they? [A WOMAN] MAY TIE UP THE OPENING OF HER CHEMISE.

THE OPENING OF HER CHEMISE. But that is obvious? — This is necessary only where it has two pairs of bands:² you might say, One of these is disregarded:³ hence he informs us [that we do not fear this].

AND THE RIBBONS OF HER HAIR-NET. But that is obvious? — This is necessary [to teach] only where it is roomy:⁴ you might say, She will remove it [thus]:⁵ hence he informs us that a woman is careful over⁶ her hair and will [first] untie it.

AND THE LACES OF HER SHOES OR SANDALS. It was stated: If one unties the laces of his shoes or sandals, — one [Baraitha] taught: He is liable to a sin-offering; another taught: He is not liable, yet it is forbidden; while a third taught: It is permitted in the first place. Thus [the rulings on] shoes are contradictory, and [those on] sandals are contradictory? [The rulings on] shoes are not contradictory: when it teaches, 'he is liable to a sin-offering', it refers to cobblers' [knots];⁷ 'he is not liable, but it is forbidden' — that refers to [a knot] of the Rabbis;⁸ 'it is permitted in the first place', refers to [the knots] of the townspeople of Mahoza.⁹ [The rulings on] sandals too are not contradictory: when it states that 'one is liable to a sin-offering', it refers to [sandals] of travellers¹⁰ tied by cobblers; one is not liable yet it is forbidden', refers to amateur knots¹¹ tied by [the wearers] themselves; 'it is permitted at the outset', refers to sandals in which two go out,¹² as was the case with Rab Judah. For Rab Judah, brother of R. Salla the Pious, had a pair of sandals, at times he went out in them, at others his child. He went to Abaye and asked him, How is it in such a case?—One is liable to a sin-offering [for tying them], he replied. I do not even understand¹³ why [though] one is not liable for this yet it is forbidden, and you tell me that one is liable to a sin-offering. What is the reason?¹⁴ — Because on weekdays too, he replied, at times I go out in them, at others the child. In that case, said he, it is permitted at the outset.

R. Jeremiah was walking behind R. Abbahu in a karmelith, when the lace of his sandal snapped.¹⁵ What shall I do with it? enquired he. — Take a moist reed that is fit for an animal's food and wind it about it, he replied. Abaye was standing in front of¹⁶ R. Joseph,¹⁷ when the lace of his sandal snapped. What shall I do with it? asked he. — Let it be, he replied.¹⁸ Wherein does it differ from R. Jeremiah's [case]? — There it was not guarded;¹⁹ here it is guarded. But it is still a utensil,²⁰ seeing that I could change it from the right [foot] to the left?²¹ -Said he to him: Since R. Johanan explained [the law] on R. Judah's view, it follows that the halachah is as R. Judah.²² To what does this refer? — For it was taught: If the two ears of the sandal²³ or its two strappings are broken, or if the entire sole is removed, it is clean.²⁴ If one of its ears or strappings [is broken], or if the greater part of the sole is removed, it is unclean. R. Judah said: If the inner one is broken, it is unclean;²⁵ if the outer, it is clean. Whereon 'Ulla-others State, Rabbah b. Bar Hanah said in R. Johanan's name: Just as the controversy in respect to uncleanness, so is there a controversy in respect to the Sabbath,²⁶ but not in respect to halizah.²⁷ Now we discussed this: To whose [view] does R. Johanan refer? Shall we say, To that of the Rabbis, [and he states], since it is a utensil in respect to uncleanness, it is also so in

respect to the Sabbath, but not in respect to halizah, where it is not a utensil? Surely we learnt: If she removes the left[-foot shoe] from the right foot,²⁸ the halizah is valid?²⁹ [Shall we] on the other hand [say that he refers] to R. Judah's [ruling]: [and means], since it is not a 'utensil' in respect to defilement, it is not a 'utensil' in respect to the Sabbath either, but that is not so in respect to halizah, where it is a 'utensil': [it may be asked against this]: Perhaps we rule, If she removes the left[-foot shoe] from the right foot the halizah is valid, only where it is a 'utensil' for its own function;³⁰ but here it is not a 'utensil' for its own function, seeing that R. Judah said: If the outer is broken, it is clean, which proves that it is not a 'utensil?'³¹ In truth, [R. Johanan referred] to R. Judah's view: say, And it is likewise so in respect to halizah, and he informs us this: When do we say, If she removes the left [-foot shoe] from the right foot the halizah is valid, [only] where

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- (1) For though temporary only, as stated supra 111b, they are frequently left there a long time, and so are forbidden.
- (2) Lit., 'entrances'. The chemise ties up by two pairs of bands or strings. It can be put on and removed even when one set is actually tied, thought of course with difficulty.
- (3) I.e., when she removes it she may leave one pair tied, which makes it permanent knot; since we do not know which may be left, both should be forbidden.
- (4) Not closely fitting, so that it can be removed from the head even when tied.
- (5) Without untying the ribbons.
- (6) Lit., 'spares'.
- (7) Rashi: when the cobbler inserts the lace in the shoe, he ties it there permanently. — Perhaps the shoes and its laces were so arranged that part of the lace was permanently fastened.
- (8) Sometimes they tied it very loosely, so that the shoe could be removed and put on without untying. Thus whilst not actually permanent to involve a sin-offering, it is semi-permanent, hence forbidden.
- (9) Who were particular that all their garments should fit exactly. Hence their shoes too were tightly fastened and had to be untied every time they were put on or off. perhaps they are mentioned in particular because being well-to-do they thought more of dress; cf. Obermeyer, p. 173.
- (10) Taya'a, specially Arabian caravan merchants.
- (11) Lit., 'balls'.
- (12) They are worn by two different people on occasion. Hence they must be tied exactly each time, and therefore the knot is temporary. — In the other two the differences are the same as in the case of shoes.
- (13) Lit., 'it presents a difficulty to me'.
- (14) Abaye asked this: why do you think that it ought to be permitted?
- (15) With the result that the sandal fell off his foot.
- (16) Tosaf. in Hag. 23a s.v. **נפסקה** reads: was walking behind.
- (17) Rashi: in a courtyard.
- (18) Do not pick it (the sandal) up to put away.
- (19) In a karmelith others might take it.
- (20) Why should it not be allowed to handle the sandal?
- (21) A sandal had two strappings, perhaps like loops, through which the laces were inserted, one on the outside and the other on the inside of the foot. Now, if the inner one is broken, it can be mended, and though it is not very seemly to walk in sandals with the strappings or laces merely knotted together, nevertheless it does not matter, as it is not very noticeable on the inner part of the foot. But if the outer one is broken, one would not walk out in it until a new one is inserted; consequently it ceases to be a 'utensil', and may not be handled on the Sabbath (cf. p. 125, n. 3). In Abaye's case the outer strap was broken, hence R. Joseph's ruling. But Abaye argued that by changing the sandal to the other foot this would become the inner strapping, hence it should be permitted. Presumably their sandals were not shaped exactly to the foot, and were interchangeable.
- (22) That it ceases to be a 'utensil' if the outer is broken.
- (23) At the back, by means of which the sandal is held when it is tied up.
- (24) For here too it ceases to be a 'utensil'.
- (25) For it is still a 'utensil'.
- (26) If it is a utensil in respect of the former, it is likewise so in respect of the latter, and may be handled on the Sabbath.
- (27) V. Glos.

(28) In the ceremony of halizah the shoe must be removed from the right foot.

(29) Because they are interchangeable. But then it should also be regarded as a shoe in respect to halizah even if the outer strapping is broken.

(30) I.e., it is at least fully fit for the left foot.

(31) Even in respect of its own foot.

Talmud - Mas. Shabbath 112b

it is a 'utensil' for its own function, but here it is not a 'utensil' for its own function.¹

Now, did R. Johanan say thus?² Surely R. Johanan said, The halachah is as an anonymous Mishnah,³ and we learnt: If one of the ears of a sandal is broken and he repairs it, it [the sandal] is unclean as midras.⁴ (If the second is broken [too] and he repairs it, it is clean in that it is not defiled as midras,⁵ but it is unclean as that touched by midras.)⁶ Does not [this mean that] there is no difference whether it is the inner or the outer?⁷ — No, [it refers] only [to] the inner. Then what if the outer [is broken]? [Would it be] clean! If so, instead of teaching, If the second is broken [too] and he repairs it, it is clean in that it is not defiled as midras, but it is unclean as that touched by midras, let him [the Tanna] draw a distinction in that very matter and teach: When is that? if the inner is broken; but [if] the outer [is broken] it is clean?—Said R. Isaac b. Joseph: Let our Mishnah⁸ treat of a sandal which has four ears and four strappings, so as not to overthrow⁹ the words of R. Johanan.

When Rabin came,¹⁰ he said: R. Hanan b. Abba said in Rab's name: The halachah is as R. Judah; while R. Johanan said: The halachah is not as R. Judah. But did R. Johanan say thus: surely since R. Johanan explained [the law] on the basis of R. Judah's view, it follows that he agrees with R. Judah? — There is [a controversy of] amoraim as to R. Johanan's opinion.

We learnt elsewhere: As for all utensils belonging to private people, their standards are [holes as large] as pomegranates.¹¹ Hezekiah asked: What if it [a utensil] receives a hole [large enough] for an olive to fall through, and he [the owner] closes it, then it receives another hole¹² [large enough] for an olive to fall through, and he closes it,[and so on] until it is made large enough for a pomegranate to fall through? Said R. Johanan to him, You have taught us: If one of the ears of a sandal is broken and he repairs it, it [the sandal] is unclean as midras; if the second is broken and he repairs it, it is clean in that it is not defiled as midras, but it is unclean as that touched by midras. Now we asked you: Why is it different [when] the first [is broken], — because the second is sound? But [when] the second [too] is broken, the first is [already] repaired? And you answered us: A new entity¹³ has arrived hither;¹⁴ here too, a new entity has arrived hither! [Thereupon] he [Hezekiah] exclaimed concerning him, This one is not the son of man!¹⁵ Others say, Such a one is indeed the son of man!¹⁶ R. Zera said in Raba b. Zimuna's name: If the earlier [scholars] were sons of angels, we are sons of men; and if the earlier [scholars] were sons of men, we are like asses, and not [even] like asses of R. Hanina b. Dosa and R. Phinehas b. Jair,¹⁷ but like other asses.

PITCHERS OF WINE OR OIL. But that is obvious?—This is necessary only where they have two spouts;¹⁸ you might say, He [the owner] may completely disregard one:¹⁹ therefore he [the Tanna] informs us [that we do not fear this].

THE MEAT POT. But that is obvious?—This is necessary only where it has a [screwed-in] stopper: you might say, He [the owner] may completely abandon [it]:²⁰ hence he informs us [that we do not fear this].

R. ELIEZER B. JACOB SAID: ONE MAY TIE, etc. But that is obvious? This is necessary only where there are two cords: you might say,

- (1) And this is the statement referred to above that R. Johanan explained the law on the view of R. Judah.
- (2) That the halachah is according to R. Judah.
- (3) I.e., one not taught in the name of any Rabbi.
- (4) If it belonged to a zab. V. p. 312, n.9.
- (5) I.e., it loses the midras defilement which it contracted previously.
- (6) I.e., it is unclean in the first degree, which is one degree below midras itself. It retains this lesser degree of defilement, because we regard it as having touched itself, as it were, when it was unclean as midras. — Rashal deletes the bracketed passage here.
- (7) Which is against R. Judah.
- (8) The cited anonymous Mishnah (Kel. XXVI, 4).
- (9) Lit., 'break'.
- (10) V. P. 12, n. 9.
- (11) If they are unclean, and then broken, the holes being large enough to allow a pomegranate to fall through, they cease to be utensils and become clean; cf. supra 95b.
- (12) At the side of the first.
- (13) Lit., 'face'.
- (14) I.e., subsequent to the shoe being defiled as midras, the breaking of both loops and their mending so change the shoe as to make it virtually a different utensil, not the one which was defiled.
- (15) He is superhuman.
- (16) He is a man in the full sense of the word.
- (17) The allusions are explained in Hul. 7a and Ta'an. 24a.
- (18) And the Mishnah refers to tying them up.
- (19) Lit., 'make it as nought', and use the other only; cf. p. 544, n.7.
- (20) Sc. the cloth which he ties on top, as he can unscrew the stopper and take the food out that way.

Talmud - Mas. Shabbath 113a

He [the owner] may completely disregard one;¹ hence he [the Tanna] informs us (that we do not fear this).

R. Joseph said in Rab Judah's name in Samuel's name: The halachah is as R. Eliezer b. Jacob. Said Abaye to him, [You say,] The halachah [etc.]: hence it follows that they [the Rabbis] disagree?² And what difference does that make? he replied. Shall the accepted tradition be [merely] like a song? he retorted.³ MISHNAH. A BUCKET [OVER A WELL] MAY BE TIED WITH A FASCIA⁴ BUT NOT WITH A CORD;⁵ BUT R. JUDAH PERMITS IT. R. JUDAH STATED A GENERAL RULE: ANY KNOT THAT IS NOT PERMANENT ENTAILS NO CULPABILITY.

GEMARA. What CORD is meant. Shall we say an ordinary [bucket] cord? [How then state] R. JUDAH PERMITS IT?- [Surely] it is a permanent knot? Rather it refers to a weaver's rope.⁶ Shall we say that the Rabbis hold, We preventively forbid a weaver's cord on account of an ordinary one,⁷ while R. Judah holds, We do not preventively forbid? But the following contradicts it: If the cord of a bucket is broken, one must not tie it [together] but merely make a loop [slip-knot]; whereas R. Judah maintains: One may wind a hollow belt or a fascia around it, providing that he does not tie it with a slip-knot. [Thus] R. Judah's [views] are self-contradictory and [similarly] the Rabbis'?- The Rabbis' [views] are not self-contradictory: one rope may be mistaken for⁸ another,⁹ [whereas] looping cannot be mistaken for knotting.¹⁰ R. Judah's [views] are not self-contradictory: there it is not because looping may be mistaken for knotting, but [because] looping itself is [a form of] knotting.¹¹

R. Abba said in the name of R. Hiyya b. Ashi in Rab's name: A man may bring a cord from his house and tie it to a cow and [its] trough.¹² R. Aha the Long, that is R. Aha b. Papa, refuted R. Abba: If a cord [is attached] to a trough, one may tie it to [his] cow; and if [attached] to a cow, one may tie

it to a trough, provided however, that he does not bring a cord from his house and tie it to the cow and the trough? — There [the reference is to] an ordinary cord; here [we treat of] a weaver's cord.

Rab Judah said in Samuel's name: A weaver's implements may be handled on the Sabbath.¹³ Rab Judah was asked: What of the upper beam and the lower beam?¹⁴ — Yes and No, and he was uncertain about it.¹⁵ It was stated: R. Nahman said in Samuel's name: A weaver's implements may be handled on the Sabbath, even the upper beam and the lower beam, but not the [vertical] rollers.¹⁶ Raba asked R. Nahman: Why are rollers different, that it is not [permitted]? Shall we say, because one makes holes?¹⁷ But the holes are made automatically!¹⁸ For we learnt: If one stores turnips or radishes under a vine, provided some of their leaves are uncovered, he need have no fear on account of kil'ayim, the seventh year, or tithes, and they may be removed on the Sabbath?¹⁹ — In a field one will not come to level [fill up] the holes; [whereas] here in the house one will come to level the holes.²⁰

R. Johanan asked R. Judah b. Lewai: As for a weaver's implements, e.g., the upper beam and the lower beam, may they be handled on the Sabbath? They may not be handled, answered he. What is the reason? Because they cannot be taken up [moved].²¹

MISHNAH. ONE MAY FOLD UP GARMENTS EVEN FOUR OR FIVE TIMES,²² AND SPREAD THE SHEETS ON THE BEDS ON THE NIGHT OF THE SABBATH²³ FOR [USE ON] THE SABBATH, BUT NOT ON THE SABBATH FOR [USE ON] THE CONCLUSION OF THE SABBATH. R. ISHMAEL SAID: ONE MAY FOLD UP GARMENTS AND SPREAD THE SHEETS ON THE BEDS ON THE DAY OF ATONEMENT FOR [USE ON] THE SABBATH,²⁴ AND THE FATS OF THE SABBATH²⁵ MAY BE OFFERED [BURNT ON THE ALTAR] ON THE DAY OF ATONEMENT,²⁶ BUT NOT THOSE OF THE DAY OF ATONEMENT ON THE SABBATH. R. AKIBA SAID: NEITHER MAY THOSE OF THE SABBATH BE OFFERED ON THE DAY OF ATONEMENT, NOR MAY THOSE OF THE DAY OF ATONEMENT BE OFFERED ON THE SABBATH.

GEMARA. The School of R. Jannai said: They learnt this only of one man, but [it may] not [be done] by two men.²⁷ And even of one man, we said [this] only of new [garments],²⁸ but not of old [ones]. And even of old [garments], we said this only of white, but not of coloured [ones].²⁹ And we said this only if he has no others to change, but if he has others to change it is not permitted. It was taught: [The members] of the household of R. Gamaliel did not fold up their white garments, because they had [others] for changing.

R. Huna said: If one has a change [of garments],³⁰ he should change [them], but if he has nothing to change into, he should lower his garments.³¹ R. Safra demurred: But this looks like ostentation?—Since he does not do this every day, but [only] now [on the Sabbath], it does not look like ostentation.

And thou shalt honour it, not doing thine own ways:³² ‘and thou shalt honour it’, that thy Sabbath garments should not be like thy weekday garments, and even as R. Johanan called his garments ‘My honourers’.³³ ‘Not doing thine own ways’, that thy walking on the Sabbath shall not be like thy walking on weekdays.³⁴ ‘Nor finding thine own affairs’:³⁵ thine affairs are forbidden, the affairs of Heaven [religious matters] are permitted. ‘Nor speaking thine own words:’

(1) He will untie only the lower one, and the animal can leave the stable by stooping.

(2) Surely not, seeing that this is exactly similar to the other cases.

(3) V. supra 57b, 106b.

(4) A band or fillet.

(5) The first is certainly not permanent, but the second may be left there, and thus a permanent knot will have been tied

on the Sabbath.

(6) He needs this and will not abandon it there.

(7) The former ought to be permitted, since the knot is only temporary (v. preceding note), and the only reason for prohibiting it is that we fear that otherwise one may fasten an ordinary rope too.

(8) Lit., 'interchanged with'.

(9) As in n. 4.

(10) No one will think that if the former is permitted the latter is too.

(11) In his view.

(12) Without fear of subsequently leaving one end tied, in which case it becomes a permanent knot.

(13) For a permissible use, though of course their normal use is forbidden on the Sabbath.

(14) Jast.: the upper beam on which the warp depends; the lower beam, the roller on which the web is wound as it advances. — Do we say that since these are costly the weaver is careful not to use them for any purpose but their own, and hence they may not be handled even for a legitimate use?

(15) Lit., 'it was weak in his hand'.

(16) Perforated rollers used by women in weaving.

(17) The roller is set in the ground, and in pulling it out one naturally dislodges the earth around it and thus makes a hole.

(18) I.e., they cannot be regarded as made by him.

(19) v. supra 50b bottom et seq. for notes. Thus we do not say that in removing them from the ground he makes holes.

(20) And for fear of this it is forbidden.

(21) Even on weekdays, owing to their heaviness. Hence they are utensils whose exclusive purpose is a labour forbidden on the Sabbath (cf. p. 167, n. 8.)

(22) Every time one takes them off, if they are to be worn again on the Sabbath.

(23) I.e., Friday night.

(24) Rashi: e.g., if the former falls on Friday. — Nowadays this can never happen, but it was possible in the age of the Mishnah, when the beginning of each month was fixed by direct observation.

(25) I.e., the fats of sacrifices offered on the Sabbath.

(26) If it follows the Sabbath. The fats were burnt during the night following the day in which the sacrifice was offered up.

(27) When two men fold up garments they naturally smooth out the creases, and thus repair them, as it were.

(28) They have less creases, and also the cloth is harder, and so the folding does not smooth them out

(29) Their creases are more easily smoothed out. — Perhaps their method of dyeing had that effect on the cloth.

(30) For the Sabbath.

(31) Wear them lower down, to make them look longer. — Wealthy men who did not work in the field generally wore longer garments than workers.

(32) Isa. LVIII, 13. The reference is to the Sabbath.

(33) The garments dignify the person.

(34) This is explained infra.

(35) Ibid. E.V.: pleasure.

Talmud - Mas. Shabbath 113b

that thy speech [conversation] on the Sabbath should not be like thy speech on weekdays.¹ 'Speaking': speech is forbidden, but thought [about mundane matters] is permitted. Now, as for all [the rest], they are intelligible; but what is meant by, 'that thy walking on the Sabbath shall not be like thy walking on weekdays'? — As R. Huna said in Rab's name-others state, R. Abba said in R. Huna's name: If one is walking on the Sabbath and comes to a stream of water, if he can put down his first foot² before lifting the second,³ it is permitted;⁴ otherwise it is forbidden.⁵ Raba demurred: What shall he do? Shall he go round it? Then he increases the walking [distance]!⁶ Shall he cross it [walking through]? His garments may be soaked in water and he is led to wringing [them] out!⁷ Rather [in such a case], since it is impossible [otherwise], it is permitted [to jump across]. But [what is meant]⁸ is as Rabbi asked R. Ishmael son of R. Jose: Is it permitted to take great strides on the

Sabbath?⁹ — Who then permitted it on weekdays? he replied; for I maintain that a long stride takes away a five hundredth part of a man's eyesight,¹⁰ and it is restored to him by the evening Kiddush.¹¹ Rabbi asked R. Ishmael son of R. Jose: May one eat earth on the Sabbath?¹² — Who then permitted it on weekdays? he replied. For I maintain, It is forbidden even on weekdays, because it causes illness.

R. Ammi said: He who eats earth of Babylon is as though he ate the flesh of his ancestors;¹³ some say, It is as though he ate of abominations and creeping things, because it is written, And he dissolved every living thing, etc.¹⁴ Resh Lakish said, Why is it [Babylon] called Shinar? Because all the dead of the Deluge were shaken out [deposited] thither [nin'aru lesham]. R. Johanan said: Why was it called Mezulah [depth]? Because all the dead¹⁵ of the Deluge were dumped¹⁶ there.

'Some say, It is as though he ate of abominations and creeping things.' But these were certainly completely dissolved?¹⁷ Rather because they cause illness the Rabbis forbade them. For a certain man ate 'gargishta¹⁸ and [then] ate cress, and the cress sprouted up into his heart¹⁹ and he died.

Wash thyself therefore, and anoint thee, and put thy raiment upon thee.²⁰ R. Eleazar said: This refers to the Sabbath garments. Give instructions to a wise man, and he will be yet wiser.²¹ R. Eleazar said: This alludes to Ruth the Moabitess and Samuel of Ramah.²² 'Ruth' — for whereas Naomi said to her, Wash thyself therefore, and anoint thee, and put thy raiment upon thee, and get thee down to the threshing floor, yet of her it is written, And she went down unto the threshing-floor, and [only] subsequently, and did according to all that her mother-in-law bade her.²³ 'Samuel': for whereas Eli said to him, Lie down: and it shall be, if he call thee, that thou shalt say, Speak, Lord, for thy servant heareth;²⁴ yet of him it is written, And the Lord came, and stood, and called as at other times, Samuel, Samuel. Then Samuel said, Speak; for thy servant heareth,²⁵ but he did not say, Speak, Lord.²⁶

And she went and came and gleaned in the field.²⁷ R. Eleazar said: She repeatedly went and came until she found decent men whom to accompany. Then said Boaz unto his servant that was set over [he reapers, whose damsel is this?²⁸ Was it then Boaz's practice to enquire about damsels?²⁹ — Said R. Eleazar: He perceived a wise dealing³⁰ in her behaviour, two ears of corn³¹ she gleaned; three ears of corn she did not glean.³² It was taught: He perceived modest behaviour in her, the standing ears³³ [she gleaned] standing; the fallen [she gleaned] sitting. And cleave here by my maidens:³⁴ was it then Boaz's practice to cleave³⁵ to the women?³⁶ — Said R. Eleazar, As soon as he saw that, 'and Orpah kissed her mother-in-law, but Ruth cleaved unto her,'³⁷ he said, It is permitted to cleave unto her. And at meal-time Boaz said unto her, Come hither:³⁸ Said R. Eleazar, He intimated to her,³⁹ The royal house of David is destined to come forth from thee, [the house] whereof 'hither' is written, as it is said, Then David the king went in, and sat before the Lord, — and he said, Who am I, O Lord God, and what is my house, that thou hast brought me hither?⁴⁰

And dip thy morsel in vinegar.⁴¹ R. Eleazar said: Hence [it may be deduced] that vinegar is beneficial in hot weather. R. Samuel b. Nahmani said: He intimated to her, A son is destined to come forth from thee whose actions shall be as sharp⁴² as vinegar; and who was it, Manasseh — And she sat beside the reapers.⁴³ R — Eleazar observed: At the side of the reapers, but not in the midst of the reapers: he [Boaz] intimated to her⁴⁴ that the Kingdom of the House of David was destined to be divided.⁴⁵ And he reached her parched corn, and she did eat [and was sufficed, and left thereof].⁴⁶ Said R. Eleazar: 'She ate' in the days of David, 'she was sufficed' in the days of Solomon, 'and she left over' in the days of Hezekiah.⁴⁷ Some there are who interpret, 'She ate' in the days of David and Solomon, and 'she was sufficed' in the days of Hezekiah, 'and she left over' in the days of Rabbi.⁴⁸ For a Master said, Rabbi's house steward was wealthier than King Shapur.⁴⁹ In a Baraita it was taught: 'And she ate', in this world; 'and she was sufficed', in the days of the Messiah: 'and she left over', in the future that is to come.⁵⁰

And beneath his glory shall he kindle a burning like the burning of a fire.⁵¹ R. Johanan said: That which is 'beneath' his glory [shall be burnt], but 'glory' is not literal.⁵² R. Johanan is consistent with his opinion, for R. Johanan called his garments 'my honourers'. R. Eleazar said, 'and beneath his glory' means literally instead of his glory.⁵³ R. Samuel b. Nahmani interpreted: 'And beneath his glory' [must be understood] like the burning of the sons of Aaron; just as there the burning of the soul [is meant], while the body remained intact,⁵⁴ so here too, the burning of the soul, while the body remains intact.⁵⁵

R. Aha b. Abba said in R. Johanan's name:

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- (1) E.g., business talk is forbidden.
 - (2) On the other side of the stream.
 - (3) From this side of the stream — i.e., he can negotiate the stream in a single stride.
 - (4) Even to jump across.
 - (5) To jump across.
 - (6) Which is more tiring and certainly not preferable on the Sabbath.
 - (7) Which is forbidden.
 - (8) By 'that thy walking on the Sabbath, etc.'
 - (9) Or does it not seem in keeping with the restfulness that should characterize the Sabbath.
 - (10) Lit., 'the light of a man's eyes'.
 - (11) By drinking the wine of Kiddush, q.v. Glos.
 - (12) Rashi: 'day'. Perhaps as a cure.
 - (13) Who died there.
 - (14) Gen. VII, 23. It is now assumed that they became earth.
 - (15) Var. lec.: waters.
 - (16) Or, sunk-niztallelu.
 - (17) They did not become earth.
 - (18) A certain reddish clay.
 - (19) It took root and grew in the gargishta.
 - (20) Ruth III, 3.
 - (21) Prov. IX, 9.
 - (22) I.e., the prophet.
 - (23) Ruth III, 6. — She reversed the order, lest she be met on the way thus adorned, and suspected of being a harlot.
 - (24) I Sam. III, 9.
 - (25) I Sam. III, 10.
 - (26) Being uncertain whether it was God's voice.
 - (27) Ruth II, 3.
 - (28) Ibid. 5.
 - (29) Surely he did not ask about every maiden gleaning in the field!
 - (30) Lit., 'a matter of wisdom'. Bah, quoting Nid. 69b, translates: a knowledge (lit., 'matter of halachah').
 - (31) That fell from the reapers.
 - (32) In accordance with the law stated in Pe'ah VI, 5 — This fact attracted his attention.
 - (33) Which the reapers forgot to cut down; these belong to the poor.
 - (34) Ibid. 8.
 - (35) var. lec.: speak.
 - (36) The question as based on the verse is not clear, v. Maharsha.
 - (37) Ibid. I, 14.
 - (38) Ibid. II, 14.
 - (39) Under the action of the Holy Spirit.
 - (40) II Sam. VII, 18. E.V.: 'thus far'; Heb. in both verses, halom.
 - (41) Ruth II, 14.

(42) Lit., 'hard', 'grievous'.

(43) Ibid.

(44) By seating her thus.

(45) Just as the reapers made a division between her and him.

(46) Ruth II, 14.

(47) This metaphorically indicates the progressive stages of prosperity during the reigns of these three monarchs.

(48) R. Judah the Prince, who was a descendant of the House of David.

(49) Shapur I, King of Persia and a contemporary of Samuel (third century).

(50) Cf. Sanh., Sonc. ed., p. 601, n. 3.

(51) Isa. X, 16.

(52) For the literal meaning of 'glory' in reference to a man is his body, the flesh which gives him his beauty; hence beneath his 'glory' would have to mean his soul, which R. Johanan regards as unsuited to the context. Therefore 'glory,' must refer to his garments, which dignify him, whilst 'beneath his 'glory' denotes the body.

(53) Tahath means both 'beneath' and 'instead'. He too maintains that the body shall be burnt and translates, instead of his glory — sc. his body there shall be the ashes to which it is reduced.

(54) v. Sanh. 52a.

(55) He translates tahath 'beneath', like R. Johanan, and 'glory' his body, like R. Eleazar, and hence arrives at this conclusion. — In Sanh. 94a R. Eleazar's view and R. Samuel b. Nahmani's are combined; v. *ibid.*, Sonc. ed., p. 634.

Talmud - Mas. Shabbath 114a

Whence do we learn change of garments¹ in the Torah? Because it is said, And he shall put off his garments, and put on other garments,² and the School of R. Ishmael taught: The Torah teaches you manners: In the garments in which one cooked a dish for his master, one should not mix a cup [of wine] for his master.³

R. Hiyya b. Abba said in R. Johanan's name: It is a disgrace for a scholar to go out with patched shoes into the market place. But R. Aha b. Hanina did go out [thus]? — Said R. Aha son of R. Nahman: The reference is to patches upon patches. R. Hiyya b. Abba also said in R. Johanan's name: Any scholar upon whose garment a [grease] stain is found is worthy of death,⁴ for it is said, All they that hate me [mesanne'ai] love [merit] death.⁵ read not mesanne'ai but masni'ai [that make me hated, i.e., despised].⁶ Rabina said: This was stated about a thick patch.⁷ Yet they do not differ: one refers to the upper garment [coat], the other to a shirt.

R. Hiyya b. Abba also said in R. Johanan's name: What is meant by the verse, Like as my servant Isaiah hath walked naked and barefoot?⁸ 'Naked' means in worn-out garments; 'barefoot' in patched shoes.

We learnt elsewhere: A grease stain upon a saddle constitutes an interposition.⁹ R. Simeon b. Gamaliel said: [The inferior limit is] as much as an Italian issar.¹⁰ On garments: [if the stain is] on one side, it does not interpose; [if] on both sides,¹¹ it interposes. R. Judah said in R. Ishmael's name: Even on one side it interposes.¹²

R. Simeon b. Lakish asked R. Hanina: In the case of a saddle, [can the stain be] on one side, or [must it be] on both sides?¹³ I have not heard this, he replied, but have heard something similar. For we learnt, R. Jose said: [The garments] of banna'im: [a stain even] on one side [interposes]; of uncultured persons, [only a stain] on both sides [interposes].¹⁴ And surely a saddle does not stand higher than the garment of an ignoramus!¹⁵ What are banna'im — Said R. Johanan: These are scholars, who are engaged all their days in the upbuilding of the world.¹⁶

R. Johanan also said: Who is the scholar to whom a lost article is returned on his recognition thereof?¹⁷ That [scholar] who is particular to turn his shirt.¹⁸ R. Johanan also said: Who is the

scholar that is appointed a leader of the community? He who when asked a matter of halachah in any place can answer it, even in the Tractate Kallah.¹⁹ R. Johanan also said: Who is the scholar whose work it is the duty of his townspeople to perform?²⁰ He who abandons his own interest and engages in religious affairs; yet that is only to provide²¹ his bread.²²

R. Johanan also said: Who is a scholar? He who is asked a halachah in any place and can state it, In respect of what practical matter?—To appoint him a leader of the community: if [he is well versed only] in one Tractate, [he can be appointed] in his own town; if in the whole [field of] learning,²³ [he can be appointed] as the head of an academy.²⁴

R. Simeon b Lakish said: This means²⁵ the court robes [olaryin]²⁶ that come from overseas, Shall we say that they are white? But R. Jannai said to his sons, ‘My sons, bury me neither in white shrouds nor in black shrouds, White, lest I do not merit,²⁷ and am like a bridegroom among mourners: black, in case I have merit, and am like a mourner among bridegrooms. But [bury me] in court garments [olaryin] that come from overseas. This proves that they are coloured. — There is no difficulty: one refers to robes,²⁸ the other to shirts.²⁹

R. ISHMAEL SAID: ONE MAY FOLD UP, etc. Our Rabbis taught: The burnt-offering of the Sabbath, on the Sabbath thereof:³⁰ this teaches concerning the fats of the Sabbath, that they may be offered [burnt] on the Day of Atonement. One might think. Those of the Day of Atonement [can] also [be burnt] on the Sabbath, therefore it is stated, ‘on the Sabbath thereof’: this is R. Ishmael’s opinion. R. Akiba said: ‘The burnt-offering of the Sabbath on the Sabbath thereof’: this teaches concerning the fats of the sabbath, that they can be offered on a Festival.³¹ One might think, On the Day of Atonement too, therefore it is stated, ‘on the Sabbath thereof.’ When you examine the matter,³² according to R. Ishmael’s opinion, vows³³ and freewill-offerings³⁴ may be sacrificed on a Festival, hence the verse is required in respect of the Day of Atonement.³⁵ [But] on the view of R. Akiba, vows and freewill-offerings cannot be sacrificed on a Festival; hence the verse is required to permit [the burning of the fats on] Festivals.

R. Zera said:

(1) As an act of honour.

(2) Lev. VI, 4.

(3) In Talmudic times liquor was diluted with water.

(4) This expression merely denotes strong indignation a scholar should set a high standard of cleanliness.

(5) Prov. VIII, 36. The speaker is learning personified.

(6) For a scholar who has no pride in his personal appearance brings contempt upon his learning.

(7) Jast.; v. however, Rashi.

(8) Isa. XX, 3.

(9) When an article is unclean and requires tebillah (v. Glos.), nothing may interpose between it and the water; otherwise the tebillah is invalid. With respect to stains, etc., if one generally objects to them, they are an interposition; if not, they are not an interposition. A grease stain belongs to the former category.

(10) A certain coin. The stain must be at least that size for it to interpose.

(11) The greasiness having soaked through.

(12) V. Kel. IX, 5, 6.

(13) In R. Ishmael’s view.

(14) The former are more fastidious than the latter. R. Jose disagrees with R. Judah and maintains that according to R. Ishmael a stain on the garments of banna'im (explained below as meaning scholars) interposes even if it is on one side only. — This passage is cited to show that scholars must be particular.

(15) I.e., an uncultured person. On ‘am ha-arez v. p 51, n. 1 .

(16) Banna'im lit. means builders. Frankel, Zeitschrift für die Religiösen Interessen des Judentums', 1846 p. 455 maintains that the term banna'im was originally applied to the Essenes. — Ignorance is the greatest enemy of stability,

but it should be noted that the phrase (disciple of the wise) (talmid hakam) always denoted scholarship plus piety.

(17) Lit., 'on impression of the eye'. The ordinary person in claiming a lost article must state identification marks, but a scholar is believed if he simply states that he recognizes it; B.M. 23b.

(18) For the seams and rough edges to be on the inside. It appears that not all were particular about this.

(19) A short tractate of that name. Rashi: Though this is not generally studied. Others: the laws of Festivals (Kallah was the name given to the general assemblies in Elul and Adar, when the laws of the Festivals were popularly expounded). v. Kid., Sonc. ed., p. 247, nn 3-4.

(20) V. Yoma 72b; cf. Aboth III, and note a.l. in Sonc. ed. The present passage supports the thirteenth century interpretation quoted there, and suggests that it was similarly interpreted in Talmudic ages too.

(21) Lit., 'take trouble over'.

(22) I.e., he can only demand the necessities of existence.

(23) Jast. the Mishnah, [Kaplan, J. op. cit. p. 250 understands this as a technical term denoting the summary embodying conclusions arrived at in schools as a result of the discussions based on the Mishnah]

(24) It may be observed that it is automatically assumed that the leader of a community must be a scholar for Jewry sought to promote an aristocracy of learning, not of birth. Cf. Halevi, Doroth, I, 3, pp. 640 seq.

(25) Resh Lakish gives his definition of the garments of 'banna'im'.

(26) Jast. Rashi reads: olyarim (from Gr. **): costly wraps used by wealthy persons at the baths.

(27) To be amongst the righteous.

(28) Upper garments, which were coloured,

(29) Or, chemises. These were white.

(30) Num. XXXVIII, 10. This is interpreted with and without the 'thereof' (the suffix ך). Thus: (i) The burnt-offering of one Sabbath may be completed (i.e., its fat burnt on the altar) on another Sabbath; (ii) The burnt-offering of one Sabbath must be completed on that self-same Sabbath. In this connection it must be observed that the Day of Atonement too is designated Sabbath in Lev. XXIII, 32

(31) Following the Sabbath.

(32) Lit., 'when you find to say',

(33) I.e. vowed sacrifices,

(34) For the difference v. R. H. 6a. Both, of course, are voluntary sacrifices,

(35) For if even voluntary offerings, which can be brought on weekdays, may be sacrificed on a Festival, it goes without saying that fats left over from the obligatory public sacrifices of the Sabbath can be burnt in the evening, even if it is a Festival, and no verse is necessary to teach this. Consequently the verse must be referred to the Day of Atonement,

Talmud - Mas. Shabbath 114b

When I was in Babylon¹ I thought,² That which was taught, If the Day of Atonement fell on the eve of the sabbath [Friday], it [the Shofar] was not sounded,³ while [if it fell] at the termination of the Sabbath, habdalah was not recited,⁴ is a unanimous opinion. But when I emigrated thither [to Palestine]. I found Judah the son of R. Simeon b. Pazzi sitting and saying, This is according to Akiba [only];⁵ for if [it agrees with] R. Ishmael, — since he maintains, The fats of the Sabbath may be offered on the Day of Atonement, let it [the Shofar] be sounded, so that it may be known that the fats of the Sabbath can be offered on the Day of Atonement,⁶ Whereupon I said to him, The priests⁷ are zealous.⁸

Mar Kashisha son of R. Hisda said to R. Ashi: Do we then say, Priests are zealous? Surely we learnt: Three [blasts were blown] to cause the people to cease work; three, to distinguish between the holy [day] and weekdays?⁹ — As Abaye answered,¹⁰ it was for the rest of the people in Jerusalem; so here too it was for the rest of the people in Jerusalem.

Yet let it [the Shofar] be blown, so that they might know that the trimming of vegetables is permitted [on the Day of Atonement] from the [time of] minhah¹¹ and onwards?¹² Said R. Joseph: Because a shebuth¹³ is not superseded in order to give permission.¹⁴ While R. Shisha son of R. Idi answered: A shehuth [of] immediate¹⁵ [importance] was permitted; a shebuth [of] distant

[importance] was not permitted¹⁶ But did they permit a shebuth [of] immediate [importance]? Surely we learnt: If a Festival falls on Friday, we sound [the shofar] but do not recite habdalah;¹⁷ [if it falls] at the termination of the Sabbath, we recite habdalah¹⁸ but do not sound [the shofar].¹⁹ But why so: let it be sounded so that it may be known that killing [animals for food] is permitted immediately [the Sabbath ends]?²⁰ Rather it is clear that it is as R. Joseph [answered]. R. Zera said in R. Huna's name — others state, R. Abba said in R. Huna's name: If the Day of Atonement falls on the Sabbath, the trimming of vegetables is forbidden. R. Mana said, It was taught likewise: How do we know that if the Day of Atonement falls on the Sabbath, the trimming of vegetables²¹ is forbidden? Because it is said, Shabbathon; it is a shebuth.²² Now, in respect of what [is it stated]: shall we say. In respect of labour²³ — surely it is written, thou shalt not do any work?²⁴ Hence it must surely refer to the trimming of vegetables;²⁵ this proves it.

A. Hiyya b. Abba said in R. Johanan's name: If the Day of Atonement falls on the Sabbath, the trimming of vegetables is permitted. An objection is raised: How do we know that if the Day of Atonement falls on the Sabbath, the trimming of vegetables is forbidden? Because shabbathon is stated: it is a shebuth. In respect of what: shall we say in respect of labour, — surely it is written, 'thou shalt not do any work'? Hence it must surely refer to the trimming of vegetables! — No: in truth it refers to actual work, but [it is stated] to [show that] one violates an affirmative and a negative injunction on account thereof.²⁶ It was taught in accordance with R. Johanan: If the Day of Atonement falls on the Sabbath,

(1) R. Zera was a Babylonian who studied at home first and then emigrated to Palestine,

(2) Lit., 'said',

(3) As on ordinary Fridays, supra 35b.

(4) In the evening prayer, V. Glos. When a Festival falls on Sunday, habdalah is recited in the evening to signify that there is a distinction between the holiness of the Sabbath and that of Festivals.

(5) Since he maintains that the fats of the Sabbath may not be burnt on the Day of Atonement and vice versa, he evidently holds that they each enjoy equal sanctity. Therefore neither habdalah nor the sounding of the shofar is required, for these are necessary only to mark a difference in the degree of sanctity.

(6) For the sounding of the shofar would teach that the Day of Atonement possessed a lower degree of holiness.

(7) Who burn the fats.

(8) They take care to know the law and need no reminder.

(9) This was done in the Temple, and he assumed that it was in order to remind the priests,

(10) In reference to another matter; v, Yoma 37b,

(11) V. Glos.

(12) In this it differs from the Sabbath, when it is forbidden, V. infra.

(13) V. Glos.; the blowing of the shofar is a shebuth.

(14) But only where it is necessary to emphasize prohibitions, e.g., if Friday is a Festival, so that many things permitted thereon are forbidden on the Sabbath,

(15) Lit., 'near',

(16) If it were of immediate importance, the shebuth would have been permitted. But in any case when the day of Atonement falls on Friday, the vegetables, even if trimmed, cannot be cooked on the Sabbath. So that the sounding of the shofar would only be of importance for subsequent Days of Atonement, and in such a case the shebuth is not superseded.

(17) On Friday evening, because habdalah is recited only when a more stringent holiness is left behind.

(18) On Saturday evening.

(19) Saturday afternoon.

(20) For the preparation of food is permitted on Festivals, Ex, XII. 6.

(21) I.e., cutting away those parts of vegetables which are not edible. The reference is of course to unattached vegetables.

(22) Ex. XVI, 23: E.V. (solemn) rest. Here it is translated as shebuth, and thus intimates such labour as trimming vegetables.

(23) I.e., the word forbids actual labour, e.g. the trimming of vegetables that are still attached to the soil, supra 73b. — The discussion here treats of vegetables already cut off from the ground.

(24) Ex, XX, 9, hence shabbathon is superfluous.

(25) The verse is merely a support (asmakta), the prohibition being a Rabbinical one only (Ri).

(26) Shabbathon is an affirmative command, bidding one to rest,

Talmud - Mas. Shabbath 115a

the trimming of vegetables is permitted. Nuts may be cracked and pomegranates scraped from the [time of] minhah and onwards, on account of one's vexation.¹ The household of Rab Judah trimmed cabbage. Rabbah's household scraped pumpkins. Seeing that they were doing this [too] early,² he said to them, A letter has come from the west in R. Johanan's name [to the elect] that this is forbidden.³

CHAPTER XVI

MISHNAH. ALL SACRED WRITINGS⁴ MAY⁵ BE SAVED FROM A FIRE,⁶ WHETHER WE READ THEM OR NOT;⁷ AND EVEN IF THEY ARE WRITTEN IN ANY LANGUAGE, THEY MUST BE HIDDEN.⁸ AND WHY DO WE NOT READ [CERTAIN OF THE SACRED WRITINGS]? BECAUSE OF THE NEGLIGENCE OF THE BETH HAMIDRASH.⁹

GEMARA. It was stated: If they are written in Targum¹⁰ or in any [other] language, — R. Huna said: They must not be saved from a fire; while R. Hisda ruled: They may be saved from a fire. On the view that it is permissible to read them,¹¹ all agree that they must be saved. They differ only according to the view that they may not be read. R. Huna says: We may not save [them], since they may not be read. R. Hisda says: We must save [them], because of the disgrace to Holy Writings.¹² We learnt: ALL SACRED WRITINGS MAY BE SAVED FROM THE FIRE, WHETHER WE READ THEM OR NOT, and even if they are written in any language. Surely WHETHER WE READ THEM refers to the Prophets, whilst OR NOT refers to the Writings, AND EVEN IF THEY ARE WRITTEN IN ANY LANGUAGE, though they may not be read [publicly], yet he [the Tanna] teaches that they MAY BE SAVED, which refutes R. Huna? — R. Huna can answer you: Is that logical? Consider the second clause: THEY MUST BE HIDDEN: seeing that they must be saved,¹³ need hiding be mentioned?¹⁴ But R. Huna explains it in accordance with his view, while R. Hisda explains it according to his. R. Huna explains it in accordance with his view. WHETHER WE READ THEM, [i.e.] the Prophets; OR NOT, [i.e.,] the Writings. That is only if they are written in the Holy Tongue [Hebrew], but if they are written in any [other] language, we may not save them, yet even so they must be hidden. R. Hisda explains it according to his view: WHETHER WE READ THEM, [i.e.,] the Prophets, OR NOT, [i.e.,] the Writings; EVEN IF THEY ARE WRITTEN IN ANY LANGUAGE, we must still save them. And this is what he states: And [even] their worm-eaten [material] MUST BE HIDDEN.

An objection is raised: If they are written in Targum or in any [other] language, they may be saved from the fire: this refutes R. Huna? — R. Huna answers you: This Tanna holds, They may be read. Come and hear: If they are written in Egyptian,¹⁵ Median, a trans[-Euphratean]¹⁶ Aramaic, Elamitic,¹⁷ or Greek, though they may not be read, they may be saved from a fire: this refutes R. Huna? — R. Huna can answer you: It is [a controversy of] Tannaim. For it was taught: If they are written in Targum or in any language, they may be saved from a fire. R. Jose said: They may not be saved from a fire. Said R. Jose: It once happened that my father Halafta visited R. Gamaliel Berabbi¹⁸ at Tiberias and found him sitting at the table of Johanan b. Nizuf with the Targum of the Book of Job in his hand¹⁹ which he was reading. Said he to him, 'I remember that R. Gamaliel, your grandfather, was standing on a high eminence on the Temple Mount, when the Book of Job in a Targumic version was brought before him, whereupon he said to the builder, "Bury it under the

bricks."²⁰ He [R. Gamaliel II] too gave orders, and they hid it.'²¹ R. Jose son of R. Judah said: They overturned a tub of mortar upon it. Said Rabbi: There are two objections to this: Firstly, how came mortar on the Temple Mount?²² Moreover, is it then permitted to destroy them with one's own hands? For they must be put in a neglected place to decay of their own accord.²³ Which Tannaim [differ on this question]?²⁴

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- (1) Lit., 'grief of the soul'. It would be very vexing if the breaking of the Fast had to be delayed whilst these are prepared (Baal Ha-Ma'or V. Marginal Gloss.; Rashi explains it differently)
- (2) Before the time of minhah.
- (3) Such letters afford examples of early Rabbinic Responsa.
- (4) E.g., the Torah, Prophets, and Writings.
- (5) In this connection 'may' is the equivalent of 'must', and similarly in the Gemara.
- (6) By being moved from one domain to another on the Sabbath. V. next Mishnah.
- (7) The reference is to public readings. There was (and is) public reading from the Prophets but not from the Writings (Hagiographa). Rashi quotes another explanation: even private individuals did not read the Writings (on the Sabbath), because public lectures were given on that day, which left no time for private reading.
- (8) If they become unfit for use. V. p. 429, n. 5.
- (9) The public lectures would be neglected. For a general discussion on the manner, etc. of these lectures v. Zunz, G. V. Ch. 20.
- (10) The Aramaic translation of the Pentateuch and other portions of the Bible are called Targum — the translation par excellence. But v. Kaplan, op. cit. pp. 283 seq.
- (11) publicly; v. Meg. 8b.
- (12) It disgraces them if they are allowed to be burnt like something worthless.
- (13) On your hypothesis.
- (14) Obviously if they have sufficient sanctity to be saved on the Sabbath they must not be simply thrown away when no longer fit for use.
- (15) Or, Coptic.
- (16) עברית so Jast.: perhaps the reference is to Hebrew in transliteration.
- (17) Of Elam, south of Assyria.
- (18) A title of scholars most frequently applied to disciples of R. Judah ha-Nasi and his contemporaries, but also to some of his predecessors (as here), and sometimes to the first Amoraim (Jast.). V. Naz., Sonc. ed., p. 64, n. 1.
- (19) This shows that a Targum of Job existed already in the middle of the first century C.E. This is not identical with the extant Targum, which on internal evidence must have been composed later; v. J.E. art. Targum, Vol. XII, p. 62; Zunz, G. V. 64 seq.
- (20) Lit., 'the course (of stones)'.
 (21) The spread of words inimical to Judaism, both through the rise of Christianity and false claimants to the Messiahship, caused the Rabbis to frown upon books other than those admitted to the Holy Scriptures, even such as were not actually inimical thereto. — Weiss, Dor, I, 212, 236.
- (22) A mixture of lime and sand was used, but not mortar, which is made of earth and water.
- (23) The objection to writing down the Targum was probably due to the fear that it might in time be regarded as sacred. V. also Kaplan, op. cit., p. 285.
- (24) Sc. whether they may be rescued from a fire.

Talmud - Mas. Shabbath 115b

Shall we say the first Tanna and R. Jose, — but perhaps they differ in this: one Master holds, It is permitted to read them; while the other holds, It is not permitted to read them?¹ Rather [they are] R. Jose and the Tanna [who taught the law] about the Egyptian [script].

Our Rabbis taught: Benedictions and amulets, though they contain letters of the [Divine] Name and many passages of the Torah, must not be rescued from a fire but must be burnt where they lie,² they together with their Names. Hence it was said, They who write down Benedictions are as though

they burnt a Torah.³ It happened that one was once writing in Sidon. R. Ishmael was informed thereof, and he went to question him [about it]. As he was ascending the ladder, he [the writer] became aware of him, [so] he took a sheaf of benedictions and plunged them into a bowl of water. In these words⁴ did R. Ishmael speak to him: The punishment for the latter [deed] is greater than for the former.

The Resh Galutha⁵ asked Rabbah son of R. Huna: If they are written with paint [dye], sikra,⁶ gum ink, or calcanthum,⁷ in Hebrew, may they be rescued from a fire or not? This is asked whether on the view that we may save⁸ or that we may not save. It is asked on the view that we may not save: that may be only if they are written in Targum or any [other] language; but here that they are written in Hebrew, we may rescue [them]. Or perhaps even on the view that we may save [them], that is only when they are written in ink, which is lasting; but here, since it [the writing] is not permanent, [we may] not [rescue them]? — We may not save [them], answered he. But R. Hammuna recited, We may save [them]? — If it was taught, it was taught, replied he.⁹ Where was it taught? — Said R. Ashi, Even as it was taught: The only difference between the [other] Books¹⁰ and the Megillah¹¹ is that the Books can be written in any language, whereas a Megillah must be written in Assyrian,¹² on a Scroll, and in ink.¹³

R. Huna b. Halub asked R. Nahman: A Scroll of the Law in which eighty-five letters cannot be gathered,¹⁴ such as the section, And it came to pass when the Ark set forward [etc.],¹⁵ may it be saved from a fire or not? — Said he, Then ask about the section, ‘and it came to pass, etc.,’ itself!¹⁶ — If the section, ‘And it came to pass, etc.,’ is defective [through effacing], I have no problem, for since it contains the Divine Name, even if it does not contain eighty-five letters we must rescue it. My only problem is about a Scroll of the Law wherein [this number] cannot be gathered: what then? We may not save it, he answered.

He refuted him: If Targum is written as Mikra,¹⁷ or Mikra is written in Targum or in Hebrew characters,¹⁸ they must be saved from a fire, and the Targum in Ezra, Daniel and the Torah [the Pentateuch] go without saying. Now, what is the Targum in the Torah? [The words], Yegar sahadutha;¹⁹ and though it does not contain eighty-five letters [it must be saved]? — That was taught in respect of completing [the number].²⁰

The scholars asked: These eighty-five letters, [must they be] together or [even] scattered? R. Huna said: [They must be] together; R. Hisda said: Even scattered. An objection is raised: If a Scroll of the Law is decayed, if eighty-five letters can be gathered therein, such as the section, ‘and it came to pass when the ark set forward etc.,’ we must save it; if not, we may not save it. This refutes R. Huna?²¹ — R. Hisda expounded it on the basis of R. Huna's [ruling as referring] to words.²²

Our Rabbis taught: ‘And it came to pass when the ark set forward that Moses said, [etc.]’: for this section the Holy One, blessed be He, provided signs above and below,²³ to teach

(1) And the question whether they may be saved depends on whether they may be read.

(2) Lit., ‘in their place’.

(3) Since should fire break out they may not be saved (Rashi).

(4) Lit., ‘this language’.

(5) V. p. 217, n. 7.

(6) A red paint.

(7) Vitriol used as an ingredient of shoe-black and of ink (Jast.).

(8) Holy writings written in other languages.

(9) Then I am wrong.

(10) Comprising the Bible — i.e., the Torah, Prophets and Hagiographa.

(11) The Book of Esther.

- (12) The modern square Hebrew characters, which superseded the older Hebrew, viz., Syriac or Samaritan form. V. Meg., Sonc. ed., p. 47 n. 4 and Sanh., Sonc., ed. p. 120, n. 4.
- (13) Ri: this is only in respect of saving them from a fire. Other books even if not written on a scroll and in ink must be saved, whereas for a Megillah these conditions are necessary.
- (14) I.e., the whole Scroll is effaced and eighty-five clear letters cannot be found in it. This is the minimum for a Scroll to retain its sanctity.
- (15) Num. X, 35-36. That contains eighty-five letters, and as stated infra it is designated a separate 'Book'.
- (16) If it is written separately upon a piece of parchment, and one or more of its letters are effaced.
- (17) I.e., if the Biblical passages which are in Aramaic in the original are written in Hebrew, as practically the whole of the Pentateuch (mikra — lit., 'reading') is.
- (18) Samaritan script. V. p. 66, n. 9.
- (19) Gen. XXXI, 47 q.v.
- (20) I.e., if the Scroll contains eighty-five uneffaced letters including yegar sahadutha, it must be saved.
- (21) Because 'can be gathered' implies that they are scattered.
- (22) It contains complete words scattered about which total to eighty-five letters. They differ where all the eighty-five letters are scattered, the Scroll containing no complete words at all.
- (23) I.e., at the beginning and at the end. — In the Scrolls the section is preceded and followed by a reversed nun, which distinguishes and divorces it from the adjoining passages.

Talmud - Mas. Shabbath 116a

that this is not its place. Rabbi said: It is not on that account,¹ but because it ranks as a separate Book. With whom does the following dictum of R. Samuel b. Nahmani in R. Jonathan's name agree: She [Wisdom] hath hewn out her seven pillars:² this refers to the seven Books of the Law? With whom? With Rabbi.³ Who is the Tanna that disagrees with Rabbi? It is R. Simeon b. Gamaliel. For it was taught, R. Simeon b. Gamaliel said: This section is destined to be removed from here and written in its [right place].⁴ And why is it written here? In order to provide a break between the first [account of] punishment and the second [account of] punishment.⁵ What is the second [account of] punishment? — And the people were as murmurers, [etc.].⁶ The first [account of] punishment? — And they 'moved away from the mount of the Lord,⁷ which R. Hama b. R. Hanina expounded [as meaning] that they turned away from following the Lord. And where is its [rightful] place? — In [the chapter on] the banners.⁸

The scholars asked: The blank spaces of a Scroll of the Law, may we rescue them from fire or not? — Come and hear: If a Scroll of the Law is decayed, if eighty-five letters can be gathered therein, such as the section 'and it came to pass when the ark set forward,' we must save it; if not, we may not save it. But why so? conclude [that it may be saved] on account of its blank space?⁹ That which is decayed is different.¹⁰ Come and hear: If a Scroll of the Law is effaced, if eighty-five letters can be gathered therein, such as the section, 'and it came to pass when the ark set forward,' we must save it; if not, we may not save it. But why so: conclude [that we must save it] on account of its blank space?¹¹ — As for the place of the writing, I have no doubt, for when it was sanctified it was on account of the writing, [and] when its writing goes its sanctity goes (too). My problem is only in respect of [the blank spaces] above and below, between the sections, between the columns, [and] at the beginning and the end of the Scroll. Yet conclude [that it must be saved] on that account?¹² — It may mean [there] that one had cut off [the blank spaces] and thrown them away.

Come and hear: The blank spaces above and below, between the sections, between the columns, at the beginning and at the end of the Scroll, defile one's hands.¹³ — It may be that [when they are] together with the Scroll of the Law they are different.¹⁴ Come and hear: The blank spaces¹⁵ and the Books of the Minim¹⁶ may not be saved from a fire, but they must be burnt in their place, they and the Divine Names occurring in them. Now surely it means the blank portions of a Scroll of the Law? No: the blank spaces in the Books of Minim. Seeing that we may not save the Books of Minim

themselves, need their blank spaces be stated? — This is its meaning: And the Books of Minim are like blank spaces.

It was stated in the text: The blank spaces and the Books of the Minim, we may not save them from a fire. R. Jose said: On weekdays one must cut out the Divine Names which they contain, hide them,¹⁷ and burn the rest. R. Tarfon said: May I bury my son if I would not burn them together with their Divine Names if they came to my hand. For even if one pursued me¹⁸ to slay me, or a snake pursued me to bite me, I would enter a heathen Temple [for refuge], but not the houses of these [people], for the latter know (of God) yet deny [Him], whereas the former are ignorant and deny [Him], and of them the Writ saith, and behind the doors and the posts hast thou set up thy memorial.¹⁹ R. Ishmael said: [One can reason] a minori: If in order to make peace between man and wife the Torah decreed, Let my Name, written in sanctity, be blotted out in water,²⁰ these, who stir up jealousy, enmity, and wrath between Israel and their Father in Heaven, how much more so;²¹ and of them David said, Do not I hate them, O Lord, that hate thee? And am I not grieved with those that rise up against thee? I hate them with perfect hatred: I count them mine enemies.²² And just as we may not rescue them from a fire, so may we not rescue them from a collapse [of debris] or from water or from anything that may destroy them.

R. Joseph b. Hanin asked R. Abbahu: As for the Books of Be Abedan,²³ may we save them from a fire or not? — Yes and No, and he was uncertain about the matter.²⁴ Rab would not enter a Be Abedan, and certainly not a Be Nizrefe;²⁵ Samuel would not enter a Be Nizrefe, yet he would enter a Be Abedan. Raba was asked: Why did you not attend at the Be Abedan? A certain palm-tree stands in the way, replied he, and it is difficult for me [to pass it].²⁶ Then we will remove it? — Its spot will present difficulties to me.²⁷ Mar b. Joseph said: I am one of them²⁸ and do not fear them. On one occasion he went there, [and] they wanted to harm him.²⁹

Imma Shalom, R. Eliezer's wife, was R. Gamaliel's sister. Now, a certain philosopher³⁰ lived in his vicinity,

(1) Lit., 'designation'.

(2) Prov. IX, 1.

(3) Since that section is a separate Book, the portions of Numbers preceding and following it are also separate Books; hence there are seven in all.

(4) Viz., in the section dealing with the disposition of the Israelites according to their banners and their travelling arrangements, Num. II.

(5) So as to relieve the gloomy effect that would otherwise be produced.

(6) Num. XI, 1 seq.

(7) Ibid. X, 33.

(8) But in the future, when all evil and its consequent retribution has ceased, this section will be inserted in its right place.

(9) And since we do not reason thus, it follows that the margin may not be saved.

(10) For the parchment of the margins too is perished. The question is where the parchment is quite sound, but the writing is effaced.

(11) Which is now the entire Scroll.

(12) Even if the place of the writing is no longer sacred, if the margins must be saved, the entire Scroll must be saved ipso facto.

(13) Cf. supra 14a. This proves that they have the same sacred character as the rest of the Scroll.

(14) The writing there being sound.

(15) Jast. s.v. יִיִּשׁׁוּ translates, the gospels, though observing that here it is understood as blanks. V. Herford, R.T., 'Christianity in the Talmud', p. 155 n.

(16) Sectarious. The term denotes various kinds of Jewish sectarians, such as the Sadducees, Samaritans, Judeo-Christians, etc., according to the date of the passage in which the term is used. The reference here is probably to

the last-named. V. J.E., art. Min; Bacher in REJ. XXXVIII, 38. Rashi translates: Hebrew Bibles written by men in the service of idolatry.

(17) v. p. 429, n. 5.

(18) Lit., 'him' — he meant himself but used the third person owing to a reluctance to speak even hypothetically of evil befalling himself.

(19) Isa. LVII, 8; they know of the true God, but have rejected Him, thrusting Him out of sight, as it were.

(20) The reference is to the trial of a wife accused of adultery; v. Num. V, 23f.

(21) Not only do they themselves go astray from God, but lead many others astray from Him.

(22) Ps. CXXXIX, 21f.

(23) The meeting place of early Christians where religious controversies were held (Jast.). Rashi: the books written for the purpose of these controversies; v. also Weiss, Dor, III, p. 166 and n. 13. [The meaning of Be Abedan is still obscure in spite of the many and varied explanations suggested; e.g., (a) House of the Ebionites; (b) Abadan (Pers.) 'forum'; (c) Beth Mebedhan (Pers.) 'House of the chief Magi'; v. Krauss's Synagogale Altertumer, p. 31].

(24) V. supra 113a.

(25) **בֵּי נִצְרָפִי**; a meeting place of the Nazarenes, Jewish Christians, where local matters were discussed and religious debates were held. (Levy). [Ginzberg, MGWJ LXXVIII, p. 23 regards it as the name of a Persian house of worship meaning the Asylum of Helplessness].

(26) This of course was merely an evasion.

(27) It will leave a hole and render the road impassable.

(28) I am well acquainted with them.

(29) Uncensored text adds: R. Meir called it (the Gospel) 'Awen Gilyon, the falsehood of blank Paper; R. Johanan called it 'Awon Gilyon, the sin of etc. On the whole passage v. Herford, op. cit., pp. 161-171.

(30) Rashi: min (i.e., sectarian).

Talmud - Mas. Shabbath 116b

and he bore a reputation that he did not accept bribes.¹ They wished to expose him,² so she brought him a golden lamp, went before him, [and] said to him, 'I desire that a share be given me in my [deceased] father's estate.' 'Divide,' ordered he. Said he [R. Gamaliel] to him, 'It is decreed for us, Where there is a son, a daughter does not inherit.' [He replied], 'Since the day that you were exiled from your land the Law of Moses has been superseded³ and another book⁴ given, wherein it is written, 'A son and a daughter inherit equally.'⁵ The next day, he [R. Gamaliel] brought him a Lybian ass. Said he to them, 'Look⁶ at the end of the book, wherein it is written, I came not to destroy the Law of Moses nor⁷ to add to the Law of Moses,⁸ and it is written therein, A daughter does not inherit where there is a son. Said she to him, 'Let thy light shine forth like a lamp.'⁹ Said R. Gamaliel to him, 'An ass came and knocked the lamp over!'¹⁰

AND WHY DO WE NOT READ [THEM], etc. Rab said: They learnt this only for the time of the Beth Hamidrash, but we may read [them] when it is not the time of the Beth Hamidrash. But Samuel said: We may not read them [on the Sabbath] even when it is not the time of the Beth Hamidrash. But that is not so, for Nehardea was Samuel's town, and in Nehardea they closed the prescribed lesson [of the Pentateuch] with [a reading from] the Hagiographa at minhah on the Sabbath?¹¹ Rather if stated it was thus stated: Rab said, They learnt this only in the place of the Beth Hamidrash; but we may read [them] elsewhere than in the Beth Hamidrash. While Samuel said: Whether in the place of the Beth Hamidrash or elsewhere, at the time of the Beth Hamidrash¹² we may not read [them]; when it is not the time of the Beth Hamidrash we may read them. And Samuel is consistent with his view, for in Nehardea they closed the prescribed lesson [of the Pentateuch] with¹³ [a reading from] the Hagiographa. R. Ashi said, In truth, it is as we first stated, Samuel [ruling] according to R. Nehemiah.¹⁴ For it was taught: Though they [the Sages] said, Holy writings may not be read, yet they may be studied, and lectures thereon may be given. If one needs a verse, he may bring [a Scroll] and see [it] therein. R. Nehemiah said: Why did they rule, Holy Writings may not be read? So that people may say, If Holy Writings may not be read, how much more so secular documents!¹⁵

MISHNAH. ONE MAY SAVE THE SHEATH OF A SCROLL TOGETHER WITH THE SCROLL, AND THE CONTAINER OF TEFILLIN¹⁶ TOGETHER WITH THE TEFILLIN, EVEN IF IT [ALSO] CONTAINS MONEY. AND WHITHER MAY WE RESCUE THEM? INTO A CLOSED ALLEY; BEN BATHYRA RULED: EVEN INTO AN OPEN ONE.¹⁷

GEMARA. Our Rabbis taught: If the fourteenth [of Nisan] falls on the Sabbath, the Passover sacrifice is flayed as far as the breast:¹⁸ this is the view of R. Ishmael son of R. Johanan b. Berokah. But the Sages maintain: We flay the whole of it. As for R. Ishmael son of R. Johanan b. Berokah, it is well, [the reason being] that the requirements for the Sanctuary¹⁹ have been fulfilled;²⁰ but what is the reason of the Rabbis? — Said Rabbah b. Bar Hanah in R. Johanan's name: Because Scripture saith, The Lord hath made every thing for his own purpose.²¹ But what is there here 'for his own purpose?' R. Joseph said: So that it should not putrefy.²² Raba said: So that Divine sacrifices should not lie like a nebelah. Wherein do they differ? — They differ where it is lying on a gold table,²³ or if it is a day of the north wind.²⁴ Now R. Ishmael son of R. Johanan b. Berokah, how does he dispose of this [verse], 'The Lord hath made every thing for his own purpose'?- [That teaches] that one must not draw out the emurim²⁵ before the stripping of the skin.²⁶ What is the reason?-Said R. Huna son of R. Nathan: On account of the threads.²⁷

R. Hisda observed in Mar 'Ukba's name: What did his companions answer to R. Ishmael son of R. Johanan b. Berokah? They argued thus with him: If the sheath of a Scroll may be rescued together with the Scroll, shall we then not flay the Passover sacrifice of its skin?²⁸ How compare! There it is [mere] handling, whereas here it is work.²⁹ — Said R. Ashi, They differ in two things, viz., in respect of both handling and labour, and they argue thus with him: If the sheath of a Scroll may be saved together with the Scroll, shall we not handle the skin on account of the flesh.³⁰

(1) He was a judge.

(2) Lit., 'make sport of him'.

(3) Lit., 'taken away'.

(4) The reading in Cod. Oxford is: and the law of the Evangelium has been given.

(5) There is no passage in any known Gospel that a son and daughter inherit alike.

(6) Lit., 'descend to'.

(7) Var. lec.: but; v. Weiss, Dor, I, p. 233, n. 1.

(8) Cf. Matt. V, 17 seq.

(9) Alluding to the lamp which she presented him on the preceding day.

(10) This story is discussed in Bacher, Ag. d. Pal. Am. 11, p. 424 n. V. also R.T. Herford, op. cit., pp. 146-154, though his conjecture that the story ends with a covert gibe at Christianity is hardly substantiated.

(11) As a Haftarah (q.v. Glos.) after the Reading of the Law: so Jast. V. Rashi; cf. supra 24a. [Aliter: They expounded a part of Scripture from the Hagiographa etc. V. Bacher, Terminologie s.v. סדרה]

(12) I.e., when the public lectures are given.

(13) The text should read בכתובים as above, not דכתובים.

(14) But he does not state his own view there.

(15) E.g., bills, documents relating to business transactions, etc.

(16) I.e., the bag or box in which they are kept.

(17) This is discussed infra.

(18) Starting from the hind legs. One can then remove the fats which 'are to be burnt on the altar (these are called emurim, lit., 'devoted objects'), the burning being permitted on the Sabbath. Since the rest of the skin must be flayed only in order to reach the portion which he himself will eat in the evening, this is regarded as having a secular purpose, and therefore must be left for the evening.

(19) Lit., 'the Most High'.

(20) When it is flayed thus far, as explained supra note 1.

(21) I.e., His honour. Prov. XVI, 4.

- (22) One may still fear putrefaction, but it is certainly not lying like a nebelah. Hence according to R. Joseph it must be completely stripped even so, but not according to Raba.
- (23) It is not in keeping with the honour due to God that the meat of the sacrifices offered to Him should turn putrid.
- (24) Which keeps the meat fresh.
- (25) V. n. 1.
- (26) As far as the breast.
- (27) Of wool, which would otherwise adhere to the fats, etc.
- (28) Surely the two are identical, for the sheath too is not sacred, just as the flaying of the skin after the breast has been reached serves a secular purpose only.
- (29) Flaying being a principal labour, v. supra 73a.
- (30) Rashi: R. Ishmael holding that once the emurim have been drawn out the animal may not be handled because of the skin, while the Rabbis argue that on the contrary since the flesh itself might be handled the skin may be likewise in virtue thereof. According to this they differ where the animal has only been partially flayed. Tosaf. interprets the passage differently.

Talmud - Mas. Shabbath 117a

How compare! There it [the sheath] had become as a stand to that which is permitted,¹ whereas here it [the skin] had become a stand to a thing that is forbidden!² Rather they say thus to him, If we may save the sheath of a Scroll together with the Scroll, though it also contains money,³ shall we not handle the skin on account of the flesh? How compare! There it [the sheath] became a stand for something that is forbidden (the money) and something that is permitted [the Scroll]; whereas here the whole has become a stand for that which is forbidden? — Rather they say thus to him: If a sheath containing money may be brought from elsewhere to save a Scroll of the Law with it, shall we not handle the skin in virtue of the flesh? And how do we know that itself? Shall we say, since one need not throw them [the coins] out when it contains them,⁴ he may bring it [the sheath] too? How compare! There, in the meanwhile the fire may alight [upon the Scroll];⁵ but here, let them be thrown out in the meantime?⁶ Rather said Mar son of R. Ashi: In truth it is as we originally explained it; and as to your objection, There it is (mere) handling, whereas here it is work, — [that is answered] e.g., that he does not require the skin.⁷ But Abaye and Raba both say: R. Simeon agrees in a case of ‘cut off its head but let it not die?’⁸ — He removes it [the skin] in strips.⁹

AND WHITHER MAY WE RESCUE THEM, etc. What is an open [alley] and what is a closed [one]? — R. Hisda said: [[fit contains] three walls and two stakes,¹⁰ it is a closed alley; three walls and one stake, it is an open alley. And both of them¹¹ are based on R. Eliezer[‘s opinion]. For we learnt: To make an alley eligible,¹² Beth Shammai maintain: [It requires] a stake and a beam;¹³ Beth Hillel say: Either a stake or a beam; R. Eliezer said: Two stakes.¹⁴ Said Rabbah to him, If there are three walls and one stake, do you call it open!¹⁵ Moreover, according to the Rabbis, let us save thither even foodstuffs and liquids?¹⁶ Rather said Rabbah, [it is to be explained thus]: [If it contains] two walls and two stakes,¹⁷ it is a closed alley; two walls and one stake, it is an open alley, and both¹⁸ are based on [the view of] R. Judah. For it was taught: Even more than this did R. Judah say: If one owns two houses on the opposite sides of the street, he can place a stake or a beam at each side and carry between them. Said they to him: A street cannot be made fit for carrying by an ‘erub in this way.¹⁹ Said Abaye to him, But according to you too, on [the view of] the Rabbis let us save thither even foodstuffs and liquids?²⁰ [

(1) Sc. the Scroll, which may be handled in any case, even if there is no fire.

(2) Sc. the flesh, which may not be handled until the evening before which it is not required (Rashi). Tosaf.: the flesh may be handled now, but before the sacrifice was killed the whole animal was mukzeh.

(3) Which by itself may not be handled.

(4) V. Mishnah.

(5) If one should first have to empty the sheath of its money.

- (6) Whilst carrying the sheath to the Scroll it can be emptied of its money without loss of time.
- (7) Hence the flaying is unintentional, as far as the skin is concerned.—On this explanation they differ only in respect of skinning the animal, as was first suggested.
- (8) v. p. 357, n. 8.
- (9) Not as one piece. It is not even real flaying them and only counts as a shebuth (Rashi).
- (10) I.e., it is a cul-de-sac leading off a street, and stakes are planted in the ground at either side of the opening. These stakes legally count as a fourth wall, and thus the alley is regarded as entirely enclosed.
- (11) The Rabbis and Ben Bathyra.
- (12) To rank technically as an 'alley' wherein carrying on the Sabbath is permitted under certain conditions.
- (13) A stake at the side of the entrance and a beam across it.
- (14) Ben Bathyra however holds that in order to save holy writings R. Eliezer too is more lenient.
- (15) Surely not, even if it be conceded that two stakes are required to make it fit.
- (16) I.e., where it is closed with two stakes carrying should be entirely permitted therein, and not restricted to holy writings. [The Rabbis state infra 120a that foodstuffs may be saved by carrying them into a courtyard furnished with an 'erub, but not into an alley.]
- (17) I.e., it is open at each end, and a stake is placed at both entrances.
- (18) V. n. 4.
- (19) V. supra 6a bottom for notes. Ben Bathyra holds that where the saving of holy writings is in question R. Judah is more lenient.
- (20) Seeing that in your opinion the Rabbis hold with R. Judah that two partitions and two stakes render the space fit for carrying.

Talmud - Mas. Shabbath 117b

Rather said R. Ashi: Three walls and one stake, that is a closed alley; three walls without a stake, that is an open alley. And even according to R. Eliezer who maintains [that] we require two stakes, that is only in respect of foodstuffs and liquids, but for a Scroll of the Law one stake is sufficient.

MISHNAH. FOOD FOR THREE MEALS MAY BE SAVED, THAT WHICH IS FIT FOR MAN, FOR MAN, THAT WHICH IS FIT FOR ANIMALS, FOR ANIMALS.¹ HOW SO? IF A FIRE BREAKS OUT SABBATH NIGHT,² FOOD FOR THREE MEALS MAY BE SAVED; [IF] IN THE MORNING, FOOD FOR TWO MEALS MAY BE SAVED; AT [THE TIME OF] MINHAH, FOOD FOR ONE MEAL.³ R. JOSE SAID: AT ALL TIMES WE MAY SAVE FOOD FOR THREE MEALS.⁴

GEMARA. Consider: He labours⁵ in that which is permissible;⁶ then let us save more? — Said Raba: Since a man is excited over his property, if you permit him [to save more], he may come to extinguish [the fire]. Said Abaye to him, Then as to what was taught: If one's barrel [of wine] is broken on the top of his roof he may bring a vessel and place [it] underneath, provided that he does not bring another vessel and catch (the dripping liquid)⁷ or another vessel and join it (to the roof)⁸ what preventive measure is required there? — Here too it is a preventive measure lest he bring a utensil through the street.

[To turn to] the main text: If one's barrel is broken on the top of his roof, he may bring a vessel and place it underneath, provided that he does not bring another vessel and catch (the dripping liquid) or another vessel and join it [to the roof]. If guests happen to visit him, he may bring another vessel and catch [the dripping liquid], or another vessel and join it [to the roof]. He must not catch [the liquid] and then invite [the guests], but must first invite [them] and then catch [the liquid]; and one must not evade the law in this matter.⁹ In R. Jose son of R. Judah's name it was said: We may evade [the law]. Shall we say that they disagree in the [same] controversy [as that] of R. Eliezer and R. Joshua? For it was taught: If an animal¹⁰ and its young¹¹ fall into a pit,¹² R. Eliezer said: One may haul up the first in order to slaughter it, and for the second he makes provision where it lies, so that it

should not die. R. Joshua said: One may haul up the first in order to kill it, but he does not kill it, then he practises an evasion and hauls up the second, and kills whichever he desires!¹³ — How so? perhaps R. Eliezer rules thus only there, because provisions can be made, but not here, seeing that that is impossible. And perhaps R. Joshua rules thus only there because suffering of dumb animals is involved; but not here that there is no suffering of dumb animals?¹⁴

Our Rabbis taught: If he saved bread [made] of fine flour, he must not save coarse bread; (if he saved] coarse bread, he may [still] save a fine [flour] bread.¹⁵ And one may save on the Day of Atonement for the Sabbath,¹⁶ but not on the Sabbath for the Day of Atonement,¹⁷ and it goes without saying (that one must not rescue food] on the Sabbath for a Festival, or on a Sabbath for the following Sabbath. Our Rabbis taught: If one forgets a loaf in an oven, and the day becomes holy upon him,¹⁸ food for three meals may be saved,¹⁹ and he may say to others, ‘Come and save for yourselves.’ And when he removes [the bread], he must not remove it with a *mardeh*²⁰ but with a knife.²¹ But that is not so, for the School of R. Ishmael taught: Thou shalt not do any work:²² the blowing of the shofar and the removal of bread (from the oven] are excluded as being an art, not work?— As much as is possible to vary (it)²³ we do so.

R. Hisda said: One should always make early [preparations]²⁴ against the termination of the Sabbath, for it is said, And it shall come to pass on the sixth day, that they shall prepare that which they bring in²⁵ — [i.e.,] immediately.

R. Abba said: On the Sabbath it is one's duty to break bread²⁶ over two loaves, for it is written, twice as much bread.²⁷ R. Ashi said: I saw that R. Kahana held two [loaves] but broke bread over one, observing, ‘they gathered’ is written,²⁸ R. Zera broke enough bread for the whole meal.²⁹ Said Rabina to R. Ashi: But that looks like greed? — Since he does not do this every day, he replied, but only now [the Sabbath], it does not look like greed, he replied.³⁰ R. Ammi and R. Assi, when they came across the bread of an ‘erub, would commence (their meal] therewith,³¹ observing, ‘Since one precept has been performed with it,³² let another precept be performed with it.’

HOW SO? IF A FIRE BREAKS OUT, etc. Our Rabbis taught: How many meals must one eat on the Sabbath? Three. R. Hidka said: Four. R. Johanan observed, Both expound the same verse: And Moses said, Eat that to-day; for to-day is a Sabbath unto the Lord: to-day ye shall not find it in the field.³³ R. Hidka holds: These three ‘to-days’ are [reckoned] apart from the evening;³⁴ whereas the Rabbis hold, They include [that of] the evening. We learnt, IF A FIRE BREAKS OUT SABBATH NIGHT,

(1) I.e., three meals per person and per animal, taking into account what is fit for man and what is fit for beast.

(2) Before the first meal has been eaten.

(3) In each case food may be saved for as many meals as will yet be required for that Sabbath,

(4) Whenever the fire breaks out.

(5) Lit., ‘troubles’.

(6) Food may be handled on the Sabbath, and he carries it out into a courtyard provided with an ‘erub (infra 120a), whither carrying is permitted in any case.

(7) As it falls through the air.

(8) I.e., set it near the roof, so that the liquid may flow along the roof and into the vessel. These are forbidden because it is manifest that the vessels are brought in order to save the wine or oil.

(9) I.e., he may not invite guests merely as a pretence, and when the wine is saved they will not drink it after all, but only guests who have not yet dined will drink it.

(10) Lit., ‘it’.

(11) The reference is to animals that may be eaten. These may not be slaughtered together with their young on the same day. V. Lev. XXII, 28.

(12) On a Festival.

(13) V. Bez. 37a.

(14) It is noteworthy that to save animals from suffering is regarded as a stronger reason for desecrating the Festival than to save one from personal loss.

(15) There is no evasion in saying that he prefers the latter, hence it is still a Sabbath need.

(16) This is permitted, as the food is required immediately the Sabbath commences.

(17) Which falls on Sunday. This is forbidden, as he can procure food on the termination of the Fast.

(18) I.e., the Sabbath commenced.

(19) Before the bread is burnt.

(20) A bakers shovel; the oven tool generally used for removing bread.

(21) To emphasize that it is the Sabbath.

(22) Ex. XX, 10.

(23) Viz., the usual procedure, so that the Sabbath may not be treated like a weekday.

(24) On Friday.

(25) Ibid. XVI, 5.

(26) I.e., to recite the benediction.

(27) Ibid, 22.

(28) Ibid. One merely requires two loaves before him, thus 'gathering' double the usual portion, but recites the benediction over one loaf.

(29) I.e., he cut off so much bread, reciting the blessing over it.

(30) But is manifestly in honour of the Sabbath.

(31) I.e., they said the blessing over it.

(32) Sc. that of 'erub.

(33) Ibid. 25.

(34) Each 'to-day' denotes one meal, and a fourth is the meal on Friday night.

Talmud - Mas. Shabbath 118a

FOOD FOR THREE MEALS MAY BE SAVED: surely that is where one has not [yet] eaten?¹ -No: it is where he has [already eaten]. [IF] IN THE MORNING, FOOD FOR TWO MEALS MAY BE SAVED: surely that is where one has not yet eaten? — No: [where] he has eaten. AT [THE TIME OF] MINHAH, FOOD FOR ONE MEAL: surely that is where one has not eaten? - No: [where] he has eaten. But since the final section states, R. JOSE SAID: AT ALL TIMES WE MAY SAVE FOOD FOR THREE MEALS, it follows that the first Tanna holds [that] three [are required]. Hence it is clear that our Mishnah does not agree with R. Hisda.

Now, as to what we learnt: He who has food for two meals must not accept [relief] from the tamhuy: food for fourteen meals, must not accept from the kuppah,² — who [is the authority for this], [for] it is neither the Rabbis nor R. Hidka? If the Rabbis, there are fifteen meals; if R. Hidka, there are sixteen?³ — In truth, it is the Rabbis, for we say to him [the recipient], 'What you require to eat at the conclusion of the Sabbath, eat it on the Sabbath.'⁴ Shall we say then that it agrees [only] with the Rabbis and not with R. Hidka? — You may even say [that it agrees with] R. Hidka: we say to him, 'What you require to eat on the eve of the Sabbath [before nightfall], eat it on the Sabbath.'⁵ And the whole day of Sabbath eve [Friday] we make him spend in fasting?⁶ Rather the author of this is R. Akiba, who said: Treat thy Sabbath like a weekday rather than be dependent on men.⁷ Now, as to what we learnt: 'A poor man travelling from place to place must be given not less than a loaf [valued] at a pundion when four se'ahs cost one sela';⁸ if he stays overnight, he must be given the requirements for spending the night; while if he spends the Sabbath there, he must be given food for three meals'⁹ — shall we say that this is [according to] the Rabbis [only], not R. Hidka? — In truth, it may [agree with] R. Hidkah, [the circumstances being] e.g., where he [already] has one meal with him, so we say to him, 'Eat that which you have with you.' And when he departs, shall he depart empty-handed!¹⁰ — We provide him with a meal to accompany him. 'What is meant by 'the requirements of spending the night?' — Said R. Papa: A bed and a bolster.

Our Rabbis taught: The plates in which one eats in the evening [Friday night] may be washed for eating in them in the morning; [those which are used] in the morning may be washed to eat in them at midday; [those used] at midday are washed to eat in them at minhah; but from minhah and onwards they may no longer be washed;¹¹ but goblets, [drink-]ladles and flasks, one may go on washing [them] all day, because there is no fixed time for drinking.

R. Simeon b. Pazzi said in the name of R. Joshua b. Levi in Bar Kappara's name: He who observes [the practice of] three meals on the Sabbath is saved from three evils: the travails of the Messiah,¹² the retribution of Gehinnom,¹³ and the wars of Gog and Magog.¹⁴ 'The travails of the Messiah': 'day' is written here;¹⁵ whilst there it is written, Behold, I will send you Elijah the prophet before the great and terrible day of the Lord comes.¹⁶ The retribution of Gehinnom': 'day' is written here; whilst there it is written, That day is a day of wrath.¹⁷ 'The wars of Gog and Magog': 'day' is written here; whilst there it is written, in that day when Gog shall come.¹⁸

R. Johanan said in R. Jose's name: He who delights in the Sabbath is given an unbounded heritage, for it is written, Then shalt thou delight thyself in the Lord, and I will make thee to ride upon the high places of the earth; and I will feed thee

(1) Thus proving that our Mishnah disagrees with R Hidka.

(2) Tamhuy is the charity plate, the food collected from contributors and distributed daily; kuppah (lit., 'heap', 'pile'), the communal charity, from which weekly grants were made every Friday for food. With two meals one has enough for the day; with fourteen he has enough for the week, hence he must not accept relief from either respectively; v. Pe'ah VIII, 7.

(3) In the week.

(4) Just before its termination.

(5) I.e., after nightfall.

(6) It is virtually a fast if he must postpone his second meal to the night.

(7) Hence if he has fourteen meals he can eat two on the Sabbath rather than receive charity. — This saying of R. Akiba is sometimes quoted nowadays to show that one may even desecrate the Sabbath rather than descend to charity. It is quite obvious that R. Akiba had no such thing in mind but merely meant that one should not seek to obtain the extra luxuries of the Sabbath through charity.

(8) A pundion = one-twelfth of a denar = one forty-eighth of a sela'. A loaf of that size is sufficient for the average two meals.

(9) V. Pe'ah ibid.

(10) Surely not.

(11) Since they are not required for the Sabbath any more.

(12) The advent of the Messiah was pictured as being preceded by years of great distress.

(13) Purgatory.

(14) Also a time of intense suffering.

(15) V. supra 117b bottom.

(16) Mal. III, 2. (E.V. IV, 5). This is understood to refer to the advent of the Messiah.

(17) Zeph. I, 15.

(18) Ezek. XXXVIII, 18. Since 'day' is mentioned three times in connection with the Sabbath meals (supra 117b), their observance will save one from the bitter experiences of these three 'days'.

Talmud - Mas. Shabbath 118b

with the heritage of Jacob thy father, etc.¹ Not like Abraham, of whom it is written, Arise, walk through the land in the length of it, etc.;² nor like Isaac of whom it is written, for unto thee, and unto thy seed, I will give all these lands, etc.;³ but like Jacob, of whom it is written, and thou shalt spread abroad to the west, and to the east, and to the north, and to the south.⁴ R. Nahman b. Isaac said, He is

saved from the servitude of the Diaspora: here it is written, and I will make thee to ride upon the high places of the earth; whilst there it is written, and thou shalt tread upon their high places.⁵

Rab Judah said in Rab's name: He who delights in the Sabbath is granted his heart's desires, for it is said, Delight thyself also in the Lord; And he shall give thee the desires of thine heart.⁶ Now, I do not know what this 'delight' refers to; but when it is said, and thou shalt call the Sabbath a delight,⁷ you must say that it refers to the delight of the Sabbath.⁸

Wherewith does one show his delight therein? — Rab Judah son of R. Samuel b. Shilath said in Rab's name: With a dish of beets, large fish, and heads of garlic. R. Hiyya b. Ashi said in Rab's name: Even a trifle, if it is prepared in honor of the Sabbath, is delight. What is it [the trifle]?-Said R. Papa: A pie of fish-hash.

R. Hiyya b. Abba said in R. Johanan's name: He who observes the Sabbath according to its laws, even if he practises idolatry like the generation of Enosh,⁹ is forgiven, for it is said, Blessed is Enosh¹⁰ that doeth this ... [that keepeth the Sabbath mehallelo from profaning it]:¹¹ read not mehallelo but mahul lo [he is forgiven].

Rab Judah said in Rab's name: Had Israel kept the first Sabbath, no nation or tongue would have enjoyed dominion over them, for it is said, And it came to pass on the seventh day, that there went out some of the people for to gather;¹² which is followed by, Then came Amalek.¹³ R. Johanan said in the name of R. Simeon b. Yohai: If Israel were to keep two Sabbaths according to the laws thereof, they would be redeemed immediately, for it is said, Thus saith the Lord of the eunuch that keep my Sabbaths,¹⁴ which is followed by, even them will I bring to my holy mountain, etc.¹⁵

R. Jose said: May my portion be of those who eat three meals on the Sabbath. R. Jose [also] said: May my portion be of those who recite the entire Hallel¹⁶ every day. But that is not so, for a Master said: He who reads Hallel every day blasphemes and reproaches [the Divine Name]?¹⁷ — We refer to the 'Verses of Song'.¹⁸

R. Jose said: May my portion be of those who pray with the red glow of the sun.¹⁹ R. Hiyya b. Abba said in R. Johanan's name: It is virtuous to pray with the red glow of the sun. R. Zera observed: What verse [intimates this]? They shall revere thee with [i.e., at the time of the sun [rise], and before the moon [shines],²⁰ throughout all generations.²¹ observes R. Jose also said: May my lot be of those who die with bowel trouble,²² for a Master said, The majority of the righteous die of trouble in the bowels. R. Jose also said: May my portion be of those who die on the way to the performance of a religious duty.²³ R. Jose also said: May my lot be of those who welcome the Sabbath in Tiberias and who let it depart in Sepphoris.²⁴ R. Jose also said: May my lot be of those who seat [pupils] in the Beth Hamidrash,²⁵ and not of those who order [them] to rise [depart] from the Beth Hamidrash.²⁶ R. Jose also said: May my lot be of those who collect charity, but not of those who distribute charity.²⁷ R. Jose also said: May my lot be of those who are suspected whilst innocent.²⁸ R. Papa said: I was suspected [of something] of which I was free.²⁹

R. Jose said: I cohabited five times and planted five cedars in Israel. Who are they? R. Ishmael son of R. Jose, R. Eleazar³⁰ son of R. Jose, R. Halafta son of R. Jose, R. Abtilos son of R. Jose, and R. Menahem son of R. Jose. But there was Wardimos?— Wardimos and Menahem are identical, and why was he called Wardimos? Because his face was like a rose [werad]. Shall we say that R. Jose did not fulfil his marital duties?³¹ — Rather say, I cohabited five times and repeated.³²

R. Jose said: I have never called my wife 'my wife' or my ox my ox', but my wife [I called] 'my home,' and my ox 'my field'.

R. Jose said: I have never looked at my circumcised membrum. But that is not so, for Rabbi was asked, Why were you called 'Our holy Teacher?' Said he to them, I have never looked at my observes membrum?³³ — In Rabbi's case there was another thing to his credit, viz., he did not insert his hand beneath his girdle. R. Jose also said: The beams of my house have never seen the seams of my shirt.³⁴

R. Jose also said: I have never disregarded the words of my neighbours. I know of myself that I am not a priest, [yet] if my neighbours were to tell me to ascend the dais,³⁵ I would ascend [it].³⁶ R. Jose also said: I have never in my life said anything from which I retracted.³⁷

R. Nahman said: May I be rewarded³⁸ for observing three meals on the Sabbath. Rab Judah said: May I be rewarded for observing devotion in prayers.³⁹ R. Huna son of R. Joshua said: May I be rewarded for never walking four cubits bareheaded.⁴⁰ r. Shesheth said: May I be rewarded for fulfilling the precept of tefillin.⁴¹ R. Nahman also said: May I be rewarded for fulfilling the precept of fringes.

R. Joseph asked R. Joseph son of Rabbah: Of what is thy father most observant? Of fringes, he replied. One day he was ascending a ladder⁴² when a thread [of his fringes] broke, and he would not descend until [another] was inserted.

Abaye said: May I be rewarded for that when I saw that a disciple had completed his tractate,

(1) Isa. LVIII, 14.

(2) Gen. XIII, 17,

(3) Ibid. XXVI, 3.

(4) Ibid. XXVIII, 14.

(5) Deut. XXXIII, 29. The underlying idea is probably the same as that of Heine's 'Princess Sabbath'.

(6) Ps. XXXVII, 3.

(7) Isa. *ibid*, 13.

(8) The emphasis on the importance of observing the Sabbath with those meals and as a day of delight was meant according to Weiss (Dor I, 122) to counteract the ascetic tendencies of the Essenes.

(9) Gen. IV, 26. According to tradition idolatry commenced in his days.

(10) E.V. 'the man'.

(11) Isa. LVI, 2.

(12) Ex. XVI, 27. This refers to the manna, in connection with which the Sabbath is mentioned for the first time explicitly.

(13) Ibid. XVII, 8.

(14) Isa. LVI, 4.

(15) Ibid. 7.

(16) Lit. 'praise' Ps. CXIII-CXVIII which was inserted in the service on Festivals, Hanukkah, and New Moon — on the latter occasion, as well as from the third day of Passover, chs. CXV, 1-11 and CXVI, 1-11 are omitted.

(17) Because its recital was instituted for special occasions only, and by reading it every day he treats it as a mere song.

(18) The name given to Ps. CXLV-CL which are designated here as Hallel on account of the term 'praise' recurring in them; v. Elbogen, *Der Judische Gottesdienst*, p. 83, 2.

(19) Rashi Jast.: The time in the morning and the evening when the sun appears to stand still or be silent, viz., dawn and sunset.

(20) I.e., at sunset.

(21) Ps. LXXII, 5. Cf. R. Johanan's statement in Ber. 9b on the wathikin (R. Zera quotes this verse there too, which makes it probable that the same time is referred to there and here); Elbogen, *op. cit.* p. 246.

(22) The suffering involved effects atonement (Rashi).

(23) I.e., while engaged in the performance of a good deed (Maharsha).

(24) In Tiberias, which was situated in a valley, the Sabbath commenced rather earlier, whilst in Sepphoris, which was

on a mountain, it terminated rather later than elsewhere.

(25) Rashi: the ushers who collect the pupils.

(26) To adjourn for meals.

(27) It is very difficult to perform the latter with absolute impartiality, as personal predilections are apt to intervene.

(28) Lit., 'and it is not in him'.

(29) V. Ber. 8b.

(30) Var. lec.: Eliezer.

(31) Except on five occasions.

(32) Cf. 'Er. 100b.

(33) Which shows that this modesty was peculiar to him.

(34) I.e., he did not turn his shirt inside out when he undressed but pulled it over his head whilst sitting up in bed, so that he remained covered as much as possible out of modesty.

(35) When the priests recite the priestly blessing; v. Num. VI, 22-27.

(36) Though he certainly would not recite the blessing with the other priests, which is forbidden, but merely stand there (Maharsha).

(37) Rashi refers this] to his opinions on other people: even if unfavourable he did not retract even in the owner's presence, because he did not state them in the first place without being perfectly sure of their truth.

(38) Lit., 'may it (sc. reward) come to me

(39) I did not pray mechanically. — The same phrase is used in a derogatory and possibly opposite sense elsewhere, v. Ber. 55a, B.B. 164b.

(40) Cf. infra 156b.

(41) V. Glos. Rashi: he never walked four cubits without wearing his tefillin; similarly with respect to fringes.

(42) Or, stairs.

Talmud - Mas. Shabbath 119a

I made it a festive day for the scholars. Raba said: May I be rewarded for that when a disciple came before me in a lawsuit, I did not lay my head upon my pillow before I had sought [points in] his favour.¹ Mar son of R. Ashi said: I am unfit to judge in a scholar's lawsuit. What is the reason? He is as dear to me as myself, and a man cannot see [anything] to his own disadvantage.

R. Hanina robed himself and stood at sunset of Sabbath eve [and] exclaimed, 'Come and let us go forth to welcome the queen Sabbath.'² R. Jannai donned his robes, on Sabbath eve and exclaimed, 'Come, O bride, Come, O bride!'

Rabbah son of R. Huna visited the home of Rabbah son of R. Nahman, [and] was offered three se'ahs of oiled cakes. 'Did you know that I was coming?' asked he. 'Are you then more important³ to us than it [the Sabbath]?' replied he.⁴

R. Abba bought meat for thirteen istira peshita⁵ from thirteen butchers⁶ and handed it over to them [his servants]⁷ as soon as the door was turned⁸ and urged them, 'Make haste, Quick Make haste, Quick!'⁹

R. Abbahu used to sit on an ivory stool and fan the fire. R. 'Anan used to wear an overall,¹⁰ for the School of R. Ishmael taught: The clothes in which one cooks a dish for his master, let him not pour out¹¹ a cup [of wine] for his master in them. R. Safra would singe the head [of an animal]. Raba salted shibuta.¹² R. Huna lit the lamp. R. Papa plaited the wicks. R. Hisda cut up the beetroots. Rabbah and R. Joseph chopped wood. R. Zera kindled the fire. R. Nahman b. Isaac carried¹³ in and out,¹⁴ saying, 'If R. Ammi and R. Assi visited me, would I not carry for them?'¹⁵

Others state: R. Ammi and R. Assi carried in and out, saying, 'If R. Johanan visited us, would we not carry before him?'¹⁶ Joseph-who-honours-the-Sabbaths had in his victory a certain gentile who

owned much property. Soothsayers¹⁷ told him, 'Joseph-who-honours-the-Sabbaths will consume all your property.'¹⁸ — [So] he went, sold all his property, and bought a precious stone with the proceeds, which he set in his turban. As he was crossing a bridge the wind blew it off and cast it into the water, [and] a fish swallowed it. [Subsequently] it [the fish] was hauled up and brought [to market] on the Sabbath eve towards sunset. 'Who will buy now?' cried they. 'Go and take them to Joseph-who-honours-the-Sabbaths,' they were told, 'as he is accustomed to buy.' So they took it to him. He bought it, opened it, found the jewel therein, and sold it for thirteen roomfuls¹⁹ of gold denarii.²⁰ A certain old man met him [and] said, 'He who lends to the Sabbath,²¹ the Sabbath repays him.'

Rabbi asked R. Ishmael son of R. Jose, The wealthy in Palestine, whereby do they merit [wealth]?²² — Because they give tithes, he replied, as it is written, 'Asser te'asser²³ [which means], give tithes ['asser] so that thou mayest become wealthy [tith'asser].²⁴ Those in Babylon, wherewith do they merit [it]? — Because they honour the Torah, replied he. And those in other countries, whereby do they merit it? — Because they honour the Sabbath, answered he. For R. Hiyya b. Abba related: I was once a guest of a man in Laodicea,²⁵ and a golden table was brought before him, which had to be carried by sixteen men; sixteen silver chains were fixed in it, and plates, goblets, pitchers and flasks were set thereon, thereon,²⁶ and upon it were all kinds of food, dainties and spices. When they set it down they recited, The earth is the Lord's, and the fulness thereof;²⁷ and when they removed it [after the meal] they recited, The heavens are the heavens of the Lord, But the earth hath he given to the children of men.²⁸ Said I to him, 'My son! whereby hast thou merited this?' 'I was a butcher,' replied he, 'and of every fine beast I used to say, "'This shall be for the Sabbath"'. Said I to him, 'Happy art thou that thou hast [so] merited, and praised be the Omnipresent who has permitted thee to enjoy [all] this.'

The emperor said to R. Joshua b. Hanania,²⁹ 'Why has the Sabbath dish such a fragrant odour?' 'We have a certain seasoning,' replied he, 'called the Sabbath, which we put into it, and that gives it a fragrant odour.' 'Give us some of it,' asked he. 'To him who keeps the Sabbath,' retorted he, 'it is efficacious; but to him who does not keep the Sabbath it is of no use.'

The Resh Galutha³⁰ asked R. Hamnuna: What is meant by the verse, [and thou shalt call ...] the holy of the Lord honourable?³¹ — This³² refers to the Day of Atonement, replied he, in which there is neither eating nor drinking, [hence] the Torah instructed, Honour it with clean [festive] garments. And thou shalt honour it.³³ Rab said: By fixing [it] earlier;³⁴ Samuel maintained: By postponing [it].³⁵ The sons of R. Papa b. Abba asked R. Papa: We, for instance, who have meat and wine every day, how shall we mark a change? If you are accustomed to [dine] early,³⁶ postpone it, if you are accustomed to [dine] late, have it earlier, answered he.

R. Shesheth used to place his scholars in a place exposed to the sun in summer, and in a shady place in winter, so that they should arise quickly.³⁷ R. Zera

(1) Certainly not in a spirit of partiality, but because he had such a high opinion of scholars that he felt that they would not engage in a lawsuit unless they know right to be on their side (Maharsha).

(2) Cf. Elbogen, op. cit., p.108

(3) Lit., 'better'.

(4) We prepared them in honour of the Sabbath.

(5) An istira peshita=a half zuz.

(6) To make sure that some of it at least would be the best obtainable. 'Thirteen' is not meant literally, but merely denotes many; cf. P. 586, n. 4.

(7) Or, paid them.

(8) Lit., by the pivot of the door.'

(9) All in honour of the Sabbath.

- (10) Whilst attending to the cooking etc.
- (11) Lit., 'mix'.
- (12) A kind of fish, probably mullet.
- (13) Lit., 'carried'.
- (14) Whatever was necessary for the Sabbath.
- (15) E.g., place a seat for them.
- (16) The point of all these statements is that the Rabbis did not think it beneath their dignity to engage in menial labour in honour of the Sabbath.
- (17) Lit., 'Chaldeans'.
- (18) It will eventually pass into his possession.
- (19) R. Tam translates: vessels.
- (20) This, of course is an exaggeration, and merely implies much money, 'thirteen' often being used figuratively in that sense, cf. supra p. 585, n. 6; Hul. 95b (Rashi).
- (21) I.e., expends money in its honour.
- (22) The verb denotes to obtain through merit.
- (23) E. V. 'Thou shalt surely tithe', Deut. XIV, 22.
- (24) A play on words.
- (25) Several towns bore this name.
- (26) Kebu'oth denotes that they were fastened thereto — probably by the chains.
- (27) Ps. XXIV, 1.
- (28) Ps. CXV, 16.
- (29) The emperor referred to is Hadrian, his contemporary, with whom he had much intercourse; cf. Gen. Rab. X, 3; Hul. 59b, 60a; Ber. 56a.
- (30) V. P. 217, n. 7.
- (31) Isa. LVIII, 13.
- (32) 'The holy of the Lord'.
- (33) Ibid. With reference to the Sabbath.
- (34) One honours the Sabbath by dining at an earlier hour than usual.
- (35) To a later hour, as one eats then with a better appetite — this view would naturally commend itself to Samuel on medical grounds.
- (36) Rashi: with reference to the midday meal.
- (37) This was on the Sabbath. He himself was blind, and he did not wish them to stay too long in the Beth Hamidrash.

Talmud - Mas. Shabbath 119b

used to seek out pairs of scholars¹ and say to them, 'I beg of you, do not profane it.'²

Raba-others state, R. Joshua b. Levi said: Even if an individual prays on the eve of the Sabbath, he must recite, And [the heaven and the earth] were finished [etc.];³ for R. Hamnuna said: He who prays on the eve of the Sabbath and recites 'and [the heaven and the earth] were finished,' the Writ treats of him as though he had become a partner with the Holy One, blessed be He, in the Creation, for it is said, Wa-yekullu [and they were finished]; read not wa-yekullu but wa-yekallu [and they finished].⁴ R. Eleazar said: How do we know that speech is like action? Because it is said, By the word of the Lord were the heavens made.⁵ R. Hisda said in Mar 'Ukba's name: He who prays on the eve of the Sabbath and recites and [the heaven and the earth] were finished, the two ministering angels who accompany man place their hands on his head and say to him, and thine iniquity is taken away, and thy sin purged.⁶

It was taught, R. Jose son of R. Judah said: Two ministering angels accompany man on the eve of the Sabbath from the synagogue to his home, one a good [angel] and one an evil [one]. And when he arrives home and finds the lamp burning, the table laid and the couch [bed] covered with a spread, the good angel exclaims, 'May it be even thus on another Sabbath [too],' and the evil angel

unwillingly responds 'amen'. But if not,⁷ the evil angel exclaims, 'May it be even thus on another Sabbath [too,]' and the good angel unwillingly responds, 'amen'.

R. Eleazar said: One should always set his table on the eve of the Sabbath, even if he needs only the size of an olive. While R. Hanina said: One should always set his table on the termination of the Sabbath, even if he merely requires as much as an olive.⁸ Hot water after the termination of the Sabbath is soothing; fresh. [warm] bread after the termination of the Sabbath is soothing.⁹

A three-year old¹⁰ calf used to be prepared for R. Abbahu on the termination of the Sabbath, of which he ate a kidney. When his son Abimi grew up he said to him, Why should you waste so much? let us leave over a kidney from Sabbath eve. So he left it over, and a lion came and devoured it.¹¹

R. Joshua b. Levi said: He who responds, 'Amen, May His great Name be blessed,' with all his might, his decreed sentence¹² is torn up, as it is said, When retribution was annulled¹³ in Israel, For that the people offered themselves willingly, Bless ye the Lord:¹⁴ why when retribution was annulled'? Because they blessed the Lord. R. Hiyya b. Abba said in R. Johanan's name: Even if he has a taint of idolatry, he is forgiven: it is written here, 'when retribution was annulled [bifroa' pera'oth]'; whilst elsewhere it is written, And Moses saw that the people were broken loose [parua']; for Aaron had let them loose.¹⁵

Resh Lakish said: He who responds 'Amen' with all his might, has the gates of Paradise opened for him, as it is written, Open ye the gates, that the righteous nation which keepeth truth [shomer emunim] may enter in:¹⁶ read not 'shomer emunim' but 'she'omrim amen' [that say, amen]. What does 'amen' mean? — Said R. Hanina: God, faithful King.¹⁷

Rab Judah son of R. Samuel said in Rab's name: An [outbreak of] fire occurs only in a place where there is desecration of the Sabbath, for it is said, But if ye will not hearken unto me to hallow the Sabbath day and not to bear a burden ... then will I kindle a fire in the gates thereof, and it shall devour the palaces of Jerusalem, and it shall not be quenched.¹⁸ What does 'and it shall not be quenched' mean? — Said R. Nahman b. Isaac: At the time when no people are available to quench it.

Abaye said: Jerusalem was destroyed only because the Sabbath was desecrated therein, as it is said, and they have hid their eyes from My sabbaths, therefore I am profaned among them.¹⁹

R. Abbahu said: Jerusalem was destroyed only because the reading of the shema²⁰ morning and evening was neglected [therein], for it is said, Woe unto them that rise up early in the morning, that they may follow strong drink [etc.]; and it is written, And the harp and the lute, the tabret and the pipe, and wine, are in their feasts: but they regard not the work of the Lord; and it is written, Therefore my people are gone into captivity, for lack of knowledge.²¹

R. Hamnuna said: Jerusalem was destroyed only because they neglected [the education of] school children; for it is said, pour it out [sc. God's wrath] because of the children in the street:²² why pour it out? Because the child is in the street.²³

'Ulla said: Jerusalem was destroyed only because they [its inhabitants] were not ashamed of each other, for it is written, Were they ashamed when they committed abomination? nay, they were not at all ashamed [... therefore they shall fall].²⁴

R. Isaac said: Jerusalem was destroyed only because the small and the great were made equal, for it is said, And it shall be, like people like priest; which is followed by, The earth shall be utterly emptied.^{25 25}

R. Amram son of R. Simeon b. Abba said in R. Simeon b. Abba's name in R. Hanina's name: Jerusalem was destroyed only because they did not rebuke each other: for it is said, Her princes are become like harts that find no pasture:²⁶ Just as the hart, the head of one is at the side of the others's tail, so Israel of that generation hid their faces in the earth,²⁷ and did not rebuke each other.

Rab Judah said: Jerusalem was destroyed only because scholars were despised therein: for it is said, but they mocked the messengers of God, and despised his words, and scoffed at his prophets, until the wrath of the Lord arose against his people, till there was no remedy.²⁸ What does 'till there was no remedy' intimate? Said Rab Judah in Rab's name: He who despises a scholar, has no remedy for his wounds.

Rab Judah said in Rab's name: What is meant by. Touch not mine anointed, and do my prophets no harm?²⁹ Touch not mine anointed' refers to school children;³⁰ 'and do my prophets no harm', to disciples of the Sages. Resh Lakish said in the name of R. Judah the Prince:³¹ The world endures only for the sake of the breath of school children. Said R. Papa to Abaye, What about mine and yours? Breath in which there is sin is not like breath in which there is no sin, replied he. Resh Lakish also said in the name of R. Judah the Prince: School children may not be made to neglect [their studies] even for the building of the Temple. Resh Lakish also said to R. Judah the Prince: I have this tradition from my fathers — others state, from your fathers: Every town in which there are no school children shall be destroyed. Rabina said: It shall be laid desolate.³²

Raba said: Jerusalem was destroyed only because men of faith³³ ceased therein: for it is said, Run ye to and fro in the streets of Jerusalem, and see now, and know, and seek in the broad places thereof, if ye can find a man, if there be any that doeth justly, that seeketh faithfulness; and I will pardon her.³⁴ But that is not so? For R. Kattina said: Even at the time of Jerusalem's downfall men of faith did not cease therein, for it is said, When a man shall take hold of his brother in the house of his father, saying, Thou hast clothing, be thou our ruler.³⁵ [this means,] things wherewith men cover themselves as [with] a garment³⁶ are in thy hand. And let this stumbling³⁷ be under thy hand:³⁸

(1) Engaged in halachic discussions.

(2) The Sabbath, by neglecting its delights and good cheer.

(3) Gen. II, 1.

(4) 'They' referring to God and to him who praises God for the Creation.

(5) Ps. XXXIII, 6.

(6) Isa. VI, 7.

(7) If everything is in disorder and gloomy.

(8) That too honours the Sabbath, just as a royal visitor is not allowed to depart without a retinue accompanying him.

(9) That would not be difficult to obtain, as bread is baked very quickly in the East.

(10) Or, a third grown; or, third born.

(11) The calf that would have been killed.

(12) If Heaven has decreed evil for him.

(13) Sic. E. V.: 'For that the leaders took the lead'.

(14) Judg. V, 2.

(15) Ex. XXXII, 25; the reference is to the idolatrous worship of the Golden Calf.

(16) Isa. XXVI, 2.

(17) Interpreting it as an abbreviation: el melek ne'eman.

(18) Jer. XVII, 27.

(19) Ezek. XXII, 26. God's name is profane when the holy city lies in ruins.

(20) V. Glos.

(21) Isa. V. 11-13.

(22) Jer. VI, 11.

- (23) Instead of having schools provided for him.
 (24) Ibid. 15.
 (25) Isa. XXIV, 2f. 'People' is understood as a synonym for the humble masses; 'priest' symbolizes the great.
 (26) Lam. I, 6.
 (27) A metaphor for deliberately shutting their eyes to evil.
 (28) II Chron. XXXVI, 16.
 (29) I Chron. XVI, 22.
 (30) Whom it was customary to anoint with oil, cf. supra 10b.
 (31) Nesi'ah, Judah II.
 (32) This is more thorough-going than the former.
 (33) I.e., men completely truthful and trustworthy.
 (34) Jer. V, 1.
 (35) Or, judge, Isa. III, 6.
 (36) Rashi: when questioned on learning they hide themselves, pretending not to hear, because they cannot answer.
 (37) E.V. 'ruin'.
 (38) Ibid.

Talmud - Mas. Shabbath 120a

things of which people are not sure¹ unless they [first] stumble over them² are in thy hands; [therefore] be thou our judge. In that day [yissa] shall he lift up [his voice] saying, I will not be an healer:³ 'yissa' denotes nought but swearing, and thus it is said, Thou shalt not take [tissa] the name of the Lord [thy God in vain].⁴ I will not be a binder up [hobesh]: I will not be of those who shut themselves up [hobeshe] in the Beth Hamidrash. And in my house in neither bread nor clothing: I possess no mikra,⁵ mishnah, or gemara⁶ — How does that follow: perhaps it is different there, for had he said to them, 'I have studied them' [the reasons of the Law], they would have retorted, 'Then tell [them] to us'? — Then let him say that he had learnt and forgotten: why [state], 'I will not be a binder up' at all?⁷ — There is no difficulty: here it is in connection with learning,⁸ there in connection with worldly affairs.

MISHNAH. ONE MAY SAVE A BASKET FULL OF LOAVES, EVEN IF IT CONTAINS [SUFFICIENT FOR] A HUNDRED MEALS, AND A ROUND CAKE OF PRESSED FIGS,⁹ AND A BARREL OF WINE, AND HE [THE OWNER] MAY SAY TO OTHERS, 'COME AND SAVE FOR YOURSELVES'; AND IF THEY ARE WISE, THEY MAKE A RECKONING WITH HIM AFTER THE SABBATH.¹⁰ WHITHER MAY THEY BE SAVED? INTO A COURTYARD PROVIDED WITH AN 'ERUB. BEN BATHYRA SAID: EVEN INTO A COURTYARD UNPROVIDED WITH AN 'ERUB. AND THITHER HE MAY CARRY OUT ALL THE UTENSILS [HE REQUIRES] FOR HIS USE;¹¹ AND HE PUTS ON ALL THAT HE CAN PUT ON AND WRAPS HIMSELF IN ALL WHEREWITH HE CAN WRAP HIMSELF;¹² R. JOSE SAID: [ONLY] EIGHTEEN GARMENTS.¹³ THEN HE MAY PUT ON [GARMENTS] AFRESH¹⁴ AND CARRY THEM OUT, AND SAY TO OTHERS, 'COME AND RESCUE WITH ME.'¹⁵ GEMARA. But he [the Tanna] teaches in the first clause,¹⁶ three meals, but no more? — Said R. Huna, There is no difficulty: here it means that he comes to save [the whole basket simultaneously]; there he comes to collect [food]: if he comes to save, he may save all;¹⁷ if he comes to collect, he may collect only for three meals. R. Abba b. Zabda said in R. Idi's name: Both are where one comes to collect, yet there is no difficulty: here it is into the same courtyard;¹⁸ there it is into another courtyard.

R. Huna the son of R. Joshua asked: What if one spreads out his garments, collects and places [therein], collects and places [therein]?¹⁹ Is it like one who comes to save,²⁰ or like one who comes to collect? — [Come and hear]:²¹ Since Raba said, R. Shizbi misled R. Hisda by teaching, 'Provided that he does not procure a vessel which holds more than three meals', it follows that it is like one who comes to save,²² and it is permitted. R. Nahman b. Isaac observed to Raba: Why is it an error?

— He replied: Because it is stated, ‘provided that he does not bring another vessel and catch [the dripping liquid] or another vessel and join it [to the roof]’: [thus] only another vessel may not [be brought], but he may save as much as he desires in the same vessel.

AND A ROUND CAKE OF PRESSED FIGS, etc. What have we to do with a reckoning? Surely they acquire it from hefker?²³ — Said R. Hisda: They spoke here of pious conduct.²⁴ Will pious men take payment for the Sabbath? objected Raba.²⁵ Rather said Raba, We refer here to a God-fearing person, who does not wish to benefit from others, yet is unwilling to trouble for nothing, and this is its meaning: AND IF THEY ARE WISE, that they know that in such a case it is not payment for the Sabbath,²⁶ THEY MAKE A RECKONING WITH HIM AFTER THE SABBATH.

WHITHER MAY THEY BE SAVED, etc. Why does he state here [SAVE] FOR YOURSELVES, whilst there he states, RESCUE WITH ME? — I will tell you: in connection with food he states, FOR YOURSELVES, because food for three meals only is fit for himself; but in connection with garments he states, RESCUE WITH ME, because they are fit for him all day.²⁷

Our Rabbis taught: He may put on, carry out, and take off, then again put on, carry out, and take off, even all day: this is R. Meir's view. R. Jose said: [Only] eighteen garments. And these are the eighteen garments: a cloak, undertunic,²⁸ hollow belt,²⁹ linen [sleeveless] tunic, shirt, felt cap, apron, a pair³⁰ of trousers, a pair of shoes, a pair of socks, a pair of breeches, the girdle round his loins, the hat on his head and the scarf round his neck.³¹

MISHNAH. R. SIMEON B. NANNOS SAID: ONE MAY SPREAD A GOAT SKIN³² OVER A BOX, CHEST, OR TRUNK³³ WHICH HAS CAUGHT FIRE, BECAUSE HE SINGES;³⁴ AND ONE MAY MAKE A BARRIER WITH ALL VESSELS, WHETHER FULL [OF WATER] OR EMPTY, THAT THE FIRE SHOULD NOT TRAVEL ONWARD. R. JOSE FORBIDS IN THE CASE OF NEW EARTHEN VESSELS FILLED WITH WATER, BECAUSE SINCE THEY CANNOT STAND THE HEAT, THEY WILL BURST AND EXTINGUISH THE FIRE.³⁵

GEMARA. Rab Judah said in Rab's name: If a garment catches fire on one side, water may be poured on to it on the other, and if it is [thereby] extinguished, it is extinguished. An objection is raised: If a garment catches fire on one side, one may take it off and cover himself with it, and if it is extinguished, if it is extinguished; and likewise if a Scroll of the Law catches fire, one may spread it out and read it, and if it is extinguished, it is extinguished?³⁶

(1) Lit., ‘do not stand by them’.

(2) They must first make mistakes before they arrive at certainty.

(3) Or, a binder up.

(4) Ex. XX, 7. This is an injunction against false swearing.

(5) Scriptural knowledge.

(6) Gemara, which was often substituted by the censors for Talmud, is generally understood to mean the discussion on the Mishnah; v. however Kaplan, Redaction of the Talmud pp. 195-7, where he maintains that gemara does not mean discussions but the final decisions arising out of the discussions. — Returning to our text, we see that there were ‘faithful’, i.e., truthful men in Jerusalem who confessed their ignorance and refused office on that account.

(7) This proves that he was animated by a desire for truth, and thus contradicts Raba.

(8) In this respect they were truthful.

(9) Although it is very large.

(10) They may demand payment for their labour.

(11) On that day e.g., plates, glasses, etc.

(12) And thus saves them from the fire.

(13) Which are normally worn; v. Gemara infra.

(14) Having taken off the first; this is the first Tanna's view, not R. Jose's.

- (15) In the same manner.
- (16) Sc. the Mishnah supra 117b.
- (17) In the basket, no matter how much it contains.
- (18) Sc. that of the house which is on fire.
- (19) More than three meals.
- (20) The whole simultaneously, since it is all to be carried out together.
- (21) V.
- (22) For Raba evidently holds that one may bring a vessel and collect more than for three meals — the reference is to the Baraitha supra 117b: ‘if one’s barrel burst on the top of his roof’ etc.
- (23) V. Glos. Seeing that he tells them to save it for themselves, it is theirs altogether.
- (24) A pious man will not take advantage of the fire to keep the food for himself.
- (25) Surely not. (11) Hasiduth (piety) however is a higher stage than God-fearingness.
- (26) Since it is actually hefker and they do not stipulate for payment beforehand.
- (27) He may wish to change many times during the day, so that he needs all for himself.
- (28) Jast.: an easy dress worn in the house and, under the cloak, in the street, but in which it was unbecoming to appear in public.
- (29) A money bag.
- (30) Lit., ‘two’.
- (31) Some of these translations are only approximate: Felt-cap and hat, as well as ‘trousers’ and ‘breeches’ were obviously garments both worn at the time.
- (32) Rashi: which is damp.
- (33) Lit., ‘turret’. — Three kinds of boxes or chests are meant.
- (34) But does not burn it and at the same time it protects the boxes.
- (35) Which is forbidden as a principal labour, v. supra 73a.
- (36) In each case probably the motion extinguishes it if the flame is very small. But the Tanna does not permit water.

Talmud - Mas. Shabbath 120b

— He rules as R. Simeon b. Nannos.¹ Yet perhaps R. Simeon b. Nannos said [merely], BECAUSE HE SINGES: but did he rule [thus] of indirect extinguishing?² — Yet, since the final clause teaches, R. JOSE FORBIDS IN THE CASE OF NEW EARTHEN VESSELS FILLED WITH WATER, BECAUSE SINCE THEY CANNOT STAND THE HEAT THEY WILL BURST AND EXTINGUISH THE FIRE, it follows that the first Tanna permits it.

Our Rabbis taught: If a lamp is on a board, one may shake [tip up] the board and it [the lamp] falls off, and if it is extinguished, it is extinguished. The School of R. Jannai said: They learnt this only if one forgot [it there]; but if he placed [it there], it [the board] became a stand for a forbidden article.³ A Tanna taught: If a lamp is behind a door, one may open and close [it] naturally, and if it is extinguished⁴ it is extinguished. Rab cursed this [ruling]. Said Rabina to R. Aha the son of Raba — others state, R. Aha the son of Raba to R. Ashi — why did Rab curse this? Shall we say because Rab holds with R. Judah,⁵ whereas the Tanna teaches as R. Simeon? Because Rab holds with R. Judah, if one teaches as R. Simeon, shall he curse him! — Here, he replied, even R. Simeon agrees, for Abaye and Raba both said: R. Simeon agrees in a case of ‘cut off his head and let him not die.’⁶

Rab Judah said: One may open a door opposite a fire on the Sabbath.⁷ Abaye cursed this. What are the circumstances? If there is a normal wind [blowing], what is the reason of the one who forbids?⁸ — If there is an abnormal wind, what is the reason of the one who permits?⁹ — In truth, it refers to a normal wind: one Master holds, we prohibit preventively;¹⁰ whilst the other Master holds, We do not prohibit preventively.

ONE MAY MAKE A BARRIER, etc. Shall we say that the Rabbis hold, Indirect extinguishing¹¹ is permitted, while R. Jose holds that it is forbidden? But we know them [to maintain] the reverse.

For it was taught: One may make a barrier of empty vessels and of full vessels which are not liable to burst; metal vessels. R. Jose said: The vessels of Kefar Shihin and Kefar Hananiah¹² too are not likely to burst!¹³ And should you answer, Reverse our Mishnah while R. Jose of the Baraita argues on the view of the Rabbis;¹⁴ [it may be asked], But can you reverse them? Surely Rabbah b. Tahlifa said in Rab's name: 'Which Tanna holds that indirect extinguishing is forbidden? R. Jose!' Hence in truth you must not reverse it, the whole of the Baraita being [the view] of R. Jose but there is a lacuna, and it was thus taught: One may make a barrier with empty vessels and with full vessels that are not likely to burst, and these are the vessels which are not likely to burst: metal vessels, and the vessels of Kefar Shihin and Kefar Hananiah too are not likely to burst. For R. Jose maintains: The vessels of Kefar Shihin and Kefar Hananiah too are not likely to burst.

Now, the Rabbis are self-contradictory and R. Jose is self-contradictory. For it was taught: If one has the [Divine] Name written on his skin, he must not bathe nor anoint [himself] nor stand in an unclean place. If he must perform an obligatory tebillah, he must wind a reed¹⁵ about it and descend and perform tebillah. R. Jose said: He may at all times descend and perform tebillah in the ordinary way, provided that he does not rub [it]?¹⁶ — There it is different, because Scripture saith, And ye shall destroy their name out of that place. Ye shall not do so unto the Lord your God:¹⁷ only [direct] action is forbidden, but indirect action is permitted. If so, here too it is written, thou shalt not do any work:¹⁸ only [direct] action is forbidden, but indirect action is permitted? — Since a man is excited over his property if you permit him [indirect action], he may come to extinguish it. If so, the Rabbis are self-contradictory: if there, though a man is excited over his property, it is permitted, how much more so here? — Now, is that logical:¹⁹ this reed, how is it meant? If it is wound tightly, it is an interposition;²⁰ [while] if it is not wound tightly the water enters. ([You speak of] 'an interposition' that follows from the ink?²¹ — The reference is to wet [ink for it was taught: Blood, ink, honey, and milk, if dry [on the skin] constitute an interposition; if moist, they do not constitute an interposition.) Yet still there is the difficulty?²² — Rather said Raba b. Shila, This is the reason of the Rabbis: because they hold one must not stand nude in the presence of the Divine Name. Hence it follows that R. Jose holds that one may stand nude in the presence of the Divine Name?²³ — He places his hand upon it. Then according to the Rabbis too, let him place his hand upon it? He may chance to forget and remove it. Then according to R. Jose too, he may forget and remove it? — Rather [reply thus]. If a reed is available that is indeed so.²⁴ The discussion is about going to seek a reed:²⁵ the Rabbis hold,

(1) Just as the fire may be arrested by a goatskin, so may it be arrested by water, seeing that it is not poured directly on the flame.

(2) Such as water.

(3) Sc. the lamp, which may not be handled on the Sabbath, and then the same applies to the board too; cf. supra 117a and note a.l.

(4) By the draught.

(5) That even an unintentional action is forbidden.

(6) V. p. 357, n. 8.

(7) Medurah is a fire for heating, e.g., in the fire place, and the door is opened for the draught to fan it.

(8) It is generally insufficient to fan it into a blaze, hence it is not a case of 'cut off his head' etc.

(9) It will certainly make it burn up.

(10) Because if that is permitted, one will think that the door may be opened even if an abnormal wind is blowing.

(11) Lit., 'a cause of extinguishing'.

(12) Kefar means a village or country town. The former was probably near Shihin in the vicinity of Sepphoris; the latter was a town in Galilee. The earthen vessels made there were fire proof.

(13) This shows that he too permits only such. The Baraita is thus not actually the reverse of the Mishnah, but generally speaking we see that R. Jose is more lenient in the former, whereas in the Mishnah he is more stringent (Tosaf.).

(14) Thus R. Jose himself holds that even if they are likely to burst they are permitted, but he argues that even on the more stringent view of the Rabbis the vessels of Kefar Shihin etc. should be permitted too.

- (15) As assumed at present in order to prevent effacement of the Name.
- (16) Intentionally with his hands. — Thus the Rabbis forbid even an indirect action, whereas R. Jose forbids only a direct action.
- (17) Deut. XII, 3f.
- (18) Ex. XX, 9.
- (19) That the need of a reed according to the Rabbis is to prevent effacement.
- (20) Between the water and the flesh, which invalidates tebillah.
- (21) With which the Name is written. This interrupts the thread of argument: if you object to the reed because it is an interposition, what of the ink itself?
- (22) About the reed. Why do the Rabbis insist on a reed? — This difficulty is raised to show that the Rabbis' view has nothing to do with the question whether indirect action is permitted or not.
- (23) Surely not,
- (24) All agree that it must be used — even R. Jose, the reason being that one may not stand nude in the presence of the Name.
- (25) I.e., whether one must postpone the tebillah until he obtains it.

Talmud - Mas. Shabbath 121a

Tebillah in its [due] time is not obligatory,¹ hence we seek [it]; whereas R. Jose holds, Tebillah in its [due] time is obligatory, hence we do not seek [it].

Now, does then R. Jose hold, Tebillah in its [due] time is obligatory? Surely it was taught: A zab and a zabah, a male leper and a female leper, he who cohabits with a niddah,² and he who is defiled through a corpse, [perform] their tebillah by day.³ A niddah and woman in confinement [perform] their tebillah at night.⁴ A ba'al ker⁵ must proceed with tebillah at any time of the day.⁶ R. Jose said: [If the mishap happened] from minhah and beyond he need not⁷ perform tebillah.⁸ — [The author of] that is R. Jose son of R. Judah who maintained: [One] tebillah at the end suffices for her.⁹ MISHNAH. IF A GENTILE COMES TO EXTINGUISH, WE DO NOT SAY TO HIM, 'EXTINGUISH IT' OR 'DO NOT EXTINGUISH,' BECAUSE HIS RESTING IS NOT OUR OBLIGATION.¹⁰ BUT IF A MINOR COMES TO EXTINGUISH, WE MUST NOT PERMIT HIM,¹¹ BECAUSE HIS RESTING IS OUR OBLIGATION.

GEMARA. R. Ammi said: In the case of a conflagration they [the Rabbis] permitted one to announce, 'Whoever extinguishes [it] will not lose [thereby].' Shall we say that this supports him: IF A GENTILE COMES TO EXTINGUISH, WE DO NOT SAY TO HIM, EXTINGUISH OR DO NOT EXTINGUISH, BECAUSE HIS RESTING IS NOT OUR OBLIGATION: thus we [merely] may not say to him, Extinguish [it],¹² but we may say, 'Whoever extinguishes [it] will not lose [thereby].' Then consider the second clause: WE DO NOT SAY TO HIM... DO NOT EXTINGUISH but neither may we say to him, 'Whoever extinguishes [it] will not lose [thereby]?'¹² Rather no deduction can be made from this.¹³

Our Rabbis taught: It once happened that a fire broke out in the courtyard of Joseph b. Simai in Shihin, and the men of the garrison at Sepphoris¹⁴ came to extinguish it, because he was a steward of the king.¹⁵ But he did not permit them, in honour of the Sabbath, and a miracle happened on his behalf, rain descended and extinguished [it]. In the evening he sent two sela' to each of them, and fifty to their captain. But when the Sages heard of it they said, He did not need this, for we learnt: IF A GENTILE COMES TO EXTINGUISH, WE DO NOT SAY TO HIM, 'EXTINGUISH' OR 'DO NOT EXTINGUISH'.

BUT IF A MINOR COMES TO EXTINGUISH, WE DO NOT PERMIT HIM, BECAUSE HIS RESTING IS OUR OBLIGATION. You may infer from this [that] if a minor eats nebeloth,¹⁶ it is the duty of Beth din to restrain him?¹⁷ — Said R. Johanan: This refers to a minor acting at his

father's desire.¹⁸ Then by analogy, in respect to the Gentile, he [too] acts at the Jew's desire: is this permitted? — A Gentile acts at his own desire.¹⁹

MISHNAH. A DISH MAY BE INVERTED OVER A LAMP, THAT THE BEAMS SHOULD NOT CATCH [FIRE], AND OVER AN INFANT'S EXCREMENT, AND OVER A SCORPION, THAT IT SHOULD NOT BITE. R. JUDAH SAID: AN INCIDENT CAME BEFORE R. JOHANAN B. ZAKKAI IN ARAB,²⁰ AND HE SAID, I FEAR ON HIS ACCOUNT [THAT HE MAY BE LIABLE TO] A SIN-OFFERING.²¹

GEMARA. Rab Judah and R. Jeremiah b. Abba and R. Hanan b. Raba visited the home of Abin of Neshikya.²² For Rab Judah and R. Jeremiah b. Abba

- (1) Even an obligatory tebillah need not be performed just when it is due.
- (2) Which defiles him — such coition is strictly forbidden.
- (3) The seventh day from their defilement. They can perform tebillah any time after dawn, even if it is not yet seven full days of twenty-four hours each from the time of defilement, and even if this falls on the Day of Atonement.
- (4) The evening following the day which completes their period of uncleanness, the full period being required in their case. This holds good even if the evening belongs to the Day of Atonement.
- (5) Lit., 'one whom a mishap has befallen' — a euphemism for one who discharged semen. By Rabbinical law he requires tebillah before he can engage in the study of Torah.
- (6) Lit., 'the whole day'. Even if he discharged semen in the late afternoon of the Day of Atonement, he may perform tebillah on the same day and need not wait for the evening, because tebillah in its right time is obligatory. [A non-obligatory bath is prohibited on the Day of Atonement.]
- (7) [Var. lec. he may not, v. Tosaf. a.l.]
- (8) Because tebillah at its right time is not obligatory, which is the point of the objection. The circumstances here are that he has already recited all the prayers of the day (Tosaf.), or at least minhah, while the ne'ilah (concluding) service may be recited at night.
- (9) The reference is to a woman who gave birth without knowing exactly when, what, and whether it was with or without a gonorrhoeic discharge. The first view is that all possibilities must be taken into account and she must perform tebillah at the due times posited by these. R. Jose b. R. Judah, however, rules that a single tebillah, performed at the end of the whole period that is in doubt, is sufficient, though actually the right time may have been earlier, for in any case tebillah at the time when it becomes due is not obligatory.
- (10) Lit., 'their obligation'. It is not the duty of Israelites to see that he rests on the Sabbath, hence we need not forbid him. On the other hand by Rabbinical law one must not instruct a Gentile to work — hence we may not tell him to extinguish the fire.
- (11) Lit., 'we do not hearken to him'.
- (12) For the second clause merely states that it is unnecessary to stop him, which implies, however, that one must not give him a hint to extinguish.
- (13) For one clause of the Mishnah must be exact, even in respect of its implication, whereas the other clause is not to be stressed so far, and it is not known which is exact.
- (14) [The Acropolis mentioned in Josephus, Vita 67].
- (15) [Agrippa II, v. Klein, S., Beitrage p. 66, n. 1 and Graetz, MGWJ, 1881, p. 484].
- (16) V. Glos.; i.e., any forbidden food.
- (17) Lit., 'to keep him away'. — In Yeb. 114a this is in doubt.
- (18) But where he acts entirely of his own accord it may not be so.
- (19) Though he knows that the Jew too desires it, he may nevertheless act on his own accord. But a minor is more likely to be directly influenced by what he understands to be his father's wish.
- (20) [Near Sepphoris, v. Klein Beitrage P. 75].
- (21) Since the snake was not pursuing him, his action may constitute trapping, which involves a sin-offering.
- (22) A town in Babylonia.

Talmud - Mas. Shabbath 121b

couches were brought; for R. Hanan b. Raba none was brought.¹ Now, he found him reciting to his son, AND OVER AN INFANT'S EXCREMENT, on account of the infant.² Said he to him, 'Abin! a fool recites nonsense to his son:³ surely that itself is fit for dogs! And should you say that it was not fit for him from yesterday,⁴ surely it was taught: Flowing rivers and gushing springs are as the feet of all men?⁵ Then how shall I recite it? — Say: Over the excrement of fowls, on account of an infant.⁶ But deduce it⁷ because it is [as] a vessel for excrements.⁸ And should you answer, The vessel of excrements is only [permitted] in virtue of the utensil,⁹ yet that itself may not [be carried out], — but a mouse was found in R. Ashi's spices, and he said to them [his servants], 'Take it by the tail and throw it out?'¹⁰ — This refers to a dung heap.¹¹ But what business has an infant with a dung heap?¹² — It is in the courtyard.¹³ But in a courtyard too it is a vessel of excrements? — It refers to a dung heap in the courtyard.

AND OVER A SCORPION, THAT IT SHOULD NOT BITE. R. Joshua b. Levi said: All [animals, etc.] that cause injury¹⁴ may be killed on the Sabbath. R. Joseph objected: Five may be killed on the Sabbath, and these are they: the Egyptian fly, the hornet of Nineweh, the scorpion of Adiabene,¹⁵ the snake in Palestine, and a mad dog anywhere. Now, who [is the authority?] Shall we say, R. Judah? Surely he maintains, One is guilty on account of a labour not required for itself?¹⁶ Hence it must be R. Simeon, and only these are permitted, but not others? — Said R. Jeremiah, And who tells us that this is correct: perhaps it is corrupt? Said R. Joseph: I recited it and I raised the objection, and I can answer it: This is where they are pursuing him, and is unanimous.¹⁷

A tanna recited before Rabbah son of R. Huna: If one kills snakes or scorpions on the Sabbath, the spirit of the pious¹⁸ is displeased with him. He retorted, And as to those pious men, the spirit of the Sages is displeased with them. Now, he disagrees with R. Huna, for R. Huna saw a man kill a wasp. Said he to him, 'Have you wiped them all out?'¹⁹

Our Rabbis taught: If one chances upon snakes and scorpions, and he kills them, it is manifest that he had chanced upon them in order to kill them; if he does not kill them, it is manifest that he had chanced upon them that they should kill him, but that a miracle was performed by Heaven on his behalf. 'Ulla said: — others state, Rabbah b. Bar Hanah said in R. Johanan's name — That is when they hiss at him.²⁰

R. Abba b. Kahana said: One [of them] once fell in the Beth Hamidrash, and a Nabatean²¹ arose and killed it.²² Said Rabbi: A similar one must have attacked him. The scholars asked: 'A similar one must have attacked him' [means] that he had done well, or not?²³ — Come and hear: For R. Abba, son of R. Hiyya b. Abba, and R. Zera were sitting in the anteroom of R. Jannai's academy, [when] something issued from between them.²⁴ [So] they asked R. Jannai: May one kill snakes and scorpions on the Sabbath? Said he to them: I kill a hornet, how much more so snakes and scorpions! But perhaps that is [only] incidentally,²⁵ for Rab Judah said: One can tread down saliva incidentally:²⁶ and R. Shesheth said, One can tread down a snake incidentally, and R. Kattina said, One may tread down a scorpion incidentally.²⁷

Abba b. Martha, who is Abba b. Minyomi, owed money to the house of the Resh Galutha. [So] they brought him [before the Resh Galutha]; he distressed him [and] he²⁸ spat out saliva,²⁹ [whereupon] the Resh Galutha ordered, 'Bring a vessel and cover it . Said he to them, 'You do not need this, [for] thus did Rab Judah say: One can tread down saliva incidentally.' 'He is a scholar,' remarked he [the Resh Galutha]; 'let him go'.

R. Abba b. Kahana also said in R. Hanina's name: The candlesticks³⁰ of Rabbi's household may be handled on the Sabbath.

R. Zera asked him: [Does that mean] where they can be taken up with one hand, or [even] with two hands?

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- (1) He had to sit on the ground.
 - (2) To prevent him from dabbling with it.
 - (3) This rude remark was made in spleen at his host's discourtesy. (11) Mukeneth, Lit., 'stands prepared'. Hence it may be handled and therefore one can carry it out altogether; why then overturn a dish upon it?
 - (4) Sc. Friday; thus it is newly-created, as it were, on the Sabbath (technically called *nolad v. Glos.*), and as such may not be handled.
 - (5) On the Sabbath or Festival an article may be carried, where carrying is permitted through an 'erub, only where its owner may go, i.e., it is 'as the feet of its owner'. But this does not apply to the water of a flowing river, and every man may carry it whither he himself may go, though not all may go to the same place (*v. Bez. 39a*). Now, that which comes on the Sabbath from without the *tehum* (*v. Glos.*) may not be taken anywhere within the *tehum*. But although the water of a flowing river does come from without, it may be carried within. This shows that though that particular water was not there on the Friday, it is regarded as fit on the Sabbath, because it was naturally expected. Hence the same applies to the excrement: though it did not exist before the Sabbath, it was expected, and therefore may be handled, seeing that it can be put to a legitimate use.
 - (6) *V. p. 600, n. 9*. But this may not be handled itself, because it is not fit for dogs. — He interprets the Mishnah thus.
 - (7) That one may carry it out.
 - (8) Which may be cleared away on account of its repulsiveness.
 - (9) Which contains the excrements.
 - (10) And a mouse is the same as excrement.
 - (11) Which stands apart.
 - (12) Which was usually in the street.
 - (13) It is now assumed that this refers to the excrement, not the dung heap.
 - (14) Rashi: that kill.
 - (15) A district of Assyria between the rivers Lycus and Caprus.
 - (16) *Supra 12a, 31b*; the present killing falls within the same category.
 - (17) I.e., R. Joshua's statement refers to this case. But in the Baraitha they are not pursuing him, and it is taught on R. Simeon's view.
 - (18) Heb. *hasidim*. Here probably no particular sect is meant. Weiss, *Dor, I. 109*, maintains that the early *hasidim* are probably referred to.
 - (19) Sarcastically. I.e., you have achieved nothing, and should not have done it on the Sabbath.
 - (20) Otherwise it is not to be assumed that they were meant to kill him.
 - (21) Rashi, a Jew from Nabatea.
 - (22) This was on a Sabbath.
 - (23) Did Rabbi speak seriously or sarcastically?
 - (24) Or, the question came up (for discussion) between them.
 - (25) Lit., 'in one's simplicity' — i.e., not intentionally, but in the course of his walking.
 - (26) I.e., on Sabbath, despite the possibility of levelling thereby some grooves in the soil.
 - (27) Thus the question remains unanswered.
 - (28) Abba.
 - (29) There happened to be saliva spat out. *V. Rashi*.
 - (30) Rashi: a one-piece lamp; *v. p. 202., n. 6*.

Talmud - Mas. Shabbath 122a

Such as those of your father's house, he replied.¹

R. Abba b. Kahana also said in R. Hanina's name: The litters² of Rabbi's household may be handled on the Sabbath. R. Zera asked him: [Does that mean] those that can be moved with one hand, or [even] with two hands? Such as those of your father's house, replied he.

R. Abba b. Kahana also said: R. Hanina permitted Rabbi's household to drink wine [carried]³ in gentile coaches⁴ [sealed] with one seal,⁵ and I do not know whether it is because he agrees with R. Eliezer⁶ or because of the [Gentile's] fear of the Nasi's household.⁷ MISHNAH. IF A GENTILE LIGHTS A LAMP, AN ISRAELITE MAY MAKE USE OF ITS LIGHT; BUT IF [HE DOES IT] FOR THE SAKE OF THE ISRAELITE, IT IS FORBIDDEN. IF HE DRAWS WATER⁸ TO GIVE HIS OWN ANIMAL, TO DRINK, AN ISRAELITE MAY WATER [HIS] AFTER HIM; BUT IF [HE DRAWS IT] FOR THE ISRAELITES SAKE, IT IS FORBIDDEN. IF A GENTILE MAKES A STAIRWAY TO DESCEND BY IT,⁹ AN ISRAELITE MAY DESCEND AFTER HIM; BUT IF ON THE ISRAELITES ACCOUNT, IT IS FORBIDDEN. IT ONCE HAPPENED THAT R. GAMALIEL AND THE ELDERS WERE TRAVELING IN A SHIP, WHEN A GENTILE MADE A STAIRWAY FOR GOING DOWN, AND R. GAMALIEL, AND THE ELDERS DESCENDED BY IT.

GEMARA. Now these are [all] necessary. For if we were informed [about] a lamp, that is because a lamp for one is a lamp for a hundred; but as for water, [I might say] let us forbid it,¹⁰ lest he come to increase [the quantity drawn] on the Israelite's account.¹¹ What is the need of [the ruling about] a stairway?¹² He tells us the story of R. Gamaliel and the elders.

Our Rabbis taught: if a Gentile gathers herbs,¹³ an Israelite may feed [his cattle therewith] after him, but if [he gathers] on the Israelite's account, it is forbidden. If he draws water to give his cattle to drink, an Israelite may water [his] after him, but if on the Israelite's account, it is forbidden. When is that? If he does not know him; but if he knows him it is forbidden. But that is not so? For R. Huna said in R. Hanina's name: A man may stand his cattle on grass on the Sabbath,¹⁴ but not on mukzeh¹⁵ on the Sabbath!¹⁶ — It means that he stands in front of it [the animal], and so it goes [there] and eats. The Master said: 'When is that? If he does not know him; but if he knows him, it is forbidden.' But R. Gamaliel [is a case where] he knew him?¹⁷ — Said Abaye: It was not [made] in his presence.¹⁸ Raba said: You may even say that it was in his presence: 'a lamp for one is a lamp for a hundred.'¹⁹ An objection is raised: R. Gamaliel said to them, 'Since he did not make it in our presence, let us go down by it?' — Say: 'Since he made it, let us go down by it.' Come and hear: If a city inhabited by Israelites and Gentiles contains baths where there is bathing on the Sabbath, if the majority are Gentiles, one [an Israelite] may bathe therein immediately;²⁰ if the majority are Israelites, one must wait until hot water could be heated.²¹ — There, when they heat, they do so with a view to the majority.²²

Come and hear: If a lamp is burning at a banqueting party:²³ if the majority are Gentiles, one may make use of its light; if the majority are Israelites, it is forbidden; if half and half, it is forbidden?²⁴ — There too, when they light it,

(1) Small ones. But heavy ones generally have an appointed place and may not be moved.

(2) For carrying people.

(3) V. MS.M.

(4) Left in the charge of Gentiles.

(5) To prevent the Gentiles from tampering with it. Normally two seals are required.

(6) In A.Z. 31a, that for wine only one seal is required.

- (7) Which would prevent the Gentile from tampering with the wine.
- (8) From a pit in the street.
- (9) Rashi: a gangway from a large ship to dry land.
- (10) Even when the Gentile draws it for his own use.
- (11) Whilst ostensibly drawing it for himself.
- (12) That is analogous to a lamp — the same stairway suffices for many as for one.
- (13) As animal fodder.
- (14) I.e., on grass attached to the soil, and we do not fear that he may thereby come to cut grass for his animal.
- (15) Fodder stored away for later use; this may not be handled on the Sabbath as mukzeh (v. Glos.); hence its designation.
- (16) Lest he take it and feed the animal. But grass cut on the Sabbath is also mukzeh and may not be handled, since it was not fit for handling detached before the Sabbath. (10) Barring its way to elsewhere and so making it go on to the detached grass; but he does not actually lead the animal himself; then it is permitted.
- (17) Since he travelled with R. Gamaliel in the boat.
- (18) Then the Gentile certainly did not make it for him.
- (19) He needed the gangway for himself, and there is no extra work even if he had R. Gamaliel in mind. But one may cut more grass on the Jew's account.
- (20) After the Sabbath, because it was heated primarily for Gentiles.
- (21) After the Sabbath, so as not to benefit from the heating of the water on the Sabbath. Now, the water had to be heated for the Gentiles in any case, and there is no real difference between heating for one or for many; further, it was not heated in the Jews' presence, yet one must not benefit from it. This contradicts both Abaye and Raba.
- (22) Hence it is regarded as specifically for Jews.
- (23) Having been lit on the Sabbath.
- (24) This contradicts Raba.

Talmud - Mas. Shabbath 122b

they do so with a view to the majority.

Samuel visited the house of Abin of Toran.¹ A Gentile came and lit a lamp, [whereupon] Samuel turned his face away.² — On seeing that he [the Gentile] had brought a document and was reading it, he observed, 'He has lit it for himself'; [so] he [too] [Samuel] turned his face to the lamp.

CHAPTER XVII

MISHNAH. ALL UTENSILS MAY³ BE HANDLED ON THE SABBATH AND THEIR DOORS⁴ WITH THEM, EVEN IF THEY ARE DETACHED, FOR THEY ARE NOT LIKE THE DOORS OF A HOUSE, WHICH ARE NOT OF MUKAN.⁵ A MAN MAY TAKE A HAMMER TO SPLIT NUTS, A CHOPPER TO CUT [A ROUND OF] PRESSED FIGS, A SAW FOR SAWING CHEESE, A SPADE TO SCOOP DRIED FIGS,⁶ A WINNOWING SHOVEL AND A PITCHFORK TO PLACE [FOOD] UPON IT FOR A CHILD, A REED OR A WHORL TO STICK [FOOD], A SMALL NEEDLE⁷ TO REMOVE A THORN, AND A SACK [NEEDLE] TO OPEN A DOOR THEREWITH.⁸

GEMARA. ALL UTENSILS MAY BE HANDLED, ... EVEN IF THEY ARE DETACHED on the Sabbath,⁹ while it goes without saying [if detached] on a weekday;⁹ on the contrary, on the Sabbath they stand 'prepared' in virtue of their origin;¹⁰ [whereas if detached] on a weekday, they do not stand 'prepared' in virtue of their origin?¹¹ Said Abaye, This is its meaning: ALL UTENSILS MAY BE HANDLED ON THE SABBATH, THEIR DOORS WITH THEM, EVEN IF THEY ARE DETACHED on a weekday, they may be handled on the Sabbath. Our Rabbis taught: The door of a box, chest, or coffer¹² may be removed, but not replaced; that of a hen-roost may neither be removed nor replaced. As for that of a hen-roost, it is well! he holds that since they [the hen-roosts] are

attached to the ground, [the interdict of] building applies to the ground and that of demolishing applies to the ground;¹³ but as for that of a box, chest, or coffer, what is his opinion? If he holds, [The interdict of] building applies to utensils, then that of demolishing [too] applies to utensils; whilst if there is no [prohibition of] building in respect to utensils, there is no [prohibition of] demolishing in respect to utensils [either]?¹⁴ — Said Abaye: In truth he holds: There is [the prohibition of] building in the case of utensils, and there is [that of] demolishing in respect of utensils, but he means, Those that were removed [may not be replaced].¹⁵ Said Raba to him, There are two objections to this: one, since he teaches that they may be removed; and two, how [explain] ‘but not replaced?’ — Rather said Raba: He holds, [The interdict of] building does not apply to utensils, and the interdict of demolishing does not ‘apply to utensils, yet it is a preventive measure, lest he fix it firmly.’¹⁶

A MAN MAY TAKE A HAMMER, etc. Rab Judah said: [This means,] a nut hammer to split nuts therewith, but not a smith's [hammer]: he holds, An article whose function is a forbidden labour is forbidden [even] when required for itself.¹⁷ Said Rabbah to him: If so, when the second clause teaches, A WINNOWING SHOVEL AND A PITCH-FORK, TO PLACE [FOOD] UPON IT FOR

A CHILD, are a winnowing shovel and a pitch-fork set aside specially for a child?¹⁸ Rather said Rabbah: [it means] a smith's hammer to split nuts therewith; he holds,

(1) MS.M. To Abitoran.

(2) So as not to benefit from it.

(3) Tosaf. reads: ALL UTENSILS WHICH MAY, etc., for in fact there are many that may not be handled.

(4) Those that have doors or lids, e.g., a chest or coffer.

(5) v. Glos. The doors of a house, if detached, may not be handled on the Sabbath, because they are not parts of utensils which stand ‘prepared’ for handling. But the doors of utensils are like the utensils themselves.

(6) Out of the barrel.

(7) Lit., ‘hand-needle’.

(8) If the key is lost.

(9) This is now the assumed meaning and implication of the Mishnah.

(10) Lit., ‘father’. If they became detached on the Sabbath since they were fit to handle at the beginning of the Sabbath, when they were part of the whole, they remain so for the whole Sabbath.

(11) For when the Sabbath commenced they were not part of the utensil.

(12) Lit., ‘tower’ or ‘turret’ — a large box or chest.

(13) I.e., it is like fitting or removing a house door, which constitutes building and demolishing; v. supra 73a.

(14) Thus removing and refitting should be the same.

(15) Thus only one law is stated; the doors of a chest, box, and coffer, if detached (before the Sabbath), may not be refitted.

(16) Nailing or screwing it on, which is certainly labour; hence he must not put it back at all.

(17) For a permitted labour. I.e., since the normal function of a smith's hammer is to perform labour forbidden on the Sabbath, it may not be handled even for a permitted purpose.

(18) Surely not!

Talmud - Mas. Shabbath 123a

An article whose function is a forbidden labour is permitted when required for itself.

Abaye raised an objection to Rabbah: A mortar,¹ if containing garlic, may be moved;² if not, it may not be moved?³ — The author of this is R. Nehemiah, he replied, who maintains, A utensil may be handled only for the purpose of its [normal] use.⁴ He objected to him: Yet both hold alike that if he has [already] cut meat upon it, it may not be handled?⁵ — He thought of answering him that this agrees with R. Nehemiah, but when he heard R. Hinena b. Shalmia's dictum in Rab's name: All agree

in respect of the dyer's pins, tubs, and beams:⁶ since one is particular about them he appoints a [special] place for them; so here too one appoints a special place for it [the pestle].⁷

It was stated, R. Hiyya b. Abba said in R. Johanan's name: We learnt [in our Mishnah] of a goldsmith's hammer; R. Shaman b. Abba said: We learnt of a spice hammer. He who says a spice [hammer], all the more so a goldsmith's [hammer].⁸ He who says a goldsmith's, — but one is particular about a spice [hammer].⁹

A REED OR A WHORL, etc. Our Rabbis taught: If an unripe fig was hidden in straw,¹⁰ or a cake which was hidden in live coals,¹¹ and part thereof is uncovered, it may be handled;¹² but if not, it may not be handled. R. Eleazar b. Taddai said: One impales them on a reed or a whorl, and they [the straw or coals] are shaken off of their own accord. R. Nahman said: The halachah is as R. Eleazar b. Taddai. Shall we say that R. Nahman holds, Indirect¹³ handling is not designated handling?¹⁴ Surely R. Nahman said: 'A radish, if it is the right way up, is permitted; if it is reversed,¹⁵ it is forbidden.'¹⁶ — R. Nahman retracted from that [ruling].

A SMALL NEEDLE TO REMOVE A THORN, etc. Raba son of Rabbah sent to R. Joseph: Let our Master teach us, What of a needle from which the eye or the point has been removed?¹⁷ We have learnt it, he replied: A SMALL NEEDLE TO REMOVE A THORN: now, what does it matter to the thorn whether it has an eye or not? He [thereupon] put an objection to him: If the eye or the point of a needle is removed, it is clean?¹⁸ — Said Abaye: You oppose defilement to the Sabbath! [For] defilement we require a working utensil,¹⁹ [whereas] in respect to the Sabbath we require anything that is fit, and this too is fit for removing a splinter. Raba observed, He who raises the objection does so rightly: since it is not a utensil in respect to defilement, it is not a utensil in respect to the Sabbath.

An objection is raised: A needle, whether with or without an eye, may be handled on the Sabbath, while one with an eye was specified only in respect to defilement?²⁰ — Abaye interpreted it on the view of Raba as referring to unfinished utensils, for sometimes he may decide to use it thus and make it rank as a utensil; but if the eye or point is removed one throws it away among the rubbish.²¹

Causing a new-born babe to vomit,²² R. Nahman forbids, while R. Shesheth permits. R. Nahman said: Whence do I rule thus? Because we learnt: One must not use an emetic²³

(1) For pounding garlic.

(2) On account of the garlic, to which the mortar is merely subsidiary.

(3) Since its essential function is forbidden, it may not be moved even for a permitted purpose, which refutes Rabbah.

(4) V. supra 36a. Whereas our Mishnah disagrees with R. Nehemiah.

(5) The reference is to a pestle: Beth Shammai rule that it must not be handled on a Festival for cutting meat thereon, because its normal use, sc. pounding, is forbidden on a Festival; Beth Hillel permit it, so as not to hinder the joy of the Festival. But if the meat has already been cut upon it, so that the permissive reason no longer holds good, Beth Hillel admits that it may not be handled.

(6) Rashi and Jast.

(7) Whence it is not to be moved for any other purpose but its own. This lays a stronger prohibition upon it; hence it may not be handled.

(8) That it may be used, and the more so is an ordinary smith's hammer — in agreement with Rabbah.

(9) Not to use it for anything else, lest it become too soiled for subsequent use on spices.

(10) For it to ripen. Straw is mukzeh for making bricks.

(11) Before the Sabbath.

(12) Since the straw or the coals themselves need not be handled.

(13) Lit., 'from the side'.

(14) V. supra 43b.

(15) Lit., 'from top to bottom ... from bottom to top'.

(16) The reference is to a detached radish stored in loose earth in the ground: if it is the right side up, one may pull it out, because since the top of the radish is broader than the bottom he does not dislodge any earth; but if reversed, the loose soil will naturally cave in, hence it is tantamount to handling the soil and is forbidden, though it is only indirect handling.

(17) Does it still rank as a utensil and permitted to be handled on the Sabbath?

(18) Which shows that it is not a utensil.

(19) But if the eye or point is removed the needle is no longer a utensil.

(20) V. supra 52b. This refutes Raba.

(21) Not regarding it as a utensil at all.

(22) By inserting the finger in its mouth in order to relieve it of its phlegm (Jast.). Rashi: To manipulate and ease a child's limbs.

(23) In order to leave room for mere food.

Talmud - Mas. Shabbath 123b

on the Sabbath.¹ And R. Shesheth?² — There it is unnatural, whereas here it is natural³ R. Shesheth said, Whence do I rule thus? Because we learnt: A SMALL NEEDLE TO REMOVE A THORN.⁴ And R. Nahman? — There it is [externally] deposited,⁵ whereas here it is not [externally] deposited.⁶

MISHNAH. A CANE FOR OLIVES,⁷ IF IT HAS A BULB ON TOP,⁸ IS SUSCEPTIBLE TO DEFILEMENT; IF NOT, IT IS NOT SUSCEPTIBLE TO DEFILEMENT. IN BOTH CASES IT MAY BE HANDLED ON THE SABBATH.

GEMARA. Why so? It is a flat wooden utensil, and these are not susceptible to uncleanness; what is the reason? We require [something] similar to a 'sack'?'⁹ — It was taught in R. Nehemiah's name: When he turns the olives he reverses it and looks at it.¹⁰

MISHNAH. R. JOSE SAID: ALL UTENSILS MAY BE HANDLED, EXCEPT A LARGE SAW AND THE PIN OF A PLOUGH.¹¹

GEMARA. R. Nahman said: A fuller's trough¹² is like the pin of a plough. Abaye said: A cobbler's knife and a butcher's chopper and a carpenter's adze are like the pin of a plough.¹³

Our Rabbis taught: At first they [the Sages] ruled, Three utensils may be handled on the Sabbath: A fig-cake knife,¹⁴ a pot soup ladle,¹⁵ and a small table-knife. Then¹⁶ they permitted [other articles], and they permitted again [still more], and they permitted still further, until they ruled: All utensils may be handled on the Sabbath except a large saw and the pin of a plough. What is meant by 'then they permitted [other articles], and they permitted again [still more], and they permitted still further'? — Said Abaye: [First] they permitted an article whose function is for a permitted purpose, provided it was required for itself;¹⁷ then they further permitted an article whose function is for a permitted purpose, even when its place is required; then they further permitted an article whose function is for a forbidden purpose, provided it was required for itself,¹⁸ but not when its place is required. Yet still [these might be handled] with one hand only, but not with two hands,¹⁹ until they [finally] ruled, All utensils may be handled on the Sabbath even with both hands. Raba observed to him, Consider: he [the Tanna] teaches, they permitted [other things], what difference is it whether they are required for themselves or their place is needed?²⁰ Rather said Raba: [First] they permitted an article whose function is for a permitted purpose, both when required itself or when its place is required; then they further permitted [it to be moved] from the sun to the shade;²¹ then they further permitted an article whose function is for a forbidden purpose [to be moved] only when it is required for itself or when its place is required, but not from the sun to the shade. Yet [it might] still [be moved] by one person only, but not by two,²² until they ruled: All utensils may be handled on the Sabbath, even by two persons.

Abaye put an objection to him: A mortar containing garlic may be handled; if not, it may not be handled?²³ — We treat here of [moving it] from the sun to the shade. He refuted him: And both hold alike that if he had cut meat upon it it may not be handled?²⁴ Here too it means from the sun to the shade.

R. Hanina said: This Mishnah²⁵ was taught in the days of Nehemiah the son of Hacaliah, for it is written, In those days I saw in Judah some treading winepresses on the Sabbath, and bringing in sheaves.²⁶

R. Eleazar said: [The laws about] canes, staves, fastenings, and mortar²⁷ were all learnt before the permission re [the handling of] utensils. 'Canes', for we learnt: Neither the placing of the canes nor their removal supersedes the Sabbath.²⁸ 'Staves', as we learnt: There were thin smooth staves there, which one placed on his shoulder and his fellow's shoulder, then he suspended [the sacrifice upon them] and skinned it.²⁹ R. Eleazar said: If the fourteenth [of Nisan] fell on a Sabbath, one placed

(1) v. infra 147a.

(2) How does he explain that?

(3) Hence it is the same as feeding an infant.

(4) And this is similar.

(5) The thorn is laid in the flesh, as it were, but has not entered the system.

(6) But is within the system, and to bring it out by causing vomiting is like mending a person, which is similar to repairing a utensil (cf. supra 106a).

(7) Used for stirring a mass of maturing olives to see whether they are fit for pressing.

(8) Closing one end of the reed.

(9) Which has a receptacle. The reference is to Lev. XI, 32.

(10) Viz., at the oil which penetrates the hollow reed; for this a bulbous (closed) top is required, which turns the cane into a utensil technically containing a receptacle.

(11) One is very particular not to use these for any purpose but their own, and this makes them mukzeh.

(12) Rashi: (i) A sieve-like perforated tub placed above the linen; water is poured over it, whereby the linen is sprinkled through the holes. Or (ii) the same, the linen being placed inside and incense is burnt underneath, so that the fragrance ascends and perfumes the garments.

(13) They may not be handled.

(14) I.e., for cutting a cake of pressed figs.

(15) **זוהמא ליסטרון** (v. infra p. 612, n. 5). Rashi: for removing the scum of the soup.

(16) When they saw that the people became more strict in Sabbath observance.

(17) I.e., when it was required for use, but not when its place was required.

(18) To use it in a permitted labour.

(19) I.e., if too heavy for one hand they might not be handled.

(20) When they permitted the one they would certainly simultaneously permit the other.

(21) To avoid scorching; though here neither the article itself is required for use, nor the place where it lies.

(22) Cf. p. 611, n. 7.

(23) Abaye can explain that it may not be handled when its place only is required, since its normal function is forbidden; but how can Raba explain it?

(24) V. supra a for notes.

(25) Sc. the first ruling which permitted only three utensils to be handled but forbade all others.

(26) Neh. XIII, 15. To counteract this laxity the Rabbis had to be particularly severe. — v. Halevy: Doroth, I, 3, pp. 310-345 for the dates of the Rabbinical enactments, and particularly pp. 344 seqq. for the present passage. Weiss, Dor, I, p. 57, n. 2 argues that the Greek form of the word **זומליסטרון** (this is the form given in Kel. XIII, 2, though it is variously corrupted elsewhere Gr. ** = **) proves that this ruling must be much later, certainly not before the Greeks spread in Palestine and the Jews became acquainted with them. This is not conclusive: the original enactment may have employed a Hebrew word which was changed later in the academies, when the Greek form became more familiar.

(27) The Gemara proceeds to state these laws.

(28) Canes were placed between the loaves of showbread, to permit the air to circulate about them, so that they should not become mouldy. The loaves were set from one Sabbath to the next. Since the canes might not be handled then, they would have to be removed on Friday and rearranged at the conclusion of the Sabbath. Thus for a short while the loaves would be without them.

(29) These staves were placed in the Temple court and used for the Passover sacrifice in the manner stated.

Talmud - Mas. Shabbath 124a

his hand upon his fellow's shoulder, and his fellow's hand [rested] upon his shoulder, and so [the animal] was suspended and skinned.¹ 'A fastening', as we learnt: If a door-bolt has on its top a fastening contrivance,² R. Joshua said: One may shift it from one door and hang it on another on the Sabbath;³ R. Tarfon said: It is like all utensils, and may be moved about in a courtyard. 'A mortar': that which we have stated.⁴ Said Rabbah, Whence [does that follow]: perhaps in truth I may argue that they were learnt after the permission re utensils. [Thus:] what was the reason of [placing] canes? On account of mouldiness; but in that short while⁵ they would not become mouldy. As for the staves, it was possible [to act] as R. Eleazar [stated]. The fastening may be as R. Jannai, who said: We treat here of a courtyard not provided with an 'erub:⁶ [now,] R. Joshua holds, The inside of the door⁷ is as within, so one carries a utensil of the house through the courtyard;⁸ whereas R. Tarfon holds that the inside of the door is as without, so one carries a utensil of the courtyard in the courtyard. As for a mortar, that agrees with R. Nehemiah.⁹ MISHNAH. ALL UTENSILS MAY BE HANDLED WHETHER REQUIRED OR NOT REQUIRED. R. NEHEMIAH SAID: THEY MAY BE HANDLED ONLY WHEN REQUIRED.

GEMARA. What does REQUIRED AND NOT REQUIRED mean? — Rabbah¹⁰ said: REQUIRED: an article whose function is for a permitted purpose [may be moved] when required itself; NOT REQUIRED: an article whose function is for a permitted purpose [may be moved] when its place is required;¹¹ but an article whose function is for a forbidden purpose may [be handled] only when required itself,¹² but not when its place is required. Whereupon R. Nehemiah comes to say that even an article whose function is for a permitted purpose [may be handled] only when required itself, but not when its place [alone] is required. Said Raba to him: If its place is required — do you call it: NOT REQUIRED! Rather said Raba: REQUIRED: an article whose function is for a permitted purpose [may be handled] whether required itself or its place is required: NOT REQUIRED [means] even from the sun to the shade; whilst an article whose function is for a forbidden purpose [may be moved] only when required itself or its place is required but not from the sun to the shade. Whereupon R. Nehemiah comes to say that even an article whose function is for a permitted purpose [may be moved] only when required itself or its place is required — but not from the sun to the shade. Now, R. Safra, R. Aha b. Huna, and R. Huna b. Hanina sat and reasoned: According to Rabbah on R. Nehemiah's view, how may we move plates?¹³ Said R. Safra to them, By analogy with a pot of excrement.¹⁴ Abaye asked Rabbah: According to you on R. Nehemiah's view, how may we move plates? — R. Safra our colleague has answered it, By analogy with a pot of excrement, he replied.

Abaye objected to Raba: A mortar, if containing garlic, may be handled; if not, it may not be handled? — We treat here of [moving it] from the sun to the shade. He [further] objected to him: And both hold alike that if he had already cut meat upon it, it may not be moved?¹⁵ — Here too it means from the sun to the shade. Now, as to what we learnt: 'One may not support a pot with a leg, and the same applies to a door',¹⁶ — but surely a log on a Festival is an article whose function is for a permitted purpose,¹⁷ which shows that an article whose function is for a permitted purpose 'may not [be handled] whether required itself or its place is needed?'¹⁸ — There this is the reason: since on the Sabbath it is an article whose function is for a forbidden purpose, is it preventively forbidden on Festivals on account of the Sabbath.¹⁹ And should you say, Let the Sabbath itself be permitted, since an article whose function is for a forbidden purpose may be [handled] when required itself or its

place is required, — that is only where it comes within the category of a utensil, but not where it does not come within the category of a utensil.²⁰

Yet do we enact a preventive measure? Surely we learnt: Produce²¹ may be dropped down through a skylight²² on Festivals, but not on the Sabbath?²³ — Do we then not preventively prohibit? Surely we learnt: The only difference between Festivals and the Sabbath is in respect of food for consumption?²⁴ — Said R. Joseph, There is no difficulty: the one is [according to] R. Eliezer; the other, R. Joshua. For it was taught: If an animal²⁵ and its young fall into a pit, — R. Eliezer said: One may haul up the first in order to kill it, and for the second provisions are made where it lies that it should not die. R. Joshua said: One hauls up the first in order to kill it, but he does not kill it, then he practises an evasion and hauls up the second, and kills whichever he desires.²⁶ How so? Perhaps R. Eliezer rules [thus] only there, because provisions can be made, but not where provisions can not be made. Or perhaps R. Joshua rules thus only there, since an evasion is possible; but not where an evasion is impossible? Rather said R. Papa: There is no difficulty: one is [according to] Beth Shammai; the other, Beth Hillel. For we learnt, Beth Shammai say:

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- (1) But the staves might not be used then.
 - (2) This had a thick head and could be used as a pestle.
 - (3) Shometah implies that it may be pushed from one to the other, but not picked up in the usual way.
 - (4) Supra 123b. Now R. Eleazar maintains that all these prohibitions held good only before the extended permission in respect to utensils, by which they were abolished.
 - (5) V. p. 612, n. 7.
 - (6) Many houses open into the courtyard. Utensils may not be carried from the houses into the yard, but those already in the yard from before the Sabbath may be moved about therein.
 - (7) Where the fastening contrivance is to be found.
 - (8) Which if done in the normal way is forbidden; therefore it may only be shifted' (v. n. 4).
 - (9) Who maintains that no utensil may be moved for any but its normal use. Hence all four may have been taught after the extended permission was given: the first two remain forbidden because there was no need for handling them at all, the third is connected with the interdict of carrying from one domain to another, whilst the fourth represents an individual view.
 - (10) Alfasi and Asheri read: Abaye.
 - (11) Though the article itself is not.
 - (12) For a permitted labour.
 - (13) After eating the last Sabbath meal, seeing that they are not required for further use on the Sabbath.
 - (14) Which may be removed because it is repulsive, and the same applies to dirty plates.
 - (15) V. supra 123a notes.
 - (16) On Festivals. V. Bez. 32b
 - (17) Sc. it is used for fuel.
 - (18) For even the first is forbidden here, and the second all the more so.
 - (19) If the former is permitted, it may be thought that the latter too is permitted.
 - (20) A log does not rank as a utensil.
 - (21) Spread out on the roof to dry.
 - (22) When it is about to rain.
 - (23) v. Bez. 35b. Thus we do not argue as in n. 5.
 - (24) Which may be prepared on Festivals, e.g., by baking, cooking, etc., but not on the Sabbaths. Thus on all matters they are alike.
 - (25) Lit., 'it'.
 - (26) V. supra 117b for notes. Just as R. Joshua permits both animals to be brought up so he permits one to lower the produce on a Festival to avoid financial loss.

Talmud - Mas. Shabbath 124b

One may not carry out an infant, a lulab,¹ or a Scroll of the Law into the street;² but Beth Hillel permit it.³ But perhaps you know⁴ Beth Shammai [to rule thus only in respect of] carrying out; do you know them [to rule likewise in respect of] handling? — Is then handling itself not [forbidden on account of] carrying out?⁵

Now, Rab too holds this [view] of Raba. For Rab said: [Moving] a hoe lest it be stolen is unnecessary handling, and is forbidden.⁶ Thus only when it is in order that it should not be stolen, but if it is required for itself or its place is required, it is permitted. But that is not so? For R. Kahana visited Rab's house, whereupon he ordered, Bring a log of wood⁷ for Kahana to sit. [Now] surely that was to imply that a thing whose function is for a forbidden purpose⁸ [may be handled] only when required itself,⁹ but not [merely] when its place is required? — This is what he said to them: Remove the log from Kahana's presence.¹⁰ Alternatively, there it was [moved] from the sun to the shade.¹¹

R. Mari b. Rachel¹² had some pillows¹³ lying in the sun. He went to Raba and asked him, May these be moved? — It is permitted replied he.¹⁴ [But] I have others?¹⁵ — They are of use for guests. I have [some] for guests too? — You have revealed your opinion that you agree with Rabbah,¹⁶ observed he: to all others it is permitted, but to you it is forbidden.

R. Abba said in the name of R. Hiyya b. Ashi in Rab's name: Table brushes¹⁷ [made] of cloth may be handled on the Sabbath, but not [those made] of palm[-twigs];¹⁸ R. Eleazar maintained: Even [those made] of palm[-twigs]. What are we discussing: Shall we say [where they are handled] when required in themselves or their place is required, shall Rab rule here 'but not [those made] of palm[-twigs]'? Surely Rab agrees with Raba?¹⁹ Again, if it means from the sun to the shade, shall R. Eleazar rule here 'even [those made] of palms'?²⁰ — In truth [it means] from the sun to the shade: say, And thus did R. Eleazar rule.²¹

MISHNAH. ALL UTENSILS WHICH MAY BE HANDLED ON THE SABBATH, THEIR FRAGMENTS MAY BE HANDLED TOO,²² PROVIDED, HOWEVER, THAT THEY CAN PERFORM SOMETHING IN THE NATURE OF WORK. [THUS]: THE FRAGMENTS OF A KNEADING TROUGH [THAT CAN BE USED] TO COVER THE MOUTH OF A BARREL THEREWITH, [AND] THE FRAGMENTS OF A GLASS, TO COVER THEREWITH THE MOUTH OF A CRUSE. R. JUDAH MAINTAINED: PROVIDED THAT THEY CAN PERFORM SOMETHING IN THE NATURE OF THEIR OWN [FORMER] WORK;²³ [THUS:] THE FRAGMENTS OF A KNEADING TROUGH, TO POUR A THICK MASS THEREIN;²⁴ OR OF A GLASS, TO POUR OIL THEREIN.

GEMARA. Rab Judah said in Samuel's name: The controversy is only if they were broken from the eve of the Sabbath, one Master holding: Only [provided they are fit for] something in the nature of their own [former] work, but not for something in the nature of a different work; whereas the other Master holds: Even [if fit] for something in the nature of a different work. But if they are broken on the Sabbath, all agree that they are permitted,²⁵ since they are *mukan*²⁶ in virtue of their origin.²⁷

R. Zutra objected: 'We may heat [an oven] with utensils, but not with fragments of utensils'²⁸ Now when were these broken? Shall we say that they were broken from the eve of the Festival, then they are simply pieces of wood.²⁹ Hence it must surely be on the Festival, yet he teaches, 'We may heat with utensils, but not with fragments of utensils'?³⁰ — Rather if stated, it was thus stated: Rab Judah said in Samuel's name: The controversy is only if they are broken on the Sabbath, one Master holding that they are *mukan*, whilst the other Master holds that they are *nolad*.³¹ But [if broken] on Sabbath eve, all hold that they are permitted, since they were *mukan* for work from the day time.³²

One [Baraita] taught: We may heat with utensils, but not with fragments of utensils; another was

taught: Just as we may heat with utensils, so may we heat with fragments of utensils: whilst a third taught: We may heat neither with utensils nor with fragments of utensils. One agrees with R. Judah, one with R. Simeon, and the last with R. Nehemiah.³³

R. Nahman said: The bricks that are left over from a building may be handled, since they are fit to sit on.³⁴ [But] if he places them in rows, then he has certainly set them apart.³⁵

R. Nahman said in Samuel's name: A small shard may be moved about in a courtyard, but not in a karmelith.³⁶ But R. Nahman [giving] his own [view] maintained: Even in a karmelith,³⁷ but not in the street; whereas Raba said: Even in the street.³⁸ Now, Raba is consistent with his view. For Raba was walking in the manor of Mahoza,³⁹ when his shoes become soiled with clay; [so] his attendant came, took a shard, and wiped it off. The Rabbis (his disciples) rebuked him.⁴⁰ Said he, It is not enough that they have not learnt — they would even teach! If it were in a courtyard, would it not be fit for covering a utensil? Here too I have a use for it.

Rab Judah said in Samuel's name: The bung of a barrel which is broken in pieces may be handled on the Sabbath. It was taught likewise: If a bung is broken in pieces [both] it and the fragments thereof may be handled on the Sabbath. But one must not trim a fragment thereof to cover a vessel or support the legs of a bed⁴¹ therewith; but if one throws it away on the dung heap, it is forbidden.⁴² R. Papa demurred: If so, if one throws away his robe, is that too prohibited?⁴³ Rather said R. Papa:

(1) The palm branch; v. Lev. XXIII, 40.

(2) On Festivals, for only the preparation of food is permitted. Hence the Mishnah stating that this is the only difference, etc., agrees with Beth Shammai.

(3) Therefore the law that produce may be dropped, etc., agrees with Beth Hillel.

(4) Lit., 'hear'.

(5) Carrying out naturally involves handling, and the latter was forbidden on account of the former. — So Rashi in Bez. 37a. which seems the correct interpretation on the present reading. But the reading there, as well as a variant here, is: 'is not handling a (pre)requisite of carrying out'? (v. Rashi and Marginal Gloss.). Hence handling is forbidden because it partakes of the nature of carrying out. Thus when Beth Shammai prohibit carrying out they also prohibit handling.

(6) Just as moving it from the sun to the shade.

(7) Bah. Rashi and Jast. translate: a trap.

(8) A log is used as fuel, which, of course, is forbidden on the Sabbath. Trapping too (according to Rashi's translation) is forbidden.

(9) And therefore he emphasized that it was wanted for a seat.

(10) That he may sit in its place.

(11) Therefore he emphasized the true purpose, so that they might not think that it was moved for that reason alone.

(12) His father at the time of his conception was not a Jew; hence he is called by his mother's name.

(13) Or, bolsters.

(14) In accordance with his view supra a, q.v.

(15) So I do not need these for themselves.

(16) Or, Abaye, supra a.

(17) For clearing the crumbs off the table, which is permitted.

(18) I.e., brooms used for sweeping the floor, which is forbidden.

(19) Permitting this.

(20) None permit this.

(21) Like Rab, the former version of R. Eleazar's view being incorrect.

(22) Lit., 'with them'. (The words are, however, rightly omitted in MS.M.)

(23) I.e., similar to that performed by the whole utensil.

(24) Like the dough kneaded in the trough.

(25) Whatever their present use.

(26) V. Glos.

- (27) v. p. 214, n. 5.
- (28) On Festivals.
- (29) Which may certainly be used.
- (30) Which refutes Samuel's view reported by Rab Judah.
- (31) Newly created (v. Glos.). As a fragment it has only just come into existence, and therefore must not be used on the Sabbath.
- (32) I.e., from before the commencement of the Sabbath they stood to be used as fuel, and so they are regarded as ready for their new function.
- (33) (i) R. Judah: both mukzeh and nolad are forbidden, hence the prohibition of fragments. (ii) R. Simeon: mukzeh and nolad are permitted, hence both fragments and vessel are permissible; (iii) R. Nehemiah: a utensil may be handled on the Sabbath or Festival only for its normal function, hence the prohibition of both.
- (34) And the last few may possibly be kept for that purpose.
- (35) For another building; hence they are mukzeh and must not be handled.
- (36) In the former vessels may generally be found for which the shard can be used as a cover, but not in the latter.
- (37) Where people sometimes sit down; one can cover saliva with this.
- (38) Since it is a utensil in a courtyard, it remains so elsewhere.
- (39) V. p. 277, n. 8. and B. B., Sonc. ed., p. 60, n. 4.
- (40) Lit., 'lifted their voice against him'.
- (41) V. p. 199, n. 2. Here, however, it is probably meant literally.
- (42) Because the owner has shown that it has ceased to be a utensil in his eyes.
- (43) Surely not!

Talmud - Mas. Shabbath 125a

If he threw it away whilst yet day¹ it is forbidden.

Bar Hamduri said in Samuel's name: Shreds of reeds detached from a mat may be handled on the Sabbath. What is the reason? — Said Raba, Bar Hamduri explained it to me: What is the [reed-] mat itself fit for? For covering the earth. These too are fit for covering dirt.

R. Zera said in Rab's name: Pieces of silk of aprons may not be handled on the Sabbath. Said Abaye: This refers to rags less than three [fingerbreadths] square, which are of no use to rich or poor.²

Our Rabbis taught: The fragments of an old oven³ are like all utensils which may be handled in a courtyard: this is R. Meir's view. R. Judah said: They may not be handled. R. Jose testified in the name of R. Eleazar b. Jacob concerning the fragments of an old oven that they may be handled on the Sabbath, and concerning its lid [of the oven] that it does not require a handle.⁴ Wherein do they differ? — Said Abaye: where they perform something in the nature of work; but not in the nature of their own [former] work,⁵ R. Judah being consistent with his view, and R. Meir with his.⁶ Raba demurred: If so, instead of disputing about the fragments of an oven, let them dispute about the fragments of utensils in general? Rather said Raba: They dispute about the fragments of the following oven. For we learnt: If he sets it [the oven] over the mouth of a pit or a cellar and places a stone there, — R. Judah said: If one can heat it from underneath and it is [thereby] heated above, it is unclean; if not, it is clean. But the Sages maintain: Since it can in any wise be heated, it is unclean.⁷ And wherein do they differ? In this verse; Whether oven, or range of pots, it shall be torn down: they are unclean, shall be unclean unto you.⁸ R. Judah holds: Where tearing down is wanting it is unclean, whilst where tearing down is not wanting it is not unclean.⁹ Whereas the Rabbis hold: 'They shall be unclean unto you' [implies] in all cases.¹⁰ But the Rabbis too, surely it is written, 'it shall be torn down'? — That is [intended] in the opposite direction:¹¹ for one might argue, Since it is attached to the ground, it is like the very ground itself;¹² therefore it informs us [otherwise].¹³ And the other [R. Judah] too, surely 'they shall be unclean unto you' is written? — That [is explained] as Rab Judah's

dictum in Samuel's name. For Rab Judah said in Samuel's name: They differ only in respect of the first firing,¹⁴ but at the second firing,¹⁵ even if it is suspended to a camel's neck.¹⁶ 'Ulla observed: And as for the first firing, according to the Rabbis, even if it is suspended from a camel's neck!¹⁷ R. Ashi demurred: If so, instead of disputing about the fragments of the oven, let them dispute about the oven itself;¹⁸ [for] seeing that the oven itself, according to R. Judah, is not a utensil, need the fragments [be mentioned]? Rather said R. Ashi: In truth it is as we originally stated, and (the controversy is) where it [the fragment] can serve as a [baking] tile,¹⁹ whilst R. Meir argues on R. Judah's opinion. [Thus:] according to my view, even if they [the fragments] can perform something in the nature of [any] work;²⁰ but even on your view, you must at least agree with me [here] that in such a case, it is its own work. But R. Judah [argues]: It is dissimilar. There it is heated from within, here it is heated from without; there it stands, here it does not stand.

'R. Jose testified in the name of R. Eleazar b. Jacob concerning the fragments of an old oven, that they may be handled on the Sabbath, and concerning its lid, that it does not require a handle.' Rabina said: In accordance with whom do we handle nowadays the oven lids of the town Mehasia²¹ which have no handle? In accordance with whom? R. Eleazar b. Jacob.

MISHNAH. IF A STONE [IS PLACED] IN A PUMPKIN SHELL,²² AND ONE CAN DRAW [WATER] IN IT AND IT [THE STONE] DOES NOT FALL OUT,²³ ONE MAY DRAW [WATER] IN IT; IF NOT, ONE MAY NOT DRAW WATER IN IT.²⁴

(1) I.e., on Friday before the commencement of the Sabbath.

(2) Cf. supra 26b.

(3) I.e., one that has already been fired, so that the clay whereof it is made is hardened and fit for its work.

(4) In order that it shall be permissible to handle it on the Sabbath. There is also an opposing view, v. infra 126b.

(5) E.g., they are fit for covering a barrel, but one cannot bake in them.

(6) As expressed in the Mishnah supra 124b.

(7) The reference is to an oven. In ancient days this consisted merely of walls, without a separate bottom, and was set upon the ground and plastered thereto. Now, here the oven is set over the walls of a pit, not actually on the ground, and a stone is placed between the oven and the pit as a wedge. R. Judah maintains that if the oven is so placed, e.g., its walls almost correspond to those of the pit, that if a fire is made beneath the oven, in the pit's atmosphere, the oven itself is heated (sufficiently for its work), it is an 'oven' in the technical sense (as stated below) and is susceptible to defilement. But if the fire must be placed in the atmosphere of the oven, it is not an 'oven' and cannot be defiled. (Rashi).

(8) Lev. XI, 35.

(9) Yuttaz, fr. nathaz, is generally applicable to the tearing down or demolishing of anything attached to the soil, e.g., a house. Now, since the Bible orders that if an oven is defiled it shall be torn down, it follows that it must be so closely joined to the soil that one can speak of tearing it down. Otherwise the Scriptural law does not apply to it, because technically it is 'torn down' from the very time that it is fixed. Hence in the present case if it is not so closely joined to the ground that one can make a fire in the pit on which it stands and thereby heat the oven, it is likewise 'torn down' ab initio, and therefore is not an 'oven' which can be defiled. By 'unclean' and 'not unclean' susceptibility and non-susceptibility to uncleanness is meant.

(10) For the repetition is emphatic.

(11) Sc. it teaches not leniency but greater stringency, as explained.

(12) Which of course, cannot be defiled.

(13) Viz., that even where it shall be 'torn down', as defined in n. 2, is applicable, it is still liable to defilement, and all the more so where it is inapplicable.

(14) I.e., it had never yet been fired when it was set over the pit. The first firing hardens the clay and technically completes the manufacture of the oven, and R. Judah holds that in this case it cannot be completed at all, for the reasons stated, and so it never becomes an oven.

(15) I.e., it was originally set upon the ground in the usual manner, fired, and then removed to the pit.

(16) It is unclean, since

(17) Wherever it is, it is unclean. — It is in reference to the fragments of this oven that R. Meir and R. Judah dispute,

seeing that in the first place it was not absolutely completed.

(18) Whether it may be handled on the Sabbath.

(19) Tiles which were heated to bake something placed upon them. Thus it can still be used in a manner akin to its original function, but not altogether so, for originally one baked inside the oven, whereas now the food to be baked must be placed on top.

(20) They may be handled.

(21) V. p. 39, n. 6.

(22) Used for drawing water. As the pumpkin was too light to sink, a stone was used to weigh it.

(23) Being securely fastened.

(24) The stone is then like any other stone, which may not be handled, and the pumpkin too may not be handled, because it serves as a stand for a forbidden article (cf. supra 117a top).

Talmud - Mas. Shabbath 125b

IF A [VINE-]BRANCH¹

it is already an 'oven' from the first firing. This extended possibility of defilement is taught by the emphatic repetition, 'and it shall be unclean unto you.' IS TIED TO A PITCHER,² ONE MAY DRAW [WATER] WITH IT ON THE SABBATH. AS FOR THE STOPPER OF A SKYLIGHT, R. ELIEZER SAID: WHEN IT IS FASTENED³ AND SUSPENDED,⁴ ONE MAY CLOSE [THE SKYLIGHT] WITH IT; IF NOT, ONE MAY NOT CLOSE (THE SKYLIGHT) WITH IT.⁵ BUT THE SAGES MAINTAIN: IN BOTH CASES WE MAY CLOSE [THE SKYLIGHT] WITH IT.

GEMARA. We learnt elsewhere: If a stone is on the mouth of a cask (e.g., of wine), one tilts it on a side and it falls off.⁶ Rabbah said in R. Ammi's name in R. Johanan's name: They learnt this only if one forgets (it there); but if he places [it there],⁷ it [the barrel] becomes a stand for a forbidden article.⁸ Whereas it. Joseph said in R. Assi's name in R. Johanan's name: They learnt this only if one forgets [it there]; but if he places [it there], it (the stone) becomes a covering of the barrel.⁹ Rabbah said: An objection is raised against my teaching: IF A STONE [IS PLACED] IN A PUMPKIN SHELL, AND ONE CAN DRAW WATER IN IT AND IT DOES NOT FAIL OUT, ONE MAY DRAW WATER IN IT?¹⁰ But it is not [analogous]: there, since it is firmly fastened, it is made as a wall [of the vessel]. R. Joseph said: An objection is also raised against my teaching: IF NOT, ONE MAY NOT DRAW WATER IN IT?¹¹ But it is not [analogous]: there, since he did not fasten it firmly, he really made it as nought.¹²

Wherein do they differ? One Master (R. Ammi) holds: An act of labour is required;¹³ while the other Master [R. Assi] holds: An act of labour is not required. Now, they are consistent with their views. For when R. Dimi came,¹⁴ he said in R. Hanina's name-others state, R. Zera said in R. Hanina's name: Rabbi once went to a certain place and found a course of stones,¹⁵ whereupon he said to his disciples, Go out and intend [them,]¹⁶ so that we can sit upon them to-morrow; but Rabbi did not require them [to perform] an act of labour. But R. Johanan said, Rabbi did require them [to perform] an act of labour. What did he say to them?¹⁷ — R. Ammi said: He said to them, Go out and arrange them in order.¹⁸ R. Assi said: He said to them, 'Go out and scrape them' [free of mortar, etc.].¹⁹ It was stated: R. Jose b. Saul said: It was a pile of beams;²⁰ R. Johanan b. Saul said: It was a ship's sounding pole.²¹ Now he who says [that it was] a sounding pole, all the more so a pile [of beams];²² but he who says that [it was] a pile, but one is particular about a sounding pole.²³

IF A VINE-BRANCH IS TIED, etc. Only if it is tied, but not otherwise? Must we say that our Mishnah does not agree with R. Simeon b. Gamaliel? For it was taught: As for the dried branches of a palm tree which one cut down for fuel, and then he changed his mind, [intending them] for sitting [thereon], he must tie them together.²⁴ R. Simeon b. Gamaliel said: He need not tie them together. — Said R. Shesheth, You may even say [that it agrees with] R. Simeon b. Gamaliel: we treat here of

one [a branch] that is attached to its parent stock.²⁵ If so, he makes use of what is attached to the soil?²⁶ — It is below three.²⁷ R. Ashi said: You may even say that it refers to a detached [branch]: it is a preventive measure, lest he cut (i.e., shorten) it.²⁸

AS FOR THE STOPPER OF A SKYLIGHT, etc. Rabbah b. Bar Hanah said in R. Johanan's name: All agree that we may not make for the first time a temporary building on a Festival, whilst on the Sabbath it goes without saying. They differ only in respect of adding [to a building]: R. Eleazar maintaining. We may not add on a Festival, whilst on the Sabbath it goes without saying; whereas the Sages rule: We may add on the Sabbath, whilst it is superfluous to speak of a Festival.

BUT THE SAGES MAINTAIN: IN BOTH CASES WE MAY CLOSE (THE SKYLIGHT) WITH IT. What does 'IN BOTH CASES' mean? — R. Abba said in R. Kahana's name:

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- (1) Or, rod.
 - (2) To let it down into the well.
 - (3) By a cord to the wall.
 - (4) In the air, the cord being too short to allow it to reach the ground.
 - (5) For it looks like adding to the building.
 - (6) If he wishes to draw wine, v. infra 142b.
 - (7) Before the Sabbath.
 - (8) Sc. the stone, which may not be handled.
 - (9) Hence the stone itself may be handled and removed, and it is unnecessary to tilt the barrel.
 - (10) Which shows that the stone is now part of the vessel.
 - (11) Which shows that it is not part of the vessel.
 - (12) Since the pumpkin is not fit for drawing water, as the stone will fall out. But here it is enough for his purpose to place the stone upon the barrel, therefore the stone becomes part of the barrel in virtue of that act.
 - (13) For the stone to count as part of the barrel, and mere placing is not an act of labour.
 - (14) V. p. 12, n. 9.
 - (15) Arranged in order, and waiting to be used in building. This renders them mukzeh.
 - (16) Express your intention of sitting on them to-morrow (the Sabbath), so that they may not be mukzeh.
 - (17) In R. Johanan's view.
 - (18) That they may be ready for sitting upon without further handling, R. Ammi holding. as above, that mere disposition does not make them a utensil.
 - (19) But they can be arranged for sitting on the Sabbath itself. Thus these views are consistent with those expressed above.
 - (20) Not stones.
 - (21) With which the depth of the water is sounded.
 - (22) They certainly could have sat upon the latter.
 - (23) Not to use it for anything else, lest it be bent or warped. Therefore it is mukzeh and must not be handled.
 - (24) V. supra 50a.
 - (25) Sc. the vine. Hence if it is not tied to the pitcher before the Sabbath, it remains part of the wine and must not be handled.
 - (26) Even if tied before the Sabbath it is still that and is forbidden.
 - (27) Handbreadths from the ground. Such may be used, v 'Erub. 99b.
 - (28) On the Sabbath, if it is not fastened to the pitcher before. Hence even R. Simeon b. Gamaliel agrees.

Talmud - Mas. Shabbath 126a

Whether it is fastened or not, providing that it was prepared.¹ Said R. Jeremiah to him, But let the Master say, Whether it is suspended or not, providing that it is fastened;² for Rabbah b. Bar Hanah said in R. Johanan's name: Just as there is a controversy here, so is there a controversy in respect of a dragging bolt.³ For we learnt: With a dragging bolt, one may lock [the door] in the Temple, but not

in the country;⁴ but one that is laid apart [on the ground]⁵ is forbidden in both places. R. Judah said: That which is laid apart [is permitted] in the Temple; and that which is dragged, in the country. Now it was taught: Which is a dragging bolt wherewith we may close (a door] in the Temple but not in the country? That which is fastened (to the door] and suspended — one end reaching the ground. R. Judah said: Such is permitted even in the country. But which is forbidden in the country? That which is neither fastened nor suspended — but which one removes and places in a corner. Further, R. Joshua b. Abba said in 'Ulla's name: Who is the Tanna of 'a dragging bolt?'⁶ It is R. Eleazar!⁷ Said he to him, I hold with the following Tanna. For it was taught: If a private individual prepares⁸ a cane for opening and shutting [a door] therewith: if it is tied and suspended to the door, he may open and shut [it] therewith; if it is not tied and suspended may not open and shut [it] therewith. R. Simeon b. Gamaliel ruled: If it is prepared⁹ even if it is not fastened.¹⁰

R. Judah b. Shilath said in R. Assi's name in R. Johanan's name: The halachah is as R. Simeon b. Gamaliel. Now, did R. Johanan say thus? Surely we learnt: All lids of vessels

(1) For this purpose before the Sabbath.

(2) Before the Sabbath, i.e., explain the Mishnah stringently, instead of leniently.

(3) Lit., 'a bolt that is dragged'. I.e., a door-bolt, fastened to the door, but one end thereof drags on the floor.

(4) 'Country' is employed technically to denote all places except the Temple. — Since it is fastened to the door, it is as though built thereto, and therefore the prohibition of handling it is only a Rabbinical one, which was imposed in the country but not in the Temple.

(5) It is not fastened at all, but when removed from the sockets it is simply placed on the ground.

(6) Requiring both that it be fastened and suspended.

(7) Whereas R. Judah will agree with the Rabbis. From this passage we see that all agree that it must be tied.

(8) I.e., sets aside.

(9) I.e., since it has been devoted to this purpose.

(10) It may be used for opening and shutting. R. Abba rules in accordance with this.

Talmud - Mas. Shabbath 126b

which have a handle on the Sabbath. Whereon R. Judah b. Shila said in R. Assi's name in R. Johanan's name: Providing that they have the character of utensils.¹ And should you answer, Here too [it means] where it ranks as a utensil,² — does then R. Simeon b. Gamaliel require it to have the character of a utensil? Surely it was taught: As for the dried branches of a palm tree which one cut down for fuel and then changed his mind, [intending them for sitting thereon], he must tie them together.³ R. Simeon b. Gamaliel said: He need not tie them together!⁴ — R. Johanan agrees with him in one⁵ and disagrees with him in the other.⁶ R. Isaac the smith⁷ lectured at the entrance of the Resh Galutha:⁸ The halachah is as R. Eliezer. R. Amram objected: And from their words we learn that we may close (a skylight], measure [a mikweh], and tie [a temporary knot] on the Sabbath!⁹ — Said Abaye to him, What is your view: because it is taught anonymously?¹⁰ [But the Mishnah concerning] a dragging bolt is also anonymous!¹¹ — Yet even so an actual incident is weightier.¹²

MISHNAH. ALL LIDS OF UTENSILS WHICH HAVE A HANDLE MAY BE HANDLED ON THE SABBATH. SAID R. JOSE, WHEN IS THAT SAID? IN THE CASE OF LIDS OF GROUND [BUILDINGS],¹³ BUT THE LIDS OF UTENSILS MAY IN ANY CASE BE HANDLED ON THE SABBATH.

GEMARA. R. Judah b. Shila said in R. Assi's name in R. Johanan's name: Provided that they have the character of a utensil. All agree: Covers of ground [buildings may be handled] only if they have a handle but not otherwise; covers of utensils, even if they have no handle. Where do they differ? In respect of utensils joined to the ground: one Master holds: We forbid (them] preventively,¹⁴ while the other Master holds, We do not forbid preventively. Another version: Where do they differ? In

respect of an oven cover:¹⁵ one Master likens it to the cover of a ground [building], while the other Master likens it to the cover of utensils.

CHAPTER XVIII

MISHNAH. ONE MAY CLEAR AWAY EVEN FOUR OR FIVE BASKETS OF STRAW OR PRODUCE [GRAIN] TO MAKE ROOM FOR GUESTS OR ON ACCOUNT OF THE NEGLECT OF THE BETH HAMIDRASH,¹⁶ BUT NOT THE STORE.¹⁷ ONE MAY CLEAR AWAY CLEAN TERUMAH, DEM'AI,¹⁸ THE FIRST TITHE WHOSE TERUMAH HAS BEEN SEPARATED,¹⁹ REDEEMED SECOND TITHE AND HEKDESH,²⁰ AND DRY LUPINES, BECAUSE IT IS FOOD FOR GOATS.²¹ BUT [ONE MAY] NOT [CLEAR AWAY] TEBEL,¹⁸ THE FIRST TITHE WHEREOF TERUMAH HAS NOT BEEN TAKEN, UNREDEEMED SECOND TITHE OR HEKDESH, LOF²² OR MUSTARD. R. SIMEON B. GAMALIEL PERMITS [IT] IN THE CASE OF LOF, BECAUSE IT IS FOOD FOR RAVENS.²³ AS FOR BUNDLES OF STRAW,²⁴ TWIGS, OR YOUNG SHOOT, IF THEY WERE PREPARED AS ANIMAL FODDER, THEY MAY BE MOVED; IF NOT, THEY MAY NOT BE MOVED.²⁵

GEMARA. Seeing that five may be cleared away, need four be stated? — Said R. Hisda: [It means] four out of five.²⁶ Some there are who state, Four of a small store,²⁷ and five of a large store. And what does BUT NOT THE STORE mean?²⁸ That one must not commence [dealing] with a store for the first time;²⁹ and which [Tanna] rules [thus]? It is R. Judah, who accepts [the interdict of] mukzeh. But Samuel said: [It means] four or five

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- (1) I.e., the lids themselves must be fit for use as vessels. But how can a cane rank as a utensil?
 - (2) E.g., if the cane may be used for stirring olives in the vat.
 - (3) V. p. 226, n. 1.
 - (4) They may be handled without tying, though they are certainly not utensils.
 - (5) That if it is prepared it need not be tied.
 - (6) Holding that they must have the character of a utensil.
 - (7) Many of the Rabbis were tradesmen or workers; e.g., R. Johanan the cobbler; R. Papa, who was a brewer; Hillel at one time a wood-cutter.
 - (8) V. p. 217, 11. 7.
 - (9) V. Mishnah infra 157a. The reference there is to a cloth that is not fastened and suspended, and yet we may close a skylight with it.
 - (10) You assume that that proves the halachah is so, for otherwise you could simply answer that it represents the Rabbis' view only and is not a final ruling.
 - (11) And there R. Eliezer's view is stated.
 - (12) In the Mishnah infra 157 it is not merely a theoretical ruling but bears on actual practice. Therefore one may assume that it states the final ruling, and this refutes R. Isaac.
 - (13) E.g., the lid or cover of a pit built in the ground. When they have a handle they are obviously not part of the pit and are meant to be put on and taken off. But otherwise they seem to be there permanently: hence placing them there is like building, and removing them is like demolishing.
 - (14) Lest they be confused with the lid of ground. buildings.
 - (15) V. p. 620, n. 8 for its construction.
 - (16) Caused by lack of room for the disciples.
 - (17) Explained infra.
 - (18) V. Glos.
 - (19) The first tithe belonged to the Levite; a tenth thereof, called terumah ('septs ration'), was given to the priest.
 - (20) The second tithe was to be eaten by an Israelite owner in Jerusalem. Both it and hekdesch, q.v. Glos., could be redeemed, whereby they became like ordinary produce, save in a few respects, and then consumed. (Hekdesch, if an animal dedicated as a sacrifice, might be redeemed only if it received a blemish.)
 - (21) Var lec.: for the poor.

- (22) Jast.: a plant similar to colocasia, with edible leaves and root, and bearing beans. It is classified with onions and garlic.
- (23) Which some wealthy people bred.
- (24) Or, stubble.
- (25) This is the reason of the others too which may not be moved, viz., because they cannot be used even as animal fodder.
- (26) If the entire store consists of five, only four may be removed, but not all, lest depressions in the ground are revealed which may be levelled on the Sabbath.
- (27) Var. lec. omit: 'Some there are . . . small store'.
- (28) It cannot mean that the whole store must not be cleared away, since on the present interpretation that is already implied in the first clause.
- (29) If he had not already started using it for food, either for himself or for his animals, before the Sabbath, it is mukzeh and must not be touched.

Talmud - Mas. Shabbath 127a

just as people speak; yet if one desires even more may be cleared away. And what does BUT NOT THE STORE mean? That one must not complete[ly remove] the whole of it, lest he come to level up depressions;¹ but one may indeed commence therewith.² And who [rules thus]? It is R. Simeon, who rejects [the interdict of] mukzeh.

Our Rabbis taught: One must not commence with a store for the first time, but he may make a path through it to enter and go out. 'He may make a path'! but surely you say, 'One must not commence'? — This is its meaning: one may make a path through it with his feet as he enters and goes out.³

Our Rabbis taught: If produce is heaped together [for storage] and one commenced [using] it on the eve of the Sabbath, he may take supplies from it on the Sabbath; if not, he may not take supplies from it on the Sabbath: this is R. Simeon's view; but R. Aha permits it. Whither does this tend!⁴ — Rather say: this is R. Aha's view; but R. Simeon permits it.

A Tanna taught: What is the standard quantity for produce that is heaped together? — A lethek.⁵ R. Nehumi b. Zechariah asked Abaye: What is the standard quantity for produce that is heaped together? Said he to him, Surely it was said: The standard quantity for produce that is heaped together is a lethek.

The scholars asked: These four or five baskets that are stated, [does it mean] only in four or five baskets, but not more,⁶ which shows that it is better to minimize one's walking; or perhaps it is better to minimize the burden?⁷ Come and hear: For one [Baraita] taught: One may clear away even four or five tubs of pitchers of wine and oil; whereas another was taught: In ten or fifteen. Surely they differ in this, viz., one Master holds: It is better to minimize the walking; while the other Master holds: It is better to reduce the burden? — No: All hold that it is better to reduce the walking: do you think that ten or fifteen refers to 'tubs'? [No]; it refers to the pitchers, yet there is no contradiction: here [in the first the reference is] where they can be carried [only] singly in a tub;⁸ whereas there, where they can be carried in twos, and there, where they can be carried in threes,⁹ of the size of the jugs of Harpania.¹⁰

The scholars asked: These four or five that are stated, [does it mean] even if he has more guests; or perhaps it all depends on the [number of] guests? And should you say that it all depends on the number of guests, can one person clear [them] away for all of them, or perhaps each man must do so for himself? — Come and hear: For Rabbah said in R. Hiyya's name: Rabbi once went to a certain place; seeing that the place was too cramped for the disciples, he went out to a field and found it full of sheaves, whereupon Rabbi cleared the whole field of the sheaves. While R. Joseph related in R.

Oshaia's name: R. Hiyya once went to a certain place; seeing that the place was too cramped for the disciples, he went out to a field and found it full of sheaves, whereupon R. Hiyya cleared the whole field of the sheaves.¹¹ This proves that it all depends on the [number of] guests. But still the question remains, Can one person clear [them] away for all, or perhaps each man must do so for himself? — Come and hear: ‘And Rabbi cleared the sheaves.’ Then on your view, did Rabbi personally clear [them]?¹² But he gave orders that it [the field] be cleared, yet after all each [acted] for himself.¹³

TO MAKE ROOM FOR THE GUESTS, etc. R. Johanan said: Hospitality to wayfarers¹⁴ is as ‘great’ as early attendance at the Beth Hamidrash, since he [the Tanna] states, TO MAKE ROOM FOR GUESTS OR ON ACCOUNT OF THE NEGLECT OF THE BETH HAMIDRASH. R. Dimi of Nehardea said: It is ‘greater’ than early attendance at the Beth Hamidrash, because he states, TO MAKE ROOM FOR GUESTS, and then, AND ON ACCOUNT OF THE NEGLECT OF THE BETH HAMIDRASH. Rab Judah said in Rab's name: Hospitality to wayfarers is greater than welcoming the presence of the Shechinah, for it is written, And he said, My lord, if now I have found favour in thy sight, pass not away, etc.¹⁵ R. Eleazar said: Come and observe how the conduct of the Holy One, blessed be He, is not like that of mortals. The conduct of mortals [is such that] an inferior person cannot say to a great[er] man, Wait for me until I come to you; whereas in the case of the Holy One, blessed be He, it is written, and he said, My Lord, if now I have found, etc.

R. Judah b. Shila said in R. Assi's name in R. Johanan's name: There are six things, the fruit of which man eats in this world, while the principal remains for him for the world to come, viz.: Hospitality to wayfarers, visiting the sick, meditation in prayer, early attendance at the Beth Hamidrash, rearing one's sons to the study of the Torah, and judging one's neighbour in the scale of merit.¹⁶ But that is not so? For we learnt: These are the things which man performs and enjoys their fruits in this world, while the principal remains for him for the world to come, viz.: honouring one's parents, the practice of loving deeds,¹⁷ and making peace between man and his fellow, while the study of the Torah surpasses them all:¹⁸ [this implies], these only, but none others?

(1) V. p. 629, n. 11.

(2) I.e., the reverse of n. 3.

(3) This is not handling.

(4) Surely it should be reversed, since R. Simeon always rejects mukzeh.

(5) Half a kor=fifteen se'ahs. But less does not constitute a store, and the prohibition of mukzeh does not apply to it in any case.

(6) I.e., must they actually be carried away thus, but not broken up into smaller quantities and then removed?

(7) Hence they may certainly be broken up into smaller quantities.

(8) Being too large to be carried more than one at a time.

(9) Which gives ten or fifteen pitchers in five piles.

(10) **סְרָרִים**, jugs enclosed in wicker-work. Harpania was a rich agricultural town of Mesene, south of Babylon, famous for its wicker-work manufactured from the fibre of palm leaves; v. Obermeyer, p. 200.

(11) To make room for the disciples.

(12) Surely not.

(13) Thus the question remains unanswered.

(14) The word means both guests and wayfarers.

(15) Gen. XVIII, 3; he thus left God, as it were, to attend to the wants of the three wayfarers. [On this interpretation he was speaking to God, and begged Him to remain whilst he saw to his guests v. Shebu. 35b.]

(16) I.e., seeking a favourable interpretation of his actions, even when they look suspicious.

(17) Not merely alms-giving.

(18) Not because knowledge in itself is a great virtue, but because it is the foundation and condition of real piety; cf. Ab. II, 6; also, ‘Learning is great, because it leads to (good) deeds’.

Talmud - Mas. Shabbath 127b

— These too are included in the practice of loving deeds. Another version: these are included in those.¹

Our Rabbis taught: He who judges his neighbour in the scale of merit is himself judged favourably. Thus a story is told of a certain man who descended from Upper Galilee and was engaged by an individual in the South for three years. On the eve of the Day of Atonement² he requested him, 'Give me my wages that I may go and support my wife and children.' 'I have no money,' answered he. 'Give me produce,' he demanded; 'I have none,' he replied. 'Give me land.' — 'I have none.' 'Give me cattle.' — 'I have none. 'Give me pillows and bedding.' — 'I have none.' [So] he slung his things behind him and went home with a sorrowful heart.³ After the Festival his employer took his wages in his hand together with three laden asses, one bearing food, another drink, and the third various sweetmeats, and went to his house. After they had eaten and drunk, he gave him his wages. Said he to him, 'When you asked me, "Give me my wages," and I answered you, "I have no money," of what did you suspect me?' 'I thought, Perhaps you came across cheap merchandise and had purchased it therewith.' 'And when you requested me, "Give me cattle," and I answered, "I have no cattle," of what did you suspect me?' 'I thought, they may be hired to others.' 'When you asked me, "Give me land," and I told you, "I have no land," of what did you suspect me?' 'I thought, perhaps it is leased to others.' 'And when I told you, "I have no produce," of what did you suspect me?' 'I thought, Perhaps they are not tithed.' 'And when I told you, "I have no pillows or bedding," of what did you suspect me?' 'I thought, perhaps he has sanctified all his property to Heaven.' 'By the [Temple] service!' exclaimed he, 'it was even so; I vowed away all my property because of my son Hyrcanus, who would not occupy himself with the Torah, but when I went to my companions in the South they absolved me of all my vows. And as for you, just as you judged me favourably, so may the Omnipresent judge you favourably.'

Our Rabbis taught: It happened that a certain pious man⁴ ransomed an Israelite maiden [from captivity]; at the inn he made her lie at his feet. On the morrow he went down, had a ritual bath, and learnt with his disciples. Said he to them, 'When I made her lie at my feet, of what did you suspect me?' 'We thought, perhaps there is a disciple amongst us who[se character] is not clearly known⁵ to our Master.'⁶ 'When I descended and had a ritual bath, of what did you suspect me?' 'We thought, perhaps through the fatigue of the journey the Master was visited by nocturnal pollution.' 'By the [Temple] Service!' exclaimed he to them, 'it was even so. And just as you judged me favourably, so may the Omnipresent judge you favourably.'

Our Rabbis taught: The scholars were once in need of something from a noblewoman where all the great men of Rome were to be found. Said they, 'Who will go?' 'I will go,' replied R. Joshua. So R. Joshua and his disciples went. When he reached the door of her house, he removed his tefillin⁷ at a distance of four cubits, entered, and shut the door in front of them. After he came out he descended, had a ritual bath, and learnt with his disciples. Said he to them, 'When I removed my tefillin, of what did you suspect me?' 'We thought, our Master reasons, "Let not sacred words enter a place of uncleanness".' 'When I shut [the door], of what did you suspect me?' 'We thought, perhaps he has [to discuss] an affair of State with her.' 'When I descended and had a ritual bath, of what did you suspect me?' 'We thought, perhaps some spittle spurted from her mouth upon the Rabbi's garments.'⁸ 'By the [Temple] Service!' exclaimed he to them, 'it was even so; and just as you judged me favourably, so may the Omnipresent judge you favourably.'

WE MAY CLEAR AWAY CLEAN TERUMAH, etc. But that is obvious?-It is necessary [to teach it] only where it is lying in the hand of an Israelite; you might say, Since It Is of no use⁹ for him, it is forbidden [to handle it]; he [the Tanna] informs us therefore [that] since it is fit for a priest it is permitted.

DEM'AI, etc. But dem'ai is not fit for him? — Since if he desired he could renounce [ownership of] his property and become a poor man, whereby it would be fit for him, it is fit for him now too. For we learnt: The poor may be fed with dem'ai and billeted soldiers may be given dem'ai. And R. Huna said, It was taught: Beth Shammai maintain: The poor may not be given dem'ai as food, nor billeted soldiers; but Beth Hillel rule: The poor may be given dem'ai as food, and [likewise] billeted soldiers¹⁰.

AND THE FIRST TITHE WHOSE TERUMAH HAS BEEN SEPARATED. But that is obvious? — It is necessary [to teach it] only where he anticipated [the separation of] the first tithe in the ears, and separated terumah of tithe but not the great terumah.¹¹ And this is as the following dictum of R. Abbahu in the name of Resh Lakish: First tithe which one anticipated in the ears is exempt from the great terumah, for it is said, then ye shall offer up an heave-offering of it for the Lord, a tithe of the tithe:¹² I ordered thee [to offer] a tithe of the tithe, but not the great terumah plus the terumah of the tithe of the tithe. R. Papa said to Abaye: If so, even if he anticipates it in the stack,¹³ he should be exempt? — For your sake Scripture writes, out of all your gifts ye shall offer every heave-offering of the Lord.¹⁴ And what [reason] do you see [to interpret thus]?¹⁵ -The One has become corn [dagan], while the other has not become corn.¹⁶

AND THE SECOND TITHE, etc. But that is obvious? -It is necessary [to teach it] only where the principal has been given but not the fifth:¹⁷ thus he informs us that the fifth is not indispensable.¹⁸

AND DRY LUPINES, etc. Only dry, but not moist. What is the reason? Since it is bitter, she [the goat] will not eat it.

(1) Hospitality and visiting the sick belong to the practice of loving deeds; early attendance at the Beth Hamidrash and rearing one's children to the study of the Torah are included in the study of the Torah; while judging one's neighbour favourably enables peace to be made between a man and his fellow and between a husband and wife, as each can be persuaded to take a charitable view of the other's actions. As for meditation in prayer, Rashi includes it in the practice of loving deeds — to ones own soul — as it is written, the man of love doeth good to his own soul (Prov. XI, 17). Maharsha includes it in peacemaking between God and man.

(2) Alfasi and Asheri read: Festival.

(3) Lit., 'with blasting of spirit'.

(4) **חֲסִיד אֵתָא**, the phrase generally designates either R. Judah b. Baba or R. Judah b. ila'i (Rashi).

(5) Lit., 'tested', 'examined'.

(6) So you could not trust him.

(7) Which were then worn during the day.

(8) Which by rabbinical law affects levitical purity; cf. supra 15b, 17b.

(9) Lit., 'not fit'.

(10) V. Dem. III, I.

(11) The great terumah is a portion of the produce, unspecified by Scriptural law, which the Israelite must give to the priests; for terumah of the tithe, v. n. on Mishnah. The great terumah was to be separated first and then first tithe. But here the order was reversed, and the Israelite separated the tithe whilst the grain was yet in the ears.

(12) Num. XVIII, 26.

(13) I.e., when it is no longer in the ears but has been piled up in stacks.

(14) Num. XVIII, 29; i.e., all is an extension, and shows that the offering is due even in such a case. 'For your sake' or, 'concerning you' — to refute this possibility.

(15) To apply the limitation of the first verse to the one case and the extension if the second to the other- perhaps it should be reversed.

(16) The priestly due, i.e., the great terumah, is 'the first-fruits of thy corn' (Deut. XVIII, 4). Hence once it is piled up as corn it is due, and one cannot evade his obligations by reversing the order of the gifts.

(17) When one redeemed the second tithe he had to add a fifth of its value.

(18) To the validity of the redemption, and the redeemed produce may be consumed anywhere, even though the fifth has

not been added.

Talmud - Mas. Shabbath 128a

BUT NOT TEBEL, etc. That is obvious? — It is necessary [to teach it] only of tebel made so by Rabbinical law, e.g., if it was sown in an unperforated pot.¹

NOR THE FIRST TITHE, etc. That is obvious? — It is necessary [to teach it] only where it had been anticipated in the pile, the tithe having been separated but not the great terumah. You might argue as R. Papa proposed to Abaye:² hence he [the Tanna] informs us [that it is] as Abaye answered him.

NOR THE SECOND TITHE, etc. That is obvious?—It is necessary [to teach it] only where they have been redeemed, but not in accordance with their laws; [i.e.,] the [second] tithe was redeemed by uncoined metal,³ for the Divine Law states, And thou shalt bind up [we-zarta] the money in thine hand,⁴ [implying], that which bears a figure [zurah];⁵ [and] hekdesch which was secularized by means of land,⁶ for the Divine law states, Then he shall give the money and it shall be assured to him.⁷

NOR LOF. Our Rabbis taught: We may handle hazab,⁸ because it is food for gazelles, and mustard, because it is food for doves. R. Simeon b. Gamaliel said: We may also handle fragments of glass, because it is food for ostriches. Said R. Nathan to him: If so, let bundles of twigs be handled, because they are food for elephants. And R. Simeon b. Gamaliel?⁹ Ostriches are common, [whereas] elephants are rare. Amemar observed: provided he has ostriches. R. Ashi said to Amemar: Then when R. Nathan said to R. Simeon b. Gamaliel, 'let bundles of dried branches be handled, because they are food for elephants', — if one has elephants, why not? But [he means,] they are fit for [elephants]; so here too they are fit for [ostriches].¹⁰

Abaye said: R. Simeon b. Gamaliel, R. Simeon, R. Ishmael, and R. Akiba, all hold that all Israel are royal children. 'R. Simeon R. Gamaliel', as stated.¹¹ 'R. Simeon': for we learnt: Royal children may anoint their wounds with oil, since it is their practice to anoint themselves thus on weekdays. R. Simeon said: All Israel are royal children. 'R. Ishmael and R. Akiba': for it was taught: If one is a debtor for a thousand zuz, and wears a robe a hundred manehs in value, he is stripped thereof and robed with a garment that is fitting for him. It was taught in the name of R. Ishmael, and it was taught in the name of R. Akiba: All Israel are worthy of that robe.

BUNDLES OF STRAW, TWIGS, etc. Our Rabbis taught: Bundles of straw, bundles of branches, and bundles of young shoots,¹² if one prepared them as animal fodder, may be handled; if not, they may not be handled. R. Simeon b. Gamaliel said: Bundles which can be taken up with one hand may be handled; with two hands, may not be handled. As for bundles of si'ah,¹³ hyssop and koranith:¹⁴ if they were brought in for fuel, one must not draw on them [for food] on the Sabbath; [if brought in] as animal fodder, he may draw on them on the Sabbath; and he may break [it] with his hand and eat [thereof], provided that he does not break it with a utensil. And he may crush it and eat, provided that he does not crush a large quantity with a utensil: the words of R. Judah. But the Sages maintain: He may crush [it] with the tips of his fingers and eat, provided, however, that he does not crush a large quantity with his hands in the [same] way as he does on weekdays; the same applies to ammitha, the same applies to higgam [rue], and the same applies to other kinds of spices. What is ammitha? Ninya.¹⁵ [What is] si'ah? — Said Rab Judah: Si'ah is zithre;¹⁶ ezob is abratha [hyssop];¹⁷ koranith is what is called koranitha. But there was a certain man who asked, 'Who wants koranitha,' and it transpired [that he meant] thyme? — Rather si'ah is zithre, ezob is abratha, and koranitha is hashe [thyme].

It was stated: Salted meat may be handled on the Sabbath; unsalted¹⁸ meat, — R. Huna says: It

may be handled; R. Hisda rules: It may not be handled. 'R. Huna says: It may be handled'? But R. Huna was Rab's disciple, and Rab agrees with R. Judah who accepts [the prohibition of] mukzeh?¹⁹ -In [the interdict of] mukzeh in respect of eating he agrees with R. Judah;²⁰ in [the interdict] of mukzeh as regards handling he agrees with R. Simeon.²¹

'R. Hisda rules: It may not be handled.' But R. Isaac b. Ammi visited R. Hisda's house and he saw a [slaughtered] duck being moved from the sun into the shade, and R. Hisda observed, I see here a financial loss.'²² — A duck is different, because it is fit as raw meat.

Our Rabbis taught: Salted fish may be handled; unsalted fish may not be handled;²³ meat, whether unsalted or salted, may be handled; [and this is taught anonymously as R. Simeon].²⁴

Our Rabbis taught: Bones may be handled because they are food for dogs;

(1) Cf. supra 95a Mishnah. By Scriptural law it is not tebel at all, and one would think that the produce might therefore be handled.

(2) That it is exempt; supra 127b bottom.

(3) Asimon. V. B.M. 47b for the meaning of the term.

(4) Deut. XIV, 25.

(5) The image stamped on a coin. This connects zarta with zurah.

(6) I.e., land was given in order to redeem it.

(7) I.e., it can be redeemed by money, but not by land. Actually there is no such verse, but v. B.M., Sonc. ed., 321, n. 1.

(8) Jast.: a shrubby plant, probably cistus.

(9) How does he answer this?

(10) And they may be handled even if one has no ostriches.

(11) He permits lof to be handled because it is food for ravens, which only wealthy people — who are the same as princes — kept.

(12) Bah on the basis of Tur O.H. 308, 28 omits the last-mentioned here, though retaining it in the Mishnah.

(13) Jast.: a plant classified with hyssop. *Satureia Thymbra* (savory).

(14) Jast.: thyme or organum.

(15) Jast.: Bishop's weed. Rashi: mint.

(16) *Satureia*; v. n. 1.

(17) Used as a remedy for indigestion, v. supra 109b.

(18) Lit., 'unsavoury'.

(19) Which applies to unsalted meat, since it is not fit for food.

(20) That which is normally unfit for food may not be eaten, even if its owner wishes.

(21) That it is permitted.

(22) If you leave it in the sun. Thus they moved it at his orders.

(23) Because it cannot be eaten, nor will it be given to dogs, as one does not give to dogs what can be made fit for man.

(24) Hence raw meat is permitted. Rashal, however, deletes the bracketed passage; v. Tosaf.

Talmud - Mas. Shabbath 128b

putrid meat, because it is food for beasts; uncovered water,¹ because it is fit for a cat. R. Simeon b. Gamaliel said: It may not be kept at all, because of the danger.²

MISHNAH. A BASKET MAY BE OVERTURNED BEFORE FLEDGLINGS, FOR THEM TO ASCEND OR DESCEND.³ IF A FOWL RUNS AWAY [FROM THE HOUSE], SHE IS PUSHED [WITH THE HANDS] UNTIL SHE RE-ENTERS. CALVES AND FOALS MAY BE MADE TO WALK, AND A WOMAN MAY MAKE HER SON WALK.⁴ R. JUDAH SAID: WHEN IS THAT? IF HE LIFTS ONE [FOOT] AND PLACES [ANOTHER] DOWN; BUT IF HE DRAGS THEM IT IS FORBIDDEN.⁵

GEMARA. Rab Judah said in Rab's name: If an animal falls into a dyke, one brings pillows and bedding and places [them] under it, and if it ascends it ascends. An objection is raised: If an animal falls into a dyke, provisions are made for it where it lies so that it should not perish. Thus, only provisions, but not pillows and bedding? — There is no difficulty: here it means where provisions are possible; there, where provisions are impossible. If provisions are possible, well and good;⁶ but if not, one brings pillows and bedding and places them under it. But he robs a utensil of its readiness [for use]?⁷ — [The avoidance of] suffering of dumb animals is a Biblical [law], so the Biblical law comes and supersedes the [interdict] of the Rabbis.⁸

IF A FOWL RUNS AWAY. We may only push [it], but not make it walk. We have here learnt what our Rabbis taught: An animal, beast, or bird may be made to walk in a courtyard, but not a fowl. Why not a fowl? — Said Abaye, Because she raises herself.⁹

One [Baraitha] taught: An animal, beast, and bird may be made to walk in a courtyard, but not in the street; a woman may lead her son in the street, and in the courtyard it goes without saying. Another taught: An animal, beast, and bird may not be carried¹⁰ in a courtyard, but we may push them that they should enter. Now this is self-contradictory. You say, We may not carry, which implies that we may certainly make them walk; then you say, we may only push but not lead? — Said Abaye: The second clause refers to a fowl.

Abaye said: When one kills a fowl he should [either] press its legs on the ground or else lift them up,¹¹ lest it places its claws on the ground and tears its organs loose.¹²

MISHNAH. ONE MAY NOT DELIVER AN ANIMAL [IN GIVING BIRTH] ON A FESTIVAL, BUT ONE MAY ASSIST IT. WE MAY DELIVER A WOMAN ON THE SABBATH, SUMMON A MIDWIFE FOR HER FROM PLACE TO PLACE, DESECRATE THE SABBATH ON HER ACCOUNT, AND TIE UP THE NAVEL-STRING. R. JOSE SAID: ONE MAY CUT [IT] TOO. AND ALL THE REQUIREMENTS OF CIRCUMCISION MAY BE DONE ON THE SABBATH.

GEMARA. How may we assist? Rab Judah said: The new-born [calf, lamb, etc.] is held so that it should not fall on the earth. R. Nahman said: The flesh is compressed in order that the young should come out. It was taught in accordance with Rab Judah. How do we assist? We may hold the young so that it should not fall on the ground, blow into its nostrils,¹³ and put the teat into its mouth that it should suck. R. Simeon b. Gamaliel said: We stimulate pity¹⁴ to a clean animal¹⁵ on a Festival. What was done? — Said Abaye: A lump of salt was brought and placed in its womb so that it [the mother] might remember its travails¹⁶ and have pity upon it; and we sprinkle the water of the after-birth¹⁷ upon the newly-born [animal] so that its mother might smell it and have pity upon it. Yet only [in the case of] a clean [animal], but not an unclean one. What is the reason? An unclean animal does not spurn its young, and if it does spurn it, it does not take it back.¹⁸

ONE MAY DELIVER A WOMAN, etc. Consider: He [the Tanna] teaches, ONE MAY DELIVER A WOMAN AND SUMMON A MIDWIFE FOR HER FROM PLACE TO PLACE, then what does AND DESECRATE THE SABBATH ON HER ACCOUNT add? — It adds the following taught by the Rabbis: If she needs a lamp, her neighbour may kindle a lamp for her. And if she needs oil, her neighbour brings her oil¹⁹ in her hand;²⁰ but if that in her hand is insufficient, she brings it in her hair; and if that in her hair is insufficient, she brings it to her in a vessel.

The Master said: 'If she needs a lamp, her neighbour may kindle a lamp for her.' That is obvious? — This is necessary [to be taught] only in the case of a blind [woman]: you might argue, Since she cannot see it, it is forbidden; hence he informs us that we tranquillize her mind, [as] she reasons, if there is anything [required] my friend will see it and do it for me.

‘If she needs oil, etc.’ [But] deduce it on the grounds of wringing out?²¹ — Rabbah and R. Joseph both answer: [The interdict of] wringing out does not apply to hair. R. Ashi said: You may even say that wringing out does apply to hair: she brings it to her in a vessel by means of her hair,²² [because] as much as we can vary it we do so.²³

Rab Judah said in Samuel's name: If a woman is in confinement, as long as the uterus is open, whether she states, ‘I need it,’ or ‘I do not need it,’ we must desecrate the Sabbath on her account. If the uterus is closed, whether she says,

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- (1) V. p. 533, n. II.
 - (2) To a human being who may drink it.
 - (3) Into or from the hen-coop.
 - (4) The verb refers to the short hop-like steps made by a child when he is just learning to walk.
 - (5) As the mother in effect carries him. The reference is to a public domain.
 - (6) Lit., ‘yes’.
 - (7) Because once he places the bedding under the animal, he may no longer remove it on Sabbath, v. supra 43a.
 - (8) The prohibition of depriving a utensil on a sabbath of its readiness for use, with the result that one carries it. This is forbidden as mukzeh. The broad humaneness of this is striking, particularly when it is remembered that it antedates by many centuries any similar view elsewhere. Cf. supra 117b, p. 577, n. 6.
 - (9) But ducks when held by their wings actually walk.
 - (10) Lit., ‘you may not remove’ (their feet from the ground simultaneously).
 - (11) So that they cannot touch the ground at all.
 - (12) Viz., the windpipe and the gullet. If these are torn loose before being cut the animal or bird is unfit for food.
 - (13) To clear them of their mucus, etc.
 - (14) [I.e., arouses the maternal instinct of the animal for its young. Tosef. reads: ‘pity in’].
 - (15) I.e., one permitted as food.
 - (16) In giving birth.
 - (17) Water in which the placenta was soaked.
 - (18) Lit., ‘bring it near’ — in spite of these expedients.
 - (19) Through the street.
 - (20) But not in a vessel, if it can be avoided.
 - (21) I.e., if she brings it in her hair she must then wring it out, which is just as much forbidden as carrying it in a vessel. Since this is so, why not carry it ordinarily?
 - (22) The vessel is attached to her hair.
 - (23) When the Sabbath must be desecrated, we do it in as unusual a manner as possible.

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‘I need it’ or ‘I do not need it,’ we may not desecrate the Sabbath for her:¹ that is how R. Ashi recited it. Mar Zutra recited it thus: Rab Judah said in Samuel's name: If a woman is in confinement, as long as the uterus is open, whether she says, ‘I need it’ or ‘I do not need it,’ we desecrate the Sabbath for her. If the uterus is closed, if she says, ‘I need it,’ we desecrate the Sabbath for her; if she does not say, ‘I need it,’ we do not desecrate the Sabbath for her.² Rabina asked Meremar: Mar Zutra recited it in the direction of leniency, [while] R. Ashi recited it in the direction of stringency; which is the law? — The law is as Mar Zutra, replied he: where [a matter of] life is in doubt we are lenient.

From when is the opening of the uterus? — Abaye said: From when she sits on the seat of travail. R. Huna son of R. Joshua said: From when the blood slowly flows down; others state, From when her friends carry her by her arms.³ For how long is the opening of the uterus? — Abaye said: Three days: Raba said in Rab Judah's name: Seven; others maintain: Thirty. The scholars of Nehardea said:

A lying-in woman [has three periods: from] three [days after confinement], seven [days], and thirty [days]. From three [days], whether she says, 'I need it' or she says, 'I do not need it,'⁴ we desecrate the Sabbath for her. [From] seven [days], if she says 'I need it,' we desecrate the Sabbath for her; if she says, 'I do not need it,' we do not desecrate the Sabbath for her. [From] thirty days, even if she says, 'I need it,' we may not desecrate the Sabbath for her,⁵ yet we may do so by means of a Gentile,⁶ as R. 'Ulla the son of R. Ilai, who said: All the requirements of an invalid may be done by means of a Gentile on the Sabbath, and as R. Hamnuna, who said: In a matter entailing no danger [to life], one bids a Gentile and he does it.

Rab Judah said in Samuel's name: For a woman in confinement [the period is] thirty days. In respect of what law? The scholars of Nehardea said: In respect of a ritual bath.⁷ Raba observed: We said this only if her husband is not with her;⁸ but if her husband is with her, he makes her warm. Even as R. Hisda's daughter performed tebillah within thirty days in her husband's absence,⁹ caught a chill, and was carried in a bed to Raba at Pumbeditha.

Rab Judah said in Samuel's name: We may make a fire for a lying-in woman on the Sabbath [in the winter].¹⁰ Now it was understood from him, only for a lying-in woman, but not for an invalid; only in winter, but not in summer. But that is not so: there is no difference between a lying-in woman and any [other] invalid, and summer and winter are alike. [This follows] since it was stated, R. Hiyya b. Abin said in Samuel's name: If one lets blood and catches a chill, a fire is made for him even on the Tammuz [summer] solstice.¹¹ A teak chair was broken up for Samuel;¹² a table [made] of juniper-wood was broken up for Rab Judah. A footstool was broken up for Rabbah, whereupon Abaye said to Rabbah, But you are infringing, thou shalt not destroy?¹³ 'Thou shalt not destroy' in respect of my own body is more important to me, he retorted.

Rab Judah said in Rab's name: One should always sell [even] the beams of his house and buy shoes for his feet. If one has let blood and has nothing to eat, let him sell the shoes from off his feet and provide the requirements of a meal therewith. What are the requirements of a meal? — Rab said: Meat; while Samuel said: Wine. Rab said meat: life for life. While Samuel said, Wine: red [wine] to replace red [blood].

(Mnemonic: SHenimsar.)¹⁴ For Samuel on the day he was bled¹⁵ a dish of pieces of meat was prepared; R. Johanan drank until the smell [of the wine] issued from his ears; R. Nahman drank until his milt swam [in wine]; R. Joseph drank until it [the smell] issued from the puncture of bleeding.¹⁶ Raba sought Wine of a [vine] that had had three [changes of] foliage.¹⁷

R. Nahman b. Isaac said to his disciples: I beg of you, tell your wives on the day of blood-letting, Nahman is visiting us.¹⁸ Now, all artifices are forbidden, save the following article, which is permitted. Viz., if one is bled and cannot [buy wine],¹⁹ let him take a bad zuz²⁰ and go to seven shops until he has tasted as much as a rebi'ith.²¹ But if not,²² let him eat seven black dates, rub his temples with oil, and sleep in the sun. Ablat²³ found Samuel sleeping in the sun. Said he to him, O Jewish Sage! can that which is injurious be beneficial? It is a day of bleeding, replied he.²⁴ Yet it is not so, but there is a day when the sun is beneficial for the whole year, [viz.,] the day of the Tammuz [summer]²⁵ solstice, and he said to himself, I will not reveal it to him.²⁶

(Mnemonic: Sparingly, wind, taste, tarry.) Rab and Samuel both Say: If one makes light of the meal after bleeding his food will be made light of by Heaven, for they Say; He has no compassion for his own life, shall I have compassion upon him! Rab and Samuel both say: He who is bled, let him, not sit where a wind can enfold [him], lest the cupper drained him [of blood] and reduced it²⁷ to [just] a rebi'ith,²⁸ and the wind come and drain him [still further], and thus he is in danger. Samuel was accustomed to be bled in a house [whose wall consisted] of seven whole bricks,²⁹ and a half brick [in thickness]. One day he bled and felt himself [weak]; he examined [the wall] and found a

half-brick missing.

Rab and Samuel both say: He who is bled must [first] partake of something and then go out; for if he does not eat anything, if he meets a corpse his face will turn green; if he meets a homicide he will die; and if he meets

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- (1) As there is no danger of life. Asheri, however, reads: If she says, 'I need it', we desecrate (the Sabbath); if she does not say, 'I need it', we do not desecrate.
- (2) Asheri reads: If she says, 'I do not need it', we do not desecrate (the Sabbath); if she does not say, 'I do not need it', we do desecrate.
- (3) I.e., when she cannot walk.
- (4) Var. lec.: or she does not say, 'I need it'; similarly infra.
- (5) For she certainly does not need it and is in no danger.
- (6) Lit., 'Syrian'.
- (7) Which she must not take until thirty days for fear of a cold.
- (8) After the ritual bath, which she takes in order to eat terumah, etc.
- (9) Lit., 'not in her husband's presence'.
- (10) Lit., 'in the rainy season'. This is bracketed in the text.
- (11) Tammuz is the fourth month of the year, corresponding to about July.
- (12) For a fire, other wood being unavailable.
- (13) Deut. XX, 19. q.v.; this is understood as a general prohibition of wasteful destruction of any sort.
- (14) V. p. 110, n. 1. SH=SHemuel (Samuel); N=R. Johanan; M=R. Nahman; S=R. Joseph; R=Raba.
- (15) Lit., 'when he did the thing'.
- (16) I.e., the hole made in his flesh when he was bled. Jast. s.v. **כּוּסִילָתָא** translates: until the puncture was healed up.
- (17) I.e., wine in its third year.
- (18) That they may prepare substantial meals!
- (19) Having no money.
- (20) I.e., a worn-out one which is not accepted as current coin.
- (21) A quarter of a log. Wine was tasted before buying; at each shop he would taste the wine and then proffer the coin, which, of course, would be refused.
- (22) He does not even possess such a coin.
- (23) A Persian sage and friend of Samuel, v. A.Z. 30a.
- (24) And I require heat.
- (25) Var. lec. Tebeth (winter).
- (26) Samuel possessed medical knowledge and did not wish to reveal trade secrets.
- (27) Lit., 'set it'.
- (28) Which was held to be the minimum quantity of blood which can sustain life.
- (29) A whole brick is three handbreadths,

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a swine,¹ it [the meeting] is harmful in respect of something else.²

Rab and Samuel both say: One who is bled should tarry awhile and then rise, for a Master said: In five cases one is nearer to death than to life. And these are they: When one eats and [immediately] rises, drinks and rises, sleeps and rises, lets blood and rises, and cohabits and rises.

Samuel said: The correct interval for blood-letting is every thirty days; in middle age³ one should decrease [the frequency];⁴ at a [more] advanced age⁵ he should again decrease [the frequency]. Samuel also said: The correct time for bloodletting is on a Sunday Wednesday and Friday, but not on Monday or Thursday, because a Master said: He who possesses ancestral merit may let blood on Monday and Thursday, because the Heavenly Court and the human court are alike then.⁶ Why not on

Tuesday? Because the planet Mars rules at even-numbered hours of the day.⁷ But on Friday too it rules at even-numbered hours? Since the multitude are accustomed to it,⁸ 'the Lord preserveth the simple.'⁹ Samuel said: A Wednesday¹⁰ which is the fourth [of the month], a Wednesday which is the fourteenth, a Wednesday which is the twenty-fourth a Wednesday which is not followed by four [days]¹¹ — [all] are dangerous.¹² The first day of the month and the second [cause] weakness; the third is dangerous. The eve of a Festival [causes] weakness; the eve of Pentecost is dangerous, and the Rabbis laid an interdict upon the eve of every Festival on account of the Festival of Pentecost, when there issues a wind called Taboah,¹³ and had not the Israelites accepted the Torah it would absolutely have killed them.¹⁴

Samuel said: If one eats a grain of wheat and [then] lets blood, he has bled in respect of that grain only.¹⁵ Yet that is only as a remedy,¹⁶ but if it is to ease one,¹⁷ it does ease.¹⁸ When one is bled, drinking [is permissible] immediately; eating until half a mil.¹⁹ The scholars asked: [Does this mean], immediate drinking is beneficial, but after that it is injurious; or Perhaps [after that] it is neither harmful nor beneficial? — The question stands over. The scholars asked: Is eating beneficial only until half a mil, but before or after it is harmful; or perhaps it is [then] neither harmful nor beneficial? The question stands over.

Rab announced: A hundred gourds for one zuz, a hundred heads for one zuz, a hundred lips for nothing.²⁰ R. Joseph said: When we were at R. Huna's academy, on a day that the scholars took a holiday they would say, 'This is a day of lips,' but I did not know what they meant.

WE TIE UP THE NAVEL-STRING. Our Rabbis taught: We tie up the navel-string. R. Jose said: We cut [it] too; and we hide the after-birth, so that the infant may be kept warm. R. Simeon b. Gamaliel said: princesses hide [it] in bowls of oil, wealthy women in wool fleeces, and poor women in soft rags.

R. Nahman said in Rabbah b. Abbuha's name in Rab's name: The halachah is as R. Jose. R. Nahman also said in Rabbah b. Abbuha's name in Rab's name: The Sages agree with R. Jose in the case of the navel-string of twins, that we cut them. What is the reason? Because they pull upon each other.²¹

R. Nahman also said in Rabbah b. Abbuha's name in Rab's name: All that is mentioned in the chapter of rebuke²² is done for a lying-in woman on the Sabbath. As it is said, 'And as for thy nativity, in the day thou wast born thy navel was not cut, neither wast thou washed in water to cleanse thee' thou wast not salted at all, nor swaddled at all.²³ 'And as for thy nativity, in the day thou wast born': hence an infant may be delivered on the Sabbath; 'thy navel was not cut': hence the navel-string is cut on the Sabbath; 'neither wast thou washed in water to cleanse thee': hence the infant is washed on the Sabbath; 'thou wast not salted at all': hence the infant is salted on the Sabbath; 'nor swaddled at all': hence the infant is swaddled on the Sabbath.²⁴ [

(1) Lit., 'something else'.

(2) Viz., leprosy, which this may cause.

(3) Lit., "at the middle stages", viz., from forty onwards (Rashi).

(4) The body then begins to lose heat, and frequent bleeding may be injurious.

(5) Rashi: from the age of sixty.

(6) The court used to meet on Mondays and Thursdays, v. B.K. 82a. One's transgressions are punished in a time of natural risk. Cf. supra 32a.

(7) Jast. Ma'adim lit., means the reddener. The hours as well as the months were thought to stand under the influence of planets which moulded their nature. The planet Mars represented war and pestilence and retribution, whilst the even-numbered hours of the day were regarded as particularly susceptible to disaster. This double combination was therefore very dangerous, and bloodletting might have serious results.

- (8) Sc. bleeding on Friday.
- (9) Ps. CXVI, 6.
- (10) Lit., 'fourth' day of the week.
- (11) In the same month (Rashi).
- (12) For bleeding.
- (13) Lit., 'slaughter'.
- (14) Lit., 'their flesh and blood.'
- (15) I.e., bleeding immediately after a meal serves only to lighten one of that meal, but has no wider effects.
- (16) If it is done as a remedy it is ineffective.
- (17) E.g., if one suffers from high blood pressure.
- (18) Even if performed immediately after a meal.
- (19) I.e., as long as it takes to walk that distance-about nine minutes; v. supra 34b, 35a.
- (20) Rashi: gourds and animal-heads are but slightly beneficial, and they are worth having only when a hundred can be bought for one zuz; but the lips of animals are quite worthless. Tosaf., reading with R. Han. קרני instead of קרי translates: a hundred (surgeons') horns (i.e., bleedings) for one zuz, a hundred heads (i.e., hair cuttings) for one zuz, a hundred lips (trimmings of moustaches) for nothing, as this was free if done at the same time as the bleeding or hair cutting. Thus 'a day of lips' became a proverbial description of a day without profit.
- (21) Which endangers their lives.
- (22) Wherein Ezekiel rebukes the Jews; ch. XVI.
- (23) Ezek. XVI, 4.
- (24) no note.

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CHAPTER XIX

MISHNAH. R. ELIEZER SAID: IF ONE DID NOT BRING AN INSTRUMENT ON THE EVE OF THE SABBATH,¹ HE MUST BRING IT ON THE SABBATH UNCOVERED;² BUT IN [TIMES OF] DANGER³ HE HIDES IT ON THE TESTIMONY OF WITNESSES. R. ELIEZER SAID FURTHER: ONE MAY CUT TIMBER TO MAKE CHARCOAL FOR MANUFACTURING IRON.⁴ R. AKIBA STATED A GENERAL PRINCIPLE: ANY [MANNER OF] WORK WHICH COULD BE PERFORMED ON SABBATH EVE DOES NOT SUPERSEDE THE SABBATH; BUT THAT WHICH COULD NOT BE PERFORMED ON SABBATH EVE DOES SUPERSEDE THE SABBATH.

GEMARA. The scholars asked: Is R. Eliezer's reason⁵ out of love for the precept⁶ or perhaps it is because of suspicions?⁷ What is the practical difference? Whether it may be brought covered on the testimony of witnesses. If you say it is out of love for the precept, it must be uncovered and not hidden. But if you say it is because of suspicions it is well even if hidden: what then? It was stated, R. Levi said: R. Eliezer ruled thus only out of love for the precept. It was taught likewise: He must bring it uncovered, and he must not bring it covered: this is R. Eliezer's opinion.⁸ R. Ashi said: Our Mishnah too proves this, because it states, BUT IN TIMES OF DANGER HE HIDES IT ON THE TESTIMONY OF WITNESSES; thus in times of danger only, but not when there is no danger. This proves that it is out of love for the precept: this proves it.

Another [Baraita] taught: He brings it uncovered, but he must not bring it covered: this is R. Eliezer's view. R. Judah said in R. Eliezer's name: In times of danger it was the practice to bring it hidden on the testimony of witnesses.⁹ The scholars asked: The witnesses which he mentions, [does it mean] he and another one, or perhaps he and another two?- Come and hear: BUT IN [TIMES OF] DANGER HE HIDES IT ON THE TESTIMONY OF WITNESSES: if you agree to say he and two [others], it is well; but if you say he and another, what witnesses [are there]?¹⁰ — Such as are eligible to testify elsewhere.¹¹

R. ELIEZER SAID FURTHER [etc.]. Our Rabbis taught: In R. Eliezer's locality they used to cut timber to make charcoal for making iron on the Sabbath. In the locality of R. Jose the Galilean they used to eat flesh of fowl with milk. Levi visited the home of Joseph the fowler [and] was offered the head of a peacock in milk, [which] he did not eat. When he came before Rabbi he asked him, Why did you not place them under the ban?¹² It was the locality of R. Judah b. Bathyra, replied he, and I thought, Perhaps he has lectured to them in accordance with R. Jose the Galilean. For we learnt: R. Jose the Galilean said: It is said, Ye shall not eat any nebelah,¹³ and it is said, Thou shalt not seethe a kid in its mother's milk:¹⁴ [this teaches,] that which is forbidden on the score of nebelah may not be seethed in milk. Now since a fowl is prohibited when nebelah, you might think that one must not seethe it in milk; therefore it is stated, 'in its mother's milk', hence a fowl is excluded, since it has no mother's milk.

R. Isaac said: There was one town in Palestine where they followed R. Eliezer,¹⁵ and they died there at the [proper] time,¹⁶ Moreover, the wicked State¹⁷ once promulgated a decree against Israel concerning circumcision,¹⁸ yet did not decree [it] against that town.

It was taught, R. Simeon b. Gamaliel said: Every precept which they accepted with joy, e.g., circumcision, as it is written, I rejoice at thy word, as one that findeth great spoil,¹⁹ they still observe with joy. While every precept which they accepted with displeasure,²⁰ e.g., the forbidden degrees of consanguinity, as it is written, And Moses heard the people weeping throughout their families,²¹ [i.e.,] on account of the affairs of their families,²² they still perform them with strife, for there is no marriage settlement which does not contain a quarrel.²³

It was taught, R. Simeon b. Eleazar said: Every precept for which Israel submitted to death at the time of the royal decree, e.g., idolatry and circumcision,²⁴ is still held firmly in their minds. Whereas every precept for which Israel did not submit to death at the time of the royal decree, e.g., tefillin, is still weak in their hands.²⁵ For R. Jannai said: Tefillin demand a pure body, like Elisha-the-man-of-the-wings. What does this mean? — Abaye said: That one must not pass wind while wearing them; Raba said: That one must not sleep in them. And why is he called 'the man-of-the-wings'? Because the wicked State once proclaimed a decree against Israel that whoever donned tefillin should have his brains pierced through; yet Elisha put them on and went out into the streets. A quaestor saw him: he fled before him, and the latter gave pursuit. As he overtook him, he [Elisha] removed them from his head and held them in his hand, 'What is that in your hand?' he demanded, 'The wings of a dove,' was his reply. He stretched out his hand and the wings of a dove were found therein. Hence he is called 'Elisha-the-man-of-the-wings.' And why did he tell him the wings of a dove rather than that of other birds? Because the Congregation of Israel is likened to a dove, as it is said, as the wings of a dove covered with silver, and her pinions with yellow gold:²⁶ just as a dove is protected by its wings, so with the Israelites, their precepts protect them.²⁷

R. Abba b. R. adda said in R. Isaac's name: they once forgot to bring a knife on Sabbath eve, so they brought it on the Sabbath through roofs and courtyards,²⁸

(1) A knife for circumcision.

(2) That all may see it.

(3) When circumcision is forbidden by the State, as during the reign of Antiochus Epiphanes before the Maccabean revolt; v. 1 Macc. I, 48, 60, 11, 46. It was again forbidden during the Hadrianic persecution; cf. Mek. Yithro, Ba-Hodesh, VI; Graetz, Geschichte IV, 154.

(4) For a circumcision knife. Thus R. Eliezer permits not only circumcision but even its preparatory adjuncts, though these could have been prepared before the Sabbath.

(5) For requiring the knife to be brought uncovered.

(6) One must show how precious is circumcision that he even desecrates the Sabbath on its account.

- (7) That would otherwise attach to the bringer, that he was unlawfully desecrating the Sabbath.
- (8) The emphatic repetition shows that it must not be hidden on any account.
- (9) 'It was the practice' implies that this is not a mere theoretical ruling but an actual account of what happened in the past. As R. Eliezer died before the Hadrianic wars, this must refer to the days of the persecution by Antiochus. — Weiss, Dor, II, p. 131. n. I.
- (10) There is only one, as obviously he cannot be counted.
- (11) In truth it may be he and another, nevertheless there are two who know the purpose of his carrying. and they are referred to as witnesses, since two in general can testify. Yet two independent witnesses may not be required, since there is no actual lawsuit.
- (12) For infringing the dietary laws.
- (13) Deut. XIV, 21.
- (14) Ibid. 22 — these laws are stated successively.
- (15) In respect of circumcision.
- (16) Never prematurely.
- (17) Rome.
- (18) Forbidding it; v. p. 649, n. 3.
- (19) Ps. CXIX, 162. This is understood to refer to circumcision, which is a single 'word', i.e., command, which preceded the bulk of Mosaic legislation (this dating back to Abraham, Gen. XVII, 10), and which the Jew, in virtue of being circumcised, ceaselessly performs.
- (20) Lit., 'quarrelling'.
- (21) Num. XI, 10.
- (22) viz., because they were now interdicted in marriage.
- (23) Lit., 'in which they (the parties concerned) throw no discord'.
- (24) Cf. p. 649, n. 3. Antiochus demanded idol worship too; later, Caligula made a similar demand; v. Graetz, History (Eng. trans.) Vol. II, pp. 188 seqq.; cf. also Weiss, Dor, II, p. 5.
- (25) V. Weiss, op. cit., p. 134.
- (26) Ps. LXVIII, 14.
- (27) Cf. also supra 49a and notes a.l.
- (28) For which no 'erub (q.v. Glos) had been provided. It is normally forbidden to carry through such by Rabbinical law.

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[this being] against the will of R. Eliezer. R. Joseph demurred: [You say] 'against the will of R. Eliezer'! on the contrary, it is R. Eliezer' who permits it even through the street;¹ but only with the consent of the Rabbis, who forbid [it to be carried] through the street yet permit it through roofs, courtyards, and enclosures,² — yet is this permitted? Surely it was taught: Just as one may not bring it through the street, so may one not bring it through roofs, through enclosures, or through courtyards? — Said R. Ashi: It was not with the consent of R. Eliezer and his opponent[s], but with the consent of R. Simeon. For we learnt, R. Simeon said: Roofs, enclosures and courtyards are all one domain³ in respect of utensils which spent the Sabbath therein,⁴ but not in respect of utensils which rested in the house.⁵

R. Zera asked R. Assi: In the case of an alley in which they [its residents] have not become partners,⁶ what about carrying in the whole of it?⁷ do we say it is like a courtyard: just as a courtyard, even if an 'erub has not been made, it is permitted to carry in the whole of it,⁸ so this too, though they have not become partners in it,⁹ it is permitted to carry in the whole of it; or perhaps it is unlike a courtyard; for a courtyard has four walls [partitions], whereas this has not four walls; alternatively, a courtyard has tenants,¹⁰ whereas this has no tenants? He was silent and said nothing to him. On a subsequent occasion he [R. Zera] found him [R. Assi] sitting and stating: 'R. Simeon b. Lakish said in the name of R. Judah the prince: They once forgot to bring a knife on Sabbath eve, so they brought it on the Sabbath. Now this matter was difficult for the Sages [to understand]: how could they abandon the opinion of the Sages and act as R. Eliezer: firstly, since R. Eliezer was [a

follower] of Beth Shammai;¹¹ and further, [where an individual and many [are in dispute], the halachah is as the many? Whereupon R. Oshaia said: I asked R. Judah the circumciser, and he told me, It was an alley wherein they [its residents] had not become partners, and they brought it [the knife] from one end to the other. Said he to him: Do you then hold that in the case of an alley in which they had not become partners, it is permitted to carry in the whole of it? Yes, he replied.' Said he [R. Zera] to him [R. Assi], But I once asked [it of] you and you did not answer me: perhaps in the rapid course [of your review] your tradition sped [back] to you?¹² Yes, he replied; in the course of my review my tradition sped [back] to me.

It was stated, R. Zera said in Rab's name: In the case of an alley in which no partnership had been made, one may not carry therein save within four cubits. Abaye observed, R. Zera stated this law but did not explain it, until Rabbah b. Abbuha came and explained it. For R. Nahman said in Rabbah b. Abbuha's name in Rab's name: In the case of an alley in which no partnership has been made, if the courtyards¹³ are combined with the houses,¹⁴ one may not carry therein [the alley] save within four cubits; [but] if the courtyards are not combined with the houses, one may carry over the whole of it.¹⁵ R. Hanina Hoza'ah¹⁶ said to Rabbah: Why does it differ when the courtyards are combined with the houses? [presumably] because the courtyards have been transformed¹⁷ and are become houses,¹⁸ Rab being consistent with his view; for Rab said: An alley does not become permitted [for carrying] through a stake and a beam unless

(1) It is a general principle (infra 133a) that where a positive command and a negative command are in question, both should be fulfilled wherever possible; hence it might be argued that R. Eliezer too agrees that it should not be carried through the street, since there is an alternative (Tosaf.). Yet it may be that since R. Eliezer's ruling is largely in order to emphasize the great esteem in which the precept is held (supra a), the Talmud felt that he would require it to be carried through the streets.

(2) Karpifoth; v. supra 7a.

(3) Carrying from one to another is permitted.

(4) I.e., which were there from the beginning of the Sabbath, v. 'Er. 91a.

(5) I.e., which were in the house at the beginning of the Sabbath. — Here the knife belonged to the former category (Tosaf.).

(6) By means of an 'erub; v. supra 23a.

(7) Sc. utensils which were there at the commencement of the Sabbath.

(8) Not from a house into the courtyard or from one courtyard into another, but in that courtyard itself.

(9) This is the technical term in respect of an alley, whereby it all ranks as a single and private domain for its residents.

(10) I.e., the residents of the houses which open into it put it to private use.

(11) So Rashi and Tosaf. on the strength of a statement in J. Sheb. IX, end; this does not mean that he actually belonged to the School of Shammai, but generally adopted their views (v. Weiss, Dor, II, p. 83, n. 2), which were always disregarded in favour of Beth Hillel's. Rashi suggests another meaning: he was under a ban (v. B.M. 59b).

(12) I.e., you recalled it. [Aliter: 'In the rapid course (of your study) your tradition escaped you', i.e., R. Oshaia's statement. V. Strashun].

(13) That open into the alley.

(14) Which give on the courtyards. I.e., all the houses served by the same courtyard are combined by means of an 'erub, so that they may carry to and fro between the houses and the courtyard belonging to same; but the courtyards themselves have not been made common partners in the alley.

(15) Sc. utensils which were in the alley at the beginning of the Sabbath.

(16) Of Be Hozae. V. p. 234, n. 3.

(17) Lit., 'torn away' from their original designation.

(18) I.e., they are now part of the houses and not courtyards at all.

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houses and courtyards¹ open into it, whereas here we have houses but not courtyards?² Then even if

they are not combined, let us regard these houses as though closed [up],³ so we have courtyards but not houses? — They can all renounce⁴ their rights in favour of one.⁵ But even so, we have a house, but not houses?⁶ — It is possible that from morning until midday [they renounce their rights] in favour of one, and from midday until evening in favour of another.⁷ But even so, when there is one there is not the other? — Rather said R. Ashi: What makes the courtyards interdicted [in respect of the alley]? [Of course] the houses; and these are non-existent.⁸

R. Hiyya b. Abba said in R. Johanan's name: Not in respect of everything did R. Eliezer rule that the preliminary preparations of a precept⁹ supersede the Sabbath, for lo! the two loaves¹⁰ are an obligation of the day,¹¹ yet R. Eliezer did not learn them¹² from aught but a *gezerah shawah*.¹³ For it was taught, R. Eliezer said: Whence do we know that the preliminaries of the two loaves supersede the Sabbath? 'Bringing' is stated in connection with the 'omer',¹⁴ and 'bringing' is stated in connection with the two loaves:¹⁵ just as with the 'bringing' stated in connection with the 'omer, its preliminaries¹⁶ supersede the Sabbath, so with the 'bringing' stated in connection with the two loaves their preliminaries supersede the Sabbath. These must be free,¹⁷ for if they are not free one can refute [this analogy]: as for the 'omer, [its preliminaries supersede the Sabbath] because if one finds it [already] cut,¹⁸ he must cut [other sheaves]; will you [then] say [the same] in the case of the two loaves, seeing that if one finds [the wheat therefore] cut he does not cut [any more]? in truth they are indeed free. [For] consider: it is written, then ye shall bring the sheaf of the first-fruits of your harvest unto the priest:¹⁹ what is the purpose of 'from the day that ye brought'? Infer from it that it is in order to be free. Yet it is still free on one side only, while we know R. Eliezer to hold that where it is free on one side [only], we deduce, but refute? — 'Ye shall bring' is an extension.²⁰

What is it to exclude?²¹ Shall we say that it is to exclude the *lulab*,²² surely it was taught: The *lulab* and all its preliminaries supersede the Sabbath: this is R. Eliezer's view! Again, if it is to exclude *sukkah*,²³ — surely it was taught: The *sukkah* and all its preliminaries supersede the Sabbath: this is R. Eliezer's view! Again, if it is to exclude unleavened bread, — surely it was taught: Unleavened bread and all its preliminaries supersede the Sabbath: this is R. Eliezer's view! If, on the other hand, it is to exclude the *shofar*,²⁴ surely it was taught: The *shofar* and all its preliminaries supersede the Sabbath: this is R. Eliezer's view! — Said R. Adda b. Ahabah: It is to exclude fringes for one's garment and *mezuzah* for one's door.²⁵ It was taught likewise: And they agree that if one inserts fringes in his garment or affixes a *mezuzah* to his door,²⁶ he is culpable. What is the reason? R. Joseph said: Because no [definite] time is appointed for them. Said Abaye to him, On the contrary, since no time is appointed for them,

(1) I.e., two courtyards with two houses opening into each. V. 'Er. 5a and 73b.

(2) And for this reason when the courtyards are combined with the houses it is not permissible to carry save within four cubits.

(3) Since one cannot carry from the houses into the alley on account of the intervening courtyards. [The courtyards were in front of the houses.]

(4) Lit., 'annul'.

(5) The tenants of all the houses save one can renounce their rights in the courtyard in his favour; the courtyard is then his, and he may carry from his house into it.

(6) Whereas Rab needs at least two houses, v. p, 654, n.8.

(7) Thus we have houses.

(8) Rab holds ('Er. 74a) that a roof, courtyards, enclosures, and the alley are all one domain, and carrying is permitted from one to another, provided, however, that the houses are not combined with the courtyards, so that no utensils belonging to the houses are to be found in the courtyards which might then be carried into the alley. Hence the same applies to carrying in the alley itself: for if there are no houses at all a formal partnership is unnecessary, and carrying in the alley is permitted, just as from the alley into the courtyard. Since the houses are not combined with the courtyards and no utensils may be moved from the former into the latter, for all practical purposes the houses are non-existent: therefore one may carry over the whole of the alley itself.

- (9) As distinct from the precept itself.
- (10) Which are offered on the Feast of Weeks, v. Lev. XXIII, 17.
- (11) Sc. the Feast of Weeks, and must not be postponed for the next day.
- (12) That their baking supersedes the Sabbath; not the baking, but the offering 'unto the Lord' is the actual precept, the former being merely a necessary preparation.
- (13) V. Glos. But if he held that all preparations supersede the Sabbath, they would not require the *gezerah shawah* in this particular case.
- (14) V. Glos.
- (15) *Ibid.* vv. 15, 17.
- (16) *Viz.*, the reaping, grinding. and sifting; *Men.* 72a.
- (17) *I.e.*, from the day that ye brought (v. 15) and 'ye shall bring' (v. 17) must have no other purpose than this *gezerah shawah*. There are three views on this matter: (i) Both parts of the *gezerah shawah* must be free, otherwise it can be refuted if they are dissimilar in other respects; (ii) Only one part must be free; and (iii) Even if both parts are required for another teaching too, the *gezerah shawah* cannot be refuted.
- (18) But not for the express purpose of fulfilling the precept.
- (19) Lev. XXIII, 10.
- (20) Since Scripture could write, and ye shall offer a new meal-offering unto the Lord out of your habitations etc. The extension embraces the preliminaries of bringing, and intimates that these supersede the Sabbath.
- (21) R. Johanan's statement that R. Eliezer did not rule that the preliminaries of all precepts etc.
- (22) V. Glos. and Lev. XXIII, 40.
- (23) V. Glos. and *ibid.* v. 42.
- (24) V. Glos. and *ibid.* v. 24.
- (25) These must not be inserted or affixed on the Sabbath.
- (26) On the Sabbath,

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every moment¹ is the [proper] time for them? — Rather said R. Nahman b. Isaac others state, R. Huna son of R. Joshua: Because it is in one's power to renounce their ownership.²

The Master said: 'The lulab and all its preliminaries supersede the Sabbath: this is R. Eliezer's view.' Whence does R. Eliezer know this? If from the 'omer and the two loaves, [that may be] because they are requirements of the Most High?³ — Rather Scripture saith, [And ye shall take ye] on the [first] day [...branches of palm trees, etc.]:⁴ 'on the day' [intimating,] even on the Sabbath.⁵ Now in respect of which law?⁶ Shall we say, in respect of handling?⁷ Is a verse necessary to authorize handling?⁸ Hence it must be in respect of its preliminaries⁹. And the Rabbis?¹⁰ That is required [to teach], by day,¹¹ but not by night. Then R. Eliezer: whence does he [learn] 'by day but not by night'? He deduces it from, and ye shall rejoice before the Lord your God seven days:¹² days only, not nights. And the Rabbis?¹³ — It is necessary: you might argue, Let us learn [the meaning of] seven day's from the seven days of *sukkah*.- just as there 'days' [means] and even nights,¹⁴ so here too 'days', and even nights: hence it teaches us [otherwise]. Then let the Divine Law state it¹⁵ in the case of lulab, and these [others]¹⁶ could be adduced and learnt therefrom?¹⁷ — Because one could refute [the analogy]: as for lulab, [its preliminaries supersede the Sabbath] because it requires four species.¹⁸ 'The *sukkah* and all its preliminaries supersede the Sabbath: this is R. Eliezer's view.' Whence does R. Eliezer learn this? If from the 'omer and the two loaves, — [there it may be] because they are requirements of the Most High; if from lulab, — [that may be] because it requires four species! Rather [the scope of] seven days' is deduced from the 'seven days' of lulab: just as there its preliminaries supersede the Sabbath, so here too its preliminaries supersede the Sabbath.¹⁹ Then let the Divine Law write it in connection with *sukkah*, and these [others] could be adduced and learnt therefrom? — Because one could refute [the analogy]: as for *sukkah*, that is because it [the precept] is binding by night just as by day.

‘Unleavened bread and all its preliminaries supersede the Sabbath: this is R. Eliezer's view.’ Whence does R. Eliezer know this? If from the ‘omer and the two loaves, — [there it may be] because they are requirements of the Most High? If from lulab, because it requires four species? If from sukkah, — because it is binding by night just as by day? Rather the meaning of ‘the fifteenth [day]’ is learnt from the Festival of Tabernacles:²⁰ just as there its preliminaries supersede the Sabbath, so here too its preliminaries supersede the Sabbath. Then let the Divine Law State it in connection with unleavened bread, and these [others] could be adduced and learnt therefrom? — Because one could refute [the analogy]: as for unleavened bread, that is because it is obligatory upon women just as upon men.²¹ ‘The shofar and all its preliminaries supersede the Sabbath: this is R. Eliezer's view., Whence does R. Eliezer know this? If from the ‘omer and the two loaves, — because they are requirements of the Most-High? If from lulab, — because it requires four species? If from sukkah, — because it is binding by night just as by day? if from unleavened bread, — because it is obligatory upon women just as upon men? — Rather Scripture saith, It is in day of blowing of trumpets unto you:²² [it must be blown] by day, even on the Sabbath. And in respect of what?²³ Shall we say in respect of blowing [the shofar], — but the School of Samuel²⁴ taught: Ye shall do no servile work:²⁵ the blowing of the shofar’ and the removal of bread [from an oven] are excluded as being an art, not work. Hence [it must be] in respect of [its] preliminaries. And the²⁶ Rabbis? — That is required [to teach], by day but not by night. Then R. Eliezer, whence does he learn, by day but not by night? — He deduces it from, in the day of atonement shall ye send abroad the trumpet throughout all your land,²⁷ and these²⁸ are learnt from each other.²⁹ Now, let the Divine Law state it in connection with shofar, and these [others] can come and be learnt therefrom? One cannot learn from the blowing of the shofar on New Year, because it brings the remembrance of Israel to their Father in Heaven.³⁰ One cannot learn from the blowing of the shofar on the day of atonement [either], because a Master said: When the Beth din blew the shofar, slaves departed to their homes and estates reverted to their [original] owners.³¹

Circumcision and all its preliminaries supersede the Sabbath: this is R. Eliezer's view. Whence does R. Eliezer learn this? If he learns [it] from all [the others, the objection is] as we stated.³² Moreover, as for those,

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- (1) Lit., ‘hour’.
 - (2) Thus, when he comes to do it on the Sabbath, he could renounce ownership of the garment or the house, in which case these precepts are no longer incumbent on him.
 - (3) I.e., they are a direct offering.
 - (4) Lev. XXIII, 40.
 - (5) For ‘on the first’ suffices: hence ‘day’ teaches that the ceremony must be performed whatever the day.
 - (6) Is this intimation necessary?
 - (7) Permitting the handling of the lulab on the Sabbath.
 - (8) Surely not, for the interdict of handling is only Rabbinical.
 - (9) E.g., carrying the lulab through the streets, which would otherwise be Biblically forbidden.
 - (10) How do they interpret the superfluous ‘day’?
 - (11) The lulab precept has to be performed by day.
 - (12) Ibid.
 - (13) Do they not admit that it can be deduced from this latter verse?
 - (14) This is deduced in Suk. 43a.
 - (15) This law that the preliminaries supersede the Sabbath.
 - (16) Sc. the ‘omer and the two loaves.
 - (17) That there too it is thus: why are separate verses required?
 - (18) Vis., those enumerated in Lev. XXIII, 40. Hence it is important that even its preliminaries supersede the Sabbath.
 - (19) Since this analogy is based on a gezerah shawah, it cannot be refuted as before, when the suggested analogy was based purely on logical grounds. (Rashi).
 - (20) Lev. XXIII, vv. 6 and 39.

- (21) They too must partake thereof; v. Pes. 43b. But the precepts of lulab and sukkah are not incumbent upon women.
- (22) Num. XXIX, 1.
- (23) Does 'day' extend the law even to the Sabbath.
- (24) This is rather unusual. Generally we have 'the School of R. Ishmael', and the present passage is so quoted supra 117b in cur. edd. R. Han. however, reads 'the School of Samuel' there too, and it is likewise so in R.H. 29b in cur. edd. Weiss, Dor, III, p. 169 maintains that the reference is to a collection of Baraithas compiled by Samuel. It may also be observed that the verse quoted here is not the same as that quoted supra in cur. edd., though Tosaf.'s reading is identical in both places. It is barely possible that two different Baraithas are referred to, both making the same deduction but from different verses.
- (25) Lev. XXIII, 25.
- (26) Hence no verse is required to teach that it is permitted.
- (27) Ibid. XXV, 9.
- (28) Sc. the blowing of the shofar on New Year and on the day of atonement.
- (29) As shown in R.H. 33b.
- (30) Hence it is so important that even its preliminaries supersede the Sabbath. But the same may not apply to other precepts.
- (31) In accordance with Lev. XXV, 10. Hence this too was of particularly great importance.
- (32) Each differs in some respect.

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[they may supersede the Sabbath] because if their time passes they are annulled!¹ Rather this is R. Eliezer's reason: Because Scripture saith, and in the eighth day the flesh of his foreskin shall be circumcised,² [implying] even on the Sabbath.³ Then let the Divine Law write it in connection with circumcision, and these [others] can come to be deduced thence? Because one can refute [the analogy]: as for circumcision, that is because thirteen covenants were made in connection therewith.⁴

Now, the Rabbis disagree with R. Eliezer only in respect of the preliminaries of circumcision; but as for circumcision itself, all hold that it supersedes the Sabbath: whence do we know it? Said 'Ulla, It is a traditional law;⁵ and thus did R. Isaac say, It is a traditional law.

An objection is raised: How do we know that the saving of life supersedes the Sabbath? R. Eleazar b. 'Azariah said: If circumcision, which is [performed on but] one of the limbs of man, supersedes the Sabbath, the saving of life, a *minori*, must supersede the Sabbath. Now if you think that it is a traditional law, can one argue a *minori* from a traditional law? Surely it was taught, R. Eleazar said to him: Akiba! [That] a bone [of a corpse] the size of a barley grain defiles⁶ is a traditional law, whereas [that] a quarter [log] of blood [of a corpse] defies is [deduced by you] a *minori*,⁷ and we do not argue a *minori* from a traditional law! — Rather said R. Eleazar: We learn 'a sign' [written in connection with circumcision from] 'a sign' [written in connection with the Sabbath].⁸ If so, let Tefillin, in connection with which 'sign'⁹ is written, supersede the Sabbath?¹⁰ — Rather 'covenant' is learnt from, 'covenant'.¹¹ Then let [the circumcision of] an adult, in connection with whom 'covenant' is written,¹² supersede the Sabbath?¹³ — Rather 'generations' is learnt from 'generations'.¹⁴ Then let fringes, in connection with which 'generations' is written,¹⁵ supersede the Sabbath?¹⁶ Rather said R. Nahman b. Isaac: We learn 'sign,' 'covenant' and 'generations' from 'sign,' 'covenant' and 'generations,' thus excluding the others in connection with each of which only one is written.

R. Johanan said: Scripture saith, in the [eighth] day, 'in the day' [implying] even on the Sabbath.¹⁷ Resh Lakish objected to R. Johanan: If so, those who lack atonement,¹⁸ in connection with whom 'in the day' is written,¹⁹ do they too supersede the Sabbath?²⁰ — That is required [for teaching], by day but not by night.²¹ But this too²² is required [for teaching], by day but not by night? That is deduced from, and he that is eight days old.²³ But this too can be derived from, in the day that he commanded

[the children of Israel to offer their oblations, etc.]?²⁴ — Though it may be derived from, in the day that he commanded, [etc.], yet it [the other verse] is necessary: you might argue, Since the Merciful One had compassion upon him, [permitting him] to bring [a lesser sacrifice] in poverty, he may bring [it] at night too: hence we are informed [otherwise]. Rabina demurred: If so,²⁵ let a zar and an onen²⁶ be eligible for them?²⁷ Surely Scripture brought him back.²⁸

R. Aha b. Jacob said, Scripture saith, ‘the eighth’, [intimating] the eighth, even if it is the Sabbath. But this ‘eighth’ is required to exclude the seventh?—That follows from, ‘and the that is eight days old’. Yet they are still required, one to exclude the seventh and the other to exclude the ninth, for if [we deduced] from one [verse only] I might say, only the seventh is excluded, since its time [for circumcision] has not [yet] arrived, but from the eighth onward that is the [right] time? Hence it is clear [that it must be explained] as R. Johanan.

It was taught in accordance with R. Johanan and not as R. Aha b. Jacob: ‘[And in] the eighth [day the flesh of his foreskin] shall be circumcised’: even on the Sabbath. Then to what do I apply, every one that profaneth it shall surely be put to death?²⁹ To labours other than circumcision. Yet perhaps it is not so, but [it includes] even circumcision, whilst to what do I apply ‘in the eighth... shall be circumcised’: [To all days] except the Sabbath? Therefore ‘in the day’ is stated, [teaching], even on the Sabbath.

Raba observed: Why was this Tanna content at first, and what was his difficulty eventually?³⁰ — He argues thus: ‘[in] the eighth shall be circumcised’: even on the Sabbath. Then to what do I apply, every one that profaneth it shall be put to death?’ To labours other than circumcision, but circumcision supersedes it. What is the reason? It [follows] a minori. If leprosy, which suspends the sacrificial service,³¹

(1) They must be performed at a certain time or not at all. But circumcision, though obligatory for the eighth day from birth, can and must be performed afterwards if not done then.

(2) Lev. XII, 3.

(3) It cannot be to teach that circumcision itself is performed on the Sabbath, because as stated infra that is already known by tradition, hence it must refer to its preliminaries.

(4) In the passage enjoining circumcision upon Abraham and his descendants (Gen. XVII) ‘covenant’ is mentioned thirteen times, which shows its great importance.

(5) Rashi: Received from Moses on Sinai.

(6) A nazirite by its touch, and he must commence again (cf. Num, VI, 9-12).

(7) R. Akiba deduced a minori from the former that if a nazirite is under the same covering as a quarter log of blood taken from a corpse he is defiled, just as in the first case; v. Naz. 57a.

(8) Circumcision: and it shall be a sign of a covenant betwixt me and you (Gen. XVII, 11); Sabbath: for it is a sign between me and you (Ex. XXXI, 13). Since both are so designated, it follows that the former must be performed even on the latter.

(9) Deut. VI, 8: And thou shalt bind them for a sign upon thine hand.

(10) [Probably, one should be permitted to carry them on him in the street on the Sabbath].

(11) V. n. 2 for circumcision; Sabbath: therefore the children of Israel shall keep the Sabbath...for a perpetual covenant (Ex. XXXI, 16).

(12) Gen, XVII, 14: And the uncircumcised male who is not circumcised in the flesh of his foreskin...hath broken my covenant. In Kid. 29a this is referred to an adult whom his father had omitted to circumcise, and it throws the obligation upon himself.

(13) Whereas it is stated infra that it supersedes the Sabbath only when performed on the eighth day.

(14) Sabbath: to observe the Sabbath throughout their generations (Ex. XXXI, 16); circumcision: every male throughout your generations (Gen. XVII, 12).

(15) Num. XV 38: bid them...make them fringes...throughout their generations.

(16) I.e., let it be permitted to insert them in garments on the Sabbath.

(17) This is according to the Rabbis. R. Eliezer, as stated supra, utilizes this in respect of the preliminaries. Hence he holds that circumcision itself is a traditional law, whilst he learns that life saving is permitted from a Scriptural verse (Yoma 85b).

(18) This is the technical designation of all unclean persons who must offer a sacrifice as part of their purification rites, viz., a zab and a zabah, a leper, and a woman after childbirth.

(19) E.g., this shall be the law of the leper in the day of his cleansing (Lev. XIV, 2); similarly the rest.

(20) They are surely not permitted to bring their offerings on the Sabbath, for only public sacrifices were permitted on them.

(21) Sacrifices may not be offered up at night.

(22) 'Day' written in connection with circumcision.

(23) Gen. XVII. 12.

(24) Lev. VII, 38.

(25) That the leniency shown in poverty might be regarded as permitting other things which normally invalidate the sacrifice.

(26) V. Glos. for both.

(27) Sc. to offer these sacrifices. A zar may kill the sacrifice, but cannot perform any of the other services in connection therewith.

(28) In fact we see that this leniency was not extended to permission to offer at night: thus in all other respects the poor are governed by the same rules as the rich.

(29) Ex. XXXI, 14.

(30) Why does he assume at first that the eighth naturally supersedes the Sabbath, whereas subsequently he finds a difficulty in this assumption and proposes to reverse it?

(31) It is stated infra b that one may not cut away a leprous bright spot in order to be clean, and this holds good even on Passover: individuals may not do so in order to bring the Passover sacrifice, nor may Priests to enable them to perform the sacrificial service.

Talmud - Mas. Shabbath 132b

whilst the sacrificial service supersedes the Sabbath,¹ yet circumcision supersedes it:² then the Sabbath, which is superseded by the sacrificial service, surely circumcision supersedes it. And what is the 'or perhaps it is not so' which he states? — He then argues [thus]: yet whence [does it follow] that leprosy is more stringent? Perhaps the Sabbath is more stringent, since there are many penalties and injunctions in connection therewith. Further, whence [does it follow] that it³ is because leprosy is more stringent, perhaps it is because the man is not fit;⁴ whilst to what do I apply, 'in the eighth... shall be circumcised', [to all days] except the Sabbath? Therefore 'in the day' is stated, teaching, even on the Sabbath.

Our Rabbis taught: Circumcision supersedes leprosy, whether [performed] at its [proper] time⁵ or not at its [proper] time; it supersedes Festivals only [when performed] at its [proper] time. How do we know this? — Because our Rabbis taught: 'The flesh of his foreskin shall be circumcised', even if a bahereth⁶ is there it must be cut off. Then to what do I apply, 'Take heed in the plague of leprosy'⁷? To other places, but excluding the foreskin. Or perhaps it is not so, but [it includes] even the foreskin, while how do I apply, 'the flesh of his foreskin shall be circumcised', when it does not contain a bahereth! Therefore 'flesh' is stated, intimating even when a bahereth is there. Raba observed: This Tanna, why was he content at first, and what was his difficulty eventually? He argues thus: 'The flesh of his foreskin shall be circumcised': even if a bahereth is there. Then to what do I apply: 'Take heed in the plague of leprosy'? To other places, excluding the foreskin, yet circumcision supersedes leprosy. What is the reason? Because it is inferred a minori: if circumcision supersedes the Sabbath, which is stringent, how much more so leprosy. And what is the 'or perhaps it is not so' which he states? He then argues: how do we know that the Sabbath is more stringent: perhaps leprosy is more stringent, since it supersedes the sacrificial service, while the sacrificial service supersedes the Sabbath? Therefore flesh is stated, intimating, even when a bahereth is there.

Another version: circumcision supersedes leprosy: what is the reason? Because a positive command⁸ comes and supersedes a negative command.⁹ Then what is the 'or is it not so' which he states? He then argues: Perhaps we rule that a positive command comes and supersedes a negative command [only in the case of] a negative command by itself but this is a positive command plus a negative command.¹⁰ Then how do I apply, the flesh of his foreskin shall be circumcised? When it does not contain a bahereth. Therefore flesh is stated, intimating, even when a bahereth is there.

Now, this is well of an adult, in connection with whom 'flesh' is written; of an infant too 'flesh is written; but whence do we know one of intermediate age?¹¹ Said Abaye, It is inferred from the other two combined:¹² it cannot be inferred from an adult [alone], Since there is the penalty of kareth¹³ [in his case]; it cannot be inferred from an infant [eight days old], since [there] it is circumcision at the proper time. The feature common to both is that they must be circumcised and they supersede leprosy: so all who must be circumcised supersede leprosy.

Raba said: [That] circumcision at the proper time supersedes [leprosy] requires no verse, [for] it is inferred a minori: If it supersedes the Sabbath, which is [more] stringent, how much more so leprosy! Said R. Safra to Raba: How do you know that the Sabbath is [more] stringent, perhaps leprosy is [more] stringent, seeing that it supersedes the sacrificial service, whilst the sacrificial service supersedes the Sabbath? — There it is not because leprosy is more stringent but because the person is unfit. Why so? Let him cut off the bahereth and perform the service? — He [still] lacks tebillah. This is well of unclean eruptions! what can be said of clean eruptions?¹⁴ — Rather R. Ashi said: Where do we rule that a positive command comes and supersedes a negative one? E.g., circumcision in [the place of] leprosy, or fringes and kil'ayim,¹⁵ where at the very moment that the negative injunction is disregarded¹⁶ the positive command is fulfilled;¹⁷ but here at the moment that the negative injunction is disregarded the positive command is not fulfilled.¹⁸

Now, this [discussion] of Raba and R. Safra

(1) Public sacrifices being brought thereon.

(2) The injunction not to cut away a leprous bright spot is disregarded when it is on the foreskin which is to be circumcised.

(3) Sc. the reason that the sacrificial service does not supersede leprosy.

(4) For, as stated infra, even if the bright spot is cut away he is still unfit to offer the Passover sacrifice until he performs tebillah and the sun sets.

(5) The eighth day from birth.

(6) A bright, snow-white v. Neg. I, 1 spot on the skin, which is a symptom of leprosy (Lev. Xli, 2 seq.).

(7) Deut, XXIV, 8; this is interpreted as an injunction against cutting away a leprous bright spot, etc,

(8) To circumcise

(9) Not to cut the bahereth away.

(10) Negative: Take heed in the plague of leprosy, 'Take heed' always being so regarded; positive: that thou observe diligently, etc.

(11) The following three passages are applied to three different cases of circumcision: (i) And the uncircumcised male who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people (Gen. XVII, 14) — this applies to an adult whom his father did not circumcise as an infant. (ii) And in the eighth day the flesh of his foreskin shall be circumcised (Lev. XII, 3) this is a command to the father of the child. (iii) Every male among you shall be circumcised (Gen. XVII, 10) — this is a general command, e.g., to the Beth din, for a child to be circumcised after his eighth day if not circumcised at the proper time. Now, 'flesh' is written in (i) and (ii), but not in (iii), which refers to a child of intermediate age, i.e., between eight days and thirteen years and a day, when he becomes an adult.

(12) Lit., 'from between them'.

(13) V. Glos.

(14) E.g., where the leprosy covers the whole skin (v. Lev. XII, 12f). Even then it must not be cut away and supersedes the sacrificial service.

(15) V. Glos. and Deut. XXII, 11f: Thou shalt not wear a mingled stuff, wool and linen together. Thou shalt make thee fringes upon the four borders of thy vesture. The juxtaposition of these two laws is interpreted as showing that the former is suspended in the case of fringes, and the garment may be of linen while the fringes are of wool.

(16) Lit., 'uprooted'.

(17) I.e., the latter is fulfilled through the disregard of the former.

(18) The cutting away of the bahereth itself is not a fulfilment of the command to offer a Passover sacrifice, but merely preliminary thereto, so that the fact that leprosy supersedes the sacrificial service is no mark of the stringency of leprosy.

Talmud - Mas. Shabbath 133a

is [a controversy between] Tannaim. For it was taught: 'Flesh', and even if a bahereth is there, 'it shall be circumcised': the words of R. Josiah. R. Jonathan said: This is unnecessary: if it supersedes the Sabbath [which is more] Stringent, how much more so leprosy.¹

The Master said: "'Flesh", and even if a bahereth is there, "it shall be circumcised": the words of R. Josiah.' Why is a verse required for this: it is an unintentional act,² and an unintentional act is permitted? — Said Abaye, This is only necessary according to R. Judah, who maintains: An unintentional act is forbidden. Raba said, You may even say [according to] R. Simeon: R. Simeon admits in the case of 'cut off his head but let him not die.'³ Now, does not Abaye accept this reasoning? Surely Abaye and Raba both said, R. Simeon admits in the case of, 'cut off his head but let him not die'? — After hearing it from Raba he accepted its logic.

Others recite this [dictum] of Abaye and Raba in reference to the following: Take heed in the plague of leprosy, that thou observe diligently, to do [etc.]:⁴ 'to do' thou art forbidden,⁵ but thou mayest effect it by means of bast on the foot or a pole on the shoulder, and if it goes it goes.⁶ But what need of a verse for this: it is an unintentional act, and an unintentional act is permitted? — Said Abaye: It is only necessary according to R. Judah, who maintained: An unintentional act is forbidden. But Raba said: You may even say [that it agrees with] R. Simeon, yet R. Simeon admits in the case of 'cut off his head but let him not die.' Now, does not Abaye accept this reasoning? Surely Abaye and Raba both said, R. Simeon admits in the case of 'cut off his head but let him not die'? After hearing it from Raba, he accepted its logic.

Now Abaye on R. Simeon's view,⁷ how does he utilize this [word] 'flesh'? — Said R. Amram: As referring to one who asserts that it is his intention to cut off his bahereth.⁸ That is well of an adult: what can be said of an infant?⁹ Said R. Mesharsheya: It refers to the infant's father who asserts that it is his [specific] intention to cut off his son's bahereth. Then if there is another,¹⁰ let another perform it; for R. Simeon b. Lakish said: Wherever you find a positive command and a negative command [in opposition], if you can fulfil both of them, it is preferable;¹¹ but if not, let the positive command come and supersede the negative command?¹² — This is where there is no stranger.

The Master said, 'It supersedes Festivals only [when performed] at its [proper] time.' Hezekiah said, and the School of Hezekiah taught likewise: And ye shall let nothing of it remain until the morning [but that which remaineth of it] until the morning [ye shall burn with fire]:¹³ now [the second] until the morning need not be stated: What then is the teaching of, until the morning? Scripture comes to appoint the second morning for its burning. Abaye said: Scripture saith, the burnt-offering of the Sabbath [shall be burnt] on its Sabbath,¹⁴ but not the burnt-offering of weekdays on the Sabbath, nor the burnt-offering of weekdays on Festivals. Raba said: Scripture saith, [no manner of work shall be done in them save that which every man must eat], that only may be done of you:¹⁵ 'that', but not its preliminaries; 'only', but not circumcision out of its proper time, which might [otherwise] be inferred a minori. R. Ashi said: [On the seventh day is a Sabbath of] holy rest [shabbathon]¹⁶ is an affirmative precept, thus there is an affirmative and a negative precept in respect of Festivals, and an affirmative precept cannot supersede a negative plus an affirmative

precept.¹⁷

R. AKIBA STATED A GENERAL PRINCIPLE, etc. Rab Judah said in Rab's name: The halachah is as R. Akiba. And we learnt similarly in respect to the Passover sacrifice: R. Akiba stated a general principle: Any labour which can be performed on the eve of the Sabbath does not supersede the Sabbath; slaughtering [the Passover sacrifice], which can not be done on the eve of the Sabbath,¹⁸ supersedes the Sabbath; and Rab Judah said in Rab's name: The halachah is as R. Akiba. And these are necessary. For if he informed us [of the halachah] in connection with circumcision, — It is only there that the preparatory requirements which could be done the previous day do not supersede the Sabbath, since there is no kareth,¹⁹ but as for the Passover sacrifice, where there is kareth,²⁰ you might argue, Let them [the preliminaries] supersede the Sabbath. And if he told us [the halachah] about the Passover sacrifice, — that is because thirteen covenants were not made in connection therewith; but as for circumcision, seeing that thirteen covenants were made in connection therewith²¹ I would say, Let them [the preliminaries] supersede the Sabbath — Thus they are necessary.²²

MISHNAH. WE PERFORM ALL THE REQUIREMENTS OF CIRCUMCISION ON THE SABBATH. WE CIRCUMCISE,²³ UNCOVER [THE CORONA],²⁴ SUCK [THE WOUND],²⁵ AND PLACE A COMPRESS AND CUMMIN UPON IT.²⁶ IF ONE DID NOT CRUSH [THE CUMMIN] ON THE EVE OF THE SABBATH, HE MUST CHEW [IT] WITH HIS TEETH AND APPLY [IT TO THE WOUND]; IF HE DID NOT BEAT UP WINE AND OIL ON THE EVE OF THE SABBATH,²⁷ EACH MUST BE APPLIED SEPARATELY. WE MAY NOT MAKE A HALUK²⁸ FOR IT IN THE FIRST PLACE, BUT MUST WRAP A RAG ABOUT IT. IF THIS WAS NOT PREPARED FROM THE EVE OF THE SABBATH, ONE WINDS IT ABOUT HIS FINGER²⁹ AND BRINGS IT, AND EVEN THROUGH ANOTHER COURTYARD.

(1) Thus R. Josiah learns that circumcision at the proper time supersedes leprosy from 'flesh', whilst the same for circumcision after the eighth day must be inferred from the common feature (v. supra 132b), this agreeing with R. Safra's rejection of Raba's argument. Whereas R. Jonathan infers the former a minori, so that 'flesh' may be applied to the other case, as Raba.

(2) Sc. the cutting away of the bahereth.

(3) V. p. 357, n. 8.

(4) Deut. XXIV, 8.

(5) Lit., 'thou mayest not do'. I.e., one may not intentionally cut off a bahereth.

(6) I.e., one need not refrain from wearing a tight shoe of bast or carrying a heavy burden on his shoulder, though these may remove the bahereth.

(7) Before he accepted Raba's dictum.

(8) In order to be rendered clean. Yet even so it is permitted for the sake of circumcision.

(9) Eight days old. He has no intention, yet 'flesh' is written in his case too (v. supra 132b, p. 665 n. 1).

(10) Available to perform the circumcision — the prohibition concerning the bahereth will not apply to him, since he has no interest in the child's ritual cleanness.

(11) Thus, if a stranger performs it, the positive command of circumcision is fulfilled without violating the injunction of leprosy, since the stranger has no such intention.

(12) And thus the question remains: what need is there for the word 'flesh' in the case of the infant?

(13) Ex. XII, 10.

(14) Num. XXVIII, 10.

(15) Ex. XII, 16.

(16) Lev. XXIII, 3.

(17) V. supra 24b and 25a for notes. From all the foregoing we see that labour which can be done on weekdays or which belongs primarily to weekdays does not supersede Festivals even in the fulfilment of a precept, and the same applies here.

(18) If the fourteenth of Nisan falls on the Sabbath.

- (19) When circumcision is postponed.
 (20) For not offering it.
 (21) V. supra 132a top.
 (22) V. Pes. 66a.
 (23) Cut off the foreskin.
 (24) Peri'ah. By splitting the the membrane and pulling it down.
 (25) Mezizah. Nowadays the suction is accomplished by means of a glass cylinder.
 (26) To make the wound heal.
 (27) This too was applied to the wound.
 (28) A kind of shirt-shaped bandage placed over the membrum and tied at the corona, to prevent the flesh from growing back and recovering the membrum.
 (29) As though it were a garment, so that it shall not be carried just like on weekdays.

Talmud - Mas. Shabbath 133b

GEMARA. Consider: He [the Tanna] states them all [separately]: what is ALL THE REQUIREMENTS OF CIRCUMCISION to include? — It is to include that which our Rabbis taught: He who circumcises,¹ as long as he is engaged in the circumcision, he returns both for the shreds [of the corona] which invalidate the circumcision and for those which do not invalidate the circumcision.² Once he has withdrawn,³ he returns on account of the shreds which invalidate the circumcision, but not for the shreds which do not invalidate the circumcision.

Who teaches: Once he has withdrawn, he must not return? Said Rabbah b. Bar Hanah in R. Johanan's name: It is R. Ishmael the son of R. Johanan b. Berokah. For it was taught: If the fourteenth [of Nisan] falls on the Sabbath, the passover sacrifice is flayed as far as the breast: this is the view of R. Ishmael the son of R. Johanan b. Berokah. But the Sages maintain: We flay the whole of it.⁴ But how so? R. Johanan may rule [thus] only there, because we do not require [the application of the verse,] This is my God, and I will adorn him,⁵ but here that we require, 'This is my God, and I will adorn him',⁶ that indeed is so!⁷ (For it was taught: This is my God, and I will adorn him: [i.e.,] adorn thyself before Him in [the fulfilment of] precepts. [Thus:] make a beautiful sukkah in His honour,⁸ a beautiful lulab, a beautiful shofar, beautiful fringes, and a beautiful Scroll of the Law, and write it with fine ink, a fine reed [-pen], and a skilled penman, and wrap it about with beautiful silks. Abba Saul interpreted, and I will be like him:⁹ be thou like Him: just as He is gracious and compassionate, so be thou gracious and compassionate.) — Rather said R. Ashi, Which [Tanna] is this? It is R. Jose. For we learnt: Whether it is clearly visible or it is not clearly visible,¹⁰ the Sabbath is desecrated on its account.¹¹ R. Jose ruled: If it is clearly visible, they must not desecrate the Sabbath for it.¹² But how so? Perhaps R. Jose rules [thus] only there, because the Sabbath was not given to be superseded,¹³ but here that the Sabbath was given to be superseded,¹⁴ it indeed is so?¹⁵ — Rather said the scholars of Nehardea: It is the Rabbis who disagree with R. Jose. For we learnt: Four priests entered:¹⁶ two held two courses [of loaves] in their hands, and two held two censers;¹⁷ and four preceded them, two in order to remove the two courses,¹⁸ and two to remove the two censers. Those who brought in [the new loaves and frankincense] stood in the north facing the south,¹⁹ while those who carried [them] out stood in the south facing the north:²⁰ these withdrew [the old] and these laid down [the new], the handbreadth of one at the side of the handbreadth of the other,²¹ because it is said, [And thou shalt set upon the table shewbread] before me always.²² R. Jose said: Even if these remove and the other replace [it later], that too constitutes 'always'.²³

Our Rabbis taught: The membrum must be trimmed,²⁴ and if one does not trim it, he is punished with kareth. Who? R. Kahana said: The surgeon.²⁵ R. Papa demurred 'The surgeon'! he can say to them, 'I have performed half of the precept: do you perform half of the precept.'²⁶ Rather said R. Papa: An adult.²⁷ R. Ashi demurred: Of an adult it is explicitly stated, and the uncircumcised male who is not circumcised in the flesh of his foreskin, [that soul shall be cut off from his people]?²⁸

Rather said R. Ashi: In truth it means the surgeon: e.g., if he came at twilight on the Sabbath, and they warned him, 'you have no time,'²⁹ but he insisted, 'I have time : So he performed it but had not time [to complete it]. Thus the net result is³⁰ that he [merely] made a wound,³¹ hence he is punished with kareth.³²

WE SUCK OUT, etc. R. Papa said: If a surgeon does not suck [the WOUND], it is dangerous and he is dismissed. It is obvious? Since we desecrate the Sabbath for it, it is dangerous?³³ — You might say that this blood is stored up, therefore he informs us that it is the result of a wound, and it is like a bandage and cummin: just as when one does not apply a bandage and cummin there is danger, so here too if one does not do it there is danger.³⁴

WE PLACE A COMPRESS UPON IT. Abaye said: Mother told me,³⁵ A salve [compress] for all pains [is made of] seven parts of fat and one of wax. Raba said: Wax and resin³⁶ Raba taught this publicly at Mahoza, [whereupon] the family of Benjamin the doctor tore up their [bandage] cloths.³⁷ Said he to them. Yet I have left you one [cure unrevealed]. For Samuel said: He who washes his face and does not dry it well, scabs will break out on him.

(1) On the Sabbath.

(2) This is what the Mishnah includes.

(3) From circumcising, thinking it finished.

(4) v. Supra 116b. When one reaches the breast he temporarily ceases flaying in order to remove the fats; this cessation is analogous to withdrawing in the case of circumcision, and R. Ishmael rules that he must not return to complete the flaying.

(5) Ex. XV, 2. Or perhaps, and I will adorn myself for His sake. Once the fats are removed for sacrificial purposes there is no adornment of the precept in trimming the flesh and making it look presentable.

(6) The cutting away even of the shreds which does not invalidate circumcision is nevertheless an adornment thereof

(7) And may be permitted even by R. Ishmael.

(8) Lit., 'before Him'.

(9) Reading **אני והוא** as a combination **אני והוא** I and He (have to act alike).

(10) Viz., the crescent of the New Moon, which had to be seen and attested by two witnesses before the Beth din could sanctify the beginning of the month, v. R.H. 21b.

(11) By the two witnesses appointed to look out for it. They must come to the Beth din to testify, even if it is the Sabbath and they are without the tehum (q.v. Glos.), though since it is clearly visible the Beth din is in any case aware of its presence.

(12) Because it is unnecessary. The same applies to the shreds which do not invalidate the circumcision.

(13) From the very outset there was no need to desecrate the Sabbath, since the new moon is clearly visible to all.

(14) On account of the circumcision.

(15) That one must cut away all shreds.

(16) The Temple on the Sabbath to set the shewbread.

(17) Of frankincense for the loaves, v. Lev. XXIV, 7.

(18) Of the previous week's loaves.

(19) Because the Table was placed east to west, and the priests stood at its side facing its breadths.

(20) I.e., opposite the other priests across the Table.

(21) I.e., the withdrawing and the replacing were almost simultaneous.

(22) Ex. XXV, 30.

(23) I.e., 'always' merely indicates that a night must not pass without shewbread lying upon the table. But the Rabbis hold that an interval would mark a new placing, not a continuation of the old, and so 'always' would be unfulfilled. Similarly, when one withdraws from circumcision, to return for the shreds is a new act, hence not permitted unless these invalidate circumcision.

(24) I.e., the shreds which invalidate the circumcision must be removed; this appears to be the interpretation of Rashi and R. Han. Jast.: (One may) trim the preputium by splitting and drawing it upwards so as to form a pouch around the denuded cone. v. R. Han. second interpretation.

- (25) Because he violated the Sabbath without completely fulfilling the precept. On this interpretation the reference is to the Sabbath.
- (26) I.e., his labour was certainly permitted as far as it went.
- (27) It refers to an adult who circumcises himself on weekdays, and he is punished by kareth because he remains uncircumcised on account of these shreds.
- (28) Gen. XVII, 14; v. p. 665, n. 1. Why then state it here?
- (29) To perform the whole (if the circumcision before the day ends).
- (30) Lit., 'it is found'.
- (31) It is not regarded as circumcision.
- (32) Because he had no right even to start.
- (33) Otherwise it would not be permitted, as it is not actually part of circumcision.
- (34) If the blood were held to be stored up in a separate receptacle, as it were, there would be no desecration of the Sabbath in sucking it out, and therefore the fact that it is done on the Sabbath would not prove that its omission is dangerous. But since it comes out as a result of a wound, i.e., the pressing causes a wound and thus forces out the blood, it is permitted only because its omission is dangerous.
- (35) She was really his foster-mother, v. Kid. 31b.
- (36) רִישׁוֹנָא is a commentator's Gloss; v. Jast.
- (37) They had not more need for them, the secret now being known to all. The phrase may also mean: they tore their garments (in despair and vexation).

Talmud - Mas. Shabbath 134a

What is his remedy? Let him wash it well in beet juice.¹

IF ONE DID NOT CRUSH [IT] ON THE EVE OF THE SABBATH. Our Rabbis taught: The things which may not be done for circumcision on the Sabbath may be done on Festivals: cummin may be crushed, and wine and oil may be beaten up together on its account. Abaye asked R. Joseph: Wherein does [the powdering of] cummin on Festivals differ? [presumably] because it can be used in a dish?² then wine and oil too are fit for an invalid on the Sabbath? For it was taught: One may not beat up wine and oil for an invalid on the Sabbath. R. Simeon b. Eleazar said in R. Meir's name: One may indeed beat up wine and oil. R. Simeon b. Eleazar related, R. Meir was once suffering internally,³ and we wished to beat up wine and oil for him, but he would not permit us. Said we to him, Your words shall be made void in your own lifetime! Though I rule thus, he replied, yet my colleagues rule otherwise, [and] have never⁴ presumed to disregard the words of my colleagues. Now he was stringent in respect to himself, but for all others it is permitted? — There it need not be well beaten, whereas here it needs to be well beaten. Then let us do likewise here too and not mix it well? — That is what he teaches, EACH MUST BE PLACED SEPARATELY.⁵

Our Rabbis taught: One may not strain mustard grain through its own strainer,⁶ nor sweeten it with a glowing coal.⁷ Abaye asked R. Joseph: Wherein does it differ from what we learnt: An egg may be passed through a mustard strainer?⁸ There it does not look like selecting,⁹ whereas here it looks like selecting,¹⁰ he replied. 'Nor sweeten it with a glowing coal'. But surely it was taught, One may sweeten it with a glowing coal? — There is no difficulty: one refers to a metal coal, the other to a wood coal.¹¹ Abaye asked R. Joseph: Wherein does it differ from [roasting] meat on coals?¹² — There it is impossible,¹³ whereas here it is possible.¹⁴ Abaye asked R. Joseph: What about cheese-making?¹⁵ — It is forbidden, answered he. Wherein does it differ from kneading [dough]? — There it is impossible, here it is possible, replied he.¹⁶ But the people of Nehardea say: Freshly-made¹⁷ cheese is palatable? — They mean this: even freshly-made cheese is palatable.¹⁸

ONE MAY NOT MAKE A HALUK FOR IT, etc. Abaye said, Mother told me: The side-selvedge of an infant's haluk should be uppermost,¹⁹ lest a thread thereof stick and he [the infant] may become privily mutilated.²⁰ Abaye's mother used to make a lining²¹ for half [the haluk].²²

Abaye said: If there is no haluk for an infant, a hemmed rag should be brought, and the hem tied round at the bottom²³ and doubled over at the top.²⁴

Abaye also said: Mother told me, An infant whose anus is not visible should be rubbed with oil and stood in the sun, and where it shows transparent it should be torn crosswise with a barley grain, but not with a metal instrument, because that causes inflammation.

Abaye also said: Mother told me, If an infant cannot suck, his lips are cold. What is the remedy? A vessel of burning coals should be brought and held near his nostrils, so as to heat it; then he will suck.

Abaye also said: Mother told me, If an infant does not breathe,²⁵ he should be fanned with a fan, and he will breathe.

Abaye also said: Mother told me, If an infant cannot breathe easily,²⁶ his mother's after-birth should be brought and rubbed over him, [and] he will breathe easily.

Abaye also said: Mother told me, If an infant is too thin, his mother's after-birth should be brought and rubbed over him from its narrow end to its wide end;²⁷ if he is too fat, [it should be rubbed] from the wide to the narrow end.

Abaye also said: Mother told me, If an infant is too red, so that the blood is not yet absorbed in him,²⁸ we must wait until his blood is absorbed and then circumcise him. If he is green, so that he is deficient in blood,²⁹ we must wait until he is full-blooded and then circumcise him. For it was taught, R. Nathan said: I once visited the Sea-towns,³⁰ and a woman came before me who had circumcised her first son and he had died and her second son and he had died; the third she brought before me. Seeing that he was [too] red I said to her, Wait until his blood is absorbed. So she waited until his blood was absorbed and [then] circumcised him and he lived; and they called him Nathan the Babylonian after my name. On another occasion I visited the Province of Cappadocia,³¹ and a woman came before me who had circumcised her first son and he had died and her second son and he had died; the third she brought before me. Seeing that he was green, I examined him and saw no covenant blood³² in him. I said to her, Wait until he is full-blooded; she waited and [then] circumcised him and he lived, and they called him Nathan the Babylonian, after my name.

(1) Or, water in which vegetables were thoroughly boiled.

(2) Hence since it is permitted for this purpose, it is permitted for circumcision too.

(3) Lit., 'in his bowels'.

(4) Lit., 'throughout my days'.

(5) Which means that they may be poured together but not mixed well.

(6) On Festivals.

(7) The meat made the mustard more palatable.

(8) To render the egg clear.

(9) Because all of it passes through.

(10) Because some of the inferior grains remain on top. — Nevertheless it is not actual selecting, because even they are fit for use (Tosaf.).

(11) The latter is forbidden, as it is extinguished in the process, which is prohibited on Festivals.

(12) Though this puts them out.

(13) That the meat should be roasted before the Festival and be just as tasty.

(14) The mustard grains could have been sweetened the previous day.

(15) On Festivals.

(16) V.p. 673, nn. 12,13.

- (17) Lit., 'of the (same) day'.
- (18) But It is still more so when it is made the previous day.
- (19) I.e., not facing the flesh.
- (20) When the haluk is pulled away.
- (21) Lit., 'covering'.
- (22) I.e., she left the seam or selvedge on the inner side, but lined it half way down, so that it should not touch the membrum.
- (23) Of the membrum, so as not to touch the wound.
- (24) Thus the edge is on the outside.
- (25) I.e., gives no signs of life (Rashi and Jast.). 'Ar.: does not urinate.
- (26) Rashi. Jast.: cry.
- (27) Starting with the former and continuing until the latter. — This is symbolical: even so should the infant progress (Rashi).
- (28) Into his limbs, but it is still so the under-surface of the skin. This makes circumcision dangerous.
- (29) Lit., the blood has not yet fallen into him'.
- (30) Tyre, etc.
- (31) A district of Asia Minor.
- (32) The blood which circumcision causes to flow is so designated. Thus circumcision would be physically dangerous, and furthermore even if performed it would be inadequate, as covenant blood is required.

Talmud - Mas. Shabbath 134b

MISHNAH. WE MAY BATHE THE INFANT BOTH BEFORE AND AFTER THE CIRCUMCISION, AND SPRINKLE [WARM WATER] OVER HIM BY HAND BUT NOT WITH A VESSEL. R. ELEAZAR B. 'AZARIAH SAID: WE MAY BATHE AN INFANT ON THE THIRD DAY [OF CIRCUMCISION] WHICH FALLS ON THE SABBATH, BECAUSE IT IS SAID, AND IT CAME TO PASS ON THE THIRD DAY, WHEN THEY WERE SORE.¹ AS FOR ONE WHO IS DOUBTFUL,² AND AN HERMAPHRODITE, WE MAY NOT DESECRATE THE SABBATH ON THEIR ACCOUNT; BUT R. JUDAH PERMITS [IT] IN THE CASE OF AN HERMAPHRODITE.

GEMARA. But you say in the first clause, WE MAY BATHE?³ — Rab Judah and Rabbah b. Abbuha both said: He [the Tanna] teaches how [it is to be done]. [Thus:] WE MAY BATHE THE INFANT BOTH BEFORE AND AFTER THE CIRCUMCISION. How? WE SPRINKLE [WARM WATER] OVER HIM BY HAND, BUT NOT WITH A VESSEL. Raba objected: But he states, WE MAY BATHE?⁴ Rather said Raba, He teaches thus: WE MAY BATHE THE INFANT BOTH BEFORE AND AFTER CIRCUMCISION on the first day in the normal manner; but on the third day which falls on the Sabbath, WE SPRINKLE [WARM WATER] OVER HIM BY HAND BUT NOT WITH A VESSEL. R. ELEAZAR B. AZARIAH SAID: WE MAY BATHE AN INFANT ON THE THIRD DAY WHICH FALLS ON THE SABBATH, BECAUSE IT IS SAID, AND IT CAME TO PASS ON THE THIRD DAY, WHEN THEY WERE SORE. It was taught in accordance with Raba: We may bathe the infant before and after the circumcision on the first day in the normal manner, but on the third day which falls on the Sabbath we besprinkle him by hand. R. Eleazar b. 'Azariah said: We may bathe an infant on the third day which falls on the Sabbath, and though there is no proof, there is an allusion thereto, for it is said, 'And it came to pass on the third day, when they were sore'. And when they sprinkle, they sprinkle neither with a glass nor with a dish nor with a vessel, but only by hand — this agrees with the first Tanna. Why [does he say,] though there is no proof, there is an allusion thereto?⁵ Because an adult's flesh does not heal quickly, whereas an infant's does.⁶

A certain [person] came before Raba, [and] he gave him a ruling in accordance with his view.⁷ [Then] Raba fell ill. Said he: What business did I have with the interpretation of the older scholars?⁸

[Thereupon] the Rabbis said to Raba: But it was taught in accordance with the Master? Our Mishnah supports them, he replied. How so? Since it states, R. ELEAZAR B. 'AZARIAH SAID: WE MAY BATHE THE INFANT ON THE THIRD DAY WHICH FALLS ON THE SABBATH. It is well if you assume that the first Tanna means [that] we may [merely] sprinkle: hence R. Eleazar b. 'Azariah says to him, We may bathe. But if you explain that the first Tanna means, We may bathe on the first day and sprinkle on the third day, then [instead of] this [statement], R. ELEAZAR B. AZARIAH SAID: WE MAY SPRINKLE, 'WE MAY ALSO SPRINKLE [ON THE THIRD DAY]' is required.

When R. Dimi came,⁹ he said in R. Eleazar's name: The halachah is as R. Eleazar b. 'Azariah. In the West [Palestine] they pondered thereon: is the bathing of the whole body [permitted], or [only] the bathing of the membrum? Said one of the Rabbis, named R. Jacob, it is logical [that it means] the bathing of the whole body. For should you think, the bathing of the membrum, is this worse [less important] than hot water on a wound? For Rab said, One does not withhold hot water and oil from a wound on the Sabbath.¹⁰ R. Joseph demurred: And do you not admit a distinction between hot water heated on the Sabbath and hot water heated on the eve of the Sabbath?¹¹ To this R. Dimi demurred: And whence [does it follow] that they differ here in respect of hot water heated on the Sabbath? Perhaps they differ in respect of hot water heated on the eve of the Sabbath? — Said Abaye, I wanted to answer him, but R. Joseph anticipated [me] and answered him: Because it is a danger for him.¹² It was stated likewise: When Rabin came,¹³ he said in R. Abbahu's name in R. Eleazar's name — others state, R. Abbahu said in R. Johanan's name: The halachah is as R. Eleazar b. 'Azariah in respect of both hot water heated on the Sabbath and hot water heated on the eve of the Sabbath, whether for the bathing of the whole body or for the bathing of the membrum, because it is dangerous for him.

[To turn to] the main text: 'Rab said: One does not withhold hot water and oil from a wound on the Sabbath. But Samuel said: One must place it outside the wound, and it flows down on to the wound'. An objection is raised: One may not put oil and hot water on a rag to apply it to a wound on the Sabbath? — There it is on account of wringing out.¹⁴ Come and hear: One may not pour hot water and oil on a rag which is on a wound on the Sabbath? — There too it is because of wringing out. It was taught in accordance with Samuel: One may not apply hot water and oil to a wound on the Sabbath, but one may put it outside the wound, and it flows down on to the wound.

Our Rabbis taught: One may apply dry wadding or a dry sponge to a wound¹⁵ but not a dry reed or dry rags [of cloth]. [The rulings on] rags are contradictory?¹⁶ There is no difficulty: the one treats of new [rags];¹⁷ the other of old.¹⁸ Abaye observed: This proves that rags heal.

ONE WHO IS DOUBTFUL, AND AN HERMAPHRODITE, etc. Our Rabbis taught, [And in the eighth day the flesh of] his foreskin [shall be circumcised]:¹⁹ 'his foreskin', [the foreskin of] one who is certain²⁰ supersedes the Sabbath,

(1) Gen. XXXIV, 25. This shows that the third day is a dangerous period, and therefore the infant may be bathed even on the Sabbath.

(2) One who is born prematurely, and he may be an eight months' child. The Rabbis held that such could not possibly live, and therefore the Sabbath might not be violated for his circumcision.

(3) Which implies in the normal manner, sc. in a bath.

(4) Sprinkling is not bathing.

(5) Surely this is a proof that the third day is dangerous.

(6) The verse quoted, q.v., treats of the former.

(7) Permitting the infant to be bathed on the first day, which was a Sabbath, in the usual way.

(8) Sc. Rab Judah and Rabbah b. Abbuha. I.e., 'why did I interfere and disregard it?' He regarded his illness as a punishment.

(9) V.p. 12, n. 9.

- (10) Whereas according to the present interpretation the first Tanna permits even sprinkling on the first day only, but not on the third.
- (11) Rab refers to the latter, while R. Joseph assumed that the Mishnah refers to the former.
- (12) Hence the Mishnah must certainly refer to water heated on the Sabbath.
- (13) V.p. 12, n. 9.
- (14) One may pour too much on the rag and then wring it out, which is forbidden.
- (15) These are not intended for healing but merely as a protection.
- (16) A dry rag too is a fragment, and it is permitted.
- (17) These heal and are forbidden.
- (18) Which do not heal (Rashi). 11. Han. reverses it.
- (19) Lev. XII, 3; 'day' includes the Sabbath, supra 132a.
- (20) I.e., who is certainly subject to the obligation.

Talmud - Mas. Shabbath 135a

but [of] one in doubt does not supersede the Sabbath; 'his foreskin' [of] one who is certain supersedes the Sabbath, but an hermaphrodite does not supersede the Sabbath. R. Judah maintained: An hermaphrodite supersedes the Sabbath and there is the penalty of kareth. 'His foreskin': [of] one who is certain supersedes the Sabbath, but [of] one born at twilight¹ does not supersede the Sabbath; his foreskin: one who is certain supersedes the Sabbath, but one who is born circumcised does not supersede the Sabbath, for Beth Shammai maintain: One must cause a few drops of the covenant blood to flow from him, while Beth Hillel rule: It is unnecessary. R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel did not differ concerning him who is born circumcised that you must cause a few drops of the covenant blood to flow from him, because it is a suppressed foreskin:² about what do they differ? about a proselyte who was converted when [already] circumcised: there Beth Shammai maintain: One must cause a few drops of the covenant blood to flow from him; whereas Beth Hillel rule: One need not cause a few drops of the covenant blood to flow from him.

The Master said: 'But [of] one that is doubtful does not supersede the Sabbath.' What does this include?³ — It includes the following which was taught by our Rabbis: For a seven-months' infant⁴ one may desecrate the Sabbath, but for an eight-months' infant one may not desecrate the Sabbath.⁵ For one in doubt whether the is a seven-months' or an eight-months' infant, one may not desecrate the Sabbath. An eight-months' infant is like a stone and may not be handled, but his mother bends [over] and suckles him because of the danger.⁶

It was stated: Rab said: The halachah is as the first Tanna;⁷ while Samuel said: The halachah is as R. Simeon b. Eleazar. A circumcised child was born to R. Adda b. Ahabah. He took him to thirteen circumcisers,⁸ until he mutilated him privily.⁹ I deserve it for transgressing Rab's [ruling], said he. Said R. Nahman to him, And did you not violate Samuel's [ruling]? Samuel ruled this only of weekdays, but did he rule this of the Sabbath? — He [R. Adda b. Ahabah] held that it is definitely a suppressed foreskin.¹⁰ For it was stated: Rabbah said: We suspect that it may be a suppressed foreskin;¹¹ R. Joseph said: It is certainly a suppressed foreskin.

R. Joseph said: Whence do I know it? Because it was taught, R. Eliezer ha-Kappar said: Beth Shammai and Beth Hillel do not disagree concerning him who is born circumcised, that one must cause a few drops of the covenant blood to flow from him. Concerning what do they differ? As to whether the Sabbath is desecrated on his account: Beth Shammai maintain, We desecrate the Sabbath on his account; while Beth Hillel rule: We must not desecrate the Sabbath on his account. Does it then not follow that the first Tanna holds, We desecrate the Sabbath for him?¹² But perhaps the first Tanna maintains that all agree that we may not desecrate the Sabbath for him? — If so, R. Eliezer ha-Kappar comes to teach us Beth Shammai's view!¹³ But perhaps he means this: Beth Shammai and Beth Hillel did not disagree in this matter!¹⁴ R. Assi said: He whose mother is defiled

through confinement must be circumcised at eight [days], but he whose mother is not defiled through confinement¹⁵ is not circumcised on the eighth day,¹⁶ because it is said, If a woman conceive seed, and bear a man child, then she shall be unclean, etc. . . And in the eighth day the flesh of his foreskin shall be circumcised.¹⁷ Said Abaye to him, Let the early generations¹⁸ prove [the reverse], where the mother was not defiled through confinement,¹⁹ yet circumcision was of the eighth day!²⁰ — The Torah was given, replied he,

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- (1) On Friday, and it is not known whether it was then Friday or the Sabbath.
 - (2) I.e., the foreskin which seems absent is pressed to the membrum.
 - (3) For the various cases of doubt are enumerated in detail.
 - (4) I.e., one born after seven months of pregnancy.
 - (5) The Rabbis held that such could not possibly live; hence there is no point in desecrating the Sabbath by circumcising him.
 - (6) To herself, if she is not eased of her milk.
 - (7) Who taught that Beth Shammai and Beth Hillel disagree about a child who is born circumcised; the halachah then naturally being as Beth Hillel.
 - (8) That they might cause a few drops of the covenant blood to flow. It was the Sabbath, and they all refused.
 - (9) Eventually he performed the operation himself unskillfully, with that result.
 - (10) There is no element of doubt at all, and therefore it must be done even on the Sabbath.
 - (11) It is only because of this doubt that some drops of blood must be made to flow.
 - (12) Even in Beth Hillel's opinion. Hence Beth Hillel must hold that it is certainly a suppressed foreskin.
 - (13) Surely that is of no interest, since the halacha is as Beth Hillel.
 - (14) Thus: the first Tanna maintains that Beth Shammai and Beth Hillel agree that we may not desecrate the Sabbath; hence their controversy must refer to weekdays, Beth Hillel holding that no blood-flow at all is required, whereupon R. Eleazar ha-Kappar stated that this is incorrect, there being no dispute in respect to weekdays, for even Beth Hillel necessitate a blood-flow, and they differ only in respect of the Sabbath. On this interpretation he informs us of Beth Hillel's view in respect to weekdays.
 - (15) E.g., if the child is not born in the usual manner but extracted through the cesarean section; or if a Gentile woman gives birth and becomes a proselyte the following day.
 - (16) But immediately.
 - (17) Lev. XII, 2f. Thus the two are interdependent.
 - (18) Viz., those preceding the giving of the Torah.
 - (19) The law of defilement being as yet non-existent.
 - (20) In accordance with God's command to Abraham; v. Gen. XVII, 12.

Talmud - Mas. Shabbath 135b

and then a new law was decreed.¹ But that is not so? for it was stated: If one is extracted through the cesarean section, or has two foreskins,² — R. Huna and R. Hiyya b. Rab [differ thereon]: one maintains, We desecrate the Sabbath for them; whilst the other holds, We do not desecrate the Sabbath for them. Thus, they differ only concerning the desecration of the Sabbath for them, but we certainly circumcise them on the eighth day? — One is dependent on the other.³

This is a controversy of Tannaim: [For it was taught], There is [a slave] born in his [master's] house who is circumcised on the first [day], and there is one born in his [master's] house who is circumcised on the eighth [day]; there is [a slave] bought with money who is circumcised on the first [day], and there is [a slave] bought with money who is circumcised on the eighth day. 'There is [a slave] bought with money who is circumcised on the first [day], and there is [a slave] bought with money who is circumcised on the eighth day.' How so? If one purchases a pregnant female slave and then she gives birth, that [the infant] is an acquired slave who is circumcised at eight days — If one purchases a female slave together with her infant child, that is a slave bought with money who is circumcised on the first day.⁴ 'And there is [a slave] born in [his] master's house who is circumcised

on the eighth day' — How so? If one purchases a female slave and she conceives in his house and gives birth, that is [a slave] born in his [master's] house who is circumcised at eight days. R — Hama said:⁵ If she gives birth and then has a ritual bath,⁶ that is [a slave] born in his [master's] house who is circumcised on the first day; if she has a ritual bath and then gives birth, that is [a slave] born in his [master's] house who is circumcised at eight days. But the first Tanna allows no distinction between one who [first] has a ritual bath and then gives birth and one who gives birth and then has a ritual bath, so that though his mother is not defiled through her confinement he is circumcised on the eighth day.⁷ Raba said:⁸ As for R. Hama, it is well: we find [a slave] born in his [master's] house who is circumcised on the first day, and one who is circumcised on the eighth day; one bought with money who is circumcised on the first day, and one bought with money who is circumcised on the eighth day. [Thus:] if she gives birth and then has a ritual bath, that is [a slave] born in his [master's] house who is circumcised on the first day; if she has a ritual bath and then gives birth, that is [a slave] born in the house who is circumcised on the eighth [day].⁹ 'One bought with money who is circumcised on the eighth [day]': e.g., if one purchases a pregnant female slave and she has a ritual bath and then gives birth; 'one bought with money who is circumcised on the first day': e.g., where one buys a [pregnant] female slave and another buys her unborn child.¹⁰ But according to the first Tanna, as for all [others] it is well: they are conceivable.¹¹ But how can [a slave] born in the house be found who is circumcised on the first day?¹² — Said R. Jeremiah: In the case of one who buys a female slave for her unborn child.¹³ This is satisfactory on the view that a title to the usufruct is not as a title to the principal; but on the view that a title to the usufruct is as a title to the principal, what can be said?¹⁴ — Said R. Mesharsheya: [It is possible] where one buys a female slave on condition that he will not subject her to a ritual bath.¹⁵

It was taught, R. Simeon b. Gamaliel said: Any human being who lives¹⁶ thirty days is not a nefel,¹⁷ because it is said, And those that are to be redeemed of them from a month old shalt thou redeem.¹⁸ An animal [which lives] eight days is not a nefel, for it is said, and from the eighth day and henceforth it shall be accepted for an oblation, etc.¹⁹ This implies that if it [an infant] does not last [so long], it is doubtful;

(1) Viz., that the two are interdependent.

(2) Two skins on top of each other. Or, two separate membra.

(3) The infant who must be circumcised on the eighth day must be circumcised even on the Sabbath, since that is deduced from (eighth) day (supra 132a) ; but where the eighth day is necessary the Sabbath may not be desecrated.

(4) Of purchase, even if he is not eight days old yet.

(5) [Probably R. Hama the father of R. Oshaia, v. Hyman, Toledoth II p. 456].

(6) By this rite she enters the Jewish household as slave, becoming liable to all duties enjoined upon a Jewish woman. V. next note.

(7) These laws centre on Gen. XVII, 12, 13: And he that is eight days old shall be circumcised among you, every male throughout your generations, he that is born in the house, or bought with money of any stranger, which is not of thy seed (v. 12). He that is born in thy house, and he that is bought with thy money, must needs be circumcised (v. 13). Whereas v. 12 specifies circumcision for the eighth day, v. 13 does not, which implies at the earliest possible moment. Now it is logical that v. 12 refers to a slave who is as like as possible to a full Jew, that being the implication of 'among you', intimating those that are similar to you. viz., one born in his master's house after he was purchased. i.e., his mother was bearing him when she was bought; whilst v. 13 applies to a slave who is unlike a full Jew, vi., he was already born before he was bought. R. Hama draws this distinction: If his mother has a ritual bath, whereby she formally becomes a Jewish-owned slave in that she is bound to observe all the laws incumbent upon Jewesses in general, so that her confinement renders her unclean just like a Jewess, and then she gives birth, the infant is circumcised on the eighth day. But otherwise the infant is not like a Jewish-born child, and is circumcised on the first day. But the first Tanna ignores this distinction: thus R. Assi's ruling is a matter of controversy between the first Tanna and R. Hama.

(8) Maharam deletes this.

(9) Both of these refer to a slave who conceived in her master's house, so that the infant is not 'bought with money'.

(10) Since the latter does not own the mother, the child is not like a Jewish-born infant, and therefore he is circumcised

on the first day.

(11) As already stated supra.

(12) Since he rejects the distinction based on when the mother had her ritual bath, one born in the house is certainly similar to a Jew.

(13) Even if he buys her from a Jew, and she has already had her ritual bath and is subject to the uncleanness of confinement, the child is nevertheless unlike a Jewish child, since his owner has no share in the mother.

(14) V. B.B. 136a; the mother is the principal, while the child is the usufruct. On the latter view he is like a Jewish-born child

(15) There her child is certainly unlike a Jewish-born one.

(16) Lit., 'tarries'.

(17) A nonviable, premature birth.

(18) Num. XVIII, 16. Since he must then be redeemed, it follows that he is viable.

(19) Lev. XXII, 27.

Talmud - Mas. Shabbath 136a

how then can we circumcise him?¹ — Said R. Adda b. Ahabah: We circumcise him in either case: if he is viable, he is rightly circumcised; whilst if not, one [merely] cuts flesh.² Then as to what was taught, If there is doubt whether he is a seven-months' [infant] or an eight-months', we must not desecrate the Sabbath on his account:³ why so? let us circumcise him in either case: if he is viable, he is rightly circumcised; if not, you [merely] cut flesh? — Mar the son of Rabina said: R. Nehumi b. Zechariah and I explained it: We do indeed circumcise him; this [teaching] is required only in respect of the preliminaries of circumcision, this being in accordance with R. Eliezer.⁴

Abaye said, This is dependent on Tannaim:⁵ And if any beast, of which ye may eat, die: [he that toucheth the carcase thereof shall be unclean until the even];⁶ this is to include an eight-months' [animal],⁷ [teaching] that shechitah⁸ does not render it clean.⁹ R. Jose son of R. Judah and R. Eleazar son of R. Simeon maintain: It is shechitah does render it clean. Surely they differ in this: one Master holds, It is a living creature;¹⁰ whilst the other Master holds, It is [technically] dead? — Said Raba: If so, instead of disputing on the matter of uncleanness and cleanness, let them dispute on the question of consumption.' — Rather [say then] all hold that it is [technically] dead, but R. Jose son of R. Judah and R. Eleazar son of R. Simeon argue, it is as a terefah:¹¹ a terefah, though indeed it is dead, does not shechitah render it clean?¹² So here too it is not different. But the Rabbis [reason]: it is unlike a terefah, for a terefah had a period of fitness,¹³ whereas this one enjoyed no period of fitness. And should you object, what can be said about a terefah from birth?¹⁴ There shechitah is efficacious for its kind, whereas here shechitah is not efficacious for its kind.¹⁵

The scholars asked: Do the Rabbis disagree with R. Simeon b. Gamaliel¹⁶ or not?¹⁷ Should you answer [that] they differ, is the halachah as he or not? — Come and hear: If a calf is born on a festival, one may slaughter it on a festival!¹⁸ — What case do we treat of here? Where we know for certain that its months [of bearing] were complete.¹⁹ Come and hear: And they agree that if it is born together with its blemish, it is mukan!²⁰ Here too [it is said] where its months [of bearing] were complete. Come and hear: For Rab Judah said in Samuel's name: The halachah, is as R. Simeon b. Gamaliel. 'The halachah [is thus]' implies that they [the Rabbis] disagree.²¹ This proves it.

Abaye said: If it falls from a roof or is devoured by a lion, all hold that it was viable.²² When do they differ? if it yawns and dies.²³ One Master holds: It was viable; whilst the other Master holds: it was [technically] dead. What is the practical difference? Whether it frees the mother from Levirate marriage.²⁴

'If it falls from a roof or is devoured by a lion, all hold that it was viable.' But surely R. Papa and R. Huna the son of R. Joshua visited the house of R. Iddi b. Abin's son, who prepared a third-born

calf²⁵ for them on its seventh day [from birth], whereupon they said to him, 'Had you waited with it until evening²⁶ we would have eaten thereof: now we will not eat thereof'!²⁷ — Rather [say thus:] If it yawns and dies, all agree that it was dead [non-viable]; they differ where it falls from a roof or is devoured by a lion, one Master holding that it was viable; the other Master, that it was dead.²⁸

A child was born to the son of R. Dimi b. Joseph, [and] it died within thirty days. [Thereupon] he sat and mourned for it.²⁹ Said his father to him, 'Do you wish to eat dainties?'³⁰ 'I know for certain that its months [of pregnancy] were complete.' R. Ashi visited R. Kahana: a mishap befell him within the thirty days.³¹ Seeing him sitting and mourning for it, he said to him, 'Does the Master not agree with what Rab Judah said in Samuel's name: The halachah is as R. Simeon b. Gamaliel?' — 'I know for certain that its months were complete,' replied he.

It was stated: If it died within thirty days,³² and she [the mother] arose and was betrothed,³³ — Rabina said in Raba's name:

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- (1) On the eighth day which falls on the Sabbath, seeing that he may be non-viable, in which case there is really no obligation to circumcise him at all,
 - (2) Which cannot be regarded as the inflicting of a wound (this is the form of labour to which circumcision belongs), since the infant is already as dead.
 - (3) V. supra 135a.
 - (4) Supra 130a; but here the Sabbath may not be violated for the preliminaries.
 - (5) Sc. whether a non-viable infant is so completely regarded as dead that the infliction of a wound on it is merely flesh cutting.
 - (6) Lev. XI, 39.
 - (7) I.e., a calf born in, the eighth month of bearing instead of in the usual ninth.
 - (8) V. Glos.
 - (9) For even if ritually slaughtered, it may not be eaten, since it was non-viable (v. p. 679, n. 5; the same applies to animals), and therefore it is the same as though it had died of itself.
 - (10) Therefore shechitah renders it clean, just as in the case of any other animal that is permitted as food. (12) According to the first Tanna shechitah should make it fit for food, but not according to the others.
 - (11) An animal suffering with some disease or illness on account of which it may not be eaten after shechitah. It too is regarded as technically dead.
 - (12) This is deduced by the Rabbis from the present verse.
 - (13) Before it contracted that disease.
 - (14) Lit., 'the womb'.
 - (15) An animal born at nine months belongs to the species where shechitah counts, though this particular one is an exception. But no eight-months' animal is rendered fit for food by shechitah.
 - (16) Supra 135b bottom,
 - (17) The question is whether they permit a young animal to be eaten before it is eight days old.
 - (18) Though it is only one day old.
 - (19) Then it is definitely viable.
 - (20) V. Glos. The reference is to a firstling born blemished on a festival. A firstling might not be eaten before it received a blemish and we are taught there that this animal is *mukan* and may be eaten on the day of its birth. V. Bez. 26b.
 - (21) Cf. supra 106b.
 - (22) I.e., if the infant dies through an external cause before thirty, days, we assume that it was viable. Hence if he was an only child and survived his father, no matter by how short a time, his mother is free from Levirate marriage (v. Deut. XXV, 5), since his father did have a son. Similarly in the case of an animal, if slaughtered before it is eight days old it may be eaten, because we assume that it was viable,
 - (23) I.e., it dies naturally within thirty days, having shown very little vitality.
 - (24) V.p. 685, n. 12.
 - (25) I.e., the third which its mother had calved. Aliter: (a) a third-grown calf; (b) a calf in its third year.
 - (26) When it would have been eight days old.

- (27) Though it was slaughtered.
- (28) Hence the attitude of R. Papa and R. Huna b. R. Joshua.
- (29) I.e., he performed the ritual mourning rites which are obligatory upon a bereaved father.
- (30) Lit., 'throat-tickers'; Jast.: Which friends send to mourners — i.e., you should not mourn for him, seeing that he was non-viable.
- (31) I.e., his child died within thirty days from birth.
- (32) V. supra n. 13; the same case is referred to here.
- (33) At a later date, thinking that the child had freed her from the levirate obligation.

Talmud - Mas. Shabbath 136b

If she is an Israelite's wife,¹ she must perform halizah;² but if she is a priest's wife,³ she does not perform halizah.⁴ But R. Sherabia⁵ ruled in Raba's name: Both the one and the other must perform halizah. Rabina said to R. Sherabia: In the evening Raba did rule thus, but the [following] morning he retracted.⁶ You would permit her,⁷ he retorted: would that you permitted forbidden fat!

R. JUDAH PERMITS, etc. R. Shizbi said in R. Hisda's name: Not in respect of everything did R. Judah rule [that] an hermaphrodite is a male; for if you do say thus, in the case of vows of valuation⁸ let him be subject to valuation — And how do we know that he is not subject to 'valuation'? Because it was taught: '[And thy estimation shall be of] the male [from twenty years old, etc.]:⁹ but not a tumtum¹⁰ or an hermaphrodite. You might think that he does not come within the valuation of a man, yet he does come within the valuation of a woman; therefore it is stated, . . . the male . . . and if it be a female:¹¹ a certain male, a certain female, but not a tumtum or a hermaphrodite'. —

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- (1) I.e., if her second husband is an Israelite, i.e., not a priest, and may marry a haluzah (q.v. Glos.). — Betrothal was the first stage of marriage, and binding like marriage; v. Kid., Sonc. ed., p. 1, n. 9.
- (2) V. Glos.: for the child may have been non-viable.
- (3) Who may not marry a haluzah.
- (4) But may assume that her child was viable, relying on the majority of births, and therefore she has no levirate obligation.
- (5) In Yeb. 36b the reading is: R. Mesharsheya.
- (6) Ruling that she need not perform halizah if she is a priest's wife.
- (7) Without halizah, thus disregarding the view of R. Simeon b. Gamaliel.
- (8) 'Arakin, — vows whereby one offers his own or another person's 'valuation,' to the Temple. The valuations were fixed and dependent on the age and sex of the person concerned, v. Lev. XXVII, 1ff
- (9) Lev. XXVII, 3.
- (10) One whose genitals are hidden or undeveloped, so that his sex is doubtful. In Bek. 42a the Talmud deletes 'tumtum' from this passage.
- (11) Ibid. 4.

Talmud - Mas. Shabbath 137a

And an anonymous [statement in the] Sifra¹ is according to R. Judah.² R. Nahman b. Isaac said: We too learnt likewise: All are eligible to sanctify,³ save a deaf-mute, an imbecile, and a minor. R. Judah admits a minor, but invalidates a woman and an hermaphrodite. This proves it — And why is circumcision different?⁴ Because it is written, every male among you shall be circumcised.⁵ MISHNAH. IF A MAN HAS TWO INFANTS, ONE FOR CIRCUMCISION AFTER THE SABBATH AND THE OTHER FOR CIRCUMCISION ON THE SABBATH, AND HE ERRS⁶ AND CIRCUMCISES THE ONE BELONGING TO AFTER THE SABBATH ON THE SABBATH, HE IS CULPABLE.⁷ [IF HE HAS] ONE FOR CIRCUMCISION ON THE EVE OF THE SABBATH AND ANOTHER FOR CIRCUMCISION ON THE SABBATH, AND HE ERRS AND CIRCUMCISES THE ONE BELONGING TO THE EVE OF THE SABBATH ON THE SABBATH, — R. ELIEZER HOLDS [HIM] LIABLE TO A SIN-OFFERING;⁸ BUT R. JOSHUA EXEMPTS [HIM].⁹

GEMARA. R. Huna recited: He is culpable;¹⁰ Rab Judah recited: He is not culpable. ‘R. Huna recited: He is culpable’; because it was taught, R. Simeon b. Eleazar said: R. Eliezer and R. Joshua did not differ concerning a man who has two infants, one for circumcision on the Sabbath and another for circumcision after the Sabbath, and he errs and circumcises the one belonging to after the Sabbath on the Sabbath, that he is culpable. About what do they disagree? About him, who has two infants, one for circumcision on the eve of the Sabbath and another for circumcision on the Sabbath, and he errs and circumcises the one belonging to the eve of the Sabbath on the Sabbath, R. Eliezer declaring [him] liable to a sin-offering, while R. Joshua exempts [him]. Now, both learn it from nought but idolatry:¹¹ R. Eliezer holds, it is like idolatry: just as idolatry, the Divine Law decreed, Do not engage [therein], and if one engages [therein] he is culpable, so here too it is not different. But R. Joshua [argues]: there there is no precept [fulfilled], whereas here there is a precept. ‘Rab Judah recited; He is not culpable.’ For it was taught, R. Meir said: R. Eliezer and R. Joshua did not differ concerning a man who has two infants, one for circumcision on the eve of the Sabbath and another for circumcision on the Sabbath, and he errs and circumcises the one belonging to the eve of the Sabbath on the Sabbath, that he is not culpable. About what do they disagree? About him who has two infants, one for circumcision after the Sabbath and another for circumcision on the Sabbath, and he errs and circumcises the one belonging to after the Sabbath on the Sabbath, R. Eliezer declaring [him] liable to a sin-offering, while R. Joshua exempts him. Now, both learn it from nought save idolatry: R. Eliezer holds, It is like idolatry: just as idolatry, the Divine Law decreed, Do not engage [therein], and if one engages [therein] he is culpable, so here too it is not different — But R. Joshua [argues:] There he is not preoccupied with a precept, whereas here he is preoccupied with a precept.¹²

R. Hiyya taught, R. Meir used to say: R. Eliezer and R. Joshua did not differ concerning him who has two infants, one for circumcision on the eve of the Sabbath and one for circumcision on the Sabbath, and he errs and circumcises the one belonging to the eve of the Sabbath on the Sabbath, that he is culpable. About what, do they disagree? About a man who has two infants, one for circumcision after the Sabbath and another for circumcision on the Sabbath, and he errs and circumcises the one belonging to after the Sabbath on the Sabbath, R. Eliezer declaring [him] liable to a sin-offering, while R. Joshua exempts him. Now if R. Joshua exempts him, in the second clause, though he does not fulfil a precept, shall he declare him culpable in the first clause, where he does fulfil a Precept!¹³ The School of R. Jannai said: The first clause is, e.g., where the [infant] belonging to the Sabbath was previously circumcised on the eve of the Sabbath, so that the Sabbath does not stand to be superseded;¹⁴ but in the second clause the Sabbath stands to be superseded. Said R. Ashi to R. Kahana: [But] in the first clause too the Sabbath stands to be superseded in connection with infants in general? — Nevertheless as far as this man [is concerned] it does not stand to be superseded.

MISHNAH. AN INFANT IS TO BE CIRCUMCISED ON THE EIGHTH, NINTH, TENTH, ELEVENTH, AND TWELFTH [DAYS], NEITHER EARLIER NOR LATER. HOW SO? IN THE NORMAL COURSE, IT IS ON THE EIGHTH; IF HE IS BORN AT TWILIGHT, ON THE NINTH;¹⁵ AT TWILIGHT ON SABBATH EVE, ON THE TENTH;¹⁶ IF A FESTIVAL FOLLOWS THE SABBATH, ON THE ELEVENTH;¹⁷ IF THE TWO DAYS OF NEW YEAR [FOLLOW THE SABBATH, ON THE TWELFTH.¹⁸ AN INFANT WHO IS ILL IS NOT CIRCUMCISED UNTIL HE RECOVERS.

GEMARA. Samuel said: When his temperature subsides [to normal], we allow him full seven days for his [complete] recovery. The scholars asked: Do we require twenty-four hours' days?¹⁹ Come and hear: For Luda taught: The day of his recovery is like the day of his birth. Surely that means, just as with the day of his birth, we do not require a twenty-four hours' day,²⁰ so with the day of his recovery, we do not require a twenty-four hours' day? — No: the day of his recovery is stronger than the day of his birth, for whereas with the day of his birth we do not require a twenty-four hours' day, with the day of his recovery we do require a twenty-four hours' day.

MISHNAH. THESE ARE THE SHREDS WHICH INVALIDATE CIRCUMCISION: FLESH THAT COVERS THE GREATER PART OF THE CORONA; AND HE MUST NOT PARTAKE OF TERUMAH.²¹ AND IF HE IS FLESHY,²² HE MUST REPAIR IT FOR APPEARANCES SAKE.

(1) The halachah midrash on Leviticus, in which this passage occurs.

(2) This principle was laid down by R. Johanan; v. Sanh., Sonc. ed., p. 567, n. 1. — Thus R. Judah does not regard him as a male in this respect.

(3) The waters of lustration by placing the ashes therein; v. Num. XIX, 17.

(4) That an hermaphrodite is considered a male.

(5) Gen. X VII, 10: 'every' is an extension, and teaches the inclusion of an hermaphrodite.

(6) Lit., 'forgets'.

(7) For unwittingly desecrating the Sabbath. For since circumcision is obligatory from the eighth day only, this is not circumcision, but the mere inflicting of a wound, which entails culpability.

(8) For though he has actually fulfilled a precept, nevertheless circumcision after the proper time does not supersede the Sabbath.

(9) He erred through the fulfilment of a precept, viz., because he was occupied with the circumcision of the second, which actually was to be done that day; he also did fulfil a precept by circumcising the first, and R. Joshua holds that in such a case one is not culpable.

(10) In the first clause of the Mishnah, as our text.

(11) The obligations to all sin-offerings are learnt from the unwitting offence of idolatry, which serves as a model; v. Num. XV. 29-30 (v. 30 is understood to refer to deliberate idolatry, and shows that the preceding verses refer to all unwitting offences which are similar thereto).

(12) He is anxious to carry out the obligation which rests on him, and this preoccupation excuses his error. Rab Judah accordingly reads the Mishnah quite differently, and in accordance with the present view.

(13) Surely not, v. p. 688, n. 4.

(14) There is no infant left for whom the Sabbath must be violated. There was therefore no preoccupation with a precept and the error consequently was inexcusable, hence he is culpable.

(15) As it may have been night already, and circumcision must not take place before the eighth.

(16) Sc. the following Sunday week.

(17) The following Monday week.

(18) In Palestine all Festivals are of one day's duration, in accordance with Scripture, save New Year, which is of two days. — In the last three cases the infant cannot be circumcised on the following Friday, in case it is the seventh day, nor on the Sabbath or Festival, in case Friday was the eighth day, and circumcision after its proper time does not supersede them.

(19) Lit., 'from time to time'. Must we wait seven whole days to the hour, or can we circumcise any time on the seventh day?

(20) E.g., we do not wait eight full days to the hour for a normal circumcision, but perform it any time on the eighth day.

(21) If he is a priest and was thus inadequately circumcised, v. Yeb. 70a.

(22) So that though the circumcision was correctly performed the foreskin nevertheless looks as though it was uncircumcised.

Talmud - Mas. Shabbath 137b

IF ONE CIRCUMCISES BUT DOES NOT UNCOVER THE CIRCUMCISION,¹ IT IS AS THOUGH HE HAS NOT CIRCUMCISED.

GEMARA. R. Abina said in the name of R. Jeremiah b. Abba in Rab's name: [This means,] the flesh that covers the greater part of the height of the corona.

AND IF HE IS FLESHY, etc. Samuel said: If an infant['s membrum] is overgrown with flesh, we examine him: as long as he appears circumcised when he forces himself, it is unnecessary to recircumcise him; but if not he must be recircumcised. In a Baraita It was taught: R. Simeon b. Gamaliel said: If an infant['s membrum] is overgrown with flesh, we examine him: if he does not appear circumcised when he forces himself, he must be recircumcised: otherwise he need not be recircumcised. Wherein do they differ? — They differ where it is only partially visible.² IF ONE CIRCUMCISES BUT DOES NOT UNCOVER THE CIRCUMCISION. Our Rabbis taught: He who circumcises must recite: '... Who hast sanctified us with Thy commandments, and hast commanded us concerning circumcision.' The father of the infant recites, '... Who hast sanctified us with Thy commandments and hast commanded us to lead him into the covenant of our father Abraham.' The bystanders exclaim, 'Even as he has entered the covenant, so may he enter into the Torah, the marriage canopy, and good deeds.' And he who pronounces the benediction recites: '... Who hast sanctified the beloved one³ from the womb; He set a statute in his flesh, and his offsprings he sealed with the sign of the holy covenant. Therefore as a reward for this, O living God Who art our portion, give command to save the beloved of our flesh from the pit, for the sake of Thy covenant which Thou hast set in our flesh. Blessed art Thou, O Lord, Who makest the covenant. He who circumcises proselytes says, 'Blessed art Thou, O Lord our God, King of the universe, Who hast sanctified us with Thy commandments and hast commanded us concerning circumcision.' He who pronounces the benediction recites, '...Who hast sanctified us with Thy commandments and hast commanded us to circumcise proselytes and to cause the drops of the blood of the covenant to flow from them, since but for the blood of the covenant Heaven and earth would not endure, as it is said, If not my covenant by day and by night, I had not appointed the ordinances of heaven and earth.⁴ Blessed art Thou, O Lord, Who makest the covenant.' He who circumcises slaves recites: '...Who hast sanctified us with Thy commandments and hast commanded us concerning circumcision. While he who pronounces the benediction recites: '...Who hast sanctified us with Thy commandments and hast commanded us to cause the drops of the blood of the covenant to flow from them, since but for the blood of the covenant the ordinances of heaven and earth would not endure, as it is said, If not my covenant by day and by night, I had not appointed the ordinances of heaven and earth. Blessed art Thou, O Lord, Who makest the covenant.'⁵

CHAPTER XX

MISHNAH. R. ELIEZER SAID: ONE MAY SUSPEND A STRAINER ON FESTIVALS, AND POUR [WINE] THROUGH A SUSPENDED [STRAINER] ON THE SABBATH.⁶ BUT THE SAGES RULE: ONE MAY NOT SUSPEND A STRAINER ON FESTIVALS, NOR POUR [WINE] THROUGH A SUSPENDED [STRAINER] ON THE SABBATH, BUT WE MAY POUR [IT] THROUGH A SUSPENDED [STRAINER] ON FESTIVALS.

GEMARA. Seeing that R. Eliezer [holds] that we may not [even] add to a temporary tent, can it be permitted to make [one] in the first place?⁷ What is this allusion? For we learnt: As for the stopper of a skylight, — R. Eliezer said: When it is fastened and suspended, one may close [the skylight] with it; if not, one may not close [the skylight] with it. But the Sages maintain: In both cases you may close [the skylight] with it. Whereon Rabbah b. Bar Hanah said in R. Johanan's name: All agree that a temporary tent may not be made on Festivals, whilst on the Sabbath it goes without saying. They differ only in respect of adding [to a tent]; R. Eliezer maintaining. One may not add on a Festival, whilst on the Sabbath it goes without saying; whereas the Sages rule: One may add on the Sabbath, whilst it is superfluous to speak of Festivals!⁸ — R. Eliezer agrees with R. Judah. For it was taught: The only difference between Festivals and the Sabbath is in respect of food for consumption.⁹ R. Judah permits the preliminary preparations of food for consumption too.¹⁰ But say that we know R. Judah [to rule thus] of preparations which could not be done on the eve of the Festival; do you know him [to rule thus] of preparations which could be done on the eve of the Festival?— R. Eliezer's [ruling] goes further than R. Judah's.¹¹

BUT THE SAGES RULE, '[etc.]. The scholars asked: What if one does suspend [it]? — R. Joseph said: If one suspends [it] he is liable to a sin-offering. Said Abaye to him: If so, if one hangs a pitcher on a peg. is he too liable?¹²

(1) I.e., the corona, by splitting the membrane and pulling it down. — He did not perform the peri'ah. V. supra 133a. (5) To cause his bowels to function.

(2) Lit., 'he appears and does not appear'. Samuel maintains that unless it is fully visible he must be circumcised, whereas the Baraita teaches that only where it is quite invisible is recircumcision required.

(3) Rashi refers this to Isaac; Tosaf. to Abraham.

(4) Jer. XXXIII, 25.

(5) The emphasis on the extreme importance of circumcision was probably meant to counteract the early Christian teaching, which abrogated circumcision entirely in order to attract converts; v. Weiss, Dor, II, 9. It is perhaps noteworthy that in the present passage it is precisely in connection with proselytes and slaves that this is so much emphasized.

(6) When a strainer is 'suspended', i.e., set over the vessel which receives the liquid, a 'tent' is technically made, in that the strainer covers the vessel like the top of a tent cover and protects that which is beneath it. R. Eliezer permits this on Festivals but not on the Sabbath. Again, when the liquid, e.g., wine, is poured through the strainer, the lees are separated from the wine; nevertheless he does not regard this as 'selecting' (v. supra 73a) and permits it on the Sabbath. A cloth strainer is probably meant; v. T.A.II, p. 243.

(7) As he does permit it in the Mishnah.

(8) This means that R. Eliezer forbids even adding to a temporary tent.

(9) V. p. 281, n. 8.

(10) The suspending of a strainer falls within this category.

(11) For he permits it even in the latter case.

(12) Surely not. Here too it is not a real building and is forbidden by Rabbinical law only.

Talmud - Mas. Shabbath 138a

Rather said Abaye: It is [forbidden] by Rabbinical law, in order that one should not act in the very way he acts on weekdays.

Abaye collected some general principles of Baraitas, and he recited: One must not stretch out a leather bag,¹ a strainer, a canopy,² or a camp chair;³ and if he does he is not culpable. but it is forbidden. One must not make a permanent tent, and if he does he is liable to a sin-offering. But a bed, chair, three-legged stool, and a footstool may be set up at the very outset.⁴

NOR POUR [WINE] THROUGH A SUSPENDED (STRAINER) ON THE SABBATH. The

scholars asked: What if one does strain [wine]? — R. Kahana said: If one strains he incurs a sin-offering. R. Shesheth demurred: Is there aught for which the Rabbis impose a sin-offering whereas R. Eliezer permits it at the very outset? To this R. Joseph demurred: Why not? Surely there is a 'golden city',⁵ where R. Meir imposes a sin-offering, while R. Eliezer gives permission at the very outset. What is this? For it was taught: A woman must not go out with a 'golden city', and if she does go out, she is liable to a sin-offering: this is R. Meir's view: but the Sages rule: She may not go out [with it], yet if she goes out she is not culpable. R. Eliezer maintained: A woman may go out with a 'golden city' at the very outset! — Said Abaye to him, Do you think that R. Eliezer refers to R. Meir, who rules that she is liable to a sin-offering? He refers to the Rabbis, who maintain that there is no culpability, though it is forbidden; whereupon he said to them, It is permitted at the very outset.⁶

On what grounds is he warned?⁷ — Rabbah said: On the grounds of selecting;⁸ R. Zera said: On the score of sifting.⁹ Rabbah said, Reason supports my view: What is usual in selecting? One takes the edible matter and leaves the refuse, so here too he takes the edible [the wine] and leaves the refuse. R. Zera said, Reason supports my view: what is usual in sifting? The refuse [remains] on top whilst the edible matter [falls] below, so here too, — the refuse [remains] on top whilst the edible matter [drops] below.

Rami b. Ezekiel recited: One must not spread a doubled-over sheet;¹⁰ yet if he does he is not culpable,¹¹ but it is forbidden. If a thread or a cord was wound about it,¹² it may be spread at the very outset. R. Kahana asked Rab: What about a canopy?¹³ A bed too is forbidden. What about a bed? A canopy too is permitted, he replied. What about a canopy and a bed? A canopy is forbidden, replied he, while a bed is permitted. Yet there are no contradictions: when he said, A bed too is forbidden, [he meant one] like that used by the Carmanians.¹⁴ When he said to him, A canopy too is permitted, [he referred to] one like Rami b. Ezekiel['s].¹⁵ A canopy is forbidden while a bed is permitted refers to one like ours.¹⁶ R. Joseph said: I saw the canopy beds of R. Huna's house stretched out at night and thrown down in the morning.¹⁷

Rab said in R. Hiyya's name: A [door] curtain may be hung up and taken down.¹⁸ And Samuel said in R. Hiyya's name:

(1) Gud is a broad leather bag into which wine or milk was poured. It was stretched out at night tent-wise for the liquid to cool in the night air.

(2) Rashi: whose top is a handbreadth in width. Alfasi and Maim.: whose top is less than a handbreadth in width.

(3) Jast. Tosaf.: a framework over which the leather seat was stretched; this is like the making of a tent.

(4) If they have fallen. The covers or tops of these are permanently spread, so no 'tent' is made.

(5) This was a kind of ornamental headdress containing a picture of Jerusalem; v. supra 59b.

(6) Abaye's reasoning is difficult to follow unless he means that R. Eliezer was altogether ignorant of R. Meir's view (Tosaf. and marginal Gloss.).

(7) A deliberate offence is not punishable unless the transgressor is previously warned that his proposed action is forbidden on such and such a score; in the case of the violation of the Sabbath he must be advised under what category of labour his action is prohibited. The selection here is in regard to the straining of wine.

(8) He is warned that straining is tantamount to selecting.

(9) V. supra 73a for these two labours.

(10) Tent-wise over a pole, the ends being fastened to the ground, so that the whole forms a tent under which he can lie (R. Han.).

(11) Because the top or roof of this improvised tent is less than a handbreadth in width.

(12) The sheet was already on the pole from before the Sabbath, and a thread or cord was attached thereto by means of which it might be pulled down. When it is pulled down one merely adds to a temporary or improvised tent, and this Baraitha permits it-.

(13) V. supra p. 695, n. 6.

(14) Inhabitants of Carmania, a province of the ancient Persian empire, with the capital Carmana. Others: a frame used by vendors of linen garments. On both translations the frameworks were such that they were taken apart and then set up; this constitutes a forbidden labour.

(15) I.e., one about which a cord was wound, and which he permits in this passage.

(16) V. p. 695, n. 8.

(17) Which shows that they may be taken apart — he was speaking of the Sabbath — and in the same way they may be set up

(18) It is not a 'tent', since it has no roof.

Talmud - Mas. Shabbath 138b

A bridal bed may be set up and it may be dismantled.¹ R. Shesheth son of R. Idi said: That was said only where its roof is not a handbreadth [in width],² but if its roof is a handbreadth, it is forbidden. And even if the roof is not a handbreadth, this was said only where there is not [the width of] a handbreadth within three [handbreadths] from the top; but if there is a handbreadth within three from the top, it is forbidden. And this is said only if its slope is less than a handbreadth, but if its slope is a hand breadth, the slopes of tents are as tents.³ And it was said only if it does not descend a handbreadth below the bed; but if it descends a handbreadth below the bed, it is forbidden.

R. Shesheth son of R. Idi also said: A peaked cap⁴ is permitted. But it was stated: a peaked cap is forbidden? — There is no difficulty: in the one case it is a handbreadth [in size];⁵ in the other it is not a handbreadth. If so, if one lets his cloak protrude a handbreadth,⁶ is he too culpable?;⁷ — Rather [say] there is no difficulty: here it is tightly fitted [on his head]; there it is not tightly fitted.⁸

Rami b. Ezekiel sent to R. Huna: Tell us, pray, those well-favoured dicta which you told us [formerly] in Rab's name, two about the Sabbath and one about Torah. He sent [back] to him: As to what was taught, It is permitted to stretch the leather bag⁹ by its thongs,¹⁰ Rab said: They learnt this only of two men; but [if done] by one man, it is forbidden.¹¹ Abaye said: But a canopy, even [if stretched] by ten men, is forbidden, [for] it is impossible that it shall not be somewhat stretched.

What is the other [dictum]? If one of the shafts of a stove falls off, it [the stove] may be handled; if both [fall off], it may not be handled,¹² Rab said: Even if one [falls out] it is forbidden, lest he [re]fix it.¹³

'[And one about] Torah': for Rab said: The Torah is destined to be forgotten in Israel, because it is said, Then the Lord will make thy plagues wonderful:¹⁴ now, I do not know what this wonder is, but when it is said, Therefore, behold, I will proceed to do a wonderful work among this people, even a wonderful work and a wonder [and the wisdom of their wise men shall perish],¹⁵ it follows that this wonder refers to Torah.

Our Rabbis taught: When our Masters entered the vineyard at Yabneh,¹⁶ they said, The Torah is destined to be forgotten in Israel, as it is said, Behold, the days come, saith the Lord God, that I will send a famine in the land, not a famine of bread, nor a thirst for water, but of hearing the words of the Lord. And it is said, And they shall wander from sea to sea, and from the north even to the east; they shall run to and fro to seek the word of the Lord, and shall not find it.¹⁷ 'The word of the Lord' means halachah,' 'the word of the Lord' means 'The End';¹⁸ 'the word of the Lord' means prophecy. And what does 'they shall run to and fro to seek the word of the Lord' mean? Said they, A woman is destined to take a loaf of terumah and go about in the synagogues and academies to know whether it is unclean or clean, and none will know¹⁹ whether it is clean or unclean. But that is explicitly stated, All food which may be eaten [...shall be unclean]?²⁰ Rather to know whether it is a first degree or a second degree [of uncleanness],²¹ and none will know. But that too is a Mishnah. For we learnt: If a [dead] creeping thing²² is found in an oven, the bread within it is a second, because the oven is a

first?²³ — They will be in doubt over what R. Adda b. Ahabah asked Raba: Let us regard this oven as though it were filled with uncleanness, and let the bread be a first? He replied, We do not say. Let us regard this oven as though it were filled with uncleanness. For it was taught: You might think that all utensils become unclean in the air space of an earthen vessel: therefore it is stated, whatsoever is in it shall be unclean...all food therein which may be eaten: food and liquids become unclean in the air space of an earthen vessel.²⁴ It was taught. R. Simeon b. Yohai said: Heaven forbid that the Torah be forgotten in Israel, for it is said, for it shall not be forgotten out of the mouths of their seed.²⁵ Then how do I interpret, they shall run to and fro to seek the word of the Lord, and shall not find it? They will not find

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- (1) v. p. 696. n. 6; also T.A. II, p. 457. n. 311, where it is understood as a sedan chair or litter.
 - (2) It being spread over a very narrow pole.
 - (3) Hence it is forbidden. By 'its slope' is meant the distance at the base from the vertical. Obviously such is unfit for use, and Rashi observes that a bridal bed was not for sleeping. This is unsatisfactory, and Tosaf. suggests other interpretations but rejects them too as equally unsatisfactory. V. 'Er. 102a (Sonc. ed., p. 709. n. 15).
 - (4) Jast.: A felt cap with a shade in front.
 - (5) It may not be worn on the Sabbath, as it technically forms a tent.
 - (6) He winds it about his head so as to protrude this distance.
 - (7) Read with Asheri, is it too forbidden'?
 - (8) Rashi: In the latter case a peaked cap is forbidden, not as a 'tent' but lest the wind blow it off and he come to carry it.
 - (9) V. p. 695. n. 5.
 - (10) The interdict supra a is only where it is unprovided with thongs or straps.
 - (11) Rashi: two men do not stretch it well; but one person is forced to tie one end to a stake, stretch it, and then tie the other end to another stake, whereby it becomes a tent. Rashi however is dissatisfied with this explanation and states that he does not understand it, nor are other commentators more satisfactory.
 - (12) The shafts are the four feet upon which it stands.
 - (13) Which is labour. But the first view is that it can stand well enough with one shaft missing to make this fear unlikely.
 - (14) Deut. XXVIII, 59.
 - (15) Isa. XXIX, 14.
 - (16) Whither R. Johanan b. Zakkai transported or founded an academy after the destruction of the second Temple. 'Vineyard' is a metaphor for the academy, because the scholars sat in rows like vines, J. Ber. IV, 1. The time referred to here is probably that of the Hadrianic persecutions.
 - (17) Amos VIII, 11f
 - (18) The designated time of redemption, when the Messiah will appear. Tosaf. finds the analogy for this interpretation in Ezra I.
 - (19) Lit., 'understand'.
 - (20) Lev. XI, 34. Surely the Written Law will be available.
 - (21) V. p. 55. n. 6.
 - (22) Sherez, which defiles utensils and food.
 - (23) The sherez touches the oven, which in turn touches the bread, The Rabbis could not imagine complete forgetfulness even of the Mishnah. (9) For immediately the sherez enters the air space of the oven, even before it actually touches it, it defiles, hence one should regard the sherez as though completely filling it.
 - (24) But if the sherez were regarded as completely filling the oven, utensils therein too should be unclean, as though they touched the sherez, for direct contact therewith does defile them. Thus in the future it will be doubtful whose view, R. Adda b. Ahabah's or Raba's, is correct.
 - (25) Deut. XXXI, 21.

Talmud - Mas. Shabbath 139a

a clear halachah or a clear Mishnah¹ in any place.²

It was taught. R. Jose b. Elisha said: If you see a generation overwhelmed by many troubles, go

forth and examine the judges of Israel, for all retribution that comes to the world comes only on account of the Judges of Israel, as it is said, Hear this, I pray you ye heads of the house of Jacob, and rulers of the house of Israel, that abhor judgment, and pervert all equity. They build up Zion with blood and Jerusalem with iniquity. The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets thereof divine for money; yet will they lean upon the Lord, etc.³ They are wicked, but they place their confidence in Him Who decreed, and the world came into existence.⁴ Therefore the Holy One, blessed be He, will bring three punishments upon them answering to the three sins which they cultivate,⁵ as it is said, Therefore shall Zion for your sake be ploughed as a field, and Jerusalem shall become heaps, and the mountain of the house as the high places of a forest.⁶ And the Holy One, blessed be He, will not cause His Divine presence to rest upon Israel until the wicked judges and officers cease out of Israel, for it is said, And I will turn my hand upon thee, and thoroughly purge away thy dross, and will take away all thy tin. And I will restore thy judges as at the first, and thy counsellors as at the beginning, etc.⁷

‘Ulla said: Jerusalem shall be redeemed only by righteousness,⁸ as it is written, Zion shall be redeemed with judgement, and her converts with righteousness.⁹

R. Papa said: When the haughty cease to exist [in Israel], the magi¹⁰ shall cease [among the Persians]. When the judges cease to exist [in Israel], the chiliarchi¹¹ shall cease. ‘When the haughty cease to exist [in Israel], the magi shall cease [among the Persians]’; as it is written, And I will surely purge away thy haughty ones.¹² When the judges cease to exist [in Israel], the chiliarchi shall cease, as it is written, The Lord hath taken away thy judgements, he hath cast out thine enemy.¹³

R. Melai¹⁴ said in the name of R. Eleazar son of R. Simeon: What is meant by the verse, The Lord hath broken the staff of the wicked, the sceptre of the rulers?¹⁵ ‘The Lord hath broken the staff of the wicked’ refers to the judges who become a staff for their sheriffs;¹⁶ ‘the sceptre of the rulers’ refers to the scholars in the families of the judges.¹⁷ Mar Zutra said: This refers to the scholars who teach the laws of the public¹⁸ to ignorant judges.¹⁹

R. Eleazar b. Melai said in the name of Resh Lakish: What is meant by the verse, For your hands are defiled with blood, and your fingers with iniquity; your lips have spoken lies, your tongue muttereth wickedness?²⁰ ‘For your hands are defiled with blood’: this refers to the judges: ‘and your fingers with iniquity’, to the judges’ scribes;²¹ ‘your lips have spoken lies’ to the advocates of the judges;²² ‘your tongue muttereth wickedness’ — to the litigants. R. Melai also said in the name of R. Isaac of Magdala: From the day that Joseph departed from his brothers he did not taste wine, for it is written, [The blessings of thy father...shall be on the head of Joseph]. And on the crown of the head of him who was a nazirite [since his departure] from his brethren.²³ R. Jose b. R. Hanina said: They too did not taste wine, for it is written, And they drank, and drank largely with him:²⁴ which implies [that they did] not [drink] until then. And the other?²⁵ — There was no extensive drinking,²⁶ yet there was [moderate] drinking.²⁷

R. Melai also said: As a reward for, and when he seeth thee, he shall be glad in his heart,²⁸ he was privileged to wear the breastplate of judgment upon his heart.

The citizens of Bashkar²⁹ sent [a question] to Levi: What about [setting up] a canopy [on the Sabbath]; what about cuscuta in a vineyard?³⁰ what about a dead man on a Festival?³¹ By the time he [the messenger] arrived [at Levi’s home] Levi had died. Said Samuel to R. Menashia, If you are wise, send them [an answer]. [So] he sent [word] to them: ‘As for a canopy, we have examined it from all aspects and do not find any aspect by which it can be permitted’. But let him send them [a permissive ruling] in accordance with Rami b. Ezekiel?³² [He did not do this] because they were not learned in the law.³³ ‘Cuscuta in a vineyard is a [forbidden] mixture’. But let him send them [a reply] in accordance with R. Tarfon. For it was taught: As for cuscuta, R. Tarfon maintains: It is not

kil'ayim³⁴ in a vineyard; while the Sages rule: It is kil'ayim in a vineyard. And it is an established principle: The view of him, who is lenient in respect to Palestine,³⁵ is halachah without Palestine?-[Likewise] because they were not learnt in the law. Rab announced: He who wishes to sow cuscuta in a vineyard, let him sow.³⁶ R. Amram the pious would ban [a person] for this. R. Mesharsheya would give a perutah³⁷ to a Gentile child to sow it for him.³⁸ Then let him give it to an Israelite child? — He would come to adhere [to this practice when he grew up]. Then let him give it to an adult Gentile?—He might come to substitute an Israelite for him.

As for a corpse. he sent [word to them]: Neither Jews nor Syrians [non-Jews] may occupy themselves with a corpse, neither on the first day of a Festival nor on the second.³⁹ But that is not so? For R. Judah b. Shilath said in R. Assi's name: Such a case happened in the synagogue of Ma'on⁴⁰ on a Festival near the Sabbath,

(1) I.e., an absolute and definite ruling. completely intelligible and not subject to controversy.

(2) Lit., 'in one place'. I.e., in any of the places whither they shall wander (Maharsha).

(3) Mic. III, 9-11.

(4) This phrase is now liturgical.

(5) Lit., 'which is in their hand'.

(6) Ibid. 12.

(7) Isa. I, 25f.

(8) I.e., through the exercise of righteousness.

(9) Isa. I, 27.

(10) The Guebres, who caused the Jews much suffering under the Sassanians, cf. Sanh., Sonc. ed., p 504, n. 6.

(11) גזירפטיי (Pers. Wezirpat, a ruler, Funk, Schwarz, Festschrift, p. 432) the name of a class of oppressive Persian officers.]

(12) Deriving סיגיד from סגיד, great, haughty.

(13) Zeph. III, 15.

(14) MS. O.: Simlai.

(15) Isa. XIV, 5.

(16) They support their underlings in evil; or, support them in their refusal to summon the defendant to court or to enforce the court verdict unless they are well-paid for it (Rashi).

(17) I.e., unfit judges appointed by the scholars of their family.

(18) הלכות צבור. Probably laws concerning communal matters, the imposts of levies for communal and charitable purposes v. Herzog, The Main Institutions of Jewish Law. Vol. 1, XXIII.

(19) Rashi: the judges being appointed in reliance that these scholars would guide them in law, whereas they subsequently act of their own accord in many cases.

(20) Isa. LIX, 3.

(21) Who record verdicts falsely.

(22) Rashi: who instruct the litigants how to plead. V, Aboth, Sonc. ed., p. 6, n. 1.

(23) Gen. XLIX, 26. E.V.: 'of him that was separate from his brethren'. A nazirite is forbidden wine, Num. VI, 2-3.

(24) Gen. XLIII, 34.

(25) R. Melai: why does he omit the brothers?

(26) Lit., 'no drunkenness'. During the period of separation.

(27) On the part of the brothers.

(28) Ex. IV, 14 — the reference is to Aaron.

(29) Caskar, the chief town in the Mesene region. on the right bank of the old Tigris; directly opposite, on the left bank, lay Wasit, and the two are to some extent identified; v. Obermeyer. pp. 91-3.

(30) Does it infringe the prohibition against divers plants being sown together? v. Deut. XXII, 9.

(31) What arrangements are permissible for handling him, the funeral, etc.

(32) Who permits its spreading when it is furnished with cords, v. supra 138a.

(33) They would go still further.

(34) V. Glos.

(35) Lit., 'the land' par excellence.

(36) V. Halevy. Doroth, I, 3, p. 137 (נדד).

(37) A small coin.

(38) He agreed with Rab, nevertheless he did it in an unusual manner, so as not to encourage laxity.

(39) Though the second is only a Rabbinical institution.

(40) A town near Tiberias.

Talmud - Mas. Shabbath 139b

though I do not know whether it preceded or followed it,¹ and when they went before R. Johanan, he said to them: Let Gentiles occupy themselves with him [the dead]. Raba too said: As for a corpse,² on the first day of Festivals Gentiles should occupy themselves with him; on the second day of Festivals Israelites may occupy themselves with him, and even on the second day of New Year, which is not so in the case of an egg?³ [Here too] because they were not learned in the law.

R. Abin b. R. Huna said in R. Hama b. Guria's name: A man may wrap himself in a canopy sheet and [tie it] with its cords to go out into the street on the Sabbath without fear.⁴ How does this differ from R. Huna's [dictum]. for R. Huna said in Rab's name: If one goes out on the Sabbath wearing a garment not provided with [proper] fringes as required by law, he is liable to a sin-offering?⁵ — Fringes are important in relation to the cloak, hence they are not merged [therein]; these are not of [separate] importance, and [so] are accounted as nought.

Rabbah⁶ son of R. Huna said: A man may employ an artifice in connection with a strainer on a festival, suspending it for pomegranates yet straining lees therein.⁷ Said R. Ashi: Provided he does place pomegranates in it.⁸ How does it differ from what was taught: One may brew beer on the [intermediate days of a] Festival⁹ when it is required for the Festival, but if not required for the Festival it is forbidden: [this applies to] both barley beer and date beer. Though one has old [beer], he may practise an evasion¹⁰ and drink of the new? — There the matter is not evident;¹¹ here the matter is evident.¹²

The scholars said to R. Ashi: See, sir, a Rabbinical disciple, whose name is R. Huna b. Hiwan — others State, R. Huna b. Hilwon — who took peel of garlic,¹³ placed it in the bung hole of a barrel, and asserted, 'My intention is to put it away [here].'¹⁴ He also went and dozed in a ferry and thus crossed to the other side and looked after his fruit, asserting, 'My intention was to sleep.' Said he to them, You speak of an artifice: it is an artifice [in connection with] a Rabbinical [interdict].¹⁵ and a disciple of the Rabbis will not come to do this at the very outset.¹⁶ MISHNAH. WATER MAY BE Poured OVER LEES IN ORDER TO CLARIFY THEM, AND WINE MAY BE STRAINED THROUGH CLOTHS AND THROUGH A BASKET MADE OF PALM TWIGS; AND AN EGG MAY BE PASSED THROUGH A MUSTARD STRAINER;¹⁷ AND ENOMLIN¹⁸ MAY BE PREPARED ON THE SABBATH. R. JUDAH SAID: ON THE SABBATH [IT MAY ONLY BE MADE] IN A GOBLET; ON FESTIVALS, IN A LAGIN;¹⁹ AND ON THE INTERMEDIATE DAYS OF FESTIVALs IN A BARREL. R. ZADOK SAID: IT ALL DEPENDS ON THE [NUMBER OF] GUESTS.

GEMARA. Ze'iri said: One may pour clear wine and clear water into a strainer on the Sabbath without fear,²⁰ but not turbid [liquids]. An objection is raised: R. Simeon b. Gamaliel said: One may stir up a barrel of wine, [i.e.] the wine and the lees, and pour it into a strainer on the Sabbath without fear!²¹ — Ze'iri explained it: They learnt this of the season of the wine pressing.²²

WINE MAY BE STRAINED THROUGH CLOTHS. R. Shimi b. Hiyya said: Provided that one does not make a hollow.²³

AND THROUGH A BASKET MADE OF PALM TWIGS. R. Hiyya b. Ashi said in Rab's name: Provided he does not lift it [the basket] a handbreadth from the bottom of the vessel.²⁴

Rab said: [Spreading] a rag over half a cask [to cover it] is permitted; over the whole cask, is forbidden.

R. Papa said: A man must not stuff chips into the mouth of a cask jug.²⁵ because it looks like a strainer. R. Papa's household poured wine slowly from one vessel to another.²⁶ R. Aha of Difti²⁷ objected: But there is the residue?²⁸ — The residue had no value in R. Papa's household.²⁹

AN EGG MAY BE PASSED THROUGH A MUSTARD STRAINER. R. Jacob Karhah recited:

(1) I.e., whether the Festival fell on Friday on which day the death occurred, so that it had to be buried on the same day, or whether it fell on Sunday and the death occurred on the Sabbath, so that the burial could not be delayed any longer.

(2) Of a person who died on a Sabbath which was followed by a Festival.

(3) An egg laid on the first day of any Festival except New Year may be eaten on the second day too. But in respect to a corpse New Year is the same as other Festivals.

(4) Of transgression.

(5) The garment has fringes. but since they are not in accordance with the law they are regarded not as part thereof but as a burden which entails a sin offering. Thus here too, since the normal function of the cords is to spread the sheet, not to tie it round a person, they constitute a burden.

(6) Var. lec.: R. Abin.

(7) Lit., to suspend pomegranates therein, but he suspends lees therein.

(8) For some time.

(9) I.e., the intermediate days of Passover and Tabernacles, which enjoy semi-sanctity, being treated as profane in some respects and as holy in others.

(10) Of the law.

(11) The evasion is not obvious, for a person who sees him brew beer does not know that he has sufficient already for the festival.

(12) That he is evading the law, unless he actually puts pomegranates in it, since its usual function is to strain them.

(13) Jast. R. Han.: a head of garlic.

(14) But actually it was to prevent the wine from running out, and thus he repaired the barrel, as it were.

(15) For even if he did these without an artifice he would only violate a Rabbinical, not a Scriptural interdict.

(16) Without an artifice — hence he does nothing wrong.

(17) Rashi: the strainer contains mustard, and when the egg is poured upon it the yolk passes through and the white remains on top. R. Halevi (quoted by Rash): the egg is strained into a dish, not into mustard, but a mustard strainer is specified in order that the action on the Sabbath, though permitted, shall be done differently from what it is on weekdays.

(18) V. Gemara infra.

(19) Larger than a goblet (כוס) but smaller than a barrel (הבית).

(20) Of transgression.

(21) Though the liquid is turbid through the stirring.

(22) All wine is turbid then and drunk thus; hence it is not made fit for drinking (which would be forbidden on the Sabbath) by being put through the strainer.

(23) The cloth must be taut and not form a hollow

(24) Which receives the wine. Otherwise it forms a 'tent', v. p. 694, n. 1. (9) In the latter case a 'tent' is made.

(25) I.e., a jug used for taking wine out of a cask; the chips act as a strainer.

(26) So as to leave the sediment behind.

(27) V. p. 35, n. 5.

(28) The last drops percolating through the dregs left behind in the first vessel, which shows that their purpose was to strain the wine.

(29) He was a beer brewer (B.M. 65b) and could afford to throw away the little wine left at the bottom together with the chips, thus leaving nothing at all there to show their real motive.

Talmud - Mas. Shabbath 140a

Because it is only done for colouring.¹

It was stated: If mustard grain is kneaded on Sabbath eve, — on the morrow, Rab said: One must crush [dissolve] it² 'with a utensil, but not by hand.'³ Said Samuel to him: 'By hand'! Does one then crush it every day by hand — is it asses' food? Rather said Samuel: He must crush it by hand, but not with a utensil. It was stated, R. Eleazar said: Both the one and the other are forbidden; while R. Johanan ruled: Both the one and the other are permitted. Abaye and Raba both say: The halachah is not as R. Johanan. R. Johanan [subsequently] adopted R. Eleazar's thesis, while R. Eleazar adopted Samuel's thesis. Abaye and Raba both said [then]: The halachah is as R. Johanan.

Abaye's mother⁴ prepared [it] for him, but he would not eat [it]. Ze'iri's wife prepared [some] for R. Hiyya b. Ashi, but he would not eat [it]. Said she to him, 'I prepared it for your teacher [Ze'iri] and he ate, whilst you do not eat!'

Raba b. Shaba said: I was standing before Rabina and I stirred [the mustard] for him with the smooth [inner] part of the garlic, and he ate it.

Mar Zutra said: The law is not as all these opinions. but as the following which was stated; If mustard is kneaded on the eve of the Sabbath, on the morrow one may crush [dissolve] it both by hand or with a utensil; he may pour honey in it, yet he must not beat it up but may mix them. If cress was chopped up on the eve of the Sabbath, on the morrow one may put oil and vinegar into it and add ammitha⁵ thereto; and he must not beat then, up but may mix them. If garlic was crushed on the eve of the Sabbath, on the morrow one may put beans and grits therein, yet he must not pound then,, but may mix them, and one may add ammitha to it. What is ammitha? — Ninya,⁶ Abaye observed: This proves that ninya is good for [seasoning] cress.

AND ENOMLIN MAY BE PREPARED ON THE SABBATH. Our Rabbis taught: Enomlin may be prepared on the Sabbath but aluntith may not be prepared on the Sabbath. What is enomlin and what is aluntith? — Enomlin is [a mixture of] wine, honey, and pepper. Aluntith is [a mixture of] old wine, clear water and balsam, which is prepared as a cooling [draught] in the baths.⁷ R. Joseph said: I Once entered the baths after Mar 'Ukba; on leaving I was offered a cup of [such] wine, and I experienced [a cooling sensation] from the hair of my head [right] down to my toe nails; and had I drunk another glass I would have been afraid lest it be deducted from my merits in the future world.⁸ But Mar 'Ukba drank it every day? Mar 'Ukba was different, because he was accustomed to it.

MISHNAH. HILTITH⁹ MUST NOT BE DISSOLVED IN WARM WATER,¹⁰ BUT IT MAY BE PUT INTO VINEGAR; AND ONE MUST NOT CAUSE LEEKS TO FLOAT,¹¹ NOR RUB THEM;¹² BUT THEY MAY BE PUT INTO A SIEVE¹³ OR A BASKET.¹⁴ STUBBLE MAY NOT BE SIFTED THROUGH A SIEVE, NOR PLACED ON AN EMINENCE, FOR THE CHAFF TO DROP DOWN; BUT ONE MAY TAKE IT UP IN A SIEVE AND PUT IT INTO THE MANGER.¹⁵

GEMARA. The scholars asked: What if one does dissolve [it]? R. Adda of Naresh¹⁶ maintained before R. Joseph: If one dissolves [it] he is liable to a sin-offering. Said Abaye to him: If so, if one soaks¹⁷ raw meat in water, is he too liable?¹⁸ Rather said Abaye: It is a Rabbinical [prohibition], that one should not act as he does during the week. R. Johanan asked R. Jannai: May hiltith be dissolved in cold water? It is forbidden. replied he. But we learnt: HILTITH MUST NOT BE DISSOLVED IN WARM WATER, implying that it is permitted in cold water? If so,¹⁹ what is the difference between you and me? Our Mishnah is [the opinion of] an individual. For it was taught: Hiltith may be dissolved neither in warm nor in cold water; R. Jose said: In warm water it is forbidden; in cold it is

permitted.

What is it made for? [As a remedy] for asthma.²⁰ R. Aha b. Joseph suffered with asthma. He went to Mar 'Ukba, [who] advised him, 'Go and drink three [gold denar] weights of hiltith on three days.' He went and drank it on Thursday and Friday. The following morning he went and asked [about it] in the Beth Hamidrash.²¹ Said they to him, The school of R. Adda-others state, the school of Mar son of R. Adda recited: One may drink a kab or two kabs without fear.²² About drinking, said he, I do not ask.²³ My question is, What about dissolving it?²⁴ R. Hiyya b. Abin observed to them: This case happened to me, and I went and consulted R. Adda b. Ahabah. but he could not inform me. [So] I went and asked R. Huna, and he answered me, Thus did Rab say: He may dissolve [it] in cold water and place it in the sun. Is this [only] according to him who permits [dissolving]? [No.] It is even according to him who forbids [it]: that is only if one had not drunk at all; but here, since he had drunk [it] on Thursday and Friday, if he would not drink it on the Sabbath he would be endangered.

R. Aha b. Joseph was walking along, leaning²⁵ on the shoulder of R. Nahman b. Isaac, his sister's son. When we reach R. Safra's house, lead me in, he requested.²⁶ When they arrived [there] he led him in. How about rubbing [the stiffness out of] linen [washing]?²⁷ asked he; is his intention to soften the linen, and it is permitted, or perhaps his intention is to make it whiter,²⁸ which is forbidden? — His intention is to soften it, replied he, and it is permitted. When he went out he [R. Nahman] enquired, What did you ask him? I asked him, What about rubbing linen on the Sabbath, replied he, and he answered me, It is permitted. But let the Master inquire about a scarf?²⁹ I do not ask about a scarf, because I asked it of R. Huna and he decided it' for me. Then let the Master solve this from a scarf?- There it looks like making it whiter,³⁰ but here it does not look like making it whiter.

R. Hisda said: As for linen,

(1) Sc. when the yolk is poured into a stew; but actually both the yolk and the white are fit for food, and therefore this is not an act of 'selecting' (v. Mishnah 73a).

(2) In water.

(3) He regards the latter as the usual way. and therefore it is forbidden on the Sabbath.

(4) v. p. 316, n. 3.

(5) A kind of cress or pepperwort (*Lepidum sativum*) Jast.

(6) Jast.: ammi, Bishop's weed. Rashi: mint.

(7) , Hence it partakes somewhat of the nature of a medicine, and therefore it is forbidden.

(8) A second glass would inevitably have killed me but for a miracle, which would be ultimately debited to my account.

(9) Jast. *assa foetida*, an umbelliferous plant used as a resin in leaves, for a spice and for medicinal purposes.

(10) To be drunk medicinally.

(11) I.e.. pour water over them to make the refuse float up so that it can be removed.

(12) By hand, likewise to remove the refuse.

(13) And the refuse may fall through.

(14) Probably an open-work basket is meant which may act somewhat as a sieve. Though sifting is forbidden, these are permitted, because even if the refuse does fall through it is only incidental.

(15) Though some chaff may fall through. this is unintentional, the Mishnah agreeing with R. Simeon that whatever is unintentional is permitted.

(16) V. p. 279. n. 11.

(17) The Hebrew is the same for dissolves and soaks.

(18) Surely not.

(19) That you do not accept me as a greater authority on the Mishnah than yourself.

(20) Lit., 'heaviness of heart'.

(21) To ask whether he might take it on Sabbath.

(22) Of transgression.

- (23) Lit., 'it was not in his hand'.
 (24) If the hiltith is dissolved before the Sabbath.
 (25) Lit., 'Supporting himself'.
 (26) He was an old man.
 (27) When it is starched. The rubbing softens it and makes it whiter.
 (28) Lit., 'to beget whiteness'.
 (29) Or, turban.
 (30) One is more particular about a scarf.

Talmud - Mas. Shabbath 140b

to draw it away from the cane is permitted; to draw out the cane from it is forbidden.¹ Raba said: But if it is a weaver's implement, it is permitted.²

R. Hisda said: A bunch of vegetables, if fit as food for animals, may be handled; if not, it is forbidden.

R. Hiyya b. Ashi said in Rab's name: A meat hook³ is permitted [to be handled]; a fish [hook] is forbidden.⁴

R. Kattina said: He who stands in the middle of a [marital] bed is as though he stood on a woman's stomach.⁵ But this is incorrect.

R. Hisda also said: When a scholar buys vegetables, let him buy long ones, for one bunch is like another [in thickness], and so the length [comes] of itself.⁶

R. Hisda also said: When a scholar buys canes,⁷ let him buy long ones; one load is like another, so the length [comes] of itself.

R. Hisda also said: When a scholar has but little bread, let him not eat vegetables, because it whets [the appetite]. R. Hisda also said: I ate vegetables neither when poor nor when rich.⁸ When poor, because it whets [the appetite]; when rich, because I say, Where the vegetables are to enter, let fish and meat enter!⁹

R. Hisda also said: If a scholar has but little bread he should not divide [his meal].¹⁰ R. Hisda also said: If a scholar has but little bread he should break [bread].¹¹ What is the reason? Because he does not do it generously.¹² R. Hisda also said: Formerly I would not break [bread] until I had passed my hand through the whole of my wallet and found there as much as I needed.

R. Hisda also said: When one can eat barley bread but eats wheaten bread he violates, thou shalt not destroy.¹³ R. Papa said: When one can drink beer but drinks wine, he violates, thou shalt not destroy.¹⁴ But this is incorrect: Thou shalt not destroy, as applied to one's own person, stands higher.¹⁵

R. Hisda also said: When a scholar has no oil, let him wash with pit water.¹⁶

R. Hisda also said: If a scholar buys raw meat he should buy the neck, because it contains three kinds of meat.

R. Hisda also said: When a scholar buys linen [underwear], he should buy it from the Nehar Abba¹⁷ and wash¹⁸ it every thirty days, and I guarantee that it will relieve him [from buying another] for a full year. What does kitonitha [underwear] mean? Kitta na'ah [fine flax].¹⁹

R. Hisda also said: A scholar should not sit upon a new mat, because it destroys the garments.²⁰

R. Hisda also said: A scholar should not send his garments to his host²¹ for washing, for this is not in good taste, lest he see something²² and he come to despise him.

R. Hisda advised his daughters: Act modestly before your husbands: do not eat bread before your husbands,²³ do not eat greens at night,²⁴ do not eat dates at night nor drink beer at night,²⁵ and do not ease yourselves where your husbands do,²⁶ and when someone calls at the door, do not say 'who is he' but 'who is she?'²⁷ He [R. Hisda] held a jewel in one hand and a [valueless] seed grain in the other; the pearl he showed them but the seed grain he did not show them until they were suffering,²⁸ and then he showed it to them.²⁹

ONE MUST NOT CAUSE LEEKS TO FLOAT. Our Mishnah³⁰ does not agree with the following Tanna. For it was taught, R. Eliezer b. Jacob said: One must not look at the sieve at all.³¹

MISHNAH. ONE MAY SWEEP OUT [THE MANGER] FOR A STALL OX,³² AND MOVE [THE REMNANTS] ASIDE FOR THE SAKE OF A GRAZING ANIMAL:³³ THIS IS R. DOSA'S VIEW, BUT THE SAGES FORBID IT. ONE MAY TAKE [FODDER] FROM ONE ANIMAL AND PLACE IT BEFORE ANOTHER ANIMAL ON THE SABBATH.³⁴

GEMARA. The scholars asked: Do the Rabbis disagree with the first clause, or with the second, or with both?— Come and hear: For it was taught, But the Sages maintain: Both the one and the other³⁵ must not be moved on a side.³⁶

R. Hisda said: They differ in respect of a ground manger,³⁷ but all agree that a manger which is a vessel³⁸ is permitted. But is there any opinion that a ground manger is permitted: surely one levels the holes? — Rather if stated, it was thus stated: R. Hisda said: They differ in respect of a vessel manger, but all hold that a ground manger is forbidden.

ONE MAY TAKE [FODDER] FROM ONE ANIMAL [etc.]. One [Baraita] taught: One may take [fodder] from before an animal that is fastidious and place [it] before an animal that is not fastidious; while another taught: One may take [fodder] from before an animal that is not fastidious and place [it] before an animal that is fastidious. Abaye observed: Both [Baraitas hold] that one may take from an ass [to put] before an ox, but not from an ox [and place it] before an ass. Now, when it is taught, 'One may take from before an animal that is fastidious', it refers to an ass, which does not drop saliva [into its food]; 'and place [it] before an animal that is not fastidious', to a cow,

(1) Linen was hung up on a cane passing through the sleeves to dry. A cane must not be handled on the Sabbath, being regarded as mukzeh, as it stands to be used as fuel.

(2) For it is then a utensil, which may be handled.

(3) Lit., 'a suspender of meat' — i.e., a hook. Tosaf. and Jast.

(4) The first was more like a utensil than the second.

(5) Because he is incited to impure thoughts.

(6) I.e., the additional length is extra value — presumably the price was not increased.

(7) For fuel.

(8) Or, I would eat vegetables neither when rich nor when poor.

(9) Which are more nutritious.

(10) Eat a little now and a little later, as at no time will he have enough.

(11) To distribute it among the guests at a meal.

(12) MS. M. deletes the two intervening passages.

(13) Deut. XX, 19. I.e., it is wasteful extravagance.

- (14) Was his attitude influenced by the fact that he was a beer brewer?
- (15) To consume better food and drink is beneficial, not wasteful.
- (16) The scum thickens it into a semblance of oil.
- (17) A canal in the Bagdad region; Obermeyer, p. 239.
- (18) Lit., 'whiten'.
- (19) Jast. Rashi: the upper class — its wearer is fit to be a member of the upper classes — a play on words, of course.
- (20) Being hard, it injures the texture.
- (21) The keeper of the boarding house where he stays.
- (22) A euphemism for semen.
- (23) You may eat too much.
- (24) Because of their odour.
- (25) Because of their laxative properties.
- (26) Even in their absence.
- (27) I.e., 'who is it' but in the feminine, not the masculine form.
- (28) With curiosity, to know what he was holding.
- (29) To prove the folly of curiosity (Jast. s.v. **בזרא**, which 'Aruch reads instead of **כורא**).
- (30) Which continues, BUT THEY MAY BE PUT INTO A SIEVE.
- (31) I.e., one must not handle it for any purpose on the Sabbath.
- (32) If it contains chips, etc., they may render the straw repulsive and cause the animal to go off its feed.
- (33) Which is ordinarily fed on pasture. — R. Han. and Jast. Rashi translates: one may move aside the straw, if there is much, lest the animal tread it into the dung.
- (34) Because the second will eat it, and therefore it is not unnecessary handling.
- (35) Sc. fodder in a manger and straw lying in front of an animal.
- (36) Thus they disagree with both clauses.
- (37) I.e., a small low fenced enclosure on the ground. The Rabbis forbid it lest one comes to level up holes in the ground.
- (38) I.e., a real manger.

Talmud - Mas. Shabbath 141a

which drops saliva.¹ And when it is taught, 'One may take [fodder] from before an animal that is not fastidious', it refers to an ass, which is not particular about what it eats;² 'and put [it] before an animal that is fastidious,' to a cow, which is particular about what it eats.³ MISHNAH. ONE MUST NOT MOVE STRAW [LYING] UPON A BED WITH HIS HAND, YET HE MAY MOVE IT WITH HIS BODY. BUT IF IT IS FODDER FOR ANIMALS, OR A PILLOW OR A SHEET WAS UPON IT BEFORE NIGHTFALL, HE MAY MOVE IT WITH HIS HAND.⁴ ONE MAY UNDO A HOUSEHOLDER'S CLOTHES PRESS,⁵ BUT NOT FORCE IT DOWN.⁶ BUT A LAUNDERER'S [PRESS] MAY NOT BE TOUCHED.⁷ R. JUDAH SAID: IF IT WAS UNDONE BEFORE THE SABBATH, ONE MAY UNFASTEN THE WHOLE AND REMOVE IT.

GEMARA. R. Nahman said: A radish, if it is the right way up, it is permitted; if it is reversed, it is forbidden.⁸ R. Adda b. Abba said, The scholars⁹ said, We learnt [a Mishnah] in disagreement with R. Nahman: ONE MUST NOT MOVE STRAW [LYING] UPON A BED WITH HIS HAND, YET HE MAY MOVE IT WITH HIS BODY. BUT IF IT IS FODDER FOR ANIMALS, OR A PILLOW ON A SHEET WAS UPON IT BEFORE NIGHTFALL, HE MAY MOVE IT WITH HIS HAND: this proves, indirect¹⁰ handling is not designated handling;¹¹ this proves it.

Rab Judah¹² said: To crush peppergrains one by one with a knife-handle is permitted; in twos, it is forbidden.¹³ Raba said: Since he does it in a different way,¹⁴ crushing even many [is permitted] too.

Rab Judah also said: If one bathes in water, he should first dry himself¹⁵ and then ascend, lest he come to carry¹⁶ four cubits in a karmelith.¹⁷ If so, when he enters¹⁸ too, his force propels the water four cubits,¹⁹ which is forbidden? — They did not prohibit one's force in a karmelith.

Abaye — others state, Rab Judah — said: One may scrape off the clay from his foot on to the ground, but not on to a wall. Said Raba, Why not on to a wall? because It looks like building?²⁰ but it is ignorant building?²¹ Rather said Raba: He may scrape it off on to a wall but not on to the ground, lest he come to level holes. It was stated, Mar son of Rabina said: Both are forbidden; R. Papa said: Both are permitted. According to Mar son of Rabina, whereon shall he scrape it? He scrapes it on a plank.²²

Raba said: A man should not sit on the top of a stake,²³ lest an article roll away from him²⁴ and he come to fetch it.

Raba also said: One must not bend sideways a cask [which is standing] on the ground,²⁵ lest he come to level hollows.

Raba also said: One must not squeeze a cloth stopper into the mouth of a jug, lest he come to wring [it] out.

R. Kahana said: As for the clay [mire] on one's garment, he may rub off from the inside but not from the outside.²⁶ An objection is raised: One may scrape off the clay from his shoes with the back of a knife, and that which is on one's garment he may scrape off with [even]²⁷ his finger nail, providing that he does not rub it. Surely that means that he must not rub it at all? — No: he must not rub it from the outside but only from the inside.

R. Abbahu said in R. Eleazar's name in R. Jannai's name: A new shoe may be scraped, but not an old one.

(1) Hence the cow will eat after the ass.

(2) It eats fodder even when it contains thorns and thistles.

(3) Spurning thorns and thistles.

(4) V. supra 50a for notes.

(5) The two boards of the press fitted on to four perforated rods: the upper board was pressed down and pegs were inserted in the holes to keep it there. The press may be undone by withdrawing these pegs, because the clothes are required for the Sabbath.

(6) As the clothes will be wanted during the week, but not on the Sabbath.

(7) This was screwed down very tightly, and undoing it would resemble taking a utensil to pieces.

(8) V. supra 123a for notes.

(9) Be rab may mean either the academy founded by Rab, or scholars in general, v. Weiss, Dor, III, 158.

(10) Lit., 'from the side'.

(11) Cf. supra 43b, p 201, n. 1,

(12) Asheri in Bez. I, 21 reads: R. Huna.

(13) Because then it looks like grinding.

(14) From usual, which is in a mill or a mortar.

(15) I.e., the part of his body that is not in the water.

(16) The water upon him.

(17) V. Glos.

(18) Lit., 'goes down'.

(19) His weight makes the water spurt that distance.

(20) Sc. the addition of clay to the wall.

(21) Lit., 'a field labourer'. I.e., surely none but the ignorant would think of building in such a manner.

(22) Lying on the ground.

(23) At the entrance to an alley. whereby carrying therein is permitted; v. p. 30, n. 2.

(24) 'Without the entrance, where it is public ground.

(25) Text as emended by Bah.

(26) In the latter case he looks as though he desires to wash the garment, though it is not actual washing.

(27) So Wilna Gaon.

Talmud - Mas. Shabbath 141b

With what does one scrape it? — Said R. Abbahu: With the back of a knife. A certain old man said to him, Delete your [teaching] on account of what R. Hiyya taught: One must not scrape either a new shoe or all old one, nor must he rub his foot with oil while it is in the shoe or sandal;¹ but one may rub his foot with oil and place it in his shoe or sandal; he may also oil his whole body and roll himself on a leather spread without fear.² R. Hisda said: They learnt this only [if his intention is] to polish it;³ but [if it is] to dress it,⁴ it is forbidden. 'To dress it'? surely that is obvious? Moreover, does any one permit it [if he desires] to polish it? — Rather if stated, It was thus stated: R. Hisda said: They learnt this only of a quantity [sufficient merely] to polish it; but [if] the quantity⁵ [is sufficient] to dress it, it is forbidden. Our Rabbis taught: A small[-footed] man must not go out with the shoe of a large[-footed] man,⁶ but he may go out with [too] large a shirt. A woman must not go out with a gaping shoe,⁷ nor may she perform halizah therewith; yet if she does perform halizah therewith, the halizah is valid. And one must not go out with a new shoe: of what shoe did they rule this? Of a woman's shoe.⁸ Bar Kappara taught: They learnt [this] only where she had not gone out therein one hour before nightfall;⁹ but if she went out therein on the eve of the Sabbath, it is permitted.

One [Baraita] taught: A shoe may be removed from its last; while another taught: It may not be removed. There is no difficulty: one is [according to] R. Eliezer, the other [according to] the Rabbis. For we learnt: If a shoe is on the last, — R. Eliezer declares it clean, while the Sages declare it is unclean.¹⁰ This is well according to Raba, who maintained: It is permitted [to handle] an article whose function is for a forbidden purpose, whether it is required itself or for its place: then it is correct. But on Abaye's view that it may be [handled] for itself, but it is forbidden [to handle it] when its place is required,¹¹ what can be said?¹² — We treat here of one [a shoe] that is loose [on the last].¹³ For it was taught, R. Judah said: If it is loose, it is permitted [to remove it]. The reason [then why it is permitted] is because it is loose. But if it is not loose it is not [permitted]? This is well on Abaye's view that an article whose function is for a forbidden purpose may be [handled] when required for itself, but not when its place [only] is required: then it is correct. But according to Raba, who maintains, it is permitted [to handle it] both when required for itself or when its place is required, what can be said: [for] why particularly a loose [shoe], — even if not loose too it is thus? That¹⁴ represents R. Judah's view in R. Eliezer's name. For it was taught: R. Judah said in R. Eliezer's name: If it is loose, it is permitted.¹⁵

CHAPTER XXI

MISHNAH. A MAN MAY TAKE UP HIS SON WHILE HE HAS A STONE IN HIS HAND OR A BASKET WITH A STONE IN IT; AND UNCLEAN TERUMAH MAY BE HANDLED TOGETHER WITH CLEAN [TERUMAH] OR WITH HULLIN.¹⁶ R. JUDAH SAID: ONE MAY ALSO REMOVE¹⁷ THE ADMIXTURE [OF TERUMAH IN HULLIN] WHEN ONE [PART IS NEUTRALIZED] IN A HUNDRED [PARTS].¹⁸

GEMARA. Raba said: If one carries out¹⁹ a live child with a purse hanging around its neck, he is culpable on account of the purse; a dead child with a purse hanging around its neck, he is not culpable. 'A live child with a purse hanging around its neck, he is culpable on account of the purse. But let him be culpable on account of the child? — Raba agrees with R. Nathan, who maintained, A living [person] carries himself.²⁰ But let the purse be counted as nought in relation to the child? Did we not learn, [If one carries out] a living person in a bed, he is not culpable, even in respect of the

bed, because the bed is subsidiary to him? — A bed is accounted as nought in relation to a living person,²¹ but a purse is not accounted as nought in relation to the child.

‘A dead child with a purse hanging around its neck, he is not culpable.’ But let him be culpable on account of the child? Raba agrees with R. Simeon, who maintained: One is not culpable on account of a labour unrequired per se.²²

We learnt: A MAN MAY TAKE UP HIS SON WHILE HE HAS A STONE IN HIS HAND?²³ — The School of R. Jannai said: This refers to a child who pines for his father.²⁴ If so,

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- (1) Because the oil incidentally softens the leather, which is forbidden.
 - (2) Of transgression.
 - (3) When he puts his oiled foot in the shoe or sandal his purpose is to polish the leather.
 - (4) To soften the leather or make it more pliable.
 - (5) Of oil rubbed on to the foot.
 - (6) Lest it fall off, and he come to carry it.
 - (7) Rashi. Jast.: ‘a flappy (outworn) shoe’ — either because she may be laughed at and so she will take it off’ (Rashi), or it fall off, and she come to carry it.
 - (8) She is particular about the fit, and if it is not exact, she may remove and carry it. ‘New’ means never worn at all.
 - (9) Lit., ‘while it was yet day Friday.’
 - (10) ‘Clean’ and ‘unclean’ mean not susceptible and susceptible to uncleanness respectively. R. Eliezer holds that as long as it is on the last it is not a completely finished article, whereas only such can become unclean. Since it is not a finished article, it may not be handled on the Sabbath. The view of the Rabbis is the reverse.
 - (11) V. notes supra 123b.
 - (12) For the function of the last is a forbidden one, and in removing the shoe one must necessarily handle the last, though he does not require the use of the last itself, and according to Abaye that is forbidden.
 - (13) So that the last is not handled at all.
 - (14) The Baraita which makes a distinction between where it is loose or not
 - (15) Though R. Eliezer holds that as long as it is on the last it is not completely finished (v. supra) and therefore may not be handled, that is only if it is tightly fitted on it, so that there is some difficulty in removing it. But if it is loose and comes off easily he admits that it is finished; hence it ranks as an article, is susceptible to defilement, and may be handled on the Sabbath.
 - (16) Although the stone or the unclean terumah by itself may not be handled as mukzeh.
 - (17) Lit., ‘take up’.
 - (18) If one part of terumah is accidentally mixed with a hundred parts of hullin it is neutralized and the mixture is permitted to non-priests. Nevertheless, since it does contain some terumah, though it cannot be distinguished from the rest, one part must be removed, and R. Judah permits this on the Sabbath.
 - (19) From a private into a public domain.
 - (20) V. supra 94a.
 - (21) Since the bed is required for him.
 - (22) V. supra 30a; carrying out a dead child comes under this category, supra 94b.
 - (23) This proves that the man is not regarded as himself holding the stone, which would be forbidden. Hence by analogy he does not carry out the purse suspended around the child's neck; why then is he culpable on its account?
 - (24) If he does not take him up he may sicken with pining, though it will not actually endanger him: hence since the father does not actually handle the stone himself he is permitted to take him up.

Talmud - Mas. Shabbath 142a

why particularly a stone? the same applies to a denar! Why did Raba say: They learnt only a stone, but a denar is forbidden? — In the case of a stone, if it falls down the father will not come to fetch it, [but] with a denar, if it falls down the father will come to fetch it. It was taught in accordance with Raba: If one carries out his garments folded up and lying on his shoulder, or his sandals or his rings

in his hands, he is liable; but if he was wearing them, he is not culpable. If one carries out a person with his garments' upon him, with his sandals on his feet and his rings on his hands,¹ he is not culpable. Hence if he carried them as they are² he would be culpable.³ A BASKET WITH A STONE IN IT: yet why? let the basket be [regarded as] a stand for a forbidden article?⁴ — Said Rabbah b. Bar Hanah in R. Johanan's name: We treat here of a basket full of produce.⁵ Then let the produce be thrown out, and let the stone be thrown out, and then we can collect [the produce] by hand?⁶ — As R. Elai said [elsewhere] in Rab's name: The reference is to fruit which becomes soiled, so here too [we treat] of fruit which becomes soiled.⁷ Then let one shake it [the basket] about?⁸ — Said R. Hiyya b. Ashi in Raba's name: We treat here of a broken basket, so that the stone itself becomes a wall for the basket.⁹

[UNCLEAN] TERUMAH MAY BE HANDLED, etc. R. Hisda said: They learnt [this] only where the clean [terumah] is underneath and the unclean is on top; but if the clean [terumah] is on top and the unclean underneath, one must take the clean and leave the unclean.¹⁰ But if the clean is underneath too, let him throw off [the unclean] and take it? — Said R. Elai in Rab's name: We treat of fruit which becomes soiled. An objection is raised: One may handle unclean terumah together with clean terumah or with hullin, whether the clean is on top and the unclean is below, or the unclean is on top and the clean is underneath; this refutes R. Hisda? — R. Hisda answers you: Our Mishnah [means that] it is required for itself;¹¹ the Baraitha is where its place is required.¹² What compels R. Hisda to interpret our Mishnah as meaning that it is required for itself?¹³ — Said Raba, Our Mishnah, by deduction, supports him. For the second clause¹⁴ states: If money is lying on a cushion, one shakes the cushion, and it falls off. Whereon Rabbah b. Bar Hanah said in R. Johanan's name: They learnt this only if it [the cushion] is required for itself; but if its place is required, one removes it while it [the money] is upon it. And since the second clause means that it is required for itself, the first clause too means that it is required for itself.

R. JUDAH SAID: ONE MAY ALSO REMOVE, etc. Yet why? surely he makes it fit?¹⁵ — R. Judah agrees with R. Eliezer, who maintains: The terumah lies as a [separate] entity.¹⁶ For we learnt: If a se'ah of terumah falls into less than a hundred,¹⁷ and thus they become a [forbidden] mixture, and then some of the mixture falls elsewhere,¹⁸ R. Eliezer said: It creates a [forbidden] mixture as though it were certain terumah,¹⁹ but the Sages maintain: The mixture creates a [forbidden] mixture only in proportion.²⁰ [But] say that you know him [to rule thus] with stringency; do you know him [to rule thus] with lenience?²¹ — Rather [reply thus]: He [R. Judah] rules as R. Simeon, as we learnt: If a se'ah of terumah falls into a hundred,²² and one has no time to remove [it] until another falls in, it is [all] forbidden;²³ but R. Simeon permits it.²⁴ Yet how [does this follow]? Perhaps there they differ in this: viz., the first Tanna holds: Though they fell in consecutively it is as though they fell in simultaneously, so that each falls into fifty; whereas R. Simeon holds: The first is neutralized in the hundred, and this one is neutralized in a hundred and one?²⁵ — Rather [reply thus]: He [R. Judah] rules as R. Simeon b. Eleazar. For it was taught, R. Simeon b. Eleazar said: One may cast his eyes at one side and eat from the other.²⁶ Yet does he agree with him?

(1) I.e., the man is wearing them.

(2) If the person carried were holding, not wearing them.

(3) This is analogous to Raba's dictum, for a purse 'suspended from a child's neck is not in the position of being worn.

(4) V. p. 213, n. 4.

(5) 'So that the basket serves as a stand for a permitted thing.

(6) And replace it in the basket. Why did they permit to carry the stone?

(7) If thrown on the ground, e.g., figs and grapes.

(8) Until the stone lies at a side, when it can be thrown out without affecting the produce.

(9) By filling up the gap.

(10) And there is no reason for handling the unclean.

(11) I.e., he wishes to eat the terumah. Therefore if the clean terumah is on top he can simply take it and leave the rest.

- (12) He needs the place where the utensil containing it is standing: therefore he must remove them — Sc. the clean and the unclean — together, whatever their position.
- (13) So that he has to explain the Mishnah as referring to when the unclean terumah is on top.
- (14) Sc. the Mishnah infra b.
- (15) For use. This should be preventively forbidden out of consideration for that which is made fit by means of labour.
- (16) Since one part is to be removed, it is as though the terumah therein lay separate and distinct, and therefore the whole mixture is fit for use in any case.
- (17) Se'ahs of hullin.
- (18) I.e., into another pile of produce.
- (19) Sc. as though it were all terumah and therefore it can only be neutralized by a hundred times its quantity. Thus he regards the terumah as distinct.
- (20) E.g., if a se'ah of terumah falls into nine se'ahs of hullin in the first place, and then a se'ah of the mixture falls into another heap of produce, this second se'ah is regarded as containing one tenth of a se'ah of terumah only, and if the second pile contains ten se'ahs it neutralizes it.
- (21) As in our Mishnah, where this view would result in greater lenience.
- (22) Hence it is neutralized, but that one se'ah of the whole must be removed.
- (23) Since here are now two se'ahs of terumah in one hundred of hullin.
- (24) It is now assumed that his reason is because he regards the first se'ah as lying distinct and apart, and therefore the second se'ah alone is counted, and that too is neutralized.
- (25) Hence on the contrary, instead of regarding the terumah as a thing apart, he maintains that it becomes entirely one with the hullin.
- (26) I.e., he may decide to remove a se'ah from one side of the pile and then, without actually removing it, eat from the other. Thus the removing is not essential.

Talmud - Mas. Shabbath 142b

surely he disagrees? For it was taught, R. Judah said: One removes the admixture [of terumah in hullin] when one part [is neutralized] in a hundred and one parts;¹ R. Simeon b. Eleazar said: One casts his eyes at one side and eats from the other?² — R. Judah's [ruling] goes beyond R. Simeon b. Eleazar's.³ MISHNAH. IF A STONE IS ON THE MOUTH OF A CASK [OF WINE], ONE TILTS IT ON A SIDE AND IT FALLS OFF.⁴ IF IT [THE CASK] IS [STANDING] AMONG [OTHER] CASKS,⁵ HE LIFTS IT OUT, TILTS IT ON A SIDE, AND IT FALLS OFF. IF MONEY IS LYING ON A CUSHION, ONE SHAKES THE CUSHION, AND IT FALLS OFF. IF DIRT⁶ IS UPON IT, ONE WIPES IT OFF WITH A RAG;⁷ IF IT IS OF LEATHER,⁸ WATER IS Poured OVER IT UNTIL IT DISAPPEARS.

GEMARA. R. Huna said in Rab's name: They learnt this only where one forgot [it there], but if he placed [it there]. it [the cask] becomes a stand for a forbidden article.

IF IT IS [STANDING] AMONG [OTHER] CASKS, etc. Which Tanna holds that wherever there is something permitted and something forbidden, one must occupy oneself with what is permitted, not with what is forbidden?⁹ — Said Rabbah b. Bar Hanah in R. Johanan's name, It is R. Simeon b. Gamaliel. For we learnt: If one selects beans on a festival, Beth Shammai maintain: He must select the edible [beans] and eat them;¹⁰ whereas Beth Hillel rule: He may select in the usual way¹¹ into his lap or into a plate. Now it was taught, R. Simeon b. Gamaliel said: When was this said? When the edible exceeds the non-edible;¹² but if the non-edible exceeds the edible, all agree that he must select the edible. But here it is analogous to where the edible exceeds the non-edible?¹³ -Since he cannot take [the whole of] the wine, should he desire it, unless he lifts it up, it is analogous to where the non-edible exceeds the edible.¹⁴ IF IT IS [STANDING] AMONG THE CASKS, HE LIFTS IT OUT. It was taught, R. Jose said: If the cask is lying among a store [of casks], or if glassware is lying under it, he lifts it out elsewhere, tilts it on a side, so that it falls off, takes thereof what he requires, and replaces it.

IF MONEY IS LYING ON A CUSHION: R. Hiyya b. Ashi said: They learnt this only where one forgot [it there]; but if he placed [it there],¹⁵ it [the cushion] became a stand for a forbidden article. Rabbah b. Bar Hanah said: They learnt this only when it is required for itself; but if its place is required, one may remove it [the cushion] while they [the coins] are yet upon it. And thus did Hiyya b. Rab of Difti¹⁶ recite: They learnt this only when it is required for itself; but if its place is required, one may move it while they are yet upon it.

IF MONEY IS LYING ON A CUSHION, ONE SHAKES, etc. R. Oshaia said: If one forgets a purse in a courtyard, he places a loaf or a child thereon and moves it. R. Isaac said: If one forgets a brick in a courtyard, he places a loaf or a child thereon and moves it. R. Judah b. Shila said in R. Assi's name: They once forgot a saddlebag full of money in the street, and went and consulted R. Johanan and he told them, Place a loaf or a child thereon and move it.¹⁷ Mar Zutra said: The law is as all these rulings, where one forgets. R. Ashi said: Even if one forgets, this is still not [permitted], and they permitted [the expedient of] a loaf or a child only in connection with a corpse.¹⁸

Abaye placed a ladle on a pile of sheaves;¹⁹ Raba placed a knife on a young dove²⁰ and handled it. Said R. Joseph: How keen are the rulings of children!²¹ assume that the Rabbis ruled thus when one forgets: but was it said [that it is permitted] at the very outset? Abaye retorted: But that I am a person of importance,²² would I need a ladle on sheaves: surely they are fit for reclining thereon.²³ Raba retorted: But that I am a person of importance, would I need a knife on a young dove? surely it is fit for me as raw meat.²⁴ Thus the reason is because it is fit as raw meat; but if it were not fit as raw meat it might not [be handled]:²⁵ shall we say that Raba agrees with R. Judah?²⁶ But surely Raba said to his servant, Roast me a duck²⁷ and throw its entrails to a cat?²⁸

(1) One hundred and one is stated inclusively.

(2) Thus R. Judah insists on actual removal.

(3) He agrees with R. Simeon b. Eleazar but adds that since mere intention suffices to make the mixture fit, one can also remove the se'ah on the Sabbath.

(4) When he wishes to draw the contents.

(5) And the falling stone might cause damage.

(6) E.g., secretion, spittle, etc.

(7) But not with water, which is forbidden as washing.

(8) Which is not such as is washed with water.

(9) As here: one must not handle the stone, a forbidden article, but the whole cask, which is a permitted object, even though the stone lies upon it.

(10) Leaving the non-edible beans in the bowl.

(11) I.e., he can remove the non-edible beans, if he wishes.

(12) Then Beth Hillel permit the latter to be picked out, because it is less trouble.

(13) For there is more trouble in lifting out the whole cask than in simply removing the stone.

(14) Eventually he must lift out the cask and tilt it in order to obtain the wine at the very bottom; hence there is no more trouble in lifting it out now.

(15) Before the Sabbath.

(16) V. p. 35, n. 5.

(17) Less than four cubits at a time, since carrying in a street is forbidden; or, within a barrier formed by a chain of persons, v. 'Er. 43b.

(18) V. supra 30b.

(19) To handle the latter in virtue of the former.

(20) Killed, raw and unsalted.

(21) Said sarcastically.

(22) Who sets an example.

(23) Hence I may hand]e them in any case, and I place the ladle there merely because I do not wish to encourage laxity

of observance.

(24) Which used to be eaten in his days.

(25) Though it would still be fit for dogs; thus fitness for dogs does not permit handling by humans.

(26) Who holds the view expressed in the preceding note; v. Bez. 6b.

(27) It was a festival.

(28) Thus he permitted him to handle it, though unfit for human beings just then, entrails not being eaten on Festivals: nevertheless on the previous day, before the festival commenced, they would have been fit for human beings too.

Talmud - Mas. Shabbath 143a

There, since they would putrefy,¹ his mind was [set] upon them from the previous day.² Logic too indicates that Raba agrees with R. Judah. For Raba lectured: A woman must not enter a wood-shed to take thence a wood poker;³ and if a wood poker is broken [on a Festival], it may not be used as fuel on the Festival, because we may heat with utensils but not with fragments of utensils. This proves it.⁴

MISHNAH. BETH SHAMMAI SAY: ONE MAY REMOVE BONES AND [NUT]SHELLS FROM THE TABLE;⁵ BUT BETH HILLEL RULE: ONE MUST TAKE AWAY THE WHOLE BOARD AND SHAKE IT.⁶ ONE MAY REMOVE FROM THE TABLE CRUMBS LESS THAN THE SIZE OF AN OLIVE AND THE PANICLES OF BEANS AND LENTILS, BECAUSE THEY ARE FOOD FOR ANIMALS. AS FOR A SPONGE, IF IT HAS A LEATHERN HANDLE, ONE MAY WIPE [THE BOARD] WITH IT; IF NOT, ONE MAY NOT WIPE [THE BOARD] WITH IT.⁷ [THE SAGES MAINTAIN]:⁸ IN EITHER CASE IT MAY BE HANDLED ON THE SABBATH⁹ AND IS NOT SUSCEPTIBLE TO DEFILEMENT.¹⁰

GEMARA. R. Nahman said: As for us, we have no other [view] but that Beth Shammai agrees with R. Judah, and Beth Hillel with R. Simeon.¹¹

ONE MAY REMOVE CRUMBS FROM THE TABLE. This supports R. Johanan. For R. Johanan said: Crumbs less than an olive in size may not be wantonly¹² destroyed.¹³

PANICLES OF BEANS. Who is the authority? [Apparently] R. Simeon, who rejects [the interdict of] mukzeh?¹⁴ Then consider the final clause: AS FOR A SPONGE, IF IT HAS A LEATHERN HANDLE, ONE MAY WIPE [THE BOARD] WITH IT; IF NOT, ONE MAY NOT WIPE WITH IT: this agrees with R. Judah, who maintains, That which is unintentional is forbidden?¹⁵ — Here even R. Simeon agrees, for Abaye and Raba both maintained: R. Simeon admits in a case of ‘cut off his head but let him not die.’¹⁶

The kernels of Syrian dates¹⁷ may be handled, since they are fit [for cattle] on account of their parent source,¹⁸ but those of Persian [dates] are forbidden.¹⁹ Samuel handled them in virtue of [a piece of] bread.²⁰ (Mnemonic: SHarnas SHapaz.)²¹ Samuel is consistent with his view, for Samuel said: One may carry out all his requirements with bread.²² Rabbah handled them in virtue of a bowl [flask] of water. R. Huna the son of R. Joshua made them as a pot of excrements.²³ Said R. Ashi to Amemar: But may we make a pot of excrements at the outset?²⁴ R. Shesheth threw them away [spat them out] with his tongue. R. Papa threw them behind the couch.²⁵ It was said of R. Zechariah b. Eucolos that he would turn his face to the back of the couch and throw them away. [

(1) If left until the evening after the Festival.

(2) Intending them for cats, and therefore they are *mukan* (q.v. *Glos.*).

(3) For wood in a shed is generally meant for fuel, not to be used as a utensil,

(4) That Raba accepts the interdict of *mukzeh*, in accordance with R. Judah.

(5) By hand, though they are not even fit for a dog — dry and hard bones are referred to for Beth Shammai do not accept

the interdict of mukzeh.

(6) But the bones and nutshells may not be handled, Beth Hillel accepting the interdict of mukzeh.

(7) For fear of wringing out the absorbed moisture.

(8) This is omitted in some versions.

(9) When dry.

(10) Being neither a wooden utensil, a garment, a sack, nor metal, and only these can become unclean.

(11) R. Judah accepts the interdict of mukzeh; R. Simeon does not. Hence the views ascribed to Beth Shammai and Beth Hillel respectively in our Mishnah must be reversed.

(12) Lit., 'by hand'.

(13) Rashi: since the Mishnah states, ONE MAY REMOVE, implying that they are removed by hand, and must not be thrown away. Tosaf. rejects this deduction: moreover, it appears from Ber. 52b that 'may be destroyed' is the correct reading. Accordingly, Tosaf. reads there: ...may be wantonly destroyed, the deduction being from the statement, BECAUSE THEY ARE FOOD FOR ANIMALS, which may be destroyed.

(14) For on Judah's view it is mukzeh, since it was together with the edible portion before the Sabbath when it was not mukan for animals.

(15) The unintentional act is that in holding it water is wrung out.

(16) V. p. 357, n. 8.

(17) These were of an inferior quality and only fit for cattle.

(18) Lit., 'their mother'. Sc. the date itself, v. n. 8, the case here being the reverse.

(19) Because the dates themselves were fit for human beings.

(20) Similar to the cases given supra 142b.

(21) V. p. 149, n. 6. SH=SHemuel (Samuel). R=Rabbah; N=R. Huna; S=R. AShi, SH=SHesheth, P=R. Papa; Z=R. Zechariah.

(22) Supra 50b.

(23) He collected all the kernels in front of him; the quantity made them repulsive and he could treat them as a pot of excrements, which may be removed.

(24) Surely not. Thus he disagrees with R. Huna.

(25) Upon which he reclined while eating.

Talmud - Mas. Shabbath 143b

CHAPTER XXII

MISHNAH. IF A CASK [OF WINE] IS BROKEN¹ ONE MAY SAVE THEREOF THE REQUIREMENTS² FOR THREE MEALS, AND HE [THE OWNER] CAN SAY TO OTHERS, 'COME AND SAVE FOR YOURSELVES', PROVIDED THAT HE DOES NOT SPONGE IT UP.³ FRUIT MAY NOT BE SQUEEZED IN ORDER TO EXPRESS THEIR JUICES:⁴ IF THEY EXUDE OF THEIR OWN ACCORD THEY ARE PROHIBITED. R. JUDAH SAID: IF [THEY STAND] AS EATABLES,⁵ THAT WHICH EXUDES FROM THEM IS PERMITTED; BUT IF FOR LIQUIDS,⁶ THAT WHICH EXUDES FROM THEM IS PROHIBITED. IF HONEYCOMBS ARE CRUSHED ON THE EVE OF THE SABBATH AND IT [THE HONEY] EXUDES SPONTANEOUSLY, IT IS FORBIDDEN; BUT R. ELEAZAR⁷ PERMITS IT.

GEMARA. A Tanna taught: One must not sponge up wine nor dab up oil,⁸ so that he should not act as he does during the week.

Our Rabbis taught: If one's produce is scattered in his courtyard, he may collect a little at a time and eat it,⁹ but not into a basket or a tub, so that he should not act as he does during the week. FRUIT MAY NOT BE SQUEEZED, [etc.]. Rab Judah said in Samuel's name: R. Judah agreed with the Sages in respect to olives and grapes. What is the reason? Since they are [normally] for expressing, he puts his mind to them.¹⁰ But 'Ulla said in Rab's name: R. Judah disagreed in respect of olives and grapes too. While R. Johanan said: The halachah is as R. Judah in the case of other

produce, but the halachah is not as R. Judah in the case of olives and grapes. Rabbah said in Rab Judah's name in Samuel's name: R. Judah agreed with the Sages in respect of olives and grapes, while the Sages agreed with R. Judah in respect of other produce. Said R. Jeremiah to R. Abba: Then wherein do they differ? When you find it [I will tell you,] he replied.¹¹ R. Nahman b. Isaac said: It is reasonable that they differ in the case of mulberries and pomegranates.¹² For it was taught: If one draws off oil from olives, or wine from grapes,¹³ and [then] carries them in,¹⁴ whether as eatables or for their liquids, that which exudes from them is forbidden. If one draws fluid out of mulberries or juice¹⁵ out of pomegranates, and [then] carries them in, as eatables, that which exudes from them is permitted; [if he carries them in] for their liquid or without specifying [their purpose], that which exudes from them is forbidden: the words of R. Judah. But the Sages maintain: Whether for eating or for drinking, that which exudes from them is forbidden.

Now, does R. Judah hold that if it [the purpose] is unspecified, it [the exuding liquid] is forbidden? But surely we learnt: A woman's milk defiles,¹⁶ [whether it flows] with or without [the woman's] desire; a cow's milk defiles only [when it flows] with [its owner's] desire.¹⁷ Said R. Akiba, It [the reverse] follows a minori: if woman's milk, which is set apart for infants only, defiles [whether it flows] with or without [her] desire, then cow's milk, which is set apart for both infants and adults, surely defiles [whether it flows] with or without [the owner's] desire.¹⁸ [Said they to him]: If a woman's milk is unclean¹⁹ without [her] desire, that may be because the blood of her wound is unclean;²⁰ shall cow's milk be unclean

(1) On the Sabbath.

(2) Lit., 'food'.

(3) I.e., he must not absorb the spilt wine in a sponge, lest he wring it out (into a vessel), which is forbidden.

(4) This is forbidden under threshing, v. supra 73a.

(5) E.g., dates which are intended for eating.

(6) E.g., dates intended for honey.

(7) This is the reading supra 19b, R. Eleazar b. Shammua' being the Tanna that is meant — Rashi ibid; v. Bah. Cur. edd. R. Eliezer.

(8) With his hands, which he then wipes on the edge of a vessel so that the oil runs unto it.

(9) This implies that he may collect only what he intends eating there and then. Tosaf. however, favours the deletion of 'and eat it'.

(10) If they exude their liquid he does not mind, or is even pleased.

(11) Probably: if you think carefully about it you will find the answer yourself.

(12) Which were not usually pressed for juice.

(13) Ri. (v. Tosaf. a.l.) Rashi translates; if oil oozes out of olives, etc. — of its own accord.

(14) To the house for storing. 'Then' is added on the Ri's explanation. Rashi: he had (previously) carried in.

(15) Lit., 'wine'.

(16) I.e., if it falls on a food-stuff it makes it liable to defilement, cf. p. 45, n. 1, likewise, it is defiled itself if it comes into contact with a dead sherez (q.v. Glos.)- Rashi, Maim. and Asheri in Maksh. VI, 8.

(17) Cf. p. 45, n. 1.

(18) For the power of rendering food susceptible to uncleanness depends upon whether the fluid is regarded as a liquid or not. Hence since cows milk is more widely used as a liquid than woman's milk, its power in this respect cannot be less than that of the latter.

(19) In the same sense as in p. 727, n. 7.

(20) Likewise in the same sense; Nid. 55b.

Talmud - Mas. Shabbath 144a

without [the owner's] desire, though the blood of its wound is clean? I am more stringent in the case of milk than in the case of blood, replied he, because if one milks¹ as a remedy² it [the milk] is unclean, whereas if one lets blood as a remedy it is clean. Said they to him: Let baskets of olives and

grapes prove it, for the liquid that exudes from them with [their owner's] desire is unclean; without [their owner's] desire, is clean. Now does not 'with desire' mean that he [the owner] is pleased therewith;³ whilst 'without [his] desire' means that it [the purpose] is unspecified?⁴ Now if olives and grapes, which stand to be pressed, yet where [the juice exudes] without desire it is nothing: how much more so mulberries and pomegranates, which do not stand to be pressed?⁵ — No: 'with desire' means that it is unexpressed, whilst 'without desire' means that he [the owner] revealed his mind, saying, 'It does not please me. An alternative answer is: baskets of olives and grapes are different, [for] since it stands to be wasted,⁶ he [the owner] indeed renounces it beforehand.⁷ We have [thus] found that R. Judah agrees with the Rabbis in the case of olives and grapes. How do we know that the Rabbis agree with R. Judah in the case of other fruits?⁸ Because it was taught: One may express

(1) A cow, or if one draws off a woman's milk.

(2) Not because the milk is required, but because its presence in the animal or woman may be injurious to them.

(3) I.e., from his explicit statements we understand that he is pleased therewith. — It may be observed that where fruit is kept for its juice, its exuding is regarded as in conformity with the owner's desire, whether he actually wanted it just then or not.

(4) In which case it is clean, because it is not regarded as a liquid. This must at least represent the view of R. Judah, whose range of liquids is more restricted than that of the Rabbis.

(5) And since according to R. Judah it is not a liquid in respect of defilement, when it exudes on the Sabbath it should be permitted. This is the point of the difficulty.

(6) Sc. the liquid that exudes. Thus 'baskets' is intentionally stated here, for the juice runs out through the holes.

(7) Hence it certainly does not exude with his desire. But if the fruit is in other

(8) Excluding mulberries and pomegranates.

Talmud - Mas. Shabbath 144b

plums, quinces and sorb-apples,¹ but not pomegranates, and [indeed] the household of Menasia b. Menahem used to express pomegranates.² And how do you know that this is the [ruling of] the Rabbis: perhaps it is R. Judah['s view]?- Even granted that it is R. Judah['s]: when have you heard R. Judah [to permit the juice], when it exudes of itself: have you heard him [to rule that] we may express it at the very outset?³ But what you must answer is since they are not intended for pressing, [it is permitted] even at the outset; consequently even if it is assumed to be the ruling of the Rabbis, since they are not intended for pressing [it is permitted] at the very outset. Hence it follows that this [agrees with] the Rabbis [too].⁴ This proves it.

'The household of Menasia b. Menahem used to express pomegranates.' R. Nahman said: The halachah is in accordance with the household of Menasia b. Menahem. Said Raba to R. Nahman: Was then Menasia b. Menahem a Tanna?⁵ And should you say [that you mean], The halachah is as this Tanna⁶ because he agrees with the [practice of] Menasia b. Menahem: just because he agrees with Menasia b. Menahem, the halachah is as he! Does Menasia b. Menahem represent the majority of people?⁷ Yes. For we learnt: If one maintains thorns in a vineyard, — R. Eleazar said: They are forbidden;⁸ but the Sages maintained: Only that the like of which is [normally] kept⁹ creates an interdict. Now R.

utensils which conserve the liquid, it is regarded as exuding with his desire even where he said nothing. Hanina said: What is R. Eleazar's reason? Because in Arabia the thorns of fields are kept for the camels.¹⁰ How compare! Arabia is a [whole] region, but here his practice¹¹ counts as nought in relation to that of all [other] people! — Rather this is the reason,¹² as R. Hisda. For R. Hisda said: If beets are expressed and [the juice] poured into a mikweh,¹³ it renders the mikweh unfit on account of changed appearance.¹⁴ But these are not normally expressed?¹⁵ What you must then answer is that since he assigned value thereto,¹⁶ it ranks as liquid;¹⁷ so here too, since one assigns a value thereto, it ranks as a liquid.¹⁸ R. Papa said: The reason is that it is something wherewith a mikweh may not be

made in the first place, and everything wherewith a mikweh may not be made in the first place renders a mikweh unfit through changed appearance.¹⁹ We learnt elsewhere: If wine, vinegar, or secretion [of olives]²⁰ falls therein [a mikweh] and changes its appearance, it is unfit.²¹ Which Tanna holds that secretion [of olives] is a liquid?²² — Said Abaye, It is R. Jacob. For it was taught, R. Jacob said: The secretion is as a liquid, and why did they [the Sages] rule, The secretion which exudes at the beginning²³ is clean?²⁴ Because one does not desire to keep it. R. Simeon said: Secretion is not as a liquid, and why did they rule, The secretion that exudes from the bale made up for the press²⁵ is unclean? Because it cannot but contain particles of diluted oil. Wherein do they differ?²⁶ They differ in respect to what oozes after [the olives have been subject to their own] pressure. Raba said: The reason is because it is something whereof a mikweh may not be made, and such renders a mikweh unfit through change of colour.²⁷ Rab Judah said in Samuel's name: One may squeeze out a cluster of grapes into a pot,²⁸ but not into a plate.²⁹ R. Hisda observed: From our master's words we may learn [that] one may milk a goat into a pot [of food], but not into a plate. This proves that he holds: a liquid that unites with³⁰ a [solid] foodstuff is [accounted] a foodstuff. Rami b. Hama objected: If a zab milks a goat, the milk is unclean.³¹ But if you say, A liquid that unites with a [solid] foodstuff is a foodstuff, whereby did it become susceptible?³² — As R. Johanan said [elsewhere], By the drop [of milk] smeared on the nipple: so here too by the drop smeared on the nipple.³³ Rabina objected: If a person unclean through a corpse squeezes out olives or grapes

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- (1) Because their juice is not normally expressed, and therefore that is not akin to threshing, which is the reason of the prohibition in the case of other fruits.
- (2) On weekdays, which shows that pomegranates are intended for this.
- (3) Surely not.
- (4) For the same logic holds good on their view too.
- (5) Of course not. The practice of this household is merely quoted, but he himself could give no ruling.
- (6) Who forbids with pomegranates.
- (7) That the halachah should be decided by his practice.
- (8) Lit., 'sanctified'. Viz., the grapes, on account of the mixture of plants; Deut. XXII, 9.
- (9) I.e., a plant which is wanted and valuable, which excludes thorns.
- (10) Thus Arabian practice decides the law, and the same is true here.
- (11) Lit., 'mind'.
- (12) For R. Nahman's ruling that one may not press pomegranate..
- (13) V. Glos.
- (14) The water is stained red and no longer looks like water.
- (15) Hence their juice should be of no account.
- (16) Sc. the juices.
- (17) Which can invalidate a mikweh.
- (18) Viz., the juice of pomegranates. Rashi: R. Nahman accordingly explains the Baraita thus: — One may squeeze plums, etc., not for their juice, since this would automatically give the juice a value of its own as a liquid, which in turn prohibits squeezing, but in order to improve the taste of the fruit. But not pomegranates. even to improve the fruit, for since some, as the house of Menasia b. Menahem, squeeze it for the sake of the juice, should you permit the former the latter too may be done. This does not apply to plums etc. which no-one squeezes for the sake of their juice.
- (19) Yet no value is assigned thereto and the juice is not a liquid.
- (20) A fluid given off by olives before the actual oil is expressed. It is in fact a kind of diluted oil.
- (21) V. Mik. VII, 4.
- (22) To invalidate a mikweh.
- (23) When the olives are first loaded in the press, but before they are actually pressed.
- (24) It does not render food insusceptible to defilement; v. p. 45, n. 1.
- (25) Jast.: a bale of loose texture containing the olive pulp to be pressed. This fluid denotes a further stage than the previous.
- (26) Since both admit that the first fluid is clean, while that which oozes from the olive pulp is unclean, in respect of what do they disagree?

(27) That is why the serial fluid makes the mikweh unfit; accordingly that ruling agrees with all.

(28) Of food, for obviously the juice will not be drunk separately but is meant to season the food; as such it remains a food, i.e., a solid, itself.

(29) As it may then be drunk separately, notwithstanding that one does not generally drink from a plate.

(30) Lit., comes into'.

(31) A zab defiles everything through hesset (v. p. 395, n. 1); here too he exercises hesset on the milk.

(32) To defilement, for no foodstuff can be unclean unless a liquid has previously fallen upon it (v. p. 45, n. 1). — The law is stated generally- which implies that it is so even if he milks it into a pot of food.

(33) The milker smears the first drop around the nipple, to facilitate the flow. This drop of course counts as a liquid, and all the subsequent milk is touched thereby.

Talmud - Mas. Shabbath 145a

exactly as much as an egg [in quantity] it is clean.¹ Hence if more than an egg [in quantity] it [the juice] is unclean; but if you say, A liquid that unites with a [solid] foodstuff is a foodstuff, whereby did it become susceptible? He raised the objection and he himself answered it: It refers to squeezing out into a plate.

R. Jeremiah said, This is dependent on Tannaim: If one smooths [the surface of dough] with grapes [grape juice], it does not become susceptible [to defilement];² R. Judah maintained: It is made susceptible, Do they not differ in this: one Master holds, A liquid that unites with a [solid] foodstuff is a foodstuff, while the other Master holds that it is not a foodstuff? — Said R. Papa. All hold, A liquid that unites with a foodstuff is not a foodstuff,³ but here they differ in respect of a liquid that will eventually be destroyed:⁴ one Master holds, It is [accounted] a liquid; while the other Master holds, It is not a liquid. And [they differ] in the [same] controversy as that of these Tannaim. For it was taught: If one splits olives⁵ with unclean hands, they are rendered susceptible;⁶ if in order to salt them,⁷ they are not rendered susceptible; if in order to know whether the olives are ripe⁸ for gathering⁹ or not, they do not become susceptible; R. Judah said: They do become susceptible. Now, surely they differ in this, viz., one Master holds: A liquid that stands to be destroyed¹⁰ is [accounted] a liquid, while the other Master holds that it is not a liquid!¹¹ -Said R. Huna the son of R. Joshua: These [latter] Tannaim [indeed] differ in respect of a liquid that stands to be destroyed, while the former Tannaim¹² differ in respect of liquid whose purpose is to polish [the dough].¹³ R. Zera said in R. Hiyya b. Ashi's name in Rab's name: A man may squeeze a bunch of grapes into a pot [of food], but not into a plate; but [one may squeeze] a fish for its brine even into a plate.¹⁴ Now, R. Dimi sat and stated this ruling. Said Abaye to R. Dimi, You recite it in Rab's name, hence it presents no difficulty to you; [but] we recite it in Samuel's name, so it presents a difficulty to us. Did Samuel say, '[One may squeeze] a fish for its brine even into a plate'? Surely it was stated: If one presses out [pickled] preserves,¹⁵ — Rab said: If for their own sake,¹⁶ it is permitted; if for their fluid,¹⁷ he is not culpable, nevertheless it is forbidden. But with boiled preserves, whether for their own sake or for their fluid, it is permitted. While Samuel ruled: Both with [pickled] preserves and boiled preserves, if for their own sake, it is permitted; if for their fluid, he is not culpable, yet it is forbidden!¹⁸ — By God! replied he, 'Mine eyes have beheld, and not a stranger':¹⁹ I heard it from R. Jeremiah's mouth, and R. Jeremiah from R. Zera, and R. Zera from R. Hiyya b. Ashi, and R. Hiyya b. Ashi from Rab.

To turn to [the main] text: 'If one presses out [pickled] preserves, — Rab said: If for their own sake, it is permitted; if for their fluid, he is not culpable, nevertheless it is forbidden. But with boiled preserves, whether for their own sake or for their fluid, it is permitted. While Samuel ruled: Both with [pickled] preserves and boiled preserves, if for their own sake, it is permitted; if for their fluid, he is not culpable, yet it is forbidden. R. Johanan said: Both with [pickled] and boiled preserves, if for their own sake, it is permitted; if for their fluid, he is liable to a sin-offering'. An objection is raised: One may squeeze [pickled] preserves on the Sabbath for the requirements of the Sabbath, but not against the termination of the Sabbath; but one must not express olives and grapes, and if he

does, he is liable to a sin-offering: this is a difficulty according to Rab, Samuel, and R. Johanan? — Rab reconciles it with his view, Samuel with his, and R. Johanan with his. ‘Rab reconciles it with his view’: One may squeeze [pickled] preserves on the Sabbath for the requirements of the Sabbath, but not against the termination of the Sabbath. When is this said? when it is [done] for their own sake; but if for their fluid, he is not culpable, yet it is forbidden; while [as for] boiled preserves, whether [done] for their own sake or for their fluid, it is permitted. But one must not express olives and grapes, and if he does he is liable to a sin-offering. ‘Samuel explains it according to his view’: One may squeeze [pickled] preserves on the Sabbath for the requirements of the Sabbath, [and] the same applies to boiled preserves. When is this said? When it is for their own sakes; but if for their fluid, he is not culpable, yet it is forbidden. And one must not express olives and grapes, and if he does, he is liable to a sin-offering. ‘R. Johanan explains it according to his view’: One may squeeze [pickled] preserves for the requirements of the Sabbath, but not against the termination of the Sabbath. This applies to both [pickled] and boiled preserves. When is that said? When it is for their own sake; but he must not squeeze them for their fluid, and if he does, it is as though he squeezed olives and grapes, and he is liable to a sin-offering. R. Hiyya b. Ashi said in Rab's name: By the words of the Torah²⁰ one is culpable for the treading out of olives and grapes alone. And the School of Menasseh taught likewise: By the words of the Torah one is culpable for the treading out of olives and grapes alone. And a witness [attesting] what he heard from²¹ another witness is valid

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- (1) This person defiles food, and in turn the food, if not less than the size of an egg in quantity, defiles liquids. Here the man does not touch the expressed juice. Now from the very first drop that issues the residue is less than the necessary minimum, and therefore it cannot defile the liquid that follows. V. Toh. III, 3; v. Pes., Sonc. ed., p. 153, n. 2.
- (2) Presumably the flour was kneaded with eggs, which do not render it susceptible, and the first Tanna teaches that the grape juice does not do so either.
- (3) So cur, edd., which Rashi and Tosaf. support. Wilna Gaon states that the reading of the Geonim, as well as that of Alfasi, is: is a foodstuff.
- (4) For the heat of the oven will dry it up.
- (5) Rashi: to soften them.
- (6) To defilement through the liquid that oozes out because he is pleased with it, since the olives are softened thereby, v. p. 45, nn. 1,4.
- (7) When very hard they cannot take salt, and therefore he desires to soften them slightly, but not so much that the juice oozes out; hence he is not pleased therewith.
- (8) Lit., ‘have arrived’.
- (9) Whether they are soft enough for the oil to be easily expressed.
- (10) The liquid which oozes out of course is lost.
- (11) And similarly do the Tannaim of the former Baraitha differ on the same question.
- (12) Who discuss the smoothing of dough.
- (13) But the question of waste does not enter here, because this liquid serves a definite purpose. giving the dough a brighter colour.
- (14) Because it is a foodstuff, not a drink, and the squeezing merely separate. its composite parts, viz., the brine from the flesh.
- (15) I.e., raw vegetables, preserved or pickled in wine or vinegar.
- (16) I.e., he wishes to eat them, and they bear too much moisture at present.
- (17) He actually wishes to drink its fluid.
- (18) Now the squeezing of boiled preserves is like that of a fish for its brine. Thus Samuel is self-contradictory.
- (19) Job XIX, 27. That Rab is the authority for the reported ruling.
- (20) Pentateuchal law.
- (21) Lit., ‘from the mouth’.

Talmud - Mas. Shabbath 145b

in evidence concerning a woman alone.¹ The scholars asked: What about a witness [attesting] what

he heard from another witness in evidence relating to a firstling?² — R. Ammi forbids [the admission of his testimony]; while R. Assi permits it. Said R. Ammi to R. Ashi, But the School of Menasseh taught: A witness testifying what he heard from another witness is valid in testimony concerning a woman alone? — Say: Only in testimony for which a woman is valid.³ R. Yemar recognized as fit a witness [testifying] from the mouth of another witness in respect to a firstling, [whereupon] Meremar called him ‘Yemar who permits firstlings.’⁴ Yet the law is, A witness [testifying] from the mouth of another witness is valid in respect to firstlings.

HONEYCOMBS. When R. Oshaia came from Nehardea, he came and brought a Baraita with him:⁵ If one crushes olives and grapes on the eve of the Sabbath, and they [their juices] ooze out of themselves, they are forbidden; but R. Eleazar and R. Simeon permit them. R. Joseph observed. Does he come to inform us of another person?⁶ — Said Abaye to him, He comes to tell us much. For if [we learnt] from our Mishnah [alone], I would argue, Only there [is it thus], since it [the honey] was a [solid] foodstuff originally and is now a foodstuff; but here that they [the grapes, etc.] were originally a foodstuff but now⁷ a fluid, I would say, It is not so. Hence he informs us [otherwise].

MISHNAH. WHATEVER WAS PUT INTO HOT WATER BEFORE THE SABBATH MAY BE STEEPED [AGAIN] IN HOT WATER ON THE SABBATH; BUT WHATEVER WAS NOT PUT INTO HOT WATER BEFORE THE SABBATH MAY [ONLY] BE RINSED WITH HOT WATER ON THE SABBATH, EXCEPT OLD SALTED [PICKLED] FISH, [SMALL SALTED FISH],⁸ AND THE COLIAS OF THE SPANIARDS,⁹ BECAUSE THEIR RINSING COMPLETES THEIR PREPARATION.¹⁰

GEMARA. What, for example?¹¹ R. Safra said: E.g., R. Abba's fowl[s].¹² R. Safra also said: I once paid a visit there [Palestine] and ate thereof, and but for R. Abba who made me drink wine of three foliages¹³ I would have been in danger.¹⁴ R. Johanan expectorated at [the mention of] Babylonian kutah.¹⁵ Said R. Joseph: Then we [Babylonians] should expectorate at R. Abba's fowl!¹⁶ Moreover, R. Gaza has related, I once paid a visit there [in Palestine] and prepared some Babylonian kutah, and all the invalids of the West [Palestine] asked me for it.

WHATEVER WAS NOT PUT INTO HOT WATER, etc. What if one does rinse [them]?¹⁷ R. Joseph said: If one rinses them, he incurs a sin-offering. Mar the son of Rabina said, We too learnt thus: EXCEPT OLD SALTED [PICKLED] FISH, AND THE COLIAS OF THE SPANIARDS, BECAUSE THEIR RINSING COMPLETES THEIR PREPARATION: this proves it.¹⁸

R. Hiyya b. Abba and R. Assi were sitting before R. Johanan, while R. Johanan was sitting and dozing. Now, R. Hiyya b. Abba asked R. Assi, Why are the fowls in Babylonia fat?¹⁹ Go to the wilderness of Gaza, replied he, and I will show you fatter ones. Why are the festivals in Babylon [so] joyous? Because they [its inhabitants] are poor.²⁰ Why are the scholars in Babylonia distinguished [in dress]? Because they are not well learned.²¹ Why are idolaters lustful? Because they eat abominable and creeping things. R. Johanan awoke thereat [and] said to them, Children! did I not this teach you: Say unto wisdom, Thou art my sister:²² if the matter is as clear to thee as that thy sister is interdicted to thee, say it; but if not do not say it? Said they to him, Then let the Master tell us some of these? Why are the fowls of Babylonia fat? Because they were not sent into exile, as it is said, Moab hath been at ease from his youth, and he hath settled on his lees...neither hath he gone into capacity: [therefore his taste remaineth in him, and his scent is not changed].²³ And how do we know that they suffered exile here [in Palestine]? Because it was taught, R. Judah said: For fifty-two years no man passed through Judea, as it is said, For the mountains will I take up a weeping and wailing, and for the pastures of the wilderness a lamentation, because they are burned up, so that none passeth through...both the fowl of the heavens and the beast [behemah] are fled, they are gone:²⁴ the numerical value of behemah is fifty-two.²⁵ R. Jacob said in R. Johanan's name: They all returned save the colias of the Spaniards. For Rab said: The water courses of Babylonia carry back

the water to the fountain of Etam;²⁶ but these [colias], since their spine is not firm, could not go up.²⁷ Why are the festivals in Babylonia joyous? Because they were not subject to that curse, whereof it is written, I will also cause all her mirth to cease, her feasts, her new moons, her Sabbaths, and all her solemn assemblies,²⁸ and it is written, Your new moons and your appointed feasts my soul hateth: they are a trouble unto me.²⁹ What does 'they are a trouble unto me' mean? — Said R. Eleazar: The Holy One, blessed be He, saith, Not enough is it for Israel that they sin before Me, but that they trouble Me to know which evil decree I am to bring upon them. R. Isaac said: There is no single festival when troops did not come to Sepphoris.³⁰ R. Hanina said: There is no single festival when there did not come to Tiberias a general with his suite and centurions.³¹

Why are the scholars of Babylonia distinguished [in dress]? Because they are not in their [original] homes,³² as People say, In my own town my name [is sufficient]; away from home, my dress.³³ In days to come shall Jacob take root, Israel shall blossom [yaziz] and bud [ufarah].³⁴ R. Joseph recited, This refers to scholars in Babylonia who wreath blossoms [ziziz] and flowers [perahim] around the Torah.³⁵

Why are idolaters lustful? Because they did not stand at Mount Sinai. For when

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- (1) He is valid to attest a man's death, so that his wife may remarry v. Yeb. 90b.
 - (2) A firstling of animals may not be eaten until it receives a blemish accidentally, which must be proved by witnesses.
 - (3) A woman is a valid witness only in certain matters, which includes a firstling's blemish, and in these hearsay too is admissible.
 - (4) Said in a critical spirit.
 - (5) Lit., 'in his hand'.
 - (6) What purpose does this Baraita serve? The, same principle is expressed in our Mishnah by R. Eleazar, and he merely tells us that it is also R. Simeon's view.
 - (7) Lit., 'at the end'.
 - (8) Var. lec. omits this.
 - (9) A kind of tunny-fish.
 - (10) V. supra 39a top for notes.
 - (11) Is put into hot water and then steeped again.
 - (12) Which he boiled and kept many days in hot water until they dissolved; then he ate them as a remedy.
 - (13) I.e., in the third year.
 - (14) I was moved to expectorate, so sickly was it.
 - (15) He disliked it so much.
 - (16) The disparagement of the Babylonian delicacy gave him offence.
 - (17) The old salted fish etc.
 - (18) Since it completes their preparation it is the equivalent of boiling.
 - (19) Fatter than the Palestinian ones.
 - (20) And live drably during the rest of the year, therefore they appreciate the festivals all the more.
 - (21) Lit., 'they are not sons of (i.e., they do not possess) the Torah'. — Hence they have nothing else but dress to distinguish them.
 - (22) Prov. VII, 4.
 - (23) Jer. XLVIII, 11. The verse is quoted to show the adverse physical effects of exile.
 - (24) Ibid. IX, 9 (E.V. 10).
 - (25) I.e., $\aleph=2$; $\beth=5$ $\daleth=40$; $\varepsilon=5$. Thus he translates: the fowl of the heavens is fled for fifty-two (years). Of course, the fifty-two years of desolation are based on historical figures (Meg. 11b), and this verse is merely quoted as a support or hint. (Tosaf.).
 - (26) The highest eminence in Palestine (Zeb. 54b). According to Josephus (Ant. VIII, 7,3) it was sixty stadia south of Jerusalem, and it supplied the city with water. The mikweh used by the High Priest on the Day of Atonement, which was situated above the Water Gate, was also drawn thence (Yoma 31a). — Thus as the water flowed from Babylonia it carried along the fish which had migrated from Palestine.

(27) The whole discussion was probably a mere jeu d'esprit as a relaxation after serious study.

(28) Hos. II, 13.

(29) Isa. I, 14.

(30) V. p. 16, n. 6. They were quartered on the Jews and naturally hindered the joy of the festival.

(31) אַגְמוֹן lit., 'cane bearer', but MS.O. reads: אַגְמוֹן, a general. For קוֹמוֹיִם Jast. suggests that קוֹמוֹיִם (= comites, members of the imperial cabinet) should be read. בְּעֵלֵי זְמוֹרָה = rod bearers, i.e., centurions.

(32) i.e., they hail from Palestine.

(33) There I must make myself known and distinguished through dress. — This is certainly a more charitable explanation than the previous.

(34) Isa. XXVII, 6.

(35) This is in support of R. Johanan's estimate of the Babylonian scholars.

Talmud - Mas. Shabbath 146a

the serpent came upon Eve he injected a lust into her:¹ [as for] the Israelites who stood at Mount Sinai, their lustfulness departed; the idolaters, who did not stand at Mount Sinai, their lustfulness did not depart.² R. Aha son of Raba asked R. Ashi. What about proselytes? Though they were not present, their guiding stars³ were present, as it is written, [Neither with you only do I make this covenant and this oath], but with him that standeth here with us this day before the Lord our God, and also with him that is not here with us this day.⁴ Now he differs from R. Abba b. Kahana, for R. Abba b. Kahana said: Until three generations the lustful [strain] did not disappear from our Patriarchs: Abraham begat Ishmael, Isaac begat Esau, [but] Jacob begat the twelve tribes in whom there was no taint whatsoever.⁵

MISHNAH. ONE MAY BREAK OPEN A CASK IN ORDER TO EAT RAISINS THEREOF, PROVIDED THAT HE DOES NOT DESIGN MAKING A UTENSIL;⁶ AND ONE MAY NOT PERFORATE THE BUNG OF A CASK;⁷ THIS IS R. JUDAH'S RULING; BUT THE SAGES PERMIT IT. AND ONE MUST NOT PIERCE IT AT THE SIDE THEREOF,⁸ WHILE IF IT IS PERFORATED⁹ ONE MUST NOT PLACE WAX UPON IT, BECAUSE HE CRUSHES IT.¹⁰ R. JUDAH SAID: [SUCH] AN INCIDENT CAME BEFORE R. JOHANAN B. ZAKKAI IN ARAB¹¹ AND HE SAID, I FEAR ON HIS ACCOUNT [THAT HE MAY BE LIABLE] TO A SIN-OFFERING.

GEMARA. R. Oshaia said: They learnt this only of pressed [raisins]; but not when they are loose [apart].¹² 'But not if they are loose [apart]?' An objection is raised: R. Simeon b. Gamaliel said: One may bring a cask of wine, strike off its head with a sword, and place it before guests on the Sabbath, and he need have no fear!¹³ — That is [according to] the Rabbis: our Mishnah is [according to] R. Nehemiah.¹⁴ Now, what compels R. Oshaia to establish our Mishnah as agreeing with R. Nehemiah, so that it refers to pressed [raisins]; let him explain it as referring to loose [raisins] and [in agreement with] the Rabbis? — Said Raba, Our Mishnah presents a difficulty to him: why particularly teach 'RAISINS : let him [the Tanna] teach 'fruit?' Hence it follows thence that the reference is to pressed [raisins].

One [Baraitha] taught: One may untie, unravel, or cut through the wicker wrappers of raisins and dates.¹⁵ Another was taught: One may untie, but not unravel or cut. There is no difficulty: one agrees with the Rabbis; the other with R. Nehemiah. For it was taught, R. Nehemiah said: Even a spoon, even a robe, and even a knife may be handled only when required for their [usual] function.

R. Shesheth was asked: What about piercing a cask with a spit¹⁶ on the Sabbath? does he intend [making] an opening, so it is forbidden, or perhaps his intention is to be generous¹⁷ and it is permitted? — He intends [making] an opening, replied he, and it is forbidden. An objection is raised: R. Simeon b. Gamaliel said: One may bring a cask of wine and strike off its head with a sword? —

There his intention is certainly to be generous: but here, if he really means to be generous — let him open it.¹⁸

ONE MAY NOT PERFORATE THE BUNG, etc. R. Huna said: The controversy is [in respect of a hole] at the top;¹⁹ but all agree that it is forbidden at the side,²⁰ and thus he teaches, ONE MUST NOT PIERCE IT AT THE SIDE THEREOF. But R. Hisda maintained: The controversy is in [respect of a hole] at the side, but all agree that it is permitted on the top, and as to what he teaches, ONE MUST NOT PIERCE IT AT THE SIDE THEREOF, there it refers to the cask itself.²¹

Our Rabbis taught: One may not pierce a new hole²² on the Sabbath, but if one comes to add,²³ he may add; but some say, One may not add. But they all agree that one may pierce an old hole²⁴ at the very outset. Now as to the first Tanna, wherein does it differ from [boring] a new hole, which may not [be done]? [Presumably] because an opening is [thereby] effected! Then in adding too an opening is improved (effected)?²⁵ — Said Rabbah: By the words of the Torah²⁶ every opening which is not made for putting in and taking out is not an opening, and it was the Rabbis who forbade it²⁷ on account of [the ventilation of] a hen-coop, which is made to permit the fresh air to enter and the fumes to pass out.²⁸ Hence 'if one comes to add, he may add': [for] in a hen-coop one will certainly not come to add,

(1) Cf. II Esdras IV, 30.

(2) The idea is that the serpent infected Eve (i.e., the human race) with lust, from which, however, those who accept the moral teachings of the Torah are freed. Cf. B.B. 16a: The Holy One, blessed be He, created the evil passions, but He also created the Torah as their antidote. Thus this passage does not teach the doctrine of 'Original Sin', which Judaism rejects; v. Hertz, Genesis, pp. 59-60, 'Jewish view on the "Fall of Man,"'. V. also Weiss, Dor, II, p. 9.

(3) On mazzal v. Sanh., Sonc. ed., p. 629, n. 10.

(4) Deut. XXIX, 14f. The teachings of Judaism and its spiritual ennoblement were freely meant for all mankind.

(5) Even before the Revelation at Sinai.

(6) i.e., a proper opening for the cask; this constitutes a labour.

(7) If it is tightly fitted in the cask, so that wine etc., may be poured out through the perforation, R. Han. regards the bung as the whole cover fitted into the top of the cask.

(8) This is explained in the Gemara.

(9) And one wishes to close the holes.

(10) I.e., he spreads it, which is forbidden.

(11) v. p. 600, n. 5.

(12) If the raisins are pressed together, a knife must be handled for cutting them out, and at the same time the barrel may be broken open with it. But if they are loose, so that a knife or axe is not required, it may not be handled merely for breaking the cask open.

(13) Of violating the Sabbath.

(14) That a utensil may be handled only for its normal use.

(15) Unripe dates and raisins were packed in wrappers made of plaited palm branches, to ripen. If the wrapper is tied with a cord one may untie it, unravel its strands, or cut it.

(16) I.e., by forcing it between the splices.

(17) Lit., 'a good eye' — i.e., to widen the opening so that the wine may flow freely, not niggardly but he does not mean to make a permanent opening.

(18) By withdrawing the bung, when the wine would flow no less freely.

(19) There the Rabbis permit it, because it is unusual to make an opening there, but rather the whole bung is removed.

(20) As an opening is sometimes made there in preference to withdrawing the stopper from the top, lest dust etc., fall in. 'Side' and 'top' both refer to the bung or lid, viz., the side of the bung and the top of the bung, but not to the sides of the cask itself.

(21) Not the bung.

(22) In a vessel.

(23) I.e., enlarge an existing hole.

(24) Which became stopped up.

(25) כמתקן may mean both effected and improved. — By enlarging the hole he completes its work.

(26) By Pentateuchal law.

(27) Sc. the hole under discussion, as the wine is not poured into the barrel through it.

(28) V. supra 102b.

Talmud - Mas. Shabbath 146b

on account of insects.¹ Yet ‘some say, One may not add’: Sometimes one may not make it [the hole] [properly] in the first place, and so come to enlarge it. R. Nahman lectured on the authority of R. Johanan: The halachah is as ‘some maintain’.

But they all agree that you may pierce an old hole at the very outset! Rab Judah said in Samuel's name: They learnt this only where it was done in order to conserve [the fragrance];² but if in order to strengthen it [the cask], it is forbidden.³ How is it [when it is] to conserve, and how is it [when meant] to strengthen?⁴ — Said R. Hisda: If it is above the [level of the] wine, its purpose is to conserve; if below the [top of the] wine, its purpose is to strengthen.⁵ Rabbah said: [If] below the [top of the] wine, that too is to conserve. Then how is it to strengthen? — E.g. if it was pierced below the lees.⁶

Abaye said to Rabbah, Something which supports you was taught: A closed house has four cubits; if one had broken open its door-frame, it does not receive four cubits.⁷ A closed house [room] does not defile all around it; if he had broken through the door-frame, it defiles all around it.⁸

[The insertion of] a tube,⁹ Rab forbids, while Samuel permits. As for cutting it in the first place,¹⁰ all agree that it is forbidden; [again], all agree that replacing it¹¹ is permitted. They differ only where it is cut but not made to measure:¹² he who forbids [its insertion] [holds that] we preventively prohibit [it], lest he come to cut it out in the first place; while he who permits it, [holds that] we do not preventively prohibit.

This is dependent on Tannaim: One may not cut a tube on a Festival, and it is superfluous to speak of the Sabbath. If it falls out,¹³ it may be replaced on the Sabbath, and it goes without saying on Festival[s]. While R. Josiah is lenient. To what does R. Josiah refer, Shall we say, to the first clause? Surely he prepares a utensil?¹⁴ Again, if to the second clause, the first Tanna too certainly permits it? Hence they must differ where it is cut but not made to measure: one Master holds, we preventively prohibit, while the other Master holds, We do not preventively prohibit. R. Shisha son of R. Idi lectured in R. Johanan's name: The halachah is as R. Josiah. WHILE IF IT IS PERFORATED, etc. Oil [to stop up the hole], Rab forbids, while Samuel permits.¹⁵ He who forbids [holds]: We preventively prohibit on account of wax;¹⁶ while he who permits [holds]: We do not preventively prohibit. R. Samuel b. Bar Hanah observed to R. Joseph: You distinctly told us in Rab's name [that with] oil [it] is permitted

Tabuth the fowler¹⁷ said in Samuel's name: [To shape] a myrtle leaf¹⁸ is forbidden. — What is the reason? R. Yemar of Difti¹⁹ said: It is a preventive measure on account of [the making of] a pipe. R. Ashi said: It is a preventive measure lest one pluck it [from the tree]. Wherein do they differ? They differ where it is [already] plucked and [others too] are lying about.²⁰

[To wear] linen sheets,²¹ Rab forbids, while Samuel permits.²² Of soft ones all agree that it is permitted;²³ in the case of hard ones all agree that it is forbidden.²⁴ They differ in respect of medium ones: he who forbids [holds that] they look like a burden; while he who permits [holds that] they do not look like a burden. Now, this [view] of Rab was stated not explicitly but by inference. For Rab visited a certain place where he had no room.²⁵ So he went out and sat in a karmelith. Linen sheets

were brought him,²⁶ [but] he did not sit [upon them]. He who saw this thought that it was because linen sheets are forbidden. Yet that is not so, for Rab had indeed announced [that] linen sheets are permitted, but he did not sit on them out of respect for our masters: and who are they? R. Kahana and R. Assi.²⁷

MISHNAH. A DISH MAY BE PLACED IN A PIT FOR IT TO BE GUARDED, AND WHOLESOME WATER INTO NOISOME WATER FOR IT TO BE COOLED, OR COLD WATER IN THE SUN FOR IT TO BE HEATED. IF ONE'S GARMENTS FALL INTO WATER ON THE ROAD, HE MAY WALK IN THEM WITHOUT FEAR. WHEN HE REACHES THE OUTERMOST COURTYARD²⁸ HE MAY SPREAD THEM OUT IN THE SUN, BUT NOT IN SIGHT OF THE PEOPLE.²⁹

GEMARA. [But] it is obvious?³⁰ — You might say, Let us preventively forbid it on account of the levelling of depressions;³¹ hence he [the Tanna] informs us [otherwise].

AND WHOLESOME WATER, [etc.] It is obvious? — The second clause is required: OR COLD WATER IN THE SUN, [etc.]. That too is obvious? — You, might say, Let us preventively forbid it, lest he come to put it away in [hot] ashes;³² therefore he teaches us [otherwise].

IF ONE'S GARMENTS DROP, [etc.] Rab Judah said in Rab's name: Wherever the Sages forbade [aught] for appearance's sake, it is forbidden even in the innermost chambers.³³ We learnt: HE MAY SPREAD THEM OUT IN THE SUN, BUT NOT IN SIGHT OF THE PEOPLE? — it is [a controversy of] Tannaim. For it was taught: He may spread them out in the sun, but not in sight of the people; R. Eleazar and R. Simeon forbid it.

R. Huna said:

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- (1) One does not make the ventilation hole too large for fear of insects, worms, etc., entering.
 - (2) I.e., the hole was closed up for that purpose. The closing is done quite feebly, and there is no real work in reopening it.
 - (3) To reopen it, because it was firmly closed and its re-opening is tantamount to making a new hole.
 - (4) What is the general rule which determines its purpose?
 - (5) That the wine should not drip out.
 - (6) There it has to bear the weight of all the wine and so must be strengthened.
 - (7) If a number of houses open into a common courtyard and their owners wish to divide it, each to have his own privately, each receives four cubits along the breadth of the courtyard for every door to his house that gives upon it, and the rest is shared equally. Now, if one of the doors had been walled up, but without its frame being broken through, its owner can still claim the four cubits for it; but if the frame was first broken through and then it was closed up, it ceases to count as a door, and the four cubits are lost. V. B.B. 12a.
 - (8) If a room containing a corpse is closed, i.e., the door is walled up, the defilement of the corpse does not extend beyond it. But if the door-frame was first broken and then walled up, so that no aperture at all is visible, the house is regarded as a grave and defiles everything around it to a distance of four cubits. — Thus an opening must be absolutely closed before it ceases to count as such, and the same applies to the cask.
 - (9) I.e., into a barrel, as a pipe.
 - (10) To the required size of the hole.
 - (11) Sc. a fitted tube which had fallen out.
 - (12) It had not been tested in the hole to see whether it fits exactly.
 - (13) From the bottle, where it serves as a pipe.
 - (14) Surely he does not permit the making of a tube!
 - (15) Rab forbids thick semi-solid oil to be spread over the hole, while Samuel permits it.
 - (16) The spreading of wax too may be regarded as permissible if one is allowed to spread oil.
 - (17) Rashi. Others: = רִישׁ בֵּי אָבִי, the head of the family (in Ta'an. 10a).

- (18) One may not shape a myrtle leaf into a funnel or pipe and insert it into the mouth of a bottle or cask.
- (19) V. p. 35, n. 5.
- (20) There are plenty of leaves, so that there is no fear that one may pluck it, hence it is permitted (Wilna Gaon); but the first reason still holds good. R. Han. explains it thus: All agree that one may not make a funnel and insert it in the hole of a cask, but they differ where the leaf was already lying in the hole as a funnel from before the Sabbath. According to R. Yemar it is still forbidden to pour wine through it, lest he make a funnel, but according to R. Ashi it is permitted, since there is no fear of plucking a leaf from the tree.
- (21) Which are folded together and used as a pillow or bolster.
- (22) Rab forbids a person to wrap them about himself and walk through the streets, thus wearing them as a garment, while Samuel permits it.
- (23) They give warmth and therefore may certainly be regarded as a garment.
- (24) They give no warmth and are merely a burden.
- (25) Rashi: for his disciples.
- (26) Tosaf: of medium quality, neither hard nor soft.
- (27) They were his disciple-colleagues (v. Sanh. 36b), and it was not fitting that he should enjoy a comfort which had not been provided for them.
- (28) Within the town.
- (29) Lest they suspect him of having washed them on the Sabbath.
- (30) That a dish may be placed in a pit.
- (31) He may find depressions in the floor of the pit and level them.
- (32) Which is forbidden.
- (33) V. Bez. 9a.

Talmud - Mas. Shabbath 147a

If one shakes out his cloak¹ on the Sabbath, he is liable to a sin-offering.² Now, we said this only of new ones, but in the case of old ones we have nought against it; and this is said only of black ones, but in the case of white or red ones we have nought against it; [but in any case there is no culpability] unless he is particular about them.³

‘Ulla visited Pumbeditha. Seeing the scholars shaking their garments he observed, ‘The scholars are desecrating the Sabbath.’ Said Rab Judah to them, ‘Shake them in his presence, [for] we are not particular at all [about the clothes].’ Abaye was standing before R. Joseph. Said he to him, ‘Give me my hat.’ Seeing some dew upon it he hesitated to give it to him. ‘Shake it and throw it off,’ he directed, ‘[for] we are not particular at all.’

R. Isaac b. Joseph said in R. Johanan's name: If one goes out on the Sabbath with a cloak folded up [and] lying on his shoulders, he is liable to a sin-offering.⁴ It was taught likewise: Clothes vendors who go out on the Sabbath with cloaks folded up [and] lying on their shoulders are liable to a sin-offering. And they [the Sages] said this not of clothes vendors alone but of all men, but that it is the nature of merchants to go out thus. Again, if a shopkeeper goes out with coins bound up in his wrapper, he is liable to a sin-offering. And they said this not of a shopkeeper alone but of all men, but that it is a shopkeeper's nature to go out thus. And runners may go out with the scarfs on their shoulders;⁵ and they said this not of runners alone but of all men, but that it is the nature of runners to go out thus.⁶

R. Judah said: It once happened that Hyrcanus, son of R. Eliezer b. Hyrcanus, went out on the Sabbath with the scarf on his shoulder, but that a thread [thereof] was wound round his finger.⁷ But when the matter came before the Sages they said, [It is permitted] even if a thread is not wound about one's finger. R. Nahman b. R. Hisda lectured in R. Hisda's name: The halachah is [that it is permissible] even if a thread is not wound about his finger.

‘Ulla visited the academy of Assi b. Hini [and] was asked: Is it permitted to make a marzeb on the Sabbath? Said he to them, Thus did R. Ilai say: It is forbidden to make a marzeb on the Sabbath. What is a marzeb? — Said R. Zera: The capes⁸ worn by Babylonian women.⁹ R. Jeremiah was sitting before R. Zera [and] asked him, How is it thus? It is forbidden, replied he. And how is it thus? It is forbidden, replied he.¹⁰ R. Papa said: Adopt this general rule: Whatever [is done] with the intention of gathering it [the skirts] up¹¹ is forbidden; whatever is for adornment is permitted. Just as R. Shisha son of R. Idi used to adorn himself with his cloak.¹²

When R. Dimi came,¹³ he said: On one occasion Rabbi went out into the field with the two ends of his cloak lying on his shoulder. [Thereupon] Joshua b. Ziruz, the son of R. Meir's father-in-law, said to him: Did not R. Meir declare one liable to a sin-offering in such a case?¹⁴ Was R. Meir so very particular?¹⁵ he exclaimed.’ [So] Rabbi let his cloak fall. When Rabin came,¹⁶ he said: It was not Joshua b. Ziruz but Joshua b. Kapusai, R. Akiba's son-in-law. Said he: Did not R. Akiba declare one liable to a sin-offering in such a case? Was R. Akiba so very particular? he exclaimed. [So] Rabbi let his cloak fall. When R. Samuel b. R. Judah came, he said: It was stated that this [question] was asked.¹⁷

MISHNAH. IF ONE BATHES IN THE WATER OF A PIT¹⁸ OR IN THE WATER OF TIBERIAS¹⁹ AND DRIES HIMSELF EVEN WITH TEN TOWELS, HE MUST NOT FETCH THEM IN HIS HAND.²⁰ BUT TEN MEN MAY DRY THEIR FACES, HANDS, AND FEET ON ONE TOWEL AND FETCH IT IN THEIR HANDS. ONE MAY OIL AND [LIGHTLY] MASSAGE [THE BODY]. BUT NOT KNEAD²¹ OR SCRAPE.²² YOU MUST NOT GO DOWN TO A WRESTLING GROUND,²³ OR INDUCE VOMITING,²⁴ OR STRAIGHTEN AN INFANT[‘S LIMBS],²⁵ OR SET A BROKEN BONE. IF ONE'S HAND OR FOOT IS DISLOCATED, HE MUST NOT AGITATE IT VIOLENTLY IN COLD WATER BUT MAY BATHE IT IN THE USUAL WAY, AND IF IT HEALS, IT HEALS.

GEMARA. THE WATER OF A PIT is taught analogous to **THE WATER OF TIBERIAS**: just as the water of Tiberias is hot, so [by] the water of a pit hot [water is meant]; [and furthermore, it states] **IF ONE BATHES**: only if it is done, but not at the outset.²⁶ Hence

(1) Rashi: to free it from the dust. Tosaf.: he shakes off the dew.

(2) As it is tantamount to washing it.

(3) He would never put them on thus; then the dusting is tantamount to washing. But if he is not particular about the dust there is no culpability in any case.

(4) The part which is thrown over the shoulder is considered a burden.

(5) These were swift runners, e.g., for carrying express messages. In T.A. I, p. 603, n. 530b, it is conjectured that the סוּדָר (scarf) was their only garment, apart from a loincloth.

(6) Even if they are folded up and not hanging down (Wilna Gaon and ‘Aruk) — though presumably they are wound round their necks in the first place.

(7) To prevent it from falling off.

(8) Lit., ‘pouches’.

(9) Formed by drawing up the skirts of their garments backwards and attaching it with ribbons, thus shaping it like a tube or gutter, which is the meaning of marzeb.

(10) He gathered up his skirts in various ways and asked him whether such were permissible on the Sabbath.

(11) Rashi: to remain so permanently. Wilna Gaon, citing Maim.: to prevent it from being torn or soiled. Jast. translates: with the intention of creasing.

(12) After putting it on he would smooth and straighten it out to make it more becoming. This is permitted even on the Sabbath.

(13) v. p. 12, n. 9.

(14) For it is not wearing but carrying a burden.

(15) As to call this a burden.

(16) V. p. 12, n. 9.

(17) The incident did not actually happen, but the question was asked in the academy: Rabbi thought of permitting it, but was dissuaded when told of R. Meir's (or, R. Akiba's) view.

(18) Which had been heated.

(19) Which was naturally hot-Tiberias possessed thermal springs.

(20) Even if carrying is permitted, e.g..in his house or where an 'erub has been provided.

(21) I.e., massage strongly.

(22) With a scraper, perhaps a strigil, to invigorate the circulation.

(23) So Jast. Heb. Kordima. MS.M. and Jer. read: כַּלְפֵי לֹמְיָא i.e., the clay ground (of the brickyard). Rashi translates: the name of a river.

(24) By means of an emetic.

(25) By manipulation.

(26) For otherwise the Mishnah should read: one may bathe.

Talmud - Mas. Shabbath 147b

sousing the whole body¹ is well [permitted] even at the very outset.² Who (is the authority for this)? It is R. Simeon. For it was taught: A man must not souse the whole of his body, either with hot or with cold water: this is R. Meir's view; but R. Simeon permits it. R. Judah said: It is forbidden with hot water, but permitted with cold.

AND DRIES HIMSELF EVEN WITH TEN TOWELS. The first clause informs us of the most surprising ruling. and the second clause informs us of the most surprising ruling. 'The first clause informs us of the most surprising ruling': even these, which do not contain much water, [are forbidden]; for since there is only one person, he will come to wring it out. 'And the second clause informs us of the most surprising ruling': even these, though they contain very much water [are permitted]; for since there are many, they will remind each other.³

Our Rabbis taught: A man may dry himself with a towel and place it on the window-sill, but he must not give it to the bath attendants, because they are suspected of that thing.⁴ R. Simeon said: One may dry himself with one towel and bring it home.⁵ Abaye asked R. Joseph: What is the law? Said he to him, Lo! there is R. Simeon; lo! there is Rabbi; lo! there is Samuel; lo! there is R. Johanan.⁶ 'R. Simeon', as we have stated. 'Rabbi': for it was taught. Rabbi said: When we learnt Torah at R. Simeon['s academy] in Tekoa,⁷ we used to carry up oil and towels from the courtyard to the roof and from the roof to an enclosure,⁸ until we came to the fountain where we bathed. 'Samuel': for Rab Judah said in Samuel's name: A person may dry himself with a towel and carry it home [wrapped round] his hand.⁹ 'R. Johanan': for R. Hiyya b. Abba said in R. Johanan's name: The halachah is: A person may dry himself with a towel and carry it home [wrapped round] his hand. Yet did R. Johanan say thus: surely R. Johanan said, The halachah is as an anonymous Mishnah, whereas we learnt: AND DRIES HIMSELF EVEN WITH TEN TOWELS, HE MUST NOT FETCH THEM IN HIS HAND? — He recited this as Ben Hakinai['s view].¹⁰

R. Hiyya b. Abba said in R. Johanan's name: The bath attendants may bring women's bathing clothes to the baths, providing that they cover their heads and the greater part of their bodies in them.¹¹ As for a sabnitha,¹² R. Hiyya b. Abba said in R. Johanan's name: One must tie its two bottom ends.¹³ R. Hiyya b. Abba also said in R. Johanan's name: [That means] below the shoulders.¹⁴ Raba said to the citizens of Mahoza: When you carry the apparel of the troops,¹⁵ let them drop below your shoulders.¹⁶

ONE MAY OIL AND LIGHTLY MASSAGE [THE BODY]. Our Rabbis taught: One may oil and massage the bowels [of an invalid] on the Sabbath, provided this is not done as on weekdays. How then shall it be done? — R. Hama son of R. Hanina said: They must first be oiled and then

massaged.¹⁷ R. Johanan said: The oiling and massaging must be done simultaneously.

BUT [ONE MAY] NOT KNEAD. R. Hiyya b. Abba said in R. Johanan's name; One may not stand on the mud of Diomsith,¹⁸ because it stimulates [the body] and loosens [the bowels]. Rab Judah said in Rab's name: The complete period of Diomsith is twenty-one days, and Pentecost is included.¹⁹ The scholars asked: Does Pentecost belong to this end or to that end?²⁰ — Come and hear: For Samuel said: All potions [medicines] [taken] between Passover and Pentecost are beneficial.²¹ Perhaps that is [only] there, where it is beneficial [only] as long as the weather is cold: but here it is on account of the heat,²² [so] when the weather is warm it is [even] more beneficial.

R. Helbo said: The wine of Perugitha²³ and the water of Diomsith cut off the Ten Tribes from Israel.²⁴ R. Eleazar b. 'Arak visited that place. He was attracted to them,²⁵ and [in consequence] his learning vanished. When he returned, he arose to read in the Scroll [of the Torah].²⁶ He wished to read, Hahodesh hazeh lakem [This month shall be unto you, etc.],²⁷ [instead of which] he read haharesch hayah libbam.²⁸ But the scholars prayed for him, and his learning returned. And it is thus that we learnt, R. Nehorai said: Be exiled to a place of Torah, and say not that it will follow thee, for thy companions will establish it in thy possession;²⁹ and do not rely on thine own understanding.³⁰ A Tanna taught: His name was not R. Nehorai but R. Nehemiah; whilst others state, his name was R. Eleazar b. 'Arak, and why was he called R. Nehorai? Because he enlightened [manhir] the eyes of the Sages in halachah.³¹

BUT [ONE MAY] NOT SCRAPE. Our Rabbis taught: One may not scrape with a strigil on the Sabbath. R. Simeon b. Gamaliel said: If one's feet are soiled with clay and dirt he may scrape them off in the usual way, without fear. R. Samuel b. Judah's mother made him a silver strigil. **YOU MAY NOT GO DOWN TO A WRESTLING GROUND.** What is the reason? Because of sinking [in the clay soil].³²

ONE MAY NOT INDUCE VOMITING ON THE SABBATH. Rabbah b. Bar Hanah said in R. Johanan's name: They learnt this only [when it is effected] by a drug, but it may be done by hand³³ It was taught, R. Nehemiah said: It is forbidden even during the week, because of the waste of food.

OR STRAIGHTEN AN INFANT[‘S LIMBS]. Rabbah b. Bar Hanah said in R. Johanan's name: To swaddle an infant on the Sabbath is permitted. But we learnt: **YOU MAY NOT STRAIGHTEN?**³⁴ There it refers to the spinal vertebrae, which appears as building.³⁵

ONE MAY NOT RESET A BROKEN BONE. R. Hana of Bagdad said in Samuel's name:

(1) As opposed to an actual bath.

(2) Even in hot water.

(3) Should one forget himself and wish to wring it out.

(4) Sc. of wringing it out and giving it to others. V. 'Er., Sonc. ed., p. 610 notes.

(5) Presumably wrapped about him as a garment, or where an 'erub is provided.

(6) All these have stated their view, and surely they furnish a reliable guide.

(7) Near Bethlehem in Judea.

(8) V. supra 7a.

(9) V. n. 4.

(10) Not anonymously.

(11) So that they are brought as garments.

(12) 'Aruch; Cur. edd. saknitha. Rashi: a large cloth covering, falling over the shoulders. Maim: a small cloth, not large enough to cover the head and the greater part of the body.

(13) So that it should not fall off.

(14) So that it looks like wearing apparel.

- (15) To the baths. The troops (non-Jewish) were billeted in Jewish houses (Cf. Ta'an. 21a), and the Jews had to perform such offices as bringing their bathing outfits to the baths, carrying them through the streets.
- (16) V. p. 745, n. 5.
- (17) On weekdays it was reversed.
- (18) Jast.: identical with Emmaus, a town in the plain of Judea renowned in Talmudic days for its warm springs and luxurious life.
- (19) Only twenty-one days in the year does one derive medical benefit from Diomsith, and Pentecost is included in those twenty-one days.
- (20) I.e., does the period commence with Pentecost or end with it?
- (21) Hence Pentecost ends the period.
- (22) I.e., the healing properties of Diomsith reside in the heat of its springs.
- (23) A place in northern Israel famous for its wine. A similar statement is made in Lev. Rab. about the wine of Pelugto near Tiberias, and probably the two are identical.
- (24) They were so much pre-occupied with these pleasures that they neglected learning and lost faith, which ultimately led to their exile and disappearance.
- (25) Sc. its inhabitants and their luxurious life.
- (26) In Talmudic days the weekly lesson of the Pentateuch was read by a number of the congregation, each of whom read a part.
- (27) Ex. XII, 2.
- (28) Their hearts were silent; or perhaps it is an unintelligible phrase. Each word differs only by one letter from the original to which in turn it bears some resemblance, and the story is quoted as an illustration of the seductive powers of Diomsith!
- (29) Intellectual intercourse is essential if one is to retain his learning.
- (30) V. Ab. IV, 14.
- (31) If R. Nehorai was identical with R. Eleazar b. 'Arak, his statement was thus a result of personal experience.
- (32) This makes walking a labour (Jast.). Rashi: the clay of that river (v. n. on Mishnah) is slippery, and so one may fall into the water, saturate his garments, and then ring them out. R. Han.: one may easily sink into the soft mud, thus giving many people the labour of hauling him out.
- (33) By thrusting the finger down the throat.
- (34) And that is the purpose of swaddling.
- (35) If one is dislocated it may not be reset.

Talmud - Mas. Shabbath 148a

The halachah is that one may reset a fracture.¹ Rabbah b. Bar Hanah visited Pumbeditha. He did not attend Rab Judah's session, [so] he sent Adda the waiter to him and said, 'Go and seize him.'² So he went and seized him. When he [Rabbah] appeared, he found him [Rab Judah] lecturing, One may not reset a fracture. Said he to him, Thus did R. Hana of Bagdad say in Samuel's name: The halachah is that one may reset a fracture. Said he to him, Surely Hana is one of ours and Samuel is one of ours,³ yet I have not heard this; did I then not summon you justly?⁴

IF ONE'S HAND IS DISLOCATED, etc. R. Awia was sitting before R. Joseph. when his hand became dislocated.⁵ How is it thus? asked he. It is forbidden. And how is it thus?⁶ It is forbidden. In the meantime his hand reset itself.⁷ Said he to him, what is your question? Surely we learnt, IF ONE'S HAND OR FOOT IS DISLOCATED HE MUST NOT AGITATE IT VIOLENTLY IN COLD WATER, BUT MAY BATHE IT IN THE USUAL WAY, AND IF IT HEALS, IT HEALS. But did we not learn: ONE MAY NOT RESET A FRACTURE, he retorted, yet R. Hana of Bagdad said in Samuel's name, The halachah is that one may reset a fracture.⁸ — Will you weave all in one web?⁹ he replied; where it was stated it was stated, but where it was not stated it was not stated.¹⁰

MISHNAH. A MAN MAY BORROW PITCHERS OF WINE AND PITCHERS OF OIL FROM HIS NEIGHBOUR, PROVIDED HE DOES NOT SAY TO HIM, 'LEND [THEM] [HALWENI] TO ME';¹¹ AND SIMILARLY A WOMAN [MAY BORROW] LOAVES FROM HER NEIGHBOUR. IF HE DOES NOT TRUST HIM HE LEAVES HIS CLOAK WITH HIM [AS A PLEDGE] AND MAKES A RECKONING WITH HIM AFTER THE SABBATH. IN THE SAME WAY, IF THE EVE OF PASSOVER IN JERUSALEM FALLS ON A SABBATH, ONE LEAVES HIS CLOAK WITH HIM [THE VENDOR] AND RECEIVES HIS PASCHAL LAMB¹² AND MAKES A RECKONING WITH HIM AFTER THE FESTIVAL.

GEMARA. Raba son of R. Hanan asked Abaye: Wherein does halweni differ from hash'ileni?¹³ In the case of hash'ileni, he replied, he [the lender] will not come to write it down;¹⁴ whereas [if he says] halweni he will come to write it down. But since on weekdays it sometimes happens that one wishes to say halweni but says hash'ileni, yet he is not particular¹⁵ and comes to write it down, so on the Sabbath too he may come to write it down?¹⁶ — On the Sabbath, he replied since the Rabbis permitted hash'ileni only, but not halweni, the matter is distinguishable and he will not come to write.

Raba son of R. Hanan said to Abaye: Consider! The Rabbis said, 'Regarding all actions on Festivals, as far as it is possible to vary, we vary them;¹⁷ then the women who fill their pitchers on Festivals, why do they not vary [their way of doing it]? Because it is impossible. How should they do it: shall those who [usually] draw [water] with a large pitcher [now] draw [it] with a small pitcher? then they increase the amount of walking! Shall those who [usually] draw [water] with, a small pitcher [now] draw it with a large one? then they increase the burden.

(1) He held that this is the correct reading of the Mishnah.

(2) Rashi: take his coat until he comes.

(3) They are both of our district.

(4) Otherwise we would have remained in error.

(5) Lit., 'his hand changed' — from its place.

(6) He manipulated his hand in various ways and asked of each whether it was permitted on the Sabbath.

(7) Lit., 'was healed'.

(8) Which shows that the text may be corrupt. and so the same may apply to the present quotation.

(9) Will you apply the same argument to all?

(10) You cannot assume that the text is corrupt here too.

(11) This is explained in the Gemara.

(12) If one forgot to buy an animal before the Sabbath, he leaves his cloak as a pledge with a vendor on the Sabbath, and takes an animal, but must not actually buy it then, fixing its price.

(13) Both mean 'lend me', the first implying for a considerable time, the second for a short period (Rashi). — The Mishnah forbids the use of the first term. [Tosaf.: in the first case the object itself passes into the possession of the borrower; in the second, the borrower enjoys only right of use in the object while the object itself remains the possession of the lender. V. Tosaf. a.l., Kid. 47b and Rappaport J. Das Darlehen pp. 29ff.]

(14) He expects to remember it in any case.

(15) He allows him to keep it for a long time, though the request was only hash'ileni.

(16) Thinking that the borrower may keep it a long time.

(17) So as not to do them in the same way as during the week, even where they are permitted.

Talmud - Mas. Shabbath 148b

Shall one spread a cloth? then he may come to wring it out. Shall one cover it with a lid? it [the string wherewith it is tied] may break and he will come to knot it.¹ Therefore it is impossible.

Raba son of R. Hanan also said to Abaye: We learnt, One must not clap [the hands], beat [the

breast], or dance² on Festivals. Yet we see that they do it, and do not rebuke them in any way? — Then on your reasoning, when Rabbah said: A man should not sit on the top of a stake, lest an article roll away from him and he come to fetch it,³ — yet we see [women]⁴ who carry pitchers and sit at the entrance of alleys, and we do not rebuke them? But leave Israel: better that they should [sin] in ignorance than deliberately. Now, he understood from this that that [principle] holds good only in respect of Rabbinical [enactments] but not Scriptural laws.⁵ Yet that is not so: there is no difference between a Rabbinical and a Scriptural law. For lo! the addition to the Day of Atonement is Scriptural,⁶ yet we see them [women] eat and drink until it is dark and do not rebuke them.

AND SIMILARLY A WOMAN [MAY BORROW] LOAVES FROM HER NEIGHBOUR, [etc.] Only on the Sabbath is it forbidden, but on weekdays it is well. Shall we say that our Mishnah does not agree with Hillel, for we learnt: And thus Hillel used to say: A woman must not lend a loaf to her neighbour without first valuing it, lest wheat advances and they [the lender and the borrower] come to [transgress the prohibition of] usury?⁷ — You may even say [that it agrees with] Hillel: the one is in a place where its value is fixed; the other, where its value is not fixed.⁸

IF HE DOES NOT TRUST HIM. It was stated: As for a loan made on a Festival, — R. Joseph said: It cannot be claimed;⁹ whilst Rabbah¹⁰ said: It can be claimed. ‘R. Joseph said: It cannot be claimed’, for if you say that it can be claimed, he [the lender] will come to record it. ‘Rabbah said: It can be claimed’, for if you say that it cannot, he will not lend him, and so he will come to abstain from the joy of the Festival.

We learnt: IF HE DOES NOT TRUST HIM, HE LEAVES HIS CLOAK WITH HIM: now, it is well if you say that it cannot be claimed, therefore he must leave his cloak with him and make a reckoning with him after the Sabbath. But if you say that it can be claimed, why must he leave his cloak with him: let him, lend it and then [re-]claim it? — He says, I do not wish to stand at court and before judges.

R. Idi b. Abin objected: If one kills a cow and apports it on New Year, [then] if the month was prolonged it cancels [the debt]; but if not, it does not cancel the debt.¹¹ But if it cannot be claimed,¹² what does it cancel! — There it is different, because it is [retrospectively] revealed that it was a weekday.¹³ Come and hear [a refutation] from the second clause: ‘but if not, it does not cancel the debt’. Now, it is well if you say that it can be claimed, hence he teaches [that] it does not cancel [the debt]; but if you say that it cannot be claimed, then what is meant by ‘it does not cancel [the debt]’? — That if he [the debtor] pays him, he accepts it: whence it follows that the first clause means that [even] if he pays him he must not accept!¹⁴ — In the first clause he must tell him, ‘I release it,’ while in the second he need not say, ‘I release it’. As we learnt: If one repays a debt in the seventh year he [the creditor] must tell him, ‘I release it;’ but if he [the debtor] replies, ‘[I repay] even so,’ he may accept it from him, for it is said, And this is the word¹⁵ of the release.¹⁶

R. Awia used to take a pledge.¹⁷ Rabbah¹⁸ b. ‘Ulla had recourse to an artifice.¹⁹

IN THE SAME WAY, IF THE EVE OF PASSOVER, etc. R. Johanan said: One may sanctify his Passover sacrifice on the Sabbath²⁰ and his Festival sacrifice on the Festival.²¹ Shall we say that we can support him: IN THE SAME WAY, IF THE EVE OF PASSOVER IN JERUSALEM FALLS ON A SABBATH, ONE LEAVES HIS CLOAK WITH HIM AND RECEIVES HIS PASCHAL LAMB, AND MAKES A RECKONING WITH HIM AFTER THE FESTIVAL?²² — [No.] We treat here of one who assigns shares to others together with himself in his Passover sacrifice,²³ so that it stands sanctified from before. But we learnt: One may not enrol [to share] in an animal on the Festival in the first place?²⁴ — Here it is different: since he is a habitue of his, it is as though he had enrolled for it beforehand. But R. Oshaia taught: ‘A man can go to a shepherd to whom he is accustomed to go and he gives him a sheep for his Passover sacrifice, and he sanctifies it and fulfils

his obligation therewith? — There too, since he is accustomed to go to him, he [the shepherd] does indeed sanctify it beforehand.²⁵ But he states, ‘he sanctifies it’?²⁶ — This sanctification is a Rabbinical preferment.²⁷ But did R. Johanan say thus? Surely R. Johanan said: The halachah is [always] as an anonymous Mishnah, whereas we learnt: One may not sanctify, vow a ‘valuation’,²⁸ devote,²⁹ or separate terumoth and tithes: all these were said of Festivals, and how much more so of the Sabbath! — There is no difficulty: One refers to obligatory offerings for which there is a fixed time;³⁰ the other refers to obligations for which there is no fixed time.

MISHNAH. A MAN MAY COUNT HIS GUESTS AND HIS DAINY PORTIONS BY WORD OF MOUTH, BUT NOT FROM WRITING. A MAN MAY CAST LOTS WITH HIS SONS AND THE MEMBERS OF HIS HOUSEHOLD FOR THE TABLE,³¹ PROVIDED THAT HE DOES NOT INTEND TO OFFSET A LARGE PORTION AGAINST A SMALL ONE.³² AND [PRIESTS] MAY CAST LOTS FOR SACRIFICES ON FESTIVALS, BUT NOT FOR THE PORTIONS.³³ [

(1) With a permanent knot, which is forbidden.

(2) The former two in grief the third in joy.

(3) V. supra 141a.

(4) V. Bah.

(5) Both cases mentioned here are Rabbinical.

(6) The fast must begin before the Day of Atonement actually commences, and this is deduced from Scripture; v. Yoma 81b.

(7) V. B.M. 75a.

(8) If the price of the loaf is fixed (and our Mishnah refers to such) even Hillel agrees, because if it advances the lender will make an allowance when it is returned.

(9) In a court of Law.

(10) Alfasi and Asheri read: Raba.

(11) This refers to New Year following the seventh year, debts contracted during which are void (v. Deut. XV, 1, 2). The months consist of either thirty or twenty-nine days; in the former case the following month is celebrated with two days as New Moon, the first of which is the last day of the previous month. Now if a butcher kills a cow and divides it among his customers on credit on the first New Year's day following the seventh year: if the previous month, Elul, consisted of thirty days, this New Year's Day was really the last day of Elul, i.e., of the seventh year, and therefore the debt cannot be claimed. But if Elul consisted of twenty-nine days, this New Year's Day is the first of the eighth year, hence the debt can be claimed. — New Year, of course, is a Festival.

(12) Sc. a debt contracted on any Festival.

(13) Sc. the last day of Elul, in spite of the fact that it was celebrated as New Year.

(14) Surely not! The year of release does not actually cancel debts but merely deprives the creditor of his right to exact them.

(15) E. V. ‘manner’.

(16) Deut. XV, 2.I.e., the creditor must inform the debtor of the release.

(17) From anyone who borrowed from him on a Festival.

(18) Var. lec.: Raba.

(19) Rashi: after the Festival he would take an article from the debtor and then detain it.

(20) I.e., when the eve of Passover falls on the Sabbath.

(21) An animal must be formally sanctified before it may be offered as a sacrifice. This may not be done on Sabbaths or Festivals, but since two animals are actually offered on those days respectively they may be sanctified too, if that was not done previously.

(22) And of course he would have to sanctify it on the same day.

(23) Those who participate in the sacrifice must formally enrol themselves as members to share in that particular animal (v. Ex. Xli, 4). Thus the payment is merely for a share in an animal which is already consecrated.

(24) Because it is regarded as transacting business, v. Bez. 27b.

(25) I.e., the shepherd sanctifies it on the festival even on his behalf.

(26) I.e., when he receives it.

(27) I.e. the Rabbis held it more fitting that the owner too should sanctify the animal, but actually that has already been done.

(28) Heb. **מַעֲרִיכִין** This is the technical term for a vow to give one's own or another person's 'valuation' to the Temple. V. Lev. XXVII, 1ff

(29) Heb. **מַהֲרִימִין**, i.e. renounce an object by dedicating it absolutely for priestly use; v. Lev. XXVII, 28f.

(30) E.g., the Passover sacrifice and Festive offerings. Such may be sanctified on the Sabbath and Festivals, as otherwise the obligation must remain unfulfilled.

(31) Which portion of the food shall belong to each.

(32) The portions must be alike in size, not one larger and one smaller, so that the first drawn by lot shall receive the largest, etc.

(33) This is explained in the Gemara.

Talmud - Mas. Shabbath 149a

GEMARA. What is the reason? — R. Bibi said: It is a preventive measure, lest he erase.¹ Abaye said: It is a preventive measure, lest he read.² Wherein do they differ? — They differ where it is written high up on the wall: according to him who says, Lest he erase, we do not fear; but according to him who says, Lest he read [secular documents], we do fear. Now, as to him who says, 'Lest he erase', let us fear lest he read [secular documents]? Moreover, have we no fear that he may erase?³ Surely we learnt: One may not read by the light of a lamp; whereon Rabbah said: Even if it is as high as twice a man's stature, even if it is as high as [the measurement of] two ox-goads, or even as ten houses on top of each other, he must not read?⁴ — Rather they differ where it is written on the wall and is low down: according to him who says, 'Lest he erase', we fear; [but] according to him who says, 'Lest he read [secular documents]', we do not fear, [for] one will not confuse a wall with a document.⁵

Now, according to him who says, 'Lest he read [etc.]', let us fear lest he erase? — Rather they differ where it is engraved on a tablet or a board: on the view that it is 'lest he erase', we have no fear; but on the view that it is 'lest he read', we do fear. But according to him who says, lest he erase, let us fear lest he read [etc.]? And should you answer, a tablet or a board cannot be confused with a document, — surely it was taught: A man may count how many shall be within and how many without⁶ and how many portions he is to set before them, from writing on a wall, but not from writing on a tablet or a board. How is it meant? Shall we say that it is indeed written, wherein does one differ from the other? Hence it must surely mean that it is engraved, yet he states, 'from writing on the wall, but not from writing on a tablet or a board'? — Rather [say thus]: In truth [they differ] where it is written high up on the wall, and as for your difficulty about Rabbah's [ruling], [the ruling] of Rabbah is dependent on Tannaim. For it was taught: A man may count his guests and his dainty portions by word of mouth, but not from writing. R. Aha permits [it] from writing on the wall. How is it meant: Shall we say that it is written low down, — then let us fear lest he erase it? Hence it must surely mean that it is written high up, which proves that Rabah's [ruling] is dependent on Tannaim.

Now these Tannaim are as the following: For it was taught: One must not look in a mirror on the Sabbath; R. Meir permits [one to look]⁷ in a mirror that is fixed to the wall. Why is one fixed to the wall different? — [Presumably] because in the meanwhile⁸ he will recollect!⁹ then even if it is not fixed, he will recollect? — We treat here of a metal mirror, and [the reason is] in accordance with R. Nahman's [dictum] in Rabbah b. Abbuha's name. For R. Nahman said in Rabbah b. Abbuha's name: Why was it ruled that a metal mirror is forbidden? Because a man usually removes straggling hairs with it.¹⁰

Our Rabbis taught: The writing under a painting or an image¹¹ may not be read on the Sabbath. And as for the image itself, one must not look at it even on weekdays, because it is said, Turn ye not unto idols.¹² How is that taught? — Said R. Hanin: [Its interpretation is,] Turn not unto that

conceived in your own minds.¹³

A MAN MAY CAST LOTS WITH HIS SONS, etc. Only with his sons and household, but not with strangers:¹⁴ what is the reason? As Rab Judah said in Samuel's name. For Rab Judah said in Samuel's name: The members of a company who are particular with each other¹⁵ transgress [the prohibitions of] measure, weight, number, borrowing and repaying on the Festival,¹⁶

- (1) He may find too many names on the list and erase some before instructing his servant to invite the guests.
- (2) Secular documents.
- (3) If the list is high up.
- (4) V. supra 11a. Though he could not reach the lamp to tilt it; hence the same reasoning applies here.
- (5) No one is likely to think that since he may read something written on a wall he may also read business documents.
- (6) I.e., how many guests shall be placed at the top of the table — 'within' the privileged circle — and how many at the bottom — 'without'.
- (7) Lest he see uneven locks of hair and trim them
- (8) While he goes for a pair of scissors.
- (9) That it is the Sabbath.
- (10) Its edge being sharpened. Now the first Tanna forbids all mirrors, drawing no distinctions; whilst R. Meir does draw a distinction. That is similar to the matter just debated
- (11) I.e., the written legend beneath a picture.
- (12) Lev. XIX, 4.
- (13) Tosaf.: the interdict is only against images (or perhaps statues — Jast.) made for idolatrous purposes, but others are permitted.
- (14) For otherwise the Tanna would simply teach, A MAN MAY CAST LOTS.
- (15) I.e., members of a company at one table, each of whom has his own provisions, and when one borrows from another, are particular to weigh, measure, or count, that the exact quantity may be returned.
- (16) On Festivals one may borrow from his neighbour. but not by weight, measure or number. Likewise, he may not use the terms 'lend' and 'repay'. for these belong to monetary transactions. When members of a company are particular with each other, they are likely to be led into a transgression of these prohibitions.

Talmud - Mas. Shabbath 149b

and according to Beth¹ Hillel, usury too.² If so, the same applies to his sons and household? — As for his sons and household, this is the reason, as Rab Judah [said] in Rab's name. For Rab Judah said in Rab's name: One may lend to his sons and household on interest, in order to give them experience thereof.³ If so, a large portion [set off] against a small portion [should be permitted] too? — That indeed is so, and there is a lacuna, while it is thus taught: 'A MAN MAY CAST LOTS FOR HIS SONS AND HOUSEHOLD FOR THE TABLE, even [setting] a large portion against a small portion'. What is the reason? — As Rab Judah['s dictum] in Rab's name. Yet only for his sons and household, but not for strangers. What is the reason? — As Rab Judah['s dictum] in Samuel's name. [Further, 'setting] A LARGE PORTION AGAINST A SMALL PORTION is forbidden even on weekdays in the case of strangers'. What is the reason? — On account of gambling.⁴

AND [PRIESTS] MAY CAST LOTS FOR, etc. What does BUT NOT FOR THE PORTIONS mean? — Said R. Jacob the son of the daughter of Jacob: But [one must not cast lots] for the portions of weekday [sacrifices] on the Festivals. That is obvious? You might argue, since it is written, for thy people are like the Priests that quarrel,⁵ even the portions of weekdays too.⁶ therefore he informs us [that it is not so].

R. Jacob son of Jacob's daughter also said: He through whom his neighbour is punished is not permitted to enter within the barrier [precincts] of the Holy One, blessed be He. How do we know this? Shall we say, because it is written, And the Lord said, Who shall persuade Ahab, that he may

go up and fall at Ramoth-gilead? And one said on this manner; and another said on that manner. And there came forth a spirit and stood before the Lord, and said, I will persuade him. And he said, I will go forth and be a lying spirit in the mouth of all his Prophets. And he [the Lord] said, Thou shalt entice him, and shalt prevail also: go forth, and do so.⁷ Now we discussed, What spirit is meant? And R. Johanan answered: The spirit of Naboth the Jezreelite.⁸ And what does 'go forth' mean? Said Rab, Go forth from within My precincts!⁹ But perhaps there this is the reason, [viz.,] because it is written, He that speaketh falsehood shall not be established before mine eyes?¹⁰ Again, [if] it is derived from here: Thou art filled with shame for glory: drink thou also, and be as one uncircumcised, etc.;¹¹ and it is maintained: 'Thou art filled with shame for glory' refers to Nebuchadnezzar: [whilst] 'drink thou also and be as one uncircumcised', refers to Zedekiah,¹² — one [objection] is that the whole verse is written in reference to Nebuchadnezzar;¹³ and further, what could the righteous Zedekiah have done to him, for Rab Judah said in Rab's name: When that wicked man [Nebuchadnezzar] wished to do thus to that righteous man [Zedekiah]. etc.?¹⁴ Rather [it follows] from this: Also to punish the righteous is not good.¹⁵ Now, 'is not good' can mean nought but [that he is] evil,¹⁶ and it is written, For thou art a God that hath no pleasure in wickedness, evil shall not sojourn with thee, [which means,] Thou art righteous, therefore evil shall not sojourn in thy habitation.¹⁷

How is it implied that HALASHIM¹⁸ connotes lots? — Because it is written, How art thou fallen from heaven, O day star, son of the morning! How art thou cut down to the ground thou holsh [who didst cast lots]¹⁹ over the nations, etc.²⁰ Rabbah son of R. Huna said: This teaches that he [Nebuchadnezzar] cast lots over the royal chiefs²¹ to ascertain whose turn²² it was for pederasty. And it is written, All the kings of the nations, all of them, [sleep in glory. etc.].²³ R. Johanan said: That means that they rested from pederasty.²⁴

R. Johanan also said: As long as that wicked man lived mirth was never heard²⁵ in the mouth of any living being, for it is written, the whole world is at rest, and is quiet: they break forth into singing.²⁶ whence it follows that hitherto²⁷ there was no singing.

R. Isaac also said in R. Johanan's name: One may not stand in that wicked man's palace, for it is said, and satyrs shall dance there.²⁸

Rab Judah said in Rab's name: When that wicked man [Nebuchadnezzar] wished to treat that righteous one [Zedekiah] thus,²⁹ his membrum was extended three hundred cubits and wagged in front of the whole company [of captive kings]. for it is said, Thou art filled with shame for glory: drink thou also, and be as one uncircumcised [he'orel]: the numerical value of 'orel' is three hundred

Rab Judah also said in Rab's name: When that wicked man descended to Gehenna,³⁰ all who had [previously] descended thither trembled, saying, Does he come to rule over us, or to be as weak as we [are], for it is said, Art thou also become weak as we? or art thou to rule over us?³¹ A Heavenly Echo went forth and declared, Whom dost thou pass in beauty? go down with, and be thou laid with the uncircumcised.³²

How hath the oppressor ceased! the golden city [madhebah] ceased.³³ Rab Judah said in Rab's name: This people hath ceased, that demanded,

(1) Var. lec. omit 'Beth', v. supra 148b.

(2) When they are not particular with each other, and one borrows and returns the same amount after its price advances, there is no usury, since neither cares whether the exact amount is returned or not. But there every change in value is scrupulously noted, and therefore if it advances there is usury. This does not refer particularly to Festivals.

(3) Lit., 'to let them know the taste of usury', i.e., the grief and anxiety it causes.

- (4) Which this resembles.
- (5) Hos. IV, 4 (E. V. 'for thy people are as they that strive with the priest').
- (6) To save them from quarrelling.
- (7) 1 Kings XXII, 20ff
- (8) This is deduced from the employment of the def. art. in Hebrew: 'and the spirit came forth', implying a particular one, viz., that of Naboth the Jezreelite, whom Ahab had turned from a living human being into a spirit — by judicial murder; v. *ibid*, ch. XXI.
- (9) Because he lured Ahab, to destruction, which proves the dictum of R. Jacob.
- (10) Ps. CI, 7. Though God sought to lure Ahab to his doom, He nevertheless desired it to be done by arguments drawn from true facts (Maharsha in Sanh. 89a).
- (11) Hab. II, 16.
- (12) And the verse is interpreted in the sense that Zedekiah too is regarded as uncircumcised and not permitted to enter the precincts of the Almighty, because Nebuchadnezzar was punished on his account.
- (13) I.e., it can be so interpreted.
- (14) V. *infra* for the complete allusion.
- (15) Prov. XVII, 26.
- (16) Translating the verse thus: even the righteous, when made the cause or vehicle of punishment, is accounted evil.
- (17) Ps. V,5 (E.V. 4).
- (18) The word used in the Mishnah.
- (19) Which didst lay low.
- (20) Isa. XIV, 12.
- (21) The kings he had captured in battle.
- (22) Lit., 'day'.
- (23) *Ibid*. 18.
- (24) The ascription of pederasty to Nebuchadnezzar may be a covert allusion to the fact that the Romans were addicted to this vice; v. Weiss, Dor, II, 21.
- (25) Lit., 'found'.
- (26) Isa. XIV,7.
- (27) I.e., before Nebuchadnezzar's death.
- (28) *Ibid*. Xlii, 21.
- (29) I.e., submit him to sexual abuse.
- (30) V. p. 153, n.8.
- (31) Isa. XIV, 10. This connects נמשלת with משל, to rule E.V.: art thou become like unto us,
- (32) Ezek. XXXII, 19.
- (33) Isa. XIV, 4.

Talmud - Mas. Shabbath 150a

Measure out [tribute] and bring it [to us]; others interpret: that demanded, Bring ever more and more, without measure.¹

And excellent greatness was added to me:² Rab Judah said in R. Jeremiah b. Abba's name: This teaches that he rode upon a male lion to whose head he had tied a snake [for reins]. in fulfilment of what is said, and the beasts of the field also have I given him to serve him.³

MISHNAH. A MAN MUST NOT HIRE LABOURERS ON THE SABBATH, NOR INSTRUCT HIS NEIGHBOUR TO HIRE LABOURERS ON HIS BEHALF. ONE MUST NOT GO TO THE TEHUM TO AWAIT NIGHTFALL⁴ IN ORDER TO HIRE LABOURERS OR BRING IN PRODUCE; BUT ONE MAY DO SO IN ORDER TO WATCH [HIS FIELD]. AND [THEN] HE CAN BRING [HOME] PRODUCE WITH HIM.⁵ ABBA SAUL STATED A GENERAL PRINCIPLE: WHATEVER I HAVE A RIGHT TO INSTRUCT [THAT IT BE DONE], I AM PERMITTED TO GO TO AWAIT NIGHTFALL, FOR IT [AT THE TEHUM]. GEMARA. Wherein

does he differ from his neighbour?⁶ — Said R. Papa: A Gentile neighbour [is meant]. R. Ashi demurred: [Surely] an order to a Gentile is [forbidden as] a shebuth?⁷ Rather said R. Ashi: One may even say [that] an Israelite neighbour [is meant]. [Yet] he [the Tanna] informs us this: One may not say to his neighbour, ‘Hire labourers for me,’ but one may say to his neighbour, ‘Well, we shall see⁸ whether you join me⁹ in the evening!’¹⁰ And with whom does our Mishnah agree? With R. Joshua b. Karhah. For it was taught: One must not say to his neighbour, ‘Well, we shall see whether you join me in the evening’! R. Joshua b. Karhah said: One may say to his neighbour, ‘Well, we shall see whether you join me in the evening’! Rabbah b. Bar Hanah said in R. Johanan's name: The halachah is as R. Joshua b. Karhah. Rabbah b. Bar Hanah also said in R. Johanan's name: What is R. Judah b. Karhah's reason? Because it is written, nor finding thine own pleasure nor speaking thine own words:¹¹ [explicit] speech is forbidden, but thought is permitted.¹²

R. Aha son of R. Huna pointed out a contradiction to Raba. Did R. Johanan say: Speech is forbidden, thought is permitted, which shows that thought is not the same as speech? But surely Rabbah b. Bar Hanah said in R. Johanan's name: One may meditate [on learning] everywhere, except at the baths or in a privy? There it is different, because [the fulfilment of] and thy camp shall be holy¹³ is required, which is absent.¹⁴ But it is also written, that he see no indecent speech [dabar] in thee?¹⁵ — That is required for Rab Judah[‘s dictum]. For Rab Judah said: One may not recite the shema¹⁶ in the presence of a naked heathen. Why particularly a heathen: even an Israelite too? — He proceeds to a climax:¹⁷ it is superfluous to state that it is forbidden [in the presence of a naked] Israelite; but as for a heathen, Since it is written of him, whose flesh is the flesh of asses,¹⁸ I might say that it is permitted therefore he tells us [otherwise]. Yet perhaps that indeed is so? Scripture saith, and they saw not their father's nakedness.¹⁹

Now, is speech forbidden? Surely R. Hisda and R. Hamnuna both said: Accounts in connection with religion may be calculated [discussed] on the Sabbath. And R. Eleazar said: One may determine charity [grants] to the poor on the Sabbath. Again, R. Jacob b. Idi said in R. Johanan's name: One may supervise matters of life and death and matters of communal urgency on the Sabbath, and one may go to the synagogues to attend to communal affairs on the Sabbath. Also, R. Samuel b. Nahmani said in R. Johanan's name: One may go to theatres and circuses and basilicas to attend to communal affairs on the Sabbath. Further, the School of Manasseh taught: One may make arrangements on the Sabbath for the betrothal of young girls and the elementary education²⁰ of a child and to teach him a trade!²¹ — Scripture saith, nor finding thine own affairs nor speaking thine own words: thine affairs are forbidden, the affairs of Heaven [religious matters] are permitted.

Rab Judah said in Samuel's name: Unimportant accounts²² and past expenditure accounts²³ may be calculated on the Sabbath. It was taught likewise: One may not calculate past or future accounts,²⁴ [but accounts] of unimportance

(1) These interpret madhebah either as me'od habeh (count and bring) or me'od habi (belo) middah (bring much, without measure).

(2) Dan. IV, 36. This was said by Nebuchadnezzar when he regained sanity after having lived seven years like a wild beast.

(3) Jer. XXVII, 6.

(4) Lit., ‘for nightfall’. I.e., one may not go as far as the tehuma on the Sabbath in readiness to cross it immediately the Sabbath terminates.

(5) Lit., ‘in his hand’. Though he may not go to the tehuma in the first place for this purpose, yet since he did so primarily in order to watch his field, he may take advantage of the fact and bring home produce too.

(6) It is obvious that if he must not engage labourers his neighbours must not either.

(7) V. Glos. This is a well-known general principle, already taught in the Mishnah supra 121a, and it need not be repeated.

(8) תנראה. The exact meaning of the expression is not established.

- (9) Lit., 'stand with me'.
- (10) Though both understand it as a hint that he desires to engage him.
- (11) Isa. LVIII, 13, q.v.
- (12) A hint is not explicit but left to the understanding.
- (13) Deut. XXIII, 15.
- (14) For speech is not mentioned in that passage.
- (15) Ibid. E.V.: 'that he see no unclean thing in thee'.
- (16) V. Glos.
- (17) Lit., 'he states, "it is unnecessary"'.
 (18) Ezek. XXIII, 20. [I.e., nudity is common among them].
 (19) Gen, IX, 23: This shows that it is indecent in all cases.
 (20) Lit., 'to teach him (the) book'.
- (21) All these involve actual speech.
- (22) Lit., 'accounts of what is it to thee'. Rashi. 'Aruch and R. Han.: accounts of guests, i.e., how many guests will be present, etc.
- (23) Rashi. Lit., 'what (cost) lies in this', Aliter: 'of no practical value'. Lit., 'of what is in it'.
- (24) I.e., I have expended or will have to expend so much or so much.

Talmud - Mas. Shabbath 150b

or of past expenditure may be calculated. But the following contradicts it: One may reckon up accounts that are not required, but one may not reckon up on the Sabbath accounts that are necessary. E.g., a man may say to his neighbour, 'I hired so many labourers for this field,' 'I expended so many denarii for this residence.' But he must not say to him, 'I have expended so much and am [yet] to expend so much'! — Then according to your reasoning, that [Baraita] itself presents a difficulty.¹ But in the one case he is [still] in possession of his employee's wages;² in the other he is not in possession of his employee's wages.

ONE MUST NOT GO TO THE TEHUM TO AWAIT NIGHTFALL. Our Rabbis taught: It once happened that a breach was made in the field of a pious man and he decided to fence it about, when he recalled that it was the Sabbath, so he refrained and did not repair it; thereupon a miracle was performed for him, a caper bush grew up there, whence he and his household derived their livelihood.

Rab Judah said in Samuel's name: One may say to his neighbour [on the Sabbath]. 'I am going to that town to-morrow,' for if there are stations [on the road] he may go [on the Sabbath itself].³ We learnt: **ONE MUST NOT GO TO THE TEHUM TO AWAIT NIGHTFALL IN ORDER TO HIRE LABOURERS OR BRING IN PRODUCE.** As for hiring, labourers, it is well, since one may not hire them on the Sabbath; but to fetch produce. let us say [that it is permitted], for if there were walls [partitions] there he might bring [it even on the Sabbath]?⁴ — This [ruling of our Mishnah] can refer to produce attached [to the soil].⁵ But R. Oshaia taught: One must not go to the tehumi to await nightfall in order to bring straw or stubble. As for stubble, it is well: this can refer to attached; but to what can straw refer?⁶ — Offensive smelling straw.⁷ Come and hear: One may go to the tehumi to await nightfall to attend to the affairs of a bride and the business of a corpse.⁸ Thus, only for the affairs of a bride or a corpse, but not for the business of any other. As for another [with a purpose] analogous to [that of] a bride, it is well:⁹ this is conceivable where one desires to cut a myrtle for him.¹⁰ But what can the purpose in connection with a corpse be? [Presumably] in order to bring a coffin and shrouds; yet he [the Tanna] specifies a corpse. but not another;¹¹ yet why so: let us argue that [it is permissible for another too], for if there were walls there he might bring [articles even on the Sabbath]? — In the case of a corpse too, it is conceivable where the purpose is to cut out shrouds for him.¹²

BUT ONE MAY GO TO THE TEHUM TO AWAIT NIGHTFALL, etc. Though he did not recite habdalah?¹³ Surely R. Eleazar b. Antigonus said on R. Eliezer b. Jacob's authority: One is forbidden to attend to his affairs before reciting habdalah. And should you answer that he recites habdalah in the Prayer,¹⁴ surely Rab Judah said in Samuel's name: He who recites habdalah in the Prayer must [also] recite it over a cup [of wine]?¹⁵ And should you answer that he does recite habdalah over a cup. — [it may be asked] is a cup procurable in the fields? — R. Nathan b. Ammi explained this before Raba: They learnt this of the season of wine pressing.¹⁶ R. Abba said to R. Ashi: In the West [Palestine] we say thus: 'He who makes a distinction between holy and profane', and then we attend to our affairs. R. Ashi related: 'When I was at R. Kahana's academy he used to recite, 'Who makest a distinction between holy and profane,' and then we chopped up logs.

ABBA SAUL STATED A GENERAL PRINCIPLE: WHATEVER I HAVE, etc. To what does Abba Saul refer? Shall we say that he refers to the first clause, [viz.] **ONE MUST NOT GO TO THE TEHUM TO AWAIT NIGHTFALL, IN ORDER TO HIRE LABOURERS OR BRING IN PRODUCE**, —

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- (1) The first Baraita states in its first clause that one must not calculate past accounts, while the second clause states that past expenditure accounts are permitted.
 - (2) Then it is forbidden, for though incurred in the past, it has still to be paid.
 - (3) Burgin, pl. burganim, is an isolated residence on a road, often used as a station for travellers (Jast.). If the road to the town were dotted with these stations at intervals of less than seventy cubits the journey might be made even on the Sabbath. It is therefore permitted to mention it even in the absence of such stations.
 - (4) I.e., if the road lay between walls it might technically be a private domain wherein carrying is permitted.
 - (5) Which may not be detached under any circumstances.
 - (6) Which straw can be meant which shall not be permitted by Rab Judah's logic?
 - (7) Which may not be handled in any case, as it is mukzeh on account of its repulsiveness (v. supra 46a).
 - (8) E.g. to arrange for the funeral.
 - (9) For the implication must be that for the same purpose where it is permitted in connection with a bride or a corpse it is forbidden in connection with another.
 - (10) An overhead awning of myrtles was erected for a bride. Thus it is permitted for a bride, but not for another, since the myrtles are attached to the soil and may not be cut on the Sabbath.
 - (11) Though bringing a coffin and shrouds is just the same as bringing any other article.
 - (12) By analogy, another might desire to go to the tehumi in order to be ready to cut out a suit, and this is forbidden.
 - (13) V. Glos. and p. 333, n. 2. The difficulty is the last clause: surely he may not cut down produce before reciting habdalah?
 - (14) The 'Prayer' always refers to the 'Eighteen Benedictions', in the fourth of which a habdalah passage is inserted; v. P.B. p. 94d; Elbogen, *Der Judische Gottesdienst*, pp. 46f; 120f.
 - (15) Habdalah originally was not a statutory addition to the Sabbath evening Prayer; op. cit.
 - (16) A cup of wine is then obtainable in the fields.

Talmud - Mas. Shabbath 151a

then instead of **WHATEVER I HAVE A RIGHT TO INSTRUCT [THAT IT BE DONE], I AM PERMITTED TO AWAIT NIGHTFALL, FOR IT**, he should state, 'Whatever I have no right to instruct [that it be done]. I am not permitted to await nightfall for it'.¹ Whereas if he bases himself on the second clause, **BUT ONE MAY DO SO IN ORDER TO WATCH OVER HIS FIELDS, AND [THEN] HE CAN BRING [HOME] PRODUCE WITH HIM**, then he should state, 'Whatever I have a right to await nightfall [at the tehumi], I am permitted to instruct [that it be done]'? — In truth he refers to the second clause, but Abba Saul bases himself on the following. For Rab Judah said in Samuel's name: One may say to his neighbour, 'Watch for me over the fruit in your tehumi, and I will watch for you over the fruit in my tehumi.' And thus Abba Saul argues with the first Tanna: Do you not admit that one may say to his neighbour, 'Watch for me over the fruit in your tehumi and I will

watch for you over the fruit in my tehum?' then say, WHATEVER I HAVE A RIGHT TO INSTRUCT [THAT IT BE DONE]. I AM PERMITTED TO AWAIT NIGHTFALL FOR IT.²

What does the general principle add?³ — It adds the following, which our Rabbis taught: One may not go to the tehum to await nightfall in order to bring an animal. If it is standing without the tehum, one may call it and it comes. Abba Saul stated a general principle: Whatever I have a right to say [that it shall be done],⁴ I am permitted to await nightfall [at the tehum] for it. And one may go to await nightfall in order to attend to the affairs of a bride or of a corpse, to bring a coffin and shrouds for him. And one may give instructions to another, 'Go to such and such a place, and if you cannot obtain them from there, bring them from elsewhere; if you cannot obtain them for a maneh, obtain them for two manehs.' R. Jose son of R. Judah said: Provided that he does not mention the exact price to him.⁵

MISHNAH. YOU MAY GO TO THE TEHUM AGAINST NIGHTFALL IN ORDER TO ATTEND TO THE AFFAIRS OF A BRIDE OR OF A CORPSE, TO BRING A COFFIN AND SHROUDS FOR HIM. IF A GENTILE BRINGS REED-PIPES ON THE SABBATH,⁶ ONE MUST NOT BEWAIL AN ISRAELITE ON THEM, UNLESS THEY CAME FROM A NEAR PLACE.⁷ IF HE [A GENTILE] MADE A COFFIN FOR HIMSELF OR DUG A GRAVE FOR HIMSELF,⁸ AN ISRAELITE MAY BE BURIED THEREIN. BUT IF [HE MADE IT] FOR THE SAKE OF AN ISRAELITE, HE MAY NEVER BE BURIED THEREIN.⁹

GEMARA. What does FROM A NEAR PLACE mean? Rab said: Literally from a near place.¹⁰ While Samuel said: We conjecture that they [the reed-pipes] were [just] without the [city] wall during the night.¹¹ [Raba said.]¹² The deduction of our Mishnah supports Samuel, for it is stated: IF HE [A GENTILE] MADE A COFFIN FOR HIMSELF OR DUG A GRAVE FOR HIMSELF, AN ISRAELITE MAY BE BURIED THEREIN. This proves that it is permitted on account of a doubt,¹³ so here too, it is permitted on account of a doubt. And we learnt in accordance with Rab [too]: A city inhabited by Israelites and Gentiles which contains baths where there is bathing on the Sabbath, if the majority are Gentiles, one [an Israelite] may bathe therein immediately; if the majority are Israelites, one must wait until hot water could be heated;¹⁴ if half and half, one must wait until hot water could be heated.¹⁵ R. Judah said: In the case of a small bath, if there is there¹⁶ [a man of authority],¹⁷ he [an Israelite] may bathe therein immediately. What is '[a man of] authority?' Said Rab Judah in the name of R. Isaac son of Rab Judah: If there is there an important personage who possesses ten slaves who heat ten kettles [of water] for him simultaneously, then if it is a small bath he [the Israelite] may bathe therein immediately.¹⁸

IF HE [A GENTILE] MADE A COFFIN FOR HIMSELF OR DUG A GRAVE FOR HIMSELF, etc. Yet why so? here too, let him wait until it could be made?¹⁹ — Said 'Ulla: It refers to one [a grave] that stands in an [army] camp.²⁰ That is well of a grave; [but] what can be said of a coffin? Said R. Abbahu: It refers to [a coffin] that is lying on his grave.²¹ MISHNAH. ALL THE REQUIREMENTS OF THE DEAD MAY BE DONE; HE MAY BE ANOINTED WITH OIL AND WASHED, PROVIDED THAT NO LIMB OF HIS IS MOVED. THE PILLOW MAY BE REMOVED FROM UNDER HIM, AND HE MAY BE PLACED ON SAND, IN ORDER THAT

(1) So that the principle is parallel to the clause upon which it is based.

(2) It is assumed that both accept Samuel's ruling. Hence the permission given by the first Tanna to go to the end of the tehum to watch over produce would be included in Abba Saul's principle, and all other permitted cases likewise, and there is no need for the first Tanna to give a specific instance.

(3) It is axiomatic that when a general principle is stated it is to add a case that is not explicitly taught.

(4) Which includes calling an animal from beyond the tehum.

(5) He may authorize him to pay a high price if he cannot buy them cheaply. but must not state the exact figures.

(6) For playing at a Jew's funeral, which formed part of the obsequies, cf. B.M. VI, 1 and note a.I. in Sonc. ed.

(7) I.e., within the tehum.

(8) Either for his own use or in order to sell. — The reference is to the Sabbath.

(9) [According to Maim. the reference is to the Israelite for whom the grave was dug. He may not, that is to say, be buried even **בכדי שיעשו** i.e., after sufficient time has elapsed after the termination of the Sabbath for the grave to be dug.]

(10) We must know this for certain, having seen that he had them in his house within the city.

(11) Even if they were not in his house we may assume that they were only just without the city wall, yet within the tehum, unless we know to the contrary. Lit., 'we apprehend lest', The phrase is also used with lenient implications, v. Hag. 15a (Rashi). Normally the more stringent possibility is acted upon, but here it is the reverse, for the sake of the dead.

(12) So text as emended by Bah.

(13) For he might actually have made it for a Jew. [Tosaf. a.l. deletes this passage as in this Mishnah the question of doubt does not arise as explained in the Gemara infra.]

(14) V. supra 122a, for notes.

(15) Which shows that in a case of doubt we are stringent, and this agrees with Rab.

(16) In the city.

(17) Jast.: a Roman official.

(18) As the water may have been thus prepared after the Sabbath.

(19) For the Gentile may have had a Jew in mind.

(20) Aliter: in the broad open street. It is unusual for Jews to be buried there.

(21) Sc. the Gentile's grave dug in the camp.

Talmud - Mas. Shabbath 151b

HE MAY BE ABLE TO KEEP.¹ THE JAW MAY BE TIED UP, NOT IN ORDER THAT IT SHOULD CLOSE² BUT THAT IT SHOULD NOT GO FURTHER [OPEN]. AND LIKEWISE, IF A BEAM IS BROKEN, IT MAY BE SUPPORTED BY A BENCH OR BED STAVES, NOT IN ORDER THAT IT [THE BREAK] SHOULD CLOSE UP, BUT THAT IT SHOULD GO NO FURTHER.

GEMARA. But Surely Rab Judah related in Samuel's name: It once happened that a disciple of R. Meir followed him into the baths and wished to swill the ground for him, [but] he said to him, One may not swill; then he wished to oil the ground for him, but he said to him, One may not oil?³ — Ground may be confused with ground. but a corpse cannot be confused with ground.⁴

What does ALL add? It adds the following, which our Rabbis taught: Cooling vessels and metal vessels may be brought and placed on his [the corpse's] stomach, in order that he should not swell, and his apertures may be stopped up, in order that the air should not enter. And [thus] said Solomon too in his wisdom: 'Or ever the silver cord be snapped asunder' — this refers to the spinal cord; 'and the golden bowl be broken' — this alludes to the membrum; 'and the pitcher be broken at the fountain' — that means the stomach; 'and the wheel broken, at the cistern' — this refers to the excrements.⁵ And thus it is said, and I will spread dung on your faces, even the dung of your feasts.⁶ R. Huna — others state, R. Haga- said: This refers to people who abandon study⁷ and spend all their days at feasts. R. Levi said in R. Pappi's name in R. Joshua's name: After three days [from death] the stomach bursts and it [its contents] lies cast out before his face and exclaims, 'Take what you have put in me.'

MISHNAH. ONE MAY NOT CLOSE [THE EYES OF] A CORPSE ON THE SABBATH, NOR ON WEEKDAYS WHEN HE IS ABOUT TO DIE, AND HE WHO CLOSES THE EYES [OF A DYING PERSON] AT THE POINT OF DEATH⁸ IS A MURDERER.⁹

GEMARA. Our Rabbis taught: He who closes [the eyes of a dying man] at the point of death is a

murderer. This may be compared to a lamp that is going out: If a man places his finger upon it, it is immediately extinguished. It was taught, R. Simeon b. Gamaliel said: If one desires that a dead man's eyes should close, let him blow wine into his nostrils and apply oil between his two eyelids and hold his two big toes; then they close of their own accord.

It was taught, R. Simeon b. Gamaliel said: For a day-old infant the Sabbath is desecrated; for David, King of Israel, dead, the Sabbath must not be desecrated. 'For a day-old infant the Sabbath is desecrated': the Torah ordered, Desecrate one Sabbath on his account so that he may keep many Sabbaths. 'For David, King of Israel, dead, the Sabbath must not be desecrated': Once man dies he is free from [all] obligations, and thus R. Johanan interpreted: Among the dead I am free:¹⁰ once a man is dead he is free from religious duties. It was further taught, R. Simeon b. Eleazar said: A day-old infant, alive, need not be guarded from weasels or mice, but Og, king of Bashan,¹¹ dead, needs guarding from weasels and mice, as it is said, and the fear of you and the dread of you shall be upon every beast of the earth:¹² as long as a man is alive, his fear lies upon dumb creatures; once he dies his fear ceases. R. Papa said: We hold [as tradition] that a lion does not attack two persons [together]. But we see that it does? — That is [explained] as Rami b. Abba. For Rami b. Abba said: A beast has no power over man until it appears to it as an animal, for it is said, Man that is in honour, and understandeth not, is like the beasts that perish.¹³

R. Hanina said: One may not sleep in a house alone,¹⁴ and whoever sleeps in a house alone is seized by Lilith.¹⁵

It was further taught, R. Simeon b. Eleazar said: Perform [righteousness and charity] whilst thou canst find [an object for thy charity], hast the opportunity,¹⁶ and it is yet in thy power,¹⁷ and Solomon in his wisdom too said: 'Remember also thy creator in the days of thy youth, or ever the evil days come' — this refers to the days of old age; 'and the years draw nigh, when thou shalt say, I have no pleasure in them'¹⁸ — this refers to the Messianic era, wherein there is neither merit nor guilt. Now he disagrees with Samuel, who said: The only difference between this world and the Messianic era is in respect of servitude to [foreign] powers, for it is said, For the poor shall never cease out of the land.¹⁹

It was taught, R. Eleazar ha-Kappar said: Let one always pray to be spared this fate [poverty], for if he does not descend [to poverty] his son will, and if not his son, his grandson, for it is said, because that for [bi-gelal] this thing, [etc.].²⁰ The School of R. Ishmael taught: It is a wheel [galal] that revolves in the world.²¹ R. Joseph said: We hold [as tradition] that a Rabbinical student will not suffer poverty. But we see that he does suffer poverty? Even if he suffers poverty, he [nevertheless] does not engage in begging.²² R. Hiyya said to his wife: When a poor man comes, be quick to offer him bread, so that others may be quick to offer it to your children. You curse them! she exclaimed. A verse is written, he replied: 'because that for [bi-gelal] this thing', whereon the School of R. Ishmael taught: It is a wheel that revolves in the world. It was taught R. Gamaliel Beribbi²³ said: And he shall give²⁴ thee mercy, and have compassion upon thee, and multiply thee:²⁵ he Who is merciful to others, mercy is shown to him by Heaven, while he who is not merciful to others, mercy is not shown to him by Heaven.²⁶

'Or ever the sun and the light be darkened',²⁷ this refers to the forehead and the nose; 'and the moon' — this is the soul; 'and the stars' these are the cheeks; 'and the clouds return after the rain' — this is the light of man's eyes [his eyesight], which is lost after weeping.²⁸ Samuel said: For tears, until the age of forty there is a recovery, but thenceforth there is no recovery.²⁹ And R. Nahman said: As for kohl,³⁰ until the age of forty it improves [the eyesight], but thereafter, even if the paint-stick is as thick [with paint] as a weaver's pin, it may indeed stay [the ravages of time], but will certainly not improve [the eyesight]. What does he inform us? That the thicker the paint-stick the more beneficial it is.

R. Hanina's daughter died, [but] he did not weep for her. Said his wife to him, 'Hast thou sent out a fowl from thy house?'³¹ '[Shall I suffer] two [evils],' he retorted, 'bereavement and blindness?' He held as R. Johanan said in the name of R. Jose the son of a laundress: There are six kinds of tears, three being beneficial and three harmful: those caused by smoke, weeping,³²

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- (1) Until the funeral without putrefying.
 - (2) Lit., 'go up' — to meet the top jaw.
 - (3) v. supra 40b. This shows that whatever may not be handled may not be oiled.
 - (4) The reason there is not because handling is forbidden, but lest he make ruts (v. p. 189, n. 3); and though that is impossible, since baths are provided with stone flooring. yet it is forbidden lest it be thought that it may likewise be done to an earth flooring. But no one will think that if a corpse may be oiled ground may be oiled too.
 - (5) Eccl. Xli, 6. He translates galgal (E.V. wheel) as galal (dung).
 - (6) Mal. II, 3.
 - (7) Lit., 'words of the Torah'.
 - (8) Lit., 'with the departure of the soul'.
 - (9) Lit., 'he sheds blood' — because he hastens death.
 - (10) Ps. LXXXVIII, 6 (E.V. 5: cast off among the dead).
 - (11) V. Ber. 54b.
 - (12) Gen. IX, 2.
 - (13) Ps. XLIX, 14 and 21 (E.V. 20). He appears to translate:... not, he is ruled over (by wild beasts) when he appears (to them) like a beast. — This is a punishment for misdeeds.
 - (14) Aliter: He who sleeps in a lonely (situated) house.
 - (15) The night demon. V.J.E. art. Lilith,
 - (16) Lit., 'it is found with thee' — sc. the means.
 - (17) I.e., during thy lifetime.
 - (18) Eccl. XII, 1.
 - (19) Deut. XV, 11; v. supra 63a for notes.
 - (20) Ibid. 10.
 - (21) Coming to all people or their descendants; Gelal is thus connected with galgal.
 - (22) Lit., 'going about the doors' (of houses).
 - (23) V. p. 564, n. 6.
 - (24) E.V. show.
 - (25) Deut. XIII, 17.
 - (26) He translates the verse thus; and he shall give, i.e. Inspire thee with mercy — towards others — then he shall have mercy upon thee.
 - (27) Eccl. XII, 2.
 - (28) The weeping of old age — caused by trouble and sickness — impairs or destroys the eyesight.
 - (29) The eyes recover from the weakening effect of tears until one is forty years old, but not after.
 - (30) An eye-salve.
 - (31) Was she nothing more to you than that?
 - (32) In grief.

Talmud - Mas. Shabbath 152a

and the privy¹ are harmful; those caused by chemicals, laughter, or plants² are beneficial. In the day when the keeper of the house shall tremble; and the strong men shall bow themselves, etc.³ In the day when the keeper of the house shall tremble' — these are the flanks [sides] and the ribs; 'and the strong men shall bow themselves' — the legs; 'and the grinders cease' — the teeth; 'and those that look out of the windows darkened' — the eyes. The emperor asked R. Joshua b. Hanania,⁴ 'Why did you not attend the Be Abedan?'⁵ 'The mountain is snowy, it is surrounded by ice,⁶ the dog does not bark and the grinders do not grind,' he replied.⁷ The School of Rab was wont to say: 'What I did not lose I seek.'⁸

It was taught, R. Jose b. Kisma said: Two are better than three,⁹ and woe for the one thing that goes and does not return. What is that? Said R. Hisda: One's youth. When R. Dimi came,¹⁰ he said: Youth is a crown of roses; old age is a crown of willowrods.¹¹ It was taught in R. Meir's name: Chew well with your teeth, and you will find it in your steps, as it is said, for then we had plenty of victuals, and were well, and saw no evil.¹² Samuel said to Rab Judah: O keen scholar!¹³ open your mouth¹⁴ and let your food enter. Until the age of forty food is more beneficial; thenceforth drink is more beneficial.

A certain eunuch [gawzaah] said to R. Joshua b. Karhah [Baldhead]: 'How far is it from here to Karhina [Baldtown]? 'As far as from here to Gawzania [Eunuchtown],' he replied.¹⁵ Said the Sadducee to him, 'A bald buck is worth four denarii.' 'A goat, if castrated, is worth eight,' he retorted. Now, he [the Sadducee] saw that he [R. Joshua] was not wearing shoes, [whereupon] he remarked, 'He [who rides] on a horse is a king, upon an ass, is a free man, and he who has shoes on his feet is a human being; but he who has none of these, one who is dead¹⁶ and buried is better off.' 'O eunuch, O eunuch,' he retorted, 'you have enumerated three things to me, [and now] you will hear three things: the glory of a face is its beard; the rejoicing of one's heart is a wife; the heritage of the Lord is children;¹⁷ blessed be the Omnipresent, Who has denied you all these!' 'O quarrelsome baldhead,' he jeered at him. 'A castrated buck and [you will] reprove!'¹⁸ he retorted.

Rabbi asked R. Simeon b. Halafta: 'Why were we not permitted to receive you on the Festival, as my ancestors used to receive your ancestors?' 'The rocks have grown tall, the near have become distant, two have turned into three, and the peacemaker of the home has ceased, he replied.¹⁹

And the doors shall be shut in the streets:²⁰ this refers to the apertures of man; 'when the sound of the grinding is low' — on account of the stomach's failing to digest;²¹ 'and one shall rise up at the voice of a bird', — even a bird will awake him from sleep; 'and all the daughters of the music shall be brought low — even the voices of male singers and female singers sound to him like a whisper. And thus too did Barzillai the Gileadite say to David: 'I am this day fourscore years old: can I discern between good and bad'? This shows that the opinions of old men are changeable [changed]; 'can thy servant taste what I eat or drink'? this shows that the lips of old men grow slack;²² 'can I hear any more the voice of singing men and singing women'?²³ this proves that the ears of old men are heavy.²⁴ Rab said: Barzillai the Gileadite was a liar. For there was a servant in Rab's house, ninety-two years old, who could taste the dish[es]. Raba said: Barzillai the Gileadite was steeped in lewdness, and whoever is steeped in lewdness, old age hastens upon him. It was taught, R. Ishmael son of R. Jose said: As for scholars, the older they grow the more wisdom they acquire, for it is said, With aged men is wisdom, and in length of days understanding.²⁵ But the ignorant, as they wax older, become more foolish, for it is said, He removeth the speech of the trusty, and taketh away the understanding of the elders.²⁶

Yea, they shall be afraid of that which is high²⁷ — even a small knoll looks to him like the highest of mountains; 'and terrors shall be in the way' — when he walks on a road his heart is filled with

fears;²⁸ and the almond tree shall blossom' — that refers to the coccyx²⁹ 'and the grasshopper shall be a burden'³⁰ — the rump; 'and desire shall fail' the passions. R. Kahana was expounding a portion [of scripture]³¹ before Rab. When he came to this verse, he [Rab] uttered a long sigh. This shows that Rab's desires have ceased, observed he. R. Kahana said: What is meant by, 'For he decreed, and it was':³² this refers to a woman;³³ 'he commanded; and it did stand' — this refers to children. A Tanna taught: Though a woman be as a pitcher full of filth and her mouth be full of blood, yet all speed after her.

Because man goeth to his long home.³⁴ R. Isaac observed: This teaches that every righteous person is given a habitation as befits his honour. This may be compared to a king who enters a town together with his servants. They all enter through the same gate, [yet] when they spend the night [there] each is given a lodging as befits his honour.

R. Isaac also said: What means the verse, For youth and the prime of life are vanity?³⁵ The things a man does in his youth blacken his face³⁶ in his old age.³⁷

R. Isaac also said: Worms are as painful to the dead as a needle in the flesh of the living, for it is said, But his flesh upon him hath pain.³⁸ R. Hisda said: A man's soul mourns for him [after death] seven whole [days]. for it is said, And his soul mourneth for him;³⁹ and it is written, and he made a mourning for his father seven days.⁴⁰

Rab Judah said: If there are none to be comforted for a dead person.⁴¹ ten people go and sit in his place.⁴² A certain man died in the neighbourhood of Rab Judah. As there were none to be comforted,

(1) I.e., through internal disorders.

(2) E.g., onions or mustard.

(3) Eccl. XII. 2.

(4) V. p. 587. n. 2.

(5) V. supra 116a and notes a.l.

(6) Lit., 'its surroundings are ice'.

(7) My head is snowy white, my beard likewise, my voice feeble and my teeth do not function. — I am too old to attend.

(8) This was their description of old age. One goes about bent and stooping, appearing to seek an article which he has not lost.

(9) The two legs in youth are better than the three — i.e., the additional stick — of old age.

(10) V. p. 12, n. 9.

(11) Heavy to bear.

(12) Jer. XLIV, 17.

(13) Or, man of long teeth.

(14) Lit., 'thy sack'.

(15) Both fictitious places, of course, playfully formed from their names and persons.

(16) Lit., 'one for whom a grave is dug'.

(17) Ps. CXXXVII, 3.

(18) Rashi. R. Han.: O castrated goat. I do but rebuke, not quarrel with thee.

(19) I.e., I have grown old, even those near are as difficult to visit as those at a distance, my two legs need an additional stick for walking, and I can no longer exercise a man's functions.

(20) Eccl. XII, 4.

(21) Lit., 'grind'.

(22) I.e., fall apart and cannot enjoy the taste of food.

(23) II Sam. XIX, 35.

(24) They are hard of hearing.

(25) Job XII. 12.

(26) Ibid. 20.

- (27) Eccl. XII, 5.
- (28) Yalkut Koheleth 989 reads: it (the road) becomes for him full of terrors.
- (29) The lowest end of the vertebrae — the extreme weakness of old age causes it to ‘blossom’, i.e., protrude and be moved from its place.
- (30) Or, shall drag itself along.
- (31) פְּסִיֵּק סְדֵרָא, v. supra p. 572, n. 1.
- (32) Ps. XXXIII, 9.
- (33) It is God's decree that man shall desire woman.
- (34) Eccl. XII, 5.
- (35) Ibid. XI. 10.
- (36) Rashi: weaken him, the reference being to sexual indulgence. The passage may also refer to actions in general for which one in old age feels himself blackened with shame.
- (37) He derives shaharuth (E.V. prime of life) from shahor, black, and translates: ‘for youth and the blackening (of old age) are vanity’.
- (38) Job XIV, 22.
- (39) Job XIV, 22.
- (40) Gen. L, 10.
- (41) I.e., there are no mourners. Lit., ‘a dead person for whom there are no comforters’.
- (42) Where he died, and engage in religious exercises such as prayer and study.

Talmud - Mas. Shabbath 152b

Rab Judah assembled ten men every day and they sat in his place. After seven days he [the dead man] appeared to him in a dream and said to him, ‘Thy mind be at rest, for thou hast set my mind at rest.’ R. Abbahu said: The dead man knows all that is said in his presence until the top-stone [golel] closes [the grave].¹ R. Hiyya and R. Simeon b. Rabbi differ therein: one maintains, until the top-stone closes [the grave]; whilst the other says, until the flesh rots away. He who says, until the flesh rots away. — because it is written, But his flesh upon him hath pain and his soul within him mourneth.² He who says, until the top-stone closes [the grave]. — because it is written, and the dust return to the earth as it was, and the spirit return unto God.³

Our Rabbis taught: ‘And the dust return to the earth as it was, and the spirit return unto God who gave it’: Render it back to him as He gave it to thee, [viz.,] in purity, so do thou [return it] in purity. This may be compared to a mortal king⁴ who distributed royal apparel to his servants. The wise among them folded it up and laid it away in a chest, whereas the fools among them went and did their work in them. After a time the king demanded his garments: the wise among them returned them to him immaculate, [but] the fools among them returned them soiled. The king was pleased with the wise but angry with the fools. Of the wise he said, ‘Let my robes be placed in my treasury and they can go home in peace’; while of the fools he said, ‘Let my robes be given to the fuller, and let them be confined in prison.’ Thus too, with the Holy One, blessed be He: concerning the bodies of the righteous He says, He entereth into peace, they rest in their beds;⁵ while concerning their souls He says, yet the soul of my Lord shall be bound up in the bundle of life with the Lord thy God.⁶ But concerning the bodies of the wicked He says, There is no peace saith the Lord, unto the wicked;⁷ while concerning their souls He says, and the souls of thine enemies, them shall he sling out, as from the hollow of a sling.⁸

It was taught, R. Eliezer said: The souls of the righteous are hidden under the Throne of Glory, as it is said, yet the soul of thine Lord shall be bound up in the bundle of life.⁸ But those of the wicked continue to be imprisoned,⁹ while one angel stands at one end of the world and a second stands at the other end, and they sling their souls to each other, for it is said, and the souls of thine enemies, them shall he sling out, as from the hollow of a sling. Rabbah asked R. Nahman: What about those who are intermediate? Had I died I could not have told you this, he replied. Thus did Samuel say: Both

these and those [the wicked and the intermediate] are delivered to Dumah;¹⁰ these enjoy rest, whereas the others have no rest. R. Mari said: [Even] the righteous are fated to be dust, for it is written, ‘and the dust return to the earth as it was’. Certain diggers were digging in R. Nahman's ground, [when] R. Ahai b. Josiah¹¹ snorted at them. So they went and told R. Nahman, ‘A man snorted at us.’ He went and asked him, ‘Who are you?’ ‘I am Ahai b. Josiah.’ ‘But did not R. Mari say. [Even] the righteous are fated to be dust?’ said he. ‘But who is Mari,’ he retorted ‘I do not know him.’ Yet surely a verse is written, ‘and the dust returns to the earth as it was’? he urged. ‘He who taught you Ecclesiastes did not teach you Proverbs,’ he answered, ‘for it is written, But envy is the rottenness of the bones:¹² he who has envy in his heart, his bones rot away. [but] he who has no envy in his heart, his bones do not rot away.’ He then felt him and perceived that there was substance in him. ‘Let my master arise [and come] to my house,’ he invited him. ‘You have thus disclosed that you have not even studied the prophets, for it is written, And ye shall know that I am the Lord, when I open your graves,’¹³ said he to him, ‘But it is written, for dust art thou, and unto dust thou shalt return?’¹⁴ ‘That means one hour before the resurrection of the dead’, replied he.

A certain Sadducee said to R. Abbahu:¹⁵ You maintain that the souls of the righteous are hidden under the Throne of Glory: then how did the bone [- practising] necromancer bring up Samuel by means of his necromancy?¹⁶ — There it was within twelve months [of death], he replied. For it was taught: For full [twelve months] the body is in existence and the soul ascends and descends; after twelve months the body ceases to exist

(1) R. Tam. Rashi: until the coffin-lid is closed, v. Nazir, Sonc. ed., p. 302, n. 5’

(2) I.e., he suffers pain and grief — a sign of consciousness — as long as his flesh is upon him.

(3) Eccl. XII, 7. I.e., immediately the dust — sc. the body — returns to the earth, the spirit returns to God, and there is no further consciousness of earthly matters.

(4) Lit., ‘a king of flesh and blood’.

(5) Isa. LVII, 2.

(6) I Sam. XXV, 29.

(7) Isa. XLVIII, 22.

(8) Sam. ibid.

(9) Lit., ‘muzzled’. Marginal translation: are eternally pressed down — sc. in the sling of destruction.

(10) The guardian angel of the deceased. [The name is probably Silence, which is the meaning of Dumah, personified.]

(11) Who was buried there.

(12) Prov. XIV, 30.

(13) Ezek. XXXVII, 13; i.e., God alone can free men from their graves.

(14) Gen. 111,19.

(15) MS.M. min (v. Glos.). This is preferable as there were no Sadducees in the time of R. Abbahu; cf. Sanh., Sonc. ed., p, 706, n. 8.

(16) v. i Sam, XXVIII, 7. Bones were used in necromancy.

Talmud - Mas. Shabbath 153a

and the soul ascends but descends nevermore.

Rab Judah son of R. Samuel b. Shila said in Rab's name: From the funeral eulogy pronounced over a man it may be known whether the future world is his or not.¹ But that is not so? for Rab said to R. Samuel b. Shilath, ‘Be fervent in my funeral eulogy. for I will be standing there’?² — There is no difficulty: in the one case a fervent lament is pronounced and one is deeply moved,³ in the other a fervent lament is pronounced and one is not moved. Abaye asked Rabbah: ‘You, for instance, whom the whole of the Pumbeditheans hate,⁴ who will arouse lamentation for you?’ ‘You and Rabbah b. R. Hanan will suffice,’ he replied.

R. Eleazar asked Rab: Which man has earned [enjoyment of] the future world? Said he to him, And thine ears shall hear a word behind thee, saying, This is the way, walk ye in it,' when, ye turn to the right hand, and when ye turn to the left.⁵ R. Hanina said: He with whom his teachers are pleased.⁶

And the mourners go about the streets.⁷ The Galileans said: Perform actions [which shall be lamented] in front of thy bier; the Judaeans said: Perform actions [to be lamented] behind thy bier. But they do not differ: each [spoke] in accordance with [the usage in] his locality.⁸

We learnt elsewhere, R. Eliezer said: Repent one day before your death.⁹ His disciples asked him, Does then one know on what day he will die? Then all the more reason that he repent to-day, he replied, lest he die to-morrow, and thus his whole life is spent in repentance. And Solomon too said in his wisdom, Let thy garments be always white; and let not thy head lack ointment.¹⁰ R. Johanan b. Zakkai said: This may be compared to a king who summoned his servants to a banquet without appointing a time. The wise ones adorned themselves and sat at the door of the palace. ['for,'] said they. 'is anything lacking in a royal palace?'¹¹ The fools went about their work, saying, 'can there be a banquet without preparations?'¹² Suddenly the king desired [the presence of] his servants: the wise entered adorned, while the fools entered soiled. The king rejoiced at the wise but was angry with the fools. 'Those who adorned themselves for the banquet,' ordered he, 'let them sit, eat and drink. But those who did not adorn themselves for the banquet, let them stand and watch.' R. Meir's son-in-law said in R. Meir's name: Then they too would [merely] look as being in attendance.¹³ But both sit, the former eating and the latter hungering, the former drinking and the latter thirsting, for it is said, Therefore thus saith the Lord God, Behold, my servants shall eat, but ye shall be hungry: behold, my servants shall drink, but ye shall be thirsty: [behold, my servants shall rejoice, but ye shall be ashamed:] behold, my servants shall sing for joy of heart, but ye shall cry for sorrow of heart.¹⁴ Another, interpretation: 'Let thy garments be always white' — this refers to fringes; 'and let not thy head lack ointment' — to tefillin.

CHAPTER XXIV

MISHNAH. IF DARKNESS FALLS UPON A PERSON ON A ROAD,¹⁵ HE ENTRUSTS HIS PURSE TO A GENTILE;¹⁶ BUT IF THERE IS NO GENTILE WITH HIM, HE PLACES IT ON THE ASS. WHEN HE REACHES THE OUTERMOST COURTYARD¹⁷ HE REMOVES THE OBJECTS WHICH MAY BE HANDLED ON THE SABBATH, WHILST AS FOR THOSE WHICH MAY NOT BE HANDLED ON THE SABBATH, HE UNTIES THE CORDS¹⁸ AND THE SACKS FALL OFF AUTOMATICALLY.

GEMARA. Why did the Rabbis permit him to entrust his purse to a Gentile?¹⁹ — The Rabbis knew for certain²⁰ that no man will restrain himself where his money is concerned; if you do not permit it to him, he will come to carry it four cubits in public ground.

Raba said: His purse only, but not something found. That is obvious, [for] we learnt HIS PURSE? — You might say, The same law applies even to a find, and why does he mention HIS PURSE — as a natural course:²¹ therefore he informs us [that it is not so]. Yet we said this only where it did not come into his possession [before the Sabbath], but if it came into his possession, it is the same as his purse. Others state, Raba asked: What about a find that came into his possession [before nightfall]? since it came into this possession, it is the same as his purse; or perhaps since he had no trouble over it, it is not the same as his purse? The question stands over.

IF THERE IS NO GENTILE WITH HIM, [etc.]. The reason is that there is no Gentile with him, but if there is a Gentile with him he must give it to him:²² what is the reason? — As for an ass, you are under an obligation that it should rest;²³ but as for a Gentile, you are under no obligation [to

ensure] that he should rest.

[If there is] an ass, and a deaf-mute, imbecile, or minor:²⁴ he must place it on the ass and not give it to the deaf-mute, imbecile or minor. What is the reason? The latter are human beings whereas the former is not. [In the case of] a deaf-mute and an imbecile: [he must give it] to the imbecile; [in the case of] an imbecile and a minor — to the imbecile. The scholars asked: What of a deaf-mute and a minor? On R. Eliezer's view there is no questions for it was taught: R. Isaac said in R. Eliezer's name: The terumah of a deaf-mute²⁵

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- (1) If it arouses widespread grief he must have been a good man who earned the enjoyment of the future world.
 - (2) When it is pronounced. But if he felt certain that a funeral lament for a good man is spontaneously fervent and deep, what need of exhortation?
 - (3) Lit., 'warmed'.
 - (4) Rashi: because of his outspokenness, v. Hul. 127a.
 - (5) Isa. XXX, 21. I.e., if one hears a voice proclaiming thus after his death, he has earned the world to come.
 - (6) Var. lec. our teachers.
 - (7) Eccl. XII, 5.
 - (8) In Galilee the professional mourners walked in front of the bier, in Judah behind.
 - (9) A similar thought is expressed in the Book of Ben Sira, V, 8.
 - (10) Eccl. IX, 8.
 - (11) The summons to enter may come at any moment.
 - (12) Lit., 'trouble'.
 - (13) Their punishment would not be so great.
 - (14) Isa. LXV, 13f.
 - (15) The Sabbath commences.
 - (16) V. supra 17b.
 - (17) Of the first town where he arrives.
 - (18) Whereby they are fastened to the saddle.
 - (19) Though that is tantamount to instructing the Gentile to carry it for him, which is forbidden.
 - (20) Lit., 'it was established to the Rabbis'.
 - (21) Finds are rare.
 - (22) In preference.
 - (23) V. Ex. XX, 10
 - (24) These three are frequently linked together as being the same in law.
 - (25) I.e., separated by him.

Talmud - Mas. Shabbath 153b

does not revert to hullin, because it is doubtful.¹ The question is on the Rabbis' view. For we learnt: Five must not separate terumah, and if they do their separation is not valid. And these are they: a deaf-mute, imbecile, minor, one who separates terumah on [produce] that is not his,² and a Gentile who separates terumah on an Israelite's [produce] even with [the latter's] permission, his separation is not valid. What then? must he give it to the deaf-mute, seeing that the minor will arrive at understanding;³ or perhaps he must give it to the minor, because a deaf-mute may be confused with an intelligent adult? — Some rule: He must give it to the deaf-mute; others maintain; he must entrust it to the minor.

What if neither a Gentile, an ass, a deaf-mute, an imbecile nor a minor is there? — R. Isaac said: There was yet another [expedient], but the Sages did not wish to reveal it. What was the other [expedient]? — One may carry it in stretches of less than four cubits at a time.⁴ Why were the Sages unwilling to reveal it? Because, It is the glory of God to conceal a thing: But the glory of kings is to search out a matter.⁵ Yet what glory of God is there here? — Lest one come to carry it four cubits in

public ground.

It was taught, R. Eliezer said: On that day⁶ they overfilled the measure;⁷ R. Joshua said: On that day they made the measure deficient.⁸ It was taught, As an illustration, what does this resemble on R. Eliezer's view? A basket full of cucumbers and gourds: a man puts mustard [grain] therein and it holds it.⁹ As an illustration, what does this resemble on R. Joshua's view? A tub full of honey: if one puts pomegranates and nuts therein, it [the tub] overflows.¹⁰

The Master said: 'If there is no Gentile with him, he places it on his ass'. But he [thereby] leads a [laden] ass, whereas Scripture saith, [In it] thou shalt not do any work, [thou . . . nor thy cattle]?¹¹ Said R. Adda b. Ahabah: He places it upon her while she is walking.¹² But it is impossible that she shall not stop for the calls of Nature,¹³ and so there is removing and depositing? — When she is walking he places it upon her, and when she stops he removes it from her. If so, [the same may be done] even [to] his neighbour too? — R. Papa answered: Where one is liable to a sin-offering in his own case, in the case of his neighbour though he is not culpable nevertheless it is forbidden;¹⁴ and wherever in the case of one's neighbour he is not culpable though it is forbidden, in the case of one's ass it is permitted at the outset.

R. Adda b. Ahabah said: If one's bundle is lying on his shoulder, he must run with it until he arrives home. He may only run, but not walk leisurely. What is the reason? — Since he has nothing to mark a distinction, he will come to perform removing and depositing. Yet after all, when he arrives at the house it is impossible that he shall not stop for a moment, and so he carries it from public to private ground? — He throws it in a 'back-handed manner.'¹⁵

Rami b. Hama said: If one leads a laden ass on the Sabbath unwittingly, he is liable to a sin-offering; if deliberately, he is liable to stoning.¹⁶ What is the reason? Said Rabbah, because Scripture said, Thou shalt not do any work, — thou, . . . — nor thy cattle: his cattle is assimilated to himself. Just as when he [himself does work], if unwittingly, he is liable to a sin-offering: if deliberately, he is liable to stoning: so [when he works with] his cattle too, if unwittingly, he is liable to a sin-offering; if deliberately, he is liable to stoning. Raba observed, There are two objections to this. Firstly, because it is written, Ye shall have one law for him that doeth aught unwittingly . . . But the soul that doeth aught with a high hand, [etc.]:¹⁷ all laws are assimilated to idolatry: just as in the case of idolatry, he personally performs an action, so here too [one does not incur a sin-offering] unless he personally performs work. Moreover, we learnt: He who desecrates the Sabbath [is stoned], provided that it is an offence punished by stoning¹⁸ if deliberate, and by a sin-offering if unwitting. Hence it follows that there is an offence for which if done unwittingly one does not incur a sin-offering, nor stoning if deliberate: and what is that? Surely leading a laden ass? — No: [the violation of] *tehumim*,¹⁹ in accordance with R. Akiba's view,²⁰ or kindling, in accordance with R. Jose's view.²¹ [

(1) Whether his action is valid or not, as his mind may have been clear. On that view a minor stands lower, and the purse must certainly be given to the minor.

(2) Without having been previously authorized.

(3) Thus he is at least potentially an adult of intelligence.

(4) V. supra p. 194, n. 5.

(5) Prov. XXV, 2.

(6) When they entered the upper chambers of Hezekiah b. Garon for the eighteen enactments, v. supra 13b and p. 54, n. 1.

(7) They did well in enacting so many preventive laws, thereby safeguarding Israel from transgression.

(8) Or, they just levelled the measure. I.e., they imposed so many prohibitions as to defeat their own object, for by a reaction Israel would be more likely to sin now than hitherto. — This is mentioned here because the entrusting of one's purse to a Gentile was one of those eighteen laws.

- (9) Though full it is still capable of receiving more.
- (10) Lit., 'it spews forth' — some of the honey itself.
- (11) Ex. XX, 10.
- (12) If one places a burden on a man while he is walking he is not culpable, because there is no 'removal' in a technical sense; v. supra 3a. Hence it does not constitute labour, and therefore the same applies here too.
- (13) And when she recommences there is 'removal', and when she stops again there is 'depositing', which together constitute 'work'.
- (14) For if a man carries an article four cubits in public ground, even if he picks it up while walking, he is culpable. Consequently one must not put a burden upon another person while walking, though there is no culpability.
- (15) V. p. 188, n. 2.
- (16) In theory only. In actual practice the death penalty was restricted by so many conditions as to be non-existent in all but cases of murder (cf. Herzog. Main Institutions of Jewish Law, Vol. I, Introduction, XXI).
- (17) Num. XV, 29f, q.v. The latter refers to idolatry.
- (18) In Sanh. 66a the reading is: kareth.
- (19) Tehum, pl. tehumin, v. Glos.
- (20) Who regards the prohibition as Biblical, v. Sot. 36b.
- (21) V. supra 70a.

Talmud - Mas. Shabbath 154a

R. Zebid recited it thus: Rami b. Hama said: If one leads a laden ass on the Sabbath: if unwittingly, he does not incur a sin-offering: if deliberately, he is liable to stoning. Raba objected: He who desecrates the Sabbath by an offence for which, if unwitting, a sin-offering is incurred, if deliberate he is liable to stoning. Hence if one does not incur a sin-offering when it is unwitting, there is no stoning when it is deliberate? — Does he [the Tanna] then teach, 'Hence if one does not incur a sin-offering,' etc.? [Surely] he says thus: [Every] offence for which, if unwitting, one is liable to a sin-offering, if deliberate he is liable to stoning. Yet there is an offence for which, if unwitting, a sin-offering is not incurred, nevertheless if deliberate one is liable to stoning. And what is it? Leading a laden ass.

Raba, the brother of R. Mari b. Rachel, others state, the father of R. Mari b. Rachel — (on the second version there is the difficulty that Rab declared R. Mari b. Rachel eligible [to hold office] and appointed him one of the collectors of Babylonia?¹ — perhaps there were two men of the name of Mari b. Rachel)² recited this discussion in R. Johanan's name, teaching non-culpability. [Thus:] R. Johanan said: If one drives a laden animal on the Sabbath he is not culpable at all. If it is unwitting he does not incur a sin-offering, because the whole Torah is assimilated to idolatry. If deliberate he is not culpable, because we learnt: He who desecrates the Sabbath [is stoned], provided that it is an offence for which a sin-offering is incurred if it is unwitting and stoning if it is deliberate:³ hence if the unwitting offence does not involve a sin-offering, the deliberate offence does not involve stoning. Neither is he liable for [the violation of] a negative precept,⁴ because it is a negative precept for which a warning of capital punishment at the hands of Beth din may be given, and for such there is no flagellation.⁵

(1) V. Yeb., Sonc. ed., p. 297 and notes. Such positions were only open to men of Jewish parentage, yet Rab declared him eligible because it was sufficient that his mother was a Jewess. That contradicts the present statement that his father too was a Jew.

(2) Bah deletes the bracketed passage, and the same appears from Rashi and Tosaf.

(3) This is the reading in cur. edd., and must be retained if the introductory phrase, 'we learnt', which always precedes a Mishnah, is correct, the Mishnah being that on Sanh. 66a (quoted supra 153b bottom). Bah however emends the text thus: if it is an offence for which a sin-offering is incurred if unwitting, stoning is incurred when deliberate. This suits the context better, this being the Baraita quoted by Raba supra. But in that case the introductory phrase must be emended to 'it was taught'.

(4) The penalty for which is flagellation.

(5) I.e., the offender could be formally warned against driving a laden ass on the grounds that it is punishable by death; in such a case there is no flagellation even if the death penalty is not imposed.

Talmud - Mas. Shabbath 154b

And even on the view that we do flagellate [in such a case],¹ let the Divine Law write, 'Thou shalt not do any work nor thy cattle': why state 'thou'? [To teach:] only [when] he personally [works] is he liable, but [if] his animal works, he is not liable.

WHEN HE REACHES THE OUTERMOST COURTYARD, etc. R. Huna said: If his animal is laden with glassware, he brings mattresses and pillows, places [them] under it, unties the cords, and the sacks fall off. But we learnt: HE REMOVES THE OBJECTS WHICH MAY BE HANDLED ON THE SABBATH?² — R. Huna spoke of surgeon's horns,³ which are not fit for him.⁴ But he makes a utensil lose its readiness [for use]?⁵ — The reference is to small bags.⁶

An objection is raised: If one's animal is laden with tebel or glass balls,⁷ he must untie the cords and the sacks fall off, though they are broken? — There it treats of glass lumps.⁸ This may be proved too, for it is taught analogous to tebel: just as tebel is of no use to him, so here too [it means something] that is of no use to him. Then why state, 'though they are broken'?⁹ — You might say that they [the Sages] were concerned even about a trifling loss: hence he informs us [otherwise].

It was taught R. Simeon b. Yohai said: If the animal is laden with a bag of corn,¹⁰ one places his head under it and moves it to the other side, so that it falls off automatically. R. Gamaliel's ass was laden with honey, but he would not unload it until the termination of the Sabbath. On the termination of the Sabbath it died. But we learnt: HE REMOVES THE OBJECTS WHICH MAY BE HANDLED?¹¹ — It had gone rancid. If it had gone rancid, of what use was it?¹² — For camels' sores.¹³ Then he should have untied the cords so that the sacks would fall off? — The gourds [containers] would burst — Then he should have brought mattresses and pillows and placed them beneath them? — They would become soiled¹⁴ and he would deprive a utensil of its readiness [for use]. But there was suffering of dumb animals? — He holds that the suffering of dumb animals is [only] Rabbinically [forbidden].¹⁵

Abaye found Rabbah letting his son glide down the back of an ass.¹⁶ Said he to him, You are making use of dumb creatures [on the Sabbath]? — It is but on the sides [of the animal], he replied, and in that case the Rabbis did not impose an interdict.¹⁷ How do you know it? — Because we learnt: HE UNTIES THE CORDS AND THE SACKS FALL OFF AUTOMATICALLY. Does that not refer to a pair of coupled haversacks?¹⁸ No: a balanced load is meant;¹⁹ alternatively, it means where [the sacks are fastened] by a bolt.²⁰

He raised an objection: If two [walls] are [made] by man and a third is on a tree, it is valid, but one must not ascend [enter] therein on the Festival.²¹ Does that not mean that one made grooves on the tree,²² so that it is the sides [only that would be used], and thus the sides are forbidden? — No: It means that he bent over [the branches of] the tree and placed the roofing — upon it, so that he makes use of the tree. If so, consider the second clause: If three are made by man and a fourth is in a tree, it is valid, and one may ascend therein on the Festival. But if he bent over the tree, why may he ascend therein on the Festival?²³ — Then what would you: that the sides are forbidden,²⁴ — then still the question remains: why may one ascend therein on the Festival? But there it treats of spreading branches, and the tree itself was merely made a wall.²⁵ This may be proved too, for he states, This is the general rule: wherever it [the sukkah] can stand if the tree were removed, one may ascend therein on the Festival.²⁶ This proves it.

Shall we say that this is dependent on Tannaim? [For it was taught.] One may not ascend therein on the Festival; R. Simeon b. Eleazar said in R. Meir's name: One may ascend therein on the Festival. Is that not [to be explained] that they differ in this, viz., one Master holds: The sides are forbidden; while the other Master holds: The sides are permitted?²⁷ — Said Abaye, No: All hold that the sides are forbidden, but here they differ in respect of the sides of the sides:²⁸ one Master holds: The sides of the sides are forbidden; while the other Master holds: The sides of the sides are permitted.

Raba maintained: He who forbids the sides forbids the sides of the sides too, while he who permits the sides of the sides permits the sides too. R. Mesharsheya raised an objection to Raba: If one drives

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- (1) V. Mak. 13b.
 - (2) Glassware may be handled.
 - (3) Used in bleeding.
 - (4) For handling on the Sabbath.
 - (5) V. supra 43a. These pillows, etc. may be handled, but not when the sacks fall upon them.
 - (6) The pillows can be pulled away from under them — which is permitted — without hurt, as they have not far to fall.
 - (7) The word denotes lumps of glass, lanterns, etc.
 - (8) Which may be broken without loss.
 - (9) Seeing that no loss is incurred.
 - (10) Of tebel.
 - (11) Which includes honey.
 - (12) Why did he trouble to bring it at all?
 - (13) Caused by the chafing of the saddle.
 - (14) If any of the honey were spilt.
 - (15) This may seem non-humane, but it must be borne in mind that this was held long before other peoples gave the slightest consideration to animals. Cf. p. 640, n. 2 and p. 577, n. 6.
 - (16) To amuse him.
 - (17) It is not the normal way of employing an animal.
 - (18) Coupled or tied together by a cord, a sack hanging down from each side of the animal. To make them fall one would have to lift them off and lean and rub against the animal in doing so which is making use of its sides. Hence this shows that it is permitted.
 - (19) Each sack being separately attached to a ring by a hook; a slight jerk would suffice. to unhook it, and he would not make use of the animal. V. Jast s.v. **חבר**.
 - (20) A wooden cross-bar which can easily be pulled out, letting the sacks drop.
 - (21) V. Suk. 22a. A sukkah (q.v. Glos.) requires three walls only. Now if two are erected in the normal fashion, whilst the third is made of a tree (this may mean either that the tree constitutes the third wall or that the third wall is fastened to the tree), the sukkah is valid. Nevertheless, one may not enter it on the Festival itself but only during the intermediate days. For the roof is attached to the tree and various utensils, etc., were hung on the roof; thus indirectly one would be using the tree itself, which is forbidden on Festivals. 'Ascending' is mentioned because the sukkah was often built above the ground, e.g., on a roof (Rashi).
 - (22) 'Wherein he fitted the third wall. — This assumes the second of the two meanings in n. 1.
 - (23) He still makes use of the tree, in spite of the other three walls.
 - (24) You wish to adhere to your original hypothesis, whence this follows.
 - (25) I.e., the thick branches were allowed to form a fourth wall, the sukkah coming right up to them, but the roofing rested on the three other walls, not on the branches. The previous answer could have been retained, viz., that he bent over the branches of the tree, but rested the roofing on the other three walls. Since however a fourth wall is not required at all, it is assumed that one would not go to this trouble unless he meant the roofing to rest upon it (Rashi).
 - (26) That is the reason of the second clause quoted above. Hence it must be assumed that the sukkah is so made that the roofing does not rest on the tree at all, as otherwise it could not stand if the tree were removed.
 - (27) Assuming that grooves were made in the tree etc., as above.
 - (28) The laths or canes fitted in the grooves are the sides, whilst the roofing which rests on the laths are the sides of the

sides. I.e., they differ as to whether one may make indirect use of the sides.

Talmud - Mas. Shabbath 155a

a peg in a tree and hangs a basket thereon¹ above ten handbreadths [from the ground], his 'erub is not an 'erub;² below ten handbreadths, his 'erub is an 'erub. Thus it is only because he fixed a peg in the tree, but if he did not, even if it is below ten handbreadths his 'erub is not an 'erub.³ Thus this Tanna forbids the sides yet permits the indirect use of the sides? — Said R. Papa: Here we treat of a narrow-mouthed basket, so that in taking out the 'erub he sways the tree, and thus makes use of the tree itself. Now the law is that the sides are forbidden, but the sides of the sides are permitted. R. Ashi said: Now that you have ruled that the sides are forbidden, one must not rest the lodge-ladder⁴ on the palm tree, because that is tantamount to the [use of the] sides [of the trees;]⁵ but he must rest it on pegs without the tree,⁶ and when he ascends he should place his foot not on the pegs but on the rungs.⁷ MISHNAH. BUNDLES [PEKI'IN] OF SHEAVES MAY BE UNTIED FOR CATTLE AND BUNCHES [KIPPIN] MAY BE SPREAD OUT, BUT NOT SMALL BUNDLES [ZIRIN].⁸ NEITHER FODDER⁹ NOR CAROBS MAY BE CHOPPED UP FOR CATTLE, WHETHER SMALL OR LARGE;¹⁰ R. JUDAH PERMITS IN THE CASE OF CAROBS FOR SMALL CATTLE.

GEMARA. R. Huna said: PEKI'IN and KIPPIN are identical, [save that] peki'in are two [bunches tied together], while kippin are three; zirin are young shoots of cedar trees.¹¹ And this is what he [the Tanna] teaches: BUNDLES [PEKI'IN] OF SHEAVES MAY BE UNTIED FOR CATTLE, AND THEY MAY BE SPREAD, and the same applies to KIPPIN, BUT NOT TO ZIRIN, which may neither be spread out nor untied — R. Hisda said, What is R. Huna's reason? He holds that we may indeed take trouble over [natural] foodstuffs,¹² but we may not turn something into foodstuffs.¹³ Rab Judah said: Peki'in and zirin are identical, [save that] peki'in are two [bunches tied together], whilst Zirin are three; kippin are young cedar shoots. And this is what he teaches: BUNDLES [PEKI'IN] OF SHEAVES MAYBE UNTIED FOR CATTLE, but not spread out, but as for KIPPIN, [THEY] MAY [INDEED] BE SPREAD OUT; BUT NOT ZIRIN, [which it is not permitted] to spread out but [merely] to untie. Raba said, What is Rab Judah's reason? He holds that we may indeed turn something into fodder, but may not take trouble over fodder.¹⁴

We learnt: NEITHER FODDER NOR CAROBS MAY BE CHOPPED UP FOR CATTLE, WHETHER SMALL OR LARGE: [Surely it means] carobs like fodder: just as fodder is soft, so are soft carobs meant, thus proving that we may not take trouble over [what is] foodstuff [in any case], which refutes R. Huna? — R. Huna can answer you: No: fodder like carobs: just as carobs are hard, so hard fodder¹⁵ is meant.¹⁶ Where is that possible?¹⁷ In the case of very young foals.

Come and hear: R. JUDAH PERMITS IN THE CASE OF CAROBS FOR SMALL CATTLE. Thus, only for small but not for large: now it is well if you agree that the first Tanna holds that we may not take trouble over foodstuffs, yet we may turn [something] into foodstuffs: hence R. Judah argues [that cutting up] carobs for small cattle is also [an act of] turning [it] into fodder. But if you maintain that the first Tanna holds that we may not turn [aught] into fodder, yet we may take trouble over fodder, then R. JUDAH PERMITS IN THE CASE OF CAROBS FOR SMALL CATTLE [only]? all the more so for large cattle!¹⁸ — Do you think that dakkah [small] is literally meant? [No] By dakkah large cattle is meant, yet why is it called dakkah? Because it grinds [dayyka] its food.¹⁹ But since the first clause states, WHETHER SMALL OR LARGE, it follows that R. Judah means literally small? This is indeed a difficulty.

Come and hear: One may cut up

(1) And places his 'erub-an 'erub of boundaries (v. Glos.) — in it, intending to spend the Sabbath under the tree. — An

'erub is not valid unless it is accessible on the Sabbath.

(2) Because a basket is generally four handbreadths square, and if it is ten from the ground it is technically a private domain (cf. supra 6a), whereas the ground below is a public domain, and so one must not take the 'erub from the basket; hence it is not accessible.

(3) I.e., if he merely tied the basket to the tree. The 'erub is invalid because in order to get at it he must make use of the side of the tree; where it is hanging on a peg, however, he only makes indirect use of the sides.

(4) A ladder for ascending to a lodge set high up on poles near a tree.

(5) When he ascends on the Sabbath.

(6) I.e., pegs driven into the tree (Rashi). Jast.: on the branches spreading beyond the circumference of the tree.

(7) Or, on the canes protruding from the poles on which the lodge is built.

(8) The Gemara discusses the exact meaning of the terms used.

(9) Shahath is corn not fully grown as fodder.

(10) 'Small cattle' — sheep, goats, calves, etc.; large — cows and oxen.

(11) Cut from the tree. While yet moist they are fit for fodder, though most people leave them to dry for fuel.

(12) Such as bundles of sheaves.

(13) Such as young shoots which are normally intended for fuel.

(14) When the bundles are tied they are not fit for fodder, therefore they may be untied; but it is superfluous indulgence to spread them out, and that is forbidden. Bunches of young shoots, however, are unfit for fodder unless they are spread out; hence it is permitted.

(15) E.g., if the corn has gone dry.

(16) Without being cut up they are altogether unfit; hence they may not be cut up.

(17) That unless cut up they are unfit. — Generally animals can eat them even when hard.

(18) Since carobs are fit in any case, but are more easily eaten when cut up. 'All the more so' because if they are fit in their present state for small cattle, they are certainly fit for large.

(19) Chewing it until it is finely cut up.

Talmud - Mas. Shabbath 155b

gourds for cattle and a carcass for dogs — Surely fit means] gourds like a carcass: just as a carcass is soft, so are soft gourds meant, which proves that we may take trouble over foodstuffs,¹ which refutes Rab Judah? Rab Judah can answer you: No. A carcass like gourds: just as gourds are hard, so a hard carcass [is meant].² And where is it possible?³ In the case of split meat⁴ or in the case of very young dogs.⁵ Come and hear: For R. Hanan of Nehardea recited: 'One may break up straw and corn fodder⁶ and mix them together' . This proves that we may take trouble over fodder? — Straw means putrefying straw;⁷ as for corn fodder [the reference is] to young foals.

MISHNAH. ONE MUST NOT STUFF A CAMEL. [WITH FOOD] NOR CRAM [IT]. BUT ONE MAY PUT FOOD INTO ITS MOUTH; AND ONE MUST NOT FATTEN CALVES,⁸ BUT ONE MAY PUT FOOD INTO THEIR MOUTH. AND FOWLS MAY BE MADE TO TAKE UP FOOD. WATER MAY BE Poured INTO BRAN, BUT WE MAY NOT MIX IT [INTO A MASS]. AND WATER MAY NOT BE PLACED FOR BEES OR FOR DOVES IN A DOVE-COTE, BUT IT MAY BE PLACED BEFORE GEESE, FOWLS AND HARDISIAN DOVES.⁹

GEMARA. What does ONE MUST NOT STUFF [OBSIN] mean? — Said Rab Judah: One must not make a manger [ebus] in its stomach.¹⁰ Is such possible? — Even so, and as R. Jeremiah of Difti¹¹ related: I myself saw a certain Arab feed it with a kor and load it with a kor.¹²

ONE MUST NOT FATTEN, [MA'AMIRIN]. What is hamra'ah and what is hal'atah?¹³ — Said Rab Judah: Hamra'ah [is forcing the food] so far that it cannot return; hal'atah is [only] so far that it can return. R. Hisda said: Both mean so far that it cannot return, but hamra'ah is [done] with a utensil, [while] hal'atah is by hand.¹⁴ R. Joseph objected: One may force fowls to take food [mehalkitin], and it is superfluous to state that we may fatten [malkitin] them; but one may not fatten

[malkitin] the doves of the dove-cote or of the loft, and it is superfluous to state that we may not force them [mehalkitin]. What is mehalkitin and what is malkitin? Shall we say that mehalkitin is hand feeding, while malkitin is throwing [grain, etc.] in front of them? Whence it follows that one may not even cast [grain] before the doves of the dove-cote or of the loft!¹⁵ Hence mehalkitin is surely [forcing food] so far down that it cannot return, while malkitin is [only] so far that it can return. From this it follows that hamra'ah means [stuffing] with a utensil, which refutes Rab Judah?¹⁶ — Rab Judah can answer you: In truth mehalkitin means feeding by hand, while malkitin means casting [the food] before them, but as to your difficulty, Is it then not even permitted to cast [food] before the doves of the dove-cote and of the loft, [that indeed is so, for] you are responsible for the food of the former [sc. fowls], but not for that of the latter.¹⁷ Even as it was taught: Food may be placed before a dog but not before a swine. And what is the difference between them? You are responsible for the food of the one, but you are not responsible for the food of the other. R. Ashi said, Our Mishnah too implies this: WATER MAY NOT BE PLACED FOR BEES OR FOR DOVES IN A DOVECOTE, BUT IT MAY BE PLACED BEFORE GEESE, FOWLS, AND HARDISIAN DOVES. What is the reason? Is it not because you are responsible for the food of the former, but you are not responsible for the food of the latter? — But according to your reasoning, why particularly water: even wheat and barley too may not [be placed before them]? Rather [say] water is different, because it is found in pools.

R. Jonah lectured at the entrance to the Nasi's academy.¹⁸ What is meant by the verse, The righteous knoweth the cause of the poor?¹⁹ The Holy One, blessed be He, knoweth that a dog's food is scanty,²⁰ therefore He makes him retain his food in his stomach for three days. As we learnt: How long shall the food remain in its stomach and yet defile? In the case of a dog, three full days of twenty-four hours; while in the case of birds or fish, as long as it would take for it [the food] to fall into the fire and be burnt.²¹ R. Hamnuna said: This proves²² that it is the proper thing²³ to throw raw meat to a dog. And how much? Said R. Mari: Measure its ear and the stick [straight] after!²⁴ But that is only in the fields but not in town, because it will come to follow him. R. Papa said: None are poorer than a dog and none richer than a swine.²⁵

It was taught in accordance with Rab Judah: What is hamra'ah and what is hal'atah? Hamra'ah: one makes it [the animal] lie down, opens the mouth wide, and forces it to swallow vetches and water simultaneously; hal'atah: he feeds it standing and waters it standing, and puts vetches separately and water separately [into its mouth].²⁶

FOWLS MAY BE MADE TO TAKE UP FOOD. Abaye said, I asked this before the Master [Rabbah]: With whom does our Mishnah agree?²⁷ And he answered me, With R. Jose b. Judah. For it was taught: If one pours in flour and another water, the second is liable: this is Rabbi's view. R. Jose b. Judah said: He is not liable unless he kneads [them].²⁸ Yet perhaps R. Jose b. Judah ruled thus only there, in respect of flour, which is used for kneading; but as for bran, which is not used for kneading, even R. Jose b. Judah may admit [that he is liable]? — You cannot think so, because it was explicitly taught: Water must not be poured into bran: this is Rabbi's view. R. Jose b. Judah ruled: Water may be poured into bran.

Our Rabbis taught: Parched corn may not be mixed,²⁹ but others maintain, It may be mixed. Who are the 'others'? — Said R. Hisda:

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- (1) For the gourds can be eaten even if not cut up.
 - (2) They are uneatable unless cut up.
 - (3) Cf. n. 3.
 - (4) Meat that has gone so hard and dry that there are splits in it.
 - (5) They cannot eat any flesh unless it is cut up.
 - (6) I.e., shahath, v. p. 792, n. 2.

- (7) Though not quite putrid, for that would be unfit and mukzeh.
- (8) By stuffing them with food against their will.
- (9) A species of domesticated doves, probably so named from the manner of their fructification (Jast. s.v. **הרדסיות**). Aliter: Herodian doves, a species of domesticated doves supposed to have been bred by Herod, v. Hul. 139b. — The Gemara discusses the various terms used in the Mishnah.
- (10) By excessively stuffing it.
- (11) V. p. 35, n. 5.
- (12) Of fodder for the journey—this is a very great quantity indeed.
- (13) Mal'itin is the term used in the Mishnah for putting food into their mouth.
- (14) Hence not so forcible.
- (15) Surely that is incorrect!
- (16) For the Mishnah employs mehalkitin in respect of fowls and mal'itin i.e., hal'atah in respect of calves as parallel terms, and both are permissible. Hence hamra'ah, which is forbidden, must refer to feeding with a utensil.
- (17) Because doves can fly about in the fields and find their own food.
- (18) Or, house. It would appear that popular lectures were given there in the open.
- (19) Prov. XXIX, 7.
- (20) Few people trouble about dogs. — Many of the dogs in the East are semi-savage, and this 'would account for their neglect; v. J.E. art. Dog.
- (21) If an animal consumes flesh of a corpse and then dies in a house before it is completely digested, the contents of the house are unclean. The Mishnah quoted states how long we are to regard the flesh as undigested.
- (22) Sc. the care that the Almighty takes over a dog's food.
- (23) Lit., 'the way of the world'.
- (24) Give it a little, only as large as its ear, then immediately drive it off.
- (25) Rashi: because the swine eats anything, and it is also given much food.
- (26) Obviously in the former case the food can be forced down so far that it will not return, but not in the latter case.
- (27) That the mere pouring in of water does not constitute kneading.
- (28) V. supra 18a.
- (29) With water and oil to make of it a beverage.

Talmud - Mas. Shabbath 156a

It is R. Jose son of R. Judah. But that is only if one does it in an unusual manner. How does one do it in an unusual manner? Said R. Hisda: Little by little.¹ Yet they agree that shatith² may be stirred round on the Sabbath, and Egyptian beer may be drunk.³ But you said that we must not mix?⁴ — There is no difficulty: the one treats of a thick mass;⁵ the other of a loose [one].⁶ And that is only if he does it in an unusual manner. How does one do it in an unusual manner? — Said R. Joseph: During the week the vinegar is [first] poured in and then the shatith, whereas on the Sabbath the shatith is [first] poured in and then the vinegar.

Levi son of R. Huna b. Hiyya found [on Sabbath] the mixer of his father's household⁷ mashing [up bran] and feeding the oxen. Thereupon he rebuked him — Then his father came and found him [there]. Said he to him. Thus did your maternal grandfather, viz., R. Jeremiah b. Abba, say in Rab's name: One may mash [bran] but not force it [on the animal]; and if it [the animal] cannot take it [the fodder] up with its tongue one may feed it;⁸ provided, however, that it is done in an unusual manner. How does one do it in an unusual manner? — Said R. Yemar b. Shalmia in Rab's name: [By stirring it] crosswise.⁹ But he cannot mix it well [then]? — Said Rab Judah: He shakes up the vessel [itself]. It was recorded in Ze'iri's notebook: I asked my teacher, viz., R. Hiyya. What about kneading?¹⁰ It is forbidden, replied he. What about emptying?¹¹ It is permitted, he answered. R. Menassia said: It is well [to place] one [measure of food] for one animal, and two for two; but [to place] three [measures] for two [animals] is forbidden.¹² R. Jose said: A kab and even two kabs [may be set]. 'Ulla said: A kor and even two kor.¹³

It was recorded in Levi's notebook: I spoke to my teacher, viz., our holy Master,¹⁴ about those who mix shatitha in Babylonia, and my teacher, viz., our holy Master, protested [vociferously] against the practice of mixing shatitha, but none heeded him, and he lacked the power to forbid it, on account of R. Jose b. Judah.¹⁵

It was recorded in R. Joshua b. Levi's notebook: He who [is born] on the first day of the week [Sunday] shall be a man without one [thing] in him — What does 'without one [thing] in him' mean? Shall we say, without one virtue?¹⁶ Surely R. Ashi said: I was born on the first day of the week! Hence it must surely mean, one vice. But Surely R. Ashi said: I and Dimi b. Kakuzta were born on the first day of the week: I am a king¹⁷ and he is the captain of thieves!¹⁸ — Rather it means either completely virtuous or completely wicked.¹⁹ [What is the reason? Because light and darkness were created on that day.]²⁰ He who is born on the second day of the week will be bad-tempered — What is the reason? Because the waters were divided thereon.²¹ He who is born on the third day of the week will be wealthy and unchaste. What is the reason? Because herbs were created thereon.²² He who is born on the fourth day of the week will be wise and of a retentive memory.²³ What is the reason? Because the luminaries were suspended [thereon] — He who is born on the fifth day of the week will practise benevolence. What is the reason? Because the fishes and birds were created thereon.²⁴ He who is born on the eve of the Sabbath will be a seeker. R. Nahman b. Isaac commented: A seeker after good deeds.²⁵ He who is born on the Sabbath will die on the Sabbath, because the great day of the Sabbath was desecrated on his account. Raba son of R. Shila observed: And he shall be called a great and holy man.²⁶

R. Hanina said to then, [his disciples]: Go out and tell the son of Levi, Not the constellation of the day but that of the hour is the determining influence. He who is born under the constellation of the sun²⁷ will be a distinguished²⁸ man: he will eat and drink of his own and his secrets will lie uncovered; if a thief, he will have no success. He who is born under Venus will be wealthy and unchaste [immoral]. What is the reason? Because fire was created therein.²⁹ He who is born under Mercury will be of a retentive memory and wise. What is the reason? Because it [Mercury] is the sun's scribe. He who is born under the Moon will be a man to suffer evil, building and demolishing, demolishing and building. eating and drinking that which is not his and his secrets will remain hidden: if a thief, he will be successful.³⁰ He who is born under Saturn will be a man whose plans will be frustrated.³¹ Others say: All [nefarious] designs against him will be frustrated. He who is born under Zedek [Jupiter] will be a right-doing man [zadkan] R. Nahman b. Isaac observed: Right-doing in good deeds. 'He who is born under Mars will be a shedder of blood. R. Ashi observed: Either a surgeon, a thief, a slaughterer, or a circumciser. Rabbah said: I was born under Mars.³² Abaye retorted: You too inflict punishment and kill.³³

It was stated. R. Hanina said: The planetary influence gives wisdom, the planetary influence gives wealth, and Israel stands under planetary influence. R. Johanan maintained: Israel is immune from planetary influence.³⁴ Now, R. Johanan is consistent with his view, for R. Johanan said: How do we know that Israel is immune from planetary influence? Because it is said, Thus saith the Lord, Learn not the way of the nations, and be not dismayed at the signs of heaven, for the nations are dismayed at them:³⁵ they are dismayed but not Israel.³⁶ Rab too holds that Israel is immune from planetary influence. For Rab Judah said in Rab's name: How do we know that Israel is immune from planetary influence? Because it is said, and he brought him forth from abroad.³⁷ Abraham pleaded before the Holy One, blessed be He, 'Sovereign of the Universe! one born in mine house is mine heir.'³⁸ 'Not so,' He replied, 'but he that shall come forth out of thine own bowels.'³⁹ 'Sovereign of the Universe!' cried he, 'I have looked at my constellation and find that I am not fated to beget child.' 'Go forth from [i.e., cease] thy planet [gazing], for Israel is free from planetary influence. What is thy calculation?

(1) Lit., 'by hand, by hand'.

- (2) A drink prepared of flour and honey.
- (3) Though sometimes taken for medicinal purposes it is also imbibed as an ordinary beverage, and hence permitted; cf. supra 109b.
- (4) Stirring shatith is the same.
- (5) Such as a dough that is forbidden.
- (6) Such as shatith.
- (7) It was his duty to mix the fodder for his father's cattle.
- (8) E.g., food may be put into the mouth of a young calf.
- (9) Instead of round and round.
- (10) Or, mashing — bran.
- (11) A mash from one vessel into another, in order to mix it (Tosaf.). Rashi: from the vessel standing in front of one animal and pouring it out for another animal.
- (12) One may set its usual quantity of food before an animal on the Sabbath, — i.e., as much as it generally consumes; similarly, a double quantity for two, if they both feed out of the same manger. But one may not set a treble quantity for two animals, since they do not eat so much during the week.
- (13) There is no limit.
- (14) R. Judah the prince.
- (15) Who permits it supra.
- (16) Lit., 'one (thing) in (his) favour'.
- (17) I.e., the head of the academy.
- (18) An anticipation of gangsterdom?
- (19) I.e., he shall be a man complete in his mode of life, without any opposing principle within him.
- (20) Hence his nature shall be the one or the other. — Rashal, for some reason which is not clear, deletes the bracketed passage.
- (21) Division or disunity is caused by bad temper. — Rashi: so will he be estranged from other people (through his temper).
- (22) Herbs multiply very rapidly and also continually intermingle with other herbs.
- (23) 'Aruk. Rashi: bright, lustrous.
- (24) Which are fed by God's lovingkindness.
- (25) Just as on the eve of the Sabbath one seeks to complete the details necessary for the proper observance of the Sabbath.
- (26) Maharsha: Not all born on the Sabbath die on the Sabbath, but only those who are very holy.
- (27) I.e., when the sun, as one of the planets, wields its influence on man.
- (28) Or: bright, handsome.
- (29) During the hours ruled over by Mercury.
- (30) Just like the moon, which waxes and wanes, has no light of its own but merely reflects the sun's light, and is in general dark.
- (31) כַּטֵּל (to frustrate) is the Chaldaic equivalent of שַׁבַּת. (10) Rash: charitable.
- (32) And am none of these.
- (33) Not to be taken literally. of course. V. supra 153a.
- (34) Lit., there is no mazzal (planetary influence) to Israel.
- (35) Jer. X, 2.
- (36) Israel being uninfluenced by 'the signs of heaven'.
- (37) Gen. XV, 5, q.v.
- (38) Ibid. 3.
- (39) Ibid. 4.

Talmud - Mas. Shabbath 156b

Because Zedek [Jupiter]¹ stands in the West?² I will turn it back and place it in the East.' And thus it is written, Who hath raised up Zedek from the east?³ He hath summoned it for his sake.⁴

From Samuel too [we learn that] Israel is immune from planetary influence. For Samuel and Ablat were sitting, while certain people were going to a lake.⁵ Said Ablat⁶ to Samuel: 'That man is going but will not return, [for] a snake will bite him and he will die.' 'If he is an Israelite,' replied Samuel. 'he will go and return.'⁷ While they were sitting he went and returned. [Thereupon] Ablat arose and threw off his [the man's] knapsack, [and] found a snake therein cut up and lying in two pieces — Said Samuel to him, 'What did you do?'⁸ 'Every day we pooled our bread and ate it; but to-day one of us had no bread, and he was ashamed. Said I to them, "I will go and collect [the bread]".⁹ When I came to him, I pretended to take [bread] from him, so that he should not be ashamed.' 'You have done a good deed,' said he to him. Then Samuel went out and lectured: But charity¹⁰ delivereth from death;¹¹ and [this does not mean] from an unnatural death, but from death itself.

From R. Akiba too [we learn that] Israel is free from planetary influence. For R. Akiba had a daughter. Now, astrologers¹² told him, On the day she enters the bridal chamber a snake will bite her and she will die. He was very worried about this. On that day [of her marriage] she took a brooch [and] stuck it into the wall and by chance it penetrated [sank] into the eye of a serpent. The following morning, when she took it out, the snake came trailing after it. 'What did you do?' her father asked her. 'A poor man came to our door in the evening,' she replied, 'and everybody was busy at the banquet, and there was none to attend to him. So I took the portion which was given to me and gave it to him. 'You have done a good deed,' said he to her. Thereupon R. Akiba went out and lectured: 'But charity delivereth from death': and not [merely] from an unnatural death, but from death itself.

From R. Nahman b. Isaac too [we learn that] Israel is free from planetary influence. For R. Nahman b. Isaac's mother was told by astrologers, Your son will be a thief. [So] she did not let him [be] bareheaded, saying to him, 'Cover your head so that the fear of heaven may be upon you, and pray [for mercy]'. Now, he did not know why she spoke that to him. One day he was sitting and studying under a palm tree; temptation¹³ overcame him, he climbed up and bit off a cluster [of dates] with his teeth.¹⁴ MISHNAH. GOURDS MAY BE CUT UP FOR CATTLE,¹⁵ AND A CARCASE FOR DOGS. R. JUDAH SAID: IF IT WAS NOT NEBELAH BY THE EVE OF THE SABBATH IT IS FORBIDDEN, BECAUSE IT IS NOT MUKAN.¹⁶

GEMARA. It was stated: (Mnemonic: 'arel SHahaz).¹⁷ 'Ulla said; the halachah is as R. Judah. And Rab too holds [that] the halachah is as R. Judah; [this follows] from ship mattings,¹⁸ which Rab forbids while Samuel permits. And Levi too holds [that] the halachah is as R. Judah. For when a terefah was brought before him on a Festival,¹⁹ he would not inspect it save when he sat by a dunghill, for he said, perhaps it will not be found fit, in which case it is of no use even for dogs. But Samuel maintained: The halachah is as R. Simeon.²⁰ And Ze'iri too holds [that] the halachah is as R. Simeon, for we learnt: If an animal dies, it must not be moved from its place: and Ze'iri interpreted this as referring to a sacred animal,²¹ but in the case of an ordinary animal it is permitted.²² R. Johanan too said, The halachah is as R. Simeon. Yet did R. Johanan say thus: Surely R. Johanan ruled, The halachah is as an anonymous Mishnah. and we learnt:

(1) Which is thy constellation.

(2) Which is an unpropitious combination for begetting children.

(3) E.V. 'righteousness'.

(4) Sc. for the sake of Abraham: Isa. XLI. 2.

(5) Or, meadow.

(6) V. supra p. 644, n. 11.

(7) prayer can counteract his fate as determined by the planets (Rashi).

(8) To escape your fate.

(9) Lit., 'throw into the basket'.

(10) E.v. righteousness. From the Jewish point of view the two are identical: One merely performs his duty (i.e., righteousness) in giving charity.

- (11) Prov. X, 2.
 (12) Lit., 'Chaldeans'.
 (13) Lit., 'the evil inclination'.
 (14) The tree did not belong to him. — This story shows that head-covering was not de rigeur, though regarded as conducive to piety. — From these stories we see that belief in planetary influence was not entirely rejected, but that these Rabbis held that it might be counteracted by good deeds.
 (15) Though normally they are for human consumption.
 (16) V. Glos.
 (17) V. p. 110, n. 1. ' = 'Ulla; R = Rab; L = Levi; SH = SHemuel (Samuel); H = Johanan; Z = Ze'iri.
 (18) V. supra 19b.
 (19) I.e., when a doubt arose whether an animal was terefah (v. Glos.).
 (20) Who permits mukzeh.
 (21) I.e., one sanctified for a sacrifice. When it dies all benefit thereof is forbidden and it may not even be thrown to the dogs. Hence it is mukzeh on Festivals, with which this deals.
 (22) It can be thrown to the dogs. and is therefore not mukzeh.

Talmud - Mas. Shabbath 157a

One may not chop up wood from planks,¹ nor from a plank that is broken on a Festival?² R. Johanan recited that as [the ruling of] R. Jose b. Judah.³ Come and hear: One may commence with a heap of straw [for fuel supplies] but not with the timber stored in the shed?⁴ — The reference there is to cedar and ashuhe⁵ planks, for in the case of mukzeh on account of monetary loss even R Simeon agrees.⁶

Come and hear: Pasture animals may not be watered and killed, but home animals may be watered and killed?⁷ — R. Johanan found another [opposing] anonymous [Mishnah]: Beth Shammai say: One may remove bones and nutshells from the table; but Beth Hillel rule: One must take away the whole board and shake it. Whereon R. Nahman said: As for us, we have no other [view] but that Beth Shammai agree with R. Judah, and Beth Hillel with R. Simeon.⁸

R. Aha and Rabina differ therein: One maintains: In all [discussions on] the Sabbath the halachah is as R. Simeon, save in mukzeh on account of repulsiveness: and what is that? An old lamp.⁹ While the other maintains: In respect of mukzeh on account of repulsiveness too the halachah is as R. Simeon, the exception being mukzeh on account of an interdict, and what is that? A lamp wherein a light had been lit on that self-same Sabbath.¹⁰ But in the case of mukzeh on account of monetary loss even R. Simeon agrees, for we learnt: All utensils may be handled on the Sabbath, except a large saw and the pin of a plough.¹¹

MISHNAH. VOWS CAN BE ANNULLED BY A HUSBAND ON THE SABBATH, AND ABSOLUTION MAY BE GRANTED¹² FOR VOWS WHEN THESE ARE NECESSARY FOR THE SABBATH. A SKYLIGHT MAY BE CLOSED UP,¹³ AND A RAG MAY BE MEASURED,¹⁴ AND A MIKWEH MAY BE MEASURED.¹⁵ AND IT ONCE HAPPENED IN THE DAYS OF R. ZADOK'S FATHER AND THE DAYS OF ABBA SAUL THE SON OF BOTNITH THAT THEY CLOSED UP THE WINDOW WITH A PITCHER AND TIED AN [EARTHENWARE] POT TO ASCERTAIN WHETHER THERE WAS THE OPENING OF A HANDBREADTH OR NOT IN THE BARREL.¹⁶ AND FROM THEIR WORDS WE LEARN THAT WE MAY CLOSE [A SKYLIGHT] AND MEASURE AND TIE ON THE SABBATH.

GEMARA. The scholars asked: Is annulment [permitted] whether it is required [for the Sabbath] or not, whereas absolution [may be granted] only when it is necessary, but not otherwise, and for that reason they are divided from each other;¹⁷ or perhaps annulment too [is permitted] only when it is necessary [for the Sabbath] but not otherwise; the reason that they are divided being that annulment

does not require a Beth din, whereas absolution requires a Beth din?¹⁸ — Come and hear: For Zuti, of the School of R. Papa, recited: Vows may be annulled on the Sabbath when they are required for the Sabbath: thus, only when required for the Sabbath, but not otherwise.

Another version: The scholars asked: Does WHEN THESE ARE NECESSARY relate to both, but not when they are unnecessary. which proves that [for] the annulment of vows a period of twenty-four hours is given; or perhaps WHEN THESE ARE NECESSARY is stated in reference to absolution only, but the annulment of vows [is permitted] even when it is unnecessary, which proves that [for] the annulment of vows the whole day [only] is given?¹⁹ — Come and hear: For Zuti of the School of R. Papa recited: Vows may be annulled on the Sabbath when they are required for the Sabbath — Only ‘when required for the Sabbath’, but not otherwise, which proves that [for] the annulment of vows a period of twenty-four hours is given. Said R. Ashi, But we learnt: [The period allowed for] annulment of vows is the whole day: this may result in greater stringency or greater leniency.²⁰ E.g., if she vows on Sabbath eve [Friday night], he can annul on the Sabbath eve and the Sabbath day; if she vows just before nightfall, he can annul only until the night, for if darkness falls and he has not annulled it, he can no longer do so? — It is dependent on Tannaim: [The period for] the annulling of vows is all day; R. Jose son of R. Judah and R. Eleazar son of R. Simeon maintain: Twenty-four hours.

AND ABSOLUTION MAY BE GRANTED FOR VOWS, etc. The scholars asked: Is that only if one had no time [before the Sabbath to seek absolution], or perhaps it holds good even if one had time? — Come and hear: For the Rabbis gave a hearing to R. Zutra b. R. Zera and absolved him of his vow, though he did have time.

THEY CLOSED UP THE WINDOW WITH A PITCHER AND TIED A POT WITH A REED ROPE. Rab Judah said in Rab's name: There was a small passage between two houses and an unclean object lay there,

(1) Arranged in piles for building.

(2) Because they are mukzeh, v. Bez. 31a.

(3) But not as an anonymous Mishnah.

(4) It is stored there for winter use and is mukzeh, Bez. 29b. This Mishnah is anonymous and agrees with R. Judah.’

(5) A genus of weak (female) cedar. Aliter: cypress.

(6) Cf. p. 610, n. 12.

(7) V. supra 45b. This prohibits mukzeh.

(8) V. supra 143a, p. 724, n. 5. Beth Hillel's view is the same as an anonymous Mishnah, because it is always halachah.

(9) V. supra 44a.

(10) V. p. 202, n. 9.

(11) These are delicate tools that require careful handling and are not used for any purpose but their own, v. supra 123b.

(12) Lit., ‘may be sought’; sc, from a Sage or court of three laymen.

(13) Cf. supra 125b.

(14) Whether it is large enough to be defiled; v. supra 26b. E.g., if it came into contact with a sherez (q.v. Glos.) and then touched food.

(15) To see whether it has the minimum size for validity, i.e., one cubit square by three in breadth or its cubic equivalent.

(16) This is discussed infra.

(17) In the Mishnah, instead of stating. Vows may be annulled and absolution granted. etc.

(18) A husband annuls his wife's vows and a father his daughter's, while a Sage or Beth din of three laymen can grant absolution to all.

(19) A husband or a father can annul vows only on the day he hears them (Num. XXX, 5,8, q.v.); and the question is whether ‘day’ means a calendar day, i.e., until the evening only, no matter when the vow is made, or full twenty-four hours? Now, where he hears of her vow first on Sabbath day, if annulment is permitted on the Sabbath only when it is necessary, it follows that full twenty-four hours are allowed so that he can annul after the termination of the Sabbath; for

otherwise we deprive him of the right to annul at all.

(20) By fixing a calender day, i.e., a night and a day, the period may be shorter or longer, as the case may be.

Talmud - Mas. Shabbath 157b

and a split barrel[-shaped defective roofing] rested over them, — then they closed the window with a pitcher and tied a fire pot with a reed rope to ascertain whether the barrel[-shaped roofing] had an opening of a handbreadth or not.¹ AND FROM THEIR WORDS WE LEARN THAT WE MAY STOP UP [A SKYLIGHT] AND MEASURE AND TIE ON THE SABBATH. ‘Ulla visited the home of the Resh Galutha and saw Rabbah b. R. Huna Sitting in a bath-tub of water and measuring it. Said he to him: Say that the Rabbis spoke thus of measuring in connection with a precept;² did they rule [thus] when it is not in connection with a precept? — I was merely occupying myself, he replied.³

(1) The ‘unclean object’ was a corpse, which lay in the passage beneath the roofing under its split. Before the person died the window was closed up with the pitcher, for fear that the split was less than a handbreadth in width, in which case the corpse would be lying under a covering which contained no opening through which the uncleanness could pass out, and so it would spread to the rooms on its side through the window opening into the passage. Hence it was closed with an earthen pitcher, the back of which faced the passage; it then bars the progress of defilement. In order to know whether the split was a handbreadth in width they tied a fire-shard of that width with a reed, to see whether it could enter the split (Rashi). Tosaf, explains it differently.

(2) Sc. the measuring of a mikweh.

(3) But had no intention of actually measuring.

Talmud - Mas. Eirubin 2a

CHAPTER I

MISHNAH. [A CROSS-BEAM SPANNING] THE ENTRANCE¹ [TO A BLIND ALLEY]² AT A HEIGHT OF MORE THAN TWENTY CUBITS SHOULD BE LOWERED.³ R. JUDAH RULED: THIS IS UNNECESSARY. AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS⁴ SHOULD BE REDUCED [IN WIDTH]; BUT IF IT HAS THE SHAPE OF A DOORWAY⁵ THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS.

GEMARA. Elsewhere we have learnt: A sukkah⁶ which [in its interior] is more than twenty cubits high is unfit, but R. Judah regards it as fit.⁷ Now wherein lies the difference [between the two cases that] in respect of the sukkah it was ruled: 'unfit', while in respect of the ENTRANCE [TO A BLIND ALLEY],¹ a remedy⁸ was indicated?⁹ — [In respect of a] sukkah, since it is a Pentateuchal ordinance,¹⁰ it [was proper categorically to] rule, 'unfit';¹¹ in respect of the ENTRANCE, however, since [the prohibition against moving objects about in the alley is only] Rabbinical,¹² a remedy could well be indicated.¹³ If you prefer I might reply: A remedy may properly be indicated in the case of a Pentateuchal law also, but as the ordinances of a sukkah are many it was briefly stated: 'unfit',¹⁴ [while in the case of] an ENTRANCE [TO A BLIND ALLEY], since the regulations governing it are not many, a remedy could be indicated.¹⁵

Rab Judah stated in the name of Rab: The Sages¹⁶ could have deduced it¹⁷ only from the [dimensions of] the entrance to the Hekal¹⁸ and R. Judah could only have deduced it¹⁷ from the [dimensions of] the entrance to the Ulam.¹⁹ For we have learnt: The entrance to the Hekal¹⁹ was twenty cubits high and ten cubits wide,²⁰ and that to the Ulam was forty cubits high and twenty cubits wide.²¹ And both based their expositions on the same text: And kill it at the entrance of the tent of meeting;²² the Rabbis²³ being of the opinion that the sanctity of the Hekal is distinct²⁴ [from that of the Ulam]²⁵ and that of the Ulam is distinct²⁴ from [that of the Hekal],²⁶ so that²⁷ the mention of²⁸ 'the entrance of the tent of meeting' must refer²⁹ to the Hekal only.³⁰ R. Judah, however, is of the opinion that the Hekal and the Ulam have the same degree of sanctity so that the mention²⁹ of 'the entrance of the tent of meeting'³¹ refers to both of them.³² If you prefer I might say: According to R. Judah's view also the sanctity of the Hekal is distinct from that of the Ulam,³³ but the reason for R. Judah's ruling here is because it is written: To the entrance of the Ulam of the house.³⁴ And the Rabbis?³⁵ If it has been written: 'To the entrance of the Ulam' [the implication would indeed have been] as you suggested; now, however, that the text reads, I 'To the entrance of the Ulam of the house',³⁴ [the meaning is the entrance of] the house³⁶ that opens into the Ulam. But is not this text³⁷ written in connection with the Tabernacle?³⁸ — We find that the Tabernacle was called Sanctuary and that the Sanctuary was called Tabernacle.³⁹ For, should you not concede this,⁴⁰ [consider] the statement which Rab Judah made in the name of Samuel: 'Peace-offerings that were slain prior to the opening⁴¹ of the doors of the Hekal are disqualified because it is said in Scripture: And kill it at the entrance⁴² of the tent of meeting⁴³ [which⁴² implies only] when it⁴⁴ is open but not when it is closed'.⁴⁵ Now surely [it might be objected] is not this Scriptural text written in connection with the Tabernacle?⁴⁶ The fact, then, [must be conceded that an analogy may be drawn between the two, since] we find that the Sanctuary was called Tabernacle and that the Tabernacle was called Sanctuary.

One may well agree that the Sanctuary was called Tabernacle since it is written in Scripture: And I will set my Tabernacle among you.⁴⁷ Whence, however, do we infer that the Tabernacle was called Sanctuary? If it be suggested: From the Scriptural text: And the Kohathites the bearers of the sanctuary set forward⁴⁸ that the tabernacle might be set up against their coming,⁴⁹

(1) מְבוֹי (rt. בּוֹא 'to come') signifying either (a) a way of entry or (b) an alley which forms the entry or gives access

to courtyards that open out into it.

(2) Having courtyards on three sides of it, the fourth side opening into a public domain (v. infra p. 2, n. 1).

(3) Lit., 'reduced', the cross-beam thereby forming a kind of gateway into the alley. In the absence of a cross-beam, or in case it is raised too high (for the reason explained in the Gemara), the alley, in accordance with Rabbinic law, cannot be regarded as a private domain and no object may be moved in it during the Sabbath.

(4) In consequence of which it cannot be regarded as a gateway but merely as a breach.

(5) **צורת הפתח**, the simplest form of which is all horizontal pole or rod supported at each end by a stake or vertically placed reed.

(6) **סוכה** or **סכה**, the festive booth (v. Lev. XXIII, 42f and cf. Neh. VIII, 17).

(7) Suk. 2a.

(8) 'SHOULD BE' LOWERED'.

(9) Lit., 'he taught'.

(10) Cf. supra N. 6.

(11) The suggestion of a remedy might have been misunderstood as being mere advice the neglect of which did not vitally affect the performance of the precept, and so it would be concluded that ex post facto the sukkah may be deemed fit. (So according to Tosaf. s.v. **סוכה** a.l. contra Rashi).

(12) Pentateuchally such a prohibition applies only to a public domain which is sixteen cubits in width (v. Shab. 6b and 99a) and open on at least two sides. The ALLEY spoken of in our Mishnah is less than sixteen cubits in width and is open on one side only (cf. Supra p. 1, n. 2).

(13) Cf. supra p. I, n. 9. There is no need for so much precaution in the case of a Rabbinical as in that of a Pentateuchal law.

(14) Thus presenting a succinct ruling covering all disqualifications. Were remedies for each disqualification to be indicated the ruling would have extended to undue lengths, contrary to the principle of brevity in teaching (v. Pes. 3b).

(15) Lit., 'he taught'.

(16) Sc. the first Tanna of our Mishnah.

(17) The ruling as to the proper measurements of an entrance.

(18) **היכל** or 'Holy', was situated between the Ulam, the hall leading to the interior of the Temple, and the Debir or the Holy of Holies, and contained the golden altar, the table for the shewbread and the candlestick.

(19) V. previous note.

(20) Mid. IV, I.

(21) Ibid. III, 7.

(22) Lev. III, 2. **אהל מועד** sc. the Hekal.

(23) Sc. the first Tanna of our Mishnah.

(24) Lit., 'alone'.

(25) That of the latter being of a minor degree.

(26) Cf. previous note mutatis mutandis.

(27) Since the services that may be performed within the more sacred place of the Hekal cannot be performed in the less sacred one of the Ulam.

(28) Lit., 'when it is written.'

(29) Lit., 'when it is written'.

(30) The dimensions of whose entrance were only 20 X 10 cubits.

(31) v. Supra p. 2, n. 11 mut. mut.

(32) To the Ulam also whose entrance was 40 X 20 cubits.

(33) Cf. Supra p. 2, nn. 13 and 14.

(34) No such verse has been preserved in M.T. Tosaf. (s.v. **דכתיב** a.l.) suggests that this quotation is a composite text based on Ezek. XL, 48, 'To the Ulam of the house and Ezek. XLVII, 1, 'The door of the house'.

(35) How, in view of the specific description of the entrance to the Ulam as 'an entrance', could they refuse to recognize similar measurements in the case of an entrance to an alley?

(36) Sc. the Hekal.

(37) 'The entrance of the tent of meeting' (v. Supra p. 2, n. 11).

(38) **משכן**, made by Moses in the wilderness the height of the door of which could not possibly be more than ten cubits since the height of its walls was only ten cubits (v. Ex. XXVI, 16). How then could our Mishnah allow a height of

twenty cubits?

(39) Hence the permissibility of drawing an analogy between the two. Cf. Shebu. 16b.

(40) Lit., 'say so'.

(41) In the morning.

(42) פתח, lit., 'the opening', emphasis on the last word.

(43) V. supra p. 2, n. 11.

(44) So MS.M. בזמן שהוא פתוח ולא בזמן שהוא נעול Cur. edd. have the plural, פתוחים and נעולים referring to the doors.

(45) Zeb. 55b, Yoma 29a, 62b.

(46) How then could it be applied to the Temple?

(47) Lev. XXVI, 11. As this was said after the Tabernacle in the wilderness has already been erected, 'tabernacle' in the text must obviously refer to the promised sanctuary or Hekal that would be built later in Jerusalem. For another interpretation cf. Rashi Shebu. 16b (Sonc. ed., p. 82, n. 5.)

(48) ונסעו. vilna and other edd. ונשא is obviously a printer's error.

(49) Num. X, 21.

Talmud - Mas. Eirubin 2b

that¹ [surely] was written in respect of the [holy] ark.² — Rather it is from the following text³ [that the inference was made:] And let them make Me a sanctuary,⁴ that I may dwell⁵ among them.⁶

Whether [according to the ruling] of the Rabbis or [according to that] of R. Judah might not the deduction⁷ be made from the entrance of the court [of the Tabernacle], since it is written in Scripture: The length of the court shall be a hundred cubits and the breadth fifty everywhere, and the height five cubits,⁸ and it is also written: The hangings for the one side [of the gate] shall be fifteen cubits,⁹ and again it is written: And so for the other side; on this hand and that hand by the gate of court were hangings of fifteen cubits,¹⁰ as there [the entrance was] five [cubits in height] by twenty cubits in width so here also¹¹ [the dimensions allowed should be no less¹² than] five [cubits in height but as many as] twenty cubits in width?¹³ [Such an entrance]¹⁴ may well be described¹⁵ as the entrance of the gate of the court; but it cannot be regarded¹⁵ as an ordinary ENTRANCE.¹⁶ If you prefer I might reply: The Scriptural instruction¹⁷ that the hangings for the one side shall be fifteen cubits¹⁸ applies¹⁹ to its height.²⁰ [You say], 'Its height'! Is it not in fact written: And the height five cubits?²¹ That [refers only to a part of their height] above the edge of the altar.²²

As to R. Judah, [how could it be said that] he inferred [the measurements of a gateway] 'from the door of the Ulam'²³ when in fact we have learnt: AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED, and R. Judah did not dispute [the ruling]?²⁴ — Abaye replied: He does dispute [this ruling] in the Baraitha. For it was taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that is was not necessary to reduce it.²⁵ Then why does he not express his disagreement in our Mishnah? — He expressed it²⁶ in respect of the height of the gateway²⁷ and the same disagreement applies to the width.

Can it, however, still [be maintained that] R. Judah inferred [the measurements of a gateway] 'from the entrance of the Ulam'²⁸ when it was in fact taught: [A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered,²⁹ but R. Judah regards [the entrance] as a proper [gateway even if the beam is] as high as³⁰ forty or fifty³¹ cubits; and Bar Kappara taught:³² Even a hundred? [The high figure] of Bar Kappara might quite well [be regarded as] an hyperbole;³³ but in respect of [the figures] of R.³⁴ Judah,³⁵ what hyperbole [could be postulated]? [As regards that of] forty³⁶ one might well explain that he derives it from [the height of] the door of the Ulam;³⁷ whence, however, does he derive that of fifty? R. Hisda replied: The following Baraitha must have misled Rab.³⁸ For it was taught: [A cross-beam, spanning the] entrance [to a blind alley] at a height of more than twenty cubits, [and thus forming a gateway] higher than the

doorway of the Hekal, should be lowered.³⁹ He consequently thought: Since the Rabbis⁴⁰ derived [their figure] from [that of the height of] the doorway of the Hekal, R. Judah must have derived [his figure] from [that of the height of] the doorway of the Ulam. [In fact,] however, this is not [the case]; R. Judah derived his figure from [that of the height of] the doorways of kings.⁴¹ As to the Rabbis, however, if they derive their figure from [that of the height of] the doorway of the Hekal, should they not also require [a gateway⁴² to have] doors like the Hekal?⁴³ Why then did we learn: The rendering of an alley fit [for carrying objects within it,]⁴⁴ Beth Shammai ruled, requires a side-post and a beam,⁴⁵ and Beth Hillel ruled: Either a side-post or a beam?⁴⁶ The doors of the Hekal were made merely for the purpose of privacy.⁴⁷ If that is the case⁴⁸ THE SHAPE OF A DOORWAY should be of no avail,⁴⁹ since the [entrance to the] Hekal had the shape of a doorway and yet was only ten cubits wide; why then did we learn: IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS? — Does not that reason⁵⁰ originate but from Rab?⁵¹ Well, when Rab Judah taught Hiyya b. Rab in the presence of Rab, ‘It is not necessary to reduce [its width]’, the latter told them, ‘Teach him: It is necessary to reduce it’.

[Still] if that is so⁵²

(1) ‘The Sanctuary’, **המקדש**.

(2) Which was the charge of the Kohathites and might well be described as sanctuary.

(3) Lit., ‘from here’.

(4) **מקדש**.

(5) **ושכנתי** of the same rt. as **משכן** (‘tabernacle’) Cf., however, infra n. 10.

(6) Ex. XXV, 8. In Shebu. 16b the following addition occurs: ‘And it is written in Scripture: According to all that I show thee, the patten, of the tabernacle’ (Ex. XXV,); sanctuary’ in v. 8 is thus described as tabernacle in v. 9.

(7) As to the maximum width of an entrance. The maximum height laid down above cannot be called in question by what follows, since evidence that an entrance of a lesser height is regarded as a proper doorway cannot alter the fact that one of a bigger size (as has been proved supra from that of the doors of the Hekal or Ulam) is also regarded as a proper entrance, or gateway (cf. Rashi s.v. **לילפו** and Tosaf. s.v. **בין**),

(8) Ex. XXVII, 18

(9) Ibid. v. 14.

(10) Ex. XXXVIII, 15. From the three texts it follows that the width of the court was fifty cubits (Ex. XXVII, 18) and that it had hangings of fifteen cubits in width at each end (ibid. 14 and XXXVIII, 15), thus leaving an opening of (50 — 2 X 15 =) 20 cubits for an entrance.

(11) In the case of an ENTRANCE TO A BLIND ALLEY.

(12) Cf. supra p. 4, n. 11.

(13) Cf. supra n. 1.

(14) One of twenty cubits in width.

(15) Lit., ‘called’.

(16) Hence the limit of TEN CUBITS indicated in our Mishnah.

(17) Lit., ‘when it is written’.

(18) Ex. XXVII, 14.

(19) Lit., ‘that (it is about) which it is written.’

(20) Sc. the height of all the hangings (not their width on either side of the gate) and consequently the height of each side of the court was fifteen cubits. The width of the gate cannot, therefore, be deduced from this text (cf. second interpretation; Rashi, s.v. **משפט**)

(21) Ex. XXVII, 18.

(22) Which was ten cubits high (cf. Zeb. 59b). By deducting this height from the height of the hangings, the figure five is obtained (15 — 10 = 5). The reading **משפת קלעים ולמטה** substituted by Bah for **משפת מזבה ולמעלה** occurs also in MS.M. but is rejected by Rashi (l.c. q.v.).

(23) Supra 2a.

(24) If the inference is made from the measurements of the door of the Ulam, a maximum width of twenty cubits should

be allowed.

(25) Cf. infra 10a.

(26) Lit., 'he differed or disputed'.

(27) Lit., 'its height'.

(28) Supra 2a.

(29) Cf. supra p. 1, n. 3.

(30) Lit., 'makes it fit until'.

(31) I.e., ten cubits higher than that of the Ulam.

(32) In explanation of R. Judah's ruling.

(33) But is not to be taken literally. It merely implies a figure much higher than that of twenty given by the Rabbis but not above that of forty.

(34) לרב is obviously to be read as רבי.

(35) Who mentions the lower figures of forty and fifty only.

(36) לרב יהודה of cur. edd. is to be deleted with MS.M. and Bah.

(37) Which was forty cubits high.

(38) In whose name Rab Judah made his statement, supra 2a, as to the source of the derivation of It. Judah's measurements.

(39) Tosef. 'Er. I.

(40) Sc. the Tanna just cited.

(41) Which are higher than twenty cubits.

(42) Such as the one spoken of in our Mishnah.

(43) Of course they should, since the comparison must be complete.

(44) On the Sabbath.

(45) At the entrance to the alley.

(46) Infra 11b; but no doors. How then could it be said that the Rabbis derived their measurements from the door of the Hekal?

(47) They were not essential to the structure of the entrance.

(48) Lit., 'but from now', sc. if it is still maintained that the inference is from the door of the Hekal.

(49) "Where the gateway IS WIDER THAN TEN CUBITS.

(50) That the measurements were derived from those of the door of the Hekal.

(51) Of course it does. V. Supra 2a.

(52) Cf. Supra n. 5 mut. mut.

Talmud - Mas. Eirubin 3a

a cornice¹ should be of no avail,² since [the entrance to the] Hekal had a cornice and yet was only twenty cubits high? For have we not learnt: Five cornices of oak³ were above it, one higher than the other? (What⁴ an objection, however, is this? Is it not possible that the statement about the cornices was made in respect of the Ulam?⁵ — And what difficulty is this! It is quite possible that the build of [the entrance to] the Hekal was like that of the Ulam). Then⁶ why did R. Il'a state in the name of Rab [that if a cross-beam was] four [handbreadths] wide [it constitutes a proper gateway] even though it is not strong enough,⁷ and if it had a cornice there is no need to lower it even if it was higher than twenty cubits? — R. Joseph replied: [The ruling about] the cornice is that of a Baraita.⁸ (Who learned it?⁹ — Abaye replied: Hama¹⁰ the son of Rabbah b. Abbuha learned it.) But even if [the ruling about] the cornice is a Baraita, does it¹¹ not present an objection against Rab?¹² — Rab can answer you: Even if I am removed from here,¹³ are not the two Baraitas¹⁴ mutually contradictory? All you can reply,¹⁵ [however, is that they represent the views of different] Tannas;¹⁶ so also [the reply to the contradiction] against me may be [that our respective statements are the views of different] Tannas.

R. Nahman b. Isaac said: In the absence of [the statement of] Rab¹⁷ there is no contradiction between the [two] Baraitas, since the reason of the Rabbis [for limiting the height of] the beam,

[may be] that there should be a distinguishing mark¹⁸ and that the use of the expression,¹⁹ 'higher than the doorway of the Hekal'²⁰ is a mere mnemonic.

As to R. Nahman b. Isaac, [his explanation may be accepted as] satisfactory if he does not adopt the view of Rabbah; but if he does adopt the view of Rabbah²¹ who stated: 'It is written in Scripture: That your generations may know that I made the children of Israel dwell in booths,²² [if the roof of the booth is] not higher than²³ twenty cubits, one knows that one is living in a booth but if it is higher than twenty cubits one would not know it, since [the roof] does not catch the eye',²⁴ from which it is clear that in respect of sukkah also they²⁵ differ on the question of distinction, why [it may be asked] should they²⁶ express the [same] difference²⁷ in two [rulings]?²⁸ — [Both are] required. For if we had been informed [of their dispute] in respect of sukkah only, it might have been assumed that only in this case does R. Judah maintain his view, [because a sukkah], since it is made for the purpose of sitting in, the eye would well observe²⁹ [the roof], but [that in the case of] an alley, since it is used for walking³⁰ he agrees with the Rabbis. And if we had been informed of the other³¹ [ruling only], it might have been assumed that only in this case did the Rabbis maintain their view, but that in the other case they agree with R. Judah. [Hence the] necessity [for both rulings].

What [is the meaning of] amaltera³² — R. Hama son of Rabbah b. Abbuha replied: Pigeon holes.³³ When R. Dimi came³⁴ he stated that in the West³⁵ it was explained as cedar poles.³⁶ He who said that cedar poles³⁶ [constitute a proper entrance would] with even more reason [admit that] pigeon holes [constitute a proper entrance].³⁷ He, however, who said that pigeon holes [constitute a proper entrance recognizes only these] but not cedar poles.³⁸ As to him, however, who recognized³⁹ cedar poles, is not his reason because their length is considerable?⁴⁰ But [if so, it may be objected]: Is not the extent [of the roof] of a sukkah considerable⁴¹ and the Rabbis nevertheless ruled that it is not [valid]!⁴² — The fact, however, is that since [they are] valuable people talk about them.⁴³

If part of [the thickness of] the cross-beam⁴⁴ was within twenty cubits⁴⁵ and part of it above twenty cubits,⁴⁵ or if part of [the depth of] the covering⁴⁶ [of a sukkah] was within twenty cubits⁴⁵ and part of it above twenty cubits, [such an altitude] said Rabbah, is admissible⁴⁷ in the case of an entrance but inadmissible⁴⁸ in that of a sukkah. Why is this⁴⁹ admissible in the case of an entrance? Obviously because we say, [Regard the beam as] planed;⁵⁰ but, then, [why should it not] be said in respect of a sukkah also, [Regard the roof as] thinned?⁵⁰ — If you [assume the roof to be] thinned, the sunshine in the sukkah [would have to be assumed to be] more than the shade.⁵¹ But here also,⁵² if you [regard it as] planed, would not the beam be like one that can be carried away by the wind?⁵³ Consequently you must [assume that beams in the conditions mentioned]⁵⁴ are regarded as metal spits;⁵⁵ [may it not then], here also [be said], that whatever the assumption⁵⁶ the extent of the shade is actually more than that of the sunshine?⁵⁷ — Raba of Parazika⁵⁸ replied: In the case of a sukkah, since [it is usually intended] for the use of an individual, one might not remember [the altitude of the roof].⁵⁹ In the case of an entrance however, since [it is made] for the use of many, [the people concerned] would remind one another.⁶⁰

Rabina replied⁶¹ The Rabbis made the law stricter in respect of a sukkah because [the commandment is] Pentateuchal, but in respect of an entrance [to an alley the prescribed construction of] which is only Rabbinical, the Rabbis did not impose such restrictions.

R. Adda b. Mattenah taught the statement of Rabbah just cited in the reverse order: Rabbah said: It is inadmissible in the case of an entrance but admissible in that of a sukkah. Why is this⁶² admissible in the case of a sukkah? Obviously because we say: [Regard the roof as] thinned out;⁶³ but, then, [why should it not] be said in respect of an entrance also: [Regard the beam as] planed?⁶³ — If you [regard it as] planed, the beam would be like one that can be carried away by a wind.⁶⁴ But here also⁶⁵ if you [regard the roof as] thinned out [would not also] the sunshine in the sukkah [have to be regarded as] larger in extent than its shade? Consequently you must maintain that whatever the

assumption,⁶⁶ the actual extent of the shadow is larger than that of the sunshine, [may it not then] here also [be said] that whatever the assumption [beams in the condition mentioned] are regarded as metal spits?⁶⁷ — Raba of Parazika replied: In the case of a sukkah, since [it is usually made] for one individual, that person realizes his responsibility⁶⁸ and makes a point of remembering [the conditions of the roof].⁶⁹ In the case of an entrance, however, since [it is made] for the use of many, [the people affected might] rely upon one another and so overlook⁷⁰ [any defects in the cross-beam]; for do not people say: ‘a pot in charge of two cooks⁷¹ is neither hot nor cold’. Rabina replied:⁷² [the law of] sukkah, since it is Pentateuchal, requires no buttressing⁷³ but that of an entrance, since it is only Rabbinical, does require buttressing.⁷⁴

What is the ultimate decision?⁷⁵ — Rabbah b. R. Ulla replied: The one as well as the other⁷⁶ is inadmissible. Raba replied: The one as well as the other⁷⁶ is admissible,

(1) **מלתרא** or **אמלתרא** cf. Gr. **.

(2) Where the gateway is higher than twenty cubits.

(3) **מילה** cf. Gr. ** quercus infectoria.

(4) The argument is interrupted by the discussion within the brackets and is then resumed.

(5) While the entrance to the Hekal may have had no cornice at all?

(6) Supra n. 13.

(7) To carry the weight of an ariah (a small brick hall’ the size of an ordinary one), v. infra 13b.

(8) Not that of Rab himself. Hence there is no contradiction between Rab's own statements.

(9) I.e., who reported (or recited) it?

(10) Delete **זהו** with MS.M. and Bah. Emden reads: ‘R. Hama’.

(11) This Baraitha from which it is obvious that the inference is not made from the door of the Hekal.

(12) Who stated (supra 2a) that the inference is made from the door of the Hekal; whereas from this Baraitha it is evident that such an inference is not drawn.

(13) Sc. even if his opinion had never been expressed.

(14) The one just cited and that quoted supra 2b where the inference from the door of the Hekal is specifically mentioned.

(15) Lit., ‘what have you to say’.

(16) The Tanna supra 2b infers from the Hekal and consequently limits the height of a gateway to twenty cubits irrespective of the presence or absence of a cornice, while the Tanna of the last cited Baraitha draws no such inference.

(17) Sc. if Rab had not suggested that the Rabbis in the first Baraitha derived their measurement from the door of the Hekal.

(18) Between the alley and the public domain into which it opens. At a height of more than twenty cubits the beam would not be noticed and people might mistake the alley for a public domain. As a cornice can be noticed even at a higher altitude the limit of twenty cubits, as stated in the second Baraitha, was in its case removed.

(19) Lit., ‘and that which he taught’.

(20) In the first Baraitha.

(21) V. Suk. 2a.

(22) Lev. XXIII, 43, emphasis on ‘know’.

(23) Lit., ‘until’.

(24) Lit., ‘the eye does not rule over it’. Suk. 2a’

(25) The Rabbis and R. Judah, who declare such a booth valid.

(26) For **י** (sing.) read with Bah **יהו** (plur.).

(27) The Rabbis insisting on, and R. Judah dispensing with the necessity for a distinction.

(28) Those of (a) sukkah and (b) the cross-beam of an alley.

(29) Cf. Supra n. 4.

(30) It is not usual to sit down in an open alley and in passing one would not see a beam lying too high.

(31) Lit., ‘of that’, the entrance to an alley.

(32) The Heb. for ‘cornice’, v. supra p. 7.

(33) **קיני** ‘nests’, sc. ornamental carvings in the shape of birds’ nests.

- (34) From Palestine to Babylon.
- (35) Palestine.
- (36) Fixed to the walls on the sides of the entrance.
- (37) Since the latter are more likely to be noticed by the public.
- (38) Which are not so striking and may, in consequence, remain unnoticed.
- (39) Lit., 'said', sc. regarded them as constituting a proper gateway even when higher than twenty cubits.
- (40) In consequence of which they would be easily observed even at a considerable height.
- (41) Cf. supra n. 2.
- (42) If it is more than twenty cubits high.
- (43) Lit., 'it has a voice', and the public are consequently aware of their existence, a reason which is inapplicable, of course, to a sukkah.
- (44) At the entrance of an alley.
- (45) From the ground.
- (46) **דַּבְּרָה**, consisting of branches, twigs or straw.
- (47) Lit., 'fit', 'proper', sc. the entrance to the alley is deemed to constitute a proper gateway.
- (48) Lit., 'unfit', cf. supra n. 9 mutatis mutandis.
- (49) A cross-beam of which only a portion is below the height of twenty cubits.
- (50) And only that portion remained that lay within the twenty cubits. **קָלוּשׁ**, particip. pass. of **קָלוּשׁ** 'to weaken', 'to thin out'.
- (51) And this would render the sukkah invalid. The roof of a proper Sukkah must be thick enough to enable the shadows in the interior to predominate over the sunshine.
- (52) In the case of a cross-beam over an entrance.
- (53) In consequence of which it could not be regarded as a proper beam conforming to the prescribed thickness and strength, V. Supra p. 7, n. 16.
- (54) In view of their general thickness and strength.
- (55) A thin one of which can carry as heavy a weight as a thicker one of wood.
- (56) Lit., 'against your will'.
- (57) Why then, it may again be asked, did Rabbah rule that a Sukkah in such a condition is invalid?
- (58) Farausag, a district near Bagdad (Obermeyer, p. 269), or Porsica, a town in Mesopotamia (v. Golds.).
- (59) Should, therefore, the section below the altitude of twenty cubits dry up or fall down it might never occur to the individual that his Sukkah, the roof of which was now completely higher than twenty cubits, was no longer valid. He would thus unconsciously live in an invalid Sukkah and so transgress a Pentateuchal precept.
- (60) Cf. Supra n. 4 mutatis mutandis.
- (61) v. Supra note 2.
- (62) A roof of a sukkah of which only a portion is below the height of twenty cubits.
- (63) v. Supra p. 10, n. 12.
- (64) v. Supra p. 10, n. 15.
- (65) In the case of the roof of a sukkah.
- (66) Lit., 'against your will'.
- (67) Cf. supra p. 10, n. 17. Why then did Rabbah rule that a cross-beam in such a condition is admissible?
- (68) Lit., 'throws upon himself'.
- (69) V. supra p. 11, n. 2.
- (70) Lit., 'and would not remember'.
- (71) Lit., 'of partners'.
- (72) V. supra p. 11, n. 2.
- (73) People would in any case be careful properly to observe it.
- (74) Otherwise it might be entirely disregarded.
- (75) Lit., 'what is (the decision) about it'.
- (76) Lit., 'this and this', the roof of a sukkah and a cross-beam if either is even only partially higher than twenty cubits from the ground.

Talmud - Mas. Eirubin 3b

for what we learned [in respect of height¹ refers to the] interior² of the sukkah and to the empty space² of the entrance.³

Said R. Papa to Raba: A Baraita was taught which provides support for your view: '[A cross-beam over] an entrance [to a blind alley] that is higher than twenty cubits [and is thus] higher than the entrance to the Hekal⁴ should be lowered'. Now in the Hekal itself⁵ the [height of the] hollow space of [the entrance thereto] was twenty cubits.

R. Shimi b. Ashi raised an objection against R. Papa: 'How does one construct [the prescribed entrance]? One places the cross-beam, below the limit of twenty [cubits of its altitude]'.⁶ Read: 'Above'.⁷ But surely it is stated: 'below'? — It was this that we are informed:⁸ That the lowest⁹ [permitted altitude is to be measured on the same principle] as the highest. As in the case of the highest [altitude permitted] the hollow space [of the entrance must not exceed] twenty cubits, so also in the case of the lowest [altitude permitted], the hollow space [of the entrance must not be lower than] ten cubits.¹⁰

Abaye stated in the name of R. Nahman: The cubit [applicable to the measurements] of a sukkah and that applicable to¹¹ an 'entrance' is one of five [handbreadths]. The cubit [applicable to the laws] of kil'ayim¹² is one of six [handbreadths].¹³ In respect of what legal [restriction has it been ruled that] the cubit [applicable to the measurements] of an entrance is [only] one of five?¹⁴ [If it be suggested] in respect of its height¹⁵ and [of the size of] a breach in the alley,¹⁶ surely [it could be retorted] is there [not also the law on] the depth of an alley, that¹⁷ [must be no less than] four cubits,¹⁸ in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?¹⁹ — [He²⁰ holds the same view] as does he²¹ who limits the depth²² to four handbreadths.²³ If you prefer²⁴ I might reply [that the depth of an alley must indeed be] four cubits, but he²⁵ spoke of the majority of cubit measurements.²⁶ In respect of what legal [restriction has R. Nahman ruled that] the cubit [applicable to the measurements] of a sukkah is one of five?²⁷ [If it be suggested,] in respect of its height²⁸ and [the permitted size of] a crooked wall,²⁹ surely [it might be objected is there] [not also the law requiring] the area of the sukkah [to be four cubits] by four cubits, in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?³⁰ For was it not taught: Rabbi³¹ said: 'I maintain that any sukkah which does not contain [an area of] four cubits by four cubits is legally unfit'³² [R. Nahman is of the same opinion] as the Rabbis who ruled [that a sukkah is valid] even if it accommodates no more than one's head, the greater part of one's body and a table.³³ And if you prefer I might reply: It³⁴ may, in fact, [be in agreement with the view of] Rabbi,³¹ but he³⁵ spoke of the majority of cubit measurements.³⁶

In respect of what legal [restrictions has R. Nahman ruled that] 'the cubit [applicable to the laws] of kil'ayim is one of six'? — In respect of a patch³⁷ in a vineyard and the [uncultivated] border³⁸ of a vineyard; for we have learnt: [Each side of] a patch³⁹ in a vineyard, Beth Shammai ruled, must measure no less than twenty-four cubits,⁴⁰ and Beth Hillel ruled: Sixteen cubits; and [the width of] an [uncultivated] border³⁸ of a vineyard, Beth Shammai ruled, [must] measure no less than sixteen cubits,⁴⁰ and Beth Hillel ruled: Twelve cubits. What is meant by a patch in a vineyard? The barren portion of the interior of the vineyard.⁴¹ [If its sides] do not measure⁴² sixteen cubits, no seed may be sown⁴³ there, but if they do measure⁴⁴ sixteen cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining space may be sown. And what is meant by the border of a vineyard? [The space] between the [actual] vineyard⁴⁶ and the surrounding fence. [If the width] is less than⁴² twelve cubits no seed may be sown⁴³ there, but if it measures⁴⁴ twelve cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining area may be sown.⁴⁷ But, surely, there is [the case of vines planted] closely within four cubits [distance from one another] where [the adoption of the higher standard⁴⁸ would result] in a relaxation [of the law]?⁴⁹ For have we not learnt:⁵⁰ A vineyard [the rows of which are] planted at [distances of] less than four cubits [from one another] is

not regarded, R. Simeon ruled, as a proper vineyard,⁵¹ and the Sages ruled, [It is regarded as] a proper vineyard, the intervening vines⁵² being treated as if they were non-existent?⁵³ — [R. Nahman is of the same opinion] as the Rabbis who ruled that [whatever the distances the plantation] constitutes a proper vineyard.⁵⁴ If you prefer I might reply: [He⁵⁵ may,] in fact, [hold the view of] R. Simeon, but⁵⁶ he was referring to the majority of cubit measurements.⁵⁷

Raba, however,⁵⁸ stated in the name of R. Nahman: All cubits [prescribed for legal measurements are] of⁵⁹ the size of six [handbreadths], but the latter⁶⁰ are expanded⁶¹ while the former⁶² are compact.⁶³

An objection was raised: All cubits of which the Sages spoke are of the standard⁶⁴ of six [handbreadths] except

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- (1) Suk. 2a and supra 2a.
 - (2) Lit., 'hollow'.
 - (3) But does not include the roof of the former or the cross-beam of the latter.
 - (4) V. supra p. 2, n. 7.
 - (5) From which the law relating to the entrance to a blind alley is derived.
 - (6) Tosef. 'Er. 1; from which it follows, contrary to the view of R. Papa, that the prescribed altitude of twenty cubits for an entrance includes also the cross-beam.
 - (7) Instead of 'below', the cross-beam being excluded from the prescribed altitude.
 - (8) By the mention of 'below'.
 - (9) דַּלְמַטָּה, lit., 'that which is below'.
 - (10) The expression דַּלְמַטָּה ('below') in the Baraita does not at all refer to a crossbeam that lies over an entrance twenty cubits in height, but to one of ten cubits only, the entire passage being in the nature of an elliptical note.
 - (11) Lit., 'and the cubit of'.
 - (12) V. Glos.
 - (13) Adopting in each case the standard which makes for the more rigorous application of the law.
 - (14) And not six as is the case with that of kil'ayim.
 - (15) Sc. that the cross-beam must not be higher than twenty cubits of the lower standard on the side of rigor.
 - (16) If the breach in one of the walls of the alley is wider than ten cubits, the arrangements in connection with the Sabbath are invalid on the side of rigor; v. infra 5a.
 - (17) In order to render the Sabbath arrangements valid.
 - (18) V. infra 5a.
 - (19) Since a depth of four cubits of the lower standard would be sufficient to render the arrangements valid.
 - (20) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
 - (21) R. Joseph (v. infra 5a).
 - (22) Lit., 'who said'.
 - (23) The question of the size of the respective cubits does not, therefore, arise.
 - (24) The answer just given is not very satisfactory since Abaye himself who reported R. Nahman's ruling differs from R. Joseph's view (cf. Supra n. 15).
 - (25) V. p. 13, n. 14.
 - (26) In connection with an 'entrance'. In respect of depth, however, he may well hold the size of the cubit to be six handbreadths.
 - (27) And not six as is the case with that of kil'ayim.
 - (28) That its interior must not be higher than twenty of the smaller cubits.
 - (29) דּוֹפֵן עֵקוּמָה; if a portion of the roof of a sukkah consists of materials that are legally unfit for the purpose, the sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four cubits from that wall. That portion of the roof together with the wall it adjoins are regarded as one crooked wall; and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper sukkah. (V. Suk. 17a). In both suggested cases, the cubit of the lower standard is on the side of rigor.
 - (30) Since even all area measured by the smaller cubit would render the sukkah valid.

- (31) R. Judah I, the Patriarch, compiler of the Mishnah.
- (32) Suk. 3a.
- (33) Cf. Supra p. 13, n. 17.
- (34) The ruling reported in R. Nahman's name.
- (35) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
- (36) In connection with the sukkah, which belong to the lower standard. In the case of the area of a sukkah, however, he may well maintain, the cubit applicable is the one of the higher standard on the side of rigor.
- (37) קרחת., 'baldness'. This is further explained infra.
- (38) מחול (rt. חול 'to go round') a circle, circumference.
- (39) V. p. 14, n. 13.
- (40) If it is desired to grow in it wheat or other kinds of grain which under the laws of kil'ayim are forbidden to be grown among vines.
- (41) Lit., 'a vineyard the middle of which was destroyed'.
- (42) Lit., 'there is not there'.
- (43) Lit., 'he shall not bring'.
- (44) Lit., 'they were there'.
- (45) Four cubits on each side.
- (46) Sc. the vines.
- (47) Kil. IV, 1; infra 93a. These regulations — by adopting the cubit of the higher standard, are on the side of rigor.
- (48) Six handbreadths per cubit.
- (49) V. infra note 16, second clause.
- (50) Kil. V, 2.
- (51) And wheat or other corn may be sown there.
- (52) Those planted in the space of the four cubits that should intervene between each two rows.
- (53) So that the prescribed space between the remaining vines is obtained and the plantation constitutes a proper vineyard in which, in accordance with the laws of kil'ayim, no kind of grain may be sown. Now, since it is the existence of distances of four cubits between the rows of vines that determines whether a group of vines may be regarded as a vineyard in the legal sense, it follows that if the lower standard of the cubit is adopted distances of no more than (5 X 4) twenty handbreadths between the rows would subject the vineyard to the laws of kil'ayim, while if the higher standard is adopted, so that distances of (6 X 4 =) twenty-four handbreadths are required, the same plantation would constitute no proper vineyard and the plantation would thus be exempt from the laws of kil'ayim.
- (54) The standard of the cubit does not consequently affect the prohibition to sow any kinds of grain between the vines.
- (55) R. Nahman.
- (56) In adopting the higher standard of the cubit.
- (57) In connection with kil'ayim, while in respect of distances between vines he also adopts the lower standard, on the side of rigor.
- (58) Contrary to Abaye's statement supra.
- (59) Lit., 'by a cubit'.
- (60) Lit., 'those (relating to kil'ayim).'
- (61) שוחקות (rt. שחק 'to laugh'). In measuring the cubit in handbreadths, the fingers are kept apart as are the lips of a laughing person (Aruk); 'wide spread' (Jast.).
- (62) Those of sukkah and 'entrance'.
- (63) עצבות (rt. עצב 'to be sad'), the fingers are kept close to one another as are the lips of a man in sadness (Aruk); 'pressed together' (Jast.).
- (64) Lit., 'in a cubit'.

Talmud - Mas. Eirubin 4a

that [their measurements must] not be exactly alike.¹ Now according to Raba this² is intelligible [since the measuring must be done in such a manner] as to have [the handbreadths] in the latter case expanded and the former case compact; but according to Abaye³ [does not this⁴ present] a difficulty? — Abaye can answer you: 'The cubit [spoken of in respect] of kil'ayim is of the length of six

[handbreadths]’.⁵ But since it was stated in the final clause, ‘R. Simeon b. Gamaliel ruled: All cubits of which the Sages spoke in relation to kil’ayim are of the standard of six [handbreadths] except that these must not be compact’, does it not follow that the first Tanna⁶ referred to all cubits?⁷ — Abaye can answer you: Is there not R. Simeon b. Gamaliel who maintains the same standpoint as I!⁸ I uphold the same ruling as R. Simeon b. Gamaliel.

According to Abaye's view [the standard of the respective cubits] is undoubtedly [a question in dispute between] Tannas;⁹ must it, however, be said that according to Raba's view also [the standard of the cubit is a question in dispute between] Tannas?¹⁰ — Raba can tell you, ‘It is this that R. Simeon b. Gamaliel desired¹¹ to inform us: [That the handbreadths of] the cubit applicable to kil’ayim must not be compact’.¹²

[If that is the case]¹³ he should have said,¹⁴ ‘[The handbreadths of] the cubit applicable to kil’ayim must not be compact’; what, [however, could he have meant] to exclude [by his addition,] ‘of the standard of six [handbreadths]’? [Did he] not [obviously mean] to exclude the cubit of the sukkah and the cubit of the ‘entrance’?¹⁵ No; to exclude the cubit [by which the] base,¹⁶ and the one [by which the] surrounding ledge¹⁷ [of the altar were measured]¹⁸ for it is written in Scripture: And these are the measures of the altar by cubits — the cubit¹⁹ is a cubit and a handbreadth,²⁰ the bottom shall be a cubit, and the breadth a cubit, and the border thereof by the edge thereof round about a span,’ and this shall be the base of the altar;²¹ ‘The bottom shall be a cubit’²¹ refers to the foundation [of the altar];²¹ ‘And the breadth a cubit’²¹ refers to its surrounding ledge;¹⁷ ‘And the border thereof by the edge thereof round about a span refers to the horns;²² ‘And this shall be the base of the altar’ refers to the golden altar.²³

R. Hiyya b. Ashi stated in the name of Rab: [The laws relating to] standards,²⁴ interpositions²⁵ and partitions²⁶ [are a part of] the halachic code [that was entrusted] to Moses at Sinai. Are [not the laws relating to] standards²⁴ Pentateuchal, since it is written in Scripture: A land of wheat and barley etc.²⁷ and R. Hanan stated that all this verse was said [with reference to the laws] of standards? ‘Wheat’²⁷ [namely was mentioned] as [an allusion to what] we have learnt: ‘If a man entered a leprous²⁸ house, [carrying] his clothes upon his shoulders and his sandals and rings in his hand²⁹ both he and they become levitically unclean forthwith.³⁰ If, however, he was wearing his clothes, had his sandals on his feet and his rings on his fingers, he becomes unclean forthwith but they³¹ remain clean³² unless he stayed there³³ [as much time] as is required for the eating³⁴ of half a loaf³⁵ of wheaten bread, but not of barley bread,³⁶ while in a reclining posture³⁷ and eating with some condiment’.³⁸ ‘Barley’³⁹ [is an allusion to the following]. For we have learnt: ‘A bone of the size of a barley grain causes defilement by contact and carrying, but not by cover’.⁴⁰ ‘Vines’³⁹ [are an allusion to] the quantity of a quarter [of a log]⁴¹ of wine [the drinking of which constitutes an offence]⁴² of a nazirite.

(1) **מכוונות**, this is explained anon.

(2) The statement that the measurements must not be ‘exactly alike’.

(3) Who maintains that not all cubits consisted of six handbreadths.

(4) The ruling that ‘all cubits . . . are of the standard of six (handbreadths)’.

(5) **מכוונות** (v. Supra note 12) need not necessarily mean ‘exactly alike’. It may be rendered ‘pressed together’, ‘compact’. **שלא יהיו מכוונות** ‘that the handbreadths shall be expanded’.

(6) Whose ruling is quoted in the objection supra 3b ad fin.

(7) Not only, as suggested in the reply, to those relating to kil’ayim.

(8) Of course there is.

(9) R. Simeon b. Gamaliel and the Sages, since the latter who ruled that ‘all cubits ... are of the standard of six (handbreadths)’ obviously differ from Abaye who holds that only those of kil’ayim conformed to that standard.

(10) Sc. must R. Simeon b. Gamaliel, in his specific mention of the cubit of six handbreadths in connection with kil’ayim, (a) be assumed to exclude the cubit of sukkah and entrance which, according to his opinion, must measure no

more than five handbreadths, and his view consequently differs from that of the Sages; or (b) is his statement a commentary on the vague ruling of the Sages, that 'the measurements are not alike', its object being to explain that the cubit of six handbreadths of which they spoke must in the case of kil'ayim measure not six compact, but six expanded handbreadths, and thereby he only implied that the cubit of sukkah and entrance must be one of six compact ones, so that his views are in every way in complete agreement with that of the Sages?

(11) Lit., 'came'.

(12) V. Supra note 5b.

(13) That R. Simeon b. Gamaliel merely wished to explain the ruling of the Sages.

(14) Lit., 'and let him say'.

(15) Which in his opinion must be no longer than five handbreadths. How then could Raba maintain that no dispute existed between R. Simeon b. Gamaliel and the Sages?

(16) **יסוד**, lit., 'foundation'.

(17) **סובב** (rt. **סבב**, 'to go round').

(18) These cubits were of the standard of five handbreadths.

(19) Spoken of elsewhere, sc. the one measuring six handbreadths.

(20) Of those spoken of here.

(21) Ezek. XLIII, 13.

(22) **קרנות**, (cf. Ex. XXVII 2) projections of the altar.

(23) V. Ex. XXX, 1ff and Men. 97b.

(24) The minimum quantities, e.g., of forbidden foodstuffs the consumption of which constitutes the offence. V. infra for other examples.

(25) That cause, e.g., the invalidity of ritual bathing if they intervene between the body of the bather and the water of the bath.

(26) Required, e.g., in connection with the arrangements for carrying burdens on the Sabbath.

(27) Deut. VIII, 8.

(28) V. Lev. XIV, 34ff.

(29) Sc. if he did not wear them.

(30) Since the clothes, sandals and rings were only carried by the man but not worn they, like himself, come under the Pentateuchal law, of 'he that goeth into the house . . . shall be unclean' (Lev. XIV 46).

(31) Since they were worn in the usual manner.

(32) They are included in the category of 'clothes' which have only to be washed (cf. Lev. XIV, 47 and the definition of 'eateth' infra n. 4).

(33) Lit., 'until he will delay'.

(34) This is the definition of 'eateth' (v. Supra n. 2).

(35) **פרם**, lit., 'a half', the whole loaf being equal to the size of eight eggs (cf. infra 82b).

(36) The former is eaten much quicker than the latter which is not so tasteful.

(37) In such a position, one eats quicker than when walking about.

(38) Neg. XIII, 9, Hul. 71b; cf. Supra n. 7 mutatis mutandis.

(39) Deut. VIII, 8.

(40) Lit., 'in the tent'; only a backbone, a skull and the like cause the defilement of a person in the same tent or under the same roof or cover. V. Oh. II, 3.

(41) V. Glos.

(42) Punishable by flogging.

Talmud - Mas. Eirubin 4b

'Fig-trees' [allude to] the size of a dried fig in respect of carrying out [from one domain into another] on the Sabbath. 'Pomegranates' [are an allusion] as we learned: 'All [defiled wooden]¹ utensils of householders² [become clean if they contain holes] of the size of pomegranates.³ "A land of olive-trees" [is⁴ an allusion to the] land all the legal standards of which are of the size of olives'. [You say], 'All the legal standards of which [etc.]!' Is this conceivable? Surely there are those that have just been enumerated? Rather read: 'A land, most⁵ of the legal standards of which are of the

size of olives'. 'Honey' [is an allusion to the eating of food of] the size of a big date⁶ [that constitutes an offence]⁷ on the Day of Atonement!⁸ — Do you then imagine that the standards were actually prescribed [in the Pentateuch]? [The fact is that] they are but traditional⁹ laws for which the Rabbis have found allusions in¹⁰ Scripture. But [the laws relating to] interpositions are Pentateuchal. [For was it not taught:]¹¹ Since it is written in Scripture: Then he shall bathe all his flesh¹² [it follows] that there must be no interposition between his flesh and the water; In water¹³ implies, in water that is gathered together;¹⁴ all his flesh¹³ implies, water in which all his body can be immersed;¹⁵ and how much is this? [A volume of the size of] a cubit by a cubit by a height of three cubits; and the Sages accordingly estimated that the waters of a ritual bath¹⁶ must measure forty se'ah?¹⁷ — Where a traditional law is required¹⁸ [it is in respect of] one's hair; and [it is to be understood] in accordance with [a statement of] Rabbah son of R. Huna,¹⁹ for Rabbah son of R. Huna said: 'One knotted hair constitutes an interposition,²⁰ three [hairs] constitute no interposition,²¹ but I do not know [the ruling in the case of] two'.²² [But are not the laws relating to] one's hair also Pentateuchal? For was it not taught: Then shall he bathe all his flesh²³ [implies, even] that which is attached to his flesh, and by this was meant²⁴ hair?²⁵ — Where traditional law is required²⁶ [it is the case of hair], and it is for [the purpose of distinguishing²⁷ between an interposition] on its major, and one on its minor [portion] and between one to which the bather objects and one which he does not mind; this being understood on the lines of R. Isaac who said: [According to] traditional law²⁸ [an interposition on] its²⁹ major part to which a man objects constitutes an interposition but one which he does not mind constitutes no interposition;³⁰ the Rabbis, however, ruled that [an interposition on] its²⁹ greater part [shall constitute an interposition] even when the man does not mind it, as a preventive measure [against the possibility of allowing an interposition on] its major part to which the man does object, and that [an interposition on] its²⁹ minor portion to which a man objects [shall constitute an interposition] on account [of the possibility of allowing an interposition over] its²⁹ major portion to which a man objects.³¹ But [why should no prohibition be enacted] also [against an interposition over] its minor portion to which one does not object, as a preventive measure against [the possibility of allowing an interposition over] its minor portion to which one does object³² or its major portion to which one does not object?³³ This ruling³⁴ itself is merely a preventive measure, — shall we go as far³⁵ as to institute a preventive measure against another preventive measure?³⁶

But [the laws defining] partitions are Pentateuchal. For did not a Master state:³⁷ [The height of] the ark was nine [handbreadths]³⁸ and [the thickness of] the ark-cover was one handbreadth, so that we have here³⁹ [a total height of] ten [handbreadths]⁴⁰ — [The traditional law] is required [in respect of the views] of R. Judah who holds that the cubit used for the structure [of the Temple] was of the standard of six [handbreadths] while that for the furniture⁴¹ was only one of five handbreadths.⁴² According to R. Meir, however, who holds⁴³ that all cubit measurements⁴⁴ were of the medium size,⁴⁵ what can be said in reply?⁴⁶ — According to R. Meir [it may be replied] the traditional law refers⁴⁷ to [the legal fictions of] extension,⁴⁸ junction⁴⁹ and the crooked wall.⁵⁰

[If the cross-beam]⁵¹ was higher than twenty cubits and it is desired to reduce the height,⁵² how much is one to reduce it?⁵³ How much is one to reduce it, [you ask]? As much [obviously] as one requires!⁵⁴ But [it is this that is asked]: How much [must the raised ground⁵⁵ be in] width?⁵⁶ — R. Joseph replied: A handbreadth.⁵⁷ Abaye replied: Four [handbreadths].⁵⁸ May it be suggested that they⁵⁹ differ on the following principles — he⁶⁰ who said 'a handbreadth' being of the opinion that it is permissible to make use [of the floor space] under the beam⁶¹

(1) V. Tosaf. a.l. s.v. כֵּס

(2) As opposed to those of craftsmen.

(3) Sc. through which pomegranates would fall out. No householder would continue the use of utensils broken to such an extent. Losing the status of utensils the objects become levitically clean. In the case of a craftsman's utensils, even holes as small as the size of an olive, since they render the utensils unfit for sale, are sufficient to deprive them of the legal status of utensils, and they consequently become clean. V. Kel. XVII, 1.

- (4) **וּדְבַשׁ** ('and honey') in cur. edd. is enclosed within parentheses and is wanting from the parallel passages in Ber. 41b and Yalkut.
- (5) E.g., those applicable to the consumption of forbidden fat, blood or levitically unclean food.
- (6) Honey' in Scripture, unless otherwise stated, is assumed to be that of dates. Cf. Bik. I, 3.
- (7) Since the consumption of food is forbidden.
- (8) Thus it follows that the legal standards mentioned are Pentateuchal. How then could Rab maintain (supra 4a) that they formed part of the traditional code given orally to Moses at Sinai?
- (9) Variant, 'Rabbinical' (cf. Suk. 6a, Ber. 41b).
- (10) Lit., 'and supported them on'.
- (11) This is in fact the reading of some ed. but is wanting in MS.M. and cur. edd.
- (12) Lev. XV, 16. 'In water' appearing in cur. edd. in parenthesis is here omitted.
- (13) Ibid.
- (14) Sc. even if it is not spring water.
- (15) Lit., 'goes up in them'.
- (16) **מִקְוֵה**, lit., 'a gathering together'.
- (17) V. Glos. and Pes. 109a (Sonc. ed., p. 564, n. 7.)
- (18) Regarding the rule of 'interposition' in addition to the one just deduced from Scripture.
- (19) Who applies the law of interposition to hair.
- (20) Because it is possible to tie it so closely that no water could penetrate to all its parts.
- (21) Since it is impossible to tie them so tightly as to prevent the water from penetrating.
- (22) Suk. 6a, Nid. 6a.
- (23) Lev. XV, 16 emphasis on 'all'.
- (24) Lit., 'and this is'.
- (25) Suk. 6a. Old ed. read: 'to include his hair'.
- (26) So MS.M. Cur. edd., 'came'.
- (27) This is explained anon.
- (28) **דְּבַר תּוֹרָה**, lit., 'the word of the (oral) law'.
- (29) One's hair.
- (30) It is for the purpose of this distinction that the traditional law was required in addition to the Biblical law relating to interposition.
- (31) While traditional law restricts a disqualifying interposition to (a) its extension over the major part of the hair and (b) the man's objection to it, the Rabbis regard even (a) without (b) or (b) without (a) as a disqualifying interposition.
- (32) Since in both cases a 'minor portion' is involved.
- (33) The element of non objection being common to both.
- (34) Lit., 'it', the ruling that an interposition (a) over a minor portion to which one objects or (b) over a major portion to which one does not object.
- (35) Lit., 'shall we rise'.
- (36) Of course not. Hence the permissibility of an interposition over a minor portion which one does not mind.
- (37) Shab. 92a, Suk. 4a.
- (38) V. Ex. XXV, 10, 'A cubit and a half the height thereof', a cubit consisting of six handbreadths.
- (39) Lit., 'behold'.
- (40) This height of ten handbreadths from which God spoke to Moses (cf. Ex. XXV, 22, And I will speak with thee from above the ark-cover) is, according to R. Jose who stated (Suk. 5a) that the Deity never descended to a lower level than ten handbreadths from the earth, for 'the heavens are the heavens of the Lord but the earth hath he given to the children of men' (Ps. CXXV, 16), the boundary line or 'partition', so to speak, between heaven and earth. How then could it be said here that the laws defining partitions are only traditional?
- (41) **כֵּלִים**, lit., 'vessels'.
- (42) Kel. XII, 10. The total height of the ark and cover was consequently eight and a half handbreadths only, and R. Jose's boundary line between heaven and earth consequently receives no Pentateuchal support.
- (43) Kel. XVII, 10.
- (44) In the Temple.
- (45) Six handbreadths. (V. Pes. 86a).

- (46) Lit., ‘what is there to say’, in reply to the difficulty pointed out (v. supra note 3).
- (47) Lit., ‘when it came’.
- (48) גוד (rt. נגד ‘to stretch’), a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be regarded as virtually touching the ground and the ceiling respectively.
- (49) לבור (rt. לבד ‘to join’) a gap of less than three handbreadths between two partitions may be disregarded and the edges of the partitions are deemed to be joined into one complete partition.
- (50) V. supra p. 14, n. 5.
- (51) Spanning the entrance to a blind alley (v. our Mishnah).
- (52) Lit., ‘and he came to reduce it’.
- (53) The term ‘reducing’ implies that the ground is raised to such a level as to reduce the distance between it and the beam, otherwise ‘lowering’ (sc. the beam) would be the more appropriate term.
- (54) Sc. the ground must obviously be raised to such a level as would reduce the distance between it and the beam to twenty cubits.
- (55) V. previous note.
- (56) I.e., the width as extending into the alley. Lit., ‘its width by how much’.
- (57) Corresponding to the prescribed width of the cross-beam.
- (58) This is discussed infra.
- (59) Abaye and R. Joseph.
- (60) R. Joseph.
- (61) The outer edge of the beam being regarded as the end of the alley. Since people would consequently linger on the higher ground level the beam would well be noticed by them.

Talmud - Mas. Eirubin 5a

while he¹ who said ‘four handbreadths’, is of the opinion that it is forbidden to make use [of the floor space] under the beam?² — No; all may agree³ that it is permissible to make use [of floor space] under the cross-beam,⁴ but here they⁵ differ on the following principles: One Master holds the opinion that a cross-beam [is required] on account [of the necessity for] a distinguishing mark;⁶ while the other Master¹ holds that a cross-beam [is required] on account [of the necessity for] a partition.⁷ If you prefer I might reply that all agree³ that a cross-beam [is required] on account [of the necessity for] a distinguishing mark; but here they⁵ differ on [the question whether] the distinguishing mark below [must be of the same dimensions as] the one above. One Master is of the opinion that we say that a distinguishing mark below⁸ [is provided by the same width] as the one above,⁹ and the other Master¹⁰ holds that we do not say that a distinguishing mark below [is provided by the same dimensions] as the one above.¹¹ And if you prefer I might reply that all agree that a distinguishing mark below [is provided by the same width] as the one above,¹² but their¹³ point of difference here is [the question whether a wider space was ordered] as a preventive measure against the possibility of its being trodden down.¹⁴

[If an entrance to an alley] was less than ten handbreadths [in height] and it was desired to dig up the ground¹⁵ so as to bring up the altitude¹⁶ to ten [handbreadths] how much must one excavate? — [You ask], ‘How much must one excavate?’ As much [of course] as one requires!¹⁷ — Rather [this is the question:] To what extent in width¹⁸ [must one excavate]? — R. Joseph replied: To¹⁹ four [handbreadths]. Abaye replied: To four cubits. Might it be suggested that they²⁰ differ on the principle laid down by R. Ammi and R. Assi? For it was stated: If a breach was made in a side-wall of²¹ an alley close to its entrance,²² it was ruled in the name of R. Ammi and R. Assi, if a strip²³ of [the width of] four [handbreadths] was there²⁴ it is permissible²⁵ [to regard the alley as ritually fit],²⁶ provided the breach is not wider than²⁷ ten [cubits].²⁸ If, however, [there was] no [such strip²⁹ there] it is permissible [to regard the alley as ritually fit, if the breach was] less than three [handbreadths wide],³⁰ [but if it was] three [handbreadths wide]³¹ this is not permissible.³² [Might it then be suggested that] R. Joseph³³ adopts the principle of R. Ammi³⁴ and that Abaye³⁵ does not hold the principle of R. Ammi?³⁶ Abaye can answer you: There³⁷ [it is a question of] destroying the ritual

fitness³⁸ of an alley,³⁹ but here⁴⁰ [it is a case of] creating one.⁴¹ [Consequently] if the excavation extends⁴² [to a width of] four cubits [the entrance becomes] ritually fit,⁴³ but if not, it is not [fit]. Said Abaye: Whence do I derive my ruling?⁴⁴ From what was taught:⁴⁵ '[The movement of objects in] an alley cannot be permitted [on the Sabbath] by means of a sidepost⁴⁶ and a crossbeam⁴⁷ unless houses and courtyards open out into it'.⁴⁸ Now if [a strip of the width] of four [handbreadths were to constitute a proper alley wall) how could this⁴⁹ be possible?⁵⁰ And should you reply that the doors might open⁵¹ in the middle wall,⁵² the fact is [it could be retorted] that R. Nahman stated: We have a tradition that if [the movement of objects in] an alley is to be⁵³ permitted [on the Sabbath] by means of a side-post and a crossbeam, its length⁵⁴ must be⁵⁵ more than its width⁵⁶ and houses and courtyards must open out into it.⁵⁷ And R. Joseph?⁵⁸ — Each door might open⁵⁹ in a corner.⁶⁰ Abaye further⁶¹ stated: Whence do I derive my ruling? From what Rami b. Hama⁶² said in the name of R. Huna: If a projection from [the end of a side] wall of an alley⁶³ is less than four cubits [in width] it may be regarded as a side-post and no other post is required to effect the ritual fitness of the alley,⁶⁴ [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and another post is required to effect its ritual fitness.⁶⁴ And R. Joseph?⁶⁵ — To deprive [a projection] of its status as a post there must be⁶⁶ [a width of] four cubits but as regards constituting [a wall in] an alley, even [a width] of four handbreadths is also [enough] to constitute an alley.

[Reverting to] the above text, 'Rami b. Hama said in the name of R. Huna: If a projection from [the end of a side] wall of an alley

(1) Abaye.

(2) The inner edge of the beam forming the boundary line of the alley, while all the space under the beam itself is regarded as outside the alley. Since no one would consequently use that space no one would notice the beam which, from the level of the general floor of the alley, would be higher than twenty cubits. The raised ground must, therefore, be extended into the alley to form a substantial area; and the minimum of such an area is four handbreadths.

(3) Lit., 'for all the world hold the opinion'.

(4) Cf. Supra n. 7 first clause.

(5) Abaye and R. Joseph.

(6) That people might distinguish between the alley and the public domain into which it opens out, and would thus remember that what is permitted in the former is not permitted in the latter. A level of the width of one handbreadth which the residents must pass on their way from and into the alley is, therefore, quite sufficient for the purpose.

(7) Between the alley and the public domain. No partition is valid unless it is made for a floor space of no less than four handbreadths (v. infra 86b and cf. supra n. 9 final clause).

(8) Sc. the raised ground under the cross-beam.

(9) So that a raised level of only one handbreadth in width suffices.

(10) Abaye.

(11) Below a mark of wider width is required, viz., of four handbreadths.

(12) Only one handbreadth.

(13) Abaye's and R. Joseph's.

(14) Lit., 'he or it will diminish', sc. the raised ground, if it were to be allowed to consist of the minimum width of one handbreadth only, might in the course of time be worn down to less than a handbreadth. R. Joseph holds that this possibility was not provided against while Abaye holds that it was. Hence, according to Abaye, the necessity for a width of more than a handbreadth. And since a width above the minimum was required, it was fixed at four handbreadths. (cf. supra p. 23, n. 9 final clause).

(15) Lit., 'and he engraved in it'.

(16) Lit., 'to complete it'.

(17) To raise the altitude to ten handbreadths.

(18) Lit., 'its drawing (from the entrance into the interior) by how much'.

(19) Lit., 'in', 'by'.

(20) R. Joseph and Abaye.

(21) Lit., 'from its side'.

- (22) Lit., 'toward its head or top'.
- (23) Of wood, especially put up for the purpose, or a remnant of the original wall.
- (24) At the original termination of the wall, adjoining the cross-beam.
- (25) Lit., 'it (sc. the strip) permits'.
- (26) In respect of the movement of objects on the Sabbath. The breach is treated as an additional entrance to the alley and does not, therefore, affect its ritual fitness, while the validity of the main entrance is retained owing to the strip of wood or building structure which, complying with the prescribed size, serves the purpose of the original wall and, together with the wall opposite and the cross-beam above them, constitutes a valid alley to which the main entrance serves as doorway.
- (27) Lit., 'in the breach until'.
- (28) A gap wider than ten cubits cannot be regarded as a doorway and destroys, therefore, the Sabbatic ritual validity of the alley.
- (29) Sc. if it was either wanting altogether or of less than four handbreadths in width.
- (30) Such a narrow breach may be regarded as non-existent (v. Glos. s.v. labud) and the wall is deemed to be virtually intact.
- (31) And people are consequently likely to use the gap as a short cut thus neglecting the use of the main entrance.
- (32) Lit., 'it does not permit', since (v. previous note) the ritual validity of the main entrance has thereby been destroyed.
- (33) Who ruled *supra*, in the case of an excavation at the foot of an entrance, that a width of four handbreadths is sufficient.
- (34) Who regards a strip of four handbreadths in width to be sufficient to constitute a wall as a support for a cross-beam. MS.M. adds: 'and R. Assi'.
- (35) Who required for the excavation a width of four cubits.
- (36) MS.M. adds: 'and of R. Assi'. This is also the reading of Rashi.
- (37) The case dealt with by R. Ammi and R. Assi.
- (38) Lit., 'end'. Before the breach occurred the alley was in a condition that was ritually fit.
- (39) Hence it is sufficient for a width of four handbreadths to retain its ritual fitness.
- (40) In the matter of the excavation.
- (41) Lit., 'the beginning of an alley'. Owing to the low altitude of the entrance, the alley was never before ritually fit.
- (42) Lit., 'there is'.
- (43) Lit., 'yes'.
- (44) Lit., 'I say it'.
- (45) Shab. 130b, *infra* 73b.
- (46) 'lit., 'cheek', 'jaw'.
- (47) Cf. Mishnah *infra* 11b.
- (48) Sc. the houses open out into the courtyards and the latter into the alley (Rashi).
- (49) That 'courtyards' should open out into it'?
- (50) The prescribed minimum width of a door being four handbreadths, the doorway of one courtyard alone would cover the full width of the alley wall.
- (51) Lit., 'that he opens it'.
- (52) The back wall of the alley which is enclosed by the two side walls. While the latter might be as narrow as four handbreadths the former might be long enough to admit of more than one courtyard door.
- (53) Lit., 'which is an alley that is'.
- (54) Sc. the length of the side walls.
- (55) Lit., 'all of which its length is'.
- (56) The length of the middle, or back wall.
- (57) *Infra* 12b (cf. Shab. 131a). If courtyards (i.e., a minimum of two) were to open out from the middle wall, its width would be (cf. *supra* note 8) no less than eight handbreadths exclusive of the doorposts; and it would thus be twice as big as either of the side walls.
- (58) How, in view of Abaye's quotation and inference, could he maintain that four handbreadths are sufficient for the width of an alley wall?
- (59) Lit., 'that he opens it'.
- (60) Though the back wall is less than four handbreadths in length it is possible, where the side walls are four

handbreadths in length, to open a door that is four handbreadths wide in each corner where the two side walls respectively meet the back wall.

(61) So MS.M. reading **ואמר**.

(62) Var. lec., Abba (Asheri).

(63) Into the alley.

(64) Lit., 'to permit it'.

(65) Cf. supra p. 26, n. 16.

(66) Lit., 'until there is'.

Talmud - Mas. Eirubin 5b

is less than four cubits [in width] it may be regarded as a side-post¹ and no other post is required to effect the ritual fitness of the alley, [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and² another post is required to effect its ritual fitness'.³ Where, however, does one put up that '[other] post'? If it be attached to the projection,⁴ would not one be merely adding to it?⁵ — R. Papa replied: One puts it upon the other side.⁶ R. Huna son of R. Joshua said: It may even be maintained that it⁷ is attached to the projection⁴ but it is made bigger⁸ or smaller.⁹ R. Huna son of R. Joshua stated: This¹⁰ has been said only in respect of [an entrance to] an alley [that was no less than] eight [cubits in width],¹¹ but where [the entrance to] an alley is seven [cubits wide],¹² Sabbath ritual fitness is effected¹³ because¹⁴ the portion built-up¹⁵ is longer than the breach. [This ruling is inferred] a minori ad majus from [the law relating to] a courtyard: If a courtyard¹⁶ [the movement of objects in which on the Sabbath] cannot be rendered permissible¹⁷ by means of a side-post and a cross-beam¹⁸ is nevertheless deemed fit¹³ [for such movements] where its built-up portions¹⁵ are larger than its broken [parts],¹⁹ how much more then should an alley, where [such movements] may be rendered permissible by means of a side-post and a crossbeam,²⁰ be deemed fit¹³ when²¹ the built-up portion¹⁵ [across its entrance] is larger than its open [part]. But is not a courtyard, however, different²² [from an alley]²³ since a gap of ten cubits²⁴ [was also allowed in it]?²⁵ Then how can one apply²⁶ [the same ruling] to an alley where only a gap of four cubits²⁷ [was allowed]?²⁸ — R. Huna son of R. Joshua holds the opinion that in an alley also a gap of ten cubits is allowed.²⁴ But whose view has been under discussion?²⁹ [Obviously that] of R. Huna;³⁰ and R. Huna, surely, is of the opinion, [is he not,] that only a gap of four cubits [is allowed in an alley]?³¹ R. Huna son of R. Joshua only stated his own view.³²

R. Ashi said: It may be maintained that even [where the entrance to] an alley was eight [cubits wide] no side-post is required,³³ since, whatever your assumption [might be, the ritual fitness of the alley cannot be affected]. For if the built portion is bigger³⁴ [the movement of objects in the alley would] be permitted by [reason of the fact that] the built portion [across the entrance] is larger than the opening; and if the open section is bigger³⁵ [the projection]³⁶ might be regarded as a side-post.³⁷ What [other possible objection can] you submit? That both³⁸ might be exactly alike?³⁹ [But such an assumption] would amount to an uncertainty in respect of a Rabbinical enactment,⁴⁰ and in any uncertainty appertaining to a Rabbinical enactment the more lenient course is followed.⁴¹

R. Hanin b. Raba stated in the name of Rab: As to a breach that was made in an alley

(1) Even if originally it was put there for some other purpose.

(2) Unless that projection was especially constructed to serve as a side-post to the entrance.

(3) v. supra 5a for notes.

(4) Lit., 'put up with it'.

(5) Thus merely extending the projection further along the width of the alley and giving it a much greater resemblance to a proper wall.

(6) The side wall opposite.

(7) The side-post.

- (8) Longer or wider than the front of the projection, so that its nature cannot be mistaken and no one could regard it as an extension of the projection.
- (9) Shorter or narrower (cf. previous note).
- (10) The ruling of Rami b. Hama in the name of R. Huna, supra 5a ad fin.
- (11) In which case a projection of the width of four cubits would cover no more than half of its width.
- (12) So that a projection of the size mentioned (v. previous note) would cover its greater part.
- (13) Lit., 'is permitted'.
- (14) Though the projection cannot be regarded as a side-post.
- (15) Lit., '(which) stands'.
- (16) Sc. a square enclosure into which houses open out (v. Tosaf. s.v. , and cf. Rashi).
- (17) Where its wall that faced a public domain collapsed completely.
- (18) Though these means are effective in the case of an alley.
- (19) Even though the gaps are many and distributed among all its walls, the court remains ritually fit if the total length of the unbroken parts exceeds that of the gaps.
- (20) If placed at the entrance that faced a public domain (cf. supra n. 8).
- (21) In the absence of a side-post and cross-beam.
- (22) Lit., 'what of the courtyard'.
- (23) Sc. some of the laws relating to the former are much less restrictive than those of the latter.
- (24) Lit., 'its breach by ten'.
- (25) Of course it is; the freedom of movement in the courtyard is not affected by such a gap.
- (26) Lit., 'wilt thou say'.
- (27) Lit., 'whose breach by four'.
- (28) As in the case of an alley, the law was restricted in respect of the size of a gap so it might also have been restricted as regards permissibility of movement where the built portion is larger than the gap. How then (cf. supra note 14) could a law relating to an alley be inferred from one relating to a courtyard?
- (29) Lit., 'according to whom do we say', sc. to whose ruling was the argument, a *minori ad majus*, applied?
- (30) A disciple of Rab and teacher of R. Huna son of R. Joshua who (supra 5a) quoted his master.
- (31) *Infra*. How then could this view be reconciled with the inference of R. Huna son of R. Joshua?
- (32) Sc. while accepting R. Huna's ruling in the case of an entrance that was no less than eight cubits in width he disagreed with it on the strength of the argument he advanced in the case of one of the width of seven.
- (33) Where there was a projection of four cubits in width from one of the side walls across a part of the entrance.
- (34) I.e., if the measurement of the projection was on a generous scale so that the so-called 'four cubits' really represented a higher figure, and the remaining space was in fact less than four cubits in width.
- (35) Cf. previous note *mutatis mutandis*.
- (36) Since it is in reality less than four cubits.
- (37) And the movement of objects would again be permitted.
- (38) The width of the projection and that of the opening.
- (39) So that (a) the projection is four cubits wide and, therefore, unsuitable as a side-post and (b) the built section is not larger than the gap which is also four cubits wide.
- (40) The prohibition to move objects in an alley on the Sabbath day is not Pentateuchal but Rabbinical.
- (41) Consequently, 'no side-post is required'.

Talmud - Mas. Eirubin 6a

[if it was made] in a side [wall, a gap] of ten cubits is permissible,¹ [but if it was] in the front [wall,² only a gap] of four cubits is allowed.³ Wherein, however, does a side wall differ [from the front wall] that [in the case of the former] a gap of ten cubits is allowed?¹ [Presumably] because one can say⁴ [that the gap] is an entrance, [but then] could not one say also [when it is made] in the front wall that it is an entrance? R. Huna son of R. Joshua replied: [The ruling⁵ applies to a case,] for instance, where the breach was made in a corner, since people do not make an entrance in a corner. R. Huna, however, ruled: The one as well as the other⁶ [is subject to the limit] of four cubits. And so, in fact, did R. Huna say to R. Hanan b. Raba:⁷ 'Do not dispute with me, for Rab once happened to visit

Damharia⁸ and actually gave a decision in accordance with my view'.⁵ 'Rab', the other replied, 'found an open field and put a fence round it'.⁹

R. Nahman b. Isaac remarked: Reason is on the side of R. Huna.¹⁰ For it was stated: 'A crooked alley,¹¹ Rab ruled, is subject to the same law as one that is open on both sides,¹² but Samuel ruled: 'It is subject to the law of a closed one'.¹³ Now with what case are we dealing here? If it be suggested: with [one where the passage through the bend is] wider than ten cubits, would Samuel in such circumstances [it may be retorted] rule that 'it is subject to the law of a closed one'?¹⁴ Consequently¹⁵ [it must be conceded that the width of the communication passage is] within [the limit of] ten cubits, and yet Rab ruled that it 'is subject to the same laws as one that is open on both sides' — From which¹⁶ it definitely follows that [the permissibility of] a breach in a side [wall] of an alley is limited to four cubits.¹⁷ And R. Hamn¹⁸ b. Raba?¹⁹ — There²⁰ it is different,²¹ since many people make their way through it.²²

[This]²³ then implies that R. Huna²⁴ is of the opinion that even if not many people make their way through it²⁵ [a breach of no more than four cubits is allowed], but why should this be different from the ruling of R. Ammi and R. Assi?²⁶ — There [it is a case] where ridges [of the broken wall] remained,²⁷ but here, [it is one] where there were no ridges.²⁸ Our Rabbis taught: How is a road through a public domain²⁹ to be provided with an 'erub?³⁰ The shape of a doorway is made at one end,³¹ and a side-post and³² cross-beam, [are fixed] at the other.³¹ Hanania, however, stated: Beth Shammai ruled: A door is made at the one end³¹ as well as at the other³¹ and it must be locked as soon as one goes out or enters, and Beth Hillel ruled: A door is made at one end and a side-post and a cross-beam at the other.

May an 'erub, however, be lawfully provided for a public domain? Was it not in fact taught,³³ 'A more [lenient rule] than this³⁴ did R. Judah lay down:

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- (1) Lit., 'from its side by ten'; if the gap is not wider, the Sabbath ritual fitness of the alley is not affected.
 - (2) Sc. the wall that was built across a portion of the entrance to reduce its original width to the permitted maximum of ten cubits.
 - (3) Lit., 'from its top by four'. Cf. supra n. 1.
 - (4) Lit., 'that he said'.
 - (5) That no larger gap than one of four cubits was allowed.
 - (6) In whatever wall the breach was made.
 - (7) Read Hanin b. Raba; cf. infra p. 31, n. 6.
 - (8) In the neighbourhood of Sura; Obermeyer, p. 298.
 - (9) Metaph. The people of Damharia were ignorant and careless in the observance of the Sabbath laws, and, in order to keep them away from further transgression, additional restrictions were imposed upon them. Elsewhere, however, even a breach of ten cubits might be allowed.
 - (10) V. supra nn. 5 and 6.
 - (11) One in the shape of an "L" each arm of which opens out into a public domain.
 - (12) Sc. as if both sides of each arm opened out into a public domain. Consequently, the side of each arm that actually opens out into the public domain must be furnished with side-posts or cross-beam while the opposite side terminating in the angle where the two arms meet must be furnished with a sort of framework that would give the passage of communication the shape of a doorway. (V. Rashi and cf. Tosaf. s.v. **ב**ר).
 - (13) The bend or angle of contact between the arms being regarded as the termination and closure of each and the side-posts or cross-beam at the two main entrances from the public domain are sufficient to effect the Sabbath ritual fitness of the alley.
 - (14) Obviously not. Such a wide passage of communication could not possibly be treated as a closing wall.
 - (15) Lit., 'but, not?'
 - (16) Since Rab regards an opening that is narrower than ten cubits as a breach that impairs the Sabbath ritual fitness of an alley, though that opening is not in a front wall adjoining a public domain.

- (17) In agreement with the view of R. Huna.
- (18) So Bomb. ed. and supra 5b ad fin. Cur. edd. 'Hanan'.
- (19) Var. lec. 'Abba' (MS.M. and Asheri). How, it is asked, could he, in view of R. Nahman b. Isaac's submission, maintain that in a side wall, a breach of ten cubits is permitted?
- (20) A communication passage between the two arms of a crooked alley.
- (21) From a breach in a side wall.
- (22) Hence the limit to a width of four cubits. Through a breach in a side wall, however, not many people pass and the limit of permissibility is, therefore, extended to ten cubits.
- (23) The reply just given on behalf of R. Hanin b. Raba. Since it was laid down that he limits the width of the communication passage in a crooked alley to four cubits only because many people pass through it, he presumably allows a breach of ten cubits where only few people pass.
- (24) Who differed from him.
- (25) If the gap opened out, for instance, to broken ground or an unsanitary area.
- (26) Who (supra 5a) do allow a breach of ten cubits.
- (27) The wall did not collapse completely and a height of three or four handbreadths of it remained, so that it is not very easy to use the breach as an entrance.
- (28) The passage through such a gap being easy, people would be likely to use it if it were wide enough. Hence the limit to four cubits.
- (29) Such a road must pass from one end of the town to the other and must be sixteen cubits in width, while the town through which it passes must have no surrounding wall and be inhabited by no less than six hundred thousand people.
- (30) V. Glos.
- (31) Lit., , 'from here'.
- (32) Var. lec. 'or' (Alfasi and Asheri).
- (33) Shab. 6a, 117a, infra 12a.
- (34) The one mentioned earlier in the context (v. previous note) where a covered space was under consideration.

Talmud - Mas. Eirubin 6b

If a man had two houses on the two sides [respectively] of a public domain he may¹ construct one side-post [on any of the houses] on one side and another on its other side or one cross-beam on the one side [of any of the houses] and another on its other side and then he may move things about² in the space between them;³ but they⁴ said to him: A public domain cannot be provided with an 'erub in such a manner'?⁵ And should you reply that it cannot be provided with an 'erub 'in such a manner',⁶ but that it may be provided with one by means of doors, surely, [it can be retorted,] did not Rabbah b. Bar Hana⁷ state in the name of R. Johanan that Jerusalem,⁸ were 'it not that its gates were closed at night,⁹ would have been subject to the restrictions¹⁰ of a public domain; and 'Ulla too has stated that the city gateways of Mahuza,¹¹ were it not for the fact that their doors were closed at night, would have been subject to the restriction of a public domain?¹² — Rab Judah replied: It is this that was meant: How is an 'erub to be provided for alleys that open out at both ends into a public domain? The shape of a doorway is made at one end and a side-post and¹³ cross-beam, at the other.

It was stated: Rab said: The halachah¹⁴ is in agreement with the first Tanna,¹⁵ and Samuel said: The halachah is in agreement with Hanania.¹⁶

The question was raised: According to Hanania's ruling in the name of Beth Hillel, is it necessary to lock [the single door of the alley] or not? — Come and hear what Rab Judah said in the name of Samuel: It is not necessary to lock it; and so also said R. Mattenah in the name of Samuel: It is not necessary to lock it.

Some there are who read: R. Mattenah stated: 'I myself was once concerned in such a case and Samuel told me that there was no need to lock [the door]'.¹⁷

R. 'Anan was asked: Is it necessary to lock [the door of an alley] or not?¹⁸ He replied: Come and see the [alley] gateways of Nehardea¹⁹ which are half buried in the ground²⁰ and Mar Samuel continually passes through²¹ [these gates] and yet never raised any objection.²² R. Kahana said: Those were [partially] closed.²³

When R. Nahman came²⁴ he ordered the earth to be removed.²⁵ Does this then imply that R. Nahman is of the opinion that [alley doors] must be locked?²⁶ — No; provided they are capable of being closed [Sabbatic ritual fitness is effected] even though they are not actually closed.

There was a certain crooked alley at Nehardea upon which were imposed the restriction of Rab and the restriction of Samuel, and doors were ordered²⁷ [to be fixed at its bends].²⁸ 'The restriction of Rab' who ruled that [a crooked alley] 'is subject to the same law as one that is open on both sides'; but [as] Rab in fact stated: 'The halachah is in agreement with the first Tanna'²⁹ [the second restriction was applied] in agreement with Samuel who stated: 'The halachah is in agreement with Hanania'. And [as] Samuel in fact ruled [that a crooked alley] 'is subject to the law of a closed one'³⁰ [the first restriction was applied] in agreement with Rab who ruled that '[a crooked alley] is subject to the same law as one that is open at both ends'.

Do we, however, adopt the restrictions of two³¹ [authorities who differ from one another]?³² Was it not in fact taught:³³ The halachah is always in agreement with Beth Hillel, but he who wishes to act in agreement with the ruling of Beth Shammai may do so, and he who wishes to act according to the view of Beth Hillel may do so; [he, however, who adopts] the more lenient rulings of Beth Shammai and the more lenient rulings of Beth Hillel is a wicked man, [while of the man who adopts] the restrictions of Beth Shammai and the restrictions of Beth Hillel Scripture said: But the fool walketh in darkness.³⁴ A man should rather act³⁵ either in agreement with Beth Shammai both in their lenient and their restrictive rulings or in agreement with Beth Hillel in both their lenient and their restrictive rulings?³⁶

(Now is not this³⁷ self-contradictory? You said: 'The halachah is always in agreement with Beth Hillel, and then you [proceed to] say: 'But he who wishes to act in agreement with the ruling of Beth Shammai may do so'! — This is no difficulty; the latter statement³⁸ [was made] before [the issue of] the bath kol³⁹ while the former³⁸ [was made] after [the issue of] the bath kol.³⁹ And if you prefer I might reply: Both the former and the latter statements⁴⁰ [were made] after [the issue of] the bath kol

(1) Since the area in question is already bordered by the two walls provided by the two opposite houses.

(2) As in a private domain.

(3) Lit., , 'in the middle'.

(4) The Rabbis.

(5) How then is this ruling of the Rabbis to be reconciled with the statement, 'How is a road etc.', (supra 6a ad fin.)?

(6) The one prescribed in the Baraita just cited.

(7) Var. lec., 'R. Huna' (Asheri).

(8) Its public road stretched from one end of the town to the other and it had all the other characteristics of a public domain (cf. supra note 1).

(9) So that it assumed the nature of a 'courtyard'.

(10) Lit., 'guilty concerning it'.

(11) A Jewish trading center. One of the 'neighbouring towns' or 'dependencies' of Babylon.

(12) Cf. supra p. 32, nn. 14f. How then could this be reconciled with the ruling of Beth Hillel that no closing of doors is necessary?

(13) Var. lec. 'or' (Alfasi and Asheri).

(14) So MS.M. הלכה Cur. edd. הלכות.

(15) V. supra 6a ad fin.

(16) Asheri adds: 'In accordance (with the ruling) of Beth Hillel' (v. supra 6a ad fin.).

- (17) Of the alley. Its Sabbatic ritual fitness is not affected even if the door always remains open.
- (18) Cf. previous note.
- (19) Nehardea was a town on the Euphrates, situated at its junction with the Royal Canal about seventy miles north of Sura, and famous for its great academy in the days of Samuel, which was rivalled only by that of Sura. Nehardea also had the characteristics of a public domain (v. supra p. 32, n. 14).
- (20) Lit., 'hidden unto their half in earth', and cannot possibly be moved from their open positions.
- (21) Lit., 'and goes in and goes out'. I.e., and saw that the gates were not closing, whilst the people were relying on them as providing an 'erub.
- (22) Lit., 'and he did not tell them anything'.
- (23) R. Anan's example, therefore, proves nothing.
- (24) To Nehardea.
- (25) Lit., 'he said: Remove their earth', the accumulated debris which prevented the closing of the gates.
- (26) Contrary to the general opinion expressed supra?
- (27) Lit., 'and they made it require'.
- (28) In addition to the side-posts or cross-beams fixed at the ends of the arms adjoining the public domain.
- (29) Who required no door at all, but only a sort of frame in the shape of a doorway.
- (30) Which required no contrivance.
- (31) Lit., 'do we do like two restrictions'.
- (32) I.e., where one relaxes the law and the other restricts it and vice versa.
- (33) Tosef. Suk. II, 'Ed. II, R.H. 14b.
- (34) Eccl. II, 14.
- (35) Lit., 'but'.
- (36) Why then were the restrictions of both Rab and Samuel imposed on the crooked alley of Nehardea?
- (37) The Baraitha just cited.
- (38) Lit., 'here'.
- (39) V. Glos. and cf. infra 13b. The bath kol announced that the halachah was always in agreement with Beth Hillel.
- (40) Lit., 'that and that'.

Talmud - Mas. Eirubin 7a

[but the latter] represents¹ [the view of] R. Joshua who does not recognize the authority² of a bath kol.³ And if you prefer I might reply: It is this that was meant:⁴ Whenever you come across⁵ two Tannas and two Amoras who differ from one another in the manner of the disputes between Beth Shammai and Beth Hillel, a man should not act either in accordance with the lenient ruling of the one Master and the lenient ruling of the other Master, nor in accordance with the restriction of the one and the restriction of the other, but either in accordance with the lenient and restrictive ruling of the other or in accordance with the lenient and restrictive ruling of the other.)

At all events, [however, does not the original] difficulty⁶ [remain]? — R. Nahman b. Isaac replied: All the restrictions were imposed in accordance with the views of Rab, for R. Huna stated in the name of Rab, 'The halachah [is in agreement with the first Hillel but no such ruling is given [in actual practice]'.⁷

According to R. Adda b. Ahabah, however, who, citing Rab, stated, 'The halachah [agrees with the first Tanna] and this is also the ruling to be followed in practice,' what can be said [in reply to the objection raised]?⁸ — R. Shezbi replied: We do not adopt the restrictions of two [authorities who differ from one another] only⁹ where [their views] are mutually contradictory¹⁰ as, for instance, in the case of the 'backbone and skull'; for we learned,¹¹ 'If the backbone or skull [of a corpse] were defective [it does not impart levitical uncleanness by overshadowing];¹² and how much [is deemed to be] a defect in a backbone? Beth Shammai ruled: Two vertebrae, and Beth Hillel ruled: One vertebra; and in the case of a skull, Beth Shammai ruled: [A hole] as large as that made by a drill,¹³ and Beth Hillel ruled: One that would cause a living person to die';¹⁴ and Rab Judah stated in the

name of Samuel, ‘And the respective rulings¹⁵ apply also¹⁶ in the case of trefah’;¹⁷ but where [the views] are not mutually contradictory¹⁸ we may well adopt¹⁹ [the restrictions or relaxations of two authorities].

[Against the contention that] where [the views of two authorities] are mutually contradictory we do not adopt [the restrictions of both], R. Mesharsheya raised [the following] objection. [Was it not taught:]²⁰ It once happened that R. Akiba gathered [the fruit of] an ethrog²¹ on the first of Shebat²² and subjected it to two tithes,²³ one²⁴ in accordance with the ruling of Beth Shammai²⁵ and the other²⁶ in accordance with the ruling of Beth Hillel?²⁷ — R. Akiba was uncertain of his tradition,²⁸ not knowing whether Beth Hillel said the first of Shebat or the fifteenth of Shebat and, therefore, he subjected himself to both restrictions.²⁹

R. Joseph sat before R. Huna and in the course of the session³⁰ he stated: Rab Judah laid down in the name of Rab that they³¹ differed only where [an alley opens out] into a camp³² on the one side and into a camp on the other,³³ or into a highway³⁴ on the one side and into a highway on the other,³³ but [where there was] a camp on one side and fields³⁵ on the other,³³ or fields on either side, the frame of a doorway is made at one end and a side-post and cross-beam at the other.³⁶ Now [that it has been said that ‘where there was] a camp on one side and fields on the other’ [it is sufficient if] ‘the frame of a doorway is made at one end and a side-post and cross-beam at the other’ [was it at all] necessary [to state the case of] ‘fields on either side’? — It is this that was meant: If there was a camp on one side and fields on the other it is the same³⁷ as [if there were] fields on either side. He³⁸ then concluded in the name of Rab Judah:³⁹ If the alley⁴⁰ terminated⁴¹ in a backyard,⁴² no [construction]⁴³ whatever is necessary.⁴⁴

Said Abaye to R. Joseph: That statement of Rab Judah⁴⁵ represents the view of Samuel;

(1) Lit., ‘it’.

(2) Lit., ‘looks’, ‘pays attention’.

(3) V. B.M. 59b.

(4) By the statement, ‘But he who wishes to act etc.’

(5) Lit., ‘you find’.

(6) Why were the restrictions of both Rab and Samuel simultaneously imposed in the case of the Nehardean alley.

(7) The rule in practice being in agreement with Hanania who ordained the construction of doors.

(8) V. p. 35, n. 13.

(9) Lit., ‘when do we not do etc.’?

(10) Sc. where the reason which impelled one authority to restrict a certain law inevitably led him to relax it in another case, while the authority that by another process of reasoning relaxed the law in the first case was led by the same process to restrict it in the latter. Anyone, therefore, who adopts either both lenient rulings or both restrictions takes up an untenable position, since the very reason for restriction in the one case is also a reason for relaxation in the other.

(11) Oh. II, 3; Bek. 37b.

(12) Ohel (v. Glos.). Only a complete backbone or skull impart uncleanness in this manner.

(13) Lit., ‘like the fullness of a drill’.

(14) Lit., ‘as much as would be taken from the living and he would die’.

(15) Of Beth Shammai and Beth Hillel.

(16) Lit., ‘and so’.

(17) V. Glos. A defect in the backbone or skull of an animal, discovered after it had been slaughtered, renders its flesh unfit for consumption. Beth Shammai's restriction in the former case (defilement unless two links are missing) results in a relaxation in the latter (fitness for human consumption) while Beth Hillel's relaxation of the law in the former case (no defilement even if one link is missing) results in a restriction (prohibition of consumption).

(18) As in the case of the restrictions of Rab and Samuel in respect of an alley, where the reason for the ruling of the one has no bearing on the reason for that of the other.

(19) Lit., ‘we do’.

- (20) Tosef. Sheb. III ad fin., R.H. 14a, Yeb. 15a.
- (21) V. Glos.
- (22) The eleventh month of the Hebrew calendar (corresponding to January / February) the first day of which is regarded by Beth Shammai as the New Year for Trees. The gathering took place at the end of the second year of the septennial cycle and the beginning of the third.
- (23) The 'second tithe' which is due in the second year of the septennial cycle, and the 'poor man's tithe' which is due in the third year of the cycle.
- (24) The 'poor man's tithe'.
- (25) According to whom, the first of Shebat being regarded as the beginning of the New Year for Trees, the third year of the cycle had already begun, and the tithe due was, therefore, that of the poor.
- (26) The 'second tithe'.
- (27) Who, maintaining that the New Year for Trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due.
- (28) In respect of the view of Beth Hillel. He was not concerned at all with the view of Beth Shammai.
- (29) Lit., 'and he did here as a restriction and here etc.'
- (30) **ויתב**, wanting in MS.M.
- (31) Hanania and the first Tanna who are in dispute supra on the question of alleys that are open at both ends.
- (32) Or 'public road'. **אסטרטיא = סרטיא** .
- (33) Lit., 'from here ... from here'.
- (34) **פלטיא** cf. Gr. **.
- (35) **בקעה**, lit., 'valley', a domain which, in respect of the Sabbath laws, is regarded as neither public nor private but as karmelith (v. Glos.).
- (36) No door, even according to Hanania, being required.
- (37) Lit., 'it is made'.
- (38) R. Joseph.
- (39) Not indicating the latter's authority for the ruling (cf. infra note 10).
- (40) That opened out into a public domain.
- (41) At the opposite end.
- (42) And that wall of the yard that adjoined a public domain was broken through, so that the alley was now open into a public domain on its two sides. **רהבה** an area at the back of a house enclosed by four walls.
- (43) Either of side-post or cross-beam.
- (44) At the breach, in the backyard wall. Only that end of the alley that opens out directly into the public domain requires the prescribed construction.
- (45) Just quoted by R. Joseph (cf. Supra note 4).

Talmud - Mas. Eirubin 7b

for if [it be maintained that it is] that of Rab, a twofold contradiction between Rab's statements would arise.¹ For R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width]² into a courtyard, and a breach³ was made in the courtyard [wall] over against it, the courtyard is ritually fit⁴ but the alley is forbidden. But why [should this be so]? Should it not rather be [subject to the same law] as that of an alley that terminated in a backyard?⁵ — The other replied: I do not know,⁶ but it once happened that at Dura di-ra'awatha⁷ an alley terminated in a backyard,⁸ and when I came⁹ to Rab Judah [to ask his opinion] he ruled that it required no contrivance whatsoever.¹⁰ If, therefore, a contradiction [arises if Rab Judah's statement] is ascribed to Rab, let it be [conceded to have been made] in the name of Samuel¹¹ and no difficulty whatever would arise.

Now, however, that R. Shesheth said to R. Samuel b. Abba or, as others say, to R. Joseph b. Abba: I may explain to you — [that Rab's ruling is dependent on whether] an 'erub has been prepared or not,¹² no contradiction between the two statements of Rab does now arise.¹³ For one refers to a case¹⁴ where the residents of the courtyard joined in an 'erub with those of the alley while the other

refers to one¹⁴ where they did not join them in an 'erub.¹⁵

(1) Lit., 'a difficulty of Rab upon Rab in two'.

(2) Sc. its entire back wall collapsed.

(3) Of less than ten cubits in width.

(4) Lit., 'permitted', as regards the movement of objects on the Sabbath. The breach is regarded as an entrance since portions of the courtyard wall remained on both sides. The ritual unfitness of the alley cannot affect the courtyard since the residents of the former have no right of passage through the latter.

(5) Rab's reason, it is now assumed, is that the alley, owing to the breach in the courtyard, is exposed on two sides to public domains. Now since Rab Judah spoke of a backyard (which, as it has no inhabitants to claim right of passage through the alley, cannot affect its ritual fitness) and not of a courtyard (which is inhabited), it follows that if an alley terminated in the latter, it becomes ritually unfit on account of the right of passage through it of the inhabitants of the courtyard. Rab, on the other hand, spoke of a courtyard and not of a backyard. And, since he does not mention the right of passage but the breach that was made, it follows that the exposure of the alley on two sides to public domains is the only reason for its unfitness, and that the right of passage of the inhabitants of the courtyard does not affect its fitness. The two principles then that were laid down by Rab Judah, viz. (a) that the opening out of an alley into a public domain through a backyard does not destroy its ritual fitness and (b) that the opening also of a courtyard into an alley does destroy its fitness, are thus opposed by those of Rab who maintains (a) that the opening out of an alley into a public domain through a courtyard or, for the same reason, through a backyard does destroy its ritual fitness and (b) that the opening of a courtyard into an alley does not destroy it.

(6) From whom Rab Judah received the ruling.

(7) Shephardville. V. Rashi and Jast. Aliter: Diridotis, a famous commercial town on the Tigris (Wiesner, Scholien).

(8) That had a breach in the wall that faced the alley.

(9) יִשְׁתַּי, so MS.M. Cur. edd. שְׁתַּי.

(10) Lit., 'and he did not cause it to require anything', at the backyard breach. The contrivance at the other end that abutted on the public domain was sufficient.

(11) Another teacher of Rab Judah.

(12) Lit., 'here that they mixed; there that they did not mix'. Where the residents of the courtyard joined the residents of the alley in the 'erub (v. Glos.), the latter is ritually fit, but if they did not join, the fitness of the latter is destroyed, not on account of the breach in the courtyard which exposed the alley to a public domain (as has been assumed supra), but on account of the absence of the joint 'erub. The fitness of the courtyard, however, is not affected since the breach between it and the alley, though extending over the full width of the latter, extends only over a portion of its own width and may, therefore, be regarded as a doorway.

(13) Lit., 'of Rab upon that of Rab also, there is no difficulty'.

(14) Lit., 'here'.

(15) Rab's ruling reported by R. Jeremiah b. Abba (supra 7b ab init.) would accordingly refer to a case where no joint 'erub was made; the incident at Dura di-ra'awatha would refer to one where such an 'erub was made; and Rab Judah's report in the name of Rab (supra 7a ad fin.) would be in agreement with Rab's view, even if no joint 'erub was made, since a backyard has no residents whose right of passage could affect the ritual fitness of the alley.

Talmud - Mas. Eirubin 8a

According to our previous assumption, however, that [Rab and Samuel] are in disagreement irrespective of whether a joint 'erub was made¹ or not,² on what principle do they differ where a joint 'erub was made³ and on what principle do they differ where no such 'erub was made?⁴ — Where no joint 'erub was made they differ [on the question whether a gap] that has the appearance [of a door] from without but is even [with the walls] within⁵ [may be regarded as a door];⁶ and where a joint 'erub has been made⁷ they differ on a principle that underlies a statement of R. Joseph. For R. Joseph stated: This⁸ has been taught only [in respect of all alley] that terminated in the middle of the backyard⁹ but if it terminated at the side of the backyard¹⁰ [all movement of objects in the alley on the Sabbath is forbidden.

Rabbah said: The statement¹¹ [that termination] at the middle of a backyard is permitted, applies only [where the gaps¹² were] not facing one another, but if they were facing one another [movement of objects in the alley on the Sabbath] is forbidden.

R. Mesharsheya said: The statement¹¹ [that where the gaps¹² were] not facing one another [the use of the alley] is permitted, applies only to¹³ a backyard that belonged to many people, but [not to] a backyard of an individual who might sometimes reconsider [his attitude] towards it and build houses in it¹⁴ and the alley would thus be one that terminated at the sides of a backyard [in which the movement of objects on the Sabbath] is forbidden.

Whence, however, is it inferred that a distinction is made between a backyard belonging to many people and one belonging to an individual? — From what Rabin b. R. Adda stated in the name of R. Isaac: It once occurred that one side of an alley terminated in the sea and the other terminated in a rubbish heap,¹⁵ and when the facts were submitted to Rabbi¹⁶ he neither permitted nor forbade [the movement of objects on the Sabbath] in that alley.¹⁷ [He did not declare it] forbidden because partitions¹⁸ in fact existed, [and he did not declare it] permitted since the possibility had to be considered that the rubbish heap might be removed or the sea might throw up alluvium.¹⁹ Now²⁰ is it necessary to take into consideration the possibility that a rubbish heap might be removed? Have we not in fact learnt:²¹ ‘If a rubbish heap in a public domain was ten handbreadths high,²² objects from a window above it may be thrown on to it on the Sabbath’?²³ Thus it clearly follows that a distinction is made between a public rubbish heap and a private one,²⁴ and so here also a distinction may be made between a backyard that belonged to many people and one that belonged to one person. And what [was the view of] the Rabbis²⁵ [on the question of the alley]? R. Joseph b. Abdimi replied: A Tanna taught that the Sages forbade it. R. Nahman stated: The halachah is in agreement with the ruling of the Sages.

Some there are who say: R. Joseph b. Abdimi stated: A Tanna taught that the Sages permitted it, and R. Nahman said: The halachah is not in agreement with the ruling of the Sages.

Meremar partitioned off Sura²⁶ by means of nets,²⁷ because, he said, the possibility must be considered that the sea might throw up alluvium.²⁸

A certain crooked alley²⁹ once existed at Sura [and the residents of one of its arms] folded up some matting and fixed it in its bend.³⁰ This [arrangement], said R. Hisda, is neither in agreement with the view of Rab nor with that of Samuel. According to Rab, who ruled that the law of such [an alley] is the same as that of one that is open at both ends, [a structure in] the shape of a doorway is required; and [even] according to Samuel who ruled that it is subject to the law of a closed one [it must be understood that] his ruling applied only where a proper side-post [had been fixed],³¹ but such [matting], since the wind blows on it and throws it about, is useless. If a pin, however, was inserted therein and it was thus fastened [to the wall] it may be regarded as a proper partition.³²

[Reverting to] the main text: ‘R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width] into a courtyard, and a breach was made in the courtyard [wall] over against it, the courtyard is ritually fit but the alley is forbidden.’³³ Said Rabbah b. ‘Ulla to R. Bebai b. Abaye, ‘Master, is not this ruling³⁴ [one that already appeared in] a Mishnah of ours:³⁵ [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large courtyard but forbidden in the small one because the gap is regarded as an entrance to the former’?³⁶ — The other replied: If [our information had been derived] from there³⁷ it might have been assumed that the ruling applied only where not many people tread,³⁸ but that where many people tread³⁹ even the courtyard also [is forbidden].⁴⁰ But did we not learn this⁴¹ also: A courtyard into which many people enter from one side and go out from the other [is deemed to be] a public domain in respect of

levitical defilement⁴² and a private domain in respect of the Sabbath?⁴³ — If [the ruling⁴⁴ were to be derived] from there it might have been assumed to apply only where the gaps were not facing one another⁴⁵

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- (1) Between the residents of the alley and those of the courtyard.
 - (2) Sc. that (a) Rab forbids the movement of objects in the alley, even if a joint 'erub was made, on the ground of the exposure of the alley through the breach to a public domain; that (b) only the breach causes the prohibition but not the right of passage of the courtyard residents through the alley; that (c) Rab Judah's ruling (supra 7a ad fin.) represents the view of Samuel who, if a joint 'erub was made, permits the use of the alley despite the breach (as is evident from his decision in the case of a backyard which has no residents and which in respect of the laws under discussion has the same status as a courtyard that has residents who joined those of the alley in their 'erub) and that (d) where no joint 'erub was made between the residents of the courtyard and the alley Samuel forbids the use of the latter even where there was no breach (as follows from the fact that in his permission he mentioned a backyard, which has no residents, and not a courtyard which has residents).
 - (3) And the prohibition could be due to the breach only. Why does Rab regard the alley as exposed through that breach to the public domain and why does not Samuel regard it so?
 - (4) Why, since no breach was made, does Samuel rule that the residents of the courtyard cause, and why does Rab rule that they do not cause the prohibition of the use of the alley?
 - (5) Where, for instance, the courtyard is wider than the alley. The gap occasioned by the collapse of the complete wall of the latter appears as a doorway when viewed from the former.
 - (6) Rab is of the opinion that, since the gap has the appearance of a door when viewed from the courtyard and since it is not wider than ten cubits, it may well be regarded as a door for the residents of the alley also; while Samuel, owing to the fact that when viewed from the alley it has the appearance of a breach, does not recognize it as a door.
 - (7) And the question of permissibility arises on account of the gap in the wall of the courtyard.
 - (8) That no provision whatever is necessary in the case of an alley that terminated in a backyard (supra 7a ad fin.).
 - (9) So that the shape of a door remained at least on the side facing the backyard.
 - (10) In which case one side of the yard appears like a continuation of the side of the alley, and no shape of a door remains even when viewed from the yard.
 - (11) Lit., 'that which you said'.
 - (12) In (a) the wall between the alley and the yard and (b) in the yard wall that adjoined the public domain.
 - (13) Lit., 'he did not say them, but'.
 - (14) Against that portion of the wall which formed the side-post, and thus level the side of the yard with the side of the alley and give it the appearance of one extended wall.
 - (15) The third side was closed and the fourth was open on a public domain and duly furnished with a side-post and cross-beam.
 - (16) R. Judah I, compiler of the Mishnah.
 - (17) Lit., 'he did not say about it, either permission or prohibition.'
 - (18) The rubbish heap on the one side and the sea shore on the other, each of which was ten handbreadths high.
 - (19) I.e., it may recede, in consequence of which possibility either of the partitions might disappear. Infra 99b.
 - (20) This is the conclusion of the argument that a distinction is made between the property of several people and that of one individual.
 - (21) Infra 99b.
 - (22) And is consequently subject to the laws of a private domain.
 - (23) The possibility of a reduction in its height, which would turn it into a public domain, not being considered.
 - (24) The possibility of reduction being taken into consideration in respect of the latter (with which case Rabbi had to deal) but not in that of the former (spoken of infra 99b).
 - (25) Rabbi's contemporaries.
 - (26) From the river or canal (cf. B.B., Sonc. ed., p. 294, n. 5 and text) which ran along the backs of alleys that at their other ends opened out into a public domain.
 - (27) The river, or canal bank was not regarded by him as a proper partition.
 - (28) And people might not be aware of the difference and would continue to use the alleys on the Sabbath day as before.
 - (29) Cf. supra 6a.

- (30) While a side-post was fixed at their entrance, the residents of the other arm providing no such post to their entrance.
- (31) At the entrance to each arm (Rashi). The view of Rashi's teacher is that a third side-post also must be fixed at the bend.
- (32) Lit., 'he fastened it'.
- (33) Supra 7b ab init. q.v. notes, where it was explained that this was a case where no joint 'erub was made between the residents of the alley and those of the courtyard and that the prohibition of the use of the former was due to the right of passage through it of the residents of the latter.
- (34) Cf. previous note.
- (35) V. infra 92a.
- (36) Since the gap, when viewed from the large court, is flanked on either side by the remaining portions of the fallen wall, which may be viewed as side-posts. It cannot be treated as an entrance of the small courtyard because the side portions of the wall cannot be seen from its interior where the opening has the appearance of a wide gap extending from wall to wall. Now, since it is obvious that the conditions of the alley and courtyard spoken of by Rab are analogous to those of the large and small courtyards dealt with in the Mishnah quoted, what need was there for Rab to issue a ruling that was a mere repetition of a Mishnah?
- (37) The Mishnah quoted.
- (38) As in the case dealt with in the Mishnah where the breach occurred between two courtyards and the larger one remained closed on the side of the public domain.
- (39) The case spoken of by Rab, where the courtyard was broken both on the side of the alley and on that of the public domain. People in the public domain would naturally use the courtyard as a short cut and might thus turn it into a sort of public thoroughfare.
- (40) Hence the necessity for Rab's ruling.
- (41) That the use of a courtyard by the public does not affect its status as a private domain in respect of the Sabbath laws.
- (42) Sc. any uncertainty of defilement is to be regarded as clean.
- (43) Tosef. Toh. VII; cf. infra 22b.
- (44) V. supra note 7.
- (45) Lit., 'these words, when this is not opposite this'.

Talmud - Mas. Eirubin 8b

but not where they were facing each other.¹ According to Rabbah, however, who ruled [that a courtyard is] forbidden where the gaps were facing each other,² how would he explain Rab's ruling? [Obviously, that it referred to a case where the gaps were] not facing one another [but then the question arises again:] What need was there for³ two [rulings⁴ on the same subject]? — If [the rulings were derived] from there⁵ it might have been assumed to apply only to the throwing [of objects into it],⁶ but not to the moving [of them within it];⁷ hence we were informed [of Rab's ruling].⁸

It was stated:⁹ If an alley is constructed in the form of a centipede,¹⁰ the shape of a doorway, said Abaye, is made [at the entrance] of the major alley and all the others are rendered ritually fit by means of a side-post and cross-beam.¹¹ Said Raba to him: In agreement with whose view [is your ruling]? [If it is] in agreement with that of Samuel who ruled that [a crooked alley]¹² has the same law as one that is closed [at one end], why should it be necessary to have the shape of a doorway?¹³ And, furthermore, was there not once a crooked alley at Nehardea¹⁴ and [in providing for its ritual fitness] Rab's view also was taken into consideration?¹⁵ [The fact,] however, is, said Raba, that the shape of a doorway is made [at the entrance] of each minor alley¹⁶ on the one side¹⁷ while the other side¹⁸ [of each minor alley] is rendered ritually fit by means of a side-post and cross-beam.

Said R. Kahana b. Tahlifa in the name of R. Kahana b. Minyomi in the name of Rab Kahana b. Malkio who had it from R. Kahana the teacher of Rab [others say that R. Kahana b. Malkio is the same R. Kahana who was Rab's teacher]: If one side of an alley was long and the other short, [and the shortage is] less than four cubits, the cross-beam may be laid in a slanting position,¹⁹ [but if it is]

four cubits the cross-beam is laid only at right angles²⁰ to the shorter side. Raba said: In either case²¹ the beam must be laid only at right angles²⁰ to the shorter side; and I can give²² my reason and also²² theirs.²³ My reason is:²² [The erection of] a cross-beam was enacted²⁴ in order [to provide] a distinguishing mark,²⁵ and [a beam] in a slanting position provides no such mark.²⁶ Their²⁷ reason is:²⁸ [The object of] a cross-beam was to provide a partition,²⁹ and [a beam] in a slanting position is also a partition. R. Kahana remarked: As the ruling is reported in the name of Kahanas, I would say something about it. The rule³⁰ that the beam may be laid in a slanting position applies only where the slant was no longer than ten cubits, but if it was longer than ten cubits all agree that it is placed only at right angles to the shorter side.³¹

The question was asked: May the space under a cross-beam be used?³² Rab and R. Hiyya and R. Johanan replied: It is permitted to use the space under the beam; Samuel, R. Simeon b. Rabbi and R. Simeon b. Lakish replied: It is forbidden to use the space under the beam. May it be assumed that they³³ differ on the following principle? One Master³⁴ is of the opinion that a cross-beam serves the purpose of a distinguishing mark,³⁵ while the other Master³⁴ holds that the cross-beam serves the purpose of a partition?³⁶ — No; all may agree that a beam serves the purpose of a partition, but it is this principle on which they differ here. One Master³⁴ holds that the distinguishing mark [is to serve as such for those who are] from within,³⁷ and the other Master³⁴ holds that it is for those who are without.³⁸ And if you prefer I would reply: All agree that it serves the purpose of a partition, but it is this on which they differ here: One Master³⁴ holds that its inner edge [is deemed to] descend and close up [the entrance]³⁹ while the other Master³⁴ maintains that it is its outer edge [that is deemed to] descend and close it up.⁴⁰ R. Hisda stated: All agree that [the use of the space] between side-posts is forbidden.⁴¹

Rami b. Mama enquired of R. Hisda: What is the ruling where one Inserted two pins [respectively] in the two [extremities of the] walls of an alley on the outside⁴² and placed a beam on them?⁴³ The other replied: According to him who permits [elsewhere the use of the space under the cross-beam the use of the space here] is forbidden;⁴⁴ and according to him who forbids [the use elsewhere of such space,⁴⁵ the use of it here] is permitted.⁴⁶

Raba said: According to him also who forbids [the use of the space under the cross-beam the use of the alley here] is forbidden, since we require the beam to rest above the alley and this is not the case here.

R. Adda b. Mattena raised an objection against Raba:⁴⁷ If its⁴⁸ cross-beam

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- (1) Rab, therefore, found it necessary to state that even where the gaps faced one another the courtyard is still regarded as a private domain.
 - (2) Supra 8a.
 - (3) Lit., 'wherefore to me'.
 - (4) Rab's and that of the Mishnah quoted.
 - (5) The Mishnah.
 - (6) Sc. that it is Pentateuchally regarded as a private domain and that consequently it is forbidden to throw any object from the public domain into it.
 - (7) Such movement being forbidden by an enactment of the Rabbis who imposed upon it the restrictions of a public domain.
 - (8) That the moving of objects within the courtyard is permitted.
 - (9) By Amoras.
 - (10) Sc. from a major alley that opens out into a public domain minor alleys branch out in the shape of the legs of a centipede, and these have two entrances each, one from the major alley and another from a public domain (Rashi), being built, however, in such a manner as to avoid the entrances of any two opposite alleys from facing one another (R. Tam). Should the entrances of two alleys be directly opposite each other they would be regarded as one long alley that opens

- out at both ends into public domains and would be subject to the more stringent laws that are applicable to such all alley. (V. Tosaf. s.v. **מַבְרֵי** a.l.)
- (11) Fixed at each of the entrances that open out into the public domains.
- (12) Each of the minor alleys may be regarded as an arm of a crooked alley the other arm of which is formed by the major alley.
- (13) At the entrance of the major alley. If the minor ones have the status of crooked alleys the major one also, for the same reason, should have the same status and be subject to the same laws.
- (14) V. supra 6b.
- (15) How then could Abaye rule that only the lenient ruling of Samuel was to be followed?
- (16) Lit., 'to all of them'.
- (17) That terminates in the major alley (Rashi).
- (18) Terminating in the public domain (Rashi). R. Han.: 'on one side etc.'; i.e., the shape of the doorway and the side-post and cross-beam may respectively be set up on either side. V. Also Marginal Gloss.
- (19) One end on the longer and the other on the shorter side, and the alley may be used as far as the beam, i.e., to the termination of each side.
- (20) Lit., 'opposite', 'corresponding'.
- (21) Whether the difference between the lengths of the two walls of an alley was four cubits or less.
- (22) Lit., 'and I say'.
- (23) That of the authorities just mentioned.
- (24) Lit., 'what is the reason?'
- (25) Supra 5a.
- (26) Lit., 'there is no recognition', because the space adjoining the part of the longer wall which protrudes beyond the shorter one, not being enclosed by any wall on its other side, might be mistaken for a continuation of the public domain.
- (27) That of the authorities just mentioned.
- (28) Lit., 'and I say'.
- (29) Between the alley and the public domain.
- (30) Lit., 'that which you said'.
- (31) Since an entrance may not be wider than ten cubits.
- (32) Sc. in the same manner as the interior of the alley. This is a general question relating to any alley.
- (33) The two groups of authorities just mentioned.
- (34) Sc. each of the group.
- (35) Between the alley and public domain. As the mark is there, it is permitted to use the space under it.
- (36) The space under the beam being virtually covered so to speak with the imaginary downward extension of the beam, no use can be made of it.
- (37) The residents of the alley. As they see only the inner side, no use may be made of the space beyond the inner edge.
- (38) I.e., the people in the public domain; so that the whole of the space under the beam belongs to the alley and consequently may be used by the residents of the alley.
- (39) The space under the beam, being in consequence outside the alley, must be regarded as belonging to the public domain and its use must, therefore, be forbidden.
- (40) Cf. previous note *mutatis mutandis*.
- (41) Where no cross-beam but only a side-post had been put up. The plural (**לְחַיִּים**) in the text applies to alleys in general, each single alley requiring no more than one side-post at its entrance (V. Rashi).
- (42) Sc. in the thicknesses of the walls, on either side of the entrance, that face the public domain.
- (43) So that the inner edge of the beam touches the walls of the alley while the rest of the beam lies outside. Is the alley, it is asked, rendered ritually fit for the Sabbath by such an arrangement?
- (44) Since the very reason for the permission to use the space under the beam, viz., that the outer edge of the beam is deemed to descend to the ground, is a reason here for the prohibition of the use of the entire interior of the alley. For if the outer edge is the limit of the partition, the thickness of the beam separates it from the alley and so invalidates it as a partition of it.
- (45) Because he maintains that it is the inner edge of the beam that constitutes the partition.
- (46) Since the inner edge does touch the walls of the alley and so forms a valid partition between the public domain and the alley.

(47) And also against R. Hisda (י"ן).

(48) Of an alley.

Talmud - Mas. Eirubin 9a

was drawn away¹ or suspended² [at a distance of] less than three handbreadths [from the walls of the alley] there is no need to provide another beam,³ [but if the distance was] three handbreadths another beam must be provided. R. Simeon b. Gamaliel ruled: [If the distance was] less than four handbreadths there is no need to provide another beam⁴ [but if it was] four handbreadths another beam must be provided.⁵ Does not 'drawn away' [mean that the beam was altogether] outside [the alley],⁶ and 'suspended' [that it was] within?⁷ No; both⁸ [refer to a beam] within the alley, but by 'drawn away [was meant that the beam was drawn away] from one side,⁹ and by 'suspended' [that it was drawn away] from both sides.¹⁰ [As] it might have been assumed [that the law of] labud¹¹ is applied¹² [only where the beam is removed] from one side but not¹³ [when it is removed] from the two sides, hence we were informed [that in the latter case also the law of labud¹¹ applies]. R. Ashi¹⁴ replied: [The meaning is that the beam was] drawn away [from the walls] and also suspended. And how is this to be imagined? [That a man], for instance, inserted on the tops of the two side-walls of an alley respectively two slanting pins¹⁵ whose height¹⁶ is less than¹⁷ three handbreadths¹⁸ and whose slant also¹⁹ is less than three handbreadths.²⁰ [Since] it might be assumed that we call apply either the law of labud²¹ or that of habut,²¹ but not that of both labud and habut, hence we were informed [that both may also be applied]. R. Zakkai recited in the presence of R. Johanan: [The space] between the side-posts and beneath the cross-beam is subject to the laws of a karmelith.²² 'Go out', the other told him, 'recite this outside'.²³ Said Abaye: It stands to reason that the view of R. Johanan²⁴ [applies to the space] under the beam²⁵ but [that] between the side-posts²⁶ is forbidden. Raba, however, said: [The space] between the side-posts²⁶ is also permitted. Said Rabbi: Why²⁷ do I say this? Because when R. Dimi came²⁸ he reported in the name of R. Johanan: In a place²⁹ whose area is less than³⁰ four by four [handbreadths]³¹ it is permissible³² for both the people of the public domain and those of the private domain to rearrange their burdens,³³ provided only that they do not exchange them.³⁴ And Abaye?³⁵ — There³⁶ [it is a case] where [the place] was three handbreadths in height.³⁷ Said Abaye: Why²⁷ do I say this?³⁸ Because R. Hama b. Goria said in the name of Rab: [The space] within a gateway³⁹ requires⁴⁰ a special⁴¹ side-post to render it permissible.⁴² And should you suggest that [this⁴³ is one] where the area is four handbreadths by four,⁴⁴ surely, [it can be retorted] R. Hanin⁴⁵ b. Raba⁴⁵ stated on the authority of Rab: [The space] within a gateway, though it is less than four handbreadths by four, requires a special⁴⁶ side-post to render its use permitted. And Raba?⁴⁷ — There [it is a case where the alley] opens out into a karmelith.⁴⁸ Is this,⁴⁹ however, permitted [where the alley opens out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens?⁵⁰ Yes, the like⁵¹ has found its like and is aroused.⁵²

Said R. Huna son of R. Joshua to Raba: Do you not uphold the view that [according to R. Johanan, the space] between side-posts is forbidden? Surely, Rabbah b. Bar Hana stated in the name of R. Johanan: If [a section of one side of] an alley was lined with side-posts⁵³ [fixed within distances of] less⁵⁴ than four [handbreadths⁵⁵ between one another, the question of its use] is dependent⁵⁶ on the dispute between R. Simeon b. Gamaliel and the Rabbis.⁵⁷ [Now this obviously means, does it not, that] according to R. Simeon b. Gamaliel, who ruled [that in respect of such distances the law of] labud is applied,⁵⁸ one is allowed to the [the alley from the interior thereof only] up to the inner edge of the innermost post⁵⁹ and that according to the Rabbis, who ruled [that in respect of a distance of more than three handbreadths, the law of] labud is not applied,⁶⁰ one is allowed to use [the alley] up to the inner edge of the outermost post,⁶¹ but [the use of the space] between side-posts is unanimously⁶² forbidden?⁶³ And Raba?⁶⁴ — There also [it is a case] where [the alley] opens out into a karmelith. Would this, however, be permitted [where the alley opened out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens? — Yes, the like has found its like and is aroused.⁶⁵

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- (1) From the alley walls. If, for instance, it was resting on pins driven into the external extremities of the alley walls on either side of the entrance.
- (2) On a pole erected in the center of the entrance, the ends of the beam not reaching the walls, and hanging, so to speak, in the air.
- (3) The space between the beam and the walls being so small it is deemed to be non-existent (v. Glos. s.v. labud).
- (4) Cf. previous note. R. Simeon b. Gamaliel regards as labud (v. Glos.) any gap that is not wider than four handbreadths.
- (5) Cf. infra 14a, 16b, Suk. 22a.
- (6) Cf. supra p. 48, n. 9.
- (7) As explained supra p. 48, n. 10. An objection thus arises against Raba who ruled that the beam must rest within the alley walls.
- (8) The expressions 'drawn away' and 'suspended'.
- (9) Sc. it did not reach the wall of the alley on that side but its other end was supported on the opposite wall.
- (10) The beam resting on a pole fixed in the center of the entrance (cf supra p. 48, n. 10).
- (11) V. Glos.
- (12) Lit., 'we say'.
- (13) Lit., 'we do not say'.
- (14) Not being satisfied with the previous answer, since it was unnecessary to lay down a special law of labud for two sides when it could be easily inferred from that of one side where the very same principle is involved.
- (15) Sloping towards each other above the entrance of the alley.
- (16) From the top of the walls.
- (17) Lit., 'there is not in their height'.
- (18) According to the first Tanna.
- (19) Sc. the distance between the walls and the extremity of the pin.
- (20) And the beam was placed upon these projections so that it is removed from the walls both vertically and horizontally.
- (21) V. Glos. Labud ('junction') might apply to the horizontal, and habut ('beating down') to the vertical gap.
- (22) V. Glos. Consequently the free movement of objects in that space is forbidden on the Sabbath.
- (23) An expression of disapproval. R. Johanan holds the view that the space mentioned is regarded as a part of the alley in which the free movement of objects is permitted.
- (24) Cf. previous note.
- (25) Where no side-posts were erected at the entrance, his reason being that the outer edge of the beam constitutes the virtual partition between the alley and the public domain.
- (26) If no beam was put up.
- (27) Lit., 'whence'.
- (28) From Palestine to Babylon.
- (29) Situated between a public and a private domain.
- (30) Lit., 'in which there is not'.
- (31) Being so small it cannot be regarded as a separate domain and assumes, therefore, the legal status of a free area.
- (32) Since it is regarded as a free spot.
- (33) Lit., 'to put on the shoulder'.
- (34) And thus lead people erroneously to assume that it is permitted to carry from a public domain into a private domain or vice versa. (Shab. 8b, infra 77a). For a similar reason (v. supra n. 10) the space between the side-posts, not being of sufficient size to constitute a domain of its own, assumes the same status as the spot spoken of by R. Johanan.
- (35) How can he maintain his view against this principle of R. Johanan?
- (36) R. Johanan's ruling.
- (37) Being a clearly defined spot it may be regarded as a 'free area'. The space between side-posts, however, being comparatively small and level with the ground, is not in any way distinguishable from the domains adjoining it; and, if its use were permitted, people would erroneously assume that it is permitted to carry objects from a public domain into a private domain or vice versa. Hence the prohibition.
- (38) His explanation of R. Johanan's ruling supra.

- (39) Formed by the wide side-posts of an alley.
- (40) In addition to the side-posts mentioned which effect the ritual fitness of the alley itself.
- (41) Lit., 'another'.
- (42) Shab. 9a; from which it follows that where no special side-posts had been put up, the space within the gateway, formed by the side-posts, remains forbidden.
- (43) The case spoken of by R. Hama b. Gorias.
- (44) I.e., large enough to constitute an independent domain to be Rabbinically forbidden.
- (45) Var. lec., 'R. Hama b. Gorias' (Shab. 9a).
- (46) Lit., 'another'.
- (47) How can he maintain his ruling in view of Abaye's argument?
- (48) V. Glos., fields for instance; so that a side-post is necessary to separate the space within the entrance, which is Rabbinically forbidden from the karmelith which adjoins it and which is also Rabbinically forbidden.
- (49) To use the space within the entrance even if no side-post is provided.
- (50) A proverbial paradox. The reverse surely should be expected. If an opening to a karmelith which is only a Rabbinically forbidden domain, requires a side-post how much more so one that opens into a public domain which is Pentateuchally forbidden.
- (51) Lit., 'kind'.
- (52) Sc. the space within the entrance is in fact a karmelith, but as it is less than the prescribed size, it loses all its independent existence if it is situated between a private and a public domain, to neither of which it is akin and to neither of which it can be joined. If, however, it adjoins a karmelith on one side it is deemed to have regained its existence as a karmelith by being regarded as a part of the larger domain.
- (53) The first post being placed near the entrance, the second next to it, the third next to the second and so on.
- (54) Lit., 'less less'.
- (55) But more than three handbreadths.
- (56) Lit., 'we came'.
- (57) Supra.
- (58) Lit., 'we say labud' (v. Glos.).
- (59) Since all posts are deemed to be united into one single unit the space between this edge and the entrance of the alley is subject to the law of the 'space between the side-posts'.
- (60) So that each post is deemed to be a separate unit, and the alley's permissibility is consequently effected by means of the first post that is fixed nearest the entrance.
- (61) Cf. previous note.
- (62) Lit., 'that all the world', sc. R. Simeon b. Gamaliel and the Rabbis.
- (63) Had this been permitted, the dispute on labud could not have had any bearing on the use of the alley mentioned.
- (64) How can he still maintain his ruling in view of the objection just raised?
- (65) Cf. supra p. 51, nn. 8-11 mutatis mutandis.

Talmud - Mas. Eirubin 9b

R. Ashi replied: [This¹ may refer to a case] for instance where [one side of the alley] was lined with side-posts [placed at distances of] less than four handbreadths [from one another] along four cubits [of its length]. According to R. Simeon b. Gamaliel who ruled [that in respect of such distances the law of] labud is applied [the space bordered by the side-posts] is deemed to be [a proper] alley² which requires an additional side-post to render it permissible,³ and according to the Rabbis who ruled [that the law of] labud is not applied,⁴ no other side-post is required to render it permissible.⁵ But even according to R. Simeon b. Gamaliel⁶ [why] should [not this alley⁷ be permitted]⁸ as [one having a side-post that may be] seen from without⁹ though it appears even¹⁰ within?¹¹ — Is not this explanation¹² required only in respect of a statement of R. Johanan?¹³ But, surely, when Rabin came¹⁴ he reported in the name of R. Johanan [that a post that may be] seen from without but appears even from within cannot be regarded as a valid side-post.

It was stated: [A post that] is seen from within but appears even from without¹⁵ is regarded as a

valid side-post; but if it is seen from without and appears even from within¹⁶ [there is a difference of opinion between] R. Hiyya and R. Simeon b. Rabbi. One maintains that it is regarded as a valid side-post and the other maintains that it is not regarded as a valid side-post. You may conclude that it was R. Hiyya who maintained that 'it is regarded as a valid side-post'; for R. Hiyya taught:¹⁷ A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post.¹⁸ This is conclusive.

Did not R. Johanan, however, hear this?¹⁹ But [what you might contend is] that he did hear it and is not of the same opinion; [is it not then possible that] R. Hiyya also is not of the same opinion?²⁰ — What [a comparison is] this! It might well [be contended that] R. Johanan does not hold the same opinion [and that it was] for this reason that he did not teach it; but as regards R. Hiyya if it is a fact that he does not hold the same opinion, what need was there for him to teach it?²¹

Rabbah son of R. Huna said: [A post that is] seen from without though it appears even from within is regarded as a valid side-post.²² Said Rabbah: We, however, raised an objection against this traditional ruling: [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large one but forbidden in the small one because the gap is regarded as an entrance to the former.²³ Now, if this²⁴ is valid, should not the movement of objects in the small courtyard also be permitted on [the principle that the entrance may be] seen without²⁵ though it appears even from within? — R. Zera replied: [This is a case] where the walls of the small one project into the large one.²⁶ But why²⁷ should not the principle of labud²⁸ be applied so that the use of the smaller courtyard also might be²⁹ permitted?³⁰ And should you reply that [the walls]³¹ were too far apart,³² surely, [it may be retorted] did not R. Adda b. Abimi recite in the presence of R. Hanina:³³ [The ruling applies to a case where] the small courtyard was ten and the large one eleven cubits?³⁴ — Rabina replied: [This is a case] where [the projections] were removed by two handbreadths from one wall and by four from the other.³⁵ Then let labud be applied to one side and [thereby³⁶ the smaller courtyard would] be permitted?

(1) R. Johanan's statement that the question of the use of the alley under discussion is dependent on the dispute between R. Simeon b. Gamaliel and the Rabbis.

(2) Since a wall of four cubits in length (v. supra 5a) is sufficient to constitute an alley.

(3) The permissibility of the interior of the alley between the inner edge of the innermost post and the back wall is a matter on which Rashi and others differ.

(4) Where a distance or gap is more than three handbreadths.

(5) The outermost post forming, as in their opinion it does, a separate unit, serves as side-post for the entire alley including the four cubits length of space bordered by the other side-posts.

(6) Granted that the space bordered by the side-post constitutes an alley on its own.

(7) Sc. the space bordered by the side-posts (v. previous note).

(8) Without an extra side-post for itself.

(9) Since a side-post (and in the case under discussion, the first side-post) is usually drawn slightly forward to distinguish it from the wall to which it is attached.

(10) And cannot be distinguished from the alley wall.

(11) This ruling is enunciated presently.

(12) The one advanced by R. Ashi.

(13) Of course it is.

(14) From Palestine to Babylon.

(15) I.e., the outer edge of the post is even with the outer edge of the wall of the alley so that to those viewing it from without, the post appears to form a part of the thickness of the wall, while by those within, the thickness of the inner edge that protrudes from the wall can well be seen.

(16) Where the inner edge of the post touches the outer edge of the wall, and the inner width of the post is even with the

interior side of the wall, but receding from its outer side.

(17) Tosef. 'Er. I, 10, infra 15a.

(18) That side-post being provided by the thicker projection of the wall that is formed by the receding of the remainder of the wall between it and the back of the alley or by the thinner projection formed by the receding of the wall at that point.

(19) The Baraitha just cited in the name of R. Hiyya. How then could he maintain supra that such a post cannot be regarded as a valid side-post?

(20) How then could the Baraitha cited be adduced as proof that the ruling it lays down is also the one upheld by R. Hiyya?

(21) None whatever. Since, however, he did teach it, one may well conclude that he holds the same opinion.

(22) Cf. supra for notes.

(23) Supra 8a q.v. notes, infra 92a.

(24) The ruling of Rabbah b. R. Huna.

(25) Sc. from the larger courtyard.

(26) So that the remaining sections of the common wall on either side of the breach cannot possibly be regarded as side-posts of the entrance.

(27) If the ruling of Rabbah b. R. Huna is to be upheld.

(28) V. Glos.

(29) Lit., 'and let him say labud and it shall be'.

(30) On the ground of labud the projections of the walls of the smaller yard would be deemed joined to the walls of the larger one and thus form side-posts.

(31) Of the larger courtyard.

(32) From the projections. The principle of labud call only be applied to distances of less than three handbreadths.

(33) Var. lec. Hiyya Papi (MS.M); Hanina b. Papi (Bah). Marginal note inserts, 'and others say before R. Hanina b. Papa'.

(34) Sc. the common wall of the two courtyards was ten cubits in length and extended on either side, in the larger courtyard only, to a length of eleven cubits, so that the joint length of the remaining sections of this wall (cf. supra note 4) cannot be more than one cubit, or six handbreadths. This allows no more than about three handbreadths for each side, from which, again, allowance must be made for the thickness of the projections, leaving a space of less than three handbreadths, to which the principle of labud may well be applied.

(35) A total of one cubit only, but, as the gap on one side is more than the allowed maximum, labud on that side cannot be applied.

(36) By the formation of some sort of doorway.

Talmud - Mas. Eirubin 10a

— [This ruling¹ is in agreement with the view of] Rabbi² who laid down that two posts are required. For it was taught: A courtyard³ may be converted into a permitted domain by means of one post,⁴ but Rabbi ruled: [Only] by two posts.⁵ [But] what [an interpretation is] this! If you concede [that a side-post that can be] seen from without but appears even from within cannot be regarded as a valid side-post,⁶ and that Rabbi holds the same view as R. Jose,⁷ and [that the replies] of R. Zera and Rabina⁸ are not to be accepted, it will be quite intelligible why [the measurement of the] small courtyard [was given] as ten cubits and that of the large one as eleven, the reason being that he⁹ is of the same opinion as R. Jose.¹⁰ If, however, you contend [that a side-post that can be] seen from without though it appears even from within may be regarded as a valid side-post, and [that the replies] of R. Zera and Rabina are to be accepted,¹¹ and that Rabbi¹² is not of the same opinion as R. Jose,¹³ what [it may be asked] was the object [of giving the measurement of the] large courtyard as eleven cubits? For whatever the explanation advanced¹⁴ [a difficulty arises]. If [it be suggested] that the object¹⁵ was¹⁶ to [explain why] the large courtyard was¹⁷ permitted, [it could well be objected that a length of] ten cubits and two handbreadths would have been enough,¹⁸ and if the object was¹⁶ to [provide a reason¹⁹ for] the prohibition of the small courtyard,²⁰ why [it may equally be objected] did he not inform us [of a case] where [the walls] were much wider apart?²¹ Hence²² it must be

concluded [that a post that can be] seen from without but appears even from within²³ cannot be regarded as a valid side-post. This is conclusive.

R. Joseph remarked: I did not hear that reported ruling²⁴ [from my teachers].²⁵ Said Abaye to him:²⁶ You yourself told us that ruling, and it was in connection with the following that you told it to us. For Rami b. Abba said in the name of R. Huna that ‘a post which formed an extension of the wall of an alley,²⁷ [provided it was] less than four cubits [in length], may be regarded as a valid side-post and one may use [the alley] as far as its inner edge,²⁸ [but if it was] four cubits long it must be regarded as an alley and it is forbidden to make use²⁹ of any part of the alley’;³⁰ and you told us in connection with this, that three rulings may be inferred from this statement: ‘It may be inferred that the space between side-posts is a forbidden domain,³¹ and it may be inferred [that the minimum] length of an alley is four cubits,³² and it may also be inferred [that a post that can be] seen from without though it appears even from within may be regarded as a valid side-post’.³³ And the law is [that a post that is] visible from without though it appears even from within may be regarded as a valid side-post. A refutation and a law?³⁴ — Yes, because R. Hiyya taught in agreement with him.³⁵

AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED. Said Abaye, a Tanna taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that it was not necessary to reduce it.³⁶ But up to what extent³⁷ [is reduction unnecessary]?³⁸ R. Ahi³⁹ [discoursing] before R. Joseph intended to reply: To the extent of thirteen cubits and a third, [this being deduced] a minori ad majus from [the law relating to] enclosures⁴⁰ round wells:⁴¹ If [in the case of] enclosures round wells, where [the use of the wells]⁴² is permitted even though the broken [portions of the enclosure] exceed the standing ones, no [break] wider than thirteen cubits and a third is permitted, how much more reason is there that no [opening] wider than thirteen cubits and a third should be permitted [in the case of] an alley [the use of] which is not permitted where its broken portions exceed the standing ones. But [in fact] this [very law]⁴³ provides [ground for all argument to the contrary]: [in the case of] enclosure of wells, where [the use of the wells] was permitted even if the broken [portions of an enclosure] exceeded the standing ones, no [gap] wider than thirteen cubits and a third could well be permitted,⁴⁴ [but in the case of] an alley, [the use of which] is not permitted where the broken portions [of its walls] exceeded their standing ones⁴⁵ [an opening] wider than thirteen cubits and a third may well be permitted. Or else, [the argument might run] in another direction: [As regards] enclosures of wells, since the law was relaxed in one respect,⁴⁶ it could also be relaxed in another,⁴⁷ [but as regards] an alley no [opening wider than ten cubits may have been allowed] at all.⁴⁸

Levi learned: If [an entrance to] all alley was twenty cubits wide a reed may be inserted in the center of it and this is sufficient.⁴⁹ He himself has learnt it and he himself said that the halachah is not in agreement with that teaching.⁵⁰

Some there are who read: Samuel laid down in the name of Levi that the halachah was not in agreement with that teaching.⁵⁰ How, then, does one proceed?⁵¹ — Samuel replied in the name of Levi:

(1) Of the Mishnah cited by Rabbah.

(2) R. Judah I, the Patriarch, compiler of the Mishnah.

(3) That had a breach not exceeding ten cubits in width in a wall that adjoined a public domain. A wider breach cannot be converted into a doorway by the means that follow.

(4) Sc. one strip of wall remaining on one side of the breach is sufficient to constitute a side-post and to convert the breach into a doorway.

(5) One on either side of the breach. *Infra* 12a.

(6) I.e., that this (as assumed *supra* by Rabbah) is the reason why the smaller courtyard in the Mishnah cited (*supra* 9b, *ad fin.*) is forbidden.

- (7) That the minimum width of a side-post must be three handbreadths (infra 14b) and much more so, that of a strip of courtyard wall.
- (8) Supra 9b ad fin.
- (9) Rabbi.
- (10) Cf. supra n. 9. The one cubit (sc. six handbreadths) by which the length of the wall of the larger courtyard exceeds that of the smaller one allows of two side-posts, each of the width of three handbreadths, one on either side of the breach, and thereby the permissibility of the use of the larger courtyard is effected. The object of the measurements given would thus be to indicate the grounds on which the permissibility of the use of the larger courtyard is based.
- (11) So that the reason for the prohibition of the use of the smaller courtyard is not the one given supra (cf. note 8) but that advanced by R. Zera or Rabina.
- (12) Who, in accordance with the explanation of R. Zera, permits the use of the larger courtyard even though one of the side-posts was only two handbreadths in width.
- (13) Cf. supra p. 56, n. 9.
- (14) Lit., 'from what your desire or opinion'.
- (15) Of mentioning the number eleven which allows for two valid side-posts, one on either side of the breach.
- (16) Lit., 'he came'.
- (17) By means of these posts (cf. supra n. 3).
- (18) To provide side-posts; since Rabbi does not adopt R. Jose's minimum of three handbreadths.
- (19) By allowing a distance of four handbreadths on one side (v. Rabina's reply, supra 9b ad fin.).
- (20) Thus indicating that, were it not for the impossibility of applying the principle of labud, the small courtyard would have been permitted on account of the side-posts (obtained by labud) which, though invisible from within, are visible from without.
- (21) From which it would have been much more obvious than from the less definite case mentioned that the only reason for the prohibition was the inapplicability, owing to the wide gap, of the principle of labud. From this the conclusion, that were it not for this inapplicability, the smaller courtyard also would have been permitted (cf. previous note), would inevitably have followed.
- (22) Lit., 'but, not?' Since a width of three handbreadths had to be allowed for each side-post on either side of the breach to enable the larger courtyard to be permitted and since the smaller one in such circumstances remains forbidden.
- (23) Analogous to the case under discussion (cf. previous note).
- (24) Of Rabbah b. R. Huna (supra 9b).
- (25) R. Huna the father of Rabbah (Rashi).
- (26) R. Joseph who, as a result of a severe illness, lost his memory. Abaye often recalled to his mind his own sayings and rulings.
- (27) Its edge touching the edge of the alley wall and one of its sides being even with the interior side of the wall, while its external side recedes from the external side of the alley wall.
- (28) The point (v. previous note) where the internal side of the alley wall meets the post.
- (29) Sc. to move objects on the Sabbath.
- (30) Lit., 'in all of it', since the alley is now without a valid side-post.
- (31) Since the use of the alley was allowed only as far as the inner edge of the side-post.
- (32) It having been laid down that if the post was four cubits long, the post itself must be regarded as an alley wall.
- (33) The post spoken of by R. Huna being of such a character.
- (34) Sc. is it likely that a ruling which has been conclusively proved by Rabbah to be refuted by a Mishnah (v. supra pp. 54-57) would be accepted as law?
- (35) R. Huna (Tosef. 'Er. I, supra 9b, infra 15a) in the case of an alley wall that had a recess on one side.
- (36) Supra 2b.
- (37) Lit., 'and until how much'.
- (38) According to R. Judah.
- (39) Bomb. ed. 'Athi'.
- (40) Lit., 'strips', 'boards'.
- (41) V. infra 17b.
- (42) on the Sabbath.
- (43) Of wells' enclosures.

- (44) Had this been permitted hardly any enclosure would have remained.
 (45) So that the greater part of the alley is adequately enclosed.
 (46) The broken portions may exceed the standing ones.
 (47) A gap up to thirteen cubits and a third was also allowed.
 (48) No deduction from the law of enclosures of wells may consequently be made.
 (49) To convert it into a valid entrance.
 (50) Because the empty space on both sides of the reed annuls the existence of the reed.
 (51) In reducing the width of an entrance.

Talmud - Mas. Eirubin 10b

A strip of boarding of the height of ten handbreadths by four cubits may be constructed, and this is placed [in the middle of the entrance] parallel to the length of the alley.¹ Or else [one may proceed] in accordance with the advice of Rab Judah, who laid down that where [an entrance to] an alley was fifteen cubits wide a strip of boarding of three cubits [in length] may be constructed at a distance of² two cubits [from one of the walls of the alley].³ But why?⁴ [Could not one] put up a strip [of the width] of one cubit and a half [adjoining the wall] and at a distance of⁵ two cubits [from it, another] strip [of the width] of one cubit and a half?⁶ May then one infer from this⁷ that standing [portions of a wall] on the two sides [of a breach in it, though jointly] exceeding [the width of] the breach,⁸ are not [to be regarded as valid] standing?⁹ — In fact it may be maintained [that standing portions separated by a breach] are elsewhere [regarded as] a valid wall¹⁰ but here [the law] is different, since the space on the one side [of the intermediate strip] and the space on its other side unite¹¹ to destroy its legal existence. Then [why should not one] put up [adjoining one of the walls] a strip one cubit wide, and, at a distance of¹² one cubit [from that strip, another] strip one cubit wide, and at a distance of one cubit [from the second strip, a third] strip one cubit wide? May then one infer from this¹³ [that where] the standing [portions of a wall are] equal [in size] to its breaches¹⁴ [the space it enclosed is] forbidden?¹⁵ — In fact it may be maintained that elsewhere this is permitted, but here [the law] is different, since the space on the one side [of the third strip]¹⁶ and the space on its other side¹⁷ unite to destroy¹⁸ its legal existence. [Why then could not] a strip of one cubit and a half in width be put up at a distance of one cubit [from one of the walls] and another strip of the width of one cubit and a half at a distance of one cubit [from the first strip]?¹⁹ — This could indeed be done,²⁰ but the Rabbis did not put a man to so much trouble. But should not the possibility be taken into consideration that one might neglect the bigger opening²¹ and enter by the smaller one?²² R. Adda b. Mattenah²³ replied: There is a legal presumption that no man would forsake a big opening and enter by a small one. But wherein does this case differ from that of R. Ammi and R. Assi?²⁴ — There one might use [the smaller opening]²⁵ as a short cut²⁶ but here²⁷ it cannot be used as a short cut. Elsewhere²⁸ it was taught:²⁹ The leather seat of a stool and its hole combine to [constitute the minimum of] a handbreadth.³⁰ What [is meant by] ‘the leather seat of a stool’? — Rabbah b. Bar Hana in the name of R. Johanan explained: The leather covering a privy stool. And how much [must the respective areas of the leather and the hole be]? — When R. Dimi came³¹ he stated: [An area of] two fingers [of leather] on the one side [of the hole] and [an area of] two fingers on the other side, and a hole³² [of the size of] two fingers in the center. When Rabin came³¹ he stated: [The area of] one finger and a half on one side and of one finger and a half on the other, and a hole [of the size of one] finger in the center.

Said Abaye to R. Dimi: Are you³³ in dispute? — No, the other replied, one of us referred to³⁴ the thumb³⁵ and the other³⁴ to the small finger, and there is no real difference of opinion between us.³⁶ Indeed, retorted the former, you do differ, and your difference emerges in [the case where] the standing [portions of a wall jointly] exceed its breach on both sides [of which they stand]. According to your view the standing [portions situated] on the two sides [of the breach] do combine; but according to Rabin's view they must be on one side only³⁷ [but if they are] on the two sides [of the breach] they cannot combine.³⁸ For, if it be imagined that you have no difference of opinion [on this

point], the statement of Rabin should have run thus: '[The area of] a finger and a third on one side [of the hole] and that of a finger and a third on its other side, and a hole of one finger and a third in the center'.³⁹ What then [do you suggest, said R. Dimi,] that we differ? [Should not in that case] my statement have run thus: '[The area of] a finger and two thirds on one side [of the hole] and that of a finger and two thirds on the other side, and a hole of the size of two fingers and two thirds in the center'?⁴⁰ If, however, it must be said⁴¹ that we differ, our difference would apply to the case where the breach is equal to [either of] the standing [portions].⁴²

BUT IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS. Thus we find that the shape of a doorway is effective⁴³ in respect of the width [of an entrance]⁴⁴ and a cornice in respect of its height.⁴⁵

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- (1) Since a length of four cubits constitutes an alley wall, the one wide entrance may be regarded as consisting of two narrower entrances, one serving a smaller alley and one serving a larger one.
 - (2) Lit., 'he removes'.
 - (3) Thus leaving an entrance of ten cubits in width between the boarding and the opposite wall of the alley. The space of two cubits between the boarding and the first mentioned wall is deemed to be closed and forming together with the boarding a virtual wall five cubits in length, the validity of such a wall being recognized on the ground that the standing portion of this wall (three cubits) is larger than its gap (two cubits). Likewise where the entrance is twenty cubits wide, a similar boarding is also set up near the other wall.
 - (4) Should it be necessary to have one strip of boarding of the full length of three cubits.
 - (5) Lit., 'and he shall remove'.
 - (6) Again leaving a gap no wider than two cubits on one side and reducing the width of the entrance to ten cubits.
 - (7) Since only one strip of the full length of three cubits was allowed.
 - (8) As in this case where the two boards would measure three cubits, whilst the gap between them only two.
 - (9) But this, surely, is hardly likely.
 - (10) Lit., 'standing', if they exceed the width of the breach.
 - (11) Lit., 'because it comes . . . and destroys'.
 - (12) Lit., 'and he shall remove'.
 - (13) Since such all arrangement is not permitted.
 - (14) As is the case here where each cubit width of space is flanked by a cubit width of boarding.
 - (15) For the movement of objects on the Sabbath. As this point is a question in dispute between R. Papa and R. Huna son of R. Joshua (infra 15b), may it be concluded that Rab Judah is of the same opinion as R. Huna?
 - (16) The one placed next to the entrance which is itself a gap of ten cubits.
 - (17) The one cubit gap.
 - (18) Lit., 'because it comes . . . and destroys'.
 - (19) In this case the gap of one cubit in width on the one side of the second strip, being smaller than the strip, cannot unite with the entrance on the other side to destroy the existence of that strip. This would be preferable to the first procedure which involves a gap of two cubits.
 - (20) Lit., 'yes, thus also'.
 - (21) Depriving it thereby of the status of an entrance.
 - (22) As this smaller opening is not provided with a side-post, and as the post fixed at the bigger opening which is now no longer used as an entrance (v. previous note) loses its status as a side-post, the alley would remain unprovided for by any valid side-post, and movement of objects in it on the Sabbath would be forbidden.
 - (23) Var. lec., Rab Judah (Asheri).
 - (24) Supra 5a where provision was made against the possibility of one using the smaller opening in preference to the bigger one.
 - (25) Since it opens out from a side wall.
 - (26) Lit., 'reduce walking'.
 - (27) As both openings are adjacent to one another and lead practically to the same spot.
 - (28) Tosef. Kelim. B.B. I, 4.
 - (29) Cur. edd. וְנִי is incorrect since the following does not occur in any Mishnah.

(30) As regards the laws of levitical defilement by overshadowing or ohel (v. Glos). Only where the ohel was not smaller than a handbreadth (six fingers) are utensils lying under it defiled by the prescribed minimum of a portion of a corpse lying under the same ohel (cf. Oh. III, 7; Suk. 18a).

(31) From Palestine to Babylon.

(32) Lit., 'space'.

(33) Sc. R. Dimi and Rabin.

(34) Lit., 'that'.

(35) Which equals in width that of a small finger and a half.

(36) Since four of the former, like six of the latter, constitute one handbreadth.

(37) Lit., 'from one side is a standing'.

(38) Lit., 'is not a standing', if the portion on each side is not bigger than the breach.

(39) In which case, as in that of R. Dimi, the leather would exceed the hole only if the two sides were combined. As Rabin, however, required the leather on each side singly to exceed the hole he must obviously differ from R. Dimi.

(40) From this it would have followed that, though the standing portions on either side are smaller than the breach, the two sides are combined. This law, however, cannot be derived from the actual wording used since all it implies is that only where each of the standing portions on either side is equal to the breach, the two sides may be combined, but not when either of them is smaller than the breach.

(41) Lit., 'there is to say'.

(42) Cf. supra n. 1.

(43) in converting the alley into a permitted domain.

(44) Sc. even though it is wider than ten cubits.

(45) Even if it is higher than twenty cubits, v. supra 3a.

Talmud - Mas. Eirubin 11a

What, [however, is the law where these are] reversed?¹ — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered but if [the entrance] had the shape of a doorway there is no need to lower it'.² What [about the effectiveness of] a cornice in respect of its width? — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered, and [an entrance] that is wider than ten cubits should be reduced [in width], but if it had the shape of a doorway, there is no need to reduce [the height of the beam] and if it 'has a cornice there is no need to reduce'. Does not this³ refer to the last clause?⁴ No; [it may refer] to the first clause.⁵ Rab Judah taught Hiyya b. Rab in the presence of Rab: It is not necessary to reduce [its width].⁶ Teach him, [Rab] said to him,⁷ 'It is necessary to reduce it'. Said R. Joseph: From the words of our Master⁸ we may infer that a courtyard the greatest part [of the walls] of which consists of doors and windows cannot be converted into a permitted domain⁹ by [the construction] of the shape of a doorway. What is the reason? Since [an entrance] wider than ten cubits causes the prohibition of an alley and a breach [in a wall] that is larger than its standing [portions] causes the prohibition of a courtyard [the two may be compared]: As [an opening that is] wider than ten cubits, which causes the prohibition of an alley cannot be ritually rectified by means of the shape of a doorway, so also a [wall] the breach in which is larger than its standing [portions], which causes the prohibition of a courtyard, cannot be ritually rectified by means of the shape of a doorway. — [This, however, is no proper analogy, for the shape of a doorway] may well [be ineffective in the case of an opening] wider than ten cubits, which causes the prohibition of an alley, since it¹⁰ cannot effect permissibility in the case of enclosures of wells, in accordance with the views of R. Meir;¹¹ but how could you apply [this restriction] to the case where a breach [in a wall] is larger than its standing portions, though it causes the prohibition of a courtyard, when this¹² was permitted in respect of enclosures of wells in accordance with the opinion of all?¹³

May it be suggested [that the following] provides support to his view?¹⁴ [It was taught: The space enclosed by] such walls as consist mostly of doors and windows is permitted,¹⁵ provided the

standing portions exceed the gaps?¹⁶ — [You say:] ‘As consist mostly’! Is this conceivable?¹⁷ — Rather read: ‘[The space] in which there were many¹⁸ doors and windows [is permitted] provided the standing portions exceed the gaps?’¹⁹ — Said R. Kahana: That²⁰ may have been taught in respect of Semitic²¹ doors.²² What is meant by ‘Semitic doors’? — R. Rehum²³ and R. Joseph differ on this point. One explains: [Doors] that have no [proper] side-posts, and the other explains: Such as have no lintel.²⁴

R. Johanan also holds the same view as Rab.²⁵ For Rabin son of R. Adda stated in the name of R. Isaac: It once happened that a man of the valley of Beth Hiwarta²⁶ drove four poles²⁷ in the four corners of his field and stretched across [each two of] them a rod,²⁸ and when the case was submitted to the Sages they allowed him [its use] in respect of kil'ayim.²⁹ And [in connection with this statement] Resh Lakish remarked: As they allowed him [its use] In respect of kil'ayim so have they allowed it to him in respect of the Sabbath,³⁰ but R. Johanan said: Only in respect of kil'ayim did they allow him [its use]; they did not allow it in respect of the Sabbath. Now [what is the form, of the construction] with which we are here dealing? If it be suggested [that it is one where the rods were attached] sideways,³¹ surely [it could be objected] did not R. Hisda rule that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity?³² Consequently [it must be a case where the reeds were placed] on top of the poles. Now, how³³ [far were the poles from one another]? If [it be suggested] less than ten cubits, [the difficulty arises] would R. Johanan in such a case have said that in respect of the Sabbath there is no validity [in such a door]?³⁴ Must it not [consequently be conceded that the distance was] greater than ten cubits?³⁵ — No; [the distance] in fact [might have been] within that of ten cubits, and [the reeds might have been attached] sideways, but the principle on which they³⁶ differ is that laid down by R. Hisda.³⁷

An incongruity, however, was pointed out between two rulings of R. Johanan³⁸ as well as between two rulings of Resh Lakish.³⁹ For Resh Lakish stated in the name of R. Judah son of R. Hanina:

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- (1) i.e., would the shape of a doorway be effective where the height of the entrance is above twenty cubits or a cornice where the width is more than ten cubits?
 - (2) The beam.
 - (3) ‘But if it has a cornice . . . it’.
 - (4) ‘An entrance that is wider than ten cubits’. The answer presumably being in the affirmative, the question raised is clearly solved.
 - (5) Which deals with the height of an entrance.
 - (6) If the entrance was provided with the shape of a doorway.
 - (7) Rab Judah.
 - (8) Rab, who ruled that the shape of a doorway is of no avail where the entrance is wider than ten cubits.
 - (9) Even if the openings are less than ten cubits in width.
 - (10) The shape of a doorway.
 - (11) Cf. infra 17b. It is, therefore, quite logical that as it cannot effect permissibility in the case of the enclosures, so it cannot effect it in an alley the opening of which is wider than ten cubits.
 - (12) Breaches each of which is not wider than ten cubits though their total width is larger than that of the standing portions of the enclosure.
 - (13) Even according to R. Meir who does not allow a breach that was wider than ten cubits, and much more so according to R. Judah who allows a breach of thirteen cubits and a third.
 - (14) That the shape of a doorway does not effect permissibility where the standing portions are smaller than the breaches.
 - (15) For Sabbath use, in respect of the movement of objects.
 - (16) Infra 16b.
 - (17) Of course not. If the greater part of the walls is made up of doors and windows their ‘standing portions’ could not ‘exceed the gaps’.
 - (18) Lit., in which he increased’. שרובה בהן is similar in sound to the previously assumed reading, שרובן.

- (19) Which proves that even where an opening has the shape of a doorway (as is the case with the 'doors and windows' spoken of) the space enclosed cannot be regarded as a permitted domain unless the total width of the standing portions exceeds that of the breaches, in agreement with the view of Rab.
- (20) The ruling just cited.
- (21) Sc. Palestinian. **שימאי** is derived from **שם** the second son of Noah whose descendants lived in Palestine (R. Han. in Tosaf. s.v. **פתחי** a.l.). Aliter. Desolate or incomplete (Rashi).
- (22) A ruling which need not necessarily apply to ordinary, or proper doors.
- (23) MS.M., Nehumi.
- (24) Lit., 'ceiling'.
- (25) That the shape of a doorway is of no avail where the entrance to an alley is wider than ten cubits.
- (26) V. Ta'an., Sonc. ed., p. 7, n. 2.
- (27) **קונדיסין** pl. of **קונדם** or **קונטום** Cf. Gr. **.
- (28) To give them the shape of a doorway.
- (29) V. Glos. They regarded the doorway shaped structures as valid partitions which enable the owner to grow vines on one side though corn was grown in close proximity on the other. In the absence of a partition it is necessary, in accordance with the laws of kil'ayim, to leave a distance of four cubits between a vineyard and a cornfield.
- (30) Sc. to move objects within the space enclosed, the poles and rods being treated as valid doorways.
- (31) I.e., they were not placed on the tops of the poles but were joined lower down to their sides.
- (32) Lit., 'he has done nothing'. Such a construction then could not be regarded as valid in respect of kil'ayim?
- (33) Lit., 'and in what?'
- (34) Obviously not, since it is universally agreed that a maximum width of ten cubits is permitted.
- (35) Apparently it must; which proves that R. Johanan, who stated: 'They did not allow it in respect of the Sabbath' holds the same view as Rab.
- (36) R. Johanan and Resh Lakish.
- (37) Resh Lakish does not adopt the principle; hence his opinion that, though the reeds were attached sideways, the shape of the doorway is a valid one in respect of the Sabbath as in that of kil'ayim. R. Johanan, however, upholds the principle in the case of the Sabbath since its sanctity is great, but not in that of kil'ayim which is of comparatively lesser importance and subject to lesser restrictions. Hence his view that the doorway under discussion is valid in respect of the latter but invalid in that of the former.
- (38) Lit., 'of R, Johanan on R. Johanan'.
- (39) Cf. previous note.

Talmud - Mas. Eirubin 11b

A plait [of rods trained on poles] is a valid partition¹ in respect of kil'ayim but not in respect of the Sabbath; and R. Johanan stated: As it has no [validity as regards] partitions in connection with the Sabbath, so it has no [validity in respect of] partitions in connection with kil'ayim. One might well concede that there is really no incongruity between the two rulings of Resh Lakish, since the former might be his own while the latter might be that of his Master;² but do not the two rulings of R. Johanan represent a contradiction? [Still] if you were to concede that there³ [the rods were placed] on the tops of the poles while here [the plait was trained] on the sides [all would be] well.⁴ If, however, you maintain that in both cases [the rods were attached] sideways, what can be said [in explanation]?⁵ — The fact is that it may be maintained that both cases refer [to rods attached] sideways, but there³ [the distance between the poles was] within that of ten cubits while here it exceeded that of ten cubits. But whence is it derived that we draw a distinction⁶ between [distances of] ten, and more than ten cubits? — [From the following] which R. Johanan said to Resh Lakish. 'Did it not so happen [the former said to the latter] that R. Joshua went to R. Johanan b. Nuri to study the Torah; and, though he was well versed in the laws of kil'ayim, on finding that [the Master] was sitting among the trees, he stretched a rod from one tree to another and said to him: Master, if vines were growing on one side of the rod⁷ would it be permitted⁸ to sow corn on the other?⁹ [And the Master] told him: [If the distance between the trees¹⁰ is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden?' Now, what was the case under discussion? If it be

suggested: [one where the rod was placed] on the tops of the trees, [why was it ruled, it could be objected, that] ‘if it exceeds ten cubits it is forbidden’ seeing that it was taught: If forked reeds were there and a plait was made above them it is permitted¹¹ even [if the distance between the reeds] exceeded that of ten cubits?¹² Must it not consequently [be one where the rod was attached] sideways?¹³ And yet he¹⁴ told him, ‘[If the distance between the trees is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden’ — This proves it.

[Reverting to] the [previous] text, R. Hisda ruled that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity. R. Hisda further ruled: The shape of the doorway of which they¹⁵ spoke must be sufficiently strong to support¹⁶ a door [made of the lightest material] even if only a door of straw.

Resh Lakish ruled in the name of R. Jannai: The shape of a doorway must have a mark for a hinge. What [is meant by] ‘a mark for a hinge’? R. Awia replied: A loop.¹⁷ R. Aha the son of R. Awia, met the students of R. Ashi. He asked them, ‘Did the master say anything in respect of the shape of a doorway?’ ‘He,’ they replied to him, ‘said nothing at all [about it]’.

It was taught: The shape of a doorway of which they¹⁵ spoke must have a reed on either side and one reed above. Must [the side-reeds] touch [the upper one] or not?¹⁸ — R. Nahman replied: They need not touch it, and R. Shesheth replied: They must touch it. R. Nahman proceeded to give a practical decision¹⁹ in the house of the Exilarch in agreement with his traditional ruling.²⁰ Said R. Shesheth to his attendant, R. Gadda,²¹ ‘Go pull them out and throw them away’. He accordingly went there, pulled them out and threw them away. He was found, however, by the people of the Exilarch's household and they incarcerated him. R. Shesheth thereupon followed him and, standing at the door [of his place of confinement], called out to him, ‘Gadda, come out’, and he safely came out.

R. Shesheth met Rabbah b. Samuel and asked him, ‘Has the Master learnt anything about the shape of a doorway?’ — ‘Yes’, the other replied, ‘we have learnt: An arched [doorway], said R. Meir, is subject to the obligation of a mezuzah²² but the Sages exempt it.²³ They agree, however,²⁴ that if its lower section²⁵ was ten handbreadths in height [the doorway] is subject to the obligation.²⁶ And Abaye²⁷ stated: All²⁸ agree that, if [an arched doorway] was ten handbreadths high but its lower section²⁹ was less than³⁰ three [handbreadths in height], or even if the lower section was three [handbreadths high] but its total height was less than ten handbreadths, the doorway is not valid at all.³¹ They only differ where [the height of] its lower section was three handbreadths, its total height³² was ten cubits and the width [of its arch] was less than four handbreadths, but [its sides are wide enough for the arch] to be cut to a width³³ of four handbreadths. R. Meir is of the opinion [that the sides are regarded as] cut for the purpose of completing [the prescribed width], while the Rabbis maintain [that they are not regarded as] cut for the purpose of completing [the prescribed width].³⁴ ‘If you meet the people of the Exilarch's house’, he³⁵ said to him, ‘tell them nothing whatever of the Baraita about the arched doorway’.

MISHNAH. THE RENDERING OF AN ALLEY FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH], BETH SHAMMAI RULED, REQUIRES A SIDE-POST AND A BEAM,³⁶ AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. ELIEZER RULED: TWO SIDE-POSTS. A DISCIPLE IN THE NAME OF R. ISHMAEL, STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH]³⁷ MAY BE CONVERTED INTO A PERMITTED DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM. THEY ONLY³⁸ DIFFER IN THE CASE OF ONE THAT WAS WIDER THAN FOUR, AND NARROWER THAN³⁹ TEN CUBITS, IN RESPECT OF WHICH BETH SHAMMAI RULED: BOTH A SIDE-POST AND A BEAM [ARE REQUIRED] WHILE BETH

HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. AKIBA MAINTAINED THAT THEY⁴⁰ DIFFERED IN BOTH CASES.⁴¹ GEMARA. In accordance with whose [view was our Mishnah⁴² taught]? Is it in agreement neither with the view of Hanania nor with that of the first Tanna?⁴³ — Rab Judah replied: It is this that was meant: How is a blind⁴⁴ ALLEY RENDERED FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH]? BETH SHAMMAI RULED: [By the construction of] A SIDE-POST AND A BEAM AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM.

BETH SHAMMAI RULED: A SIDE-POST AND A BEAM. Does this⁴⁵ then imply that Beth Shammai hold the opinion that Pentateuchally⁴⁶ four partitions [and no less, constitute a private domain]? — No; as regards throwing⁴⁷ [into it from a public domain] one incurs guilt even if [the former had] only three walls,⁴⁸ [but in respect] of moving [objects within it] only⁴⁹ where there are four walls [is this permitted].⁵⁰

BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. Does this⁵¹ imply that Beth Hillel hold the view that Pentateuchally three partitions [are required to constitute a private domain]? No; as regards throwing [from a public domain into it] one incurs guilt even if [the former had] only two walls,⁵² [but in respect] of moving [objects within it], only where there are three walls [is this permitted].⁵⁰

R. ELIEZER RULED: TWO SIDE-POSTS. A question was raised: Does R. Eliezer mean two side-posts and a beam or is it likely that he means two side-posts without a beam? — Come and hear: It once happened that R. Eliezer went to his disciple, R. Jose b. Perida,

(1) Lit., 'permitted'.

(2) Lit., 'that his own; that of his Master', R. Judah son of R. Hanina.

(3) The first case of kil'ayim cited supra 11a.

(4) Since it is the position of the rods or plait that determines the question of the validity of the partition in respect of kil'ayim. (The distance between the poles in both cases must, of course, be assumed to exceed that of ten cubits since in the case of a lesser distance, R. Johanan would have recognized the validity of the construction even in respect of the Sabbath).

(5) Of the contradiction between the two rulings of R. Johanan.

(6) In respect of kil'ayim, where a rod was attached to the sides of the poles.

(7) Lit., 'here'.

(8) Lit., 'what is it'.

(9) Lit., 'here'.

(10) On which the rod was stretched.

(11) To grow vines and corn on either side in close proximity.

(12) Tosef. Kil. IV, infra 16a.

(13) Of course it must.

(14) R. Johanan b. Nuri.

(15) The Rabbis who recognize the validity of such a construction.

(16) Lit., 'to cause to make (to fix) in it'.

(17) In which to insert the hook of the door (Rashi). Jast. regards אַבְקָתָא as a noun pl., 'loops', 'leather rings'.

(18) v. supra p. 48, n. 10.

(19) Lit., 'did a deed'.

(20) By fixing reeds at distances of more than ten cubits from one another and suspending one reed above each pair he constructed a number of doorways round an area and declared it to be a permitted domain though the cross-reeds did not touch the side-reeds.

(21) MS.M., Gaddal.

(22) v. Glos.

(23) A doorway is not subject to the obligation of a mezuzah unless it has a minimum width of four handbreadths while

an arch obviously narrows down at the top to less than that width.

(24) Lit., 'and equal'.

(25) Lit., 'in its feet', sc. the section of the side-posts between the extremities of the arch and the ground.

(26) Yoma 11b; provided it was four handbreadths wide. Since the lower section alone, independent of the arch, was ten handbreadths in height by four in width, it constitutes a valid doorway. V. infra p. 70, n. 2.

(27) So according to a reading quoted by Rashi s.v. "אב"י a.l. Cur. edd. omit 'and'. V. infra p. 70, n. 2.

(28) Sc. R. Meir and the Rabbis.

(29) V. supra note 4.

(30) Lit., 'and there is not'.

(31) Lit., 'and nothing', and therefore, no mezuzah is required. In the former case, because (a) side-posts that are lower than three handbreadths, though four handbreadths apart, are regarded as the mere thickness of the ground beneath and (b) the remaining portion consisting of an arch is less than four handbreadths wide, so that no valid doorway exists; and in the latter case because the minimum height of a doorway must be ten cubits.

(32) Sc. its lower section together with the arch.

(33) Lit., 'to complete it'.

(34) From this it follows that the detachment of a cross-reed from the side reeds (corresponding to the detachment of the ceiling from the side-posts by the altitude of the arch) does not affect the validity of the doorway. According to the reading of cur. edd. (v. supra p. 69, n. 6) this inference is derived from the cited Baraita independent of Abaye's interpretation (cf. Rashi s.v. חייבת a.l.).

(35) R. Shesheth.

(36) Spanning the entrance to the alley.

(37) At its entrance.

(38) Lit., 'concerning what'.

(39) Lit., 'and until'.

(40) Beth Shammai and Beth Hillel.

(41) Lit., 'concerning this and concerning this', whether the entrance was less or more than four cubits in width.

(42) Which is now presumed to deal with an alley that opened out on two sides to a public domain.

(43) Supra 6a.

(44) Lit., 'closed'.

(45) The requirement of a side-post as well as a cross-beam which jointly constitute a proper partition.

(46) Sc. by oral tradition from Moses, and not merely by Rabbinic law.

(47) On the Sabbath.

(48) Lit., , 'from three', sc. a space enclosed by three walls only is Pentateuchally regarded as a private domain.

(49) Lit., 'until'.

(50) Rabbinically.

(51) Since no proper partition is required for the closing of the entrance.

(52) Lit., 'from two'.

Talmud - Mas. Eirubin 12a

at Obelin, and found him dwelling in an alley that had only one side-post. He said to him, 'My son, put up another side-post'. 'Is it necessary for me', the other asked: 'to close it up?' — 'Let it be closed up', the first replied: 'what does it matter?' R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width]¹ required no provision at all. They only² differed in the case of one that was wider than four, but narrower than³ ten cubits, in respect of which Beth Shammai ruled: Both a side-post and a beam, [are required] while Beth Hillel ruled: Either a side-post or a beam.⁴ At all events it was stated: 'Is it necessary for me to close it up' — Now, if you concede that both side-posts and a beam [are required]⁵ it is quite intelligible why he⁶ said: 'Is it necessary for me to close it up';⁷ but if you contend that side-posts without a beam [are sufficient], what [can be the meaning of] 'to close it up'? — It is this that he⁶ meant: Is it necessary for me to close it up with side-posts?

The Master said: 'R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width] required no provision at all'. Did we not learn, however, 'A DISCIPLE IN THE NAME OF R. ISHMAEL STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH] MAY BE CONVERTED INTO A PRIVATE DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM'? — R. Ashi replied: It is this that he⁸ meant: It⁹ required neither a side-post and a beam as Beth Shammai ruled¹⁰ nor two side-posts as R. Eliezer ruled,¹⁰ but either a side-post or a beam in agreement with the ruling of Beth Hillel.¹¹ And how much, [is the minimum]?¹² — R. Ahli, or it might be said R. Yehiel, replied: No less than¹³ four handbreadths.¹⁴

R. Shesheth, in the name of R. Jeremiah b. Abba, who had it from Rab stated: The Sages agree with R. Eliezer in the case of the side-posts of a courtyard.¹⁵ R. Nahman, however, stated:¹⁶ The halachah is in agreement with the ruling of R. Eliezer¹⁷ in respect of the side-posts of a courtyard.

Said R. Nahman b. Isaac: Who [are they that] 'agree'¹⁸ [with R. Eliezer]? Rabbi. [But since R. Nahman said,]¹⁹ 'The halachah is', it follows that some differ; who is it that differs from his view? — The Rabbis.²⁰ For it was taught: A courtyard may be converted into a permitted domain by means of one post, but Rabbi ruled: Only by two posts.²¹

R. Assi said in the name of R. Johanan: A courtyard requires two side-posts.²² Said R. Zera to R. Assi: Did R. Johanan give such a ruling? Did not you yourself state in the name of R. Johanan that the side-posts of a courtyard must have [a width of] four handbreadths?²³ And should you suggest [that the meaning is] four [handbreadths] on one side²⁴ and four on the other, surely [it may be retorted], did not R.²⁵ Adda b. Abimi recite in the presence of R. Hanina or, as some say, in the presence of R. Hanina b. Papi: [The ruling applies to a case where] the small courtyard was ten, and the large one eleven cubits?²⁶ — When R. Zera²⁷ returned from his sea travels,²⁸ he explained this [contradiction]: [A side-post] on one side [of an opening must have a width] of four handbreadths, [but side-posts] on the two sides [of an opening] need be no wider than a fraction each;²⁹ and that which R.³⁰ Adda b. Abimi recited is [the view of] Rabbi who holds the same view as R. Jose.³¹

R. Joseph laid down in the name of Rab Judah who had it from Samuel that a courtyard may be converted into a permitted domain by means of one side-post.³² Said Abaye to R. Joseph: Did Samuel lay down such a ruling? Did he not in fact say to R. Hananiah b. Shila, 'Do not you permit the use³³ [of a courtyard]³⁴ unless [there remained] either the greater part of the wall or two strips of it'³⁵ — The other replied: I³⁶ know only³⁷ of the following incident that occurred at Dura di-ra'awatha³⁸ where a wedge of the sea penetrated into a courtyard³⁹ and [when the question]⁴⁰ was submitted to⁴¹ Rab Judah, he required the gap⁴² [to be provided with] one strip of board only.⁴³ 'You', [Abaye] said to him, 'speak of a wedge of the sea; but in the case of water, the Sages have relaxed the law.⁴⁴ As [you may infer from the question] which R. Tabla asked of Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have relaxed the law'.⁴⁵

Does not the difficulty⁴⁶ at any rate remain? — When R. Papa and R. Huna son of R. Joshua returned from the academy they explained it: [A side-post] on one side [of a gap] must be four [handbreadths wide but where there is one] on either side,⁴⁷ any width whatever is enough.⁴⁸

R. Papa said: If I had to point out a difficulty it would be this.⁴⁹ For Samuel said to R. Hananiah b. Shila, 'Do not you permit the use [of a courtyard] unless [there remained] either the greater part of the wall or two strips of it'.⁵⁰ Now what was the need for 'the greater part of the wall'? Is not a strip of four handbreadths [in width] enough? And should you reply that⁵¹ 'the greater part of the wall'

referred to a wall of seven [handbreadths in width] where four handbreadths constitute the greater part of the wall, [the objection might be raised,] why should it be necessary to have four handbreadths, when three and a fraction are enough, since R. Ahli, or it might be said R. Yehiel, ruled [that no provision was necessary where a gap is] less than⁵² four [handbreadths in width]? — If you wish I might reply: One ruling deals⁵³ with a courtyard and the other⁵³ with an alley.⁵⁴ And if you prefer I might reply: [The ruling] of R. Ahli himself [is a point in dispute between] Tannas.⁵⁵

Our Rabbis taught: From a wedge of the sea that ran into a courtyard⁵⁶ no water may be drawn⁵⁷ on the Sabbath unless it was provided⁵⁸ with a partition that was ten handbreadths high. This applies only where the breach was wider than ten cubits but [if it was only] ten [cubits wide] no provision whatever is necessary.⁵⁹ ‘No water may be drawn’ [you say]⁶⁰ but the movement of objects⁶¹ is inferentially permitted; [but why?] Has not the courtyard a gap that opens it out in full⁶² on to a forbidden domain?

(1) At the entrance thereof

(2) Lit., ‘concerning what’.

(3) Lit., ‘and until’.

(4) Tosef. ‘Er. I.

(5) According to R. Eliezer.

(6) His disciple R. Jose.

(7) Since side-posts and beam constitute a valid partition.

(8) R. Simeon b. Gamaliel.

(9) An entrance that was less than four cubits in width.

(10) In the first clause of our Mishnah.

(11) V. previous note. By ‘no provision at all’ (כלום) he only meant to exclude the provisions which were required by Beth Shammai and R. Eliezer in addition to those required by Beth Hillel.

(12) Under four cubits, that requires the provision of a side-post or a beam.

(13) Lit., ‘until’.

(14) An alley with a narrower entrance requires no provision whatsoever.

(15) Sc. if the courtyard was exposed to a public domain by a gap in one of its walls, it cannot be regarded as a permitted domain unless little5 strips of the wall remained on either side of the gap forming a sort of side-post and imparting to the gap the character of a doorway.

(16) Contrary to Rab who held that the Sages and R. Eliezer are of the same opinion.

(17) Though the Sages differ from him.

(18) According to Rab. MS.M. actually reads: ‘of which Rab spoke’.

(19) MS.M. ‘and what (is meant by) halachah of which R. Nahman spoke?’

(20) I.e., the first Tanna who disagrees with Rabbi in the cited Baraitha that follows.

(21) Supra 10a ab init.

(22) Cf. supra n. 3.

(23) The point of this objection is explained anon.

(24) Lit., ‘from here’.

(25) MS.M. omits ‘R’.

(26) supra 9b q.v. for notes. Since the wall on the side of the larger courtyard exceeds that of the smaller one by (11-10=) one cubit only, which equals to six handbreadths, a side-post of four handbreadths on one side would leave for the other side no more than (6-4=) two handbreadths, which cannot be regarded as a valid side-post. It consequently follows that, according to R. Johanan, one side-post of the width of four handbreadths is enough. How then could it be said by R. Assi that R. Johanan required two side-posts?

(27) Var. lec.: R. Abba (Aruk).

(28) בְּיַמֵּי Lit., ‘went up from the seas’. Aliter: ‘Jammi’, a place in Galilee, v. R.H., Sonc. ed., p. 172, n. 8.

(29) Lit., ‘anything towards here, and etc.’

(30) So Bah. Cur. edd. omit.

(31) Who requires the minimum width of a side-post to be three handbreadths; so that the width of a cubit or six

handbreadths (cf. supra p. 73, n. 14) is sufficient to allow for the required minimum width on either side of the gap. R. Johanan, however, upholds the view of the Rabbis who require a side-post on one side of an opening to have a minimum width of four handbreadths while in the case of a side-post on either side, any width is sufficient.

(32) Erected at one side of the opening.

(33) Lit., 'do not do a deed'.

(34) If one of its walls that was abutting on a public domain collapsed.

(35) One on either side of the gap. How then could R. Joseph attribute to Samuel the ruling that one side-post is enough?

(36) So MS.M. Cur. edd. 'and I'.

(37) Lit., 'do not know (but)'; or, 'I do not know from (whom he learned this)'; for the following incident, v. supra 7b.

(38) V. supra p. 39, n. 3.

(39) And caused the collapse of an entire wall.

(40) Of using the sheet of the water within the courtyard on the Sabbath.

(41) Lit., 'and it came before'.

(42) Lit., 'and did not require it'.

(43) The single strip converting the water that had the status of a karmelith (v. Glos.) into a private domain.

(44) They permitted its use even where only the slightest provision was made. The admissibility of one strip in the case of the wedge of water is, therefore, no proof that a single strip is also admissible in respect of the use of the courtyard itself.

(45) Shab. 101a, infra 16b.

(46) The apparent contradiction between the two quoted rulings of Samuel.

(47) Lit., 'from both sides'.

(48) Lit., anything towards here and etc.' Samuel's ruling cited by R. Joseph refers to a side-post that was four handbreadths wide while Samuel's instruction to R. Hananiah b. Shila referred to narrow strips.

(49) Lit., 'that is difficult to me

(50) Supra q.v. for notes.

(51) Lit., 'what?'

(52) Lit., 'until'.

(53) Lit., 'here'.

(54) A courtyard, sc. an enclosure whose width equals or exceeds its length, cannot be regarded as a permitted domain, even though the gap is narrower than four handbreadths, unless the greater part of the broken wall remained intact. Hence Samuel's instruction to R. Hananiah b. Shila. An alley, however, sc. one whose length exceeds its width, of which R. Ahli spoke, is treated as a permitted domain wherever the width of the gap is less than four handbreadths.

(55) Infra 13b ab init. As the decision is uncertain, Samuel preferred to restrict the use of a courtyard to cases where there remained 'either the greater part of the wall or two strips of it'.

(56) Through one of its walls that was partly broken down.

(57) Lit., 'filled'.

(58) At one side of the gap in the wall.

(59) Since strips of wall, as will be explained infra, remained on either side of the gap.

(60) Apparently because it is forbidden to carry from a karmelith (v. Glos.) into a private domain.

(61) Within the courtyard itself.

(62) Sc. it is wider than ten cubits.

Talmud - Mas. Eirubin 12b

— Here we are dealing [with a fallen wall] stumps of which remained.¹

Rab Judah ruled: In the case of an alley [the residents of which] did not join together [in the provision of an 'erub],² the man who throws anything into it³ incurs guilt if its ritual fitness was effected by means of a side-post,⁴ but if its fitness was effected by means of a cross-beam, no guilt is incurred by the man who throws anything into it.⁵ R. Shesheth demurred against this: The reason then⁶ is that [the residents of the alley] did not join together [in the provision of an 'erub],⁷ but had they joined together [for the purpose], guilt would have been incurred even if its ritual fitness had

been effected by a cross-beam only.⁸ Is it then this loaf⁹ that determines¹⁰ [whether it shall be] a private, or a public domain? Was it not in fact taught: In the case of common courtyards¹¹ and blind alleys,¹² whether the residents have joined together in the provision of an 'erub or whether they have not joined, guilt is incurred by anyone who throws anything into them [on the Sabbath from a public domain]?¹³ If the statement, however, was at all made, it must have been as follows: Rab Judah ruled: As to an alley that is unfit for a joint 'erub,¹⁴ guilt is incurred by the man who throws anything into it if its ritual fitness was effected by means of a side-post, but if its fitness was effected by a cross-beam no guilt is incurred by one who throws anything into it. Thus it is obvious that he is of the opinion that a side-post serves the purpose of a partition¹⁵ and a cross-beam that of a mere distinguishing mark. And so did Rabbah say: A side-post serves the purpose of a partition and a cross-beam that of a mere distinguishing mark. Raba, however, ruled: The one as well as the other¹⁶ only serves the purpose of a distinguishing mark.

R. Jacob b. Abba raised an objection against Raba: [Was it not taught:] A man who throws¹⁷ into an alley incurs guilt if it was provided with a side-post but is exempt if it had no side-post?¹⁸ — It is this that was meant: If it required only a side-post¹⁹ then the man who throws anything into it incurs guilt,²⁰ but if it required a side-post and something else,²¹ the man who throws anything into it is exempt.²²

He raised against him²³ a further objection: [Was it not taught:]²⁴ A more [lenient rule] than this did R. Judah lay down, [viz.] if a man had two houses on the two sides [respectively] of a public domain he may construct one side-post on the one side [of any of the houses] and another on the other side, or one cross-beam on the one side [of any of the houses] and another on its other side, and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an 'erub in such a manner.²⁵ [The explanation]²⁶ there is that R. Judah maintains that Pentateuchally, two partitions²⁷ [constitute a private domain].²⁸ Rab Judah said in the name of Rab: An alley whose length is equal to its width cannot be turned into a permitted domain²⁹ by a mere fraction of a side-post.³⁰ R. Hiyya b. Ashi said in the name of Rab: An alley whose length equals its width cannot be turned into a permitted domain by a cross-beam, [of the width of one] handbreadth.³¹ R. Zera³² remarked: How exact³³ are the traditions of the elders: Since an alley's length is equal to its width, it has [the status of] a courtyard which cannot be converted into a permitted domain³⁴ by means of a side-post or a cross-beam but only by means of a strip [of material of the width of] four handbreadths. If, however, R. Zera continued, I have any difficulty, it is this:³⁵ Why should not that side-post³⁶ be regarded as a fraction of a strip and thus convert [the alley] into a permitted domain? — He overlooked the following ruling, which R. Assi had laid down in the name of R. Johanan, that the strips of a courtyard must consist of a width of four [handbreadths].

R. Nahman stated: 'We have a tradition that if [the movement of objects in] an alley is to be permitted [on the Sabbath] by means of a side-post and a cross-beam, its length must exceed its width and houses and courtyards must open out into it;³⁷ and what kind of courtyard is it that cannot be converted into a permitted domain by means of a side-post and cross-beam but only by means of a strip of the width of four handbreadths? One that is square shaped'. Only³⁸ 'one that is square shaped' but not one that is round?³⁹ — It is this that he⁴⁰ meant: If its length exceeds its width, it is regarded as an alley, in which case a side-post and a cross-beam is sufficient, otherwise⁴¹ it is regarded as a courtyard.⁴² And [by] how much [must its length exceed its width]?⁴³ — Samuel intended to rule: By no less than⁴⁴ twice its width;⁴⁵ but Rab said to him: Thus ruled my uncle⁴⁶ 'Even by one fraction'.

A DISCIPLE, IN THE NAME OF R. ISHMAEL, STATED ETC.

(1) Lit., 'which has stumps', rising to a height of ten handbreadths but covered by the sea. As the stumps are a valid partition, movement within the courtyard is permitted (v. Rashi). The interpretation not being free from difficulties, other

interpretations have been suggested (cf. Tosaf. s.v. **סכך**, a.l.).

(2) v. Glos.

(3) On the Sabbath, from a public domain.

(4) A side-post in the opinion of Rab Judah has the legal status of a partition and consequently converts the alley into a private domain.

(5) A cross-beam in his opinion is a mere distinguishing mark; and an alley cannot be regarded as a private domain unless, in accordance with the Pentateuchal law, it had four sides, or a valid partition at the entrance in addition to its three walls.

(6) Why no guilt is incurred by the man who throws anything from a public domain into an alley the entrance of which was provided with a cross-beam only.

(7) In consequence of which the alley cannot be regarded as a private domain.

(8) Sc. it would have assumed the character of a private domain the throwing into which from a public domain involves one in guilt.

(9) Of the 'erub. An 'erub is effected by means of a loaf of bread towards which all the residents contribute.

(10) Lit., 'makes it'.

(11) Lit., 'of many people', sc. into which a number of private houses open out. As each house is a strictly private domain while the courtyard, though also a private domain, is the common property of all the residents, it is forbidden to carry objects on the Sabbath from any of the houses into the courtyard as a preventive measure instituted by the Rabbis against the possible assumption that it is also permitted to carry from a private domain into a public domain. In the courtyard itself, however, the movement of objects is permitted. (Cf. Shab. 130b).

(12) Lit., 'that do not open out'.

(13) Which proves that the loaf of the 'erub alone does not determine the character of a domain.

(14) Sc. if it opened out into a public domain at either end.

(15) Hence it converts the alley into a private domain the throwing into which from a public domain involves one in guilt.

(16) Side-post as cross-beam.

(17) On the Sabbath, from a public domain.

(18) Since a side-post thus converts an alley into a private domain, it must obviously serve the purpose of a partition. How then could Raba maintain that it was merely a distinguishing mark?

(19) I.e., if it opened into a public domain on one side only.

(20) Even if not furnished with a side-post, since Pentateuchally a space enclosed by three walls is deemed to be a private domain.

(21) I.e., if it opened out into a public domain at its two ends and consequently required a side-post at one end and the shape of a doorway at the other.

(22) Though a side-post had been put up at one end, because a side-post serves merely as a distinguishing mark.

(23) R. Jacob b. Abba against Raba.

(24) V. supra 6a q.v. notes.

(25) V. loc. cit., infra 95a, Shab. 6a, 117a. Now since the Rabbis objected to the recognition of a side-post on the sole ground that a public domain cannot be so provided, it follows that in the case of an alley, even though it was open at both ends, a side-post is admissible as a valid partition. How then could Raba maintain supra that a side-post can only be regarded as a distinguishing mark, contrary to the unanimous opinion of R. Judah and the Rabbis?

(26) Why a side-post is recognized.

(27) Sc. the walls of two opposite houses, or rows of houses.

(28) So that the side-post only serves the purpose of a distinguishing mark. The Rabbis object even to such recognition of a side-post in the case of a public domain. Neither R. Judah nor the Rabbis, however, regard a side-post as a partition, in agreement with the view of Raba.

(29) As regards the movement of objects within it on the Sabbath.

(30) It must be furnished with one that is four handbreadths in width as is the case with a courtyard.

(31) Only in an alley whose length exceeds its width is such a beam admissible.

(32) In commenting on the rulings just reported in the name of Rab.

(33) Or 'well fitting with one another'.

(34) If it had a breach not exceeding ten cubits in the wall adjoining a public domain.

- (35) Lit., 'this is difficult to me'.
- (36) That was less than four handbreadths wide.
- (37) Two courtyards must open into the alley and one house into each courtyard. *Supra* 5a q.v. notes.
- (38) Lit., 'yes'.
- (39) This, surely, is unlikely, since the roundness of shape could be no reason for admitting a fraction of a side-post as a valid strip.
- (40) R. Nahman.
- (41) Lit., 'and if not', if its length does not exceed its width.
- (42) And a strip of material, four handbreadths in width, is required. The expression 'square shaped' was not intended to exclude a round shaped structure but one whose length exceeded its width.
- (43) In order to be regarded as an alley that, unlike a courtyard, may be converted into a permitted domain by a fraction of a side-post.
- (44) Lit., 'until'.
- (45) Since it is in reality a courtyard, it does not lose its status with lesser dimensions.
- (46) Or 'friend' ' Sc. R. Hiyya.

Talmud - Mas. Eirubin 13a

R. AKIBA MAINTAINED THAT THEY DIFFERED IN BOTH CASES etc. Is not R. Akiba expressing the very same view as the first Tanna?¹ — The difference between them is the ruling of R. Ahli or, as some said: R. Yehiel;² but it was not indicated [who maintained what].³

It was taught: R. Akiba said,⁴ 'It was not R. Ishmael who laid down this ruling but that disciple, and the halachah is in agreement with that disciple. 'Is not this self-contradictory? You first said: 'It was not R. Ishmael who laid down this ruling', from which⁵ it is obvious that the law is not in agreement with his⁶ view, and then you say: 'The halachah is in agreement with that disciple'? — Rab Judah replied in the name of Samuel: R. Akiba made that statement⁷ for the sole purpose of exercising the wits of the students.⁸ R. Nahman b. Isaac, however, replied: What was said⁹ was, '[His¹⁰ words] appear [quite logical].'¹¹

R. Joshua b. Levi stated: Wherever you find the expression, 'A disciple, in the name of R. Ishmael, stated in the presence of R. Akiba' [the reference is to] none other than R. Meir who attended¹² upon R. Ishmael and R. Akiba [successively]; for it was taught: R. Meir related, 'When I was with R. Ishmael I used to put vitriol¹³ into my ink¹⁴ and he told me nothing [against it], but when I subsequently came to R. Akiba, the latter forbade it to me.'

Is this, however, correct?¹⁵ Did not Rab Judah in fact state in the name of Samuel who had it from R. Meir: When I was studying under R. Akiba I used to put vitriol¹³ into my ink and he told me nothing [against it], but when I subsequently came to R. Ishmael the latter said to me, 'My son, what is your occupation?' I told him, 'I am a scribe', and he said to me, 'Be meticulous in your work, for your occupation is a sacred one;¹⁶ should you perchance omit or add one single letter, you would thereby¹⁷ destroy all the universe'.¹⁸ 'I have', I replied,¹⁹ 'a certain ingredient called vitriol, which I put into my ink'. — 'May vitriol', he asked me, 'be put into the ink? Has not the Torah in fact stated: "And he shall write",²⁰ "And he shall blot out"²⁰ [to indicate that] the writing [must be] such as can be blotted out?'²¹ (What [relation is there between] the question of the one²² and the reply of the other?²³ It is this that the latter meant: There is no need [for me to assure you] that I would make no mistakes in respect of words that are plene or defective, since I am familiar [with the subject], but [I have even taken precautions] against the possibility of a fly's perching on the crownlet of a dalet and, by blotting it out, turn it into a resh,²⁴ for I have a certain ingredient, called vitriol, which I put into the ink). Now, is there no contradiction in the sequence of the attendance²⁵ and in the authorship of the prohibition?²⁶ The contradiction in the sequence might well [be explained by the suggestion that] he first came to R. Akiba but, as he was unable to comprehend his teaching,²⁷ he went to R.

Ishmael where he studied the traditional teachings,²⁸ and then returned to R. Akiba and engaged in logical discussion and argument; but the authorship of the prohibitions, surely, presents a difficulty, does it not? — This is so indeed.

It was taught: R. Judah stated: R. Meir laid down that vitriol may be put into ink intended for any purpose²⁹ except [that of writing]³⁰ the Pentateuchal section³¹ dealing with a suspected wife.³² R. Jacob, however, stated in his name: Except [that of writing] the Pentateuchal section dealing with a suspected wife in the Sanctuary.³³ What is the point of their disagreement?³⁴ — R. Jeremiah replied: The point of their disagreement is [whether the writing may] be blotted out for her sake from [a Scroll of] the Law.³⁵ And these Tannas³⁶ differ on the same question as the following Tanna. For it was taught: The scroll [that was written] for one suspected woman³⁷ is not³⁸ to be used for³⁹ another suspected woman, and R. Ahi b. Josiah ruled: The scroll is fit to be used for³⁹ another suspected woman.⁴⁰ R. Papa remarked: It is possible, [surely, that the question in dispute]⁴¹ is not [the same]? For the first Tanna⁴² may have maintained his view there only because once [the Scroll] had been set aside⁴³ for Rachel⁴⁴ it cannot subsequently be set aside for Leah,⁴⁵ but in the case of a [Scroll] of the Law which is written for no particular person [the writing] may well⁴⁶ be blotted out [for any suspected wife]⁴⁷ R. Nahman b. Isaac remarked: It is possible [that the question in dispute] is not [the same]. For R. Ahi b. Josiah may have maintained his view there only because [the scroll] was written at least for one⁴⁸ suspected wife, but in the case of [a Scroll of] the Law, which is written for the purpose of study, he⁴⁹ also [might well admit] that [it may] not [be used for the purpose of] blotting out! But does not R. Ahi b. Josiah uphold the following ruling? For have we not learnt: If a man wrote a Get⁵⁰ to divorce his wife [therewith]

(1) Of our Mishnah, according to whom also no distinction is drawn in the dispute of Beth Shammai and Beth Hillel between a wider and a narrower alley.

(2) Supra 12a, the case of an alley that was less than four handbreadths wide. Either the first Tanna or R. Akiba maintains in this case that Beth Shammai and Beth Hillel agree that no provision whatever is needed, their dispute being restricted to the case of an alley that was no less than four handbreadths wide.

(3) Cf. '(the ruling) of R. Ahli himself (is a point in dispute between) Tannas' (supra 12a).

(4) In commenting on the ruling of the DISCIPLE IN THE NAME OF R. ISHMAEL.

(5) Since R. Akiba refused to attribute it to such a distinguished authority as R. Ishmael.

(6) The disciple's.

(7) That the halachah agrees with the disciple's view.

(8) Being struck by the contradiction, they would be stirred to a full and thorough discussion and investigation of the question.

(9) By R. Akiba.

(10) The disciple's.

(11) The halachah nevertheless is not in agreement with him.

(12) שמוש sc. studied not only the theory, but also the practice of Judaism.

(13) So Rashb. and Aruk (v. Tosaf. s.v. קנקנתום a.l.). Var. lec.: קלקנתום or קלקנתום, Gr. ** used as an ingredient in the preparation of ink and of shoe-black. Rashi renders atramentum (cf. Jast. and Golds.).

(14) For use in the writing of sacred texts, such as Scrolls of the Law.

(15) Lit., 'this is not'.

(16) Lit., 'work of heaven'.

(17) Lit., 'thou art found'.

(18) Sc. commit an act of blasphemy. By omitting e.g. , the א in אמת (truth), the word would be abbreviated to מת (dead), and by adding a ו to וידבר the verb would change from the sing. to the pl. When such terms are applied to the Deity, the scribe in the latter case is guilty of acknowledging polytheism while in the former he denies the Living God.

(19) The meaning of this reply is explained in the parenthesis infra.

(20) Num. V, 23.

(21) Sot. 20a.

(22) R. Ishmael. Lit., 'what did he say to him?'

- (23) R. Meir. Lit., 'and what did he reply to him?' The former spoke about plene and defective and the latter replied about the ingredients of his ink!
- (24) The difference between the form of the ך and the ך is only the crownlet or small projection on the right of the former. Should the dalet of ך (one), e.g., in the sentence 'the Lord is one' (Deut. VI, 4) be changed into a resh the reading ך (another) would imply the blasphemy that the Lord is 'another God'.
- (25) Lit., 'attendance on attendance'. According to the first version, R. Meir attended first on R. Ishmael and later on R. Akiba, while according to the second version he attended on them in the reverse order.
- (26) Lit., 'he forbade it on he forbade it'. In the first version it was R. Akiba, and in the second it was R. Ishmael who forbade the use of vitriol.
- (27) Which was too deep and complicated for him. R. Akiba was famous for his dialectic powers.
- (28) The Mishnahs which the Master received from his teachers.
- (29) Lit., 'for all'.
- (30) Whether in the Scroll of the Law or in the special scroll that is prepared for a sotah (v. Glos.).
- (31) Num. V, 11ff
- (32) Sotah; for the reason, stated supra, that 'the writing must be such as can be blotted out'. The expressions from which this ruling is derived occur in this section.
- (33) I.e., the scroll specially prepared [or the trial of a sotah, in which case the writing had to be blotted out (v. Num. V, 23). Hence the prohibition against the use of vitriol in the ink. In a Scroll of the Law, however, the writing in which is not intended for blotting out, this section also may be written with indelible ink.
- (34) Lit., 'what is between them'.
- (35) According to R. Judah this is permitted; hence his prohibition to use vitriol even in the writing of a Scroll of the Law. According to R. Jacob this is forbidden; hence his limitation of the restriction on the use of vitriol to the actual scroll that is written specifically for a particular wife when she is tried in the Sanctuary.
- (36) R. Judah and R. Jacob.
- (37) Lit., 'her scroll'.
- (38) If, e.g., it remained unused because the woman confessed her guilt before the writing was blotted out.
- (39) Lit., 'to cause to drink with it'.
- (40) R. Ahi, who permits the use of a scroll that was not specifically written for the woman, permits also, like R. Judah, the use for the same purpose of a Scroll of the Law. The first Tanna, however who requires the scroll to be written specifically for the woman in question forbids also, like R. Jacob, the use of a Scroll of the Law.
- (41) Between the first and the second pair of Tannas respectively.
- (42) Of the Baraita last cited.
- (43) Lit., 'torn away'.
- (44) Sc. the first woman for whom it was specifically written.
- (45) I.e., for any other woman.
- (46) Lit., 'thus also'.
- (47) This Tanna then, contrary to the previous statement, does not necessarily hold the same view as R. Jacob.
- (48) Lit., 'in the world'.
- (49) Lit., 'thus'.
- (50) v. Glos.

Talmud - Mas. Eirubin 13b

and then he changed his mind;¹ and a fellow townsman met him and [asked for the document] saying: 'Your name is the same as mine and your wife's name is the same as my wife's name',² [the document is] invalid for the purpose of divorcing therewith [the other man's wife]?³ — What a comparison!⁴ Concerning that case⁵ it is written in Scripture: And he shall write for her,⁶ hence it is required that the writing shall be expressly for her sake;⁷ but in this case⁸ it is written: And he shall execute upon her,⁹ hence it is required that the execution shall be expressly for her sake,⁷ and the execution in her case is the blotting out.

R. Aha b. Hanina said: It is revealed and known before Him Who spoke and the world came into

existence, that in the generation of R. Meir there was none equal to him; then why was not the halachah fixed in agreement with his views? Because his colleagues could not fathom the depths¹⁰ of his mind, for he would declare the ritually unclean to be clean and supply plausible proof,¹¹ and the ritually clean to be unclean and also supply plausible proof.¹¹

One taught: His name was not R. Meir but R. Nehorai. Then why was he called 'R. Meir'? Because he enlightened¹² the Sages in the halachah. His name in fact was not even Nehorai but R. Nehemiah or, as others say: R. Eleazar b. Arak. Then why was he called 'Nehorai'? Because he enlightened the Sages in the halachah.¹³

Rabbi¹⁴ declared: The only reason¹⁵ why I am keener than my colleagues is that I saw the back of R. Meir,¹⁶ but had I had a front view of him I would have been keener still, for it is written in Scripture: But thine eyes shall see thy teacher.¹⁷

R. Abbahu stated in the name of R. Johanan: R. Meir had a disciple of the name of Symmachus who, for every rule concerning ritual uncleanness, supplied forty-eight reasons in support of its uncleanness, and for every rule concerning ritual cleanness, forty-eight reasons in support of its cleanness.

One taught: There was an assiduous student at Jamnia¹⁸ who by a hundred and fifty reasons proved that a [dead] creeping thing was clean. Said Rabina: I also could by logical argument prove it to be clean. If a snake that kills [man and beast] and thus causes much uncleanness,¹⁹ is itself ritually clean,²⁰ how much more should a creeping thing, which does not kill [either man or beast] and consequently causes no uncleanness, be ritually clean. This, however, is no argument, since [the snake] is merely acting like a thorn.²¹

R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, 'The halachah is in agreement with our views' and the latter contending, 'The halachah is in agreement with our views'. Then a bath kol²² issued announcing, '[The utterances of] both²³ are the words of the living God, but the halachah is in agreement with the rulings of Beth Hillel'. Since, however, both are the words of the living God' what was it that entitled Beth Hillel to have the halachah fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of Beth Shammai,²⁴ and were even so²⁵ [humble] as to mention the actions²⁶ of Beth Shammai before theirs, (as may be seen from²⁷ what we have learnt: If a man had his head and the greater part of his body within the sukkah²⁸ but his table in the house,²⁹ Beth Shammai ruled [that the booth was] invalid but Beth Hillel ruled that it was valid. Said Beth Hillel to Beth Shammai, 'Did it not so happen that the elders of Beth Shammai³⁰ and the elders of Beth Hillel went on a visit to R. Johanan b. Hahoranith and found him sitting with his head and greater part of his body within the sukkah while his table was in the house?' Beth Shammai replied: From³¹ their proof [may be adduced for our view for] they indeed told him, 'If you have always acted in this manner you have never fulfilled the commandment of sukkah'). This³² teaches you that him who humbles himself, the Holy One, blessed be He, raises up, and him who exalts himself, the Holy One, blessed be He, humbles; from him who seeks greatness, greatness flees, but him who flees from greatness, greatness follows; he who forces time³³ is forced back by time³⁴ but he who yields³⁵ to time³⁶ finds time standing at his side.³⁷

Our Rabbis taught: For two and a half years were Beth Shammai and Beth Hillel in dispute, the former asserting that it were better for man not to have been created than to have been created, and the latter maintaining that it is better for man to have been created than not to have been created. They finally took a vote and decided that it were better for man not to have been created than to have been created, but now that he has been created, let him investigate his past deeds³⁸ or, as others say, let him examine his future actions.³⁹

MISHNAH. THE CROSS-BEAM OF WHICH THEY [THE RABBIS] SPOKE MUST BE WIDE ENOUGH TO HOLD AN ARIAH⁴⁰ WHICH IS HALF OF A LEBENAH⁴¹ OF THREE HANDBREADTHS. IT IS SUFFICIENT FOR A BEAM TO BE ONE HANDBREADTH WIDE IN ORDER TO HOLD THE WIDTH OF AN ARIAH.⁴² [THE BEAM MUST BE] WIDE ENOUGH TO HOLD AN ARIAH BUT ALSO STRONG ENOUGH TO SUPPORT SUCH AN ARIAH.⁴³ R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. IF⁴⁴ IT WAS MADE OF STRAW OR REEDS IT IS LOOKED [UPON AS THOUGH IT HAD BEEN MADE OF METAL; [IF IT WAS] CURVED⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT; [IF IT WAS] ROUND⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER.⁴⁶

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- (1) Sc. he decided not to divorce her.
- (2) And, as the town in which the parties lived was also the same, he desired to use that Get for divorcing his own wife.
- (3) Sot. 20b, Git. 24a; from which it follows that a document cannot be used for a person for whom it was not originally intended. An objection against R. Ahi b. Josiah.
- (4) Lit., 'thus now'.
- (5) Lit., 'there', that of divorce.
- (6) Deut. XXIV, 1, emphasis on the last three words.
- (7) Lit., 'for her name'. The woman for whom it is to be used.
- (8) Lit., 'here', the case of a suspected wife.
- (9) Num. V, 30, emphasis on 'execute . . . her'.
- (10) Lit., 'to stand upon the end'.
- (11) Lit., 'show it a face'.
- (12) Lit., 'he makes the eyes of the Sages shine'. **מַאִיר** rt. **אֹר** Hif., 'to give light', 'to cause to shine'.
- (13) Cf. previous note, **נְהוֹרְאִי** of the rt. **נָהַר** 'to shine'.
- (14) MS.M. 'Rab'.
- (15) Lit., , 'that'.
- (16) Rashi: When I studied under him my seat at the academy was in the row which had a back view of R. Meir.
- (17) Isa. XXX, 20.
- (18) Or Jabneh. The religious center and seat of the Sanhedrin after the destruction of Jerusalem.
- (19) A corpse is unclean and imparts uncleanness to those who come in contact with it.
- (20) Since it was not included among the eight unclean reptiles enumerated in Lev. XI, 29f.
- (21) The uncleanness which it causes has consequently no bearing on its own status. No inference a minori can, therefore, be drawn between snake and creeping thing.
- (22) v. Glos.
- (23) Lit., 'these and these'.
- (24) Cf., e.g., Ber. 10b.
- (25) Lit., 'and no more but'.
- (26) Lit., 'words', 'things', hence 'actions' (cf. infra n. 7).
- (27) Lit., 'like that'.
- (28) V. Glos. ; in which every Israelite must live during the Festival of Tabernacles.
- (29) Sc. the booth was so small that it could not contain more than the parts of the body mentioned.
- (30) Here Beth Hillel mention the action of Beth Shammai before theirs.
- (31) Cur. edd. insert in parenthesis **יִשׁ** 'if' or 'indeed'.
- (32) The privilege conferred upon Beth Hillel.
- (33) Sc. is over anxious to succeed and embarks in consequence on hazardous or perilous adventures.
- (34) His efforts lead him into disaster.
- (35) Lit., 'is pushed back'.
- (36) Or 'circumstances', sc. he does not aim above his means and does not overstrain his mental or physical powers.
- (37) He will succeed in due course.

(38) And, if he find them at fault, make the necessary amends.

(39) Before committing them. The underlying difference between the two versions is the interchange of pe for mem. Both פשפש and משמש imply 'examination' but the former is more applicable to something actually done, the latter to something intended (cf. Rashi).

(40) A half-sized brick.

(41) A brick of full size.

(42) Of one and a half handbreadths. Lit., 'to its width'. Var. lec. 'to its length', sc. the length of the ariah running the length of the beam.

(43) In order that it may have the appearance of a firm structure on which it is possible to build.

(44) This is a continuation of R. Judah's ruling.

(45) So that no brick can rest upon it.

(46) Approximately. The circumference of a round cross-beam must consequently be no less than three handbreadths.

Talmud - Mas. Eirubin 14a

GEMARA. ONE HANDBREADTH! Is not a handbreadth and a half required?¹ — Since it is wide enough to hold [an ariah of the size of] one handbreadth one may provide a foundation² for the remaining half of the handbreadth by plastering [the beam] with clay, a little on one side³ and a little on the other,³ so [that the ariah can be] kept in position.

Rabbah son of R. Huna said: The cross-beam of which [the Rabbis] spoke must be strong enough to support an ariah;⁴ the supports⁵ of the beam, however, need not be so strong as to be capable of bearing the beam and the ariah.⁶ R. Hisda, however, ruled: They⁷ must be strong enough to support both the beam and the ariah.

R. Shesheth said: If one laid a beam across [an entrance to] an alley and spread a mat over it, raising [the lower end of the mat to a height of] three handbreadths from the ground, there is here neither valid cross-beam nor valid partition. There is here no valid cross-beam, since it is covered up; and no valid partition, since it is one through which kids can push their way.⁸

Our Rabbis taught: If a cross-beam projects from one wall and does not touch the wall opposite, and so also if two cross-beams one of which projects from one wall and the other from the wall opposite, do not touch one another, it is not necessary to provide⁹ another beam, [if the gap is] less than three handbreadths, [but if it was one of] three handbreadths it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: [if the gap was] less than four handbreadths it is not necessary to provide another cross-beam [and only where it was one of] four handbreadths it is necessary to provide another cross-beam. Similarly where there were two parallel cross-beams, neither of which was wide enough to hold an ariah, it is unnecessary to provide¹⁰ another cross-beam if the two together can hold the width of one handbreadth of an ariah, otherwise¹¹ it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: If they can hold an ariah of the length of three handbreadths it is unnecessary to provide¹⁰ another cross-beam, otherwise¹¹ it is necessary to provide another cross-beam. If they were [fixed] one higher than the other,¹² the higher one, said R. Jose son of R. Judah, is looked upon as if it lay lower¹³ or the lower one, as if it lay higher,¹³ provided only that the higher one was not higher than twenty cubits¹⁴ and the lower one [was not] lower than ten cubits.¹⁴

Abaye remarked: R. Jose son of R. Judah holds the same view as his father in one respect and differs from him in another. He 'holds the same view as his father in one respect' in that he also adopts the principle of 'IS LOOKED UPON'; 'and differs from him in another', for whereas R. Judah holds [that a cross-beam may be] higher than twenty cubits,¹⁴ R. Jose son of R. Judah holds [that it is valid] only within, but not above twenty cubits.

R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. Rab Judah taught Hiyya b. Rab in the presence of Rab, 'WIDE, ALTHOUGH IT IS NOT STRONG', when the latter said to him: Teach him, 'Wide and strong enough'. Did not, however, R. Ela'i state in the name of Rab, '[a cross-beam that is] four [handbreadths] wide [is valid] although it is not strong,'? — One that is four [handbreadths] wide is different [from one that is less than the prescribed width].

IF IT WAS MADE OF STRAW etc. What does he thereby teach us? That we adopt the principle of 'IS LOOKED UPON'?¹⁵ But, then, is not this exactly the same [principle as was already enunciated]?¹⁶ — It might have been assumed that [the principle] is applied only to one of its own kind¹⁷ but not to one of a different kind;¹⁸ hence we were taught [that any material is valid].

[IF IT WAS] CURVED IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT. Is not this obvious?¹⁹ — He taught us [thereby a ruling] like that of R. Zera, for R. Zera stated: If it²⁰ was within an alley and its curve without the alley, or if it was below twenty cubits²¹ and its curve above twenty, or if it was above ten cubits²¹ but its curve was below ten, attention must be paid [to this].²² Whenever no [gap of] three handbreadths²³ would have remained if its curve had been removed, it is not necessary to provide another cross-beam; otherwise, another cross-beam must be provided. Is not this also obvious? — It was necessary [to enunciate the ruling in the case where the beam] was within the alley and its curve was without the alley. As it might have been presumed that the possibility must be taken into consideration that the residents might be guided by it;²⁴ hence we were informed [that no such possibility need be considered].

[IF IT WAS] ROUND IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. What need again was there for this ruling?²⁵ It was necessary [on account of its] final clause: WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER. Whence are these calculations²⁶ deduced? — R. Johanan replied: Scripture stated: And he made the 'molten sea of ten cubits from brim to brim, round in compass, and the height thereof was five cubits; and a line of thirty cubits did compass it round about.²⁷ But surely there was [the thickness of] its brim?²⁸ — R. Papa replied: Of its brim, it is written in Scripture [that it was as thin as] the flower of a lily;²⁹ for it is written: And it³⁰ was a handbreadth thick, and the brim thereof was wrought like the brim of a cup, like the flower of a lily; it held two thousand baths.³¹ But there was [still] a fraction at least?²⁸ — When [the measurement of the circumference]³² was computed³³ it was that of the inner circumference.³⁴

R. Hiyya taught:³⁵ The sea that Solomon made contained one hundred and fifty ritual baths.³⁶ But consider: How much is [the volume of] a ritual bath? Forty se'ah,³⁷ as it was taught: And he shall bathe . . .

(1) To support an ariah of that size.

(2) מַלְבִּין particip. denom. of לָבַן, lit., he makes it a brick (foundation)'.

(3) To hold (a half of the half) a quarter of the handbreadth.

(4) For reason v. note in our Mishnah.

(5) Lit., 'that cause to stand', pegs for instance.

(6) It is sufficient if they can bear the weight of the beam alone, since in fact no ariah is ever put on the beam.

(7) Lit., 'the one as well as the other'.

(8) A suspended partition of such a character is invalid in an alley.

(9) Lit., 'to bring'.

(10) Lit., 'to bring'.

(11) Lit., 'and if not'.

(12) But are together wide enough to hold an ariah.

(13) In the same level as the other beam.

- (14) From the ground (cf. Mishnah supra 2a ab init.).
- (15) Cf. our Mishnah.
- (16) In the previous clause: (THE BEAM IS VALID) . . . ALTHOUGH IT IS NOT STRONG. One that 'WAS MADE OF STRAW' is obviously not strong.
- (17) Sc. a frail beam of wood may be regarded as a strong beam of the same material, since weak as well as strong beams can be made of it.
- (18) As straw, for instance, is a material from which no strong beam can ever be made, it might have been deemed to be totally unfit.
- (19) Since it involves the same principle as that of the previous ruling. Why then the unnecessary repetition?
- (20) A cross-beam.
- (21) From the ground.
- (22) Lit., '(we) see'.
- (23) Between the two parts of the beam at which the curve begins.
- (24) Lit., 'he might come to be drawn after it'; and so use a section of the public domain as if it had been a part of their alley.
- (25) v. supra note 3.
- (26) Lit., 'things'. [This is the only instance where a doubt is raised in the Talmud in connection with a mathematical statement. This, as Zuckermann points out (Das Mathematische im Talmud, p. 23) proves that the Rabbis were well aware of the more exact ratio between the diameter and circumference and that the ratio of 1:3 was accepted by them simply as a workable number for religious purposes. Hence the question, 'Whence are these calculations deduced?' V. Feldman, Rabbinical Mathematics etc., p. 23].
- (27) I Kings VII, 23. As the molten sea which had a diameter of ten cubits was approximately thirty cubits in circumference, the ratio of a diameter to a circumference must consequently be $10:30 = 1:3$ approx.
- (28) Which increased the diameter to more than ten cubits: so that the ratio between diameter and circumference was greater than 1:3.
- (29) Its thickness, therefore, amounted to very little and might be disregarded.
- (30) The lower portion of the sea.
- (31) I Kings VII, 26.
- (32) Of the molten sea.
- (33) As thirty cubits.
- (34) The diameter of which was exactly ten cubits.
- (35) So Bomb. ed. Cur. edd., 'it was taught'.
- (36) Lit., 'a gathering together for purification'.
- (37) V. Glos.

Talmud - Mas. Eirubin 14b

in water¹ implies, in water that is gathered together;² All his flesh³ implies, water in which all his body can be immersed;⁴ and how much is this? [A volume of water of the size of] a cubit by a cubit by a height of three cubits; and the Sages have accordingly estimated that the waters of a ritual bath must measure forty se'ah.⁵ Now how many [cubic units] were there [in the molten sea]? Five hundred [cubic] cubits.⁶ From three hundred [cubic cubits are obtained] a hundred [ritual baths],⁷ and from a hundred and fifty [cubic cubits] fifty [ritual baths are obtained]. [Would not then a volume] of four hundred and fifty [cubic cubits] be enough?⁸ — These calculations⁹ [apply only] to a square [shaped tank], while the sea that Solomon made was round.

But consider: By how much does [the area of] a square exceed that of a circle? By a quarter.¹⁰ Then of the four hundred [cubic cubits previously assumed]¹¹ one hundred [must be deducted], and of the hundred¹¹ [cubic cubits] twenty-five [must be deducted]. [Would not then¹² the number of ritual baths] be Only a hundred and twenty-five?¹² — Rami b. Ezekiel learned that the sea that Solomon made was square in its lower three cubits and round in its upper three.¹³

Granted that you cannot assume the reverse,¹⁴ since it is written in Scripture that its brim was round, [can you not] say, however, [that only] one [cubit of the height of the brim was round]?¹⁵ — This¹⁶ cannot be entertained at all, for it is written, it held two thousand baths;¹⁷ now how much is a bath? Three se'ah,; for it is written in Scripture: The tenth of the bath out of the kor [which is ten baths],¹⁸ so that the sea¹⁹ contained six thousand griva.²⁰ But Surely is it not written: It²¹ held three thousand baths?²² — This²³ [includes the addition] of the heap [in a dry measure].²⁴

Said Abaye: From this it may be inferred that the heap [of a measure]²⁵ is one third [of the entire quantity].²⁶ And so have we also learnt: A large box or chest, a cupboard, a large straw or reed basket,²⁷ and the tank of an Alexandrian ship, although they have flat bottoms and are capable of holding forty se'ah of liquid, which are [equal to] two kor of dry [commodities],²⁸ are levitically clean.²⁹

MISHNAH. THE SIDE-POSTS OF WHICH THEY [THE RABBIS] SPOKE [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER. R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS.

GEMARA. THE SIDE-POSTS OF WHICH THEY SPOKE etc. May it then³⁰ be asserted that we have here learnt an anonymous Mishnah in agreement with R. Eliezer who ruled that two side-posts are required?³¹ — No; the expression of³² SIDE-POSTS [refers to] side-posts in general.³³ If so,³⁴ should it not have been taught, in the case of the cross-beam also,³⁵ 'cross-beams', the plural referring to³⁶ cross-beams generally? — It is really this that was meant: The SIDE-POSTS concerning which R. Eliezer and the Sages are in dispute³⁷ [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER.³⁸ And how much [was meant by] 'ANY SIZE WHATSOEVER'? — R. Hiyya taught: Even [if only] as that of the thread of a cloak.³⁹

A Tanna taught: If a man put up a side-post for a half of an alley⁴⁰ he may only use⁴¹ [the inner] half of the alley.⁴² Is not this⁴³ obvious?⁴⁴ — Rather read: He may use⁴⁵ a half of the alley.⁴⁶ Is not this,⁴⁷ however, also obvious?⁴⁸ — It might have been presumed that the possibility should be considered that⁴⁹ one might proceed to use all of it;⁵⁰ hence we were informed [that the inner half may be used].

Raba stated: If one constructed a side-post for an alley and raised it three handbreadths from the ground, or removed it three handbreadths from the wall, his act is invalid.⁵¹ Even R.⁵² Simeon b. Gamaliel, who holds [that in the case of gaps] we apply the rule of labud,⁵³ maintains his view⁵⁴ [only where the gap occurred] above,⁵⁵ but [where it was] below, since [the post] constitutes a partition through which kids can push their way, he did not uphold that view.

R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS. R. Joseph stated in the name of Rab Judah who had it from Samuel: The halachah is not in agreement with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. Said R. Huna b. Hinena to him: You told us this⁵⁷ concerning 'brine' but not concerning 'side-posts'. Now wherein does brine differ? Obviously because the Rabbis disagree with him; but do not they disagree with him in respect of side-posts also? — 'Side-posts', the other replied: 'are in a different category because Rabbi has taken up the same point of view.'⁵⁸

R. Rehumi taught thus: Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: The halachah does not agree with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. 'Did you say it?' they asked him. 'No', he replied. 'By God!' Raba exclaimed, 'he did say it, and I learned it from him,' — Why then did he change his view? — Because R. Jose has always good

reasons for his rulings.⁵⁹ Said Raba son of R. Hanan⁶⁰ to Abaye, 'What is the law?'⁶¹ — 'Go', the other told him, 'and see what is the usage of the people'.⁶²

There are some who teach this⁶³ in connection with the following: A man who drinks water on account of his thirst⁶⁴ must say⁶⁵ [the benediction], 'by whose word all things exist'.⁶⁶ R. Tarfon ruled [that the following benediction⁶⁵ must be said], 'who⁶⁶ createst many living beings with their wants, for all the means that thou has created'.⁶⁷ Said R. Hanan⁶⁸ to Abaye, 'What is the law?' — 'Go', the other told him, 'and see what is the usage of the people'.

(1) Lev. XV, 16. 'His flesh' is in cur. edd. enclosed in parenthesis. M.T. has 'all' before 'flesh'.

(2) Sc. it need not be spring water.

(3) Ibid.

(4) Lit., 'goes up in them'.

(5) V. supra 4b, notes.

(6) The calculation at the moment is based, for the sake of argument, on the imaginary assumption that the round sea like a square tank contained $10 \times 10 \times 5 = 500$ cubic cubits.

(7) Since each bath, as stated supra, contains $1 \times 1 \times 3 = 3$ cubic cubits.

(8) To make up a hundred and fifty ritual baths. An objection against R. Hiyya's statement.

(9) V. supra p. 91, n. 17.

(10) Since a diameter of one unit has a circumference of three units approx., and a square of one such unit has a perimeter of four such units.

(11) In the number of 'five hundred'. $500 - 400 = 100$.

(12) Since $400 - 100 = 300$, and $100 - 25 = 75$, the number of cubic cubits in the sea of Solomon was only 375. As each three cubic cubits produced one ritual bath, the sea could have contained no more than $375/3 = 125$ ritual baths. An objection again against R. Hiyya.

(13) The lower section contained $3 \times 10 \times 10 = 300$ cubic cubits. The upper section, being circular and by one quarter less than a square, contained $2 \times 10 \times 10 - 50 = 150$. The two sections together consequently contained $(300 + 150)/3 = 350$ ritual baths.

(14) That the upper section of the sea was square shaped and its lower one round.

(15) And the sea consequently contained more than a hundred and fifty ritual baths. On what ground then could R. Hiyya maintain that it contained only a hundred and fifty ritual baths?

(16) That the sea contained more than the number given by R. Hiyya.

(17) I Kings VII, 26.

(18) Ezek. XLV, 14. A kor which is ten baths also equals thirty se'ah. Ten baths consequently equal thirty se'ah and one bath equals three se'ah.

(19) Which held two thousand baths.

(20) A griva = one se'ah. Since one bath = three se'ah, two thousand baths = $3 \times 2000 = 6000$ se'ah = $6000/40 = 150$ ritual baths. Hence R. Hiyya's figure.

(21) Solomon's sea.

(22) II Chron. IV, 5.

(23) The higher figure.

(24) While liquids can only reach the level of the top of the measure, dry commodities can be raised to a certain height above that level. The difference between the dry and liquid commodities that the sea could contain, explains the difference between the figures in I Chron., and I Kings respectively. For an attempt to reconcile Rami b. Ezekiel's solution with the more exact value of 'pie' v. Zuckermann, op. cit., p. 29 and Feldman, op. cit., p. 51.

(25) Sc. the quantity above its level, if the ratio of its height to its length and width is the same as that of Solomon's sea.

(26) One thousand being a third of three thousand.

(27) Lit., 'receptacle', 'container'.

(28) Two kor = 60 se'ah. The difference between the dry and the liquid is thus $60 - 40 = 20$ se'ah, and twenty is one third of sixty. This Mishnah thus supports Abaye's calculation.

(29) Sc. are not susceptible to levitical uncleanness. Only vessels that are moved about both empty and full are so susceptible. Those mentioned here are large and not easily moved; hence they are not subject to the same susceptibility.

Shab. 35a; Kel. XV, 1; Oh. VIII, 1, 3.

(30) Since our Mishnah speaks of side-posts in the plural.

(31) Mishnah Supra 11b. Is it likely, however, that an anonymous Mishnah, which as a rule represents the halachah, would agree with an individual opinion contrary to that of the majority?

(32) Lit., 'what'.

(33) Each individual alley, however, may require no more than one side-post.

(34) That the plural was used to refer to side-posts in general.

(35) In the previous Mishnah (supra 13b).

(36) Lit., 'and what beams?'

(37) The former requiring two and the latter one.

(38) The use of the plural is consequently no proof that the halachah is in agreement with the ruling of R. Eliezer.

(39) סרבל cf. Gr. **.

(40) I.e., instead of fixing the side-post at a point facing the entrance, he put it up within the alley at a point facing the middle of it.

(41) Lit., 'he has not but'.

(42) Tosef. 'Er. I.

(43) That only the inner but not the outer half of the alley may be used.

(44) Of course it is, since the outer part was not provided with any side-post.

(45) Lit., 'he has'.

(46) While it is obvious that the outer half could not be used, it is not so obvious that the inner part may be used. Hence the necessity for the Tosef cited.

(47) That the inner half may be used.

(48) Since it was well provided with a side-post.

(49) Were the use of the inner half to be permitted.

(50) In consequence of which the use of the inner half also should be forbidden.

(51) Lit., 'he did nothing'.

(52) Lit., 'according to R.'

(53) v. Glos.

(54) Lit., 'these words'.

(55) As, for instance, when a cross-beam projecting from one wall does not reach the wall opposite.

(56) V. Shab. 108b.

(57) That the halachah is not in agreement with R. Jose.

(58) Supra 10a, 12a.

(59) Lit., 'his depth (of reasoning) is with him'. V. Rashi a.l. and cf. Rashi infra 51a s.v. נִימוּקוֹ.

(60) MS.M. Nahman.

(61) In respect of the size of the side-posts.

(62) They use side-posts of any size whatsoever (Rashi).

(63) The answer given by Abaye.

(64) Excluding one who drinks it, e.g., for a cure.

(65) Prior to his drinking (Rashi).

(66) The beginning of this benediction like that of all others is, 'Blessed art thou, O Lord our God, King of the universe' (cf. Singer's P.B., p. 290).

(67) The last eight words are wanting in MS.M. and are also absent from the Mishnah Ber. 44a.

(68) MS.M., Rabbah b. Hanin.

Talmud - Mas. Eirubin 15a

It was stated: A side-post put up accidentally,¹ Abaye ruled, is a valid side-post, but Raba ruled: It is no valid side-post. Where [the residents] did not rely on it from the previous day,² no one disputes that it is no valid side-post. They differ only where [the residents] did rely upon it on the previous day.³ Abaye ruled: 'It is a valid side-post', since the residents relied on it from the previous day. But Raba ruled: 'It is no valid side-post', because owing to the fact that originally it was not made for

that purpose,⁴ it cannot be regarded as a valid side-post.

It has been assumed⁵ that as they⁶ differed in the case of a side-post, so they differed in that of a partition.⁷ Come and hear:⁸ If a man made his sukkah⁹ among trees and the trees serve as its walls, it is ritually fit!¹⁰ Here we are dealing [with trees] that were originally planted for the purpose.¹¹ If so, is this¹² not obvious? — It might have been presumed that a preventive measure should be enacted as a precaution against the possibility of using the tree [for other purposes also],¹³ hence we were informed [that no such precaution was deemed necessary].

Come and hear: If there was present¹⁴ a tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece!¹⁵ — Here also we are dealing with one that was originally intended for the purpose. If so, what need was there to tell us this? — We were told that a fence of reeds [is valid if the distance between] any two reeds was less than three handbreadths, as [was explained in] the enquiry that Abaye addressed to Raba.¹⁶

Come and hear: Where a tree overshadows the ground,¹⁷ it is permitted to move objects under it¹⁸ if [the top of] its branches is not higher than three handbreadths from the ground!¹⁹ — Here also we are dealing with one that was originally planted for the purpose. If so, it should be permissible to move objects under it in all cases; why then did R. Huna the son of R. Joshua state that movement of objects under it is permissible only [where its area was no larger than] two beth se'ah?²⁰ — Because it is a dwelling that serves the [outside] air²¹ and no movement of objects is permitted in a dwelling that serves the outside air unless [its area is no larger than] two beth se'ah.²²

Come and hear: If a man received the Sabbath²³ on a mound that was ten handbreadths high²⁴ and between four cubits and two beth se'ah in area, or²⁵ in the cleft [of a rock] that was ten handbreadths deep²⁶ and between four cubits and two beth se'ah in area, or reaped corn that was surrounded by [growing] ears,²⁷ he may walk in all the area,²⁸ and outside it for two thousand cubits!²⁹ And should you reply that there also it is a case where one had originally made them for the purpose, [your submission] might be quite agreeable as regards the corn;³⁰ what, however, could be said as regards the mound or the cleft?³¹ — The fact, however, is that in respect of partitions, no one³² disputes that [one put up accidentally] is a valid partition. They only differ in respect of a side-post — Abaye³³ follows his own point of view, for he has laid down that a side-post represents³⁴ a partition, and a partition set up accidentally is a valid partition. Raba, on the other hand, follows his own point of view, for he has laid down that a side-post serves³⁴ the purpose of a distinguishing mark,³⁵ and only where it is made for that purpose,³⁶ is it a distinguishing mark, otherwise³⁷ it is no distinguishing mark.

Come and hear: If stones³⁸ that project from a wall³⁹ are separated from each other by less than three handbreadths, no other side-post is required;⁴⁰ [if they are separated by] three handbreadths, another side-post is required!⁴¹ Here also it is a case where they were originally built for that purpose.⁴² If so, is not this⁴³ obvious?⁴⁴ — It might have been presumed that [projections] are made solely as building connections,⁴⁵ hence we were informed [that no other side-post is required].

Come and hear what R. Hiyya taught: A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post!⁴⁶ — Here also it is a case where it was originally constructed for the purpose. If so, what need was there to tell us [the obvious]? — It is this that we were informed: [If the recess can be] seen from without though it appears even from within, [the wall] may be regarded as [provided with] a side-post.

Come and hear [of the incident] where Rab was sitting in a certain alley and R. Huna sat before

him when he said to his attendant, 'Go, bring me a jar of water'. By the time the latter returned, the side-post fell down and he motioned to him with his hand to remain in his place.⁴⁷ Said R. Huna to him, 'Is not the Master of the opinion that one may rely upon the palm-tree?'⁴⁸ 'This young Rabbi', he replied: 'seems to think that people cannot explain a ruling they have heard! Did we rely upon it since yesterday?'⁴⁹ The reason then⁵⁰ is that no one had relied on it;⁵¹ but if they had relied on it,⁵¹ it would have been regarded as a valid side-post.⁵²

Might not one suggest that Abaye and Raba differed only where [the residents] did not rely on it,⁵³ but that where they did rely on it, it is regarded as a valid side-post?⁵⁴ — This cannot be entertained at all; for there was a certain piazza at the house of Bar Habu,⁵⁵ about which Abaye and Raba were always⁵⁶ in dispute.⁵⁷

MISHNAH. SIDE-POSTS MAY BE MADE OF ANYTHING, EVEN OF AN ANIMATE OBJECT, BUT R. MEIR⁵⁸ FORBIDS THIS. IT⁵⁹ ALSO CAUSES DEFILEMENT⁶⁰ AS THE COVERING OF A TOMB,⁶¹

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- (1) Lit., 'that stands of itself', sc. it was not put up in connection with the Sabbath ritual.
 - (2) Lit., 'from yesterday', sc. Friday, the day before the Sabbath; if, for instance, a proper side-post provided fell down on the Sabbath day.
 - (3) And, in consequence, provided no other side-post.
 - (4) To serve as a side-post in compliance with the Sabbath laws.
 - (5) By the students at the schoolhouse.
 - (6) Abaye and Raba.
 - (7) Sc. if a wall was put up, not for the ritual purpose for which it was desired to use it Abaye considers it valid and Raba does not.
 - (8) All objection against Raba.
 - (9) V. Glos.
 - (10) Suk. 24b; which proves that a wall is valid even if it was not originally made for the purpose. V. supra note 10.
 - (11) To serve as walls for the sukkah.
 - (12) That they are ritually valid walls
 - (13) And people would thus even pluck its fruit on the festival when this is forbidden.
 - (14) In close proximity to a watering station.
 - (15) Infra 19b; which shows that a wall is ritually valid though it had not been specially made for the purpose, and presents an objection against Raba. **דְּיוֹמָד = דְּיוֹ עֲמוּד** 'two pillars'; cf. Gr. **, 'forked'. A deyomad, or corner-piece consists of two boards, or the like, meeting at their ends at right angles to one another and forming all L shaped construction. Four deyomads of the prescribed size, placed respectively at the four corners of a watering station, constitute a ritually valid partition within which it is permitted to carry on the Sabbath.
 - (16) Infra 19b ad fin.
 - (17) With its branches that grow from its trunk at a height of ten handbreadths.
 - (18) On the Sabbath.
 - (19) Infra 99b, Suk. 24b. An objection against Raba.
 - (20) V. Glos. Such a restriction is applicable to enclosures that are only partially valid (cf. infra 16b, 24a). Now if the tree in question had been planted for the purpose, its branches, surely, constitute a valid enclosure; why then should the restriction mentioned apply?
 - (21) I.e., to provide shelter for the watchmen of the surrounding fields. It is not one in which people usually live.
 - (22) As stated infra 22a.
 - (23) It is forbidden to walk on the Sabbath beyond two thousand cubits from one's home, the term being defined as the spot (four cubits by four), the house or the town where a person was at the time the Sabbath had set in. Within the four cubits, or within the house or town however big it may be, it is always permitted to walk.
 - (24) The minimum height of a private domain to which the rule of upward extension of its edges to form virtual walls is applied.
 - (25) Lit., 'and so'.

- (26) And thus provided with walls of the height required to form a private domain.
- (27) That were ten handbreadths high and formed a partition of the prescribed minimum height (cf. previous note).
- (28) Since all the mound, the cleft or the space enclosed by the growing ears of corn is regarded as his 'home'.
- (29) Suk. 25a; which proves that walls or partitions apparently not made for the purpose of satisfying the requirements of the Sabbath laws are nevertheless regarded as valid walls, and an objection thus again arises against Raba.
- (30) It being possible that the reaping of the field was so planned as to leave an enclosure of ears of corn round the particular spot.
- (31) Which are natural phenomena.
- (32) Lit., 'all the world'.
- (33) In declaring it valid.
- (34) Lit., 'because of'.
- (35) Supra 12b q.v. notes.
- (36) Lit., 'with the hands'.
- (37) Lit., 'and if not'.
- (38) Lit., 'stones of a wall'.
- (39) One above the other in a vertical line.
- (40) To convert an alley at whose entrance they are situated, into a private domain. The projecting stones alone satisfy the requirements of a side-post.
- (41) Thus it follows that the projecting stones, where the distance between them is less than three handbreadths, constitute a valid side-post though, apparently, they were not put there for that purpose. All objection against Raba.
- (42) To serve as a side-post for the alley.
- (43) That no other side-post is required.
- (44) What need then was there to state it?
- (45) To dovetail any new wall with the existing one; and consequently could not be regarded as a side-post even though they were so originally intended.
- (46) Supra 9b, q.v. notes. The recession being presumably accidental, does not the recognition of the validity of the side-post present an objection against Raba?
- (47) So according to MS.M. and R. Han. קום אדוכתיך 'remain in your place'. According to cur. edd., קם אדוכתיך 'he remained in his place', render, 'He motioned to him with his hand and (the latter) remained in his place'.
- (48) That grew at the side of the entrance to the alley.
- (49) They did not. Hence they could not treat the palm-tree as a valid side-post for the alley.
- (50) Why the palm-tree could not be regarded as a side-post.
- (51) Before the commencement of the Sabbath.
- (52) This then proves that the law is in agreement with Abaye.
- (53) A side-post of accidental origin.
- (54) So that Rab's ruling would be in agreement with the opinion of both Abaye and Raba.
- (55) And one of its supporting poles was situated at the entrance to an alley.
- (56) Lit., 'all their years'.
- (57) The former regarding it as a valid side-post and the latter denying its validity. From which it follows that the dispute between Abaye and Raba as to the validity of a side-post of accidental origin extends also to one upon which the residents had relied.
- (58) Separate ed. of the Mishnah read: 'R. Jose'.
- (59) Any object, even an animate one, that was used to close up a tomb.
- (60) Even after it had been removed from the grave.
- (61) גולגולת. Such a covering is subject to the same degree of levitical uncleanness as the corpse itself (cf. Hul. 72a).

Talmud - Mas. Eirubin 15b

BUT R. MEIR RULED THAT IT WAS NOT SUSCEPTIBLE TO DEFILEMENT.¹ WOMEN'S LETTERS OF DIVORCE TOO MAY BE WRITTEN ON IT, BUT R. JOSE THE GALILEAN DECLARED IT TO BE UNFIT.

GEMARA. It was taught: R. Meir ruled: No animate object may be used either as a wall for a sukkah,² or as a side-post for an alley, [or as one of the] partitions for watering stations or as a covering for a grave.³ In the name of R. Jose the Galilean it was laid down: Women's bills [of divorce] also may not be written on it.⁴ What is R. Jose the Galilean's reason? — Because it was taught: [From the Scriptural expression of] 'letter'⁵ one would only learn that⁶ a letter⁵ [may be used]; whence, however, [can it be deduced that] all other things are also included? [From] the explicit statement:⁷ That he writeth her⁸ [which implies:] On any object whatsoever.⁹ If so, why was the expression of 'letter' used? To tell you that as a letter is an inanimate object and does not eat, so must any other object [used for the purpose be] one that is inanimate and does not eat.¹⁰ And the Rabbis?¹¹ — Is it written: 'In a letter'?¹² Surely only 'letter'¹³ is written, and this refers¹⁴ merely to the recording¹⁵ of the words.¹⁶

As to the Rabbis, however, what exposition do they make of the expression: That he writeth her?¹⁷ — They require that text [for the deduction that a woman] may be divorced only by writing¹⁸ but not by money.¹⁹ For it might have been presumed that since divorce²⁰ was compared with betrothal,²¹ as betrothal [may be effected] by means of money²² so may divorce [also be effected] by means of money;²³ hence we were informed [that only by writing¹⁸ can divorce be effected]. And whence does R. Jose the Galilean derive this logical conclusion?²⁴ — He derives it from [the expression of] 'A letter of divorcement'²⁵ [which implies:]²⁶ The letter causes her divorcement but no other thing may cause it.²⁷ And the Rabbis? — They require the expression of²⁸ 'A letter of divorcement'²⁵ to [indicate that the divorce must be] one that completely separates the man from the woman;²⁹ as it was taught: [Should a husband say to his wife,] 'Here is your divorce on condition that you never drink any wine' or 'on condition that you never go to your father's house' [such a divorce] is no complete separation;³⁰ [if he said,] 'During³¹ thirty days'³² is it regarded as a complete separation.³³ And R. Jose the Galilean?³⁴ — He derives it from [the use of] kerituth³⁵ [instead of] kareth.³⁵ And the Rabbis? — They base no expositions [on the distinction between] kareth and kerituth.³⁶

MISHNAH. IF A CARAVAN CAMPED IN A VALLEY AND IT WAS SURROUNDED BY THE TRAPPINGS OF THE CATTLE IT IS PERMISSIBLE TO MOVE OBJECTS WITHIN IT, PROVIDED [THE TRAPPINGS] CONSTITUTE A FENCE TEN HAND BREADTHS IN HEIGHT AND THE GAPS³⁷ DO NOT EXCEED³⁸ THE BUILT-UP PARTS.³⁸ ANY GAP WHICH [IN ITS WIDTH DOES NOT EXCEED] TEN³⁹ CUBITS IS PERMITTED,⁴⁰ BECAUSE IT IS LIKE A DOORWAY. IF IT EXCEEDS THIS [MEASUREMENT] IT IS FORBIDDEN.⁴¹ GEMARA. It was stated: If the breaches [in an enclosure] are equal [in area to its] standing parts, the [movement of objects⁴² in the space within the enclosures], R. Papa ruled, is permitted, and R. Huna the son of R. Joshua ruled: It is forbidden. R. Papa ruled: 'It is permitted', because the All Merciful taught Moses⁴³ thus: 'Thou must not allow the greater part of a fence to consist of gaps'.⁴⁴ R. Huna the son of R. Joshua ruled, 'it is forbidden for it is this that the All Merciful taught Moses: 'Its greater part [must be] fence'.

We learned: AND THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, but, [it follows, does it not, that if they were] equal to the built-up parts [movement of objects within the enclosure] is permitted?⁴⁵ — Do not infer: 'But [if they were] equal to the built-up parts [the movement of objects] is permitted', but infer: 'If the built-up parts exceed the gaps [the movement of objects] is permitted'. But [if the gaps are] equal to the built-up parts, what [is the law]? [Is the movement of objects]⁴² forbidden? If so, however, should not the reading have been, 'The gaps are not equal to the built-up parts'?⁴⁶ — This is indeed a difficulty.

Come and hear: If a man covered the roof⁴⁷ of his sukkah⁴⁸ with spits or with the long [sides] of a bed⁴⁹ [the sukkah is] valid if there is as much space between them as that of their own [width]!⁵⁰ Here we are dealing [with such] as can be easily moved in and out.⁵¹ Is it, however, possible⁵² to be

exact?⁵³ — R. Ammi replied: One might supply more [of the proper roofing].⁵⁴ Raba replied: If they⁵⁵ were placed crosswise, one puts the suitable material lengthwise, [and if they were placed] lengthwise, one puts it crosswise.⁵⁶

Come and hear: If a caravan camped in a valley and it was surrounded by camels, saddles,

- (1) For the reason, v. Suk. 24a.
- (2) V. Glos.
- (3) If it was used, the wall, the side-post or the partition is invalid and the covering remains unsusceptible to levitical uncleanness.
- (4) Suk. 23a.
- (5) Deut. XXIV, 1. **ספר** 'book', 'letter' or 'scroll'.
- (6) Lit., 'I have only'.
- (7) Lit., 'it is taught to say'.
- (8) Deut. XXIV, 1, emphasis on writeth.
- (9) Lit., 'from any place'.
- (10) Hence R. Jose's ruling that no letter of divorce may be written on an animate object.
- (11) How, in view of this deduction, can they allow the use of an animate object as a writing material for a letter of divorce?
- (12) **בספר** (with prefix) which would have implied that the noun referred to the material on which the divorce is written.
- (13) **ספר** without any prefix.
- (14) Lit., 'that it came'.
- (15) **ספירות**, lit., 'enumeration'.
- (16) **ספר** and **ספירות** being of the same rt. The kind of material, however, on which the wording must be recorded was not prescribed. Hence the permissibility to use any writing material or any other object.
- (17) From which it was deduced supra that a divorce may be written on any object. Since the expression **ספר** (**ספר**) has no bearing on the question of the writing material, it is obvious that any object is admissible for the purpose. What need then was there to use the expression of 'writeth' (Deut. XXIV, 1) when that of giveth (ibid.) viz., 'That he giveth her the letter of divorcement in her hand' etc., would have been sufficient?
- (18) A written letter of divorce.
- (19) By saying, on the analogy of the formula for betrothal, 'Be thou divorced from me by this money'.
- (20) Lit., 'departing' (**ויצאה**); 'and she departeth' (Deut. XXIV, 2).
- (21) Lit., 'becoming' (**הויה**); 'and becometh' (ibid.).
- (22) V. Kid. 2a'
- (23) V. supra note 16.
- (24) That a divorce cannot be effected except by means of a written document.
- (25) **ספר כריתות**, Deut. XXIV, I.
- (26) Since **ספר** ('letter') stands in close proximity to **כריתות** ('divorcement').
- (27) **כורתה** (rt. **כרת** 'to cut'), lit., 'cuts her off (from her husband)'.
- (28) Lit., 'that'.
- (29) Lit., 'that cuts (cf. supra n. 4) between him and her'.
- (30) Since the woman might at any time throughout her life break the condition and consequently annul the divorce.
- (31) Lit., 'all'.
- (32) Sc. he set a limit to the period during which the woman should drink no wine or keep away from her father's house.
- (33) From the moment the woman has received the document; because at the end of the specified period the divorce is free from all conditions and the separation between husband and wife is complete. Suk. 24b, Yoma 13a, Git. 21b, 83b.
- (34) Whence does he derive this ruling?
- (35) **כריתות**, in the opinion of R. Jose, is a longer or more forcible expression than **כרת**.
- (36) Cf. previous note.
- (37) Though each one is less than ten cubits.
- (38) In their total area.

- (39) So MS.M. Cur. edd. 'like ten'.
- (40) Provided the area of the built-up parts exceeds that of the gaps.
- (41) Though all the remainder of the fence is built up.
- (42) On the Sabbath.
- (43) When he imparted to him the laws concerning partitions (v. supra 4a).
- (44) Lit., 'thou shalt not break its greater part'.
- (45) An objection against R. Huna.
- (46) From which it would have been obvious that if they were equal to, and much more so if they exceeded the built-up parts, the movement of objects would be forbidden; and all ambiguity would thus be avoided.
- (47) Or 'laid the roof-beams'.
- (48) v. Glos.
- (49) Such objects, since they are proper 'instruments', are susceptible to levitical uncleanness and consequently unfit for the roof covering of a sukkah.
- (50) Suk. 15a; because the intervening spaces can be filled up with suitable and ritually fit roofing. This Mishnah then seems to show that where the measurement of the suitable and the unsuitable parts are equal, the structure is valid; and, since the same principle would obviously apply also to the validity of an enclosure, in respect of the Sabbath laws, where its built-up parts equal its gaps, does not an objection arise against R. Huna?
- (51) Lit., 'when it (freely) enters and goes out', sc. between the parts to be covered with the suitable roofing, so that the width of each spit or bed-side is inevitably less than that of each properly covered intervening space.
- (52) So R. Han. Cur. edd., 'surely it is possible', is a different reading (as pointed out by Tosaf. s.v. רשי גרים a.l.).
- (53) Sc. is it possible that by supplying a quantity of suitable material equal in width to that of the unsuitable one, the air spaces intervening between the two materials will be duly covered? The answer obviously being in the negative, the question arises: How, in view of the fact that the space of the proper material does not even equal that of the improper one plus the intervening air spaces, could the sukkah be valid? This raises an objection against R. Huna but also against R. Papa (cf. Tosaf. l.c.).
- (54) And thus cover up the intervening air spaces also.
- (55) The spits etc.
- (56) So that all the spaces between the improper material are fully covered with the proper one which, according to R. Papa, thus covers as much space as the improper one; and according to R. Huna, since the spits etc. can be easily moved in and out, the proper roofing covers the larger area.

Talmud - Mas. Eirubin 16a

saddle-cushions, saddlebags, reeds or stalks [it is permitted to] move objects within it, provided there is no more than the space of one camel between any two camels, that of one saddle between any two saddles, and that of one saddle-cushion between any two saddle-cushions!¹ — Here also [it is a case where each object can be easily] moved in and out.²

Come and hear: Thus³ you might say that there are three categories in the case of partitions. Wherever [in a reed fence the width of each reed is] less than three handbreadths, it is necessary⁴ that there shall be no [gap of] three handbreadths between any two reeds⁵ so that a kid could not leap headlong [through it].⁶ Wherever [the width of each reed is] three, or from three to four⁷ handbreadths, it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as the full width of a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps exceeded the standing parts it is forbidden [to sow corn]¹¹ even over against the standing parts. Wherever [the width of each reed is] four handbreadths, or from four handbreadths to ten cubits,¹² it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps were equal to the standing parts it is permitted [to sow seed]¹¹ over against the standing parts and forbidden over against the gaps.¹³ If, however, the standing parts exceeded the gaps it is permitted¹⁴ [to sow seed] over against the gaps also. If there was a gap wider than ten cubits, [sowing]¹⁵ is forbidden. If forked reeds were there and a plait was made above them, [sowing] is permitted even [if the gaps between the reeds] exceeded

ten cubits.¹⁶ In the first clause at any rate it was taught that [the fence is valid if the width of each reed was] from three to four handbreadths provided the gap between any two reeds was not as wide as a reed. Is not this¹⁷ an objection against R. Papa?¹⁸ — R. Papa can answer you: By the expression of ‘as wide as’ was meant¹⁹ [the width of the space through which the reed can be easily] moved to and fro.²⁰ Logical deduction also leads to the same conclusion. For, since it was stated: ‘If the gaps exceeded the standing parts it is forbidden [to sow corn] even over against the standing parts’, it follows that if they were equal to the standing parts [the sowing] is permitted. This proves it.

Must it then be assumed that this²¹ presents an objection against R. Huna the son of R. Joshua?²² — He can answer you: According to your line of reasoning [how will you] explain the final clause, ‘If, however, the standing parts exceeded the gaps it is permitted [to sow seed] over against the gaps also’, from which it follows that if it was equal to the gaps, [sowing] is forbidden?²³ Now then, the final clause is a contradiction to the ruling of R. Papa and the first one to that of R. Huna son of R. Joshua? — The final clause is really no contradiction to the ruling of R. Papa for, since the Tanna used the expression, ‘If the gaps exceeded the standing parts [it is forbidden]’,²⁴ in the first clause, he used the expression, ‘If the standing parts exceeded the gaps [it is permitted]’ in the final clause.²⁵ The first clause presents no contradiction against R. Huna the son of R. Joshua for, as it was desired to state in the final clause, ‘If the standing parts exceeded the gaps [it is permitted]’,²⁶ it was also taught in the first clause²⁷ ‘If the gaps exceeded the standing parts [it is forbidden]’.²⁸

According to R. Papa²⁹ it is quite well, for this reason,³⁰ that the two cases³¹ were not included in one statement.³² According to R. Huna son of R. Joshua,³³ however, why should not the two cases be included in one statement thus:³⁴ Wherever [the width of a reed is] less than three, or [as much as] three, handbreadths it is necessary that [the gap] between any two reeds shall be less than three handbreadths? — Because the cause of the restriction³⁵ in the first clause is not like that in the second clause. The cause of the restriction in the first clause is that a kid shall not be able to leap headlong [through the gap]; while [the cause of] the restriction in the final clause is that the gaps shall not be equal to the standing parts.³⁶

Whose [view is expressed in the principle that the gap must be] less than three handbreadths? [Is it not] that of the Rabbis who laid down that [to a gap of] less than three handbreadths the law of labud³⁷ is applied but that to one of three handbreadths the law of labud is not applied?³⁸ Read, however, the final clause: ‘Where [the width of each reed is] three, or from three to four’.

(1) Which shows that where the gaps are equal to the built-up parts, the movement of objects is permitted. An objection against R. Huna.

(2) Cf. supra note 1 mutatis mutandis.

(3) Lit., ‘it is found’.

(4) if vines grow on one side of the fence and it is desired to sow corn in close proximity on the other side.

(5) Lit., ‘this to this’.

(6) The law of labud (v. Glos.) is applied in such a case even where the total area of the gaps exceeds that of the reeds. If a gap is wider than three handbreadths, a kid can leap headlong through it and the law of labud cannot consequently apply.

(7) But not actually four.

(8) V. p. 104, n. 10.

(9) Lit., ‘this to this’.

(10) Lit., ‘like its fullness’.

(11) If vines were planted on the other side of the fence in close proximity.

(12) Inclusive, but not wider.

(13) Thus we have three categories: (i) It is not necessary for each gap to be less in width than a reed where the reeds are less than three handbreadths in width; and even if a gap is as wide as or wider than a reed, provided it is not wider than three handbreadths, all the fence is valid. (ii) It is necessary for each gap to be less in width than a reed where the reeds

are three, or from three to four handbreadths in width. A gap of three or more handbreadths destroys the validity of the entire fence even that of its standing parts. (iii) Where the standing parts of a fence are considerable, their validity is not affected by the gaps, though it is forbidden to sow over against one side of the gaps if vines grow on the other.

(14) In any of three cases enumerated.

(15) V. supra note 5.

(16) Tosef. Kil. IV; because a gap in the shape of a doorway, even if it is wider than ten cubits, does not impair the validity of a fence.

(17) The ruling that the fence is valid only when the gaps are less than the standing parts.

(18) Who ruled supra that even if the breaches in an enclosure were equal to its standing parts, the movement of objects within it on the Sabbath is permitted or, in other words, the fence of the enclosure is valid.

(19) Lit., 'what its fullness?'

(20) Lit., 'enters and goes out', so that a gap equal to that width is really wider than the actual width of the reed. Where, however, the gaps are exactly equal to the standing parts, the fence is valid in agreement with the view of R. Papa.

(21) The Baraita just discussed which provides support for R. Papa's ruling.

(22) Who differed from R. Papa (supra 15b).

(23) In agreement with the ruling of R. Huna son of R. Joshua and contrary to that of R. Papa.

(24) An expression which was essential for the inference that if the gaps equalled the standing parts it is permitted to sow even over against the gaps.

(25) As an antithesis; although the ruling here was really unnecessary in view of the statement, 'The gaps shall not be equal to the standing parts', i.e., (as explained supra) the space through which the reeds can move freely to and fro, from which it follows that if the gaps and the standing parts are equal, and much more so if the latter exceed the former, this is permitted. As the final clause is this a mere antithesis, no inference from it may be drawn.

(26) A statement necessary for the purpose of the inference: But if they were equal to the gaps this is forbidden.

(27) As a mere antithesis.

(28) Though it was superfluous in view of the ruling that this is forbidden even where they were equal to the standing parts.

(29) Who recognizes the validity of a fence where gaps and standing parts are equal.

(30) V. previous note.

(31) Reeds of (i) less than three and (ii) of three handbreadths.

(32) Lit., 'he does not mix them and teach them', as, for instance, 'Wherever (the width of a reed is) three, or less than three, handbreadths it is necessary that the gap between any two reeds shall be less than three handbreadths'. Such a statement would be wrong since in the latter case (according to R. Papa) the gap may be three handbreadths wide.

(33) Who does not recognize the validity of a fence where its gaps and standing parts are equal.

(34) Lit., 'let him mix them and teach them'.

(35) Lit., 'disqualification', 'invalidity'.

(36) As the reasons are different the two rulings could not be joined into one statement.

(37) V. Glos.

(38) Apparently it is.

Talmud - Mas. Eirubin 16b

Does not this represent the view of¹ R. Simeon b. Gamaliel who laid down that the law of labud is applied [to a gap that is] less than four handbreadths?² For if [it represents the view of] the Rabbis [how could it be said], 'from three to four' where three and four are subject to the same law?³ Abaye replied: Since the first clause [is the view of] the Rabbis the final clause also [must be that of] the Rabbis, but⁴ the Rabbis admit that wherever [it is a question of] permitting [to sow corn] over against [a standing part], if it is four handbreadths wide it is deemed [a partition],⁵ but not otherwise. Raba replied: As the final clause is the view of R. Simeon b. Gamaliel the first clause also must be that of R. Simeon b. Gamaliel, but⁴ it is only to [a gap] above⁶ that he applied the rule of labud but in the case of one below it is like a fence which kids can break through [to which the rule of] labud is not applied.

Come and hear: [The space enclosed by] such walls as consist mostly of floors and windows is permitted, provided the standing parts exceed the gaps.⁷ Now, is it possible to imagine [that the reading was] ‘mostly’?⁸ [The reading] then [must obviously be] ‘[The space enclosed by walls] in which many⁹ doors and windows were made is permitted, provided the standing parts exceed the gaps’. Thus it follows [that if the standing parts] equal the gaps it is forbidden. [Is not this then] an objection against R. Papa? — This is indeed an objection. The law, however, is in agreement with R. Papa. ‘An objection’ and ‘the law’!¹⁰ — Yes. Because the inference from our Mishnah is in agreement with his view. For we learned: THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, from which it follows [that if they are] equal to the built-up parts it is permitted.

MISHNAH. [A CARAVAN IN CAMP]¹¹ MAY¹² BE SURROUNDED BY THREE ROPES,¹³ THE ONE ABOVE THE OTHER, PROVIDED [THE SPACE] BETWEEN THE ONE ROPE AND THE OTHER¹⁴ IS LESS THAN THREE HANDBREADTHS.¹⁵ THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR [TOTAL] THICKNESS SHALL BE MORE¹⁶ THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT¹⁷ SHALL BE TEN HANDBREADTHS. [THE CAMP]¹⁸ MAY ALSO BE SURROUNDED¹⁹ BY REEDS,²⁰ PROVIDED THERE IS NO [GAP OF] THREE HANDBREADTHS²¹ BETWEEN ANY TWO REEDS. [IN LAYING DOWN THESE RULINGS,²² THE RABBIS] SPOKE ONLY OF A CARAVAN.²³ THIS IS THE VIEW OF R. JUDAH; BUT THE SAGES MAINTAIN THAT THEY SPOKE OF A CARAVAN ONLY BECAUSE [IN ITS CASE THIS²⁴ IS] A USUAL OCCURRENCE.²⁵ ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL²⁶ [STAKES] IS NO VALID PARTITION;²⁷ SO R. JOSE SON OF R. JUDAH.²⁸ BUT THE SAGES RULED: ONE OF THE TWO²⁹ [IS ENOUGH]. GEMARA. Said R. Hammuna in the name of Rab: Behold the Rabbis have laid down³⁰ that if the standing parts [of a partition made up] of vertical [stakes]³¹ exceed the gaps [the fence] is valid.³² What, however, asked R. Hammuna, is the ruling in respect of horizontally [drawn ropes]?³³ — Abaye replied: Come and hear: THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR TOTAL THICKNESS SHALL BE MORE THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT SHALL BE TEN HANDBREADTHS. Now if [such a barrier]³⁴ were valid³⁵ what need was there³⁶ [for the TOTAL THICKNESS to be] MORE THAN A HANDBREADTH seeing that one could leave³⁷ [a distance slightly] less than three handbreadths and [stretch] a rope of any [thickness, and again leave a distance slightly] less than three handbreadths, and [stretch] a rope of any [thickness, and then again leave a distance slightly] less than four handbreadths and [stretch] a rope of any thickness?³⁸ — But how do you understand this: Where could one leave³⁹ less than four [handbreadths of distance]? Were it to be left³⁹ below,⁴⁰ [the barrier] would be like a partition which kids can break through;⁴¹ were it to be left⁴² above,⁴³ the [unlimited] air space on the one side [of the rope]⁴⁴ and that on the other⁴⁵ would join⁴⁶ to annul its validity; and if one were to leave it in the middle,⁴⁷ the [virtually] standing parts⁴⁸ would be exceeding the gaps [only by combining the parts]⁴⁸ on its two sides;⁴⁹ or would you infer from this that where the standing parts [of a partition or barrier] exceed a gap in it [only by combining those] on its two sides they are nevertheless valid?⁵⁰ But⁵¹ it is this that R. Hammuna asked: [What is the ruling where one] brought for instance a mat that measured seven handbreadths and a fraction, and cut out in it [a hole of] three handbreadths leaving [untouched the remaining] four handbreadths⁵² and fraction,⁵³ and put it up within [a distance of] less than three handbreadths [from the ground]?⁵⁴

R. Ashi said: His⁵⁵ enquiry related to a suspended partition,⁵⁶ as did that which R. Tabla addressed to Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility only in the case of water⁵⁷ because only in respect of water did the Sages relax the law.

[THE CAMP] MAY ALSO BE SURROUNDED BY REEDS etc. Only in the case of A CARAVAN but not in that of all individual? But was it not taught: R. Judah stated: All [defective] partitions⁵⁸ in connection with the Sabbath [laws] were not permitted to an individual [if the space

enclosed]⁵⁹ exceeded two beth se'ah?⁶⁰ — As R. Nahman (or [as] some say: R. Bibi b. Abaye) replied [elsewhere that the ruling] was only required [in respect] of allowing them all [the space] they required, [so may one] here also [explain that the statement⁶¹ referred to the permissibility] of allowing them all [the space] they required.⁶²

Where was [the reply] of R. Nahman (or [as] some say, [that of] R. Bibi b. Abaye) stated?- In connection with what we learned: ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL [STAKES] IS NO VALID PARTITION; SO R. JOSE SON OF R. JUDAH. Now [it was objected] could R. Jose son of R. Judah have given such a ruling seeing that it was taught: 'An individual and a caravan are subject to the same law as regards [a barrier] of ropes.⁶³ But [then] what is the difference [in this respect]⁶⁴ between an individual and a caravan? One individual is allowed two beth se'ah, so are two individuals also allowed two beth se'ah, but three become a caravan and are allowed six both se'ah,' so R. Jose son of R. Judah. But the Sages ruled: Both an individual and a caravan are allowed all [the space] they require provided no area of two beth se'ah remains unoccupied?'⁶⁵ [To this] R. Nahman (or some say: R. Bibi b. Abaye) replied: [This ruling]⁶⁶ was only required in respect of allowing them all [the space] they required.⁶⁷ R. Nahman in the name of our Master Samuel gave the following exposition: One individual is allowed two beth se'ah, two individuals are also allowed two beth se'ah, but three become a caravan and are allowed six beth se'ah. Do you leave the Rabbis⁶⁸ [he was asked] and act in agreement with R. Jose son of R. Judah? Thereupon R. Nahman appointed an Amora on the subject⁶⁹ and gave the following exposition: The statement I made to you was an error on my part; it is this indeed that the Rabbis have said: 'An individual is allowed two beth se'ah, two also are allowed two beth se'ah, but three become a caravan and are allowed all [the space] they require.

(1) Lit., 'we came to'.

(2) By making a distinction between four and less than four, in which latter case where the gap exceeds the standing part it is forbidden to sow even over against the standing part, whereas in the former it is permitted — the Mishnah presumably follows R. Simeon b. Gamaliel (Rashi).

(3) Lit., 'is one'.

(4) As to the objection raised.

(5) Against which corn may be sown.

(6) As in the case of a cross-beam,.

(7) Supra 11a.

(8) שְׂרוּבֵן, lit., 'most of which'; obviously not, since the standing parts of such walls cannot possibly exceed the gaps.

(9) שְׂרִיבָה, lit., 'that he made many'.

(10) Can the law be in agreement with the view of R. Papa when an objection has been raised against it?

(11) Cf. Mishnah supra 15b of which this is a continuation.

(12) In order that it may be permitted to move objects within it on the Sabbath.

(13) Attached to reeds, or any stakes.

(14) And between the lowest one and the ground.

(15) A gap of less than three handbreadths being regarded by the rule of labud (v. Glos.) as non-existent, the height of the rope barrier is thus virtually nine handbreadths minus three small fractions (v. following two notes and text).

(16) By the three fractions mentioned in the previous note ad fin.

(17) Of the rope barrier.

(18) V. supra note 1.

(19) V. supra note 2.

(20) Driven in the ground in a vertical position.

(21) So that the rule of labud can be applied.

(22) That a barrier of ropes drawn horizontally or a fence of reeds driven in the ground vertically is a valid enclosure in respect of the Sabbath laws.

(23) In whose case the Rabbis relaxed the law, but not of an individual whose barrier or fence must be provided with both horizontal and vertical (v. our Mishnah infra) stakes, reeds or ropes.

- (24) The putting up of a barrier round the camp.
- (25) But the same laws apply also to camps of individuals.
- (26) Lit., 'warp and woof'.
- (27) Even in the case of a caravan.
- (28) Who differs from his father's view supra.
- (29) Either vertical or horizontal stakes or poles and the like.
- (30) In the Mishnah supra 15b.
- (31) And the like. The trappings of cattle (v. previous note) are usually arranged in a vertical position.
- (32) Lit., 'a standing'.
- (33) Is such a barrier valid where it contains gaps wider than three handbreadths to which, unlike the rope barrier spoken of in our Mishnah, the rule of labud cannot be applied?
- (34) V. previous note.
- (35) Lit., 'there is'.
- (36) Lit., 'wherefore to me'.
- (37) Lit., 'let him make'.
- (38) Two of the gaps, each being less than three handbreadths, would by the law of labud be deemed closed and this would, together with the ropes, provide a 'standing part' of six handbreadths that exceeds the third gap of four handbreadths. As this, however, was not permitted it may be concluded that in the case of horizontally drawn ropes, the barrier is invalid even where the standing parts exceed the gaps.
- (39) Lit., 'set', 'place'.
- (40) Between the lowest rope and the ground.
- (41) Which, as a suspended partition, is invalid even if its properly standing parts are ten handbreadths high.
- (42) Lit., 'set', 'place'.
- (43) The other gaps; i.e., between the second rope from the ground and the topmost one.
- (44) Its upper side.
- (45) The space between this rope and the middle one.
- (46) Lit., 'come'.
- (47) Above the lowest, and under the middle rope.
- (48) Sc. the spaces of three handbreadths each below it and above it to which the rule of labud is applied.
- (49) Which, is not admissible.
- (50) Lit., 'is a standing', but this is contrary to the law.
- (51) The question in the present form being untenable.
- (52) On one side of the gap.
- (53) On its other side.
- (54) With the fractional section below the gap in the mat and the four handbreadths one above it. In such a case the lowest gap (the distance between the ground and the fractional section of the mat) is regarded as labud (v. Glos.) while the three handbreadths gap in the mat is exceeded by the remaining four handbreadths of the mat all of which are on one side of the gap. The air spaces on the two sides of this section cannot annul its validity since it exceeds at least the air space on the one side below it.
- (55) R. Hamnuna's.
- (56) A mat measuring ten handbreadths, for instance, that was suspended at a distance of more than three, and less than ten handbreadths from the ground. Does the 'standing part' (the mat), R. Hamnuna asked, annul the distance between it and the ground because it exceeds it or not?
- (57) I.e., as regards the permissibility of drawing water from a river or a lake on the Sabbath (cf. infra 87b).
- (58) That were with difficulty allowed where a number of people were concerned.
- (59) Though the enclosure was put up for the purpose of using its interior as a dwelling.
- (60) V. Glos., but if it did not exceed this measurement such defective partitions were permitted to an individual also. How then is R. Judah's statement in the Baraita to be reconciled with his statement in our Mishnah.
- (61) Of R. Judah, that the Rabbis in our Mishnah SPOKE ONLY OF CARAVAN.
- (62) Though it exceeded two beth se'ah. Where, however, such an area is not exceeded the same privilege is extended to an individual also.
- (63) It is permissible in either case though no vertical stakes were put up.

- (64) Where a barrier is defective as in this case (v. previous note).
- (65) Sc. exceeded actual requirements. Now since R. Jose distinctly recognized here the validity of a barrier made of ropes without stakes how could he rule in our Mishnah to the contrary?
- (66) Of R. Jose in our Mishnah, according to which a barrier of ropes is not admissible.
- (67) The respective areas specified in the Baraitha however, are allowed even where the barrier was made only of horizontally drawn ropes.
- (68) Who represent a majority.
- (69) To expound to the public R. Nahman's discourse.

Talmud - Mas. Eirubin 17a

Is then the first clause¹ [in agreement with] R. Jose² and the final clause [only in agreement with the] Rabbis?³ — Yes, because his father⁴ adopts⁵ the same line.⁶

R. Giddal stated in the name of Rab: Three [persons are sometimes] forbidden⁷ in five [beth se'ah, and sometimes] permitted⁷ [even] in an area of seven. 'Did Rab', they asked him, 'really say so?' — '[By] the Law, the Prophets and the Writings, [I can answer]', he said to them, 'that Rab did say, so'. Said R. Ashi: But what is the difficulty?⁸ It is possible that he meant this: If they required six beth se'ah and they surrounded⁹ an area of seven they are permitted¹⁰ even in all the seven;¹¹ and if they required only one of five¹² beth se'ah but surrounded⁹ one of seven¹³ they are forbidden¹⁴ even the five beth se'ah. But then what of what was taught: 'Provided there be no two beth se'ah unoccupied', does not this mean: Unoccupied by human beings?¹⁵ — No; unoccupied by objects.¹⁶

It was stated: [On the question of the extent of the area permitted¹⁷ where there were]¹⁸ three persons and one of them died,¹⁹ or two¹⁸ and their number was increased,¹⁹ R. Huna and R. Isaac [are in dispute]. One maintains that Sabbath is the determining factor²⁰ and the other maintains that the determining factor is [the number of actual] tenants.²¹ You may conclude that it is R. Huna who held that the determining factor was the Sabbath. For Rabbah stated: 'I enquired of R. Huna (and also of Rab Judah) as to what [was the law where] an 'erub²² was laid in reliance on²³ a certain door²⁴ and that door was²⁵ blocked up, or on a certain window²⁴ and that window was²⁵ stopped up,²⁶ and he replied: Since permission for the Sabbath was once granted the permissibility continues²⁷ [until the day is concluded]'.²⁸ This is conclusive.

Must it be assumed that R. Huna and R. Isaac differ on the same principle as that on which R. Jose and R. Judah differed? For we learned: If a breach was made²⁹ in two sides of a courtyard³⁰ and so also if a breach was made in two sides of a house, or if the cross-beam³¹ or side-post³¹ of an alley was removed²⁹ [the tenants] are permitted [their use] for that Sabbath³² but forbidden on future [Sabbaths]; so R. Judah. R. Jose ruled: Whatever³³ they are permitted for that Sabbath they are permitted for future [Sabbaths], and whatever³³ they are forbidden for future [Sabbaths] they are also forbidden for that Sabbath.³⁴ Must it then be assumed that R. Huna is of the same opinion as R. Judah while R. Isaac is of that of R. Jose?³⁵ — R. Huna can tell you, 'I can maintain my view even in accordance with that of R. Jose; for R. Jose maintained his view there only because there were no partitions, but here there are partitions'. And R. Isaac can tell you, 'I can maintain my view even in agreement with R. Judah; for R. Judah upheld his view there only because the tenants were in existence, but here there was not a [sufficient number of] tenants'.

AND THE SAGES RULED: ONE OF THE TWO [IS ENOUGH]. Is not this ruling precisely the same as that of the first Tanna?³⁶ — The practical difference between them is the case of an individual in an inhabited area.³⁷ MISHNAH. [OF] FOUR OBLIGATIONS WAS EXEMPTION GRANTED [TO WARRIORS] IN A CAMP: THEY MAY BRING WOOD FROM ANYWHERE, THEY ARE EXEMPT FROM THE WASHING OF THE HANDS,³⁸ FROM [THE RESTRICTIONS OF] DEMAI³⁹ AND FROM THE DUTY OF PREPARING AN 'ERUB.⁴⁰

GEMARA. Our Rabbis learned: An army that goes out to an optional war⁴¹ are permitted to commandeer dry⁴² wood. R. Judah b. Tema ruled: They may also encamp in any place, and are to be buried where they are killed.⁴³

'Are permitted to commandeer dry wood'. Was not this, however, an enactment of Joshua,⁴⁴ for a Master stated that Joshua laid down ten stipulations [which included the following:] That [people] shall be allowed to feed their cattle in the woods⁴⁵ and to gather wood from their⁴⁵ fields?⁴⁶ — [The enactment] there related to thorns and shrubs [while the ruling] here refers to other kinds of wood.

Or else: There⁴⁷ [it is a case of trees] that are attached [to the ground,⁴⁸ while the ruling] here [refers to such] as were [already] detached.⁴⁹ Or else: There⁴⁷ [it is a case] of fresh, and here [it is one] of dry [wood].

‘R. Judah b. Tema ruled: They may also encamp in any place, and are to be buried where they are killed’. Is not this⁵⁰ obvious, since [a killed warrior is] a meth mizwah³⁹ and a meth mizwah acquires [the right to be buried on] the spot where it is found?⁵¹ — [This ruling was] required only [for the following case:] Although

(1) The ruling accepted by R. Nahman in his exposition.

(2) Who allows an individual no more than two beth se'ah. According to the Rabbis he should be allowed all the space he requires.

(3) Since R. Jose allows only an area of six beth se'ah. Now, would R. Nahman agree with an individual opinion when it differs from that of the majority?

(4) R. Judah.

(5) Lit., ‘stands’.

(6) He also allows an individual no more than two beth se'ah where a partition is made of vertical or horizontal stakes or ropes only.

(7) The carrying of objects on the Sabbath.

(8) That caused them to doubt that Rab had made the statement.

(9) With stakes only, i.e., with the vertical, and not with the horizontal parts of an enclosure.

(10) The carrying of objects on the Sabbath.

(11) Since the unoccupied area is less than two beth se'ah.

(12) For a variant reading, v. Elijah Wilna's glosses.

(13) So that two beth se'ah remained unoccupied, and the barrier was consequently invalid.

(14) The carrying of objects on the Sabbath.

(15) Three persons, e.g., each being entitled to an area of two beth se'ah only, would not jointly be allowed the use of $(3 \times 2 + 2 =)$ eight beth se'ah, since, after allowing the $(3 \times 2 =)$ six to which they are jointly entitled there still remain two beth se'ah without an occupier; but if the area measured only seven beth se'ah all of it is permitted to them since only $(7 - 3 \times 2 =)$ one beth se'ah remains unoccupied. How then is Rab's statement that ‘three persons are sometimes forbidden in five’, to be explained?

(16) Even several persons are not entitled to use an area of twice as many beth se'ah as their number (cf. previous note) but only as many beth se'ah as they actually require plus an area less than two beth se'ah.

(17) In the case of a defective enclosure.

(18) When the Sabbath began.

(19) On the Sabbath.

(20) The extent of the area permitted is dependent on the number of persons alive at the moment Sabbath began. If at that time the three were alive the survivors may continue to use the full area throughout the Sabbath even according to R. Judah. If, however, two persons only were present when the Sabbath began and they enclosed an area larger than two beth se'ah they are, according to R. Judah, forbidden its use even if their number had been augmented during the Sabbath.

(21) If an area larger than two beth se'ah had been enclosed its use is permitted if the number of tenants was three, though when the Sabbath began it was only two, and forbidden if the number was two though it was three when the Sabbath began.

(22) V. Glos.

(23) Lit., ‘by the way of’.

(24) That communicated between two courtyards inhabited by different tenants.

(25) Owing to the collapse of some structure on the Sabbath.

(26) Is it permissible to carry objects through any other window that, measuring less than four handbreadths (v. infra 76a), could not be used for the purpose of an ‘erub?

(27) Lit., ‘is permitted’.

(28) Infra 93b.

- (29) During the Sabbath.
- (30) This is explained infra 94b.
- (31) Sing. So Rashi's MS. supported by Tosaf. s.v. קורותיו a.l. Cur. edd. use the pl.
- (32) On which the accident occurred. Since these were permitted when the Sabbath began their permissibility continues until its conclusion.
- (33) Lit., 'if' (v. next note).
- (34) Infra 94a, i.e., (as explained infra 5a) as they are forbidden for future Sabbaths so are they forbidden for that one also though they were permitted when the Sabbath began.
- (35) Is it likely, however, that Amoras would be merely repeating a dispute of Tannas?
- (36) The Rabbis, who, earlier in the Mishnah, stated THEY SPOKE OF A CARAVAN ONLY BECAUSE . . . A USUAL OCCURRENCE, so that the same relaxation of the law applied also to an individual.
- (37) According to the first Tanna a defective partition is permitted to an individual only where he, like a CARAVAN, finds himself underways where he cannot procure the materials for a proper one. According to the Sages, however, who objected to the ruling of R. Jose son of R. Judah, according to whom a defective partition is invalid both for a caravan and an individual, underways and in an inhabited area, such a partition is valid both for a caravan and an individual, underways and in an inhabited area.
- (38) Before a meal.
- (39) V. Glos.
- (40) If a door communicated between two enclosures in the camp and it was desired to carry objects from one into the other.
- (41) Sc. any war other than those against the peoples of Canaan in the days of Joshua.
- (42) And much more so fresh.
- (43) Tosef. 'Er. II.
- (44) When he entered Canaan.
- (45) Of other people.
- (46) B.K. 80bf.
- (47) The enactment of Joshua.
- (48) Such trees are permitted to all.
- (49) The owner having cut them for fuel. Such wood is permitted to an army only.
- (50) The second ruling of R. Judah b. Tema.
- (51) Lit., 'its place'. This is another of the ten enactments of Joshua. Sot. 45b, B.K. 81a, Sanh. 47b.

Talmud - Mas. Eirubin 17b

he¹ has friends who would bury [him he is to be buried where he was killed]. For it was taught: Who is deemed a meth mizwah? Any person who has no one² to bury him. Were he, however, to call [for help] and others answer him, he is not [to be regarded as] a meth mizwah.³

But does a meth mizwah acquire [the right to be buried on] the spot where it is found? Was it not in fact taught: If a man found a corpse lying in the road, he may remove it to the right of the road or to the left of the road: [if on the one side there was] an uncultivated, and [on the other] a fallow field, he should remove it to the uncultivated field;⁴ a fallow field and a field with seeds, he should remove it to the fallow field;⁴ if both fields were fallow, sown, or uncultivated he may remove it to whichever side he wishes?⁵ — R. Bibi replied: Here we are dealing with a corpse that lay across a narrow path,⁶ and since permission was granted to remove it from the path⁷ one may also move it to whichever side one pleases.

THEY ARE EXEMPT FROM THE WASHING OF THE HANDS. Abaye stated: This was taught only in respect of the washing before a meal,⁸ but the washing after a meal⁹ is obligatory. R.¹⁰ Hiyya b. Ashi stated: Why did the Rabbis rule that washing after a meal⁹ is obligatory? Because there exists a certain Sodomitic salt that causes blindness.¹¹ And, said Abaye, it is found in the proportion of one grain to a kor¹² [in any kind of salt]. Said R. Aha son of Raba to R. Ashi: What [is your ruling

where] one has measured out any salt?¹³ This,¹⁴ the other replied, is perfectly obvious.¹⁵

FROM [THE RESTRICTIONS OF] DEMAI, for we learned: Poor men and billeted troops¹⁶ may be fed with demai.¹⁷ R. Huna stated: One taught: Beth Shammai ruled: Poor men and billeted troops may not be fed with demai, and Beth Hillel ruled: Poor men and billeted troops may be fed with demai.

AND FROM THE DUTY OF PREPARING AN 'ERUB. It was stated at the schoolhouse of R. Jannai: [This ruling] was taught only in regard to an 'erub¹⁸ of courtyards but their obligation to an 'erub of boundaries remains unaffected, since R. Hiyya taught: For [transgressing the laws of] 'erub of boundaries flogging is incurred [in accordance with] Pentateuchal Law.¹⁹ R. Jonathan demurred: Is flogging incurred on account of a prohibition²⁰ implied in AI?²¹ R. Aha b. Jacob demurred:²² Now then,²³ since it is written in Scripture: Turn ye not²⁴ unto them that have familiar spirits, nor unto the wizards,²⁵ should no flogging be incurred in that case also?²⁶ — It was this difficulty that R. Jonathan felt: [Is not this]²⁷ a prohibition that was given to [authorize] a warning of death at the hands of Beth din²⁸ and for any prohibition given to [authorize] a warning of death no flogging is incurred?²⁹ — R. Ashi replied: Is it written in Scripture, 'Let no man carry out ?³⁰ It is [in fact] written: Let no man go out.³¹ CHAPTER II

MISHNAH. WELLS³² MAY BE PROVIDED³³ WITH STRIPS OF WOOD³⁴ [BY FIXING] FOUR CORNER-PIECES³⁵ THAT HAVE THE APPEARANCE OF EIGHT [SINGLE STRIPS];³⁶ SO R. JUDAH. R. MEIR RULED: EIGHT [STRIPS THAT] HAVE THE APPEARANCE OF TWELVE [MUST BE SET UP], FOUR BEING CORNER-PIECES AND FOUR SINGLE [STRIPS].³⁷ THEIR HEIGHT [MUST BE] TEN HANDBREADTHS, THEIR WIDTH SIX, AND THEIR THICKNESS [MAY BE] OF ANY SIZE WHATSOEVER. BETWEEN THEM [THERE MAY BE] AS MUCH³⁸ [SPACE AS TO ADMIT] TWO TEAMS OF THREE OXEN EACH; SO R. MEIR; BUT R. JUDAH SAID: OF FOUR [OXEN EACH, THESE TEAMS BEING] TIED TOGETHER AND NOT APART³⁹ [BUT THERE MAY BE SPACE ENOUGH FOR] ONE⁴⁰ TO ENTER WHILE THE OTHER GOES OUT.⁴¹

IT IS PERMITTED TO BRING [THE STRIPS] CLOSE TO THE WELL, PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING.⁴² IT IS PERMITTED

(1) The warrior.

(2) Rashi: Heirs.

(3) Yeb. 89b, Naz. 43b.

(4) In order to avoid or reduce any possible damage to the crops.

(5) B.K. 81b. Now if a meth mizwah must be buried on the spot in which it is found, why was his removal allowed in this Baraita?

(6) Blocking it entirely so that it is impossible to pass through without stepping over the corpse.

(7) So as to enable priests and others who observe levitical purity to use the path without contracting defilement.

(8) Lit., 'first water'.

(9) Lit., 'last water'.

(10) MS.M., 'for R. Judah son of R. Hiyya'. Cf. also Tosaf. Hul. 105a, s.v. מים.

(11) And the washing after the meal removes it from the fingers that may have touched it (cf. Ber. 40a).

(12) V. Glos.

(13) Sc. handled it for some purpose other than that of eating it. Is the washing of the hands obligatory in such a case also?

(14) That washing is required.

(15) Lit., 'it is not (to be) asked'. At the present time it is no longer customary to wash the hands after a meal because Sodomitic salt is uncommon or because no one now dips his fingers in salt after a meal (Tosaf. s.v. מים a.l.).

- (16) Even if they are Jews.
- (17) Dem. III, 1; Ber. 47a; Shab. 127b; infra 31a. The laws of demai, being only Rabbinical, have been relaxed in these cases.
- (18) V. Glos,
- (19) Cf. infra 51a.
- (20) לֹא lit., 'not'.
- (21) לֹא. This negative, it is now assumed, does not express emphatic prohibition as the negative particle .
- (22) Against R. Jonathan's demur.
- (23) If no flogging is to be incurred for a prohibition expressed by al.
- (24) לֹא.
- (25) Lev. XIX, 31.
- (26) But the fact is that flogging is in that case incurred.
- (27) The injunction, 'Let no man go out' (Ex. XVI, 29) from which the prohibitions of both (a) walking beyond the Sabbath limits and (b) carrying from one Sabbath domain into another are inferred (v. Tosaf. s.v. לֹא a.l.).
- (28) For the carrying of objects from one Sabbath domain into another the penalty is not flogging but death (cf. Shab. 96b).
- (29) Even where the penalty of death is not inflicted as, for instance, where the witnesses gave their warning in respect of flogging. How then could it be ruled by R. Hiyya that 'for transgressing the laws of 'erub of boundaries', which are derived from the same text (cf. supra p. 118 n. 15), 'flogging is incurred'?
- (30) Which would explicitly have referred to the carrying of objects. Had this been the case, and as walking beyond the Sabbath limits is inferred from the same text, as no flogging is incurred for the carrying of objects so could none be incurred for walking beyond the Sabbath limits.
- (31) Ex. XVI, 29. Since the expression used is actually that of going out, flogging is rightly incurred for acting against this prohibition (cf. Tosaf. loc. cit. Rashi has a different interpretation).
- (32) That are situated in a public domain and are no less than ten handbreadths deep and four handbreadths wide and, in consequence, subject to the status of a private domain.
- (33) In order that water may be drawn from them on the Sabbath.
- (34) No proper enclosure being necessary (v. infra).
- (35) Or deyomads (cf. note supra 15a), each consisting of two upright boards of the prescribed measurements (v. infra) with their ends joined at right angles to each other.
- (36) So that each of the four sides of the well is screened at each of its two ends by a strip of wood of the prescribed size, and the space around it within the enclosure is thus converted into a private domain into which water from the well may be drawn (cf. supra n. 2).
- (37) One between each two corner-pieces (cf. previous note).
- (38) Lit., 'like the fullness of'.
- (39) This is a restriction: The space must not be wider than that.
- (40) Team (v. infra 19a ad fin.)
- (41) A relaxation of the law: They need not be brought so closely together as to leave no room for them to move freely.
- (42) If the space is smaller, the drawing of water is forbidden on the Sabbath, since the cow might back out of the enclosure and one might carry the bucket after her and thus be guilty of carrying from a private, into a public domain.

Talmud - Mas. Eirubin 18a

TO REMOVE [THE STRIPS]¹ TO ANY [DISTANCE]² PROVIDED ONE INCREASES THE STRIPS.³ R. JUDAH SAID: [THE ENCLOSURE MAY BE ONLY] AS LARGE AS⁴ TWO BETH SE'AH,⁵ BUT THEY⁶ SAID TO HIM: [THE LIMIT OF] TWO BETH SE'AH WAS PRESCRIBED FOR A GARDEN OR A KARPAP⁷ ONLY,⁸ BUT IF [THE ENCLOSURE] WAS A CATTLEPEN,⁹ A FOLD,¹⁰ A BACKYARD OR A COURTYARD¹¹ IT MAY BE [AS BIG AS] FIVE OR TEN BETH KOR.⁵ AND¹² [FOR THIS REASON] IT IS PERMITTED TO REMOVE [THE STRIPS FROM THE WELL TO] ANY DISTANCE PROVIDED ONE INCREASES THE NUMBER OF THE STRIPS.¹³

GEMARA. Must one assume that our Mishnah is not in agreement [with a ruling of] Hanania; for it was taught: Strips of wood may be put up round a cistern¹⁴ and ropes¹⁵ around a caravan,¹⁶ but Hanania ruled: Ropes [may be put up] round a cistern but not strips of wood?¹⁷ — It may be said [to agree] even [with the ruling of] Hanania for a cistern and a well belong to two different categories.¹⁸ There are [others] who read: Since it was not stated¹⁹ Hanania ruled: ‘Ropes must be put up round a cistern and strips of board [may be put up] round a well’, it may be inferred that [according] to the view] of Hanania both in the case of a cistern and in that of²⁰ a well, only ropes are permitted but not strips of wood; must one then assume that our Mishnah²¹ is not in agreement [with the ruling of] Hanania? — It may be said [to agree] even [with the ruling of] Hanania, for he²² only replied to that²³ of which the first Tanna had spoken.²⁴

Must it be assumed that our Mishnah is at variance with [a ruling of] R. Akiba; for we learned: ‘Strips of wood may be provided²⁵ for a public well, a public cistern as well as²⁶ for a private well, but for a private cistern a screen ten handbreadths high must be provided; so R. Akiba’,²⁷ whereas here it was stated [that such strips of wood may be provided] for WELLS. [Does it not then follow:] only²⁸ for WELLS but not for cisterns?²⁹ — It may be said [to be in agreement] even with R. Akiba, for it only taught of a well of living water because [the law in its case is] definite, there being no difference whether it was public or private, but it did not teach concerning a cistern containing collected [water] since [the law in its case] is not definite.³⁰

Need it be suggested that our Mishnah is at variance with a ruling of R. Judah b. Baba; for we learned, ‘R. Judah b. Baba ruled: Strips of wood may be set up round a public well only’,²⁷ whereas here it was stated [that such strips may be set up] for WELLS, implying³¹ that there is no difference whether they were public or private? — It may be said to agree even with R. Judah b. Baba, for by WELLS were meant [public] wells in general.³² What is the meaning of deyomadin?³³ R. Jeremiah b. Eleazar replied: Deyo ‘amudin.³⁴

(Mnemonic:³⁵ Two, under a ban, praise, dove, house, two,³⁶ was cursed, by a relationship three.)

We learned elsewhere: R. Judah ruled: All wild figs³⁷ are exempt [from the restrictions of demai]³⁸ excepting those of deyufra.³⁹ What [is the meaning of] ‘deyufra’? — Ulla replied: A tree that bears fruit twice a year.⁴⁰

R. Jeremiah b. Eleazar said: The first man⁴¹ had two full faces, for it is said in Scripture: Thou hast shaped me⁴² behind and before.⁴³

It is written: And the Lord God builded the side⁴⁴ etc.⁴⁵ Rab and Samuel [differ on the meaning of ‘side’]. One explains: A full face⁴⁶ and the other explains: A tail.⁴⁶ According to him who explained: ‘a full face’, it was quite proper for Scripture to state: Thou hast shaped me behind and before;⁴⁷ but according to him who explained: ‘A tail’, what [could be the meaning of] Thou hast shaped me behind and before?⁴⁷ — As R. Ammi explained, for R. Ammi said: [Adam was] behind [last] in the work of the creation⁴⁸ and before [the others] for retribution. One may well concede that he was ‘behind in the work of the creation’, since he was not created before the Sabbath eve;⁴⁹ what means, however, ‘Before [the others] for retribution’? Shall I say [it refers] to the curse,⁵⁰ surely, [it could be objected] was not the serpent cursed first,⁵¹ Eve afterwards⁵² and Adam last?⁵⁰ — But [it refers] to the flood; for it is written in Scripture: And He blotted out every living substance which was upon the face of the ground, both man and cattle etc.⁵³ According to him who explained: ‘a full face’ it is easy to see why And He formed [wa-yizer]⁵⁴ was written in Scripture⁵⁵ with two yods;⁵⁶ according to him, however, who explained: ‘A tail’ what [could be the significance of] ‘And he formed’?⁵⁷ — [It may be explained] in agreement with R. Simeon b. Pazzi, for R. Simeon b. Pazzi said,⁵⁸ ‘Woe to me on account of my evil inclination;⁵⁹ woe to me on account of my creator’,⁶⁰ According to him who explained: ‘A full face’ it was quite correct for Scripture⁶¹ to write: Male and female created He

them;⁶² but according to him who explained: ‘A tail’, what [could be the interpretation of] ‘Male and female created He them’? - [The text was required] for [an explanation] like that of R. Abbahu. For R. Abbahu pointed out an incongruity: It is written in Scripture: Male and female created He them.⁶² Previously it is written: In the image of God created He him,⁶³ [and he explained:] At first it was the intention that two⁶⁴ should be created but ultimately only one was created.⁶⁵ According to him who explained: ‘A full face’, the expression of ‘And closed up the place with flesh instead thereof’,⁶⁶ is quite intelligible; but according to him who explained: ‘A tail’, what [could be the meaning of] ‘And closed up the place with flesh instead thereof’? — R. Zebid (or as some say: R. Nahman b. Isaac) replied: The text refers only⁶⁷ to the place of the cut.

According to him who explained: ‘A tail’ it was quite proper for Scripture to write: And He builded,⁶⁸ but according to him who explained: ‘A full face’, what [could be the significance of] ‘And He builded’?⁶⁹ — In agreement with that which has been stated by R. Simeon b. Menassia. For R. Simeon b. Menassia made the following exposition: ‘And the Lord God builded the side’⁷⁰ teaches that the Holy One, blessed be He, plaited Eve's hair⁷¹ and then brought her to Adam,⁷² for in the sea-towns a plait⁷³ is called ‘building’.⁷⁴ Another interpretation of ‘And the Lord God builded’:⁷⁰ R. Hisda stated [or, as others say, it was taught in a Baraitha]: This⁷⁵ teaches that the Holy One, blessed be He, built Eve in the shape⁷⁶

(1) From the well.

(2) And thus extend the space enclosed.

(3) So that no gap in the enclosure is wider than ten cubits according to R. Meir, or thirteen and a third cubits according to R. Judah. V. Gemara.

(4) Lit., ‘until’.

(5) V. Glos.

(6) The Rabbis.

(7) **קרפ**, an enclosure for the storage of wood or the like outside a settlement.

(8) Since these are not made to serve as habitations.

(9) Which is shifted from place to place in the fields, its main purpose being the collection of sufficient manure for the respective spots on which it is set up.

(10) For town cattle.

(11) Which may be regarded as an enclosure for human habitation.

(12) Since the water of a well may be used for human beings as for cattle, and the enclosure around it assumes, in consequence, the nature of a human habitation.

(13) V. supra note 2.

(14) Cf. notes on our Mishnah ab init. It is not necessary to provide a proper enclosure. (The reason is given infra).

(15) But not strips of wood (cf. previous note).

(16) Cf. supra 16b notes.

(17) Now, since a cistern and a well are equally private domains, does not our Mishnah, which allows strips of wood for the latter, obviously differ from the ruling of Hanania which does not allow them for the former?

(18) Lit., ‘a cistern alone and a well alone’. In the case of a cistern, unlike that of a well, it is possible for the water to be completely used or dried up, and for an empty pit, an enclosure of strips of wood with gaps between them is invalid.

(19) In the Baraitha just cited.

(20) Lit., ‘there is no difference’.

(21) Which allows boards for the latter.

(22) Hanania in his ruling.

(23) A cistern.

(24) The question of a well not having arisen, there was no need for him to mention it.

(25) V. supra p. 121, n. 13.

(26) Lit., ‘(it is all) one’.

(27) Infra 22b.

(28) Lit., ‘yes’.

- (29) Even if they were public; contrary to R. Akiba who does permit such boards for public cisterns.
- (30) There being in agreement with R. Akiba, a difference between a public, and a private one.
- (31) By the use of the plural.
- (32) Private ones, however, are, in agreement with R. Judah b. Baba, excluded.
- (33) **דְּיוֹמוֹדִין** rendered supra 'CORNER-PIECES'.
- (34) **דְּיוֹמוֹדִין** 'two pillars'. Cf. the Greek parallel, **, and note supra 15a.
- (35) Containing striking words or phrases of each of the following sayings of R. Jeremiah b. Eleazar.
- (36) The last three terms are the reading of Elijah Wilna in place of one unintelligible term in cur. edd.
- (37) Since they are cheap and an 'am ha-ares does not mind the small loss he incurs in tithing them.
- (38) V. Glos.
- (39) Because they are expensive (cf. prev. note). **דְּיוֹפְרָא** cf. Gr. **, Dem. I, 1.
- (40) A play upon the word: **דְּיוֹ** = 'two', **פְּרָא** = **פְּרִי** 'fruit'.
- (41) Or 'Adam (who was) the first (man)'.
- (42) **צַר צִרְתָּנִי**. **צַר** is compared with **צוּרָה** 'shape (of the face)'. E.V., beset me; A.J.T. 'hemmed me in'.
- (43) Ps. CXXXIX, 5.
- (44) E.V., rib.
- (45) Gen. II, 22.
- (46) From which Eve was formed.
- (47) Cf. supra notes 10 and 11
- (48) Lit., 'beginning'.
- (49) Lit., 'the entering of the Sabbath', when all else was already created (cf. Gen. I).
- (50) Gen. III, 17ff
- (51) Ibid. 14ff.
- (52) Ibid. 16.
- (53) Gen. VII, 23; in the destruction, man was mentioned before cattle.
- (54) **וַיִּצַר**.
- (55) Gen. II, 7.
- (56) The two yods in the verb of the rt. **צוּר** signifying 'formation' or 'shaping' of a face (**צוּרָה**) and alluding to the two faces.
- (57) Cf. supra nn. 2-4.
- (58) Ber. 61a.
- (59) **וַיִּצַר** of the same rt. as **וַיִּצַר**.
- (60) **וַיִּצַר**, cf. prev. note. Hence the two yods. There is woe in either case. If he followed the one he incurred the wrath or annoyance of the other.
- (61) Since, from the very beginning, one face was that of a man and the other that of a woman. The face is presumed to have been part of a complete body that formed Adam's back.
- (62) Gen. V, 2.
- (63) Ibid. I, 27, emphasis on him (sing.).
- (64) Male and female; hence Gen. V, 2.
- (65) Hence Gen. I, 27. Keth. 8a, Ber. 61a.
- (66) Gen. II, 21.
- (67) Lit., 'it was only required'.
- (68) Gen. II, 22. A tail well requires 'building' before it is converted into the shape of a woman.
- (69) Cf. supra p. 124, n. 9.
- (70) Gen. II, 22.
- (71) 'Dressed Eve' (Jast.).
- (72) Lit., 'the first man'.
- (73) Or 'network'.
- (74) Ber. 61a, Nid. 45b, Shab. 95a. **בְּנִיתָא** rt. **בָּנִי** 'to build'.
- (75) The expression 'builded'.
- (76) **כְּבִנְיָן** 'like a building'.

Talmud - Mas. Eirubin 18b

of a storehouse. As a storehouse is [made] wide below and narrow above so that it may contain the produce,¹ so was [the womb of] a woman [made] wide below and narrow above so that it may contain the embryo.

‘And brought her to Adam’ teaches that the Holy One, blessed be He, acted as groomsman² for the first man. From here [you may infer] that a great man should act as groomsman for a minor person and feel no regrets about it.

With reference to the view of him who explained: ‘A full face’³ which of them⁴ walked first? — R. Nahman b. Isaac replied: It is reasonable to assume that the male walked first; for it was taught: No man should walk on a road behind a woman, even if she is his own wife. If she happened [to be in front of] him on a bridge he should leave her on one side;⁵ and whosoever crosses a river behind a [married]⁶ woman has no share in the world to come.⁷

Our Rabbis taught: A man who counts out money for a woman from his hand into hers or from her hand into his, in order that he might look at her, will not be free from the judgment of Gehenna even if he is [in other respects] like our Master Moses who received the law at Mount Sinai; and concerning him Scripture said: Hand to hand,⁸ he will not be free from evil⁹ [which means,] he will not be free from the judgment of Gehenna.

R. Nahman said: Manoah was an ignorant man,¹⁰ since it is said: And Manoah arose, and went after his wife.¹¹ R. Nahman b. Isaac demurred: Now then, since in the case of Elkanah it is written ‘And Elkanah went after his wife’,¹² was he¹³ also [an ignorant man]?¹⁴ Or in the case of Elisha, since it is written in Scripture: And he arose, and followed her,¹⁵ was he¹³ also an ignorant man?¹⁶ But [the meaning is] ‘after her words and her counsel’ so here also¹⁷ [could it not be explained:] ‘After her words and her counsel’?¹⁸

Said R. Ashi: On R. Nahman's assumption that¹⁹ Manoah was an ignorant man,²⁰ he did not attend even a school for Scripture, for it is written: And Rebekah arose, and her damsels, and they rode upon the camels, and followed the man,²¹ but they did not precede the man.

R. Johanan remarked: [Let one walk] behind a lion but not behind a [married] woman; behind a [married] woman but not behind an idol,²² behind an idol but not behind a synagogue at the time the congregation²³ is praying.²⁴

R. Jeremiah b. Eleazar further stated: In all those years²⁵ during which Adam²⁶ was under the ban he begot ghosts and male demons and female demons,²⁷ for it is said in Scripture: And Adam lived a hundred and thirty years and begot a son in his own likeness, after his own image,²⁸ from which it follows that until that time he did not beget after his own image. An objection was raised: R. Meir said: Adam was a great saint. When he saw that through him death was ordained as a punishment he spent a hundred and thirty years in fasting, severed connection with his wife for a hundred and thirty years, and wore clothes of fig [leaves] on his body for a hundred and thirty years.²⁹ — That statement³⁰ was made in reference to the semen which he emitted accidentally.

R. Jeremiah b. Eleazar further stated: Only a part of a man's praise may be said in his presence, but all of it in his absence. ‘Only a part of a man's praise . . . in his presence’, for it is written in Scripture: For thee have I seen righteous before Me in this generation;³¹ ‘but all of it in his absence’, for it is written in Scripture: Noah was in his generations a man righteous and wholehearted.³²

R. Jeremiah b. Eleazar further stated: What [was signified] when it was written: And lo in her

mouth an olive-leaf freshly plucked?³³ The dove said to the Holy One, blessed be He, 'May my food be as bitter as the olive but entrusted to your hand rather than sweet as honey and dependent on a mortal';³⁴ for here³³ it is written 'freshly plucked'³⁵ and elsewhere it is written: Feed me³⁶ with mine allotted bread.³⁷

R. Jeremiah b. Eleazar further stated: Any house in which the words of the Torah are heard at night³⁸ will never be destroyed; for it is said in Scripture: But none saith: 'Where is God my Maker³⁹ who⁴⁰ giveth songs⁴¹ in the night'.⁴²

R. Jeremiah b. Eleazar further stated: Since the Sanctuary was destroyed⁴³ it is enough for the world⁴⁴ to use⁴⁵ only two letters⁴⁶ [of the Tetragrammaton],⁴⁷ for it is said in Scripture: Let every thing⁴⁸ that hath breath praise the Lord,⁴⁶ praise ye the Lord.⁴⁹

R. Jeremiah b. Eleazar further stated: When Babylon was cursed, her neighbours also were cursed,⁵⁰ but when Samaria was cursed her neighbours were blessed.⁵⁰ 'When Babylon was cursed her neighbours also were cursed', for it is written: I will also make it a possession for the bittern, and pools of water;⁵¹ 'but when Samaria was cursed her neighbours were blessed', for it is written: Therefore I will make Samaria a heap in the field,

(1) Were its shape to be reversed the heavy weight of the stored produce would weigh down the walls.

(2) שושבינות, cf. B.B., Sonc. ed., p. 618, n. 10.

(3) Supra 18a.

(4) The male or female.

(5) And pass her (Rashi).

(6) So Rashi.

(7) He is guilty of immorality.

(8) Sc. one who counts money from his hand into a woman's hand or vice versa, even if he is as great as Moses who received the Law in his hand from God's hand.

(9) Prov. XI, 21. E.V. give different renderings.

(10) 'Am ha-arez. (v. Glos.).

(11) Judg. XIII, 11. Had he been learned, he would have known that it was improper to walk behind a woman.

(12) This text is found nowhere in M.T. (cf. Tosaf. Ber. 61a, s.v. נשס).

(13) Lit., 'thus'.

(14) But the fact is that he was a prophet (as stated in Seder 'Olam) who could not possibly be an ignorant man.

(15) II Kings IV, 30.

(16) Cf. supra n. 7.

(17) The case of Manoah,

(18) Of course it could. An objection against R. Nahman.

(19) Lit., 'and to what R. Nahman said'.

(20) Taking 'after' in its literal sense.

(21) Gen. XXIV, 61.

(22) The risk of idolatry is greater.

(23) So Bah. Absent from cur. edd.

(24) If at such a time a man fails to join in prayer and passes on his way behind the place of worship he publicly declares himself cut off from the congregation of Israel.

(25) Hundred and thirty years after his expulsion from the Garden of Eden (v. infra).

(26) Lit., 'the first man'.

(27) Or 'night demons'.

(28) Gen. V, 3.

(29) How in view of this statement could R. Jeremiah b. Eleazar maintain his?

(30) Of R. Jeremiah.

(31) Gen. VII, 1. In speaking to Noah, God describes him as 'righteous' only.

(32) Ibid. VI, 9. In his absence he is described as both 'righteous and wholehearted'.

(33) Ibid. VIII, 11.

(34) Noah. Lit., 'flesh and blood'.

(35) טָרַף.

(36) הַטְרִיפְנִי, of the same rt. as טָרַף supra.

(37) Prov. XXX, 8.

(38) When the voice is carried far.

(39) Sc. he has no need to complain of God's neglect of him.

(40) I.e., 'the man who'.

(41) The words of the Torah.

(42) Job XXXV, 10.

(43) And the priests discontinued the use of the Tetragrammaton (cf. Hag. 16a).

(44) MS.M., man.

(45) In extolling the Deity or in greeting a fellow-man.

(46) יָהּ.

(47) יְהוָה.

(48) Emphasis on 'everything', sc. all the world or all man.

(49) Ps. CL, 6.

(50) As a consequence of its curse.

(51) Isa. XIV, 23; such a curse is also a bane to the neighbourhood.

Talmud - Mas. Eirubin 19a

a place for planting of vineyards.¹

R. Jeremiah b. Eleazar further stated: Come and see that human² relationship is not like that with the Holy One, blessed be He. In human² relationship when a man is sentenced to death for [an offence against] a government, a hook must be placed in his mouth in order that he shall not [be able to] curse the king, but in the relationship with the Holy One, blessed be He, when a man incurs [the penalty of] death for [an offence against] the Omnipresent he keeps silence, as it is said: Towards Thee silence³ is praise;⁴ and he, furthermore, offers praise, for it is stated: 'praise'; and not only that but he also regards it⁵ as if he offered a sacrifice, for it is said⁶ in Scripture: And unto Thee the vow is performed.⁷ This⁸ is exactly in line with what R. Joshua b. Levi has said: What [is the meaning of] what is written: Passing through the valley of Baca they make it a place of springs; yea, the early rain clotheth it with blessings,⁹ 'passing' is an allusion to¹⁰ men who transgress¹¹ the will of the Holy One, blessed be He; 'valley' [is an allusion to these men] for whom Gehenna is made deep;¹² 'of Baca' [signifies] that they weep and shed tears;¹³ 'they make it a place of springs',¹⁴ like the constant flow¹⁵ of the altar drains;¹⁶ 'Yea, the early rain clotheth it with blessings', they acknowledge the justice¹⁷ of their punishment and declare before Him, 'Lord of the universe,¹⁸ Thou hast judged well, Thou hast condemned well, and well provided Gehenna for the wicked and Paradise for the righteous'.

But this¹⁹ is not [so]? For did not R. Simeon b. Lakish state: The wicked do not repent even at the gate of Gehenna, for it is said: And they shall go forth and look upon the carcasses of the men, that rebel²⁰ against me etc.;²¹ it was not said: 'that have rebelled',²² but 'that rebel'²⁰ [implying] that they go on rebelling forever?²³ This is no contradiction, since the former²⁴ refer to transgressors in Israel and the latter²⁵ to transgressors among idol worshippers. Logical argument also leads to this conclusion, since otherwise²⁶ a contradiction would arise between two statements of Resh Lakish. For Resh Lakish stated: The fire of Gehenna has no power over the transgressors in Israel, as may be inferred a minori ad majus from the golden altar: If the golden altar [the layer] on which was only of the thickness of a denar lasted for many years and the fire had no power over it, how much more would that be the case with the transgressors in Israel who are as full of good deeds as a

pomegranate [with seed], as it is said in Scripture: Thy temples are like a pomegranate,²⁷ and R. Simeon b. Lakish remarked, 'Read not, "Thy temples"²⁸ but "Thy empty ones"²⁹ [signifying] that even the worthless³⁰ among you are as full of good deeds as a pomegranate [with seed]'.³¹

What, however, about what is written: Passing through the valley of Baca?³² — That [refers to the fact] that [the wicked] are at that time under sentence to suffer in Gehenna,³³ but our father Abraham comes, brings them up, and receives them, except such an Israelite as had immoral intercourse with the daughter of an idolater, since his foreskin is drawn and so he cannot be discovered.³⁴ R. Kahana demurred: Now that you laid down that [the Scriptural expression,] 'That rebel'³⁵ implies 'that they go on rebelling'³⁵ would you also maintain³⁶ that where it is written in Scripture: That brings out³⁷ or That brings up,³⁸ [the meaning is] 'that always brings up' or 'that always brings out'?³⁹ You must consequently admit⁴⁰ that [the meaning is] 'That brought up' or 'That brought out' so [may one render here] also, 'who rebelled'.⁴¹

R. Jeremiah b. Eleazar further stated: Gehenna has three gates; one in the wilderness, one in the sea and one in Jerusalem. 'In the wilderness', since it is written in Scripture: So they, and all that appertaineth to them, went down alive into the pit.⁴² 'In the sea', since it is written in Scripture: Out of the belly of the nether world cried I, and Thou heardest my voice.⁴³ 'In Jerusalem', since it is written in Scripture: Saith the Lord, whose fire is in Zion, and his furnace in Jerusalem,⁴⁴ and the school of R. Ishmael taught: 'Whose fire is in Zion' refers to Gehenna, 'And His furnace in Jerusalem' refers to the gate of Gehenna.

Are there, however, no more [gates]?⁴⁵ Has not R. Meryon in fact stated in the name of R. Joshua b. Levi (or, as others say: Rabbah b. Meryon learned [in a Baraita of the compilation] of the school of R. Johanan b. Zakkai):⁴⁶ There are two palm-trees in the Valley of Ben Hinnom and between them smoke rises, and it is [in connection with] this [spot] that we have learnt: 'The stone-palms of the iron mountain are fit',⁴⁷ and this is the gate of Gehenna? — It is possible that [this gate] is the same as the one in Jerusalem'.⁴⁸

R. Joshua b. Levi stated: Gehenna has seven names, and they are: Nether-world,⁴⁹ Destruction, Pit,⁵⁰ Tumultuous Pit, Miry Clay, Shadow of Death and the Underworld. 'Nether-world', since it is written in Scripture: Out of the belly of the nether-world cried I, and Thou heardest my voice;⁵¹ 'Destruction', for it is written in Scripture: Shall Thy Mercy be declared in the grave? Or thy faithfulness in destruction;⁵² 'Pit',⁵⁰ for it is written in Scripture: For Thou wilt not abandon thy soul to the nether-world; neither wilt Thou suffer Thy godly one to see the pit;⁵³ 'Tumultuous Pit' and 'Miry Clay', for it is written in Scripture: He brought me up also out of the tumultuous pit, out of the miry clay;⁵⁴ 'Shadow of Death', for it is written in Scripture: Such as sat in darkness and in the shadow of death;⁵⁵ and the [name of] 'Nether-world' is a tradition.

But are there no more [names]?⁵⁶ Is there not in fact that of Gehenna? — [This means,] a valley that is as deep as the valley of Hinnom⁵⁷ and into which all go down for gratuitous⁵⁸ acts.⁵⁹ Is there not also the name of Hearth, since it is written in Scripture: For a hearth is ordered of old?⁶⁰ — That [means] that whosoever is enticed⁶¹ by his evil inclination will fall therein.

[As to] Paradise, Resh Lakish said: If it is in the Land of Israel its gate is Beth Shean;⁶² if it is in Arabia⁶³ its gate is Beth Gerem,⁶⁴ and if it is between the rivers⁶⁵ its gate is Dumaskanin.⁶⁶

In Babylon, Abaye praised the fruit of Eber Yamina⁶⁷ and Raba praised the fruit of Harpania.⁶⁸

BETWEEN THEM [THERE MAY BE] AS MUCH [SPACE AS TO ADMIT TWO etc. Is not this⁶⁹ obvious, for, since it was stated that they are to be TIED TOGETHER, do we not know that they would not be APART? — It might have been presumed that TIED TOGETHER implies: 'As if

they were TIED TOGETHER' but not actually so, hence we were told: AND NOT APART.

ONE TO ENTER WHILE THE OTHER GOES OUT. A Tanna taught: One team⁷⁰ to enter while the other team goes out.

Our Rabbis taught: How much [is the total length of] the head and the greater part [of the body] of a cow?⁷¹ Two cubits. And what is the extent of a cow's thickness? A cubit and two-thirds of a cubit

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- (1) Micah I, 6; plantations of vineyards are a boon to neighbours.
 - (2) Lit., 'the measure (character) of flesh and blood'.
 - (3) Emphasis on 'silence'.
 - (4) Ps. LXXV, 2. E.V. have different renderings.
 - (5) The affliction of the penalty.
 - (6) In the conclusion of the text cited.
 - (7) Ps. LXXV, 2.
 - (8) The statement on the resignation of the wicked to, and their acknowledgment of the justice of the divine judgment.
 - (9) Ps. LXXXIV, 7.
 - (10) Lit., 'these are'.
 - (11) **שְׁעוֹבְרִין** of the rt. **עָבַר** 'to pass'.
 - (12) **שְׁמַעְמִיקִין** rt. **עַמְק** the same as that of 'valley' (**עַמְק**).
 - (13) 'Baca' **בְּכָא** is compared with **בְּכָה** 'to weep' by interchange of **א** and **ה**.
 - (14) So MS.M. Cur. edd. omit.
 - (15) Lit., 'spring'.
 - (16) In which the libations of wine were poured all through the year (cf. Suk. 4a). **שִׁיתִין** 'altar drains' is of the same rt. as **יִשְׁתוּהוּ** 'they make it'.
 - (17) This is implied in the expression 'blessings'.
 - (18) **מִזְרָה**, ('the early rain',) is also the term for 'master'.
 - (19) The statement just made (v. supra p. 128, n. 17).
 - (20) **הַפּוֹשְׁעִים**, pr. particip. E.V., have rebelled.
 - (21) Isa. LXXVI, 24.
 - (22) **שִׁפְשְׁעוּ** perfect.
 - (23) Which is contrary to the statement of R. Joshua b. Levi and R. Jeremiah b. Eleazar supra that the wicked acknowledge the justice of the divine judgment.
 - (24) The statements of R. Joshua b. Levi and R. Jeremiah b. Eleazar.
 - (25) That of Resh Lakish.
 - (26) Lit., 'for if so', if Resh Lakish also speaks of transgressors in Israel.
 - (27) Cant. VI, 7.
 - (28) **רִקְתָּךְ**
 - (29) **רִיקְתִּיךְ** (from **רִיק** 'empty').
 - (30) Lit., 'empty'.
 - (31) Hag. 27a.
 - (32) Ps. LXXXIV, 7, from which it was deduced supra that the wicked in Israel do suffer in Gehenna. How is this statement to be reconciled with the last cited one of Resh Lakish?
 - (33) Hence the 'passing through' it, and 'the weeping'. MS.M.: 'are sentenced to be in Gehenna for one hour, but etc.'
 - (34) By Abraham who mistakes him for a heathen.
 - (35) supra q.v. notes.
 - (36) Lit., 'but from now'.
 - (37) **הַמּוֹצִיא** pr. particip. Cf. Lev. XXII, 33.
 - (38) **הַמְעֵלֶה** also pr. particip. Ibid. XI, 45.
 - (39) Which is absurd.
 - (40) Lit., 'but'.
 - (41) Supra q.v. notes.

- (42) Num. XVI, 33, and this happened in the wilderness.
- (43) Jonah II, 3, and this was said under the sea.
- (44) Isa. XXXI, 9.
- (45) To Gehenna.
- (46) V. Rashi.
- (47) For the lulab (v. Glos.).
- (48) The valley of Ben Hinnom lies immediately behind the wall of Jerusalem.
- (49) Or 'Sheol'.
- (50) Or, 'pit of destruction'.
- (51) Jonah II, 3.
- (52) Ps. LXXXVIII, 12.
- (53) Ibid. XVI, 10.
- (54) Ibid. XL, 3.
- (55) Ibid. CVII, 10.
- (56) To Gehenna.
- (57) **גיהנום = גי הנם** 'Gehenna'.
- (58) **הנם** the same rt. as **הנם** by interchange of **ה** and **ה**.
- (59) Incest.
- (60) Isa. XXX, 33.
- (61) **המתפתה** rt. **פתה**, the same that of **תפתה** 'hearth'.
- (62) A town in an exceedingly fertile district to the south of Tiberias in the Jordan plain. V. Keth., Sonc. ed., p. 725 n. 11. 'Its fruits are the sweetest in all Palestine' (Rashi).
- (63) Prob. Arabia Petraea on the eastern side of the Jordan (v. S. Horowitz, Palestine, p. 130).
- (64) Possibly Wadi Girm Al-Moz, a richly fertile valley facing Beth Shean on the other side of the Jordan and irrigated by an enormous fountain formed by the confluence of nineteen springs flowing south of Fahl and terminating in the Jordan (v. loc. cit.).
- (65) Perhaps Amanah and Pharpar (cf. II Kings V, 12).
- (66) Damascus.
- (67) Or 'the right hand side', sc. the south side of the Euphrates (v. Rashi).
- (68) A rich industrial and agricultural town in the Mesene district, South Babylon.
- (69) That the cows must not be apart (v. our Mishnah).
- (70) The numeral referring to the teams and not to the individual cows which must be so tied together as not to admit any space between them.
- (71) Referred to in our Mishnah.

Talmud - Mas. Eirubin 19b

so that the extent¹ [of all the cows is] about ten cubits;² so R. Meir, but R. Judah said: About thirteen or about fourteen cubits.³ 'About ten' [you say], but are they not in fact ten exactly?⁴ As it was desired to state 'about thirteen' in the final clause 'about ten' was stated in the first clause also.⁵ 'About thirteen' [you said] but are there not more? — ['About' was used] because it was desired to state 'about fourteen'. But there are not really 'about fourteen', [are there]?⁶ — R. Papa replied: [The meaning is:] More than thirteen but less than⁷ fourteen.

R. Papa stated: In respect of a cistern that is eight [cubits wide]⁸ no one disputes the ruling⁹ that no single boards are required.¹⁰ In respect of a cistern that is twelve [cubits wide]¹¹ no one disputes the ruling¹² that single boards also are required.¹³ They only differ [in the case of a cistern that was] from eight to twelve [cubits in width]. According to R. Meir single boards are required¹⁴ and according to R. Judah no single boards are required. What [new principle], however, does R. Papa teach us? Did we not learn [what he said] in our Mishnah?¹⁵ R. Papa did not hear of the Baraitha¹⁶ and he told us¹⁷ [the same measurements] as the Baraitha.¹⁸

(Mnemonic:¹⁹ Extended more in a mound fence of a courtyard that dried up)

Abaye enquired of Rabbah: What is the ruling according to R. Meir where one extended the corner-piece [so that the excess of their width²⁰ was] equal to the required width of the single boards?²¹ — The other replied: You have learnt this: PROVIDED ONE INCREASES THE STRIPS OF WOOD, [which means,] does it not, that one extends [the width of] the corner-pieces? — No; [it might mean] that one provides more single boards. If so, instead of²² 'Provided one increases the strips'²³ [should not the reading] have been, 'Provided²⁴ one increases the number of the strips'? — Read:²⁵ PROVIDED²⁶ ONE INCREASES THE NUMBER OF STRIPS.

There are others who read: The other replied: You have learnt it: PROVIDED ONE INCREASES THE STRIPS [which means,] does it not, that one must provide more single boards? — No; that one extends [the width of] the corner-pieces. By deduction also one arrives at the same conclusion, since it was stated: 'PROVIDED ONE INCREASES THE STRIPS'.²³ This is decisive.

Abaye enquired of Rabbah: What is the ruling according to R. Judah²⁷ where [the distance between the corner-pieces was] more than thirteen and a third cubits? [Is it necessary] to provide [additional] single boards²⁸ or must one rather extend [the width of] the corner-pieces?²⁹ — The other replied: You have learnt it: How near³⁰ may they³¹ be? As the length of the head and the greater part of the body of a cow. And how far may they be? Even [as far as to enclose an area in which] a kor³² and even two kors [of seed may be sown]. R. Judah ruled: [An area of] two beth se'ah³² is permitted but one that exceeds two beth se'ah is forbidden. Do you not admit, the Rabbis said to R. Judah, that if [the enclosure] was a cattle-pen or a cattle-fold, a rear-court or a courtyard it may be [as big as] five or even ten [beth] kor?³² This,³³ he — replied, is [one that has a complete] partition³⁴ but those³⁵ are [isolated] boards.³⁶ Now, if that were so³⁷ should they [not have objected:] The one as well as the other³⁸ is a proper partition?³⁹ — It is this that he⁴⁰ meant: The one⁴¹ is subject to the law of a partition, and gaps in it [must not be wider] than ten cubits,⁴² but those⁴³ are subject to the law of strips of wood and gaps of thirteen and a third cubits between them, [are allowed].⁴⁴

Abaye enquired of Rabbah: Is a mound that rises to a height of⁴⁵ ten [handbreadths] within an area of⁴⁶ four [cubits]⁴⁷ treated as a corner-piece⁴⁸ or not? — The other replied: You have learnt it: R. Simeon b. Eleazar ruled: If a four sided stone was present⁴⁹ we must consider this: If on being cut⁵⁰ there would remain a cubit length for either side⁵¹ it may be regarded as a valid corner-piece, otherwise it cannot be so regarded. R. Ishmael son of R. Johanan b. Beroka ruled: If a round stone was present⁴⁹ we consider this: If on being chiselled⁵² and cut⁵⁰ there would remain a cubit length for either side⁵¹ it may be regarded as a valid corner-piece, otherwise it cannot be so treated.⁵³ On what principle do they differ? — One Master⁵⁴ is of the opinion that one imaginary act⁵⁵ may be assumed⁵⁶ [as having been effected] but not two,⁵⁷ and the other Master⁵⁸ is of the opinion that two imaginary acts may also be assumed [to have been effected].⁵⁹

Abaye enquired of Rabbah: Is a fence of reeds⁶⁰ [in which the distance between] any two reeds was less than three handbreadths regarded as a valid corner-piece or not? — The other replied: You have learnt this: If there was present a tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece.⁶¹ Does not [this refer to a fence in which the distance between] any two reeds was less than three handbreadths? — No; [it may refer to] a hedge of reeds.⁶² If so, is it not exactly [of the same nature as] a tree?⁶³ — What then [would you suggest? That it referred to a fence in which the distance between] any two reeds was less than three handbreadths? Is not this [one could well retort] exactly [of the same nature as] a wall?⁶³ What then could you reply?⁶⁴ [That there are] two kinds of wall? [Well then] in this case also [one might reply that there are] two kinds of tree.⁶⁵ There are [others] who say that he⁶⁶ enquired concerning a hedge of reeds⁶⁷ What [he asked, is the ruling in respect of] a hedge of reeds?⁶⁸ — The other replied: You have learnt this: If there was present a

tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece. Does not this refer to a hedge of reeds? — No; [it may refer to a fence in which the distance between] any two reeds was less than three handbreadths. If so, is it not exactly [of the same nature as] a wall?⁶⁹ — What then [would you suggest? That it refers to] a hedge of reeds? Is not this exactly [of the same nature as] a tree?⁶⁹ What then could you say in reply

(1) Lit., 'which are'.

(2) The extent of the thickness of one cow being in cubits that of two teams of three cows each amounts to $(1 \frac{2}{3} \times 2 \times 3 =)$ ten cubits. The expression 'about' is discussed infra.

(3) According to R. Judah each team may consist of four cows so that the total extent of their thicknesses amounts to $(1 \frac{2}{3} \times 2 \times 4 =)$ thirteen and a third cubits.

(4) Cf. supra n. 10.

(5) So Bah. Cur. edd. omit 'about ten was stated . . . also'.

(6) Obviously not. As the number thirteen and a third was said to be 'about thirteen' because it exceeded the latter by one third only, was it proper to describe it also in the same context, as 'about fourteen' which exceeds it by two thirds?

(7) Lit., 'and they do not reach'.

(8) In which case the length of each side of the space enclosed by the corner-pieces is twelve cubits: Eight cubits (the width of the cistern) plus twice two cubits (the length of the head and the greater part of a cow's body on each side of the cistern).

(9) Lit., 'that all the world do not differ', sc. even R. Meir agrees.

(10) Since the gaps between the corner-pieces that screen the space of one cubit at the extremity of each side do not exceed $(12 - 2 =)$ ten cubits, and may in consequence be regarded as doorways, even according to R. Meir.

(11) So that each side of the enclosure is sixteen cubits wide: Twelve cubits (the width of the cistern) plus twice two (as supra n. 3).

(12) Even R. Judah admits.

(13) Because the distances between the corner-pieces are $(16 - 2 =)$ fourteen cubits and represent gaps which even R. Judah does not allow.

(14) In addition to the corner-pieces.

(15) Sc. in accordance with the measurements laid down in the Baraitha just discussed, his statement follows naturally from the respective rulings of R. Meir and R. Judah in our Mishnah. For as the former allows a space for six oxen, corresponding to a distance of $(6 \times 1 \frac{2}{3} =)$ ten cubits, and the latter allows one for eight oxen, corresponding to a distance of $(8 \times 1 \frac{2}{3} =)$ thirteen and a third cubits, it is obvious that R. Meir does not require single boards in the case of a cistern that is eight cubits wide where the gaps in the enclosure are not wider than ten cubits and that R. Judah does require such boards where a cistern is twelve cubits wide and the gaps in the enclosure are bigger than thirteen and a third cubits.

(16) Just discussed, which lays down the measurements of the length and thickness of a cow.

(17) Independently of the Baraitha, by his own exposition of our Mishnah.

(18) These measurements being derived from his exposition.

(19) Embodying striking words or phrases in Abaye's enquiries of Rabbah that follow.

(20) Above that of one cubit in extent at the extremities of each side of the well enclosure.

(21) Is the reduction of the gaps to ten cubits in this manner effective, or is it necessary, once a gap was wider than the permitted ten cubits, to reduce it by the fixing of two special boards on each side of the enclosure and at the same distance from each corner-piece so that the additional single boards might be distinguishable?

(22) Lit., 'that'.

(23) This is the literal meaning of the original **בפסי** in our Mishnah, 'in the strips', sc. the corner-pieces themselves.

(24) Lit., 'until'.

(25) As actually rendered.

(26) So with marginal note. Cur. edd. 'until'.

(27) Who, unlike R. Meir, did not mention single boards at all.

(28) At a slight distance from the corner-pieces so as to make a proper display of the means whereby the gaps are reduced.

(29) The erection of additional single boards being inadmissible on account of the gaps on either side of them that would

virtually annul their existence.

- (30) To the well.
- (31) The boards forming the enclosures round it.
- (32) V. Glos.
- (33) Any of the enclosures specified.
- (34) Hence the permissibility of an unlimited area.
- (35) The boards in a well enclosure.
- (36) With gaps between them. Tosef. 'Er. I.
- (37) That the corner-pieces may be extended and no single boards are required.
- (38) Lit., 'this ... this'.
- (39) Extended corner-pieces, surely, are as good a partition as any of the others.
- (40) R. Judah in his reply to the Rabbis.
- (41) V. supra n. 5.
- (42) Lit., 'within (the limit of) ten'.
- (43) The boards in a well enclosure.
- (44) As such a partition is obviously much inferior than the others, only a limited area of two beth se'ah was allowed.
- (45) Lit., 'that collects itself'.
- (46) Lit., 'from the midst of'.
- (47) Where the area is larger, and a height of ten handbreadths is in consequence not well pronounced (v. next note), the question does not arise, because a mound of such dimensions is regarded as a piece of solid ground forming a part of the domain in which it is situated.
- (48) Since such a mound, owing to its pronounced proportional height, has, in respect of the Sabbath laws, the status of a private domain (cf. Shab. 100a).
- (49) At one of the corners of a well enclosure.
- (50) Lit., 'divided', sc. shaped into a corner-piece.
- (51) Lit., 'and there is in it a cubit towards here' etc.
- (52) To alter its circular shape into a square.
- (53) Tosef. 'Er. I.
- (54) R. Simeon b. Eleazar.
- (55) The cutting of the stone.
- (56) Lit., 'one (assumption of) "we see" we say'.
- (57) Chiselling and cutting.
- (58) R. Ishmael son of R. Johanan b. Beroka.
- (59) The mound under discussion being circular in shape has the same status as a round stone and its admissibility as a corner-piece depends, therefore, on the respective opinions of R. Simeon and R. Ishmael.
- (60) Growing on the two sides of the corner of a well enclosure.
- (61) Supra 15a q.v. notes.
- (62) All growing from the same stem.
- (63) Which was already mentioned in the same context.
- (64) To this objection.
- (65) No answer, therefore, may be derived from these rulings to Abaye's enquiry.
- (66) Abaye.
- (67) All growing from the same stem.
- (68) Is it a valid corner-piece?
- (69) V. supra p. 136, n. 15.

Talmud - Mas. Eirubin 20a

that there are two kinds of trees? [Well then] in this case also [one might submit that there are] two kinds of wall.

Abaye enquired of Rabbah: If a courtyard opened out on one side¹ into [an area] between the

strips of wood [around a well], is it [permitted] to move objects from its interior into that between the strips and from between the strips to its interior? The other replied: This is permitted.² ‘What if two [courtyards opened out³ in a similar manner]?’ — ‘It is forbidden’,⁴ the other replied. Said R. Huna: [In the case of] two [courtyards the movement of objects is] forbidden even [where the tenants]⁵ have prepared an ‘erub,⁶ this being a preventive measure against the possible assumption⁷ that an ‘erub is effective in the case of a space enclosed by strips of wood.⁸ Raba said: If [the tenants]⁹ prepared¹⁰ an ‘erub¹¹ [the movement of objects¹² is] permitted.¹³

Said Abaye to Raba: ‘[A ruling] was taught which provides support to your view: If a courtyard opens out on one side¹⁴ into [an area] between the strips of wood [around a well] it is permitted to move objects from its interior into that between the strips and from between the strips to the interior, but if two [courtyards opened out in this manner the movement of objects¹² is] forbidden. This, however, applies only where [the tenants] prepared no ‘erub but where they¹⁰ did prepare an ‘erub’ they are allowed [to move their objects]’.¹² Must it be said that this¹⁵ presents an objection against R. Huna? — R. Huna can answer you: There¹⁵ [it is a case] where [a breach]¹⁶ also combined them.¹⁷

Abaye enquired of Raba: What [is the ruling¹⁸ where] the water dried up on the Sabbath?¹⁹ The other replied: [The enclosure] was recognized²⁰ [as a valid] partition only on account of the water, [and since] no water is here available, there is here no [validity] in the partition either.

Rabin enquired: What [is the ruling¹⁸ where] the water dried up on the Sabbath and on [the same] Sabbath [other water] appeared?²¹ — Abaye replied: Where they were dried up on the Sabbath you have no need to ask, for I have already asked [this question] from the Master²² and he made it plain to me that it²³ was forbidden. [As regards water that] appeared [on the Sabbath] you have also no need to enquire, for [the enclosure] would thus be a partition made on the Sabbath, concerning which it was taught: Any partition that was put up on the Sabbath is valid whether [this was done] unwittingly, intentionally, under compulsion or willingly.²⁴ But has it not been stated in connection with this ruling that R. Nahman said: This²⁵ applied only²⁶ to throwing²⁷ but not to moving?²⁸ R. Nahman's statement was made only in respect of [a partition that was put up]²⁹ intentionally.³⁰

R. Eleazar said: One who throws [any object]³¹ into [the area] between strips [of wood] around wells is liable.³² [Is³³ not this] obvious, for if [the strips had] not [Pentateuchally constituted a valid] partition how could it have been permitted to draw water?³⁴ — [The ruling]³⁵ was necessary only [for this purpose:] That [a man] who put up, in a public domain, [an enclosure]³⁶ similar to that of strips of wood around wells, and threw an object into it, is liable.³² But is not this also obvious, [for if such an imperfect enclosure] would not [have been regarded as a valid] partition elsewhere,³⁷ how could one be permitted to move any objects [within such an imperfect enclosure] in the case of a cistern? — [The ruling]³⁸ was rather necessary [for this purpose:] Although many people cross the enclosure [it is regarded as a private domain].³⁹ What [principle,] however, does he thereby teach us? That even [the passage of] many people does not destroy [the validity of] a partition? But [this, it may be contended, was already] once said [by] R. Eleazar. For have we not learnt: R. Judah ruled: If a public road cuts through then,⁴⁰ it should be diverted to [one of the] sides,⁴¹ and the Sages ruled: This was not necessary;⁴² and both R. Johanan and R. Eleazar remarked: Here they⁴³ informed you of the unassailable validity⁴⁴ of partitions?⁴⁵ — If [the principle had to be derived] from there⁴⁶ it might have been presumed that only ‘Here [etc.]’,⁴⁷ but that he himself is not of the same opinion; hence we were told⁴⁸ [that not only] ‘Here [etc.]’, but he himself also is of the same opinion. Then why did he not state this ruling and there would have been no need for the other?⁴⁹ — The one was derived from the other.

IT IS PERMITTED TO BRING [THE STRIPS] CLOSE TO THE WELL etc. Elsewhere we learned: A man must not stand in a public domain and drink in a private domain, or in a private one

and drink in a public one, unless he puts his head and the greater part of his body into the domain in which he drinks,

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- (1) Lit., 'whose head enters'.
 - (2) Since both are private domains and the enclosure around the well has no tenants who might affect the 'erub of the tenants of the courtyard.
 - (3) Side by side, there being a partition between them.
 - (4) To move objects from these yards into the well enclosure.
 - (5) By relying on a door that communicated between the two yards.
 - (6) Whereby their domains were united into one.
 - (7) On the part of people who were unaware that a door communicated between the two courtyards.
 - (8) Into which two courtyards opened, even where there was no door between the yards. Such an 'erub is ineffective because courtyards can be combined in this manner only where there was a door between them or where they opened out into a proper alley whose length exceeds its width. A well enclosure was not given the status of an alley because it is rectangular and open on its four sides.
 - (9) Of the two courtyards.
 - (10) V. supra p. 137, n. 9.
 - (11) Whereby their domains were united into one.
 - (12) From these yards into the well enclosure and vice versa.
 - (13) No preventive measure having been enacted against the possibility assumed by R. Huna.
 - (14) Lit., 'whose head enters'.
 - (15) The Baraita cited by Abaye.
 - (16) In the walls of the courtyards on the sides that were opposite those adjoining the well enclosure.
 - (17) The breach makes it manifest that the two yards are combined into one domain.
 - (18) As regards moving objects on the Sabbath within a well enclosure.
 - (19) Is movement permitted because the enclosure was a private domain when the Sabbath began, or is it forbidden because the permissibility of the imperfect enclosure was solely due to the existence of the water in the well which is now no longer available?
 - (20) Lit., 'made'.
 - (21) Is the original permissibility restored?
 - (22) Rabbah, who was his teacher and guardian.
 - (23) V. p. 138, n. 9.
 - (24) Shab. 101b, infra 25a.
 - (25) That the enclosed area is a private domain.
 - (26) Lit., 'they only learned'.
 - (27) Sc. it is forbidden to throw any object into it from a public domain, since the partition which is Pentateuchally valid causes it to become a private domain.
 - (28) Because the moving of objects within it is forbidden Rabbinically. How then could Abaye maintain that the partition is in all respects valid?
 - (29) On the Sabbath.
 - (30) The prohibition of the moving of objects being a penalty imposed in Rabbinic law for one's wilful transgression. As this penalty does not apply to an unwitting act it cannot obviously apply to a partition of which Abaye spoke, which came into existence automatically.
 - (31) From a public domain.
 - (32) To bring a sin-offering; because the area is regarded as a properly constituted private domain.
 - (33) 'He said to him' is In cur. edd. enclosed in parenthesis.
 - (34) Lit., 'to fill' (Sc. the cattle troughs or buckets) from the well which is a private domain. By so doing one would be guilty of carrying from a private domain into a public domain since an enclosed area that is not a private domain even Pentateuchally must assume the status of the public domain in which it is situated. MS.M. reads: 'how could the Rabbis permit the movement (of objects)'.
 - (35) Of R. Eleazar.
 - (36) In which there was no well.

(37) Cf. previous note.

(38) Of R. Eleazar.

(39) And the man who throws any object into it on the Sabbath is liable to a sin-offering.

(40) The boards around a well.

(41) Since, otherwise, the validity of the enclosure as a private domain would be destroyed on account of the public road.

(42) Shab. 6b, infra 22a.

(43) So MS.M. and Rashi. Cur. edd. 'he etc.'

(44) Lit., 'their strength'.

(45) Infra 22a; which even the crossing by many people does not affect. Why then should R. Eleazar repeat the same principle?

(46) The statement attributed to R. Johanan and R. Eleazar.

(47) Sc. that R. Eleazar was merely pointing out the implication of the view of the Sages.

(48) By his ruling here.

(49) 'Here etc.'

Talmud - Mas. Eirubin 20b

and the same [ruling applies to one drinking from, or] in a wine-press.¹ Now in the case of a human being it has been laid down that it is necessary for his head and the greater part of his body [to be in the domain from which he drinks], is it necessary in the case of a cow also² that its head and the greater part of its body [shall be in the domain from which it drinks] or not? Wherever [the keeper] holds the vessel³ and does not hold the animal there can be no question that it is necessary for its head and the greater part of its body to be within [the private domain].⁴ The question only arises where he holds the vessel and also the animal. Now what is the ruling? — The other replied: You have learnt it: PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING. [This refers,] does it not, to a case where [the keeper] holds both the cow and the vessel? — No, [it may refer to one] who holds the vessel but not the cow. But is it at all permitted⁵ [to give drink to a cow on the Sabbath] where one holds the vessel and not the animal? Was it not in fact taught: A man must not⁶ fill [a vessel with] water and hold it⁷ before his beast⁸ on the Sabbath but he fills [his bucket] and pours it out [into a trough] and the cow drinks of its own accord?⁹ — Surely, in connection with this ruling¹⁰ it was stated: Abaye explained: Here [we are dealing] with a manger that stands in a public domain, that is ten handbreadths high and four handbreadths wide¹¹ and one of whose sides projects into [the area] between the strips of wood,¹² a preventive measure¹³ having been enacted against the possibility that the man might observe that the manger was damaged¹⁴ and, proceeding to repair it, would carry the bucket with him¹⁵ and thus carry an object from a private into a public domain.¹⁶ But does one incur guilt¹⁷ in such circumstances?¹⁸ Has not R. Safra in the name of R. Ammi who had it from R. Johanan in fact said: If a man was removing his things¹⁹ from one corner into another²⁰ and then changed his mind and carried them out [into a public domain] he is exempt, since the lifting up [of the objects] was not originally intended for this purpose?²¹ — Rather [this is the explanation:]²² Sometimes he might, after he repaired the manger, carry [the bucket] back again²³ and thus he would carry from the public into a private domain.²⁴

Some there are who say:²⁵ In the case of a human being it had definitely been laid down that it was enough if his head and the greater part of his body [were in the domain from which he drinks]. Is it enough, however, in the case of a cow, that its head and the greater part of its body [should be in the domain from which it drinks] or not? Wherever [the keeper] holds the vessel and also the cow, there can be no question that it is enough for its head and the greater part of its body to be [within the private domain].²⁶ The question only arises where he holds the vessel but not the cow.²⁷ Now what is the ruling? — The other replied: You have learnt it: PROVIDED A COW CAN BE WITHIN [THE ENCLOSURE WITH] ITS HEAD AND THE GREATER PART OF ITS BODY WHEN DRINKING. [This refers,] does it not, to a case where [the keeper] holds the vessel but not the cow?

— No, [it may refer to one] who holds both the vessel and the cow. And this may also be justified logically; for if he held the vessel only and not the cow, would [the supply of the water have been] permitted seeing that it was in fact taught: A man must not fill [a vessel with] water to hold it before his beast [on the Sabbath],²⁸ but he fills [his bucket] and pours it out [into a trough] and the cow drinks of its own accord? Surely, in connection with this ruling it was stated: Abaye explained: Here [we are dealing] with a manger that stands in a public domain, that is ten handbreadths high and four handbreadths wide, and one of whose sides projects into [an area] between the strips of wood [where it is possible] that the man might sometimes observe that the manger was damaged and, proceeding to repair it, would carry the bucket with him and thus carry an object from a private into a public domain. Does one, however, incur guilt in such circumstances? Has not R. Safra in the name of R. Ammi who had it from R. Johanan in fact said: If a man was removing his things from one corner into another and then changed his mind and carried them out [into a public domain] he is exempt, since the lifting up [of the objects] was not originally intended for this purpose? — Rather, [this is the explanation:] Sometimes he might, after he had repaired the manger, carry [the bucket] back again, and would thus carry from the public into a private domain.

Come and hear: A camel whose head and the greater part of its body is within [a private domain] may be crammed within [that domain]. Now is not the act of cramming, the same as holding the bucket and the animal,²⁹ and yet it is required that its head and the greater part of its body [shall be within the private domain].³⁰ R. Aha son of R. Huna replied in the name of R. Shesheth: A camel is different since its neck is long.³¹

Come and hear: A beast whose head and the greater part of its body is within [a private domain] may be crammed within [that domain]. Is not cramming the same as holding the bucket and the animal,²⁹ and yet it was required that its head and the greater part of its body [shall be within the private domain].³⁰ [It may be objected] that by the expression of ‘beast’, also³² a camel [was meant]. Were not, however, both camel and beast separately mentioned?³³ — Were they mentioned in juxtaposition?³⁴ So³⁵ it was also taught: R. Eleazar forbids this³⁶ in the case of a camel, because its neck is long.

R. Isaac b. Adda³⁷ stated: Strips [of wood] around wells were permitted to festival pilgrims³⁸ only. But was it not taught: Strips [of wood] around wells were permitted for cattle only? — By³⁹ cattle [was meant] the cattle of the festival pilgrims, but a human being⁴⁰

(1) Shab. 11a, infra 99a; where wine may be drunk before it is tithed.

(2) Where it stands in a public domain and its keeper in a private domain.

(3) From which the cow drinks.

(4) Since otherwise it might pull its head sideways or backwards and thus drag the vessel with the man into the public domain.

(5) In the case of enclosures around wells, even where the animal's head and the greater part of its body were within the enclosure.

(6) In an enclosure round a well.

(7) Lit., ‘and give’.

(8) While it drinks, even (since the Baraita bears on our Mishnah) where its head and the greater part of its body were within the enclosure. It must also refer to a case where the animal was not held by its keeper; for, if the prohibition extended to the case where the animal was held, there could be no point in ever requiring its head and the greater part of its body to be within the enclosure when one is always forbidden to hold the vessel for it. Our Mishnah, on the other hand, which permits the drinking refers to a case where the cow is held by its keeper.

(9) Infra 21a.

(10) Of the Baraita cited.

(11) So that it has the status of a private domain.

(12) The cow eating from it at its other end in the public domain.

- (13) Not to hold the bucket of water over the top of the manger within the enclosure.
- (14) In the section within the public domain.
- (15) Forgetting, in his anxiety to repair the damage, that he carried it.
- (16) The prohibition to hold the bucket for the cow is consequently not due to the reason previously assumed; and the ruling in our Mishnah that the cow is allowed to drink if its head and the greater part of its body were within the enclosure might, therefore, apply to a case where the man did not hold the animal. (Cf. Rashi and Tosaf s.v. **וְכִי וְהִתְנִיחַ** a.l.).
- (17) According to Pentateuchal law.
- (18) Where one lifted up an object with the intention of putting it down in another part of the same private domain and forgetfully carried it out into a public domain.
- (19) On the Sabbath.
- (20) Within a private domain.
- (21) A sin-offering is incurred only where a man intended to do a certain work but forgot that the day was Sabbath or that such work was forbidden on the Sabbath. In the case of the bucket under discussion, therefore, since the keeper when he lifted it up, had no intention of carrying it out into the public domain, no sin-offering would be incurred even if he eventually did carry it out. Why then, should a preventive measure be enacted against a possible act which even if committed would involve no Pentateuchal obligation?
- (22) Why the keeper may not hold a bucket of water for the animal to drink.
- (23) Into the enclosure.
- (24) Which might involve him in the Pentateuchal obligation of a sin-offering, since the bucket was lifted up with the intention of carrying it from the public into the private domain.
- (25) Cf. supra p. 141, n. 1 and text.
- (26) Since this case must have been referred to by our Mishnah: For if he did not hold the bucket, what need was there for the head etc. of the cow to be within the enclosure?
- (27) It being uncertain whether our Mishnah refers to a case where the cow was or was not held by its keeper.
- (28) So MS.M.
- (29) Since it is impossible to cram unless one holds the animal's neck.
- (30) Would not this then provide a reply to the first enquiry in the first version?
- (31) If the greater part of its body were to remain in the public domain it might, by a turn of its neck, drag its keeper after it and thus cause him to carry the bucket from the private into the public domain. In the case of any other animal, however, whose neck is not so long this need not be provided against and a keeper might well be permitted to hold its bucket though the greater part of its body remained outside the private domain.
- (32) Lit., 'what (is the meaning of) beast that was taught'.
- (33) Lit., 'but it was taught beast' etc.
- (34) They were not. The author of the one Baraita did not teach the other, and what the one described as camel the other described by the general term of beast.
- (35) That a camel is subject to a law different from that of other beasts.
- (36) Holding a bucket of water to an animal's mouth in a private domain while its body remains without.
- (37) Var. lec.: Ammi (Asheri).
- (38) **עוֹלֵי רִגְלִים**, lit., 'those who go up (to the Temple) to (celebrate) the major festivals'.
- (39) Lit., 'what'.
- (40) Who desires to drink from a well on the Sabbath.

Talmud - Mas. Eirubin 21a

must climb up¹ or climb down.² But this is not [so]? Did not R. Isaac³ in the name of Rab Judah who had it from, Samuel actually state: Strips [of wood] around wells were permitted only where a well is one of spring water;⁴ now if [strips of wood were permitted] for cattle only, what difference is there whether [the water was] springing or collected? — It is required that the water should be fit for human consumption.

[To turn to] the main text.⁵ Strips [of wood] around wells were permitted for cattle only, but a

human being must climb up or climb down. If, however, they [the wells] were wide⁶ they are permitted for a human being also. No man may fill [a bucket with] water to hold it before his cattle, but one may fill [a bucket with water] and pour [it into a trough] before cattle which drink of their own accord.

R. Anan demurred: If so,⁷ what was the use of strips [of wood] around wells? — ‘What was the use’ [you ask, surely] to [enable people to] draw water from the wells!⁸ — This rather [is the question:] Of what use is it that the head and the greater part of the body of the cow [is within the enclosure]? Abaye replied: Here we are dealing with a manger that stood in a public domain, that was ten handbreadths high and four handbreadths wide, and one of whose sides projected into [an area] between strips [of wood] etc.⁹

R. Jeremiah b. Abba laid down, in the name of Rab: [The law of] isolated huts¹⁰ is not [applicable] to Babylon nor [that of] strips [of wood] around wells to [any country]¹¹ outside the Land of Israel. ‘[The law of] isolated huts is not [applicable] to Babylon’ because there the bursting of dams is common;¹² ‘nor [that of] strips of wood around wells to [any country] outside the Land of Israel’ because there colleges are rare.¹³ The reverse, however, is applicable.¹⁴

Others say that R. Jeremiah b. Abba laid this down in the name of Rab: [The laws of] isolated huts and strips [of wood] around wells are not [applicable] either to Babylon or to other countries outside the Land of Israel. [The law of] isolated huts [is inapplicable] to Babylon because the bursting of dams is of frequent occurrence. In other countries outside the Land of Israel also it is not [applicable] because there thieves¹⁵ are common. [The law of] strips [of wood] around wells is not [applicable] to Babylon because it has water in abundance.¹⁶ In [other countries] outside the Land of Israel also it is not [applicable] because there colleges are rare.¹³

Said R. Hisda to Mari son of R. Huna the son of R. Jeremiah b. Abba: People say that you walk on the Sabbath from Barnish to Daniel's Synagogue¹⁷ which is [a distance of] three parasangs; what do you rely upon?¹⁸ On the isolated huts? But did not the father of your father lay down in the name of Rab [that the law of] isolated huts is not [applicable] to Babylon? — The other, thereupon, went out [with him and] showed him certain [ruined] settlements that were contained within the radius of seventy cubits and a fraction¹⁹ [from the town].

R. Hisda stated: Mari b. Mar made the following exposition: It is written,²⁰ I have seen an end to every purpose; but Thy commandment is exceeding broad.²¹ This statement²² was made by David but he did not explain it;²³ Job made a similar statement²⁴ and did not explain it;²³ Ezekiel also made a similar statement²⁴ and did not explain it,²³ [and the exact magnitude remained unknown] until Zechariah the son of Iddo came and explained it. ‘It was made by David but he did not explain it’ for it is written in Scripture: I have seen an end to every purpose; but Thy commandment is exceeding broad.²¹ ‘Job made a similar statement and did not explain it,’ for it is written in Scripture: The measure thereof is longer than the earth, and broader than the sea.²⁵ ‘Ezekiel also made a similar statement and did not explain it’, for it is written in Scripture: And he spread it²⁶ before me, and it was written within and without; and there was written therein lamentations, and meditation of joy²⁷ and woe;²⁸ ‘lamentation’ refers to the retribution of the just in this world, for so²⁹ it is said: This is the lamentation wherewith they shall lament;³⁰ ‘and meditation of joy’ refers to the reward of the righteous in the hereafter for so it is said: With the joy³¹ of solemn sound upon the harp;³² ‘and woe’³³ refers to the retribution of the wicked in the hereafter for so it is said: Calamity³⁴ shall come upon calamity;³⁵ ‘until Zechariah the son of Iddo came and explained it,’ for it is written: And he said unto me: ‘What seest thou?’ And I answered: ‘I see a folded³⁶ roll; the length thereof is twenty cubits, and the breadth thereof ten cubits’,³⁷ and, when you unfolded it, [its extent] is twenty by twenty [cubits], and since it is written: ‘It was written within and without’,³⁸ what will be [its size] when you split it?³⁹ Forty by twenty cubits.⁴⁰ But, as it is written: Who hath measured the waters in

the hollow of his hand, and meted out heaven with the span⁴¹ etc., it follows⁴² that the entire universe is [equal to] a three thousand and two hundredths part of the Torah.⁴³

R. Hisda further stated: Mari b. Mar made this exposition: What [is the significance] of the Scriptural text: And behold two baskets of figs set before the temple of the Lord;⁴⁴ one basket had very good figs, like the figs

(1) The walls of the well.

(2) He is not allowed, however, to draw the water in a bucket from the well to carry it into the imperfect enclosure made up of the strips of wood.

(3) MS.M., 'Joseph'. Cf. infra 23a ab init. and Bah a.l.

(4) Infra 23a.

(5) To which reference was made supra 20b q.v. notes.

(6) And one is unable to climb them (Rashi).

(7) That a bucket of water must not be held before cattle.

(8) Lit., 'to fill from them'.

(9) V. supra 20b.

(10) בורגנין, sing. בורגין Cf. Gr. **, 'isolated dwelling'. If such units are situated within a radius of seventy and two thirds cubits from a town they are regarded as its suburbs and the Sabbath limit of two thousand cubits begins from the end of the last hut (cf. infra 55b).

(11) Other than Babylon.

(12) And the hut may at any moment be swept away by the floods.

(13) And no students, therefore, pass from town to town in pursuit of their studies. As the relaxation of the laws of a private domain in respect of enclosures around wells is entirely due to considerations of the needs of festival pilgrims and other wayfarers who are similarly engaged in the performance of pious acts, it could not be extended in the interests of ordinary travellers.

(14) Lit., 'we do'; the law of isolated huts may be applied to countries other than Palestine and that of strips of wood around wells to Babylon.

(15) Who steal the huts.

(16) And there is no need, as in the case of Palestine where water is scarce, to make provision for the use of the limited number of scattered wells or cisterns.

(17) Cf. Daniel VI, 10, 11. This synagogue was situated in Sura, v. Obermeyer, p. 302.

(18) In walking a distance more than two thousand cubits from the town (the permitted Sabbath limit).

(19) Lit., 'and remnants', Sc. two thirds of a cubit (cf. infra 57a). Ruins in the neighbourhood of a town within the limit mentioned are regarded as an extension of the town (cf. infra 55b).

(20) Lit., 'what (is the significance of that) which is written'.

(21) Ps. CXIX, 96.

(22) On the magnitude of God's commandment, sc. the Torah.

(23) Sc. the exact measurements.

(24) Lit., 'said it'.

(25) Job XI, 9.

(26) A scroll of the Oral Law.

(27) So homiletically. E.V. moaning.

(28) Ezek. 11, 10.

(29) That 'lamentation' is an allusion to retribution.

(30) Ezek. XXXII, 16.

(31) Homiletical rendering.

(32) Ps. XCII, 4.

(33) וְהָיָה.

(34) וְהָיָה, of the same rt. as וְהָיָה.

(35) Ezek. VII, 26.

(36) So homiletically. E.V., flying.

(37) Zech. V, 2.

(38) Ezek. 11,10.

(39) And place the written surfaces face upwards side by side.

(40) Which equal $40 \times 20 \times 4 = 3200$ quarter sq. cubits or sq. spans (v. infra n. 5).

(41) Isa. XL, 12.

(42) As a span equals half a cubit and as a sq. span consequently equals a quarter of sq. cubit, and since the size of the entire universe is only one span sq.

(43) Cf. supra n. 3.

(44) Jer. XXIV, 1.

Talmud - Mas. Eirubin 21b

that are first-ripe, and the other basket had very bad figs, which could not be eaten, they were so bad?¹ 'Good figs' are an allusion to those who are righteous in every respect; 'bad figs' are an allusion to those who are wicked in every respect. But in case you should imagine that their hope is lost and their prospect is frustrated, it was explicitly stated: The baskets² give forth fragrance,³ both⁴ will in time to come give forth fragrance.

Raba made the following exposition: The Scriptural text:⁵ The mandrakes give forth fragrance³ is an allusion to the young men of Israel who never felt the taste of sin; and at our doors are all manner of precious fruits³ is an allusion to the daughters of Israel who tell their husbands about their doors.⁶ Another reading: Who close⁷ their doors for their husbands.⁸ New and old, which I have laid up for thee, O my beloved;³ the congregation of Israel said to the Holy One, blessed be He, 'Lord of the universe: I have imposed upon myself more restrictions than Thou hast imposed upon me, and I have observed them.'

R. Hisda asked one of the young Rabbis who was reciting aggadoth in his presence in a certain order: 'Did you hear what [was the purport of the expression,] 'New and old'?⁹ — 'The former'¹⁰ the other replied: 'are the minor, and the latter¹⁰ are the major commandments'. 'Was then the Torah,' the former asked: 'given on two different occasions?'¹¹ But the latter¹² [are those derived] from the words of the Torah while the former are those derived from the words of the Scribes.'

Raba made the following exposition: What is the purport of the Scriptural text: And, furthermore my son, be admonished: Of making many books etc.¹³ My son, be more careful¹⁴ in [the observance of] the words of the Scribes than in the words of the Torah, for in the laws of the Torah there are positive and negative precepts;¹⁵ but, as to the laws of the Scribes, whoever transgresses any of the enactments of the Scribes incurs the penalty of death. In case you should object: If they are of real value why were they not recorded [in the Torah]? Scripture stated: 'Of making many books there is no end'.¹³

And much study is a weariness of flesh.¹³ R. Papa son of R. Aha b. Adda stated in the name of R. Aha b. Ulla: This¹⁶ teaches that he who scoffs at the words of the Sages will be condemned to boiling excrements. Raba demurred: Is it written: 'scoffing'? The expression is 'study'!¹⁷ Rather this is the exposition: He who studies them feels the taste of meat.¹⁸

Our Rabbis taught: R. Akiba was once confined in a prison-house and R. Joshua the grits-maker¹⁹ was attending on him. Every day, a certain quantity of water was brought in to him. On one occasion he²⁰ was met by the prison keeper who said to him, 'Your water to-day is rather much; do you perhaps require it for undermining the prison?' He poured out a half of it and handed to him the other half. When he²¹ came to R. Akiba the latter said to him, 'Joshua, do you not know that I am an old man and my life depends on yours?'²² When the latter told him all that had happened [R. Akiba] said to him, 'Give me some water to wash my hands'. 'It will not suffice for drinking', the other

complained, 'will it suffice for washing your hands?' 'What can I do', the former replied: 'when for [neglecting] the words of the Rabbis²³ one deserves death? It is better that I myself should die than that I should transgress against the opinion of my colleagues'.²⁴ It was related that he tasted nothing until the other had brought him water wherewith to wash his hands. When the Sages heard of this incident they remarked: 'If he was so [scrupulous] in his old age how much more must he have been so in his youth; and if he so [behaved] in a prison-house how much more [must he have behaved in such a manner] when not in a prison-house'.

Rab Judah stated in the name of Samuel: When Solomon ordained the laws of 'erub²⁵ and the washing of the hands a bath kol²⁶ issued and proclaimed: My son, if thy heart be wise, my heart will be glad, even mine;²⁷ and, furthermore, it is said in Scripture: My son, be wise, and make my heart glad, that I may answer him that taunteth me.²⁸

Raba made the following exposition: What [are the allusions] in the Scriptural text: Come, my beloved, let us go forth into the field; let us lodge in the villages, let its get up early to the vineyards; let us see whether the vine hath budded, whether the vine-blossom be opened and the pomegranates be in flower; there will I give thee my love?²⁹ 'Come, my beloved, let its go forth in to the field'; the congregation of Israel spoke before the Holy One, blessed be He: Lord of the universe, do not judge me as [thou wouldst] those who reside in large towns who indulge in robbery, in adultery, and in vain and false oaths; 'let us go forth into the field', come, and I will show Thee scholars who study the Torah in poverty; 'let us lodge in the villages' read not, 'in the villages'³⁰ but 'among the disbelievers',³¹ come and I will show Thee those upon whom Thou hast bestowed much bounty and they disbelieve in Thee; 'let us get up early in the vineyards' is an allusion to the synagogues and schoolhouses; 'let us see whether the vine hath budded' is an allusion to the students of Scripture; 'whether the vine-blossom be opened' alludes to the students of the Mishnah; 'and the pomegranates be in flower' alludes to the students of the Gemara; 'there will I give thee my love', I will show Thee my glory and my greatness, the praise of my sons and my daughters.

R. Hamnuna said: What [are the allusions in what was written in Scripture: And he spoke three thousand proverbs; and his songs were a thousand and five?³² This teaches that Solomon uttered three thousand proverbs for every single word of the Torah and one thousand and five reasons for every single word of the Scribes.

Raba made this exposition: What [are the implications of] what was written in Scripture: And besides that Koheleth was wise, he also taught the people knowledge; yea, he pondered, and sought out, and set in order many proverbs?³³ 'He [also] taught the people knowledge implies that he taught it with notes of accentuation and illustrated it by simile;³⁴ 'Yea, he pondered, and sought out, and set in order many proverbs' [alludes to the fact], said Ulla in the name of R. Eleazar,³⁵ that the Torah was at first like a basket which had no handles, and when³⁶ Solomon came he affixed handles³⁷ to it.

His locks are curled.³⁸ This, said R. Hisda in the name of Mar 'Ukba, teaches that it is possible to pile up mounds of expositions on every single stroke [of the letters of the Torah];³⁹ and black as a raven:³⁸ With whom do you find these? With him

(1) Ibid. 2.

(2) **אִשְׁתֵּי מַנְדְּרָקִים** an allusion to the 'baskets' **אִשְׁתֵּי** supra. E.V., mandrakes.

(3) Cant. VII, 14.

(4) Lit., 'these and these', the wicked as well as the righteous.

(5) Lit., 'what is (the significance of) what is written'.

(6) Euphemism. They are thus enabled to abstain during the woman's menstrual periods.

(7) Lit., 'bind'.

(8) Chastity. They are ever faithful.

- (9) Cant. VII, 14.
- (10) Lit., 'these'.
- (11) Lit., 'twice, twice', first the major (old) and then the minor (new) commandments?
- (12) Lit., 'those', the 'old'.
- (13) Eccl. XII, 12.
- (14) **הזוהר**, the identical word used for 'be admonished'.
- (15) And the penalties vary.
- (16) The expression **לדהג** ('study') which is similar to that of **לעג** ('scoffing').
- (17) **לדהג** not **לעג**.
- (18) **יגיעת** (in **יגיעת בשר** 'weariness of the flesh') contains the letters **ע**ת which, by transposition and interchange suggests **טעם** 'taste'.
- (19) Or 'dealer'. Aliter: Of a place called Geres (Rashi).
- (20) R. Joshua.
- (21) R. Joshua.
- (22) No one else was allowed, or able to bring him any food or drink.
- (23) Lit., 'them'.
- (24) Who ordained the washing of the hands before meals.
- (25) For courtyards.
- (26) V. Glos.
- (27) Prov. XXIII, 15.
- (28) Ibid. XXVII, II.
- (29) Cant. VII, 12f.
- (30) **בכפרים**.
- (31) **כופרים בכופרים** is of the same rt. as **כפרים**.
- (32) I Kings V, 12.
- (33) Eccl. XII, 9.
- (34) V. Jast.
- (35) So MS.M. Cur. edd. Eliezer.
- (36) Lit., 'until'.
- (37) **אזנים** sing. **אזן**, 'ear' or 'handle'. The Heb. for 'he pondered' **אזן** is regarded as a denominative of **אזן** 'he made handles', i.e., added restrictions. Cf. Yeb., Sonc. ed., p. 123, n. 13.
- (38) Cant. V, 11.
- (39) The word for 'his locks', **קווצותיו**, is regarded as coming from the same rt. as that of 'stroke' **קויץ** (lit., 'thorn') and that of 'curled', **תלתלים** as being identical with that of 'mound' **תל**, and the reduplication. **תלתלים** is rendered, 'many mounds or piles'.

Talmud - Mas. Eirubin 22a

who for their sake rises early [to go] to, and remains late in the evening [before returning home from] the schoolhouse.¹ Rabbah explained: [You find these only] with him who for their sake blackens his face like a raven.² Raba explained: With him who can bring himself to be cruel to his children and household like a raven,³ as was the case with⁴ R. Adda b. Mattenah. He was about to go away to a schoolhouse when his wife said to him, 'What shall I do with your children?' — 'Are there', he retorted: 'no more⁵ herbs⁶ in the marsh?'

And repayeth them that hate Him to His face, to destroy him.⁷ R. Joshua b. Levi remarked: Were it not for the written text one could not possibly have said it. Like a man, as it were, who carries a burden on his face⁸ and wants to throw it off. He will not be slack to him that hateth Him.⁹ R. Il'a explained: He will not be slack to those that hate Him, but He will be slack to those who are just in all respects; and this is in line with that which R. Joshua b. Levi stated: What [is the implication of] what was written: Which I command thee this day to do them?¹⁰ 'This day [you are] to do them' but you cannot postpone doing them for tomorrow;¹¹ 'this day [you are in a position] to do them' and

tomorrow¹¹ [is reserved] for receiving reward for [doing] them.

R. Hagga¹² (or as some say: R. Samuel b. Nahmani) stated: What [was the purpose] when Scripture wrote: Long-suffering¹³ [in the dual form]¹⁴ where the singular¹⁵ might well have been used? But [this is the purport:]¹⁶ Long-suffering towards the righteous and long-suffering also towards the wicked. R. JUDAH SAID: [THE ENCLOSURE MAY BE ONLY] AS LARGE AS TWO BETH SE'AH etc. The question was raised: Does he¹⁷ mean the [area of the] cistern together with [that between] the strips [of wood]¹⁸ or does he mean the cistern alone exclusive of the [area between] the strips?¹⁹ Does a man regard²⁰ his cistern [as the permitted area]²¹ and, consequently,²² it is not necessary to restrict [the permitted area] as a preventive measure against the possibility of one's moving of objects in a karpaf²³ that is larger than two both se'ah, or does a man rather regard²⁴ his partition and, consequently, it was necessary to restrict [the permitted area]²⁵ as a preventive measure against the possibility of assuming²⁶ [that an area of] more than two beth se'ah [is permitted] in the case of a karpaf²³ also? — Come and hear: How near²⁷ may [the strips of wood] be? As near as [to admit] the head and the greater part of the body of a cow. And how far may they be? Even [so far as to enclose a beth] kor or even two beth kor. R. Judah ruled: [An area of] two beth se'ah is permitted but one larger than two beth se'ah is forbidden. 'Do you not admit', they said to R. Judah, 'that in the case of a cattle-pen or cattle-fold, a rearcourt or a courtyard even [an area as large as] five or ten beth kor is permitted?' He replied: This²⁸ is [a proper] partition but those are mere strips [of wood]. R. Simeon b. Eleazar said: A cistern [the area of which is] two beth se'ah by two beth se'ah is permitted, and [the Rabbis] permitted²⁹ to remove [the strips of wood from, it] only so far [as to admit] the head and the greater part of the body of a cow. Now, since R. Simeon b. Eleazar spoke of the cistern exclusive of the strips [of wood] it follows, does it not, that R. Judah spoke of the cistern together with the strips? — [In fact,] however, this is not [correct]. R. Judah spoke of the cistern exclusive of the [area between it and] the strips. If so, [is not his ruling] exactly the same as that of R. Simeon b. Eleazar? — The practical difference between them is [an enclosure that is] long and narrow.³⁰

R. Simeon b. Eleazar laid down a general rule: Any [enclosed] space³¹ used as a dwelling as, for instance, a cattle-pen or cattle-fold, a rearcourt or a courtyard is permitted even if it is as large as five or even ten beth kor, and any dwelling that is used for [service in] the air [outside] as, for instance, field huts³² is permitted [only if its area is] two beth se'ah but if it is more than two beth se'ah it is forbidden.

MISHNAH. R. JUDAH RULED: IF A PUBLIC ROAD CUTS THROUGH THEM³³ IT SHOULD BE DIVERTED TO ONE SIDE;³⁴ BUT THE SAGES RULED: THIS IS NOT NECESSARY.

GEMARA. Both R. Johanan and R. Eleazar stated: Here they³⁵ informed you of the unassailable validity of partitions.³⁶ 'Here [etc.]' [seems to imply that] he³⁷ is of the same opinion; but did not Rabbah b. Bar Hana state in the name of R. Johanan: Jerusalem,³⁸ were it not that its gates were closed at night,³⁹ would have been subject to the restrictions of a public domain?⁴⁰ — Rather: 'Here [etc.]', but he himself is not of the same opinion.

An incongruity, however, was pointed out between two rulings of R. Judah and between two rulings of the Rabbis. For it was taught: A more [lenient rule] than this did R. Judah lay down: If a man had two houses on two sides [respectively] of a public domain he may⁴¹ construct one side-post on one side [of any of the houses] and another on the other side, or one cross-beam on the one side and another on its other side and then he may move things about⁴² in the space between them;⁴³ but they said to him: A public domain cannot be provided with an 'erub in such a manner.⁴⁴ Now does not this present a contradiction between one ruling of R. Judah and another ruling of his⁴⁵ and between one ruling of the Rabbis and another ruling of theirs?⁴⁶ — There is really no contradiction

between the two rulings of R. Judah. There⁴⁷ [it is a case] where two proper walls are available, but here⁴⁸ two proper walls are not available. There is no contradiction between the two rulings of the Rabbis either, since here⁴⁸ the name of four partitions at least is available,⁴⁹ but there⁵⁰ even the name of four partitions does not exist.

R. Isaac b. Joseph stated in the name of R. Johanan: In the Land of Israel no guilt is incurred on account of [moving objects in] a public domain. R. Dimi sitting at his studies recited this traditional ruling. Said Abaye to R. Dimi. What is the reason?

- (1) The Heb. for 'black' שחורות is similar to that for 'early' שחרית and that for 'raven' עורב to that for 'evening' ערבית.
- (2) Suffers deprivation and hunger for the sake of his studies. Cf. previous note.
- (3) On the raven's neglect of its brood; v. Keth. 49b and B.B. 8a.
- (4) Lit., 'like that of'.
- (5) Lit., 'are they finished'.
- (6) קורמי (MS.M. קירמי). Aliter: A plant, the core of which can be ground and its flour used for the making of bread. Aliter: A water plant bearing a fruit, the kernels of which may, by first cooking them, be made fit for human consumption.
- (7) Deut., VII, 10. E.V., And repayeth . . . to their face, to destroy them.
- (8) 'His (sc. the divine) face'.
- (9) Deut. VII, 10.
- (10) Ibid. II.
- (11) After death.
- (12) MS.M., Haga.
- (13) Ex. XXXIV, 6.
- (14) ארך אפים.
- (15) ארך אף.
- (16) Of the dual form אפים, lit., 'two faces'.
- (17) By limiting the permitted area to two beth se'ah.
- (18) Which are two cubits distant from the cistern.
- (19) So that the full area of the enclosure may be two beth se'ah in addition to the two cubits on each side of cistern.
- (20) Lit., 'puts his eye'.
- (21) And ignores the space enclosed around it.
- (22) Since the cistern is not wider than two both se'ah.
- (23) V. Glos.
- (24) Lit., 'puts his eye'.
- (25) By allowing only two beth se'ah for the full enclosure inclusive of the area of the cistern and the space around it.
- (26) Lit., 'to change'.
- (27) To the well or cistern.
- (28) The wall or screen round any of the last mentioned enclosures.
- (29) Lit., 'said'.
- (30) According to R. Judah this is permitted while according to R. Simeon b. Eleazar the area must be square shaped.
- (31) Even if it has no roof.
- (32) Which watchmen use for shelter only while their services are needed in the fields around.
- (33) The boards forming an enclosure round a well.
- (34) Otherwise the validity of the enclosure as a private domain is impaired.
- (35) THE SAGES. So Bomb. ed. This is also the reading of MS.M. in the parallel passage supra 20a. Cur. edd. הודיעך ('he informed you').
- (36) That even a public road cannot affect it.
- (37) R. Johanan.
- (38) Whose public roads extended from one end of the town to the other and had all the other characteristics of a public domain.

- (39) In consequence of which it assumed the status of a courtyard.
- (40) Supra 6b q.v. notes. This shows that the passage of the public does invalidate a private domain.
- (41) Since the two houses provide walls on two sides.
- (42) Lit., 'and carries and gives', as if it had been a private domain.
- (43) Lit., 'in the middle'.
- (44) Shab. 6a, supra 6a.
- (45) According to his ruling in our Mishnah a public road impairs the validity of a private domain, and according to his ruling in the Baraitha cited it does not.
- (46) Cf. previous note mutatis mutandis.
- (47) The Baraitha cited.
- (48) Our Mishnah.
- (49) Since the extremity of each side is screened by a board that is one cubit wide.
- (50) The Baraitha cited.

Talmud - Mas. Eirubin 22b

If it be suggested: Because the Ladder of Tyre¹ surrounds it on one side and the declivity of Geder² on the other side,³ Babylon too [it could be retorted] is surrounded by the Euphrates on one side and the Tigris on the other side; the whole world, in fact, is surrounded by the ocean.⁴ Perhaps you mean the ascents and descents [of Palestine].⁵ 'Genius',⁶ the other replied: 'I saw your chief⁷ between the pillars⁸ when R. Johanan discoursed on this traditional ruling'. So it was also stated: When Rabin came⁹ he stated in the name of R. Johanan (others say: R. Abbahu stated in the name of R. Johanan): No guilt is incurred for [the carrying of objects in] a public domain [in the case of] the ascents and descents of the Land of Israel, because they are not [as accessible] as [the domain on which] the standards¹⁰ in the wilderness [marched].¹¹

Rehaba enquired of Raba: In the case of a mound that rises to a height of¹² ten handbreadths on a base of¹³ four cubits, across which many people make their way, does one incur the guilt of [carrying in] a public domain or is no guilt incurred? This question does not arise according to the view of the Rabbis,¹⁴ for¹⁵ if there,¹⁶ where the use [of the road] is quite easy, the Rabbis ruled that the public do not impair the validity of the enclosure, how much more is that the case here¹⁷ where the use [of the road] is not easy. The question arises only according to R. Judah. Does he¹⁸ [maintain his view only] there¹⁶ because the use [of the road] is easy, but here, where its use is not easy, the public [he maintains] do not impair the validity of the [legal] partition,¹⁹ or is there perhaps no difference? — The other replied: Guilt is incurred. 'Even' [the first asked,] 'if people ascend by means of a rope?' — 'Yes', the other replied. ['Is this the ruling', the first asked,] 'even in respect of the ascents of Beth Maron?'²⁰ — 'Yes', the other replied.

He raised an objection against him: A courtyard into which many people enter²¹ from one side and go out²¹ from the other [is regarded as] a public domain in respect of levitical defilement and as a private domain in respect of the Sabbath.²² Now whose [view is here expressed]? If it be suggested: [That of the] Rabbis; it might be objected:²³ If there,²⁴ where the use [of the road] is easy, the Rabbis²⁵ ruled that the public cannot come and impair the validity of the partition, how much more is that the case here²⁶ where its use is not easy.²⁷ Consequently²⁸ it [must be, must it not, the view of] R. Judah?²⁹ — No; it may in fact [represent the view of] the Rabbis, but³⁰ the statement was required [on account of the ruling], 'And a public domain in respect of levitical defilement'.³¹

Come and hear: Alleys that open out in cisterns, ditches or caves [have the status of] a private domain in respect of Sabbath and that of a Public one in respect of levitical defilement.³² Now can you imagine [a reading] 'in cisterns'?³³ [The reading must] consequently be, 'towards³⁴ cisterns'³⁵ [and about such alleys it was ruled that they have the status of] 'a private domain in respect of Sabbath and that of a public one in respect of levitical defilement'. Now, whose [view is here

expressed]? If it be suggested: That of the Rabbis; it could be objected:³⁶ If there,³⁷ where the use [of the road] is easy, they ruled that the public cannot come and annul its validity, how much more should this be the case here where its use is not easy. Consequently [it must be, must it not, the view of] R. Judah?³⁸ — No; it may in fact [be the view of] the Rabbis,³⁹ but⁴⁰ the statement was required [on account of the ruling,] ‘And a public domain in respect of levitical defilement’.⁴¹

Come and hear: The paths of Beth Gilgul⁴² and such as are similar to them [have the status of] a private domain in respect of the Sabbath and that of a public domain in respect of levitical defilement. And what [paths may be described as] the ‘paths of Beth Gilgul’? At the school of R. Jannai it was laid down: Any [path along] which a slave carrying a se'ah of wheat is unable to run before an officer.⁴³ Now, whose view [is this]? If it be suggested [that it is that of] the Rabbis, it might be objected: If there, where the use [of the road] is easy, the Rabbis ruled that the public cannot come and impair the validity of the partition, how much more would that be the case here where the use [of the paths] is not easy. Consequently [it must be, must it not, the view of] R. Judah?³⁸ — The other replied: You speak of the paths of Beth Gilgul [which have a status of their own, for] Joshua, being a friend of Israel, undertook the task of providing⁴⁴ for them roads and highways,⁴⁵ and those⁴⁶ that were easy of access⁴⁷ he assigned for public use and those that were not easily accessible he assigned for private use.⁴⁸ MISHNAH. STRIPS [OF WOOD] MAY BE PROVIDED FOR A PUBLIC CISTERN,⁴⁹ A PUBLIC WELL⁴⁹ AS WELL AS A PRIVATE WELL, BUT FOR A PRIVATE CISTERN⁵⁰ A PARTITION TEN HANDBREADTHS HIGH MUST BE PROVIDED; SO R. AKIBA. R. JUDAH B. BABA RULED: STRIPS [OF WOOD] MAY BE SET UP ROUND A PUBLIC WELL ONLY⁵¹ WHILE FOR THE OTHERS⁵² A [ROPE] BELT TEN HANDBREADTHS IN HEIGHT MUST BE PROVIDED.

(1) Scala Tyrionum, on the south of Tyre in the north of Palestine.

(2) Possibly Geder of Josh. XII, 13, or Gedar of I Chron. IV, 39-41 in the south of the country. Cf. Horowitz, Palestine, s.v. גְּדוּר II and גְּדָר n. 1.

(3) The promontory and the declivity being no less than ten handbreadths high and low respectively constituting legally valid walls.

(4) And yet is not regarded as a private domain. Why then should Palestine be so regarded?

(5) Not being easily traversed, and being infrequently used, they might well be treated as private domains.

(6) קַרְקַנָּא (from קַרְקַנָּה ‘head’). Aliter: Distinguished man.

(7) Rabbah, who was Abaye's teacher (v. Tosaf. s.v. קַרְקַנָּא a.l.).

(8) Of R. Johanan's schoolhouse.

(9) From Palestine to Babylon.

(10) Sc. the divisions of the tribes of Israel arranged under different standards.

(11) The latter was level and suitable for public use while the ascents and descents of Palestine, as explained supra, are not easily accessible and are consequently unsuitable as public thoroughfares.

(12) Lit., ‘that gathers itself’.

(13) Lit., ‘from the midst of’.

(14) The SAGES.

(15) Lit., ‘now’.

(16) Enclosures around the wells spoken of in our Mishnah.

(17) In the case of a mound.

(18) Lit., ‘what’.

(19) Which the mound constituted.

(20) Which were very steep and the paths across them so narrow that two persons could not walk abreast. Cf. R.H. 18a.

(21) Through doors or breaches.

(22) Tosef. Toh. VII, supra 8a q.v. notes.

(23) Lit., ‘now’.

(24) V. p. 156, n. 13.

(25) The SAGES.

- (26) A courtyard.
- (27) On account of the narrow door passages or breaches and the raised thresholds or rugged remnants of fallen walls. What need then was there to state what was so obvious?
- (28) Lit., 'but not?'
- (29) Who thus admits that the passage of the public does not impair the status of a private domain where access is not easy. An objection against Raba.
- (30) In reply to the objection, what need was there for them to state that which was obvious.
- (31) And the other ruling was mentioned merely as an antithesis.
- (32) Toh. VI, 6, where, however, 'paths' is substituted for 'alleys'.
- (33) Obviously not. An alley would not be made to terminate in a cistern.
- (34) The difference between this reading and that of 'in cisterns' is represented in the original by the slight change of beth (ב) to lamed (ל).
- (35) Sc. a cistern is situated at one end of the alley, access to which is gained by walking on a narrow ledge on one side of the cistern.
- (36) Lit., 'now'.
- (37) Enclosures around wells spoken of in our Mishnah.
- (38) V. supra p. 157, n. 10.
- (39) The SAGES.
- (40) V. supra p. 157, n. 11.
- (41) And the other ruling was mentioned merely as an antithesis.
- (42) The modern village of Gilgilyah on the left of the road between Jerusalem and Shechem, twenty-eight km. north of the former. The paths of Beth Gilgul were steep and narrow and difficult to traverse and consequently were avoided by the general public. Cf. Horowitz, op. cit. s.v. גלגל III.
- (43) Toh. VI, 6. סרדייט cf. Gr. **, a Greek or Roman officer.
- (44) Lit., 'he stood up and prepared'. After his conquests in Canaan.
- (45) Aliter: Stations. Read with MS.M. the pl. אסטרטיות. Cur. edd. סרטיא.
- (46) Lit., 'wherever'.
- (47) Lit., 'use'.
- (48) Hence the status of the paths of Beth Gilgul which are among the difficult paths of Palestine and similarly with all other ascents and descents in the Land of Israel. This, therefore, provides no proof for difficult roads in other countries which did not come under Joshua's enactments.
- (49) Supra 18a where the order, however, is reversed.
- (50) Since the water might be used up and the fact might escape the individual's attention, who would thus continue to use the enclosure as a private domain though it had lost the status on account of the disappearance of the water. In the case of a well no provision was necessary against the remote possibility of its drying up, while in the case of a public cistern the people would remind one another of the absence of the water should it ever all be used up.
- (51) Because (a) its flow is constant and (b) should it ever dry up the people would remind one another of its change of status.
- (52) Where only either (a) or (b) is applicable; v. previous note.

Talmud - Mas. Eirubin 23a

GEMARA. R. Joseph stated in the name of Rab Judah who had it from Samuel: The halachah is in agreement with R. Judah b. Baba. R. Joseph further stated in the name of R. Judah who had it from Samuel: Strips [of wood] around wells were permitted only in the case of a well of living water. And [both these statements were] required. For if we had only been told, 'The halachah is in agreement with R. Judah b. Baba' it might have been assumed that [in the case] of public [water he allows strips of wood] even [where the water is] collected, and that the reason why he mentioned A PUBLIC WELL was to express disagreement¹ with the view of R. Akiba,² hence we were told that 'strips of wood around wells were permitted only in the case of a well of living water'.³ And if only 'a well of living water' had been mentioned [it might have been assumed that] there is no difference between a public and a private one,⁴ hence we were told 'the halachah is in agreement with R. Judah b. Baba'.⁵

MISHNAH. R. JUDAH B. BABA FURTHER RULED: IT IS PERMITTED TO MOVE OBJECTS⁶ IN A GARDEN OR A KARPAF⁷ WHOSE [AREA DOES NOT EXCEED] SEVENTY CUBITS AND A FRACTION⁸ BY SEVENTY CUBITS AND A FRACTION AND WHICH ARE SURROUNDED BY A WALL TEN HANDBREADTHS HIGH, PROVIDED THERE IS IN IT A WATCHMAN'S HUT OR A DWELLING PLACE⁹ OR IT IS NEAR TO A TOWN.¹⁰ R. JUDAH RULED: EVEN IF IT CONTAINED ONLY A CISTERN, A DITCH OR A CAVE IT IS PERMITTED TO MOVE OBJECTS¹¹ WITHIN IT. R. AKIBA RULED: EVEN IF IT CONTAINED NONE OF THESE IT IS PERMITTED TO MOVE OBJECTS¹¹ WITHIN IT, PROVIDED ITS AREA [DOES NOT EXCEED] SEVENTY CUBITS AND A FRACTION¹² BY SEVENTY CUBITS AND A FRACTION. R. ELIEZER RULED: IF ITS LENGTH EXCEEDED ITS BREADTH EVEN BY A SINGLE CUBIT IT IS NOT PERMITTED TO MOVE ANY OBJECTS WITHIN IT.¹³ R. JOSE RULED: EVEN IF ITS LENGTH IS TWICE ITS BREADTH IT IS PERMITTED TO MOVE EFFECTS WITHIN IT. R. ILA'I STATED: I HEARD FROM R. ELIEZER,¹⁴ EVEN IF IT IS AS LARGE AS A BETH KOR. I LIKewise HEARD FROM HIM THAT IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB,¹⁵ HIS HOUSE IS FORBIDDEN TO HIM FOR THE TAKING IN OR THE TAKING OUT OF ANY OBJECT¹⁶ BUT IS PERMITTED TO THEM.¹⁷ I HAVE LIKewise HEARD FROM HIM THAT PEOPLE MAY FULFIL THEIR DUTY¹⁸ AT PASSOVER BY EATING HART'S-TONGUE.¹⁹ WHEN, HOWEVER, I WENT ROUND AMONG ALL HIS DISCIPLES SEEKING A FELLOW STUDENT²⁰ I FOUND NONE.²¹

GEMARA. What did he²² already teach that, in consequence, he²³ used the expression of FURTHER? If it be suggested: Because he taught one restrictive ruling²⁴ and then he taught the other²⁵ he therefore used the expression of FURTHER, surely [it could be retorted] did not R. Judah²⁶ teach one restrictive ruling²⁷ and then he taught another one²⁸ and yet he²⁹ did not use the expression 'further'? — There³⁰ the Rabbis interrupted him³¹ but here the Rabbis did not interrupt him.³² [Is it then suggested] that wherever the Rabbis interrupted one's statements the expression of 'further'³³ not used? Surely, [it may be objected] was not R. Eliezer, in the case of a law about sukkah, interrupted by the Rabbis and the expression 'further' was nevertheless used?³⁴ There³⁵ they interrupted him with [a ruling on] his own subject but here they made the interruption with another subject.³⁶ R. AKIBA RULED: EVEN IF IT CONTAINED NONE OF THESE IT IS PERMITTED TO MOVE OBJECTS WITHIN IT.

(1) Lit., 'to bring out'.

(2) Who permitted strips of wood in the case of a PRIVATE WELL; R. Judah b. Baba being mainly concerned to lay down that the water, whether springing or collected, must not be private but public if strips of wood around it are to be permitted.

(3) But not collected water.

(4) Sc. even a private well may be permitted with strips of wood.

(5) Who lays down two restrictions viz. (a) PUBLIC, and (b) WELL.

(6) On the Sabbath.

(7) V. Glos.

(8) Lit., 'and a remnant', viz. two thirds of a cubit.

(9) Lit., 'house', so that the enclosure round the garden or karpaf may be regarded as put up for dwelling purposes.

(10) In which the owner lives. Being near to his residence he would frequently use it and consequently it may be regarded as a dwelling place.

(11) On the Sabbath.

(12) Lit., 'and a remnant', viz. two thirds of a cubit.

(13) Though the area does not exceed the prescribed seventy and two third cubits square. Only a square space was permitted where the enclosure around it was not made for dwelling purposes.

(14) So MS.M. Cur. edd. Eleazar.

- (15) And on the Sabbath he renounced his share to the other tenants.
- (16) By way of the common courtyard.
- (17) They may carry their utensils to and from his house.
- (18) Of eating bitter herbs (v. Ex. XII, 8).
- (19) Or 'palm-ivy'.
- (20) Who might corroborate the three statements he made in the name of their master.
- (21) They disagreed with him, maintaining that the master gave different rulings.
- (22) R. Judah b. Baba.
- (23) The Tanna of our Mishnah.
- (24) In the preceding Mishnah, that only a public well may be provided with strips of wood (supra 22b).
- (25) The first ruling in our Mishnah which restricts the permitted space within an enclosure, though set up for dwelling purposes, to seventy and two-thirds cubits square.
- (26) Sc. R. Judah b. Il'a.
- (27) That only an area of two beth se'ah is permitted (supra 18a ab init.).
- (28) That a public road through an enclosure round a well must be diverted to one of the sides (supra 22a).
- (29) The Tanna of the Mishnah, supra 22a.
- (30) The rulings of R. Judah b. Il'a.
- (31) Their statement (supra 18a ab init.) intervenes between R. Judah's two rulings.
- (32) R. Judah b. Baba's rulings immediately follow one another in the Mishnah (cf. supra 22b ad fin. and the first clause of our Mishnah).
- (33) Though the two statements have a logical connection.
- (34) V. Suk. 27a.
- (35) The rulings of R. Eliezer about sukkah.
- (36) R. Judah spoke of wells' enclosures and they spoke of a garden, a karpaf and the like. After such an interruption the expression of 'further' is obviously unsuitable.

Talmud - Mas. Eirubin 23b

Is not R. Akiba [laying down] the same ruling as the first Tanna?¹ The difference between them is a small area.² For it was taught: R. Judah stated, [two beth se'ah] exceed seventy cubits and a fraction [square] by a very small margin but the Sages did not indicate its exact dimensions.

And what [is the area of] the size of two beth se'ah? — One like that of the courtyard of the Tabernacle.³ Whence is this⁴ deduced? — Rab Judah replied: From Scripture which said: The length of the court shall be a hundred cubits, and the breadth fifty everywhere,⁵ the Torah⁶ having thus ordained, 'Take away fifty⁷ and surround [with them the other] fifty'.⁸ What, however, is⁹ the ordinary meaning of the text?¹⁰ — Abaye replied: Put up the Tabernacle at the edge of fifty cubits so that there might be [a space of] fifty cubits¹¹ in front of it and one of twenty cubits on every side.¹²

R. ELIEZER RULED: IF ITS LENGTH EXCEEDED etc. Was it not taught, however, that R. Eliezer ruled: If its length was more than twice its breadth, even if only by one cubit, it is forbidden to move objects within it? — R. Bebai b. Abaye replied: What we learned in our Mishnah we learned [in respect of an enclosure whose length] was more than twice its width. If so, is not this ruling exactly the same as that of R. Jose?¹³ — The difference between them is the squared area which the Rabbis have prescribed.¹⁴

R. JOSE RULED etc. It was stated:¹⁵ R. Joseph laid down in the name of Rab Judah who had it from Samuel: The halachah is in agreement with R. Jose;¹⁶ and R. Bebai laid down in the name of Rab Judah¹⁷ who had it from Samuel: The halachah is in agreement with R. Akiba.¹⁸ And both [these rulings] are on the side of leniency; and [both were] required. For if we had only been told, 'The halachah is in agreement with R. Jose' it might have been assumed [that the permissibility was dependent] on the existence of¹⁹ a watchman's hut or a dwelling place,²⁰ hence we were informed

that 'the halachah is in agreement with R. Akiba'.²¹ And if we had been told, 'The halachah is in agreement with R. Akiba' it might have been assumed that [an enclosed area that was] long and narrow is not [permitted],²² hence we were also informed that 'the halachah is in agreement with R. Jose'.²³

If a karpaf²⁴ bigger than two beth se'ah,²⁴ is fenced round for dwelling purposes, then if the greater part of it is sown [with seed] it is regarded as a garden²⁵ and it is forbidden [to carry any objects within it],²⁶ but if the greater part of it is planted [with trees]²⁷ it is regarded as a courtyard [and the movement of objects within it] is permitted.

'If the greater part of it is sown [etc.]'. Said R. Huna son of R. Joshua: This applies only [where the area sown was] bigger than two beth se'ah²⁸ but one of two beth se'ah²⁹ is permitted.³⁰ In agreement with whose view? Is it in agreement with that of R. Simeon; for we learned: R. Simeon ruled: Roofs, courtyards and karpafs³¹ are equally regarded as one domain in respect of [carrying from one into another] objects that were kept within them when Sabbath began, but not in respect of objects that were in the house when the Sabbath began?³² But [it may be objected] even according to R. Simeon, since the major part of it was sown [with seed] would not the minor part

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- (1) The Rabbis, who (supra 18a ab init.) contended that it is permissible to move objects in a garden and the like (which were not enclosed for dwelling purposes) if the area is not more than two beth se'ah i.e., about seventy and two-thirds cubits square (Rashi).
- (2) By which area of two beth se'ah exceeds that of seventy and two-thirds cubits square (cf. infra n. 8). According to the first Tanna the area may be as large as two beth se'ah while according to R. Akiba it must not exceed that of 70 2/3 cubits square.
- (3) Which Moses made in the wilderness, sc. 100 X 50 cubits (Ex. XXVII, 18).
- (4) That the dimensions of the court of the Tabernacle are to be squared to fix the area in connection with the moving of objects on Sabbath.
- (5) Ex. XXVII, 18; lit., 'fifty by fifty'.
- (6) By the addition of the apparently superfluous 'by fifty' (cf. prev. note) to the dimensions of a hundred by fifty.
- (7) The excess of the length (hundred cubits) over the breadth (fifty cubits), thus leaving a square area of fifty by fifty cubits.
- (8) Sc. the square (cf. previous note). Rashi: Surrounding the square with equal strips cut from the remaining area of 50 X 50 cubits, a larger square area is the result. The area of two beth se'ah is consequently equal to 100 X 50 square cubits which (since a cubit 6 = handbreadths) equals 100 X 50 X 6 X 6 = 180,000 sq. handbreadths. An area of (70 and 2/3) squared cubits = (70 X 6 + 4) squared = 424 squared = 179,776 sq. handbreadths. The difference between the first Tanna and R. Akiba is thus the small area of 180,000 — 179,776 = 224 sq. handbreadths (or 224/36 = 6 and 2/9 sq. cubits) which if split up into small strips to surround with them the perimeter of (70 and 2/3) squared cubits would be small indeed. [For a full mathematical discussion of this passage v. Feldman, op. cit. pp. 54ff].
- (9) Lit., 'about what is it written'.
- (10) Which speaks of the Tabernacle. What point was there in adding 'by fifty' to the dimension of length and breadth already given?
- (11) Sc. fifty by fifty (v. next note).
- (12) The Tabernacle was thirty cubits long and ten cubits wide. Dividing the length of the court (hundred cubits) in two sections and setting up the Tabernacle in one of these, its eastern front touching the dividing line, and its southern side removed twenty cubits from the south wall of the court there would remain (since the width of the court was fifty cubits) the following distance between the Tabernacle and the walls of the court. (100 — 50) X 50 = 50 X 50 cubits in front of it, 50 — 30 = 20 at its back, and (50 — 10)/2 = 20 cubits on its sides.
- (13) Who also ruled: EVEN IF ITS LENGTH IS TWICE ITS BREADTH.
- (14) Lit., 'made square'. R. Eliezer maintains that the authorized length is twice the breadth and no longer, but a squared area is also permitted; while R. Jose holds that the authorized area is a square although one whose length equals twice its breadth is also permitted. (V. Rashi. Cf., however, R. Han. in Tosaf. s.v. **שני** a.l.).
- (15) By Amoras.

- (16) That a non-squared area is also permitted.
- (17) Var. lec. Nahman (Alfasi and Asheri).
- (18) That it is not necessary for an enclosure to be put up especially for dwelling purposes.
- (19) Lit., 'until there is', sc. in the enclosure.
- (20) So that the enclosure may be regarded as put up for dwelling purposes.
- (21) V. 163, n. 9.
- (22) Since R. Akiba required a squared area.
- (23) That a non-squared area is also permitted.
- (24) V. Glos.
- (25) Which people do not use as a dwelling place.
- (26) Even in the part that was not sown; because its status is merged in that of the greater part.
- (27) Among which people can, and do shelter.
- (28) Such a large area, not having been fenced round for dwelling purposes, has the status of a karmelith (v. Glos.) while the unsown part has the status of a courtyard whose one complete side is fully open into a karmelith and both sections are consequently forbidden domains for the movement of objects on the Sabbath.
- (29) Though the sown part is subject to the restrictions of a karpaf and the unsown one to those of a courtyard that fully opens out into a karpaf (cf. previous note).
- (30) Since both belong to the same owner.
- (31) Even if they belonged to different owners.
- (32) In relation to a house, these are regarded as different domains even if they belong to one man, and any object taken out on Sabbath from the house to the courtyard must not be moved thence to the karpaf or roof (Rashi).

Talmud - Mas. Eirubin 24a

lose its own status to the major part and [the entire area¹ would thus] become a karpaf that is bigger than two beth se'ah² [the movement of objects in which] is forbidden?³ — The fact, however, is that if the statement has at all been made it must have been in the following terms: But⁴ [it follows that] if its lesser part [only was sown, the movement of objects within it] is permitted. Said R. Huna son of R. Joshua, this applies only [where the sown area was] less than two beth se'ah⁵ but [if it was] two beth se'ah [the movement of objects within the entire area] is forbidden.⁶ In agreement with whose view?⁷ — In agreement with that of the Rabbis.⁸

R. Jeremiah of Difti, however, taught it⁹ on the side of leniency:¹⁰ But¹¹ [it follows that] if its lesser part [only was sown the movement of objects within it] is permitted. Said R. Huna son of R. Joshua: This applies only [where the sown area was no more than] two beth se'ah but if it was more than two beth se'ah¹² [the movement of objects within it] is forbidden. In agreement with whose view?¹³ — In agreement with that of R. Simeon.¹⁴ 'But if the greater part of it was planted [with trees] it is regarded as a courtyard and [the movement of objects within it] is permitted'. Said Rab Judah in the name of Abimi: This [is the case only] where they are arranged in colonnade formation;¹⁵ but R. Nahman said: Even if they were not arranged as a colonnade.

Mar Judah once happened to visit R. Huna b. Judah's when he observed certain [trees] that were not arranged as a colonnade¹⁶ and people were moving objects between them. 'Does not the Master', he asked: 'uphold the view of Abimi?'¹⁷ — 'I', the other replied: 'hold the same view as R. Nahman'.

R. Nahman laid down in the name of Samuel: If a karpaf that was bigger than two beth se'ah was not originally enclosed for dwelling purposes,¹⁸ how is one to proceed?¹⁹ A breach wider than ten [cubits] is made in the surrounding fence,²⁰ and this is fenced up so as to reduce it to²¹ ten cubits²² and [then the movement of objects]²³ is permitted.²⁴ The question was raised: What is the ruling where one cubit [width of fence] was broken down and the same cubit [of breach] was fenced up and [then the next] cubit [width of fence] was broken down and was equally fenced up [and so on] until

[the breaking down and the re-fencing] of more than ten [cubits width of the fence] was completed?²⁵ — [This case], came the reply,²⁶ is²⁷ exactly [the same in principle as the one about] which we learned: All [levitically defiled wooden] utensils of householders [become clean if they contain holes] of the size of pomegranates;²⁸ and when Hezekiah asked: ‘What is the ruling where one made a hole of the size of²⁹ an olive and stopped it up and then made another hole of the size of an olive and stopped it up [and so on] until one completed [a hole] of the size of²⁹ a pomegranate?’³⁰ R. Johanan replied: Master, you have taught us [the case of] a sandal, for we learned:³¹ ‘A sandal³² one of the straps of which was torn off and repaired retains its midras³³ defilement.³⁴ If the second strap was torn off and repaired [the sandal] becomes free from the midras³³ defilement³⁵ but³⁶ is unclean³⁷ [on account of its] contact with midras’.³⁸ And you asked in connection with this, ‘Why is it³⁹ [that the absence of the] first [strap does not affect the status of the sandal? Obviously] because the second strap was then available [but then the absence of the] second strap also [should not affect the status of the sandal] since the first⁴⁰ was then available?’ And then you explained this to us [that ‘in the latter case] the object had assumed a new appearance;⁴¹ well, in this case⁴² also [it may be explained that] the object had assumed a new appearance; [and Hezekiah] made concerning him⁴³ the following remark: ‘This [scholar] is no [ordinary] man’⁴⁴ [or as] some say: ‘Such [a scholar] is [the true type of] man’.

R. Kahana ruled: In an open area⁴⁵ that [is situated] at the back of houses⁴⁶ objects may be moved⁴⁷ within a distance of four cubits only.⁴⁸ In connection with this R. Nahman ruled: If a [house] door was opened out into it, the movement of objects is permitted throughout the entire area, [since] the door causes it to be a permitted domain.⁴⁹ This,⁵⁰ however, applies only⁵¹ where the door was made first⁵² and [the area] was enclosed subsequently, but not where it was first enclosed and the door was made afterwards. ‘Where the door was made first and [the area] was enclosed subsequently’, [is it not] obvious [that the movement of objects in the area is permitted]? — [This ruling was] required only in the case where it⁵³ contained a threshing floor.⁵⁴ As it might have been assumed that [the door] was made in order to give access⁵⁵ to the threshing floor,⁵⁶ we were therefore informed [that no such assumption is made].

Where a karpaf [whose area] exceeded two beth se'ah was originally enclosed for dwelling purposes but was subsequently filled with water, the Rabbis intended to rule [that water is subject to the same law] as seed⁵⁷ and [that movement of objects in the enclosure] is, therefore, forbidden, but R. Abba⁵⁸ the brother⁵⁹ of Rab⁶⁰ son of R. Mesharsheya said: Thus we rule in the name of Raba: Water [is subject to the same law] as plants,⁶¹ and [the movement of objects within the enclosure] is consequently permitted.

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- (1) The sown part that was less than two beth se'ah and the unsown part that may be bigger than two beth se'ah.
 - (2) Which is subject to the restrictions of a garden.
 - (3) Even where it was enclosed for dwelling purposes, and even if all of it belonged to one owner.
 - (4) Since the prohibition was laid down in connection with a karpaf, the greater part of which was sown.
 - (5) So that it was not of sufficient importance to be given a status of its own.
 - (6) Because the sown portion has the status of a karpaf that was not enclosed for dwelling purposes. Such a karpaf, provided it is not bigger than two beth se'ah, is a permitted domain only where it is not abutting on any other domain; but here, since it opens out into a kind of courtyard, one side of which is fully exposed to it, the two domains are a mutual cause of prohibition, and no object may be carried from the one into the other.
 - (7) Was R. Huna's statement made.
 - (8) Who hold that two domains, though they are the property of one man and though none is inhabited, may be a mutual cause of prohibition (cf. infra 8).
 - (9) R. Huna's statement just discussed.
 - (10) Sc. that even if the area of the lesser part was two beth se'ah, it is regarded as a permitted domain as if it had not opened out at all into a broken yard.
 - (11) V. supra note 4.

- (12) Since the enclosure was not put up for dwelling purposes.
- (13) Was R. Huna's statement made.
- (14) Sc. even R. Simeon agrees in such a case.
- (15) So that one can rest there in comfort.
- (16) The area which was larger than two beth se'ah, was originally enclosed for dwelling purposes and later planted with trees.
- (17) That unless the trees are arranged in colonnade formation the movement of objects between them is forbidden.
- (18) And a house was subsequently built with a door opening into it.
- (19) If it is desired to move objects from the karpaf to the house and vice versa.
- (20) Lit., 'in it'. Thereby the validity of the fence is annulled.
- (21) Lit., 'and he makes it stand on'.
- (22) Thereby turning the breach into a doorway of the permitted legal size.
- (23) V. supra n. 5.
- (24) Since the reconstruction of the fence took place after the house was built, the entire karpaf may be regarded as having been enclosed for dwelling purposes.
- (25) Is the karpaf regarded as enclosed for dwelling purposes on account of the new section of fence that was put up after the house had been built or must the prescribed breach of more than ten cubits be made in the fence before any part of it is re-built?
- (26) [Lit., 'he said'. It is difficult to say to whom 'he' refers, and these words are best omitted with MS.M.]
- (27) Lit., 'not'?
- (28) Kel. XVII, 1. With such big holes the object loses the status of utensil and assumes that of a broken one which is not susceptible to levitical defilement.
- (29) Lit., 'like one that brings out'.
- (30) Is the utensil regarded as a broken one because the total space of the small holes was of the size required, or must a utensil contain such a hole at one and the same time before it can be regarded as a broken object that is unsusceptible to levitical defilement?
- (31) So Bah. Absent from cur. edd.
- (32) That was levitically defiled.
- (33) מדרם (rt. דרם 'to tread') defilement imparted through treading on an object by any of those enumerated in Lev. XII, 2; XV, 2, 25. The object thus defiled communicates defilement to human beings and vessels.
- (34) Because the sandal can still be used for its original purpose as footwear.
- (35) Since it is no longer fit for its original use as a sandal.
- (36) Since it may still be used for other purposes.
- (37) In a minor degree, communicating defilement to foodstuffs and liquids only, but not to human beings and vessels.
- (38) Sc. with the sandal as it was before the strap was torn off when it was an object of midras defilement. At the moment the strap was severed, the damaged sandal was in contact with the undamaged one.
- (39) Lit., 'what is the difference?'
- (40) Having been repaired.
- (41) Lit., 'new face came here', the present repaired straps are not the original ones. As the original ones were torn off, the former defilement ceased, and as no new midras or 'treading' occurred after the new ones were attached, the repaired sandal remains free from the midras defilement.
- (42) Where a number of small holes that equal in their totality, the prescribed large one have been individually stopped up.
- (43) R. Johanan.
- (44) His genius is supernatural.
- (45) That was bigger than two beth se'ah and surrounded by a fence.
- (46) But no house door opened out into it.
- (47) On the Sabbath.
- (48) From the place where they rested.
- (49) The last clause is absent from MS.M.
- (50) The permissibility of movement where a house door opens out into the area mentioned.
- (51) Lit., 'and he did not say them but'.

- (52) Lit., 'when he opened'.
 (53) The area in question.
 (54) Between the house and the enclosure round the open area.
 (55) Lit., 'with the intention of'.
 (56) And not in connection with the enclosed area at the back.
 (57) Cf. supra 23b ad fin.
 (58) MS.M. 'the father of R. Mesharsheya son of Rab'.
 (59) So marg. note. Cur. edd. enclose in parenthesis 'father'.
 (60) Var. lec. 'Raba' (Emden).
 (61) Trees. Cf. supra 23b.

Talmud - Mas. Eirubin 24b

Amemar ruled: This¹ [applies only to such water] as is fit for use² but not [to such as are] unfit for use. R. Ashi ruled: Even³ where it is fit for use the ruling applies only where the layer of water⁴ does not extend⁵ over more than two beth se'ah but if it does extend to more than two beth se'ah [the movement of objects within it] is forbidden. But this is not correct,⁶ since [water] is in the same category as a heap of fruit.⁷

There was at Pum Nahara⁸ a certain open area⁹ whose one side opened into [an alley in] the town and the other side opened into a path between vineyards¹⁰ that terminated at the river bank. How, said Abaye, are we to proceed?¹¹ Should we put up for it¹² a [reed] fence on the river bank,¹³ one partition upon another partition,¹⁴ surely, cannot [in such a case, usefully] be put up.¹⁵ And should the shape of a doorway be constructed for it at the entrance to the path between the vineyards,¹⁶ the camels coming [that way]¹⁷ would throw it down. [The only procedure,] therefore,¹⁸ said Abaye, [is this:] Let a side-post be put up at the entrance to the path of the vineyards¹⁹ so that [this construction], since²⁰ it is effective in respect of the path of the vineyards,²¹ is also effective in respect of the open area.²²

Said Raba to him:²³ Would not people²⁴ infer that a side-post is effective in the case of any²⁵ path among vineyards.²⁶ Rather, said Raba, a side-post should be put up at the entrance to the alley,²⁷ and since²⁸ the side-post is effective in respect of the alley²⁹ it is also effective in respect of the open area. Hence it is permitted to move objects within the alley itself.²⁹ It is also permitted to move objects within the open area itself.³⁰ [But as regards] the moving of objects from the alley into the open space or from the open space into the alley, R. Aha and Rabina are at variance. One forbids this and the other permits it.

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- (1) That water in a karpaf is subject to the same law as a plantation of trees.
 (2) Sc. for drinking, so that it supplies one of the requirements of a dwelling place.
 (3) Lit., 'also'.
 (4) That was ten handbreadths deep.
 (5) Lit., 'that there is not in its depth'. A depth of ten handbreadths of water is subject in this respect to the laws of seed. On the question whether the greater, or lesser part of the layer of water was ten handbreadths in depth v. Tosaf. s.v. **לא אמרן** a.l.
 (6) Lit., 'the thing'.
 (7) Aliter: 'A pit full of fruit'. **כריא** bears both meanings. A pile of fruit ten handbreadths high, however large its extent, does not deprive the enclosure in which it is kept of its status as a dwelling, and from a pit of fruit, however large or deep, it is freely permitted to take out the fruit on the Sabbath.
 (8) **פום נהרא** lit., 'river mouth', a town on the Tigris.
 (9) That was larger than two beth se'ah and was not enclosed for dwelling purposes.
 (10) That was inhabited.
 (11) To enable the tenants to carry their things on the Sabbath despite the open area (v. supra n. 10) that had the status of

a karmelith in which such movement is forbidden and which affects also the permissibility of movement in the alley and the vineyard path that adjoined it.

(12) For the open area which had around it a stone wall that could not easily be broken down and rebuilt to satisfy the requirements supra where an enclosure was not originally put up for dwelling purposes.

(13) Thus treating the area and the path as one domain so that the new fence which is put up for dwelling purposes might serve as a part of the enclosure and, being of the prescribed size, effect the desired permissibility.

(14) The river bank being ten handbreadths high is itself regarded as a fence.

(15) If it is desired to render a lower fence valid. Any fence round an area that was not originally enclosed for dwelling purposes cannot be rendered valid by merely raising its height. It must first be broken down to the prescribed size and then rebuilt.

(16) Such a contrivance, since it effects permissibility of movement in a path that runs into a public domain, would obviously effect it here where the path runs only into a karmelith, and, consequently, might also serve as a sort of fence for the open area; and, as it is built for dwelling purposes, might equally effect the validity of the enclosure around the area.

(17) From the town, to drink from the river, and proceeding through the alley across the open area.

(18) Lit., 'but'.

(19) Having its lower end fixed in the ground and consisting of the thinnest of posts, it would not be affected by the passing camels.

(20) Heb.: Miggo.

(21) Which, owing to the contrivance, is no longer regarded as having a gap opening into a karmelith and the movement of objects within it is, therefore, permitted.

(22) In accordance with the rule of miggo, the virtual fence at the entrance to the path represented by the side-post is also regarded as a fence put up for dwelling purposes in connection with the open area. If the side-post, however, had not been the cause of the permissibility of movement in the path, the rule of miggo could not apply; and, as the entrance to the path was not wider than ten cubits, the virtual fence, being smaller than the required size, could not effect the permissibility of movement in the area either.

(23) Abaye.

(24) Relying on Abaye's ruling.

(25) Lit., 'in the world', 'elsewhere'.

(26) Even one that does not rundown to a river bank but to a public domain. Such an alley, however, cannot as a matter of fact be permitted by one side-post at one end.

(27) On the side that adjoins the open area. Lit., 'town' of which the alley forms a part.

(28) Miggo.

(29) Sc. it is permitted thereby to move objects in the alley if the shape of a doorway was put up at its other end, that is abutting on the public domain (cf. supra 7a).

(30) By the rule of miggo: Since the side-post is effective for the alley it is also effective for the open area.

Talmud - Mas. Eirubin 25a

One¹ permits it because [in the open area] there are no tenants;² and the other¹ forbids this, because sometimes [it may happen] that there would be tenants in it³ and they⁴ would still be moving objects [from the one into the other].

If a karpaf was larger than two beth se'ah and was not enclosed for dwelling purposes, and it is desired to reduce the size thereof,⁵ then if it was effected by means of trees⁶ the reduction is invalid. If a column, ten handbreadths in height and four handbreadths in width, was built up⁷ it is a valid reduction. If [the column was] less than three [handbreadths wide] it constitutes no valid reduction. [If it is] between three and four [handbreadths wide] it is, said Rabbah, a valid reduction; but Raba maintained: It is no valid reduction. Rabbah said that it was a valid reduction, since [such a size] is excluded from the law of labud.⁸ Raba maintained that it was not a valid reduction, because so long as it does not cover a space of four [handbreadths in width] it is of no importance.⁹ If at a distance of four handbreadths from the wall¹⁰ a partition¹¹ was put up the act is legally effective,¹² [but if the

distance was] less than three [handbreadths¹³ the partition] is ineffective.¹⁴ [If the distance was] between three, and four [handbreadths, the partition is], said Rabbah, effective, but Raba maintained: It is ineffective. Rabbah said that it was effective since [such a distance] is excluded from the law of labud.¹⁵ Raba maintained that it was ineffective because so long as it does not extend over four handbreadths it is of no importance.¹⁶

R. Shimi taught [that the discussion¹⁷ related] to [the more] lenient [procedure].¹⁸

If the fence¹⁹ was smeared with plaster and [the layer is so thick that it] can stand by itself it constitutes a reduction; where it cannot stand by itself it [nevertheless], said Rabbah, constitutes a reduction, but Raba maintained: It does not constitute a reduction. Rabbah said that it constituted a reduction because now at any rate it stands. Raba maintained that it constituted no reduction because in view of the fact that it cannot, stand by itself²⁰ it possesses no validity whatsoever.²¹

If at a distance of four handbreadths from a mound²² a partition was put up²³ it is effective.²⁴ [If, however, it was put up at a distance of] less than three [handbreadths] [from it] or [was actually put up] on the edge of the mound [there is a difference of opinion between] R. Hisda and R. Hamnuna. One holds that this is effective and the other maintains that it is ineffective.²⁵ You may conclude that it was R. Hisda who held that [the partition] is effective; for it was stated: If one partition was put up upon another, it is, R. Hisda ruled, effective as regards [the laws of] the Sabbath but no possession of the property of a proselyte²⁶ [may thereby] be acquired;²⁷ and R. Shesheth ruled it is ineffective even in [respect of the laws of] the Sabbath. This is conclusive.

R. Hisda stated: R. Shesheth, however, agrees with me that if a man put up a fence on the mound²⁸ it is effective.²⁹ What is the reason? — Because the man dwells in the space between the upper fences.³⁰

Rabbah b. Bar Hana enquired:³¹ What if the lower fences were sunk in the ground³² and the upper ones remained standing? In what [respect does this matter]? If [it be suggested] in respect [of acquiring possession]³³ of the estate of a proselyte,³⁴ [is not the principle here involved, it may be retorted,] exactly the same [as that underlying a ruling] of Jeremiah³⁵ Bira'ah who ruled in the name of Rab Judah: If a man threw vegetable seeds into a crevice³⁶ of a proselyte's³⁴ land and then another Israelite came and hoed a little,³⁷ the latter does, and the former does not acquire possession, because³⁸ at the time the former threw [the vegetable seed] he did not improve [the ground] and any eventual improvement³⁹ came automatically?⁴⁰ If, on the other hand,⁴¹ [it be suggested that the question arises] in respect of [the laws of] the Sabbath,⁴² [such a partition, surely, it could be retorted, is] one that was put up on the Sabbath⁴³ concerning which it was taught: Any partition that is put up on the Sabbath, whether unwittingly or presumptuously, is regarded as a valid⁴⁴ partition?⁴⁵ — Has it not, however, been stated in connection with this ruling that R. Nahman ruled: This was taught only in respect of throwing,⁴⁶ but the moving [of objects within it] is forbidden?⁴⁷ — When R. Nahman's statement was made it was in respect of one who acted presumptuously.⁴⁸

A certain woman once put up a fence on the top of another fence in the estate of a proselyte,⁴⁹ when a man came and hoed [the ground] a little. [The latter then] appeared before R. Nahman who confirmed it in his possession. The woman thereupon came to him and cried. 'What can I do for you', he said to her, 'Seeing that you did not take possession in the proper way?'⁵⁰ If a karpaf [was of the size of] three beth se'ah and one beth se'ah was provided with a roof, its covered space, ruled Rabbah,⁵¹ causes it still to be deemed bigger [than two beth se'ah],⁵² but R. Zera ruled: Its covered space does not cause it to be deemed bigger.⁵³ Must it be assumed that Rabbah⁵¹ and R. Zera differ on the same principle as that on which Rab and Samuel differed? For was it not stated: If an exedra⁵⁴ was situated in a valley, it is, Rab ruled, permitted to move objects within all its interior; but Samuel ruled: Objects may be moved within four cubits only. Rab ruled that it was permitted to move

objects in all its interior, because we apply [the principle:] The edge of the ceiling descends and closes up.⁵⁵ But Samuel ruled that objects may be moved within four cubits only, because we do not apply [the principle:] The edge of the ceiling descends and closes up?⁵⁶

(1) Lit., 'he who'.

(2) To claim a share in it. Hence it may be regarded as the domain of the tenants of the alley. The occupants of the path need not be considered in this respect since the path and the open space stand in the same relationship respectively as a small courtyard and a large one that open into one another where the movement of objects is permitted in the latter though forbidden in the former.

(3) And the movement of objects from the one into the other would consequently be forbidden.

(4) The tenants of the path as well as those of the open area being unaware of the difference of status.

(5) Lit., 'and he came to reduce it'.

(6) Since trees usually grow in a karpaf the new plantation does not produce any change in the character of the spot (cf. Rashi s.v. **באילנות** and Bah a.l.).

(7) Anywhere in the area.

(8) V. Glos. only to a space that is smaller than three handbreadths is the law applied. One of three is considered important and cannot, therefore, be disregarded.

(9) And is deemed to be non-existent.

(10) Of a karpaf

(11) For dwelling purposes.

(12) Sc. the partition is regarded as valid and the karpaf is deemed to have been enclosed for dwelling purposes, provided a house door was made to open into it before the partition was put up.

(13) So that it may be regarded as joined to the fence of the karpaf and forming with it one thick fence.

(14) Since a new and independent partition of the prescribed size must be put up after a house door was opened into the karpaf (cf. supra p. 171, n. 13).

(15) V. supra p. 171, n. 9.

(16) And is deemed to be nonexistent.

(17) Between Rabbah and Raba.

(18) I.e., where the width of the column or the distance of the partition from the wall was less than three handbreadths. Where, however, it was between three and four handbreadths, he maintains, both Rabbah and Raba agree that, as the rule of labud does not apply, the pillar constitutes a proper reduction and the partition is deemed valid and put up for dwelling purposes.

(19) Lit., 'on it', the fence across the karpaf under discussion.

(20) Sc. without the support of the fence to which it is attached.

(21) Lit., 'it is nothing'.

(22) That was situated in a karpaf and that was more than two beth se'ah removed from the fence around it.

(23) For dwelling purposes; and the distance between the new partition and the original fence exceeds two beth se'ah.

(24) It is regarded as a valid wall and, since it was put up for dwelling purposes, effects the permissibility of the entire karpaf.

(25) A mound has the status of a partition; and it is the view of the former that one partition on the top of another is valid while the other maintains that it is invalid.

(26) Who died, leaving no Jewish heirs, and whose estate may accordingly be seized by any member of the public.

(27) Should one person put up a fence on the top of another in the deceased proselyte's estate and a second person subsequently performs another act of valid kinyan (v. Glos.) the latter would, and the former would not gain the possession of the estate.

(28) Where the mound was bigger than two beth se'ah.

(29) As far as the mound itself is concerned. It is permitted to move objects on the mound though in the karpaf in which it is situated this is forbidden.

(30) The lower fences around the karpaf may, therefore, be completely disregarded.

(31) According to the view that one partition on the top of another is invalid.

(32) Lit., 'were swallowed'.

(33) By putting up a fence on the top of another, the latter subsequently sinking in the ground and the former remaining.

- (34) V. Supra n. 2.
- (35) The reading in the parallel passage in B.B. 53b and Git. 34a is 'R. Jeremiah'.
- (36) Which he himself had not dug. Digging would have constituted kinyan and no further act would have been necessary.
- (37) This being a form of kinyan.
- (38) Lit., 'what is the reason?'
- (39) When the seeds produced a crop.
- (40) It is not the direct action of the man; while kinyan (v. Glos.) can be effected by a direct act only (v. B.B. 42a). Similarly in the case of the fence: Since the upper one came into the proper position through the accidental sinking of the lower one and not through any direct act of the person it cannot obviously be deemed the direct result of his act and cannot consequently be regarded as a valid kinyan.
- (41) Lit., 'and but'.
- (42) Whether a karpaf may be turned into a permitted domain by the upper fences (that were built for dwelling purposes) after the lower ones have sunk.
- (43) When the lower ones sank. Before this happened the upper fence was legally non-existent.
- (44) Lit., 'its name (is)'.
- (45) Shab. 101b, supra 20a.
- (46) Sc. it is forbidden to throw an object from a public domain into such an enclosure.
- (47) How then could this ruling be adduced as proof that the fence under discussion is deemed valid in respect of permitting the movement of objects within the area that it encloses?
- (48) The fence under discussion, however, came into position through an accident. Hence it is valid in all respects even according to R. Nahman.
- (49) With the object of acquiring possession (cf. supra p. 173, n. 2).
- (50) Lit., 'as men take possession'.
- (51) V. marg. note. Cur. edd., 'Raba'.
- (52) I.e., the covered area is still regarded as a part of the open karpaf.
- (53) The edge of the roof is said to descend and close up the covered area and thus reduce the open karpaf to the permitted size.
- (54) V. Glos. It is provided with a roof but is open at its sides.
- (55) So that the exedra is virtually provided with walls.
- (56) Infra 90a, 94b, Suk. 18b. Is Rabbah then of the same opinion as Samuel and R. Zera of the same opinion as Rab (cf. supra n. 3)?

Talmud - Mas. Eirubin 25b

— If [the roof¹ over the beth se'ah] were made like an exedra² [the ruling would] indeed have been the same,³ but here we are dealing with one that was made in the shape of a hammock.⁴

R. Zera stated: I admit, however, that where a karpaf⁵ has a gap across its entire width⁶ towards a courtyard [the movement of objects within it] is forbidden. What is the reason? Because the space of the courtyard increases its extent.⁷ R. Joseph demurred: Does a space⁸ [from] which⁹ it is permitted [to move objects] into it cause its prohibition? — Said Abaye to him: In accordance with whose view [do you demur]? Apparently in accordance with that of R. Simeon;¹⁰ but according to R. Simeon also there is in fact the space of the position of the walls.¹¹ For R. Hisda ruled: If a gap across the full width of a karpaf was opened towards a courtyard [movement of objects] is permitted in the latter and forbidden in the former. Now why [is this permitted in] the courtyard? [Is it on account of the fact] that it has ridges?¹² Does it not, however, sometimes happen¹³ that the reverse is the case?¹⁴ Consequently¹⁵ [it must be admitted that] the reason is¹⁶ that as regards the karpaf¹⁷ the space of the walls increases its extent¹⁸ while in that of the courtyard¹⁷ the space of the walls does not increase it.¹⁹

A certain orchard adjoined the wall of a mansion.²⁰ When the outer wall of the mansion²¹

collapsed it was R. Bibi's intention to rule that one might rely²² upon the inner walls,²³ but R. Papi said to him, 'Because you are yourselves frail beings you speak frail words.²⁴ Those walls were made for the interior [of the mansion]; they were not made for [the orchard] outside'.²⁵

The exilarch had a kind of banqueting hall in his orchard.²⁶ 'Will the Master', he said to R. Huna b. Hinena, 'make some provision whereby we might be enabled to dine there tomorrow'.²⁷ The latter accordingly proceeded [to construct a passage²⁸ by putting up a reed-fence]²⁹ fixing each reed [within a distance of] less than three [handbreadths from the other].³⁰ Raba, however, went there

(1) V. Rashi. Aliter: The walls in the covered area (v. Tosaf. s.v. **וְשָׁרְיָא** a.l.).

(2) I.e., level and not slanting (Rashi). Aliter: Open on two sides only (v. Tosaf. l.c.).

(3) Sc. even Rabbah would adopt the ruling of Rab.

(4) Attached to the trees. Since the roof is slanting it has no edges that might be said to descend and form the virtual walls (v. Rashi). Aliter: Being open on four sides it cannot be given the status of a walled structure (v. Tosaf. s.v. **שְׁרָיָא** a.l.).

(5) That was bigger than two beth se'ah.

(6) Lit., 'in its fullness'.

(7) Above the permitted size, the principle, 'The edge of the ceiling etc.' being inapplicable in this case.

(8) Sc. the courtyard.

(9) According to R. Simeon.

(10) Supra 23b (v. prev. note) where R. Simeon has laid down that it is permitted to move objects from a courtyard into a karpaf.

(11) By which the area of the karpaf that was exactly two beth se'ah is increased to more than the permitted size.

(12) The remnants of the fallen wall, which, being situated on both sides of the gap that is not wider than ten cubits, form, according to the Rabbis, a kind of doorway.

(13) When the karpaf is wider than the courtyard.

(14) That it is the karpaf that has the ridges and that the courtyard has them not. If then the view of the Rabbis is followed why this distinction between karpaf and courtyard?

(15) Since the karpaf only has been singled out for prohibition.

(16) Not as has been assumed before in agreement with the view of the Rabbis.

(17) Lit., 'this'.

(18) In agreement with R. Simeon who, otherwise, permits the movement of objects from the courtyard into it.

(19) Hence its permissibility. As the only reason for the prohibition is the increased area of the karpaf the prohibition cannot apply to a courtyard which was originally enclosed for dwelling purposes. The question of the ridges does not arise since in the absence of ridges also R. Simeon permits the movement of objects from the courtyard to the karpaf. And should it happen that the ridges were on the side of the karpaf the courtyard would still be permitted in agreement with R. Simeon (cf. supra n. 9) while the karpaf also would be permitted since the space previously occupied by the fallen walls cannot be regarded as an increase of its area on account of the ridges. Thus, at any rate, it follows that even according to R. Simeon the space previously occupied by the fallen walls is regarded as an addition to a karpaf.

(20) The orchard was bigger than two beth se'ah and enclosed by a wall that was put up after a door from the mansion was opened to it, so that it was enclosed for dwelling purposes.

(21) The wall that divided the mansion from the orchard and which had a door that communicated between the two.

(22) In permitting the movement of objects in the orchard.

(23) Which might also be regarded as walls of the orchard.

(24) **בְּיָמֵינוּ** = 'because you'. Aliter: 'Because you are descendants of short-lived people'. Bibi who was the son of Abaye was a descendant of the house of Eli (cf. R.H. 18a) who were condemned to die young (v. I Sam. II, 32). Cf. B.B., Sonc. ed., p. 582, n. 6.

(25) The orchard, being bigger than two beth se'ah, cannot consequently be regarded as having been enclosed for dwelling purposes.

(26) That was bigger than two beth se'ah.

(27) On the Sabbath day. As the hall was built after the enclosure round the orchard had been put up, the area enclosed was subject to the restriction of a place that was first enclosed for no dwelling purpose and that was only subsequently

inhabited. It was, therefore, (v. previous note) forbidden to move any objects, including the foodstuffs and utensils required for the meal, from the house to the banqueting hall through the orchard. Hence the exilarch's request.

(28) From the house to the hall across the orchard.

(29) On either side of the passage.

(30) So that according to the rule of *labud* (v. Glos.) the fence was deemed to be legally compact and valid, and the passage consequently assumed the status of a domain in which it was permitted to move objects on the Sabbath.

Talmud - Mas. Eirubin 26a

and pulled them out¹ and R. Papa and R. Huna son of R. Joshua followed him and picked them up.² On the following day, however, Rabina raised an objection against Raba: [The Sabbath limits of] a new town are measured from its inhabited quarter³ and of all old one from its town wall. What is meant by a 'new [town]' and what by an 'old one'? A new [town is one] that was first surrounded [by a wall] and subsequently settled, and an old [town is one that was first] settled and subsequently surrounded [by a wall]. Now is not this [orchard] also⁴ like [a town that was first] surrounded [by a wall] and subsequently settled?⁵ R. Papa also said to Raba: Did not R. Assi rule that the screens used by master builders⁶ are not valid⁷ ones, from which it is obvious that as it is put up for the sake of privacy only, it is no valid partition? Now in this case⁸ also, since [the hall] was put up for the sake of privacy only,⁹ [its walls] cannot be regarded as valid partitions.¹⁰ R. Huna son of R. Joshua also said to Raba: Did not R. Huna rule that a partition that was intended to [protect objects] put [beside it] is no valid one?¹¹ For, as a matter of fact, Rabbah b. Abbuha provided a separate 'erub for each row of alleys throughout all Mahuza,¹² on account of the cattle ditches¹³ [that separated one row from another]. Now [have not the screens protecting] the cattle ditches the same status as a partition intended to [protect objects] put [beside it]?¹⁴ The exilarch, thereupon, applied to them the Scriptural text: They are wise to do evil,¹⁵ but to do good they have no knowledge.¹⁶

R. ILAI STATED: I HEARD FROM R. ELIEZER, EVEN IF IT IS AS LARGE AS A BETH KOR. Our Mishnah cannot be in agreement with the view of Hanania, for it was taught: Hanania ruled: Even if it was [as large as] forty beth se'ah [as big] as a royal rearcourt.¹⁷ And both,¹⁸ said R. Johanan, based their expositions on the same Scriptural text, for it is said: And it came to pass, before Isaiah was gone out of the inner court;¹⁹ [since] it was written 'the city'²⁰ and we read 'court'²¹ it may be inferred²² that royal rearcourts were [as big] as moderately sized cities. On what principle do they¹⁸ differ? One Master is of the opinion that [the extent of] moderately sized cities is one beth kor, while the other Master holds that [their size] is that of forty se'ah.

What, however, did Isaiah want there?²³ — Rabbah b. Bar Hana replied in the name of R. Johanan: This²⁴ teaches that Hezekiah was stricken with illness and Isaiah proceeded to hold a college at his door.²⁵ From this [it may be inferred] that when a scholar falls ill a college is to be held at his door. This, however, is not [always the proper] course,²⁶ since Satan might thereby be provoked.

I LIKewise HEARD FROM HIM THAT IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB, HIS HOUSE IS FORBIDDEN. Did we not, however, learn: His house is forbidden both to him and to them for the taking in or for the taking out of any object?²⁷ — R. Huna son of R. Joshua replied in the name of R. Shesheth: This is no difficulty;

(1) In his opinion it was not necessary at all to make any provision for the moving of objects in the orchard. He regarded the entire area on account of the banqueting hall it contained, as a courtyard that was put up for dwelling purposes.

(2) To prevent R. Huna b. Hinena from putting them up again.

(3) The area between the inhabited quarter and the town walls is regarded in this respect as being outside the town.

(4) Since the banqueting hall was built after the orchard had been enclosed.

(5) How then could Raba permit the moving of objects on the Sabbath in the orchard?

- (6) To protect them from the sun.
- (7) Lit., 'its name is not partition'.
- (8) The banqueting hall in the orchard.
- (9) It was not intended as a dwelling place.
- (10) The hall cannot consequently have the status of a dwelling and the movement of objects in the orchard around it should, therefore, be forbidden. An objection against Raba (v. supra n. 2).
- (11) Lit., 'its name is not partition'.
- (12) A comparatively small town without a wall around it situated on the Tigris, south of Bagdad.
- (13) These contained offal of dates on which the cattle fed, and partitions extending from one end of the town to the other were provided at the extremities of the alleys for the protection of the cattle ditches.
- (14) Of course they have; and this is the reason why they were invalid though they were permanent fixtures. Similarly in the case of the hall in the orchard, since it was put up for the purpose of protecting objects deposited within it and not as a dwelling, the movement of objects in the orchard enclosure around it should consequently be forbidden. Again an objection against Raba (v. Supra p. 178, n. 2). The interpretation of the passage here adopted follows the lines of **תשובת הגאונים להרע** (v. Rashi s.v. **להרע** 26a). Cf. Rashi's interpretation and Tosaf. s.v. **ההוא** 25b.
- (15) Allusion to their destruction of R. Huna b. Hinena's work, which deprived the exilarch and his party from the use of the banqueting hall on that day.
- (16) Jer. IV, 22.
- (17) Behind the palace (v. Rashi).
- (18) R. Ila'i and Hanania in arriving at their respective rulings.
- (19) II Kings XX, 4.
- (20) The kethib is **העיר**.
- (21) The kre is **הצר**.
- (22) Lit., 'from here'.
- (23) In the king's inner court which is not a place for visitors.
- (24) The mention of Isaiah's presence in the inner court.
- (25) The study of the Torah banishes disease.
- (26) Lit., 'the thing'.
- (27) Infra 69b, contrary to our Mishnah which restricts the prohibition 'TO HIM' only.

Talmud - Mas. Eirubin 26b

one is the ruling of¹ R. Eliezer² and the other is that of the Rabbis. And on careful consideration of their statements you will find that, according to the view of R. Eliezer, he who renounces his rights to his courtyard³ renounces ipso facto his rights to his house also, and that according to the Rabbis he who renounces his rights to his courtyards does not ipso facto renounce them in respect of his house. Is not this⁴ obvious?⁵ — Rehabah⁶ replied: I and R. Huna b. Hinena explained that it⁴ was necessary only in respect of five persons who lived in one courtyard and one of them forgot to join in the 'erub.⁷ According to the ruling of R. Eliezer⁸ this man, when he renounces his right,⁹ need not renounce it [specifically] in favour of every one of the tenants,¹⁰ but according to the Rabbis¹¹ the man who renounces his rights must do so [specifically] in favour of every one of the tenants.¹²

In accordance with whose view is¹³ that which was taught: If five persons live in one courtyard and one of them forgot to join in the 'erub [with the others] he, when renouncing his right,¹⁴ need not do it [specifically] in favour of everyone of the tenants individually?¹⁵ — 'In accordance with whose [view], you ask? In accordance, of course, with that of R. Eliezer. R. Kahana taught in the manner just stated.¹⁶ R. Tabyomi taught as follows:¹⁷ In accordance with whose view is¹⁸ that which was taught: If five persons live in one courtyard and one of them forgot to join in the 'erub [with the others] he, when renouncing his rights,¹⁹ need not do it [specifically] in favour of every one individually?²⁰ In accordance with whose [view, I ask, is this ruling]? — Said R. Huna b. Judah in the name of R. Shesheth: 'In accordance with whose [view] you ask? In accordance with that of R. Eliezer.

Said R. Papa to Abaye: What is the ruling according to R. Eliezer,²¹ if a tenant²² explicitly stated: 'I do not renounce my right [in my house]',²³ and, according to the Rabbis,²⁴ if he explicitly stated: 'I renounce my right [in my house]'?²⁵ Is R. Eliezer's reason²⁶ based on the view that any tenant who renounces his right in his courtyard renounces ipso facto his right to his house [and the ruling, consequently, would not apply here] since that man [explicitly] stated: 'I do not renounce my right'; or is it possible that R. Eliezer's reason²⁶ is that people do not live in a house without a courtyard²⁷ and, consequently, even where a man²⁸ states: 'I do not renounce my right in my house', his declaration may be disregarded,²⁹ so that though he said: 'I would live [in the house alone]', his statement is null and void?³⁰ And what is the ruling, according to the Rabbis, if he [explicitly] stated: 'I renounce my right'? Is the Rabbis' reason³¹ the view that a man who renounces his right in his courtyard does not ipso facto renounce his right to his house [and their ruling consequently would not apply here] since this man [specifically] declared: 'I renounce my right'; or is it possible that the Rabbis' reason³¹ is that it is not usual for a man to give up completely his house and his courtyard and thus become a mere stranger as far as these are concerned [and their ruling would, therefore, apply here also, because] though this man stated: 'I renounce my right' his declaration is to be disregarded? — The other replied: Both according to the Rabbis and according to R. Eliezer since the man declared his wishes they must be respected.³²

I HAVE LIKEWISE HEARD FROM HIM THAT PEOPLE MAY FULFIL THEIR DUTY AT PASSOVER BY EATING 'ARKABLIN.³³ What [is the meaning of] 'ARKABLIN? — Resh Lakish replied: Prickly creepers.³⁴ CHAPTER III

MISHNAH. WITH ALL [KINDS OF FOOD] MAY 'ERUB³⁵ AND SHITTUF³⁶ BE EFFECTED, EXCEPT WATER AND SALT,³⁷ AND SO ALSO MAY ALL [KINDS OF FOODSTUFFS] BE PURCHASED WITH MONEY OF THE SECOND TITHE³⁸ EXCEPT WATER AND SALT.³⁹ IF A MAN VOWED TO ABSTAIN FROM FOOD HE IS ALLOWED [TO CONSUME] BOTH WATER AND SALT.

AN 'ERUE⁴⁰ MAY BE PREPARED FOR THE NAZIRITE WITH WINE⁴¹ AND FOR AN ISRAELITE WITH TERUMAH,⁴² BUT SYMMACHUS RULED: WITH UNCONSECRATED PRODUCE ONLY.⁴³

[AN⁴⁴ 'ERUB MAY BE PREPARED] FOR A PRIEST IN A BETH PERAS,⁴⁵ AND R. JUDAH RULED: EVEN IN A GRAVEYARD,⁴⁶ [

(1) Lit., 'that', the ruling in our Mishnah.

(2) Whom R. Ila'i was reporting (v. our Mishnah).

(3) Which is a prerequisite for the validity of the 'erub under discussion.

(4) The inference just pointed out by R. Shesheth.

(5) Of course it is. What then was the object in pointing it out?

(6) Var. lec.: Raba.

(7) Which the others prepared.

(8) That a man's renunciation of his rights in a courtyard implies also his renunciation of his rights to his house, from which it follows that R. Eliezer assumes every man to be acting generously and wholeheartedly in the interests of his neighbour.

(9) To the courtyard.

(10) His renunciation in favour of one particular neighbour is assumed to be generous and wholehearted in favour of all the neighbours.

(11) Who do not regard a man's renunciation of his rights in a courtyard as an indication of his renunciation of his rights to his house, from which it follows that they do not regard every person to be of a generous disposition.

(12) Otherwise, the 'erub is null and void.

- (13) Lit., 'like whom goes'.
- (14) To his share.
- (15) A general renunciation is enough.
- (16) Lit., 'thus', sc. that R. Shesheth drew an inference from our Mishnah and that Rehabah and R. Huna applied it to the Baraitha of the five tenants (cf. next note).
- (17) Sc. that R. Shesheth himself applied the inference from our Mishnah to the Baraitha cited (cf. previous note).
- (18) Lit., 'like whom goes'.
- (19) To his share.
- (20) A renunciation in favour of one is enough.
- (21) Who holds that a man who renounced his right in a courtyard is ipso facto assumed to have renounced his right to his house.
- (22) Who forgot to join in the 'erub with his neighbour in the courtyard.
- (23) Are the other tenants permitted in these circumstances to carry objects into, or from that tenant's house or not?
- (24) Who maintain that a man's renunciation of his right in a courtyard is not regarded as a renunciation of his right in his house also.
- (25) Cf. supra n. 8.
- (26) For his ruling.
- (27) When, therefore, a man renounces his right to his courtyard he may be assumed to have renounced his right to his house also.
- (28) Who renounced his right in his courtyard.
- (29) As he has now no courtyard he cannot be deemed to have a house either; **לאו כל כמיניה** lit., 'not as if all is from him'.
- (30) Lit., 'he said nothing', and R. Eliezer's ruling would still apply. The last clause, 'so that . . . void' **קאמר ... אע"ג** which seems to be a repetition or an alternative to the preceding one is absent from MS.M.
- (31) For their ruling.
- (32) Lit., 'since he has revealed his mind he has revealed (it)'.
- (33) Rendered supra 23a hart's-tongue or palm-ivy.
- (34) Aruk. adds **דדיקלא**, 'of the palm-tree' (cf. Jast. and previous note).
- (35) V. Glos. The term is here applied to 'erub of courtyards and 'erub of Sabbath limits (Rashi). Tosaf. (s.v. **בכ"ל** a.l.) points out that for an 'erub of courtyards only bread may be used (cf. infra 71b) and restricts the term of 'erub here to one of courtyards only.
- (36) Applicable to an association of courtyard in the same alley for the purpose of enabling their residents to move objects on the Sabbath from the courtyards into the alley and vice versa. V. Glos.
- (37) Since these cannot provide a satisfying meal. The essential element in an 'erub is its food value which imparts to it the status of a dining center for all who participate in it.
- (38) The tithe given in the first, second, fourth and fifth year of the septennial cycle, which is to be spent in Jerusalem' (v. Deut. Xlv, 22ff).
- (39) The reason is given in the Gemara infra.
- (40) Of Sabbath limits.
- (41) Though he himself is forbidden to drink it (v. Num. VI 2ff) it 'is permitted to other people and may, therefore, be regarded as a suitable food.
- (42) Since (cf. previous note) it is a suitable food for a priest.
- (43) The 'erub must consist of food which the person for whom it is prepared is himself able to eat.
- (44) This is an anonymous ruling. It is not a continuation of Symmachus's statement.
- (45) V. Glos., because under certain restrictions it is possible for a priest to enter such an area and so gain access to the 'erub.
- (46) So MS. M. Cur. edd., 'between the graves'; even in such a place, whose uncleanness is more defined than that of a beth peras, may an 'erub for a priest be deposited.

Talmud - Mas. Eirubin 27a

BECAUSE HE CAN PUT UP A SCREEN¹ AND THUS ENTER [THE AREA] AND EAT [HIS

‘ERUB].

GEMARA. R. Johanan ruled: No inference may be drawn from general rulings, even where an exception was actually specified.² Since he³ uses the expression, ‘even where an exception was actually specified’ it follows that he did not refer to our Mishnah;⁴ now what did he refer to?⁵ — He referred to the following:⁶ All positive precepts [the observance Of] which is dependent on the time [of the day Or the year] are incumbent upon men only, and women are free, but those which are not dependent on the time [of the day or of the year] are incumbent upon both men and women.⁷ Now is it a general rule that all precepts the observance of which depends on a certain time are not incumbent upon women? Behold [the precepts of] unleavened bread,⁸ rejoicing [on the festival]⁹ and Assembly¹⁰ each of which is a positive precept [the observance of] which is dependent on a certain specified time and are nevertheless incumbent upon women! Furthermore, are women liable to perform every positive precept the performance of which is not dependent on a specified time? Are there not in fact [the precepts of] the study of the Torah,¹¹ propagation of the race¹² and redemption of the son¹³ each of which is a positive precept the observance of which is not dependent on any specified time and women are nevertheless exempt [from their observance]? The fact, however, is, explained It. Johanan, that no inference may be drawn from general rulings, even where an exception was actually specified.

Abaye (or, as some say: R. Jeremiah) remarked: We also learned a Mishnah to the same effect: They, furthermore, laid down another general rule [viz.,] all that is borne above a zab¹⁴ is levitically unclean,¹⁵ but all on which a zab is borne is clean except that which is suitable for lying, or sitting upon,¹⁶ and a human being.¹⁷ Now, is there no [other exception]? Is there not in fact [that which is suitable for] riding upon? (What is one to understand by that which is ‘suitable for riding upon’? If [it is that on] which [the zab] sat, then [it may be retorted] is it not exactly in the same category as a seat?¹⁸ — It is this that we mean: Is there not the upper part of a saddle¹⁹ concerning which it was taught A saddle²⁰ is levitically Unclean as a seat and its handle²¹ is unclean as a riding means?). Consequently²² it may be deduced²³ that no inference may be drawn from general rulings even where an exception has been actually specified.

Rabina (or, as some say: R. Nahman) remarked: We also learned to the same effect: WITH ALL [KINDS OF FOOD] MAY ‘ERUB OR SHITTUF BE EFFECTED EXCEPT WATER AND SALT. Now is there no [other exception]? Is there not in fact that of morels and truffles?²⁴ Consequently it may be deduced ‘ that no inference may be drawn from general rulings, even where an exception was actually specified.

SO ALSO MAY ALL [KINDS OF FOODSTUFFS] BE PURCHASED WITH MONEY OF THE SECOND TITHE etc. R. Elieser²⁵ and R. Jose b. Hanina [differ].²⁶ One applied [the following limitation]²⁷ to ‘erub and the other applied it to the [second] tithe. ‘One applied [the following limitation] to ‘erub’ [thus: The ruling that] no ‘erub may be prepared [from water and salt] was taught only in respect of water by itself or salt by itself; but from water and salt [that were mingled together,] an ‘erub may well be prepared.²⁸ ‘And the other applied it to the [second] tithe’, [thus: The ruling that] no [water or salt] may be purchased [with money of the second tithe] was taught only in respect of water by itself or salt by itself; but water and salt [that were mingled together] may well be purchased with money of the [second] tithe.’ He who applied [the limitation]²⁹ to tithe [applies it] with more reason to ‘erub.³⁰ He, however, who applied it to ‘erub does not apply it³¹ to tithe. What is the reason? — Because³² [a kind of] produce is required.³³

When R. Isaac came³⁴ he applied the limitation²⁹ to tithe.

An objection was raised: It. Judah b. Gadish³⁵ testified before R. Eliezer, ‘My father's household used to buy brine with money of the [second] tithe’, when the other asked him, ‘Is it not possible that

you heard this in that case only where it was mixed up with entrails of fish?’³⁶ And, furthermore, did not even R. Judah b. Gadish himself maintain his view in the case of brine only, since it [contains some] fat of produce³⁷ but not [in that of pure] water and salt?³⁸ — It. Joseph replied:

- (1) Between himself and the graves, by riding into the cemetery in a litter for Instance.
- (2) Because there might also be other exceptions that were not specified.
- (3) R. Johanan.
- (4) Lit., ‘that he does not stand here’, since In our Mishnah exceptions were in fact enumerated.
- (5) Lit., ‘where does he stand?’
- (6) Lit., ‘there he stands’.
- (7) Kid. 34a.
- (8) It is an obligation upon women (as deduced by analogy in Pes. 43a) as well as men to eat unleavened bread on the first night of the Passover (v. Ex. XII, 18). During the remaining days of the festival one is forbidden to eat leavened bread but is under no obligation to eat unleavened bread. One might well live on meat or fruit.
- (9) שְׂמֵחָה. V. Deut. XVI, II, 14, where women are specifically mentioned.
- (10) הִקְהֵל, lit., ‘assemble’, i.e., the precept, ‘assemble the people, the men and the women’ (Deut. XXXI, 12) on the feast of Tabernacles in the Sabbatical year, ‘that they may hear, and that they may learn and fear the Lord your God’ etc. (ibid). Cf. Sot. 41a.
- (11) That women are exempt is deduced from Deut. XI, 19, ‘And ye shall teach them your sons’ but not your daughters.
- (12) Cf. Yeb. 65b.
- (13) V. Ex. XII[, 13 and Kid. 29a.
- (14) V. Glos.
- (15) Cf. Nid. 33a.
- (16) Anything unsuitable for these purposes is clean (cf. Hag. 23b).
- (17) Zab. V, 2.
- (18) Which was specifically excluded.
- (19) Which the rider uses as a handle.
- (20) On which a zab sat.
- (21) V. supra n. 6.
- (22) Since we find another exception that was not enumerated among the others.
- (23) Lit., ‘but hear from it’.
- (24) Which may not be used for an ‘erub.
- (25) Marginal note, ‘Eleazar’.
- (26) On the application of the following limitation.
- (27) ‘Was taught only in respect’ etc.
- (28) Salt water is regarded as a food.
- (29) ‘Was taught only in respect’ etc.
- (30) The restrictions on the kinds of food permitted are more stringent in respect of the second tithe than in that of ‘erub; and, since salt water is permitted in the case of the former, there can be no question that it is permitted in that on the latter. V. Tosaf. s.v. מֵיִן a.l.
- (31) Lit., ‘but . . . not’.
- (32) In the latter case.
- (33) V. infra.
- (34) From Palestine to Babylon.
- (35) Var. lec., Gadush, Garish, Garush.
- (36) Lit., ‘mixed up with them’. From which it follows that R. Eliezer does not permit the purchase of pure salt water with money of the second tithe. An objection against Rt. Isaac and one of the Rabbis who expressed a similar view supra.
- (37) Of the fish.
- (38) Which contain no ‘produce’ whatsoever. How then could R. Isaac etc. (cf. supra n. 9) maintain their view?

Talmud - Mas. Eirubin 27b

That¹ refers only to a case² where oil was mixed with³ them.⁴ Said Abaye to him: [In that case]⁵ might not the ruling⁶ be obvious⁷ on account of the oil?⁸ The ruling⁶ was necessary in that case only where one covered the cost of the water and the salt by paying an inclusive price⁹ [for the oil].¹⁰ But is this permissible by paying an inclusive price? — Yes; and so it was in fact taught: Ben Bag-Bag ruled: ‘For oxen’¹¹ teaches¹² that an ox may be purchased¹³ together with¹⁴ its skin;¹⁵ ‘or for sheep’¹¹ teaches¹² that a sheep may be bought¹³ together with¹⁴ its wool;¹⁶ ‘or for wine’¹¹ teaches¹² that wine may be bought¹³ together with¹⁴ its jar;¹⁷ ‘or for strong drink’¹¹ teaches¹² that tamad¹⁸ may be purchased¹⁹ after its fermentation.²⁰

Said R. Johanan: Should any person explain to me [the necessity for the expression of] ‘for oxen’¹¹ in accordance with the view of Ben Bag-Bag⁵ would carry his clothes after him into the bath house.²¹ What is the reason? — Because all [the other expressions]¹¹ were required with the exception of ‘for oxen,’ which is quite unnecessary. What [is the purpose for which the others] were required? — If²² the All Merciful had written only ‘for oxen’ it might have been assumed that only²³ an ox may be purchased together with²⁴ its skin, because it is [a part of] its body, but not a sheep together with] its wool which is not [a part of] its body.²⁵ And if the All Merciful had only written: ‘for sheep’²⁶ [to teach us that] a sheep may be bought together with its wool it might have been assumed [that this only is permitted] because [the wool] clings to its body but not [the purchase of] wine together with its cask. And had the All Merciful written ‘for wine’ it might have been assumed [that the purchase of its jar only is permitted] because It is in this way only that it can be preserved but not tamad after its fermentation, which is a mere [liquid] acid. And²⁷ if the All Merciful had written ‘for strong drink,’²⁶ Sit might have been assumed that by²⁸ ‘strong drink’ [was meant the purchase of] the pressed fig cakes of Keilah²⁹ which are a fruit but not wine with its jar. And if the All Merciful had written ‘wine’ [to indicate that it may be purchased] together with its jar it might have been assumed [that the purchase of its jar only is permitted] since in this way only it can be preserved but not a sheep together with its wool; hence did the All Merciful write ‘sheep’²⁶ [to indicate] that [it may be bought] even together with its wool. What however, was the need for the expression of³⁰ ‘for oxen’?²⁶ And should you reply that if the All Merciful had not written ‘for oxen’ it might have been assumed that a sheep may be bought together with its skin but not together with its wool [and that] the All Merciful has therefore written ‘for oxen’ to include its skin so that ‘sheep’ remained superfluous in order to include its wool [it could be retorted that even] if the All Merciful had not written ‘oxen’ no one would have suggested that a sheep may be bought only³¹ together with its skin but not together with its wool, for if that were so³² the All Merciful should have written ‘oxen’ so that ‘sheep’ would for this reason have remained superfluous; now, since the All Merciful did write ‘sheep’ [to indicate obviously] that [it may be purchased] even together with its wool [the question arises again:] What need was there for the expression of³³ ‘for oxen’?³⁴ If [it may be argued] a sheep may be bought together with its wool³⁵ was there any need [to state that] an ox may be bought together with its skin?³⁶ It is this [line of reasoning that was followed] when R. Johanan said, ‘Should any person explain to me [the necessity for the expression of] ‘for oxen’ in accordance with the view of Ben Bagbag I would carry his clothes after him into the bath house’.

On what principle do R. Judah b. Gadish³⁷ and R. Eliezer³⁸ and the following Tannas³⁹ differ? — R. Judah b. Gadish and R. Eliezer base their expositions on [the hermeneutic rules of] amplification, and limitation⁴⁰ while those Tannas base their expositions on [the hermeneutic rules of] general statements and specific details.⁴¹ ‘R. Judah b. Gadish and R. Eliezer base their expositions on [the hermeneutic rules of] amplification and limitation’ [thus:] ‘And thou shalt bestow the money for whatsoever thy soul desireth’³⁴ is an amplification,⁴² ‘for oxen, or for sheep, or for wine, or for strong drink,’³⁴ is a limitation,⁴³ ‘or for whatsoever thy soul asketh of thee’³⁴ is again an amplification. [Now since Scripture] has amplified, limited and amplified again it has [thereby] included all. What has it included? It included all things. And what has it excluded? According to R. Eliezer it excluded brine; according to R. Judah b. Gadish it excluded water and salt. ‘While those

Tannas base their expositions [on the hermeneutic rules of] general statements and specific details' for it was taught: 'And thou, shalt bestow the money for whatsoever thy soul desireth' is a general statement, 'for oxen, or for sheep, or for wine, or for strong drink' is a specification, 'or for whatsoever thy soul asketh of thee' is again a general statement. [Now where] a general statement, a specification and a general statement [follow each other in succession] you may include⁴⁴ only such things as are similar to those in the specification; as the specification explicitly mentions [things that are] the produce of produce⁴⁵ that derive their nourishment from⁴⁶ the earth so [you may include] all [other things that are] the produce of produce that derive their nourishment from] the earth.⁴⁷ Another [Baraita], however, taught: As the specification mentions explicitly [things that are] produce⁴⁸ of the products of the earth⁴⁹ so [you may include] all produce that was of the products of the earth. What is the practical difference between these?⁵⁰ — Abaye replied: The practical difference between them is [the question of including] fish. According to him who holds [that the things included must be] 'the produce of produce that derive their nourishment from] the earth' fish [also may be included since] they derive their nourishment from the earth. According to him, however, who maintains [that the things included must be] 'produce of the produce of the earth'⁴⁹ fish [are excluded since they] were created from the water,⁵¹ But could Abaye maintain that fish derive their nourishment from] the earth seeing that he ruled:

(1) R. Isaac's ruling that salt water may be purchased with money of the second tithe.

(2) Lit., 'it was not required, but'.

(3) Lit., 'that he put into'.

(4) The water and the salt. Oil is a produce.

(5) That oil was contained in the mixture.

(6) V. p. 186, n. 12.

(7) Lit., 'and let it go out to (or 'be inferred by') him'.

(8) What need then was there to state it?

(9) **בהבלעה** lit., 'by absorption' (rt. **בלע** 'to absorb').

(10) R. Isaac thus taught us that money of the second tithe, though it may not be spent on water, salt or salt-water, may well be spent on the purchase of them where they are mixed with oil and a higher and inclusive price is paid for the latter.

(11) Deut. XIV, 26.

(12) Since otherwise this detail would be superfluous after the general statement, 'And thou shalt bestow the money for whatsoever thy soul desireth'. (ibid.).

(13) With money of the second tithe.

(14) Lit., 'upon the back', 'at the side of'.

(15) Sc. though the skin is not a foodstuff it may be bought together with the animal at an inclusive price and it nevertheless remains unconsecrated. There is no need to re-sell the skin in order to buy foodstuffs with its proceeds.

(16) Though both the skin (as in the case of the ox supra) and the wool are no foodstuffs (v. previous note) and both remain unconsecrated.

(17) Cf. supra n. II mutatis mutandis.

(18) An inferior kind of wine made of the stalks of pressed grapes and husks.

(19) with money of the second tithe.

(20) Now, since the skin, the wool and the jar are not articles of food and may nevertheless be bought with second tithe money by paying an inclusive price for the animals and the wine respectively, it follows that it is permitted to buy with second tithe money any commodity provided its value is not paid for separately but is included in the price paid for the suitable article.

(21) Sc. he would be willing to act as the attendant of such a genius if such a one could be found.

(22) Lit., 'because if'.

(23) Lit., 'it'.

(24) Lit., 'upon the back', 'at the side of'.

(25) Hence it was necessary to have the expression of 'for sheep'.

(26) In Deut. XIV, 26.

- (27) So MS. M. Cur. edd. insert, 'the All Merciful wrote strong drink'.
- (28) Lit., 'what'.
- (29) A town in the lowland district of Judea.
- (30) Lit., 'wherefore to me'.
- (31) Lit., 'yes'.
- (32) That the expression of 'sheep' was not intended to include the animal with its wool.
- (33) Lit., 'wherefore to me'.
- (34) In Deut. XIV, 26.
- (35) Which is not a vital Part of the animal.
- (36) Which is a vital part of its body.
- (37) On the variant readings of the name v. supra 27a.
- (38) Who agree that fish may be bought but are at variance on the question whether the purchase of brine is also permitted. (On the reading of 'R. Eliezer' v. marg. note supra 27a).
- (39) Who forbid the purchase of fish and much more so that of brine.
- (40) רבויי (rt. רבה 'to increase') ומעוטי (rt. מעט 'to decrease').
- (41) כללי ופרטי. V. Sheb., Sonc. ed., p. 12, n. 3.
- (42) 'Whatsoever . . . desireth', i.e., anything.
- (43) Only these things may be bought but no others.
- (44) Lit., 'judge'.
- (45) An animal is born from an animal and grapes are produced from the seed of the grape.
- (46) Lit., 'growth of'.
- (47) B.K. 54b, 63a, Naz. 35b.
- (48) Lit., 'child'.
- (49) At the creation (v. Gen. I, 24ff).
- (50) The two cited Baraitas.
- (51) V. Gen. I. 20f.

Talmud - Mas. Eirubin 28a

'If a man ate an eel¹ he [technically] incurs² flogging³ on four counts;⁴ if an ant, on five counts;⁵ if a hornet, on six⁶ counts.⁷ Now if that statement is authentic⁸ [should not one eating] an eel also be flogged on account of [the prohibition against] a creeping thing that creepeth upon the earth?⁹ — Rather, replied Rabina, the practical difference between them¹⁰ is [the question of including] birds.¹¹ According to him who holds [that the things included¹¹ must be] 'the produce of produce that derive their nourishment from the earth' [birds are included since] they also derive their nourishment from the earth. According to him, however, who maintains [that the things included must be] 'produce of the produce of the earth' birds [are excluded since they] were created from the alluvial mud.¹²

On what ground does the one include¹¹ birds¹³ and on what ground does the other exclude them? — He who includes birds' is of the opinion that the second¹⁴ generalization¹⁵ is for principal [consideration]; hence [the proposition]¹⁶ is in [the form of] 'a specification and a generalization' [in which case] the generalization is regarded as an addition to the specification so that all things are thereby included,¹⁷ while the first generalization¹⁸ has the effect¹⁹ of excluding all things that are not similar to it²⁰ in two respects.²¹ He, however, who excludes birds is of the opinion that a first generalization is for principal [consideration] hence [the proposition] is in the form of 'a generalization and a specification' [in which case] the generalization does not cover more than what was enumerated in the specification.¹⁷ Consequently it is only these²² that are included²³ but no other things, while the second generalization²⁴ has the effect of including²⁵ all things that are similar to it²⁶ in three respects.²⁷

Rab Judah ruled in the name Of R. Samuel b. Shilath who had it from Rab: An 'erub may be prepared with cress,²⁸ purslane and melilot²⁹ but not with lichen³⁰ Or unripe dates.³¹ Is it, however,

permitted to prepare an 'erub with melilot seeing that it was taught: Those who have many children may eat melilot but those who have no children³² must not eat it; and if it was hardened into seed even those who have many children should not eat it?³³ Explain it³⁴ to [refer to melilot] that was not hardened into seed and [that is used for people who] have many children. And if you prefer I might say: It³⁴ may in fact refer to [people who] have no children [the use of the plant nevertheless being permitted] because it is fit [for consumption] by those who have many children; for have we not learnt: 'An 'erub may be prepared for a nazirite with wine and for an Israelite with terumah',³⁵ from which it is evident that [certain foodstuffs may be used for an 'erub because] through they are unsuitable for one person they are suitable for another? So also here [it may be held that] though [the melilot] is not suitable for one it is suitable for another. And if you prefer I might reply: When Rab made his statement [he referred] to the Median melilot.³⁶

But is it not [permitted to prepare an 'erub] from lichen? Has not Rab Judah in fact stated in the name of Rab: An 'erub may be prepared from cuscuta or lichen and the benediction of '[Blessed art Thou . . .] Who createth the fruit of the ground' is to be Pronounced over them? _ This is no difficulty. The one ruling was made³⁷ before Rab came to Babylon while the other — was made after he came to Babylon.³⁸ Is Babylon, however, the greater part of the world?³⁹ Was it not in fact taught: If a man sowed beans, barley or fenugreek to [use as a] herb,⁴⁰ his wish is disregarded in view of the general practice;⁴¹ hence it is its seed that is subject to tithe but its herb⁴⁰ is exempt. Pepperwort⁴² or gardenrocket⁴³ that was sown [with the intention of using it] as a herb must be tithed as herb and as seed.⁴⁴ If it was sown to [be used as] seed it must be tithed as seed and as herb?⁴⁵ — Rab spoke Only

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- (1) פּוּטִיָּא; 'young eel', v. Mak., Sonc. ed., P. 116, n. 8; it is a water insect smaller in size than an olive (Rashi a.l.).
- (2) Despite its small size (v. previous note).
- (3) Because it is a 'creature'.
- (4) It is (i) a water insect, (ii) without fins and scales, (iii) forbidden by Lev. XI, 10-11 and (iv) ibid. 43.
- (5) It (i) creepeth upon the earth (Lev. XI 41), (ii) hath many feet (ibid. 42), (iii) is a creeping thing (ibid. 44) and (iv and v) was twice forbidden as food (ibid. 43).
- (6) In addition to the above (v. previous note) there is the prohibition against 'all winged swarming things' (Deut. XIV, 19).
- (7) Mak. 16b, Pes. 24a.
- (8) Lit., 'there is', that, according to Abaye, fish and so also all water creatures derive their nourishment from the earth.
- (9) Lev. XI, 4 i.
- (10) The two cited Baraitas.
- (11) Among the things that may be bought with the money of the second tithe.
- (12) This concludes the argument proving that the Tannas of the cited Baraitas base their expositions on the rules of 'general statements and specific details' and consequently exclude fish, and much more so brine.
- (13) Lit., 'he who includes birds, what is the reason?'
- (14) Lit., 'last'.
- (15) In a law that is given in the form of a generalization, specification and generalization.
- (16) Of the generalization, specification and generalization.
- (17) V. P.B., p. 13.
- (18) Though it loses its full force on account of the priority of the second one.
- (19) Owing to the specification that follows it.
- (20) The specification.
- (21) In (a) being produce of produce and (b) deriving their nourishment from the earth. Fish, therefore, are excluded while birds are included.
- (22) Those actually specified.
- (23) Lit., 'these yes'.
- (24) Cf. supra p. 191, nn. 11 and 12 mutatis mutandis.
- (25) Among the things that may be bought with the money of the second tithe.

- (26) The specification.
- (27) Being (a) produce of produce, (b) nourished from the earth and (c) of the Products of the earth. Since birds are Similar in two respects only they are excluded.
- (28) 'Gartenkraut', possibly Gr. ** (v. Golds.), prob. Gr. ** a kind of cress (Jast.).
- (29) A species of clover.
- (30) *Lecanora esculenta*.
- (31) Berries in their early stage.
- (32) Lit., 'deprived of children'.
- (33) It being injurious to health. How then could Rab rule that it may be used in the Preparation of an 'erub for which suitable food is required.
- (34) Rab's ruling.
- (35) *Supra* 26b.
- (36) Which is a wholesome food.
- (37) Lit., 'that', that lichen may not be used in an 'erub.
- (38) Where the plant was used as food. V. Cit., *Sonc. ed.*, p. 17, n. 3.
- (39) That a general ruling should be laid down on the basis of its Practice?
- (40) Sc. before it has ripened, while it was still green.
- (41) Lit., 'his mind is annulled at the side of all men'. Most people do not eat any of these in their unripe state.
- (42) *Lepidium sativum*.
- (43) *Eruca*.
- (44) Since it is used as food in either condition.
- (45) *Tosef Sheb. II*, which shows that individuals' eccentricities are disregarded. Why then did Rab lay down a ruling on the basis of the usage of one locality?

Talmud - Mas. Eirubin 28b

of those that grow in house gardens.¹ What is garden-rocket suitable for? — R. Johanan replied: The ancients,² who had no pepper, crushed it and dipped in it their roasted meat.

R. Zera, when he felt fatigued³ from study, used to go and sit down at the door [of the school] of R. Judah b. Ammi saying: 'As the Rabbis go in and out I shall rise up before them and so receive reward for [honouring] them.' [On one occasion] a young school child came out. 'What,' he asked him, 'did your Master teach you?' — '[That the benediction for] *cuscuta*', the other replied: 'is "[Blessed . . .] Who createst the fruit of the ground"⁴ [and that for] lichen, is "[Blessed . . .] by Whose word all things were made".⁴ 'On the contrary', he said to him, 'logically [the benedictions] should be reversed since the latter derives its nourishment from the earth while the former derives it from the air . The law, however, is in agreement with the school child. What is the reason? — The former is the ripened fruit while the latter is not the ripened fruit. And, as to your objection that 'the latter derives its nourishment from the earth while the former derives it from the air' [the fact is that in reality this] is not [the case]. *Cuscuta* also derives its nourishment from the earth; for we may observe that when the shrub⁵ is cut off the *cuscuta* dies.⁶

But is it not permissible to prepare an 'erub from unripe dates? Was it not in fact taught: The white heart of a palm may be purchased with [second] tithe money⁷ but is not susceptible⁸ to food defilement.⁹ Unripe dates, however, may be purchased with [second] tithe money and they are also susceptible to food defilement. R. Judah ruled: The white heart of a palm is treated as wood in all respects, except that it may be purchased with [second] tithe money,¹⁰ while unripe dates are treated as fruit in all respects except that they are exempt from the [second] tithe?¹¹ — There¹² [the reference is] to stunted dates.¹³ If so,¹⁴ would R. Judah in this case rule, 'they are exempt from second tithe'? Was it not in fact taught: R. Judah said: The [stunted] figs of Bethania were mentioned only in connection with [second] tithe alone; the [stunted] figs of Bethania and the unripe dates of Tobina¹⁵ are subject to the obligation of the second tithe?¹⁶ — The fact, however, is [that

the Baraita cited¹⁷ does] not refer¹⁸ to stunted dates, but¹⁹ [the law] in respect of food defilement is different [from other laws]. As It. Johanan explained [elsewhere], 'Because one can make them sweet by [keeping them near] the fire' so here also [it may be explained,]²⁰ Because one can make them sweet by [keeping them near] the fire.²¹

And where was the statement of R. Johanan made? — In connection with the following. For it was taught: Bitter almonds when small are subject [to the second tithe,²² and when [big are exempt,²³ but sweet [almonds] are subject [to the second tithe when] big and exempt when small.²⁴ R. Simeon²⁵ son of R. Jose ruled in the name of his father, 'Both²⁶ are exempt'²⁷ or, as others read: 'Both²⁶ are subject [to the second tithe]'. Said R. Il'a:²⁸ R. Hanina gave a decision at Sepphoris in agreement with him who ruled: 'Both are exempt'. According to him, however, who ruled: 'Both are subject [to the second tithe]', what [it may be asked] are they suitable for?²⁹ [To this] It. Johanan replied: [They may be regarded as proper food] because they can³⁰ be rendered sweet by [keeping them, near] the fire.

The Master said: 'R. Judah ruled: The white heart of a palm is treated as wood in all respects, except that it may be purchased with [second] tithe money'. [Is not this ruling] exactly the same [as that of] the first Tanna?³¹ — Abaye replied: The practical difference between them³² is the case where one boiled or fried it.³³

Raba demurred: Is there at all any authority who maintains that [such a commodity], even when boiled or fried does not [assume the character of food]? Was it not in fact taught: A skin and a placenta are not susceptible to the defilement of food, but a skin that was boiled and a placenta that one intended [to boil] are susceptible to food defilement?³⁴ — Rather, said Raba, the practical difference between them' is [the form of] the benediction.³⁵ For it was stated,³⁶ [The benediction for] the white heart of the palm is, R. Judah ruled: 'Who createst the fruit of the ground', and Samuel ruled: 'By Whose word all things were made'. 'R. Judah ruled: "Who createst the fruit of the ground"' because it is a foodstuff; 'and Samuel ruled: "By Whose word all things were made"' because in consideration of the fact that it would eventually be hardened the benediction of 'Who createst the fruit of the ground' cannot be pronounced over it.

Said Samuel to R. Judah: Shinena,³⁷ logical reasoning is on your side³⁸ for there is the case of radish which is eventually hardened and yet the benediction of, 'Who createst the fruit of the ground' is pronounced over it. This argument, however, is not conclusive,³⁹ since people plant radish with the intention of eating it while soft⁴⁰ but no palm-tree is planted with the intention [of eating its] white heart. And, consequently, although Samuel complimented R. Judah, the law is in agreement with Samuel.⁴¹

[To turn to the] main text: R. Judah stated in the name of Rab: An 'erub may be prepared from cuscuta or lichen, and the benediction of '[Blessed art Thou . . .] Who createst the fruit of the ground' is to be pronounced over them. With what quantity of cuscuta?⁴² — As R. Yehiel said [infra], 'a handful'⁴³ so is it here also a handful.⁴⁴ With what quantity of lichen?' — Rabbah b. Tobiah replied in the name of R. Isaac who had it from Rab: As much as the contents of⁴⁵ farmers' bundles.⁴⁶

R. Hilkiyah b. Tobiah ruled: An 'erub may be prepared from kalia.⁴⁷ 'From kalia'! Could [such a notion] be entertained?⁴⁸ [Say] rather with the herb from, which kalia is obtained. And what must be the quantity? — R. Yehiel replied: A handful.⁴⁹

R. Jeremiah once went [on a tour] to the country towns⁵⁰ when he was asked whether it was permissible to prepare an 'erub with green⁵¹ beans, but he did not know [what the answer was].⁵² When he later came to the schoolhouse he was told: Thus ruled R. Jannai: It is permitted to prepare

an 'erub from green⁵¹ beans. And what must be its quantity? — R. Yehiel replied: A handful.⁴⁹

R. Hamnuna ruled: An 'erub may be prepared from raw beet.⁵³ But this is not so, seeing that R. Hisda in fact stated: Raw⁵⁴ beet kills a healthy⁵⁴ man?⁵⁵

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- (1) Which are in general use as food.
 - (2) Lit., 'for so the first'.
 - (3) Lit., 'weak'.
 - (4) Cf. P.B., p. 290.
 - (5) On which the cuscuta grows as a parasite.
 - (6) Which proves that its nourishment is ultimately derived from the earth.
 - (7) Since it is the produce of produce and draws its nourishment from the earth.
 - (8) Even though its owner intended to use it for food.
 - (9) Because it is no article of food in the proper sense.
 - (10) The difference between this ruling of R. Judah and that of the first Tanna is discussed infra.
 - (11) Since they are still in an unripe state. Tosef. M. Sh. I. Now since the Baraitha speaks of 'food defilement' in connection with the unripe dates it is obvious that they are regarded as a food; why then were they not allowed to be used in the preparation of an 'erub?
 - (12) In the Baraitha which subjects the unripe dates to the law of defilement.
 - (13) **נִסְחָנִי**, lit., 'given up' (rt. **נִסָּח** 'to be removed'). Var. lec., **נִסְנִי** 'that ripen in Nisan'. Such dates, since they would grow no bigger, are regarded as the completed fruit and are consequently subject to the laws of a proper food. Rab's ruling, on the other hand, refers to dates that would in due course reach the full and final ripening stage.
 - (14) That the Baraitha deals with a special kind of stunted dates,
 - (15) Which are stunted like the dates spoken of in the previous Baraitha.
 - (16) Tosef. Sheb. VII, v. Pes., Sonc. ed., p. 257 notes.
 - (17) From M.Sh. I.
 - (18) As has previously been assumed.
 - (19) In reply to the objection why should ordinary unripened dates that are no proper food be subject to the laws of food defilement.
 - (20) As a reason for their susceptibility to food defilement.
 - (21) In the case of 'erub, however, it is necessary that the food should be fit for immediate consumption. They are also exempt from the second tithe since they have not yet completed their ripening stage.
 - (22) They are regarded as ripe since at a later stage of development they would turn bitter.
 - (23) Being bitter they cannot be regarded as a proper food.
 - (24) Cf. previous notes mutatis mutandis.
 - (25) MS.M., 'Ishmael'.
 - (26) Lit., 'this and this', the bitter almonds whether big or small.
 - (27) From the second tithe.
 - (28) Bah adds: 'in the name of R. Judah'. MS.M. reads: 'Il'a sand in the name of R. Haggai'.
 - (29) As they are apparently unsuitable as a foodstuff why should they be subject to the second tithe?
 - (30) Lit., 'and suitable'.
 - (31) In the Baraitha cited supra from M.Sh. I.
 - (32) R. Judah and the first Tanna.
 - (33) The white Heart. According to the first Tanna it assumes the character of food while according to R. Judah who regards it as wood in all respects' it always retains that character and is, therefore, never susceptible to food defilement.
 - (34) Hul. 77b. Now, if boiling is effective in the case of a skin which is much less of a food than the heart of a palm, how could it be maintained that the process is ineffective in the latter case?
 - (35) The first Tanna ordains that for the fruit of the ground while R. Judah requires, 'by Whose word etc.' V. infra.
 - (36) By Amoras.
 - (37) **שִׁינָא** 'keen witted' (rt. **שָׁנָה** 'to sharpen'), 'long toothed' (**שֵׁן**, 'tooth') or 'man of iron'.
 - (38) Lit., 'like you'.
 - (39) Lit., 'and it is not'.

- (40) פוגלא, the young tuber of the radish, which is soft.
- (41) That the benediction is 'By Whose word all things were made'.
- (42) May In 'erub be prepared.
- (43) Lit., 'as the fullness of the hand'.
- (44) Such a quantity suffices for the prescribed two meals (v. infra 80b).
- (45) Lit., 'as the fullness'.
- (46) אוזילתא (rt. אזל 'to weave'). Bundles are kept together by the winding of some flexible substance around them.
- (47) The ashes of an alkaline plant.
- (48) Can ashes be regarded as food?
- (49) Cf. supra n. 2.
- (50) Or villages, to Inspect his fields (Rashi a.I.) Cf., however, Rashi, s.v. לקרייתו B.M. 85a.
- (51) Lit., 'moist'
- (52) Lit., 'It was not in his hand'.
- (53) תרדום, 'bletum'. Aliter: Tomatoes.
- (54) חייה, 'living' also signifies 'raw' or 'healthy'.
- (55) Unwholesome food, surely, would not be allowed to be used for an 'erub.

Talmud - Mas. Eirubin 29a

— That¹ [refers to beet] that was only partially cooked.²

There are [others] who read: R. Hammuna ruled: No "erub may be prepared from raw beet, for R. Hisda stated: 'Raw beet kills a healthy man'.³ Do we not see, however, that people do eat [such beet] and yet do not die? — There⁴ [it is 'case of beet] that was only partly cooked.² R. Hisda stated: A dish of beet is beneficial for the heart and good for the eyes and even more so for the bowels. Abaye added: This applies only [to such beet] that remained⁵ on the stove until it was thoroughly cooked.⁶

Raba [once] said: 'I am [to-day] in the condition of Ben Azzai in the markets of Tiberias'.⁷ Sand one of the younger Rabbis to him, 'With what quantity of apples [may an 'erub be prepared]?' — 'Is it permissible', the other replied: 'to prepare an erub from apples?' — 'Is it not [permitted]? Have we not in fact learnt: All kinds of food⁸ may be combined⁹ [to make up the prescribed quantity] of half of a half loaf¹⁰ in respect of rendering the body¹¹ unfit,¹² or [to make up the quantity of] food for two meals required for an 'erub, or the size of an egg in respect of imparting food defilement?'¹³ — Rut what objection is this? If it be contended: Because it was stated: 'all kinds of food' and these¹⁴ also are eatable, surely [it could be retorted] did not R. Johanan lay down that no inference may be drawn from general rulings even where an exception was been specified?¹⁵ — [The objection] rather is because it was stated: 'or [to make up the quantity of] food for two meals required for an 'erub or the size of an egg in respect of imparting food defilement',¹⁶ and these¹⁴ also are subject to food defilement.¹⁷ Now with what quantity?¹⁸ — R. Nahman replied: In the case of apples it must be a kab.¹⁹ An objection was raised: R. Simeon b. Eliezer ruled: [The poor man's tithe²⁰ must be²¹ of no less a quantity than] an 'ukla²² of spices, a pound of vegetables, ten nuts, five peaches, two pomegranates or one ethrog;²³ and Gursak b. Dari stated in the name of R. Menashia b. Shegobli who had it from Rab that [the same quantities were] also [applicable] to an 'erub.²⁴ Why then should not apples²⁵ also be compared to peaches?²⁶ — The others²⁵ are valuable but these are not so valuable.²⁷

'May the Lord', exclaimed R. Joseph, 'pardon R. Menashia b. Shegobli [this oversight; for] I made that statement²⁸ in connection with a Mishnah and he²⁹ applied it to a Baraita! For we learned: Any poor man [applying] at the threshing floor [must be given]³⁰ no less than half a kab of wheat, a kab of barley (R. Meir said: Half a kab of barley), a kab and a half of spelt, a kab of dried figs or a maneh³¹ of pressed figs (R. Akiba said: A half),³² half a log of wine (R. Akiba said: One

quarter)³³ or a quarter³³ of oil (R. Akiba said: One eighth),³³ and [in respect of] all other kinds of produce, Abba Saul ruled, [The quantities given must consist] of so much [food] as [would enable the recipient to] sell them and buy with their proceeds³⁴ food for two meals.³⁵ And [it was in connection with this Mishnah that] Rab stated that ‘[the same quantities were] also [applicable in the case] of an ‘erub’. On what ground, however, is preference given³⁶ to the one rather than to the other?³⁷ If it be suggested: Because in the Baraita³⁸ spices were mentioned, and spices are not eatables,³⁹ [it might be retorted:] Are not wheat and barley mentioned in the Mishnah⁴⁰ though they also⁴¹ are not eatables?⁴² — [The ground]⁴³ rather is this:⁴⁴ Because [in the Mishnah] ‘half a log of wine was mentioned and Rab has laid down that an ‘erub may be prepared with two quarters [of a log] of wine’⁴⁵ it may be concluded⁴⁶ that when Rab said: ‘And the same quantities were also applicable to an ‘erub’ he must have been referring to this Mishnah. This is conclusive.

The Master said: ‘Or [to make up the quantity of] food for two meals required for an ‘erub’. R. Joseph intended to lay down that [no ‘erub may be prepared] unless there is sufficient food of each kind to provide for a complete meal,⁴⁷ but Rabbah said to him: Even [if each kind of food consisted only] of a half, a third or a quarter [of a meal].⁴⁸

[To revert to] the main text: ‘Rab has laid down that an ‘erub may be prepared with two quarters [of a log] of wine’. But do we require so much? Was it not in fact taught: R. Simeon b. Eleazar ruled: Wine [for an ‘erub must] suffice for soaking in it the bread,⁴⁹ vinegar must suffice to dip in it [the meat], and olives and onions must suffice to provide a relish for the bread for two meals?⁵⁰ — There⁵¹ [the reference is] to boiled wine.⁵²

The Master said: ‘Vinegar must suffice to dip in it [the meat]’. Sand R. Giddal in the name of Rab, [It must] suffice to dip in it the food of two meals of vegetables.⁵³ Others read: R. Giddal said in the name of Rab, [It must suffice to dip in it a quantity of) vegetables consumed in the course of two meals.⁵⁴

The Master said: ‘Olives and onions must suffice to provide a relish for bread for two meals’. Is it, however, permitted to prepare all erub from onions? Was it not in fact taught: R. Simeon b. Eleazar stated: R. Meir once spent the Sabbath⁵⁵ a’ Ardaska⁵⁶ when a certain man appeared before him and said to him, ‘Master, I have prepared an ‘erub’ from onions [to enable me to walk] to Tibe’in’,⁵⁷ and R. Meir ordered him to remain within his four cubits?⁵⁸ — This is no difficulty, since one ruling deals⁵⁹ with the leaves while the other refers to the bulbs.⁶⁰ For it was taught: ‘If a man ate an onion and [was found] dead early [on the following morning] there is no need to ask what was the cause of his death’, and in connection with this Samuel stated: This was taught in respect of the leaves only but against [the eating of] the bulbs there can be no objection;⁶¹ and even regarding the leaves this has been said only

(1) R. Hisda's disparagement of the beet or tomatoes.

(2) Lit., ‘when cooked and not cooked’.

(3) V. supra nn. 12ff.

(4) R. Hamnuna's ruling according to the second version.

(5) Lit., ‘that sat’.

(6) Lit., ‘and makes tuk tuk’; onomatopoeia, the noise that ensues from a boiling dish.

(7) Ben Azzai was the most prominent dialectician of his day and his discourses were usually delivered in the market place of Tiberias (cf. Bek. 58a). Raba felt so elated on the day this remark was made that he was prepared to accept any dialectical challenge.

(8) That were levitically unclean.

(9) Though each one by itself is less than the prescribed quantity.

(10) **הצי פרם**. The peras is equal to the size of four eggs (cf. Rashi a.l.).

(11) Of a priest.

- (12) To eat terumah, although, since no foodstuffs can impart uncleanness to a human being by means of touch, he does not thereby become unclean.
- (13) Me'il IV, 5, Ker. 13a.
- (14) Apples.
- (15) Supra 27a, Kid. 34a.
- (16) Since 'erub' and 'food defilement' appear in juxtaposition they are apparently to be compared to one another so that any foodstuffs that are fit for the one are also suitable for the other.
- (17) And consequently (v. previous note) must also be suitable for an 'erub.
- (18) May an 'erub of apples be prepared.
- (19) A measure of capacity, v. Glos.
- (20) Distributed in the threshing floor.
- (21) For each applicant.
- (22) A measure of capacity, v. Glos.
- (23) A species of citron used on Tabernacles with the festive wreath,.
- (24) Because for both 'erub and the poor man's tithe a quantity of two meals has been prescribed.
- (25) Lit., 'these'.
- (26) And five of them should be enough for an 'erub. An objection against It. Nahman who prescribed a kab.
- (27) The more valuable an article of food the less the quantity consumed in the course of a meal. The food prescribed for two meals was not meant to imply so much food as would provide two fully satisfying meals but only the quantity of any particular kind of food that is usually consumed in the course of two meals. While of peaches which are expensive no more than five would be consumed in the course of two meals, as much as a kab of apples would be consumed in the course of two such meals.
- (28) In the name of Rab; that 'the same quantities were also applicable to an 'erub' (supra).
- (29) When teaching it to Gursak b. Dari.
- (30) Of the poor man's tithe.
- (31) V. Glos.
- (32) Of a maneh.
- (33) Of a log.
- (34) Lit., 'with them'.
- (35) Pe'ah VIII, 5.
- (36) Lit., 'and what is its strength'.
- (37) I.e., since the Baraita contains no law that is contradictory to the Mishnah, is it not possible that Rab's statement applied to the former as much as to the latter?
- (38) Lit., 'in that'.
- (39) Hence they are unsuitable for an 'erub, and the statement, 'the same quantities were also applicable to an 'erub' could not, therefore, be applied to them.
- (40) Lit., 'here'.
- (41) In their natural state.
- (42) And since Rab's statement is applicable to these, why not also to spices?
- (43) For R. Joseph's assertion.
- (44) Lit., 'but'.
- (45) I.e., half a log. V. Bah a.l. cur. edd. add, since we require so much'.
- (46) Since no known ruling' of Rab is embodied in the Baraita.
- (47) Lit., 'until there is a meal from this and a meal from this', sc. that only two kinds of food may be used so that each kind suffices for One full meal of the two meals prescribed. Were more than two kinds of food to be allowed, each would represent less than the quantity required for one full meal.
- (48) May an 'erub be prepared.
- (49) V. Rashi. Lit., 'to eat with it'.
- (50) The quantity of wine prescribed here is much less than two quarters of a log. How then could Rab prescribe the latter quantity?
- (51) In the Baraita cited.
- (52) In which bread is usually dipped. A smaller quantity is, therefore, sufficient. Of ordinary wine, however, which is

used as a drink only, no less than two quarters of a log are required.

(53) The entire meal consisting of vegetables only.

(54) in addition to the bread.

(55) Var. lec., 'We were sitting before R. Meir'.

(56) MS.M., Ardaskis. Artaxata the capital '1 Armenia (Wiesner), Damascus (Kohat and Jast.).

(57) Tibe'in was within two thousand cubits (the prescribed Sabbath limit) from the spot where the man's erub was laid down, and Ardaska was on the way between the 'erub and Tibe'in.

(58) Tosef.. 'Er. VI; from which, however, the phrase 'to Tibe'in' is absent. Now since R. Meir did not allow the man to move beyond his four cubits (cf. infra 41a) it is obvious that he regarded, an 'erub of onions as ineffective. An objection against R. Simeon R. Eleazar.

(59) Lit., 'that', R. Meir's.

(60) 'while the former are unfit for human consumption the latter are quite fit and consequently admissible as an 'erub.

(61) Lit., 'we have not (any objection) against it',

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where the onion has not grown [to the length of] a span but where it has grown to that length there can be no objection.¹ R. Papa said: This has been said only where one drank no beer [with them] but where one did drink some beer² there can be no danger.¹

Our Rabbis taught: No one should eat onion on account of the poisonous fluid³ it contains; and it once happened that R. Hanina ate half an onion and half of its poisonous fluid and became so ill that he was on the point of dying. His colleagues, however, begged for heavenly mercy, and he recovered because his contemporaries needed him.⁴

R. Zera laid down in the name of Samuel: From beer an 'erub may be prepared and [if it consists of a quantity] of three log⁵ it renders a ritual bath⁶ ineffectual.⁷ R. Kahana demurred: Is not this⁸ obvious? For what [difference is there in this respect] between it and dye-water concerning which we learned: R. Jose ruled: Dye-water of a quantity of three log renders a ritual bath ineffectual?⁹ -It may be replied: There⁹ [the liquid] is called dye-water¹⁰ but here it is called beer.¹¹ And with what quantity [of beer] may an erub be prepared? — R. Aha son of R. Joseph proposed to say before R. Joseph: With two quarters¹² of beer, as we learned, 'If a man carries out¹³ wine [he incurs guilt if its quantity was] sufficient for mixing the cup',¹⁴ and in connection with this it was taught: '[It must be] sufficient for mixing a handsome cup'. What [is meant by] 'a handsome cup'? The cup of benediction. And R. Nahman stated in the name of Rabbah b. Abbuha, 'The cup of benediction must contain a quarter of a quarter,¹⁵ so that when one dilutes it¹⁶ it consists of a quarter;' this being in agreement with Raba who laid down that 'any wine which cannot stand [an admixture of] three [parts of] water to one [of wine] is no proper wine'. And in the final clause¹⁷ it was stated: And in the case of any other liquids [the prescribed quantity]¹⁸ is a quarter' and in that of any liquid refuse' it is also a quarter'. Now since there¹⁹ [the quantities prescribed are] four²⁰ to one²¹ so here²² also [the quantity prescribed should be] four²⁰ to one.²³ [The ruling,] however, is not so. There¹⁹ the reason²⁴ is that less than that quantity is of no importance, but here²² [this does] not [apply, for] it is usual for people to drink one cup²⁵ in the morning and another²⁵ in the evening and to rely upon these [as their meals].²⁶

With how much dates [may an 'erub be prepared]? — R. Joseph replied: With one kab. Sand R. Joseph: Whence do I derive this? From what was taught: 'If a man²⁷ consumed [unwittingly] dried figs²⁸ and paid for them with dates, may a blessing come upon him.'²⁹ How [is this repayment to] be understood? If it be suggested [to be one] corresponding to the value³⁰ [of the figs, viz.,] that he ate of the priest's figs³¹ the value of one zuz³² and repays him for it [dates] for a zuz,³² why [it may be asked] should a blessing come upon him, seeing that he consumed the value of a zuz and repays only the value of a zuz? Must it not then [be concluded that this repayment] corresponded in quantity,

[viz.], that he ate a grivah³³ of the priest's³⁴ dried figs that was worth one zuz and repaid him a grivah³³ of dates that was worth four zuz, and [because of this] it was stated: 'May a blessing come upon him'. Thus it clearly follows that dates are more valuable.³⁵ Said Abaye to him:³⁶ As a matter of fact the man may have consumed the priest's³⁴ figs for a zuz and repaid him [dates] for a it and [in reply to your objection,] 'why should a blessing come upon him?' Because he consumed from the priest³⁴ something which is not much in demand³⁷ and repaid him with something for which there is a big demand.³⁸

[What quantity is required³⁹ in the case of] shattitha?⁴⁰ — R. Aha b. Phinehas replied: Two ladlesfull. Of roasted ears?- Abaye replied: Two Pumbedithan handfuls.

Abaye stated: Nurse⁴¹ told me that roasted ears are beneficial to the heart and they banish morbid thought.

Abaye further stated: Nurse told me: If a man suffers from weakness of the heart let him fetch the flesh of the right flank of a male beast and⁴² excrements of cattle⁴³ [cast in the month] of Nisan, and if excrements of cattle are not available let him fetch some willow twigs, and let him roast it,⁴⁴ eat it, and after that drink some diluted wine.⁴⁵

Rab Judah stated in the name of Samuel: Any relish⁴⁶ [must consist of a quantity that is] sufficient to eat with it [a quantity of bread for two meals] but any [foodstuff] that is no relish [must consist of a quantity] sufficient in itself for two meals.⁴⁷ Raw meat [also must consist of a quantity] sufficient for two meals.' As to roasted meat, Rabbah ruled [that it must be] sufficient to eat with it [a quantity of bread required for two meals], and R. Joseph ruled, [It must be] sufficient in itself for two meals.⁴⁷ 'Whence said R. Joseph, 'do I derive this?⁴⁸ [From the practice] of the Persians who eat chunks of roasted meat without bread'. Said Abaye to him: Are the Persians a majority of the world?⁴⁹ Was it not in fact taught,⁵⁰ The webs of the poor⁵¹ [are susceptible to uncleanness in the case] of the poor and the webs of the rich⁵² [are susceptible to uncleanness even in the case] of the rich

(1) Lit., 'we have not (any objection) against it'

(2) שִׁכְרָא, a drink made of dates or barley.

(3) נחש lit., 'serpent' (v. Rashi). Aliter: The stalk in the center of the onion (R. Han., Tosaf. s.v. מַפְנֵי a.l.).

(4) Lit., 'the hour (time) required him'.

(5) V. Glos.

(6) Into which it was poured.

(7) A ritual bath must contain naturally gathered water. It may not be filled with 'drawn' water that was carried into it by means of a vessel, and beer of course comes under the category of 'drawn'.

(8) That the prescribed quantity of beer renders a ritual bath ineffectual.

(9) Mik. VII, 3, Mak. 3b.

(10) It still bears the name of 'water' though it is dyed.

(11) Had not R. Zera land down his ruling it might well have been assumed that the law of beer is different from that of water.

(12) Of a kab. One kab = four log.

(13) On the Sabbath from a private into a public domain.

(14) Shab. VIII, I, sc. if the cup of benediction (v. infra) can be filled with the wine, after the quantity of water, that is required for its dilution before it can be drunk, has been added.

(15) Of a kab. One kab = four log.

(16) By adding to it three parts of water (v. infra).

(17) Of the Mishnah Shab. VIII, 1 cited.

(18) For which guilt is incurred by one carrying them on the Sabbath from a private into a public domain.

(19) In respect of carrying on the Sabbath.

(20) Of other liquids.

- (21) Of wine; since in the case of the former a quarter of a kab was prescribed and in that of wine only a quarter of a quarter.
- (22) 'Erub.
- (23) Since in the case of wine Rab prescribed two quarters of a log, in that of beer (2 X 4=) eight quarters of a log two log two quarters of a lab should be the quantity prescribed.
- (24) Why two quarters of a to,] are prescribed.
- (25) Containing a quarter of a log of beer.
- (26) Such a quantity is consequently sufficient for the purposes of an 'erub.
- (27) A non-priest.
- (28) Of terumah which is forbidden to him.
- (29) Pes. 32a.
- (30) Lit., 'money'.
- (31) Lit., 'from him'.
- (32) V. Glos.
- (33) V. Glos.
- (34) Lit., 'from him'.
- (35) Than dried figs. Now since in the case of dried figs one kab (as stated supra by Rab) is sufficient for an 'erub how much more so in the case of dates. Hence R. Joseph's ruling.
- (36) It. Joseph.
- (37) Lit., 'on which a buyer does not jump'.
- (38) Dates are cheaper but more in demand than dried figs. Hence, contrary to R. Joseph's ruling, more than a kab of the former might be required for an erub.
- (39) For all 'erub'.
- (40) A dish made of the Hour of roasted ears of corn mixed with honey
- (41) His mother having died in his childhood, he was brought up by , nurse Whose popular sayings, remedies and superstitions he often quoted.
- (42) Lit., 'and let him bring'.
- (43) Lit., 'of the shepherd'.
- (44) The flesh on the fire of the willow twigs.
- (45) Rashi; 'clear' (R. Han.).
- (46) If it is desired to use it for an 'erub.
- (47) Lit., 'to eat from it'.
- (48) His ruling.
- (49) Whom all the others must follow.
- (50) והתניא, so MS.M. and marg. note. Cur. edd. והתני.
- (51) Sc. strips of cloth of the size of three fingers by three fingers.
- (52) Pieces of cloth of the size of three by three handbreadths.

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but [it is not necessary, is it, in the case] of the poor that the webs [shall be of the size of those] of the rich?¹ And should you reply that in, both cases the more restrictive rulings were adopted,² was it not in fact taught, [it could be retorted], R. Simeon b. Eleazar ruled: An 'erub may be prepared for a sick, or an old man [with a quantity] of food that is sufficient for him?³ [for two meals]⁴ and for a glutton with [food for two meals, each being] a moderate meal for the average man?⁵ — This is a difficulty.

But could R. Simeon b. Eleazar have given such rulings?⁶ Was it not in fact taught: R. Simeon b. Eleazar ruled: A door for⁷ Og King of Bashan,⁸ [must⁹ be as big] as his full size?¹⁰ And Abaye?¹¹ — What could one do there?¹² Should it¹³ be cut to pieces and carried out that way?¹⁴

The question was raised: Do the Rabbis differ from R. Simeon b. Eleazar¹² or not? — Come and

hear what Rabbah b. Bar Hana stated in the name of R. Johanan: The door of' Og King of Bashan,¹⁵ is to be four [handbreadths] wide.¹⁶ [This, however, is no conclusive proof since] there¹⁷ [it may be a case] where there were many small doors¹⁸ and Only one of them was four [handbreadths] wide so that it is certain that when widening¹⁹ would take place it would be in that door.²⁰ R. Hiyya b. R. Ashi ruled in the name of Rab: An 'erub may be prepared from raw meat. R. Shimi b. Hiyya ruled: An 'erub may be prepared from raw eggs. With how many? — R. Nahman b. Isaac replied:²¹ The well-read scholar²² ruled [the number to be] two.

IF A MAN VOWED TO ABSTAIN FROM FOOD HE IS ALLOWED [To CONSUME] BOTH WATER etc. [Apparently]²³ it is only Salt and water that are not described as proper food' but all other things [consumed] are described as proper food.²⁴ Must it then be assumed that this presents an objection against Rab and Samuel both of whom had ruled that the benediction of'. . . Who createst various kinds of food'²⁵ is to be pronounced over the five kinds of grain²⁶ alone?²⁷ — But were not their rulings already once refuted?²⁸ — [The question is:] Must it be said that they stand refuted from this Mishnah also? — R. Huna replied: [Our Mishnah may deal with the case of a man] who said, 'All that nourishes²⁹ [shall be forbidden by a vow] upon me'. But is it only water and salt that do not nourish and all other foodstuffs do nourish? Did not Rabbah b. Bar Hana relate: When we³⁰ followed R. Johanan to partake of the fruit of Gennesar³¹ we used each to take ten fruits [for him] when we were a party of a hundred and when we were a party of ten we each used to take a hundred for him, and every hundred of these fruit could³² be contained in a basket of the capacity of three se'ah,³³ and yet after he had eaten all of them he would exclaim. '[I could take] an oath that I have not felt the taste of nourishment?'³⁴ — Read, 'Food'.²⁴ R. Huna laid down in the name of Rab: [If a man said,] 'I swear that I will not eat this loaf' an 'erub may nevertheless be prepared for him from it;³⁵ [but if he said,] 'This loaf [shall be forbidden] to me',³⁶ no 'erub from it may be prepared for him.

An objection was raised: 'If a man vowed to have no benefit from a loaf an 'erub from it may nevertheless be prepared for him'. Does not this [refer to a case] where he said: '[This loaf shall be forbidden] to me'?³⁷ — No, where he said: '[f swear that I would not eat] this [loaf]'. This assumption³⁸ also stands to reason; for in the final clause it was stated: 'This applies³⁹ only when he said: [I take] an oath that I will not taste it'⁴⁰ What, [however, is the ruling where] he said: '[The loaf shall be forbidden] to me'?³⁶ Could⁴¹ no 'erub for him be prepared from it? But, if so, instead of stating,⁴² '[If he said,] "This loaf shall be consecrated" no 'erub from it may be prepared for him because no 'erub may be prepared from consecrated food', let a distinction be pointed out⁴³ in this very case⁴⁴ [thus:] 'This⁴⁵ applies only where he said: "[I swear that I will not eat] this [loaf]" but if he said: "[This loaf shall be forbidden] to me, no 'erub from it may be prepared for him'? — R. Huna can answer you: What then [would you suggest? That] whenever a man said: '[This loaf shall be forbidden] to me' an erub from it may be prepared for him?⁴⁶ — [would not then] a difficulty [arise from] the first clause?⁴⁷ — A clause is missing⁴² and this is the correct reading: If a man vowed to have no benefit from a loaf an 'erub from it may be prepared for him,⁴⁸ and even if he said: '[This loaf shall be forbidden] to me' it is the same as if he had said: '[I take] an oath that I shall not taste it'.

At all events does not the contradiction, against R. Huna remain?⁴⁹ — He upholds the same view as R. Eliezer. For it was taught: R. Eliezer ruled, [If a man said: 'I take] all oath that I would not eat this loaf' an 'erub from it may be prepared for him, [but if he said], 'This loaf [shall be forbidden] to me' no 'erub from it may be prepared for him. But could R. Eliezer have given such a ruling? Was it not in fact taught: 'This is the general rule: If a man imposed upon himself the prohibition of [a certain food] an erub from it may be prepared for him,⁵⁰ but if a certain food was forbidden to a man,⁵¹ no 'erub from it may be prepared for him. R. Eliezer ruled: [If the man said,] "This loaf [shall be forbidden] to me", an 'erub from it may be prepared for him, but if he said: "This loaf shall be consecrated" no 'erub from it may be prepared for him, because no erub may be prepared from

consecrated food'?'⁵² — [The two rulings represent the views of] two Tannas who differ as to what was the view⁵³ of R. Eliezer.

AN 'ERUB MAY BE PREPARED FOR A NAZIRITE WITH WINE etc. Our Mishnah does not represent the view of Beth Shammai. For it was taught: Beth Shammai ruled: No 'erub may be prepared for a nazirite with wine⁵⁴ or for an Israelite with terumah⁵⁴ and Beth Hillel ruled: An 'erub may be prepared for a nazirite with wine or for an Israelite with terumah.⁵⁵ Sand Beth Hillel to Beth Shammai, 'Do you not admit

(1) Because the poor use smaller pieces of web. Now since the law of uncleanness for the poor is not influenced by the practice of the rich, why should the law of 'erub for the greater part of the world, who use roasted meat as a relish only, be influenced by the practice of the comparatively small number of Persians?

(2) Lit., 'here for a restriction' (bis).

(3) Lit., 'his food'.

(4) Though an average man requires more.

(5) Though the glutton requires more than a moderate meal. From this it follows that in the case of 'erub the less restrictive rulings are followed. Why then should the more restrictive ones be followed in the case of roasted meat?

(6) Relaxing the law in respect of the quantity of food required for an 'erub in favour of (a) the sick and the old because they eat little, though the average person eats more than they, and (b) the glutton, though he consumes much, because the average person consumes less.

(7) Lit., 'his door'.

(8) Sc. any big sized corpse. Og was one of the famous giants (cf. Deut. 111, II) and is synonymous in the Talmudic literature with 'man of huge size'.

(9) If the other doors and cavities in the house in which the corpse lies are to remain levitically clean (v. next note).

(10) So that his body might be carried through it without widening it. In that case that door only is levitically unclean while all other doors through which the corpse would not be carried remain levitically clean. Where the door, however, is not wide enough for the passage of the corpse, so that it is uncertain which of the doors of the house would be widened and used for such passage, all doors and wall cavities of the size of a human fist become levitically unclean (v. Bez. 37b). R. Simeon b. Eleazar in thus declaring all doors and cavities unclean on account of the inadequacy of the door for the passage of the big corpse, though it is adequate enough for the passage of one of average size, obviously adopts the restrictive view. How then could it be said that in respect of 'erub he adopts the lenient one?

(11) Who implied supra that the law for the minority is determined by the conditions governing the majority, how could he reconcile his principle with the ruling of R. Simeon b. Eleazar (v. previous note) just cited?

(12) In the case of a big corpse in a house of small doors.

(13) The corpse.

(14) This is obviously absurd. Hence the ruling that unless one door was wide enough for the passage of the corpse all doors are involved in levitical uncleanness.

(15) Cf. supra nn. 2ff.

(16) It need not be big enough for the passage of the corpse to protect the other doors against defilement. Their view thus apparently differs from that of R. Simeon b. Eleazar.

(17) The particular case dealt with by R. Simeon b. Eleazar.

(18) Each smaller than four handbreadths.

(19) Of a door.

(20) And the corpse would consequently be carried through that door. Hence it is that all the other doors remain levitically clean. Where, however, all doors are of equal size, whether big or small, and none of them is big enough for the passage of the corpse, all become unclean since it is uncertain which of them would eventually be widened.

(21) Cur. edd. in parenthesis, 'one'.

(22) סִינִי, sc. R. Joseph (v. Hor. 14a, Sonc. ed., p. 105, n. 3).

(23) Since our Mishnah excludes only WATER AND SALT.

(24) מִזֶּן a foodstuff that both nourishes and sustains (v. Rashi s.v. בְּאֹמֶר a.l.).

(25) מִזֻּנֹת pl. of מִזֶּן.

(26) Wheat, barley, rye, oats and spelt.

- (27) But over no other foodstuffs, contrary to our Mishnah which regards them as mazon (v. supra n. 4).
- (28) V. Ber. 35b.
- (29) **לֶחֶם**, rt. **לֶחֶם** 'to nourish'. He did not use the noun mazon which would have applied to the five kinds of grain only which both nourish and satisfy one's hunger (v. supra n. 4).
- (30) So MS.M. Cur. edd., 'T'.
- (31) **גֵּינּוֹסָר** Gennesareth, Heb. **כִּנְרֵת**, Kinnereth, a district in 'Galilee adjoining the lake of the same name.
- (32) Cur. edd. in parenthesis, 'not'.
- (33) V. Glos.
- (34) Which proves that fruit is not even a 'nourishment'. An objection against R. Huna's reply.
- (35) Since this oath was limited to eating only. An 'erub, provided somebody is able to eat it, is valid even if the person for whom it was prepared is unable to eat it.
- (36) **עָלַי**, lit., 'upon me', an expression which implies the prohibition of all benefit.
- (37) How then could Rab maintain, against this Baraitha, that when such an expression was used no 'erub may be prepared from the loaf.
- (38) Lit., 'thus'.
- (39) Lit., 'when'.
- (40) Which does not imply the prohibition of all other benefits.
- (41) Lit., 'thus also'.
- (42) In the Baraitha cited.
- (43) Lit., 'let him divide and teach'.
- (44) A loaf that was not consecrated.
- (45) That "erub for him may be prepared.
- (46) Because it would be contended that this expression also implies the prohibition of eating only?
- (47) I.e., the final clause of the first clause ('This applies only when he said: "that I will not taste it") from which it was been inferred supra that if a man used such an expression no 'erub for him may be prepared from the forbidden loaf.
- (48) As the main purpose of a loaf is the eating of it, 'benefit' in respect of it can apply to eating only.
- (49) How could he, contrary to the ruling of the Baraitha, maintain that where a man 'forbade' a loaf to himself no 'erub from it may be prepared for him?
- (50) The prohibition being limited to the man's action only, while the preparation of an 'erub is a mere benefit that involves no actual action on his part.
- (51) So that the prohibition was not limited to the man's action but was imposed on the very object itself, including whatsoever benefit One may derive therefrom.
- (52) The first clause of R. Eliezer's ruling in this Baraitha is thus in direct contradiction to his ruling in the previous Baraitha. How then could it be maintained that he land down both rulings?
- (53) Lit., 'and according'.
- (54) Because he is forbidden to consume it.
- (55) Cf. notes on our Mishnah supra.

Talmud - Mas. Eirubin 30b

that an 'erub may be prepared for an adult in connection with the Day of Atonement'?¹ 'Indeed [we do]', the others replied. 'As', the former said to them, 'an 'erub may be prepared for an adult in connection with the Day of Atonement, so may an 'erub be prepared for a nazirite with wine or for an Israelite with terumah'.² And Beth Shammai?³ — There⁴ a meal is available that is fit [for consumption] while it is yet day⁵ but here⁶ no meal is available that is fit [for consumption] while it is yet day.⁷

In agreement with whom?⁸ — Not in agreement with Hananiah. For it was taught: Hananiah stated: Beth Shammai did not admit the very principle⁹ of 'erub unless the man takes out thither'¹⁰ his bed and all the objects he uses.

Whose view is followed by the Baraitha in¹¹ which it was taught: If a man prepared an 'erub¹²

[while he was dressed] in black¹³ he must not go out¹⁴ in white;¹³ [if he was then¹⁵ dressed] in white he must not go out¹⁴ in black? Whose [view, it is asked, is this]? — R. Nahman b. Isaac replied: It is [that of] Hananiah in accordance with the view of Beth Shammai.¹⁶ According to Hananiah, however, is it only in black that he must not go out but may go out in white? Did he not in fact rule [that an ‘erub is invalid] ‘unless the man takes out thither his bed and all the objects he uses’? — It is this that was meant: If he prepared an ‘erub [while he was dressed] in white and then required black he must not go out even in white. In agreement with whom [is this ruling]? R. Nahman b. Isaac replied: It is in agreement with that of Hananiah in accordance with the view of Beth Shammai.

SYMMACHUS RULED: WITH UNCONSECRATED PRODUCE. But [against the ruling that AN ‘ERUB MAY BE PREPARED] FOR A NAZIRITE WITH WINE he does not contend. What is the reason? [Is it] because it is possible that he might ask to be released from, his naziritship?¹⁷ But, if so, is it not equally possible for him to ask for the release of the terumah?¹⁸ — Were he to ask for its release it would return to its state of tebel.¹⁹ But he could [still] set aside²⁰ [the priestly dues] for it²¹ from some other produce?²² — Fellows²³ are not suspected of setting aside terumah from [produce] that is not in close proximity [to the produce for which it is set aside]. But he can [still] Set aside the terumah for it from [the very ‘erub] itself? — [This is a case] where it²⁴ would not contain the prescribed quantity. But why this certainty?²⁵ This rather [is the reply:]²⁶ Symmachus holds the same opinion as the Rabbis who had land down that every kind of Occupation that may be classed as shebuth²⁷ has, as a preventive measure,²⁸ been forbidden [on the Sabbath Eve] at twilight.²⁹ Whose view is followed in³⁰ what we learned: There are [some measures] which the Rabbis have prescribed in accordance with each individual. [E.g.,] ‘his handful’ of the meal-offering,³¹ ‘his handful’ of incense,³² the drinking of a mouthful on the Day of Atonement,³³ and [the requirement] of food [sufficient for] two meals in the case of an ‘erub?³⁴ in agreement with whose view, [it is asked, is this Mishnah]?³⁴ — R. Zera replied: It [is in agreement with that of] Symmachus who had land down that [the food for an ‘erub] must be such as is fit for the person [for whom it is prepared].³⁵

Must it be assumed [that this Mishnah]³⁶ differs from the view of R. Simeon b. Eleazar,³⁷ it having been taught: R. Simeon b. Eleazar ruled: An ‘erub for a sick, or for an old man is to consist of food sufficient for him [for two meals], and for a glutton, [each of the two meals is to consist] of a moderate meal for an average man?³⁸ — The explanation [is that the Mishnah³⁶ refers] to a sick, and an old man,³⁹ but [not to] a glutton whose habit is disregarded in the view of the average man.⁴⁰

[AN ‘ERUB] MAY BE PREPARED] FOR A PRIEST IN A BETH PERAS; for Rab Judah stated in the name of Samuel: A man may : blow away [the earth of] a beth peras⁴¹ and continue on his way.⁴² R. Judah b. Ammi ruled in the name of Rab Judah: A trodden beth peras is levitically clean.⁴³

R. JUDAH RULED: EVEN IN A GRAVEYARD. A Tanna taught:⁴⁴ Because a man can put up a screen⁴⁵ and pass [through it] in a chest, box or portable turret. He is of the opinion that a movable⁴⁶ tent has the status of⁴⁷ a [fixed] tent.⁴⁸

And [they⁴⁹ differ on a principle which is the subject of] dispute among the following Tannas. For it was taught: If a man enters a heathen country⁵⁰ [riding] in a chest, box or portable turret he is, Rabbi ruled, levitically unclean, but R. Jose son of R. Judah declares him to be clean. On what principle do they differ? One Master is of the opinion that a movable⁴⁶ tent has not the status of a valid tent⁵¹ and the other Master maintains that even a movable⁴⁶ tent⁵² has the status of a valid tent.⁵³

It was taught:⁵⁴ ‘R. Judah ruled,

(1) Though the adult is forbidden to consume any food on that day the ‘erub is valid because a minor who is free from the observance of the commandments, could well eat it even on that day.

- (2) While the nazirite and the Israelite respectively are forbidden to consume such 'erubs, non-nazirites and priests respectively are not forbidden and may well consume them.
- (3) How can they maintain their view against this argument?
- (4) All 'erub for the Day of Atonement.
- (5) The Eve of the Day of Atonement, when the 'erub is prepared.
- (6) The cases of wine for a nazirite or terumah for an Israelite.
- (7) At no time is a nazirite permitted to drink wine or an Israelite to eat terumah.
- (8) Is this Baraita which attributes to Beth Shammai the view that an 'erub of food alone is effective.
- (9) Lit., 'all themselves'.
- (10) To the spot where the 'erub is deposited.
- (11) Lit., 'like whom goes that'.
- (12) Of Sabbath limits at a distance of two thousand cubits from his abode.
- (13) Garments.
- (14) On the Sabbath, if after he deposited the 'erub on the Eve of the Sabbath, he returned to his permanent home.
- (15) When he deposited the 'erub.
- (16) Supra.
- (17) And a competent authority, provided there is valid ground for it, could release him from his vow and thus enable him again to drink wine.
- (18) Which on returning to its former state of unconsecration would be permitted to an Israelite also.
- (19) **טבל**, produce before the priestly dues have been separated from it. Such produce may not be eaten.
- (20) At twilight on Friday just before Sabbath begins, after having prepared the 'erub.
- (21) The 'erub.
- (22) Lit., 'place'; from produce which he has at home, and thus render the 'erub fit for consumption.
- (23) **חבירים**, 'fellow scholars' or members of a fraternity meticulously observing the laws of tithes and levitical uncleanness.
- (24) The 'erub after terumah would have been separated from it.
- (25) That the Tanna deals only with an 'erub that was so small in quantity. As a general ruling one would rather expect it to apply to all cases.
- (26) To the question, raised supra, why Symmachus differed only in respect of UNCONSECRATED PRODUCE and not in respect of WINE.
- (27) **שבות** (rt. **שבת** 'to rest') an act that is only Rabbinically forbidden to be performed on the Sabbath.
- (28) That one might not perform the same work on the Sabbath when it is forbidden Pentateuchally.
- (29) The setting aside of terumah is such an act. Hence the untenability of the suggestions supra on the methods of converting terumah into unconsecrated produce.
- (30) Lit., 'like whom goes that'.
- (31) Lev. II, 2.
- (32) Ibid. VI, 12.
- (33) V. Yoma VIII, 2.
- (34) Kel. XVII, 11.
- (35) Lit., 'for him'.
- (36) From Kelim, just cited, according to which certain measurements are determined by the nature of the individual concerned (Ritba).
- (37) Who, as the following Baraita shows, determines the food required for the 'erub of a glutton by the requirements of the average man.
- (38) Tosef. 'Er. VI, where, however, the reading 'or for an old man' is replaced by 'fastidious person or minor.
- (39) In agreement with the ruling of R. Simeon b. Eleazar.
- (40) Lit., his mind is abolished by the side of all man'.
- (41) A man walking through an area in which a grave has been ploughed, any portion of the soil of which is in consequence a possible repository of a human bone which conveys levitical uncleanness to the man who moves it with his foot, is subject to the laws of doubtful uncleanness. If the earth, however, is blown or moved away in front of him step by step he remains levitically clean since all covered bones are thus exposed and easily avoided.
- (42) In this manner a priest, who is forbidden to defile himself for the dead, can make his way to his 'erub even in such

an area.

(43) All bones in its soil are assumed to have been thoroughly crushed by the feet that have trodden on them; and bones that are smaller than the size of a barley grain convey no levitical defilement; v. Pes. 92b.

(44) A reason for R. Judah's ruling.

(45) Between his body and the graveyard.

(46) Lit., 'thrown.

(47) Lit., 'its name is'.

(48) And constitutes a valid screen or partition between the man and a levitically unclean object.

(49) R. Judah and the first Tanna.

(50) Which conveys levitical defilement to any man that enters it. [It is suggested that the uncleanness of the land of the Gentiles was decreed in the days of Alcimus, in order to stem the tide of emigration that had set in as a result of his persecutions, v. Weiss, Dor. I, 105.]

(51) Hence it cannot constitute a screen between the man and the unclean territory.

(52) Provided its dimensions are of the prescribed size.

(53) And constitutes a valid screen. The first Tanna is thus in agreement with Rabbi's view while R. Judah is of the same opinion as R. Jose son of R. Judah.

(54) So MS.M. and Rashal. Cur. edd., 'but that which was taught'.

Talmud - Mas. Eirubin 31a

An 'erub for a levitically clean priest may be prepared from levitically clean terumah¹ [and deposited] on a grave.' How does he² get there? — In a chest, box or portable turret. But since [the 'erub] was put down [on the grave] it became levitically unclean?³ — [This is a case] where [the 'erub] was not rendered susceptible to levitical uncleanness⁴ or one kneaded in fruit juice.⁵ But how does he get it?⁶ — By means of flat wooden pieces which are unsusceptible to levitical uncleanness.⁷ But does not [a wooden piece] constitute a tent?⁸ — One might carry it edgeways.⁹ If so, what could be the reason of the Rabbis?¹⁰ — They are of the opinion that a home¹¹ must not be acquired with things the benefit of which is forbidden.¹² Thus [it follows] that R. Judah is of the opinion that this is permitted; for he upholds the view that the commandments were not given [to men] to derive [personal] benefit from them.¹³ With reference, however, to what Raba stated: 'Commandments were not given [to men] to derive benefit from them',¹⁴ must it be said¹⁵ that he made his traditional statement in agreement with [one of the] Tannas only? — Raba can answer you: Had they¹⁶ been of the opinion that an 'erub may be provided in connection with a religious duty only¹⁷ all [would have been unanimous,¹⁸ since] commandments were not given [to man] to derive benefit from them. Here, however, they¹⁹ differ on the following principle. The Master is of the opinion that an 'erub may be prepared in connection with a religious duty only and the Masters are of the opinion that an 'erub may be prepared even in connection with a secular matter.²⁰

In respect, however, of what R. Joseph ruled: 'An 'erub may be prepared only in connection with a religious duty',²¹ must it be said that he land down his traditional ruling in accordance with [the view of one of the] Tannas?²² — R. Joseph call answer you: All [agree that] an 'erub may be prepared in connection with a religious duty only, and all [may also agree that] the commandments were not given [to men] to derive benefit from them, but It is this principle on which they differ. The Master²² is of the opinion that once a man has acquired the 'erub²³ it is no satisfaction to him that it is preserved,²⁴ and the Masters²⁵ are of the opinion that a man does derive satisfaction if his 'erub is preserved; for [in that case] he can eat it whenever he needs it.²⁶

MISHNAH. AN 'ERUB MAY BE PREPARED WITH DEMAI,²⁷ WITH FIRST TITHE FROM WHICH ITS TERUMAH²⁷ HAD BEEN TAKEN AND WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE BEEN REDEEMED; AND PRIESTS [MAY PREPARE THEIR 'ERUB] WITH HALLAH.²⁸ [IT MAY] NOT [BE PREPARED], HOWEVER, WITH TEBEL,²⁷ NOR WITH FIRST TITHE THE TERUMAH FROM WHICH HAS NOT BEEN

TAKEN, NOR WITH SECOND TITHE OR CONSECRATED [FOOD] THAT HAVE NOT BEEN REDEEMED.

GEMARA. DEMAI, surely is not fit for him!²⁹ — Since he³⁰ could, if he wished, declare his estate to be hefker,³¹ and thereby become a poor man when it would be fit for him, it is now also deemed to be fit for him. For we learned: It is permitted to feed poor men

- (1) And much more so from unconsecrated food.
- (2) Being forbidden to enter an unclean area.
- (3) Granted the priest remains levitically clean the food is levitically unclean and is in consequence forbidden to him.
- (4) One for instance that was never in contact with water.
- (5) Which, unlike water, does not render foodstuffs with which it comes in contact susceptible to levitical uncleanness.
- (6) The 'erub on the grave when he wishes to eat it. An 'erub according to R. Judah, is not effective, unless the mall for whom it is prepared is able to eat (v. Rashi s.v. **הַיְכָל** a.l.).
- (7) Vessels which are susceptible to levitical uncleanness must not be used since such vessels would attract uncleanness from the dead body and convey it to the man who would in consequence be forbidden to consume his 'erub which consists of levitically clean terumah.
- (8) if it is a handbreadth, in circumference. Such a tent (ohel) in accordance with a Rabbinical enactment (v. Shah. 17a) conveys uncleanness to the man who carries it and he thus becomes unfit to eat clean terumah of which, his 'erub was prepared.
- (9) **אַחֲרָיו** MS.M. and marg. note on Rashi a.l. (Cur. edd. **אַחֲרָיו**, 'behind him'). Where the edges measure less than a handbreadth, and the piece of wood is carried in a vertical position, no 'tent' is constituted.
- (10) Who do not allow the deposit of an 'erub even on an isolated grave. Granted that a movable 'tent' is no valid partition in a graveyard, why should not a priest standing at the side of an isolated grave be allowed in this manner to remove his 'erub from it and eat it?
- (11) The place where an 'erub is deposited is deemed to be the 'home' of the man for whom it was prepared.
- (12) It is forbidden to have any benefit from a grave, a shroud or any of the requirements of a corpse (v. Sanh. 47b). Hence the Rabbis' prohibition of the use of a grave for an 'erub not only in the case of a priest but also in that of an Israelite. The mention of a priest merely indicates the extent of R. Judah's leniency: Not only is an Israelite permitted but also a priest.
- (13) V. R.H. 28a. In his opinion no 'erub may be prepared unless it is for the purpose of enabling a person to perform a commandment, as in the case where he desires to go to a house of mourning or to a wedding feast (v. infra).
- (14) R.H. 28a.
- (15) Since the Rabbis differ from R. Judah.
- (16) The Rabbis.
- (17) Cf. supra p. 214, n. 9.
- (18) In permitting the use of a grave for an 'erub.
- (19) R. Judah and the Rabbis.
- (20) From which one derives personal benefit. Hence their prohibition.
- (21) Infra 82a.
- (22) R. Judah.
- (23) At twilight on the Sabbath eve.
- (24) Since the main object for which the 'erub was prepared has already been achieved. Its preservation of the grave is therefore of no benefit to him.
- (25) The Rabbis.
- (26) The preservation of the 'erub on the grave is consequently a benefit to him and is, therefore, forbidden.
- (27) V. Glos.
- (28) V. Glos. MS.M. adds: 'and terumah'.
- (29) Sc. for the man for whom it is prepared. And since our Mishnah allows it nevertheless to be used for an 'erub, does not an objection arise against Symmachus (cf. Tosaf. s.v. **דְּמַי** a.l.) who laid down that an 'erub must consist of food which the man for whom it is prepared is able to eat?
- (30) Any man for whom it is prepared.

Talmud - Mas. Eirubin 31b

and billeted troops¹ with demai.² R. Huna stated: One taught: Beth Shammai ruled: Poor men may not be fed with demai, and Beth Hillel ruled: Poor men may be fed with demai.³

AND WITH FIRST TITHE FROM WHICH [ITS TERUMAH] HAD BEEN TAKEN etc. Is not this obvious? — [The ruling was] required in the case only where [the Levite]⁴ forestalled the priest⁵ whilst [the grain was still] in the ears and from⁶ [his first tithe] was taken terumah of the tithe⁷ but no terumah gedolah,⁸ and this⁹ is in agreement with a ruling made by R. Abbahu in the name of Resh Lakish. For R. Abbahu stated in the name of Resh Lakish: First tithe that was set apart, before [the other dues, while the grain was still] in the ears, is exempt from terumah gedolah, for it is said in Scripture: Then ye shall set apart of it a gift¹⁰ for — the Lord, even, tithe of the tithe;¹¹ I only told you [to set apart] ‘a tithe of the tithe’ but not terumah gedolah and the tithe of the tithe from the tithe. Said R. Papa to Abaye: If so, [the same rule should apply] also where [the Levite] forestalled the priest¹² [while the grain was already] in a pile?¹³ — Against you, the other replied, Scripture stated: Thus ye shall set apart in gift¹⁴ unto the lord of all your tithes.¹⁵ And what [reason] do you see [for this distinction]?¹⁶ — The one has become corn¹⁷ but the other¹⁸ has not.¹⁹

AND WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE BEEN REDEEMED. Is not this obvious? — [The ruling was] required in the case only where the principal was paid but not the fifth;²⁰ and this teaches us that [the omission to pay] the fifth does not invalidate the redemption.²¹

[IT MAY] NOT [BE PREPARED,] HOWEVER, WITH TEBEL. Is not this obvious? — [The ruling was] necessary in such a case only as Rabbinical tebel as, for Instance, when [produce] was sown²² in an unperforated pot.²³

NOR WITH FIRST TITHE THE TERUMAH FROM WHICH HAS NOT BEEN TAKEN. Is not this²⁴ obvious? — This²⁴ was necessary in such, a case only where [the Levite] forestalled the priest²⁵ [in taking his due²⁶ when the grain was already] in the pile,²⁷ and terumah of the tithe was taken from it,²⁸ while terumah gedolah was not taken from it. It might consequently have been assumed [that the ruling is] as R. Papa submitted to Abaye,²⁹ hence we were informed [that the ruling is] in agreement with the latter's reply.³⁰

NOR WITH SECOND TITHE AND CONSECRATED [FOOD] THAT HAVE NOT BEEN REDEEMED. Is not this obvious? — [The ruling was] required in that case only where they were redeemed but their redemption was not performed in the prescribed manner;³¹ where the TITHE [for instance] was redeemed with a piece of uncoined metal³² whereas the All Merciful ordained, ‘And thou shalt bind up³³ the money,’³⁴ [implying that] the metal must be coined;³⁵ and where the CONSECRATED [FOOD] was exchanged for a plot of land, whereas the All Merciful ordained, ‘And he shall give the money...’³⁶ and it should be assured for him’.³⁷

MISHNAH. IF A MAN SENDS HIS ‘ERUB³⁸ BY THE HAND OF A DEAF-MUTE,³⁹ AN IMBECILE OR A MINOR, OR BY THE HAND OF ONE WHO DOES NOT ADMIT [THE PRINCIPLE OF] ‘ERUB,⁴⁰ THE ‘ERUB IS NOT VALID. IF, HOWEVER, HE INSTRUCTED ANOTHER PERSON TO RECEIVE IT FROM HIM,⁴¹ THE ‘ERUB IS VALID.

GEMARA. IS NOT A MINOR [qualified to prepare an ‘erub]? Did not R. Huna in fact rule: A minor may collect⁴² [the foodstuffs for] the ‘erub?⁴³ — This is no difficulty since the former⁴⁴ refers to an ‘erub of boundaries while the latter deals with an ‘erub of courtyards.⁴⁵

OR BY THE HAND OF ONE WHO DOES NOT ADMIT [THE PRINCIPLE OF] 'ERUB. Who?
— R. Hisda replied: A Samaritan.

IF, HOWEVER, HE INSTRUCTED ANOTHER PERSON TO RECEIVE IT FROM HIM, THE 'ERUB IS VALID. But is there no need to provide against the possibility that [the minor] might not carry it to him? — As R. Hisda explained elsewhere, 'Where [the sender] stands and watches him',⁴⁶ here also [it may be explained:] Where he stands and watches him.⁴⁶ But is there no need to provide against the possibility that [the agent] would not accept it from him?⁴⁷ — As R. Yehiel explained elsewhere, 'It is a legal presumption that an agent carries out his mission, so here also [it may be explained:] It is a legal presumption that an agent carries out his mission.

Where were the Statements of R. Hisda and R. Yehiel made? — In connection with the following. For it was taught: If he gave it⁴⁸ to [a trained] elephant who carried it,⁴⁹ or to [a trained] ape who carried it,⁴⁹ the 'erub is invalid; but if he instructed someone⁵⁰ to receive it from the animal,⁵¹ behold the 'erub is valid — Now is it not possible that it would not carry it?⁵² — R. Hisda replied: [This is a case] where [the sender] stands and watches it.⁵³ But is it not possible that [the agent] would not accept it from [the animal]?⁵¹ — R. Yehiel replied: It is a legal presumption that all agent carries out his mission. R. Nahman ruled: In [respect of a law] of the Torah, there is no legal presumption that all agent carries out his mission;

(1) Who, being away from their homes, are regarded as poor.

(2) Dem. III, 1, supra 17b.

(3) Cf. supra 17b where 'and billeted troops' follows 'poor man' in the rulings of Beth Shammai and Beth Hillel.

(4) Whose due, the second tithe, follows that of terumah 'gedolah (v. Glos.) for the priest.

(5) Lit., 'him', i.e., received his first tithe before the priest received his terumah gedolah.

(6) Lit., 'from it'.

(7) Which is due from the Levite to the priest —

(8) Which should have been taken from it before it was given to him, and which is now contained in it.

(9) That such first tithe is permitted to the Levite despite the terumah gedolah which it contains.

(10) תְּרוּמַת const. of terumah (v. Glos.).

(11) Num. XVIII, 26.

(12) V. supra p. 216, n. 8.

(13) Sc. after it had been threshed.

(14) V. p. 216, n. 13.

(15) Num. XVIII, 28. כֹּל before תְּרוּמַת in cur. edd. is absent from M.T. and is also omitted here.

(16) Between first tithe that was set apart while the grain was in its ears and between one set apart after it had been threshed. Why should the former only be exempt from terumah gedolah?

(17) אֵידָגָן denom. of דָּגָן 'corn'. Only corn is subject to the priestly dues (v. Deut. XVIII, 4).

(18) Grain in the ears.

(19) So that when the Levite received his first tithe the grain was not yet subject to terumah gedolah, while at the time it was threshed it had already the status of first tithe which is exempt in accordance with Num. XVIII, 26.

(20) V. Lev. XXVII, 31.

(21) Lit., 'prevents', 'hinders'.

(22) Lit., 'when he sowed it'.

(23) only produce that grows in the ground or at least, in a perforated Pot, and thus draws its nourishment from the earth is Pentateuchally subject to the priestly and levitical dues.

(24) That first tithe produce from which terumah of the tithe had not been taken is unfit for consumption, and consequently unsuitable for 'erub.

(25) Lit., 'him'.

(26) First tithe.

(27) Sc. after it had been threshed.

- (28) Not as has previously been assumed that it was not.
- (29) Supra, that even such produce should not be subject to terumah gedolah.
- (30) Lit., 'as he answered him', that, since at the time the Levite received his due, the produce was already subject to terumah gedolah, it remains unfit for use until such terumah had been set apart for it.
- (31) Lit., 'according to their law'.
- (32) אַסִּימוֹן, Gr. **
- (33) וְצֵרֶת v. infra n. 7.
- (34) Deut. XIV, 25.
- (35) Lit., 'silver which has on it a figure'. צוֹרֶה 'figure' is analogous in form to וְצֵרֶת (v. supra n. 5).
- (36) But not land.
- (37) The italicized words occur in Lev. XXVII, 19. For 'and he shall give' M.T. reads: 'then he shall add the fifth of', v. B.M., Sonc. ed., p. 321, n. 1.
- (38) To the spot which he desires to establish as his abode for the Sabbath.
- (39) This is the usual signification of הָרֵשׁ (deaf) in the Talmud.
- (40) This is explained infra.
- (41) And to deposit it in the prescribed manner.
- (42) From the tenants of a courtyard.
- (43) And prepare it for them.
- (44) Lit., 'here', our Mishnah.
- (45) In the latter case the mere contribution of the tenants to a common 'erub constitutes the fusion of their private domains. In the former case, however, acquisition of the abode is necessary but no minor is legally competent to effect acquisition.
- (46) Thus making sure that the 'erub is 'duly carried to the competent agent.
- (47) And, despite his appointment as agent, would neglect the preparation of the 'erub.
- (48) His 'erub of boundaries.
- (49) Towards the required spot.
- (50) Lit., 'to another'.
- (51) Lit., 'from it'.
- (52) To the agent.
- (53) Thus making sure that the 'erub is duly carried to the competent agent.

Talmud - Mas. Eirubin 32a

in [respect of a law] of the Scribes there is a legal presumption that an agent carries out his mission. R. Shesheth, however, ruled: In respect of the one as in that of the other there is a legal presumption that an agent carries out his mission.

Whence, said R. Shesheth, do I derive this?¹ From what we learned: As soon as the omer² had been offered the new produce³ is forthwith permitted; and those who [live] at a distance⁴ bare permitted [its use] from mid-day onwards.⁵ [Now, the prohibition against the consumption of] new produce is Pentateuchal, and yet it was stated that ‘those who [live] at a distance are permitted [its use] from mid-day onwards’. Is not this due to the legal presumption that an agent carries out his mission?⁶ And R. Nahman?⁷ — There [the presumption is justified] for the reason stated:⁸ Because it is known that Beth din would not shirk their duty.⁹

Others there are who read: R. Nahman said: Whence do I derive this?¹⁰ since the reason stated¹¹ was, ‘Because it is known that Beth din would not shirk their duty’, [it follows that] it is only Beth din who do not shirk their duty but that an ordinary agent might. And R. Shesheth?¹² — He can answer you: Beth din [are presumed to have carried out their duty] by mid-day, while an ordinary agent [is presumed to have done his before] all the day [has passed]. Said R. Shesheth: Whence do I derive this?¹³ From what was taught: A woman who is under the obligation¹⁴ [of bringing an offering in connection with] a birth¹⁵ or gonorrhoea¹⁶ brings [the required sum of]¹⁷ money which she puts into the collecting box,¹⁸ performs ritual immersion and is permitted to eat consecrated: food in the evening.¹⁹ Now what is the reason?²⁰ Is it not because we hold that it is a legal presumption that an agent²¹ carries out his mission?²² And R. Nahman?²³ — There [the presumption may be justified] in agreement with the view of R. Shemaiah. For R. Shemaiah laid down: There is a legal presumption that no Beth din of priest who would rise from their session²⁴ before all the money in the collecting box²⁵ had been spent.²⁶

R. Shesheth again said: Whence do I derive this?²⁷ From what was taught: If a man said to another, ‘Go out and gather for yourself some figs²⁸ from my fig tree’, the latter may make²⁹ of them an irregular meal³⁰ or³¹ he must tithe them [as produce that is] known³² [to be untithed].³³ [If however, the owner said to him,] ‘Fill yourself this basket³⁴ with figs from my tree’ [the latter] may eat them as an irregular meal³⁵ or³⁶ must tithe them as demai.³⁷ This³⁸ applies only to [an owner who was] an am ha-arez,³⁹ but if he was a Fellow⁴⁰ [the latter] may eat [the fruit]⁴¹ and need not tithe them;⁴² so Rabbi: R. Simeon b. Gamaliel, however, ruled: This⁴³ applies only to [an owner] an am ha-arez, but if he was a Fellow⁴⁰ [the latter] must not eat [the figs]⁴⁴ before he has tithed them, because Fellows are not suspected of giving terumah from [produce] that is not in close proximity [to the produce for which it is given].⁴⁵ My view, remarked Rabbi, seems [to be more acceptable] than that of my father,⁴⁶ since it is preferable that Fellows should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give ‘amme ha-arez⁴⁷ to eat all sorts of tebel.⁴⁸ Now, their⁴⁹ dispute extends only so far⁵⁰ that while one Master maintains that they are not suspected,⁵¹ but both⁵² [agree⁵³ that there is] legal presumption that an agent⁵⁴ carries out his mission.⁵⁵ And R. Nahman?⁵⁶ — There [the presumption is justified] in agreement [with the principle] of R. Hanina Hoza'ah. For R. Hanina Hoza'ah⁵⁷ laid down: It is a legal presumption that a Fellow would not allow any unprepared thing⁵⁸ to pass out of his hand.⁵⁹

The Master said: ‘This applies only to [an owner who was] an am ha-arez, but if he was a Fellow [the latter] may eat [the fruit] and need not tithe them; so Rabbi’. To whom could this ‘am ha-arez⁶⁰ have been speaking? If it be suggested that he was speaking to an ‘am ha-arez like himself⁶¹ [what sense is there in the ruling,] ‘Must tithe them, as demai’? Would he obey it?⁶² Consequently it in must be a case⁶³ where an ‘am ha-arez was speaking to a Fellow. Now, then, read the final clause: ‘My view seems [to be more acceptable] than that of my father, since it is preferable that Fellows

should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give ‘amme ha-arez to eat all sorts of tebel’; how⁶⁴ does the question of ‘amme ha-arez at all arise?⁶⁵ — Rabina replied: The first clause deals with an ‘am ha-arez who was speaking to a Fellow, and the final clause deals with a Fellow who was speaking to all am ha-arez while another Fellow was listening to the conversation.⁶⁶ Rabbi

- (1) That even in respect of a Pentateuchal law it may be presumed that an agent carries out his mission.
- (2) עומר (lit., ‘sheaf’ or ‘a measure containing the tenth part of an ephah’) the offering of barley of the firstfruits of the harvest on the sixteenth day of Nisan (cf. Lev. XXIII, 10).
- (3) The consumption of which is forbidden before the ‘omer is offered.
- (4) From Jerusalem; who in consequence are unable to ascertain the time the ‘omer was offered.
- (5) Men. 68a (v. next note).
- (6) Obviously it is. The priests being the agents of the people are presumed to have attended to their duty and to have done it before half of the day had passed.
- (7) How, in view of the ruling cited, can he maintain that in respect of a Pentateuchal law there is no legal presumption that all agent carries out his mission?
- (8) Lit., ‘as it was taught’.
- (9) Lit., ‘be lazy about it’. This, therefore, is no proof that legal presumption is justified in the case of an ordinary agent.
- (10) That in respect of a Pentateuchal law there is no legal presumption that an agent carries out his mission.
- (11) For the ruling in the Mishnah of Men. cited.
- (12) How could he maintain his ruling in view of this argument?
- (13) that even in respect of a Pentateuchal law may be presumed that an agent carries out his mission.
- (14) Lit., there is upon her’.
- (15) V. Lev. XII, 6ff.
- (16) V. ibid. XV, 29.
- (17) The price of two turtles (v. Lev. XII, 8, and XV, 29).
- (18) שופר lit., horn’, a box so shaped in which those under an obligation to bring sacrifices put in amount corresponding to the cost of their respective sacrifices which were subsequently purchased for them by the priests (cf. Shek. VI, 6).
- (19) Men. 27a
- (20) Why the woman may eat consecrated food though she had not herself witnessed the offering of her sacrifice.
- (21) In this case the priests whose duty it is to purchase the necessary sacrifices on behalf of the donors.
- (22) Obviously we do, it being presumed that before the day is over the priests will have purchased the sacrifice and offered it up. This proves that even in respect of a Pentateuchal law such a presumption is justified.
- (23) How could he maintain his ruling in view of this argument.
- (24) Lit., from there’.
- (25) V. supra n. 6.
- (26) On the purchase of the necessary sacrifices. Pes. 90b. The ruling in this case is consequently no proof that a similar presumption is justified where the mission is entrusted to an ordinary agent.
- (27) V. supra n. 1.
- (28) Sc. take an unspecified quantity’.
- (29) Lit., ‘eat’.
- (30) And he is under no obligation to set apart the priestly and levitical dues. An occasional meal is exempt from such dues.
- (31) If he desires to make of them a regular meal.
- (32) Lit., ‘certain’.
- (33) He must set apart all the prescribed dues; because the owner who does not know how much was gathered could not possibly have set aside any dues for the figs in question.
- (34) Sc. ‘take a specified quantity’.
- (35) V. supra p. 221, n. 18.
- (36) If he desires to make of them a regular meal.
- (37) V. Glos., it being doubtful whether the owner, who knew the quantity of fruit to be gathered, had, or had not set

apart for it the required dues from some other produce.

(38) That the figs must be tithed at least as demai.

(39) V. Glos.

(40) Haber, v. Glos.

(41) Even as a regular meal.

(42) Since no haber would allow his produce to be eaten by anyone before he had himself duly set apart for it all the prescribed dues.

(43) That it is sufficient to tithe the figs as demai.

(44) As a regular meal.

(45) The figs, therefor, must be regarded as produced for which none of the prescribed dues were set apart.

(46) R. Simeon b. Gamaliel.

(47) עמי הארץ pl. of am ha-arez (v. Glos.).

(48) טבלים pl. of tebel (v. Glos.). This is explained soon.

(49) Rabbi and his father.

(50) Lit., 'until here'.

(51) Of setting apart terumah from produce that is not in close proximity with that for which it is set apart.

(52) Lit., 'all the world'.

(53) As R. Shesheth ruled.

(54) In this case the owner of the fig tree whose duty it is to provide for the proper separation of the prescribed dues.

(55) Since, even according to R. Simeon b. Gamaliel, had it not been for the consideration that produce and dues must be in close proximity, the owner would have been presumed to have set apart all the prescribed dues.

(56) How could he maintain his ruling in view of this argument?

(57) Of Hozae (Khuzistan).

(58) I.e., produce for which the prescribed dues have not been given.

(59) Pes. 9a. This presumption, however, does not apply to an ordinary agent who might sometimes fail to carry out his mission.

(60) The owner spoken of.

(61) Lit., 'his friend'.

(62) Certainly not. The one 'am ha-arez would rather rely on the other.

(63) Lit., 'but'.

(64) Since the person addressed was a Fellow.

(65) Lit., 'what do they want there?'

(66) Lit., 'heard him'.

Talmud - Mas. Eirubin 32b

is of the opinion that that Fellow may eat [the fruit] and need not tithe it because it is certain that the first Fellow had duly given the tithe for it, while R. Simeon b. Gamaliel ruled that he must not eat [the fruit] before he tithed it because Fellows are not suspected of giving terumah from [produce] that is not in close proximity [to that for which it is given]. Thereupon Rabbi said to him, 'It is preferable that Fellows should be suspected of giving terumah from [produce] that is not in close proximity [with that for which it is given] than that they should give amme ha-arez to eat all sorts of tebel'. On what principle do they¹ differ? — Rabbi holds that a Fellow is satisfied to commit a minor ritual offence² in order that an 'am ha-arez should not commit a major one,³ while R. Simeon b. Gamaliel holds that a Fellow prefers the 'am ha-arez to commit a major ritual offence rather than that he should commit even a minor one.⁴

MISHNAH. IF HE DEPOSITED I⁵ ON A TREE ABOVE [A HEIGHT] OF TEN HANDBREADTHS,⁶ HIS 'ERUB IS INEFFECTIVE; [IF HE DEPOSITED IT AT AN ALTITUDE] BELOW TEN HANDBREADTHS HIS 'ERUB IS EFFECTIVE. IF HE DEPOSITED IT IN A CISTERN,⁶ EVEN IF IT IS A HUNDRED CUBITS DEEP, HIS ERUB IS EFFECTIVE.

GEMARA. R. Hiyya b. Abba and R. Assi and Raba b. Nathan sat at their studies while R. Nahman was sitting beside them, and in the course of their session they discussed the following. Where could that tree have been standing? If it be suggested that it stood in a private domain, what matters⁷ it [it may be objected] whether it was ABOVE [A HEIGHT] OF TEN HANDBREADTHS or BELOW it, seeing that a private domain rises up to the sky? If, however, [it be suggested] that it stood in a public domain [the question arises] where did the man intend to make his Sabbath abode?⁸ If it be suggested that he intended to make it on, [the tree] above, are not then he and his ‘erub in the same domain?⁹ — [The fact,] however, [is that] he intended to make his Sabbath abode below.¹⁰ But is he not¹¹ making use of the tree?¹² — It may still be maintained that [the tree] stood in a public domain and that the man's intention was to acquire his Sabbath abode below, but¹³ [this Mishnah] represents the view of Rabbi who land down: Any act that is forbidden¹⁴ by a Rabbinical measure¹⁵ is not subject to that prohibition during twilight.¹⁶ ‘Well spoken!’¹⁷ said R. Nahman to them, ‘and so also did Samuel say’. ‘Do you¹⁸ explain with it’, they said to him, ‘so much?’ (But did not they themselves explain [their difficulty] thereby? — In fact it was this that they said to him: ‘Did you embody it in the Gemara?’)¹⁹ — ‘Yes’, he answered them — So it was also stated:²⁰ R. Nahman reporting Samuel said: Here we are dealing with a tree that stood in a public domain, that was ten handbreadths high and four handbreadths wide, and the man had the intention to acquire his Sabbath abode below. This, furthermore, is the view of Rabbi who land down: Any act that is forbidden by a Rabbinical measure¹⁵ is not subject to that prohibition during twilight.²¹

Raba stated: This²² was taught only in respect of a tree that stood beyond the outskirts²³ of the town, but where a tree stood within the outskirts of the town²⁴ an ‘erub is effective even [if it was deposited] above [a height] of ten handbreadths,²⁵ since a town is deemed to be full.²⁶ If so,²⁷ the same [law should apply to an erub on a tree] beyond the outskirts of a town, for since Raba ruled: ‘A man who deposited his ‘erub [in any spot] acquires [an abode of] four cubits,’²⁸ that spot is a private domain which rises up to the sky?²⁹ — R. Isaac the son of R. Mesharsheya replied: Here we are dealing with a tree whose branches bent over beyond the four cubits

(1) Rabbi and his father.

(2) Giving the dues from produce that is not in close proximity with that for which it is given.

(3) Eating tebel.

(4) V. supra n. 2.

(5) The ‘erub.

(6) This is explained in the Gemara infra.

(7) Lit., ‘what (difference is it) to me’.

(8) Lit., ‘to rest’.

(9) And the ‘erub should be effective even if it was deposited above a height of ten handbreadths.

(10) At the root of the tree in the public domain. If the ‘erub is above ten handbreadths it is ineffective because the tree on which it lay, being presumably no less than four handbreadths in width has, above a height often handbreadths, the status of a private domain, and carrying from a private domain into the public one, where the man had acquired his abode, is forbidden.

(11) When he takes down the ‘erub.

(12) Even where the height was less than ten handbreadths. Such use being forbidden on the Sabbath (cf. Bezah 36b) how could the ‘erub be deemed valid?

(13) In reply to the objection raised (v. previous note).

(14) On the Sabbath.

(15) Shebuth.

(16) Of the Sabbath Eve; because it is doubtful whether that time is regarded as Sabbath proper or as ‘the conclusion of the weekday. As the acquisition of a Sabbath abode by ‘erub must take effect at twilight, and since at that time the use of the tree was permitted, the ‘erub in the circumstances mentioned may well be deemed effective.

(17) Aliter: Perfectly correct. Alter: Thanks. The reading is **ישר** lit., ‘upright’ or **ישר** with **כהך** or **כחכם** ‘thy or your strength’ implied, ‘may thy (or your) strength be firm’.

(18) 'Who seem so pleased with the answer —

(19) [I.e., have you included this as a fixed element in the Talmud? This is one of the few passages which throw light on the first stages of the redaction of the Talmud, v. J.E. XII, p. 15.]

(20) [A confirmatory amoraic tradition that this explanation has been included as a fixed element in the Talmud.]

(21) Supra q.v. notes.

(22) The ruling in our Mishnah.

(23) עִיבּוּרָה (rt. עֵבֵר 'to pass'), houses situated within seventy and two-thirds cubits from the town (v. infra 57a).

(24) A tree in such a locality of a town is likely to be used as a repository for an 'erub by a person living in a neighbouring town, within two thousand cubits distance from this one, who is desirous of going two thousand cubits beyond the outskirts of the latter (Rashi).

(25) And the person intended to acquire his Sabbath abode below.

(26) Sc. with earth; even the space above the ground, since it is surrounded by houses, assumes some of the characteristics of a private domain, as if the ground itself were raised into the space above. Though movement of objects from the tree to the public domain remains forbidden the person's 'abode' in respect of the 'erub is deemed to be level with it, and the 'erub is consequently valid.

(27) If the ground, in respect of 'erub, is deemed to be raised to the level of the 'erub.

(28) Infra 35a.

(29) So that the 'erub and the person are virtually in the same domain, however high the 'erub lay (cf. supra n. 2).

Talmud - Mas. Eirubin 33a

while the man intended to acquire his Sabbath abode at its root;¹ and what [is the explanation for the use of the expressions,] 'above' and 'below'?² That [the branch]³ rises again into a vertical position. But could not the man,⁴ if he so wished, bring [the 'erub]⁵ by way of the upper part of the tree?⁶ — [This is a case] where many people adjust their burdens⁷ on it,⁸ and [this ruling⁹ is] in agreement with that of Ulla who laid down: If a column, nine handbreadths high,¹⁰ was situated in a public domain and many people were adjusting their burdens on it, any man who throws¹¹ an object that comes to rest upon It is guilty.¹²

What is the source of the dispute between,¹³ Rabbi and the Rabbis?¹⁴ — It was taught: If he deposited it on a tree above [a height] of ten handbreadths, his 'erub is ineffective;¹⁵ [if he deposited it at an altitude] below ten handbreadths his 'erub is effective, but he must not move it.¹⁶ [If the 'erub was deposited]¹⁷ within three [handbreadths from the ground] it is permitted to move it.¹⁸ If he put it in a basket and hung it upon the tree his 'erub is effective even if it was above [a height] of ten handbreadths;¹⁹ Rabbi. But the Sages ruled: Wherever it is forbidden to move it the 'erub is ineffective. Now to what [does the statement,] 'But the Sages ruled' refer? If it be suggested: To the final clause,²⁰ [the difficulty would arise:] Does this imply that the Rabbis hold the opinion that [the use of the] sides²¹ [is also] forbidden?²² Consequently [it must refer] to the first clause.²³ But then, what [size of] tree is done to imagine? If [it is one] which is less than four [handbreadths in width,] then, surely, it is a spot of exemption;²⁴ and if it was four [handbreadths wide,]²⁵ what is [the use, it may be asked,] that the 'erub was put in a basket?²⁶ — Rabina replied: The first clause [is a case] where [the tree] had [a width] of four [handbreadths,²⁷ while] the final clause [deals with one] whose width was less than four [handbreadths]²⁸ but the basket supplemented it to four

(1) The branches outside the four cubits are obviously in the public domain. If, therefore, the 'erub lay below the height of ten cubits it is possible to carry it in small stages of less than four cubits to the root of the tree which is a private domain only as regards 'erub but not in respect of forbidding the movement of objects into it from the public domain. If, however, the 'erub was deposited above the height of ten cubits (so that it rested in a private domain proper) it would not be permitted to carry it to the root of the tree (another private domain) via the public domain. Hence its invalidity.

(2) לְמַעַלָּה and לְמַטָּה. Such terms are applicable to an 'erub on a tree that stands upright but not to one on a branch, projecting horizontally. In the latter case the expressions, 'high' and 'low' would be expected.

(3) At first projecting horizontally at an altitude below ten handbreadths.

- (4) Even where the 'erub lay at a height of ten handbreadths, and beyond four cubits of the root where he intended to acquire the Sabbath abode.
- (5) From the branch to the root of the tree.
- (6) I.e., by climbing to the upper part of the tree, which, being above an attitude of ten handbreadths, is a private domain through which it is permitted to carry from the private domain in which the 'erub lay to the root of the tree which also is a private domain.
- (7) מכתפין denom. pi'el of כתף 'to shoulder'.
- (8) The branch that was beyond the four cubits was lower than ten handbreadths; which, in consequence, assumes the status of a public domain. It is impossible, therefore, to carry the 'erub from the upright portion of the branch which is a private domain to the root of the tree which is also a private domain, since the only way possible, viz. the horizontal portion of the branch, constitutes a public domain of all the space above it, and it is forbidden to carry from one private into another private domain via a public domain (cf. Shab. 96a).
- (9) That the branch has the status of a public domain.
- (10) Only of that height; for if it was lower than three handbreadths it is regarded as a mere projection and as a part of the ground; from three to nine handbreadths in height, since it is too low for adjusting burdens, it is not deemed a public domain but it has the status of a karmelith (v. Glos.); and one of ten handbreadths in height is deemed to be a private domain.
- (11) Across a distance of four cubits from the column
- (12) Shab. 3a; of the offence of desecrating the Sabbath, because the column has the status of a public domain. Where, however, the public do not adjust their burdens upon the column it is not deemed a public domain and no guilt is incurred by the man who threw the object because, though he lifted it up in a public domain, it did not come to rest in a public domain, and no guilt for throwing a distance of four cubits in a public domain is incurred unless both the lifting and the resting of the object took place in a public domain.
- (13) Lit., 'what . . . and what'.
- (14) Referred to supra 32b.
- (15) If, as was explained supra, the man's intention was to make his abode at the root of the tree whose branches extended horizontally across the public domain to a distance of four cubits and then turned upwards into a vertical position.
- (16) On the Sabbath, from its place on the tree to his 'abode' at the root of that tree; because the use of a tree is forbidden on the Sabbath. The 'erub is nevertheless effective since at twilight on Friday, when the 'abode' is acquired, the use of the tree, which is only Rabbinically forbidden on the Sabbath, is then permitted and the 'erub, therefore, could then be moved.
- (17) On the tree.
- (18) On the Sabbath; because a height of less than three handbreadths is regarded as the ground itself.
- (19) Provided, as explained infra, the tree is less than four handbreadths in width.
- (20) Rabbi having ruled that an 'erub in a basket suspended from a tree is effective, the Sages objected that, since on the Sabbath the 'erub' may not be moved, on account of the Rabbinical prohibition against the use of a tree, it must not be moved, as a preventive measure, even at twilight of the Sabbath Eve when the 'erub should come into force, and the 'erub is consequently ineffective.
- (21) As is the case here where the basket does not rest on the tree but is suspended from its sides.
- (22) But this question in fact forms the subject of a dispute in Shab. 154b.
- (23) Where Rabbi stated that an 'erub on a tree below the height of ten handbreadths is effective though it may not be moved on the Sabbath. To this the Sages objected that, though the abode and the 'erub were in the public domain, since the 'erub may not be moved on the Sabbath, on account of the prohibition against the use of the tree, it may not be moved at twilight either, and the 'erub is, therefore, invalid.
- (24) I.e., a spot the identity of which is merged into the domain in which it is situated (v. Shab. 6a), so that it is permitted, even in Rabbinic law, to move objects from the former into the latter and vice versa. As the tree in question is situated in a public domain it is permitted to move the 'erub from the one into the other. Why then should the 'erub be ineffective even where it lay at a height above ten handbreadths?
- (25) So that the prohibition in the first clause is due to the fact that the tree constituted a private domain from which it is forbidden to carry into the public domain.
- (26) Seeing that neither the 'erub alone nor the 'erub with the basket may be moved from one domain into another.

(27) As the tree thus constituted a private domain the 'erub on it could not be carried to the 'abode' in the public domain. Hence the invalidity of the 'erub.

(28) In consequence of which it cannot be regarded as a private domain.

Talmud - Mas. Eirubin 33b

and Rabbi adopts the same view as that of R. Meir and also the same as that of R. Judah. He adopts the same view as that of R. Meir who ruled: 'Excavation may be imagined so that [the prescribed measurements] may be obtained',¹ and he also adopts the same view as that of R. Judah who ruled: It is necessary that the 'erub [shall rest] on a spot that is four [handbreadths wide]', which is not the case here.²

What [is the source of the ruling of] R. Judah? — It was taught: R. Judah ruled: If a man inserted a pole in [the ground of] a public domain and deposited his 'erub on it, his 'erub is effective [if the pole was] ten [handbreadths] high and four [handbreadths] wide;³ otherwise⁴ his 'erub is ineffective. On the contrary! Are not he and his 'erub [in the latter case]⁵ in the same domain?⁶ It is this rather that he⁷ meant: [If the pole⁸ was] ten [handbreadths] high it is necessary⁹ that at its top it shall be four [handbreadths wide],¹⁰ but if it was not ten [handbreadths] high it is not necessary for its top to be four [handbreadths wide].¹¹

In agreement with whose view?¹² — [It is apparently] not in agreement with that of R. Jose son of R. Judah, seeing that it was taught: R. Jose son of R. Judah ruled: If a man inserted a reed in [the ground of] a public domain and on the top of it he fixed a basket,¹³ any one who threw¹⁴ something which came to a rest on the top of it incurs guilt?¹⁵ — It¹⁶ may be said [to be in agreement] even [with that of] R. Jose son of R. Judah, for there¹⁷ the sides¹⁸ surround [the reed],¹⁹ but here²⁰ the sides¹⁸ do not surround [the tree].²¹ R. Jeremiah²² replied:²³ A basket is different²⁴ since one might incline it and so²⁵ lower it within ten [handbreadths from the ground].²⁶ R. Papa sitting at his studies was discoursing on this traditional teaching,²⁷ when Rab b. Shaba pointed out to him the following objection: [We learned, he said]: How is one²⁸ to proceed?²⁹ He arranges [for the 'erub'] to be carried [by a deputy³⁰ to the required spot] on the first day,³¹ and, having remained there with it until dusk,³² he takes it [with him]³³ and goes away.³⁴ On the second day³⁵ he [again] comes [with it] and keeps it there until dusk³² when he may consume it³⁶ and go away.³⁷

(1) Lit., 'to complete', v. supra 11b. Hence it is permissible to add the width of the basket to that of the tree to impart to the latter the status of a private domain. It is not regarded, however, as a private domain in all respects since the prescribed width does not extend below the basket where the width of the tree is less than four handbreadths.

(2) Lit., 'and there is not', unless the width of the basket is added.

(3) Because the area of four cubits in the public domain which he had acquired by making his abode for the Sabbath at the base of the pole, is in respect of the 'erub regarded as a private domain which extends from the earth to the sky and in consequence of which he may move his 'erub' from the top of the pole, which is a private domain, to its base at the side of which he made his abode.

(4) Lit., 'and if not'. This is now assumed to mean: If the width was less than four handbreadths or the height was less than ten handbreadths.

(5) ,Where the pole (v. previous note) was less than ten handbreadths high.

(6) Since the pole does not constitute a private domain. Why then is the 'erub ineffective?

(7) R. Judah.

(8) On the top of which the 'erub was placed.

(9) If the 'erub is to be effective.

(10) Such a width constitutes a private domain and, as explained supra n. 5, the 'erub is effective. If the width, however, is less than four handbreadths the 'erub, resting in no 'domain' and being suspended, so to speak, in the air, must be ineffective.

(11) Sc. even if it is less than four handbreadths wide the 'erub is effective, since an object suspended within ten

handbreadths from the ground is deemed to be resting on the ground itself.

(12) Did Rabina (spurn 33a ad fin.) lay down that, though the width of the basket brings up a portion of a tree to the prescribed size of four handbreadths, the status of a private domain cannot be imparted to that portion unless the full height of the tree from the ground to that Spot was four handbreadths wide.

(13) Four hand breadths wide.

(14) From the public domain.

(15) Shah. 5a, 101a; because the basket has the status of a private domain though the reed below it is less than the prescribed width. Is it likely, however, that Rabina's view is in disagreement with that of R. Jose son of R. Judah?

(16) Rabina's view.

(17) The case of the basket on top of the reed.

(18) Of the basket.

(19) And the rule of 'gud ahith' by which the sides are assumed to descend to the ground may well be applied. The top of the reed may, therefore, be regarded as a private domain.

(20) A basket attached to the side of a tree.

(21) If the spot on which the 'erub rested were to be regarded as a private domain two processes would have to be postulated, that (a) the tree is imagined to be cut away so as to make up with the basket the prescribed area of four handbreadths and (b) that the sides of the basket descended to the ground. The assumption of two such processes, however, is inadmissible even according to R. Jose son of R. Judah. (For another interpretation v. Rash s.v., **ואית דמפרשי** a.l.).

(22) Maintaining that the first as well as the second clause of the Baraita (supra 33a) refers to a spot that was four hand breadths wide.

(23) To the objection (loc. cit. ad fin.): What is the use that the 'erub was put in a basket?

(24) From a fixed tree or pole.

(25) Without detaching it from the tree.

(26) And so obtain his 'erub without carrying it from one domain into another. Hence the validity of the 'erub even if one did not actually incline the basket.

(27) Of R. Jeremiah.

(28) Who wishes to prepare an 'erub for a festival, that occurred on a Friday, and for the Sabbath day following it.

(29) Were the 'erub to be deposited on the festival eve only, it might sometimes be lost during the day before the Sabbath commenced and the man, though provided for during the festival at the commencement of which the 'erub was in existence, would remain unprovided for during the Sabbath day.

(30) Cf Rashi s.v. **מתלב** and Tosaf. s.v. **מוליכו** a.l.

(31) Sc. on the festival eve.

(32) When, the 'abode' is acquired.

(33) For fear it gets lost.

(34) Lit., 'and comes for himself'.

(35) Friday, which is the Sabbath eve.

(36) Since the 'erub already served its purpose. He cannot again carry it away with him, as he did on the evening of the festival, since carrying in a public domain is forbidden on the Sabbath.

(37) Infra 3a.

Talmud - Mas. Eirubin 34a

Now, why [should this¹ at all be necessary]? Let it rather be land down:² Since one could carry it³ if one wished, [the 'erub], though one had not actually carried it, is deemed to have been carried? — R. Zera replied: This¹ is a preventive measure against the possibility of [not carrying it³ even when] a festival occurred on a Sunday.⁴

He pointed out to him [another] objection: If a man, intending to acquire his Sabbath abode in a public domain, deposited his 'erub in a wall⁵ lower than ten handbreadths [from the ground], his 'erub is effective,⁶ [but if he deposited it] above [a height of] ten handbreadths [from the ground]⁷ his 'erub is ineffective.⁸ If he intended to make his abode on the top of a dove-cote, or on the top of a

turret, his 'erub is valid [if it lay⁹ at a height] above ten handbreadths [from the ground;¹⁰ but if it lay at a level] below ten handbreadths [from the ground]¹¹ his 'erub is ineffective.¹² but why?¹³ Could it not be said here also¹⁴ [that the 'erub is effective] 'since one could incline [the dove-cote or the turret] and so lower it to a level of less than¹⁵ ten [handbreadths from the ground]?'¹⁶ — R. Jeremiah replied: Here we are dealing with a turret¹⁷ that was nailed [to the wall].¹⁸ Raba replied: It¹⁹ may be said to refer even to a turret¹⁷ that was not nailed [to a wall], for we might be dealing with a high turret²⁰ which, were one to incline it a little,²¹ it would project²² beyond [the original area of] four cubits.²³ But how is one to imagine [the circumstance]? If [the turret] had a window, and a cord [also was available, why should not the 'erub] be taken up through the window by means of the cord?²⁴ — This is a case where there was neither window nor cord.

IF HE DEPOSITED IT IN A CISTERN EVEN IF IT IS A HUNDRED CUBITS DEEP etc. Where was this CISTERN situated? If it be suggested that it was situated in a private domain,

- (1) The carrying of an 'erub to the place one wishes to acquire as his Sabbath abode.
- (2) As was done in the case of the basket, that, since one might incline it etc., it is the same as if one actually did it.
- (3) To the required spot.
- (4) Lit., '(the day) after the Sabbath'. In such a case the 'erub, if it is to be effective for the festival, must be carried to the required spot on the Sabbath eve. It cannot be taken there on the Sabbath when the carrying of objects is forbidden. Consequently, had it not been instituted that an 'erub must always be carried to the required spot, one might erroneously have formed the opinion that even in the case postulated the carrying of the 'erub to the required spot is unnecessary; and this would have had the result that the 'erub could be ineffective, since in this case carrying on the Sabbath being forbidden, the principle, 'Since it might be carried etc.' is obviously inapplicable.
- (5) That was more than four cubits distant from the 'abode'. If it was within the four cubits the 'erub is valid in both the following cases as explained supra in the case of a tree.
- (6) Since it is possible to carry it from the wall to the 'abode' in small stages of less than four cubits. Such a mode of carrying is forbidden on the Sabbath proper by a Rabbinical measure only; and, as the twilight of the Sabbath eve is regarded as Sabbath proper also by a Rabbinical measure only and as one Rabbinical measure cannot be imposed upon another, the carrying in small stages has not been forbidden at twilight when the acquisition of the 'abode' takes place.
- (7) So that the erub rested in a private domain.
- (8) Since it is forbidden even at twilight to convey from a private domain (v. previous note) into a public domain (where the man would be standing when taking down the 'erub from the wall).
- (9) In the dove-cote or turret.
- (10) Though the man could not carry the 'erub from its place to his abode, on account of the public domain which intervened between his private domain and that in which the 'erub lay (cf. Shab. 96a) he could well descend to the level where the 'erub was deposited and consume it there, since in respect of 'erub and 'abode' all space above ten handbreadths from the ground is regarded as one and the same domain.
- (11) If the cote or turret, for instance, had several compartments one above the other, and the 'erub lay in one of the lower ones.
- (12) Since such a place has the status of a karmelith from which it is forbidden to carry the 'erub to the top of the cote or turret on account of the public domain that intervened between them. Should the man descend to the level of the 'erub to consume it there, he would be leaving the domain of his abode for another domain which is contrary to the requirement that the 'erub must be in a position from which it can be taken to the abode and eaten there.
- (13) Should an 'erub below a level of ten handbreadths be ineffective.
- (14) As was said by R. Jeremiah (supra 33b ad fin.) regarding the basket.
- (15) Lit., 'to bend it and bring it to within'.
- (16) By lowering it to that altitude the 'abode' would be situated in a public domain into which, as explained supra, that two Rabbinical measures are not imposed upon one another, it is permitted at twilight of the Sabbath eve to carry from a karmelith. This Baraita obviously represents the view of Rabbi (v. Supra 32b) since its first clause recognizes the validity of an 'erub that was deposited in a wall below ten handbreadths from the ground though in such circumstances the man's abode is in a public domain while his 'erub is in a karmelith.
- (17) Or dove-cote.

(18) So that it cannot be moved from its position.

(19) The Baraitha under discussion.

(20) One higher than four cubits.

(21) To lower its top to an altitude of less than ten handbreadths.

(22) On account of its size.

(23) In which it was originally situated and which constituted the man's abode. An 'erub cannot be effective unless it call be consumed within four cubits of the original position of the abode.

(24) Pulling with a cord in such circumstances is only a Rabbinical prohibition which, as explained Supra, does not apply to the twilight if Sabbath eve when the Sabbath abode is acquired. (This note follows Rashi's second, while the previous notes on the passage are based on Rashi's first explanation.)

Talmud - Mas. Eirubin 34b

is [not this ruling, it may be objected,] obvious, seeing that a private domain rises up to the sky, and as it rises upwards so it descends downwards?¹ If, on the other hand, it be suggested that it was situated in a public domain, where [it may again be objected] did the man intend to have his Sabbath abode? If above,² he would be in one domain and his 'erub in another;³ and if below,⁴ [is not the ruling again] obvious seeing that he and his 'erub are in the same place?¹ - [This ruling was] required only in a case where [the cistern] was situated in a karmelith⁵ and the man intended to make his abode above;⁶ [and this ruling]⁷ represents the view of Rabbi who laid down: Any act that is forbidden by a Rabbinical measure⁸ is not subject to that prohibition during twilight [on the Sabbath eve].⁹

MISHNAH. IF IT¹⁰ WAS PUT ON THE TOP OF A REED OR ON THE TOP OF A POLE, PROVIDED¹¹ IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND, EVEN THOUGH IT WAS A HUNDRED CUBITS HIGH, THE ERUB IS EFFECTIVE.¹²

GEMARA. R. Adda b. Mattena pointed out to Raba the following incongruity: [From our Mishnah it appears that] only¹³ if IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND is the 'erub effective, but if it was] not first uprooted and then inserted [in the ground the 'erub would] not [have been effective].¹⁴ Now whose [view is this? Obviously] that of the Rabbis who ruled: Any act that is forbidden by a Rabbinical measure¹⁵ is also forbidden at twilight [on the Sabbath eve].¹⁶ But you also said that the first clause¹⁷ [represents the view of] Rabbi. [Would then] the first clause [represent the view of] Rabbi and the final clause [that of the] Rabbis? — The other replied: Rami b. Hama has already pointed out this incongruity to R. Hisda who answered him that the first clause was indeed the view of Rabbi while the final one was that of the Rabbis. Rabina said: Both clauses¹⁸ represent the view of Rabbi but [the restriction in] the final clause is a preventive measure against the possibility of nipping [the frail reed].¹⁹

An army once came to Nehardea²⁰ and R. Nahman told his disciples, 'Go out into the marsh and prepare an embankment [from the growing reeds]²¹ so that to-morrow we might go there and sit on them'. Rami b. Hama raised the following objection against R. Nahman or, as others say: R. 'Ukba b. Abba raised the objection against R. Nahman: [Have we not learnt] that only²² if IT HAD BEEN UPROOTED AND THEN INSERTED [IN THE GROUND is the 'erub effective, [from which it follows, if it was] not first uprooted and then inserted [in the ground the 'erub is] not [effective]?²³ — The other replied: There²⁴ [it is a case] of hardened reeds.²⁵ And whence is it derived that we draw a distinction between hardened, and unhardened reeds? — From what was taught: Reeds, thorns and thistles belong to the species of trees and are not subject to the prohibition of kil'ayim²⁶ in the vineyard;²⁷ and another- [Baraitha] taught: Reeds, cassia and bulrushes are a species of herb and subject to the prohibition of kil'ayim in the vineyard. [Now are not the two Baraithas] contradictory to each other?²⁸ It must consequently be inferred that the former deals with²⁹ hardened reeds while the latter deals with²⁹ such as are not hardened. This is conclusive. But is cassia a species of herb?

Have we not in fact learnt: Rue³⁰ must not be grafted on white cassia because [this act would constitute the mingling of] a herb with a tree?³¹ — R. Papa replied: Cassia and white cassia are two different species.³²

MISHNAH. IF IT WAS PUT IN A CUPBOARD³³ AND THE KEY WAS LOST THE 'ERUB IS NEVERTHELESS EFFECTIVE.³⁴ R. ELIEZER RULED: IF IT IS NOT KNOWN³⁵ THAT THE KEY IS IN ITS PROPER PLACE THE 'ERUB IS INEFFECTIVE.

GEMARA. But why?³⁶ Is not this a case where he³⁷ is in one place and his 'erub is in another?³⁸ — Both Rab and Samuel explained: We are dealing here with a CUPBOARD of bricks³⁹ and this ruling represents the view of R. Meir who maintains that it is permitted at the outset⁴⁰ to make a breach⁴¹ [in a structure] in order to take [something out of it]. For we learned: If a house that was filled with fruit was closed up but a breach accidentally appeared,⁴² it is permitted to take [the fruit out] through the breach;⁴³ and R. Meir ruled: It is permitted at the outset to make a breach⁴¹ in order to take [the fruit out].⁴⁴ But did not R. Nahman b. Adda state in the name of Samuel [that the reference there⁴⁴ is] to a pile of bricks?⁴⁵ — Here⁴⁶ also [the reference is] to a pile of bricks. But did not R. Zera maintain that [the Rabbis]⁴⁷ spoke only of a festival but not of a Sabbath?⁴⁸ — Here⁴⁹ also [the 'erub is one that was prepared] for a festival. If that were so,⁵⁰ would it have been justified to state⁵¹ in reference to this [Mishnah that] 'R. Eliezer⁵² ruled: If [the key] was lost in town the 'erub is effective⁵³ but if it was lost in a field⁵⁴ it is not effective'.⁵⁵ Now if it was on a festival⁵⁶ there is no difference in this respect between a town and a field?⁵⁷

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- (1) Why then should the obvious be stated?
 - (2) Outside the cistern in the public domain.
 - (3) In which case the 'erub should be ineffective, while according to our Mishnah it is effective.
 - (4) In the cistern.
 - (5) For instance, in a stretch of fields.
 - (6) So that his abode was in a karmelith while his 'erub lay in a private domain.
 - (7) Which assumes the permissibility of movement of objects between a karmelith and a private domain at twilight on the Sabbath eve.
 - (8) As is that of carrying the 'erub from the private domain into the karmelith.
 - (9) When the acquisition of the abode takes place.
 - (10) An 'erub.
 - (11) Lit., 'at the time'.
 - (12) If it rested on a platform of no less than four handbreadths by four, that was attached to the top of the reed or the pole.' Such a platform, though it conforms to the size of a private domain, cannot be regarded as a private domain proper on account of the base on which it rests which is narrower than the prescribed size of four handbreadths.
 - (13) Lit., 'yes'.
 - (14) Obviously because the 'erub could not be removed from its place on account of the prohibition of making use of a growing plant.
 - (15) Such as the use of a tree on the Sabbath.
 - (16) Supra 30b.
 - (17) The preceding Mishnah supra 32b.
 - (18) Lit., 'all of it'.
 - (19) When removing the 'erub from it. The nipping of a piece of reed is Pentateuchally forbidden and hence prohibited also at twilight. Such possibility need not be provided for in [the case of a tree which is hard and strong.
 - (20) And apparently took up the quarters that were used by R. Nahman and his disciples for their studies.
 - (21) I.e., by bending growing reeds over each other.
 - (22) Lit., 'yes'.
 - (23) Obviously because it is forbidden to use a growing reed. How then could R. Nahman permit the use of an embankment made of growing reeds?
 - (24) The ruling in our Mishnah.

- (25) Which are regarded as trees the use of which on the Sabbath is forbidden. Soft reeds, however, which come under the category of herb, may, therefore, be used.
- (26) V. Glos.
- (27) Tosef. Kil.III.
- (28) In the former Baraitha reeds are classed as a species of tree and in the latter as a species of herb.
- (29) Lit., 'here
- (30) Pigam, Gr. **.
- (31) Kil. I, 8.
- (32) Lit., 'Cassia alone and white cassia alone'.
- (33) Or TURRET. Var. lec. 'and it was locked up' (J.T. MS.M. and Asheri).
- (34) The Gemara infra explains under what circumstances.
- (35) So MS. M. Cur. edd., 'if he does not know'.
- (36) Is the 'erub NEVERTHELESS EFFECTIVE.
- (37) The man for whom the 'erub was prepared.
- (38) Since the man cannot get at the 'erub without a key.
- (39) Which can easily be broken into (as will be explained infra).
- (40) Even on a day when mukzeh (v. Glos.) is forbidden.
- (41) Lit., 'to diminish', 'to hollow out'.
- (42) Even if this happened on the very festival.
- (43) And the fruit nevertheless is not regarded as mukzeh (v. Glos.).
- (44) Bezah 31b.
- (45) Loosely put together with no cement or mortar between them. What proof then is there that a breach may also be made at the outset in a cupboard, the bricks in whose walls are presumably firmly built up?
- (46) In our Mishnah.
- (47) In the Mishnah quoted from Bezah.
- (48) Whereas the 'erub in our Mishnah is presumably applicable to Sabbaths as well as festivals.
- (49) In our Mishnah.
- (50) That our Mishnah deals with an 'erub for a festival only.
- (51) Lit., 'that is it which he taught?'
- (52) var. lec. 'Eleazar'.
- (53) Because it is possible to carry the key to the cupboard by way of courtyards, roofs and similar places all of which belong to the same class of domain.
- (54) From which it is forbidden to carry it to the cupboard.
- (55) Tosef. 'Er. 11.
- (56) When the carrying of objects is permitted.
- (57) Lit., 'what to me etc.' At this stage it may be explained. three different views have been recorded: (i) That of the first Tanna of our Mishnah who rules the 'erub to be effective whether the key of the cupboard was lost in town or in a field, since in his view it is permitted to break into the cupboard to get to the 'erub; (ii) That of R. Eliezer of our Mishnah who rules that the 'erub is not effective irrespective of whether the key was lost in town or in a field, since in his opinion the cupboard may not be broken into (contrary to the view of R. Meir) nor may the key be carried by way of courtyards, roofs and the like because these (contrary to the view of R. Simeon) are not regarded as one domain; and (iii) that of R. Eliezer of the Baraitha who agrees with R. Simeon. Aliter: R. Eliezer of our Mishnah refers to a key lost in a field and thus upholds the view of R. Eliezer of the Baraitha (Rashi).

Talmud - Mas. Eirubin 35a

— [Some words] indeed are missing [from the Baraitha] and this is the proper reading: If it was put in a cupboard and locked up and the key was lost the 'erub is effective. This ruling, however, applies only to a festival but on a Sabbath¹ the 'erub is ineffective. [Even] if the key was found,² whether in town or in a field, the 'erub is ineffective.³ R. Eliezer ruled: [If it was found] in town the 'erub is effective; if in a field it is ineffective. 'In town the 'erub is effective' in agreement with R. Simeon who laid down that roofs, courtyards as well as karpafs⁴ have the status of the same domain in

respect of objects that rested in them.⁵ In a field it is ineffective in agreement with the Rabbis.⁶

Both Rabbah and R. Joseph explained:⁷ We are dealing here with a wooden CUPBOARD, one Master⁸ being of the opinion that it [has the status of] a vessel to which the prohibition of building or demolition does not apply,⁹ while the other Master¹⁰ is of the opinion that it [has the status of] a tent.¹¹ And do they¹² then differ on the same principle as the following Tannas? For we learned: [If a Zab]¹³ beat [his fist]¹⁴ upon a chest, a box or a cupboard¹⁵ they¹⁶ become levitically unclean,¹⁷ but R. Nehemiah and R. Simeon declare them clean.¹⁸ Now, do not these differ on the following principle: One Master¹⁹ is of the opinion that it²⁰ [is regarded as] a vessel²¹ while the other Masters²² are of the opinion that it [is regarded as] a tent?²³ — Said Abaye: And how do you understand it?²⁴ Was it not in fact taught: ‘If it was a tent²⁵ that can be shaken²⁶ it is unclean; if it is a vessel²⁷ that cannot be shaken²⁸ it is clean’?²⁹ And, furthermore, in the final clause³⁰ it was taught: ‘But if they were shifted²⁸ they become unclean; this being the general rule: [If the object] is shifted from its place as a direct result of the zab's strength,³¹ it becomes unclean, [but if it moved from its place] on account of the vibration [of an object on which it rested]³² it remains clean’?³³ Rather, said Abaye, all agree [that an object that] moved from its place as a direct result of the zab's strength is unclean³⁴ [but if it moved as] a result of the shaking [of another object on which it rested] it is clean;³⁵ but here³⁶ we are dealing [with an object], the vibration of which was the direct result of the zab's strength.³⁷ And it is this principle on which they differ. The Master³⁸ is of the opinion [that such vibration] is regarded as a shifting [of the object from its place],³⁹ and the Masters⁴⁰ are of the opinion that it is not so regarded.⁴¹ How then is our Mishnah⁴² to be explained?⁴³ — Both Abaye and Raba replied: We are dealing with a lock that⁴⁴ was tied with a cord for the cutting of which a knife is required.⁴⁵ The first Tanna holds the same view as R. Jose who laid down: All instruments may be moved on the Sabbath except a large saw⁴⁶ and the pin of a plough,⁴⁷ while R. Eliezer holds the same view as R. Nehemiah who laid down: Even a cloak and even a spoon may not be moved⁴⁸ except for the purpose for which they were made.⁴⁹

MISHNAH. [IF THE ‘ERUB] ROLLED AWAY BEYOND THE [SABBATH] LIMIT,⁵⁰ OR IF A HEAP FELL ON IT,⁵¹ OR IF IT WAS BURNT, [OR IF IT CONSISTED OF] TERUMAH THAT BECAME UNCLEAN,⁵² [IF ANY OF THESE ACCIDENTS OCCURRED] WHILE IT WAS YET DAY,⁵³ IT IS INEFFECTIVE, [BUT IF IT OCCURRED] AFTER DUSK⁵⁴ THE ‘ERUB IS EFFECTIVE.⁵⁵ IF THIS IS DOUBTFUL⁵⁶ THE MAN,⁵⁷ SAID R. MEIR AND R. JUDAH, [IS IN THE POSITION OF BOTH] AN ASS-DRIVER AND A CAMEL-DRIVER.⁵⁸ R. JOSE AND R. SIMEON RULED: AN ‘ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE. R. JOSE STATED: ABTOLEMOS TESTIFIED ON THE AUTHORITY OF FIVE ELDERS THAT AN ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE.

GEMARA. [IF AN ‘ERUB] ROLLED AWAY BEYOND THE [SABBATH] LIMIT. Raba stated: This was taught only where it rolled away beyond [a distance] of four cubits, but [if it rested] within the four cubits [it is effective, since a person] who deposits his ‘erub [in any spot] acquires⁵⁹ [an area of] four cubits.⁶⁰

OR IF A HEAP FELL ON IT etc. Having been presumed that, if desired, [the ‘erub] could be taken out,⁶¹ must it be assumed⁶² that our Mishnah is not in agreement with Rabbi, for if [it were suggested to be] in agreement with Rabbi [the difficulty would arise]: Did he not lay down that any work that was only Rabbinically prohibited was not forbidden as a preventive measure [on the Sabbath eve] at twilight?⁶³ — It⁶⁴ may be said to be in agreement even with Rabbi, since it may apply to a case⁶⁵ where a hoe or a pick-axe is required.⁶⁶ And [both rulings⁶⁷ were] required. For if [only the one relating to an ‘erub that] ‘ROLLED AWAY’ had been taught it might have been presumed [that the ‘erub was ineffective] because it was not near the man for whom it had been provided,⁶⁸ but that where a heap fell on it, since it is near that man,⁶⁸ the ‘erub is effective. And if [only the ruling] ‘IF A HEAP FELL ON IT’ had been taught it might have been presumed [that the

‘erub was ineffective] because it was covered,⁶⁹ but that where it rolled away, since a wind might sometimes rise and carry it [back to its place], the ‘erub might be said to be effective. [Hence both rulings were] required.

OR IF IT WAS BURNT, [OR IF IT CONSISTED OF] TERUMAH THAT BECAME UNCLEAN. What need⁷⁰ [was there for both these rulings]?- ‘IT WAS BURNT’ was taught

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- (1) When it is forbidden to break into the cupboard and the ‘erub is consequently inaccessible.
 - (2) On the Sabbath.
 - (3) This Tanna being in disagreement with R. Simeon who (infra 89a) permits the carrying of a key by way of courtyards and roofs.
 - (4) Pl. of karpaf (v. Glos.).
 - (5) When the Sabbath began with the twilight of Friday eve. Hence it is possible for the key to be carried to the cupboard in the way described and thus to obtain the ‘erub.
 - (6) [Who differ from R. Simeon infra 95b and forbid the carrying of an object in relays from a field to a town (R. Han.).] The last sentence is rightly omitted by Bah., On the difficulties it presents cf. Strashun.
 - (7) The difficulty supra 34b: ‘Is not he in one place etc.’
 - (8) The first Tanna of our Mishnah.
 - (9) Lit., ‘and there is no building in vessels and no demolition in vessels’. Since the cupboard, therefore, may be broken open the ‘erub is accessible and effective.
 - (10) R. Eliezer.
 - (11) To which the prohibitions mentioned do apply’. The ‘erub, therefore, is inaccessible and ineffective.
 - (12) R. Eliezer in our Mishnah and the first Tanna.
 - (13) V. Glos.
 - (14) That was covered, for instance, with a glove which prevented it from coming in direct contact with the object struck and from imparting uncleanness to it by ‘touch’.
 - (15) Or turret.
 - (16) If the blow caused them to move, however slightly, from their position.
 - (17) In accordance with the law of hesset (v. Glos.).
 - (18) Zab. Iv, 3.
 - (19) The first Tanna of the Mishnah just cited.
 - (20) The cupboard or any of the other mentioned objects.
 - (21) Which is subject to the laws of uncleanness through hesset.
 - (22) R. Nehemiah and R. Simeon.
 - (23) To which the uncleanness mentioned does not apply. It thus follows that the Tannas in the Mishnah of Zabim differ on the same principle as that on which the Tannas in our Mishnah differ.
 - (24) The Mishnah from Zabim just cited.
 - (25) Not having been firmly fixed.
 - (26) By the indirect touch of a zab.
 - (27) That was firmly fixed or exceedingly heavy.
 - (28) By the indirect touch of a zab.
 - (29) Because its shaking by the zab does not shift it from its place. This obviously proves that the determining factor in the conveyance of uncleanness by shaking is the shifting of the object from its place and that the question of ‘tent’ or ‘vessel’ does not at all arise.
 - (30) Of the Baraita corresponding to the Mishnah from Zabim.
 - (31) As, for instance, by his beating on it with his gloved fist or a piece of wood.
 - (32) If the zab, for instance, stamped upon the ground and the shaking of the floor caused the object to shift from its place, so that the movement is the result of the vibration of the floor and only the indirect result of the zab's strength.
 - (33) Which again proves that the determining factor is the movement of the object from its place by the direct strength of the zab, and that the question of its status as a tent or a vessel does not come at all under consideration. It cannot therefore be suggested that the Tannas in the Mishnah of Zabim differ on the question of the status of the cupboard as a vessel or tent.

- (34) Even though it was a tent.
- (35) Though it was a vessel.
- (36) In the Mishnah from Zabim under discussion.
- (37) If, for instance, he struck the object with his gloved fist or a piece of wood (so that there was no direct 'touch') and the object only vibrated but did not move from its place.
- (38) The first Tanna.
- (39) Hence his ruling that the object becomes unclean.
- (40) R. Nehemiah and R. Simeon.
- (41) Lit., 'it is not a shifting (from its place)'.
- (42) Dealing with the 'erub that was locked in a cupboard.
- (43) If the cupboard was big, all would agree that it is subject to the law of 'tent'; how then could the first Tanna maintain that the 'erub is effective? If, however, it was a small one, of a capacity of less than forty se'ah of liquids, all would agree that it has the status of a 'vessel'; how then could R. Eliezer maintain that the 'erub is ineffective?
- (44) So MS.M. Cur. edd., 'and'.
- (45) It being too strong to be broken by the bare hands. Had this been possible even R. Eliezer would have permitted the breaking if the cord (cf. Bezah 31b); and, since the cupboard could be opened, the 'erub which would in consequence be accessible, would be effective. Though the breaking of a cord on the Sabbath was permitted in connection with 'vessels' only, and not with structures (such as a tent or a cupboard) that are fixed to the ground, the 'erub here would nevertheless be effective because at the twilight of Friday when the 'erub comes into force, the breaking of the cord, which on the Sabbath itself is forbidden as a Rabbinical measure only, is not even Rabbinically forbidden.
- (46) Used for the cutting of wood.
- (47) Shab. 123b. Hence he allows the use of a knife for the cutting of the cord, and this results in the accessibility and effectiveness of the 'erub.
- (48) On the Sabbath.
- (49) As a knife was not originally made for the purpose of cutting cords it may not be moved on the Sabbath. The 'erub, being in consequence inaccessible, is, therefore, ineffective. In town, however, the 'erub is effective since it is possible to carry the key to the cupboard by way of courtyards, roofs etc. as indicated supra.
- (50) So that more than the permitted distance of two thousand cubits intervened between the 'erub and the man's home and in consequence of which the 'erub was inaccessible to him.
- (51) This is explained infra in the Gemara.
- (52) And, therefore, unfit even for a priest.
- (53) Sc. Friday (the Sabbath eve) before twilight; because at the time the Sabbath began the 'erub was either non-existent or inaccessible.
- (54) On Friday (cf. previous note).
- (55) Because an 'erub comes into force at twilight on the Sabbath eve and, since at that time the 'erub in question was both in existence and accessible, its subsequent loss or inaccessibility cannot in any way affect the rights it had conferred upon the man in connection with the Sabbath in question.
- (56) Sc. it is uncertain whether the accident occurred before, or after dusk.
- (57) Lit., 'behold this (man)'.
- (58) Who is unable to make any progress. A camel can be led only by pulling its rein and an ass can be driven only from behind. A man who is in charge of both animals can neither lead the two on account of the ass nor can he drive the two on account of the camel. So with the man the validity of whose 'erub is in doubt. If the 'erub is valid he can walk from the place of its deposit two thousand cubits in all directions including two thousand cubits in the direction of his home but not beyond it. If it is invalid he can walk from his home two thousand cubits in all directions including two thousand cubits in the direction of the 'erub but not beyond it. As the validity of the 'erub is in doubt he can only walk two thousand cubits distance between his home and the 'erub but is forbidden to go beyond the 'erub in the one direction and beyond his home in the other direction.
- (59) In addition to the right of walking two thousand cubits in all directions.
- (60) Which is regarded as his abode. As his 'erub did not roll beyond his acquired abode it must be regarded as effective.
- (61) Without the use of implements entailing work that is Pentateuchally forbidden on the Sabbath.
- (62) Since the 'erub is deemed ineffective on account, apparently, of the Rabbinical prohibition involved in the removal of the stones that covered it.

(63) And since the validity of an 'erub, as explained Supra, is dependent on its efficacy at twilight, when the removal of stones (being only Rabbinically forbidden on the Sabbath) is according to Rabbi permitted, the 'erub spoken of in our Mishnah would have been effective.

(64) The ruling in our Mishnah.

(65) Lit., 'it is not required (but)'.

(66) For the clearance of the heap before access to the 'erub could be obtained. Such work, being Pentateuchally forbidden, may not be performed even at twilight.

(67) That of an 'erub (a) that ROLLED AWAY and (b) on which A HEAP FELL.

(68) Lit., 'at or with him'.

(69) And access to it is impossible without desecrating the Sabbath.

(70) Lit., 'wherefore to me

Talmud - Mas. Eirubin 35b

to inform you of the power of R. Jose.¹ and 'TERUMAH THAT BECAME UNCLEAN' was taught to inform you of the power of R. Meir.² But is R. Meir of the opinion that in a doubtful case³ the more restrictive course is to be followed?⁴ Have we not in fact learnt: If an unclean person went down to perform ritual immersion and it is doubtful whether he performed the immersion or not,⁵ or even if he did perform the immersion but it is doubtful whether it was done in forty se'ah⁶ [of water]⁷ or in less;⁸ and, similarly, if he performed his immersion in one of two ritual baths, one of which contained forty se'ah [of water] and the other contained less,⁹ and he does not know in which one he performed his immersion he, being in a state of doubt, is unclean.¹⁰ This applies only to a major uncleanness¹¹ but in the case of a minor uncleanness¹² as, for instance, where one ate unclean foods or drank unclean liquids or where a man immersed¹³ his head and the greater part of his body in drawn water, or three log of drawn water were poured upon his head and the greater part of his body¹⁴ and he then went down to perform immersion and it is doubtful whether he did or did not perform it, and even if he did perform it there is doubt whether the immersion was performed in forty se'ah [of water] or less, and, similarly, if he performed the immersion in one of two ritual baths one of which contained forty se'ah, [of water] and the other contained less, and he does not know in which of the two he performed his immersion he, being in a state of doubt, is clean; so R. Meir;¹⁵ and R. Jose declared him to be unclean?¹⁶ — R. Meir is of the opinion [that the laws of the Sabbath] limits¹⁷ are Pentateuchal.¹⁸ But does R. Meir uphold the view that [the laws of Sabbath] limits are Pentateuchal? Have we not in fact learnt: If he is unable to span it¹⁹ — in connection with this R. Dostai b. Jannai stated in the name of R. Meir: 'I have heard that hills are [treated as though they were] pierced',²⁰ Now if the idea could be entertained [that the laws of the Sabbath] limits are Pentateuchal [the difficulty would arise:] Is [the method of] piercing allowed [in such a case] seeing that R. Nahman has in fact stated in the name of Rabbah b. Abbuha [that the method of] piercing must not [be adopted] in the case of [the measurements around] the cities of refuge,²¹ nor in that of the broken-necked heifer²² because they are [ordinances] of the Torah?²³ — This is no difficulty; one ruling was²⁴ his own while the other²⁵ was his master's.²⁶ A careful examination [of the wording] also [leads to this conclusion]. For it was taught: In connection with this R. Dostai b. Jannai stated in the name of R. Meir, 'I have heard that hills are [treated as though they were] pierced'.²⁷ This proves it.

A contradiction, however, was pointed out between two rulings of R. Meir in respect of Pentateuchal laws.²⁸ For have we not learnt: If a man who touched a body at night was unaware whether it was alive or dead but when rising on the following morning he found it to be dead, R. Meir regards him as clean;²⁹ and the Sages regard him as unclean because [questions in respect of] all unclean objects [are determined] in accordance with their condition at the time they were discovered?³⁰ — R. Jeremiah replied: Our Mishnah [refers to terumah] on which a [dead] creeping thing lay throughout the twilight.³¹ But if so, would R. Jose have ruled: AN 'ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE?³² — Both Rabbah and R. Joseph replied: We are here

dealing with two groups of witnesses, one of which testifies that the uncleanness occurred while it was yet day, while the other testifies [that it occurred] after dusk.³³ [

- (1) Who ruled the 'erub to be effective even if it ceased to exist.
- (2) Who does not regard the terumah, about which there was doubt whether uncleanness was conveyed to it before or after twilight, as clean. The ruling shows that though the terumah was in existence and there is also the presumption in its favour that at twilight it was clean as it was before the uncleanness had been conveyed to it, R. Meir nevertheless does not regard it as levitically clean.
- (3) As is the case in our Mishnah where it is uncertain whether the terumah became unclean before or after twilight.
- (4) Since he did not regard the terumah as having become unclean after twilight.
- (5) Lit., 'did not immerse himself'.
- (6) V. Glos.
- (7) The prescribed minimum for a ritual bath.
- (8) Lit., he did not immerse himself in forty Se'ah'.
- (9) Cf. previous note.
- (10) Mik. II, 1.
- (11) Sc. one that is Pentateuchal (Rashi).
- (12) One that is only Rabbinically so.
- (13) Lit., 'and he came'.
- (14) Thus rendered unclean by Rabbinic law; v. Shab. 14a.
- (15) This is the reading of Bomb. ed. Cur. edd. omit the last three words, the author of every anonymous Mishnah being known to be R. Meir.
- (16) Mik. II, 2; from which it follows that in a doubtful case It. Meir adopts the less restrictive ruling. How then is this to be reconciled with our Mishnah where he adopts the more restrictive one?
- (17) Of which our Mishnah speaks.
- (18) In a Pentateuchally doubtful prohibition the more restrictive ruling is followed. Hence R. Meir's ruling here. In the case of uncleanness, spoken of in the quoted Mishnahs, since it is only Rabbinical, the less restrictive ruling is adopted.
- (19) Lit., 'to cause it to be swallowed'. This term (v. infra 58a, f) is applied to a wall, a hill or similar elevation or depression whose horizontal distance can be measured by a rope of the length of fifty cubits held at either end by one man. If the horizontal distance is more than fifty cubits and a rope of the length mentioned cannot span it, a different method of measuring, described anon, must be adopted.
- (20) Infra 8a. Sc. the measuring of a hill or any elevation or depression in the way of the surveyors (cf. previous note) is carried out by a method which produces its horizontal distance, the measuring rope, manipulated in a certain manner (described infra 58b) being regarded as piercing it in a straight line and emerging on its other side.
- (21) Cf. Num. XXXV, 11ff. Not only the cities themselves but also a limited area within a prescribed distance from each city affords the privilege of protection (cf. Mak. 11b).
- (22) Cf. Deut. XXI, 1ff. To ascertain which city was the nearest it was necessary to 'measure unto the cities in which are round about him that is slain' (ibid. 2).
- (23) The method of 'piercing' produces longer distances than the ordinary methods, omitting as it does to take count of the extent of the slopes. While such latitude in favour of the persons concerned was allowed in the case of Rabbinical ordinances, it was not allowed in that of Pentateuchal ones in connection with which the stricter method, which takes count of the slopes also, must be adopted. Now, since R. Meir allows the method of 'piercing' in the case of Sabbath limits, how could it be maintained that in his view these laws are Pentateuchal?
- (24) Lit., 'that', the ruling of R. Meir in our Mishnah which implies that in his opinion the laws of the Sabbath limits are Pentateuchal since the more restrictive course is followed in cases of doubt.
- (25) That the method of 'piercing' may be adopted in determining the Sabbath limits.
- (26) Referring to R. Meir himself.
- (27) Emphasis on 'heard', sc. but he himself (R. Meir) does not share that view.
- (28) Lit., 'of the Law on the Law according to R. Meir'.
- (29) Because, as it is obvious that the body was alive until the moment of death approached, it is also presumed to have been alive at the time it was touched.
- (30) Toh. V, 7. As at the time of discovery the body was dead it must also be presumed to have been dead when it was

touched. R. Meir, at any rate, adopts here, though the laws of uncleanness are Pentateuchal, the lenient view. Why then did he adopt the stricter view in our Mishnah? As the body here is presumed to have been alive at the time it was touched so should the terumah (in the Mishnah) have been presumed to have been clean at the time the Sabbath began.

(31) Of the Sabbath eve. The uncleanness of the terumah must consequently have set in prior to the commencement of the Sabbath.

(32) Obviously not, since this is not a case of doubt but one of certainty where (v. our Mishnah) all agree that the 'erub is ineffective.

(33) In the opinion of R. Jose the two groups of witnesses cancel each other out and the terumah is, therefore, presumed to have been, at the time the Sabbath began, in its former state of presumptive cleanness. R. Meir, however, maintains that, since the presumptive cleanness of the terumah has been denied by one group of witnesses, its cleanness becomes a matter of doubt when, being a Pentateuchal law, the more restrictive course must be followed. In the case of a body (cited from Toh. V, 7) its presumptive life at the time it was touched has not been contradicted by any witnesses.

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Raba replied:¹ In that case² there are two presumptive grounds for a relaxation of the law³ while here⁴ there is only one.⁵

Does not then a contradiction arise between two rulings of R. Jose?⁶ — R. Huna b. Hinena replied: [The laws of] uncleanness are different, since their origin is Pentateuchal.⁷ [But are not the laws of] Sabbath limits also Pentateuchal? — R. Jose is of the opinion [that the laws of the Sabbath] limits are Rabbinical.⁸ And if you prefer I might reply:⁹ One ruling¹⁰ was his own while the other¹¹ was his Master's.¹² A careful examination [of his statement] also [leads to this conclusion], for it reads,¹³ R. JOSE STATED: ABTOLEMOS TESTIFIED ON THE AUTHORITY OF FIVE ELDERS THAT AN 'ERUB [WHOSE VALIDITY IS] IN DOUBT IS EFFECTIVE. This proves it. Raba replied:¹⁴ The reason there¹⁵ is that R. Jose [maintains]: 'Take the unclean to be in his presumptive condition [of uncleanness] and suggest, therefore, that he may not have performed the ritual immersion'.¹⁶ On the contrary! Take the ritual bath to be in its presumptive condition [of ritual fitness] and suggest, therefore, that it was not short [of the required volume]?- [This is a case] of a ritual bath [the water in] which had not been measured.¹⁷

It was taught: In what circumstances did R. Jose rule that an erub [whose validity is] in doubt is effective? If a man made an erub with tertmah¹⁸ and it is doubtful whether it contracted uncleanness when it was yet day or after dusk, and so also in the case of fruits¹⁹ concerning which there arose a doubt whether they²⁰ were prepared [for use]²¹ while it was yet day or after dusk — in any such case²² the 'erub [is deemed to be one whose validity is in] doubt [and is consequently] effective;²³ but if a man prepared an erub of terumah about which there is doubt whether it was clean or unclean,²⁴ and so also in the case of fruit concerning which there arose a doubt whether they were prepared [for use] or not²⁵ — in any such case²² the 'erub is not [deemed to be one whose validity is in] doubt [and which is consequently] effective.²⁶ Wherein, however, does terumah²⁷ differ?²⁸ In that it may be said: 'Regard the terumah as being in its presumptive condition [of cleanness] and suggest that it is still clean'. But as regards the fruit also [why should it not be said], 'Regard the tebel²⁹ as being in its presumptive condition [of unfitness for use] and suggest that it was not yet prepared?³⁰ — Do not read: 'There arose a doubt whether they were prepared [for use] while it was yet day'³¹ but read: 'There arose a doubt whether they were mixed up [with tebel]³² while it was yet day or after dusk.³³

R. Samuel son of R. Isaac enquired of R. Huna: What is the legal position where a man had before him two loaves³⁴ one of which was clean and the other unclean and he gave instructions, 'Prepare for me an 'erub with the clean [loaf] wherever it may happen to be' ?³⁵ This question may be asked in connection with the view of R. Meir and it may also be asked in connection with that of R. Jose. It 'may be asked in connection with the view of R. Meir', since [it may be argued that] it is only

there³⁶ that R. Meir gave his restrictive ruling³⁷ because there was no [definite] clean [terumah]³⁸ but here, surely, there was [at least one loaf that was] clean;³⁹ or is it possible that even R. Jose laid down his ruling there³⁶ only because if it is assumed that [the terumah] was clean the man knows [where to look for] it,⁴⁰ but here,⁴¹ surely, he does not know [even where to look for] it?⁴² — The other replied: Both according to R. Jose as well as according to R. Meir it is essential to have a meal that is suitable [for the person for whom the ‘erub is prepared] while it is yet day,⁴³ which is not [the case here].⁴⁴

Raba enquired of R. Nahman: What is the ruling [where a man said],⁴⁵ ‘This loaf shall be unconsecrated to-day and consecrated to-morrow’ and then he said: ‘Prepare for me an erub with this [loaf]’?⁴⁶ — The other replied: His ‘erub is effective.⁴⁷ What, [he was asked if the man said], ‘To-day it shall be consecrated and tomorrow unconsecrated’⁴⁸ and then he said: ‘Prepare for me an ‘erub with it’?⁴⁹ — ‘His ‘erub’, he replied: ‘is ineffective’. ‘What [the former asked] is the difference [between the two cases]?’ — When’, he replied: ‘you will measure out for me a kor of salt [you will get the answer]. [Where a man said,] ‘Today it shall be unconsecrated and tomorrow consecrated’, the sanctity cannot on account of the doubt⁵⁰ descend on the object⁵¹ [but where he said], ‘Today it shall be consecrated and tomorrow it shall be unconsecrated’ the object cannot on account of the doubt be deprived of its sanctity.⁵²

We learned elsewhere: If a man filled a lugin⁵³ that was a tebul yom⁵⁴ [with liquids] from a cask of tebel of the [first] tithe⁵⁵ and said, Behold this⁵⁶ shall be terumah of the tithe⁵⁷ after dusk’ ‘⁵⁸ his statement is valid,⁵⁹ but if he said: ‘Prepare with this⁵⁶ an ‘erub for me’ his statement is null and void.⁶⁰ Raba remarked: This⁶¹ proves that the validity of an ‘erub takes effect at the end of the day;⁶²

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- (1) In explanation of the difficulty just dealt with by Rabbah and R. Joseph.
 - (2) Lit., ‘there’, the case of the body that was touched.
 - (3) The presumptive life of the body and the presumptive cleanness of the man who touched it. Hence, even where two groups of witnesses were contradicting each other as to whether the body was dead before or after it had been touched, it. Meir would still regard the man as clean. For by allowing the contradictory evidence of the two groups to cancel each other two presumptions remain in favour of the man's cleanness.
 - (4) The terumah in our Mishnah, the uncleanness of which is a matter of doubt.
 - (5) The presumptive cleanness of the terumah.
 - (6) In the Mishnah cited from Mik. II, I he adopts the restrictive rule of declaring the man unclean, even in a case of doubt, though the uncleanness spoken of is only Rabbinical, while in our Mishnah he adopted the lenient rule of declaring an ‘erub whose validity is in doubt to be effective.
 - (7) As certain cases of uncleanness are Pentateuchal, and consequently subject in case _ of doubt to the more restrictive rulings, a similarly restrictive course had to be adopted in the case of Rabbinical uncleanness, since otherwise the former might erroneously be mistaken for the latter and treated with similar laxity.
 - (8) There is no need in this case to provide against the possibility of mistaking the Pentateuchal laws relating to work on the Sabbath for the Rabbinical ones of the Sabbath limit, as was done in the case of uncleanness (cf. previous note), since unlike the forms of uncleanness which are similar to one another, work and walking are two different processes which could not possibly be mistaken for one another (Rashi).
 - (9) Bah inserts, ‘this is no difficulty’.
 - (10) Lit., ‘that’, the one in the Mishnah cited where a restrictive view is followed in the case of doubt even in respect of a Rabbinical law.
 - (11) The ruling in our Mishnah which follows the lenient view.
 - (12) Abtolemos.
 - (13) Lit., ‘for it taught’.
 - (14) In explaining the apparent contradiction between the two rulings of R. Jose.
 - (15) In the Mishnah cited from Mik. where the man is deemed to be unclean even in a case of doubt.
 - (16) Since no ground whatsoever exists for a contrary suggestion. Hence the restrictive ruling. In the case of the ‘erub in our Mishnah, however, against the presumption that the man's abode is his permanent home there is the presumptive

cleanness of the terumah; and, since 'erub is a Rabbinical institution, the less restrictive course is followed.

(17) The argument of presumptive condition of ritual fitness is consequently inapplicable.

(18) That was known to be clean.

(19) Of tebel (v. Glos.).

(20) After they have been deposited as an 'erub in the appointed place.

(21) By setting aside for them the prescribed priestly and levitical dues.

(22) Lit., 'this'.

(23) It being assumed that the terumah was clean and that the fruit was duly prepared during twilight which is the crucial moment for the validity of an 'erub.

(24) So that the argument of presumptive cleanness is inapplicable.

(25) Cf. previous note *mutatis mutandis*.

(26) Tosef. 'Er. II.

(27) In the first clause where R. Jose rules the 'erub to be effective if it is doubtful whether it contracted uncleanness or was prepared for use before or after twilight.

(28) From fruit of tebel in the first clause.

(29) Cf. previous note.

(30) Why then did n. Jose rule the 'erub of the fruit also to be effective?

(31) Sc. there was no question at all of tebel. The fruit was known to have been properly prepared by the setting aside for it of the priestly and levitical dues.

(32) So that it cannot be used even by a priest. V. Rashi (second interpretation).

(33) As the fruit was thus in the presumptive condition of fitness for use, as was the terumah, the 'erub that had been prepared with it is equally effective.

(34) Of terumah. The question of levitical uncleanness does not apply to unconsecrated produce which may well be consumed even when it is levitically unclean. Only the very scrupulous abstain from eating such unconsecrated produce.

(35) And both loaves were used in the preparation of his 'erub at the appointed place, and he does not know which is the clean one.

(36) In our Mishnah.

(37) Lit., 'said'.

(38) It being possible that the uncleanness was constituted before twilight.

(39) And the 'erub in this case is consequently effective.

(40) And is able, therefore, to eat; the question of its possible uncleanness being disregarded owing to its presumptive cleanness.

(41) Since it is not known which of the loaves was the clean one.

(42) In consequence of which he could not eat either of the loaves. The 'erub, since it could not be eaten must, therefore, be ineffective.

(43) The doubt spoken of in our Mishnah arose only after the 'erub had been prepared so that there was at least a certain period during which it could be properly eaten.

(44) Since, owing to the interchange of the loaves, neither could be eaten from the first moment the 'erub was prepared. Hence the ineffectiveness of 'erub according to both R. Meir and R. Jose.

(45) On Friday, [the Sabbath eve].

(46) And his instruction was carried out. An 'erub prepared from consecrated food is invalid and the question arises whether at the twilight of the Sabbath eve the validity of the 'erub or the sanctity of the food of which it consists had taken effect first.

(47) The reason is explained presently.

(48) Sc. 'it shall be redeemed by the necessary sum of money which I have at home'. Consecrated objects may in this manner be converted for secular use.

(49) Cf. *supra* n. 5 *mutatis mutandis*.

(50) I.e., the doubt that arises at twilight, v. n. 5.

(51) Lit., 'to it'. The 'erub, therefore, retains its status of unconsecrated food.

(52) Cf. previous note *mutatis mutandis*.

(53) **לַגֵּיץ**, a small can.

(54) **טַבּוּל יוֹם**, v. Glos. A vessel in such a condition imparts levitical uncleanness to terumah but not to tebel of

unconsecrated produce or of tithe.

(55) The Levite to whom first tithe is due must give a portion of it to the priest as *terumah gedolah*. Before this is done the tithe is *tebel* and is forbidden to be eaten even by priests.

(56) The contents of the *lugin*.

(57) For all that remained in the cask.

(58) When the *lugin* will be levitically clean.

(59) The contents become *terumah* since the uncleanness of the *lugin* that terminated at dusk can have no effect upon it.

(60) *Tebul Yom*. IV, 4. Lit., 'he did not say anything' because at twilight when the 'erub should assume its validity it was still *tebel* which (as stated *supra*) is unfit for 'erub.

(61) The ruling that an 'erub prepared with the contents of the *lugin* is ineffective.

(62) Of the Sabbath eve, sc. at the beginning of twilight. Lit., 'the end of the day acquires the 'erub'.

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for if you should entertain the view that the validity takes effect at the beginning of the [Sabbath] day¹ [the difficulty would arise:] Why 'if he said: "Prepare with this an 'erub for me" is his statement null and void'?² — R. Papa retorted: It may still be maintained³ that the validity of an 'erub takes effect at the beginning of the [Sabbath] day, yet [the contents of the *lugin* are unfit as an 'erub since] it is essential to have a meal that is suitable for consumption while it is yet day,⁴ which is not the case here.⁵

MISHNAH. A MAN MAY ATTACH A CONDITION TO HIS ERUB AND⁶ SAY, 'IF FOREIGNERS⁷ CAME FROM THE EAST MY 'ERUB [SHALL BE THAT] OF THE WEST;⁸ [IF THEY CAME] FROM THE WEST MY ERUB [SHALL BE THAT] OF THE EAST;⁹ IF THEY CAME FROM BOTH DIRECTIONS¹⁰ I WILL GO IN WHATEVER DIRECTION I DESIRE, AND IF THEY CAME FROM NEITHER DIRECTION I WILL BE LIKE THE PEOPLE OF MY TOWN'.¹¹ [HE MAY LIKEWISE SAY,] 'IF THE SAGE¹² CAME FROM THE EAST LET MY 'ERUB [BE THE ONE] OF THE EAST;¹³ IF FROM THE WEST LET MY 'ERUB [BE THE ONE] OF THE WEST; [IF A SAGE] CAME FROM EITHER DIRECTION I WILL GO IN WHATEVER DIRECTION I DESIRE, AND IF NO ONE CAME FROM EITHER DIRECTION I WILL BE LIKE THE PEOPLE OF MY TOWN'.¹¹ R. JUDAH RULED: IF ONE OF THEM¹⁴ WAS HIS TEACHER HE MAY GO ONLY TO HIS TEACHER,¹⁵ BUT IF BOTH WERE HIS TEACHERS HE MAY GO IN WHATEVER DIRECTION HE PREFERS.

GEMARA. When R. Isaac came¹⁶ he learned all our Mishnah in the reverse order.¹⁷ Does not then a contradiction arise between the two statements on the FOREIGNERS¹⁸ and between the two concerning the SAGE?¹⁹ — There is really no contradiction between the two statements on foreigners since one refers²⁰ to tax collectors²¹ while the other refers to the landlords of the town.²² There is also no contradiction between the two statements concerning the sage since one refers²³ to a scholar who delivers public²⁴ discourses²⁵ while the other refers to a teacher of young children.²⁶

R. JUDAH RULED: IF ONE OF THEM WAS etc. And the Rabbis?²⁷ — Sometimes [it may happen] that a man is more pleased to meet²⁸ his colleague than his teacher.

Rab stated: [The ruling] of our Mishnah²⁹ is not [to be upheld] by reason of what Ayo learned. For Ayo learned: R. Judah ruled: 'A man cannot make simultaneous conditions in connection with two possible events.³⁰ He can only³¹ [make this condition:] "If the sage came [from the direction] of the east my³² 'erub [shall be that] of the east and if the sage came [from the direction] of the west my³² 'erub [shall be that] of the west,"³³ but not "[If one came] from each direction '³⁴ Why is it [that the 'erub is] ineffective [where the condition was 'If one came] from each direction'? Obviously because the rule of *bererah* is not upheld,³⁵ [but, then, where the condition was, 'If the sage came from the direction] of the east' [or 'from that] of the west' it should also [be said that] the rule of *bererah*

cannot [be upheld]?³⁶ — R. Johanan replied: [Our Mishnah refers to a case] where the sage already arrived.³⁷ On the contrary, [let it be said that] Ayo's version³⁸ cannot [be upheld] by reason of what was taught in our Mishnah?³⁹ This⁴⁰ cannot be entertained at all, since we heard of R. Judah that he does not adopt the rule of bererah. For it was taught:⁴¹ If a man buys wine from among the Cutheans⁴²

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- (1) I.e., at the end of twilight of Sabbath eve.
 - (2) At the time the Sabbath begins the lugin is no longer unclean and, since its contents are proper and clean terumah, it should provide an effective 'erub. As the ruling, however, is that the 'erub is ineffective it must be concluded that the validity takes effect at the conclusion of the Sabbath eve, i.e., as explained supra, at the beginning of twilight, at which time the contents of the lugin were still tebel of the first tithing and unfit for consumption and consequently unsuitable as an 'erub.
 - (3) Lit., 'you may even say'.
 - (4) I.e., at the beginning of twilight.
 - (5) Because at that time the contents of the lugin were still tebel.
 - (6) Depositing two 'erubs, one at a distance of two thousand cubits from the east side of his house and another in the opposite direction at a distance of two thousand cubits from the west of his house.
 - (7) From whom he must flee.
 - (8) And he is in consequence able to go in a westerly direction a distance of four thousand cubits from his house. Though the foreigners would not come before the following day the condition has the force of determining retrospectively which 'erub shall become effective at twilight of the Sabbath eve.
 - (9) Cf. previous note mutatis mutandis.
 - (10) Lit., 'to here and to here'. J.T. and Mishnah ed., 'from here and from here'.
 - (11) Able to go a distance of two thousand cubits from the town in any direction, both 'erubs being null and void.
 - (12) Whose discourses he desires to hear.
 - (13) Cf. supra n. 1 mutatis mutandis.
 - (14) Of the two Sages that came from opposite directions.
 - (15) The presumption being that when making the condition he meant that 'erub to be effective which would enable him to go to his teacher.
 - (16) From Palestine to Babylon.
 - (17) The SAGE in the first clause and FOREIGNERS in the second, so that the 'erubs were laid for the purpose of fleeing from the sage and advancing in the direction of the foreigners.
 - (18) Lit., 'foreigners on foreigners'.
 - (19) Cf. previous note.
 - (20) Lit., 'that', our Mishnah.
 - (21) From whom people try to escape.
 - (22) Or 'town officers', whom the townspeople are anxious to meet in order to submit to them their grievances or to solicit favours.
 - (23) Lit., 'that', our Mishnah.
 - (24) Lit., 'causes (the public) to sit'.
 - (25) People are anxious to run to hear such a sage.
 - (26) Or 'a teacher of the daily ritual'. Lit., 'those who cause to read the Shema', sc. שְׁמוֹעַ יִשְׂרָאֵל 'Hear O Israel etc.' (cf. P.B. 40ff.). The shema' is one of the principal elements in the daily prayers and is here synonymous with prayer in general (cf. Rashi) which even school children must be taught. The condition in the Mishnah according to R. Isaac's version may be explained as due to a desire on the part of the man to dispense with meeting the school teacher in order to be able to attend the discourses of the public speaker. If the former would come from the east and the latter from the west he would wish his 'erub in the latter direction to be effective and vice versa. If both proved to be school teachers or public speakers he would wish to go in whatever direction he preferred (Rashi). [Aliter: those who read the shema', a precentor, v. R. Hananel.]
 - (27) Why do they allow the man a choice even where one of the sages was his teacher?
 - (28) Lit., 'with'.
 - (29) According to which R. Judah ruled that where BOTH WERE HIS TEACHERS, HE MAY GO IN WHATEVER

DIRECTION HE PREFERS, thus recognizing the effectiveness of an 'erub though its validity which must take effect where the Sabbath begins depends on the man's choice that would he made subsequently; R. Judah thus upholding the principle of retrospective selection or bererah (v. Glos.).

(30) As is the case where the condition is made about two sages coming from different directions.

(31) Lit., 'but if'.

(32) Lit., 'his'.

(33) Since only one possible event is involved.

(34) Bez. 37b, Hul. 14b. As R. Judah definitely rejects here the rule of bererah the ruling attributed to him in our Mishnah (cf. supra n. 7) cannot be authentic.

(35) It being held that the choice the man made between the two sages on the following day may not have been his choice at twilight on the previous day when the validity of the 'erub must take effect.

(36) And the 'erub should be ineffective, since at twilight on the Sabbath eve the sage was presumably still uncertain whether he would at all come within the area permitted by that man's 'erub, and his subsequent coming could only be regarded, as far as the validity of the 'erub is concerned, as bererah i.e., retrospective designation or selection, a principle which R. Judah does not recognize.

(37) Sc. at twilight of the Sabbath eve he was already within the permitted Sabbath limit of that man's town though the latter was unaware of the fact. As the validity of the 'erub was made dependent on an event that, though unknown to the speaker, had actually taken place before twilight of the Sabbath eve there can be no question as to the 'erub's effectiveness. It is not the speaker's subsequent knowledge of the fact that renders the 'erub valid retrospectively, but the presence of the sage at the crucial moment. The question of bererah, therefore, does not at all arise.

(38) Which is a mere Baraitha.

(39) A Baraitha, surely, is less authoritative than a Mishnah.

(40) That R. Judah upholds the rule of bererah.

(41) Cf. Tosaf. s.v. **וְנִי** a.l. Cur. edd., 'we learned'.

(42) Before the prohibition against their wines had been decreed. As the Cutheans (Samaritans) were suspected of neglecting the laws of terumah and tithe the buyer must himself set these aside before he can be permitted to drink any of the wine.

Talmud - Mas. Eirubin 37a

he may¹ say: 'Two log² which I am about to set aside³ are terumah, ten⁴ are first tithe and nine⁴ are second tithe', and this⁵ he redeems⁶ and may drink [the wine] forthwith;⁷ so R. Meir,⁸ but R. Judah, R. Jose and R. Simeon forbid [this procedure].⁹ 'Ulla said: Ayo's version is not to be upheld by reason of what was stated in our Mishnah.¹⁰ What, however, about the statement, 'R. Judah, R. Jose and R. Simeon forbid [this procedure]'?¹¹ — Ulla read [the names of the authors] in pairs [thus:] 'So R. Meir and R. Judah, but R. Jose and R. Simeon forbid [this procedure]'.

But is R. Jose of the opinion that the rule of bererah is not to be upheld? Have we not in fact learnt: R. Jose ruled: If two women bought their bird sacrifices¹² jointly, or gave the price of¹³ their bird sacrifices to the priest, the latter may offer whichever he wishes as a burnt-offering and whichever he wishes as a sin-offering?¹⁴ — Rabbah replied: There¹⁵ [it is a case] where [the women originally] made this condition.¹⁶ But if that is the case¹⁷ what [need was there] to state [such an obvious ruling]?- We were thereby informed [that the law is] in agreement with R. Hisda.¹⁸ For R. Hisda ruled: Bird sacrifices¹⁹ cannot be designated²⁰

(1) If the purchase took place on the Sabbath eve immediately before dusk (when there is no time to remove these priestly and levitical dues from the wine) and he requires the wine for the Sabbath. It is prohibited to separate priestly or levitical dues on the Sabbath, v. Bez. 36b.

(2) A log (v. Glos.) is c. 549 cubic centimeters.

(3) For the hundred log contained in the cask he bought.

(4) 'Log which I am about to set aside'.

(5) The second tithe.

- (6) With money (cf. Deut. XIV, 25) that he has at home or anywhere else.
- (7) And after the Sabbath he separates the terumah and the first tithe, and the wine so separated is regarded as the very wine he originally intended for the purpose.
- (8) Who upholds the rule of bererah so that the selection that takes place after the Sabbath becomes effective retrospectively as if it had taken place on the Sabbath eve.
- (9) Tosef. Dem. VII, 4, Suk. 23b, B.K. 69b; because, so it is at present assumed, they do not accept the rule of bererah. As no retrospective selection is recognized, the wine throughout the Sabbath cannot in their opinion be regarded as properly prepared for use and its consumption is consequently forbidden.
- (10) Cf. notes on Rab's statement (supra 36b mutatis mutandis).
- (11) From which it is apparent that R. Judah does not uphold bererah.
- (12) Lit., 'nests', sc. a pair of birds as offerings after childbirth; cf. Lev. XII, 8.
- (13) **וְנָדָו**, so MS.M. and the ed. of the Mishnah. Cur. edd. omit the word.
- (14) Kin. I, 4. Now, since a burnt-offering is unacceptable unless it is offered in the name of the person for whom it was originally intended (cf. Pes. 60b and Zeb. 2a) while a sin-offering of a certain person is completely disqualified if it is offered for a different person or as a different kind of sacrifice, and since R. Jose nevertheless allows the priest to offer up any of the birds either as a sin-offering or as a burnt-offering for either of the women, it obviously follows that he upholds the rule of bererah, so that when the priest offers up any of the four birds it is assumed that this particular bird was retrospectively selected by the particular woman for the particular sacrifice for whom and for which it is now offered. How then could it be maintained that R. Jose does not uphold bererah?
- (15) In the Mishnah cited from Kin.
- (16) That the choice be left to the priest. The question of bererah does not, therefore, arise.
- (17) Cf. previous note.
- (18) That, where a bird was not specifically designated by the buyer for any particular sacrifice at the time of its purchase, though he did so subsequently, the priest may offer it as any sacrifice he wishes.
- (19) Of those who bring them as an atonement.
- (20) As burnt, or sin-offerings.

Talmud - Mas. Eirubin 37b

except at the time they are purchased by their owner¹ or when the priest prepares them [for the altar].²

Is it then still [maintained that] R. Jose is of the opinion that the rule of bererah is not to be upheld? Was it not in fact taught: If an 'Am ha-arez³ said to a haber,³ 'Buy for me a bundle of vegetables' or 'a loaf',⁴ [the latter]⁵ need not tithe it,⁶ so R. Jose, but the Sages ruled: He must tithe it?⁷ Reverse [the rulings].⁸

Come and hear: If a man said: 'let the [second] tithe which I have in my house be redeemed with the sela' that would happen to come from my purse into my hand' it is, said R. Jose, redeemed?⁹ — Reverse [the rulings and] read: 'R. Jose said: It is not redeemed'. What reason, however, do you see for reversing two statements¹⁰ for the sake of one,¹¹ [why not] reverse the one¹¹ for the sake of the two?¹⁰ — The last cited Baraita was at all events¹² taught in a reversed form; since in its final clause it was stated: R. Jose, however, admits that where a man said: 'The [second] tithe which I have in my house shall be redeemed with the new sela'¹³ that would happen to come¹⁴ from my purse into my hand', the tithe is redeemed.¹⁵ Now since he¹⁶ ruled here that it 'is redeemed' it follows that in the previous¹⁷ case [his ruling was that] it is not redeemed.¹⁸

What, however, is to be understood [by the case of] the new sela'? If there are two or three [other new sela's in his purse] so that selection is possible¹⁹ then this case is exactly identical with the first one.²⁰ If, however, there was only one, what [sense is there in the expression,] 'That would happen to come'²¹ — As in the first clause it was taught: 'That would happen to come', it was taught in the final clause also, 'That would happen to come'.²²

Raba asked R. Nahman: Who is that Tanna who does not uphold the rule of bererah even in the case of a Rabbinical enactment? For It was taught: 'If a man said to five persons, "Behold I am preparing an 'erub for one of you whom I may choose²³ [in due course] so that if I wish it he would be allowed to go²⁴ and if I would not wish it he would not go", the 'erub is effective if he made up his mind²⁵ while it was yet day,²⁶ [but if he did it] after dusk the 'erub is not effective'?²⁷ The other remained silent and gave him no answer whatever. But why could he not tell him that the Tanna was one of the school of Ayo?²⁸ — He did not hear [of. Ayo's ruling].²⁹

R. Joseph said:³⁰ Do you wish to remove Tannas from the world?³¹ [The fact is that the question³² is one] on which Tannas differ. For it was taught: [If a man³³ said,] 'Behold I am preparing an erub for all the Sabbaths of the years so that whenever I should wish it I would go³⁴ and whenever I should not wish it I would not go',³⁵ his 'erub is effective if he made up his mind³⁶ while it was yet day;³⁷ [but if he decided] after dusk, R. Simeon ruled: His 'erub is effective³⁸ while the Sages ruled: His 'erub is not effective.³⁹ But surely, we heard of R. Simeon⁴⁰ that he does not uphold bererah, so that a contradiction arise between two rulings of R. Simeon? — The fact is [that the views⁴¹ are to be] reversed.⁴² But what difficulty [is this]? Is it not possible that R. Simeon does not uphold bererah only in a Pentateuchal law⁴⁰ but in respect of a Rabbinical law⁴³ he may well uphold it? — He⁴⁴ is of the opinion that he who upholds bererah does so in all cases⁴⁵ making no distinction between a Pentateuchal and a Rabbinical law, while he who does not uphold bererah does not do it In any case irrespective of whether a law is Pentateuchal or Rabbinical.

Rabbah replied: There⁴⁰ [the case is altogether] different,⁴⁶ [the reason⁴⁷ being] that it is essential [for the priestly and levitical dues] to be⁴⁸ firstfruit,⁴⁹ so that whatever remains shall be distinguishable [from it].⁵⁰ Said Abaye to him:⁵¹ Now then,⁵² if a man who had before him two pomegranates of tebel⁵³ said: 'If rain will fall to-day the one shall be terumah⁵³ for the other and if no rain will fall to-day the other shall be terumah for the first', would his assertion here also, whether there was rain that day or not, be will and void?⁵⁴ And should you reply [that the law is] so indeed [it can be retorted:] Have we not in fact learnt: '[If a man said,] "The terumah of this heap⁵⁵ and its tithes shall be in the middle thereof" or "The terumah of this [first] tithes⁵⁶ shall be In the middle thereof", R. Simeon ruled: He has thereby given it a valid name?'⁵⁷ — There⁵⁸ [the law] is different⁵⁹ because⁶⁰ [the remainder of the produce]' is round about the dues.⁶¹ And if you prefer I might reply⁶² in accordance with the reason elsewhere indicated:⁶³ They said to R. Meir, 'Do you not agree that the skin⁶⁴ might burst⁶⁵ and the man would thus have been drinking liquids of tebel?'⁶⁶ And he replied: 'When it will have burst [there would be time for the question to be considered]'.⁶⁷

On the previous assumption, however, that it is essential [for the priestly and levitical dues] to be 'firstfruit' so that whatever remains shall be distinguishable from it,⁶⁸ what could they have meant?⁶⁹ It is this that they meant: 'According to our view [the reason for the prohibition is that] it is essential [for the priestly and levitical dues] to be "firstfruit" so that whatever remains shall be distinguishable [from it],⁷⁰ but even according to your view,

(1) Who must then specifically declare the specific purpose for which each bird is to be used.

(2) Ker. 28a, Yoma 41a; but if when the birds were bought none of them was designated as a burnt, or as a sin-offering, the priest is at liberty (cf. supra 11. 1) to choose either bird for either sacrifice.

(3) V. Glos.

(4) אַקוּמָה, one made of a certain brand of white flour.

(5) Though he bought his own vegetables or loaf together with those of the 'am ha-arez without specifying which was for himself and which was for the other and though the seller also was an 'am ha-arez whose produce the haber tithes as demai.

(6) He need only tithe that which he bought for himself.

- (7) Dem. VI ad fin. Since no mention was made at the time of purchase as to which bundle or loaf was for the haber and which for the 'am ha-arez every part of the purchase is regarded as that of the haber, and that part of it which he subsequently gives to the 'and ha-arez is regarded as a partial sale of his own purchase. As a haber must not sell to an 'am ha-arez any demai he must tithe it before he gives it to him. Now since R. Jose ruled that the haber need not tithe it he is obviously of the opinion that the rule of bererah holds, so that when the 'am ha-arez selects, or the haber selects for him his part of the purchase the selection is deemed to be retrospective. How then could it be maintained that R. Jose does not uphold bererah?
- (8) That attributed to the Sages is really that of R. Jose and vice versa.
- (9) Tosef. M.Sh. IV; even before the sela' actually came into his hand. Now, since in the absence of the rule of bererah it could not be asserted that the sela' which was taken out later was the very coin which the man originally intended for the redemption, it follows that R. Jose upholds bererah. How then could it be maintained supra that the rule of bererah is not upheld by R. Jose?
- (10) Just cited: The purchase by a haber (Dem. VI) and the redemption of second tithe (M.Sh. IV).
- (11) Wine bought from Cutheans (cited from Tosef. Rem. VII, 4, supra 36b ad fin.)
- (12) Lit., 'that certainly'.
- (13) It being the only one in his purse.
- (14) This is discussed presently.
- (15) Since there was only one new sela' there can be no doubt as to what particular coin the man had in mind.
- (16) R. Jose.
- (17) Lit., 'there'.
- (18) The ruling in the first clause must consequently be changed from the positive to the negative.
- (19) The last five words are omitted from Bomb. ed.
- (20) Where an ordinary sela' was spoken of. As R. Jose ruled in the first case (according to the reversed version) that the tithe is not redeemed because it is impossible to ascertain which particular sela' the man had originally in his mind, so he should have ruled in the latter case also where it is equally impossible to ascertain which of the two or three new coins the man had originally in mind.
- (21) None other, surely, could possibly come.
- (22) For the sake of parallelism.
- (23) Lit., 'that I shall desire.
- (24) The prescribed Sabbath limit from the place of the 'erub.
- (25) Lit., 'if he wished'.
- (26) Of the Sabbath eve.
- (27) Since at twilight, when the validity of an 'erub must be determined, he may have intended his 'erub for a different person and his subsequent selection cannot be made retrospective. Now, since 'erub is a Rabbinical enactment, it follows that bererah is inapplicable even to Rabbinical enactments, and the question is who is that Tanna?
- (28) Who ruled (supra 36b) that, according to R. Judah, bererah is not applied to 'erub though it is only a Rabbinical enactment.
- (29) While the rulings of the other Tannas quoted supra who upheld bererah refer to Pentateuchal laws only.
- (30) With reference to Raba's enquiry.
- (31) I.e., are you unable to find any Tannaitic authority who holds this view?
- (32) Whether bererah applies to a Rabbinical enactment,
- (33) Having deposited his 'erub at a distance of two thousand cubits from his home town.
- (34) The permitted distance from the 'erub in all directions including the two thousand cubits distance away from it in the opposite direction from the town, making a total of four thousand cubits from the latter.
- (35) V. previous note, but would instead enjoy the rights of the other people of the town who may go two thousand cubits in all directions from the town including the two thousand cubits distance from it in the opposite direction of the 'erub, making a total of four thousand cubits from that 'erub.
- (36) Lit., 'if he wished'.
- (37) Of the Sabbath eve. Because by the time Sabbath begins his mind was already made up and the validity of the 'erub is established.
- (38) Though his mind was not made up when the Sabbath began, his subsequent choice on the principle of bererah, which R. Simeon upholds, is regarded as retrospective.

- (39) Because (cf. previous notes) they do not uphold the principle of bererah. This we have a Tannaitic authority that does not uphold bererah even in a Rabbinic enactment.
- (40) In respect of wine bought from Cutheans (supra 36b, f).
- (41) In the last cited Baraitha.
- (42) It is R. Simeon who ruled that the 'erub is not effective.
- (43) As is the case with 'erub with which the last cited Baraitha deals.
- (44) Who pointed out the contradiction. 'R. Joseph' of cur. edd. is deleted by Bah and is wanting in MS.M.
- (45) Lit., 'there is to him'.
- (46) Bererah which R. Simeon well upholds having no bearing at all upon it:
- (47) Why the procedure permitted there by R. Meir is forbidden by R. Simeon.
- (48) Lit., 'that we require'.
- (49) Cf. Deut. XVIII, 4: The firstfruit . . . of thy wine . . . shalt thou give him (Sc. the priest).
- (50) As the 'dues' are mixed with the 'remainder' they are obviously indistinguishable from one another. Hence R. Simeon's prohibition.
- (51) Raba.
- (52) If, as has just been suggested, it is essential that at the time the dues are named the remainder shall be distinguishable from it.
- (53) V. Glos,
- (54) For the same reason (v. previous note) that at the time the terumah was named the one pomegranate which was to be terumah was indistinguishable from the other which was to be the remainder?
- (55) Of tebel.
- (56) Which is given to the Levite who sets aside a portion of it for the priest as terumah.
- (57) Ter. III, 5; and all the produce in the heap spoken of in the first case is forbidden to an Israelite as terumah; it must not, as second tithe, be eaten outside Jerusalem; and if it contracted uncleanness, the guilt of eating unclean terumah is incurred by the man who eats it. In the second case the entire heap is subject to the restrictions of terumah of the tithe. Now, the dues and the remainder of the heap are obviously indistinguishable from one another, and yet, according to R. Simeon, the nailing of the dues is valid; but if Raba's submission in the case of the pomegranates is to be accepted the difficulty would arise why is the naming valid?
- (58) The case of the heap cited.
- (59) From that governing the case of the pomegranates.
- (60) Since the man restricted the dues to the 'middle' of the heap.
- (61) Lit., 'round it', so that the dues and the remainder are to a very large extent quite distinguishable from each other.
- (62) In explanation of the difficulty, if R. Simeon upholds bererah why does he forbid the procedure permitted by R. Meir in the case of the wine (supra 36b, f).
- (63) Lit., 'as he taught the reason'.
- (64) In which the wine is contained.
- (65) Before the priestly or levitical dues have been taken from it.
- (66) Since the priest would never receive his due of terumah,
- (67) Tosef. Rem. VII, Yoma 56b; but while the skill is whole and the priest is sure of his due the remainder may well be used by adopting the procedure described. Thus it follows that the question of bererah, which R. Simeon well upholds, does not arise here at all, the sole reason of the prohibition being the possible bursting of the skill.
- (68) Raba's explanation supra.
- (69) If R. Meir's reason was that submitted by Raba, what sense was there in speaking to him of the bursting of the skin?
- (70) 'Hence our prohibition'.

Talmud - Mas. Eirubin 38a

do you not agree that the skin might burst and the man would thus have been drinking liquids of tebel?' And he replied: 'When it will have burst [there would be time for the question to be considered]'.

MISHNAH. R. ELIEZER RULED: IF A FESTIVAL DAY IMMEDIATELY PRECEDES OR

FOLLOWS¹ THE SABBATH A MAN² MAY PREPARE TWO 'ERUBS³ AND MAKE THE FOLLOWING DECLARATION: MY 'ERUB FOR THE FIRST [DAY SHALL BE THAT] OF THE EAST⁴ AND THE ONE FOR THE SECOND DAY THAT OF THE WEST';⁵ 'THE ONE FOR THE FIRST DAY [SHALL BE THAT] OF THE WEST AND THE ONE FOR THE SECOND DAY THAT OF THE EAST; 'MY 'ERUB [SHALL BE EFFECTIVE] FOR THE FIRST DAY, AND FOR THE SECOND DAY [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN',⁶ OR 'MY 'ERUB [SHALL BE EFFECTIVE] FOR THE SECOND DAY, AND FOR THE FIRST DAY [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN — THE SAGES, HOWEVER, RULED: HE EITHER PREPARES AN ERUB FOR ONE DIRECTION⁷ OR⁸ NONE AT ALL;⁹ HE EITHER PREPARES ONE 'ERUB FOR THE TWO DAYS¹⁰ OR NONE AT ALL. HOW IS ONE TO ACT?¹¹ HE ARRANGES [FOR THE 'ERUB] TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY]¹² WHO, HAVING REMAINED THERE WITH IT UNTIL DUSK',¹³ TAKES IT UP AND GOES AWAY.¹⁴ ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT¹⁵ AND GOES AWAY. HE¹⁶ THUS BENEFITS BOTH IN HIS MOVEMENTS¹⁷ AND IN HIS 'ERUB.¹⁸ IF THE ERUB WAS EATEN UP ON THE FIRST DAY IT REMAINS EFFECTIVE FOR THE FIRST DAY¹⁹ BUT NOT FOR THE SECOND. SAID R. ELIEZER TO THEM: YOU DO THEN AGREE WITH ME THAT THEY²⁰ ARE TWO DISTINCT ENTITIES OF HOLINESS.²¹

GEMARA. What is [the purport of the expression] FOR ONE DIRECTION? Obviously FOR THE TWO DAYS.²² And what is [the purport of the expression,] FOR TWO DAYS? Obviously FOR ONE DIRECTION.²³ [Is not then the latter clause] identical with the first one?²⁴ — It is this that the Rabbis²⁵ meant to say to R. Eliezer: 'Do you not agree that no 'erub may be prepared for one half of a day for a northern direction and for the other half of the same day for a southern direction?' 'Indeed [I do]', he replied. 'As', they continued, 'no 'erub may be prepared for one half of a day for a southern direction and for the other half of the same day for a northern direction so may no 'erub be prepared for one of two days in an easterly direction and for the other in a westerly direction' — And R. Eliezer?²⁶ — The one day²⁷ is a single entity of holiness, but the two days²⁸ are two distinct entities of holiness. Said R. Eliezer to them:²⁵ 'Do you not agree that if a man²⁹ prepared an 'erub with his feet³⁰ for the first day he must³¹ also prepare an 'erub with his feet for the second day,³² or that if his 'erub³³ was eaten up on the first day³⁴ he may not go out³⁵ [in reliance] on it on the second day?' 'Indeed', they replied. 'Surely, then',³⁶ [he retorted: 'the two days must be] two entities of holiness'. And the Rabbis?³⁷ — They were rather uncertain³⁸ and have, therefore, adopted the more restrictive course in both cases.³⁹ 'Do you not agree', they again said to R. Eliezer, 'that It is forbidden to prepare an 'erub for the Sabbath on a festival day⁴⁰ for the first time?'⁴¹ 'Indeed [I do]', he replied. 'Surely, then',⁴² [they retorted: 'the two days must be] one entity of holiness'. And R. Eliezer?⁴³ — [The restriction] there is due [to the prohibition] of preparing [for the Sabbath on a festival day].⁴⁴

Our Rabbis taught: If a man⁴⁵ prepared an 'erub with his feet on the first day he must also prepare an 'erub with his feet on the second day; if his 'erub was eaten up on the first day he may not go out [in reliance] on it on the second day; so Rabbi. R. Judah said:

(1) Lit., 'that is near whether before it or after it'.

(2) Who desires on the two days respectively to go in two different directions.

(3) Which he deposits at distances of two thousand cubits from the town in the two desired directions.

(4) 'EAST' and 'WEST' stand for any two opposite directions.

(5) The two days in question, in the view of R. Eliezer, are regarded as two distinct entities of holiness. One 'erub may consequently take effect at twilight of the eve of the first day and the other at twilight of the following day, each 'erub serving for the day for which it is prepared.

(6) Sc. instead of the right to a radius of two thousand cubits from the 'erub, which prevents him from going outside the

- town in the opposite direction of that 'erub, he would be entitled to a radius of two thousand cubits from the town in all directions.
- (7) For both days.
- (8) If he wishes to be entitled on one of the two days to the privileges of the townspeople.
- (9) The reason is explained in the Gemara infra.
- (10) This is dealt with in the Gemara anon.
- (11) When a festival immediately preceded the Sabbath.
- (12) If the man himself goes to the required spot no 'erub is necessary since his presence at twilight at that spot acquires it for him as his abode for that Sabbath or festival.
- (13) When the 'erub effects [the acquisition of the spot (cf. previous note)].
- (14) He should not leave it there since it might be lost and the man for whom it was prepared would thus be without an 'erub for the second day.
- (15) He may not carry it away with him on account of the Sabbath on which the carrying of objects in a public domain or in a karmelith is forbidden.
- (16) By taking the 'erub with him on the first day and so preserving it from possible loss.
- (17) Lit., 'his waking'.
- (18) He is able (a) to walk not only on the first, but also on the second day in the directions he desires and (b) he can also enjoy the eating of the two meals of which the 'erub consists. Had he not preserved the 'erub he might have lost both benefits. Should the festival be preceded by the Sabbath when the carrying of objects is forbidden (cf. supra n. 6) there is no alternative but to leave the 'erub in its position until the termination of the Sabbath. It must be examined at twilight just before the festival begins and, if it is found intact, it must be allowed to remain in position until dusk when it may be carried away or eaten on the spot,
- (19) Lit., 'his 'erub is for the first'.
- (20) The two days.
- (21) Had the two days been one entity the 'erub that was effective at twilight on the eve of the first day should have retained its effectiveness until the conclusion of the second day. 'Now since you concede this point', R. Eliezer says in effect, 'You must also concede that two 'erubs may be prepared respectively for the two days for two different directions'.
- (22) Sc. it is only permitted to prepare one 'erub for one direction for the two days.
- (23) V. p. 261, n. 13.
- (24) Indeed it is. Then why should the same ruling be repeated?
- (25) The Sages.
- (26) How does he meet this argument.
- (27) Lit., 'there'.
- (28) Lit., 'here'.
- (29) Who had no food to send to the required spot through a deputy.
- (30) Sc. walked to the spot and, by his presence there at twilight, acquired it as his abode for the next twenty-four hours of the day.
- (31) If he returned to his permanent home.
- (32) I.e., must again walk to the required spot just before the conclusion of the first day and remain there during twilight as he did on the eve of the first day (cf. supra n. 8) since his first acquisition has no effect whatever on his movements on the second day.
- (33) Where one was prepared with food.
- (34) Even after it had taken effect.
- (35) Beyond the limits permitted to the people of the town.
- (36) **י"ט** MS.M. **י"ט** not?
- (37) How can they maintain their ruling in view of this objection?
- (38) Whether a Sabbath and a festival day that immediately succeed one another are to be regarded as two distinct entities of holiness or as one only.
- (39) Lit., 'here for a restriction and etc.' They (a) forbade 'erubs in two different directions in case the two days are one entity of holiness and also (b) required an 'erub for each day in particular in case the two days are distinct entities of holiness.

(40) That immediately precedes it.

(41) I.e., if no 'erub was prepared on the festival eve,

(42) V. p. 262, n. 14.

(43) V. p. 262, n. 4.

(44) V. infra b. It provides, therefore, no proof that the two days are regarded as one entity.

(45) Cf. supra p. 262, nn. 7ff.

Talmud - Mas. Eirubin 38b

Behold this [man represents a combination of] an ass-driver and a camel-driver.¹ R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka said: If he prepared an 'erub with his feet on the first day he need not prepare one with his feet for the second day² and if his 'erub was eaten on the first day he may go out [in reliance] on it on the second day.³

Rab stated: The halachah is in agreement with the⁴ four elders who follow the view of R. Eliezer who maintained [that the two days are regarded as] two entities of holiness. And these are the four elders: R. Simeon b. Gamaliel, R. Ishmael son of R. Johanan b. Beroka, R. Eleazar⁵ son of R. Simeon and R. Jose b. Judah [reported] anonymously⁶ or, as others say, one of these is R. Eleazar⁷ while R. Jose b. Judah [reported] anonymously is to be 'excluded. But were not R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka heard to express the contrary view?⁸ — Reverse it.⁹ But if so,¹⁰ is not their view identical with that of Rabbi?¹¹ — Read, 'And so also ruled R. Simeon b. Gamaliel etc.'¹² But why was not Rabbi¹³ also enumerated?¹⁴ — Rabbi only learnt the ruling¹⁵ but he himself did not adopt it. [Is it not possible that] the Rabbis¹⁶ also only learned it but did not adopt it?¹⁷ Rab received the statement¹⁸ as a definite tradition.

When R. Huna's soul departed to its eternal rest R. Hisda entering [the academy] pointed out a contradiction between two statements of Rab:¹⁹ Could Rab have said: 'The halachah is in agreement with the four elders who follow the view of R. Eliezer who maintained [that the two days are regarded as] two entities of holiness', seeing that it was actually²⁰ stated: 'If the Sabbath and a festival day [follow one another in close succession]. Rab ruled that [an egg] that was laid on the first of these days²¹ is forbidden on the other'?²² — Rabbah replied: [The restriction] there is due to [the prohibition against] preparing [from one day for the other]; for it was taught: And it shall come to pass on the sixth day²³ that they shall prepare²⁴ [implies that one may] prepare [on] a weekday for the Sabbath or for a festival but that no preparations may be made [on] a festival or the Sabbath nor may preparations be made [on] the Sabbath for a festival.²⁵ Said Abaye to him:²⁶ [What,] however, [could be your explanation of] what we learned: HOW IS ONE TO ACT? HE ARRANGES FOR THE ERUB TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY] WHO, HAVING REMAINED THERE WITH IT UNTIL DUSK, TAKES IT UP AND GOES AWAY. ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT AND GOES AWAY? Is he not thereby preparing on a festival day for the Sabbath? — Rabbah replied: Do you imagine that it is at the conclusion of the day²⁷ that an 'erub acquires its validity? It is at the beginning of the day²⁸ that its validity is acquired, and on the Sabbath one may well make preparations for the Sabbath itself. Now then,²⁹ why should not people be allowed to prepare an 'erub with a 'lagin'?³⁰ — Because it is necessary [that an erub should consist of] a meal that is suitable [for consumption] while it is yet day,³¹ which is not the case there.'³² [What,] however, [is your explanation of] what we learned: R. ELIEZER RULED: IF A FESTIVAL DAY IMMEDIATELY PRECEDES OR FOLLOWS THE SABBATH A MAN MAY PREPARE TWO 'ERUBS'?³³ Is it not necessary [that the 'erub should consist of] a meal suitable [for consumption] while it is yet day,³¹ which is not the case here?³⁴ — Do you think that one 'erub was laid at the termination of two thousand cubits in one direction³⁵ and [the other was laid] at the termination of two thousand cubits in the opposite direction?³⁶ No; one 'erub was laid at the termination of one thousand cubits in one direction and [the other also was

similarly laid at] the termination of one thousand cubits in the opposite direction.³⁷ [What,] however, [could be said in explanation of] that which Rab Judah ruled: If a man prepared an 'erub for the first day with his feet he must also prepare it for the second day with his feet and if he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread? Is he not³⁸ preparing on a festival day for the Sabbath?³⁹ — The other replied: Do you think that he must go [to the required spot] and pronounce some formula? In fact he only goes there and sits down in silence. In agreement with whose view?⁴⁰ Is it in agreement only with that of R. Johanan b. Nuri who holds that objects of hefker⁴¹ acquire⁴² the spot on which they rested?⁴³ — It may be said to be in agreement even with the view of the Rabbis, for they differ from R. Johanan b. Nuri only in respect of a person asleep, who cannot possibly pronounce the formula, but where a person is awake and could, if he wished, pronounce it he is deemed to have pronounced it even though he has not actually done so. Said Rabbah b. R. Hanin to Abaye: If the Master⁴⁴ had heard that⁴⁵ it was taught: 'A man shall not walk [on the Sabbath] to the end of his field to ascertain what it required.'⁴⁶ Similarly

(1) Cf. relevant note on the Mishnah supra 35a. It is uncertain whether the two days are to be regarded as one entity of holiness or two entities. In the former case the 'erub for the first day is also effective for the second one and the man is consequently forbidden to walk the two thousand cubits from the town in the opposite direction of the 'erub though he would be allowed four thousand cubits from the town in the direction of the 'erub (which is his 'abode' for the day and from which point he is entitled to walk two thousand cubits in all directions). In the latter case the 'erub for the first day is not effective for the second, and the man is consequently forbidden on that day to walk more than two thousand cubits from the town in the direction of the 'erub though (since the town is his abode) he would be permitted to walk the two thousand cubits from the town in the opposite direction of the 'erub. Owing to the uncertainty both restrictions are imposed and the man may walk only the two thousand cubits between the town and his 'erub.

(2) Both days being regarded as one entity of holiness or as one long day.

(3) V. previous note. Tosef. 'Er. IV.

(4) So MS.M. Cur. edd. read ׀׀׀׀ though omitting in infra in R. Hisda's quotation.

(5) Var. lec. 'Eliezer'.

(6) Sc. whose rulings have been anonymously recorded by the compilers of the mishnah.

(7) R. Eleazar b. Shamua.

(8) Supra.

(9) 'The view they previously expressed; the correct version being the one in agreement with R. Eliezer given here.

(10) V. previous note.

(11) Supra 38a and fin. An identical ruling should not have been mentioned in a form which implies a divergence of opinion.

(12) And the wording of their ruling also is to be altered accordingly.

(13) Who is of the same opinion as R. Eliezer (supra 38a ad fin.).

(14) Among the other four elders,

(15) Lit., 'it', the ruling in agreement with R. Eliezer.

(16) R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka.

(17) How then could Rab include them among the four elders?

(18) That the four elders held the view of R. Eliezer.

(19) Lit., 'of Rab on Rab'.

(20) Lit., 'and surely'.

(21) Lit., 'on this'.

(22) Beza 4a; apparently because he regards both days as one entity.

(23) I.e., Friday, the 'sixth' of the weekdays.

(24) Ex.XVI, 5.

(25) Beza 2b.

(26) Rabbah.

(27) The festival that precedes the Sabbath for which the 'erub is prepared.

(28) For which the 'erub is required, i.e., [the Sabbath].

(29) If, as just stated, an 'erub takes effect at the beginning, sc. at twilight of the eve of the day for which it is prepared.

(30) 'That was a tebul yom' (supra 36a). The reason for the invalidity of the 'erub given there was that before the Sabbath begins it consisted of tebel. But if an 'erub does not take effect (cf. previous note) before the Sabbath actually begins the 'erub in the lagan, since the moment Sabbath begins it is no longer tebel, should be valid.

(31) Friday.

(32) Lit., 'and there is not', because at that time it was still tebel.

(33) It is now assumed that one 'erub is laid at a distance of two thousand cubits from the town in one direction and the other at an equal distance in the opposite direction.

(34) Since the effectiveness of the 'erub for the first day prevents the man for whom it was prepared from walking one single step in the opposite direction of the town (cf. previous note) in consequence of which he is unable, while it is yet day, to gain access to his second 'erub.

(35) Lit., 'towards here'.

(36) Cf. Supra p. 265, n. 9.

(37) So that either 'erub is within two thousand cubits distance from the other, and the man is consequently able to gain access to the 'erub he requires.

(38) When preparing the 'erub with his feet.

(39) Granted that in the case of an 'erub with bread, since validity takes effect at the beginning of the day for which it is prepared, there is, as has been explained supra, no preparation from the festival for the Sabbath' in the case of an 'erub prepared with one's feet, however, since the man cannot exactly determine the moment at which the Sabbath begins, he would obviously pronounce the formula, whereby he acquires the spot as his abode, while it is yet day and thus he would be guilty of preparing on a festival for the Sabbath.

(40) Is this ruling that no formula is necessary for acquiring a spot as one's 'abode' for a Sabbath or festival.

(41) V. Glos. though they are ownerless and no one acquires the place for them.

(42) Like a sleeping person (cf. infra 45a).

(43) At the moment the Sabbath or festival began.

(44) Rabbah, who tacitly assumed that a man may take a walk on a holy day though his motive is to facilitate thereby some work which is forbidden on that day'.

(45) Lit., 'that which'.

(46) Though his intention is to attend to the work after the conclusion of the Sabbath.

Talmud - Mas. Eirubin 39a

no man shall¹ walk about² the gate of a province in order that he might enter a bath house³ as soon [as the holy day terminates],⁴ he would have changed his view.⁴ This however is not correct. He did in fact hear of this ruling but did not change his view, since there⁵ the motive is obvious⁶ while here it is not at all obvious. For if the person is a scholar people would assume that he might have been absorbed⁷ in his studies,⁸ and if he is an 'am ha-arez,⁹ it would be said that he might have lost his ass.¹⁰

[To turn to] the main text: Rab Judah ruled: If a man prepared an 'erub for the first day with his feet he must also prepare it for the second day with his feet and if he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread; if he prepared his 'erub for the first day with bread [and it was lost] he may prepare it for the second day with his feet, but if he prepared it for the first day with his feet he may not prepare it for the second day with bread because It is not allowed [on a festival day] to prepare for the first time an 'erub [for the Sabbath] with bread.¹¹

'If he prepared the 'erub for the first day with bread he must also prepare it for the second day with bread'. Samuel explained: But only with the same bread. R. Ashi remarked: Logical deduction from our Mishnah also [leads to the same conclusion].¹² For it was stated: HOW DOES HE ACT? HE ARRANGES [FOR THE 'ERUB] TO BE CARRIED [TO THE REQUIRED SPOT] ON THE FIRST DAY [BY A DEPUTY] WHO, HAVING REMAINED THERE WITH IT UNTIL, DUSK, TAKES IT UP AND GOES AWAY. ON THE SECOND [DAY THE 'ERUB IS AGAIN CARRIED

THERE AND] KEPT UNTIL DUSK WHEN [THE DEPUTY] EATS IT AND GOES AWAY. And the Rabbis?¹³ — There¹⁴ we might merely have been given a piece of good advice.¹⁵

MISHNAH. R JUDAH RULED: [IF ON THE EVE OF THE] NEW YEAR A MAN¹⁶ FEARS THAT [THE PRECEDING MONTH OF ELUL.] MIGHT BE INTERCALATED,¹⁷ HE¹⁸ MAY PREPARE TWO ‘ERUBS¹⁹ AND MAKE THIS DECLARATION:²⁰ ‘MY ‘ERUB²¹ FOR THE FIRST [DAY SHALL BE] TO THE EAST AND THE ONE FOR THE SECOND DAY TO THE WEST’; ‘THE ONE FOR THE FIRST DAY TO THE WEST AND THE ONE FOR THE SECOND DAY TO THE EAST’; ‘MY ‘ERUB [SHALL BE EFFECTIVE] FOR THE FIRST DAY, AND FOR THE SECOND [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN’ OR ‘MY ‘ERUB [SHALL BE EFFECTIVE] FOR THE SECOND DAY, AND) FOR THE FIRST [I SHALL RETAIN THE SAME RIGHTS] AS THE PEOPLE OF MY TOWN. THE SAGES, HOWEVER, DID NOT AGREE WITH HIM.²¹

R. JUDAH FURTHER RULED: A MAN MAY CONDITIONALLY²² [SET ASIDE TERUMAH]²³ FOR A BASKET [OF PRODUCE] ON THE FIRST FESTIVAL DAY [OF NEW YEAR] AND MAY THEN EAT IT ON THE SECOND DAY, AND SO ALSO IF AN EGG WAS LAID ON THE FIRST [FESTIVAL] DAY IT MAY BE EATEN ON THE SECOND; BUT THE SAGES DID NOT AGREE WITH HIM.²⁴

R. DOSA B. HARKINAS RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER²⁵ ON [THE FIRST DAY OF] THE FESTIVAL OF THE NEW YEAR SAYS: ‘FORTIFY US, O LORD OUR GOD, ON THIS FIRST DAY OF THE MONTH, WHETHER IT BE TODAY OR TOMORROW’; AND ON THE FOLLOWING DAY HE SAYS: ‘[FORTIFY US ETC.] WHETHER IT BE TODAY OR YESTERDAY’. THE SAGES, HOWEVER, DID NOT AGREE WITH HIM.²⁶

GEMARA. Who [is it that] DID NOT AGREE WITH HIM? Rab replied: It is R. Jose; for it was taught: The Sages agree with R. Eliezer²⁷ that if on [the eve of] the New Year²⁸ a man fears that [the preceding month of Elul] might be intercalated,²⁹ he may prepare two ‘erubs and make this declaration: ‘My ‘erub for the first [day shall be] to the east and the one on the second day to the west’, ‘The one for the first day to the west and the one for the second day to the east’, ‘My ‘erub [shall be effective] for the first day, and for the second [I shall retain the same rights] as the people of my town’, or ‘My ‘erub [shall be effective] for the second day, and for the first [I shall retain the same rights] as the people of my town’; but R. Jose forbids this.³⁰ Said R. Jose to them:³¹ Do you not agree that, if witnesses³² came after the [offering of the] minhah³³ both that day and the day following are observed³⁴ as holy [days]?³⁵

(1) On the Sabbath or a festival.

(2) Aliter: ‘Shall take a walk to’ (cf. Rashi and Gold.).

(3) That is nearby.

(4) Because, from this Baraitha it is obvious that, on a holy day’ even a walk is forbidden if the purpose is to facilitate some forbidden act. Similarly in the case of ‘erub, if the utterance of the formula would constitute an infringement of the law of preparation the silent occupation of the required spot for the same purpose would equally constitute an infringement.

(5) The walks in the Baraitha cited.

(6) No one would ordinarily walk on a holy day to the end of his field or to the gate of a province unless he intended, in the former case, to carry’ out some work in the field or, in the latter case, to enter a bath house as soon as the day ended.

(7) Lit., ‘it drew him’.

(8) And absentmindedly walked on to the Sabbath limit.

(9) V. Glos., who does not engage in study.

(10) And he went to make enquiries about it. Such enquiries as well as the return of the animal to its stable are permitted

even on a holy day.

(11) Since the 'erub would have to be Named on the festival day the prohibition against performing an act on a festival for the Sabbath would be infringed.

(12) That only bread that was on the eve of a festival named as 'erub may be used for the Sabbath 'erub but no new bread that would have to be named as 'erub on the festival day.

(13) Abaye and Rabbah b. Hanin who argued supra against Rabbah's ruling which forbids the naming of an 'erub on a festival for the Sabbath. How could they maintain their views against the deduction from our Mishnah?

(14) In our Mishnah.

(15) Which does not preclude the naming of new bread as 'erub if the man is inclined to do so.

(16) Living in the diaspora, too far from Jerusalem (the seat of the Sanhedrin or supreme court) to ascertain in time which day was fixed as the New Year. The day beginning [the new year, as well as the respective days beginning the months of the year, was determined and announced in Jerusalem after the authorities heard, and were satisfied with the necessary evidence on the time the new moon appeared in the respective month.

(17) I.e., declared to consist of thirty, instead of twenty-nine days. If the witnesses were in time only the day following the twenty-ninth of Elul was announced as New Year's day, but if they were late, that day' was added to Elul and the New Year festival was announced for both that day (the thirtieth of Elul) and the day following it (the first of Tishri), though in fact the latter only was the holy day.

(18) If he wishes to go on the two days respectively in two opposite directions of the town (as in the case in the Mishnah supra 38a).

(19) Depositing them in the two opposite directions of the town respectively at distances of two thousand cubits.

(20) For further notes v. Mishnah supra 38a.

(21) They regard both days as one entity of holiness.

(22) This is explained infra 39b.

(23) Though the setting aside of the priestly dues is forbidden on a day that is definitely known to be a holy day.

(24) Cf. supra n. 3.

(25) Lit., 'he who passes before the (reading) chest'.

(26) The point at issue between the Sages and R. Dosa is explained infra in the Gemara.

(27) Though they disagree with him where one of the two days in question was a Sabbath and the other a festival since both days are holy beyond doubt.

(28) Since only one of the day's, viz., the actual first day of the year, whichever of the two it may be, is holy while the other is definitely not holy. The two day's are kept as a festival for the sole reason that it is impossible to ascertain which of the two is actually the first day of the year.

(29) For notes on the passage cf. the notes on our Mishnah.

(30) His reason emerges from the argument he advances presently.

(31) The Sages.

(32) Who saw the appearance of the new moon.

(33) Lit., 'from the minhah and onward', מִנְחָה denoting the continual daily evening sacrifice which was offered as a rule from the sixth and half hours after sunrise (the day being divided into twelve hours).

(34) Lit., 'that they lead', 'behave'.

(35) Tosef. 'Er. IV. So that the reason why the New Year festival is kept in the diaspora for two days is not only on account of doubt as to which of these days was declared to be the first day of the New Year but also on account of the possibility that both were actually kept in Jerusalem as holy days.

Talmud - Mas. Eirubin 39b

And the Rabbis?¹ — There [the reason for the observance]² is³ that people shall not treat it with disrespect.⁴ R. JUDAH FURTHER RULED etc. And [the mention of the three cases⁵ was] necessary.⁶ For if we had been informed of the NEW YEAR⁷ only it might have been presumed that R. Judah maintained his view⁸ only in that case because the man does nothing,⁹ but that in the case of the BASKET, where it might appear that he prepares tebel,⁹ R. Judah agrees with the Rabbis. And even if we had been taught both, those cases¹⁰ it might have been presumed [that R. Judah maintained his view¹¹ in these only] because there is no prohibition On account of which these

should be forbidden as a preventive measure, but that in the case of the EGG, where there is reason to forbid it as a preventive measure as fallen fruit¹² or as liquids that excluded,¹² he agrees with the Rabbis. [Hence it is that the three cases were] required.

It was taught: In what manner did R. Judah mean his ruling, that ‘a man may conditionally [set aside terumah] for a basket [of produce] on the first festival day [of New Year] and may then eat it on the second day’, [to be carried out]? If, for Instance, he had before him two baskets of produce of tebel he makes this declaration: ‘If today is an ordinary weekday and tomorrow will be a holy day let this [basket of produce]¹³ be terumah for the other, and if today is a holy day and tomorrow is a weekday let my declaration be void’. He thus names it [conditionally] and puts It away. On the following day he says:¹⁴ ‘If today is a weekday let this [basket of produce] be terumah for the other, and if today is a holy day let my declaration be void’, and he thus names It¹⁵ and may then eat [the other]. R. Jose forbids this. And so also did R. Jose forbid [such a procedure] on the two festival days of the diaspora.¹⁶

A stag that was caught¹⁷ on the first day of a diaspora festival and slain on the second day of the festival was presented at the Exilarch's table. R. Nahman and R. Hisda ate it,¹⁸ but R. Shesheth did not eat It.¹⁹ ‘What’, said R. Nahman, ‘can I do with R. Shesheth who does not eat the meat of a stag?’ — ‘How could I eat it’, retorted R. Shesheth, ‘in view of what Assi²⁰ learned (or, as others say: Issi²¹ learned): And so also did R. Jose forbid [such a procedure] on the two festival days of the diaspora’. ‘What, however’, objected Raba, ‘is the difficulty? Is it not possible that he²² meant this: And so also did R. Jose forbid [such a procedure] on the two festival days of the New Year²³ in the diaspora?’²⁴ — If so [instead of the expression,] ‘of²⁵ the diaspora’ it should have read: ‘In the diaspora’ — ‘What difficulty, however,’ objected R. Assi, ‘is this? Is it not possible that he²² meant this: And so also did R. Jose treat the prohibition of [such a procedure] on any of the two festival days of the diaspora²⁶ as did the Rabbis on the two festival days of the New Year²⁷ on which they permit [a similar procedure]?²⁸ R. Shesheth subsequently met Rabbah b. Samuel and asked him, ‘Has the Master learnt anything on the question of festival sanctities?’²⁹ — ‘I have learnt’, the other replied, ‘that R. Jose agreed in the case of the two festival days of the diaspora’.³⁰ If you happen to meet them³¹ [R. Shesheth requested] mention to them nothing whatever about the matter.³² R. Ashi stated: Amemar told me personally that the stag was not at all caught³³

(1) How could they maintain their view in face of R. Jose's argument (cf. previous note)?

(2) Of the first day also, where the witnesses came in the afternoon.

(3) Not because it is actually holy and forms together with the day following it one entity of holiness.

(4) It is in fact not holy; but if, where witnesses came in the afternoon, that day (the 30th of Elul) had not been treated to the end as a holy day, the public might on the next occasion come to regard the entire day with equal disrespect and would, in consequence, permit themselves to carry on their usual occupations and work all that day as if it had been one of the ordinary working days. Such laxity, however, would result in the actual desecration of a holy day where the witnesses happened to come before noon and that day (the one following the 29th of Elul) had been declared as the one and only day of the New Year festival. In order, therefore, to avoid such possible desecration It was ordained that the day following the 29th of Elul shall always be treated as a holy day irrespective of the time of day at which the witnesses appeared. Where, however, the witnesses did come in the afternoon, though that day is continued to be observed as a holy day for the reason stated, it is in fact an ordinary weekday, the second day only being actually holy and the New Year day.

(5) The ‘ERUBS, the BASKET and the EGG.

(6) For the realization of the full extent of R. Judah's view.

(7) Bah reads: the first clause. Sc. the ruling about the ‘ERUBS on the eve of the New Year.

(8) That the two days are regarded as two entities of holiness.

(9) on the festival day.

(10) Those of the ‘ERUBS and the BASKET.

(11) That the two days are regarded as two entities of holiness.

(12) On a holy day it is forbidden to eat fruit that dropped from the tree on that day, as a preventive measure against one's climbing the tree and plucking them (cf. Bezah 2b); and it is similarly forbidden to drink the juice of fruit that exuded on that day, as a preventive measure against one's squeezing of the fruit (cf. op. cit, 3a). An egg might have been assumed to come under the former or latter category.

(13) Which he points out.

(14) Pointing to the basket he had set aside for the same purpose on the previous day.

(15) The basket for terumah.

(16) **ימים טובים של גליות**. Name denoting the three major festivals, as distinct from the New Year festival, of which two days were sometimes observed also in Palestine. Instead of the one day festivals that were Pentateuchally ordained for the fifteenth and twenty-first of Nisan (Passover), sixth of Sivan (Pentecost) and the fifteenth and twenty-second of Tishri (Tabernacles and the Eighth Day of Solemn Assembly) the diaspora, or rather those localities that were too far from Jerusalem for the official communications of the Sanhedrin and supreme court to reach them in time before the date of the respective festival, kept two days. Those whom the communications could reach in time knew exactly the day that was declared as the new moon and could calculate therefrom the day of the respective festivals. All others could not be sure whether the new moon of the month in question followed the twenty-ninth or the thirtieth of the preceding month. As in the former case Passover, for instance, would be fifteen days after the twenty-ninth of Adar and in the latter case sixteen days after that date both the fifteenth and the sixteenth were kept as holy days. This was the case with the three major festivals mentioned. And though, unlike the New Year festival which was sometimes kept in Jerusalem itself (as explained supra 39a) on two days, one of each of these pairs of days was invariably a weekday, R. Jose imposes upon both days the same restrictions as those of the New Year day's.

(17) By non-Jews.

(18) Because the two festival days of the diaspora are in their opinion regarded as two entities, the one holy and the other not holy, so that if the first was not the holy day the stag was caught on an ordinary weekday and may well be eaten on the holy day that followed it; and if the first day was holy the stag may well be eaten after the day ended provided only that there was time enough since the conclusion of the holy day for the stag to be caught.

(19) Both days (v. previous note) are regarded by him as one entity of holiness.

(20) So MS.M. Cur. edd. 'Issi'.

(21) The difference between this reading and the previous one, according to cur.ed. is taken to consist in the mode of its intonation: 'Did not Issi learn?' Cf. Rashi.

(22) Assi or Issi.

(23) But not on those of the other festivals.

(24) R. Jose's point being that, in the diaspora, the two days are always one entity as they are sometimes in Jerusalem.

(25) Which implies: Festivals that are kept on two days in the diaspora only but not in Palestine.

(26) Sc. relaxed it and permitted the procedure.

(27) Supra 39a: 'The Sages agree with R. Eliezer that if on [the eve of] the New Year etc.

(28) This is rather a forced interpretation but is preferable to the difficulty of allowing a senseless ruling to stand in the name of R. Jose who is invariably known for his reasoned statements and arguments.

(29) I.e., whether the two days of a diaspora festival are regarded as two entities of holiness or as one only.

(30) That they are regarded as two entities.

(31) R. Nahman and R. Hisda.

(32) Lit., 'do not tell them and nothing'. R. Shesheth realized his mistake and desired to avoid his colleague's taunts.

(33) On the first day when it was brought to the Exilarch's house. If that had been the case R. Shesheth would undoubtedly have shared the view of his colleagues.

Talmud - Mas. Eirubin 40a

but it arrived¹ from without the permitted festival limit. He who ate it was of the opinion that if anything arrived² for one Israelite it is permitted to another Israelite,³ and he who did not eat it held that all foodstuffs that arrived at the Exilarch's house were intended for all the Rabbis.⁴ but did not R. Shesheth meet Rabbah b. Samuel and ask him [a question on sanctities]?⁵ — That in fact never happened.⁶

A load of⁷ turnips once arrived at Mahuza [on a festival day]. Raba went out and observed that they were withered. He therefore permitted the people to buy them, saying: 'These turnips were undoubtedly pulled out from the ground yesterday. What other objection could be raised?⁸ That they arrived from without the permitted festival limit? But anything that arrives for one Israelite is permitted to another Israelite to eat, and much more so are these [turnips permitted] since they were intended for gentiles'. When, however, he observed that [the gentile vendors] were bringing in additional supplies of these turnips he forbade all further buying.⁹

Certain gardeners once cut¹⁰ myrtles on the second day of the festival and Rabina permitted people to smell their odour in the evening immediately [after the termination of the festival]. Said Raba b. Tahlifa to Rabina, 'The Master should really forbid this to them since they are not learned men'.¹¹ To this R. Shemaiah demurred: 'Is the reason then¹² that they are not learned men, but if they had been learned men this would have been permitted? But, surely, is it not necessary [to allow time] enough¹³ for their preparation?'¹⁴ They, therefore, proceeded to ask this question of Raba, and he told them; that it was necessary [to allow time] enough¹³ for their preparation.¹⁵

R. DOSA¹⁶ RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER etc. Rabbah stated: When we were at R. Huna's we raised the following question: 'Is it necessary to mention the New Moon in [the prayers of] the New Year?¹⁷ Is it necessary to mention it because different additional offerings were ordained for the two celebrations¹⁸ or is rather one mention of "memorial"¹⁹ sufficient for both?'²⁰ And he told us, 'You have learnt It: R. DOSA RULED: THE PERSON WHO ACTS AS CONGREGATIONAL READER etc. Does not [this disagreement²¹ apply] to the mention [of the New Moon]?'²² — No; [it may refer] to the conditional form of the prayer.²³ Logical reasoning also Supports this. For in a Baraita it was taught: 'And so²⁴ did R. Dosa proceed on the New Moons²⁵ throughout the year but they²⁶ did not agree with him'. Now if you admit [that their objection was] to his conditional form of prayer one can well understand why they did not agree with him;²⁷ but if you maintain [that their objection was] to the mention of the New Moon why [it may be asked] did they not agree with him?²⁸ — What then [would you suggest? That their objection was] to his conditional form of prayer? But what purpose [it could be retorted] was served by expressing disagreement In the two cases?²⁹ — [Both were] necessary. For if we had been informed [of their disagreement In the case of] the New Year Only it might have been presumed that only in this case did the Rabbis maintain that no [conditional form of prayer should be introduced] because³⁰ people might come to regard the day with disrespect,³¹ but that in the case of the New Moons throughout the year³² they, it might have been presumed — agree with R. Dosa. And if [their disagreement with R. Dosa] had been expressed in the latter case Only,³³ it might have been presumed that R. Dosa maintained his view only in that case³² but that in the other case he agrees with the Rabbis.³⁴ [Hence it is that both cases were] necessary.

An objection was raised: If the New Year festival fell on a Sabbath, Beth Shammai ruled: One shall recite ten benedictions,³⁵ and Beth Hillel ruled: One only recites nine.³⁶ Now if that were so³⁷ should it not have been necessary according to Beth Shammai³⁸ [to order] eleven benedictions?

(1) On the second day when it was served at the Exilarch's table.

(2) On a festival day from without the permitted limit.

(3) As the stag was brought for the Exilarch it was only forbidden to him but permitted to the Rabbis.

(4) Who usually dined with him. They were, therefore, in the same position as the Exilarch himself.

(5) What possible bearing could such a question have had on that of the stag that was served as a dish on the very day on which it arrived from without the permitted limit?

(6) Lit., 'the things never were'.

(7) Lit., 'that'.

(8) Against eating them on the festival.

(9) Lit., 'to them', since it was evident that the new supplies were definitely intended for the Jewish public.

- (10) Lit., 'who cut'.
- (11) And might, as a result of the permission, allow themselves further relaxations in the observance of the sanctity of the second festival day.
- (12) Why they should have been forbidden the smelling of the myrtles.
- (13) After the conclusion of the festival.
- (14) Sc. the cutting of the myrtles. Before such a period of time has passed the smelling remains forbidden but Rabina, surely, permitted it as soon as the festival concluded.
- (15) Cf. previous note.
- (16) Our Mishnah (supra 39a) insert B. HARKINAS.
- (17) Sc. is it necessary to say 'this day of the New Moon' in addition to 'this Day of Memorial'?
- (18) Lit., 'they are divided in their additional offerings'. Besides the sacrifices that were ordered for the New Year festival (cf. Num. XXIX, 2ff) the sacrifices of the New Moon (which, of course, always coincided with the first day of the New Year) had also to be offered on that day (ibid. 6).
- (19) Since both the New Year festival and the New Moon were associated in Scripture with memorial or remembrance before God (cf. Lev. XXIII, 24 and Num. X, 10).
- (20) Lit., 'goes up towards here and towards here',
- (21) Of the Rabbis with R. Dosa spoken of in our Mishnah.
- (22) Cf. our Mishnah, their opinion being that the New Moon need not be mentioned in the prayer of the New Year's day.
- (23) Which R. Dosa had laid down. In their opinion the expression 'WHETHER IT BE TODAY etc.' should be omitted, but the mention of the New Moon must be included.
- (24) Sc. with a conditional form of prayer.
- (25) Whenever it was uncertain whether the day following the twenty-ninth or the thirtieth of the preceding month was declared as the New Moon.
- (26) The Rabbis.
- (27) Since they might well object to introduce conditional forms in a prayer.
- (28) The New Moon, surely, should be mentioned in the prayers for the ordinary New Moon's day.
- (29) Those of the New Year and the New Moon. Their disagreement on the conditional form of prayer in the one case should, surely, be sufficient indication of their disagreement in the other.
- (30) Observing that the day is specifically described in the prayers as of doubtful holiness.
- (31) And thus desecrate both days of the festival.
- (32) Where the question of desecration does not arise since work is permitted on the New Moon.
- (33) I.e., and the case of the New Year had not been mentioned at all.
- (34) In order, as explained supra, to obviate any possible desecration of the festival.
- (35) The first three (cf. P.B. p. 44f) and the last three (ibid. p. 50ff) that are recited three times every day; one for the Sabbath, one dealing with the sanctity of the New Year and the divine sovereignty of the universe, and two dealing respectively with aspects of God's remembrances and the blowing of the shofar (ibid. pp. 247ff).
- (36) Tosef. Ber. III and Tosef. R.H. II ad fin. The mention of the Sabbath and the sanctity of the New Year are included in one benediction which concludes with 'Who sanctifies the Sabbath and Israel and the Day of Memorial'. (cf. P.B. p. 249).
- (37) That the New Moon must also be mentioned in the New Year prayers.
- (38) Who ordered specific benedictions for every subject.

Talmud - Mas. Eirubin 40b

— R. Zera replied: The New Moon is different [from a festival] —¹ Since [its mention] is included [in the benediction on the sanctity of the day] in the morning and evening prayers² it is also included in that of the additional prayer.³ But do Beth Shammai uphold [the view that the mention of the New Moon⁴ is] to be included?⁵ Was it not in fact taught: If a New Moon falls on a Sabbath, Beth Shammai ruled: One recites in his [additional] prayer eight benedictions and Beth Hillel ruled: Seven?⁶ — [This is indeed] a difficulty.⁷

On the very question of inclusion⁸ Tannas differ. For it was taught: If the Sabbath falls on a New Moon or on one of the intermediate days⁹ of a festival, one reads the seven benedictions in the evening, morning and afternoon prayers in the usual way, inserting the formula appropriate for the occasion¹⁰ in the benediction on the Temple service; R. Eliezer ruled: [The insertion is made] in the benediction of thanksgiving; and if it was not inserted one is made to repeat [all the benedictions]. In the additional prayers one must begin and conclude with the mention of the Sabbath¹¹ inserting the mention of the sanctity of the day in the middle [of the benediction only].¹² R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka ruled: Wherever one is under an obligation to recite seven benedictions¹³ it is necessary to begin and conclude with the mention of the Sabbath¹¹ and to insert the reference to the sanctity of the day in the middle¹⁴ [of the benediction].¹⁵

Now what is the result of the discussion:¹⁶ — R. Hisda replied: [The mention of] one ‘memorial’¹⁷ suffices for both.¹⁸ So also ruled Rabbah: [The mention of] one ‘memorial’ is sufficient for both.¹⁸

Rabbah further stated: When we were at R. Huna's we raised the question whether the benediction on the season¹⁹ is to be recited on the New Year festival and on the Day of Atonement. Must it be recited [we argued] since [these solemn days] occur only periodically or is it possible that it is not to be said since they are not described in Scripture as ‘festivals’? He was unable to give an answer.²⁰ When I later arrived at Rab Judah's he stated: ‘I recite the benediction on the season²¹ even over a new pumpkin.’²² ‘I do not ask’, I told him, ‘whether it is permitted [to recite this benediction].’²¹ What I ask is whether its recital is obligatory’ ‘Both Rab and Samuel’, he replied: ‘ruled: The benediction on the season²¹ is recited only on the occasion of the three major festivals.’²³

An objection was raised: Give a portion unto seven, yea, even unto eight.²⁴ R. Eliezer explained: ‘Seven’ alludes to the seven days of the creation²⁵ and ‘eight’ alludes to the eight days of circumcision.²⁶ R. Joshua explained: ‘Seven’ alludes to the seven days of the Passover and ‘eight’ alludes to the eight days of the festival of Tabernacles: and since Scripture says: ‘Yea, even’, Pentecost, New Year's day and the Day of Atonement are also included. Now does not this inclusion refer to the benediction on the season?²⁷ — No; [the reference is] to the benediction [on the sanctity of the day].²⁸ This²⁹ may also be logically supported. For if it were to be assumed³⁰ [that the reference is] to the benediction on the season [the objection could be advanced:] Is [the benediction on] the season recited³¹ all the seven [days of the festival]?³² — This is really no objection, since a person who did not recite the benediction on the proper day³³ must do so on the following or any subsequent day [of the festival].³⁴ At all events, however, [it may be objected] is not a cup of wine³⁵ required?³⁶ May it [thus] be suggested that this³⁷ provides support for R. Nahman who laid down: One may recite the benediction on the season even in the market-place?³⁸ — This³⁹ is no difficulty [at all, since the benediction on the season could be said] when one happens to have a cup of wine.⁴⁰ This explanation⁴¹ is quite satisfactory as regards Pentecost and the New Year festival; but⁴² how could one proceed on the Day of Atonement?⁴³ If [it be suggested that] one is to recite the benediction over the wine and drink it [the objection might be advanced:] Since the man recited the benediction on the season he has thereby accepted the obligation of the day⁴³ and caused the wine to be forbidden to him;⁴⁴ for did not R. Jeremiah b. Abba once say to Rab,⁴⁵ ‘Have you ceased from work?’ And the latter replied: ‘Yes, I have ceased’.⁴⁶ [And if it be suggested that] one might recite the benediction over the wine and put it aside [it might be objected:] He who recites the benediction [over any food or drink] must taste it. [Should it be suggested that] one might⁴⁷ give it to a child,⁴⁸ [it could be retorted:] The law is not in agreement with R. Aha b. Jacob,⁴⁹ since [the child] possibly might get used to it.⁵⁰ Now what is [the decision] on this question?⁵¹ — The Rabbis sent R. Yemar⁵² the Elder to R. Hisda on the eve of the New Year. ‘Go,’ they said to him, ‘observe how he acts in practice and come and tell us’. When [R. Hisda] saw him he remarked: ‘He who picks up a moist log⁵³ desires to have a press on the spot’.⁵⁴ Thereupon a cup of wine was brought to him [over which] he recited the kiddush⁵⁵ and also the benediction on the season. And the law is that the

benediction on the season is to be recited both on the New Year festival and the Day of Atonement. And the law, furthermore, is that the benediction on the season may be said even in the street.

Rabbah further stated: When we were at Huna's we raised the question whether a student who kept a fast on the eve of the Sabbath must also complete it?⁵⁶ He hath no ruling on the subject.⁵⁷ I appeared before Rab Judah and he also hath no ruling on the subject. 'Let us', said Rabbah,⁵⁸ 'consider the matter ourselves. It was in fact taught: If the Ninth of Ab⁵⁹ fell on a Sabbath

(1) A special benediction is required for the latter but not for the former, though the mention thereof is to be included in the prayers.

(2) If the New Moon falls, for instance, on a Sabbath the benediction concludes with 'Who sanctifies the Sabbath and Israel and the New Moons'.

(3) Even on the New Year; the conclusion of the prayer being 'Who sanctifies Israel and the Day of Memorial and the New Moons'. The total number of benedictions is, therefore, no more than ten.

(4) In the additional prayer when the New Moon and the Sabbath fall on the same day.

(5) In that of the benediction on the sanctity of the Sabbath.

(6) Now since Beth Shammai give the number as eight it is obvious that a special one was instituted for the New Moon. Does not this then present an objection against R. Zera and thus the first objection (Supra 40a ad fin.) arises again?

(7) It follows, since Beth Shammai require a special benediction for the New Moon on an ordinary Sabbath and yet do not require one for the New Year, that no mention whatsoever of the New Moon is made in the prayers for the New Year, the term 'memorial' in 'the Day of Memorial', used in reference to the New Year, covering also the New Moon which, as pointed out supra, is referred to in Scripture by a similar expression (Rashi).

(8) In the morning and evening prayers of a reference to the New Moon in the benediction on the sanctity of the Sabbath when both happen to be on the same day.

(9) Lit., 'the week or profane (days).'

(10) Lit., 'of the nature of the event', sc. according to the formula suitable for the New Moon or any of the particular festivals that happens to fall in that season.

(11) Beginning 'And Thou hast given us this day of rest' and concluding with 'Who sanctifies the Sabbath'.

(12) Thus only in the case of the additional prayers is the mention of the New Moon included at least in the middle of the benediction on the sanctity of the day. In the case of the morning and evening prayers, however, it is not mentioned even in the middle but, as on a weekday, the mention of the New Moon is restricted to the special New Moon prayer beginning, 'Our God . . . may our remembrance rise' ('עלה ויבא') which is inserted in the benediction on the Temple service (cf. P.B. p. 50).

(13) I.e., even in the evening and morning prayers when a New Moon or a festival falls on a Sabbath.

(14) Mentioning first the Sabbath, 'This day of rest', and adding 'and this day of the New Moon', 'and this day of the festival of . . .', according to the particular occasion.

(15) Cf. Tosef. Ber. III and Bezah 17a. Thus it has been shown (cf. supra p. 277, n. 10) that one Tanna (v. supra n. 3) maintains, contrary to the view of the others, that the mention of the New Moon is not to be inserted even in the middle of the benediction on the sanctity of the day.

(16) Lit., 'what is (the decision) about it', i.e., is the New Moon to be mentioned in the New Year prayers?

(17) יום הזכרון, 'the Day of Memorial'.

(18) Cf. supra p. 275, nn. 8f.

(19) 'Blessed art Thou.. Who hast kept us in life, and hast preserved us and hast enabled us to reach this season' (cf. P.B. p. 292).

(20) Lit., 'it was not in his hand'.

(21) V. p. 278, n. 10.

(22) Sc. when he sees it for the first time in the season (Rashi).

(23) Passover, Pentecost and Tabernacles.

(24) Eccl. XI, 2; E.V., 'Divide a portion into' etc.

(25) Lit., 'beginning'. The Sabbath day was the chosen portion from all the seven.

(26) The eighth of which was the selected one (cf. Gen. XVII, 12).

(27) If it does, an objection arises against both Rab and Samuel.

- (28) Concluding with 'Who sanctifies Israel and the season'. This benediction must be recited on all the days enumerated.
- (29) That the New Year was included in respect of the benediction on the sanctity of the day and not in that on the season.
- (30) Lit., 'went up your mind',
- (31) Lit., 'there is'.
- (32) Of course not. The reference of 'seven', therefore, cannot be to that benediction.
- (33) Lit., 'at present', 'today'.
- (34) Hence it was quite proper to include all the seven days in the reference to the benediction on the season.
- (35) The proper occasion for the recital of the benediction on the season is the time when the festival is ushered in, when it follows that on the sanctity of the day, which is pronounced over a cup of wine after the benediction for the wine has been said.
- (36) As it is not possible for everyone to have a cup of wine every day, the recital of the benediction under discussion must obviously be restricted to the first day of the festival. How then could it be maintained that the reference supra is to all the seven days?
- (37) Since it was assumed that the benediction on the season may be recited on any day of the festival.
- (38) Sc. no cup of wine is required for the purpose. Suk. 47b. Is it likely, however, that R. Nahman who is in the minority would receive support from an anonymous Baraitha?
- (39) The dilemma between (a) supporting R. Nahman or (b) assuming that the benediction is that of the sanctity of the day.
- (40) The reference to all the seven days could, therefore, well be justified even if the benediction meant was that for the season.
- (41) Which deprives R. Nahman's view of the support of the Baraitha.
- (42) If R. Nahman's view is not to be adopted.
- (43) When both eating and drinking is forbidden.
- (44) How then could he drink the wine.
- (45) Who, on a cloudy day, believing the sun to have set, read the Sabbath evening prayer before Friday's actual sunset.
- (46) Ber. 27b. From which it follows that the reading of the Sabbath evening prayers imposes upon one the obligations and the restrictions of the day, and similarly the recital of the benediction on the season, (cf. supra n. 11).
- (47) After the recital of the benediction
- (48) As the reason why the wine must be tasted is that the benediction should not appear to have been recited in vain, it could not in fact matter with tastes it.
- (49) So MS.M. and Bah. Cur. edd., omit the last two words. R. Aha b. Jacob permitted a child to drink in the circumstance mentioned (cf. R. Han. a.l. and Tosaf. s.v. לֵיט a.l.).
- (50) Lit., 'to be dragged'; and he would out of habit drink the wine even when he grows up
- (51) Is the benediction on the season the said on the New Year Festival and the Day of Atonement?
- (52) Var. lec. 'Yebe' (v. Rashi s.v. כַּד and She'iltoth, Berakah).
- (53) Which is useless for burning.
- (54) Proverb. No one acts without a motive. The man who picks up a useless log must be in need of the spot on which it rests. R. Yemar, he surmised, must have come or a purpose. Jast. (following a different reading): 'Carry the green date, I have a press on the spot, i.e., you come to find out my opinion, you will soon have an opportunity to learn it'.
- (55) V. Glos.
- (56) As he must when a fast falls on all ordinary day.
- (57) Lit., 'it was not in his hand.'
- (58) MS.M. Cur. edd. 'Raba'.
- (59) One of the statutory fast days.

Talmud - Mas. Eirubin 41a

and, similarly, if the eve of the Ninth of Ab¹ fell on a Sabbath a man may eat and drink as much as he requires and lay on his table a meal as big as that of Solomon in his time. If the Ninth of Ab fell on the Sabbath eve [food] of the size of an egg must be brought and eaten [before the conclusion of

the day] so that one does not approach the Sabbath in a state of affliction'.²

It was taught:³ R. Judah stated: We were once sitting in the presence of R. Akiba, and the day was a Ninth of Ab that occurred on a Sabbath eve, when a lightly roasted egg was brought to him and he sipped it without any salt. And [this he did] not because he had any appetite for it but in order to show the students what the halachah was.⁴ R. Jose, however, ruled: The fast must be fully concluded.⁵ 'Do you not agree with the', said R. Jose to them, 'that when the Ninth of Ab falls on a Sunday one must break off⁶ while it is yet day?'⁷ — 'Indeed [it is so]', they replied. 'What', he said to them, 'is the difference between⁸ beginning the Sabbath⁹ when one is in a state of affliction¹⁰ and between letting it out¹¹ when one is in such a state?'¹² 'If you allowed a person',¹³ they replied: 'to let it out¹¹ [when in such a state] because he has eaten and drunk throughout the day, would you also allow a person¹⁴ to begin it⁹ when in a state of affliction, though he has not eaten or drunk all day?' And in connection with this Ulla ruled: The halachah agrees with R. Jose.¹⁵

But do we act in agreement with the view of R. Jose seeing that such action would be contradictory to the following rulings: No fast day may be imposed upon the public on New Moons, Hanukkah¹⁶ or Purim,¹⁶ but if they began [the period of fasting prior to these days] there is no need to interrupt it;¹⁷ so R. Gamaliel. Said R. Meir: Although R. Gamaliel laid down that 'there is no need to interrupt it', he agrees nevertheless that [the fasts on these days] must not be concluded,¹⁸ and the same ruling applies to the Ninth of Ab that falls on a Sabbath eve.¹⁹ And it was further taught: After the death of R. Gamaliel,²⁰ R. Joshua entered [the academy] to abrogate his ruling,²¹ when R. Johanan b. Nuri stood up²² and exclaimed: 'I submit²³ that "the body must follow the head";²⁴ throughout the lifetime²⁵ of R. Gamaliel we laid down the halachah in agreement with his view and now you wish to abrogate it? Joshua, we shall not listen to you, since the halachah has once been fixed in agreement with R. Gamaliel!' And there was not a single person who raised any objection whatever to this statement.²⁶ — In the time²⁷ of R. Gamaliel the people acted in agreement with the views of R. Gamaliel but in the time²⁷ of R. Jose²⁸ they acted in agreement with the views of R. Jose. But [could it be maintained] that 'in the time of R. Gamaliel the people acted in agreement with the view of R. Gamaliel'? Was it not in fact taught: R. Eleazar son of R. Zadok²⁹ stated: 'I am one of the descendants of Seneab of the tribe of Benjamin. Once it happened that the Ninth of Ab fell on a Sabbath and we postponed it to the following Sunday³⁰ when we fasted but did not complete the fast because that day was our festival.'³¹ The reason [then³² was] that [the day had been their] festival, but on the eve of [their] festival³³ they did complete the fast, did they not?³⁴ Rabina replied: A festival of Rabbinic origin³⁵ is different [from a Sabbath]. Since it is permitted to fast for a number of hours on the former³⁶ it is also permitted to complete a fast on its eves;³⁷ [but as regards] the Sabbath, since it is forbidden to fast on it even for a few hours, it is also forbidden to complete a fast on its eves.³⁸

'I have never heard', said R. Joseph, 'that tradition',³⁹ Said Abaye to him, 'You yourself have told it to us⁴⁰ and you said it in connection with the following: "No fast may be imposed upon the public on New Moons etc." and it was in connection with this that you told us, "Rab Judah said in the name of Rab: This is the view of R. Meir⁴¹ who laid it down in the name of R. Gamaliel; but the Sages ruled: One must complete the fast". Now does not this⁴² refer to all the days mentioned?⁴³ — No; only to Hanukkah and Purim. This may also be supported by a process of reasoning

(1) The eve of the fast, if it falls on an ordinary day, is also subject to certain restrictions. At the last meal of the day it is forbidden to eat more than one cooked dish nor is it permitted to drink wine or eat meat on that day.

(2) Ta'an 29b.

(3) Wanting in MS.M. Ban reads 'and it was taught'.

(4) That a fast on the Sabbath eve must be broken before the Sabbath begins.

(5) Cf. previous note and supra p. 281, n. 10.

(6) His meal on the eve of the Fast.

- (7) Though it is the Sabbath day he must cease eating before the day comes to an end.
- (8) Lit., 'what to me'.
- (9) Lit., 'to enter it'.
- (10) I.e., to be fasting all the Sabbath eve until the Sabbath actually commenced.
- (11) Lit., 'to go out from it'.
- (12) I.e., to begin on the Sabbath the fast that fell on a Sunday. If the latter is permitted, why not also the former?
- (13) Lit., 'you said'.
- (14) Lit., 'will you say'.
- (15) A contrary ruling to the one given previously on the enquiry made at R. Huna's.
- (16) V. Glos.
- (17) It may be continued even on the days mentioned.
- (18) But must be broken on every one of these days before they respectively draw to a close.
- (19) Ta'an 15b. Cf. previous note.
- (20) Reading of marg. note. Cur. edd. in parenthesis, 'R. Simeon b. Gamaliel'.
- (21) Sc. to lay down that the fast may be concluded even on a Sabbath eve in agreement with R. Jose.
- (22) Lit., 'stood on his feet'.
- (23) Lit., 'see (good reason for the statement)'.
- (24) Proverb. Cf. 'follow the leader'.
- (25) Lit., 'all his days'.
- (26) A fast on the Sabbath eve accordingly must not be concluded. How then could this be reconciled with the practice in agreement with the view of R. Jose?
- (27) Lit., 'in his generation'.
- (28) Who flourished after R. Gamaliel.
- (29) This is the reading according to marg. glos. Cur. edd. insert 'son of' in parenthesis and omit the 'R.' before Zadok. MS.M. Eliezer', omitting his father's name.
- (30) Lit., 'to after the Sabbath'.
- (31) Ta'an. 12a. The tenth of Ab was allotted to them as the day on which they were entitled to bring the offering of wood for the Temple altar. The families that were entitled to such a privilege kept the respective days allotted to them as a family festival. (V. Rashi a.l. and cf. Ta'an. 26a, 28a).
- (32) Why they did not complete the postponed fast.
- (33) Sc. the usual date of the Ninth of Ab which is the proper fast day and which always occurred on the eve of their festival.
- (34) Which proves, since R. Eleazar son of R. Zadok was a contemporary of R. Gamaliel (cf. Bezah 22a), that on the eve of a festival a fast was completed even in the days of R. Gamaliel,
- (35) Lit., 'their words'.
- (36) As was stated supra, 'When we fasted etc.'
- (37) The completion of the fast does not involve even a full hour. If one may fast on a Rabbinic festival one should certainly be allowed on it a fast lasting only a portion of an hour.
- (38) Where the fast is to be completed its termination would encroach upon the Sabbath and one would incur the guilt of fasting on a Sabbath, however short the duration of that fasting might be.
- (39) Ulla's (supra) that the halachah is in agreement with R. Jose.
- (40) R. Joseph lost his memory as a result of a serious illness and his students often reminded him of traditions and rulings he had imparted to them in his earlier days.
- (41) Who stated supra that the fast is not to be completed, and the same applies to the fast of the Ninth of Ab that fell on a Sabbath eve.
- (42) The ruling of the Sages.
- (43) Lit., 'on all of them', i.e., that even on a Sabbath eve the fast must be completed. Now since Rab described R. Jose by the plural noun of 'Sages' it is obvious that he intended the halachah to be in agreement with his view.

Talmud - Mas. Eirubin 41b

for if it could have been presumed that the reference is to all the days mentioned [the objection

would arise:] Did not Rabbah ask [a question¹ on the subject] from Rab Judah and the latter did not answer him?² — But according to your view³ [would not the following objection arise:] In view of⁴ Mar Zutra's exposition in the name of R. Huna⁵ that the halachah is that one fasting [on a Sabbath eve] must complete the fast, why, when⁴ Rabbah asked [a question on the subject]¹ from R. Huna did not the latter⁶ answer him? But [you would no doubt reply:] That question was asked⁴ before [R. Huna] heard the ruling⁷ while his statement⁸ was made⁴ after he had heard it;⁷ so also here [one might explain] that the question was asked⁴ before [Rab Judah] heard it⁷ while his statement⁹ was made after he heard it',⁷ Mar Zutra made the following exposition in the name of R. Huna: The halachah is [that those] fasting [on a Sabbath eve] must complete the fast.

CHAPTER IV

MISHNAH. HE WHOM GENTILES¹⁰ OR AN EVIL SPIRIT,¹¹ HAVE TAKEN OUT [BEYOND THE PERMITTED SABBATH LIMIT] HAS NO MORE THAN FOUR CUBITS [IN WHICH TO MOVE].¹² IF HE WAS BROUGHT BACK¹³ [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT.¹⁴ IF HE WAS TAKEN TO ANOTHER TOWN,¹⁵ OR IF HE WAS PUT IN A CATTLE-PEN OR IN A CATTLE-FOLD,¹⁶ HE MAY, RULED R. GAMALIEL AND R. ELEAZAR B. AZARIAH, MOVE THROUGH THE WHOLE OF ITS AREA;¹⁷ BUT R. JOSHUA AND R. AKIBA RULED: HE HAS ONLY FOUR CUBITS [IN WHICH TO MOVE].

IT ONCE HAPPENED THAT THEY¹⁸ WERE COMING FROM BRINDISI¹⁹ AND WHILE THEIR SHIP WAS SAILING²⁰ ON THE SEA,²¹ R. GAMALIEL AND R. ELEAZAR B. AZARIAH WALKED ABOUT THROUGHOUT ITS AREA,²² BUT R. JOSHUA AND R. AKIBA DID NOT MOVE BEYOND FOUR CUBITS BECAUSE THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES.²³

ONCE [ON A SABBATH EVE] THEY DID NOT ENTER THE HARBOUR UNTIL DUSK.²⁴ 'MAY WE DISEMBARK?'²⁵ THEY ASKED R. GAMALIEL. YOU MAY', HE TOLD THEM, 'FOR I²⁶ HAVE CAREFULLY OBSERVED [THE DISTANCE FROM THE SHORE AND HAVE ASCERTAINED] THAT BEFORE DUSK WE WERE ALREADY WITHIN THE SABBATH LIMIT'.²⁷

GEMARA. Our Rabbis learned: Three things deprive²⁸ a man of his senses and of a knowledge of his creator,²⁹ viz.,³⁰ idolaters, an evil spirit and oppressive poverty. In what respect could this³¹ matter? — In respect of invoking heavenly mercy to be delivered from them.³² Three kinds of person do not see the face of Gehenna, viz.,³⁰ [one who suffers from] oppressive poverty, one who is afflicted with bowel diseases, and [one who is in the hands of] the [Roman] government;³³ and some say: Also he who has a bad wife. And the other?³⁴ — It is a duty to divorce a bad wife.³⁵ And the other?³⁶ — It may sometimes happen that her kethubah³⁷ amounts to a large sum,³⁸ or else, that he has children from her and is, therefore, unable to divorce her. In what practical respect does this³⁹ matter? — In respect of receiving [these afflictions] lovingly.⁴⁰ Three [classes of person] die even while they are conversing,⁴¹ viz.,³⁰ one who suffers from bowel diseases, a woman in confinement, and one afflicted with dropsy. In what respect can this information matter? — In that of making arrangements for their shrouds to be ready.

R. Nahman stated in the name of Samuel: If a man went out deliberately [beyond his Sabbath limit] he has only four cubits [in which to move]. Is not this obvious? If one whom gentiles have taken out⁴² has only four cubits [in which to move], is there any necessity [to mention that one who] went out deliberately [is subject to the same restriction]? — Rather read: If he⁴³ returned deliberately⁴⁴ he has only four cubits [in which to move]. Have we not, however, learnt this also: 'IF HE WAS BROUGHT BACK by gentiles ['HE IS REGARDED] AS IF HE HAD NEVER GONE OUT'; [from which it follows] that only if he was brought back he [is regarded] as if he had never

gone out, but that if gentiles took him out and he returned of his own accord he has only four cubits? — Rather, read: If he went out of his own free will and was brought back by gentiles he has only four cubits [in which to move]. But have we not learnt this also: WHOM . . . HAVE TAKEN OUT and HE WAS BROUGHT BACK [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT, [from which it is evident] that only he whom gentiles have taken out and also brought back [is regarded] as if he had never gone out, but that a man who went out of his own free will is not [so regarded]?⁴⁵ — It might have been assumed that our Mishnah deals with two disconnected instances: [i] HE WHOM THE GENTILES . . . HAVE TAKEN OUT and he has returned on his own HAS NO MORE THAN FOUR CUBITS; but [ii] if he went out on his own and WAS BROUGHT BACK by gentiles [HE IS REGARDED] AS IF HE HAD NEVER GONE OUT. Hence we were informed⁴⁶ [that the second clause is the conclusion of the first]. An enquiry was addressed to Rabbah: What is the ruling where a man⁴⁷ had to attend to his needs? — Human dignity,⁴⁸ he replied, is so important that it supersedes a negative precept of the Torah.⁴⁹ The Nehardeans remarked: If he⁵⁰ is intelligent he enters into his original Sabbath limit and, once he has entered it, he may remain there.⁵¹

R. Papa said: Fruits that were carried⁵² beyond the Sabbath limit⁵³ and were returned [on the same day], even if this was done intentionally, do not lose their original place.⁵⁴ What is the reason? — They were carried under compulsion.⁵⁵

R. Joseph b. Shemaiah raised an objection against R. Papa: R. Nehemiah and R. Eliezer b. Jacob ruled, [The fruits]⁵⁶ are always forbidden⁵⁷ unless they are unintentionally returned to their original place; [from which it follows, does it not, that only if they are returned] unintentionally is this law applicable,⁵⁸ but not [if they are returned] deliberately?⁵⁹ — On this question Tannas differ. For it was taught: Fruits that were carried⁵² beyond the Sabbath limit unwittingly may be eaten,⁶⁰ [if they were carried] wittingly they may not be eaten;

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- (1) Whether a fast on a Sabbath eve must be completed.
 - (2) Supra 40b ad fin. If the Sabbath eve is included among the days on which a fast must be completed Rab Judah who reported the ruling in the name of Rab (v. loc. cit.) would, surely, have been able to give Rabbah an answer.
 - (3) That the Sabbath eve is excluded from the ruling reported by Rab Judah in the name of Rab.
 - (4) Lit., 'that'.
 - (5) Infra.
 - (6) Despite his specific ruling.
 - (7) From Rab.
 - (8) Quoted by Mar Zutra.
 - (9) In the name of Rab supra 41a ad fin.
 - (10) Who, unlike Israelites, are permitted to walk any distance on the Sabbath.
 - (11) An attack of insanity (cf. Rashi).
 - (12) During the Sabbath, from the spot where (in the first case) he was placed by the gentiles or where (in the case of the insane man) he recovered.
 - (13) Within his original permitted limit.
 - (14) He may move about throughout the town and to a distance of two thousand cubits beyond it in every direction.
 - (15) Which was surrounded by walls.
 - (16) Sc. large enclosed areas.
 - (17) An enclosed area, however extensive, is regarded in respect of one's movements on the Sabbath as one of four cubits.
 - (18) The scholars just mentioned.
 - (19) Cf. J.E. v. 560 and Danby's Mishnah p. 126, n. 1.
 - (20) On the Sabbath.
 - (21) And so carried its passengers beyond their permitted Sabbath limit.
 - (22) They regarded the ship, in respect of movement in it on the Sabbath' as a cattle-pen or a cattle-fold within which as stated supra, one may freely move.

- (23) This is explained infra in the Gemara.
- (24) When the Sabbath had already set in.
- (25) Lit., 'what (about) us to go down'. Having been carried during the Sabbath beyond their original Sabbath limit they were not sure whether they may or may not move beyond four cubits.
- (26) By means of a certain instrument (v. Gemara infra). (According to J. 'Er. IV, 2, he knew the heights of certain towers along the coast, and by directing his instrument to the tops of them he was able to calculate the distance).
- (27) Of the harbour.
- (28) Lit., 'cause to pass'.
- (29) Lit., 'his possessor'.
- (30) Lit., 'these are they'.
- (31) The statement of the Rabbis.
- (32) Lit., 'about them'.
- (33) Cf. Aboth 11, 3 and Tosaf. s.v. **הרשות** a.l. Aliter: (In the hands of) creditors (Rashi).
- (34) Sc. why is not a bad wife mentioned in the first version?
- (35) Consequently one would not be suffering very long from such a woman.
- (36) The second version. Why, in view of the explanation just given, was a bad wife included?
- (37) V. Glos.
- (38) Which the man cannot afford to pay. He cannot divorce her unless he is in a position to meet his obligation.
- (39) The information that the sufferers mentioned would not see Gehenna.
- (40) The knowledge that they atone for his sins and shortcomings will tend to make him content with his lot.
- (41) Death comes upon them unexpectedly while they are apparently comfortable and able to carry on a conversation.
- (42) Against his will.
- (43) The man who was carried beyond the Sabbath limit against his will by gentiles.
- (44) To within his original Sabbath limit.
- (45) And has consequently no more than four cubits in which to move. What need then was there for R. Nahman's ruling?
- (46) By R. Nahman in the name of Samuel.
- (47) Who, having been taken beyond his Sabbath limit, is restricted in his movements to an area of four cubits.
- (48) Lit., 'the honour of creatures'.
- (49) Sc. the negative precept, 'Thou shalt not turn aside from the sentence which they shall declare unto thee' (Deut. XVII, 11), 'sentence' or 'the word' **הדבר** being applied to any enactment of the Rabbis. As the laws of the Sabbath limits which are only Rabbinical derive their force from this precept they also may be superseded wherever their absence would involve any loss of human dignity (Rashi); v. Ber. 19b.
- (50) The man who in the circumstances mentioned was allowed to move beyond the four cubits.
- (51) Lit., 'he entered', and may again move through the town and to distances of two thousand cubits away from it in all directions.
- (52) Lit., 'that went out', on a holy day.
- (53) Of their original place.
- (54) And may consequently be carried throughout the town and beyond it (cf. supra n. 5) and, on the Sabbath, may be eaten on the spot where they were deposited.
- (55) Inanimate objects are always in the position of a man acting under compulsion.
- (56) That were carried away beyond their Sabbath limit.
- (57) To be moved outside four cubits or to be eaten even if they were returned to their original place.
- (58) Lit., 'yes', that they are permitted.
- (59) How then could R. Papa maintain that fruits in such circumstances do not lose their original place even if they were carried back deliberately?
- (60) On the spot where they were deposited by any person within whose Sabbath limit that spot may be.

Talmud - Mas. Eirubin 42a

while R. Nehemiah ruled: If they are in their original place¹ they may be eaten but if they are not in their original place² they may not be eaten. Now what [are the circumstances under which they came

to be] in their original place?³ If it be suggested that they were in their original place through some intentional act, surely [it could be retorted] was it not specifically taught: ‘R. Nehemiah and R. Eliezer b. Jacob ruled, [the fruits] are always forbidden unless they are unintentionally returned to their original place’,⁴ from which it follows, does it not, that only if they are returned] unintentionally is this law applicable but not [if they are returned] intentionally?⁵ Must we not then admit that they [came to be] in their original place through some unintentional act, and that some words are missing, the correct reading being as follows: Fruits that were carried outside the Sabbath limit unwittingly may be eaten, but if they were carried wittingly they may not be eaten. This applies only where they are not in their original place but if they were in their original place they may be eaten even if they were carried intentionally. And in connection with this R. Nehemiah came to lay down that even when they are in their original place the law applies only where they were carried unwittingly but not when it was done wittingly?⁶ — No; if they are in their original place through an intentional act no one⁷ disputes the ruling that they are forbidden, but the difference of opinion here⁸ is [one regarding fruits] that are not in their original place through an unintentional act. The first Tanna is of the opinion that if they are not in their original place through an unintentional act they are permitted while R. Nehemiah maintains that even [if they were carried] unintentionally they are permitted only⁹ in their original place but not where they are not in their original place.¹⁰ Since, however, it was stated in the final clause, ‘R. Nehemiah and R. Eliezer b. Jacob ruled, [The fruits] are always¹¹ forbidden unless they are unintentionally returned to their original place’ [from which it follows that only if they’ are returned [unintentionally is this law applicable¹² but not [if they are returned] intentionally, it may be concluded that the first Tanna is of the opinion that [the fruits] are permitted even [if they are returned] intentionally.¹³ This is conclusive.

R. Nahman stated in the name of Samuel: If a man was walking and did not know where the Sabbath limit ended he may walk a distance of two thousand moderate paces;¹⁴ and this constitutes for him the Sabbath limit.

R. Nahman further stated in the name of Samuel: If a man took up his Sabbath abode in a valley¹⁵ around which gentiles put up a fence¹⁶ on the Sabbath, he may only walk a two thousand cubits distance in all directions¹⁷ but may move objects throughout all the valley¹⁸ by throwing them,¹⁹ but R. Huna ruled: He may walk the two thousand cubits but may move objects within four cubits only.²⁰ But why²¹ should he not²² be allowed to move objects throughout all its area by throwing them? — He²³ might be drawn after his object.²⁴ Then why should he not be allowed to move²⁵ objects in the usual way within the two thousand cubits?²⁶ Because the [area in which he is permitted to walk]²⁷ is like a partition along the full width of which a breach was made towards a place²⁸ into which it is forbidden²⁹ to carry anything from it.³⁰

Hiyya b. Rab ruled: He may walk the two thousand cubits and may also move objects³¹ within these two thousand cubits.³² In agreement with whose view?³³ Is it neither in agreement with that of Rab nor with that of R. Huna?³⁴ — Read: He may move objects within four cubits. If so, is not his ruling identical with that of R. Huna?³⁵ — Read: And so ruled Hiyya b. Rab. Said R. Nahman to R. Huna: Do not dispute the view of Samuel³⁶ since in a Baraita it was taught in agreement with his view. For it was taught:

(1) Sc. if they were brought back.

(2) I.e., if they remained outside their original Sabbath limit.

(3) Of which R. Nehemiah spoke.

(4) Supra 41b ad fin.

(5) Loc. cit. q.v. notes.

(6) It may thus be shown that R. Papa's ruling forms a question in dispute between R. Nehemiah and the first Tanna and that the latter who ruled that ‘if they were in their original place they may be eaten even if they were carried intentionally’ upholds the same view as R. Papa.

- (7) Not even the first Tanna.
- (8) Between the first Tanna and R. Nehemiah.
- (9) Lit., 'yes', that they are permitted.
- (10) If, however, this interpretation is adopted the objection would arise: How could R. Papa whose view cannot be traced to any Tanna differ from the rulings of both the Tannas mentioned?
- (11) Emphasis on 'always'.
- (12) Lit., 'yes', that they are permitted.
- (13) To their original place. Had he agreed with R. Nehemiah that intentional carriage renders the fruits forbidden even where they are thereby returned to their original place, and had he differed from him and R. Eliezer b. Jacob on one point only (that of unintentional carriage where the fruits are not in their original place), there would have been no point in the expression of 'always' in the latter's statement of disagreement. Hence the conclusion that the first Tanna differed from the others on two points, (a) on unintentional carriage even when the fruits are not in their original place and (b) intentional carriage where they are in their original place, his view being that the fruits are permitted even where there is only one point in favour of their permissibility, viz., either (a) unintentional carriage or (b) return to their original place. R. Nehemiah and his colleague who maintain that permissibility is invariably dependent on both (a) and (b) were, therefore, justified, when expressing their disagreement, in emphasizing that the fruits are forbidden always sc. in the absence of either (a) or (b). The objection against R. Papa whose view it has now been shown coincides with that of the first Tanna, is consequently removed.
- (14) A moderate pace is equal to one cubit.
- (15) A man is allowed a distance of two thousand cubits in all directions from any spot he had occupied when the Sabbath had set in.
- (16) For dwelling purposes. If it was not put up for any such purpose there are additional restrictions.
- (17) Cf. supra p. 291 n. 6. He may not, however, walk as far as the fence if the distance is more than two thousand cubits. An enclosure is regarded as an area of four cubits (throughout which one may move freely) only (a) where the man was within it at the time the Sabbath began or (b) where he was forcibly put into it at any time, but not where a fence was put up during the Sabbath after he had willingly taken up his Sabbath abode in the place.
- (18) Even beyond two thousand cubits where he is not allowed to go.
- (19) From any point to which he may walk. Within the two thousand cubits limit he may move objects in the ordinary way since the fence is valid irrespective of the time during which it was put up (cf. supra 20a).
- (20) As if there were no fence around it. Beyond the four cubits he must neither carry nor throw. The distinction between throwing and carrying applies only when one is permitted to carry but not to walk. As the carrying is permitted and the walking is forbidden, throwing was allowed. When, however, carrying is forbidden throwing also is equally forbidden.
- (21) According to R. Huna.
- (22) Since a fence that was put up on the Sabbath (cf. supra 20a) is valid.
- (23) If throwing were to be allowed.
- (24) Beyond the permitted two thousand cubits limit. Hence the prohibition of throwing.
- (25) And much more to throw.
- (26) Within which he is permitted to walk.
- (27) Sc. the distance of two thousand cubits in all directions, which is not separated from the rest of the valley by any partition whatsoever.
- (28) In this case the remainder of the valley beyond the two thousand cubits.
- (29) For the reason given supra that 'he might be drawn after his object'.
- (30) In the case of such a wide breach the movement of objects is forbidden even in the area where, in the absence of that breach, the movement of objects would have been permitted.
- (31) Even in the usual way.
- (32) But beyond these he may not even throw them.
- (33) Is that of Hiyya b. Rab.
- (34) But if so, on what ground could his ruling be justified? If he adopts R. Huna's reason and forbids throwing of objects on the ground that 'he might be drawn after his object', he should also follow R. Huna's reasoning in forbidding the movement of objects within two thousand cubits because they open out to a forbidden place; and if, like R. Nahman, he does not provide against the possibility that 'he might be drawn after his object', throwing beyond the two thousand cubits also should be permitted.

(35) Why then was it put down in a form which suggests something new?

(36) That there is no need to provide against the possibility that 'he might be drawn after his object', just reported in his name by R. Nahman.

Talmud - Mas. Eirubin 42b

If a man was measuring [the distance from his 'erub] and advancing [towards another town], and his measuring [of the permitted two thousand cubits] terminated in the middle of the town, he is allowed to move objects throughout the town¹ provided only that he does not pass his Sabbath limit.² Now, in what manner could he move the objects?³ Obviously⁴ by throwing.⁵ And⁶ R. Huna?⁷ — He can answer you: No; by pulling.⁸

R. Huna ruled: If a man was measuring [the distance from his 'erub] and his measuring [of the permitted two thousand cubits] terminated in the middle of a courtyard he has only a half of the courtyard [in which to move]. Is not this obvious?⁹ — Read: He has a half of the courtyard [in which to move].¹⁰ Is not this also obvious?¹¹ — It might have been presumed that¹² there was cause to fear that one might carry objects about all the courtyard,¹³ hence we were informed [that no such possibility need be considered].

R. Nahman stated: Huna¹⁴ agrees with me that if a man was measuring [the distance from his 'erub] and was thus advancing [towards another town], and his measurement [of the two thousand cubits] terminated at [a line corresponding to] the edge of a roof¹⁵ he is allowed to move objects¹⁶ in any part of the house. What is the reason? Because [the projection of] the roof of the house would strike him.¹⁷

R. Huna son of R. Nathan said: [The divergence of opinion here¹⁸ is] like that between the following Tannas: IF HE WAS TAKEN TO ANOTHER TOWN, OR IF HE WAS PUT IN A CATTLEPEN OR IN A CATTLE-FOLD, HE MAY, RULED R. GAMALIEL AND R. ELEAZAR B. AZARIAH, MOVE THROUGH THE WHOLE OF ITS AREA; BUT R. JOSHUA AND R. AKIBA RULED: HE HAS ONLY FOUR CUBITS. Now did not R. Gamaliel and R. Eleazar b. Azariah rule that the man may MOVE THROUGH THE WHOLE OF ITS AREA, because they do not forbid walking in a cattle-pen Or in a cattle-fold¹⁹ as a preventive measure against the possibility of walking in a valley,²⁰ and since evidently they have not forbidden walking [in the former] as a preventive measure against walking [in the latter] they, likewise, did not forbid the moving of objects [by throwing them beyond the Sabbath limit] as a preventive measure against the possibility of walking²¹ [beyond that limit]; while R. Joshua and R. Akiba ruled: HE HAS ONLY FOUR CUBITS because they forbid walking in a cattle-pen or in a cattle-fold as a preventive measure against walking in a valley; and since evidently they have forbidden walking [in the former] as a preventive measure against walking [in the latter] they also forbid the moving of objects [by throwing them beyond the Sabbath limit] as a preventive measure against the possibility of walking [beyond that limit]²² — Whence [could this²³ be proved]? It is in fact possible that R. Gamaliel and R. Eleazar b. Azariah did not forbid walking in a cattle-pen or in a cattle-fold as a preventive measure against the possibility of walking in a valley for the sole reason that²⁴ two different places are there involved,²⁵ but [as regards forbidding the] movement of objects [as a preventive measure] against the possibility of walking which involves one and the same place they may well have enacted a prohibition as a preventive measure against the possibility of being drawn after one's object. As to R. Joshua and R. Akiba also, whence [could it be proved that they restricted the walking²⁶ to four cubits] because they have enacted a preventive measure?²⁷ — It is in fact possible that [the reason for their restriction is] that they hold the view that all the house is regarded as four cubits only while a man occupied a place within its walls while it was yet day²⁸ but not where he did not occupy the place while it was yet day.²⁹

Rab laid down: The law is in agreement with R. Gamaliel in respect of a cattle-pen, a cattle-fold and a ship; and Samuel laid down: The law is in agreement with R. Gamaliel in respect of a ship but not in respect of a cattle-pen or a cattle-fold. Both³⁰ at any rate agree that the law is in agreement with R. Gamaliel in respect of a ship; what is the reason? — Rabbah replied: Because the man has occupied a place within its walls while it was yet day.³¹ R. Zera replied: Because the ship³² continually takes him from the beginning of four cubits and puts him down at the end of the four cubits.³³ What is the practical difference between them?³⁴ — The practical difference between them is the case where the sides of the ship were broken down,³⁵ or where one leaps from one ship into another.³⁶ But why does not R. Zera give the same reason as Rabbah? — He can answer you: The sides³⁷

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- (1) On a Sabbath if the town was provided with an 'erub (v. Glos.); or on a festival, when carrying is permitted.
 - (2) Sc. the distance of two thousand cubits from his 'erub. Only for a man who has been in a town at the time the Sabbath commenced is its entire area regarded as four cubits.
 - (3) In that part of the town whither he is not allowed to go.
 - (4) Lit., 'not?'
 - (5) Which confirms Samuel's view (cf. supra n. 3).
 - (6) MS.M. Rashi and Bah. Cur. edd., 'Said R. Huna'.
 - (7) How could he differ from a Baraitha?
 - (8) From without the Sabbath limit into it. In such a case the possibility of being drawn after the object does not arise.
 - (9) A man, surely, may not walk beyond the two thousand cubits limit.
 - (10) The point of the ruling is not that the half of the courtyard outside the two thousand cubits may not, but that any point which lies within them may be used.
 - (11) Since that part lies within the permitted limit.
 - (12) Were half the yard within the Sabbath limit permitted.
 - (13) And that in order to provide against this infringement of the law the use of all the yard should be forbidden.
 - (14) Though he provides against the possibility that 'he might be drawn after his object'.
 - (15) Of a house, that stood just outside the two thousand cubits, whose wall on that side was broken down, and that thus opened out into a courtyard in which the carrying of objects was permitted.
 - (16) By means of throwing.
 - (17) Lit., '(is deemed to) press down', cf. supra 9a. One could not mistake the area of the house beyond the edge of the roof to be permitted and thus to be drawn after one's object as might be the case where no such distinguishing mark existed.
 - (18) On the question of whether provision was made against the possibility that a man might be drawn after his object.
 - (19) That are enclosed by fences and into which gentiles had carried the man against his wish.
 - (20) Which had no fence around it and in which, as stated in the first clause of our Mishnah, one HAS NO MORE THAN FOUR CUBITS.
 - (21) By being drawn after the objects.
 - (22) As the answer is apparently in the affirmative it follows that the Tannas in our Mishnah differ on the same question as the Amoras here (cf. supra p. 294, n. 8).
 - (23) Cf. previous note.
 - (24) Lit., 'these words'.
 - (25) And a person is not likely to mistake the one for the other.
 - (26) In a cattle-pen or in a cattle-fold.
 - (27) Against the possibility of walking in a valley.
 - (28) Of the Sabbath eve.
 - (29) As the man was not in the cattle-pen or cattle-fold before the Sabbath commenced he cannot be allowed to walk beyond four cubits. Throwing, however, may well be permitted throughout the pen or the fold, since the possibility of the man's being drawn after his object is disregarded.
 - (30) Lit., 'that all the world', sc. Rab and Samuel.
 - (31) Of the Sabbath eve. In consequence of which, as stated supra, all the ship is regarded as four cubits.
 - (32) Which was in constant motion since the man was taken beyond his Sabbath limit.

(33) So that he did not rest for one moment in any particular spot. Not having acquired any four cubits as his Sabbath abode, all the ship is regarded as his home. Aliter: Whenever the man lifts up his foot the ship carries him a distance of four cubits before he can put it down, and he is, therefore, in the position of a man whom gentiles have forcibly taken out from his four cubits and put in another four cubits and who is always entitled to the last four cubits in which he finds himself (cf. Rashi s.v. נוטלתו a.l.).

(34) Rabbah and R. Zera.

(35) Rabbah's reason does not apply while R. Zera's does.

(36) On the Sabbath. Since the man did not occupy a place in the latter ship while it was yet day he is not allowed, according to Rabbah, more than four cubits. According to R. Zera he may walk all through the ship.

(37) Of a ship.

Talmud - Mas. Eirubin 43a

are made only to keep the water out.¹ Then why does not Rabbah give the same reason as R. Zera? — He can answer you:² Where the ship moves no one³ disputes [that it is permitted to walk through it];⁴ they only differ in the case where it stopped.⁵

Said R. Nahman b. Isaac: From our Mishnah also it may be inferred that they⁶ do not differ in the case of a ship that was on the move. Whence? From the statement: IT ONCE HAPPENED THAT THEY WERE COMING FROM BRINDISI AND, WHILE THEIR SHIP WAS SAILING IN THE SEA, R. GAMALIEL AND R. ELEAZAR B. AZARIAH WALKED ABOUT THROUGHOUT ITS AREA BUT R. JOSHUA AND R. AKIBA DID NOT MOVE BEYOND FOUR CUBITS BECAUSE THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES. Now if it be granted that there is no difference of Opinion between them⁷ in the case where a ship is on the move⁸ it was perfectly correct to state, 'THEY DESIRED', since the ship might have stopped;⁹ but if it be maintained that they⁷ differ [even in such a case],¹⁰ what is the sense in saying,¹¹ 'THEY DESIRED, TO IMPOSE A RESTRICTION' [seeing that in their view walking beyond four cubits] is a prohibition?¹² R. Ashi said: The inference from our Mishnah also proves [that the dispute between the Tannas mentioned relates to a stationary ship]. For SHIP was mentioned in the same way as A CATTLE-PEN and A CATTLE-FOLD; as a cattle-pen and a cattle-fold are stationary, so is the ship mentioned, one that was stationary.

R. Aha the son of Raba said to R. Ashi: The law is in agreement with R. Gamaliel in the case of a ship. 'The law' [you say]; does this then imply that the others differ from him?¹³ — Yes;¹⁴ and so it was also taught: Hanania¹⁵ stated: All that day¹⁶ they sat and discussed the question of the halachah and in the evening my father's brother¹⁷ decided that the halachah was in agreement with R. Gamaliel in the case of a ship and the halachah was [in agreement] with R. Akiba in that of a cattle-pen and a cattle-fold.

R. Hanania enquired: Is the law of Sabbath limits applicable at a height above ten handbreadths from the ground or not? There can be no question¹⁸ in respect of a column that was ten handbreadths high and four handbreadths wide,¹⁹ since it is regarded as solid ground.²⁰ The question, however, arises in respect of a column that was ten handbreadths high but less than²¹ four handbreadths in width,²² or where one moves²³ by means of a miraculous leap (another version: In a ship).²⁴ Now what is the law? — R. Hoshaiia replied: Come and hear: IT ONCE HAPPENED THAT THEY WERE COMING FROM BRINDISI AND, WHILE THEIR SHIP WAS SAILING IN THE SEA etc. Now, if it be granted that the law of Sabbath limits is applicable²⁵ one can well see the reason why they 'DESIRED'²⁶ but if it is contended that the law of the Sabbath limits is inapplicable,²⁵ why [it may be asked]²⁷ did they desire?²⁶ — As Raba explained below that the reference was to a ship that sailed in shallow waters²⁸ so it may here also be explained that the reference is to a ship that sailed in shallow water.²⁹

Come and hear: ONCE [ON A SABBATH] THEY DID NOT ENTER THE HARBOUR UNTIL DUSK etc. Now, if it be granted that the law of Sabbath limits is applicable²⁵ [their action]³⁰ was perfectly correct; but if it be contended that the law of Sabbath limits is inapplicable,²⁵ what [it may be asked]²⁷ could it have mattered if [they had] not [been assured:] WE WERE ALREADY WITHIN THE SABBATH LIMIT? — Raba replied: That was a case where the ship sailed in shallow waters.³¹

Come and hear: Who was it that delivered the seven traditional rulings on a Sabbath morning to R. Hisda at Sura and on the same Sabbath evening to Rabbah at Pumbeditha?³² Was it not Elijah³³ who delivered them, which proves, does it not, that the law of Sabbath limits is inapplicable above ten handbreadths from the ground? — It is possible that the demon Joseph³⁴ delivered them.

Come and hear: [If a man said,] ‘Let me be a nazirite on the day on which the son of David³⁵ comes’, he may drink wine on Sabbaths and festival days,³⁶

(1) Lit., ‘to cause to flee’; hence they cannot be regarded as proper walls.

(2) So MS.M. wanting in cur. edd.

(3) Not even R. Akiba.

(4) For the reason given by R. Zera.

(5) And the man consequently remained for a space of time in one spot. R. Zera allows him in consequence no more than four cubits; while Rabbah, since the ship has sides, still permits him to walk throughout the ship.

(6) The Tannas mentioned.

(7) The Tannas mentioned.

(8) I.e., that in such a case even R. Joshua and R. Akiba admit that it is permitted to walk throughout the ship.

(9) Unexpectedly; and they desired to provide against such a possibility.

(10) R. Joshua and R. Akiba holding that even when a ship is moving one is forbidden to walk in it more than four cubits.

(11) Lit., ‘that’.

(12) Not merely a restriction. Consequently it may be inferred that all the Tannas in our Mishnah agree that while a ship is moving it is permitted to walk throughout all its area.

(13) But how could this be maintained in view of the statement that the others only desired to impose ‘A RESTRICTION UPON THEMSELVES but not an actual prohibition?’

(14) Sc. the dispute applies to a stationary ship, while the statement, THEY DESIRED TO IMPOSE A RESTRICTION UPON THEMSELVES, refers to a ship that was in motion.

(15) So MS.M. and Bah. Cur. edd. in parenthesis son of the brother of R. Joshua’.

(16) The Sabbath on which they were on board the ship.

(17) R. Joshua.

(18) That the law of Sabbath limits is applicable.

(19) And one section of it was within while the other was without the Sabbath limit.

(20) It is consequently forbidden to walk from the part within the Sabbath limit to the part without.

(21) Lit., ‘and not’.

(22) So that the top is not quite convenient for walking.

(23) Through the air.

(24) Sailing in a ship, which is usually raised more than ten handbreadths from the ground and in constant motion, is similar in this respect to a leap through the air.

(25) At a height above ten handbreadths from the ground.

(26) TO IMPOSE A RESTRICTION UPON THEMSELVES.

(27) Since there can be no possible infringement of the law.

(28) Aliter: Moves in diluvial water (Jast.).

(29) Within ten handbreadths from the ground.

(30) In remaining on board the ship until they had received R. Gamaliel's assurance (v. our Mishnah).

(31) Cf. supra p. 298, nn. 11f.

- (32) Places that were too far from one another for a man to walk on the Sabbath from the former to the latter even by means of 'erub.
- (33) The immortal prophet who could fly through the air and thus move above ten handbreadths from the ground.
- (34) Who would break the Sabbath laws with impunity, v. Pes. 110b.
- (35) The Messiah.
- (36) Since the Messiah would not come on such days.

Talmud - Mas. Eirubin 43b

but is forbidden to drink wine on any of the weekdays.¹ Now, if it is granted that the law of Sabbath limits is applicable,² it is quite intelligible why the man is permitted [to drink wine] on Sabbaths and festival days; but if it be contended that the law of Sabbath limits is inapplicable² why [it may be asked]³ is it permitted [for the man to drink wine] on Sabbaths and festival days? — There⁴ the case is different since Scripture said: Behold I will send you Elijah the prophet etc.⁵ and Elijah,⁶ surely, did not come on the previous day. If so, even in the case of weekdays, [the drinking of wine] should be permitted on any day since Elijah did not come on the previous day? But the fact is that⁷ we assume that he appeared before the high court,⁸ then why should we not here also assume that he appeared before the high court? — Israel has long ago been assured that Elijah would not come either on Sabbath eves or on festival eves owing to the people's pre-occupation.⁹

Assuming¹⁰ that as Elijah would not come¹¹ the Messiah also would not come,¹¹ why should not [the drinking of wine] be permitted on a Sabbath eve? — Elijah would not, but the Messiah might come because the moment the Messiah comes all will be anxious to serve¹² Israel.¹³ [But why¹⁴ should not the drinking of wine] be permissible on a Sunday? May it then be derived from this¹⁵ that the law of Sabbath limits is inapplicable¹⁶ for had it been applicable¹⁶ [the drinking of wine] should have been permissible on a Sunday since Elijah did not arrive on the preceding Sabbath?¹⁷ — That Tanna was really in doubt as to whether the law of Sabbath limits was or was not applicable,¹⁶ and his ruling¹⁵ is just a restriction.¹⁸ On what day, however, did the man make his vow?¹⁹ If it be suggested that he did it on a weekday [the difficulty would arise:] Since the naziriteship had once taken effect²⁰ how could the Sabbath subsequently annul it?²¹ — The fact is that the man is assumed to have made his vow on a Sabbath²² or on a festival day, and it is on that day only that he is permitted [to drink wine].²³ Subsequently however, this is forbidden to him.²⁴

ONCE [ON A SABBATH] THEY DID NOT ENTER THE HARBOUR etc. A Tanna taught: R. Gamaliel had a tube through which he could see at a distance of two thousand cubits across the land and a corresponding distance across the sea. If a man desires to ascertain the depth of a ravine let him use²⁵ a tube and by looking through it be in a position to ascertain the depth of the ravine,²⁶ and if he wishes to ascertain the height of a palm-tree let him measure his own height and the length of his shadow as well as that of the shadow of the tree,²⁷ and he will thus ascertain the height of the palm-tree.²⁸ If a man desires to prevent wild beasts from sheltering in the shadow of a grave [mound]²⁹ let him insert a rod³⁰ [in the ground] during the fourth hour of the day³¹ and observe in which direction its shadow inclines and then make [the mound] slope [from the ground] upwards³² and [from its top] downwards.³³

Nehemiah son of R. Hanilai was [once on a Sabbath day] absorbed in³⁴ an oral study and walked out beyond the Sabbath limit.³⁵ 'Your disciple Nehemiah', said R. Hisda to R. Nahman, 'is in distress'. 'Draw up for him', the other replied: 'a wall of human beings and let him re-enter'.³⁶ R. Nahman b. Isaac was sitting behind Raba while the latter sat before R. Nahman when R. Nahman b. Isaac said to Raba: What exactly was the point that R. Hisda raised?³⁷ If it be suggested that we are dealing [here with a case where the distance could be] fully lined with men³⁸ and that the point he raised was whether the halachah was in agreement with R. Gamaliel³⁹

- (1) on any of which the Messiah might come.
- (2) At a height above ten handbreadths from the ground.
- (3) Since the Messiah could come even on these days.
- (4) The coming of the Messiah.
- (5) Mal. 111, 23.
- (6) The precursor of Messiah.
- (7) The reason why the nazirite is forbidden to drink wine on any weekday.
- (8) Or the 'supreme Beth din' in Jerusalem. Without the man who made the vow necessarily being aware of his appearance.
- (9) With their preparations for the following Sabbath or festival which must be completed before the holy day begins. His arrival and the subsequent bustle and welcome would interfere with these preparations.
- (10) Lit., 'it went up upon your mind'.
- (11) On the eve of a holy day.
- (12) Lit., 'slaves'.
- (13) And the preparations For the holy day could be left in the hands of these.
- (14) If Elijah would not come on the Sabbath day and the Messiah could not appear before Elijah had announced his arrival.
- (15) The ruling that the nazirite may not drink wine on a Sunday.
- (16) To the air above ten handbreadths from the ground.
- (17) Cf. supra n. 6.
- (18) In case the law of Sabbath limits is not applicable (cf. supra n. 8) and Elijah should come on a Sabbath.
- (19) Lit., 'that he stands when that he vowed', to be a nazirite.
- (20) Lit., 'rested upon him', on account of the possibility that the Messiah appeared that day before the high court.
- (21) Lit., 'come . . . and bring it out'. The same possibility, surely, still remains.
- (22) Lit., 'that he stands on a Sabbath and vows'.
- (23) Since the Messiah would not come on a Sabbath or festival day.
- (24) Owing to the possibility that the Messiah might appear before the high court in Jerusalem on the preceding Friday.
- (25) Lit., 'brings'.
- (26) Having ascertained beforehand the distance his tube commands he takes up a position from which he can just see the bottom of the ravine, and by subtracting the distance between the brink of the ravine and his position from the distance the tube commands he obtains the dept of the ravine (Rashi).
- (27) Lit., 'its height'.
- (28) The ratio of the height of the tree to the length of its shadow is in proportion to the ratio of the man's height to the length of his shadow.
- (29) For fear lest the beast, by smelling the corpse, would disturb it (Rashi).
- (30) [This is probably the gnomon used by ancients to make astronomical measurements, v. Feldman W. M., op. cit., pp. 83 and 87].
- (31) When it is hot in the sun and cool in the shade and beasts seek shelter from the former in the latter.
- (32) Towards the sun, so that the top of the mound could cast no shadow on that side at that time of day (cf. previous note).
- (33) In the opposite direction from which the sun shines, where again the mound could cast no shadow, since the entire slope on that side is exposed to the rays of the sun. Though the mound, at a later hour of the day, when the sun will be shining in the opposite direction, would be casting a shadow on the other side no wild beast is likely to seek shelter there at that late hour, because (a) the ground then is almost as hot in the shade as in the sun and (b) the beast who began to look for a shelter at the early fourth hour of the day would by that time have found one, so that in either case it would not return to the grave.
- (34) Lit., 'drew him'.
- (35) And was in consequence unable to return to town before the exit of the Sabbath.
- (36) Within the Sabbath limit. He would thus be in a position to return to town and to move about as freely as its other inhabitants.
- (37) When he addressed R. Nahman on Nehemiah's embarrassment.
- (38) Sc. a sufficient number of people had prepared their 'erubs that enabled them to walk to the spot where Nehemiah

was stranded and to form two human walls, stretching from there to the Sabbath limit, between which Nehemiah could pass.

(39) That a man may (cf. our Mishnah on a CATTLE-PEN etc.) walk any distance within an enclosed area though he was not within its walls at the time the Sabbath began.

Talmud - Mas. Eirubin 44a

or whether the halachah was not in agreement with R. Gamaliel or do we deal [here with a case where the distance could] not be fully lined with men,¹ and the point he raised was whether the halachah is in agreement with R. Eliezer² or not? — It is obvious that we are dealing with [a case where the distance could] not be fully lined with men, for were it to be imagined that we are dealing with one where it could be fully lined with men what was there for him³ to ask seeing that Rab has actually laid down, 'The halachah is in agreement with R. Gamaliel in respect of a cattle-pen, a cattle-fold and a ship'? We must consequently be dealing with [a case where the distance could] not be fully lined with men and the point he³ raised was in connection with the ruling of R. Eliezer. This⁴ is also borne out by an inference. For he⁵ said to him,⁶ 'Let him re-enter'; but what [was the need for saying] 'Let him re-enter'?⁷ Does not this imply re-entry in the absence of a complete wall?⁸ R. Nahman b. Isaac pointed Out the following objection to Raba: If its wall⁹ collapsed it is not permitted to replace it by a human being, a beast or vessels, nor may one put up¹⁰ the bed¹¹ to spread over it a sheet because even a temporary tent may not for the first time be built on a festival day, and there is no need to state [that this is forbidden] on a Sabbath day.¹² 'You,' the other replied: 'quote to me from this statement; I can quote to you from the following: A man may put up his fellow as a wall¹³ in order that he may thereby be enabled to eat, to drink and to sleep,¹⁴ and he may put up the bed and spread over it a sheet to prevent the sun rays from falling upon a corpse or upon foodstuffs'.¹⁵ Are then the two rulings¹⁶ mutually contradictory? There is really no contradiction, since one represents the view of R. Eliezer and the other that of the Rabbis. For we learned: in the case of the stopper of a sky-light, R. Eliezer says that if it was tied and suspended one may close the sky-light with it; otherwise it may not be so used;¹⁷ but the Sages ruled: In either case¹⁸ one may close the sky-light with it.¹⁹ Has it not, however, been stated in connection with this ruling: Rabbah b. Bar Hana said in the name of R. Johanan: All²⁰ agree that not even a temporary tent²¹ may for the first time be made on a festival day, and there is no need to say that this may not be done on a Sabbath day; but they differ on the question of adding to a structure,²² since R. Eliezer holds that no such structural addition may be made on a festival day, and there is no need to say that this may not be done on a Sabbath day, while the Sages maintain that such structural additions' may be made on a Sabbath, and there is no need to say that this may be done on a festival day?²³ — The fact is that there is really no contradiction, since one Baraita represents the view of R. Meir and the other that of R. Judah. For it was taught: If a man used a beast as a wall for a sukkah, R. Meir ruled it to be invalid²⁴ while R. Judah ruled it to be valid.²⁵ Now, R. Meir who ruled the wall there to be invalid, from which it is evident that he does not regard it²⁶ as a proper wall, would here permit the putting up of a similar wall,²⁷ since²⁸ thereby nothing improper is done, while R. Judah who regards the wall there as valid, from which it is evident that he regards it as a proper wall, would here forbid a similar wall.²⁹

Do you regard this as sound reasoning? Might it not be suggested that R. Meir was heard [to rule the wall to be invalid only in the case of] a beast,²⁴ was he, however, heard [to give the same ruling in respect of] a human being³⁰ and vessels?³¹ Furthermore,³² in agreement with whose view could that of R. Meir³³ be? If it be suggested: In agreement with that of R. Eliezer one could object that the latter forbade even the addition to a Structure.³⁴ Consequently it must be in agreement with that of the Rabbis; but could it not be objected: The Rabbis may only have permitted the addition to a structure,³⁵ did this, however, make it permissible to put up a full wall at the outset? — The fact is that both³⁶ are in agreement with the view of the Rabbis; yet there is no contradiction between the rulings regarding vessels,³⁷ since the former relates to a third wall³⁸ and the latter to a fourth one.³⁹

The inference from the wording⁴⁰ leads to the same conclusion;⁴¹ for it was stated: 'If its wall collapsed'.⁴² This is conclusive.

- (1) I.e., the human walls did not reach the Sabbath limit, and a gap of two cubits intervened between them and the limit.
- (2) Who (cf. Mishnah infra 52b) permits the return of a person who walked two cubits beyond the Sabbath limit.
- (3) R. Hisda.
- (4) That the distance was not fully covered by the human walls and that a gap of two cubits remained.
- (5) R. Nahman.
- (6) R. Hisda.
- (7) After he had already told him to arrange for human walls, was it not obvious that Nehemiah could re-enter by passing through them?
- (8) Lit., 'without a wall'. Cf. supra n. 8. Had the walls reached as far as the Sabbath limit there would have been no need to add the last clause (cf. supra p. 302, n. 11). Its addition, therefore, must imply re-entry despite the gap of the two cubits, in agreement with R. Eliezer.
- (9) One of the walls of a sukkah (v. Glos.).
- (10) In place of the fallen wall.
- (11) Which was already in the sukkah and the mere shifting of which from one place to another would not appear as the direct construction of a wall.
- (12) How then was it permitted supra to draw up walls of human beings on a Sabbath day.
- (13) For a sukkah.
- (14) These are the principal purposes for which a sukkah serves.
- (15) Which proves that a human being may constitute a wall.
- (16) Quoted by R. Nahman b. Isaac and Raba respectively.
- (17) Because the closing up of the skylight, though only of a temporary character, has the appearance of a structural alteration which is forbidden on the Sabbath. This view is in agreement with that cited by R. Nahman b. Isaac.
- (18) Whether it was tied and suspended or not.
- (19) Shab. 125b, 137b, Suk. 27b; in agreement with the view cited by Raba.
- (20) Even the Sages.
- (21) Or 'roof'.
- (22) As is the case when the stopper is inserted in the sky-light and the gap in the roof is closed up.
- (23) Shab. 125b. As the Baraitha quoted by Raba permits the putting up of a complete wall, and not merely an addition to an existing one, it cannot be in agreement even with the view of the Sages. The difficulty as to the contradiction between the two quoted Baraithas arises again.
- (24) Since the beast might at any moment escape (cf. Suk. 21a).
- (25) Suk. 23b.
- (26) Because it consisted of an animate being.
- (27) A human being or a beast in agreement with the Baraitha quoted supra by R. Nahman b. Isaac.
- (28) The wall being deemed to be non-existent as far as the sukkah is concerned.
- (29) In agreement with the Baraitha quoted by Raba.
- (30) Who has the sense to remain in his place.
- (31) Which cannot even move.
- (32) Though it be granted that the sukkah, despite the added wall, remains invalid.
- (33) That which permits the putting up of the wall on account of its invalidity.
- (34) How then could he permit the addition of the wall?
- (35) As is the case with the structure of the window.
- (36) The apparently contradictory Baraithas
- (37) In the two cited Baraithas, the second of which does, and the first of which does not permit the putting up of a bed as a wall for a sukkah.
- (38) Two walls constitute no hut and the putting up of a third one completes the structure. The Rabbis agree that not even a temporary hut may for the first time be put up on the Sabbath.
- (39) As three walls constitute a hut the putting up of a fourth one is a mere addition to an already existing structure which the Rabbis permit.

(40) Of the first cited Baraita.

(41) That the prohibition refers to a third wall.

(42) Emphasis on 'its wall', sc. the third wall whereby the sukkah becomes valid. A fourth one does not in any way affect the sukkah's validity (cf. Suk. 2a).

Talmud - Mas. Eirubin 44b

But does not a contradiction still remain between the two rulings regarding a human being?¹ There is really no contradiction between the two rulings regarding a human being, since the former refers to a man used as a wall with his knowledge² while the latter refers to a man so used without his knowledge.³ Was not, however, the arrangement for Nehemiah son of R. Hanilai, made with [the men's] knowledge? No, without their knowledge.⁴ R. Hisda⁵ at any rate must have known? R. Hisda was not one of the number.⁶ Certain gardeners once brought water⁷ through human walls⁸ and Samuel had them flogged. He said: If the Rabbis permitted human walls where the men composing them were unaware of the purpose they served would they also permit such walls where the men were aware of the purpose?⁹

A number of skin bottles were once lying in the manor¹⁰ of Mahuza and, while Raba was coming from his discourse,¹¹ [his attendant]¹² carried¹³ them in.¹⁴ On a subsequent Sabbath he desired to carry them in again,¹⁴ but he¹⁵ forbade it to them because in the second case the human walls must be regarded as having been put up with the men's knowledge, which is forbidden.

For Levi straw was brought in;¹⁶ for Ze'iri cattle fodder,¹⁶ and for R. Shimi b. Hiyya water.¹⁶

MISHNAH. IF A MAN WHO WAS PERMITTED TO DO SO¹⁷ WENT OUT BEYOND THE SABBATH LIMIT AND WAS THEN TOLD THAT THE ACT¹⁸ HAD ALREADY BEEN PERFORMED, HE IS ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS¹⁹ IN ANY DIRECTION. IF HE WAS WITHIN THE SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT.²⁰ ALL²¹ WHO GO OUT TO SAVE LIFE MAY RETURN TO THEIR ORIGINAL PLACES.²⁰

GEMARA. What [need was there for the ruling], IF HE WAS WITHIN THE SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT?²² — Rabbah replied: It is this that was meant: IF HE WAS WITHIN his SABBATH LIMIT²³ HE IS REGARDED AS IF HE HAD NOT GONE OUT of his house.²⁴ Is not this Obvious?²⁵ — It might have been presumed that as he tore [himself away from his original abode]²⁶ he has thereby detached [himself completely from it],²⁷ hence we were informed [that IF HE WAS WITHIN his SABBATH LIMIT HE IS REGARDED AS IF HE HAD NOT GONE OUT OF HIS HOUSE]. R. Shimi b. Hiyya replied: It is this that was meant: If the Sabbath limits which the Rabbis have allowed him²⁸ overlapped with his original Sabbath limit²⁹ HE³⁰ IS REGARDED AS IF HE HAD NOT GONE OUT of his original Sabbath limit. On what principle do they³¹ differ? — The one Master³² is of the opinion that the overlapping of Sabbath limits is of significance³³ while the other Master³⁴ maintains that it is of no consequence.³⁵

Said Abaye to Rabbah: Are you not of the opinion that the overlapping of Sabbath limits is of significance? What if a man spent the Sabbath in a cavern³⁶ the length of the floor of whose interior was four thousand cubits³⁷ and that of its roof was less than four thousand cubits?³⁷ Would he not be able to move all along its roof and two thousand cubits beyond it?³⁸ — The other replied: Do you make no distinction between a case where³⁹ the man began to spend the Sabbath within the walls of his abode, while it was yet day⁴⁰ and one⁴¹ where he did not begin to spend the Sabbath between the walls⁴² while it was yet day?⁴³ — [You say] that where a man did not begin to spend the Sabbath [within the walls of an abode common to both limits overlapping of the limits is of] no consequence,

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- (1) In the former Baraita a Human being is forbidden to be used as a wall while in the latter he is permitted. The answer given in connection with vessels, that the latter deals with a fourth wall, is inapplicable since the Baraita specifically speaks of that wall as enabling other 'to eat, to drink and to sleep'. Only the third wall but not a fourth one does that.
- (2) As he agrees to constitute a proper wall he must not be used for the purpose on Sabbaths or Festivals.
- (3) This is permitted since no hut is constructed in such a manner and on no account, in consequence, can the man in such circumstances be regarded as a valid wall.
- (4) They did not know for what purpose they were told to line up.
- (5) Who presumably took his place in the lines arranged for Nehemiah.
- (6) Of those who made up the lines.
- (7) On a Sabbath day, from a public, into a private domain.
- (8) The men forming them having been aware of the purpose they were to serve.
- (9) Obviously not. Hence the culpability of the gardeners.
- (10) Which was, of course, a public domain. [On the manor of Mahuza, Rostaka di Mahuza, v. Obermeyer, p. 172].
- (11) The crowds following him.
- (12) So Rashi.
- (13) Through the crowds that formed so to speak human walls on either side of the carriers.
- (14) Into a private domain (cf. previous note).
- (15) Raba.
- (16) Through human walls, on a Sabbath, from a public domain into a private one.
- (17) If his journey, for instance, had for its purpose the saving of life or the tendering of evidence on the appearance of a new moon, which involves the religious observance of a festival.
- (18) Which he intended to do.
- (19) From the spot where the report was brought to him.
- (20) This is explained in the Gemara infra.
- (21) Mishnah ed., 'because all'; MS.M., 'and all'.
- (22) Is not this obvious?
- (23) When he received the report.
- (24) Sc. he may move within two thousand cubits from his house in any direction, AS IF HE HAD NOT GONE OUT from it and not, as would have been the case if he had heard the report without his Sabbath limit, from the spot where he heard it.
- (25) So long as a man has not gone beyond his Sabbath limit he is, of course, entitled to his original rights of movement.
- (26) By deciding, under Rabbinic sanction, to go beyond his original Sabbath limit.
- (27) For the rest of the Sabbath day; his new abode being the spot where the report spoken of in our Mishnah reached him, irrespective of whether this happened beyond, or within his original Sabbath limit.
- (28) The man who went beyond is original Sabbath limit.
- (29) Sc. if the distance between the spot where the report had reached him and his own home was less than four thousand cubits.
- (30) Since the new limit to which he is entitled enables him to come within two thousand cubits distance from his home.
- (31) Rabbah and R. Shimi b. Hiyya.
- (32) The last mentioned.
- (33) Hence it is permissible to move within the two Sabbath limits as if they had constituted one single limit.
- (34) Rabbah.
- (35) The man's movements are consequently restricted to one Sabbath limit even though that limit overlapped with his original one. Hence Rabbah's recourse to a different answer from that of R. Shimi. (For another interpretation v. Rashi s.v. **ת"י** a.l.).
- (36) Two of whose opposite walls were sloping upwards towards one another and thereby reducing the length of the roof in which there were two doors, one at the side of either wall.
- (37) Cf. previous note.
- (38) In either direction, from either door. If one door, for instance, was on the east side of the cavern and the other on its west side, the former would enable the man to move a distance of two thousand cubits from the east side of that door and another two thousand cubits from its west side, while the latter door would similarly enable him to move along equal

distances from both its sides. But since the western limit of the eastern door overlaps along the roof with the eastern limit of the western door, the man is in consequence permitted to move along a distance of more than four thousand cubits, beginning in the east at a point two thousand cubits from the eastern door and extended along the roof to a point in the west two thousand cubits distant from the western door. If the two Sabbath limits, however, had not overlapped along the roof as would be the case where the roof of the cavern, like its floor, was four thousand cubits long, the man on leaving the eastern door would have been allowed to move to a limit of two thousand cubits in either direction but no further and a similar distance and no further if he left by the western door. How then could Rabbah maintain that overlapping is of no consequence?

(39) As in that of the cavern.

(40) The Sabbath eve.

(41) The case spoken of in our Mishnah.

(42) Of his second 'abode', the spot where the report was brought to him.

(43) Such a distinction must, of course, be drawn. In the former case the two Sabbath limits are acquired simultaneously through the man's stay at the same time within the same cavern; hence the significance and value of the overlapping of the limits. In the latter case, however, when the man was within his original home he had no right whatever to his new Sabbath limit, and when he entered his new 'abode' and acquired the right to the new limit he had already quitted his original home. If, therefore, he is entitled to the latter he must, despite the overlapping, lose his right to the former and Vice versa.

Talmud - Mas. Eirubin 45a

but, surely, we learned: R. Eliezer ruled: If a man walked two cubits beyond his Sabbath limit he may re-enter,¹ and if he walked three cubits he may not re-enter;² [from which it is evident] is it not, that R. Eliezer follows his principle on the basis of which he ruled: 'The man³ is deemed to be in their center',⁴ so that the four cubits which the Rabbis have allowed him³ are regarded as overlapping [with that man's former Sabbath limit],⁵ and [it is because of this overlapping]⁶ that he ruled: 'He may re-enter'. Does not this then clearly prove that the overlapping of Sabbath limits is of significance? — Said Rabbah b. Bar Hana⁷ to Abaye: Do you raise an objection against the Master⁸ from a ruling of R. Eliezer?⁹ 'Yes', the other replied: 'because I heard from the Master himself⁸ that the Rabbis differed from R. Eliezer only in respect of a secular errand¹⁰ but that in respect of a religious one they agree with him'.¹¹

AND¹² ALL WHO GO OUT TO SAVE LIFE MAY RETURN TO THEIR ORIGINAL PLACES. Even apparently where the distance was more [than four thousand cubits]. But was it not stated in the first clause,¹³ TWO THOUSAND CUBITS, and presumably no more? — Rab Judah replied in the name of Rab: The meaning is that they MAY RETURN TO THEIR ORIGINAL PLACES¹⁴ with their weapons.¹⁵ But what [indeed] was the difficulty¹⁶ seeing that it is possible that the case of those who go to save lives¹⁷ is different?¹⁸ If a difficulty did at all exist it must have been the following. We learned: At first they¹⁹ did not stir from there²⁰ all day²¹ but R. Gamaliel the Elder enacted that they shall be entitled to move within two thousand cubits in any direction. The enactment, moreover, was not applied to these¹⁹ only, but even a midwife who came to assist at a childbirth, or a man who came to rescue from an invading gang, from a river, from a ruin or from a fire is to be regarded as one of the people of the town²² and is entitled to move within two thousand cubits in any direction.²³ Now [this evidently implies:] No more;²⁴ but has it not been said: ALL WHO GO OUT TO SAVE LIFE MAY RETURN TO THE ORIGINAL PLACES even impliedly a larger distance?²⁴ — Rab Judah replied in the name of Rab:²⁵ The meaning is that they MAY RETURN TO THEIR ORIGINAL PLACES²⁶ with their weapons;²⁷ as it was taught: At first they²⁸ used to leave their weapons²⁹ in a house that was nearest to the town wall. Once it happened that the enemies recognized them³⁰ and pursued them, and as these entered the house to take up their weapons the enemies followed them. There was a stampede and the men who killed one another were more than those whom the enemies killed. At that time it was ordained that men in such circumstances shall return to their places with their weapons.³¹

R. Nahman b. Isaac replied: There is really no contradiction:³² The latter³³ deals with a case where the Israelites overpowered the heathens³⁴ while the former³⁵ deals with one where the heathens overpowered themselves.³⁶

Rab Judah stated in the name of Rab: If foreigners besieged Israelite towns it is not permitted to sally forth against them or to desecrate the Sabbath in any other way on their account. So it was also taught: If foreigners besieged etc. This, however, applies only where they came for the sake of money matters, but if they came with the intention of taking lives the people are permitted to sally forth against them with their weapons and to desecrate the Sabbath on their account. Where the attack, however, was made on a town that was close to a frontier,³⁷ even though they did not come with any intention of taking lives but merely to plunder straw or stubble, the people are permitted to sally forth against them with their weapons and to desecrate the Sabbath on their account.³⁸

Said R. Joseph b. Manyumi in the name of R. Nahman: Babylon is regarded as a frontier town and by this³⁹ he meant Nehardea.⁴⁰

R. Dostai of Biri⁴¹ made the following exposition: What is the significance of the Scriptural text: And they told David saying: 'Behold the Philistines are fighting against Keilah, and they rob the threshing-floors'⁴² A Tanna taught: Keilah was a frontier town and they only came for the sake of plundering straw or stubble, for it is written: 'And they rob the threshingfloors' and yet it is written: Therefore David enquired of the Lord, saying: 'Shall I go and smite these Philistines?' And the Lord said unto David: 'Go and smite the Philistines, and save Keilah'.⁴³ What was it that he inquired about? If it be suggested: 'Whether⁴⁴ it was permitted or forbidden to repulse the attack', surely, it could be retorted, the Beth din of Samuel the Ramathite was then in existence.⁴⁵ Rather, he inquired whether he would be successful or not.⁴⁶ The inference from the wording of the text also supports this view. For it says: 'Go and smite the Philistines, and save Keilah'.⁴⁷ This is conclusive.

MISHNAH. IF A MAN SAT DOWN⁴⁸ BY THE WAY⁴⁹ AND WHEN HE ROSE UP⁵⁰ HE OBSERVER THAT HE WAS NEAR A TOWN⁵¹ HE MAY NOT ENTER IT,⁵² SINCE IT HAD NOT BEEN HIS INTENTION⁵³ TO DO SO,⁵⁴ SO R. MEIR. R. JUDAH RULED: HE MAY ENTER IT.⁵⁵ SAID R. JUDAH, IT ONCE ACTUALLY HAPPENED THAT R. TARFON ENTERED A TOWN⁵⁶ THOUGH⁵⁷ THIS WAS NOT HIS INTENTION [WHEN THE SABBATH HAD BEGUN].

GEMARA. It was taught: R. Judah related: It once happened that R. Tarfon was on a journey when dusk fell and he spent the night on the outskirts of a town. In the morning he was discovered by some herdsmen who said to him, 'Master, behold the town is just in front of you; come in. He, thereupon, entered and sat down in the house of study, and delivered discourses all that day. Said R. Akiba⁵⁸ to him:⁵⁹ Is that incident any proof?⁶⁰ Is it not possible that he⁵³ had the town in his mind⁶¹ or that the house of study was actually⁶² within his Sabbath limit?⁶³

MISHNAH. IF A MAN SLEPT BY THE WAY⁶⁴ AND WAS UNAWARE THAT NIGHT HAD FALLEN,⁶⁵ HE IS ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS IN ANY DIRECTION; SO R. JOHANAN B. NURI. THE SAGES, HOWEVER, RULED: HE⁶⁶ HAS ONLY FOUR CUBITS WITHIN WHICH TO MOVE. R. ELIEZER RULED: AND THE MAN IS DEEMED TO BE IN THEIR CENTER.⁶⁷ R. JUDAH RULED: HE MAY MOVE⁶⁸ IN ANY DIRECTION HE DESIRES. R. JUDAH, HOWEVER, AGREES THAT IF HE HAS ONCE CHOSEN HIS DIRECTION HE MAY NOT GO BACK ON IT.⁶⁹

IF THERE WERE TWO MEN AND A PART OF THE PRESCRIBED NUMBER OF CUBITS OF THE ONE OVERLAPPED WITH THAT OF THE OTHER,⁷⁰ THEY MAY BRING THEIR

MEALS AND EAT THEM IN THE MIDDLE,⁷¹

- (1) His original limit.
- (2) *Infra* 52b.
- (3) Who walked out of his Sabbath limit and who was allowed a distance of four cubits in which to move.
- (4) I.e., he is regarded as standing in the middle point of a circle four cubits in diameter and is allowed no more than two cubits in the various directions.
- (5) Since no more than two of them intervene between his new position and former limit.
- (6) Since in the case of a distance of three cubits, where there is no overlapping, R. Eliezer forbids, and in that of two cubits, where there is some overlapping, he permits the man to re-enter his former limit.
- (7) Var. lec. Hanin (marg. n.); Raba b. R. Hanin (MS.M.).
- (8) Rabbah.
- (9) Who represents an individual opinion from which the Rabbis differ (cf. Mishnah *infra* 52b).
- (10) Only in such a case do they forbid a man to re-enter his former Sabbath limit even if he walked no further than one cubit beyond it.
- (11) That overlapping is of significance, As our Mishnah deals with a man who was permitted to go beyond his Sabbath limit, that is, on a religious errand, the Rabbis, like R. Eliezer, would permit him to re-enter his former limit if his new one overlapped with it.
- (12) For this reading cf. the relevant note in our Mishnah.
- (13) In the case where the limits did not overlap.
- (14) Only within the permitted distance. Not, as has been assumed, a distance of more than two thousand cubits.
- (15) Though the carrying of weapons is forbidden on the Sabbath the law (as will be explained *infra*) has been relaxed in favour of those WHO GO OUT TO SAVE LIFE.
- (16) In reply to which Rab Judah found it necessary to offer a radical change in the obvious meaning of our Mishnah.
- (17) From an attacking gang.
- (18) From that of those previously mentioned in our Mishnah. The former might refer to one who went to render evidence on the appearance of a new moon or to summon a midwife. A person in such circumstance may well be forbidden to return home if the distance was more than two thousand cubits. Those, however, who went out to save lives from the violence of an attacking gang might well, as a safeguard of their own lives against possible attack, have been permitted to return to their homes even where the distances were greater.
- (19) Witnesses to the appearance of a new moon who went beyond their original Sabbath limit.
- (20) The court where the witnesses assembled (cf. R.H. 23b).
- (21) As any other person who had gone beyond his Sabbath limit and whose movements are in consequence restricted to four cubits.
- (22) Where his rescue work was carried out.
- (23) R.H. 23b.
- (24) Than two thousand cubits.
- (25) Var. lec., Rab replied.
- (26) V. *supra* p. 310, n. 2.
- (27) V. loc. cit. n. 3.
- (28) Men who went beyond their Sabbath limits to repulse an invading gang which was threatening the destruction of life.
- (29) When they returned to their homes.
- (30) Later in the day when they happened to be outside the town.
- (31) Tosef. 'Er. 111,
- (32) Between our Mishnah and the Mishnah cited from R.H. 23b.
- (33) The Mishnah cited (v. previous note) according to which men who returned from the rescue of human lives may not go beyond two thousand cubits.
- (34) As they were victorious there is no likelihood that the enemy would seek another engagement with them on the same day.
- (35) Our Mishnah which allows the men's return to their homes however great the distance might be.
- (36) Euphemism. Since the enemy was victorious he might attack again; and it is, therefore, safer for the men's own sake

to seek the shelter of their own town.

(37) The loss of which would constitute a strategic danger to the other parts of the country.

(38) Tosef. 'Er. III.

(39) The term 'Babylon'.

(40) Which was situated on the border between the Jewish and heathen settlements in Babylonia. Cf. B.K. 83a, (Sonc. ed. P 471).

(41) In Galilee.

(42) I Sam. XXIII, 1.

(43) Ibid. 2.

(44) The day having been the Sabbath.

(45) And the legal inquiry could have been addressed to that court.

(46) [I.e., whether the plundering of straw and stubble warranted the entry upon a deadly combat, v. Tosaf.]

(47) If the inquiry had been merely regarding the legal permissibility of the engagement on Sabbath there would have been no point in adding the last three words. [The encouragement which he received to wage war indicates the importance of the issue for which, consequently, the Sabbath may be desecrated, v. Tosaf.].

(48) Var. lec. 'slept' (She'iltot).

(49) On the Sabbath eve before dusk.

(50) After dusk when the Sabbath had already begun.

(51) I.e., the town was within his Sabbath limit.

(52) Sc. he is not allowed to move freely about the town as the people who were in it at the hour the Sabbath had commenced.

(53) At the time the Sabbath had set in.

(54) He is in consequence entitled to move from the spot where he sit down in any direction, including that of the town, within two thousand cubits distance, measured by moderate steps; but not further, though his Sabbath limit in the direction of the town terminated in the heart of the town.

(55) Cf. supra p. 312, n. 15 mutatis mutandis.

(56) Within the Sabbath limit of which he happened to be at the hour the Sabbath had begun.

(57) Having been unaware of the fact that the town was so near.

(58) So She'iltot, Beshalah, XLVIII; MS.M., 'Jacob'; cur. edd., in parenthesis, 'They said'.

(59) R. Judah.

(60) That R. Tarfon acted in agreement with R. Judah's ruling.

(61) He may have been aware of the fact that it was within his Sabbath limit and intended to enter it in the morning.

(62) Lit., 'swallowed'.

(63) This is undoubtedly possible and the incident cannot, therefore, be adduced as proof of R. Tarfon's agreement with R. Judah.

(64) On a Sabbath eve.

(65) Sc. that the Sabbath had set in,

(66) Since in his sleep he could not intend to acquire the spot on which he lay as his Sabbath 'abode'.

(67) I.e., he is deemed to be standing in the center of a circle four cubits in diameter and he is entitled to move within two (not four) cubits in any direction.

(68) A distance of four cubits.

(69) He may not subsequently return to his original position to walk any distance in the opposite direction.

(70) If the distance between their respective positions was, for instance, six cubits, so that the two middle cubits were common to both men.

(71) Within the two cubits common to both.

Talmud - Mas. Eirubin 45b

PROVIDED THE ONE DOES NOT CARRY OUT ANYTHING¹ FROM HIS LIMIT INTO THAT OF THE OTHER.² IF THERE WERE THREE MEN AND THE PRESCRIBED LIMIT OF THE MIDDLE ONE OVERLAPPED WITH THE RESPECTIVE LIMITS OF THE OTHERS,³ HE IS PERMITTED TO EAT WITH EITHER OF THEM⁴ AND EITHER OF THEM IS PERMITTED TO

EAT WITH HIM,⁴ BUT THE TWO OUTER PERSONS ARE FORBIDDEN TO EAT WITH ONE ANOTHER.⁵ R. SIMEON REMARKED: TO WHAT MAY THIS CASE BE COMPARED? TO THREE COURTYARDS THAT OPEN ONE INTO THE OTHER AND ALSO INTO A PUBLIC DOMAIN,⁶ WHERE, IF THE TWO OUTER ONES MADE AN 'ERUB WITH THE MIDDLE ONE,⁷ IT⁸ IS PERMITTED TO HAVE ACCESS TO THEM AND THEY ARE PERMITTED ACCESS TO IT, BUT THE TWO OUTER ONES⁹ ARE FORBIDDEN ACCESS TO ONE ANOTHER.

GEMARA. Raba enquired: What is R. Johanan b. Nuri's view? Does he¹⁰ hold that ownerless objects¹¹ do acquire their place in respect of the Sabbath,¹² and consequently, it would have been proper that he should express his disagreement [with the Sages] in respect of inanimate objects¹³ and the only reason why [he and the Sages] expressed their dispute in connection with a human being was to inform you how far the view of the Rabbis extends, viz., that although¹⁴ it might be argued, 'Since a man who is awake acquires his place a man asleep should also acquire his place', hence we were informed that no [such argument is admissible];¹⁵ or is it likely that R. Johanan b. Nuri holds that elsewhere ownerless objects do not acquire their place in respect of the Sabbath and the reason for his ruling¹⁰ here is this: Since a man awake acquires his place so does also a man asleep? — R. Joseph replied: Come and hear: If rain fell on the eve of a festival the water¹⁶ may be carried within a radius of two thousand cubits in any direction,¹⁷ but if it fell on a festival day¹⁸ the water is on a par with the feet of every man.¹⁹ Now if you grant that R. Johanan b. Nuri is of the opinion that ownerless objects acquire their place in respect of the Sabbath this ruling,²⁰ you may say, represents the view of R. Johanan;²¹ but if you contend that²² ownerless objects do not acquire their place in respect of the Sabbath, whose view, [it may be asked], is here²⁰ represented? Is it neither that of R. Johanan nor that of the Rabbis?

Abaye sat at his studies and discoursed on this subject²³ when R. Safra said to him: Is it not possible that we are dealing²⁴ here with a case where the rain fell near a town and the townspeople relied on that rain?²⁵ — This,²⁶ the other replied, cannot be entertained at all.²⁷ For we learned: A cistern belonging to an individual person is on a par with that individual's feet,²⁸ and one belonging to a town is on a par with the feet of the people of that town,²⁹ and one used by the Babylonian pilgrims³⁰ is³¹ on a par with the feet of any man who draws the water.³² Now it was also taught: 'The water of a cistern Used by the tribes³³ may be moved within a radius of two thousand cubits in any direction'.³⁴ Are not [then] the two rulings mutually contradictory?³⁵ Consequently³⁶ it must be conceded that the latter represents the view of R. Johanan while the former represents that of the Rabbis.

When he³⁷ came to R. Joseph and told him such and such a thing said R. Safra and such and such did I reply, the other remarked: 'Why did you not argue with him from that very statement:³⁸ If it could be entertained that we were dealing with a case where the rain fell near a town then, instead of ruling that the water may be moved within a distance of two thousand cubits in any direction,³⁹ should it not have been ruled that it was on a par with the feet of the people of that town?'⁴⁰

The Master said: 'If [it fell] on a festival day the water is on a par with the feet of every man'. But why? Should not the rain water acquire its place for the Sabbath in the ocean?⁴¹ Must it then be assumed⁴² that this ruling is not in agreement with the view of R. Eliezer? For if it were in agreement with R. Eliezer [the objection would arise:] Did he not state that all the world drinks from the water of the ocean? — R. Isaac replied: Here we are dealing with a case where the clouds were formed on the eve of the festival.⁴³ But is it not possible that those⁴⁴ moved away and these⁴⁵ are others?⁴⁶ — It is a case where one can recognize them by some identification mark. And if you prefer I might reply: This⁴⁷ is a matter of doubt in respect of a Rabbinical law and in any such doubt a lenient ruling is adopted.⁴⁸ But why should not the water acquire its place for the Sabbath in the clouds?⁴⁹ May it then be derived from this⁵⁰ that the law of the Sabbath limits does not apply to the

air above a height often handbreadths, for if the law of Sabbath limits were at that height applicable the water should have acquired its place for the Sabbath in the clouds? — I may in fact maintain that the law of Sabbath limits is applicable [even at the height mentioned] but the water is absorbed in clouds.⁵¹

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- (1) Even with his hand, though his body remains within his own limit.
 - (2) Sc. the parts of the respective limits which do not overlap. A person's cattle or inanimate objects may not be moved on the Sabbath beyond the limit within which he himself is permitted to move (cf. Bezah 37a).
 - (3) While the limits of the latter did not overlap each other; where, for instance, the distance between the positions of the two men at the extremities was eight cubits and that between either of them and the middle one was six cubits.
 - (4) In the overlapping spaces that are respectively common to him and to them.
 - (5) Since they have no ground in common.
 - (6) So that each is self contained. Courtyards that open into one another and have no direct exit into a public domain, being interdependent, are forbidden domains as regards movement on the Sabbath except where the residents joined in a common 'erub.
 - (7) Through their communicating doors respectively.
 - (8) The middle courtyard.
 - (9) Having no direct communication with each other.
 - (10) In laying down in the first clause of our Mishnah that the man is ENTITLED TO MOVE WITHIN TWO THOUSAND CUBITS.
 - (11) Whose radius of movement cannot obviously be determined, as in the case of owned property, by the intentions of an owner.
 - (12) Sc. that no one even with an 'erub may move them from that position beyond a distance of two thousand cubits.
 - (13) Lit., 'vessels', that are ownerless. A man asleep being unable to think, is, in respect of intention to spend the Sabbath in a particular spot, like ownerless objects that have no owner by whose intention their place for the Sabbath could be determined.
 - (14) In the case of a human being.
 - (15) And the Sages still maintain that a man asleep does not acquire his place for the Sabbath.
 - (16) Since at the time the festival began it was already on the ground.
 - (17) From the spot where it fell; because it acquired, so to speak, its place when the Sabbath had begun (cf. prev. note).
 - (18) So that it could not acquire any place on the ground at the time the festival began.
 - (19) I.e., it may be carried in a radius within which any man who uses it may himself move.
 - (20) That if rain fell on the eve of a festival the water may be carried only within a radius of two thousand cubits from the spot on which it fell.
 - (21) According to which rain water, like ownerless objects, acquires its place in respect of the Sabbath.
 - (22) In the opinion of R. Johanan.
 - (23) The authorship of the Baraitha just cited and discussed.
 - (24) Cf. supra n. 1.
 - (25) For their water supply. As it was the townspeople's intention to use the water the latter rightly acquires the place on which it fell. The Baraitha, therefore, could provide no proof that objects having no owner can also acquire their place for the Sabbath.
 - (26) R. Safra's suggestion.
 - (27) Because on account of the following apparently contradictory rulings one is driven to the conclusion that R. Johanan must be of the opinion that ownerless objects do acquire this place.
 - (28) Should another person draw the water on a Sabbath or a festival day he may not carry it beyond the radius within which the owner of the cistern may move.
 - (29) A radius of two thousand cubits in any direction from the town.
 - (30) On their way to Jerusalem.
 - (31) Since it was at the disposal of anyone who cared to use it and had the status of ownerless property.
 - (32) Because ownerless objects are acquired by the man who first lifts them up. Should the man who first drew the water subsequently give it to another person its movements would nevertheless be restricted to the radius within which the first man may move. Thus it follows that ownerless objects do not acquire their place for the Sabbath.

- (33) I.e., the pilgrims on their way to the Holy City.
- (34) From its place. Which proves that ownerless objects do acquire their place for the Sabbath.
- (35) Cf. supra p. 316, n. 13 and prev. note.
- (36) In order to remove the apparent contradiction.
- (37) Abaye.
- (38) Which R. Joseph cited supra.
- (39) From the spot on which it fell.
- (40) Of course it should. The ruling consequently proves that R. Safra's suggestion is unacceptable.
- (41) Where it was at the time the festival began before it was converted into cloud. As it was carried on the festival in the form of cloud beyond its Sabbath limit its movements should be restricted to a radius of four cubits only.
- (42) Since the water may be moved within a radius of two thousand cubits.
- (43) So that the water had left the ocean before the festival began.
- (44) The clouds that were seen on the festival eve.
- (45) That released the rain on the festival.
- (46) That were formed after the festival had begun from the water that was still in the ocean at the time the festival had set in (cf. supra n. 7).
- (47) Whether the clouds on the festival day are identical with those that were on the horizon on the eve of the festival or not.
- (48) It may in consequence be properly assumed that the clouds were the same on both days.
- (49) Where it presumably was at the time the festival began. The movement of the water should consequently be restricted to a radius of four cubits.
- (50) Since it was ruled that the water was on a par with the feet of every man.
- (51) As it is not exposed it is regarded as non-existent and cannot consequently acquire its place for the Sabbath before it reaches the ground in the form of water.

Talmud - Mas. Eirubin 46a

But should it not then¹ be forbidden all the more² because it was produced on the festival?³ — The fact, however, is that the water in the clouds is in constant motion.⁴ Now you have arrived at this explanation⁵ you can raise no difficulty about the ocean either,⁶ since the water in the ocean is also in constant motion, and it was taught: Running rivers and gushing springs⁷ are⁸ on a par with the feet of all men.⁹

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The halachah is in agreement with R. Johanan b. Nuri. Said R. Zera to R. Jacob b. Idi: 'Did you hear it explicitly¹⁰ or did you understand it by implication?'¹¹ — 'I', the other replied: 'have heard it explicitly' — What was that general statement?¹² — [The one in] which R. Joshua b. Levi has laid down: The halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub.¹³ What need then was there for the two statements?¹⁴ — R. Zera replied: Both were required. For if we had been informed only that 'the halachah is in agreement with R. Johanan b. Nuri', it might have been assumed [that this applies in all cases] whether the halachah leads to a relaxation¹⁵ or to a restriction;¹⁶ hence we were informed that 'the halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub.'¹⁷ Then let him state, 'The halachah is in agreement with the authority that maintains the less restrictive ruling in respect of 'erub'; for what purpose was it necessary to state also that 'the halachah is in agreement with R. Johanan b. Nuri'? — It was required because¹⁸ it might have been presumed that the statement¹⁹ applied only to an individual authority who differs from another²⁰ individual authority or to several authorities who differ from several other authorities, but not to an individual authority²¹ who differed from several authorities.²²

Said Raba to Abaye: Consider! The laws of 'erub are Rabbinical, [of course]. Why then should it matter whether an individual differs from another individual or whether an individual authority

differs from several other authorities? — Said R. Papa to Raba: Is there no difference in the case of a Rabbinical law between a dispute of two individuals and one between an individual authority and several other authorities? Have we not in fact learnt: R. Eliezer²³ ruled: For any woman who had passed²⁴ three menstrual periods²⁵ [without observing any discharge of blood] it is sufficient [to regard herself as menstrually unclean from] the time when she [observed a re-appearance of such a discharge].²⁶ And it was taught: It once happened that Rabbi gave a practical decision in agreement with the ruling of R. Eliezer,²⁷ and after he had recollected²⁸ he remarked: R. Eliezer²³ deserves to be relied upon in a time of need.²⁹ Now what is meant by the expression ‘after he recollected’? If it be suggested: After he recollected that the halachah was not in agreement with R. Eliezer but with the Rabbis [the difficulty would arise:] How could he act in agreement with his view³⁰ even in a time of need? It must consequently be conceded that the law was laid down neither in agreement with R. Eliezer nor in agreement with the Rabbis, and that it was after he had recollected that not one individual but several authorities differed from him that he remarked: ‘R. Eliezer deserves to be relied upon in a time of need’.³¹

Said R. Mesharsheya to Raba (or, as others say. R. Nahman b. Isaac said to Raba): Is there no difference in the case of a Rabbinical law between a dispute of two individuals and one between an individual authority and several authorities? Was it not in fact taught: [On receiving] an early³² report [of the death of a near relative both] the seven and the thirty days of mourning must be observed³³ [but on receiving] a belated³⁴ one only one day of mourning is to be observed. And what is meant by ‘early’ and ‘belated’? [A report received] within thirty [days of the death is said to be] ‘early’ [and one received] after thirty [days from the death is said to be] ‘belated’; so R. Akiba. The Sages, however, ruled: Whether a report is early or belated both the seven and the thirty days of mourning must be observed.³⁵ And in connection with this Rabbah b. Bar Hana stated in the name of R. Johanan: Wherever you come across a law which an individual authority relaxes and several authorities restrict, the halachah is in agreement with the majority who restrict it, except in this case where the halachah is in agreement with R. Akiba,³⁶ though he relaxes the law and the Sages restrict it. In this respect he is of the same opinion as Samuel who laid down: The halachah is in agreement with the authority that relaxes the law in the case of a mourner.³⁷ Thus³⁸ it follows that it is only in the case of mourning that the Rabbis³⁹ have relaxed the law but that elsewhere,⁴⁰ even in respect of a Rabbinical law⁴¹ a difference is to be made between a dispute of two individuals and a dispute of an individual authority against a number of authorities!

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- (1) Since it is regarded as non-existent while in cloud form.
 - (2) Even to be moved from its place.
 - (3) Nolad (v. Glos.) may be neither used nor moved either on a Sabbath or on a festival.
 - (4) An object in motion cannot acquire a place for a Sabbath or for a festival.
 - (5) Cf. prev. note.
 - (6) The difficulty pointed out supra 45b: ‘Does not the rain water acquire its place . . . in the ocean?’
 - (7) Even if they are the property of an individual.
 - (8) On account of their perpetual motion.
 - (9) Any man that draws any of their waters is allowed to carry it in the same radius within which he himself is permitted to move.
 - (10) From R. Joshua b. Levi.
 - (11) Lit., ‘from a general rule’, i.e., inferred it from a general statement that R. Joshua b. Levi had made.
 - (12) To which R. Zera (cf. prev. n.) referred.
 - (13) In which the laws of Sabbath limits are of course included.
 - (14) The one just cited and the one quoted by R. Jacob b. Idi. Is not the latter superfluous in view of the former?
 - (15) As in the case of a man asleep spoken of in the first clause of our Mishnah. By adopting the ruling of R. Johanan b. Nuri the man is enabled to move not only within his four cubits but also to a distance of two thousand cubits in all directions.
 - (16) In the case of ownerless objects for instance. Adopting the ruling of R. Johanan b. Nuri the movement of the objects

is restricted to a radius of two thousand cubits from their place so that the man who found them is unable to carry them to the end of his own limit.

(17) Thus indicating that only in respect of a person asleep is the ruling of R. Joshua b. Nuri adopted but not in respect of ownerless objects.

(18) In its absence.

(19) That 'the halachah is in agreement with . . . the less restrictive ruling'.

(20) Lit., 'in the place of'.

(21) Like R. Johanan b. Nuri.

(22) The Sages.

(23) So Rashi, Bah and MS.M. throughout the page. Cur. edd., 'Eleazar'.

(24) Lit., 'passed upon her',

(25) Of thirty days each.

(26) Nid. 7b. If less than three menstrual periods have passed without a discharge the woman must be regarded as having been menstrually unclean twenty-four hours retrospectively whenever a discharge reappears (cf. Nid. 3a).

(27) In the case of a young woman, though the Rabbis differed from him in maintaining that an interval of three menstrual periods reduces the period of uncleanness only in the case of a woman approaching old age but not in that of a young woman.

(28) That his decision was based on the view of an individual (cf. infra).

(29) Nid. 6a, 9b. The incident occurred in a time of dearth when the destruction of any food on account of a restriction in the laws of levitical uncleanness would have entailed severe hardship (v. Rash Cf. however, Tosaf. s.v. **לסמוך** a.l.).

(30) Against the established halachah.

(31) From which it is evident that in normal times the opinion of the majority is to be followed even in the case of a Rabbinical law as is that of the twenty-four hours retrospective uncleanness in the case under discussion.

(32) Lit., 'near'.

(33) During the former period the mourner is subjected to greater restrictions than in the latter. Bathing and washing of clothes, for instance, which are forbidden during the seven, are permitted during the thirty days.

(34) Lit., 'distant'.

(35) M.K, 20a.

(36) An individual authority.

(37) M.K. 18a, Bek. 49a.

(38) Since the reason given for deciding the halachah in agreement with R. Akiba was not that in Rabbinical laws (such as the laws of mourning spoken of here) the opinion of a majority is of no consequence.

(39) For the reason given.

(40) Where the reason is inapplicable.

(41) Cf. supra n. 7.

Talmud - Mas. Eirubin 46b

R.¹ Papa replied: It² was required:³ Since it might have been presumed that this⁴ applied Only to 'erubs of courtyards but not to 'erubs of Sabbath limits,⁵ hence it was necessary [to make that statement⁶ also]. Whence however, is it derived that a distinction is made between 'erubs of courtyards and 'erubs of Sabbath limits? — From what we learned: R. Judah ruled: This⁷ applies Only to 'erubs of Sabbath limits⁸ but in the case of 'erubs of courtyards⁹ an 'erub may be prepared for a person whether he is aware of it or not, since a privilege¹⁰ may be conferred upon a man in his absence but no disadvantage¹¹ may be imposed upon him except in his presence.¹²

R. Ashi replied: It¹³ was required:¹⁴ Since it might have been assumed that this¹⁵ applied only to the remnants of an 'erub¹⁶ but not to the beginnings of one.¹⁷ Whence, however, is it derived that a distinction is made between the remnants of an 'erub and the beginnings of one? — From what we learned: R. Jose ruled: This¹⁸ applies only to the beginnings of the 'erub but in the case of the remnants of one even the smallest quantity of food¹⁹ is sufficient, the sole reason for the injunction to provide 'erubs for courtyards being that the law of 'erub shall not be forgotten by the children.²⁰

R. Jacob and R. Zerika said: The halachah is always in agreement with R. Akiba when he differs from a colleague of his; with R. Jose even when he differs from several of his colleagues, and with Rabbi when he differs from a colleague of his.²¹ To what [extent were these²² meant to influence] the law in practice? — R. Assi replied: [To the extent of adopting them for] general practice,²³ R. Hiyya b. Abba replied. [To the extent of being] inclined [in their favour],²⁴ and R. Jose son of R. Hanina replied: [To the extent only of viewing them merely as] apparently acceptable.²⁵ In the same sense²⁶ did R. Jacob b. Idi rule in the name of R. Johanan: In a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah, in one between R. Judah and R. Jose the halachah is in agreement with R. Jose; and there is no need to state that in a dispute between R. Meir and R. Jose the halachah is in agreement with R. Jose, for, since²⁷ [it has been laid down that the opinion of the former is] of no consequence where it is opposed by that of²⁸ R. Judah,²⁹ can there be any question [as to its inconsequence] where it is opposed by that of²⁸ R. Jose?³⁰

R. Assi said: I also learn that in a dispute between R. Jose and R. Simeon the halachah is in agreement with R. Jose; for R. Abba has laid down on the authority of R. Johanan that in a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah — Now [since the latter's opinion is] of no consequence where it is opposed by³¹ R. Judah³² can there be any question [as to its inconsequence] where it is opposed by that of³¹ R. Jose?³³

The question was raised: What [is the law where a ruling is a matter of dispute between] R. Meir and R. Simeon? — This is undecided.³⁴

R. Mesharsheya stated: Those rules³⁵ are to be disregarded.³⁶ Whence does R. Mesharsheya derive this view? If it be suggested: From the following where we learned, R. SIMEON REMARKED: TO WHAT MAY THIS CASE BE COMPARED? TO THREE COURTYARDS THAT OPEN ONE INTO THE OTHER AND ALSO INTO A PUBLIC DOMAIN, WHERE, IF THE TWO OUTER ONES MADE AN ERUB WITH THE MIDDLE ONE, IT IS PERMITTED TO HAVE ACCESS TO THEM AND THEY ARE PERMITTED ACCESS TO IT, BUT THE TWO OUTER ONES ARE FORBIDDEN ACCESS TO ONE ANOTHER; in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon',³⁷ and who is it that differs from him?³⁸ Evidently R. Judah;³⁹ and since [this⁴⁰ cannot be reconciled with what] has been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah' it must consequently follow⁴¹ that those rules are to be disregarded?⁴² But is this really a difficulty? Is it not possible that the rules⁴³ are disregarded only where a ruling to the contrary had been stated,⁴⁴ but that where no such ruling is stated the rules⁴⁵ remain in force?⁴⁶ — [R. Mesharsheya's view] is rather derived from the following where we learned: 'If a town that belonged to an individual was converted into one belonging to many, one 'erub may be provided for all the town; but if a town belonged to many and was converted into one belonging to an individual no single 'erub may he provided for all the town unless a section of it of the size of the town of Hadashah in Judea, which contains fifty residents, is excluded; so R. Judah. R. Simeon ruled:

(1) So MS.M. and Ban. Cur. edd. begin with 'and'. Now in view of this established difference the question (supra p. 319) remains: Wherefore were the two statements required?

(2) The statement of R. Jacob b. Idi in the name of R. Johanan that 'the halachah is in agreement with R. Johanan b. Nuri' (supra 46a).

(3) Though R. Joshua b. Levi also laid down the general rule that 'the halachah is in agreement with the authority that maintains the less restrictive ruling in respect of the laws of 'erub' (loc. cit.).

(4) R. Joshua b. Levi's rule (v. prev. n.).

(5) Of which R. Johanan b. Nuri spoke (v. our Mishnah).

(6) V. p. 321, n. 12.

(7) That no 'erub may be prepared for a person except with his consent.

- (8) Where an 'erub without the man's consent might sometimes be disadvantageous to him (v. infra). If he, for instance, desired to walk in the eastern direction of the town, the 'erub that was laid on his behalf on its western side would prevent him from moving in the former direction.
- (9) Since these confer nothing but benefits and involve no possible disadvantages.
- (10) Cf. prev. n.
- (11) Cf. supra n. 5.
- (12) Infra 81b.
- (13) V. supra p. 321, n. 12.
- (14) V. p. 321, n. 13.
- (15) That the law is in agreement with the authority that relaxes the law in respect of 'erubs of courtyards.
- (16) Sc. if an 'erub containing the prescribed quantity of food for two meals was duly prepared and deposited in a proper place but in the course of several weeks the quantity was gradually reduced so that less than the required minimum remained. In such a case only, it might have been presumed, was the law relaxed to permit the continuance of the validity of the remnants.
- (17) I.e., where the 'erub has never been valid, which is a case similar to that of which R. Johanan b. Nuri spoke.
- (18) That an 'erub of courtyards must consist of a quantity of food that is sufficient for (a) two meals or (b) to provide the size of a dried fig for every resident of the courtyard.
- (19) In respect of each resident.
- (20) Sc. the rising generation; the main institution of 'erub being that of the Sabbath limits. Infra 80b.
- (21) Cf. Keth. 21a, 51a, 84b, Pes. 27a, B.B. 124b.
- (22) The rules of procedure laid down by R. Jacob and R. Zerika.
- (23) הלכה sc. a court must base its decision on the rulings of R. Akiba or Rabbi respectively whenever they are opposed by no more than one contemporary, and on that of R. Jose even if several contemporaries are opposed to it.
- (24) מטיין (rt. נטה 'to incline' in Hif'il) i.e., the rulings of the authorities mentioned have not the force of an halachah or a decision for general practice but a court is nevertheless expected in individual cases to follow them rather than the rulings of the single opponents of R. Akiba or Rabbi or even the joint ruling of several of R. Jose's opponents.
- (25) נראין (rt. ראה 'to see' in Nif'al) lit., 'they appear'.
- (26) Lit., 'as this language' or 'expression', i.e., in the sense of the interpretations offered by R. Assi, R. Hiyya b. Abba and R. Jose b. Hanina respectively on the term halachah in the ruling of R. Jacob and R. Zerika.
- (27) Lit., 'now'.
- (28) Lit., 'in the place of'.
- (29) Whose view is disregarded where it is opposed by that of R. Jose.
- (30) Of course not. If R. Jose's view is preferred to that of R. Judah (cf. prev. n.) it is self-evident that it is to be preferred to that of R. Meir.
- (31) Lit., 'in the place of'.
- (32) Whose view is disregarded where it is opposed by that of R. Jose.
- (33) Cf. p. 323, n. 11.
- (34) Teku (v. Glos.).
- (35) On the halachah, in the case of a dispute between the respective authorities mentioned.
- (36) Lit., 'they are not'.
- (37) Infra 49b.
- (38) R. Simeon.
- (39) Whose view is generally recorded in anonymous opposition to his. Aliter: Since he was named earlier in our Mishnah and it is, consequently, he with whom R. Simeon argued on the question of THREE COURTYARDS (infra 48a) and who is referred to (infra 49a) as the 'Rabbis' who differed from R. Simeon.
- (40) Rab's ruling.
- (41) Lit., 'but infer from it'.
- (42) Lit., 'they are not'.
- (43) V. supra n. 5.
- (44) As in the case just cited where it was explicitly indicated that the halachah was in agreement with R. Simeon.
- (45) V. supra p. 324, n. 5.
- (46) Lit., 'where it was stated, (well) it was stated; where it was not stated, (well) it was not stated'.

Talmud - Mas. Eirubin 47a

Three courtyards each of which contained two houses';¹ in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon'.² For who is it that differed from him?³ R. Judah⁴ of course; but has it not been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah'?⁵ — What, however, is really the difficulty? Is it not possible that here also [we may reply that] these rules are disregarded only where a ruling to the contrary had been stated, but that where no such ruling is stated the rules remain in force?⁶ — [The view of R. Mesharsheya is] rather derived from the following where we learned: 'If a man left his house and went to spend the Sabbath in another town, whether he was a gentile or an Israelite, [his share]⁷ imposes restrictions⁸ on the residents of the courtyard;⁹ R. Meir. R. Judah ruled: It imposes no restrictions.¹⁰ R. Jose ruled: [The share of] a gentile imposes restrictions,¹¹ but that of an Israelite does not impose any restrictions because it is not usual for an Israelite to return on a Sabbath.¹² R. Simeon ruled: Even if he left his house¹³ and went to spend the Sabbath with his daughter in the same town [his share]¹⁴ imposes no restrictions since he had no intention to return',¹⁵ in connection with which R. Hama b. Goria stated in the name of Rab, 'The halachah is in agreement with R. Simeon'.¹⁶ For who is it that differed from him?¹⁷ R. Judah of course;¹⁸ but has it not been laid down that 'In a dispute between R. Judah and R. Simeon the halachah is in agreement with R. Judah'?¹⁹ — And what difficulty really is this? Is it not possible that here also [the reply is that] these rules²⁰ are disregarded only where a ruling to the contrary had been stated, but that where no such ruling is stated the rules remain in force?²¹ — [The view of R. Mesharsheya] then is derived from the following where we learned: 'And it is this of which the Rabbis have said: A poor man may make his 'erub with his feet.²² R. Meir said: We can apply this law²³ to²⁴ a poor man only.²⁵ R. Judah said: [It²³ applies] to both rich and poor, the Rabbis' enactment that an 'erub is to be prepared with bread having had the only purpose of making it easier for the rich man so that²⁶ he shall not be compelled to go out himself to make the 'erub with his feet';²⁷ and when R. Hiyya b. Ashi taught Hiyya b. Rab in the presence of Rab [that the law²⁸ applied] to both rich and poor,²⁹ Rab said to him: Conclude³⁰ this also with the statement, 'The halachah is in agreement with R. Judah'.³¹ For what need was there for a second statement³² seeing that it had already been laid down that 'in a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah'?³³ — But what difficulty is this? Is it not possible that Rab does not accept³⁴ those rules?³⁵ — [R. Mesharsheya's statement] then was derived from the following where we learned: 'The deceased brother's wife³⁶ shall³⁷ neither perform the halizah nor contract levirate marriage before three months have passed.³⁸ Similarly all other women³⁹ shall be neither married nor betrothed before three months have passed,⁴⁰ whether they were virgins or non-virgins, whether widows or divorcees,⁴¹ whether betrothed or married.⁴¹ R. Judah ruled: Those who were married may be betrothed [forthwith] and those who were betrothed may even be married [forthwith], with the exception of a betrothed woman in Judea, because there the bridegroom was too intimate⁴² with her. R. Jose said: All [married] women³⁹ may be betrothed [forthwith] excepting the widow⁴³ owing to her mourning';⁴⁴ and in connection with this it was related: R. Eleazar⁴⁵ did not go one day to the Beth Hamidrash. On meeting R. Assi who was standing [in his way] he asked him, 'What was discussed at the Beth Hamidrash?' The other replied: 'Thus said R. Johanan: The halachah is in agreement with R. Jose'. 'Does this then imply [it was asked] that only an individual opinion⁴⁶ is against him?'⁴⁷ [And the reply was] 'Yes; and so it was taught: A [married woman] who was always anxious⁴⁸ to spend her time⁴⁹ at her Paternal home,⁵⁰ or who had some angry quarrel with her husband,⁵¹ or whose husband was old or infirm,⁵¹ or one who was herself infirm,⁵² barren, old, a minor, congenitally incapable of conception or in any other way incapacitated from procreation, or one whose husband was in prison,⁵¹ or one who had miscarried after the death of her husband, [each of] these must⁵³ wait three months;⁵⁴ so R. Meir, but R. Jose permits immediate betrothal and marriage'.⁵⁵ Now what need was there⁵⁶ [to state this]⁵⁷ seeing that it had already been laid down that 'in a dispute between R. Meir and R. Jose the halachah is in agreement with R. Jose'?⁵⁸ — But what is really the difficulty? Is it not possible [that R. Johanan⁵⁹ intended] to indicate that the law was not in agreement with R. Nahman who in the name of Samuel

had laid down: 'The halachah is in agreement with R. Meir in his restrictive measures'⁶⁰ — [R. Mesharsheya's statement] then is derived from the following where it was taught: 'One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may write [the necessary documents] and present them even in their courts⁶¹ because thereby one merely wrests his property for their hands.⁶² If he is a priest⁶³ he may incur [the risk of] defilement by going outside the Land⁶⁴ to litigate with them and to contest the claims. And just as he may risk defilement without the Land so may he defile himself by entering a graveyard. ("A graveyard"! How could this be imagined? Is not this a defilement Pentateuchally forbidden? — A grave area⁶⁵ rather which is only Rabbinically forbidden is to be understood). One may also incur the risk of defilement for the sake of taking a wife or studying the Torah. R. Judah said: This applies only where a man cannot find [in the home country] a place in which to study but when he can find there a place for study he may not risk his defilement. R. Jose said: Even when he can find there a place where to study he may also risk defilement since

(1) Infra 59a q.v. notes.

(2) Infra 49b.

(3) R. Simeon.

(4) Who was explicitly named.

(5) Of course it has. Hence R. Mesharsheya's conclusion that the rules as to the halachah are to be disregarded.

(6) V. supra n. 3.

(7) In the courtyard, as one of the residents.

(8) In connection with the movement of objects on the Sabbath.

(9) Because in his absence the man could not join the other residents in their preparation of the required 'erub.

(10) The share of an absent resident is in his view to be disregarded.

(11) Since he might return on the Sabbath and thus assert his rights to the use of the courtyard.

(12) As he is not likely to return before the termination of the day his house may be regarded as ownerless and the courtyard thus remains at the entire disposal of the other residents.

(13) On Friday before the Sabbath had begun.

(14) In the courtyard, as one of the residents.

(15) Infra 86a. Lit., 'he has removed his mind'. His house may consequently be regarded as ownerless (cf. supra n. 1).

(16) Infra 86a.

(17) R. Simeon.

(18) Since R. Judah ruled that only the share of a man who is out of town imposes no restriction while R. Simeon ruled that even that of a man in town imposes no restrictions.

(19) V. supra p. 325, n. 8.

(20) V. supra p. 324, n. 5.

(21) V. supra p. 323, n. 11.

(22) Sc. he may walk to the required place, and remain there until the Sabbath begins, thereby acquiring it as his Sabbath abode though he deposited no food there.

(23) That an 'erub may be made with one's feet and that no food is in that case necessary.

(24) Lit., 'we have none'.

(25) Sc. a person who cannot afford, or is unable to obtain (as for instance on a desert journey) the required quantity of food. A 'rich man' however, i.e., one who can afford or obtain it must provide his 'erub with food only.

(26) By being enabled to send an 'erub of food through an agent.

(27) Infra 49b.

(28) V. supra p. 326, n. 12.

(29) I.e., he taught him R. Judah's ruling in the Mishnah just cited.

(30) Or 'mark'. מ"ק may bear both meanings.

(31) Infra 51b.

(32) That 'the halachah is in agreement with R. Judah', that Rab desired R. Hiyya b. Ashi to add. Lit., 'two'.

(33) Obviously there was none. But, since Rab did desire this statement to be added, it follows, as R. Mesharsheya stated, that the rules on the halachah were to be disregarded.

- (34) Lit., 'has not'.
- (35) And this may have been the reason for his request to his son's teacher. This being possible, the question arises again: Whence did R. Mesharsheya infer that rues sponsored by R. Johanan (supra 46b) who was a higher authority than Rab, and whose decisions are the accepted halachah, were to be disregarded?
- (36) Whose husband died without issue, and who became subject to the levirate obligations.
- (37) In order to make sure that she is not pregnant.
- (38) From the date of her husband's death. The reasons are fully discussed in Yeb. 41a (Sonc. ed., p. 268f)
- (39) Whose husbands have died.
- (40) Cf. supra n. 12 mutatis mutandis and Yeb. 42b.
- (41) The distinctions between these classes are discussed in Yeb. 42a (Sonc. ed., p. 275.)
- (42) Lit., 'his heart is bold', and cohabitation might be suspected.
- (43) Who must allow a period of thirty days to pass.
- (44) Yeb. 41a; which terminates on the thirtieth day.
- (45) So marg. note, MS.M. and parallel passage in Yeb. Cur. edd. in parenthesis 'Eliezer'.
- (46) I.e., the view recorded anonymously in the cited teaching is that of an individual.
- (47) Since otherwise the halachah would be in agreement with the view of the majority.
- (48) רדופה partic. pass of רדף 'to pursue', 'be anxious'.
- (49) Lit., 'to go'.
- (50) And she was there at the time her husband died.
- (51) At the time of his death.
- (52) When her husband's death took place.
- (53) Though none of these women could possibly be suspected of pregnancy.
- (54) Before marriage or betrothal; as a precaution against such marriage or betrothal on the part of a woman in normal circumstances whose pregnancy might well be expected.
- (55) Yeb. 42b; which shows that only an individual opinion, that of R. Meir, is opposed to that of R. Jose.
- (56) For R. Johanan who himself sponsored the rules on the halachah, supra 46b.
- (57) That 'the halachah is in agreement with R. Jose'.
- (58) None whatever. Since R. Johanan, however, found it necessary in this particular instance to state specifically that the halachah agreed with R. Jose it follows that the general rules on the halachah (supra 46b) are spurious and, as R. Mesharsheya stated, were to be disregarded.
- (59) In his specific ruling in the case under discussion.
- (60) Since in this case R. Meir upholds the restrictive ruling it might have been assumed that, despite the general rule that the halachah agrees with R. Jose, the halachah here, in accordance with R. Nahman's rule, is to be in agreement with R. Meir, hence it was necessary for R. Johanan specifically to lay down that the halachah in this else also was in agreement with R. Jose.
- (61) Though this recognition of the idolaters' courts might have the appearance of belief in, or regard for idolatry.
- (62) In the absence of their court's endorsement, the seller might dispute the validity of the purchase.
- (63) Though forbidden to come in contact with levitical uncleanness.
- (64) Of Israel, sc. palestine. All countries outside Palestine are suspected of levitical uncleanness (cf. Shab. 15a).
- (65) Beth ha-Peras, a field in which a grave has been ploughed and every part of which becomes in consequence the possible repository of a fraction of a human bone which conveys defilement, v. supra 26b.

Talmud - Mas. Eirubin 47b

no person is so meritorious as to be able to learn from any teacher. And R. Jose related: It once happened that Joseph the Priest went to his Master at Zidon¹ to study Torah'; and in connection with this R. Johanan said: 'The halachah is in agreement with R. Jose';² but what need was there [for this specific statement] seeing that it has already been laid down that 'in a dispute between R. Judah and R. Jose the halachah is in agreement with R. Jose'?³ — Abaye replied: This⁴ was necessary. Since it might — have been presumed that [the general rules]⁵ applied only to a Mishnah but not to a Baraita hence we were informed [here⁶ of R. Johanan's statement].⁷ [R. Mesharsheya],⁸ however, meant this: Those rules were not unanimously approved, since Rab⁹ in fact did not accept them.

Rab Judah laid down in the name of Samuel: Objects belonging to a gentile do not acquire their place for the Sabbath.¹⁰ In accordance with whose view has this ruling been laid down? If it be suggested: According to that of the Rabbis [the objection would arise:] Is not this obvious? Since objects of hefker,¹¹ though they have no owner,¹² do not acquire their place for the Sabbath was it necessary to state that the same law applies to a gentile's objects, which have an owner?¹³ — The fact is that the ruling¹⁴ has been laid down in accordance with the view of R. Johanan b. Nuri, and it is this that we were informed: That R. Johanan b. Nuri's ruling that¹⁵ objects acquire their place for the Sabbath applied only to objects of hefker, since they have no owner, but not to a gentile's objects which have an owner.

An objection was raised: R. Simeon b. Eleazar ruled: If an Israelite borrowed an object from a gentile¹⁶ on a festival day, and so also if an Israelite lent an object to a gentile on the eve of a festival¹⁷ and the latter returned it to him on the festival, and so also any utensils and stores¹⁸ that were kept¹⁹ within the Sabbath limit of the town, may be carried within a radius of two thousand cubits in every direction.²⁰ If a gentile has brought fruit to an Israelite from a place beyond his Sabbath limit, the latter²¹ may not move them from their position.²² Now if you grant that R. Johanan b. Nuri holds that a gentile's objects do acquire their place for the Sabbath, it might well be explained that this ruling²³ is in agreement with the view of R. Johanan b. Nuri. If, however, you contend that R. Johanan b. Nuri holds that a gentile's objects do not acquire their place for the Sabbath [the objection would arise:] Whose view does it represent seeing that it is neither that of R. Johanan b. Nuri nor that of the Rabbis?²⁴ — R. Johanan b. Nuri may in fact maintain that a gentile's objects do acquire their place for the Sabbath, but Samuel laid down his ruling in agreement with the Rabbis. And as to your objection,²⁵ 'According to that of the Rabbis . . . is not this obvious?' [it may be replied:] Since one might have presumed that a restriction was imposed in the case of a gentile owner as a preventive measure against an infringement of the law in the case of an Israelite owner, hence we were informed [that no such restriction was deemed necessary]. R. Hiyya b. Abin, however, laid down in the name of R. Johanan: The objects of a gentile acquire their place for the Sabbath, a restriction having been imposed upon those of a gentile owner as a preventive measure against the infringement of the law in the case of those of an Israelite owner.

Some rams once arrived at Mabrakt²⁶ and Raba permitted the inhabitants of Mahuza²⁷ to purchase them.²⁸ Said Rabina to Raba: What [authority is it that you have in] your mind?²⁹ That of Rab Judah who laid down in the name of Samuel that a gentile's objects do not acquire their place for the Sabbath?³⁰ Surely, in a dispute between Samuel and R. Johanan the halachah is in agreement with R. Johanan, and R. Hiyya b. Abin has laid down in the name of R. Johanan: The objects of a gentile acquire their place for the Sabbath, a restriction having been imposed upon those of a gentile owner as a preventive measure against the infringement of the law in the case of those of an Israelite owner? Raba thereupon ruled: Let them³¹ be sold to the people of Mabrakta since in their case all Mabrakta is deemed to be only four cubits in extent.³²

R. Hiyya taught: A fish-pond between two Sabbath limits³³ requires

(1) A town on the north coast of Syria without the borders of Palestine and excluded, therefore, from the levitical cleanness of Palestine.

(2) A.Z. 13a.

(3) V. supra p. 328, n. 15.

(4) R. Johanan's specific statement in this particular case.

(5) On the halachah (supra 46b).

(6) In the case of a Baraitha.

(7) Thus indicating that the rules are general and are applicable to the Baraitha as well as to the Mishnah.

(8) Against whom the objection now remains: Whence did he derive his statement that the rules on the halachah (supra

46b) were to be disregarded.

(9) As shown supra 47a.

(10) Any person may carry them within his own Sabbath limit.

(11) V. Glos.

(12) In consequence of which it might have been presumed that they should acquire their own place.

(13) The Sabbath limit of owned objects being determined by that of their owner, the objects of a gentile, who himself does not acquire his place for the Sabbath, could not obviously acquire any such place for themselves.

(14) Of Samuel.

(15) Cf. MS.M. Cur. edd. 'And we are informed: Say, that R. Johanan b. Nuri ruled'.

(16) Who lived in the same town.

(17) And having been with the gentile in the same town at the time the festival began the object acquired its place within the Sabbath limit of the town.

(18) Of hefker.

(19) Lit., 'rested'.

(20) But no further. In the case of the object that the gentile returned on the festival, though its Israelite owner has prepared an 'erub which enables him to walk beyond two thousand cubits from the town, he may not carry with him that object beyond a distance of two thousand cubits from the town.

(21) Since the fruit have acquired their place without the Sabbath limit of the town, and having been carried into the town they are now outside their permitted limit.

(22) Beyond a distance of four cubits.

(23) Of R. Simeon b. Eleazar.

(24) Consequently it must be conceded that according to R. Johanan b. Nuri a gentile's objects do acquire their place for the Sabbath. How then could it be said supra that Samuel's ruling to the contrary was in agreement with that of R. Johanan b. Nuri?

(25) Supra p. 330.

(26) A village within four thousand cubits from Mahuza.

(27) Who by means of an 'erub were enabled to walk from their town to the village.

(28) And to take their purchases with them to Mahuza though the gentile sellers had brought them from a place beyond them from a place beyond the Sabbath limit of that town. [This occurred on a festival, when it is permissible to obtain on credit purchases of food, v. R. Hananel].

(29) In permitting the rams (cf. prev. n.) to be taken beyond their original Sabbath limit.

(30) In consequence of which the rams could be taken within the Sabbath limits of their Israelite purchasers.

(31) The rams.

(32) As laid down by R. Gamaliel (Mishnah Supra 41b in the case of a cattle-pen, a cattle-fold or a ship) whose ruling, as Rab testified (supra 42b), is the accepted halachah and applies also to a town that has walls around it.

(33) Of two towns between which it is situated.

Talmud - Mas. Eirubin 48a

an iron wall¹ to divide it [into two independent sections].² R. Jose son of R. Hanina laughed at him. Why did he laugh? If it be suggested: Because the latter taught this in agreement with R. Johanan b. Nuri³ [that the law is] to be restricted,⁴ while he is of the same opinion as the Rabbis⁵ [that the law is] to be relaxed,⁶ [is it likely, it may be asked,] that because he is of the opinion that the law is to be relaxed he would laugh at any one⁷ who learned that it was to be restricted? — Rather say: Because it was taught: Running rivers and gushing springs⁸ are on a par with the feet of all men.⁹ But is it not possible that he¹⁰ spoke of collected water?¹¹ — Rather say: Because he¹⁰ taught: 'Requires an iron wall to divide it'. For why should not reeds be admissible?¹² Obviously because the water would pass through them; but then, in the case of an iron wall too, the water might pass.¹³ But is it not possible that he¹⁰ meant: 'Requires . . .' hence there is no remedy?¹⁴ — Rather say: Because the Sages have in fact relaxed the law in respect of water;¹⁵ as R. Tabla [was informed]. For R. Tabla enquired of Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, since it is

only in the case of water that the Sages have relaxed the law.¹⁶

THE SAGES, HOWEVER, RULED: HE HAS ONLY FOUR etc. Is not R. Judah¹⁷ repeating the very view of the first Tanna?¹⁸ Raba replied: There is a difference between them, [for the first Tanna allows an area of] eight cubits by eight.¹⁹ So it was also taught: He has [the right to walk within an area of] eight cubits by eight; so R. Meir.

Raba further stated: They²⁰ differ only on the question of walking, but regarding the movement of objects both agree that it is permitted²¹ [along a distance of] four cubits but no more.

Where in Scripture are these four cubits²² recorded? — As it was taught: Abide ye every man in his place,²³ which implies within an area equal to 'his place'. And what is the area of 'his place'? Three cubits for his body and one cubit for stretching out his hands and feet; so R. Meir. R. Judah said: Three cubits for his body and one cubit to enable²⁴ him to take up an object at his feet and put it down at his head. What is the practical difference between them?²⁵ The practical difference between them is [that according to R. Judah the measurements of] the four cubits are to be exact.²⁶

R. Mesharsheya requested his son: When you visit R. Papa, ask him whether the four cubits of which the Rabbis have spoken²⁷ are measured²⁸ by the arm²⁹ of each individual concerned or by the standard cubit³⁰ used for sacred objects. If he tells you that the measurement is to be made by the cubit used for sacred objects, [ask him:] What should be done in the case of³¹ Og the king of Bashan;³² and if he tells you that the measurement is to be made by the arm of each individual concerned, ask him: Why was not this measurement³³ taught among those which the Rabbis have prescribed in accordance with each individual?³⁴ When he came to R. Papa the latter told him: 'If we had been so punctilious we would not have learnt anything.'³⁵ The fact is that the measurement is calculated by the arm of each individual concerned, and as to your objection, "Why was not this measurement taught among those which the Rabbis have prescribed in accordance with each individual", [it may be explained] that the ruling could not be regarded as definite since [even a normal person] may have stumped limbs'.³⁶

IF THERE WERE TWO MEN AND A PART OF THE PRESCRIBED NUMBER OF CUBITS OF THE ONE etc. What need was there for him³⁷ to make the remark, TO WHAT MAY THIS CASE BE COMPARED? — It is this that R. Simeon meant to say to the Rabbis: 'Consider! TO WHAT MAY THIS CASE BE COMPARED? TO THREE COURTYARDS THAT ARE OPENING ONE INTO THE OTHER AND ALSO INTO A PUBLIC DOMAIN;³⁸ why then do you differ there³⁹ and not here?'⁴⁰ And the Rabbis?⁴¹ There⁴² the residents are many⁴³ but here⁴⁴ they are few.⁴⁵

BUT THE TWO OUTER ONES etc. But why?⁴⁶ Do not the outer ones, since they have joined in an 'erub with the middle one,⁴⁷ constitute one permitted domain?⁴⁸ — Rab Judah replied: This is a case, for instance, where the middle one deposited its one 'erub in one courtyard and its other 'erub in the other courtyard.⁴⁹ R. Shesheth, however, replied: It may even be assumed that they⁵⁰ deposited their erubs in the middle one, [but this is a case, for instance,] where they had deposited it

(1) Running across the pond from one side to the other, on the boundary line between the two Sabbath limits.

(2) So that the water of the one section shall not be mingled with that of the other. The water of the pond does not acquire its own place but is deemed to be on a par with the feet of the people of that town within whose Sabbath limit it happens to be. As each section of the pond lies at the very end of the Sabbath limit of the town nearest to it the water of that section must not be carried beyond four cubits from the boundary line in the direction of the other town; and it is only an iron wall that in the opinion of R. Hiyya can prevent the water in the respective sections from mingling with one another. In the absence of such a wall the mingling of the waters of the two sections would on a Sabbath or a festival day prevent the inhabitants of either town from carrying them to their homes.

- (3) Who holds that objects of hefker acquire their place for the Sabbath within the town limit.
- (4) In consequence of which he ruled that the water of the pond that was hefker may not be carried beyond the Sabbath limit of the respective towns.
- (5) Who maintain that objects of hefker do not acquire their place for the Sabbath but are on a par with the feet of all men.
- (6) The water in consequence may be carried within the Sabbath limit of any man who wishes to use it.
- (7) Lit., 'on it'.
- (8) In which class a fish-pond is included.
- (9) Supra 46a (q.v. notes) and cf. supra n. 4.
- (10) R. Hiyya.
- (11) Which is not included in the classes of water spoken of in the Baraita cited.
- (12) As a partition between the two Sections of the pond.
- (13) Beneath it.
- (14) Sc. only a wall which, like solid iron could not possibly be penetrated could enable the townspeople to use the water in the pond; and since such a wall is an impossibility none of them may use it.
- (15) Allowing the use of any sort of partition, that is ten handbreadths high, however frail and penetrable it might be.
- (16) As a suspended partition though it cannot prevent the water from passing beneath it, is effective, so should a partition of reeds be. Thus R. Hiyya's demand for all iron wall caused R. Jose b. Hanina's laughter.
- (17) Who permits a distance of four cubits in any direction.
- (18) THE SAGES, who earlier in the Mishnah RULED: HE HAS ONLY FOUR CUBITS.
- (19) Four cubits in every two opposite directions. R. Judah, however, allows either four cubits in one direction or two cubits in two opposite directions.
- (20) R. Meir and R. Judah.
- (21) Lit., 'yes'.
- (22) Within which every man is entitled to move on a Sabbath or a festival day.
- (23) Ex. XVI, 29, dealing with movement on the Sabbath.
- (24) Lit., 'as is sufficient'.
- (25) R. Meir and R. Judah.
- (26) According to R. Meir, however, the measurements must be generous, more than one cubit being required for the stretching out of one's hands and feet.
- (27) In connection with Sabbath movements (cf supra n. 7).
- (28) Lit., 'we give him'.
- (29) אַרְמוֹת signifies both 'cubit' and 'arm', the standard cubit for the Sanctuary having been based on the length of Moses' arm (cf. Pes. 86a).
- (30) Which was equal to six handbreadths.
- (31) Lit., 'what shall be about him'.
- (32) A Biblical giant (cf. Deut, 111, 11).
- (33) V. supra p. 334 n. 12.
- (34) Kel. XVII, 11, cf. supra 30b.
- (35) All their time would have been spent in hair splitting.
- (36) Lit., 'there is a dwarf in his limbs', that are out of proportion to his body. In such a case the standard cubit would obviously have to be applied. [The order of the argument is reversed in R. Hananel's text: Why was this measurement not taught among . . . individuals. And should you argue that it is because there may be one who has stumped limbs, then it should have stated, except one who has stumped limbs? Thereupon R. Papa replied: 'If we had been so punctilious' etc. This reading removes the obvious difficulty involved in our text].
- (37) R. Simeon.
- (38) Ct: relevant note Supra in our Mishnah.
- (39) By forbidding the movement of objects from any one courtyard into any other (cf. infra 49a).
- (40) In the case of three men spoken of in our Mishnah.
- (41) How, in view of this argument, can they maintain their apparently contradictory views?
- (42) The case of the three courtyards.
- (43) Were the residents of the outer courtyards permitted to have access to the middle one and vice versa, some of them

might erroneously assume that the former may also have free access to one another and would this infringe the laws of 'erub.

(44) In the case of the three men spoken of in our Mishnah.

(45) And such an erroneous assumption (cf. prev. n.) on their part is unlikely.

(46) Are the two outer courtyards FORBIDDEN ACCESS TO ONE ANOTHER?

(47) It is now assumed that the 'erub in which the residents of both the outer courtyards have participated had been deposited in one of the houses of the middle one.

(48) In which all are partners who may freely move their objects within it.

(49) While the residents of the two outer courtyards deposited no 'erubs in the middle one. The residents of the latter, by virtue of their 'erubs, are regarded as residents of the outer courtyards as well as of their own, while the residents of the outer courtyards, having no 'erubs in the middle courtyard, cannot be regarded as its residents; and since these have in consequence no domain in common, they cannot be permitted access to one another.

(50) The residents of the two outer courtyards.

Talmud - Mas. Eirubin 48b

in two houses.¹ In agreement with whose view?² Is it in agreement with that of Beth Shammai since it was taught: If five residents³ collected their 'erub⁴ and deposited it in two receptacles,⁵ their 'erub, Beth Shammai ruled, is invalid⁶ and Beth Hillel ruled: Their 'erub is valid?⁷ — It⁸ may be said to be in agreement even with the view of Beth Hillel, since Beth Hillel might have maintained their view Only there⁹ where the 'erub, though kept in two receptacles, was in one and the same house, but not here¹⁰ where¹¹ it was kept in two houses.¹²

Said R. Aha son of R. Iwia to R. Ashi: A difficulty presents itself on the interpretation of Rab Judah as well as on that of R. Shesheth. On Rab Judah's interpretation the following difficulty arises: As he explained that 'This was a case, for instance, where the middle one deposited its 'erub in the one courtyard and its other 'erub in the other courtyard', and since the middle one, having first joined in an 'erub with one of the outer ones, constituted with it one domain, does it not, when it subsequently joins in an 'erub with the other,¹³ act on behalf of the former also?¹⁴ On the interpretation of R. Shesheth also a difficulty arises: Why should not this case¹⁵ be subject to the same law as that of five men who resided in one courtyard and one of whom had forgotten to contribute his share to their 'erub, where these men impose upon one another the prescribed restrictions in the use of that courtyard?¹⁶ — R. Ashi replied: There is really no difficulty either on the view of Rab Judah or on that of R. Shesheth. On that of Rab Judah there is no difficulty because, since the residents of the middle courtyard joined in an 'erub with those of each of the outer ones while the latter did not join one another in a common 'erub, they have thereby intimated that they were satisfied with the former association¹⁷ but not with the latter.¹⁸ On the view of R. Shesheth too there is really no difficulty. For would the Rabbis who regarded [the people of the outer courtyards as] residents [of the middle one] in order to relax the law¹⁹ also treat them as its residents²⁰ to impose additional restrictions?²¹

Rab Judah stated in the name of Rab: 'This²² is the view of R. Simeon. The Sages, however, ruled: The one domain²³ may be used by the residents of the two²⁴ but the two²⁴ domains may not be used by the residents of the one.²⁵ When I recited this in the presence of Samuel²⁶ he said to me:

(1) So that, though the residents of each one of the outer courtyards and those of the middle one, on account of the 'erubs in which they respectively joined, are respectively permitted access to one another, no access can be permitted between the two former who had no 'erub in common.

(2) Is the interpretation of R. Shesheth made.

(3) Of the same courtyard.

(4) Each of them contributing his share.

(5) In the same house.

- (6) An 'erub, they maintain, must be deposited in one utensil only.
- (7) Infra 49b. As Beth Hillel regard the 'erub is valid though it was deposited in two receptacles so, it is assumed, would they regard the 'erubs of the outer courtyards as valid though they were deposited in two houses; while Beth Shammai who rule the 'erub to be in valid in the former case would equally do so in the latter case. Is it likely, however, that our Mishnah would agree with Beth Shammai in opposition to the generally accepted view of Beth Hillel?
- (8) Our Mishnah.
- (9) In the Baraitha cited.
- (10) Our Mishnah.
- (11) According to R. Shesheth.
- (12) Our Mishnah, therefore, may, even according to R. Shesheth's interpretation, well agree with the view of Beth Hillel also.
- (13) The outer courtyard on its other side.
- (14) With whom it is now mingled into one domain. Why then, according to R. Judah, are the outer courtyards forbidden access to one another?
- (15) That of the three courtyards in our Mishnah where the middle one, by joining in 'erubs with each of the outer ones, has become the common domain of all the three.
- (16) Though the four of them had duly joined in the preparation of all 'erub. In the case of the three courtyards, since all their residents are now (cf. prev. n.) virtual residents in the middle courtyard, those of the outer ones who (by failing to deposit their 'erubs in one house) are forbidden access to one another are obviously in relation to each other and to the middle one in the same position as the one man (who forgot to join in the 'erub) to the four (who did prepare one). Consequently they should impose upon one another (like the one and the four) all the prescribed restrictions; and the use of the middle courtyard (as is the case with the courtyard of the five) should as a result be forbidden to all residents including even its own.
- (17) Lit., 'in that', the association between the middle courtyard and either of the outer ones.
- (18) Sc. an association between all the three courtyards as would render them the virtual residents of one common domain. This case, therefore, cannot be compared to that of the five men all of whom are actual residents in the same courtyard.
- (19) To enable them to have access to the middle one.
- (20) Despite the fact that they did not actually reside in it.
- (21) That the very residents of the middle courtyard, in whose favour the law had been relaxed, should, as result of this very relaxation, be forbidden to use their own courtyard? — Of course not.
- (22) That the outer courtyards are permitted access to the middle one and the latter is equally permitted access to the former.
- (23) The middle courtyard.
- (24) The outer ones.
- (25) Irrespective of whether the middle one deposited an 'erub in each of the outer ones or whether the latter deposited their respective 'erubs in the former. In either case it is permitted to move objects from the outer ones into the middle one, since each of the former represents a properly united domain. It is Forbidden, however, to move objects From the middle one into either of the former since two opposing domains that have nothing in common dominate it simultaneously and the force of the one domain prevents any object from being moved from its position into the other domain. Only where the three courtyards have united in one common 'erub can they be regarded as one domain in which the movement of objects from any one courtyard into any other is freely permitted.
- (26) Whose academy he joined for some time after the death of Rab.

Talmud - Mas. Eirubin 49a

This also¹ is the view of R. Simeon.² The Sages, however, ruled: The three courtyards are forbidden access to one another'.

It was taught in agreement with the view which Rab Judah had from Samuel.³ R. Simeon remarked: To what may this⁴ be compared? To three courtyards that open one into the other and also into a public domain, where, if the two outer ones made an 'erub with the middle one, the residents

of each of the two may bring food from their houses [into the middle one] and eat it there and then they may carry back any remnants to their houses;⁵ but the Sages ruled: The three courtyards are forbidden access to one another.⁶

Samuel⁷ in fact follows a view he expressed elsewhere.⁸ For Samuel laid down: In the case of a courtyard between two alleys⁹ the residents of the former, though they made an 'erub with the residents of both alleys, are nevertheless forbidden access to either. If they made no 'erub with either, they¹⁰ cause¹¹ the movement of objects to be forbidden in both alleys.¹² If they were in the habit of using one of the alleys but were not in the habit of using the other¹³ the movement of objects is forbidden in the one which they were in the habit of using¹⁴ but¹⁵ permitted in the one which they were not in the habit of using.¹⁶

Rabbah son of R. Huna ruled: If [the middle courtyard] made an erub with the alley which it was not in the habit of using, the one which it was in the habit of using¹⁷ is permitted to make an 'erub on its own.

Rabbah son of R. Huna further stated in the name of Samuel: If [the alley] which it¹⁸ was in the habit of using made an 'erub on its own while the one which it was not in the habit of using made no 'erub on its own, and [the middle courtyard] itself made no 'erub with either, its is referred to the one which it was not in the habit of using;¹⁹ for in such circumstances²⁰ one may be compelled not to act after the manner of Sodom.²¹

Rab Judah laid down in the name of Samuel: If a man is particular about his [share in an] 'erub,²² his 'erub is invalid; for what is its name? 'Amalgamation'.²³ R. Hanina ruled: His 'erub is valid though he himself might be called, 'One of the men of Wardina.'²⁴

Rab Judah further ruled in the name of Samuel: If one divides his 'erub,²⁵ it is invalid.²⁶ In agreement with whose view?²⁷ Is it in agreement with that of Beth Shammai, since it was taught: If five residents collected their 'erub and deposited it in two receptacles, their 'erub, Beth Shammai ruled, is invalid and Beth Hillel ruled: Their 'erub is valid?²⁸ — It²⁹ may be said to agree even with the view of Beth Hillel, for it is only there that Beth Hillel maintained their view,³⁰ where the receptacle was filled to capacity and something³¹ remained without,³² but not here where it was originally divided in two parts.³³ But what need was there for the two rulings?³⁴ — Both were required. For if we had been informed of the former ruling only³⁵ it might have been assumed [that only there is the 'erub invalid] since the man is particular,³⁶ but not here.³⁷ And if we had been informed of the latter ruling only,³⁸ it might have been assumed [that only here is the 'erub invalid] since it was intentionally divided,³⁹ but not there.⁴⁰ Hence both were required.

R. Abba addressed the following question to Rab Judah at the schoolhouse⁴¹ of R. Zakkai: Could Samuel have said: 'If a man divides his 'erub, it is invalid', seeing that he has laid down, 'The house in which an 'erub is deposited need not contribute its share to the bread'?⁴² Now what is the reason [for this ruling]? Is it not because he maintains that since there is bread lying in the basket⁴³ it is regarded as lying in the place appointed for the 'erub?⁴⁴ Then⁴⁵ why should it not be said in this case also, 'So long as there is bread lying in the basket⁴⁶ it is regarded as lying in the place appointed for the 'erub'?⁴⁷ — The other replied: There⁴⁸ the 'erub is valid even if there was no other bread in the house.⁴⁹ What is the reason? — Because all the residents of the courtyard⁵⁰ virtually live there.⁵¹

Samuel stated: The efficacy of an 'erub is due to the principle of kinyan.⁵² And should you ask: 'Why then⁵³ should not the kinyan be effected by means of a ma'ah?⁵⁴ [it could be replied:] Because it is not easily obtainable on Sabbath eves. But why should not a ma'ah effect acquisition at least where the residents did use it for an 'erub? — Its use is forbidden as a preventive measure against the possibility of assuming that a ma'ah was essential, as a result of which, when sometimes a ma'ah

would be unobtainable, no one would prepare an 'erub with bread, and the institution of 'erub would in consequence deteriorate. Rabbah stated: The efficacy of an 'erub is due to the principle of habitation.⁵⁵ What is the practical difference between them?⁵⁶ — The difference between them is the case of an 'erub that was prepared with an object of apparel,⁵⁷ with food that was worth less than a perutah⁵⁸

- (1) That 'the one domain may be used by the residents of the two but the two domains may not be used by the residents of the one' (cf. Rashi s.v. עֶרֶב a.l. second version).
- (2) Though generally his ruling is more lenient than that of the Rabbis.
- (3) That even R. Simeon only permitted access from the outer courtyards to the inner one and not vice versa.
- (4) The case of three men where the prescribed limit of the middle one overlapped with the limits of the others (v. our Mishnah).
- (5) Lit., 'this brings from her house and eats etc. and this returns her remainder to her house' etc.
- (6) Now, since R. Simeon here only permits the residents of the outer courtyards to use the middle one and not vice versa, this Baraita is obviously in agreement with Samuel's view.
- (7) In the view submitted here in his name (cf. supra n. 4).
- (8) Lit., 'his reason' or 'taste'.
- (9) Into each of which it has a door.
- (10) If they were in the habit of using the two alleys during the weekdays.
- (11) By their right of entry which disturbs any association that the residents of either alley may have formed.
- (12) I.e., in either alley it is forbidden to carry any object from its courtyards into the open alley.
- (13) And they made no 'erub with either.
- (14) Cf. supra p. 339, n. 12.
- (15) Since they have no right of entry to it.
- (16) Now since Samuel, who ruled here that 'In the case of a courtyard between two alleys the residents of the former, though they made an 'erub with the residents of both alleys, are nevertheless forbidden access to either', also laid down that in respect of 'erub the halachah is to be decided in agreement with that authority that relaxed the law, it follows that even R. Simeon upholds this ruling. For had R. Simeon relaxed it, Samuel, in accordance with his own principle, would have relaxed it too.
- (17) Since by its 'erub with the other alley the middle courtyard had intimated its intention not to use it on that Sabbath.
- (18) The middle courtyard.
- (19) Which, having prepared no 'erub, loses thereby nothing; while the other alley which did prepare its 'erub gains the advantage of being undisturbed by the middle courtyard's intrusion.
- (20) Where one gains an advantage from another who loses nothing thereby.
- (21) Who were traditionally known to have adopted a dog-in-the-manger attitude (cf. B.B. 12b, 59a, 16 and Aboth V, 10).
- (22) Sc. he would not allow it to be eaten by any of the others who contributed to that 'erub .
- (23) Or 'combination' (עֵירוּב rt. עֶרֶב 'to mix'). All the contributors must be united in a friendly and pleasant association in which one does not mind the consumption of his share by any of the outer associates.
- (24) Wardina (Barada) on the eastern bank of the Tigris, two hours distance north of Bagdad, whose inhabitants were notorious for their stinginess, v. Obermeyer p. 270.
- (25) Sc. deposits it in two utensils.
- (26) 'Erub' implying 'combination' (cf. supra p. 340, n. 10), it must all be in one place.
- (27) Did Samuel give this ruling.
- (28) Supra 48b q.v. notes. Now, is it likely that Samuel would rule in agreement with Beth Shammai contrary to the ruling of Beth Hillel which is the accepted halachah?
- (29) Samuel's ruling under discussion.
- (30) That the 'erub is invalid.
- (31) Of the 'erub .
- (32) So that the 'erub that was intended to be wholly deposited in one and the same receptacle became broken and incomplete.
- (33) And its division is part of the original scheme.

- (34) Of Samuel. Both being based on the signification of the term ‘erub’, could not one be deduced from the other?
- (35) Lit., ‘there’, the case of the man who is particular about his share in the ‘erub.
- (36) In consequence of which the amalgamation (cf. supra p. 340, n. 10) is incomplete.
- (37) Where the ‘erub was deposited in two receptacles, and the friendly association between the residents is in no way affected.
- (38) Lit., ‘here’, the case of an ‘erub deposited in two receptacles.
- (39) A divided ‘erub (‘combination’) being a contradiction in terms.
- (40) Where (cf. supra n. 11) the reason given (cf. prev. n.) is inapplicable.
- (41) ‘Aliter: Press-room.
- (42) Of which the ‘erub is made up.
- (43) Anywhere in the house where the ‘erub is deposited, for the consumption of the members of that household.
- (44) Lit., ‘here’.
- (45) The answer being apparently in the affirmative.
- (46) Sc. in one of the two receptacles in the same house.
- (47) I.e., as if the two parts were deposited in one and the same receptacle.
- (48) In the case of the last mentioned ruling of Samuel.
- (49) Though in such circumstances the principle, ‘So long as there is bread lying in the basket’ etc. is inapplicable.
- (50) By virtue of their contributions to the ‘erub .
- (51) And this is the reason why the people who actually live in the house where the ‘erub was deposited need not contribute any share of bread to it.
- (52) V. Glos. The owner of the house in which the ‘erub is deposited transfers the possession of his house to all the contributors who thereby become joint owners of the house as they were and are the joint owners of the courtyard. The house and courtyard thus assume the status of the same domain throughout which all the residents may freely move their objects as in a private domain.
- (53) Since the basis of ‘erub is kinyan or acquisition.
- (54) Certain coin (v. Glos.). Instead of bread each resident could have contributed a ma'ah and thereby acquired a share in the house.
- (55) A man's life being dependent on his food all the residents are deemed to live in that house where their food is deposited. As the courtyard in consequence has virtually no more than one house it belongs to that house in its entirety (cf. supra n. 10 mutatis mutandis).
- (56) Samuel and Rabbah.
- (57) A scarf for instance. As kinyan may be effected by means of such an object the ‘erub is valid according to Samuel. As, unlike bread, man's life is not dependent on it the house in which it is kept cannot be regarded as the common home of the residents and the ‘erub, according to Rabbah, is consequently invalid.
- (58) V. Glos. As kinyan cannot be effected by means of anything whose value is less than a perutah, the ‘erub prepared with food worth less than a perutah, however much its quantity, is invalid according to Samuel. As the principle of habitation, however, not being dependent on price but on quantity, is applicable, the ‘erub is valid according to Rabbah.

Talmud - Mas. Eirubin 49b

or by a minor.¹

Said Abaye to Rabbah: An objection can be raised both against your view and against that of Samuel. For was it not taught: ‘If five residents who collected their ‘erub² desired to transfer it to another place,³ one may take it there on behalf of all of them,’⁴ [from which it follows that it is] that man alone that performs the kinyan⁵ and no other, and that it is he alone who acquires the habitation and no other.⁶ — The other replied: This is no objection either against my view or against that of Samuel, since the man acts on behalf of all of them.⁷ Rabbah stated in the name of R. Hama b. Gorias who had it from Rab: The halachah, is in agreement with R. Simeon.⁸

MISHNAH. IF A MAN WHO WAS ON A JOURNEY [HOMEWARD]⁹ WAS OVERTAKEN BY DUSK,¹⁰ AND HE KNEW OF A TREE OR A WALL¹¹ AND SAID, ‘LET MY SABBATH

BASE BE UNDER IT',¹² HIS STATEMENT IS OF NO AVAIL.¹³ IF, HOWEVER, HE SAID, LET MY SABBATH BASE BE AT ITS ROOT',¹⁴ HE MAY WALK FROM THE PLACE WHERE HE STANDS TO ITS ROOT A DISTANCE OF TWO THOUSAND CUBITS, AND FROM ITS ROOT TO HIS HOUSE ANOTHER TWO THOUSAND CUBITS. THUS HE CAN WALK FOUR THOUSAND CUBITS AFTER DUSK.

IF HE DOES NOT KNOW OF ANY TREE OR WALL, OR IF¹⁵ HE IS NOT FAMILIAR WITH THE HALACHAH,¹⁶ AND SAID, LET MY PRESENT POSITION BE MY SABBATH BASE', HIS POSITION ACQUIRES FOR HIM THE RIGHT OF MOVEMENT WITHIN A RADIUS¹⁷ OF TWO THOUSAND CUBITS IN ANY DIRECTION; SO R. HANINA B. ANTIGONUS. THE SAGES, HOWEVER, RULED: THE DISTANCES¹⁸ ARE TO BE SQUARED IN THE SHAPE OF A SQUARE TABLET, SO THAT HE MAY GAIN THE AREA OF THE CORNERS.

THIS¹⁹ IT IS OF WHICH [THE RABBIS] HAVE SAID: A POOR MAN MAY MAKE HIS ERUB WITH HIS FEET.²⁰ R. MEIR SAID: WE CAN APPLY THIS LAW²¹ TO²² A POOR MAN ONLY.²³ R. JUDAH SAID: IT²¹ APPLIES TO BOTH RICH AND POOR, THE RABBIS ENACTMENT THAT AN ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER FOR THE RICH MAN, SO THAT²⁴ HE SHALL NOT BE COMPELLED TO GO OUT HIMSELF AND MAKE THE ERUB WITH HIS FEET.

GEMARA. What exactly is the meaning of 'HIS STATEMENT IS OF NO AVAIL'? — Rab explained: HIS STATEMENT IS OF NO AVAIL whatsoever, so that he may not proceed even to the space under the tree.²⁵ Samuel, however, explained: HIS STATEMENT IS OF NO AVAIL as regards proceeding to his house; he may, however, proceed as far as the space under the tree.²⁶ The space under the tree, however, is to be measured²⁷ [as if one were acting both as an] ass-driver and a camel-driver.²⁸ If, for instance, the man desired to measure²⁹ from the northern side of the tree³⁰ he is told to begin his measuring from its southern side,³¹ and if he desired to measure from its southern side³² he is told to begin his measuring from the northern side.³³

(1) Who collected the 'erub from the residents and deposited it in one of the houses. A minor cannot act as agent in a kinyan, hence the invalidity of the 'erub according to Samuel. As the food, however, which he collected constitutes a common habitation for the residents, that is independent of his personality and rights, the 'erub is valid according to Rabbah.

(2) In connection with the courtyard in which they resided.

(3) Sc. they wish to join in an 'erub with the residents of another courtyard.

(4) I.e., it is sufficient even that it is his bread alone that is taken by him to that other place. V. infra 72b.

(5) An objection against Samuel.

(6) Which is an objection against Rabbah.

(7) The residents who originally joined him in the 'erub.

(8) That in the case of THREE COURTYARDS THAT OPEN ONE INTO THE OTHER the middle one IS PERMITTED TO HAVE ACCESS TO THEM AND THEY ARE PERMITTED ACCESS TO IT.

(9) On a Sabbath eve.

(10) J.T. and MS.M. read: 'and he feared that dusk might overtake him'.

(11) Within a Sabbath limit From his position in one direction and within a Sabbath limit from his home in the other direction.

(12) In order that he might thereby be enabled to walk to his home after the Sabbath had set in. His home being almost two Sabbath limits distant from his position he could not otherwise have reached it during the Sabbath.

(13) Lit., 'he did not say anything'. The reason is explained in the Gemara infra.

(14) I.e., he specified a particular spot of the size of four cubits under the tree.

(15) Knowing one.

(16) Which permits him to proceed in the manner just described.

(17) Lit., 'round'.

- (18) OF two thousand cubits from his position in the four directions.
- (19) A case like that of the man under way who, like a poor man, is unable to obtain bread For his 'erub.
- (20) Sc. food is not an essential for an 'erub, but by standing in the required spot at the time the Sabbath begins a poor man (cf. previous n.) may acquire it as his place for the Sabbath.
- (21) Cf. prev. n.
- (22) Lit., 'we have none'.
- (23) V. supra n. 11.
- (24) By having the choice of sending his 'erub to the required spot through an agent.
- (25) He must not move from his position until the conclusion of the Sabbath, since he has acquired no place for his Sabbath rest from which he could be enabled to walk within the permitted Sabbath limit. His right to the place on which he stood when the Sabbath had set in he expressly renounced by choosing another one, while the area under the tree could not be acquired by him since he had not specified which particular four cubits of that space he chose (cf. infra).
- (26) This will be discussed infra.
- (27) Lit., 'and is made'.
- (28) חזר גמול, cf. note on the Mishnah supra 35a; sc. the man concerned, as is explained anon, is forbidden to move far in either direction.
- (29) The two thousand cubits distance from the tree to his house.
- (30) So that he might be enabled to reach his house which was just within that required distance from that side of the tree.
- (31) Since, in appointing the tree as his Sabbath base, he did not specify which particular four cubits of space under that tree he desired to acquire, any four cubits space within the circumference of the tree and its branches may be assumed to be the appointed spot. In measuring the distances, therefore, a course must be adopted which under all circumstances could not possibly lead to all infringement of any of the restrictions involved. If the diameter of the circumference of the tree and its branches measured, for instance, twenty cubits, and the distance from its northern point to the man's house was exactly two thousand cubits, the measuring must not begin from that point but from the southern point of the diameter which is two thousand and twenty cubits distant from that house. And, since it is forbidden to proceed beyond two thousand cubits, the man's Sabbath limit would terminate at a point twenty cubits away from his house which, in consequence, he would not be able to enter during the Sabbath.
- (32) So as to be able to walk (cf. prev. n.) a distance of twenty cubits from the position he occupied when the Sabbath began.
- (33) In consequence of which he must not move one step in the southern direction from that position.

Talmud - Mas. Eirubin 50a

Rabbah stated: What is Rab's reason?¹ Because the man did not specify the exact spot.² Others read: Rabbah stated: What is Rab's reason? Because he is of the opinion that what cannot be acquired in succession³ cannot be acquired even simultaneously.⁴ What is the practical difference between them?⁵ The practical difference between them is the case where⁶ a man said: 'Let me acquire an area of four cubits out of the eight'. According to him who read: 'Because the man did not specify the exact spot' [such a statement is invalid, for here], surely, he did not specify the exact spot; but according to him who read: 'What cannot be acquired in succession cannot be acquired even simultaneously' such [a statement is valid] as [if an area of] four cubits [had been indicated] for here the man spoke of acquiring [no more than] four cubits.

[Turning to] the main text: Rabbah stated: 'What cannot be acquired in succession cannot be acquired even simultaneously'. Abaye raised all objection against Rabbah: If a man gives excessive tithes, his produce is well prepared⁷ but his tithes are spoilt.⁸ But⁹ why?¹⁰ Should it not be said: 'What cannot be acquired in succession¹¹ cannot be acquired even simultaneously'?¹² — Tithe is different,¹³ since it is applicable to fractions;¹⁴ for if a man said: 'Let a half of every wheat grain be consecrated'¹⁵ it becomes consecrated.¹⁶ But is not the tithe of cattle inapplicable to fractions¹⁷ and ineffective in succession¹⁸ and yet Raba¹⁹ ruled: If²⁰ two abreast came out tenth, and they were both designated as tithe, the tenth and the eleventh are a mixture of holy and profane?²¹ — The tithing of

cattle is different, since in a case of error²² it is applicable in succession,²³ for we have learnt: If the ninth was named tenth, and tenth ninth, and the eleventh tenth, all the three are consecrated.²⁴ But is not a thanksgiving offering invalid in a case of error²⁵ as well as in one of succession,²⁶ and yet it was stated: If the slaying of a sacrifice of thanksgiving²⁷ was accompanied by all offering of eighty loaves,²⁸ Hezekiah ruled: Forty out of these eighty are consecrated, and R. Johanan ruled: Forty out of eighty cannot be consecrated?²⁹ — Surely, in connection with this it was stated: R. Joshua b. Levi³⁰ explained: All³¹ agree that [forty of the loaves] are consecrated where the donor said: ‘Let forty out of the eighty be consecrated’; and no one³² disputes the ruling that none of the loaves is consecrated where he said: ‘The forty shall not be consecrated unless all the eighty are consecrated’; they only differ where the donor made no stipulation whatever, in which case one Master³³ is of the opinion that his intention³⁴ was to assure [the safety of the prescribed number] and that he brought the additional loaves conditionally only;³⁵

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- (1) Samuel's reason one can well understand as explained supra p. 345, n. 8. But why should Rab deprive the man even of approach to a tree which he expressly appointed as his Sabbath base?
- (2) Cf. supra p. 345, n. 2. In appointing a Sabbath base a specified area of four cubits must be indicated.
- (3) An area of four cubits on the northern side of the tree, for instance, cannot be acquired after such an area had been acquired on its southern side, and vice versa.
- (4) The man's appointment of the entire area under the tree which included both its northern and southern sides, is, therefore, null and void.
- (5) The two versions of Rabbah's explanation.
- (6) The area under the tree being eight cubits.
- (7) For general use.
- (8) Tosef. Dem. VIII. Tithe must consist of a portion of the produce that is neither less nor more than a tenth of it. If, therefore, a person gives more than a tenth of his produce, say, a fifth, the portion that he named as tithe would actually contain no more than fifty per cent of tithe, while the other half, since no tithe was given for it, is *tebel* (v. Glos.) which may not be eaten either by priest or by layman.
- (9) If Rabbah's ruling is the accepted law.
- (10) Why is his produce well prepared?
- (11) If, for instance, tithe had once been taken from produce none of the remainder could acquire the sanctity of tithe even if that name had been given to it.
- (12) When, therefore, the proper share of tithe was given simultaneously with the improper addition, not even the former should acquire the name and Sanctity of tithe.
- (13) Sc. the acquisition of the name of tithe is unlike other forms of acquisitions.
- (14) Lit., ‘to halves’.
- (15) As tithe.
- (16) In the case of excessive tithe every grain in that quantity of produce assumed the sanctity of tithe in proportion to the percentage of actual tithe which that quantity contained, and the question of simultaneous acquisition does not arise. Such a consideration cannot apply to ‘*erub*, where the four cubits must be of one continuous stretch.
- (17) Half a living beast cannot be consecrated as tithe.
- (18) So MS.M. and Bah. Cur. edd. omit ‘and is . . . succession’. If, for instance, after the tenth beast in a line of cattle had been designated as tithe the eleventh was similarly designated, the latter acquires neither the name nor the sanctity.
- (19) This is the reading of the parallel passages in Kid. and Bek. Cur. edd. in parenthesis ‘Rabbah’.
- (20) When the tithing of cattle takes place. In giving such tithe the herd or flock is made to pass in single file under the rod (cf. Lev. XXVII, 32), and every tenth beast is declared to be holy (v. *ibid.*).
- (21) Bek. 60b. Because one of them is proper tithe and the other is unconsecrated and it is impossible to ascertain which is which. Thus it follows that the tithing of cattle though inapplicable in succession is applicable simultaneously. An objection against Rabbah.
- (22) Where, for instance, the tenth was counted as the ninth and the eleventh as the tenth.
- (23) The tenth becoming sacred as tithe and the eleventh as a peace-offering.
- (24) Bek. 60b. Cf. prev. n. *mutatis mutandis*.
- (25) If, for instance, after setting aside the forty loaves required for the offering (cf. Men. 77a) the donor mistakenly

forgot and set aside another forty loaves, the latter, since consecration in error is invalid (cf. Naz. 31a), remain unconsecrated.

(26) Should a donor for instance, after he had once brought the forty loaves for the offering and after these had become consecrated by the offering of the sacrifice, bring another forty loaves for the same offering, the second set of loaves would be regarded as ordinary unconsecrated bread.

(27) The actual consecration of the loaves is effected when the sacrifice is slain (cf. Men. 78b).

(28) Instead of the prescribed forty.

(29) Men. 78b, Kid. 51a; which shows that, according to Hezekiah, simultaneous consecration is effective. Would then Rabbah differ From Hezekiah?

(30) This is the reading in Kid. Cur. edd. in parenthesis, 'Zera'.

(31) Even R. Johanan.

(32) Not even Hezekiah.

(33) Hezekiah.

(34) In bringing more loaves than was required.

(35) Sc. if as many as forty of the loaves should happen to be lost the remaining ones should replace them. Having brought the loaves with this intention only, the donor may be regarded as having expressly declared: 'Let only forty out of the eighty be consecrated', in which case his declaration is valid.

Talmud - Mas. Eirubin 50b

while the other Master¹ holds the view that the donor's intention was to provide a generous offering.² Abaye stated: This³ was learnt only in respect of a tree the diameter underneath which was [no less than] twelve cubits⁴ but in the case of a tree the diameter underneath which was less than twelve cubits, behold a part at least of the man's house⁵ is well marked out.⁶

R. Huna son of R. Joshua demurred: Whence is it proved that he has at all intended⁷ the middle four cubits? Is it not possible that he intended either the four cubits on the one side or the four on the other side?⁸ Rather, said R. Huna son of R. Joshua: This⁹ was learnt only in respect of a tree the diameter underneath which was [no less than] eight cubits,¹⁰ but in the case of a tree the diameter underneath which was only seven cubits, behold a part at least of his house is well marked out.¹¹

It was taught in agreement with Rab and it was also taught in agreement with Samuel. 'It was taught in agreement with Rab': If a man who was on a journey [homeward] was overtaken by dusk, and he knew of a tree or a wall and said: 'Let my Sabbath base be under it', his statement is of no avail, but if he said: 'Let my Sabbath base be in such and such a place'¹² he may continue his journey until he arrives at that place. Having arrived there he may walk throughout its interior and along a distance of two thousand cubits beyond it. This,¹³ however, applies only to a well defined spot as, for instance, a mound¹⁴ that was ten handbreadths high¹⁵ and from four cubits to two beth se'ah¹⁶ in area, or¹⁷ a valley that was ten handbreadths deep¹⁸ and from four cubits to two beth se'ah¹⁶ in area, but where the place is not well defined¹⁹ he is not allowed to move²⁰ more than four cubits. If two were [travelling together] and one of them knows [of a well defined place] and the other does not know of it, the latter transfers his right to choose a place²¹ to the former who then declares, 'My Sabbath base shall be in such and such a place'.²² This²³ only applies where the man had indicated the four cubits he selected by a mark,²⁴ but if he did not indicate the four cubits he had selected by any mark he must not stir²⁵ from his place.²⁶

Must it be said that this²⁷ presents an objection against Samuel?²⁸ Samuel can answer you: Here²⁹ we are dealing with a case where from the place on which the man stood to the root of the tree there were two thousand³⁰ and four³¹ cubits, so that if you were to put him on the further side of the tree³² he would be standing³³ outside his permitted limit;³⁴ hence, if he indicated four cubits [on the near side of the tree] he may proceed thither, otherwise he may not.³⁵

'It was taught in agreement with Samuel': If a man made a mistake and prepared 'erubs in two opposite directions, believing that it is permitted to provide 'erubs in two opposite directions, or if he said to his servants, 'Go and prepare an 'erub for me' and one prepared for him an 'erub in a northerly direction and the other prepared one for him in a southerly direction, he may proceed northwards as far as the limit of his southern 'erub and southwards as far as the limit of his northern 'erub.³⁶ But if they measured each limit exactly³⁷ he³⁸ may not stir from his place.³⁹ Must it be said that this⁴⁰ presents an objection against Rab?⁴¹ — No; Rab is a Tanna⁴² and is privileged to differ.⁴³

IF, HOWEVER, HE SAID LET MY SABBATH BASE BE AT ITS ROOT', HE MAY WALK FROM THE PLACE WHERE HE STANDS TO ITS ROOT A DISTANCE OF TWO THOUSAND CUBITS, AND FROM ITS ROOT TO HIS HOUSE ANOTHER TWO THOUSAND CUBITS. THUS HE CAN WALK FOUR THOUSAND CUBITS AFTER DUSK.

(1) R. Johanan.

(2) Which of course, is not permissible; hence R. Johanan's ruling that none of the loaves are consecrated. Thus it has been shown that only where the donor's expression, explicit or implicit, was 'forty out of eighty' does Hezekiah maintain that the prescribed forty are consecrated. This, therefore, in no way contradicts Rabbah's ruling, since in the case of 'erub also a man may acquire his Sabbath base under a tree if he used the expression, 'Let me acquire an area of four cubits out of the eight' (supra 50a ab init.).

(3) The ruling in our Mishnah according to Rab's interpretation that 'HIS STATEMENT is OF NO AVAIL, whatsoever'.

(4) The length thus comprising no less than three sections of four cubits each, it is impossible to ascertain whether it was the middle section or one of the outer ones that the man desired to acquire as his Sabbath base.

(5) Sc. his base for that Sabbath under the tree in question.

(6) If the diameter, for instance, was only eleven cubits, each four cubits at either of the extremities must inevitably overlap half a cubit with the middle four cubits. If then the man chose the middle section, all his Sabbath base is obviously well defined; but even if he intended one of the outer sections to be his Sabbath base each of them is at least partially defined in that part where it overlaps with the middle sections. His base may, therefore, be regarded as located in full or in part in that section.

(7) Lit., 'marked'.

(8) And none in the middle. As the two outer sections do not overlap at any point, how could the man's 'house' be said to be 'well marked out'?

(9) V. supra n. 1.

(10) Where it is uncertain which section was intended.

(11) In the middle cubit which must inevitably form a part of any section of four cubits that the man may have intended.

(12) The limits of which (as presently explained) were properly defined.

(13) That the man is permitted to walk two thousand cubits beyond the place in addition to his freedom of movement throughout its interior.

(14) Lit., 'that he rested (sc. appointed as his place for the Sabbath) in a mound'.

(15) The sides forming a kind of wall around it.

(16) V. Glos.

(17) Lit., 'and so'.

(18) The sides thus forming a kind of wall around it.

(19) If, e.g., it had no walls or was bigger than two beth se'ah.

(20) In its interior, in addition to the two thousand cubits he is allowed in all directions.

(21) Lit., 'his (intended place of) rest'.

(22) And both are thereby entitled to free movement throughout its interior and along a distance of two thousand cubits beyond.

(23) That in an undefined place one acquires at least the right of movement within an area of four cubits and along two thousand cubits in all its directions.

(24) Such as a tree or a stone.

(25) Beyond the permitted four cubits.

(26) Because he cannot acquire the place he had selected on account of his omission to indicate any mark in it; and he

cannot acquire the place on which he stands on account of his declaration that he desired to acquire another one. This ruling being in complete agreement with that of Rab (v. supra 49b and notes) the Baraitha may well be cited in his support.

(27) The Baraitha just cited in support of Rab (cf. prev. n.).

(28) Who (v. supra 49b) allows the man to walk to the tree though he did not indicate which four cubits under that tree he had selected.

(29) In ruling that 'he must not stir from his place'.

(30) The permitted Sabbath limit.

(31) The area allowed as one's resting place for the Sabbath.

(32) Sc. if the man's Sabbath base were said to be on that side, which is outside the two thousand and four cubits within which he is permitted to walk.

(33) At the time the Sabbath began.

(34) Cf. supra note 1.

(35) The tree spoken of in our Mishnah, however, proceeding to which is according to Samuel permitted, is one whose root and branches were within the two thousand and four cubits from the place where the man stood when the Sabbath had set in.

(36) If the two 'erubs, for instance, were deposited respectively at distances of a thousand cubits from the man's home, the northern one alone should have enabled him to proceed two thousand cubits in all directions including two thousand cubits in the direction of his home terminating at a distance of a thousand cubits from its southern side. The southern 'erub alone should have entitled him to similar privileges including two thousand in a northerly direction terminating at a distance of a thousand from the northern side of his house. As it is uncertain which of his 'erubs is more effective than the other the restriction resulting from both are imposed upon him and he may not move beyond a thousand cubits from his house either in a northerly or in a southerly direction.

(37) Sc. if each 'erub was deposited at the very end of the Sabbath limits in both the mentioned directions i.e., at distances of two thousand cubits from his home.

(38) Having lost his right to his home as his abode for that Sabbath, on account of the 'erubs whereby he intimated his desire to acquire other abodes for that day.

(39) Since the northern 'erub prevents him from moving even one step to the south of his house while the southern one similarly prevents him from moving a single step to the north of his house. Now this Baraitha shows that in a case of uncertainty in connection with two 'erubs the restrictions of both are imposed but the man is nevertheless free to move within the permitted margin though he did not indicate which of the two 'erubs he preferred. This is in agreement with the view of Samuel (v. supra 49b and notes) who also imposed double restrictions but allowed the man to move within the permitted margin between the tree and his house though it was uncertain which particular four cubits under the tree he selected.

(40) The ruling that within a certain permitted margin the man may move despite the uncertainty.

(41) Who, on account of uncertainty, forbids the man to stir from his place.

(42) He was of the last generation of the Tannas and of the first of the Amoras.

(43) From a Baraitha. Only an Amora is denied this right.

Talmud - Mas. Eirubin 51a

Raba¹ explained: This² applies only where by running towards the root³ he can reach it [before the Sabbath began].⁴ Said Abaye to him: Was it not in fact stated: 'WAS OVERTAKEN BY DUSK'?⁵ — [The meaning is that] he was overtaken by dusk as far as his house was concerned;⁶ the root of the tree, however, he could⁷ well reach before dusk. Others say: Raba¹ replied: [The meaning is that] he would be overtaken by dusk if he walked slowly but by running he could well reach the root.

Rabbah and R. Joseph were once under way⁸ when the former said to the latter, 'Let our Sabbath base be under the palm-tree that is supporting another tree,'⁹ or, as others read: 'under the palm-tree that releases its owner¹⁰ from the burden of taxes'.¹¹ 'I do not know it', the other replied. 'Rely then on me', the first said: 'for it was taught: R. Jose ruled: If two were [travelling together] one of whom knew [of a well defined place] and the other did not know of it, the latter transfers his right to a

choice of place to the former who then declares, 'Let our Sabbath base be in such and such a place'.¹² This,¹³ however, was not exactly correct. He attributed the teaching to¹⁴ R. Jose with the sole object that the latter should accept it from him since R. Jose was known to have sound reasons for his rulings.¹⁵

IF HE DOES NOT KNOW OF ANY TREE OR WALL, OR IF HE IS NOT FAMILIAR etc. Where in Scripture are these TWO THOUSAND CUBITS prescribed? — It was taught: Abide ye every man in its place¹⁶ refers to the four cubits;¹⁷ let no man go out of his place¹⁶ refers to the two thousand cubits.¹⁸ Whence¹⁹ do we derive this? — R. Hisda replied: We deduce place²⁰ from place,²¹ place²¹ from flight,²² flight²² from flight,²³ flight²³ from border,²⁴ border²⁴ from border,²⁵ border²⁵ from without²⁶ and without²⁶ from without, since it is written: And ye shall measure without the city for the east side two thousand cubits etc.²⁷ But why should we not deduce it²⁸ from the verse: From the wall of the city and outward²⁹ a thousand cubits?³⁰ The expression, 'without' is deduced from 'without' but not from 'outward'. What material difference, however, is there between the two expressions? Did not the School of R. Ishmael in fact teach: [With reference to the expressions,] The priest shall return³¹ and The priest shall come,³² 'returning' and 'coming' mean the same thing?³³ — Such a comparison³⁴ is made only³⁵ where no like expression³⁶ is available, but where one exactly like it is available deduction is made only from the one which is exactly like it.

A RADIUS OF TWO THOUSAND CUBITS. As to R. HANINA B. ANTIGONUS what possible justification is there for his view?³⁷ If he upholds the word analogy³⁸ [the objection could be raised:] Does not Scripture³⁹ speak of 'sides'?⁴⁰ If, however, he does not uphold the word analogy³⁸ [the difficulty would arise:] Whence does he [deduce that a Sabbath limit is] two thousand cubits? — He does in fact uphold the word analogy, but⁴¹ here⁴² the case is different⁴³ since Scripture said: This shall be to them the open land about the cities⁴⁴ which implies: In this case only⁴⁵ sides must be allowed⁴⁶ but not in that of those who observe the Sabbath rest.⁴⁷ And the Rabbis?⁴⁸ — They uphold⁴⁹ the interpretation which R. Hanina advanced: Like this measurement⁵⁰ shall be that of all who observe the Sabbath rest.⁵¹

R. Aha b. Jacob ruled: A man who carries an object⁵² along four cubits in a public domain incurs no guilt unless he carries it a distance equal to the diagonal of their square.⁵³

R. Papa related: Raba tested us [with the following question] 'With regard to a pillar in a public domain ten handbreadths high and four handbreadths wide, is it necessary⁵⁴ that its width shall be equal to the diagonal of four cubits square, or is this unnecessary'? And we replied: 'Is not this case identical with that of R. Hanina who learned:⁵⁵ Like this measurement⁵⁶ shall be that of all who observe the Sabbath rest'.⁵⁷

THIS IT IS OF WHICH THE RABBIS HAVE SAID: A POOR MAN MAY MAKE HIS 'ERUB WITH HIS FEET. R. MEIR SAID: WE CAN APPLY THIS LAW TO A POOR MAN ONLY etc. R. Nahman said: They⁵⁸ differ only where [the expression used was] 'In my place',⁵⁹ since R. Meir holds that the essence of an 'erub is bread

(1) MS.M., Rabbah,

(2) The ruling that if the man had specified a particular spot of four cubits he acquires it as his Sabbath base and may in a leisurely walk during the Sabbath proceed thither and along another two thousand cubits beyond it to his home.

(3) Sc. the spot he appointed as his Sabbath base.

(4) If, however, he cannot reach it even by running, he cannot acquire it.

(5) Presumably at the time he appointed the place from a distance. How then could he possibly reach it before dusk?

(6) I.e., he could not reach his house before dusk, even by running.

(7) Were he to run.

(8) On the Sabbath eve near dusk.

- (9) Lit., 'her brother'.
- (10) By the abundance of its fruit and the proceeds derived from their sale.
- (11) Cur. edd. insert in parentheses, 'Does the Master know it?'
- (12) Tosef. 'Er. III. Cf. supra 50b and notes.
- (13) Rabbah's statement that the ruling he cited was R. Jose's.
- (14) Lit., 'he taught to him as'.
- (15) Lit., 'his depth is with him'. In the Tosef., however, as we have it, the ruling is explicitly attributed to R. Jose.
- (16) Ex. XVI, 29.
- (17) Which every man is allowed as his resting place for the Sabbath.
- (18) Allowed in all directions from a man's resting place.
- (19) Since the text explicitly mentions neither four, nor two thousand cubits.
- (20) That was mentioned in connection with the Sabbath (Ex. XVI, 29).
- (21) Mentioned in Ex. XXI, 13: I will appoint thee a place whither he may flee.
- (22) 'He may flee' occurring in the same verse (cf. prev. n.).
- (23) 'Fleeth' in the verse: Beyond the border of his city of refuge, whither he fleeth (Num. XXXV, 26).
- (24) In the same verse just cited.
- (25) Without the border (ibid. 27).
- (26) The first word in the last citation (v. prev. n.).
- (27) Num. XXXV, 5. As the last cited verse which explicitly mentions 'two thousand cubits' contains the expression 'without', it is compared with the expression of 'without' in Num. XXXV, 27 and since that 'without' occurs in the same verse as 'border' the two also are compared. 'Border' again is compared with 'border' in Num. XXXV, 26 which in turn is compared with 'flight' (fleeth) that occurs in the same verse. This last expression is compared with 'fight' (flee) in Ex. XXI, 13 which is compared with 'place' that occurs in the same verse. 'Place' having been compared with 'place' in the precept of the Sabbath the limit of 'two thousand cubits' mentioned at the other end of the chain of comparisons is applied to the first end also.
- (28) The permitted distance.
- (29) חוצה similar in meaning and form to חוץ ('without').
- (30) And the permitted distance should accordingly be no more than one thousand cubits.
- (31) Lev. XIV, 39.
- (32) Ibid. 44.
- (33) For purposes of inference, v. Hor., Sonc. ed., p. 57, n. 11. Now if a comparison may be drawn between expressions that resemble each other in their general significance alone, why should not a comparison also be drawn between expressions that differ from each other so slightly as those of חוץ and חוצה?
- (34) Between a word the meaning of which is to be deduced and one from which deduction is made.
- (35) Lit., 'these words'.
- (36) Exactly like the one that is to be deduced.
- (37) Lit., 'whatever is your desire'.
- (38) Between the expressions in the various texts cited supra in support of the prescribed two thousand cubits for the Sabbath limit.
- (39) In Num. XXXV, 5.
- (40) Lit., 'sides are written'. A 'side' could not apply to a circle.
- (41) In reply to the objection from the expression of 'sides' (cf. prev. n.).
- (42) In measuring a Sabbath limit.
- (43) From other cases where 'side' is used.
- (44) Num. XXXV, 5.
- (45) That of the open land for the Levites.
- (46) Sc. they must be given the benefit of the corners also.
- (47) The latter are allowed only a radius of the prescribed distances.
- (48) How, in view of this explanation, can they maintain that THE DISTANCES ARE TO BE SQUARED?
- (49) Cf. the reading of MS.M. Cur. edd. 'one learned R. Hanania said'.
- (50) The one for the land of the Levites (Num. XXXV, 5).
- (51) As the former had the benefit of the corners so must the latter.

(52) On the Sabbath.

(53) Lit., 'they and their diagonal', i.e., the man is given the benefit of the corners, in agreement with the view of the Rabbis as explained by R. Hanina.

(54) In order that it may be regarded as a private domain, v. supra 33b.

(55) So MS.M. Cur. edd. 'Hanania, because it was taught: R. Hanania said'.

(56) The one for the land of the Levites (Num. XXXV, 5).

(57) on the various interpretations of this ruling cf. Tosaf. s.v. כִּזְהָ a.l.

(58) R. Meir and R. Judah.

(59) Sc. if the man appointed as his Sabbath base the place where he stood at the time. Only in such a case does R. Judah allow a rich man the same privilege as to a poor man.

Talmud - Mas. Eirubin 51b

[and that, therefore, it is only for] a poor man¹ that the Rabbis have relaxed the law,² but not for a rich man; while R. Judah holds that the essence of an 'erub is [the position of] one's feet, Irrespective of whether one is poor or rich; but where the expression used was 'In such and such a place'³ all⁴ agree that⁵ Only a poor man⁶ is allowed such an 'erub but not a rich man.⁷ And who was it that learned, 'THIS IT IS OF WHICH [THE RABBIS] HAVE SAID [etc.]?'⁸ — R. Meir.⁹ And what does he refer to? — To the case of one WHO DOES NOT KNOW OF ANY TREE OR WALL OR ONE WHO IS NOT FAMILIAR WITH THE HALACHAH.¹⁰ And who was it that learned, 'THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER'?'¹¹ — R. Judah.

R. Hisda, however, said: They¹² differ only where the expression used was, 'In such and such a place',¹³ R. Meir being of the opinion that the law was relaxed for the poor only¹⁴ but not for the rich, while R. Judah holds that it was relaxed for both poor and rich; but where the expression used was 'In my place' all¹⁵ agree that the law was relaxed for both poor and rich, since the essence of 'erub is [the position of] one's feet [at the spot appointed].¹⁶ And who was it that learned, 'THIS IT IS OF WHICH [THE RABBIS] HAVE SAID'?'¹⁷ — R. Meir.¹⁸ And what does he refer to? — To the following: IF A MAN WHO WAS ON A JOURNEY HOMEWARD WAS OVERTAKEN BY DUSK.¹⁹ And who was it that learned, 'THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER'?'²⁰ — Both.²¹

It was taught in agreement with R. Nahman:²² Both poor and rich must prepare their 'erub with bread. A rich man, furthermore, must not proceed beyond the Sabbath limit²³ and make the declaration, 'Let my Sabbath base be where I stand now because it is only for the benefit of one who was under way when it became dusk²⁴ that the Rabbis have enacted that an 'erub may be prepared with one's feet; so R. Meir.²⁵ R. Judah ruled: Both poor and rich must prepare their 'erub with their feet. A rich man should, therefore,²⁶ proceed beyond the Sabbath limit and make the declaration, 'Let my Sabbath base be where I stand now and this is the essence of an 'erub;²⁷ the Sages, however, allowed a householder to send his 'erub by the hand of his servant or by the hand of his son or by the hand of any other agent in order to make it easier for him. R. Judah related: It once happened that the Memel and Gorion families at Aroma²⁸ distributed dried figs and dried grapes to the poor in a time of dearth, and the poor men of Kefar Shihin and Kefar Hinaniah²⁹ used to come and wait³⁰ at their Sabbath limit³¹ until dusk³² and on the following day³³ got up early and proceeded to their destination.³⁴

R. Ashi said: An inference from the wording of a Mishnah also supports this view,³⁵ for it was stated: If a man left [his home]³⁶ to proceed to a town³⁷ with which [his home town desired to be] connected by an 'erub,³⁸ but a friend of his induced him to return home,³⁹ he himself is allowed to proceed⁴⁰ to the other town⁴¹ but all the other townspeople are forbidden;⁴² so R. Judah.⁴² And in

discussing the point, 'In what respect does he differ from them?'⁴³ R. Huna replied: We are here dealing with the case of a man who had, for instance, two houses⁴⁴ between which two Sabbath limits intervened.⁴⁵ As far as he is concerned, since he had set out on his journey,⁴⁶ he has the status of a poor man.⁴⁷ They,⁴⁸ however, have the status of rich men.⁴⁹ Thus it is perfectly clear that only a poor man but not a rich man is allowed to prepare an 'erub by the declaration, 'Let my Sabbath base be at such and such a place'. This is conclusive.

R. Hiyya b. Ashi taught Hiyya b. Rab in the presence of Rab [that the law⁵⁰ applied] to both poor and rich. Said Rab to him: Conclude this also with the Statement, 'The halachah is in agreement with R. Judah'. Rabbah b. R. Hanan was in the habit of going⁵¹ from Artibana to Pumbeditha⁵²

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- (1) I.e., one who was on a journey and had no bread with him.
 - (2) In permitting him to acquire the place on which he stood as his Sabbath base though he deposited no bread there.
 - (3) I.e., the man appointed as his Sabbath base some specified spot in the distance.
 - (4) Even R. Judah.
 - (5) Since the man himself does not occupy at the time the place he appointed.
 - (6) V. p. 355, n. 13.
 - (7) Who is able and, therefore, must use the prescribed quantity of bread.
 - (8) When implies that the original enactment was more rigid but that the Rabbis have relaxed it in favour of the poor.
 - (9) Who holds that the essence of an 'erub is the bread.
 - (10) Who appointed, therefore, the spot on which he stood as his Sabbath base.
 - (11) Implying that the original enactment was that the man must personally occupy the spot which he appoints as his base for the Sabbath.
 - (12) R. Meir and R. Judah.
 - (13) In which case neither the man himself nor his bread was at the place appointed.
 - (14) Lit., 'yes'.
 - (15) Even R. Meir.
 - (16) And the man himself, in this case, was present at the place.
 - (17) V. supra n. 6.
 - (18) Who allows the privilege to the poor only. It cannot be the statement of R. Judah since he draws no distinction between rich and poor.
 - (19) AND HE KNEW OF A TREE . . . AND SAID, LET MY SABBATH BASE BE AT ITS ROOT' concerning which it was ruled that the man acquires that place though he was not at the time standing on it. According to R. Meir this applies to a poor man only, while according to R. Judah it applies to a rich man also, though an 'erub ab initio requires the person's presence at the place he appoints.
 - (20) V. supra p. 356, n. 9..
 - (21) Lit., 'all', R. Meir as well as R. Judah, the former also agreeing that the essence of 'erub is that the person concerned shall be on the spot which he appoints as is Sabbath base.
 - (22) That the dispute between R. Meir and R. Judah bears on that case only where the man who made the 'erub was on the spot that he appointed as his Sabbath base; that, according to R. Meir, only to a poor man (i.e., one who has no bread) is such all 'erub permitted, while according to R. Judah this is permitted even where bread is obtainable, and that if the person was not present at the appointed spot even R. Judah restricts the privilege to the poor or the man who has no bread.
 - (23) Sc. within four cubits from that limit. Beyond that distance no 'erub can be effective at all.
 - (24) In consequence of which he is unable to obtain bread.
 - (25) Which shows, in agreement with R. Nahman, that, according to R. Meir, even where a person is on the very spot which he appointed as his Sabbath base, an 'erub without bread is permitted to him only if he is poor.
 - (26) If this is not inconvenient to him.
 - (27) This shows, again in agreement with R. Nahman, that, according to R. Judah, a rich man is not ab initio permitted to prepare an 'erub without bread unless he is present at the spot he appointed.
 - (28) [Or, Ruma, identified with Chirbet Rume south of the El-Batuff valley. West of Ruma, at about four thousand cubits distance lies Asochis (Kefar Shihin). Kefar Hananiah (Kefar 'Anan) is situated much further north, on the boundary

between Lower and Upper Galilee and hardly fits into the context, and is in fact omitted in the parallel passage in J.T., v. Klein, Beitrage pp. 67ff].

(29) Villages that were just within four thousand cubits from Aroma and that could, therefore, be joined to it by an 'erub prepared on the boundary between the two Sabbath limits that intervened between them.

(30) On the Sabbath eve.

(31) Sc. at the boundary line where their Sabbath limit met the Sabbath limit of Aroma.

(32) Thus acquiring a Sabbath base within both limits.

(33) Which was the Sabbath.

(34) Now the poor men in question, having come from their own homes, were presumably in possession of some bread that sufficed for the two meals prescribed for an 'erub. They were, in consequence, subject, as far as the preparation of an 'erub is concerned, to the same restrictions as those imposed upon a 'rich man'. Yet it was not by a deposit of bread but by their personal attendance at the place they desired to appoint as their Sabbath base that their 'erub was effected. Thus it follows that the ruling in practice is in agreement with R. Nahman's interpretation of R. Judah's view, viz. that a person's presence at the very spot he wishes to acquire as his Sabbath base is the essence of an 'erub.

(35) R. Nahman's, viz. that R. Judah does not allow a rich man to acquire a Sabbath base without an 'erub of bread if he is not personally in attendance at that base, and that his disagreement with R. Meir is restricted to such a case only where the person concerned was in attendance at the place he desired to acquire.

(36) On a Sabbath eve.

(37) That was just two Sabbath limits distant from his own home.

(38) And he was instructed to deposit one at the boundary line at which the two limits (v. prev. n.) met. Had he carried out his mission, the place where the 'erub would have been deposited would have served as a Sabbath base for all the townspeople who would have been allowed thereby to walk distances of two thousand cubits from that base in all directions and consequently to move freely between their own town and the other.

(39) Before he deposited the 'erub.

(40) On the Sabbath.

(41) The reason follows.

(42) Infra 52a.

(43) That he should be allowed to proceed to the other town while they are not.

(44) One in each of the two towns.

(45) And his intention when setting out was not to acquire a Sabbath base between the two limits but to proceed to his own house in the other town.

(46) Along which food was not obtainable.

(47) Who has no bread and who is privileged to acquire a Sabbath base, though he was not present at that place and though he made no explicit declaration of his desire to acquire that base.

(48) The townspeople who remained at home and who were presumably in the possession of the prescribed quantity of food for an 'erub.

(49) Who are able to provide the required quantity of bread and who cannot, therefore, acquire a Sabbath base except by proceeding to the spot in person or by sending thither the prescribed quantity of food.

(50) That an 'erub may be effected by proceeding in person to the spot one desired to acquire as a Sabbath base.

(51) On the Sabbath.

(52) Towns that were just two Sabbath limits distant from one another and that could in consequence be combined by an 'erub on the boundary line between the two limits.

Talmud - Mas. Eirubin 52a

by declaring,¹ 'Let my Sabbath base be at Zinatha'.² Said Abaye to him, 'What do you think?'³ That in a dispute between R. Meir and R. Judah the halachah is in agreement with R. Judah,⁴ and that R. Hisda submitted that they⁵ differed only where the expression used was, 'In such and such a place'?⁶ Surely [it may be objected: Does not] R. Nahman [differ from R. Hisda], and it was taught in agreement with him?⁷ — 'I withdraw', the other replied.

Rami b. Hama enquired: Behold, it has been laid down that if a man acquired a Sabbath base in

person⁸ he is entitled to move within four cubits,⁹ is one who deposits his 'erub¹⁰ also entitled to move within four cubits or not? — Raba replied: Come and hear: THE RABBIS' ENACTMENT THAT AN 'ERUB IS TO BE PREPARED WITH BREAD HAVING THE ONLY PURPOSE OF MAKING IT EASIER FOR THE RICH MAN SO THAT HE SHALL NOT BE COMPELLED TO GO OUT HIMSELF AND MAKE THE ERUB WITH HIS FEET. Now if you were to contend that he¹¹ is not entitled to the four cubits, [how can it state its purpose to be] 'OF MAKING IT EASIER'? Surely [it results in the imposition] of a restriction!¹² — One is nevertheless pleased with the enactment since thereby one avoids the trouble of going out.¹³

MISHNAH.¹⁴ IF A MAN LEFT HIS HOME TO PROCEED TO A TOWN WITH WHICH [HIS HOME TOWN DESIRED TO BE] CONNECTED BY AN 'ERUB, BUT A FRIEND OF HIS INDUCED HIM TO RETURN HOME, HE HIMSELF IS ALLOWED TO PROCEED TO THE OTHER TOWN BUT ALL THE OTHER TOWNSPEOPLE ARE FORBIDDEN; SO R. JUDAH. R. MEIR RULED: WHOSOEVER IS ABLE TO PREPARE AN 'ERUB¹⁵ AND NEGLECTED TO DO IT¹⁶ IS IN THE POSITION OF AN ASS-DRIVER AND A CAMEL-DRIVER.¹⁷

GEMARA. In¹⁸ what respect does he differ from them? — R. Huna replied: We are here dealing with the case of a man who had, for instance, two houses between which two Sabbath limits intervened. As far as he is concerned, since he had set out on his journey he has the status of a poor man. They, however, have the status of rich men.

So¹⁹ it was also taught: If a man had two houses,²⁰ and two Sabbath limits intervened between them, he acquires his 'erub²¹ as soon as he had set out on his journey,²² so R. Judah. Relaxing the law still more,²³ R. Jose son of R. Judah ruled: Even if²⁴ a friend of his met him and said: 'Spend the night here, as the weather is rather²⁵ hot' or 'rather cold', he may set out on his journey on the following day as early as he likes. Rabbah submitted: All agree²⁶ that it is necessary²⁷ to make²⁸ [the prescribed declaration],²⁹ the Only point at issue between them [being whether it is essential for the man] to have actually set out on his journey.³⁰ R. Joseph, however, submitted: That it is essential for the man to have set out on his journey is disputed by none,³¹ the Only point at issue between them being whether it is necessary for him to make [the prescribed declaration].³²

Whose view is followed in the ruling of Ulla that³³ if a man set out on a journey and a friend of his induced him to return, behold he is regarded as having returned and as having set out? (But if he is regarded as 'having returned'³⁴ why is he described as 'having set out'?³⁵ And if he is regarded as 'having set out'³⁵ why is he described as 'having returned'?³⁴ — It is this that was meant: Although he has actually returned he is regarded as one who had set out). Now in agreement with whose view has this statement³⁶ been made? — In agreement with that of R. Joseph according to R. Jose son of R. Judah.³⁷

R. Judah b. Ishtatha once³⁸ brought a basket of fruit to R. Nathan b. Oshaia. When the former was departing³⁹ the latter allowed him to descend the stairs⁴⁰ and then called after him, 'Spend the night here'. On the following day he got up early and departed.⁴¹

(1) On the Sabbath eve while he was still in his own house.

(2) A place between the two Sabbath limits intervening between the two towns.

(3) In preparing an 'erub like a poor man though, being able to provide the necessary food, he had the status of a rich man.

(4) That poor and rich are subject to the same law.

(5) R. Judah and R. Meir.

(6) Supra 51b q.v. notes.

(7) R. Nahman, that R. Judah allowed a rich man to make an 'erub without bread only where he personally attended at the spot, which he desired to acquire as his Sabbath base. Now, since Rabbah b. R. Hanan made his declaration at his

own house he should not be entitled to acquire Zinatha as his Sabbath base even according to R. Judah.

(8) Sc. by remaining in that spot at the time the Sabbath began.

(9) In addition to the two thousand cubits distance along which he is allowed to move in all directions.

(10) Sc. sent the prescribed quantity of food to the desired place by the hand of an agent.

(11) A rich man who deposited an 'erub of food through an agent.

(12) Of course it does, since in the absence of the enactment he would have been entitled to the four cubits and as a result of it he forfeits that right.

(13) To the appointed place. This benefit outweighs the loss of the four cubits. Hence it was quite proper to say that the enactment had the PURPOSE or MAKING IT EASIER FOR THE RICH MAN.

(14) Cited from IF to R. JUDAH supra 51b ad fin. q.v. notes.

(15) As the man here spoken of was.

(16) Sc. omitted to make a declaration that he wished to acquire the place in question as his Sabbath base.

(17) **חומר גמול** (v. n. supra 35a). Since it is uncertain whether he intended to acquire his Sabbath base (a) on the boundary line between the two Sabbath limits that separate the one town from the other or (b) in his own house where he remained when the Sabbath began, he must be restricted in his movements to the two thousand cubits between the house in which he stayed and the termination of the Sabbath limit of that town. He must not proceed beyond the Sabbath limit of the town in the direction of the other town since it is possible that he acquired his Sabbath base at (b), and he must not move outside the town in the opposite direction, since it is possible that his Sabbath base had been acquired at (a).

(18) This to the end of the paragraph is cited supra 51b q.v. notes.

(19) That we are dealing here with the case of a man who had two houses between which two Sabbath limits intervened.

(20) One in each of two towns.

(21) On the boundary line between the two Sabbath limits.

(22) Though he did not make any explicit declaration that he desired to acquire a Sabbath base between the limits, and though he returned home before he reached that spot.

(23) Lit., 'more than so'.

(24) Before he had set out on his journey.

(25) Lit., 'a time of'.

(26) Lit., 'all the world (sc. R. Judah and R. Jose son of R. Judah) do not differ'.

(27) The rendering and notes that follow are based on Rashi's own interpretation. The two other interpretations cited and rejected by Rashi are here disregarded.

(28) Lit., 'to say'.

(29) Viz., 'Let my Sabbath base be at the boundary line between the two Sabbath limits', analogous to the declaration in the Mishnah supra 49b: 'let my Sabbath base be at its root'.

(30) Lit., 'to take hold'; R. Judah maintaining that this is essential, since, otherwise, as a person at home who is able to obtain the required quantity of bread, he cannot be regarded as a poor man; while R. Jose holds that once a man has decided to set out on a journey, though his plan has been changed and he remains at home, he is regarded as a poor man.

(31) He cannot be regarded as a poor man if he has not left his house.

(32) In the opinion of R. Judah this is necessary as was implied in the Mishnah supra 49b (cf. supra n.); while R. Jose holds that the setting out on a journey is alone sufficient as an indication of the man's intention and no explicit declaration is therefore necessary. R. Meir's ruling restricting the man's movements as if he were 'AN ASS-DRIVER AND A CAMEL-DRIVER', despite his explicit declaration, may be explained as based on the principle that a man cannot be regarded as poor unless he is actually under way. A man, like the one in question who has only started on his journey is, in R. Meir's opinion, still regarded as a rich man who must use bread for his 'erub ; and since this man did not "SC bread he cannot by his declaration alone acquire a base between the Sabbath limits, while his base at home he loses through his explicit declaration that he wished to acquire one elsewhere.

(33) Lit., 'like whom goes that which 'Ulla said'.

(34) Which implies that he has not acquired the Sabbath base at the desired point.

(35) Implying that he did acquire that base.

(36) Of Ulla who, as is apparent From in his ruling, recognizes the acquisition of a Sabbath base even where the man made no explicit declaration that he wished to acquire it.

(37) Who holds that the setting out alone is a sufficient indication of the man's desire and intention (cf. supra p. 362, n. 7.),

(38) On a Sabbath eve.

(39) To return to his home which was within four thousand cubits.

(40) Thus enabling him to assume the status of one who had set out on his journey.

(41) Aliter: 'Stay here overnight and go to-morrow', reading ע"י for ע"י" (cf. Golds.).

Talmud - Mas. Eirubin 52b

In agreement with whose view did he act?¹ Was it in agreement with that of R. Joseph according to R. Jose son of R. Judah?² No;³ in agreement with Rabbah according to R. Judah.⁴

R. MEIR RULED: WHOSOEVER IS ABLE TO PREPARE AN 'ERUB etc. Have we not already learnt this⁵ once: If this is doubtful, the man, said R. Meir and R. Judah, [is in the position of both] an ass-driver and a camel-driver?⁶ — R. Shesheth replied: Do not say that R. Meir's view is that only where it is doubtful whether a man had a valid 'erub or not is he in the position of an ass-driver and a camel-driver and that where it is certain that he prepared no 'erub he is not in such a position; but rather even where it is certain that he prepared no 'erub he is in the position of an ass-driver and camel-driver; for here, surely, it is a case where It is certain that the man had prepared no 'erub and yet he is put in the position of an ass-driver and a camel-driver.

MISHNAH. HE WHO WENT OUT BEYOND HIS SABBATH LIMIT⁷ EVEN ONLY A DISTANCE OF ONE CUBIT MUST NOT RE-ENTER. R. ELIEZER RULED: [IF A MAN WALKED] TWO CUBITS BEYOND HIS SABBATH LIMIT HE MAY RE-ENTER,⁸ [AND IF HE WALKED] THREE CUBITS HE MAY NOT RE-ENTER.⁹

GEMARA. R. Hanina ruled: If a man had one foot within his Sabbath limit and his other foot without that Sabbath limit, he may not re-enter, for it is written in Scripture: If thou turn away thy foot from the sabbath,¹⁰ the written form being 'thy foot'.¹¹ But was It not taught: If a man had one foot within his Sabbath limit and his other foot without, he may re-enter? — This represents the view of 'Others'.¹² For it was taught: Others maintain that a man is deemed to be¹³ where the greater part of his body is.¹⁴

Some there are who read: R. Hanina ruled: If a man had one foot within his Sabbath limit and his other foot without, he may re-enter, for it is written in Scripture: If thou turn away thy foot from Sabbath¹⁵ which is read as 'thy feet'.¹⁶ But was it not taught: He may not re-enter? — He¹⁷ maintains the same view as 'Others', it having been taught: A man is deemed to be where the greater part of his body is.

R. ELIEZER RULED: [IF A MAN WALKED]) TWO CUBITS BEYOND HIS SABBATH LIMIT HE MAY RE-ENTER [AND IF HE WALKED] THREE CUBITS HE MAY NOT RE-ENTER. But was it not taught: R. Eliezer ruled: If he walked one cubit beyond his Sabbath limit he may re-enter and if two cubits he may not reenter? — This is no difficulty, since the former¹⁸ refers to a person who left the first cubit but was still within the second,¹⁹ while the latter refers to one who left the second and was within the third.²⁰ But was it not taught: R — Eliezer ruled: Even if he was one cubit beyond his Sabbath limit he may not re-enter? — This was taught concerning a measurer,²¹ for we have in fact learnt: And to the measurer of whom the Rabbis have spoken a distance of two thousand cubits only is allowed²² even if the end of his permitted measure terminated within a cave.²³

MISHNAH. IF A MAN²⁴ WAS OVERTAKEN BY DUSK WHEN ONLY ONE CUBIT OUTSIDE THE SABBATH LIMIT,²⁵ HE MAY NOT ENTER IT. R. SIMEON RULED: EVEN IF HE WAS FIFTEEN CUBITS AWAY²⁶ HE MAY ENTER SINCE THE SURVEYORS²⁷ DO NOT MEASURE EXACTLY²⁸ ON ACCOUNT OF THOSE WHO ERR.²⁹

GEMARA. It was taught:³⁰ On account of those who err in their measures.³¹

CHAPTER V

MISHNAH. HOW³² ARE THE SABBATH BOUNDARIES TO TOWNS EXTENDED?³³ IF³⁴ ONE HOUSE³⁵ RECEDES³⁶ AND ANOTHER PROJECTS,³⁶ IF³⁷ ONE TURRET [OF THE WALL] RECEDES AND ANOTHER PROJECTS, IF THERE WERE³⁵ RUINS TEN HANDBREADTHS HIGH,³⁸

(1) When, by walking the distance of four thousand cubits to his home, he recognized the validity of the acquisition of a Sabbath base between the two Sabbath limits on the sole ground that he had set out on the journey, though he made no explicit declaration.

(2) Cf. Supra n. 2; but is it likely that he would act on a ruling of R. Joseph contrary to that of Rabbah whose rulings against those of R. Joseph are (with only three exceptions) the accepted law?

(3) In addition to having started on his journey he also made an explicit declaration of his desire to acquire the Sabbath base in question.

(4) Who requires both a declaration and the setting out on the journey. This, of course, is also in agreement with R. Joseph according to R. Judah, but Rabbah is mentioned in preference (cf. prev. n.).

(5) That where an uncertainty exists as to which place had been acquired as his Sabbath base, the man concerned is, in the opinion of R. Meir, in the position of an ass-driver and a camel-driver.

(6) Mishnah, supra 35a q.v. notes, from which it is evident that on account of an uncertainty the man, in the view of R. Meir, is to be placed in the position of an ass-driver and a camel-driver. Is not then the ruling in our Mishnah, which could have been deduced from the Mishnah, superfluous?

(7) Intentionally and on no religious errand.

(8) R. Eliezer being of the opinion (cf. supra 45a ad fill.) that the Four cubits allowed each person for his Sabbath base are to be measured with 'him in the middle', i.e., two cubits only in either direction.

(9) Since (cf. prev. n.) he is cut off from his Sabbath limit by the intervening space of one cubit which he must not enter.

(10) Isa. LVIII, 13.

(11) Sing. רגל

(12) Sc. R. Meir who is frequently referred to by this name (cf. Hor. 13b).

(13) Lit., 'is tossed'.

(14) As the man had only one foot without the limit the greater part of his body would usually still be without the limit. Hence the ruling that he may re-enter.

(15) Isa. LVIII, 13.

(16) רגל dual. The pausal form רגל (from רגל) may have suggested the dual idea. M.T. draws no distinction between the kere and the kethib of this word but some MSS. actually have רגל as the kethib.

(17) R. Hanina.

(18) Our Mishnah in which R. Eliezer arrived re-entry from the second cubit.

(19) 'TWO CUBITS' implying that the man walked to within two cubits which he has not completely traversed.

(20) 'Two cubits' in the Baraitha having the meaning that the man walked across the two cubits and was thus already within the third one.

(21) Sc. a person who, having been overtaken by dusk on the Sabbath eve, declared the place where he stood to be his Sabbath base, and who in consequence is entitled to measure with his foot two thousand moderate steps in the direction he desires to proceed. Should the two thousand steps, plus the four cubits to which every person is entitled as his Sabbath base, terminate even a single cubit distance from his town he may not enter it.

(22) In addition to the four cubits he is allowed as his Sabbath base.

(23) Which is a confined place; and much more so if it terminated in an open area.

(24) On his journey home on a Sabbath eve.

(25) Of his home town,

(26) From the Sabbath limit,

(27) Of Sabbath limits around towns.

(28) But allow a margin of some fifteen cubits within the two thousand.

(29) Sc. people who might overlook the boundary mark and, in the absence of the margin, would trespass on forbidden ground. Aliter: The surveyors themselves err in their measurements, because what they reckon as two thousand cubits is really only one thousand nine hundred and eighty-five. This is arrived at as follows: Since Sabbath limits are measured by a rope that was fifty cubits in length (cf. infra 59b) a Sabbath limit would equal in length $2000/50 = 40$ ropes. As the rope was held by two men, one at either end covering in his grip a portion of the rope to the extent of one hand breadth and half a finger, each rope length actually represented 50-2 handbreadths and one finger. In 40 rope lengths the deficit amounted to $2 \times 40 = 80$ handbreadths plus $40 \times 1 = 40$ fingers. Four fingers being equal to one handbreadth and six handbreadths to one cubit, the total deficit amounted to $80 + 40/4 = 90$ handbreadths $90/60 = 15$ cubits (Rashi).

(30) In explanation of the statement ON ACCOUNT OF THOSE WHO ERR.

(31) Cf. supra n. 5.

(32) In computing Sabbath limits.

(33) מעבריין, the term is discussed infra.

(34) In a town that had no wall around it.

(35) On the confines of the town.

(36) From the row of houses in which it is situated.

(37) Where a town is surrounded by a wall.

(38) One of a lesser height is regarded as part of the ground and is not taken into consideration.

Talmud - Mas. Eirubin 53a

OR BRIDGES, OR SEPULCHRAL MONUMENTS THAT CONTAINED DWELLING CHAMBERS, THE BOUNDARY OF THE TOWN IS EXTENDED¹ TO INCLUDE THEM.² SABBATH LIMITS,³ FURTHERMORE, ARE TO BE SHAPED⁴ LIKE A SQUARE TABLET⁵ IN ORDER THAT THE USE OF THE CORNERS⁶ MIGHT BE GAINED.⁷

GEMARA. Rab and Samuel are at variance. One learned,⁸ me'aberin⁹ and the other learned, me'aberin.¹⁰ He who learned 'me'aberin'¹⁰ explains it as 'adding a wing,'¹¹ and he who learned, 'me'aberin' explains it in the same sense as that of 'a pregnant woman'.⁹

The¹² cave of Machpelah.¹³ Rab and Samuel differ as to its meaning. One holds that the cave consisted of two chambers one within the other; and the other holds that it consisted of a lower and upper chamber. According to him who holds that the chambers were one above the other the term machpelah¹³ is well justified but according to him who holds that it consisted of two chambers one within the other, what could be the meaning of machpelah? That it had multiples¹⁴ of couples.¹⁵

Mamreh the city of Arba.¹⁶ R. Isaac explained: The city of the four¹⁷ couples:¹⁵ Adam and Eve, Abraham and Sarah, Isaac and Rebekah, Jacob and Leah.

And it came to pass in the days of Amraphel.¹⁸ Rab and Samuel are at variance. One holds that his name was Nimrod;¹⁹ and why was he called Amraphel? Because he ordered our father Abraham to be cast²⁰ into a burning furnace.²¹ But the other holds that his name was Amraphel; and why was he called Nimrod? Because in his reign he led all the world in rebellion²² against himself.²³

Now there arose a new king over Egypt.²⁴ Rab and Samuel differ. One explains: Actually a new king, and the other explains: He²⁵ issued new decrees.²⁶ He who explained: 'actually a new king', did so because it is written 'new',²⁷ while he who explained: 'he issued new decrees', did so because it was not stated: 'And the former king died and a new king reigned'. But, according to him who explained: 'He issued new decrees', may it not be objected that it was written: Who knew not Joseph?²⁸ — What is the meaning of 'Who knew not Joseph'? Who²⁹ appeared as if he never knew Joseph.

(Mnemonic:³⁰ Eighteen, and twelve, we learned, in his generation, their heart).³¹ R. Johanan stated: I spent eighteen days at R. Oshaia Beribi³² and learned from him only one word in our Mishnah, viz., that 'HOW ARE THE SABBATH BOUNDARIES OF TOWNS EXTENDED' is to be read as me'aberin³³ with an aleph. But, surely, this is not correct. For did not R. Johanan state, 'R. Oshaia Beribi had twelve disciples and I spent eighteen days among them and gained a knowledge of every one's intellectual powers³⁴ and of every one's wisdom? Now, is It likely that he gained a knowledge of every one's intellectual powers and of every one's wisdom and yet did not learn any Gemara?³⁵ — If you like I may reply: He may have learnt much from them, but from him he did not learn [more than the one word]. And if you prefer I might reply: He meant to say that in our Mishnah he learned only one word.³⁶

R. Johanan further stated: When we were studying Torah at R. Oshaia's eight of us used to sit in the space of one cubit.³⁷ Rabbi stated: When we were studying Torah at R. Eleazar b. Shammua a six of us used to sit in one cubit.³⁷ R. Johanan further stated: R. Oshaia Beribi in his generation was like R. Meir in his generation. As was the case with R. Meir in his generation that his colleagues could not fathom the depth of his knowledge³⁸ so was it with R. Oshaia that his colleagues could not fathom the depth of his knowledge.

R. Johanan further stated: The hearts³⁹ of the ancients were like the door of the Ulam,⁴⁰ but that of the last generations was like the door of the Hekal,⁴⁰ but ours is like the eye of a fine needle. R. Akiba is classed among the ancients; R. Eleazar b. Shammua among the last generations. Others say: R. Eleazar b. Shammua is classed among the ancients and R. Oshaia Beribi among the last generations — 'But ours is like the eye of a fine needle' — And we, said Abaye, are like a peg in a wall in respect of Gemara.⁴¹ And we, said Raba, are like a finger in wax as regards logical argument.⁴² We, said R. Ashi, are like a finger in a pit⁴³ as regards forgetfulness.⁴⁴

Rab Judah stated in the name of Rab: The Judeans who cared for [the beauty of] their language retained their learning,⁴⁵ but the Galileans who did not care for [the beauty of] their language⁴⁶ did not retain their learning. But does this⁴⁷ depend on whether one cares [for linguistic beauty]? — Rather say: The Judeans who were exact in their language,⁴⁸ and who laid down mnemonics for their aid, retained their learning; but the Galileans who were not exact in their language,⁴⁹ and who laid down no mnemonic as an aid, did not retain their learning. The⁵⁰ Judeans who learned from one Master retained their learning, but the Galileans who did not learn from one Master did not retain their learning.

Rabina said: The Judeans who made their studies accessible to the public⁵¹ retained their learning, but the Galileans who did not make their studies accessible to the public did not retain their learning. David made his studies accessible⁵² and Saul did not make his studies accessible. Of David who made his studies accessible it is written in Scripture: They that fear Thee shall see me and be glad,⁵³ but of Saul who did not make his studies accessible to the public it is written: And whithersoever he turned himself

(1) Lit., 'the measure is brought out'.

(2) Lit., 'over against them', the houses, turrets etc. that projected. If a projection, for instance, was at one point, the boundary line is drawn along the outer side of that projection in a straight perpendicular line, to both extremities of that side of the town.

(3) That are drawn at a distance of two thousand cubits from the said boundaries of the town.

(4) Lit., 'and they make them' (Rashi and Bah). Cur. edd., 'it', i.e., the area of the town.

(5) Where the boundary line of the town had the shape of a square. If it had that of a parallelogram the Sabbath limits, drawn parallel to it at the prescribed distances of two thousand cubits, assume also a similar shape. By 'SQUARE' the circular shape only is intended to be excluded (cf. following note).

(6) That would have been excluded and lost had the Sabbath limits been drawn at distances of two thousand cubits from

the sides of the square or parallelogram in which the Sabbath boundaries of the town were shaped.

(7) For the movements of the people of the town.

(8) In our Mishnah.

(9) מעברין from rt. עבר in pi'el 'to be pregnant'.

(10) מאברין from rt. אבר in pi'el, 'to make a wing'.

(11) Sc. another projection is assumed to have been added to the one already existing so that the entire side may represent a straight and continuous boundary line.

(12) The following discussions on the interpretations of certain Biblical words are cited apropos the present and similar discussions on the interpretation of a word in our Mishnah.

(13) מכפלה (rt. כפל 'to double') Gen. XXIII, 9.

(14) The rt. כפל signifies multiplication as well as doubling.

(15) It was the burial place of four couples (cf. Gen. XLIX, 31 and the following paragraph).

(16) ארבע Gen. XXXV, 27.

(17) ארבע 'four'.

(18) אמרפל Gen. XIV, 1.

(19) Cf. Gen, X, 8ff.

(20) אמרפל is read as אמר פל (rt. נפל 'cast').

(21) Lit., 'furnace of fire'.

(22) Nimrod נמרוד from the rt. מרד 'to rebel'.

(23) Euphemism for God.

(24) Ex. I, 8.

(25) The former king.

(26) חדש 'new', read as a verb in pi'el 'to make new'.

(27) Ex. I, 8.

(28) Ex. I, 8. Is it possible that the former king did not know him?

(29) In his persecution of Joseph's people.

(30) An aid to the recollection of some of the following statements of R. Johanan.

(31) For the last two phrases cf. marg. n. Cur. edd., 'in David, and he built'.

(32) בריבי, a scholar of Rabbi or R. Judah I ha-Nasi. Aliter: A great man (Rashi). V. Nazir, Sonc. ed. p. 64, n. 1.

(33) מאברין

(34) Lit., 'heart'.

(35) Except the one word in our Mishnah. On Gemara v. Glos.

(36) In other Mishnahs and Baraitas he may have learnt many things.

(37) So anxious were the students to learn that they crowded into a small space in order to be near to the Master.

(38) Cf. supra 13b.

(39) Sc. their intellectual powers.

(40) The Ulam and the Hekal (v. supra 2a) were two of the chambers which together with the Debir constituted the Temple. The door of the Ulam was twenty cubits wide while that of the Hekal was only ten.

(41) It was as difficult for them to master their studies as it is difficult to force a peg into a wall.

(42) A finger cannot penetrate through hard wax. It only depresses it very slightly.

(43) בירא var. lec. ברזא, bung-hole].

(44) As it is easy to insert a finger into the mouth of a pit [or bung-hole], so easy was it for them to forget what they learned.

(45) Lit., 'their Torah was confirmed in their hand'.

(46) V. infra.

(47) Lit., 'the thing', learning.

(48) Carefully reproducing the traditions they received from their masters.

(49) Cf. prev. n. mut. mut.

(50) Var. lec. 'And if you prefer I might say: The' (v. marg. n.).

(51) Lit., 'they revealed the text (they studied)'.

(52) Cf. Ber. 4a, and M.K. 16a.

(53) Ps. CXIX, 74.

Talmud - Mas. Eirubin 53b

he acted wrongly.¹

R. Johanan further stated: Whence is it deduced that the Holy One, blessed be He, pardoned him² for that sin?³ From [Scripture] where it says: Tomorrow shalt thou, and thy sons be with me,⁴ 'with me'⁵ implies: In my [celestial] division.

R. Abba requested: 'Is there anyone who would enquire of the Judeans who are exact in their language whether we learned⁶ me'aberin or me'aberin and whether we learned⁷ akuzo or 'akuzo,⁸ for they would know [the correct spelling]'. When they were asked they replied: Some authorities learn me'aberin while others learn me'aberin, some learn akuzo while others learn 'akuzo.

'The Judeans were exact in their language'. For instance?⁹ — A Judean once announced that he had a cloak to sell. 'What', he was asked: 'is the colour of your cloak?' 'Like that of beet¹⁰ on the ground', he replied.

'The Galileans who were not exact in their language'. For instance?⁹ — A¹¹ certain Galilean once went about enquiring, 'who has amar?'¹² 'Foolish Galilean', they said to him, 'do you mean an "ass" for riding, "wine" to drink, "wool" for clothing or a "lamb" for killing?' A woman¹³ once wished to say to her friend, 'Come, I would give you some fat to eat' but that what she actually said to her was, 'My cast-away,¹⁴ may a lioness devour you'.¹⁵ A certain woman' once appeared before a judge and addressed him as follows: 'My master slave,¹⁶ I had a child¹⁷ and they stole you from me,¹⁸ and it is of such a size that if they had hanged you upon it, your feet would not have reached to the ground'.¹⁹

When Rabbi's²⁰ maid indulged in enigmatic speech she used to say this: 'The ladle strikes against the jar,²¹ let the eagles fly to their nests';²² and when she wished them to remain at table she used to tell them, 'The crown²³ of her friend²⁴ shall be removed and the ladle will float in the jar like a ship that sails in the sea'.

R. Jose b. Asiyān, when speaking enigmatically, used to say: 'Prepare for me a bull in judgment²⁵ on a poor mountain';²⁶ and when he enquired about an inn-keeper he spoke thus: 'The man of this raw mouth²⁷ — what comforts does he provide?'²⁸

R. Abbahu, when indulging in enigmatic speech, used to say this: 'Make the coals ethrog like,²⁹ flatten out the golden cobbles,³⁰ and prepare for me two tellers in the dark'.³¹ Others read: 'And let them prepare for me on them two tellers in the dark'.

The Rabbis said to R. Abbahu: 'Show us' where R. Elai is hiding.³² He replied: He amused himself with an Aaronide girl, his last keen companion, and she kept him awake'.³³ Some say that this referred to a woman³⁴ and others say that it referred to a tractate.³⁵

They said to R. Elai: Show us³² where R. Abbahu is hiding.³² He replied: He consulted the crown-maker³⁶ and betook himself to Mephibosheth³⁷ in the South.³⁸

R. Joshua b. Hananiah remarked: No one has ever had the better of me except a woman, a little boy and a little girl. What was the incident with the woman? I was once staying at an inn where the hostess served³⁹ me with beans. On the first day I ate all of them leaving nothing. On the second day too I left nothing. On the third day she over seasoned them⁴⁰ with salt, and, as soon as I tasted them, I withdrew my hand. 'My Master', she said to me, 'why do you not eat?' — 'I have already eaten', I replied: 'earlier in the⁴¹ day'. 'You should then', she said to lie, 'have withdrawn your hand from the

bread'. 'My Master', she continued, 'is it possible that you left⁴² [the dish to-day] as compensation⁴³ for the former⁴² meals, for have not the Sages laid down: Nothing⁴³ is to be left⁴⁴ in the pot⁴⁵ but something must be left⁴⁶ in the plate?'⁴⁷ What was the incident with the little girl? I was once on a journey and, observing⁴⁸ a path across a field, I made my way through it, when a little girl called out to me, 'Master! Is not this part of the field?' — 'No', I replied: 'this is a trodden path' — 'Robbers like yourself', she retorted: 'have trodden it down' — What was the incident with the little boy? I was once on a journey when I noticed a little boy sitting at a cross-road. 'By what road', I asked him, 'do we go to the town?' — 'This one', he replied: 'is short but long and that one is long but short'. I proceeded along the 'short but long' road. When I approached the town I discovered that it was hedged in by gardens and orchards. Turning back I said to him, 'My son, did you not tell me that this road was short?' — 'And', he replied: 'did I not also tell you: But long?' I kissed him upon his head and said to him, 'Happy are you, O Israel, all of you are wise, both young and old'.

R. Jose the Galilean was once on a journey when he met Beruriah.⁴⁹ 'By what road', he asked her, 'do we go to Lydda?' — 'Foolish Galilean', she replied: 'did not the Sages say this: Engage not in much talk with women?'⁵⁰ You should have asked: By which to Lydda?

Beruriah once discovered a student who was learning in an undertone.

(1) I Sam. XIV, 47. E.V. 'put them to worse'.

(2) Saul.

(3) The execution of the priests of Nob (I Sam. XXII, 18ff).

(4) I Sam. XXVIII, 19.

(5) Sc. with Samuel who addressed this message to Saul when he consulted him through the woman of En-dor (I Sam. XXVIII, 7ff).

(6) In our Mishnah.

(7) In the Mishnah Bek. 40a.

(8) Euphemism for the buttocks or testicles.

(9) Lit., 'what is it'?

(10) Or 'tomatoes'.

(11) Cur. edd. in parenthesis, 'for it was taught'.

(12) As he spoke indistinctly it was not clear whether he meant 'amar (עמר 'wool'), 'imar (אימר 'a lamb') hamor (חמר 'an ass') or hamar (חמר 'wine')'.

(13) A Galilean whose speech was indistinct.

(14) 'my friend' sounded like שלובתי (rt. שלך) 'my cast away'.

(15) דאוכליך הלבא 'that I may give you some fat to eat' sounded like תאכליך לביא 'may a lioness etc.'

(16) כירי Gr. ** What she wanted to say was קירי Gr. ** 'lord'.

(17) Or 'log', 'beam', תפלא. She meant טבלא 'a board'.

(18) גנבוך מן. What she had in mind was גנבוה מזמני 'they stole it (Sc. the board) from me'.

(19) What she wished to say was that the board was so big that if it had been suspended from the judge it would have reached to the ground.

(20) So MS.M. Cur. edd. 'of the house of Rabbi'.

(21) All the wine in the jar has been used up.

(22) The students may now leave the dining room for their lodgings.

(23) The bung. כתר (v. Maharsha). Cur. edd., בתר.

(24) The adjoining jar.

(25) תרדין 'beet' or 'tomatoes'. The word is composed of תר (תור 'bull') and דין (judgment);

(26) With חרדל 'mustard'. The word is made up of חר (הר 'mountain') and דל ('poor').

(27) אושפיזכנא ('inn-keeper') is made up of אוש (איש 'man'), פי (פה 'mouth') ז (זה 'this') and נא ('raw'). (V. R. Han., Tosaf. s.v. גבר a.l.).

(28) Lit., 'what is this good that there is?'

(29) V. Glos.; red hot like the colour of the fruit.

- (30) The coals that are glowing like gold (Rashi). Aliter (Jast.): 'Make the gold (glowing coals) sky-blue (fan them so as to give blue flames)'.
- (31) Cocks who crow at night.
- (32) **הצפיננו** (from rt. **צפה** Hif. 'to look') and **צפון** (rt. **צפן** Kal 'to hide'). A play upon the similarity of the sounds.
- (33) A play upon the words, **אהרונית, אחרונית, עירנית והנעירתו**.
- (34) He married a second wife ('last') who was of the tribe of Aaron ('Aaronide') and of a charmingly keen disposition.
- (35) He was engaged all night in the study of his 'last' chosen tractate dealing with priestly ('Aaronide') laws and bristling with 'keen' dialectical arguments.
- (36) The nasi (v. Glos.) who ordained the Rabbis and crowned them so to speak as religious leaders.
- (37) Synonymous with 'noted scholar' (cf. Ber. 4a).
- (38) The Scholars in the South.
- (39) Lit., 'made'.
- (40) **קדח** Hif, 'to cause to burn', 'to spoil'.
- (41) Lit., 'While it was yet'.
- (42) So Elijah Wilna's glosses. Cur. edd. 'you did not leave...in the first'.
- (43) Lit., 'side'; the portion of food that must be left for the waiter.
- (44) By the waiter.
- (45) From which the contents is ladled into the plates.
- (46) By the guest.
- (47) Cf. the reading quoted by Tosaf. s.v. **בשיירין** a.l. [According to Derek Erez. VI the reading is that one is to leave something of pastry but not of a boiled dish].
- (48) Lit., 'and there was'.
- (49) The wife of R. Meir, a woman who was famous for her sagacity, learning and character.
- (50) Aboth I, 5.

Talmud - Mas. Eirubin 54a

Rebuking him¹ she exclaimed: 'Is it not written: Ordered in all things, and sure:² If it³ is 'ordered' in your two hundred and forty-eight limbs it will be 'sure', otherwise⁴ it will not be sure?'

One taught: R. Eliezer⁵ had a disciple who learned in a low voice. After three years he forgot his learning. One taught: R. Eliezer had a student who deserved burning [for an offence] against the Omnipresent — 'Leave him alone', the Rabbis pleaded, 'he attended on a great man'.

Samuel said to Rab Judah, 'Shinena,⁶ open your mouth and read the Scriptures, open your mouth and learn the Talmud, that your studies may be retained and that you may live long, since it is said: For they⁷ are life unto those that find them, and a healing to all their flesh;⁸ read not 'To those that find them'⁹ but 'To him who utters them¹⁰ with his mouth'.

Samuel further said to Rab Judah, 'Shinena, hurry on and eat, hurry on and drink,¹¹ since the world from which we must depart is like a wedding feast'.¹²

Rab said to R. Hamnuna, 'My son, according to thy ability¹³ do good to thyself, for there is no enjoyment in she'ol nor will death be long in coming. And shouldst thou say: "I would leave a portion for my children" — who will tell thee in the grave?¹⁴ The children of man are like the grasses of the field, some blossom and some fade'.¹⁵

R. Joshua b. Levi stated: If a man is on a journey and has no company¹⁶ let him, occupy himself with the study of the Torah, since it is said in Scripture: For they¹⁷ shall be a chaplet¹⁸ of grace.¹⁹ If he feels pains in his head, let him engage in the study of the Torah, since it is said: For they¹⁷ shall be a chaplet of grace unto thy head.¹⁹ If he feels pains in his throat let him engage in the study of the

Torah, since it is said: And chains about thy neck.¹⁹ If he feels pains in his bowels, let him engage in the study of the Torah, since it is said: It²⁰ shall be a healing to thy navel.²¹ If he feels pain in his bones, let him engage in the study of the Torah, since it is said: And marrow to thy bones.²¹ If he feels pain in all his body, let him engage in the study of the Torah, since it is said: And healing to all his flesh.²²

R. Judah son of R. Hiyya remarked: Come and see how the dispensation²³ of mortals²⁴ is not like that of the Holy One, blessed be He. In the dispensation of mortals, when a man administers a drug to a fellow it may be beneficial to one limb but injurious to another, but with the Holy One, blessed be He, it is not so. He gave a Torah to Israel and it is a drug of life for all his body, as it is said: And healing to all his flesh.²⁵

R. Ammi said: What is the exposition of the Scriptural text: For it is a pleasant thing if thou keep them within thee; let them be established altogether upon thy lips?²⁶ When are the words of the Torah 'pleasant'? 'When thou keepest them within thee'. And when wilt thou keep them within thee? When they will 'be established altogether upon thy lips.'²⁷ R. Zera said, [This²⁸ may be derived] from the following: A man hath joy in the answer of his mouth; and a word in due season, how good is it!²⁹ When 'hath a man joy'? When he has an 'answer in his mouth'.²⁸ Another version: 'When hath a man joy in the answer of his mouth'? When the 'word is in due season; O, how good is this'! R. Isaac said: This²⁸ may be derived from the following: But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it;³⁰ when 'is it very nigh unto thee'? When it is 'in thy mouth and in thy heart to do it'.²⁸ Raba said: It²⁸ may be derived from the following: Thou hast given him his heart's desire, and the utterance³¹ of his lips Thou hast not withholden. Selah.³² When 'hast Thou given him his heart's desire'? At the time when 'Thou hast not withholden the utterance of his lips'.²⁸ Selah'.³²

Raba pointed out an incongruity: It is written: Thou hast given him his heart's³³ desire;³⁴ and it is also written: And the utterance of his lips³⁵ Thou hast not withholden. Selah?³⁶ If he is worthy, 'Thou hast given him his heart's desire,'³⁴ but if he is unworthy, 'The utterance of his lips Thou hast not withholden. Selah'.³⁶

It was taught at the school of R. Eliezer b. Jacob: Wherever [in Scripture] the expression of nezah, selah or wa'ed³⁷ occurs the process to which it refers never ceases — 'Nezah'? Since it is written For I will not contend for ever, neither will I be always³⁸ wroth.³⁹ 'Selah'. Since it is written: As we have heard, so have we seen in the city of the Lord of hosts, in the city of our God — God establish it for ever. Selah.⁴⁰ 'Wa'ed? Since it is written: The Lord shall reign for ever and ever.⁴¹

(Mnemonic:⁴² Chains, his cheeks, tables graven.) R. Eleazar⁴³ said; What is the purport of the Scriptural text: And chains about thy neck?⁴⁴ If a man trains himself to be like a chain that hangs loosely upon the neck,⁴⁵ and is sometimes exposed and sometimes concealed,⁴⁶ his learning will be preserved by him, otherwise it will not.

R. Eleazar further stated: What is the purport of the Scriptural text: His cheeks are as a bed of slices?⁴⁷ If a man allows himself to be treated as a bed upon which everybody treads,⁴⁸ and as spices with which everybody perfumes himself,⁴⁹ his learning will be preserved, but otherwise it will not.

R. Eleazar⁵⁰ further stated: What is the purport of the Scriptural text: Tables of stone?⁵¹ If a man regards his cheeks⁵² as stone that is not easily worn away,⁵³ his learning will be preserved by him, but otherwise it will not.

R. Eleazar⁵⁰ further stated: What is the purport of the Scriptural text: Graven upon the tables?⁵⁴ If the first tables had not been broken the Torah would never have been forgotten in Israel.⁵⁵ R. Aha b.

Jacob said: No nation or tongue would have had any power over them;⁵⁶ for it says: ‘Graven’⁵⁴ read not ‘graven’⁵⁷ but ‘freedom’.⁵⁸

R. Mattana expounded: What is the purport of the Scriptural text: And from the wilderness to Mattanah?⁵⁹ If a man allows himself to be treated as a wilderness on which everybody treads, his study will be retained⁶⁰ by him, otherwise it will not.

R. Joseph had a grievance against Raba son of R. Joseph b. Hama. When the eve of the Day of Atonement approached the latter thought, ‘I shall go and pacify him’ — Proceeding to R. Joseph’s house he found his attendant engaged in mixing for him a cup of wine.⁶¹ ‘Give it to me’, Raba⁶² said to him, ‘and I will mix it’. He gave it to him and the latter duly mixed it. As he⁶³ tasted it, he remarked: ‘This mixing is like that of Raba son of R. Joseph b. Hama’.⁶² ‘I am here’ the other answered. ‘Do not sit down upon your legs’,⁶⁴ R. Joseph said to him, ‘before you have explained to me these verses. What is the purport of the Scriptural text: And from the wilderness to Mattanah, and front Mattanah to Nahaliel, and from Nahaliel to Bamoth, and front Bamoth to the valley?’⁶⁵ — ‘If’, the other replied: ‘a man allows himself to be treated as the wilderness upon which everybody treads, the Torah will be given to him as a gift;⁶⁶ and so soon as it is given to him as a gift, he will be the inheritance of God⁶⁷ as it says: And from Mattanah⁶⁶ to Nahaliel;⁶⁰ and as soon as he is the inheritance of God, he rises to greatness,⁶⁸ since it says: And from Nahaliel⁶⁷ to Bamoth.⁶⁸ But if he is haughty, the Holy One, blessed be He, humbles him, as it says: And from Bamoth⁶⁸ to the valley.⁶⁹ If, however, he repents, the Holy One, blessed be He, raises him, as it says: Every valley⁶⁹ shall be lifted up.⁷⁰

R. Huna said: What is the purport of the Scriptural text: Thy flock settled therein; Thou preparest in Thy goodness for the poor, O God?⁷¹ If a man behaves like an animal that treads upon its prey and eats it⁷² or, as others say, that drags it and eats it,⁷³ his learning will be preserved by him, otherwise it will not — If, however, he does behave in this manner the Holy One, blessed be He, will himself prepare a banquet for him, as it says in Scripture. Thou, didst prepare in Thy goodness for the poor, O Lord.⁷⁴

R. Hiyya b. Abba in the name of R. Johanan expounded: With reference to the Scriptural text: Whoso keepeth the fig tree shall eat the fruit thereof,⁷⁵ why were the words of the Torah compared to the ‘fig tree’? As with the fig tree⁷⁶

(1) Lit., ‘she kicked him’.

(2) II Sam. XXIII, 5.

(3) The Torah, learning.

(4) Lit., ‘and if not’, if some of the ‘limbs’, in this case the organs of speech, are not used.

(5) Var. lec. ‘E. b. Jacob’.

(6) **שיננא** ‘keen-witted’ (rt. **שנן** ‘to sharpen’), ‘man of iron endurance’, (cf. **שן סלע** ‘rocky crag’), or ‘long toothed’ (cf. **שן** ‘tooth’). V. B.B., Sonc. ed. vol. II, p. 561, n. 14.

(7) The words of the Torah which includes both the written and the oral law.

(8) Prov. IV, 22.

(9) **למצאיהם** (rt. **מצא** in Kal ‘to find’).

(10) **למוציאיהם** (rt. **צא** in Hif. ‘to bring out’, ‘utter’).

(11) Sc. do not postpone any enjoyments or pleasures.

(12) Which comes all too soon to an abrupt end. Cf. ‘make hay while the sun shines’ (Eng. prov.).

(13) Lit., ‘if thou hast’.

(14) Whether it is being put to good use.

(15) Cf. Eccl. XIV, 11f, 15f, 18.

(16) **לוייה**

(17) V. supra n. 1.

- (18) **לוית** const. of **לויה** (v. prev. n. but one).
- (19) Prov. I, 9.
- (20) The Torah.
- (21) Prov. III, 8.
- (22) Ibid. IV, 22.
- (23) Lit., 'measure.'
- (24) Lit., 'flesh and blood'.
- (25) Prov. IV, 22.
- (26) Ibid. XXII, 18.
- (27) By being uttered clearly and methodically.
- (28) Cf. prev. n. and text.
- (29) Ibid. XV, 23.
- (30) Deut. XXX, 14.
- (31) E.V. 'request'.
- (32) Ps. XXI, 3.
- (33) Emphasis on 'heart'.
- (34) I.e., as soon as he would desire it, it would be given him.
- (35) Emphasis on 'lips'.
- (36) I.e., his desire would not be granted unless he actually asked for it.
- (37) **ועד, סלה, נצח**.
- (38) **לנצח**.
- (39) Isa. LVII, 16.
- (40) **סלה**, Ps. XLVIII, 9.
- (41) **ועד**, Ex. XV, 18.
- (42) Containing the Biblical expressions R. Eleazar is about to expound.
- (43) So MS.M. and marg. note. Cur. edd. in parenthesis 'Eliezer'.
- (44) Prov. I, 9.
- (45) Sc. he is pleasant and conciliatory.
- (46) He is not always in the public eye.
- (47) Cant. V, 13.
- (48) Humility.
- (49) Benefiting others.
- (50) V. supra n. 6.
- (51) Ex. XXXI, 18.
- (52) **לוחות** 'tables', is Midrashically interpreted as **לחיים** 'cheeks'.
- (53) He incessantly aid repeatedly teaches the Torah to others and disregards the constant strain upon his facial muscles.
- (54) Ex. XXXII, 16.
- (55) It would have remained 'graven' forever.
- (56) Israel.
- (57) **חרות**.
- (58) **הירות**. For the sake of the tables Israel would have ever been free.
- (59) Num. XXI, 18.
- (60) Mattanah **מתנה** 'gift' from rt. **נתן** 'to give'. The Torah will be given to him as a gift and he will never forge' it.
- (61) On account of its strength their wine had to be diluted in a certain proportion of water before it could be served.
- (62) Who was an expert in the art of mixing.
- (63) R. Joseph who was blind and unaware of Raba's presence.
- (64) The Eastern custom of sitting with legs folded under the body.
- (65) Num. XXI, 18ff.
- (66) V. supra n. 1.
- (67) Nahaliel **נחליאל** is read as **נחלו אל**.
- (68) Bamoth **במות** signifying 'heights'.
- (69) Symbolic of a humble position.

(70) Isa. XL, 4.

(71) Ps. LXVIII, 11.

(72) Sc. as the animal proceeds to eat its prey as soon as it has trampled it on the ground so does the student proceed to revise his lessons as soon as he has them from his master.

(73) I.e., as the animal consumes its prey despite the unpleasantness of taste that it contracts in the course of being trailed in the dust or mud, so does the student persist in his studies, despite the unpleasantness he experiences in understanding or memorizing them.

(74) Ps. LXVIII, 11.

(75) Prov. XXVII, 18.

(76) Since all its fruit does ripen at the same time.

Talmud - Mas. Eirubin 54b

the more one¹ searches it the more figs one finds in it so it is with the words of the Torah; the more one¹ studies them the more relish he finds in them.

R. Samuel b. Nahmani expounded: With reference to the Scriptural text: Loving hind and a graceful roe etc.,² why were the words of the Torah compared to a 'hind'? To tell you that as the hind has a narrow womb and is loved by its mate at all times as at the first hour of their meeting, so it is with the words of the Torah — They are loved by those who study them at all times as at the hour when they first made their acquaintance. 'And in graceful roe'? Because the Torah bestows grace upon those who study it. Her breasts will satisfy thee at all times.² Why were the words of the Torah compared to a breast? As with a breast, however often the child sucks³ it so often does he find milk in it, so it is with the words of the Torah. As often a man studies them so often does he find relish in them — With her love wilt thou be ravished always,² as was the case with R. Eleazar⁴ b. Pedath, for instance. It was said of K. Eleazar⁴ that he sat and studied Torah in the lower market of Sepphoris while his linen cloak lay in the upper market of the town.⁵ R.⁶ Isaac b. Eleazar related: A man once came to take it and found a venomous serpent in it.⁷

It was taught at the school of R. Anan: What is the exposition of the scriptural text, ye that ride on white asses, ye that sit on rich cloths, and ye that walk by the way, tell of it?⁸ 'Ye that ride on asses' refers to the learned men⁹ who travel from town to town and from province to province to study¹⁰ the Torah. 'White'¹¹ means that they clarify it like noonday.¹² 'That sit on rich cloths'¹³ means that they give true judgment for the sake of the truth.¹⁴ 'That walk' refers to the students of Scripture; 'by the way' refers to the students of the Mishnah; 'tell of it' refers to the students of the Talmud all of whose talk consists of the words of the Torah.

R. Shezbi stated in the name of R. Eleazar b. Azariah: What is the exposition of the text: The slothful man shall not hunt his prey?¹⁵ The cunning hunter¹⁶ will not live long.¹⁷ R. Shesheth expounded: The cunning hunter¹⁸ will roast.¹⁹ When R. Dimi came²⁰ he said: This²¹ may be likened to a fowler who hunts birds. If he breaks he wings of each bird as he shoots it down²² his catch is secure, otherwise it is not.

Raba²³ expounded in the name of R. Sehora who had it from R. Huna: What is the purport of the text: Wealth gotten by vanity shall be diminished, but he that gathereth little by little shall increase?²⁴ If a man studies much at a time²⁵ his learning decreases,²⁶ and if he does not do so but 'gathereth little by little' he 'shall increase'.²⁷ Raba²³ remarked: The Rabbis are well aware of this advice²⁸ and yet disregard it.²⁹ R. Nahman b. Isaac said: I acted on this advice and my study remained with me.

Our Rabbis learned: What was the procedure of the instruction in the oral law? Moses learned from the mouth of the Omnipotent. Then Aaron entered and Moses taught him his lesson. Aaron then

moved aside and sat down on Moses' left. Thereupon Aaron's sons entered and Moses taught them their lesson. His sons then moved aside, Eleazar taking his seat on Moses' right and Ithamar on Aaron's left. R. Judah stated: Aaron was always on Moses' right. Thereupon the elders entered and Moses taught them their lesson, and when the elders moved aside all the people entered and Moses taught them their lesson. It thus followed that Aaron heard the lesson³⁰ four times, his sons heard it three times, the elders twice and all the people once. At this stage Moses departed and Aaron taught them his lesson. Then Aaron departed and his sons taught them their lesson. His sons then departed and the elders taught them their lesson. It thus followed that everybody heard the lesson four times. From here R. Eliezer inferred: It is a man's duty to teach his pupil [his lesson] four times. For this is arrived at a *minori ad majus*: Aaron who learned from Moses who had it from the Omnipotent had to learn his lesson four times³¹ how much more so an ordinary pupil who learns from an ordinary teacher.

R. Akiba stated: Whence is it deduced that a man must go on teaching his pupil until he has mastered the subject? From Scripture where it says: And teach thou it to the children of Israel.³² And whence is it deduced that it must be taught until the students are well versed in it?³³ From Scripture where it says. Put it in their mouths.³⁴ And whence is it inferred that it is also his duty to explain to him the reasons?³⁵ It has been said: Now these are the ordinances which thou shalt put before them.³⁶

But why did they not all learn³⁷ direct from Moses?³⁸ — In order to give a share of the honour³⁹ to Aaron, his sons, and the elders. Then⁴⁰ [why was not this procedure⁴¹ adopted:] Aaron might enter and learn from Moses,⁴² his sons might then enter and learn from Aaron,⁴² then the elders might enter and learn from his sons⁴² and these finally might teach all Israel?⁴² — As Moses learned from the mouth of the Omnipotent his own teaching was of greater value.⁴³

The Master said: 'R. Judah stated: Aaron was always on Moses' right'. Whose view is represented in the following where it was taught: If three men were going the same way, the Master is to be in the middle, the more important of the other two⁴⁴ on his right and the less important⁴⁵ on his left?⁴⁶ Must it be held that it represents the view of R. Judah and not that of the Rabbis?⁴⁷ — It⁴⁸ may be said to agree even with the view of the Rabbis, since Aaron's trouble had to be taken into consideration.⁴⁹

R. Pereda had a pupil whom he taught his lesson four hundred times before the latter could master it. On a certain day having been requested to attend to a religious matter he taught him as usual but the pupil could not master the subject. 'What', the Master asked: 'is the matter⁵⁰ to-day?' — 'From the moment', the other replied. 'the Master was told that there was a religious matter to be attended to I could not concentrate my thoughts,⁵¹ for at every moment I imagined, now the Master will get up or now the Master will get up'. 'Give me your attention', the Master said, 'and I will teach you again', and so he taught him another four hundred times. A bath kol issued forth asking him,⁵² 'Do you prefer that four hundred years shall be added to your life or that you and your generation shall be privileged to have a share in the world to come?' — 'That', he replied. 'I and my generation shall be privileged to have a share in the world to come'. 'Give him both', said the Holy One, blessed be He.

R. Hisda stated: The Torah can only be acquired with [the aid of] mnemonic signs, for it is said: Put it in their mouths;⁵³ read not, 'put it'⁵⁴ but 'its mnemonic sign'.⁵⁵ R. Tahlifa of the West⁵⁶ heard this and proceeding to R. Abbahu told it to him. 'You', the other said to him, 'deduce this⁵⁷ from that text;⁵³ we deduce it from this one: Set thee up waymarks, make thee' etc.;⁵⁸ devise [mnemonic] signs⁵⁹ for the Torah. What proof, however, is there that the expression of *ziyyun*⁶⁰ means a sign? — Since it is written, And any seeth a man's bone, then shall be set up a sign⁶¹ by it.⁶² R. Eleazar said: The deduction⁶³ is made from this text: Say unto wisdom, 'Thou art my sister', and call understanding thy kinswoman,⁶⁴ devise [mnemonic] signs⁶⁵ for the Torah — Raba expounded:

Appoint fixed times⁶⁶ for the study of the Torah.

- (1) Lit., 'all the time that a man'.
- (2) Prov. V, 19.
- (3) Lit., 'feels', 'searches'.
- (4) So marg. n. and Bomb. ed. Cur. edd. in parenthesis 'Eliezer'.
- (5) So absorbed was he in his studies that he forgot to take his cloak with him (cf. R. Han.) Rashi explains תשגה (here rendered 'thou wilt be ravished') as 'thou wilt make a fool of thyself' (rt. שגה 'to err', 'be confused') by neglecting one's work or trade and engaging in study. R. Eleazar presumably left his cloak with his wares in the upper market while, absorbed in his studies, he went down to the lower one oblivious of both his cloak and his wares.
- (6) Cur. edd. in parenthesis. 'It was taught'.
- (7) Providential protection of the property of the just.
- (8) Judg. V, 10.
- (9) Lit., 'disciples of the wise' (v. Glos. s.v. Talmid Hakam).
- (10) Cur. edd. in parenthesis insert 'in it'.
- (11) צחורות (rt. צהר).
- (12) צהרים (rt. צהר) interchange of ה and ח.
- (13) מדין (דין = judgment)..
- (14) [Lit., 'true to its own truth'; an absolutely true verdict arrived at by the judge in his endeavour to find out the truth himself without relying solely on the evidence, v. Tosaf. B.B. 8b, s.v. דיין].
- (15) Prov. XII, 27.
- (16) רמיה ('slothful'), is expounded by a play upon the words as רמאי 'cunning' and צידו ('his prey') as ציד 'hunter'. The reference is to one who possesses no knowledge and pretends to be a scholar.
- (17) לא יהיה ולא יאריך ימים, lit., 'shall not live nor have length of days', a play upon the words לא יהרץ ('shall not hunt').
- (18) Cf. supra n. 12. R. Shesheth, however, gives the appellation of 'cunning hunter' to the fowler who proceeds in the manner R. Dimi is about to describe.
- (19) The birds lie caught. יהרץ (rt. הרץ 'to roast'). His exposition of the verse is as follows: 'Shall not the cunning hunter roast his prey?' 'Of course he shall' being the implied reply. 'Cunning hunter' thus refers to the student who learns section by section, thoroughly revising and consolidating each before proceeding to the next (cf. R. Dimi's parable that follows).
- (20) From Palestine to Babylon.
- (21) The manner of study just referred to (cf. supra p. 380, n. 15, final clause).
- (22) Lit., 'first, first'.
- (23) So marg. n. Cur. edd. in parentheses, 'Rabbah'.
- (24) Prov. XII. 11.
- (25) Lit., 'makes his Torah bundles, bundles', a play upon the word for 'by vanity' מהבל reading הבל as חבל (חבילה 'bundle').
- (26) An overburdened memory can retain but little.
- (27) His store of knowledge.
- (28) Lit., 'thing'.
- (29) Lit., 'transgress it'.
- (30) Lit., 'they were found in the hand of'.
- (31) Lit., 'thus'.
- (32) Deut. XXXI, 19; emphasis on 'teach'.
- (33) Lit., 'arranged in order in their mouth'.
- (34) Deut. XXXI, 19; emphasis on 'put . . . mouth'.
- (35) Lit., 'to show the face' . . . that it is not enough to teach dogmatically.
- (36) Ex. XXI. 1, emphasis on 'put before' (cf. Rashi). להראות לו פנים 'to show him the face' may be a play upon the word לפניהם, 'before them'.
- (37) MS. M. 'Let the elders enter and learn'. Bah, 'Let them all enter' etc.
- (38) The four times required.

- (39) Of instructing the people.
- (40) If it was desired to honour Aaron, his sons and the elders.
- (41) Which would have conferred greater distinction on each individual or group as compared with the group that followed.
- (42) The four times required.
- (43) Lit., 'the thing is supported'.
- (44) Lit., 'and the great'.
- (45) Lit., 'and the small'.
- (46) V. Yoma 37a.
- (47) Who hold that Aaron took his seat on Moses' left. Is it likely, however, that an anonymous ruling would agree with an individual contrary to the view of the majority?
- (48) The Baraitha cited.
- (49) As he had to sit on the left of Moses when the two were alone, he was allowed to remain in the same position, even after the others had entered, in order to save him the trouble of moving from one place to another.
- (50) Lit., 'what is the difference'.
- (51) Lit., 'I removed my mind'.
- (52) R. Pereda.
- (53) Deut. XXXI, 19.
- (54) שימה.
- (55) סימנה (cf. prev. n.) a play upon the similarity of the two expressions.
- (56) Palestine which lay to the west of Babylon where the statement was made.
- (57) The need for mnemotechnical aids.
- (58) Jer. XXXI, 21.
- (59) ציונים, the same term as that used in the text for 'waymarks'.
- (60) ציון, sing. of ציונים (v. prev. n.).
- (61) V. p. 383, n. 13.
- (62) Ezek. XXXIX, 15.
- (63) V. p. 383, n. 10.
- (64) Prov. VII, 4.
- (65) מודעים, pl. of מודע, the term used in the text for 'kinswoman'.
- (66) מועדים sing. מועד 'an appointed time,' obtained by transposition of the letters in מועד (cf. prev. n.).

Talmud - Mas. Eirubin 55a

This¹ is in harmony with the following statement of R.² Abdimi b. Hama b. Dosa:³ What is the significance of the text: It is not in heaven, [that thou shouldst say: 'who shall go up for us to heaven, and bring it unto us'],⁴ neither is it beyond the sea [that thou shouldst say, 'Who shall go over the sea for us, and bring it unto us']?⁵ 'It is not in heaven', for if it were in heaven you should have gone up after it; and if it were 'beyond the sea', you should have gone over the sea after it.

Raba⁶ expounded, 'It is not in heaven',⁴ it⁷ is not to be found with him who, because he possesses some knowledge of it, towers in his pride as high⁸ as the heavens, '[neither is it beyond the sea]' it is not found with him who, because of some knowledge of it, is as expansive in his self-esteem⁹ as the sea.

R. Johanan¹⁰ expounded: 'It is not in heaven', it¹¹ is not to be found among the arrogant;¹² 'neither is it beyond the sea', it is not to be found among merchants or dealers.¹³

Our Rabbis taught: How are the sabbath boundaries of towns extended? [If a town is] long the sabbath limits are measured from its normal boundaries.¹⁴ If it is round corners are added to it.¹⁵ If it is square no corners are added to it.¹⁶ If it was wide on one side and narrow on the other¹⁷ it is regarded as if both its sides were equal.¹⁸ If one house projected¹⁹ like a turret, or if two houses

projected²⁰ like two turrets, they are to be treated as if a thread had been drawn beside them in a straight line, and the two thousand cubits are measured from that line outwards.²¹ If the town was shaped like a bow²² or like a gamma,²³ it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from the imaginary boundaries outwards.²⁴ The Master said: '[If a town is] long the Sabbath limits are measured from its normal boundaries'. But is this not obvious? — The ruling is required in a case where it was long but narrow. Since it might have been presumed that the width should be regarded as equal to its length.²⁵ we were informed [that the law was not so].

'If it is square shaped no corners are added to it'. Is not this obvious? — This was only required in a case where it is square shaped but the sides of the square are not parallel with the four directions of the world. As it might have been presumed that it should be deemed to be enclosed in an imaginary square whose sides are parallel with the four directions of the world, we were informed [that this is not permitted].

'If one house projected like a turret, or if two houses projected like two turrets'. Now that you said that the law applied to one house, was it also necessary to mention two houses? — The ruling was necessary in that case only where the two houses were respectively on two sides of the town. As it might have been presumed that we apply the law only where a projecting house was on one side but not when houses were projecting on two sides, we were informed [that the law is applied to the latter case also].

'If the town was shaped like a bow or like a gamma, it is to be regarded as if it had been full of houses and courtyards, and the two thousand cubits are measured from its imaginary boundaries'. R. Huna laid down: If a town is shaped like a bow, then, if the distance between its two ends²⁶ is less than four thousand cubits,²⁷ the Sabbath limits are measured from the bow-string,²⁸ otherwise measuring must begin from the arch.²⁹ But could R. Huna have laid down such a ruling?³⁰ Did not R. Huna in fact rule: If a breach was made in a town wall,³¹ [the houses on both sides of the breach are regarded as belonging to the same town if the distance between them is] no more than a hundred and forty-one and a third cubits?³² — Rabbah b. 'Ulla replied: This is no difficulty, since the former³³ deals with a case where the gap was only on one side³⁴ while the latter deals with one that had breaches on two sides.³⁵ Then what does he³⁶ inform us? That a karpaf³⁷ is allowed for each section.³⁸ But did not R. Huna once lay down such a ruling, as we learned:

(1) The deduction that it is necessary to resort to special efforts, such as the device of mnemotechnical symbols and the like, in order to acquire a knowledge of the Torah.

(2) So Bah, wanting in cur. edd.

(3) MS.M. R. Dimi b. Hisda.

(4) Deut. XXX, 12.

(5) Ibid. 13.

(6) Var. lec. R. Johanan (She'iltot, Toledoth, XIX).

(7) The Torah.

(8) Lit., 'who lifts up his mind because of it'.

(9) Lit., 'who widens his mind because of it'.

(10) Var. lec. Raba (She'iltot, ibid.).

(11) The Torah.

(12) Cf. notes on previous exposition by Raba.

(13) The 'sea' representing maritime trade.

(14) Lit., as it is — This is further explained infra.

(15) Sc. the circumference of the town is deemed to be enclosed in an imaginary square and the Sabbath limits are measured from the sides of that square, the townspeople thus gaining the benefit of longer distances through the angles of the square:

- (16) This is explained *infra*.
- (17) If its northern side, for instance, was wider than its southern side.
- (18) The southern boundary is deemed to be extended in both directions to the same length as the northern one, and the extremities of this imaginary line are deemed to be joined to the extremities of the northern boundary.
- (19) From the town wall.
- (20) It is now assumed that both houses were on the same side of the town.
- (21) If the projecting house, for instance, was in a corner on the northern side of the town, an imaginary line, parallel to the town in wall, is drawn across the northern side of the house towards the western side of the town, and this line is deemed to represent the boundary of the town for the purpose of measuring the Sabbath limits. The respective positions of the 'two houses projected' is discussed presently.
- (22) No houses having been built on the side corresponding to the bow-string.
- (23) Gr. **. Cf. *prev. n. mut. mut.*
- (24) Tosef. 'Er. IV. Every townsman man, irrespective of the position of his house, is entitled to walk two thousand cubits distance from the imaginary, as well as from the actual boundaries.
- (25) I.e., as if the a town were square-shaped and its shorter sides were equal to its longer ones.
- (26) I.e., the side corresponding to the bow string.
- (27) So that the Sabbath limit from the one end overlaps with the Sabbath limit from the opposite end.
- (28) Outwards; and the whole town, as far as its inhabitants are concerned, is regarded as no bigger than four cubits within which they may freely move on the Sabbath in addition to the two thousand cubits distance beyond the town in all directions.
- (29) Every inhabitant may move no further than two thousand cubits from his own house in any direction.
- (30) That two sections of a town are regarded as one where the distance between them is less than four thousand cubits.
- (31) Sc. a breach that completely severed the town in two distinct sections, no houses intervening.
- (32) A distance representing the length of two karpafs of seventy and two thirds cubits each (which each town is allowed in addition to the Sabbath limit of two thousand cubits). But if the distance was greater, the two sections are regarded as two different towns. How then could it be said that R. Huna permitted any distance within four thousand cubits?
- (33) A bow shaped town.
- (34) V. *supra* p. 385, n. 9.
- (35) V. *supra* n. 6.
- (36) R. Huna in the last ruling cited.
- (37) Of a length of seventy and two thirds cubits.
- (38) In the same manner as one is allowed for each of two adjacent towns which are thereby combined to form one town for the purposes of Sabbath movements.

Talmud - Mas. Eirubin 55b

A karpaf is allowed for every town;¹ so R. Meir, but the Sages ruled: A karpaf was allowed only² between two towns,³ and in connect ion with this it was stated: R. Huna laid down: A karpaf is allowed for each town, while R. Hiyya b. Rab held: Only one karpaf is allowed for both towns?⁴ — Both rulings were required. For if we had been informed only of the ruling here,⁵ it might have been presumed [to apply to this case only] because originally⁶ all the town was a permitted domain,⁷ but not to the case there.⁸ And if we had been informed of the ruling there only, it might have been presumed [to apply to that case alone] because [one karpaf is] too cramped for the use of two towns, but not here⁹ where the space of one karpaf would not be too cramped.¹⁰ Hence both rulings were required.

And¹¹ what perpendicular distance is allowed between the [middle of the imaginary] bow-string and the arch?-Rabbah son of R. Huna¹² replied: One of two thousand cubits.¹³ Raba the son of Rabbah son of R. Huna replied: Even one greater than two thousand cubits. Said Abaye: Logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna, since¹⁴ any person can, if he wishes, go around¹⁵ by way of the houses.¹⁶

IF THERE WERE RUINS TEN HANDBREADTHS HIGH etc. What is meant by RUINS? — Rab Judah replied: Three walls without a roof on them.¹⁷ The question was raised: What is the ruling in the case of two walls upon which there was a roof? Come and hear: The following are included in the Sabbath boundary of a town. A sepulchral monument of the size of four cubits by four,¹⁸ a bridge or a cemetery that contains a dwelling chamber, a synagogue that has a dwelling-house for the hazan,¹⁹ a heathen temple that contains a dwelling-house for its priests,²⁰ horse-stalls or storehouses in open fields, to which dwelling-chambers are attached, watchmen's huts in a field, and a house on a sea island.²¹ All these are included in the Sabbath boundary of a town. The following, however, are not included in it: A sepulchral monument that was broken on two sides, the gap extending from one end to the other, a bridge or a cemetery that contains no dwelling-chamber, a synagogue that had no dwelling-house for the hazan, a heathen temple that contained no dwelling-house for its priests,²⁰ horse-stalls or storehouses in open fields, to which dwelling chambers are not attached, a pit, a ditch, a cave, a wall or a dove-cote in a field, and a house in a ship.²² All these are not included in the Sabbath boundary of a town.²³ At all events It was here taught: 'A sepulchral monument that was broken on two sides, the gap extending from one end to the other'. Does not this refer to a case where there was a roof on top?²⁴ — No, it may be a case where there was no roof on top.

Of what use is a 'house on a sea island'? — R. Papa replied: The reference here is to a house into which a ship's tackle is moved.

But is not a 'cave' included in the Sabbath boundary of a town? Did not R. Hiyya in fact teach: A cave is included in the Sabbath boundary of a town? — Abaye replied: He referred to a cave at the entrance of which was a built structure. Might not then its inclusion be inferred solely on the ground of the structure? — The ruling²⁵ was required only in a case where the cave supplemented the prescribed size.²⁶

R. Huna ruled: For those who dwell in huts²⁷ the Sabbath limits are measured from the very doors of their huts.²⁸ R. Hisda raised an objection: And they pitched by the Jordan, from Beth-yeshimoth,²⁹ in connection with which Rabbah b. Bar Hana³⁰ stated: 'I myself saw the place and it measured three parasangs by three'.³¹ Now was it not taught: When they attended to their needs they turned neither front nor sideways but backwards?³² — Raba answered him: You speak of the divisions in the wilderness! Since about them it is written: At the commandment of the Lord they encamped and at the commandment of the Lord they journeyed,³³ they could well be regarded as constituting a permanent settlement.³⁴ R. Hinena b. R. Kahana ruled in the name of R. Ashi: If among the huts there are three courtyards of two houses³⁵ each, all the encampment assumes the characteristics of a permanent settlement.³⁶

Rab Judah citing Rab remarked: Dwellers in huts and travelers in the desert lead a miserable life,³⁷ and their wives and children are not really their own. So it was also taught: Eliezer of Biria³⁸ remarked: Those who dwell in huts are like those who dwell in graves, and concerning their daughters Scripture says: Cursed be he that lieth with any manner of beast.³⁹ What is the reason? Ulla explained: Because they have no bath houses;⁴⁰ and R. Johanan explained: Because they [allow each other to] perceive the times of their ritual immersion.⁴¹ What is the practical difference between them?⁴² — The case where a river is near the house.⁴³

R. Huna said: No scholar⁴⁴ should dwell in a town where vegetables are unobtainable. This then implies that vegetables are wholesome, but was it not taught: Three kinds of food increase One's excrements, bend one's stature and take away a five hundredth part of the human eyesight, viz.

(1) Its Sabbath limit being measured from the outward boundary of that karpaf.

(2) Lit., 'they (sc. the Rabbis who originally instituted the law of karpaf) said only'.

(3) That were adjacent to one another and that, on account of the karpafs, joined to form one town (cf. supra, p. 387, n.

13 and the discussion *infra* 57bf).

(4) As two sections of one town could not in this respect be subject to greater restrictions than two independent towns that are adjacent to one another, what need was there for R. Huna's ruling in respect of one town that was only severed in two on account of a breach?

(5) A town severed by a breach in two.

(6) Before the breach was made.

(7) Lit., 'it had a side of permissibility'.

(8) That of two towns that were never before combined to form one permitted domain.

(9) A town severed by a breach in two.

(10) Since originally, when the area of the gap was occupied by houses, the inhabitants in either section did not have the use of even one *karpaf*.

(11) Where the distance between the two ends of the bow is less than four thousand cubits, in which case it was laid down *supra* that the Sabbath limit is measured from an imaginary line joining the two ends.

(12) Bomb. ed. omits 'Rabbah b.'

(13) There must be no more than a Sabbath limit between any of the houses in the arch and the imaginary bow-string.

(14) However great the perpendicular distance between the imaginary bow-string and the arch.

(15) To the ends of the arch.

(16) Without touching the empty space between the cord and the arch. As in this manner it is possible for any townsman to pass from one end of the bow-shaped town to the other end and then to proceed also along the imaginary cord that joins these ends, the entire area enclosed by the arc and cord is deemed to be occupied by houses and courtyards.

(17) If there was a roof on them they would be regarded as a house and would in any case be included in the town boundary in accordance with a previous ruling in our Mishnah.

(18) Such a monument is usually provided with a dwelling-chamber for its watchman. It has, therefore, the status of a dwelling-house even though no one lives in it.

(19) **הוֹזֵן** 'beadle', 'sexton', 'superintendent'. In modern Hebrew, 'synagogue reader', 'precentor'.

(20) Or 'attendants', **כוֹמְרִים**.

(21) Within seventy and two thirds cubits from the town.

(22) That was not stationary, but moved sometimes within and sometimes without seventy and two thirds cubits from the town.

(23) Tosef. 'Er. IV.

(24) Which allows that two walls with a roof on top are not regarded as a 'ruin' that is included in the Sabbath boundary of a town.

(25) Of R. Hiyya.

(26) Of four cubits by four. In the absence of such a ruling it might have been presumed that, as the structure was less than the minimum size prescribed, neither it nor the cave may be included in the Sabbath boundary of the town.

(27) **צְרִיפֵין**, frail cone-shaped structures of reeds or branches of trees.

(28) Sc. even if a camp consisted of hundreds of such frail huts it does not assume the character of a town the residents of which may freely move within it (however large its area) and two thousand cubits beyond it in all directions. Each hut is regarded as a single unit.

(29) Num. XXXIII, 49, referring to the Israelites' camp in the wilderness.

(30) Cur. edd. in parenthesis 'in the name of R. Johanan'.

(31) Which establishes the fact that the Israelites' camp in the wilderness occupied an area of three parasangs by three.

(32) Sc. behind the rear of the camp. An Israelite occupying a hut or a tent in the front lines of the camp had consequently to walk for the purpose a distance of three parasangs. How since this long walk, far exceeding a Sabbath limit, was permitted, it follows that an encampment consisting of huts also assumes the character of a town. An objection against R. Huna.

(33) Hum. IX, 18. The order in M.T. is reversed: At the commandment . . . journeyed . . . encamped.

(34) In consequence of which they were well entitled to the privileges of a town.

(35) Of stone or wood.

(36) Cf. *infra* 59b.

(37) Lit., 'their life is no life'.

(38) [Probably identical with Bertotha in Upper Galilee, v. Aboth, Sonc. ed., p. 31 n. 4 and Horowitz, *op. cit.* p. 175].

(39) Deut. XXVII, 21.

(40) When the men leave their homes to bathe in a distant place the women remaining behind are exposed to the temptations of the unscrupulous.

(41) Depraved men are thus in a position to follow the women when they leave the camp for their ritual bathing.

(42) Ulla and R. Johanan.

(43) Ritual immersion can well be performed in the river and the women are under no necessity to go far from their homes. The men, however, would still be leaving their homes in quest of a warm bath. Ulla's reason is, therefore, applicable in such a case also while that of R. Johanan does not apply.

(44) Talmid hakham, v. Glos.

Talmud - Mas. Eirubin 56a

black bread,¹ new beer and vegetables?² — This is no difficulty, one [statement referring] to garlic and leek while the other [refers] to other vegetables; as it was taught: Garlic is a vegetable, leek is a semi-vegetable;³ if radish appears a life-giving drug has appeared. Was it not, however, taught: If radish appears a drug of death has appeared? — This is no contradiction, the latter might deal with the leaves while the former with the roots, or the latter might refer to the summer while the former might refer to the winter.

Rab Judah citing Rab said: In a town which abounds with ascents and descents men and beasts die in the prime of their lives.⁴ 'Die'! Can one really think so? — Rather say: They age in the prime of life.

R. Huna son of R. Joshua remarked: The crags between Be Bari and Be Narash have made me old.⁵

Our Rabbis taught: If a town is to be squared⁶ the sides of the square must be made to correspond to the four directions of the world: Its northern side, [for instance,] must correspond⁷ to the North, and its southern side to the South; and your guiding marks⁸ are the Great Rear⁹ in the North and the Scorpion in the South.

R. Jose said: If one¹⁰ does not know how to square a town so as to make it correspond with the directions of the world, one may square it in accordance with the circuit of the sun. How? — The direction in which on a long day the sun rises¹¹ and sets¹² is the northern direction.¹³ The direction in which on a short day the sun rises¹¹ and sets¹² is the southern direction.¹⁴ At the vernal and autumnal equinoxes¹⁵ the sun rises in the middle point of the East and sets in the middle point of the West,¹⁶ as it is said in Scripture: It goeth along¹⁷ the south, and turneth about the¹⁸ north;¹⁹ 'It goeth along the south' during the day 'and turneth about the north'²⁰ during the night. The wind turneth, turneth about moveth²¹ refers to the eastern horizon and the western horizon along which the sun sometimes moves²² and sometimes turns about.²⁰

R. Mesharsheya stated: These rules²³ should be disregarded for it was taught: The sun has never exactly risen in the North East and set in the North West, nor has it ever risen precisely in the South East and set in the South West.

Samuel stated: The vernal equinox occurs only at the beginning of one of the four quarters of the day²⁴ viz., either at the beginning of the day or at the beginning of the night or at midday or at midnight.²⁵ The summer solstice only occurs either at the end of one and a half, or at the end of seven and a half hours of the day or the night.²⁶ The autumnal equinox only occurs at the end of three, or nine hours of the day or the night,²⁷ and the winter solstice only occurs at the end of four and a half, or ten and a half hours of the day or the night.²⁸ The duration of a season of the year²⁹ is no longer than ninety-one days and seven and a half hours; and the beginning of one season is

removed from that of the other by no more than one half of a planetary hour.³⁰ Samuel further stated: The vernal equinox never begins under Jupiter³¹ but it breaks the trees, nor does the winter solstice begin under Jupiter but it dries up the seed. This, however, is the case only when the new moon occurred in the moon-hour or in the Jupiter-hour.³¹

(1) פת קיבר panis cibarius.

(2) Pes. 42a.

(3) Which proves that garlic and leek may be described as vegetables.

(4) Lit., 'in the half of their days'.

(5) [Town south of Sura situated on a mountain slope on the east bank of the Euphrates, v. Obermeyer p. 308].

(6) Sc. if for the purpose of measuring its Sabbath limits its irregular boundary lines are extended to form an imaginary square (cf. supra 55a).

(7) Lit., 'gives'.

(8) In ascertaining the directions.

(9) עגלה, lit., 'wagon'.

(10) Being unable to identify either of the two constellations.

(11) At one end.

(12) At the other end.

(13) Lit., 'face of the North'.

(14) At the summer solstice the sun appears to rise in N.E. to move along E., S., and W. and to set N.W., thus rising and setting in the North. As the days shorten and the nights lengthen the circuit of the sun appears steadily to diminish and the points of sunrise and sunset appear to move day after day from N.E. to E. and from N.W. to W. respectively (the autumnal equinox, when days and nights are equal) and then to S.E. and S.W. respectively (the winter solstice when the days are shortest and the nights longest). On the shortest day, therefore, the sun appears to rise in S.E., to move only along S., and to set in S.W., thus rising and setting in the South.

(15) Lit., 'the circuit of Nisan (v. Glos.) and the circuit of Tishri (v. Glos.).

(16) As shown supra p. 392, n. 12.

(17) E.V. 'towards'.

(18) E.V. 'unto the'.

(19) Eccl. I, 6.

(20) Sc. hidden from view as if it turned about behind the North.

(21) Ibid. E.V., 'whirlth about continually'.

(22) Sc. is seen moving in the day time.

(23) On the points of sunrise and sunset.

(24) Sc. the solar day of twenty-four hours, which includes both day and night.

(25) The year consists of three hundred and sixty-five days and six hours approx., representing fifty-two weeks and one and a quarter solar day's. The first vernal equinox which, according to tradition, occurred on the first of Nisan, which was then a Wednesday at the beginning of the first quarter of the solar day, i.e., at the 'beginning of the night' (solar days in the Heb. calendar beginning with nightfall) was consequently followed in the second year by a vernal equinox that began at the beginning of a second quarter of the solar day which was the 'midnight' of Thursday (the solar day again beginning as stated supra at nightfall). In the third year the equinox began at the beginning of a third quarter of the solar day, which was the 'beginning of the day' of Friday. In the fourth year it began at the beginning of the fourth quarter of the solar day which was 'midday' of Saturday. The vernal equinox thus begins at a different quarter of the solar day in the course of every four years.

(26) The period intervening between an equinox and the following solstice and between a solstice and the following equinox is, as stated infra, ninety-one days and seven and a half hours approx., representing thirteen weeks and seven and a half hours. When the first vernal equinox occurred at the beginning of a Wednesday (cf. prev. n.) the following summer solstice must have occurred thirteen weeks later at the end of seven and a half hours after the beginning of the night belonging to that Wednesday. When the second vernal equinox occurred at the midnight of Thursday the summer solstice must have occurred thirteen weeks later at the end of one and a half hours after the beginning of the day also a Thursday. Since the third vernal equinox occurred on a Friday at the beginning of the day the following solstice must have occurred thirteen weeks later at the end of seven and a half hours of the day also a Friday. Finally when the fourth

vernal equinox occurred at midday on Saturday, the following solstice must have occurred at the end of one and a half hours of the night of the Sunday thirteen weeks later.

(27) This is obtained by dropping the thirteen complete weeks (cf. prev. n.) which do not affect the weekday or the hour, and by adding the seven and a half hours to the respective summer solstices (cf. prev. nn.).

(28) These calculations are arrived at by dropping the weeks and adding the hours (cf. prev. n.) to the respective times of the autumnal equinoxes, the same process as in the previous cases being repeated every four years.

(29) I.e., the lapse of time between an equinox and a solstice that follows it, and between a solstice and an equinox that follows it.

(30) Every hour of the day is assumed to be governed by the sun, the moon or one of the undermentioned planets in the following order: Mercury, Moon, Saturn, Jupiter, Mars, Sun and Venus. It follows that every eighth hour is under the influence of the same heavenly body. Since, for instance, Mercury is in ascendancy in the first hour of the first day of the week, it is also in ascendancy in the eighth, the fifteenth and the twenty-second hour and so on ad infinitum. Similarly Venus who is in ascendancy in the seventh hour of the first day of the week is also in ascendancy in the fourteenth and the twenty-first hour etc. Now since the beginning of one season is removed from that of the next season (as stated supra) by thirteen weeks and seven and a half hours and since in every week (consisting of 7×24 hours) the same relative order and succession of the heavenly bodies is invariably repeated, the weeks may be entirely disregarded in the calculations that determine what heavenly body would exercise its influence at the beginning of a season. The seven and a half hours only having to be taken into consideration, and the number of heavenly bodies concerned being seven, it follows that the same heavenly body that was in ascendancy at the beginning of a season is again in ascendancy during the last half hour of that season and during the first half hour of the season that follows. Every season thus begins 'one half of a planetary hour' later than the preceding one.

(31) Sc. the hour under the influence of this planet (cf. prev. n.).

Talmud - Mas. Eiruvin 56b

Our Rabbis taught: If [a circular] town is to be [circumscribed by a] square¹ [the sides must be] drawn in the shape of a square tablet. The Sabbath limits also are then drawn in the shape of a square tablet.² When the measurements¹ are taken one should not measure the two thousand cubits³ from the middle point of the town corner,⁴ because, thereby, one loses the corners.⁵ One should rather imagine⁶ that a square tablet of the size of two thousand cubits by two thousand cubits is applied to each corner diagonally,⁷ so that the town gains thereby four hundred cubits in each corner,⁸ the Sabbath limits gain eight hundred cubits in each corner,⁹ while the town and the Sabbath limits together gain twelve hundred cubits¹⁰ in each corner.¹¹ This¹² is possible, Abaye explained. in a town of the size of two thousand by two thousand cubits.¹³

It was taught: R. Eliezer son of R. Jose stated: The limit of the allotted land beyond the confines of the levitical cities¹⁴ was two thousand cubits.¹⁵ Deducting from these¹⁶ an open space of one thousand cubits,¹⁷ such open space would represent a quarter of the entire area¹⁸ the remainder of which consisted of fields and vineyards.¹⁹ Whence is this²⁰ deduced? — Raba replied: From Scripture which says. [And the open land,..] from the wall of the city and outward a thousand cubits round about,²¹ the Torah has thus enjoined, 'Surround the city by an open space of one thousand cubits'. 'Such an open space [it was said] would represent a quarter of the entire area' — 'A quarter'! Is it not in fact one [in the neighbourhood] of a half?²² — Raba replied: The surveyor Bar Adda²³ explained this to me. Such a proportion is possible in the case of a town whose area is two thousand by two thousand cubits. For what is the area of its limits?²⁴ Sixteen [million square cubits].²⁵ What is the area of the corners?²⁶ Also sixteen [million square cubits].²⁷ Deducting [for the open spaces] eight [million square cubits]²⁸ from the limits, and four [million square cubits]²⁹ from the corners, to what area would this space amount? To one of twelve [million square cubits].³⁰ Would then 'such an open space represent a quarter'? Is it not in fact more than a third of the entire area?³¹ — Take the four [million square cubits] of the town area itself and add to them.³² Does not this, however, still amount to a third?³³ — Do you imagine that a quadrilateral town was spoken off? No, a circular town was meant. For by how much does the area of a square exceed that of a circle?

By one quarter [approximately] — Deduct a quarter from the measurements given and there would remain nine [million square cubits];³⁴ and nine [million] represents one quarter of thirty six [million].³⁵

Abaye said: This³⁶ is also possible in the case of a town that has an area of a thousand by a thousand cubits For what are its limits?³⁷ Eight [million square cubits].³⁸ What is the area of the corners? Sixteen [million square cubits].³⁹

- (1) In connection with the calculations of the permitted Sabbath limits around it.
- (2) This is explained infra.
- (3) The permitted distance in all directions from the imaginary square round the town.
- (4) I.e., extending the diagonals of the imaginary square to the length of two thousand cubits and joining them so as to form a larger square.
- (5) As will be shown presently.
- (6) Lit., 'bring'.
- (7) One extremity of the diagonal of the imaginary tablet touching in turn each of the four corners of the imaginary square, the diagonal of the latter forming a straight line with that of the former.
- (8) Lit., 'towards here and . . . towards here'. The town spoken of here (as stated by Abaye infra) is one that is circular in shape and the diameter of which is two thousand cubits. By enclosing it in an imaginary square the diagonal of which (on the rule that the diagonal of a square exceeds its side by two fifths approx.) the town is extended in each of its four corners by $((2000 \times 2/5)/2) = 4000/10 = 400$ cubits (cf. foll. n.).
- (9) A line of two thousand cubits is by two fifths (cf. prev. n.), less than the diagonal of a two thousand cubits square. 'A square tablet of the size of two thousand cubits by two thousand cubits applied to each corner diagonally' would consequently add to each corner two thousand cubits plus $(2000 \times 2)/5 = 800$ cubits.
- (10) I.e., the total of 400 and 800 cubits in each of the inner and outer corners respectively.
- (11) Tosef. 'Er. IV.
- (12) The various measurements and gains just described.
- (13) Cf. preceding notes.
- (14) In addition to the cities themselves the Levites were allowed stretches of land around them for use as open spaces, fields and vineyards as will be specified below.
- (15) In an outward direction round each city.
- (16) The 2000 cubits mentioned.
- (17) Immediately behind and around each city.
- (18) This will be explained presently.
- (19) Tosaf. 'Ar. ad fin., Sotah 27b.
- (20) That a strip of one thousand cubits around each levitical city must be reserved as an open space.
- (21) Num. XXXV, 4, dealing with the cities of the Levites.
- (22) One thousand cubits of open space in every two thousand cubits allowed: $1000/2000 = 1/2$. The actual area of the open space on the present assumption would, of course, be less than a half of the total area, since an inner belt of the width of a thousand cubits is smaller in area than one of equal width around it.
- (23) Aliter: The son of the surveyor Adda'. Aliter: 'Raba b. Adda replied: A surveyor.'
- (24) Sc. the stretch of land two thousand cubits in width around it.
- (25) 2000 by 2000 cubits on each of its four sides: $2000 \times 2000 \times 4 = 16,000,000$ square cubits.
- (26) The corner spaces between the limits just described.
- (27) The area of each corner being 2000×2000 square cubits the total area of the four corners is $2000 \times 2000 \times 4 = 16,000,000$ square cubits.
- (28) Since the Torah enjoined to surround the whole city with a strip of one thousand cubits wide, one 1000 by 2000 cubits on each of the four sides $2,000,000 \times 4 = 8,000,000$ sq. cubits.
- (29) One 1000 by 1000 cubits in each of the four corners = $1,000,000 \times 4 = 4,000,000$ sq. cubits.
- (30) 8,000,000 sq. cubits and 4,000,000 sq. cubits (cf. prev. two nn.) amount to 12,000,000 sq. cubits.
- (31) 12,000,000/32,000,000 being equal to 3/8.
- (32) To the 32,000,000. This brings the total up to 36,000,000.

(33) $12,000,000/36,000,000 = 1/3$. Why then was it described as 'a quarter'?

(34) The city that was originally assumed to have an area of $2,000 \times 2,000 = 4,000,000$ sq. cubits, being circular in shape has only an area of $4,000,000 \times 3/4 = 3,000,000$ sq. cubits approx. The belt of open spaces around it, which was originally assumed to have an area of $12,000,000$ sq. cubits would similarly amount to $4,000$ (city, $2,000$, and open spaces on two of its sides $2,000$) by $4,000 \times 3/4$ (difference between area of sq. and circle) $3,000,000$ approx. (area of circular city). $4,000 \times 4,000 \times 3/4 = 3,000,000 = 12,000,000 - 3,000,000 = 9,000,000$ sq. cubits.

(35) The latter figure represents the total area in sq. cubits of the city and the entire stretch of open spaces, fields and vineyards allowed to each levitical city. The shape of the city does not affect this outer area which always extends to a perpendicular distance of $2,000$ cubits from it in all directions of the city.

(36) That the open space shall represent a quarter of the area of the land allowed around each city of the Levites.

(37) The stretch of land allowed around it.

(38) Area of $1,000$ by $2,000$ cubits on each of its four sides equal to $2,000,000 \times 4 = 8,000,000$ sq. cubits.

(39) Each corner having an area of $2,000$ by $2,000$ sq. cubits the area of the four corners amounts to $2,000 \times 2,000 \times 4 = 16,000,000$ sq. cubits.

Talmud - Mas. Eirubin 57a

Deducting [for the open space] four [million square cubits]¹ from the limits and four [million square cubits] from the corners,² to what area would this space amount? To one of eight million square cubits. But is not such an open space a third of the area?³ — Do you think that the reference is to a square town? No, a circular town was spoken of. For by how much does the area of a square exceed that of a circle? By one quarter approximately. Deduct a quarter from the measurements given⁴ and there would remain six [million square cubits];⁵ and six [million] represent a quarter of twenty-four [million].⁶

Rabina explained: What is meant by 'a quarter'? A quarter of the area of the limits.⁷ R. Ashi explained: What is meant by 'a quarter'? A quarter of the area of the corners.⁸ Said Rabina to R. Ashi: Is it not written in Scripture: 'round about'?⁹ — By 'round about' the corners were meant — For, if you were not to admit this, would you also contend that the expression. And¹⁰ dash the blood round about against the altar,¹¹ written in connection with a burnt-offering, also meant round about the very altar?¹² Consequently you must admit that by 'round about' was meant round about the corners; well then, here also by 'round about' was meant round about the corners. Said R. Habibi¹³ of Hoza'ah¹⁴ to R. Ashi: Are there not, however, the projections of the corners?¹⁵ — The reference is to a circular city.¹⁶ Was it not, however, made square?¹⁷ — You might contend that it was said that we imagine it to be a square¹⁸ but can you contend that it was actually made square?¹⁹ Said R. Hanilai²⁰ of Hoza'ah to R. Ashi: Consider! By how much does the area of a square exceed that of a circle? By a quarter approximately. Are not then the so called 'eight hundred'²¹ only six hundred and sixty-seven minus a third?²² — The other replied: This²³ applies only to a circle inscribed within a square, but in the case of the diagonal — of a square²⁴ more must be added; for a Master stated: Every cubit in the side of a square corresponds to one and two fifths of a cubit in its diagonal.²⁵

MISHNAH. A KARPAF²⁶ IS ALLOWED FOR EVERY TOWN;²⁷ SO R. MEIR, BUT THE SAGES RULED: [THE LAW OF] KARPAF²⁷ WAS INSTITUTED ONLY BETWEEN TWO TOWNS²⁸ SO THAT BY ADDING TO EACH ONE²⁹ A STRETCH OF LAND OF SEVENTY AND A FRACTION³⁰ THE KARPAF COMBINES THE TWO TOWNS INTO ONE.²⁸

SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE,²⁸ IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE.²⁸

GEMARA. Whence is this³¹ inferred? — Raba replied: From Scripture which says: From the wall

of the city and outward,³² the Torah having thereby enjoined: Allow an outward area,³³ and then begin your measuring.³⁴

BUT THE SAGES RULED . . . WAS INSTITUTED ONLY etc. It was stated: R. Huna laid down: A karpaf is allowed for each town. Hiyya b. Rab laid down: Only one karpaf is allowed for both towns.

We learned: BUT THE SAGES RULED: [THE LAW OF] KARPAF WAS INSTITUTED ONLY BETWEEN TWO TOWNS. Is not this³⁵ an objection against R. Huna? — R. Huna can answer you: What is meant by ‘KARPAF’?³⁵ The law of karpaf, but in fact a karpaf is allowed for each town. This may also be supported by reason, since in the final clause it was stated: SO THAT BY ADDING TO EACH ONE A STRETCH OF LAND OF SEVENTY AND A FRACTION CUBITS THE KARPAF COMBINES THE TWO TOWNS INTO ONE. This is conclusive.

Must it be said that this³⁶ presents an objection against Hiyya b. Rab?³⁷ — Hiyya b. Rab can answer you:

(1) One thousand by one thousand sq. cubits on each of the four sides of the city amount to four million sq. cubits, cf. supra p. 398, n. 2.

(2) Cf. loc. cit. n. 3.

(3) Which, as has just been shown, amounted to $8,000,000 + 16,000,000 = 24,000,000$ sq. cubits; $8,000,000/24,000,000 = 1/3$.

(4) Sc. from the strip of open space around the town which, if square shaped, contains an area of eight million sq. cubits.

(5) The area of the city (1,000 X 1,000 sq. cubits) plus the area of the open space (a strip of a thousand cubits in width on the four sides of the town) amounts to $3,000 \times 3,000 = 9,000,000$ sq. cubits, when the city, and the open space around it are square shaped. When they are circular the total of their area amounts to $9,000,000 \times 1/4$ sq. cubits. The area of the open space alone amounts, therefore, to $9,000,000 \times 3/4 = 1,000,000 \times 3/4$ (area of circular city) = $3/4 (9,000,000 - 1,000,000) = 3/4 \times 8,000,000 = 6,000,000$ sq. cubits.

(6) The latter figure representing the total area of the limits of the land and the corners (v. supra 56b ad fin) which, unlike the open space, are not affected by the shape of the city.

(7) According to Rabina the reference is, as was first assumed (cf. supra text and notes), to a city whose area was 2,000 by 2,000 sq. cubits, and the area of whose limits, (i.e., the strips of 2,000 cubits perpendicular distance from its confines) plus the area of the corners between them, is $2,000 \times 2,000 \times 8 = 32,000,000$ sq. cubits, while the area of its open spaces along the limits, amounts to $2,000 \times 1,000 \times 4 = 8,000,000$ sq. cubits, $8,000,000/32,000,000 = 1/4$ which is the ‘quarter’ spoken of. Rabina is of the opinion that no land for the purpose of open space was set aside in the corners. V. Tosaf. s.v. **מאי**.

(8) No open space being allowed along the limits. Cf. previous note, the Tosaf. cited and Rashi s.v. **א"ל** a.l. The area of each corner being 4,000,000 sq. cubits and the area of the open space in each corner being 1,000,000 sq. cubits the latter area equals $(1,000,000/4,000,000 =) 1/4$ ‘a quarter’ of that of the former in each corner. The total area of the corners equals $4 \times 4,000,000$ while the total area of open spaces in these corners equals $4 \times 1,000,000$ the proportion of the latter to the former is, therefore, $4 \times 1,000,000/4 \times 4,000,000 = 1/4$ which is also ‘a quarter’.

(9) Num. XXXV, 4. How then could it be maintained that the open spaces were restricted (cf. prev. n.) to the corners only?

(10) ‘The sons of Aaron’ is enclosed in cur. edd. in parenthesis.

(11) Lev. I. 5.

(12) But this, surely, is contrary to the adopted practice of sprinkling the blood round the corners of the altar only.

(13) MS.M ‘Aha’; Rashi (s.v. **מאי** a.l.) ‘Habiba’.

(14) The modern Khuzistan.

(15) Which reduce the area of the open spaces which, in consequence, would represent less than a quarter of the corners.

(16) A circle has no projecting corners.

(17) As stated supra.

- (18) For the purpose of extending its Sabbath limits or the land around it in favour of the Levites.
- (19) Obviously not. An imaginary square causes no actual reduction.
- (20) MS.M., Habi; Bomb. ed. Hinai.
- (21) Supra 56b; 'The Sabbath limits gain eight hundred cubits' by the application to the corners of the diagonal of the tablet of two thousand cubits in length.
- (22) If the difference between a square and a circle is a quarter of the former it is also (since the proportion of the two figures is 3:4) a third of the latter. The difference consequently between a line of two thousand cubits (which may be regarded as the diameter of a circle) and the diagonal of a square whose sides measure two thousand cubits should be a third of two thousand $2000/3 = 666 \frac{2}{3}$ or $667 - \frac{1}{3}$.
- (23) That the approximate difference between the area of a square and that of a circle is a quarter of the former or a third of the latter.
- (24) In relation to any of its sides.
- (25) A side of the square spoken of being equal to 2,000 cubits, the diagonal of such a square must be equal to $2,000 \times \frac{7}{5}$ cubits. The gain, therefore, is $2,000 \times \frac{7}{5} - 2,000 = 2,000 \times \frac{2}{5} = 400 \times 2,000$ cubits.
- (26) V. Glos., a stretch of land extending to seventy and two thirds cubits away from the town.
- (27) Sc. the Sabbath limits begin at such a distance from the town and not from the town boundary.
- (28) This is explained in the Gemara infra.
- (29) Or 'EITHER' (v. Gemara infra). Lit., 'if there is to this . . . and if etc.'
- (30) I.e., two thirds of a cubit.
- (31) That a karpaf is allowed for every town.
- (32) Num. XXXV, 4, emphasis on 'outward' **הוֹצֵה**.
- (33) **הוֹצֵה**, Sc. KARPAF.
- (34) Of the Sabbath limit.
- (35) The use of KARPAF in the sing.
- (36) The final clause just cited, according to which a karpaf is allowed to each town.
- (37) Who allows only one karpaf for both towns.

Talmud - Mas. Eirubin 57b

This¹ is the view of² R. Meir.³ But if this is the view of R. Meir [the objection arises:] Was it not already enunciated in the first clause: A KARPAF IS ALLOWED FOR EVERY TOWN; SO R. MEIR? — [Both were] required. For if [the law were to be derived] from the former only it might have been presumed that one karpaf is allowed for one town and one is also allowed for two towns,⁴ hence we were informed⁵ that for two towns two karpafs are allowed. And if we had been informed of the latter only it might have been assumed [that R. Meir's view⁶ applied to such a case only] because [one karpaf is too] cramped for the use of two towns, but not in the former case⁷ where the space is not too cramped.⁸ [Hence both were] required.

We learned: SO ALSO WHERE THREE VILLAGES ARE ARRANGED IN THE SHAPE OF A TRIANGLE, IF BETWEEN THE TWO OUTER ONES THERE WAS A DISTANCE OF A HUNDRED AND FORTY-ONE AND A THIRD CUBITS, THE MIDDLE ONE CAUSES ALL THE THREE OF THEM TO BE REGARDED AS ONE. The reason then⁹ is because there was one in the middle, but if there had been none in the middle the outer two villages would not have been combined. Is not this¹⁰ an objection against R. Huna?¹¹ — R. Huna can answer you: Surely, in connection with this ruling it was stated: Rabbah¹² in the name of R. Idi who had it from R. Hanina explained: There is no need for the villages to be arranged in the shape of an equilateral¹³ triangle¹⁴ but that if on observation it is found that with the middle one placed between the other two they would form a triangle, and there would be between the one and the other¹⁵ a distance of no more than a hundred and forty-one and a third cubits¹⁶ the middle one causes all the three of them, to be regarded as one.¹⁷

Said Raba to Abaye: What [maximum distance] is allowed between an outer village and the

middle one?¹⁸ — ‘Two thousand cubits’,¹⁹ the other replied. ‘But did you not say’, the former asked: ‘that logical reasoning is in agreement with Raba the son of Rabbah son of R. Huna who ruled that a perpendicular distance of more than two thousand cubits was allowed?’²⁰ ‘What a comparison!’²¹ There, houses are in existence,²² but here there are no houses’.²³

Raba further asked Abaye: What [maximum distance] is allowed between the two outer ones? — ‘What [distance] is allowed’! What difference does this make in view of the ruling that ‘if . . . with the middle one placed between the other two’ there remains between them²⁴ ‘a distance of no more than a hundred and forty-one and a third cubits’ they are all regarded as one?²⁵ — Even if they²⁶ are four thousand cubits distant from one another? — ‘Yes’, the other replied. ‘But did not R. Huna lay down: If a town is shaped like a bow then if the distance between its two ends is less than four thousand cubits the Sabbath limits are measured from the bow string, otherwise measuring must begin from the arch?’²⁷ — ‘There’, the other replied. ‘you cannot say that the distance²⁸ is filled up²⁹ but here you can well say so’.³⁰

Said R. Safra to Raba: Behold the people of Ktesifon for whom we measure the Sabbath limits from the further side of Ardashir and the people of Ardashir for whom we measure the Sabbath limit from the further side of Ktesifon;³¹ does not the Tigris³² in fact cut between them a gap wider than a hundred and forty-one and a third cubits?³³ — The other thereupon went out and showed him the flanks of a wall that projected seventy and two thirds³⁴ cubits across the Tigris.³⁵

MISHNAH. SABBATH LIMITS MAY BE MEASURED ONLY WITH A ROPE OF THE LENGTH OF FIFTY CUBITS NEITHER LESS NOR MORE;³⁶ AND A MAN MAY MEASURE ONLY WHILE HOLDING THE END OF THE ROPE ON A LEVEL WITH HIS HEART.³⁷ IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED A GLEN OR A FALLEN WALL³⁸ HE SPANS IT³⁹ AND RESUMES⁴⁰ HIS MEASURING; IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING;

(1) The final clause just cited.

(2) Lit., ‘this according to whom?’

(3) It is not the conclusion of the ruling of the Sages, but a continuation of R. Meir’s ruling with which our Mishnah began.

(4) The purpose of the ruling being that every town shall have a karpaf but not one exclusively for itself.

(5) By the final clause.

(6) That karpafs are at all allowed.

(7) One town surrounded by open country.

(8) In such a case, it might have been assumed, R. Meir allows no karpaf at all.

(9) Why the two outer villages may be regarded as one despite the distance of a hundred and forty-one and a third cubits intervening.

(10) The requirement of a third village between the other two.

(11) Who allowed a karpaf for every town (or village) and according to whom the two outer villages would have been combined into one, even in the absence of the third village, owing to the fact that no more than the space of two karpafs ($2 \times 70 \frac{2}{3} = 141 \frac{1}{3}$ cubits) intervened between them.

(12) Var. lec. ‘Raba’, ‘It. Adda’.

(13) Lit., ‘actually’.

(14) Sc. that ‘the distance between any two of them shall be no greater than a hundred and forty-one and a third cubits.

(15) I.e., ‘the middle village and any of the other two.

(16) A distance that is equal to that of two karpafs on either side of the middle village.

(17) Even though the distance between the two outer ones is much greater than a hundred and forty-one and a third cubits.

(18) If it is desired that the middle one shall cause ALL THE THREE OF THEM TO BE REGARDED AS ONE.

(19) A Sabbath limit. Since it is permitted to walk without an ‘erub between the middle one and either of the others it is

also permitted to regard the former as placed between the latter.

(20) Between the middle point of the bow-string and the arch, in the case of a town that was built in the shape of a bow (supra 55b).

(21) Lit., 'thus now'.

(22) Throughout the area of the arch to either end of the imaginary string, so that it is possible to reach the 'string' via the bow.

(23) Between the middle village and the others, and all the distance between them must be traversed across open country.

(24) I.e., , the confines on either side of the middle one and each of the others.

(25) Which shows that the distance between the outer ones subject to this reservation is of no consequence.

(26) The outer ones.

(27) Supra 55a q.v. notes.

(28) Lit., 'there is no (reason) to say: Fill', between the houses at the two ends of the bow.

(29) Since there is nothing wherewith to fill it.

(30) Lit., 'there is (reason) to say: Fill', by regarding the third village as breaking up the distance and reducing it on either side.

(31) [Two neighbouring places, the former on the eastern and the latter on the western bank of the Tigris, v. Obermeyer pp. 164ff.] Thus assuming that the two towns are combined into one.

(32) In its course between the two towns.

(33) How then could the two towns be regarded as one?

(34) Lit., 'remnants.

(35) And thus reduced the gap between the buildings of the two towns to less than a hundred and forty one and a third cubits.

(36) The reason follows in the Gemara.

(37) Sc. each of the two surveyors must hold his end of the measuring rope at a level with his heart, in order to ensure correctness and in the process of measuring. Correctness is impossible where one end of the rope is held at one level and the other end at a higher or lower level, since the distance measured would in this case be less than the full length of the rope.

(38) That collapsed in a heap and across which people pass.

(39) [I.e., he takes into consideration only the horizontal span provided it is not more than fifty cubits]. Sc. one man stands on its near side while another stands on its far side, each of them holding one end of the rope which is thus stretched across the glen or the collapsed wall. By this method of measuring one gains for the Sabbath limit the distances taken up by the slopes.

(40) This refers to a glen, for instance, that was wider than fifty cubits (cf. n. 7) in a part that faced the town and narrower than fifty cubits in another part that was removed from the town sideways. The surveyor, when reaching the edge of the glen, is in such circumstances allowed to make a detour to the narrower section of the glen, to span it there with the rope, and to continue his measuring until the rope is perpendicular to the line drawn from the point furthest from the town on the far side of the glen. He then RESUMES his measuring from that point to the end of the Sabbath limit.

Talmud - Mas. Eirubin 58a

PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT. IF HE IS UNABLE TO SPAN IT — IN CONNECTION WITH THIS R. DOSTAI B. JANNAI STATED IN THE NAME OF R. MEIR, I HAVE HEARD THAT HILLS ARE TREATED AS THOUGH THEY WERE PIERCED'.¹

GEMARA. Whence is this² deduced? — Rab Judah citing Rab replied: From Scripture which says. The length of the court shall be a hundred cubits, and the breadth fifty by fifty,³ the Torah having thus⁴ enjoined: Measure with a rope of the length of fifty cubits. But is not this text required for the ordinance to take away fifty and to surround with them the other fifty?⁵ — If for that purpose only,⁶ Scripture might have said 'fifty, fifty' why then did it say 'fifty by fifty'? Hence both may be deduced.⁷ NEITHER LESS NOR MORE. One taught: Neither less because the measurements are

increased,⁸ nor more because they are reduced.⁹

R. Assi¹⁰ ruled: One must measure only with a rope of apeskima.¹¹ What is the meaning of apeskima? — R. Abba replied: Nargila. What is Nargila? — R. Jacob replied: A palm-tree which has only one bast. Others read: What is the meaning of apeskima? — R. Abba replied: Nargila; R. Jacob replied: A palm-tree which has only one bast.

It was taught: R. Joshua b. Hananiah said: 'You have nothing more suitable for measuring than iron chains, but what can we do in face of what the Torah¹² said: With a measuring line in his hand.¹³ Is it not, however, written: And in the man's hand was a measuring rod?¹⁴ — That was used for measuring the gates.

R. Joseph learned: There are three kinds of rope. Those made of megeg,¹⁵ of wicker and of flax. The megeg rope¹⁶ was used for the heifer;¹⁷ for we learned: They bound it with a rope of megeg and put it on its pile.¹⁸ The wicker rope was used in connection with the test of a faithless wife;¹⁹ for we learned: And after that he brings a wicker rope²⁰ and binds it above her breasts.²¹ The flax rope was used for measuring purposes.

IF IN THE COURSE OF MEASURING THE SURVEYOR REACHED. Since it was stated: RESUMES HIS MEASURING it may be inferred that if he is unable to span it²² he proceeds to a position²³ from where²⁴ he is able to do so and, after spanning it, he makes the necessary observations²⁵ [whereby he is enabled to locate the point on the far side]²⁶ that is in a straight line with his original line of measuring²⁷ and then he resumes [his measurements in a straight line] — Thus we have here learnt what the Rabbis have taught elsewhere: If in the course of measuring the measuring rope reached a glen, the surveyor may span it if he can do so with a rope of fifty cubits, but if not, he proceeds to a position²³ from where²⁴ he is able to span it and, having spanned it, he makes the necessary observations²⁵ [whereby he is enabled to locate the point on the far sides that is in a straight line with his original line of measuring] and then he resumes his measuring. If the glen was a crooked one²⁸ it is pierced in an upward, as well as in a downward direction.²⁹ If it³⁰ reached a wall we do not say: 'Let the wall be bored through';³¹ its thickness rather is estimated and the measuring continues.³² Have we not, however, learnt: HE SPANS IT AND RESUMES HIS MEASURING?³³ — There³⁴ it is a case of one that can be conveniently used³⁵ but here it is a case of one that cannot conveniently be used.³⁶

Rab Judah citing Samuel stated: This³⁷ was learned only in the case where a plumb line³⁸ does not descend in a straight line³⁹

(1) Supra 35b q.v. notes.

(2) That in measuring Sabbath limits only A ROPE OF THE LENGTH OF FIFTY CUBITS may be used.

(3) Ex. XXVII, 18. E.V. 'everywhere'.

(4) By the phrase 'by fifty'.

(5) Supra 23b q.v. notes.

(6) Lit., 'if so'.

(7) The deduction supra (v. prev. n.) as well as the ruling in our Mishnah.

(8) A shorter rope is likely to be stretched and each unit of rope would consequently cover more cubits of ground than the standard number it represents. The Sabbath limits would in consequence be greater than the permitted distance.

(9) A longer rope cannot be so well stretched and each unit of it would cover less ground than the standard number it represents. This would result in a loss in the Sabbath limits.

(10) Aruk, 'Ammi'.

(11) One (as explained presently) made of the fibers of a particular kind of palm-tree.

(12) The term is here used in its wider signification which includes also the Prophetic writings.

(13) Zech. II. 5.

- (14) Ezek. XL, 5.
- (15) A certain kind of reed. Aliter: Bast.
- (16) Because it is not susceptible to levitical uncleanness.
- (17) The red heifer (cf. Num. XIX, 2ff) which had to be prepared under conditions of strict levitical cleanness.
- (18) Parah III, 9.
- (19) A sotah (v. Glos. and cf. Num. V, 12ff).
- (20) Hebel ha-mizri, lit, 'an Egyptian rope'. Aliter: A common cord. Aliter: A rope of rushes.
- (21) Sotah 7b. Cf. Sonc. ed., p. 31, n. 1f.
- (22) The GLEN, the WALL or the HILL where, for instance, the section that along the town is wider than fifty cubits.
- (23) Away from the town.
- (24) The width across being less than fifty cubits.
- (25) Lit., , 'and looks'.
- (26) Of the obstruction that could not be spanned.
- (27) Cf. relevant notes on our Mishnah and first diagram *ibid.* Lit., 'corresponding to his measure'.
- (28) I.e., its narrow section (not exceeding fifty cubits) that could be spanned was not on that side of the town from which the sabbath limit was being measured (v. Rashi).
- (29) The method of piercing is described *infra* 58b.
- (30) The measuring line.
- (31) Sc. that poles towering above it shall be held up on both its sides and the rope stretched from one to the other (Tosaf. s.v. **וְיָסֵב** a.l.).
- (32) Tosef. 'Er. IV.
- (33) Why then is a mere estimate allowed in this case?
- (34) In our Mishnah.
- (35) One for instance that rises gently to a height of ten handbreadths in all area of four cubits. Hence it must either be spanned or pierced.
- (36) A wall, for instance, that rose sharply in a perpendicular direction. As its sides are of no use for walking purposes they may be disregarded and only the estimated thickness of the wall need be included in the measurements.
- (37) That the method of piercing is admissible.
- (38) Suspended from the edge of the glen and reaching the bed.
- (39) Lit., 'corresponding to it'. This is defined *infra* 58b.

Talmud - Mas. Eirubin 58b

but if it does descend in a straight line¹ the bottom of the glen is measured by the ordinary method.²

What may be the depth of a glen?³ — R. Joseph replied: Two thousand cubits. Abaye raised an objection against him: [If a glen was] a hundred cubits deep and fifty cubits wide one may span it, otherwise one may not! — He holds the view of 'Others',⁴ it having been taught: Others rule: Even though a glen was two thousand cubits deep but only fifty cubits wide one may span it.

Some there are who read: R. Joseph replied: Even if it was deeper than two thousand cubits. In agreement with whose view is this ruling? Is it neither in agreement with that of the first Tanna⁵ nor with that of the 'Others'?⁶ — There⁷ it is a case where the plumb line does not descend in a straight line⁸ but here it is one where it does descend in a straight line.⁹

Where the plumb line does not descend in a straight line how much [deviation]¹⁰ is allowed? — Abimi replied: Up to four cubits; and so learned Rami b. Ezekiel: Up to four cubits.

IF HE REACHED A HILL HE SPANS IT AND RESUMES HIS MEASURING. Raba explained: This¹¹ was learnt only in respect of a hill that has a rise of ten handbreadths to a gradient of four cubits,¹² but a hill that has a rise of ten handbreadths to five cubits must be measured in the usual manner.¹³ R. Huna son of R. Nathan taught this¹⁴ in the direction of leniency: Raba explained. This¹⁵

was learnt only in respect of a hill that has a rise often handbreadths to a gradient of five cubits,¹⁶ but a hill that has a rise of ten handbreadths to a gradient of four cubits¹⁷ one need only estimate its base and proceed with his measuring.

PROVIDED HE DOES NOT GO BEYOND THE SABBATH LIMIT.¹⁸ What is the reason? — R. Kahana replied: This was ordained as a preventive measure against the possible assumption that the Sabbath limit reached to that point.¹⁹

IF HE IS UNABLE TO SPAN IT. Our Rabbis taught: How is the method of piercing carried out? The man on the lower level holds his end of the rope on a level with his heart while the man on the higher level holds his end on a level with his feet. Abaye stated: We have it as a tradition that piercing may be effected only with a rope of the length of four cubits.

R. Nahman citing Rabbah b. Abbuha stated:²⁰ The method of piercing must not be employed in measurements in connection with the broken-necked heifer²¹ nor in those around the cities of refuge.²¹ because these are ordinances of the Torah.²²

MISHNAH. [THE SABBATH LIMIT OF A TOWN] IS MEASURED ONLY ALONG THE BEATEN TRACK.²³ IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER,²⁴ THE EXTENDED LIMIT IS OBSERVED.²⁵ IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER,²⁶ THE GREATER DISTANCE IS OBSERVED. FURTHERMORE, EVEN A BONDMAN AND EVEN A BONDWOMAN ARE BELIEVED WHEN THEY SAY, 'THUS FAR IS THE SABBATH LIMIT', SINCE THE SAGES DID NOT ENACT THE LAW²⁷ IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM.

(1) I.e., if the sides of the glen are practically perpendicular (as will be defined infra) so that they cannot be used at all for walking purposes.

(2) Lit., 'a proper measurement'.

(3) That is spanned if it is not wider than fifty cubits.

(4) With a capital O, sc. R. Meir (cf. Hor. 13b).

(5) Who limits the depth to one hundred cubits.

(6) R. Meir who allows a depth of two thousand cubits but no more.

(7) The case in dispute between the first Tanna and others.

(8) As the slopes of the glen, to a limited extent at least, can be used for walking on, its depth was restricted.

(9) The sides of the glen being absolutely unsuitable for walking, its depth, however great, is of no consequence.

(10) At the bed of the glen in relation to the edge thereof.

(11) That the method of spanning or piercing is allowed.

(12) V. Rashi a.I.

(13) Such a gentle slope is deemed to be on a par with level ground which may not be measured either by spanning or by piercing.

(14) Raba's view just enunciated.

(15) That the method of spanning or piercing is allowed.

(16) Since it is not level ground one of the methods of spanning or piercing may be adopted.

(17) Being too steep and hardly suitable for walking.

(18) Cf. relevant notes in our Mishnah, and diagram *ibid*.

(19) Beyond the permitted limit. In the absence of the preventive measure people might desecrate the Sabbath by walking as far as that point, believing it to be within the Sabbath limit of their town.

(20) Cur. edd. in parenthesis, 'we have a tradition'.

(21) *Supra* 35b q.v. notes.

(22) Which require exact measurements. No estimates or approximate calculations being allowed, slopes of hills or dales must be carefully measured cubit by cubit as level ground.

(23) Reading **מִן הַמוֹמָחָה**, the noun being derived from rt. **מָחָה** 'to strike' (R. Han. Cf. Tosaf. s.v. **אֵין** a.l.). Var. lec. **מוֹמָחָה** 'expert', 'skilled surveyor' (cf. Rashi s.v. **הָא"ל** a.l.).

(24) Lit., 'and reduced towards another place'.

(25) Lit., 'hear', sc. the lesser limit is extended to the length of the greater one. As the measuring rope must be stretched to its utmost capacity so as to cover the maximum length possible it is assumed that the deficiency in the lesser limit is due to all insufficient stretching of the rope.

(26) This is explained in the Gemara infra.

(27) Of Sabbath limits.

Talmud - Mas. Eirubin 59a

GEMARA. Is¹ THE EXTENDED LIMIT only observed² but not the reduced limit?³ — Read: Even as far as the extended limit.⁴

IF THERE WAS A GREATER DISTANCE FOR ONE AND A LESSER DISTANCE FOR ANOTHER etc. What need again was there for this rule? Is it not practically identical with the previous one?⁵ — It is this that was meant: If one surveyor extended the limit and another reduced it, the one whose limit is the greater is to be obeyed. Abaye added: Provided the extended limit⁶ does not exceed the lesser one by more than the difference between the diagonal and a side of the town.⁷

SINCE THE SAGES DID NOT ENACT THE LAW IN ORDER TO ADD RESTRICTIONS BUT IN ORDER TO RELAX THEM. But was it not taught: The Sages did not enact the law in order to relax restrictions but in order to impose them? — Rabina replied. The meaning⁸ is: Not to relax restrictions in connection with Pentateuchal laws but to add restrictions to them; the laws of the Sabbath limits, however, are only Rabbinical.⁹

MISHNAH. IF A TOWN THAT BELONGED TO AN INDIVIDUAL WAS CONVERTED INTO ONE BELONGING TO MANY,¹⁰ ONE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN;¹¹ BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED INTO ONE BELONGING TO AN INDIVIDUAL, NO SINGLE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN¹² UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH¹³ IN JUDEA, WHICH CONTAINS FIFTY RESIDENTS, IS EXCLUDED;¹⁴ SO R. JUDAH. R. SIMEON RULED: THREE COURTYARDS EACH OF WHICH CONTAINED TWO HOUSES.

GEMARA. How is one to imagine A TOWN THAT BELONGED TO AN INDIVIDUAL AND WAS CONVERTED INTO ONE BELONGING TO MANY?- Rab Judah replied: The residential district,¹⁵ for instance, of the Exilarch. Said R. Nahman to him: What is your reason?¹⁶ If it be suggested: Because many people meet at the seat of authority¹⁷ they would remind each other,¹⁸ are not all Israel [it may be objected] assembled together on a Sabbath morning also?¹⁹ — Rather said R. Nahman: The private town, for instance, of Nitzwoi.²⁰

Our Rabbis taught: If a town belonging to an individual was converted into one belonging to many, and a public domain²¹ passed through it, how is an 'erub to be provided for it? A side post or a cross-beam, is fixed on either side²² and thereby one is enabled to move things about in the space between them.²³ No erub, however, may be provided for a half of it,²⁴ but either one erub for all of it or one 'erub for each alley separately.²⁵ If a town did, and still does belong to many

(1) Since the Mishnah ruled: 'THE EXTENDED LIMIT IS OBSERVED'.

(2) Lit., , 'yes'.

(3) Is this likely? If it is permitted to walk the greater distance is it possible that the lesser one should be forbidden?

(4) Sc. the lesser limit (cf. nn. on our Mishnah) is extended to that of the greater one.

(5) IF ONE EXTENDED THE LIMIT AT ONE POINT MORE THAN AT ANOTHER.

- (6) Where it exceeded the difference between the measurements by a taut and a sagging rope.
- (7) In such a case it is possible to assume that one surveyor erroneously measured the perpendicular from the side while the other properly measured diagonally (v. supra 58b); cf. Rashi s.v. שלש and cf. Tosaf. s.v. למקום a.l.
- (8) Of the Baraita just cited.
- (9) Which may well be relaxed (cf. supra 36a. Sotah 30b). Hence the statement in our Mishnah.
- (10) I.e., belonging to one individual from which all the inhabitants hold their houses in tenancy. The whole town is, therefore, treated like one huge courtyard.
- (11) As was the case before it has changed its character. The entire town is treated as one large courtyard, no independent provision being required for its alleys. This, as will be explained infra, applies to a town that has no public domain sixteen cubits in width.
- (12) Though before it changed its character one 'erub served for the whole town.
- (13) V. Josh. XV, 37.
- (14) From the benefits of the general 'erub, and a separate 'erub is provided for it. This exclusion serves as a reminder of the former public character of the town and provides the necessary precaution in case the town is re-converted into one belonging to many when separate provision would have to be made for each individual alley.
- (15) [Daskarta from the Persian "das" = district, and Aramaic 'Katha' = city; v. Obermeyer p. 146.]
- (16) For instancing just the Exilarch's town.
- (17) Harmana, metaph. for the Exilarch's office.
- (18) Of the real character of the town and would not be likely, in consequence, to mistake the difference between a public town and a private one.
- (19) For public worship or study.
- (20) MS.M., 'Nishwor', a certain individual who owned a town; and the same law applies to any town in private ownership that was converted into one belonging to many.
- (21) A road sixteen cubits wide.
- (22) Of the public domain.
- (23) This applies only to a town that had no wall round it so that the two ends of the public domain terminated in the open country. Hence it is only in the case of a town that was originally in private ownership that the contrivances mentioned are sufficient. In the case of one that always belonged to the public such contrivances are invalid, all the town's alleys being subject to restrictions similar to those of the public domain.
- (24) Since originally it constituted one domain it cannot now be broken up into two independent domains. The inhabitants of the one half (like the residents in one of the courtyards of an alley who failed to participate in the 'erub of the other courtyards that cause the entire alley to be forbidden to all) cause the entire town to be forbidden to all.
- (25) The objection will be raised infra as to why (cf. prev. n.) the alleys do not cause one another to be forbidden to all.

Talmud - Mas. Eirubin 59b

but¹ had only one gate,² a single 'erub suffices for all of it. Who is it that learned that a public domain may thus be provided with an 'erub? — R. Huna son of R. Joshua replied: It is R. Judah; for it was taught: 'A more lenient rule than this did R. Judah lay down: If a man had two houses on the two sides respectively of a public domain he may construct one side-post on one side of any of the houses and another on the other side, or one cross-beam on the one side of any of the houses and another on its other side and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an 'erub in such a manner'.³

The Master said: 'No 'erub, furthermore, may be provided for a half of it'. R. Papa explained: This was said only [in the case where the division was] longitudinal⁴ but if it was crosswise⁵ an 'erub may be provided for each half separately. In agreement with whose view has this⁶ been laid down? It is contrary to that of R. Akiba, for if it were suggested that it was in agreement with his view [the objection would arise:] Did he not rule: A man⁷ who is permitted freedom of movement in his own place⁸ causes the restriction of free movement on others⁹ in¹⁰ a place that is not his?¹¹ — It⁶ may be said to be in agreement even with the view of R. Akiba, since he maintained his view only there where it was a case of two courtyards one of which was behind¹² the other so that the inner one

had no other door,¹³ but not here where the inhabitants in the one half could gain egress through one gate while those in the other half could gain egress through the other.

Some there are who read: R. Papa explained: It must not be assumed [that only where the division was] longitudinal¹⁴ may no 'erub be prepared¹⁵ but that where it was crosswise¹⁶ an 'erub may be prepared.¹⁵ The fact is that even where the division was crosswise no 'erub may be prepared.¹⁵ In agreement with whose view is this¹⁷ laid down? Is it only in agreement with that of R. Akiba?¹⁸ — It¹⁷ may be said to be in agreement even with the view of the Rabbis, since they maintained their view¹⁹ there only where it is a case of two courtyards one behind²⁰ the other so that the inner one can well lock its gate and use [its own area only].²¹ but can the public domain here be shifted from its place?²²

The Master said: 'Either one 'erub for all of it or one 'erub for each alley separately'. Now why is no separate 'erub allowed for either half? Obviously because they would cause one another to be forbidden;²³ but then would not the various alleys also²⁴ cause one another to be forbidden?²⁵ — Here we are dealing with a case where a barrier was provided,²⁶ and this ruling is in harmony with the following one that was laid down by R. Idi b. Abin in the name of R. Hisda: Any of the residents of an alley who had made a barrier to his courtyard entrance²⁷ can no longer²⁸ impose any restrictions on the freedom of movement of the other residents of the alley.

BUT IF A TOWN BELONGED TO MANY AND WAS CONVERTED etc. R. Zera provided an 'erub for R. Hiyya's town²⁹ and left no section out [of its provision]. Said Abaye to him, 'Why did the Master act in this manner?'³⁰ 'Its elders', the other replied: 'told me that R. Hiyya b. Assi used to provide one 'erub for all the town and I have, therefore, concluded that it must have been a town that once belonged to a single owner and was later converted into one belonging to many'.³¹ 'The same elders', the first retorted, told me: "It formerly had a rubbish heap on one side";³² but now that the rubbish heap has been removed the town must be regarded as possessing two gates in which [the preparation of a single 'erub only] is forbidden'. 'I', the other admitted, 'was not aware of this'.

R.³³ Ammi b. Adda of Harpania enquired of Rabbah,³⁴ 'What is the ruling where a town had a ladder³⁵ on one side and a gate on the other?'³⁶ — 'Thus', the other replied, said Rab, 'A ladder has the legal status of a door'. 'Do not pay heed to him', exclaimed R. Nahman, 'thus ruled R. Adda b. Ahabah³⁷ in the name of Rab:³⁸ "A ladder has sometimes the status of a door and sometimes that of a wall". It has the status of a wall³⁹ as has just been laid down;⁴⁰ and it has the status of a door where a ladder⁴¹ is put up between two courtyards⁴² in which case the residents, if they wish, may⁴³ provide only one 'erub,⁴⁴ and if they prefer, they may provide two separate 'erubs'.⁴⁵

Could R. Nahman, however, have made such a statement?⁴⁶ Did not R. Nahman in fact lay down in the name of Samuel: If the residents of a courtyard and those of a balcony⁴⁷ above it forgot

(1) Being enclosed on all sides.

(2) Thus being short of the requirements of a public domain which must be wide open at both its ends.

(3) Supra 6af q.v. notes.

(4) Sc. if the division was made along the public domain which ran through the entire length of the town, from gate to gate, and divided it into two longitudinal halves. As the public domain is used by the inhabitants on both sides it forms a link between the two halves of the town and combines them into one inseparable unit.

(5) Sc. it cut the town into two halves across the middle of the public domain and left for either half of the town a half of the public domain with the gate at its end, so that it was possible for the inhabitants of either half to use their own gate as entrance and exit and to avoid entirely the use of the public domain in the other half of the town.

(6) R. Papa's ruling.

(7) Lit., 'foot', hence a man's right of passage.

(8) Sc. in his own courtyard where a valid 'erub had been prepared.

- (9) Even though they also prepared the prescribed 'erub.
- (10) Cur. edd. insert 'even' which is deleted by Rashi and others.
- (11) Infra 75a. Sc. in an outer courtyard in which he did not reside but in which he was entitled to the right of passage by virtue of his residence in an inner courtyard whose one and only door opened out into it. Now, since according to R. Akiba the residents of the inner courtyard, on account of their right of passage through the outer one, impose restrictions on the free movement of its residents, the inhabitants of the two halves of the town under discussion should likewise, according to R. Akiba, impose upon one another the restrictions of free movement, since each of them is also entitled to a right of passage through the public domain that passed through the other half of the town in which he did not reside. As no such restrictions, however, are imposed, must R. Papa's ruling be said to be contrary to R. Akiba's view?
- (12) Lit., 'within'.
- (13) But the one that opened into the outer courtyard. As no other door was available to them, the residents of the inner courtyard must perforce use the outer courtyard as their only passage to the street and, by this right of entry, must restrict the freedom of movement of its residents.
- (14) V. supra p. 414, n. 2.
- (15) By the inhabitants of each half town separately.
- (16) V. supra p. 414, n. 3.
- (17) R. Papa's ruling.
- (18) Cf. prev. nn. Is it likely, however, that R. Papa would lay down a ruling that was contrary to the opinion of the majority of the Rabbis who differed from R. Akiba?
- (19) That where each courtyard had prepared a separate 'erub the residents of the inner one, despite their right of passage through the outer one, do not restrict the freedom of movement of its residents.
- (20) Lit., , 'within'.
- (21) In the interests of the residents of the outer courtyard the inner ones might well be expected to forego their right of passage for that one day.
- (22) Of course not. As it must remain where it is and there is no gate, fence or any other distinguishing mark to separate the one half of the town from the other, the two halves must be regarded as one unit and, therefore, no separate 'erubs can be permitted.
- (23) As was explained supra.
- (24) Since originally when the town belonged to one owner they were allowed free movement between each other.
- (25) Despite the side-posts or cross-beams.
- (26) For the entrance to each alley, the residents thereby indicating that they desired to sever all connection between their previously united alleys.
- (27) Thus indicating his desire to be dissociated from his neighbours.
- (28) By failing to join them in their 'erub.
- (29) Which belonged to many.
- (30) Sc. why did he not exclude at least a section OF THE SIZE OF THE TOWN OF HADASHAH?
- (31) In which case ONE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN.
- (32) As the heap blocked up one of the gates all the town, which was thus left with one gate only, could well be provided (as laid down supra) with a single 'erub.
- (33) Wanting in MS.M.
- (34) MS.M. adds: 'b. Abbuha'.
- (35) Whereby the town wall could be scaled.
- (36) Is the town to be treated as having two gates?
- (37) So Bah. Cur. edd. omit the last two words.
- (38) MS.M. omits, 'in the ... Rab'.
- (39) I.e., it is not regarded as a door.
- (40) By R. Nahman, where the ladder was used as a means of entrance into, and exit from the town.
- (41) Four handbreadths wide.
- (42) Which had no door between them.
- (43) As in the case of two courtyards between which a door communicated (cf. infra 76a).
- (44) For both courtyards; and all the residents are, thereby, permitted to use both courtyards by way of the trip of the wall or through any holes or cracks in the wall.

(45) One for each courtyard, and the residents of the one do not in any way affect the freedom of movement of the other, each courtyard being regarded as a separate domain.

(46) That a ladder has the status of a wall where such status leads to a relaxation of the law.

(47) Marpeseth, a balcony or gallery to which the doors of the dwellings of an upper storey open and which communicates with the courtyard below by means of a ladder.

Talmud - Mas. Eirubin 60a

to prepare an 'erub¹ the latter does not restrict freedom of movement in the former if a barrier, four handbreadths in height, intervened between them,² otherwise it does impose a restriction?³ — Here we are dealing with a case where the balcony was less than ten handbreadths high.⁴ But if the balcony was less than ten handbreadths high⁵ what is the use of making a barrier?⁶ — This is a case where it was enclosed [all along its length] up to ten cubits,⁷ so that if it was provided with a barrier they may be deemed to be entirely removed from there.⁸

Rab Judah citing Samuel ruled: If a wall⁹ was lined with ladders,¹⁰ even though they extended to a greater length than ten cubits, it nevertheless retains the status of a wall.¹¹ R. Berona pointed out to Rab Judah the following incongruity at the schoolhouse¹² of R. Hanina:¹³ Could Samuel have ruled that 'it nevertheless retains the status of a wall',¹⁴ seeing that R. Nahman citing Samuel ruled: If the residents of a balcony and those of a courtyard¹⁵ forgot to prepare a joint 'erub they do not impose any restrictions upon one another if there was a barrier of four handbreadths between them, otherwise they do impose restrictions upon one another?¹⁶ — Here we are dealing with a case where the balcony was less than ten handbreadths high.¹⁷ But if the balcony is 'less than ten handbreadths high' what is the use of making a barrier? This is a case where it was enclosed [all along its length] up to ten cubits, so that if a barrier is provided they may be deemed to be completely removed from that place.¹⁸

Some of the men of Kekunai¹⁹ once came to R. Joseph and said to him, 'Send with us a man who might prepare an 'erub for our town'.²⁰ 'Go', he said to Abaye, 'and prepare the 'erub for them but see that there is no outcry against it at the schoolhouse'.²¹ Proceeding thither he observed that certain houses opened on to the river.²² 'These',²³ he said: 'might serve as the excluded section²⁴ of the town'. Changing his mind he said: 'We learned: NO SINGLE 'ERUB MAY BE PROVIDED FOR ALL THE TOWN, from which it follows that if it were desired,²⁵ they could all join in one 'erub'.²⁶ I would, however, provide for them, windows,²⁷ so that if desired they could be joined in the general 'erub" of the town through those windows'.²⁸ Then he said: 'This²⁹ is not necessary, since Rabbah b. Abbuha in fact provided separate erubs for each row of alleys throughout all Mahuza on account of the cattle ditches that intervened between the rows,³⁰ where³¹ each row served as the statutory excluded section for the other³² though these could not join one another in a common 'erub even if they had wished to do so'.³³ Then again he said: 'The two cases³⁴ are really' unlike, since there³⁵ one could if desired prepare the 'erub by way of roofs³⁶ while these³⁷ could not possibly join in one general 'erub: consequently let us provide for them windows'. Finally, however, he said: 'Windows are not necessary either, for Mar b. Pumbeditha of Pumbeditha had a store of straw which³⁸ he set aside for Pumbeditha as the statutory section that was to be excluded'.³⁹ 'It is on account of this [group of houses]'. Abaye remarked: 'that the Master warned me: See that there is no outcry against it at the schoolhouse'.⁴⁰

UNLESS A SECTION OF IT OF THE SIZE OF THE TOWN OF HADASHAH . . . IS EXCLUDED. It was taught: R. Judah related, 'There was a town in Judea whose name was Hadashah which had fifty inhabitants, men, women and children, by means of which the Sages determined [the statutory size of the sections to be excluded];⁴¹ and this town itself served as the excluded section [of a larger town].⁴²

The question was raised: What was the procedure in Hadashah itself?⁴³ — Since Hadashah served as the excluded section of the large town⁴² the latter also obviously served as the excluded section of the smaller town; the question rather is: What is the procedure⁴⁴ in a town that is similar in size to Hadashah?⁴⁵ — R. Huna and Rab Judah differ on this point — One holds that a section of it must be excluded while the other maintains that none need be excluded.

R. SIMEON RULED: THREE COURTYARDS etc. R. Hama b. Goria citing Rab stated: The halachah is in agreement with R. Simeon. R. Isaac ruled: Even one house and one courtyard [are sufficient].⁴⁶ ‘One courtyard’! Is this conceivable?⁴⁷ — Rather say: One house in one courtyard. Said Abaye to R. Joseph: ‘Is that ruling of R. Isaac a tradition or a logical deduction?’ — ‘What’, the other retorted: ‘does this matter to us?’ — ‘Is then’, the first replied. ‘the study of Gemara to be a mere sing-song?’⁴⁸

MISHNAH. IF A MAN WHO WAS⁴⁹ IN THE EAST⁵⁰ INSTRUCTED HIS SON,⁵¹ ‘PREPARE FOR ME AN ‘ERUB⁵¹ IN THE WEST’,⁵² OR IF HE WAS IN THE WEST⁵² AND HE INSTRUCTED HIS SON⁵¹ ‘PREPARE FOR ME AN ‘ERUB⁵¹ IN THE EAST’,⁵² IF THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS⁵³ AND THAT BETWEEN HIM AND HIS ‘ERUB WAS MORE THAN THIS, HE IS PERMITTED TO PROCEED TO HIS HOUSE⁵⁴ BUT FORBIDDEN TO PROCEED TO HIS ‘ERUB.⁵⁵ IF THE DISTANCE TO HIS ‘ERUB WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS, HE IS FORBIDDEN TO PROCEED TO HIS HOUSE⁵⁶ BUT PERMITTED TO PROCEED TO HIS ‘ERUB.⁵⁷ IF A MAN DEPOSITS HIS ‘ERUB WITHIN THE [SABBATIC] EXTENSION OF A TOWN,⁵⁸ HIS ACT IS OF NO CONSEQUENCE.⁵⁹ IF HE DEPOSITED IT EVEN ONE CUBIT ONLY BEYOND THE Limit⁶⁰

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- (1) Jointly for the balcony and the courtyard, but each was provided with a separate ‘erub.
 - (2) Lit., ‘before them’, sc. at the foot of the ladder. The door forms a partition between the two courtyards so that the residents of the one can in no way affect those of the other.
 - (3) As if the ladder were a proper door communicating between the balcony above and the courtyards below. From this it follows that, according to R. Nahman, a ladder has the status of a door where such status leads to a restriction of the law; how then could it be said supra that he held a ladder to have the status of a wall where the law is thereby relaxed?
 - (4) It is in such a case only that a ladder cannot be regarded as a wall whereby the law might be relaxed.
 - (5) And consequently fully open to the courtyard.
 - (6) Balcony and courtyard, being so close to each other, would be like two courtyards between which no wall intervened which cannot be separated from each other in their ‘erub arrangements.
 - (7) I.e., leaving only a gap not exceeding ten cubits as a doorway.
 - (8) I.e., the residents of the balcony and courtyard respectively may be deemed as having withdrawn themselves from the use of each other's domain. In the absence of such a barrier, however, the balcony, owing to its close proximity to the courtyard below, and its two cubits doorway, must inevitably be regarded as forming one domain with that courtyard even though the law must be restricted as a consequence.
 - (9) Between two courtyards.
 - (10) Sc. a number of ladders were placed against the wall, one next to the other.
 - (11) The ladders, though they afford access from one courtyard into the other, are not necessarily regarded as a breach of more than ten cubits that causes the two courtyards to be regarded as one requiring a joint ‘erub, but can also be treated, if it is so desired, as a wall separating the two domains necessitating an ‘erub for each domain (Rashi).
 - (12) Aliter: press-room.
 - (13) Var. lec. ‘Sata’ (MS.M.) ‘bar Senina’ (Bomb. ed.).
 - (14) Sc, that the law is not restricted to deprive a wall of its status on account of a ladder that was placed against it.
 - (15) Situated in close proximity below the former.
 - (16) Since the height of the balcony was not stated the ruling presumably applies also to one that was ten handbreadths high and that had the status of a wall; which shows that a ladder (the usual means of communication between balcony and courtyard) does deprive a wall of its status and imparts to it the character of one that has a door in it.

- (17) So that even in the absence of the ladder it could not be regarded as a valid wall.
- (18) V. supra p. 418, nn. 1-2.
- (19) Or 'Korkunia'; identified with Kirkesium or Circesium on the Euphrates.
- (20) Which belonged originally to one man and was now the possession of many.
- (21) On account of the requirement for a certain section to be excluded from the provisions of the general 'erub of the town (cf. our Mishnah).
- (22) That flowed behind the town, the houses having possessed no other doors opening towards the town.
- (23) Which, owing to the position of the doors, could not in any case be included in the general 'erub of the town.
- (24) Lit., 'remainder'.
- (25) To include those that were once excluded, and to exclude instead other houses.
- (26) As the houses by the river, however, could not in any case be included (cf. supra n. 6) in the town's 'erub they could not obviously be set aside as the statutory section to be excluded.
- (27) That will face the town, and the size of each of which would be four handbreadths by four.
- (28) And consequently night well serve also as the statutory section to be excluded.
- (29) The provision of windows.
- (30) Supra, 26a q.v. diagram and notes.
- (31) Since many alleys in each row were allowed to join in one erub despite the fact that the town that belonged to one man belonged once to many.
- (32) For if that had not been the case each alley would have required a separate 'erub to itself and a side-post air cross-beam.
- (33) On account of intervening cattle ditches which cut off the approaches between the various rows. Similarly in the case of the houses by the river, though they could not be included in the provision of the general 'erub of the town, they might well serve as the statutory section to be excluded.
- (34) The houses by the river and the rows of alleys that were separated by the cattle ditches.
- (35) The last mentioned (v. prev. n.).
- (36) Connected by balconies with one another.
- (37) In the absence of the windows mentioned.
- (38) Since (as laid down infra) the halachah is in agreement with R. Simeon that it is not necessary to exclude fifty tenants.
- (39) As the exclusion of this store-house satisfied the statutory requirements so should the houses by the river.
- (40) [Had he insisted on the people providing this group of houses with windows unnecessarily, he would have raised an outcry; v. Tosaf. **היינו**].
- (41) Cf. our Mishnah.
- (42) In its vicinity.
- (43) Sc. could all the inhabitants of Hadashah join in one 'erub?
- (44) Cf. prev. n. mut. mut.
- (45) But which, unlike Hadashah, was not near to a large town.
- (46) To constitute the statutory section.
- (47) A courtyard without a house, surely, could not be regarded as a dwelling.
- (48) A monotonous droning where no one is interested in sources or origins.
- (49) At the time the Sabbath had set in.
- (50) Sc. in the open country in an easterly direction from his house or HIS SON (v. Gemara infra).
- (51) Prior to the commencement of the Sabbath.
- (52) Cf. supra n. 5.
- (53) The permitted Sabbath limit.
- (54) Sc. his house, with whose Sabbath limit he was when the Sabbath had begun is regarded as the place of his Sabbath rest from where he is entitled to walk distances of two thousand cubits in all directions.
- (55) Because at the time the Sabbath had begun he was more than a Sabbath limit away from it (cf. prev. n. mut. mut.). The place of an 'erub which one is unable to reach during the Sabbath between this be regarded as one's place of Sabbath rest. (On the distinction between this else and the one supra 50b, v. Rashi a.l.).
- (56) Cf. prev. n. mut. mut.
- (57) Cf. supra n. 9, mut. mut.

(58) I.e., within the area of seventy and two thirds cubits around the town from which the two thousand cubits of the Sabbath limit are measured.

(59) Lit., 'he has not done anything', since in the absence of the 'erub also he (cf. prev. n.) is permitted to move within that area as well as a Sabbath limit of two thousand cubits beyond it in all directions on any side of the town; while all the town itself is in this respect regarded as an area of no more than four cubits by four within which its inhabitants may freely move in addition to the limits mentioned.

(60) I.e., (cf. Gemara infra) beyond the Sabbatic extension of seventy and two thirds cubits around the town.

Talmud - Mas. Eirubin 60b

HE LOSES¹ WHAT HE GAINS.²

GEMARA. Assuming that EAST³ means the east side of his house and that WEST³ means the west of his house,⁴ one can well understand how it is possible that THE DISTANCE BETWEEN HIM AND HIS HOUSE WAS NO MORE THAN TWO THOUSAND CUBITS AND THAT BETWEEN HIM AND HIS ERUB WAS MORE THAN THIS, since he would reach his house before he could⁵ reach his 'erub, but how is it possible that THE DISTANCE between him and HIS 'ERUB should be NO MORE THAN TWO THOUSAND CUBITS AND THAT TO HIS HOUSE MORE THAN THIS? — R. Isaac replied: Do you think that EAST³ means east of his house and WEST³ the west of his house? The meaning in fact is not so; EAST denotes the east of the position of HIS SON and WEST denotes the west position of HIS SON.⁶ Raba son of R. Shila⁷ replied: One may even explain EAST as the east of his house and WEST as the west of his house where, for instance, his house stood in a diagonal direction.⁸

IF A MAN DEPOSITS HIS 'ERUB WITHIN THE [SABBATIC] EXTENSION etc. How can you possibly assume that an 'erub would be deposited BEYOND THE LIMIT?⁹ — Rather read: Outside the Sabbatic extension.¹⁰

HE LOSES WHAT HE GAINS. Only WHAT HE GAINS and no more? Was it not in fact taught: If a man deposits his 'erub within the [Sabbatic] extension of a town, his act is of no consequence. If he deposited it even one cubit only beyond the [Sabbatic] extension of the town, he gains that cubit¹¹ and loses all the town¹² because the extent of the town is included in the extent of the Sabbath limit?¹³ — This is no difficulty, since the latter refers to a case where his measure¹⁴ terminated within the town,¹⁵ while the former deals with one where his measure terminated at the far end of the town;¹⁶ this being in agreement with a ruling of R. Idi who laid down in the name of R. Joshua b. Levi: If a man¹⁷ was measuring [the two thousand cubits distance from his acquired Sabbath abode] and advancing towards a town, and his measure¹⁸ terminated in the middle of the town he is allowed to proceed no further than half the town, but if his measure terminated at the far end of the town,¹⁹ all the town, as far as he is concerned, is regarded as four cubits and the remainder of the Sabbath limit²⁰ may be made up for him.²¹ These,²² exclaimed R. Idi, are nought but prophetic utterances;²³ for what is the difference whether the measure terminated in the middle of the town or at the end?²⁴ — Said Raba: We have learnt²⁵ both these cases: The people of a large town may walk through the whole of a small town,²⁶

(1) In one direction of the town.

(2) In the other direction. If the 'erub, for instance, was deposited at a distance of one thousand cubits in an easterly direction of the town the man, since the 'erub entitles him to walk distances of two thousand cubits from it in all directions, is entitled to walk a total distance of (1000 + 2000 =) 3000 cubits from the town in an easterly direction but only one thousand cubits in the westerly direction. The entire area of the town itself, as mentioned supra is, in this respect regarded as no bigger than four cubits by four and, in consequence, is not to be deducted from the extent of the permitted limits.

(3) So MS.M. (agreeing with the reading in our Mishnah). Cur. edd. here add lamed, 'to the'.

- (4) The house being situated between him on the one side of it and his son on the opposite side.
- (5) Lit., 'and not'.
- (6) The position of his house, however, may well have been much further away than that of his 'erub.
- (7) MS.M., 'Rabbah b. Shila'.
- (8) In relation to him and his 'erub.
- (9) Such an 'erub, which is unapproachable on the Sabbath, would surely be useless.
- (10) Of seventy and two thirds cubits around the town. Cf. relevant note on our Mishnah.
- (11) On the side of the town where the 'erub was deposited.
- (12) When the Sabbath limit from the 'erub across the town in the opposite direction (cf. prev. n.) is measured, [the town is included in the extent of the Sabbath limit].
- (13) And deducted from it. How then is this to be reconciled with our Mishnah?
- (14) Of the two thousand cubits prescribed for a Sabbath limit.
- (15) Either because the town was very big or because the 'erub lay at a considerable distance from it. In such a case only is the town included in the extent of the Sabbath limit and the man is forbidden to move beyond the far side of the town.
- (16) In this case all the town is regarded as being no bigger than four cubits by four, and the Sabbath limit is extended beyond the town to a distance of two thousand cubits minus the distance between the 'erub and the side of the town near it.
- (17) Who was overtaken by dusk underway and, being unaware of the proximity of a town, had acquired his Sabbath abode at the spot where he happened to be at the time the Sabbath had set in (cf. supra 45a); (and the same law applies to a man who deposited an 'erub outside his own town).
- (18) V. p. 423, n. 7.
- (19) Sc. the end opposite the one that was near his 'erub.
- (20) The difference between two thousand cubits and the distance of the 'erub from the side of the town nearest to it.
- (21) By extending the Sabbath limit beyond the far side of the town (cf. supra n. 3).
- (22) n. Joshua b. Levi's rulings.
- (23) Sheer imagination. V. however, Rash and Tosaf.
- (24) Apparently none.
- (25) Infra 61a.
- (26) That was situated within its Sabbath limit. Now this must imply that the whole of the small town is regarded as no bigger than four cubits and that the remainder of the Sabbath limit may be made up by extending the limit beyond the far side of the small town, in agreement with R. Joshua b. Levi's second ruling.

Talmud - Mas. Eirubin 61a

but the people of the small town may not walk through the whole of a large town.¹ Now what is the reason?² Obviously³ because the measure of the latter terminated in the middle of the former town,⁴ while that of the former terminated at the end of the latter town.⁴ And R. Idi?⁵ — He read in both cases⁶ 'The people may'⁷ and expounded [the Mishnah cited] as referring to an 'erub that one⁸ deposited;⁹ but of the case of one who was measuring,¹⁰ we have there learnt nothing.¹¹ Have we not indeed? Did we not as a matter of fact learn: And to the measure¹² of whom the Rabbis have spoken a distance of two thousand cubits only is allowed even if the end of his permitted measure terminated within a cave?¹³ — His¹⁴ ruling was required in respect of a Sabbath limit that terminated at the far end of a town, a case of which we did not learn.¹⁵

R. Nahman stated: He who learns¹⁶ 'The people may'¹⁷ is not in error, and he who learns 'the people may not'¹⁷ not in error. 'He who learns "the people may" is not in error since he might explain it to refer to an 'erub that one¹⁸ had deposited;¹⁹ while 'he who learns "the people may not is not in error' since he might explain that it refers to a case where the Sabbath limit was being measured,¹⁸ and that a clause is missing [from the Mishnah] which should properly read thus: The people of a large town may walk through the whole of a small town¹⁹ but the people of the small town may not walk through the whole of the large town.²⁰ This, however, applies only to a case where the Sabbath limit was being measured, but if a man stayed in a larger town and deposited his

‘erub in a smaller town²¹ or if he stayed in a small town and deposited his ‘erub in a large town²¹ he may walk through the whole of the town²² and a distance of two thousand cubits beyond it.

R. Joseph citing Rami b. Abba who had it from R. Huna ruled: If a town was situated on the edge of a ravine, and²³ there was a barrier four cubits²⁴ in height in front of it, its Sabbath limit is measured from the edge of the ravine,²⁵ otherwise²⁶ measuring²⁷ must begin from the door of every inhabitant's house.²⁸ Said Abaye to him:²⁹ You told us in connection with this that the barrier must be four cubits in height; but why should this one be different from all other barriers whose prescribed height is only four handbreadths?³⁰ — There,³¹ the other²⁹ replied, the use of the place involves no fear, but the use of the place here³² does involve fear.³³

Said R. Joseph, whence do I derive this ruling? From what was taught: Rabbi permitted the inhabitants of Gader to go down³⁴ to Hamethan but did not allow the inhabitants of Hamethan to go up to Gader.³⁵ Now what could have been the reason? Obviously, that the former³⁶ did put lip a barrier³⁷ while the latter³⁸ did not put up a barrier.³⁹

When R. Dimi came⁴⁰ he explained: The people of Gader used to molest the people of Hamethan, and ‘permitted’⁴¹ meant ordained’.⁴² Then⁴³ why should Sabbath be different from other days? — Because intoxication is not uncommon on such a day. Would they⁴⁴ not molest them⁴⁵ when they come there?⁴⁶ — No; a dog in a strange town does not bark for seven years.⁴⁷ Now then,⁴⁸ might not the people of Hamethan molest those of Gader? — No; they⁴⁹ were not so submissive as all that.⁵⁰

R. Safra explained: Gader⁵¹ was a town that was built in the shape of a bow.⁵² R. Dimi b. Hinena explained: The former⁵³ were the inhabitants of a large town while the latter were inhabitants of a small town.⁵⁴

Thus⁵⁵ taught R. Kahana. R. Tabyomi, however, taught as follows: R. Safra and R. Dimi b. Hinena differ, one explaining that Gader⁵⁶ was a town built in the shape of a bow⁵⁷ while the other explains that the latter⁵⁸ were the inhabitants of a small town while the former were inhabitants of a large town.

MISHNAH. THE PEOPLE OF A LARGE TOWN MAY WALK⁵⁹ THROUGH THE WHOLE OF A SMALL TOWN,⁶⁰ AND THE PEOPLE OF A SMALL TOWN MAY⁶¹ WALK⁶² THROUGH THE WHOLE OF A LARGE TOWN.⁶⁰ HOW IS THIS [TO BE UNDERSTOOD]? IF A MAN STAYED IN A LARGE TOWN AND DEPOSITED HIS ‘ERUB IN A SMALL TOWN⁶⁰ OR IF HE STAYED IN A SMALL TOWN AND DEPOSITED HIS ‘ERUB IN A LARGE TOWN,⁶⁰ HE MAY WALK THROUGH ALL THE TOWN AND TWO THOUSAND CUBITS BEYOND IT. R. AKIBA RULED: HE IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB. SAID R. AKIBA TO THEM:⁶³ DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS ‘ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS ‘ERUB? THEY⁶³ REPLIED: WHEN IS THIS THE CASE? ONLY WHERE NO PEOPLE DWELL THEREIN BUT WHERE PEOPLE DWELL THEREIN ONE MAY WALK THROUGH THE WHOLE OF IT AND TWO THOUSAND CUBITS BEYOND IT. THUS IT FOLLOWS THAT [WHERE AN ‘ERUB IS DEPOSITED] WITHIN IT THE LAW IS MORE LENIENT THAN [WHERE ONE IS DEPOSITED] ON THE TOP OF IT. AND TO THE MEASURER,⁶⁴ OF WHOM [THE RABBIS] HAVE SPOKEN A DISTANCE OF TWO THOUSAND CUBITS IS ALLOWED⁶⁵ EVEN IF THE END OF HIS [PERMITTED] MEASURE⁶⁶ TERMINATED WITHIN A CAVE.⁶⁷

(1) As if it were no bigger than four cubits. They may walk so far only as the termination of their Sabbath limit in whatever part of the town that may happen to be, in agreement with the first ruling of R. Joshua b. Levi.

(2) For the difference between the rights of the inhabitants of the large and those of the smaller town respectively.

- (3) Lit., 'not?'
- (4) In agreement with the rulings of R. Joshua b. Levi (cf. supra nn. 10f).
- (5) How, in view of the rulings in the Mishnah just cited, could he maintain that R. Joshua b. Levi's rulings are sheer imagination.
- (6) The first and second clause of the Mishnah cited.
- (7) Lit., 'people, people', sc. instead of reading 'The people of the large town may . . . but the people of the small town may not' etc. he reads: 'The people . . . may' in both clauses.
- (8) Of the inhabitants of the large town.
- (9) In the small town. As the man's 'erub lay within the town the whole of it, as far as he is concerned, is rightly regarded as no bigger than four cubits.
- (10) That spoken of by R. Joshua b. Levi.
- (11) Hence R. Idi's exclamation.
- (12) A man who measures the two thousand cubits distance from the place which he acquired as his Sabbath abode or in which he deposited his 'erub.
- (13) Supra 52b, Mishnah infra ad fin. The interior of a cave being presumably subject to the same law as the interior of a town, R. Joshua b. Levi's ruling in respect of the latter is obviously covered by the one relating to the former. An objection against R. Idi. Aliter: Why should R. Joshua R. Levi merely repeat a Mishnah?
- (14) R. Joshua b. Levis.
- (15) In the Mishnah. Hence also the justification of R. Idi's exclamation. (Cf. supra n. 8 ad fin).
- (16) In the final clause of the Mishnah just discussed.
- (17) Cf. supra n. 2.
- (18) Sc. where no 'erub had been deposited within either town, where in consequence the whole town cannot be regarded as four cubits in respect of the Sabbath limit, and where, as a result actual distances must be measured.
- (19) Where the latter was situated entirely within the Sabbath limit of the former. If, for instance, the distance between the two towns was one thousand cubits and the smaller did not cover more than one thousand cubits the people of the larger town may walk through the whole of the smaller (which being within their Sabbath limit, is regarded as no bigger than four cubits) and another thousand cubits or more beyond it to complete their two thousand cubits Sabbath limit.
- (20) Since the larger town (cf. prev. n.) is not entirely situated within their Sabbath limit. They may, therefore, walk the distance of a thousand cubits between the two towns and another thousand cubits, to complete their Sabbath limit, within the larger town itself, but no further.
- (21) That was situated within the Sabbath limit of his own town.
- (22) In which his 'erub had been deposited.
- (23) Lit., 'if'.
- (24) So MS.M. Cur. edd. omit 'cubits'.
- (25) Which is regarded as the boundary of the town.
- (26) Lit., 'and if not', i.e., if no such partition was provided.
- (27) Of the Sabbath limit of the town.
- (28) All the town, in the absence of the partition, being regarded, for the reason to be given presently, as an occasional and irregular settlement which, in respect of Sabbath limits, cannot be treated as one unit of four cubits. Every house must be considered as a separate unit and the Sabbath limit of its tenants begins from that house.
- (29) R. Joseph.
- (30) V. supra 60b.
- (31) In cases where a height of four handbreadths is enough.
- (32) Owing to the steepness of the ravine.
- (33) A higher barrier is consequently required.
- (34) On the Sabbath.
- (35) Tosef. 'Er. IV.
- (36) Being situated on the slope higher than Hamethan.
- (37) Which connected all their houses into one town and thus enabled them to begin their Sabbath limit from the town boundary.
- (38) Having been situated on a lower part of the slope.
- (39) At the base of their slope, in consequence of which (cf. supra p. 426, n. 9) only the tenants of the few houses that

were within the Sabbath limit of Gader could be permitted to go up to that town, but the tenants of all the other houses that were without that limit could not.

(40) From Palestine to Babylon.

(41) 'Rabbi permitted' etc. v. supra.

(42) Sc. It was an ordinance laid down by Rabbi that, while the people of Gader were allowed to visit Hamethan, the people of the latter town, for their own safety, shall not visit the former.

(43) If the ordinance had no bearing on the laws of Sabbath limits.

(44) The people of Gader.

(45) The Hamethan people.

(46) To Hamethan.

(47) Proverb. As visitors the Gaderites would not venture on a quarrel.

(48) If the Gaderites were at a disadvantage when at Hamethan.

(49) The people of Gader.

(50) Though the Gaderites, as visitors, would seek no quarrels at Hamethan, they would nevertheless defend themselves if attacked.

(51) So with R. Han., contra Rashi (cf. Tosaf. s.v. עיר a.l.).

(52) Whose ends were four thousand cubits apart. In such a case (cf. supra 55a) the Sabbath limit is measured from the imaginary chord of the bow. The limit of Gader consequently included Hamethan which was no more than two thousand cubits distant from the chord. The position of the latter town, however, whose limit terminated at the Gader chord which was more than two thousand cubits distant from the center of its arc, prevented its inhabitants from walking to Gader which thus lay beyond their Sabbath limit.

(53) The people of Gader.

(54) The Sabbath limit of Gader terminated at the far end of Hamethan (the smaller town) while the Sabbath limit of Hamethan terminated in the middle of the large town of Gader. As all Hamethan lay within the Sabbath limit of Gader the people of the latter town were permitted to traverse its whole area (as if all the town were no bigger than four cubits) and distances completing the permitted two thousand cubits beyond it. As part of Gader, on the other hand, was without the Sabbath limit of Hamethan the people of the latter town could walk only to the end of their Sabbath limit.

(55) Specifying the authorship of each of the two last mentioned explanations.

(56) V. p. 427, n. 18.

(57) V. p. 427, n. 19.

(58) The people of Hamethan.

(59) In addition to the distances of two thousand cubits in all directions.

(60) That was situated within its Sabbath limit.

(61) J.T., Alfasi and cur. edd. supra 60b read: 'but the people . . . may not'. Cf. also R. Nahman's justification of the alternative readings of our Mishnah.

(62) In addition to the distances of two thousand cubits in all directions.

(63) The Rabbis who differed from his view.

(64) Sc. a person who did not deposit his 'erub in the town in question but was measuring his way and advancing towards it from his home town or from a place where he had deposited his 'erub.

(65) But no more.

(66) Of two thousand cubits.

(67) And even if that cave was inhabited. Only in the previous case where the 'erub lay within the town or within the cave did the Rabbis regard the entire area of the town and cave respectively as no bigger than four cubits.

Talmud - Mas. Eirubin 61b

GEMARA. Rab Judah laid down in the name of Samuel: If a man spent the Sabbath in a deserted¹ town,² he may, according to the Rabbis, walk through the whole of it³ and two thousand cubits beyond it.⁴ If, however, he deposited his 'erub in a deserted town⁵ he is allowed no more than a distance of two thousand cubits from the place of his 'erub.⁶ R. Eleazar laid down: Whether a man spent the Sabbath in a town or deposited in it his 'erub he is permitted⁷ to walk through the whole of it and two thousand cubits beyond.

An objection was raised: SAID R. AKIBA TO THEM, DO YOU NOT AGREE WITH ME THAT IF A MAN DEPOSITED HIS 'ERUB IN A CAVE HE MAY WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB? THEY REPLIED: WHEN IS THIS THE CASE? ONLY WHEN NO PEOPLE DWELL THEREIN from which it is obvious, is it not, that where NO PEOPLE DWELL THEREIN they agree with him?⁸ — By the expression.⁹ NO PEOPLE DWELL THEREIN a place was meant that was unsuitable for dwelling.¹⁰

Come and hear: If a man spent the Sabbath in a town, even though it was as big as Antioch, [or if he spent the Sabbath] in a cave, though it was like the cave of Zedekiah the king of Judah.¹¹ he may walk through the whole of it and two thousand cubits beyond. Now¹² the town mentioned must be one that is in a condition similar to that of the 'cave', so that as the cave is one that is deserted¹³ so must the town also be one that is deserted and yet¹⁴ it was stated that only if a man spent the Sabbath in it is the law¹⁵ applicable¹⁶ but not where he only deposited his 'erub in it. Now whose view could this¹⁷ represent? If it be suggested: It is that of R. Akiba, the difficulty would arise: What was the point in speaking of a deserted town when the same ruling applies also to one that is inhabited.¹⁸ Consequently¹⁹ it must be said to represent the view of the Rabbis.²⁰ Now is not the reason for the ruling²¹ that the man spent the Sabbath in it,²² but if he had only deposited his 'erub in it this ruling²¹ would not have applied?²³ — Do not say that the 'town' mentioned must be one that is in a condition similar to that of the 'cave' but rather, the 'cave must be one that is in a condition similar to that of the town; so that as the town is inhabited the cave also must be one that is inhabited; and this ruling²⁴ is that of R. Akiba who laid down: HE²⁵ IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE OF HIS 'ERUB, while in the case of one who had spent the Sabbath within the town he²⁶ agrees with the Rabbis.²⁷ But was it not stated: 'Like the cave of Zedekiah'²⁸ — Like the cave of Zedekiah [in one respect] but unlike the cave of Zedekiah [in another]. 'Like the cave of Zedekiah' in respect of its huge size,²⁹ 'but unlike the cave of Zedekiah' for whereas the latter³⁰ was deserted, the one referred to was³¹ inhabited.

Mar Judah once came across the people of Mabrakta who were depositing their 'erubs at the Be Agobar Synagogue.³² 'Penetrate'³³ he said to them, 'further into its interior,³⁴ that you may be allowed to walk a greater distance'.³⁵ 'Contentious man', said Raba³⁶ to him, 'in respect of the laws of 'erub no one takes any notice of the ruling of R. Akiba'.³⁷

CHAPTER VI

MISHNAH. IF A MAN LIVES IN A COURTYARD WITH A HEATHEN OR WITH ONE WHO DOES NOT ACKNOWLEDGE THE PRINCIPLE OF ERUB,³⁸ EITHER OF THEM³⁹ CAUSES HIM TO BE RESTRICTED IN THE USE OF THE COURTYARD.⁴⁰ R.⁴¹ ELIEZER B. JACOB RULED: NEITHER⁴² CAN RESTRICT HIM⁴³ UNLESS THERE ARE⁴⁴ TWO ISRAELITES⁴⁵ WHO⁴⁶ IMPOSE RESTRICTIONS UPON EACH OTHER.⁴⁷

R. GAMALIEL⁴⁸ RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM AND FATHER TOLD US:⁴⁹ 'HASTEN AND CARRY OUT⁵⁰ ALL NECESSARY ARTICLES INTO THE ALLEY⁵¹ BEFORE HE CARRIES OUT HIS⁵² AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.⁵³ R. JUDAH RELATED, [THE INSTRUCTION⁵⁴ WAS GIVEN] IN A DIFFERENT FORM:⁵⁵ HASTEN AND ATTEND⁵⁶ TO YOUR REQUIREMENTS IN THE ALLEY⁵⁷ BEFORE HE CARRIES OUT HIS ARTICLES AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.⁵⁸

(1) Lit., 'ruined', 'desolate'.

(2) No people lived in it but its wall was intact.

(3) . Since (cf. prev. n.) it was surrounded by a wall.

- (4) This ruling is also applicable according to the view of R. Akiba, but the limitation 'according to the Rabbis', is due to the ruling that follows.
- (5) But did not himself spend the Sabbath in it.
- (6) Because, in the case of the deposit of an 'erub, as explained supra, the Rabbis draw a distinction between all inhabited town and a deserted one. Only in the former case is the entire area of the town regarded as no bigger than four cubits. R. Akiba, however, (cf. supra n. 9) differs from their view and regards even an inhabited town as they do a deserted one.
- (7) According to the Rabbis.
- (8) That Only two thousand cubits are allowed. How then could R. Eleazar maintain that the Rabbis conferred the same rights whether an 'erub was put in an inhabited or in a deserted place?
- (9) Lit., 'what'.
- (10) Sc. one that had no walls around it.
- (11) Through which he attempted his escape (cf. Jer. LII, 7) and which is said to extend from Jerusalem to the plain of Jericho.
- (12) Since 'town' and 'cave' were mentioned in the same context.
- (13) No people presumably living in such a huge subterranean cave. Aliter: No people would be allowed to live in a royal cave (cf. Rashi s.v. **וְיָסִיב** a.l.).
- (14) Despite its possession of walls. In the absence of walls no one would have allowed the man to walk through the whole of its area in addition to the two thousand cubits beyond it.
- (15) That in addition to the permitted Sabbath limit of two thousand cubits one may also walk through the whole of its area.
- (16) Lit., 'yes'.
- (17) That the privilege (cf. supra n. 9) is restricted to the case of actual Stay in the town and does not extend to that of an 'erub deposited in it.
- (18) R. Akiba having ruled that even where a man deposited his 'erub in an inhabited town he may walk no further than two thousand cubits.
- (19) Since a distinction is made between a deserted, and an inhabited town.
- (20) Who accordingly agree that if an 'erub was deposited in a deserted town the privilege (cf. supra p. 430, n. 9) does not apply.
- (21) V. p. 430, n. 9.
- (22) Lit., 'yes'.
- (23) How then could R. Eleazar maintain that according to the Rabbis no distinction is made between an inhabited town and a deserted one?
- (24) V. Supra p. 430, n. 11.
- (25) The man who deposited his 'erub in a certain town wherein he did not spend the Sabbath.
- (26) R. Akiba.
- (27) V. loc. cit. n. 9.
- (28) V. p. 430, n. 7.
- (29) Lit., 'big'.
- (30) Lit., 'there'.
- (31) Lit., 'and here'.
- (32) A large building situated within the Sabbath limit of Mabrakta. The people of the town, relying on the ruling of the Rabbis, who allowed two thousand cubits in addition to the whole area with the walls surrounding the place of the 'erub, put their 'erub anywhere within the building. [On the Abe Gobar synagogue, v. Ta'an., Sonc. ed., p. 6a. It was in the neighbourhood of Mahuza.]
- (33) With the 'erubs.
- (34) Sc. the 'erubs should be placed as far away from the town as possible.
- (35) As the Sabbath limit of the town. This advice was given in accordance with R. Akiba's ruling that a man IS ALLOWED TO WALK NO FURTHER THAN TWO THOUSAND CUBITS FROM THE PLACE and not from the walls surrounding the place, OF HIS 'ERUB.
- (36) A similar expression against Mar Judah was used by Rabbah (cf. Kid. 58a).
- (37) Since in the case of the 'erub laws the halachah always rests with the author adopting the more lenient view.

(38) A Samaritan. Cf. Mishnah supra 31b.

(39) Lit., 'behold this'.

(40) As he is not the only possessor of the courtyard he is forbidden to carry objects from his house into the courtyard or vice versa unless he has, before the commencement of the Sabbath, rented from his neighbour, for the duration of the Sabbath, the right the latter has in their common courtyard.

(41) In some of the separate editions of the Mishnah this is preceded by 'So R. Meir.'

(42) Lit., 'for ever'.

(43) In the use of the common courtyard.

(44) Besides the heathen or the Samaritan (v. n. 1).

(45) Living in houses in the same courtyard and thus having a share in it.

(46) Unless they properly joined together in the preparation of one 'erub.

(47) Only in such circumstances does the right of a third tenant of the type mentioned, wherever that right has not been duly rented from him, restrict their use of the common courtyard. He cannot, however, impose any restrictions upon an Israelite if the latter and he are the only tenants. The reason is explained in the Gemara infra.

(48) On the identity of the bearer of this name v. Tosaf. s.v. **אמר** a.l.

(49) On a certain occasion when the Sadducee renounced his right to his share in the alley.

(50) Just before the Sabbath begins.

(51) In order to acquire by that act the Sadducee's share.

(52) And thereby acquires again the right he at first renounced.

(53) A Sadducee, according to this view, is not regarded as a heathen, whose right in a courtyard or an alley must be rented, but as a heretic Israelite who may renounce his right by a mere declaration, no renting of it being necessary. Since the Sadducee in question had received no rent it was within his power to withdraw his concession at any moment provided the other tenants had not acquired possession of the alley by carrying their articles into it. Hence the instruction to HASTEN the acquisition BEFORE the Sadducee had time to change his mind.

(54) Just quoted by R. Gamaliel.

(55) Lit., 'in another language'.

(56) Before the Sabbath begins.

(57) I.e., 'carry out all the objects in your house that you require to have in the alley during the Sabbath'.

(58) According to R. Judah, a Sadducee who renounced his right to his share without receiving any payment for it may withdraw his concession at any time even after the other tenants had, by the performance of some act, acquired possession of his share. As he might change his mind at any moment the other tenants (cf. prev. n.) had to carry out all they needed prior to the commencement of the Sabbath.

Talmud - Mas. Eirubin 62a

GEMARA. Abaye b. Abin and R. Hinena b. Abin sat at their studies while Abaye was sitting with them, and in the course of their session they dealt with the following argument: It is quite possible to understand the view of R. Meir¹ since he may hold the opinion that a heathen's dwelling is legally a valid dwelling² and that no difference is to be made between one [Israelite tenant]³ and two [Israelite tenants].⁴ What, however, could be the view of R. ELIEZER B. JACOB? If he is of the opinion that a heathen's dwelling is legally a valid dwelling,² restrictions⁵ should be imposed even in the case of one Israelite tenant; and if he holds that it is legally no valid dwelling, no restrictions should be imposed⁵ even in the case of two Israelite tenants!⁶ — Said Abaye to them: But does R. Meir hold that a heathen's dwelling is legally a valid dwelling? Was it not in fact taught: A heathen's courtyard⁷ has the same status as a cattle-pen?⁸ Rather say: All agree that a heathen's dwelling is legally no valid dwelling, but the point at issue between them⁹ here is the question whether a law¹⁰ had been instituted as a preventive measure against the possibility of an Israelite's learning to imitate his¹¹ deeds. R. Eliezer b. Jacob holds that, since a heathen is suspected of bloodshed,¹² a preventive measure has been enacted by the Rabbis in the case of two Israelites, who quite frequently live together with a heathen, but not in that of one Israelite who as a rule does not live together with a heathen,¹³ while R. Meir holds that, since it may sometimes happen that one Israelite also should live with a heathen, the Rabbis have laid down: No 'erub is effective where a heathen lives in the same courtyard, nor is the renunciation of one's right¹⁴ effective where a heathen is concerned¹⁵ unless that right has been let; but a heathen would not let his right.¹⁶ What is the reason?¹⁷ If it be suggested: Because he considers it possible that the other might take permanent possession of his share, the explanation would be satisfactory according to him who holds that the lease must be of a sound character;¹⁸ what, however, could be said in explanation according to him who holds that only an imperfect lease is required?¹⁹ For it was stated: R. Hisda ruled: The lease must be of a sound character and R. Shesheth ruled: It may be of an imperfect character only. What is meant by 'imperfect' and what is meant by 'sound'? If it be suggested that 'sound' denotes a rental of a perutah²⁰ and 'imperfect' a rental that was less than a Perutah, the objection would arise: Is there any authority who upholds the View that [acquisition] from a heathen cannot be effected with less than a Perutah? Did not, as a matter of fact, R. Isaac son of R. Jacob b. Giyori send the following message in the name of R. Johanan, 'Be it known to you that one can lease from a heathen even with less than a perutah', and R. Hiyya b. Abba ruled in the name of R. Johanan, 'A Noahide²¹ would rather be killed than spend so much as a perutah²² which is not returnable'?²³ — The fact is that 'sound' denotes a lease confirmed by legal documents and attested by officers,²⁴ and 'imperfect' denotes one that was neither confirmed by legal documents nor attested by officers. [Now,²⁵ I again submit:] 'The explanation would be satisfactory according to him who holds that the lease must be of a sound character: what, however, could be said in explanation according to him who holds that only an imperfect lease is required'?²⁶ Even in such a case²⁷ he²⁸ fears witchcraft²⁹ and does not let his share in the courtyard.

[To revert to] the main text,³⁰ A heathen's courtyard has the same status as a cattle-pen' and it is, therefore, permitted³¹ to carry things in and out, both from the courtyard into the houses and from the houses into the courtyard. But if only one Israelite³² was a tenant there, he³³ does impose restrictions;³⁴ so R. Meir.³⁵ R. Eliezer b. Jacob ruled: No restrictions are ever imposed³⁶ unless there are also two Israelite tenants³⁷ who impose restrictions upon one another.³⁸

(1) Sc. the author of the first ruling of our Mishnah.

(2) With reference to Sabbath, hence his right to a share in the courtyard.

(3) Living in the courtyard with the heathen.

(4) v. prev. n. Hence his ruling that a heathen invariably restricts the use of a common courtyard irrespective of whether he has many Israelite neighbours or only one.

(5) In the use of the common courtyard.

- (6) Since in either case, as far as Sabbath laws are concerned, he has no share in the courtyard; while the Israelites' shares are merged into one common domain by means of their 'erub.
- (7) In certain circumstances, as will be explained infra.
- (8) Tosef. 'Er. V. I.e., the tenancy by a heathen of a house that opens into a common courtyard is like a cattle-pen, and consequently does not restrict the movement of objects on the Sabbath from the houses into the courtyard, v. infra. Now since this ruling, as will be shown infra, represents the view of R. Meir, how could a contrary view be attributed to him here.
- (9) R. Meir and R. Eliezer b. Jacob.
- (10) Subjecting an Israelite to the necessity of renting the heathen's share every Sabbath eve.
- (11) The heathen's.
- (12) Cf. A.Z. 22a.
- (13) Against something unusual no enactment was deemed necessary. Hence R. Eliezer b. Jacob's ruling that the restrictions applied to a courtyard in which no less than two Israelites were the heathen's neighbours.
- (14) To a share.
- (15) Lit., 'in the place of', i.e., a heathen's renunciation of his right to his share in the common courtyard has no validity.
- (16) As the Israelite would in consequence be subjected every Sabbath to much inconvenience he would naturally move out of that courtyard at the earliest possible opportunity and, indirectly, he would thereby be saved from the evil influence of the heathen's questionable mode of life.
- (17) That a heathen refuses to let his share.
- (18) This will be explained presently.
- (19) What possible objection could the heathen have to such a defective lease?
- (20) V. Glos.
- (21) Lit., 'a son of Noah', sc. any heathen.
- (22) The smallest coin (v. Glos.). Lit., 'for less than the value of a perutah.'
- (23) Yeb. 47b, A.Z. 71a; which shows that in respect of a heathen a transaction involving less than a Perutah has the same validity as one involving a Perutah. How then is 'imperfect' and 'sound' to be understood?
- (24) Aliter: A lease is sound if made legal by sureties and (countersigned) by officers (Jast.). Aliter: A lease of a courtyard is sound if connected with the privilege of placing in the yard chairs and seats (cf. Rashi a.l. and Jast.).
- (25) Having disposed of the definition of 'sound' and 'imperfect'.
- (26) What possible objection could the heathen have to such a defective lease?
- (27) Where the lease was legally imperfect.
- (28) The heathen, when requested to let his share.
- (29) Not understanding the religious motive of the request he suspects some underhand work.
- (30) Quoted by Abaye supra q.v. notes.
- (31) To an Israelite who was not one of the tenants of that courtyard but happened to visit any of the houses in it.
- (32) Who, by virtue of his tenancy of a house, is entitled to the use of the courtyard.
- (33) Since the courtyard (cf. prev. n.) is deemed to be his domain.
- (34) On the carrying of objects by other Israelites from the houses into the courtyard and vice versa.
- (35) The last three words are absent from the Tosef.
- (36) On account of the heathen's tenancy.
- (37) Occupying two houses in that courtyard.
- (38) Tosef. 'Er. V. As the heathen's share is distinct from theirs (a heathen's tenancy, as explained supra, having been given validity in such circumstances) they, by virtue of their shares in the courtyard, impose restrictions on the movements of objects from the heathen's house into the courtyard while he, by virtue of his share, despite the 'erub in which the two Israelites may have joined, imposes restrictions on the movements of objects from their houses into the courtyard.

Talmud - Mas. Eirubin 62b

The Master said: 'A heathen's courtyard has the same status as a cattle-pen'.¹ Did we not, however, learn: IF A MAN LIVES IN A COURTYARD WITH A HEATHEN. . . EITHER OF THEM CAUSES HIM TO BE RESTRICTED?² — This is no difficulty, since the latter² deals with the case

of a heathen who was at home³ while the former¹ deals with one who was not at home.³ But what principle does he⁴ adopt? If he is of the opinion that a dwelling house without an occupier is legally a valid dwelling, should not even a heathen⁵ impose restrictions;⁶ and if he is of the opinion that a dwelling house without an occupier is legally no valid dwelling should not an Israelite⁷ also impose no restrictions? He,⁸ in fact, holds the view that a dwelling house without an occupier is legally no valid dwelling; but⁹ in the case of an Israelite, who imposes restrictions when he is at home,¹⁰ the Rabbis¹¹ have enacted a preventive measure where he is away; while in the case of a heathen who, even when at home, imposes restrictions merely as a preventive measure lest the Israelite learn to imitate his deeds¹² it was enacted that he imposes restrictions only when he is at home but not in his absence.

But does he¹³ not impose restrictions when he is absent? Have we not in fact learnt: If a man left his house and went to spend the Sabbath in another town, whether he was a gentile or an Israelite, his share imposes restrictions;¹⁴ so R. Meir?¹⁵ — There¹⁵ it is a case where he returns on the same day.¹⁶

Rab Judah stated in the name of Samuel: The halachah¹⁷ is in agreement with R. Eliezer b. Jacob; R. Huna stated: The custom¹⁸ is in agreement with the ruling of R. Eliezer b. Jacob; while R. Johanan stated: The public act¹⁹ in agreement with the ruling of R. Eliezer b. Jacob.

Said Abaye to R. Joseph: We have a tradition, that ‘the teaching of R. Eliezer b. Jacob is small in quantity²⁰ but well sifted’;²¹ and Rab Judah also laid down in the name of Samuel, ‘The halachah is in agreement with R. Eliezer b. Jacob;²² is it then permitted²³ to a disciple²⁴ to give a ruling accordingly²⁵ in a district that is under the jurisdiction of his Master? — ‘Even’, the other replied, on the question of the permissibility of eating an egg²⁶ with kutha,²⁷ which I²⁸ have been asking him²⁹ throughout the lifetime of R. Huna,³⁰ R. Hisda gave me³¹ no decision’.³²

R. Jacob b. Abba asked Abaye: Is it permitted to a disciple in a district under his Master's jurisdiction to give a ruling that was as authoritative as those contained in the Scroll of Fast-Days,³³ which is a written and generally accepted document?³⁴ — Thus, the other replied, said R. Joseph: Even on the question of the permissibility of eating an egg²⁶ with kutha,²⁷ which I²⁸ have been asking him²⁹ throughout the lifetime of R. Huna,³⁰ R. Hisda gave me³⁰ no decision.

R. Hisda decided legal questions at Kafri³⁵ in the lifetime of R. Huna.³⁶

(1) From which it follows that a heathen can impose no restrictions upon an individual Israelite if the latter is the only other tenant in their Joint courtyard. Only an Israelite imposes restrictions on other Israelites in connection with the movement of objects from and into the heathen's house.

(2) Which shows, contrary to the ruling in the Baraitha cited (cf. prev. n.), that a heathen imposes restrictions upon an Israelite even where the latter is the only other tenant in their joint courtyard. How then are the two rulings to be reconciled?

(3) During the Sabbath in question.

(4) The author of the Baraitha.

(5) Though away from home.

(6) Of course he should, since his absence does not in any way affect the validity of his tenancy.

(7) If away from his home; since the validity of his tenancy is impaired by his absence.

(8) The author of the Baraitha.

(9) In reply to the objection raised (cf. prev. n.).

(10) On account of the legal validity of his tenancy.

(11) In order to prevent an infringement of the law when he is at home.

(12) Cf. supra 62a.

(13) A heathen tenant.

- (14) On the other tenants of the courtyard.
- (15) Supra 47a, infra 86a.
- (16) Where, for instance, during the first part of the Sabbath he was not far away from his home. If no restrictions upon his fellow tenants had been imposed, even in his absence, they might, after his return, unconsciously have continued the unrestricted use of their courtyard which they enjoyed since the day began. Where, however, the heathen is unable to return on the same day no such precaution is necessary and consequently no restrictions were imposed.
- (17) Halachah, sc. the ruling may be promulgated in a public discourse. V. following nn.
- (18) Minhag, i.e., the ruling may not publicly be announced (cf. prev. n.) but is to be communicated privately to anyone seeking the information.
- (19) Nahagu (cf. prev. two notes), i.e., the ruling may not be communicated even in private, but if any person acted in agreement with it no objection may be raised against him.
- (20) Kab (v. Glos.), i.e., his rulings in the Mishnah are only few.
- (21) Lit., 'clear', i.e., the halachah is always in agreement with his rulings.
- (22) Supra.
- (23) Since the ruling is so unquestionably authoritative.
- (24) Who in ordinary cases must not venture to give a decision in a locality that is under his Master's jurisdiction.
- (25) In agreement with R. Eliezer b. Jacob (v. our Mishnah).
- (26) A perfectly developed egg found in a slaughtered fowl (so Tosaf. s.v. אפילו a.l.). The question whether a properly laid egg may be eaten with milk (cf. following n.) could, of course, never arise (v. however, Rashi).
- (27) A preserve containing milk.
- (28) So MS.M. and Bah. Cur. edd. 'they'.
- (29) To test his loyalty to his Master.
- (30) Whose colleague and disciple he was (cf. Tosaf s.v. רב a.l.).
- (31) Reading of MS.M. and Bah. Cur. edd. omit.
- (32) Though the answer was quite simple and obvious (cf. Bezah 6b) and could be supplied by a mere tiro.
- (33) Megillath Ta'anith, a scroll (the only halachic collection which the Rabbis of the Talmud had in a written form) containing a record of the days of the year on which fasting and mourning were forbidden; v. Ta'an., Sonc. ed., p. 70f.
- (34) Lit., 'that is written and lying'.
- (35) A place in Babylon that was not subject to the direct jurisdiction of R. Huna (v. following note).
- (36) Who resided in another part of Babylon at Pumbeditha (Rashi). [Obermeyer p. 317: Sura, south of which lay Kafri.]

Talmud - Mas. Eirubin 63a

R. Hamnuna decided legal points at Harta¹ di Argiz² during the lifetime of R. Hisda.³ Rabina examined the slaughterer's knife⁴ in Babylon.⁵ Said R. Ashi to him, 'Why does the Master act in this manner?' 'Did not,' the other replied: 'R. Hamnuna decide legal points at Harta di Argiz during the lifetime of R. Hisda?'⁶ — 'It was stated', the first retorted: 'that he did not decide legal points'. 'The fact is', the other replied: 'that one statement was made that he did decide legal points while another was that he did not do so, and the explanation is that only during the lifetime of his Master R. Huna did he decide no legal points but during the lifetime of R. Hisda, who was both his colleague and disciple, he did decide legal points, and I too am the Master's colleague as well as disciple'.

Raba said: A young scholar may examine his own knife.⁷ Rabina once visited Mahuza when his host brought to him a slaughtering knife for examination. 'Go', he⁸ said to him, 'take it to Raba'.⁹ 'Does not the Master', the other asked: 'uphold the ruling laid down by Raba that a young scholar may examine his own knife?' — 'I', he⁸ replied, am only buying the meat'.¹⁰ (Mnemonic:¹¹ Zila of¹² Hania¹³ changes¹⁴ Ika¹⁵ and Jacob.¹⁶)

R. Eleazar of Hagronia¹⁷ and R. Abba b. Tahlifa once visited R. Aha son of R. Ika's house in the district that was subject to the jurisdiction of R. Aha b. Jacob. R. Aha son of R. Ika, desiring to prepare for them a third-grown¹⁸ calf, presented to them the slaughtering knife for examination. 'Should no consideration be shown for the old man?'¹⁹ R. Aha b. Tahlifa asked. 'Thus', R. Eleazar

of Hagronia replied: 'said Raba: A young scholar may examine his own knife'. R. Eleazar of Hagronia²⁰ thereupon examined the knife and was providentially punished for his disrespect. But did not Raba lay down, 'A young scholar 'lay examine his own knife'? — There the case was different since they began to discuss the question of his¹⁹ dignity. And if you prefer I might reply: R. Aha b. Jacob was different from other local authorities since he was a man of great distinction.

Raba ruled: When it is a question of preventing one from committing a transgression it is quite proper [for a disciple to give a legal decision] even in his Master's presence.

Rabina once sat in the presence of R. Ashi when he observed that a certain person was tying his ass to a palm-tree on the Sabbath day.²¹ He called out to him but the other took no notice. 'Let this man' he called out, 'be placed under the ban'. 'Does such an act as mine',²² he²³ then asked [R. Ashi], 'appear as an impertinence?' — There is no wisdom for understanding nor counsel against the Lord,²⁴ wherever the divine name is being profaned no respect is to be shown to one's Master.²⁵

Raba ruled: In the presence of one's Master it is forbidden [to give a legal decision]²⁶ under the penalty of death;²⁷ in his absence this is forbidden but the penalty of death is not incurred. Is then no penalty of death incurred in his absence? Was it not in fact taught: R. Eliezer b. Jacob²⁸ stated: The sons of Aaron died²⁹ only because they gave a legal decision in the presence of their Master Moses. What was the exposition they made? And the sons of Aaron the priest shall put fire upon the altar,³⁰ although, they said, fire came down from heaven³¹ it is nevertheless a religious duty to bring also some ordinary fire. R. Eliezer, furthermore, had a disciple who once gave a legal decision in his presence. 'I wonder', remarked R. Eliezer to his wife, Imma Shalom, 'whether this man will live through the year'; and he actually did not live through the year. 'Are you', she asked him, 'a prophet?' 'I', he replied: 'am neither a prophet for the son of a prophet, but I have this tradition: Whosoever gives a legal decision in the presence of his Master incurs the penalty of death'.) Now, in connection with this incident Rabbah b. Bar Hana related in the name of R. Johanan: That disciple's name was Judah b. Gorias and he was three parasangs distant from his Master?³² — He was in his presence.³³ But was it not stated that 'he was three parasangs distant'?³⁴ — And according to your conception what need was there for the mention of his name and the name of his father? But the fact is that all the details were given in order that it be not said that the whole story was a fable.

R. Hiyya b. Abba stated in the name of R. Johanan: Whoever gives a legal decision in the presence of his Master deserves to be bitten by a snake, for it is said: And Elihu the son of Barachel the Buzite answered and said: I am young, etc. wherefore I held back,³⁵ and elsewhere³⁶ it is written: With the venom of crawling things³⁷ of the dust.³⁸ Ze'iri stated in the name of R. Hanina: He is called a sinner, for it is said: Thy word have I laid up in my heart,³⁹ that I might not sin against Thee.⁴⁰

R. Hamnuna pointed out an incongruity: It is written: Thy word have I laid up³⁹ in my heart,⁴⁰ and it is also written: I preached righteousness in a great congregation.⁴¹ — This is really no contradiction, the former relating to the time when Ira the Jairite⁴² was still alive while the latter relates to the time when Ira the Jairite was no longer alive.

R. Abba b. Zabda⁴³ stated: Whoever gives⁴⁴ his priestly gifts to one priest [only] brings famine into the world. For it is said in Scripture: Ira the Jairite was priest to David.⁴⁵ Now was he priest to David alone and not to all the world?⁴⁶ But the meaning is that David sent to him⁴⁷ his priestly gifts; and this is followed by the text: And there was a famine in the days of David.⁴⁸

R. Eliezer⁴⁹ said: He⁵⁰ is deprived of his greatness — For it is said: And Eleazar the priest said unto the men of war . . . This is the statute of the law which the Lord hath commanded Moses;⁵¹ although he thus said to them, 'He commanded my father's brother⁵² and not me'⁵³ he was

nevertheless punished,⁵⁴ as it is written: And he⁵⁵ shall stand before Eleazar the priest⁵⁶ and yet we do not find that Joshua ever needed his guidance.

R. Levi stated: He who answers a word⁵⁷ in the presence of his Master goes down to Sheol childless; for it says in Scripture: And Joshua the son of Nun, the minister of Moses from his youth up, answered and said: 'My lord Moses, shall them in'⁵⁸

(1) MS.M.: Hadeta'.

(2) Harta of Argiz, the name of the person who built the town of Harta. Rashi: in the name of תשובת הגאונים.

(3) Whose colleague and disciple he was (cf. Tosaf. s.v. רב a.l.). [R. Hisda was at that time head of the School at Sura which comprised within its jurisdiction Harta di Argiz, Obermeyer, loc. cit.].

(4) Used in the ritual slaughter of clean beasts and fowls. Such a knife, in order to reduce the pain of the animal to the lowest minimum, must be carefully ground until a very fine edge is obtained, and before use must also be submitted to the highest local religious authority for examination.

(5) Though his Master, R. Ashi, was the supreme religious authority at Matha Mehasia, a place near Sura. [The town Babylon was in the neighbourhood of Sura, v. Obermeyer p. 304].

(6) As R. Hamnuna, though a disciple of R. Hisda, was allowed to give legal decisions in a Babylonian town because R. Hisda, the supreme religious chief, resided in another part of Babylon so, Rabina submitted, was he also allowed to occupy the position of local religious authority in respect of the examination of the slaughtering knife in a town in which R. Ashi himself did not reside.

(7) Cf. supra n. 1. He need not submit it for examination to the supreme local religious authority if he is using it himself for his own beast.

(8) Rabina.

(9) Who was the religious head of the locality.

(10) From the innkeeper, sc. as the beast was not being killed exclusively for his own use the examination of the knife does not come under the ruling cited.

(11) An aid to the recollection of the names that follow.

(12) So Bah. Cur. edd. 'to Hania'.

(13) R. Eleazar of Hagronia.

(14) R. Abba b. Tahlifa (rt. תלף 'change').

(15) R. Aha son of R. Ika.

(16) R. Aha b. Jacob.

(17) Near Nehardea.

(18) Aliter: Third-born. Aliter: In its third year.

(19) R. Aha b. Jacob who was the supreme religious head of the place and whose prerogative it was to examine the instrument.

(20) Or 'he', omitting the name with MS.M.

(21) The use of a growing tree on the Sabbath is Rabbinically forbidden.

(22) Acting in the presence of the religious head of the place.

(23) Rabina.

(24) Prov. XXI, 30.

(25) Wisdom etc. of one's Master are regarded as of no consequence when an act is committed against the Lord.

(26) Except, as stated supra, where the profanation of the divine name is at stake.

(27) At the hands of Heaven.

(28) So Bah. Cur. edd. omit the last two words.

(29) Cf. Lev. X, 1f.

(30) Ibid. I, 7.

(31) V. ibid. IX, 24.

(32) When he gave the legal decision mentioned; which shows that the penalty of death is incurred even where a decision is given in the Master's absence. An objection against Raba's last cited statement.

(33) At the time he gave the legal decision. The distance of three parasangs mentioned referred only to that of the disciple's usual place of residence from the residence of his Master.

- (34) If the distance had no connection with the place where the decision was given what was the point in mentioning it at all?
- (35) זָהָלָתִי rt. זָהָל Job. XXXII, 6.
- (36) Cf. Bah.
- (37) זָהָלִי rt. זָהָל.
- (38) I.e., snakes. Deut. XXXII, 24.
- (39) He refrained from giving legal decisions in the presence of his Masters.
- (40) Ps. CXIX, 11.
- (41) Ibid. XL, 10.
- (42) David's teacher (cf. II Sam. XX, 26).
- (43) En Jacob and Asheri read: 'R. Abba b. Kahana'; MS.M., 'R. Kahana'.
- (44) Var. lec. 'sends' (MS.M. Ct Jacob and Asheri).
- (45) II Sam. XX, 26.
- (46) Of course not. A priest obviously enjoys that dignity before all 'Ben.
- (47) And to no other priest.
- (48) Ibid. XXI, 1.
- (49) Var. lec. 'Eleazar'.
- (50) Who gives a legal decision in the presence of his Master.
- (51) Num. XXXI, 21.
- (52) Moses.
- (53) Thus acknowledging that the statute he was teaching them was taught to him by his Master Moses.
- (54) For promulgating it in the presence of the Master.
- (55) Joshua.
- (56) Num. XXVII, 21, i.e., Joshua will have to submit his doubts and difficulties to Eleazar.
- (57) To a question submitted.
- (58) Nun. XI, 28. 'Kela'em', an answer in one word.

Talmud - Mas. Eirubin 63b

and elsewhere it is written: Nun his son, Joshua his son.¹ This exposition, however, differs from that of R. Abba b. Papa, for R. Abba b. Papa² stated: Joshua was punished³ for no other sin than that of preventing Israel or one night from the duty of propagation; for it is said in Scripture: And it came to pass, when Joshua was by Jericho, that he lifted up his eyes and looked etc.⁴ and this is followed by the text: And he said: 'Nay,⁵ but I am captain of the host of the Lord,' I am now come'.⁶ 'Last evening',⁷ he said to him [in effect]. 'you omitted to offer up the continual evening sacrifice⁸ and now you are neglecting the study of the Torah'.⁹ 'On account of which offence', the other asked,¹⁰ 'did you come'? — 'Now',¹¹ he replied. 'am I come'. Joshua, we read forthwith, went that night into the midst of the vale,¹² a text which, R. Johanan explained, teaches that he entered into the profundities of the halachah.¹³ And we have a tradition that so long as the Ark and the Shechinah are not settled in their appointed place¹⁴ connubial intercourse is forbidden.¹⁵

R. Samuel b. Inia¹⁶ stated in the name of Rab: The study of the Torah is more important than the offering of the daily continual sacrifices,¹⁷ since he said to him,¹⁸ 'now am I come'.¹⁹

R. Berona stated in the name of Rab: Concerning the man who sleeps in a room²⁰ in which husband and wife rest Scripture says: The women of My people ye cast out from their pleasant houses.²¹ This, R. Joseph said, applies even to the time when one's wife is menstruant. Raba said: If one's wife is menstruant may a blessing come upon him.²² This,²³ however, is not very logical, for who watched him²⁴ until that time?²⁵

There was a certain alley in which Lahman²⁶ b. Ristak²⁷ lived. 'Will you let us²⁸ your domain?²⁹ said the other residents to him; but he would not let it to them. So they went to Abaye and reported

the matter to him. ‘Renounce’, he advised them, ‘your respective domains³⁰ in favour of one resident so that he would be in the position of one individual living in the same place with a heathen, and wherever one individual lives in the same place with a heathen the latter imposes no restrictions upon the former’.³¹ ‘Is not the only reason’,³² he was asked,³³ ‘that it is not usual for one Israelite and one heathen to live together? And is it not a fact that these did live together?’ — ‘The renunciation of’ private domains in favour of one resident’, he replied: ‘is an unusual occurrence, and the Rabbis enacted no prohibitory measures against any occurrence that is unusual’.³⁴ R. Huna son of R. Joshua proceeded to report this ruling³⁵ to Raba when the latter remarked:³⁶

(1) I Chron. VII, 27, no son of Joshua being mentioned.

(2) MS.M. ‘that of R. Hanina, for R. Hanina b. Papa’.

(3) Having to die childless.

(4) Josh. V, 13.

(5) **ס**. Cur. edd. in Parenthesis, **ל** ‘to him’.

(6) Ibid. 14.

(7) The one preceding the night of the meeting.

(8) Cf. Num. XXVIII, 1ff.

(9) Joshua, engaging in incessant warfare both by day and night, was unable to allow time either for the daily evening sacrifice or for the study of the Torah which the people were expected to pursue in the evening when they were free from their labours. The critical attitude of the ‘captain’ is inferred (v. Rashi) from his appearance with his sword drawn’ (Josh. V. 13); and the emphasis he laid on ‘now’ (v. infra n. 12) implies that previously also some offence had been committed.

(10) Cf. MS.M. and Bah.

(11) For the last mentioned offence.

(12) Josh. VIII, 13.

(13) ‘Went’ (rt. **ל**) and ‘vale’ (rt. **עמק**) are expounded as ‘entered’ and ‘profundities’ which are respectively derived from the same Heb. roots. For other readings of the passage v. Bah a.l. and Sanh., Sonc. ed., p. 289, n. 12.

(14) Which was the case when a battle was in progress.

(15) Joshua, having been the cause, suffered in consequence the disability mentioned.

(16) Var. lec. ‘Iwya’ (En Jacob).

(17) Cf. Num. XXVIII, 1f.

(18) The ‘captain’ to Joshua.

(19) Josh. V, 14. He was more concerned with the latter offence than with the former.

(20) Lit., ‘curtain’, a curtained enclosure’.

(21) Micah II, 9.

(22) The man who by his presence provides a moral safeguard.

(23) Raba's view.

(24) The husband.

(25) No one, of course, besides himself and his wife. If the husband and wife are thus trusted by the Torah to be fully competent to look after their moral Interests, there could not be much advantage in having an occasional intruder.

(26) Var. lec. ‘Haman’ (R. Han. cf. MS.M.).

(27) A heathen.

(28) For the Sabbath.

(29) His right to the use of the alley.

(30) Cf. prev. n. mut. mut.

(31) As a result of the arrangement the residents would be enabled to move (a) within the alley any objects that rested in it at the time the Sabbath had set in and (b) objects from the house of the individual, in favour of whom they had renounced their rights, into the alley and from the alley into his house. In the absence of the arrangement they would have been deprived even of these limited privileges (cf. Shah. 130b). The prohibition, however, to move objects from their own houses into the alley and vice versa would still remain in force (cf. infra 69b).

(32) Why a heathen imposes no restrictions on an individual Israelite that lives with him in the same courtyard or alley.

(33) By one of the scholars. Cur. edd., ‘they said to him’, is wanting from MS.M.

(34) Hence the effectiveness of the suggested arrangement.

(35) Of Abaye.

(36) Lit., 'said to him'.

Talmud - Mas. Eirubin 64a

'If so,¹ are you not abolishing the law of 'erub in that alley?' — 'They might prepare an 'erub'.² 'Would It not then be said that an 'erub is effective even where a heathen is a resident in the place?' — 'An announcement might be made'.³ 'An announcement for the children?'⁴ — 'Rather', said Raba, 'let one of them⁵ persuade him⁶ and borrow a place from him on which he shall put down something, so that⁷ he assumes the status of his hired labourer or retainer concerning whom Rab Judah laid down in the name of Samuel: Even his⁸ hired labourer and even his retainer⁹ may contribute his share to the 'erub¹⁰ and this alone is sufficient.¹¹

Abaye asked R. Joseph: What is the ruling in there were¹² five hired labourers¹³ or live retainers?¹⁴ — The other replied: If the Rabbis have laid down that one's hired labourer or retainer is regarded as a householder in order that the law might be relaxed,¹⁵ would they also maintain that a hired labourer or retainer has a similar status in order that the law might be restricted?¹⁶

[Reverting to] the main text: 'Rab Judah laid down in the name of Samuel: Even his hired labourer and even his retainer may contribute his share to the 'erub, and this alone is sufficient R. Nahman observed: How excellent a ruling is this.

Rab Judah stated in the name of Samuel: He who has drunk a quarter of a log¹⁷ of wine must not give a legal decision. This ruling' observed R. Nahman, 'is not a very fine one, because in my own case, before I drink a quarter of a log of wine my mind is not clear'.

Said Raba to him:¹⁸ Why did the Master speak in such a manner?¹⁹ Did not R. Aha b. Hanina in fact state, 'What is the exposition of the Scriptural text: But he that keepeth company with harlots loses his substance?²⁰ Whosoever says: "This ruling is a fine one²¹ or "That ruling is not a fine one" loses the substance of the Torah'? — 'I withdraw', the other replied.

Rabbah son of R. Huna ruled: One who is under the influence of drink must not pray, but if he did pray his prayer is regarded as a proper one. An intoxicated man must not pray, and if he did pray his prayer is an abomination. How are we to understand the expression of 'One who is under the influence of drink', and how that of 'an intoxicated man'? — As follows. When R.²² Abba²³ b. Shumani²⁴ and R. Menashya b. Jeremiah of Difti²⁵ were taking leave from each other at the ford of the river Yopati they suggested, 'Let each one of us say something that the other has never heard before, for Mari son of R. Huna²⁶ laid down: The best form of taking leave of a friend is to tell him²⁷ a point of the halachah, because he would remember him for it'. 'What is to be understood', one of them began, 'by "one who is under the influence of drink" and what by "an intoxicated man"? The former is one who is able to speak in the presence of a king,²⁸ the latter is one who is unable to speak in the presence of a king'. 'What', the other began, 'should he who took possession of the property of a proselyte²⁹ do that he shall be worthy of retaining it? Let him purchase with it³⁰ a scroll of the Law'.³¹ R. Shesheth said: Even

(1) That renunciation alone is deemed to be sufficient to enable the residents to enjoy the privileges mentioned.

(2) Although it would bring them no material benefit.

(3) That the 'erub is ineffective, that with the exception of the one resident, in whose favour the others had renounced their rights, all are forbidden to carry any objects from their houses into the alley and vice versa, and that only within the alley, which on account of the renunciation assumed the status of a private domain, is the movement of objects permitted.

(4) Sc. what is the use of an announcement of which the rising generation would be unaware. The new generation,

ignorant of the terms of the announcement, would naturally assume that an 'erub is effective even where a heathen is one of the residents.

(5) Of the residents.

(6) The heathen resident in the alley.

(7) By becoming a tenant to the heathen's courtyard.

(8) A heathen's.

(9) If he is an Israelite.

(10) For the alley.

(11) To enable all the residents to move objects from their houses into the alley and vice versa.

(12) In a heathen's house.

(13) Cf. MS.M.

(14) Each one of whom occupied a room or a garret in it, and one of whom had forgotten to contribute his share to the 'erub for the alley. Since, it is asked, in respect of enabling the house in which he lives to be joined with the others in one 'erub he is regarded as its householder, is he equally regarded as a householder the absence of whose share from an 'erub restricts the use of the entire alley?

(15) I.e., that the 'erub shall be effective.

(16) Of course not. As all doubtful questions in the laws of 'erub are decided in favour of the more lenient view, a hired labourer or retainer cannot be regarded as a householder wherever he failed to contribute to the 'erub of the alley.

(17) v. Glos.

(18) R. Nahman.

(19) Criticizing traditional rulings.

(20) Prov. XXIX, 3.

(21) זונות 'harlots' is read as זן נאה 'this is fine'.

(22) Lit., 'like that of R.'

(23) Var. lec. 'Rabbah' (En Jacob).

(24) Var. lec. 'Rabbah b. Shimi (MS.M.).

(25) V. marg. glos., cur. edd., 'Gifty'. MS.M. omits the word.

(26) Var. lec., 'Mari son of R. Huna son of R. Jeremiah b. Abba (cf. Ber. 31a).

(27) Lit., 'a man shall not depart from his friend except from the midst of'.

(28) Sc. is able to collect his thoughts if suddenly confronted by a high personage whom he fears or reveres.

(29) Who died without any Jewish issue and thus had no legal heirs.

(30) With the proceeds of a portion of the property.

(31) The pious act will protect him from loss.

Talmud - Mas. Eirubin 64b

a husband [should act in a similar manner] with his wife's estate. Raba said: Even a man who engaged in trade and made a large profit should act in a similar manner. R. Papa said: Even he who has found something [should act in the same manner]. R. Nahman b. Isaac said: Even if he had only arranged for the writing of one pair of¹ tefillin.² In connection with this R. Hanin [or, as some say: R. Hanina] stated: What is the Scriptural proof?³ It is written: And Israel vowed a vow etc.⁴

Rami b. Abba⁵ stated: A mil's walk or a little sleep removes the effects of wine. Said R. Nahman in the name of Rabbah b. Abbuha: This applies only to one who has drunk one⁶ quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication. But does a mil's walk remove the effects of wine? Was it not in fact taught: It once happened that R. Gamaliel was riding on an ass when traveling from Akko to Chezib while R. Ila'i was following behind him. Finding a gluskin⁷ on the road he⁸ said to him, 'Ila'i, pick up the gluskin from the road'. Later he met a heathen. 'Mabgai',⁹ he said to him, 'take away that loaf from Ila'i'. R. Ila'i thereupon approached him,¹⁰ and asked 'where are you from?' 'I am', the other replied: 'from the station keepers'¹¹ settlements'. 'And what is your name?' 'My name is Mabgai'. 'Did R. Gamaliel ever know you?' 'No', the other replied. At that moment we discovered that R.

Gamaliel divined by the holy spirit and, at the same time, we learned three things: We learned that¹² eatables¹³ may not be passed by,¹⁴ that¹⁵ the majority of travellers must be followed;¹⁶ and that¹⁷ it is permitted to derive benefit¹⁸ from a heathen's leavened bread after the Passover.¹⁹ When he²⁰ arrived at Chezib a man approached him and asked for his vow to be absolved. 'Have we', he' asked the person who accompanied him,²¹ 'perchance drunk a quarter of a log of Italian wine?' 'Yes', the other replied. 'In that case', he said: 'let him walk behind us until the effect of our wine is removed'. The man walked behind them for three mils until he²⁰ reached the Ladder of Tyre.²² Having arrived at the Ladder of Tyre, R. Gamaliel alighted from his ass, wrapped himself in his cloak, sat down and disallowed his vow. At that time we learned many things: We learned that a quarter of a log of Italian wine causes intoxication; that an intoxicated man may not decide legal questions; that a journey causes the effects of wine to be removed, and that absolution from vows may not be granted while riding, walking, or standing, but must be done sitting. At all events, were not 'Three mils' mentioned here?²³ — Italian wine is different²⁴ since its powers of intoxication are greater.²⁵ But did not R. Nahman state in the name of Rabbah b. Abbuha, 'This applies only to one who has drunk one quarter of a log, but if one has drunk more than a quarter, a walk would only cause him more fatigue, and sleep would produce more intoxication'?²⁶ — A rider is in a different position.²⁷ Now that you have arrived at this,²⁸ no objection²⁹ can be raised against Rami b. Abba³⁰ either, since a rider is in a different position.³¹ But [the law,]³² surely, is not so; for did not R. Nahman say: Absolution from vows may be granted while walking, standing or riding?³³ — This is a point at issue between Tannas, one³⁴ holding that³⁵ an opening for regret must be discovered³⁶ while the other³⁷ holds that no opening for regret is required;³⁸ for³⁹ Rabbah b. Bar Hana related in the name of R. Johanan: what opening did R. Gamaliel suggest to that man? There is that speaketh like the piercings of a sword, but the tongue of the wise is health,⁴⁰ he 'that speaketh' a vow deserves to be pierced by the sword,⁴¹ 'but the tongue of the wise⁴² is health'.⁴³ The Master said that 'eatables may not be passed by'. R. Johanan laid down in the name of R. Simeon b. Yohai: This applies only to the earlier generations when the daughters of Israel did not freely indulge⁴⁴ in witchcraft, but in the later generations when the daughters of Israel freely indulged in witchcraft one may pass them by. A Tanna taught: Whole loaves⁴⁵ may be passed by but not crumbs. Said R. Assi to R. Ashi: But do they not practise witchcraft with crumbs? Is it not in fact written in Scripture: And ye have profaned Me⁴⁶ among My People for handfuls of barley and for crumbs of bread?⁴⁷ — These⁴⁸ they received as a fee.⁴⁹

R. Shesheth citing R. Eleazar b. Azariah observed:

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- (1) Lit., 'he wrote with them', sc. paid for, out of the wealth or property he had acquired.
 - (2) V. Glos.
 - (3) That the performance of a pious deed has a favourable effect on one's fortunes.
 - (4) Num. XXI, 2, the conclusion of the text showing that as a result of the vow Israel expected to be victorious in their struggle against the Canaanites.
 - (5) Var. lec. R. Aha (cf. Sanh. 22b).
 - (6) So MS.M. omitting גדי 'the contents'. This is also the reading in the quotation infra.
 - (7) An expensive loaf made of a certain kind of white flour.
 - (8) R. Gamaliel.
 - (9) A Samaritan proper name common among heathens (cf. Mak. 11a).
 - (10) The heathen.
 - (11) Burgonin, pl. of burgoni, keeper or tenant of a station for travelers.
 - (12) Since R. Ila'i was requested to pick up the loaf.
 - (13) Lying on the ground.
 - (14) But must be picked up.
 - (15) Since the loaf was given away to a heathen.
 - (16) The majority having been heathens the loaf must be assumed to have been dropped by one of them and, therefore, forbidden to an Israelite.

- (17) This incident occurred after the Passover; and the loaf was nevertheless presented to a heathen.
- (18) The recipient of the loaf would naturally be grateful for the gift and likely to repay it by some other act of kindness.
- (19) Which is forbidden in the case of an Israelite's leavened bread.
- (20) R. Gamaliel.
- (21) R. Ila'i.
- (22) Scala Tyriorum, a promontory south of Tyre.
- (23) How then could Rami b. Abba maintain that a one mil's walk is enough?
- (24) From other wines.
- (25) Hence a longer journey is necessary.
- (26) And since Italian wine is stronger than others one quarter of a log of it would have the same effect as a larger quantity of the others.
- (27) From that of a pedestrian. The injurious consequences of a walk would not affect him.
- (28) To the drawing of a distinction between riding and walking.
- (29) From the statement that three mils are necessary to remove the influence of drink.
- (30) Who spoke of one mil only.
- (31) While for a pedestrian one mil is sufficient, a rider, whose exertion is less, requires three mils.
- (32) With reference to the absolution of vows.
- (33) Ned. 77b.
- (34) With whom R. Gamaliel is in agreement.
- (35) Before a Sage may absolve one from a vow.
- (36) Sc. a valid ground must be found to make the man regret his vow from the very outset. In order to discover such a ground careful thinking is necessary and this is only possible when one is comfortably seated.
- (37) Who allows the granting of absolution in any position.
- (38) Absolution may be granted to any person who applies for it irrespective of whether he regrets ever having made the vow or not.
- (39) As proof that R. Gamaliel holds the same view as the former Tanna.
- (40) Prov. Xli, 18.
- (41) Because he might not be able to fulfil his obligations.
- (42) That of the Sage who grants absolution.
- (43) He restores the sinner to a healthy moral condition. With this exposition R. Gamaliel was able to convince the man of his folly and to make him express his sincere regrets for ever having made his vow.
- (44) Lit., 'broken through'.
- (45) Since witchcraft may be suspected.
- (46) By the practice of witchcraft (v. Rashi).
- (47) Ezek. XIII, 19.
- (48) The 'crumbs' mentioned by Ezekiel.
- (49) For their services in the art of witchcraft. With these crumbs, however, no witchcraft was performed.

Talmud - Mas. Eirubin 65a

I could justify the exemption from judgment of all the [Israelite] world since the day of the destruction of the Temple until the present time, for it is said in Scripture: Therefore hear now this, thou afflicted and drunken but not with wine.¹

An objection was raised: The sale or purchase of an intoxicated person is valid. If he committed a transgression involving the penalty of death he is to be executed, and if he committed one involving flogging he is to be flogged; the general rule being that he is regarded as a sober man in all respects except that he is exempt from prayer.² [Does not this³ contradict the view of R. Shesheth]? By the expression,⁴ 'I could justify the exemption' that he used he also meant exemption from judgment [for the lack] of [devotion⁵ in] prayer.

R. Hanina said: This³ applies only to one who did not reach the stage of Lot's drunkenness,⁶ but

one who did reach such a stage is exempt from all responsibilities.

R. Hanina observed: Against him who passes by⁷ the 'Shield'⁸ in the time of haughtiness⁹ troubles will be closed and sealed about him, for it is said in Scripture: His scales¹⁰ are his pride, shut up together as with a close¹¹ seal.¹² What proof is there that *afek*¹³ signifies 'passing by'? — Since it is written in Scripture: My brethren have dealt deceitfully as a brook, as the channel¹³ of brooks that pass by.¹⁴ R. Johanan said: The statement¹⁵ was 'Against him who does not utter'.¹⁶ What is the proof that *mapik*¹⁷ signifies manifestation?¹⁸ — Since it is written in Scripture: And the channels¹⁹ of waters appeared, and the foundations of the world were laid bare.²⁰ Observe! The Scriptural texts provide equal proof for the one Master as well as for the other Master; wherein then lies the difference between them?²¹ — The difference between them is [the propriety of the practice] of R. Shesheth; for R. Shesheth entrusted [the task of waking him from] his sleep to his attendant. One Master²² upholds the view of R. Shesheth while the other Master²³ does not.²⁴

R. Hiyya b. Ashi citing Rab ruled: A person whose mind is not at ease must not pray, since it is said: 'He who is in distress shall give no decisions'.²⁵ R. Hanina did not pray on a day when he was agitated. It is written, he said: 'He who is in distress shall give no decisions'.²⁶

Mar Ukba did not attend²⁷ court on a *shutha*²⁸ day.

R. Nahman b. Isaac observed: Legal study²⁹ requires as much clearness³⁰ as a north wind day.³¹ Abaye remarked: If my [foster] mother³² had told me: 'Bring me the *kutha*',³³ I would not have been able to study.³⁴ If, remarked Raba,³⁵ a louse bit me I could not study.³⁴

Seven garments for the seven days of the week³⁶ were prepared for Mar son of Rabina by his mother.

Rab Judah observed: Night was created for naught but sleep. R. Simeon b. Lakish observed: The moon³⁷ was created only to facilitate study. When R. Zera was told, 'You are exceedingly well versed in your studies', he replied: 'They are the result of day work'.

A daughter³⁸ of R. Hisda once asked R. Hisda,³⁹ 'Would not the Master like to sleep a little?' 'There will soon come', he replied: 'days that are long and short⁴⁰ and we shall have time to sleep long'. R. Nahman b. Isaac remarked: 'we are day workers'. R. Aha b. Jacob borrowed⁴¹ and repaid.⁴²

R. Eliezer ruled: A man who returns from a journey⁴³ must not pray for three days, for it is said in Scripture: And I gathered them together to the river that turneth to Ahava;⁴⁴ and there we encamped three days, and I viewed⁴⁵ the people.⁴⁶

On returning from a journey Samuel's father refrained from prayer for three days. Samuel did not pray in a house that contained alcoholic drink.⁴⁷ R. Papa did not pray in a house that contained fish-hash.⁴⁷

R. Hanina observed: He who allows himself to be pacified when lie is taking wine possesses some of the characteristics of his Creator, for it is said in Scripture: And the Lord smelled the sweet savour;⁴⁸ and . . . said . . . 'I will not again curse the ground any more for man's sake'.⁴⁹

R. Hiyya observed: He who retains a clear mind under the influence of wine possesses the characteristics of the seventy elders; for the numerical value of 'yayin'⁵⁰ is seventy⁵¹ and so is also the numerical value of 'sod',⁵² so that when wine goes in counsel departs.⁵³

R. Hanin⁵⁴ observed: Wine was created for the sole purpose of comforting mourners and rewarding the wicked;⁵⁵ for it is said: Give strong drink unto him that is ready to perish,⁵⁶ and wine unto the bitter in soul.⁵⁷

R. Hanin⁵⁸ b. Papa stated: A person in whose house wine is not poured like water has not attained the state of blessedness; for it is said: And He will bless thy bread and thy water,⁵⁹ as the 'bread' spoken of is a food that may be bought with the money of the Second Tithe so is the 'water'⁶⁰ a liquid that may be bought with the money of the Second Tithe. Now such a liquid is' of course,⁶¹ wine,⁶² and yet it is called 'water'.

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- (1) Isa. LI, 21. Having been described as 'drunken' prior to the destruction of the Temple, Israel, still bearing the stigma, cannot be held responsible for their actions.
 - (2) Tosef. Ter. III.
 - (3) The ruling that, with the exception of the duty of prayer, all intoxicated man is in all respects regarded as a sober man.
 - (4) Lit., 'what'.
 - (5) Cf Rashi.
 - (6) A state of complete unconsciousness (cf. Gen. XIX, 30ff).
 - (7) **מפיק** rt. **נפק**.
 - (8) I.e., omits to read the 'Amidah benedictions (cf. P.B. pp. 44ff) the first of which concludes with 'the Shield of Abraham'.
 - (9) When in a state of intoxication.
 - (10) **אפיקי מגנים** rendered as 'passing by' (cf. supra n. 2) the benediction concluding with 'Shield', (**מגן אברהם**).
 - (11) **צר** interpreted as **צרה** 'trouble'.
 - (12) Job XLI, 7,
 - (13) **אפיק**, rt. **נפק**.
 - (14) E.V., overflow, Job VI, 15.
 - (15) Reported by R. Hanina.
 - (16) The benedictions mentioned.
 - (17) **מפיק** rt. **נפק**.
 - (18) Sc. the utterance of the benedictions.
 - (19) **אפיקי** rt. **נפק**.
 - (20) Ps. XVIII, 16.
 - (21) Seeing that according to both views the law in practice is exactly the same, what matters it whether the rt. **נפק** is used as a positive in the sense of 'passing by' or as a negative, 'dos not utter'?
 - (22) R. Johanan.
 - (23) R. Hanina who uses the expression of 'passing by'.
 - (24) In his opinion a man's mind must be absolutely tranquil and clear during his prayers. A man who does not awake on his own cannot have a clear mind and is consequently unfit for prayer. (For another interpretation of the passage v. R. Han. and cf. Tosaf. s.v. **מסר** a.l.).
 - (25) M.T. has no such verse. R. Tam. (Tosaf. s.v. **בצר** a.l.) attempts to trace it to Job XXXVI, 19, rendering **שועך** as 'thy prayer' and **בצר** as here interpreted 'in distress'.
 - (26) V. prev. note.
 - (27) Lit., 'go out to'.
 - (28) 'Severe south wind' (Rashi), east wind' (Ar.), 'cloudy' (R. Han.).
 - (29) Or 'a legal decision'.
 - (30) Of mind. Aliter (cf. prev. n.); 'Must be as clear'.
 - (31) Istana. Cf. B.B., Sonc. ed. p. 568, n. 9 and Yeb. 72a.
 - (32) V. Kid. 31b.
 - (33) A dish of bread-crusts, sour milk and salt.
 - (34) Sc. the slightest disturbance of his studies would have distracted his mind and prevented him from concentrating on

the work in hand.

(35) Var. lec. 'Rabina' (En Jacob).

(36) Thus providing for his cleanliness and comfort and facilitating his study.

(37) Or 'moonlight'.

(38) MS.M., En Jacob and others read: 'the daughters'.

(39) Who spent his nights in prayer and study.

(40) The days in the grave are long in quantity but short in quality. In the grave one cannot continue his studies or perform any of the other good deeds.

(41) From the day-time.

(42) In the night. Sc. if for some reason he had to curtail his studies during the day he made up the deficiency in the night.

(43) Which usually involves danger, fatigue and distraction of the mind.

(44) Cur. edd., 'Ahava'.

(45) Lit., 'and I understood'.

(46) Ezra VIII, 15; he was unable to 'view' or 'understand' them before on account of the fatigue and distractions caused by the journey.

(47) He could not stand its pungent odour which disturbed his devotions.

(48) Smell and taste are regarded as being on a par.

(49) Gen. VIII, 21, which shows that the Creator allowed himself to be pacified when enjoying, so to speak, a 'sweet savour' (cf. prev. n.).

(50) יין 'wine'.

(51) It is composed of the letters י 10, + י 10, + ך 50, = 70. Lit., 'wine was given in seventy letters'. MS.M. omits 'letters'.

(52) ך ך 'counsel', consists of the letters ך, 60 + ך, 6 + ך 4 = 70.

(53) Sc. the man who drinks wine loses the ability for clear thinking. Any man, therefore, who is able to retain the clarity of his mind in such circumstances is regarded as being on a par with the seventy elders, the Sanhedrin, the source of clear thought and counsel.

(54) MS.M. 'Johanah'.

(55) For the little good they may do in this world.

(56) Sc. the wicked.

(57) The mourner; Prov. XXXI, 6.

(58) MS.M. 'Hanina'.

(59) Ex. XXIII, 25.

(60) Since it was mentioned in the same context as the 'bread'.

(61) Lit., 'and what is it?'

(62) Since water like salt (cf. supra 26b) may not be bought with the money of the Second Tithe.

Talmud - Mas. Eirubin 65b

If, therefore, it is poured in one's house like water that house has attained to the state of¹ blessedness, otherwise it has not.²

R. Ila'i³ said: By three things may a person's character be determined: By his cup,⁴ by his purse⁵ and by his anger; and some say: By his laughter also.

Rab Judah stated in the name of Rab: An Israelite and a heathen once lived in the inner of two courtyards and one Israelite lived in the outer one,⁶ and when the case⁷ came up for discussion before Rabbi he forbade the use of the latter,⁸ and when it was submitted to R. Hiyya he also forbade its use.⁸ Rabbah and R. Joseph were once sitting at the end [of a discourse] of R. Shesheth's session⁹ when the latter on sitting down suggested that¹⁰ Rab explained his traditional ruling to be in agreement with the view of R. Meir;¹¹ and Rabbah nodded his head.¹² 'That two great men',¹³ exclaimed R. Joseph,¹⁴ 'should make a mistake in such a simple thing! If the ruling is in agreement

with R. Meir why was it required that all Israelite shall live in the outer courtyard?¹⁵ And should you reply that the case just happened to be of such a nature, was not Rab asked, [it could be pointed out,] whether the inner Israelite tenant could use his own place¹⁶ and he replied that he was permitted?¹⁷ — In agreement with whose view then?¹⁸ Is it suggested to be in agreement with that of R. Eliezer b. Jacob?¹⁹ Did he not, [it may be retorted,] rule:²⁰ UNLESS THERE ARE TWO ISRAELITES WHO IMPOSE RESTRICTIONS UPON EACH OTHER?²¹ — Is it²² then in agreement with R. Akiba who ruled: A man who is permitted freedom of movement in his own place²³ causes the restriction of free movement on others in a place that is not his?²⁴ What need was there,²⁵ [it may be asked,] to have a heathen,²⁶ seeing that even one Israelite alone would have imposed the restrictions? — R. Huna son of R. Joshua replied: The ruling²² in fact is in agreement with R. Eliezer b. Jacob²⁷ and R. Akiba,²⁸ but²⁹ here we are dealing with a case where [the two Israelites] joined in an ‘erub. Hence the reason of the prohibition that there was a heathen³⁰ who imposed the restrictions, but where there was no heathen there is none to impose restrictions upon them.

R. Eleazar³¹ enquired of Rab: What is your ruling where all Israelite and a heathen lived in the outer courtyard and one Israelite lived in the inner one? [Is the enactment³² applicable only] there,³³ for the reason that it is usual³⁴ [for an Israelite] to live [with a heathen] since [the former knows] that the heathen would be afraid [to use violence against him] as he expects the other Israelite³⁵ to come and demand,³⁶ ‘Where is that Israelite that lived with you?’³⁷ but [not] here where the heathen could well reply,³⁸ ‘He went out and disappeared’;³⁹ or is it likely [that the enactment extended also to such a case since] here also [the heathen would be] afraid [to, use violence against his neighbour] as he imagines that the Israelite⁴⁰ might at any moment pass⁴¹ and detect him in the act?⁴² — The other replied: Give to a wise man, and he will be yet wiser.⁴³

Resh Lakish and the students of R. Hanina once happened to be in a certain inn⁴⁴ while its tenant was away but its landlord was present. ‘Is it proper’,⁴⁵ they discussed, ‘to rent from him⁴⁶ [the heathen's share in the courtyard]?’⁴⁷ Wherever the landlord is not entitled to terminate the lease⁴⁸ there could be no question that we must not rent it; the question arises only where he is entitled to terminate it.⁴⁸ May we rent it because he has the power to terminate the lease or is it possible that, since at present at any rate he did not yet terminate it, we may not rent it?’ — Resh Lakish said to them: ‘Let us⁴⁹ rent it⁵⁰ and when we arrive at our Masters in the South we might submit the question to them’. On submitting the question⁵¹ to R. Afes he replied: ‘You have acted well in renting it’.

R. Hanina⁵² b. Joseph, R. Hiyya b. Abba and K. Assi once happened to come to a certain inn whither⁵³ a heathen, the owner of the inn, had returned on the Sabbath.⁵⁴ ‘Is it permissible’,⁵⁵ they discoursed, ‘to rent from him his share? Is the law of renting like that of the preparation of an ‘erub,⁵⁶ so that as an ‘erub must be prepared while it is yet day,⁵⁷ must renting take place while it is yet day;⁵⁷ or is the law of renting like that of the renunciation of one's domain, so that as the right to one's domain may be renounced even on the Sabbath⁵⁸ so may renting also take place on the Sabbath?’⁵⁹ R. Hanina b. Joseph said: ‘Let us rent it’, while R. Assi said: ‘Let us not rent it’. ‘Let us’, said R. Hiyya b. Abba to them, ‘rely on the words of the old man and rent it’. When they subsequently came to R. Johanan and submitted the question to him he told them:

(1) Lit., ‘there is’.

(2) Lit., ‘and if not, not

(3) MS.M., ‘Ela’.

(4) Sc. by the effect of drink on his mind, or by the amount he consumes.

(5) The sums of money he spends on charitable causes or the manner of his dealing in money matters.

(6) Through which the tenants of the former had a right of passage.

(7) Of the permissibility of the movement of objects on the Sabbath in the outer courtyard.

(8) Sc. the movement of objects in it is forbidden on the Sabbath unless in addition to a joint ‘erub by the two Israelites

the heathen has also let his share in it to its tenant.

(9) **שְׁלֵהי פְּרָקִיָּה**; the phrase seems to be a technical phrase denoting a special session at the end of a series of lectures devoted to the reviewing of the conclusions reached during the course, v. Kaplan J., *The Redaction of the Babylonian Talmud*, p. 257.].

(10) Lit., 'like whom?'

(11) The author of the ruling in the first clause of our Mishnah which restricts the use of a courtyard in which a heathen lived even if no more than one Israelite lived in it with him.

(12) In consent.

(13) So MS.M. Cur. edd. add., 'like our Rabbis'.

(14) MS. M. 'Abaye'.

(15) To bring up the number of Israelites to two. According to R. Meir (cf. supra p. 455, n. 14) the heathen would have imposed the restrictions even in there had been only the one Israelite in his courtyard.

(16) In the inner courtyard, sc. may he move objects from his house into that courtyard and vice versa?

(17) Which shows that the prohibition is restricted to that courtyard alone in which no less than two Israelites have a share. How then could it be suggested that the ruling was in agreement with R. Meir.

(18) Did Rab explain his reported ruling.

(19) The author of the ruling in the second clause of our Mishnah.

(20) That a heathen causes no restrictions.

(21) As the two Israelites do not live in the same courtyard, and as the inner tenant is permitted to use his own courtyard, the latter could impose no restrictions upon the former. Why then was the use of the outer courtyard forbidden?

(22) Rab's reported ruling under discussion.

(23) As is the Israelite in the inner courtyard.

(24) Supra 59b, q.v. notes; and since the two Israelites thus impose restrictions upon each other the heathen also imposes restrictions upon them.

(25) For the imposition of restrictions,

(26) In the inner courtyard.

(27) That only where two Israelites impose restrictions upon each other does a heathen's tenancy affect their rights to the use of their courtyard. Hence it is well permitted to the only Israelite in the inner court freely to use that courtyard in which he lives.

(28) According to whose view the inner Israelite tenant, though he may freely use his own courtyard, imposes restrictions on the use of the outer courtyard.

(29) The reason why the tenancy of a heathen is required if restrictions are to be imposed.

(30) Who impairs the validity of the 'erub of the Israelites.

(31) V. marg. glos. Cur. edd., 'Eliezer'.

(32) That a heathen tenant imposes restrictions on his Israelite neighbours.

(33) In the previous case where an Israelite and a heathen lived in the inner courtyard and one Israelite lived in the outer one.

(34) In the circumstances described (cf. prev. n.).

(35) Who lived in the outer courtyard.

(36) Lit., 'now the Israelite would come and say to me'.

(37) He could not shake since his way out could only be through the outer courtyard where its tenant would have seen him.

(38) Lit., 'I would say to him',

(39) As no Israelite would in such circumstances venture to live with a heathen in the same courtyard no enactment (cf. supra n. 3) was deemed necessary.

(40) The tenant of the inner courtyard.

(41) Through the outer courtyard on his way out.

(42) Lit., 'come and see me'.

(43) Prov. IX, 9; Sc. the enactment applied to the latter, as well as to the former case.

(44) In the courtyard of which lived two Israelites and one heathen who rented his house from a fellow heathen.

(45) Lit., 'what is it?'

(46) The landlord.

- (47) In order that the movement of objects in it shall be permitted on the Sabbath even if the leaseholder returned before the termination of the Sabbath.
- (48) Before the clay of its expiration. Lit., 'remove him'.
- (49) Since doubtful points in respect of the laws of 'erub are to be decided in favour of the more lenient view.
- (50) And thus be entitled to the unrestricted use of the courtyard.
- (51) Lit., 'they came, asked'.
- (52) MS.M. 'Rabbah'.
- (53) After they had duly prepared their 'erub on the Sabbath eve.
- (54) No question would have arisen if he had not returned since a heathen's right in a courtyard is disregarded in his absence in the case of 'erub. (Cf. R. Judah's ruling supra 86a).
- (55) Lit., 'what is it?'
- (56) Lit., 'is one who rents like one who prepares an 'erub'.
- (57) Of the Sabbath eve.
- (58) Cf. supra 69b.
- (59) And consequently one of them at least in whose favour all the others would renounce their rights could rent the heathen's share and thus be entitled to the unrestricted use of the courtyard. [This is not treated as a commercial transaction but as the presentation of a mere gift, since its sole object is to permit the movement of objects; Tosaf. 66a, s.v. עֵרֻב].

Talmud - Mas. Eirubin 66a

'You have acted well in renting the place'. The Nehardeans were astonished at this decision.¹ Could R. Johanan, [they argued,] have given such a decision, seeing that R. Johanan laid down that renting is subject to the same law as that of the preparation of an 'erub, which means, does it not, that as the preparation of an 'erub must take place while it is yet day so must renting also take place while it is yet day?² — No;³ the meaning is that as an 'erub may be prepared even with food that is worth less than a perutah⁴ so may renting also be effected even with less than a perutah,⁴ and as an 'erub for a heathen's share is valid even if effected through his hired labourer or retainer⁵ so may his share be rented even from his hired labourer or his retainer,⁶ and as in the case of 'erub, if five tenants lived in one courtyard,⁷ one of them may join in an 'erub⁸ for all of them⁹ so also in the case of renting, if five tenants¹⁰ lived in one courtyard,¹¹ one of them may rent the heathen's share on behalf of all of them.

R. Eleazar was astonished at it.¹² 'What', R. Zera asked: 'could have been the cause of R. Eleazar's astonishment?' That such a great man as R. Zera, exclaimed R. Shesheth, should not know why R. Eleazar was astonished! His difficulty, [of course] was a ruling of his Master Samuel who laid down: Wherever tenants¹³ impose restrictions upon one another but may¹⁴ join together in an 'erub they may¹⁵ renounce their rights to their shares in favour of one of them;¹⁶ where they may¹⁴ join in an 'erub but¹⁷ do not impose restrictions upon one another, or when they do¹⁸ impose restrictions upon one another but may not¹⁹ join in an 'erub, they may not renounce their rights in favour of one of them. 'Wherever tenants impose restrictions upon one another but may join together in an 'erub they may renounce their rights to their shares in favour of one of them' as, for instance, in the case of two courtyards, one within the other.²⁰ 'Where they may join in an 'erub but do not impose restrictions upon one another . . . they may not renounce their rights in favour of one of them' as, for instance, in the case of two courtyards²¹ that have a common door between them.²² Now what case was intended to be included in the statement, 'Where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favour of one of them'? Was not this meant to include the case of the heathen?²³ Now,²⁴ if the heathen had come home on the Sabbath eve,²⁵ could not his share have been hired prior to the Sabbath?²⁶

(1) Just attributed to R. Johanan.

(2) How then could it be asserted that R. Johanan approved of the renting of the heathen's share on the Sabbath?

- (3) Sc. the comparison was not intended, as suggested, to restrict the laws of 'erub, but rather, since in all questions of 'erub the lenient course is followed, to relax them.
- (4) V. Glos.
- (5) If he was an Israelite (cf. supra 64a).
- (6) Who was not an Israelite.
- (7) Whose door opened into another courtyard.
- (8) With the tenants of the other courtyard.
- (9) Cf. infra 72b.
- (10) Israelites.
- (11) Where a heathen tenant also lived.
- (12) At the decision supra to rent the heathen's share on the Sabbath and to renounce the individual Israelites' rights in favour of one of them.
- (13) In the absence of an 'erub.
- (14) If they wish.
- (15) Where they have failed to prepare their 'erub on the Sabbath eve.
- (16) Thereby constituting the entire courtyard as the domain of that one tenant and they in consequence are enabled to move objects from place to place within the courtyard as well as from that tenant's house into the courtyard and vice versa; the movement of objects from their own houses into the courtyard and vice versa would, of course, remain forbidden.
- (17) Even in the absence of an 'erub.
- (18) In the absence of an 'erub.
- (19) Even if they desire it.
- (20) The tenants of the inner courtyard, if they do not join in an 'erub for their courtyard, restrict the use of the outer courtyard by its tenants, on account of the former's right of passage through it. They may join in an 'erub with the outer tenants if they desire to do so, by preparing one on the Sabbath eve. They may, therefore, should they even happen to have failed to prepare the 'erub on the Sabbath eve, renounce their right of passage through the outer courtyard in favour of its tenants and thus remove the latter's restrictions upon its use.
- (21) Each of which has a door of its own to an alley or a public domain.
- (22) In addition to their other doors. The tenants of these two courtyards may join in an 'erub if they wish but, since each courtyard is self-contained, they do not impose restrictions upon one another even in the absence of an 'erub. As renunciation of rights in a courtyard was permitted only where the tenants impose restrictions upon one another no renunciation is here allowed.
- (23) Who lived in a courtyard with two Israelites. In such a case the two Israelites would impose restrictions upon one another but could not join in an 'erub on account of the heathen tenant.
- (24) Since this case was apparently intended.
- (25) Lit., 'and if he came since yesterday'.
- (26) Lit., 'from yesterday'. Of course it could. Why then, since all 'erub could well be prepared after the heathen's share had been hired, is this case described as one where the tenants 'impose restrictions' but 'may not join in an 'erub'?

Talmud - Mas. Eirubin 66b

Consequently¹ it must refer to a case where the heathen came home on the Sabbath, and in connection with this it was stated that 'where they do impose restrictions upon one another but may not join in an 'erub they may not renounce their rights in favour of one of them'.² This is conclusive.

I, observed R. Joseph, have never before heard this reported ruling.³ Said Abaye to him: You yourself have taught it to us⁴ and you said it in connection with the following. For Samuel said that 'no domain may be renounced where two courtyards are involved⁵ nor may it be renounced in the case of a ruin',⁶ and you told us in connection with it that when Samuel said that 'no domain may be renounced where two courtyards are involved' he meant it to apply only to two courtyards that⁷ had one door in common,⁸ but where one courtyard was within the other,⁹ since the tenants impose restrictions upon one another,¹⁰ they¹¹ may also renounce their rights.¹² Could I, the former

questioned, have reported such a ruling in the name of Samuel? Did not Samuel in fact state: 'In the laws of 'erub we can only be guided¹³ by the wording of our Mishnah',¹⁴ [viz.,] 'the tenants of one courtyard',¹⁵ but not those of two courtyards?¹⁶ — When you told us, the other explained, that 'In the laws of 'erub we can only be guided by the wording of our Mishnah' you said It in connection with the following: Since an alley to its courtyards is as a courtyard to its houses.¹⁷

[To turn to] the main text: Samuel ruled that no domain may be renounced where two courtyards are involved nor may it be renounced in the case of a ruin.¹⁸ R. Johanan, however, ruled: A domain may be renounced even where two courtyards are involved and it may also be renounced in the case of a ruin. And both¹⁹ had to be mentioned. For if the two courtyards only had been mentioned it might have been assumed that only in this case did Samuel maintain his view, since the use of one is quite independent of that of the other,²⁰ but that in the case of a ruin, the use of which is common to the two tenants,²¹ he agrees with R. Johanan.²² And if the latter²³ only had been stated it might have been presumed that in this case only did R. Johanan²⁴ mention his view, but that in the former case²⁵ he agrees with Samuel. Hence both were required.

Abaye stated: Samuel's ruling that²⁶ 'no domain may be renounced where two courtyards are involved'²⁷ applies only²⁸ to two courtyards that had one door in common but where two courtyards were one within the other, since the tenants impose restrictions upon one another, they may also renounce their rights.²⁹ Raba stated: Even in the case of two courtyards one of which was within the other the tenants may sometimes renounce their rights and sometimes³⁰ they may not renounce them. How IS this [possible]? If the tenants³¹ deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted,³² If they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted.³² If, however, a tenant of the outer courtyard forgot to participate in the 'erub, the use of the inner courtyard is unrestricted³³ while that of the outer one is restricted.³⁴ 'If the tenants deposited their 'erub in the outer courtyard and one tenant, whether of the inner courtyard or of the outer courtyard, forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose favour could this tenant of the inner courtyard³⁵ renounce his right? Should he renounce it³⁶ in favour of the tenants of the inner courtyard?³⁷ But their 'erub, surely, is not with them!³⁸ Should he³⁹ renounce his right⁴⁰ in favour of the tenants of the outer courtyard also?⁴¹ Surely no domain may be renounced where two courtyards are involved!⁴² As to the tenant of the outer courtyard⁴³ too in whose favour could he renounce his right? Should he renounce it³⁶ in favour of the tenants of the outer courtyard? There would still remain the tenants of the inner courtyard⁴⁴ who⁴⁵ would impose the restrictions upon them! Should he renounce it in favour of the tenants of the inner courtyard also?⁴⁶ Surely no domain may be renounced where two courtyards are involved!⁴² 'If they deposited their 'erub in the inner courtyard and one tenant of the inner courtyard forgot to participate in the 'erub, the use of both courtyards is restricted'. For in whose favour could this tenant of the inner courtyard⁴⁷ renounce his right? Should he renounce it⁴⁸ in favour of the tenants of the inner courtyard? There would still remain the tenants of the outer courtyard who⁴⁹ would impose restrictions upon them! Should he⁵⁰ renounce his right⁵¹ in favour of the tenants of the outer courtyard also?⁵² Surely no domain may be renounced where two courtyards are involved!⁵³

(1) Since it is a case where they may not join in an 'erub'.

(2) Which proves that renunciation of individual shares in favour of one of the tenants is permissible only where the tenants were allowed to prepare an 'erub on the Sabbath eve. Hence R. Eleazar's astonishment (supra 66a).

(3) Of Samuel, that in the case of two courtyards the tenants of the inner one may renounce their right of passage through the outer one in favour of the tenants of the latter.

(4) R. Joseph, as the result of a serious illness, lost his memory and Abaye who was a disciple of his often reminded him of his own teachings. Cf. supra 10a notes.

(5) Lit., 'from courtyard to courtyard'. This is explained presently.

- (6) That intervened between two houses whose doors opened into it. Only in the case of houses that opened into a courtyard, which is a recognized place for the use of tenants, was renunciation of one's right to one's share in that courtyard permitted in order to enable (a) the tenant in whose favour the renunciation was made to move objects from his house to the courtyard and vice versa, and (b) the other tenant or tenants to move objects from place to place within the courtyard. As a ruin, however, is not usually a place which tenants would use no renunciation of one's domain was permitted and no objects, therefore, may be moved either from the houses into it or from it into the houses unless a proper 'erub has been duly prepared.
- (7) In addition to the door each had towards an alley or a public domain.
- (8) Lit., 'between them'. Since each of the two groups of tenants, by closing the communicating door, is well able freely to use its own courtyard, irrespective of any action on the part of the other group, the Rabbis did not consider it necessary to relax the law in their favour and to allow renunciation.
- (9) And the inner tenants cannot possibly gain access to the alley or public domain except through the outer courtyard.
- (10) On account of the right of way.
- (11) The inner tenants, if they prepared no 'erub even among themselves.
- (12) Of passage, to which they are entitled in the outer courtyard, and the tenants of the latter are thereby enabled to use their courtyard.
- (13) Sc. no further relaxation of the law is permitted.
- (14) The Mishnah infra 69b of which Samuel presumably spoke.
- (15) May, if one of them forgot to join in their 'erub, renounce their rights in their courtyard in favour of that man.
- (16) How then could this be reconciled with the ruling of Samuel that the law of renunciation applies only to two courtyards?
- (17) Mishnah infra 73b. Cf. the discussion infra 74a.
- (18) Supra q.v. notes.
- (19) Courtyards and ruin.
- (20) Lit., 'its use is alone', the one courtyard is not used by the tenants of the other. As the tenants are independent of, and consequently impose no restrictions upon one another it was quite proper that the law of renunciation should not be extended to them.
- (21) Lit., 'one use for both of them', the two tenants who lived on either side of the ruin, who do impose restrictions upon each other.
- (22) That renunciation is permitted.
- (23) A ruin.
- (24) For the reason given supra n. 2.
- (25) To which the reason stated supra n. 1 is applicable.
- (26) Lit., 'that which Samuel said'.
- (27) Supra q.v. notes.
- (28) Lit., 'he did not say them, but'.
- (29) Cf. supra p. 462, nn. 2ff.
- (30) Though they impose restrictions upon one another.
- (31) Of both courtyards.
- (32) Sc. renunciation is of no avail; as will be explained anon.
- (33) Because the tenants of the outer courtyard, whose 'erub was deposited in it and who in consequence were regarded as its tenants, are permitted to renounce their rights in favour of the inner tenants whose use they would otherwise have restricted on account of the restrictions in their own courtyard occasioned by the outer tenant who failed to participate with them in their 'erub.
- (34) As explained in the prev. n. ad fin.
- (35) Who failed to participate in the 'erub.
- (36) The right to his share in his courtyard.
- (37) So that they might thereby be permitted to the unrestricted use of their courtyard though the tenants of the outer courtyard, on account of his right of way, would not be allowed the unrestricted use of their own courtyard.
- (38) Since it was not deposited in their own courtyard but in the outer one; and should they be severed from it they would remain with no 'erub at all and, in consequence, would be subject to all the restrictions that tenants impose upon one another.

- (39) The inner tenant who did not participate in the 'erub.
- (40) Of way in the outer courtyard.
- (41) And by eliminating himself in this manner from both courtyards enable both groups of tenants to have the unrestricted use of the courtyards.
- (42) Lit., 'from courtyard to courtyard', sc. according to Samuel no tenant of one courtyard may renounce his right to his share in favour of a tenant of another courtyard even though, in the absence of such renunciation, he imposes restrictions upon him.
- (43) Who failed to participate in the 'erub.
- (44) Whose 'erub has been invalidated on account of this tenant's forgetfulness.
- (45) Since they are restricted in the use of their own courtyard.
- (46) V. supra n. 7.
- (47) Who failed to participate in the 'erub.
- (48) The right to his share in his courtyard.
- (49) On account of their participation in the 'erub that was deposited in the inner courtyard, which has conferred upon them the status of tenants.
- (50) The inner tenant who did not participate in the 'erub.
- (51) Of way in the outer courtyard.
- (52) V. supra p. 464, n. 7.
- (53) V. supra p. 464, n. 8.

Talmud - Mas. Eirubin 67a

'If, however, a tenant of the outer courtyard forgot to participate in the 'erub the use of the inner courtyard¹ is' certainly 'unrestricted',² since its tenants³ might close its door⁴ and so enjoy its use, 'while that of the outer one is restricted'.⁵

Said R. Huna son of R. Joshua to Raba: But why should the use of both courtyards be restricted where a tenant of the inner one forgot to join in the 'erub.? Could not the tenant of the inner courtyard renounce his right in favour of the tenants of the inner courtyard and the tenants of the outer one could then come and enjoy unrestricted use together with them? — In agreement with whose view, [retorted Raba, is this objection raised? Apparently] in agreement with that of R. Eliezer who ruled that 'it is not necessary to renounce one's right in favour of every individual tenant',⁶ but I spoke in accordance with the view of the Rabbis who ruled⁶ that 'it is necessary to renounce one's right in favour of every individual tenant'.⁷ Whenever R. Hisda and R. Shesheth met each other, the lips of the former trembled at the latter's extensive knowledge of Mishnahs,⁸ while the latter trembled all over his body at the former's keen dialectics.⁹ R. Hisda once asked R. Shesheth: 'What is your ruling where two houses were situated on the two sides of a public domain and gentiles came and put up a fence before their doors¹⁰ on the Sabbath?¹¹ According to him who holds that no renunciation of a domain is valid where two courtyards are involved¹² the question does not arise. For¹³ if no renunciation is permitted where two courtyards are involved even where an 'erub could, if desired, have been prepared on the previous day¹⁴ how much less could renunciation be permitted here¹⁵ where¹⁶ no 'erub could have been prepared on the previous day even if desired. The question arises only on the view of him, who ruled,¹² "A domain may be renounced even where two courtyards are involved".¹⁷ Do we say that only there where they could, if desired, have prepared an 'erub on the previous¹⁸ day is one also allowed to renounce one's domain, but here¹⁹ where they could not prepare an 'erub on the previous day²⁰ one is not allowed to renounce one's domain either; or is it possible that there is no difference between the two cases?'²¹ — 'No renunciation is permitted', the other replied.²² 'What is your ruling', the former again asked: 'where the gentile²³ died on the Sabbath?²⁴ According to him who ruled that it was permitted to rent,²⁵ the question does not arise. For if two acts²⁶ are permitted is there any need to question whether one act only²⁷ is permitted?²⁸ The question, however, arises according to him who ruled that it was not permitted to rent.²⁹ Are only two acts³⁰ forbidden³¹ but not one,²⁷ or is it possible that no

difference is to be made between the two cases?' — 'I maintain', the other replied: 'that renunciation is permitted'.³² Hamnuna, however, ruled: renunciation³³ is not permitted.³⁴

Rab Judah laid down in the name of Samuel: If a gentile has a door of the minimum size of four handbreadths by four that opened³⁵ into a valley, even though he leads camels and wagons in and out all day through an alley,³⁶ he does not restrict its use for the residents of that alley. What is the reason? — That door which he keeps exclusively for himself is the one he prefers.³⁷ The question was asked: What is the ruling where it³⁸ opened into a karpaf?³⁹ R. Nahman⁴⁰ b. Ammi citing a tradition replied:

(1) By its tenants.

(2) Even according to Samuel,

(3) In whose favour those of the outer one may well renounce the right in their courtyard which they have acquired solely through their 'erub (cf. Rashi).

(4) That leads to the outer courtyard.

(5) Cf. supra p. 463, n. 14, ad fin. The renunciation on the part of the outer tenants, it may be added, is necessary only in accordance with the ruling of R. Akiba. According to the view of the Rabbis no renunciation is required v. infra 75b (Rashi and Tosaf. a.l.).

(6) Cf. supra 26b.

(7) Since a tenant of one courtyard cannot renounce his right in favour of a tenant of another courtyard (as stated supra) the inner tell, [It cannot renounce his right in favour of any of the outer tenants and, consequently, his renunciation in favour of his own neighbours alone cannot in any way help towards the removal of the restrictions.

(8) Many of which appear to be contradictory to each other and so offered R. Shesheth, who could easily marshal them, an opportunity of embarrassing R. Hisda by inviting him to reconcile them.

(9) With which he could easily bewilder R. Shesheth.

(10) Lit., 'and surrounded them', sc. fences were erected on both sides of the doors of the houses across the public domain so as to form an enclosure into which both doors opened.

(11) Is one of the tenants permitted to move objects from his house into the enclosure (cf. supra 20a) if the other has renounced in his favour the share he has in it?

(12) Supra 66b, q.v. notes.

(13) Lit., 'now that'.

(14) Sc. on the Sabbath eve. From which it follows (as explained supra) that where residents impose no restrictions upon each other they are not permitted to exercise the right of renunciation even where they had the right to join in an 'erub.

(15) The case under consideration.

(16) In addition to the residents' inability to impose restrictions upon each other.

(17) From which it follows that renunciation is permitted even where the residents concerned do not impose restrictions upon each other.

(18) So that they enjoyed at least one privilege, that of the right to the preparation of an 'erub.

(19) The case under consideration.

(20) And are thus deprived even of the one privilege (cf. supra n. 11).

(21) As renunciation is permitted even where the residents impose no restrictions upon each other so is it also permitted where no 'erub could be prepared by them on the Sabbath eve.

(22) Renunciation is admissible only where the residents concerned (a) impose restrictions upon one another or (b) could, if they desired, have prepared an 'erub at the proper time.

(23) Who lived in a courtyard with two Israelites who neither rented his share in it nor prepared an 'erub on the Sabbath eve.

(24) May the Israelites renounce their rights to each other on the Sabbath?

(25) On the Sabbath, from a gentile who returned home on that day; and that renunciation is subsequently permitted (v. supra 65b).

(26) Renting and renunciation.

(27) Renunciation.

(28) Obviously not.

(29) Cf. supra n. 5, mut. mut.

(30) Renting and renunciation.

(31) Lit., 'two it is that we do not do'.

(32) Since in this case, unlike the one cited, the residents could have rented the gentile's share before the Sabbath when a valid 'erub could well have been prepared.

(33) Which is admissible only where an 'erub could have been prepared.

(34) Since in this case also no 'erub could have been prepared because the gentile's share in the courtyard had in fact not been rented.

(35) From his courtyard.

(36) In which Israelites live and into which his courtyard also has a door.

(37) He is consequently presumed to have renounced his right to his share in the alley, and if he does use it he is regarded as a mere passer-by whose passage can in no way affect the rights of the residents (cf. R. Han.).

(38) The door of the heathen's courtyard that had also a door opening towards an alley (cf. supra p. 467, n. 16).

(39) Is a karpaf in this respect regarded as a valley?

(40) Var. lec., 'Hanan' (Bomb. ed.).

Talmud - Mas. Eirubin 67b

Even if it opened to a karpaf.¹ Both Rabbah and R. Joseph ruled: A gentile² causes restrictions³ [if his karpaf was no bigger than] two beth se'ah,⁴ but if it was bigger⁵ he causes no restrictions,⁶ an Israelite,⁷ however, causes no restrictions⁸ [if his karpaf was no bigger than] two beth se'ah,⁹ but if it was bigger¹⁰ he¹¹ does cause restrictions.⁶

Raba b. Haklai¹² asked R. Huna: What is the ruling¹³ where [the door of a gentile's courtyard]¹⁴ opened into a karpaf¹⁵ The other replied: Behold it has been said: 'Causes restrictions if [his karpaf was no bigger than] two beth se'ah, but if it was bigger he causes no restrictions'.¹⁶

Ulla laid down in the name of R. Johanan: If a man threw an object¹⁷ into a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes he incurs guilt¹⁸ even if it was of the size of a kor or even as big as two kors. What is the reason?¹⁹ — It is a proper enclosure²⁰ which only lacks tenants.²¹

R. Huna b. Hinena²² raised all objection: If a rock in the sea²³ was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it;²⁴ but if it was lower²⁵ this is permitted.²⁶ To what extent?²⁷ To two beth se'ah.²⁸ Now what do these²⁹ refer to? If it be suggested: To the final clause,³⁰ the objection would arise: Seeing that one would only be moving from a karmelith to a karmelith,³¹ why only two beth se'ah, and no more? Consequently it must refer³² to the first clause, and what was implied was this: 'If a rock in the sea was ten handbreadths high and four handbreadths wide it is forbidden to move objects from it into the sea and from the sea into it', and 'To what extent?³³ To two beth se'ah', from which it follows that if it was bigger than two beth se'ah the movement of objects is permitted.³⁴ It is thus obvious that a rock of such dimensions has³⁵ the status of a karmelith. Does not this³⁶ then present an objection against R. Johanan?³⁷ — Raba retorted: only he who does not know how to explain Baraithas raises such an objection against R. Johanan. [The limitation]³⁸ as a matter of fact refers to the first clause,³⁹ and it is this that was meant: Within it,⁴⁰ however,⁴¹ it is permitted to move objects; and 'To what extent?⁴² To two beth se'ah'.⁴³ R. Ashi replied: [The limitation⁴⁴ applies] indeed to the first clause,⁴⁵ for the Rabbis have laid down the one ruling⁴⁶ and they themselves have also laid down the other ruling:⁴⁷ They have laid down the ruling that in a karpaf that was bigger than two beth se'ah and that was not enclosed for dwelling purposes the movement of objects is permitted Only within four cubits,⁴⁸ and they themselves have also laid down the ruling that no objects may be moved from a private domain into a karmelith.⁴⁹ [In the case, therefore, of a rock that was no bigger than] two beth se'ah, throughout the area of which the movement of objects is

permitted, the Rabbis have forbidden the movement of objects from the sea into it as well as from it into the sea.⁵⁰ What is the reason?⁵¹ Because it⁵² is a private domain in all respects.⁵³ [If, however, It was] bigger than two beth se'ah, throughout the area of which the movement of objects is forbidden,⁵⁴ the Rabbis permitted the movement of objects from it into the sea and from the sea into it.⁵⁵ What is the reason?⁵⁶ Because, otherwise,⁵⁷ people might assume it to be a private domain in all respects and, in consequence, would also move objects throughout its area.⁵⁸ But wherein does the one differ from the other?⁵⁹ — It is usual to move objects within the area of the rock itself⁶⁰ but it is unusual to move objects from it into the sea or from the sea into it.⁶¹ There was once a child whose warm water⁶² was spilled.⁶³ 'Let some warm water', said Rabbah 'be brought for him from my house'.⁶⁴ 'But', observed Abaye, 'We have prepared no 'erub'.⁶⁵ 'Let us then rely', the other replied. 'on the shittuf'.⁶⁶ 'But', Abaye told him, 'we had no shittuf either'.⁶⁶ 'Then', the other said: 'let a gentile be instructed to bring it for him' — 'I wished', Abaye later remarked: 'to point out an objection against the Master'⁶⁷ but R. Joseph prevented me, because he told me in the name of R. Kahana, "When we were at Rab Judah's he used to tell us that in a Pentateuchal matter⁶⁸ any objection⁶⁹ must be raised before the Master's ruling is acted upon.⁷⁰ but in a Rabbinical matter⁷¹ we must first⁷² act on the ruling of the Master and then point out the objection".⁷³ After that he⁷⁴ said to him,⁷⁵ 'What objection was it that you wished to raise against the Master?' 'It was taught', the other replied, 'that "sprinkling"⁷⁶ on the Sabbath is only Rabbinically forbidden.⁷⁷ Now, instructing a gentile to do work⁷⁸ on the Sabbath⁷⁹ is also Rabbinically forbidden,

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- (1) Does not the heathen in any way restrict the use of the alley for its residents.
 - (2) Whose courtyard had one door opening into an alley in which courtyard doors of Israelites also opened, and another door opening into a karpaf.
 - (3) On the use of the alley by his Israelite neighbours.
 - (4) Since the area of the karpaf is not big enough to induce him to give up his use of the alley.
 - (5) In consequence of which he prefers to use the karpaf and the door that leads to it, and dispenses entirely with his right to the use of the alley.
 - (6) On the use of the alley by his Israelite neighbours.
 - (7) V. supra n. 5.
 - (8) Even if he did not join in the 'erub of the other residents.
 - (9) As he is permitted to use a karpaf of such a size on the Sabbath, and since its area fully suffices for all his possible Sabbath requirements and is also more convenient for his use than the comparatively smaller space of the alley, he is presumed to have dispensed with his right to the use of the alley which may, therefore, be provided by its other residents with a valid 'erub even if he does not participate in it.
 - (10) So that it has the status of a karmelith (v. Glos.) into which he is forbidden to move any objects from his courtyard on the Sabbath.
 - (11) Being inevitably driven to the use of the alley.
 - (12) MS.M., 'Hakuka'.
 - (13) According to Rab Judah who spoke (supra 67a ad fin.) of a door that opened into a valley.
 - (14) That had also a door to an alley in which Israelites resided.
 - (15) Sc. has a karpaf the same status as a valley?
 - (16) Supra q.v. notes.
 - (17) From a public domain, on the Sabbath when it is forbidden to move objects from a public domain into a private one and vice versa.
 - (18) Sc. he is liable to bring a sin-offering as if he had thrown the object into a private domain.
 - (19) I.e., since a karpaf of the size mentioned is subject to the law of a karmelith, within which the movement of objects beyond the distance of four cubits is forbidden, why should it here be regarded as a private domain?
 - (20) Hence it has Pentateuchally the same status as a private domain, and guilt is therefore incurred for throwing any objects from a public domain into it.
 - (21) In consequence of which it was Rabbinically subjected to the restrictions of a karmelith also.
 - (22) MS. M., 'Hanina'.
 - (23) A sea is subject to the restrictions of a karmelith.

- (24) Even within four cubits; because a rock of the dimensions given has the status of a private domain into which from a karmelith and into a karmelith from which it is forbidden to move objects on the Sabbath.
- (25) Lit., 'less than here (stated)'.
- (26) Lit., '(they may) move (objects)', from the sea into it and from it into the sea, within four cubits, since such a low rock has the status of a karmelith like the sea which surrounds it.
- (27) In the area of the rock. It will be explained presently what the question and the following answer refer to.
- (28) But not to a bigger area.
- (29) The last question and answer.
- (30) Which deals with a rock that was lower than ten handbreadths.
- (31) Since, whatever its area, a rock that is lower than ten handbreadths has the status of a karmelith.
- (32) Lit., 'but not?'
- (33) Of area of rock.
- (34) Cf. supra n. 9 mut. mut.
- (35) On account of its big area, despite its height.
- (36) The relaxation of the law in turning a private domain into a karmelith on account of the extent of its area.
- (37) Who laid down supra that though a karpaf was bigger than two beth se'ah it is still subject to the restrictions of a private domain and that a person who threw an object from a public domain into it incurs guilt.
- (38) To 'two beth se'ah', in the Baraitha cited by R. Huna b. Hinena.
- (39) Which deals with a rock that was lower than ten handbreadths.
- (40) Sc. on the surface of the rock itself.
- (41) Since the first clause only stated that 'it is forbidden to move objects from it into the sea and from the sea into it' and did not forbid the movement of objects on the surface of the rock from one part of it to another.
- (42) Of area of rock is the movement of objects on the rock itself permitted.
- (43) But if it is bigger it loses, on account of its wide extent and the absence of inhabitants, the status of a private domain in respect of the movement of objects within it, and assumes that of a karmelith. Had it not been subjected to these restrictions people might erroneously have treated a public domain also with the same laxity. On account of its height, however, it retains, in relation to the sea, the status of a private domain the movement of objects from which into the sea and vice versa remains forbidden.
- (44) To 'two beth se'ah', in the Baraitha cited by R. Huna b. Hinena.
- (45) But not, as Raba explained, to an inference from that clause.
- (46) That relating to a karpaf as enunciated by R. Johanan.
- (47) The one in the first clause of the Baraitha cited by R. Huna b. Hinena as defined by the limitation at its conclusion. Since both rulings are merely Rabbinical and not Pentateuchal the Rabbis could well abrogate one in favour of the other wherever the general requirements of the Sabbath laws demanded such a course; as will be explained anon.
- (48) Sc. that it has been given the status of a karmelith as a restriction and safeguard against mistaking it for a public domain and applying its relaxation to the latter also. It is nevertheless forbidden to move airy objects from it into a public domain or vice versa since, as R. Johanan stated, it is Pentateuchally regarded as a private domain proper.
- (49) As a precaution against the moving of objects from a private into a public domain.
- (50) Since the prohibition only strengthens the Sabbath laws and can in no way lead, as in the case that follows, to their infringement.
- (51) For the imposition of the restrictions.
- (52) The rock whose area was less than two beth se'ah.
- (53) And no infringement of the law (cf. infra n. 10) need be provided against.
- (54) It having been given the status of a karmelith.
- (55) Within four cubits.
- (56) Sc. why were not the restriction had been imposed and the movement of this case also?
- (57) If the restrictions had been imposed and the movement of objects from it into the sea or vice versa had been forbidden even within four cubits.
- (58) Even beyond four cubits. As this, however, "would entail an infringement of the Rabbinical law which imposed on such an area the restrictions of a karmelith, it was considered preferable to abrogate in this case the law forbidding the movement of objects between a karmelith and a private domain.
- (59) I.e., why should the law against moving objects between a karmelith and a private domain be abrogated rather than

the one forbidding the movement of objects beyond four cubits in a private domain that was bigger than two beth se'ah?

(60) Hence it was necessary to enact a preventive measure.

(61) Against that which is unusual no preventive measures were enacted. Only in the case of a private domain and a karmelith on land, the movement of objects between which is not infrequent, has such a preventive measure been deemed necessary.

(62) That was prepared for him prior to the Sabbath, in connection with his circumcision due on the Sabbath day, and kept warm for the purpose.

(63) On the Sabbath.

(64) Which was in the same courtyard.

(65) Sc. an 'erub of courtyards' which enables the tenants of different houses in the same courtyard to move objects from house to house through the courtyard area.

(66) V. Glos. Shittuf in an alley in relation to its courtyards and the houses in their courtyards serves the same purpose as that of 'erub in a courtyard in relation to its houses (cf. infra 73a).

(67) Rabbah

(68) Concerning which a Master gives a decision.

(69) Which a student wishes to raise against it.

(70) Since very great care must be exercised in any action that might possibly infringe a Pentateuchal law.

(71) Concerning which a Master gives a decision.

(72) out of respect for the Master, and on the assumption that he would be able to give a suitable answer to the students' objection.

(73) As the law of 'erub of courtyards is only Rabbinical Abaye had no alternative but to act on Rabbah's ruling.

(74) R. Joseph.

(75) Abaye.

(76) On an unclean person, of the water of purification containing the ashes of the red heifer (cf. Num. XIX, 2ff).

(77) Shebuth v. Glos.

(78) for an Israelite.

(79) If that work is forbidden on the Sabbath to an Israelite.

Talmud - Mas. Eirubin 68a

why then should it not be said: As "sprinkling" on the Sabbath which is a Rabbinical prohibition does not supersede the Sabbath¹ so should not an instruction to a gentile to do work on the Sabbath which is also Rabbinically forbidden supersede the Sabbath?'² — 'Do you', the first retorted: 'draw no distinction between a Rabbinical prohibition that involves a manual cat³ and one⁴ that involves no such act?'⁵

'How is it, Rabbah son of R. Hanan) asked Abaye, 'that in an alley in which two great men like you⁶ reside there should be neither 'erub nor shittuf?' — 'What', the other replied. 'can we do? For the Master⁷ [to collect the tenants' contribution].⁸ would not be becoming,⁹ I am busy with my studies, and the other tenants do not care. And were I¹⁰ to transfer to them the possession of a share of the bread in my basket¹¹ the shittuf, Since If they had asked me for the bread I could not give it to them,¹² would be invalid; for it was taught: If one of the residents of an alley¹³ asked for some of the wine or the oil¹⁴ and they refused to give it to them the shittuf is thereby rendered null and void'. 'Why then', the first asked: 'should not the Master transfer to them the possession of a quarter of a log of vinegar¹⁵ a cask?'¹⁶ — 'It was taught: [Commodities kept] in store¹⁷ may not be used for shittuf'.¹⁸ 'But was It not taught that they¹⁹ may be used for shittuf?' — This, R. Oshaia replied, is no contradiction, since one view is that of Beth Shammai and the other is that of Beth Hillel. For we learned: If a corpse lay in a house that had many doors²⁰ all the doorways²¹ are unclean.²² If one of them was opened, that doorway is unclean while all the others are clean.²³ If it was intended to take out the corpse through one of them, or through a window that measured four handbreadths by four, this protects all the doors.²⁴ Beth Shammai ruled: This²⁵ applies only where the intention was formed before the person in question was dead,²⁶ but Beth Hillel ruled: Even if it was formed after

he was dead.²⁷

There was once a certain child²⁸ whose warm water²⁹ was spilled out.³⁰ Said Raba: 'Let us ask his mother [and] if she requires any, a gentile³¹ might warm some for him indirectly through his mother'. 'His mother', R. Mesharsheya told Raba, 'is already eating dates'.³² 'It is quite possible', the other replied, 'that it was merely a stupor that had seized her'.³³

There was once a child³⁴ whose warm water³⁵ was spilled out.³⁶ 'Remove my things', ordered Raba,³⁷ 'from the men's quarters³⁸ to the women's quarters³⁹ and I will go and sit there⁴⁰ so that⁴¹ I may renounce in favour of the tenants of the child's courtyard⁴² the right I have in this one'.⁴³ 'But', said Rabina to Raba, 'did not Samuel lay down: No renunciation of one's right in a courtyard is permitted where two courtyards are involved?'⁴⁴ — 'I', the other replied, 'hold the same view as R. Johanan who laid down: It is permitted to renounce one's right in a courtyard even where two courtyards are involved'. 'But', the first asked: 'if the Master does not hold the same view as Samuel

(1) Even where the performance of a Pentateuchal commandment, such, e.g., as that if the Paschal lamb, must in consequence be postponed (cf. Pes. 65b).

(2) Why then did Rabbah permit an instruction to be given to a gentile to bring the warm water for the child?

(3) Sprinkling, for instance.

(4) Such as a mere verbal instruction.

(5) The answer, of course, must be in the affirmative. While a manual act remains forbidden even where a commandment must thereby be superseded a verbal may well be permitted where it is essential for the observance of a commandment such as circumcision with which Rabbah had to deal. The insertion in cur. edd., 'for the master, surely, did not tell the gentile: Go and warm (it)', is deleted by Bah.

(6) Lit., 'like our Rabbis', Rabbah and Abaye.

(7) Rabbah.

(8) To the 'erub'.

(9) Lit., 'not his way'.

(10) Instead of making a collection.

(11) Which could be designated as 'erub; and thus give all the tenants a share in it.

(12) He could not well afford to give away every Sabbath a portion of his bread to any of his neighbours who might care to assert his claim.

(13) Who contributed his share to the shittuf.

(14) That has been contributed.

(15) There could be no great loss in giving some vinegar to any of the tenants who might ask for it.

(16) Which might be kept in his courtyard throughout the year and thus enable all the tenants to have free intercourse between the courtyards and the houses.

(17) Sc. a store of fruit or a cask of vinegar, for instance, from which small quantities at a time are being consumed.

(18) In the case of a cask of vinegar, for instance, no portion of it may be designated for the purpose, because no one could possibly distinguish between the quantity that had been so designated and the general contents of the cask; and any quantity that one may happen to use at any time might be assumed to be the quantity that had been designated for the shittuf which in consequence would cease to exist.

(19) Commodities in store (v. previous n.).

(20) That were closed.

(21) Lit., 'all of them', since no decision had been made through which of the doors the corpse shall be carried out.

(22) Sc. any object that happens to be within the space enclosed by the door posts, lintel and threshold, though it was not within the room, is levitically unclean.

(23) Because it is assumed that the corpse would be taken out through the opened door.

(24) Cf. prev.n.

(25) That intention is effective.

(26) Since in that case the uncleanness has never descended on the other doors. If, however, no intention had been formed before the person was dead, and all the doors had been affected by the uncleanness, any subsequent intention

cannot retrospectively, cause a differentiation between the one door and the others.

(27) Ohal. VII, 3. Intention, in their opinion, is effective retrospectively. Similarly in the case of shittuf with a non-identified quantity: According to Beth Hillel the shittuf is valid, since any quantity of the contents that remain in the cask may be retrospectively regarded as the original quantity assigned for the shittuf: while according to Beth Shammai it cannot be so regarded and the shittuf is consequently invalid.

(28) Who was to be circumcised on the Sabbath.

(29) That had been prepared before the Sabbath and kept warm for the operation.

(30) On the Sabbath.

(31) An Israelite may desecrate the Sabbath for the sake of a woman in childbirth during the first seven days only. After the first seven days (circumcision cannot take place before the eighth day) an Israelite, though himself forbidden to do for her sake any work that is forbidden on the Sabbath, may request a gentile to do it.

(32) Sc. cold foodstuffs. As she is able to eat cold food it is obvious that her life cannot be dependent on the warm water which, consequently, must not be prepared for her on the Sabbath.

(33) I.e., she may have been unconscious that she was eating anything at all. Hence, if she expressed a desire for warm water it is permitted to request a gentile to warm some for her and so, indirectly, for the child also.

(34) Who was to be circumcised on the Sabbath.

(35) V. p.474, n. 12.

(36) On the Sabbath.

(37) Who had a supply of warm water in his own courtyard which was adjacent to that in which the child was kept. No joint 'erub for the two courtyards had been prepared but they had a common door between them. Cur.ed., 'to them', is omitted with MS.M.

(38) In which he usually lived and which communicated directly with his courtyard.

(39) Which, for the sake of privacy, were behind the men's apartments and consequently inaccessible from the courtyard except by way of the men's quarters.

(40) During the Sabbath.

(41) By being deprived of direct access to the courtyard.

(42) Lit., to them'.

(43) Sc. his own courtyard. On renouncing his right in their favour they would acquire possession of his courtyard and therewith also the right to carry objects from one courtyard into the other through the common door. Thus they would be placed in a position enabling them to carry the required warm water to the child's apartment. Raba, on the other hand, who, as a result of his renunciation, would be deprived of the use of his courtyard, would be protected against the possible use of it through forgetfulness by his removal to the inner apartments from which he could gain no access to it except through the men's quarters involving a long walk and sufficient time in which to recollect his self-imposed restrictions.

(44) Supra 66b. Lit., 'from courtyard to courtyard'. How then could Raba renounce his right in favour of the tenants of the child's courtyard?

Talmud - Mas. Eirubin 68b

let him remain¹ in his usual quarters² and renounce his right in his courtyard in their³ favour and then⁴ let them renounce their right⁵ in the Master's favour,⁶ for did not Rab rule: Renunciation⁷ may be followed⁸ by renunciation?⁹ — 'On this point I am of the same opinion as Samuel who ruled: Renunciation⁷ may not be followed⁸ by renunciation'.¹⁰ 'But are not both rulings¹¹ based on the same principle, since why indeed should not renunciation⁷ be allowed to follow⁸ renunciation?⁹ Is it not because a person, as soon as he renounces his right.¹² completely eliminates himself from that place and assumes the status of a tenant of a different courtyard and no renunciation is valid between two courtyards? How then¹³ could the Master¹⁴ renounce his right?¹⁵ — 'There¹⁶ the reason is this:¹⁷ That a Rabbinical enactment¹⁸ shall not assume¹⁹ the character of a mockery and jest.

[To turn to] the main text: Rab ruled: Renunciation may be followed by renunciation, and Samuel ruled: Renunciation may not be followed by renunciation.²⁰ Must it be assumed that Rab and Samuel differ on the same principle as that on which the Rabbis and R. Eliezer differed,²¹ Rab holding the

same opinion as the Rabbis²² while Samuel holds the same opinion as R. Eliezer?²³ Rab can answer you: I may uphold my ruling even in accordance with the view of R. Eliezer; for it was only there that R. Eliezer maintained his ruling that the man who renounces his right to his courtyard renounces ipso facto his right to his house also, because people do not live in a house that has no courtyard, but did he²⁴ express any opinion as regards complete elimination?²⁵ Samuel also can answer you: I may uphold my ruling even according to the view of the Rabbis; for it was only there that the Rabbis maintained their ruling,²⁶ since only that which a man actually renounced can be deemed to have been renounced while that which he did not actually renounce cannot be so regarded, but from that at least which a man does renounce he is eliminated completely.²⁷ R. Aha b. Hana²⁸ citing R. Shesheth stated: Their views²⁹ [differ on the same principles] as those of the following Tannas: If a tenant³⁰ presented³¹ his shares³² and then he carried out something,³² whether he acted unwittingly or intentionally, he imposes restrictions;³³ so R. Meir. R. Judah ruled: If he acted³⁴ with intention he imposes restrictions,³³ but if unwittingly he does not.³⁵ Now, do they³⁶ not differ on the following principles: One Master³⁷ holding that renunciation³⁸ may be followed by renunciation, while the other Master³⁹ maintains that renunciation⁴⁰ may not be followed by renunciation?⁴¹ — R. Aha b. Tahlifa replied in the name of Raba: No; all⁴² hold the view that renunciation may not be followed by renunciation but⁴³ the point at Issue between them⁴⁴ is whether a penalty has been imposed in the case of one who acted unwittingly on account of one who acted intentionally. One Master⁴⁵ holds the view that in the case of one who acted unwittingly a penalty has been imposed on account of one who acted with intention,⁴⁶ while the other Master⁴⁷ holds that in the case of one who acted unwittingly no penalty has been imposed on account of one who may act with intention.⁴⁸

R. Ashi said: Rab and Samuel differed on the same point of issue as the one between, R. Eliezer and the Rabbis.

R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US. Who ever spoke of A SADDUCEE?⁴⁹ — A clause is missing, and this is the correct reading:⁵⁰ A Sadducee has the same status as a gentile,⁵¹ but R. Gamaliel ruled: A Sadducee has not the status of a gentile. AND R. GAMALIEL RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM. AND FATHER TOLD US: ‘HASTEN AND CARRY OUT⁵² ALL THE NECESSARY ARTICLES INTO THE ALLEY⁵³ BEFORE HE CARRIES OUT HIS⁵⁴ AND THEREBY IMPOSES RESTRICTIONS UPON YOU’. And so⁵⁵ it was also taught: If a man lives [in the same alley] with a gentile, a Sadducee or a Boethusian, these impose restrictions upon him;⁵⁶ and it once happened that a Sadducee lived with R. Gamaliel in the same alley in Jerusalem, and R. Gamaliel said to his sons, ‘Hasten my sons and carry⁵² Out what you desire to carry Out⁵⁷ or⁵⁸ take in⁵² what you desire to take in,⁵⁷ before this abomination carries out his articles and thereby imposes restrictions upon you, since [at that moment] he renounced his share in your favour’; So R. Meir. R. Judah related, [The instruction was given] in a different form: ‘Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions upon you’.⁵⁹

The Master said, ‘Carry out what you desire to carry out or bring in what you desire to bring in, before this abomination imposes restrictions upon you’. This then implies that⁶⁰ if they carried out their objects first and then he carried out his he imposes no restrictions upon them’.

(1) Instead of moving into the women's quarters.

(2) Lit., ‘in his place’.

(3) The tenants of the child's courtyard.

(4) After they had taken the water to the child.

(5) In Raba's courtyard.

(6) Who, in consequence, would again be allowed the free use of his courtyard.

(7) By one person in favour of another.

(8) On the same Sabbath.

- (9) On the part of the latter in favour of the former. Cf. *infra* 69b.
- (10) Cf. *prev. n.* and *infra* 79b.
- (11) That (a) after a person renounced his right in a courtyard in favor of another the latter may not on the same Sabbath renounce it in favour of the former and (b) no tenant of one courtyard may renounce his right in it in favour of a tenant of another courtyard.
- (12) To his share in a courtyard.
- (13) Since on adopting one ruling the adoption of the other is inevitable.
- (14) *Lit.*, 'the Master also should not'.
- (15) In favour of the tenants of the child's courtyard.
- (16) The ruling of Samuel that 'renunciation may not be followed by renunciation'.
- (17) Not the one suggested by the questioner.
- (18) The prohibition to move objects from one courtyard into another without 'erub.
- (19) By repeated renunciations and the consequent freedom in the moving of objects between courtyards without any further legal preliminaries.
- (20) *Supra q.v.* notes.
- (21) Cf. *supra* 26b.
- (22) Who laid down (*v. Mishnah infra* 69b and its explanation in the Gemara following it) that if one of the tenants forgot to contribute his share to the 'erub of his neighbour's in a courtyard, but on the Sabbath renounced his right to share in the courtyard in their favour, it is forbidden both to him and to them to carry any objects from his house into the courtyard or from the courtyard into his house; from which it is evident that, though a man renounced his right in a courtyard, he is not ipso facto assumed to have renounced his right to his house also. Thus it follows that a tenant's renunciation is not regarded as his complete elimination; that he is still a legitimate tenant of the same courtyard; and that, in agreement with Rab, the other tenants may renounce in his favour the rights he previously renounced in their favour.
- (23) Who ruled (*cf. supra* 26b) that he who renounces his rights to his courtyard renounces ipso facto his rights to his house also; from which it follows that a tenant's renunciation is regarded as his complete elimination from his courtyard, that he assumes in consequence the status of a tenant of a different courtyard; and that, in agreement with the view of Samuel, the other tenants may not renounce in his favour the rights he previously conceded to them.
- (24) R. Eliezer.
- (25) I.e., that the man in question Should be regarded as the tenant of a different courtyard in whose favour consequently his neighbours should not be allowed to renounce their rights? No such opinion having been expressed, R. Eliezer may well be assumed to share the view advanced by Rab that renunciation may be followed by renunciation'.
- (26) That the renunciation of a tenant's Share in a courtyard does not imply his renunciation to his rights in his house.
- (27) As the tenant in question renounced his right to the courtyard he must be regarded as a tenant of a different courtyard in whose favour no right in the former courtyard may subsequently be renounced.
- (28) *MS.M.*, 'Rabbah b. Bar Hana'.
- (29) Those of Rab and Samuel on the question of a renunciation that followed a renunciation.
- (30) Who forgot to join in the 'erub of his neighbours in a courtyard.
- (31) On the Sabbath, to his neighbours.
- (32) In the courtyard into which their houses opened.
- (33) On the "use of the courtyard by all the tenants. His carrying of the object into the courtyard is regarded as an act of re-acquisition of the share he had previously renounced in favour of the other tenants.
- (34) When carrying out an object.
- (35) *infra* 69b.
- (36) R. Meir and R. Judah.
- (37) R. Meir who ruled that restrictions are imposed even where an object had been carried out unwittingly, from which it follows that the renunciation is not regarded as the tenant's complete elimination.
- (38) Since elimination is incomplete (*cf. prev. n.*) and the tenant in question is still denied to be living in the same courtyard.
- (39) R. Judah who ruled that if an object was carried out unwittingly no restrictions are imposed, from which it follows that a renunciation results in so complete an elimination that only an intentional act can revoke it.
- (40) Resulting as it does in the tenant's complete elimination (*et prev. n.*).

- (41) Apparently they do. Must it then be assumed that both Rab and Samuel differ from one or other of the Tannas mentioned?
- (42) Even R. Meir.
- (43) In reply to the objection: Why does R. Meir impose restrictions even where the tenant acted unwittingly?
- (44) It. Meir and R. Judah.
- (45) R. Meir.
- (46) Had the law been relaxed in the case of the former it might erroneously have been relaxed in that of the latter also.
- (47) R. Judah.
- (48) In the case, however, of an intentional carrying out of all object since a renunciation cannot have the legal force of a sale, all agree that the act cancels the renunciation; provided only that the act preceded the tenants' acquisition of the renounced share.
- (49) None; the Mishnah having dealt with a heathen oily. Why then does It. Gamaliel introduce the Sadducee as if some one had given a different ruling concerning him?
- (50) Of our Mishnah.
- (51) He cannot renounce his right to his share in a courtyard by a mere declaration.
- (52) As soon as the Sabbath begins.
- (53) Thus acquiring possession of it.
- (54) And re-acquires his right to his share.
- (55) That, as has just been explained, the Rabbis differ from R. Gamaliel in the case of a Sadducee.
- (56) In his use of the alley on the Sabbath. Cur. edd. in parenthesis, 'R. Gamaliel ruled: A Sadducee and a Boethusian impose no restrictions'.
- (57) During the Sabbath.
- (58) So Tosaf. s.v. **וְהוֹצִיא** a.l.
- (59) In his opinion R. Gamaliel regards a Sadducee as a gentile and no renunciation of his is valid.
- (60) According to R. Meir.

Talmud - Mas. Eirubin 69a

But have we not learnt: If a tenant¹ presented his share² and then he carried out something,³ whether he acted unwittingly or intentionally, he imposes restrictions;⁴ so R. Meir?⁵ — R. Joseph replied. Read:⁶ He imposes no restrictions. Abaye replied: There is no contradiction,⁷ the former dealing with a case⁸ where the residents of the alley had taken possession of the alley⁹ while the latter deals with one⁸ where the residents of the alley had not taken possession of the alley; and so it was also taught: If he¹⁰ carried out an object¹¹ before he had renounced his share,¹² whether he acted¹³ unwittingly or intentionally, he¹⁴ is entitled to renounce his right;¹⁵ so R. Meir. R. Judah ruled: If he acted¹³ unwittingly he is entitled to renounce his right¹⁵ but if he acted with intention he is no longer entitled to renounce his right.¹⁶ He who presented his share¹² and then carried out an object.¹¹ whether he acted¹³ unwittingly or with intention, he imposes restrictions;¹⁷ so R. Meir. R. Judah ruled: If he acted¹⁸ with intention he imposes restrictions but if unwittingly he does not. This,¹⁹ however, applies only where the residents of the alley did not take possession of the alley.²⁰ but where they did take possession of it²⁰ he imposes no restrictions upon them irrespective of whether he acted¹⁸ unwittingly or intentionally.

The Master said: 'R. Judah related, [The instruction was given] in a different form: "Hasten and attend to your requirements in the alley before nightfall when he would impose restrictions in you".' From this²¹ it is evident that he is regarded as a gentile; but have we not learnt.²² BEFORE HE CARRIES OUT?²³ — Read: Before the conclusion of the day.²⁴ And if you prefer I might say: There is really no contradiction since the former²⁵ might refer to one who is a mumar²⁶ in respect of desecrating the Sabbath in privacy only, while the latter²⁷ might deal with one who desecrates the Sabbath in public.

Whose view is followed in what was taught: 'A mumar²⁶ or a barefaced sinner is not entitled to

renounce his share'? — But is a barefaced sinner on a par with a mumar?²⁸ — Rather read: 'A barefaced mumar²⁹ is not entitled to renounce his share'. Now in agreement with whose [view has this been laid down]? — In agreement, of course, with that of R. Judah.³⁰

A certain man once went out³¹ with a jewelled charm³² but when he observed R. Judah Nesi'ah he covered it up. 'A person of this type',³³ [the Master said.] 'is in accordance with the view of R. Judah entitled to renounce his share'.

R. Huna stated: Who is regarded as an Israelite in mumar?³⁴ He who desecrates the Sabbath in public. Said R. Nahman to him: In agreement with whose view?³⁵ If [it be suggested that it is] in agreement with that of R. Meir who holds that a person who is suspected of disregarding one matter [of law] is held suspect in regard to all the Torah,³⁶ the statement should also apply to any of the other prohibitions of the Torah;³⁷ and if [it is suggested that it is] in agreement with the view of the Rabbis,³⁸ did they not rule, it may be objected, that one who is suspected of disregarding one law is not held suspected in regard to all the Torah

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- (1) Who, owing to forgetfulness, failed to contribute his share to the 'erub of his neighbours.
 - (2) To his neighbours, on the Sabbath.
 - (3) Into their alley.
 - (4) On the use of the alley by all its residents.
 - (5) Infra 69b. How then are the two rulings of R. Meir (v. supra n. 2) to be reconciled?
 - (6) In the Mishnah just cited.
 - (7) Cf. supra n. 7.
 - (8) lit., 'here'.
 - (9) Before the man who presented them with, or renounced in their favour his share had carried out his objects.
 - (10) A tenant who, forgetting to join in the common 'erub, presented his share to his neighbours.
 - (11) Into the alley towards which his courtyard as well as the courtyards of the others opened.
 - (12) In the alley, in favour of his neighbours.
 - (13) When he carried out the objects.
 - (14) Though accused of a desecration of the Sabbath.
 - (15) In favour of the other residents.
 - (16) Cf. prev. n., R. Judah holding the opinion that a person who intentionally desecrates the sabbath is denied the privilege of renunciation.
 - (17) On the use of the alley by its residents. His intentional use of it after he had presented his share to his neighbours is regarded as the re-acquisition of his share; and in the case of an unwitting use of it the restrictions are imposed on account of the possibility of intentional use.
 - (18) When he carried out the objects.
 - (19) That if an Israelite tenant presented his share to his neighbours and then used the alley, there is a difference of opinion between R. Meir and R. Judah, the latter holding that restrictions are imposed only where the use was intentional while the former maintains that they are imposed even where the use was unintentional (cf. Rashi s.v. **במה** ad fin. a.l.).
 - (20) Before the tenant in question had carried out his object.
 - (21) The statement of R. Judah according to which a Sadducee is not entitled to renounce his right to his share.
 - (22) In R. Judah's ruling in our Mishnah.
 - (23) Which shows that until that time at least his renunciation is valid. If, however, he has the status of a gentile how could his renunciation ever be valid?
 - (24) **יציא היום** (cf. Bah. Cur. edd. **יציא**), an expression which conveys the same meaning as that of 'before nightfall' in R. Judah's statement cited in the Baraitha. Instead of **יציא** (Hif. of **יציא**) which bears the meaning of 'carrying' (**יציא כליו**) 'he will carry out his things'), the reading is **יציא** (Kal. of **יציא**) which bears the meaning of 'going out', 'departing'.
 - (25) Lit., 'here' our Mishnah which allows a Sadducee to renounce his right.
 - (26) Lit., 'changed', 'converted', an apostate, a person who does not conform to the Jewish law.
 - (27) The Baraitha which regards the Sadducee as a gentile.

- (28) Barefacedness, surely, is not so great an offence as the denial of the laws of the Sabbath.
- (29) Sc. one who desecrates the Sabbath in public.
- (30) As has just been explained. It cannot be in agreement with the views of R. Meir since he allows even a mumar who desecrates the Sabbath in public to renounce his share. —
- (31) On the Sabbath when the carrying of objects in a public domain is forbidden.
- (32) Humarta di-medusha, a 'charm', 'ball' or 'bead' containing a 'jewel for sealing'; or 'a small bundle of spices' (cf. Rashi a.l. anti Jast.). Such an object, not being regarded as a personal ornament, may not be carried on the Sabbath in a public domain even on one's person.
- (33) I.e., who is ashamed to carry the forbidden object in the presence of a noted personality.
- (34) This is now assumed to mean a mumar or apostate in all respects.
- (35) Is this statement made.
- (36) Bek. 30b.
- (37) Not only to that against the desecration of the Sabbath.
- (38) Who differ from R. Meir (v. Bek. 30b).

Talmud - Mas. Eirubin 69b

unless he is a mumar in respect of idolatry?¹ — R. Nahman b. Isaac replied: Only in respect of presenting or renouncing his right to his share,² this being in agreement with what was taught: An Israelite mumar who observes the Sabbath in public³ may renounce his share, but one who does not observe the Sabbath in public may not renounce his share, because the Rabbis have laid down: An Israelite may renounce or present his share, whereas with a gentile transfer is possible only through the letting of his share. How is this⁴ done? He⁵ says to him,⁶ 'My share is acquired by you' or 'my share is renounced in your favour', [and the latter thereby] acquires possession and there is no need for him to perform a formal act of acquisition.⁷

R. Ashi replied:⁸ To this Tanna⁹ the desecration of the Sabbath is an offence as grave as idol worship;¹⁰ as it was taught: Of you¹¹ implies:¹² But not all of you, thus excluding a mumar;¹³ 'of you'¹⁴ only among you did I make distinctions¹⁵ but not among the other nations;¹⁶ 'of the cattle'¹⁷ includes men who resemble cattle.¹⁸ From here it has been inferred that sacrifices may be accepted from transgressors in Israel,¹⁹ in order that they might return in repentance, all except from a mumar, from one who offers libations of wine to idols and from one who publicly desecrates the Sabbath.²⁰ Now is not this statement self contradictory: First you said: 'Of you implies: But not all of you, thus excluding a mumar', and then you state, 'Sacrifices may be accepted from transgressors in Israel'?²¹ This, however, is no contradiction since the first clause might deal with a person who is a mumar in respect of all the Torah, while the intervening clause might refer to one who is a mumar in respect of one precept only. But [then] read the final clause: 'Except from a mumar and from one who offers libations of wine to idols'. What, pray, is one to understand by this type of mumar? If he is a mumar in respect of all the Torah he is obviously identical with the one in the first clause;²² and if he is a mumar in respect of one precept only, does not a contradiction arise from the middle clause?²³ Must it not consequently be conceded that it is this that was meant:²⁴ Except from one who is a mumar in respect of offering libations of wine to idols or the desecration of the Sabbath in public?²⁵ It is thus evident that idolatry and the desecration of the Sabbath are offences of equal gravity.²⁶ This is conclusive.

MISHNAH. IF ONE OF THE TENANTS OF A COURTYARD FORGOT TO JOIN IN THE 'ERUB,²⁷ HIS HOUSE IS FORBIDDEN BOTH TO HIM AND TO THEM FOR THE TAKING IN OR FOR THE TAKING OUT OF ANY OBJECT.²⁸ BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM.²⁹ IF THEY PRESENTED THEIR SHARES³⁰ TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.³¹ IF THERE WERE TWO [WHO FORGOT TO JOIN IN THE 'ERUB], THEY³² IMPOSE RESTRICTIONS UPON ONE ANOTHER, BECAUSE ONE TENANT MAY PRESENT

HIS SHARE³³ AND ALSO ACQUIRE THE SHARES OF OTHERS³⁴ WHILE TWO TENANTS MAY PRESENT THEIR SHARES BUT MAY NOT ACQUIRE ANY.³⁵

WHEN MUST ONE'S SHARE BE PRESENTED?³⁶ BETH SHAMMAI RULED: WHILE IT IS YET DAY,³⁷ AND BETH HILLEL RULED: AFTER DUSK. IF A TENANT PRESENTED HIS SHARE³³ AND THEN CARRIED OUT ANY OBJECT, WHETHER UNWITTINGLY OR INTENTIONALLY, LIE IMPOSES RESTRICTIONS;³⁸ SO R. MEIR. R. JUDAH RULED: IF HE ACTED WITH INTENTION HE IMPOSES RESTRICTIONS, BUT IF UNWITTINGLY HE IMPOSES NO RESTRICTIONS.

GEMARA. Apparently it is only HIS HOUSE that IS FORBIDDEN but his share in the courtyard³⁹ is permitted;⁴⁰ but how is one to understand the circumstances? If he has renounced his rights,⁴¹ why should his house⁴² be forbidden? And if he has not renounced his rights why should his courtyard be permitted? Here we are dealing with the case of a tenant who renounced his right to his courtyard but not his right to his house, the Rabbis⁴³ being of the opinion that a tenant who renounces his right to his courtyard does not ipso facto renounce his right to his house, since a person might well live in a house that has no courtyard. BUT THEIR HOUSES ARE PERMITTED BOTH TO HIM AND TO THEM. What is the reason? — Because he⁴⁴ is regarded as their guest.

IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN. Why should not they be regarded as his guests? — One man may be regarded as the guest of five⁴⁵ men; five men cannot be regarded as the guests of one. Does this⁴⁶ then imply that renunciation⁴⁷ may be followed by renunciation?⁴⁸ — No; it is this that was meant: IF THEY originally⁴⁹ PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED THE UNRESTRICTED USE OF THE COURTYARD BUT THEY ARE FORBIDDEN.

IF THERE WERE TWO WHO FORGOT TO JOIN IN THE 'ERUB THEY IMPOSE RESTRICTIONS UPON ONE ANOTHER. Is not this obvious?⁵⁰ — This ruling was necessary only in a case where one of them has subsequently⁵¹ renounced his share⁵² in favour of the other. As it might have been assumed that the latter should be permitted [the full use of the courtyard].⁵³ hence we were informed that [this is not so], because the former, at the time he renounced his share, was not himself permitted the unrestricted use of that courtyard.⁵⁴ BECAUSE ONE TENANT MAY PRESENT HIS SHARE. What need again was there for this ruling? If that he MAY PRESENT, did we not learn this before?⁵⁵ If that he MAY ACQUIRE, did we not already learn this also?⁵⁶ — It was necessary on account of the final clause: TWO TENANTS MAY PRESENT THEIR SHARES. Is not this also obvious?⁵⁷ — It might have been presumed

(1) But not in respect of the Sabbath.

(2) Is an Israelite who desecrates the Sabbath regarded as a mumar.

(3) Lit., 'in the market place', though he desecrates it in private.

(4) An Israelite's renunciation or presentation.

(5) The one who is renouncing or presenting.

(6) The other in whose favour the renunciation or presentation is made.

(7) Such as, for instance, symbolic acquisition. Cf. A.Z. 64b, Hul. 6a.

(8) To the objection raised by R. Nahman against R. Huna.

(9) Whose view R. Huna was presumably reporting.

(10) Sc. as one guilty of idolatry is regarded as a mumar in respect of all the Torah so also is one who is guilty of the desecration of the Sabbath.

(11) Lev. 1, 2, dealing with sacrifices.

(12) Emphasis on 'of'.

(13) Sc. that no sacrifices may be accepted from a mumar.

- (14) Emphasis on 'you'.
- (15) Between a mumar and a confessing Israelite.
- (16) Sacrifices from these must be accepted without regard to the religious views they hold (cf. Hul. 13b).
- (17) Lev. 1, 2, dealing with sacrifices. Emphasis on 'cattle'.
- (18) Wicked men who, like cattle, are unconscious of their duties to God and man.
- (19) Who in their ignorance or carelessness might have strayed from the right path.
- (20) Hul. 5a.
- (21) 'Transgressors' presumably including the mumar also.
- (22) Then why the repetition?
- (23) Which does allow sacrifices to be accepted from a person who is a mumar in respect of one precept only.
- (24) In the final clause.
- (25) Of course it must.
- (26) And this is the view held by R. Huna. Hence there is no necessity to resort to the reply of R. Nahman b. Isaac according to which a man who publicly desecrates the Sabbath is regarded as a mumar only in respect of his disability to present and renounce his share in connection with the laws of 'erub. Such a man, as has originally been assumed, is in fact regarded as a mumar in all respects.
- (27) In which his neighbours have joined.
- (28) The circumstances in which this law applies are discussed in the Gemara infra.
- (29) I.e., it is permitted to move objects from their houses into the courtyard and from the courtyard into their houses, since both their houses and courtyard have been converted into one common domain.
- (30) In their courtyard.
- (31) The movement of objects even from his house into the courtyard; as will be explained infra.
- (32) Though the other tenants renounced their shares in their favour.
- (33) To his neighbours.
- (34) Which they presented to him.
- (35) Because, while the courtyard is their common domain, their houses are their individual property and it is forbidden to carry objects from a private house into a courtyard which belongs to another tenant as well as to its owner.
- (36) To one's neighbour, so that the use of the courtyard shall be unrestricted.
- (37) Of the Sabbath eve.
- (38) On the use of the courtyard by his neighbours. His act is regarded as one of re-acquisition of the share he has previously presented to them.
- (39) Since only HIS HOUSE was mentioned.
- (40) To the other tenants who are allowed to carry objects from their houses into the courtyard and from the courtyard into their houses.
- (41) In their favour.
- (42) Which he renounced simultaneously with his share in the courtyard.
- (43) The anonymous author of this part of our Mishnah who differs from R. Eliezer's ruling (supra 26b) that a tenant's renunciation of his share in a courtyard implies ipso facto his renunciation of his right to his house.
- (44) By abstaining from taking out any object from his house into the courtyard or vice versa and by using the courtyard in connection with the other tenants' houses only.
- (45) Fictitious number, sc. any number of people more than one.
- (46) The ruling that 'IF THEY PRESENTED THEIR SHARES TO HIM, HE IS PERMITTED etc. though the first 'renounced his right' in their favour in consequence of which (as was explained supra) it was laid down in the first clause that 'THEIR HOUSES ARE PERMITTED'.
- (47) Spoken of in the first clause of our Mishnah (cf. prev. n.).
- (48) I.e., the presentation of 'THEIR HOUSES TO HIM' in the clause under discussion.
- (49) Not, as has been assumed, after he has renounced his right in their favour. This clause, in other words, is entirely independent of the first one.
- (50) Since even in the absence of the other tenants the two would have imposed restrictions upon each other.
- (51) After the other tenants had renounced the shares in favour of the two.
- (52) Which now presumably included his shares that the other tenants had renounced in his favour.
- (53) As in the case where all the tenants presented their shares to one of them.

(54) On account of the other tenant who was imposing restrictions upon him. Owing to these restrictions the presentation of the other tenants' shares was useless and, therefore, invalid. As he could not acquire their shares he could not obviously renounce them in favour of anyone else.

(55) 'BUT THEIR HOUSES ARE PERMITTED' because, as was explained in the Gemara supra, he 'renounced his right' in their favour.

(56) 'IF THEY PRESENTED THEIR SHARES TO HIM' etc.

(57) From a previous ruling in our Mishnah according to which any number of tenants, which obviously includes two, may present their shares to one of their number.

Talmud - Mas. Eirubin 70a

that this¹ should be forbidden, as a preventive measure against the possible assumption that one may also renounce his share in favour of two,² hence we were informed that no such possibility need be considered.

BUT MAY NOT ACQUIRE ANY. What need was there for this ruling?³ — It⁴ was required only for this case: Even where they⁵ said to him,⁶ 'Acquire our shares on the condition that you transfer them'.⁷

Abaye enquired of Rabbah: If five tenants live in the same courtyard and one of them forgot to join in the 'erub, is it necessary, when he renounces his right to his share,⁸ to renounce it in favour of every individual tenant or not? — He must, the other replied. renounce it in favour of every individual tenant.

He⁹ pointed out to him¹⁰ the following objection: A tenant who did not join in an 'erub¹¹ may present his share¹² to one of those who joined in the 'erub;¹³ two tenants who joined in an 'erub¹⁴ may present their shares¹⁵ to the one who did not join in their 'erub; and two tenants who did not join in an 'erub¹⁶ may present their shares¹⁵ to the two of their neighbours who joined in an 'erub or to one neighbour¹⁷ who¹⁸ did not prepare an 'erub. One, however, who joined in an 'erub¹⁹ may not present his share to one²⁰ who did not join with them²¹ nor may two who joined in an 'erub present their shares to the two who did not join,²² nor may the two who did not join in an 'erub present their shares to the other two who also did not join.²² At all events it was stated in the first clause, 'A tenant who did not join in an 'erub may present his share to one of those who joined in an 'erub'. Now, how is one to understand the circumstances? If there was no other tenant with him,²³ with whom could he have joined in an 'erub? It is consequently obvious that there must have been another tenant with him, and yet it was stated: 'To one of those who joined in the 'erub'!²⁴ — And Rabbah?²⁴ — Here²⁵ we are dealing with a case where there was one²⁶ who died.²⁷ But if one²⁶ was there and died, how will you explain the final clause: 'One, however, who joined in an 'erub may not present his share to one who did not join with them'? If one²⁶ was there only before and is now dead why should not this be permitted?²⁸ It is consequently obvious that he²⁶ was still there and, since the final clause is a case where he was there, must not the first clause also deal with one who was still alive?²⁹ — What an argument! Each clause may deal with a different case.³⁰ You may have proof that this is so,³¹ for in the final section of the first clause it was stated, 'And two tenants who did not join in an 'erub may present their shares to the two of their neighbours who joined in an 'erub', from which it follows: To two only³² but not merely to one.³³

Abaye, however, explained: What is meant by 'To two'? To one of the two. If so, why³⁴ was it not stated:³⁵ To one who joined in the 'erub³⁶ or to one who did not?³⁷ — This is a difficulty.

'A³⁸ tenant who did not join in an 'erub may present his share to one of those who joined in the 'erub' refers according to Abaye to a case where the other tenant³⁹ was also alive; and by this we are informed that it is not necessary to renounce one's share in favour of each individual tenant.

According to Rabbah this refers to a case where the other tenant³⁹ was first⁴⁰ alive and then⁴¹ died; and the point in the ruling⁴² is that no preventive measure had been enacted against the possibility that sometimes the one³⁹ may happen to be alive [and the same procedure⁴³ might be followed].

And⁴⁴ ‘two tenants who joined in an ‘erub may present their shares to the one who did not join in their ‘erub’. Is not this obvious?⁴⁵ — It might have been presumed⁴⁶ that the tenant, since he did not join in the ‘erub, should be penalized,⁴⁷ hence we were informed [that no such penalization had been enacted].

‘Anc⁴⁸ two tenants who did not join in an ‘erub may present their shares to the two of their neighbours who joined in an ‘erub’. According to Rabbah this final clause⁴⁹ was taught in order to explain the sense of the first clause.⁵⁰ According to Abaye⁵¹ this⁵² was required on account of the ruling relating to ‘two tenants who did not join in an erub’. Since it might have been presumed that renunciation on their part should be forbidden as a preventive measure against the possibility of a renunciation in their favour,⁵³ hence we were informed [that no such measure was deemed necessary].

‘Or to one neighbour who did not prepare an ‘erub’. What need was there for this ruling?⁵⁴ — It might have been presumed that those rulings⁵⁵ applied only where some of the tenants joined in an ‘erub and only some did not, but that where all the tenants failed to join in an ‘erub they should be penalized⁵⁶ in order that the law of ‘erub shall not be forgotten.⁵⁷ hence we were informed [that no penalization was imposed]. ‘One, however, who joined in an ‘erub may not present his share to one who did not join with them’. According to Abaye this final clause⁵⁸ was taught in order to indicate the meaning of the first clause.⁵⁹ According to Rabbah the final clause was taught on account of the first one.⁶⁰

‘Nor may two who joined in an ‘erub present their shares to the two who did not join’. What need again was there for this ruling?⁶¹ — It was required in that case only where one of them⁶² renounced his share in favour of the other.⁶² As it might have been presumed that the, latter should be permitted the unrestricted use of this courtyard.⁶³ hence we were informed that the law was not so, because the former, at the time he made his renunciation, was not himself permitted the unrestricted use of that courtyard.

‘Nor may the two who did not join in an ‘erub present their shares to the other two who also did not join’. What again was the need for this ruling?⁶¹ —⁵⁸ t⁶⁴ was necessary only for this case: Even⁶⁵ where they⁶⁶ said to him,⁶⁷ ‘acquire our shares on the condition that you transfer them’.⁶⁸

Raba inquired of R. Nahman: May all heir⁶⁹ renounce his share?’⁷⁰ [

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- (1) The presentation of their shares by two tenants to one.
 - (2) Lit., ‘he might come to renounce for them’.
 - (3) Which is virtually a repetition of the previous ruling. ‘TWO ... IMPOSE RESTRICTIONS UPON ONE ANOTHER’.
 - (4) The apparently superfluous repetition of the restriction.
 - (5) The tenants who presented their shares.
 - (6) One of the two who forgot to contribute to the ‘erub.
 - (7) To the other tenant. Though in a case like this the one tenant might well be presumed to be acting as their agent to the other tenant, yet for the reason given (cf. supra p. 436, n. 11 and text), he MAY NOT ACQUIRE their shares.
 - (8) In the courtyard in favour of his neighbours.
 - (9) Abaye.
 - (10) Rabbah.
 - (11) With his two neighbours who prepared one between themselves.

- (12) In their courtyard.
- (13) And, since this one is associated in the 'erub with the other, both of them are thereby permitted the unrestricted use of the courtyard.
- (14) In a courtyard in which they lived with a third tenant.
- (15) In their courtyard.
- (16) With the two other tenants who lived in the same courtyard.
- (17) If he is the only other neighbour.
- (18) Like themselves.
- (19) With one of his two neighbours.
- (20) The other of his two neighbours (cf. prev. n.).
- (21) His presentation is of no avail on account of the share of the neighbours who did not present his.
- (22) Since TWO TENANTS MAY ... NOT ACQUIRE ANY.
- (23) With the tenant who prepared the 'erub.
- (24) How then could Rabbah maintain that the renunciation must be made in favour of every individual tenant?
- (25) In the Baraitha cited by Abaye.
- (26) A tenant with whom an 'erub was prepared.
- (27) By the time the third tenant presented his share. As at that time only two tenants occupied the courtyard one may well renounce his share in favour of the other. On the question of the heirs of the deceased who might be expected to inherit his share and thus impose the same restrictions as he himself, v. Rash and Tosaf. a.I.
- (28) Why should not the survivor be allowed to renounce his share.
- (29) The objection against Rabbah thus arises again.
- (30) Lit., 'that as it is, and that' etc.
- (31) That the first clause deals with a case where one of the two tenants who joined in the 'erub died.
- (32) Lit., 'yes'. i.e., the presentation must be made to each of the two.
- (33) Of the two.
- (34) Instead of 'two'.
- (35) As was the case in the first clause.
- (36) Since One tenant cannot join in an 'erub with himself it would be obvious that the reference was to one of two tenants.
- (37) Cf. prev. n.
- (38) The Gemara now proceeds to discuss the Baraitha cited, clause by clause.
- (39) Who joined in the 'erub with the one mentioned.
- (40) When the 'erub was prepared.
- (41) When the renunciation was made.
- (42) Which seems superfluous In view of the rule that even two tenants may renounce their shares in favour of one, and much more so one in favour of one.
- (43) Of renouncing in favour of one of the two only.
- (44) Cf. supra n. 10.
- (45) Since the latter may well renounce his share in their favour, on account of the 'erub in which they have joined. no preventive measures against the possibility that one tenant might renounce his share in favour of two, could have been required. Now, since It was already stated in the first clause that one tenant may renounce, what need was there to mention also two?
- (46) Since the first clause deals with a renunciation in favour of those who did join in an 'erub.
- (47) And no renunciation in his favour should be permissible.
- (48) V. p. 489, n. 10.
- (49) Which specifies that renunciation must be made in favour of each of the two tenants.
- (50) Sc. that it deals with a case where one of the two tenants who joined in an 'erub died before the renunciation was made. Had he not died the renunciation would have had to be made (cf. prev. n.) in favour of each of the two.
- (51) Who explained supra that 'to the two' meant 'to one of the two'.
- (52) The clause under discussion which, since no difference could be made between one who makes a renunciation and two who make a renunciation, seems superfluous in view of the first clause which allows one tenant to make a renunciation in favour of one of another two tenants.

- (53) Which, as stated supra, is forbidden.
- (54) Which is implied in the previous ones.
- (55) Enumerated previously, according to which such renunciation is permitted.
- (56) By depriving them of the right to renunciation.
- (57) Were renunciation allowed, no 'erub would ever be prepared and the younger generation would in consequence remain ignorant of the institution of 'erub'.
- (58) Which is apparently superfluous since in view of the fact that one tenant did not renounce his share the renunciation of the other alone cannot be effective.
- (59) So that it refers to a case where both tenants who had joined in the 'erub were alive.
- (60) As the first clause taught that 'a tenant who did not join in an erub may present his share to one of those who joined' the final clause taught that if the case was reversed presentation is forbidden. The first clause, however, deals with a case where one of the two tenants who joined in the 'erub was dead while the final one deals with a case where both tenants were alive'.
- (61) Which is implied in the preceding rulings.
- (62) Of those who did not join in the 'erub.
- (63) As is the case where all tenants presented their shares to one of their own number.
- (64) The superfluous repetition.
- (65) Cf. Bah.
- (66) The tenants who presented their shares.
- (67) The one of the two who did not join in their 'erub.
- (68) To the other of the two tenants who did not join in the 'erub (cf. supra p. 487, n. 10).
- (69) Whose father, from whom he inherited his estate, had forgotten to contribute to the 'erub of his courtyard and died on the Sabbath.
- (70) Which he inherited (cf. prev. n.) on that day and which his father had not renounced in favour of his neighbours.

Talmud - Mas. Eirubin 70b

Is it only in the case where [a tenant can], if he wishes, join in the 'erub on the previous day¹ that he can also renounce his share,² but this [heir], since he could not join in the 'erub on the previous day even if he wished,³ may not renounce his share, or is it possible that an heir steps into his father's place?⁴ — 'I', the other replied, 'hold that he may renounce his share, but those [scholars] of the school of Samuel learned that he may not do so'.

He⁵ thereupon pointed out the following objection against him:⁶ This is the general rule: Whatever is permitted during a part of the Sabbath remains permitted throughout the Sabbath and whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath, the only exception being the case of the man who renounced his share.⁷ 'Whatever is permitted during a part of the Sabbath remains permitted throughout the Sabbath', as is, for instance, the case of an 'erub⁸ that was prepared for the purpose of carrying objects through a certain door⁹ and that door was closed up.¹⁰ or one that was prepared for the purpose of carrying objects through a certain window⁹ and that window was closed up.¹⁰ 'This is the general rule'¹¹ includes the case of an alley whose cross-beam¹² or side-post¹² had been removed.¹³ 'Whatever is forbidden during a part of the Sabbath remains forbidden throughout the Sabbath', as, for instance, in the case of two houses, that were respectively situated on the two sides of a public domain which gentiles surrounded with a wall during the Sabbath.¹⁴ What does the expression¹⁵ 'This is the general rule',¹⁶ include? It includes the case of a gentile¹⁷ who died on the Sabbath.¹⁸ Now here it was stated: 'The only exception being the case of the man who renounced his share',¹⁹ from which²⁰ it follows, does it not, that only he²¹ may do so but not his heir?²² — Read, 'The only exception being the law of renunciation'.²³

He²⁴ raised another objection against him:²⁵ If one of the tenants of a courtyard²⁶ died, having left his share to a man in the street,²⁷ the latter²⁸ imposes restrictions,²⁹ if this occurred while it was yet day,³⁰ but if it occurred after dusk³¹ he imposes no restrictions. If, however, a man in the street³²

died, having left his share to one of the tenants of the courtyard, he imposes no restrictions, if this occurred while it was yet day,³³ but if it occurred after dusk,³⁴ he imposes restrictions. Now why should he impose restrictions?³⁵ Let him renounce his share!³⁶ — The ruling that he imposes restrictions applies only so long as he did not renounce³⁷ his share.

Come and hear: If an Israelite and a proselyte lived in one dwelling³⁸ and the proselyte died³⁹ while it was yet day⁴⁰

(1) Lit., 'yesterday', i.e., the Sabbath eve.

(2) On the Sabbath.

(3) Since at that time he had not yet had any share in the courtyard.

(4) Lit., 'is his father's leg', and is consequently entitled to all his rights.

(5) Raba.

(6) R. Nahman.

(7) This is explained presently.

(8) Between two courtyards.

(9) That communicated between the two courtyards.

(10) By some obstructions that happened to fall into it during the Sabbath. As it was permissible to carry objects from one courtyard into the other through the door (or the window) during a part of the Sabbath, the permissibility remains in force even after the door (or the window) was closed up. It is, for instance, permissible to throw objects from one courtyard into the other across the obstruction or through minor communication holes (cf. infra 76a).

(11) Which implies that there must be some other cases also but they were not here specified.

(12) So MS.M. and Rashi. Cur.ed. have the plural form.

(13) During the Sabbath. Although the use of an alley that was not provided with cross-beam or side-post is else' where restricted. the removal of either in this case, since the alley was well provided with the one or the other during a part of the Sabbath, does not affect the tenants' right to its continued and unrestricted use. This ruling is not covered by the one specified, since in the latter case the walls remained intact while in the former they were absent (cf. supra 17b).

(14) As in the absence of the wall no 'erub was admissible on the Sabbath eve, it is forbidden to move objects from any of the houses into the newly enclosed area, even if one of the householders renounced his right in that area in favour of his neighbour.

(15) In the introduction to the first clause, which presumably refers also to the final clause.

(16) V. supra p. 492, n. 11.

(17) Who lived in the same courtyard with Israelites and whose right in the courtyard precluded his neighbours from joining in an 'erub unless they previously hired his share from him.

(18) Since no 'erub was allowed on the Sabbath eve and no renunciation of rights was permissible during the first part of the Sabbath while he was alive, no renunciation is permitted even after his death. This ruling also could not be inferred from the one specified, since in the latter case no erub could possibly have been provided on the Sabbath eve while in that of the former it could well have been prepared if (cf. prev. n.) the gentile's share had been hired.

(19) Sc. only in the case of such a renunciation during the Sabbath are the restrictions, which on account of the absence of 'erub were previously in force, removed for the rest of the day.

(20) Since only 'the man who renounced his share', not his heir, was mentioned.

(21) The original householder.

(22) Lit., 'he, yes; heir, not'. How then could R. Nahman maintain that an heir may also renounce his share?

(23) Either by the original owner or by his heir.

(24) Raba.

(25) R. Nahman.

(26) Who joined in 'erub with his neighbours (cf. Tosaf. a.l.).

(27) Sc. a Stranger, one who did not live in the same courtyard.

(28) Since he did not join in the 'erub.

(29) On the use of the courtyard by its tenants. As the new owner of the house he imposes restrictions though he does not himself live in it, his case being similar to that of the owner of a storehouse for straw or of a cattle-pen (cf. infra 72b).

- (30) Of the Sabbath eve, when the 'erub was not yet effective.
- (31) When the 'erub was already in force and the tenants were in consequence allowed the unrestricted use of their courtyard during a part of the Sabbath.
- (32) Sc. one who did not live in that courtyard but was the owner of a house in it.
- (33) Since he has sufficient time before the Sabbath to join in the 'erub in respect of that house.
- (34) When no 'erub may any longer be prepared.
- (35) In agreement with R. Nahman that an heir is entitled to renounce the share he inherited.
- (36) And thus enable the tenants to enjoy the unrestricted use of their courtyard.
- (37) Lit., 'what also (is meant by) he imposes restrictions that he learned? Until he would renounce'.
- (38) Or 'barn', the doors of their compartments or huts opening into one court.
- (39) Leaving no heirs.
- (40) Of the Sabbath eve.

Talmud - Mas. Eirubin 71a

even though¹ another Israelite² had taken possession of his estate, [the latter] imposes restrictions;³ [but if he died] after dusk⁴ no restrictions are imposed even though no other Israelite took Possession of his estate. Now is not this statement self-contradictory? You first stated: 'While it was yet day, even though another Israelite had taken possession [the latter] imposes restrictions' and,⁵ much more so⁶ if one did not take possession of it; [but is not the law just] the reverse, viz., that where no one took possession no restrictions are imposed?⁷ — R. Papa replied. Read: 'Although he had not taken possession'. But was it not stated: 'Though he had taken possession'? — It is this that was meant: Though he did not take possession while it was yet day and did so only after dusk⁸ he imposes restrictions, since⁹ he could have taken possession while it was yet day.¹⁰ 'After dusk, no restrictions are imposed even though no other Israelite took possession of his estate'. You Say, 'Even though no other Israelite took possession of his estate' and¹¹ much less so¹² if one did take possession; but is not the law just the reverse, viz., that where one did take possession restrictions are imposed?¹³ — R. Papa replied: Read: 'Though he did take possession'.¹⁴ but was it not stated: 'Even, though he did not take possession'? — It is this that was meant: Though he took possession¹⁵ after dusk he imposes no restrictions, since he could not take possession while it was yet day.¹⁶ At all events it was stated in the first clause that 'restrictions are imposed'. But why should restrictions be imposed? Let him¹⁷ renounce his share? — The ruling that he imposes restrictions¹⁸ applies only so long as he does not make his renunciation.

R. Johanan replied: The Baraitas¹⁹ represent the view of Beth Shammai who ruled that no renunciation is allowed on the Sabbath.²⁰ For we learned: WHEN MUST ONE'S SHARE BE PRESENTED? BETH SHAMMAI RULED: WHILE IT IS YET DAY AND BETH HILLEL RULED: AFTER DUSK. Said Ulla: What is Beth Hillel's reason?²¹ The case of renunciation is on a par with that of saying,²² 'You should have gone to the better kind'.²³ What, objected Abaye, is the comparison with the case of saying. 'You should have gone to the better kind', where the gentile died on the Sabbath?²⁴ Rather it is this principle on which they are here at variance: Beth Shammai are of the opinion that the renunciation of a domain²⁵ is like conferring acquisition²⁶ of a domain [to another], but conferring acquisition of a domain on the Sabbath is forbidden;²⁷ while Beth Hillel are of the opinion that renunciation is merely the giving up of one's domain, and the giving up of a domain on the Sabbath is perfectly permissible.

MISHNAH. IF A HOUSEHOLDER WAS IN PARTNERSHIP WITH HIS NEIGHBOURS,²⁸ WITH THE ONE IN WINE AND WITH THE OTHER IN WINE,²⁹ THEY NEED NOT PREPARE AN ERUB;³⁰ BUT IF HIS PARTNERSHIP WAS WITH THE ONE IN WINE AND WITH THE OTHER IN OIL,³¹ IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB.³² R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN ERUB. GEMARA. Rab explained:³³ Only [if the wine³⁴ was kept] in one container.³⁵ Said Raba: A

deduction also supports this view. For it was stated: WITH THE ONE IN WINE AND WITH THE OTHER IN OIL, IT IS NECESSARY FOR THEM TO JOIN IN AN 'ERUB; now if you grant that the first clause deals with one container and the final clause with two containers both rulings are quite correct,³⁶ but if you contend that the first clause deals with two containers and the final clause deals with two containers, why. [it might be objected,] should a difference be made between wine and wine and between wine and oil?³⁷ — Wine and wine,³⁸ Abaye retorted, can properly be mixed,³⁹ but wine and oil cannot properly be mixed.⁴⁰

R. SIMEON RULED: NEITHER IN THE ONE CASE NOR IN THE OTHER NEED THEY JOIN IN AN 'ERUB. Even if the partnership was with the one in wine and with the other in oil?⁴¹ — Rabbah replied: Here we are dealing with a courtyard that was situated between two alleys,⁴² R. Simeon following his own View.⁴³ For we learned: R. Simeon remarked: To what may this case be compared? To three courtyards that open one into the other and also into a public domain, where, if the two outer ones made an 'erub with the middle one, it is permitted to have access to them and they are permitted access to it, but the two other ones are forbidden access to one another.⁴⁴ Said Abaye to him:⁴⁵ Are the two cases at all alike, seeing that there⁴⁶ it was stated: 'The two outer ones are forbidden,' while here It was stated that THEY NEED NOT JOIN IN AN 'ERUB at all?⁴⁷ — The ruling that⁴⁸ THEY NEED NOT JOIN IN AN 'ERUB applies only to one between the neighbours and the householder, but the neighbours among themselves must certainly join in an 'erub.

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- (1) This will be discussed presently.
 - (2) The estate of a proselyte, who has no legal heirs, may be appropriated by the first person who takes possession of it.
 - (3) As the new owner did not join in the 'erub he imposes restrictions on the use of the court by the surviving Israelite.
 - (4) V. supra n. 2.
 - (5) Since the clause is introduced by 'even though'.
 - (6) Lit., 'and it is not required (to state)'.
 - (7) There being no one to impose them.
 - (8) The purport of the expression being, 'even though . . . had taken possession after dusk, so that during a part of the Sabbath the place was free from restrictions.
 - (9) The proselyte having died before dusk.
 - (10) As the proselyte's share was in a state of suspended ownership even when the Sabbath had set in the entire place could not be regarded as a permitted domain even during a part of the Sabbath.
 - (11) Since the clause is introduced by 'even though'.
 - (12) Lit., 'and it is not required (to state)'.
 - (13) On account of that persons share.
 - (14) He nevertheless imposes no restrictions, since during a part of the Sabbath, prior to his acquisition of the estate, the place was free from all restrictions.
 - (15) 'Even though' qualifying this implied clause.
 - (16) When the proselyte was still alive (cf. supra n. 7).
 - (17) The Israelite taking legal possession of the estate of the deceased proselyte being in a position of an heir.
 - (18) Lit., 'what (is the meaning of he) imposes restrictions, that has been taught'.
 - (19) According to which an heir imposes restrictions and from which objection was raised against R. Nahman.
 - (20) Hence no means are available to an heir for the removal of the restrictions that begin with the incidence of the Sabbath. R. Nahman, however, may disagree with their view, following that of Beth Hillel.
 - (21) For allowing renunciation on the Sabbath.
 - (22) Lit., 'it is made as (if he) says' to a person whom he found in his field setting aside terumah from a certain kind of produce on his behalf without his previous consent.
 - (23) B.M. 22a. The terumah is valid if there was a better kind in the field; because the owner, by his present consent, is assumed retrospectively to have appointed the person as his agent. Similarly in the case of renunciation: The tenant's present act of renunciation is taken as an indication of his retrospective desire to join with the other tenants in their 'erub and that his failing to do so was due to mere forgetfulness.
 - (24) In the latter case, surely, retrospective intention could not possibly be assumed.

- (25) I.e., one's share in a court.
- (26) [Reading מִקְנֵי instead of מִיְקְנֵי of cur. edd. v. Tosaf. s.v. מִקְנֵי].
- (27) Because it is on a par with a commercial transaction. Hence their prohibition of renunciation on the Sabbath.
- (28) In an alley.
- (29) Sc. they were all joint holders in one edible commodity that (as will be explained infra) was kept in one container.
- (30) Their partnership in the commodity serves also the purpose of 'erub.
- (31) Sc. two different commodities that must be kept in separate containers.
- (32) Since only a commodity in joint ownership that is kept in one container may be regarded as 'erub.
- (33) The first clause of our Mishnah.
- (34) Which they possessed in common.
- (35) NEED THEY NOT PREPARE AN 'ERUB (cf. supra p. 496, n. 12).
- (36) As the wine spoken of in the first clause was kept in one container no other 'erub was consequently required, while in the case of the wine and the oil spoken of in the final clause, since they were kept in two containers, a special 'erub was rightly required.
- (37) Sc. why should an 'erub be necessary in the latter case if it is not required in the former?
- (38) Though kept in two containers.
- (39) Hence it may serve as an 'erub even if it has not yet been mixed.
- (40) As they must always be kept apart they cannot be regarded as 'erub if they have not been expressly set aside for that purpose. Hence, contrary to the submission of Raba, the first clause also may be dealing with two containers.
- (41) But how could such a ruling be justified in view of the fact that the two commodities cannot properly be mixed?
- (42) The tenants of which had a stock of wine in common with the residents of the one alley and a stock of oil in common with those of the other, so that the wine and the oil do not serve the purpose of one 'erub but that of two 'erubs, one for each alley.
- (43) That the residents of one courtyard may join in two 'erubs with the residents of two alleys respectively even though the latter, not having been joined to each other by an 'erub, are forbidden access from one to the other.
- (44) Supra 45b, q.v. notes. Similarly (cf. prev. n.) in the case of the wine and oil, though the two alleys (cf. supra p. 497, n. 10) were not joined to one another, and access between them is forbidden, the courtyard may be joined to both of them and access between it and the alleys is permitted.
- (45) Rabbah.
- (46) In the Mishnah cited.
- (47) Implying full permissibility of access.
- (48) Lit., 'what'.

Talmud - Mas. Eirubin 71b

R. Joseph.¹ however, replied:² R. Simeon and the Rabbis differ on the same principle as that on which R. Johanan b. Nuri and the Rabbis differ.³ For we learned: If some oil⁴ floated on wine⁴ and a tebul yom⁵ touched the oil, he⁶ causes the oil only to be unfit;⁷ but R. Johanan b. Nuri ruled: They both form a connection with each other.⁸ The Rabbis⁹ may hold the same view as the Rabbis¹⁰ while R. Simeon⁹ may hold the same view as R. Johanan b. Nuri.¹¹

It was taught: R. Eleazar¹² b. Taddai ruled: In either case¹³ it is necessary for them to join in an erub. Even if the partnership was with the one in wine and with the other also in wine?¹⁴ Rabbah explained: Where this [householder] comes with his lugin¹⁵ [of wine] and pours [it into the common cask] and the other comes with his lugin and pours it in, no one disputes the ruling that¹⁶ this alone is a valid 'erub.¹⁷ They only differ where the householders bought a cask of wine in partnership.¹⁸ R. Eleazar b. Taddai is of the opinion that there is no such rule as bererah¹⁹ while the Rabbis maintain that the rule of bererah holds good.²⁰

R. Joseph explained: R. Eleazar b. Taddai and the Rabbis differ on the question whether it is permissible to rely upon shittuf¹⁵ where an 'erub is required.²¹ the one Master²² holding that It is not permissible to rely on it²³ while the Masters²⁴ maintain that it is permissible to rely on it.²⁵

Said R. Joseph: Whence do I derive this?²⁶ [From the following:] Since Rab Judah stated in the name of Rab, 'The halachah is in agreement with R. Meir'²⁷ and R. Berona stated in the name of Rab, 'The halachah is in agreement with R. Eleazar b. Taddai'.²⁸ Now what is the reason?²⁹ Obviously³⁰ because both rulings are based on the same principle.²⁷ Said Abaye to him: If the principle is the same what need was there to lay down the halachah, twice?³¹ — It is of this that we are informed: That in matters of³² 'erub we [sometimes] adopt³³ two restrictive rulings.³⁴

What is the ruling of R. Meir and what is that of the Rabbis?³⁵ [Those about which] it was taught: An 'erub of courtyards must be prepared with bread; but wine, even if preferred, may not be Used for 'erub,³⁶ Shittuf of an alley may be done even³⁷ with wine;³⁸ but bread, if preferred, may [obviously]³⁹ be used for the shittuf. An 'erub must be prepared for courtyards⁴⁰ even where shittuf is arranged for the alleys⁴¹ in order that the law of 'erub may not be forgotten by the children who might believe that their fathers⁴² had been preparing no 'erub; so R. Meir. The Sages, however, ruled: Either 'erub or shittuf [is enough]. R. Nehumi⁴³ and Rabbah⁴⁴ differ on the interpretation of this statement. One maintains that in the case of bread⁴⁵ no one disputes the ruling that one⁴⁶ is enough⁴⁷ and that they only differ in the case of wine,⁴⁸

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- (1) Maintaining, contrary to the view of Rabbah, that R. Simeon in our Mishnah was referring to courtyards in the same alley.
 - (2) To the objection raised supra as to how could R. Simeon regard two commodities like wine and oil as one valid 'erub.
 - (3) It. Simeon, as will be shown presently, holding the same view as the former.
 - (4) Of terumah.
 - (5) V. Glos.
 - (6) On account of his levitical uncleanness.
 - (7) For consumption.
 - (8) T.Y. II, 5; the touching of the one is, therefore, regarded as the touching of both.
 - (9) Of our Mishnah.
 - (10) In the Mishnah cited, who regard wine and oil as separate and distinct commodities.
 - (11) Who holds that oil and wine can be treated as the component parts of one liquid.
 - (12) So MS.M.
 - (13) This is discussed anon.
 - (14) But why should an 'erub be necessary in such a case?
 - (15) V. Glos.
 - (16) Even where the wine was not originally mixed for the purpose of 'erub.
 - (17) Since every householder has contributed Its individual share to the common stock.
 - (18) So that the individual contributions were never distinguishable from one another.
 - (19) V. Glos. In consequence none of the householders has any distinguishable share in the wine.
 - (20) So that every householder may be regarded as having contributed a definite and distinguishable share to the common contents of the cask.
 - (21) I.e., whether the amalgamation of the courtyards of an alley by shittuf, for the purpose of facilitating movement in it, exempts the tenants of the courtyards from 'erub for the purpose of carrying objects from one courtyard into the other.
 - (22) R. Eleazar b. Taddai.
 - (23) Hence his ruling that 'in either case' an 'erub must be prepared.
 - (24) The Rabbis.
 - (25) No 'erub, therefore, is required. Since the residents are united by shittuf in their alley they are also deemed to be united in their courtyards; and they are consequently permitted to convey objects from one courtyard into another through doors that open from one into the other.
 - (26) That the point at issue between R. Eleazar b. Taddai and the Rabbis is the Question whether shittuf can also serve the purpose of 'erub.
 - (27) That it is not permissible to rely upon shittuf where an 'erub is required.

- (28) That 'in either case' an erub must be prepared.
- (29) That Rab pronounced the halachah to be in agreement with both R. Meir and R. Eleazar b. Taddai.
- (30) Lit., 'not'?
- (31) It was admittedly necessary for Rab to state that the halachah is in agreement with R. Meir, since otherwise the principle underlying R. Eleazar b. Taddai's ruling would have been unascertainable, and erroneous conclusions affecting the laws of 'erub might have been arrived at (cf. Rashi); but why, it is asked, was it also necessary for Rab to state that the halachah is in agreement with R. Eleazar b. Taddai?
- (32) As in this particular case (cf. Tosaf.).
- (33) This is the reading of R. Han. Cur. edd. 'we do not adopt' (cf. Rashi); v. Tosaf. s.v. נִשְׁתָּי.
- (34) Laid down by the same authority, though one of them is opposed by other authorities. In this case the halachah is in agreement with R. Meir that where an 'erub is required, shittuf may not be relied upon irrespective of whether it was done with (a) wine concerning which the Rabbis agree with him or (b) bread about which the Rabbis differ.
- (35) To which reference has just been made.
- (36) An 'erub essentially serves the purpose of constituting a dwelling or habitation (cf. supra 49a) and bread alone of all commodities is regarded as important enough to constitute one.
- (37) Cf. Rashi. According to Tosaf. the rendering might be, 'should preferably be done'.
- (38) Since the purpose of shittuf is not the association of the house but that of the courtyards which are not regarded as 'dwellings' (cf. supra n. 5).
- (39) Cf. Rashi, or (according to Tosaf.) 'also'.
- (40) Either for each one separately, in the interests of its own tenants, or, if doors open from one courtyard into another, for several courtyards together, to enable their tenants to have access to each other through their courtyard doors.
- (41) To enable the tenants to carry objects from one courtyard into another through the alley. In the absence of shittuf this is forbidden, though the right of carrying through the communicating doors remains unaffected. In the case of shittuf it is permitted to carry objects between the courtyards either through the alley or through their communicating doors even where each courtyard had prepared a separate 'erub for its own tenants only.
- (42) Lit., 'who would say: Our fathers'.
- (43) Var. lec. 'Rehumi' (MS.M. and Bah).
- (44) Var. lec. 'Rabbah b. Joseph' (Bah).
- (45) Since it is suitable for both 'erub and shittuf.
- (46) Either shittuf or 'erub.
- (47) Since one may also serve the purpose of the other.
- (48) Where it was used for "shittuf. According to R. Meir this alone is not enough since wine is inadmissible for 'erub; while according to the Rabbis once wine has become effective in shittuf it is ipso facto effective for 'erub, since shittuf may be relied upon where an 'erub is required.

Talmud - Mas. Eirubin 72a

while the other maintains that in the case of wine¹ no one disputes the ruling that the two² are necessary³ and that they only differ in the case of bread.⁴

An objection was raised: 'The Sages, however, ruled: Either 'erub or shittuf is enough'. Does not this mean that it is permissible to prepare an 'erub in a courtyard with bread or arrange shittuf in an alley with wine?⁵ — R. Giddal citing Rab replied: It is this that was meant: Either an 'erub for the courtyards⁶ is prepared with bread, and unrestricted movement is permitted in both the alley and the courtyards;⁷ or shittuf for the alley is made with bread, and unrestricted movement is again permitted in both.⁷

Rab Judah citing Rab stated: The halachah⁸ is in agreement with R. Meir; R. Huna, however, stated: The customary practice is in agreement with R. Meir, while R. Johanan stated: The people are in the habit of acting in agreement with R. Meir.

MISHNAH. IF FIVE COMPANIES SPENT THE SABBATH IN ONE HAL⁹ EACH

COMPANY, BETH SHAMMAI RULED, MUST¹⁰ CONTRIBUTE SEPARATELY TO THE ERUB;¹¹ BUT BETH HILLEL RULED: ALL OF THEM¹² CONTRIBUTE TO THE 'ERUB ONLY ONE SHARE.¹³ THEY¹⁴ AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS¹⁵ OR UPPER CHAMBERS¹⁶ A SEPARATE CONTRIBUTION TO THE 'ERUB MUST BE MADE FOR EACH COMPANY.

GEMARA. R. Nahman stated: The dispute¹⁷ relates only to partitions of stakes¹⁸ but where the partitions¹⁹ were ten handbreadths high all²⁰ agree that a separate contribution to the 'erub must be made for each company. Others read: R. Nahman stated: The dispute¹⁷ relates also to partitions of stakes.²¹

R. Hiyya and R. Simeon son of Rabbi differ on the interpretation of our Mishnah.²² One holds that the dispute²³ relates only to partitions that reach to the ceiling, but where they do not reach it²⁴ all²⁵ agree that only one contribution to the 'erub need be made for all of them; while the other holds that the dispute²³ relates Only to partitions that do not reach the ceiling but where they do reach it all²⁰ agree that a separate contribution to the 'erub is necessary for each company.

- (1) Since it is unsuitable for shittuf purposes.
- (2) Both Shittuf and 'erub.
- (3) Even the Rabbis agree that wine cannot become effective for 'erub even by way of shittuf for which alone it may be used.
- (4) That was used either for 'erub or for shittuf, R. Meir maintaining that even in this case one cannot do service for the other.
- (5) And either presumably suffices for both alley and courtyards. How then is this to be reconciled with the second view that 'in the case of wine no one disputes the ruling that the two are necessary'?
- (6) So MS. M. Cur. edd. have the sing. 'courtyard'.
- (7) Lit., 'here and here'.
- (8) V. supra p. 438, nn. 11-13.
- (9) Traklin, triclinium, 'dining-room'. The reference is to a large room that was subdivided by partitions into separate compartments each being occupied by one of the companies and having a separate door to the courtyard into which doors of other houses also open.
- (10) Since each is deemed to occupy a separate domain.
- (11) That is prepared either for all the tenants of the courtyard or for the occupants of the hall alone.
- (12) Being regarded as living in one and the same domain (cf. Gemara infra).
- (13) If they join the tenants of the courtyard. Among themselves (cf. prev. n.) they need no 'erub at all.
- (14) Beth Hillel.
- (15) On the ground floor.
- (16) All of which are completely separated from one another and from the hall, and have direct access to the courtyard.
- (17) In our Mishnah.
- (18) Mesifas, a low partition of stakes or pegs. Only in such a case do Beth Hillel regard the entire hall as One domain.
- (19) Separating the quarters of one company from another.
- (20) Even Beth Hillel.
- (21) I.e., Beth Shammai maintain their view not only where the partitions were ten handbreadths high but even where they were low.
- (22) Lit., 'on it'.
- (23) Between Beth Shammai and Beth Hillel.
- (24) Although they are ten handbreadths high.
- (25) Even Beth Shammai.

Talmud - Mas. Eirubin 72b

An objection was raised: R. Judah ha-Sabba¹ stated, Beth Shammai and Beth Hillel do not dispute

the ruling that where partitions² reach the ceiling a separate contribution to the erub is required on the part of each company; they only differ³ where the partitions do not reach the ceiling in which case Beth Shammai maintain that a separate contribution to the 'erub must be made for each company, while Beth Hillel maintain that one contribution to the 'erub suffices for all of them. Now, against him who stated that the dispute⁴ related only to partitions that reached the ceiling this⁵ presents an objection; in favour of him who stated that their dispute⁴ related only to partitions that did not reach the ceiling this⁶ provides support; while against that version according to which R. Nahman stated 'the dispute relates only to partitions of stakes'⁷ this⁸ presents an objection. Does this,⁶ however, present an objection also against that version according to which R. Nahman stated: 'The dispute relates also to partitions of stakes'⁹ — R. Nahman can answer you: They differ in the case of partitions¹⁰ and this applies also to partitions of stakes, and the only reason why their difference of view was expressed in the case of partitions is in order to inform you to what extent Beth Hillel venture to apply their principle.¹¹ But why did they not express their difference of view in the case of partitions of stakes in order to inform you of the extent to which Beth Shammai, venture to apply their principle?¹² — Information on the extent of a permitted course¹³ is preferable.¹⁴

R. Nahman citing Rab stated: The halachah is in agreement with R. Judah ha-Sabbar.¹⁵ Said R. Nahman b. Isaac: All inference from the wording of our Mishnah also leads to the same conclusion. For it was stated: THEY AGREE, HOWEVER, THAT WHERE SOME OF THEM OCCUPY ROOMS OR UPPER CHAMBERS A SEPARATE CONTRIBUTION TO THE FRUIT MUST BE MADE FOR EACH COMPANY; now what was meant by ROOMS and what by UPPER CHAMBERS? If it be suggested that by the term ROOMS proper¹⁶ rooms,¹⁷ and by the term 'UPPER CHAMBERS' proper¹⁶ upper chambers¹⁷ were meant, is not the ruling¹⁸ obvious?¹⁹ The terms must consequently mean²⁰ compartments like rooms or upper chambers, namely,²¹ compartments the partitions of which reach the Ceiling. This is conclusive.

A Tanna taught: This²² applies only where their 'erub is carried into a place other [than the hall].²³ but if their 'erub is remaining²⁴ with them²⁵ all²⁶ agree that one contribution to the 'erub suffices for all of them.²⁷ Whose view is followed in what was taught:²⁸ If five residents who collected their 'erub desired to transfer it to another place.²⁹ one 'erub suffices for all of them?³⁰ — Whose view? That of Beth Hillel.³¹

Others read: This³² applies only where the 'erub remained³³ with them,³⁴ but if they carried their 'erub to a place other [than their hall]³⁵ all³⁶ agree that a separate contribution to the 'erub is required for each company.³⁷ Whose view is followed in which was taught: If five residents who collected their contributions to an 'erub desired to transfer it³⁸ to another place³⁹ one 'erub suffices for all of them?⁴⁰ — Whose view? No one's.⁴¹

MISHNAH. BROTHERS⁴² WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSE⁴³ MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB.⁴⁴ HENCE, IF ANY ONE OF THEM FORGOT TO CONTRIBUTE TO THE 'ERUB HE MUST⁴⁵ RENOUNCE HIS RIGHT TO HIS SHARE IN THE COURTYARD. WHEN DOES THIS APPLY?⁴⁶ WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE⁴⁷ BUT IF THEIR 'ERUB IS DEPOSITED⁴⁸ WITH THEM⁴⁹ OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD THEY NEED NOT PREPARE ANY 'ERUB.

GEMARA. Does this⁵⁰ then imply that the night's lodgingplace⁵¹ is the cause of the obligation of 'erub?⁵² — Rab Judah citing flab replied: This was learnt only in respect of such as receive a maintenance allowance.⁵³

Our Rabbis taught: A man who has in his neighbour's courtyard a gate-house, an exedra⁵⁴ or a

balcony imposes no restrictions upon him.⁵⁵ [One, however, who has in it] a straw-magazine, a cattle-pen, a room for wood or a storehouse does impose restrictions upon him. R. Judah ruled: Only a dwelling-house imposes restrictions. It once happened, R. Judah related, that Ben Nappaha⁵⁶ had five courtyards at Usha, and when the matter was submitted to the Sages they ruled: Only a dwelling-house imposes restrictions. 'A dwelling-house'! Is such a ruling imaginable? Rather say: A dwelling-place. What is meant by a 'dwelling-place'? — Rab explained:

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- (1) 'The reasoner' or 'interpreter'. R. Han. and Alfasi read: 'ha-Sabbak', 'the net-weaver'. Others 'ha-Saddar', 'who arranges (Mishnahs) in order'.
 - (2) Which subdivide a large hall into small compartments.
 - (3) Lit., 'concerning what are they divided?'
 - (4) Between Beth Shammai and Beth Hillel.
 - (5) R. Judah's statement that they 'do not dispute . . . where partitions reach the ceiling'.
 - (6) The statement of R. Judah that 'they only differ where the partitions do not reach the ceiling'.
 - (7) But that 'where the partitions were ten handbreadths high' Beth Hillel agree that a 'separate contribution. . . must be made'.
 - (8) R. Judah's assertion (cf. supra n. 5) according to which Beth Hillel require no separate contributions where the partitions, though ten handbreadths high, do not reach the ceiling.
 - (9) I.e., that Beth Shammai require separate contributions even where the partitions were so frail and low. Does R. Judah, it is asked (cf. supra n. 5), imply that Beth Shammai maintain this view, even where the partitions are so low, in agreement with this view of R. Nahman, or, do they limit their view to partitions that are of some considerable height though not as high as to reach the ceiling?
 - (10) Even where they do not reach the ceiling.
 - (11) I.e., they require no separate contributions from each company even where the partitions are of some considerable height.
 - (12) That even in the case of partitions of stakes Beth Shammai require each company to make a separate contribution.
 - (13) Lit., 'the power of permissibility', since it indicates conviction and certainty of opinion.
 - (14) The prohibition of a certain course may be an easy way out of a legal difficulty and the result of mere lack of knowledge or conviction as to whether it could or could not be permitted.
 - (15) That 'where partitions reach the ceiling' even Beth Hillel agree that 'a separate contribution is required'.
 - (16) Or 'actual'.
 - (17) I.e., such as have never formed parts of the large hall.
 - (18) That for each room a separate contribution must be made.
 - (19) What need then was there to state the obvious?
 - (20) Lit., 'but, not?'
 - (21) Lit., 'and what are they?'
 - (22) That Beth Shammai require each company to make a separate contribution to the 'erub (v. our Mishnah).
 - (23) Sc. if it is deposited in one of the other houses of the courtyard.
 - (24) Lit., 'was coming'.
 - (25) I.e., if the other tenants brought their contributions to the hall where the 'erub is deposited.
 - (26) Even Beth Shammai.
 - (27) The point at issue between Beth Shammai and Beth Hillel being not that of the nature of the partitions but the question whether (a) one of a group who joined in an 'erub may take that 'erub with him to another group on behalf of all his associates or whether (b) each individual of the group must separately contribute his share. The hall in question, both according to Beth Shammai and Beth Hillel, combines the separate sections of each company into one domain and no 'erub among themselves alone is necessary irrespective of whether the partitions were high or low, but Beth Shammai maintain that one of them cannot represent them all in the 'erub of the courtyard and each must consequently contribute his individual share, while Beth Hillel hold that one of them may well represent all the group and, therefore, only one contrition on behalf of all of them is sufficient.
 - (28) Lit., 'like whom goes that which was taught'.
 - (29) I.e., to another courtyard, desiring to join in 'erub with the residents of that courtyard.
 - (30) I.e., one of the group may take their 'erub (or the prescribed quantity of bread of his own on behalf of all the group)

to the place into which they desired their 'erub to be transferred. Cf. supra 49b.

(31) Cf. supra p. 504, n. 16.

(32) That Beth Hillel hold that one contribution suffices for all the companies (v. our Mishnah).

(33) Lit., 'was coming'.

(34) V. supra p. 504, n. 14.

(35) Sc. if it is deposited in one of the other houses of the courtyard.

(36) Even Beth Hillel.

(37) The point at issue being whether the several companies in the one hall, who are in the same position as that of a number of tenants who joined in one 'erub, must contribute individually to the 'erub even where it is deposited in their hall, Beth Shammai maintaining that they must while Beth Hillel hold that they need not.

(38) Lit., 'when they carry their 'erub'.

(39) V. supra n. 2.

(40) V. supra n. 3.

(41) Neither that of Beth Shammai nor that of Beth Hillel, since both agree that separate contributions are in this case required.

(42) The insertion in some ed., 'who were partners' is rejected by Rashi.

(43) Within the same courtyard as that of their father's house.

(44) If they wish to join with the other tenants in the 'erub of that courtyard.

(45) If the movement of objects in the courtyard is to be unrestricted.

(46) Sc. that they must each contribute to the 'erub.

(47) Sc. to a house of one of the other tenants. The reason is given in the Gemara.

(48) Lit., 'was coming

(49) In their father's house.

(50) The ruling in our Mishnah that where the brothers SLEPT IN THEIR OWN HOUSES they are under the obligation to make separate contributions to the 'erub, from which it is evident that if they slept in their father's house it is only he who must make a contribution to the 'erub (if it is deposited in some other house) while they are exempt.

(51) And not the place where they have their meals.

(52) Apparently it does; how then could Rab maintain infra that one's obligation to a separate contribution to an 'erub is dependent on one's dining-place?

(53) From their father. They did not actually have their meals at his house.

(54) V. Glos.

(55) In respect of the movement of objects in his courtyard on the Sabbath.

(56) Or 'a locksmith'.

Talmud - Mas. Eirubin 73a

One's dining-place.¹ and Samuel explained: One's night's lodging place. An objection was raised: Shepherds, summer fruit attendants,² station house-keepers and fruit watchmen have³ the same status as the townspeople⁴ if they are in the habit of taking their night's rest in the town,⁵ but if they are in the habit of spending the night in the fields⁶ they are only entitled to walk a distance of two thousand cubits in all directions?⁷ — In that case⁸ we are witnesses that they would have been more pleased if bread had been brought to them there.⁹

Said R. Joseph, 'I have never heard this tradition'.¹⁰ 'You yourself', Abaye reminded him, 'have told it to us, and you said it in connection with the following: BROTHERS WHO WERE EATING AT THEIR FATHER'S TABLE BUT SLEPT IN THEIR OWN HOUSES MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB, concerning which we asked you: Does this then imply that the night's lodging-place is the cause of the obligation of 'erub? And you, in reply to this question, told us: Rab Judah citing Rab replied: This was learnt only in respect of such as receive a maintenance allowance'.¹¹

Our Rabbis taught: Where a man has five wives who are in receipt of a maintenance allowance

from their husband¹² or five slaves who are in receipt of a maintenance allowance from their Master,¹² R. Judah b. Bathyra permits [unrestricted movement]¹³ in the case of the wives¹⁴ but forbids it in the case of the slaves,¹⁵ while R. Judah b. Baba permits this in the case of slaves but forbids it in the case of the wives. Said Rab, what is R. Judah b. Baba's reason? The fact that it is written in Scripture: But Daniel was in the gate of the king.¹⁶

It is obvious that a son in relation to his father is subject to the ruling here enunciated.¹⁷ [The Status of] a wife in relation to her husband and a slave in relation to his master is a point at issue between R. Judah b. Bathyra and R. Judah b. Baba.¹⁸ What, however, [is the status of] a student in relation to his master?¹⁹ — Come and hear what Rab when at the school of R. Hiyya²⁰ stated: 'We need not prepare an 'erub since we virtually dine²¹ at R. Hiyya's table'; and R. Hiyya, when he was at the school of Rabbi, stated: 'We need not prepare an 'erub since we virtually dine²¹ at Rabbi's table.'

Abaye enquired of Rabbah: If five residents²² collected their contributions to their 'erub²³ and desired to transfer it²⁴ to another place,²⁵ does one 'erub contribution suffice for all of them²⁶ or is it necessary for each one to make a separate contribution to the 'erub?²⁷ — He replied: One 'erub contribution suffices for all of them. But, surely, BROTHERS²⁸ are like residents who collected their contributions²⁹ and yet was it not stated: MUST EACH CONTRIBUTE A SHARE TO THE 'ERUB?³⁰ — Here³¹ we are dealing with a case where other tenants, for instance, lived with them,³² so that [it may be said:] Since these³³ impose restrictions³⁴ those³⁵ also impose them.³⁶ This may also be supported by a process of reasoning. For it was stated: WHEN DOES THIS APPLY? WHEN THEY CARRY THEIR 'ERUB INTO SOME OTHER PLACE BUT IF THEIR 'ERUB IS DEPOSITED WITH THEM OR IF THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD³⁷ THEY NEED NOT PREPARE ANY 'ERUB. This is conclusive.

R. Hiyya b. Abin enquired of R. Shesheth: in the case of students who have their meals³⁸ in the country, but come to spend their nights at the schoolhouse³⁹ do we measure their Sabbath limit from the Schoolhouse⁴⁰ or from their country quarters?⁴¹ He replied: We measure it from the schoolhouse.⁴⁰ Behold, [the first objected], the case of the man who deposits his 'erub within two thousand cubits⁴² and comes to take his night's rest at his house whose Sabbath limit is measured from his 'erub!⁴³ — In that case,⁴⁴ [the other replied,] we are witnesses, and in this case⁴⁵ also we are witnesses. In that case⁴⁴ we are witnesses' that if he could live there⁴⁶ he⁴⁷ would have preferred it,⁴⁸ and 'in this case⁴⁵ also we are witnesses that if their meals⁴⁹ had been brought to them at the schoolhouse they would have much preferred it.⁵⁰

Rami b. Hama enquired of R. Hisda: Are a father and his son or a master and his disciple regarded⁵¹ as many⁵² or as one individual?⁵³ Do they⁵⁴ require an 'erub or not? Can the use of their alley⁵⁵ be permitted by means of a side-post or cross-beam⁵⁶ or not?⁵⁷ — He replied: You have learnt it: A father and his son or a master and his disciple, if no other tenants live with them,⁵⁸ are regarded as one individual,⁵⁹ they require no 'erub, and the use of their alley⁵⁵ may be rendered permissible by means of a side-post or cross-beam.⁵⁶

MISHNAH. IF FIVE COURTYARDS OPENED INTO EACH OTHER AND INTO AN ALLEY,⁶⁰ AND AN 'ERUB WAS PREPARED FOR THE COURTYARDS BUT NO SHITTUF WAS MADE FOR THE ALLEY, THE TENANTS ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY.⁶¹

(1) Lit., 'place of bread'.

(2) Or 'fruit pickers', 'watchmen for drying figs'.

(3) Though they were in the field when the Sabbath began.

(4) In whose vicinity they carry on their occupations. They, like the people of the town, are allowed to move in any part

of the town and along distances of two thousand cubits in any of its directions.

(5) Where they have their Sabbath meal.

(6) Though they dine in town.

(7) From their lodging-places. How then could Rab maintain that the meaning of 'dwelling-place' is 'one's dining-place'?

(8) Spoken of in the Baraita just cited.

(9) Into the field where they are spending the night. It is for this reason only that their dining-place in the town is disregarded.

(10) Of Rab. R. Joseph having lost his memory after a serious illness was often making this remark.

(11) Cf. supra p. 506, nn. 6ff.

(12) And each one lives in a separate house in his courtyard.

(13) Even if no 'erub had been prepared.

(14) Since each one is deemed to be intimately associated with her husband's house.

(15) Who are not so intimately connected with their master.

(16) Dan. II, 49; implying that wherever Daniel (the king's servant) was he was regarded as being 'in the gate of the king' i.e., at the king's house; and the same applies to slaves in relation to their master,

(17) Lit., 'as it has been said', cf. our Mishnah.

(18) As has just been stated.

(19) Where the former is in receipt of a maintenance grant from the latter and lives with him in the same courtyard but in a separate house.

(20) From whom he was receiving a maintenance grant.

(21) Lit., 'rely'. 'are supported'.

(22) Of the same courtyard.

(23) For the courtyard in which they lived.

(24) Lit., 'when they carry their 'erub'.

(25) I.e., to another courtyard with whose residents they wish to join in 'erub.

(26) Sc. may one of them carry that 'erub (to which they had all contributed) or the prescribed quantity of food of his own (on behalf of all of them) to the courtyard with the tenants of which they desire to join?

(27) Abaye must never have heard of the Baraita, supra 72b which deals with this very question; or, if he was acquainted with it, was desirous of ascertaining whether it represented the halachah, since, as was stated supra, it either agreed with none or only with Beth Hillel.

(28) Who 'NEED NOT PREPARE ANY 'ERUB' where 'THERE ARE NO OTHER TENANTS WITH THEM IN THE COURTYARD'.

(29) Who also need not prepare any other 'erub.

(30) If they desired to join in 'erub with other tenants. How then could Rabbah maintain that one 'erub contribution, which only places the tenants in the same position as the brothers, is sufficient?

(31) The ruling in our Mishnah concerning the brothers.

(32) In the same courtyard.

(33) The tenants in the same courtyard.

(34) Unless an 'erub is prepared.

(35) In the other courtyard with whom they now desire to join.

(36) Unless each brother makes an independent contribution to the new 'erub. In the case, however, of two courtyards for each of which an independent 'erub had been prepared by its tenants, or in that of two courtyards in one of which live a father and sons (who require no 'erub) and in the other an 'erub had been prepared by its tenants, so that the residents of each courtyard independently are permitted unrestricted movement within it, the principle of 'since these impose . . . those also impose' is obviously inapplicable (since no one imposes restrictions upon the others), and consequently one 'erub taken by one of the tenants to the other courtyard suffices for all the tenants of his own courtyard.

(37) To impose restrictions upon them.

(38) Lit., 'who eat bread'.

(39) Which is in town, the distance between which and their dining quarters is not greater than two thousand cubits.

(40) Because it is the place where their nights are spent, in agreement with the view of Samuel supra.

- (41) Where they have their meals, in agreement with Rab.
- (42) From his town.
- (43) And not from the place where his night is spent. How then could it be maintained that the students' Sabbath limit is measured from their schoolhouse because they spend their nights there?
- (44) That of the man who deposits his 'erub outside the town and spends the night within it.
- (45) Of the students under discussion.
- (46) Where his 'erub is deposited.
- (47) Since it is his intention to go on the Sabbath in that direction of the town.
- (48) In order that he might be nearer to his goal when he starts on his walk on the Sabbath day.
- (49) Lit., 'bread'.
- (50) Hence the ruling that their Sabbath limit is measured from the schoolhouse.
- (51) In the case of two courtyards one within the other where the tenants of the inner one have a right of way through the outer one.
- (52) So that if they resided in the inner one they impose restrictions on the use of the outer one even though the latter had prepared an 'erub among themselves (cf. infra 75a).
- (53) Who (cf. prev. n.) imposes no restrictions on the use of the outer courtyard.
- (54) If they are the only tenants.
- (55) Where one of them resided in one courtyard and the other in another courtyard in the same alley.
- (56) As if two courtyards opened out into it. No side-post or cross-bram is effective in an alley unless 'houses and courtyards' open into it.
- (57) The courtyards of a father and his son or a master and disciple being regarded as a single courtyard (cf. "prev. n. second clause).
- (58) In the same courtyard.
- (59) V. supra n. 10.
- (60) I.e., each had two doors one of which led to the other courtyards and the other opened directly into the alley.
- (61) Because an 'erub cannot serve the purposes of both 'erub and shittuf.

Talmud - Mas. Eirubin 73b

IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOTH.¹ IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB,² THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH.³ IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT⁴ TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY, SINCE AN ALLEY TO ITS COURTYARDS⁵ IS AS A COURTYARD TO ITS HOUSES.⁶

GEMARA. Whose view is this?⁷ Apparently that of R. Meir who laid down that it is necessary to have both 'erub and shittuf. Read, however, the middle clause: IF, HOWEVER, SHITTUF WAS MADE FOR THE ALLEY, THEY ARE PERMITTED THE UNRESTRICTED USE OF BOTH, which represents, does it not, the view of the Rabbis who laid down that one of these⁸ is sufficient?⁹ — This is no difficulty. It¹⁰ means: IF, HOWEVER, SHITTUF ALSO WAS MADE.¹¹ But read, then, the next clause: IF AN 'ERUB WAS PREPARED FOR THE COURTYARDS AND SHITTUF WAS MADE FOR THE ALLEY, THOUGH ONE OF THE TENANTS OF A COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THEY ARE NEVERTHELESS PERMITTED THE UNRESTRICTED USE OF BOTH. Now how is one to understand this ruling? If [the tenant]¹² did not renounce his share,¹³ why¹⁴ should the others be permitted?¹⁵ It is obvious then that he did renounce it. Now read the final clause: IF, HOWEVER, ONE OF THE RESIDENTS OF THE ALLEY FORGOT TO CONTRIBUTE TO THE SHITTUF, THEY ARE PERMITTED THE UNRESTRICTED USE OF THE COURTYARDS BUT FORBIDDEN THAT OF THE ALLEY; now if this is a case where he¹⁶ renounced his share,¹⁷ why are they forbidden the unrestricted use of the alley? And should you reply that R. Meir is of the opinion that the law of renunciation of one's share is not applicable to an alley, surely it can be retorted, was it not taught: 'Since . . . he¹⁸ renounced his share¹⁷ in your favour . . . so R. Meir'?¹⁹ It is consequently obvious that [the tenant]' did not renounce his share. And since the final clause deals with one who made no renunciation in the earlier clause²⁰ also must deal with one who made no renunciation.²¹ Would then the first²² and the

last²³ clauses represent the view of R. Meir²⁴ and the middle one²⁵ that of the Rabbis?²⁶ — All our Mishnah²⁷ represents the view of R. Meir; for the only reason why²⁸ R. Meir ruled that both ‘erub and shittuf were required is that the law of ‘erub should not be forgotten by the children, but in this case,²⁹ since most of the tenants did contribute to the ‘erub,³⁰ it would not be forgotten.³¹

Rab Judah stated: Rab did not learn, OPENED INTO EACH OTHER,³² and so stated R. Kahana: Rab did not learn, OPENED INTO EACH OTHER. Others say: R. Kahana himself did not learn, OPENED INTO EACH OTHER.

Abaye asked R. Joseph: What is the reason of him who does not learn, OPENED INTO EACH OTHER? — He is of the opinion that a shittuf contribution that is not carried in and out³³ through the doors that opened into the alley³⁴ can not be regarded as valid shittuf.³⁵

He raised an objection against him: If a householder was in partnership with his neighbours, with the one in wine and with the other in wine, they need not prepare an ‘erub?³⁶ — There it is a case where he carried it³⁷ in and out.³⁸ He raised another objection:³⁹ How is shittuf in an alley effected etc.?⁴⁰ — There also It is a case where it⁴¹ was carried in and out.⁴²

Rabbah⁴³ b. Hanan⁴⁴ demurred: Now then,⁴⁵ would shittuf be equally invalid if one resident transferred to another the possession of some bread in his basket?⁴⁶ And should you reply that [the law] is so indeed, [it could be retorted:] Did not Rab Judah, in fact, state in the name of Rab: If numbers of a party were dining⁴⁷ when the sanctity of the Sabbath day overtook them,⁴⁸ they may rely upon the bread on the table to serve the purpose of ‘erub or, as others say, that of shittuf; and in connection with this Rabbah observed that there is really no difference of opinion between them,⁴⁹ since the former refers to a party dining⁴⁷ in a house⁵⁰ and the latter to one dining in a courtyard?⁵¹ — The fact is that Rab's reason⁵² this:⁵³ he is of the opinion that unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it.⁵⁴ [To turn to] the main text: Rab laid down: Unrestricted movement in an alley cannot be rendered permissible by means of a side-post or cross-beam

(1) Lit., ‘here and here’, the courtyards as well as the alley. This is discussed in the Gemara infra.

(2) But contributed to the shittuf

(3) V. supra n. 2.

(4) Cf. MS.M. and marg. n. Wanting from cur. edd.

(5) Although both possess characteristics of a public domain.

(6) Though the latter are distinctly private domains while the former (cf. prev. n.) possess characteristics of a public domain. As it is forbidden to convey any objects from the houses to the courtyard unless an ‘erub had been prepared so it is forbidden to carry objects from the courtyards into the alley unless shittuf had been made.

(7) The first clause of our Mishnah.

(8) Either ‘erub or shittuf.

(9) Is it likely, however, that two adjacent clauses should represent two opposing views?

(10) The middle clause.

(11) In addition to ‘erub, in agreement with R. Meir.

(12) Who forgot to contribute to the ‘erub of his courtyard.

(13) In his courtyard, in favour of its other tenants.

(14) Since R. Meir does not recognize shittuf as a substitute for ‘erub.

(15) The unrestricted use of that courtyard.

(16) The occupant of a courtyard.

(17) In the alley.

(18) The Sadducee who occupied one of the courtyards in an alley in which Israelites lived.

(19) Supra 68b.

(20) Dealing with the case of a tenant who forgot to contribute to the ‘erub of his courtyard.

(21) In agreement with the Rabbis who recognize shittuf as valid for the purpose of ‘erub also.

(22) According to which an ‘erub for the courtyards is of no value for the use of the alley unless shittuf also was effected.

- (23) Which forbids the unrestricted use of the alley, if one of the residents failed to contribute to the shittuf, though 'erub had been prepared.
- (24) Who requires both 'erub and shittuf.
- (25) Where the unrestricted use of both the courtyards and the alley is permitted although one of the tenants of a courtyard forgot to contribute to the 'erub.
- (26) Is it conceivable, however, that the view of the Rabbis would be inserted anonymously between the views of R. Meir?
- (27) Lit., 'all of it'.
- (28) Lit., 'and what is the reason?'
- (29) V. p. 512, n. 14.
- (30) Only one of them having failed to contribute his share.
- (31) Hence the validity of shittuf as a substitute for 'erub even according to R. Meir.
- (32) Sc. the 'erub spoken of in our Mishnah is not one that was prepared for the purpose of amalgamating a number of courtyards but for that of enabling tenants to have the unrestricted use of their own courtyard only.
- (33) Into the alley from each of the courtyards and out of it into the courtyard where it is to be deposited.
- (34) But through the other courtyards.
- (35) Because the direct connection between courtyards and alley must be clearly shown. As in the case of courtyards that open into each other as well as into the alley it may happen that the shittuf contributions should be carried from a courtyard into the alley indirectly through the other courtyards, shittuf was entirely forbidden (cf. Rashi and Tosaf. a.l.). Since our Mishnah allows shittuf it must refer to courtyards that did not open into each other. Hence Rab's omission.
- (36) Supra 71a. The wine in joint ownership is obviously kept in one of the courtyards and may never have passed the door of any other courtyard. How then could it be maintained that for shittuf to be valid the contributions must pass 'in and out through the doors that opened into the alley'?
- (37) The cask containing the joint stock of wine.
- (38) It was duly carried from each courtyard direct into the alley and finally taken into the courtyard in which it was deposited. This is a forced explanation contrary to the accepted law (cf. Rashi) and is later superseded by a more satisfactory explanation.
- (39) This is deleted by Rashal and appears in parenthesis in cur. edd.
- (40) Infra 79b where it is laid down that one of the residents may assign to each of his neighbours a share in his wine, and the shittuf is as valid as if each one had actually contributed a share. Now, though this wine has never passed the door of any of the other courtyards, the shittuf is valid. How then could it be maintained that contributions to shittuf must pass 'in and out etc.'?
- (41) V. p. 513, n. 10.
- (42) V. p. 513, n. 11
- (43) MS.M., 'Raba'.
- (44) MS.M., 'R. Hanan'; Bah, 'R. Hanan'.
- (45) Lit., 'but from now', since it is maintained that shittuf contributions must be carried 'in and out'.
- (46) For the purpose of shittuf.
- (47) Lit., 'reclining'.
- (48) Sc. the Sabbath began while they were still at table and unable, therefore, to collect the necessary contributions for 'erub or shittuf.
- (49) Those who react 'erub and those who read shittuf.
- (50) An 'erub is deposited in a house (cf. infra 85b).
- (51) Where a shittuf, but no 'erub may be deposited (infra I.e.). This shows that there is no necessity for the contributions to shittuf to pass 'in and out through the doors etc.' How then could it be maintained that shittuf must pass 'in and out' through the doors of the courtyards that opened directly into the alley?
- (52) For omitting the phrase OPENED INTO EACH OTHER.
- (53) Not the one previously suggested according to which shittuf must pass in and out etc.
- (54) Sc. no less than two courtyards must open into the alley and no less than two houses must open into each courtyard. As a number of courtyards that opened into each other are regarded as one courtyard, the unrestricted use of the alley spoken of in our Mishnah could not have been effected if the courtyards that opened into each other.

Talmud - Mas. Eirubin 74a

unless houses and courtyards opened into it;¹ but Samuel ruled: Even one house² and one courtyard³ suffices; while R. Johanan maintained: Even a ruin⁴ is sufficient.

Said Abaye to R. Joseph: Did R. Johanan maintain his view even in the case of a path between vineyards?⁵ — R. Johanan, the other replied, only spoke of a ruin since it may be used as a dwelling, but not of a path between vineyards which cannot be used as a dwelling.

Said R. Huna b. Hinena: R. Johanan⁶ here follows a principle of his. For we learned: R. Simeon ruled: Roofs, karpafs and courtyards⁷ are equally regarded as one domain in respect of carrying from one into the other objects that were kept within them when the Sabbath began, but not in respect of objects that were in the house when the Sabbath began;⁸ and Rab stated: The halachah is in agreement with R. Simeon,⁹ provided no 'erub¹⁰ had been prepared,¹¹ but where an 'erub¹⁰ had been prepared¹² a preventive measure had been enacted against the possibility of carrying objects from the houses of one courtyard into some other courtyard; but Samuel stated: Whether and 'erub¹³ had, or had not been prepared;¹⁴ and so also said R. Johanan: The halachah is in agreement with R. Simeon irrespective of whether all 'erub' had, or had not been prepared. Thus it is evident that¹⁵ no preventive measure had been instituted against the possibility of carrying objects from the houses of one courtyard into some other courtyard, and so also here¹⁶ no preventive measure had been instituted against the possibility of carrying objects from the courtyard¹⁷ into the ruin.¹⁸

R. Berona was sitting at his studies and reporting this ruling¹⁹ when R. Eleazar, a student of the college, asked him: 'Did Samuel say this?' — 'Yes', the other replied. 'Will you', the first asked, 'show me his lodgings?' When the other showed it to him he approached Samuel and asked him, 'Did the Master say this?' — 'Yes', the other replied. 'But', he objected, 'did not the Master state, in the laws of 'erub we can only be guided by the wording of our Mishnah, viz., 'that an alley to its courtyards²⁰ is as a courtyard to its houses?'²⁰ Whereupon the other remained silent.

Did he,²¹ or did he not accept it from him?²² — Come and hear of the case of a certain alley in which Eibuth b. Ihi lived and, when he furnished it with a side-post, Samuel allowed him its unrestricted use.

(1) Cf. prev. n.

(2) Without a courtyard (cf., however, Tosaf. a.l. and Rashi supra 12b).

(3) With a house in it.

(4) On one side of the alley on the other side of which was a courtyard with one house in it.

(5) That terminated on one side of the alley which had on the other side of it (cf. prev. in.) a courtyard with a house.

(6) In allowing the use of an alley to become unrestricted by means of a side-post or cross-beam if there was a ruin in that alley instead of a second courtyard with a house.

(7) Which cannot be regarded as dwellings and, consequently, require no 'erub.

(8) Such objects may not be moved from the houses to the courtyard or vice versa, or from one courtyard into another, unless an 'erub had been duly prepared.

(9) That it is permitted to carry objects from one courtyard into another even where the courtyards did not join in 'erub.

(10) For each courtyard.

(11) In such a case, since its tenants are forbidden to carry any objects from their houses into their courtyard, no objects that were in the houses which the Sabbath commenced could be found in the courtyard. Hence there is no need to provide against the possibility that the tenants might forgetfully carry any such objects into some other courtyard.

(12) So that the tenants of each courtyard were thereby allowed freely to carry objects into their courtyards from their houses.

(13) For each courtyard.

(14) The halachah is in either case in agreement with R. Simeon.

- (15) In the opinion of R. Johanan.
 (16) Where the alley contained a ruin.
 (17) Through the alley.
 (18) Though, belonging to some owner, the ruin constitutes a domain of its own into which no objects from the alley may be carried. (A ruin, since excluded from the category of dwelling-places, does not affect the use of an alley by the tenants of its courtyards and does not join in its *shittuf*).
 (19) Of Samuel, *supra*, 'even one house and one courtyard suffices'.
 (20) Emphasis on the plural form of the noun. How then could Samuel rule, 'even one . . . suffices'?'
 (21) Samuel.
 (22) Sc. did Samuel eventually adopt Rab's view?

Talmud - Mas. Eirubin 74b

R. Anan subsequently¹ came and threw it² down³ when he⁴ exclaimed: I have been living undisturbed⁵ in this alley⁶ on the authority⁷ of Samuel, why should R. Anan b. Rab now come and throw its side-post down!⁸ May it not then be deduced from this that he⁹ did not accept it from him?¹⁰ — As a matter of fact it may still be maintained that he⁹ did accept it from him,¹¹ but¹² in this case¹³ a Synagogue superintendent who was having his meals¹⁴ in his own home¹⁵ came¹⁶ to spend his nights at the Synagogue.¹⁷ Eibuth b. Ihi [however] thought that one's dining place is the cause [of *shittuf*],¹⁸ while Samuel [in reality] was merely acting on his own principle he having laid down that one's night's lodging¹⁹ — place is the cause.²⁰

Rab Judah citing Rab ruled: For an alley whose one side²¹ occupied by all idolater and its other side by an Israelite no 'erub may be prepared²² through windows²³ render the movement of objects²⁴ permissible by way of the door²⁵ into the alley. Said Abaye to R. Joseph: Did Rab give the same ruling even in respect of a courtyard?²⁶ — Yes,²⁷ the other replied, for if he had not given it²⁸ I might²⁹ have presumed that Rab's reason for his ruling³⁰ was his opinion that the use of an alley cannot be rendered permissible by means of a side-post or cross-beam unless houses and courtyards opened into it,³¹ and [as to the objection:] What need was there³² for two [rulings³³ it could be replied that both were] necessary: For if all our information had to be derived from the former ruling³⁴

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- (1) After Samuel's death.
 (2) The side-post.
 (3) Because the alley, beside the Synagogue (*v. infra*) contained only one courtyard and one house.
 (4) Eibuth b. Ihi.
 (5) Lit., 'and coming'.
 (6) Sc. was permitted its unrestricted use on account of the side-post.
 (7) Lit., 'from the name'. MS.M., 'since the time'.
 (8) Lit., 'should throw it down from'; MS.M. 'from it'.
 (9) Samuel.
 (10) Apparently it may; for if he had accepted it he would not leave permitted the unrestricted use of the alley (*cf. supra* p. 516, n. 13).
 (11) Samuel having eventually come round to the view of Rab.
 (12) As to the objection why Samuel allowed the unrestricted use of the alley.
 (13) Of the alley of Eibuth b. Ihi.
 (14) Lit., 'eating bread'.
 (15) Which was outside the alley in question.
 (16) During Samuel's lifetime.
 (17) Whose door opened into that alley. He was, therefore, regarded by Samuel as a resident. After Samuel's death, however, the superintendent discontinued that practice and the Synagogue was entirely unoccupied at night. Hence R. Anan's action.

(18) As the Synagogue superintendent only spent the night in the alley but dined elsewhere he could not, in the opinion of Eibuth b. Ihi, be regarded as one of its occupants. He, therefore, gained the impression that Samuel acknowledged the validity of his side-post on the ground that one house and one courtyard suffice to constitute an alley. Hence his remonstrance with R. Anan.

(19) Not dining.

(20) Of the obligation of shittuf. The Synagogue, since its superintendent lodged in it at night, could, therefore, be regarded as an inhabited courtyard, so that together with the courtyard of Eibuth b. Ihi the alley actually had two courtyards and its use could be made to be unrestricted by means of a side-post even according to Rab.

(21) Sc. the courtyard and house on that side.

(22) By the Israelite and his neighbours whose house doors open into a public domain.

(23) Or any other forms of opening that connected his and their houses.

(24) From the Israelites' houses into the alley.

(25) Of the Israelite who lived in the alley into whose house the objects could be brought by way of the windows.

(26) The house on one side of which was occupied by an idolater and the one on the other by an Israelite whose houses was connected by some form of opening with the houses of other Israelites.

(27) I.e., Rab forbade the preparation of 'erub in the case of the courtyard as in that of the alley.

(28) In the case of a courtyard.

(29) Lit., 'what would I'.

(30) In the case of the alley.

(31) Supra 73b. While in the case under discussion (an idolater's houses not being regarded as a valid dwelling) there was only one valid courtyard in the alley.

(32) Since both are based on the same principle.

(33) The one here and the one supra 73b (cf. n. 9).

(34) Lit., 'from that' the ruling supra 73 b.

Talmud - Mas. Eirubin 75a

I might have presumed that¹ an idolater's dwelling is regarded as a valid dwelling;² hence we were informed³ that an idolater's dwelling is no valid dwelling. And if all our knowledge had to be derived from the latter ruling,⁴ one would not have known the number of houses required;⁵ hence we were informed⁶ that there must be no less than two houses. Now, however, that Rab also stated that his ruling⁷ applied even to a courtyard⁸ [it follows that] Rab's reason is his opinion that one is forbidden to live alone with⁹ an idolater.¹⁰ If so,¹¹ observed R. Joseph, I can well understand¹² why I heard R. Tabla¹³ mentioning 'idolater' twice¹⁴ though at the time I did not understand what he meant.

MISHNAH. IF TWO COURTYARDS WERE ONE WITHIN THE OTHER¹⁵ AND THE TENANTS OF THE INNER ONE PREPARED AN 'ERUB¹⁶ 'WHILE THOSE OF THE OTHER ONE DID NOT PREPARE ONE, THE UNRESTRICTED USE OF THE INNER ONE IS PERMITTED¹⁷ BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.¹⁸ IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS.¹⁹ R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY²⁰ IMPOSES RESTRICTIONS.²¹ THE SAGES, HOWEVER, MAINTAIN THAT THE RIGHT OF WAY²² IMPOSES NO RESTRICTIONS UPON IT.²³

IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB.²⁴ THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.²⁵

IF THEY²⁶ DEPOSITED THEIR 'ERUB IN THE SAME PLACE²⁷ AND ONE TENANT, WHETHER OF THE INNER COURTYARD OR OF THE OUTER COURTYARD, FORGOT TO CONTRIBUTE TO THE ERUB, THE USE OF BOTH COURTYARDS IS FORBIDDEN.²³ IF THE COURTYARDS. HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY 'ERUB.²⁸

GEMARA. When R. Dimi came²⁹ he stated in the name of R. Jannai: This³⁰ is the opinion of R. Akiba who ruled: Even a foot³¹ that is permitted³² in its own place³³ imposes restrictions in a place to which it does not belong, but the Sages maintain: As a permitted foot³² does not impose restrictions³⁴ so does not³⁴ a forbidden foot either.³⁵

We learned: IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN.³⁶ Now whose ruling is this? If it be suggested: That of R. Akiba, the difficulty would arise: What was the point in speaking of a forbidden foot seeing that³⁷ the same restrictions would also apply to a permitted one? Must it not then be a ruling of the Rabbis?³⁸ — It³⁹ may in fact be the ruling of R. Akiba,⁴⁰ but⁴¹ the arrangement, it may be explained, is in the form of a climax.⁴²

We learned: IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES, THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS. The reason then⁴³ is because it⁴⁴ PREPARED AN 'ERUB,⁴⁵ but if it had not prepared one,⁴⁶ the unrestricted use of both courtyards would have been forbidden.⁴⁷ This Tanna then holds that a permitted foot⁴⁸ imposes no restrictions⁴⁹ and that only a forbidden foot imposes restrictions.⁴⁹ Now who is it? if it be suggested that it is R. Akiba, the objection could be raised, did he not lay down that even a permitted foot imposes restrictions?⁵⁰ Must it not then be the Rabbis?⁵¹ Furthermore: Since the clause following is the ruling of R. Akiba⁵² is it not obvious that the earlier clause⁵³ does not represent the view of R. Akiba?⁵⁴ — All the Mishnah represents the views of R. Akiba but⁵⁵ a clause is wanting⁵⁶ the correct reading being the following:⁵⁷ IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES. THE UNRESTRICTED USE OF EACH IS PERMITTED TO ITS OWN TENANTS. This, however, applies only where it⁵⁸ made a barrier,⁵⁹ but if it made no such barrier the unrestricted use of the outer courtyard is forbidden; so R. Akiba, for R. AKIBA FORBIDS THE UNRESTRICTED USE OF THE OUTER ONE BECAUSE THE RIGHT OF WAY IMPOSES RESTRICTIONS. THE SAGES, HOWEVER,⁶⁰ MAINTAIN THAT THE RIGHT OF WAY IMPOSES NO RESTRICTIONS.

R. Bebai b. Abaye raised an objection: IF THE COURTYARDS, HOWEVER, BELONGED TO SEPARATE INDIVIDUALS THESE NEED NOT PREPARE ANY 'ERUB; from which it follows that if they belonged to several persons an 'erub must be prepared. Is it not thus obvious that a foot permitted in its own place imposes no restrictions and that a foot forbidden imposes restrictions?⁶¹ Rabina, furthermore, raised the following objections: IF ONE OF THE TENANTS OF THE OUTER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB THE UNRESTRICTED USE OF THE INNER COURTYARD IS PERMITTED BUT THAT OF THE OUTER ONE IS FORBIDDEN. IF A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB, THE UNRESTRICTED USE OF BOTH COURTYARDS IS FORBIDDEN. The reason⁶² accordingly is that a tenant⁶³ forgot, but if he had not forgotten, the use of both courtyards would have been unrestricted. Is it not thus obvious that a foot permitted imposes no restrictions and one forbidden does?⁶⁴ — The fact is, Rabin when he came⁶⁵ stated in the name of R. Jannai that three different views have been expressed on this question: The first Tanna holds that a permitted foot imposes no restrictions and a forbidden one does; R. Akiba holds that even a permitted foot imposes restrictions; while the latter Rabbis⁶⁶ hold that as a permitted foot does not impose restrictions so does not one that is forbidden.

IF THEY DEPOSITED THEIR 'ERUB IN THE SAME PLACE AND ONE TENANT, WHETHER OF THE INNER COURTYARD . . . FORGOT etc. What is meant by THE SAME PLACE?⁶⁷ — Rab Judah citing Rab explained: The other courtyard.⁶⁸ But why is it described as 'THE SAME⁶⁹ PLACE?' Because it is a place designated⁷⁰ for the use of the tenants of both courtyards.⁷¹

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- (1) Since the house of an idolater was not at all mentioned.
 - (2) V. supra 62a.
 - (3) In the ruling here.
 - (4) Lit., 'from here', the ruling supra 74b.
 - (5) Lit., 'I would have said: I do not know how many houses' constitute a courtyard. The number of courtyards required to constitute an alley might have been inferred from the statement that no 'erub may be prepared where one of the two courtyards in the alley was occupied by an idolater, from which it follows that if it was occupied by an Israelite, so that the alley had two valid courtyards, the alley also is valid.
 - (6) In Rab's first ruling (supra 73a) where 'houses' (in the plural) were mentioned.
 - (7) Concerning the alley.
 - (8) Thereby showing that all possible restrictions have been imposed upon an Israelite who, either in the same alley or in the same courtyard, lives alone with an idolater.
 - (9) Lit., 'it is forbidden to act (carry on as) an individual in the place of'.
 - (10) From whom one might learn undesirable habits and beliefs.
 - (11) That (a) Rab's reason is the one just given, or (b) that Rab gave two rulings one concerning an alley and the other concerning a courtyard.
 - (12) Lit., 'that is it'.
 - (13) When he was discoursing on Rab's rulings.
 - (14) He (cf. supra n. 4) must have been giving Rab's ruling as well as his reason: (a) 'For an alley whose one side is occupied by an idolater . . . no 'erub may be prepared . . . because one is forbidden to live alone with an idolater'; or (b) was referring first to an alley and then to a courtyard.
 - (15) The inner one opening into the outer which opened into public domain and through which the tenants of the inner one had right of way.
 - (16) For themselves alone, to enable them to have the unrestricted use of their own courtyard.
 - (17) To its tenants.
 - (18) The reason is discussed infra.
 - (19) Lit., 'for itself'.
 - (20) Lit., 'the treading of the foot', of each of the tenants of the inner courtyard through the outer one in the 'erub of which he had not joined.
 - (21) Despite the fact that each of the inner tenants is permitted the unrestricted use of his own courtyard.
 - (22) V. p. 519, n. 13.
 - (23) The reason is discussed infra.
 - (24) Of his courtyard.
 - (25) As the tenants of the inner courtyard are forbidden the unrestricted use of their own courtyard they impose restrictions on the use of the outer one on account of their right of way.
 - (26) The tenants of the two courtyards who joined in one 'erub.
 - (27) Sc. (as will be explained infra) in the outer courtyard.
 - (28) Since the single owner of the inner courtyard is permitted its unrestricted use he, in agreement with the view of the Rabbis, cannot impose restrictions in the use of the outer one though he has a right of way through it.
 - (29) From Palestine to Babylon.
 - (30) The first clauses of our Mishnah.
 - (31) Synecdoche for 'person' or 'persons'.
 - (32) Sc. (cf. prev. n.) who is (or are) permitted the unrestricted use.
 - (33) The courtyard in which the person (or persons) lives.
 - (34) In a courtyard in which that tenant (or tenants) does not live, though he has a right of way through it.

- (35) Though it is (a) forbidden in its own courtyard and (b) has a right of way through the other courtyard.
- (36) From which it follows that if the tenants of the inner one also prepared an 'erub the unrestricted use of both courtyards is permitted; obviously because 'a foot that is permitted in its own place' imposes no restrictions 'in a place to which it does not belong'.
- (37) According to R. Akiba's specific ruling in our Mishnah.
- (38) An objection against R. Dimi.
- (39) The first clauses of our Mishnah.
- (40) Who maintains that a 'permitted foot' also imposes restrictions, and the inference supra n. 1 cannot consequently be drawn.
- (41) In answer to the objection; If no inference is to be drawn from it, what need was there to state a ruling which may be deduced from R. Akiba's specifically expressed ruling that followed it.
- (42) Lit., 'and not this but also that was taught', i.e., R. Akiba first laid down the ruling under discussion ('forbidden foot') and then he added in effect: Not only does a 'forbidden foot' (IF THE TENANTS OF THE OUTER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE) impose restrictions on the use of the outer courtyard but even a 'permitted foot' (IF THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB) also imposes the same restrictions.
- (43) Why THE UNRESTRICTED USE OF EACH IS PERMITTED.
- (44) 'The inner courtyard.
- (45) In consequences of which its tenants have the status of a 'permitted foot'.
- (46) So that its tenants would have had the status of a 'forbidden foot'.
- (47) Apparently because a 'forbidden foot' imposes restrictions in the place through which it has right of way.
- (48) In its own place.
- (49) In a place through which it has right of way.
- (50) Of course he did, as has been pointed out supra.
- (51) Apparently it must.
- (52) His name being expressly mentioned (v. our Mishnah).
- (53) Which R. Akiba in fact opposes.
- (54) Of course it does not. How then could R. Dimi maintain his view?
- (55) As to the difficulties raised.
- (56) From our Mishnah.
- (57) Lit., 'and thus he learned'.
- (58) The inner courtyard.
- (59) Which shut it off from the outer courtyard and thus deprived itself of its right of way through the outer courtyard.
- (60) Differing from R. Akiba both in the case where THE TENANTS OF EACH COURTYARD PREPARED AN 'ERUB FOR THEMSELVES as well as where THE TENANTS OF THE OTHER ONE PREPARED AN 'ERUB BUT NOT THOSE OF THE INNER ONE.
- (61) An objection against R. Dimi.
- (62) Why the unrestricted use of both courtyards is forbidden.
- (63) Of the inner courtyard.
- (64) Of course it is. Now this cannot be a ruling of R. Akiba since he explicitly restricts the use of the outer courtyard even where both courtyards had prepared 'erubs. It must consequently be that of the Rabbis who accordingly impose restrictions where A TENANT OF THE INNER COURTYARD FORGOT TO CONTRIBUTE TO THE 'ERUB. How then could R. Dimi maintain that according to the Rabbis even a forbidden foot imposes no restrictions?
- (65) From Palestine to Babylon.
- (66) To whom R. Dimi referred.
- (67) The following mnemonic is here entered in brackets: The external itself in a lonely house, Rabina who does not forget within. It embodies striking words or ideas contained in the previous discussion on our Mishnah occasioned by R. Dimi's tradition supra.
- (68) The use of the inner one is in such a case forbidden (even where only one of the outer tenants failed to join in the 'erub) since its tenants, on account of their 'erub that lay in the outer courtyard, cannot shut up their door and separate themselves from the latter; and the use of the outer one is equally forbidden (even where only an inner tenant failed to join in 'erub) on account of the 'forbidden foot' of the inner one that imposes restrictions on it. Where, however, the

'erub was deposited in the inner courtyard it is only the forgetfulness of one of its own tenants that causes the restriction of the outer one on account of its 'forbidden foot'. The forgetfulness of all outer tenant, however, imposes no restrictions on the tenants of the inner one since they can well shut up their door and, by separating themselves from the outer one, have the free use of their own courtyard.

(69) **תתס**.

(70) **מיוהה** rt. **תת** which is analogous to that of **תתס**.

(71) The inner one having a right of way through it.

Talmud - Mas. Eirubin 75b

So¹ it was also taught: If they deposited their 'erub in the outer courtyard and one tenant, whether of the outer, or of the inner courtyard, forgot to contribute to the 'erub, the unrestricted use of both courtyards is forbidden. If they deposited their 'erub in the inner one and a tenant of the inner one forgot to contribute to the 'erub, the unrestricted use of both courtyards is forbidden. If a tenant of the outer courtyard forgot to contribute to the 'erub the unrestricted use of both courtyards is forbidden. This is the view of R. Akiba. The Sages, however, ruled: In this case² the unrestricted use of the inner one is permitted³ through that of the outer one is forbidden.¹

Said Rabbah b. Hanan to Abaye: Why did the Rabbis make a distinction⁴ when they laid down that⁵ the unrestricted use of the inner courtyard is permitted? Obviously because its tenants can shut its door and so use it. Why then should they not shut its door, according to R. Akiba also, and so use it? — The other replied: The 'erub⁶ causes them to be associated. Does not the 'erub cause them to be so associated according to the Rabbis also? — The tenants⁷ call say: 'We have associated with you in order to improve our position but not to make it worse'. Why could they not, according to R. Akiba, also say: 'We have associated with you in order to improve our position but not to make it worse'? — Because the others⁸ can reply: 'We will renounce our rights of entry⁹ in your favour'.¹⁰ And the Rabbis?¹¹ — The tenants of one courtyard cannot renounce their rights in favour of those of another.¹²

Must it be assumed that Samuel and R. Johanan¹³ differ on the same principle¹⁴ as that on which the Rabbis and R. Akiba differ, Samuel holding the same view as the Rabbis and R. Johanan holding that of R. Akiba?¹⁵ — Samuel can answer you: I may maintain my view even according to R. Akiba, for it is only here,¹⁶ where two courtyards, one within the other, impose¹⁷ restrictions upon each other, that R. Akiba upheld his view,¹⁸ but not there where¹⁹ they do not²⁰ impose restrictions upon each other.²¹ Johanan also can answer you: I may maintain my view even according to the Rabbis,²² for it is only here that the Rabbis maintain their view, since the tenants of the inner courtyard can say to those of the outer one, 'Until you make renunciation in our favour you are imposing restrictions upon us'²³ but not there where¹⁹ one courtyard does not impose restrictions upon the other.²⁴

IF THE COURTYARDS, HOWEVER, BELONGED, TO SEPARATE INDIVIDUALS etc. R. Joseph stated: Rabbi learned: If they²⁵ were three they are forbidden.²⁶ Said R. Bebai to them: 'Do not listen to him.²⁷ It was I who first reported it,²⁸ and I did so in the name of R. Adda b. Ahabah,²⁹ giving the following as a reason: Since I might describe them³⁰ as many residents³¹ in the outer courtyard'.³² 'God of Abraham', exclaimed R. Joseph. 'I must have mistaken³³ Rabbin³¹ for Rabbi'.³⁴ Samuel, however, ruled: The unrestricted use of both courtyards is always permitted except where two persons occupied the inner courtyard and one person the outer one.

R. Eleazar ruled: A gentile³⁵ is regarded³⁶ as many Israelites.³⁷ But wherein does an Israelite,³⁵ who imposes no restrictions,³⁸ essentially differ in this respect?³⁹ Obviously in this: That he who knows⁴⁰ is fully aware of the circumstances,⁴¹ and he who does not know⁴⁰ presumes that an 'erub had been duly prepared.⁴² Why then should it not be said in the case of a gentile also: He who knows⁴³ is fully aware of the circumstances⁴⁴ and he who does not know⁴³ presumes that the gentile

has duly let his right of way? — The average gentile, if ever he lets his right,⁴⁵ makes a noise about it.⁴⁶

Rab Judah citing Samuel ruled: If there were ten houses one within the other,⁴⁷ the innermost one⁴⁸ contributes the 'erub,⁴⁹ and this is sufficient.⁵⁰ R. Johanan, however, ruled: Even the outer one must contribute to it. 'The outer one'⁵¹ Is it not like a gate-house?⁵² — The outer house of the innermost one⁵³ was meant. On what principle do they⁵⁴ differ? — One Master⁵⁵ holds the view that the gate-house of one individual⁵⁶ is regarded as a proper gate-house⁵⁷ while the other Master⁵⁸ holds the view that⁵⁹ it is not regarded as a proper gate-house.⁶⁰ R. Nahman citing Rabbah b. Abbuha who had it front Rab ruled: If there were two courtyards between which there were three houses,⁶¹ one tenant⁶² may come through the one outer house⁶³ and deposit his 'erub in the middle one, and another tenant⁶⁴ may come through the other house⁶³ and deposit his 'erub in the middle one.

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- (1) In agreement with Rab Judah that by the 'SAME PLACE' the outer courtyard was meant.
 - (2) The last mentioned case where an outer tenant forgot to join in the 'erub.
 - (3) Since, as explained supra, it can shut up its door etc.
 - (4) Between an 'erub deposited in the inner, and one deposited in the outer courtyard.
 - (5) In the former case.
 - (6) In which both courtyards joined.
 - (7) Of the inner courtyard.
 - (8) The tenants of the outer courtyard.
 - (9) 'Into the inner courtyard to which we are entitled by virtue of our joint 'erub'.
 - (10) 'So that our association in the 'erub would involve you in no disadvantage'. R. Akiba's prohibition of the unrestricted use of the inner courtyard is limited to the period prior to such renunciation.
 - (11) If by renunciation the tenants of the inner courtyard regain their full rights, how could they object to their association with the other on the ground mentioned?
 - (12) Lit., 'there is no renunciation of rights from one courtyard to another'. As those of the outer courtyard cannot consequently renounce this right in the inner one in favour of its tenants the latter might well plead against the disadvantage resulting from their join 'erub', 'We have associated with you in order to improve etc.'
 - (13) Who offered (supra 66b, 68a) on the permissibility of renunciation by the tenants of one courtyard in favour of those of another, where a door led from one courtyard into the other.
 - (14) As has just been explained.
 - (15) But if the principle is the same, why should it be discussed twice?
 - (16) Lit., 'until here'.
 - (17) If they joined in an 'erub.
 - (18) As restrictions are imposed renunciation also was permitted.
 - (19) Not having joined in a common 'erub.
 - (20) Lit., 'do they'.
 - (21) Cf. supra n. 7. mut. mut.
 - (22) Who in fact do allow renunciation where two courtyards are involved.
 - (23) Since by accepting the advantage of the one they must also accept the disadvantage of the other they might well decline to accept either. Hence the Rabbis' prohibition of renunciation.
 - (24) As in that case renunciation is purely advantageous, involving no disability whatever, the Rabbis may well have allowed it.
 - (25) The occupiers of the two courtyards.
 - (26) The unrestricted use of the courtyards, unless they prepared an 'erub. For if two persons occupied the inner courtyard they impose restrictions upon each other and, as a 'forbidden foot' and on account of their right of way, on the occupiers of the other courtyard also; and if one person only occupied the inner courtyard he also imposes the same restrictions as a preventive measure against the possible relaxation of the law where two occupied it.
 - (27) Sc. R. Joseph's statement that the ruling he cited had the authority of a Mishnah taught by Rabbi was incorrect.
 - (28) The ruling cited by R. Joseph.

- (29) Not in the name of Rabbi or R. Judah I.
- (30) The three occupiers all of whom have a right of way through the outer courtyard.
- (31) 'Rabbim', a word which a listener might mistake for 'Rabbi'.
- (32) Though the inner courtyard is occupied by one person only the same restrictions apply, as a preventive measure (cf. supra n. 1). The rendering and interpretation here follow partly the exposition of R. Han.
- (33) Lit., 'exchanged'.
- (34) R. Joseph, as a result of a serious illness, lost his memory; and faintly recollecting the word 'rabbit' ('many') assumed it to represent the name of 'Rabbi'.
- (35) Who occupied the inner courtyards
- (36) According to Samuel's ruling (cf. Rashi).
- (37) Sc. he imposes the same restrictions on the occupiers of the outer courtyard unless his right of way had been rented from him.
- (38) On the occupiers of the outer courtyard.
- (39) From a gentile.
- (40) That the Israelite is the only occupant, and that a 'permitted foot' imposes no restrictions.
- (41) Lit., 'knows' why no restrictions are imposed. Hence no preventive measure was called for.
- (42) By the occupants of the inner courtyard if their number was two or more.
- (43) That the occupant of the inner courtyard was a gentile.
- (44) v. p. 526, n. 16.
- (45) In connection with Sabbath.
- (46) It is possible, therefore, for a person who was unaware that the inner courtyard was occupied by one gentile only to assume that it was occupied by more than one, and that the reason why they imposed no restrictions was not because they let their right of way to the Israelite (for had they done so they would have made a noise about it) but because (a) right of way imposes no restrictions or because (b) an 'erub prepared by the Israelite tenants of the two courtyards is effective even though the gentile tenant did not let them his right of way. Hence the necessity for R. Eleazar's preventive measure.
- (47) Only the door of the outermost house opening into a courtyard into which doors of the houses of other tenants also opened.
- (48) Since its tenant has the right of way through all the other nine houses each of which is in consequence regarded as his 'gate-house' (cf. supra 72b, infra 85b).
- (49) For the other tenants (cf. supra n. 5) of the courtyard.
- (50) None of the other nine tenants need make any contribution to the 'erub.
- (51) This is at present presumed to refer to the outermost house that opens directly into the courtyard.
- (52) For all the nine tenants whose only way to the courtyard lies through it.
- (53) Sc. the last house but one, or the ninth from the courtyard, which is used as a passage by the innermost tenant only. All the other houses, however, since they are used as thoroughfares for two or more tenants definitely assume the status of gate-houses which do not contribute to the 'erub of the courtyard.
- (54) Samuel and R. Johanan.
- (55) Samuel.
- (56) As is the ninth house which serves as a gate-house for the single occupier of the tenth house only.
- (57) Hence his ruling that none of the nine houses need contribute to the 'erub.
- (58) R. Johanan.
- (59) Since only one man uses it as his thoroughfare.
- (60) Its occupier must, therefore, contribute to the 'erub as does the occupier of the house within it.
- (61) The two outer ones opening into the two courtyards respectively and the middle house having a door leading into each of the two houses.
- (62) Lit., 'this', a tenant of the one courtyard other than those who respectively occupied the three houses.
- (63) That has a door into his courtyard.
- (64) Of the other courtyard, who is not one of those occupying one of the three houses.

Talmud - Mas. Eirubin 76a

The one [outer house] thereby becomes¹ a gate-house to the one [courtyard]² and the other [outer house] becomes¹ a gate-house to the other [courtyard]² while the middle house, being the house in which the 'erub is deposited, need not contribute any bread to the 'erub.

Rehaba tested the Rabbis: If there were two courtyards and between them two houses³ and a tenant⁴ of the one [courtyard] came through the one [house] and deposited his 'erub in the other⁵ while a tenant⁶ of the other [courtyard] came through the latter [house] and deposited his 'erub in the former, do they⁷ thereby acquire the privileges of 'erub⁸ or not? Do we regard each house in relation to the one [courtyard]⁹ as a house and in relation to the other [courtyard]¹⁰ as a gate-house?¹¹ — Both,¹² they replied, do not acquire the privileges of 'erub. For, whatever you assume, [this must be the result]. If you regard either house as a gate-house, 'an 'erub deposited in a gate-house, exedra or balcony is not a valid 'erub';¹³ and if you regard either as a proper house, the tenants would be carrying objects into a house which was not covered by their 'erub.¹⁴ But why should this ruling be different from that of Raba,¹⁵ who laid down: If two persons said to a third party, 'Go and prepare an 'erub on our behalf' and, after he had prepared an 'erub for the one while it was yet day¹⁶ and for the other at twilight,¹⁶ the 'erub of the man for whom it was prepared while it was yet day was eaten up at twilight while the 'erub of the man for whom it was prepared at twilight was eaten up after dusk, both¹⁷ acquire the privileges¹⁸ of 'erub?¹⁹ — What a comparison!²⁰ There²¹ it is doubtful whether twilight is day-time or night-time, a point that cannot be definitely determined;²² but, in this case, if a house is to be regarded as a proper house in relation to the former it must be so regarded in relation to the latter also, and if it is regarded in relation to the latter as a gate-house it must also be so regarded in relation to the former.²³

CHAPTER VII

MISHNAH. IF BETWEEN TWO COURTYARDS²⁴ THERE WAS A WINDOW OF FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS FROM THE GROUND, THE TENANTS MAY PREPARE TWO 'ERUBS²⁵ OR, IF THEY PREFER, THEY MAY PREPARE ONE.²⁶ IF [THE SIZE OF THE WINDOW WAS] LESS THAN FOUR HANDBREADTHS BY FOUR²⁷ OR HIGHER THAN TEN HANDBREADTHS FROM THE GROUND,²⁸ TWO 'ERUBS MAY BE PREPARED²⁵ BUT NOT ONE.²⁹

GEMARA. Must it be assumed that we have here learnt³⁰ an anonymous Mishnah in a agreement with R. Simeon b. Gamaliel who ruled³¹ that wherever a gap is less than four handbreadths it is regarded as labud?³² — It may be said to agree even with the Rabbis; for the Rabbis differed from R. Simeon b. Gamaliel only in regard to the laws of labud. As regards an opening, however, even they may agree that only if its size is four handbreadths by four is it regarded as a valid opening but otherwise it cannot be so regarded.

LESS THAN FOUR etc. Is not this obvious? For, since it was said that the window must be³³ FOUR HANDBREADTHS BY FOUR, WITHIN TEN HANDBREADTHS, would I not naturally understand that if it was less than four and higher than ten It is not valid opening? — It is this that we were informed:³⁴ The reason³⁵ is because all of it was higher than ten handbreadths from the ground, but if a part of it was within ten handbreadths from the ground, THE TENANTS MAY PREPARE TWO 'ERUBS OR, IF THEY PREFER, THEY MAY PREPARE ONE.³⁶ Thus we have learnt in a Mishnah what the Rabbis taught elsewhere: 'If [almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths from it, or if [almost] all of it was within ten handbreadths and a part of it was higher than ten handbreadths, the tenants may prepare two 'erubs or, if they prefer, they may prepare one'. Now then, where '[almost] all the window was higher than ten handbreadths from the ground but a part of it was within ten handbreadths' you ruled that 'the tenants may prepare two 'erubs or, if they prefer, they may prepare one was it also necessary to mention the case where '[almost] all of it was within ten handbreadths

and a part of it was higher than ten handbreadths'?³⁷ — This is a case of anticlimax: This,³⁸ and there is no need to say that.³⁹

R. Johanan ruled: A round window³³ must have a circumference of twenty-four handbreadths, two and a fraction of which⁴⁰ must be within ten handbreadths from the ground, so that, when it⁴¹ is squared,⁴² a fraction remains within the ten handbreadths from the ground.⁴³ Consider: Any object that has a circumference of three handbreadths is approximately one handbreadth in diameter: should not then twelve handbreadths⁴⁴ suffice?⁴⁵

(1) In relation to the middle one.

(2) Into which that house has a door. As a gate-house is exempt from 'erub neither of the outer houses need contribute to the 'erub of either courtyard.

(3) Cf. supra n. 1 mut. mut.

(4) Cf. supra n. 2 mut. mut.

(5) That opened into the other courtyard.

(6) Cf. supra n. 4.

(7) The tenants of the respective courtyards who have no desire that their courtyards should be joined by one 'erub.

(8) Each group of tenants in its own courtyard.

(9) Into which it had no door and from which it is separated by the other house.

(10) Into which its door opens.

(11) And both 'erubs are consequently valid. If both houses had been regarded as gate-houses neither 'erub (cf. infra 85b) would have been valid, and even if both houses had been regarded as proper houses neither 'erub would have been valid since in the case of each house the other that was lot covered by the 'erub intervened between it and the courtyard for which the 'erub had been prepared.

(12) The tenants of both courtyards.

(13) Infra 85b; consequently neither 'erub is valid.

(14) Since a house cannot be regarded as both a gate-house and a proper house at the same time both 'erubs must be deemed invalid.

(15) MS.M. and Asheri, 'Rabbah'.

(16) Of the Sabbath eve.

(17) Since it is uncertain whether twilight is to be regarded as day or as night.

(18) In the former case it is assumed that twilight is night and, since the 'erub was in existence before twilight when the Sabbath commenced, the 'erub is valid. In the latter case it is assumed that twilight is still day and, since the 'erub was prepared before twilight and was still in existence when the Sabbath commenced, the 'erub is valid. Now why, it is asked, if twilight is here assumed to be day for one individual and night for another could not a house also be assumed to be a gate-house for one and a proper house for another?

(19) Shab. 34a.

(20) Lit., 'thus now'.

(21) The case dealt with by Raba.

(22) As 'erub is only a Rabbinical institution the more lenient course may be followed in favour of each individual.

(23) Were the same house at the same time to be regarded as both a gate-house and a proper house the whole law of 'erub would become a farce.

(24) In the wall that divided one from the other.

(25) One for each courtyard, to enable the respective tenants to have the unrestricted use of their courtyard. The movement of objects from one courtyard into the other, however, remains forbidden.

(26) Jointly. The tenants of one courtyard deposit their 'erub in the other and, by thus joining together, both groups of tenants are permitted the unrestricted use of both courtyards.

(27) A size that cannot be regarded as a valid opening.

(28) So that a portion of the dividing wall to a height of ten handbreadths contained no valid opening through which the tenants could gain access from one courtyard into the other.

(29) Since the wall (cf. prev. n.) constitutes a solid partition between the courtyards. It is consequently forbidden to move objects between the courtyards either over the wall or through any small apertures or cracks in it.

- (30) In the ruling that if A WINDOW WAS LESS THAN FOUR HANDBREADTHS square it is deemed to be nonexistent (v. our Mishnah).
- (31) Supra 9a.
- (32) v. Glos. Is it likely, however, that an anonymous Mishnah, which usually represents the accepted halachah, would agree with an individual opinion against that of the majority?
- (33) If it is to be regarded as a valid opening that enables the tenants of both courtyards to join in a single 'erub.
- (34) By the apparently superfluous ruling.
- (35) Why the window is regarded as an invalid opening.
- (36) This could not have been inferred from the first clause of our Mishnah which might have been taken to imply that the entire window must be within ten handbreadths from the ground; and since 'HIGHER THAN TEN HANDBREADTHS' has to be stated, it incidentally states also 'LESS THAN FOUR, etc.'
- (37) Apparently not, since the latter may be deduced from the former a minori ad majus.
- (38) The first case where a window was only partly within ten handbreadths from the ground.
- (39) The second case where almost all of it was within the ten handbreadths.
- (40) Measured from the lowest point of the circumference along the diameter joining this point to the highest one opposite (cf. Tosaf.).
- (41) The window whose diameter (being approx. a third of its circumference) is equal to $(24/3 =)$ eight handbreadths approx.
- (42) And thus reduced on each side of the square by two handbreadths, leaving a square window of the size of $8 - (2 + 2) = 4 \times 4$ handbreadths. He assumed that the area of a square constructed within a circle is half the area of the circle itself, v. infra.
- (43) This fraction being the only part of the square window within the prescribed distance from the ground.
- (44) A third of twelve being four.
- (45) For the purpose of obtaining a square of four handbreadths by four within the circumference. Why then did R. Johanan require a minimum circumference of twenty-four?

Talmud - Mas. Eirubin 76b

— This¹ applies only to a circle, but where a square² is to be inscribed within it a greater circumference is required.³ But observe: By how much does the perimeter of a square exceed that of a circle? By a quarter approximately; should not then a circumference of sixteen handbreadths⁴ suffice?⁵ — This⁶ applies only to a circle that is inscribed within⁷ the square, but where a square is to be inscribed within a circle it is necessary [for the circumference of the latter] to be much bigger.⁸ What is the reason? In order [to allow⁹ space for] the projections of the corners.¹⁰ Consider, however, this: Every cubit in [the side of] a square [corresponds to], one and two fifths cubits in its diagonal; [should not then¹¹ a circumference] of sixteen and four fifths handbreadths¹² suffice?¹³ — R. Johanan holds the same view as the judges of Caesarea or, as others say, as that of the Rabbis of Caesarea who maintain [that the area of] a circle that is inscribed within a square is [less than the latter by] a quarter¹⁴ [while that of] the square that is inscribed within that circle¹⁵ [is less than the outer square by] a half.¹⁶

IF THE SIZE OF THE WINDOW WAS LESS THAN FOUR HANDBREADTHS BY FOUR etc. R. Nahman explained: This¹⁷ was learnt only in respect of a window between two courtyards but in the case of a window between two houses, even though it was higher than ten handbreadths from the ground, the residents may, if they wish, prepare one 'erub jointly. What is the reason? — A house is regarded as filled.¹⁸ Raba raised an objection against R. Nahman: A window, irrespective of whether¹⁹ it was between two courtyards, between two houses, between two upper rooms, between two roofs,²⁰ or between two rooms, must be of the size of²¹ four handbreadths by four within ten handbreadths from the ground? — The interpretation is [that the limitation²² applies] to the courtyards.²³ But was it not stated: 'irrespective of whether'?²⁴ — The interpretation is that this refers to the prescribed four handbreadths by four'.

R. Abba²⁵ enquired of R. Nahman: If an aperture²⁶ led from a room to an upper room,²⁷ is a permanent ladder²⁸ necessary for the purpose of allowing the movement of objects²⁹ or not? Do we apply the principle, that 'a house is regarded as filled' only when the aperture³⁰ is at the side but not when it is in the middle³¹ or is it possible that there is no difference? — The other replied: It is not necessary. He³² understood him³³ to mean that only a permanent ladder is not necessary but that a temporary one is necessary. It was, however, stated: R. Joseph³⁴ b. Minyomi citing R. Nahman laid down: Neither a permanent, nor a temporary ladder is necessary.

MISHNAH. IF A WAIL BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS HIGH AND FOUR HANDBREADTHS THICK, TWO 'ERUBS MAY BE PREPARED³⁵ BUT NOT ONE.³⁶ IF THERE WAS FRUIT ON THE TOP OF IT,³⁷ THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THEM PROVIDED³⁸ THEY DO NOT CARRY THEM DOWN. IF A BREACH TO THE EXTENT OF TEN CUBITS WAS MADE IN THE WALL, THE TENANTS MAY PREPARE TWO 'ERUBS³⁵ OR, IF THEY PREFER, ONLY ONE,³⁹ BECAUSE IT⁴⁰ IS LIKE A DOORWAY. IF THE BREACH WAS BIGGER, ONLY ONE 'ERUB AND NOT TWO MAY BE PREPARED.⁴¹

GEMARA. What is the ruling where it⁴² was not FOUR HANDBREADTHS wide? — Rab replied: The air of two domains⁴³ prevails upon it and⁴⁴ no object on it may be moved even as far as a hair's breadth.

- (1) That a figure with a perimeter of twelve handbreadths has a diameter of four handbreadths approx.
- (2) Of given dimension, as in this case one of four handbreadths by four.
- (3) As the window under discussion must be four handbreadths square the diameter of the circle in which such a square can be inscribed must have, as laid down by R. Johanan, a minimum circumference of twenty-four hand breadths.
- (4) Since sixteen exceeds twelve by a quarter of the former figure.
- (5) For the window under discussion.
- (6) That the perimeter of a square exceeds the circumference of a circle by one quarter.
- (7) Lit., 'that goes out from'.
- (8) Than three quarters of the given square. Hence R. Johanan's requirement that the circumference of the window must be no less than twenty-four handbreadths.
- (9) Within the circle.
- (10) Of the square. A circular window with a circumference that is less than twenty-four handbreadths would not contain the area that is required.
- (11) Since the diameter of the circle forms the diagonal of the inscribed square.
- (12) Which has a diameter of $(16 \frac{4}{5})/3 = 84/(3 \times 5) = 28/5$ handbreadths approximately and in which a square each side of which is equal to $(5/7$ of its diagonal or $28/5 \times 5/7 =$) four handbreadths, may be inscribed.
- (13) Why then did R. Johanan require a circumference of twenty-four handbreadths?
- (14) Of that square.
- (15) That was inscribed in the other square.
- (16) Cf. Rashi, Tosaf., R. Han. and Rashal one or other of whom the interpretation here partly follows. While the rule laid down in Caesarea seems to bear on the area of the circle and the squares, R. Johanan applied it also to the circumference of the circle and thus required a much bigger circumference than is actually necessary for an inscribed square of four handbreadths by four.
- (17) That the window must not be higher than TEN HANDBREADTHS from the ground.
- (18) The window is consequently within the prescribed ten handbreadths.
- (19) Lit., 'one to me'.
- (20) According to the Rabbis who ruled that as the residents are divided in their domains below so are they divided on their roofs above and, consequently, no movement of objects from one person's roof to that of another is permitted unless a proper 'erub is prepared.
- (21) Lit., 'all of them'.
- (22) 'Within ten handbreadths'.

- (23) Not to the houses.
- (24) Which implies that houses are subject to the same restrictions as the courtyards mentioned in the same context.
- (25) MS.M. 'Raba'.
- (26) In the roof of a lower room which is the floor of the upper one.
- (27) Jast., 'a small room opening (leading) from the ground floor to the upper room', the two rooms having been occupied by two residents respectively.
- (28) Leading from the lower to the upper room through the aperture.
- (29) Between the two rooms.
- (30) As in the case of the window spoken of by R. Nahman.
- (31) Hence no 'erub is valid unless a ladder (cf. supra 59b) joined the lower and the upper rooms.
- (32) R. Abba.
- (33) R. Nahman.
- (34) Var. lec., 'Rab Judah in the name of R. Joseph' (Asheri).
- (35) Separate ones for each courtyard.
- (36) Sc. the two courtyards are not allowed to prepare a joint 'erub on account of the wall that intervened between them. The prescribed thickness of four handbreadths, which has no bearing on this restriction since it applies to all walls whatever their thickness, was mentioned on account of the ruling that follows which is applicable only where the thickness of the wall was no less than four handbreadths. A lesser thickness does not constitute a separate domain.
- (37) The wall of the prescribed thickness (cf. prev. n.).
- (38) Since it is forbidden to carry from one domain into another (cf. prev. two notes).
- (39) Jointly.
- (40) A gap that is not bigger than ten cubits.
- (41) A gap so great converts the two courtyards into one; and the tenants, like those of the same courtyard, may not break up into two parties for 'erub. If they do they impose restrictions of movement upon each other.
- (42) The WALL.
- (43) That of the two courtyards between which it is situated.
- (44) Since it constitutes no independent domain and every fraction of its space is dominated (cf. prev. n.) by two domains.

Talmud - Mas. Eirubin 77a

R. Johanan, however, ruled: The tenants on either side may carry up their food and eat it there.¹ We learned, THE TENANTS ON EITHER SIDE MAY CLIMB UP AND EAT THERE. Does not this imply that they may only CLIMB UP but not 'carry up'?² — It is this that was meant: If the top consists of an area of four handbreadths by four they MAY CLIMB UP but may not carry up, and if it consists of less than four by four they may also carry up. R. Johanan³ follows a principle of his.⁴ For when R. Dimi came⁵ he stated in the name of R. Johanan: On a place⁶ whose area is less than four handbreadths by four⁷ it is permissible both for the people of the public domain and for those of the private domain to rearrange their burdens,⁸ provided they do not exchange them.⁹ Does not Rab,¹⁰ however, uphold the tradition of R. Dimi?¹¹ — If it were a case of Pentateuchal domains¹² the law would have been so indeed,¹³ but here we are dealing with Rabbinical domains,¹⁴ and the Sages¹⁵ have applied to their enactments¹⁶ higher restrictions than to those of the Torah.¹⁷

Rabbah son of R. Huna¹⁸ citing¹⁹ R. Nahman ruled: A wall between two courtyards, one of whose sides was ten handbreadths high²⁰ and the other one of which was on a level with the ground,²¹ is assigned to that courtyard with the floor of which it is level,²² because the use of it is convenient to the latter but inconvenient to the former, and any place the use of which is convenient to one and inconvenient to another, is to be assigned to the one to whom its use is convenient.

R. Shezbi laid down in the name of R. Nahman: A trench between two courtyards, whose one side was ten handbreadths deep²³ and whose other side was on a level with²⁴ the floor,²⁵ is assigned to that courtyard with whose floor it is on a level,²⁶ because its use is convenient to the latter but inconvenient to the former etc.²⁷

And [the enunciation of] both cases²⁸ was required. For if we had been informed only of the law of the wall²⁹ it might have been assumed to apply to it alone, because people make use of a raised structure, but not to a trench, since people do not make use of a depression in the ground.³⁰ And if we had been informed of the law of the trench only³¹ it might have been assumed to apply to it alone, because its use involves no anxiety³² but not to a wall the use of which involves anxiety.³³ Hence the enunciation of both²⁸ was necessary.

If the height of the wall was reduced,³⁴ it is permitted to use all the wall if the reduction extended³⁵ to four handbreadths;³⁶ otherwise, one may use only that part³⁷ that was parallel to the reduction. What, however, is your view?³⁸ If it is that the reduction is effective,³⁹ one should be permitted to have the use of all the wall, and if it is not effective,⁴⁰ even the use of the part that was parallel to the reduction should not be permitted!⁴¹ — Rabina replied: This is a case, for instance,⁴² where a section of its⁴³ top has been pulled down.⁴⁴

R. Yehiel ruled: If a bowl is inverted⁴⁵ a valid reduction is thereby effected.⁴⁶ But why? Is not the bowl an object that may be moved away on the Sabbath and that as such⁴⁷ causes no reduction?⁴⁸ — This⁴⁹ is was required only in a case where the bowl was attached to the ground.⁵⁰ But what matters it even if it was attached to the ground, seeing that it was taught: An unripe fruit that had been put into straw⁵¹ or a cake that had been put among coals⁵² may be taken out on the Sabbath if a part of it remained uncovered?⁵³ — Here⁴⁹ we are dealing with a case, for instance, where the bowl had rims.⁵⁴ But what matters it even if it had rims, seeing that we learned: If a man buried⁵⁵ turnips or radishes under a vine, leaving⁵⁶

(1) And similarly they may also carry it down. The top of the wall is in his opinion a 'free' domain and may, therefore, be regarded as merged with the one courtyard or the other to suit the convenience of the respective tenants.

(2) How then could R. Johanan maintain that it is also permissible to 'carry up'?

(3) In the ruling he gave here, according to which the top of the wall is regarded as a 'free' domain.

- (4) Enunciated elsewhere.
- (5) From Palestine into Babylon.
- (6) Situated between a private and a public domain.
- (7) Though it is raised three handbreadths from the ground and, had its area been no less than four handbreadths by four, would have constituted a karmelith from which it is forbidden to move objects either into a public or into a private domain.
- (8) Although by so doing they are moving them from the public or the private domain into that place.
- (9) And thus carry indirectly from a private domain into a public one, or vice versa, which is a form of transfer that is Rabbinically forbidden. Pentateuchally only direct transfer from one into the other of the domains mentioned is forbidden, since there must be 'lifting' from the one and direct 'putting down' in the other while in the case under discussion before the object was finally put down it was temporarily put down in, and lifted up from the free domain (v. supra go). At any rate it follows that it Johanan, by permitting the people of either domain 'to rearrange their burdens' on a place having the area he mentioned, upholds the principle of the existence of a free domain.
- (10) Whose view differs from that of R. Johanan (supra 76b ad fin.).
- (11) Which is in fact based on a principle in a Mishnah (Shab. 6a) which Rab could not very well oppose.
- (12) Sc. a proper public or private domain.
- (13) As R. Dimi reported in the name of R. Johanan.
- (14) Courtyards which are Pentateuchally private domains but were Rabbinically subjected to some of the restrictions of a public domain.
- (15) Sc. the Rabbis.
- (16) As a safeguard against laxity.
- (17) Which, being universally respected, required no such safeguards.
- (18) V. Marginal gloss. Cur. edd. read in parenthesis, 'Raba said that R. Huna said',
- (19) MS.M., 'Rabbah b. Bar Hana in the name of'.
- (20) Above the floor level of the courtyard adjacent to it.
- (21) Of the other courtyard whose floor was on a higher level than that of the former, and was within ten handbreadths from the top of the wall. By 'level with the ground' a height of less than ten handbreadths is to be understood.
- (22) Sc. only the tenants of that courtyard are allowed to carry their objects up to, and down from, the top of the wall. To the tenants of the other courtyard this is forbidden.
- (23) I.e., the level of the floor of the courtyard adjacent to it was ten handbreadths higher than the level of the bed of the trench.
- (24) Sc. 'not lower than ten handbreadths from',
- (25) Of the courtyard adjacent to it whose level was lower than that of the former.
- (26) Cf. supra n. 2. mut. mut.
- (27) To be concluded as in the previous discussion of the wall.
- (28) Those of 'wall' and 'trench'.
- (29) Permitting the use of the top of the wall.
- (30) And its use is, therefore, despite its comparatively low altitude, forbidden to the tenants of both courtyards.
- (31) Cf. supra n. 9 mut. mut.
- (32) Since any object put into it remains safely in its position.
- (33) The objects might fall off
- (34) Lit., 'if he came to reduce it'. This, it is now assumed, implies the raising of the floor level of the courtyard by means of a mound or a bench close to the wall and within ten handbreadths from the top of it.
- (35) Along the base of the wall.
- (36) An eminence of such dimensions is regarded as a kind of doorway to the top of the wall since it facilitates approach between the top and the courtyard.
- (37) Of the top.
- (38) Lit., 'what is your desire', sc. whatever the assumption a difficulty arises.
- (39) I.e., that it is regarded as a valid doorway.
- (40) So that it represents no doorway at all.
- (41) Lit., 'also not'.
- (42) Not as has been previously assumed that the floor of the courtyard had been raised.

(43) The wall's.

(44) If the gap resulting was four handbreadths wide it may well be regarded as a valid doorway through which all the top of the wall may be freely used. If, however, it was smaller it cannot be regarded as a doorway to the wall but the space in the gap may be freely used since the wall below it is within ten handbreadths from the courtyard floor level and cannot be regarded as a separate domain.

(45) And placed at the side of a wall that intervened between two courtyards.

(46) If the wall rises to less than ten handbreadths above the back of the inverted bowl.

(47) Lit., 'and a thing that may be taken on the Sabbath'.

(48) An objection against R. Yehiel.

(49) R. Yehiel's ruling.

(50) in which case it may not be moved from its place throughout the Sabbath.

(51) To ripen. Straw that had been set aside for the manufacture of bricks or similar purpose may not be moved from its place on the Sabbath on account mukzeh v. Glos.

(52) That were aglow when the Sabbath began but were extinguished now. Such coals may not be moved on the Sabbath. Burning coals are subject to greater restrictions (cf. Ker. 20a).

(53) Shab. 123a. As a part of the bowl also remains uncovered by the ground its removal on the Sabbath is equally permitted. How then could R. Yehiel regard a bowl in such a condition as an effective reduction.

(54) That were buried in the ground. A bowl in such a condition may not be removed from its place on the Sabbath, since its removal would inevitably disturb the earth under which its rim is buried, and the person removing it would be guilty of performing an act that resembled the forbidden work of digging.

(55) For storage purposes.

(56) Lit., 'in the time'.

Talmud - Mas. Eirubin 77b

some of the leaves uncovered,¹ he² need not fear the possible transgression of the laws of kil'ayim³ or of tithe or of the Sabbatical year,⁴ and they may be removed on the Sabbath?⁵ — This⁶ was required in that case only where a hoe or pickaxe is necessary.⁷

An Egyptian ladder⁸ effects no reduction⁹ but a Tyrian ladder¹⁰ does. What is to be understood by an 'Egyptian ladder'? — At the school of R. Jannai it was explained: One that has less than four rungs.

R. Aha son of Raba asked R. Ashi: What is the reason why an Egyptian ladder⁸ effects no reduction? — Did you not hear, the other replied, what R. Aha b. Adda stated in the name of R. Hammuna who had it from Rab: Because it is an object that may be moved about on the Sabbath and which, like all such objects,¹¹ causes no reduction? — If so, should not the same ruling apply to a Tyrian ladder also?¹² — In the latter case¹³ it is its weight that imparts to it a permanency of position.¹⁴

Abaye ruled: If a wall between two courtyards was ten handbreadths high, and one ladder four handbreadths wide was placed on the one side¹⁵ and another of the same width was placed on the other side,¹⁶ and there is less than a distance of three handbreadths between them,¹⁷ a valid reduction is effected,¹⁸ but if there was a distance of three handbreadths between them,¹⁹ no valid reduction is effected. This, however, applies only where the wall was less than four handbreadths thick but if it was four handbreadths thick²⁰ the reduction is valid²¹ even if the ladders were far removed from one another.²²

R. Bebai b. Abaye ruled: If²³ one balcony was built²⁴ above another balcony a valid reduction is thereby effected if either the lower one had an area²⁵ of four handbreadths [by four handbreadths]²⁶ or, where it was smaller,²⁷ if the upper one had an area of four handbreadths and there was no space of three handbreadths between them.²⁸ Similarly²⁹ R. Nahman citing Rabbah b. Abbuha ruled: A

step-ladder³⁰ effects³¹ a reduction if the length of the lower rung was four handbreadths or, where it was shorter, if the upper one was four handbreadths long and there was no space of three handbreadths between them.

R. Nahman further stated in the name of Rabbah b. Abbuha:

- (1) If they had been covered the vegetables would not have been allowed to be moved on the Sabbath (cf. infra).
- (2) Since the vegetables did not take root in the ground.
- (3) V. Glos., if they were buried in a vineyard.
- (4) If this happened in the course of such a year.
- (5) Kil. 1, 9: Shab. 50a. Now, as the vegetables mentioned may be removed on the Sabbath, though they were buried in the ground, so would the bowl spoken of by R. Yehiel be allowed to be removed on the Sabbath. How then could the bowl be regarded as an effective reduction.
- (6) R. Yehiel's ruling.
- (7) For the removal of the bowl. As removal in such circumstances would involve work that is definitely forbidden on the Sabbath the bowl would have to remain in its position throughout the Sabbath day, and consequently may also be regarded as 'a valid reduction'.
- (8) Which is very small. Aliter: 'A ladder of rushes or twigs'.
- (9) On account of the smallness of its size or the frailty of its structure which makes it easily portable.
- (10) Which is heavier and not easily movable.
- (11) Lit., 'and anything that may be taken on the Sabbath'.
- (12) Since the latter too may be moved on the Sabbath.
- (13) Lit., 'there'.
- (14) Though it is permitted to be moved it may be expected to remain in position throughout the Sabbath on account of its weight.
- (15) Of the wall, in one of the courtyards. Lit., 'from here'.
- (16) In the other courtyard.
- (17) Lit., 'and (there was) not between this and that'.
- (18) Since, despite the fact that the ladders are not exactly facing each other, it is fairly easy to ascend to the top of the wall by means of the one ladder, to stride over the top and to descend into the next courtyard by means of the other ladder. The two ladders may, therefore, be regarded as a valid opening between the courtyards.
- (19) Sc. that it would not be very easy to gain access from one courtyard into the other.
- (20) In consequence of which it is quite convenient to walk along the top of the wall.
- (21) Since it is possible to ascend to the top of the wall by means of the one ladder and to walk along the thickness of the wall to the other ladder.
- (22) Lit., 'separated more'.
- (23) In order to reduce the length of a wall between two courtyards.
- (24) Into the side of the wall.
- (25) So according to Tosaf. Aliter: A length along the wall (Rashi).
- (26) And was built within three handbreadths from the ground and within ten handbreadths from the top of the wall. In this case the upper balcony may be completely disregarded.
- (27) Lit., 'also there is lot in the lower one four'.
- (28) So that the two may be regarded as supplementary to each other and as a single unit effect the required reduction. If a greater distance than three handbreadths, however, separated them from each other they cannot be regarded as one unit and the reduction is invalid.
- (29) Lit., 'and'.
- (30) Lit., 'a ladder whose rungs fly', opposite to the steps of a staircase that are solidly built upon one another.
- (31) For notes on this paragraph cf. notes on the case of balconies in the prev. one mut. mut.

Talmud - Mas. Eirubin 78a

If on a moulding of an area of four handbreadths by four handbreadths that projected from a wall¹ a

ladder of the smallest size² was rested³ a valid reduction is thereby effected.⁴ This, however, applies only where the ladder was resting on it,⁵ but if it was placed at the side⁶ of its the latter is thereby merely extended.⁷

R. Nahman further stated in the name of Rabbah b. Abbuha: A wal⁸ that was nineteen handbreadths high requires only one projection⁹ to enable it to be used as a means of access,¹⁰ but a wall⁸ twenty handbreadths high requires for the purpose two projections.¹¹ R. Hisda observed: This,¹² however, applies only where they are not situated exactly one above the other.¹³ R. Huna ruled: If in a public domain there was a post ten handbreadths high and four handbreadths wide¹⁴ and a peg of the smallest size had been inserted on it,¹⁵ a valid reduction is thereby effected.¹⁶ R. Adda b. Ahabah observed: Provided the peg was three handbreadths high.¹⁷ Both Abaye and Raba, however, maintain: Even if it¹⁸ was not three handbreadths high. What is their reason? — Because it¹⁹ is no longer suitable for use.²⁰ R. Ashi ruled:²¹ Even if it¹⁸ was three handbreadths high. What is the reason? — It is possible to suspend some object from it.²² R. Aha son of Raba asked R. Ashi, ‘What is the ruling where it¹⁹ was completely covered with pegs?’²³ — ‘Did you not hear’, the other replied: ‘the following ruling of R. Johanan:²⁴ A pit and the bank around it²⁵ combine to constitute a depth of ten handbreadths?’²⁶ Now seeing that [the bank] cannot be used²⁷ why [should it be regarded as a private domain]? What then can you say in reply? That some object²⁸ might be placed over it and thereby it is made available for use. Well then, here also²⁹ some object³⁰ might be placed [over them]³¹ and thereby it is made available for use’.³²

Rab Judah citing Samuel ruled: A wal³³ ten handbreadths high requires a ladder of fourteen handbreadths in length³⁴ to render it permissible for use³⁵ R. Joseph ruled: Even [a ladder] of thirteen handbreadths³⁶ and a fraction [is sufficient].³⁷ Abaye ruled: Even one of eleven handbreadths³⁸ and a fraction suffices.³⁹ R. Huna son of R. Joshua ruled: Even one of seven handbreadths and a fraction suffices.⁴⁰ Rab stated: That a ladder in a vertical position effects a reduction is a tradition but I do not know the reason for it.⁴¹ ‘Does not Abba’,⁴² Samuel said to him,⁴³ ‘know the reason for this ruling? The case is in fact similar to that of a balcony above a balcony’.⁴⁴

Rabbah citing R. Hiyya said: The palm-trees of Babylon⁴⁵ need not be fixed to the ground.⁴⁶ What is the reason? Their heaviness imparts permanency of position to them.⁴⁷ R. Joseph, however, citing R. Oshaia, ruled: The ladders in Babylon⁴⁸ need not be fixed in position.⁴⁶ What is the reason? Their heaviness imparts permanency of position to them. He⁴⁹ who spoke of ladders would a fortiori apply the same ruling to palm-trees.⁵⁰ He,⁵¹ however, who spoke of palm-trees does not apply the same ruling to ladders.⁵²

R. Joseph enquired of Rabbah: What is the ruling where two ladders⁵³ were held together by straw links between them?⁵⁴ The sole of the foot, the other replied, cannot ascend upon them.⁵⁵ What is your ruling if the ladder⁵⁶ was in the middle and the straw links were on each side?⁵⁷ — Behold, the other replied, the sole of the foot does ascend upon them.⁵⁸

(1) Between two courtyards.

(2) Sc. even one whose width was less than four handbreadths, but whose rungs were fixed within three handbreadths from one another, and the lowest one was within three handbreadths from t^e ground.

(3) So that the moulding formed a kind of platform which the ladder resting on it joined with the courtyard floor below.

(4) Because the platform above is of the prescribed size and, together with the ladder, constitutes a valid means of access between the courtyards.

(5) The moulding.

(6) The top of the ladder resting on the wall itself’.

(7) But as the ladder now forms no connection between it and the ground it is, on account of the distance of the latter from it, no valid reduction.

- (8) Between two courtyards.
- (9) In the middle of its height on which the top of a ladder may be supported.
- (10) Between the courtyards. Lit., 'to make it permitted'. A projection in the middle point of a height of nineteen handbreadths leaves a distance of less than ten handbreadths both below and above it.
- (11) One below the lower ten handbreadths of the height of the wall and the other within ten handbreadths from the top.
- (12) That the two projections form, valid reduction.
- (13) So that it is possible to connect the two to each other by means of a second ladder.
- (14) Sc. four by four. A post of such dimensions constitutes a private domain from which into the public domain and from the public domain into which the movement of objects on the Sabbath is forbidden.
- (15) In its surface on the top so that uppermost area was reduced to one of less than four handbreadths.
- (16) The post loses the status of a private domain.
- (17) if it was smaller it is regarded as part of the surface of the top of the post.
- (18) The peg.
- (19) The top of the post.
- (20) Since the peg, however low it may be, breaks up the top's surface.
- (21) The post is still regarded as a private domain.
- (22) And since the post can still be used as a private domain for this purpose, the peg cannot effect any valid reduction in the surface of its top which, consequently, remains a private domain.
- (23) In consequence of which it cannot be use' at all. Is its size in this case deemed to be reduced and the post, therefore, loses its status as a private domain or is the law in the case of many pegs the same as in that of one peg?
- (24) Lit., 'that which . . . said'.
- (25) Lit., 'and its segment', Sc. a segment of the earth excavated from the pit and placed around its rim.
- (26) The prescribed minimum of depth constituting a private domain. The thickness of the bank similarly combines with the hole of the pit to constitute the prescribed minimum of four handbreadths by four (cf. Shab, 99a).
- (27) Since a part of the prescribed minimum is the hole (cf. prev. n.).
- (28) A board or a flat stone.
- (29) Where the top of a post is covered with pegs.
- (30) Having a surface of four handbreadths by four.
- (31) Over the Pegs.
- (32) The post the top of which is completely covered with pegs is, therefore, regarded as a private domain.
- (33) Between two courtyards.
- (34) Placed in a slanting position at a distance of ten handbreadths from the wall with its top resting on the top edge of the wall (v. foll. n.).
- (35) Sc. to allow free movement of objects between the courtyards. As the ladder, the wall, and the part of the courtyard floor between the latter and the foot of the former represent respectively the hypotenuse and the two sides of an isosceles right-angled triangle, and since the wall is ten handbreadths high and the distance between the foot of the ladder and the wall is also (cf. prev. n.) ten handbreadths, the length, or height of the ladder must be $(10 + 10 \times \frac{2}{5} \text{ approx.} = 10 + 4 =) 14$ handbreadths approx. (cf. Tosaf. a.l.).
- (36) A handbreadth less than the length required by Rab Judah.
- (37) In his opinion it is either not necessary (cf. Supra n. 5) to remove the foot of the ladder as much as ten handbreadths from the wall, or it suffices if its top reaches only to within one handbreadth from the top of the wall (cf. R. Han.).
- (38) Three handbreadths less than the length required by Rab Judah.
- (39) Since a distance of three handbreadths may be disregarded in accordance with the principle of labud, it suffices for the ladder to reach the wall at a height of seven handbreadths and a fraction (cf. supra n. 7 mut. mut.).
- (40) He maintains that a ladder in a vertical position effects the same permissibility as one in a slanting position. By putting the ladder close to the wall in a vertical position its top reaching a point within three handbreadths from the top of the wall, on the principle of labud (cf. prev. n.) this point may be regarded as the top of the wall.
- (41) Sc. why should a ladder in such a position, in which one can hardly climb upon it, effect a reduction?
- (42) Sc. Rab. His proper name was Abba while Rab ('Master') was a title of distinction he earned as the foremost Master of his time.
- (43) Samuel was merely explaining the tradition. He himself, as stated supra by Rab Judah, requires a standing ladder of fourteen handbreadths.

- (44) Supra 77b, where reduction is effected though the balconies are exactly one above the other and one can hardly climb from the one into the other.
- (45) If their cut trunks were placed beside a wall that intervened between two courtyards.
- (46) Sc. they effect reduction, though, being suitable as seats, they have the status of articles that may be moved from their places on the Sabbath.
- (47) Since no one would be likely to shift them from their place during the Sabbath.
- (48) Cf. Supra n. 2 mut. mut.
- (49) R. Oshaia.
- (50) If ladders that are not so heavy as the palm-trees effect reduction how much more so the latter.
- (51) R. Hiyya.
- (52) Cf. supra n. 7 mut. mut.
- (53) Each less than two handbreadths wide.
- (54) That formed rungs similar to those of the ladders and supplemented their width to the prescribed minimum of four handbreadths. Lit., 'a ladder from here and a ladder from here and straws in the middle'.
- (55) The straw links. Since it is the middle of the ladder, on which one's foot is usually put when ascending, and since that middle part consists of straw links that are unsuitable for the purpose, the ladder cannot effect any reduction.
- (56) Whose width was less than the prescribed minimum of four handbreadths.
- (57) Lit., 'straws from here and straws from here and a ladder in the middle'.
- (58) The rungs of the ladder. When ascending on these which are in the middle, one uses the straw links on either side as supports for one's hands. The entire structure may, therefore, be regarded as a unit of the prescribed size and reduction may thereby be effected.

Talmud - Mas. Eirubin 78b

If grooves¹ to supplement the width of the ladder,² were cut in the wall,³ up to what height must this be carried?⁴ — To ten handbreadths,⁵ the other replied. If, he again asked him, all the ladder was cut⁶ in the wall,⁷ up to what height must this be carried? — Up to its⁸ full height, the other replied. Wherein, however, lies the difference?⁹ In the former case¹⁰ the other replied, one can easily ascend¹¹ [to the top of the wall], while in the latter case¹² this cannot be done.¹³

R. Joseph enquired of Rabbah: What is the ruling if a tree was set aside as a ladder?¹⁴ The enquiry is made with reference to the view of Rabbi¹⁵ and it is also made with reference to that of the Rabbis.¹⁶ It is made with reference to the view of Rabbi' since It is possible that Rabbi applied the principle that 'any act that is forbidden as shebuth¹⁷ is not subject to that prohibition during twilight'¹⁸ only there¹⁹ where the crucial moment²⁰ is at twilight,²¹ but [not where]²² the entire day [is involved];²³ or is it possible that even according to the Rabbis the tree may have the status of a doorway,²⁴ except that it is one at the side of which a lion crouches?²⁵ What again²⁶ is the ruling where an Asherah²⁷ was set aside to serve as a ladder? The enquiry is made with reference to the view of R. Judah²⁸ and it is also made with reference to that of the Rabbis.²⁹ It 'is made with reference to the view of R. Judah' since it is possible that R. Judah applied the principle that a house may be bought with objects the benefit from which is forbidden, only there,³⁰ because after the 'erub had enabled hint to acquire³¹ the place³² its owner derives no further satisfaction³³ from its preservation;³⁴ or is it possible that even according to the Rabbis an Asherah³⁵ has the status of a doorway,³⁶ except that a lion crouches at its side?³⁷ — A tree, the other replied, is permitted³⁸ but an Asherah is forbidden.³⁹ R. Hisda demurred: On the contrary! A tree the restriction on the use of which is due to the incidence of the Sabbath should⁴⁰ be forbidden, while an Asherah the restrictions on which are due to an external⁴¹ cause should not be forbidden. So⁴² it was also stated:⁴³ When Rabin came⁴⁴ he reported in the name of R. Eleazar or, as others say: R. Abbahu reported in the name of R. Johanan: Any object the restriction of the use of which is clue to the incidence of the Sabbath is forbidden, while in object the restriction on which is due to an external⁴¹ cause is permitted.⁴⁵ R. Nahman b. Isaac taught thus: [The permissibility of] a tree is a question at issue between Rabbi and the Rabbis and that of an Asherah is a question at issue between R. Judah and the

Rabbis.

MISHNAH. IF A TRENCH⁴⁶ BETWEEN TWO COURTYARDS WAS TEN HANDBREADTHS DEEP AND FOUR HANDBREADTHS WIDE, TWO 'ERUBS⁴⁷ MAY BE PREPARED BUT NOT ONE,⁴⁸ EVEN IF IT WAS FULL OF STUBBLE OR STRAW.⁴⁹ IF, HOWEVER, IT WAS FULL OF EARTH OR GRAVEL,⁵⁰ ONLY ONE 'ERUB MAY BE PREPARED, BUT NOT TWO.⁵¹

IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED⁵² ACROSS IT,⁵³ AND SO ALSO WHERE TWO BALCONIES⁵⁴ WERE OPPOSITE ONE ANOTHER,⁵⁵ THE TENANTS MAY PREPARE TWO 'ERUBS⁵⁶ OR, IF THEY PREFER, ONLY ONE. IF THE BOARD WAS OF A LESSER WIDTH TWO 'ERUBS⁵⁶ MAY BE PREPARED, BUT NOT ONE.

GEMARA. But does not straw constitute a proper filling seeing that we have learnt: If a heap of straw between two courtyards was ten handbreadths high two 'erubs may be prepared⁵⁶ but not one?⁵⁷ — Abaye replied: As regards the formation of a partition no one disputes the ruling that straw is regarded as a valid partition,⁵⁸ with regard, however, to its serving as a valid filling⁵⁹ it is only in the case where one completely abandoned it⁶⁰ that it constitutes a valid filling, but not otherwise.

IF, HOWEVER, IT WAS FULL OF EARTH. This⁶¹ then applies⁶² even where one's intention⁶³ was not known. But have we not learnt: If a house was filled with straw or gravel and the owner announced his intention to abandon it,⁶⁴ it is duly abandoned,⁶⁵ from which it follows, does it not, that only if the owner expressly abandoned it is it regarded as abandoned⁶⁶

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- (1) On either side of the rungs of the ladder.
 - (2) To the prescribed minimum of four handbreadths.
 - (3) Between two court yards, on which the ladder was leaning.
 - (4) Lit., 'he cut to supplement in a wall, by how much'.
 - (5) From the ground. Whatever the height of the wall, valid steps on a width of four handbreadths and a height often handbreadths are regarded as a valid doorway between the courtyards (Rashi). Aliter: The grooves must be cut to a height within ten handbreadths from the top of the wall (R. Tam.).
 - (6) Lit., 'he cut it all'.
 - (7) Sc. instead of a movable ladder, grooves were cut in the wall on a width of four handbreadths.
 - (8) The wall's.
 - (9) Between the last two cases. Sc. why is a height of ten handbreadths sufficient in the former case while in the latter the grooves are required to reach to the very top of the wall?
 - (10) Where the ladder reached the top of the wall and the grooves were only supplementary to its width.
 - (11) By means of the ladder itself. As ascent is easy it is sufficient for the supplementary grooves to reach to a height of ten handbreadths only.
 - (12) Where there was no ladder at all.
 - (13) Unless grooves are cut to the full height of the wall.
 - (14) For a wall that intervened between two courtyards whose tenants desired to have free access to each other.
 - (15) Who laid down (supra 32b) that an 'erub of Sabbath limits deposited in a tree is valid.
 - (16) Who regard such an 'erub as invalid.
 - (17) V. Glos.
 - (18) So MS.M.
 - (19) The case of 'erub of Sabbath limits.
 - (20) The time the 'erub must take effect.
 - (21) Provided an 'erub of Sabbath limits was valid and effective at that moment its subsequent consumption or loss does not in any way deprive its owner of any of the privileges the 'erub had conferred upon him. Since the prohibition against the use of a tree is only Rabbinical, and since such a prohibition may be suspended at twilight, Rabbi may well have maintained that the 'erub was valid.
 - (22) As in the case of 'erub of courtyards under discussion.

(23) Since access through a closed door is obviously impossible the doorway between the two courtyards must remain open and be available for use throughout the day if the 'erub is to retain its validity until the termination of the Sabbath. Now since the use of a tree is forbidden on the Sabbath the tree appointed cannot possibly serve as a virtual 'doorway' even according to Rabbi.

(24) And if one is appointed to serve as a ladder access between the courtyards is thereby permitted.

(25) Metaphor. The tree may be a valid 'doorway' that cannot be used on account of a Rabbinical prohibition as an ordinary open door that cannot be used on account of a lion that crouched beside it. As in the latter case, though debarred from the use of the doorway itself, the tenants are nevertheless permitted access to one another through any holes or crevices in the intervening wall so are they permitted in the former case even according to the Rabbis.

(26) If in the last case the ruling is that a tree may be regarded as a proper ladder and valid 'doorway'.

(27) A tree or grove devoted to idol worship from which no benefit may be derived.

(28) Who laid down (supra 31a) that an 'erub deposited on a grove is valid though one may derive no benefit from a grove.

(29) Who, contrary to the view of R. Judah, consider an 'erub on a grove as invalid.

(30) In the case of 'erub of Sabbath limits whose validity is determined at the moment the Sabbath begins.

(31) As his Sabbath abode.

(32) In which it was deposited.

(33) Throughout the Sabbath.

(34) He derives, therefore, no benefit from the grove. The benefit he may seem to derive at twilight, when the 'erub acquires validity, is in fact no benefit in the material sense, since an erub of Sabbath limits is allowed only for the purpose of enabling one to perform a religious act the benefit from which is purely spiritual. In the case of an 'erub of courtyards, however, which does serve the tenants' material benefits, and a doorway between courtyards the benefit of which is enjoyed throughout the Sabbath, R. Judah may well agree that an Asherah as a 'doorway' is invalid.

(35) Since the tenants do not use the Sabbath itself.

(36) By means of which the tenants of both courtyards are enabled to merge their two domains into one.

(37) Cf. supra p. 546, n. 4 mut. mut.

(38) To be assigned as a ladder and to assume the status of a valid doorway.

(39) Cf. prev. n. mut. mut.

(40) Since it is desired to use it for the purpose of relaxing a Sabbath law.

(41) Lit., 'another', one not connected with the Sabbath but with idolatry.

(42) In agreement with R. Hisda's submission.

(43) By Amoras.

(44) From Palestine to Babylon.

(45) To be assigned as a ladder and to assume the status of a valid doorway.

(46) Separating them completely from each other.

(47) On for each courtyard.

(48) Jointly for the two courtyards. A trench of such dimensions is regarded as a complete separation between the two courtyards. One that was narrower than four handbreadths, since it is easy to step across it, is disregarded and the tenants of the two courtyards may join in one 'erub.

(49) Since these were not intended to remain there permanently.

(50) So that there was no substantial break between the courtyards.

(51) Because, by so doing, the tenants of the one courtyard would impose restrictions on those of the other who (cf. prev. n.) 'virtually occupied the same courtyard.

(52) To form a sort of bridge between the courtyards.

(53) The trench.

(54) Belonging to two different owners.

(55) And a board of the width mentioned connected them. [According to Rashi, the two balconies, it appears, were on the same side of the street, v. Strashun, a.l.].

(56) One for each courtyard.

(57) Infra 79a; which proves that straw, though not intended to remain permanently in its position, constitutes nevertheless a valid partition. Why then does it not equally constitute a valid filling?

(58) So long as it remains in its place; as is the case with other movable objects which (cf. supra 15b) constitute a valid

partition.

(59) Sc. to be treated as a part of the ground.

(60) By announcing his intention to leave it permanently in the trench.

(61) The ruling that ONLY ONE 'ERUB MAY BE PREPARED because, obviously, the two courtyards are regarded as one.

(62) Since no qualifying conditions were specified.

(63) To keep the gravel permanently in the trench.

(64) The straw or the gravel,

(65) And the house is regarded as filled in respect of the laws of ohel. (Cf. Ohal. XV, 7 the contents of which is here quoted in a summarized form).

(66) Lit., 'yes'.

Talmud - Mas. Eirubin 79a

but not if he did not expressly do so?¹ — R. Huna replied: Who is it that taught Ohaloth? R. Jose.² But how could it be the view of³ R. Jose seeing that he was heard to give a reverse ruling, for it was taught: R. Jose ruled, straw⁴ that was not likely to be removed⁵ is on a par with ordinary earth⁶ and is deemed to be abandoned; earth⁴ that is likely to be removed is on a par with ordinary stubble⁶ and is not deemed to be abandoned?⁷ — Rather, said R. Assi, who is it that taught 'Erubin'?⁸ It is R. Jose.⁹ R. Huna son of R. Joshua replied:¹⁰ You are pointing out an incongruity between a law concerning levitical uncleanness and one concerning Sabbath; leave alone the restrictions of the Sabbath since on it a person abandons even his purse.¹¹

R. Ashi replied:¹⁰ You are pointing out an incongruity between a ruling concerning a house and one concerning a trench; a trench might well be expected to be filled up,¹² but is a house also expected¹³ to be filled up?¹⁴

IF A BOARD FOUR HANDBREADTHS WIDE WAS PLACED ACROSS IT. Raba explained: This¹⁵ was taught only in the case where it was laid across the width of it¹⁶ but if it was laid lengthwise¹⁷ even a board of the minutest width¹⁸ also suffices,¹⁹ since the width of the trench is thereby reduced to less than four handbreadths.²⁰

AND SO ALSO WHERE TWO BALCONIES WERE OPPOSITE ONE ANOTHER. Raba explained: With reference to what we learned,²¹ AND²² SO ALSO WHERE TWO BALCONIES etc. the ruling²³ applies only to such as are²⁴ opposite each other but not to such as are not opposite each other or to such as are above each other: and even in the case of such as are above each other the ruling²⁵ applies only where there was a distance of three handbreadths between them²⁶ but if there was no such distance between them they may both be regarded as one crooked balcony.

MISHNAH. IF A HEAP OF STRAW BETWEEN TWO COURTYARDS YARDS WAS TEN HANDBREADTHS HIGH,²⁷ TWO 'ERUBS²⁸ MAY BE PREPARED BUT NOT ONE.²⁹ THE TENANTS OF THE ONE COURTYARD MAY FEED THEIR CATTLE AT THEIR SIDE³⁰ AND THOSE OF THE OTHER COURTYARD MAY FEED THEIRS ON THE OTHER SIDE.³¹ IF THE HEIGHT OF THE STRAW HEAP WAS REDUCED³² TO LESS THAN TEN HANDBREADTHS, ONE 'ERUB MAY BE PREPARED³³ BUT NOT TWO.²⁸

GEMARA. R. Huna observed:³⁴ Provided no tenant puts any straw³⁵ into his basket and feeds his cattle.³⁶ It is then permitted to put cattle³⁷ there;³⁸ but did not R. Huna lay down in the name of R. Hanina: A man may put his beast on a stretch of grass³⁹ on the Sabbath day⁴⁰ but not upon mukzeh?⁴¹ — He only stands⁴² near the beast⁴³ which itself goes and eats.⁴⁴

'Provided no tenant puts any straw into his basket'. But was it not taught: If a house⁴⁵ was

between two courtyards and was filled with straw, two 'erubs may be prepared⁴⁶ but not one,⁴⁷ and each tenant may put some straw⁴⁸ into his basket and feed his cattle therewith. If the height of the straw was reduced to less than ten handbreadths, both⁴⁹ are forbidden.⁵⁰ How is one to proceed?⁵¹ One of the tenants locks his house⁵² and renounces his right to his share, and thereby he⁵³ remains under restrictions⁵⁴ but his friend is permitted.⁵⁵ And the same law⁵⁶ applies to a pit⁵⁷ of straw between two Sabbath limits.⁵⁸ At any rate, was it not here stated: 'each' tenant may put some straw into his basket and feed his cattle therewith'?⁵⁹ — I might reply: In the case of a house, since it has⁶⁰ a ceiling, the reduction in the straw is quite noticeable,⁶¹ but here⁶² the diminution is not noticeable.⁶³ 'If the height of the straw was reduced to less than ten handbreadths both are forbidden'. But, it follows, if it was ten handbreadths high this is permitted even though the ceiling was much higher. May it not then be inferred that partitions that do not reach the ceiling are regarded as valid ones?⁶⁴ — Abaye replied: We are here dealing with the case of a house that was thirteen handbreadths minus a fraction in height and that of the straw was ten handbreadths in height.⁶⁵ R. Huna son of R. Joshua, however, replied: It may even refer to a house that was ten handbreadths high

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- (1) How then is this to be reconciled with the implication of our Mishnah according to which even where a person's intention was not known his gravel is deemed to be abandoned?
 - (2) Whose view differs from that of our Mishnah.
 - (3) Lit., 'if'.
 - (4) With which a house was filled.
 - (5) concerning which it is known that its owner does not require it though he himself made no announcement to this effect.
 - (6) About which its owner's intention is not known at all.
 - (7) Tosef. Ohal. XV; which shows that, according to R. Jose, earth is deemed to be abandoned even if no declaration to this effect has been made by its owner. How then could R. Huna maintain that the Mishnah of Ohal. cited represents R. Jose's view?
 - (8) Sc. the law of 'erub in our Mishnah from which it follows that earth is deemed to be abandoned even where its owner did not declare his intention to leave it in its place.
 - (9) Whose view here is in full agreement with the view he expressed in the last Baraitha cited.
 - (10) To the apparent contradiction between our Mishnah and that of Ohal. (v. supra 78b ad fin.).
 - (11) Because he is forbidden to handle it on that day. For the same reason one is assumed to abandon earth which also may not be moved on that day. Hence the lenient view in our Mishnah in the case of earth and gravel in a trench. As straw and stubble, however, may be handled on the Sabbath, since they are used for feeding the cattle, they cannot be regarded as abandoned unless the owner had explicitly indicated his intention to do so. In the case of levitical uncleanness, however, where the prohibition against the removal of either straw or gravel does not apply, neither can be regarded as abandoned unless the owner has made a definite announcement to that effect.
 - (12) Any earth or gravel in it might consequently be regarded as abandoned even where the owner's intention was not known.
 - (13) Lit., 'stands'.
 - (14) Of course not. Earth or gravel in a house cannot, therefore, be regarded as abandoned unless the owner had specifically expressed his intention to leave it there.
 - (15) That the board must be four handbreadths wide.
 - (16) The trench.
 - (17) He fixed the length of the board to one side of the trench in the form of a ledge so that the length of the board and of the trench run parallel to each other, the length of the former being no less than four handbreadths, the prescribed minimum for the width of a 'doorway'.
 - (18) Provided it was wide enough to reduce the width of the trench on a length of four handbreadths (cf. prev. n.) to less than four handbreadths.
 - (19) To eliminate the trench.
 - (20) And only a trench that is four handbreadths wide (cf. our Mishnah) constitutes a break between two courtyards.
 - (21) So Bah. Cur. edd., 'which thou saidest'.

- (22) The reading that follows is an emendation by Bah. of the reading of cur. edd. Cf. also MS.M.
- (23) That the tenants of the two balconies may join in a single 'erub.
- (24) Lit., 'yes'.
- (25) That the two balconies may not prepare an 'erub jointly.
- (26) The two balconies.
- (27) And running all the length of the junction between the courtyards.
- (28) One for each courtyard.
- (29) For both courtyards, since the heap of straw forms a separation between the one courtyard and the other.
- (30) Lit., 'these may feed from here'.
- (31) Though the straw is thereby diminished and might conceivably be reduced to a height of less than ten handbreadths when the two courtyards would virtually become one and, in consequence of which, the tenants of the one courtyard would impose restrictions upon those of the other. As only a reduction in height that extended along more than ten cubits of the junction would cause the courtyards to be merged into one (since a lesser width might be regarded as a doorway) and as cattle are not likely to eat so much in one day, the possibility mentioned need not be provided against.
- (32) Along all, or ten cubits of the junction.
- (33) For both courtyards, if the reduction took place on a week-day.
- (34) With reference to the ruling that THE TENANTS . . . MAY FEED THEIR CATTLE.
- (35) Which, forming as it does the partition between the . . . courtyards, is mukzeh (v. Glos.).
- (36) The cattle must eat direct from the heap.
- (37) Cf. prev. n.
- (38) Though the straw is mukzeh and there is the possibility of forgetting and picking it up with the hands which is forbidden.
- (39) Lit., 'grasses'.
- (40) And, since a man is careful in the observance of Sabbath prohibitions, there is no need to provide against the possibility of his plucking the grass forgetfully on the Sabbath.
- (41) Shab. 122a. Since the law of mukzeh, being only Rabbinical, is one of a minor character the man might lightly forget it and so pick the mukzeh up with his own hands on the Sabbath, an act which is forbidden. Now since R. Huna forbids the putting of a beast upon mukzeh, how could he, according to his interpretation of our Mishnah, allow a beast to be put immediately in front of the straw heap which is definitely mukzeh?
- (42) In the case spoken of in our Mishnah.
- (43) To prevent it from straying.
- (44) As the man does not stand at the side of his beast no provision was deemed necessary against the possibility of his handling of the mukzeh.
- (45) Into which a house from each courtyard opened.
- (46) One by the tenants of each courtyard, since the straw forms a separation between them.
- (47) For the two courtyards jointly.
- (48) From his side of the straw.
- (49) The tenants of either courtyard.
- (50) To move any objects from their respective houses into their respective courtyards.
- (51) If it is desired to enable at least one of the tenants to use his courtyard.
- (52) That opened into the house between the courtyards.
- (53) Since he renounced his right and his courtyard is no more his.
- (54) He may not move any objects from his house to his courtyard and vice versa.
- (55) Cf. prev. n. mut. mut.
- (56) That (on a festival day) the residents on one side may use the straw from their side and those on the other side may use from the other side.
- (57) Or 'bundles'.
- (58) Of two towns, where half of the pit was within the Sabbath limit of the one town and the other half was within that of the other. The people on either side may use the straw on their side, no preventive measure having been instituted against the possibility of their using the straw from the other side.
- (59) How then could R. Huna maintain that no tenant may put any straw into his basket?
- (60) Cur. edd. in parenthesis, 'walls and'.

(61) Since the lower the straw the bigger the space between it and the ceiling. As its diminution to a height of less than ten handbreadths would be clearly noticeable the use of the straw would cease as soon as that height was reached. Above that height the straw does not serve the purpose of a wall and is not, therefore, subject to the restrictions of mukzeh.

(62) Where the heap is in the open.

(63) And one might erroneously continue to use the straw even after it had been reduced in height to less than ten handbreadths when the restrictions of mukzeh prevent its use. Hence R. Huna's ruling that no straw may be put into a tenant's basket for feeding his cattle.

(64) But is not this contradictory to a ruling (supra 72a) in respect of five companies who kept the Sabbath in the same room.

(65) On the principle of labud the walls are deemed to reach to the ceiling.

Talmud - Mas. Eirubin 79b

but the straw was seven handbreadths and a fraction, since a distance of less than three handbreadths is regarded as labud. According to Abaye one can well understand why the expression 'than ten' was used;¹ according to R. Huna son of R. Joshua,² however, what could be the purport of 'than ten'? — 'Than the statutory height of ten'.³

'Both are forbidden'. Does this⁴ then imply that tenants who arrived on a Sabbath impose restrictions?⁵ — No; since it is possible that the reduction⁶ occurred on the previous day.⁷

'How is one to proceed? One of the tenants locks his house and renounces his right to his share'. Both [acts]?⁸ — It is this that was meant: He either locks his house⁹ or renounces his right to his share. And if you prefer I might say: Both [acts] are in fact necessary¹⁰ for, having been in the habit of using it, he might continue to move objects into it.¹¹

'He remains under restrictions but his friend is permitted'. Is not this obvious? — This ruling was required only in the case where the other tenant had subsequently¹² renounced his share to the former, and it is this that we were informed: That¹³ a renunciation may not follow a previous renunciation.¹⁴

'And the same law applies to a pit of straw between two Sabbath limits'. Is not this¹⁵ perfectly obvious?¹⁶ — The ruling was required only according to the view of R. Akiba who holds that the ordinance of Sabbath limits is Pentateuchal.¹⁷ Since it might have been presumed that a preventive measure should be enacted¹⁸ against the possibility of exchange,¹⁹ hence we were informed that no such preventive measure was deemed necessary.

MISHNAH. HOW IS SHITTUF²⁰ IN AN ALLEY EFFECTED? ONE [OF THE RESIDENTS] PLACES THERE A JAR²¹ AND²² DECLARES, 'THIS BELONGS²³ TO ALL THE RESIDENTS OF THE ALLEY'. AND HE CONFERS POSSESSION UPON THEM THROUGH HIS GROWN-UP SON OR DAUGHTER, THROUGH HIS HEBREW MANSERVANT OR MAIDSERVANT OR THROUGH HIS WIFE;²⁴ BUT HE MAY NOT CONFER POSSESSION EITHER THROUGH HIS SON OR DAUGHTER, IF THEY ARE MINORS, OR THROUGH HIS CANAANITE BONDMAN OR BONDWOMAN, BECAUSE THEIR HAND IS AS HIS HAND.²⁵

GEMARA. Rab Judah ruled: A jar²⁶ for the shittuf of alleys²⁷ must be raised²⁸ from the ground to the height of a handbreadth.²⁹ Raba observed: These two rulings were given by the elders of Pumbeditha:³⁰ One is the ruling just cited. The other is the following: He who recites the kiddush³¹ has performed his duty if he tastes a mouthful,³² otherwise he does not.

R. Habiba observed: The following ruling also was given by the elders of Pumbeditha.³⁰ For Rab Judah³³ stated in the name of Samuel: A fire³⁴ for a woman in childbirth may be made on the

Sabbath. From this one might understand that a fire may be made only³⁵ for a woman in childbirth but not for any other sick person, only in the rainy season but not in the summer season. It was, however, stated: R. Hiyya b. Abin citing Samuel ruled: If a person has been bled and felt chilly a fire may be made for him on the Sabbath even during the hottest period of the year.³⁶

Amemar observed, 'The following ruling also was given by the elders of Pumbeditha, for it was stated: What is an Asherah by implication? Rab said: Any tree that is guarded by heathen priests

- (1) Since he explained that the heap was ten handbreadths high.
- (2) Who explains that the straw was only seven handbreadths and a fraction high.
- (3) Sc. seven handbreadths and a fraction which under the law of labud, are regarded as ten.
- (4) The ruling that the tenants impose restrictions upon each other though, on account of the high altitude of the straw when the Sabbath begins, they were not then regarded as tenants of the same courtyard.
- (5) So Bomb. ed. Cur. edd., 'are forbidden'. But this question, surely, is a point at issue between R. Huna and R. Isaac (supra 17a) none of whom would have differed from the ruling of a Baraitha.
- (6) Of the height of the straw.
- (7) Friday, so that when the Sabbath began the tenants were already occupiers of the same courtyard.
- (8) I.e., why should it be necessary for the tenant (a) to lock his house and also (b) to renounce his right?
- (9) An act which is tantamount to a specific renunciation of his right.
- (10) For his sake, though not for that of his neighbours in whose benefit one act alone would have been sufficient.
- (11) But by the locking of his door he would be constantly reminded of the restrictions he imposed upon himself.
- (12) After the first had renounced his share in his favour.
- (13) On the Sabbath.
- (14) Once a tenant has renounced his share to any other tenant the latter cannot again, on the same Sabbath, renounce his share in favour of the former.
- (15) That the ruling applicable to 'erub of courtyards should equally apply to 'erub of Sabbath limits.
- (16) Since both forms of 'erub are Rabbinical.
- (17) Cf. Sot. 27a.
- (18) In the case of an 'erub of Sabbath limits.
- (19) Of the straw that lay without one's limit for that which lay within it; and a Pentateuchal law might thus be transgressed.
- (20) V. Glos.
- (21) Of wine or of any other foodstuffs.
- (22) Irrespective of whether each resident actually contributed his share to the contents of the jar or whether he himself contributed on their behalf.
- (23) Lit., 'behold this'.
- (24) By requesting any of these to receive the jar and to acquire possession of it on behalf of all the residents.
- (25) Whatever they possess is his. As he cannot directly confer possession in upon the residents so cannot they.
- (26) Of wine or of any other foodstuffs.
- (27) If it belonged to one of the residents and he desired to confer possession upon them.
- (28) By the person who acquires it on their behalf.
- (29) When the formula 'I acquire this for them is pronounced. If it is not raised to the prescribed height the jar remains in the possession of its original owner and the shittuf is consequently invalid.
- (30) Rab Judah and R. 'Aina (cf. Sanh. 17b).
- (31) Lit., 'sanctification', a prescribed form of benedictions and Biblical verses recited at the inauguration of the Sabbath, festivals and the New Year over a cup of wine or two loaves of bread.
- (32) Melo lugmaw in this case means a quantity which can be kept within one cheek (R. Tam.).
- (33) One of the elders (cf. supra n. 7).
- (34) Medurah, 'a pile of wood', 'a large fire'.
- (35) Lit., 'yes'.
- (36) Lit., 'the cycle of Tammuz', Tammuz being the first of the three months following the summer solstice.

Talmud - Mas. Eirubin 80a

and of which they do not taste the fruit;¹ and Samuel said: One, for instance, concerning which the priests² say: "These dates are for the beer of the temple of Nizrefe"³ since they drink it on their festival day;⁴ and⁵ the elders of Pumbeditha told me: The law is in agreement with Samuel'.

An objection was raised:⁶ How is shittuf in an alley effected? A jar of wine, oil, dates, dried figs or any other kind of fruit is brought there. If it is his own⁷ he must⁸ transfer possession to all the residents;⁹ and if it is theirs he must uniform them,¹⁰ and then one¹¹ raises it slightly¹² from the ground!¹³ — By the expression 'slightly' also a handbreadth was meant.

It was stated: The food for the shittuf of alleys, Rab ruled, requires no transfer of possession, and Samuel ruled: It does require transfer of possession. As regards the food for an 'erub of Sabbath limits, Rab ruled: Transfer of possession is required and Samuel ruled: Transfer of possession is not required. Samuel's view¹⁴ can well be justified, since we have learnt the one¹⁵ and have not learnt the other.¹⁶ What, however, is the justification for Rab's view?¹⁷ — The question of transfer is a point at issue between Tannas.¹⁸ For Rab Judah related in the name of Rab: The daughter-in-law of R. Oshaia was once overtaken by dusk when she went¹⁹ to a bath house²⁰ and her mother-in-law prepared for her an 'erub.²¹ R. Hiyya to whom the incident was reported forbade her return.²² Babylonian',²³ said R. Ishmael son of R. Jose to him, 'are you so strict about the laws of 'erub.²² Thus said my father: Wherever you see an opportunity of relaxing the laws of 'erub seize it'.²⁴ And when the question was raised: 'Was the 'erub prepared out of her mother-in-law's food and the reason [for the prohibition]²⁵ was that she²⁶ did not transfer possession to her²⁷ or was it rather that it was prepared out of her own²⁶ food and the reason for the prohibition²⁵ was that it was done without her²⁷ knowledge?' One of the Rabbis, whose name was R. Jacob, told them: 'It was explained to me by R. Johanan that the 'erub was prepared out of her mother-in-law's food and that the reason for the prohibition was that she did not transfer possession to her'.²⁸

R. Zera requested R. Jacob son of Jacob's daughter:²⁹ When you arrive in Palestine³⁰ make a detour to visit³¹ the Ladder of Tyre and ask R. Jacob b. Idi [his version of the incident].³² 'Was the 'erub', he asked him [in due course], 'prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her or was it rather that it was prepared out of her own food and the reason for the prohibition was that it was done without her knowledge?' 'The 'erub', the other replied: 'was prepared out of her mother-in-law's food and the reason for the prohibition was that she did not transfer possession to her'.³³

R. Nahman stated: We have a tradition that both in the case of 'erubs of Sabbath limits and in that of³⁴ shittuf of alleys possession must be transferred.³⁵ R. Nahman, however, enquired: Is it necessary or not to confer possession in the case of an 'erub of dishes?³⁶ — 'Why', remarked R. Joseph, 'did he ask this question? Did he not hear the ruling laid down by R. Nahman b. K. Adda in the name of Samuel that an 'erub of dishes must be conferred [upon those who are to benefit from it]?' — 'It is obvious', Abaye retorted: 'that he did not hear it; for had he heard it what was the point of his asking?' — 'Did not Samuel rule', the first replied: 'that in the case of 'erubs of Sabbath limits possession need not be conferred and he nevertheless ruled that possession must be conferred?'³⁷ — 'What a comparison!³⁸ His ruling may well be justified there,³⁹ since Rab and Samuel are at variance on the point and he desired to inform us that we must adopt the restrictions of the one Master as well as those of the other Master, but in this case,⁴⁰ seeing that no one disputes Samuel's ruling⁴¹ would he, if he had heard it, have asked his question?'⁴²

A certain superintendent⁴³ of the town armory lived in the neighbourhood of R. Zera, and when [the Israelite residents] asked him to let his share⁴⁴ to them he refused.⁴⁵ They, thereupon, came to R. Zera and asked him whether it would be permissible to rent it from his⁴⁶ wife. 'Thus', he replied:

‘said Resh Lakish In the name of a great man (and who is it? — R. Hanina): A wife may prepare all ‘erub without her husband's knowledge’.

A certain superintendent⁴³ of the town armory lived in the neighbourhood of R. Judah b. Oshaia. ‘Will you’, the Israelite residents asked him, ‘let your share to us?’ He refused. They proceeded to R. Judah b. Oshaia and asked him whether it was permissible to rent it from his⁴⁶ wife, but he was unable to supply the information.⁴⁷ They then proceeded to R. Mattena who also was unable to supply it.⁴⁷ When they finally came to Rab Judah he told them), ‘Thus said Samuel: A wife may prepare an ‘erub without her husband's knowledge’.

An objection was raised: If women prepared an ‘erub or arranged shittuf without their husbands’ knowledge there is no validity either in their ‘erub⁴⁸ or in their shittuf?⁴⁹ — This is no difficulty, since one⁵⁰ deals with a person who imposes restrictions, while the other⁵¹ deals with one who does not impose restrictions.⁵² This explanation⁵³ may also be supported by a process of reasoning, since a contradiction would otherwise arise between two rulings of Samuel.⁵⁴ For Samuel ruled: ‘If one of the residents of an alley, who usually joins the other residents in shittuf refused to join then, the residents may⁵⁵ enter his house and collect his contribution to the shittuf by force’, [from which⁵⁶ it follows that this⁵⁷ applies only to] one who usually [joins his neighbours in the shittuf]⁵⁸ but not to one who did not.⁵⁹ This is conclusive.

May it be suggested that the following provides support to his view.⁶⁰ A resident may be compelled to provide a side-post and a cross-beam for an alley?

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- (1) If they had not worshipped the tree as an Asherah they would not have abstained from eating of its fruit.
 - (2) Though they eat its fruit.
 - (3) A Persian house of worship, cf. A.Z., Sonc. ed., p. 239, n. 8.
 - (4) Though the tree itself is not worshipped it is regarded as all Asherah by implication since its produce is devoted to idolatry.
 - (5) Cur. edd. insert in parenthesis ‘Amemar said’.
 - (6) Against Rab Judah who laid down supra that the jar must be raised a handbreadth from the ground.
 - (7) That of the man who prepares the Shittuf.
 - (8) In the manner prescribed supra (v. our Mishnah and notes).
 - (9) So that they may all have a share in it.
 - (10) That their joint stock is to be used for shittuf. Since the ‘erub of a man who ‘is particular about his share in a joint ‘erub’ is invalid (supra 49a), all the residents must have an opportunity of expressing consent or disapproval. Unless they had such all opportunity the shittuf is invalid since it is possible that they would object to allow each other the full benefit of their respective shares.
 - (11) A qualified person (cf. our Mishnah).
 - (12) Emphasis on this word.
 - (13) Cf. supra p. 555, n. 6 mut. mut. How then is this to be reconciled with Rab Judah's ruling that the jar must be raised a full handbreadth from the ground?
 - (14) That transfer of possession is required in shittuf but not in all ‘erub of Sabbath limits.
 - (15) Lit., ‘here’, in our Mishnah where it is laid down that in the case of shittuf HE MUST CONFER POSSESSION.
 - (16) Where the law of ‘erub of Sabbath limits is enunciated (cf. infra 82a) no mention is made of transfer of possession.
 - (17) Which appears to be contrary to the rulings in the Mishnah.
 - (18) One of whom differs from the view in the Mishnah, and Rab follows his view.
 - (19) On the Sabbath eve.
 - (20) That was without the Sabbath limit of the town.
 - (21) Of Sabbath limits to enable her to return to town. (So Rashi. For a different interpretation v. Tosaf. a.l.)
 - (22) Cf. prev. n.
 - (23) R. Hiyya hailed from Babylon (cf. Suk. 20a).
 - (24) Lit., ‘make easy’.

- (25) By R. Hiyya.
- (26) The mother-in-law.
- (27) Her daughter-in-law.
- (28) Thus it has been shown that the question of the necessity for the transfer of possession in the case of an 'erub of Sabbath limits is one in dispute between the Tanna R. Hiyya and R. Ishmael. Rab, by adopting the view of the former, may, therefore, maintain it though it is contrary to a Mishnah. As to his view on shittuf which is contrary to our Mishnah the explanation might be that Rab is regarded as a Tanna who may well differ from a Mishnah. V. Tosaf. a.l. for another interpretation.
- (29) His father was unworthy to be named (Rashi).
- (30) Lit., 'there'. The request was made in Babylon.
- (31) Lit., 'make a circuit and go'.
- (32) About the 'erub for R. Oshaia's daughter-in-law.
- (33) In agreement with Rab's view.
- (34) Cur. edd. insert erubs of courtyards'. The phrase is omitted with MS.M. and Bah.
- (35) To those who are to benefit from it.
- (36) Tabshilin, lit., 'cooked foodstuffs'. Such an 'erub is prepared when a festival occurs on a Friday to enable those in whose favour it is prepared to cook, light candles and perform all other necessary services for the Sabbath on the festival day. In the absence of such an 'erub no kind of preparatory work for the Sabbath is allowed on a festival day.
- (37) Which shows that in the case of 'erubs of Sabbath limits he heard of Samuel's view but disregarded it. Is it not then possible that he did hear his view on that of 'erubs of dishes also but did not accept it?
- (38) Lit., 'thus, now'.
- (39) 'Erubs of Sabbath limits.
- (40) That of 'erubs of dishes.
- (41) Lit., 'is there one who differs?'
- (42) Obviously not. Hence Abaye's conviction that he could not have heard it.
- (43) Who was a heathen.
- (44) To enable them to arrange Shittuf for their alley.
- (45) Lit., 'they said to him: Let your domain to us. He did not let to them'.
- (46) The heathen's.
- (47) Lit., 'it was not in his hand'.
- (48) Lit., 'their 'erub is no 'erub' etc.
- (49) A contradiction to the ruling just cited by Rab Judah.
- (50) The ruling that 'a wife may prepare an 'erub without her husband's knowledge'.
- (51) That in the Baraitha.
- (52) One, for instance, whose courtyard was situated between the alley under discussion and another alley and who was in the habit of using the latter and not the former. In such circumstances no restrictions are imposed on the alley in question.
- (53) That Samuel agrees that a wife may not prepare an 'erub where her husband imposes no restrictions.
- (54) Lit., 'for if so, a difficulty of Samuel (arises) on that of Samuel'.
- (55) enable them to arrange a shittuf for their alley.
- (56) Since the qualification 'who usually joins' was added.
- (57) That shittuf may be arranged without a resident's knowledge or consent.
- (58) Sc. one who imposed restrictions upon them.
- (59) If, therefore, a distinction is drawn between a resident who imposes restrictions and one who does not, this ruling of Samuel may well be reconciled with the one cited in his name by Rab Judah. If, however, no such distinction is drawn and no emphasis is laid on 'usually joins', a contradiction would arise between the two rulings of Samuel himself.
- (60) That coercion may be used in the matter of shittuf.

Talmud - Mas. Eirubin 80b

— The case may be different there where no partitions are in existence.¹

Another reading: From the side is different.²

It was stated: R. Hiyya b. Ashi ruled: A side-post may be made from an Asherah, but R. Simeon b. Lakish ruled: A crossbeam may be made from an Asherah. He who permitted a crossbeam³ would, with much more reason, permit a side-post;⁴ but he who permitted a side-post⁴ would not permit a cross-beam, since its prescribed size⁵ is virtually⁶ crushed to dust.⁷ MISHNAH. IF THE FOOD WAS REDUCED⁸ [ONE OF THE RESIDENTS] MUST ADD TO IT⁹ AND AGAIN CONFER POSSESSION [UPON THE OTHERS] BUT¹⁰ THERE IS NO NEED TO INFORM THEM. IF THE NUMBER OF RESIDENTS HAS INCREASED,¹¹ HE MUST ADD FOOD⁹ AND CONFER POSSESSION [UPON THEM],¹² AND¹³ THEY MUST BE INFORMED OF THE FACTS.¹⁴ WHAT IS THE QUANTITY¹⁵ REQUIRED?¹⁶ WHEN THE RESIDENTS ARE MANY¹⁷ THERE SHOULD BE FOOD SUFFICIENT FOR TWO MEALS FOR ALL OF THEM¹⁸ AND WHEN THEY ARE FEW¹⁷ THERE SHOULD BE FOOD OF THE SIZE OF A DRIED FIG FOR EACH ONE. R. JOSE RULED: THIS¹⁹ APPLIES ONLY TO THE BEGINNINGS OF THE 'ERUB²⁰ BUT IN THE CASE OF THE REMNANTS OF ONE²¹ EVEN THE SMALLEST QUANTITY OF FOOD IS SUFFICIENT,²² THE SOLE REASON FOR THE INJUNCTION TO PROVIDE 'ERUBS FOR COURTYARDS²³ BEING THAT [THE LAW OF 'ERUB] SHALL NOT BE FORGOTTEN BY THE CHILDREN.²⁴

GEMARA. What are we dealing with?²⁵ If it be suggested: With the same kind,²⁶ what point was there in speaking of an 'erub that WAS REDUCED seeing that the same law²⁷ applies even if nothing of it remained? If the reference, however, is to two kinds,²⁸ the same law²⁹ should apply,³⁰ should it not, even if the food had only been reduced, since it was taught: If nothing of the food³¹ remained³² there is no need to inform the residents if the new 'erub is prepared of the same kind,³³ but if it is of a different kind³⁴ it is necessary to inform them?³⁵ If you prefer I might reply: The reference³⁶ is to an addition of the same kind, and if you prefer I might reply: Of a different kind.³⁴ 'If you prefer I might reply: The reference is to an addition of the same kind', and as to WAS REDUCED it means³⁷ it was reduced to atoms.³⁸ 'And if you prefer I might reply: Of a different kind'³⁹ since the case⁴⁰ where 'nothing of the food remained' is⁴¹ different [from that where the food was only reduced].⁴²

IF THE NUMBER OF RESIDENTS HAS INCREASED, HE MUST ADD FOOD AND CONFER POSSESSION [UPON THEM] etc. Said R. Shezbi in the name of R. Hisda: This⁴³ implies that R. Judah's colleagues⁴⁴ differ from him,⁴⁵ for we learned: R. Judah ruled: This⁴⁶ applies only to 'erubs of Sabbath limits⁴⁷ but in the case of 'erubs of courtyards one may be prepared for a person whether he is aware of it or not.⁴⁸ Is it not quite obvious that they differ?⁴⁹ — It might have been presumed that [our Mishnah]⁵⁰ refers to the case of a courtyard between two alleys⁵¹ but not to that of a courtyard in one alley;⁵² hence we were informed⁵³ [that it refers to the latter case also].

WHAT IS THE QUANTITY REQUIRED? etc. What number of residents is regarded as MANY? — Rab Judah citing Samuel replied: Eighteen men. Only 'eighteen' and no more?⁵⁴ — Say: From eighteen and upwards. But why was just the number eighteen selected? R. Isaac son of Rab Judah replied: It was explained to me by my father that wherever the food for two meals, if divided between them,⁵⁵ would not suffice to provide⁵⁶ for each as much as the size of a dried fig,⁵⁷ the residents are regarded as⁵⁸ MANY and a quantity of food [for two meals only suffices,⁵⁹ otherwise⁶⁰ they are regarded as FEW;⁶¹ and that we were indirectly informed⁶² that food for two meals consists of a quantity that is equal to the size of eighteen dried figs. MISHNAH. WITH ALL KINDS [OF FOOD] MAY 'ERUB OR SHITTUF BE EFFECTED EXCEPT WITH WATER OR SALT; SO R. ELIEZER. R. JOSHUA RULED: A WHOLE LOAF OF BREAD IS A VALID 'ERUB. EVEN A BAKING OF ONE SE'AH, IF IT IS A BROKEN LOAF, MAY NOT BE USED FOR 'ERUB WHILE A LOAF OF THE SIZE OF AN ISSAR, PROVIDED IT IS WHOLE,⁶³ MAY BE USED FOR 'ERUB.

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- (1) In the absence of side-post or cross-beam the alley remains exposed to the public domain and all movement of objects within it is strictly forbidden. In order to liberate the residents from such serious inconvenience it may well have been ordered that they may coerce any recalcitrant neighbour. In the case of shittuf, however, the purpose of which is merely to provide the residents with the added convenience of carrying objects into the alley from their houses and courtyards, it may well be maintained that no one may be coerced to join if he refuses to do so. MS.M. and R. Tam. read: 'where there are partitions'. For the interpretation v. Tosaf. a.l.
- (2) This is meaningless and is deleted by Bah. It is also wanting in MS.M. and several of the old ed. Some emendations have been suggested. Cf. Elijah Wilna glosses and Golds.
- (3) Though its size must conform to a prescribed minimum.
- (4) The size of whose width and thickness has not been prescribed.
- (5) It must be a handbreadth wide and strong enough to carry the weight of an ariah or half a brick.
- (6) As all object of idolatry that must be buried (cf. Deut. XII, 3).
- (7) Being legally non-existent it cannot be used as a cross-beam.
- (8) To less than the minimum prescribed infra.
- (9) To bring it up to the required quantity.
- (10) Since they once expressed their consent when they first joined in the 'erub.
- (11) Lit., 'they were added to them'.
- (12) If all the food was his.
- (13) If the food belonged to all the residents where, for instance, they had a joint stock.
- (14) So that they may have an opportunity of expressing approval or dissent.
- (15) Of food.
- (16) For the 'erub. Cur. edd. read 'their quantity'; MS.M. 'its quantity'.
- (17) This is defined in the Gemara infra.
- (18) It is not necessary for each one to have more than a fraction of the food.
- (19) The prescribed minima.
- (20) I.e., when it is first prepared.
- (21) Sc. if the 'erub consisted originally of the prescribed quantity but was subsequently reduced.
- (22) Contrary to the opinion of the first Tanna, R. Jose holds that the main institution of 'erub is that of Sabbath limits.
- (23) After Shittuf had been arranged.
- (24) The rising generation. As this is the sole reason of its institution its regulations are in every way to be relaxed.
- (25) In the ruling that IF THE FOOD . . . WAS REDUCED . . . THERE IS NO NEED TO INFORM THEM, from which it follows that if nothing of the food remained the residents must be informed if a new 'erub is prepared on their behalf.
- (26) Sc. that the addition to the 'erub is made from the same kind of food as that of the original.
- (27) THERE IS NO NEED TO INFORM THEM.
- (28) Sc. that the addition is made from a food that is different from the original.
- (29) The implication (cf. supra p. 561, n. 18) that 'the residents must be informed'.
- (30) Cur. edd., 'not' is wanting from MS.M.
- (31) Of: an 'erub.
- (32) And the same, it is now presumed, applies also where the food had only been reduced.
- (33) As the original.
- (34) Lit., 'from two kinds'.
- (35) That the addition is made from a food that is different from the original.
- (36) In our Mishnah.
- (37) Lit., 'what'.
- (38) נתמעט is understood as נתמטמט
- (39) Hence the ruling in our Mishnah and its implication (cf. supra p. 561, n. 18).
- (40) Dealt with in the Baraita from which the objection was raised.
- (41) Contrary to what had previously been assumed (cf. supra n. 7).
- (42) While in the former case, if two kinds of food are involved, the residents, as laid down in the Baraita, must be informed, in the latter case they, as stated in our Mishnah, need not be informed.

- (43) The ruling, AND THEY MUST BE INFORMED.
- (44) The authors of our Mishnah.
- (45) R. Judah who holds that there is no need to inform the residents.
- (46) That no 'erub may be prepared for a person except with his consent.
- (47) Since the 'erub might be deposited in a direction away from that towards which the man for whom it is prepared desired to go, it is quite proper that his desire be ascertained before a step is taken that might be disadvantageous to him.
- (48) I.e., even without his consent. This it has been shown that R. Judah and the authors of our Mishnah differ.
- (49) What need then was there for R. Shezbi to point it out?
- (50) In ruling, AND THEY MUST BE INFORMED.
- (51) Unless the person is informed with which alley the 'erub is being prepared for him it cannot be known whether he prefers to join with that alley or with the other. Hence the justification of the ruling.
- (52) In which case, since the person has no alternative, it might have been presumed that the Rabbis of our Mishnah agree with R. Judah that the person need not be informed.
- (53) By R. Shezbi's statement.
- (54) But if the eighteen are 'many' should not a number greater than eighteen be so described?
- (55) The residents.
- (56) Lit., 'reach'.
- (57) Sc. if the number of the residents is eighteen or more. The food for two meals is equal in size to that of eighteen dried figs and when it is actually broken up into eighteen portions each is naturally slightly less than the size of a fig.
- (58) Lit., 'they, (even) they'.
- (59) For all of them, however great their number might be.
- (60) Lit., 'and if not', sc. if the number of the residents was not as much as eighteen.
- (61) And it is sufficient if each one contributes food of a size of a dried fig, though the total of the contributions this amounts to less than two meals.
- (62) By Rab Judah who gave the number eighteen instead of the fuller explanation.
- (63) And there are as many loaves of this size as would suffice to supply bread of the size of a dried fig for each of the residents.

Talmud - Mas. Eirubin 81a

GEMARA. Have we not once learnt: With all kinds [of food] may 'erub and shittuf be effected, except water and salt?¹ Rabbah replied: [Our Mishnah was intended] to exclude the view of R. Joshua, who ruled that only a LOAF OF BREAD IS admissible² but no other foodstuff; hence we were informed³ [that 'erub and shittuf may be effected] WITH ALL [KINDS OF FOOD].⁴

Abaye raised an objection against him: With all [kinds of bread]⁵ may an 'erub of courtyards be prepared and with all [kinds of food]⁶ may a shittuf of 'alleys be effected, the ruling that an 'erub must be prepared with bread being applicable to that⁷ of a courtyard alone. Now who is it that was heard to rule that only bread is admissible⁸ but no other foodstuff? R. Joshua, of course; and yet was it not stated: 'With all'?⁹ Rather, said Rabbah b. Bar Hana the purpose of our Mishnah is to exclude the view of R. Joshua who ruled that only a WHOLE LOAF is admissible¹⁰ but not A BROKEN PIECE, hence we were informed [that an 'erub may be prepared] WITH ALL [KINDS OF FOOD].¹¹ But why¹² should not a slice of a loaf be admissible? — R. Jose b. Saul citing Rabbi replied: On account of possible ill-feeling.¹³ Said R. Aha son of Raba to R. Ashi: What then is the law, where all the residents contributed slices [of bread to their 'erub]? — He replied: There may be a recurrence of the trouble.¹⁴

R. Johanan¹⁵ b. Saul said: If no more than¹⁶ the prescribed quantity of the dough-offering¹⁷ or the portion to be removed from a mixture of terumah and unconsecrated produce¹⁸ was broken off a loaf,¹⁹ an 'erub may be prepared with it.²⁰ But was it not taught: If no more than the portion to be removed from a mixture of terumah and unconsecrated produce was broken off a loaf, all 'erub may be prepared with it,²⁰ but if the prescribed quantity of dough-offering had been removed from it no

‘erub may be prepared with it? — This is no contradiction, since the former relates to the dough-offering of a baker²¹ while the latter deals with the dough-offering of a private householder.²² For we learned: The prescribed measure for the dough-offering is one twenty-fourth of the dough; and whether one prepares it for himself or for his son's wedding-feast it must always be one twenty-fourth part. If a baker prepares it for sale in the market and so also if a woman prepares it for sale in the market it need only be one forty-eighth.²³

R. Hisda ruled: If parts of a loaf were joined together by means of a splinter, an ‘erub may be prepared with it.²⁴ Was it not, however, taught that no ‘erub may be prepared with it? — This is no contradiction since the latter refers to one whose joints are recognizable while the former deals with one whose joints are unnoticeable.

R. Zera citing Samuel ruled: An ‘erub may be prepared with rice bread or with millet bread. Mar Ukba observed: The Master Samuel explained to me that an ‘erub may be prepared with rice bread but not with millet bread.

R. Hiyya b. Abin citing Rab ruled: An ‘erub may be prepared with bread of lentils. But this, surely, cannot [be correct]?²⁵ For was not some bread of this kind prepared in the time of²⁶ Samuel²⁷ and he did not eat it but threw it to his dog? — That bread was prepared from a mixture of several²⁸ kinds,²⁹ for so³⁰ it is also written: Take thou also unto thee wheat, and barley, and beans, and lentils, and millet, and spelt etc.³¹ R. Papa replied: That bread was baked with human dung, for it is written: And thou shalt bake it with dung that cometh out of man, in their sight.³²

What [is the significance of ‘barley’ in the clause] And thou shalt eat it as barley cakes?³² — R. Hisda explained: In rations.³³ R. Papa explained: Its preparation³⁴ shall be in the manner of barley bread and not in that of wheat bread.³⁵ MISHNAH. A MAN MAY GIVE A MA'AH TO A SHOPKEEPER³⁶ OR A BAKER³⁷ THAT HE MIGHT THEREBY ACQUIRE A SHARE IN THE ‘ERUB;³⁸ SO R. ELIEZER. THE SAGES, HOWEVER, RULED: HIS MONEY ACQUIRES NO SHARE FOR HIM³⁹

(1) Mishnah supra 26b. Why then was the same statement repeated?

(2) As ‘erub. Lit., ‘yes’.

(3) By the repetition in our Mishnah.

(4) Even with wine or fruit, for instance. This could not have been deduced from the earlier Mishnah which deals with ‘erubs of Sabbath limits, where R. Joshua agrees that bread is not an essential, since his reason *infra* for his ruling on ‘erubs of courtyards is inapplicable to ‘erubs of Sabbath limits. For another reading and interpretation *v. Rashi a.l.*

(5) Cf. the interpretation *infra*.

(6) Even with fruit or wine.

(7) Lit., ‘and they did not say to make an ‘erub with bread but’.

(8) As ‘erub. Lit., ‘yes’.

(9) Which shows that the expression ‘with all’ might imply all kinds of bread and not necessarily all kinds of foodstuffs. Now since our Mishnah might be interpreted so as to yield the same rulings as this Baraitha, what proof is there that WITH ALL bears the latter meaning and the ruling is contrary to the view of R. Joshua seeing that it might equally bear the former meaning and be in agreement with R. Joshua?

(10) As ‘erub. Lit., ‘yes’.

(11) Even with a slice of a loaf.

(12) According to R. Joshua.

(13) Were one neighbour to be allowed to contribute a slice of bread while another contributed a whole loaf disputes might arise and ill-feeling would be engendered.

(14) Were slices to be allowed in such a case people might begin to contribute slices even where their neighbours contributed whole loaves and again ill-feeling would arise. Never, therefore, must a slice be contributed to an ‘erub.

(15) *var. lec. Jonathan (MS.M. and Asheri).*

- (16) Cf. Tosaf. a.l.
- (17) Hallah, v. Glos.
- (18) One hundredth part of the mixture.
- (19) Which, in the former case, was made of a dough from which the dough-offering had not been taken or which, in the latter case, consisted of a mixture of terumah and unconsecrated flour. Lit., 'taken from it'.
- (20) The broken loaf. The loss of a portion that (a) is comparatively small and (b) renders the entire loaf fit for use would create no resentment among the neighbours and no ill-feeling need be feared.
- (21) Which is small, and no one would mind such a small loss.
- (22) Which is much larger.
- (23) Hal. II, 7.
- (24) Since it has the appearance of a whole loaf.
- (25) Lit., 'I am not (of this opinion)'.
- (26) Lit., 'surely that it was in the years of'.
- (27) [As an experiment in connection with the study of the Divine order to Ezekiel IV, 9ff (v. Tosaf. a.l.).]
- (28) Lit., other',
- (29) Hence it could not be regarded as proper bread.
- (30) That such a mixture of different kinds cannot be regarded as proper bread.
- (31) Ezek. IV, 9, dealing with a time of siege and famine when people eat anything they can get. In normal times no one would look upon such bread (cf. Tosaf a.l. Rashi has a different interpretation).
- (32) Ezek. IV, 12.
- (33) שְׂעוּרִים (se'orim) 'barley' is read as שִׁיעוּרִים (shi'urim) 'fixed quantities', 'rations'; Ezekiel is asked to ration his food as is done during a siege,
- (34) Cf. MS.M., R. Han., Rashi and Emden.
- (35) Greater care is taken in the preparation of the latter which is more expensive and more nourishing.
- (36) I.e., a wine-seller, who lives with him in the same alley.
- (37) In the same courtyard.
- (38) When the other residents would come to buy wine for shittuf or bread for the 'erub of their courtyard.
- (39) Acquisition of an 'erub, like that of any other object, can be effected only by means of a definite act such, for instance, as meshikah, v. Glos. Even if the shopkeeper or baker subsequently conferred possession upon all the residents as a free gift this man does not acquire his share in it, since transfer of possession in the case of 'erub requires the consent of the beneficiary who, in this case, distinctly expressed his desire to acquire it as a purchase and not as a gift (cf. Tosaf. a.l.).

Talmud - Mas. Eirubin 81b

(THOUGH THEY AGREE THAT IN THE CASE OF ALL OTHER MEN¹ HIS MONEY MAY ACQUIRE ONE) SINCE AN 'ERUB MAY BE PREPARED ONLY WITH ONE'S CONSENT.² R. JUDAH RULED: THIS³ APPLIES ONLY TO 'ERUBS OF SABBATH LIMITS⁴ BUT IN THE CASE OF 'ERUBS OF COURTYARDS⁵ ONE MAY BE PREPARED FOR A PERSON IRRESPECTIVE OF WHETHER HE IS AWARE OF IT OR NOT,⁶ SINCE A BENEFIT MAY BE CONFERRED ON A MAN IN HIS ABSENCE BUT NO DISABILITY MAY BE IMPOSED ON HIM IN HIS ABSENCE.

GEMARA. What is R. Eliezer's reason?⁷ seeing that the man performed no meshikah? — R. Nahman citing Rabbah b. Abbuha replied: R. Eliezer⁸ treated this case as that of the 'four seasons of the year'.⁹ For we learned: In the following four seasons¹⁰ a butcher is made to slaughter¹¹ [a beast] of his own. Even though his ox was worth a thousand denars and the buyer¹² had in it a share that was worth only one denar the butcher may be compelled to slaughter. Hence if it died¹³ the buyer must bear the loss.¹⁴ 'The buyer must bear the loss!' But why, seeing that he performed no meshikah? — R. Huna¹⁵ replied: This is a case where he did perform meshikah. If so, read the final clause: During the other days of the year the law is not so.¹⁶ Hence if it died,¹³ the seller must bear the loss.¹⁷ But why, seeing that the buyer had performed meshikah? — R. Samuel b. Isaac¹⁸ replied:

The fact is that we are here dealing with a case where the buyer performed no meshikah but the seller transferred possession¹⁹ to him through a third party.²⁰ Hence it is that in these four seasons when it is beneficial to him²¹ the acquisition is valid since a benefit may be conferred on a man in his absence, but during the other days of the year when it is to his disadvantage²² the acquisition is ineffective, since a disability may be imposed on a man only in his presence; and R. Ela citing R. Johanan²³ replied: In the case of these four seasons the Sages have based their rule on the law of the Torah;²⁴ for R. Johanan said: According to the words of the Torah, money acquires possession for the buyer; and the Sages ruled that it is²⁵ meshikah that gives him possession as a precautionary measure against the possibility that²⁶ the seller might tell the buyer,²⁷ 'Your wheat was burnt in the loft'.²⁸ **THOUGH THEY AGREE THAT IN THE CASE OF ALL OTHER MEN** etc. Who is meant by **ALL OTHER**? — Rab replied: A householder.²⁹ Samuel also replied: A householder. For Samuel stated: This³⁰ was learnt only in respect of a baker but a householder²⁹ does acquire possession. Samuel further stated: This³⁰ was learnt only in respect of a ma'ah but all object³¹ acquires possession. Samuel further stated: This³² was learnt only in the case where the resident said to him, 'Acquire for me',³³ but where he said 'Prepare an 'erub for me'³⁴ he has thereby appointed him as his agent and³⁵ he acquires, therefore, [his share].³⁶

R. JUDAH RULED: THIS APPLIES ONLY etc. Rab Judah citing Samuel stated: The halachah is in agreement with R. Judah and, furthermore, wherever R. Judah taught a law concerning 'erubs the halachah is in agreement with him. Said R. Hana of Bagdad to R. Judah: Did Samuel say this³⁷ even in respect of all alley whose cross-beam³⁸ or side-post³⁸ has been removed?³⁹ 'Concerning 'erubs',⁴⁰ the other replied, did I tell you; but not concerning partitions.⁴¹ [Since,] said R. Aha son of Raba to R. Ashi, [it has been said,] 'The halachah [is in agreement with R. Judah]' it must be implied that [the Rabbis] are at variance on the point,⁴² but did not R. Joshua b. Levi in fact lay down that whenever R. Judah stated in⁴³ a Mishnah, "When'⁴⁴ or 'This applies',⁴⁵ his intention⁴⁶ was only to introduce an explanation of the words of the Sages?⁴⁷ — But do they⁴⁸ not differ? Have we not in fact learnt: 'If the number of residents his increased he must add food and confer possession upon them, and they must be informed of the fact'?⁴⁹ — There it is a case of a courtyard between two alleys.⁵⁰ But did not R. Shezbi state in the name of R. Hisda: 'This implies that R. Judah's colleagues differ from him'?⁵¹ — The other replied:⁵²

(1) This is explained in the Gemara infra.

(2) Cf. supra n. 4, second clause.

(3) That AN 'ERUB MAY BE PREPARED ONLY WITH ONES CONSENT.

(4) Which may in certain conditions prove disadvantageous to the man for whom it is prepared. If he, for instance, desired to walk a distance of two thousand cubits in an easterly direction from this town and the 'erub was deposited on its western side, though he is thereby enabled to walk a longer distance in the latter direction, he IS deprived of his right to the two thousand cubits in the easterly direction.

(5) Since these are always advantageous to the tenants.

(6) Sc. even without his consent.

(7) For his ruling in our Mishnah that the man who gave the ma'ah acquires his share in the 'erub.

(8) By ruling that possession may be acquired by means of money alone.

(9) Where a similar relaxation of the laws of acquisition was allowed.

(10) Enumerated in Hul. 83a.

(11) To provide meat.

(12) Who paid the butcher on the eve of the day in question (cf. prev. n.) one denar.

(13) Before it was ritually slain.

(14) Lit., 'it died for the buyer', sc. he cannot claim the refund of his denar.

(15) MS.M., 'Rab'.

(16) I.e., the butcher cannot be compelled to slay his beast in order to keep his contract with the buyer. He may instead return to him his denar.

(17) Sc. he must refund the denar to the buyer.

- (18) MS. M., inserts 'R'.
- (19) Of a part of the ox to the value of a denar.
- (20) Whom the buyer did not appoint for the purpose.
- (21) The buyer in the seasons mentioned, owing to the great demand for meat, is anxious to secure his supply.
- (22) The demand for meat is not great and it is more advantageous for him to have his ready denar.
- (23) Var. lec. Judah (Rashal).
- (24) The Pentateuch.
- (25) Lit., 'and wherefore did they say'.
- (26) Were the sold goods, though still on the premises of the seller, to pass into legal possession of the buyer as soon as he paid the money.
- (27) Should a fire, for instance, break out where the goods were kept.
- (28) Sc. he would not take the trouble to save them from the fire or from any other accident. Hence the Rabbinic rule that it is meshikah that effects the transfer of possession. V. B.M. 47b. This it has been shown that in certain circumstances and for certain reasons the Sages adopted in practice the Pentateuchal law that money alone effects transfer of possession. Similarly in the case of 'erub, R. Eliezer's ruling, it may be explained, is clue to similar considerations.
- (29) Though he was given a ma'ah the act (since he himself deals neither in bread nor in wine) is not regarded as an order to purchase a share in the 'erub but as a mere indication to him to act as agent; and an agent may of course acquire possession for the man who appointed him.
- (30) That a ma'ah acquires no possession in all 'erub.
- (31) Given in symbolic acquisition.
- (32) That a shopkeeper or a baker cannot acquire a share in an 'erub for a resident.
- (33) A form of instruction which, when addressed to a trader, is regarded as an order to purchase.
- (34) Sc. in any manner he might think fit.
- (35) Since an agent may be relied upon to carry out his mission in the proper manner (cf. supra 32a).
- (36) In the 'erub.
- (37) That the halachah is in agreement with R. Judah. MS.M. inserts this clause in the text.
- (38) Cur. edd. have the plural.
- (39) On the Sabbath. R. Judah ruled (infra 94a) that the use of the alley remains permitted for that Sabbath.
- (40) Sc. the laws relating to acquisition of an 'erub.
- (41) The principle underlying the permissibility of the use of an alley by means of cross-beam or side-post.
- (42) Had they held the same opinion there would have been no need to state that the halachah was in agreement with R. Judah.
- (43) Lit., 'in our',
- (44) Sc. 'when is this the case?'
- (45) Lit., 'in what', sc. 'in what case does this apply?' 'This applies only'.
- (46) In thus commenting on a ruling of the Rabbis.
- (47) Sanh. 25a; and, since in our Mishnah he uses the expression 'THIS APPLIES ONLY', he is obviously of the same opinion as the Rabbis. What need then was there for Samuel to state that the halachah was in agreement with R. Judah?
- (48) R. Judah and the Rabbis.
- (49) Mishnah supra 80b; while according to R. Judah an 'erub of courtyards (cf. our Mishnah) may be prepared for a person even without his consent!
- (50) Where, unless the person concerned is duly informed of the facts, it cannot be known for certain with which of the two courtyards he desires to be associated in the 'erub.
- (51) Supra 80b.
- (52) Lit., 'he said to him' (so with marg. glos. according to some ed.). Cur. edd., 'but'. The two readings are easily interchangeable in Heb. the former being represented by ש"ס and the latter by ס"ס.

Talmud - Mas. Eirubin 82a

You are pointing out a contradiction between the views of two men!¹ One² may hold the opinion that they differ, while the other³ may maintain that they do not differ.

[To turn to] the main text: 'R. Joshua b. Levi laid down that wherever R. Judah stated in a Mishnah, "When" or "This applies", his intention was only to introduce an explanation of the words of the Sages'. R. Johanan, however, held that 'When' introduces an explanation while 'This applies' indicates disagreement,⁴ But does 'When' introduce an explanation, seeing that we have learnt: 'And these are ineligible [to act as witnesses or judges]: A gambler,⁵ a usurer, a pigeon-trainer⁶ and traders in produce of the Sabbatical year',⁷ and 'R. Judah stated: When is this so? When a person has no occupation other than that,' but if he has any other occupation he is eligible'. And in connection with this it was taught in a Baraita, 'And the Sages ruled: Whether he has no occupation other than that or whether he has another occupation, he is ineligible'?⁸ — That⁹ is a view which R. Judah quoted in the name of R. Tarfon.¹⁰ For it was taught: R. Judah quoting R. Tarfon stated: 'Neither of them¹¹ can possibly be regarded as a nazirite, since naziriteship is valid only when it is definite'.¹² It is thus obvious that when a person is in doubt as to whether he is or is not a nazirite he does not¹³ submit himself to the vow. So also here,¹⁴ since no one knows beforehand whether one would gain or lose, neither¹⁵ fully consents to transfer possession to the other.¹⁶

CHAPTER VIII

MISHNAH. HOW IS SHITTUF ARRANGED IN CONNECTION WITH SABBATH LIMITS?¹⁷ ONE SETS DOWN A JAR¹⁸ AND SAYS, BEHOLD THIS IS FOR ALL THE INHABITANTS OF MY TOWN, FOR ANY ONE WHO MAY DESIRE TO GO TO A HOUSE OF MOURNING OR TO A HOUSE OF FEASTING'.¹⁹ ANY ONE²⁰ WHO ACCEPTED [TO RELY ON THE 'ERUB] WHILE IT WAS YET DAY²¹ IS PERMITTED [TO ENJOY ITS BENEFITS] BUT IF ONE DID IT AFTER DUSK THIS IS FORBIDDEN, SINCE NO 'ERUB MAY BE PREPARED AFTER DUSK.

GEMARA. R. Joseph ruled: All 'erub²² may be prepared only for the purpose of enabling one to perform a religious act.²³ What does he teach us, seeing that we learned: FOR ANY ONE WHO MAY DESIRE TO GO TO A HOUSE OF MOURNING²⁴ OR TO A HOUSE OF FEASTING?²⁴ It might have been assumed that mention was made of that which is usual,²⁵ hence we were informed [of R. Joseph's ruling].

ANYONE WHO ACCEPTED [TO RELY ON THE 'ERUB] WHILE IT WAS YET DAY. May it be inferred from this ruling that no retrospective selection is valid, for if retrospective selection were valid, why should it²⁶ not become known retrospectively that the man was pleased to accept the 'erub when it was yet day? — R. Ashi replied: The cases taught²⁷ are those where one was,²⁸ or was not informed.²⁹

R. Assi said: A child of the age of six may go out³⁰ by the 'erub of his mother.³¹

An objection was raised: A child who is dependent upon his mother goes out by his mother's 'erub but one who is not dependent upon his mother does not go out by her 'erub;³² and³³ we also learned a similar ruling in respect of a sukkah:³⁴ 'A child who is not dependent upon his mother is liable³⁵ to the obligations of sukkah',³⁶ and when the point was raised as to what child may be regarded as independent of his mother it was explained at the school of R. Jannai: Any child who, when attending to his needs, does not require his mother's assistance.³⁷ R. Simeon b. Lakish explained: Any child who, when awaking, does not cry mother. 'Mother!' Is this³⁸ imaginable? Do not bigger children also cry mother? Rather say: Any child who, when he wakes, does not persistently cry mother.³⁹ And what [is the age of such a child]?⁴⁰ About four⁴¹ or five!⁴²

(1) Lit., 'man on man', Samuel against R. Joshua b. Levi.

(2) Samuel.

(3) R. Joshua b. Levi.

(4) Lit., 'to divide', 'dispute'.

- (5) Lit., 'one who plays with dice'.
- (6) Lit., 'pigeon-fliers'.
- (7) Persons who make money out of one or other of these shady or dishonorable pursuits are regarded as virtual robbers who are disqualified from occupying any position of responsibility and trust. For fuller explanation cf. Sanh., Sonc. ed., p. 142f and notes.
- (8) Sanh. 25a. Now assuming that the Sages in the Baraitha last mentioned are the same as those whose view is represented in the first clause of the Mishnah cited, is it not evident that even where he differs from a view expressed R. Judah still used the introductory word 'when'? An objection thus arises against both R. Joshua R. Levi and R. Johanan.
- (9) The ruling in the last mentioned Baraitha.
- (10) Not that of the Rabbis in the Mishnah cited whose view R. Judah in fact explained, and between whom and himself no difference of opinion exists.
- (11) Of two men who had a bet, one of them undertaking to be a nazirite if a certain person who passed by was a nazirite and the other undertaking to be a nazirite if that person was not a nazirite.
- (12) Lit., 'distinctly uttered'. V. Sanh. 25a, Naz. 34a. As neither of the two had any knowledge as to whether the man who passed them was, or was not a nazirite, the vow of neither could be definite and neither, therefore, can be deemed valid.
- (13) According to R. Tarfon.
- (14) The Baraitha in which eligibility to act as witness or judge is denied to a gambler and the other, irrespective of whether they had, or had not any other occupation.
- (15) Of the gamblers or partners in the game or transaction.
- (16) The appropriation of such gain is, therefore, tantamount to robbery which disqualifies the recipient from occupying any position of trust.
- (17) To enable a number of people to walk beyond the prescribed Sabbath limit of two thousand cubits from their town.
- (18) Containing fruit or wine or similar foodstuffs.
- (19) Sc. a wedding feast (v. infra n. 8).
- (20) Of the townspeople.
- (21) Friday, the Sabbath eve.
- (22) Of Sabbath limits.
- (23) No one is otherwise allowed to make use of the institution of 'erub.
- (24) It is a religious duty to comfort the mourners and to assist in the festivities and entertainment of bride and bridegroom.
- (25) But that in fact the 'erub may be prepared even for secular purposes.
- (26) On the Sabbath when a townsman makes use of the 'erub.
- (27) In our Mishnah.
- (28) On the Sabbath eve'
- (29) That an 'erub has been prepared. By ACCEPTED the former case was intended, the 'erub being valid, on the principle of retrospective selection, even though the acceptance was not decided upon before dusk. By AFTER DUSK the latter case was meant, the 'erub being invalid because no retrospective selection is possible where the man was not even aware of the 'erub's existence.
- (30) Beyond the Sabbath limits.
- (31) Even though she did not explicitly confer upon him the right of a share in it. A child of six is deemed to be entirely attached to, and dependent upon his mother and she is, therefore, tacitly assumed to have meant him to enjoy the same privileges of the 'erub as she herself. Cf. Keth., Sonc. ed., p. 397, n. 7.
- (32) Why then did R. Assi draw no such distinction?
- (33) Were you to reply that a child of the age of six is deemed to be 'dependent upon his mother'.
- (34) V. Glos.
- (35) Rabbinically, as a part of his religious training. Pentateuchally he is exempt.
- (36) Suk. 28a.
- (37) Lit., 'does not clear him'.
- (38) That impliedly a child that does cry mother must be regarded as dependent upon her.
- (39) Lit., 'mother, mother'.
- (40) Who may be regarded as independent of his mother.

(41) If well developed.

(42) If less developed. At any rate it follows that a child of the age of five at the latest is deemed to be independent of his mother. How then could R. Assi maintain that a child of six may go out by his mother's 'erub?

Talmud - Mas. Eirubin 82b

— R. Joshua Son of R. Idi replied: What R. Assi spoke of was¹ a case, for instance, where the child's father prepared an 'erub for him in the north² and his mother in the south,² since³ even a child of the age of six prefers his mother's company.

An objection was raised: A child who is dependent upon his mother may go out by his mother's 'erub until he is six years of age. Is not this⁴ an objection against R. Joshua son of R. Idi?⁵ — This is indeed an objection. Must it be admitted that this⁴ also presents all objection against the view of R. Assi?⁶ — R. Assi can answer you: 'Until'⁷ means that 'until'⁸ is included.⁹ Must it be assumed that this⁴ presents a contradiction of the views of R. Jannai and Resh Lakish?¹⁰ This is really no contradiction since the former¹¹ refers to a child whose father is in town¹² while the latter¹³ refers to one whose father is not in town.¹⁴

Our Rabbis taught: A man may prepare all 'erub for his son or daughter, if they are minors, and for his Canaanite bondman or bondwoman, either with, or without their consent.¹⁵ He may not, however, prepare an 'erub for his Hebrew manservant or maidservant, nor for his grownup son or daughter, nor for his wife, except with their consent. Elsewhere it was taught: A man may not prepare an 'erub for his grownup son or daughter, nor¹⁶ for his Hebrew manservant or maidservant, nor for his wife, except with their consent, but he may prepare all 'erub for his Canaanite bondman or bondwoman and for his son or daughter, if they are minors, either with, or without their consent, because their hand is as his hand. If any of these¹⁷ prepared all 'erub¹⁸ and the¹⁹ master also prepared one²⁰ for him²¹ the limits of his¹⁹ movements are determined²² by that of his²³ master. A wife, however, is excluded since she is entitled to object.²⁴ But why should a wife be different?²⁵ Rabbah replied: [The meaning is] a wife and all who enjoy a similar status.

The Master said: 'A wife, however, is excluded since she is entitled to object'. The reason then²⁶ is that she actually objected but if she expressed no opinion her movements are determined²⁷ by the 'erub of her husband; was it not, however, taught in the first clause, 'Except with their consent' which means, does it not, that they must actually say: 'Yes'?²⁸ — No; the meaning of²⁹ 'Except with their consent' is that they kept since, which excludes only the case where they said: 'No.'³⁰ But, surely, the case where 'any of these prepared all 'erub and the master also prepared one for him' where 'the limits of his movements are determined by that of his master' is one where no opinion had been expressed, and was it not nevertheless stated: 'A wife, however, is excluded' so that her movements are not determined by the 'erub of her husband?³¹ — Raba replied: Since they had prepared an 'erub there can be no more significant form of objection.

MISHNAH. WHAT MUST BE ITS³² SIZE? FOOD FOR TWO MEALS FOR EACH, THE QUANTITY BEING THE FOOD ONE EATS ON WEEKDAYS AND NOT ON THE SABBATH; SO R. MEIR. R. JUDAH RULED: AS ON THE SABBATH AND NOT AS ON WEEKDAYS. AND BOTH INTENDED TO GIVE THE MORE LENIENT RULING.³³ R. JOHANAN B. BEROKA RULED:³⁴ NOT LESS THAN A LOAF THAT IS PURCHASED FOR A DUPONDIIUM WHEN THE PRICE OF CHEAT IS FOUR SE'AH FOR A SELA'.³⁵ R. SIMEON RULED:³⁴ TWO THIRDS OF A LOAF, THREE OF WHICH ARE MADE FROM A KAB.³⁶ HALF OF THIS LOAF³⁷ IS THE SIZE PRESCRIBED FOR A LEPROUS HOUSE,³⁸ AND THE HALF OF ITS HALF³⁹ IS THE SIZE THAT RENDERS ONE'S BODY⁴⁰ UNFIT.⁴¹ GEMARA. How much food⁴² is required for TWO MEALS? Rab Judah citing Rab replied: Two peasants'⁴³ loaves. R. Adda b. Ahabah replied: Two Nehar Papa⁴⁴ loaves.

Said R. Joseph to R. Joseph son of Raba:⁴⁵ ‘With whose view⁴⁶ does your father's agree?’⁴⁷ — ‘His view is in agreement with that of R. Meir’. ‘I am also in agreement with the view of R. Meir, for if one were to agree with R. Judah there would arise the difficulty of the popular saying: There is always room for a spicy dish.’⁴⁸

R. JOHANAN B. BEROKA RULED. One taught: Their views⁴⁹ are almost identical.⁵⁰ But are they at all alike, seeing that the view of R. Johanan is that a kab provides four meals whereas that of R. Simeon is that a kab provides nine meals?⁵¹ R. Hisda replied: Deduct⁵² a third⁵³ for the profit of the shopkeeper.⁵⁴ But is not the number of meals⁵⁵ still nine according to the one Master and six according to the other? — Explain rather on the lines of another statement of R. Hisda who said: Deduct a half for the profit of the shopkeeper.⁵⁶ But do not they⁵⁷ still amount⁵⁵ to nine according to the one Master and to eight according to the other?⁵⁸ This indeed is the reason why it was stated,⁵⁹ ‘Their views are almost identical’.⁶⁰ Does not a contradiction, however, arise between the two statements of R. Hisda?⁶¹ — There is really no contradiction since one statement⁶² refers to a place where the buyer⁶³ supplies the wood⁶⁴ while the other refers to one where the buyer does not supply the wood.

HALF OF THIS LOAF IS THE SIZE PRESCRIBED FOR A LEPROUS HOUSE, AND THE HALF OF ITS HALF IS THE SIZE THAT RENDERS ONE'S BODY UNFIT.

(1) Not of a child for whom no ‘erub was specifically prepared. In such a case the child admittedly may not go out.

(2) Of the town.

(3) Sc. the reason why R. Assi ruled that the child ‘may go out by the ‘erub of his mother’ and not by that of his father.

(4) The ruling that a child up to the age of six may go out by his mother's ‘erub even if she did not prepare it especially for his benefit also. The previous explanation, that the ruling applied to a case where both his father and mother prepared ‘erubs on his behalf cannot be given here, since the age limit indicated, viz., ‘until he is six’, obviously includes that of a baby of the tenderest age who is undoubtedly dependent on his mother and who is unquestionably permitted to go out on account of her ‘erub.

(5) Who agreed supra that for a child of the age of five an ‘erub must specifically be prepared.

(6) Who exempts a child of six whereas here a child of the age of six seems to be excluded by the expression ‘until he is six years of age’.

(7) Cf. prev. n. ad fin.

(8) Sc. the age of six also.

(9) In the exemption.

(10) Supra 82a ad fin., according to which a child of the age of four or five is not dependent on his mother and, consequently, should not be allowed to go out by means of her ‘erub, whereas here it is laid down that even a child of six may go out by his mother's ‘erub.

(11) The ruling adopted by R. Jannai and Resh Lakish.

(12) And is looking after the child. In such a case the child is independent of his mother even before he is six years of age.

(13) The Baraita cited which regards a child of six as dependent upon his mother.

(14) So that the child remains entirely dependent on his mother until he is much older.

(15) Bah adds, ‘because their hand is as his hand’.

(16) Cf. Bah.

(17) Lit., ‘and all of them’

(18) Depositing it in a certain direction.

(19) Lit., ‘their’.

(20) In an opposite direction.

(21) Lit., ‘them’.

(22) Lit., ‘they go out’.

(23) Lit., ‘their’.

- (24) Against her husband's choice.
- (25) From some of the others, one's grown-up sons or daughters, for instance, or one's Hebrew menservants or maidservants who are equally entitled to object.
- (26) Why an 'erub for a wife is invalid.
- (27) Lit., 'she goes out'.
- (28) But if they kept silent their movements are not determined by the master's 'erub. Does not thus a contradiction arise between the two clauses of the Baraita?
- (29) Lit., 'what'.
- (30) Only in that case is the master's 'erub disregarded; but if they kept silence their movements are determined, as was implied in the final clause, by the 'erub of the master.
- (31) Lit., 'that they do not go out'.
- (32) The loaf of bread for an 'erub of Sabbath limits.
- (33) Sc. to reduce the prescribed size of the 'erub. R. Meir used to consume at a weekday meal less bread than at a Sabbath meal at which the richness of the Sabbath dishes tempted him to eat more bread. R. Judah, however, ate more bread on weekdays, when courses are few, than on the Sabbath when several satisfying dishes are served and when it is also one's duty to eat no less than three meals.
- (34) In determining the quantity of bread required for TWO MEALS.
- (35) Such a loaf, it is now assumed, weighs half a kab, since four Se'ah are equal to $4 \times 6 \text{ kab} = 24 \times 2 = \text{half-kab}$; and a sela' contains 4 denars = $4 \times 6 \text{ ma'ah} = 4 \times 6 \times 2 = 48 \text{ dupondia}$.
- (36) Of wheat. This is a smaller size than the previous one. In the opinion of R. Simeon two ninths of a lab suffices for two meals. When three loaves are made from a kab of each loaf = $\frac{1}{3} \times \frac{2}{3} = \frac{2}{9} \text{ kab}$.
- (37) That had been prescribed for 'erub by R. Johanan and R. Simeon respectively.
- (38) Cf. Lev. XIV, 33ff. If a person remains in such a house for a length of time sufficient for him to consume the quantity of bread mentioned his clothes become unclean and require ritual washing (cf. Neg. XIII, 9).
- (39) If it is levitically unclean.
- (40) Of a person that ate it.
- (41) To eat terumah before performing ritual immersion. This, however, is only a Rabbinical prohibition (cf. Yoma 80b).
- (42) According to R. MEIR AND K. JUDAH.
- (43) Ikaryatha, 'farmers', 'peasants 'shepherds' or 'cattle-drivers'. MS.M. ibaryatha, 'lamp-lighters'.
- (44) Place name.
- (45) MS.M., 'Rab son of R. Joseph to Raba'.
- (46) That of R. Meir or R. Judah in our Mishnah.
- (47) Sc. since in the case of 'erub the quantity of food required for two meals varies according to the capacity and the appetite of each individual, is one's appetite to be determined by one's weekday meals in agreement with R. Meir, or one's Sabbath meals in agreement with R. Judah?
- (48) Sabbath dishes being richly spiced and seasoned tempt one to eat more bread whereas R. Judah maintains that at a Sabbath meal less bread is eaten than at a weekday meal.
- (49) Those of R. Johanan b. Beroka and R. Simeon.
- (50) Lit., near to be alike'.
- (51) Cf. supra p. 576 nn. 4ff.
- (52) According to R. Johanan.
- (53) Of the half-kab that is bought for a dupondium.
- (54) Though the shopkeeper buys at the rate of four se'ah for a sela', or half a kab for a dupondium (cf. supra p. 576, n. 5), he sells at a higher price, leaving for himself a profit of one third of the purchase price. For each dupondium, therefore, he sells only two thirds of half a kab. Now, since $\frac{2}{3}$ of half a kab, or $\frac{1}{2} \times \frac{2}{3} = \frac{1}{3}$ of a kab, provide two meals, a kab obviously provides not four, but six meals.
- (55) Per kab.
- (56) Cf. supra n. 13 mut. mut.
- (57) The number of meals.
- (58) Since according to R. Johanan the shopkeeper retains a profit of one half of his cost price, he would charge a dupondium not for half a kab (his cost price) but for a quarter of a kab (his selling price at a profit of fifty per cent); and since a quarter of a kab yields two meals a kab obviously yields $4 \times 2 = 8$ meals.

(59) In the Baraita under discussion.

(60) But not exactly identical. Lit., 'near to be alike'.

(61) In one statement he asserts that a shopkeeper makes a profit of one third and in the other he raises it to one half.

(62) The first cited.

(63) Lit., 'householder' as opposed to shopkeeper.

(64) For the baking of the bread. In such a case the profit of the shopkeeper is reduced to a third.

Talmud - Mas. Eirubin 83a

One taught: And half of the half of its half¹ is the size susceptible to levitical uncleanness of food.² But why did not our Tanna mention³ the levitical uncleanness of food? — Because their prescribed sizes⁴ are not in exact proportions.⁵ For it was taught: How much is half a peras?⁶ The size of two⁷ eggs minus a fraction;⁸ so R. Judah. R. Jose ruled: Two large sized⁹ eggs. This was calculated by Rabbi¹⁰ to be the size of two eggs and a slight surplus.¹¹ How much was that surplus? — A twentieth part of an egg.¹² In respect of the levitical uncleanness of food, however, it was taught: R. Nathan and R. Dosa explained that the size of the egg of which the Rabbis have spoken¹³ includes the egg itself and its shell,¹⁴ but the Sages explained: The egg only, exclusive of its shell.¹⁵

Rafram b. Papa citing R. Hisda stated: This¹⁶ is the ruling of R. Judah and R. Jose, but the Sages ruled: The size is one and a half large sized eggs. But who are the Sages? R. Johanan b. Beroka of course;¹⁷ is not this then obvious?¹⁸ — His purpose was¹⁹ to inform us that the eggs must be large sized.

When R. Dimi came²⁰ he related that Bonios once sent to Rabbi a modius²¹ of artichokes that came from Nausa,²² and Rabbi calculated its capacity to be two hundred and Seventeen eggs. What kind of se'ah,²³ however, was it? If it was the desert se'ah²⁴ it should have contained a hundred and forty-four eggs,²⁵ and if it was the Jerusalem se'al²⁶ it should have contained a hundred and seventy-three eggs,²⁷ and if again it was the one of Sepphoris²⁸ It should have contained two hundred and seven eggs.²⁹ It was in fact a Sepphoris measure but the quantity of the dough-offering was added to them.³⁰ But how much is the dough-offering? Nine³¹ eggs;³² would not then the number still be less?³³ — The fact is that the surpluses spoken of by Rabbi³⁴ were added to them.³⁵ If so, would not the number be greater?³⁶ — As it does not amount to the size of a whole egg³⁷ he does not reckon it.

Our Rabbis taught: The Jerusalem se'ah exceeds that of the desert one by a sixth,³⁸ and that of Sepphoris exceeds that of Jerusalem by a sixth.³⁸ Thus it follows that the measure of Sepphoris exceeds that of the desert by a third. A third of which? Would you suggest: A third of the desert measure? Observe then: How much is a third of the desert measure? Forty-eight eggs;³⁹ whereas the surplus amounts to sixty-three!⁴⁰ If again a third of the Jerusalem measure was meant, how much, [it could be retorted,] is a third of it? Fifty-eight minus one third;⁴¹ whereas the surplus is sixty-three! Is then the reference to the measure of Sepphoris? How much, [it may be asked,] is a third of it? Seventy minus one;⁴² whereas the surplus is sixty-three! — Rather, explained R. Jeremiah it is this that was meant: It follows that the se'ah of Sepphoris exceeds that of the desert by nearly a third of itself⁴³ and that a third of itself⁴⁴ is nearly equal to a half of the desert measure.⁴⁵

Rabina demurred: Was any mention at all made of approximation?⁴⁶ — Rather, explained Rabina, it is this that was meant: It follows that a third of the Sepphoris measure together with the surpluses spoken of by Rabbi⁴⁷ exceeds the half of the desert measure⁴⁸ by a third of an egg.⁴⁹ Our Rabbis taught: Of the first of your dough⁵⁰

(1) Of the size of the loaf prescribed in our Mishnah by R. Johanan and R. Simeon respectively.

(2) According to R. Johanan the size is three quarters of an egg. For, since he defined the size of a whole loaf as a

quarter of a lab, or six eggs, the 'half of the half of its half' must be equal to $6/2 \times 2 \times 2 = 3/4$ of an egg. According to R. Simeon, since a whole loaf is equal to $1/3$ of a kab, or $24/3 = 8$ eggs, the 'half of the half of its half' must be equal to $8/2 \times 2 \times 2 = 1$ egg.

(3) In our Mishnah.

(4) That for (a) the defilement of one's body and (b) the defilement of food.

(5) Sc. the size of the latter (cf. prev. n.) is not exactly a half of the former.

(6) Lit., 'a broken piece' Sc. of bread that, if levitically unclean, renders one's body unfit to eat terumah.

(7) Small sized (cf. infra).

(8) In agreement with R. Simeon's standard in our Mishnah.

(9) Lit., 'laughing'.

(10) On examining a Se'ah measure whose capacity is nominally that of six kab or $6 \times 24 = 144$ eggs, but whose actual capacity was greater than that number of eggs.

(11) Lit., 'and more'.

(12) In respect of each egg of capacity.

(13) As being susceptible to levitical uncleanness.

(14) Lit., 'like itself and like etc. This size obviously is not exactly a half of any of the sizes prescribed by (a) R. Judah, (b) R. Jose or (c) Rabbi for the defilement of one's body according to whom it should have been either (a) an egg minus a fraction or (b) a large sized egg and its shell, or (c) in egg and a twentieth.

(15) A size which is smaller even than half of the one prescribed by R. Judah and much more so than those prescribed by the others.

(16) The Baraita prescribing the size of half a peras.

(17) Whose standard for 'erub, as explained Supra by R. Hisda, is that of a loaf of a quarter of a kab or six eggs, the half of the half of which is obviously $6/2 \times 2 = 1 \frac{1}{2}$ eggs.

(18) Apparently it is. What need then was there for R. Hisda to repeat what he had once stated?

(19) Lit., 'he came'.

(20) From Palestine to Babylon.

(21) A Roman measure of the same capacity as a Se'ah,

(22) Or 'copied from the standard measure of Nausa' (Jast. q.v.).

(23) Cf. supra n. 9

(24) Sc. the se'ah measure used by the Israelites in the time of Moses in the wilderness.

(25) A Se'ah equals six kab = $6 \times 4 \log = 6 \times 4 \times 6 = 144$ eggs.

(26) Which exceeds that of the desert by a fifth.

(27) Since $144 + 144/5 = 144 + 28 \frac{4}{5} = 172 \frac{4}{5}$ or 173 eggs approx.

(28) Which exceeded that of Jerusalem by a fifth.

(29) $173 + 173/5 = 173 + 34 \frac{3}{5} = 207 \frac{3}{5}$ or 207 eggs approx.

(30) Lit., 'bring . . . throw upon them', sc. Rabbi's calculations which show a higher figure include also the quantity of the dough-offering that is due from a Se'ah or two hundred and seven eggs of dough.

(31) So with R. Han. as cited by Tosaf. a.l. Cur. edd., 'eight'.

(32) A twenty-fourth part of the dough (cf. supra 81a). $217/24 = 9 \frac{1}{24}$ or 9 approx.

(33) Than two hundred and seventeen (cf. prev. n.).

(34) Not the quantity of the dough-offering.

(35) Sc. Rabbi's surpluses which amount to $1/20$ of an egg for each egg amount to $1/20 \times 207$ or $10 \frac{7}{20}$ eggs for a se'ah of the size of 207 eggs (cf. p. 579, n. 17). $207 + 10 \frac{7}{20} = 217 \frac{7}{20}$ or 217 approx.

(36) Than the number 217, by $7/20$

(37) It amounts only to seven twentieths (Cf. nn. 4 and 5).

(38) Of the latter measure, sc. a fifth of the former.

(39) $144/3 = 48$.

(40) $207/3 = 69$.

(41) $173/3 = 57 \frac{2}{3}$.

(42) $207/3 = 69$.

(43) Since $207 - 144 = 63$ and $207/3 = 69$. 63 is nearly equal to 69.

(44) 69.

(45) $144/2 = 72$. This figure is quite near to 69.

(46) Lit., 'near, near he taught'. How then could it be maintained by R. Jeremiah that 'nearly' a third etc. was meant.

(47) Sc. $(207 + 207 \times 1/20) \times 1/3 = (207 + 10 \frac{7}{20}) \times 1/3 = 217/3$ approx. $= 72 \frac{1}{3}$ approx.

(48) $144/2 = 72$.

(49) Since (cf. prev. two notes) $72 \frac{1}{3} - 72 = 1/3$.

(50) Ye shall set apart a cake for a gift (sc. as a dough-offering); Num. XV, 20.

Talmud - Mas. Eirubin 83b

only if it is of the size of your dough;¹ and what is the size of your dough? That of the dough of the wilderness. And what was the size of the dough of the wilderness? The one which is described: Now an omer is the tenth part of an ephah,² from which it has been deduced³ [that dough made of a quantity of] flour of seven quarters [of a kab]⁴ and a fraction⁵ is liable to the dough-offering. This [quantity] is equal to six Jerusalem kab or five of the Sepphoris kab. From this it has been inferred⁶ that if a person consumes such a quantity of food⁷ he is sound in body and happy in mind.⁸ He who consumes a greater quantity is a glutton and he who consumes less suffers from bad digestion.

MISHNAH. IF THE TENANTS OF A COURTYARD AND THE TENANTS ON ITS GALLERY⁹ FORGOT TO JOIN TOGETHER IN AN 'ERUB,¹⁰ ANY LEVEL¹¹ THAT IS HIGHER THAN TEN HANDBREADTHS BELONGS TO THE GALLERY,¹² AND ANY LOWER LEVEL¹³ BELONGS TO THE COURTYARD.¹⁴ THE BANK AROUND A CISTERN, OR A ROCK, THAT IS TEN HANDBREADTHS HIGH BELONGS TO THE GALLERY¹² BUT IF IT IS LOWER IT BELONGS TO THE COURTYARD.¹⁴ THIS, HOWEVER, APPLIES ONLY TO ONE THAT ADJOINS THE GALLERY, BUT ONE THAT IS REMOVED FROM IT, EVEN IF TEN HANDBREADTHS HIGH, BELONGS TO THE COURTYARD. AND WHAT OBJECT IS REGARDED AS ADJOINING? ONE THAT IS NOT FURTHER THAN FOUR HANDBREADTHS.

GEMARA. It is quite obvious that if an area is easily accessible to two courtyards¹⁵ the law is exactly the same as in the case of a window between two courtyards;¹⁶ that if it¹⁷ is accessible to either courtyard only through thrusting the law is exactly the same as in the case of a wall between two courtyards;¹⁸ that if it¹⁹ is accessible to either only by means of lowering their things the law is identical with that of a trench between two courtyards;²⁰ that if to the one it²¹ is easily accessible²² but to the other it is accessible only by means of thrusting, the law is identical with that which Rabbah son of R. Huna cited in the name of R. Nahman;²⁰ that if it²³ was easily accessible²² to the one while to the other it was accessible only by means of the lowering of objects, the law is identical with the one which R. Shezbi cited in the name of R. Nahman;²⁰ what, however, is the law where it²⁴ is accessible to one by means of lowering and to the other by means of thrusting?²⁵ — Rab ruled: Both²⁶ are forbidden [access], but Samuel ruled: Access to it is granted to the tenants²⁷ that can use it by means of lowering things²⁸ since to them its use is comparatively easy while to others its use is comparatively difficult, and any area the use of which is convenient to one and difficult to another is to be assigned to the one to whom its use is convenient.

We learned: IF THE TENANTS OF A COURTYARD AND THE TENANTS ON ITS GALLERY FORGOT TO JOIN TOGETHER IN AN 'ERUB ANY LEVEL THAT IS HIGHER THAN TEN HANDBREADTHS BELONGS TO THE GALLERY AND ANY LOWER LEVEL BELONGS TO THE COURTYARD. Assuming that by²⁹ GALLERY

(1) Need the dough-offering be set apart.

(2) Ex. XVI, 36.

(3) Since an 'omer is a tenth part of an ephah which (cf. Men. 77a) equals three se'ah, an 'omer = $3/10$ se'ah = $3 \times 6/10$ kab = $3 \times 6 \times 4/10$ log = $36/5 = 7 \frac{1}{5}$ log = (since a log = 6 eggs) $7 \frac{1}{5}$ log and $1 \frac{1}{5}$ of an egg.

- (4) Corresponding to seven log.
- (5) Sc. 1 1/5 of an egg (cf. n. 4).
- (6) Since the quantity mentioned represents the usual size of dough consumed by a person in twenty-four hours (cf. Ex. VI, 16, 18ff).
- (7) In twenty-four hours (cf. prev. n.).
- (8) Lit., 'blessed'.
- (9) Above it. Tenants whose house doors opened into galleries above courtyards had no direct access to the public domain except through the courtyard into which they gained entry by means of a ladder.
- (10) But separate 'erubs were prepared for each group of tenants.
- (11) Such as a mound or a pillar.
- (12) The tenants of the gallery but not those of the courtyard may, therefore, use it.
- (13) Lit., 'less than here'.
- (14) Whose tenants may use it, but not those of the gallery.
- (15) Each of which had a separate 'erub. Lit., '(accessible) to this by a door and to this by a door'.
- (16) Enunciated supra 76a.
- (17) Being on a higher level than the courtyard.
- (18) Supra 76b, 78b.
- (19) Being on a lower level.
- (20) Supra 77a.
- (21) Being on the same level as one courtyard but on a higher level than the other.
- (22) Lit., 'by a door'.
- (23) Being on a level with one courtyard and on a lower level than the other.
- (24) Being lower than the one courtyard and higher than the other.
- (25) Sc. do the tenants of the two courtyards respectively impose restrictions upon each other, because neither can conveniently use that area, or is a distinction drawn between the respective degrees of inconvenience?
- (26) The tenants of the two courtyards.
- (27) Lit., 'to this'.
- (28) Sc. to those who occupy the higher courtyard.
- (29) Lit., 'it went up on your mind: what is'.

Talmud - Mas. Eirubin 84a

was meant the tenants of an upper storey¹ and that the reason why they are described as the GALLERY IS because they ascend to their quarters by way of the gallery, does it not clearly follow³ that any area that is accessible to one⁴ by means of lowering and to the other⁵ by means of throwing up is assigned to the one who uses it by means of lowering? — As R. Huna explains [below that the reference is] to those who dwelt on the gallery so [it may] also here [be explained that the reference is] to those who dwelt on the gallery.⁶ If so,⁷ read the final clause: AND ANY LOWER LEVEL BELONGS TO THE COURTYARD; but why,⁸ Seeing that it is easily accessible to both?⁹ — The meaning of TO THE COURTYARD is to the courtyard also, and both¹⁰ are forbidden access to it. This¹¹ is also borne out by a process of reasoning, since in a subsequent clause It was stated: THIS, HOWEVER, APPLIES ONLY TO ONE THAT ADJOINS THE GALLERY, BUT ONE THAT IS REMOVED FROM IT, EVEN IF TEN HANDBREADTHS HIGH, BELONGS TO THE COURTYARD. For what could be the meaning of the phrase, TO THE COURTYARD? If it be suggested that the meaning is: To the courtyard and that its use is permitted, [it could be objected:]. Why, seeing that it is a domain common to the two of them?¹² Consequently it must be admitted that¹³ TO THE COURTYARD means: To the courtyard also and that both¹² are forbidden access to it, so it should here also be explained that the meaning of the phrase, TO THE COURTYARD is: To the courtyard also and that both¹² are forbidden access to it. This is conclusive.

We have learnt: THE BANK AROUND A CISTERN, OR A ROCK, THAT IS TEN HANDBREADTHS HIGH BELONGS TO THE GALLERY, BUT IF IT IS LOWER IT BELONGS

TO THE COURTYARD!¹⁴ — R. Huna replied: [The meaning¹⁵ is], to those who dwelt on the gallery.¹⁶ This may be a satisfactory explanation in the case of the rock;¹⁷ what, however, can be said as regards¹⁸ A CISTERN?¹⁹ — R. Isaac son of Rab Judah replied: We are here dealing with the case of a cistern that was full of water.²⁰ But is it not²¹ being diminished?²² — Since the use of the cistern is permitted²³ when full it is also permitted when some of the water is wanting. On the contrary! Since Its use would be forbidden when it is not full should it not also be forbidden when full? Rather, explained Abaye, we are here dealing with a cistern that was full of fruit. Might not these also be diminished?²⁴ — [It is a case] where they are tebel.²⁵ A textual deduction leads to the same conclusion: Since it has been put on a par²⁶ with ROCK.²⁷ This is conclusive. But²⁸ why should it be necessary to mention both CISTERN and ROCK?²⁹ — Both are required. For if we had been informed of the law in the case of the ROCK only, the ruling might have been presumed to apply to that alone, since no preventive measure in that case could be called for,³⁰ but that in the case of a cistern a preventive measure³¹ should be enacted, since it might sometimes be full of properly prepared fruit,³² hence both were required.

Come and hear: If the tenants of a courtyard and the tenants of the upper storey forgot to prepare a joint 'erub,³³ the former may use³⁴ the lower ten handbreadths³⁵ and the latter may use the upper ten handbreadths.³⁶ In what circumstances? If a bracket³⁷ projected from the wall at a lower altitude than ten handbreadths it is assigned to the courtyard, but if it was higher than ten handbreadths³⁸ it is assigned to the upper storey. Thus it follows, does it not, that the space intervening³⁹ is forbidden?⁴⁰ — R. Nahman replied: Here we are dealing with the case of a wall nineteen handbreadths high,⁴¹ from which a bracket projected. If [it projected] at a lower altitude than ten handbreadths,⁴² it is easily accessible to the one [group of tenants]⁴³ while to the other [group it is only accessible] by means of lowering their things,⁴⁴ but [if it projected] at a higher altitude [than ten handbreadths]⁴⁵ it is easily accessible to the latter⁴⁶ while to the former [it is accessible only] by means of thrusting.⁴⁷

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- (1) Whose quarters are on a higher level than the balcony and consequently are also higher than a mound of the height of ten handbreadths or any similar eminence in the courtyard.
 - (2) Lit., 'and why (cf. Bah) do they call it'.
 - (3) Since the tenants of the upper storey may, and the tenants of the courtyard may not use the eminence.
 - (4) As, in this case, the tenants of the upper storey.
 - (5) In this case the tenants of the courtyard.
 - (6) An eminence of the height of ten handbreadths in the courtyard would thus be either on a level with their quarters or slightly higher or lower, but always by no more than ten handbreadths (cf. infra n. 10).
 - (7) That GALLERY designates the tenants who dwell on it.
 - (8) Should it be assigned to the courtyard.
 - (9) To the gallery (which is usually not higher than ten handbreadths) as well as to the courtyard. Since both groups of tenants can have easy access to it restrictions on its use should be mutually imposed.
 - (10) The tenants of the courtyard as well as those of the gallery.
 - (11) That TO THE COURTYARD means: Not only the tenants of the gallery but also those of the courtyard.
 - (12) V. p. 583, n. 11.
 - (13) Lit., 'but what'.
 - (14) GALLERY is assumed to mean the tenants of the upper storey (for whom the gallery is a means of approach to their houses) who can use the RANK or the ROCK by lowering their things, while the tenants of the courtyard can use it only by thrusting their things up to it. Now since it is ruled that the former may use the BANK etc. does not an objection arise against Rab who maintained (Supra 83b) that in such circumstances the two groups of tenants impose restrictions upon each other?
 - (15) Of the phrase To THE GALLERY.
 - (16) And not in the upper storey. Cf. supra p. 583, n. 7 mut. mut.
 - (17) Which, being more or less on a level with the balcony and easily accessible to its tenants, may well be assigned for their use.
 - (18) Lit., 'what is there to say'.

(19) Whose bottom cannot be reached even by the tenants of the gallery except by lowering their buckets while the tenants of the courtyard can use it only by means of thrusting their buckets into it across its bank. Now since in this case of thrusting by the latter and of lowering by the former the use of the bank was granted to the former, the objection again arises against Rab who in such circumstances maintained that both groups of tenants are forbidden access.

(20) The surface being more or less on a level with the gallery and therefore easily accessible to its tenants. Hence its assignment to the gallery.

(21) By the using up of the water near the surface.

(22) In consequence of which the tenants of the gallery would have to lower their buckets. Why then should the use of the cistern be permitted even in that case?

(23) To the tenants of the gallery.

(24) By the removal of some of the fruit.

(25) Such may not be moved from their place on the Sabbath.

(26) Lit., since it was taught similarly'.

(27) Which cannot be reduced on the Sabbath by mere use. Both standing in juxtaposition they must be assumed to be on a par.

(28) If it is to be assumed that the cistern was full of fruit that cannot be diminished on the Sabbath as a rock that cannot be diminished.

(29) Seeing that one could easily be inferred from the other.

(30) Lit., 'there is not (reason) to make a preventive measure

(31) Forbidding its use.

(32) Which may be handled on the Sabbath and which might, therefore, be removed during the Sabbath day.

(33) But each group prepared one for itself.

(34) Along the wall.

(35) Since these are easily accessible to them, while to the tenants of the upper storey they are inaccessible except by the lowering of their objects into that level.

(36) Cf. prev. n. mut. mut. In this case access is easy to the tenants of the upper storey while to those of the courtyard it is accessible only by thrusting.

(37) Four handbreadths in width.

(38) This is now assumed to mean that the bracket was higher than ten handbreadths measured from the upper storey downwards in the direction of the ground of the courtyard.

(39) Between the ten handbreadths from the ground and ten handbreadths from the upper storey.

(40) Because access to it is equally difficult to both groups of tenants. Those of the upper storey can use it only by lowering their things, while those of the courtyard can use it only by thrusting up their things. This ruling being in agreement with Rab's view, does not an objection arise against Samuel?

(41) So that no space intervened between the lower ten and the upper ten handbreadths.

(42) From the ground of the courtyard.

(43) Lit., 'to this (as if) by a door', Sc. the tenants of the courtyard can easily use that space that is not higher than ten handbreadths.

(44) Hence the ruling that the use of the bracket 'is assigned to the courtyard'.

(45) From the ground of the courtyard.

(46) Cf. supra n. 7 mut. mut.

(47) Its use must consequently be granted to the tenants of the upper storey.

Talmud - Mas. Eirubin 84b

Come and hear: If two balconies were situated¹ [in positions] higher than each other² and a partition³ was made⁴ for the upper one⁵ but not for the lower one restrictions are imposed on the use of both⁶ until all their tenants have joined in one 'erub!⁷ — R. Adda b. Ahabah replied: This is a case where the tenants of the lower balcony come⁸ to fill their buckets by way of the upper one.⁹ Abaye replied: This is a case where the balconies were situated within ten handbreadths from each other,¹⁰ but¹¹ the ruling is to be understood to be in the form of 'not only but':¹² Not only where a partition was made for the lower one and none for the upper one are both forbidden, since, owing to the fact that they are

situated with ten handbreadths from each other, their tenants impose restrictions upon each other, but even where the partition was made for the upper, and none was made for the lower,¹³ in which case it might have been assumed that, owing to the fact that its use is convenient for the former and difficult for the latter, it should be assigned to those to whom its use is convenient,¹⁴ hence we were informed that, since they are situated within ten handbreadths from, they also impose restrictions upon each other;¹⁵ as is the ruling in the case R. Nahman cited in the name of Samuel: If a roof¹⁶ adjoins a public domain¹⁷ a permanent ladder is required to render it permissible for use.¹⁸ Thus it is only a 'permanent ladder' that effects permissibility¹⁹ but not an occasional one;²⁰ but why?²¹ Obviously²² because on account of the fact that they²³ are situated within ten handbreadths from each other, the people in them impose restrictions upon each other.²⁴ R. Papa demurred: Is it not possible that this²⁵ applies Only to a roof on which many people²⁶ are in the habit of putting down their skull-caps and turbans?²⁷ Rab Judah citing Samuel ruled:

(1) On the same wall at the sea-shore above the water.

(2) Being nevertheless drawn away from each other in a manner that left a space of less than four handbreadths between them and thus enabling persons on the lower balcony to draw their water by throwing a bucket into a hole (v. following n.) in the floor of the upper balcony.

(3) Round a hole, four handbreadths wide, in the floor of the balcony through which water is to be drawn from the sea.

(4) Jointly by the tenants of both balconies (cf. infra 88a).

(5) A partition round such a hole, though in relation to the sea it is a suspended one, is deemed to extend downwards and penetrating to the bed of the sea (cf. Supra 12a) and forming a private domain through which the water of the sea may be taken up in buckets to the balcony. In the absence of such a device the movement of water or any other objects from the sea which has the status of a karmelith into the balcony which has that of a private domain is forbidden on the Sabbath.

(6) Sc. neither the tenants of the upper balcony may draw water from the sea through the hole nor may those of the lower one throw their buckets into that hole to draw water through it.

(7) Infra 87b. In the absence of a joint 'erub the hole within the partition remains a mixed domain belonging to two different groups of tenants who impose restrictions upon each other and is, therefore, forbidden to both. Now here it is a case of use by lowering on the part of the tenants of the upper balcony and by thrusting on the part of those of the lower one, and yet it was ruled that both groups are forbidden; how then could Samuel maintain (supra 83b) that access is granted to 'the tenants that can use it by means of lowering'?

(8) By means of a ladder.

(9) So that both groups of tenants use the hole in exactly the same manner both lowering and none thrusting their buckets.

(10) Sc. the position of the upper balcony was by less than ten handbreadths higher than the lower, in consequence of which there can be no existence for a third domain between the two, the use of which should be allowed to the one or the other of these two adjacent domains. A third domain of such a character is possible only where the two adjacent domains were separated from each other by a trench, or a wall that was ten handbreadths deep or high or by a space of similar height.

(11) In reply to the possible objection: If the prohibition of the use of the hole is due to the proximity of the balconies and not to the manner in which use of it was made, why was the ruling limited to the case where 'a partition was made for the upper one seeing that the same ruling should apply even where it was made for the lower one'?

(12) Lit., 'and he implied (the formula) it is not required'.

(13) So that the tenants of the former use it by lowering and the tenants of the latter use it by thrusting.

(14) In agreement with Samuel.

(15) Thus indicating that in such a case the manner of use is of no consequence.

(16) That was less than ten handbreadths high (cf. R. Tam in Tosaf. a.l. whose interpretation is here followed).

(17) On one of its sides, while on its other sides it adjoins a courtyard.

(18) By the tenants of the courtyard. Though a ladder cannot effect the permissibility of a karmelith (cf. Maharsha, a.l.) the roof which is a private domain within, and is consequently no proper karmelith, may well be rendered permissible by connecting it with a permanent ladder with the courtyard.

(19) Lit., 'yes'.

(20) Though even such an occasional ladder facilitates the use of the roof by the tenants of the courtyard to whom the

roof is thereby much more easily accessible than to the people in the public domain who have not the use of even an occasional ladder.

(21) Sc. in view of the fact that even an occasional ladder facilitates the use of the roof by the courtyard tenants (cf. prev. n.) why should not the use of the roof be permitted to them?

(22) Lit., 'not?'

(23) The courtyard and the public domain.

(24) In agreement with Abaye's explanation.

(25) The ruling that an occasional ladder cannot effect permissibility.

(26) On weekdays.

(27) Sc. though they cannot conveniently put upon it any heavy loads, they can well use it for putting down light objects such as skull-caps which on a hot day people usually put down there while they rest and cool themselves. As the use of the roof is thus equally accessible to, and convenient for both the people in the public domain and those in the courtyard, a permanent ladder is justifiably required if the roof (an imperfect karmelith) is to be permanently connected with the courtyard and disconnected from the public domain. This ruling, therefore, cannot be adduced as a support for Abaye's submission. (For other interpretations of the passage cf. Rashi and Tosaf. a.l.).

Talmud - Mas. Eirubin 85a

If a cistern¹ between two courtyards² was removed four handbreadths from the one wall³ and four handbreadths from the other wall,⁴ each owner may construct some slight projection from his wall⁵ and may then draw the water.⁶ Rab Judah on his own, however, ruled: Even a reed suffices.⁷ Said Abaye to R. Joseph, This ruling of Rab Judah⁸ must be Samuel's,⁹ for should it be contended that It is¹⁰ Rab's the difficulty would arise: Did he not rule that no man could impose restrictions upon another through the air?¹¹ From which ruling of Samuel, however, could this⁸ be derived?¹² If it be suggested: From the following which R. Nahman reported In the name of Samuel, viz., If a roof adjoins a public domain a permanent ladder is required to render it permissible for use,¹³ — [could it not be retorted]: that the reason there¹⁴ might be in agreement with the opinion of R. Papa?¹⁵ — It is rather from this ruling:¹⁶ 'Each owner constructs some slight projection from his wall and he may then draw the water'.¹⁷ The reason then¹⁸ is that a projection was made,¹⁹ but if no projection had been made it would have been maintained that a man imposes restrictions upon another through the air.²⁰ From which ruling of Rab, however, was the view²¹ here attributed to him derived? If it be suggested from this: 'If two balconies were situated in positions one higher than the other, and a partition was made for the upper one but not for the lower one restrictions are imposed on the use of both until all their tenants have joined in one 'erub';²² in connection with which R. Huna stated in the name of Rab: 'This²³ was learnt only in respect of [a balcony] that is near²⁴ but where it was²⁵ four handbreadths away,²⁶ the use of the upper one is permitted and that of the lower one is forbidden',²⁷ could it not be retorted that the case here²⁸ comes under a different category²⁹ because, owing to the fact that access in the case of the one group³⁰ is by means of thrusting as well as by means of lowering³¹ while in that of the other³² it is by means of lowering only, the case is analogous to that where one gains access by means of thrusting³³ and the other by means of a door?³⁴ — It is rather from this ruling: which R. Nahman cited in the name of Rabbah b. Abbuha who had it from Rab:³⁵ If there were three ruins³⁶ between two houses³⁷ each occupier may use³⁸ the ruin nearest to him³⁹ by means of thrusting⁴⁰

(1) In an alley into which no courtyard or house doors opened.

(2) Between which intervened the alley (cf. prev. n.) into which a window from each courtyard opened.

(3) Of the one courtyard.

(4) Of the courtyard opposite. If the distances between the cistern and courtyards were less than four handbreadths access to the cistern through the courtyard windows (cf. supra n. 2) would have been equally easy from both courtyards and the use of the cistern would, therefore, have been forbidden to the tenants of both on account (cf. infra 86a) of the restrictions they would impose upon one another.

(5) Towards the cistern. Lit., 'this (one) brings out a projection of any size

- (6) Through his window. The two domains represented by the two courtyards, since they are four handbreadths distant from the cistern, cannot impose restrictions on its use, while the use of the alley itself cannot in any way be affected since neither house doors nor courtyard doors opened into it. The very requirement of the projection is in fact unnecessary for the purpose of bringing about the permissibility of the use of the cistern. It rather serves merely as a distinguishing mark to prevent people from the use of a domain in which more than one mall has a share, unless a joint 'erub had been duly prepared.
- (7) As a projection for the purpose mentioned.
- (8) That provision for some sort of a projection is necessary.
- (9) Not Rab's who also was his teacher.
- (10) Lit., 'for if'.
- (11) And not even a reed should have been required in this case where the bucket has to be thrust through a space of four handbreadths in the air. The ruling must consequently be Samuel's.
- (12) It is now assumed that Abaye did not hear Rab Judah's ruling in conjunction with the one he specifically reported in the name of Samuel. Had he been assumed to have heard the two in the form recorded supra this question could never have arisen.
- (13) Supra 84b q.v. notes; and in the absence of such a ladder the people in the public domain and the tenants of the courtyard impose restrictions upon one another in the use of the roof. Now since a roof is usually inaccessible from a public domain except by means of thrusting the only way by which a man in that domain could make use of the roof would be by thrusting some object or objects on it through the air. This being forbidden by Samuel it follows that in his opinion restrictions are imposed even through the air.
- (14) For the prohibition in the absence of a permanent ladder.
- (15) That the roof can be used from the public domain, by people who put upon it their skull-caps and turbans.
- (16) That, in the opinion of Abaye, Rab Judah deduced Samuel's view on the necessity for some projection. Abaye, it is now concluded, did hear Rab Judah's ruling in the form in which it was recorded supra.
- (17) Supra q.v. notes.
- (18) Why the drawing of the water is permitted.
- (19) Lit., 'that he brought out'.
- (20) And since Samuel required only 'some slight projection' Rab Judah deduced that 'even a reed suffices'.
- (21) That no man can impose restrictions upon another through the air.
- (22) Supra 84b q.v. notes.
- (23) That restrictions are imposed by the tenants of the lower balcony upon those of the upper one.
- (24) Sc. though it was vertically ten handbreadths lower than the upper one it was horizontally within four handbreadths from it.
- (25) Horizontally.
- (26) So that its tenants cannot use the upper balcony except by thrusting their buckets through the air.
- (27) Which shows that, according to Rab, no restrictions can be imposed through the air by the tenants of the one balcony upon those of the other.
- (28) That of the two balconies.
- (29) Lit., 'perhaps it is here different'.
- (30) The people on the lower balcony.
- (31) Thrusting their buckets to the upper balcony and then lowering it through the hole in the floor into the water.
- (32) The tenants of the upper one.
- (33) Difficult and inconvenient use.
- (34) Sc. easy and convenient access; and, since the tenants of the lower balcony are in the position of the former while those of the upper one are in the position of the latter, Rab justifiably ruled that 'the use of the upper one is permitted and that of the lower one is forbidden'. What proof however, is there that Rab also maintains that no restrictions can be imposed through the air even where, as in the case of the cistern between the two courtyards, the tenants can use it in exactly the same manner?
- (35) That Rab's view was deduced.
- (36) Inhabited by none and their walls were broken down so that the interiors were fully exposed.
- (37) Which had windows opening towards the ruins and the occupiers of which were the sole owners of the ruins.
- (38) Through his windows.

(39) As he can never, even on a weekday, make proper use of that ruin into which no doors opened, and access to which can be gained only through a window, its exposure through the broken walls to the adjacent ruins does not deprive him of the right of using it.

(40) Throughout its area even far away from the window, or by lowering things immediately below it.

Talmud - Mas. Eirubin 85b

while the use of the middle ruin is forbidden.¹

R. Berona, sitting at his studies, was enunciating this ruling² when R. Eleazar,³ a student at the college, asked him, 'Did Rab actually say this?'⁴ — 'Yes', the other replied. 'Will you', the first asked: 'show me his lodgings?' When the other showed them to him he approached Rab and asked him, 'Did the Master say this?'⁵ — 'Yes', the other replied. 'But', the first objected, 'did not the Master state: Where it is accessible to one by means of lowering things and to the other by means of thrusting both are forbidden access?'⁶ — 'You imagine', the other replied: 'that they⁷ stood in a straight line;⁸ but no, they stood in a triangle'.⁹

Said R. Papa to Raba: Must it be assumed that Samuel¹⁰ does not uphold the view of R. Dimi, seeing that when R. Dimi came¹¹

posed even through the air. How, then, he wondered, could Rab allow each occupier to use the ruin adjacent to his house seeing that the occupier opposite should impose restrictions on its use through the air since he can use it by throwing his things into it? he stated in the name of R. Johanan: On a place¹² whose area is less than four handbreadths by four¹³ it is permissible both for the people of the public domain and for those of the private domain¹⁴ to re-arrange their burdens, provided they do not exchange them?¹⁵ — There¹⁶ it is a case of domains,¹⁷ access between which is Pentateuchally forbidden,¹⁸ while here¹⁹ it is a case of domains,²⁰ access between which is only Rabbinically forbidden, and the Sages have applied to their enactments, heavier restrictions than to those of the Torah.²¹

Said Rabina to Raba: Did Rab say this?²² Was it not in fact stated: If two houses²³ stood on the two sides respectively of a public domain it is forbidden, said Rabbah son of R. Huna In the name of Rab, to throw any object from one into the other,²⁴ and Samuel ruled: It is permitted to throw from one into the other?²⁵ — Have we not explained,²⁶ the other replied, that one²⁷ was higher and the other²⁸ lower so that²⁹ it may sometimes happen that the object might drop and roll away and one might in consequence be tempted to carry it.³⁰

MISHNAH. IF A MAN DEPOSITED HIS 'ERUB³¹ IN A GATE-HOUSE, AN EXEDRA OR A GALLERY IT IS NOT A VALID 'ERUB;³² AND NO ONE WHO DWELLS IN IT³² IMPOSES RESTRICTIONS.³³ AN 'ERUB³¹ DEPOSITED IN A STRAW-SHED, A CATTLE-SHED, A WOOD-SHED OR STOREHOUSE IS VALID;³⁴ AND ANYONE³⁵ WHO DWELLS IN IT IMPOSES RESTRICTIONS.³⁶ R. JUDAH RULED: IF THE HOUSEHOLDER HAS THERE³⁷ ANY HOLDING³⁸ THE TENANT IMPOSES NO RESTRICTIONS.³⁹

GEMARA. R. Judah son of R. Samuel b. Shilath stated: If concerning any place the Sages⁴⁰ ruled that 'No one who dwells in it imposes restrictions' the 'erub that is deposited [in such a place] is no valid 'erub, the only exception being the gate-house of an individual owner;⁴¹ and if concerning any place the Sages ruled that 'no 'erub⁴² may be deposited in it', shittuf⁴³ may nevertheless be deposited in it,⁴⁴ the only exception being the air space of an alley. But what does he⁴⁵ teach us,⁴⁶ seeing that we learned: IF A MAN DEPOSITED HIS 'ERUB IN A GATE-HOUSE, AN EXEDRA ON A GALLERY IT IS NOT A VALID 'ERUB, from which it follows only that it is NOT A VALID 'ERUB but that it is nevertheless a valid shittuf. — He⁴⁵ found it necessary to make his

statement on account of the law relating to the 'gate-house of an individual owner'⁴¹ and to the 'air space of an alley' which we have not learnt in our Mishnah. So⁴⁷ it was also taught: 'If a man deposited his 'erub in a gate-house, an exedra, a gallery, a courtyard or an alley his 'erub is valid', but have we not learnt: IT IS NOT A VALID 'ERUB?⁴⁸ Read, therefore, 'the shittuf is valid.'⁴⁹ But can the food for shittuf be safely preserved in an alley?⁵⁰ — Read: In a courtyard that is situated in the alley.⁵¹

Rab Judah citing Samuel⁵² ruled: If members of a party were dining when the sanctity of the Sabbath day overtook them, they may rely upon the bread on the table to serve the purpose of 'erub or, as others say, the purpose of shittuf. Rabbah observed: There is really no divergence of opinion between them,⁵³ since the former refers to a party dining in a house⁵⁴ while the latter refer to one dining in a courtyard.⁵⁵ Said Abaye to Rabbah, It was taught in agreement with your view: 'Erubs of courtyards should be deposited in a courtyard and shittufs of alleys in an alley,'⁵⁶ and when the objection was raised: How could it be said that 'erubs of courtyards should be deposited in a courtyard' seeing that we learned, IF A MAN DEPOSITED HIS 'ERUB IN A GATE-HOUSE OR EXEDRA OR A GALLERY IT IS NOT A VALID 'ERUB?⁵⁷ [It was replied,] Read: 'Erubs of courtyards should be deposited in a house that was situated in the courtyard, and food for the shittuf of an alley should be deposited in a courtyard that was in the alley.'⁵⁸

R. JUDAH RULED: IF . . . HAS THERE ANY HOLDING etc. What is one to understand by a HOLDING? — One, for instance, like that in the courtyard of Bonyis.⁵⁹

The son of Bonyis once visited Rabbi. 'Make room', the latter called out,⁶⁰ 'for the owner of a hundred maneh'. Another person entered, when he called out,

(1) To the occupiers of either house. The reason is discussed infra. Now since the two ruins that were adjacent to the houses may be used by the respective occupiers, despite the use that each is able on weekdays to make of the ruin adjacent to his neighbour's house by thrusting objects into it through the air, it follows that in the opinion of Rab no restrictions can be imposed by one person upon another through his use of the air.

(2) Of Rab, just cited by R. Nahman in the name of Rabbah b. Abbuha.

(3) v. marg. glosses. Cur. edd. 'Eliezer.

(4) R. Eleazar's view was that Rab, who forbade the use of the middle ruin though neither of the occupiers of the house could use it except by throwing his things into it through the air, was of the opinion that restrictions are imposed

(5) V. p. 591, n. 15.

(6) From which it follows that if the use of a place is not as convenient to one of the parties as in the case of access through an open door, though that party's use by lowering is easier than the other party's use by thrusting, restrictions are nevertheless imposed. How then, seeing that according to Rab restrictions are imposed through the air (cf. prev. n.), could the use of a ruin be permitted to the occupier of the house nearest to it in view of the fact that his access to it is only less difficult than that of the occupier of the opposite house but not really convenient?

(7) The three ruins.

(8) So that the air space of a ruin intervened between either house and the central ruin.

(9) Lit., 'like a tripod'. One ruin was adjacent to both houses and faced the other two that stood in a straight line and were respectively adjacent to one of the houses and separated from the other by the ruin adjacent to it. The use of the central ruin is forbidden to both occupiers, not for the reason assumed by R. Eleazar, but because both, who through their windows have equally direct, though inconvenient, access to it, impose restrictions upon each other. The use of the other two ruins too is permitted respectively to both because in the case of either ruin one of the occupiers has direct access and the other has only indirect access by means of thrusting his things into it through the air through which no restriction can be imposed.

(10) In laying down supra that a man may impose restrictions upon another through the air.

(11) From Palestine to Babylon.

(12) Situated between a public and a private domain.

(13) And is consequently too insignificant to constitute a domain of its own.

- (14) Since in relation to either it loses its identity.
- (15) If exchange also were permitted people might erroneously assume that it is permitted to carry objects from a private domain into a public one and vice versa. Now, a place having an area so small as the one described has no legal existence in respect of the Sabbath laws and is, therefore, analogous to mere air space and, since it was ruled that it may be freely used, and that no provision such e.g. as a projection is necessary, Samuel who did prescribe a projection in the case of use through the air cannot very well agree with it.
- (16) R. Dimi's ruling.
- (17) A public and a private one.
- (18) As people are usually careful in the observance of Pentateuchal restrictions no special provision, such as that of a projection, was considered necessary.
- (19) A cistern between two courtyards.
- (20) Both Pentateuchally private.
- (21) As a precaution against possible laxity in their observance.
- (22) That each occupier may thrust things into the ruin nearest to his house because the occupier of the opposite house cannot impose restrictions through the air.
- (23) Both belonging to the same owner.
- (24) Though it passes the public domain at a higher level than ten handbreadths from the ground; the reason presumably being that the people of the public domain impose restrictions through the air of their domain through which the object must pass.
- (25) Now since Rab presumably laid down here (cf. prev. n.) that restrictions may be imposed through the air, how could he have ruled supra that restrictions through the air cannot be imposed?
- (26) As a reason for the prohibition.
- (27) Of the two houses under discussion.
- (28) Of the two houses under discussion.
- (29) Where an object is thrown from the lower to the upper house.
- (30) From the public into the private domain which is Pentateuchally forbidden. Samuel's ruling here that 'it is permitted' to throw objects from one house into the other, it may be added, presents no contradiction against his ruling supra that restrictions are imposed through the air, since the former case relates to domains access between which is Pentateuchally forbidden while the latter relates to such as are only Rabbinically forbidden. Greater safeguards, as has been explained supra, were required in the case of a Rabbinical enactment than in that of a Pentateuchal one.
- (31) Of courtyards.
- (32) Since none of these is a proper dwelling-house.
- (33) Upon the occupier (or occupiers) of the courtyard, even if that tenant did not make a contribution to the 'erub of the courtyard.
- (34) Lit., 'behold this is 'erub'.
- (35) To whom the householder has loaned its use.
- (36) Upon the use of the courtyard, on account of its door that opened into that courtyard.
- (37) In the straw-shed etc. In his courtyard, which he loaned to the tenant.
- (38) Lit., 'a holding (or grasping) of the hand (or place)', sc. if he is entitled to use a section of the place for his own storage.
- (39) Because the entire courtyard with all its rooms and sheds are deemed to be the dwelling quarters of the householder while the tenant in question has no individual status but that of one of his household.
- (40) Cf. Bah.
- (41) Of the courtyard. Our Mishnah refers to the gate-house of a courtyard that was owned by several people.
- (42) Of courtyards.
- (43) Sc. the food prescribed for the purpose.
- (44) The essence of an 'erub of courtyards is the legal fusion of all the houses and rooms in a courtyard into one common dwelling, that dwelling being the place in which the 'erub is deposited. As in its essence it must constitute a 'dwelling', only a place or structure that is used as a dwelling is suitable for the purpose. Shittuf however, which combines only courtyards, in which people do not actually dwell, has no connection with the principle of 'a dwelling' and the food for it may, therefore, be deposited even in a place that is not used for dwelling purposes.
- (45) R. Judah.

- (46) By the statement he cited in the name of R. Samuel b. Shilath.
- (47) That the food for Shittuf may be deposited even in those structures where no 'erub may be deposited.
- (48) How then are the two rulings to be reconciled?
- (49) This providing support for the ruling cited by R. Judah.
- (50) Lit., 'shittuf in an alley is not preserved'.
- (51) Sc. only one whose door opened into the alley.
- (52) MS.M., 'Rab' (cf. the parallel passage supra 73b, where cur. edd. also read 'Rab').
- (53) Those who read 'erub' and those who read 'shittuf'.
- (54) Which is a suitable place for an 'erub.
- (55) In which only the food for shittuf, but not that for 'erub, may be deposited.
- (56) Suk. 3b.
- (57) Because a proper dwelling house is an essential. How then could an open courtyard be used for the purpose?
- (58) But neither can an 'erub be deposited in the courtyard itself nor a shittuf in the alley itself.
- (59) A rich man who allowed people to occupy various rooms in his courtyard but reserved for himself the right to a holding in each room for the purpose of storing in it some of his own goods.
- (60) Lit., , 'said to them'.

Talmud - Mas. Eirubin 86a

'Make room for the owner of two hundred maneh'. 'Master', said R. Ishmael son of R. Jose to him, 'the father of this man¹ owns a thousand ships on the sea and a corresponding number of towns on land'. 'When you meet² his father', the other replied: 'tell him not to³ send him to me in such clothes'.⁴

Rabbi showed respect to rich men, and R. Akiba also showed respect to rich men, in agreement with an exposition made by Raba⁵ b. Mari: May he be enthroned before God for ever, appoint mercy and truth that they may preserve him,⁶ when 'may he be enthroned before God for ever'?⁷ When he 'appoint mercy and truth⁸ that they may preserve him'.

Rabbah b. Bar Hana explained:⁹ The pill of the plough, for instance.¹⁰

R. Nahman stated: It was taught at the school of Samuel: If it¹¹ is an object that may be handled on the Sabbath¹² the tenant¹³ imposes restrictions,¹⁴ but if it is one that may not be handled on the Sabbath¹⁵ the tenant imposes no restrictions.¹⁶ So¹⁷ it was also taught: If he¹⁸ has tebel, bars of metal, or any other object that may not be moved on the Sabbath, the tenant¹⁹ imposes no restrictions.

MISHNAH. IF A MAN LEFT HIS HOUSE AND WENT TO SPEND THE SABBATH IN ANOTHER TOWN, WHETHER HE WAS A GENTILE OR AN ISRAELITE, HIS SHARE²⁰ IMPOSES RESTRICTIONS ON THE RESIDENTS OF THE COURTYARD;²¹ SO R. MEIR, R. JUDAH RULED: IT IMPOSES NO RESTRICTIONS.²² R. JOSE²³ RULED: THE SHARE OF A GENTILE²⁴ IMPOSES RESTRICTIONS; BUT THAT OF AN ISRAELITE²⁵ DOES NOT IMPOSE ANY RESTRICTIONS BECAUSE IT IS NOT USUAL FOR AN ISRAELITE TO RETURN ON THE SABBATH. R. SIMEON RULED: EVEN IF HE LEFT HIS HOUSE AND WENT TO SPEND THE SABBATH WITH HIS DAUGHTER IN THE SAME TOWN²⁶ HIS SHARE IMPOSES NO RESTRICTION, SINCE²⁷ HE HAD NO INTENTION WHATEVER OF RETURNING.²⁸

GEMARA. Rab stated: The halachah is in agreement with R. SIMEON. This, however, applies only [where the man went to spend the Sabbath with] his daughter but not [where he went to spend it with] his son; for it is a common saying: 'If a dog barks at you, go in; if a bitch barks at you go out'.²⁹

MISHNAH. FROM A CISTERN BETWEEN TWO COURTYARDS³⁰ NO WATER MAY BE DRAWN³¹ ON THE SABBATH³² UNLESS A PARTITION TEN HANDBREADTHS HIGH HAS BEEN MADE FOR IT³³ EITHER BELOW³⁴ OR WITHIN ITS RIM.³⁵ R. SIMEON B. GAMALIEL STATED, BETH SHAMMAI RULED: BELOW,³⁴ AND BETH HILLEL RULED: ABOVE.³⁴ R. JUDAH OBSERVED: THE PARTITION COULD NOT BE MORE EFFECTIVE³⁶ THAN THE INTERVENING WALL.³⁷ GEMARA. R. Huna explained: BELOW³⁸ means actually below,³⁹ and ABOVE⁴⁰ means actually above,⁴¹ and in either case the partition must be⁴² within the cistern.⁴³ Rab Judah, however, explained: BELOW³⁸ means below the water,⁴⁴ and ABOVE⁴⁰ means above the water.⁴⁵

Said Rabbah son of R. Hanan to Abaye: With reference to Rab Judah's submission that⁴⁶ 'BELOW means below the water'⁴⁷ why⁴⁸ did he not explain, 'actually below'⁴⁹ Apparently because the waters would be mixed;⁵⁰ but then, even if he explains, 'below the water',⁴⁷ is not the water mixed?⁵¹ — The other replied: Have you not heard the statement which Rab Judah made in the name of Rab or, as others are inclined to assert, in the name of R. Hiyya: The tops of the reeds⁵² must be seen projecting one handbreadth above the surface of the water!

Furthermore,⁵³ with reference to Rab Judah's submission that ABOVE⁴⁰ means above the water',⁵⁴ why⁴⁸ does he not explain, 'actually above'⁴¹ Apparently because the water would be mixed;⁵⁰ but then, even if it is explained: 'above the water'⁵⁴ is not the water mixed?⁵⁰ — The other replied: Have you not heard what Jacob of Karhina has learnt: One must insert the ends of the reeds into the water⁵⁵ to the depth of a handbreadth.⁵⁶ With reference, however, to Rab Judah's ruling that a crossbeam of the width of four handbreadths effects permissibility⁵⁷ in a ruin,⁵⁸ and to that of R. Nahman who, citing Rabbah b. Abbuha, ruled that

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- (1) Bonyis.
 - (2) Lit., 'when thou wilt reach at'.
 - (3) Lit., 'do not'.
 - (4) Which belie his wealth.
 - (5) En Jacob, 'Rabbah'.
 - (6) Ps. LXI, 8.
 - (7) Sc. deserve honour and respect.
 - (8) Being rich one is able to exercise acts of mercy and truth. According to Rashi **יב** (here rendered 'appoint') signifies 'food' (cf. 'manna' which is the equivalent of the Hebrew **נ**), the rich deserve respect because they exercise mercy and provide food for the poor.
 - (9) The meaning of a HOLDING.
 - (10) That the householder kept in the tenant's room.
 - (11) The object (cf. prev. n.).
 - (12) So that it is possible to remove it from the room during the day.
 - (13) Who may thus become the sole occupier.
 - (14) On the use of the courtyard, unless he made his contribution to the 'erub.
 - (15) In consequence of which it must remain in the tenant's room until the termination of the day.
 - (16) Since the householder's right to the holding in his room is secured for the whole Sabbath.
 - (17) That the question of restrictions is dependent on the nature of the object.
 - (18) The householder.
 - (19) Since the householder's right to the holding in his room is secured for the whole Sabbath.
 - (20) In the courtyard, as a householder.
 - (21) Lit., 'behold this (man) forbids'. Since he did not make a contribution to the 'erub. An empty house, in his opinion, has the same status in respect of 'erub as one that is occupied.
 - (22) An empty house, he maintains, cannot in respect of 'erub be regarded as a dwelling-house.
 - (23) Though, in agreement with R. Judah, he holds that an empty house is no valid dwelling-house (cf. prev. n.).
 - (24) Since he might return during the Sabbath to re-occupy his house.

- (25) While his house remains unoccupied.
- (26) So that he could return on the Sabbath if he were disposed to do so.
- (27) At the time the Sabbath began.
- (28) Lit., 'because he has already removed (the thought of returning) from his heart'.
- (29) A quarrelsome son-in-law is not very dangerous and there is no reason to expect that his father-in-law might have to leave his daughter's house during the Sabbath. A quarrelsome daughter-in-law might drive her father-in-law from his sons's house before the day is over.
- (30) Half of it being in the one and the other half in the other.
- (31) If no joint 'erub between the courtyards has been prepared.
- (32) Because each group of tenants would unlawfully be drawing water out of the other group's domain and carrying it into theirs.
- (33) To divide the waters of the two domains from each other.
- (34) This is explained in the Gemara infra.
- (35) Though it does not touch the water. The partition is deemed to be extended downwards and to penetrate beneath the surface of the water to the ground. This is a special relaxation of the law in respect of water partitions.
- (36) Lit., 'let not the partition be greater'.
- (37) Between the two courtyards, and underneath which the cistern lies.
- (38) In Beth Shammai's ruling.
- (39) Below the mouth of the cistern, sc. near the water, though there is no need for the edge of the partition to touch the water.
- (40) In the ruling of Beth Hillel.
- (41) Near the rim. There is no need to extend it to the water.
- (42) Lit., 'and this and this'.
- (43) Sc. even Beth Hillel agree that the entire partition of ten handbreadths high must be within the rim and below it.
- (44) Sc. the partition must be fixed in the floor of the cistern.
- (45) The partition need not actually touch it but must not be removed from it as far as the rim (cf. Supra n. 2. 'Below' according to R. Huna, it will be noted, is identical with 'above' according to Rab Judah).
- (46) Lit., 'that which Rab Judah said'.
- (47) Sc. the partition must be fixed in the floor of the cistern.
- (48) Lit., 'what is the difference'.
- (49) Below the mouth of the cistern, sc. near the water, though there is no need for the edge of the partition to touch the water.
- (50) Beneath the partition.
- (51) Above the partition; since the water may be deeper than the height of the partition the prescribed size of which is only ten handbreadths.
- (52) Of which the partition in the water is made.
- (53) It was asked.
- (54) V. supra n. 8.
- (55) According to Beth Hillel.
- (56) The difference between Beth Hillel and Beth Shammai being that while Beth Hillel regard the partition as a mere symbol of division, in consequence of which it is not necessary to insert it below the depth of one handbreadth of water, Beth Shammai regard it as a proper division, in consequence of which its lower end must be inserted into the bottom of the cistern so that it may completely divide between the waters of the two domains.
- (57) Of the movement of objects under it.
- (58) If it lay on its width and reached from one wall to the other on the opposite side.

Talmud - Mas. Eirubin 86b

a cross-beam of the width of four handbreadths¹ effects permissibility in the case of water,² does not the bucket swing to the other side³ and thus carry up the water from it? — The Rabbis have ascertained that a bucket does not swing beyond four handbreadths.⁴ But are not the waters mixed under the cross-beam at least? — The fact is that⁵ the Sages⁶ have relaxed the law in respect of

water; as R. Tabla, when he enquired of Rab whether a suspended partition can convert a ruin⁷ into a permitted domain, was told: A suspended partition effects permissibility of use in the case of water alone⁸ since in the case of water did the Sages relax the law.

R. JUDAH OBSERVED: THE PARTITION COULD NOT BE. Rabbah b. Bar Hana citing R. Johanan explained: R. Judah⁹ made his submission on the lines of the view of R. Jose who holds: A suspended partition effects permissibility even on dry land.¹⁰ For we learned: If its walls were suspended¹¹ from above in a downward direction [the sukkah] is invalid, if they were removed¹² three handbreadths from the ground;¹³ but if they are raised¹⁴ in an upward direction¹⁵ the sukkah is valid if they were ten handbreadths high.¹⁶ R. Jose ruled: As walls of the height of ten handbreadths are valid if they rise from the ground upwards¹⁶ so are those that stretch from above downwards valid if their height is ten handbreadths.¹⁷ This,¹⁸ however, is not correct; neither does R. Judah hold the view of R. Jose nor does R. Jose hold that of R. Judah. R. Judah does not hold the view of R. Jose, since the former maintained his view only¹⁹ in respect of 'erubs of courtyards which are merely a Rabbinical institution²⁰ but not in that of sukkah which is Pentateuchal.²¹ Nor does R. Jose hold the view of R. Judah, since the former maintained his view only in respect of sukkah which is merely a positive commandment²² but not in that of Sabbath which involves a prohibition punishable by stoning.²¹ And should you ask,²³ 'In agreement with whose view was that incident²⁴ at Sepphoris²⁵ decided upon?'²⁶ It was not decided upon [it might be explained,] in agreement with the view of R. Jose²⁷ but with that of R. Ishmael son of R. Jose.²⁸ When²⁹ R. Dimi came³⁰ he related: The people once forgot to bring³¹ a scroll of the Torah on the Sabbath eve³² and on the following day they³³ spread a sheet upon the pillars,³⁴ brought the scroll of the Torah³¹ and read from it.³⁵ 'They spread!' But is this permitted³⁶ ab initio seeing that all³⁷ agree that not even a temporary tent may be put tip on the Sabbath?³⁸ The fact is that they found sheets spread upon the pillars and so they brought the scroll of the Torah and read from it.

Rabbah observed: R. Judah and R. Hananya b. Akabya have said practically the same thing.³⁹ As to R. Judah there is the ruling just mentioned. As to R. Hananya b. Akabya, it was taught:⁴⁰ R. Hananya b. Akabya ruled: In a balcony⁴¹ that has an area of four cubits by four cubits⁴²

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- (1) If it lay on its wide side across the mouth of a cistern between two courtyards.
 - (2) Sc. the water may be used by the tenants of each courtyard as if a proper division had separated the water of their domain from that of the other.
 - (3) Of the cross-beam, into the adjacent domain.
 - (4) As the beam is four handbreadths wide the bucket cannot swing from its one side beyond its opposite side.
 - (5) Contrary to the view of Rab Judah.
 - (6) Beth Hillel who, according to the view of R. Huna, maintain that the top of the partition of ten handbreadths' height may be as far above the water as the rim of the cistern.
 - (7) In respect of the movement of objects within it.
 - (8) As in the case, for instance, of a cistern between two domains.
 - (9) In allowing the wall between the courtyards, which, in relation to the water, is only a suspended partition, to form a valid division between the waters of the two domains.
 - (10) Not only in water. Hence it is not necessary for the partition either to be within the cistern or even to be made expressly for the purpose.
 - (11) Lit., 'he who lets down walls'.
 - (12) Lit., 'in the time that they are high'.
 - (13) Since kids are able to skip under them they are regarded as suspended partitions and are, therefore; invalid.
 - (14) From the ground.
 - (15) Lit., 'from below to above'.
 - (16) Even though they do not reach to the roof'.
 - (17) Shab. 97a, Suk. 16a. Though a space of three handbreadths intervenes between them and the ground.
 - (18) R. Johanan's submission cited by Rabbah b. Bar Hana.

- (19) Lit., 'until here R. Judah only said'.
- (20) That need not be so meticulously observed as a Pentateuchal law.
- (21) Cf. prev. n. mut. mut. In this case, therefore, he would not allow a suspended partition.
- (22) The transgression of which involves no serious penalties.
- (23) Since R. Jose does not recognize the validity of a suspended partition in the case of the Sabbath laws.
- (24) Concerning a suspended partition recorded infra.
- (25) Which was subject to the jurisdiction of R. Jose (cf. Sanh. 32b).
- (26) Lit., 'by the mouth of whom was it done', when a suspended partition was recognized as valid.
- (27) In his lifetime when no decision against his views would have been proper.
- (28) After his father's death.
- (29) Lit., 'for when', introducing the incident just discussed.
- (30) From Palestine to Babylon.
- (31) To the Synagogue.
- (32) Lit., 'while it was yet day'.
- (33) In order to enable them to carry the scroll from the house where it was kept, through a courtyard in which no 'erub had been prepared, into the Synagogue.
- (34) That were on the way; and thus they formed a narrow passage between the house in which the scroll was kept and the Synagogue. Since no other door opened into the passage it was permissible to carry the scroll through it even in the absence of all 'erub.
- (35) Suk. 1 6b. As a sheet is a suspended partition it follows that at that time the validity of a suspended partition was duly recognized.
- (36) On the Sabbath.
- (37) Even those who allow a certain form of additions to an existing tent.
- (38) Shab. 125b.
- (39) Sc. both agree that the Sabbath laws in connection with partitions of water are invariably to be relaxed.
- (40) V. marg. glos. Cur. edd. in parenthesis, 'for we learned'.
- (41) Above the sea.
- (42) Which are equal to twenty-four by twenty-four handbreadths.

Talmud - Mas. Eirubin 87a

one cuts a hole of four handbreadths by four¹ and may draw water through it.² Said Abaye to him:³ Is it not possible that your observation is incorrect?⁴ R. Judah may have maintained his view there only⁵ because he holds the principle that a partition is deemed to extend downwards but not here where it must be deemed to be both bent and extended; and R. Hananya b. Akabya may have maintained his view there only, in the case of the sea of Tiberias,⁶ because it has embankments, towns and karpafs around it⁷ but not in that of other waters.

Abaye observed: According to the view of R. Hananya b. Akabya⁸ if the balcony was within three handbreadths from the wall⁹ it is necessary for its length to be four cubits and for its width to be eleven cubits and a fraction.¹⁰ If it was upright¹¹ it is necessary that its height¹² shall be ten handbreadths¹³ and its width six handbreadths and two fractions.¹⁴ R. Huna son of R. Joshua observed: If it¹⁵ was situated in a corner¹⁶ it is necessary for its height to be ten handbreadths¹⁷ and for its width to be two handbreadths and two fractions.¹⁸ With reference, however, to what was taught: R. Hananya b. Akabya ruled: 'In a balcony that has an area of four cubits by four he cuts a hole of four handbreadths by four and may draw water through it', in what circumstances could this¹⁹ be possible?²⁰ — Where it is constructed in the shape of a mortar.²¹

MISHNAH. FROM A WATER CHANNEL²² THAT PASSES THROUGH A COURTYARD NO WATER MAY BE DRAWN ON THE SABBATH²³ UNLESS IT WAS FURNISHED²⁴ WITH A PARTITION TEN HANDBREADTHS HIGH AT ITS ENTRANCE²⁵ AND EXIT.²⁶ R. JUDAH RULED: THE WALL ABOVE IT²⁷ MAY BE REGARDED AS A PARTITION. R. JUDAH

OBSERVED: IT ACTUALLY HAPPENED WITH THE WATER-CHANNEL OF ABEL²⁸ THAT WATER WAS DRAWN FROM IT ON THE SABBATH ON THE AUTHORITY OF THE ELDERS.²⁹ THEY³⁰ REPLIED: BECAUSE IT WAS NOT OF THE PRESCRIBED SIZE.³¹

GEMARA. Our Rabbis taught: if it³² was furnished³³ with a partition at its entrance²⁵ but not at its exit,³⁴ or if one was furnished at its exit and none at its entrance, no water may be drawn from it on the Sabbath³⁵ unless it was furnished with a partition ten handbreadths high both at its entrance and at its exit — R. Judah ruled: The wall above it²⁷ may be regarded as a partition. R. Judah observed: It actually happened with the water-channel which flowed from Abel to Sepphoris²⁸ that water was drawn from it on the Sabbath on the authority of the Elders.²⁹ They³⁰ replied: Is this³⁶ proof? [The water was used] because the channel was either less than³⁷ ten handbreadths deep or less than four handbreadths wide.

Elsewhere³⁸ It was taught: If a water-channel passed between windows,³⁹ it is permissible to lower a bucket to draw water from it⁴⁰ if it⁴¹ was less than three handbreadths wide, but if it was three handbreadths wide no bucket may be lowered to draw water from it.⁴⁰ R. Simeon b. Gamaliel ruled: If it⁴¹ was less than four handbreadths wide a bucket may be lowered into it and water may be drawn from it, but if it was four handbreadths wide no bucket may be lowered to draw water from it. Now what are we dealing with?⁴² If it be suggested: With the water-channel itself,⁴³ consider the following which⁴⁴ R. Dimi when he came,⁴⁵ cited in the name of R. Johanan: No domain can be regarded as a karmelith if it is less than four handbreadths. Did he⁴⁶ then make his statement in agreement only with one of the Tannaitic opinions?⁴⁷ — No, we are rather dealing⁴⁸ with its⁴⁹ embankments⁵⁰ in respect of exchange.⁵¹ But did not R. Dimi when he came⁴⁵ state in the name of R. Johanan: On a place whose area is less than four handbreadths by four both the people in the public domain and those in the private domain may rearrange their loads, provided they do not exchange them?⁵² — There⁵³ it is a case of Pentateuchal domains⁵⁴

(1) Thus leaving a margin of 24 — $4/2 = 10$ handbreadths around it.

(2) Even though no partition had been put up round the hole. The margin round the hole is deemed to be bent downwards so as to be forming a suspended partition of the required height of ten handbreadths and extending downwards into the water, and thus constituting a private domain through which it is permitted to take up the water from the sea into the balcony.

(3) Rabbah.

(4) Lit., 'not it'.

(5) Lit., 'until here R. Judah only said there', in the case of the wall above the cistern.

(6) As is explained *infra* 87b.

(7) And is thus distinguished from all ordinary karmelith.

(8) *Supra* 86b ad fin.

(9) Lit., 'it was near the wall by less than three handbreadths'.

(10) All air space of less than three handbreadths is disregarded (according to the law of labud) and the balcony may, therefore, be deemed to be close to the wall.' By cutting a length of four handbreadths to a depth of one handbreadth and a fraction from the width of the balcony on the side adjacent to the wall so as to leave on either side of its length margins of ten handbreadths, the area of the hole would be four handbreadths by (three minus a fraction and one and a fraction is) four handbreadths, and it would be furrounded on three sides by a border of (eleven handbreadths and a fraction minus one handbreadth and a fraction on the side opposite the wall, and $(24 - 4)/2$ handbreadths on the two sides of the length of the balcony =) ten handbreadths and on the fourth side by the wall of the house. The border is regarded as bent and extended downwards and forming with the wall a private domain between the water and the balcony.

(11) Standing on its width on a projection from the wall at a distance of four handbreadths with its length rising vertically upwards.

(12) I.e., the length of the balcony (cf. *prev.n.*).

(13) The prescribed minimum height of a partition.

(14) So that by imagining one handbreadth and a fraction of the width on either side to be bent towards the wall there

would still remain a width of four handbreadths facing that wall, while the air space of four handbreadths between the wall and the balcony would be reduced to $(4 - 1 \text{ and a fraction} =)$ less than three handbreadths which (by the law of labud) is disregarded, and the hole, four handbreadths by four, is now surrounded by the wall of the house on one side, a partition of four handbreadths wide on the opposite side, and two walls virtually four handbreadths wide on the other two sides. The three sides of the balcony, which are deemed to stretch downwards to the water, together with the wall of the house thus constitute a private domain through which the water from the sea may be carried up.

(15) A balcony.

(16) So that two of its sides are formed by the walls of the house.

(17) The prescribed minimum height of a partition.

(18) Placing the balcony, as in the previous case, in an upright position at a distance of four handbreadths from one of the walls with its side at a distance of less than three handbreadths from the adjacent wall it may be imagined to be bent from top to bottom in the middle towards the wall it was facing and thus closing up all air space of one handbreadth and a fraction and reducing the distance between it and the wall to less than three handbreadths. The space between either wall and the balcony now being less than three handbreadths is (by the law of labud) deemed to be non-existent and a hole of four handbreadths by four now remains surrounded on two adjacent sides by the house walls and on the opposite two sides by the imaginary corner piece which, by the law of labud, constitutes two valid partitions that stretch downwards to the water, all the four sides enclosing a private domain between the balcony and the water.

(19) That the balcony should be required to have an area of no less than twenty-four handbreadths by twenty-four.

(20) In view of the devices just described, whereby a private domain may be formed even where the balcony was smaller than the prescribed minimum (of ten handbreadths by four) for each of its four sides and (four handbreadths by four) for the hole.

(21) Sc. when it is self-contained being in the shape of a platform raised on poles above the water and having no wall near it. In such a case no private domain through which the water may be taken up to the platform can be formed unless the balcony is of the size prescribed by R. Hananya b. Akabya which allows for a hole of four handbreadths by four in the center and for four sides of ten handbreadths by four on its four sides.

(22) Not less than ten handbreadths deep and four handbreadths wide.

(23) Because it has the status of a karmelith.

(24) Within its banks.

(25) To the courtyard.

(26) From it. The walls of the courtyard under which the channel runs, since they were not originally made for the cannot serve as partitions for it.

(27) The channel, sc. the walls at either end.

(28) A channel that passed through the courtyards of the town. Abel is in the neighbourhood of Sepphoris.

(29) Which shows that courtyard walls may serve as partitions for a channel passing under them.

(30) The Rabbis who differed from his view.

(31) It was less than ten handbreadths deep or less than four handbreadths wide. Such a channel is regarded as part of the private domain through which it passes and requires no partitions at all. Where partitions, however, are required the courtyard walls cannot serve the purpose

(32) A water-channel passing through a courtyard.

(33) Within its banks.

(34) V. supra n. 2.

(35) Because it has the status of a karmelith.

(36) Lit., 'from there'.

(37) Lit., 'it was not'.

(38) Lit., 'another'.

(39) Of houses on either side.

(40) Lit., 'and fills'.

(41) This will be discussed presently.

(42) In the statements fixing the dimensions as three and four handbreadths respectively.

(43) Sc. that if its width was three handbreadths it was according to the first Tanna the status of a karmelith from which the water may not be carried into the private domain of the courtyard.

(44) Lit., 'and (what,) however, (about) that'.

(45) From Palestine to Babylon.

(46) R. Johanan.

(47) Lit., 'must we say: According to (one of the) Tannas he made his statement since according to the Rabbis a domain of three handbreadths may also be regarded as a karmelith. Is it likely, however, that R. Johanan would differ from the Rabbis, 'who are in the majority, and adopt the view of an individual authority?'

(48) In prescribing the dimensions. Lit., 'but'.

(49) The water-channel's.

(50) Not the channel itself.

(51) Sc. if all embankment is sufficiently high and less than three handbreadths wide it constitutes, according to the Rabbis, a free domain into which an empty bucket may be taken from the private domain and one full of water from the karmelith and transferred respectively from it into the karmelith and into the private domain. If the embankment is three handbreadths wide it uses the status of a free domain and can no longer serve as a mere adjunct to the domains between which it is situated. This ruling is consequently quite independent of that of R. Johanan's.

(52) And thus unlawfully carry an object from the public into the private domain or vice versa. Now, since objects may be placed on it both front the public and from the private domain it must obviously have the status of a free domain, and yet it was forbidden to exchange these objects. How then can it be maintained that a bucket of water may be transferred from the private domain into the karmelith and vice versa by way of the embankments?

(53) R. Dimi's ruling.

(54) A private domain and a public one the movement of objects between which is Pentateuchally forbidden. Hence R. Dimi's restriction.

Talmud - Mas. Eirubin 87b

while here we are dealing with Rabbinical domains.¹ But did not R. Johanan maintain his view² even in the case of Rabbinical domains? For we learned:³ — If between two courtyards there was a wall ten handbreadths high and four handbreadths thick, two 'erubs may be prepared but not one. If there was fruit on the top of it, the tenants on either side may climb up and eat there. If a breach to the extent of ten cubits was made in the wall, the tenants may prepare two 'erubs or, if they prefer, only one, because it is like a doorway. If the breach was bigger, only one 'erub and not two may be prepared'.⁴ And when the question was raised, 'What is the ruling where it was not four handbreadths wide?' Rab replied: 'The air of two domains prevails upon it and no object on it may be moved even as far as a hair's breadth'; whereas R. Johanan replied: 'The tenants on either side may carry up their food and eat it there'.⁵ R. Johanan thus⁶ following his own view; since R. Dimi, when he came,⁷ stated in the name of R. Johanan: On a place whose area is less than four handbreadths by four both the people in the public domain and those in the private domain may re-arrange their loads provided they do not exchange their!⁸ — That⁹ was reported by Ze'iri.¹⁰ But does not this¹¹ present an objection against Ze'iri? — Ze'iri explains it¹² to refer to the water-channel itself,¹³ while the ruling of R. Dimi¹⁴ is one in dispute between Tannas. But why should it¹⁵ not be regarded as the cavities of a karmelith?¹⁶ — Both Abaye b. Abin and R. Hanina b. Abin replied: The law of cavities¹⁷ does not apply to a karmelith.¹⁸ R. Ashi replied: It may even be conceded that the law of cavities does apply to a karmelith, but this is the case only where the cavity is near¹⁹ whereas here it²⁰ is far removed²¹ Rabina replied: We are dealing²² in with a case, for instance, where outlets were made at its²³ ends,²⁴ the Rabbis²⁵ following their view,²⁶ while R. Simeon b. Gamaliel²⁷ follows his view.²⁸ MISHNAH. FROM A BALCONY THAT WAS SITUATED ABOVE A STRETCH OF WATER NO WATER MAY BE DRAWN²⁹ ON THE SABBATH³⁰ UNLESS IT WAS FURNISHED WITH A PARTITION³¹ TEN HANDBREADTHS HIGH EITHER ABOVE³² OR BELOW.³³ SO ALSO WHERE TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN³⁴ THE OTHER,³⁵ AND A PARTITION WAS MADE FOR THE UPPER ONE BUT NOT FOR THE LOWER ONE, RESTRICTIONS³⁶ ARE IMPOSED ON THE USE OF BOTH³⁷ UNTIL THEY HAVE PREPARED A JOINT 'ERUB.³⁸

GEMARA. Is our Mishnah³⁹ in disagreement with the view of Hananya b. Akabya, since it was

taught: Hananya b. Akabya ruled: In a balcony whose area is four cubits by four a hole of four handbreadths by four is cut⁴⁰ and water may be drawn through it?⁴¹ — R. Johanan citing R. Jose b. Zimra replied: R. Hananya b. Akabya permitted it⁴² only in the case of the sea of Tiberias since it is surrounded by embankments, towns and karpafs,⁴³ but not in that of any other waters.⁴⁴

Our Rabbis taught: R. Hananya b. Akabya permitted the men of Tiberias three things: To draw water from a balcony⁴⁵ on the Sabbath, to store fruit in pea-stalks⁴⁶ and to dry themselves with a towel.⁴⁶ 'To draw water from a balcony on the Sabbath' as has just been stated; what, however, was the point of the permission 'to store fruit in pea-stalks'? — That, as it was taught. If a man got up early in the morning⁴⁷ to fetch some refuse,⁴⁸ the Scriptural expression, 'if water be put upon the seed'⁴⁹ applies to it,⁵⁰ if he did so⁵¹ because the dew was upon it,⁵² but if he did so⁵¹ in order that he might not be disturbed from his usual work, the expression. If water be put upon the seeds does not apply to it;⁵³ and as a rule,

(1) Sc. the movement of objects between a karmelith and a private domain is only Rabbinically forbidden. As Pentateuchally it is permitted to transfer directly from the one into the other the Rabbis have relaxed their ruling where the transfer is effected by way of a free domain. (As to the discrepancy between R. Dimi's minimum of four handbreadths and that of three handbreadths in the Baraitha cf. Rashi a.l.)

(2) That no transfer from one domain into another is permitted even by way of a free domain.

(3) V. marg. gl. Cur. edd. in parenthesis 'for it was taught'.

(4) Supra 76b q.v. notes.

(5) But may not transfer objects from one courtyard into the other across that wall. Supra 77a.

(6) Cf. prev. n.

(7) From Palestine to Babylon.

(8) Now, since R. Johanan maintains his view even in the case of courtyards, the movement of objects between which is only Rabbinically forbidden, how could it be maintained that a distinction is drawn between Pentateuchal and Rabbinical domains?

(9) R. Johanan's ruling concerning a wall between courtyards.

(10) R. Dimi, however, maintains that R. Johanan's restriction does not apply to domains the movement of objects between which is only Rabbinically forbidden.

(11) The difficulty, raised supra 87a ad fin., on R. Dimi's report.

(12) The Baraitha (supra 87a) dealing with the dispute between R. Simeon b. Gamaliel and the first Tanna on the dimensions that do, or do not constitute a karmelith between which and the courtyard the movement of bucket and water is forbidden.

(13) According to the first Tanna a width of three handbreadths, and according to R. Simeon b. Gamaliel only one of four handbreadths imparts to it the status of a karmelith.

(14) Reported in the name of R. Johanan, according to which 'no domain can be regarded as a karmelith if less than four handbreadths'.

(15) A water-channel passing through a courtyard, whose dimensions are less than those of a karmelith.

(16) And the movement of any object, bucket or water, between it and the courtyard should be forbidden. As cavities in a wall adjoining a public domain are subject to the restrictions of the latter (v. Shab. 7b) so should the water-channel within the courtyard be subject to the restrictions of the wider channel without the town which is a karmelith and of which it forms a part.

(17) Though applicable to Pentateuchally forbidden domains.

(18) Being only a Rabbinically forbidden domain no additional restrictions were imposed upon its use.

(19) If, for instance, it was in a wall adjoining a karpaf that was bigger than two beth Se'ah.

(20) The channel within the courtyard.

(21) From the section of the channel without the town which was of the size of a karmelith.

(22) In the discussion between R. Simeon b. Gamaliel and the first Tanna.

(23) The water-channel's.

(24) Lit., 'at its mouth', Sc. the dimensions prescribed by the two opinions (cf. supra n. 11) are neither those of the channel nor those of its embankments (as has been previously suggested) but those of the outlets made in the partitions at

its ends to enable the water to pass through them.

- (25) Sc. the first Tanna who limits the width of the outlets to less than three handbreadths.
- (26) Supra 9a, that the rule of labud is inapplicable to a gap that was three handbreadths wide.
- (27) Who regards the channel as a karmelith only where the widths of the outlets was no less than four handbreadths.
- (28) That the rule of labud applies to a gap that was not wider than four handbreadths.
- (29) Through a hole in its floor.
- (30) Since the stretch of water has the status of a karmelith while the balcony is a private domain.
- (31) Round about all the balcony or at least round the hole.
- (32) The balcony, in an upward direction.
- (33) In a downward direction from the balcony towards the water. In either case the partition that is ten handbreadths is deemed to extend downwards and, by vertically joining balcony and water, to form a private domain through, and from which the water may be taken up.
- (34) But not exactly above.
- (35) Provided the one was removed from the other by less than four handbreadths.
- (36) On the use of the hole in the upper balcony for the purpose of drawing water.
- (37) Groups of tenants.
- (38) The use of a hole in the lower balcony remains forbidden even after an 'erub had been prepared, since it was not furnished with any partition that could convert the karmelith of the water and the passage to the balcony into a private domain.
- (39) Which requires a partition to be provided before one is allowed to draw water through the hole in the balcony.
- (40) Though no partition had been provided.
- (41) Supra 86b ad fin. q.v. notes.
- (42) The use of a balcony of the dimensions given, though it had no partitions.
- (43) And is thus distinguished from any other karmelith.
- (44) Where, as stated in our Mishnah, a partition is essential.
- (45) Of the area of four cubits by four (as stated Supra).
- (46) This is explained presently.
- (47) Before the dew in the fields had dried up.
- (48) Such refuse as straw, stalks and the like, in which to store fruit.
- (49) Lev. XI. 38.
- (50) Lit., 'behold it is in if be put' and it becomes susceptible to levitical uncleanness.
- (51) Rose early to gather the refuse.
- (52) I.e., when the refuse was still damp and good for storing. Produce cannot become susceptible to levitical uncleanness unless (a) it first came in contact with dew or other prescribed liquids and (b) the owner of the produce was pleased with that contact.
- (53) Tosef. Maksh. II; and it is not susceptible to levitical uncleanness.

Talmud - Mas. Eirubin 88a

the men of Tiberias¹ are in the same category as the man whose object was that he might not be disturbed from his usual work. And what was the point in his permitting them to 'dry themselves with a towel'? — That, as it was taught. A man² may dry himself³ with a towel⁴ and put it on a window, but he may not hand it to the bathing attendants⁵ because they are suspected of doing that work.⁶ R. Simeon ruled: He may also carry it in his hand to his home.⁴

Rabbah son of R. Huna stated: This⁷ was learnt only in respect of drawing water, but pouring it down⁸ is forbidden.⁹ R. Shezbi demurred: Wherein does this case¹⁰ essentially differ from that of a trough?¹¹ — In the latter case the waters are absorbed [in the ground]¹² while in the former they are not absorbed.¹³ Others say that Rabbah son of R. Huna explained: Do not say: It is only permitted to draw water but that it is forbidden to pour water down; since in fact it is also permitted to pour it down. Is not this, R. Shezbi asked, obvious, seeing that it is essentially identical with the case of the trough?¹⁴ — It might have been assumed that they are unlike,¹⁵ for whereas in the latter case the

waters are absorbed [in the ground],¹⁶ they are not absorbed in the former case,¹³ hence we were informed [that the same law is applicable to both cases].

SO ALSO WHEN TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN etc. R. Huna citing Rab explained: This was learnt only [in the case where the lower balcony] was near [to the upper one],¹⁷ but if it was removed from it,¹⁸ [the use of] the upper one¹⁹ is permitted, since Rab follows his principle, having laid down that no man imposes restrictions upon another through the air.²⁰

Rabbah stated in the name of R. Hiyya, and R. Joseph stated in the name of R. Oshaia: A robbery is valid in respect of a Sabbath domain²¹ and a ruin reverts to its owner.²² But is not this self contradictory? You said: 'A robbery is valid in respect of the Sabbath domain', from which it is clear that possession is acquired;²³ and then you say: 'and a ruin reverts to its owner', from which it is evident that no possession is acquired?²³ — It is this that was meant: The law [of the return] of a robbery is valid in respect of a Sabbath domain,²⁴ since²⁵ a ruin reverts to its owner.²⁴ Said Rabbah: We raised an objection against this ruling of ours:²⁶ SO ALSO WHEN TWO BALCONIES WERE SITUATED IN POSITIONS ONE HIGHER THAN THE OTHER etc. Now, if it is maintained that 'the law [of the return] of a robbery is valid in respect of a Sabbath domain' why should restrictions be imposed?²⁷ — R. Shesheth replied: We are here dealing with a case, for instance, where they²⁸ made the partition²⁹ jointly.³⁰ But if so³¹ the same law³² should also apply where a partition was made³³ on the lower balcony?³⁴ Since they made a partition for the lower one they have thereby intimated to the tenants of the upper one that they had no desire to be associated with them.³⁵ MISHNAH. IF [THE AREA OF] A COURTYARD WAS LESS THAN FOUR CUBITS NO WATER MAY BE Poured OUT INTO IT ON THE SABBATH³⁶ UNLESS IT WAS PROVIDED WITH A TROUGH HOLDING TWO SE'AH³⁶ FROM ITS EDGE³⁷ DOWNWARDS,³⁸ IRRESPECTIVE OF WHETHER IT³⁹ WAS WITHOUT OR WITHIN,⁴⁰ EXCEPT THAT IF IT WAS WITHOUT⁴¹ IT IS NECESSARY TO COVER IT⁴² AND IF IT WAS WITHIN⁴⁰ IT IS NOT NECESSARY TO COVER IT.

R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN⁴³ WERE COVERED OVER IN THE PUBLIC DOMAIN⁴² IT IS PERMITTED TO POUR WATER⁴⁴ INTO IT ON THE SABBATH,⁴⁵ BUT THE SAGES RULED: EVEN WHERE A ROOF OR A COURTYARD WAS A HUNDRED CUBITS IN AREA,⁴⁶ NO WATER MAY BE Poured DIRECTLY OVER THE MOUTH OF THE DRAIN,³⁶ BUT IT MAY BE Poured UPON THE ROOF FROM WHICH THE WATER FLOWS INTO THE DRAIN. THE COURTYARD AND THE EXEDRA MAY BE COMBINED TO MAKE UP THE PRESCRIBED FOUR CUBITS.

SO ALSO IN THE CASE OF TWO UPPER STOREYS OPPOSITE EACH OTHER⁴⁷ THE TENANTS OF ONE OF WHICH⁴⁸ MADE A TROUGH⁴⁹ AND THOSE OF THE OTHER DID NOT, THOSE WHO MADE THE TROUGH ARE PERMITTED TO POUR DOWN THEIR WATER,⁵⁰ WHEREAS THOSE WHO DID NOT MAKE ANY TROUGH ARE FORBIDDEN.

GEMARA. What is the reason?⁵¹ — Rabbah⁵² replied: Because a man is in the habit of using up two se'ah of water daily, and in an area of four cubits⁵³ he is inclined to spray it⁵⁴

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- (1) Who were mainly workers.
 - (2) Who bathed in cold water.
 - (3) On the Sabbath or on a festival day.
 - (4) Sc. the act was not forbidden as a preventive measure against the possibility of his wringing it out which is forbidden.
 - (5) Pl. of Olyar, olearius, Gr. **, the keeper of clothes in a bath house.
 - (6) Wringing clothes. Lit., 'of that thing'.
 - (7) That the Rabbis recognized the validity of a suspended partition on a balcony.

- (8) Through the hole.
- (9) Because the water is carried down the stream beyond the partitions.
- (10) The pouring down of water from a balcony into a stretch of water below.
- (11) In a courtyard that was smaller than four cubits (Mishnah infra) though, when the trough is full, the water runs over into the public domain.
- (12) As the tenants intend the water to remain in the private domain it is permitted to pour into the trough which, like the courtyard, is a private domain even though some of the water may ultimately flow over.
- (13) So that any drop of water poured into it would inevitably flow beyond the partitions.
- (14) V. supra n. 1.
- (15) And that in consequence it should be forbidden to pour water down the hole of the balcony into the stretch of water below.
- (16) V. supra n. 2.
- (17) Sc. the horizontal distance between them was less than four handbreadths.
- (18) Four handbreadths or more.
- (19) By those on it.
- (20) Supra 85a; and, since the tenants of the lower balcony are unable to reach the hole in the upper one except through the intervening air space by thrusting their bucket into it, they cannot impose restrictions on the tenants of the upper one.
- (21) This is now assumed to mean that a person is permitted to seize for the Sabbath another person's ruin which, being near his house and neglected by its owner, he uses on weekdays, and that this seizure is valid so that even on the Sabbath he may move objects from his house into it and vice versa as if it had been his own property.
- (22) Sc. the restrictions of the Sabbath cause the ruin, though during the week it is deserted by its owner and used by a neighbour, to revert to the full possession of the former so that the latter may move no objects from, or into it.
- (23) By the person who uses it during the week (cf. prev. two nn.).
- (24) V. supra n. 12.
- (25) Lit., 'how? Because'. [The text is not clear: R. Hananel reads: The law of robbery (whereby the robber acquires possession of the robbed object) applies on Sabbath. How is this? If the robber took the robbery into his own domain; but if he left it in the ruin of the robbed person, the ruin reverts it to its owner.]
- (26) The one just discussed.
- (27) Upon the tenants of the upper balcony, seeing that on the Sabbath, as in the case of the ruin just mentioned, it reverts to them alone despite its use by the tenants of the lower balcony during weekdays.
- (28) The tenants of both balconies.
- (29) On the upper balcony.
- (30) So that the tenants of the lower balcony, unlike the man who uses a ruin upon which he has no claim whatever, are well entitled to the use of the upper one.
- (31) That the tenants of the lower balcony have a share in the upper one, and that this is the reason why they impose restrictions upon the tenants of the latter.
- (32) That they impose restrictions.
- (33) By its tenants.
- (34) Since in either case the share they have in the upper one should cause them to impose the same restrictions.
- (35) Lit., 'that I am not pleased (to be associated) with you'.
- (36) The reason is given in the Gemara infra.
- (37) Lit., 'the hole'.
- (38) I.e., the Interior of the trough.
- (39) The trough.
- (40) The courtyard.
- (41) In the public domain near the courtyard.
- (42) With boards, so as to impart to it the status of a free domain.
- (43) Which carries water from a courtyard into the public domain.
- (44) From the courtyard.
- (45) Because all the water that is likely to be poured into it during the Sabbath would, as a rule, be absorbed before it reached the public domain. If some of the water should, for any reason whatever, run into the public domain no transgression would be committed since the tenants' intention was that it shall be absorbed before it reached the public

domain and no transgression is involved where one's intention was not fulfilled. Particularly is this the case here where Pentateuchally it is permitted ab initio to pour water into a private domain though one's intention was that it should ultimately find its way into the public domain.

(46) A stretch sufficient to absorb all the water that can possibly be poured out in one day.

(47) Between which there was a courtyard whose area was less than four cubits.

(48) Lit., 'some of them'.

(49) In the courtyard.

(50) Into the courtyard below.

(51) That IF THE AREA OF A COURTYARD WAS LESS THAN FOUR CUBITS NO WATER MAY BE Poured OUT INTO IT and, inferentially, that if the area was four cubits or bigger water may be poured out into it.

(52) MS.M. Alfasi and Asheri read 'Raba'; Bomb. ed. 'Rab'.

(53) During the summer, the season to which this Mishnah refers (cf. infra), when courtyards are dusty.

(54) As his intention is not to have the water running into the public domain but to spray on the floor of the courtyard it is permitted to pour it out in that courtyard though sometimes it might eventually find its way into the public domain.

Talmud - Mas. Eirubin 88b

but in one that is less than four cubits¹ he merely pours it out. Hence it is Only if he made a trough² that he is permitted to pour out the water but not otherwise.³ R. Zera replied: In an area of four cubits the water⁴ may be absorbed;⁵ but in one that is less than four cubits they cannot be absorbed.⁶ What is the practical difference between them?⁷ — Abaye replied: The practical difference between them is a courtyard that was long and narrow.⁸

We learned: THE COURTYARD AND THE EXEDRA⁹ MAY BE COMBINED TO MAKE UP THE PRESCRIBED FOUR CUBITS. According to R. Zera this is quite acceptable;¹⁰ but, according to Rabbah,¹¹ does not a difficulty arise?¹² — R. Zera, on the lines of Rabbah's¹¹ view, explained: This refers to an exedra that ran along all the courtyard.¹³

Come and hear: If the area of a courtyard was less than four cubits by four cubits no water may be poured out into it on the Sabbath. Now according to Rabbah this ruling is quite satisfactory;¹⁴ but, according to R. Zera, does not a difficulty arise?¹⁵ — R. Zera can answer you: This ruling represents the view of¹⁶ the Rabbis,¹⁷ whereas our Mishnah¹⁸ is that of R. Eliezer b. Jacob.¹⁹ What, however, was it that urged R. Zera to attribute our Mishnah²⁰ to R. Eliezer b. Jacob?²¹ — Raba replied: Our Mishnah presented to him a difficulty: What was the object of stating, IF THE AREA OF A COURTYARD WAS less²² THAN FOUR CUBITS²³ seeing that it could have been stated:²⁴ 'If the area of a courtyard was less than four cubits²⁵ by four cubits'²⁶ Consequently,²⁷ he concluded²⁸ it must represent the view of²⁹ R. Eliezer b. Jacob.³⁰ This is conclusive. But since a succeeding clause³¹ represents the view of R. Eliezer y. Jacob³² how could the first clause³³ also represent his view?³⁴ — All the Mishnah represents the view of³⁵ R. Eliezer b. Jacob, but some words are wanting in it, the correct reading being as follows: IF [THE AREA OF] A COURTYARD WAS LESS THAN OUR CUBITS NO WATER MAY BE Poured OUT INTO IT ON THE SABBATH' but if the area is as four cubits water may be poured into it because R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN WERE COVERED OVER IN THE PUBLIC DOMAIN IT IS PERMITTED TO POUR WATER INTO IT ON THE SABBATH.

R. ELIEZER B. JACOB RULED: IF FOUR CUBITS OF A DRAIN WERE COVERED OVER. Our Mishnah³⁷ cannot represent the opinion of Hananya,³⁸ for it was taught: Hananya ruled: Even if [the area of] a roof was a hundred cubits no water may be poured upon it since a roof is not made to absorb water but to cause it to run down.

One taught: This³⁹ applies only to the hot season, but during the rainy season a person may pour his water again and again without any limit.⁴⁰ What is the reason? — Raba replied: A person is quite satisfied⁴¹ that the water should be absorbed on the spot.⁴² Said Abaye to him: Is there not the case of⁴³ waste water with the absorption of which on the spot a person is quite satisfied⁴¹ and yet it was ruled: NO WATER MAY BE Poured?⁴⁴ — What, the other replied, is

it that provision should be made against in that case?⁴⁵ If it be suggested: Against the man's objection to the spoiling of his courtyard,⁴⁶ surely, [it may be retorted,] it is in any case spoiled;⁴⁷ and if against the possibility of the assumption that So-and-so's gutter was spouting water,⁴⁸ all gutters, as a rule, spout water.⁴⁹

R. Nahman ruled: In the rainy season, if a trough⁵⁰ is capable of holding two se'ah it is permitted to pour two se'ah of water into it, and if it can hold one se'ah only one se'ah of water is permitted; in the hot season, however, if the trough can hold two se'ah one is allowed two se'ah but if it can hold one se'ah one is not allowed to pour into it any water at all. Why should it not be allowed in the hot season also to pour into it a se'ah if it can hold a se'ah? — A preventive measure has been enacted against the possibility of one's pouring two se'ah into it. If so, why should not a preventive measure be enacted for the rainy season also? What is it that provision should be made against in that case? If it be suggested: Against the man's objection to the spoiling of his courtyard,⁵¹ surely, [it could be retorted,] it is in any case spoiled;⁵² if against the assumption that So-and-so's gutter spouts water⁵³ all gutters, as a rule, spout water.⁵⁴ Hence,⁵⁵ said Abaye, even a kor,⁵⁶ even two kor are permitted.⁵⁷

SO ALSO IN THE CASE OF TWO UPPER STOREYS OPPOSITE EACH OTHER. Raba ruled: Even though they prepared a joint 'erub. What, asked Abaye,⁵⁷ is the reason? If it be suggested: On account of the large quantity of the water,⁵⁸ was it not taught, [it may be objected,] 'The same law applies to a trough,⁵⁵ a damaged vessel,⁵⁹ a pond or a tub, viz. that, though they were filled with water on the Sabbath eve, waste water may be poured into them on the Sabbath?⁶⁰ Rather, if the statement was at all made it must have been made in the following terms:⁶¹ Raba ruled:

- (1) Which is hardly worth the trouble of spraying.
- (2) In which the water may be accumulated and gradually absorbed in the ground.
- (3) Lit., 'if not he is forbidden', since the water would be running almost directly into the public domain and his desire to pour it out would be fulfilled. Were this to be permitted people might form the erroneous conclusion that it is also permitted to throw anything directly from a private into a public domain.
- (4) Two Se'ah, which are usually used up in a day.
- (5) V. supra n. 5.
- (6) And, since the water inevitably flows into the public domain, his desire is fulfilled (cf. Supra n. 8 second clause).
- (7) R. Zera's and Rabbah's explanations.
- (8) Eight cubits by two, for instance. According to R. Zera's explanation it is permitted to pour water into it, since an area of $8 \times 2 = 4 \times 4$, and the water would be absorbed in the courtyard itself before any of it reached the public domain. According to Rabbah, however, this is forbidden, since a narrow courtyard is an unsuitable place for spraying.
- (9) It is now assumed that the exedra was situated in a corner of the courtyard so that the width of the latter was not increased by it.
- (10) Since the floor of the exedra, whatever its position, would add to the area of absorption.
- (11) Cf. supra p. 614, n. 3.
- (12) As the exedra does not widen the courtyard the latter remains unsuitable for spraying, why then should it be permitted to pour water in it?
- (13) If, for instance, the courtyard area was four cubits by two the exedra also was four by two, its length being parallel to that of the courtyard and thus extending the area of the latter to four cubits by four.
- (14) Because a courtyard that was narrower than four cubits, though longer, is unsuitable for spraying.
- (15) Since the capacity of a given area for absorption is not affected by the relative lengths of the sides.
- (16) Lit., 'this is whose?'
- (17) Sc. the SAGES who forbade the pouring of water into a drain even when the COURTYARD WAS A HUNDRED CUBITS IN AREA, thus rejecting the principle of capacity for absorption and upholding only that of suitability for spraying.
- (18) Which forbade the pouring of water only where the area WAS LESS THAN FOUR CUBITS and, inferentially, permitted it where it was four cubits or bigger irrespective of the relative lengths of its sides.
- (19) Who, in his ruling on the drain in our Mishnah, recognizes the principle of capacity for absorption.
- (20) Which is anonymous and presumably represents the view of a majority.
- (21) An individual. Sc. why could not R. Zera adopt Rabbah's explanation which would have enabled him to escape this difficulty?

- (22) Cf. MS.M. The following three words are wanting in cur. edd.
- (23) Which implies that if the total area was four cubits by four it matters little whether each side was four cubits long or whether the courtyard was long and narrow, two of its sides being shorter, and two longer than four cubits.
- (24) Lit., 'let him teach'.
- (25) Elijah Wilna inserts the following three words in parenthesis.
- (26) An expression which would have indicated that even if only one of the sides of a courtyard is less than four cubits in length (though the total area was four cubits by four) no water may be poured out into it.
- (27) Since the former expression was used, from which it follows (cf. supra p. 615, n. 14) that it is not the shape but the actual area that matters or, in other words, that the determining factor is not suitability for spraying but capacity for absorption.
- (28) Lit., 'but not; it may be inferred from it'.
- (29) Lit., 'that it is'.
- (30) Who in his ruling on the drain in our Mishnah recognizes the principle of capacity for absorption.
- (31) Lit., 'the end', i.e., the second paragraph in our Mishnah.
- (32) As was Specifically stated (v. our Mishnah).
- (33) Which is recorded anonymously and immediately precedes the one given in his name.
- (34) Lit., 'the first is not (that of) R. Eliezer b. Jacob'.
- (35) Lit., 'all of it is'.
- (36) Lit., 'and thus it taught'.
- (37) Which attributes to the Sages the view that water MAY BE Poured UPON THE ROOF.
- (38) Since he permitted this only in a courtyard but not on a roof The roofs spoken of were flat and had drains in the form of gutters into which rain water flowed and water was poured.
- (39) That no water may be poured out in a small courtyard unless a trough was provided for the purpose (v. our Mishnah).
- (40) Lit., 'pours and repeats and does not refrain himself'.
- (41) Lit., 'willing', 'pleased'.
- (42) Within the courtyard. As the place is in any case waterlogged and untidy he does not mind the addition of his waste water also.
- (43) Lit., 'and behold'.
- (44) EVEN WHERE A ROOF OR A COURTYARD WAS A HUNDRED CUBITS IN AREA, and fully capable of absorbing all the water before it reached the public domain.
- (45) The pouring out of water during the rainy season.
- (46) Sc. that the pouring out of the water should be forbidden as a preventive measure against the possibility of his desire to dispatch it without delay into the public domain for the reason given.
- (47) By the rains.
- (48) On the Sabbath: in consequence of which people might allow themselves to carry also directly from a private into a public domain.
- (49) On a rainy day. People would assume the water to be rather the accumulated rain water than the lesser quantity of waste water. In the case of a drain in the dry season, however, people observing the flow from a private into a public domain and knowing full well that it was the result of human action, might well come to the conclusion that the carrying of objects from the one domain into the other is also permitted. Hence the preventive measure.
- (50) In a courtyard, prepared for the reception of waste water.
- (51) V. Supra p. 617, n. 7.
- (52) By the rains.
- (53) V. p. 617, n. 9.
- (54) V.p.617, n. 10.
- (55) Cf. Supra p. 617, n. 11.
- (56) Of water.
- (57) 'To him' appears in cur. edd. in parenthesis and is deleted by Rashal.
- (58) Four Se'ah instead of the usual two.
- (59) Gistera, a defective, mutilated, cracked or damaged object.
- (60) Though it overflows into the public domain. Why then should the increased volume of water be a bar to the use of

the trough by the tenants of both upper storeys?
(61) Lit., 'thus it was said'.

Talmud - Mas. Eirubin 89a

This¹ was learnt only in the case where no joint 'erub was prepared, but if a joint 'erub was prepared they are permitted.² But why are they not permitted where they did not prepare a joint 'erub? — R. Ashi replied: As a preventive measure against the possibility of their carrying out water³ in utensils from their houses to the trough.⁴

CHAPTER IX

MISHNAH. ALL THE ROOFS OF A TOWN⁵ CONSTITUTE⁶ A SINGLE DOMAIN,⁷ PROVIDED NO ROOF IS TEN HANDBREADTHS HIGHER OR LOWER THAN THE NEIGHBOURING ROOF;⁸ SO R. MEIR. THE SAGES, HOWEVER, RULED: EACH ONE IS A SEPARATE DOMAIN.⁹ R. SIMEON RULED: ROOFS, COURTYARDS AND KARPAFS¹⁰ ARE¹¹ EQUALLY REGARDED AS ONE DOMAIN¹² IN RESPECT OF CARRYING FROM ONE INTO THE OTHER OBJECTS THAT WERE KEPT WITHIN THEM WHEN THE SABBATH BEGAN, BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE WHEN THE SABBATH BEGAN.¹³

GEMARA. Abaye b. Abin and R. Hanina¹⁴ b. Abin sat at their studies while Abaye was sitting beside them, and in the course of the session they remarked: One can well justify the view of the Rabbis¹⁵ since they may hold the view that as the tenants are divided below¹⁶ so are they divided above,¹⁷ but as to R. Meir, what could his view be? If he holds that the tenants are divided above¹⁸ as they are divided below,¹⁹ why should the roofs CONSTITUTE A SINGLE DOMAIN? And if he holds that they are not divided above¹⁸ because all places above ten handbreadths²⁰ are regarded as a single domain, why²¹ should not this²² also apply to a roof that was TEN HAND BREADTHS HIGHER OR LOWER? 'You have not heard', Abaye said to them, 'the following statement made by R. Isaac b. Abdimi: R. Meir always maintained that wherever you find two domains of the same character²³ [one within the other] as, for instance, a column ten handbreadths high and four handbreadths wide²⁴ in a private domain,²⁵ it is forbidden²⁶ to re-arrange loads on the former,²⁷ as a preventive measure against a similar act in the case of a mound²⁸ in a public domain.²⁹ Here,³⁰ too, it may be explained, a preventive measure was enacted against a similar act³¹ in the case of a mound²⁸ in a public domain'. They understood him to imply that the same restriction³¹ applies also to a mortar or a tank,³² but Abaye said to them, 'Thus said the Master: R. Meir spoke only of a column and an enclosure of millstones, since their owner assigns for them a permanent Position,³³ But is there not the case of³⁴ a wall between two courtyards, which is a permanent fixture, and yet Rab Judah stated: 'A careful study would show that,³⁵ according to the view of It. Meir, roofs³⁶ are regarded as a separate domain,³⁷ courtyards as a separate domain,³⁸ and karpafs as a separate domain'³⁹ which⁴⁰ implies, does it not,⁴¹ that it is permissible to move objects across a wall?⁴² — R. Huna b. Judah citing R. Shesheth replied: No, the implication⁴³ is that it is permitted to carry objects in and to carry them out by way of the doors.⁴⁴

THE SAGES, HOWEVER, RULED: EACH ONE IS A SEPARATE DOMAIN. It was stated: Rab ruled: Objects in it⁴⁵ may be moved only within four cubits,⁴⁶ and Samuel ruled: It is permitted to move objects throughout its area.⁴⁷ Where the partitions are distinguishable⁴⁸ there is no divergence of opinion;⁴⁹ the dispute is limited to the case of partitions that are indistinguishable.⁵⁰ Rab maintains that, 'Objects in it may be moved only within four cubits' because [in such circumstances]⁵⁰ he does not uphold the principle of the upward extension of the walls; while Samuel ruled: 'It is permitted to move objects throughout its area', because [even in such circumstances] he upholds the principle of the upward extension of the walls.

We learned: THE SAGES, HOWEVER, RULED: EACH ONE [

- (1) The ruling in our Mishnah under discussion.
- (2) The unrestricted use of the trough.
- (3) Cf. MS.M., and Rashi a.l.
- (4) Lit., 'there'. An act which in the absence of a joint 'erub is forbidden.
- (5) Though the houses beneath are occupied by different tenants and constitute different domains.
- (6) Since they are only infrequently used.
- (7) And it is permitted to carry objects from one roof into another on the Sabbath.
- (8) Cf. MS.M. The last four words are wanting from cur. edd. If one roof was higher or lower than the one adjoining it no objects may be moved on the Sabbath from the one into the other.
- (9) Lit., 'before itself', so that where the tenants did not join in one 'erub the movement of objects from one roof to the other is forbidden.
- (10) If the area of the last mentioned was not bigger than two beth se'ah.
- (11) Since they are only irregularly and infrequently made use of.
- (12) Even though the owners did not join in one 'erub.
- (13) These, though they may be carried into the same courtyard, for instance, by virtue of an 'erub the tenants of that courtyard had jointly prepared, they may not be carried into a neighbouring courtyard unless the two courtyards too had been joined in one 'erub.
- (14) MS. M. 'Hanania'.
- (15) The SAGES who ruled that EACH ONE IS A SEPARATE DOMAIN.
- (16) In their houses.
- (17) On their roofs.
- (18) On their roofs.
- (19) In their houses.
- (20) From the ground.
- (21) Since all roofs are no less than ten handbreadths higher than the ground level.
- (22) R. Meir's ruling.
- (23) Lit., 'and they are one domain'.
- (24) Which has the status of an independent private domain.
- (25) Of larger dimensions.
- (26) To the people in the private domain in which the column stood, though the former legally reaches up to the sky.
- (27) Lit., 'on it'.
- (28) Ten handbreadths high which has the status of a private domain.
- (29) Shah. 9a. If the use of the column in the private domain had been allowed people would also have used a similar column in a public domain for the same purpose.
- (30) The prohibition of movement in the case of a roof that was ten handbreadths higher or lower than all adjoining one.
- (31) Carrying objects from one domain into the other.
- (32) That was turned upside down and formed an elevation of ten handbreadths.
- (33) Lit., 'and a man fixes for them a place'.
- (34) Lit., 'and behold'.
- (35) Since he regards all roofs as one domain and yet forbids the movement of objects between two roofs one of which was ten handbreadths higher or lower than the other.
- (36) Of the Same altitude.
- (37) But not roofs and courtyards, for instance, since the former are more than ten handbreadths higher than the latter.
- (38) V. p. 620, n. 20.
- (39) Infra 90b; i.e., it is only permissible to move objects from place to place in the same class but it is forbidden to move objects from one of these classes into any of the other.
- (40) Since no restrictions are imposed on the movement of objects between any number of courtyards.
- (41) Lit., 'what, not?'
- (42) Between two courtyards. Now, since here no preventive measure was enacted against a similar act in the case of a

ground in a public domain is it likely, as Abaye maintained, that the provision against such a possibility was R. Meir's reason for his ruling in our Mishnah.

(43) That 'it is permissible to move objects' from courtyard to courtyard.

(44) But not across a wall.

(45) A roof adjoining another roof of the same level.

(46) Each roof being A SEPARATE DOMAIN, fully exposed to the adjacent roof that is of a similar status, the two, since it is forbidden to move any objects between them, impose restrictions upon each other.

(47) The walls of the houses, he maintains, are deemed to extend upwards and to form virtual partitions around the roofs.

(48) Sc. the houses are detached from each other so that their walls can be seen from the roofs.

(49) Lit., 'all the world does not dispute', that the walls are deemed to be extending upwards and to form partitions around the roofs in agreement with Samuel's view.

(50) I.e., where the roofs are joined to one another.

Talmud - Mas. Eirubin 89b

IS A SEPARATE DOMAIN.¹ This ruling,² according to Samuel, is quite satisfactory, but does it not, according to Rab,³ present a difficulty?² — The school of Rab explained in the name of Rab:⁴ That one must not move an object along two cubits on one roof and along another two cubits on an adjacent roof.⁵ But, surely, R. Eleazar related, 'when we were in Babylon we used to teach as follows:⁶ The School of Rab in the name of Rab ruled: Objects on a roof⁷ may be moved only within four cubits, whereas those of the school of Samuel learned,⁸ Householders have only the use of their roofs'.⁹ Now what could be the meaning of the expression, 'have only the use of their roofs'? Is it not that they are permitted to move objects about throughout its area?¹⁰ — Has this¹¹ then more force than our Mishnah? As we have explained this¹² to mean, 'that one must not move an object along two cubits on one roof and along another two cubits on an adjacent roof', so we might also explain this:¹¹ Two cubits on one roof and two cubits on the other.¹³

R. Joseph¹⁴ observed: I have not heard of this ruling.¹⁵ Said Abaye to him, 'You yourself told it to us, and it was in connection with the following that you told it to us: If a big roof was adjacent to a smaller one,¹⁶ the use of the bigger one¹⁷ is¹⁸ permitted,¹⁹ and the use of the smaller one is forbidden.²⁰ And it was in connection with this that you told us: Rab Judah in the name of Samuel stated: They learned this²¹ only in the case where there were dwellers on the one as well as on the other²² so that the imaginary partition of the smaller roof²³ is one that is trodden upon,²⁴ but if there were no dwellers on the one as well as on the other the use of both roofs is permitted'.²⁵ 'I', the other replied: 'told you this: They learned this²¹ only where there was a partition²⁶ on the one as well as on the other, since the use of the bigger roof is rendered permissible by the railings,²⁷ while [the use of the smaller one is forbidden since] it has a breach extending along its entire length, but if there was no partition either on the one or on the other, the use of both is forbidden'.²⁸ 'But did you not speak to us of dwellers?' — 'If I spoke to you of dwellers I must have said this: They learned this²¹ only where there was a partition that was suitable for a dwelling-place both on the one as well as on the other,²⁹ since the use of the bigger roof is rendered permissible by the railings³⁰ while [the smaller one is forbidden, since] it has a breach along its full side, but if there was a partition suitable for a dwelling-place on the bigger roof and none that was fit for a dwelling-place on the smaller one, even the use of the smaller one is permitted to the people of the bigger. What is the reason? As they made no partition³¹ they have entirely withdrawn themselves from it, [the principle here being the same] as that enunciated by R. Nahman: If a person fixed a permanent ladder to his roof, he is permitted to use all the roofs'.³²

Abaye ruled: If a man built an upper storey on his house,³³ and constructed in front of it a small door of four handbreadths³⁴ he is thereby permitted to use all the roofs³⁵ Raba observed: The small door is sometimes a cause of restrictions³⁶ How is this to be imagined? When he made it to open towards his house garden,³⁷ since it might well be presumed

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- (1) This is now assumed to mean that each householder is allowed the free movement of objects throughout the area of his roof.
- (2) Cf. prev. n.
- (3) Who forbids movement beyond four cubits.
- (4) The meaning of the ruling of the Sages.
- (5) Within the same roof, however, it is permitted to move an object within four cubits, but no further.
- (6) Lit., 'we were saying'.
- (7) Lit., in it .
- (8) A Baraitha.
- (9) Lit., 'they have only their roof'.
- (10) How then is Rab's view to be reconciled with the implication of this Baraitha?
- (11) The Baraitha cited by the school of Samuel.
- (12) Our Mishnah.
- (13) Within the same roof, however, it is permitted to move an object within four cubits, but no further.
- (14) Who after a serious illness had lost his memory.
- (15) Of Samuel, that though the walls cannot be seen from the roof the principle of upward extension is nevertheless upheld.
- (16) The bigger roof projecting on both sides of the smaller.
- (17) For the movement of objects by the occupiers of the house below.
- (18) Even according to Rab's view.
- (19) Since three of its sides (cf. Supra n. 16) are detached and defined and the principle of upward extension may well be applied to them, while, on its fourth side, the part which is joined to the smaller roof may be regarded as a doorway and the two sections projecting on either side may be deemed to be extending upwards and forming a kind of railings or side-posts to the two sides of the doorway. The two roofs thus assume the character of two courtyards with a door between them where the smaller one imposes no restrictions on the bigger.
- (20) Being exposed to the extent of the entire length of one of its sides to the bigger roof that side cannot be regarded as a door but as a breach, on account of which the people of the bigger roof (as in the case of a similar breach between a bigger, and smaller courtyard) impose restrictions on its use.
- (21) That the movement of objects is forbidden on the smaller roof.
- (22) And these freely walked across from their own roof to that of their neighbours.
- (23) The presumed upward extension of the wall supporting it.
- (24) And is consequently invalid.
- (25) Because the walls, though indistinguishable to one standing on the roofs, are nevertheless deemed to extend upwards which is in fact the ruling of Samuel Supra.
- (26) All round the roofs except where they adjoin one another.
- (27) Or 'side-posts', sc. the imaginary upward extensions of its projections on either side of the smaller roof (cf. Supra p. 622, n. 19).
- (28) The imaginary railings or side-posts being of no avail where no partitions exist with which to form a doorway.
- (29) So that both groups evidently intended to use their respective roofs as dwelling-places.
- (30) Cf. supra p. 622, n. 19 mut. mut.
- (31) And thus indicated that they have no intention of living on their roof.
- (32) Even according to the SAGES. Since the other residents who fixed no ladders have evidently decided to make no use of their roofs the man who did fix one has all their roofs at his disposal and they are, therefore, deemed to form one single domain with his own roof.
- (33) By surrounding all his roof with walls.
- (34) That opened towards the other roofs (Rashi). Cf. however, Tosaf. a.l.
- (35) Cf. supra n. 2 mut. mut.
- (36) And the other roofs may not be used even according to R. Meir who holds that ALL THE ROOFS OF A TOWN CONSTITUTE A SINGLE DOMAIN.
- (37) While the wall facing the roofs remained closed.

Talmud - Mas. Eirubin 90a

that it was made for the purpose of facilitating the watch over his house garden.¹

Rami b. Hama² enquired: Is it permitted to move an object³ two cubits along a roof and two cubits along a column?⁴ — ‘What an enquiry’, Rabbah⁵ exclaimed: ‘is this? He is asking about a karmelith⁶ and a private domain!’⁷ And Rami b. Hama?⁸ — In⁹ his ingenuity he was not careful in putting the question. He, however, meant to put the question thus: Is it permitted to move an object¹⁰ two cubits along a roof¹¹ and two cubits along an exedra?¹² Do we say: Since neither the one nor the other¹³ is fit for a dwelling-place, both¹⁴ are regarded¹⁵ as a single domain;¹⁶ or is it possible that as the movement of objects from one roof¹¹ to another¹¹ is forbidden¹⁷ so is also that between a roof¹¹ and an exedra¹² forbidden.¹⁸

R. Bebai b. Abaye enquired: Is it permissible to move an object two cubits on a roof and two cubits in a ruin?¹⁹ — Is not this enquiry, R. Kahana asked, identical with that of Rami b. Hama?²⁰ — ‘Would I’, R. Bebai b. Abale retorted: ‘have come with the enquiry of another man merely to create difficulties?’²¹ An exedra is unfit as a dwelling whereas a ruin is fit’.²² But if it²³ is fit as a dwelling why did he²⁴ raise the question?²⁵ — His enquiry was in the nature of an alternative question.²⁶ If, [he said in effect,] you will find [some reason] for answering²⁷ that an exedra is unfit as a dwelling,²⁸ [will you agree that] a ruin is fit²⁹ for a dwelling,³⁰ or is it possible [that the latter is subject to the same law as the former, since] new at any rate it has no tenants? — This must remain undecided.³¹

Regarding a number of roofs on the same level, according to R. Meir,³² or a single roof,³³ according to the Rabbis,³⁴ Rab ruled: It is permissible to move objects through their *ṛas*,³⁵ and Samuel ruled: Objects may be moved only within four cubits.³⁶ As ‘Rab ruled: It is permissible to move objects throughout their areas,³⁷ does not a contradiction arise between two rulings³⁸ of Rab?³⁹ There the walls are undistinguishable⁴⁰ but, here, the walls⁴¹ are distinguishable.⁴² But since ‘Samuel ruled: Objects may be moved only within four cubits’,⁴³ does not a contradiction arise between two rulings of Samuel?⁴⁴ — There⁴⁵ the area was not bigger than two beth se'ah⁴⁶ but here it⁴⁷ is bigger than two beth se'ah, and, since those walls⁴⁸ were made for dwelling purposes only below⁴⁹ but not on the roof area above,⁵⁰ the latter is like a karpaf bigger than two beth se'ah, that was not surrounded by walls for dwelling purposes, and in any karpaf bigger than two beth se'ah that was not surrounded by walls for dwelling purposes, no objects may be moved except within four cubits.

It was stated: As regards a ship, Rab ruled: It is permissible⁵¹ to move objects about throughout its area, and Samuel ruled: Objects may be moved only within four cubits. ‘Rab ruled: It is permissible to move objects about throughout its area’

(1) And that he withdrew himself entirely from the use of the roofs.

(2) Who held Rab's view that on a roof, according to the Sages, objects ‘may be moved only within four cubits’ (v. supra 89a ad fin.).

(3) Lit., ‘what (law) is it’.

(4) Ten handbreadths high and four handbreadths wide that was standing in the public domain in close proximity to the roof.

(5) MS.M. ‘Raba’.

(6) The roof.

(7) The column; Sc. it is obvious that the answer is in the negative since the movement of objects between a karmelith and a private domain is definitely forbidden.

(8) Why did he raise a question the answer to which is so obvious?

(9) Lit., ‘at the side of’.

(10) Lit., ‘what (law) is it’.

(11) Of a dwelling-house.

- (12) Sc. the roof of an exedra, that did not belong to the owner of the adjoining roof and house, that was bigger than two beth se'ah, that had no partitions around it, that was in a sloping position and that had in consequence the status of a karmelith,
- (13) Sc. neither the roof of the dwelling-house nor that of the exedra.
- (14) Though belonging to different owners.
- (15) Since, unlike the roofs of two dwelling-houses which, on account of the different tenants beneath them, are regarded by the Sages as different domains, the exedra has no tenants either within it or on its roof.
- (16) Even according to the Sages.
- (17) Because, presumably, they belong to different tenants.
- (18) For the same reason (cf. prev. n.).
- (19) That belonged to a different owner, and that had the status of a karmelith because one of its sides was completely exposed to a public domain.
- (20) Who, instead of a ruin that was a karmelith (cf. prev. n.), spoke of an exedra which was also a karmelith.
- (21) Lit., 'did I come from another and quarrelled'.
- (22) The position of the two, therefore, is not identical, and the one enquiry has no bearing on the other.
- (23) A ruin.
- (24) R. Bebai.
- (25) It should have been obvious to him that the answer was, as in the case of roofs of dwelling-houses, in the negative.
- (26) Lit., 'He said: If you will find (some reason) for saying', sc. R. Bebai was neither certain that a ruin is to be regarded as a suitable dwelling-place nor that it was subject to the same law and status as all exedra, and his enquiry depended on one of the two possible alternative answers to Rami's enquiry.
- (27) Rami's question.
- (28) And that the movement of objects between its roof and the roof of a dwelling-house is, therefore, permitted.
- (29) With some slight adjustments.
- (30) And consequently it is forbidden to move objects between it and the roof of a dwelling-house.
- (31) Teku, lit., 'let it stand'.
- (32) Who ruled that ALL THE ROOFS OF A TOWN CONSTITUTE A SINGLE DOMAIN.
- (33) I.e., one detached from the other roofs.
- (34) The SAGES, whose rule that each roof IS A SEPARATE DOMAIN that imposes restrictions on the adjoining roofs, cannot obviously apply to an isolated roof.
- (35) Lit., 'in all of it'.
- (36) On the same roof according to the Rabbis or on two roofs (a portion of the four cubits on each) according to R. Meir.
- (37) From which it follows that he adopts the principle of the upward extension of the walls under the roofs to form partitions around the roofs.
- (38) Lit., 'a difficulty of that of rab on that'.
- (39) The one just cited and the ruling. Supra 89a, that on roofs of the same level, according to the Rabbis, objects 'may be moved only within four cubits', from which it is obvious that he does not recognize the principle of the upward extension of walls.
- (40) One standing on any of the roofs cannot see them since they are covered by the roofs. Hence it is that the principle of upward extensions cannot be applied and the roofs, according to the Rabbis, impose restrictions upon each other.
- (41) Of (a) the detached house, according to the Rabbis, and (b) those of the outermost houses according to R. Meir.
- (42) They can well be seen from (a) the roof or (b) the roofs. The principle of upward extension is, therefore, applicable.
- (43) From which it follows that he does not hold the principle of upward extension.
- (44) Cf. Supra n. 9 mut. mut.
- (45) Where Samuel was dealing with the view of the Rabbis who regard each roof as a separate domain.
- (46) Since the walls of each individual roof, which is smaller than two beth se'ah, are deemed to be extended upwards.
- (47) The area of all the roofs according to R. Meir and that of the single roof according to the Rabbis.
- (48) Of the houses.
- (49) Within the houses themselves.
- (50) Lit., 'above they are not made'.
- (51) Even where it was bigger than two beth se'ah.

Talmud - Mas. Eirubin 90b

because it has¹ walls;² ‘and Samuel ruled: Objects may be moved only within four cubits’, since the walls were put up for the purpose of keeping out³ the water.⁴ ‘Is the law’, R. Hiyya b. Joseph asked Samuel, ‘in agreement with your view or is it in agreement with that of Rab?’ — ‘The law, the other replied: ‘is in agreement with that of Rab’. ‘Rab’, explained R. Giddal in the name of R. Hiyya b. Joseph, ‘agrees nevertheless that if it was turned upside down⁵ objects on it⁶ may be moved only within four cubits. For what purpose, however, was it inverted? If it be suggested: For the purpose of dwelling under it, why, it could be objected, should its law be different from that of a single roof?⁷ — It was inverted rather for the purpose of being coated with pitch.⁸ R. Ashi reported⁹ this¹⁰ with reference to a ship; but R. Aha son of Raba¹¹ reported it with reference to an exedra. For it was stated: If an exedra was situated in a valley, it is, Rab ruled, permitted to move objects within all its interior; but Samuel ruled: Objects may be moved within four cubits only. Rab ruled that it was permitted to move objects in all its interior because we apply the principle: The edge of the ceiling descends and closes up. But Samuel ruled that objects may be moved within four cubits only because we do not apply the principle: The edge of the ceiling descends and closes up.¹²

But according to Rab's interpretation of R. Meir's view,¹³ should it not¹⁴ be permitted to move objects from a roof into a courtyard?¹⁵ This is forbidden as a measure¹⁶ of which R. Isaac b. Abdimi has spoken.¹⁷ And according to Samuel's interpretation of the view of the Rabbis,¹⁸ should it not be permissible to move objects¹⁹ from a roof to a karpaf?²⁰ — Raba²¹ b. Ulla replied: The prohibition is due to a preventive measure against the possibility of a reduction in the area of the roof.²² But if so, it should also be forbidden to move an object²³ from karpaf to karpaf²⁴ since the area of one of them might happen to be reduced²⁵ and people would still be moving objects from one to the other? — If a reduction were to occur there²⁶ it would be noticeable²⁷ but if a reduction should take place here²⁸ it might not be noticed at all.²⁹

Rab Judah stated: A careful study would show that³⁰ according to the view of R. Meir roofs are regarded as a Separate domain, courtyards as a separate domain

(1) Lit., ‘there is’.

(2) That were put up for dwelling purposes.

(3) Lit., ‘to cause to flee’.

(4) Not for dwelling purposes.

(5) Lit., ‘on its mouth’,

(6) If it was higher than ten handbreadths.

(7) Concerning which Rab ruled that even according to the Rabbis it is permissible to move objects throughout its area though it was bigger than two beth Se'ah. The sides of a ship that was inverted for the purpose of dwelling under it should be subject to the same laws as those of the walls of a dwelling-house.

(8) As its sides no longer serve the purpose of walls of a dwelling place the ship's roof (or back) assumes the same character as that of the top of a mere column; and when these sides are imagined to be extended upwards they surround an area that is bigger than two beth se'ah whose walls were not put up for dwelling purposes and whose status, therefore, must be that of a karmelith where movement of objects beyond four cubits is forbidden.

(9) Lit., ‘taught’.

(10) The discussion between Rab and Samuel. V., however, Rashi.

(11) MS.M. ‘Jacob’.

(12) Supra 25a q.v. notes.

(13) Viz., that it is permissible freely to move objects from roof to roof provided all the roofs were on the same level.

(14) Since a roof (cf. prev. n.) is not subject to the restrictions of karmelith.

(15) Obviously it should. Why then did R. Meir rule (infra 90b, fiad n) that gardens, courtyards and karpafs are separate domains from any of which it is forbidden to move objects into the other?

- (16) Against similar action in the case of a mound in a public domain.
- (17) Supra 89a q.v. notes.
- (18) That a detached roof that was bigger than two beth se'ah is subject to the restrictions of a karmelith.
- (19) Within four cubits.
- (20) Apparently it should. Why then did the Sages rule (infra 91a, ab init.) that, while roofs and courtyards form one domain, karpafs form a separate domain from which it is forbidden to move objects either into a courtyard or on to a roof.
- (21) Var. lec. 'Rabbah' (marg. gl.).
- (22) As well as that of the house under it to less than two beth se'ah, when it would assume the status of a private domain from which into a karpaf the movement of objects is forbidden.
- (23) Even within four cubits.
- (24) Each of which was bigger than two beth se'ah.
- (25) And thus assume the status of a private domain.
- (26) In the area of a karpaf.
- (27) One could not fail to observe a reduction in all enclosed space.
- (28) In a roof which is all unenclosed space since it had no walls around it.
- (29) It is very difficult to recognize a small difference in an open area.
- (30) Lit., 'when you will find to say'.

Talmud - Mas. Eirubin 91a

and karpafs as a separate domain;¹ that, according to the view of the Sages,² roofs and courtyards form a single domain³ and karpaf⁴ form a domain of their own;⁵ and that according to the view of R. Simeon⁶ all these together⁷ constitute a single domain.

It was taught in agreement with Rab⁸ and it was also taught in agreement with Rab Judah.⁹ 'It was taught in agreement with Rab': All the roofs of a town constitute a single domain, and it is forbidden to carry objects up or down from the courtyards on to the roofs or from the roofs into the courtyards respectively;¹⁰ but objects that were in a courtyard when the Sabbath began may be moved about within the courtyard, and if they were at that time on the roofs they may be so moved on the roofs, provided no roof was tell handbreadths higher or lower than all adjoining roof; so R. Meir. The Sages, however, ruled: Each one is a separate domain and no object may be moved in it except within four cubits.¹¹ 'It was taught in agreement with Rab Judah':¹² Rabbi related, When we were studying the Torah at R. Simeon's at Tekoa¹³ we used to carry¹⁴ oil¹⁵ and a towel from roof to roof, from the roof to a courtyard, from the courtyard to another courtyard, from that courtyard to a karpaf and from that karpaf into another karpaf¹⁶ until we arrived at the well wherein we bathed.

R. Judah related: It once happened that during a time of danger¹⁷ we carried¹⁴ a scroll of the Law from a courtyard into a roof, from the roof into a courtyard, and from the courtyard into a karpaf in order to read in it.¹⁸ They,¹⁹ however, said to him: A time of danger can supply no proof.²⁰

R. SIMEON RULED: ROOFS etc. Rab ruled: The halachah is in agreement with R. Simeon. This, however, applies only where no 'erub²¹ had been prepared,²² but not where one²³ had been prepared, since [in the latter case] a preventive measure must be enacted²⁴ against the possibility of carrying out objects from the houses [in one courtyard] into a [neighbouring] courtyard.²⁵ Samuel, however, ruled: [The same law²⁶ applies] whether an 'erub had been prepared or not. So also said R. Johanan: 'Who whispered this²⁷ to you? [There is in fact no difference] whether an 'erub had been prepared or not'.²⁸ R. Hisda demurred: According to the view of Samuel and R. Johanan,²⁹ it might well be objected, 'Two objects in the same courtyard, and one may be moved³⁰ while the other may not!'³¹ — R. Simeon follows his own principle that in such cases no preventive measure need be enacted. For we learned: 'R. Simeon remarked: To what may this case be compared? To three courtyards that open one into the other and also into a public domain where, if the two outer ones made an 'erub

with the middle one, It is permitted to have access to them and they are permitted access to it, but the two outer ones are forbidden access to one another³² and no preventive measure against the possibility of carrying objects from the one courtyard into the other had been enacted; so also here no preventive measure has been enacted against the possibility of carrying objects from the houses of one courtyard into the next courtyard.

R. Shesheth raised an objection: R. SIMEON RULED: ROOFS, COURTYARDS AND KARPAFS ARE EQUALLY REGARDED AS ONE DOMAIN IN RESPECT OF CARRYING FROM ONE INTO THE OTHER OBJECTS THAT WERE KEPT WITH THEM WHEN THE SABBATH BEGAN, BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE WHEN THE SABBATH BEGAN. Now if you grant that the ruling³³ applies also to cases where an erub had been prepared it is quite easy to see how objects from a house call be found in a courtyard,³⁴ but if you maintain that the ruling; applies only to cases where no 'erub had been prepared, how³⁵ is it possible for objects from a house to be found in a courtyard?³⁶ — He raised the objection and he also supplied the solution: [The objects] referred to might be skull-caps or turbans.³⁷

(1) Supra 89a q.v., notes.

(2) Who, unlike R. Meir, did not make provision against the possibility of using a mound in a public domain.

(3) It being permissible to move objects from one courtyard into another if both belonged to more than one person, or from a private roof (since it is only infrequently used) into such a courtyard. Between private roofs this is forbidden, since in the view of the Rabbis, the domains on the roofs are as divided as the domains of the houses below,

(4) Since they are of the same character.

(5) Though they belonged to more than one owner.

(6) V. his ruling in our Mishnah.

(7) Not only each group.

(8) Who laid down (supra 89a) that the principle of upward extension is inapplicable to indistinguishable walls, that adjoining roofs of the same level impose, therefore, restrictions upon each other, and that no object may be moved on either of them beyond four cubits.

(9) Whose view has just been cited.

(10) This, according to R. Meir, is a preventive measure against the possibility of a similar act in the case of a mound in a public domain.

(11) In agreement with Rab.

(12) In respect of his interpretation of R. Simeon's view.

(13) A place in Palestine famous for its oil.

(14) Lit., 'bring up'.

(15) For anointing their bodies after their bathing (v. infra).

(16) In agreement with Rab Judah.

(17) The religious persecutions after Bar Kochba's revolt.

(18) From this R. Judah sought to lay down the law for normal times.

(19) His colleagues at the college.

(20) As to what is permitted in normal times.

(21) By the tenants of each courtyard.

(22) For their respective courtyards. As in the absence of all 'erub they are forbidden to carry any objects from their houses into their courtyards there is no need to provide against the possibility of the carrying of an object from one of the houses into a neighbouring courtyard.

(23) Each courtyard for itself but no two courtyards jointly.

(24) Forbidding the transfer of objects from one courtyard into another, even though these were all the time in the courtyard.

(25) Which even R. Simeon forbids. Cf. Supra n. 12 mut. mut.

(26) It. Simeon's.

(27) The distinction drawn by Rab (cf. Rabbenu Samuel in Tosaf a.l.). Rashi deletes 'who . . . you'. For another

interpretation (cf. R. Tam. in Tosaf. loc. cit.).

(28) In either case freedom of movement is permitted.

(29) That, though objects that were in a courtyard when the Sabbath began may be moved into another courtyard, those that were at the time mentioned in a house in that courtyard may not be moved to an adjoining courtyard, even after they had been brought into their own courtyard by means of an 'erub.

(30) Into an adjoining courtyard (cf. prev. n.).

(31) As a result, people might take the liberty of carrying the two kinds of objects into the next courtyard. Why then was no preventive measure enacted against such a possibility?

(32) Supra 45b q.v. notes.

(33) R. Simeon's.

(34) And the limitation, 'BUT NOT IN RESPECT OF OBJECTS THAT WERE IN THE HOUSE' was consequently necessary.

(35) Since in the absence of all 'erub no object may be carried from any of the houses into the courtyard.

(36) This being apparently impossible, what need was there for (cf. supra p. 631, n. 6) the limitation?

(37) Which may well have been in the house when the Sabbath began but were carried into the courtyard on one's head as articles of dress.

Talmud - Mas. Eirubin 91b

Come and hear: if the tenants of a courtyard and the tenants on its gallery forgot to join together in an erub,¹ any level that is higher than ten handbreadths² belongs to the gallery,³ and any lower level belongs also to the courtyard.⁴ This⁵ applies only where both the former as well as the latter were occupied by many tenants⁶ and each group prepared an 'erub for itself,⁷ or where they belonged to individuals⁸ who⁹ need not prepare an 'erub;¹⁰ but if they were occupied by many tenants¹¹ who forgot to prepare an erub,¹² roof, courtyard, exedra and gallery constitute together¹³ a single domain.¹⁴ The reason then¹⁵ is that no 'erub had been prepared,¹² but if an 'erub had been prepared this would not have been permitted, would it?¹⁶ — This represents the view of¹⁷ the Rabbis.¹⁸ A deduction from the form of the expression also supports this view,¹⁹ since karpaf and alley were not mentioned.²⁰ This is conclusive.

Come and hear: If five courtyards were open one into the other and also into an alley and all their tenants forgot to prepare an erub, it is forbidden to carry in or to carry out from a courtyard into the alley²¹ or from the alley into a courtyard; objects, however, that were in a courtyard when the Sabbath began may be moved about within the courtyard, but in the alley this is forbidden;²² but R. Simeon permits this²³ for he used to say: Whenever they²⁴ belong to many people who forgot to prepare an erub,²⁵ a roof a courtyard, all exedra, a gallery, a karpaf and an alley are jointly regarded as a single domain.²⁶ The reason then²⁷ is that no 'erub had been prepared²⁸ but if they had prepared One²⁹ this would not have been the case, would it?³⁰ — The meaning of 'no erub had been prepared' is that the tenants of the courtyards did not prepare an 'erub jointly, but the courtyard with its houses were joined by an 'erub.³¹ But was it not stated: 'No 'erub³² had been prepared'? — The meaning of an 'erub had been prepared' is that there was no shittuf.³³ And if you prefer I might say: R. Simeon was speaking to the Rabbis in accordance with their view. 'According to my view', he said, in effect, 'there is no difference between a case where an erub had been prepared and one where it had not been prepared;³⁴ but according to your view, would you not agree with me that at least where no 'erub had been prepared³⁵ all³⁶ should be regarded as a single domain?' And the Rabbis replied: No, they³⁷ must be regarded as two domains.³⁸

The Master said: 'But in an alley this is forbidden'. May it be suggested that this provides support to a ruling R. Zera cited in the name of Rab, for R. Zera citing Rab ruled: In an alley wherein no shittuf had been arranged no objects may be moved about except within four cubits?³⁹ — Read:⁴⁰ 'But into an alley it is forbidden'.⁴¹ But this⁴² is identical, is it not, with the first clause?⁴³ — The superfluous Mishnah⁴⁴ was required: As it might have been presumed that the Rabbis differed from

R. Simeon only⁴⁵ where an erub had been prepared⁴⁶ but that where no 'erub had been prepared⁴⁷ they agreed with him,⁴⁸ we were informed⁴⁹ [that they differ in both cases].⁵⁰

Said Rabina to R. Ashi:

-
- (1) But each group prepared an 'erub for its courtyard and gallery respectively.
 - (2) A column or a mound, fair instance.
 - (3) For the discussion and explanation of the ruling v. supra 84a.
 - (4) And since the tenants of the courtyard as well as those of the gallery have a right to it, its use is forbidden to both.
 - (5) The prohibition on both groups of tenants to use the same courtyard or gallery.
 - (6) Lit., 'that these belonged to many and those belonged to many'.
 - (7) So that the tenants in each group were permitted to carry their objects from their houses into their courtyard and gallery respectively. If objects that rested in the courtyard or the gallery had been permitted to be transferred from the one into the other, people might mistakenly transfer also objects from the house of the one into the other. Hence the prohibition (cf. supra n. 7).
 - (8) Sc. the courtyard belonged to one, and the gallery to another individual.
 - (9) Since there were no other tenants either in the one or in the other to impose restrictions.
 - (10) And may, therefore, carry their objects from their houses into their respective domains. Hence (cf. Supra n. 9) the prohibition.
 - (11) I.e., the gallery had a number of tenants and the courtyard also had a number of tenants.
 - (12) For their respective domains, so that no object could be moved from any of the no uses into the courtyard and gallery respectively into which that house opened.
 - (13) In respect of objects that rested in them at the time the Sabbath commenced.
 - (14) And it is consequently permitted to move these objects from one into the other.
 - (15) Why it is permitted to move objects from one into the other (cf. prev. n.).
 - (16) Obviously not, since a preventive measure against the possibility of carrying objects from the houses of the one into the other would have been necessary. Now since it is R. Simeon who regards roofs, courtyards etc. as one domain this ruling which also regards them as one domain must be attributed to him, since it was Shown that if an 'erub had been prepared the movement of all objects between courtyard and gallery is forbidden, an objection arises against Samuel and R. Johanan.
 - (17) Lit., 'this is according to whom.?'
 - (18) Who agree that roofs and courtyards do constitute a single domain, and it is only they who did not permit the movement of objects as a preventive measure (as they did in the case supra 49a). R. Simeon, however, enacted no such preventive measures.
 - (19) That the ruling cited represents the view of the Rabbis.
 - (20) In agreement with their view. A ruling of R. Simeon would have included these also since he regards these as well as the others as one domain.
 - (21) The Rabbis, whose view is here represented, regarding an alley as a karpaf into which no objects may be carried.
 - (22) This is now assumed to mean that even objects that were in the alley itself at the time the Sabbath commenced may not be moved in it because, so long as no joint 'erub had been prepared, it is subject to the restrictions of a karmelith.
 - (23) Even the movement of an object from a courtyard into the alley.
 - (24) Courtyards or alleys.
 - (25) For themselves. This is now presumed to mean that tenants of each courtyard did not prepare an 'erub for their own courtyard.
 - (26) The movement of objects within which is permitted.
 - (27) Why according to R. Simeon it is permitted to carry objects from a courtyard into the alley.
 - (28) Cf. supra n. 9; so that no objects from the houses may be carried into the courtyard and no preventive measure against the possibility of carrying them into the alley is called for.
 - (29) In reliance on which objects from the houses could be carried into the courtyard.
 - (30) Since a preventive measure against the possibility of carrying objects from the houses into the alley would have been necessary. A distinction is thus drawn between a case where 'erub has, and one where it has not been prepared. All objection against Samuel and . Johanan.

p31) R. Simeon's form of expression was not intended as a restriction but, on the contrary, as an extension of the privilege: Even though each courtyard was provided with a separate 'erub and objects from its houses were permitted to be carried into it, it is nevertheless permitted to move into the alley such objects as were in the courtyard when the Sabbath began and no preventive measure against the possibility of carrying also the objects from the houses was deemed necessary.

(32) Presumably none whatever.

(33) Between the courtyards in the alley. The question of 'erub between the houses of each courtyard is completely disregarded since the use of the alley is permitted irrespective of whether such an 'erub was or was not prepared in the courtyards.

(34) As Samuel and R. Johanan maintained.

(35) By each group of tenants for their own courtyard.

(36) Roof, courtyard, exedra, gallery and karpaf

(37) Karpaf and alley.

(38) Only roof, courtyard and gallery may be regarded as one domain.

(39) Shab. 130b.

(40) Instead of 'in'.

(41) Sc. to carry objects from a courtyard. Within the alley, however, objects may well be carried about.

(42) The ruling in the form now suggested.

(43) Which reads: 'it is forbidden to carry . . . from a courtyard into an alley'.

(44) Sc. the repetition of the same thing.

(45) Lit., 'when do the Rabbis differ from R. Simeon-t
ese words'.

(46) For each courtyard separately; (the meaning of 'erub in the expression 'for{ot to prepare an 'erub' being shittuf), and that the prohibition to move objects from a courtyard into the alley is due to a preventive measure against the possibility of moving objects from the houses into the alley.

(47) In consequence of which no objects from a house could be carried into a courtyard.

(48) That, since no preventive measure is called for (cf. p. n.), the movement of objects from the courtyard into the alley is permitted.

(49) By the apparently superfluous repetition of the same ruling.

(50) Since the repetition of the ruling can be explained only by applying each statement to a different case: One where all 'erub for each courtyard had been prepared and one where none had been prepared.

Talmud - Mas. Eirubin 92a

Could R. Johanan have made such a statement,¹ seeing that R. Johanan laid down that the halachah is in agreement with an anonymous Mishnah, and we learned:² If a wall between two courtyards was ten handbreadths high and four handbreadths thick, two 'erubs may be prepared but not one. If there was fruit on the top of it, the tenants on either side may climb up and eat there, provided they do not carry it down?³ — The meaning of 'down' is⁴ 'down into the houses'.⁵ But did not R. Hiyya learn: Provided neither of the tenants⁶ stands in his place⁷ and eats?⁸ — The other replied: Since⁹ Rabbi¹⁰ has not taught this ruling¹¹ whence could R. Hiyya¹² know it!

It was stated: If there were two courtyards with a ruin¹³ between them and the tenants of the one prepared an 'erub¹⁴ and the tenants of the other did not prepare one,¹⁵ [the ruin] said R. Huna, is to be assigned¹⁶ that courtyard for which no 'erub had been prepared,¹⁷ but not to the one for which an 'erub had been prepared, since the tenants of the latter might be tempted to carry objects¹⁸ from their houses into the ruin.¹⁹ Hiyya b. Rab, however, said:²⁰ It²¹ is also assigned to the courtyard for which an 'erub had been prepared, and both, therefore,²² are²³ subject to restrictions.²⁴ For were you to suggest that both are exempt from restrictions,²⁵ why [I would ask,] is not²⁶ a courtyard for which no 'erub had been prepared assigned²⁷ to the courtyard for which one had been prepared?²⁸ — [No].²⁹ In that case³⁰ since the objects from the houses are safe³¹ in the courtyard one might carry [many of them] thither;³² but here in the case of a ruin, since the objects from the houses are not safe in a ruin, no one would carry many of them thither.³³

Others read: Hiyya b. Rab said: It³⁴ is also assigned to the courtyard for which an 'erub had been prepared; and both, therefore,³⁵ are³⁶ free from restrictions. For should you insist that both are subject to restrictions³⁷ since³⁸ a courtyard for which no 'erub had been provided is not assigned to the one for which one had been provided,³⁹ [it can be retorted]: In that case,³⁰ since the objects from the houses are safe³¹ in the courtyard the Rabbis did not relax the restrictions because otherwise people might carry them out.⁴⁰ In a ruin, however, they are not safe.⁴¹

MISHNAH. IF A LARGE ROOF WAS CLOSE TO A SMALLER ROOF⁴² THE USE⁴³ OF THE LARGER ONE IS PERMITTED⁴⁴ BUT THAT OF THE LESSER ONE IS FORBIDDEN.⁴⁵ IF THE FULL WIDTH OF A WALL OF A SMALL⁴⁶ COURTYARD WAS BROKEN DOWN SO THAT THE YARD FULLY OPENED INTO A LARGE⁴⁷ COURTYARD, THE USE OF THE LARGER ONE⁴⁸ IS PERMITTED,⁴⁹ BUT THAT OF THE SMALLER ONE⁴⁸ IS FORBIDDEN, BECAUSE THE GAP IS REGARDED AS A DOORWAY TO THE FORMER.⁵⁰

GEMARA. What was the point⁵¹ in teaching⁵² the same principles twice?⁵³ According to Rab's view,⁵⁴ this⁵⁵ was intended to teach us that a ROOF is subject to the same limitations as a COURTYARD: As in a courtyard the walls are distinguishable⁵⁶ SO must the walls be distinguishable in the case of a roof also;⁵⁷ and according to Samuel's view⁵⁸ a no ROOF was meant to be compared to a COURTYARD: As a courtyard is a place upon which many people tread so must a roof⁵⁹ be one on which many people tread.⁶⁰

Rabbah and R. Zera and Rabbah son of R. Hanan⁶¹ were sitting at their studies, Abaye sitting beside them, and in the course of their session they argued as follows: From our Mishnah it may be inferred that the occupiers of the larger one influence the rights of those of the lesser but those of the latter do not influence those of the former. If, for instance,⁶² vines were planted in the larger one, it is forbidden to sow in the lesser one,⁶³ and if it was sown, the seeds are forbidden; and

(1) That the halachah was in agreement with R. Simeon that all courtyards are regarded as a single domain even where separate 'erub were prepared for each.

(2) Anonymously.

- (3) Supra 76b q.v. notes. Since it is forbidden to carry' the fruit down into either courtyard, it is obvious that it is forbidden to carry any object from one courtyard into another; and this ruling, since it is contained in all anonymous Mishnah, must, according to R. Johanan, represent the halachah. Now, if it is granted, as Rab maintained Supra, that a distinction is drawn between courtyards for each of which a separate 'erub had been provided and courtyards for which none had been provided, the Mishnah cited can be explained to refer to courtyards of the former class; but if no distinction is drawn and R. Simeon, according to R. Johanan's interpretation, regards all courtyards as one domain in either case, how is this rule to be reconciled with the Mishnah?
- (4) Lit., 'what is below'?
- (5) Into the courtyards, however, this is permitted.
- (6) Lit., 'that this shall not . . . and this etc.'
- (7) Sc. in his own courtyard or on the top of the wall, from which it is obvious that the movement of objects is forbidden not only into the houses but also from one courtyard into the other.
- (8) [MS.M. reads: provided they do not carry it down but each one stands in his place].
- (9) Lit., 'and when'.
- (10) R. Judah I, the compiler of the Mishnah.
- (11) He only spoke of the prohibition to carry it 'down', (cf. n. 4,) meaning to take it into the houses.
- (12) Who was Rabbis disciple. R. Hiyya compiled Baraithas, and the authorship of the Tosefta is attributed to him.
- (13) On none of whose side it was fully exposed to the public domain and that belonged either to the owners of the adjoining houses or to another person.
- (14) For their courtyard alone, so that they' were allowed to move objects from their houses into it.
- (15) In consequence of which they are forbidden to carry into it any objects from their houses.
- (16) Irrespective of whether it belonged to one of the house owners or to a stranger.
- (17) I.e., the tenants of that courtyard are permitted to carry objects from their courtyard into the ruin.
- (18) Which happened to be in their courtyard (cf. supra n. 10).
- (19) No such precaution is necessary in the case of the other courtyard since no objects from the houses (cf. supra n. 11) may be carried into it. R. Huna, a disciple of Rab, follows his master's principle (supra 91a).
- (20) In the name of his father (v Rashi a.l.).
- (21) The ruin.
- (22) Since a preventive measure is necessary to prevent mistaken application of the rule for the courtyard for which no 'erub had been prepared to the one for which an 'erub had been prepared.
- (23) In the opinion of Hiyya.
- (24) Neither from the one nor from the other may objects be moved into the ruin.
- (25) Sc. that Rab's (cf. supra p. 636, n. 16) ruling that the ruin 'is also assigned etc.' implies a relaxation of the law and that even from the courtyard in which an 'erub had been prepared the moving of objects into the ruin is permitted.
- (26) In the ruling of R. Simeon in our Mishnah which, according to Rab's interpretation (supra 91a) 'applies only where no 'erub had been prepared but not where one had been prepared'.
- (27) As is the ruin, according to the suggestion.
- (28) Sc. why should not the tenants of the latter be permitted to carry objects from their courtyard into the former.
- (29) This is no argument against the suggestion that the meaning is that both are free from restrictions.
- (30) Lit., 'there', the ruling of R. Simeon according to Rab's interpretation.
- (31) Lit., 'are watched', 'protected'.
- (32) Sc. so many objects are likely to be carried from the houses into the courtyard that they might easily be mixed up with those of the courtyard and carried like them to the next courtyard. Hence the restriction.
- (33) Cf. prev. n. mut. mut. As objects from the houses are not likely to be mixed up with those of the courtyard no preventive measure was considered necessary. The case of the ruin, therefore, is no criterion for that spoken of by R. Simeon, and it may well be maintained, as suggested, that in the former case both are free from restrictions'.
- (34) The ruin,
- (35) Cf. supra n. 1.
- (36) Presumably; in the opinion of Hiyya.
- (37) Sc. that neither from the one nor from the other may objects be moved into the ruin.
- (38) V. supra n. 2 and text.
- (39) From which it is evident that a preventive measure had been enacted against the possibility of mixing up the objects

from the houses with those from the courtyard and the carrying of the former like the latter into the next courtyard (cf. supra p. 636, n. 18).

(40) Into the courtyard (cf. supra p. 637, n. 8).

(41) V. supra p. 637, n. 9.

(42) The former projecting on both sides of the latter and the line of contact being no longer than ten cubits.

(43) I.e., the taking up of objects from the house below.

(44) The occupiers of the adjoining house impose no restrictions on its tenants since the projecting portion of the larger roof (cf. supra n. 3), by the rule of upward extension, forms side-posts to the middle section common to both roofs which, being no bigger than ten cubits (cf. loc. cit.), is regarded as a doorway of the larger roof.

(45) Cf. supra n. 4; since it is fully exposed to the larger roof, the occupiers of the larger house impose restrictions on its use,

(46) So Asheri, and cur. edd. supra 8a, 9b. Cur. edd. a.l. and Alfasi 'large'.

(47) Cf. prev. n.

(48) I.e., the movement of objects from its houses into it.

(49) If an 'erub had been prepared by its tenants. For the reason cf supra n. 5; mut. mut.

(50) But not to the latter. Hence it is (cf. supra nn. 5f) that the use of the former is permitted while that of the latter is forbidden.

(51) Lit., 'wherefore to me'.

(52) In our Mishnah.

(53) Lit., 'two'; in case of (a) roofs and (b) courtyards.

(54) That walls must be distinguishable.

(55) The repetition of the same principle.

(56) Since it has proper walls.

(57) I.e. the roof must not project beyond the walls. If it does the rule of upward extension cannot apply.

(58) That the rule of upward extension is applicable even where the walls are indistinguishable when viewed from the roof.

(59) If its use is to be forbidden.

(60) If many people do not tread upon it, the rule of upward extension is applied even where the walls are indistinguishable from above.

(61) MS.M., 'Abin'.

(62) Lit., 'how?'

(63) Because the latter is regarded as a part of the former in which it is forbidden to sow vines and corn together (v. Glos. s.v. kil'ayim).

Talmud - Mas. Eirubin 92b

the vines are permitted;¹ if vines grew in the lesser one it is permitted² to sow in the larger one.³ If a woman was in the larger one, and her get⁴ was in the lesser one⁵ she is⁶ divorced thereby;⁷ but if the woman was in the lesser one and her get⁴ in the larger,⁵ she is not divorced.⁸ If a congregation was in the larger one and the Reader⁹ in the lesser one, they have fully performed their duty,¹⁰ but if the congregation was in the lesser one and the Reader in the larger one they have not performed their duty.¹¹ If nine men were in the larger courtyard and one was in the lesser one they may all be combined,¹² but if nine men were in the lesser one and one man in the larger one they may not be combined.¹³ If excrement was in the larger one it is forbidden to read the portions of the shema'¹⁴ in the lesser one,¹⁵ but if it was in the lesser one it is permitted to read the shema' in the larger one.¹⁶ Said Abaye to them, If so, do we not find here a case where a partition¹⁷ is a cause of prohibition, for in the absence of a partition¹⁸ one may sow at a distance of four cubits¹⁹ whereas now²⁰ this is forbidden?²¹ But, retorted R. Zera to Abaye, do we not elsewhere also find a case where a partition is a cause of prohibition? Have we not in fact learnt: IF THE FULL WIDTH OF A WALL OF A SMALL²² COURTYARD WAS BROKEN DOWN SO THAT THE YARD FULLY OPENED INTO A LARGE²² COURTYARD, THE USE OF THE LARGER ONE IS PERMITTED, BUT THAT OF THE SMALLER ONE IS FORBIDDEN, BECAUSE THE GAP IS REGARDED AS A

DOORWAY TO THE FORMER; but if its projections²³ had been straightened²⁴ the use of the large One also²⁵ would have been forbidden?²⁶ — There,²⁷ the other replied, it is a case of the removal of partitions.²⁸ ‘Do we not’, retorted Raba to Abaye, ‘find a partition to be the cause of a prohibition? Has it not in fact been stated:

- (1) Since the lesser courtyard cannot influence the larger one which remains independent of it.
- (2) Even ab initio.
- (3) Cf. supra n. 6. The line of contact between the courtyards being regarded as a doorway to the larger one and, a doorway having the status of a partition, the corn may be sown even in close proximity to the vines (cf. B.B. 26a). In this case, since they were planed first, the vines also remain permitted (cf. Men. 15a).
- (4) Which her husband threw to her.
- (5) And she was the owner of both courtyards.
- (6) Even according to the view (Git. 77b) that a woman cannot be divorced by the thrusting of a get into her domain unless she was herself present at the time within that domain.
- (7) Since the lesser courtyard is regarded as a part of the larger one in which she was actually present,
- (8) Because the larger courtyard forms no part of the lesser one, while the woman within the latter (who, as a rule, has no desire to acquire a get to be divorced) cannot be deemed to be transferred to the larger courtyard.
- (9) Sheliah zibbur, lit., ‘the messenger of the congregation’, who reads the prayers for, and on behalf of those who are themselves unable to read them.
- (10) Of prayer. The Reader in the lesser courtyard which is regarded as a part of the larger one is deemed to be in the same place as the congregation.
- (11) since the Reader in the larger courtyard, which (as explained supra) is independent of the’ lesser one, cannot be regarded as present with them in the lesser one, while a whole congregation cannot be deemed to be transferred from their position and shifted towards the position of an individual.
- (12) To form a quorum of ten, the minimum number required for a public religious service (cf. supra p. 639, n. 15 mut. mut.)
- (13) Cf. supra n. 1 mut. mut.
- (14) Keri'ath shema', lit., ‘the reading of the shema’, the passages from Deut. VI, 4-9 XI, 13-21, and Num. XV, 37-41 the first of which begins with the words ‘Shema’ Yisroel’ (‘Hear, O Israel’). The three passages form the central part of the morning and evening services.
- (15) Which is deemed to be a part of the former.
- (16) Which (as explained supra) is separated from the lesser one by a virtual doorway which has the status of a partition.
- (17) Sc. the virtual doorway (formed, by the projection of the sections of the larger courtyard on both sides of the smaller one) which has the status of a partition.
- (18) I.e., but for the projections on both sides of the smaller one which have the status of a partition.
- (19) From the vines; lit., ‘removes four cubits and sows’.
- (20) On account of the imaginary partition.
- (21) Since the entire area of the smaller courtyard is forbidden ground.
- (22) Cf. relevant note on our Mishnah.
- (23) The sections of the larger courtyard that projected on both sides of the smaller one.
- (24) By building partitions that cut out these projections from the larger courtyard.
- (25) Which, on account of the partitions d, is now fully exposed to the smaller one as the latter is exposed to it.
- (26) Which is another case where a partition is the cause of a prohibition.
- (27) The case just cited.
- (28) The putting up of the new partitions removes the former partitions so that one cancels out the other. In the case cited by Abaye, however, there is only one set of partitions and these very partitions are the cause of the prohibition.

Talmud - Mas. Eirubin 93a

If an exedra¹ that had side-posts² was covered with boughs,³ it⁴ is valid as a sukkah;⁵ but if its side-posts had been straightened,⁶ it would have been invalid, would it not?⁷ ‘According to my view, Abaye replied: ‘it⁸ is still valid,⁹ while according to your view it is a case of the removal of

partitions'.¹⁰ Said Rabbah b. R. Hanan¹¹ to Abaye: Do we not find elsewhere that a partition may be the cause of a prohibition? Was it not in fact taught: If a house was half covered with a roof while its other half was uncovered, it is permissible to sow¹² in the uncovered part¹³ though vines grew in the covered part;¹⁴ but if all the house had been equally covered with a roof¹⁵ would not this have been forbidden?¹⁶ — There, the other replied: It is a case of the removal of partitions.¹⁷

Raba sent to Abaye by the hand of R. Shemaiah b. Ze'ira [the following message]: 'Do we not find a partition to be the cause of a prohibition? Was it not in fact taught: partitions in a vineyard may be either the cause of a relaxation of the law¹⁸ or one of a restriction of it. In what manner? If the plantation of a vineyard stretched to the 'very foundation of a fence one may sow from the very foundations of that¹⁹ fence and beyond it; whereas in the absence of a partition one may sow only at a distance of four cubits;²⁰ and this is an example of a partition in a vineyard that is the cause of a legal relaxation. In what manner are they a cause of legal restriction? If a vineyard was removed eleven cubits from a wall no seed may be sown in the intervening space;²¹ whereas in the absence of a wall one may sow at a distance of four cubits;²⁰ and this is an example of a partition in a vineyard that is the cause of a legal restriction?'¹⁶ — 'According to your view, however, the other replied: 'might you not raise an objection against me from a Mishnah, since we learned: A patch in a vineyard, Beth Shammai ruled, must measure no less than twenty-four cubits, and Beth Hillel ruled: Sixteen cubits; and the width of an uncultivated border of a vineyard, Beth Shammai ruled, must measure no less than sixteen cubits, and Beth Hillel ruled: Twelve cubits. And what is meant by a patch in a vineyard? The barren portion of the interior of the vineyard.²² If its sides do not measure sixteen cubits no seed may be sown there, but if they do measure sixteen cubits, sufficient space for the tillage of the vineyard is allowed and the remaining space may be sown. What is meant by the uncultivated border of a vineyard? The space between the actual vineyard and the surrounding fence. If the width is less than twelve cubits no seed may be sown there, but if it measures twelve cubits, sufficient space for the tillage of the vineyard is allowed and the remaining area may be sown.'²³ Consequently²⁴ it must be assumed that the reason there²⁵ is²⁶ that all the space to the extent of four cubits that adjoins the vineyard is allotted for the tillage of the vineyard, and a similar space that adjoins the wall, since it cannot be sown,²⁷ is renounced²⁸ so that the area intervening,²⁹ if it measures four cubits,³⁰ is deemed to be of sufficient importance, but not otherwise.³¹

Rab Judah said: If three karpafs³² adjoined one another, and the two outer ones had projections³³ while the middle one had none³⁴ and one man occupied each,³⁵ the group³⁶ is treated as a caravan who are allowed as much space as they require.³⁷ If the middle one had projections³⁸ while the two outer ones had none³⁹ and one man occupied each, the three men together⁴⁰ are allowed no more space⁴¹ than six [beth se'ah].⁴² The question was raised: What is the ruling where one person occupied each of the outer karpafs and two occupied the middle one?⁴³ Is it held that if these⁴⁴ were to go⁴⁵ to the one karpaf⁴⁶ there would be in it three⁴⁷ and if they⁴⁴ were to go to the other karpaf⁴⁶ there would be in it three⁴⁷, or is it rather held that only one of them⁴⁸ is deemed to be going to each karpaf?⁴⁹ And were you to find Some ground for the assumption that only one of them⁵⁰ is deemed to be going to each karpaf,⁵¹ the question arises: What is the decision where two persons occupied each of the outer karpafs⁵² and only one occupied the middle one? Is it certain that the view is here: If he⁵³ were to go to the one karpaf⁵⁴ there would be in it three⁵⁵ and if he were to go to the other karpaf⁵⁴ there would be in it three,⁵⁵ or is the view rather that it is doubtful in which direction he would go?⁵⁶ The law is that in these questions the more lenient rule is adopted.

R. Hisda said:

(1) With two walls in the shape of an "L" (v. Tosaf. a.l. contra Rashi).

(2) Of the width of a handbreadth, attached to the end of either wall.

(3) Or similar materials suitable for a sukkah roof.

(4) Since either post may be deemed to be extended horizontally and to form a third wall.

- (5) Suk. 18a.
- (6) By putting up walls that covered them (cf. diagram supra mut. mut.) so that only two walls remained.
- (7) Which is another case where a partition is the cause of a prohibition,
- (8) Even in the absence or concealment of the side-posts.
- (9) Because the edges of the beams that span the roof of the exedra are deemed to extend downwards and to form virtual walls (cf. infra 95a) so that the added walls do not effect any prohibition.
- (10) Cf. supra n. 5 mut. mut.
- (11) MS. M., Raba b. R. Hanin.
- (12) Immediately outside the covered section.
- (13) Lit., 'here'; because the edge of the roof is deemed to descend downwards and form a partition between the covered and uncovered sections of the house.
- (14) V. p. 641, n. 18.
- (15) Lit., 'he made his roof covering equal'.
- (16) Which is another case where a partition is the cause of a prohibition.
- (17) The extension of the roof removes the virtual partition formed (cf. supra n. 2) by the edge of the half of the roof.
- (18) Of kil'ayim.
- (19) On its other side.
- (20) From the vineyard. Lit., 'causes it to be four cubits far and sows'.
- (21) Lit., 'shall not bring seed there'.
- (22) Lit., 'a vineyard whose middle was destroyed'.
- (23) Kil. IV, 1; supra 3b q.v. notes. Now the ruling 'If the width (between the vineyard and the wall) is less than twelve cubits no seed may be sown there' proves that a partition may be the cause of a restriction. Why then did not Raba raise his objection on the basis of this ruling that has the authority of a Mishnah and is much superior to that of a Baraitha on which his objection is based?
- (24) Since Raba did not cite this Mishnah in support of his objection.
- (25) Why no seed may be sown if the distance between the vineyard and the wall is less than twelve cubits.
- (26) Lit., 'but is not there this the reason'.
- (27) The sowing of seed near a wall undermining its foundations (cf. B.B. 19a).
- (28) By its owner, as useless for cultivation.
- (29) Between the four cubits for tillage on the side of the vineyard and the four cubits waste on the side of the wall.
- (30) The total distance between the vineyard and the wall would consequently be (cf. prev. n.) $4 + 4 + 4 = 12$ cubits.
- (31) Lit., 'and if not they are not important'. As this Mishnah provides no basis for Raba's objection so does not the Baraitha which may be similarly explained.
- (32) Whose enclosure consisted of no proper fence (plaited lengthwise and crosswise) but of ropes drawn horizontally or reeds fixed in the ground vertically.
- (33) Sc. each one was wider than the middle karpaf and projected on both sides of the line of contact, so that the projections formed a sort of frame the space between which is regarded as a doorway to it.
- (34) If they were situated, for instance, in the following formation.
- (35) V. marg. glos.
- (36) Of the three men, two of whom, on account of the bigger size of their karpafs, influence the rights of the third man in the middle one and who may, therefore, be deemed to be joint occupiers with him of that karpaf.
- (37) 'Certainly' of cur. edd. is deleted with Bah.
- (38) Cf supra p. 643, n. 11. mut. mut.
- (39) The karpafs having been situated with the largest in the middle and flanked on both of its sides by a smaller one.
- (40) Since the man of the middle karpaf, which is bigger than those occupied by the other two men and which has virtual doorways opening towards them, now has the influence over the others, in consequence of which the latter cannot be treated as the occupiers of his karpaf to form with him a joint group of three (the minimum required to constitute a caravan), while he himself, despite his influence on the two can only be regarded as the occupier of the one or the other of the outer karpafs so that no more than two men (a number less than the minimum required for a caravan) ever occupy any one of the karpafs.
- (41) Lit., 'they are only given'.
- (42) Two beth se'ah for each. In either case the outer karpaf is bigger than two beth se'ah the occupier's field is

restricted but if the middle one is bigger than two beth se'ah the use of all the three karpafs is restricted since each of the two side ones is now fully exposed on one of its sides to the restricted domain of the middle karpaf

(43) Lit., 'one in this and one in this and two in the middle one', which was bigger than the others and which, owing to its projections on either side of each, is deemed to be provided with a doorway and to have influence over them.

(44) The two occupiers of the middle karpaf

(45) As they are well entitled to do on account of the size and position of their karpaf

(4f) Lit., 'to here', to one of the side karpafs that were each occupied by one man.

(47) Occupiers, in consequence of which they constitute a caravan and are, therefore, entitled to as much space as they require.

(48) Since, in order to avoid being in each other's way, the two are not likely to use the same karpaf at the same time.

(49) Lit., 'or perhaps one goes there' (repeat); and the restriction of the size to two beth se'ah, therefore, remains **קדמו**

(50) **ק"י 12 ק"י 11 ת"פ 644 ק"י זיה**

(51) **מ ק"ה קרפ ק"כ**

(52) **ק"י 7 ק"י 644 ת"פ שרפוד ק"כ**

(53) **ק"י 644 ת"פ שרפוד ק"כ**

(54) **ק"י 10 ק"י 644 ת"פ שרפוד ק"כ**

(55) **ק"י 11 ק"י 644 ת"פ שר וד ק"ה**

(56) **מזד גמש (גקאשקפקר) קרקי דגרש,א ם גדום, קי טשד איעוצ ן תיאזך**
קר דמושצקר יאסנ כם זנד קיא קדו גדום, קי כשפרשל יבוי, מ שארקבמו דן ון קב
ייש'קד יאקנ ם,א םא גקאבזראד

Talmud - Mas. Eirubin 93b

All embankment five handbreadths high and a partition on it five handbreadths high are not combined¹ since it is necessary² that the entire height³ shall be contained either in the embankment or in the partition.

b An objection was raised: If there were two courtyards one higher than the other, and the upper one is ten handbreadths higher than the lower one, or has⁴ an embankment five handbreadths high and a partition five handbreadths high, two separate 'erubs may be prepared⁵ but not one.⁶ If it⁷ was lower, only a single 'erub⁶ may be prepared but not two 'erubs!⁸ — Raba⁹ replied: R. Hisda agrees¹⁰ in the case of the lower courtyard, since its tenants can see a frontage of ten handbreadths.¹¹ If so, [should not the tenants of] the lower [courtyard]¹² prepare an 'erub¹³ [as in the case of] two [separated courtyards] but not a single one,¹⁴ while those of the upper one¹⁵ should neither prepare a single one¹⁶ [for the two courtyards] nor¹⁷ one for themselves alone?¹⁸ — Rabbah¹⁹ b. Ulla replied: [This²⁰ deals with a case,] for instance, where the upper courtyard had rims²¹ [that left a gap]²² not wider than ten cubits.²³ If so, read the final clause: 'If it was lower,²⁴ only a single 'erub may be prepared but not two should not the tenants be allowed to prepare one 'erub if they wished²⁵ or, if they preferred it, two? — Rabbah son of Raba replied: This²⁶ deals with a case, for instance, where the gap extended along a whole side of the lower courtyard.²⁷ If so should not the tenants of the lower one be allowed to prepare a single 'erub [jointly]²⁸ but not one for themselves alone²⁹ while those of the upper one should be allowed, if they wished it, to prepare an 'erub for themselves alone²⁹ or, if they preferred it, a single 'erub jointly?³⁰ — This is so indeed, and the ruling,³¹ 'If it was lower, only a single 'erub may be prepared but not two' applies to the tenants of the lower one.

Amemar made the following exposition: An embankment five handbreadths high and a partition on it five handbreadths high are combined.³² When Rabina met R. Aha son of Raba he asked him, 'Did the Master learn anything about a partition?'³³ the other replied: 'No'; and the law is that an embankment five handbreadths high and a partition on it five handbreadths high are combined.³²

R. Hoshai³⁴ enquired: Do tenants who arrive³⁵ on the Sabbath³⁶ impose restrictions? — R.

Hisda³⁷ replied: Come and hear: IF THE FULL WIDTH OF A WALL OF A SMALL³⁸ COURTYARD WAS BROKEN DOWN³⁹ SO THAT THE YARD FULLY OPENED INTO A LARGE³⁸ COURTYARD, THE USE OF THE LARGER ONE IS PERMITTED, BUT THAT OF THE SMALLER ONE IS FORBIDDEN BECAUSE THE GAP IS REGARDED AS A DOORWAY TO THE FORMER.⁴⁰ Is it not possible to assume', Rabbah objected, 'that the breach occurred while it was yet day?'⁴¹ Said Abaye to him, Do not say: Master, 'It is possible to assume' but rather, 'It is 'certain that the breach occurred while it was yet day', for, surely, it was the Master himself who stated: 'I enquired of R. Huna and also of Rab Judah as to what was the law where an 'erub was laid in reliance on a certain door and that door was blocked up, or on a certain window and that window was stopped up? And each replied: Since permission for that Sabbath was once granted the permissibility continues until the conclusion of the day'.⁴² It was stated: If a wall between two courtyards⁴³ collapsed,⁴⁴ Rab ruled, it is permitted to move objects within four cubits only,⁴⁵ but Samuel ruled:

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- (1) To constitute a single partition of the height of ten handbreadths which is the minimum height prescribed for an enclosure round a private domain.
 - (2) Lit., 'until'.
 - (3) Of ten handbreadths.
 - (4) On the side at which it adjoins the lower courtyard.
 - (5) One for each courtyard.
 - (6) For the two jointly,
 - (7) The height of the upper courtyard or the joint height of the embankment and partition.
 - (8) Cf. supra n. 12; which shows that an embankment and a partition are reckoned together as one unit of heights. How then could R. Hisda maintain that they are not combined?
 - (9) V. marg. glos. Cur. edd. in parenthesis, 'Rab'.
 - (10) That the heights of the embankment and the partition may be combined into one unit of ten handbreadths.
 - (11) The tenants of the upper courtyard, however, cannot see the full height; and it is on account of them that R. Hisda gave his ruling.
 - (12) Who can see a valid partition between their courtyard and the upper one.
 - (13) For themselves only.
 - (14) For the two jointly.
 - (15) Since the valid partition of the lower courtyard forms a division between the two courtyards.
 - (16) Jointly.
 - (17) Being exposed to the lower courtyard, having no valid partition on its side to separate it.
 - (18) Lit., '(one of) two'.
 - (19) MS. M., 'Raba'.
 - (20) The Baraitha cited.
 - (21) Rising on the embankment and forming a partition of ten handbreadths high round the upper courtyard.
 - (22) In the center of the partition.
 - (23) And it was in this gap, which may be regarded as a doorway, that the partition on the embankment was only five handbreadths high. The upper courtyard is thus separated from the lower one by both a valid partition and a doorway while the latter is separated from it completely by a valid partition. Hence the ruling that one imposes no restrictions on the other and that two separate erubs must be prepared. A joint 'erub, however, is not allowed on account of the valid partition of the lower one.
 - (24) This, according to the explanation of Rabbah b. 'Ulla who assumed the partition to be ten handbreadths high above the embankment, must obviously refer to the partition at the 'gap'.
 - (25) Since the gap represented a valid doorway between the two courtyards.
 - (26) The Baraitha cited.
 - (27) Lit., 'where the lower one was broken in its fullness into the upper one', the width of the upper one not exceeding ten cubits, so that the tenants of the latter, in the absence of a joint 'erub, impose restrictions on the tenants of the former.
 - (28) With those of the upper one (cf. prev. n.).
 - (29) Lit., '(one of) two'.

- (30) With the tenants of the lower courtyard.
- (31) Lit., 'and when it was taught'.
- (32) To form a height of ten handbreadths, the minimum prescribed for an enclosure around a private domain.
- (33) MS.M. and Bah have different readings.
- (34) Var. lec., Oshaia (MS. M.).
- (35) Lit., 'dwellers that come
- (36) If, for instance, a wall between two courtyards collapsed and the tenants of one courtyard arrived so to speak at the other.
- (37) Hanina (MS.M.), Hinena (Bah).
- (38) V. relevant note on our Mishnah.
- (39) This is now assumed to have occurred on the Sabbath.
- (40) Which shows that restrictions are imposed.
- (41) Of the Sabbath eve (cf. supra n. 10).
- (42) Supra 17a q.v. notes.
- (43) Which had no common door and the tenants of which did not join in a single 'erub for the two courtyards.
- (44) on the Sabbath.
- (45) Because the tenants of the courtyards impose restrictions upon another despite the fact that when the Sabbath began each group of tenants was allowed the use of its own courtyard.

Talmud - Mas. Eirubin 94a

The tenants on either side¹ may move their objects² to the very foundation of the wall.³ The ruling of Rab, however, was not explicitly stated but was arrived at by implication. For Rab and Samuel were once sitting in a certain courtyard when a parting wall⁴ collapsed.⁵ 'Take a cloak', said Samuel to the people, 'and spread it across,⁶ and Rab turned away his face.⁷ 'If Abba⁸ objects', Samuel told them, 'take his girdle and the with it'.⁹ Now according to Samuel's view, what need was there for this,⁹ seeing that he ruled: 'The tenants on either side may move their objects to the very foundation of the wall'? — Samuel did that merely for the sake of privacy. If Rab, however, held that this was forbidden,¹⁰ why did he not say so to him?¹¹ The place was under Samuel's jurisdiction. If so, why did he turn away his face? — In order that it might not be said that he held the same opinion as Samuel.¹² MISHNAH. IF THERE WAS A BREACH IN A WALL BETWEEN A COURTYARD¹³ AND A PUBLIC DOMAIN, ANY MAN WHO BRINGS ANY OBJECT FROM THE LATTER INTO A PRIVATE DOMAIN OR FROM A PRIVATE DOMAIN INTO IT IS GUILTY OF AN OFFENCE;¹⁴ SO R. ELIEZER. THE SAGES, HOWEVER, RULED: WHETHER A MAN CARRIED AN OBJECT FROM IT INTO THE PUBLIC DOMAIN¹⁵ OR FROM THE PUBLIC DOMAIN INTO IT HE IS EXEMPT¹⁶ BECAUSE IT HAS THE SAME STATUS AS A KARMELITH.¹⁷

GEMARA. As to R. Eliezer, does it¹⁸ become a public domain because there was a breach between it and the public domain? Yes; R. Eliezer follows his view, it having been taught: R. Judah citing R. Eliezer said: If the public chose a path for themselves,¹⁹ that which they have chosen is theirs.²⁰ But this cannot be right,²¹ for did not R. Giddal citing Rab explain: This applies only to a case where their path had been lost²² in that field?²³ And Should you reply that here also²⁴ it is a case where their path²⁵ had been lost in that courtyard,²⁶ surely, [it could be retorted], did not R. Hanina state, 'The dispute²⁷ referred to [all the courtyard] as far as the position of its walls'?²⁸ Read: The dispute concerned only the position of the wall.²⁹ And if you prefer I might reply: Their dispute²⁷ refers to the status of the sides of a public road, R. Eliezer holding that³⁰ the sides of a public road are like the public road while the Rabbis³¹ hold that the sides of a public road are not like the public road. Why then did they not express their difference of opinion in respect of the sides of public roads generally? — If they had expressed their difference of view in respect of the sides of public roads generally it might have been assumed that the Rabbis; differed from R. Eliezer only³² where there were border-stones³³ but where there were no border-stones they agree with him,³⁴

hence we were informed³⁵ [that even in the latter case they also differ from him]. But did he not say: FROM IT?³⁶ — As the Rabbis used the expression FROM IT he also used a similar expression. As to the Rabbis however, how is it that³⁷ R. Eliezer speaks of the sides of a public road and they retort to him FROM IT?³⁶ — It is this that³⁸ the Rabbis said to R. Eliezer: You agree with us, do you not, that where a man moved an object from it into a public domain or from a public domain into it he is exempt because it is a karmelith, well the same law should apply to³⁹ the sides⁴⁰ also. And R. Eliezer?⁴¹ There⁴² not many people tread on the spot but here⁴³ they do. MISHNAH. IF A BREACH WAS MADE⁴⁴ IN TWO SIDES OF A COURTYARD TOWARDS A PUBLIC DOMAIN, AND SO ALSO IF A BREACH WAS MADE IN TWO SIDES OF A HOUSE, OR IF THE CROSS-BEAM⁴⁵ OR SIDE-POST⁴⁵ OF AN ALLEY WAS REMOVED, THE OCCUPIERS ARE PERMITTED THEIR USE FOR THAT SABBATH BUT FORBIDDEN ON FUTURE SABBATHS; SO R. JUDAH. R. JOSE RULED: IF⁴⁶ THEY ARE PERMITTED THEIR USE ON THAT SABBATH THEY ARE ALSO PERMITTED ON FUTURE SABBATHS AND IF⁴⁶ THEY ARE FORBIDDEN (IN FUTURE SABBATHS THEY ARE ALSO FORBIDDEN ON THAT SABBATH.

GEMARA. With what kind of breach do we deal?⁴⁷ If it be suggested: With one that was not wider than ten cubits,⁴⁸ wherein, then, [it may be objected, does a breach] in one side differ [in such a case from breaches in two sides? Is it] that it⁴⁹ may be regarded as a⁵⁰ doorway, [should not breaches]⁴⁹ in two sides also be regarded as doorways?⁵¹ If, however, the breach spoken of⁴⁷ was⁵² wider than ten cubits, [should not the same restrictioss⁵³ apply] even where it was only in one side? Rab replied: The fact is [that the breach spoken off was] not wider than ten cubits⁵⁴

(1) Lit., 'this . . . and this'.

(2) Even such as were in the houses when the Sabbath began.

(3) Unlike Rab, he holds that once the movement of objects in a certain place has been permitted when the Sabbath began the permissibility remains in force until the conclusion of the day.

(4) Lit., 'which (was) between between'.

(5) And the courtyard in which they sat was thus exposed to the adjoining courtyard.

(6) To form a partition at the gap, in order that the tenants of the adjoining courtyards shall not impose restrictions upon each other.

(7) As a mark of his displeasure. Presumably because in his opinion the collapse of the wall, which exposed the courtyards to one another, caused also the respective tenants to impose restrictions upon each other, in consequence of which it was forbidden to move the cloak from its place to the gap.

(8) This was Rab's proper name. 'Rab' ('great', 'master') was a title of distinction.

(9) The cloak, to secure the partition. This he said in disregard of Rab's disapproval.

(10) Cf. supra n. 10.

(11) To Samuel.

(12) Cur. edd. in parenthesis, 'and he withdrew from his ruling'. MS.M., 'and it was (done) with his approval'.

(13) Lit., a courtyard that was broken into'; the breach extending along the full length of the courtyard, or being no more than ten handbreadths wide.

(14) Because the breach changes the status of the courtyard from that of a private into that of a public domain. This will be further discussed in the Gemara infra.

(15) Or a private' domain.

(16) Ex post facto; ab initio, however, this is forbidden.

(17) Which is neither a public, nor a private domain.

(18) The courtyard spoken of in our Mishnah.

(19) Even though it ran through private property and the land-owner's consent had not been obtained.

(20) B.B. 100a, lit., 'chosen'; and the owner of the property may not close up the path. As the public here acquire the path so do they acquire the courtyard.

(21) Lit., 'I am not'.

(22) It being impossible to ascertain its exact position.

(23) B.B. 100a. While all individual in such a case cannot make the choice without the land-owner's consent or the

authorization of a court, the public are entitled to make their own choice. This, however, does not prove that they can also appropriate a courtyard in which they have lost nothing.

(24) The courtyard spoken of in our Mishnah.

(25) Lit., 'a path to her'.

(26) Sc. the exact position of the former wall having been lost the men of the public domain claimed that their domain extended beyond the limits which the tenants of the courtyard claim as the original position of the wall, and it is this spot, not all the courtyard, that R. Eliezer regards as a public domain.

(27) Between R. Eliezer and the Sages in our Mishnah.

(28) Thus including the entire courtyard and not merely the original position of the broken wall.

(29) Instead of 'ad ('until', 'as far as') read 'at ('concerning').

(30) Though the position of the wall is known.

(31) THE SAGES.

(32) Lit., 'when do the Rabbis differ . . . these words'.

(33) Or 'stakes' that formed a division between the public domain proper and the wall. This space being frequented by fewer people can only be regarded, as a karmelith.

(34) That the public domain extends to the very walls.

(35) By the form of the dispute in our Mishnah.

(36) Lit., 'from its midst', which obviously refers to the entire courtyard and not merely to the position of the former wall.

(37) According to the explanation here given.

(38) Lit., 'thus'.

(39) Lit., '(there should be) no difference'.

(40) Of the public road.

(41) How, in view of the objection, does he justify his view?

(42) Within the courtyard.

(43) On the side of public road.

(44) On the Sabbath.

(45) Sc, MS.M. and Rashi (cf. Tosaf. supra 17a and Rashi a.l.). Cur. edd. use the plural.

(46) This is explained in the Gemara infra.

(47) In our Mishnah where the BREACH is assumed to have been made IN TWO SIDES.

(48) Lit., 'within ten'.

(49) Being no wider than ten cubits.

(50) Lit., 'that one says'.

(51) Why then are restrictions imposed?

(52) Lit., 'but'.

(53) That are imposed when the breach was made in two sides.

(54) Lit., 'within ten'.

Talmud - Mas. Eirubin 94b

but it was one, for instance, that occurred¹ in a corner² where people make no doors.³

AND SO ALSO IF A BREACH WAS MADE IN TWO SIDES OF A HOUSE. Wherein does a breach in one side⁴ differ [from breaches in two sides]?⁵ Is it in that it may be assumed⁶ that the edge of the ceiling is deemed to extend downward and to close the gap, why should it not be assumed in the case of breaches in two sides also that the edge of the beam extends and closes them up? — At the school of Rab it was explained on the authority of Rab: This is a case of a house whose breaches, for instance, occurred in a corner⁷ and whose ceiling was lying in a slanting position so that it cannot be said that the edge of the ceiling extends downwards and closes them up.⁸

Samuel, however, replied: The breach⁹ might have been even wider than ten cubits. If so, should not the same restrictions apply even where the breach was made in one side?¹⁰ — [This¹¹ was not

mentioned] on account of the house.¹² But does not the same difficulty arise in respect of a house: Wherein does a breach in one side differ [from breaches in two sides]? If it is in the assumption that the edge of the ceiling descends downward and closes the breach, why should not the same assumption, that the edge of the ceiling extends downwards and closes up the breaches, be made where these breaches occurred in two sides? Furthermore, it may be objected, does Samuel at all uphold the principle that the edge of a ceiling is deemed to descend downwards to close a gap,¹³ seeing that it was stated: 'if an exedra was situated in a valley it is, Rab ruled, permitted to move objects within all its interior, but Samuel ruled: Objects may be moved within four cubits only'¹⁴ — This is no difficulty: He does not uphold the principle¹⁵ in respect of four walls¹⁶ only¹⁷ but in respect of three walls¹⁸ he does.¹⁹ Does not the first difficulty,²⁰ at any rate, remain?²¹ — As at the school of Rab it was explained in the name of Rab, 'This is a case of a house whose breaches, for instance, occurred in a corner and whose ceiling was in a slanting position',²² so here also²³ it may be explained: This is a case of a house whose breaches, for instance, occurred in a corner and whose ceiling presented²⁴ a four sided breach.²⁵

Samuel does not give the same explanation as Rab²⁶ since it was not stated that the ceiling was slanting.²⁷ Rab, on the other hand, does not give the same explanation as Samuel,²⁸ for in that case²⁹ the house would in this respect have been in the same legal position as an exedra,³⁰ and Rab follows his view that³¹ it is permitted to move objects in all the interior of an exedra, for it was stated: If an exedra, was situated in a valley, Rab ruled, it is permitted to move objects within all its interior; but Samuel ruled: Objects may be moved within four cubits only. Rab ruled that it was permitted to move objects in all its interior because we apply the principle: The edge of the ceiling descends and closes up. But Samuel ruled that objects might be moved within four cubits only because we do not apply the principle: The edge of the ceiling descends and closes up.³²

[Where a breach was not wider than] ten cubits³³ there is no divergence of opinion between them.³⁴ They only³⁵ differ where [the breach was] wider than ten cubits. Others read: Where it was wider than ten cubits there is no divergence of opinion between them,³⁶ and they only differ [where it was not wider than] ten cubits. With reference, however, to Rab Judah's ruling

(1) Not in two walls that were opposite each other.

(2) At which two adjacent walls meet.

(3) Lit., 'because people do not make a door in a corner'. As the breach cannot in consequence be treated as a door our Mishnah imposed the restrictions mentioned.

(4) Where no restrictions have been imposed.

(5) Where our Mishnah imposes restrictions.

(6) Where only one side has a breach.

(7) Where no doors are made and where the breaches cannot be treated as doorways.

(8) Cf. supra 25b. V., however, Tosaf. a.l.

(9) In the two sides of the courtyard spoken of in our Mishnah.

(10) Why then did our Mishnah speak only of TWO SIDES.

(11) A breach in one side of a courtyard.

(12) That was dealt with in the same context. As in the latter case where a breach in one wall imposes no restrictions (on the principle of the downward extension of the beam which virtually closes up the breach) two sides had to be spoken of, two sides were spoken of in the first case also.

(13) That was wider than ten cubits, as has just been explained to be the case according to Samuel, with the breach dealt with in our Mishnah.

(14) . Supra 25a, which shows that the principle of the downward extension of a ceiling is not upheld by Samuel.

(15) Of the downward extension of a ceiling.

(16) Sc. where the ceiling has to supply the place of four walls, as is the case in an exedra that has only a roof resting on poles.

(17) Lit., 'when does he not have? In four'.

- (18) And much more so in that of two.
- (19) Hence his view that where a house had a breach in one wall only the edge of its ceiling is deemed to close it.
- (20) 'Why should not the principle of the downward extension of the ceiling be applied where a breach was made in two walls?'
- (21) Rab's answer given supra, that the ceiling was slanting, cannot be given by Samuel, since the latter holds that the breach dealt with in our Mishnah 'might have been even wider than ten cubits', and such a wide gap which cannot be treated as a doorway would have caused the same restrictions even if it had occurred in one wall only.
- (22) I.e., as Rab explained that the ceiling was different from ordinary ones though no specific mention of this fact was made in our Mishnah.
- (23) According to Samuel's view.
- (24) Though this is rather unusual (cf. supra n. 5).
- (25) The breach having left a ceiling of this shape.
- (26) That the breach referred to in our Mishnah was not wider than ten cubits and that the ceiling was in a slanting position.
- (27) And ordinary ceilings are flat. Breaches, on the other hand, may well assume any shape.
- (28) That the breach in the walls of the house might be wider than ten cubits and that the ceiling presented a four sided breach.
- (29) That four walls had to be supplied on the principle of the downward extension of a ceiling.
- (30) Where also four walls have to be supplied on the same principle.
- (31) Lit., 'who said'.
- (32) Supra 25a q.v. notes.
- (33) Lit., 'within ten'.
- (34) Rab and Samuel. Both agree that no restrictions are to be imposed, since the gap may be treated as a doorway and the question of the principle of the downward extension of the edge of the ceiling does not arise (Rashi. Cf., however, Tosaf. a.l.).
- (35) Lit., 'when do they'.
- (36) Cf. supra n. 3. Both agree that restrictions are imposed.

Talmud - Mas. Eirubin 95a

that a cross-beam¹ of the width of four handbreadths² effects permissibility³ in a ruin⁴ and that of R. Nahman who, citing Rabbah b. Abbuha, ruled that a cross-beam of the width of four handbreadths⁵ effects permissibility⁶ in the case of water,⁷ whose view is represented there? According to the version which reads⁸ 'where [a breach was not wider than] ten cubits there is no divergence of opinion' [these⁹ would be a case where the cross-beam was no longer than] ten cubits and would represent the unanimous opinion; while according to the version which reads,¹⁰ 'They only differ where it was not wider than ten cubits', these¹¹ would represent the view of Rab.

Must it be assumed that Abaye and Raba¹² differ on the same principles as those on which Rab and Samuel differed? For it was stated: If an exedra¹³ that had side-posts¹⁴ was covered with boughs,¹⁵ it¹⁶ is valid as a sukkah;¹⁶ but if it had no side-posts, Abaye ruled, it is still valid while Raba ruled¹⁷ It is invalid. Abaye ruled that it was valid because the edge of the ceiling is deemed to descend and to close up,¹⁷ while Raba ruled that it was invalid because he does not uphold the principle that the edge of the ceiling is deemed to descend and to close up.¹⁸ Now must it be assumed that Abaye is of the same view as Rab while Raba is¹⁹ of the same view as Samuel? According to the view of Samuel there is no divergence of opinion between them.¹⁹ They differ only on the view of Rab. Abaye, of course, holds the same view as Rab, while Raba²⁰ maintains that Ra+ upheld his view only there²¹ because the walls²² were expressly made for the exedra, but not here where the walls²³ were not expressly made for the sukkah.²⁴ R. JOSE RULED: IF THEY ARE PERMITTED. The question was raised: Did R. Jose intend to add restrictions²⁵ or to relax them?²⁶ — R. Shesheth replied: To add restrictions; and so too said R. Johanan: To add restrictions. So it was also taught: R. Jose ruled: As they are forbidden on future Sabbaths so are they forbidden on

that Sabbath.

It was stated: R. Hiyya b. Joseph²⁷ ruled: The halachah is in agreement with R. Jose, but Samuel ruled: The halachah is in agreement with R. Judah. But could Samuel have given such a ruling seeing that we have learnt: 'R. Judah ruled: This applies only to 'erubs of Sabbath limits but in the case of 'erubs of courtyards one may be prepared for a person irrespective of whether he is aware of it or not, since a benefit may be conferred on a man in his absence but no disability may be imposed on him in his absence';²⁸ and in connection with this Rab Judah citing Samuel stated: 'The halachah is in agreement with R. Judah; and, furthermore, wherever R. Judah taught a law concerning 'erub the halachah is in agreement with him';²⁹ and when R. Hana of Bagdad asked Rab Judah, 'Did Samuel say this even in respect of an alley whose cross-beam or side-post has been taken away?' he replied: 'Concerning 'erubs did I tell you, but not concerning partitions'?³⁰ R. Anan replied: It was explained to me by Samuel that one statement³¹ referred to a courtyard³² in which a breach was made towards a karmelith³³ while the other³⁴ referred to one in which a breach was made towards a public domain.³⁵ MISHNAH. IF ONE BUILDS AN UPPER ROOM ON THE TOP OF TWO HOUSES³⁶ AND IN THE CASE OF VIADUCTS³⁷ THE MOVEMENT OF OBJECTS UNDER THESE ON THE SABBATH IS PERMITTED;³⁸ SO R. JUDAH. BUT THE SAGES FORBID THIS. R. JUDAH MOREOVER RULED: AN 'ERUB MAY BE PREPARED FOR AN ALLEY THAT IS A THOROUGHFARE;³⁹ BUT THE SAGES FORBID THIS.

GEMARA. Rabbah stated: Do not presume that R. Judah's reason⁴⁰ is⁴¹ that Pentateuchally two walls⁴² are sufficient but rather that⁴¹ the edge of ceiling⁴³ is deemed to descend downwards and to enclose the space below.

Abaye raised an objection against him: 'A more lenient rule than this did R. Judah lay down: If a man had two houses on the two sides respectively of a public domain he may construct one side-post on one side of any of the houses, and another on the other side, or one cross-beam on one side of any of the houses and another on the other side, and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an 'erub in such a manner!⁴⁴ — The other replied: Front that ruling⁴⁵ your contention is justified,⁴⁶ from this one,⁴⁷ however, you cannot derive it. R. Ashi observed: A deduction from the wording of our Mishnah also justified [Rabbah's explanation], since it was stated: R. JUDAH MOREOVER RULED: AN 'ERUB MAY BE PREPARED FOR AN ALLEY THAT IS A THOROUGHFARE; BUT THE SAGES FORBID THIS. Now if you grant his⁴⁸ reason⁴⁹ to be that the edge of the ceiling is deemed to descend and to enclose the space below, one can well see why the expression of MOREOVER⁵⁰ was used; but if you maintain that his reason⁴⁹ is⁵¹ that Pentateuchally two walls are sufficient, what⁵² is the justification for the expression MOREOVER?⁵³ This is conclusive.⁵⁴

CHAPTER X

MISHNAH. IF A MAN FINDS TEFILLIN⁵⁵ HE SHALL BRING THEM IN,⁵⁶ ONE PAIR AT A TIME.⁵⁷ R. GAMALIEL RULED: TWO PAIRS AT A TIME.⁵⁸ THIS APPLIES TO OLD ONES⁵⁹ BUT IN THE CASE OF NEW ONES⁶⁰ HE IS EXEMPT.⁶¹ IF HE FOUND THEM⁶² ARRANGED IN PACKETS⁶³ OR TIED UP IN BUNDLES⁶³ HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN.

(1) That was supported on two stakes, one at either end.

(2) That lay on its wide side. If the width was less, the partitions enclosing it, since the space enclosed is less than four handbreadths, would have had no validity.

(3) Of the movement of objects under it; because its four edges are deemed to descend and to form four walls.

(4) Though fully exposed to a public domain.

(5) That lay on its wide side across the mouth of a cistern between two courtyards.

- (6) In the use of the water. The tenants of both courtyards may freely use the water as if a proper division had actually separated the water of the one courtyard from the water of the other.
- (7) Supra 86a.
- (8) Lit., 'which you stated'.
- (9) The rulings of Rab Judah and R. Nahman.
- (10) Lit., 'which you stated'.
- (11) The rulings of Rab Judah and R. Nahman.
- (12) In the dispute that follows.
- (13) With only two walls that met each other in the shape of an L (v. Tosaf. supra 93a).
- (14) Each attached to the end of either wall and less than three handbreadths but no less than one handbreadth wide.
- (15) Or any material that was suitable for the roof of a sukkah.
- (16) Since either side-post might be deemed to be extended horizontally and to form a third wall. A Sukkah that has three walls is valid.
- (17) The side where there was no proper wall.
- (18) Cf. supra 93a, Suk. 18b.
- (19) Abaye and Raba; sc. even Abaye must admit that Samuel who did not accept, in the case of the Sabbath, the principle of the downward extension of the edges of an exedra (though these were expressly made for that structure) could not accept that principle in the case of a sukkah (where these were not originally intended to form a part of the sukkah).
- (20) Whose view seems to differ from that of Rab.
- (21) Lit., 'until here, Rab did not say there, but'.
- (22) I.e., the beams that form the edges of the roof of the exedra and that are deemed to extend downwards to make up walls.
- (23) Cf. prev. n.
- (24) Although in the case of proper walls it is not necessary for them to be expressly made for the sukkah, imaginary ones whose legal existence depends on a principle which is in itself a relaxation of the law cannot be regarded as valid by allowing a further relaxation of the law.
- (25) I.e., did he, by his comparison, intend to forbid the use of the courtyard on the same Sabbath as it would presumably be forbidden on future Sabbaths?
- (26) To permit its use on future 'Sabbaths as it was presumably permitted on the same Sabbath?
- (27) MS.M., 'Ashi. Bah inserts, 'in the name of' Rab'.
- (28) Supra 46b, 81b, q.v. notes.
- (29) Supra 81b.
- (30) Loc. cit. q.v. notes. Now, since R. Judah in our Mishnah deals with a question concerning partitions, how, in view of the reply Rab Judah gave to R. Hana, could it be maintained that Samuel pronounced the halachah here to be in agreement with R. Judah's ruling?
- (31) That the halachah agrees with R. Judah.
- (32) Lit., 'here'.
- (33) The movement of objects from a karmelith into another domain or from the latter into the former is only Rabbinically forbidden. As no Pentateuchal law would be infringed, even if an object were carried from the courtyard into the karmelith or vice versa, Samuel adopted the lenient rule of R. Judah in a case where the courtyard was a permitted domain when the Sabbath began.
- (34) That in the case of partitions the halachah is in agreement with R. Judah.
- (35) Where (cf. supra n. 9) a Pentateuchal law might be infringed.
- (36) Situated on opposite sides of a public domain the road passing under the floor of the upper room.
- (37) Lit., 'bridges that have a thoroughfare (beneath them)'.
- (38) Because the edges above are deemed to descend to form walls encasing the space below.
- (39) Since it has walls on two sides and two walls are Pentateuchally sufficient, v. Gemara.
- (40) For his ruling in the first clause of our Mishnah.
- (41) Lit., 'because he holds the opinion'.
- (42) The public domain and the viaduct have at least two walls on opposite sides.
- (43) Sc. the floor of the upper room or the superstructure of the viaduct.

- (44) Supra 6a q.v. notes. Now this distinctly proves that Pentateuchally two walls are sufficient. How then could Rabbah maintain that this must not be presumed to be R. Judah's reason?
- (45) The one just cited.
- (46) Lit., 'yes'.
- (47) The ruling in the first clause of our Mishnah.
- (48) R. Judah's.
- (49) For his first ruling.
- (50) I.e., even where there were no edges that could be deemed to descend (cf. Rashi's second interpretation).
- (51) Lit., , 'because he holds the opinion'.
- (52) Seeing that the ruling that follows is based on the same reason.
- (53) None whatever. Hence the support for Rabbah's explanation.
- (54) Lit., 'you hear from it'.
- (55) On the Sabbath, in a held where they are exposed to dogs or to any other misuse.
- (56) To town, into a safe place.
- (57) One on his head and one on his arm in the same manner as they are worn on weekdays.
- (58) One pair on the hand and one pair on the arm.
- (59) Sc. tefillin that show marks of wear or that have a proper knot, in which case there can be no doubt that they were proper tefillin.
- (60) Which may be assumed to be mere amulets.
- (61) Sc. he is under no obligation to pick them up and to carry them to a place of safety.
- (62) Proper tefillin.
- (63) This is explained in the Gemara infra.

Talmud - Mas. Eirubin 95b

IN A TIME OF DANGER,¹ HOWEVER, HE SHALL COVER THEM AND PROCEED ON HIS WAY. R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW AND HIS FELLOW SHALL PASS THEM TO HIS FELLOW, AND SO ON,² UNTIL THE OUTERMOST COURTYARD³ IS REACHED. THE SAME PROCEDURE IS TO BE FOLLOWED IN THE CASE OF A CHILD OF HIS.⁴ HE PASSES HIM TO HIS FELLOW AND HIS FELLOW PASSES HIM TO HIS FELLOW, AND SO ON,⁵ EVEN THOUGH THEY ARE AS MANY AS A HUNDRED MEN. R. JUDAH RULED: A MAN MAY PASS A JAR TO HIS FELLOW AND HIS FELLOW MAY PASS IT TO HIS FELLOW EVEN BEYOND THE SABBATH LIMIT.⁵ THEY,⁶ HOWEVER, SAID TO HIM: THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER.⁷ GEMARA. Only ONE PAIR AT A TIME,⁸ but not more. Must it then be assumed that we learned here an anonymous Mishnah that is not in agreement with R. Meir? For if it were to be maintained that it was in agreement with R. Meir [the objection would arise:] Did he not rule that a man may⁹ put on all the clothes that he can put on and he may wrap himself in all things that he can wrap round himself? For we learned: And thither¹⁰ he may carry out all the utensils he is in the habit of using, and he may put on all the clothes that he is able to put on and he may wrap himself in all things that he can wrap round himself.' But whence the proof that that¹¹ anonymous Mishnah represents the view of R. Meir? — Since in connection therewith it was stated: 'He may put on clothes and carry them out, and there¹⁰ undress himself, and then he may again put on clothes and carry them out and undress himself, and so on, even all day long; so R. Meir'. Raba replied: It¹² may be said to be in agreement even with R. Meir, for there¹³ the Rabbis have allowed a procedure¹⁴ similar to one's habit of dressing on a weekday and here¹⁵ also they have allowed a procedure similar to one's way of wearing tefillin on a weekday. There,¹³ where on a weekday a man can wear as many clothes as he desires the Rabbis have permitted him to do so also¹⁶ for the purpose of saving; but here,¹⁵ where even on a weekday a man may wear only one pair but no more he was for the purpose of saving also permitted one pair only but no more.

R. GAMALIEL RULED: TWO PAIRS AT A TIME. What is the view he upholds: If he holds that

Sabbath is a time for wearing tefillin,¹⁷ a man should be permitted¹⁸ only one pair but no more; and if he holds that Sabbath is not a time for tefillin, but that for the purpose of saving them the Rabbis have permitted him to wear them in the manner of a raiment why¹⁹ should he not be permitted to wear even more than one pair? — The fact is that he holds that Sabbath is not a time for the wearing of tefillin, but when the Rabbis have permitted to wear them²⁰ in the manner of a raiment for the purpose of saving they limited that to the spot²¹ prescribed for the position of the tefillin.²² If so,²³ should not one pair only²⁴ be allowed but not more?²⁵ — R. Samuel son of R. Isaac replied: There is room enough on the head for laying two tefillin. This is a satisfactory explanation as regards those of the head; what explanations however, can be given in respect of those of the hand?²⁶ — The same as that which R. Huna gave, for R. Huna explained: Sometimes a man comes from the field with his bundle on his head when²⁷ he removes them from his head²⁸ and binds them on his arm.²⁹ It might still be contended, that R. Huna only intended that they should not be treated with disrespect;²⁸ did he, however, say that it³⁰ was the proper [manner of wearing them] so.³¹ — The explanation rather is this:³² As R. Samuel son of R. Isaac stated: ‘There is room enough on the head for laying two tefillin’ so we may here also submit: There is room enough on the hand for laying two tefillin.

It was taught at the school of Manasseh: Upon thy hand,³³ refers to the biceps muscle: between thine eyes,³³ refers to the vertex. Where is this? — At the school of R. Jannai it was stated: on the place where a child's brain pulsates.³⁴ Must it be assumed that they³⁵ differ on the principle of R. Samuel son of R. Isaac, the first Tanna disagreeing with the view³⁶ of R. Samuel son of R. Isaac³⁷ while R. Gamaliel³⁸ upholds it? No, all may hold the view of R. Samuel son of R. Isaac, but the point at issue between them³⁹ is whether the Sabbath is a time for tefillin, the first Tanna maintaining that Sabbath is a time for tefillin⁴⁰ while R. Gamaliel maintains that Sabbath is no time for tefillin.⁴¹

And if you prefer I might reply that all agree that the Sabbath is a time for tefillin,⁴² but here the point at issue between them³⁹ is whether the performance of commandments requires intention, the first Tanna holding that in order to discharge the duty of a commandment, intention is not⁴³ necessary⁴⁴ while R. Gamaliel holds that intention is⁴⁵ necessary.⁴⁶

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- (1) Sc. in a time of religious persecution when it is dangerous to be seen in the vicinity of ritual objects (v. infra 97a f).
 - (2) Each person carrying the tefillin a lesser distance than four cubits.
 - (3) Of the nearest town; sc. a place of safety.
 - (4) Who was born on the Sabbath in an open field.
 - (5) Cf. supra n. 11 mut. mut.
 - (6) The Rabbis who, disagreed with him.
 - (7) Sc. beyond his Sabbath limit.
 - (8) May be carried in.
 - (9) When saving from a fire on the Sabbath.
 - (10) The nearest courtyard beyond the reach of the fire.
 - (11) Shab. 120a.
 - (12) Our Mishnah.
 - (13) Where a man is engaged in saving clothes from a fire.
 - (14) Lit., ‘made it’.
 - (15) The case of tefillin.
 - (16) On the Sabbath.
 - (17) Sc. the reason why the tefillin may be carried on the Sabbath into a place of safety is that in any case they can be worn on that day as on a weekday.
 - (18) As the commandment of tefillin requires.
 - (19) Since they are not worn in fulfilment of the commandment of tefillin.
 - (20) On the Sabbath.
 - (21) On the head between the eyes above the forehead and on the arm on the biceps muscle.
 - (22) Many pairs of tefillin cannot obviously be accommodated thereon.

- (23) That the position is limited.
- (24) Lit., 'yes'. Cur. edd. 'also' is deleted by Bah.
- (25) Why then did R. Gamaliel allow two pairs at a time?
- (26) Not all the hand surely is a suitable place for the tefillin. Why then were two tefillin allowed?
- (27) As a mark of respect for the tefillin.
- (28) So that they be not crushed by the bundle.
- (29) As in this manner one would on a weekday wear two tefillin on his arm, a similar number was also allowed on the Sabbath for the purposes of saving.
- (30) I.e., the wearing of two tefillin on one's arm.
- (31) As he did not say this, the question arises again: Why did R. Gamaliel allow two tefillin on the arm?
- (32) Lit., 'but'.
- (33) Deut. VI, 8.
- (34) Or 'is soft'.
- (35) R. Gamaliel and the first Tanna in our Mishnah.
- (36) Lit., 'he has not
- (37) Hence he allows only one pair at a time.
- (38) Who allows two pairs.
- (39) R. Gamaliel and the first Tanna in our Mishnah.
- (40) Cf. Supra p. 660, n. 10. As the commandment is performed by the wearing of one pair, only one pair at a time may be worn.
- (41) And the permissibility of carrying them into a place of safety is based on their suitability as ornaments. Hence his ruling that as ornaments two pairs at a time may also be worn.
- (42) And also, that tefillin may be regarded as an ornament that may be worn on the Sabbath in a public domain.
- (43) This is the reading according to MS.M. and Rashi's second interpretation. Cur. edd. 'is necessary'.
- (44) If, therefore, a man puts on tefillin he performs the commandment ipso facto. Consequently he may wear only one pair at a time. For, should he wear more than one pair, whatever his intention, he would be transgressing the prohibition against adding to the commandments (v. infra n. 13).
- (45) So with MS.M. and Rashi's second interpretation. Cur. edd., 'is not'.
- (46) Hence it is possible to wear two pairs of tefillin as ornaments (cf. Supra n. 8) without transgressing the prohibition against 'adding to the commandments' (cf supra n. 10).

Talmud - Mas. Eirubin 96a

And if you prefer I might reply that all agree that the discharge of the duty of a commandment requires no intention, but here it is the question of transgressing against the injunction of Thou shall not add,¹ that is at issue between them; the first Tanna holding that in order to commit a transgression against the injunction of Thou shall not add¹ no intention² is necessary while R. Gamaliel holds that in order to commit a transgression against the injunction of 'Thou shalt not add', intention is necessary.³ And if you prefer I might reply: If the view had been adopted that Sabbath is a time for tefillin all would have agreed that intention is unnecessary either in respect of transgression⁴ or in respect of discharging the duty,⁵ but the point at issue between them here is with reference to the transgression⁴ when a commandment is performed not at its proper time. The first Tanna holds that no intention is required⁶ while R. Gamaliel holds that to commit a transgression⁴ when a commandment is performed not at its proper time intention⁷ is necessary.³ But if so, should not even one pair be forbidden⁸ according to R. Meir?⁹ Furthermore, should not a man¹⁰ who sleeps on the eighth day¹¹ be flogged?¹² It is perfectly clear, therefore,¹³ that the proper explanation is the one originally given.¹⁴

Who is it¹⁵ that was heard to hold that Sabbath is a time for the wearing of tefillin? — R. Akiba. For it was taught:¹⁶ Thou shalt, therefore, keep this ordinance in its season from year to year,¹⁷ the term 'days'¹⁸ excludes¹⁹ nights,²⁰ 'from the days'²¹ implies: But not all days; thus excluding Sabbaths and festivals;²² so R. Jose the Galilean. R. Akiba said: The expression 'This ordinance'

was meant to apply to the Passover [sacrifice] only.²³ With reference, however, to²⁴ what we have learnt: ‘The Paschal [sacrifice] and circumcision are positive commandments’,²⁵ must it be assumed that this²⁶ is not in agreement with the view of R. Akiba, for it were to be contended that it was in agreement with R. Akiba the objection would arise: Since he applied it²⁷ to the Passover [sacrifice] a negative precept also should be involved as R. Akiba laid down in the name of R. Ila’i for R. Abin citing R. Ila’i laid down: Wherever the expressions ‘Take heed’,²⁸ ‘Lest’ or ‘Do not’ is used a negative precept is invariably intended?²⁹ — It³⁰ may be said to be in agreement even with the view of R. Akiba, for the expression ‘Take heed’ has the force of a negative precept only where it introduces a prohibitions but where it introduces a positive commandment³¹ it has the force of a positive commandment.³² But how could R. Akiba hold that the Sabbath is a time for wearing tefillin seeing that it was taught: R. Akiba stated: As it might have been presented that a man shall wear³³ tefillin on Sabbaths and festivals, it was explicitly said in Scripture: And it shall be for a sign unto thee upon thine hand,³⁴ which denotes: on those days only³⁵ that require a sign;³⁶ but these,³⁷ since they themselves are a sign,³⁸ are excluded?³⁹ — It⁴⁰ represents rather the view of the following Tanna. For it was taught: If a man keeps awake at night,⁴¹ he may remove his tefillin if he wishes or, if he prefers, he may put them on;⁴² so R. Nathan. Jonathan the Kitionite ruled: Tefillin may not be worn at night. Now, since according to the view of the first Tanna the night is a proper time for the wearing of tefillin,⁴³ Sabbath also must be a proper time for the wearing of tefillin. But is it not possible that he holds that the night is a proper time for tefillin⁴⁴ but that the Sabbath nevertheless is not a time for it, since we have in fact heard R. Akiba to state that the night is a time for the tefillin and that the Sabbath is not?⁴⁵ — It⁴⁰ represents rather the opinion of the following Tanna. For it was taught: Michal the daughter of the Kushite⁴⁶ wore tefillin and the Sages did not attempt to prevent her, and the wife of Jonah⁴⁷ attended⁴⁸ the festival pilgrimage and the Sages did not prevent her. Now since the Sages did not prevent her it is clearly evident that they hold the view that it⁴⁹ is a positive precept the performance of which is not limited to a particular time.⁵⁰ But is it not possible that he⁵¹ holds the same view

(1) All this word which I command you . . . thou shalt not add thereto (Deut. XIII, 1).

(2) To perform the commandments.

(3) V. supra p. 662, n. 12.

(4) On the injunction against adding to the commandments. Lit., ‘to transgress’.

(5) Of the commandment of tefillin. Lit., ‘and not to go out (from the obligation)’.

(6) V. supra p. 662, n. 10.

(7) To perform the commandment.

(8) Lit., ‘also not’; since by wearing tefillin on the Sabbath, which is an improper time for that commandment, one adds the performance of the precept on the Sabbath to that of the weekdays.

(9) Sc. the first Tanna whose view, as mentioned Supra, is in agreement with that of R. Meir.

(10) Since it is maintained that the performance of a commandment at an improper time is deemed to be a transgression against the prohibition of adding to the commandments even where the act of performance was not intended to be a fulfillment of the commandment.

(11) Of the festival of Tabernacles. Pentateuchally the sukkah is to be used for seven days only.

(12) According to the submission here he should. As in fact, however, it is not only allowed to sleep in the sukkah on the eighth day but also, in accordance with a Rabbinical enactment, obligatory, how could the last reply be maintained?

(13) Lit., ‘but’.

(14) That the point at issue is the question whether Sabbath is a time for the wearing of tefillin or not. (For an explanation of the use of the Sukkah, and the manner of using it on the eighth day of Tabernacles v. Rashi a.l.).

(15) Among the Tannas, who might be presumed to be the first Tanna of our Mishnah.

(16) Men. 36b.

(17) Miyamim yamimah (Ex. XIII, 10). This verse forms a part of one of the four sections of the Pentateuch that are enclosed in the tefillin.

(18) Yamim (here rendered ‘year’).

(19) Lit., ‘and not’.

- (20) Sc. that tefillin are to be worn only in the day time but not at night.
- (21) Miyamim (here rendered 'from year'), the 'mi' ('from') implying 'some of'.
- (22) On which tefillin may not be worn.
- (23) Spoken of earlier in the context (Ex. XIII. 6ff): not to the tefillin. Thus it has been shown that as regards the wearing of tefillin R. Akiba, unlike R. Jose the Galilean, excludes neither nights nor Sabbaths and festivals.
- (24) Lit., 'and but that'.
- (25) Ker. 2a.
- (26) The ruling that the Passover Sacrifice is only a positive commandment and the transgression of it does not, therefore, involve any of the penalties associated with a negative precept.
- (27) The text: 'Thou shalt, therefore, keep' (Ex. XIII, 10).
- (28) Hishshamer, of the same root as weshamarta ('And thou shalt, therefore, keep') which R. Akiba applied to the Passover.
- (29) Lit., 'it is only'.
- (30) The ruling that the Passover sacrifice is only a positive commandment and the transgression of it does not, therefore, involve any of the penalties associated with a negative precept.
- (31) As in Ex. XIII, 10.
- (32) Hence the ruling in the Mishnah of Ker. 2a. Lit., 'take heed of a "not" is not; take heed of a "do" is do'.
- (33) Lit., 'lay', sc. on the arm and head.
- (34) Ex. XIII, 9, emphasis on 'sign'.
- (35) Are tefillin to be worn.
- (36) To indicate Israel's adherence to the laws of God.
- (37) Sabbaths and festivals.
- (38) Cf. Ex. XXXI, 13: For it (sc. the Sabbath and so also either holy days) is a sign between me and you. The fact that Israel observes the holy days is in itself sufficient proof of their adherence to the divine commandments.
- (39) Men. 36b. How then could the ruling of the first Tanna in our Mishnah (which, as has been explained supra, assumed the Sabbath to be a time for the wearing of tefillin) be attributed to R. Akiba?
- (40) The first ruling in our Mishnah.
- (41) So that, unlike a man asleep, he is able to take proper care of his tefillin.
- (42) He is not transgressing thereby the prohibition against adding to the commandments, since Pentateuchally the night also is a time for the wearing of tefillin. The Rabbinical enactment against wearing them at night is merely a precaution against possible disrespect to them during sleep.
- (43) From which it is obvious that he does not apply Ex. XIII, 10 (which excludes the nights as well as Sabbaths and festivals) to the commandment of tefillin but to that of the Passover.
- (44) Since he applies Ex. XIII, 10, to the Passover and not to tefillin.
- (45) As was deduced supra from Ex. XIII, 9.
- (46) Sc. Saul who was so described (cf. M.K. 16b).
- (47) The son of Amittai, the prophet.
- (48) Lit., 'was going up to'.
- (49) Tefillin.
- (50) But may be performed at all times including the nights. Sabbaths and festivals. Had its performance been limited to particular times women would have been exempt from the duty of keeping it and Michal who would be guilty of adding to the commandments would have been required by the Sages to abandon her practice.
- (51) The author of this Baraita.

Talmud - Mas. Eirubin 96b

as R. Jose who ruled: It is optional for women to lay their hands upon an offering?¹ For were you not to say so,² how is it that Jonah's wife attended the festival pilgrimage and the Sages did not prevent her, seeing that there is no one who contends that the observance of³ a festival is not a positive precept the performance of which is limited to a particular time? You must consequently admit that he holds it⁴ to be optional;² could it not then here also⁵ be said to be optional?⁶ — It⁷ represents rather the view of the following Tanna. For it was taught: If tefillin are found⁸ they are to be brought in,

one pair at a time, irrespective of whether the person who brings them in is a man or a woman, and irrespective of whether the tefillin were new or old; so R. Meir. R. Judah forbids this in the case of new ones⁹ but permits it in that of old ones. Now since their dispute is confined to the question of¹⁰ new and old while¹¹ in respect of the woman there is no divergence of opinion¹² it may be concluded that it⁵ is a positive precept the performance of which is not restricted to a particular time, women being subject to the obligations of such precepts. But is it not possible that he holds the same view as R. Jose who stated: It is optional for women to lay their hands upon an offering?¹³ — This cannot be entertained at all, Öince neither R. Meir holds the same view as R. Jose nor does R. Judah hold the same view as R. Jose. ‘Neither R. Meir holds the same view as R. Jose’, since we learned: ‘Children¹⁴ are not to be prevented from blowing¹⁵ the shofar’;¹⁶ from which it follows that women are to be prevented;¹⁷ and any anonymous Mishnah represents the view of R. Meir.¹⁸ ‘Nor does R. Judah hold the same view as R. Jose’, since it was taught: Speak unto the children of Israel ...¹⁹ and he shall lay,²⁰ only the sons of Israel ‘shall lay’ but not the daughters of Israel. R. Jose and R. Simeon ruled: It is optional for women to lay. Now who is the author of all anonymous statement in the Sifra?²¹ R. Judah.²²

R. Eleazar said: If a man found blue wool in the street, and it was in the shape of straps.²³ it is unfit²⁴ but if it was in the shape of threads it is fit. Wherein, however, do straps differ?²⁵ In that it may be assumed that they were dyed for the purpose of being used for the manufacture of a cloak? But then, might it not be assumed in the case of threads also that they were spun for the purpose of [weaving] a cloak [with them]? — This is a case where they were twisted.²⁶ But even where they were twisted might it not be assumed that they were doubled for the purpose of being inserted in the border of a cloak? — This is a case where they were cut,²⁷ since people would not take so much trouble²⁸ with them.

Raba observed:²⁹ Does anyone go to the trouble of making all amulet in the shape of tefillin? Yet³⁰ we have learnt: THIS APPLIES TO OLD ONES BUT IN THE CASE OF NEW ONES³¹ HE IS EXEMPT!³² R. ZERA said to his son Ahabah, go out and teach them:³³ If a man found blue wool in the street, it is unfit³⁴ if it was in the shape of straps,³⁵ but if it was in the shape of cut threads it is fit³⁴ because no one would take unnecessary trouble.³⁶ ‘And’, retorted Raba, ‘because Ahabah the son of R. Zera taught it has he, forsooth, hung jewels³⁷ upon it?’³⁸ Have we not in fact learnt: THIS APPLIES TO OLD ONES BUT IN THE CASE OF NEW ONES³⁹ HE IS EXEMPT?’⁴⁰ The fact, however, is, explained Raba, that the question whether one does, or does not take unnecessary trouble is a point at issue between Tannas. For it was taught: If tefillin are found⁴¹ they are to be brought in, one pair at a time, irrespective of whether the person who brings them is a man or a woman

(1) Cf. Lev. 1, 4; though the commandment was given to men only (cf. *ibid.* 2).

(2) That women may perform. If they wish, the commandments that were addressed to the men.

(3) Lit., ‘is there one who says (that)’.

(4) Festival pilgrimage.

(5) Tefillin.

(6) And men too may wear them whenever they wish.

(7) The first ruling in our Mishnah.

(8) On the Sabbath.

(9) Which might be mere amulets.

(10) Lit., ‘until here they only differ in’.

(11) Lit., ‘but’.

(12) Both agreeing that she may wear them on the Sabbath and so bring them in.

(13) Cf. n. 3. Being optional its performance does not involve a transgression against the prohibition of adding to the commandments, while the carrying of them on the Sabbath is permitted on the ground that they are ornaments.

(14) Though they are exempt from the obligation of the blowing of the shofar.

- (15) On the New Year festival, as an exercise and training practice.
- (16) R.H. 33a.
- (17) In order that their act should not appear as an 'addition to the commandments'.
- (18) It must be obvious, therefore, that R. Meir disagrees with R. Jose.
- (19) Lev. 1, 2.
- (20) Ibid. 4.
- (21) The source of the teaching first cited.
- (22) He too is thus in disagreement with R. Jose.
- (23) Combed and dyed; since it is possible that the dyeing was not done with the intention, and for the purpose of using the wool for zizith (v. Glos.). The threads for the zizith must be spun and dyed for the purpose of using them in the fulfilment of the commandment.
- (24) For zizith.
- (25) From threads.
- (26) Such threads are not used in the weaving of a cloak.
- (27) Into short lengths, which make them suitable for zizith but quite unfit for use in the border of a cloak.
- (28) To tie them together and then to use them for a border instead of one long thread.
- (29) An objection against the ruling under discussion.
- (30) Lit., 'that'.
- (31) Since they may be presumed to be mere amulets.
- (32) Sc. he must not carry them on the Sabbath; Which shows that, where the infringement of a law is to be provided against, even a possibility that involves extra trouble is taken into consideration. Why then is the possibility of tying the threads together ruled out in the case of zizith?
- (33) The Rabbis who objected to R. Eleazar's ruling. What follows is a Baraita which is (a) more authoritative and (b) contains both the ruling and its reason.
- (34) For zizith.
- (35) V. supra p. 667, n. 10.
- (36) To tie them together and then to use them instead of one long thread.
- (37) Lit., ('precious) stones'.
- (38) Sc. his citation is open to the same objection as the ruling of R. Eleazar.
- (39) Since they may be presumed to be mere amulets.
- (40) V. supra n. 2.
- (41) On the Sabbath.

Talmud - Mas. Eirubin 97a

or whether the tefillin were new¹ or old;² so R. Meir. R. Judah forbids this in the case of new ones but permits it in that of old ones. It is quite clear, therefore, that one Master³ is of the opinion that a man does take unnecessary trouble,⁴ while the other Master⁵ holds that he does not.

(Mnemonic: Shizi 'azbi.)⁶ Now, however, that the father of Samuel son of R. Isaac learned: 'Old ones are all those that have straps which are tied into a knot,⁷ while new ones are such as have straps that are not tied into a knot,⁷ all might be assumed to agree⁸ that no man would take unnecessary trouble.⁹ But why should not one fasten them¹⁰ with a loop?¹¹ — R. Hisda replied: This proves that a loop is inadmissible¹² in tefillin. Abaye replied: R. Judah follows his view, expressed elsewhere,¹³ that a loop is like a proper knot.¹⁴ The reason then¹⁵ is that a loop is like a proper knot, but if that had not been so one would presumably have been allowed to fasten them with a loop. But, it may be objected, did not R. Judah son of R. Samuel b. Shilath rule in the name of Rab: The shape of the knot of the tefillin is a halachah that was given to Moses at Sinai, and R. Nahman explained: Their ornamentation¹⁶ must be turned outwards?¹⁷ — One could make the loop similar to the prescribed knot.¹⁸

R. Hisda citing Rab¹⁹ ruled: If a man buys a supply of tefillin²⁰ from a non-expert he must

examine two tefillin of the hand and one of the head, or two of the head and one of the hand.²¹ But, whatever your explanation may be, a difficulty remains:²² If he bought them from one man,²³ why should he not examine either three of the hand or three of the head,²⁴ and if he bought them from two or three persons, should not each one require examination?²⁵ The fact is that he bought them from one man, but it is necessary that his reputation shall be established in respect of those of the hand as well as those of the head. But can this be correct? purely Rabbah b. Samuel learned, ‘In the case of tefillin one examines three of the hand and of the head’, which means, does it not, either three of the hand or three of the head? — No, three, some of which must be of the hand and some of the head. But did not R. Kahana learn: In the case of tefillin one examines two of the hand and of the head?²⁶ — This²⁷ represents the view of²⁸ Rabbi who laid down that if something has happened twice presumption is established.²⁹ But if this²⁷ represents the view of Rabbi, read the final clause: ‘The same procedure is followed²⁵ in the case of the second packet and also in that of the third packet’,³⁰ but if this represents the view of Rabbi, would he require the examination of a third packet?³¹ — Rabbi agrees³² in the case of packets since one usually buys them from two or three persons.³³ But if so,³⁴ should not even the fourth and even the fifth also require examination? — The law is so indeed,³⁵ and the reason why ‘the third’ is mentioned is merely to indicate that³⁶ no presumption is established.³⁷ In fact, however, even a fourth or a fifth must also be examined.

IF HE FOUND THEM ARRANGED IN PACKETS OR TIED UP IN BUNDLES etc. What is meant by PACKETS³⁸ and what by BUNDLES?³⁹ — Rab Judah citing Rab replied: Packets and bundles are practically the same thing but in packets the tefillin are packed in pairs while in bundles they are tied together promiscuously.⁴⁰

HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN. But why?⁴¹ Might he not bring them in, one pair at a time?— R. Isaac the son of R. Judah replied: It was explained to me by my father that if by bringing them in, one pair at a time, the entire stock could be transferred⁴² before sunset, he is to take them in,⁴³ one pair at a time; otherwise HE SHALL WAIT BY THEM UNTIL IT IS DARK AND THEN BRING THEM IN.

IN A TIME OF DANGER, HOWEVER, HE SHALL COVER THEM. AND PROCEED ON HIS WAY. But was it not taught: In a time of danger he carries them⁴⁴ in small stages each of less than four cubits?⁴⁵ — Rab replied:⁴⁶ This is no difficulty since the former⁴⁷ refers to the danger of heathens⁴⁸ while the latter⁴⁹ refers to that of highwaymen.⁵⁰

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- (1) Concerning which it might be contended that no one would take the trouble to make amulets in the shape of tefillin.
 - (2) Which are obviously proper tefillin duly prepared and used for the purpose.
 - (3) R. Meir.
 - (4) To make amulets in the shape of tefillin proper.
 - (5) R. Judah.
 - (6) Consisting of key letters in the statements that follow and their respective authorities. V. Hyman, *Toledoth*, p. 19.
 - (7) The knot in [he shape of a letter of the alphabet (yod or dalet)] prescribed for the tefillin
 - (8) Since the reason why new ones may not be carried on the head and arm to a place of safety on the Sabbath is not because they might be mere amulets but because not having the prescribed knot they cannot be worn, since no permanent knot may be made on the Sabbath.
 - (9) Hence there is no need to provide against such a possibility in the case of zizith either.
 - (10) Instead of with a knot which is forbidden on the Sabbath.
 - (11) Which is permitted and so render them fit for wear.
 - (12) Or ‘unfit’.
 - (13) Lit., ‘which he said’.
 - (14) And like the latter, is forbidden to be made on the Sabbath (cf. *Shah*. 113a).
 - (15) Why a loop is inadmissible on the Sabbath in the straps of the tefillin
 - (16) Sc. the right side of the letter.

- (17) Away from the person wearing them; all of which shows that the knot is all essential part of the tefillin. How then could it possibly be presumed that it could be replaced by a loop?
- (18) Lit., 'he makes a loop for them (the tefillin) similar to their knot' in the shape of the prescribed letter.
- (19) MS.M. omits the last two words.
- (20) For trading purposes.
- (21) If the three tefillin are found on examination to be properly written and prepared the seller is presumed to be all expert and the remainder of the supply may be regarded as valid tefillin.
- (22) Lit., 'what is your desire?'
- (23) Who has himself made them or bought them from the maker.
- (24) Instead of two of the one and one of the other.
- (25) Of course it should, since the validity of the goods of one seller is no proof of the validity of those of any other.
- (26) Why then is the number here increased to three?
- (27) R. Kahana's ruling.
- (28) Lit., 'whose (view) is this?'
- (29) Cf. Yeb. 64b.
- (30) This is assumed to mean that if he bought a number of packets each containing several pairs of tefillin, he need not examine more than three packets.
- (31) Lit., 'and if (this is the view of) Rabbi, has he (any need for examination of a) third?'
- (32) That the examination of two is not enough to establish presumption.
- (33) Cf. supra n. 1 mut. mut.
- (34) Since each bundle may have been bought from a different seller.
- (35) Lit., 'yes, thus also'.
- (36) In this particular case.
- (37) By two that have passed the test.
- (38) צבתיים.
- (39) כריכות.
- (40) Lit., 'when many are wrapped together'.
- (41) Should he wait until dusk.
- (42) Lit., 'and they' end'.
- (43) During 'he Sabbath.
- (44) The whole stock.
- (45) By resting at the end of each stage he avoids any continuous and uninterrupted carrying in the public domain along a distance of four cubits.
- (46) MS.M. omits the last two words.
- (47) Our Mishnah which, in a time of danger, exempts one from carrying the tefillin with him or, in the case of packets and bundles, from watching them until it gets dark.
- (48) Lit., 'stranger', 'foreigner sc. at a time of religious persecution when it is dangerous to be met by a heathen when in the act of wearing or protecting ritual appurtenances (cf. Rashi a.l. second interpretation).
- (49) The Baraita which in the case of packets and bundles, instead of waiting and watching until it gets dark allows one to carry them, away by walking in small stages.
- (50) In which case it is dangerous to remain in the open field until it gets dark but quite safe to carry the packets or bundles to town in full daylight.

Talmud - Mas. Eirubin 97b

Said Abaye:¹ How² did you explain our Mishnah? That it refers to danger from idolaters? Read them the final clause, R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW AND HIS FELLOW SHALL PASS THEM TO HIS FELLOW, would not this cause much greater publicity?³ A clause is wanting in our Mishnah, the proper reading being as follows: This applies to danger from idolaters but in the case of danger from highwaymen he carries them in small stages each of less than four cubits.

R. SIMEON RULED: HE SHALL PASS THEM TO HIS FELLOW etc. On what principle do they⁴ differ? — One Master⁵ holds that it is preferable to carry them in stages of less than four cubits, for if you should say that he should pass them to his fellow and his fellow to his fellow, the desecration of the sabbath would be given undue publicity; while the other Master⁶ holds that it is preferable to pass them to one's fellow, for should you say that he shall carry them in stages of less than four cubits it might sometimes happen that he would be absent-minded and would in consequence carry them four cubits in a public domain.

THE SAME PROCEDURE IS TO BE FOLLOWED IN THE CASE OF A SON OF HIS. How does his child come to be⁷ there? — The school of Manasseh taught: This is a case where his mother bore him in the field. And what is intended by the expression. EVEN THOUGH THEY ARE AS MANY AS A HUNDRED? — That, though the movement from hand to hand is rather a hardship to him, this procedure is nevertheless to be preferred.⁸

R. Judah RULED: A MAN MAY PASS A JAR. But does not R. Judah agree with what we learned: Cattle and objects may move only as far as the feet of their owner?⁹ — Resh Lakish citing levi the elder replied: Here we are dealing with a case where he¹⁰ emptied the contents from one jar¹¹ into another,¹² R. Judah following his view, expressed elsewhere,¹³ that water¹⁴ is deemed to have no substance,¹⁵ for we learned:¹⁶ R. Judah exempts¹⁷ water¹⁸ because it has no substance.¹⁵ Then¹⁹ what could be the meaning²⁰ of THIS²¹ MUST NOT MOVE? — That²² which is within THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER. Might it not be suggested that R. Judah was heard to hold his view²³ only where it²² was absorbed in dough,²⁴ was he, however, heard to hold the same view where²⁵ it had an independent existence? Surely.²⁶ if where water is mixed with the contents of a pot²⁷ R. Judah rules that it does not lose its existence, would it lose it where²⁵ it had an independent existence? For was it not taught:²⁸ R. Judah ruled: Water and salt lose their identity in dough but not in a pot²⁷ on account of its broth?²⁹ — Rather, explained Raba, we are here dealing with the case of a jar that had acquired³⁰ a place for the Sabbath and that of water that had not acquired a place.³¹ so that the identity of the jar³² is lost In the water,³³ as we have learnt: If a man carries out³⁴ a living person in a bed he is exempt³⁵ even in respect of the bed,³⁶ since the bed³⁷ is of secondary importance;³⁸ if a man carries out³⁴ in a vessel food-stuffs less than the forbidden quantity he is exempt³⁵ even in respect of the vessel,³⁹ since the vessel⁴⁰ is only of secondary importance.⁴¹ R. Joseph raised an objection: R. Judah ruled: 'When in a caravan a man, may pass a jar to his fellow and his fellow to his fellow', which implies, does it not, that only when in a caravan⁴² is this permitted but not otherwise?⁴³ — The fact rather is, explained R. Joseph, that what⁴⁴ we learned in our Mishnah referred also to a caravan.

Abaye explained:⁴⁵ When in a caravan the device⁴⁶ is permitted even when both the jar and the water had acquired a place for the Sabbath, but when one is not in a caravan the device⁴⁶ is allowed only where the jar alone had acquired a place for the Sabbath but not the water.

R. Ashi explained:⁴⁵ Here we are dealing with a jar and water both of which were ownerless,⁴⁷ And whose [view is expressed in what] THEY SAID TO HIM? — That of R. Johanan b. Nuri who holds that ownerless objects acquire their place for the Sabbath.⁴⁸ And what⁴⁹ could be the meaning of THIS MUST NOT BE MOVED FURTHER THAN THE FEET OF ITS OWNER?— they must not be moved further than vessels that have an owner.⁵⁰

MISHNAH. IF A MAN WAS READING IN A SCROLL⁵¹ ON A THRESHOLD AND THE SCROLL ROLLED OUT OF HIS HAND,⁵² HE MAY ROLL IT BACK TO HIMSELF.⁵³ IF HE WAS READING IT ON THE TOP OF A ROOF AND THE SCROLL ROLLED OUT OF HIS HAND,⁵² HE MAY, BEFORE IT REACHED TEN HANDBREADTHS FROM THE GROUND, ROLL IT BACK TO HIMSELF.⁵⁴ BUT AFTER IT HAD REACHED THE TEN HANDBREADTHS⁵⁵ HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS.⁵⁶ R.

JUDAH RULED: EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S⁵⁷ THICKNESS HE MAY ROLL IT BACK TO HIMSELF. R. SIMEON RULED: EVEN IF IT TOUCHED THE ACTUAL GROUND HE MAY ROLL IT BACK TO HIMSELF, SINCE NO PROHIBITION THAT IS DUE TO SHEBUTH⁵⁸ RETAINS ITS FORCE⁵⁹ IN THE PRESENCE OF THE HOLY WRITINGS.⁶⁰

GEMARA. What kind of THRESHOLD is one to imagine? If it be suggested that the threshold was a private domain,⁶¹ and that in front of it was a public domain,⁶² and that no preventive measure⁶³ was enacted against the possibility that the entire scroll might fall down⁶⁴ and that one might then carry it in,⁶⁵

(1) So MS.M. Cur. edd. add., 'to him

(2) Lit., 'in what'.

(3) And thus enhance the danger.

(4) R Simeon and the first Tanna.

(5) The first Tanna according to the emendation of the Mishnah just given.

(6) R. Simeon

(7) Lit., 'what does he want'.

(8) Since the possible desecration of the Sabbath is thereby avoided.

(9) Bezah 37b, sc. even a person who borrowed them may not lead or carry them beyond the limits within which their owner may move.

(10) Every one of the men to whom the jar is passed in turn.

(11) Each person to whom the jar is passed in succession.

(12) Of his own and that could, therefore, be carried as far as he himself may go.

(13) Lit., 'that he said'.

(14) Under certain conditions.

(15) it is not restricted, therefore, to the limits of its owner's movements.

(16) Bezah 37a.

(17) From being restricted, like spices and salt, to the limits of the movements of its original owner.

(18) That was borrowed by one woman from another for her dough.

(19) Since R. Judah agrees that the jar itself must not be moved beyond the limits allowed to its owner.

(20) In the objection of the Rabbis.

(21) Presumably the JAR.

(22) I.e., the water.

(23) That water is deemed to have no substance.

(24) Where its independent existence is completely lost.

(25) As in the case of the water in the jar under discussion.

(26) Lit., 'now'.

(27) I.e., where it is mixed with other food.

(28) Bezah 39a.

(29) Which, like the water, is a liquid. Much less than in a jar in which the water alone is contained.

(30) When the Sabbath began.

(31) If, for instance, it was drawn on the Sabbath from a river. Such water (cf. supra 46a) may be carried by anyone as far as his own Sabbath limits.

(32) Which is only of secondary importance serving as it does as a mere container for the water.

(33) Which is here of primary importance, and which may be carried by anyone (cf. supra n. 12) within his own limits.

(34) On the Sabbath.

(35) From the penalties for desecration of the Sabbath by carrying.

(36) i.e., not only in respect of the living person who is deemed to be carrying himself.

(37) Being used for the sake of the person in it only.

(38) To the person in it who is of primary importance. As no penalty is incurred for carrying out the man so is none incurred for carrying out the bed.

- (39) Not only in respect of the foodstuffs which were less than the forbidden quantity.
- (40) Whose entire use is due to the foodstuffs in it.
- (41) To the food (cf. supra n. 19 mut. mut.). Similarly in the case of the jar and the water, since the latter is of primary, and the former is only of secondary importance, the former's identity is completely lost in that of the latter and may, therefore, be carried to the same limits.
- (42) Sc. in abnormal conditions where water has to be carried long distances and where one has no other alternative.
- (43) How then is this to be reconciled with R. Judah's ruling in our Mishnah?
- (44) Lit., , 'when'.
- (45) The difficulty raised by R. Joseph.
- (46) Of passing the jar from hand to hand.
- (47) Hefker so that whosoever picks them up acquires them and may, therefore, carry them to the ends of his own Sabbath limits.
- (48) Supra 45b.
- (49) Since the jar and the water were ownerless.
- (50) Two thousand cubits in all directions.
- (51) Of Scripture.
- (52) Into a public domain.
- (53) If one of its ends remained in his hand (v. Gemara infra).
- (54) Since it was still outside the public domain which extends only to a level of ten handbreadths above the ground.
- (55) And one of its ends is thus within the public domain from which it is forbidden to transfer an object into any other domain.
- (56) Lit., 'on the writing', to protect it as much as is possible from the sun, dust or rain.
- (57) So T.J., Alfasi, MS.M. and cur. edd. infra 98a. Cur. edd. here 'needles'.
- (58) A Rabbinical prohibition in connection with the Sabbath (v. Glos.), such as the rolling back of a scroll where one of its ends was still in the reader's hands. Pentateuchally this is permitted but as a preventive measure against the possibility of carrying back the scroll where it was wholly in the public domain, a Rabbinical prohibition was imposed.
- (59) Lit., 'stands'.
- (60) I.e., where their preservation or honour is at stake.
- (61) One, for instance, that was no less than ten handbreadths high and four handbreadths wide.
- (62) Into which one end of the scroll had rolled.
- (63) Forbidding to roll it back to the reader in the private domain who was still holding its other end.
- (64) On the ground of the public domain.
- (65) Back into the private domain, and thus incur the obligation of a sin-offering.

Talmud - Mas. Eirubin 98a

who then, [it may be asked,] is the author?¹ Obviously R. Simeon who ruled: NO PROHIBITION THAT IS DUE TO SHEBUTH RETAINS ITS FORCE IN THE PRESENCE OF THE HOLY WRITINGS;² but then read the final clause: R. JUDAH RULER, EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S THICKNESS HE MAY ROLL IT BACK TO HIMSELF. R. SIMEON RULED: EVEN IF IT TOUCHED THE ACTUAL GROUND, HE MAY ROLL IT BACK TO HIMSELF. Is it likely that the first and final clauses represent the view of R. Simeon while the middle one represents that of R. Judah?—Rab Rabbah replied: Yes the first and final clauses may represent the view of R. Simeon while the middle one represents that of R. Judah: Rabbah replied: We deal here with a threshold that was trodden upon [by the public] and in order [to avert] disrespect to the holy writings³ the Rabbis⁴ have permitted [to roll it back].⁵

Abaye raised an objection against him:⁶ [If it⁷ rested] within four cubits⁸ one may roll it back to oneself, [but if it rested] without the four cubits one must turn it over with its writing downwards. Now if you maintain that we are dealing with a threshold that was trodden upon by the public⁹ what matters it whether the end of the roll rested within the four cubits or without the four cubits?¹⁰ Rather, explained Abaye, we are dealing here with a threshold that was a karmelith¹¹ in front of

which passed a public domain.¹² [Hence it is that if the end of the scroll rested] within four cubits where, even if [all the scroll] had fallen down and one would have carried it back,¹³ no obligation of a sin-offering would be incurred,¹⁴ the Rabbis have permitted the man to roll it back;¹⁵ but where it rested without the four cubits in which case, if he had brought it back,¹⁶ he would have incurred the obligation of a sin-offering, the Rabbis did not permit it to him.¹⁷ But if so,¹⁸ why should not a preventive measure be enacted, even [where the end of the scroll rested] within the four cubits, lest one might come to carry [the scroll]¹⁹ from the public into a private domain?²⁰ And should you reply: Since a karmelith²¹ intervened this²² need not be provided against,²³ did not Raba, [it may be objected,] state:²⁴ if a man transferred an object from the beginning of four cubits²⁵ to the end of the four cubits, and the transfer was made above his head,²⁶ he is guilty of an offence?²⁷ — Here we are dealing with all extensive²⁸ threshold²⁹ in crossing which³⁰ one is sure to recollect [to pause].³¹ If you prefer I might reply: The fact is that we are dealing here with a threshold that was not extensive, but one usually looks through the holy writings before putting them away.³² But why should not the possibility be taken into consideration that one might look through them³³ while in the public domain and then carry them³⁴ directly into the private domain?³⁵ — The author of this ruling is³⁶ Ben ‘Azzai who laid down³⁷ that walking is like standing.³⁸ But is it not possible that he might throw³⁹ them,⁴⁰ R. Johanan having stated: ‘Ben ‘Azzai agrees in the case of throwing’?⁴¹ R. Aha⁴² b. Ahabah replied: This proves that holy writings may not be thrown.⁴³

IF HE WAS HEADING IT ON THE TOP OF A ROOF etc. But is this⁴⁴ permitted. seeing that it was taught: The writers of the scrolls of Scripture, tefillin or mezuzoth were not permitted to turn a skin⁴⁵ with the writing downwards,⁴⁶ but a cloth must be spread over it?⁴⁷ There⁴⁸ this⁴⁹ is possible whereas here⁵⁰ this is impossible; and if one were not to turn it over the holy writings would be exposed⁵¹ to much greater abuse. HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS. But, surely, it has not, has it, come to a rest?⁵² — Raba replied: This is a case where the wall was slanting.⁵³ Said Abaye to him: You have explained our Mishnah as referring⁵⁴ to a slanting wall; read them the final clause: R. JUDAH RULED, EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREAD'S THICKNESS, HE MAY ROLL IT BACK TO HIMSELF, but, surely,⁵⁵ I may ask, has it not come to rest?⁵⁶ — Some words are wanting, the proper reading⁵⁷ being as follows: This⁵⁸ applies only to a slanting wall, but in the case

(1) Of this ruling of our Mishnah according to which no preventive measure was deemed necessary. It cannot be R. Judah, since he permits the rolling back only where the end of the scroll does not touch the ground, but where it does, the rolling back is forbidden as a preventive measure against the possibility of doing so when both ends dropped from the reader's hands.

(2) V. relevant notes in our Mishnah.

(3) By leaving it in a place where it might be trodden upon.

(4) Even R. Judah.

(5) Since only a shebuth is thereby affected. The threshold, however, cannot be compared to a roof where a preventive measure could well be enacted since in that case the scroll is not exposed to so much abuse.

(6) Rabbah.

(7) One of the ends of the scroll that one was reading on a threshold.

(8) On the ground.

(9) And that, in order to protect the sacred scroll from abuse, a shebuth was dispensed with.

(10) Surely none; for just as a shebuth was dispensed with for the reason given, in the case of the threshold where one end of the scroll is transferred from a public into a private domain, so it should also be dispensed with for the same reason in the case of carrying the end of the scroll along a greater distance than four cubits in a public domain, since one of the ends is in his hand.

(11) One that was four handbreadths wide but less than ten handbreadths high.

(12) And behind which was, of course, a house which is a private domain.

(13) To the threshold.

(14) Since the prohibition to carry from a public domain into a karmelith is only a shebuth.

- (15) i.e., where an end is retained in the reader's hand, a shebuth to safeguard a shebuth was not considered necessary.
- (16) Where the whole of [he scroll had fallen down and he carried it along a distance of more than four cubits in a public domain.
- (17) Even where one end remained in his hand and only a shebuth is involved. To safeguard a Pentateuchal prohibition a shebuth was justifiably instituted.
- (18) That according to R. Judah a preventive measure was enacted, even in the case of holy writings, against the possibility of the infringement of a Pentateuchal law.
- (19) I.e., where both ends dropped from the hands of the reader into the public domain.
- (20) Sc. into the house behind the threshold.
- (21) The threshold.
- (22) The possibility of carrying across It from the one domain into the other.
- (23) Lit., 'we have nothing against It
- (24) Shah. 8b.
- (25) In a public domain.
- (26) Lit., 'the way above him', sc. he carried the object high in the air at a level above ten handbreadths from the ground, which is regarded as a free domain.
- (27) Against the laws of carrying a greater distance than four cubits in a Public domain. This shows that an offence is not mitigated even though the object passed on its way through a free domain. Why then should the passing of the scroll across the threshold mitigate in any way the offence of carrying from a public into a private domain?
- (28) Lit., 'log'.
- (29) The crossing of which, on one's way from the public into the private domain, would take some time.
- (30) Lit., 'in the meanwhile'.
- (31) On it; and thus avoid the direct transfer from the public into the private domain. By making a pause on the karmelith the object is deemed to have been taken from the Public domain into it and from it into the private domain which is Pentateuchally permitted so that no sin-offering would be incurred even where the entire scroll had been carried in this manner.
- (32) One would consequently pause for the purpose on the threshold and, by thus avoiding direct transfer from the public into the private domain, no obligation of a sin-offering would be incurred.
- (33) The books of Scripture in the scroll.
- (34) Even where the entire scroll had dropped into the public domain.
- (35) Thus infringing a Pentateuchal prohibition.
- (36) Lit., 'whose (ruling) is this?'
- (37) In respect of the laws relating to carrying on the Sabbath.
- (38) Lit., '(he who) walks is as (he who) stands', sc. since every step made represents a 'lifting up' of the foot from one spot and a 'putting down' of it in another spot, the very passing across the threshold constitutes a pausing on it; cf. Shab. 5b and Keth 31b (Sonc. ed., p. 172, n. 4).
- (39) From the public domain directly into the house.
- (40) The books of Scripture in the scroll.
- (41) That it is not like standing (Shah. 6a). As in such a case a Pentateuchal law would be infringed where the entire scroll rolls out into the public domain, why was not a preventive measure enacted against this possibility even where only one end had rolled out?
- (42) MS.M. and old ed. 'Adda'.
- (43) Sof. III, 12.
- (44) To turn a holy scroll WITH ITS WRITING DOWNWARDS.
- (45) Lit., 'curtain', one of the sheets of parchment of which the large scroll is made up.
- (46) Lit., 'on its face'; to protect it from dust.
- (47) Sof. III, 14 and 16.
- (48) In the scribe's house.
- (49) To cover the writing with a cloth.
- (50) In the open, and where the exposed part of the scroll is rather large.
- (51) Lit 'there is'.
- (52) In the public domain. Why then should it be forbidden to roll it back into the private domain seeing that such an act

would not infringe even a shebuth?

(53) So that the end of the scroll inevitably comes to rest on the slope.

(54) Lit., 'in what did you place our Mishnah?'

(55) Since the wall was slanting.

(56) It must have done. Why, then, did R. Judah permit it to be rolled back?

(57) In our Mishnah.

(58) The ruling that HE MUST TURN IT etc.

Talmud - Mas. Eirubin 98b

of a wall that was not slanting and it came to rest above three handbreadths [from the ground], he may roll it back to himself; but if below the three handbreadths,¹ HE MUST TURN IT OVER WITH ITS WRITING DOWNWARDS.

R. JUDAH RULED: EVEN IF IT WAS REMOVED, FROM THE GROUND BY NO MORE THAN etc., because it is essential² that the object shall come to rest on something.³ But then what of the statement of Raba that even if all object came within three handbreadths [from the ground] it is necessary² according to the Rabbis that it shall rest³ on something,⁴ must it be assumed⁵ that he based his teaching on what is a dispute between Tannas? — The fact is that all this⁶ represents the view of R. Judah, but some words are missing, the correct reading being as follows: This applies only to a slanting wall, but in the case of a wall that was not slanting, even if it was below three handbreadths from the ground, he may roll it back because R. JUDAH RULED: EVEN IF IT WAS REMOVED FROM THE GROUND BY NO MORE THAN A THREADS THICKNESS, HE MAY ROLL IT BACK TO HIMSELF. What is the reason? Because it is essential⁷ that the object shall come to rest on something.

MISHNAH. IF THERE WAS A LEDGE⁸ IN FRONT OF A WINDOW IT IS PERMITTED⁹ TO PUT OBJECTS UPON IT OR TO REMOVE OBJECTS FROM IT ON THE SABBATH.

GEMARA. Whither did the LEDGE project? If it be suggested that it projected on to a public domain, why should no provision be made against the possibility¹⁰ that an object might drop¹¹ and one would be tempted¹² to carry it?¹³ If, on the other hand, it be projected on to a private domain, is not this¹⁴ obvious?¹⁵ — Abaye replied: The fact is that it projected on to a public domain, but the ruling, that IT IS PERMITTED TO PUT OBJECTS UPON IT, refers only to¹⁶ breakable objects.¹⁷ So it was also taught: If a ledge in front of a window projected into a public domain it is permitted to put upon it dishes, cups, ladles or bottles;¹⁸ and [it is permitted] to use¹⁹ all the wall²⁰ as far as its lowest ten handbreadths.²¹ If there was a ledge below it²² one may use it,²³ while the upper one may be used only in front of one's window. Now what kind of ledge is one to imagine?²⁴ If its width was less than²⁵ four handbreadths, is it not a free domain which²⁶ one must not use²⁷ even in front of one's window?²⁸ If, on the other hand, its width was four handbreadths, why²⁹ should not one be allowed to use it along the entire length of the wall? — Abaye replied: This is a case where the lower ledge was four handbreadths wide, while the upper one was not four handbreadths wide but the window-sill made it up to four handbreadths. [Consequently] One may use it³⁰ in front of the window since it is regarded as an extension³¹ of the window-sill but its section on the one side or on the other³² remains forbidden.

MISHNAH. A MAN MAY STAND³³ IN A PRIVATE DOMAIN AND MOVE OBJECTS IN A PUBLIC DOMAIN OR HE MAY STAND IN A PUBLIC DOMAIN AND³⁴ MOVE OBJECTS IN A PRIVATE DOMAIN, PROVIDED HE DOES NOT TAKE THEM BEYOND FOUR CUBITS.³⁵

A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND MAKE WATER IN A PUBLIC DOMAIN OR IN A PUBLIC DOMAIN AND MAKE WATER IN A PRIVATE DOMAIN, AND

THE SAME APPLIES TO SPITTING.³⁶ R. JUDAH RULED: EVEN WHERE A PERSON'S SPITTLE ACCUMULATED³⁷ IN HIS MOUTH, HE MUST NOT WALK FOUR CUBITS BEFORE HE SPAT OUT.³⁸

GEMARA. R. Hinena³⁹ b. Shelemya taught Hiyya b. Rab in the presence of Rab: A man may not stand in a private domain and move objects in a public domain.⁴⁰ 'Do you', he⁴¹ said to him, 'ignore⁴² the Rabbis⁴³ and act according to the view of R. Meir?'⁴⁴

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- (1) A level that is regarded as the actual ground.
 - (2) If it is to be deemed to have come to rest in a certain domain, and if the prescribed penalties are to be incurred.
 - (3) It is not enough that it passed through the air of the domain however low the level.
 - (4) Shah 80a, 100a.
 - (5) Since the first Tanna in our Mishnah apparently differs from R. Judah's view.
 - (6) All the anonymous part of our Mishnah including the ruling explicitly attributed to R. Judah.
 - (7) V. p. 679, n. 9.
 - (8) That was no less than four handbreadths wide and no less than ten handbreadths raised from the ground.
 - (9) To persons in the house, since (cf. prev. n.) the ledge has the status of a private domain.
 - (10) Lit., 'let it be apprehended'.
 - (11) From the ledge into the public domain below.
 - (12) Lit., 'and come'.
 - (13) Back to the private domain and thus transgress a Pentateuchal law.
 - (14) The ruling in our Mishnah.
 - (15) Since the ledge is a private domain within a private domain.
 - (16) Lit., 'and what. . . that he learned'.
 - (17) If these were to drop from the ledge no one would be likely to carry the fragments back into the house. Hence no preventive measure was necessary.
 - (18) All of which are fragile.
 - (19) Lit., 'and uses'.
 - (20) Sc. the holes and crevices in it (so Tosaf. a.l. contra Rashi).
 - (21) But not lower, since a height that is less than ten handbreadths is counted as the public domain.
 - (22) But above ten handbreadths from the ground.
 - (23) Even if it extends along the entire length of the wall.
 - (24) The upper one to be.
 - (25) Lit., 'there is not in it'.
 - (26) Though its occasional use is permitted to the people of both the public and the private domain
 - (27) Regularly.
 - (28) As its area is small, objects are certain to fall off, and the placing of such objects upon it assumes the appearance of direct throwing from a private into a public domain.
 - (29) Since it is a private domain.
 - (30) The upper ledge.
 - (31) Lit., 'holes'.
 - (32) Since it cannot be regarded as an extension of the window, and its own width is less than the minimum prescribed for a private domain.
 - (33) On the Sabbath.
 - (34) By bending forward.
 - (35) From the place where he picked them up.
 - (36) Lit., 'and so he shall not spit'.
 - (37) Lit., 'plucked'.
 - (38) The spittle being regarded as a burden which one must not carry beyond four cubits in a public domain.
 - (39) MS.M., 'Hanania
 - (40) This being a preventive measure against the possibility of transferring the object from the public into the private domain.

(41) Rab.

(42) Lit., 'leave'.

(43) Sc. the anonymous view expressed in our Mishnah.

(44) Who adopted (infra 101a) a preventive measure of a similar character.

Talmud - Mas. Eirubin 99a

He¹ thought that since the final clause² represented the view of R. Meir the first clause also must represent the view of R. Meir. In fact, however, this is not so. While the final clause represents the view of R. Meir the first represents the view of the Rabbis.

PROVIDED HE DOES NOT TAKE THEM BEYOND. Thus it follows that if he did take them beyond the four cubits³ he incurs the obligation of a sin-offering. May it then be suggested that this⁴ provides support for Raba who laid down that if a man transferred an object from the beginning of four cubits to the end of the four cubits, and the transfer was made above his head, he is guilty of an offence?⁵ Was it stated: 'If he took them beyond, he incurs the obligation of a sin-offering'?⁶ It is quite possible⁷ that if he took them beyond [the four cubits] he is exempt,⁸ but the act is [nevertheless] forbidden.⁹

Others read: Thus it follows⁷ that if he did take them out he is exempt though this is forbidden. Must it be conceded that this presents an objection against Raba who laid down that if a man transferred an object from the beginning of four cubits to the end of four cubits, and the transfer was made above his head, he is guilty of an offence?⁵ Was it stated: 'if he took them out he is exempt though this is forbidden'? It is quite possible that if he took them beyond [the four cubits] he does incur the obligation of a sin-offering?

A MAN MUST NOT STAND IN A PRIVATE DOMAIN etc. R. Joseph ruled: If a man made water or spat¹⁰ he incurs the obligation of a sin-offering. But is it not necessary¹¹ that the lifting up¹² and the putting down¹² shall respectively be from, and upon a place that was four handbreadths wide, which is not the case here? — His intention¹³ confers upon him the status of a proper place. For should you not concede this principle, how would you explain the following ruling of Raba:¹⁴ 'If a man threw some object¹⁵ and it dropped¹⁶ into the mouth of a dog or into the mouth of a furnace¹⁷ he incurs the obligation of a sin-offering', in view of the objection:¹⁸ Is it not necessary¹¹ that the putting down should be upon a place that was four handbreadths wide, which is not the case here? You must consequently admit that¹⁹ the man's intention²⁰ confers upon it²¹ the status of a proper place, so also here, it may well be explained, it is his intention that confers upon him the status of a valid place.

Raba enquired: What is the legal position where a man stood in a private domain and the orifice of the organ projected into a public domain? Are we guided by the source²² or by the point of exit? — This remains undecided.²³

AND THE SAME APPLIES TO SPITTING. R. JUDAH RULED etc. Even though he did not turn it over?²⁴ Have we not, however, learnt: If a man was eating a pressed fig²⁵ with soiled hands²⁶ and he put his hand into his mouth to remove a small stone,²⁷ R. Meir declares the fig to be unclean²⁸ while R. Jose regards it as clean.²⁹ R. Judah ruled: If he turned it³⁰ over³¹ the fig is unclean²⁸ but if he did not turn it over²⁹ the fig remains clean?³² — R. Johanan replied: Reverse the statement,³³ Resh Lakish said: You have no need³⁴ to reverse the statement, for we are dealing here with phlegm.³⁵ But was it not taught: R. Judah ruled: 'If his phlegm was detached',³⁶ which implies also, does it not, 'if his spittle was detached'?³⁷ — No, only that if his phlegm was detached. But was it not taught: R. Judah ruled: Whether his phlegm was detached or his spittle was detached he must not walk four cubits before he spat it out? — Clearly the explanation is the one originally given.³⁸

Resh Lakish stated: One who coughs up phlegm in the presence of his master deserves an untimely death, for it is said in Scripture: All that hate me love death,³⁹ read not 'that hate me' but 'those that cause me to be hated'.⁴⁰ But does not one merely act⁴¹ under an impulsion?⁴² — The person meant is one who coughs up the phlegm and ejects it.⁴³

MISHNAH. A MAN MUST NOT⁴⁴ STAND IN A PRIVATE DOMAIN AND DRINK IN THE PUBLIC DOMAIN OR STAND IN A PUBLIC DOMAIN AND DRINK IN A PRIVATE DOMAIN UNLESS HE PUT HIS HEAD AND THE GREATER PART OF HIS BODY INTO THE DOMAIN IN WHICH HE DRINKS. AND A SIMILAR LAW⁴⁵ APPLIES TO A WINEPRESS.

GEMARA. Does then the first clause⁴⁶ represent the view of the Rabbis⁴⁷ while the final clause⁴⁸ represents that of R. Meir?⁴⁹ — R. Joseph replied: The latter clause⁴⁸ deals with objects that are among one's necessities⁵⁰ and it⁴⁸ represents the general opinion.⁵¹

The question was raised: What is the ruling in respect of a karmelith?⁵² — Abaye replied: The same law⁵³ applies.⁵⁴ Raba replied: The very law of karmelith⁵⁵ is but a preventive measure,⁵⁶ shall we then go as far as⁵⁷ to enact a preventive measure⁵⁸ in addition to another preventive measure!⁵⁹

Whence, observed Abaye, do I derive my view?⁶⁰ From the statement,⁶¹

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- (1) R. Hinena.
 - (2) i.e., the Mishnah infra 101a.
 - (3) Even though his position was raised from the ground of the public domain and the objects were carried in the air above ten handbreadths from the ground which is a free domain.
 - (4) The prohibition to carry an object even through a free domain on account of the 'lifting up' and the 'setting down' which take place in the public domain.
 - (5) Supra 98a q.v. notes.
 - (6) If that were so, support for Raba's view would indeed have been forthcoming.
 - (7) Since no sin-offering was mentioned.
 - (8) From a sin-offering.
 - (9) By a Rabbinical enactment. In order to prevent one from carrying an object below the ten handbreadths level.
 - (10) From the one domain into the other.
 - (11) If a sin-offering is to be incurred.
 - (12) Of the object moved.
 - (13) To relieve himself.
 - (14) Lit., 'that which Raba said'.
 - (15) Along a distance of four cubits in a public domain.
 - (16) Lit., 'and rested'.
 - (17) Where it was instantly burnt out before it touched the floor of the furnace.
 - (18) Lit., 'but surely'.
 - (19) Lit., 'but'.
 - (20) [That it should drop into the fire or into the dog's mouth, v. Tosaf s.v. זרק].
 - (21) The dog's mouth or the flames of the furnace.
 - (22) Which is in the private domain.
 - (23) Teku.
 - (24) In his mouth.
 - (25) Of terumah.
 - (26) Sc. 'unwashed'. These are subject to the second degree of levitical uncleanness and consequently carry the third degree of uncleanness to the terumah with which they came in contact.
 - (27) And with his wet hand touched the fig.
 - (28) Because the spittle is regarded as a liquid which, by moistening the fig, renders it susceptible to levitical

uncleanness. Food that has never come in contact with a liquid is not susceptible to such uncleanness.

(29) Spittle, while in one's mouth is deemed to be a part of the body and cannot, therefore, be regarded as a liquid that renders food susceptible to levitical uncleanness.

(30) With the spittle in his mouth.

(31) In his mouth.

(32) Kel. VIII, 10. How then can it be maintained here that R. Judah regards spittle as detached from the body even if it was not turned over?

(33) The view given in the name of R. Judah should be attributed to one of the others. Rashi: R. Judah is at variance with his own principle.

(34) Lit., 'forever'.

(35) Which is detached from the lungs by the time it reaches the mouth.

(36) He must not walk beyond four cubits in the public domain.

(37) The text is in disorder. Read (v. D.S.): 'R. Judah said, (the same applies to) his phlegm or spittle'; now does this not mean if his phlegm or spittle was detached? - No, only if his phlegm was detached (but as to spittle, there is no liability unless he turned it over)].

(38) That the statement was to be reversed.

(39) Prov. VIII, 36.

(40) For the reading cf. Meg. 28a.

(41) When coughing.

(42) Of course he does; why then should he deserve death?

(43) In his master's presence.

(44) As a preventive measure against the possibility of drawing the drinking vessel towards the body from the one domain into the other.

(45) In respect of tithe (v. Gemara infra).

(46) Sc. the previous Mishnah (supra 98b) according to which 'a man may stand in a private domain and move objects in a public domain' etc.

(47) Who did not enact a preventive measure against the possibility of drawing the object after the body.

(48) Our Mishnah.

(49) Who (cf. Mishnah infra 101a) upholds the principle of the necessity for such a preventive measure. But is it likely that two anonymous and consecutive rulings should represent the views of different authors?

(50) Lit., 'that he requires', as water, for instance. Being in so much need of it, a man is most likely in a moment of absent-mindedness to draw it towards him into the domain in which he stands.

(51) Since in such a case (cf. Prev. n.) all agree that a preventive measure is required.

(52) Sc. may one standing in a karmelith drink in a public or private domain?

(53) As that relating to the domains spoken of in our Mishnah.

(54) Lit., 'it it'.

(55) Since Pentateuchally there is no prohibition even against the actual transfer of objects from a karmelith into, private or public domain.

(56) Against the possibility of carrying objects between a public and a private domain.

(57) Lit., 'shall we rise up'.

(58) The prohibition to drink from a public or private domain while standing in a karmelith as a preventive measure against possible transfer of the drinking vessel.

(59) The very law of karmelith. As such a double precaution is obviously unreasonable, the restrictions our Mishnah imposes in connection with the domains mentioned cannot apply to the karmelith.

(60) Lit., 'do I say it'.

(61) Lit., 'since he learned'.

Talmud - Mas. Eirubin 99b

AND A SIMILAR LAW APPLIES TO A WINEPRESS.¹ Raba, however, explained: The reference² is to³ tithe; and so explained R. Shesheth: AND A SIMILAR LAW APPLIES TO A WINEPRESS refers to³ tithe. For we learned: It is permitted⁴ to drink wine out of a winepress irrespective of

whether it was mixed with hot water or cold water, and to be exempt from the tithe;⁵ so R. Meir. R. Eliezer b. Zadok declared it⁶ to be liable to tithe,⁷ while the Sages ruled: In the case of hot wine⁸ one is liable to the tithe⁹ but in that of cold wine¹⁰ one is exempt since whatever remains¹¹ is poured back.¹²

MISHNAH. A MAN¹³ MAY INTERCEPT¹⁴ WATER FROM A GUTTER¹⁵ AT A LEVEL BELOW TEN HANDBREADTHS FROM THE GROUND,¹⁶ BUT FROM A WATER-SPOUT¹⁷ HE MAY DRINK IN ANY MANNER.¹⁸ GEMARA. He may only¹⁹ INTERCEPT the water²⁰ but may not press his lips to the gutter.²¹ What is the reason? — R. Nahman replied: We are here dealing with a gutter that was withn²² three handbreadths from the roof, since any structure²³ that is within three handbreadths from the roof is regarded as being the same domain as the roof. So²⁴ it was also taught: A man standing in a private domain²⁵ may raise his hand above ten handbreadths²⁶ towards a gutter that was within less than three handbreadths from a roof²⁷ and intercept²⁰ the water,²⁸ provided he does not press this lips to it].

Elsewhere it was taught: A man standing in a private domain²⁵ may not raise his hand above ten handbreadths²⁶ towards a gutter ‘that was within less than three handbreadths from a roof and press it to it, but he may intercept [the water]²⁰ and then drink.

FROM A WATER-SPOUT HE MAY DRINK IN ANY MANNER. One taught: If the spout had an area of four handbreadths by four this²⁹ is forbidden³⁰ because this would be like taking from one domain³¹ into another.³²

MISHNAH. IF A CISTERN IN A PUBLIC DOMAIN HAD AN EMBANKMENT TEN HANDBREADTHS HIGH, IT IS PERMITTED TO DRAW WATER FROM IT ON THE SABBATH THROUGH A WINDOW ABOVE IT. IF A RUBBISH-HEAP IN A PUBLIC DOMAIN WAS TEN HANDBREADTHS HIGH, IT IS PERMITTED TO POUR WATER ON IT ON THE SABBATH FROM A WINDOW ABOVE IT.

GEMARA. What³³ are we dealing with here? If it be Suggested: With one that was near,³⁴ what need was there,³⁵ [it might be objected,] for³⁶ an embankment that was ten handbreadths high?³⁷ — R. Huna replied: We are here dealing with a cistern that was removed four handbreadths from the wall. Hence it is only³⁸ where there was an embankment ten handbreadths high that the ruling³⁹ applies.⁴⁰ but where there was no embankment ten handbreadths high one would be moving an object⁴¹ from one private domain into another by way of a public domain.⁴² R. Johanan, however, replied: It³⁹ may even be assumed to refer to a cistern that was near,³⁴ but⁴³ it is this that we were informed: That the depth of a cistern and the height of its embankment⁴⁴ may be combined⁴⁵ to the prescribed depth of ten handbreadths.

IF A RUBBISH-HEAP IN A PUBLIC DOMAIN etc. There is no need then to provide against the possibility that the rubbish’ heap might be removed;⁴⁶ but did not Rabin son of R. Adda state in the name of R. Isaac: It once occurred that one side of an alley terminated in the sea⁴⁷ and the other terminated in a rubbish heap.⁴⁸ and when the facts were submitted to Rabbi he neither permitted nor forbade the movement of objects⁴⁹ in that alley; he did not declare it to be permitted since the possibility had to be considered that the rubbish-heap might be removed⁵⁰ or the sea might throw up alluvium,⁵¹ and he did not declare it to be forbidden because⁵² partitions⁵³ in fact existed?⁵⁴ — This is no difficulty, since the latter refers to one⁵⁵ that belonged to an individual⁵⁶ whereas the former⁵⁷ refers to one that belonged to the public.⁵⁸

MISHNAH. WHERE A TREE OVERSHADOWS THE GROUND⁵⁹ IT IS PERMITTED TO MOVE OBJECTS UNDER IT IF THE TOPS OF ITS BRANCHES ARE NOT HIGHER THAN THREE HANDBREADTHS FROM THE GROUND.⁶⁰ IF ITS ROOTS ARE THREE

HANDBREADTHS HIGH ABOVE THE GROUND⁶¹ ONE MAY NOT SIT ON THEM.⁶²
GEMARA. R. Huna the son of R. Joshua ruled: No objects may be moved⁶³ under it⁶⁴ where the area was greater than two beth se'ah.⁶⁵ What is the reason?

- (1) Which must refer to one that was lower than ten handbreadths which consequently had the status of a karmelith. It cannot refer to one that had the status of a private domain since the law relating to the latter had already been dealt with.
- (2) In the mention of the winepress.
- (3) Lit., 'as regards'.
- (4) To any person who stands within the winepress.
- (5) Provided the wine had not been carried outside the winepress the drink is regarded as occasional and consequently not subject to tithe.
- (6) Since it was mixed with water.
- (7) The dilution in the water imparts to it the nature of a regular drink which is subject to the tithe.
- (8) Sc. wine mixed with hot water.
- (9) Once the wine is mixed with hot water it can no longer be returned to the press. If a person, therefore, has mixed it with such water his intention must have been to drink all of it and it consequently assumes the character of a regular drink which is subject to tithe.
- (10) Wine mixed with cold water.
- (11) Of the drink.
- (12) To the winepress. The drink, therefore, is regarded as merely an occasional one that is exempt from the tithe. What our Mishnah teaches is that, according to R. Meir whose view the last clause represents, a man must not stand on the ground and drink from the winepress without first setting aside the required tithe unless, as in the case of the domains spoken of, he puts HIS HEAD AND THE GREATER PART OF HIS BODY into the winepress.
- (13) Standing in a public domain.
- (14) On the Sabbath.
- (15) That runs along the side of a roof within three handbreadths from it (v. Gemara infra).
- (16) Which is regarded as a part of the public domain; or even at a higher level which is a free domain. The intention on the level below ten is due to the ruling that follows, which cannot apply to a higher level.
- (17) The mouth of which projected into the public domain at some distance from the roof and below ten handbreadth from the ground, in consequence of which it is regarded as a part of the public domain.
- (18) Sc. he may even press his lips to the mouth of the spout and drink directly from it. This is not permitted in the case of a gutter which, being (as stated supra) within three handbreadths from the roof, is deemed to be part of the roof and to constitute like the roof itself a private domain from which it is forbidden to take the water into the public domain, even though it was lower than ten handbreadths from the ground.
- (19) Lit., 'yes'.
- (20) In mid air.
- (21) To drink directly from it.
- (22) Lit., 'less than'.
- (23) Such as a gutter.
- (24) That a gutter within three handbreadths from a roof is regarded as the same domain as the roof and that one drinking directly from such a gutter is deemed to be drinking from the roof itself.
- (25) On a roof, for instance.
- (26) From the floor of that domain.
- (27) Above the one on which he stands.
- (28) That flowed from that gutter upon his roof.
- (29) To drink directly from the mouth of the spout.
- (30) Even if it was within ten handbreadths from the ground.
- (31) A karmelith.
- (32) A public domain.
- (33) CISTERN.
- (34) To the wall, within four handbreadths from it.
- (35) For the purpose of permitting the use of the cistern from the window.

- (36) Lit., 'wherefore to me'.
- (37) Even if there were no embankment the drawing up of water through the window would have been permitted, since a cistern, ten handbreadths deep, is itself a private domain and, being within four handbreadths from the wall, no material part of the public domain intervened between it and the wall.
- (38) Lit., 'and the reason'.
- (39) that IT IS PERMITTED TO DRAW WATER etc.
- (40) Since the bucket never enters the public domain.
- (41) The bucket or the water.
- (42) The strip of four handbreadths wide or more that intervened between the wall and the cistern.
- (43) In reply to the objection 'What need was there for an embankment' etc.
- (44) Though each is less than ten handbreadths in depth or in height.
- (45) For the purpose of constituting a private domain.
- (46) When its place would become a public domain and people might continue to use it from the window as if it were still a private domain.
- (47) Whose embankments were ten handbreadths high.
- (48) Also ten handbreadths high; while of the other two sides one adjoined a public domain and the other was closed up, houses and courtyards opening out from it.
- (49) On the Sabbath.
- (50) And its place would use the character of a private domain.
- (51) Thus turning the place, when dried up, into a public domain, and the public would use it as a thoroughfare (cf. R. Han.).
- (52) At the time at least.
- (53) The side from which the doors had opened, the sea embankment and the rubbish-heap.
- (54) Supra 8a. Now since provision against the possibility of the cleaning of the rubbish-heap was made in the case of the alley, why was no similar provision made in the case dealt with in our Mishnah?
- (55) Lit., 'that', the rubbish-heap at the side of the alley.
- (56) Where the clearance of the comparatively small quantity of rubbish might well be expected.
- (57) That referred to in our Mishnah.
- (58) Which is unlikely to be removed.
- (59) Sc. its branches hanging downwards all around.
- (60) Their separation from the ground by less than three handbreadths is, wider the law of labud, completely disregarded and they are, therefore, deemed to be actually touching the ground; and, since at their other ends at which they are joined to the tree they are raised ten handbreadths from the ground, they constitute a partition ten handbreadths high all round that tree.
- (61) And much more so if they were higher.
- (62) Such a height imparts to them the character of a tree which may not be made use of on the Sabbath.
- (63) Beyond four cubits.
- (64) The tree dealt with in our Mishnah.
- (65) Even though the tree had been originally planted for the purpose of overshadowing the ground and serving as a shelter for watchmen.

Talmud - Mas. Eirubin 100a

— Because it is a dwelling-place that serves only the outside air,¹ and no movement of objects is permitted in a dwelling-place whose only function is that of serving the outside air, if its area was greater than two beth se'ah.

IF ITS ROOTS ARE HIGH ABOVE THE GROUND etc. It was stated: If the roots of a tree descended from a level that was above three handbreadths into one that was lower than three handbreadths,² Rabbah ruled: It is permitted to use them, while R. Shesheth ruled: It is forbidden to use them. 'Rabbah ruled: It is permitted to use them', since all levels lower than three handbreadths from the ground are regarded as the ground itself.³ 'R. Shesheth ruled: It is forbidden to use them',

because, owing to the fact that they derive from a forbidden source,⁴ they themselves are also forbidden. If they⁵ are in the shape of a rocky crag,⁶ those that grow upwards⁷ are forbidden,⁸ those that grow downwards⁹ are permitted,¹⁰ while as to those that grow sideways¹¹ a difference of opinion exists between Rabbah and R. Shesheth;¹² and the same¹³ applies to a dike¹⁴ and a corner.¹⁵

Abaye had¹⁶ a certain palm-tree that projected through the sky-light¹⁷ and when he came to R. Joseph¹⁸ the latter permitted it to him,¹⁹ R. Aha b. Tahlifa observed: In permitting its use to you he²⁰ acted in accordance with Rabbah's view.²¹ Is not this obvious?— It might have been presumed that even according to the view of R. Shesheth a house²² is regarded as full²³ and that one may, therefore, use a tree within less than three handbreadths from the roof, hence we were informed [that the decision was given only in accordance with the view of Rabbah].

We learned: IF ITS ROOTS ARE THREE HANDBREADTHS HIGH ABOVE THE GROUND ONE MAY NOT SIT ON THEM. Now how are we to imagine the circumstances? If they did not²⁴ subsequently bend downwards, is not this²⁵ obvious?²⁶ This must consequently be a case, must it not, where they subsequently bent downwards?²⁷ — No, the fact is that they did not subsequently bend downwards, but²⁸ it is this that we were informed: Even though [on] one of its²⁹ sides [they were] level with the ground.³⁰

Our Rabbis taught: If the roots of a tree were three handbreadths high above the ground, or if there was a hollow space of three handbreadths beneath them, one must not sit on them even though on one side of the tree they were level with the ground, because it is not permissible³¹ either to climb upon a tree or to suspend oneself from a tree or to recline on a tree; nor may one climb upon a tree while it is yet day³² to remain there all the Sabbath day, the law being the same in the case of a tree and in that of any cattle. In the case of a cistern, a ditch, a cave or a wall one may climb up or climb down even if they were a hundred cubits [deep or high].³³

One Baraitha teaches: If a man climbed, up³⁴ he may climb down. But does not another Baraitha teach that he is forbidden to climb down? — This is no difficulty since the former refers to one who climbed up³⁵ while it was yet day³² while the latter refers to one who did it after dusk.³⁶ If you prefer I might reply: Both refer to all ascent after dusk and yet there is no difficulty, since the one refers to an unwitting act while the other refers to an intentional one.³⁷ If you prefer I might say: Both refer to an unwitting act, but the principle underlying their divergence of view is the question whether a penalty has been imposed in respect of an unwitting act as a precaution against the performance of an intentional act. One Master³⁸ is of the opinion that such a penalty has been imposed while the other Master holds that no such penalty has been imposed.

R. Huna son of R. Joshua observed: This³⁹ is similar in principle to the dispute between the following Tannas: If the blood of sacrifices of which one sprinkling only is necessary⁴⁰ was confused with the blood of other sacrifices of which one sprinkling is necessary,⁴¹ each⁴² is to be sprinkled once. If blood of which four sprinklings are necessary was confused with other blood of which four sprinklings were necessary⁴³ each⁴² is to be sprinkled four times. If that which has to be sprinkled four times was confused with that which has to be sprinkled once, R. Eliezer ruled: Each⁴² must be sprinkled four times,⁴⁴ and R. Joshua ruled: Each⁴² must be sprinkled only once.⁴⁵ 'Does he not', said R. Eliezer to him, 'thereby⁴⁶ transgress the law against diminishing from the precepts?'⁴⁷ 'Does he not thereby',⁴⁸ replied R. Joshua. 'transgress the prohibition against adding to the precepts?'⁴⁹ 'This',⁵⁰ R. Eliezer retorted: 'applies only⁵¹ where it is in all isolated condition'. is 'The prohibition against diminishing from the precepts also', said R. Joshua to him, 'applies only when it is in all isolated condition'.⁵² R. Joshua, furthermore, explained: If you sprinkle⁵³ you transgress the prohibition against adding to the precepts and you also perform the act with your own hand, but if you do not sprinkle you transgress indeed the prohibition against diminishing from the precepts but you do not perform any act with your own hand'.⁵⁴ Now, according to R. Eliezer who laid down

there⁵⁴ that the performance of an uncertain precept⁵⁵ is preferable.⁵⁶ the man may here also⁵⁷ climb down,⁵⁸ while according to R. Joshua who held there⁵⁴ that the abstention from the performance of an uncertain precept⁵⁹ is preferable.⁶⁰ the man here also⁵⁷ may not climb down.⁶¹ This argument, however, might be fallacious,⁶² since R. Eliezer may have maintained his view, that the performance of an uncertain precept⁵⁵ is preferable.⁵⁶ only there where a positive precept is thereby⁶³ performed. but here,⁵⁷ where⁶⁴ no positive precept is performed⁶⁵ he may also agree that the man must not climb down. Or else: R. Joshua may have maintained his view, that the abstention from the performance of an uncertain precept⁵⁹ is preferable.⁶⁰ only there⁵⁷

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- (1) The watchmen use it only during the season when they are engaged in their duties in the fields and vineyards in the open air. No one uses the area under a tree as an ordinary habitation.
 - (2) Sc. they began to bend downwards after they had grown to a high above three handbreadths from the ground.
 - (3) As one may use the ground so may one use the roots within the three handbreadths level.
 - (4) Those parts of the roots that were higher than three handbreadths.
 - (5) The roots.
 - (6) Meshunitha is derived by Rashi from the came root as shen in shen sela', sc. the roots grew upwards and then bent downwards in the shape of a sloping hill, smaller roots branching out of the bigger ones.
 - (7) From a section of a root that was higher than three handbreadths from the ground.
 - (8) Even according to the view of Rabbah, since both roots and source are in a forbidden level.
 - (9) From a root section below the level of three handbreadths.
 - (10) Even by R. Shesheth, since roots as well as source are below three handbreadths from the ground.
 - (11) Sc. they branch out from a root section that was above the three handbreadths level and bend downwards within that level.
 - (12) According to the former, their use is permitted since they are bent downwards and reached the low level which is regarded as the ground itself; while according to the latter they are forbidden on account of their source which is within the forbidden level.
 - (13) Divergence of view.
 - (14) Or 'ditch', in which grew a tree, two of whose sides were embedded in the sides of the dike. According to Rabbah the use of the roots that were within three handbreadths from the top of the dike is permitted while according to R. Shesheth, since they grew from a level which is above three handbreadths from the bottom of the dike, they are forbidden.
 - (15) Formed by two walls that enclosed the three sides of a tree whose height reached to within three handbreadths above the walls. According to Rabbah the portion of the tree above the walls may be used since its lower section on those sides is covered by the walls and the part projecting above them is within three handbreadths from their tops. According to R. Shesheth, however, since their source in the exposed side of the tree is above three handbreadths from the ground, this is forbidden. In the case of a tree one of whose sides only adjoins a wall while its other sides remained exposed even Rabbah, it may be added, agrees that its use is forbidden.
 - (16) Within a house.
 - (17) But not above three handbreadths from the roof.
 - (18) To enquire whether its use was permissible on the Sabbath.
 - (19) Because none of the sides of the tree protected above three handbreadths from the roof of the house.
 - (20) R. Joseph.
 - (21) That the source is disregarded. According to R. Shesheth, since the use of the lower section of the tree within the house, which is obviously higher than three handbreadths from the floor, is forbidden, the use of the section above the roof which grows from it is equally forbidden.
 - (22) As in the case of a window (supra 76b).
 - (23) Sc. as if it were full of earth up to the ceiling.
 - (24) After rising to the height of three handbreadths.
 - (25) THAT ONE MAY NOT SIT ON THEM.
 - (26) Of course it is. Why then was it stated?
 - (27) And yet it is forbidden to sit on them. All objection against Rabbah.
 - (28) As to your objection. 'Is not this obvious?'

- (29) The tree's.
- (30) Rabbah maintains his view only where more than one side was on a level with, or within three handbreadths from the ground.
- (31) On the Sabbath.
- (32) Of the Sabbath eve.
- (33) The prohibition to climb up or down a tree on the Sabbath is not title to the trouble or effort involved in the process but to a preventive measure against the possibility of intentional plucking of a growing plant, which is one of the acts of work forbidden on the Sabbath.
- (34) Upon a tree.
- (35) Lit., 'here'.
- (36) In the former case, since his ascent involved no transgression, no penalty was imposed upon him.
- (37) Cf. prev. n. mut. mut.
- (38) The author of the latter Baraitha.
- (39) The divergence of opinion between the authors of the Baraithas just discussed.
- (40) On the altar. Lit., 'those that are given by one giving'.
- (41) If a bowl of blood of a firstling, for instance, was confused with that of the tithe of cattle. (The interpretation here follows Bertinoro in Zeb. VIII, 10).
- (42) Cf. Bertinoro l.c.
- (43) As, for instance, the blood of a burnt-offering with that of a peace-offering (cf. prev. n.).
- (44) The superfluous sprinklings in the case of the latter being regarded as those of mere water that can in no way affect the prescribed number.
- (45) Any additional sprinklings would, in the case of the latter, constitute an infringement of the Pentateuchal prohibition against adding to the precepts (cf. Deut. XIII, 1).
- (46) By sprinkling, in the case of the former, less than the prescribed number of times. Lit., 'behold he'.
- (47) Cf. Deut. XIII, 1.
- (48) By his sprinkling, in the case of the latter, more times than required.
- (49) Cf. Supra n. 8.
- (50) The prohibition to add to the precepts.
- (51) Lit., 'the only said'.
- (52) Lit., 'in itself', but not where it is confused with another kind.
- (53) More than the prescribed number of times.
- (54) Zeb. 80a.
- (55) Lit., 'arise and do'.
- (56) To its neglect.
- (57) Where he was on the Sabbath on a tree.
- (58) By doing this he escapes the prohibition against his continued use of the tree.
- (59) Lit., 'sit and do not act'.
- (60) To its performance.
- (61) Since by remaining on the tree he performs no new act.
- (62) Lit., 'perhaps it is not (so)'.
- (63) By the sprinkling.
- (64) By climbing down.
- (65) One only avoids thereby the continued infringement of a negative precept against the use of a tree on the Sabbath.

Talmud - Mas. Eirubin 100b

where no direct transgression is committed,¹ but here where a direct transgression is committed² he may also agree that the man may climb down!

One [Baraitha] taught, 'The same prohibition³ applies to a green tree and to a dry tree'; and another [Baraitha] taught: 'This prohibition³ applies only to a green tree whereas in the case of a dry one⁴ no prohibition exists'⁵ — Rab Judah replied: This is no difficulty, since the former refers to a

tree whose stump grows afresh whereas the latter refers to one whose stump does not grow afresh. But if its stump 'grows afresh', would you describe it as 'dry'? — Rather say: There is no difficulty since the latter refers to the hot season⁶ whereas the former refers to the rainy season.⁷ [You say] in the not season? Surely the fruit⁸ falls off?⁹ — This is a case where it bore no fruit. But do not some chips¹⁰ fall off?⁹ — This is a case where the tree was stripped.¹¹ But, surely, this cannot be right? For did not Rab once visit Afsatia¹² where he forbade the use of a stripped tree? — Rab found an open field and put up a fence round it.¹³

Rami b. Hama,¹⁴ citing R. Assi, ruled: A man is forbidden to walk on grass on the Sabbath, because it is said in Scripture: And he that hasteth with his feet sinneth.¹⁵ One [Baraita] taught: It is permitted to walk on grass on the Sabbath; and another [Baraita] taught that this was forbidden! — This is no difficulty. Since the latter refers to fresh grass whereas the former refers to dry grass.¹⁶ And if you prefer I might say: Both [Baraitas] refer to fresh grass, and yet there is no difficulty since the latter refers to the hot season¹⁷ whereas the former refers to the rainy season. And if you prefer I might reply: Both deal with the hot season, and yet there is no difficulty, since the former deals with a person who wears his shoes whereas the latter deals with one who is barefooted.¹⁸ And if you prefer I might reply: Both deal with a person who wears his shoes, but there is no difficulty since the latter refers to shoes that have nails¹⁹ whereas the former refers to such as have no nails. And if you prefer I might reply: Both deal with shoes that have nails, but the latter refers to long and tangled grass²⁰ whereas the former refers to one that is not tangled.²¹ Nowadays, however, since we have it as an established rule that the law is in agreement with R. Simeon,²² it is permitted to walk on grass] in all the cases mentioned.²³

Rami b. Hama citing R. Assi further ruled: A man is forbidden to compel his wife to the [marital] obligation, since it is said in Scripture: And he that hasteth with his feet²⁴ sinneth.²⁵

R. Joshua b. Levi similarly stated: Whosoever compels his wife to the [marital] obligation will have unworthy children. Said R. Ika b. Hinena: What is the Scriptural proof? 'Also without consent²⁶ the soul²⁷ is hot good.'²⁵ So it was also taught: Also without consent²⁶ the soul is not good,²⁵ refers to a man who compels his wife to the [marital] obligation: And he that hasteth with his feet sinneth,²⁵ refers to the man who has intercourse twice in succession. But, surely, this cannot be right! For did not Raba state, 'He who desires all his children to be males should cohabit twice in succession'? — This is no difficulty, since the latter deals with the woman's] consent; whereas the former, without her consent.

R. Samuel b. Nahmani citing R. Johanan:²⁸ stated: A woman who solicits her husband to the [marital] obligation will have children the like of whom did not exist even in the generation of Moses. For of the generation of Moses it is written: Get you from each one of your tribes, wise men and understanding, and full of knowledge,²⁹ and then it follows: So I took the heads of your tribes, wise men and full of knowledge.³⁰ while men of 'understanding' he could not find, whereas in the case of Leah it is written in Scripture, 'And Leah went out to meet him, and said: Thou must come unto me, for I have surely hired thee,'³¹ and subsequently it is written, 'And of the children of Issachar,³² men that had understanding³³ of the times, to know what Israel ought to do, the heads of them were two hundred, and all their brethren were at their commandment.'³⁴

But can that be right?³⁵ seeing that R. Isaac b. Abdimi stated: Eve was cursed with ten curses, since it is written: Unto the woman He said, and I will greatly multiply,³⁶ which refers to the two drops of blood, one being that of menstruation and the other that of virginity, 'thy pain'³⁶ refers to the pain of bringing up children, 'and thy travail'³⁶ refers to the pain of conceptions 'in pain thou shalt bring forth children'³⁶ is to be understood in its literal meaning, 'and thy desire shall be to thy husband'³⁶ teaches that a woman yearns for her husband when he is about to set out on a journey, 'and he shall rule over thee'³⁶ teaches that while the wife solicits with her heart the husband does so

with his mouth, this being a fine trait of character among women?³⁷ — What was meant is³⁸ that she ingratiates herself with him.³⁹ But are not these⁴⁰ only seven? When R. Dimi came⁴¹ he explained: She is wrapped up like a mourner,⁴² banished from the company of all men⁴³ and confined within a prison.⁴⁴ What is meant by ‘banished from the company of all men’? [If it be suggested: That she is forbidden to meet a man in privacy, is not the man also but could be retorted.] forbidden to meet a woman in privacy? — The meaning rather is that she is forbidden to marry two men. In a Baraitha it was taught: She grows long hair like Lilith,⁴⁵ sits when making water like a beast, and serves as a bolster for her husband. And the other?⁴⁶ — These, he holds, are rather complimentary to her, R. Hiyya having made the following statement: What is meant by the Scriptural text: Who teacheth us by⁴⁷ the beasts of the earth and maketh us wise by⁴⁸ the fowls of the heaven?⁴⁹ ‘Who teacheth us by the beasts’ refers to the mule which kneels when it makes water, ‘and maketh us wise by the fowls of the heaven’ refers to the cock which first coaxes and then mates.

R. Johanan observed: If the Torah had not been given we could have learnt modesty from the cat, honesty⁵⁰ from the ant, chastity⁵¹ from the dove, and good manners from the cock who first coaxes and then mates. And how⁵² does he coax his mate? — Rab Judah citing Rab replied. He tells her this: ‘I will buy you a cloak that will reach to your feet’.⁵³ After the event he tells her,⁵⁴ ‘May the cat⁵⁵ tear off my⁵⁶ crest if I have⁵⁷ any money and do not buy you one’.

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- (1) By the man. He only abstains from the performance of the precept of sprinkling and he is only indirectly diminishing from the precepts.
 - (2) While the man remains on the tree he is transgressing the prohibition against its use on the Sabbath.
 - (3) Against the use of a tree on the Sabbath.
 - (4) Which no longer draws its nurture from the ground and which may, therefore, be regarded as detached from it.
 - (5) Lit., ‘is permitted’. How then are the two Baraithas to be reconciled?
 - (6) When it is quite impossible to mistake a dry tree for a green one.
 - (7) When the one might be mistaken for the other.
 - (8) Of the previous year that remained on the dry tree.
 - (9) When one climbs upon the tree. Why then was not the use of a dry tree forbidden as a preventive measure against the possibility of actual plucking?
 - (10) From the dry twigs.
 - (11) Of all its twigs and branches.
 - (12) In the neighbourhood of Sura.
 - (13) Metaph. The people of that place were lax in their religious observance (morally exposed like an ‘open field’) and Rab imposed upon them additional restrictions in order to keep them away thereby from further transgressions.
 - (14) So Asheri. Cur. edd. ‘Abba’. Cf. marg. note.
 - (15) Prov. XIX, 2, which proves that by mere walking a sin may be committed. Though the man does not intend to tear the grass he is forbidden to walk on it because he unintentionally tears it with his feet.
 - (16) Which is regarded as detached since it no longer draws any nurture from the ground.
 - (17) When the grass contains seeds that are dislodged by the walker’s feet.
 - (18) Who cannot help tearing out the grass that gets entangled in one’s toes.
 - (19) Or ‘spurs’. Cf. prev. n. mut. mut.
 - (20) Lit., ‘when it has tangled length’ or ‘luxuriant growth’.
 - (21) Cf. prev. n.
 - (22) That it is permitted to perform an act though, as a result, an unintended forbidden one also is thereby performed.
 - (23) Lit., ‘all of them are permitted’. As the act of walking is permissible on the Sabbath it cannot be forbidden even where it results in the unintentional act of tearing up the grass which when intentional is forbidden on the Sabbath.
 - (24) Allusion to marital intercourse.
 - (25) Prov. XIX, 2.
 - (26) Lit., ‘knowledge’, sc. the acquiescence of one’s wife to the performance of her marital duty. This verse is the introduction to the second part, ‘And he that hasteth with the feet’ etc. quoted and expounded Supra.
 - (27) Sc. each of the children born from such a union.

- (28) MS.M., 'Jonathan'.
- (29) Deut. I, 13.
- (30) Ibid. 15.
- (31) Gen. XXX, 16, a case of a wife's solicitation.
- (32) A son of Leah.
- (33) A type that could not be found in the days of Moses.
- (34) I Chron. XII, 33.
- (35) Lit., 'I am not (in agreement)'.
- (36) Gen. III, 16.
- (37) A.R.N., cf. Yeb. 62b; how then is this to be reconciled with the statement cited by R. Samuel b. Nahmani.
- (38) Lit., 'when we said'.
- (39) Not actual solicitation.
- (40) Curses enumerated.
- (41) From Palestine to Babylon.
- (42) A married woman is ashamed to appear in public with an uncovered head (cf. Rashi a.l.).
- (43) This is explained presently.
- (44) Cf. The king's daughter within (Ps. XLV, 14).
- (45) A notorious female night demon.
- (46) Why does he not include these curses among those he enumerated.
- (47) E.V., 'more than'.
- (48) E.V., 'wiser than'.
- (49) Job XXXV, 11.
- (50) Lit., '(objection to) robbery'.
- (51) Lit., 'forbidden intercourse'.
- (52) Lit., 'and what'.
- (53) This is an interpretation of the spreading of his wings and the bending of their tips towards the ground.
- (54) When he shakes his head jerking it downwards.
- (55) So Bah. Wanting in cur. edd.
- (56) Lit., 'of that cock'.
- (57) Lit., 'he has'.

Talmud - Mas. Eirubin 101a

MISHNAH. WITH THE DOOR¹ IN A REAR COURT, OR THE STOP-GAPS² IN A BREACH OR REED-MATS ONE MAY NOT CLOSE³ [AN OPENING]⁴ UNLESS THEY ARE RAISED⁵ FROM THE GROUND.⁶ GEMARA. Does not the following, however, present a contradiction:⁷ With a door, a reed-mat or a keg,⁸ that drag along the ground, it is permitted, whenever they are fastened and suspended, to close an opening on the Sabbath and much more so⁹ on a festival day?¹⁰ — Abaye replied: The latter refers to such as have a hinge.¹¹ Raba replied: It refers to a case where they had a hinge.¹²

An objection was raised: With a door, a reed-mat or a keg,⁸ that drag along the ground, whenever they are fastened, suspended and raised¹³ from the ground even if only by a hair's breadth. It is permitted to close an opening; otherwise this is forbidden?¹⁴ Abaye explains¹⁵ in accordance with his view, and Raba explains¹⁵ in accordance with his view. 'Abaye explains in accordance with his view': They must either have a hinge or be raised from the ground. 'Raba explains in accordance with his view': They must either have had a hinge or must be raised from the ground.

Our Rabbis taught: If boughs of thorn-bushes, or bundles of wood¹⁶ were prepared to serve as a stop-gap for a breach in a courtyard, whenever they are fastened and suspended, it is permitted to close with them on the Sabbath and much more so on⁹ a festival day.

R. Hiyya learned: With a widowed¹⁷ door that is dragged upon the ground it is not permitted to close [an opening]. What are we to understand by a 'widowed door'? — Some say: One made of a single board.¹⁸ Others Say: One that has no frame.¹⁹ Rab Judah ruled: A pile²⁰ may be laid out from the top downwards.²¹ but it is forbidden to build it up from the bottom upwards,²² and the same applies to an egg,²³ a pot,²⁴ a bed²⁵ and a cask.²⁶

A certain Sadducee once said to R. Joshua b. Hananiah. 'You are a brier, since of you it is written in Scripture: the best of them is as a brier'.²⁷ 'Foolish man', the other replied, 'look up the conclusion²⁸ of the text where it is written:²⁷ The upright man is a better [protection] than a tabernacle'.²⁹ 'What then was meant by The best of them is as a brier?' 'As briars protect a gap so do the best men among us protect us'. Another interpretation: The best of them is as a hedek³⁰ because they crush³¹ the wicked men in Gehenna; as it is said in Scripture: Arise and thresh, O daughter of Zion, for I will make thy horn iron, and I will make thy hoofs brass; and thou shalt beat in pieces³² many peoples etc.³³

MISHNAH. A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND OPEN³⁴ A DOOR IN THE PUBLIC DOMAIN,³⁵ OR IN THE PUBLIC DOMAIN AND³⁶ OPEN A DOOR IN A PRIVATE DOMAIN,³⁷ UNLESS³⁸ HE HAS MADE³⁹ A PARTITION TEN HANDBREADTHS HIGH.⁴⁰ SO R. MEIR. THEY⁴¹ SAID TO HIM: IT ONCE HAPPENED AT THE BUTCHERS'⁴² MARKET IN JERUSALEM THAT⁴³ THEY LOCKED THEIR SHOPS⁴⁴ AND LEFT THE KEY IN A WINDOW ABOVE A SHOP DOOR. R. JOSE SAID: IT WAS THE WOOL-DEALERS' MARKET.

GEMARA. As to the Rabbis,⁴¹ how is it that when R. Meir spoke of a PUBLIC DOMAIN⁴⁵ they retorted by citing a karmelith,⁴⁶ since Rabbah b. Bar Hana⁴⁷ stated in the name of R. Johanan: As for Jerusalem, were it not that its gates were closed at night, one would have incurred the guilt of carrying in it as a public domain?⁴⁸ R. Papa⁴⁹ replied: The latter statement⁵⁰ refers to the time before breaches were made in its wall whereas the former⁵¹ refers to the time after the breaches had been made. Raba replied: The final clause⁵² deals with⁵³ the gates of a garden.⁵⁴ and it is this that was implied: IS A MAN MAY NOT STAND IN A PRIVATE DOMAIN AND⁵⁵ OPEN A DOOR IN A KARMELITH,⁵⁶ OR IN A KARMELITH AND⁵⁷ OPEN A DOOR⁵⁸ IN A PRIVATE DOMAIN.⁵⁹

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- (1) Which as a rule is not fixed to the wall but is movable, and leaned against the doorway only when it is desired to shut it.
 - (2) Or '(bundles of) thorns'.
 - (3) On the Sabbath.
 - (4) A doorway or breach.
 - (5) Lit., 'high'.
 - (6) If they reach the ground this is forbidden, since their erection resembles 'building'.
 - (7) To the ruling in our Mishnah.
 - (8) Aliter: A plough used as a bar.
 - (9) Lit., 'and there is no need to say'.
 - (10) How then is this Baraitha, which only insists on suspension, to be reconciled with our Mishnah which demands that THEY must be RAISED FROM THE GROUND?
 - (11) Which imparts to them the character of a proper door the closing of which cannot be mistaken for 'building'. Suspension alone is, therefore, sufficient.
 - (12) Though they have none now. The mere mark of the hinge suffices to impart to them the character of a proper door (cf. prev. ii.)
 - (13) Lit., 'high'.
 - (14) Lit., '(they) may not close with them'. How then is this Baraitha, which requires both suspension and raising from the ground, to be reconciled with the previous Baraitha and with our Mishnah?
 - (15) The last cited Baraitha.

- (16) So R. Han.
- (17) This is explained anon.
- (18) By inserting into a gap such a board which has no resemblance to a door, one appears to be actually building on the Sabbath.
- (19) To bind it together (cf. Rashi) or against which to shut (cf. Jast.).
- (20) For making a fire on a festival day.
- (21) The upper logs or chips being held up in the air while the lower ones are inserted and arranged beneath them.
- (22) Placing, for instance, two chips at the bottom and another two crosswise above them; since this has the appearance of building which is forbidden on a festival day as on the Sabbath.
- (23) That is to be roasted. The egg must be held up while the wood is laid out under it (cf. prev. two notes).
- (24) Supported on two casks. Cf. Bezah 32b.
- (25) The center cloth must be held up while the frame is pushed under it (cf. prev. notes).
- (26) If it is to be placed on two other casks.
- (27) Micah VII, 4'
- (28) Lit., , 'lower (your eyes) to the end'.
- (29) Cf. A.V. 'sharper than a thorn hedge' (R.V. and A.f.T. 'worse than').
- (30) E.V., 'brier'.
- (31) Mehadekin of the same rt. as hedek by interchange of (guttural) h with (aspirate) h.
- (32) Or 'crush'.
- (33) Micah IV, 13.
- (34) With a key that he picks up in the public domain.
- (35) Even though the key was picked up within four cubits from the door. This is a preventive measure against the possibility of transferring the key from the public into the private domain.
- (36) By taking up a key from the roof of a shop that was no less than four handbreadths wide and above ten handbreadths from the ground.
- (37) Though the key was picked up in a private domain. This is a preventive measure against the possible transfer of the key from the private into the public domain below ten handbreadths from the ground.
- (38) In the latter case.
- (39) Within the public domain.
- (40) To separate his position from the public domain (cf. supra n. 18).
- (41) The Rabbis who differed from him.
- (42) Or: Crammers', or: Poulterers'.
- (43) Standing in the public domain.
- (44) The key being held above ten handbreadths from the ground.
- (45) The movement of objects between which add a private domain is Pentateuchally forbidden.
- (46) Which is subject to a Rabbinical restriction only.
- (47) Var. lec.. R. Huna (Asheri).
- (48) As the gates, however, were closed at night all the roads and streets of the city were only subject to the restrictions of a karmelith. Now since the preventive measure against the possibility of transferring the key from one domain into another was made by R. Meir only in the case of a public and a private domain (where a Pentateuchal law might be transgressed), what objection does the Jerusalem incident (which relates to a private domain and a karmelith where only a rabbinical law might possibly be transgressed) provide against R. Meir?
- (49) Var. lec. Rabbah.
- (50) Lit., 'here', that Jerusalem is subject to the restrictions of a karmelith only.
- (51) Our Mishnah which regards Jerusalem as a public domain.
- (52) In our Mishnah.
- (53) Lit., 'comes to'.
- (54) Which, being greater than two beth se'ah, and not having been enclosed for dwelling purposes, is subject to the laws of a karmelith.
- (55) By pushing his hand through a hole in its walls into the garden.
- (56) Sc. the garden, this being a preventive measure against the possibility of transferring the key from the karmelith into the private domain.

(57) Picking up a key from a spot four handbreadths wide and ten handbreadths high.

(58) At a height of ten handbreadths from the ground.

(59) Cf supra n. 2. mut. mut.

Talmud - Mas. Eirubin 101b

UNLESS¹ HE HAS MADE A PARTITION TEN HANDBREADTHS HIGH;² SO R. MEIR. THEY SAID TO HIM: IT ONCE HAPPENED AT THE BUTCHERS'³ MARKET IN JERUSALEM THAT THEY USED TO LOCK THEIR SHOPS AND LEFT THE KEY IN A WINDOW ABOVE A SHOP DOOR. R. JOSE SAID: IT WAS THE WOOL-DEALERS' MARKET.

Our Rabbis taught: The doors of garden⁴ gateways, whenever they have a gate-house⁵ on their inner side, may be opened and closed from within;⁶ if they have it on their outer side;⁷ they may be opened and shut from without;⁸ if they have one on either side they may be opened and shut from either side;⁸ if they have none on either side they may be neither opened nor shut from either side.⁹ The same law applies also to shops that open into a public domain:¹⁰ Whenever the lock is below ten handbreadths from the ground¹¹ the key may be brought on the Sabbath eve and placed on the threshold,¹² and on the following day the door may be opened and duly closed when the key may again be placed on the threshold;¹³ and whenever the lock is above ten handbreadths from the ground.¹⁴ the key must be brought on the Sabbath eve and inserted in the lock, and on the following day It may be opened and shut and returned to its place;¹⁵ so R. Meir. The Sages, however, ruled: Even when the lock is above ten handbreadths from the ground the key may be brought on the Sabbath eve and placed on the threshold, and on the following day the door may be opened and shut and the key may be returned to its place¹⁶ or it may be put on a window¹⁷ above the door. If the window, however, had an area of four handbreadths by four this is forbidden, since the transfer of the key would constitute a transfer from one domain into another.¹⁸

Since it was stated: 'And the same law applies also to shops It may be concluded that we are dealing with a threshold¹⁹ that had the status of a karmelith;²⁰ but, then, how are we to imagine the conditions of the lock? if it is one that was less than four handbreadths in width it would surely be a free domain;²¹ and if It was four handbreadths wide, would the Rabbis in such a case²² have ruled: 'Even when the lock is above ten handbreadths from the ground the key may be brought on the Sabbath eve and placed on the threshold and on the following day the door may be opened and shut and the key may be returned to its place²³ or it may be put on a window above the door', seeing that thereby one is moving an object from a karmelith into a private domain?²⁴ — Abaye replied: The fact is that the lock was less than four handbreadths but there was sufficient space [in the door]²⁵ in which to cut and make it up to four handbreadths; and it is this principle on which they²⁶ differ: R. Meir holds the opinion that the door is regarded as virtually cut for the purpose of completing the prescribed width,²⁷ while the Rabbis maintain that it is not regarded as cut for the purpose of completing the prescribed width.²⁸

Said R. Bibi b. Abaye: From this Baraita you may deduce three things: You may deduce that virtual cutting for the purpose of completing a prescribed width may be assumed; you may deduce that R. Meir²⁹ withdrew from his view on the gates of a garden;³⁰ and from the ruling of the Rabbis³¹ you may also deduce that R. Dimi's view is tenable.³² For when R. Dimi came³³ he reported in the name of R. Johanan: In a place whose area is less than four handbreadths by four³⁴ it is permissible for both the people of the public domain and those of the private domain to re-arrange their burdens, provided only that they do not exchange them.³⁵

MISHNAH. IF A BOLT³⁶ HAD A KNOB AT ONE END,³⁷ R. ELIEZER FORBIDS IT³⁸ [TO BE MOVED]³⁹ BUT R. JOSE PERMITS IT.⁴⁰ SAID R. ELIEZER: IN A SYNAGOGUE AT TIBERIAS THE COMMON PRACTICE, IN FACT, WAS TO TREAT IT⁴¹ AS PERMITTED,

UNTIL R. GAMALIEL AND THE ELDERS CAME AND FORBADE IT TO THEM. R. JOSE RETORTED: THEY TREATED IT AS FORBIDDEN, BUT R. GAMALIEL AND THE ELDERS CAME AND PERMITTED IT TO THEM.

GEMARA. Where it⁴² can be lifted up by the cord to which It was tied,⁴³ no one disputes that it is permissible to move it].⁴⁴ They only differ

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- (1) In the latter case.
 - (2) To separate his position from the rest of the karmelith.
 - (3) Cf. relevant notes on our Mishnah supra.
 - (4) V. supra p. 701, n. 17.
 - (5) Such a house having the status of a private domain.
 - (6) Since the lock which is four handbreadths wide and ten handbreadths from the ground has the same status of a private domain as the gate house.
 - (7) That faces the public domain.
 - (8) V. supra n. 11.
 - (9) Even though the key was within the lock. They may not be opened from within as a preventive measure against the possibility of taking the key from the private domain (the lock) into a karmelith (the garden) and they may not be opened from without as a preventive measure against the possibility of taking the key from the private domain into the public domain.
 - (10) This is discussed infra.
 - (11) So that it has the status of a karmelith.
 - (12) Which is also a karmelith.
 - (13) This is permitted, since the man, though standing in the public domain (cf. Bah a.I.) only moves the key from one karmelith into another.
 - (14) In consequence of which, since it is also four handbreadths wide, it has the status of a private domain.
 - (15) On the top of the lock which is also a private domain. It may not be placed on the threshold Since its removal from the lock to it would be tantamount to a transfer from a private domain into a karmelith.
 - (16) On the threshold. The reason is discussed infra.
 - (17) Whose sin is less than four handbreadths wide and which is, therefore, regarded as a free domain though it is ten handbreadths high.
 - (18) From the threshold which is a karmelith to the window which is a private domain. Such transfer is forbidden despite the intervening free domain of the lock through which the key had passed on its way between the other two domains.
 - (19) Belonging to the shops.
 - (20) If it had not been a karmelith hut a public domain it would have been forbidden to transfer the key from it into the lock.
 - (21) And R. Meir would not have regarded it as a private domain even where it was above ten handbreadths from the ground.
 - (22) The lock being a private domain.
 - (23) So in the original Supra. Cur. edd. a.l. 'to the threshold'.
 - (24) Of course not.
 - (25) On a level with the top of the lock.
 - (26) R. Meir and the Rabbis.
 - (27) Lit., 'cut to complete'; v. supra 11b and notes.
 - (28) The lock, therefore, has the status of a free domain.
 - (29) Who permitted a man standing on a threshold which was a karmelith to take a key from a level above ten handbreadths to a lock of a similar level; and did not provide against the possibility of the man's taking the key into the karmelith in which he stood.
 - (30) Supra 101a where, according to Raba's explanation, R. Meir forbade a man who stood in a karmelith to open a door in a private domain as a preventive measure against the possibility of his taking the key into the karmelith.
 - (31) According to which, if the window-sill had an area of four handbreadths by four, it is forbidden to take a key from

the threshold (a karmelith) to the lock (a free domain) and from the lock to the window (a private domain) because the transfer from one domain to another is forbidden even via a free domain.

(32) Lit., 'there is'.

(33) From Palestine to Babylon.

(34) Sc. a free domain.

(35) Because it is forbidden to transfer an object from a public domain into a private one or vice versa even via a free domain (cf. supra n. 7).

(36) Used for securing a door.

(37) Lit., 'at whose head there was'.

(38) Though it can be used as a pestle for crushing spices.

(39) On the Sabbath; unless it was tied to a cord and suspended from the door (v. Gemara infra).

(40) Because (cf. supra n. 1) it may be treated as a vessel which may well be moved about on the Sabbath.

(41) The movement of the bolt with the knob.

(42) The BOLT.

(43) Lit., 'by its binding', sc. the cord by which it is fastened to the door is strong enough to hold it even when it is lifted by it.

(44) Since it is obvious to all that the bolt formed a part of the door's equipment and its insertion into its socket constitutes no 'building'.

Talmud - Mas. Eirubin 102a

where it cannot be lifted up by the cord to which it was tied in which case one Master¹ holds that, since there was a knob at one end,² it has the status of a vessel,³ while the other Master⁴ holds that, since it cannot be lifted up by the cord to which it was tied,⁵ it⁶ may not [be moved].⁷

MISHNAH. WITH A BOLT⁸ THAT DRAGS ALONG THE GROUND⁹ IT¹⁰ IS PERMITTED TO SHUT UP [A DOOR] IN THE TEMPLE¹¹ BUT NOT IN THE COUNTRY;¹² BUT WITH ONE THAT RESTS ON THE GROUND¹³ THIS IS FORBIDDEN EVERYWHERE.¹⁴ R. JUDAH RULED: WITH ONE THAT RESTS ON THE GROUND¹⁵ THIS IS PERMITTED, IN THE TEMPLE¹⁶ BUT WITH ONE THAT DRAGS ON THE GROUND THIS IS ALSO PERMITTED, IN THE COUNTRY.¹⁷

GEMARA. Our Rabbis taught: What is the definition of 'a bolt that drags' wherewith it is permitted to shut up [a door] in the Temple but not in the country? One¹⁸ that is fastened¹⁹ and suspended and whose one end touches the ground. R. Judah ruled: With such a bolt²⁰ it is permitted [to shut up a door] even in the country; but what kind of bolt is it wherewith it is permitted [to shut up] in the Temple and not in the country? One that is neither fastened¹⁹ nor suspended²¹ but which is removed²² and put away in a corner.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Judah²³ in the case of a bolt that drags along the ground.²⁴ Raba observed: This applies only where it is fastened²⁵ to the door.²⁶ But could this be right, seeing that R. Tabla, when he visited Mahuza, saw a bolt that was suspended from the side of a doorway and yet made no remark whatsoever on the matter? — That was one that could be lifted up by the cord to which it was tied.²⁷

R. Iwya once visited Nehardea and observed that a certain man was fastening a bolt²⁸ with a piece of reed grass. 'This', he remarked: 'must not shut up'.²⁹

R. Zera enquired: What is the ruling where the bolt was pressed into the ground?³⁰ — What question is this, retorted R. Joseph, has he not heard what was taught: 'If it³¹ was detached³² it is forbidden³³ but if it was pressed into the ground it is permitted; and R. Judah ruled: If it was pressed into the ground, even though it was not detached, it is forbidden', and in connection with this 'Rab

Judah citing Samuel ruled: The halachah is in agreement with R. Judah in the case where it³¹ was pressed into the ground?³⁴ But what is the reason?³⁵ — Abaye replied: Because it³⁶ has the appearance of building.

R. Nehumai b. Zechariah enquired of Abaye: What is the ruling where a handle was attached to the bolt?³⁷ — You, the other replied, speak now of a club.³⁸ It was stated: R. Nehumai b. Adda ruled: If a handle was attached to it the handling of the bolt] is permitted.³⁹

At the house of R. Pedath they had⁴⁰ a beam which ten men had to lift to fix it in position⁴¹ at the door, but he told them no word against this.⁴² It has,⁴³ he observed, the character of a vessel,⁴⁴ At the house of Mar Samuel they had⁴⁰ a mortar of the capacity of an artaba,⁴⁵ and Mar Samuel allowed it to be fixed behind the door.⁴⁶ It has,⁴³ he observed, the character of a vessel.

Rami b. Ezekiel sent to R. Amram the following message: ‘Win the Master tell us some of those excellent sayings that you once told us in the name of R. Assi in respect of the arches of a boat’.⁴⁷ He sent word in reply: Thus said R. Assi, ‘With reference to the arches of a boat, whenever they are a handbreadth⁴⁸ wide or, even when they are less than⁴⁹ a handbreadth in width, provided there was no space of three handbreadths intervening between the one and the other,⁵⁰ it is permissible to bring a that on the morrow⁵¹ and to Spread it over them —⁵² What is the reason? One is thereby merely adding to an occasional tent⁵³ which is perfectly legitimate.⁵⁴

R. Huna possessed some rams that needed the shade in the daytime and the open air at night.⁵⁵ When he came to Rab⁵⁶ the latter told him, ‘Go and roll up the reed mat⁵⁷ but leave one handbreadth rolled,⁵⁸ and on the morrow⁵¹ spread it all out and you will be merely adding to all occasional tent,⁵⁹ and that is perfectly legitimate.

Rab citing R. Hiyya ruled: It is permissible to draw, and to withdraw a certain on the Sabbath.⁶⁰ It is also permissible to take down or to put up a bridal⁶¹ canopy⁶² on the Sabbath.⁶³ Said R. Shesheth the son of R. Idi: This⁶⁴ applies only where the top was less than a handbreadth in width⁶⁵ but where the top was one handbreadth⁶⁶ wide this is forbidden;⁶⁷ and even when the top was less than one handbreadth wide this⁶⁴ is applicable only if its width⁶⁸ within⁶⁹ three handbreadths from the top⁶⁹ was less than⁷⁰ a handbreadth but if within⁶⁹ three handbreadths from the top it was one handbreadth wide this is forbidden;⁶⁷ and, even where it was less than⁷⁰ a handbreadth wide within three handbreadths from the top.⁶⁹ this applies only where

(1) I-. Jose.

(2) So that it can be used as a pestle.

(3) Which may be moved on the Sabbath.

(4) R. Eliezer

(5) In consequence of which it must be regarded as disconnected from the door.

(6) Like a bolt that dragged along the ground (v. following Mishnah).

(7) Since its insertion in the sockets has the appearance of ‘building’ of the Sabbath.

(8) Which had no knob.

(9) Sc. one that was not suspended from the door but was tied to a cord long enough to enable it to drag on the floor.

(10) Since the prohibition to move it is only Rabbinical. Pentateuchally, as the cord forms a connecting link with the door, it is regarded as belonging to the door's equipment.

(11) Where Rabbinical Sabbath restrictions do not apply.

(12) Anywhere outside the Temple where Rabbinical restrictions are in force. A bolt that drags on the ground seems to have no connection with the door, and its insertion in the threshold sockets would have the appearance of ‘building’ on the Sabbath.

(13) Sc. one that is completely detached from the door.

(14) Lit., ‘here and here’, since its insertion in the sockets of the threshold may be regarded as actual ‘building’.

- (15) Since elsewhere, in his opinion, its insertion in the threshold socket is regarded as building according to Rabbinical law only.
- (16) Where Rabbinical Sabbath restrictions do not apply.
- (17) Because the cord by which it is fastened to the door provides sufficient indication that it forms part of the door's equipment and the question of building does not, therefore, arise.
- (18) Lit., 'all'.
- (19) To the door, by a cord.
- (20) Since it is fastened to the door, though not actually suspended from it.
- (21) From the door.
- (22) From the sockets.
- (23) That it is permitted to shut up a door even in the country.
- (24) But not in the case of one that is completely detached from the door which R. Judah permitted to use in the Temple. The insertion of a detached bolt in the sockets is regarded as actual building which, however small in extent, is Pentateuchally forbidden.
- (25) By a cord.
- (26) Where the connection between the door and the bolt is evident; but not where it was only tied to a door-post.
- (27) Lit., 'by its binding', sc. the cord was a strong one and the connection between the bolt and the door was unmistakable. The question of building did not, therefore, arise.
- (28) To a door.
- (29) On the Sabbath. As reed grass is too frail to sustain the weight of a bolt it is regarded as non-existent, and the bolt must be deemed to be completely detached from the door.
- (30) Sc. it did not merely rest in a socket in the threshold but passed through it down into the ground under it. Is the insertion of the bolt in such a manner, it is asked, regarded as building?
- (31) The door bolt.
- (32) From the door, sc. if the cord whereby it was fastened to it was broken and the bolt, when not in use, now rests in a corner of the room.
- (33) To secure the door with it.
- (34) Anyone who heard of this could not, of course, have asked R. Zera's question which is here clearly solved.
- (35) For Rab Judah's ruling.
- (36) The Insertion of a bolt through a socket in a threshold right into the ground.
- (37) Lit., 'he made for it a house of the hand', at one of its ends; so that it assumed the shape of a mallet or club and, therefore, the character of a vessel. May such a bolt, it is asked, be moved on the Sabbath even where it was completely detached from the door?
- (38) Which, being suitable as a pestle for crushing grain and spices, has undoubtedly the character of a vessel which may well be handled on the Sabbath.
- (39) Cf. prev. n.
- (40) Lit., 'there was'.
- (41) Lit., 'and they thrust it'.
- (42) For fixing it in position on Sabbath.
- (43) Despite its huge size.
- (44) Since it can be used as a bench.
- (45) A Persian and an Egyptian dry measure (Jast.) one containing fifteen se'ah (Rashi).
- (46) On Sabbath.
- (47) Which serve as a framework for the canvas or other material used as a shelter against the sun or rain.
- (48) Or more. Such a width constitutes an occasional tent.
- (49) Lit., 'or also, there is not in them'.
- (50) So that the rule of labud may be applied.
- (51) I.e., on the Sabbath.
- (52) Though the canvas, or whatever the material, constitutes a tent the construction of which on the Sabbath is forbidden.
- (53) The arches.
- (54) Lit., 'it is considered well or right'.

- (55) On a weekday this was easily arranged by spreading a mat on the top of the shed in the morning and by rolling it up in the evening; but on the Sabbath the question of tent building arose.
- (56) To consult him on the procedure to be adopted on the Sabbath.
- (57) Which was unrolled during the Sabbath eve as on all other weekdays.
- (58) so that an occasional tent remains.
- (59) Cf. prev. n.
- (60) Such an act is regarded neither as the building nor as the demolishing of a 'tent', since the curtain does not serve the purpose of a permanent wall but merely that of a door which may well be opened and closed On the Sabbath.
- (61) Lit., 'bridegrooms'.
- (62) A sort of curtain hung up above the bed in a slanting position.
- (63) The reason follows.
- (64) The permissibility.
- (65) In which case (cf. prev. n.) the canopy cannot be regarded as a tent.
- (66) Or more.
- (67) Since it is regarded as a valid tent the construction and demolition of which on the Sabbath is forbidden.
- (68) Sc. the horizontal distance between the slope of the curtain and its perpendicular height at the given point.
- (69) Lit., 'within less than three near the roof.'
- (70) Lit., 'there is not'.

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the measurement of the slope¹ was less than a handbreadth,² but if It was a handbreadth this is forbidden, since the slopes of tents are regarded as tents.³

R. Shesheth⁴ son of R. Idi further stated: A felt cap⁵ is permitted to be worn on the sabbath.⁶ But was it not taught that this⁷ was forbidden? — There is no difficulty, since the latter deals with one whose peak⁸ was one handbreadth wide,⁹ whereas the former deals with one whose peak⁸ was less than a handbreadth wide. Now then,¹⁰ would it also be forbidden to let one's cloak hang down¹¹ to the extent of a handbreadth?¹² — Rather say:¹³ This is no difficulty since the former deals with one that was tight¹⁴ whereas the latter deals with one that was not tight.¹⁵

MISHNAH. A LOWER PIVOT¹⁶ MAY BE RE-INSERTED IN ITS SOCKET IN THE TEMPLE¹⁷ BUT NOT IN THE COUNTRY.¹⁸ THE RE-INSERTION OF THE UPPER ONE,¹⁹ HOWEVER, IS EVERYWHERE FORBIDDEN.²⁰ R.JUDAH RULED: THE UPPER ONE MAY BE RE-INSERTED IN THE TEMPLE²¹ AND THE LOWER ONE IN THE COUNTRY ALSO.

GEMARA. Our Rabbis taught: The pivot²² of the door of a box, a chest or a turret may be re-inserted into its socket in the Temple,²³ while in the country it may only be adjusted;²⁴ but the upper one²⁵ may not be re-inserted in either place;²⁶ the former prohibition²⁷ being a preventive measure against the possibility of one's driving it into its socket by force; and should one drive It in, the obligation of a sin-offering is incurred. The pivot of the door of a cistern, a cellar or an annexe²⁸ may not be re-inserted in the socket,²⁹ and if one did re-insert it a sin-offering is incurred.

MISHNAH. IT IS PERMISSIBLE³⁰ TO REPLACE A PLASTER ON A WOUND³¹ IN THE TEMPLE³² BUT NOT IN THE COUNTRY.³³ FOR THE FIRST TIME, HOWEVER, THIS³⁴ IS FORBIDDEN EVERYWHERE.³⁵ **GEMARA.** Our Rabbis taught: A plaster that was detached from a wound may be replaced³⁶ on the Sabbath.³⁷ R. Judah ruled: Only if it slipped downwards may it be pushed back upwards or if it slipped upwards it may be pushed back downwards.³⁸ One may also uncover a part of the plaster and wipe the opening of the wound³⁹ and then another part of the plaster may be uncovered and the opening of the wound³⁹ be wiped, but the plaster itself may not be wiped off since such wiping is tantamount to spreading the salve;⁴⁰ and if one did spread the salve the obligation of a sin-offering is incurred.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Judah. This,⁴¹ R. Hisda observed, was learnt only where it⁴² slipped off on to an object,⁴³ but if it slipped off on to the ground all agree that it is forbidden to replace it on the wound.

Mar son of R. Ashi stated: I was once standing in the presence of my father when his plaster slipped off⁴⁴ on to his pillow and he replaced it. 'Does not the Master accept', I asked him, 'the statement of R. Hisda that they⁴⁵ differed only where it⁴² slipped off on to an object⁴³ but that if it slipped off on to the ground all agree that replacement is forbidden; in connection with which Samuel stated: The halachah is in agreement with R. Judah'?⁴⁶ — 'I', he replied, 'did not hear of this, by which I mean:⁴⁷ I do not accept it'.

MISHNAH. A STRING⁴⁸ MAY⁴⁹ BE TIED UP IN THE TEMPLE⁵⁰ BUT NOT IN THE COUNTRY.⁵¹ FOR THE FIRST TIME, HOWEVER,⁵² THIS IS FORBIDDEN EVERYWHERE.⁵³

GEMARA. Is not our Mishnah⁵⁴ in disagreement with the following: If the string of a harp was broken⁵⁵ one would not tie it up but secure it with a loop?⁵⁶ — This is no difficulty, since the latter represents the view of the Rabbis whereas the former represents that of R. Eliezer. According to R. Eliezer who holds that the preliminary requirements of a precept⁵⁷ supersede the Sabbath one may tie the string;⁵⁸ while according to the Rabbis who ruled that they did not supersede it one may only secure it with a loop. But if this⁵⁹ represents the view of R. Eliezer should not tying be permitted also for the first time?⁶⁰ — Rather say: This is no difficulty since the former⁵⁹ is the view of R. Judah⁶¹ whereas the latter is that of the Rabbis.⁶² According to whose view, however, did R. Judah⁶³ give his ruling?⁶⁴

(1) From the top to its lowest point.

(2) Sc. the slope was short and steep.

(3) As the top must be less than one handbreadth wide so must be the measurement of the slope. To obtain such a slope, since no bed can possibly be narrower than two handbreadths and a fraction, the roof of the canopy would have to be made up of a number of short curtains spread over a number of poles respectively, each of which complied with the measurements prescribed. For the sides of the canopy separate curtains hanging down vertically would have to be provided.

(4) So with MS. M. Cur. edd. 'Shisha'.

(5) Saiyana, a kind of cap made of felt with a peak projecting above the wearer's forehead.

(6) Though the peak has the shape or appearance of a 'tent'.

(7) The wearing of a saiyana on the Sabbath.

(8) Cf. supra n. 1.

(9) Which is regarded as a tent.

(10) Since the projection of a part of a cap to the extent of one handbreadth is treated as a 'tent' to cause the wearing of the cap to be forbidden.

(11) In front of one's forehead by pulling the cloak above one's head.

(12) Since the peak of the cap is regarded as a 'tent' the overhanging part of the cloak should also be so regarded. As such a ruling, however, would be absurd why should it be applied in the case of the cap?

(13) in reply to the contradiction between the Baraita and the ruling of R. Shesheth.

(14) On one's head.

(15) The prohibition against wearing it being due, not to the reason that the peak is regarded as a 'tent', but to the possibility that the cap might be blown off and the man on recovering it would carry it along a greater distance than four cubits in the public domain. Such a possibility need not, of course, be provided against in the case of a cloak or in the case of a cap that is set tight on one's head which cannot easily be blown off.

(16) Of the door of a cupboards a window or the like that open sideways.

(17) On the Sabbath. So long as the upper one remains in its socket it is easy for the lower one to be re-inserted and the act cannot, therefore, be regarded as 'building' which is forbidden.

- (18) Where (as explained *infra*) a preventive measure has been enacted against the possibility of driving the pivot into the socket with the aid of a hammer or axe which is, of course, forbidden on the Sabbath.
- (19) Which requires great exertion after the lower one had come out and the door was practically dragging on the ground.
- (20) Lit., 'here and here'. This Tanna is of the opinion that the term 'building' is also applicable to articles and, since building is an activity Pentateuchally forbidden on the Sabbath, and since a Pentateuchal prohibition retains its force in the Temple also, the re-insertion of the upper pivot (cf. *prev. n.*) on the Sabbath is forbidden in the Temple as well as in the country.
- (21) Though not in the country.
- (22) Sc. the lower one (as is evident from what follows).
- (23) V. *supra* p. 710, n. 12.
- (24) Lit., '(they) press down'. If, however, it has completely come out of the socket it may not be re-inserted.
- (25) Which requires great exertion after the lower one had come out and the door was practically dragging on the ground.
- (26) V. p. 710, n. 15.
- (27) That against the insertion of a lower pivot into its socket in the country (cf. Rashi).
- (28) Since they are within, or attached to the ground.
- (29) Any addition to such a structure (cf. *prev. n.*) is regarded as 'building'.
- (30) on the Sabbath.
- (31) If a priest had to remove it owing to the performance of a duty which required that there be no interception between his hand and the ritual object he handled.
- (32) For the reason cf. Beza 11b.
- (33) This being a preventive measure against the spreading of the salve on the plaster, which is forbidden under the category of 'erasing' which is one of the main classes of work forbidden on the Sabbath.
- (34) The application of a new plaster to a wound.
- (35) Even in the Temple. While replacing a plaster that had been removed for the purpose of performing a Temple service has been allowed in order to prevent a priest from abstaining from his Temple duties on account of a plaster on his hand, the application of a plaster for the first time, which cannot affect the Temple service, could not be allowed since such an application would infringe (cf. *Supra* p. 711, n. 13) a Rabbinical enactment.
- (36) Even in the country.
- (37) As such accidents do not frequently happen the Rabbis enacted no preventive measure against them.
- (38) But if it was completely detached it may not be replaced.
- (39) On the exposed part.
- (40) Which, as explained *supra*, is forbidden as a form of 'erasing'.
- (41) That the Rabbis differ from it. Judah allow a completely detached plaster to be replaced on a wound.
- (42) The plaster.
- (43) A cushion, for instance.
- (44) Lit., 'it fell for him'.
- (45) R. Judah and the Rabbis.
- (46) *Viz.*, that even where a plaster had only slipped off upon an object it is forbidden to replace it on a wound. Now, since this is the halachah, why did he disregard it?
- (47) Lit., 'as if to say'.
- (48) Of the musical instruments used by Levites in the Temple service.
- (49) If it was broken on the Sabbath.
- (50) The reason is given in the Gemara *infra*.
- (51) The reason is given in the Gemara *infra*.
- (52) I.e., to insert a new string on the Sabbath.
- (53) Lit., 'here and here', in the Temple as well as in the country; since such work could have been performed on the Sabbath eve.
- (54) Which permits a broken string to BE TIED UP IN THE TEMPLE.
- (55) In the Temple on the Sabbath.
- (56) A tie, however, was forbidden (cf. Shah. 113a).

(57) Such as the chopping of wood and the burning of charcoal for the purpose of preparing a knife for the performance of the precept of circumcision (cf. Shab. 130a).

(58) Lit., , ties it since the repair of the string of a musical instrument in the Temple is a preliminary requisite of the precept of the sacrifices which could not be offered in the absence of the Instrumental music of the Levites.

(59) Our Mishnah.

(60) As in the case of charcoal (cf. Supra n. 7).

(61) Who in respect of work on the Sabbath draws no distinction between a knot and a loop (Shab. 113a) and, since the preliminary requisites of a precept supersede the Sabbath, a knot is permitted as well as a loop.

(62) Who do not include the making of a loop among the main classes of work forbidden on the Sabbath, while a knot is included. As the string can be secured by a loop (which is a permitted act) the making of a knot (a forbidden act) was justly forbidden even in the case of the preliminary requisites of a precept.

(63) Who, as has just been explained, is the author of our Mishnah.

(64) According to which the making of a knot (which is one of the main classes of work forbidden on the Sabbath) is forbidden for the first time (even though it is a preliminary requisite of a precept) but permitted after the string had been broken.

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If he made it according to the view of R. Eliezer,¹ should not this be permitted also for the first time? — Rather say: There is no difficulty since the latter represents the view of R. Simeon while the former represents that of the Rabbis. For it was taught: if a Levite had a break in the string of his harp² he may tie it up; R. Simeon ruled: He may only make a loop; R. Simeon b. Eleazar said: Neither the one nor the other³ would produce a tone; one⁴ should rather unwind the string from the lower pin⁵ and⁶ wind it⁷ round the upper one or unwind it from the upper pin⁶ and wind it⁷ round the lower one.⁸ And if you prefer I might reply: The former as well as the latter represents the view of the Rabbis,⁹ and yet there is no difficulty, since the former refers to a break in the middle¹⁰ while the latter refers to one at the end.¹¹ And if you prefer I might reply: Both refer to a break in the middle part, but the Master¹² holds that¹³ a preventive measure is enacted,¹⁴ while the Masters¹⁵ hold that no preventive measure is to be enacted.¹⁶ MISHNAH. A WEN¹⁷ MAY BE REMOVED¹⁸ IN THE TEMPLE¹⁹ BUT NOT IN THE COUNTRY.²⁰ IF [THE OPERATION, HOWEVER, MUST BE PERFORMED] WITH AN INSTRUMENT IT IS FORBIDDEN EVERYWHERE.²¹

GEMARA. Is not this²² inconsistent with the following: Carrying it,²³ bringing it from without the permitted Sabbath limit, and removing its wen do not supersede the Sabbath, and R. Eliezer ruled: They do supersede it?²⁴ — R. Eleazar²⁵ and R. Jose son of R. Hanina²⁶ gave different explanations. One Master explains that both rulings refer to a soft wen²⁷ and yet there is no difficulty, since the former deals with removal by the hand while the latter deals with removal by means of an instrument.²⁸ And the other Master explains that both rulings refer to removal with the hand, and yet there is no difficulty, since the latter refers to a soft wen²⁹ while the former refers to a dry one.³⁰ But according to him who explained that the former dealt with removal by the hand while the latter dealt with removal by means of an instrument, what was his reason for not explaining that the latter dealt with a soft wen and the former with a dry one? — He can answer you: A dry one may be removed even by means of an instrument. What is the reason? Because it merely crumbles away. And according to him who explained that the latter referred to a soft wen while the former referred to a dry one, what was his reason for not explaining that the former referred to removal by hand and the latter to an operation by means of an instrument? — He can answer you: Concerning an instrument we have explicitly³¹ learnt: IF [THE OPERATION, HOWEVER, MUST BE PERFORMED] WITH AN INSTRUMENT IT IS FORBIDDEN EVERYWHERE.³² And the other?³³ — The reason why the ruling was taught there is because it was desired to indicate the divergence of opinion between R. Eliezer and the Rabbis.³⁴ And the other?³³ — The ruling³⁵ must be similar to that³⁶ of 'carrying it' or 'bringing it from without the permitted Sabbath limit' which is only a Rabbinical restriction.³⁷ And the other?³³ — As regards 'carrying it' he is not in agreement with R. Nathan who³⁸ holds that a

living being carries its own self;³⁹ and as regards 'bringing it from without the permitted Sabbath limit', he is in agreement with R. Akiba who holds that the laws relating to Sabbath limits are Pentateuchal.⁴⁰

R. Joseph raised an objection: R. Eliezer argued,⁴¹ May not this⁴² be inferred a *minori ad majus*? If slaughtering which⁴³ is forbidden under the category of work⁴⁴ supersedes the Sabbath, how much more so should these,⁴⁵ which come only under the category of shebuth, supersede the Sabbath?⁴⁶ — Rather, said R. Joseph, both⁴⁷ deal with removal⁴⁸ by hand⁴⁹ but⁵⁰ a shebuth⁵¹ relating to the Temple⁵² within the Temple⁵³ has been permitted whereas a shebuth⁵¹ relating to the Temple in the country⁵⁴ has not been permitted.

Abaye once sat at his studies and discoursed on this statement⁵⁵ when R. Safra pointed out to him the following objection: If a man was reading in a scroll on a threshold and the scroll rolled out of his hand, he may roll it back to himself.⁵⁶ Now is it not the case here⁵⁷ one of a shebuth relating to the Temple⁵⁸ in the country⁵⁹ and yet no preventive measure has been enacted⁶⁰ against the possibility that the scroll might fall down completely⁶¹ and the man might then carry it?⁶² — Have we not explained this case as dealing with 'a threshold that was a karmelith in front of which passed a public domain',⁶³ so that, since its rolled up section⁶⁴ was still in his hand, even the prohibition of shebuth does not exist.⁶⁵ He⁶⁶ raised a further objection against him:⁶⁷ The paschal lamb may be lowered into the oven at dusk.⁶⁸ Now is not the case here one of a shebuth relating to the Temple⁶⁹ in the country⁷⁰ and yet no preventive measure was enacted against the possibility that the man might stir up the coals?⁷¹ Thereupon he⁷² remained silent. When he⁷³ came to R. Joseph and told him 'Thus said R. Safra to me, the latter asked him: Why did you not answer him, 'The members of a [paschal lamb] party⁷³ are careful'⁷⁴ — And Abaye?⁷⁵ — We only presume that priests⁷⁶ are careful, but we do not presume that the members of a [paschal lamb] party⁷⁷ are also careful.

Rab⁷⁸ explained: This⁷⁹ represents the view of R. Eliezer who⁸⁰ ruled that the preliminary requisites of a precept supersede the Sabbath,⁸¹ R. Eliezer however, agreeing that a change⁸² should be made as far as this is possible.⁸³

(1) He could not do so according to the Rabbis who do not permit a knot in either case.

(2) On the Sabbath.

(3) Lit., 'it also', the loop like the knot.

(4) Discarding the shorter section of the broken string.

(5) Lit., 'lowers from below', sc. from the lower pin of the harp.

(6) Having obtained sufficient length.

(7) At the other end.

(8) Thus obtaining a sound length of string free from knots or loops. As the lowering of the string is no more forbidden than tying it, the former, which enables the tone to be produced, is to be preferred. Our Mishnah thus represents the view of the Rabbis of the Baraitha who, agreeing with R. Eliezer on one point, that preliminary requisites of a precept supersede the Sabbath, permit the tying up of the string on the Sabbath; but disagreeing with him that such an act is permitted for the first time, permit it only where the break occurred on the Sabbath.

(9) That preliminary requisites which could not be prepared before the Sabbath may be prepared on the Sabbath.

(10) Of the string, when a knot is essential. A loop would not be strong enough. Hence the ruling that A STRING MAY BE TIED UP.

(11) Lit., 'at the side', near the pin, where a loop suffices to hold the string in position.

(12) R. Simeon the author of the Baraitha.

(13) Though Pentateuchally permitted.

(14) Sc. were a knot to be permitted in the middle someone might make one at the ends also.

(15) The Rabbis, the authors of our Mishnah.

(16) Hence the ruling that only a loop may be made but not a knot.

(17) On an animal intended as a sacrifice. Cf. Lev. XXII, 22: . . . having a wen . . . ye shall not offer . . . unto the Lord.

- (18) With the hand. Lit., 'cut'.
- (19) In order to enable the sacrifice to be offered. The removal of a wen with one's fingers on the Sabbath is only Rabbinically forbidden as a preventive measure and no such measures have been enacted in the case of the Temple.
- (20) Where Its removal would not facilitate the performance of any precept.
- (21) Since all operation performed with aid Instrument Is one of the main classes of work which is forbidden on the Sabbath even in the Temple.
- (22) The anonymous ruling that A WEN MAY BE SCRAPED OFF IN THE TEMPLE.
- (23) Lit., 'causing it to ride', sc. carrying the paschal lamb on one's shoulder beyond four cubits in a public domain on the Sabbath when the Passover eve falls on that day.
- (24) Pes. 65b. How then is the anonymous ruling here, which forbids the scraping of a wen on the Sabbath to be reconciled with the anonymous ruling in our Mishnah which permits it?
- (25) Var. lec. 'Eliezer'.
- (26) So MS.M. and marg. glos. Cur.ed. omit the 'R.' before Hanina and insert 'son' in parenthesis.
- (27) Lit., 'that and that about a moist one'.
- (28) While the latter is forbidden as work the former is permitted.
- (29) The removal of which is deemed to be work forbidden on the Sabbath.
- (30) Which crumbles away and its removal cannot, therefore, be regarded as forbidden work.
- (31) Lit., 'if with an instrument, we have surely'.
- (32) And there is, therefore, no need to repeat the same anonymous ruling in the Mishnah, cited from Pesahim.
- (33) How can he maintain his explanation in view of this argument?
- (34) I.e., that R. Eliezer allows the use of an instrument also.
- (35) Concerning the removal of the wen in the Mishnah of Pes.
- (36) Lit., 'similar to . . . he learned'.
- (37) It could not, therefore, refer to an operation by means of an instrument which is Pentateuchally forbidden on the Sabbath.
- (38) In maintaining that the carrying on the Sabbath of a living creature is only Rabbinically forbidden.
- (39) Shab. 94a. Disagreeing with R. Nathan he maintains that such carrying is forbidden Pentateuchally.
- (40) Sot. 27b. As the two rulings of 'carrying' and 'bringing' embody Pentateuchal prohibitions the third one, that relating to the wen, must also be Pentateuchal.
- (41) Against the anonymous ruling in the Mishnah of Pesahim under discussion.
- (42) His statement that the acts enumerated in the anonymous ruling do supersede the Sabbath.
- (43) In the case of all ordinary beast.
- (44) Sc. work forbidden on the Sabbath under pentateuchal law.
- (45) The acts enumerated in the anonymous Mishnah, of Pes.
- (46) Which shows that the prohibitions in the anonymous ruling, including that against the removal of the wen, are merely Rabbinical. How then could anyone maintain that the removal of a wen is a Pentateuchal prohibition?
- (47) Our Mishnah as well as that cited from Pes. 65b.
- (48) Of a soft wen (v. next n.).
- (49) Our Mishnah, therefore, cannot refer to a dry wen since such may be removed even by means of an instrument.
- (50) As to the apparent condition between the two Mishnahs.
- (51) Such as the removal of a soft wen with one's hand.
- (52) Sc. one relating to sacrifices.
- (53) If a wen, for instance, was found on a regular daily offering which is examined within the Temple.
- (54) The removal of a wen from the paschal lamb which, though the animal is ultimately brought into the Temple, is first examined at its owner's home.
- (55) Of R. Joseph.
- (56) Supra 97b q.v. notes.
- (57) Since the scroll, as explained Supra, was one containing a holy Scriptural text.
- (58) The Temple is holy and so also are the Scriptures.
- (59) Sc. outside the Temple.
- (60) Forbidding the rolling hack of the scroll.
- (61) Not even one of its ends remaining in the reader's hand.

- (62) How then could R. Joseph maintain that a 'shebuth of the Temple' was not permitted in the country?
- (63) Supra 98a.
- (64) Lit., 'its knot', 'bunch'.
- (65) Lit., 'even a shebuth also is not', since no Pentateuchal law would be transgressed even if the entire scroll were to fall down and the man were to carry it back into the private domain by way of the karmelith.
- (66) R. Safra.
- (67) R. Joseph as cited by Abaye.
- (68) On Friday eve to roast it (Shab. 19b); though, as a preventive measure or shebuth this is forbidden in the case of other foodstuffs.
- (69) The paschal lamb being a sacrifice.
- (70) Since the roasting is done at one's own home.
- (71) After Sabbath had set in. An objection against R. Joseph.
- (72) Abaye.
- (73) Who joined to participate in the paschal lamb which, like other sacred food, required careful attention.
- (74) And no preventive measures in their case are needed.
- (75) How is it that he overlooked this distinction?
- (76) Who from their youth are trained for the Temple service.
- (77) Who are mere laymen.
- (78) Maintaining that both Mishnahs deal with the case of removal by hand of a soft wen. The Mishnah of Pesahim cannot refer to removal by means of an instrument, on account of the objection raised supra that such a removal would be an act Pentateuchally forbidden; and our Mishnah cannot refer to a dry wen which may be removed even by means of an instrument since, in its final clause the use of an instrument is forbidden.
- (79) The ruling in our Mishnah which permits the removal of a wen by hand, which is shebuth that could have been performed prior to the Sabbath.
- (80) Besides differing from the Rabbis in the Mishnah of Pes. in the case of a shebuth.
- (81) Even where one of the main classes of work that are Pentateuchally forbidden has to be performed, and much more so, as is the case in our Mishnah and in that of Pes., where only a shebuth is involved.
- (82) In the manner of their performance or preparation.
- (83) As it is possible to remove a wen by hand he ruled in the final clause of our Mishnah that the use of an instrument is forbidden. Where, however, no change is possible, even one of the main classes of forbidden work supersedes the Sabbath.

Talmud - Mas. Eirubin 103b

What is the proof?¹ — Since it was taught: If a wen appeared² on [the body of] a priest³ his fellow may bite it off for him with his teeth. Thus only 'with his teeth'⁴ but not with an instrument; only 'his fellow'⁵ but not he himself. Now whose view could this⁶ be? if it be suggested: That of the Rabbis,⁷ and [the permissibility is because it is in connection] with the Temple,⁸ the objection would arise: Since the Rabbis have elsewhere⁹ forbidden [such acts] Only as a shebuth, what matters it here¹⁰ whether he or his fellow does the biting? Consequently it⁶ must represent, must it not, the view of R. Eliezer who ruled elsewhere⁹ that [for such acts] a sin-offering is incurred but here, though the preliminary requirements of a precept supersede the Sabbath,¹¹ a change must be made as far as this is possible?¹² — No, it¹³ may in fact represent the view of the Rabbis,¹⁴ and¹⁵ if the wen had grown on his belly¹⁶ the law would indeed have been so,¹⁷ but here we are dealing with one,¹⁸ for instance, that grew on his back or his elbows where he himself cannot remove it, if this, however represents the view of the Rabbis,¹⁹ why should he²⁰ not be allowed to remove it with his hand,²¹ and this²² you might²³ easily derive²⁴ the statement made by R. Eleazar, for R. Eleazar stated: They²⁵ only differ in the case of removal²⁶ with the hand but if it is done with an Instrument all²⁷ agree that guilt²⁸ is incurred?²⁹ — And according to your line of reasoning³⁰ why should he³¹ not be permitted even in accordance with the view of R. Eliezer³² to remove it with his hand?³³ — What an argument is this! If you grant that it represents the view of R. Eliezer³⁴ one can easily see why removal with the hand was forbidden as a preventive measure against the use of an instrument,³⁵ but

if you maintain that it represents the view of the Rabbis,³⁶ why should he not be allowed to remove it with his hand?³⁷ And nothing more need be said about the matter.³⁸

MISHNAH. A PRIEST WHO WAS WOUNDED IN HIS FINGER MAY³⁹ WRAP SOME REED-GRASS ROUND IT IN THE TEMPLE⁴⁰ BUT NOT IN THE COUNTRY.⁴¹ BUT IF⁴² IT WAS INTENDED TO FORCE OUT BLOOD IT IS FORBIDDEN IN BOTH CASES.⁴³

GEMARA. R.⁴⁴ Judah, son of R. Hiyya explained: They⁴⁵ learned this⁴⁶ only in respect of reed-grass, but a bandage⁴⁷ is regarded as an addition to the priestly garments.⁴⁸ R. Johanan, however, stated: They forbade⁴⁹ an addition to the priestly garments only on a part of the body where the garments are usually worn; but on a part where no garments are usually worn⁵⁰ the wearing of one is not deemed an addition to the priestly garments.⁵¹ But why should not these⁵² be excluded⁵³ on the ground of interposition?⁵⁴ This⁵⁵ refers to a wound on the left hand⁵⁶ or even to one on the right hand on a part that does not come in contact with the objects of the service.⁵⁷

This⁵⁸ is in disagreement with a ruling of Raba, for Raba, citing R. Hisda, ruled: On a part where clothes are usually worn even one thread⁵⁹ causes an interposition while on a part where clothes are not usually worn a piece of material that was three handbreadths by three⁶⁰ causes an interposition⁶¹ but one that was less than three handbreadths by three⁶² causes no interposition.⁶³ Now this⁶⁴ unquestionably differs from the view of R. Johanan,⁶⁵ but must it also be assumed that it⁶⁶ differs from that of R. Judah son of R. Hiyya?⁶⁷ — A bandage is different⁶⁸ since it is significant.⁶⁹

Others have⁷⁰ a different reading: R. Judah son of R. Hiyya explained: They⁷¹ learned this⁷² only in respect of reed-grass, but a bandage⁷³ is regarded as an interposition.⁷⁴ R. Johanan, however, stated: They forbade⁷⁵ interposition⁷⁶ where the material was less than three handbreadths by three only if it rested on a part of the body where clothes are usually worn; but on a part where no garments are usually worn

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- (1) that R. Eliezer agrees that wherever possible a change should be made.
 - (2) on the Sabbath so that there was no possibility of removing it on the previous day.
 - (3) Lit., 'a priest on whom went up'.
 - (4) An act which is a mere shebuth.
 - (5) Who is unable to remove it completely and to perform a proper piece of work.
 - (6) The ruling that the priest himself should not remove his wen even with his teeth while his friend may remove it only with his teeth but not with an instrument.
 - (7) Who hold that the preliminary requirements of a precept may only override a Shebuth but not one of the main classes of forbidden work.
 - (8) Sc. preliminary requirements of the precept of performing the Temple service. As the wen could not be removed on the Sabbath eve (cf. supra n.1) and as the removal is a preliminary requisite of the precept involving a shebuth only, it is permitted.
 - (9) Cf. Shah. 94b (the case of the finger nails).
 - (10) Since removal with the teeth, whether one's own or one's friend's, is only a shebuth.
 - (11) Even where a Pentateuchal prohibition is involved; and the removal of the wen in any manner is in fact permitted.
 - (12) Hence the ruling that the priest himself must not remove his wen and that his friend should do it with his teeth only, which proves does it not, that a change must be made wherever possible?
 - (13) V. supra n. 5.
 - (14) While R. Eliezer requires no change whatever and permits the removal of the wen even with an instrument by the priest himself
 - (15) In explanation of the difficulty 'what matters it here whether he or his fellow' uses his teeth.
 - (16) A spot accessible to ones own teeth.
 - (17) that the priest himself may effect the removal.
 - (18) Cf. MS.M. Cur. edd. insert 'a bite'.

- (19) Whose main aim is to avoid the transgression of a Pentateuchal prohibition and to restrict the act of removal to a shebuth.
- (20) The priest's fellow.
- (21) Since in the removal by hand as by the teeth only a shebuth is involved.
- (22) From the mention of hand instead of teeth.
- (23) In addition to what may be derived even now, viz., that the preliminary requisites of a precept may override only a shebuth but not a Pentateuchal prohibition.
- (24) From the fact that the use of the bare hand only (a shebuth) and not that of an instrument (a Pentateuchal prohibition) has been allowed.
- (25) R. Eliezer and the Rabbis.
- (26) Of one's finger nails (Shah. 94b).
- (27) Not only R. Eliezer but the Rabbis also.
- (28) Sc. a sin-offering.
- (29) This submission, cannot be derived now that the use of the teeth only has been permitted. Should one argue that R. Eleazar's submission might be derived from the fact that the use of the teeth (a shebuth) was permitted 'and not that of an Instrument (a Pentateuchal prohibition), it could he retorted that this was no proof since the use of the hand also was not permitted though, unlike an instrument, it also involves a shebuth only.
- (30) That the ruling under discussion is R. Eliezer's.
- (31) The priest's friend who removes the wen.
- (32) Who, as suggested, requires a change to be made wherever possible.
- (33) Which is only a shebuth and a change from the usual mode of removal.
- (34) Who in the case of the preliminary requisites of a precept draws no distinction between a Pentateuchal prohibition and a shebuth and allows both to be superseded, requiring only a change from the usual procedure.
- (35) As a change is made from a Pentateuchal prohibition to a shebuth (though either might be equally superseded) so must a change be made from the major shebuth (removal with the hand) to the minor one (removal with a friend's teeth which is less usual than that with the hand).
- (36) The reason for whose ruling is not the desirability for a change but the view that only a Shebuth may be superseded but not a Pentateuchal prohibition.
- (37) Which is no less a Shebuth than removal with the teeth.
- (38) Since it is quite evident that the view represented is that of R. Eliezer.
- (39) On the Sabbath, since It is unseemly to perform the service with all exposed wound.
- (40) Though the grass helps indirectly to heal the wound (cf. foll. n.).
- (41) Where the reed-grass serves no religious purpose, while its application as a cure is forbidden on the Sabbath.
- (42) By making of the reed-grass a tight bandage.
- (43) Lit., 'here and here', sc. even in the Temple, since the tightening serves no ritual purpose and comes, moreover, under the category of wounding which is one of the principal classes of activity that are forbidden on the Sabbath and which even the Temple service cannot supersede.
- (44) 'Rab'. Var. lec. 'Rabbi' throughout the passage (Emden).
- (45) The Rabbis of our Mishnah.
- (46) A PRIEST . . . MAY WRAP etc.
- (47) Lit., 'small belt'.
- (48) Which is forbidden (cf. Zeb. 18a).
- (49) Lit., 'they did not say . . . but'.
- (50) As on a finger, for instance.
- (51) Hence it is permitted to put a bandage round the finger.
- (52) The reed-grass as well as the bandage.
- (53) From use in the Temple. Lit., 'and let it go out for him'.
- (54) Which is forbidden in the Temple services. No object may intervene between the priest's hands and the ritual object he handles.
- (55) The wound spoken of in our Mishnah.
- (56) With which it is forbidden to perform the Temple service and an interposition in that case does not in any way affect the service.

- (57) One, for instance, on the back of the finger.
- (58) R. Johanan's statement that, whatever its size, an additional garment on a part of the body where one is not usually worn constitutes no transgression.
- (59) Though it cannot possibly be described as a garment.
- (60) Which has the legal status of a garment.
- (61) As well as a transgression against the prohibition of adding to the priestly garment (cf. Rashi a.l.).
- (62) In consequence of which it cannot be regarded as a garment.
- (63) Since it was located on a part of the body which does not come in contact with the objects of the service and when no garments are worn. As it has not the legal status of a garment, no transgression against the prohibition against adding to the priestly garments is committed either.
- (64) Ruling of Raba.
- (65) As has just been shown.
- (66) The ruling to the effect that a piece of material that was less than three handbreadths by three causes no interposition on a part of the body on which garments are not usually worn.
- (67) Who stated that a bandage, even one that was less than three handbreadths by three, is legally regarded as a garment whereby a transgression against adding to the priestly garments is committed.
- (68) From a piece of material of similar size.
- (69) Lit., 'important'. Hence its status as a garment which even Raba might acknowledge.
- (70) Lit., 'say it'.
- (71) The Rabbis of our Mishnah.
- (72) A PRIEST . . . MAY "WRAP etc.
- (73) Lit., 'small belt'.
- (74) Since it does not belong to the priest's garments.
- (75) Lit., 'they did not say . . . but'.
- (76) This expression is really the main point of difference between the first and second version. For an explanation why this expression was used v. Rash a.l.

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only a piece of material that was three handbreadths by three¹ causes an interposition² while one that is less than three handbreadths by three³ causes no interposition.⁴ This is in fact identical with the ruling which Raba cited in the name of R. Hisda. Must it be conceded that this⁵ differs from the view of R. Judah son of R. Hiyya?⁶ — A bandage is different⁷ since it is significant. But according to R. Johanan,⁸ instead of being informed⁹ about the reed-grass,¹⁰ why were we not informed about a bandage?¹¹ — We were taught⁹ indirectly that reed-grass heals.¹²

MISHNAH. SALT MAY BE SCATTERED¹³ ON THE ALTAR'S ASCENT¹⁴ THAT THE PRIESTS SHALL NOT SLIP. WATER ALSO MAY BE DRAWN ON THE SABBATH BY MEANS OF A WHEEL¹⁵ FROM THE CISTERN OF THE EXILES¹⁶ AND FROM THE GREAT CISTERN;¹⁷ AND ON A FESTIVAL DAY¹⁸ FROM THE HAKER WELL ALSO.¹⁹

GEMARA. R. Ika of Pashronia pointed out to Raba the following inconsistency. We learned, SALT MAY BE SCATTERED ON THE ALTAR'S ASCENT THAT THE PRIESTS SHALL NOT SLIP. Thus²⁰ only in the Temple is this permitted²¹ but not in the country. But is not this inconsistent with the following: If a courtyard floor was damaged by rainwater one may bring straw and level it?²² — Straw is different²³ since its owner does not renounce it.²⁴

Said R. Aha son of Raba to R. Ashi: How are we to understand the case of the SALT? if its owner has renounced it, would not the scattering constitute an addition to the structure?²⁵ And if he did not renounce it, would it not constitute an unlawful interposition?²⁶ — This is a case where the salt²⁷ was scattered when the limbs of sacrifices were carried up the ascent, an act which is not regarded as part of the Temple service.²⁸ But is it not indeed? Was it not in fact written in Scripture. And the

priest shall offer the whole, and make it smoke upon the altar,²⁹ a text which, a Master explained,³⁰ refers to the carrying of the limbs up the ascent?³¹ — Rather say: This³² refers [to salt³³ scattered] when the wood is carried to the altar pile which is an act that is no part of the Temple service.³⁴

Raba discoursed: If a courtyard floor was damaged by rainwater one may bring straw and level³⁵ it. Said R. Papa to Raba: Was It not taught. When he levels the ground he must not scatter the straw either with a small basket or with a large one³² but only with the bottom broken from a basket?³⁶ Raba thereupon appointed an amora³⁷ and delivered the following discourse: The statement I made to you³⁸ was an error on my part.³⁹ But it was this indeed that was reported in the name of R. Eliezer:⁴⁰ ‘And When he levels it he must not scatter the straw either with a small basket or with a large one but with the bottom broken from a basket.’

WATER ALSO MAY BE DRAWN . . . FROM THE CISTERN OF THE EXILES. Ulla once happened to visit R. Manasseh⁴¹ when a man came and knocked on the door. ‘Who’, he exclaimed ‘is this person? May his body be desecrated, for he⁴² desecrates the Sabbath’. ‘Only a musical sound’,⁴³ said Rabbah to him, ‘has been forbidden’.⁴⁴ Abaye pointed out an objection against him:⁴⁵ ‘Liquids may be drawn by means of a siphon,⁴⁶ and water may be allowed to drip from the arak,⁴⁷ for a sick person on the Sabbath’. Thus only ‘for a sick person’ is this allowed,⁴⁸ but not for a healthy one. Now, how are we to imagine the circumstances? Would you not agree that this is a case where the sick man was asleep and it was desired⁴⁹ that he should wake up? May it not then⁵⁰ be inferred⁵¹ that⁵² the Production of any sound⁵³ is forbidden?⁵⁴ — No; this is a case where he was awake and it is desired that he should fall asleep, so that the sound heard is one like a tingling noise.⁵⁵

He pointed out to him⁵⁶ a further objection: If a man guards his fruit against the birds or his gourds against wild beasts he may proceed on the Sabbath in his usual way, provided he does not clap his hand, beat his chest or stamp his feet as is usually done on weekdays. Now what could be the reason?⁵⁷ Is it not that the man produces sound and that the production of any sound⁵⁸ is forbidden?⁵⁴ — R. Aha b. Jacob replied: This⁵⁷ is a preventive measure against the Possibility of his Picking up a pebble.⁵⁹ What, however, is the reason for the statement which Rab Judah citing Rab made that women who play with nuts commit a transgression? Is it not that this⁶⁰ produces sound and that the production of any sound⁵⁸ is forbidden?⁵⁴ — No; the reason⁶¹ is that they might proceed to level the ground.⁶² For, were you not to concede this, how would you explain the ruling of Rab Judah that women who play⁶³ with apples commit a transgression? What sound could be produced there?⁶⁴ Consequently it must be conceded that the reason is that⁶⁵ they might proceed to level the ground.⁶⁶

We learned: WATER MAY BE DRAWN ON THE SABBATH BY MEANS OF A WHEEL FROM THE CISTERN OF THE EXILES AND FROM THE GREAT CISTERN. Thus only in the Temple is this permitted⁶⁷ but not in the country. But what could be the reason? Is it not that the revolution of the wheel produces a sound which is forbidden?⁶⁸ — No; this is a preventive measure against the possibility of a man's drawing the water for his garden or his ruin.⁶⁹

Amemar allowed the drawing of water by means of a wheel at Mahuza; ‘for’, he said, ‘on what ground did the Rabbis enact a preventive measure against such drawing? Only on the ground that a person might also draw water for his garden or his ruin. But in this place there is neither garden nor ruin’. When, however, he observed that they began to

(1) Being regarded as a garment.

(2) Since it does not belong to the priest's garments.

(3) In consequence of which it cannot be regarded as a garment.

(4) v. Supra p. 722, n. 7.

- (5) Rab's ruling which does not regard a piece of material that was less than three handbreadths by three as an unlawful addition to the priest's garments.
- (6) v. Supra p. 722, n. 11.
- (7) From a piece of material of similar size.
- (8) Who allows the use of a bandage as well as that of reed-grass.
- (9) By our Mishnah.
- (10) From which the permissibility of a bandage cannot be inferred.
- (11) And the permissibility of reed-grass, which is of less importance, could be deduced a minori ad majus.
- (12) And that, though it helps to heal the wound and its use on the Sabbath is elsewhere forbidden, it may be used in the Temple where its main purpose is to cover up a wound during the performance of the service.
- (13) On the Sabbath. Lit., '(they may) crush (lumps of) salt'.
- (14) Which had a smooth surface and after a rain was very slippery.
- (15) Though the use of a wheel for such a purpose on the Sabbath is elsewhere forbidden (v. Gemara infra).
- (16) 'Golah', collective noun. One of the cisterns in the Temple court said to have been dug by the exiles after the return from Babylon.
- (17) Another cistern in the Temple court.
- (18) But not on the Sabbath.
- (19) Explained in the Gemara.
- (20) Since the altar ascent only was mentioned.
- (21) Lit., 'yes'.
- (22) Or 'make a path in'. Which shows that even in the country it is permissible to scatter straw on the ground. How then is this to be reconciled with our Mishnah which allows salt to be scattered in the Temple court only?
- (23) From salt.
- (24) But intends to collect it later and to use it as fodder for cattle or to mix it in a mortar. The scattering of materials on the ground on the Sabbath is forbidden as 'levelling' which is a form of 'building', but since the straw is not to remain on the ground permanently the act of scattering cannot be regarded as 'building'. Salt, on the other hand, being useless after it has once been scattered on the ground, is presumed to have been renounced by its owner once it has been scattered. The act, therefore, is permitted in the Temple court only but not in the country.
- (25) Of course it would (cf. prev. n.); and this is forbidden even on a weekday since nothing may be added to the Temple structures. Cur. edd. insert in parenthesis, 'All this (do I give thee) in writing, as the Lord hath made me wise by his hand upon me' (I Chron. XXVIII, 19) from which words it is inferred (cf. Rashi a.l.) that all parts of the Temple, internal as well as external structures, were minutely described by God and nothing was to be added to them. MS.M. omits the Scriptural quotation.
- (26) Between the surface of the ascent and the priests' feet (cf. Zeb. 15b).
- (27) Which in fact was not renounced, since it could be collected and used for the salting of the skins of the sacrifices.
- (28) And an interposition does not matter.
- (29) Lev. I, 13.
- (30) Since it is the continuation of the text: But the inwards and the legs shall he wash with water (ibid.).
- (31) How then could it be said that the carrying forms no part of the service?
- (32) Which is the usual procedure on a weekday.
- (33) V. p. 724, n. 8.
- (34) And an interposition does not matter.
- (35) Or 'make a path in'.
- (36) An objection against Raba who permitted the scattering of straw in any manner.
- (37) Sc. an assistant who stood at his side during his discourse and expounded it in a louder voice and simpler language to the people assembled.
- (38) Lit., 'the words which I said before you'.
- (39) Lit., 'in my hand'.
- (40) Old ed., 'Eleazar'.
- (41) On a Sabbath.
- (42) By producing a sound with his knocking.
- (43) Not a mere knocking.

- (44) To be produced on the Sabbath other than with the mouth.
- (45) Rabbah.
- (46) 'Deyo-fi' lit., 'two mouths' (Rashi), 'a popular perversion' of deyobit, ** (Jast.).
- (47) A perforated vessel, a sort of clepsydra used in sick rooms (Jast.).
- (48) Lit., 'yes'.
- (49) By the production of the sound of the arak which is a mere noise without any musical quality whatever.
- (50) As the answer is presumably in the affirmative.
- (51) Since the instrument mentioned may be used for a sick man only but not for a healthy one.
- (52) On a Sabbath.
- (53) Even one that is unmusical.
- (54) On the Sabbath; an objection against Rabbah.
- (55) Which lulls the patient to sleep by its musical notes.
- (56) Rabbah.
- (57) Why clapping, beating and stamping are forbidden.
- (58) Even one that is unmusical.
- (59) To throw it at a bird, and he would thus transfer an object from a private domain into a public domain, which is forbidden.
- (60) Playing with nuts.
- (61) Why playing with nuts is forbidden on the Sabbath.
- (62) For playing purposes. Lit., 'grooves'.
- (63) On the Sabbath.
- (64) Apparently none.
- (65) Lit., 'but'.
- (66) For the game.
- (67) Lit., 'yes'.
- (68) On the Sabbath; an objection against Rabbah.
- (69) Sc. for secular purposes whereby no religious duty or observance is performed.

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soak flax in it¹ he forbade it to them.

AND FROM THE HAKER WELL. What was the 'haker well'? — Samuel replied: A cistern concerning which arguments welled forth² and its use [on a Festival] was declared to be permitted.³

An objection was raised: Not all the haker cisterns but only this one, did they permit. Now if you explain it⁴ to mean that concerning it arguments welled forth, what⁵ could be the meaning of 'only this one'? — Rather, said R. Nahman b. Isaac: A well of living water,⁶ as it is said in Scripture: As a cistern wellet⁷ with her water etc.⁸

[To turn to] the main text. Not all the haker cisterns, but only this one, did they permit. And when the exiles returned⁹ they encamped by it, and the prophets among them, permitted them to use it [on Festivals]; and not only the prophets among them did this but it was a practice of their forefathers that they upheld.¹⁰

MISHNAH. IF A [DEAD] CREEPING THING WAS FOUND IN THE TEMPLE,¹¹ A PRIEST SHOULD CARRY IT OUT¹¹ IN HIS GIRDLE¹² TO AVOID¹³ KEEPING THE UNCLEANNESSTHERE ANY LONGER THAN IS NECESSARY; SO R. JOHANAN B. BEROKA. R. JUDAH RULED: [IT SHOULD BE REMOVED] WITH WOODEN TONGS¹⁴ IN ORDER THAT THE UNCLEANNESSTHALL NOT INCREASE.¹⁵ WHENCE MUST IT BE REMOVED?¹⁶ FROM THE HEKAL,¹⁷ FROM THE ULAM,¹⁸ AND FROM BETWEEN THE ULAM AND THE ALTAR;¹⁹ SO R. SIMEON B. NANUS. R. AKIBA RULED: FROM ANY PLACE WHERE

KARETH IS INCURRED FOR ENTERING²⁰ PRESUMPTUOUSLY AND A SIN-OFFERING FOR ENTERING²⁰ IT IN ERROR²¹ IT MUST BE REMOVED.²² IN ANY OTHER PLACES,²³ HOWEVER A PSYKTER²⁴ IS TO BE PUT OVER IT.²⁵ R. SIMEON SAID:²⁶ WHEREVER THE SAGES HAVE PERMITTED YOU ANYTHING THEY HAVE ONLY GIVEN YOU WHAT IS REALLY YOURS, SINCE THEY HAVE ONLY PERMITTED YOU²⁷ THAT WHICH IS FORBIDDEN AS SHEBUTH.²⁸

GEMARA. R. Tobi b. Kisna citing Samuel ruled: One who brings into the Temple all object that was defiled by a creeping thing incurs guilt,²⁹ but if one brings in the creeping thing itself one is exempt. What is the reason? — Scripture said: Both male and female shall ye put out,³⁰ from which it is inferred that only that which may attain cleanness in a ritual bath³¹ is subject to the prohibition,³² a creeping thing, however, is excluded since it can never attain cleanness. May it be suggested that the following provides support for this view? Both male and female shall ye put out³⁰ excludes an earthen vessel;³³ so R. Jose the Galilean. Now what could be the reason?³⁴ Is it not because it³⁵ cannot attain cleanness through a ritual bath?³⁶ — No; only that which may become a primary source of uncleanness is subject to the prohibition,³² an earthen vessel, however, is excluded since it can never become a primary source of uncleanness.³⁷

Must it be conceded that on this question³⁸ there is a divergence of opinion between the following Tannas: IF A CREEPING THING WAS FOUND IN THE TEMPLE A PRIEST SHOULD CARRY IT OUT IN HIS GIRDLE TO AVOID KEEPING THE UNCLEANNESS THERE ANY LONGER THAN IS NECESSARY; SO R. JOHANAN B. BEROKA. R. JUDAH RULED: IT SHOULD BE REMOVED WITH WOODEN TONGS IN ORDER THAT THE UNCLEANNESS SHALL NOT INCREASE. Now do they not differ on this point: That he who said: TO AVOID KEEPING, holds the opinion that one who takes a creeping thing into the Temple incurs guilt,³⁹ while he who said: IN ORDER THAT . . . SHALL NOT INCREASE holds the opinion that one who takes a creeping thing into the Temple is exempt? — No, all may agree that guilt is incurred, but the point at Issue here is the following: One Master holds that it is preferable to keep an unclean object a little longer⁴⁰ while the other Master holds that it is preferable to increase the uncleanness.⁴¹

The point at issue⁴² is rather the same as that between the following Tannas. We learned: WHENCE MUST IT BE REMOVED etc. Now do they not differ on this point: That he who ruled that from the Temple court it may not be removed⁴³ is of the opinion that one who takes a creeping thing into the Temple is exempt,⁴⁴ while he who holds that it must be removed from any part of the court is of the opinion that guilt is incurred?

(1) The water they drew on the Sabbath by means of the wheel.

(2) Shehekeru, 'haker' being the Hif. of the rt. קרר

(3) V. infra.

(4) The haker well.

(5) Since no arguments 'welled forth' in connection with any other cistern.

(6) The same expression occurs in Gen. XXVI, 19.

(7) 'Ke-haker'.

(8) Jer. VI, 7.

(9) Lit., 'went up'.

(10) Lit., 'in their hands'.

(11) On the Sabbath, when it is forbidden under the laws of shebuth to handle a dead creeping thing.

(12) But not with his bare hand, in order to avoid direct contact with the creeping thing and the latter's consequent conveyance of levitical uncleanness to the priest's body. Carrying alone, in the absence of direct contact, does not cause uncleanness and the girdle, though it contracts a certain degree of uncleanness (first grade) from the creeping thing, cannot carry any uncleanness to the priest's body since no degree lower than that of primary uncleanness can affect the levitical cleanness of a human being.

- (13) This is a reason why the author of this ruling does not require its removal, as does R. Judah presently, to be effected by means of an instrument that is not susceptible to levitical uncleanness.
- (14) Which are unsusceptible to levitical uncleanness.
- (15) By its spread to the girdle. In R. Judah's view it is preferable to allow the offending object to remain in the Temple a little longer until wooden tongs can be obtained and thus to limit the extent of the uncleanness, rather than to remove it sooner and thereby cause the uncleanness to spread to another object.
- (16) On the Sabbath.
- (17) Or the 'Holy' which contained the candlestick, the table for the shewbread and the golden altar.
- (18) The Temple porch in front of the Hekal.
- (19) Sc. the brazen altar that stood in the Temple court in front of the Ulam. If the offending object was found in any other part of the Temple court it could not be removed on the Sabbath (until after nightfall) on account of the prohibition against moving objects from a private into a public domain.
- (20) In a state of levitical uncleanness.
- (21) Sc. the entire Temple court.
- (22) Forthwith, even on the Sabbath.
- (23) The side chambers (according to R. Akiba) or the part of the court beyond the space BETWEEN THE ULAM AND THE ALTAR (according to Ben Nanus).
- (24) Gr. ** (wine cooler), a large brass pot.
- (25) To keep it covered during the Sabbath. After dusk it is removed.
- (26) The point of this statement is discussed infra.
- (27) In the Temple.
- (28) But nothing that is Pentateuchally forbidden.
- (29) And must suffer the consequence (cf. Rashi a.l. and Elijah Wilna glosses).
- (30) Num. V, 3 which is applied to the Temple precincts. Cf. In the midst whereof I dwell (ibid).
- (31) As 'a male and female' may.
- (32) Of entering the Temple.
- (33) Sc. no guilt is incurred for bringing unclean earthenware into the Temple.
- (34) For R. Jose's ruling.
- (35) Any earthenware.
- (36) Since it must be broken (cf. Lev. XI,33).
- (37) The only primary source of uncleanness which a vessel can contract is that of Midras defilement (v. Glos.), to which all earthenware vessel is not susceptible, v. Shab. 84b. For bringing in a creeping thing, however, since it is a primary source of uncleanness, one does incur guilt, contrary to the view of Samuel.
- (38) Whether guilt is incurred for taking a creeping thing into the Temple.
- (39) Pentateuchally. Hence it is preferable to extend uncleanness to the girdle rather than to continue a transgression against a Pentateuchal prohibition.
- (40) Rather than increase uncleanness by imparting it to the sacred girdle.
- (41) Rather than keeping an unclean object in the Temple even only one minute longer than is absolutely necessary.
- (42) Whether guilt is incurred for taking a creeping thing into the Temple.
- (43) On the Sabbath.
- (44) Pentateuchally. The Rabbis, therefore, enforced their Shebuth throughout the Temple, except in the case of the Hekal and Ulam and between the latter and the altar on account of their high degree of holiness.

Talmud - Mas. Eirubin 105a

— R. Johanan retorted:¹ Both² expounded this same³ text: And the priests went in unto the inner part of the house of the Lord,⁴ to cleanse it, and brought out all the uncleanness that they found in the Temple of the Lord into the court of the house of the Lord. And the Levites took it⁵ to carry it out abroad to the brook Kidron.⁶ One Master⁷ holds that since in the court there was a change over⁸ to the Levites⁹ there can be no prohibition against allowing uncleanness to remain for some time in the court,¹⁰ while the other Master¹¹ holds that up to the point¹² where it was impossible for the Levites to attend¹³ the priests had to carry the uncleanness out, but where¹⁴ it could be done by the Levites

the priests could no longer defile themselves.¹⁵

Our Rabbis taught: All may enter the Hekal to build, to repair or to take out uncleanness. It is a religious duty, however, that the priests should do it. If no priests are available¹⁶ Levites may enter. If no Levites are available Israelites may enter. But in all these cases¹⁷ only levitically clean persons may enter.¹⁸ Those who are levitically unclean may not.

R. Huna observed: R. Kahana lends his support to the priests,¹⁹ for R. Kahana learned: Since it was said: Only he shall not go in unto the veil,²⁰ it might have been assumed that priests who have a blemish must not enter between the Ulam and the altar to make the beaten plates.²¹ hence it was explicitly stated: 'Only' i.e., draw a distinction.²² Thus the commandment is that those who are without blemish are qualified, but if men without a blemish are unavailable those with blemishes may enter; the commandment is that those who are levitically clean may enter, but if no men who are levitically clean are available those who are levitically unclean may enter; but in all these cases²³ priests only may enter but no Israelites.²⁴

The question was raised: In the case of one who is levitically unclean and another who has a blemish, who of these is to enter?²⁵ — R. Hiyya b. Ashi citing Rab replied: The levitically unclean person shall enter, since he has been declared permitted to take part in the public Temple service.²⁶ R. Eleazar replied: The man who has the blemish shall enter, since he has been declared permitted to eat consecrated food.²⁷

R. SIMEON SAID etc. What does R. Simeon refer to?²⁸ — He refers to a previous statement²⁹ where we learned: If a man was overtaken by dusk even when only One cubit outside the Sabbath limit, he may not enter it. R. Simeon ruled: Even if he was fifteen cubits away he may enter, since the surveyors do not measure exactly on account of those who might err.³⁰ The first Tanna having thus ruled: 'he may not enter', R. Simeon said to him, 'He may enter'.³¹

SINCE THEY HAVE ONLY PERMITTED YOU THAT WHICH IS FORBIDDEN AS SHEBUTH. What does he refer to?³² — He refers to another Statement²⁹ where the first Tanna ruled that it³³ may be tied up,³⁴ in connection with which R. Simeon said to him.³⁵ He may Only secure it with a loop; Only a loop which cannot involve one in the obligation of a sin-offering did the Rabbis permit,³⁶ but a knot which might involve one in the obligation of a sin-offering the Rabbis did not permit.³⁷

(1) So according to Rashi. Tosaf. (a.l.) regards R. Johanan's submission as an independent statement.

(2) R. Simeon b. Nanus and R. Akiba who, in fact, agree that one who takes a creeping thing into the Temple incurs guilt, and only differ on the question of taking it out when it was already within the Temple (cf. Rashi).

(3) Lit., 'one'.

(4) Sc. the Hekal.

(5) From the 'court' into which the priests had carried it.

(6) II Chron. XXIX, 16.

(7) R. Simeon b. Nanus.

(8) From the priests (who brought it from the Hekal).

(9) And not to a relay of priests, though (if more helpers were required) it might have been expected that priests should complete the task their fellows had begun.

(10) Lit., 'uncleanness In court there is not'. As in this case it was only from the 'inner parts that the priests had to remove the uncleanness while the removal from the court was relegated to the Levites, because the defilement of their bodies was not so grave a matter as that of the priests, so also in the case of the Sabbath, wherever the uncleanness is in the court, the degree of transgression must be reduced to a minimum and not even a shebuth may be abrogated.

(11) R. Akiba.

(12) Lit., 'until where'.

- (13) Sc. in the Hekal whither Levites are not allowed to enter.
- (14) Lit., 'now'.
- (15) No proof, therefore, can be adduced from here that uncleanness may be allowed to remain in the Temple court until dusk.
- (16) Lit., 'if there are no priests there'.
- (17) Lit., 'and these and those'.
- (18) Lit., 'yes'.
- (19) 'Kahane', a play upon the Aramaic equivalent of 'priests' and the name of R. 'Kahana'. In the following exposition R. Kahana gives precedence 'to unclean priests over clean Israelites.
- (20) Lev. XXI, 23, which deals with priests who are afflicted with a blemish.
- (21) Of gold; wherewith the interior of the Holy of Holies was overlaid.
- (22) The expression 'only' (ak or rub) in a Scriptural text always signifies some exclusion, viz., it is in this case only that entry for the purposes mentioned is not invariably forbidden.
- (23) Lit., 'and these and those'.
- (24) Which shows that R. Kahana gives preference to disfigured or levitically unclean priests over sound and clean Israelites.
- (25) If no other person for the work is obtainable.
- (26) When all the congregation is levitically unclean. As a priest who is afflicted with a blemish is not allowed to participate even then the former obviously takes precedence.
- (27) While all unclean priest is not (cf. prev. n. mut. mut.).
- (28) Lit., 'where does he stand'?
- (29) Lit., 'there he stands'.
- (30) Supra 52b, q.v. notes.
- (31) Since even when the man is fifteen cubits away from the Sabbath limit he is already within it. The Sages have thus merely given back what they had previously taken away.
- (32) He could not refer to the cited case of Sabbath limit since the question of shebuth does not come there into consideration.
- (33) The string of a levitical harp that was broken in the Temple on the Sabbath.
- (34) Supra 102b.
- (35) In his statement in the Baraitha.
- (36) Lit., 'which does not come to the hands of. . . him'.
- (37) R. Simeon says in effect, 'Though I relaxed the law in the case of the Sabbath limit I do not allow a knot to be made in a broken harp string, since only in the former case can the argument be advanced that the Sages have merely given back what they had previously taken away' (cf. Tosaf. and Rashi a.l.).

Talmud - Mas. Pesachim 2a

CHAPTER I

MISHNAH. ON THE EVENING [OR]¹ OF THE FOURTEENTH [OF NISAN] A SEARCH IS MADE FOR LEAVEN² BY THE LIGHT OF A LAMP.³ EVERY PLACE WHEREIN LEAVENED BREAD IS NOT TAKEN DOES NOT REQUIRE SEARCHING, THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]?⁴ [CONCERNING] A PLACE WHEREIN LEAVEN MIGHT BE TAKEN,⁵ BETH SHAMMAI MAINTAIN: TWO ROWS OVER THE FRONT OF THE WHOLE CELLAR;⁶ BUT BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST.⁷

GEMARA. What is OR? — R. Huna said: Light [naghe]; while Rab Judah said: Night [lele]. Now it was assumed [that] he who says light means literally light;⁸ while he who says night means literally night.⁹ An objection is raised: As soon as the morning was light [or], the men were sent away,¹⁰ which proves that 'or' is day? — Is it then written, The 'or' was morning: [Surely] 'the morning was or' is written, as one says, Morning has broken forth. And [this verse is] in accordance with what Rab Judah said in Rab's name. For Rab Judah said in Rab's name: A man should always enter [a town] by day,¹¹ and set out by day.¹²

An objection is raised: As the light of [or] the morning, when the sun riseth,¹³ which proves that 'or' means the daytime? — Is it then written, 'or is morning': surely it is written, 'as the light of [or] the morning', and this is its meaning: 'and as the light of the morning' in this world so shall the rising of the sun be unto the righteous in the world to come.¹⁴

An objection is raised: And God called the light [or] Day¹⁵ which proves that or is daytime? — This is its meaning: the advancing of light¹⁶ He called Day.¹⁷ If so, 'and the darkness He called Night' means [similarly], the advancing of darkness He called Night:¹⁸ but surely it is an established principle that it is day until the appearance of the stars?¹⁹ Rather this is its meaning: The Merciful One summoned the light and appointed it for duty by day, and He summoned the darkness and appointed it for duty by night.²⁰

An objection is raised: Praise him all ye stars of light [or],²¹ which proves that 'or' is evening? — This is its meaning: praise him all ye stars which give light. If so, are only the stars that give light to praise [Him], while those which do not give light need not praise — yet surely It is written, Praise ye him, all his host?²² Rather he [the Psalmist] tells us this: the light of the stars too is [designated] light. What is its practical bearing? In respect of one who vows [not to benefit] from light. For it was taught: If one vows [not to benefit] from light, he is prohibited the light of stars.

An objection is raised: The murderer riseth with the light [or], he killeth the poor and needy, and in the night he is as a thief.²³

(1) **וְאֵת**. This is the meaning finally assigned in the Gemara to OR after a considerable discussion.

(2) Heb. **חֵמֶץ**, hamez. Two words are employed in the Bible: (i) hamez, leavened stuff v. infra 42a and (ii) se'or, leaven, i.e., dough so greatly leavened as to act as a leavening agent for other dough. In this Tractate hamez will generally be translated 'leaven' except where it is necessary to distinguish it from se'or.

(3) So that there shall be none in the house during Passover, which commences on the fifteenth.

(4) Seeing that leaven is not generally taken into a wine cellar.

(5) A private cellar from which supplies are drawn for table. The servant sometimes enters it while eating bread.

(6) Must be searched.

(7) V. infra 8b.

(8) I.e., daybreak or morning.

- (9) Rashi deletes this, since that is so, in fact.
- (10) Gen. XLIV, 3.
- (11) Lit., 'when it is good', the allusion being to Gen. I, 4: and God saw the light, that it was good.
- (12) Thus the brethren waited for daybreak before setting out.
- (13) II Sam. XXIII, 4.
- (14) Though at sunrise in this world it is still rather dark, yet in the future world it shall be as light as when the morning is advanced in this world (R. Tam). Rashi's explanation is slightly different.
- (15) Gen. I, 5.
- (16) Lit., 'that which proceeds to grow light'.
- (17) I.e., the moment when light begins to appear marks the commencement of day. On this translation or is not a noun but a gerund: the lighting up.
- (18) The moment when darkness begins to fall marks the commencement of night.
- (19) Though darkness begins to fall earlier.
- (20) Thus wayikra is translated: and he summoned, not, 'and he called (designated)', as in E.V.
- (21) Ps. CXLVIII, 3.
- (22) Ibid. 2.
- (23) Job. XXIV, 14.

Talmud - Mas. Pesachim 2b

Now since he states, 'and in the night he is as a thief,' it follows that 'or' is day? — The meaning there is this: if the matter is as clear as light to you that he [the thief] comes [even] to take life, he is a murderer, and he [the victim] may be saved at the cost of his [the thief's] life; but if you are doubtful about it, like [the darkness of] the night, you must regard him [only] as a thief, and he [the victim] must not be saved at the cost of his life.¹

An objection is raised: Let the stars of the twilight thereof be dark: let him look for light [or], but have none; neither let it behold the eyelids of the morning.² Since he says, 'let him look for light, but have none, it follows that 'or' is day? — There Job indeed curses his destiny³ and exclaims, Heaven grant that that man [sc. himself] look for light, but have none.⁴

An objection is raised: If I say, Surely the darkness shall overwhelm me, and the light [or] about me shall be night:⁵ this proves that 'or' is day?⁶ — There David said thus: I thought, surely darkness shall overwhelm me in the future world, which resembles day; but now, even this world, which resembles night,⁷ is light about me.

An objection is raised: R. Judah said: We search [for leaven] in the evening ['or'] of the fourteenth, in the morning of the fourteenth, and at the time of removal:⁸ Now since R. Judah says, 'We search in the evening ['or'] of the fourteenth and in the morning of the fourteenth,' it follows that 'or' is evening. This proves it.

An objection is raised: From when is work forbidden on the fourteenth [of Nisan]? R. Eliezer b. Jacob said: From the time of the 'or';⁹ R. Judah said: From the [first] sparklings of the [rising] sun. Said R. Eliezer b. Jacob to R. Judah: Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted? He replied, Let that [day] itself prove [this possibility], for during part of it the eating of leaven is permitted, whereas during the other part it is forbidden.¹⁰ Now since R. Judah maintains, From the [first] sparklings of the [rising] sun, it follows that by 'or' R. Eliezer b. Jacob means evening? No; what does 'or' mean? The morning dawn. If so, when he says to him, 'Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted,' let him answer himself: surely there is the night, which is permitted?¹¹ — R. Eliezer b. Jacob argues thus: As for my view, it is well; we find that the Rabbis drew a distinction between night and day, for it was taught in respect of a public fast: Until when

may one eat and drink? Until the commencement¹² of dawn: this is R. Eliezer b. Jacob's view. R. Simeon maintained: Until cockcrow.¹³ But on your view: where do we find that the Rabbis drew a distinction in the day itself? [To which] he replied, Let that [day] itself prove it, for during part thereof the eating of leaven is permitted while during part thereof it is forbidden? R. Judah answers R. Eliezer rightly?¹⁴ R. Eliezer says thus to him: I speak to you of work, which is [prohibited] by the Rabbis, while you answer me about leaven [on the fourteenth day], which is [prohibited] by Scripture; thus far¹⁵ the Divine Law permits, and from then Scripture forbids. And the other?¹⁶ — The [additional] hours are Rabbinical.¹⁷ And the other? — The Rabbis [merely] erected a safeguard for a Scriptural law.¹⁸

An objection is raised: Bonfires are lit only for a new moon that is visible in its [due] time, in order to sanctify it.¹⁹ And when were the bonfires lit? on the evening ['or'] following the intercalated day.²⁰ This proves that 'or' is evening. This proves it.

An objection is raised: If he [the priest] was standing all night and offering [the fats of sacrifices] on the altar, at daybreak [orah] he must wash his hands and feet:²¹ this is Rabbi's view?²² — Orah is [a] different [word].

Mar Zutra raised an objection:

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- (1) V. Ex. XXII, 1; the present verse lays down the conditions for the law stated there to be applicable.
 - (2) Job. III, 9.
 - (3) Mazzal is the constellation which controls one's destiny.
 - (4) But 'light' there is not parallel to or synonymous with morning.
 - (5) Ps. CXXXIX, 11.
 - (6) Since it is contrasted with night.
 - (7) By contrast, with the next; but not absolutely, Judaism being far too robust and optimistic a religion for such a view; cf. Hertz, Genesis, Additional Note A, III, p. 57.
 - (8) When the leaven must be destroyed.
 - (9) But even if it is the practice in a community to cease work earlier, this has no binding force; v. infra 50a.
 - (10) V. infra 11b.
 - (11) Though night is part of the day.
 - (12) Lit., 'ascending'.
 - (13) The prohibition of work on the fourteenth is likewise merely Rabbinical.
 - (14) Surely he must have perceived the answer himself!
 - (15) Up to a certain hour.
 - (16) Does he not admit the distinction?
 - (17) V. infra 11b Mishnah. Thus they permit the first four hours and forbid the following two.
 - (18) Lest the day is cloudy and one does not know exactly when it is midday; therefore they added two hours. But when the law is entirely Rabbinical, they would not apply it to part of the day only.
 - (19) The Jewish month, which is lunar, consists of either twenty-nine or thirty days. During the early Talmudic age
 - (20) The additional day is the thirtieth, whereby the month is full; the bonfire is lit on the evening of the thirty-first.
 - (21) Lit., 'he needs the sanctification of his hands and feet (from the laver)', v. Ex. XXX, 17.
 - (22) Thus 'orah' denotes daybreak, and it is now assumed that 'or' and 'orah' are identical.

Talmud - Mas. Pesachim 3a

If a woman miscarries on the evening [or] of the eighty-first day; Beth Shammai exempt her from a sacrifice, whereas Beth Hillel declare her liable.¹ Said Beth Hillel to Beth Shammai: Wherein does the evening ['or'] of the eighty-first differ from the day of the eighty-first; seeing that it was assimilated thereto in respect of uncleanness,² shall one not assimilate it thereto in respect of sacrifice? Now since Beth Hillel say to Beth Shammai, 'Wherein does the evening [or] of the

eighty-first differ from the day of the eighty-first,' it follows that 'or' is evening. This proves it.

New Moon was fixed by direct observation, not calculation, and communities at a distance from Jerusalem were informed by bonfires. These were lit only if the New Moon appeared 'in its (due) time,' i.e., it was fixed for the thirtieth day, the previous month thus consisting of twenty-nine days only; in that case too Beth Din formally sanctified this day. But if observation fixed it for the thirty-first day, no bonfires were lit, since the absence of bonfires on the previous day would be a sufficient signal; further, New Moon was not formally sanctified by Beth Din (Rashi). An objection is raised: one might think that it³ may be eaten on the evening ['or'] of the third day [from sacrifice], and it is logical: Sacrifices⁴ are eaten on one day,⁵ while peace-offerings are eaten on two days: just as there the night follows the day,⁶ so here too the night should follow the day. Therefore it is stated, It shall be eaten the same day ye offer it, and on the morrow: and if aught remain until the third day [it shall be burnt with fire]:⁷ teaching, it may be eaten only during the day, but it may not be eaten during the evening ['or'] of the third day. One might think that it must be burnt immediately;⁸ and this is logical: Sacrifices⁴ may be eaten one day and one [sc. the following] night, while peace-offerings may be eaten two days and one [sc. the intermediate] night: just as there, immediately after [the time allowed for] eating there is burning, so here too immediately after [the time allowed for] eating there is burning. Therefore it is stated, But that which remaineth of the flesh of the sacrifice, on the third day it shall be burnt with fire:⁹ teaching, you must burn it by day, but you must not burn it by night. Since he states, . . . it may be eaten in the evening ['or'] of the third day,' it follows that or is evening. This proves it.

Come and hear: on the evening ['or'] of the Day of Atonement one recites seven [benedictions] and confesses; in the morning service he recites seven and confesses; in the additional service¹⁰ he recites seven and confesses; at minhah¹¹ he recites seven and confesses; (at ne'ilah — the concluding service — he recites seven and confesses);¹² in the evening service he recites [one benediction] embodying the eighteen; R. Hanina b. Gamaliel said on the authority of his fathers: He must recite the eighteen [benedictions] in full, because he must pronounce habdalah¹³ in [the benediction] 'Thou dost graciously grant knowledge'.¹⁴ This proves that 'or' is evening. This proves it.

Come and hear: For the School of Samuel¹⁵ learned: 'In the evening¹⁶ of the fourteenth leaven is searched for by the light of a lamp'; thus proving that 'or' is evening!¹⁷ The fact is both R. Huna and Rab Judah are alike, agreeing that 'or' is evening, and there is no controversy: each Master [speaks] in accordance with his locality. In R. Huna's town they called it naghe,¹⁸ while in Rab Judah's town it is called night [lele].

And our Tanna, why does he not employ lele?¹⁹ — He employs a refined expression, and in accordance with R. Joshua b. Levi. For R. Joshua b. Levi said: one should not utter a gross expression with his mouth, for lo! the Writ employs a circumlocution of eight letters²⁰ rather than utter a gross expression, for it is said, of every clean beast . . . and of the beasts that are not clean.²¹ R. Papa said: Nine, for it is said, If there be among you any man, that is not clean by reason of that which chanceth by night.²² Rabina said: Ten, [including] the waw of tahir.²³ R. Aha b. Jacob said: Sixteen, for it is said, for he thought, Something hath befallen him he is not clean; surely he is not clean.²⁴

The School of R. Ishmael taught: one should always discourse in decent language, for lo!, the case of a zab²⁵ it is called riding, while in connection with a woman it is called sitting;²⁶ and it is said, and thou shalt choose the tongue of the subtle;²⁷ and it is said, and that which my lips know they shall speak purely.²⁸ Why [quote] 'and it is said [etc.]'?²⁹ — [For] should you object, that is only in the case of Scripture,³⁰ but not in the case of Rabbinical [discussions], then come and hear, 'and it is said, and thou shalt choose the tongue of the subtle'.³¹ Yet should you [still] object, that is only in reference to Rabbinical [discussions] but not secular matters, — then come and hear, 'and it is said,

and that which my lips know they shall speak purely’.

Now, is riding not written in connection with a woman, but surely it is written, And Rebekah arose, and her damsels, and they rode upon the camels?³² — There it was natural through fear of the camels.³³ But it is written, and Moses took his wife and his sons, and made them ride upon an ass?³⁴ — There

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- (1) A woman must bring a sacrifice eighty-one days after the birth of a daughter (v. Lev. XII, 2.6). This sacrifice suffices also for a miscarriage within the eighty days, i.e., before it was due, but not for a miscarriage (or viable birth) from the eighty-first day and onwards, since by then it was already due on account of the first birth. Now, by the evening of the eighty-first day eighty days have already passed; on the other hand, since there are no sacrifices at night, she could not offer hers until the following morning. Beth Shammai and Beth Hillel accordingly differ as to whether that miscarriage entails a sacrifice or not.
- (2) A discharge of blood on the eighty-first, whether in the evening or during the day, renders her unclean, — this is agreed by all. — A discharge between the fifteenth and the eightieth inclusive does not make her unclean; v. *ibid.* 5.
- (3) Sc. the flesh of a peace-offering.
- (4) Viz. the thanksoffering.
- (5) I.e., only on the day they are brought.
- (6) The thanksoffering may be eaten during the night following the day in which it is sacrificed.
- (7) Lev. XIX, 6.
- (8) After the expiration of the time allowed for its eating, i.e., on the evening of the third day.
- (9) Lev. VII, 17.
- (10) There is an additional service (*musaf*) on all Sabbaths and Festivals, corresponding to the additional sacrifices of those days.
- (11) v. *Glos.*
- (12) The bracketed passage is absent in our text but is supplied from *Yoma* 87b and *Nid.* 8b.
- (13) V. *Glos.*
- (14) The ‘Prayer’ par excellence on weekdays comprises eighteen (subsequently increased to nineteen) statutory benedictions; on Sabbaths and Festivals the first three and the last three only are recited, the intermediate twelve being omitted and replaced by one bearing on the nature of the day. A feature of all the services on the Day of Atonement is the ‘confession’, a recital of sins committed, not necessarily by the individual but by the people as a whole, for which reason it is couched in the plural — ‘we have sinned’. The evening following the Day of Atonement is of course non-holy, but the first *Tanna* permits one benediction comprising the eighteen to be recited. Each of the benedictions bears a name, indicating its main subject: the fourth is designated, ‘Thou dost graciously grant knowledge’, as it is a prayer for knowledge and understanding, and on the termination of Sabbaths and Festivals *habdalah* is inserted in this benediction. For a full discussion of these benedictions v. *J.E.* art. *Shemoneh ‘Esreh*; v. also *Elbogen*, J.G., 149f.
- (15) The reading *infra* 7b is: the School of R. Ishmael.
- (16) *Lele* — the very term employed by Rab Judah to define ‘or’ in our *Mishnah*.
- (17) In refutation of R. Huna.
- (18) *Jast.*: ‘night-break’. Margin: light employed as a euphemism for darkness in the same way that a blind person is called a man with too much light.
- (19) V. n. 3.
- (20) I.e., uses eight letters more than is necessary.
- (21) Gen. VII, 2; a single word, ‘unclean’, would save eight letters in the Hebrew text.
- (22) Deut. XXIII, 11. Here too a single word ‘unclean’ would save nine letters in the Hebrew text.
- (23) *Tahor* (טָהוֹר) is written plene, i.e., with a waw, and that makes a difference of ten letters.
- (24) I Sam. XX, 26.
- (25) V. *Glos.*
- (26) The reference is to Lev. XV, 9 and 20: And what saddle (or, carriage) soever he that hath issue rideth upon shall be unclean. Everything also that she sitteth upon shall be unclean. Actually the conditions of defilement are the same in both cases; nevertheless, Scripture did not speak of a woman's riding, because sitting is a more modest and decent conception.

(27) Job. XV, 5.

(28) Ibid. XXXIII, 3.

(29) What is the purpose of the additional quotations, seeing that the first verse proves his statement?

(30) Owing to its great sanctity.

(31) This is regarded as a positive injunction to speak subtly, i.e., with a due sense of the proprieties.

(32) Gen. XXIV, 61.

(33) A woman would ride properly, not merely sit on the side, through fear of falling down from the camel's high back.

(34) Ex. IV, 20.

Talmud - Mas. Pesachim 3b

it was natural on account of his sons. But it is written, And it was so, as she rode on her ass?¹ — There it was natural through fear of the night. Alternatively, there was no fear of the night, but there was fear of David. Another alternative: there was no fear of David either, but there was the fear of the mountain. Yet is not 'unclean' written in Scripture?² Rather wherever they are equal[ly convenient], [Scripture] discourses in a refined language; but wherever more words would be required, the shorter phraseology is employed. As R. Huna said in Rab's name — others say, R. Huna said in Rab's name on R. Meir's authority: one should always teach his pupil in concise terms. And where they are equal he discourses in refined speech? Yet surely 'riding' [rokebeth] and 'sitting' [yoshebeth] are alike [in length], yet 'riding' [rokebeth] is stated? — Rakebeth is stated.³

Two disciples sat before Rab. one said, This discussion has made us [as tired] as an exhausted swine;⁴ while the other said, This discussion has made us [as tired] as an exhausted kid; and Rab would not speak to the former.

There were two disciples who sat before Hillel, one of whom was R. Johanan b. Zakkai—others state, before Rabbi, and one of them was R. Johanan: One said, Why must we vintage [grapes] in cleanness, yet need not gather [olives] in cleanness? While the other said: Why must we vintage in cleanness, yet may gather [olives] in uncleanness?⁵ I am certain that the latter will be an authorized teacher⁶ in Israel, he observed; and it did not take long before⁷ he was an authorized teacher in Israel.

There were three priests: one said, I received as much as a bean [of the shewbread]; the second said, I received as much as an olive; while the third said, I received as much as a halta'ah's tail.⁸ They investigated his pedigree⁹ and found a blemish of unfitness in him.¹⁰ But we learned: one must not investigate from the altar and above?¹¹ — Do not say, a blemish of unfitness, but a baseness which made him unfit.¹² Alternatively, there it was different, because he impaired his status himself.

A certain Syrian [i.e., non-Jew] used to go up and partake of the Passover sacrifices in Jerusalem, boasting: It is written, there shall no alien eat thereof. . . no uncircumcised person shall eat thereof,¹³ yet I eat of the very best. Said R. Judah b. Bathyra to him: Did they supply you with the fat-tail? No, he replied. [Then] when you journey up thither say to them, Supply me with the fat-tail. When he went up he said to them, Supply me with the fat-tail. But the fat-tail belongs¹⁴ to the Most High!¹⁵ they replied. Who told you [to do] this? they inquired. R. Judah b. Bathyra. answered he. What is this [matter] before us? they wondered. They investigated his pedigree, and discovered that he was a Syrian, and killed him.¹⁶ Then they sent [a message] to R. Judah b. Bathyra: 'Peace be with thee,¹⁷ R. Judah b. Bathyra, for thou art in Nisibis¹⁸ yet thy net is spread in Jerusalem.'

R. Kahana fell sick. [So] the Rabbis sent R. Joshua son of R. Idi, instructing him, Go and find out what is wrong with him.¹⁹ He went and found him dead.²⁰ Thereupon he rent his garment and turned the rent behind him²¹ and went along weeping. He has died? asked they of him. I have not said it, he answered, 'for he that uttereth evil tidings is a fool'.²² Johanan of Hukok²³ went out to some

villages.²⁴ on his return he was asked, 'Has the wheat crop been successful?'²⁵ 'The barley crop has been successful,' he replied.²⁶ 'Go out and tell it to horses and asses,' they retorted, 'for it is written, Barley also and straw for the horses and swift steeds.'²⁷ What then should he have said? — Last year the wheat crop was successful; or, the lentil crop is successful.

(1) I Sam. XXV, 20.

(2) It occurs many times. The circumlocution employed in the cited instances merely serves to indicate that delicate phraseology is a matter which must also enter into consideration, v. Rashi.

(3) I.e., rokebeth is written defectively, without a waw, which makes it shorter than yoshebeth. Yoshebeth could not be written defectively, as the defective form of yoshebeth has always a special meaning (Tosaf.). R. Han. reverses it: the full form of yoshebeth is required, as a particular deduction is made from it.

(4) Lit., 'something else' — the unmentionable. The rendering 'exhausted' is Rashi's. R. Han. renders differently.

(5) V. Shab. 17a and notes a.l. The point here is that one scholar avoided the use of the word 'uncleanness', while the other did not.

(6) Lit., 'he will give teaching'.

(7) Lit., 'it was not few days until'.

(8) This is a gross expression. Halta'ah is a species of lizard (Jast.).

(9) Lit., 'after him'.

(10) They discovered that his genealogy was impure and that he was unfit to serve in the Temple.

(11) Once a priest has officiated at the altar the purity of his descent must be assumed, as priests were not allowed to officiate without full investigation in the first place.

(12) They found his own character too vile for officiating on the altar. According to this emendation, the literal translation 'after him' must be retained in the text.

(13) Ex. XII, 43,48.

(14) Lit., 'goes up'.

(15) I.e., it is burnt on the altar.

(16) For a non-Jew might not even penetrate beyond a certain point within the Temple precincts on pain of death, and a public notice gave due warning of this. Josephus An'. XV, II, GR. ** 5.

(17) This is the customary greeting in Hebrew.

(18) In the north-east corner of Mesopotamia; it contained an important Jewish community. V. Obermeyer, p. 128-130.

(19) Lit., 'what is his sentence?'

(20) Lit., 'his soul had repose.'

(21) So that it should not be immediately perceptible — this was to lessen the shock.

(22) Prov. X, 18. E.V. . . . uttereth slander, etc.

(23) In Northern Palestine; v. Josh. XIX, 34.

(24) To inspect the crops.

(25) Lit., 'comely'.

(26) By which they might understand that the former was not. He was unwilling actually to state the bad news.

(27) I Kings v, 8.

Talmud - Mas. Pesachim 4a

Rab was the son of R. Hiyya's brother and the son of his sister.¹ When he went up thither² he [R. Hiyya] asked him, 'Is Aibu alive?' '[Ask me whether] my mother is alive,' he replied. 'Is your mother alive?' asked he. 'Is then Aibu alive?' he replied.³ [Thereupon] he [R. Hiyya] said to his servant, 'Take off my shoes and carry my [bathing] things after me to the baths.' From this three [laws] may be inferred: [i] A mourner is forbidden to wear shoes; [ii] on a delayed report [of death]⁴ it [sc. mourning] is observed for one day only;⁵ and [iii] part of the day is as the whole of it.⁶

A certain man used to say, 'Judge my case'.⁷ Said they, This proves that he is descended from Dan, for it is written, Dan shall judge his people, as one of the tribes of Israel.⁸ A certain man was wont to go about and say, 'By the sea shore thorn-bushes are fir-trees.'⁹ They investigated and found

that he was descended from Zebulun, for it is written, Zebulun shall dwell at the haven of the sea.¹⁰ And now that it is established that all agree that 'or' means evening, consider: according to both R. Judah and R. Meir,¹¹ leaven is forbidden from six hours¹² and onward only, then let us search in the sixth [hour]? And should you answer, The zealous are early [to perform] religious duties, then let us search from the morning? For it is written, and in the eighth day the flesh of his foreskin shall be circumcised,¹³ and it was taught: The whole day is valid for circumcision, but that the zealous are early [to perform] their religious duties, for it is said, And Abraham rose early in the morning!¹⁴ — Said R. Nahman b. Isaac: [It was fixed] at the hour when people are found at home, while the light of a lamp is good for searching.¹⁵ Abaye observed: Therefore a scholar must not commence his regular session in the evening of the thirteenth breaking into the fourteenth, lest his studies absorb him¹⁶ and he come to neglect his religious duty.

R. Nahman b. Isaac was asked: If one rents a house to his neighbour from the fourteenth, upon whom [rests the duty] to make the search? [Does it rest] upon the landlord, because the leaven is his; or perhaps upon the tenant, because the forbidden matter exists in his domain? Come and hear: If one rents a house to his neighbour, the tenant must affix a mezuzah!¹⁷ - There, surely R. Mesharsheya said: The mezuzah is the inhabitant's obligation; but how is it here? — Said R. Nahman b. Isaac to them, We learned it: If one rents a house to his neighbour, if the fourteenth occurs before he delivers him the keys, the landlord must make the search; while if the fourteenth occurs after he delivers the keys, the tenant must make search.

R. Nahman b. Isaac was asked: If one rents a house to his neighbour on the fourteenth, does it stand in the presumption of having been searched or not? What difference does it make? Let us ask him! — He is not present to be asked: hence what about troubling this one [the tenant]?¹⁸ — Said R. Nahman b. Isaac to them, We have a teaching:¹⁹ All are believed concerning the removal of leaven, even women, even slaves, even minors.²⁰ Now why are they believed?

(1) Aibu, his father, was R. Hiyya's paternal brother, while Rab's mother was R. Hiyya's sister on his mother's side.

(2) To Palestine.

(3) Thus he intimated that they were both dead (Rashi). Tosaf. explains it differently on the strength of a different reading.

(4) I.e., which one receives after thirty days.

(5) Instead of the usual seven.

(6) The latter two follow from his order to take his bathing things to the baths. Thus he intended to observe mourning for a short while only and then proceed to the baths.

(7) In every dispute he insisted on going to law.

(8) Gen. XLIX, 16. Perhaps it is here translated: Dan shall enter into judgment with his people.

(9) Even the thorn-bushes there are as valuable as fir-trees elsewhere — an exaggerated way of expressing his love for the coast. Rashi offers another explanation: By the sea-shore would I build my palaces.

(10) Ibid. 13.

(11) v. Mishnah infra 11b.

(12) The day was reckoned from sunrise to sunset, hence six hours was about noon.

(13) Lev. XII, 3.

(14) Gen. XXII, 3.

(15) Hence the evening was appointed instead of the morning.

(16) Lit., 'draw him away'.

(17) v. Glos. Presumably the same principle applies here!

(18) Must we put him to the trouble of making a search?

(19) Lit., 'we have learned it'.

(20) Their testimony that the owner duly made a search is accepted.

Talmud - Mas. Pesachim 4b

Is it not because it stands in the presumption of having been searched, [the Tanna] holding, All are haberim¹ in respect to the searching of leaven.² For it was taught: If a haber dies and leaves a store-house full of produce [crops], even if they are but one day old,³ they stand in the presumption of having been tithed.⁴ How so: perhaps it is different here⁵ because they [the woman, slave or minor] state it? — Has then the statement of these any substance?⁶ What then [will you assume]? It stands in the presumption of having been searched? Then it should state, 'All houses stand on the fourteenth in the presumption of having been searched'? — What then [will you assume]? It is because of the statement of these⁷ [that the house is assumed to have been searched], but if these did not say [that it had been searched], it is not so? Then solve from this [teaching] that it does not stand in the presumption of having been searched! — No. In truth I may tell you [that generally]⁸ it does stand in the presumption of having been searched; but what we discuss here⁵ is a case where we know for certain that he [the owner] did not search, but these⁷ affirm. We searched it. You might say, Let not the Rabbis believe them. Therefore it informs us [that] since the search for leaven is [required only] by Rabbinical law, for by Scriptural law mere nullification suffices for it, the Rabbis gave them⁹ credence in [respect to] a Rabbinical [enactment].

The scholars asked: What if one rents a house to his neighbour in the presumption of its having been searched, and he [the tenant] finds that it has not been searched? Is it as an erroneous bargain¹⁰ or not? — Come and hear! For Abaye said: It is unnecessary [to say] of a town, where payment is not made [to others] for searching that a person is pleased to fulfil a precept personally;¹¹ but even in a town where payment is made for searching [it is not an erroneous bargain], because [it is to be assumed that] one is pleased to fulfil a precept with his money.¹²

We learned elsewhere: R. Meir said: one may eat [leaven] the whole of the five [hours]¹³ and must burn [it] at the beginning of the sixth.¹⁴ R. Judah said: one may eat until four [hours],¹⁵ hold it in suspense the whole of the fifth,¹⁶ and must burn it at the beginning of the sixth.¹⁷ Thus incidentally all agree that leaven is [Scripturally] forbidden from six hours [i.e., noon] and onwards: whence do we know it? — Said Abaye, Two verses are written: Seven days shall there be no leaven found in your houses;¹⁸ and it is written, even [ak] the first day ye shall put away leaven out of your houses:¹⁹ how is this [to be understood]?²⁰ It must include the fourteenth [as the day] for removal.²¹ Yet say that it includes the night of the fifteenth [as the time] for removal; for one might argue, 'days' is written, [implying] only days but not nights: hence it [the verse] informs us that even nights [are included in the interdict]?²² — That is unnecessary,

(1) Plur. of haber; lit., 'associates'. It denotes members of an association (haburah) who undertake to be very scrupulous in their religious observance, particularly in regard to uncleanness and tithes.

(2) I.e., all men are regarded as haberim in the matter under discussion, as it was universally observed.

(3) Only that day had they arrived at the stage when tithing etc. is obligatory. The stage is reached when the harvested produce is stacked up.

(4) Lit., 'properly prepared' — it may be assumed that the priestly and Levitical dues have been rendered. Similarly it is to be presumed that the landlord had searched the house before renting it.

(5) In the cited teaching.

(6) Their testimony is invalid where testimony is required.

(7) I.e., the woman, slave or minor.

(8) I.e., in a case such as submitted to R. Nahman b. Isaac. (12) A declaration by the owner that all leaven in the house is null and has no value whatsoever in his eyes.

(9) I.e., the woman, slave or minor.

(10) On the strength of which the tenant can retract.

(11) There the tenant is certainly unable to retract, as it is assumed that he, like all the others, is glad of this opportunity to fulfil personally a religious obligation.

(12) And even had he known beforehand that the house was not searched he would not have refrained from renting it;

hence he cannot retract now.

(13) I.e., until 11 a.m.

(14) But may not wait until the end of the sixth, i.e., noon (by which time it is Scripturally forbidden to have leaven in the house), because one can err in the time.

(15) Until 10 a.m.

(16) I.e., in that hour it may neither be eaten, nor need it be burned, but it can be given to animals.

(17) V. infra 11b.

(18) Ex. XII, 19.

(19) Ibid. 15.

(20) If the leaven is only put away on the first day, as the latter verse implies, there are not seven full days without leaven, as is intimated by the former verse.

(21) I.e., 'first' must mean the first (immediately) preceding day before the seven; cf. infra 5a.

(22) Thus 'yet at the first day', etc., may mean that at the very beginning of the seven days, i.e., on the evening of the fifteenth, all leaven must be removed, but there is no prohibition for any part of the fourteenth.

Talmud - Mas. Pesachim 5a

for the putting away of leaven is assimilated to [the prohibition of] eating leavened bread,¹ and the eating of leavened bread to the [precept of] the eating of unleavened bread. The putting away of leaven [is assimilated] to [the prohibition of] the eating of leavened bread, for it is written, seven days shall there be no leaven in your houses,' for whosoever eateth that which is leavened, that soul shall be cut off.² And [the prohibition of] the eating of leavened bread [is likened] to the [precept of] eating unleavened bread, because it is written, Ye shall eat nothing leavened; in all your habitations shall ye eat unleavened bread;³ and in respect to unleavened bread it is written, at even ye shall eat unleavened bread.⁴ Yet perhaps it is to include the night of fourteenth [as the time] for removal?⁵ — 'The day' is written. Then say [that it must be removed] from the morning?⁶ — 'Ak' divides [it].⁷

The School of R. Ishmael taught: We find that the fourteenth is called the first, as it is said, on the first, on the fourteenth day of the month.⁸ R. Nahman b. Isaac said: 'The first'⁹ [rishon] means the preceding, for the Writ saith, Wast thou born, before [rishon] Adam?¹⁰ If so, and ye shall take you out the first [rishon] day,¹¹ — does 'rishon' here too mean the preceding? — There it is different, because it is written, and ye shall rejoice before the Lord your God seven days:¹² just as the seventh [means] the seventh of the Festival, so the first [means] the first of the Festival. [But] here too it is written, even the first day [rishon] ye shall put away leaven out of your houses. Seven days shall ye eat unleavened bread?¹³ — If so, let Scripture write 'first' ['rishon']; why 'the first [ha-rishon]'? Infer from this [that it is required] for what we have stated. If so, there too¹² what is the purpose of 'the first' ['ha-rishon']? Moreover, when it is written there, on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest,¹⁴ say that rishon implies the preceding? There it is different, because Scripture saith, 'and on the eighth day shall be a solemn rest': just as 'eighth' means the eighth of the Festival, so 'first' means [the] first of the Festival. [But still] what is the purpose of 'the first' [ha-rishon]?¹² — In order to exclude the Intermediate days of the Festival.¹⁵ [But the exclusion of] the Intermediate days of the Festival is derived from 'first' and 'eighth'? — It is [nevertheless] required: you might argue, since the Divine Law writes, and on the eighth day, the waw ['and'] indicates conjunction with the preceding subject, so [as to include] even the Intermediate days of the Festival too;¹⁶ hence ha-rishon informs us [otherwise]. Then let Scripture write neither the waw nor the heh?¹⁷ Moreover, when it is written there, In the first day [ha-rishon] ye shall have an holy convocation,¹⁸ does 'rishon' mean the preceding?¹⁹ Rather, these three [instances of] 'rishon' ['first'] are necessary for what the School of R. Ishmael taught. For the School of R. Ishmael taught: As a reward for [the observance of] the three 'firsts'²⁰ they [Israel] merited three firsts:²¹ to destroy²² the seed of Esau; the building of the Temple; and the name of the Messiah. 'To destroy the seed of Esau,' of whom it is written, And the first came forth red, all over like an hairy garment;²³ and 'the building of the Temple', whereof it is written, A glorious throne, set on

high from the first²⁴ is the place of our sanctuary;²⁵ ‘and the name of Messiah,’ for it is written, First unto Zion, behold, behold them.²⁶

Raba said, [I²⁷ is deduced] from here: Thou shalt not offer the blood of my sacrifice with leavened bread:²⁸ [that means,] thou shalt not kill the passover sacrifice while leavened bread is still in existence.²⁹ Then perhaps each person [must remove his leaven] when he kills [his sacrifice]?³⁰ Scripture meant the time for killing.³¹

It was taught likewise: ‘[Even] the first day ye shall put away leaven out of your houses’: [this means] on the eve of the Festival. Yet perhaps that is not so, but [rather] on the Festival itself? — Therefore it is stated, ‘thou shalt not offer the blood of thy sacrifice with leavened bread,’ [i.e.,] thou shalt not kill the Passover sacrifice while leavened bread still exists [in thy, house]: that is R. Ishmael's view. R. Akiba said, That is unnecessary: lo, it is said, ‘Even the first day ye shall put away leaven out of your houses’, and it is written, no manner of work shall be done in them,³² while we find that kindling is a principal labour.³³ R. Jose said, It is unnecessary: lo, it is said, ‘Even [ak] on the first day ye shall put away leaven out of your houses’: [that means,] from the eve of the Festival. Or perhaps it is not so, but rather on the Festival? Therefore is stated, ‘Ak’, which serves to divide;³⁴ hence if [it means] on the Festival itself, can [part of it] be permitted? Surely the putting away of leaven is likened to [the prohibition of] eating leavened bread, while the prohibition of eating leavened bread is likened to [the duty of] eating unleavened bread.³⁵

Said Raba:

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- (1) Immediately the latter comes into force the former is obligatory.
 - (2) Ex. XII, 19.
 - (3) Ibid. 20. Hence from the very moment that the latter is operative the former is too, and consequently by then the leaven must already be removed.
 - (4) Ibid. 18. Hence no verse would be necessary to show that as soon as evening commences the leaven must be put away; therefore the verse quoted supra can only refer to the fourteenth.
 - (5) Since we see that leaven is to be removed on the fourteenth, perhaps it must be done at the beginning of the fourteenth, Sc. in the evening.
 - (6) As soon as day commences, not from midday.
 - (7) It is a general principle in Talmudic exegesis that ak and rak (only) imply limitations; thus ak divides the day, showing that the putting away takes place in the middle of the day, not at the beginning.
 - (8) Ibid.
 - (9) In verse 18.
 - (10) Job. XV, 7 (E.V.: Art thou the first man that was born). Hence Ex. XII, 15 is translated: yet on the preceding day — i.e., the fourteenth — ye shall put away, etc.
 - (11) Lev. XXIII, 40.
 - (12) Lev. XXIII, 40.
 - (13) By the same argument ‘rishon’ means first, not preceding. — Actually the order is reversed in Scripture.
 - (14) Ibid. 39.
 - (15) Lit., ‘the weekday (portion) of the Festival’. It teaches that these days enjoy semi-sanctity only, and work of an urgent nature is permitted.
 - (16) That work thereon is forbidden.
 - (17) The heh is the def. art. ‘the’ (ha). According to the present argument the heh (ha) merely neutralizes the possible teaching of the waw: then both should be omitted.
 - (18) Ibid. 7; the reference is to Passover.
 - (19) Surely not.
 - (20) The ‘first’ of Passover, the ‘first’ of Tabernacles, and the taking of the four species (v. 40) on the ‘first’ day of Tabernacles.
 - (21) Three things in connection with which ‘first’ is written.

- (22) Lit., 'cut off'.
 (23) Gen. XXV, 25.
 (24) E.V. beginning.
 (25) Jer. XVII, 12.
 (26) Isa. XLI, 27.
 (27) Sc. that leaven is forbidden from midday on the fourteenth.
 (28) Ex. XXXIV, 25.
 (29) And since the sacrificing commences immediately after noon, it follows that the leaven must already be removed by then.
 (30) Thus if he kills it at 4 p.m., leaven is permitted to him until that hour.
 (31) When it is time to kill the sacrifice there must be no leaven in the house, as it is inconceivable that there should be no fixed hour applicable to all.
 (32) Ibid. XII, 16.
 (33) Forbidden on the Sabbath, and likewise on Festivals, save when required for the preparation of food. The leaven was burnt.
 (34) V. Supra p. 15, n. 8.
 (35) Supra.

Talmud - Mas. Pesachim 5b

Three things may be inferred from R. Akiba: [i] There is no [other] removal of leaven save [by] burning.¹ [ii] Kindling was singled out to indicate separation.² [iii] We do not say, since kindling was permitted when it is necessary [for the preparation of food], it was also permitted when it is unnecessary.³

Our Rabbis taught: Seven days shall there be no leaven found in your house:⁴ why is this stated, seeing that it is already said, and there shall no leavened bread be seen unto thee, neither shall there be leaven seen unto thee, in all thy borders?⁵ Because it is said, Neither shall there be leaven seen unto thee, [implying] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High.⁶ One might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile:⁷ therefore it is stated, it shall not be found [in your houses],⁸ Now, I know this only of a Gentile who is not in your power⁹ or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power and dwells with you in the [same] court-yard? Because it is stated, [leaven] shall not be found in your houses. I know this only of that which is your houses; how do I know it of [leaven] in pits, ditches and cavities?¹⁰ Because it is stated, [neither shall there be leaven seen with thee,] in all thy borders.¹¹ Yet I might still argue, [indeed on account of leaven] 'in houses' one transgresses the injunction against it being seen, found, and against hiding it and receiving [it as] bailments from a Gentile; whereas in [respect to leaven in] 'thy borders' [we say,] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High. How do we [however] know to apply that which is stated in this [verse] to the other, and vice versa?¹² Therefore leaven is stated twice¹³ for a gezerah shawah.¹⁴ [Thus:] leaven is stated in connection with houses: 'no leaven shall be found in your houses', and leaven is stated in connection with the borders; 'neither shall there be leaven seen with thee [in all thy borders]': just as with the leaven which is stated in connection with houses, one transgresses the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from Gentiles, so with the leaven which is stated in connection with the borders, one violates the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from a Gentile. And just as with the leaven which is stated in connection with the borders, [only] thine own thou must not see, but thou mayest see that belonging to others and to the Most High, so with the leaven which is stated in connection with the houses, [only] thine own thou mayest not see, but thou mayest see that belonging to others and to the Most High.

The Master said: 'I know this only of a Gentile who is not in your power or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power or who dwells with you in the [same] court-yard? Because it is stated, [Leaven] shall not be found [in your houses].¹⁵ Whither does this tend?' — Said Abaye: Reverse it. Raba said: In truth you must not reverse it, but it refers to the first clause: 'Thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High.' I know this only of a Gentile who is not in your power or who does not dwell with you in the [same] court-yard.¹⁶ How do I know it of one who is in your power or who dwells with you in the [same] court-yard? Because it is stated, 'there shall not be found'. But this Tanna seeks permission yet cites a verse intimating a prohibition?¹⁷ — Because 'unto thee' 'unto thee' is stated twice.¹⁸ The Master said: 'one might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile; therefore it is stated, [leaven] shall not be found [in your houses].¹⁹ But you said in the first clause, 'thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High?' — There is no difficulty: the one is meant where he [the Israelite] accepts responsibility [for same]; the other, where he does not accept responsibility.¹⁹ Just as Raba said to the townspeople of Mahuza:²⁰ Remove the leaven belonging to the troops from your houses:

power or who lives with you in the same court-yard is more likely to be meant than he who is independent or living away from you. since the former is more like yourself. Whereas here the latter is taken for granted, while proof is sought for the former. since it stands in your possession if lost or stolen, and you must requite [the loss], it is as yours and is forbidden.²¹ Now, that is well on the view that that which causes [liability] for money is as money.²² But on the view that it is not as money, what can be said? — Here it is different, because Scripture saith, 'There shall not be found'.²³ Others say, That is well on the view that that which causes [liability] for money is not as money:

(1) For if it can be destroyed in any other way, his proof falls to the ground.

(2) In Ex. XX, 10 work is forbidden on the Sabbath; this is repeated in XXXV, 2 and 3, with a special prohibition against kindling a fire. Now, kindling is prohibited by the general law of Ex. XX, 10: why then is it singled out? There are two views on this: (i) In order to teach that whereas other labours are punishable by death, this is merely punishable like any other negative precept, viz., by flagellation. (ii) To teach that if one does a number of separate acts on the Sabbath, e.g., seething, reaping, and threshing, they are accounted as separate offences, just as kindling was stated as a separate offence, and a sacrifice must be offered on account of each. Now the first view postulates that kindling is not a principal labour like the rest (v. Mishnah on Shab. 73a); hence R. Akiba must agree with the second view.

(3) There is such a view in Bez. 12b; if R. Akiba held it, his argument would lose its basis.

(4) Ex. XII, 19.

(5) Ex. XIII, 7. Though this is in a further chapter, the phrase, 'seeing that it is already said', is employed because it is a Talmudic principle that the written order of the Torah is not necessarily chronological.

(6) I.e., the sanctuary, this being the meaning of 'unto thee' (E.V.: with thee).

(7) For in the former case it cannot be seen, while in the latter it is not his property.

(8) It must not be there at all.

(9) Lit., 'whom you have not subjugated'.

(10) Different shaped pits are connoted by these three words.

(11) Ex. XIII, 7.

(12) 'For there shall not be found' is written only in connection with 'your houses', while 'unto thee' is mentioned only in connection with 'borders'; how do we know that the implications of the one verse hold good in respect of the other?

(13) Lit. 'leaven, leaven'.

(14) V. Glos.

(15) Or, towards the tail! I.e., when you say that you must not accept deposits from a Gentile, obviously he who is in your

(16) He certainly comes under the category of 'others'.

(17) According to Raba's explanation. when the Tanna says. 'how do I know', etc., his purpose is to show that there too it is permitted; while 'there shall not be found' intimates a more extended prohibition.

(18) Rashi: 'Unto thee' is written twice, once in the verse already quoted, and once in Deut. XVI, 4: and there shall be no leaven seen unto (E.V. with) thee in all thy borders seven days. Here too 'unto thee' is linked with seeing; since, however, it is superfluous in this connection, on account of the verse first quoted, it is applied to 'there shalt not be found', which is made to read: there shall not be found unto thee, 'unto thee' being a permissive limitation, and it is this which the Tanna quotes. — It is a principle of exegesis that if a word or phrase is superfluous in its own context, it is applied elsewhere. (The fact that 'unto thee' is written twice in Ex. XIII, 7 is not counted, since one refers to leaven and the other to leavened bread. — V. Bez. 7b.) R. Han. interprets it differently and more simply.

(19) If the Jew accepts responsibility for the bailment and must identify the owner against loss, it is as his own and must not be found in his house.

(20) A large Jewish commercial town on the Tigris. where Raba had his academy; v. obermeyer. pp. 169ff.

(21) Gentile troops were billeted in Jewish houses together with their food stores, for which the Jews were responsible.

(22) Hence though the leaven does not belong to the Jew, yet since it throws a financial responsibility upon him it is regarded as his, i.e., as his money or property.

(23) Which implies even if it is not his own and it can be applied only to such a case, since 'unto thee' excludes leaven in which he has no financial interest at all.

Talmud - Mas. Pesachim 6a

hence 'there shall not be found' is necessary. But on the view that it is as money. what is the purpose of 'there shall not be found'?¹ — It is necessary: you might argue, since if in existence it is returned as it is,² it does not stand in his possession.³ Hence he informs us [otherwise].

Raba was asked: Is cattle liable to arnona⁴ subject to the law of firstlings or not?⁵ Wherever one can put him off with money.⁶ we do not ask, for he is [certainly] liable.⁷ our problem arises where he cannot put him off with money: what then? He replied: It is not subject [thereto]. But surely it was taught: It [the animal] is subject [thereto]?-There it is a case where he can put him off with money. others state, Raba said: Cattle liable to arnona is not subject to the law of firstlings. even when he can put him off with money.⁸ A dough [made of flour] liable to arnona⁹ is subject to hallah.¹⁰ What is the reason? [The facts about] cattle are generally known;¹¹ [the facts about a dough] are not generally known.¹²

Our Rabbis taught: If a Gentile enters an Israelite's court-yard with [leavened] dough in his hand,¹³ he [the Israelite] is not obliged to remove it¹⁴ if he deposits it with him, he is obliged to remove it;¹⁵ if he assigns a room to him [for the dough], he is not obliged to remove it, because it is said, '[Leaven] shall not be found'. What does he [the Tanna] mean?¹⁶ — Said R. Papa: He refers to the first clause, and says thus: If he deposits it with him, he is obliged to remove it, because it is said, '[Leaven] shall not be found'. R. Ashi said: After all it refers to the second clause, and he says thus: If he assigned a room to him he is not obliged to remove it, because it is said, '[Leaven] shall not be found in your houses,' and this is not his [house], for when the Gentile carries in [the leaven], he carries it into his own house. Shall we say that renting confers a title?¹⁷ But surely we learned: Even in the place where they [the Sages] permitted renting [to a heathen], they did not permit [renting] for a dwelling-house, because he [the heathen] introduces [his] idols therein.¹⁸ Now if you should think that renting confers a title, when he introduces [the idols] he introduces [them] into his own house? — Here it is different, because the Divine Law expresses it in the form of 'there shall not be found', [implying] that which is found in your hand [is forbidden], which excludes this [case], since it is not found in your hand.

Rab Judah said in Rab's name: If one finds leaven in his house during the Festival, he overturns a vessel upon it.¹⁹ Raba said: If

dough partly owned by a non-Jew; nevertheless this dough is subject to hallah, as explained in the text. it is of hekdesch,²⁰ this is unnecessary. What is the reason? He does indeed hold aloof from it.²¹

Rab Judah also said in Rab's name: Leaven belonging to a Gentile,²² he [the Israelite] must set up a partition of ten handbreadths around it as a distinguishing mark;²³ but if it belongs to hekdesch this is unnecessary. What is the reason? People hold aloof from it.

Rab Judah also said in Rab's name: He who sets sail, and he who sets out in a [caravan] company, before thirty days [prior to Passover], is not bound to remove [the leaven]; if within thirty days, he is bound to remove [it]. Abaye observed: When you say, if within thirty days he is bound to remove it, we said this only where his intention is to return [during Passover]; but if it is not his intention to return, he is not bound to remove [it]. Said Raba to him: But if his intention is to return, even [if he sets out] on New Year too?²⁴ Rather, said Raba: When you say, if before thirty days he is not bound to remove it, we said this only where it is not his intention to return; but if his intention is to return, even [if he sets out] on New Year too. Now Raba is consistent with his view. For Raba said: If one turns his house into a granary²⁵ before thirty days [prior to the Passover], he is not bound to remove [the leaven];²⁶ if within thirty days, he is bound to remove it;²⁷ and even before thirty days too, we said this only when it is not his intention to clear it [the store of provisions] away; but if his intention is to clear it away, even before thirty days too he is bound to remove it.

What business have these thirty days?²⁸ — As it was taught: Questions are asked and lectures are given on the laws of Passover for thirty days before Passover. R. Simeon b. Gamaliel said: Two weeks. What is the reason of the first Tanna?

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- (1) It is obviously forbidden, since it is just like his own!
 - (2) I.e., not lost or stolen or destroyed.
 - (3) In regard to the prohibition 'there shall not be found'.
 - (4) Tax from crops and cattle paid in kind.
 - (5) Where a non-Jew has a share in an animal it is definitely not subject thereto; the question here is as explained in the text.
 - (6) I.e., the king, to whom the tax is payable, will accept money instead of the animal.
 - (7) The owner is bound to render it as a firstling.
 - (8) Because until he does pay him off the non-Jew has a claim upon it.
 - (9) I.e., a dough from which arnona is paid.
 - (10) V. Glos. and Num. XV, 20f: of the first of your dough ye shall offer up a cake for an heave-offering . . . of the first of your dough ye shall give unto the Lord an heave-offering throughout your generations. Here too 'your' excludes
 - (11) Lit., 'an animal has a sound (voice)' — i.e., it will be known that it belongs to a herd liable to arnona.
 - (12) The on-looker does not know that the dough is made of flour subject to arnona and may suspect him of violating the law.
 - (13) On the fourteenth of Nisan after noon, when leaven is forbidden.
 - (14) Since it is not his, v. supra 5b.
 - (15) Where he accepts responsibility for same.
 - (16) If anything the quotation intimates the reverse.
 - (17) So that the house becomes legally the non-Jew's.
 - (18) A.Z. 21a.
 - (19) It must not be handled and carried out, because it is mukzeh (v. Glos.), since it cannot be put to any use, all benefit from leaven being forbidden during Passover. He therefore covers it over with a vessel and burns it in the evening on the termination of the Festival.
 - (20) V. Glos.
 - (21) In any case, since it is hekdesch.
 - (22) In a Jew's house.
 - (23) The reference here is to the fourteenth, and the partition is needed lest he forget himself and eat it, The overturning of a vessel upon it does not suffice here lest he might remove it in the course of the seven days.
 - (24) He must still remove it, since he will be in the house on Passover.

(25) I.e., he stores provisions in it, and under them lies leaven.

(26) By being buried under his provisions it is as though it were removed.

(27) Because the obligation to remove it becomes operative in this period, and one cannot remove it thus at the very outset.

(28) Why is the matter dependent on this period?

Talmud - Mas. Pesachim 6b

Because lo! Moses was standing on the First Passover and giving instructions about the Second Passover,¹ as it is said, Moreover, let the children of Israel keep the passover in its appointed season;² and it is written, And there were certain men, who were unclean by the dead body of a man.³ And R. Simeon b. Gamaliel?⁴ — He answers you: Because he was engaged in the laws of Passover, he instructed them⁵ in all the laws of Passover. What is R. Simeon b. Gamaliel's reason? Because lo! Moses was standing at the beginning of the month and giving orders about the Passover, as it is said, This month shall be unto you the beginning of months: it shall be the first month of the year to you.⁶ And it is written, Speak ye unto all the congregation of Israel, saying, In the tenth day of this month they shall take to them every man a lamb, according to their father's houses, etc.⁶ But how do you know that he was standing at the beginning of the month; perhaps he was standing on the fourth or the fifth of the month? Rather, said Rabbah b. Shimi in Rabina's name, [It is deduced] from here: And the Lord spake unto Moses in the wilderness of Sinai, in the first month of the second year;⁷ and it is written, Moreover let the children of Israel keep the passover in its appointed season.⁸ But here too, how do you know that he was standing at the beginning of the month: perhaps he was standing on the fourth or the fifth of the month? — Said R. Nahman b. Isaac: [The implication of] 'wilderness' [here] is learned from 'wilderness' [elsewhere]. Here it is written, 'in the wilderness of Sinai', while there it is written, And the Lord spake unto Moses in the wilderness of Sinai, in the tent of meeting, on the first day of the second month:⁹ just as there [it was] at the beginning of the month, so here too at the beginning of the month.

Now, let [the events of] the first month be written first, and then that of the second month?¹⁰ — Said R. Menasia b. Tahlifa in Rab's name: This proves that there is no chronological order¹¹ in the Torah. R. Papa observed: This was said only of two subjects; but in the same subject what is earlier is earlier and what is later is later. For should you not say thus, [how, then, apply the principle that] when a general proposition is followed by a particular specification the general proposition comprises only what is contained in the particular specification; perhaps it is a particular specification followed by a general proposition! Moreover, [it is a principle that] when a particular specification is followed by a general proposition, the generalization becomes an addition to the specification,¹² [here too] perhaps it is a generalization followed by a particularization! But if so, the same [question] applies even to two subjects? Now, that is well on the view that [when] a generalization and a specification [are] at a distance from each other, we do not interpret¹³ them as a generalization followed by a specification, then it is correct. But on the view that we do interpret [them thus], what can be said?¹⁴ — Even on the view that we do interpret, that is only [when they occur] in the same subject; but [when] in two subjects we do not interpret [them thus].

Rab Judah said in Rab's name: He who searches [for leaven] must [also] declare it null.¹⁵ What is the reason? Shall we say [it is] because of crumbs¹⁶ — but they are of no value?¹⁷ And should you answer, since they are guarded in virtue of his house,¹⁸ they are of account, surely it was taught: [If there are in a man's field] late figs, while he guards his field on account of the grapes; or if there are late grapes, while he guards his field on account of his cucumbers and gourds,¹⁹ when the owner is particular about them, they are forbidden [to a stranger] as theft and are subject to tithes; when the owner is not particular about them, they are not forbidden as theft and are exempt from tithes!²⁰ — Said Raba: It is a preventive measure, lest he find a tasty loaf²¹ and [set] his mind upon it.²² Then let him annul it when he finds it? — He may find it after the interdict [commences], and then it does not

stand in his ownership and [so] he cannot annul it. For R. Eleazar said: Two things are not in a man's ownership, yet the Writ regarded them as though they were in his ownership. And these are they: a pit in public ground²³ and leaven from six hours²⁴ and onwards.²⁵ Then let him annul it at the fourth or the fifth [hour]?²⁶ — Since it is neither the time of the prohibition nor the time of searching, he may transgress and not annul it.

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- (1) I.e., the Passover celebrated on the fourteenth of the second month by those who were unable to celebrate it at the proper time.
 - (2) Num. IX, 2.
 - (3) Ibid. 6. The narrative relates how Moses gave instructions about the second Passover, vv. 9 seq.
 - (4) How does he refute this proof?
 - (5) Lit., 'completed for them'.
 - (6) Ex. XII, 2f.
 - (7) Num. IX, 1.
 - (8) And from the beginning of the month until Passover is two weeks.
 - (9) Num. I, 1.
 - (10) Num. I, 1ff is chronologically a month later than IX. 1ff; why is it not written in that order?
 - (11) Lit., 'earlier and later'.
 - (12) So as to include all things implied in the generalization.
 - (13) Lit., 'judge'.
 - (14) v. B.K. 85a.
 - (15) I.e., of no account and valueless and free to all.
 - (16) Which may escape his search.
 - (17) They are therefore null in any case.
 - (18) When he guards his house he ipso facto guards these crumbs.
 - (19) The late figs and grapes which remain after the harvest never fully ripen. Here they are in a field which is guarded from intruders not for their sake but because it contains other crops yet to be gathered.
 - (20) Because they are regarded as ownerless, and such are exempt from tithe. Thus though they are incidentally guarded, that does not give them any value, and the same should apply here.
 - (21) **סֵּוּסָה**, a loaf made from a special brand of white flour.
 - (22) To keep it until after Passover.
 - (23) He who digs a pit in public ground is responsible for any damage it may cause, as though it were his property, though actually it is not.
 - (24) I.e., noon.
 - (25) One is culpable for its presence in his house then, though technically speaking it is no longer his.
 - (26) I.e., any time in the morning before noon, when it is still his. Why particularly the preceding evening, when he is making the search?

Talmud - Mas. Pesachim 7a

Then let him annul it in the sixth [hour]?¹ — Since the Rabbinical interdict is upon it,² it is like a Scriptural [interdict] and does not stand in his ownership, hence he cannot annul it. For R. Gidal said in R. Hiyya b. Joseph's name in Rab's name: He who betroths from the sixth hour and onwards, even with wheat of Cordyene,³ we have no fear of his betrothal.⁴

But, is he unable to annul it after the prohibition [commences]? Surely it was taught: If he is sitting in the Beth Hamidrash and recollects that he has leaven at home, he annuls it in his heart, whether it is the Sabbath or the Festival. Now as for the Sabbath, it is well: this is possible where the fourteenth [of Nisan] falls on the Sabbath;⁵ but the Festival is after the prohibition [commences]?⁶ — Said R. Aha b. Jacob: We treat here of a disciple sitting before his master, and he recollects that he has a rolled dough⁷ at home and fears that it may turn leaven; [therefore] he anticipates and annuls it before it turns leaven. This may be proved too: for it states, 'If he is sitting in the Beth Hamidrash'.⁸

This proves it.

Rabbah the son of R. Huna said in Rab's name: If a loaf went mouldy, if mazzah⁹ exceeds it [in quantity], it is permitted.¹⁰ How is it meant? Shall we say that he [the owner] knows that this [loaf] is leaven, what then matters it if the mazzah does exceed it?¹¹ Again if we do not know whether it is leaven or mazzah, then why particularly if the mazzah exceeds it; even if the mazzah does not exceed it too, let us go after the last?¹² Did we not learn: Money found in front of cattle dealers at all times is [accounted as] tithe; on the Temple Mount, it is hullin;⁹ in [the rest of] Jerusalem, at any other part of the year. it is hullin; at the Festival season, it is tithe.¹³ And R. Shemaia b. Zera observed thereon: What is the reason? Because the streets of Jerusalem¹⁴ were swept daily. This proves that we assume: the earlier[losses] have gone. and these [coins] are different ones. So here too let us say: the earlier[bread] has gone and this is of the present?¹⁵ — Here it is different, because its mouldiness proves its status.¹⁶ If its mouldiness proves its status, what does it matter if the mazzah exceeds it? — Said Rabbah. Do not say, 'if the mazzah exceeds it', but say, 'many days of mazzah have passed over it'.¹⁷ If so, it is obvious? — This is necessary only where it is very mouldy; you might argue, since it is very mouldy it is clear that it is certainly true leaven; therefore he informs us that since many days of mazzah have passed over it we say: every day hot mazzah¹⁸ was baked and thrown thereon, and that made it very mouldy.

Yet do we follow the last? Surely it was taught. R. Jose b. Judah said: If a chest was used for money of hullin and money of tithe,¹⁹ if it was mostly hullin, it [the money found therein] is hullin; if mostly tithe, it is tithe. But why so? let us go after the last?—Said R. Nahman b. Isaac: of what do we treat here? E.g., where it was used for money of hullin and money of tithe, and one does not know which was last. R. Zebid said: E.g., where it was used for separate packages.²⁰ R. Papa said: E.g., if it was found in a pit.²¹

of peace-offerings; when one could not stay long enough in Jerusalem to expend all his tithe money, he would distribute it among the poor or give it to his friends in Jerusalem. Consequently, if money is found in front of cattle dealers, whatever the time of the year, it is assumed to be of the second tithe. On the other hand, if it is found on the Temple Mount, we assume it to be hullin, even at Festival time, when most of money handled is tithe, because the greater part of the year is not Festival, and then ordinary hullin is in circulation and this money might have been lost before the Festival. But if found in the streets of Jerusalem, a distinction is drawn, as stated in the text. Rab Judah said: He who searches [for leaven] must pronounce a benediction. What benediction does he pronounce? R. Pappi said in Raba's name: '[. . . who hast commanded us] to remove leaven'. R. Papa said in Raba's name: '[. . . who hast coumanded us] concerning the removal of leaven'. As for [the phrase] 'to remove,' there is no disagreement at all that it certainly implies in the future.²²

(1) He is not likely to forget it then, since he is engaged in burning it.

(2) On all views, v. supra 4b.

(3) A district lying to the east of the river Tigris, south of Armenia. — That wheat is very hard and does not easily become leaven; nevertheless if moisture had fallen upon it after being harvested it is regarded as leaven.

(4) The betrothal is definitely invalid, because the wheat has no value because of the Rabbi ical interdict, whereas for betrothal something of value is required (v. Kid. 2a). — Thus although the interdict at that hour is only Rabbinical, the leaven is regarded as completely valueless; hence not under his ownership.

(5) And he recollects before the sixth hour.

(6) How can he annul it then?

(7) I.e., a dough kneaded but not baked. He cannot leave the Beth Hamidrash to attend to it out of respect to his Master.

(8) If it is already leaven, what does it matter where he is; even if he were at home he could do nothing else?

(9) V. Glos.

(10) This is now assumed to mean: if there is more mazzah in the bin than this mouldy loaf, the whole is permitted.

(11) Surely a loaf known to be leaven cannot be permitted on that account?

(12) I.e., let us assume that this loaf is of the latest batch which was put there, i.e., it is mazzah, since a bread bin is cleared out every day, in order to prevent the bread from going mouldy — a necessary precaution in the hot eastern countries — and particularly so in this case, when there had been a search for leaven before the Festival.

(13) Shek. VII, 2. If money is found in Jerusalem, the question arises, what is its status — is it ordinary secular coins (hullin) or tithe money? This was because the second tithe (v. Deut. XIV, 22ff this was designated second-tithe) had to be eaten in Jerusalem or its monetary equivalent expended there, which money likewise was governed by the law of second tithe. Now, most of the flesh eaten in Jerusalem was bought with second-tithe money, and generally took the form

(14) But not the Temple Mount.

(15) I.e., unleavened.

(16) It must have been there a considerable time, hence it is leaven.

(17) I.e., several days of Passover have gone, and so this had had time to go mouldy even if baked as mazzah at the beginning of the Festival.

(18) Lit., 'bread'.

(19) And now we find money in it and do not know which it is.

(20) Of money, some being hullin and others tithe, and both were there on the same day.

(21) We cannot assume that the earlier coins had been removed while these were of the most recent deposit, because it might have been overlooked in a pit.

(22) I.e., it implies that the removal is still to be done. This phraseology is therefore certainly admitted, because a benediction is always recited prior to the actual performance of the precept to which it refers.

Talmud - Mas. Pesachim 7b

They differ only in respect of 'concerning the removal': one Master holds that it implies in the past;¹ while the other Master holds: It implies in the future.

An objection is raised: 'Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning circumcision'?² — How [else] should he say [it] there? Shall he say, 'to circumcise' — is it imperative that he should circumcise?³ Then what can be said of the father of the infant?⁴ — Then indeed it is so.⁵

An objection is raised: 'Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning shechitah'?⁶ — There too, how [else] shall he say it: shall he say 'to slaughter,' — is it imperative that he should slaughter? Then what can be said of the Passover sacrifice and [other] sacrifices?⁷ — [There] indeed it is so.⁸

An objection is raised: If one prepares a lulab⁶ for himself, he recites the blessing, '. . . who hast kept us in life and hast preserved us and hast suffered us to reach this season'. When he takes it in order to fulfil his obligation therewith,⁹ he recites: '. . . who hast sanctified us with Thy commandments and hast commanded us concerning the taking of the lulab?'¹⁰ There it is different, because in the [very] moment that he lifts it up his duty is fulfilled.¹¹ If so, [instead of stating] 'in order to fulfil his obligation therewith,' he should say, 'having fulfilled his obligation therewith?' — That indeed is so, but because he desires to teach 'to sit in the sukkah'¹² in the second clause, he also states in the first clause, 'to fulfil his obligation therewith' — For he teaches in the second clause: He who makes a sukkah for himself recites: 'Blessed art thou, O Lord . . . who has kept us in life and hast preserved us and hast enabled us to reach this season'. When he enters to sit therein he recites: 'Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us to sit in the sukkah.'¹³ And the law is: [He recites,] 'concerning the removal of leaven'.¹⁴

Now incidentally all agree that we must recite the benediction beforehand:¹⁵ how do we know it? — Because Rab Judah said in Samuel's name: For all precepts a benediction is recited prior ['ober] to their being performed — Where is it implied that this [word] 'ober connotes priority? — Said R.

Nahman b. Isaac, Because Scripture saith, Then Ahimaaz ran by the way of the Plain and overran [wa-ya'abor] the Cushite.¹⁶ Abaye said, [It follows] from this: and he himself passed over [‘abar] before them;¹⁷ alternatively, from this: and their king is passed on [wa-ya'abor] before them, and the Lord at the head of them.¹⁸

The School of Rab said: Except [for] a ritual bath and shofar.¹⁹ As for a ritual bath, it is well, because the person is not yet fit;²⁰ but what is the reason for the shofar? And should you say, because he may sound the blast [teki'ah] incorrectly;²¹ if so, the same applies even to shechitah, and circumcision too? Rather, said R. Hisda: Except for a ritual bath alone was stated. It was taught likewise: When one has a ritual bath and ascends [from the bath], on his ascending he recites: Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning tebillah’.

BY THE LIGHT OF A LAMP, etc. How do we know this? — Said R. Hisda: By deriving [the meaning of] ‘finding’ from ‘finding’ and ‘finding’ from ‘searching’, and ‘searching’ from ‘searching’, and ‘searching’ from ‘lamps’, and ‘lamps’ from ‘lamp’:²² [Thus:] ‘finding’ from ‘finding’: here it is written, seven days shall there be no leaven found in your houses,²³ while elsewhere it is written, and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack].²⁴ ‘Finding’ [is learned] from ‘searching’ [mentioned] in its own connection.²⁵ And ‘searching’ from ‘lamps’, as it is written, And it shall come to pass at that time, that I will search Jerusalem with lamps.²⁶ And ‘lamps’ from ‘lamp’, for it is written, The soul of man is the lamp of the Lord, searching all the innermost parts of the belly.²⁷

The School of R. Ishmael taught: In the evening of the fourteenth leaven is searched for by the light of a lamp. Though there is no proof of this, there is an allusion to it, because it is said, ‘seven days shall there be no leaven [in your houses]’; and it is said, ‘and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack]’; and it is said, ‘And it shall come to pass at that time, that I will search Jerusalem with lamps’. and it is said, ‘The soul of man is the lamp of the Lord, searching [all the innermost parts of the belly]’. What is the purpose of the additional quotations?²⁸ And should you answer, this ‘at that time’ is a statement of lenient treatment by the Merciful One, [viz.,] ‘I will not search Jerusalem with the light of a torch, which gives much light, but only with the light of a lamp, the light of which is much smaller, so that great wrongdoing will be found out but petty wrongdoing will not be found out,²⁹ — then come and hear! ‘The soul of man is the lamp of the Lord, [searching. etc.]’.³⁰

Our Rabbis taught: one may not search either by the light of the sun or by the light of the moon, or by the light of a torch, save by the light of a lamp,

(1) I.e., the removal has already been done. Hence this formula is inadmissible.

(2) Not, ‘to circumcise’.

(3) Lit., ‘is there no way that he should not circumcise’? — i.e., the obligation does not rest primarily upon the circumciser, but upon the father, whereas if the former said ‘to circumcise’, it would imply that it is his personal duty in every case.

(4) What if the father circumcises?

(5) He must say ‘to circumcise’.

(6) V. Glos.

(7) Lit., ‘sacred (animals)’. The obligation of slaughtering a sacrifice rests primarily upon its owner.

(8) He must say ‘to slaughter’.

(9) V. Lev. XXIII, 40.

(10) But not ‘to take the lubab’.

(11) Hence he is reciting the blessing after performing the precept, and so he cannot say ‘to take’; v. Supra.

(12) V. Glos.

- (13) And there the future is required because it is an obligation during the whole week of Tabernacles.
- (14) That too implies the future. Consequently, this form is used by all in circumcision and shechitah.
- (15) Before actually performing the precept.
- (16) II Sam. XVIII, 23. I.e., he passed in front of him, and similarly 'ober, which is derived from the same root as wa-ya'abor, means in front of, i.e., prior to'
- (17) Gen. XXXIII, 3.
- (18) Mic. II, 13.
- (19) V. Glos. Here the benediction is recited after the fulfilment of the precept.
- (20) E.g., one who is unclean through nocturnal pollution may not recite a blessing; hence he is obviously unfit to recite the blessing until after the ritual bath, and all others requiring a ritual bath were treated likewise (Rashi).
- (21) In which case the obligation is not fulfilled and the benediction was unnecessarily recited, which is prohibited.
- (22) As explained in the text.
- (23) Ex. XII, 19.
- (24) Gen. XLIV, 12.
- (25) I.e., in the verse just quoted 'finding' and 'searching' are linked together.
- (26) Zeph. I, 12.
- (27) Prov. XX, 27. By comparing all these verses we learn that in order that leaven may not be found in the house it must be searched out by lamplight.
- (28) Lit., 'what is (the purpose of) "and it is said"?'
- (29) But this verse does not prove that the searching for leaven too may be carried out merely with a lamp — perhaps a torch is required.
- (30) Thus a single lamp suffices for a search.

Talmud - Mas. Pesachim 8a

because the light of a lamp is suitable for searching. And though there is no proof of the matter yet there is a hint of it, for it is said, 'seven days shall there be no leaven found [in your houses]'; and it is said, 'and he searched, and began at the eldest, [etc.]'; and it is said, 'and it shall come to pass at that time, that I will search Jerusalem with lamps'; and it is said, 'The soul of man is the lamp of the Lord, searching all the innermost parts of the belly'.

This light of the sun, where is it meant? Shall we say, in a courtyard, — but Raba said: A court-yard does not require searching, because birds frequent it.¹ While if in a hall,² — but Raba said: A hall is searched by its own light? — This is meant only in respect of a skylight in a room. But [then] what part of it? If [that which is] opposite the skylight, then it is the same as a hall? — Rather, it means [the part of the room] at the sides.

And not [by the light of] a torch? Surely Raba said, What is the meaning of the verse, And his brightness was as the light; he had rays coming forth from his hand: and there was hiding of his power?³ To what are the righteous comparable in the presence of the Shechinah? To a lamp in the presence of a torch.⁴ And Raba also said: [To use] a torch for habdalah⁵ is the most preferable [way of performing this] duty? — Said R. Nahman b. Isaac: The one⁶ can be brought into holes and chinks [in the wall], whereas the other⁷ cannot be brought into holes and chinks. R. Zebid said: The one⁶ [throws] its light forward, whereas the other⁷ [throws] its light behind.⁸ R. Papa said: Here [with a torch] one is afraid, whereas there [with a lamp] one is not afraid.⁹ Rabina said: The light of the one⁶ is steady. whereas that of the other⁷ is fitful.¹⁰ EVERY PLACE WHEREIN LEAVEN IS NOT TAKEN, etc. What does EVERY PLACE add? — It adds the following taught by our Rabbis: The topmost and the nethernmost holes of a room,¹¹ the roof of the verandah,¹² the roof of a turret,¹³ a cow's stable, hen-coops, a shed for straw, and store-houses of wine and oil do not need searching.¹⁴ R. Simeon b. Gamaliel said: A bed which makes a division in a room,¹⁵ and leaves a space¹⁶ needs searching. But the following contradicts it: A hole [lying] between a man and his neighbour,¹⁷ this one searches as far as his hand reaches and that one searches as far as his hand reaches,¹⁸ and the rest

he annuls in his heart. R. Simeon b. Gamaliel said: A bed which makes a division in a room, timber and stones being arranged under it, and it leaves a space.¹⁹ does not require searching. Thus [the rulings on] a bed are contradictory and [those on] holes are contradictory? [The rulings on] holes are not contradictory: the one refers to the topmost and the nethermost;²⁰ the other to [holes in] the middle [of the wall]. [The rulings on] a bed are not contradictory: here it is raised; there it is low down.²¹

But, do not store-houses of wine require searching? Surely it was taught. Store-houses of wine need searching; stores of oil do not need searching? — The case we discuss here is where one draws his [immediate] supplies [from it].²² If so, oil too? — As for oil, there is a limit to eating; but [in respect to] wine, there is no limit to drinking.²³ R. Hiyya taught: Stores of beer in Babylonia were made the same as stores of wine in Palestine, where one draws his supplies from them.²⁴

R. Hisda said: A fish pantry does not require searching. But it was taught [that] they require searching? — There is no difficulty: the one treats of large [fish]; the other of small.²⁵ Rabbah son of R. Huna said: Salt sheds and wax sheds²⁶ need searching.²⁷ R. Papa said: Storehouses for fuel²⁸ and storehouses for dates need searching. A Tanna taught: We do not oblige him to insert his hand into holes and chinks and search [there], on account of the danger. Which danger? Shall we say. the danger of a snake, — then when he used it, how could he use it? — This arises only where it [the wall] collapsed.²⁹ But if it collapsed, why do I need searching [at all]? Surely we learned: If ruins collapsed on leaven, it is regarded as removed? — There [the circumstances are] that a dog cannot search it out; here, that a dog can search it out. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm? — Said R. Ashi: He may have lost a needle and come to look for it.³⁰ But is it not [regarded as the fulfilment of] a religious duty in such a case? Surely it was taught: If one declares, ‘This sela’³¹ be for charity in order that my son may live,’ or, ‘that I may merit the future world,’³²

(1) And eat up all crumbs.

(2) **אנסדרה** is a pillared hall or a piazza, open on top, running in front of large houses.

(3) Hab. III, 4.

(4) Even as the light of a lamp pales before that of a torch, so does the light of the righteous before that of the Almighty. Thus a torch gives more light, and therefore it is even better than a lamp.

(5) V. Glos. A blessing is pronounced over fire for which a light must be kindled.

(6) A lamp.

(7) A torch.

(8) Therefore it is not suitable for searching.

(9) The great flame of a torch may set fire to the house; therefore his preoccupation with this fear will hinder a man from a proper search.

(10) A torch throws an unsteady, wavering light.

(11) I.e., those which are very high up or very low down in the wall, so that it is inconvenient to use them.

(12) A balcony with a sloping roof, which could not be used; other parts of the house had a flat roof.

(13) A kind of safe in which food and utensils were kept. The inside had to be searched but not the roof.

(14) No leaven is taken, into any of these.

(15) I.e., it stands in the centre, dividing the room into two parts used for separate purposes.

(16) There is a space between it and the floor, as it stands on legs.

(17) I.e., in a wall separating two rooms or houses tenanted by different people. the hole passing right through from one side of the wall to the other.

(18) E.g., when the wall is very thick.

(19) Between the bottom of the bed and the timber.

(20) V. p. 33. n. 7.

(21) If the bottom of the bed is well raised from the ground the space beneath it can be used quite easily. But if it is low down, even if a space is left it is not easy to use it, hence it need not be searched.

- (22) E.g., a private wine cellar. The servant may enter to take wine for the table while holding bread in his hand.
- (23) How much oil is to be consumed at a meal can be gauged beforehand, and further supplies will not be required. But one cannot determine beforehand how much wine will be drunk.
- (24) They must be searched.
- (25) If large fish are stored there it will be unnecessary to bring more to the table during the meal; but in the case of small fish this may be necessary, and so it must be searched.
- (26) I.e., the places where these are kept.
- (27) Salt and candles being sometimes unexpectedly required during the meal.
- (28) Wood-chips, twigs, etc.
- (29) Snakes are often found among debris, hence only the top of the ruins must be searched, but one need not investigate below the surface.
- (30) While searching for the leaven. He is, not being exclusively engaged on a religious task, exposed to danger.
- (31) A coin.
- (32) Lit., 'that I may be a son of the future world'. On the 'future world' v. Sanh., Sonc. ed. p. 601, n. 3.

Talmud - Mas. Pesachim 8b

he is completely righteous.¹ — Perhaps after he searched [for the leaven] he will come to look for it. R. Nahman b. Isaac said: [It means] on account of the danger of Gentiles, this agreeing with Pelimo. For it was taught: [In the case of] a hole between a Jew and a Syrian [i.e., a Gentile], he must search as far as his hand reaches, and the rest he annuls in his heart. Pelimo said: He does not search it at all, on account of the danger. [Now] what is the danger? Shall we say, the danger of witchcraft,² — then when he used it, how did he use it? — There when he used it it was day and there was light, therefore [the Gentile] would not suspect anything;³ but here it is night and a lamp [is used]; hence he will suspect. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm?⁴ — Where the injury is probable it is different, for it is said, And Samuel said, How can I go? if Saul hear it, he will kill me. And the Lord said, Take a heifer with thee, etc.⁵

Rab was asked: Scholars who reside out of town, can they come in the early morning or after nightfall to the academy?⁶ — He replied: Let them come, [the risk be] upon myself and my neck. What about returning?⁷ I do not know, he answered them. It was stated: R. Eleazar said: Those sent [to perform] a religious duty will not suffer hurt, neither in their going nor in their returning. With whom [does this agree]? — With this Tanna: for it was taught. Issi b. Judah said: Seeing that the Torah said, no man shall desire thy land [when thou goest up to appear before the Lord thy God . . .],⁸ it teaches that your cow will graze in the meadow and no [wild] beast will hurt it; your fowl will go scratching in the dungheap and no weasel will injure it. Now does this not furnish an argument a minori? If these, whose nature it is to be hurt, will not be hurt; then human beings, for whom it is not natural to be hurt, how much more so!⁹ I know it only in respect of going: how do I know it of returning? Because it is stated, and thou shalt turn in the morning, and go [back] unto thy tents:¹⁰ this teaches that you will go and find your tent in peace. But since [he is safe] even on [his] return, why [intimate it] in respect of going?¹¹ — [That is necessary] for R. Ammi's [teaching]. For R. Ammi said: Every man who owns land must make the Festival pilgrimage; but he who does not own land need not make the Festival pilgrimage.¹²

R. Abin son of R. Adda said in R. Isaac's name: Why are there no fruits of Gennesaret¹³ in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to eat the fruits of Gennesaret in Jerusalem it would have sufficed us,' with the result¹⁴ that the pilgrimage would not be for its own sake. Similarly R. Doseithai son of R. Jannai said: Why are the thermal springs of Tiberias not [found] in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to bathe in the thermal springs of Tiberias, it would have sufficed us,' with the result that the pilgrimage would not be for its own sake. THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [etc.]? Who has mentioned anything about a wine

cellar? — This is what he [the Tanna] says: EVERY PLACE WHEREIN NO LEAVEN IS TAKEN DOES NOT REQUIRE SEARCHING, and stores of wine and stores of oil do not require searching either. THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]? [CONCERNING] A PLACE WHEREIN LEAVEN MAY BE TAKEN, which is one whence [private] supplies are drawn.

BETH SHAMMAI MAINTAIN: TWO ROWS, etc. R. Judah said: The two rows which they [Beth Shammai] specified [mean] from the ground up to the very ceiling;¹⁵ but R. Johanan said: [It means] a single row in the shape of a right angle.¹⁶ It was taught in accordance with Rab Judah; [and] it was taught in accordance with R. Johanan. It was taught in accordance with Rab Judah: Beth Shammai maintain: Two rows over the front [surface] of the whole cellar, and the two rows which they specified [means] from the ground up to the very ceiling. It was taught in accordance with R. Johanan: Two rows over the face of the whole cellar, [i.e.] the outer one which looks upon the door, and the upper one which faces¹⁷ the ceiling; but that which is within this and below this does not require searching.

BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST. Rab said: [That means] the upper row and the one beneath it;¹⁸ while Samuel said: [That means] the upper row and the one on the inside of it. What is Rab's reason? — Because he emphasizes: OUTER. But it [also] teaches: UPPERMOST?— That is to exclude those beneath the lower one.¹⁹ While Samuel says: 'The upper row and the one on the inside of it.' What is the reason? Because he emphasizes: UPPERMOST. But it [also] states: OUTER? — That is to exclude the inside of the inner.²⁰ R. Hiyya taught in accordance with Rab, while all tannaim recited as Samuel. And the law is as Samuel.²¹

(1) In respect of his action, notwithstanding his selfish motives. Hence in the case under discussion the same holds good.

(2) Sc. the Gentile may suspect him of witchcraft when he sees him rummaging in the hole.

(3) Lit., 'bring it up on his mind'.

(4) To be the object of these suspicions is to suffer harm.

(5) 1 Sam. XVI, 2. Thus Samuel was afraid though engaged on a Divine mission, because it was naturally dangerous.

(6) Do they run a risk in going over the fields at such times?

(7) After nightfall.

(8) Ex. XXXIV, 24.

(9) They are certainly immune from danger when going to carry out a religious duty, to which the present verse refers.

(10) Deut. XVI, 7.

(11) Surely that follows a fortiori.

(12) This follows from the fact that the Almighty assures the pilgrim that his land will be safe in his absence, which proves that the command refers only to those who possess land.

(13) A lake so named from the fertile plain lying on its western side. In the O.T., it is called Yam Kinnereth or Kinneroth; Num. XXXIV, 11; Josh. XII, 3. On its western shore lay Tiberias. — Its fruit was particularly delicious.

(14) Lit., 'and it would be found'.

(15) I.e., the two outer rows of barrels from top to bottom, over their entire area.

(16) Gam, the shape of the Grk. Gamma **. I.e., the front row and the whole of the upper layer.

(17) Lit., 'sees'.

(18) In the outermost row facing the door.

(19) I.e., all rows from the third from the top and downwards.

(20) Those within the second row of the top layer.

(21) From the fact that all post-Talmudic authorities accept Rab's view, however, it would appear that this passage was absent from their texts; [v. Tosaf. Yom Tob on our Mishnah and MS.M. R. Hananel, however, has this passage and accepts Samuel's ruling.]

Talmud - Mas. Pesachim 9a

MISHNAH. WE HAVE NO FEAR THAT A WEASEL MAY HAVE DRAGGED [LEAVEN] FROM ONE ROOM TO ANOTHER OR FROM ONE SPOT TO ANOTHER.¹ FOR IF SO, [WE MUST ALSO FEAR] FROM COURT-YARD TO COURT-YARD AND FROM TOWN TO TOWN, [AND] THE MATTER IS ENDLESS.

GEMARA. The reason is that we did not see it take [leaven]; but if we saw it take [it] we do fear, and it requires a [re-]search. yet why so; let us assume that it ate it? Did we not learn: The dwellings of heathens are unclean,² and how long must he [the heathen] stay in a dwelling so that it should need searching?³ Forty days, even if he has no wife. But in every place where a weasel or a swine can enter no searching is required!⁴ — Said R. Zera, There is no difficulty: one treats of flesh, the other of bread: in the case of flesh it [the weasel] leaves nothing, [whereas in the case of bread it does leave [something] — Raba said: How compare! As for there, it is well: it is [a case of mere] 'say': say that there was [a burial there], say that there was not.⁵ And if you assume that there was, say that it [e.g., a weasel] ate it. But here that we see for certain that it has taken [leaven], who is to say that it ate it? Surely it is a doubt [on the one hand] and a certainty [on the other], and a doubt cannot negative a certainty. But cannot a doubt negative a certainty? Surely it was taught: If a haber⁶ dies and leaves a store-house full of produce [crops]. even if they are but one day old, they stand in the presumption of having been tithed.⁷ Now here these crops were certainly liable to tithe, and there is a doubt whether they have been tithed or not tithed, yet the doubt comes and negatives the certainty?—There it is one certainty against another certainty, as [we presume that] they have certainly been tithed, in accordance with R. Hanina of Hozae.⁸ For R. Hanina of Hozae said: There is a presumption concerning a haber that he does not let anything untithed⁹ pass out from under his hand. Alternatively: it is a doubt [on the one hand] and a doubt [on the other]; perhaps from the very beginning say that it was not liable to tithe, in accordance with R. Oshaia. For R. Oshaia said: one may practise an artifice with his produce and take it in its husks, so that his cattle may eat thereof and it be exempt from tithes.¹⁰

But cannot a doubt negative a certainty? Surely it was taught, R. Judah said: It once happened that the bondmaid of a certain oppressor¹¹ in Rimon¹² threw her premature-born child into a pit,

(1) I.e., after a room has been searched and cleared of leaven a weasel may have brought leaven into it from elsewhere.

(2) Because they used to bury their premature births in their houses.

(3) For a buried body, before a Jew may live there.

(4) If a baby were thrown there these would eat it, Oh. XVIII, 7. — Thus the same should apply to leaven.

(5) I.e., the presence there of a dead child is merely conjectured as a possibility.

(6) V. Glos.

(7) V. Supra 4b.

(8) A province of S. W. Persia, now known as Khuzestan; Obermeyer. pp. 204ff.

(9) Lit., 'unprepared'.

(10) Produce is not liable to tithes unless it is taken into the house through the front door when its work is completed, not through the roof or the backyard. If grain is brought in in its husks its work is not complete, as this is still to be separated, and it is not liable to tithe, and need not be tithed by Scriptural law; a human being may then make a light meal of it, while cattle may eat their fill. Thus there it may never have become liable to tithe at all. Though a human being may not make a meal of it, that is only a Rabbinical law and is certainly nullified here by the presumption that the haber had tithed it. But in its essence we see that it is doubt against doubt; the doubt whether it was liable to tithe at all offset by the doubt that it may have been tithed.

(11) A powerful Jew (Rashi) who wielded his power oppressively.

(12) A town originally belonging to the tribe of Zebulun, on the north-east frontier (Josh. XIX, 13). It may correspond to the present Al-Rummanah, on the southern edge of the plain of Al-Battof, about ten kilometres north of Nazareth.

Talmud - Mas. Pesachim 9b

Talmud - Mas. Pesachim 9b

and a priest came and looked down it to see whether it was a male or a female;¹ and when the matter came before the Sages they declared him² clean, because weasels and martens³ were to be found there.⁴ Now here, she had certainly thrown it in, while it is doubtful whether they had dragged it away or not by that time, yet the doubt comes and negatives the certainty? — Do not say that she threw a premature child into a pit, but say, ‘she threw something like a premature child into a pit’, so that it is a doubt against a doubt.⁵ But it states: ‘In order to see whether it was a male or a female’?⁶ — This is what it says: To know whether she had aborted wind⁷ or a premature child; and should you say that it was a premature child, to see whether it was a male or a female. Alternatively. there it is a certainty against a certainty; since weasels and martens are to be found there they had certainly dragged it away by that time; [for] granted that they may have left over,⁸ yet they certainly had dragged it away by that time.

But do we say, we leave no fear that a weasel may have dragged [leaven], etc.? Surely the second clause states:⁹ What he leaves over¹⁰ he must put away in a hidden place, so that it should not require a search after it?¹¹ Said Abaye. There is no difficulty: the one [refers to a search] on the fourteenth; the other, on the thirteenth. [If one searches] on the thirteenth, when bread is [yet] to be found in all houses, it [a weasel] does not hide [leaven]; on the fourteenth, when bread is not to be found in all houses, it does hide [it]. Said Raba: Is then a weasel a prophet to know that it is the fourteenth now and people will not bake until the evening, so that it should leave [some] over and hide [it]? Rather said Raba: What one leaves over he must put away in a hidden place lest a weasel seize it in his presence and it require a search after it. It was taught in accordance with Raba: If one wishes to eat leaven after the search, what shall he do? Let him put it away in a hidden place, lest a weasel come and seize it in his presence and it require a search after it. R. Mari said: It is for fear that he may leave ten¹² and [only] ‘find nine.’¹³

If there are nine packages of mazzah and one of leaven, and a mouse comes and steals [a package], and we do not know whether it took mazzah or leaven,¹⁴ that is [similar to the case of] nine shops.¹⁵ If [one package] was separated¹⁶ and a mouse came and stole it, that is [similar to] the second clause. For it was taught: If there are nine shops all selling meat of [ritually] slaughtered [animals], and there is one shop selling meat of nebelah,¹⁷ and a man buys [meat] from one of them, but he does not know from which [shop] he bought the [meat in] doubt is prohibited; but in the case of [meat] found, we follow the majority.¹⁸

If there are two packages, one of mazzah and the other of leaven, and before them are two rooms, one searched and the other unsearched, and two mice came, one took mazzah and the other took leaven, and we do not know which [mouse] entered which [house], that is the case of two baskets. For we learned: If there are two baskets, one containing hullin¹⁹ and the other containing terumah,¹⁹ and in front of them are two se'ahs [of provisions], one of hullin and the other of terumah, and these fell into those, they [sc. the contents of the baskets] are permitted, for I assume: The hullin fell into hullin and the terumah fell into terumah.²⁰ Perhaps we say ‘I assume’

(1) To decide the period of the slave's uncleanness (v. Lev. XII, 4, 5). A heathen slave in a Jewish house was a semi-Jew, and bound to observe all the religious obligations of a Jewess.

(2) The priest.

(3) Heb. Bardelles.

(4) They may have dragged the body into one of their holes, leaving the pit itself empty. Had it been there the priest would have been defiled through stooping over it, even though he did not touch it.

(5) For the body may not have been formed yet, in which case it does not contaminate.

(6) Which implies that the body was fully formed and the mother was unclean, as after a proper birth, save that the sex had been overlooked.

(7) I.e., an unformed body.

- (8) I.e., not eaten it.
- (9) *Infra* 10b.
- (10) After the search, for the following morning's meal.
- (11) For otherwise a weasel may drag it away.
- (12) E.g., rolls.
- (13) For then it would be certain that one had been removed, and this would necessitate a further search.
- (14) V. p. 33. n. 3. If mazzah, no further search is required; if leaven, it is required.
- (15) Explained *infra*.
- (16) But we do not know whether this separated package was leaven or mazzah.
- (17) V. *Glos*.
- (18) And assume it to have come out of one of the nine. In the first instance the forbidden meat is in a fixed place; technically this is called *kabu'a* (fixed), and it is shown in *Sanh. 79b* that we must then regard the doubt as equally balanced, i.e., as though there were an equal quantity of both, and we are therefore stringent. But in the second case the forbidden meal has left its fixed place and is somewhere in the street; the ordinary rule is then followed that the majority decides.
- (19) V. *Glos*.
- (20) By a similar assumption the house already searched does not need to be searched anew.

Talmud - Mas. Pesachim 10a

in the case of *terumah* [only], which is merely Rabbinical;¹ but do we say thus in the case of leaven, which is Scriptural?² — Is then the searching for leaven Scriptural; surely it is [only] Rabbinical, for by Scriptural law mere annulment is sufficient.³

If there is one package of leaven, and in front of it are two houses which have been searched, and there came a mouse and seized it, and we do not know whether it entered this [house] or that, that is [similar to] the case of two paths. For we learned: If there are two paths, one clean and the other unclean,⁴ and a person went through one of them and then touched⁵ clean [food], and then his neighbour came and went through the other and he touched clean [food], — R. Judah said: If they each enquire separately, they are clean;⁶ if both together, they are unclean. R. Jose said: In both cases they are unclean. Raba — others say. R. Johanan — said: If they came together, all agree that they are unclean; if consecutively, all agree that they are clean. They differ only where one comes to enquire about himself and his neighbour: R. Jose compares it to [both coming] together.⁷ while R. Judah likens it to each coming separately.⁸

If it is doubtful whether it [the mouse] entered or not,⁹ that is [similar to] the case of a plain, and [there we are involved] in the controversy of R. Eleazar and the Rabbis.¹⁰ For we learned: If a man enters a plain¹¹ in winter,¹² and there is uncleanness¹³ in a particular field,¹⁴ and he states: I walked in that place, but do not know whether I entered that field or not, — R. Eleazar declares him clean, while the Sages declare him unclean. For R. Eleazar ruled: If there is a doubt about entering, he is clean: if there is a doubt of contact with uncleanness, he is unclean.¹⁵

If it [the mouse] entered [with the leaven], and he [the master] searched but did not find it, [in like case] there is a controversy of R. Meir and the Rabbis. For we learned: R. Meir used to say: Everything which is in the presumption of uncleanness always [remains] in its uncleanness until it is known to you whether its uncleanness is gone; while the Sages rule: one searches until he reaches a rock or virgin soil.¹⁶

If it [the mouse] entered [with leaven] and he searched and found [leaven].¹⁷ — [in like case] there is a controversy of Rabbi and R. Simeon b. Gamaliel. For it was taught: If a grave was lost in a field,¹⁸ he who enters therein is unclean. If a grave is [subsequently] found in it, he who enters therein is clean, for I assume: the grave which was lost is the same grave which was found: this is

Rabbi's view. R. Simeon b. Gamaliel said: The whole field must be examined.¹⁹ If a man left nine [pieces of leaven] and found ten, there is a controversy of Rabbi and the Rabbis. For it was taught: If he left a maneh²⁰ and found two-hundred [zuz],²¹ hullin and second tithe are intermingled,²² this is Rabbi's view. But the Sages maintain: It is all hullin.²³ If he left ten and found nine, that is [analogous to] the second clause. For it was taught: If he deposited two hundred and found one maneh, [he assumes], one maneh was left lying and one maneh was taken away:²⁴ this is Rabbi's view. But the Sages maintain: It is all hullin.

(1) Nowadays.

(2) When doubt arises in a Rabbinical law we are naturally lenient; but where the law is Scriptural we are strict.

(3) Supra 4b.

(4) E.g., there is a lost grave in one of them, but we do not know in which.

(5) Lit., 'made'.

(6) Each is given the benefit of the doubt; consequently the food remains clean.

(7) Since the question is asked on behalf of both.

(8) Since there is only one man asking. — It is a principle that if a doubt of uncleanness arises in public ground, it is clean; if in private ground, it is unclean. Here the paths are public ground; hence when they come separately each is declared clean. But we cannot rule thus when they come together, since one is certainly unclean. The same principles apply *mutatis mutandis* to the searched houses.

(9) A mouse was seen to take a package of leaven, but we do not know whether or not it entered a room already searched.

(10) [This clause is omitted in MS.M., cf. p 43. n. 2.]

(11) Many fields together constitute a plain.

(12) It is then private ground, because the seed has already started sprouting.

(13) I.e., a grave.

(14) The field is known.

(15) For in the first case there is really a double doubt: firstly, whether he entered the field at all, and secondly, even if he did enter, whether he passed over the grave. — In our problem, however, even the Rabbis agree that a re-search is not necessary; since the search is only Rabbinical, we make the more lenient assumption (Rashi). [Apparently Rashi did not read', 'and in the controversy. . . Rabbis', cf. p. 42, n. 10.]

(16) If a pile or heap contains a portion of a corpse, so that it is unclean, while there are two other clean piles, and we do not know now which is which; if one is examined and found to be clean, that is clean, while the others are treated as unclean; if two are found to be clean, they are clean and the third is unclean; but if the three are examined and found to be clean, they are all unclean in R. Meir's opinion, unless we know definitely whether the defilement has disappeared. But the Sages maintain that he examines the ground until he reaches a rock or virgin soil which has obviously never been touched, and if it is not found we assume that a bird has flown off with it. — But in the present problem even R. Meir agrees that we are lenient, since the search is only a Rabbinical requirement (Rashi). V. however Tosaf.

(17) But he does not know whether it is the same.

(18) We do not know where it is.

(19) It may not be the same grave. Here too, presumably, even R. Simeon b. Gamaliel is lenient; cf. n. 3.

(20) Of second tithe.

(21) I.e., two manehs.

(22) We assume that the original match was left and an unknown person added another. It will therefore be necessary to redeem one maneh by exchanging it for another.

(23) For the original manehs may have been taken away. The Rabbis will make a similar assumption here and therefore the house must be searched for the nine pieces.

(24) Hence the present maneh is treated as second tithe.

Talmud - Mas. Pesachim 10b

If a man left [leaven] in this corner and finds [leaven] in another corner, there is a controversy of R. Simeon b. Gamaliel and the Rabbis. For it was taught: If an axe is lost in a house, the house is

unclean, for I assume: An unclean person entered there and removed it. R. Simeon b. Gamaliel said: The house is clean, for I assume, He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot. Who mentioned anything about a corner?¹ The text is defective, and is thus taught: If an axe is lost in a house, the house is unclean, for I say: An unclean person entered there and took it. Or if he leaves it in one corner and finds it in another corner the house is unclean, for I assume, An unclean person entered there and took it from one corner and placed it in another corner. R. Simeon b. Gamaliel said: The house is clean, for I say. He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot.²

Raba said: If a mouse enters [a room] with a loaf in its mouth and he [the owner] enters after him and finds crumbs, a [fresh] search is necessary,³ because it is not a mouse's nature to make crumbs.⁴ Raba also said: If a child enters [a room] with a loaf in his hand, and he [the owner] enters after him and finds crumbs, a [fresh] search is not necessary, because it is a child's nature to make crumbs.

Raba asked: What if a mouse enters with a loaf in its mouth, and a mouse goes out with a loaf in its mouth: do we say, the same which went in went out; or perhaps it is a different one? Should you answer, the same which went in went out, — what if a white mouse entered with a loaf in its mouth, and black mouse went out with a loaf in its mouth? now this is certainly a different one; or perhaps it did indeed seize⁵ it from the other? And should you say, mice do not seize from each other, — what if a mouse enters with a loaf in its mouth and a weasel goes out with a loaf in its mouth? now the weasel certainly does take from a mouse; or perhaps it is a different one, for had it snatched it from the mouse, the mouse would have [now] been found in its mouth? And should you say, had it snatched it from the mouse, the mouse would have been found in its mouth, what if a mouse enters with a loaf in its mouth, and then a weasel comes out with a loaf and a mouse in the weasel's mouth? Here it is certainly the same; or perhaps, if it were the same, the loaf should indeed have been found in the mouse's mouth; or perhaps it fell out [of the mouse's mouth] on account of [its] terror, and it [the weasel] took it? The question stands over.

Raba asked: If there is a loaf on the top rafters, need he [take] a ladder to fetch it down or not? Do we say, our Rabbis did not put him to all this trouble, [for] since it cannot descend of its own accord he will not come to eat it;⁶ or perhaps it may fall down and he will come to eat it? Now should you say, it may fall down and he will come to eat it, — if there is a loaf in a pit, does he need a ladder to fetch it up or not? Here it will certainly not happen that it will ascend of its own accord; or perhaps he may happen to go down to perform his requirements and come to eat it? Should you say that he may happen to go down for his purposes and come to eat it, — if a loaf is in a snake's mouth, does he need a snake-charmer to take it out or does he not need [one]? [Do we say,] our Rabbis put him to personal trouble, but they did not put him to trouble with his money; or perhaps there is no difference? The questions stand over.

MISHNAH. R. JUDAH SAID: WE SEARCH [FOR LEAVEN] ON THE EVENING OF THE FOURTEENTH, AND⁷ IN THE MORNING OF THE FOURTEENTH, AND AT THE TIME OF REMOVAL. BUT THE SAGES MAINTAIN: IF HE DID NOT SEARCH IN THE EVENING OF THE FOURTEENTH, HE MUST SEARCH ON THE FOURTEENTH; IF HE DID NOT SEARCH IN [THE MORNING OF] THE FOURTEENTH, HE MUST SEARCH AT THE APPOINTED TIME;⁸ IF HE DID NOT SEARCH AT THE APPOINTED TIME, HE MUST SEARCH AFTER THE APPOINTED TIME.⁹ AND WHAT HE LEAVES OVER¹⁰ HE MUST PUT AWAY IN A HIDDEN PLACE, SO THAT HE SHOULD NOT NEED SEARCHING AFTER IT.

GEMARA. What is R. Judah's reason? — R. Hisda and Rabbah son of R. Huna both say, It [the threefold searching] corresponds to the three 'puttings away' mentioned in the Torah: and there shall no leavened bread be seen with thee, neither shall there be leaven seen with thee;¹¹ seven days shall there be no leaven found in your houses;¹² and even on the first day shall ye put away leaven out of

your house.¹³ R. Joseph objected: R. Judah said: He who has not searched at these three periods can no longer search, which proves that they differ only in respect of from now and henceforth!¹⁴ Mar Zutra recited it thus: R. Joseph objected: R. Judah said: He who has not searched at one of these three periods can no longer search, which proves that they differ in [whether] he can no longer search? — Rather R. Judah too means, where he has not searched,¹⁵ and here they differ in this: one Master¹⁶ holds, only before it is forbidden;¹⁷ but not after it is forbidden, as a preventive measure, lest he come to eat of it; while the Rabbis hold that we do not preventively forbid. But did R. Judah preventively forbid lest he come to eat thereof, — surely we learned: As soon as the ‘omer¹⁸ has been offered, they used to go out and find the markets of Jerusalem filled with flour and parched corn,¹⁹

(1) We are discussing the case where it is lost.

(2) Thus here too, according to the Rabbis we fear that mice have been about, and consequently we also fear that the leaven he now finds is not the same which he left, so that a re-search is required. But on R. Simeon b. Gamaliel's view we do not fear this.

(3) To find leaven with which the mouse was seen to enter.

(4) Therefore these are not merely the loaf crumbled up.

(5) Lit., ‘throw’.

(6) Therefore he may leave it there, and merely annul it.

(7) So presumably; v. Gemara.

(8) Sc. of removal, i.e., in the sixth hour (11 a.m. — noon).

(9) From noon until nightfall (Rashi). Tosaf. explains differently: ‘within the mo'ed’, from noon on the fourteenth until the end of Passover, translating mo'ed as festival, which meaning it generally bears; ‘after the mo'ed, after Passover, for leaven kept in the house during Passover is forbidden after Passover.

(10) ‘After the search in the evening, for the following morning's meal’ (R. Nissim).

(11) Ex. XIII, 7.

(12) Ibid. XII, 19.

(13) Ibid. 15. — ‘Seen’ ‘found’ and ‘put away’ all mean in practice that the leaven must be put away, and corresponding to each expression there must be a search.

(14) I.e., after the time of removal, R. Judah holding that there is no searching then, while the Sages maintain that there is. But before that all agree that only one search is necessary. R. Judah meaning either in the evening or in the morning etc., the waw (translated ‘AND’ in the Mishnah) being disjunctive, or.

(15) In the evening; then he must search in the morning.

(16) R. Judah.

(17) Must one search then.

(18) V. Glos.

(19) Of the new harvest; v. Lev. XXIII, 9-14. Of course, in order to have it ready for sale on the same day the vendors must have prepared it before, and thus they handled it while it was yet prohibited.

Talmud - Mas. Pesachim 11a

[but] not with the consent of the Sages:¹ this is R. Meir's opinion. R. Judah said: They acted with the consent of the Sages.² Thus R. Judah did not preventively forbid lest one come to eat thereof? — Said Raba:³ Hadash is different: since you permit it to him only by means of plucking,⁴ he remembers.⁵ Said Abaye to him: That is well at the time of plucking, [but] what can be said of the grinding and sifting?⁶ — That is no difficulty: grinding [is done] with a handmill; sifting [is done] on top of the sieve.⁷ But as to what we learned: ‘one may reap an artificially irrigated field and [the corn] in the valleys,⁸ but one may not stack [the corn]’,⁹ and we established this as [agreeing with] R. Judah, what can be said?¹⁰ — Rather, said Abaye: From hadash one holds aloof;¹¹ but one does not hold aloof from leaven.¹² Raba demurred: R. Judah is self-contradictory. while the Rabbis are not self-contradictory?¹³ — Rather, said Raba: R. Judah is not self-contradictory, as we have answered. The Rabbis too are not self-contradictory: he himself is seeking it in order to burn it, shall

he then eat thereof!¹⁴ R. Ashi said: R. Judah is not self-contradictory, [for] we learned,¹⁵ ‘flour and parched corn’,¹⁶ But this [answer] of R. Ashi is a fiction:¹⁷ this is well from [the time when it is] parched ears and onwards; ‘but from the beginning until it is parched corn, what can be said?’¹⁸ And should you answer, [It is gathered] by plucking,¹⁹ as Raba [answered], then what can be said of [what we learnt that] ‘one may reap an artificially irrigated field and [the corn in] the valleys’, which we established as [agreeing with] R. Judah?²⁰ Hence R. Ashi's [answer] is a fiction.

But, wherever one does not [normally] hold aloof, did R. Judah preventively forbid? Surely we learned: A man may not pierce an eggshell, fill it with oil, and place it over the mouth of a [burning] lamp in order that it should drip,²¹ and even if it is of earthenware; but R. Judah permits it!²² — There, on account of the strictness of the Sabbath he will indeed keep aloof. Then [one ruling] of the Sabbath can be opposed to [another ruling] of the Sabbath. For it was taught: If the cord of a bucket is broken, one must not tie²³ it [together] but merely make a loop [slip-knot]; whereas R. Judah maintains: He may wind a hollow belt or a fascia²⁴ around it, providing that he does not tie it with a slip-knot.²⁵ [Thus] R. Judah's [views] are self-contradictory. and similarly the Rabbis'? — The Rabbis' [views] are not self-contradictory: oil [from one source] can be interchanged with oil [from another];²⁶ whereas looping cannot be mistaken for²⁷ knotting. R. Judah's [views] are not self-contradictory; R. Judah's reason is not that he forbids looping on account of knotting, but because looping itself is [a form of] knotting. Now, the Rabbis may be opposed to the Rabbis. For we learned: A bucket [over a well] may be tied with a fascia but not with a cord;²⁸ but R. Judah permits it.²⁹ Now what cord is meant: Shall we say an ordinary [bucket] cord: [how does it state] ‘R. Judah permits it’, — surely it is a permanent knot, for he will certainly come to abandon it?³⁰ Hence it is obvious that a weaver's [rope³¹ is meant]. and [yet] the Rabbis preventively forbid a weaver's cord on account of an ordinary cord? — Even so: one rope may be mistaken for another, [whereas] looping cannot be mistaken for knotting.

But, wherever one [normally] holds aloof from it, does not R. Judah preventively forbid? Surely we learned: If a firstling is attacked with congestion, even if it should die [otherwise]. we must not bleed it: this is R. Judah's view;³² but the Sages rule: He may bleed [it], providing that he does not inflict a [permanent] blemish upon it? — There, because one is excited

(1) Lest they eat of it while preparing it.

(2) V. Men. 67b.

(3) Bah emends to Rabbah, which is the reading in Men. 67b.

(4) The new corn may not be reaped at all before the bringing of the ‘omer’, but must be plucked by hand.

(5) That it may not be eaten.

(6) There is nothing to remind him then of the interdict.

(7) The sieve is reversed. The unusual ways in which these are done serve as reminders.

(8) In the usual way, before the ‘omer’.

(9) V. Men. 71a.

(10) There is nothing there to remind one of the prohibition.

(11) As it is forbidden at all times until the ‘omer, when it ceases to be hadash. Thus he is accustomed to abstain from it and is not likely to forget himself.

(12) During the year, and thus may possibly eat of it when the prohibition is already in force.

(13) That you seek to reconcile R. Judah's views only. Yet surely the Rabbis too need harmonizing, for whereas the Rabbis do not preventively forbid in the case of leaven, they do so here, as R. Meir states, ‘They did not act with the consent of the Sages’.

(14) Surely we need not entertain that fear.

(15) In the above cited Mishnah.

(16) Which are not fit for eating.

(17) **בדוּתָא**, V. B.M., Sonc. ed. p 47. n. 1.

(18) In the intermediate stages it is fit for eating! How could it then be handled.

- (19) Which serves as a reminder.
- (20) Though there is nothing there to serve as a reminder, v. infra.
- (21) And replenish the contents of the lamp during Sabbath.
- (22) The reason of the Rabbis is lest he take the oil for eating, which, constitutes extinguishing. R. Judah permits it, though one does not normally abstain from oil, v. Shab. 29a.
- (23) The tying of a permanent knot constitutes one of the thirty-nine principal classes of forbidden work on Sabbath.
- (24) A band or fillet.
- (25) V. Shab. 113a.
- (26) Just as he consumes oil from elsewhere, so may he come to draw supplies from this eggshell, seeing no difference.
- (27) Lit., 'interchanged with'.
- (28) On the Sabbath. The first is certainly only temporary, but the second may be left there, and thus a permanent knot will have been tied on the Sabbath.
- (29) V. Shab. 113b.
- (30) I.e., leave it there as a thing having no other purpose than this.
- (31) Which is not usually used for drawing water, and will not consequently be left there.
- (32) One must not inflict a permanent blemish on a firstling. R. Judah rules that the animal must not be bled even without inflicting a permanent blemish upon it, lest one come to do so even by making a permanent blemish. Thus R. Judah forbids preventively, though people do hold aloof from sacred animals, to which category a firstling belongs.

Talmud - Mas. Pesachim 11b

about his property, if you permit him [to bleed it] in a place where a blemish is not inflicted, he will come to do it in a place where a blemish is inflicted. But the Rabbis [argue]: if you do not permit him at all, he is all the more likely to come to act [thus].

Yet do we say according to R. Judah. A man is excited over his property? Surely we learned: An animal may not be curried on Festivals, because it makes a bruise [wound], but you may scrape it; but the Sages maintain: It may neither be curried nor scraped. Now it was taught: What is currying and what is scraping? Currying is with a small-toothed strigil. and it makes a wound; scraping is with a large-toothed strigil and does not make a wound?¹ — There, since it will die if left alone, we say. a man is excited about his property; here, if he leaves it there is merely discomfort, we do not say, a man is excited about his money. Now as to R. Judah; wherein is the difference that he preventively prohibits in the case of leaven but does not preventively forbid in the case of scraping? — One bread can be mistaken for another bread, [but] currying cannot be mistaken for scraping.

MISHNAH. R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP IT IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN IT AT THE BEGINNING OF THE SIXTH.² R. JUDAH SAID FURTHER: TWO UNFIT LOAVES OF THE THANKSOFFERING USED TO LIE ON THE ROOF³ OF THE [TEMPLE] IZTABA:⁴ AS LONG AS THEY LAY [THERE] ALL THE PEOPLE WOULD EAT [LEAVEN]; WHEN ONE WAS REMOVED, THEY WOULD KEEP IT IN SUSPENSE, NEITHER EATING NOR BURNING [IT]; WHEN BOTH WERE REMOVED, ALL THE PEOPLE COMMENCED BURNING[THEIR LEAVEN].⁵ R. GAMALIEL SAID: HULLIN MAY BE EATEN THE WHOLE OF THE FOUR [HOURS] AND TERUMAH THE WHOLE OF THE FIVE [HOURS]. AND WE BURN [THEM] AT THE BEGINNING OF THE SIXTH [HOUR].⁶

GEMARA. We learned elsewhere: If one [witness] deposes [that it took place] on the second day of the month,⁷ and another deposes, on the third of the month, their testimony is valid, because one knows of the intercalation of the [preceding] month⁸ while the other does not know of the intercalation of the month.⁹ If one deposed, on the third, while the other deposed, on the fifth, their

testimony is null. If one said: During the second hour, and the other said: During the third hour, their testimony is valid.¹⁰ If one said, during the third hour, and the other said, during the fifth, their testimony is null: this is R. Meir's view. R. Judah maintained: Their testimony stands. If one deposed, during the fifth [hour], while the other deposed, during the seventh, their testimony is null, because during the fifth [hour] the sun is in the east, whereas in the seventh it is in the west. Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man does not err [in the time] at all, [while] on R. Judah's ruling a man may err in half an hour. [Thus:] on R. Meir's ruling a man does not err at all: the event [to which they testify] happened at the end of the second and the beginning of the third [hour], and when one says, during the second, [he means] at the end of the second [hour], and when the other says, during the third hour, [he means] at the beginning of the third hour.¹¹ On R. Judah's ruling a man may err in half an hour: the event happened in the middle of the fourth hour, and he who says in the third hour[meant] at the end of the third hour, and he errs in [being] half an hour before; while he who testified, in the fifth hour, [meant] at the beginning of the fifth hour, and he errs in half an hour behind.

Others say, Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man may err in [just] a little, while on R. Judah's ruling a man may err in slightly more than an hour.¹² On R. Meir's ruling a man may err in [just] a little: the event occurred either at the end of the second or at the beginning of the third [hour], and one of them erred a little. On R. Judah's ruling a man may err in slightly more than an hour: the event happened either at the end of the third or at the beginning of the fifth,

(1) The animal is scraped to free it of mud, mire, etc. Thus R. Judah does not argue that if you permit one the other will be used, because a man is anxious to keep his property in good condition.

(2) V. supra 4b for notes.

(3) This is the reading of MS.M. and in the printed ed. of the Mishnah.

(4) V. Gemara.

(5) Forty loaves were brought with a thanks-offering, ten of which were leaven; two leaven loaves which had become unfit (the Gemara discusses how) were publicly exposed on the portico and served as a signal.

(6) By Biblical law leaven is permitted until midday. But people often erred in the matter of time (there were, of course, no clocks or watches in those days), and the controversy here is in respect of the extent of possible or likely errors.

(7) E.g., a murder.

(8) I.e., that it consisted of thirty days. The thirtieth day is said to be intercalated.

(9) Thinking that it consisted of twenty-nine days. This holds good only when they agree on other matters, including what day of the week it was.

(10) Because one can err in an hour.

(11) Thus there is no contradiction at all. But if it is shown that there is a contradiction, even in half an hour, one is assumed to be false and their evidence is null.

(12) Lit., 'an hour and a little'.

Talmud - Mas. Pesachim 12a

and one of them erred in just over an hour.

R. Huna the son of R. Judah went and reported this discussion before Raba. Said he: now what if we carefully examined these witnesses [and found] that the one who testified [that it took place] in the third [hour] meant at the beginning of the third hour, while he who testified [that it took place] in the fifth [meant] at the end of the fifth, so that it would be a confuted testimony and we would not execute [the accused]; shall we then arise and execute him through a doubt,¹ whereas the Merciful One has ordered, then the congregation shall judge . . . and the congregation shall deliver?² Rather said Raba: on R. Meir's ruling a man may err in two hours less a trifle, while on R. Judah's ruling a man may err in three hours less a trifle. On R. Meir's ruling a man may err in two hours less a trifle:

the incident happened either at the beginning of the second or at the end of the third [hour], and one of them erred in two hours less a trifle. On R. Judah's ruling a man may err in three hours less a trifle: the incident occurred either at the beginning of the third or at the end of the fifth [hour], and one of them erred in three hours less a trifle.

We learned: They³ were examined with seven hakiroth:⁴ In which septennate [was the crime committed], in which year, in which month, on what day of the month, on what day [of the week]. at which hour and in which place? And 'ye [further] learned: What is the difference between hakiroth and bedikoth?⁵ In hakiroth, if one of them [the witnesses] replied. 'I do not know', their testimony is null; in bedikoth, even if both declare, 'We do not know', their testimony is valid. Now we questioned this: Wherein this difference between hakiroth and bedikoth? And we answered: In hakiroth, if one declares, 'I do not know', their testimony is null, because it is a testimony which cannot be rebutted;⁶ whereas with respect to bedikoth it is [still] a testimony which can be rebutted.⁷ Now if you say that a man may err in so much, then the hakiroth of which hour also [leaves] testimony which cannot be rebutted, for they can assert, 'We did indeed err'? — We allow them [the benefit of] the whole of their [possible] error: according to R. Meir we allow them from the beginning of the first hour until the end of the fifth; and logically we should give them even more at the beginning, but that people do not err between day and night. While according to R. Judah we allow them from the beginning of the first hour until the end of the sixth; and logically we should give them more at the beginning,

(1) I.e., just because we do not examine the witnesses to find out exactly what they meant.

(2) Num. XXXV. 24, 25; i.e. , the accused must be given the benefit of doubt.

(3) The witnesses in a murder trial.

(4) Lit., 'searching questions'. Two types of questions were asked, called hakiroth and bedikoth (examinations); v. Sanh. 40a.

(5) As stated, hakiroth dealt with time and place; bedikoth dealt with accompanying circumstances of the crime, e.g., the weapon, the clothes worn, etc.

(6) The Hebr. word **הזמה** used always denotes rebutting by proving that the witnesses themselves were elsewhere at the time of the alleged crime, in which case the law of retaliation applies that the witnesses are subject to the punishment which they sought to fasten upon the accused; v. Deut. XIX, 18f. This is obviously impossible unless the witnesses state the exact time and place, whereas the possibility of rebuttal is essential for the validity of testimony.

(7) Even if the witnesses are not clear on the accompanying circumstances.

Talmud - Mas. Pesachim 12b

but that people do not err between day and night; and logically we should give them more at the end,¹ but that in the fifth hour the sun is in the east while in the seventh the sun is in the west.²

We learned: R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP [IT] IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. Now according to Abaye who maintains that on R. Meir's view a man does not err at all, let us eat [leaven] for the whole of the six [hours]?³ And even on the version which asserts [that] a man may err slightly, let us eat until the end of the sixth hour?⁴ And according to Abaye on R. Judah's view, who maintains [that] a man may err in half an hour, let us eat [leaven] until half of the sixth hour; and even on the version in which you say. A man may err in an hour and a trifle, let us eat until the end of the fifth hour? — Said Abaye: Testimony is committed to careful men,⁵ [whereas] leaven is committed to all.⁶ Now according to Raba who maintains [that] on R. Meir's view a man may err in two hours less a trifle, let us not eat [leaven] from the beginning of the fifth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh the sun is in the west.⁷ If so, let us eat during the

sixth [hour] too? — Said R. Adda b. Ahabah: In the sixth the sun stands in the meridian.⁸ And according to Raba who maintains on R. Judah's view [that] a man may err in three hours less a trifle, let us not eat from the beginning of the fourth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh it is in the west, and all the more so in the fourth. If so, let us also eat in the fifth [hour]? — Abaye answered this on Raba's view: Testimony is committed to men of care, [whereas] leaven is committed to all.⁹ But Raba said: Now this is R. Judah's reason, but R. Judah follows his opinion. for he maintains, There is no removal of leaven save by burning; the Rabbis therefore gave him one hour in which to collect fuel.¹⁰ Rabina raised an objection to Raba: R. Judah said: When is this?¹¹ before¹² the time of removal;¹³ but at the time of removal its 'putting away' is with anything.¹⁴ Rather said Raba: It is a preventive measure on account of a cloudy day.¹⁵ If so, let us not eat even during the four hours? — Said R. Papa: The fourth [hour] is the general mealtime.¹⁶ Our Rabbis taught: The first hour [of the day] is the mealtime for gladiators;¹⁷ the second is the mealtime for robbers;¹⁸ the third is the mealtime for heirs;¹⁹ the fourth is the mealtime for labourers;²⁰ the fifth is the mealtime for scholars; the sixth is the general mealtime.²¹ But R. Papa said: The fourth [hour] is the general mealtime? — Rather reverse it: The fourth is the general mealtime; the fifth is for labourers; and the sixth is for scholars. After that it is like throwing a stone into a barrel.²² Abaye said: That was said only if nothing at all is eaten in the morning; but if something was eaten in the morning. we have nought against it.

R. Ashi said: As there is a controversy in respect of testimony. so is there a controversy in respect of leaven.²³ But it is obvious? That is precisely what we have said!²⁴ This is what he informs us: the answers which we gave are [correct] answers, and you need not say that it is dependent on Tannaim.²⁵

R. Simi b. Ashi said: They learned this²⁶ only in respect of hours;²⁷ but if one testified [that the crime was committed] before sunrise and the others testified, after sunrise, their testimony is void. That is obvious? — Rather [say] if one testified [that it was] during sunrise, their testimony is void. That too is obvious? You might say, Both testified to the same thing, while he who said [that it was]

(1) Lit., 'forward'.

(2) According to R. Meir: if A testified that the crime was committed in the second hour, and B that it took place in the third, their testimony is valid (v. Supra 11b), unless they are rebutted over the whole period in which an error is possible. Thus A, if rebutted, can plead that he erred, and that the crime actually took place either in the first hour or in the third or fourth. He should also be able to plead that it took place within the hour before sunrise, since R. Meir allows for an error of nearly two hours, but that he would never mistake night for day. Similarly B, if rebutted, can plead that he erred, and that the crime took place at any time between the first and the fifth hour. Hence they are liable to be rebutted over the whole of this time; i.e., C and D testify that they were elsewhere from the first until the fifth hour, and such rebuttal is designated a rebuttal in respect of hours, and therefore the evidence, if unrefuted, is valid. By the same reasoning, according to R. Judah, who allows for a margin of nearly three hours' error, the period is from the first until the sixth hour, the seventh being disregarded, as explained in the Gemara. — This wide latitude is granted only in so far that the witnesses will not be subject to retaliation (v. p. 53, n. 4) otherwise, but the evidence none the less may be void. E.g., if it is necessary to assume that B erred in two hours and that he really meant the fifth hour, A's testimony cannot be reconciled with it on any reasoning, and as we are left with one witness only the accused cannot be condemned.

(3) I.e., right until midday, when it is forbidden by Scriptural law.

(4) I.e., until just before midday.

(5) A man does not come to testify without being very careful on the question of time, as he knows that he will be cross-examined.

(6) Every man uses his own judgment, and therefore a far wider margin of error is possible.

(7) And the interdict of leaven commences in the seventh only; hence there is no possibility of error.

(8) Lit., 'between the corners', — equidistant from the east and the west, and so an error is possible.

(9) Hence in the matter of leaven people may err between the fifth and the seventh hours, in spite of the difference in the sun's position. Nevertheless, they would not err from the fourth to the seventh.

- (10) Hence the fifth hour is kept in suspense, for if one were permitted to eat then he might forget about collecting fuel.
- (11) That burning is the only form of removal.
- (12) Lit., 'not at'.
- (13) I.e., during the sixth hour, before there is the Scriptural injunction to put away leaven.
- (14) It can be destroyed in any fashion. — Then why keep it in suspense? if he forgets to collect fuel he can destroy it in another way.
- (15) When the position of the sun cannot be clearly ascertained.
- (16) Hence everybody knows it.
- (17) Whose diet requires special attention (Jast.); or perhaps, circus attendants.
- (18) Rashi: Both are rapacious, hence they eat so early; but robbers, being awake all night, sleep during the first hour of the day.
- (19) Not having to earn their living, they have their main meal earlier than others.
- (20) In the field.
- (21) Lit., 'the mealtime of all (other) men'.
- (22) No benefit is derived.
- (23) Just as R. Meir and R. Judah differ in the possible errors of time in respect to evidence, so in respect of the prohibition of leaven.
- (24) The whole of our discussion assumes that the two subjects are completely analogous.
- (25) For though the views of R. Meir and R. Judah are apparently self-contradictory, they have been reconciled. R. Ashi informs us that it is unnecessary to assume that they actually represent irreconcilable opinions. there being a controversy of Tannaim as to the views of R. Meir and R. Judah.
- (26) That a margin of error, perhaps up to nearly three hours, is allowed in testimony.
- (27) I.e., when the witnesses state the hour of the day.

Talmud - Mas. Pesachim 13a

during sunrise was standing in the glow [before sunrise] and what he saw was merely the glare; hence he informs us [that it is not so]. R. Nahman said in Rab's name: The halachah is as R. Judah.¹ Said Raba to R. Nahman, Yet let the Master say [that] the halachah is as R. Meir, since a Tanna taught anonymously in agreement with him. For we learned: As long as it is permitted to eat [leaven] he may feed [animals with it]?² That is not anonymous. because there is the difficulty of 'it is permitted'.³ Then let the Master say [that] the halachah is as R. Gamaliel, since he makes a compromise?⁴ — R. Gamaliel does not make a compromise but states an independent view.⁵ Alternatively. Rab rules as this Tanna. For it was taught: If the fourteenth falls on the Sabbath, everything [sc. leaven] must be removed before the Sabbath, and terumoth,⁶ whether unclean, or in suspense.⁷ or clean, are burnt, and of the clean [terumah] food for two meals is left over, so as to eat until four hours:⁸ this is the ruling of R. Eleazar b. Judah of Bartotha⁹ which he stated in R. Joshua's name. Said they to him: Clean [terumoth] should not be burnt, in case eaters may be found for them?¹⁰ — He replied: They have already sought [eaters] but not found [them].¹¹ They may have spent the night without the [city] wall? said they to him¹² — Then on your reasoning, he retorted, even those in suspense should not be burnt, lest Elijah come and declare them clean?¹³ — Said they to him, it has long been assured to Israel that Elijah will come neither on the eve of the Sabbath nor on the eve of Festivals, on account of the trouble.¹⁴ It was said:¹⁵ They did not stir thence until they decided the halachah in accordance with R. Eleazar b. Judah of Bartotha which he stated in R. Joshua's name. Does that not mean even in respect of eating?¹⁶ Said R. Papa in Raba's name: No, [only] in respect of removing.¹⁷

Now Rabbi too holds this [view] of R. Nahman. For Rabin son of R. Adda related: It once happened that a certain man deposited a saddle-bag full of leaven with Johanan of Hukok,¹⁸ and mice made holes in it, and the leaven was bursting out. He then went before Rabbi.¹⁹ The first hour he said to him, 'Wait'; the second, he said to him, 'Wait'; the third he said to him, 'Wait';²⁰ the fourth he said to him, 'Wait'; at the fifth he said to him, 'Go out and sell it in the market'. — Does

that not mean to Gentiles, in accordance with R. Judah?²¹ — Said R. Joseph: No, to an Israelite, in accordance with R. Meir.²² Said Abaye to him: If to an Israelite, let him take it for himself? — [He could not do this] because of suspicion.²³ For it was taught: When the charity overseers have no poor to whom to distribute [their funds], they must change the copper coins with others, not themselves.²⁴ The overseers of the soup kitchen,²⁵ when they have no poor to whom to make a distribution, must sell to others, not to themselves, because it is said, and ye shall be guiltless towards the Lord, and towards Israel.²⁶ R. Adda b. Mattenah said to R. Joseph:²⁷ You explicitly told us [that he said]. 'Go out and sell it to Gentiles,' in accordance with R. Judah.

R. Joseph said: With whom does this ruling of Rabbi agree?²⁸ With R. Simeon b. Gamaliel. For we learned: If a man deposits produce with his neighbour. even if it is suffering loss,²⁹ he must not touch it. R. Simeon b. Gamaliel said: He must sell it by order of the court, on account of returning lost property.³⁰ Said Abaye to him, Yet was it not stated thereon, Rabbah b. Bar Hanah said in R. Johanan's name: They learned this only

(1) In our Mishnah.

(2) Conversely, when he may not eat leaven he may not feed his cattle with it. But in R. Judah's view he may not eat it during the fifth hour, and yet he may give it to his cattle. Hence this must agree with R. Meir. It is a general principle that an anonymous Mishnah states the halachah.

(3) V. infra 21a. In order to answer that difficulty the Mishnah is explained as being R. Gamaliel's view.

(4) V. Mishnah on 11b. It is a general rule that the view representing a compromise is the halachah.

(5) Lit., 'a reason of his own'. R. Gamaliel's view would be a compromise if R. Meir and R. Judah mentioned terumoth and hullin, R. Meir explicitly stating that even hullin may be eaten the whole of the five hours, and R. Judah stating that even terumah may only be eaten up to four hours. This would show that they recognize that in logic a distinction might be drawn between hullin and terumah. R. Gamaliel, in thus making the distinction, would be effecting a compromise. But they do not rule thus: hence his distinction is an entirely independent one.

(6) Plur. of terumah.

(7) I.e., when it is in doubt whether they are clean or unclean.

(8) I.e., one meal Friday evening and one Saturday morning.

(9) In Upper Galilee.

(10) E.g., guests who are priests may arrive.

(11) I.e., it is impossible to have unexpected guests, for these cannot arrive from without the town on the Sabbath, while one knows who is in town.

(12) And thus arrive unexpectedly.

(13) One of the functions ascribed to Elijah was the clearing up of all doubts.

(14) His coming then would be inopportune.

(15) Lit. — 'they said'.

(16) And he states that leaven may be eaten until four hours, even if it is terumah. This is the basis of Rab's ruling, the question being a rhetorical one.

(17) Viz., that even the clean terumoth must not be kept for Sabbath morning but must be burnt before the Sabbath. But it is possible that terumah may be eaten until the fifth hour.

(18) In Northern Palestine.

(19) It was Passover eve.

(20) The owner may come.

(21) Who holds that it is forbidden to Jews then.

(22) Who holds that a Jew may eat it during the fifth hour.

(23) E.g., that he had undervalued it.

(24) Copper coins were unsuitable for keeping a long time, being liable to tarnish and mould. Therefore they would be exchanged for silver ones.

(25) תמאוי; actual food was collected for this purpose, not money, and it was distributed to those in immediate need of a meal. V. B.B. 8b.

(26) Num. XXXII, 22. I.e., one must avoid even the appearance of suspicion.

(27) R. Joseph had forgotten his learning owing to an illness, and his disciples would often have to remind him of his teachings. v. Ned. 41a.

(28) Lit., 'as whom does it go'?

(29) Through mildew or mice.

(30) I.e., it is like returning lost property to its owner.

Talmud - Mas. Pesachim 13b

when there is the normal rate of decrease; but when [the loss] exceeds the normal rate of decrease, [all agree that] he must sell it by a court order. How much more so here that it is entirely lost.¹

R. JUDAH SAID FURTHER: TWO [UNFIT] LOAVES, etc. A Tanna recited before Rab Judah: on the top [gab] of the [Temple] iztaba.² Said he to him: Does he then need to hide them?³ Learn: on the roof of the [temple] iztaba [portico]. Rehaba said in R. Judah's name:⁴ The Temple Mount consisted of a double colonnade.⁵ It was taught likewise: The Temple Mount consisted of a double colonnade. R. Judah said: It was called istewawnith,⁶ [being] a colonnade within a colonnade.

UNFIT etc., why UNFIT? — Said R. Hanin: Since they were many they became unfit through being kept overnight. For it was taught: A thankoffering may not be brought during the Feast of Unleavened Bread on account of the leaven therein.⁷ But that is obvious? — Said R. Adda b. Ahabah: We treat here of the fourteenth. and he [the Tanna] holds: Sacred food may not be brought to unfitness.⁸ Hence everybody brought it on the thirteenth, and since they were numerous they became unfit through being kept overnight. In R. Jannai's name it was said: They were fit, yet why are they called unfit? Because the sacrifice had not been slaughtered for them.⁹ Then let us slaughter [it]? — The sacrifice was lost. Then let us bring another sacrifice and slaughter [it]? — It is a case where he [the owner] had declared: 'This [animal] is a thankoffering and these are its loaves,' this being in accordance with Rabbah. For Rabbah said: If the loaves are lost, other loaves may be brought. If the thankoffering is lost, another thankoffering may not be brought — What is the reason? The loaves are subsidiary¹⁰ to the thankoffering, but the thankoffering is not subsidiary to the loaves. Then let us redeem and free them as hullin?¹¹ — But in truth it is a case where the sacrifice was slaughtered for them, but the blood was poured out.¹² And with whom [does this agree]? With Rabbi, who said: The two things which permit, promote [to sanctity] without each other.¹³ For it was taught: The lambs of Pentecost¹⁴ sanctify the loaves only by shechitah.¹⁵ How so? If he kills them for their own purpose¹⁶ and sprinkles their blood for their own purpose, he [thereby] sanctifies the loaves. If he kills them for a purpose that is not theirs and sprinkles their blood for a purpose that is not theirs, he does not sanctify [thereby] the loaves — If he kills them for their own purpose but sprinkles their blood for a purpose that is not theirs, the bread is sanctified and not sanctified;¹⁷ this is Rabbi's ruling. R. Eleazar b. R. Simeon said: The bread always remains unsanctified until he kills [the lambs] for their own purpose and sprinkles their blood for their own purpose.¹⁸ — [No,] you may even say [that it agrees with] R. Eleazar son of R. Simeon; but the case we discuss here is where the blood was caught in a goblet and then spilled, while R. Eleazar son of R. Simeon holds as his father, who maintained: That which stands to be sprinkled is as though it were sprinkled.¹⁹ A Tanna taught: In R. Eleazar's name it was said: They [the loaves] were fit. As long as they [both] lay [there], all the people ate [leaven]; when one was removed, they kept [the leaven] in suspense, neither eating nor burning [it]; when both were removed, all commenced burning [their leaven].

It was taught, Abba Saul said:

(1) If unsold before it becomes interdicted.

(2) The word may denote a bench or a portico. The reading 'on the top' (gab) implies the former rendering. Hence the question that follows, v. Rashi.

- (3) Surely they are intended to be exposed for public gaze.
- (4) V. Bez., Sonc. ed. p. 54, n. 9.
- (5) [GR. **. For a description of the Temple porticoes v. Josephus, Wars v, 5.3 v. also Derenborg, Essai p. 51.
- (6) Lit., 'a double colonnade'. [מטיו כפול == GR. ** of Josephus, Wars V. 5.2. v. Hollis, F. J. Herod's Temple p. 15.]
- (7) Forty loaves accompanied the offering, ten of which were leaven.
- (8) A thankoffering may be eaten on the day that it is brought and the following night. But if it is brought on the fourteenth of Nisan the loaves of leaven may be eaten only until noon, and this Tanna holds that a sacrifice may not be brought at a time when the normal period for its consumption is lessened, so that it is likely to become unfit.
- (9) I.e., we need not assume that the reference is to loaves which were in fact unfit through having been kept overnight, but even if the sacrifice had not been slaughtered they are also so designated, because the loaves may not be eaten until the thankoffering is killed on their behalf.
- (10) Lit. , 'on account of'.
- (11) For the loaves in that case can be redeemed.
- (12) The loaves cannot be redeemed then.
- (13) The slaughtering and the sprinkling of the blood are both required before the loaves may be eaten; on the other hand, one alone suffices to promote them to that degree of sanctity ('intrinsic sanctity, as opposed to 'monetary' sanctity); from which they cannot be redeemed.
- (14) Lit., 'the solemn assembly' — the term without further qualification always refers to Pentecost.
- (15) V. Glos. It is stated in Lev. XXIII, 19f: And ye shall offer . . . two he-lambs . . . and the priest shall wave them with the bread of the first fruits (i.e., the 'two wave loaves' mentioned in v. 17, q.v.) for a wave offering before the Lord, with the two lambs: they shall be holy to the Lord for the priest. In Men. 46a it is shown that these loaves are sanctified only by the ritual slaughter of the sacrifice.
- (16) Lit., 'for their name — I.e., as the Pentecost sacrifices.
- (17) The loaves are sanctified in that they become unfit if taken without the sacred precincts and that they cannot be redeemed, for they are now intrinsically holy. Yet they are unsanctified in the sense that they may not be eaten.
- (18) Thus the statement that our Mishnah refers to a case where the offering had been slaughtered but its blood was not sprinkled and thereby the loaves were sanctified, would appear to agree with Rabbi only.
- (19) In the sense that the animal is unfit as a sacred offering which has become unfit. Yet it may not be eaten unless the blood is sprinkled.

Talmud - Mas. Pesachim 14a

Two cows used to plough on the Mount of Anointing:¹ as long as both were ploughing. all the people ate; when one was removed, they kept [the leaven] in suspense, neither eating nor burning [it]; when both were removed, all the people began burning [their leaven]. MISHNAH. R. HANINA. THE SEGAN² OF THE PRIESTS, SAID: DURING THE DAYS OF THE PRIESTS THEY NEVER REFRAINED FROM BURNING [SACRIFICIAL] FLESH WHICH HAD BEEN DEFILED BY A DERIVATIVE UNCLEANNESS WITH FLESH WHICH HAD BEEN DEFILED BY A PRINCIPAL UNCLEANNESS, THOUGH UNCLEANNESS IS ADDED TO ITS UNCLEANNESS.³ R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING OIL⁴ WHICH HAD BEEN RENDERED UNFIT⁵ BY A TEBUL YOM⁶ IN A LAMP WHICH HAD BEEN MADE UNCLEAN BY THAT WHICH [OR, ONE WHO] IS UNCLEAN THROUGH A CORPSE, THOUGH UNCLEANNESS IS ADDED TO THEIR UNCLEANNESS.⁷ SAID R. MEIR: FROM THEIR WORDS WE LEARN THAT WE MAY BURN CLEAN TERUMAH TOGETHER WITH UNCLEAN TERUMAH ON PASSOVER.⁸ R. JOSE SAID: THAT IS NOT AN ANALOGY.⁹ AND R. ELIEZER AND R. JOSHUA ADMIT THAT EACH IS BURNT SEPARATELY; WHERE DO THEY DIFFER? IN RESPECT OF DOUBTFUL [TERUMAH]¹⁰ AND UNCLEAN [TERUMAH]. R. ELIEZER RULING, EACH MUST BE BURNT SEPARATELY, WHILE R. JOSHUA RULES, BOTH TOGETHER.

GEMARA. Consider: Flesh which was defiled by a derivative uncleanness, what is it? A second degree. When it is burnt together with flesh which was defiled by a principal defilement, what is it? A second degree:¹¹ [thus] it was a second degree [before] and [is] a second degree [now], then what adding of uncleanness to its uncleanness is there?—Said Rab Judah: We treat here of the derivative of a derivative, so that it¹² is a third degree, and he holds that a third may be raised to a second. But food cannot defile food, for it was taught: You might think that food should defile food, therefore it is stated, But if water be put upon the seed, and aught of their carcase fall thereon, it is unclean:¹³ it is unclean, but it does not render that which is similar thereto unclean?¹⁴ Now it is well according to Abaye who maintained: They learned this only of hullin, but in the case of terumah and sacred food they can render what is similar thereto [unclean]. And also according to R. Adda b. Ahabah in Raba's name, who maintained: They learned this only of hullin and terumah, but in the case of sacred food it does not render its like [unclean], it is correct. But according to Rabina in Raba's name, who said: The Writ states an unqualified law,¹⁵ there is no difference whether it is hullin, terumah, or sacred food, it cannot render its like [unclean], what is there to be said? — We treat here of a case where there is liquid together with the flesh, so that it is defiled on account of the liquid.¹⁶ If so, [instead of] this [phrase] 'TOGETHER WITH FLESH WHICH HAD BEEN DEFILED WITH A PRINCIPAL UNCLEANNESS, he should state, TOGETHER WITH FLESH and liquid' [etc.]? Rather, [reply] granted that food cannot defile food by Scriptural law, by Rabbinical law it can nevertheless defile [it].¹⁷

R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING, etc. Consider: When oil is rendered unfit through [contact with] a tebul yom, what is it? A third degree [of defilement]; and when it is lit in a lamp which was defiled by that which [or, one who] was defiled through a corpse, what does it become? A second degree.¹⁸ [Thus] what he does inform us is that a third degree may be raised to a second; then it is the identical [teaching]?¹⁹ Said Rab Judah: We treat here of a metal lamp, for the Divine Law said,

(1) I.e., the Mount of Olives.

(2) Chief of the priests and deputy High-Priest, v. Sanh., Sonc. ed. p. 97. n. 1.

(3) The following degrees of defilement are distinguished: (i) The super principal (lit. , 'father of fathers' of) defilement, which is that borne by a corpse; (ii) principal (lit. , 'the father of') defilement, which is that of a human being or a utensil 'defiled by a corpse; (iii) derivative (lit., 'offspring of') defilement, borne by a human being, utensil or food which is contaminated by a principal defilement — this is also known as the first degree or 'beginning' of defilement; (iv) the second degree of defilement, which is that of food contaminated by a principal defilement. In hullin there is nothing further, and if hullin comes into contact with something unclean in the second degree it remains clean. Terumah, however, is liable to (v) a third degree, but no further. Sacred food, i.e., the flesh of sacrifices, is liable to (vi) a fourth degree of defilement. Third degree terumah and fourth degree sacred flesh are called 'unfit' but not unclean, because they cannot communicate uncleanness to their own kind, i.e., to terumah and sacred flesh respectively.

(4) of terumah.

(5) V. n. 2.

(6) V. Glos.

(7) In all these cases something of a lower degree of uncleanness comes into contact with something else of a higher degree of uncleanness when they are burnt together, and their own uncleanness is increased, as explained in the Gemara.

(8) I.e., on the eve of Passover, when leaven must be burnt. R. Meir reasons that since a higher degree of uncleanness may be imposed upon terumah and sacred flesh when they must be burnt in any case, the same holds good for leaven, even if one is not unclean at all.

(9) You cannot deduce one from the other.

(10) Lit., 'in suspense'.

(11) For the latter is a first degree and its contact renders this flesh a second degree.

(12) The flesh which is defiled thereby.

(13) Lev. XI, 38.

(14) Then what increase of uncleanness can there be in the Mishnah?

(15) Lit., 'a full verse'.

(16) When the flesh was defiled there was water upon it, which is still there when it is burnt with the flesh defiled in a lower degree. The uncleanness of the latter is raised through contact with the water.

(17) Thus the Mishnah likewise treats of a Rabbinically enhanced defilement.

(18) The lamp being unclean in the first degree.

(19) of R. Hanina.

Talmud - Mas. Pesachim 14b

[And whosoever . . . toucheth] one that is slain by the sword,¹ [which intimates], the sword is as the slain;² hence it is a principal defilement, and he [R. Akiba] thus holds that a third may be raised to a first.³ Yet what compels Rab Judah to relate it to a metal lamp? Let him relate it to an earthen lamp, and [as to the question], what does he [R. Akiba] add? [We can reply]. For whereas there [in the first clause] it was unclean and is [now] unclean, here it was unfit and is [now] unclean?⁴ — Said Raba, Our Mishnah presents a difficulty to him: Why does it particularly state, A LAMP WHICH HAD BEEN MADE UNCLEAN BY THAT WHICH WAS UNCLEAN THROUGH A CORPSE? Let it state, which had been defiled by a sherez!⁵ Now what thing is there whose uncleanness is differentiated between the uncleanness of a corpse and [that of] a sherez? Say, that is metal.⁶

Raba said: This proves that R. Akiba holds, The uncleanness of liquids in respect of defiling others is Scriptural; for if you should think that it is Rabbinical [only], then consider: how does this lamp affect the oil? If by rendering that itself unfit, surely it is already unfit?⁷ Whence [does this follow]: perhaps [it affected it by enabling it] to defile others by Rabbinical law?⁸ — If by Rabbinical law [only], why particularly [state when it was defiled] by a principal uncleanness? Even if [it was defiled] by a first or second degree it is still a first.⁹ For we learned: Whatever renders terumah unfit defiles liquids, making them a first, except a tebul yom?¹⁰ Hence this must prove that it is Scriptural.

SAID R. MEIR: FROM THEIR WORDS WE LEARN etc. From whose words? Shall we say, from the words of R. Hanina, the Segan of the Priests, — are they alike? There it is unclean and unclean, whereas here it is clean and unclean. Again, if from the words of R. Akiba, — are they then alike? There it is unfit and unclean, whereas here it is clean and unclean? Must we [then] say¹¹ that R. Meir holds [that] our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law,¹² which by Scriptural law is completely clean;

(1) Num. XIX, 16.

(2) In its degree of defilement. For otherwise, why specify how the person was slain? This is then understood as a general law that any metal vessel or utensil which becomes defiled through a corpse, whether at first hand or not, bears the same degree of defilement as that which contaminates it.

(3) For the oil, by contact with the lamp, is raised from a third to a first.

(4) V. p. 62, n. 2. The flesh, even in a third degree, being sacred, was definitely unclean, since there can be a fourth degree. But the oil of terumah was only unfit, without power to contaminate, whereas now by being raised to a second degree it becomes unclean. Thus this statement goes beyond R. Hanina's. — The reference must be to oil of terumah. For though there was also sacred oil, viz. 'the oil used in meal-offerings, and there a third degree is unclean in that it defiles by contact, nevertheless when unclean it cannot be used for lighting but must be burnt, like all other sacrifices which had been, invalidated for any reason, so that by burning it together with the derivative of uncleanness and rendering it thereby second, he does not increase the power of defilement.

(5) Lit., 'a creeping thing'. This too is a principal defilement, just like a man defiled by a corpse. Rashi omits 'by a sherez', the question being, what need is there for the Mishnah to define at all the source of principal defilement from which the lamp became contaminated.

(6) The rule that a metal vessel bears the same degree of defilement as that which contaminated it applies only to corpse defilement.

(7) And what does it matter whether it is of the third degree or of the first? Hence we must assume that it can now contaminate even by Scriptural law, which it could not do before.

(8) Which power it previously lacked.

(9) Lit. 'beginning' — another designation for a first degree.

(10) 'What renders terumah unfit' is anything which is unclean in the second degree. By Rabbinical law this in turn defiles liquids and actually inflicts a higher degree of uncleanness than that borne by itself, rendering them unclean in the first degree. Thus if R. Akiba were treating of Rabbinically enhanced contamination, it would be unnecessary to speak of the lamp, which bears a principal degree of uncleanness, but of anything which bears even a second degree of uncleanness.

(11) Since R. Meir derives his law from the preceding statements.

(12) E.g. if a utensil was defiled by a liquid and in its turn defiled flesh. The second defilement is only Rabbinical, for by Scriptural law liquid cannot defile a utensil.

Talmud - Mas. Pesachim 15a

and what does FROM THEIR WORDS mean? From the words of R. Hanina, the Segan of the Priests?¹ — Said Resh Lakish in Bar Kappara's name: our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture;² and what does FROM THEIR WORDS mean? From the words of R. Eliezer and R. Joshua.³ Which [teaching of] R. Joshua? Shall we say, the following [teaching of] R. Joshua? For we learned: In the case of a cask of terumah wherein a doubt of uncleanness is born,⁴ — R. Eliezer said: If it is lying in an exposed place it must be laid in a hidden place, and if it was uncovered, it must be covered.⁵ R. Joshua said: If it is lying in a hidden place, one may lay it in an exposed place, and if it is covered it may be uncovered!⁶ How compare: there it is mere indirect action, whereas here it is [defiling] with [one's own] hands? — Rather it is this [ruling of] R. Joshua. For we learned: If a cask of [wine of clean] terumah in the upper part is broken,⁷ while [in] the lower part there is unclean hullin. R. Eliezer and R. Joshua agree that if a rebi'ith⁸ thereof can be saved in purity, one must save it. But if not, R. Eliezer ruled: Let it descend and be defiled, yet let him not defile it with [his own] hands: R. Joshua said: He may even defile it with his own hands.⁹ If so, [instead of] this [phrase] 'FROM THEIR WORDS, he should state, 'FROM his WORDS'? — This is what he means: From the controversy of R. Eliezer and R. Joshua we learn [etc.]' — This may be proved too,¹⁰ because he states [further]: R. ELIEZER AND R. JOSHUA AGREE [etc.].¹¹ This proves it. And thus said R. Nahman in Rabbah b. Abbuha's name [too]: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture, and what does FROM THEIR WORDS mean? From the words of R. Eliezer and R. Joshua.

Raba raised an objection to R. Nahman: R. Jose said [to R. Meir]: The conclusion¹² is not similar to the premise. For when our Masters testified, about what did they testify? If about flesh which was defiled through a derivative uncleanness, that we burn it together with flesh which was defiled through a principal uncleanness, [then] this is unclean and that is unclean!¹³ If about oil which was rendered unfit by a tebul yom,¹⁴ that it is lit in a lamp which was defiled by one unclean through the dead, one is unfit and the other is unclean. So we too admit in the case of terumah which was defiled through a derivative uncleanness, that we may burn it together with terumah which was defiled by a principal uncleanness. But how can we burn that which is in suspense together with that which is unclean? Perhaps Elijah will come and declare it [the former] clean!¹⁵

(1) And the analogy is thus: just as Rabbinically unclean flesh may be burnt together with Scripturally unclean flesh, though the former is Scripturally clean, so may clean terumah be burnt together with unclean terumah during the sixth hour, though the former is then only Rabbinically forbidden, since by Scriptural law the interdict of leaven does not commence until the seventh hour, while the latter is already Scripturally forbidden for use on account of its defilement.

(2) The other hypothesis being a forced one.

(3) Thus R. Meir does not refer to the Mishnah at all but to the rulings of some other Sages. Strictly speaking therefore

this Mishnah is irrelevant in its present position, but it is included because the subject of burning unclean together with clean is dealt with there.

(4) E.g., if there is a doubt whether an unclean person touched it.

(5) In spite of the doubt one must still protect it from certain defilement.

(6) I.e., since a doubt has arisen you are no longer bound to protect it and may even place it where the risk of contamination is greater than at present. Thus R. Joshua holds that since it is only fit for lighting one may cause it to become unclean, and this furnishes the basis for R. Meir's analogy.

(7) And the contents thereof are running down into the lower part of the vat.

(8) A quarter of a log.

(9) If the clean terumah runs into the hullin, it becomes unclean too, and then the mixture is forbidden to priest and lay Israelite alike, unless there is one hundred times as much hullin as terumah. In the present case only unclean vessels are ready to hand to catch the terumah, which would save the hullin below. Both agree that if there is time to go, procure clean vessels and save at least a rebi'ith of the terumah, this must be done, though in the meantime some terumah will descend and render all the hullin forbidden. But where there is no time to save even a rebi'ith, we have a controversy. R. Eliezer holds that even so it must be permitted to descend, though it will thereby be defiled in any case, rather than that we should deliberately defile it by catching it in unclean vessels. But R. Joshua maintains that since it will all be defiled in any case, we may defile it ourselves, in order to save the hullin below. R. Meir's ruling in the Mishnah is based on R. Joshua's.

(10) That R. Meir refers to R. Eliezer and R. Joshua.

(11) This would be irrelevant if he had not already referred to them.

(12) R. Meir's.

(13) Whereas R. Meir deals with unclean and clean.

(14) V. Glos.

(15) How then may we defile them with our hands by burning them together?

Talmud - Mas. Pesachim 15b

As to piggul,¹ nothar,² and unclean [sacrificial flesh]. — Beth Shammai maintain: They must not be burnt together;³ while Beth Hillel rule: They may be burnt together.⁴ Now if you think that R. Meir argues from the words of R. Joshua, why does R. Jose answer him from [the view] of R. Hanina, the Segan of the Priests? — Said R. Nahman to him: R. Jose did not comprehend his [R. Meir's] reasoning, for he thought [that] R. Meir was arguing from R. Hanina, the Segan of the Priests, thereupon he said to him, I state [this law by deduction] from R. Joshua — But he answered him, Even on R. Joshua's [view] this is no true analogy, for R. Eliezer and R. Joshua admit that one must burn this separately and that separately. Yet why is this not a [true] analogy. Surely it is a perfect analogy?⁵ — There it is different, because there is a loss of hullin.⁶ To this R. Jeremiah demurred: [Surely] in our Mishnah too there is the loss of wood?⁷ — Said a certain old man to him: They cared about a substantial loss, but they did not care about a slight loss.

R. Assi said in R. Johanan's name: The controversy is [only] in respect of the sixth [hour], but in the seventh all agree⁸ that we burn them [together].⁹ R. Zera said to R. Assi: Shall we [then] say that R. Johanan holds that our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and that what 'FROM THEIR WORDS' means is from the words of R. Hanina, the Segan of the Priests?¹⁰ — Yes, he replied. It was stated likewise: R. Johanan said: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and what does 'FROM THEIR WORDS' mean? From the words of R. Hanina, the Segan of the Priests; and the controversy is [only] in respect of the sixth [hour], but in the seventh all agree that we burn them together.

Shall we say that we can support him: As to piggul, nothar and unclean sacrificial [flesh] — Beth Shammai maintain: They must not be burnt together; while Beth Hillel rule: they may be burnt together?¹¹ — There it is different, because they possess uncleanness by Rabbinical law. For we

learned: Piggul and nothar defile the hands.¹² Shall we say that this supports him: If a loaf goes mouldy and is unfit for human consumption, yet a dog can eat it, it can be defiled with the uncleanness of eatables, if the size of an egg,¹³ and it may be burnt together with an unclean [loaf] on Passover?¹⁴ — [No]: there it is different because it is merely dust.¹⁵ If so,¹⁶ what does [THEY] ADMIT mean?¹⁷ — R. Jose says thus to R. Meir: Even according to R. Joshua, who is lenient, he is lenient only in connection with doubtful and unclean [terumah],¹⁸ but not in the case of clean and unclean.¹⁹ If so,²⁰ why is it not a true analogy? Surely it is a perfect analogy?²¹ — Said R. Jeremiah: Here²² we treat of flesh which was defiled by a liquid which was defiled through a creeping thing, and R. Meir is consistent with his view, while R. Jose is consistent with his view: R. Meir [is consistent] with his view, for he maintains, The uncleanness of liquids in respect of defiling others is [only] Rabbinical; while R. Jose [is consistent] with his view, for he maintains: The uncleanness of liquids in respect of defiling others is Scriptural.²³ For it was taught:

(1) Lit., 'abomination'. The flesh of a sacrifice which the priest offered with the express intention of consuming it after the permitted time.

(2) 'Left over', flesh not consumed within the permitted period.

(3) Because the first two, though forbidden, are not unclean Biblically, and when they are burnt together they become defiled.

(4) This last portion of the Baraitha dealing with piggul, etc., is irrelevant, and is quoted merely in order to complete the Baraitha.

(5) For the wine in the cask is quite clean, yet since it is fated to be lost we may deliberately defile it.

(6) If the terumah is not deliberately defiled and allowed to flow into the lower part of the vat, v. Supra p. 67. n. 2.

(7) For fuel, if two fires must be made instead of one.

(8) Even R. Jose.

(9) Since they are then Scripturally forbidden, even the clean terumah is certainly the same as unclean.

(10) Thus: just as that which is only Rabbinically unclean may be burnt together with what is Scripturally unclean, so in the sixth hour, the terumah of leaven is then only Rabbinically forbidden, and may be burnt with unclean terumah which is Scripturally forbidden. This seems to be R. Han's interpretation. Rashi and Tosaf. on the basis of another reading explain it rather differently.

(11) This teaching was cited by R. Jose in his argument with R. Meir, he apparently agreeing with the view of Beth Hillel (v. supra and notes). Thus since piggul and nothar are Scripturally forbidden, they may be burnt together with unclean flesh, though they are thereby contaminated; and the same applies to clean terumah of leaven in the seventh hour.

(12) I.e., Rabbinically. v. infra 120a.

(13) Since it was once fit for human food, it can be defiled as food unless it becomes unfit even for a dog.

(14) I.e., even if it is terumah. Now this must certainly be R. Jose's view, for R. Meir permits them to be burnt together even if the loaf is fresh. This proves that R. Jose agrees where it is quite unfit for human consumption, and the same applies to clean terumah of leaven in the seventh hour.

(15) When it is unfit because of its mouldiness, it is worse than unclean, having no intrinsic value whatsoever.

(16) That R. Meir learns from R. Hanina.

(17) Surely R. Jose's argument that R. Eliezer and R. Joshua admit etc., is irrelevant, seeing that R. Meir is not concerned with them at all?

(18) In the two cases cited supra 15a.

(19) With which R. Meir deals.

(20) Again, that R. Meir learns from R. Hanina.

(21) For in the sixth hour the leaven is Rabbinically forbidden, and on R. Johanan's view, there is no difference according to R. Jose between what is unclean and what is forbidden for any other reason (since he maintains that in the seventh hour R. Jose agrees that they may be burnt together because both are then Scripturally forbidden) and the same principle should apply equally to R. Meir.

(22) In our Mishnah.

(23) Hence according to R. Meir this flesh is clean by Scriptural law, yet it is burnt together with flesh Scripturally unclean, and by analogy the same applies to terumah. But in R. Jose's view this flesh too was of uncleanness, and

therefore it cannot be compared to terumah in the sixth hour, when it is only Rabbinically forbidden.

Talmud - Mas. Pesachim 16a

Doubtful [cases of uncleanness with] fluids,¹ in respect of becoming unclean themselves, are unclean; in respect of defiling others,² they are clean; this is R. Meir's view, and thus did R. Eleazar too rule as his words. R. Judah said: It is unclean in respect of everything. R. Jose and R. Simeon maintain: In respect of eatables, they are unclean; in respect of utensils they are clean.³ But does R. Eleazar hold that liquid is at all susceptible to uncleanness,⁴ surely it was taught: R. Eleazar said: Liquids have no uncleanness at all [by Scriptural law]; the proof is that Jose b. Jo'ezer of Zeredah⁵ testified⁶ that the stag-locust⁷ is clean [fit for food], and that the fluids⁸ in the [Temple] slaughter-house are clean.⁹ Now, there is no difficulty according to Samuel's interpretation that they are clean [only] in so far that they cannot defile other [objects], but that nevertheless they are unclean in themselves, then it is well; but according to Rab who maintained that they are literally clean,¹⁰ what can be said? — Said R. Nahman b. Isaac: [He refers] to one [ruling only].¹¹ But he states: as his words', implying that they are many; moreover, he teaches, 'and thus [etc.]'?¹² That is [indeed] a difficulty.

The [above] text [states]: 'Rab said, They are literally clean: while Samuel maintained, They are clean [only] insofar that they cannot defile other [objects], but nevertheless they are unclean in themselves'. 'Rab said: They are literally clean'. He holds that the uncleanness of liquids is Rabbinical, and when did the Rabbis decree thus? [only] in respect of liquids in general, but there was no decree in respect of the liquids of the slaughter-house.¹³ 'While Samuel maintained, They are clean [only] in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves'. He holds that the uncleanness of liquids themselves is Scriptural, [but] in respect of defiling others, Rabbinical; and when did the Rabbis decree? In respect of liquids in general, but in respect of the liquids of the slaughter-house there was no decree; again, when did the Rabbis refrain from decreeing [concerning the liquids of the slaughter-house]? In respect to the defiling of other [objects], but they possess uncleanness in themselves.¹⁴

R. Huna b. Hanina said to his son: When you come before R. Papa, point out a contradiction to him: Did then Samuel say, 'They are clean in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves', — read here, and the flesh that toucheth any unclean thing shall not be eaten?¹⁵ Said R. Shisha the son of R. Idi: Let it be compared to the fourth degree in the case of sacred [food].¹⁶ To this R. Ashi demurred: A fourth degree in the case of sacred [food] is not designated unclean, [whereas] this is designated unclean? — This is a difficulty. Come and hear: And all drink that may be drunk in any vessel shall be unclean?¹⁷ — What does 'it shall be unclean' mean? It makes [solid foodstuffs] fit [to become unclean].¹⁸ [You say]. 'It makes [solids] fit'; this you know from the beginning of the verse: All food which may be eaten [that on which water cometh, shall be unclean]? — one refers to detached [liquid], and the other to attached [liquid],¹⁹ and both are necessary: for if we were informed of detached, that is because he [the owner of the eatables] assigned importance to them;²⁰ but as for attached, I would say that it is not so. And if we were informed of attached, [that may be] because it [the liquid] stands in its place it has value; but as for detached, I would say that it is not so. Thus they are necessary.

Come and hear: Nevertheless a fountain or a pit wherein is a gathering of water shall be clean?²¹ — What does 'shall be clean' mean? From his [or, its] uncleanness.²²

But can detached [liquid]²³ make [eatables] fit [to become unclean]; surely R. Jose b. R. Hanina said: The liquids of the [Temple] slaughter-house, not enough that they are clean, but they cannot [even] make [eatables] fit [to become unclean]?²⁴ Interpret this as referring to the blood,²⁵ for R. Hiyya b. Abin said in R. Johanan's name: How do we know that the blood of sacrifices does not

make [anything] fit [to become defiled]? Because it is said, thou shalt pour it out [sc. the blood] upon the earth as water:²⁶ blood which is poured out as water²⁷ makes fit;

- (1) E.g. . if an unclean person, whose touch defiles liquids, puts his hand into a vessel, and it is not known whether he actually touched the liquid there or not.
- (2) E.g., if unclean liquid fell near food and it is unknown whether it actually touched it or not.
- (3) The general principle is this: when a doubt arises in a Scriptural law, we are stringent; in a Rabbinical law, we are lenient. Now liquid can become defiled by Scriptural law (Lev. XI, 34), hence in doubt it is unclean. But there is a controversy as to whether it can defile other objects by Scriptural law. R. Meir holds that it cannot defile either food or utensils; R. Judah that it defiles both; while R. Jose and R. Simeon hold that it defiles food but not utensils.
- (4) Even in respect of itself.
- (5) V. Cambridge Bible I Kings XI, 26.
- (6) On the historic occasion when as a result of a dispute between R. Gamaliel and R. Joshua the former was deposed from the Patriarchate and R. Eliezer b. 'Azariah appointed in his stead. An examination was then made of scholars' traditions, and they were declared valid or otherwise; v. 'Ed., Sonc. ed., Introduction, xi.
- (7) Heb. ayil, of doubtful meaning.
- (8) Sc. blood and water.
- (9) Even by Rabbinical law. This postulates that the general uncleanness of liquids is Rabbinical only, and it was therefore not imposed in the Temple, so as not to defile the flesh of sacrifices. — The language of this Mishnah is Aramaic whereas all other laws in the Mishnah are couched in Hebrew. Weiss, Dor, I, 105 sees in this a proof of its extreme antiquity.
- (10) Even in respect of themselves.
- (11) R. Eleazar agrees with R. Meir that it is clean in respect of other objects, but not that it is unclean in respect of itself.
- (12) Both imply that he fully agrees with R. Meir
- (13) V. n. 5.
- (14) I.e., the Rabbis could not free them from the uncleanness which they bear by Scriptural law.
- (15) Lev. VII, 19. Hence if the liquid is unclean, the sacrificial flesh which touches it may not be eaten.
- (16) I.e. , sacrifices. V. p. 62, n. 2. Thus there too it is unfit itself through defilement, yet cannot defile other flesh of sacrifices.
- (17) Lev., XI, 34. This shows that liquids contract defilement.
- (18) For solids cannot be defiled unless moisture has previously been upon them. The words, 'it shall be unclean' thus refer to 'of all the food etc. 'with which the verse begins.
- (19) If rain falls upon produce it renders it susceptible to defilement only if the owner of the produce desired it to fall upon something. E.g., if he put out a basin so that the rain should wash it, and subsequently produce fell into the water, it is henceforth susceptible. We are informed here that whether the water is detached from the soil, i.e., whether the rain falls into something detached from the soil, e.g., a bath (as denoted by the words 'in any vessel'), or into something attached, i.e., forming part of the soil, e.g., a pit, and then eatables receive moisture from that rain, they are now ready to be defiled. In the latter case the produce is rendered susceptible only if it comes into contact with the water with the owner's desire; in the former, even against the owner's desire. V. Hul. 16a and Rashi a.l. s.v. **לענין הכשר**.
- (20) By the mere fact that he desired that the water should fall there or by pouring it into the vessel.
- (21) Lev. XI, 36. This shows that only attached water is clean, but not detached.
- (22) The verse refers to one who is unclean, and states that if he takes a ritual bath (tebillah) in the water of a fountain or a pit he shall be clean, but not in the water of a bath (technically called 'drawn water'). But it does not refer to the cleanness of the water itself.
- (23) Rashi: this difficulty refers to water, which can be attached too. But all other liquids are essentially detached.
- (24) This proves that the power of detached liquids in this respect is only Rabbinical; for if it were Scriptural, the Rabbis have no power to make an exception in this case.
- (25) But not the water.
- (26) Deut. XII, 24.
- (27) I.e. , the blood of non-sacrifices

Talmud - Mas. Pesachim 16b

blood which is not poured out as water¹ does not make fit. To this R. Samuel b. Ammi demurred: Behold the last-drained blood,² which is poured out like water,³ yet it does not make fit? — Said R. Zera to him, Leave the last-drained blood alone, which does not make fit even in the case of hullin. R. Samuel b. Ammi received it [the reason] from him, because the Divine Law saith, Only be sure that thou eat not the blood; for the blood is the life:⁴ blood wherewith life goes out is called blood; blood with which life does not go out is not called blood.⁵

Come and hear: If blood became unclean and he [the priest] sprinkled it unwittingly, it [the sacrifice] is accepted; if deliberately, it is not accepted?⁶ — It was Rabbinically [unclean], this not being in accordance with R. Jose b. Jo'ezer of Zeredah.⁷

Come and hear: For what does the headplate propitiate?⁸ For the blood, flesh, and the fat which were defiled, whether in ignorance or deliberately, accidentally or intentionally,⁹ whether in the case of an individual or of the community.¹⁰ [It was defiled] by Rabbinical law [only], this not being in accordance with Jose b. Jo'ezer of Zeredah.¹¹

Come and hear: And Aaron shall bear the iniquity of the holy thing:¹² now what iniquity does he bear? If the iniquity of piggul,¹³ surely it is already said, it shall not be accepted?¹⁴ If the iniquity of nothar,

after the first violent rush, The life and vitality pass out with the first blood, not with the last. surely it is already said, neither shall it be imputed [unto him that offereth it]?¹⁵ Hence he bears nought but the iniquity of defilement, which is inoperative¹⁶ in opposition to its general rule, in the case of a community.¹⁷ Does that not mean the defilement of the blood? — Said R. Papa: No: the defilement of the handfuls.¹⁸

Come and hear: If one bear unclean [kodesh] flesh in the skirt of his garment, and with his skirt do touch bread, or pottage, or wine, or oil, or any meat, shall it be defiled? And the priests answered and said, No.¹⁹

(1) I.e., the blood of sacrifices, which is sprinkled on the altar.

(2) I.e., the blood which flows out slowly

(3) It is not fit for sprinkling.

(4) Deut. XII, 23.

(5) And consequently not in category of liquids (v. Rashi).

(6) Lit. 'make acceptable'. The language is the Biblical, cf. Lev. I, 4: and it shall be accepted for him to make atonement for him i.e., the sacrifice is efficacious for its purpose. Now by Biblical law it is accepted whether the sprinkling was done deliberately or in ignorance of its uncleanness, and the flesh may be eaten by the priests, but the Rabbis penalized the priests by not permitting the flesh to be eaten in the former case, though another sacrifice is not required (v. Git. 54a). Incidentally we see that blood can become unclean, and thus liquids in general, which contradicts Rab.

(7) Who testified that the Rabbinical decree of uncleanness was not applied to the liquids of the Temple slaughter-house. This Tanna obviously holds that it was.

(8) The reference is to Ex. XXVIII, 38, q.v. 'That they may be accepted before the Lord is understood to mean that the head plate makes sacrifices acceptable and procures atonement in spite of certain irregularities.

(9) This appears to contradict the preceding statement, but v. infra 80b on the discussion of this passage.

(10) Thus here too it is stated that the blood becomes defiled.

(11) V. n. 5.

(12) Ibid. 'Shall bear' means shall make atonement for.

(13) V. Glos.

(14) Lev. XIX, 7.

(15) Lev. VII, 13.

(16) Lit., 'permitted'.

(17) Public sacrifices, or private sacrifices which the entire community had to bring. e.g., the Passover, were permitted even in defilement. For notes v. Yoma, Sonc. ed. p. 27, notes.

(18) Of meal which were burnt on the altar, v. Lev. II. 2. This burning was the equivalent of the sprinkling of the blood in the case of an animal sacrifice, atonement being dependent thereon.

(19) Hag. II, 12.

Talmud - Mas. Pesachim 17a

Whereon Rab said: The priests erred?¹ — Is this view [propounded] against any but Rab? Rab learned, ‘the liquids of the slaughter-house’; but the liquids of the altar² can be defiled.³ [To turn to] the main text: ‘Rab said: The priests erred; but Samuel maintained, The priests did not err’. ‘Rab said, The priests erred’; he asked them about a fourth degree in respect of holy foodstuffs, and they answered him that it was clean. ‘But Samuel maintained, The priests did not err’; he asked them about a fifth degree in respect of holy foodstuffs, and they answered him, It is clean. As for Rab, it is well: hence four are written, ‘bread, pottage, wine, and oil’; but according to Samuel, whence does he know five? — Is it then written, ‘and his skirt⁴ touch [the bread]’? Surely it is written, and touch with [that] [by] his skirt,⁵ [meaning that it touched] that which was touched by his skirt.⁶

Come and hear: Then said Haggai, If one that is unclean by a dead body touch any of these, shall it be unclean? And the priests answered and said, It shall be unclean.⁷ As for Samuel, it is well: since they did not err here, they did not err there [either]; but according to Rab, why did they err here yet did not err there? — Said R. Nahman in Rabbah b. Abbuha's name: They were well-versed in the uncleanness of a corpse, but not well-versed in the uncleanness of a sherez.⁸ Rabina said: There it was a fourth degree; here it was a third.⁹

Come and hear: Then answered Haggai and said, So is this people, and so is this nation before me, saith the Lord: and so is every work of their hands: and that which they offer there is unclean.¹⁰ As for Rab, it is well: hence ‘unclean’ is written.¹¹ But according to Samuel, why was it unclean? — He indeed wondered.¹² But it is written, and so is every work of their hands?¹³ — Said Mar Zutra, others state, R. Ashi: Because they perverted their actions the Writ stigmatizes them as though they offered up [sacrifices] in uncleanness.

[To turn to] the main text: ‘Rab learned, The liquids of the slaughter-house;¹⁴ while Levi learned: The liquids of the altar’. Now according to Levi, it is well if he holds as Samuel, who said, They are clean [only] in so far that they cannot defile other [objects]. but nevertheless they are unclean in themselves: then it is possible where they all touched the first.¹⁵ But if he holds as Rab, who maintained [that] they are literally unclean, how is it conceivable?¹⁶ — You are compelled [to say that] he holds as Samuel. And according to Samuel, it is well if he holds as Rab who learned, ‘The liquids of the slaughter-house’, but the liquids of the altar can even defile others: [hence] it is only a fourth degree which cannot make a fifth, but a third can make a fourth.¹⁷ But if he holds as Levi who learned, ‘The liquids of the altar’, why particularly [ask about] a fourth, which cannot make a fifth; they cannot even make a second or a third?¹⁸ — You are compelled [to say that] he holds as Rab.

It was taught in accordance with Rab; it was taught in accordance with Levi. It was taught in accordance with Rab: Blood, wine, oil and water, the liquids of the altar, which were defiled within¹⁹ and carried without,²⁰ are clean.²¹ If they were defiled without²² and [then] brought within, they are unclean.²³ But that is not so? for R. Joshua b. Levi said: ‘They did not rule that the liquids of the altar are clean save in their place’: is that not to exclude [the case where] they were defiled within and carried without! — No: it is to exclude [where] they were defiled without and [then] taken within. But he states, ‘in their place’?²⁴ — This is what he states: They did not rule [that these liquids] are clean save when they were defiled in their place [sc. within].

It was taught as Rab: Blood and water, the liquids of the slaughter-house, which were defiled, whether in vessels or in the ground, are clean;

(1) Kodesh is here translated unclean, from its root idea of ‘separation’, ‘keeping at a distance from’, and Haggai was examining the priests in the knowledge of the laws of uncleanness. The exact point of his question is disputed infra, but according to Rab it was this: the unclean flesh was a sherez (‘creeping thing’), which bears a principal degree of

uncleanness; this sherez, (being held in the skirt of the garment is now designated by the term 'skirt', the mention of which would otherwise be pointless) touched the bread, the bread touched the pottage, the pottage touched the wine, and the wine touched the oil or any other foodstuff and the question was whether this last would be unclean, i.e. , whether there is a 'fourth' degree in the case of holy food, to which this refers. So Rashi. R. Tam: the sherez touched the skirt, which became a first, the skirt touched the bread or the pottage, which became a second, then one of these touched wine or oil, which became a third, and the wine or oil touched some other eatable. Actually there is a fourth degree and since the priests replied in the negative. they erred (v. p. 62, n. 2). Thus we see that wine and oil are unclean, though they are the liquids of the Temple, which contradicts Rab. Now, if the uncleanness of liquids is Rabbinical, it has been stated that the Rabbinical decree did not apply to the Temple. And even if Haggai was examining them on points of Rabbinical law, this still contradicts Rab, who states that they are literally clean. The previous answer that Rabbinical uncleanness only is discussed here, while this does not agree with R. Joseph b. Jo'ezer of Zeredah, is impossible in the present instance, for he obviously cannot disagree with Scripture.

(2) In the Aramaic, 'slaughter-house' and 'altar' differ in one letter only.

(3) Blood and water are the liquids of the slaughter-house, but wine and oil are liquids of the altar.

(4) I.e., the sherez which was in his skirt.

(5) So literally.

(6) I.e., the sherez in the skirt touched something which in turn touched the bread, which is therefore a second degree; hence the oil would be a fifth (v. Rashi).

(7) Hag. II, 13,

(8) Thinking that where the originating uncleanness is a sherez, it does not go beyond the third degree.

(9) They were quite unaware that there is a fourth degree, but his second question related to the third degree, Rabina translating thus: If the uncleanness of a dead body touch etc. Since a corpse is a super principal (father of fathers) of uncleanness, the oil would be a third, and of this they knew.

(10) Ibid. 14.

(11) In their ignorance their work would be as unclean.

(12) Seeing that they know the laws so well, can their work be unclean?

(13) This is a positive statement.

(14) In the testimony of R. Joseph b. Jo'ezer of Zeredah.

(15) Thus: in the first question Haggai asked about successive stages of defilement, and they answered that the oil is clean, since it touched the wine, which as a liquid of the altar can be defiled (i.e.. made unfit) but cannot contaminate. But in the second question each touched the first mentioned, viz., 'one that is unclean by a dead body', and they rightly answered that they are unclean.

(16) That the wine and the oil should be unclean. One cannot raise the objection against Rab himself, since he reads, the liquids of the slaughter-house, i.e., blood and water, but not wine and oil.

(17) And for that reason Haggai put his question as to whether the wine, a fourth, could render the oil unfit as a fifth degree of uncleanness, and they rightly gave a negative reply.

(18) Wine and oil, whatever their uncleanness, cannot defile others.

(19) The Temple Court.

(20) Through this act they are henceforth unfit for the altar.

(21) In that they cannot defile others, because when they became unclean in the first place they were true 'liquids of the altar', and as such could not contaminate others.

(22) Before they were ever taken within, so that they were not yet 'liquids of the altar', and they contracted a degree of defilement which contaminates others.

(23) I.e., they retain the power to contaminate. — Thus this Baraita speaks of liquids of the altar.

(24) Which is within.

Talmud - Mas. Pesachim 17b

R. Simeon said: In vessels, they are unclean; in the ground, they are clean.¹

R. Papa said: Even on the view that the uncleanness of liquids is Biblical, [the non-defilement of] the liquids of the slaughterhouse is a traditional law. Said R. Huna the son of R. Nathan to R. Papa:

Then when R. Eliezer said, 'Liquids have no uncleanness at all; the proof is that Jose b. Jo'ezer of Zeredah testified that the fluids in the [Temple] slaughter-house are clean,' — but if it is a traditional law, can we learn from this?²

Rabina said to R. Ashi: But surely R. Simeon maintained [that] the uncleanness of liquids is Biblical, for it was taught. R. Jose and R. Simeon maintain: In respect of utensils they are clean; in respect of eatables they are unclean;³ yet here R. Simeon rules: In vessels, they are unclean; in the ground, they are clean. But if it is a traditional law, what is the difference whether they are in vessels or in the ground?— This is a difficulty.

R. Papa said: As to what you say, 'In the ground, they are clean', this was taught only of water, but not of blood. And even of water too we said this only when there is a rebi'ith, so that needles and hooks can be bathed therein;⁴ but if less than a rebi'ith. it is unclean.⁵

The Master said: 'R. Judah said: It is unclean in respect of everything.' Shall we say [that] R. Judah holds [that] the uncleanness of liquids, in respect of defiling utensils, is Biblical?⁶ Surely we learned:⁷ In the case of all utensils which, have an outside⁸ and an inside, e.g., cushions, feather-beds, sacks and packing bags, if the inside is defiled, the outside is defiled [too]; if the outside is defiled, the inside is not defiled. R. Judah said: When is that said? Where they are defiled by a liquid; but if they are defiled by a sherez, if the inside is defiled the outside is defiled, [and] if the outside is defiled the inside is defiled.⁹ Now if you think that the uncleanness of liquids in respect of defiling utensils is Biblical, what is the difference whether it was defiled through liquids or through a sherez? — Said Rab Judah in Samuel's name: R. Judah retracted.¹⁰ Rabina said: In truth he did not retract: one refers to liquids which are unclean¹¹ through the hands,¹² the other to liquids which are unclean through a sherez. If so, instead of stating, 'When is that, when they are defiled by liquids.' let him draw a distinction in that itself: [thus:] when is it said? In the case of liquids unclean through the hands; but in the case of liquids defiled by a sherez, if the inside is defiled the outside is defiled, [and] if the outside is defiled the inside is defiled. Hence it is clear as we first answered: R. Judah retracted.

The scholars asked: Did he retract [only] from [his ruling on] utensils, but in [the matter of] eatables he holds as R. Jose and R. Simeon;¹³ or perhaps he completely retracted, in accordance with R. Meir['s views]?'¹⁴ — Said R. Nahman b. Isaac, Come and hear: If a cow¹⁵ drinks the water of lustration,¹⁶ its flesh is unclean.¹⁷ R. Judah said:

(1) V. infra.

(2) Surely this does not afford proof, if these liquids stand entirely in a separate category.

(3) V. supra 16a.

(4) If they are unclean, the rebi'ith of water in the ground serving as a ritual bath, as it can do by Biblical law, through the Rabbis enacted that forty se'ahs is the minimum capacity. Still, since by Biblical law it constitutes a mikweh itself, the water cannot be defiled. A rebi'ith is the minimum which may constitute a mikweh.

(5) Hence according to R. Simeon, R. Joseph b. Jo'ezer's testimony was only in respect of water, not blood.

(6) V. p. 70. n. 11.

(7) So cur. edd., the reference being to the Mishnah in Kel. XXV, I. But the reading there is different, and R. Samson of Sens quotes the present passage as a Baraita. R. Han. too introduces it by the phrase 'it was taught'.

(8) Lit., 'back'.

(9) 'Utensils which have a back (outside) and an inside' are those which can be used on both sides. A cushion, feather-bed, etc. had a definite side for use, nevertheless they could be turned inside out and used; similarly, sacks and packing bags could be turned inside out and used, and they are therefore treated like other vessels which require only rinsing in order to become clean (v. Hul. 25a) so that if the inner side is defiled the whole is unclean, but not the reverse. Thus the first Tanna. R. Judah, however, draws a distinction between liquids and a sherez as the contaminating object; in the first case this law holds good, because liquid defiles by Rabbinical law only, and therefore the extent of its

defilement was lessened, so that it might be known that it does not defile by Biblical law. Hence, if it touches terumah the terumah must not be burnt, as it would be if it were unclean by Scriptural law. But if a sherez, which defiles by Biblical law, contaminates them, they are altogether unclean, no matter where they are touched.

(10) From the view that it is unclean in respect of everything.

(11) Lit., 'which come'.

(12) By a Rabbinical enactment a person's hands are generally considered unclean in the second degree; further, they defile liquids and render them unclean in the first degree. It is between such liquids and a sherez that R. Judah draws a distinction.

(13) That liquids contaminate them, Biblically.

(14) That liquids do not contaminate them even Rabbinically.

(15) Whether sanctified or not.

(16) V. Num. XIX, 9 (it is there translated: water of separation).

(17) If it is slaughtered while the water is yet within it, for the water of purification defiles human beings and vessels, v. *ibid.* 21.

Talmud - Mas. Pesachim 18a

It [the water] is nullified in its bowels.¹ Now if you think that he retracted [only] from [his ruling on] utensils, yet in [respect to] eatables he holds as R. Jose and R. Simeon, why is it completely nullified in its bowels: granted that it cannot defile [with] the graver uncleanness,² yet it can at least defile [with] the lighter uncleanness?³ — What does, 'it is nullified in its bowels' mean? It is indeed nullified from [imposing] grave uncleanness, but it does defile [with] light uncleanness. Hence it follows that the first Tanna holds that it is unclean even with the graver uncleanness; but surely he states, 'Its flesh is unclean?'⁴ The whole is R. Judah. but the text is defective, and it was thus taught: If a cow drinks the water of lustration, its flesh is unclean. When is that said? In respect of light uncleanness, but not in respect of grave uncleanness, for R. Judah maintained: It is nullified in its bowels. R. Ashi said: In truth it is completely nullified in its bowels, because it is [now] noisome liquid.⁵

'R. Jose and R. Simeon maintained: In respect of eatables they are unclean; in respect of utensils they are clean.' Rabbah b. Bar Hanah said in Resh Lakish's name: R. Jose stated this in accordance with the opinion of R. Akiba his teacher,⁶ who interprets *yitma* [it shall be unclean] as *yetamme* [it shall defile] — For we learned: on that very day⁷ R. Akiba lectured: And every earthen vessel, wherein any of them [*sc.* creeping things] falleth, whatsoever is in it shall be unclean [*yitma*]:⁸ it does not state *tame* [unclean] but *yitma*. [intimating that] it defiles [*yetamme*] others, [thus] teaching that a loaf of the second degree produces a third in the case of *hullin*.⁹ And how does he interpret [it] here?¹⁰ — And all drink that may be drunk in every such vessel [*yitma*] shall be unclean:¹¹ it 'shall defile' [*yetamme*] in respect of defiling eatables —¹² You say. 'In respect of defiling eatables': yet perhaps it is not so, but rather in respect of defiling liquids? — You can answer, It was not thus. What does 'it was not thus' mean? — Said R. Papa: We do not find that uncleanness renders that which is similar to itself [unclean].¹³ Rabina said: From the verse itself too you cannot say 'it shall defile' is in respect of defiling liquids. For if you should think that 'it shall be unclean' of the second part [of the verse] is in respect of defiling liquids, [while] 'it shall be unclean' of the first part is also in respect of defiling liquids,¹⁴ then let it [the Torah] combine them and write them [together]. All food therein which may be eaten, that on which water cometh, and all drink that may be drunk in every such vessel shall be unclean: what is the purpose of 'shall be unclean' twice? Hence 'shall be unclean' of the first part is in respect of defiling liquids. [while] 'shall be unclean' of the second part is in respect of defiling eatables. Yet perhaps it is in respect of defiling vessels?¹⁵ — Does it [the reverse] not follow a *minori*: if a utensil, which defiles liquids, cannot defile [another] utensil,¹⁶ then how much the more should liquids which are unclean¹⁷ through a utensil not defile utensils! Yet perhaps, they do¹⁸ not defile [utensils] [when they are] liquids unclean through a utensil; but liquids which are unclean through a sherez, do indeed defile [utensils]? — Are then liquids which are

unclean through a sherez, written [in Scripture]?

- (1) Because it is no longer fit for its purpose, and ceases to be regarded as water of purification.
- (2) I.e., it cannot defile human beings and vessels.
- (3) I.e., foodstuffs, sc. this flesh. For the water is at least the same as any other liquid and is therefore unclean, for it is regarded as though it touched itself while it was yet the water of purification, and in turn it should defile the flesh.
- (4) But he does not maintain that the water defiles even human beings and vessels.
- (5) And undrinkable, whereas only drinkable water defiles.
- (6) But it is not his own view, v. Tosaf.supra 15b s.v. 'וּמִי' ר'.
- (7) V. p. 71. n. 3.
- (8) Lev. XI. 33.
- (9) For the sherez (creeping thing) is a 'father' of uncleanness; hence it renders the vessel a derivative or a 'first' degree, and that in turn makes the food in it a second, and since the verse teaches that it defiles others, without specifying *terumah*, it follows that this makes a third even in respect of *hullin*.
- (10) In respect of liquids.
- (11) Ibid. 34.
- (12) But not liquids. Consequently they only mention eatables in their ruling, but not liquids.
- (13) V. infra. Hence an unclean liquid can defile an eatable, but not another liquid.
- (14) V. infra 13b.
- (15) Sc. the second 'shall be unclean' — why then does R. Jose rule that it is clean in respect of vessels?
- (16) As shown infra.
- (17) Lit., 'come'.
- (18) Lit., 'when do they not.

Talmud - Mas. Pesachim 18b

Are they not [rather] inferred a *minori*: if liquids which are unclean through a utensil defile, how much the more liquids which are unclean through a sherez! [Then] it is sufficient that that which is deduced by [this] argument shall be as its premise.¹

How does he interpret 'shall be unclean' of the first part? — 'All food therein which may be eaten, that on which water cometh [yitma] shall be unclean': 'it shall defile [yetamme]' in respect of defiling liquids. You say, to defile liquids; yet perhaps it is not so, but rather to defile utensils? You can answer, it follows, a *minori*: if a liquid, which defiles an eatable, cannot defile a utensil; then an eatable, which cannot defile an eatable, surely cannot defile a utensil! Hence how do I interpret.² 'shall be unclean'? That it defiles liquids, which are ready to contract uncleanness. Why particularly apply it to liquids, because they are ready to contract uncleanness? Deduce it from the fact that there is nothing else [left]?³ — This is what he means: And should you argue, an eatable is more stringent [than liquid], since it defiles liquids.⁴ [and therefore] let it defile utensils [too]; [hence we are told that] that⁵ is a [greater] stringency of liquids, because liquids are ready to contract uncleanness. And what is their readiness? Because they contract uncleanness without being made fit.⁶

'[It] shall be unclean,' [teaching] that it cannot render something similar to itself [unclean]!⁷ — But is it deduced from here? Surely it is deduced from elsewhere, [viz.,] But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean unto you:⁸ it is unclean, but it cannot create a similar uncleanness?⁹ — One treats of liquids unclean¹⁰ through a sherez, and the other treats of liquids unclean through a utensil; and [both] are necessary. For if we were informed [this] of liquid which is unclean through a utensil, [I would say,] that is because it is not stringent; but in the case of liquid unclean through a sherez, which is stringent, I might argue that it creates uncleanness similar to its own. Then let us be told [this] about liquid defiled by a sherez, and how much the more liquid unclean through a utensil? — That which may be inferred a *minori*, Scripture takes the trouble of writing it [explicitly].

Rabina said to R. Ashi: But Raba said, R. Jose does not agree with R. Akiba, nor does R. Akiba agree with R. Jose?¹¹ — Said he to him: R. Jose stated it in accordance with the opinion of R. Akiba his teacher, but he himself does not hold thus.¹²

R. Ashi said to R. Kahana: As for R. Jose not agreeing with R. Akiba, that is well, for it was taught: R. Jose said: How do we know that a fourth degree in the case of sacred food is unfit? Now this follows a minori: if he who lacks atonement,¹³ though permitted to partake of terumah, is unfit in respect of sacred food, then¹⁴ a third, which is unfit in the case of terumah,¹⁵ is it not logical that it makes a fourth in sacred food! And we learn a third in the case of sacred food from Scripture, and a fourth a minori.¹⁶ ‘A third from Scripture’, for it is written, And the flesh that toucheth any unclean thing

(1) Not stricter. Scripture does not state that water defiled by a sherez, can contaminate something else, but it is merely deduced, as shown in the text.

(2) Lit., ‘fulfil’.

(3) Everything else having been excluded.

(4) Which a liquid cannot do.

(5) The exposition of the verse to the effect that eatables defile liquid.

(6) For uncleanness, in contrast to eatables, which may become unclean only after moisture has fallen upon them.

(7) As Rabina, deduces from the verse itself.

(8) Lev. XI. 38.

(9) I.e., it cannot make something like itself unclean, which is the actual reading supra 14a.

(10) Lit., ‘which come’.

(11) Infra. Thus R. Jose holds that liquid can defile other liquid, and he must interpret Lev. XI, 33 accordingly. Now the eatable or liquid is a second (v. p. 81, n. 5), and on this interpretation it makes a third: thus there is a ‘third’ in the case of hullin.

(12) Viz., the interpretation of yitma, ‘it shall be unclean,’ as yetamme, ‘it shall defile’. Since R. Jose himself rejects this exegesis, there is nothing to teach that a second renders a third in the case of hullin.

(13) I.e., one who after performing tebillah (q.v. Glos) must bring an offering before he may partake of the flesh of sacrifices; viz., a zab and a zabah (v. Glos.). a woman after confinement and a leper.

(14) These facts are learned in Yeb. 74b from Scripture.

(15) I.e., if something unclean in the second degree touches terumah it renders it unfit, the terumah now being called a third; v. Sot. 29a.

(16) This is added in order to answer the possible objection that what is deduced a minori cannot be more stringent than its premise, and since sacred food is thus deduced from terumah, it cannot go beyond a third, just as in the case of terumah. Hence it is pointed out that a third in the case of sacred food does not require an argument a minori, for that follows directly from Scripture; hence the deduction a minori must refer to a fourth, as otherwise it teaches nothing, and it is stated in B.K. 25a that in such a case we abandon the principle that what is deduced a minori does not go beyond its premise.

Talmud - Mas. Pesachim 19a

shall not be eaten:¹ do we not treat even [of a case] where it touched a second?² ‘While a fourth [is learned] ‘a minori, as we have stated. Now, if you should think that he holds as R. Akiba, let him also state a fourth in the case of terumah and a fifth in the case of sacred food.³ But how do we know that R. Akiba does not agree with R. Jose?⁴ — Said he to him, Because a Tanna could not completely refrain from teaching [that there is] a fourth in the case of terumah and a fifth in the case of sacred food, and we would say that it agrees with R. Akiba.⁵ And shall we arise and rely upon this?⁶ [Thereupon] R. Ashi — others say, R. Kahana — went out, searched, and found the following which we learned: A utensil unites its contents in the case of sacred food,⁷ but not in the case of terumah, and a fourth degree is unfit in the case of sacred food, but not in the case of terumah —

Whereon R. Hiyya b. Abba said in R. Johanan's name: This Mishnah was learned as a result of R. Akiba's testimony. For we learned, R. Akiba added⁸ the fine meal, incense, frankincense, and the burning coals, that if a tebul yom touches part thereof he renders all unfit.⁹ Thus there is a fourth [in sacred food], but not a fifth; a third [in the case of terumah]. but not a fourth.¹⁰

This proves that he holds that [the power of] uniting is Rabbinical.¹¹ Now he differs from R. Hanin who maintained: [The power of] uniting is Biblical, for it is said, one golden pan of ten shekels, full of incense:¹² the Writ rendered everything in the pan one.

We learned elsewhere: [He testified] concerning an [unclean] needle which is found in the flesh [of a sacrifice], that the knife¹³ and the hands¹⁴ are clean, while the flesh is unclean; if found in the excrements,¹⁵ it is all clean — R. Akiba said: We have been favoured in that there is no uncleanness of the hands in the Temple.¹⁶

(1) Lev. VII, 19.

(2) For a 'second' is called unclean; thus Scripture intimates that a second makes a third in sacred food.

(3) For if he holds that there is a third in the case of hullin, he can deduce these a minori. Thus: if a tebul yom (v. Glos.), though permitted to eat hullin, is unfit to eat terumah, then surely a third, which is unfit in the case of hullin, creates a fourth in the case of terumah. And we cannot defile this by the principle that it is sufficient for what is learned a minori to be like its premise, for in that case the deduction is superfluous, for a third in the case of terumah is learned direct from Scripture from the same source whence we learn a third in the case of hullin (v. supra 18a). Hence the deduction a minori must be in respect of a fourth, while a fifth would then follow on the same lines from one who lacks atonement.

(4) In the validity of this argument.

(5) For R. Akiba must hold thus if he

(6) This is merely a negative argument?

(7) If two pieces of sacred food are lying in a vessel, not touching each other, and an unclean object touches one piece, the other is defiled too, because the vessel makes them, both as one.

(8) In his testimony on 'that day', v. p. 71, n. 3.

(9) This must be because the vessel which contains them makes the various particles one, and not just because they touch each other, for in that case we would have to go in order to render all the particles unfit even beyond a fifth. V. 'Ed., Sonc. ed. p. 47 notes.

(10) Thus we have a positive proof that R. Akiba does not hold that there are a fourth and a fifth in the case of terumah and sacred food respectively.

(11) Since R. Johanan states that this Mishnah was taught as a result of R. Akiba's testimony, referring as it does to frankincense and live coals, is only Rabbinical, for they are subject to defilement only by Rabbinical, not by Scriptural law (Rashi). Tosaf. offers another explanation.

(12) Num. VII, 14.

(13) Wherewith the animal was slaughtered.

(14) Of the priest who touched the animal.

(15) Inside the animal.

(16) The uncleanness of the hands in general is only Rabbinical, and R. Akiba maintains that this enactment never applied to the

Talmud - Mas. Pesachim 19b

accepts R. Jose's argument. Surely then in the whole of the Talmud this view would have found expression somewhere! Then let him say, There is no uncleanness of the hands or of utensils in the Temple?¹ — Said Rab Judah in Rab's name, — others state, R. Jose son of R. Hanina: Hands were taught before the enactment concerning utensils.² Raba asked: Surely both were enacted on that self-same day, for we learned: [The following render terumah unfit . . .] a Book,³ the hands,⁴ a tebul yom, and eatables or utensils which were defiled by a liquid?⁵ No, said Raba: Leave the uncleanness of the knife, for even in the case of hullin it would not be unclean. [For] what did this knife touch

[that it should be unclean]: shall we say that it touched the flesh, — Surely food cannot defile utensils; and if it touched the needle, — surely one utensil cannot defile another utensil.⁶

What is the condition of this needle?⁷ Shall we say that it is a doubtful needle?⁸ Surely it was stated, R. Eleazar and R. Jose son of R. Hanina, — one said, They did not decree [uncleanness] for doubtful saliva in Jerusalem;⁹ while the other said: They did not decree [uncleanness] for doubtful utensils in Jerusalem?¹⁰ Said Rab Judah in Rab's name: E.g., if one lost a needle [unclean through] a person defiled by the dead,¹¹ and he recognized it in

Temple, and this is all to the good, as sacrifices are thereby saved from defilement. the flesh. R. Jose son of R. Abin said: E.g.. if the cow was muzzled and came from without Jerusalem.¹²

The [above] text [states]: 'R. Eleazar and R. Jose son of R. Hanina, — one said: They did not decree [uncleanness] for doubtful saliva in Jerusalem; while the other said: They did not decree [uncleanness] for doubtful utensils in Jerusalem.' [But] we have learned [about] saliva, [and] we have learned [about] utensils?¹³ We have learned [about] saliva, for we learned: All saliva found in Jerusalem is clean, save that of the upper market!¹⁴ — It is necessary only [to state] that [this is so] even though a zab was known [to have passed there].¹⁵ 'We have learned [about] utensils,' for we learned: 'All utensils which are found in Jerusalem on the way of the descent to the ritual bath-house are unclean',¹⁶ hence those [found] elsewhere are clean! — Then according to your reasoning, consider the second clause: — [those found] on the way of the ascent [from the bath] are clean', hence those [found] anywhere else are unclean?¹⁷ Rather, the first clause is exact, whereas the second is not exact,¹⁸ and it is to exclude the narrow paths.¹⁹ Now according to Rab who said, 'E.g..if one lost a needle [unclean through] a person defiled by the dead, and he recognized it in the flesh? — [But] surely since a Master said, The [verse] 'one slain by the sword' [teaches that] the sword is as the slain,²⁰ let it defile human beings and utensils too?²¹ — Said R. Ashi: This proves that the Temple Court ranks as public ground; so that it is a doubt of uncleanness²² in public ground, and every doubt of uncleanness in public ground, the doubt is clean. But in private ground,²³ its doubt is clean?²⁴ Consider: this needle is an object which has no understanding to be questioned, and everything which has no understanding to be questioned, both in public and in private ground, its doubt is clean?²⁵ — Because it is a doubt of uncleanness which arises through a person,²⁶ and R. Johanan said: A doubt of uncleanness which arises through a person,

(1) I.e., where the uncleanness is Rabbinical only. For we see that the knife too is clean, though if this happened without the Temple it would be unclean by Rabbinical enactment, v. infra.

(2) The enactment that hands are unclean preceded the other; and when this testimony was given, the latter was not yet in existence at all.

(3) Any of the Books of the Bible.

(4) Before washing.

(5) And all these were of the 'eighteen measures' enacted in the upper chambers of Hananiah b. Hezekiah of Garon, v. Shab. 13b.

(6) Unless the former is a 'father' of uncleanness (v. p. 62, n. 2). These hold good even by Rabbinical law, which enacted only that a liquid defiles utensils.

(7) That the flesh is unclean.

(8) I.e., we do not know whether it is clean or not.

(9) If saliva is found and we do not know whose it is, though it might be that of a zab or a zabah, which by Scriptural law is a 'father' of uncleanness and defiles human beings and utensils.

(10) Which includes a needle.

(11) I.e., the needle had been defiled by him. The person is a 'father' of uncleanness, and the needle is likewise, because metal in such a case has the same degree of uncleanness as that which defiles it; v. supra 14b top. V. however, infra.

(12) Hence it must have swallowed it outside, where a doubtfully unclean utensil is unclean, and it remains so even when it enters Jerusalem.

(13) What do they add?

(14) Which was specially frequented by the unclean, to avoid defiling others, v. Shek. VIII, 1.

(15) Where the saliva was found. Even then it is clean, and we would not have known this from the Mishnah.

(16) One went down by one road and left by another. Hence it is assumed that those found there were being taken for a ritual bath and dropped on the way. V. Shek. VIII, 2.

(17) Which is in contradiction to the inference from the first clause?

(18) I.e., not to be taken in the sense that only these are clean. And this fact follows from the statement of R. Eleazar or R. Jose b. R. Hanina, without which we might have assumed the reverse.

(19) In the vicinity of the two main roads. These were used indifferently for both descent and ascent, hence utensils found there were declared unclean, since they were certainly unclean in the first place, and our only doubt is whether they were lost on the way to the baths or on the way from the baths. But utensils found in the rest of Jerusalem, where it is not known whether they have been unclean at all, are clean.

(20) V. supra 14b top.

(21) Sc. the priest and the knife.

(22) It is doubtful whether the priest or knife have touched the needle.

(23) I.e., if the Temple Court ranked as private ground.

(24) And the priest and knife would be unclean.

(25) v. Sot. 28b.

(26) A man has been engaged about this animal, and if the knife had touched the needle it would have been through him.

Talmud - Mas. Pesachim 20a

we inquire about it,¹ even in the case of a utensil lying on the ground, just as though it were an object which has the understanding to be questioned.

‘While the flesh is unclean’ — By what was this flesh made fit?² Shall we say that it was made fit by the blood? — surely R. Hiyya b. Abba said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to be defiled]? Because it is said, thou shalt pour it out [sc. the blood] upon the earth as water:³ blood which is poured out as water renders fit; blood which is not poured out as water does not render fit.⁴ Again, if it was made fit by the liquids of the slaughter-house,⁵ — surely R. Jose b. R. Hanina said: The liquids of the [Temple] slaughterhouse, not enough that they are clean, but they cannot even make [eatables] fit? Again, if it was made fit through the prizing of sacred objects.⁶ — say that the prizing of sacred objects is efficacious in rendering that itself unfit, is it also [sufficient] that first and second degree should be counted therein?⁷ [In that case] you may solve what Resh Lakish asked: The dry portion of meal-offerings,⁸ do we count first and second degrees therein or not?⁹ — Said Rab Judah in Samuel's name: E.g..if it was an animal for a peace-offering and it was led through a river and then slaughtered, and the water is still dripping upon it.¹⁰

‘If found in the excrements, it is all clean.’ But let the excrements defile the flesh in their turn?¹¹ Said R. Adda b. Ahabah: It refers to thick [solid] excrements.¹² R. Ashi said: You may even say that it refers to loose [fluidlike] excrements, [its non-defilement being] because it is a noisome liquid.¹³

A tanna recited before R. Shesheth: A sherez defiles liquids, and the liquids defile a utensil, and the utensil defiles eatables, and the eatables defile liquids,¹⁴ and [thus] we learn three [stages of] uncleanness in the case of a sherez. But there are four? — Delete liquids in the first clause, on the contrary, delete liquids in the last clause? — We find no other Tanna who maintains [that] liquids defile utensils save R. Judah, and he retracted.¹⁵ And your sign [for remembering the order] is the brewing process.¹⁶

We learned elsewhere: If a creeping thing is found in an oven, the bread therein is a second, because the oven is a first.¹⁷ R. Adda b. Ahabah said to Raba: Let us regard this oven as though it

were fined with uncleanness,¹⁸ and let the bread be a first? — Said he to him, You cannot think so, for it was taught: You might think that all utensils become unclean through the air space of an [unclean] earthen vessel:

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- (1) Rashi: its owners must consult Rabbinic authority about it — I.e., It is not automatically clean.
- (2) To contract defilement. A foodstuff is subject to defilement only after moisture has fallen upon it.
- (3) Deut. XII, 24.
- (4) V. Supra 16a and b for notes.
- (5) E.g., the water with which it was washed down.
- (6) Sacred objects were prized so highly that they were fit to become unclean even without a liquid having been upon them.
- (7) For 'the flesh is unclean' implies that it can defile other flesh too (v. p. 62, n. 2).
- (8) That which has not been touched by oil.
- (9) But if the prizing of sacred objects is so efficacious, obviously we do.
- (10) That water makes it fit to contract uncleanness. — The animal was led through the water immediately prior to its slaughter in order to facilitate flaying, v. Bez. 40a.
- (11) Lit., 'go back'. It is assumed that the excrements rank as a fluid, since the animal was watered immediately before slaughter (v. Bez. 40a). The needle should therefore defile the excrements, and that in turn should defile the flesh.
- (12) This is not a liquid.
- (13) V. Supra 18a.
- (14) I.e., each in turn defiles the other.
- (15) Hence if we retain liquids in the first clause, there is no authority for the second clause, 'and liquids defile a utensil'. By deleting it, however, the reading becomes: a sherez, defiles utensils.
- (16) First there is the vessel; an eatable (sc. dates) is put therein, whence the liquid (sc. beer) is manufactured.
- (17) The sherez touches the oven, which in turn touches the bread, Kelim VIII, 5.
- (18) For immediately the sherez, enters the air space of the oven, even before it

Talmud - Mas. Pesachim 20b

therefore it is stated, whatsoever is it, it shall be unclean, and in proximity thereto, all food therein which 'may be eaten':¹ food becomes unclean through the air space of an [unclean] earthen vessel, but no utensils become unclean through the air space of an [unclean] earthen vessel.²

R. Hisda opposed two teachings of Passover, and reconciled [them]. Did R. Joshua say, Both of them [may be burnt] together?³ But the following contradicts it: R. Jose said [to R. Meir]: The conclusion is not similar to the premise. For when our Masters testified, concerning what did they testify? If concerning flesh which was defiled through a derivative uncleanness, that we burn it together with flesh which was defiled through a father of uncleanness, [then] this is unclean and that is unclean. If concerning oil which was rendered unfit by a tebul yom, that it is lit in a lamp which was defiled by one unclean through a corpse, — one is unfit and the other is unclean. So too do we admit in the case of terumah which was defiled through a derivative uncleanness, that we may burn it together with terumah which was defiled through a 'father' of uncleanness. But how can we burn even that which is doubtful together with that which is unclean: perhaps Elijah will come and declare it clean!⁴ And he answered: one⁵ agrees with R. Simeon, and in accordance with R. Joshua, while the other agrees with R. Jose, and in accordance with R. Joshua.⁶ For it was taught: If the fourteenth falls on the Sabbath, everything [sc. leaven] must be removed before the Sabbath, and terumoth, unclean, doubtful, and clean are burnt [together]: this is R. Meir's view. R. Jose said: The clean [terumah must be burnt] separately, the

actually touches it, it defiles; hence one should regard the sherez as though completely filling it. doubtful [terumah] separately, and the unclean separately. Said R. Simeon: R. Eliezer and R. Joshua did not differ concerning clean and unclean, that they must not be burnt [together], and concerning

doubtful [terumah] and clean [terumah] that they may be burnt [together]. Concerning what did they differ? Concerning doubtful [terumah] and unclean [terumah], R. Eliezer maintaining: This must be burnt separately, and this separately; while R. Joshua ruled: Both of them, [may be burnt] together. But our Mishnah is according to R. Jose?⁷ — R. Jose says thus to R. Meir: Even R. Simeon, who in stating R. Joshua's opinion is lenient, is lenient only in respect of doubtful [terumah] and unclean [terumah]. but not in the case of clean and unclean.

R. Jose son of R. Hanina opposed terumah to Passover, and reconciled them. Did then R. Joshua say. Both together: But the following contradicts it: A cask of terumah wherein a doubt of uncleanness is born, R. Eliezer said: If lying in an exposed place, it must be laid in a hidden place; and if it was uncovered, it must be covered. R. Joshua said: If it is lying in a hidden place, one may lay it in an exposed place, and if it is covered, it may be uncovered.⁸ Thus only an indirect action [is permitted], but not [defiling] with [one's own] hands?⁹ — And he answered: one agrees with R. Simeon and according to R. Joshua's view, while the other agrees with R. Jose and according to R. Joshua's view.¹⁰ R. Eleazar opposed two teachings of terumah and reconciled them. Did R. Joshua say, only an indirect action [is permitted], but not with [one's own] hands? But the following contradicts it: If a cask of [wine of clean] terumah is broken in the upper vat, while [in] the lower there is unclean hullin: R. Eliezer and R. Joshua agree that if a rebi'ith thereof can be saved in purity, one must save it. But if not, — R. Eliezer ruled: Let it descend and be defiled, yet let him not defile it with [his own] hands; R. Joshua said: He may even defile it with his own hands? — And he answered: There it is different, because there is the loss of hullin. To this Raba demurred: In our Mishnah too there is the loss of wood? — Said Abaye to him: They cared about a substantial loss, but not about a slight loss.¹¹ And whence do you know that they cared about a substantial loss but not about a slight one? Because it was taught: If a cask of oil of [clean] terumah was broken in the upper vat, while in the lower is unclean hullin: R. Eliezer concedes to R. Joshua that if a rebi'ith thereof can be saved in purity, one must save it. But if not, let it descend and be defiled, yet let him not defile it with [his own] hands.¹² Why is oil different: because it is fit for lighting? Then wine too is fit for sprinkling?¹³ And should you answer, sprinkling is of no account, — surely, Samuel said in R. Hiyya's name: You drink [wine] at a sela' per log, whereas you sprinkle [with wine] at two sela's per log?¹⁴ — It refers to new [wine].¹⁵ But it is fit for ageing? — one will come to a stumbling-block through it.¹⁶ Then oil too, one will come to a stumbling-block through it? — He pours it into a dirty¹⁷ vessel.¹⁸ Wine too can be poured into a dirty vessel? — Seeing that it is required for sprinkling, will he pour it into a dirty vessel!

Now a stumbling-block itself is dependent on Tannaim.¹⁹ For it was taught: A cask of wine of terumah which was defiled, — Beth Shammai maintain: It must be poured out all at once; while Beth Hillel rule: It may be used for sprinkling. R. Ishmael son of R. Jose said: I will make a compromise. [If it is] in the field, it must be poured out all at once;²⁰ in the house, it can be used for sprinkling. Others state: In the case of new [wine], it must be poured out all at once; in the case of old, it can be used for sprinkling. Said they to him:

(1) Lev. XI. 33f.

(2) But if the sherez, were regarded as completely filling the oven, utensils therein too should be unclean, for direct contact therewith does defile them.

(3) Sc. unclean terumah and doubtful terumah.

(4) V. supra p. 15a for notes.

(5) Our Mishnah.

(6) I.e., R. Simeon and R. Jose differ on R. Joshua's opinion.

(7) How then can it be said to represent the view of R. Simeon?

(8) V. supra 15a for notes.

(9) Though it is doubtful.

(10) Who says, how can we burn even doubtful terumah together with unclean terumah? Thus he will certainly not

permit more than indirect action.

(11) V. supra 15a and b for notes.

(12) All agree on this, because the loss of hullin is only slight, since the defiled terumah can be used for lighting.

(13) In a room, for its aroma. Hence here too there is only a slight loss.

(14) Thus it is even more important.

(15) Which lacks aroma.

(16) While it is ageing he may forget that it is unclean and drink it.

(17) Lit., 'repulsive'.

(18) So that it will not be fit for drinking.

(19) I.e., whether we fear it or not.

(20) Because there is no sprinkling in the field, nor may he bring it home, lest it become a stumbling-block in the meanwhile.

Talmud - Mas. Pesachim 21a

The compromise of a third [view] is not a compromise.¹ R. Jose son of R. Hanina said: The controversy² is where it falls into less than one hundred se'ahs of unclean hullin;³ but if it falls into one hundred [se'ahs] unclean hullin, all agree that it must descend and be defiled, and he must not defile it with [his own] hands.⁴ It was taught likewise: If a cask [of clean terumah] was broken in the upper vat, and beneath it there is one hundred [times as much] unclean hullin. R. Eliezer concedes to R. Joshua that if he can save a rebi'ith thereof in purity he must save it, but if not, let it descend and be defiled, but he must not defile it with [his own] hands. [But instead of] this [phrase]. 'R. Eliezer concedes to R. Joshua'. 'R. Joshua concedes to R. Eliezer' is required?⁵ — Said Raba: Reverse it. R. Huna the son of R. Joshua said: After all you need not reverse it: what case do we discuss here? That of a vessel, the inside is clean while its outside⁶ is unclean; you might say, Let us enact a preventive measure lest its outside touch the terumah. Therefore he informs us [otherwise].⁷

CHAPTER II

MISHNAH. THE WHOLE TIME THAT ONE IS PERMITTED TO EAT [LEAVEN], ONE MAY FEED IT TO CATTLE, BEASTS,⁸ AND BIRDS, AND HE MAY SELL IT TO A GENTILE, AND BENEFIT THEREOF IS PERMITTED. WHEN ITS PERIOD HAS PASSED, BENEFIT THEREOF IS FORBIDDEN, AND HE MAY NOT FIRE AN OVEN OR A POT RANGE WITH IT. R. JUDAH SAID: THERE IS NO REMOVAL OF LEAVEN SAVE BY BURNING; BUT THE SAGES MAINTAIN: HE ALSO⁹ CRUMBLES AND THROWS IT TO THE WIND OR CASTS IT INTO THE SEA.

GEMARA. THE WHOLE TIME THAT ONE IS PERMITTED TO EAT [LEAVEN] ONE MAY FEED etc. Hence the whole time that one is not permitted to eat it, he may not feed [cattle. etc., therewith]: shall we say that our Mishnah is not according to R. Judah; for if R. Judah, surely there is the fifth hour when he may not eat, yet he may feed. For we learned: R. Meir said: One may eat [leaven] the whole of the five [hours] and must burn [it] at the beginning of the sixth. R. Judah said: One may eat the whole of the four [hours], keep it in suspense the whole of the fifth, and must burn it at the beginning of the sixth!¹⁰ — What then? It is R. Meir! [Then instead of] this [Phrase]. 'THE WHOLE TIME THAT ONE IS PERMITTED TO EAT, ONE MAY FEED,' THE WHOLE TIME THAT ONE eats, he MAY FEED is required?¹¹ — Said Rabbah b. 'Ulla: Our Mishnah agrees with R. Gamaliel, For we learned: R. Gamaliel said: Hullin may be eaten the whole of the four [hours] and terumah the whole of the five, and we burn [them] at the beginning of the sixth. And this is what he [the Tanna] states: THE WHOLE TIME THAT IT IS PERMITTED to a priest to eat terumah, a [lay] Israelite MAY FEED HIS CATTLE, BEASTS AND BIRDS with HULLIN.

For what purpose does he state, CATTLE and for what purpose does he state BEASTS? They are

necessary: for if he stated CATTLE, [I might say.] that is because if they leave over it is fit for them;¹² but [as for] BEASTS, which if they leave over hide it,¹³ I would say [that it is] not [so]. While if he stated BEASTS, [I might say]. that is because if they leave over they at least hide it;¹⁴ but as for cattle, sometimes they leave over and he [the owner] may not think about it,¹⁵ and so transgress¹⁶ 'it shall not be seen and 'it shall not be found' on its account, [and therefore] I might say [that it is] not [so]: thus they [both] are necessary. What is the purpose of BIRDS? — Because he states CATTLE and BEASTS, he also states BIRDS.

AND HE MAY SELL IT TO A GENTILE. That is obvious?¹⁷ It is to reject [the view of] this Tanna. For it was taught: Beth Shammai maintain: A man must not sell his leaven to a Gentile, unless he knows thereof that it will be consumed before Passover; but Beth Hillel say: As long as he [the Jew] may eat it, he may sell it.

(1) Since Beth Shammai and Beth Hillel mention nothing about a house or a field, new or old, this is not a compromise but an independent view altogether; cf. supra 13a, p. 57, n. 5.

(2) Between R. Eliezer and R. Joshua.

(3) The terumah in the upper vat being a se'ah. If terumah falls into one hundred times as much hullin it is nullified and permitted to a lay Israelite; if less, it is not nullified.

(4) Since it will still be fit for a lay Israelite.

(5) It is R. Eliezer who holds that he must never defile deliberately, while it is R. Joshua who permits deliberate defilement in other circumstances (v. supra 20b).

(6) Lit., 'back'.

(7) Thus 'R. Eliezer concedes to R. Joshua' applies not to the second clause but to the first, where it is stated that if he can save a rebi'ith in purity he must do so. Thereupon we are told that even if the outside of the vessel in which it is to be saved is unclean, so that there is the slight possibility of the terumah falling thereon and becoming contaminated, yet R. Eliezer, who rules that in no circumstances is deliberate defilement permitted, admits that he may use this for saving the terumah. If unclean liquid falls on the outside of a vessel it contaminates the outside, but not the inside, since the uncleanness of a vessel through liquids is by Rabbinical law only.

(8) Behemah refers to domesticated animals; hayyah to wild or semi-wild animals.

(9) 'Also' is absent in Alfasi and Asheri.

(10) 'Keeping it in suspense' means that animals may be fed with it, but it may not be eaten.

(11) The impersonal form used in the Mishnah implies that as long as one person may eat, another may feed his cattle.

(12) Later; they leave it on the ground and eat it later.

(13) With the result that the leaven may remain in his possession during Passover.

(14) So that it is not seen.

(15) To annul it before Passover, thinking it was already eaten.

(16) Lit., stands'.

(17) Surely this is no worse than any other benefit.

Talmud - Mas. Pesachim 21b

R. Judah B. Bathyra said: Kutah¹ and all kinds of kutah² may not be sold thirty days before Passover.³ AND BENEFIT THEREOF IS PERMITTED. That is obvious?⁴ It is necessary [to teach it] only where he charred it [in the fire] before its time,⁵ and he [the Tanna] informs us [that the law is] as Rabbah. For Rabbah said: If he charred it [in the fire] before its time, benefit [thereof] is permitted even after its time.⁶

WHEN ITS PERIOD HAS PASSED, BENEFIT THEREOF IS FORBIDDEN. That is obvious? — It is necessary [to state this] only in respect of the hours [when leaven is interdicted] by Rabbinical law.⁷ For R. Gidal said in the name of R. Hiyya b. Joseph in R. Johanan's name: He who betroths from the sixth hour and onwards, even with wheat of Cordyene. We have no fear of his betrothal.⁸

AND HE MAY NOT FIRE AN OVEN OR A POT-RANGE WITH IT. That is obvious? — This is necessary only according to R. Judah, who maintained: There is no removal of leaven save by burning. You might argue, since R. Judah said, Its precept demands burning, then while he is burning it let him benefit from it. Hence we are informed [that it is not so].

Hezekiah said: How do we know that leaven during Passover is forbidden for [general] use?⁹ Because it is said, there shall no leavened bread be eaten:¹⁰ [meaning,] there shall not be in it permission [i.e.. the right] of eating.¹¹ [Thus] the reason is because the Divine Law wrote, ‘there shall no leavened bread be eaten’; but if ‘shall not be eaten’ were not written, I would say, prohibition of eating is implied, [but] prohibition of benefit is not implied. Now he differs from R. Abbahu, for R. Abbahu said: Wherever it is said, ‘It shall not be eaten,’ ‘that shalt not eat,’ ‘ye shalt not eat,’ the prohibitions of both eating and benefit [in general] are understood, unless the Writ expressly states [otherwise], as it does in the case of nebelah.¹² For it was taught: Ye shall not eat of [nebelah] anything that dieth of itself: thou mayest give it unto the stranger [ger] that is within thy gates, that he may eat it; or thou mayest sell it unto a foreigner:¹³ know only that it may be ‘given’ to a stranger¹⁴ or ‘sold’ to a foreigner [heathen]; how do I know [that] selling to a stranger [ger] [is permitted]? Therefore it is stated, ‘thou mayest give it unto the stranger [ger] that is within thy gates ... ‘or sell.’¹⁵ How do we know [that] giving to a foreigner [is permitted]? Because it is stated, ‘thou mayest give it, that he may eat it, or thou mayest sell it unto a foreigner’,¹⁶ thus the result is¹⁷ that [to] a stranger [ger] and a foreigner [heathen] alike, both selling and giving [are permitted]: this is R. Meir's view. R. Judah said: The words are as they are written, [viz..] to a ger it must be given and to a heathen it must be sold. What is R. Judah's reason? If you should think as R. Meir says, let the Divine Law write, thou mayest give it unto the stranger [ger] that is within thy gates, that he may eat it, and thou mayest sell it: why state ‘or’? Infer from this that the words are as they are written. And R. Meir?¹⁸ — ‘Or’ is to show that giving to a ger takes precedence over selling to a heathen. And R. Judah?— No verse is required for this: since you are commanded to maintain a ger, but you are not commanded to maintain a heathen,¹⁹ a verse is not required, [for] it stands to reason.

On the view of R. Meir who maintained, [to] a ger and a heathen alike, both selling and giving are permitted, it is well: since a verse is required to permit benefit from a nebelah, it follows that all other things forbidden in the Torah are forbidden in respect of both eating and [general] benefit. But according to R. Judah, who maintained, it comes from [the purpose of teaching that] the words are as they are written, whence does he know that all [other] things forbidden in the Torah are forbidden in respect of benefit? He deduces it from, [ye shall not eat any flesh that is torn of beasts in the field;] ye shall cast it to the dogs:²⁰

(1) Jast.: a preserve consisting of sour milk, breadcrusts, and salt. V. Perles Et. St. 85; Fl. to Levy, Talm. Dict. II, p. 459b.

(2) In Shab. 19a the reading is: Babylonian kuta, and all kinds of kuta,. This makes better sense, and the same may be understood here.

(3) It is used as a sauce or relish, and hence lasts a long time. It was customary to give popular lectures about Festivals thirty days before, and therefore from that time one might not sell his kutah to a Gentile.

(4) For feeding cattle with it is benefit, and it is already stated that this is permitted.

(5) I.e., before it becomes forbidden. It was so charred that it neither tastes nor looks like leaven.

(6) And the Mishnah too refers to this.

(7) I.e., in the sixth hour.

(8) V. supra 7a for notes.

(9) And not merely as food.

(10) Ex. XIII, 3.

(11) Rashi: the use of the passive intimates that no benefit which may lead to eating is permitted, i.e., no benefit whatsoever, for generally the monetary value of any benefit is expended on food.

(12) V. Glos.

(13) Deut. XIV, 21.

(14) A resident-alien who is a semi-proselyte in so far that he has abjured idolatry.

(15) Treating 'stranger' as the indirect object of both 'give' and 'sell'.

(16) Treating 'foreigner' as the indirect object of both 'give' and 'sell'.

(17) Lit., 'it is found saying'.

(18) How does he answer this?

(19) In a technical sense only: nevertheless Judaism teaches that the poor among heathens must be helped just as the Jewish poor, v. Git. 61a.

(20) Ex. XXII, 30.

Talmud - Mas. Pesachim 22a

'it' you may cast to dogs, but you may not cast to dogs all [other] things forbidden in the Torah.¹ And R. Meir?² — [He interprets:] 'it' you may cast to dogs, but you may not cast to dogs hullin killed in the Temple Court.³ And the other?⁴ — [Benefit from]⁵ hullin killed in the Temple Court is not [forbidden] by Scriptural law. R. Isaac of Nappaha⁶ objected: But what of the nervus ischiadicus, though the Divine Law saith, Therefore the children of Israel eat not the sinew of the thigh-vein,⁷ yet we learned: A man may send the thigh [of an animal] to a heathen with the nervus ischiadicus in it, because its place is distinguishable!⁸ — R. Abbahu holds, when nebelah was permitted [by the Torah], it, its forbidden fat, and its thigh sinew were permitted.⁹ This is well on the view that the sinews possess the power of imparting a taste.¹⁰ But on the view that the sinews possess no power of imparting a taste,¹¹ what can be said? — Whom do you know to maintain [that] the sinews have no power to communicate taste? R. Simeon. For it was taught: He who eats of the thigh sinew of an unclean animal, — R. Judah declares him liable on two [accounts],¹² while R. Simeon holds him non-culpable.¹³ [According to] R. Simeon, It is indeed forbidden for use too. For it was taught: The thigh sinew is permitted for use; this is R. Judah's view; but R. Simeon forbids it.

But what of blood, of which the Divine Law saith, No soul of you shall eat blood,¹⁴ yet we learned, Both these and those¹⁵ mingled in the duct and passed out to the brook of Kidron,¹⁶ and they were sold to gardeners as fertilizers, and trespass is committed in respect of them?¹⁷ — Blood is different, because it is likened to water, for it is written, Thou shalt not eat it, thou shalt pour it out upon the earth as water:¹⁸ just as water is permitted, so is blood permitted. Yet say, like water poured out as libations upon the altar?¹⁹ — Said R. Abbahu: 'as water' [means] like most water. Is then 'most water' written? — Rather, said R. Ashi: 'as water' which is poured out,²⁰ but not as water offered as a libation. Yet say, like water which is poured out in idol worship?²¹ — There too it is designated a libation, as it is written, They drink the wine of their drink offering [libation].²²

(1) I.e., you may not derive any benefit from them.

(2) What is the purpose of 'it', which expresses a limitation, seeing that he learns this from nebelah?

(3) This may not be eaten, and R. Meir deduces here that all benefit is forbidden, v. Kid. 57b.

(4) R. Judah: how does he know this?

(5) So Rashi, v. however Tosaf. s.v. **הוֹלֵךְ**

(6) Or, the smith. Many Rabbis were workers or tradesmen.

(7) Gen. XXXII, 33.

(8) The Jew need not remove the nervus ischiadicus before sending it, for fear that another Jew, seeing that the heathen had received it from a Jew, may think that the nerve has been removed and that it is all permitted, because one can easily recognize whether the nervus ischiadicus has been removed or not. Giving anything to a heathen is regarded as benefit, and we thus see that the benefit of this sinew is permitted, which conflicts with R. Abbahu's statement supra 21b.

(9) Therefore benefit from all forbidden fat and all sinews is permitted.

(10) E.g., if forbidden sinews are boiled together with meat, they impart a flavour to the meat, which renders that too forbidden, unless it is sixty times as much as the sinews. On that view the sinews are as flesh, and therefore when

nebelah was permitted it included the sinews.

(11) Because they are not flesh, being merely like wood, and nevertheless they are prohibited: hence they cannot be included in the permission granted for nebelah.

(12) (i) Because it is of an unclean (i.e., forbidden) animal; (ii) because the thigh sinew itself is forbidden.

(13) He is not culpable on account of the unclean animal, because he holds that there is no taste in the sinew. Nor is he liable on account of the sinew, for this involves liability only when the flesh of that animal is permitted, but not when the flesh too is forbidden.

(14) Lev. XVII, 12.

(15) The residues of the blood of the 'inner' sin-offerings, which were poured out on the western base of the outer altar, and the residues of the blood of the 'outer' sin-offerings, which were poured out on the south base of the altar. These passed out through two small holes and mingled in a duct which ran through the Temple Court.

(16) Near Jerusalem.

(17) I.e., one may not benefit from them without paying. V. Yoma 58b. — Yet we see that benefit may be derived from blood in general.

(18) Deut. XII, 24.

(19) Benefit of which is forbidden.

(20) As indicated by the words 'thou shalt pour it out'.

(21) Such water too is forbidden.

(22) Ibid. XXXII, 38.

Talmud - Mas. Pesachim 22b

Now according to Hezekiah, in respect of what law is blood likened to water?¹ — For [the law of] R. Hiyya b. Abba in R. Johanan's name. For R. Hiyya b. Abba said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to be defiled]? Because it is said, thou shalt pour it out upon the earth as water: blood which is poured out as water renders fit; blood which is not poured out as water does not render fit.

But what of the limb of a living animal, though it is written, thou shalt not eat the life with the flesh,² yet it was taught. R. Nathan said: How do we know that a man must not hold out a cup of wine to a nazirite or the limb of a living animal to the children of Noah?³ Because it is stated, thou shalt not put a stumbling-block before the blind.⁴ This implies that [giving] to dogs is permitted?⁵ — The limb of a living animal is different, because it is assimilated to blood, as it is written, Only be steadfast in not eating the blood; for the blood is the life.⁶ Then according to Hezekiah, in respect of what law is the limb from a living animal assimilated to blood?⁷ — He can answer you: It is blood which is assimilated to the limb from a living animal:⁸ just as a limb from a living animal is forbidden,⁹ so is the blood from a living animal forbidden,¹⁰ and which [blood] is that? The blood of arteries with which life goes out.¹¹

But what of the ox that is stoned, though the Divine Law saith, its flesh shall not be eaten,¹² yet it was taught: From the implication of the verse, the ox shall be surely stoned,¹³ do I not know that it is nebelah, and nebelah is forbidden as food? Why then is it stated, 'and its flesh shall not be eaten'? The Writ informs us that if it was [ritually] slaughtered after its trial was ended,¹⁴ it is forbidden. I only know this in respect of eating; how do we know it in respect of benefit? From the verse, but the owner of the ox shall be clear. How is this implied? Simeon b. Zoma said: As a man may say to his friend, 'So-and-so has gone out clear from his property, and has no benefit whatsoever from it.' Thus the reason is that 'but the owner of the ox shall be clear' is written; for if [we deduced] from 'it shall not be eaten' [alone], that would imply a prohibition of eating, but not a prohibition of benefit?¹⁵ — In truth 'it shall not be eaten' implies a prohibition of eating and a prohibition of benefit, and as to 'but the owner of the ox shall be clear,' that is stated¹⁶ in respect of the use of its skin;¹⁷ and it is necessary: you would think that I might argue, 'his flesh shall not be eaten' is written, [thus] only his flesh [is forbidden], but not his skin; therefore we are informed [otherwise]. But according to those

Tannaim who employ this verse for a different exegesis. [viz.] for half ransom and damages for children,¹⁸ how do they know [that] the use of the hide [is forbidden]? They infer it from *eth besaro* [his flesh], meaning, that which is joined to its flesh.¹⁹ And the other?²⁰ — He does not interpreteth.²¹ As it was taught, Simeon Imsoni²² — others state, Nehemiah Imsoni- interpreted every *eth* in the Torah;²³ [but] as soon as he came to, thou shalt fear [eth] the Lord thy God,²⁴ he desisted.²⁵ Said his disciples to him, ‘Master, what is to happen with all the *ethin*²⁶ which you have interpreted?’ ‘Just as I received reward for interpreting them’, he replied, ‘so will I receive reward for retracting’.²⁷ Subsequently²⁸ R. Akiba came and taught: Thou shalt fear [eth] the Lord thy God is to include scholars.²⁹ But there is ‘*orlah*,³⁰ whereof the Merciful One saith, Three years shall it be forbidden unto you: it shall not be eaten;³¹ yet it was taught: ‘It shall be as forbidden unto you: it shall not be eaten’. [Thus] I only know the prohibition of eating; whence do we know that a man may not benefit from it, that he may not dye or light a lamp with it? From the verse, then ye shall count [the fruit thereof] as forbidden: [three years shall they be] as forbidden [unto you]: it shall not be eaten;³¹ which is to include all of them.³² Thus the reason is that Scripture wrote, ‘then ye shall count the fruit thereof as forbidden . . . they shall be as forbidden; but if it were not so, I would say, it implies a prohibition of eating, [but] it does not imply a prohibition of benefit? — In truth ‘it shall not be eaten’ implies both a prohibition of eating and a prohibition of benefit, but there it is different, because it is written, ‘unto you’, and thus it is necessary: I might argue, since it is written, ‘unto you,’ [that implies] it shall be yours;³³ hence we are informed [that it is not so]. Then now that these verses³⁴ are written, what is the purpose of ‘unto you’? — For what was taught: ‘unto you’: this is to include what is planted

(1) Since he holds supra 21b that only the passive form, ‘shall not be eaten’, implies a prohibition of all benefit, but not the active ‘thou shalt not eat’, benefit from blood is permitted in any case, for the prohibition is not expressed in the passive. Then what is the purpose of assimilating blood to water?

(2) Deut. XII, 23. This is interpreted as an injunction against eating a limb torn from a living animal.

(3) The technical designation for all but Jews. A nazirite must not drink wine, nor may non-Jews eat of the limb of a living animal.

(4) Lev. XIX. 14. This is understood metaphorically: do not lead anyone to sin.

(5) Though this is benefit.

(6) Deut. XII, 23.

(7) v. p. 99 n. 10.; the same applies here.

(8) And not the reverse, as the order indicates.

(9) With the prohibition that is stated in its case, i.e., for eating only.

(10) With the prohibition relevant to blood, viz., an injunction which involves *kareth* (q. v. Glos.).

(11) v. Ker. 22a.

(12) Ex. XXI, 28. Thus it is expressed in the passive, which on all views intimates that general benefit is forbidden.

(13) Ibid.

(14) I.e., after sentence.

(15) Cf. p. 100, n. 11.

(16) Lit., ‘comes’.

(17) Teaching, even that is forbidden.

(18) Ransom, v. Ex. XXI, 28-30, 35f; it might be thought, by comparing these verses, that half ransom is payable in this case. (Damages for child, v. *ibid.* 22). I might think that the same holds good when the damage is done by a man's ox. Therefore ‘but the owner of the ox shall be clear (E.V. quit)’ teaches that he is free from both.

(19) Interpreting ‘*eth*’, the sign of the acc., as an extending particle.

(20) What does ‘*eth*’ teach on this view?

(21) As indicating extensions or having any particular significance apart from its grammatical one.

(22) Jast. conjectures that it may mean from Amasia, in Pontus.

(23) As an extending particle.

(24) Deut. VI, 13.

(25) Holding it impossible that this fear should extend to another.

(26) Pl. of eth.

(27) Lit., 'separating' (myself from them). Since the eth in one verse does not signify extension, it cannot do so elsewhere.

(28) Lit., 'until'.

(29) Who are the depositaries of God's word; hence the verse exhorts obedience to religious authority.

(30) v. Glos.

(31) Lev. XIX, 23.

(32) I.e., the repetition of 'forbidden' is an extension.

(33) viz., you may use it, though not eat it.

(34) Repeating the phrase 'forbidden' to extend the prohibition to general benefit.

Talmud - Mas. Pesachim 23a

for the public. R. Judah said: It is to exclude what is planted for the public. What is the reason of the first Tanna? Because it is written, 'and ye shall have planted;' [this] implies [a law] to the individual, but it does not imply [a law] for the public;¹ [therefore] the Merciful One wrote, 'unto you', to include what is planted for the public. While R. Judah [argues]: 'and ye shall have planted' implies [a law] both to the public and to the individual, and 'unto you' [too] implies both for the public and for the individual: thus it is an extension after an extension, and an extension after an extension has no [other significance] save to limit.²

But there is terumah, of which the Merciful One saith, There shall no common man³ eat of the holy thing:⁴ yet we learned: An 'erub may be made for a nazirite with wine, and for a [lay] Israelite with terumah?⁵ — Said R. Papa: There it is different, because Scripture saith, your heave-offering:⁶ it shall be yours. And the other?⁷ It means, 'your heave-offering,' [viz..] that of all Israel.⁸

But what of a nazirite, though the Merciful One saith, from the kernels even to the husk, he shall not eat,⁹ yet we learned: An erub may be made for a nazirite with wine? — Said Mar Zutra, There it is different, because Scripture saith, [All the days of] his naziriteship:⁹ it shall be his.¹⁰ R. Ashi said: He shall be holy, he shall let the locks of the hair of his head grow long:¹¹ his [hair] growth is holy,¹² but nothing else is holy. Is then 'and nothing else' written?¹³ But it is clearly as Mar Zutra [stated].

But what of hadash,¹⁴ where the Merciful One saith, And ye shall eat neither bread, nor parched corn, nor fresh ears, until this selfsame day;¹⁵ yet we learned: He may cut [the corn] for fodder and feed his cattle?¹⁶ — Said R. Shemaiah, There it is different, because Scripture saith, [ye shall bring the sheaf of the firstfruits of] your harvest.¹⁷ [implying,] it shall be yours¹⁸ And the other?¹⁹ — Your harvest' implies that of all Israel.

But what of creeping things, where the Merciful One saith, It is a detestable thing; it shall not be eaten;²⁰ yet we learned: Hunters of beasts, birds, and fish, who chance upon unclean species, are permitted to sell them to Gentiles?—There it is different, because Scripture saith, [they are a detestable thing] unto you:²¹ it shall be yours. If so, [it should be permitted] at the very outset too?²² — Here it is different, because Scripture saith, and they shall be [a detestable thing]:²³ [meaning,] they shall be in their [forbidden] state. Now according to Hezekiah, for what purpose is 'shall not be eaten' written—so that 'unto you' is adduced to teach that it is permitted; let the Merciful One not write 'shall not be eaten,' so that 'unto you' will be unnecessary? — Hezekiah can answer you: My opinion²⁴ is indeed [deduced] from this.²⁵

But what of leaven, though the Merciful One saith, there shall no leavened bread be eaten,²⁶ yet it was taught. R. Jose the Galilean said: Wonder at yourself! how can leaven be prohibited for [general] use the whole seven [days]? — There it is different, because Scripture saith, neither shall there be leaven seen unto thee:²⁷ [this implies,] it shall be thine. And the Rabbis?²⁸ — Thine own thou must

not see, but thou mayest see that belonging to others and to the Most High. And the other?²⁹ ‘unto thee’ is written twice.³⁰ And the other? — One refers to a heathen whom you have conquered, and the other refers to a heathen whom you have not conquered.³¹ And the other?³² — ‘Unto thee’ is written three times.³³ And the other? — One refers to leaven [se'or], and one refers to leavened bread [hamez]. and they are [both] necessary.³⁴

Shall we say that it³⁵ is dependent on Tannaim? [And the fat of that which dieth of itself, and the fat of that which is torn of beasts.] may be used for all service [: but ye shall in no wise eat of it].³⁶ Why is ‘for all service’ stated? For I might think, for the service of the Most High let it be permitted, but for secular service let it be forbidden;³⁷ therefore it is stated, ‘for all service’: this is the view of R. Jose the Galilean. R. Akiba said: For I might think, for secular service let it be clean, [but] for service of the Most High let it be unclean;³⁸ therefore it is stated, ‘for all service’. Now R. Jose the Galilean [holds] that in respect of uncleanness and cleanness a verse is not required, a verse being required only in respect of what is forbidden and what is permitted. While R. Akiba [maintains]: [in respect of] what is forbidden and what is permitted no verse is required, a verse being required only in respect of uncleanness and cleanness.

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- (1) Since the public do not plant.
 - (2) This is a principle of exegesis. Cf. the inverse principle of the English language: a double negative is a positive.
 - (3) I.e., an Israelite who is not a priest.
 - (4) Lev. XXII, 10.
 - (5) Though these may not be eaten by each respectively. — Thus a nonpriest may benefit from terumah
 - (6) Num. XVIII, 27.
 - (7) Hezekiah: what is the purpose of ‘your heave-offering? Cf. p. 99, n. 10.
 - (8) I.e., it is merely the idiomatic usage of the language.
 - (9) Num. VI, 4.
 - (10) I.e., the things which he may not eat are nevertheless available for his use in other ways’.
 - (11) Ibid. 5.
 - (12) In the sense that he must not benefit from it.
 - (13) There is nothing to warrant this inference.
 - (14) V. Glos.
 - (15) Lev. XXIII, 14, q.v.
 - (16) With this hadash, though he may not eat it himself. Thus benefit is permitted.
 - (17) Ibid. 10.
 - (18) Available for your benefit.
 - (19) Hezekiah: what is the purpose of ‘your harvest’ according to him? Cf. p. 99, n. 10.
 - (20) Lev. XI, 41.
 - (21) Ibid. 10.
 - (22) To hunt unclean animals, whereas the Mishnah merely permits selling if they happened to trap them.
 - (23) Lev. XI, 11.
 - (24) Lit., ‘reason’.
 - (25) The very fact that ‘unto you’ is required shows that elsewhere ‘shall not be eaten’ includes the prohibition of benefit in general.
 - (26) Ex. XIII, 3.
 - (27) Ibid. 7.
 - (28) Who hold that benefit is forbidden: how do they interpret ‘unto thee’?
 - (29) R. Jose: how does he know this?
 - (30) And there shall no leavened bread be seen unto thee, neither shall there be leaven seen unto thee.
 - (31) I.e., whether the heathen is a Jewish subject or not, his leaven may be seen in a Jewish house.
 - (32) How does he know this?
 - (33) The third is in Deut. XVI, 4 q.v.
 - (34) If leaven (se'or) alone were written, I might argue that it is forbidden because its degree of leaven is very strong, but

leavened bread (hamez) which is not so strong, is permitted. And if leavened bread (hamez) were written, I would say that that is forbidden because it is fit to be eaten, but not so leaven (se'or). which cannot be eaten. — Bez. 7b.

(35) Sc. R. Abbahu's ruling.

(36) Lev. VII, 24.

(37) Since we find fat (heleb) used in the service of God, the fat of a sacrifice being burnt on the altar.

(38) E.g if leather was softened with heleb, sacred food must not be placed on it, for it will thereby be defiled.

Talmud - Mas. Pesachim 23b

Surely then they differ in this, [viz.]: R. Jose the Galilean holds, 'ye shall not eat' connotes both a prohibition of eating and a prohibition of benefit, and when the verse comes to permit nebelah, it comes in respect of benefit. While R. Akiba holds: it connotes a prohibition of eating, [but] does not connote a prohibition of benefit, and for what [purpose] does the verse come? In respect of uncleanness and cleanness! No: all hold that 'ye shall not eat' connotes both a prohibition of eating and a prohibition of benefit, but here they differ in this: R. Jose the Galilean holds, when nebelah was permitted,¹ it [alone] was permitted, [whereas] its fat [heleb] and its sinew² were not permitted, and [therefore] for what purpose is the verse required? It is in respect of permission for use. But R. Akiba holds: when nebelah was permitted, its fat [heleb] and its sinew too were permitted; hence for what purpose is the verse necessary? It is in respect of uncleanness and cleanness.

Now as to R. Jose the Galilean, we have found that the Divine Law permits heleb for use; but as for the sinew, let us say that it is forbidden?—If you wish I can say that it is in fact forbidden. Alternatively, it is adduced a minori: if heleb, for which there is a penalty of kareth, is permitted for use, how much the more the sinew, for which there is no penalty of kareth. But R. Simeon, who forbids it, [argues]: This can be refuted. As for heleb, that is because It is freed from its general [prohibition] in the case of a beast;³ will you say [the same] of the sinew, which was not freed from its general [prohibition] in the case of a beast?⁴ And the other? — We are speaking of cattle⁵ [behemah]; [and] in the case of cattle at all events it [sc. heleb] was not permitted.

Consider: we have raised objections from all these verses and answered them; [then] wherein do Hezekiah and R. Abbahu differ? — In respect of leaven during Passover, on the view of the Rabbis,⁶ [and] in respect of the ox that is stoned, and this on the view of all:⁷ Hezekiah deduces it⁸ from 'shall not be eaten', while R. Abbahu learns it from nebelah.⁹ Consider: according to both Masters they are forbidden for use: [then] wherein do they [practically] differ? — They differ in respect of hullin which was slaughtered in the Temple Court:¹⁰ Hezekiah holds, 'shall not be eaten'¹¹ is to exclude these,¹² while 'it'¹³ is to exclude hullin which was slaughtered in the Temple Court.¹⁴ R. Abbahu¹⁵ holds: 'it' is to exclude these, while hullin which was slaughtered in the Temple Court is not forbidden [for use] by Scriptural law.

One of the scholars sat before R. Samuel b. Nahmani, and he sat and said in R. Joshua b. Levi's name: How do we know of all prohibitions in the Torah, that just as they are forbidden for food, so are they also forbidden for use, and which are they? Leaven [hamez] during Passover and the ox that is stoned? ([You ask,] 'How do we know'! — learn it from 'it shall not be eaten'?—To him¹⁶ 'it shall not be eaten' implies a prohibition of eating, but it does not imply a prohibition of benefit. Then let him deduce it from nebelah?¹⁷ — He agrees with R. Judah, who maintained: The words are as they are written. If he agrees with R. Judah. let him deduce it whence R. Judah deduces it, [viz.] from 'ye shall cast it to the dogs'?¹⁸ — He holds that hullin which was slaughtered in the Temple Court is [forbidden for use] by Scriptural law.¹⁹ Whence then do we know it?) — From the verse, And no sin-offering, whereof any of the blood is brought into the tent of meeting to make atonement in the holy place, shall be eaten: it shall be burnt with fire.²⁰ Now, 'it shall be burnt with fire' need not be stated;²¹ then what is the purpose of 'it shall be burnt with fire'? If it is unnecessary in its own connection, seeing that it is written, and, behold, it was burnt,²² apply its teaching to all [other]

prohibitions of the Torah;²³

- (1) In respect of benefit.
- (2) The thigh sinew.
- (3) The heleb of a hayyah (wild or semi-wild animal) is permitted.
- (4) The prohibition of a thigh sinew applies also to a beast.
- (5) The text under discussion speaks of the fat of an ox or lamb, v. Lev. VII, 23.
- (6) Who hold that benefit thereof is forbidden.
- (7) V. supra 22b.
- (8) That these are forbidden for use.
- (9) V. Glos.
- (10) On the view of R. Judah who maintains: the words are as written, so that nebelah can serve as basis of deduction for other prohibitions, v. supra 21b-22a.
- (11) Written in connection with leaven and the ox that is stoned.
- (12) Sc. the two just mentioned.
- (13) Written in connection with nebelah, v. supra 22a.
- (14) Showing that benefit thereof is Scripturally forbidden, v. supra.
- (15) Who makes no distinction between the passive and active forms in which the prohibition is expressed.
- (16) R. Joshua b. Levi.
- (17) As above.
- (18) Ex. XXII, 30.
- (19) deducing it from 'it': hence it cannot be utilized for these two.
- (20) Lev. VI, 23.
- (21) As shown below.
- (22) Lev. X, 16, q.v. Moses upbraided the sons of Aaron for burning it, observing, 'Behold, the blood of it was not brought into the sanctuary within' (v. 18). This proves that when it is brought within, the sacrifice must be burnt; hence the present verse is superfluous.
- (23) This is a principle of Talmudic exegesis: when a statement or verse is superfluous in its own connection, it is applied to other laws.

Talmud - Mas. Pesachim 24a

and if it is irrelevant in respect of eating,¹ apply the matter to the prohibition of benefit.² If so, just as there [it must be destroyed] by burning, so all prohibited things of the Torah [must be destroyed] by burning? _ Scripture saith, 'in the holy place . . . it shall be burnt with fire,' [that which is forbidden] in the holy place requires burning. but all the [other] forbidden things of the Torah do not require burning, But does this [phrase,] 'in the holy place . . . it shall be burnt with fire,' come for this [teaching]? Surely it is required for R. Simeon's [dictum]! For it was taught, R. Simeon said: 'In the holy place ... it shall be burnt with fire': this teaches concerning the sin-offering³ that we burn it in the holy place.⁴ Now, I only know this alone; how do we know it of the unfit of the [other] most sacred sacrifices and the emurim⁵ of the lesser sacrifices?⁶ Thereof it is stated, in the holy place . . . it shall be burnt with fire!⁷ — Said he to him,⁸ R. Jonathan thy teacher deduced it⁹ from this verse: And if aught of the flesh of the consecration, or of the bread, remain unto the morning, then thou shalt burn the remainder with fire; it shall not be eaten, because it is holy.¹⁰ Now 'it shall not be eaten' need not be stated:¹¹ then why is 'it shall not be eaten' stated? If it is irrelevant in respect of itself, seeing that it is written, 'then thou shalt burn the remainder with fire' apply its teaching to the other interdicts of the Torah. And if it is irrelevant in respect of eating, apply its teaching to the prohibition of benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah [must be destroyed] by burning?-Scripture saith, 'then thou shalt burn the [nothar] remainder: nothar requires burning, but all [other] forbidden things of the Torah do not require burning.

Yet does this [verse] ‘it shall not be eaten’ come for this [teaching]? Surely it is required for R. Eleazar's [dictum]! For R. Eleazar said: ‘it shall not be eaten, because it is holy’: whatever of holy [flesh. etc.] that is unfit, the Writ comes to impose a negative injunction against eating it?¹² _ Said Abaye: After all [it¹³ is deduced] from the first verse,¹⁴ but reverse [the argument]: for let Scripture write, ‘it shall be burnt with fire,’ so that ‘it shall not be eaten’ will be superfluous; why then is ‘it shall not be eaten’ written? If it is irrelevant for itself, seeing that it is deduced by R. Eleazar's [exegesis],¹⁵ apply its teaching to all [other] interdicts of the Torah. And if it is irrelevant in respect of eating, apply its teaching to the prohibition of benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah must be destroyed] by burning? — Scripture saith, ‘the [nothar] remainder’; ‘nothar’ requires burning, — but all [other] forbidden things of the Torah do not requires burning. R. Papa said to Abaye: Yet say that it¹⁶ comes to assign a negative injunction [specifically] for itself? For if [we learn] from R. Eleazar [‘s dictum], we do not flagellate for an implied negative injunction!¹⁷ — Rather, said R. Papa: [It¹⁸ is deduced] from this: And the flesh that toucheth any unclean thing shall not be eaten: it shall be burnt with fire.¹⁹ Now, ‘shall not be eaten’ need not be stated: why then is ‘shall not be eaten’ stated? If it is irrelevant for itself, seeing that it may be deduced a minori from tithe, which is lighter, [thus:] if tithe, which is light, yet the Torah said, neither have I put away thereof, being unclean,²⁰ how much the more sacred flesh, which is more stringent! And should you say, We cannot give a warning [of flagellation] as a result of an ad majus conclusion,²¹ but this is a hekkesh,²² for it is written, Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thine oil, or the firstlings of thy herd or of thy flock, nor any of thy vows which thou vowest, nor thy freewill-offerings etc.²³ Then why is ‘shall not be eaten’ stated? If it is irrelevant in its own case, apply its teaching to all [other] prohibitions of the Torah. And since it is irrelevant in respect of eating, apply it to benefit. If so, just as here [it must be destroyed] by burning, so all the forbidden things of the Torah require burning? — Scripture saith, ‘the [nothar] remainder’: nothar requires burning. but all [other] forbidden things of the Torah do not require burning.

Rabina said to R. Ashi: Yet perhaps [it teaches that] he transgresses two negative injunctions on its account?²⁴ Did not Abaye say: if he ate putitha²⁵ he is flagellated four times;²⁶ [for] an ant, he is flagellated five times;

(1) It certainly cannot teach that, since each prohibition of eating is stated separately.

(2) For ‘it shall be burnt’ shows that all benefit is forbidden, and this has now been applied to all other prohibitions.

(3) Rendered unfit.

(4) For ‘and, behold, it was burnt’ (v. n. 6) does not teach where it must be burnt.

(5) Lit., ‘devoted objects’; those portions of the sacrifices offered on the altar.

(6) Sacrifices were divided into two categories; (i) most sacred; these included the sin-offering, meal-offering, burnt-offering and guilt-offering. (ii) Sacrifices of lesser sanctity, e.g., the peace-offering and the thanksoffering. The question is: how do we know that if these are defiled or their blood is spilled, thus rendering them unfit, they must be burnt in the Temple Court? The flesh of the lesser sacrifices is not mentioned, for this was eaten outside the Temple precincts and consequently when unfit was burnt without the Temple Court, v. infra 49a.

(7) I.e., whatever would normally be consumed or otherwise disposed of in the holy place must now be burnt there.

(8) viz., this scholar to R. Samuel b. Nahmani.

(9) The prohibition of benefit as applied to other forbidden things in the Torah.

(10) Ex. XXIX, 34.

(11) Since we are told that it must be burnt.

(12) ‘Because it is holy’ is unnecessary, and therefore R. Eleazar utilizes it thus. Hence its transgression involves flagellation.

(13) The teaching of R. Joshua b. Levi.

(14) Viz., ‘and every sin offering’, etc.

(15) Without R. Eleazar's deduction, ‘it shall not be eaten’ would be necessary in spite of the statement ‘it shall be burnt with fire’, to show that it is subject to a negative injunction, which involves flagellation. But now that R. Eleazar has

deduced a negative injunction in respect of all unfit sacrifices from, 'it shalt not be eaten because it is holy', this is superfluous.

(16) The verse 'it shall not be eaten' written here.

(17) I.e., where the action is not explicitly forbidden but only by an injunction stated in general terms, which includes a number of other actions too.

(18) V. p. 108, n. 9.

(19) Lev. VII, 19.

(20) Deut. XXVI, 14, q.v. This refers to the second tithe, which was eaten by its Israelite owner in Jerusalem, and who had to declare that he had not eaten it 'being unclean', which shows that this was forbidden. The sanctity of tithes is of course lighter than that of sacrifices.

(21) This is a general principle. Hence this argument does not suffice to make it an offence punishable by flagellation, and so 'shall not be eaten' is here required.

(22) V. Glos., an analogy between two laws which rests on a Biblical intimation (as Lev. XIV, 13) or on a principle common to both (Jast.). Flagellation is inflicted on the basis of a hekkesh.

(23) Deut. XII, 17. 'Vows' and freewill-offerings' are sacrifices, and 'Scripture, by coupling these with tithes, shows that they are the same.

(24) And is flagellated for each separately. In that case the verse is not superfluous.

(25) A small water reptile (sherez). a young eel, v. Mak., Sonc. ed. p. 116, n. 8.

(26) I.e., four flagellations of the prescribed number of lashes.

Talmud - Mas. Pesachim 24b

[for] a hornet, he is flagellated six times?¹ — Said he to him: Wherever we can interpret we do interpret,² and not apply it to additional injunctions.

Now what is the purpose of 'and the flesh' [that toucheth any unclean thing shall not be eaten]³ of the commencement of the verse?⁴ — It is to include wood and frankincense.⁵ What is the purpose of, 'And as for the flesh, every one that is clean shall eat thereof' of the end [of the verse]?⁶ — It is to include emurim.⁷ [But] emurim are learnt from elsewhere, for it was taught: But the soul that eateth of the flesh of the sacrifice of peace-offerings, that pertain unto the Lord [having his uncleanness upon him]:⁸ this is to include the emurim?⁹ — There [the reference is to] the uncleanness of the person, [which is punishable] with kareth, [whereas] here [we treat of] the uncleanness of the flesh, [which is subject to] a negative injunction.¹⁰

R. Abbahu said in R. Johanan's name: [With regard to] all the prohibited articles of the Torah, we do not flagellate on their account save [when they are eaten] in the normal manner of their consumption. What does this exclude? — Said R. Shimi b. Ashi: It is to exclude [this. viz.,] that if he ate raw heleb, he is exempt [from punishment]. Others say. R. Abbahu said in R. Johanan's name: [With regard to] all the prohibited articles of the Torah, we do not flagellate on their account save [when they are used] in the normal manner of their usage. What does this exclude? Said R. Shimi b. Ashi: It is to exclude [this, viz.,] if he applied the heleb of the ox which is stoned¹¹ upon his wound, he is exempt;¹² and all the more so, if he eats raw meat, he is exempt. It was stated likewise: R. Ahab. R. 'Awia said in R. Assi's name in R. Johanan's name: If he applies the heleb of the ox which is stoned upon his

verse does not bear upon its own subject at all, why specify 'the flesh'? Scripture could say, and that which toucheth, etc. would he is exempt, because [in the case of] all the interdicts of the Torah, we do not flagellate on their account save [when they are, used] in the normal manner of their usage.

R. Zera said, We too learned [thus]: 'One does not receive forty [lashes]¹³ on account of 'orlah,¹⁴ save for that which issues from olives or from grapes alone': but [for that which issues] from mulberries, figs and pomegranates [there is, as implied,] no [flagellation]. What is the reason? Is it

not because he does not eat them in the normal manner of their usage?¹⁵ Said Abaye to him: That were well if he informed us¹⁶ of the fruit itself, where he did not eat it in the normal manner of its usage; but here [the reason¹⁶ is] because it¹⁷ is mere moisture.¹⁸

Abaye said: All agree in, respect of kil'ayim¹⁴ of the vineyard, that we flagellate on its account even [when one does] not [enjoy it] in the normal manner of its usage. What is the reason? Because 'eating' is not written in connection therewith. An objection is raised: Issi b. Judah said: How do we know that meat and milk [seethed together] are forbidden?¹⁹ It is stated here, for thou art a holy people [...thou shalt not seethe a kid in its mother's milk],²⁰ and it is stated elsewhere, And ye shall be holy men unto me; [therefore ye shall not eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs]:²¹ just as there it is forbidden,²² so here too it is forbidden. Again, I know it only of eating; how do I know it of [general] use? I will tell you: [it follows] a minori. If 'orlah, though no sin was committed therewith,²³ is forbidden for use, then meat and milk [seethed together], wherewith a sin was committed], is it not logical that they are forbidden for use?

(1) In Lev. XI, 43, it is stated: Ye shall not make yourselves detestable with any swarming thing that swarmeth, neither shall ye make yourselves unclean with them. This is a twofold injunction. and since it does not specify 'that swarmeth upon the earth', it applies to both water reptiles and land reptiles. Further v.II, referring to unclean fish, states: and they shall be a detestable thing unto you; ye shall not eat of their flesh. This is a third injunction against water reptiles. And finally. in Deut. XIV, 10, there is a fourth injunction: and whatsoever hath not fins and scales ye shall not eat. The ant is a land reptile ('swarming thing'); hence the two injunctions of Lev. XI, 43 apply to it. There are also the following three: (i) Lev. XI, 41: And every swarming thing that swarmeth upon the earth ... shall not be eaten; (ii) ibid. 42: even all swarming things that swarm upon the earth them ye shall not eat, for they are a detestable thing: And (iii) ibid. 44: neither shall ye defile yourselves with any manner of swarming thing that moveth upon the earth. The hornet is a 'winged swarming thing' and also moves upon the earth. Hence it is subject to these five injunctions and also to that of Deut. XIV, 19: And all winged swarming things are unclean unto you: they shall not be eaten. Thus eating one forbidden thing can involve more than one penalty. and the same may apply here.

(2) As applying to another subject.

(3) Lev. VII, 19.

(4) Seeing that the

(5) Used in the sacrificial service: though these are not eatables, they nevertheless become unclean.

(6) The question is only in respect of 'and as for the flesh', the rest of the verse being utilized in Men. 25b.

(7) V. Glos. Teaching that if they are defiled and a priest eats them he transgresses the injunction against unclean flesh. The verse accordingly is read thus: and the flesh that toucheth any unclean thing shall not be eaten... and the flesh, viz., the emurim. _ Since the emurim must be offered on the altar, the priest is a zar (stranger') in relation thereto, and transgresses on that account also.

(8) Lev. VII, 20.

(9) Which 'pertain unto the Lord'.

(10) The inclusion of emurim in the former would not prove its inclusion in the latter case, since the former is a graver offence, as proved by the greater penalty attaching to it.

(11) V. 22b.

(12) Because heleb is generally used for lighting and softening hides.

(13) I.e., flagellation. Actually only thirty-nine were given.

(14) V. Glos.

(15) For they are not generally pressed for their juice.

(16) That there is no flagellation.

(17) That which issues from mulberries, etc.

(18) Lit., 'sweat'. I.e., he did not eat fruit of 'orlah at all. Thus this does not support R. Johanan.

(19) The prohibition of seething a kid in its mother's milk (Deut. XIV, 21) is understood by the Talmud as a prohibition of seething any meat and milk together. The question here is how do we know that if seethed together they are forbidden to be eaten.

(20) Ibid.

(21) Ex. XXII. 30.

(22) I.e., 'holy man' etc. introduces a prohibition of eating.

(23) When it was planted.

Talmud - Mas. Pesachim 25a

[This can be refuted]. As for 'orlah, [that may be] because it had no period of fitness;¹ will you say [the same of] meat and milk [seethed together], seeing that they had a period of fitness? Then let leaven during Passover prove it: though it had a period of fitness, it is forbidden for use. [This again can be refuted]. As for leaven during Passover, [that may be] because he [the offender] is punished with kareth,² will you say [the same] of meat [seethed] in milk, where he is not punished with kareth? Then let kil'ayim of the vineyard prove it: though he [the offender] is not punished with kareth yet it is forbidden for use. Now if this is so,³ let us refute [it thus]: as for kil'ayim of the vineyard. [that may be] because we flagellate on its account even [when he does] not [use it] in the normal manner of its usage? And Abaye?⁴ — [He can answer] 'will you say' — with what?⁵ 'Will you say [the same] of meat [seethed] in milk, for which we do not flagellate save [when it is eaten] in the normal manner of its use' — is then 'eating' written in connection with meat [seethed] in milk?⁶ And the other who raises the objection holds: for that purpose⁷ it is deduced from nebelah:⁸ just as nebelah [must be enjoyed] in the normal manner of its usage,⁹ so [must] meat [seethed] in milk, in the normal manner of its usage. And Abaye? — [He argues]: for that reason 'eating' is not written in its own case,¹⁰ to teach that we flagellate on its account even [when one does] not [enjoy it] in the normal manner of its usage.

But let us refute it [thus]: as for kil'ayim, [that may be] because it had no period of fitness?¹¹ — Said R. Adda b. Ahabah: This¹² proves that [in] kil'ayim of the vineyard, their very stock is forbidden,¹³ [and so we cannot refute it thus] since it had a time of fitness before taking root.¹⁴

'R. Shemaiah objected: If one sets a perforated pot in a vineyard,¹⁵ if one two-hundredth part is added, it is [all] forbidden:¹⁶ thus, only if there is added, but not if there is not added?¹⁷ — Said Raba, Two verses are written: 'the fulness' is written, and 'the seed' is written.¹⁸ How is this [to be reconciled]? That which is sown¹⁹ from the very outset [becomes forbidden] on taking root;²⁰ that which was sown when [partly] grown,²¹ if it increased it is [forbidden];²² if it did not increase, it is not [forbidden]!²³

R. Jacob said in R. Johanan's name: We may cure ourselves with all things, save with the wood of the asherah.²⁴ How is it meant? If we say that there is danger,²⁵ even the wood of the asherah too [is permitted]; while if there is no danger, even all [other] forbidden things of the Torah too are not [permitted]? — After all [it means] that there is danger, yet even so the wood of the asherah [must] not be used. For it was taught, R. Eliezer said: If 'with all thy soul' is said, why is 'with all thy might' said? Or if 'with all thy might' is said, why is 'with all thy soul' said?²⁶ But it is to teach you: if there is a man to whom his person is dearer than his wealth, therefore, 'with all thy soul' is stated;²⁷ and if there is a man to whom his wealth is dearer than his person, therefore 'with all thy might' [i.e.. substance] is stated. When Rabin came,²⁸ he said in R. Johanan's name: We may cure [i.e., save] ourselves with all [forbidden] things, except idolatry, incest,²⁹

(1) From the time of its planting it was never fit for food.

(2) For eating it.

(3) Sc. Abaye's statement supra 24b.

(4) How will he meet this question?

(5) I.e.. how would you conclude this refutation?

(6) It is not! Hence this last assumption would be unwarranted, and could not overthrow the argument.

(7) The prohibition of meat seethed with milk.

- (8) I.e., from Ex. XXII, 30; v. next note.
- (9) Before a penalty is incurred. Nebelah is employed here loosely, as in fact we learn from terefah (v. Glos.), which is the subject dealt with in Ex. XXII, 30 (Rashi).
- (10) I.e., in connection with milk seethed with meat.
- (11) It is now assumed that when two diverse species are planted together, the interdict of kil'ayim applies only to what grows after they are planted or sown, but not to the stock itself. Thus this added growth was never at any time fit for eating.
- (12) Sc. that we do not refute it thus.
- (13) Sc. that which was already grown before they were planted as kil'ayim.
- (14) The stock itself becomes forbidden, but only after it takes root.
- (15) The pot contains cereals, and being perforated it draws its sustenance from the soil of the vineyard, which renders it (the pot) forbidden as kil'ayim.
- (16) One two-hundredth part is inclusive, i.e., the addition is one two-hundredth of the present total, so that the original is only one hundred and ninety-nine times as much. If kil'ayim is mixed with permitted eatables, it is all forbidden unless the latter is two hundred times as much as the former.
- (17) Though it struck root; which shows that the original stock is not forbidden.
- (18) Deut. XXII, 9: lest the fulness of the seed which thou hast sown be forfeited. 'The fulness' implies the additional growth only, while 'the seed' implies the original stock.
- (19) In a vineyard.
- (20) Since it begins to grow under forbidden circumstances. Nevertheless, before it strikes root it is just as though it were lying in a jug.
- (21) Lit., 'sown and coming'
- (22) Sc. the increase.
- (23) The stock remaining unaffected.
- (24) A tree or grove devoted to idolatry.
- (25) In the person's illness.
- (26) V. Deut. VI, 5: And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy might.
- (27) I.e., one should love God even to the extent of giving his soul (life) in His service.
- (28) From Palestine to Babylon.
- (29) Which includes adultery.

Talmud - Mas. Pesachim 25b

and murder.¹ Idolatry, as we have stated.² Incest and murder, as it was taught: Rabbi said: For as when a man riseth against his neighbour, and slayeth him, even so is this matter.³ Now, what connection has a murderer with a betrothed maiden? Thus this comes to throw light, and is itself illumined.⁴ The murderer is compared to a betrothed maiden: just as a betrothed maiden must be saved [from dishonour] at the cost of his [her ravisher's] life, so [in the case of] a murderer, he [the victim] must be saved at the cost of his [the attacker's] life. Conversely, a betrothed maiden [is learned] from a murderer: just as [in the case of] murder, one must be slain rather than transgress, so a betrothed maiden must be slain yet not transgress.⁵ And how do we know it of murder itself?⁶ It is common sense. Even as one who came before Raba and said to him: The governor of my town has ordered me, 'Go and kill So-and-so, if not, I will kill you.' He answered him: 'Let him kill you rather than that you should commit murder; what [reason] do you see [for thinking] that your blood is redder? Perhaps his blood is redder.'⁷

Mar son of R. Ashi found Rabina rubbing his daughter with undeveloped olives of 'orlah.⁸ Said he to him: 'Granted that the Rabbis ruled [thus]⁹ in time of danger; was it [likewise] ruled when there is no danger?' 'This inflammatory fever is also like a time of danger,' he answered him. Others say, he answered him: 'Am I then using it in the normal manner of its usage?'

It was stated: [As to forbidden] benefit that comes to a man against his will, — Abaye said: It is

permitted; while Raba maintained: It is forbidden. Where it is possible [to avoid it], while he intends [to benefit], or if it is impossible [to avoid it], yet he intends [to benefit], none dispute that it is forbidden. If it is impossible [to avoid it], and he does not intend [to benefit], none dispute that it is permitted. They differ where it is possible [to avoid it] and he does not intend [to benefit]; now, on the view of R. Judah, who ruled, That which is unintended is forbidden,¹⁰ none dispute that it is forbidden. Where do they differ? On the view of R. Simeon, who maintained: That which is unintended is permitted. Abaye rules as R. Simeon. But Raba [argues]: R. Simeon rules thus only where it is impossible [to do otherwise], but not where it is possible.¹¹

Others state: If it is possible [to avoid it], and he does not intend [to benefit], that is [the case of] the controversy between R. Judah and R. Simeon.¹² If it is impossible [to avoid it], and he does not intend [to benefit], none dispute that it is permitted. When do they differ? Where it is impossible [to avoid it] and he intends [to benefit]. Now, on the view of R. Simeon, who regards the intention,¹³ none dispute that it is forbidden. Where do they differ? On the view of R. Judah, who maintained: It makes no difference whether he intends or does not intend, if it is possible [to avoid it] it is forbidden. Abaye rules as R. Judah.¹⁴

(1) Lit., 'bloodshed'.

(2) Viz., the interdict of the wood of the asherah.

(3) Deut. XXII, 26. This refers to the ravishing of a betrothed maiden.

(4) I.e., the verse shows that the case of a murderer throws light upon that of a betrothed maiden, but is also itself illumined thereby.

(5) She should rather suffer death than dishonour.

(6) That one must allow oneself to be slain rather than commit murder.

(7) You have no right to murder him to save yourself; his life is no less valuable than your own.

(8) For a remedy.

(9) That anything may be used for a remedy.

(10) V. Shab. 22a.

(11) The controversy of R. Judah and R. Simeon is with respect to dragging a bench over an earthen floor on the Sabbath, because it is needed in another part of the room. The dragging may make a rut in the earth, which is forbidden. Now in Abaye's view, R. Simeon permits the unintentional even when the whole act is avoidable, e.g., the bench is light enough to be carried. But in Raba's view R. Simeon permits it only when the bench is too heavy for this, so that the dragging is unavoidable. — An action is regarded as unavoidable when its purpose — here to have the bench elsewhere — is permissible or necessary. Similarly below, lecturing to the masses is regarded as unavoidable.

(12) Raba too admits this.

(13) As the determining factor.

(14) Since R. Judah rules thus, we see that the matter always depends on whether it is avoidable or not; therefore if it is unavoidable it is permitted.

Talmud - Mas. Pesachim 26a

Raba says thus: R. Judah rules that the unintentional is the same as the intentional only in the direction of stringency, but he did not rule that the intentional is the same as the unintentional where it is in the direction of leniency.

Abaye said: Whence do I know it? Because it was taught: It was related of R. Johanan b. Zakkai that he was sitting in the shadow of the Temple and teaching all day.¹ Now here it was impossible [not to lecture], and he intended [to benefit from the shade], and it is permitted?² But Raba said: The Temple was different, because it was made for its inside.³

Raba said: Whence do I know it? Because we learned: There were passage ways opening in the upper chamber to⁴ the Holy of Holies, through which the artisans were lowered in boxes,⁵ so that

they might not feast their eyes on the Holy of Holies. Now here it was impossible [to avoid going there], and he [the workman] intended [to gaze at the Holy of Holies], and it was forbidden. But is that logical? Surely R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass?⁶ Rather, they set up a higher standard for the Holy of Holies.⁷

Others state, Raba said: Whence do I know it? Because it was taught, R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass. [Thus] they merely do not involve trespass, but there is an interdict. Is that not for those who stand inside [the Temple],⁸ so that it is impossible [to avoid it], while there is, an intention [to enjoy], and it is forbidden? — No: it refers to those standing outside.⁹

[It was stated in] the text, 'R. Simeon b. Pazzi said in R. Joshua b. Levi's name on Bar Kappara's authority: Sound, sight, and smell do not involve trespass.' But, does not smell involve trespass? Surely it was taught: He who compounds incense in order to learn [the art thereof] or to give it over to the community¹⁰ is exempt; [if] in order to smell it,¹¹ he is liable; while he who smells it¹² is exempt, but that he commits trespass!¹³ Rather, said R. Papa: Sound and sight do not involve trespass, because they are intangible; and smell, after its smoke column has ascended,¹⁴ does not involve trespass, since its religious service has been performed.¹⁵

Shall we say that wherever the religious service has been performed no trespass is involved? But what of the separation of the ashes,¹⁶ though its religious service has been performed, yet it involves trespass, for it is written; and he shall put them [the ashes] beside the altar,¹⁷ [which means] that he [the priest] must not scatter nor use [them]?¹⁸ — Because [the references to] the separation of the ashes and the priestly garments are two verses written with the same purpose,¹⁹ and the teaching of two such verses does not illumine [other cases].²⁰ 'The separation of the ashes': that which we have stated. 'The priestly garments,' as it is written, and he shall leave them there:²¹ this teaches that they must be hidden.²² That is well on the view of the Rabbis who say, This teaches that they must be hidden. But according to R. Dosa who disagrees with them and maintains: But they are fit for an ordinary priest, while what does 'and he shall leave them there' mean? that he [the High Priest] must not use them on another Day of Atonement, what can be said? — Because the separation of ashes and the beheaded heifer²³ are two verses with the same teaching, and such two verses do not illumine [other cases]. That is well according to him who maintains, They do not illumine [other cases]; but on the view that they do illumine,²⁴ what can be said? — Two limitations are written: it is written, 'and he shall put them [the ashes]'; and it is written, [over the heifer] whose neck was broken [etc.].²⁵

Come and hear: If he took it [the heifer] into the team²⁶ and it [accidentally] did some threshing, it is fit;²⁷ [but if it was] in order that it should suck and thresh, it is unfit. Now here it is impossible [to do otherwise],²⁸ and he intends [to benefit], and he [the Tanna] teaches that it is unfit! — There it is different, because Scripture saith, 'which hath not been wrought with,' [implying] in all cases. If so, even in the first clause too [the same applies]?

(1) He was lecturing on the laws of Festivals to the masses, this being within thirty days before a Festival; v. supra 6a and b. As his own school-house was too small for the large number who wished to hear him, he taught in the open, choosing this site on account of the shade afforded by the high walls of the Temple.

(2) Though one must not derive any benefit from the Temple.

(3) It was normally used inside; hence the shade was not forbidden at all.

(4) Lit., 'the loft of'; v. Mid. IV, 5.

(5) I.e., closed lifts. When they had to pass there for making repairs.

(6) He who benefits from sacred things (hekdesh) commits trespass and is liable to a sacrifice. But no trespass is involved when he benefits by sound, sight or smell, e.g., when he hears the music in the Temple, sees the beauty of the

Temple, or smells the frankincense. Consequently, even if workmen did look upon the Holy of Holies it would not really matter.

(7) Forbidding even that which the law permitted.

(8) I.e., those engaged on some Temple service.

(9) Who can avoid enjoying these things.

(10) For use in the Temple.

(11) I.e., he intends keeping it for smelling.

(12) Sc. the incense belonging to the community and in use in the Temple.

(13) The reference is to Ex. XXX, 33: Whosoever compoundeth any like it, or whosoever putteth any of it upon a stranger, he shall be cut off from his people (kareth). In the first case he is exempt from kareth, in the second he is liable, while in the third he is exempt from kareth but liable to a trespass-offering. This contradicts R. Simeon b. Pazzi.

(14) The incense was thrown upon burning coals, which caused a cloud or a column of smoke to ascend. This constituted its sacred service.

(15) The incense then does not count as the sacred things of the Lord, and it is to this case that R. Simeon b. Pazzi refers. But before the smoke has ascended trespass is involved, because the smell, being directly caused by the spices with which the incense is compounded, is regarded as tangible.

(16) A censerful (Yoma 24a) of the ashes of the daily burnt-offering was taken every day and placed at the side of the altar, where the earth absorbed it.

(17) Lev. VI, 3.

(18) Rashal reads: (teaching) that others must not commit trespass therein, but all of it must be beside the altar. — ‘All of it’ refers to the censerful.

(19) Lit., ‘which come as one’.

(20) This is a general principle of exegesis. When a law is taught in one case it may be extended to other cases too by general analogy. But when it is taught in two cases it cannot be extended; for if it were intended to illumine others too, it would be written in one instance only, and the second, together with all others, would follow from it.

(21) Lev. XVI, 23. This refers to the additional garments worn by the High Priest on the Day of Atonement when he entered the Holy of Holies.

(22) And all use is forbidden. Here too they had fulfilled their religious purpose.

(23) V. Deut. XXI, 1-9. There too it is written, ‘and shall break the heifer’s neck there in the valley (v. 4). ‘There’ indicates that it must remain there and all benefit thereof is forbidden, though its religious purpose had already been fulfilled.

(24) R. Judah holds his view: v. Sanh. 67b.

(25) Lit., ‘the one who is neckbroken’. Ibid. 6. ‘The’ too is a limitation and the combined effect of the two limitations is to exclude all other cases from the operation of this law, which forbids benefit even after the religious requirements have been carried out.

(26) Of three or four cows used for threshing; his purpose was that it should suck.

(27) To make atonement for a murder by an unknown person; v. Deut. ibid. The heifer was to be one ‘which hath not been wrought with and which hath not drawn in

(28) It must be taken into the team to suck.

Talmud - Mas. Pesachim 26b

— This can only be compared to the following: If a bird rested upon it [the red heifer], it remains fit;¹ but if it copulated with a male, it is unfit. What is the reason? — Said R. Papa: If it were written ‘abad’² and we read it ‘abad’, [I would say, it becomes unfit] only if he himself wrought with it. While if ‘ubad’³ were written and we read it ‘ubad’, [it would imply] even if it were of itself.⁴ Since however, it is written ‘abad’ [active], whilst read ‘ubad’ [passive]. ‘it was wrought with’ must be similar to ‘he wrought [with it]’:⁵ just as ‘he wrought [with it]’ must mean that he approved of it, so also ‘it was wrought with’ refers only to what he approved.⁶

Come and hear: He may not spread it [viz.,] a lost [raiment]⁷ upon a couch or a frame for his needs, but he may spread it out upon a couch or a frame in its own interests. If he was visited by

guests, he may not spread it over a bed or a frame, whether in its interests or his own!⁸ — There it is different, because he may

the yoke' (v.²). Though this heifer had threshed, it remains fit, because it had been taken into the team to feed, not to thresh. [thereby] destroy it,⁹ either through an evil eye or through thieves.

Come and hear: Clothes merchants sell in their normal fashion, providing that they do¹⁰ not intend [to gain protection] from the sun in hot weather¹¹ or from the rain when it is raining;¹² but the strictly religious¹³ sling them on a staff behind their back.¹⁴ Now here, though it is possible to do as the strictly religious, yet when he has no intention [of benefiting], it is permitted; this is a refutation of him who learns Raba's first version?¹⁵ This is [indeed] a refutation.

AND ONE MAY NOT FIRE etc. Our Rabbis taught: If an oven was fired with the shells of 'orlah'¹⁶ or with the stubble of kil'ayim of the vineyard, if new, it must be demolished; if old, it must be allowed to cool.¹⁷ If a loaf was baked in it, — Rabbi said: The loaf is forbidden;¹⁸ but the Sages maintain: The loaf is permitted.¹⁹ If he baked²⁰ it upon the coals, all agree that it is permitted.²¹ But it was taught: Whether new or old, it must be allowed to cool? — There is no difficulty: one agrees with Rabbi, the other with the Rabbis.²² Granted that you know Rabbi [to rule thus] because the benefit²³ of the fuel lies in the loaf; do you know him [to maintain this ruling] where two things produce [the result]?²⁴ — Rather, [reply thus:] There is no difficulty: one is according to R. Eliezer, the other according to the Rabbis. Which [ruling of] R. Eliezer [is alluded to]? Shall we say. R. Eliezer['s ruling] On se'or'?²⁵ For we learned: If se'or of hullin and [se'or'] of terumah fall into dough, and neither is sufficient to make [it] leaven, but they combined and made [it] leaven, — R. Eliezer said: I regard²⁶ the last;²⁷ but the Sages maintain: whether the forbidden matter falls in first or the forbidden matter falls in last, it never renders it forbidden

(1) It is not disqualified because it has been put to some use. The red heifer had to be one 'upon which never came yoke' (Num. XIX, 2), i.e., it had not been put to service.

(2) Active: 'with which he (the owner) had (not) wrought'.

(3) Passive: 'was (not) wrought with'.

(4) I.e., even if it were wrought with entirely without the owner's volition.

(5) I.e., though it may have been put to work without the knowledge of its master, it shall nevertheless be only such work as its master would have approved.

(6) Now, if a bird rests on it, the master does not approve, since he does not benefit; but he does benefit from its copulation. Similarly, if he takes the heifer into the team and it accidentally threshes, he does not benefit thereby, as the team itself would have sufficed. Therefore it is not made unfit, unless that was his express purpose. — Though one passage refers to the beheaded heifer, while the other deals with the red heifer, it is deduced in Sot. 46a by a gezerah shawah (v. Glos.) that they are alike in law.

(7) Which he has found, and awaiting the owner to come and claim it.

(8) Thus, though he must spread it out, yet since he intends to benefit himself, it is forbidden.

(9) Lit., 'burn it'.

(10) Lit., 'he does'. The singular taken in the distributive sense.

(11) Lit., 'in the sun'.

(12) The reference is to garments containing the forbidden mixture of wool and linen (v. Deut. XXII, 11), sold to heathens. Merchants slung their wares across their shoulders for display, and though it is like wearing them, and some protection is afforded thereby, it is permitted.

(13) Lit., 'the modest'.

(14) So that they do not actually lie upon them.

(15) V. supra 25b.

(16) I.e., the shells of nuts of 'orlah'.

(17) 'New' means that the oven has never been used yet. Before it is fit for use it must be burnt through so as to harden it, and if this was done with the shells of 'orlah', the oven must be demolished, since it was made fit with prohibited fuel.

But if it had been used before, the only benefit is that it is now hot: hence that benefit must be forfeited by allowing the oven to cool without using its heat.

(18) He holds that the benefit of the forbidden fuel is contained directly in the loaf.

(19) In their view the benefit of the forbidden fuel is not actually contained in the loaf, for the flame of the burning shells is not identical with the shells themselves. By the same reasoning they reject the ruling that if new, the oven must be destroyed, holding it sufficient that it should be allowed to cool.

(20) Lit., 'boiled'.

(21) When the nutshells or stubble are burnt through and a mass of coals, they are regarded as already destroyed and not in existence. Consequently, if he bakes the bread upon them, the bread is not regarded as having benefited directly from them, and even Rabbi admits that it is permitted.

(22) V. p. 121, n. 11.

(23) Lit., 'improvement'.

(24) For when the new oven is fired, bread is not baked in it yet, and it will have to be fired a second time. Thus the bread that is baked will be the product of two things: the forbidden fuel and the permitted fuel. We do not find Rabbi holding that this too is forbidden, and if it is not, there is no need to demolish the oven.

(25) Se'or is leaven with which other dough is made leaven. Hamez is leavened bread.

(26) Lit., 'come after'.

(27) The status of the dough is determined by which fell in last: if hullin, the dough is permitted to a lay Israelite; if terumah, it is forbidden.

Talmud - Mas. Pesachim 27a

unless it¹ contains sufficient to induce fermentation,² Now Abaye said: They learned this³ only where he anticipated and removed the forbidden matter; but if he did not anticipate and remove the forbidden matter, it is forbidden.⁴ this proves that the product of two causes is forbidden. Yet how do you know that R. Eliezer's reason is as Abaye [states it]: perhaps R. Eliezer's reason is because I follow the last, there being no difference whether he anticipated and removed the forbidden matter or he did not anticipate and remove the forbidden matter;⁵ but [if they fell in] simultaneously, then indeed it may be permitted?⁶ — Rather it is R. Eliezer' [s ruling] on the wood of the asherah [which is alluded to]. For we learned: If he took wood from it [sc. the asherah], benefit thereof is forbidden. If he fired an oven with it, if new, it must be destroyed; if old, it must be allowed to cool. If he baked bread in it, benefit thereof is forbidden; if it [the bread] became mixed up with others, and [these] others [again] with others,⁷ they are all forbidden for use. R. Eliezer said: Let him carry the benefit [derived thence]⁸ to the Dead Sea.⁹ Said they to him: You cannot redeem an idol. Granted that you hear R. Eliezer [to rule thus] in the case of idolatry, whose interdict is [very] severe; do you know him [to rule likewise] in respect of other interdicts of the Torah? — Then if so, to whom will you ascribe it?¹⁰ Moreover, it was explicitly taught: And thus did R. Eliezer declare it forbidden in the case of all interdicts in the Torah.

Abaye said: Should you say' that the product of two causes is forbidden, then Rabbi is identical [in view] with R. Eliezer.¹¹ But should you say. The product of two causes is permitted,¹² while here [Rabbi forbids the bread] because there is the improvement of the fuel in the bread, then plates, goblets, and

regards that which completes the leavening having produced the whole of it. flask;¹³ are forbidden.¹⁴ They differ only in respect of an oven and a pot.¹⁵ On the view [that] the product of two causes is forbidden, these are forbidden; on the view [that] the product of two causes is permitted, these are permitted. Others state: Even on the view [that] the product of two causes is permitted, the pot is forbidden, for it receives the stew before the permitted fuel is placed.¹⁶

R. Joseph said in Rab Judah's name in Samuel's name: If an oven was fired [heated] with shells of 'orlah' or with stubble of kil'ayim of the vineyard, if new, it must be demolished; if old, it must be

allowed to cool. If he baked bread in it, — Rabbi said: The bread is permitted; but the Sages maintain: The bread is forbidden. But the reverse was taught!¹⁷ — Samuel learned it the reverse. Alternatively, in general Samuel holds [that] the halachah is as Rabbi as against his, but not as against his colleagues, but here [he holds], even against his colleagues, and so he reasoned, I will recite it reversed, in order that the Rabbis may stand [as ruling] stringently.¹⁸

‘If he baked it upon the coals all agree that the bread is permitted’.¹⁹ Rab Judah in Samuel's name, and R. Hiyya b. Ashi in R. Johanan's name [differ therein]: one says. They learned [this] only of dying coals, but live²⁰ coals are forbidden;²¹ while the other maintains, Even live coals too are permitted. As for the view that live [coals] are forbidden, it is well, [the reason being] because there is the improvement of the fuel in the bread.²² But on the view that even live [coals] are permitted, then how is the bread which is forbidden because there is the improvement of the fuel in the bread conceivable according to Rabbi?²³ — Said R. Papa: When the flame is opposite it.²⁴

(1) The se'or' of terumah, v. Tosaf.

(2) If forbidden matter falls into permitted, it does not render it forbidden unless it imparts its taste to it. The se'or' imparts its taste to the dough when it makes it leaven. — Se'or' of terumah is designated forbidden matter, since it is forbidden to a lay Israelite.

(3) Sc. R. Eliezer's view.

(4) R. Eliezer holds that if the hullin fell in last, the dough is permitted. This is only if he removed the terumah immediately the hullin fell in, and before the dough was leavened. Though the terumah must have helped slightly in the leavening, yet since it is no longer there when the dough really becomes leaven, it is disregarded. But if the terumah was left there, the dough becomes forbidden even if the hullin fell in last.

(5) The reason being that he

(6) Because R. Eliezer permits the product of two causes.

(7) ‘And (these) others’ etc. is absent in the Mishnah in A.Z. 49b, and R. Tam deletes it here too.

(8) I.e., the value of the wood.

(9) But R. Eliezer admits that if the benefit is not thrown into the Dead Sea, the new oven must be destroyed, which proves that he holds that the product of two causes is forbidden (v. p. 122, n. 3).

(10) Lit., ‘upon whom will you cast it?’ This is the answer: there is none other to whom the Baraitha supra 26b can be ascribed. Hence it must be assumed that R. Eliezer draws no distinction between idolatry — and other interdicts.

(11) I.e., if the Baraitha supra 26b is to be explained thus: just as Rabbi forbids the bread baked by the heat of the nutshells of ‘orlah’, so he also forbids the new oven that is fired by same, because he holds that the product of two causes is forbidden. Hence the whole Baraitha states Rabbi's ruling, his view being identical with R. Eliezer's. Consequently the problem which he proceeds to state does not arise.

(12) Hence the first clause stating that a new oven must be destroyed cannot agree with Rabbi, but only with R. Eliezer.

(13) Of earthenware, which received their final hardening in a kiln heated by forbidden fuel.

(14) On all views. For they have been made fit for use and will be used without any further improvements, and there is direct benefit from forbidden matter.

(15) Both of which must be heated again before food is cooked or baked in them.

(16) The food for stewing is placed in the pot before the heat is applied to it. The mere placing is regarded as benefit, and this was made possible solely by the forbidden fuel.

(17) Supra 26b.

(18) And so that people might accept the stringent ruling.

(19) V. supra 26b.

(20) Lit., ‘whispering’. When the coals are burning brightly they seem to be moving and whispering to each other (Rashi).

(21) I.e., the bread is forbidden in Rabbi's view.

(22) For the fuel is regarded as still in existence and directly baking the bread.

(23) For obviously the bread does not bake until the fuel burns up, and by then it is a mass of coals.

(24) Directly opposite the bread through the oven mouth.

Talmud - Mas. Pesachim 27b

Whence it follows that the Rabbis who disagree with him permit it even when the flame is opposite it; then how is forbidden fuel conceivable according to the Rabbis?¹ — Said R. Ammi b. Hama: In the case of a stool.²

Rami b. Hama asked R. Hisda: If an oven was heated with wood of hekdes³ and bread is baked therein, what [is the law] according to the Rabbis who permit in the first case?⁴ — The bread is forbidden, he replied. And what is the difference between this and 'orlah'? — Said Raba: How compare! 'Orlah is annulled in two hundred [times its own quantity]; hekdes is not annulled even in one thousand [times its quantity].⁵ But said Raba, If there is a difficulty, this is the difficulty: Surely he who fires [the oven] commits trespass, and wherever he who fires [the oven] commits trespass, it [the fuel] passes out to hullin?⁶ — Said R. Papa: We treat here of wood of peace-offerings,⁷ and in accordance with R. Judah, who maintained: Hekdes, if [misappropriated for secular use] unwittingly, becomes hullin; if deliberately, it does not become hullin. Now what is the reason that if deliberately it does not [become hullin]? Since it does not involve a trespass-offering,⁸ it does not pass out to hullin; so peace-offerings too, since it [the misappropriation of this type of sacrifice] does not involve a trespass-offering, it does not pass out to hullin.

Yet whenever he that fires [the oven] commits trespass, it [the fuel] passes out to hullin? But it was taught: [In the case of] all which are burnt,⁹ their ashes are permitted [for use], except the wood of an asherah, while the ashes of hekdes are forbidden for ever?¹⁰ — Said Rami b. Hama: E.g., if a fire fell of its own accord on wood of hekdes, so that there is no man to be liable for trespass.¹¹ R. Shemaiah said: It¹² refers to those [ashes] which must be hidden,¹³ for it was taught: And he shall put them [the ashes]¹⁴ gently; and he shall put them — the whole thereof; and he shall put them [means] that he must not scatter them.¹⁵

R. JUDAH SAID: THERE IS NO REMOVAL etc. It was taught, R. Judah said: There is no removal of leaven save by burning, and logic impels this: if nothar, which is not subject to 'there shall not be seen' and 'there shall not be found', requires burning, then leaven, which is subject to 'there shall not be seen' and 'there shall not be found', how much the more does it require burning! Said they to him: Every argument that you argue [which] in the first place is stringent yet in the end leads to leniency is not a [valid] argument: [for] if he did not find wood for burning, shall he sit and do nothing, whereas the Torah ordered, Ye shall put away leaven out of your houses,¹⁶ [which means] with anything wherewith you can put it away? R. Judah argued again [with] another argument.¹⁷ Nothar is forbidden for eating and leaven is forbidden for eating: just as nothar [is disposed of] by burning, so is leaven [destroyed] by burning. Said they to him, Let nebelah prove [it]¹⁸ for it is forbidden for eating yet does not require burning. Said he to them, There is a difference:¹⁹ nothar is forbidden for eating and for [all] use, and leaven is forbidden for eating and for [all] use: just as nothar requires burning, so does leaven require burning. Let the ox that is stoned²⁰ prove it, they replied: it is forbidden for eating and for [all] use, yet it does not require burning. Said he to them, There is a difference: Nothar is forbidden for eating and for [all] use, and he [who eats it] is punished with kareth, and leaven is forbidden for eating and for [all] use, and he is punished with kareth: just as nothar [must be destroyed] by burning, so is leaven [destroyed] by burning. Said they to him, Let the heleb of the ox that is stoned prove it, which is forbidden for eating, for [all] use, and involves the penalty of kareth, yet it does not require burning.

(1) I.e., when do they prohibit benefit from forbidden fuel?

(2) Made of forbidden wood. One must not sit upon it, because he thereby benefits from the wood while it is yet fully in existence.

(3) V. Glos.

(4) Sc. where it is heated with 'orlah or kil'ayim.

(5) If 'orlah is accidentally mixed with two hundred times its own quantity of permitted produce and cannot be removed, it is annulled, and the whole is permitted. But hekdesch in similar circumstances is never annulled: thus its interdict is obviously more stringent.

(6) When one misappropriates hekdesch for secular use, he commits trespass and is liable to an offering for having withdrawn it from sacred ownership. Thus by this very act he converts it into hullin, and therefore the bread should be regarded as having been baked with ordinary fuel, hence permitted. This principle holds good of all hekdesch save animals dedicated for sacrifices and the service utensils in the Temple.

(7) I.e., wood dedicated for peace-offerings, which means that it is to be sold and peace-offerings bought with the money, peace-offerings belong to the category of 'sacrifices of lower sanctity', and do not involve a trespass-offering; nevertheless they are forbidden for secular use.

(8) Sacrifices were brought only for unwitting transgressions.

(9) Viz., leaven on Passover, unclean terumah, 'orlah and kil'ayim of the vineyard. Tem. 33b.

(10) V. Tem. 34a.

(11) Only then are the ashes of hekdesch for ever forbidden.

(12) The teaching cited.

(13) Viz., the censerful of ashes hidden at the base of the altar, v. supra 26a. Only these are for ever forbidden.

(14) Lev. VI, 3.

(15) V. supra 26a.

(16) Ex. XII, 15.

(17) Not on the basis of an a minori argument, but a gezerah shawah, the conclusion of which is accepted irrespective of the result.

(18) I.e., refute the argument.

(19) Between nebelah on the one hand and nothar and leaven on the other.

(20) V. Ex. XXI, 28.

Talmud - Mas. Pesachim 28a

R. Judah argued again [with] another argument: Nothar is subject to 'ye shall let nothing of it remain,'¹ and leaven is subject to 'ye shall let nothing of it remain':² just as nothar [is disposed of] by burning, so is leaven [disposed of] by burning. Said they to him, Let the guilt-offering of suspense³ and the sin-offering of a bird which is brought for a doubt,⁴ on your view,⁵ prove it: for they are subject to 'ye shall let nothing of it remain,'⁶ and we maintain that they require burning, while you say [it is disposed of] by burial.⁷ [Thereupon] R. Judah was silent. Said R. Joseph: Thus people say, The ladle which the artisan hollowed out, in it [his tongue] shall be burnt with mustard.⁸ Abaye said: When the maker of the stocks sits in his own stock, he is paid with the clue which his own hand wound.⁹ Raba said: When the arrow maker is slain by his own arrows, he is paid with the clue which his own hand wound.

BUT THE SAGES MAINTAIN: HE CRUMBLES AND THROWS IT etc. The scholars asked: How is it meant: He crumbles and throws it to the wind, or he crumbles and throws it into the sea; or perhaps, he crumbles and throws it to the wind, but he may throw it into the sea whole [without crumbling]? And we learned similarly in connection with an idol too: R. Jose said: He crushes and throws it to the wind or casts it into the sea. And the scholars asked: How is it meant: He crushes and throws it to the wind, or he crushes and casts it into the sea; or perhaps, he crushes and throws it to the wind, but he may cast it into the sea whole [without crushing?]¹⁰—Said Rabbah: It is logical that an idol, which goes into the Dead Sea, need not be crushed;¹⁰ leaven, which goes into other streams, needs crumbling. Said R. Joseph to him, On the contrary, the logic is the reverse: An idol, which does not dissolve, needs crushing; leaven, which dissolves, does not need crumbling. It was taught in accordance with Rabbah;¹¹ it was taught in accordance with R. Joseph.¹² It was taught in accordance with Rabbah: If he was walking in a wilderness, he crumbles it [the leaven] and casts it to the wind; if he was travelling in a ship, he crumbles it and casts it into the sea. It was taught in accordance with R. Joseph: If he was travelling in the desert, he crushes [the idol] and throws it to the wind; if he was

travelling in a ship, he crushes and casts it into the sea. [The teaching requiring] ‘crushing’ is a difficulty according to Rabbah, [while the teaching requiring] ‘crumbling’ is a difficulty according to R. Jose? ‘Crushing’ is not a difficulty according to Rabbah: one means into the Dead Sea,¹³ the other means into other waters. ‘Crumbling’ is not a difficulty according to R. Joseph: One refers to wheat [grains],¹⁴ the other refers to bread.

MISHNAH. LEAVEN BELONGING TO A GENTILE OVER WHICH PASSOVER HAS PASSED¹⁵ IS PERMITTED FOR USE; BUT THAT OF AN ISRAELITE IS FORBIDDEN FOR USE, BECAUSE IT IS SAID, NEITHER SHALL THERE BE LEAVEN SEEN WITH THEE.¹⁶

GEMARA. Who is [the authority of] our Mishnah: it is neither R. Judah nor R. Simeon nor R. Jose the Galilean. What is this [allusion]? — For it was taught: [As to] leaven, both before its time and after its time, he transgresses a negative command on its account; during its time, he transgresses a negative command and [commits a sin subject to] kareth.¹⁷

(1) Ex. XII, 10.

(2) Since leaven must not be seen or found in the house after midday on the fourteenth of Nisan, it may obviously not remain there until then.

(3) I.e., doubt. When a man is in doubt whether he has committed a transgression for which, if certain, a sin-offering is due, he brings a guilt-offering of suspense.

(4) E.g., when a woman miscarries, and it is not known whether the fetus was viable or not.

(5) V. Tem. 34a. The Rabbis hold that this bird sin-offering must be burnt, while R. Judah maintains that it is cast into a waterduct which carries it off.

(6) In common with all sacrifices.

(7) This refers to the guilt-offering of suspense.

(8) Or, from it he shall swallow mustard.

(9) Jast. Rashi, he is paid by the uplifting— i.e., the work —of his own hand.

(10) For the Dead Sea is unnavigable; hence none will pick it up.

(11) That leaven requires ‘crumbling’.

(12) That an idol requires ‘crushing’.

(13) The idol need not be crushed before it is thrown thither.

(14) Which had turned leaven. These must be crumbled, i.e., scattered into the sea. But they may not be tied in a sack and thrown into the sea, lest someone finds the sack.

(15) I.e., it had been kept over Passover.

(16) Ex. XIII, 7.

(17) During its (forbidden) time means during Passover. Before its time, from six hours (mid-day) on the fourteenth of Nisan until evening, when Passover commences; after its time, after Passover — i.e., leaven which was kept from before until after Passover. He transgresses by eating it.

Talmud - Mas. Pesachim 28b

R. Simeon said: [As to] leaven, before and after its time, he does not transgress anything at all on its account; during its time, he transgresses on its account [an interdict subject to] kareth and a negative command. And from the hour that it is forbidden for eating, it is forbidden for [general] use; this agrees with the first Tanna. R. Jose the Galilean said: Wonder at yourself! How can leaven be prohibited for [general] use the whole seven [days]? And how do we know of him who eats leaven from six hours and onwards that he transgresses a negative command? Because it is said, Thou shalt eat no leavened bread with it:¹ this is R. Judah's opinion. Said R. Simeon to him: Is it then possible to say thus, seeing that it is already stated, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith?² If so, what does ‘thou shalt eat no leavened bread with it’ teach? When he is subject to [the injunction], arise, eat unleavened bread,³ he is subject to [the prohibition], ‘do not eat leavened bread’; and when he is not subject to, ‘arise, eat unleavened

bread,' he is not subject to, 'do not eat leavened bread.'

What is R. Judah's reason? — Three verses are written: There shall no leavened bread be eaten;⁴ Ye shall eat nothing leavened;⁵ and Thou shalt eat no leavened bread with it. One refers to before its time; another to after its time; and the third to during its time.⁶ And R. Simeon?⁷ — One refers to during its time. 'Ye shall eat nothing leavened' he requires for what was taught: Hamez.⁸ I only know [that it is forbidden] where it turned leaven of its own accord; if [it turned leaven] through another substance, how do we know it? Therefore it is stated, Ye shall eat nothing leavened.⁹ There shall no leavened bread be eaten' he requires for what was taught: R. Jose the Galilean said: How do we know that at the Passover of Egypt its [prohibition of] leaven was in force one day only? Because it is said, 'There shall no leavened bread be eaten', and in proximity thereto [is written], This day ye go forth.¹⁰ And R. Judah: how does he know [that it is prohibited when made leaven] through another substance? — Because the Divine Law expressed it in the term mahmezeth.¹¹ How does he know R. Jose the Galilean's [deduction]? — I can either say, because 'this day' is stated in proximity thereto.¹² Alternatively, he does not base interpretations on the proximity of verses.¹³

The Master said: 'And how do we know of him who eats leaven from six hours and onwards that he transgresses a negative command? Because it is said, Thou shalt eat no leavened bread with it: this is R. Judah's opinion. Said R. Simeon to him: Is it then possible to say thus, Seeing that it is already stated, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith?' Now as to R. Judah, R. Simeon says well to him? — R. Judah can answer you: [The purpose of] that [verse] is to make it a statutory obligation even for nowadays.¹⁴ And R. Simeon? Whence does he know to make it a statutory obligation [even nowadays]! — He deduces it from, at even ye shall eat unleavened bread.¹⁵ And R. Judah? — He requires that in respect of an unclean person or one who was on a distant journey. I might say, since he cannot eat the Passover sacrifice, he need not eat unleavened bread or bitter herbs either. Hence we are informed [that it is not so]. And R. Simeon? — For an unclean person or one who was on a distant journey no verse is required,¹⁶ because he is no worse than an uncircumcised person and an alien,¹⁷ for it is written, but no uncircumcised person shall eat thereof:¹⁸ 'thereof' he shall not eat, but he eats of unleavened bread and bitter herbs. And R. Judah? It is written in the case of one,¹⁹ and it is written in the case of the other.²⁰ Now, who is [the authority for] our Mishnah?²¹ If R. Judah, he states leaven without qualification, even that of a Gentile. And if R. Simeon,

(1) Deut. XVI, 3. 'It' refers to the Passover sacrifice, which was offered on the fourteenth of Nisan from mid-day and onwards; and the verse is interpreted: You are to eat no leavened bread at the time that you must offer the Passover sacrifice.

(2) Now, unleavened bread (mazzah) was not eaten before evening; hence 'therewith' must mean when the Passover sacrifice is eaten, viz., in the evening, and 'with it' must bear the same meaning in the first half of the verse.

(3) I.e., in the evening.

(4) Ex. XIII, 3.

(5) Ibid. XII, 20.

(6) On the meaning of these terms v. p. 129, n. 4.

(7) How does he interpret these verses?

(8) In Ex. XIII, 3 and Deut. XVI, 3 (E.V. leavened bread).

(9) Heb. mahmezeth. This implies even if fermentation was induced by something else.

(10) Ex. XIII, 4. He translates: There shall no leavened bread be eaten (on) this day (that) ye go forth.

(11) 'Leavened'; v. n. 8. This implies an additional teaching, for otherwise the three verses should use the same term, viz., hamez.

(12) Thus this too conveys an additional teaching.

(13) And thus he rejects the view that at the Exodus the prohibition of leaven was for one day only.

(14) The verse does not assimilate the prohibition of leavened bread to the precept of eating unleavened bread, in the sense that the former is valid only when the latter is, but the reverse: the latter is assimilated to the former. As long as

leaven is prohibited, there is an obligation to eat unleavened bread, i.e., even nowadays, after the destruction of the Temple and the cessation of sacrifices. For I might think, since it is written, they shall eat it (sc. the Passover sacrifice) with unleavened bread and bitter herbs (Num. IX, 11), the obligation to eat unleavened bread holds good only as long as the Passover sacrifice is offered. Hence this verse teaches that it is not so.

(15) Ex. XII, 18. This is otherwise superfluous, since it is stated in v. 8, and they shall eat the flesh in that night ... and unleavened bread.

(16) That he has to eat unleavened bread.

(17) V. Ex. XII, 43. According to the Talmud, Shab. 87a this means a Jew whose acts have alienated him from Heaven, i.e., a nonconformist.

(18) Ibid. 48.

(19) Sc. an uncircumcised person and an 'alien'.

(20) Sc. an unclean person and one who was on a distant journey; v. infra 120a, p. 619, n. 6. Hence Deut. XVI, 3 is still required to show that the eating of unleavened bread is a permanent obligation.

(21) Here the Talmud reverts to its original question (supra a bottom), which was interrupted for a discussion of the various opinions quoted.

Talmud - Mas. Pesachim 29a

even that of an Israelite is indeed permitted.¹ while if [it is] R. Jose the Galilean, even during its time it is indeed permitted for [general] use? — Said R. Aha b. Jacob: In truth it is R. Judah, and he learns se'or [leaven] of 'eating' from se'or of seeing':² just as [with] the se'or [stated in connection] with 'seeing', you must not see your own, but you may see that belonging to others or to the Most High',³ so [with] the se'or [written in connection] with 'eating', you must not eat your own, but you may eat that belonging to others or to the Most High;⁴ and logically he [the Tanna of our Mishnah] ought to teach that it⁵ is permitted even for eating, but because he teaches that that of an Israelite is forbidden for use, he also teaches that that of a Gentile is permitted for use. Again, logically he ought to teach that even during its period it⁵ is permitted for use, but because he mentions after its period in connection with that of an Israelite, he also teaches about that of a heathen after its period.

Raba said: In truth it⁶ is R. Simeon; but R. Simeon does indeed penalize him, since he transgresses 'there shall not be seen' and 'there shall not be found' therewith.⁷ As for Raba, it is well: hence it is taught, BUT THAT OF AN ISRAELITE IS FORBIDDEN [FOR GENERAL USE], BECAUSE IT IS SAID, NEITHER SHALL THERE LEAVEN BE SEEN WITH THEE.⁸ But according to R. Aha b. Jacob, he should state, because [it is said], there shall no leavened bread be eaten?⁹ — Do you think that that¹⁰ refers to the second clause? [No,] it refers to the first clause, and he states thus: LEAVEN BELONGING TO A GENTILE OVER WHICH PASSOVER HAS PASSED IS PERMITTED FOR USE, BECAUSE IT IS SAID, NEITHER SHALL THERE BE LEAVEN SEEN WITH THEE, [implying] thine own thou must not see, but thou mayest see the leaven of strangers or of the Most High; and se'or of 'eating' is learnt from se'or of 'seeing'.

Now they¹¹ are consistent with their views. For it was stated: If one eats se'or belonging to a heathen over which Passover has passed, according to R. Judah's view, — Raba said: He is flagellated; while R. Aha b. Jacob said: He is not flagellated. Raba said, He is flagellated: R. Judah does not learn se'or of 'eating' from se'or of 'seeing'. While R. Aha b. Jacob, said, He is not flagellated: he learns se'or of 'eating' from se'or of 'seeing'.

But R. Aha b. Jacob retracted from that [view]. For it was taught: He who eats leaven of hekdes¹² during the Festival [Passover] commits trespass; but some say, He does not commit trespass.¹³ Who is [meant by] 'some say'? — Said R. Johanan, It is R. Nehunia b. ha-Kanah. For it was taught: R. Nehunia b. ha-Kanah used to treat the Day of Atonement as the Sabbath in regard to payment: just as [with] the Sabbath, he forfeits his life and is exempt from [payment], so [with] the Day of Atonement, he forfeits his life and is exempt from payment.¹⁴ R. Joseph said: They differ as to

whether sacred food can be redeemed in order to feed dogs therewith. He who says [that] he commits trespass holds, One may redeem sacred food in order to feed dogs therewith; while he who rules [that] he does not commit trespass holds, One may not redeem [etc.].¹⁵

R. Aha b. Raba recited

- (1) For general use, after its time.
- (2) I.e., he learns the prohibition of eating se'or from that of seeing se'or.
- (3) V. supra 5b.
- (4) I.e., when R. Judah teaches supra 28b that leaven even after its period is forbidden, this analogy shows that that applies to leaven belonging to a Jew only.
- (5) The leaven of a Gentile.
- (6) Our Mishnah.
- (7) Thus the Mishnah states the Rabbinic law, while in the Baraita the Scriptural law is stated.
- (8) I.e., as a penalty for violating this injunction.
- (9) That being the verse quoted by R. Judah supra 28b.
- (10) The verse quoted in the Mishnah.
- (11) Sc. Raba and R. Aha b. Jacob.
- (12) V. Glos.
- (13) On committing trespass V. p, 117, n. 6. The first Tanna holds that leaven belonging to hekdesch has a value even during Passover. For he agrees with R. Simeon that leaven kept during Passover is Biblically permitted after Passover, and though R. Simeon penalizes its owner, that does not apply to hekdesch, since leaven of hekdesch falls within the permissive law 'but thou mayest see that of Heaven'. Thus this man, by eating it, has caused loss to the Temple treasury, and therefore he is liable to a trespass-offering. But the second Tanna, while admitting this, holds that since he incurs kareth for the eating of leaven, he is free from any lesser penalty, as explained in the Text.
- (14) It is a principle that if a man commits an act involving the death penalty and a monetary compensation. he is exempted from the latter owing to the greater punishment; this holds good
- (15) If these Tannaim held with R. Simeon that during Passover it is forbidden for general use, they would agree that he is not liable for trespass, since it was valueless when he actually ate it, notwithstanding that it would become valuable after Passover. But they hold with R. Jose the Galilean that leaven is permitted for use during Passover. Now, the only use to which leaven can be put then is to give it to dogs. This may be done with ordinary leaven, but there is a controversy in respect of sacred leaven. The first Tanna holds that it can be redeemed for that purpose: hence the leaven is valuable, and therefore the eater commits trespass. But the others ('some say') hold that sacred leaven may not be redeemed for dogs. Consequently it has no value, and the eater does not commit trespass.

Talmud - Mas. Pesachim 29b

this discussion in R. Joseph's name in the following version: All agree that one may not redeem sacred food in order to feed it to dogs, but here they differ in this, viz., whether that which has indirect monetary value¹ is as money. He who says [that] he commits trespass holds, That which has indirect monetary value is as money; while he who maintains [that] he does not commit trespass holds, That which has indirect monetary value is not as money.² R. Aha b. Jacob said: All agree that that which has indirect monetary value is as money, but here they differ in the controversy of R. Judah and R. Simeon. He who says [that] he is not liable for trespass holds as R. Judah,³ while he who rules [that] he is liable for trespass

even if he is not actually executed. E.g., if he sets fire to another man's property on the Sabbath, since his violation of the Sabbath involves death, he is not liable for the damage. Now R. Nehunia b. ha-Kanah holds that it is the same if his act involves kareth instead of death: e.g., if he sets fire to another man's property on the Day of Atonement, the violation of which is punishable by kareth. — Thus in the present case he need not indemnify hekdesch for the leaven, in view of the kareth involved, and where that is so, there is no trespass-offering. agrees with R. Simeon.⁴ But it was R.

Aha b. Jacob himself who said that R. Judah learns se'or of 'eating' from se'or of 'seeing'?⁵ — Hence R. Aha b. Jacob retracted from that [statement].

R. Ashi said: All hold that we may not redeem [etc.], and that which has indirect monetary value is not as money. But here they differ in the controversy of R. Jose the Galilean and the Rabbis. He who rules [that] he is liable to trespass holds as R. Jose;⁶ while he who rules [that] he is not liable for trespass agrees with the Rabbis.

Rab said: Leaven, in its time,⁷ whether [mixed] with its own kind or with a different⁸ kind, is forbidden; when not in its time, [if mixed] with its own kind, it is forbidden; [if with] a different kind, it is permitted. What are we discussing: Shall we say, where it imparts [its] taste [to the mixture], then [how state] when not in its time, if [mixed] with a different kind it is permitted? Surely it imparts taste!⁹ — Rather it refers to a minute quantity [of leaven]:¹⁰ 'leaven in its time, whether [mixed] with its own kind or with a different kind, is forbidden', Rab being consistent with his view. For Rab and Samuel both said: All forbidden things of the Torah, [if mixed] with their own kind, [render forbidden the mixture even] when there is a minute quantity; [if] with a different kind, [only] when [the forbidden element] imparts its taste. Now Rab forbade leaven in its time [when mixed] with a different kind on account of [a mixture with] its own kind. When not in its period [and mixed] with its own kind, it [the mixture] is forbidden in accordance with R. Judah: but [when

leaven has no monetary value at all; nor has it any indirect monetary value, since it cannot be redeemed to feed it to dogs by selling it to a non-Jew for the purpose. mixed] with a different kind it is permitted, because [to forbid it] when not in its time and [mixed] with a different kind on account of [a mixture] with its own kind, — to that extent we do not enact a preventive measure.¹¹

Samuel said: Leaven, in its time, [if mixed] with its own kind, is forbidden; if with a different kind, it is permitted. When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted. 'Leaven, in its time, [if mixed] with its own kind, is forbidden.' Samuel is consistent with his view. For Rab and Samuel both said: All prohibited things of the Torah, [if mixed] with their own kind, [render forbidden the mixture even] when there is a minute quantity; [if mixed] with a different kind, [only] when [the forbidden element] imparts [its] flavour. Now he does not forbid [leaven mixed] with a different kind on account of [a mixture with] its own kind. 'When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted,' — in accordance with R. Simeon.

While R. Johanan said: Leaven, in its time, whether [mixed] with its own kind or with a different kind, is forbidden when it imparts [its] taste; when not in its time, whether [mixed] with its own kind or with a different kind, it is permitted. 'Leaven, in its time, whether [mixed] with its own kind or with a different kind, [is forbidden] when it imparts [its] taste.' R. Johanan is consistent with his view. For R. Johanan and Resh Lakish both maintain: All forbidden things in the Torah, whether [mixed] with their own kind or with a different kind, [render forbidden the mixture only] when they impart [their] taste.' 'When not in its time, whether [mixed] with its own kind or with a different kind, it is permitted,'- in accordance with R. Simeon.

(1) Lit., 'a thing which leads to money'.

(2) On this version both Tannaim agree with R. Simeon. Thus it has no present value at all, save an indirect value, since it can be used after Passover, and they disagree as to whether this deferred value can be regarded as immediate value.

(3) That all benefit is forbidden to an Israelite even after Passover, so that the

(4) That it is permissible for general use after Passover, even to an Israelite, and that it has a monetary value.

(5) Whereby leaven of hekdes is permitted for use during Passover even according to R. Judah.

(6) That benefit is permitted even during Passover. This leaven could be redeemed and used as fuel.

(7) V. supra p. 129, n. 4.

(8) Lit., 'not with its kind' — and similarly in the whole passage.

(9) It is a general principle that if something forbidden is mixed with something permitted and imparts its taste thereto, the whole mixture is prohibited.

(10) Insufficient to impart a flavour to the other.

(11) Gazar means to enact a preventive measure, i.e., to forbid one case which should be permitted because it might otherwise be thought that another case, which is actually forbidden, is permitted too.

Talmud - Mas. Pesachim 30a

Raba said: The law is: Leaven, in its time, whether [mixed] with its own kind or with a different kind, is forbidden [even] when there is a minute quantity, in accordance with Rab; when not in its time, whether [mixed] with its own kind or with a different kind, it is permitted, in accordance with R. Simeon. Yet did Raba say thus?¹ Surely Raba said, R. Simeon does indeed penalize him, since he transgressed 'there shall not be seen' and 'there shall not be found' with it?² — That is only in its natural state, but not when it is in a mixture.³ Now Raba⁴ is consistent with his view, For Raba said: When we were at R. Nahman's house, when the seven days of Passover were gone he would say to us, 'Go out and buy leaven from the troops.'⁵

Rab said: Pots must be broken on Passover.⁶ Why so? Let them be kept until after Passover and used with a different kind?⁷ — Lest he come to use it with its own kind. But Samuel maintained: They need not be broken, but can be kept until after its period and [then] used with their own kind⁸ or with a different kind. Now Samuel is consistent with his view. For Samuel said to the hardware merchants:⁹ Charge all equitable price for your pots, for if not I will publicly lecture [that the law is] in accordance with R. Simeon.¹⁰ Then let him lecture [thus] to them [in any case], seeing that Samuel holds as R. Simeon?¹¹ — It was Rab's town.

A certain oven was greased with fat.¹² [Thereupon] Raba b. Ahilai forbade for all time¹³ the bread [baked therein] to be eaten even with salt, lest he come to eat it with kutah.¹⁴ An objection is raised: One must not knead dough with milk, and if he does knead it, the whole loaf is forbidden, because it leads to sin.¹⁵ Similarly,

(1) That the leaven mixture is permitted after Passover.

(2) V. supra 29a.

(3) Even if he kept it in its natural, unmixed state during Passover and then it became mixed with other food, R. Simeon does not penalize him by disqualifying the mixture.

(4) Who accents the ruling of R. Simeon.

(5) Gentile troops quartered in the town, though they had baked it on Passover. — Their leaven was permitted after Passover since no transgression had been committed with it. — In the Diaspora Passover is kept for eight days, not seven. Raba probably mentions 'seven' loosely, using the Biblical phraseology, while meaning eight; v. S. Strashun R. Han. simply reads: 'when the days of Passover etc.'. V., however, Obermeyer, p. 99.

(6) Pots in which leaven is cooked absorb and retain some of the leaven. Now Rab holds that all leaven kept over Passover is forbidden after Passover, which includes absorbed leaven. Further, when other food is cooked in it after Passover the absorbed leaven imparts a flavour, and though it has a deteriorating effect, Rab holds that even such disqualifies the food. Thus the pots cannot be used after Passover; hence they must be broken.

(7) For only a very minute quantity is absorbed, and such, even according to Rab, does not disqualify a different kind.

(8) I.e., the same kind of leaven which was cooked in them before Passover.

(9) Lit., 'sellers of pots'.

(10) People did break their pots before Passover, and the merchants took advantage of the increased demand after Passover to raise prices. Thereupon Samuel threatened them that he would publicly lecture that leaven kept over Passover is not forbidden, so that people need not break their pots.

(11) As stated supra.

(12) Lit., 'grease'.

(13) Even if the oven should be fired and burnt through again.

(14) A preserve consisting of sour milk, bread-crusts and salt (Jast.). The bread of course receives the flavour of the fat, and must not be eaten with anything containing milk or a milk product.

(15) One may come to eat it with meat.

Talmud - Mas. Pesachim 30b

one must not grease an oven with fat, and if he does grease it, all the bread [baked therein] is forbidden until the oven is refired. Which [implies], if the oven is refired it is nevertheless permitted? This is a refutation of Raba b. Ahilai! — [It is indeed] a refutation.

Rabina said to R. Ashi: Now since Raba b. Ahilai was refuted, why did Rab say, Pots must be broken on Passover?¹ — There it was a metal oven, replied he, [whereas] here an earthen pot [is referred to]. Alternatively, both refer to earthenware: this [the oven] is fired from the inside;² while the other [the pot] is fired on the outside. And should you say, here too let him burn it [the pot] out from within, — he would spare it, lest it burst.³ Therefore a tiled pan,⁴ since it is burnt from without,⁵ is forbidden; but if he filled it with coals,⁶ it is permitted.

Rabina asked R. Ashi: What does one do about the knives on Passover? — I provide [make] new ones for myself, he replied. That is well for you, who can [afford] this, said he to him, [but] what about one who cannot [afford] this? I mean like new ones, he answered: [I thrust] their handles in loam, and their blades in fire, and then I place their handles in boiling water.⁷ But the law is: both the one and the other⁸ [need only be put] into boiling water, and in a 'first' vessel.⁹

R. Huna the son of R. Joshua said: A wooden pot ladle must be purified¹⁰ in boiling water and in a 'first' vessel. [Thus] he holds, as it absorbs, so it exudes.¹¹

Meremar was asked: Glazed vessels, may they be used on Passover? About green ones there is no problem, as they are certainly forbidden;¹² the question is, how about black ones and white ones? Again, if they have splits there is no question, as they are certainly forbidden;¹³ the question is, what about smooth ones? Said he to him: We see that they exude,¹⁴ which shows that they absorb; hence they are forbidden; and the Torah testified concerning an earthen vessel that it [the absorbed matter] never passes out from its sides.¹⁵ And what is the difference in respect of wine of nesek,¹⁶ that Meremar lectured: Glazed vessels,¹⁷ whether black, white, or green, are permitted?¹⁸ And should you answer, [the interdict of] wine of nesek is [only] Rabbinical, [whereas that of] leaven is Scriptural, — surely whatever the Rabbis enacted, they enacted similar to Scriptural law? — Said he to him: This is used with hot [matter], while the other is used with cold.¹⁹

Raba b. Abba said in R. Hiyya b. Ashi's name in Samuel's name: All utensils which were used with leavened matter [hamez], cold, may be used with unleavened bread [mazzah], except a container of se'or, because it is strongly leaven.²⁰ R. Ashi said: And a haroseth²¹ container is like a container of se'or, because it is strongly leaven. Raba said: The kneading basins of Mahuza,²² since leaven is continually kneaded in them and leaven is kept in them are like a container of se'or, which is strongly leaven. That is obvious? — You might say, since they are wide, the air acts on them and they do not absorb. Therefore he informs us [otherwise].

MISHNAH. IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN,²³ AFTER PASSOVER IT IS PERMITTED FOR USE. WHILE IF AN ISRAELITE LENT [MONEY] TO A GENTILE ON HIS LEAVEN, AFTER PASSOVER IT IS PROHIBITED FOR USE.²⁴

GEMARA. It was stated: [In the case of] a creditor, — Abaye said: He collects retrospectively;²⁵ while Raba said: He collects from now and onwards.²⁶ Now, where the debtor sanctified [the pledge]

or sold [it], all agree that the creditor can come and seize it,²⁷

- (1) For we see that greased ovens (these were generally of earth) can be reheated and then used, the heat expelling the traces of fat. Then let the pots too be subjected to fire, which would likewise expel the absorbed leaven.
- (2) Which is efficacious to expel absorbed matter.
- (3) Hence if he is told to burn it from within, he will burn it from without and think that enough.
- (4) A kind of plaque made of tiles upon which bread was baked.
- (5) The coals being under it and the bread on top.
- (6) On top.
- (7) This process frees them from their absorbed leaven.
- (8) Sc. the handle and the blade
- (9) A 'first' vessel means the vessel in which the water was boiled, while it is still at boiling point; a 'second' vessel is that into which the water is poured from the 'first'.
- (10) Hag'alah is the technical term for ridding a utensil of the forbidden matter which it has absorbed.
- (11) I.e., the same conditions are necessary to make it exude as those whereby it absorbed. Since the ladle absorbs the leaven from a 'first' vessel, for it is used for stirring contents of the pot on the fire, it exudes only when likewise placed in a first vessel.
- (12) These were made from an earth containing alum crystals and absorbed freely.
- (13) The splits permitting them to absorb.
- (14) I.e., they are porous.
- (15) Hence once forbidden they remain so for all time.
- (16) Neseq, lit., 'libation', is wine handled by a heathen. It is forbidden, because he may have dedicated it as a libation for his deity.
- (17) Which had contained wine of neseq.
- (18) For use, in spite of the wine which they had absorbed.
- (19) And of course it has greater powers of absorption in the former case.
- (20) And though the se'or placed therein was cold, yet it infects the vessel which in turn imparts a flavour of leaven to anything placed therein.
- (21) A paste made of flour and vinegar, used as a sauce or relish.
- (22) V. supra 5b, p. 20, n. 5.
- (23) The leaven being a pledge; the loan was made before Passover.
- (24) In both cases the leaven was seized for payment after Passover. V. infra Gemara.
- (25) I.e., if the creditor has to exact the pledge in repayment of the loan, the pledge is regarded as having retrospectively belonged to him from the time of the loan.
- (26) It is regarded as having belonged to him only from the moment he actually seized it.
- (27) From the purchaser, without compensation.

Talmud - Mas. Pesachim 31a

and the creditor can come and redeem it,¹ for we learned: He adds another denar and redeems this property.² They differ where the creditor sold or dedicated [it].³ Abaye said: 'He collects retrospectively'; since the time [for payment] came and he did not repay him, the matter was retrospectively revealed that from the [very] beginning it stood in his⁴ possession, and he rightly dedicated or sold [it]. But Raba ruled: 'He collects from now and onwards'; since if he [the debtor] had money, he could have quitted him with money, it is found that he [the creditor] acquires it only now.

Yet did Raba say thus? Surely Rami b. Hama said: if Reuben sold his estate to Simeon with security,⁵ and he [Simeon] set it [the money] up as a loan against himself,⁶ then Reuben died, and Reuben's creditor came and seized [the estate] from Simeon, whereupon Simeon went and satisfied him with money, it is by right that the children of Reuben can go and say to Simeon, 'As for us, we [maintain that] our father left [us] movables in your possession, and the movables of orphans are not

under lien to a creditor.⁷ Now Raba said: If Simeon is wise, he lets them seize the land, and then he reclaims it from them.⁸ For R. Nahman said: If orphans seize land for their father's debt,⁹ a creditor [of their father] can in turn seize it from them. Now, if you agree that he [a creditor] collects retrospectively, it is right: for that reason he in turn can seize it from them, because it is just as though they had seized it in their father's lifetime. But if you say that he collects it from now and henceforth, why can he in turn seize it from them: surely it is as though the orphans had bought [immovable] property,¹⁰ and if orphans buy [immovable] property, is it then under a lien to [their father's] creditor? — There it is different, because he can say to them, just as I was indebted¹¹ to your father, so I was indebted to your father's creditor. [This follows] from R. Nathan[‘s dictum]. For it was taught, R. Nathan said: How do we know that if one man [claims a maneh from his neighbour, and his neighbor [claims a like sum] from another neighbour, that we collect from the one [the last] and give to the other [the first]? From the verse, and he shall give it unto him to whom he is indebted.¹²

We learned: IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN, AFTER PASSOVER IT IS PERMITTED FOR USE. It is right if you say that he collects retrospectively: therefore it is permitted for use. But if you say that he collects from now and henceforth, why is it permitted for use? [Surely] it stood in the possession of the Israelite! — The circumstances here are that he deposited it with him.¹³

Shall we say that it is dependent on Tannaim: If an Israelite lent [money] to a Gentile on his leaven, after Passover he does not transgress.¹⁴ In R. Meir's name it was said: he does transgress. Now do they not differ in this, viz., one Master holds [that] he collects retrospectively, while the other Master holds [that] he collects from now and onwards.¹⁵ — Now is that logical! Consider the second clause: But if a Gentile lent [money] to an Israelite on his leaven, after Passover he transgresses on all views. But surely the reverse [of the rulings in the first clause] is required: according to the view there [in the first clause] that he does not transgress, here he does transgress; [while] according to the view there that he does transgress, here he does not transgress!¹⁶

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- (1) From hekdesch, at a mere trifle, not at its full value, so that some form of redemption may be observed.
 - (2) ‘Er. 23b. If the debtor dedicates to hekdesch property worth ninety manehs, while his debt is one hundred manehs, the creditor adds (i.e., gives) just one denar as a formal redemption and seizes it. Thus in both cases they agree that the pledge belonged retrospectively to the creditor.
 - (3) Before he actually foreclosed.
 - (4) The creditor's.
 - (5) A guarantee to indemnify S. against loss if a creditor of R. should seize it for debt.
 - (6) S. could not pay for the field, so he gave him an IOU for the sum, pledging his own property as security.
 - (7) Although their father had given security for this transaction, yet the orphans can plead, we inherited movables from our father which were in your possession, i.e., you merely owed him money, the field actually being yours; hence you should not have given that money to the creditor, because movables inherited by orphans are not subject to any lien; nor had you the right to withhold payment. Hence you still owe us the money.
 - (8) I.e., he pleads that he has no money; hence they must take the field in payment. This will prove retrospectively that they had inherited land, not movables. Then he can demand its return, since their father had indemnified him against loss.
 - (9) I.e., for a debt owing to their father.
 - (10) I.e., with the money owing to them they now purchased this estate.
 - (11) Lit., ‘pledged’.
 - (12) Num. V. 7, translating: and he (the third) shall give it unto him (the first) to whom he (the second) is indebted.
 - (13) It is now assumed that he deposited it with the Gentile as a pledge, and the Gentile acquires a title to it as such.
 - (14) If he takes the leaven for the debt and uses it.
 - (15) It being now assumed that he did not deposit his leaven with the Gentile.
 - (16) Since the case is reversed, the Gentile having lent money to the Jew, obviously the rulings too should be reversed, if

they are dependent on whether the creditor collects retrospectively or from now and onwards.

Talmud - Mas. Pesachim 31b

Rather the circumstances here [in both clauses] are that he [the borrower] deposited it [the leaven] with him, and they differ in R. Isaac[‘s dictum]. For R. Isaac said: Whence do we know that the creditor acquires a title to the pledge?¹ Because it is said, [Thou shalt surely restore to him the pledge when the sun goeth down...] and it shall be righteousness unto thee:² if he has no title thereto, whence is his righteousness?³ Hence it follows that the creditor acquires a title to the pledge. Now the first Tanna holds, That⁴ applies only to an Israelite [taking a pledge] from an Israelite, since we read in his case, ‘and it shall be righteousness unto thee’; but an Israelite [taking a pledge] from a Gentile does not acquire a title.⁵ While R. Meir holds, [It follows] a fortiori; if an Israelite acquires from an Israelite, how much the more an Israelite from a Gentile! But if a Gentile lent [money] to an Israelite on his leaven, after Passover all agree that he transgresses: there the Gentile certainly does not acquire a title from the Israelite.⁶

We learned: IF A GENTILE LENT [MONEY] TO AN ISRAELITE ON HIS LEAVEN, AFTER PASSOVER IT IS PERMITTED FOR USE. Now even granted that he deposited it with him, surely you said that a Gentile does not acquire a title from an Israelite? There is no difficulty: there [in the Mishnah] it means that he said to him, ‘From now’;⁷ here [in the Baraita] it means that he did not say to him, ‘From now’,⁸ And whence do you assure that we draw a distinction between where he said ‘from now and where he did not say ‘from now’? — Because it was taught: If a Gentile deposited with an Israelite large loaves as a pledge,⁹ he [the Israelite] does not transgress; but if he said to him, ‘I have made them yours,’¹⁰ he transgresses. Why is the first clause different from the second? This surely proves that where he says to him, ‘from now,’ it is different from where he does not say, ‘from now. This proves it.

Our Rabbis taught: A shop belonging to an Israelite and its wares belong to an Israelite, while Gentile workers enter therein, leaven that is found there after Passover is forbidden for use, while it need not be stated for eating. A shop belonging to a Gentile and the wares belong to a Gentile, while Israelite workers go in and out, leaven that is found there after Passover may be eaten, while it is unnecessary to state [that] benefit [is permitted].¹¹

MISHNAH. IF RUINS COLLAPSED ON LEAVEN, IT IS REGARDED AS REMOVED.¹² R. SIMEON B. GAMALIEL SAID: PROVIDED THAT¹³ A DOG CANNOT SEARCH IT OUT.

GEMARA. R. Hisda said: Yet he must annul it in his heart.¹⁴ A Tanna taught: How far is the searching of a dog? Three handbreadths.¹⁵ R. Aha the son of R. Joseph said to R. Ashi: As to what Samuel said, Money can only be guarded [by placing it] in the earth¹⁶ — do we require [it to be covered by] three handbreadths or not? — Here, he replied, we require three hand breadths on account of the smell [of the leaven];¹⁷ but there [it is put into the earth] in order to cover it from the eye; therefore three handbreadths are not required. And how much [is necessary]? — Said Rafram of Sikkara:¹⁸ one handbreadth.

MISHNAH. HE WHO EATS TERUMAH OF LEAVEN ON PASSOVER UNWITTINGLY, MUST REPAY [TO THE PRIEST] THE PRINCIPAL PLUS A FIFTH;¹⁹ IF DELIBERATELY,²⁰ HE IS FREE FROM PAYMENT AND FROM [LIABILITY FOR] ITS VALUE AS FUEL.²¹

GEMARA. We learned elsewhere: He who eats terumah unwittingly must restore the principal plus a fifth; whether he eats, drinks,

(1) That whilst in his possession it is his, and he is responsible for all accidents.

- (2) Deut. XXIV, 13.
- (3) There is no particular righteousness in returning what does not belong to one.
- (4) The dictum of R. Isaac.
- (5) Therefore he does not transgress in respect of the leaven.
- (6) Hence the leaven stood in the ownership of the Israelite.
- (7) When he deposited the leaven with him he said to him, 'If I do not repay by the stipulated time, the leaven is yours from now'. Hence the leaven stands in the lender's ownership, whether Jew or Gentile.
- (8) Therefore, where the Gentile lent to the Jew, all agree that even if the debt was not repaid, the leaven may not be used, because during Passover it was definitely in the Jew's ownership, notwithstanding that it was deposited with the Gentile, because he does not acquire a title from a Jew. But the dispute arises only where the Israelite lent to the Gentile.
- (9) Purni was a large oven in which large loaves were baked. 'Large loaves' are mentioned as a natural thing, since only such are sufficiently valuable to be a pledge.
- (10) From now, if I do not repay at the proper time.
- (11) In both cases we assume that the leaven was of the stock, and did not belong to one of the workers.
- (12) Since it is inaccessible.
- (13) Lit., 'whatever'.
- (14) Lest the debris be removed during the festival.
- (15) The leaven must be covered by not less than three handbreadths of debris; otherwise a dog can search it out, and it would therefore be necessary to remove the debris and destroy the leaven.
- (16) That is the only way in which a bailee can carry out his charge; otherwise he is guilty of negligence and liable for theft. — In ancient days there was probably no other place as safe, but nowadays it suffices if the bailee puts the money in the place where he keeps his own (Asheri, B.M. 42a).
- (17) If the leaven is covered by less, a dog can smell it.
- (18) A town S. of Mahuza.
- (19) I.e., he did not know that it was terumah, even if he knew that it was leaven. Though leaven has no value during Passover, yet here he must make the usual restoration of the principal plus a fifth (v. Lev. XXII, 14), not in money but in kind, the same as he ate, v. infra p. 147.
- (20) I.e., he knew that it was terumah, even if he did not know that it was leaven.
- (21) If the terumah was unclean, when it has no other value, since unclean terumah may not be eaten. The reason is this: the law of restoring the principal plus a fifth, in kind, holds good only when the terumah is misappropriated unwittingly, the restoration being for the purpose of atonement. But when one appropriates it deliberately his act constitutes larceny, and he must return its value in money, not in kind, as in all cases of larceny. Leaven during Passover, however, has no monetary value, all benefit thereof being interdicted: hence he is free from payment.

Talmud - Mas. Pesachim 31b

Rather the circumstances here [in both clauses] are that he [the borrower] deposited it [the leaven] with him, and they differ in R. Isaac[’s dictum]. For R. Isaac said: Whence do we know that the creditor acquires a title to the pledge?¹ Because it is said, [Thou shalt surely restore to him the pledge when the sun goeth down...] and it shall be righteousness unto thee:² if he has no title thereto, whence is his righteousness?³ Hence it follows that the creditor acquires a title to the pledge. Now the first Tanna holds, That⁴ applies only to an Israelite [taking a pledge] from an Israelite, since we read in his case, ‘and it shall be righteousness unto thee’; but an Israelite [taking a pledge] from a Gentile does not acquire a title.⁵ While R. Meir holds, [It follows] a fortiori; if an Israelite acquires from an Israelite, how much the more an Israelite from a Gentile! But if a Gentile lent [money] to an Israelite on his leaven, after Passover all agree that he transgresses: there the Gentile certainly does not acquire a title from the Israelite.⁶

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(1) That whilst in his possession it is his, and he is responsible for all accidents.

(2) Deut. XXIV, 13.

(3) There is no particular righteousness in returning what does not belong to one.

- (4) The dictum of R. Isaac.
- (5) Therefore he does not transgress in respect of the leaven.
- (6) Hence the leaven stood in the ownership of the Israelite.
- (7) When he deposited the leaven with him he said to him, 'If I do not repay by the stipulated time, the leaven is yours from now'. Hence the leaven stands in the lender's ownership, whether Jew or Gentile.
- (8) Therefore, where the Gentile lent to the Jew, all agree that even if the debt was not repaid, the leaven may not be used, because during Passover it was definitely in the Jew's ownership, notwithstanding that it was deposited with the Gentile, because he does not acquire a title from a Jew. But the dispute arises only where the Israelite lent to the Gentile.
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- (10) From now, if I do not repay at the proper time.
- (11) In both cases we assume that the leaven was of the stock, and did not belong to one of the workers.
- (12) Since it is inaccessible.
- (13) Lit., 'whatever'.
- (14) Lest the debris be removed during the festival.
- (15) The leaven must be covered by not less than three handbreadths of debris; otherwise a dog can search it out, and it would therefore be necessary to remove the debris and destroy the leaven.
- (16) That is the only way in which a bailee can carry out his charge; otherwise he is guilty of negligence and liable for theft. — In ancient days there was probably no other place as safe, but nowadays it suffices if the bailee puts the money in the place where he keeps his own (Asheri, B.M. 42a).
- (17) If the leaven is covered by less, a dog can smell it.
- (18) A town S. of Mahuza.
- (19) I.e., he did not know that it was terumah, even if he knew that it was leaven. Though leaven has no value during Passover, yet here he must make the usual restoration of the principal plus a fifth (v. Lev. XXII, 14), not in money but in kind, the same as he ate, v. infra p. 147.
- (20) I.e., he knew that it was terumah, even if he did not know that it was leaven.
- (21) If the terumah was unclean, when it has no other value, since unclean terumah may not be eaten. The reason is this: the law of restoring the principal plus a fifth, in kind, holds good only when the terumah is misappropriated unwittingly, the restoration being for the purpose of atonement. But when one appropriates it deliberately his act constitutes larceny, and he must return its value in money, not in kind, as in all cases of larceny. Leaven during Passover, however, has no monetary value, all benefit thereof being interdicted: hence he is free from payment.

Talmud - Mas. Pesachim 32a

or anoints [therewith]; whether it was defiled or undefiled terumah, he must pay a fifth and a fifth of the fifth.¹ The scholars asked: When he repays, does he repay according to quantity² or according to value?³ Where it was originally worth four zuz while subsequently it was worth a zuz,⁴ there is no question, for he must certainly repay on the original [price]. according to its value,⁵ because it is no worse than a robber, for we learned: All robbers repay as at the time of the robbery.⁶ The question arises where it was originally worth a zuz while subsequently it was worth four. What then? Must he repay according to quantity, for he [the priest] can say, He ate a griwa,⁷ he must repay a griwa; or perhaps he repays according to the value: he ate [the worth of] a zuz, he repays [the worth of] a zuz? — Said R. Joseph, Come and hear: If he ate figs [of terumah] and repaid him dates, blessings be upon him! It is well if you say that he must repay according to quantity: therefore 'blessings be upon him,' because he ate a griwa of dried figs, which is worth a zuz, and he returns [him] a griwa of dates, which is worth four. But if you say that he pays according to its value, why should 'blessings be upon him': he ate for a zuz and he returns [as much as] for a zuz? — Said Abaye, Indeed he pays according to value, yet why should 'blessings come upon him'? Because he ate something for which buyers are not eager,⁸ and he pays [with] something for which buyers are eager.⁹

We learned: HE WHO EATS TERUMAH OF LEAVEN ON PASSOVER UNWITTINGLY, MUST PAY [TO THE PRIEST] THE PRINCIPAL PLUS A FIFTH. It is well if you say that he

must pay according to quantity: then it is right. But if you say that he must pay according to the value, has then leaven on Passover any value? — Yes: the author of this is R. Jose the Galilean, who maintained: Leaven on Passover is permitted for use. If so, consider the second clause: IF DELIBERATELY, HE IS FREE FROM PAYMENT AND FROM [LIABILITY FOR] ITS VALUE AS FUEL. But if [the author is] R. Jose the Galilean, why is he free from payment and from [liability for] its value as fuel?¹⁰ — He holds as R. Nehunia b. ha-Kanah. For it was taught: R. Nehunia b. ha-Kanah used to treat the Day of Atonement as the Sabbath in regard to payment, etc.¹¹ This¹² is dependent on Tannaim: He who eats terumah of leaven on Passover is free from payment and from [liability for] the value of the fuel: this is R. Akiba's ruling. R. Johanan b. Nuri declares him liable. Said R. Akiba to R. Johanan b. Nuri: What benefit then has he [the priest] therein?¹³ R. Johanan b. Nuri retorted to R. Akiba: And what benefit has [the priest therein] that he who eats unclean terumah during the rest of the year must pay?¹⁴ Not so, replied he: if you speak of unclean terumah during the rest of the year, [that is] because though he [the priest] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel.¹⁵ Will you say the same of this, in which he does not enjoy the right of eating or the right to use it as fuel? Hence, to what is this like: to terumah of mulberries and grapes which was defiled, in which he does not enjoy the right of eating or the right to use it as fuel.¹⁶ When is this said?¹⁷ When he separates terumah and it because leaven. But if he separates terumah of leaven [on Passover], all agree [that] it is not holy.¹⁸

Another [Baraita] taught: [And if a man eat of the holy things unwittingly, then he shall put the fifth part thereof unto it,] and shall give unto the priest the holy thing;¹⁹ [that implies,] something which is fit to be holy, thus excluding him who eats terumah of leaven on Passover, [teaching] that he is free from payment and from

holds good when one incurs 'death at the hands of heaven', which is the penalty for eating terumah deliberately. According to this, the first clause, UNWITTINGLY, must now mean that the eater knew neither that it was terumah nor that it was leaven; for if he knew that it was leaven he is liable to kareth, which frees him from payment. [liability for] its value as fuel: this is the view of R. Eliezer b. Jacob; but R. Eleazar Hisma declares him liable. Said R. Eliezer b. Jacob to R. Eleazar Hisma: Yet what benefit has he [the priest] therein? R. Eleazar Hisma replied to R. Eliezer b. Jacob: And what benefit has he [therein] that he who eats unclean terumah during the rest of the year, must pay? Not so, answered he: if you speak of unclean terumah during the rest of the year, [that is] because though he [the priest] does not enjoy the right to eat it, yet he enjoys the right to use it as fuel; will you say [the same] of this, in which he does not enjoy the right of eating or the right to use it as fuel? Said he to him, In this too he has the right to use it as fuel, for if the priest wishes, he can place it before his dog or burn it under his pot.

(1) The first fifth becomes the same as the original terumah, and if he ate it, he must restore that fifth and a fifth thereof.

(2) Lit., 'measure'.

(3) The question arises because since he must repay in kind it is possible that the quantity is the deciding factor, as explained in the text.

(4) 'Originally' and 'subsequently' mean when he ate it and when he makes restoration respectively.

(5) This he must return quantitatively four times as much, and the fifth in addition.

(6) B.K. 93b; i.e., what its value was then.

(7) A dry measure equal to one se'ah.

(8) Sc. 'dried figs'. Lit., 'buyers do not leap upon it'.

(9) Sc. dates.

(10) Seeing that it has a monetary value.

(11) V. supra 29a and note a.l. The same

(12) Whether payment is to be made according to quantity or value.

(13) Seeing that it is forbidden to him for use, he suffers no loss.

(14) I.e., what benefit can a priest derive from unclean terumah, seeing that it must not be eaten. Yet if a lay Israelite eats

it, all agree that he must pay. The text is in disorder, cf. Rashi and Tosef. Pes. I.

(15) Lit., 'though he has not in it a permission of eating, yet he has in it a permission of heating'. The other passages below have the same literal meanings.

(16) Strictly speaking, he enjoys the latter right, but it is unfit for fuel on account of the juice

(17) When is it conceivable that terumah of leaven should possess sanctity during Passover?

(18) Even according to R. Jose the Galilean, though he permits general benefit from leaven on Passover. The reason is given below.

(19) Lev. XXII, 14.

Talmud - Mas. Pesachim 32b

Abaye said: R. Eliezer b. Jacob, R. Akiba and R. Johanan b. Nuri all¹ hold [that] leaven during Passover is forbidden for use, and they differ in this, viz., R. Akiba² holds: He must pay according to value;³ while R. Johanan b. Nuri holds: He must pay according to quantity. That is obvious? — You might say, R. Johanan b. Nuri also holds as R. Akiba [that] he must pay according to value, but the reason that he declares him liable there is this, [viz..] because he agrees with R. Jose the Galilean who maintained, Leaven is permitted for use on Passover: [therefore] he informs us [that it is not so]. Yet perhaps that indeed is so? — If so, let R. Johanan b. Nuri answer R. Akiba just as R. Eleazar Hisma answered R. Eliezer b. Jacob.

Our Rabbis taught: He who eats as much as an olive of terumah⁴ must pay the principal plus a fifth. Abba Saul said: [He is not liable] unless it has the worth of a perutah.⁵ What is the first Tanna's reason? — Scripture saith, And if a man eat of the holy thing unwittingly⁶ and eating [requires] as much as an olive.⁷ And Abba Saul: what is [his] reason? — Scripture saith, and he shall give [unto the priest the holy thing].⁶ and giving is not less than the worth of a perutah. And the other too, surely 'eat' is written? That comes [to teach], excluding him who destroys [terumah].⁸ And the first Tanna, surely it is written, 'and he shall give'? — He requires that [to intimate that he must return] something which is fit to be holy.⁹

Our Rabbis taught: He who eats less than an olive of terumah must pay the principal, but he does not pay the [additional] fifth. How is it meant? If it is not worth a perutah, let him not pay the principal either; while if it is worth a perutah, let him pay a fifth too? — After all it means that it is worth a perutah, yet even so, since it was less than an olive he pays the principal but does not pay the fifth. The Rabbis stated this before R. Papa: This is not according to Abba Saul, for if according to Abba Saul, surely he says, since it is worth a perutah, even if it is less than an olive [the law applies]! — Said R. Papa to them: You may even say [that it agrees with] Abba Saul. Abba Saul requires both.¹⁰ Yet does Abba Saul require both? Surely we learned, Abba Saul said: For that which possesses the worth of a perutah he [the eater] is liable for payment; [for] that which does not possess the worth of a perutah he is not liable for payment. Said they [the Sages] to him. The worth of a perutah was stated in connection with a trespass-offering only;¹¹ but for terumah he is not liable unless it contains as much as an olive. Now if this is correct,¹² they should have stated, 'once it contains as much as an olive'?¹³ This is a refutation.

Now, R. Papa too retracted,¹⁴ for it was taught: [If any one commit a trespass,] and sin unwittingly:¹⁵ this excludes deliberate[tres pass]. But does this not follow a fortiori: if other precepts, for [the transgression of] which one is liable to kareth,¹⁶ yet [Scripture] exempts the deliberate offender in their case;¹⁷ [with regard to] trespass, which does not involve kareth, does it not follow that the deliberate transgressor is exempt? No: if you say [thus] in the case of other precepts, that is because he is not liable to death on their account; will you say [the same] of trespass, for which death is incurred?¹⁸ Therefore 'unwittingly' is stated, excluding deliberate [transgression]. Now R. Nahman b. Isaac said to R. Hiyya b. Abin: This Tanna, at first, regards kareth as severer, while subsequently he regards death [at the hands of Heaven] as more severe?¹⁹ And he answered him,

This is what he means: No; if you say [thus] in the case of other precepts, that is because he is not liable to death on their account for less than an olive; will you say [the same] of trespass, where death is incurred for less than an olive. Whereon he said to him, Thy mind be at rest, because thou hast set my mind at rest. Said he to him, What satisfaction [is there in this answer], seeing that Rabbah and R. Shesheth have swung an axe at it:²⁰ Whom do you know to maintain?

- (1) Rashi omits 'R. Eliezer b. Jacob' and 'all'.
- (2) And likewise R. Eliezer b. Jacob.
- (3) And since it has no value, the eater is exempt.
- (4) This refers to the rest of the year.
- (5) The smallest coin.
- (6) Lev. XXII, 14.
- (7) This is the smallest quantity to which the term 'eating' can be applied.
- (8) Without eating it; this law of the extra fifth does not apply in his case.
- (9) I.e., the return must be made in kind, which can itself be holy (viz, terumah), not in money, which cannot be terumah.
- (10) It must be worth not less than a perutah and be not less than an olive in size.
- (11) If he unwittingly converts hekdesch (q.v. Glos.) to secular use he is liable to a trespass-offering, providing the object so misappropriated is worth at least a perutah.
- (12) That Abba Saul requires both.
- (13) Since he too agrees to this, their view must be: once it contains the size of an olive he is liable even if it is not worth a perutah.
- (14) From his view that Abba Saul requires both.
- (15) Lev. V, 15: the passage deals with the trespass-offering for the misappropriation of hekdesch and the restitution of the principal plus a fifth.
- (16) V. Glos. E.g., if one consumes blood or forbidden fat (heleb).
- (17) From a sacrifice, which is due only for an unwitting offence.
- (18) Surely not. By 'death', death at the hands of Heaven is meant.
- (19) This follows from a comparison of the two halves of the argument.
- (20) I.e., proved it to be incorrect.

Talmud - Mas. Pesachim 33a

If he deliberately transgressed in respect of a trespass-offering,¹ [he is punished] by death? It is Rabbi. For it was taught: If he deliberately transgressed in respect of a trespass-offering, — Rabbi said: [He is punished] by death; while the Sages maintain: By a warning.² What is Rabbi's reason? — Said R. Abbahu: He derives identity of law from the fact that 'sin' is written here and in the case of terumah:³ just as terumah involves death, so trespass involves death. And from that [it also follows]: just as terumah [involves punishment] for as much as an olive, so trespass [involves punishment] for as much as an olive.⁴ Now R. Papa demurred:⁵ How do you know that Rabbi holds as the Rabbis;⁶ perhaps he agrees with Abba Saul, who said: If it possesses the worth of a perutah, even if it does not contain as much as an olive?⁷ But surely it was R. Papa who said [that] Abba Saul requires both? Hence this proves that he retracted.

Mar the son of Rabina said, This is what he⁸ means: No: if you say thus of other precepts — where the unintentional is not treated as intentional, for if he intended cutting what was detached but cut what is attached, he is not culpable;⁹ will you say [the same] in the case of trespass, where if he intended to warn himself with wool shearings of hullin but warned himself with the wool shearings of a burnt-offering he is liable to a trespass-offering?

R. Nahman b. Isaac said: He means this: If you say thus in the case of other precepts, that is because he who is not engaged therein is not declared culpable like he who is engaged therein, for if he intended picking up that which was detached but he plucked¹⁰ that which is attached [instead], he

is not culpable;¹¹ will you say [the same] of trespass, where if he stretched out his hand to take a vessel and [incidentally] anointed his hand with holy oil,¹² he is liable for trespass?

The Master said: ‘When is this said? When he separates terumah and it became leaven. But if he separates terumah of leaven on Passover, all agree that it is not holy.’ Whence do we know this? — Said R. Nahman b. Isaac, Scripture saith, [The firstfruits of thy corn, of thy wine, and of thy oil ...] shalt thou give to him:¹³ but not for its light.¹⁴ R. Huna son of R. Joshua objected: One must not separate terumah from unclean [produce] for clean; yet if he separates [thus] unwittingly, his terumah is valid. Yet why? Let us say, ‘for him, but not for his light’? — There is no difficulty: There it enjoyed a time of fitness,¹⁵ whereas here¹⁶ it did not enjoy a time of fitness.¹⁷ And how is it conceivable that it had no time of fitness? E.g. if it became leaven whilst attached [to the soil].¹⁸ But if it became leaven when detached,¹⁹ would it indeed be holy?²⁰ — Yes, he replied: ‘the sentence is by the decree of the watchers, and the matter by the word of the holy ones’;²¹ and thus do they rule²² in the academy in accordance with my view.

When R. Huna the son of R. Joshua came,²³

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- (1) I.e., he deliberately transgressed where an unwitting transgression involves a trespass-offering.
 - (2) I.e., flagellation. This is a technical term to denote that he has infringed an ordinary negative injunction, for which he is flagellated.
 - (3) Trespass: If a soul commit a trespass, and sin through ignorance in the holy things of the Lord (Lev. V, 15); Terumah: Lest they bear sin for it, and die therefor (Ibid. XXII, 9).
 - (4) This is the ‘axe’: according to this R. Hiyya b. Abin is obviously wrong.
 - (5) In objection to ‘those who swung the axe’.
 - (6) That as much as an olive is the minimum to involve payment or punishment in the case of terumah.
 - (7) Hence the same applies to trespass too, and thus R. Hiyya b. Abin's answer is correct.
 - (8) The Tanna of the cited teaching.
 - (9) This refers to the Sabbath, when one must not cut or pluck produce growing in the soil (‘attached’). In the present case he is not liable to a sin-offering, which is only due when a man sins in ignorance, i.e., where he intended to do what he did, but did not know that it was forbidden.
 - (10) Lit., ‘cut’.
 - (11) Here he was not engaged in plucking or cutting at all.
 - (12) There too he was not engaged in anointing at all.
 - (13) Deut. XVII, 4.
 - (14) I.e., the priest must be able to consume it himself and not have to burn it for its heat or light. Hence if it is separated in a state in which it cannot be eaten, as here, it does not become terumah.
 - (15) Before it became unclean it was fit to be separated as terumah.
 - (16) In the case of the leaven terumah.
 - (17) It was not fit to be terumah before Passover as it goes on explaining.
 - (18) Whilst before it is harvested it cannot be declared terumah.
 - (19) I.e., before Passover, so that it was fit to be terumah before the Festival.
 - (20) If separated as terumah during Passover.
 - (21) Dan. IV, 14; i.e., this is the view of great teachers.
 - (22) מור"י implies to give a practical, as opposed to a mere theoretical, ruling.
 - (23) Var. lec. omit, ‘came’ v. Rashi.]

Talmud - Mas. Pesachim 33b

he said, Scripture saith, The firstfruits [of thy corn etc.], [implying] that its residue is distinct [in that it becomes permitted] to the Israelite,¹ [thus] this² is excluded, since its residue is not [so] distinct.³

R. Ala b. R. ‘Awia sat before R. Joshua and he sat and said in R. Johanan's name: If grapes are

defiled, one may tread them out less than an egg in quantity at a time, and their wine is fit for libations.⁴ This proves that he holds that the juice is indeed stored up;⁵ [consequently] when is it [the juice] defiled? When he expresses it; [but] when he expresses it, its standard quantity [for defiling] is absent.⁶ If so, [he can tread] as much as an egg too, for we learned: If a man unclean through a corpse squeezes out olives or grapes exactly as much as an egg in quantity, they are clean?⁷ — There it is [thus] if he did it;⁸ here it is in the first instance [when he must not tread as much as an egg] for fear lest he come to tread⁹ more than an egg.¹⁰ Said R. Hisda to him, Who needs you and R. Johanan your teacher: whither then has their uncleanness¹¹ gone? This proves that he holds that the juice is indeed absorbed,¹² and since the [solid] eatable is defiled, the juice too is defiled. And do you not hold that the juice is stored up? he replied. Surely we learned: If he who is unclean through a corpse squeezes out olives and grapes exactly as much as an egg in quantity, they are clean. Now it is well if you say that the liquid is stored up: for that reason it is clean. But if you say [that] it is absorbed, why is it clean? — Said he to him: We discuss here grapes which were not made fit;¹³ when [then] do they become fit? when he squeezes them;¹⁴ but when he squeezes them the standard quantity [for defilement] is diminished.¹⁵ For if you should not say thus, [them] when it was taught, ‘To what is this like? To terumah of mulberries and grapes which were defiled, which is not permitted to him either for eating or for burning.’¹⁶ — but surely it may be eaten too, for if he wishes, he can tread them out less than an egg at a time?¹⁷ — Said Raba: It is a preventive measure,¹⁸ lest he come to a stumbling-block through them.¹⁹ Abaye said to him, Yet do we fear a stumbling-block? Surely it was taught: One may light [a fire] with bread or oil of terumah which was defiled!²⁰ — The bread he casts among the wood, he replied, and the oil of terumah he pours into a repulsive vessel.²¹

[It was stated in] the text: ‘One may light [a fire] with bread or oil of terumah which was defiled’. Abaye said in Hezekiah's name, and Raba said, The School of R. Isaac b. Martha said in R. Huna's name: They learned this of bread only, but not of wheat, lest he come to a stumbling-block through it.²² But R. Johanan said: Even wheat.²³ But why? Let us fear lest he come to a stumbling-block through it? — As R. Ashi said [elsewhere].

(1) I.e., by giving the firstfruits, viz., the terumah to the priest, the residue becomes permitted to the Israelite.

(2) Leaven separated as terumah during Passover.

(3) The residue, being leaven, remains forbidden to the Israelite.

(4) On the altar. Unclean food less than an egg in quantity cannot defile other eatables. Hence when he treads out the grapes in such small quantities, there is never enough to defile the exuded juice, and the wine manufactured therefrom is clean, and consequently fit for libations on the altar, for which, of course, only undefiled wine is valid.

(5) It is not joined, as it were, to the outer skin and part of it, but like a liquid that is kept in a vessel. For if it were held to be absorbed and part of the skin, it would become unclean simultaneously with the skin.

(6) As explained on p. 152, n. 14.

(7) This person defiles food, and the food in turn, if not less than an egg in quantity, defiles liquids. Here the man does not touch the expressed juice. Now after the first drop issues the residue is less than the necessary minimum and therefore it does not defile the liquid that follows

(8) If he squeezes as much as an egg, it is clean.

(9) I.e., tread out.

(10) If he comes to ask what to do, he is told to tread it less than an egg at a time. For if he is permitted to tread out exactly as much as an egg, he may exceed it, thus rendering the whole unclean.

(11) Of the grapes.

(12) As part of the grape, and does not stand separate.

(13) To become unclean. Before an eatable can become unclean it must have had moisture upon it.

(14) I.e., the first drop which exudes and touches the outer skin makes the grapes fit to become unclean.

(15) For after the first drop has oozed out, less than an egg in quantity is left.

(16) V. supra 32a.

(17) If we assume that the liquid is merely stored up. Hence it follows that the liquid is absorbed and is unclean simultaneously with the outer skins of the mulberries and grapes.

- (18) Sc. thus denying him the right to squeeze them out in such small quantities.
 (19) He may eat them whilst treading them.
 (20) And we do not fear that he may come to eat it.
 (21) So that in both cases he is not likely to eat it.
 (22) Even if wheat is thrown among wood it does not become repulsive.
 (23) Is permitted.

Talmud - Mas. Pesachim 34a

It refers to boiled [grains]. so that they are repulsive; so here too it refers to boiled [grains]. which are repulsive.¹

And where was R. Ashi's [explanation] stated? In reference to what R. Abin son of R. Aha said in R. Isaac's name: Abba Saul was the baker² in Rabbi's house, and they used to heat him hot water with wheat of defiled terumah, wherewith to knead dough in purity. But why? Let us fear lest he come to a stumbling-block through it?³ — Said R. Ashi: It refers to boiled [grains], which are repulsive.

Abaye b. Abin and R. Hanania b. Abin studied Terumot⁴ at Rabbah's academy. Rabbah b. Mattenah met them [and] asked them, What have you discussed in Terumoth, at the Master's academy? — Said they to him, But what is your difficulty? He replied. We learned: Plants of terumah⁵ which were defiled, and he [their owner] replanted them, are clean in that they do not defile [other eatables],⁶ but they are forbidden to be eaten [as terumah].⁷ But since they are clean in that they do not defile, why are they forbidden to be eaten? — Said they to him, Thus did Rabbah say: What is meant by 'forbidden'? They are forbidden to lay Israelites. Now what does he inform us? That that which grows of terumah is [itself] terumah! [But] we have [already] learned it [elsewhere]: That which grows of terumah is terumah?⁸ And should you answer: It refers to the second growth,⁹ and what does he inform us? [That this law holds good] in respect of that whose seed¹⁰ is not destroyed?¹¹ But surely we learned this too: [In the case of] tebel, that which grows out of it is permitted in a species whose seed is destroyed¹² but in the case of a species whose seed is not destroyed, even its second growth¹³ is forbidden for eating!¹⁴ — They were silent. Said they to him, Have you heard anything about this? Thus did R. Shesheth say, he answered, what does 'forbidden' mean? They are forbidden to priests, since they became unfit [for eating] through [his] mental neglect.¹⁵ That is correct on the view that mental neglect is an intrinsic disqualification,¹⁶ then it is well. But on the view that mental neglect is a disqualification of defilement,¹⁷ what can be said?¹⁸ For it was stated, [As to] mental neglect: R. Johanan said, It is a disqualification of defilement; while R. Simeon b. Lakish said, It is an intrinsic disqualification.¹⁹ 'R. Johanan said, It is a disqualification of defilement', for if Elijah should come and declare it clean,²⁰ we heed him.²¹ 'R. Simeon b. Lakish said, It is an intrinsic disqualification', for if Elijah should come and declare it clean, we do not heed him. R. Johanan raised an objection to R. Simeon b. Lakish: R. Ishmael son of R. Johanan b. Beroka said: There was a small passage between the stairway and the altar at the west of the stairway, whither they used to throw disqualified bird sin-offerings until [the flesh] became disfigured²² and then they passed out to the place of burning.²³ Now it is well if you say that [mental neglect] is a disqualification of uncleanness: therefore it requires disfigurement, lest Elijah may come and declare it clean.²⁴ But if you say that it is an intrinsic disqualification, what is the need of disfigurement? Surely it was taught, This is the general rule:

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- (1) When thrown among the wood.
 (2) Lit., 'mixer' (of dough).
 (3) If the unclean wheat is kept for that purpose, as above.
 (4) The Tractate on the laws of Terumah.
 (5) E.g., cabbages and leeks which were separated as terumah.

- (6) Because the planting in the ground removes their uncleanness.
- (7) Maharam deletes the bracketed passage. — It is now assumed that the prohibition refers to priests, and they may not be eaten because they are defiled *terumah*, v. Ter. IX, 7.
- (8) Even in the case of a species whose original seed rots away in the earth.
- (9) Lit., ‘what is growth of what is grown’.
- (10) I.e., the original stock.
- (11) E.g., an onion, the original stock of which remains when it is planted. Now its original leaves grow larger, and this is referred to as the growth. But in addition it sends out fresh shoots altogether, which never were *terumah*: these are referred to as the second growth, and we are informed that even these are *terumah*.
- (12) E.g., if *tebel* of wheat is sown the crop is not *tebel*. Before produce becomes *tebel* one may make a light meal of it through he has not yet rendered the tithe and *terumah*; but nothing whatsoever may be eaten of it when it reaches the stage of *tebel*. Though that which grows from *terumah* remains *terumah* even if its seed is destroyed, that is merely a Rabbinical stringency, lest the priestly dues are thus evaded. But that which grows of *tebel* is not *tebel* but ordinary produce of which a light meal may be enjoyed until it becomes *tebel*, which happens when it is heaped up in a stack.
- (13) As explained in n. 7.
- (14) Because it retains the same status as that of its parent stock. The same logically applies to *terumah* that is sown.
- (15) And not because it is defiled *terumah*. The priest must always keep the *terumah* in mind; v. Num. XVIII, 8: behold, I have given thee the charge of mine heave offerings — ‘charge’ implies that
- (16) I.e., sacred food, even if proved not to have been defiled, becomes unfit thereby, because this neglect is in itself a disqualification.
- (17) I.e., it is not a disqualification in itself, but merely because while the priest was not thinking about it it might have become defiled.
- (18) For it has now been established that even when it is certainly unclean it regains its cleanliness when replanted.
- (19) [This question remains unanswered, v. R. Hananel.]
- (20) Elijah was regarded as the future resolver of all doubts; cf. B.M., Sonc. ed. p. 6, n. 2.
- (21) Declaring the *terumah* fit to be eaten.
- (22) I.e., by being kept overnight and thus becoming *nothar* (v. Glos.)
- (23) The reference is to the offerings disqualified through mental neglect.
- (24) In which case it should not have been burnt. But when it is disfigured it must be burnt in any case.

Talmud - Mas. Pesachim 34b

Wherever its disqualification is in itself, it must be burnt immediately; [if it is] in the blood¹ or in its owner,² [the flesh] must become disfigured and [then] it goes out to the place of burning.-

he must think of it. The *terumah*, having once become defiled, however, the priest would dismiss it from his mind, as he would abandon the hope of using it. Said he to him: This *tanna* is a *tanna* of the School of Rabbah b. Abbuha³ who maintained: Even *piggul*⁴ requires disfigurement.⁵

He [R. Johanan] raised an objection to him: If the flesh became unclean or disqualified, or if it passed without the curtains,⁶ R. Eliezer said: He [the priest] must sprinkle [the blood];⁷ R. Joshua said: He must not sprinkle [the blood].⁸ Yet R. Joshua admits that if he does sprinkle [it], [the sacrifice] is accepted.⁹ Now, what does ‘disqualified’ mean? Is it not through mental neglect?¹⁰ Now, it is well if you say that it is a disqualification of uncleanness, then it is conceivable that the headplate makes it accepted.¹¹ But if you say that it is an intrinsic disqualification why is it accepted?¹² What does ‘disqualified’ mean? It was disqualified by a *tebul yom*.¹³ If so, it is identical with ‘unclean?’ There are two kinds of uncleanness.¹⁴

When Rabin went up,¹⁵ he reported this teaching¹⁶ with reference to the *terumah* plants before R. Jeremiah, whereupon he observed: The Babylonians are fools. Because they dwell in a land of darkness¹⁷ they engage in dark [obscure] discussions.¹⁸ Have you not heard this [dictum] of R. Simeon b. Lakish in R. Oshaia's name: If the water of the Festival was defiled¹⁹ and he made level contact and

then sanctified it, it is clean; if he sanctified it and then made level contact, it is unclean.²⁰ Now consider: this is ‘sowing’;²¹ what does it matter whether he made level contact and then sanctified it or he sanctified it and then made level contact? This proves that ‘sowing’ has no effect upon hekdes;²² so here too sowing has no effect upon terumah.²³

R. Dimi sat and reported this teaching.²⁴ Said Abaye to him, Does he R. Oshaia mean [that] he sanctified it in a vessel, but if [merely] verbally the Rabbis did not set a higher standard;²⁵ or perhaps for verbal [sanctification]²⁶ too the Rabbis set a higher standard? — I have not heard this, he replied, [but] I have heard something similar to it. For R. Abbahu said in R. Johanan's name: If grapes were defiled and he trod them and then sanctified them,²⁷ they are clean;²⁸ if he sanctified them and then trod them, they are unclean. Now grapes are [a case of] verbal sanctification, yet even so the Rabbis set a higher standard!²⁹ — Said R. Joseph: You speak of grapes! We treat here of grapes of terumah,³⁰ their verbal sanctification is being tantamount to the sanctification of a vessel.³¹ But those that require a vessel [for sanctification,³² where they are sanctified] verbally [maybe] the Rabbis did not set a higher standard.

‘If he trod them’ — [does that mean] even in great quantity? But did R. Johanan say thus? Surely R. Johanan said: if grapes are defiled, he may tread them out less than an egg in quantity at a time?³³ — If you wish I can say that here too [it means] less than an egg at a time. Alternatively, I can answer: There the case is that they [the grapes] had come into contact with a first degree [of uncleanness], so that they [the grapes] are a second. But here they come into contact with a second degree, so that they are a third.³⁴

Raba said: We too learned [thus]:³⁵ And he shall put thereto running [living] water in a vessel:³⁶ [this teaches] that its running must be [directly] into a vessel.³⁷ ‘And he shall put’ — this proves that it is detached, but surely this is attached!³⁸

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- (1) E.g., if the blood was spilled before it could be sprinkled.
 - (2) E.g., if he became unclean before the Passover could be eaten and there were no others available to eat it, as the Passover may be eaten only by those registered for it.
 - (3) [R. Hananel seems to omit ‘is a ... who’. R. Simeon b. Lakish could certainly not refer to the School of Rabbah b. Abbuha, who was a disciple of Rab.]
 - (4) V. Glos. There the flesh itself is certainly disqualified.
 - (5) 73b.
 - (6) The partitions of the Temple corresponding to those of the Tabernacle (Jast.). Thus ‘without the curtains’ means without the enclosures of the Temple Court. This refers to sacrifices of the higher sanctity (v. p. 108, n. 2), whose flesh might not be eaten without these enclosures.
 - (7) He holds that the blood must be sprinkled even when there is no flesh.
 - (8) He holds that the blood is dependent on the flesh.
 - (9) This is a technical term denoting that the sacrifice fulfils its purpose.
 - (10) For there is no other disqualification, since defilement is stated separately. It cannot mean a disqualification through an illegitimate intention, e.g., if the officiating priest expressed his intention to eat the flesh outside the boundaries or after the time allotted for its eating, for then the blood too is disqualified and can certainly not be sprinkled.
 - (11) The headplate worn by the High Priest makes atonement in such a case, even if the flesh is definitely unclean; v. supra 16b. Nevertheless R. Joshua rules that the blood must not be sprinkled at the outset, for he holds that the acceptability conferred by the headplate is only if it was sprinkled, but it may not be sprinkled in the first place in reliance on the headplate.
 - (12) For the headplate cannot make atonement for such a disqualification.
 - (13) V. Glos. His touch disqualifies it, as he is not really clean until evening falls.
 - (14) V. Mishnah supra 14a and note a.l.
 - (15) From Babylonia to Palestine.
 - (16) Sc. of R. Shesheth.

(17) Babylonia is possibly so called on account of the Parsees (fire-worshippers). who forbade the Jews to have any light in their dwellings on their (the Parsees') festivals.

(18) I.e., they discuss laws without knowing their true meanings.

(19) 'Festival' without a further determination always means the Feast of Tabernacles. The 'water of the Festival' is that used for libations each day which was drawn the previous evening with great ceremony and joy. Here the reference is to the water for the Sabbath libation; fresh water could not be brought on the Sabbath, and therefore this water had to be made clean.

(20) Unclean water can be purified by placing it in a vessel and immersing the vessel in a mikweh (ritual bath) until the water in the vessel is level with and just touches the water of the mikweh. This is called hashshakah (lit. 'kissing') and the unclean water thereby becomes one with the mikweh, which of course is clean. The water libation was sanctified by formal dedication, or by being poured into a sacred service vessel.

(21) The process of levelling is regarded as 'sowing', as though the water were sown in the mikweh, just as unclean produce becomes clean if it is resown in the earth.

(22) Lit., 'there is no sowing for hekdesch' — to make it clean. The reason is because a higher standard of purity is required in the case of hekdesch.

(23) Hence the plants remain unclean in so far that they are forbidden to be eaten.

(24) Of. R. Oshaia.

(25) I.e., by formal dedication, v. n. 4.

(26) And in such a case levelling is considered effective.

(27) For its wine to be used for libations.

(28) V. supra 33b, where R. Johanan holds that the expressed juice of unclean grapes is clean.

(29) In declaring the expressed juice unclean, whereas it would be clean if it were not sanctified.

(30) The sanctification referred to is not as previously assumed (cf. p. 158. n. 11) for libations but for purposes of terumah.

(31) Since terumah can only be verbally sanctified, there being no sacred vessels to sanctify them.

(32) Such as wine for libations.

(33) V. supra p. 33f notes.

(34) V. supra 14a, p. 62, n. 2. When the grapes are unclean in the second degree they render the juice unclean in the first degree, it being a general rule that whatever disqualifies terumah, i.e., eatables unclean in the second degree, defiles liquids in the first degree (supra 14b). But when they are unclean in the third degree they cannot defile liquids. Hence if he first trod them, even in great quantity, they remain clean. But if he first sanctified them, the expressed juice is unclean, because the Rabbis set a higher standard for terumah.

(35) Viz., that the Rabbis set a higher standard for sacred objects, even when they were verbally sanctified.

(36) Num. XIX, 17.

(37) In which it is sanctified with the ashes of the red heifer, but it must not be collected in another vessel and then poured over into this.

(38) The passage is rather difficult. Rashi: 'And he shall put' implies that Scripture refers to detached water, i.e., water which does not form part of a stream but has been detached and collected in a vessel, whence it is poured into a second vessel containing the ashes. But when the Mishnah states that the running must be direct into the vessel, it insists on attached water, i.e., water forming part of the stream. This must be because the Rabbis set a higher standard. Tosaf.: 'and he shall put' implies that the water is regarded as detached water, which can be defiled, though actually it is running water, as stated, and consequently this proves that by Scriptural law sacred water cannot be made clean by 'levelling' (v. p. 158, n. 4). for levelling only renders it as attached water, whereas we see here that even when attached it is regarded as detached. And just as Scripture thus sets a higher standard for sacred water, so did the Rabbis set a higher standard for terumah. — Maharsha observes (on Rashi's explanation) that he does not see how this proves that the Rabbis set a higher standard even when they were verbally sanctified.

Talmud - Mas. Pesachim 35a

but it is a higher standard; so here too it is a higher standard.¹ R. Shimi b. Ashi said, We too learned thus: When he [an unclean person] has a ritual bath, he may eat tithe; when the sun sets,² he may eat terumah. [Thus] only terumah, but not sacred food.³ Yet why so? He is clean? But [you must say] it

is a higher standard; so here too it is a higher standard. R. Ashi said, we too learned [thus]: And the flesh:⁴ this is to include fuel and frankincense.⁵ Are then fuel and frankincense capable of being defiled?⁶ But [you must say] it is a higher standard;⁷ so here too it is a higher standard.

MISHNAH. THESE ARE THE COMMODITIES WITH WHICH A MAN DISCHARGES HIS OBLIGATION ON PASSOVER:⁸ WITH WHEAT, WITH BARLEY, WITH SPELT, WITH RYE,⁹ AND WITH OATS. AND THEY DISCHARGE [IT] WITH DEMAI,¹⁰ WITH FIRST TITHE WHOSE TERUMAH HAS BEEN SEPARATED, AND WITH SECOND TITHE OR HEKDESH WHICH HAVE BEEN REDEEMED;¹¹ AND PRIESTS [CAN DISCHARGE THEIR OBLIGATION] WITH HALLAH AND TERUMAH. BUT [A MAN CAN]NOT [DISCHARGE HIS OBLIGATION] WITH TEBEL, NOR WITH FIRST TITHE WHOSE TERUMAH HAS NOT BEEN SEPARATED, NOR WITH SECOND TITHE OR HEKDESH WHICH HAVE NOT BEEN REDEEMED. [AS TO] THE [UNLEAVENED] LOAVES OF THE THANKS OFFERING¹² AND THE WAFERS OF A NAZIRITE,¹³ IF HE MADE THEM FOR HIMSELF,¹⁴ HE CANNOT DISCHARGE [HIS OBLIGATION] WITH THEM; IF HE MADE THEM TO SELL IN THE MARKET, HE CAN DISCHARGE [HIS OBLIGATION] WITH THEM.

GEMARA. A Tanna taught: Kusmin [spelt] is a species of wheat; oats and rye are a species of barley; kusmin is gulba; shipon is dishra; shiboleth shu'al is foxears.¹⁵

Only these¹⁶ [are fit],¹⁷ but not rice or millet. Whence do we know it? — Said R. Simeon b. Lakish, and thus the School of R. Ishmael taught, and thus the school of R. Eliezer b. Jacob taught, Scripture saith, Thou shalt eat no leavened bread with it,' seven days shalt thou eat unleavened bread therewith:¹⁸ [with regard to] commodities which come to the state of leaven, a man discharges his obligation with unleavened bread [made] thereof; thus these are excluded, which do not come to the state of leaven but to the state of decay.

Our Mishnah does not agree with R. Johanan b. Nuri, who maintains: Rice is a species of corn, and kareth¹⁹ is incurred for [eating it in] its leavened state. For it was taught: R. Johanan b. Nuri Prohibits [the use of] rice and millet, because it is near to turn leaven. The scholars asked: does 'because it is near to turn leaven' mean that it quickly becomes leaven,²⁰ or perhaps it is near to leaven, but is not completely leaven?²¹ — Come and hear: For it was taught, R. Johanan b. Nuri said: Rice is a species of corn and kareth is incurred for [eating it in] its leavened state, and a man discharges his obligation with it on Passover. And thus R. Johanan b. Nuri used to say, Karmith [cow-wheat] is subject to hallah. What is karmith? — Said Abaye: Shezanitha [weed]. What is Shezanitha? Said R. Papa: A weed found among kalnitha.²²

Rabbah b. Bar Hanah said in the name of Resh Lakish: [As to] dough which was kneaded with wine, oil or honey, kareth is not incurred for [eating it in] its leavened state.²³ Now, R. Papa and R. Huna son of R. Joshua sat before R. Idi b. Abin, while R. Idi b. Abin was sitting and dozing. Said R. Huna son of R. Joshua to R. Papa: What is Resh Lakish's reason? — He replied, Scripture saith, Thou shalt eat no leavened bread with it etc.: [In the case of] the commodities with which a man discharges his obligation in respect of unleavened bread, kareth is incurred for [eating them in] their leavened state; but [with regard to] this [dough], since a man cannot discharge his obligation therewith, because it is rich mazzah,²⁴ kareth is not incurred for its leaven. R. Huna son of R. Joshua objected to R. Papa: If he dissolves it²⁵ and swallows it, if it is leaven, he is punished with kareth; while if it is unleavened bread, he does not discharge his obligation therewith on Passover.²⁶ Now here, though a man does not discharge his obligation therewith as unleavened bread, yet kareth is incurred for its leaven? — [Thereupon] R. Idi b. Abin awoke [and] said to them, Children! This is the reason of Resh Lakish, because they are fruit juice,²⁷

(1) Sc. that the resowing of terumah does not permit it to be eaten (supra 34a).

- (2) Lit., 'his sun makes evening'.
- (3) If his uncleanness requires a sacrifice, e.g., in the case of a zab, he may not eat sacred food until he has brought the sacrifice, though he is completely clean.
- (4) Lev. VII, 19.
- (5) V. supra 24b and notes a.l.
- (6) Surely not, as they are not eatables!
- (7) Though fuel and frankincense cannot usually be defiled, a higher standard is set when they are to be used in the sacred service.
- (8) Unleavened bread is obligatory on the first night of Passover, as it is written, on the fourteenth day of the month at even ye shall eat unleavened bread (Ex. XII, 18). The Mishnah enumerates the species of corn with which this unleavened bread, eaten as an obligation, can be made.
- (9) Jast.: others: oats.
- (10) V. Glos.
- (11) One tenth (tithe) of the produce, called the first tithe, was given to the Levite, and he in turn gave a tenth thereof, called the terumah of tithe, to the priest. Another tenth of the produce, called the second tithe, was eaten by its owners (Israelites, as opposed to Levites and priests) in Jerusalem, or redeemed and the redemption money was expended in Jerusalem. Hekdesh (q.v. Glos.) could be similarly redeemed. The second tithe reference in the Mishnah is to places outside Jerusalem.
- (12) The thanksgiving was accompanied by forty loaves, thirty of which were unleavened.
- (13) V. Num. VI, 15.
- (14) For his own sacrifice.
- (15) Ears of corn foxtailed in shape. — The other words are the Aramaic in general use.
- (16) Enumerated in our Mishnah.
- (17) For making unleavened bread as defined on p. 160, n. 8.
- (18) Deut. XVI, 3.
- (19) V. Glos.
- (20) And therefore it is altogether forbidden on Passover, as it turns leaven before it can be baked.
- (21) I.e., it can never become completely leaven. Hence R. Johanan b. Nuri prohibits its use on the first night for the fulfilment of one's obligations.
- (22) Papaver Spinosum (Jast.).
- (23) If no water at all was used in kneading it.
- (24) Unleavened bread made with wine etc., is a rich confection, whereas Scripture prescribes 'bread of poverty' (E.V. affliction — Deut. XVI, 3).
- (25) Sc. bread.
- (26) Because swallowing soaked bread is not eating.
- (27) Sc. wine, oil or honey, date-honey being meant.

Talmud - Mas. Pesachim 35b

and fruit juice does not cause fermentation.¹

AND THEY DISCHARGE THEIR OBLIGATION WITH DEMAI AND WITH THE FIRST TITHE etc. DEMAI? But it is not fit for him?² — Since if he wishes he can renounce his property, become a poor man, and eat demai,³ it is fit for him now too. For we learned: The poor may be fed with demai, and [Jewish] troops [in billets] [may be supplied] with demai.⁴ And R. Huna said, It was taught: Beth Shammai maintain: The poor may not be fed with demai, nor troops in billets; but Beth Hillel rule: The poor may be fed with demai, also troops in billets.

FIRST TITHE WHOSE TERUMAH HAS BEEN SEPARATED. That is obvious? Since its terumah has been separated, it is hullin?⁵ — It is necessary [to teach it] only where he anticipated it [in setting it aside⁶ while the corn was still] in the ears, and terumah of the tithe was taken from it, but the great terumah was not taken from it,⁷ this being in accordance with R. Abbahu. For R.

Abbahu said in the name of Resh Lakish: First tithe which he anticipated [the setting aside thereof] in the ears is exempt from the great terumah, for it is said, then ye shall offer up an heave offering of it for the Lord, a tithe of the tithe:⁸ I ordered thee [to offer] ‘a tithe of the tithe’, but not the great terumah plus the terumah of the tithe ‘of the tithe’. Said R. Papa to Abaye: If so, even if he anticipated it in the stack too,⁹ let it be exempt? — For your sake Scripture writes, out of all you, gifts ye shall offer every heave offering of the Lord,¹⁰ he answered him. And what [reason] do you see [to interpret thus]?¹¹ — The one has become corn [dagan], while the other has not become corn.¹²

THE SECOND TITHE AND HEKDESH WHICH HAVE BEEN REDEEMED etc. That is obvious? — We treat here of a case where he assigned¹³ the principal but did not assign the fifth:¹⁴ and he [the Tanna] informs us that the fifth is not indispensable.¹⁵

AND PRIESTS [DISCHARGE THEIR OBLIGATION] WITH HALLAH AND TERUMAH etc. This is obvious? — You might say, We require unleavened bread that is equally permitted] to all men. Therefore he informs us, [the repetition] ‘unleavened bread’, ‘unleavened bread’,¹⁶ is an extension.

BUT NOT WITH TEBEL etc. That is obvious? — It is necessary [to teach it] only of tebel made so by Rabbinical law, e.g., if it was sown in an unperforated pot.¹⁷

NOR WITH FIRST TITHE WHOSE TERUMAH HAS NOT BEEN SEPARATED. That is obvious? — It is necessary [to state it] only where it had been anticipated [and set aside] in the pile.¹⁸ You might argue as R. Papa proposed to Abaye;¹⁹ hence he [the Tanna] informs us [that it is] as Abaye answered him.

NOR WITH SECOND TITHE OR HEKDESH WHICH HAVE NOT BEEN REDEEMED etc. That is obvious? — It is necessary only where they have been redeemed; and what does they ‘HAVE NOT BEEN REDEEMED’ mean? That they have not been redeemed with their regulations.²⁰ [Thus:] it is second tithe which he redeemed with uncoined metal,²¹ for the Divine Law states, And thou shalt bind up [we-zarta] the money in thine hand,²² [implying], that which bears a figure [zurah].²³ [Again it is] hekdesch which was secularized²⁴ by means of land,²⁵ for the Divine Law stated, Then he shall give the money and it shall be assured to him.²⁶

Our Rabbis taught: One might think that a man can discharge his obligation with tebel which was not made ready.²⁷ (But surely all tebel indeed has not been made ready! — Rather say, with tebel which was not made ready with all its requirements, the great terumah having been separated from it whereas the terumah of tithe was not separated from it; [or] the first tithe, but not the second tithe, or even the poor tithe).²⁸ Whence do we know it?²⁹ Because it is stated, thou shalt not eat leavened bread with it:³⁰ teaching, [you must eat of] that the interdict of which is on account of ‘thou shalt not eat leavened bread with it’, thus this is excluded, for its interdict is not on account of ‘thou shalt not eat leavened bread with it’ but on account of ‘thou shalt not eat tebel’.³¹ Yet whither has the interdict of leaven gone?³² — Said R. Shesheth, The author of this is R. Simeon, who maintained, A prohibition cannot fall³³ upon another prohibition.³⁴ For it was taught, R. Simeon said:

(1) I.e., ‘leavening’.

(2) Demai may not be eaten until the tithe has been separated.

(3) A poor man need not separate tithe on demai.

(4) They too are regarded as poor, since they are not at home.

(5) I.e., permitted for food.

(6) Sc. the separation of the first tithe.

(7) The great terumah is a portion of the produce, unspecified by Scripture (the Rabbis prescribed from one fortieth to

one sixtieth, according to the owner's generosity), which is the priest's due; for terumah of tithe v. note on Mishnah supra 35a. The great terumah must be separated first, and then the first tithe. But here the order was reversed and the Israelite separated his tithe while the grain was yet in the ears.

(8) Num. XVIII, 26.

(9) I.e., when it is no longer in the ears but piled up in stacks.

(10) Ibid. 29; i.e. 'all' is an extension, and shows that the offering is due even in such a case. — 'For your sake' or, 'concerning you' — to refute this possible view.

(11) To apply the limitation of the first verse to the one case and the extension of the second to the other — perhaps it should be reversed?

(12) The priestly due, i.e., the great terumah, is 'the firstfruits of thy corn' (Deut. XVIII, 4). Hence once it is piled up as corn it is due, and the Israelite cannot then evade his obligations by reversing the order. But before it is piled up there is no obligation for the great terumah; therefore if the Levite receives his first tithe then he is not defrauding the priest.

(13) Lit., 'gave' — for redemption.

(14) When a man redeemed second tithe or hekdesch he added a fifth of its value.

(15) To the validity of the redemption, and the redeemed produce may be consumed anywhere, even though the fifth has not been added.

(16) This may refer either to Deut. XVI, 4, 8, or in general to the fact that 'unleavened bread' is repeated several times.

(17) According to Scriptural law such is not *tebel* at all, and therefore I would think that a man discharges his obligation therewith.

(18) The tithe having been separated but not the great terumah.

(19) That it is exempt, *supra*.

(20) Lit., 'laws'.

(21) V. B.M. 47b for the meaning *asimon*.

(22) Deut. XIV, 25.

(23) The image stamped on the coin. This connects *zarta* with *zurah*.

(24) I.e., redeemed, whereby the hekdesch assumes an ordinary, non-holy character.

(25) I.e., land was given for its redemption.

(26) I.e., it can be redeemed by money, but not by land. Actually there is no such verse, but v. B.M., *Sonc. ed.* p. 321, n. 1.

(27) For eating, by separating the priestly and the Levitical dues.

(28) In the first, second, fourth, and fifth years after the 'years of release' (*shemittah*) the first and second tithes were separated. In the third and sixth years, the first and third tithes were separated, the latter being a poor tithe, i.e., it belonged to the poor.

(29) That he cannot discharge his obligation therewith.

(30) Deut. XVI, 3.

(31) I.e., the unleavened bread which one must eat must be such that, if leavened, it would be forbidden because it is leavened. But in the case of *tebel*, if it were leavened it would be forbidden because it is *tebel*.

(32) Surely it is still forbidden on account of leaven, *tebel* merely being an additional prohibition?

(33) I.e., become operative.

(34) I.e., when a thing is already forbidden on one score, another interdict cannot become operative at the same time. Thus here the prohibition of *tebel* is earlier; consequently the fact that it subsequently became leaven too is ignored, and it is regarded as prohibited on account of *tebel* only.

Talmud - Mas. Pesachim 36a

He who eats *nebelah* on the Day of Atonement is not liable [to a sin-offering].¹ Rabina said, You may even say [that it agrees with] the Rabbis: [the meaning is] that the interdict which is on account of 'thou shalt not eat leavened bread with it' alone, thus this is excluded, for its interdict is not on account of 'thou shalt not eat leavened bread with it' alone, but also on account of 'thou shalt not eat *tebel*'. Is then 'alone' written?² — Rather, it is clearly as R. Shesheth [stated].

Our Rabbis taught. You might think that a man can discharge his obligation with second tithe in

Jerusalem; therefore it is stated, the bread of affliction [‘oni],³ teaching, [it must be] that which may be eaten in grief [aninuth].⁴ thus this is excluded, which is not eaten in grief but [only] in joy:⁵ this is the view of R. Jose the Galilean. R. Akiba said: [The repetition of] ‘unleavened bread’, ‘unleavened bread’, is an extension.⁶ If so, what is taught by ‘bread of affliction’ [‘oni]? It excludes dough which was kneaded with wine, oil, or honey.⁷ What is R. Akiba's reason? — Is then lehem [bread of] ‘oni [grief] written? Surely ‘ani [poverty] is written.⁸ And R. Jose the Galilean?⁹ — Do we then read it ‘ani? Surely we read it ‘oni. And R. Akiba? — The fact that we read it ‘oni [is explained] as Samuel's [dictum]. For Samuel said: Bread of ‘oni [means] bread over which many words are recited [‘onin].¹⁰ Yet does R. Akiba hold [that] dough which was kneaded with wine, oil, or honey is not [fit]? Surely it was taught: Dough must not be kneaded on Passover with wine, oil, or honey; and if one did knead it, — R. Gamaliel said: It must be burnt immediately;¹¹ while the Sages say: It may be eaten. Now R. Akiba related: I was staying [one Passover] with R. Eliezer and R. Joshua, and I kneaded dough for them with wine, oil or honey, and they said nothing to me. And though one may not knead, yet one may smooth the surface with them, — this is according to the first Tanna. But the Sages maintain: With that with which one may knead, one may smooth, while with that with which one may not knead, one may not smooth. And they all agree that dough may not be kneaded with lukewarm [water]!¹² — There is no difficulty: the one refers to the first day of the Festival; the other, to the second day of the Festival.¹³ As R. Joshua b. Levi said to his sons: For the first day¹⁴ do not knead [it] for me with milk;¹⁵ from then onwards knead it for me with milk. But it was taught: Dough must not be kneaded with milk, and if one does knead it, the whole loaf is forbidden, because it leads to sin?¹⁶ Rather, he said this: For the first day do not knead it for me with honey; from then onwards knead [it] for me with honey. Alternatively I can say: After all it means with milk, [but] as Rabina said, [When made] like the eye of an ox, it is permitted;¹⁷ so here too, [it was] like the eye of an ox.

‘And they all agree that dough may not be kneaded with lukewarm [water]’. Why is it different from meal-offerings: for we learned: All meal-offerings¹⁸ are kneaded with lukewarm water, and he [the official in charge] guards them that they should not become

in connection with the eating of unleavened bread on the night of Passover. leaven? — If this was said of [very] careful men [priests], shall it [also] be said of those who are not careful?¹⁹ If so, let it also be permitted to wash [the grain];²⁰ why did R. Zera say in the name of Rabbah b. Jeremiah in Samuel's name: The wheat for meal-offerings must not be washed? — The kneading was done by careful men, but the washing would not be done by careful men.²¹ Yet must the kneading be done by careful men [priests]; surely it is written, and he shall bring it to Aaron's sons the priests: and he shall take thereof his handful.²² from the taking of the handful and onwards is the duty of the priesthood; this teaches concerning the pouring [of oil] and the mixing,²³ that it is valid [when done] by any man? — The kneading, granted that it is not [done] by careful men, yet it is [done] in the place of careful men.²⁴ For a Master said: The mixing is valid [if done] by a lay Israelite; [but if done] without the wall[s] of the Temple Court, it is invalid. Thus this excludes washing, which is not [done] by careful men nor in the place of careful men. And wherein do they [all other meal-offerings] differ from the meal-offering of the ‘omer,²⁵ for it was taught: The meal-offering of the ‘omer is washed and heaped up?²⁶ — A public [offering] is different.²⁷ Our Rabbis taught: You might think that a man discharges his duty with first fruits,²⁸ therefore it is stated, in all your habitations shall ye eat unleavened bread,²⁹ teaching, [it must be] unleavened bread which is eaten in all your habitations, thus excluding first fruits, which may not be eaten in all your habitations save in Jerusalem [alone]: this is the view of R. Jose the Galilean. R. Akiba said: Unleavened bread and bitter herbs [are assimilated]:³⁰ just as bitter herbs which are not first fruits [are required],³¹ so unleavened bread which is not first fruits [must be eaten]. If so, just as bitter herbs of a species not subject to first fruits [are required], so unleavened bread of a species [of grain] not subject to first fruits [is meant],

- (1) Which eating on the Day of Atonement usually incurs, the reference being to eating in ignorance. The reason is that since it is forbidden on the score of nebelah, the interdict of the Day of Atonement cannot take effect. Thus the same applies here.
- (2) Surely not! Scripture does not imply this at all.
- (3) Deut. XVI, 3.
- (4) Connecting 'oni (אָנִי) with anah (אָנָה) to mourn or grieve, though the former is spelled with an א, while the latter is with an ה, these letters often being interchangeable in Semitic languages. — Aninuth denotes the state of grief between the death of a near relative, e.g., one's father, and his burial, the bereaved person then being called an onen.
- (5) An onen (v. preceding note) may not eat second tithe, cf. Deut. XXVI, 14: I have not eaten thereof (sc. second tithe) in my mourning
- (6) V. supra 35b and note a.l. Thus it includes second tithe.
- (7) Which makes it into 'rich' mazzah. The phrase is now translated: bread of poverty. from 'ani (אָנִי) poor.
- (8) Though the word is read 'oni, as though spelled with a waw (אָוִי), it is actually written 'ani (אָנִי), without a waw.
- (9) How does he rebut this?
- (10) A long liturgical service — called the haggadah — is read
- (11) R. Gamaliel holds that it ferments too quickly, and so to prevent it from becoming leaven it must be burnt immediately. But the Sages hold that it can be baked before it is leaven.
- (12) This causes fermentation very quickly.
- (13) On the night of the first day the mazzah must be 'bread of poverty', whereas this is a rich mazzah; hence it cannot be used. But on the second night any mazzah is permissible.
- (14) I.e., Passover night.
- (15) This too makes a 'rich' bread.
- (16) One may come to eat it with meat. This refers to the whole year.
- (17) I.e., when made very small, so that it is at once entirely eaten up, and nothing is left for later.
- (18) Which were offered unleavened.
- (19) This is the answer. The preparing of unleavened bread for meal-offerings was in the hands of priests, who were very careful and could be relied upon not to permit it to ferment. But unleavened bread for Passover is made in every home, and the people could not be trusted to take so much care.
- (20) I.e., to soak it slightly in water and then pound it so as to remove the bran and make a fine flour.
- (21) This was not the priest's duty.
- (22) Lev. II, 2.
- (23) Which preceded the taking of the handful; v. ibid. 1, 2.
- (24) I.e., in the Temple Court, which is frequented by priests, and these would take heed that whoever kneaded it should not permit fermentation.
- (25) V. Glos.
- (26) For the water to drain off.
- (27) This was a public offering, and everything in connection with it, right from the harvesting of the grain, was done under competent guidance and vigilance.
- (28) E.g., a priest to whom an Israelite brought the first fruits of his wheat harvest.
- (29) Ex. XII, 20.
- (30) Num. IX, 11: they shall eat it with unleavened bread and bitter herbs.
- (31) For only the seven species enumerated in Deut. VIII, 8, ('a land of wheat and barley, and vines and fig trees and pomegranates; a land of oil olive and honey') are subject to the law of first fruits.

Talmud - Mas. Pesachim 36b

[and] I will [thus] exclude wheat and barley, which species are subject to first fruits? Hence [the repetition,] 'unleavened bread', unleavened bread',¹ is stated as an extension. If [the repetition] 'unleavened bread, unleavened bread' is an extension, then even first fruits too [may be included]? — R. Akiba retracted.² For it was taught: You might think that a man can discharge his obligation with first fruits. Therefore it is stated, 'in all your habitations shall ye eat unleavened bread', teaching, [it must be] unleavened bread which is eaten in all your habitations, thus excluding first

fruits, which may not be eaten in all your habitations save in Jerusalem [alone]. You might think that I exclude second tithe too,³ but [the repetition] ‘unleavened bread’, ‘unleavened bread’, is stated as an extension. But what [reason] do you see to include second tithe and exclude first fruits? — I include second tithe because it can be permitted [to be eaten] in all habitations,⁴ in accordance with R. Eleazar, and I exclude first fruits, for which there is no permission in all habitations. For R. Eleazar said: Whence do we know in the case of second tithe that became defiled, that we can redeem it even in Jerusalem? From the verse, when thou art not able se'etho [to bear it].⁵ Now se'eth⁶ can only refer to eating, as it is said, And he took and sent mase'oth [messes] unto them from before him.⁷ Now, whom do you know to maintain that he fulfils his obligation with second tithe? R. Akiba.⁸ Yet he excludes first fruits through [the phrase] ‘in all your habitations’.⁹ This proves that he retracted.

And R. Jose the Galilean, let him deduce it from [the phrase] ‘the bread of affliction [‘oni]’, implying, that which can be eaten in grief, thus excluding this [sc. first fruits], which can be eaten only in rejoicing?¹⁰ — He holds as R. Simeon, For it was taught: First fruits are forbidden to an onen,¹¹ but R. Simeon permits [them]. What is the reason of the Rabbis?¹² — Because it is written, Thou mayest not eat within thy gates [the tithe of thy corn ... nor the heave-offering of thy hand],¹³ and a Master said: ‘The heave-offering of [terumoth] thy hand’ means first fruits. Thus first fruits are assimilated to tithe: just as tithe is forbidden to an onen,¹⁴ so are first fruits forbidden to an onen. And R. Simeon?¹⁵ — The Divine Law designated them ‘terumah’, [hence they are] like terumah: just as terumah is permitted to an onen, so are first fruits permitted to an onen. Now R. Simeon: granted that he does not accept the hekdesch,¹⁶ yet ‘rejoicing’ is nevertheless written in connection therewith, for it is written, and thou shalt rejoice in all the good etc.¹⁷ — That comes for the time of rejoicing.¹⁸ For we learned: From Pentecost until the Festival [of Tabernacles] he [the Israelite] brings [the first fruits] and recites [the ‘confession’];¹⁹ between the Festival and Hanukkah²⁰ he brings [the first fruits] but does not recite [the ‘confession’].

Our Rabbis taught: ‘Bread of poverty’, this excludes halut²¹ and ashishah [pancake].²² You might think that a man can discharge his obligation only with coarse bread;²³ therefore [the repetition] ‘unleavened bread’, ‘unleavened bread’, is stated as an extension, [intimating] even [if it is] like the unleavened bread of Solomon.²⁴ If so, why is ‘bread of poverty’ stated? To exclude halut and pancakes. And where is it implied that this [word] ‘ashishah’ denotes something of value?²⁵ — Because it is written, And he dealt among all the people, even among the whole multitude of Israel, both to men and women, to every one a cake of bread, and a good piece of flesh [eshpar] and an ashishah,²⁶ whereon R. Hanan b. Abba said: ‘Eshpar’ means one sixth [ehad mishshishah] of a bullock [par]; ashishah means [a cake made with] one sixth of an ephah [of flour].²⁷ Now he differs from Samuel, for Samuel said: Ashishah is a cask of wine, for it is written, and love casks of [ashishe] grapes.²⁸

Our Rabbis taught: One may not bake a thick loaf on Passover: this is the view of Beth Shammai;

(1) V. supra 35b and note a.l.

(2) From, the view that unleavened bread and bitter herbs are assimilated in this respect, and he accepts the deduction of R. Jose the Galilean.

(3) In Jerusalem, since it may not be eaten outside Jerusalem.

(4) When it becomes defiled as explained below.

(5) Deut. XIV, 24; the next verse states, then thou shalt turn it into money.

(6) שאת, to bear.

(7) Gen. XLIII, 34. Thus he translates the first verse: If thou are not able to eat it — being defiled — then thou shalt turn it into money — i.e., redeem it.

(8) Supra 36a.

(9) Not by assimilating unleavened bread and bitter herbs.

- (10) V. supra 36a. Why then does he deduce it from, 'in all your habitations'?
- (11) V. supra p. 166, n. 4.
- (12) I.e., the first view, which forbids.
- (13) Deut. XII, 17.
- (14) V. Deut. XXVI, 14.
- (15) How does he justify his view?
- (16) V. Glos. I.e., even if he rejects the comparison of first fruits and tithe.
- (17) Ibid. 11; this refers to first fruits. Since rejoicing is required, an onen is automatically excluded.
- (18) I.e., to teach that the first fruits must be brought to the priest, and the passage relative thereto, called the 'confession', recited at a time of natural rejoicing, viz., during the months of harvesting and collecting the produce from the fields.
- (19) Sc. Deut. XXVI, 3-10.
- (20) V. Glos. It generally falls towards the end of December.
- (21) A rich bread made of dough prepared by stirring the flour with hot water.
- (22) Where the dough is made compact and substantial by pressing (Jast.).
- (23) Which is really 'bread of poverty'.
- (24) I.e., made of the finest flour.
- (25) Viz., a rich food.
- (26) II Sam. VI, 19.
- (27) E.V.: a cake of raisins.
- (28) Hos. III, 1; i.e., of wine. E.V.: cakes of raisins.

Talmud - Mas. Pesachim 37a

but Beth Hillel permit it. And how much is a thick loaf?¹ Said R. Huna, A handbreadth, because thus we find in the case of the shewbread [that it was] a handbreadth.² To this R. Joseph demurred: If they [the Sages] said [this] of men of care,³ did they say [it] of those who are not careful?⁴ If they said [this] of well-kneaded bread, did they say [it] of bread that is not well-kneaded? If they said [this] of dry logs, did they say [it] of damp logs? If they said [this] of a hot oven, did they say [it] of a cool oven? If they said [this] of a metal oven, did they say [it] of an earthen oven?⁵ Said R. Jeremiah b. Abba, I asked my teacher in private, and who is it? Rab — others state, R. Jeremiah b. Abba said in Rab's name, I asked my teacher in private, and who is it? Our holy Teacher.⁶ What is [meant by] a thick bread? Bread in large quantity.⁷ And why is it called a thick bread? Because it is much in kneading.⁸ Alternatively, in the locality of this Tanna bread in large quantity is called thick bread.

[Then] what is the reason:⁹ if because he takes unnecessary trouble,¹⁰ — why particularly on Passover: even on any [other] festival too [it is forbidden]? — That indeed is so, but this Tanna was engaged on¹¹ the festival of Passover. It was taught likewise:¹² Beth Shammai maintain: One may not bake thick bread on a festival,¹³ while Beth Hillel permit it.

Our Rabbis taught: You discharge [your obligation] with fine bread,¹⁴ with coarse bread,¹⁵ and with Syrian cakes shaped in figures. although they [the Sages] said, Syrian cakes shaped in figures must not be made on Passover. Rab Judah said: This thing Boethus b. Zonin asked the Sages: Why was it said [that] Syrian cakes shaped in figures must not be made on Passover? Said they to him, Because a woman would tarry over it and cause it to turn leaven. [But], he objected, it is possible to make it in a mould, which would form it without delay.¹⁶ Then it shall be said, replied they, [that] all Syrian cakes [shaped in figures] are forbidden, but the Syrian cakes of Boethus are permitted!¹⁷

R. Eleazar b. Zadok said: I once followed¹⁸ my father into the house of R. Gamaliel, and they placed¹⁹ before him Syrian cakes shaped in figures on Passover. Said I, 'Father, did not the Sages say thus, One may not make Syrian cakes shaped in figures on Passover?' 'My son', he replied, 'they did not speak of [the cakes of] all people, but only of those of bakers'.²⁰ Others say, he said

thus to him: 'They did not speak of those of bakers, but [only] of those of private people'.²¹

R. Jose said: One may make Syrian cakes like wafers, but one may not make Syrian cakes like rolls. We learned elsewhere:²² Sponge cakes,²³ honey cakes, paste-balls,²⁴ cakes made in a mould, and mixed dough²⁵ are exempt from hallah.²⁶ What are cakes made in a mould? — Said R. Joshua b. Levi: That is halut²⁷ of private people.²⁸ Resh Lakish said: These are prepared in an ilpes.²⁹ While R. Johanan maintained: Those which are prepared in an ilpes are liable [to hallah], but these [are exempt] because they were prepared in the sun.

An objection is raised: Sponge cakes, honey cakes, and pasteballs: if prepared in an ilpes, they are liable [to hallah]; if in the sun, they are exempt. This is a refutation of R. Simeon b. Lakish? Said 'Ulla, R. Simeon b. Lakish can answer you: The case we treat of here is where he [first] heated [the ilpes] and then placed [the dough in it].³⁰ But what [is the law] if he [first] placed [the dough] and then heated it? Are they indeed exempt! Then instead of teaching [in] the second clause, 'if prepared in the sun, they are exempt', let him draw a distinction in that itself and teach: When is that? E.g., if he heated [it] and then placed [the dough]; but if he [first] placed [the dough] and then heated it, they are exempt? There is a lacuna[in this teaching], and it was thus taught: When is that? If he heated [it] and then placed [the dough]; but if he first

for the shape to be exactly right and so may take too long over it. But private people are not so particular. placed [the dough] and then heated it, it becomes as though he prepared it in the sun, and they are exempt.

Come and hear: You discharge your duty with partially baked unleavened bread and unleavened bread which was prepared in an ilpes?³¹ — Here too it means that he [first] heats it and then places [the dough]. What is partially baked unleavened bread?³² — Said Rab Judah in Samuel's name: Whatever can be broken without threads dragging from it.³³

Raba said: And the same [rule applies to] loaves of the thankoffering.³⁴ That is obvious: 'bread' is written here and 'bread' is written there?³⁵ — You might say, since it is written, and he shall offer one

(1) Which Beth Hillel permit.

(2) Though the shewbread was unleavened (Men. 27a).

(3) Sc. the priests.

(4) Unleavened bread for Passover is made by all, and many cannot exercise sufficient care to prevent the dough from fermenting when it is so thick.

(5) In the preparation of the shewbread all these conditions would be observed; but they might be absent in a private home.

(6) Viz., R. Judah ha-Nasi.

(7) Though baked in thin wafers.

(8) I.e., when sufficient dough is kneaded for many wafers.

(9) That Beth Shammai forbid it, seeing that we are actually dealing with thin wafers.

(10) In kneading so much at a time. Though food may be prepared on Festivals, unnecessary trouble is forbidden.

(11) Lit., 'standing at'.

(12) That it is forbidden because of the unnecessary labour.

(13) Here Passover is not mentioned.

(14) Bread made of fine meal.

(15) 'Ar.: thick bread.

(16) Lit., 'immediately'.

(17) Which is absurd. Most bakers lack these moulds!

(18) Lit., 'entered after'.

- (19) Lit., 'brought'.
- (20) Who bake for sale. They are more particular
- (21) Because professionals are more expert; also they may have moulds, and so can make them more quickly.
- (22) This is the reading of Ran, and it is so emended here by Bah.
- (23) Cakes made from a spongy dough.
- (24) A kind of cake made of very loose dough.
- (25) A dough of hullin into which there fell dough of terumah.
- (26) V. Glos.
- (27) V. p. 170. n. 14.
- (28) I.e., home-made pancakes. They are not made like bread, and only dough made for bread is subject to hallah.
- (29) Jast.: a tightly covered stew pot. I.e., it is not bread at all, Resh Lakish holding that only that which is baked in an oven is bread to be subject to hallah.
- (30) When the ilpes is first heated it is similar to an oven.- Hidbik (הַדְּבִיק) lit., 'to cause to cleave', the cake being pressed to the side of the pot, which was the ancient method of baking.
- (31) Which proves that what is baked in an ilpes is bread, thus refuting R. Simeon b. Lakish.
- (32) What is the minimum?
- (33) It must be baked at least as much as that.
- (34) The thankoffering was accompanied by forty loaves, which were sanctified by the killing of the sacrifice. As soon as the loaves have arrived at this stage of baking as defined by Rab Judah, they become sanctified by the slaughtering of the sacrifice, and the sacrifice itself valid.
- (35) Obviously then the same definition applies to both. Hallah: when ye eat of the bread of the land (Num. XV, 19); the thankoffering: Lev. VII, 13: with cakes of leavened bread etc.

Talmud - Mas. Pesachim 37b

out of each oblation,¹ 'one' [intimating] that he should not take a broken-off piece, whereas here it is as broken off:² therefore he informs us [that it is not so].

An objection is raised: The me'isah,³ Beth Shammai exempt it [from hallah], while Beth Hillel hold it liable [thereto]. The halitah,⁴ Beth Shammai hold it liable [to hallah], while Beth Hillel exempt [it]. Which is 'me'isah' and which is 'halitah'? 'Me'isah' is flour [poured] over boiling water; 'halitah' is boiling water [poured] over flour. R. Ishmael b. R. Jose ruled in his father's name [that] both are exempt — others state, that both are liable. But the Sages maintained: Both the one and the other, if prepared in an ilpes, each is exempt; in an oven, each is liable. Now according to the first Tanna, wherein does me'isah differ from halitah?⁵ — Said Rab Judah in Samuel's name, and thus did R. Johanan — others state, R. Joshua b. Levi-say: Just as there is a controversy in respect of the one so is there a controversy in respect of the other, and they [the two clauses] are contradictory, he who learnt the one not having learnt the other.⁶ Now it is at all events taught, 'But the Sages maintain: Both the one and the other, if prepared in an ilpes, each is exempt; in an oven, each is liable', which is a refutation of R. Johanan? — R. Johanan can answer you, It is dependent on Tannaim. For it was taught: You might think that me'isah and halitah are liable to hallah, therefore 'bread' is stated. R. Judah said: Nought is bread save that which is baked in an oven. Now R. Judah is identical with the first Tanna? Hence Surely they differ over that which is prepared in an ilpes: the first Tanna holds, That which is prepared in an ilpes is liable; while R. Judah holds, That which is prepared in an oven is exempt! — No: All (agree) that what is prepared in an ilpes is exempt, but they differ here, e.g., where he rebaked it in an oven,⁷ the first Tanna holding [that] since he rebaked it in an oven, it is called 'bread'; while R. Judah holds, Nought is bread save that which is baked in an oven from the very beginning, and since this was not baked in an oven from the very beginning, we do not call it 'bread'. Raba said, What is R. Judah's reason? — Because it is written, ten women shall bake your bread in one oven:⁸ bread which is baked in one oven is called bread, but that which is not baked in one oven is not called bread.⁹

Rabbah and R. Joseph were sitting behind R. Zera, and R. Zera was sitting in front of ‘Ulla. Said Rabbah to R. Zera, Ask ‘Ulla: What if he placed [the dough] within,¹⁰ and boiled it up¹¹ from without?¹² What shall I ask him, he replied, for if I ask him he will say to me, That then is the [very] preparation of an ilpes!¹³ — R. Joseph [then] said to R. Zera, Ask ‘Ulla: What if he placed [the dough] inside and the flame is opposite it?¹⁴ What shall I ask him, he replied. for if I ask him he will reply. Most poor people do this.¹⁵

R Assi said: Dough of second tithe, according to R. Meir,¹⁶ is exempt from hallah; according to the Rabbis,¹⁷ it is liable to hallah.

(1) Ibid. 14.

(2) Since it is not completely baked.

(3) A paste made of flour poured over boiling water, contrad. to halitah, where the boiling water is poured over flour, as explained in the text.

(4) V. preceding note.

(5) The Mishnah is first dismissed and explained, and then the point of the objection is stated.

(6) Me’isah and halitah are alike in law. One Tanna holds that in both Beth Hillel are more lenient, while another holds that Beth Shammai are more lenient in both.

(7) Sc. that which was prepared in an ilpes in the first place.

(8) Lev. XXVI, 26.

(9) Hence this excludes the case where it is first treated In an ilpes.

(10) Rashi: in an ilpes. Tosaf: in an oven.

(11) I.e., heated it.

(12) Rashi: He placed a bread dough in an ilpes, baking it with an outside fire: is it bread or not? Tosaf: He placed in an oven such dough as is generally prepared in an ilpes: does this render it bread or not?

(13) Which is a point of issue between R. Johanan and Resh Lakish.

(14) The flame itself bearing directly on the ilpes, which causes it to bake more quickly.

(15) They cannot afford much fuel, and so they have the flame directly opposite it. Hence this cannot change its status.

(16) Who holds in Kid. 54b that second tithe is sacred, not secular property, but that the Almighty favored the Israelite by permitting him to eat it himself.

(17) Who hold that it is secular property.

Talmud - Mas. Pesachim 38a

[As to] unleavened bread of second tithe, according to R. Meir, a man cannot discharge his obligation therewith on Passover; according to the Sages, a man can discharge his obligation therewith on Passover. [With regard to] a citron¹ of second tithe, according to R. Meir he cannot discharge his obligation therewith on the Festival; according to the Sages, a man can discharge his obligation therewith on the Festival. R. Papa demurred: as for dough, it is well, because it is written, of the first of your dough,² [implying] of your own.³ The citron too [is likewise], for it is written, and ye shall take unto yourselves,⁴ [implying] it shall be of your own. But as for unleavened bread, is then ‘your unleavened bread’ written?⁵ — Said Raba — others state, R. Yemar b. Shalmia: [The meaning of] ‘bread’ [here] is derived from ‘bread’ [elsewhere]. Here It is written, the bread of affliction.⁶ while there it is written, then it shall be, that when ye eat of the bread of the land [ye shall offer up an heave offering unto the Lord. Of the first of your dough etc.]:⁷ just as there [it means] of your own, so here too [it must be] of your own.

Shall we say that [the following] supports him: Dough of second tithe is exempt from hallah: this is the view of R. Meir; but the Sages maintain, It is liable? [You say], ‘Shall we say that this Supports him’: this is the identical statement! — This is what he says: Shall we say that since they differ in the case of dough, they differ in respect to those too;⁸ or perhaps it is different there, because ‘your dough’ ‘your dough’ is written twice?⁹

R. Simeon b. Lakish asked: Can a man discharge his obligation¹⁰ with the hallah of second tithe in Jerusalem? On the view of R. Jose the Galilean¹¹ there is no problem; seeing that he does not fulfil his obligation with hullin,¹² can there be a question about its hallah? Your question arises on the view of R. Akiba:¹¹ is it only with hullin that he can discharge his obligation. because if it is defiled it is permitted in [all] 'habitations',¹³ but with hallah, which if defiled, is not permitted in [all] the 'habitations' and is consigned to the fire,¹⁴ he cannot discharge his obligation: or perhaps we say, since if he had not designated it with the name [of hallah] and it became defiled, it would be permitted in [all] the 'habitations', and he could discharge [his obligation therewith], then now too he can discharge [his obligation with it]?¹⁵

Others state, this is certainly no question. for we certainly say 'since'.¹⁶ Your question arises in respect of hallah which was bought with the money of second tithe.¹⁷ Now, on the view of the Rabbis there is no question, for since they say that it¹⁸ is to be redeemed, it is [identical with] the tithe [itself].¹⁹ Your question arises on the view of R. Judah who said, It must be buried. For we learned: If that which was bought with second tithe money was defiled, it must be redeemed: R. Judah said, It must be buried.²⁰ Do we say, since if it were not purchased. and since if he had not designated it with the name [of second tithe] and it became defiled, it would be permitted in [all] 'habitations', and he could discharge his duty therewith, he can [therefore] discharge his duty therewith now too;²¹ or perhaps we say one 'since',²² but we do not say 'since twice'?²³ — said Raba: It is logical that the name of tithe is one.²⁴

THE UNLEAVENED LOAVES OF THE THANKS OFFERING AND THE WAFERS OF A NAZIRITE etc. Whence do we know it? — Said Rabbah, Because Scripture saith,

(1) One of the four species which are taken on the Feast of Tabernacles.

(2) Num. XV, 20.

(3) And whereas according to R. Meir second tithe is not 'your own'.

(4) Lev. XXIII, 40.

(5) Surely not! Therefore even if second tithe is not 'yours' according to R. Meir, the law is still complied with by eating second tithe, unleavened bread.

(6) Deut. XVI, 3.

(7) Num. XV, 19.

(8) Sc. the citron and unleavened bread.

(9) Which lays particular emphasis on 'your', as explained above.

(10) Relating to the eating of unleavened bread.

(11) V. supra 36a.

(12) I.e., with ordinary second tithe after the hallah has been separated.

(13) This is a technical term denoting all places outside Jerusalem. I.e., when defiled it can be redeemed even after it has entered Jerusalem and then eaten anywhere. The fact that it might be eaten anywhere strengthens the reason for assuming that one can discharge his obligation with it, v. supra 36b.

(14) Hallah is like terumah. Now when the hallah of second tithe is clean it must be eaten in Jerusalem, like all second tithe, while if it is defiled it may not be eaten at all, like all unclean terumah. Thus it can never be eaten without Jerusalem.

(15) For the mere fact that it is hallah is no drawback, as stated in the Mishnah supra 36a, while its being second tithe is not a drawback either, on R. Akiba's view. Why then should it be unfit if it is hallah of second tithe?

(16) I.e., this last argument is certainly valid.

(17) I.e., second tithe was redeemed, flour was bought with the money, and now hallah was separated from the dough.

(18) I.e., that which was purchased with second tithe money and which in turn became defiled, v. infra.

(19) And the same law applies.

(20) Its sanctity is too slight to permit of redemption. while it may not be eaten on account of its uncleanness.

(21) I.e., the food that is purchased with second tithe money cannot be more stringently regarded than second tithe itself.

For the fact that it cannot be redeemed is not due to its greater sanctity but on the contrary because its sanctity is too slight to be capable of transference.

(22) I.e., in the case of hallah set aside from the second tithe.

(23) I.e., in the case of hallah set aside from that which has been purchased with second tithe money.

(24) Whether it is actual tithe or bought with tithe money. Hence they are alike, and therefore he can fulfil his obligations with the hallah set aside from either.

Talmud - Mas. Pesachim 38b

And ye shall guard the unleavened bread:¹ [it must be] unleavened bread which is guarded for the sake of [the precept of eating] unleavened bread, thus excluding this, which is guarded not for the sake of unleavened bread but for the sake of a sacrifice. R. Joseph said, Scripture saith, seven days shall ye eat unleavened bread:² [that implies] unleavened bread which may be eaten seven days. thus excluding this, which is not eaten seven days but [only] a day and a night.³ It was taught in accordance with Rabbah; it was taught in accordance with R. Joseph. It was taught in accordance with Rabbah: You might think that he can discharge his obligation with the loaves of the thanksgiving and the wafers of a nazirite, therefore it is stated, 'And ye shall guard the unleavened bread', teaching [that it must be] unleavened bread which is guarded for the sake of [fulfilling the obligation of eating] unleavened bread, thus excluding this which is guarded not for the sake of unleavened bread but for the sake of a sacrifice. It was taught in accordance with R. Joseph: You might think that a man can discharge his obligation with the loaves of the thanksgiving and the wafers of a nazirite; therefore it is said, 'seven days ye shall eat unleavened bread', implying, unleavened bread which may be eaten seven days. thus excluding this, which may not be eaten seven days but [only] a day and a night.

Yet deduce it from [the fact that it is designated], 'the bread of affliction', teaching, [it must be] that which may be eaten in grief, thus excluding this, which is not eaten in grief but [only] in joy? — He holds as R. Akiba, who said, 'ani' is written.⁴ Then let him deduce it [from the fact] that it is rich unleavened bread?⁵ Said R. Samuel b. R. Isaac: There is [only] a rebi'ith [of oil], and it is divided among many loaves.⁶ Yet deduce it [from the fact] that they might not be eaten in all habitations?⁷ — Said Resh Lakish: This proves that the loaves of the thanksgiving and the wafers of the nazirite could be eaten in Nob and Gibeon.⁸

It was taught. R. Il'ai said: I asked R. Eleazar, How about a man discharging his obligation with the loaves of the thanksgiving and the wafers of a nazirite? I have not heard, replied he. [So] I went and asked it before R. Joshua. Said he to me, Surely they [the Sages] said: [AS TO] THE [UNLEAVENED] LOAVES OF THE THANKS OFFERING AND THE WAFERS OF A NAZIRITE, IF HE MADE THEM FOR HIMSELF, HE CANNOT DISCHARGE HIS OBLIGATION WITH THEM; IF TO SELL IN THE MARKET, HE CAN DISCHARGE HIS OBLIGATION WITH THEM. When I went and discussed the matter before R. Eleazar, he said to me, By the covenant! These are the very words which were stated to Moses at Sinai. Others state: By the covenant! Are these the very words which were stated to Moses at Sinai? And is not a reason required?⁹ And what is the reason? — Said Rabbah: Whatever is for market, he may change his mind [about it]. and he says, 'If it is sold, it is sold; if it will not be sold, I will discharge my duty with it'.

(1) Ex. XII, 17 E.V. translates differently.

(2) Ibid. 15.

(3) V. Lev. VII, 15.

(4) v. Supra 36a for this passage.

(5) Since he follows the written text, ani, viz., poverty; for the unleavened cakes brought with a sacrifice were kneaded with oil, which makes them 'rich' bread (supra 36a).

(6) Only a quarter log of oil was used in the kneading of twenty large loaves: this would not make it rich mazzah.

(7) I.e., outside the walls of Jerusalem; v. supra 36a.

(8) Before the building of the Temple, Israel sacrificed at the 'high places', altars being erected at Nob and Gibeon, amongst other places. Resh Lakish observes that since we do not deduce the present law from the fact that these loaves might not be eaten in all 'habitations', it follows that there was a time when they were eaten without Jerusalem, viz., during the period of the high places at Nob and Gibeon, v. Zeb. 112b. There is an opposing view, that of R Simeon, that the thankoffering and the sacrifices of a nazirite could not be offered at the high places. v. Meg. 9b.

(9) Do you claim a divine origin for them that you draw this distinction without stating its grounds?

Talmud - Mas. Pesachim 39a

MISHNAH. AND THESE ARE THE HERBS WITH WHICH A MAN DISCHARGES HIS OBLIGATION ON PASSOVER:¹ WITH LETTUCE [HAZARETH]. WITH T A M K A,² WITH H A R H A B I N A,³ WITH ENDIVES ['ULSHIN] AND WITH MAROR.⁴ THE LAW IS COMPLIED WITH BY [EATING THEM] BOTH MOIST [FRESH] AND DRY, BUT NOT PRESERVED [IN VINEGAR], NOR STEWED NOR BOILED.⁵ AND THEY COMBINE TO THE SIZE OF AN OLIVE.⁶ AND YOU CAN DISCHARGE [YOUR OBLIGATION] WITH THEIR STALK[S]. AND WITH DEMAI, AND WITH FIRST TITHE THE TERUMAH OF WHICH HAS BEEN SEPARATED, AND WITH HEKDESH AND SECOND TITHE WHICH HAVE BEEN REDEEMED.⁷

GEMARA. H A Z E R E T H is hassa [lettuce]; 'U L S H I N is hindebi [endives]. TAMKA: Rabbah b. Bar Hanah said: It is called temakta.⁸ H A R H A B I N A: R. Simeon b. Lakish said: [It is] the creeper of the palm tree. AND WITH MAROR: merirta.⁹

Bar Kappara taught: These are the herbs with which a man discharges his obligation on Passover: with endives, with tamka, with harhallin,¹⁰ with harhabinin,¹¹ and with lettuce. R. Judah said: Also with wild [field] endives and with garden endives and with lettuce. 'Garden endives and lettuce': but that is taught in the first section?¹² — This is what he says: Wild endives too are like garden endives and lettuce. R. Meir said: Also with 'aswaws, and tura and mar yero'ar.¹³ Said R. Jose to him: 'Aswaws and tura are one; and mar is yero'ar.¹⁴

The School of Samuel taught: These are the herbs with which a man discharges his obligation on Passover: With lettuce, with endives, with tamka, with harhabinin, with harginin,¹⁵ and with hardofannim.¹⁶ R. Judah said: Hazereth yolin [thistles] and willow lettuce too are like them. R. Judah said in R. Eliezer's name: 'Arkablin too,¹⁷ but I went about to all his [sc. R. Eliezer's] disciples and sought a companion¹⁸ but did not find one, but when I came before R. Eleazar b. Jacob he agreed with my words. R. Judah said: Whatever [plant which] contains an acrid [pungent] sap. R. Johanan b. Berokah said: Any [plant] the leaves of which look faded [bleached]. Others say: Every bitter herb contains an acrid sap and its leaves are faded. R. Johanan said: From the words of all of them we may learn [that every] bitter herb contains an acrid sap and its leaves are faded.¹⁹ R. Huna said: The halachah is as the 'Others'.

Rabina found R. Aha son of Raba going in search of merirta. Said he to him, What is [in] your mind: that it is more bitter? But we learned H A Z E R E T H; and the School of Samuel taught, Hazereth; while R. Oshaia said: The obligation is properly [fulfilled with] hazereth. And Raba said: What is hazereth? Hassa. What does hassa [symbolize]? That the Merciful One had pity [has] upon us. Further, R. Samuel b. Nahman said in R. Jonathan's name: Why were the Egyptians compared to maror?²⁰ To teach you: just as this maror, the beginning of which is soft while its end is hard,²¹ so were the Egyptians: their beginning was soft [mild]. but their end was hard [cruel]!²² — Then I retract, he replied.

R. Rehumai said to Abaye: How do you know that this 'maror'²³ means a kind of herb; say that it is the gall of Kufia?²⁴ — It is like unleavened bread:²⁵ just as unleavened bread is a product of the earth, so 'maror' means a product of the earth. Then say it is hirduf?²⁶ — It is like unleavened bread:²⁵ just as unleavened bread is a species of plant, so 'maror' means a species of plant. Then say it is harzipu?²⁷ — It must be like unleavened bread: just as unleavened bread is that which can be bought with second tithe money, so maror' is that which can be bought with second tithe money.²⁸

Rabbah son of R. Hanin said to Abaye: Say that maror means one [herb]?²⁹ — Merorim [plural] is written. Then say that merorim means two? — It is like unleavened bread: just as unleavened bread [can be of] many species.³⁰ so [can] maror [be of] many species.

Rabbah son of R. Huna said in Rab's name: [Regarding] the herbs whereof the Sages ruled that a man can discharge his duty with them on Passover, they all may be sown in one garden bed. Is this to say that they are not [forbidden] on account of kil'ayim?³¹ Raba objected: [Lettuce] and willow lettuce, [garden] endives and wild endives, [garden] leeks and wild leeks, [garden] coriander and wild coriander, mustard and Egyptian mustard [and] the Egyptian gourd and the bitter gourd, — all these are not kil'ayim with one another.³² [Thus] only lettuce with willow lettuce, but not lettuce with endives?³³ And should you answer, They are all taught together, surely Rab said: He teaches them in pairs? What did Rab mean by 'they are sown'? They are sown according to their law.³⁴ [You say], 'According to their law'! but we [already] learned it:

(1) Bitter herbs are eaten on the first two (in Palestine one) nights of Passover, v. Ex. XII, 8.

(2) A kind of cheveril (Jast.).

(3) A kind of creeper.

(4) Lit., 'bitter' (herb). A plant, prob. Cichorium litybus. Succory (Jast.).

(5) Shelukin means boiled to a pulp; mebushalin, boiled in the usual manner.

(6) That is the minimum quantity which must be eaten; and it can be made up of all these.

(7) v. p. 161, n. I.

(8) Rashi: marrubium, hoarhound (Jast.).

(9) The Aramaic for maror.

(10) A prickly plant, thistles.

(11) Pl. of harhabina.

(12) What does R. Judah add?

(13) Names of bitter herbs. v. next note.

(14) Jast. ferule. Rashal reads: Aswaws and tura are one, and it is bitter (mar), and that is (what is called) mar yero'ar.

(15) Jast.: garden ivy.

(16) Wall ivy.

(17) Jast.: prickly creepers on palm trees, palm ivy.

(18) To support me, that he too had heard it from R. Eliezer.

(19) I.e., all the herbs mentioned by the foregoing teachers possess these two features.

(20) In Ex. I, 14 where the Hebrew for embittered is from the same root as maror.

(21) The top is soft, while the stalk hardens like wood.

(22) At first they dealt mildly with the Israelites, but subsequently treated them with great cruelty. All this was adduced by Rabina, to show that merirta was not preferable.

(23) Prescribed in Ex. XII, 8. Merorim, pl. of maror, is the actual word used there.

(24) Name of a fish, supposed to be identical with colias.

(25) To which it is placed in juxtaposition, ibid.

(26) Jast.: a shrub or tree with bitter and stinging leaves, supposed to be rhododaphne, oleander.

(27) Name of a bitter herb, not generally eaten.

(28) This excludes harzipu, for only what is generally eaten can be bought; v. Deut. XIV, 26: all the things enumerated there are normal victuals.

(29) Viz., the most bitter of all.

(30) V. Mishnah Supra 35a.

(31) V.Glos.

(32) Kil. I, 2.

(33) I.e., these are heterogeneous.

(34) I.e., on the contrary, care must be taken not to sow them together, and when they are in one garden-bed the proper space must be left between the separate species.

Talmud - Mas. Pesachim 39b

A garden-bed which is six handbreadths square, may be sown with five species of seeds, four on the four sides of the bed and one in the middle!¹ — You might say that this applies only to seeds [cereals]. but not to vegetables;² therefore he³ informs us [otherwise]. Shall we [then] say that vegetables are stronger than seeds?⁴ But surely we learned: All Species of seeds may not be sown in one garden-bed [together]. [yet] all species of vegetables [herbs] may be sown in one seed-bed?⁵ - You might say, This maror⁶ is a species of seed [cereal]; hence he informs us [that it is not so].⁷ [You say]. ‘Seeds’! — Can you think so! But surely we learned, HERBS; and Bar Kappara [also] taught. ‘Herbs’; and the School of Samuel [also] taught ‘Herbs’?⁸ - He needs [to state it about] lettuce:⁹ I might argue. since it is destined to harden,¹⁰ we must allow it more space. [For] did not R. Jose b. R. Hanina say: If the cabbage stalk hardens, more room is given to it [up to] a beth roba’?¹¹ This proves that since it is destined to harden, we allow it more space: so here too we should give it more space. Hence he¹² informs us [otherwise].

THE LAW IS COMPLIED WITH BY [EATING THEM] BOTH MOIST [FRESH] OR DRY etc. R. Hisda said: They learned this only of the stalk; but in the case of the leaves, only moist [fresh] ones, but not dry ones. But since a later clause states, WITH THEIR STALK, it follows that the first clause [refers to] leaves? [That clause] indeed gives an explanation: when does he [the Tanna] teach, BOTH MOIST AND DRY? In reference to the stalk.

An objection is raised: One can discharge [the obligation] with them and their stalks, both moist and dry: this is R. Meir's view. But the Sages maintain: One can discharge [the obligation] with moist [fresh] ones, but one cannot discharge [the obligation] with dry ones. And they agree that one can discharge [the obligation] with them [when] withered,¹³ but not [when] preserved. stewed or boiled. This is the general principle of the matter: Whatever has the taste of maror, one can discharge the obligation with it; but whatever does not possess the taste of maror, one cannot discharge the obligation with it!¹⁴ — Explain it¹⁵ [as referring] to the stalk.

Our Rabbis taught: One cannot discharge [the obligation] with them [when] withered. In the name of R. Eleazar b. R. Zadok it was said: One can discharge [the obligation] with them [when] withered.

Rami b. Hama asked: How about a man discharging his obligation with second tithing maror in Jerusalem? On R. Akiba's view,¹⁶ there is no question: seeing that he discharges his obligation [there with] in the case of unleavened bread, [the tithing of] which is [enjoined] by Scripture. need you ask about maror, which is [only] Rabbinical.¹⁷ The question arises on the view of R. Jose the Galilean. What then? Is it only with unleavened bread, which is [tithed] by Scriptural law, that he cannot discharge his obligation, but with maror, which is [tithed] by Rabbinical law [only], he discharges his obligation; or perhaps whatever [measure] the Rabbis enacted, they enacted it similar to a Scriptural law?¹⁸ Said Raba: It is logical [that] unleavened bread and maror [are assimilated].¹⁹

MISHNAH. ONE MAY NOT SOAK BRAN FOR FOWLS, BUT ONE MAY SCALD IT. A WOMAN MAY NOT SOAK BRAN TO TAKE WITH HER²⁰ TO THE BATHS,²¹ BUT SHE MAY RUB IT ON HER SKIN. AND A MAN MAY NOT CHEW WHEAT AND PLACE IT ON HIS WOUND, BECAUSE IT TURNS LEAVEN.

G E M A R A. Our Rabbis taught: These are the things which cannot come to fermentation: That which is baked,²² boiled, and that which is scalded, having been scalded in boiling water. ‘That which is boiled’? But while it is being boiled it turns leaven! — Said R. Papa: He means: baked [mazzah] which was [then] boiled. It was taught. R. Jose b. R. Judah said: Flour into which there fell a dripping [of water]. even all day, does not come to fermentation.²³ Said R. Papa: Provided that it acted drop after drop.²⁴ The School of R. Shila said: Wattika²⁵ is permitted. But it was taught: Wattika is forbidden? — There is no difficulty: here it is such as is prepared with oil and salt;²⁶ there it is prepared with water and salt.²⁷ Mar Zutra said: A man must not line a pot with flour of roast grain, lest it had not been properly baked²⁸ and it comes to leaven.²⁹ R. Joseph said: A man must not scald

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- (1) V. Shab. 84b (Sonc. ed.) note a.l. Then what does Rab add?
- (2) Because they draw their sustenance more vigorously, hence from a wider area.
- (3) Rab.
- (4) In drawing from the ground.
- (5) Cereal seeds must not be sown within this area, and the statement that five species of seeds may be sown in a plot six handbreadths square applies to vegetables (herbs) only.
- (6) I.e., the species enumerated supra in our Mishnah and Gemara.
- (7) This answer abandons the previous answer. Seeds (cereals) in fact require more space, for their drawing power is greater, and Rab informs us that maror belongs to the species of herbs, not seeds, and therefore the more lenient law applies to them.
- (8) All these authorities describe maror as herbs; how then could it be assumed that maror belongs to the class of cereals?
- (9) The last reply to the question, ‘What does Rab add’, being untenable, another answer is offered.
- (10) Its stalk becomes hard and thick.
- (11) A piece of ground of the capacity of one roba’ (quarter of a kab) of seed.
- (12) Rab.
- (13) This is not the same as dry.
- (14) Here too R. Meir seems to state that both the herbs themselves (i.e.. the leaves) and the stalks may be fresh or dry. And the Mishnah too evidently agrees with R. Meir, since the Rabbis maintain that dried herbs cannot be eaten.
- (15) The statement permitting its use dried.
- (16) v. supra 36a.
- (17) By scriptural law vegetables need not be tithed at all; hence Biblically speaking this maror is not second tithe.
- (18) So that maror is the same as unleavened bread.
- (19) v. supra p. 182, n. 6.
- (20) Lit., ‘in her hand’.
- (21) A bran paste was used as a depilatory or cosmetic.
- (22) Once unleavened bread is baked it can never turn leaven.
- (23) The incessant dripping prevents fermentation.
- (24) Without an appreciable interval between them.
- (25) Name of a certain pastry or tart made of flour.
- (26) Oil does not cause fermentation.
- (27) Then it is forbidden.
- (28) Lit., ‘boiled’.
- (29) Though roast grain is baked, and therefore can never become leaven, yet we fear that it may not have been fully baked, and when the dish is put into the pot with the water this flour will ferment.

Talmud - Mas. Pesachim 40a

two grains of wheat together, lest one becomes wedged in the cleft of the other, so that the column of water will not surround it on all¹ sides, and [thus] it will come to fermentation. And Abaye said: A

man must not singe two ears of corn together. lest sap [water] issue from one and the other absorb it, and [thus] it will come to fermentation. Said Raba to him: If so, [forbid] even one also, lest it [the sap] issues from one end and the other end absorbs it? No, said Raba: It is sap [water] of fruit,² and sap of fruit does not cause fermentation. Now Abaye retracted from that [view], because as long as they [the grains] absorb [liquid], they do not ferment.³ For Abaye said: The jar for roasting [ears of corn]: if it is inverted, it is permitted;⁴ if upright, it is forbidden.⁵ Raba said: Even if upright it is still permitted [because] it is the sap of fruit, and the sap of fruit does not cause fermentation.

Our Rabbis taught: One may not wash⁶ barley on Passover; and if one did wash [them] and they split, they are forbidden;⁷ if they did not split, they are permitted. R. Jose said: He can soak them in vinegar. and the vinegar binds them.⁸ Samuel said: The halachah is not as R. Jose. R. Hisda said in Mar 'Ukba's name: It does not mean literally split, but [if they reach] such [a condition] that if placed on the mouth of a [wine] cask they will split of themselves. (⁹) But Samuel said: It means literally split. Samuel acted in the vicinity of the home of Bar Hashu [on the view that] 'split' is meant literally.¹⁰

Rabbah said: A conscientious man should not wash [corn].¹¹ Why particularly a conscientious man: even any other man¹² too, for surely it was taught: One may not wash barley on Passover? He says thus: He should not wash even wheat, which is hard.¹³ Said R. Nahman to him: He who will heed Abba¹⁴ will eat mouldy bread.¹⁵ For Surely the household of R. Huna washed [it], and the household of Raba b. Abin washed [it]. But Raba said: It is forbidden to wash [wheat]. But what of what was taught: You may not wash barley on Passover, [implying] barley only may not [be washed], but wheat is permitted? — He leads to a climax!¹⁶ It is unnecessary [to teach about] wheat, for since it has splits the water enters it;¹⁷ but barley, which is smooth, I would say that it is allowable. Therefore he informs us [otherwise]. Subsequently Raba said: It is permitted to wash [wheat]. For it was taught: One can discharge [the obligation] with fine bread and with coarse bread.¹⁸ Now fine bread is impossible without washing [the grain].

R. Papa raised an objection against Raba: [With regard to] the flours and fine meals of Gentiles, those of villages are clean, while those of towns are unclean. What is the reason that those of villages [are clean]? Is it not because they do not wash [the grain],¹⁹ yet he calls it 'fine meal'?²⁰ — Explain [this²¹ as referring to] 'flour'. After he [Raba] departed, he [R. Papa] said [to himself]. Why did I not cite him [an objection] from what R. Zera said in R. Jeremiah's name in Samuel's name: The wheat for meal offerings must not be washed; yet he calls it fine meal?²² Subsequently Raba said: It is obligatory to wash [the grain].²³ for it is said, And ye shall guard the unleavened bread.²⁴ Now, if not that it requires washing, for what purpose is the guarding?²⁵ If guarding for the kneading,²⁶ the guarding of kneading is not guarding,²⁷ for R. Huna said: The doughs of a heathen,²⁸ a man may fill his stomach with them,²⁹ providing that he eats as much as an olive of unleavened bread at the end. [Thus] only at the end, but not at the beginning:³⁰ what is the reason? Because he had not afforded it any guarding. Then let him guard it from the baking and onwards?³¹ Hence this surely proves that we require guarding from the beginning. Yet whence [does this follow]: perhaps it is different there, because when guarding became necessary.³² he did not guard it;³³ but where he did guard it when guarding became necessary. it may indeed be that the guarding at the kneading is [truly] considered 'guarding'.

Yet even so,³⁴ Raba did not retract. For he said to those who handled sheaves,³⁵ Handle them for the purpose of the precept.³⁶ This proves that he holds [that] we require guarding ab initio, from beginning to end. Mar the son of Rabina,

(1) Lit., 'four'.

(2) I.e., produce.

(3) MS.M. reads: as long as they (the liquids) are in motion (boiling), they do not create fermentation.

- (4) As the sap which is exuded runs out and is not re-absorbed by the other ears. — Therefore the same will hold good where he sings two ears of corn together, which on this view must be permitted. Thus he retracted from his former view.
- (5) Because the sap is retained in the vessel.
- (6) The verb connotes to moisten the grain before grinding.
- (7) Because then they turn leaven very quickly.
- (8) Prevents fermentation.
- (9) Then they are forbidden.
- (10) And since those about which he was consulted were not actually split, he ruled that they were permitted.
- (11) v. p. 186, n.8.
- (12) Lit., 'the whole world'.
- (13) And consequently is slower to ferment than barley. Others who are not so conscientious may moisten wheat, for only barley is forbidden in the Baraita.
- (14) Lit., 'father' - a title of respect.
- (15) I.e., unclean bread, since the wheat was not washed.
- (16) Lit., 'he states, it is unnecessary "(to teach etc.)"'.
 (17) And certainly causes it to ferment.
- (18) V. supra 37a.
- (19) And eatables cannot become unclean unless moisture has previously been upon them.
- (20) Which shows that fine bread is possible without washing.
- (21) The reference to villages.
- (22) Such is prescribed in Scripture for meal-offerings, v. Lev. II, i.
- (23) For preparing the unleavened bread.
- (24) Ex. XII, 17.
- (25) For the grain cannot ferment unless there is moisture upon it.
- (26) I.e., that when it is kneaded care must be taken that it does not turn leaven.
- (27) This verse implies that at a certain stage of its manufacture the unleavened bread must be guarded for the express purpose of fulfilling the law prescribing the eating of unleavened bread. Hence, if a man eats on the first night of Passover only unleavened bread which was not guarded expressly for that purpose, he does not do his duty. Now Raba states that the guarding that is given to it at the stage of kneading is not considered 'guarding' in this respect.
- (28) Which one recognizes as not having turned leaven.
- (29) On the first night of Passover.
- (30) I.e., the law is complied with only with this unleavened bread which he eats at the end, but not with the heathen's dough which he eats at the beginning. The unleavened bread eaten in fulfilment of the precept comes at the end of the meal with the Paschal lamb, v. infra 119b.
- (31) I.e., from when it is prepared for baking. viz., when it is shaped, moistened and put into the oven.
- (32) Lit., 'when it entered upon (the need for) guarding'. — I.e., at the beginning of the kneading process — from the moment when water was added to the flour making fermentation possible.
- (33) Though it nevertheless remained unleavened.
- (34) Though Raba's proof was refuted.
- (35) At harvest time, gathering and tying them. Lit., 'turned about'.
- (36) Bear in mind that they may be used for that purpose.

Talmud - Mas. Pesachim 40b

his mother stored [grain] for him in a trough.¹

A certain ship of grain foundered in Hishta,² [whereupon] Raba gave permission to sell [the grain]³ to Gentiles. Rabbah b. Lewai⁴ raised an objection against Raba: [With regard to] a garment wherein kil'ayim⁵ is lost,⁶ he must not sell it to a Gentile,⁷ nor may he make a saddle-cloth for an ass;⁸ but it may be made into shrouds for a corpse.⁹ What is the reason [that it may] not [be sold] to a Gentile? Surely it is because he might resell it to an Israelite?¹⁰ Subsequently Raba said, Let them

sell it to Israelites, a kab¹¹ at a time,¹² so that it should be consumed before Passover.

Our Rabbis taught: One may not mash a dish on Passover;¹³ and he who wishes to mash, must put in the flour and then add the vinegar.¹⁴ But some say. He may even put in the vinegar [first] and then add the flour.¹⁵

Who is 'some say'? Said R. Hisda, It is R. Judah. For we learned: [In the case of] a stew pot or a boiling pot¹⁶ which he removed seething [from the fire].¹⁷ he must not put spices therein,¹⁸ but he

R. Han. reads: for the sake of unleavened bread — i.e., take care that no water falls on them and do not store them in a damp place. may put [spices] into a dish or a tureen.¹⁹ R. Judah said: He may put [spices] into anything except what contains vinegar or brine.²⁰ Yet let us establish it as R. Jose, for it was taught, R. Jose said: He can soak them in vinegar, and the vinegar binds them?²¹ — We know R. Jose [to rule thus] only when it is by itself, but not when it is in a mixture. 'Ulla said: Both the one and the other are forbidden,²² because, 'Go, go, thou nazirite', say we, 'take the most devious route, but approach not the vineyard'.²³ R. Papa permitted the stewards of the house of the Resh Galutha²⁴ to mash a dish with parched grains. Said Raba: Is there anyone who permits such a thing in a place where slaves are found?²⁵ Others say. Raba himself mashed a dish with parched grains.

MISHNAH. FLOUR MAY NOT BE PUT INTO HAROSETH²⁶ OR IN TO THE MUSTARD,²⁷ AND IF HE DID PUT [IT], IT MUST BE EATEN IMMEDIATELY;²⁸ BUT R. MEIR FORBIDS [IT]. ONE MAY NOT BOIL THE PASSOVER SACRIFICE, NEITHER IN LIQUIDS NOR IN FRUIT JUICE.²⁹ BUT ONE MAY BASTE AND DIP IT IN THEM.³⁰ THE WATER USED BY A BAKER MUST BE Poured OUT, BECAUSE IT PROMOTES FERMENTATION.

contents, as long as they are seething, cause any condiments put therein to boil likewise. This of course is forbidden on the Sabbath. GEMARA. R. Kahana said: The controversy is [about putting flour] into mustard; but [if it was put] into haroseth, all agree that it must be burnt immediately. And it was taught likewise: Flour must not be put into haroseth, and if he did put [it], it must be burnt immediately. [If put] into mustard, — R. Meir said: It must be burnt immediately; but the Sages rule: It must be eaten immediately.³¹

R. Huna the son of Rab Judah said in R. Nahman's name in Samuel's name: The halachah is as the words of the Sages. Said R. Nahman b. Isaac to R. Huna the son of Rab Judah:

(1) For use on the night of Passover. This this too was guarded from the beginning.

(2) A canal in Babylonia. This happened before Passover.

(3) Which became leaven.

(4) Or, the Levite.

(5) V. Glos.

(6) I.e., a thread of the forbidden material was woven in the cloth, and its place is not known.

(7) For the latter may resell it to a Jew who will wear it in ignorance of the fact that it contains kil'ayim.

(8) Lest he subsequently remove it and sew it into a garment.

(9) Because it can henceforth not be used for any other purpose, since the raiment of the dead is forbidden for general use. On the other hand, the corpse is not subject to any of the laws of the Torah, v. Shab. 30a.

(10) Then the same should apply here.

(11) A measure of capacity one sixth of a se'ah.

(12) I.e., not selling a large quantity to any single person.

(13) I.e., make a mash of flour and vinegar in the usual way, which is to put in the vinegar first and then add the flour. This is forbidden, because it easily ferments and becomes leaven.

(14) The vinegar prevents fermenting.

- (15) Although the vinegar becomes mixed with the rest of the dish when it is put in first, it can still prevent the fermenting of the flour.
- (16) The first means a tightly covered pot.
- (17) At twilight on Friday.
- (18) After the Sabbath commences. The pot is a 'first vessel', i.e., it was used directly on the fire, and its
- (19) Containing a hot stew. The dish or the tureen is a 'second vessel', i.e., it was not used directly on the fire, and cannot make the spices boil.
- (20) Being sharp. they cause them to boil, though the vinegar or brine is mixed with the rest of the dish. By causing them to boil they prevent fermentation, and the same applies here.
- (21) Which prevents fermentation.
- (22) Whichever is put first. This was proverbial: a man must not venture into temptation, and a nazirite, who must not eat grapes, must not even go near a vineyard. Similarly, if a man is permitted to make the mash in one way, he will make it in the other way too.
- (23) Jast. s.v. **אכונג** conjectures that **בורדקי** is a corruption of that word.
- (24) Exilarch, the official title of the head of Babylonian Jewry.
- (25) As in the house of the Exilarch. They are very lax in any case, and such leniency will lead to even greater laxity.
- (26) A pap made of fruits and spices with wine or vinegar, used for sweetening the bitter herb on Passover night (Jast.).
- (27) Lest the flour become leaven.
- (28) Before it can ferment.
- (29) Though Scripture only mentions water, v. Ex. XII, 9.
- (30) I.e., the flesh may be greased
- (31) The greater strength of mustard retards fermentation, hence the controversy. But it ferments very quickly in haroseth.

Talmud - Mas. Pesachim 41a

Do you¹ say it in reference to haroseth.² or do you say it in reference to mustard? What is the practical difference? asked he. — In respect to R. Kahana's [dictum] — For R. Kahana said: The controversy is [about putting flour] into mustard; but [if it was put] into haroseth, all agree that it must be burnt immediately.³ I have not heard it, he replied to him, as if to say, I do not agree with it. R. Ashi said: Logic supports R. Kahana, since Samuel said: The halachah is not as R. Jose.⁴ Surely then, since it [vinegar] does not bind, it does indeed cause fermentation?⁵ — No: perhaps it neither binds nor promotes fermentation.

ONE MAY NOT BOIL etc. Our Rabbis taught: [Eat not of it raw, nor boiled at all] with water:⁶ I only know [that it may not be boiled] in water; whence do we know [it of] other liquids? You can answer, [it follows] a minor,' if water, which does not impart its taste,⁷ is forbidden; then other liquids, which impart their taste, how much

with these liquids when it is being roasted, and the roasted meat may be dipped into liquids at the time of eating. more so!⁸ Rabbi said: 'With water': I only know it of water; whence do we know [it of] other liquids? Because it is stated, 'nor boiled at all',⁹ [implying] in all cases.¹⁰ Wherein do they differ? — They differ in respect of [that which is] roasted in a pot.¹¹ And the Rabbis: how do they utilize this [phrase] 'nor boiled at all'? — They employ it for what was taught: If he boiled it and then roasted it, or roasted it and then boiled it, he is liable.¹² As for 'if he boiled it and then roasted it, he is liable,' that is well, seeing that he boiled it.¹³ But if he roasted it and then boiled it, surely it is 'roast with fire'; why [then is he liable]? — Said R. Kahana: The author of this is R. Jose. For it was taught: The law¹⁴ is complied with by [eating] an [unleavened] wafer that is soaked¹⁵ or boiled, but not dissolved: this is the view of R. Meir. R. Jose said: The law is complied with by [eating] a wafer that is soaked, but not with one that is boiled, even if not dissolved.¹⁶ 'Ulla said: You may even say [that it agrees with] R. Meir;¹⁷ here it is different, because Scripture saith, 'nor boiled at all', [implying] in all cases.¹⁸

Our Rabbis taught: You might think that if he roasted it as much as it needs,¹⁹ he should be liable. Therefore it is stated: Eat not of it semi-roast nor boiled at all with water': semi-roast or boiled did I forbid²⁰ thee, but not that which is roasted as much as it needs.²¹ How is that meant? — Said R. Ashi: That he rendered it charred meat. Our Rabbis taught: You might think that if he ate as much as an olive of raw meat,²² he should be liable; therefore it is stated, Eat not of it semi-roast [na] nor boiled at all [with water]: semi-roast and boiled did I forbid thee, but not raw. You might think that it is permitted; therefore it is stated, 'but roast with fire'. How is 'na' understood? — Said Rab: as that which the Persians call abarnim.²³

R. Hisda said: He who cooks [food] in the hot springs of Tiberias on the Sabbath is not culpable;²⁴ if he boiled the Passover sacrifice in the hot springs of Tiberias, he is culpable. Wherein does the Sabbath differ, that [he is] not [culpable]? Because we require the product of fire,²⁵ which is absent! Then [in respect to] the Passover sacrifice too it is not a product of fire? — Said Raba, What is the meaning of his statement,²⁶ 'he is culpable'? That he transgresses on account of '[Thou shalt not eat . . .] but roast with fire.'²⁷ R. Hiyya son of R. Nathan recited this [dictum] of R. Hisda explicitly. [Thus:] R. Hisda said: He who cooks in the hot springs of Tiberias on the Sabbath is not culpable; but if he boiled the Passover sacrifice in the hot springs of Tiberias, he is culpable. because he transgressed on account of 'but roast with fire'.

Raba said: If he ate it semi-roast,

(1) Lit., 'does the Master'.

(2) That the paps ferment also with haroseth.

(3) Do you too accept this, or do you maintain that there is a controversy in respect of haroseth too?

(4) Supra 40a, q.v. in reference to vinegar.

(5) Which is the reason that flour must not be put into haroseth, since it contains vinegar, and it further follows that if put into it, it is forbidden. Hence when Samuel said that the halachah is as the Sages, that it is permitted, he must have referred to mustard, but not to haroseth.

(6) Ex. XII, 9.

(7) Lit., 'which does not lose its taste' (to the substance boiled in it).

(8) Since the sacrifice now has a foreign flavour.

(9) The emphatic 'at all' is expressed in Hebrew by the doubling of the verb.

(10) In whatever it is boiled.

(11) Without any liquid, save its own juice. If we deduce the interdict of other liquids a minori, this however is permitted. But when we learn it from the emphatic doubling of the verb, even this is forbidden. — The Passover sacrifice was roasted on a spit directly over the fire.

(12) To flagellation for eating it.

(13) In the first place. It can never be subsequently regarded as 'roast with fire'.

(14) Relating to the eating of unleavened bread on Passover.

(15) In another dish.

(16) Because It is not called bread, notwithstanding that it was previously baked in an oven. Similarly, if the Passover is boiled after being roasted, it is no longer regarded as 'roast with fire'.

(17) Viz., that once baked it retains its name as bread.

(18) Even after roasting. This answers the question, 'And the Rabbis: how do they utilize this (phrase), "nor boiled at all"?'.

(19) I.e., he overroasted it, thus burning it. I might think that this is not called 'roast with fire' but 'burnt with fire', and therefore he incurs flagellation for eating it.

(20) Lit., 'tell'.

(21) No interdict is violated by eating it thus.

(22) Of the Passover sacrifices.

(23) Half-done meat. v. Jast. s.v. **אברנים**.

(24) For the desecration of the Sabbath, because this is not really cooking.

(25) Before it can be called cooking.

(26) Lit. , 'which he states'.

(27) He is not culpable on account of, 'Thou shalt not eat of it. . . boiled with water' because this is not designated boiling. But the other portion of the verse, 'but roast with fire', is an implied negative injunction, the command being that you must not eat anything which is not roast, and what is boiled in the springs of Tiberias is therefore forbidden by implication. He thus holds that a man is flagellated for an implied negative injunction, i.e., one which is not explicitly stated.

Talmud - Mas. Pesachim 41b

he is flagellated twice;¹ if he ate it boiled, he is flagellated twice;² [if he ate] semi-roast and boiled, he is flagellated thrice. Abaye said: We do not flagellate on account of an implied prohibition. Some maintain: He is not indeed flagellated twice,³ but he is nevertheless flagellated once.⁴ Others say. He is not even flagellated once, because [Scripture] does not particularize its interdict, like the interdict of muzzling.⁵ Raba said: If he [a nazirite] ate the husk [of grapes]. he is flagellated twice; if he ate the kernel, he is flagellated twice; [for] the husk and the kernel, he is flagellated thrice.⁶ Abaye maintained: We do not flagellate on account of an implied prohibition — Some say: He is indeed not flagellated twice, but he is nevertheless flagellated once.⁷ Others maintain: He is not even flagellated once, because [Scripture] does not particularize its interdict, like the interdict of muzzling.

Our Rabbis taught: If he ate as much as an olive of semi-roast [paschal offering] before nightfall,⁸ he is not culpable; [if he ate] as much as an olive of semi-roast flesh after dark, he is culpable. If he ate as much as an olive of roast meat before nightfall, he does not disqualify himself from [being one of] the members of the company;⁹ [if he eats] as much as an olive of roast meat after dark,¹⁰ he disqualifies himself from [being one of] the members of his company.

Another [Baraita] taught: You might think that if he ate as much as an olive of semi-roast before nightfall he should be culpable; and it is a logical inference: if when he is subject to [the precept] 'arise and eat roast [flesh]',¹¹ he is subject to [the interdict] 'do not eat it semi-roast'; then when he is not subject to [the precept], 'arise and eat roast', is it not logical that he is subject to [the interdict] 'do not eat it semi-roast?' Or perhaps it is not so:¹² when he is not subject to [the precept]. 'arise and eat roast', he is subject to, 'do not eat it semi-roast', [while] when he is subject to [the precept], 'arise and eat roast', he is not subject to [the interdict] 'do not eat it semi-roast', and do not wonder [threat], for lo! it was freed¹³ from its general interdict in respect to roast.¹⁴ Therefore it is stated, 'Eat not of it semi-roast'; nor boiled at all [bashel mebusshal] with water, but roast with fire'. Now, 'but roast with fire' should not be stated;¹⁵ then why is 'but roast with fire' stated? To teach you: When he is subject [to the command]. 'Arise and eat roast', he is [also] subject to 'Eat not of it semi-roast'; when he is not subject to [the command]. 'Arise and eat roast', he is not subject to, 'Eat not of it semi-roast'.¹⁶

Rabbi said: I could read 'bashel'; why is 'mebusshal' stated [too]? For I might think, I only know it¹⁷ where he boiled it after nightfall. Whence do we know it if he boiled it during the day?¹⁸ Therefore it is stated, 'bashel mebusshal', [implying] in all cases. But Rabbi has utilized this 'bashel mebusshal' in respect of [flesh] roast[ed] in a pot and [flesh boiled] in other liquids?¹⁹ — If so,²⁰ let Scripture say either bashel bashel or mebusshal mebusshal:²¹ why 'bashel mebusshal'? Hence you infer two things from it.

Our Rabbis taught: If he ate roast [paschal offering] during the day. he is culpable; and [if he ate] as much as an olive of semi-roast after nightfall, he is culpable. [Thus] he teaches roast similar to half-roast: just as semi-roast [after nightfall] is [interdicted] by a negative injunction, so is roast [before nightfall] subject to a negative injunction. As for half-roast, it is well: it is written, 'Eat not of

it semi-roast'. But whence do we know [the negative injunction for] roast? Because it is written, 'And they shall eat the flesh in that night': only at night, but not by day. But this is a negative injunction deduced by implication from an affirmative command, and every negative injunction deduced by implication from an affirmative command is [technically] an affirmative command?²² — Said R. Hisda, The author of this

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- (1) Once on account of the injunction against semi-roast, and again because of the interdict, 'Eat not . . . but roast with fire'.
 - (2) On account of the injunction against boiled flesh, and again as in the case of semi-roast meat.
 - (3) Since he is flagellated on account of the direct prohibition, 'Eat not of it semi-roast', or, 'nor boiled', he is not flagellated on account of the implied interdict too.
 - (4) Rashi: E.g., he who boils it in the hot springs of Tiberias. Since there is no explicit injunction, we fall back upon the implied injunction. Tosaf.: If he was merely warned against violating the injunction, 'Eat not of it . . . but roast with fire'.
 - (5) V. Deut. XXV, 4. This is an interdict explicitly forbidding a particular action, and this is the model of all interdicts the disregard of which involves flagellation, since it immediately follows the law of flagellation (ibid. v. 3). But the interdict of 'eat not of it . . . but roast with fire' does not particularize any method of preparation as forbidden.
 - (6) V. Num. VI, 4: All the days of his naziriteship he shall eat nothing that is made of the grape vine, from the kernels eaten to the husk. According to Raba, the kernels and the husk are explicitly prohibited, while they are also included in the implied prohibition of 'he shall eat nothing that is made of the grape vine', and the offender is flagellated on account of each.
 - (7) Rashi: E.g., if he ate the leaves of the vine; cf. n. 2.
 - (8) Lit., 'while it was yet day' — on the fourteenth of Nisan.
 - (9) Each paschal offering had to be eaten by one company, the members of which had registered for that particular animal. It might not be eaten by two companies, while on the other hand no man might eat in two separate places. It is now taught that if he eats some roast meat before nightfall, he is not disqualified from eating elsewhere with his company after nightfall, the earlier eating not being regarded as eating of the paschal offering in this sense.
 - (10) Not in the company where he registered.
 - (11) I.e., perhaps a different argument is to be used.
 - (12) I.e., after nightfall.
 - (13) Lit., 'permitted'.
 - (14) For even roast paschal offering is not permitted before nightfall, as it is written, 'and they shall eat the flesh in that night, roast with fire', which implies, but not before; at night this implied prohibition is lifted. Hence we might argue: granted that the general interdict is not lifted at the outset in respect of semiroast too, yet if he ate it he is not liable to punishment.
 - (15) For the previous verse states: And they shall eat the flesh in that night, roast with fire.
 - (16) I. e., flagellation for eating semi-roast meat of the paschal offering is incurred only on the evening of the fifteenth, when one is bidden to eat the roast of the Passover sacrifice, but not on the day of the fourteenth, before the obligation commences.
 - (17) That boiled paschal offering flesh must not be eaten.
 - (18) That even then it may not be eaten at night.
 - (19) Supra 41a.
 - (20) That that is its only teaching.
 - (21) Granted that the repetition is necessary, the same grammatical form could be repeated.
 - (22) Which does not involve flagellation.

Talmud - Mas. Pesachim 42a

is Rabbi. For it was taught: Either a bullock or a lamb that hath anything superfluous or lacking in its parts, that mayest thou offer for a freewill-offering; [but for a vow it shall not be accepted]:¹ that thou mayest dedicate² for the Temple repair,³ but thou mayest not dedicate unblemished [animals] for the Temple repair.⁴ Hence it was said, Whoever dedicates unblemished [animals] for the Temple repair transgresses an affirmative precept — I only know [that he transgresses] an affirmative

precept: whence do we know [that he transgresses also] a negative injunction? Because it is stated, And the Lord spake unto Moses, saying [lemor]:⁵ this teaches concerning the whole section that it is subject to a negative injunction: this is R. Judah's view.⁶ Rabbi asked Bar Kappara: How does that imply it? Said he to him, Because it is written, 'lemor': a 'not' ['lo'] was stated in [these] matters.⁷ The School of Rab interpreted: Lemor, a negative injunction [law] was stated.

THE WATER USED BY A BAKER etc. One [Baraita] taught: You must pour [it] out on a slope. but you may not pour [it] out on broken [ground].⁸ While another [Baraita] taught: You may pour [it] out on broken ground? — There is no difficulty: here it means that it [the water] is abundant, so that it collects;⁹ there it means that it is not abundant, so that it does not collect.

Rab Judah said: A woman must knead [unleavened bread] only with water which was kept overnight.¹⁰ R. Mattenah taught this [in a public lecture] at Papunia.¹¹ On the morrow all took their pitchers and repaired to him and demanded of him, 'Give us water'. Said he to them, 'I meant with water which has been kept overnight'.

Raba lectured: A woman may not knead in the sun, nor with water heated by the sun, nor with water collected¹² from the caldron;¹³ and she must not remove her hand from the oven until she has finished all the bread;¹⁴ and she requires two vessels, one with which she moistens [the dough], and the other wherein she cools her hands.¹⁵

is now being discussed, has likewise the same superscription in v. I, q.v. The scholars asked: What if she transgressed and kneaded [in warm water]? Mar Zutra said: [The bread] is permitted; R. Ashi said: It is forbidden — Mar Zutra said, Whence do I know¹⁶ it?—Because it was taught: One may not wash barley on Passover; and if one did wash [them], if they split they are forbidden; if they did not split, they are permitted.¹⁷ But R. Ashi says: Will you weave all these things in one web?¹⁸ Where it was stated,¹⁹ it was stated; and where It was not stated, it was not stated.

CHAPTER III

MISHNAH. NOW THE FOLLOWING [THINGS] MUST BE REMOVED²⁰ ON PASSOVER: BABYLONIAN KUTAH,²¹ MEDIAN BEER, IDUMEAN VINEGAR, EGYPTIAN ZITHOM,²² THE DYER'S BROTH,²³ COOK'S DOUGH,²⁴ AND THE SCRIBES' PASTE.²⁵ R. ELIEZER SAID: WOMEN'S ORNAMENTS TOO.²⁶ THIS IS THE GENERAL, RULE: WHATEVER IS OF²⁷ THE SPECIES OF CORN²⁸ MUST BE REMOVED ON PASSOVER. THESE ARE SUBJECT TO A WARNING',²⁹ BUT THEY DO NOT INVOLVE KARETH.

GEMARA. Our Rabbis taught: Three things were said of Babylonian kutah: it closes up the heart,³⁰ blinds the eyes, and emaciates the body. It closes up the heart, on account of the whey of milk; and it blinds the eyes, on account of the salt; and it emaciates the body, on account of the stale crusts.³¹

Our Rabbis taught: Three things increase one's motion, bend the stature, and take away a five hundredth part of a man's eyesight. They are these: Coarse black bread, new beer, and raw vegetables.

Our Rabbis taught: Three things decrease one's motion, straighten the stature, and give light to the eyes. These are they: White³² bread, fat meat, and old wine. White bread,

(1) Lev. XXII, 23.

(2) Lit., 'cause to be seized' with sanctity.

(3) I.e., it must be redeemed and the redemption money devoted to the general needs of the Temple, as apart from

sacrifices.

(4) Since they are fit for the higher sanctity of sacrifices.

(5) Ibid. I.

(6) Ex. XII, 8, which

(7) 'Lemor' is treated as contraction of 'lo amur'. I.e., the laws contained in this section are subject to the admonition, 'do not violate them'.

(8) Rashi: Broken ground contains shallows and cavities where the water will gather. Instead of soaking in, and will thereby cause fermentation. Jast.: the place where water poured out would remain stagnant.

(9) Hence it may not be poured out there.

(10) Because in Nisan the water in the wells is warm (v. infra 94b). which hastens fermentation. Therefore it must be drawn the evening before it is required, so that it can cool off.

(11) A town between Bagdad and Pumbeditha, and included in the juridical district of the latter. Obermeyer, Landschaft, p. 242. — He lectured in Hebrew, using the actual words 'mayim shelanu', which may also mean, water belonging to us. — This suggests that Hebrew was sufficiently well known by the masses to make public lectures in that language possible.

(12) Lit., 'swept out'.

(13) The last-named is generally warm, and heat hastens fermentation.

(14) I.e., she must work on the dough all the time until it is baked.

(15) Her hands too, if heated, induce fermentation.

(16) Lit., 'says'.

(17) V. Supra 40a. Thus though it may not be done in the first place, if done it is permitted as long as there are no signs of leavening, and the same applies here.

(18) You surely cannot bring all cases into one category.

(19) That it is permitted if done.

(20) I.e., they must not be used; lit., 'they must pass away' (R. Tam. and Jast.). Rashi: (On account of) the following things you transgress the injunctions, (leaven) 'shall not be seen' and (leaven) 'shall not be found' (in the house).

(21) V. supra p. 95, nn. 7 and 8.

(22) A kind of beer.

(23) Made of bran, to keep the dye fast.

(24) Which is placed over the pot to absorb the froth.

(25) With which they paste strips of parchment etc. together. All these are forbidden because they contain the product of cereals which turn leaven.

(26) This is explained in the Gemara.

(27) I.e., contains.

(28) As enumerated in the Mishnah supra 35a.

(29) This is a technical term, denoting a negative injunction, the violation of which is punished by flagellation.

(30) Probably, makes its action sluggish.

(31) Jast.: the decay of the flour-substance.

(32) Lit., 'clean'.

Talmud - Mas. Pesachim 42b

of fine meal. Fat meat, of a goat which was not opened.¹ Old wine: very old.² Everything that is beneficial for the one is harmful for the other,³ and what is harmful for one is beneficial for the other, save moist zangebila,⁴ long peppers, white bread, fat meat and old wine, which are beneficial for the whole body.

MEDIAN BEER. Because barley water is mixed into it. IDUMEAN VINEGAR. Because barley is cast into it. R. Nahman [b. Isaac] said:⁵ In former times, when they used to bring [wine] libations from Judah, the wine of Judah did not turn vinegar unless barley was put into it, and they used to call it simply vinegar.⁶ But now the wine of the Idumeans does not turn vinegar until barley is put into it, and it is called 'Idumean vinegar', in fulfilment of what is said, [Tyre hath said against Jerusalem...]

I shall be replenished, now that she is laid waste:⁷ if one is full [flourishing] the other is desolate, and if the other is full the first is desolate.⁸ R. Nahman b. Isaac quoted this: and the one people shall be stronger than the other people.⁹

It was taught, R. Judah said: Originally, he who bought vinegar from an 'am ha-arez¹⁰ did not need to tithe it, because it was a presumption that it was produced from nought but tamad.¹¹ But now, he who buys vinegar from an 'am ha-arez must tithe it.¹² Now does R. Judah hold [that] tamad is not liable to tithing, but we learned: He who makes tamad, pouring water on by measure, and [then] he finds the same quantity, is exempt [from tithing]:¹³ but R. Judah declares him liable?¹⁴ This is what he says: The 'amme ha-arez were not under suspicion in connection with tamad.¹⁵ Alternatively, they were under suspicion, yet there is no difficulty: the one refers to [tamad made with] the straining bag; the other refers to [tamad made of] kernels.¹⁶

AND EGYPTIAN ZITHOM. What is EGYPTIAN ZITHOM?-R. Joseph learned: [A concoction made of] a third part barley, a third part safflower, and a third part salt. R. Papa omitted barley and substituted wheat. And your token is 'sisan'.¹⁷ They soaked them [these ingredients], then roasted them, ground them and then drank them. From the [Passover] sacrifice¹⁸ until Pentecost, they who are constipated are relieved, while they who are diarrhoeic are bound. [But] for an invalid and a pregnant woman it is dangerous.¹⁹

AND DYER'S BROTH. Here it is explained: Bran water, with which lacca²⁰ is primed.

AND COOK'S DOUGH. A loaf [i.e., dough] made of corn less than a third grown, which she places on the mouth of the pot and it absorbs the froth.

AND SCRIBES' PASTE. Here it is explained: Shoemaker's paste.²¹ R. Shimi of Hozae²² said: It is a toilet paste used by the daughters of rich men, of which they leave [some] for the daughters of poor men.²³ But that is not so, for R. Hiyya taught: They are four commodities of general use²⁴ and three manufacturing commodities.²⁵ Now if you say that it is a toilet paste used by the daughters of rich men, what manufacturing commodities are there?²⁶ What then; [it is] shoemaker's paste? Then why does he call it SCRIBES' PASTE; he should say, cobbler's PASTE? — Said R. Oshaia to him: In truth it is shoemaker's paste; yet why does he call it: SCRIBES' PASTE? Because scribes too stick their papyruses together with it.

R. ELIEZER SAID: WOMEN'S ORNAMENTS TOO etc. WOMEN'S ORNAMENTS! can you think so!²⁷ Rather, say, WOMEN'S cosmetics TOO. For Rab Judah said in Rab's name: [As to] the daughters of Israel

(1) I.e., which has not given birth to young.

(2) Rashi: three years old. — But it is doubtful if this would be called very old.

(3) I.e., what is beneficial for the heart is harmful to the eyes. etc.

(4) Zingiber, an Arabian spice plant, prob. ginger (Jast.).

(5) The Yalkut omits b. Isaac; the text infra supports this omission.

(6) The wine was so good that without barley it would never turn sour.

(7) Ezek. XXVI, 2.

(8) Tyre — here represented as synonymous with Edom — and Jerusalem can neither both flourish simultaneously nor both be desolate simultaneously. — True religion and paganism are irrevocably opposed to each other, and the triumph of one must involve the defeat of the other.

(9) Gen. XXV, 23.

(10) V. Glos.

(11) An inferior wine made from the husks of grapes steeped in water. But it was definitely not from wine, for the wine was too good to turn into vinegar.

- (12) Because it is probably from wine, which is nowadays of a poorer quality and readily turns vinegar. Of course, the 'am ha-arez himself should have tithed it, but they were suspected of neglecting tithes, and therefore the purchaser had to render tithe; v. Glos. s.v. Demai.
- (13) Because it is mere water, though it has slightly absorbed the appearance and taste of wine from the husks and kernels.
- (14) Because its appearance and taste determine its status as wine.
- (15) Because it was so cheap that even they would not grudge its tithes.
- (16) When tamad is made by pouring water over the lees in the strainer, it is wine, and is subject to tithes. But tamad made with kernels is merely coloured water, and is not subject to tithes at all.
- (17) 'Twigs'. R. Joseph (יֹסֵף) included barley (שְׁעֵרִי). both words containing an S (ס and ש) and the two ס in 'sisane' serve as mnemonic for this.
- (18) I.e., from Passover.
- (19) Because its laxative properties are too great.
- (20) So the reading in Maim. and Jast. Lacca is the juice of a plant, used for dyeing.
- (21) Perura is a paste made of crumbs.
- (22) The modern Khuzestan.
- (23) It is a depilatory made of
- (24) Lit., 'for the Country'.
- (25) Thus he sums up the seven things mentioned in the Mishnah.
- (26) This is not all article used in manufacture.
- (27) They have nothing to do with leaven.

Talmud - Mas. Pesachim 43a

who have attained maturity but have not attained [their] years,¹ the daughters of poor men plaster them [the unwanted hairs] with lime; the daughters of wealthy men plaster them with fine flour; while royal princesses, with oil of myrrh as it is written, six months with oil of myrrh.² What is oil of myrrh? R. Huna b. Jeremiah said: Sakath.³ R. Jeremiah b. Abba said: Oil of olives which were not a third grown. It was taught, R. Judah said: Anpikanin⁴ is oil of olives which were not a third grown. And why do [women] rub it in [their skin]? Because it removes the hair and rejuvenates the skin.

THIS IS THE GENERAL RULE: WHATEVER IS OF THE SPECIES OF CORN. It was taught, R. Joshua said: Now since we learned, WHATEVER IS OF THE SPECIES OF CORN MUST BE REMOVED ON PASSOVER, why did the Sages enumerate these? So that

fine flour, and wealthy women give the leavings to their poorer sisters, the daughters of scribes, who were generally poor. one should be familiar with them and with their names.⁵ As it once happened that a certain Palestinian⁶ visited Babylonia. He had meat with him and he said to them [his hosts], Bring me a relish.⁷ He [then] heard them saying, 'Take him kutah'. As soon as he heard kutah, he abstained.⁸

THESE ARE SUBJECT TO A WARNING'. Which Tanna [holds] that real leaven of corn in a mixture, and spoiled leaven⁹ in its natural condition, is subject to a negative injunction?¹⁰ — Said Rab Judah in Rab's name: It is R. Meir. For it was taught: Si'ur¹¹ must be burnt, and he may give it to his dog, and he who eats it is [punished] by forty [lashes].¹² Now this is self-contradictory. You say, 'si'ur must be burnt': this proves that it is forbidden for use. Then it is stated, 'and he may give it to his dog', which proves that it is permitted for use! This is its meaning: Si'ur' [i.e., what is si'ur] according to R. Meir [must be burnt] in R. Meir's opinion, and [what is si'ur'] according to R. Judah [must be burnt] in R. Judah's opinion. And he may give it to his dog, [i.e., what is si'ur'] according to R. Meir [may be given to a dog] in R. Judah's opinion. And he who eats it is [punished] by forty [lashes] — this agrees with R. Meir.¹³ [Thus] we learn that R. Meir holds that spoiled [leaven] in its natural state¹⁴ is subject to a negative injunction, and all the more real leaven of corn in a mixture.¹⁵

R. Nahman said, It is R. Eliezer. For it was taught: For real leaven of corn there is the penalty of kareth; for a mixture of it [one is subject to] a negative injunction: this is the view of R. Eliezer. But the Sages maintain: For real leaven of corn there is the penalty of kareth; for the mixture of it there is nothing at all.¹⁶ [Thus] we learn that R. Eliezer holds that real leaven of corn in a mixture is subject to a negative injunction, and all the more spoiled [leaven] in its natural state.¹⁷ Now R. Nahman, what is the reason that he does not say as Rab Judah? — He can tell you: perhaps R. Meir rules [thus] only there, [in respect of] spoiled [leaven] in its natural state, but not [in the case of] real leaven of corn in a mixture. And Rab Judah: what is the reason that he does not say as R. Nahman? He can tell you: [Perhaps]¹⁸ R. Eliezer rules [thus] only there, [in respect of] real leaven of corn in a mixture, but not [in the case of] spoiled [leaven] in its natural state.

It was taught in accordance with Rab Judah:¹⁹ Ye shall eat nothing leavened:²⁰ this is to include Babylonian kutah and Median beer and Idumean vinegar and Egyptian zithom. You, might think that the penalty is kareth; therefore it is stated, for whosoever eateth that which is leavened shall be cut off²¹ for real leaven of corn there is the penalty of kareth, but for the mixture of it [you are subject] to a negative injunction. Now, whom do you know to maintain [that] for the mixture of it [you are subject] to a negative injunction? It is R. Eliezer. Yet he does not state²² spoiled [leaven] in its natural state. This proves that R. Eliezer does not hold [that] spoiled [leaven is subject to a negative injunction].

Now R. Eliezer, whence does he know that the mixture of it involves a negative injunction: because it is written, ‘ye shall eat nothing leavened’? If so, let him [the offender] be liable to kareth

that real leaven in a mixture is more stringent leaven than spoiled leaven in its natural state. too, since it is written, ‘for whosoever eateth that which is leavened . shall be cut off’? — He requires that for what was taught: ([Ye shall eat nothing] leavened):²³ I only know [that it is forbidden] where it turned leaven of itself; if [it fermented] through the agency of another substance, how do we know it? Because it is stated, for whosoever eateth that which is leavened shall be cut off. If so, [the teaching] of the negative injunction too comes for this purpose?²⁴ Rather, R. Eliezer's reason is [that he] deduces from ‘whosoever’.²⁵ [But] there too²⁶ ‘whosoever’ is written? — He requires that to include women.²⁷ But women are deduced from Rab Judah's [dictum] in Rab's name. For Rab Judah said in Rab's name, and the School of R. Ishmael taught likewise: when a man or woman shall commit any sin that men commit:²⁸ the Writ assimilated woman to man in respect of all the penalties which are [decreed] in the Torah? It is necessary:

(1) I.e., they have grown the hair which is the evidence of maturity before the usual age, which is twelve years and a day. They would normally be ashamed and wish to remove it. Tosaf. in Shab, 80b s.v. **שהגיעו** omits ‘years’ and seems to translate: ‘who have reached their time (for marriage), and yet have not attained it’, so that they wish to make themselves more beautiful.

(2) Est. II, 12 q.v.

(3) Jast.: oil of myrrh or cinnamon.

(4) It is stated in Men. 86a that anpikanin must not be brought with a meal-offering. R. Judah explains what this is.

(5) That all may know that their use is forbidden on Passover.

(6) Lit., ‘son of the West’.

(7) To go with the meat.

(8) He knew that it contains milk, whilst they did not.

(9) ‘Nuksheh’, a leavened substance unfit for food.

(10) Babylonian kutah and Median beer both contain real leaven, but mixed with other substances; while women's paste is simply flour, unmixed, but spoiled and unfit for food.

(11) This is dough which is beginning to ferment, i.e., semi-leaven. At that stage it is unfit for eating, and therefore the same as spoiled leaven; v. infra 48b.

(12) This is the punishment for violating a negative injunction.

(13) V. infra 48b for the controversy between R. Meir and R. Judah as to what constitutes si'ur', semi-leaven. Now both R. Meir and R. Judah hold that use of si'ur, as each defines it respectively, is forbidden, and hence it must be burnt. But si'ur, as defined by R. Meir, is in R. Judah's opinion mazzah (unleavened bread), but as it is not fit for eating, it must be given to a dog. The final clause teaches this: according to R. Meir, he who eats si'ur, as defined by himself, is flagellated, though R. Judah holds that at that stage it is mazzah and may be eaten.

(14) Such as si'ur.

(15) Rab Judah being of the opinion

(16) No penalty is incurred.

(17) Thus R. Nahman holds that spoiled leaven unmixed is more stringent than real leaven in a mixture.

(18) [Added with MS.M.]

(19) That real leaven mixed is the more stringent.

(20) Ex. XII, 20.

(21) Ibid. 19.

(22) I.e., include.

(23) The bracketed passage is omitted in some edd. as well as supra 28b in the quotation of this Baraita.

(24) That a negative injunction is involved even in respect of that which is made leaven through a foreign substance. How then do we know that even for a mixture a negative injunction is transgressed?

(25) Heb. kol. This is an extension, and so teaches even the inclusion of a mixture.

(26) In reference to kareth.

(27) That they too are subject to the penalty of kareth.

(28) Num.V, 6.

Talmud - Mas. Pesachim 43b

you might argue, since it is written, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith:¹ whoever is subject to 'arise, eat unleavened bread', is subject to 'thou shalt eat no leavened bread'; hence these women, since they are not subject to, 'arise, eat unleavened bread', because it is an affirmative precept limited to time,² I would say that they are also not subject to, 'thou shalt eat no leavened bread'. Hence it [the verse] informs us [otherwise].

And now that they have been included in [the injunction of] 'thou shalt eat no leavened bread', they are also included in respect of eating unleavened bread, in accordance with R. Eleazar. For R. Eleazar said: Women are subject to the [precept of] eating unleavened bread by the law of Scripture, for it is said, Thou shalt eat no leavened bread with it; [seven days shalt thou eat unleavened bread [therewith]: whoever is subject to 'thou shalt eat no leavened bread', is subject to the eating of unleavened bread; and these women, since they are subject to [the injunction of] 'thou shalt eat no leavened bread', are [also] subject to, 'arise, eat unleavened bread'.

And why do you prefer³ [to assume] that this 'whosoever is to include women, while you exclude its mixture; say that it is to include the mixture?⁴ — It is logical that when treating of eaters [Scripture] includes eaters; [but] when treating of eaters, shall it include things which are eaten?⁵ To this R. Nathan the father of R. Huna demurred: Then wherever [Scripture] treats of eaters does it not include things eaten? Surely it was taught: For whosoever eateth the fat [heleb] of the beast, of which men present an offering [made by fire to the Lord, even the soul that eateth it shall be cut off from his people]:⁶ I only know it of the heleb of unblemished [animals], which are fit to be offered [as sacrifices]; whence do we know it of the heleb of blemished animals? Therefore it is stated, 'of the beast'.⁷ Whence do we know it of the heleb of hullin? Because it is stated, 'For whosoever',⁸ Thus here, though [Scripture] treats of eaters, yet it includes things eaten? — Since there are no eaters there [to be included],⁹ it includes things eaten. Here, however, that there are eaters [to be included],¹⁰ he cannot abandon eaters and include things eaten.

Now as to the Rabbis who do not accept the view [that a negative injunction is violated through] a

mixture, they do not interpret 'whosoever' [as an extension]. But then how do they know [that] women [are liable to kareth]?¹¹ — They do not interpret 'whosoever' [as an extension], but they do interpret 'for whosoever' [as such].¹² Then [according to] R. Eliezer, say that 'whosoever' is to include women; 'for whosoever' is to include the mixture [of leaven]?¹³ And should you answer, R. Eliezer does not interpret 'for whosoever' [as an additional extension] surely it was taught: For ye shall not burn any leaven...[as an offering made by fire unto the Lord]:¹⁴ I only know it of the whole of it;¹⁵ whence do I know [even] part of it?¹⁶ Because 'any' [kol] is stated. Whence do we know [that] its mixture¹⁷ [is forbidden]? Because it is stated for any [ki kol]. Whom do you know to interpret kol [as any extension]? R. Eliezer; and he [also] interprets 'for any' [ki kol]. This is [indeed] a difficulty.

R. Abbahu said in R. Johanan's name: In all the prohibitions of the Torah, a permitted [commodity] does not combine with a prohibited [commodity],¹⁸ except in the [case of the] prohibitions of a nazirite, for lo! the Torah said, [any] infusion [of grapes].¹⁹ While Ze'iri said: Also 'ye shall not burn any leaven'.²⁰ With whom [does this agree]? With R. Eliezer, who interprets kol.²¹ If so,

(1) Deut. XVI,3.

(2) Lit., 'caused by the time'. I.e., it is performed at certain times or seasons, and it is shown in Kid. 29a that women are exempt from such.

(3) Lit., 'what (reason) do you see?'

(4) While the limitation excludes women.

(5) Surely not.

(6) Lev. VII, 25.

(7) Implying whether it is fit for sacrificing or not.

(8) Which is an extension.

(9) For the inclusion of women in the prohibition and penalty follows from Rab's dictum supra 43a bottom.

(10) Viz., women, as explained supra.

(11) For eating leaven. For R. Eliezer interprets 'whosoever' in both cases, one as including a mixture, and the other as including women. But since the Rabbis do not interpret 'whosoever' as an extension, there is nothing to intimate the inclusion of women.

(12) Written in connection with kareth, Ex. XXI, 15 and 19.

(13) Teaching that kareth is involved, and not merely a negative precept.

(14) Lev. II, 11. For...any (E.V. For ye shall make no...) is ki...kol, the same words which are translated for whosoever' in the previous verses.

(15) I.e., where the whole of that which is burnt on the altar consists of leaven.

(16) Leaven must not even be used as part of the offering.

(17) I.e., anything containing a mixture of leaven.

(18) The minimum quantity to involve punishment is as much as an olive. Now, if a man eats half that quantity of heleb together with half that quantity of permitted meat simultaneously, the latter does not combine with the former, that it should be regarded as though he had eaten the full quantity of prohibited food.

(19) Num. VI, 3: neither shall he drink any infusion of grapes. By this the Talmud understands that he must not eat bread steeped in wine. Now bread itself is permitted, yet Scripture forbids the combination of bread and wine as though that also were forbidden, and if the two together amount to an olive, punishment is involved. For if Scripture refers to a case where the wine itself contains that quantity, why state it at all; obviously the wine is not less prohibited merely because it has been absorbed by the bread?

(20) Cf. Lev. I, 11. Rashi: if the priest put half an olive of leaven and half an olive of mazzah, not mixed together but each separately distinguishable, upon the altar, he incurs punishment. Tosaf. explains it differently.

(21) Supra: 'whence do I know (even) part of it' etc. He understands this to mean that there is half an olive of each.

Talmud - Mas. Pesachim 44a

in the matter of leaven too?¹ — That indeed is so; yet this² is to reject [the ruling] of Abaye, who said, There is burning [on the altar] in respect of less than an olive;³ therefore he informs us that there is no burning for less than an olive.

R. Dimi sat and reported this discussion. Said Abaye to R. Dimi: And [in] all [other] prohibitions of the Torah, does not a permitted commodity combine with a prohibited [commodity]? Surely we learned: If the mikpeh⁴ is of terumah, while the garlic and the oil are of hullin, and a tebul yom touched part of it, he disqualifies all of it.⁵ If the mikpeh is of hullin, while the garlic and the oil is of terumah, and a tebul yom touches part of it, he disqualifies only the place which he touches. Now we pondered thereon: why is the place where he touches unfit? Surely the seasoning⁶ is nullified in the greater quantity?⁷ And Rabbah b. Bar Hanah answered: What is the reason? Because a lay Israelite is flagellated on its account for [eating] as much as an olive.⁸ How is that conceivable?⁹ Is it not because the permitted [commodity] combines with the forbidden [commodity]? — No: what does ‘as much as an olive’ mean: that there is as much as an olive within the time of eating half [a loaf].¹⁰ Is then ‘as much as an olive within the time of eating half [a loaf]’ a Scriptural [standard]?¹¹ Yes, he answered him. If so, why do the Rabbis disagree with R. Eliezer in reference to Babylonian kutah?¹² — What then: [the reason is] because the permitted [commodity] combines with the prohibited commodity? Then after all why do the Rabbis differ from R. Eliezer in the matter of Babylonian kutah? But leave Babylonian kutah alone,¹³ because it does not contain as much as an olive within the eating of half [a loaf]. [For] if [it is eaten] in its natural state,¹⁴ so that he gulps it down and eats it, we disregard such a fancy as being exceptional.¹⁵ While if he dips [bread] into it¹⁶ and eats it, it does not contain as much as an olive within the time of eating half [a loaf].

He raised all objection against him: If there are two [stew] pots, one of hullin and the other of terumah, and in front of them are two mortars, one containing [condiments of] hullin and the other containing terumah, and the latter fell into the former, they are permitted,¹⁷ for I assume: the terumah fell into the terumah, and the hullin fell into the hullin. Now if you say that as much as an olive within the [time of] eating half [a loaf] is a Biblical [standard], why do we say, ‘for I assume, the terumah’ etc.?¹⁸ — Leave the terumah of condiments alone, he replied, which is [only] Rabbinical.¹⁹

He raised an objection against him: [If there are] two baskets, one containing hullin and the other containing terumah, and in front of them are two se'ah [of provisions], one of hullin and the other of terumah and these fell into those, they are permitted, for I assume: the hullin fell into hullin, [and] the terumah fell into the terumah. Now if you say that as much as an olive within the eating of half [a loaf] is a Scriptural [standard], why do we say, ‘because I assume’ [etc.]?²⁰ — Leave the terumah [set aside]

kutah there is as much as an olive of leaven, and for that he should be liable. at the present time²¹ he answered him, which is only Rabbinical.

Now does this [law of] the infusion [of grapes] come for this purpose?²² It is required for what was taught: ‘An infusion’:

(1) There too he learns that there is a negative injunction in respect of the mixture of leaven; hence he should likewise assume that it refers to half all olive of each.

(2) Sc. the particular mention of the burning of leaven on the altar.

(3) Even if one burns less than an olive of leaven on the altar, he is culpable, since the leaven itself, whatever its quantity, involves punishment.

(4) Jast.: a stiff mass of grist, oil and onions.

(5) A tebul yom (v. Glos.) disqualifies terumah. Since the main part of the dish is terumah, even the hullin too becomes unfit, because it is subsidiary to the terumah.

(6) I.e., the garlic and oil.

- (7) As explained in n. 4, it is merely subsidiary to the main dish.
- (8) Hence it is not regarded as nullified, in spite of its subsidiary nature.
- (9) "When a lay Israelite eats as much as an olive of that dish, he has not eaten that quantity of terumah. Why then is he flagellated?"
- (10) I.e., if he eats as much as half a loaf of eight average eggs in size, this half constituting an average meal, within the time that the normal eater requires for a meal, he will have eaten as much as an olive of terumah, and for that he is culpable. [According to Maim. Yad 'Erubin., half a loaf is equivalent to three average eggs].
- (11) That flagellation is incurred. — Flagellation is only imposed for the violation of a law of Scripture.
- (12) Even if flagellation is not incurred on account of the mixture, yet there too in a quantity of four eggs of
- (13) I.e., do not ask a question from it.
- (14) I.e., by itself, and not as a relish with something else.
- (15) Lit., 'his mind is nullified by the side of every man. It is not considered eating, and therefore does not involve punishment. — Punishment is incurred only when forbidden, food is eaten in the normal way.
- (16) Rashi; Jast.: if he spreads it (on bread).
- (17) The pot of hullin is permitted to a lay Israelite.
- (18) For of course it might have been the reverse; how then can we make this lenient assumption when there is a doubt of a Scriptural prohibition?
- (19) By Scriptural law no terumah is required for these; hence the entire prohibition in this case is only Rabbinical.
- (20) V. n. 6.
- (21) After the destruction of the Temple.
- (22) V. Supra 43b bottom.

Talmud - Mas. Pesachim 44b

[this is] to intimate that the taste is as the substance itself, so that if he [the nazirite] steeped grapes in water and it possesses the taste of wine, he is culpable.¹ From this you may draw a conclusion for the whole Torah.² For if a nazirite, whose prohibition is not a permanent prohibition, and his prohibition is not a prohibition of [general] use,³ and there is a release for his prohibition,⁴ yet [Scripture] made the taste tantamount to the substance in his case; then kil'ayim, the prohibition of which is a permanent prohibition, and whose prohibition is a prohibition of [general] use, and there is no release from its prohibition, is it not logical that the taste should be treated as tantamount to the substance itself? And the same applies to 'orlah by two [arguments]!⁵ — The authority for this is the Rabbis, which R. Johanan⁶ stated [his ruling] in accordance with R. Akiba.

Which [ruling of] R. Akiba [is alluded to]? Shall we say, R. Akiba of our Mishnah, for we learned: 'R. Akiba said: If a nazirite soaked his bread in wine, and it contains sufficient to combine as much as an olive, he is culpable'? But whence [do you know that he means sufficient] of the bread and the wine; perhaps [he means] of the wine alone?⁷ And should you say, [if] of the wine alone, why state it? He informs us thus: [He is culpable] although it is a mixture!⁸ — Rather it is R. Akiba of the Baraita. For it was taught, R. Akiba said: If a nazirite soaked his bread in wine and ate as much as an olive of the bread⁹ and the wine [combined] he is culpable.

Now [according to] R. Akiba, whence do we know that the taste [of forbidden food] is like the substance itself?¹⁰ — He learns it from [the prohibition of] meat [seethed] in milk; is it not merely a taste,¹¹ and it is forbidden? so here too¹² it is not different. And the Rabbis?¹³ — We cannot learn from meat [seethed] in milk, because it is an anomaly.¹⁴ Yet what is the anomaly? Shall we say because this [sc. meat] by itself is permitted, and that [sc. milk] by itself is permitted, while in conjunction they are forbidden, but [with] kil'ayim too, this [species] by itself is permitted, and that [species] by itself is permitted, yet in conjunction they are forbidden? — Rather [the anomaly is] that if he soaked it all day in milk it is permitted,¹⁵ yet if he but seethed it [in milk] it is forbidden. Then R. Akiba too? [The prohibition of] meat [seethed] in milk is certainly an anomaly?¹⁶ — Rather he learns it from the vessels of Gentiles.¹⁷ The vessels of Gentiles, is it not merely a flavour [which they

impart]? Yet they are forbidden; so here too it is not different. And the Rabbis?¹⁸ — The vessels of Gentiles too are an anomaly, for whatever imparts a deteriorating flavour is permitted,¹⁹ since we learn it from nebelah,²⁰ yet here it is forbidden.²¹ But R. Akiba [holds] as R. Hiyya the son of R. Huna, who said: The Torah prohibited [it] only in the case of a pot used on that very day, hence it is not a deteriorating flavour.²² And the Rabbis? — A pot used on that very day too, it is impossible that it should not slightly worsen [the food cooked in it].

R. Aha son of R. 'Awia said to R. Ashi: 'From the Rabbis let us learn the view of R. Akiba. Did not the Rabbis say, "An infusion": [this is] to intimate that the taste is tantamount to the substance itself. From this you may draw a conclusion for the whole Torah?' Then according to R. Akiba too [let us say]: 'An infusion': this is [to intimate] that the permitted commodity combines with the forbidden commodity. From this you may draw a conclusion for the whole Torah?²³ — Said he to him,

(1) For eating it. '.

(2) I.e., that the taste of all forbidden food is forbidden just as the substance itself. [That is provided the forbidden substance consisted originally of the size of an olive. This requirement distinguishes this principle from that of R. Johanan, in virtue of which what is permitted combines with what is forbidden, even though the latter is less in size than an olive's bulk.]

(3) Though he may not eat grapes or drink wine, etc., he may benefit from them.

(4) He can be absolved of his vow, whereupon it all becomes permitted.

(5) Rashi: 'orlah too is forbidden for use and there is no release for its prohibition. The third argument however cannot be applied here, as 'orlah is not permanently forbidden, since it is permitted after three years. Tosaf. explains it differently. — But incidentally we see that 'an infusion' is required for a different purpose.

(6) Supra 43b bottom.

(7) Viz., that the bread had soaked up that quantity of wine. Yet the term 'combine' is applicable, because the wine is not separate now but is spread through the bread.

(8) Of bread and wine, the wine not standing alone.

(9) The wine had not soaked through the whole olive-bulk of the bread, so that part of the bread is by itself; and the only reason for culpability must be the principle enunciated by R. Johanan.

(10) Since he utilizes 'an infusion' for the purpose just stated.

(11) Which the meat has received from the milk.

(12) I.e., in respect of all other forbidden food.

(13) Why cannot they learn it in the same way?

(14) Lit., 'a new law', i.e., it is peculiarly different from other laws, and therefore does not provide a basis for analogy.

(15) By Scriptural law, even to eat it; Scripture forbids it only when cooked in milk.

(16) How then can he derive it thence?

(17) Lit., 'the exudings (from the vessels) of Gentiles', i.e., vessels in which Gentiles cooked food. These must be purged with boiling water (this is called hage'alah) before they may be used, because they exude a flavour of the food which was boiled in them.

(18) V. n. 6.

(19) I.e., when the imparted flavour spoils the taste of the permitted food.

(20) Deut. XIV, 21: Ye shall not eat of

(21) They assume that the flavour exuded by the vessel has a deteriorating effect.

(22) Because it is still fresh.

(23) Then why did R. Johanan (Supra 43b bottom) limit this principle to a nazirite, seeing that his statement is in accordance with R. Akiba?

Talmud - Mas. Pesachim 45a

Because a nazirite and a sin-offering are two verses with the same teaching,¹ and they do not illumine [other cases].² 'A nazirite', that which we have stated. What is the reference to the

sin-offering? — For it was taught: whatsoever shall touch in the flesh thereof shall be holy:³ you might think, even if it did not absorb [of the flesh of the sin-offering]; therefore it is stated, ‘in the flesh thereof’.⁴ Only when it absorbs in the flesh?⁵ ‘Shall be holy’, to be as itself, so that if it [the sin-offering] is unfit, that [which touches it] becomes unfit; while if it is fit, that may be eaten [only] in accordance with its stringencies.⁶

any thing that dieth of itself (nebelah); thou mayest give it unto the stranger. Hence whatever is fit for a stranger is designated nebelah, but what is unfit is not designated nebelah, in the sense that if it imparts a deteriorating flavour it does not render the food forbidden. Then, according to the Rabbis too, let a nazirite and a sin-offering be two verses with the same teaching and they do not illumine [other cases]? — They can answer: these are indeed [both] necessary.⁷ And R. Akiba?⁸ How are they [both] necessary? It is well [to say] that if the Merciful One wrote it in respect to a sin-offering, [the case of] a nazirite could not be derived from it, because we cannot derive hullin from sacred sacrifices.⁹ But let the Merciful One write it in respect to a nazirite, and then the sin-offering would come and be derived from it, seeing that all the prohibitions of the Torah are learnt from a nazirite. But the Rabbis can answer you: they [both] are indeed required; the sin-offering, to [show that] the permitted combines with the forbidden, while hullin cannot be deduced from sacred sacrifices; and ‘an infusion’, to intimate that the taste is as the substance itself, and from this you may draw a conclusion for the whole Torah. But R. Akiba maintains: both [are required] for [teaching] that the permitted combines with the forbidden, so that they are two verses with the same teaching, and all [instances of] two verses with the same teaching do not illumine [other cases].

R. Ashi said to R. Kahana: Then as to what was taught, [All the days of his Naziriteship shall he eat] nothing that is made of the grape vine, from the husks to the kernels:¹⁰ this teaches concerning a nazirite's prohibited commodities, that they combine with each other; — seeing that according to R. Akiba [even] the forbidden with the permitted combine, is it necessary [to state] the forbidden with the forbidden?¹¹ — Said he to him: The forbidden with the permitted [combine only when eaten] together; the forbidden with the forbidden, [even when eaten] consecutively.¹²

which absorbs some of it. — Thus here too the permitted flesh combines with the forbidden, and all is regarded as forbidden. MISHNAH. [WITH REGARD TO] THE DOUGH IN THE CRACKS OF THE KNEADING TROUGH, IF THERE IS AS MUCH AS AN OLIVE IN ONE PLACE, HE IS BOUND TO REMOVE [IT]; BUT IF NOT, IT IS NULLIFIED THROUGH THE SMALLNESS OF ITS QUANTITY.¹³ AND IT IS LIKEWISE IN THE MATTER OF UNCLEANNES: IF HE OBJECTS TO IT, IT INTERPOSES;¹⁴ BUT IF HE DESIRES ITS PRESERVATION,¹⁵ IT IS LIKE A KNEADING-TROUGH.¹⁶

GEMARA. Rab Judah said in Samuel's name: They learned this¹⁷ only of a place where it [the dough] does not serve¹⁸ for reinforcing [the trough]; but where it serves for reinforcing [it], he is not bound to remove it.¹⁹ Hence it follows that [where there is] less than an olive, even if it does serve for reinforcing [it], he is not obliged to remove it. Others recite it in reference to the second clause: BUT IF NOT, IT IS NULLIFIED THROUGH THE SMALLNESS OF ITS QUANTITY. Said Rab Judah in Samuel's name: They learned this only where it serves for reinforcing [the trough]; but where it does not serve for reinforcing [it], he is bound to remove it. Whence it follows that if there is as much as an olive, even where it serves for reinforcing [it], he is bound to remove it.

It was taught as the former version; It was taught as the latter version. It was taught as the former version: Dough in the cracks of the kneading trough, where it serves for reinforcing, it does not interpose,²⁰ and he [its owner] does not transgress.²¹ But [if it is] in a place where it does not serve for reinforcing, it interposes, and he transgresses. When is this said? Where there is as much as an olive. But if there is less than an olive, even where it does not serve for reinforcing, it does not interpose, and he does not transgress.

Again, it was taught as the latter version: Dough in the cracks of a kneading trough, where it serves for reinforcing,

(1) Lit., 'which come as one'.

(2) V. Supra p. 119, n. 2.

(3) Lev. VI, 20. 'Holy' means 'forbidden', in the sense that any other flesh which touches this flesh of the sin-offering becomes subject to the same laws and limitations as those to which the sin-offering is subject.

(4) Literal translation. I.e., it is forbidden only if it absorbs some of the sin-offering within itself.

(5) [The text of cur. edd. is difficult. A better reading is preserved in the Sifra a.l. 'till it absorbs', omitting the words 'in the flesh', and the deduction being from the word 'thereof'.]

(6) A sin-offering must be eaten within the sacred precincts, by male priests, and for one day and night only; similarly the food

(7) And where that is so, they do illuminate other cases, since neither could be deduced from the other.

(8) Does he not admit this?

(9) The latter being naturally more stringent. Hence the fact that there the permitted combines with the forbidden does not prove that it will also do so in the case of hullin, where the interdicted food is not sacred.

(10) Num. VI, 4.

(11) Surely it is obvious; why then is the verse required?

(12) For further notes on the whole discussion beginning with R. Abbahu's dictum in the name of R. Johanan on page 43b, v. Nazir, Sonc. ed. pp. 128ff.

(13) I.e., he has abandoned the normal use of the dough in flavour of the trough.

(14) V. infra n. 8; if he objects to it, it is regarded as a foreign body.

(15) I.e., he wants the dough to be there to close the crack.

(16) And it does not interpose.

(17) That if there is as much as an olive in one place it must be removed.

(18) Lit., 'it is not made for'.

(19) E.g., if the crack is at the bottom of the trough, and the dough fills it and so prevents the water from running out. It is then regarded as part of the trough, not as dough, and therefore it need not be removed. But if the crack is high up, it does not serve this purpose and must be removed.

(20) When a utensil is ritually unclean and cleansed in a ritual bath, nothing must interpose between the utensil and the water of the bath (called a mikveh); otherwise the ablution is invalid. This dough, since it reinforces the trough, is counted as part of itself and not as a foreign body, and therefore it is not an interposition between the trough and the water; hence the ablution is valid.

(21) The law of Passover by leaving it there and not removing it.

Talmud - Mas. Pesachim 45b

it does not interpose, and he does not transgress; [if it is] in a place where it does not serve for reinforcing, it interposes, and he transgresses. When is this said? When there is less than an olive; but if there is as much as an olive, even in a place where it serves for reinforcing, it interposes, and he transgresses. Then these are contradictory? — Said R. Huna: Delete the more lenient [Baraita] in favour of¹ the more stringent. R. Joseph said: You quote Tannaim at random!² This is a controversy of Tannaim. For it was taught: If a loaf went mouldy, he is bound to remove it, because it is fit to crumble and leaven many other doughs with it. R. Simeon b. Eleazar said: When is this said? If it is kept for eating. But a mass³ of se'or which he put aside for sitting, he has nullified it.⁴ Now, since R. Simeon b. Eleazar said, 'He has nullified it', it follows that the first Tanna holds that he has not nullified it. This proves that he holds, wherever there is as much as an olive, even if he nullifies it, it is not nullified. Said Abaye to him: You have reconciled it where there is as much as an olive; [yet] have you reconciled it [where there is] less than an olive? Rather both the one and the other are [the rulings of] R. Simeon b. Eleazar, yet there is no difficulty: one [is taught where it is] in the place of kneading; the other, where it is not in the place of kneading.⁵ R. Ashi said: Do not assume that 'not

in the place of kneading' means on the back of the trough [only], but [it means even] on the [upper] rim of the trough. That is obvious? — You might say, it sometimes splashes up and reaches there:⁶ hence he informs us [otherwise].

R. Nahman said in Rab's name: The halachah is as R. Simeon b. Eleazar. Yet that is not so, for R. Isaac b. Ashi said in Rab's name: If he plastered its surface⁷ with clay, he has nullified it. [Thus,] only if he plastered it, but not if he did not plaster it?⁸ He who recited this did not recite that.⁹ Others state, R. Nahman said in Rab's name: The halachah is not as R. Simeon b. Eleazar, for R. Isaac b. Ashi said in Rab's name: If he plastered its surface with clay, he has nullified it etc. R. Nahman said in Samuel's name: [If there are] two half olives¹⁰ and a thread of dough joining¹¹ them, we see: wherever if the thread were taken up these would be carried with it, he is bound to remove [them];¹² but if not, he is not bound to remove [them]. Said 'Ulla: This was said only of [dough in] a kneading trough; but [if they are] in the house, he is bound to remove [them].¹³ What is the reason? Because he may sometimes sweep them and they will fall together.

'Ulla said: They asked in the West [Palestine]: What of a room¹⁴ and an upper storey; what of a room and the [entrance] hall; what of two rooms, one within the other?¹⁵ The questions stand.

Our Rabbis taught: If a loaf went mouldy and it became unfit for human consumption, yet a dog can eat it, it can be defiled with the uncleanness of eatables, if the size of an egg, and it may be burnt together with an unclean [loaf] on Passover.¹⁶ In R. Nathan's name it was ruled: It cannot be defiled [as an eatable]. With whom agrees the following which we learned: A general principle was stated in respect to the laws of [ritual] cleanness: Whatever is set aside for human consumption is unclean,¹⁷ until it becomes unfit for a dog to eat? With whom [does this agree]? It is not in accordance with R. Nathan.

Our Rabbis taught: [With regard to] the trough of tanners¹⁸ into which he put flour,¹⁹ [if] within three days [before Passover], he is bound to remove it;²⁰ [if] before three days, he is not bound to remove it.²¹ Said R. Nathan: When is this said? If he did not put hides into it; but if he put hides into it, even [if it is] within three days, he is not bound to remove [the flour].²² Raba said: The halachah is as R. Nathan, even [if it is] one day, and even one hour [before Passover]. AND IT IS LIKEWISE IN RESPECT TO UNCLEANNESS: IF HE OBJECTS TO IT, IT INTERPOSES; BUT IF HE DESIRES ITS PRESERVATION, IT IS LIKE THE KNEADING-TROUGH. How compare: there the matter is dependent on the quantity [of the dough], [whereas] here the matter is dependent on [his] objecting [to it]? Said Rab Judah, Say: But in respect to uncleanness it is not so. Said Abaye to him, But he states, AND IT IS LIKEWISE IN RESPECT TO UNCLEANNESS? Rather, said Abaye, He means it thus: AND IT IS LIKEWISE

(1) Lit., 'before'.

(2) There is no reason for assuming that both Baraithas represent the view of the same Tanna.

(3) Kopeth really means a low seat or block.

(4) I.e., he gave up the nominal use of it as se'or and hence it no longer counts as leaven.

(5) in the second Baraitha, 'where it does not serve for reinforcing', refers only to a place where no kneading is done at all, e.g. at the upper edge; but dough in the cracks at the sides is regarded as reinforcing the trough, and hence it must be removed. But the first Baraitha holds that even in the latter case it does not reinforce it, though kneading is done there, while 'where it serves for reinforcing' refers to the bottom only. Hence this is what the first Tanna states: Where it serves for reinforcing, e.g., at the bottom, he does not transgress even if there is as much as an olive. Where it does not serve for reinforcing (i.e., to support the water), e.g., in the sides, which is a place for kneading yet not a place for the water, if there is as much as an olive, it interposes, and he transgresses. But if there is less than an olive, even if it is in the sides it does not interpose, for since it does help somewhat to support the dough which is kneaded there (viz., that it should not sink into the crack), it is nullified. But this Tanna does not discuss dough which is not in the place of kneading, viz., at the upper rim, and he would admit in that case that even if there is less than an olive it is not nullified.

While the second Tanna rules thus: If it is in the place where it affords support to the dough, i.e., in the sides, if there is less than an olive it does not interpose; if there is as much as an olive, it interposes, and this is the view of the first Tanna too. While where it is not made for reinforcing (or, supporting), i.e., at the upper rim, even less than an olive interposes, and this too agrees with the first Tanna.

(6) So that the rim is regarded as a place of kneading and must be removed, even if less than an olive. [MS.M. omits 'and reaches there'. V. also Rashi.]

(7) Sc. that of the mass of se'or which he set aside for sitting.

(8) Whereas R. Simeon b. Eleazar holds that it is nullified in any case.

(9) There are two opposing views on Rab's ruling.

(10) I.e., two pieces of dough, each the size of half an olive. — The reference is to the cracks in the kneading trough.

(11) Lit., 'between'.

(12) Because it is all one.

(13) Even if they are not thus united by a thread of dough.

(14) Bayith in the Talmud often has the meaning of a room in a house.

(15) I.e., if there is half an olive in one and half in the other: do we fear here too that they may be swept together?

(16) V. supra 15b.

(17) I.e., subject to defilement as an eatable.

(18) Into which they put hides for tanning.

(19) Which is used in the tanning process.

(20) Because it is still regarded as flour, and of course it is leaven.

(21) Because by Passover it will be so spoiled through the odour of the trough, even if there are no hides in it, that it will not be regarded as flour.

(22) Because the hides utterly spoil it.

Talmud - Mas. Pesachim 46a

IN RESPECT TO combining for UNCLEANNESS on Passover, whereas during the rest of the year there is a distinction. How is that? E.g., if there are eatables less than an egg in quantity,¹ and they were in contact with this dough: on Passover, when its prohibition renders the dough important,² it combines.³ [But] during the rest of the year, when the matter is dependent on [his] objecting, IF HE OBJECTS TO IT,⁴ it combines; [while] IF HE DESIRES ITS PRESERVATION, IT IS LIKE THE KNEADING-TROUGH. To this Raba demurred: Does he then teach, it combines; surely he teaches, IT INTERPOSES! Rather, said Raba: [The meaning is], AND IT IS LIKEWISE IN RESPECT TO cleaning⁵ the kneading-trough. How is that? E.g., if this kneading-trough became unclean, and he wishes to immerse it. On Passover, when its interdict [renders it] important, IT INTERPOSES, and the immersion is not efficacious for it. But during the rest of the year the matter is dependent on his objecting: IF HE OBJECTS TO IT, IT INTERPOSES, WHILE IF HE DESIRES ITS PRESERVATION, IT IS LIKE THE KNEADING-TROUGH. To this R. Papa demurred: Does he teach, And it is likewise in respect to cleanness? Surely he teaches, AND IT IS LIKEWISE IN RESPECT TO UNCLEANNESS! Rather, said R. Papa: [The meaning is], AND IT IS LIKEWISE IN RESPECT TO causing UNCLEANNESS to descend upon the kneading-trough. How so? E.g., if a sherez touched this dough: on Passover, when its interdict [renders it] important, IT INTERPOSES,⁶ and uncleanness does not descend upon it;⁷ [but] during the rest of the year, when the matter is dependent on [his] objecting, IF HE OBJECTS TO IT, IT INTERPOSES; WHILE IF HE DESIRES ITS PRESERVATION, IT IS LIKE [i.e., identical with] THE KNEADING-TROUGH.⁸

MISHNAH. [REGARDING] 'DEAF' DOUGH,⁹ IF THERE IS [A DOUGH] SIMILAR TO IT WHICH HAS BECOME LEAVEN,¹⁰ IT IS FORBIDDEN.

GEMARA. What if there is no [dough] similar to it? — Said R. Abbahu in the name of R. Simeon b. Lakish: [The period for fermentation is] as long as it takes a man to walk from the Fish Tower

[Migdal Nunia] to Tiberias, which is a mil.¹¹ Then let him say a mil? — He informs us this, [viz.] that the standard of a mil is as that from Migdal Nunia to Tiberias.¹²

R. Abbahu said in the name of R. Simeon b. Lakish: For kneading, for prayer, and for washing the hands, [the standard is] four mils.¹³ R. Nahman b. Isaac said: Aibu stated this,¹⁴ and he stated four [laws] about it,¹⁵ and one of them is tanning. For we learned: And all these, if he tanned them or trod on them to the extent of tanning,¹⁶ are clean,¹⁷ excepting a man's skin. And how much is 'the extent of tanning'? — Said R. Aibu in R. Jannai's name: The extent of walking four mils. R. Jose son of R. Hanina said: They learned this only [about going on] ahead: but [as for going] back, he need not return even a mil.¹⁸ Said R. Aha: And from this [we deduce]: it is only a mil that he need not go back, but less than a mil he must go back.

MISHNAH. HOW DO WE SEPARATE HALLAH ON THE FESTIVAL [FROM DOUGH WHICH IS] IN [A STATE OF] UNCLEANNESS?¹⁹ R. ELIEZER SAID: IT MUST NOT BE DESIGNATED WITH THE NAME [OF HALLAH] UNTIL IT IS BAKED.²⁰ THE SON OF BATHYRA SAID: LET IT [THE DOUGH] BE CAST INTO COLD WATER.²¹ SAID A. JOSHUA:

(1) This being the minimum standard which can defile.

(2) Lit., 'its prohibition is important .

(3) With the eatables. I.e., the dough, if an olive in quantity, is important in so far as its prohibition necessitates its removal, and owing to this it combines with the eatables to the standard of an egg, whereby if unclean they can together defile other food.

(4) Which gives it an importance.

(5) Lit., 'bringing it up' — from its uncleanness.

(6) Between the Sherez, (v. Glos.) and the trough.

(7) The trough does not become unclean, for we do not regard the sherez, as having touched it.

(8) So that the trough becomes unclean through the contact of the sherez with the dough.

(9) An idiomatic expression: dough in which it is doubtful whether leavening has set in or not. Another reading: 'potsherd' dough, i.e., dough whose surface has gone hard and smooth and contains no splits, which are the usual signs of fermentation, and thus there is doubt.

(10) I.e., dough which was kneaded at the same time.

(11) Two thousand cubits. This is generally regarded as an eighteen minutes' walk. If it is eighteen minutes since the dough was kneaded (before being set in the oven), it is leaven.

(12) I.e., that they are a mil apart.

(13) A paid kneader must go four mils to immerse the kneading vessels, if they are unclean. A man on a journey, when he wishes to stop for the night, must go on another four mils if there is a synagogue within that distance, to pray there. Similarly, he must go on four mils ahead to procure water for washing his hands prior to eating; but if no synagogue or water is available within that distance, he is not bound to undertake a longer journey.

(14) In the name of R. Simeon b. Lakish, and not R. Abbahu.

(15) Not three; i.e., the three already mentioned and another.

(16) Hides were spread out to be trodden on, and this was part of the tanning process.

(17) In Hul. 122a a number of animals are enumerated whose skins are the same as their flesh in respect of defilement, as they are likewise accounted as eatables (several animals unfit for food are included in the list). But if he tanned them, etc., they are clean, i.e., they lose the status of flesh and thus become clean.

(18) E.g., to procure water, etc.

(19) The reference is to Passover. Unclean hallah may not be eaten by the priest. Now this hallah may not be baked, since it cannot be eaten, and only the preparation of food is permitted on a Festival; it cannot be kept until evening, as it may turn leaven; nor may it be burnt or given to dogs, for sacred food must not be destroyed thus on a Festival. The actual Festival days are meant, i.e., the first and the last days (outside Palestine, the first two and the last two), but not the Intermediate Days, which possess only a semi sanctity.

(20) I.e., the dough must first be baked, and then all the unleavened mazzoth are put in a basket, and one mazzah or so is declared hallah for all. Usually hallah must be separated from the dough, but when this is impossible, or if it was not

done, it is separated from the baked bread.

(21) I.e., the hallah must be separated from the dough in the usual way and placed in cold water until evening, to prevent it from fermenting.

Talmud - Mas. Pesachim 46b

NOW THIS IS THE LEAVEN CONCERNING WHICH WE ARE WARNED WITH [THE INJUNCTIONS], 'IT SHALL NOT BE SEEN , AND 'IT SHALL NOT BE FOUND,'¹ BUT HE SEPARATES IT AND LEAVES IT UNTIL THE EVENING, AND IF IT FERMENTS IT FERMENTS.²

GEMARA. Shall we say that they differ in respect of goodwill benefit, R. Eliezer holding, Goodwill benefit is considered money, while R. Joshua holds, Goodwill benefit is not money?³ — No: all hold [that] goodwill benefit is not money, but here they differ in respect to 'since'. For R. Eliezer holds: We say, since if he desires, he can have it [sc. the designation of hallah] revoked,⁴ it is his property.⁵ While R. Joshua holds: We do not say, since.⁶

It was stated: [With regard to] one who bakes [food] on a Festival for [consumption on] a weekday, — R. Hisda said: He is flagellated; Rabbah said: He is not flagellated. 'R. Hisda said, He is flagellated': We do not say, Since if guests visited him it would be fit for him [on the Festival itself].⁷ Rabbah said: He is not flagellated: we say, 'since' Said Rabbah to R. Hisda, According to you who maintain, We do not say, 'since', how may we bake on a Festival for the Sabbath?⁸ — On account of the 'erub⁹ of dishes, he answered him. And on account of an 'erub of dishes we permit a Biblical prohibition! — Said he to him, By Biblical law the requirements of the Sabbath may be prepared on a Festival, and it was only the Rabbis who forbade it, lest it be said, You may bake on a Festival even for weekdays;¹⁰ but since the Rabbis necessitated an 'erub of dishes for it,¹¹ he has a distinguishing feature.¹²

He [Rabbah] raised an objection against him: [In the case of] an animal at the point of death,¹³ he must not slaughter it¹⁴ save when there is time to eat as much as an olive of it roast before night.¹⁵ [Thus, it states when] he is able to eat [thereof], [that is] even if he does not wish to eat. Now according to me, who maintain that we say, 'since', it is well: since if he desires to eat, he is able to eat, for that reason he may slaughter. But according to you who maintain, we do not say, 'since', why may he slaughter? Said he to him, On account of the loss of his money. And on account of the loss of his money we permit a Biblical prohibition! Yes, he replied: on account of the loss of his money he determined in his heart to eat as much as an olive, and as much as an olive of flesh is impossible [to obtain] without slaughtering.

He [Rabbah] raised an objection against him: The shewbread

(1) I.e., even if it does turn leaven it is not subject to these prohibitions. The Gemara explains the reason.

(2) It does not matter.

(3) Goodwill benefit is a man's right to dispose of property to whomever he desires, though he may not keep it, and it is disputed whether such a right is accounted as of monetary worth. Naturally, even if it is, its value is small. Thus an Israelite must separate hallah, but he can give it to any priest he desires, and a friend of a particular priest might pay him a trifle to give it to that priest. Now, it has been stated supra 5b that the interdict against leaven being seen or found in the house applies only to one's own leaven. Now if goodwill benefit ranks as money, the hallah is accounted the Israelite's property, and therefore it is subject to this interdict: hence R. Eliezer holds that the dough must first be baked. But if goodwill benefit does not rank as money, the hallah is not accounted the Israelite's property, and therefore it is separated from the dough, and it does not matter if it turns leaven.

(4) When a man declares anything sacred, as hallah, it is really the equivalent of a vow that this shall be sacred, and therefore he can be absolved of it, whereby his declaration is annulled, just as in the case of other vows.

(5) Until he gives it to the priest. Therefore it is subject to these injunctions.

(6) We disregard this possibility, since in fact he has not revoked it. Hence it is not his property. But v. infra 48a, p. 227f.

(7) Therefore his action is not culpable.

- (8) But that we use this argument: since it is fit (of use) for him on that same day if he is visited by guests.
- (9) V. Glos.
- (10) Which is definitely forbidden.
- (11) I.e., for cooking on a Festival for the Sabbath.
- (12) Which makes it clear to him that cooking on Festivals is not permitted indiscriminately, but only for the Festival or the Sabbath.
- (13) Lit., 'in danger' — of death. Hence the owner wishes to slaughter it before it dies, which would render its flesh *nebelah* (v. Glos).
- (14) On a Festival.
- (15) Lit., 'while it is yet day', — i.e., on the Festival itself.

Talmud - Mas. Pesachim 47a

is eaten on the ninth, the tenth, or the eleventh [day],¹ neither earlier nor later.² How so? Normally it is eaten on the ninth [day]: it is baked on the eve of the Sabbath [and] eaten on the Sabbath [of the following week], [which is] on the ninth. If a Festival occurred on the eve of the Sabbath, it is eaten on the Sabbath, on the tenth.³ [If] the two Festival days of New Year⁴ [occurred before the Sabbath], it is eaten on the Sabbath on the eleventh day, because it [the baking of the shewbread] does not override either the Sabbath or the Festival. Now if you say [that] the requirements of the Sabbath may be prepared on a Festival, why does it not override the Festival?⁵ — Said he to him, A near shebuth they permitted; a distant shebuth they did not permit.⁶ Then according to R. Simeon b. Gamaliel, who said on the authority of R. Simeon the son of the Segan:⁷ It overrides the Festival, but it does not override the fast-day,⁸ what is to be said?⁹ — They differ in this: one Master holds, They permitted a near shebuth, [but] a distant shebuth they did not permit; while the other Master holds: a distant shebuth too they permitted.¹⁰

R. Mari raised an objection: The two loaves¹¹ are eaten neither less than two [days after baking] nor more than three [days after baking].¹² How so? They were baked on the eve of the Festival [and] eaten on the Festival, [i.e.,] on the second [day]. If the Festival fell after the Sabbath,¹³ they are eaten on the Festival, on the third [day], because it [the baking] does not override either the Sabbath or the Festival.¹⁴ But if you say [that] the requirements of the Sabbath may be prepared on the Festival, seeing that [those] of the Sabbath are permitted on the Festival, is there a question about [those] of the Festival on the Festival! There it is different, because Scripture saith, [Save that which every man must eat, that only may be done] for you:¹⁵ 'for you', but not for the Most High.¹⁶ Then according to R. Simeon b. Gamaliel who said on the authority of R. Simeon the son of the Segan: It overrides the Festival, what is there to be said? — He holds as Abba Saul, who interpreted: 'for you', but not for Gentiles.¹⁷

R. Hisda sent to Rabbah by the hand of R. Aha son of R. Huna: But do we say 'since'? Surely we learned: One may plough one furrow, and be culpable for it on account of eight negative injunctions. [Thus:] he who ploughs with an ox and an ass [together], which are sacred, [and the furrow consists of] *kil'ayim* in a vineyard,

(1) After it is baked. The shewbread was generally baked on Friday, placed on the Table in the Temple on the Sabbath, and removed the following Sabbath and eaten; when it was removed it was replaced by fresh bread.

(2) Lit., 'less' . . . 'more'.

(3) For it would have to be baked on Thursday.

(4) Even in Palestine, where all festivals were kept one day only, in accordance with Scripture, New Year was sometimes kept two days v. R.H. 30b.

(5) Since baking on a Festival for the Sabbath (without an 'erub) is thus but a Rabbinical prohibition (a shebuth; v. Glos.) and as since does not apply to the Temple.

(6) I.e., they permitted the abrogation of the shebuth in the Temple when it was shortly required, viz., for that same

Sabbath, but not when it would only be required a week later.

(7) V. supra 14a, p. 62, n. 1.

(8) Sc. the baking of the shewbread. The Fast-day is the Day of Atonement.

(9) Why may it not be baked on the Festival? Tosaf.: On my view, says Rabbah, there is no difficulty, as I maintain that this is precisely the point of the controversy: the first Tanna holds that the requirements of the Sabbath may not be prepared on a Festival, while R. Simeon b. Gamaliel holds that they may be prepared. But on your view that the first Tanna too holds that the requirements of the Sabbath may be prepared on a Festival, but that here it is forbidden as a distant shebuth, R. Simeon b. Gamaliel should merely state that even a distant Shebuth is permitted.

(10) And that is what R. Simeon b. Gamaliel really means.

(11) Which were brought on Pentecost, v. Lev. XXIII, 17.

(12) The figures are inclusive of the day on which they were baked.

(13) I.e., on Sunday, so that they would be baked on the previous Friday.

(14) Hence they could not be baked on the Festival itself and eaten on the same day.

(15) Ex. XII, 16.

(16) The two loaves, as well as the shewbread, are sacred, and regarded as being 'for the Most High'.

(17) Lit., 'strangers', v. Bez 20b.

Talmud - Mas. Pesachim 47b

and it is the seventh year, on a Festival, [and he is] a priest and a nazirite, [while this furrow is] in unclean ground.¹ Now if we say 'since', let him not be liable for ploughing [on the Festival], since it is fit for covering the blood of a bird?² — Said R. Papa b. Samuel: The reference is to smooth, round stones.³ [But] they are fit for crushing?⁴ — Is then crushing permitted on the Festival?⁵ But they are fit for crushing in an unusual manner?⁶ — The reference is to rocky ground.⁷ Is then rocky ground capable of being sown? — It is rocky ground above, but powdered [loose] earth beneath. Then deduce it [that he is not culpable] because of the loose earth?⁸ But said Mar the soil of R. Ashi: The reference is to clayey earth.⁹ And is clayey earth capable of being sown? — It refers to swampy earth.¹⁰

Abaye raised an objection against him:¹¹ He who cooks the thigh sinew¹² on a Festival and eats it is flagellated five times. He is flagellated on account of cooking the sinew on a Festival;¹³ he is flagellated on account of eating the sinew; he is flagellated for cooking meat in milk; he is flagellated for eating meat [cooked] in milk;¹⁴ and he is flagellated on account of lighting [a fire].¹⁵ But if we say, 'since', let him not be liable on account of lighting, since it is fit for him for his [legitimate] needs? — Said he to him, Omit lighting and substitute the thigh sinew of a nebelah.¹⁶ But R. Hiyya taught: He is flagellated twice for his eating and thrice for his cooking; now if this is correct,¹⁷ he should say, thrice for his eating? — Rather, omit lighting and substitute the wood of mukzeh.¹⁸ And is mukzeh a Scriptural [interdict]? — Yes, he replied, for it is written, And it shall come to pass on the sixth day that they shall prepare that which they bring in;¹⁹ and its 'warning' [injunction] is [learnt] from here, [viz.,] from, thou shalt not do any manner of work.²⁰ Said he to him, But it was you who said, I asked of R. Hisda, — others state, I asked of R. Huna: What if he brought a lamb from the meadow²¹ and slaughtered it as a continual burnt-offering²² on a Festival?²³ And you said to us: He answered me, [It is written], And a lamb,²⁴ [implying], but not a firstling;²⁵ one, but not the tithe;²⁶ of the flock, this is to exclude a palges;²⁷

(1) V. Mak., Sonc. ed. p. 149, n. 1-9.

(2) When a bird is slaughtered its blood must be covered, v. Lev. XVII, 13. This ploughing crushes the earth and makes it fit for that purpose, and since a bird might be slaughtered on the Festival, that too would be necessary.

(3) The ploughing breaks up the earth into smooth, round lumps; these are not fit for covering the blood, for which crushed, dust-like earth is required. Rashi, however, merely reads: stones; v. Tosaf. s.v. באבנים מקורזלות.

(4) And then be used for covering the blood.

(5) Surely not.

- (6) Lit., 'as with the back of the hand'. Such a crushing is not Scripturally forbidden but merely as a Shebuth (v. Glos.). That being so, flagellation, which is administered for the violation of a Scriptural prohibition, should not be incurred.
- (7) Harder than ordinary stones; this cannot be crushed.
- (8) This makes his action non-punishable.
- (9) With which blood may not be covered.
- (10) Which is fit for sowing, yet cannot be crushed into dust for covering blood.
- (11) Against Rabbah.
- (12) Which may not be eaten, v. Gen. XXXII, 32.
- (13) Which is a forbidden labour, since it is not the preparation of food which may be eaten.
- (14) These are two separate offences.
- (15) Which is likewise prohibited on a Festival, save when required for cooking permitted food, v. Bez. 12a.
- (16) I.e., it was the thigh sinew of a nebelah, and he is flagellated for eating nebelah.
- (17) Sc. the proposed emendation.
- (18) v. Glos. this may not be handled on Festivals. — He is thus flagellated not for lighting but for putting it to use.
- (19) Ex. XVI, 5. This teaches that only what is 'prepared', as opposed to mukzeh, may be handled on Sabbaths and Festivals.
- (20) Ex. XX, 10. Flagellation is administered only for the violation of a negative injunction, not an affirmative precept. The first verse quoted belongs to the latter category, hence the second verse must be added. Thus, since the use of mukzeh is forbidden by the first verse, making a fire with it is all ordinary labour forbidden by the second. — Though the second verse refers to the Sabbath, whereas we are here treating of the Festival, these two are alike in respect to work, save that the preparation of food is permitted on Festivals, but not on the Sabbath. Once however it is shown that a particular action is forbidden, it does not matter whether it is the Sabbath or a Festival.
- (21) Outside the town. Animals that graze there are brought home (i.e., into town) only' at intervals, not every evening, and therefore they are mukzeh, and may not be slaughtered on Festivals unless designated for that purpose on the eve of the Festivals.
- (22) V. Num. XXVIII, 3.
- (23) May it be offered?
- (24) Ezek. XLV, 15, whence the whole verse which follows is quoted.
- (25) A 'lamb' implies both male and female, whereas a firstling applies only to males.
- (26) I.e., the tithe of animals cannot be dedicated for a daily burnt-offering. 'One' implies that it stands by itself, whereas the tithe is one out of ten.
- (27) A sheep beyond the age of כבש (lamb) and below that of איל (ram). — Jast.; i.e., a sheep in its thirteenth month. 'Of' is partitive and implies limitation.

Talmud - Mas. Pesachim 48a

out of the two hundred,[i.e.,] out of the residue of the two hundred which was left in the vault, whence we learn that 'orlah is nullified in [an excess of] two hundred;¹ from the well-watered pastures of Israel: from that which is permitted to Israel. Hence it was said, One may not bring drink-offerings from tebel.² You might think, he must not bring [them] from mukzeh [either], then say: Just as tebel is distinguished in that its intrinsic prohibition causes it,³ so everything whose intrinsic prohibition causes it [may not be used], thus mukzeh is excluded, because not its intrinsic prohibition causes it, but a prohibition of something else causes it.⁴ Now if you say that the prohibition of mukzeh is Scriptural, what does it matter⁵ whether it is an intrinsic prohibition or a prohibition through something else? Moreover, it was you who said, There is separation of labours on the Sabbath,⁶ but there is not separation of labours on a Festival!⁷ — Rather, delete lighting and substitute the wood of the asherah,⁸ while its 'warning' [injunction] is [learnt] from here, [viz.,] And there shall cleave nought of the accursed thing to thy hand.⁹ R. Aha son of Raba said to Abaye, Then let him be flagellated on account of, And thou shalt not bring an abomination into thy house¹⁰ too? — Rather, delete lighting and substitute the wood of hekdes, while the 'warning' is [learnt] from here, [viz.,] and ye shall burn their Asherim with fire . . . ye shall not do so unto the Lord your God.¹¹

Rami b. Hama said: This [controversy] of R. Hisda and Rabbah is the controversy of R. Eliezer and R. Joshua.¹² For R. Eliezer holds, We say, 'since',¹³ while R. Joshua holds, We do not say since'. Said R. Papa: Yet perhaps R. Eliezer rules that we say 'since', there only, because when they go into the oven, each one is fit for himself;¹⁴ but here that it is fit for visitors only, but it is not fit for himself,¹⁵ perhaps it is indeed [the fact] that we do not say 'since'? R. Shisha son of R. Idi said: Yet perhaps it is not so:¹⁶ R. Joshua may rule that we do not say, 'since', only there, where there is one [mazzah] that is not fit either for himself or for visitors; but here that it is at least fit for visitors, perhaps it is indeed [the fact] that we say 'since'?

The Rabbis reported this [Rami b. Hama's statement] before R. Jeremiah and R. Zera. R. Jeremiah accepted it: R. Zera did not accept it. Said R. Jeremiah to R. Zera: A matter which has been a continual difficulty to us for many years, [viz.,] wherein do R. Eliezer and R. Joshua differ, now [that] it has been explained in the name of a great man, shall we then not accept it? Said he to him, How can I accept it? For it was taught, R. Joshua said to him: According to your words,¹⁷ he transgresses on account of thou shalt not do any manner of work,¹⁸ and he was silent before him. But if this is correct,¹⁹ let him answer him, My reason is on account of 'since'? — Then on your view, replied he, as to what was taught in a Baraitha, R. Eliezer said to him: According to your words, behold, he violates, 'it shall not be seen' and 'it shall not be found', and he was silent before him; could he indeed not answer him; surely he answers him in the Mishnah, for we learned: NOT THIS IS LEAVEN ABOUT WHICH WE ARE WARNED, IT SHALL NOT BE SEEN', AND 'IT SHALL NOT BE FOUND'. But [what we must say is that] he was silent before him in the Baraitha, yet he answered him in our Mishnah. So here too, say that he was silent before him in a teaching,²⁰ yet he answered him in another collection [of Baraithas].

It was taught, Rabbi said: The halachah is as R. Eliezer; while R. Isaac said: The halachah is as the Son of Bathyra.

And what²¹ is the standard of dough?²² — R. Ishmael the son of R. Johanan b. Berokah said: In the case of wheat, two kabs; in the case of barley, three kabs. R. Nathan said on R. Eleazar's authority: The rulings are [to be] reversed.²³ But it was taught, R. Ishmael son of R. Johanan b. Berokah said: In the case of wheat, three labs, and in the case of barley, four kabs? — There is no difficulty: One refers to inferior [corn]; the other to superior corn.²⁴ R. Papa observed: This proves, Poor wheat is more inferior to good wheat than poor barley is inferior to good barley, for whereas there [there is a difference of] a third, here [there is a difference of] a quarter.

Rab said: A kab of Meloga²⁵ [is the standard] for Passover,²⁶ and it is likewise in respect of hallah.²⁷ But we learned:

(1) 'Out of the two hundred' is unintelligible in itself. Hence the Talmud assumes that it refers to the wine of the drink-offering (libation) which accompanied the continual burnt-offering (Num. XXVIII, 7f), and the meaning is this: if one part of forbidden wine, sc. wine of 'orlah, as much as is required for the drink-offering, becomes mixed with two hundred times as much permitted wine, so that when the required quantity is removed from the wine-vault there still remains two hundred times as much, then it may be used, the 'orlah having been nullified by the excess. — This is actually deduced from elsewhere (in Sifre), and this verse is merely quoted as support.

(2) V. Glos.

(3) I.e. tebel is unfit for drink-offerings because it is forbidden in itself.

(4) I.e., it is not forbidden, in itself, save that its owner has voluntarily put it out of use for the time being.

(5) Lit., 'what is it to me?'

(6) If a man performed two labours on the Sabbath in one state of unawareness, or one labour twice, each time having been unaware of the Sabbath (though he was reminded in the interval), he is liable on account of each separately.

(7) Yet here, where we treat of a Festival, you rule that he is separately culpable for mukzeh and for boiling the sinew.

- (8) V. Glos. He used that for fuel, and is flagellated on that account.
- (9) Deut. XIII, 18.
- (10) Ibid. VII, 26.
- (11) Ibid. XII, 3f.
- (12) In the Mishnah Supra 46a.
- (13) Though he will eventually separate one mazzah for all, and that is not fit for eating, yet if he wishes he can take a piece from each mazzah, and so he will have baked every one for eating. Hence we say, since it would be permitted in the latter case, it is also permitted in the former.
- (14) As explained in n. 11.
- (15) As far as he is concerned he is definitely baking it for the week, while he has not invited visitors.
- (16) This too is a criticism of Rami b. Hama's statement.
- (17) I.e., if he does as you say.
- (18) Ex. XX, 10.
- (19) Rami b. Hama's explanation.
- (20) Mathnitha, especially collection of Mishnah not embodied in the Mishnah of R. Judah, as Baraita, Tosaf. etc., contrad. to Mathnithin, our Mishnah (Jast.).
- (21) Lit., 'how much?'
- (22) Which one can knead on Passover and keep it from fermenting.
- (23) Three in the case of wheat, and two in the case of barley, for barley ferments more quickly.
- (24) Two kabs of superior wheat is the equivalent of three kabs of inferior wheat; while three kabs of superior barley is the equivalent of four kabs of inferior barley.
- (25) Supposed to be a place in Babylon.
- (26) One must not knead more dough than that.
- (27) That is the smallest quantity subject to hallah.

Talmud - Mas. Pesachim 48b

Slightly more than five quarters¹ of flour are subject to hallah?² — This is what he says: A kab of Meloga too is the equivalent of this quantity.

R. Joseph said: Our women are accustomed to bake a kapiza³ at a time on Passover. Said Abaye to him, What is your intention? To be stricter!⁴ [But] it is strictness which leads to [unwarranted] leniency, as [the woman] exempts it from hallah?⁵ — Said he: They do as R. Eliezer. For we learned, R. Eliezer said: If he removes [loaves from the oven] and places [them] in a basket, the basket combines them in respect of hallah,⁶ whereon Rab Judah said in Samuel's name: The halachah is as R. Eliezer. Said he to him, But it was stated thereon, R. Joshua b. Levi said: They taught this only of Babylonian loaves, which cleave to each other,⁷ but not [of] cracknels?⁸ — Surely it was stated thereon, R. Hanina said: Even cracknels.

R. Jeremiah asked: What of a board which has no ledges?⁹ Do we require the inside of a vessel, which is absent here; or perhaps we require the air space of a vessel, which is present? The question stands.

It was taught: R. Eliezer said: The basket [only] combines them; R. Joshua said: The oven combines them;¹⁰ R. Simeon b. Gamaliel said: Babylonian loaves which cleave to each other combine.¹¹

MISHNAH. R. GAMALIEL SAID: THREE WOMEN MAY KNEAD AT THE SAME TIME¹² AND BAKE IN ONE OVEN, ONE AFTER THE OTHER. BUT THE SAGES RULE: THREE WOMEN MAY BE ENGAGED ON DOUGH AT THE SAME TIME,¹³ ONE KNEADING, ANOTHER SHAPING AND A THIRD BAKING.¹⁴ R. AKIBA SAID: NOT ALL WOMEN AND NOT ALL KINDS OF WOOD AND NOT ALL OVENS ARE ALIKE.¹⁵ THIS IS THE GENERAL

PRINCIPLE: IF IT [THE DOUGH] RISES, LET HER WET¹⁶ IT WITH COLD WATER.¹⁷

GEMARA. Our Rabbis taught: Having kneaded [the dough] she forms it [in shape], while her companion kneads in her place; having formed [the dough] she bakes it, and her companion shapes [the dough] in her place, while the third [woman] kneads. [The first] having baked, she kneads [again], and her companion bakes in her place, while the third shapes [her dough]. And thus the round revolves.¹⁸ As long as they are engaged [in working] on the dough, it does not come to fermentation.

R. AKIBA SAID: NOT ALL WOMEN etc. It was taught, R. Akiba said: I discussed [the matter] before R. Gamaliel: Let our Master teach us: Does this¹⁹ refer to energetic women or to women who are not energetic; to damp wood or to dry wood; to a hot oven or to a cool oven? Said he to me, You have nought else save what the Sages learned: IF IT RISES, LET HER WET IT WITH COLD WATER.

MISHNAH. SI'UR²⁰ MUST BE BURNT, WHILE HE WHO EATS IT IS NOT CULPABLE; SIDDUK²¹ MUST BE BURNT, WHILE HE WHO EATS IT [ON PASSOVER] IS LIABLE TO KARETH. WHAT IS SI'UR? [WHEN THERE ARE LINES ON THE SURFACE] LIKE LOCUSTS' HORNS;²² SIDDUK IS WHEN THE CRACKS HAVE INTERMINGLED WITH EACH OTHER: THIS IS THE VIEW OF R. JUDAH. BUT THE SAGES MAINTAIN: REGARDING THE ONE AND THE OTHER,²³ HE WHO EATS IT IS LIABLE TO KARETH.²⁴ AND WHAT IS SI'UR? WHEN ITS SURFACE IS BLANCHED, LIKE [THE FACE OF] A MAN WHOSE HAIR IS STANDING [ON END].

GEMARA. Our Rabbis taught: What is si'ur? Whenever its surface is blanched, like [the face of] a man whose hair is standing on end; sidduk is [when there are lines on the surface] like locusts' horns: this is R. Meir's view. But the Sages maintain: What is si'ur? [When the lines on its surface are] like locusts' horns; sidduk is when the cracks have intermingled with each other; and in both cases, he who eats it is liable to kareth. But we learned: SI'UR MUST BE BURNT, WHILE HE WHO EATS IT IS NOT CULPABLE . . . THIS IS THE VIEW OF R. JUDAH? Say according to R. Meir, in both cases,²⁵ he who eats it incurs kareth.²⁶ Raba said: What is R. Meir's reason? There is not a single crack on the surface for which there are not many cracks below [the surface].²⁷

(1) Lit., 'five quarters and more'. I.e., quarters of a kab, = one and one fourth logs.

(2) v. Hal. II, 6.

(3) A measure=three-fourths of a kab; v. Obermeyer, p. 241, n. 1.

(4) For the permitted quantity is larger.

(5) If she baked a kab of Meloga at a time, she would have to separate hallah, whereas now she is exempt.

(6) I.e., they are counted as one, if together they make up the minimum quantity.

(7) Lit., 'bite of each other'. They were wide, and when set in the oven they stuck to each other, owing to lack of space; therefore they all count as one.

(8) A kind of narrow roll.

(9) Does it combine the loaves placed upon it?

(10) If they are baked together in an oven, even if they are not subsequently placed together in a basket, they are all counted as one in respect of hallah.

(11) But not cracknels.

(12) Lit., 'as one'.

(13) Not all kneading at the same time, which would necessitate too long a wait when they come to bake if after each other.

(14) V. Gemara.

(15) Hence the views of R. Gamaliel and the Sages are unacceptable.

(16) Lit., 'polish'.

(17) Which retards fermentation.

(18) This is the explanation of the Sage's ruling: THREE WOMEN MAY BE ENGAGED ON DOUGH AT THE SAME TIME.

(19) Sc. the ruling that three women may knead or may be working on dough at the same time.

(20) V. supra p. 203.

(21) Dough, the surface of which is cracked through fermentation. This is completely leaven.

(22) I.e., small lines are just beginning to appear.

(23) I.e., both stages as defined by R. Judah.

(24) Even at the earlier stage it is no longer si'ur.

(25) Sc. both si'ur and sidduk, as defined by R. Judah.

(26) Because he regards both as sidduk.

(27) Hence even when the cracks on the surface are still separate, they already cross below the surface.

Talmud - Mas. Pesachim 49a

MISHNAH. IF THE FOURTEENTH [OF NISAN] FALLS ON THE SABBATH, EVERYTHING MUST BE REMOVED¹ BEFORE THE SABBATH;² THIS IS R. MEIR'S VIEW; WHILE THE SAGES MAINTAIN: [IT MUST BE REMOVED] AT ITS [USUAL] TIME;³ R. ELEAZAR B. ZADOK SAID: TERUMAH [MUST BE REMOVED] BEFORE THE SABBATH,⁴ AND HULLIN AT ITS [USUAL] TIME.⁵

GEMARA. It was taught, R. Eleazar b. Zadok said: My father once spent a week in Yabneh,⁶ when the fourteenth fell on the Sabbath, and there came Zonin, R. Gamaliel's deputy,⁷ and announced: 'The time has come to remove the leaven', and I followed my father and we removed the leaven.

MISHNAH. HE WHO ON HIS WAY⁸ TO SLAUGHTER HIS PASSOVER SACRIFICE OR TO CIRCUMCISE HIS SON⁹ OR TO DINE AT A BETROTHAL¹⁰ FEAST AT THE HOUSE OF HIS FATHER-IN-LAW, AND RECOLLECTS THAT HE HAS LEAVEN AT HOME, IF HE IS ABLE TO GO BACK, REMOVE [IT], AND [THEN] RETURN TO HIS RELIGIOUS DUTY,¹¹ HE MUST GO BACK AND REMOVE [IT]; BUT IF NOT, HE ANNULS IT IN HIS HEART. [IF HE IS ON HIS WAY] TO SAVE [PEOPLE] FROM HEATHENS¹² OR FROM A RIVER OR FROM BRIGANDS¹³ OR FROM A FIRE OR FROM A COLLAPSE [OF A BUILDING], HE ANNULS IT IN HIS HEART.¹⁴ [BUT IF] TO APPOINT A SABBATH STATION FOR A VOLUNTARY [SECULAR] PURPOSE,¹⁵ HE MUST RETURN IMMEDIATELY. SIMILARLY, HE WHO WENT OUT OF JERUSALEM AND RECOLLECTED THAT HE HAD HOLY FLESH WITH HIM,¹⁶ IF HE HAS PASSED SCOPUS,¹⁷ HE BURNS IT WHERE HE IS;¹⁸ BUT IF NOT, HE RETURNS AND BURNS IT IN FRONT OF THE TEMPLE¹⁹ WITH THE WOOD OF THE [ALTAR] PILE.²⁰ AND FOR WHAT [QUANTITY] MUST THEY RETURN? R. MEIR SAID: FOR BOTH,²¹ WHEN THERE IS AS MUCH AS AN EGG; R. JUDAH SAID: FOR BOTH, WHEN THERE IS AS MUCH AS AN OLIVE; BUT THE SAGES RULE: HOLY FLESH, [THE STANDARD IS] AS MUCH AS AN OLIVE; WHILE LEAVEN, [THE STANDARD IS] AS MUCH AS AN EGG.²²

GEMARA. But the following contradicts it: He who is on his way to partake of a betrothal feast in his father-in-law's house or to appoint a Sabbath station for a voluntary purpose must return immediately? Said R. Johanan, There is no difficulty: one is [according to] R. Judah: the other is [according to] R. Jose. For it was taught: The betrothal feast is a voluntary [function]; this is R. Judah's view. R. Jose said: It is a religious [function]. But now that R. Hisda said: The controversy is in respect of the second feast,²³ but in respect to the first feast all agree that it is a religious [function], you may even say [that] both are [according to] R. Judah, yet there is no difficulty; one refers to the first feast, while the other refers to the second feast.

It was taught, R. Judah said: I have heard only of the betrothal feast,²⁴ but not of [the feast in connection with] espousal gifts.²⁵ Said R. Jose to him: I have heard of [both] the feast of betrothal and [that] of espousal gifts.

It was taught, R. Simeon said: Every feast which is not in connection with a religious deed, a scholar must derive no enjoyment thereof.²⁶ What, for instance? — Said R. Johanan: E.g., [the feast at the betrothal of] the daughter of a priest to an Israelite,²⁷ or the daughter of a scholar to an ignoramus. For R. Johanan said: If the daughter of a priest [marries] an Israelite, their union will not be auspicious. What is it?²⁸ Said R. Hisda: [She will be] either a widow or a divorced woman, or she will have no seed [children].²⁹ In a Baraitha it was taught: He will bury her or she will bury him, or she will reduce him to poverty. But that is not so, for R. Johanan said: he who desires to become wealthy, let him cleave to the seed of Aaron, [for it is all the more] that the Torah and the priesthood will enrich them? — There is no difficulty: one refers to a scholar;³⁰ the other refers to an ‘am ha-arez.³¹

R. Joshua married a priest's daughter. Falling sick, he said, Aaron is not pleased that I should cleave to his seed [and] possess a son-in-law like myself. R. Idi b Abin married a priest's daughter, and there came forth from him two ordained sons — R. Shesheth the son of R. Idi and R. Joshua the son of R. Idi. R. Papa said: Had I not married a priest's daughter, I would not have become wealthy.³² R. Kahana said: Had I not married a priest's daughter, I had not gone into exile.³³ Said they to him, But you were exiled to a place of learning! — I was not exiled as people are [generally] exiled.³⁴

R. Isaac said: Whoever partakes of a secular feast eventually goes into exile, for it is said, and [ye that] eat the lambs out of the flock, and the calves out of the midst of the stall; and it is written, therefore now shall they go captive at the head of them that go captive.³⁵

Our Rabbis taught: Every scholar who feasts much in every place eventually destroys his home, widows his wife, orphans his young, forgets his learning,³⁶ and becomes involved in many quarrels;³⁷ his words are unheeded, and he desecrates the Name of Heaven and the name of his teacher and the name of his father, and he causes an evil name for himself, his children, and his childrens' children until the end of time.³⁸ What is it?³⁹ Said Abaye: He is called, a heater of ovens. Raba said: A tavern dancer! R. Papa said: A plate licker. R. Sheimaiah said: A folder [of garments] and a man who lies down [to sleep].⁴⁰

Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar, for if he dies or goes into exile, he is assured that his children will be scholars. But let him not marry the daughter of an ‘am ha-arez, for if he dies or goes into exile, his children will be ‘amme ha-arez.

Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar, and marry his daughter to a scholar. This may be compared to [the grafting of] grapes of a vine with grapes of a vine, [which is] a seemly and acceptable thing. But let him not marry the daughter of an ‘am ha-arez; this may be compared to [the grafting of] grapes of a vine with berries of a thorn bush, [which is] a repulsive

(1) I.e., destroyed.

(2) Save what is required for the Sabbath itself.

(3) On the morning of the fourteenth.

(4) Because if any is left over none can eat it; neither zarim nor cattle.

(5) Because it is easy to find eaters for it.

(6) The famous town to the north-west of Jerusalem, seat of R. Johanan b. Zakkai's academy and Sanhedrin after the destruction of Jerusalem.

- (7) The superintendent of the Academy.
- (8) Lit., 'is going'.
- (9) In ancient days and until comparatively recently this was done in the Synagogue.
- (10) Erusin denotes the first stage of marriage, v. Glos.
- (11) He himself being the bridegroom. A 'betrothal feast' is considered a religious duty, v. Gemara.
- (12) Rashi: Jews who are being pursued.
- (13) Var. lec.: a robber band.
- (14) If 'robber band' is read before, this must be deleted. Even if there is time to return, he must not go back.
- (15) On the Sabbath a man must not go more than two thousand cubits beyond the town boundary; this outside limit is called the tehum. But before the Sabbath commences he can appoint any spot within the tehum as the station where he will spend the Sabbath, and then he may proceed two thousand cubits beyond that spot; he does that by taking some food to the place, which he will eat on the Sabbath.
- (16) Holy flesh, if taken without Jerusalem, becomes unfit and must be burnt.
- (17) An eminence northeast of Jerusalem, whence the Temple can be seen. To-day it is the site of the Hebrew University.
- (18) And need not return to Jerusalem.
- (19) [Birah. This is variously explained in Zeb. 104b as the Temple Mount itself, a place in the Temple Mount, and a tower in the Temple Mount.]
- (20) I.e., wood arranged in a pile for use on the altar. — V. Supra 24a.
- (21) Sc. leaven and sacred flesh.
- (22) These are the minima for which one must return.
- (23) After the betrothal the bridegroom (arus) sent gifts to his bride, in connection with which there was a second feast at the father-in-law's house.
- (24) As being a religious function.
- (25) Siblonoth.
- (26) I.e., must not partake of it.
- (27) I.e., a non-priest. She blemishes her family by marrying beneath her.
- (28) In what respect will it be unfortunate?
- (29) Rashi: because it is written, And if a priest's daughter be married unto a common man, which is followed by, But if a priest's daughter be a widow, or divorced, and have no child (Lev. XXII, 12f). — Hence such a union was looked upon with disfavour, and R. Johanan maintains that the feast is not a true religious one.
- (30) If a scholar marries into a priestly family he brings honour upon it.
- (31) V. Glos.
- (32) He was a wealthy brewer.
- (33) From my home in Babylonia to Palestine; v. B.K. 117a.
- (34) Voluntarily; but I had to flee.
- (35) Amos VI, 4, 7.
- (36) Lit., 'his learning is forgotten from him'.
- (37) Lit., 'come upon him'.
- (38) Lit., 'until the end of all generations'. — His fondness for feasting elsewhere leads him to do the same in his own home, and to make it possible he must sell his furniture, etc. Seeing himself on the road to ruin, he wanders into exile, leaving his wife and children, widowed and orphaned, he wastes his time, so forgets his learning. This involves him in disputes on learning. Or, his poverty involves him in disputes with tradesmen because he cannot settle his bills. Again, the banqueting table itself is a fruitful source of quarrels (Rashi and Maharsha).
- (39) How does he bring his name etc., into contempt?
- (40) Where he is, being too drunk to go home. — Or, the son of a heater of ovens etc., with reference to his children. The translation follows Maharsha, bar (בַּר) being understood as 'a man who'. The alternative is Rashi's.

Talmud - Mas. Pesachim 49b

and unacceptable thing.

Our Rabbis taught: Let a man always sell all he has and marry the daughter of a scholar. If he does not find¹ the daughter of a scholar, let him marry the daughter of [one of] the great men of the generation.² If he does not find the daughter of [one of] the great men of the generation, let him marry the daughter of the head of synagogues. If he does not find the daughter of the head of synagogues,³ let him marry the daughter of a charity treasurer. If he does not find the daughter of a charity treasurer, let him marry the daughter of an elementary school-teacher, but let him not marry the daughter of an 'am ha-arez, because they are detestable and their wives are vermin, and of their daughters it is said, Cursed be he that lieth with any manner of beast.⁴

It was taught, Rabbi said: An 'am ha-arez may not eat the flesh of cattle, for it is said, This is the law [Torah] of the beast, and of the fowl;⁵ whoever engages in [the study of] the Torah may eat the flesh of beast and fowl, but he who does not engage in [the study of] the Torah may not eat the flesh of beast and fowl.

R. Eleazar said: An 'am ha-arez, it is permitted to stab him [even] on the Day of Atonement which falls on the Sabbath. Said his disciples to him, Master, say to slaughter him [ritually]? He replied: This [ritual slaughter] requires a benediction, whereas that [stabbing] does not require a benediction. R. Eleazar said: One must not join company with an 'am ha-arez on the road, because it is said, for that [the Torah] is thy life, and the length of thy days:⁶ [seeing that] he has no care [pity] for his own life,⁷ how much the more for the life of his companions! R. Samuel b. Nahmani said in R. Johanan's name: One may tear an 'am ha-arez like a fish! Said R. Samuel b. Isaac: And [this means] along his back.

It was taught, R. Akiba said: When I was an 'am ha-arez⁸ I said: I would that I had a scholar [before me], and I would maul him like an ass. Said his disciples to him, Rabbi, say like a dog! The former bites and breaks the bones, while the latter bites but does not break the bones, he answered them.

It was taught, R. Meir used to say: Whoever marries his daughter to an 'am ha-arez, is as though he bound and laid her before a lion: just as a lion tears [his prey] and devours it and has no shame, so an 'am ha-arez strikes and cohabits and has no shame.

It was taught, R. Eliezer said: But that we are necessary to them for trade, they would kill us. R. Hiyya taught: Whoever studies⁹ the Torah in front of an 'am ha-arez, is as though he cohabited with his betrothed in his presence,¹⁰ for it is said, Moses commanded us a law, an inheritance [morashah] of the congregation of Jacob:¹¹ read not morashah but me'orasah [the betrothed].¹² Greater is the hatred wherewith the 'amme ha-arez, hate the scholar than the hatred wherewith the heathens hate Israel, and their wives [hate even] more than they. It was taught: He who has studied and then abandoned [the Torah] [hates the scholar] more than all of them.¹³ Our Rabbis taught: Six things were said of the 'amme ha-arez': We do not commit testimony to them; we do not accept testimony from them; we do not reveal a secret to them; we do not appoint them as guardians for orphans; we do not appoint them stewards¹⁴ over charity funds; and we must not join their company on the road. Some say, We do not proclaim their losses too.¹⁵ And the first Tanna?¹⁶ — Virtuous seed may sometimes issue from him, and they will enjoy¹⁷ it, as it is said, He will prepare it, and the just shall put it on.¹⁸

SIMILARLY, HE WHO WENT OUT OF etc. Shall we say that R. Meir holds, only as much as an egg is of importance, whereas R. Judah holds, Even as much as an olive too is of importance?¹⁹ But the following contradicts it: For what [minimum] quantity²⁰ must they recite grace in common?²¹ Until as much as an olive.²² R. Judah said: Until as much as an egg! — Said R. Johanan: The discussion²³ must be reversed. Abaye said, After all you need not reverse [it]: there they differ in [the interpretation of Scriptural] verses, [whereas] here they differ in a matter of logic. 'There they

differ in [the interpretation of] verses': R. Meir holds: And thou shalt eat,²⁴ this refers to eating; and be satisfied, this means drinking, and eating is [constituted] by as much as an olive.²⁵ While R. Judah holds: 'And thou shalt eat and be satisfied' [implies] eating in which there is satisfaction [of one's hunger], and what is that? As much as an egg. 'Here they differ in a matter of logic', for R. Meir holds: Its return is like its defilement:²⁶ just as its defilement requires as much as an egg, so does its return require as much as an egg. While R. Judah holds, its return

(1) I.e., cannot obtain.

(2) Gedole ha-dor, title probably designating the civil leaders of the community. v. Buchler, Sepphoris, p. 9.

(3) [The archi synagogos, the supreme authority over the synagogues in the town; v. Git., Sonc. ed. p. 202, n. 5.]

(4) Deut. XXVII, 21.

(5) Lev. XI, 46.

(6) Deut. XXX, 20.

(7) In that he forsakes the Torah.

(8) R. Akiba was a poor, illiterate shepherd before he became a scholar; v. Ned. 50a.

(9) Lit., 'engages in'.

(10) So great is the affront which the 'am ha-arez feels when Torah is studied in his presence, v. Rashi.

(11) Ibid. XXXIII, 4.

(12) Thus the Torah is as the bride of the whole of Israel.

(13) More than any 'am ha-arez hates the scholar.

(14) The Heb. is the same as in the previous phrase. Epitropos is a steward who looks after another person's estates, etc.

(15) He who finds lost property is bound to proclaim it; if the owner is an 'am ha-arez, he is not bound to proclaim it.

(16) Why does he omit this?

(17) Lit., 'eat'.

(18) Job XXVII, 17.

(19) I.e., worthy of being taken into account.

(20) Lit., 'how far?'

(21) When three or more people dine together they must recite grace in common, prefacing it with the statement, 'Let us say grace', and they must not separate before this is done, even if each intends reciting grace alone. Here the question is: what is the minimum meal for which this is necessary?

(22) That is the minimum. Until ('ad) is meant in a diminishing sense.

(23) I.e., the opinions,

(24) Deut. VIII, 10.

(25) This is the minimum called eating, e.g., for eating this quantity of forbidden food liability is incurred; the command to eat unleavened bread on the first night of Passover means at least as much as an olive. The verse continues: and thou shalt bless the Lord thy God — i.e., recite grace.

(26) I.e., the same quantity of leaven which is subject to defilement as an eatable necessitates returning in order to remove it.

Talmud - Mas. Pesachim 50a

is like its prohibition: just as its prohibition is for as much as an olive,¹ so its return is for as much as an olive.

It was taught, R. Nathan said: Both² have the standard of two eggs; but the Sages did not agree with him.

And it shall come to pass in that day that there shall not be light, but heavy clouds [yekaroth] and thick [we-kippa'on];³ what does yekaroth we-kippa'on mean? — Said R. Eleazar: This means, the light which is precious [yakar] in this world, is yet of little account [kapuy]⁴ in the next world.⁵ R. Johanan said: This refers to Nega'im and Ohaloth,⁶ which are difficult [heavy] in this world yet shall be light [easily understood] in the future world. While R. Joshua b. Levi said: This refers to the

people who are honoured in this world, but will be lightly esteemed in the next world. As was the case of R. Joseph the son of R. Joshua b. Levi, [who] became ill and fell into a trance. When he recovered, his father asked him, 'What did you see?' 'I saw a topsy-turvy world', he replied, 'the upper [class] underneath and the lower on top' he replied: 'My son', he observed, 'you saw a clear world.'⁷ And how are we [situated] there?' 'Just as we are here, so are we there. And I heard them saying, "Happy is he who comes hither with his learning in his hand". And I also heard them saying, "Those martyred by the State, no man can stand within their barrier"'.⁸ Who are these [martyrs]? Shall we say, R. Akiba and his companions?⁹ is that because they were martyrs of the State and nothing else?¹⁰ Rather [he meant] the martyrs of Lydda.¹¹

In that day there shall be upon the bells of the horses [meziloth ha-sus]: HOLY UNTO THE LORD.¹² What does 'meziloth ha-sus' [intimate]? — Said R. Joshua b. Levi: The Holy One, blessed be He, is destined to add to Jerusalem as far as a horse can run and cast its shadow [mazzil — under itself].¹³ R. Eleazar said: All the bells which are hung on a horse between its eyes shall be holy unto the Lord.¹⁴ While R. Johanan said: All the spoil which Israel shall take spoil [from morning] until a horse can run and cast its shadow [under itself] shall be holy unto the Lord. As for him who explains it [as referring to] all the spoil which Israel shall take spoil, it is well: hence it is written, and the pots in the Lord's house shall be like the basins before the altar.¹⁵ But according to those who give the [other] two explanations, what is [the relevance of] 'and the pots in the Lord's house shall be' [etc.]? — [The verse] states another thing, viz., that Israel will become wealthy, make votive offerings, and bring them [to the Temple]. As for him who says [that it means] spoil, it is well: that is what is written, and in that day there shall be no more a trafficker in the house of the Lord of hosts.¹⁶ But according to those who give the [other] two explanations, what does and there shall be no more a trafficker [kena'ani] [etc.] mean? — Said R. Jeremiah: No poor man shall be here.¹⁷ And how do we know

interdict. A passage describing the death of great scholars, ten in number, is found in the liturgies for the Day of Atonement and the Fast of Ab. Some of the most famous of them were R. Gamaliel, R. Judah b. Baba and R. Akiba. that [kena 'ani] connotes a merchant? — Because it is written, And Judah saw there the daughter of a certain Canaanite [kena'ani]:¹⁸ what does 'kena'ani' mean? Shall we say, literally a Canaanite: is it possible that Abraham came and admonished Isaac, Isaac came and admonished Jacob,¹⁹ and then Judah went and married [a Canaanite]! Rather, said R. Simeon b. Lakish: [It means] the daughter of a merchant, as it is written, As for the trafficker [kena'an], the balances of deceit are in his hand,²⁰ Alternatively, I can quote this: Whose merchants are princes, whose traffickers [kin'anehah] are the honourable of the earth.²¹

And the Lord shall be King over all the earth; in that day shall the Lord be One, and His name one:²² is He then not One now? — Said R. Aha b. Hanina: Not like this world is the future world. In this world, for good tidings one says, 'He is good, and He doeth good', while for evil tidings he says, 'Blessed be the true Judge';²³ [whereas] in the future world it shall be only 'He is good and He doeth good'.²⁴ 'And His name one': what does 'one' mean? Is then now His name not one? — Said R. Nahman b. Isaac; Not like this world is the future world. [In] this world [His name] is written with a yod he²⁵ and read as alef daleth;²⁶ but in the future world it shall all be one: it shall be written with yod he and read as yod he. Now, Raba thought of lecturing it at the session, [whereupon] a certain old man said to him, It is written, le'alem.²⁷ R. Abina pointed out a contradiction: It is written, this is my name, to be hidden; [and it is also written],²⁸ and this is my memorial unto all generations?²⁹ The Holy One, blessed be He, said: Not as I [i.e., My name] and written am I read: I am written with a yod he, while I am read as alef daleth.³⁰

CHAPTER IV

MISHNAH. WHERE IT IS THE CUSTOM TO DO WORK ON THE EVE OF PASSOVER

UNTIL MIDDAY ONE MAY DO [WORK]; WHERE IT IS THE CUSTOM NOT TO DO [WORK], ONE MAY NOT DO [WORK]. HE WHO GOES FROM A PLACE WHERE THEY WORK TO A PLACE WHERE THEY DO NOT WORK, OR FROM A PLACE WHERE THEY DO NOT WORK TO A PLACE WHERE THEY DO WORK, WE LAY UPON HIM THE RESTRICTIONS OF THE PLACE WHENCE HE DEPARTED AND THE RESTRICTIONS OF THE PLACE WHITHER HE HAS GONE;

(1) V. p. 238, n. 12.

(2) The leaven and the holy flesh.

(3) Zech. XIV, 6.

(4) Lit., 'light', 'floating'.

(5) For the light of this world will pale into insignificance before the greater light of the next. He translates the verse: And it shall come . . . the light will not be precious but (only) of small account.

(6) The laws of leprosy and the defilement of tents through a dead body.

(7) In which people occupy the positions they merit.

(8) They occupy such an exalted position in the next world that they are unapproachable.

(9) Who were executed or martyred by the Roman State at various times for their insistence on teaching the Torah in spite of the Roman

(10) Surely they had other claims to eminence too!

(11) Two brothers, Lulianus and Papus, who took upon themselves the guilt for the death of the Emperor's daughter, so as to save the people as a whole; v. Ta'an. 18b. Lydda was a district in Asia Minor, to which belonged the city Laodicea, which city it denotes here.

(12) Zech. XIV, 20.

(13) Rashi: i.e., as far as a horse can run from the morning until midday, when its shadow (zel) is directly beneath it.

(14) I.e., they shall be votive offerings to the Sanctuary.

(15) Ibid. Even the pots shall be of gold and silver, owing to the abundance of spoil.

(16) Ibid. 21. The Temple Treasurers will not need to buy or sell for the Temple, on account of the great wealth of the spoil.

(17) Reading kena'ani as kan 'ani, here is a poor man.

(18) Gen. XXXVIII, 2.

(19) Not to marry a Canaanite; v. Ibid. XXIV, 3; XXVIII, 1.

(20) Hos. XII, 8.

(21) Isa. XXIII, 8.

(22) Zech. XIV, 9.

(23) V. Ber. 54a.

(24) For there will never be any evil tidings there.

(25) YHWH = yod he waw he, the letters of the Tetragrammaton.

(26) Adonay =alef daleth nun yod.

(27) To hide it. This is explained anon.

(28) The bracketed word is added in var. lec.

(29) Ex. III, 15. The actual reading is: this is my name for ever. (le'olam, **לְעוֹלָם**); but it is written, to be hidden (le'alem, **לְעַלְמֵי**). Thus this indicates that God's name must be kept secret; whereas 'this is my memorial' etc. implies that He is to be known by this name. Another version, accepting the reading le'olam (for ever) explains the difficulty thus: since God states this is my name, it is obvious that He is to be known by it: why then add, 'and this is my memorial' etc.?

(30) The importance attributed to the Divine Name was owing to the fact that it was not regarded simply as a designation, but was held to express the essence of the Godhead. The right way of pronouncing the Tetragrammaton was not generally known, being preserved as an esoteric teaching. Cf. Kid., Sonc. ed. p. 361, n. 6. and Sanh., Sonc. ed. p. 407, n. 2.

Talmud - Mas. Pesachim 50b

AND A MAN MUST NOT ACT DIFFERENTLY [FROM LOCAL CUSTOM] ON ACCOUNT OF THE QUARRELS [WHICH WOULD ENSUE]. SIMILARLY, HE WHO TRANSPORTS SABBATICAL YEAR PRODUCE FROM A PLACE WHERE IT HAS CEASED TO A PLACE WHERE IT HAS NOT CEASED OR FROM A PLACE WHERE IT HAS NOT CEASED TO A PLACE WHERE IT HAS CEASED,¹ IS BOUND TO REMOVE IT.² R. JUDAH SAID: ‘DO YOU TOO GO OUT AND BRING [PRODUCE] FOR YOURSELF.’³

GEMARA. Why particularly THE EVE OF PASSOVER? Even on the eve of Sabbaths and Festivals too? For it was taught: He who does work on the eve of Sabbaths or Festivals from minhah⁴ and onwards will never see a sign of blessing?⁵ — There it is forbidden only from minhah and onwards, but not near to⁶ minhah; [whereas] here it is [forbidden] from midday. Alternatively, there he merely does not see a sign of blessing,⁷ yet we do not place him under the ban; [whereas] here we even place him under the ban.

[To turn to] the main text: He who does work on the eve of the Sabbath and on the eve of Festivals from minhah and onwards, and at the termination of the Sabbath or at the termination of a Festival, or at the termination of the Day of Atonement, or wherever there is the [least] suspicion of sin,⁸ which is to include a public fast,⁹ will never see the sign of a blessing.

Our Rabbis taught: Some are industrious and profit [thereby,] while others are industrious and suffer loss; some are indolent¹⁰ and profit [thereby], while others are indolent and suffer loss. An industrious man who profits, — he who works the whole week but does not work on the eve of the Sabbath. An industrious man who suffers loss, — he who works the whole week and works on the eve of the Sabbath. An indolent man who profits, — he who does not work the whole week and does not work on the eve of the Sabbath.¹¹ An indolent man who suffers loss, — he who does not work the whole week but works on the eve of the Sabbath. Raba said: As to these women of Mahuza,¹² though they do not work on the eve of the Sabbath, it is because they are used to indulgence [indolence], seeing that they do not work every day either. Yet even so, we call them, an indolent person who profits’.¹³

Raba opposed [two verses]. It is written, For thy mercy is great unto the heavens,¹⁴ whereas it is also written, For thy mercy is great above the heavens?¹⁵ How is this [to be explained]? Here it refers to those who perform [God's behest] for its own sake;¹⁶ there it refers to those who perform [it] with an ulterior motive.¹⁷ And [this is] in accordance with Rab Judah. For Rab Judah said in Rab's name: A man should always occupy himself with Torah and good deeds, though it is not for their own sake, for out of [doing good] with an ulterior motive there comes [doing good] for its own sake.

Our Rabbis taught: He who looks to the earnings of his wife or of a mill will never see a sign of blessing. ‘The earnings of his wife’ means [when she goes around selling wool] by weight.¹⁸ ‘[The earnings of] a mill’ means its hire.¹⁹ But if she makes [e.g., woollen garments] and sells them, Scripture indeed praises her, for it is written, she maketh linen garments and selleth them.²⁰

Our Rabbis taught: He who trades in cane and jars will never see a sign of blessing. What is the reason? Since their bulk is large, the [evil] eye has power over them.

Our Rabbis taught: Traders in market-stands²¹ and those who breed small cattle,²² and those who cut down beautiful trees,²³ and those who cast their eyes at the better portion,²⁴ will never see a sign of blessing. What is the reason? Because people gaze at them.²⁵

Our Rabbis taught: Four perutoth never contain a sign of blessing:²⁶ the wages of clerks, the wages of interpreters,²⁷ the profits of orphans,²⁸ and money that came from oversea countries. As for

the wages of interpreters, that is well, [the reason being] because it looks like wages for Sabbath [work]; orphans money too, because they are not capable of renunciation;²⁹ money which comes from overseas, because a miracle does not occur every day.³⁰ But what is the reason for the wages of writers? — Said R. Joshua b. Levi: The men of the Great Assembly³¹ observed twenty-four fasts so that those who write Scrolls, tefillin and mezuzoth³² should not become wealthy for if they became wealthy they would not write.

Our Rabbis taught: Those who write Scrolls, tefillin, and mezuzoth, they, their traders and their traders' traders,³³ and all who engage [in trade] in sacred commodities,³⁴ which includes the sellers of blue wool,³⁵ never see a sign of blessing. But if they engage [therein] for its own sake,³⁶ they do see [a sign of blessing]. The citizens of Beyshan³⁷ were accustomed not to go from Tyre to Sidon³⁸ on the eve of the Sabbath. Their children went to R. Johanan and said to him, For our fathers this was possible; for us it is impossible. Said he to them, Your fathers have already taken it upon themselves, as it is said, Hear my son, the instruction of thy father, and forsake not the teaching of thy mother.³⁹

The inhabitants of Hozai⁴⁰ were accustomed to separate hallah on rice.⁴¹ [When] they went and told it to R. Joseph he said to them, Let a lay Israelite eat it in their presence:⁴² Abaye raised an objection against him: Things which are permitted, yet others treat them as forbidden,⁴³

(1) The law concerning produce of the Sabbatical year is this: as long as there is produce in the field available for animals, a man may keep produce at home as his private property; but when the produce in the field has ceased, — the animals having consumed it, he must carry out the produce from his home and declare it free for all. Having done this, he may then take back into the house whatever he needs for his private use (Tosaf. 52b, s.v. **מתבערין**).

(2) I.e., place it at everybody's disposal.

(3) This is explained in the Gemara.

(4) The afternoon service, and the time for same — beginning generally two and a half hours before nightfall.

(5) I.e., the money earned then will not be profitable.

(6) I.e., before.

(7) I.e., it is inadvisable.

(8) As he may continue work after the Sabbath or Festival has actually commenced; or begin before they have quite terminated.

(9) Proclaimed on account of rain, when work was forbidden, Ta'an. 12b. On other fast-days work is permitted.

(10) Lit., 'low'.

(11) Though his abstention then is due to indolence, not to respect for the Sabbath, he is nevertheless rewarded, since in fact he does abstain.

(12) V. p. 20, n. 5.

(13) [Var. lec. (v. Rashi); These women of Mahuza, although the reason they do no work. . . Sabbath is that they are used . . . yet even so are called etc.]

(14) Ps. LVII, 11.

(15) Ibid. CVIII, 5.

(16) Lit., 'name'. To them, His mercy is great above the heavens.

(17) Lit., 'not for its own name'.

(18) Jast.; i.e., trading in wool, but not making it up; this realizes very little profit and is not a dignified occupation for a woman.

(19) But trading in mills, buying and selling them, is profitable.

(20) Prov. XXXI, 24. This occurs in the description of the 'woman of valour'.

(21) [Heb. Simta. Tosef. Bek. II has Shemittah, the Sabbatical year when trading with produce is forbidden.]

(22) Sheep, goats, etc.

(23) To sell for their timber.

(24) When sharing with their neighbour.

(25) Market traders are exposed to the public gaze, and so to the evil eye, which is a potent source of misfortune. The

other three incur the ill-will of people, the first because breeding small animals was generally frowned upon.

(26) Perutah was the smallest coin. I.e., the monies earned by the four things enumerated.

(27) Officials who spoke the Sabbath lectures of the Sages to the congregation; the Sage whispered his statements to the interpreter, and he explained them to the people. Also, those who publicly interpreted and translated the weekly readings of the Law on the Sabbath.

(28) Orphans' money was sometimes entrusted to people to trade with, and they kept half the profit for themselves for their labour.

(29) He may take more than his due, and a minor cannot legally renounce it in his favour.

(30) Considerable danger attended the transport of freights at sea, and one might very easily suffer loss.

(31) A body of one hundred and twenty men founded by Ezra, regarded as the bearers of Jewish teaching and tradition after the Prophets; v. Ab. I, 1.

(32) V. Glos.

(33) All who trade in these, whether directly or indirectly.

(34) Lit., 'work'.

(35) Wool dyed blue for insertion in garments as fringes; v. Num. XV, 38.

(36) To benefit the community, profit being a secondary consideration.

(37) Beyshan (Scythopolis) in Galilee (Jast.). [Beyshan was, however, far too distant from Tyre to enable its inhabitants to go there and back in one day. It must therefore be located in the neighbourhood of Tyre and it is identified with the village at Abasiya, N.E. of Tyre (Hurwitz, Palestine, p. 112).]

(38) On the coast of Palestine. Friday was market day at Sidon (Rashi).

(39) Prov. I, 8.

(40) Known to-day as Khuzistan, in S. W. Persia; Obermeyer, pp. 204ff.

(41) Which is necessary by law.

(42) Hallah may be eaten by a priest only. Thus he intimated that this was not hallah.

(43) Lit., 'practise a prohibition in connection with them'.

Talmud - Mas. Pesachim 51a

you may not permit it in their presence? Said he to him, Yet was it not stated thereon, R. Hisda said: This refers to Cutheans.¹ What is the reason in the case of Cutheans? Because they confound one thing [with another]!² Then these people too [being ignorant] confound one thing [with another]? — Rather, said R. Ashi, we consider: if most of them eat rice [bread], a lay Israelite must not eat it [the hallah] in their presence, lest the law of hallah be [altogether] forgotten by them; but if most of them eat corn [bread], let a lay Israelite eat it in their presence, lest they come to separate [hallah] from what is liable upon what is exempt, and from what is exempt upon what is liable.³

[It was stated in] the text: 'Things which are permitted, yet others treat them as forbidden, you may not permit it in their presence. Said R. Hisda: This refers to Cutheans'. Yet not [to] all people? Surely it was taught: Two brothers may bathe together,⁴ yet two brothers do not bathe [together] in Cabul.⁵ And it once happened that Judah and Hillel, the sons of R. Gamaliel, bathed together in Cabul, and the whole region criticized them, saying, 'We have never seen such [a thing] in [all] our days;' whereupon Hillel slipped away and went to the outer chamber,⁶ but he was unwilling to tell them, 'You are permitted [to do this]'. [Again,] one may go out in slippers on the Sabbath,⁷ yet people do not go out in slippers in Beri.⁸ And it once happened that Judah and Hillel, the sons of R. Gamaliel, went out in slippers on the Sabbath in Beri, whereupon the whole district criticized them, saying, 'We have never seen such [a thing] in [all] our days'; so they removed them and gave them to their [non-Jewish] servants, but they were unwilling to tell them, 'You are permitted [to wear these]'. Again, one may sit on the stools of Gentiles on the Sabbath,⁹ yet people do not sit on the stools of Gentiles on the Sabbath in Acco.¹⁰ And it once happened that R. Simeon b. Gamaliel sat down on the stools of Gentiles on the Sabbath in Acco, and the whole district criticized him, saying, 'We have never seen such [a thing] in [all] our days'. [Accordingly] he slipped down on to the ground, but he was unwilling to tell them, 'You are permitted [to do this]'.¹¹ — The people of the

coastal region, since Rabbis are not common among them, are like Cutheans.¹²

As for [not sitting on] Gentiles' stools, that is well, [the reason being] because it looks like [engaging] in buying and selling. [That they do not go out] in slippers too [is understandable], lest they fall off and they come to carry them four cubits in the street. But what is the reason that [brothers] do not bathe [together]? — As it was taught: A man may bathe with all, except with his father, his father-in-law, his mother's husband and his sister's husband.¹³ But R. Judah permits [a man to bathe] with his father, on account of his father's honour,¹⁴ and the same applies to his mother's husband. Then they [the people of Cabul] came and forbade [it] in the case of two brothers on account of [bathing with] his sister's husband.¹⁵

It was taught: A disciple must not bathe with his teacher, but if his teacher needs him, it is permitted.

When Rabbah b. Bar Hanah came,¹⁶ he ate of the stomach fat.¹⁷ Now, R. 'Awira¹⁸ the Elder and Rabbah son of R. Huna visited him; as soon as he saw them, he hid¹⁹ it [the fat] from them. When they narrated it to Abaye he said to them, 'He has treated you like Cutheans'. But does not Rabbah b. Bar Hanah agree with what we learned: WE LAY UPON HIM THE RESTRICTIONS OF THE PLACE WHENCE HE DEPARTED AND THE RESTRICTIONS OF THE PLACE WHITHER HE HAS GONE? — Said Abaye: That is only [when he goes] from [one town in] Babylonia to [another in] Babylonia, or from [a town in] Palestine to [another in] Palestine, or from [a town in] Babylonia to [another in] Palestine; but not [when he goes] from [a place in] Palestine to [another in] Babylonia, [for] since we submit to them,²⁰ we do as they.²¹ R. Ashi said: You may even say [that this holds good when a man goes] from Palestine to Babylonia; this is, however, where it is not his intention to return; but Rabbah b. Bar Hanah had the intention of returning.

Rabbah b. Bar Hanah said to his son: My son, do not eat [this fat], whether in my presence or not in my presence. As for me who saw R. Johanan eat [it], R. Johanan is sufficient [an authority] to rely upon in his presence and not in his presence. [But] you have not seen him [eat it]; [therefore] do not eat, whether in my presence or not in my presence. Now, [one statement] of his disagrees with [another statement] of his. For Rabbah b. Bar Hanah said: R. Johanan b. Eleazar related to me: I once followed R. Simeon son of R. Jose b. Lakuna into a kitchen garden,

(1) The people whom Shalmaneser settled in Samaria after the deportation of the Ten Tribes. They formally accepted Judaism, but as they retained many heathen practices, their religious status fluctuated, until they were finally declared heathens. In the present passage they are treated as Jews, but so lax as to require special laws.

(2) If they were treated with leniency in one case, their laxity in general would increase.

(3) Hallah can be separated from one piece of dough upon another piece, providing that both are liable; but if one is liable while the other is not, the separated piece is not hallah, while the other remains forbidden as *tebel*. Hence if they separate hallah from rice dough, which is really exempt, upon dough of wheat, which is liable, the latter remains *tebel*, and by eating it they transgress. Again, if they separate hallah from wheat dough upon itself and upon a rice dough, the former is not hallah but likewise *tebel*, and when it is given to the priest he eats *tebel*.

(4) Lit., 'as one' — without fear that this may induce a desire for pederasty.

(5) A place southeast of Acco. Though the fear of pederasty may seem far-fetched, this is not so when its prevalence in the Roman Empire is remembered; v. Weiss, *Dor*, 11, 21f.

(6) Of the baths.

(7) Though they are loose-fitting; we do not fear that they may fall off and the wearer will thus come to carry them in the street, which of course is forbidden.

(8) A town in Galilee.

(9) When they are engaged in business, and we do not fear that the Jew who sits down there will be suspected of doing the same.

(10) A town and harbour on the coast of Phoenicia.

- (11) In all these instances Jews are referred to, yet we see that this law holds good.
- (12) In that leniency may lead to laxity, where there is none to show them the difference between what is mere stringency and what is really prohibited by law.
- (13) In their case this may lead to impure thoughts.
- (14) He can perform some services for him and help him.
- (15) Lest the latter be thought permitted too.
- (16) From Palestine to Babylonia.
- (17) The stomach is partly curved, like a bow, and partly straight, like the string of a bow, which is the meaning of the present word. The fat on the straight part of the stomach is really permitted, but in Babylonia it was treated as forbidden.
- (18) Alfasi and Rosh read: 'Awia.
- (19) Lit., 'covered'.
- (20) We accept their jurisdiction.
- (21) I.e., a Palestinian going to Babylonia may retain his home practice, for this cannot give rise to quarrels.

Talmud - Mas. Pesachim 51b

and he took the aftergrowth of the cabbage¹ and ate it, and he gave [some] to me and said to me, 'My son, in my presence you may eat,² when not in my presence, you may not eat [it]. I who saw R. Simeon b. Yohai eat [it], — R. Simeon B. Yohai is [great] enough to rely upon in his presence and not in his presence; [but] you may eat in my presence, but do not eat [when] not in my presence'.³ What is [this reference to] R. Simeon? For it was taught, R. Simeon said: All aftergrowths are forbidden,⁴ except the aftergrowth of the cabbage, because there is none like them among the vegetables of the field;⁵ but the Sages maintain, All aftergrowths are forbidden. Now, both [state their views] on the basis of R. Akiba. For it was taught: Behold, we may not sow, nor gather in our increase.⁶ R. Akiba said: Now, since they do not sow, whence can they gather?⁷ Hence it follows that the aftergrowth is forbidden.⁸ Wherein do they differ? The Rabbis hold, We preventively forbid the aftergrowth of cabbage on account of other aftergrowths in general; whereas R. Simeon holds: We do not preventively forbid the aftergrowth of cabbage on account of [other] aftergrowths in general.⁹

HE WHO GOES FROM A PLACE etc. As for [teaching], HE WHO GOES FROM A PLACE WHERE THEY DO WORK TO A PLACE WHERE THEY DO NOT WORK . . . WE LAY UPON HIM THE RESTRICTIONS OF THE PLACE WHITHER HE HAS GONE, AND A MAN MUST NOT ACT DIFFERENTLY, ON ACCOUNT OF THE QUARRELS, that is well, and he must not work. But [if he goes] FROM A PLACE WHERE THEY DO NOT WORK TO A PLACE WHERE THEY DO WORK . . . A MAN MUST NOT ACT DIFFERENTLY, BECAUSE OF THE QUARRELS — [that is] he is to work? But you say, WE LAY UPON HIM THE RESTRICTION OR THE PLACE WHITHER HE HAS GONE AND THE RESTRICTIONS OF THE PLACE WHENCE HE HAS DEPARTED! — Said Abaye: It refers to the first clause.¹⁰ Raba said: After all it refers to the second clause, but this is its meaning: This does not come within [the scope of] differences which cause quarrels. What will you say: He who sees will say, '[He regards] work as forbidden?'¹¹ [No:] they will indeed say, 'How many unemployed are there in the market place!'¹²

R. Safra said to R. Abba:¹³ For instance I,¹⁴ who know [the art] of fixing the New Moon,¹⁵

(1) Rashi: It was in a Sabbatical year, and after the time when provisions must be removed from the house; v. p. 243, n. 1. Tosaf. maintains that 'and he took' implies that he pulled it out of the earth; thus it was still available for cattle, and therefore it was before the time of removal.

(2) Because you can rely upon me.

(3) Whereas Rabbah b. Bar Hanah told his son not to rely upon him even in his presence.

(4) After the time of removal (Rashi); v. however next note.

(5) Rashi offers two explanations the first of which he rejects. The second, about which he is also doubtful, is this:

cabbages remain in the ground right through winter, whereas the aftergrowths of other vegetables are consumed earlier: hence we are more lenient with cabbages, because we can never apply to them the principle, 'when it ceases for the beasts in the field, it must cease — (i.e., be removed from) the man in the house'. V. p. 251, n. 1, for a different interpretation.

(6) Lev. XXV, 20.

(7) Then why state 'nor gather in our increase'?

(8) And to this they refer.

(9) R. Tam: the reference is to the time before the removal. Both R. Simeon and the Rabbis accept R. Akiba's view that the aftergrowth is Scripturally forbidden, but only that aftergrowth which is similar to sowing (seeds), for the verse, 'we may not sow, nor gather in our increase, implies that 'our increase,' which refers to the aftergrowth, is similar to what 'we may not sow'; but the cabbage plant has more affinity to trees than to seeds (v. Keth. 111b), hence it is not forbidden by Biblical law. This view is held by both, and they differ whether the cabbage aftergrowth is Rabbinically forbidden as a preventive measure or not. Another explanation is given in Tosaf. on quite different lines.

(10) I.e., HE MUST NOT ACT DIFFERENTLY if he goes FROM A PLACE WHERE THEY DO WORK TO A PLACE WHERE THEY DO NOT WORK.

(11) Though we permit it; do you fear that this will lead to strife?

(12) Raba explains the Mishnah thus: IF A MAN GOES FROM A PLACE WHERE THEY DO NOT WORK TO A PLACE WHERE THEY WORK . . . WE IMPOSE UPON HIM THE RESTRICTION OF THE PLACE WHENCE HE HAS DEPARTED. For the general principle that a man MUST NOT ACT DIFFERENTLY from the rest of the people was only ON ACCOUNT OF THE QUARRELS, whereas here we have no fear.

(13) Var. lec. Raba.

(14) [So Tosaf. and MS. M., cur. edd. 'we'.]

(15) By Biblical law Festivals are holy on the first and the seventh days only (Pentecost one day altogether). But owing to uncertainty in early time about the exact day of New Moon, i.e., when the month began, it became a binding practice in the Diaspora to observe two days instead of one, and this remained binding even when New Moon was ascertained by mathematical calculation, which obviated all doubt.

Talmud - Mas. Pesachim 52a

in inhabited places I do not work,¹ because it is a change [which would lead to] strife. [But] how is it in the wilderness? — Said he to him, Thus did R. Ammi say: In inhabited regions it is forbidden; in the desert it is permitted. R. Nathan b. Asia went from Rab's academy [in Sura]² to Pumbeditha on the second Festival day of Pentecost, [whereupon] R. Joseph put him under the ban. Said Abaye to him, Yet let the master punish him with lashes? — Said he to him, I have treated him more severely, for in the West [sc. Palestine] they take a vote for punishing a disciple with lashes, yet they do not take a vote on the ban.³ Others say, R. Joseph had him lashed. Said Abaye to him, Yet let the Master ban him, for Rab and Samuel both said: We impose the ban for [the violation of] the two Festival days of the Diaspora? — Said he to him, That refers only to an ordinary person, but here it is a scholar, so I did what was better for him, for in the West they take a vote for punishing a disciple with lashes, yet they do not take a vote on the ban.

SIMILARLY, HE WHO TRANSPORTS SABBATICAL-YEAR PRODUCE etc. Does then R. Judah not accept what we learned, WE LAY ON HIM THE RESTRICTIONS OF THE PLACE WHENCE HE DEPARTED AND THE RESTRICTIONS OF THE PLACE WHITHER HE HAS GONE? — Said R. Shisha the son of R. Idi, R. Judah says⁴ a different thing, and this is its meaning: or from a place where it has not ceased to a place where it has not ceased, and then he heard that it had ceased in his town, he is bound to remove it. R. Judah said: [He can say,]⁵ 'Do you too go out and procure [produce] for yourself from the place whence I have obtained it', since it has not ceased for them.⁶ Shall we say that R. Judah [thus] rules leniently? But surely R. Eleazar said, R. Judah did not rule otherwise than stringently?⁷ Rather, reverse it: He is not bound to remove it.⁸ R. Judah said: [His townspeople can say to him], 'Do you too go out [now] and obtain [produce] from the place whence you brought it [the produce you possess], and lo! it has ceased'.⁹ Abaye said: In truth it is as

taught,¹⁰ and this is what he states: Or from a place where it has not ceased to a place where it has ceased, and [then] he brought it back to its place, and it has still not ceased [there], he is not bound to remove it. R. Judah said: [They can say to him,] ‘Go out and do you too bring [produce] from the place whence you have [now] brought it, and lo! it has ceased [there]’. To this R. Ashi demurred: According to R. Judah, has he then caught them [these restrictions] up on the back of an ass!¹¹ Rather, said R. Ashi, [This enters] in the controversy of the following Tannaim. For we learned: If a man preserves three [kinds of] preserves in one barrel,¹² — R. Eliezer said: One may eat [in reliance] upon the first [only];¹³ R. Joshua said: Even [in reliance] upon the last;¹⁴ R. Gamaliel said: Whatever kind has ceased from the field, he must remove that kind from the barrel, and the halachah is as his ruling.¹⁵

Rabina said, [It enters] into the controversy of the following Tannaim. For we learned:¹⁶ One may eat dates until the last in Zoar is finished;¹⁷ R. Simeon b. Gamaliel said:

(1) On the second day of Festivals. [I.e., when I happen to be in Babylon, v. infra p. 52a.]

(2) [Var. lec. ‘Biram’ on the West bank of the Euphrates. v. Asheri and MS.M. In Biram, which was the home of R. Nathan b. Asia, only a one day Festival was observed, v. R.H., Sonc. ed. p. 100, n. 2 and Obermeyer, p. 99].

(3) As the ban would damage his prestige more than corporal punishment. This proves that the ban is a severer punishment.

(4) [Var. lec. omit ‘R. Judah’ the reference being to the first Tanna, v. Rashi.]

(5) To the people of the place whence he came.

(6) Thus, he does not regard the practice of his own town, since they too can do as he.

(7) In this connection.

(8) I.e., insert the addition in the Mishnah thus: Or if he goes from a place where it has not ceased to a place where it has not ceased, and he then learns that it has ceased in his own town, he is not bound to remove it, as one cannot speak of the restrictions of the place whence he came, for when he left it there were as yet no restrictions.

(9) I.e., the fact remains that by now it has ceased in your own town, and the resultant law applies to yourself too just as to us.

(10) It refers to two dissimilar places, not to two similar places.

(11) So that he brings them back with him! The produce has neither grown in that second town nor does he consume it there: how then can he be subject to the restrictions of that place?

(12) I.e., three different vegetables. These may ‘cease from the field’ at different times — the reference is to the Sabbatical year.

(13) As soon as the first kind ‘ceases from the field’, he must declare the whole free to all, because their being preserved together makes them as one.

(14) He may go on eating of all three until the last kind has ceased from the field.

(15) Now in the Mishnah there is the same controversy. The first Tanna agrees with R. Joshua's lenient view, and this is what he means: If a man carries various kinds of produce from a place where they have not ceased to a place where all of them have ceased, he is bound to remove them. But if only some kinds have ceased, he may eat even of the kind which has ceased. R. Judah rules, One can say to him, ‘Go out and do you too bring of that kind from the field’, i.e., you will not find of that kind, and therefore you must remove it in accordance with R. Gamaliel.

(16) [The teaching that follows is not a Mishnah but a Baraita, Tosef. Sheb. VII. Read accordingly with MS. M.: ‘It has been taught’.]

(17) Dates may be eaten in the whole of Judea until the last palm tree is finished in Zoar, a town near the Dead Sea (Gen. XIII, 10) particularly well-stocked with palm trees (v. Deut. XXXIV, 3, though ‘the city of palm trees’ mentioned there refers to Jericho, not Zoar).

Talmud - Mas. Pesachim 52b

One may eat [in reliance] on those that are among the upper [overarching] boughs but one may not eat [in reliance] on those that are among the single prickly branches.¹

We learned elsewhere: There are three [separate] districts² in respect of removal: Judea, Transjordan and Galilee;³ and there are three districts in each of them separately.⁴ Then why did they say, There are [only] three districts in respect of removal?⁵ Because in each one they may eat until it [the produce] has ceased in the last [region] thereof.⁶ Whence do we know it? — Said R. Hama b. ‘Ukba in the name of R. Jose b. Hanina, Scripture saith, [And the sabbath-produce of the land shall be food for you...]and for thy cattle, and for the beasts that are in thy land:⁷ as long as the [wild] beasts can eat in the field, feed the cattle in the house;⁸ when there is no more for the beasts in the field, make an end of it for the cattle in the house;⁹ and we have it on tradition that the beasts in Judea do not live on the produce of Galilee, and the beasts in Galilee do not live on the produce of Judea.¹⁰

Our Rabbis taught: Produce which went from the Land¹¹ abroad¹² must be removed wherever it is.¹³ R. Simeon b. Eleazar said: They must go back to their [original] place and be removed, because it is said, ‘in thy land’. But you have utilized this?¹⁴ — Read therein, ‘in the land’, ‘in thy land’.¹⁵ Alternatively, [it is deduced] from, ‘that are [asher] in thy land’.¹⁶

R. Safra went from the Land abroad, [and] he had with him a barrel of wine of the Sabbath year. Now, R. Huna the son of R. Ika and R. Kahana accompanied him. He asked them, Is there any one who has heard from R. Abbahu¹⁷ [whether] the halachah is as R. Simeon b. Eleazar or not? — Said R. Kahana to him: Thus did R. Abbahu say: The halachah is as R. Simeon b. Eleazar. R. Huna the son of R. Ika [however] said to him, Thus did R. Abbahu say: The halachah is not as R. Simeon b. Eleazar. Said R. Safra, Accept this ruling of R. Huna,¹⁸ because he is meticulously careful to learn the laws from his teacher, like Rehabah of Pumbeditha. For Rehabah said in Rab Judah's name: The Temple Mount consisted of a double colonnade, [i.e.,] a colonnade within a colonnade.¹⁹ [Thereupon] R. Joseph applied to him [R. Safra] the verse, My people ask counsel at their stock, and their staff [makkelo] declareth unto them:²⁰ whoever is lenient [mekal] to him, to him he concedes [right].²¹

R. Elai cut down date-berries of the Sabbatical year.²² How might he do thus: the Merciful One said, [It . . . shall be] for food,²³ but not for destruction? And should you answer that is only where it has reached²⁴ [the stage of] fruit,²⁵ but not where it has not reached [the stage of] fruit, — surely R. Nahman said in Rabbah b. Abbuha's name: The calyxes²⁶ of ‘orlah are forbidden, because they became a guard for the fruits. Now, when is it a guard for the fruits? When they are unripe berries, yet he calls them fruits! — R. Nahman ruled as R. Jose. For we learned, R. Jose said: The [berries of ‘orlah] in the budding stage [semadar] are forbidden, because they count as fruit; whereas the Rabbis disagree with him. To this R. Shimi of Nehardea demurred; yet do the Rabbis disagree with R. Jose in respect to other trees,²⁷ — surely we learned, From when may you not cut down trees in the Sabbatical year?²⁸ Beth Shammai maintain: All trees [may not be cut down] from when they bring forth;²⁹ but Beth Hillel rule: The carob trees from when they form chains [of carobs]; the vine trees,

(1) The lower portion of the palm tree near the roots is surrounded with single prickly, thorn-like branches. Now, when a wind blows, the falling dates are retained both among the ordinary (upper) branches as well as the prickly ones. R. Simeon b. Gamaliel rules that you may eat only as long as there are dates among the higher branches, which are accessible; but those (in the prickly branches) must be disregarded, since animals cannot take them because of the prickles. In our Mishnah the first Tanna means: When they have completely ceased, even from the prickly branches, he must remove them. Whereas R. Judah maintains that unless one can go and bring them, i.e., unless they are accessible, he must remove them, which means even if there are still dates on these thorn branches.

(2) Lit., ‘countries’.

(3) In each the time of removal is when the produce has ‘ceased from the field’ in that particular district.

(4) The produce ceasing in each at a different time.

(5) Instead of nine.

(6) Rash: until it has ceased in the last subdivision. Tosaf. explains it differently v. Shebi. IX, 2-3.

- (7) Lev. XXV, 6f.
- (8) I.e., domestic animals.
- (9) I.e., you must no longer keep the produce in the house for your private needs.
- (10) I.e., they do not stray so far in search of food (Rashi).
- (11) I.e., Palestine, 'the Land' par excellence.
- (12) Lit., 'to without the Land.'
- (13) The law of sabbatical produce, being dependent on the soil, is binding in Palestine only, v. Kid. 36b; yet it is also binding upon Palestine produce, even when transplanted elsewhere. Nevertheless, he is not bound to take it back to Palestine for removal, but can do it wherever he is.
- (14) To show that one district cannot rely on another.
- (15) I.e., Scripture could have written 'in the land', which would suffice for the present exegesis. In thy land intimates both.
- (16) Asher is superfluous; hence it can be used for this purpose.
- (17) Who was his teacher.
- (18) Lit., 'hold . . . in your hand'.
- (19) V. supra 13b and Bezah, Sonc. ed. p. 54, n. 9. The point of the quotation is not clear. In Ber. 33b Rashi explains that Rehabah was careful to use the word setaw, the exact word used by his teacher, though the passage is based on a Mishnah (v. Supra 11b), where the word iztaba is used.
- (20) Hos. IV, 12.
- (21) A humorous play on words, connecting makkal, a staff, with mekal, he is lenient.
- (22) I.e., before they ripened and were fit for food (R. Hananel); Rashi: he cut down the palm tree before the dates had ripened.
- (23) Lev. XXV, 6.
- (24) Lit., 'descended to'.
- (25) I.e., when it is ripe.
- (26) Which surround the date in its early stage.
- (27) Apart from the vine, to which the above refers.
- (28) As stated above, they must be used for food, not for destruction. Now the question is: at what stage are their fruits regarded as food, so that the tree must not be cut down, but left until its fruit ripens.
- (29) Rashi explains here: the first leaves (preceding the fruits); but in Ber. 36b Rashi explains: when they bring forth the fruit; Strashun accepts the latter view.

Talmud - Mas. Pesachim 53a

from when they form kernels;¹ olive trees, from when they blossom;² and all other trees, from when they bring forth. Now R. Assi said thereon: Boser [half-ripe fruit], girua' [formation of kernels], and the white bean are identical.³ 'The white bean can you think so!⁴ — Rather, say, its size is that of the white bean. Now, whom do you know to maintain that boser is fruit, but not semadar? The Rabbis.⁵ Yet it is stated, 'and all other trees, from when they bring forth?''⁶ — Rather, R. Ilai cut down nishane.⁷

Our Rabbis taught: One may eat grapes [of the Sabbatical year] until the espalier branches of okel⁸ are finished. If there are later ones than these, one may eat [in reliance] on them.⁹ One may eat olives until the last of Tekoa¹⁰ is finished. R. Eliezer said: Until the last of Gush-Heleb¹¹ is finished, so that a poor man should go out and not find a quarter¹² either on the branches or on the stem. One may eat dried figs until the unripe figs [pagge] of Beth Hini¹³ are finished. Said R. Judah: The unripe figs of Beth Hini were not mentioned except in connection with tithe, for we learned,¹⁴ The unripe figs of Beth Hini and the dates¹⁵ of Tobanya¹⁶ are subject to tithe.¹⁷ 'One may eat dates until the last in Zoar is finished; R. Simeon b. Gamaliel said: One may eat [in reliance] on those that are among the upper [overarching] branches, but you may not eat [in reliance] on those that are among the single prickly branches.' But the following contradicts this: One may eat grapes until Passover; olives until Pentecost; dried figs until Hanukkah;¹⁸ [and] dates until Purim.¹⁹ Now R. Bibi said, R. Johanan

transposes the last two!²⁰ — Both are one [the same] limit. Alternatively, surely it is explicitly taught, ‘If there are later ones than these, one may eat [in reliance] on them.’²¹

It was taught, R. Simeon b. Gamaliel said: An indication of mountainous country is [the presence of] millin,²² an indication of valleys is palm trees; an indication of streams is reeds; an indication of lowlands is the sycamore tree. And though there is no proof of the matter, there is an allusion to the matter, for it is said, And the king made silver to be in Jerusalem as stones, and cedars made he to be as the sycamore trees that are in the lowland, for abundance.²³

‘An indication of mountainous country is [the presence of] millin; an indication of valleys is palm trees.’ The practical difference is in respect of first fruits. For we learned: First fruits are not brought of any save the seven species,²⁴ nor of the palm trees in the highlands nor of the fruits in the valleys.²⁵ ‘An indication of streams is reeds.’ The practical difference is in respect of the rough valley’ [nahal ethan].²⁶ ‘An indication of lowlands is the sycamore tree.’ The practical difference is in respect of buying and selling.²⁷ Now that you have arrived at this, all the [others] too are in respect of buying and selling.

MISHNAH. WHERE IT IS THE PRACTICE TO SELL SMALL CATTLE²⁸ TO HEATHENS, ONE MAY SELL; WHERE IT IS THE PRACTICE NOT TO SELL,²⁹ ONE MAY NOT SELL. AND IN ALL PLACES ONE MAY NOT SELL LARGE CATTLE TO THEM, [NOR] CALVES OR FOALS, WHETHER SOUND OR MAIMED.³⁰ R. JUDAH PERMITS IN THE CASE OF A MAIMED [ONE].³¹ THE SON OF BATHYRA PERMITTED IT IN THE CASE OF A HORSE.³² WHERE IT IS THE CUSTOM TO EAT ROAST [MEAT] ON THE NIGHT OF PASSOVER, ONE MAY EAT[IT]; WHERE IT IS THE CUSTOM NOT TO EAT [IT],³³ ONE MAY NOT EAT [IT].

GEMARA. Rab Judah said in Rab's name: A man is forbidden to say, ‘This meat shall be for Passover,’ because it looks as though he is sanctifying his animal and eating sacred flesh without [the Temple]. Said R. Papa: This applies only to meat, but not to wheat, because he means, It is to be guarded [from fermenting] for Passover. But not ‘meat’? An objection is raised: R. Jose said, Thaddeus of Rome³⁴ accustomed the Roman [Jews] to eat helmeted goats³⁵ on the nights of Passover. [Thereupon] they [the Sages] sent [a message] to him: If you were not Thaddeus, we would proclaim the ban against you, because you make Israel eat sacred flesh without [the Temple]. ‘Sacred flesh’ — can you think so?³⁶ — Rather say,

(1) Or, ovules containing moisture (v. Jast. s.v. גרע II).

(2) I.e., when their blossoms, a calyx-like growth, come forth.

(3) Lit., ‘that is boser, that is’ etc. I.e., the three terms indicate the same stage. The Mishnah often speaks of these.

(4) We are discussing the vine!

(5) For R. Jose maintains that even semadar, which denotes an earlier stage, is fruit.

(6) Thus they agree with R. Jose in respect to other trees.

(7) Stunted dates of palms whose fruit never matures.

(8) Cur. ed. ‘Ar. (also quoted by Rashi) reads: Abel, i.e., the branches of Abel Cheramim (lit., ‘the palm of the vine-yards’ — v. Jud. XI, 33), situate six or seven Roman miles from Philadelphia (Rabbath-Ammon), and as its name implies, famous for its vineyards; v. J.E. s.v.

(9) I.e., as long as they are yet on the branches.

(10) A city of southern Judea often mentioned in the Bible (e.g., II Sam. XIV, 2f; Amos I, 1; II Chron. XI, 6), and famous for the abundance of its olives, v. Men. 85b.

(11) Lit., ‘fat ground’, (Gush-heleb) or Giscala in Galilee, not far from Tyre (Neub. Geogr. p. 230), was rich in oil; Josephus, Vita, 13; Men. 85b; v. J.E. s.v. Giscala.

(12) I.e., a log.

(13) Bethania, near Jerusalem; v. Neub. op. cit., 149f. Pagge are probably a species of figs that never reach full maturity, but are nevertheless fit for eating.

- (14) 'We learned' is absent in this passage as quoted in 'Er. 28b. [It is a Baraita (Tosef. Sheb. VII) and not a Mishnah.]
- (15) Ahina (pl. ahini) is a species of late and inferior dates.
- (16) Name of a certain place.
- (17) But these figs do not determine the time for the removal of figs.
- (18) The Feast of Lights, commencing on the twenty-fifth of Kislev and lasting for eight days. It generally falls in the latter half of December.
- (19) 'Lots' — the minor Festival in celebration of Haman's downfall. It is held on the fourteenth of Adar, and generally occurs in March.
- (20) I.e., dried figs until Purim, and dates until Hanukkah. By then the various kinds mentioned have disappeared from the field; thus this conflicts with the previous statement.
- (21) Thus even if these are different time-limits, the later one is stated in accordance with this teaching.
- (22) Milla pl. millin, a species of oak from which the gall-nut is collected (*quercus infectoria*). Jast.
- (23) I Kings X, 27.
- (24) Enumerated in Deut. VIII, 8; a land of wheat and barley, and vines and fig trees and pomegranates; a land of olive trees and honey.
- (25) Because these are of inferior quality. The same idea is expressed by R. Simeon b. Gamaliel when he says that palm trees are an indication of valleys, i.e., the best grow in the valleys. His other statements bear a similar meaning.
- (26) V. Deut. XXI,4 . Nahal is a stream which in summer dries up and leaves a valley bed. The presence of reeds along the margin of the valley indicates that this is a fitting place for the purpose.
- (27) If a man sells a lowland estate it must contain sycamores (Rashi). Or, if a man sells sycamore trees, guaranteeing them to be of the best quality, they must be from lowland country.
- (28) E.g., sheep and goats.
- (29) For fear that large cattle too may be sold to them; v. n. 5.
- (30) Large cattle, because they are thereby deprived of the Sabbath rest (v. A.Z. 15a); calves or foals, being the young of large cattle, as a preventive measure; maimed, likewise as a preventive measure on account of whole animals.
- (31) Because it is unfit for work and will immediately be killed for food. Therefore the few will not see it in the heathen's possession, and so will not come to sell him others too.
- (32) The main use of a horse is for riding, and riding on the Sabbath, even by a Jew, is not regarded as Scripturally forbidden but merely as a shebuth (v. Glos.).
- (33) This means after the destruction of the Temple. While the Temple stood the Passover sacrifice was eaten roast (Ex. XII, 8). Consequently, when the Temple was no more it became the practice to refrain from eating roast meat on the night of Passover, so that it should not appear that a sacrifice was brought without the Temple, which is forbidden.
- (34) Lit., 'a man of Rome'.
- (35) Goats roasted whole with the entrails and the legs on the head, like a helmet (the verb kalas denotes to put on a helmet). That is how the Passover sacrifice was roasted, v. infra 74a.
- (36) Surely the goats were not dedicated as sacrifices.

Talmud - Mas. Pesachim 53b

It is near to making Israel eat sacred flesh without [the Temple].¹ [Thus,] only a 'helmeted' goat,² but not if it is not 'helmeted'? — I will tell you: if it is 'helmeted', there is no difference whether he stated³ or he did not state; [but] if it is not 'helmeted', if he specified, it is [forbidden]; if he did not specify, it is not [forbidden].

R. Aha learned this Baraita as [the statement of] R. Simeon.⁴ To this R. Shesheth demurred: It is well according to him who learns it as [the statement of] R. Jose; then it is correct. But according to him who learns it as [the statement of] R. Simeon, is it correct?, Surely we learned, R. Simeon declares him exempt, because he did not make the offering in the way which people make [this] offering!⁵ Said Rabina to R. Ashi: And is it correct [even] according to him who learns it as [the statement of] R. Jose? Surely Raba said: R. Simeon stated this according to the view of R. Jose, who maintained: A man is held responsible⁶ for his last words too. Surely then, since R. Simeon agrees with R. Jose, R. Jose also agrees with R. Simeon?⁷ — No: R. Simeon agrees with R. Jose, but R.

Jose does not agree with R. Simeon.⁸ The scholars asked: Was Thaddeus, the man of Rome, a great man or a powerful man?⁹ — Come and hear: This too did Thaddeus of Rome teach: What [reason] did Hananiah, Mishael and Azariah see that they delivered themselves, for the sanctification of the [Divine] Name,¹⁰ to the fiery furnace? They argued a minori to themselves: if frogs, which are not commanded concerning the sanctification of the [Divine] Name, yet it is written of them, and they shall come up and go into thy house . . . and into thine ovens, and into thy kneading troughs:¹¹ when are the kneading troughs to be found near the oven? When the oven is hot.¹² We, who are commanded concerning the sanctification of the Name, how much the more so.¹³ R. Jose b. Abin said: He cast merchandise into the

Passover-sacrifice at the time of roasting, this is not the way in which people consecrate animals: therefore his words are invalid. pockets of scholars.¹⁴ For R. Johanan said: Whoever casts merchandise into the pockets of scholars will be privileged to sit in the Heavenly Academy, for it is said, for wisdom is a defence even as money is a defence.¹⁵

MISHNAH. WHERE IT IS THE PRACTICE TO LIGHT A LAMP [AT HOME] ON THE NIGHT OF THE DAY OF ATONEMENT,¹⁶ ONE MUST LIGHT [ONE]; WHERE IT IS THE PRACTICE NOT TO LIGHT [A LAMP], ONE MUST NOT LIGHT [ONE]. AND WE LIGHT [LAMPS] IN SYNAGOGUES, SCHOOL-HOUSES, AND DARK ALLEYS, AND FOR THE SAKE OF INVALIDS.

GEMARA. It was taught: Whether they maintained that we should light [lamps] or they maintained that we should not light [them], both intended [it] for the same purpose.¹⁷ R. Joshua said, Raba lectured: Thy people also shall all be righteous, they shall inherit the land for ever: etc.¹⁸ whether they maintained that we should light [lamps] or they maintained that we should not light [them], both intended nought but the same purpose.

Rab Judah said in Samuel's name: We do not recite a blessing over light except at the termination of the Sabbath, since it was then created for the first time.¹⁹ Said a certain old man to him-others state, Rabbah b. Bar Hanah — ‘Well spoken! and thus [too] did R. Johanan say.

‘Ulla was going along, riding an ass, while R. Abba proceeded at his right and Rabbah b. Bar Hanah at his left. Said R. Abba to ‘Ulla: Do you indeed say in R. Johanan's name: We do not recite a blessing over light except at the termination of the Sabbath, since it was then created for the first time? ‘Ulla turned round and looked at Rabbah b. Bar Hanah with displeasure.²⁰ Said he to him, I said it not in reference to that but in reference to this.²¹ For a tanna recited before R. Johanan, R. Simeon b. Eleazar said: When the Day of Atonement falls on the Sabbath, even where they maintain that we must not light [a lamp], we do light [it] in honour of the Sabbath; which R. Johanan followed with the remark,²² But the Sages forbid it. Said he to him, Let it be this.²³ R. Jose applied to this the verse, Counsel in the heart of man is like deep water’;

(1) I.e., it is similar to sacrifices,

(2) Should be forbidden.

(3) That it was for Passover.

(4) Not R. Jose.

(5) V. Men. 103a. If a man declares, ‘I vow a meal-offering of barley’, the first Tanna rules that he must bring a meal-offering of wheat. For a man's liabilities are determined by his first words only, where these contradict his last words. Thus, when he declared, ‘I vow a meal-offering’, this is a binding vow; when he adds ‘of barley’, this is impossible, since only wheat is permitted; therefore his first words are binding. But R. Simeon maintains that he must be judged by his last words too: hence he really meant a meal-offering of barley, thinking that this is permitted; consequently his entire statement is invalid, and he is exempt. Now, in this case, how could it be regarded as near to sacred flesh? He did not consecrate the animal whilst alive, and even if he designated it a

(6) Lit., 'seized'.

(7) That a vow made in an unusual manner is not binding. Hence the same difficulty arises according to R. Jose.

(8) He maintains that even when a vow is not made in a usual manner it must be taken into account, because no man speaks without a purpose. Hence though R. Simeon bases his ruling on R. Jose's view, R. Jose himself does indeed hold that a man is held responsible for his last words too, but only when both his first words and his last can take effect (v. Tem. 25b); but where his last words would completely nullify his statement, as here, they are disregarded; hence the vower is liable to a wheat meal-offering (Maharsha). So here too, if he declared at the roasting, 'This be for a Passover sacrifice', though such a vow is unusual, I would say that he means that a sacrifice shall be bought with its monetary value. Thus it is 'near to sacred flesh' on R. Jose's view. But according to R. Simeon this is a real difficulty, which remains unanswered.

(9) Lit., 'a man of fists'. — On what grounds did they refrain from imposing the ban?

(10) This is one of the great principles of Judaism: a man must by his actions sanctify the Divine Name, i.e., prove his deep conviction of the truth of Judaism even to the extent of suffering for it, and thereby shed lustre and glory upon it.

(11) Ex. VII, 28.

(12) And yet at God's command they entered them.

(13) This quotation shows that he was a great scholar.

(14) I.e., he gave them opportunities for trading.

(15) Eccl. VII, 12. R. Johanan translates: he will enter within the precincts (lit., 'shadow') of wisdom, who brings a scholar within the protection of his wealth.

(16) I.e., before it commences, so that it should burn through the night.

(17) viz., to curb their desire for sexual indulgence. The former argued that this would be the better effected by the presence of a lamp, because darkness is generally required; while the latter held that a lamp would strengthen his desire, as he could see his wife by the light.

(18) Isa. LX, 21.

(19) Lit., 'that was the beginning of its creation' on the evening of the first day.

(20) For misrepresenting R. Johanan's view.

(21) [MS. M.: I did not say this but that.]

(22) Lit., 'and R. Johanan answered after him'.

(23) I admit this to be right.

Talmud - Mas. Pesachim 54a

but a man of understanding will draw it out.¹ 'Counsel in the heart of man is like deep water' — this applies to 'Ulla;² 'but a man of understanding will draw it out' — this applies to Rabbah b. Bar Hanah.³ And in accordance with whom did they hold their view?⁴ — In accordance with the following which R. Benjamin b. Japheth said in R. Johanan's name: We recite a blessing over light both at the termination of the Sabbath and at the termination of the Day of Atonement, and that is the popular practice. An objection is raised: We do not recite a blessing over light except at the termination of the Sabbath, since it was then created for the first time; and as soon as he sees [it] he immediately recites a blessing. R. Judah said: He recites them⁵ in order over the cup [of wine]. Now R. Johanan said thereon: The halachah is as R. Judah? — There is no difficulty: here the reference is to light that has burnt over the Sabbath;⁶ there it refers to light which issues from tinder and stones.⁷ One [Baraita] taught: We can recite a blessing over light which issues from tinder and stones; [while] another taught: We cannot recite a blessing over it? — There is no difficulty: one refers to the termination of the Sabbath, [and] the other refers to the termination of the Day of Atonement.

Rabbi used to 'scatter' them.⁸ R. Hiyya 'collected' them.⁹ R. Isaac b. Abdimi said: Though Rabbi scattered them, he subsequently repeated them in [their] order over the cup [of wine], so as to quit his children and household [of their obligation].¹⁰ Yet was light created at the termination of the Sabbath? Surely It was taught: Ten things were created on the eve of the Sabbath at twilight. These are they: the well,¹¹ the manna, the rainbow,¹² the writing¹³ and the writing instrument[s], the Tables,¹⁴ the sepulchre of Moses, the cave in which Moses and Elijah stood,¹⁵ the opening of the

ass's mouth,¹⁶ and the opening of the earth's mouth to swallow up the wicked.¹⁷ R. Nehemiah said in his father's name: Also fire and the mule.¹⁸ R. Josiah said in his father's name: Also the ram¹⁹ and the shamir.²⁰ R. Judah said: Tongs too. He

new thing to the person, since he did not benefit from the light during the day. used to say: Tongs are made with tongs;²¹ then who made the first tongs? Hence in truth it was²² a Heavenly creation. Said they to him, it is possible to make it in a mould and shape it simultaneously.²³ Hence in truth it is of human manufacture!²⁴ — There is no difficulty: one refers to our fire, the other to the fire of the Gehenna.²⁵ Our fire [was created] at the termination of the Sabbath; the fire of the Gehenna, on the eve of the Sabbath.

Yet was the fire of the Gehenna created on the eve of the Sabbath? Surely it was taught: Seven things were created before the world was created, and these are they: The Torah, repentance, the Garden of Eden, Gehenna, the Throne of Glory, the Temple, and the name of the Messiah. The Torah, for it is written, The Lord made me [sc. the Torah] as the beginning of his way.²⁶ Repentance, for it is written, Before the mountains were brought forth, and it is written, Thou turnest man to contrition, and sayest, Repent, ye children of men.²⁷ The Garden of Eden, as it is written, And the Lord planted a garden in Eden from aforetime.²⁸ The Gehenna, for it is written, For Tophet [i.e., Gehenna] is ordered of old.²⁹ The Throne of Glory and the Temple, for it is written, Thou throne of glory, on high from the beginning, Thou place of our sanctuary.³⁰ The name of the Messiah, as it is written, His [sc. the Messiah's] name shall endure for ever, and has existed before the sun!³¹ — I will tell you: only its cavity was created before the world was created, but its fire [was created] on the eve of the Sabbath.

Yet was its fire created on the eve of the Sabbath? Surely it was taught, R. Jose said: The fire which the Holy One, blessed be He, created on the second day of the week shall never be extinguished,³² as it is said, And they shall go forth, and look upon the carcasses of the men that have rebelled against me, for their worm shall not die, neither shall their fire be quenched?³³ Again, R. Bana'ah son of R. 'Ulla said: Why was 'it was good' not said concerning the second day of the week?³⁴ Because the fire of the Gehenna was created therein. Also R. Eleazar said, Although 'it was good' was not said in connection with it, yet He re-included it in the sixth, as it is said, And God saw everything that He had made, and behold, it was very good.³⁵ — Rather, the cavity [was made] before the world was created, and its fire on the second day of the week; while as for our fire, on the eve of the Sabbath He decided³⁶ to create it, but it was not created until the termination of the Sabbath. For it was taught, R. Jose said: Two things He decided to create on the eve of the Sabbath, but they were not created until the termination of the Sabbath, and at the termination of the Sabbath the Holy One, blessed be He, inspired Adam with knowledge of a kind similar to Divine [knowledge],³⁷ and he procured two stones and rubbed them on each other, and fire issued from them; he also took two [heterogenous] animals and crossed them, and from them came forth the mule. R. Simeon b. Gamaliel said: The mule came into existence in the days of Anah, for it is said, This is the Anah who found the mules³⁸ in the wilderness.³⁹ Those who interpret symbolically⁴⁰ used to say: Anah was unfit,⁴¹ therefore he brought unfit [animals]⁴² into the world, for it is said, These are the sons of Seir the Horite [. . . And Zibeon and Anah],⁴³ while it is written, And these are the children of Zibeon: Aiah and Anah.⁴⁴ Hence it teaches that Zibeon cohabited with his mother and begat Anah by her. But perhaps there were two Anahs? Said Raba: I say a thing which [even] King Shapur could not say, and who is that? Samuel. Others say, R. Papa said: I say a thing which even King Shapur did not say, and who is that? Raba.⁴⁵ The Writ saith, that is Anah [meaning], that is the original Anah.⁴⁶

Our Rabbis taught: Ten things were created on the eve of the Sabbath at twilight, and these are they: The well, manna, the rainbow, writing, the writing instruments, the Tables, the sepulchre of Moses and the cave in which Moses and Elijah stood, the opening of the ass's mouth, and the

opening of the earth's mouth to swallow up the wicked. While some say, Also Aaron's staff, its almonds and its blossoms.⁴⁷ Others say, The harmful spirits [demons] too. Others say, Also

(1) Prov. XX, 5.

(2) Who understood from R. Abba the error of Rabbah b. Bar Hanah.

(3) He understood why 'Ulla looked at him with displeasure, though he gave no reason.

(4) viz., 'Ulla and Rabbah, who would not accept R. Abba's ruling.

(5) Various blessings which are to be recited on the termination of Sabbath.

(6) It had burnt during the day. Nevertheless it had observed the Sabbath, as it were, in that it was lit in permitted circumstances, e.g. for an invalid or a woman about to be delivered of child. Or in the case of the Day of Atonement, it had been lit prior to its commencement. There a blessing is recited at the termination of the latter too, because it is as a

(7) I.e., which is made now. A blessing over this is recited only at the termination of the Sabbath, when light was likewise created for the first time, but not at the termination of the Day of Atonement.

(8) Immediately he saw light after the termination of the Sabbath he recited the appropriate blessing. Later, when spices were brought to him, he recited a further blessing over them. Thus the blessings were 'scattered'.

(9) He recited both blessings together over a cup of wine, as is the present practice.

(10) I.e., he recited the blessings a second time on their behalf.

(11) The Well of Miriam which followed the Israelites in the Wilderness; v. Num. XXI, .16-18, which some relate to this.

(12) V. Gen. IX, 13f.

(13) I.e., the shape of letters.

(14) Ex. XXXII, 16.

(15) When God allowed them to see His glory; v. Ex. XXXIII, 22; I Kings XIX, 9.

(16) Num. XXII, 28.

(17) Ibid. XVI, 30. That these last two should happen when the need arose was decreed at the time of the creation.

(18) The mule is regarded as a hybrid, as stated infra. But according to R. Nehemiah, the first was created directly, and was not the result of cross-breeding.

(19) Which Abraham offered as a substitute for Isaac, Gen. XXII, 13; it was ordained at the Creation that the ram should thus be ready to hand.

(20) A legendary worm used for the building of the Temple. It was laid upon the stones and cut through them, and so obviated the need for iron tools, in conformity with Ex. XX, 22; v. I Kings VI, 7 and Git. 68a.

(21) The already manufactured tongs must hold the iron on the anvil as it is beaten out into another pair of tongs.

(22) Lit., 'was this not etc.?'

(23) Without beating it out.

(24) For the whole passage v. Ab. V, 5 and notes a.l. in Sonc. ed. pp. 62-64. — This shows that fire was created already on Sabbath eve.

(25) Hell or purgatory.

(26) Prov. VIII, 22.

(27) Ps. XC, 2f. 'Before' etc. applies to 'repent'.

(28) Gen. II, 8.

(29) Isa. XXX, 33.

(30) Jer. XVII, 12.

(31) Ps. LXXII, 17. — Thus the Gehenna was created before the world. — The general idea of this Baraita is that these things are indispensable pre-requisites for the orderly progress of mankind upon earth. The Torah, the supreme source of instruction; the concept of repentance, in recognition that 'to err is human', and hence, if man falls, the opportunity to rise again; the Garden of Eden and the Gehenna, symbolizing reward and punishment; the Throne of Glory and the Temple, indicating that the goal of Creation is that the Kingdom of God (represented by the Temple) shall be established on earth, as it is in heaven; and finally, the name of the Messiah, i.e., the assurance that God's purpose will ultimately be achieved.

(32) Because it is the fire of the Gehenna.

(33) Isa. LXVI, 24.

(34) In which the world was created.

(35) Gen. I, 31.

(36) Lit., 'it came up in (His) intention'.

(37) Lit., 'of above'.

(38) E.V. 'hot Springs'.

(39) Gen. XXXVI, 24.

(40) דורשי המורות Lit., 'those who interpret (Scripture) as jewels', i.e., as ethical teachings. Levi connects the phrase with הומר a beautiful and graceful gazelle, i.e., those who teach with charming and graceful interpretations.

(41) Pasul, i.e., the issue of an incestuous union.

(42) I.e., the offsprings of heterogeneous breeding, i.e., one sees in this the teaching that evil begets evil.

(43) Gen. XXXVI, 20.

(44) Ibid. 24. In the first verse Anah appears as Zibeon's brother, whereas in the second he is his son.

(45) Shapur I, King of Persia, was a contemporary of Samuel, while Shapur II was a contemporary of Raba. These names are applied here to Samuel and Raba, as indicating their acknowledged authority in learning. v. MGWJ. 1936, p. 217.

(46) Identical with the first mentioned.

(47) V. Num. XVII, 23. This too was ordained at the Creation.

Talmud - Mas. Pesachim 54b

Adam's raiment.¹ Our Rabbis taught: Seven things are hidden² from men. These are they: the day of death, and the day of comfort,³ the depth [extent] of judgment;⁴ and a man does not know what is in his neighbour's heart; and a man does not know from what he will earn; and when the Davidic dynasty will return;⁵ and when the wicked kingdom⁶ will come to an end. Our Rabbis taught: Three things [God] willed to come to pass,⁷ and if He had not willed them, it would be but right that He should will them. And these are they: Concerning a corpse, that it should become offensive; and concerning a dead person, that he should be forgotten from the heart; and concerning produce, that it should rot;⁸ and some say, concerning coins, that they should enjoy currency.⁹

MISHNAH. WHERE IT IS THE CUSTOM TO DO WORK ON THE NINTH OF AB,¹⁰ ONE MAY DO IT; WHERE IT IS THE CUSTOM NOT TO DO WORK, ONE MAY NOT DO IT. AND IN ALL PLACES SCHOLARS CEASE [FROM WORK ON THAT DAY]. R. SIMEON B. GAMALIEL SAID: A MAN MAY ALWAYS MAKE HIMSELF A SCHOLAR.¹¹

GEMARA. Samuel said: There is no public fast in Babylonia save the Ninth of Ab alone.¹² Shall we say that Samuel holds, [with regard to] the Ninth of Ab, its twilight is forbidden;¹³ but Samuel said: [with regard to] the Ninth of Ab, its twilight is permitted? And should you say, Samuel holds, The twilight of every public fast is permitted, — surely we learned: One must eat and drink while it is yet day. Now what is this to exclude is it not to exclude twilight? No: it is to exclude after nightfall. Shall we say that this supports him? [It was taught:] There is no difference between the Ninth of Ab and the Day of Atonement except that with the latter, its doubt is forbidden, while with the former, its doubt is permitted. What does 'its doubt is permitted' mean? Surely [that refers to] twilight? — No, [but] as R. Shisha the son of R. Idi said,¹⁴ It is in respect of the fixing of New Moon; so here too it is in respect of the fixing of the New Moon.¹⁵

Raba lectured: Pregnant women and suckling women must fast and complete [the fast] on that day [the Ninth of Ab], just as they fast and complete [the fast] on the Day of Atonement; and the twilight thereof is forbidden. And they said likewise in R. Johanan's name. Yet did R. Johanan say thus? Surely R. Johanan said: The Ninth of Ab is not like a public fast. Surely that means in respect of twilight? — No: in respect of work.¹⁶ [You say], 'Work'! we have learned it: WHERE IT IS THE CUSTOM TO DO WORK ON THE NINTH OF AB, ONE MAY DO IT; WHERE IT IS THE CUSTOM NOT TO DO WORK, ONE MAY NOT DO IT. And even R. Simeon b. Gamaliel merely says that if he sits and does not work it does not look like conceit, yet he certainly does not forbid it?

— Rather, what does ‘is not like a public fast’ mean? In respect of the Ne’ilah service.¹⁷ But surely R. Johanan said: Would that a man would go on praying all day!¹⁸ — There it is a [statutory] obligation, whereas here It is voluntary.¹⁹ Another alternative [answer] is, ‘What does ‘it is not like a public fast’ mean? In respect of the twenty-four [benedictions].²⁰

R. Papa said: What does ‘it is not like a public fast’ mean? It is not like the first ones but like the last [ones].²¹ An objection is raised: There is no difference between the Ninth of Ab and the Day of Atonement except that with the latter, its doubt is forbidden, while with the former, its doubt is permitted. Now what does ‘its doubt is permitted’ mean? Does it not refer to its twilight? — Said R. Shisha son of R. Idi: No: [It is meant] in respect of the fixing of New Moon.

Hence in all [other] regulations they are alike. This supports R. Eleazar. For R. Eleazar said: A man is forbidden to dip his finger in water on the Ninth of Ab, just as he is forbidden to dip his finger in water on the Day of Atonement. An objection is raised: There is no difference between the Ninth of Ab and a public fast except that on one work²² is forbidden, while on the other work is permitted, where it is customary. This [implies that] in all [other] matters they are both alike; whereas in respect to a public fast it was taught, When they [the Sages] ruled, Bathing is forbidden, they spoke only of the whole body, but not of a man's face, hands, and feet?²³ — Said R. Papa:

(1) This probably refers to Gen. III, 21: And the Lord God made for Adam and for his wife garments of skins, and clothed them (Rashi).

(2) Lit., ‘covered’.

(3) No man knows when he will be relieved of his anxieties.

(4) Sc. Divine Judgment (Rashi).

(5) This was probably said in order to discourage those who tried to calculate the advent of the Messiah on the basis of Scripture; cf. Sanh. 97a.

(6) A covert allusion to Rome (Rashi).

(7) Lit., ‘came up in (God's) intention to be created’.

(8) If kept too long. This is necessary in order to restrain the producer from withholding supplies and thus artificially raising the prices.

(9) For the benefit of the poor who have no other means of obtaining sustenance (v. Marginal Glosses).

(10) Which is a fast-day in commemoration of the destruction of the Temple.

(11) I.e., he may abstain from work even if he is not a scholar.

(12) I.e., if a public fast is proclaimed, it does not commence on the previous evening, nor is work forbidden, even where it is the practice not to work on the Ninth of Ab. (The Day of Atonement, of course, stands in a different category entirely.) In the whole of the subsequent discussion ‘public fast’ does not mean one of the statutory fasts, but a fast proclaimed on account of drought or disaster etc.

(13) I.e., it is forbidden to eat at twilight on the eve of the fast, since he regards the twilight as possessing the full rigours of a fast-day. Twilight is a period of doubt, and it is not certain whether it is day or night.

(14) v. infra.

(15) E.g., if a man is in the wilderness and does not know what day was fixed as New Moon, he must observe two Days of Atonement (his doubt could only be whether the previous month had consisted of twenty-nine days or thirty days), but only one day as the Ninth of Ab.

(16) On the fast-day itself. On a specially proclaimed public fast work is forbidden, whereas on the Ninth of Ab it is permitted.

(17) On specially proclaimed public fast-days an extra service was added at the end of the day’, called ne’ilah, which means ‘closing’. R. Johanan states that there is no ne’ilah on the Ninth of Ab.

(18) If a man does not remember whether he has recited his statutory prayers, R. Johanan rules that he should recite them now, though there is an opposing view that a man must not pray when in this doubt. Now, since R. Johanan holds that a man must pray when in doubt, why should there not be a ne’ilah service on the Ninth of Ab, seeing that it is like a specially proclaimed public fast in many respects?

(19) On a public fast-day ne’ilah is obligatory; on the Ninth of Ab a man may recite it if he desires.

(20) On public fast-days six benedictions were added to the usual eighteen which constituted the 'Prayer' par excellence (Ta'an. 15a). R. Johanan teaches that these are not recited on the Ninth of Ab.

(21) In times of drought three public fasts were proclaimed, which began at daybreak. But if the drought nevertheless continued, another three were proclaimed, and these began the previous evening (v. Ta'an. Mishnah 10a and 12b). R. Johanan thus ruled that the Ninth of Ab begins on the previous evening, and eating is forbidden from twilight.

(22) Lit., 'the doing of work'.

(23) Which shows that on the Ninth of Ab washing of face and hands and feet is permitted.

Talmud - Mas. Pesachim 55a

The Tanna teaches a series of leniencies.¹ AND IN ALL PLACES SCHOLARS etc. Shall we say that R. Simeon b. Gamaliel holds that we do not fear [the appearance of] conceit, while the Rabbis hold that we do fear [the appearance of] conceit? But we know them [to hold] the reverse! For we learned: A bridegroom, if he wishes to recite the reading of the shema'² on the first night, he may recite it. R. Simeon b. Gamaliel said: Not everyone who wishes to assume³ the name [reputation] may assume it.⁴ — Said R. Johanan: The discussion must be reversed. R. Shisha the son of R. Idi said, Do not reverse it. The Rabbis are not self-contradictory: here, since everybody works, while he [alone] does not work, it looks like conceit; but there, since everybody recites [the shema'] and he too recites [it], it does not look like conceit. R. Simeon b. Gamaliel too is not self-contradictory: There only, since devotion is required, while we are witnesses that he cannot devote his mind,⁵ it looks like conceit. But here it does not look like conceit, [for] people will say, 'It is work that he lacks: go out and see how many unemployed there are in the market place!'

MISHNAH. BUT THE SAGES MAINTAIN⁶ IN JUDEA THEY USED TO DO WORK ON THE EVE OF PASSOVER UNTIL MIDDAY, WHILE IN GALILEE THEY DID NOT WORK AT ALL. [AS FOR] THE NIGHT,⁷ — BETH SHAMMAI FORBID [WORK], WHILE BETH HILLEL PERMIT IT UNTIL DAYBREAK.

of Ab is not more lenient than public fasts save that work is permitted on the former. But he does not refer to the reverse cases where the Ninth of Ab is more stringent; hence you cannot deduce that they are alike in all other matters. GEMARA. At first he [the Tanna] teaches custom,⁸ and then he teaches a prohibition? — Said R. Johanan, There is no difficulty: one is according to R. Meir; the other, according to R. Judah. For it was taught, R. Judah said: In Judea they used to do work on the eve of Passover, until midday, while in Galilee they did not work at all. Said R. Meir to him: What proof is Judea and Galilee for the present [discussion]?⁹ But where they are accustomed to do work, one may do it, [while] where they are accustomed not to do [work], one may not do it. Now, since R. Meir states [that it is merely a matter of] custom, it follows that R. Judah states [that it is] a prohibition.¹⁰

Yet does R. Judah hold that work on the fourteenth is permitted?¹¹ Surely it was taught, R. Judah said: He who weeds on the thirteenth and [an ear of corn] is uprooted in his hand, must replant it in swampy [damp] soil, but must not replant it in a dry place.¹² Thus, only on the thirteenth, but not on the fourteenth,¹³ Now consider: we know that R. Judah maintains: Any grafting which does not take root within three days will never take root. Then if you think that work may be done on the fourteenth, why [state] the thirteenth; surely there is the fourteenth, the fifteenth and part of the sixteenth?¹⁴ — Said Raba: We learned [this] of Galilee. But there is the night?¹⁵ — Said R. Shesheth: This is according to Beth Shammai.¹⁶ R. Ashi said: In truth it is as Beth Hillel, [yet the night of the fourteenth is not stated] because it is not the practice of people to weed at night — Rabina said: After all it refers to Judea, but in respect to taking root we do say once that part of the day is as the whole of it, but we do not say twice that part of the day is as the whole of it.¹⁷

MISHNAH. R. MEIR SAID: ANY WORK WHICH HE BEGAN BEFORE THE FOURTEENTH,

HE MAY FINISH IT ON THE FOURTEENTH; BUT HE MAY NOT BEGIN IT AT THE OUTSET ON THE FOURTEENTH, EVEN IF HE CAN FINISH IT [ON THE SAME DAY]. BUT THE SAGES MAINTAIN: THREE CRAFTSMEN MAY WORK ON THE EVE OF PASSOVER UNTIL MIDDAY, AND THESE ARE THEY: TAILORS, HAIRDRESSERS, AND WASHERMEN. R. JOSE B. R. JUDAH SAID: SHOEMAKERS TOO.¹⁸

GEMARA. The scholars asked: Did we learn [that it may be finished] when required for the Festival, but when not required for the Festival he may not even finish it; or perhaps we learned [that he must not begin work] when it is not required for the Festival, but when it is required we may indeed begin it; or perhaps, whether it is needed for the Festival or it is not needed, he may finish but not start? — Come and hear: But he may not begin at the outset on the fourteenth even a small girdle, [or] even a small hair-net — What does ‘even’ imply? Surely, even these which are required for the Festival, he may only finish, but not begin; whence it follows that where it is not required [for the Festival], we may not even finish! — No: after all, even when it is not required we may indeed finish [the work], and yet what does ‘even’ connote? Even these too, which are small. For you might argue, their beginning, that is the end of their work;¹⁹ then we should even begin them at the very outset; therefore he informs us [that it is not so]. Come and hear: R. Meir said: Any work which is required for the Festival,

(1) The whole series of ‘there is no difference’ etc. is taught by the same Tanna, and in each he merely wishes to intimate a point of leniency. Thus he first teaches that the Ninth of Ab is not more lenient than the Day of Atonement save that the doubt of the former is permitted. Then he states that the Ninth

(2) ‘Hear’ — the passage commencing ‘Hear O Israel’ etc. (Deut. VI, 4f). This is recited every morning and evening, but a bridegroom is exempt on the evening of his marriage.

(3) Lit., ‘take’.

(4) Unless he has a reputation for great piety, as otherwise it looks like an unwarrantable assumption of piety (Rashi in Ber. 17b).

(5) His feelings are obviously such that unless he is extremely pious he cannot recite the shema’ with proper devotion.

(6) This is a continuation of the last Mishnah.

(7) Following the thirteenth day of Nisan.

(8) The preceding Mishnah regards abstention from work a mere custom and in this Mishnah it is treated as a prohibition!

(9) I.e., why cite Judea and Galilee? the matter is everywhere determined by local custom.

(10) Viz., that in Judea it is held to be permitted, while in Galilee it is held to be definitely prohibited, and not merely dependent on custom.

(11) According to the views held in Judea.

(12) It takes root in damp soil more quickly. Now the ‘omer (v. Glos. and Lev. XXIII, 10-14) is effective in permitting everything which has taken root before it is waved; hence it is desirable that this should take root before the omer is waved on the sixteenth of the month.

(13) For it is obvious that the law is so stated as to give the latest possible time.

(14) And it is a principle that part of the day counts as the whole day; thus there is time for it to take root even if it is replanted on the fourteenth.

(15) Following the thirteenth, when it is permissible even in Galilee.

(16) Who in our Mishnah forbid the night.

(17) For if he weeds some time on the fourteenth we would have to count the rest of the day as a complete day, and also the beginning of the sixteenth until the waving of the ‘omer as another complete day.

(18) These may work everywhere.

(19) I.e., they require so little time.

Talmud - Mas. Pesachim 55b

he may finish it on the fourteenth.¹ When is that? When he began it before the fourteenth; but if he

did not begin it before the fourteenth, he must not begin it on the fourteenth, even a small girdle, even a small hair-net. [Thus,] only when required for the Festival, but not when it is not required! — No: the same law holds good that even when it is not required for the Festival we may also finish it, and he informs us this: that even when it is required for the Festival, we may only finish, but not begin.

Come and hear: R. Meir said: Any work which is required for the Festival, he may finish it on the fourteenth; but that which is not required for the Festival is forbidden; and one may work on the eve of Passover until midday where it is customary [to work]. [Thus,] only where it is the custom, but if it is not the custom, it is not [permitted at all]. Hence this proves that when required for the Festival it is [permitted], but when it is not required for the Festival it is not [permitted]. This proves it.

BUT THE SAGES MAINTAIN, THREE CRAFTSMEN [etc.]. A Tanna taught: Tailors, because a layman² may sew in the usual way on the intermediate Days;³ hairdressers and washermen, because he who comes from overseas and he who comes out of prison may cut their hair and wash [their garments] on the Intermediate Days.⁴ R. Jose son of R. Judah said: Shoemakers too, because the Festival pilgrims⁵ repaired their shoes on the Intermediate Days. Wherein do they differ? — One Master holds, We learn the beginning of the work from the end of the work;⁶ while the other Master holds, We do not learn the beginning of the work from the end of the work. **MISHNAH. ONE MAY SET UP CHICKEN-HOUSES FOR FOWLS ON THE FOURTEENTH,⁷ AND IF A [BROODING] FOWL RAN AWAY,⁸ ONE MAY SET HER BACK IN HER PLACE; AND IF SHE DIED, ONE MAY SET ANOTHER IN HER PLACE. ONE MAY SWEEP AWAY FROM UNDER AN ANIMAL'S FEET ON THE FOURTEENTH,⁹ BUT ON THE FESTIVAL¹⁰ ONE MAY REMOVE [IT] ON A SIDE [ONLY].¹¹ ONE MAY TAKE UTENSILS [TO] AND BRING [THEM BACK] FROM AN ARTISAN'S HOUSE, EVEN IF THEY ARE NOT REQUIRED FOR THE FESTIVAL.**

GEMARA. Seeing that you may [even] set [the fowls for brooding], is there a question about putting back?¹² — Said Abaye: The second clause refers to the Intermediate Days of the Festival.¹³ R. Huna said: They learnt this¹⁴ only [when it is] within three [days] of her rebellion,¹⁵ so that her heat¹⁶ has not yet left her, and after three days of her brooding, so that the eggs are quite spoiled.¹⁷ But if it is after three days since her rebellion, so that her heat has left her, or within three days of her brooding, so that the eggs are still not completely spoiled,¹⁸ we must not put [her] back.¹⁹ R. Ammi said: We may even put her back within [the first] three days of her brooding.²⁰ Wherein do they differ? — One Master holds, They [the Sages] cared about a substantial loss, but they did not care about a slight loss; while the other Master holds: They cared about a slight loss too.

ONE MAY SWEEP AWAY FROM UNDER [etc.]. Our Rabbis taught: The manure which is in the court-yard may be moved aside; that which is in the stable and in the court-yard may be taken out to the dunghill. This is self-contradictory: you say, The manure which is in the court-yard may [only] be moved aside; then he [the Tanna] teaches, that which is in the stable and in the court-yard may [even] be taken out to the dunghill? — Said Abaye, There is no difficulty: one refers to the fourteenth [of Nisan]; the other, to the Intermediate Days. Raba said: Both refer to the Intermediate Days, and this is what he says: If the courtyard became like a stable,²¹ it may be taken out to the dunghill.

ONE MAY TAKE UTENSILS [TO] AND BRING [THEM BACK] FROM AN ARTISAN'S HOUSE. R. Papa said: Raba examined us. We learned: **ONE MAY TAKE [UTENSILS TO] AND BRING UTENSILS FROM AN ARTISAN'S HOUSE, EVEN IF THEY ARE NOT REQUIRED FOR THE FESTIVAL.** But the following contradicts it: One may not bring utensils from an artisan's house, but if he fears that they may be stolen, he may remove them into another court-yard?²² And we answered, There is no difficulty: Here it means on the fourteenth; there, on the Intermediate Days. Alternatively, both refer to the Intermediate Days, yet there is no difficulty: here it is where he

trusts him;²³ there, where he does not trust him. And thus it was ‘taught: One may bring vessels from the artisan's house, e.g., a pitcher from a potter's house, and a [glass] goblet from a glass-maker's house; but [one may] not bring wool from a dyer's house nor vessels from an artisan's house.²⁴ Yet if he [the artisan] has nothing to eat, he must pay him his wages and leave it [the utensil] with him; but if he does not trust him, he places them in a nearby house; and if he is afraid that they may be stolen, he may bring them secretly home.²⁵ You have reconciled [the contradictions on] bringing; but [the contradictory statements on] taking [the utensils to the artisan's house] present a difficulty, for he teaches, ‘One must not bring [from the artisan's house]’, hence how much more that we must not take [them to his house]!²⁶ — Rather, it is clear [that it must be reconciled] as we answered it at first.²⁷

MISHNAH. SIX THINGS THE INHABITANTS OF JERICHO DID: THREE THEY [THE SAGES] FORBADE THEM,²⁸ AND THREE [THEY] DID NOT FORBID THEM. AND IT IS THESE WHICH THEY DID NOT FORBID THEM: THEY GRAFTED PALM TREES ALL DAY,²⁹ THEY ‘WRAPPED UP’ THE SHEMA,³⁰ AND THEY HARVESTED AND STACKED [THEIR PRODUCE] BEFORE [THE BRINGING OF] THE ‘OMER.³¹ AND IT IS THESE WHICH THEY FORBADE THEM: THEY PERMITTED [FOR USE] THE BRANCHES — [OF CAROB OR SYCAMORE TREES] BELONGING TO HEKDESH,³²

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- (1) Even where it is customary not to do any work.
 - (2) I.e., a man who is not a craftsman in this particular trade.
 - (3) Lit., ‘the non-holy (portion) of the Festival’; v. p. 16, n. 4. Only professional work is forbidden, but not the work a non-professional does at home.
 - (4) Hence on the fourteenth, which is certainly lighter than the Intermediate Days, these may be done in general, and even by professionals.
 - (5) v. Deut. XVI, 16.
 - (6) Making shoes is the beginning; repairing them is the end. Just as repairing is permitted, so is making them permitted.
 - (7) I.e., you may put in eggs for brooding (Jast.). Rashi reads ‘and’ instead of ‘FOR’, and renders: One may set up dove-cots and fowls (to brood).
 - (8) From its eggs.
 - (9) Sc. the dung, and throw it away.
 - (10) Which of course is stricter.
 - (11) But not sweep it altogether away.
 - (12) It is obvious!
 - (13) A fowl may not be set to brood then, but she may be put back.
 - (14) That she may be put back even on the Intermediate Days of the Festival.
 - (15) I.e., of her running away.
 - (16) The desire to hatch.
 - (17) They can no longer be eaten, being too addled.
 - (18) They can still be eaten.
 - (19) In the Intermediate Days.
 - (20) Since the eggs have been slightly spoiled, and not all people would eat them. (15) After three days there is a substantial loss, as the eggs are quite unfit; but within three days the loss is only slight, since some people would eat them.
 - (21) It contains so much manure that it cannot be moved aside.
 - (22) Near the artisan's house, where it is better guarded, but he may not take them home if it is a long distance.
 - (23) Either that the artisan will not dispose of them, or that he will not claim payment a second time.
 - (24) The latter two when they are not needed for the Festival.
 - (25) Not publicly, as that would give a too workday appearance to these days.
 - (26) While the question of trusting does not arise here.
 - (27) viz., that our Mishnah refers to the fourteenth, while the Baraita refers to the Intermediate Days.
 - (28) Lit., ‘stayed their hand’.

(29) Of the fourteenth.

(30) I.e., they recited it without the necessary pauses, v. Gemara 56a.

(31) V. Glos. and Lev. XXIII, 10-14. Rashi deletes HARVESTED, as that was quite permissible as far as Jericho was concerned, since no 'omer could be brought from Jericho which was situated in a valley. V. Men. 71a, 8a.

(32) I. e., the branches which grew after the trees had been vowed to the Sanctuary.

Talmud - Mas. Pesachim 56a

AND THEY ATE THE FALLEN FRUIT FROM BENEATH [THE TREE] ON THE SABBATH, AND THEY GAVE PE'AH¹ FROM VEGETABLES; AND THE SAGES FORBADE THEM.

GEMARA. Our Rabbis taught: Six things King Hezekiah did; in three they [the Sages] agreed with him, and in three they did not agree with him — He dragged his father's bones [corpse] on a rope bier,² and they agreed with him; he crushed the brazen serpent,³ and they agreed with him; [and] he hid the book of remedies,⁴ and they agreed with him. And in three they did not agree with him: He cut [the gold off] the doors of the Temple⁵ and sent them to the King of Assyria,⁶ and they did not agree with him; and he closed up the waters of Upper Gihon,⁷ and they did not agree with him;⁸ and he intercalated [the month of] Nisan in Nisan,⁹ and they did not agree with him.

THEY GRAFTED PALM TREES ALL DAY. How did they do it? — Said Rab Judah: They brought a fresh myrtle, the juice of bay-fruit and barley flour which had been kept¹⁰ in a vessel less than forty days,¹¹ and boiled them together and injected [the concoction] into the heart of the palm tree; and every [tree] which stands within four cubits of this one, if that is not treated likewise immediately withers. R. Aha the son of Raba said: A male branch was grafted on to a female [palm tree].¹²

THEY 'WRAPPED UP' THE SHEMA'. What did they do? — Rab Judah said, They recited, Hear, O Israel: the Lord our God, the Lord is One¹³ and did not make a pause.¹⁴ Raba said: They did make a pause, but [the meaning is] that they said [And these words, which I command thee] this day shall be upon thy heart,¹⁵ which implies, this day [shall they be] upon thy heart, but to-morrow [they shall] not [be] upon thy heart.

Our Rabbis taught: How did they 'wrap up' the shema'? They recited 'Hear O Israel the Lord our God the Lord is One' and they did not make a pause: this is R. Meir's view. R. Judah said: They did make a pause, but they did not recite, 'Blessed be the name of His glorious Kingdom for ever and ever.'¹⁶ And what is the reason that we do recite it? — Even as R. Simeon b. Lakish expounded. For R. Simeon b. Lakish said: And Jacob called unto his sons, and said: Gather yourselves together, that I may tell you [that which shall befall you in the end of days].¹⁷ Jacob wished to reveal to his sons the 'end of the days',¹⁸ whereupon the Shechinah departed from him. Said he, 'Perhaps, Heaven forbend! there is one unfit among my children,¹⁹ like Abraham, from whom there issued Ishmael, or like my father Isaac, from whom there issued Esau.' [But] his sons answered him, 'Hear O Israel, the Lord our God the Lord is One:²⁰ just as there is only One in thy heart, so is there in our heart only One.' In that moment our father Jacob opened [his mouth] and exclaimed, 'Blessed be the name of His glorious kingdom for ever and ever.' Said the Rabbis, How shall we act? Shall we recite it, — but our Teacher Moses did not say it. Shall we not say it — but Jacob said it! [Hence] they enacted that it should be recited quietly.

R. Isaac said, The School of R. Ammi said: This is to be compared to a king's daughter who smelled a spicy pudding.²¹ If she reveals [her desire], she suffers disgrace;²² if she does not reveal it, she suffers pain.²³ So her servants began bringing it to her in secret. R. Abbahu said: They [the Sages] enacted that this should be recited aloud, on account of the resentment of heretics.²⁴ But in Nehardea, where there are no heretics so far, they recite it quietly.

Our Rabbis taught: Six things the inhabitants of Jericho did, three with the consent of the Sages, and three without the consent of the Sages. And these were with the consent of the Sages: They grafted palm trees all day [of the fourteenth], they ‘wrapped up’ the shema’, and they harvested before the ‘omer.²⁵ And these were without the consent of the Sages: They stacked [the corn] before the ‘omer,²⁶ and they made breaches in their gardens and orchards to permit the poor to eat the fallen fruit in famine years on Sabbaths and Festivals, and they permitted [for use] the branches of carob and sycamore trees belonging to hekdesch: this is R. Meir's view. Said R. Judah to him, If they did [these things] with the consent of the Sages, then all people could do so! But they did both without the consent of the Sages, [save that] three they forbade them [to do], and three they did not forbid them [to do]. And it is these which they did not forbid them: They grafted palm trees the whole day, and they ‘wrapped up’ the shema’, and they stacked [the corn] before the ‘omer. And it is these which they forbade them to do: They permitted [for use] branches of hekdesch of carob and sycamore trees, and they made breaches in their garden and orchards to permit the poor to eat the fallen fruit in famine years on Sabbaths and Festivals; they gave pe'ah from vegetables; and the Sages forbade them.

Yet does R. Judah hold that the reaping was not with the consent of the Sages? Surely we learned: The inhabitants of Jericho reaped before the ‘omer with the consent of the Sages and stacked before the ‘omer without the consent of the Sages, but the Sages did not forbid them to do it.

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- (1) V. Glos. Pe'ah is exempt from tithes, and the poor, by eating the vegetables without tithing them in the belief that they were Pe'ah, ate tebel (v. Glos.).
- (2) Instead of showing him the honour due to a king. He did this in order to effect atonement for him, his father (Ahaz) having been very wicked.
- (3) Set up by Moses, Num. XXI, 8f; v. II Kings XVIII, 4.
- (4) Because they cured so quickly that illness failed to promote a spirit of contrition and humility. V. Ber. 10b.
- (5) Or, he cut down the doors etc.
- (6) Sennacherib, as a bribe to leave him in peace; v. II Kings XVIII, 16.
- (7) v. II Chron. XXXII, 1-4.
- (8) In both cases he should have trusted in God.
- (9) Ibid. XXX, 1-3. The Talmud holds that he effected this by declaring Nisan an intercalated month, calling it the second Adar, after it (Nisan) had already commenced. (Since the Jewish year which is lunar is some eleven days shorter than the solar year, it is necessary periodically to lengthen it by the intercalation of a second Adar, the last month of the civil year. In ancient times this was done not by mathematical calculation, as nowadays, but according to the exigencies of the moment, but this had to be done before Nisan actually commenced, v. Sanh. 12b and Ber. 10a).
- (10) Lit., ‘cast’.
- (11) Lit., ‘over which forty days had not passed’.
- (12) Jast. translates: they put the male flower (scatter the pollen) over the female tree. — But he does not regard the operation described by Rab Judah as grafting.
- (13) Deut. VI, 4.
- (14) Before proceeding with the next verse, And thou shalt love etc.: ‘One’ (Heb. **אֱלֹהִים**) must be prolonged in utterance, which creates a pause, but they did not do thus (Rashi). Tosaf.: they did not pause between ‘Hear O Israel’ and ‘the Lord’ etc. thus read together it is a prayer that God may hearken to Israel, which of course gives a completely wrong sense in this instance.
- (15) Deut. VI, 6. Reading it without a pause at ‘day’ as is indicated in the E.V.
- (16) Before ‘and thou shalt love’ etc.
- (17) Gen. XLIX, 1.
- (18) The final universal redemption, v. Dan. XII, 13.
- (19) Lit., ‘in my bed’.
- (20) ‘Israel’ referring to their father.
- (21) And conceived a strong desire for it.

(22) Through her lack of self-control.

(23) Through her restraint.

(24) Heb. min, sectarian. They might think that the Jews were cursing them.

(25) V. supra p. 277, n. 6.

(26) As it is quite unnecessary, for the produce will not suffer loss if it is left unstacked until after the 'omer, and while engaged in stacking it, they might come to eat it.

Talmud - Mas. Pesachim 56b

Whom do you know to maintain [that] they forbade and did not forbid?¹ R. Judah. Yet he teaches, They reaped with the consent of the Sages? — Then according to your reasoning, [surely] these are four! Rather, delete reaping from this.

‘And they permitted the branches of carob and sycamore trees of hekdesch.’ They said: Our fathers sanctified nought but tree trunks, hence we will permit [for use] the branches of hekdesch of carob and sycamore trees. Now we discuss the growth which came after that;² so that while they held as he who rules, There is no trespass-offering [due] when [one benefits from] what grows, the Rabbis held, Granted that there is no trespass-offering [due], there is nevertheless a prohibition.

‘And they made breaches [etc.]’ ‘Ulla said in the name of R. Simeon b. Lakish: The controversy is in respect of [the dates of] the upper branches, for the Rabbis held, We forbid them preventively, lest he go up and cut them off, while the inhabitants of Jericho held, We do not forbid them preventively, lest he go up and cut them off. But as for the dates which are among the lower branches, all agree that it is permitted.³ Said Rabbah to him, But they are mukzeh?⁴ And should you say, [that is] because they [the dates] were fit for [his] ravens,⁵ [I would rejoin], — seeing that that which is ready⁶ for man is not ready for dogs, for we learned, R. Judah said, If it was not nebelah from the eve of the Sabbath, it is forbidden, because it is not of that which is ready,⁷ then shall what is ready for birds be [regarded as] ready for human beings?⁸ — Yes, he replied. That which is ready for human beings is not ready for dogs, for whatever is fit for a man, he does not put [it] out of his mind;⁹ [but] that which is ready for birds is [also] ready for human beings,¹⁰ [for] his mind is [set] upon it. When Rabin came,¹¹ he said in the name of R. Simeon b. Lakish: The controversy is in respect of [the fallen dates] among the lower branches, the Rabbis holding, That which is ready for birds is not ready for man, while the men of Jericho hold, That which is ready for birds is ready for man. But [the fallen dates] on the

place are permitted now that they have fallen to earth, for since none grow there, there was never any fear that he might go up and cut off the growing dates. — Though this explanation removes several difficulties, Tosaf. observes that it raises a practical difficulty: how is one to distinguish between those which fell down before the Festival and those which fell on the Festival itself, and those which had fallen on the upper branches in the first place and those which had first fallen on the lower branches? upper branches, all agree that they are forbidden; we forbid [them] preventively, lest he ascend and cut off [some dates].

AND THEY GAVE PE'AH FROM VEGETABLES. Yet did not the inhabitants agree with what we learned: They stated a general principle in respect to pe'ah: whatever is an eatable, and is guarded, and its growth is from the earth, and is [all] gathered simultaneously,¹² and is collected for storage,¹³ is subject to pe'ah. ‘Whatever is an eatable’ excludes the aftergrowth of woad¹⁴ and madder;¹⁵ ‘and is guarded’ excludes hefker;¹⁶ ‘and its growth is from the earth’ excludes mushrooms and truffles;¹⁷ ‘and is [all] gathered simultaneously’ excludes the fig tree;¹⁸ ‘and is collected for storage excludes vegetables!’¹⁹ — Said Rab Judah in Rab's name: The reference is to turnip tops, and they differ [in respect to what] one collects for storing by means of something else:²⁰ one Master holds, If he takes it in for storage by means of something else it is designated storage; while the other

Master holds, What he takes in for storage by means of something else is not designated storage.²¹

Our Rabbis taught: At first they used to leave Pe'ah for turnips and cabbages. R. Jose said: Also for porret. While another [Baraita] taught: They used to give pe'ah for turnips and porret; R. Simeon said: For cabbage too.

(1) I.e., who makes this distinction, but not the distinction between with and without their consent.

(2) Sc. after the trees had been dedicated.

(3) Mekabedoth are the upper branches on which dates grow; kipin are the lower branches where dates do not grow. Rashi: they differ in respect of the dates which fell on the Festival and were caught on these upper branches. Since they are high up, he must climb up to get them, and the Rabbis held that we fear that this will lead him to pull off some dates still on the branches, which is forbidden; while the inhabitants of Jericho held that there was no need to fear this. But all agree that he may take those which had been caught by the lower branches, for no dates grow there in any case, that we should fear that he will pull some off. Tosaf.: the reference is to dates which fell off before the Festival commenced, being caught either by the upper or the lower branches, and then they fell to the ground on the Festival. The Rabbis held that those which had been caught on the upper branches are forbidden, for since they were there at twilight, when the Festival was about to commence, and also there are dates growing on these upper branches, we fear that he might ascend and pluck some; while the inhabitants of Jericho did not thus forbid them, preventively, since they were already detached on the eve of the Festival. But all agree that those which had fallen on the lower branches in the first

(4) v. Glos. Rashi: on the eve of the Sabbath or Festival at twilight they were mukzeh on account of the prohibition of cutting them off then from the tree, and consequently they remain so for the whole day, even after they fall. (Mukzeh is always determined by the status of an object at twilight of the Sabbath or Festival.) Tosaf.: they were mukzeh at twilight because one must not make use of a tree on the Sabbath or Festival, e.g., by climbing it, taking articles which had been suspended upon it, etc.

(5) If he has ravens at home, they could have eaten these dates on the Sabbath even while they were still on the tree; since they are fit for his birds, they are also regarded as fit for himself too.

(6) Mukan, a technical term denoting the opposite of mukzeh.

(7) If an animal dies on the Sabbath, the first Tanna holds that the carcass may be cut up for dogs. But R. Judah rules as stated. For while alive it could have been ritually killed and then permitted for human consumption; hence it was ready not for dogs but for human beings, and thus R. Judah holds that its readiness for human beings does not make it ready for dogs too.

(8) Surely not!

(9) To think of giving it to dogs.

(10) Even if it is fit for dogs.

(11) From Palestine to Babylonia.

(12) I.e., the whole of the crop ripens about the same time.

(13) Lit., 'he brings it in to keep'. This applies to cereals in general, which are stored in granaries for long periods.

(14) GR. **, isatis tinctora, a plant producing a deep blue dye.

(15) Both are used as dyes.

(16) V. Glos.

(17) Though these grow in the earth, they were held to draw their sustenance mainly from the air.

(18) Whose fruits are likewise excluded.

(19) Which must be eaten fresh.

(20) R. Han.: i.e., by means of pickling.

(21) It must be capable of storing in its natural state.

Talmud - Mas. Pesachim 57a

Shall we say that there are three Tannaim [in dispute]? — No: there are [only] two Tannaim [in dispute], the first Tanna opposed to¹ R. Simeon being R. Jose, while the first Tanna opposed to R. Jose is R. Simeon. And what does 'too' mean? It refers to the first mentioned.² Our Rabbis taught: The son of Bohayon³ gave pe'ah from vegetables, and his father came and found the poor laden with

vegetables and standing at the entrance to the kitchen garden. Said he to them, 'My sons, cast it from you, and I will give you twice as much of tithed [produce]; not because I begrudge it to you, but because the Sages said, You must not give pe'ah from vegetables.' Why had he to say to them, 'Not because I begrudge it to you?' So that they should not say, 'He is merely putting us off.'

Our Rabbis taught: At first they used to place the skins of sacrifices in the chamber of Beth Ha-Parwah.⁴ In the evening they used to divide them among the men of the paternal division,⁵ but men of violence⁶ used to seize [more than their due share] by force. So they enacted that they should divide them every Sabbath eve, so that all the 'wards' came and received their portions together.⁷ Yet the chief priests still seized [them] by force; thereupon the owners⁸ arose and consecrated them to Heaven.⁹ It was related: It did not take long before they covered the whole Temple with gold plaques a cubit square of the thickness of a gold denar. And on festivals they used to lay them together¹⁰ and place them on a high eminence on the Temple Mount, so that the Festival pilgrims might see that their workmanship was beautiful,¹¹ and that there was no imperfection in them.

It was taught, Abba Saul said: There were sycamore tree-trunks in Jericho, and the men of violence seized them by force, [whereupon] the owners arose and consecrated them to Heaven. And it was of these and of such as these that Abba Saul b. Bothnith said in the name of Abba Joseph b. Hanin: 'Woe is me because of the house of Boethus; woe is me because of their staves!¹² Woe is me because of the house of Hanin, woe is me because of their whisperings!¹³ Woe is me because of the house of Kathros,¹⁴ woe is me because of their pens!¹⁵ Woe is me because of the house of Ishmael the son of Phabi,¹⁶ woe is me because of their fists! For they are High Priests¹⁷ and their sons are [Temple] treasurers and their sons-in-law are trustees and their servants beat the people with staves.'¹⁸

Our Rabbis taught: Four cries did the Temple Court cry out. The first: 'Depart hence, ye children of Eli,' for they defiled the Temple of the Lord. And another cry: 'Depart hence, Issachar of Kefar Barkai, who honours himself while desecrating the sacred sacrifices of Heaven'; for he used to wrap his hands with silks and perform the [sacrificial] service.¹⁹ The Temple Court also cried out: 'Lift up your heads, O ye gates, and let Ishmael the son of Phabi, Phineas's disciple,²⁰ enter and serve in the [office of the] High Priesthood.' The Temple Court also cried out: 'Lift up your heads, O ye gates, and let Johanan the son of Narbai,²¹ the disciple of Pinkai,²² enter and fill his stomach with the Divine sacrifices. It was said of Johanan b. Narbai that he ate three hundred calves and drank three hundred barrels of wine and ate forty se'ah of young birds as a desert for his meal.²³ It was said: As long as Johanan the son of Narbai lived,²⁴ nothar²⁵ was never found in the Temple.

What was the fate of²⁶ Issachar of Kefar Barkai? It was related: The king and queen²⁷ were sitting: the king said, 'Goat's [flesh] is better,' while the queen said, 'Lamb is better'. Said they, Who shall decide?²⁸ The High Priest, who offers up sacrifices every day. So he came,

(1) Lit., 'of'.

(2) Thus: the first Tanna states turnips and cabbages, whereupon R. Jose says, for porret too, just as for turnips, but not for cabbages; similarly R. Simeon in the second Baraitha.

(3) The name of a certain man.

(4) Name of a Persian builder and Magian, after whom a compartment in the Temple was supposed to have been named (Jast.).

(5) The priests were divided into 'wards', (משמר), each 'ward' officiating a week at a time in the Temple; these were further subdivided into paternal divisions (beth ab), of which each officiated one day in the week.

(6) Among the priests (Rashi). Lit., 'men of (strong) arms'.

(7) Cur. edd.; Rashi's reading seems to be: so that the whole ward (sing.) i.e., all the paternal divisions etc. This is more correct, and if our reading is retained it must also be understood in the same sense. — The larger number present would act as a check.

- (8) I.e., all the priests of each ward.
- (9) Sc. for the Temple.
- (10) The word really means 'fold them', but as gold plates of that thickness could hardly be folded, it must be understood as translated.
- (11) For the sacrifices, with the skins of which these were brought, were mostly offered by the Festival pilgrims.
- (12) With which they beat the people.
- (13) Their secret conclaves to devise oppressive measures.
- (14) Supposed to be identical with GR. **, Josephus, Antiquities XX, 1, 3.
- (15) With which they wrote their evil decrees.
- (16) He himself was religious and held in high repute, as is seen below (v. also Par. III, 5; Sot. IX, 5; Yoma 35b), but he did not restrain his sons from lawlessness; in the passage of Josephus too, already cited, reference is only made to his children.
- (17) The High Priesthood by this time was a source of great political power. Once a man became a High Priest he retained much of his power, and perhaps his title too, even if he was deposed; hence there were often several High Priests at the same time; v. Halevi, Doroth, I, 3, p. 445, n. 30; pp. 633f; 718.
- (18) For this passage cf. Josephus, Antiquities XX, 8,8.
- (19) This disqualifies the sacrifice.
- (20) In his zeal for God.
- (21) [Ananias son of Nebedus. v. Josephus, Antiquities XX, 5, 2.]
- (22) Perhaps this is a nickname formed by a play on words, פִּינְקָא (here פִּינְקָא) being a meat dish; i.e., the gourmand.
- (23) The marginal note softens this statement by observing that this was eaten by his whole household, which was very numerous
- (24) Lit., '(during) all the days of' etc.
- (25) V. Glos.
- (26) Lit., 'what happened to?'
- (27) Hasmonean monarchs [In Ker. 28b: King Yannai and the Queen. The name Jannai appears in the Talmud as a general name for kings of the Hasmonean dynasty.]
- (28) Lit., '(from) whom is it proved?'

Talmud - Mas. Pesachim 57b

[and] indicated with his hand,¹ 'If the goat were better, let it be offered for the daily sacrifice'. Said the king, 'Since he had no fear of my royal person, let his right hand be cut off.' But he gave a bribe [and] they cut off his left hand [instead]. Then the king heard [of it] and they cut off his right hand [too]. Said R. Joseph: Praised be the Merciful One Who caused Issachar of Kefar Barkai to receive his deserts in this world.

R. Ashi said: Issachar of Kefar Barkai had not studied the Mishnah. For we learned, R. Simeon said: Lambs take precedence over goats in all places.² You might think that that is because they are the best of their species, therefore it is stated, And if he bring a lamb as his offering.³ Rabina said: He had not even studied Scripture either, for it is written, If [he bring] a lamb . . . And if [his offering be] a goat:⁴ if he wishes, let him bring a lamb; if he wishes, let him bring a goat.⁵

CHAPTER V

- (1) I.e., in a contemptuous fashion.
- (2) Wherever both are mentioned together in the same verse the lamb is stated first.
- (3) Lev. IV, 32; this is given as an alternative to a goat, which is prescribed earlier in the same section in v. 28.
- (4) Lev. III, 7, 12.
- (5) And neither is preferable to the other.

Talmud - Mas. Pesachim 58a

Talmud - Mas. Pesachim 58a

MISHNAH. THE [AFTERNOON] TAMID¹ IS SLAUGHTERED AT EIGHT AND A HALF HOURS² AND IS OFFERED AT NINE AND A HALF HOURS.³ ON THE EVE OF PASSOVER⁴ IT IS SLAUGHTERED AT SEVEN AND A HALF HOURS AND OFFERED AT EIGHT AND A HALF HOURS, WHETHER IT IS A WEEKDAY OR THE SABBATH. IF THE EVE OF PASSOVER FELL, ON SABBATH EVE [FRIDAY], IT IS SLAUGHTERED AT SIX AND A HALF HOURS AND OFFERED AT SEVEN AND A HALF HOURS, AND THE PASSOVER OFFERING AFTER IT.⁵

GEMARA. Whence do we know it? — Said R. Joshua b. Levi, Because Scripture saith, The one lamb shalt thou offer in the morning, and the other lamb shalt thou offer between the two evenings:⁶ insert⁷ it between the two ‘evenings’, [which gives] two and a half hours before and two and a half hours after⁸ and one hour for its preparation.⁹

Raba objected: ON THE EVE OF PASSOVER IT IS SLAUGHTERED AT SEVEN AND A HALF HOURS AND OFFERED AT EIGHT AND A HALF HOURS, WHETHER IT IS A WEEKDAY OR THE SABBATH. Now if you think that [it must be slaughtered] at eight and a half hours according to Scriptural law, how may we perform it earlier? Rather, said Raba: The duty of the tamid¹⁰ properly [begins] from when the evening shadows begin to fall.¹¹ What is the reason? Because Scripture saith, ‘between the evenings’, [meaning] from the time that the sun commences to decline in the west. Therefore on other days of the year, when there are vows and freewill-offerings,¹² in connection with which the Divine Law states, [and he shall burn] upon it the fat of the peace-offerings [he-shelamim],¹³ and a Master said, ‘upon it’ complete [shalem] all the sacrifices,¹⁴ we therefore postpone it two hours and sacrifice it at eight and a half hours.¹⁵ [But] on the eve of Passover, when there is the Passover offering after it, we advance it one hour and sacrifice¹⁶ it at seven and a half hours. When the eve of Passover falls on the eve of the Sabbath, so that there is the roasting too [to be done], for it does not override the Sabbath,¹⁷ we let it stand on its own law, [viz.,] at six and a half hours.

Our Rabbis taught: Just as its order during the week, so is its order on the Sabbath: these are the words of R. Ishmael. R. Akiba said: Just as its order on the eve of Passover. What does this mean? — Said Abaye, This is what it means: Just as its order on a weekday which is the eve of Passover, so is its order on the Sabbath which is the eve of Passover:¹⁸ these are the words of R. Ishmael. R. Akiba said: Just as its order on the eve of Passover which falls on the eve of the Sabbath, so is its order on the Sabbath;¹⁹ and our Mishnah which teaches, WHETHER ON A WEEKDAY OR THE SABBATH, agrees with R. Ishmael. Wherein do they differ? — They differ as to whether the additional sacrifices²⁰ take precedence over the [burning of the frankincense in the] censers:²¹ R. Ishmael holds, The additional offerings take precedence over the [burning of the frankincense in the] censers: therefore he [the priest] sacrificed the additional sacrifices at six hours, [burned the incense in] the censers at seven, and sacrificed the tamid at seven and a half [hours]. R. Akiba holds: [The burning of the frankincense in] the censers takes precedence over the additional sacrifices: [hence] the [burning in the] censers took place at five [hours], the additional offering at six hours, and the tamid was sacrificed at six and a half hours.

To this Raba demurred: Does then R. Akiba teach, Just as its order on the eve of Passover which falls on the Sabbath, so is its order on the Sabbath; surely he teaches, ‘Just as its order on the eve of Passover,’ without qualification? Rather, said Raba, This is what he means: Just as its order on the weekdays in general,²² so is its order on the Sabbath which is the eve of Passover:²³ these are the words of R. Ishmael. R. Akiba said: Just as its order on the eve of Passover;²⁴ hence our Mishnah which teaches, WHETHER ON WEEKDAYS OR ON THE SABBATH agrees with R. Akiba. Wherein do they differ? — They differ in the heating of the flesh.²⁵ R. Ishmael holds, We fear for

the heating of the flesh; while R. Akiba holds: We do not fear for the heating of the flesh.

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- (1) The daily burnt-offering: one was brought every morning and another every afternoon. Num. XXVIII, 4.
- (2) The day being counted from sunrise to sunset, i.e., about six a.m. to six p.m.
- (3) The sacrificial ceremonies took an hour.
- (4) The Heb. is in the plural: on the eves of Passovers.
- (5) When the eve of Passover falls on a Friday, time must be left for roasting the Passover offering before the Sabbath commences; hence the earlier hour of the tamid.
- (6) Ibid. Literal translation. 'Evening' (ערב) 'ereb) is defined as the whole afternoon until nightfall.
- (7) Lit., 'divide'.
- (8) Lit., 'here' . . . 'there'.
- (9) Thus the 'two evenings' are from midday (= six) until eight and a half hours, and from nine and a half hours until nightfall (= twelve).
- (10) The slaughtering of it.
- (11) Lit., 'decline'. The sun reaches its zenith at midday and then begins to decline in the west, the decline being perceptible from half an hour after midday, and this is regarded as the falling of the evening shadows.
- (12) These are two technical terms: a 'vow' is a votive sacrifice, the particular animal having been unspecified when the vow was made; in a freewill-offering a particular animal was specified at the time of the vow. The difference is that in the former case, if the animal which he subsequently dedicates dies or is rendered unfit before it is sacrificed, he must bring another; but in the latter case he has no further obligation.
- (13) Lev. VI, 5.
- (14) Rashi: upon it, Sc. the morning tamid, to which the verse refers, complete etc., i.e., all the sacrifices of the day are to be brought after the morning tamid, but not after the afternoon tamid, which must be the last of the day. This exegesis connects shelamim with shalem (whole, complete). Jast. translates: with it (the evening sacrifice) cease all sacrifices (none can be offered after it). This is simpler, but not in accordance with the context.
- (15) To allow time for the voluntary offerings.
- (16) Lit., 'make'.
- (17) Though the roasting is a precept, yet it may not be done on the Sabbath.
- (18) I.e., in both cases the tamid is slaughtered at seven and a half hours.
- (19) Hence in both cases it is slaughtered at six and a half hours. For since no vows are offered on the Sabbath, it is unnecessary to delay the tamid, which is therefore sacrificed as early as possible, to leave ample time for the Passover sacrifice.
- (20) Offered on Sabbaths, New Moons, and Festivals; midday (six hours) was the earliest time when they could be offered. — In memory of these additional sacrifices there is now an Additional Service (Musaf) on these days.
- (21) Two censers of frankincense stood by the rows of shewbread; this shewbread was set on the Table every Sabbath and removed and replaced by fresh bread the following Sabbath. At the same time the frankincense was burnt, and after that the priests ate the shewbread. The removing, replacing and burning of the incense took an hour.
- (22) During the year.
- (23) Viz., at eight and a half hours. For the flesh of the Passover sacrifice may not be roasted until evening, therefore it is inadvisable to slaughter it earlier, lest the flesh became overheated and putrid, and consequently the tamid is slaughtered at the usual time.
- (24) Viz., at seven and a half hours, so likewise on
- (25) v. p. 289. n. 5; also perhaps, the shrinking of the flesh caused by overheating; v. Jast. s.v. כָּמַר and Rashi on Gen. XLIII. 30.

Talmud - Mas. Pesachim 58b

If we do not fear, let us sacrifice it at six and a half [hours]?¹ — He holds that the [burning of the frankincense in the] censers takes precedence over the additional sacrifices: [hence] he sacrificed the additional sacrifices at six hours, [performed the burning in] the censers at seven, and sacrificed the tamid at seven and a half. To this Rabbah b. 'Ulla 'demurred: Does he then teach, Just as its order on weekdays [in general], so is its order on the Sabbath which is the eve of Passover: these are the

words of R. Ishmael? [Surely] he teaches, 'so is its order on the Sabbath,' without qualification! Rather, said Rabbah b. Ulla, this is what he means: Just as its order on a weekday in general, so is its order on the Sabbath in general:² these are the words of R. Ishmael. R. Akiba said: Just as its order on the eve of Passover in general, so is its order on the Sabbath in general:³ [hence] our Mishnah which teaches, WHETHER ON WEEKDAYS OR ON THE SABBATH agrees with all.⁴ Wherein do they differ? — They differ as to [whether there is] a preventive measure on account of vows and freewill-offerings. R. Ishmael holds: We enact a preventive measure for the Sabbath on account of weekdays;⁵ while R. Akiba holds: We do not enact a preventive measure. If we do not enact a preventive measure, let us sacrifice it at six and a half?⁶ — He holds

the Sabbath. Since many are to be offered, we must start as early as possible. that the additional sacrifices take precedence over [the burning of the frankincense in] the censers: [hence] the additional sacrifices are [offered] at six hours, the [burning in the] censers at seven, and he sacrifices the tamid at seven and a half [hours].

An objection is raised: The tamid, during the whole year it is offered according to its law, [viz..] it is slaughtered at eight and a half [hours] and offered at nine and a half hours. But on the eve of Passover it is slaughtered at seven and a half and offered at eight and a half; if it [the eve of Passover] fell on the Sabbath, it is as though it fell on a Monday.⁷ R. Akiba said: As its order is on the eve of Passover. As for Abaye, it is well;⁸ but according to Raba it is a difficulty?⁹ — Raba can answer you: Do not say, It is the same as when it falls on a Monday. but say, it is the same as a Monday in general.¹⁰

An objection is raised: If it falls on the Sabbath, it is as its order during the whole year: these are the words of R. Ishmael.¹¹ R. Akiba said: It is as its order on the eve of Passover in general.¹² Now as for Raba, it is well;¹³ but according to Abaye it is difficult? — Abaye answers you: Do not say, 'It is as its order during the whole year,' but say, It is as its order in all [other] years:¹⁴ these are the words of R. Ishmael. R. Akiba said: It is as the order when the eve of Passover falls on the eve of the Sabbath.¹⁵

Our Rabbis taught: How do we know that there must not be anything before the morning tamid?¹⁶ Because it is said, and he shall lay the burnt-offering in order upon it.¹⁷ What is the exegesis?¹⁸ — Said Raba: The burnt-offering implies the first burnt-offering.¹⁹ And how do we know that nothing may be offered after the evening tamid? Because it is stated, and he shall burn upon it the fat of the peace-offerings.²⁰ What is the exegesis?²¹ Said Abaye: After it²² [sc. the morning tamid] [you may sacrifice] peace-offerings, but not after its companion [sc. the evening tamid] [may you sacrifice] peace-offerings. To this Raba demurred: Say [then], it is only peace-offerings that we may not present,²³ yet we may present burnt-offerings? Rather, said Raba: Ha-shelamim implies, upon it complete all the sacrifices.²⁴

Our Rabbis taught: The [evening] tamid is [sacrificed] before the Passover offering, the Passover offering is [sacrificed] before the [burning of the evening] incense, the incense before [the kindling of] the lights;

(1) Since there are many Passover sacrifices, while there is no need to delay it on account of vows, which are not offered on the Sabbath.

(2) In both cases the tamid is slaughtered at eight and a half hours, though on the Sabbath no voluntary sacrifices are offered.

(3) Viz., in both cases the tamid is slaughtered at seven and a half hours.

(4) For their controversy does not refer to the eve of Passover at all.

(5) If we permit him to slaughter the afternoon tamid on Sabbath at seven and a half hours, he may slaughter it at the same hour during the week too, leaving no time for voluntary offerings, which are disqualified if brought after the

afternoon tamid.

(6) For it is a general principle that all precepts must be performed as early as possible.

(7) Lit., 'the second (day) of the week' — there are no specific names for the days of the week in Hebrew, except of course, for the Sabbath. — I.e., it is the same as when it falls during the week, Monday being mentioned as an example (Rashi and Tosaf.).

(8) For since R. Ishmael says that if it falls on the Sabbath it is the same as when it falls on a Monday, R. Akiba must mean, Just as its order on the eve of Passover which falls on the eve of the Sabbath.

(9) For Raba interprets R. Ishmael's statement thus: just as its order on weekdays in general etc. But since R. Ishmael concludes, it is the same as when it falls on a Monday, i.e., a weekday in general, it is obvious that he does not refer to a weekday in general in the first half of his statement.

(10) An ordinary weekday which is not Passover eve when the tamid is slaughtered at eight and a half hours, because we fear for the overheating of the flesh.

(11) I.e., the tamid is slaughtered at eight and a half hours, because we fear for the overheating of the flesh.

(12) It is slaughtered at seven and a half hours.

(13) For this is exactly as Raba interprets the Baraita.

(14) I.e., just as in all other years when the eve of Passover falls on an ordinary weekday and the tamid is slaughtered at seven and a half hours, so likewise when it falls on the Sabbath.

(15) Viz., the tamid is slaughtered at six and a half hours.

(16) Rashi: nothing must be burnt upon the wood pile before the morning tamid, after the latter has been laid in order upon it. Tosaf.: no voluntary offering may be sacrificed before the morning tamid. Tosaf. accepts Rashi's interpretation as an alternative.

(17) Lev. VI, 5. This follows, 'and the priest shall kindle wood on it every morning' (ibid.) showing that immediately after the wood pile is kindled, the tamid is the first thing to be burnt.

(18) How is it implied that 'the burnt-offering' mentioned in the verse refers to the morning tamid?

(19) The def. art. points to some particular sacrifice, viz., the first burnt-offering mentioned in the chapter on sacrifices, Num. XXVIII, which is the daily morning tamid, and this verse teaches that it must be the first thing to ascend the altar every day, and nothing else may take precedence over it.

(20) Ibid.

(21) How is it implied in this verse?

(22) Taking עָלָיו ('upon it') in this sense.

(23) After the evening tamid.

(24) v. supra p. 288, n. 5.

Talmud - Mas. Pesachim 59a

let that in connection with which ba-'ereb [at evening] and ben ha-'arbayim [between the evenings]¹ are said be deferred after that in connection with which ba-'ereb is not said, save ben ha-'arbayim alone.² If so, let [the burning of] the incense [and the kindling of] the lights also take precedence over the Passover offering, [for] let that in connection with which ba-'ereb and ben ha-'arbayim are stated be deferred after that in connection with which nought save ben ha-'arbayim alone is said?³ — There it is different, because Scripture expressed a limitation, 'it'. For it was taught: [Aaron and his sons shall set it in order, to burn] from evening to morning:⁴ furnish it with its [requisite] measure, so that it may burn from evening to morning. Another interpretation: you have no [other] service which is valid from evening to morning save this alone. What is the reason? Scripture saith, 'Aaron and his sons shall set it in order, to burn from evening to morning': 'it' [shall be] from evening to morning, but no other thing shall be from evening until morning;⁵ and [the burning of] the incense is likened to [the kindling of] the lights.⁶

Now it was taught in accordance with our difficulty: The [evening] tamid is [sacrificed] before [the burning of] the incense, the incense is [burnt] before [the kindling of] the lamps, and the lamps are [kindled] before [the sacrificing of] the Passover offering: let that in connection with which ba-'ereb and ben ha-'arbayim are stated be deferred after that in connection with which nought save

ben ha-'arbayim alone is stated. But 'it' is written?⁷ — That 'it' is required to exclude a service of the inner [Temple]; and what is it? [The burning of] the incense.⁸ You might think

But in connection with the former only ben ha-'arbayim is stated, Num. XXVIII,⁶ : and the other lamb shalt thou offer at dusk (ben ha'arbayim). that I would say, since it is written, And when Aaron lighteth the lamps at dusk, he shall burn it,⁹ say, let us first light the lamps and then burn the incense; therefore the Merciful One expressed a limitation, 'it'. Then what is the purpose of, 'at dusk he shall burn it'? — This is what the Merciful One saith: When thou lightest the lamps, the incense must [already] be burning.

Our Rabbis taught: There is nothing which takes precedence over the morning tamid except [the burning of] the [morning] incense alone, in connection with which 'in the morning, in the morning' is stated; so let [the burning of the] incense, in connection with which 'in the morning, in the morning,' is stated, for it is written, And Aaron shall burn thereon incense of sweet spices, in the morning, in the morning,¹⁰ take precedence over that in connection with which only one 'morning' is stated.¹¹ And there is nothing which may be delayed until after the evening tamid save [the burning of] the incense, [the lighting of] the lamps, [the slaughtering of] the Passover sacrifice, and he who lacks atonement¹² on the eve of Passover, who performs ritual immersion a second time¹³ and eats his Passover sacrifice in the evening. R. Ishmael the son of R. Johanan b. Beroka said: He who lacks atonement at any other time of the year too, who performs ritual immersion and eats of sacred flesh in the evening.¹⁴ According to the first Tanna, it is well: let the affirmative precept of [eating] the Passover sacrifice, which involves kareth,¹⁵ come and override the affirmative precept of completion.¹⁶ which does not involve kareth.¹⁷ But according to R. Ishmael the son of R. Johanan b. Beroka, wherein is this affirmative precept stronger than the other affirmative precept? — Said Rabina in R. Hisda's name: We treat here of a sin-offering of a bird, the blood of which alone belongs to the altar.¹⁸ R. Papa said: You may even say [that we treat of] an animal sin-offering: he takes it up and keeps it overnight on the top of the altar.¹⁹ But there is the guilt-offering?²⁰ As for R. Papa. it is well: hence we keep it overnight. But according to R. Hisda, what can be said? — I will tell you: It means where he has offered up his guilt-offering.²¹ But there is the burnt-offering?²² And should you answer, The burnt-offering is not indispensable,²³ surely it was taught. R. Ishmael the son of R. Johanan b. Berokah said: Just as his sin-offering and his guilt-offering are indispensable for him, so is his burnt-offering indispensable for him. And should you answer, It means where he has offered his burnt-offering; yet can his burnt-offering be offered first before his sin-offering? Surely it was taught: And he shall offer that which is for the sin-offering first:²⁴ for what purpose is this stated? If to teach that it comes before the burnt-offering, surely it is already said, And he shall prepare the second for a burnt-offering, according to the ordinance?²⁵ But this furnishes a general rule for all sin-offerings, that they take precedence of all burnt-offerings which accompany them; and we have an established principle²⁶ that even a bird sin-offering takes precedence of an animal burnt-offering!²⁷ — Said Raba, The burnt-offering of a leper is different, because the Merciful One saith,

(1) E.V.: 'at dusk'.

(2) This is why the evening tamid is before the Passover sacrifice. For in connection with the latter both these expressions are used: Ex. XII, 6: and the whole assembly . . . shall kill it at dusk (ben ha-'arbayim); Deut. XVI, 6: thou shalt sacrifice the passover-offering at even (ba-'ereb).

(3) For only ben ha-'arbayim is stated in connection with the former two, Ex. XXX, 7f: And Aaron shall burn thereon incense of sweet spices . . . And when Aaron lighteth the lamps at dusk (ben ha-'arbayim), he shall burn it, 'ben ha-'arbayim' applying to both the burning of the incense and the lighting of the lamps.

(4) Ex. XXVII, 21.

(5) Hence nothing may come after the kindling of the lights, and consequently the slaughtering of the Passover offering must take precedence.

(6) Just as no service after the former is valid, so is no service valid after the latter.

- (7) Implying that nothing must be done after the kindling of the lights.
- (8) For it is logical that a service similar to itself should be excluded, the kindling of the lamps likewise being a service in the inner Temple, and 'it' shows that no other inner service may take place after the kindling of the lamp. But the Passover offering was sacrificed in the outer Court.
- (9) Ex. XXX, 7.
- (10) Ibid.; E.V.: 'every morning'. The literal translation is given in the text, and the repetition implies an earlier hour.
- (11) Num. XXVIII, 4: The one lamb shalt thou offer in the morning.
- (12) The technical designation, of an unclean person who may not eat holy flesh until he has brought a sacrifice after regaining his cleanliness, viz., a zab and a zabah (v. Glos.). a leper and a woman after childbirth. If one of these forgot to bring his sacrifice before the evening tamid was sacrificed on the eve of Passover, he must bring it after the tamid, since otherwise he may not partake of the Passover offering in the evening. which is obligatory.
- (13) Though he must perform ritual immersion the previous day, this being necessary before the purificatory sacrifice may be offered, he nevertheless repeats it before partaking of holy flesh.
- (14) If he brought a peace-offering that day but forgot to bring his purificatory sacrifice, he must bring it even after the afternoon tamid, so that he may eat the flesh of his peace-offering in the evening. R. Ishmael regarding this too as obligatory.
- (15) If unfulfilled, v. Num. IX, 13.
- (16) V. supra 58b bottom: 'after it complete all the sacrifices'.
- (17) Even if a sacrifice is unlawfully brought after the evening tamid it is not punished by kareth.
- (18) R. Ishmael, in speaking of one who lacks atonement during the rest of the year, refers to a poor leper, who brought a bird for his sin-offering. This was eaten by the priests, and nothing of it was burnt on the altar, whereas the affirmative precept of 'completion' is written in reference to burning on the altar (v. Lev. VI, 5: and he shall burn thereon the fat of the peace-offerings). and hence applies only to animal sacrifices, the fat of which was burnt on the altar.
- (19) He slaughters the sacrifice after the evening tamid, but carries the animal on to the top of the altar and leaves it there overnight, postponing the burning of the fat until after the tamid of the following morning.
- (20) Required by a leper; even if poor, he brought a lamb, v. Lev. XIV, 21.
- (21) But had forgotten about the sin-offering.
- (22) Likewise required by a leper. ibid. 19, 22. This of course was burnt on the altar (v. n. 4).
- (23) To the eating of sacred flesh.
- (24) Lev. V, 8, q.v.
- (25) Ibid. 10.
- (26) Binyan Ab, a building up of a principle (or class). i.e., a conclusion by analogy.
- (27) V. Zeb. 90b.

Talmud - Mas. Pesachim 59b

And the priest shall [have] offer[ed] the burnt offering.¹ [implying], that which he has already offered.²

R. Shaman b. Abba said to R. Papa: According to you who maintain [that] he takes it up and keeps it overnight on the top of the altar, shall we arise and do a thing to the priests whereby they may come to a stumbling-block, for they will think it is of that day. and thus come to burn it?³ — he priests are most careful, replied he.

R. Ashi said to R. Kahana-others state, R. Huna the son of R. Nathan [said] to R. Papa: But as long as the emurim⁴ have not been burnt, the priests may not eat the flesh?⁵ For it was taught: You might think that the priests should be permitted [to partake] of the breast and the thigh before the burning of the emurim: therefore it is stated, And the priest shall burn the fat upon the altar,⁶ and then follows, but the breast shall be Aaron's and his sons'. And as long as the priests have not eaten [it], the owners obtain no atonement, for it was taught: And they shall eat those things wherewith atonement was made:⁷ this teaches that the priests eat [it] and the owners obtain atonement! — Said he to him, Since it is impossible,⁸ they [the emurim] are treated⁹ as though they were defiled or lost.

For it was taught: You might think that if the emurim were defiled or lost, the priests have no right to the breast or the thigh, therefore it is stated, 'But the breast shall be Aaron's and his sons', in all cases.

R. Kahana opposed [two verses]: It is written, neither shall the fat of My feast remain all night until the morning:¹⁰ [thus] it is only 'until the morning' that 'it shall not remain all night,' but it may be kept for the whole night;¹¹ but it is written, and he shall burn thereon the fat of the peace-offerings,¹² [implying,] after it complete all the sacrifices?¹³ He raised the difficulty; and he himself answered it: That is where they were left over.¹⁴

R. Safra pointed out a contradiction to Raba: It is written, neither shall the sacrifice of the feast of the Passover be left unto the morning:¹⁵ thus it is only 'unto the morning' that 'it shall not be left,' but it may be kept all night;¹⁶ but it is written, The burnt-offering of the Sabbath [shall be burnt] on its Sabbath,¹⁷ but not the burnt-offering of a weekday on the Sabbath, nor the burnt-offering of a weekday on a Festival? — Said he to him, R. Abba b. Hiyya has already pointed out this contradiction to R. Abbahu, and he answered him, We treat here of the case where the fourteenth falls on the Sabbath,¹⁸ for the fats of the Sabbath may be offered on the Festival. Said he to him, Because the fats of the Sabbath may be offered on the Festival, we are to arise and assume that this verse is written [only] in respect of the fourteenth which falls on the Sabbath?¹⁹ Leave the verse, he answered, for it is compelled to establish its own [particular] case.²⁰

MISHNAH. IF A MAN SLAUGHTERED THE PASSOVER SACRIFICE FOR ANOTHER PURPOSE,²¹ AND HE CAUGHT [THE BLOOD] AND WENT AND SPRINKLED IT FOR ANOTHER PURPOSE;²² OR FOR ITS OWN PURPOSE AND FOR ANOTHER PURPOSE; OR FOR ANOTHER PURPOSE AND FOR ITS OWN PURPOSE,²³ IT IS DISQUALIFIED. HOW IS 'FOR ITS OWN PURPOSE AND FOR ANOTHER PURPOSE' MEANT? IN THE NAME OF THE PASSOVER SACRIFICE [FIRST] AND [THEN] IN THE NAME OF A PEACE-OFFERING. 'FOR ANOTHER PURPOSE AND FOR ITS OWN PURPOSE' [MEANS] IN THE NAME OF A PEACE-OFFERING [FIRST] AND [THEN] IN THE NAME OF THE PASSOVER-OFFERING.

GEMARA. R. Papa²⁴ asked: Did we learn [of a dual intention expressed even] in respect to one service,²⁵ or did we learn [only of a dual intention expressed] at two separate services? Did we learn [of a dual intention expressed even] in respect of one service, this being in accordance with R. Jose, who maintained, A man is responsible for²⁶ his last words too;²⁷ for if [it agreed with] R. Meir, surely he said, Seize [i.e., determine the matter by] the first expression;²⁸

(1) Lev. XIV, 20; the bracketed additions show the meaning which the verse is capable of bearing, by treating והעלה as a pluperfect, beside its usual and obvious meaning.

(2) Hence although the sin-offering should come before the burnt-offering, yet the possible meaning of this verse teaches that even if the order is reversed it is valid. Therefore we can explain the present Baraita as meaning that he had already sacrificed his burnt-offering.

(3) During the night the limbs of the sacrifices of the previous day are burnt, all before the tamid of the following morning. Here, however, the animal sin-offering which was kept untouched overnight must be burnt after the morning tamid, whereas the priest may confuse it with the rest and burn it before.

(4) V. Glos.

(5) And in consequence atonement is incomplete, so that the owner may not partake of the Passover sacrifice in any case, if his sin-offering is left overnight.

(6) Lev. VII, 31.

(7) Ex. XXIX, 33.

(8) To burn the emurim after the evening tamid, on account of the affirmative precept of 'completion'.

(9) Lit., 'they (the Sages) treated them'.

(10) Ex. XXIII, 18.

- (11) I.e., the priest has the whole night in which to burn the fat, providing that nothing is left by the morning.
- (12) Lev. VI, 5.
- (13) V. supra 58b. Thus nothing may be done after the evening tamid.
- (14) Of the sacrifices whose blood was sprinkled before the evening tamid. Immediately the blood is sprinkled the fat etc. is ready for burning on the altar, and therefore even if it is delayed, its ultimate burning during the night is regarded as following the tamid of the previous morning, not that of the evening.
- (15) Ex. XXXIV, 25.
- (16) During which the altar portions of the Passover sacrifice are burnt. Although these, strictly speaking, belong to a sacrifice which has been offered on a weekday, i.e., the fourteenth, yet they may be burnt on the night of the Festival.
- (17) Num. XXVIII, 10.
- (18) I.e., only then is the implication of the first verse applicable.
- (19) Surely there is no warrant for this limitation.
- (20) Since there is a contradiction, the verse itself proves that it can only relate to this particular instance.
- (21) Lit., 'not for its own name', i.e., as a different sacrifice. E.g., when he killed it he stated that it was for a peace-offering, not for a Passover sacrifice.
- (22) Slaughtering the sacrifice, catching the blood, going with it to the side of the altar where it is to be sprinkled, and sprinkling it, are regarded as four distinct services, any of which, if performed with an illegal intention, disqualifies the Passover sacrifice.
- (23) I.e., one of the services was for its own sake and another was for a different purpose, in the order stated.
- (24) Rashal reads: Raba.
- (25) I.e., even if he declared at one of the services, e.g., the slaughtering, that he was doing it for its own purpose and for another purpose.
- (26) Lit., 'seized'.
- (27) v. supra 53b. Hence since his last words were illegal, the sacrifice is disqualified.
- (28) Where the two parts of a man's statement are mutually exclusive, regard the first only.

Talmud - Mas. Pesachim 60a

or perhaps we learned [it only] in respect to two services, and even according to R. Meir, who said, 'Seize the first expression.' that applies only in the case of one service, but in the case of two services he agrees that it is disqualified?¹ — I will tell you: to which [case does this problem refer]? Shall we say, to [the case where it was] for another purpose [first] and [then] for its own purpose, then whether it was in connection with one service or in connection with two services, according to both R. Meir and R. Jose it was disqualified by the first [wrongful intention], for according to R. Jose too, he holds that a man is held responsible for his last words also?² — Rather, [the problem refers] to [where it was done] for its own purpose [first] and then for another purpose: what then? — Come and hear: IF A MAN SLAUGHTERED THE PASSOVER SACRIFICE FOR ANOTHER PURPOSE AND CAUGHT [THE BLOOD]. AND WENT AND SPRINKLED IT FOR ANOTHER PURPOSE: how is it meant? Shall we say, [literally] as he teaches it,³ why must he intend all of them [for a wrong purpose]? From the first it is disqualified! Hence he must teach thus: IF A MAN SLAUGHTERED THE PASSOVER SACRIFICE FOR ANOTHER PURPOSE, or even if he slaughtered it for its own purpose, but HE CAUGHT [ITS BLOOD], AND WENT AND SPRINKLED IT FOR ANOTHER PURPOSE,⁴ or even if he slaughtered it, caught [its blood], and went [with it] for its own purpose. but SPRINKLED IT FOR ANOTHER PURPOSE, so that it is [a question of] two services.⁵ Then consider the second clause: FOR ITS OWN PURPOSE AND FOR ANOTHER PURPOSE: how is it meant? Shall we say, in respect of two services: then it is identical with the first clause! Hence it must surely be in respect of one service, and this agrees with R. Jose, who maintained: A man is held responsible for his last words too! — No. After all it refers to two services,⁶ but the first clause [discusses] where he is standing at [engaged in] the slaughtering and intends [with due purpose] in respect of the slaughtering, or again⁷ he is standing at the sprinkling and intends [for another purpose] in respect of sprinkling.⁸ While the second clause means when he is standing at the slaughtering and intends in respect of the sprinkling, when he [for instance]

declares, 'Behold, I slaughter the Passover sacrifice for its own purpose, [but] to sprinkle its blood for another purpose'; and he [the Tanna] informs us that you can intend at one service for another service,⁹ and that is R. Papa's question.¹⁰

Come and hear: OR FOR ANOTHER PURPOSE AND FOR ITS OWN PURPOSE, [IT] IS DISQUALIFIED. How is it meant? If we say, in the case of two services, [then] seeing that where [if the first is] for its own purpose and [the second is] for another purpose. you say that it is disqualified. is it necessary [to state it where it is first] for another purpose and [then] for its own purpose?¹¹ Hence it must surely refer to one service, and since the second clause refers to one service, the first clause too refers [also] to one service! — No, after all it refers [only] to two services, and logically indeed it is not required, but because he speaks of 'FOR ITS OWN PURPOSE AND FOR ANOTHER PURPOSE,' he also mentions 'FOR ANOTHER PURPOSE AND FOR ITS OWN PURPOSE.'¹²

Come and hear: If he killed it [the Passover sacrifice] for those who cannot eat it or for those who were not registered for it,¹³ for uncircumcised¹⁴ or for unclean persons,¹⁵ it is disqualified. Now here it obviously refers to one service, and since the second clause refers to one service, the first clause too treats [also] of one service!¹⁶ — What argument is this? The one is according to its nature, while the other is according to its nature; the second clause [certainly] refers [only] to one service, while the first clause may refer either to one service or to two services.¹⁷

Come and hear: [If he killed it] for those who can eat it and for those who cannot eat it, it is fit. How is it meant? Shall we say, at two services:¹⁸ and the reason [that it is fit] is because he intended it [for non-eaters] at the sprinkling, for there can be no [effective] intention of eaters at the sprinkling;¹⁹ hence [if it were] at one service, e.g.. at the slaughtering, where an intention with reference to eaters is effective, it would be disqualified, but we have an established law that if some are eaters it is not disqualified?²⁰

(1) On the first hypothesis the Mishnah refers even to one service, and will certainly also hold good in the case of two services; while on the second hypothesis the Mishnah refers to two services only, but will not hold good in the case of one service; Rashi infra 60b. s.v. **סיפא בעבודה אחת** and as is evident from the context.

(2) I.e., they too must be taken into account, but his first words certainly cannot be ignored.

(3) Viz., that all four services were performed for another purpose.

(4) [The text seems to be in slight disorder, v. D.S. The general meaning is, however, clear.]

(5) I.e., this clause states the case of a legal purpose at one service and an illegal purpose at another service.

(6) And still the two clauses are not identical as it goes on explaining.

(7) [MS.M. omits: 'or again'.]

(8) ['Slaughtering' and 'sprinkling' are taken merely as examples, the same applying to the other services. Each was performed with the due or undue intention, as the case may be, in respect of itself.]

(9) And that such intention is taken into account, so that if it is illegitimate the sacrifice is disqualified.

(10) Riba: that is why R. Papa asks his question, because the Mishnah affords no solution. Rashba: R. Papa's question as to whether the Mishnah may refer to two services is in such conditions, viz., where an illegitimate intention for one service is expressed in the course of another service.

(11) For the very first intention is illegitimate and disqualifies it; how then is it to regain its validity? The same difficulty arises if the Mishnah refers to one and the same service, but then it can be answered that the Mishnah informs us in the first clause ('FOR ITS OWN PURPOSE AND FOR ANOTHER PURPOSE') that we do not determine the matter purely by his first words, and in the second clause ('FOR ANOTHER PURPOSE AND FOR ITS OWN PURPOSE') that the matter is not determined purely by his last words, but that due weight must be given to both.

(12) For the sake of parallelism.

(13) Every Paschal lamb required its registered consumers before it was slaughtered, in accordance with Ex. XII, 4. In the present instance he enumerated those for whom he was slaughtering it, all of whom, however, were incapable of eating through old age or sickness (Rashi: none others had registered for it; Tosaf.: others who were capable had also

registered for it, but he ignored them in his declaration), or had not registered for this particular animal.

(14) 'Uncircumcised' in this connection always means men whose brothers had died through circumcision, and they were afraid of a similar fate. These may not eat thereof, *ibid.* 48.

(15) Who may likewise not eat it, being forbidden all sacred flesh. Lev. XXII, 4ff.

(16) The Mishnahs printed on 59b and 61a are actually clauses of the same Mishnah.

(17) I.e., either also to one service or exclusively to two services. And the question is, to which?

(18) Thus: at the slaughtering he declared that it was for those who can eat, and at the sprinkling he declared that it was for those who cannot eat (R. Han.).

(19) I.e., an intention with respect to the eaters expressed at the sprinkling is of no account.

(20) Since even if only one desired to eat of it the whole animal must be killed, v. *infra* 61a.

Talmud - Mas. Pesachim 60b

Hence it surely refers [also] to one service,¹ and since the second clause refers [also] to one service, the first clause too refers [also] to one service! — What argument is this: the one is according to its nature, while the other is according to its nature: the second clause refers [also] to one service,² while the first clause refers either to one service or to two services.³ The scholars asked: What is the law of a Passover sacrifice which he killed at any other time of the year for its own purpose and for another purpose?⁴ Does the other purpose come and nullify⁵ its own purpose, and [thus] make it fit, or not? — When R. Dimi came,⁶ he said, I stated this argument before R. Jeremiah: Since [slaughtering it] for its own purpose makes it fit at its own time, while [slaughtering it] for another purpose makes it fit at a different time,⁷ then just as [the slaughtering] for its own purpose, which makes it fit at its own time, does not save⁸ it from [the disqualifying effect of] another purpose,⁹ so also [the slaughtering] for another purpose, which makes it fit at a different time, does not save it [from the disqualifying effect] of its own purpose, and it is unfit. Whereupon he said to me, It is not so: If you say thus in respect to another purpose.¹⁰ that is because it operates in the case of all sacrifices;¹¹ will you say [the same where it is slaughtered] for its own purpose, seeing that it does not operate [as a cause of disqualification] in the case of all [other] sacrifices but only in the case of the Passover sacrifice alone?

What is [our decision] thereon? — Said Raba, A Passover sacrifice which he slaughtered at any other time of the year for its own purpose and for another purpose is fit. For it tacitly stands [to be killed] for its own purpose, yet even so, when he kills it for another purpose¹² it is fit, which proves that the other purpose comes and nullifies its own purpose. Hence, when he slaughters it for its own purpose and for another purpose too, the other purpose comes and nullifies its own purpose. Said R. Adda b. Ahabah to Raba: Perhaps where he states it, it is different from where he does not state it?¹³ For [if he kills it] for those who can eat it and for those who cannot eat it, it is fit, yet when he kills it for those who cannot eat it alone, it is disqualified. Yet why so? Surely it tacitly stands for those who can eat it?¹⁴ Hence [you must admit that] where he states it, it is different from where he does not state it; so here too, where he states it, it is different from where he does not state it. Is this all argument? he rejoined. As for there, it is well: there, as long as he does not [expressly] overthrow it at the slaughtering, its tacit [destiny] is certainly to be killed for its own purpose. But here, does it tacitly stand for those who are [registered] to eat it? Perhaps these will withdraw and others will come and register for it, for we learned: They may register and withdraw their hands from it [the Paschal lamb] until he kills it.

The scholars asked: What is the law of a Paschal lamb which was slaughtered during the rest of the year with a change of its

offering, which may then not be eaten, or in part, in the sense that they may be eaten, but their owners have not discharged their obligations and must bring another. Therefore it is logical that its disqualifying power should be so strong as to render of no avail the fact that it was slaughtered for its

purpose too. owners?¹⁵ Is a change of owner like a change of sanctity,¹⁶ and it validates it; or not? — Said R. Papa. I stated this argument before Raba: Since a change of sanctity disqualifies it at its own time, and a change of owner disqualifies it at its own time: then just as a change of sanctity, which disqualifies it at its own time, validates it at a different time,¹⁷ so a change of owner, which disqualifies it at its own time, validates it at a different time. But he said to me, It is not so: If you say thus in the case of a change of sanctity, [that is] because its disqualification is intrinsic,¹⁸ and it is [operative] in respect of the four services,¹⁹

(1) I.e., also to one service.

(2) This will not have quite the same meaning as the same phrase used before. There it obviously meant that it treats of one service only. Here however the meaning is this: even in the case of one service the sacrifice is fit, this law holding good in the case of both one service or two services. Thus, if this intention, viz., that he was killing it for eaters and non-eaters, was expressed at the slaughtering, the sacrifice is fit, because eaters were included. While it may also refer to two services, as explained on p. 301, n. 7.

(3) V. p. 301. n. 6.

(4) E.g., if a man dedicated a lamb for the Passover sacrifice a considerable time beforehand. Now it is stated *infra* 70b that if he kills it as a peace-offering at any time other than the eve of Passover it is fit; if as a Passover offering, it is unfit.

(5) Lit., 'exclude from'.

(6) From Palestine to Babylon

(7) Lit., 'not in its own time'.

(8) Lit., 'draw out'.

(9) So that if it is killed both for its purpose and for another purpose, it is unfit.

(10) That it disqualifies the Passover sacrifice even if it is also killed for its own purposes.

(11) All sacrifices, if slaughtered for a purpose other than their own, are disqualified, either wholly, viz., in the case of a sin-offering and the Passover

(12) Before the eve of passover.

(13) The other purpose can nullify the tacit assumption that it stands for its own purpose, but it may be unable to nullify the explicit declaration that it is slaughtered for its own purpose too.

(14) So that according to your argument it is the same as though he explicitly killed it for both.

(15) The animal was set aside for a certain person and then slaughtered for a different person, but for its own purpose (Rashi).

(16) I.e., like slaughtering it as a different sacrifice.

(17) The text must be emended thus.

(18) I.e., an illegitimate intention is expressed in respect to the sacrifice itself.

(19) V. Mishnah *supra* 59b and note a.l.

Talmud - Mas. Pesachim 61a

and it is [operative] after death,¹ and it is [operative] in the case of the community as in the case of an individual;² will you say [the same] of a change of owner, where the disqualification is not intrinsic, and it is not [operative] in respect of the four services,³ and it is not [operative] after death,⁴ and it is not [operative] in the case of the community as in the case of an individual? And though two [of these distinctions] are not exact,⁵ two nevertheless are exact. For how is a change of owners different, that [you say] its disqualification is not intrinsic: because its disqualification is merely [one of] intention? Then with a change of sanctity too, its disqualification is merely one of intention. Again, as to what he says. A change of owners is not [operative as a disqualification] after death, then according to R. Phineas the son of R. Ammi who maintained, There is [a disqualification in] a change of owner after death, what is there to be said? Two [of these distinctions] are nevertheless exact! Rather, said Raba: A Paschal lamb which he slaughtered during the rest of the year with a change of owners is regarded as though it had no owners in its proper time,⁶ and it is disqualified.

MISHNAH. IF HE KILLED IT FOR THOSE WHO CANNOT EAT IT OR FOR THOSE WHO ARE NOT REGISTERED FOR IT, FOR UNCIRCUMCISED PERSONS OR FOR UNCLEAN PERSONS, IT IS UNFIT. [IF HE KILLED IT] FOR THOSE WHO ARE TO EAT IT AND FOR THOSE WHO ARE NOT TO EAT IT, FOR THOSE WHO ARE REGISTERED FOR IT AND FOR THOSE WHO ARE NOT REGISTERED FOR IT, FOR CIRCUMCISED AND FOR UNCIRCUMCISED, FOR UNCLEAN AND FOR CLEAN PERSONS, IT IS FIT. IF HE KILLED IT BEFORE MIDDAY, IT IS DISQUALIFIED, BECAUSE IT IS SAID, [AND THE WHOLE ASSEMBLY . . . SHALL KILL IT] AT DUSK.⁷ IF HE KILLED IT BEFORE THE [EVENING] TAMID, IT IS FIT, PROVIDING THAT ONE SHALL STIR ITS BLOOD UNTIL [THAT OF] THE TAMID IS SPRINKLED;⁸ YET IF IT WAS SPRINKLED,⁹ IT IS FIT.

GEMARA. Our Rabbis taught: How is 'for those who cannot eat it' meant? [If it was killed] in the name of an invalid or an old man. How is 'for those who were not registered for it' meant? If one company registered for it and he killed it in the name of a different company.

How do we know this? Because our Rabbis taught, [Then shall he and his neighbour next unto him take one] according to the number of [be-miksath] [the souls]:¹⁰ this teaches that the Paschal lamb is not slaughtered save for those who are registered [numbered] for it. You might think that if he slaughtered it for those who were not registered for it, he should be as one who violates the precept, yet it is fit. Therefore it is stated, 'according to the number of [be-miksath] [the souls] . . . ye shall make your count [takosu]': the Writ reiterated it, to teach that it is indispensable. Rabbi said, This is a Syriac expression, as a man who says to his neighbour, 'Kill [kos] me this lamb.'¹¹ We have thus found [it disqualified if killed] for those who are not registered for it; how do we know [the same of] those who cannot eat it? Scripture saith, according to every man's eating ye shall make your count,' [thus] eaters are assimilated to registered [persons].

(1) If the owner of the sacrifice died, his son must bring it, and if the latter slaughters it for a different purpose it is disqualified.

(2) A public sacrifice, just like a private sacrifice, is disqualified if offered for another purpose.

(3) In the case of sacrifices other than the Passover a change of owner is a disqualification only when it is expressed in connection with the sprinkling of the blood, i.e., he declares that he will sprinkle the blood on behalf of another person.

(4) When its owner dies the sacrifice loses his name, and therefore even if it is offered in another man's name it is fit.

(5) They are not true distinctions, as shown anon.

(6) I.e., as though it were slaughtered on Passover eve as a Passover sacrifice, but for no persons in particular.

(7) Ex. XII, 6; lit., 'between the evenings'.

(8) To prevent it from congealing.

(9) Before the blood of the tamid.

(10) Ex. XII, 4.

(11) Thus Rabbi connects the word with slaughter. But he also admits its Hebrew connotation of counting, and he thus points out that an intention for those who cannot eat it or who are not registered for it disqualifies the sacrifice only when it is expressed at the killing, but not when it is expressed at one of the other services (Tosaf.).

Talmud - Mas. Pesachim 61b

If he slaughtered it for circumcised persons on condition that uncircumcised persons should be atoned for therewith at the sprinkling,¹ — R. Hisda said: It [the lamb] is disqualified; Rabbah ruled: It is fit. R. Hisda said, It is disqualified: There is [a disqualification in] an intention for uncircumcised at the sprinkling. Rabbah ruled, It is fit: There is no [disqualification in] an intention for uncircumcised at the sprinkling. Rabbah said, Whence do I know it? Because it was taught: You might think that he [an uncircumcised person] disqualifies the members of the company who come with him,² and it is logical: since uncircumcision disqualifies, and uncleanness disqualifies, [then] just as with uncleanness, part uncleanness was not made tantamount to entire uncleanness,³ so with uncircumcision, part uncircumcision was not made tantamount to entire uncircumcision.⁴ Or turn this way:⁵ since uncircumcision disqualifies, and time disqualifies: then just as with time, part [in respect to] time was made tantamount to the whole [in respect of] tithing,⁶ so with uncircumcision, part [in respect] to uncircumcision should be made tantamount to the whole [in respect to] uncircumcision. Let us see to what it is similar: you judge [draw an analogy between] that which does not apply to all sacrifices by that which does not apply to all sacrifices,⁷ and let not time provide an argument, which operates [as a disqualification] in the case of all sacrifices. Or turn this way: you judge a thing which was not freed⁸ from its general rule by a thing which was not freed from its general rule;⁹ and let not uncleanness provide an argument, seeing that it was freed from its general rule.¹⁰ Therefore it is stated. This [is the ordinance of the Passover].¹¹ What is [the purpose of] ‘this’?¹² If we say. [to teach] that entire uncircumcision disqualifies it [the Paschal lamb], but part thereof¹³ does not disqualify it, surely that is deduced from, and all uncircumcised person[s] [shall not eat thereof]?¹⁴ Hence he [the Tanna] must have taught thus: Therefore it is stated, ‘and all uncircumcised shall not eat thereof. Entire uncircumcision disqualifies it, [but] part thereof does not disqualify it. And should you say, the same law applies to sprinkling, viz., that entire uncircumcision at least does disqualify it:¹⁵ therefore ‘this’ is stated, [teaching,] it is only at the slaughtering that entire uncircumcision disqualifies, but [as for] sprinkling, even entire uncircumcision too does not disqualify it.¹⁶ And should you ask, What is the leniency of sprinkling?¹⁷ That there is no intention of eaters in respect to sprinkling.¹⁸

But R. Hisda [maintains,] On the contrary, [the Baraita is to be explained] in the opposite direction. [Thus:] therefore it is stated, and all uncircumcised person[s] [shall not eat thereof]: if the whole of it [the registered company] is [in a state of] uncircumcision, it disqualifies it, but part thereof does not disqualify it. But [as for] sprinkling, even part thereof disqualifies it.¹⁹ And should you say, the same law applies to sprinkling, viz., that unless there is entire uncircumcision it does not disqualify it, therefore ‘this’ is stated, [teaching,] only at the slaughtering does part thereof not disqualify it, but at the sprinkling even part thereof disqualifies it. And should you ask, What is the stringency of sprinkling?²⁰ [It is] that [the prohibition of] piggul cannot be imposed save at the sprinkling.²¹ To this R. Ashi demurred: Whence [do you know] that this [verse] ‘and all uncircumcised person[s],’ implies in its entirety; perhaps this [verse], ‘and all uncircumcised person[s]’ implies whatever there is of uncircumcision,²² [and] therefore the Merciful One wrote ‘this’ to teach that unless there is an entire [company in a state of] uncircumcision, it does not disqualify it, there being no difference whether [it is] at the slaughtering or at the sprinkling?²³ Rather, said R. Ashi, R. Hisda and Rabbah

(1) Whether the latter were registered for it or not. [‘To be atoned for’ here is employed in a technical sense denoting to have the blood sprinkled on behalf of (a person), as there is no question of atonement with the Paschal lamb. The words ‘at the sprinkling’ are accordingly superfluous, and in fact do not appear in MS.M.]

(2) I.e., if he registered together with duly circumcised, all are disqualified from partaking of this lamb.

(3) Only if all who register are unclean is the sacrifice disqualified. but not if merely some of them are unclean.

(4) Hence it is not disqualified.

(5) I.e., argue thus.

- (6) I.e., if he expressed an intention of eating only part of the sacrifice even after the time legally permitted, the whole sacrifice is piggul (q.v. Glos.) and disqualified.
- (7) Uncircumcision and uncleanness are not disqualifications in the case of other sacrifices, which may be killed on behalf of their owners even if they are uncircumcised or unclean.
- (8) Lit., 'permitted'.
- (9) In no case may a sacrifice be eaten by an uncircumcised person or after its permitted time.
- (10) If the whole community is unclean, the Paschal lamb is sacrificed and eaten by them. — Thus two contradictory arguments are possible.
- (11) Ex. XII, 43; the passage proceeds to disqualify an uncircumcised person (v. 49), and this word is quoted as teaching that an uncircumcised person does not disqualify others who register with him. 'This' is a limitation, teaching that the law is exactly as stated, and is not to be extended to others.
- (12) This is part of Rabbah's argument. How does 'this' signify that the uncircumcised does not disqualify the members of the company that come with him?
- (13) I.e., when only some of the registered company are uncircumcised.
- (14) Ibid. 48, which is thus interpreted: when all who have registered for a particular animal are uncircumcised, none must eat thereof. But if only a fraction are uncircumcised, the circumcised may eat thereof. (E.V. but no uncircumcised person shall eat thereof.)
- (15) Viz., where he expressed an intention that the sprinkling should make atonement for uncircumcised only.
- (16) 'This' implies that uncircumcision disqualifies at one of the four services only, which is assumed to be the slaughtering. This interpretation of the Baraita supports Rabbah's view.
- (17) What other leniency do you find in sprinkling, that you assume that the limitation of 'this' teaches a further leniency in respect to uncircumcision.
- (18) He need not sprinkle expressly for those who are registered, as the requirement of registration and eaters is stated in connection with slaughtering, v. supra 61a note on Rabbi's exegesis.
- (19) As his view supra.
- (20) What other stringency do you find in sprinkling, that you assume that the limitation of 'this' teaches a further stringency in respect to uncircumcision.
- (21) An illegitimate intention to partake of the sacrifice after the permitted time, expressed at one of the four services (v. Mishnah supra 59b) renders it piggul, and he who eats it even within the permitted time, incurs kareth, only if the subsequent services are performed without any intention at all or with a legitimate intention or with the same illegitimate intention. But if any one of the subsequent services is performed with a different illegitimate intention, e.g. to eat it without the permitted boundaries, it ceases to be piggul and does not involve kareth, v. Zeb. 28b. Hence the only service in which it can definitely be fixed as piggul without possibility of revocation is sprinkling, because that is the last service. That is regarded as a stringency of sprinkling.
- (22) I.e., on the contrary it may imply that even if a single person of those who are registered for the sacrifice is uncircumcised, it is disqualified.
- (23) For on the present exegesis there is no verse to intimate a distinction.

Talmud - Mas. Pesachim 62a

differ in this verse: And it shall be accepted for him to make atonement for him:¹ 'for him', but not for his companion.² Rabbah holds, His companion must be like himself: just as he is capable of atonement, so must his companion be capable of atonement,³ thus excluding this uncircumcised person, who is not capable of atonement.⁴ But R. Hisda holds, This uncircumcised person too, since he is subject to the obligation, he is [also] subject to atonement, since if he wishes he can make himself fit.⁵

Yet does R. Hisda accept [the argument of] 'since'?⁶ Surely it was stated, If one bakes [food] on a Festival for [use on] a weekday. — R. Hisda said: He is flagellated; Rabbah said: He is not flagellated. 'Rabbah said, He is not flagellated': We say, Since if guests visited him, it would be fit for him, [on the Festival itself]. it is fit for him now too.⁷ 'R. Hisda said, He is flagellated': We do not say, 'since'.⁸ As for Rabbah, it is well, [and] he is not self contradictory: here [in the case of

circumcision], an action is wanting,⁹ whereas there an action is not wanting.¹⁰ But R. Hisda is self-contradictory?¹¹ — I will tell you: when does R. Hisda reject [the argument of] ‘since’? [where it leads] to [greater] leniency;¹² [but where it results] in stringency, he accepts it.¹³

Mar Zutra son of R. Mari said to Rabina: [The Baraita] teaches: ‘since uncircumcision disqualifies, and uncleanness disqualifies, [then] just as uncleanness, part uncleanness was not made tantamount to entire uncleanness, so uncircumcision, part uncircumcision was not made tantamount to entire uncircumcision. How is this uncleanness meant? Shall we say, it means uncleanness of the person, and what is meant by, ‘part uncleanness was not made tantamount to entire uncleanness’? That if there are four or five unclean persons and four or five clean persons,¹⁴ the unclean do not disqualify [the Paschal lamb] for the clean. But then in the case of uncircumcision too they do not disqualify, for we learned, FOR CIRCUMCISED AND UNCIRCUMCISED . . . IT IS FIT: how then is uncleanness different, that he is certain about it, and how is uncircumcision different, that he is doubtful?¹⁵ Hence it must refer to uncleanness of the flesh, and what is meant by, ‘part uncleanness was not made tantamount to entire uncleanness’? For where one of the limbs becomes unclean, that which becomes unclean we burn, while the others we eat. To what have you [thus] referred it?¹⁶ To uncleanness of the flesh! Then consider the sequel: ‘you judge that which does not apply to all sacrifices by that which does not apply to all sacrifices,¹⁷ hence let not time [dis]prove it, since it applies to all sacrifices’. Now what does ‘uncleanness mean? Shall we say, uncleanness of the flesh, — why does it not apply to all sacrifices?¹⁸ Hence it is obvious that it refers to uncleanness of person, and what does ‘it does not apply to all sacrifices’ mean? For whereas in the case of all [other] sacrifices an uncircumcised person and an unclean person can send their sacrifices,¹⁹ in the case of the Passover offering an uncircumcised person and an unclean person cannot send their Passover offerings. Thus the first clause refers to uncleanness of the flesh, while the second clause refers to uncleanness of the person? — Yes, answered he to him, he argues²⁰ from the designation of uncleanness.²¹

Alternatively, the sequel too refers to the uncleanness of flesh. Then what is [meant by] ‘it does not apply to all sacrifices’? [It means this], for whereas in the case of all [other] sacrifices, whether the fat²² is defiled while the flesh remains [clean], or the flesh is defiled while the fat remains [clean], he [the officiating priest] sprinkles the blood;²³ in the case of the Passover offering, if the fat²² is defiled while the flesh remains [clean], he sprinkles the blood; but if the flesh is defiled while the fat remains [clean], he must not sprinkle the blood.²⁴

To what have you referred it: to uncleanness of the flesh? Then consider the final clause: ‘you judge a thing which was not freed from its general interdict by a thing which was not freed from its general interdict, hence let not uncleanness disprove it, seeing that it was freed from its general interdict.’ In which [case]? Shall we say.

(1) Lev. I, 4. [I.e., by sprinkling, v. supra p. 306, n. 2.]

(2) I.e., if the blood is sprinkled on behalf of a different person, the sacrifice is disqualified.

(3) Only then does this change of name disqualify the sacrifice.

(4) I.e., he is not fit to have the Paschal offering made acceptable on his behalf; cf. loc. cit. Hence the intention that the sprinkling shall be on his behalf does not disqualify it.

(5) By circumcision.

(6) I.e., does he accept the view that since a different state of affairs is possible, we take it into account as though it were already in existence?

(7) Though he has no guests. He is therefore regarded as having baked for the Festival itself.

(8) V. supra 46b.

(9) Viz., circumcision, before he is fit; hence though he is potentially circumcised, we cannot regard him as actually so.

(10) The coming of guests involves no action on his part; hence Rabbah's ruling.

(11) As in the case of baking on a Festival for a weekday.

- (12) If he accepts the argument of 'since' even in the case of circumcision, where an action is wanting, how much the more where no action is wanting!
- (13) Tosaf.: according to this, R. Hisda disqualifies the sacrifice (supra 61a top) only by Rabbinical law, for in Scriptural law this distinction is unacceptable.
- (14) Registered for the same Paschal lamb.
- (15) That the one must be deduced from the other.
- (16) Lit., 'in what (case) have you established it?'
- (17) The reference to uncleanness. V. supra p. 307, n. 2.
- (18) It certainly does.
- (19) To be sacrificed on their behalf, though they cannot partake of them personally.
- (20) Lit., 'he rebuts'.
- (21) I.e., from uncleanness as a cause of disqualification, without particularizing the nature of the uncleanness.
- (22) Which is burnt on the altar.
- (23) And the sacrifice effects its purpose.
- (24) For there must be at least as much as an olive of eatable flesh before its blood may be sprinkled.

Talmud - Mas. Pesachim 62b

in the case of uncleanness of the flesh; where was it permitted? Hence it obviously refers to uncleanness of the person, and where was it permitted? In the case of a community?¹ Thus the first clause refers to uncleanness of flesh, while the second clause refers to the uncleanness of the person? — Yes: he argues from the designation of uncleanness. Alternatively, the whole refers to uncleanness of the flesh; and [as to the question,] where was it permitted? [It was] in [the case of] the uncleanness of the Paschal lamb. For we learned: The Paschal lamb which comes [if offered] in uncleanness is eaten in uncleanness, for at the very outset it did not come for [aught] except to be eaten.² R. Huna son of R. Joshua raised an objection: If a Paschal lamb has passed its year³ and he [its owner] slaughtered it at its own time⁴ for its own purpose;⁵ and similarly, when a man kills other [sacrifices] as a Passover offering in its [own] time, — R. Eliezer disqualifies [it];⁶ while R. Joshua declares it fit.⁷ Thus the reason [that R. Eliezer disqualifies it] is that it is in its own time, but [if it were slaughtered] at a different time⁸ it is fit; yet why so? Let us say, Since he disqualifies [it]⁹ in its own time, he also disqualifies it at a different time?¹⁰ — Said R. Papa. There it is different, because Scripture saith, Then ye shall say, The sacrifice of the Lord's passover it is:¹¹ let it retain its own nature:¹² neither may it be [slaughtered] in the name of other [sacrifices], nor may others [be slaughtered] in its name; in its time¹³ when it is disqualified [if slaughtered] in the name of others, others are disqualified [if slaughtered] in its name; at a different time, when it is fit [if slaughtered] in the name of others, others are fit [if slaughtered] in its name.

R. Simlai came before R. Johanan [and] requested him, Let the Master teach me the Book of Genealogies.¹⁴ Said he to him, Whence are you? — He replied, From Lod.¹⁵ And where is your dwelling? In Nehardea.¹⁶ Said he to him, We do not discuss it¹⁷ either with the Lodians or with the Nehardeans, and how much more so with you, who are from Lod and live in Nehardea!¹⁸ But he urged¹⁹ him, and he consented, Let us learn it in three months, he proposed. [Thereupon] he took a clod and threw it at him, saying, If Beruriah, wife of R. Meir [and] daughter of R. Hanina b. Teradion, who studied three hundred laws from three hundred teachers in [one] day, could nevertheless not do her duty²⁰ in three years, yet you propose [to do it] in three months!

As he was going he said to him, Master, What is the difference between [a Passover sacrifice which is offered both] for its own purpose and for a different purpose, and [one that is offered both] for those who can eat it and for those who cannot eat it?²¹ — Since you are a scholar, he answered him, come and I will tell you. [When it is killed] for its own purpose and for another purpose, its disqualification is in [respect of] itself;²² [when he kills it] for those who can eat it and for those who cannot eat it, its disqualification is not in [respect of] itself; [when it is] for its own purpose and for

another purpose, it is impossible to distinguish its prohibition;²³ [when it is] for those who can eat it and for those who cannot eat it, it is possible to distinguish its interdict.²⁴ [Sacrificing] for its own purpose and for another purpose applies to the four services;²⁵ for those who can eat it and for those who cannot eat it, does not apply to the four services.²⁶ [The disqualification of sacrificing] for its own purpose and for another purpose applies to the community as to an individual;²⁷ for those who can eat it and for those who cannot eat it, does not apply to the community as to an individual.²⁸ R. Ashi said: [That] its disqualification is intrinsic and [that] it is impossible to distinguish its prohibition are [one and] the same thing. For why does he say [that]²⁹ its disqualification is intrinsic? Because it is impossible to distinguish its prohibition.

Rami the son of Rab Judah said: Since the day that the Book of Genealogies was hidden,³⁰ the strength of the Sages has been impaired and the light of their eyes has been dimmed.³¹ Mar Zutra said, Between 'Azel' and 'Azal' they were laden with four hundred camels of exegetical interpretations!³²

It was taught: Others³³ say, If he put the circumcised before the uncircumcised,³⁴ it is fit; the uncircumcised before the circumcised, it is disqualified. Wherein does [the case where he put] circumcised before uncircumcised differ, that it is fit, — because we require [them to be] all uncircumcised.³⁵ then [where he put] the uncircumcised before the circumcised too, we require all [to be] uncircumcised, which is absent?

(1) V. supra 61b, p. 307, n. 5.

(2) V. infra 76a.

(3) It became a year old on the first of Nisan, and was then set aside for the Passover sacrifice. Since a year is the extreme limit for such (v. Ex. XII, 5: a male of the first year), it automatically stands to be a peace-offering, being unfit for its original purpose.

(4) I.e., on the eve of Passover.

(5) Sc. as a Passover offering. Thus he killed a peace-offering as a Passover sacrifice.

(6) He infers this a minori: if an animal set aside for the Passover offering is disqualified if slaughtered in its time (on the eve of Passover) as a peace-offering, though if left until after Passover it must be offered as such; then how much the more is a peace-offering disqualified if killed on the eve of Passover as a Passover offering, seeing that if left over and not brought as a peace-offering at the time appointed for same, it cannot be brought as a Passover offering on Passover eve.

(7) For all sacrifices, except the Passover offering and the sin-offering, if sacrificed for another purpose, are fit. He too argues a minori: if during the rest of the year, when it is disqualified if slaughtered in its own name (Sc. as a Passover sacrifice), yet if others (i.e., peace-offerings) are slaughtered in its name they are fit (in accordance with the general rule stated at the beginning of this note); then in its own time, when it is of course fit if slaughtered in its own name, how much the more are others fit if killed in its name!

(8) Lit., 'not in its time'.

(9) This is the reading in cur. edd. Tosaf.'s reading is preferable: since it is disqualified, etc.

(10) Now that R. Hisda accepts the argument of 'since' where this results in greater stringency.

(11) Ibid. 27.

(12) Lit., 'it is in its own being'. Hu ('it is') is an emphatic assertion that it must always retain its own peculiar nature, as explained in the text.

(13) Sc. the eve of Passover.

(14) A commentary on Chronicles, presumably so called because of the many genealogical lists it contains.

(15) Lydda in southern Palestine. [The original home of R. Simlai, v. Hyman, Toledo, p. 1151.]

(16) The famous academy town on the Euphrates in Babylonia. It is fully discussed in Obermeyer, Landshaft, pp. 244ff.

(17) So. cur. edd. Var. lec.: we do not teach it.

(18) Probably he was simply putting him off.

(19) Lit., 'compelled'.

(20) I.e., study it adequately.

- (21) Why is it disqualified in the first case but fit in the second?
- (22) The illegitimate intention is in respect of the sacrifice itself.
- (23) I.e., you cannot say this portion of the animal was sacrificed for its own purpose, and that portion for another purpose.
- (24) It is possible to allocate separately the share for those who cannot eat it.
- (25) V. Mishnah 58b.
- (26) An intention with respect to the eaters expressed or conceived at the sprinkling has no effect, v. supra p. 306, n. 1.
- (27) I.e., both to private and to public sacrifices.
- (28) Intention in respect to eaters has effect only in the case of the Passover sacrifice, which is a private one, and in no others.
- (29) [MS.M.: 'For why is?'].
- (30) This probably means either suppressed or forgotten; perhaps destroyed.
- (31) Rashi: it contained the reasons for many Scriptural laws which have been forgotten.
- (32) I.e., on the passage commencing with 'And Azel had six sons' (I Chron. VIII, 38) and ending with 'these were the sons of Azel' (Ibid. IX, 44) there were such an enormous number of different interpretations! This too, of course, is not to be understood literally.
- (33) 'Others' frequently refers to R. Meir, v. Hor. 13b, and does refer to him here, as is evident from the text infra.
- (34) I.e., if he first intended it for the former and then for the latter.
- (35) In order to disqualify the sacrifice.

Talmud - Mas. Pesachim 63a

Shall we [then] say that the 'others' hold, Slaughtering does not count save at the end, and [this is] in accordance with Raba, who said, There is still the controversy. Therefore if he put the circumcised before the uncircumcised, it operates in respect of the circumcised,¹ but it does not operate in respect of the uncircumcised; while if he put the uncircumcised before the circumcised, it operates in respect of the uncircumcised, but it does not operate in respect of the circumcised?² — Said Rabbah, Not so: in truth the 'others' hold [that] slaughtering counts from beginning to end, but the case we discuss here is this: e.g., where he mentally determined [it] for both of them, [i.e.,] both for circumcised and for uncircumcised, and he verbally expressed³ [his intention] for uncircumcised, but he had no time to say, 'for the circumcised' before the slaughtering was completed with [the expressed intention of] the uncircumcised [alone], and they differ in this: R. Meir holds [that] we do not require his mouth and his heart [to be] the same [in intention];⁴ while the Rabbis hold, We require his mouth and his heart [to be] the same.⁵

Yet does R. Meir hold that we do not require his mouth and

at the same service or at different services, because the first statement only is regarded. But the Rabbis maintain that his last words too count, so that if both are expressed at the same service there is a mixing of intentions, and it does not become piggul, for a sacrifice becomes piggul only when the blood has otherwise been properly sprinkled. This proves that the view that the first statement only is regarded is maintained even in respect of halves, for the sacrifice is large enough to permit us to assume that each wrongful intention was expressed with respect to a different part thereof, and yet R. Judah disagrees. To this Abaye answered, Do not think that the slaughtering counts only when it is completed, so that the two intentions come together at the same moment. On the contrary, the slaughtering counts from beginning to end, and in the passage quoted he cut one organ of the animal with the intention of eating it after time, and the second organ with the intention of eating it without the permitted area, R. Meir holding that you can make an animal piggul even at one organ only. (Ritual slaughtering — shechitah — consists of cutting across the two organs of the throat, viz, the windpipe and the gullet.) This proves that Raba, who raised this objection, holds that in the views of R. Meir and R. Judah slaughtering counts only at the end. Hence the present passage too can be explained on that basis too. Thus: he must express his intention for whom he is slaughtering the

Passover sacrifice at the end of the slaughtering, and at that moment there is insufficient time to mention both, and so only the first expression is regarded, the second being entirely disregarded. Therefore if he first mentions the circumcised, it is fit; while if he first mentions the uncircumcised, it is unfit. his heart [to be] the same, but the following contradicts it: He who intended saying '[Let this be] terumah,' but he said 'tith' [instead], [or, 'let this be] tith,' and he said 'terumah,' or, '[I swear] that I will not enter this house,' but he said, 'that [house],' or, '[I vow] that I will not benefit from this [person],' but he said 'from that [person],' he has said nothing,⁶ unless his mouth and his heart are alike?⁷ — Rather, said Abaye, The first clause means where he stated, '[I cut] the first organ for the circumcised and the second organ for the uncircumcised too,' so that at the second organ also circumcised too are included.⁸ [But] the second clause means where he stated '[I cut] the first organ for uncircumcised, the second organ for circumcised' so that at the first organ circumcised are not included. Now R. Meir is consistent with his opinion, for he maintained, You can render [a sacrifice] piggul at half of that which makes it permitted; while the Rabbis⁹ are consistent with their view, for they maintain, You cannot render [a sacrifice] piggul at half of that which makes it permitted.¹⁰

MISHNAH. HE WHO SLAUGHTERS THE PASSOVER OFFERING WITH LEAVEN [IN HIS POSSESSION]¹¹ VIOLATES A NEGATIVE COMMAND.¹² R. JUDAH SAID: [ALSO] THE [EVENING] TAMID TOO.¹³ R. SIMEON SAID: [IF HE SLAUGHTERS] THE PASSOVER OFFERING [WITH LEAVEN] ON THE FOURTEENTH FOR ITS OWN PURPOSE, HE IS LIABLE [TO PUNISHMENT]; [IF] FOR A DIFFERENT PURPOSE, HE IS EXEMPT.¹⁴ BUT [FOR] ALL OTHER SACRIFICES,¹⁵ WHETHER SLAUGHTERED FOR THEIR OWN PURPOSE OR FOR A DIFFERENT PURPOSE, HE IS EXEMPT. [BUT IF HE SLAUGHTERS THE PASSOVER SACRIFICE WITH LEAVEN] ON THE FESTIVAL, IF FOR ITS OWN PURPOSE, HE IS EXEMPT; IF FOR A DIFFERENT PURPOSE, HE IS LIABLE;¹⁶ BUT [FOR] ALL OTHER SACRIFICES [SLAUGHTERED ON THE FESTIVAL WITH LEAVEN], WHETHER FOR THEIR OWN PURPOSE OR FOR ANOTHER PURPOSE, HE IS LIABLE,¹⁷ EXCEPT [IN THE CASE OR] A SIN-OFFERING WHICH HE SLAUGHTERED FOR A DIFFERENT PURPOSE.¹⁸

GEMARA. R. Simeon b. Lakish said: He is never liable unless there is leaven belonging to him who slaughters or to him who sprinkles [the blood]

(1) Lit., 'the circumcised fall' (i.e., are counted). — The slaughtering counts as having been performed for the circumcised.

(2) When a man would substitute an animal for another consecrated animal, both are holy (Lev. XXVII, 33), the former bearing the same holiness as that of the latter, and it must be offered as the same sacrifice. Now if he declares, 'This animal be a substitute for a burnt-offering', 'This (the same) animal be a substitute for a peace-offering', R. Meir rules that it is a substitute for the first only, for only his first words are regarded. R. Jose holds that his last words too are regarded, and therefore it is a substitute for both; hence it must be redeemed, and the redemption money expended on two animals, one for a burnt-offering and another for a peace-offering. Now a problem is raised in Zeb. 30a: What if he declares, 'Half of this be a substitute for a burnt-offering, and half be a substitute for a peace-offering'; does R. Meir agree with R. Jose or not? Is R. Meir's reason in the former case because he regards the second statement as a change of mind, which is invalid, since by his first statement it has already become a burnt-offering? But that is obviously inapplicable to the case in question, hence R. Meir will agree. Or perhaps here too R. Meir holds that since the sanctity of the burnt-offering first takes possession of it, as it were, that of the peace-offering cannot operate? Abaye maintains that R. Meir does agree in this case, but Raba holds that there is still the controversy. Thereupon Raba raised an objection to Abaye from this: If a man slaughters a sacrifice with the intention of eating as much as an olive without the permitted area and as much as an olive after the permitted time, R. Judah disagrees with the Rabbis and rules as R. Meir, that only his first statement is counted, hence it is not piggul, which applies to the second only, and kareth is not incurred for eating it. For R. Judah states this as a general rule: If the intention of an illegitimate time is expressed before the intention of an illegitimate place, it is piggul, and kareth is incurred for eating it, whether these two intentions are both expressed

- (3) Lit., 'uttered with his mouth'.
- (4) I.e., we merely regard the explicit intention. Hence since he mentioned the uncircumcised only, the sacrifice is unfit.
- (5) I.e., both are regarded. Therefore the Mishnah supra 61a states that if it is sacrificed for both, whatever the order, it is fit.
- (6) I.e., his words are invalid.
- (7) This is an anonymous Mishnah, and it is a general rule that such reflects R. Meir's view; Sanh. 86a.
- (8) Hence it is fit.
- (9) I.e., the view of the Mishnah supra 61a.
- (10) 'That which makes it permitted' (the *matir*) here is the slaughtering; half of that etc., is the cutting of one organ. R. Meir holds that the intention expressed at the cutting of the first organ determines the status of the sacrifice. Hence, if this intention was to eat it after time, it is *piggul*; while in the present case, since it was for the uncircumcised, it is disqualified. The Rabbis, however, hold that an illegitimate intention at the first organ cannot render it *piggul*, and in the same way an intention for uncircumcised at the first organ does not disqualify it.
- (11) I.e., before the leaven has been destroyed. The phraseology is Biblical: Thou shalt not slaughter (E.V. 'offer') the blood of My sacrifice with leavened bread (Ex. XXXIV, 25).
- (12) V. preceding note.
- (13) I.e., if he kills the evening *tamid* of the fourteenth before the leaven is destroyed, he violates a negative command.
- (14) In the former case the sacrifice is fit, hence the *shechitah* is duly regarded as *shechitah*. But in the latter the sacrifice is unfit; hence R. Simeon does not regard the *shechitah* as *shechitah*, and the verse quoted on p. 317, n. 6. does not apply to it.
- (15) Offered on Passover eve with leaven in his possession.
- (16) For a Passover offering killed at a time other than its own, viz., the fourteenth, is disqualified if sacrificed as a Passover offering, but fit if sacrificed as a peace-offering.
- (17) Because they are fit, v. Zeb. 2a.
- (18) Because it is disqualified, *ibid*.

Talmud - Mas. Pesachim 63b

or to one of the members of the company,¹ and providing that it [the leaven] is with him in the Temple Court. R. Johanan said: Even if it is not with him in the Temple Court.

Wherein do they differ? Shall we say that they differ in whether 'with' ['al] means 'near,'² R. Simeon b. Lakish holding, 'with' means near, while R. Johanan holds, We do not require 'with' [in the sense of] near,' — but surely they have differed in this once [already]?³ For we learned: If a man slaughters the thankoffering within [the Temple Court], while its bread is without the wall, the bread is not sanctified.⁴ What does 'without the wall' mean? R. Johanan said, Without the wall of Beth Pagi;⁵ but [if] without the wall of the Temple Court, it is sanctified, and we do not require 'with' [in the sense of] near. R. Simeon b. Lakish said: Even if without the wall of the Temple Court, it is not sanctified; which proves that we require 'with' [in the sense of] near! — Rather, they differ over a doubtful warning.⁶ But in this too they have already differed once? For it was stated: [If a man declares, 'I take] an oath that I will eat this loaf to-day,' and the day passed and he did not eat it, — R. Johanan and R. Simeon b. Lakish both maintain, He is not flagellated. R. Johanan said, He is not flagellated, because it is a negative injunction not involving an action,⁷ and every negative command not involving an action, we do not flagellate for it; but a doubtful warning counts⁸ as a warning.⁹ While R. Simeon b. Lakish said, He is not flagellated, because it is a doubtful warning, and a doubtful warning does not count as a warning; but as for a negative command not involving an action, we flagellate for it!

I will tell you: After all they differ in whether 'with' implies near, yet it is necessary.¹⁰ For if they differed on the subject of leaven [alone], I would say: It is only there that R. Johanan maintains that we do not require 'with' [in the sense of] near, because it is a prohibited article, and wherever it is, it is; but in the matter of sanctifying the bread, it is not sanctified save within [the Temple Court],

[hence] I would assume [that] he agrees with R. Simeon b. Lakish, that if it is inside it is sanctified, and if not, it is not sanctified, by analogy with service vessels.¹¹ Thus this [latter case] is necessary. And if we were informed [of this] in the matter of sanctifying the bread, I would say: in this R. Simeon b. Lakish maintains that we require ‘with’ [in the sense of] near, so that if it is inside it is sanctified, [and] if not, It is not sanctified. But in the matter of leaven [I would say that] he agrees with R. Johanan that we do not require ‘with’ [in the sense of] near, because it is a prohibited article, and wherever it is, it is. Hence they are [both] necessary.

R. Oshaia asked R. Ammi: What if he who slaughters has none, but one of the members of the company has [leaven]?¹² — Said he to him, Is it then written, ‘Thou shalt not slaughter [the blood of My sacrifice] with thy leavened bread’? ‘Thou shalt not slaughter [the blood of My sacrifice] with leavened bread’ is written.¹³ If so, he countered, [he is culpable] even if a person at the end of the world [possesses leaven]! — Said he to him, Scripture saith, Thou shalt not slaughter [the blood of My sacrifice with leavened bread]; neither shall [the sacrifice of the feast of the Passover] be left overnight unto the morning: [thus,] ‘Thou shalt not slaughter . . . with leavened bread’ [applies to] those who are subject to ‘it shall not be left overnight’ on its account.¹⁴ R. Papa said: As a corollary, the priest who burns the fat [on the altar] violates a negative command, since he is subject to the general [interdict of] leaving the emurim overnight.¹⁵ It was taught in accordance with R. Papa. He who slaughters the Passover sacrifice with leaven violates a negative command — When is that? When it belongs to him who slaughters or to him who sprinkles [the blood] or to one of the members of the company. If it belonged to someone at the end of the world, he is not tied to him.¹⁶ And whether he slaughters or sprinkles or burns [the fat],¹⁷ he is liable. But he who wrings a bird's neck on the fourteenth¹⁸ does not violate anything.¹⁹ But the following contradicts it: He who slaughters the Passover offering with leaven violates a negative command. R. Judah said: The tamid too.²⁰ Said they to him, They [the Sages] said [thus] of nought except the Passover-offering alone. When is that? When either he who slaughters or he who sprinkles or one of the members of the company possesses [the leaven]. If a person at the end of the world possesses it, he is not tied to him. And whether he slaughters or he sprinkles or he wrings [a bird's neck] or he sprinkles²¹ [the blood of the bird], he is liable. But he who takes the handful of the meal-offering²² does not violate a negative command. He who burns the emurim does not violate a negative command.

(1) Registered for this sacrifice.

(2) In Ex. XXXIV, 25, quoted on p. 317, n. 6.

(3) Why then repeat the controversy here?

(4) The thankoffering was accompanied by forty loaves. These were verbally sanctified before the sacrifice was actually slaughtered, whereupon they acquired a monetary consecration, which means that they might not henceforth be eaten or put to use until the offering is sacrificed; while if they became defiled, they were redeemed and reverted to hullin. The slaughtering of the sacrifice conferred intrinsic (‘bodily’) sanctity upon them; they were more readily disqualified then, and if defiled they had to be burnt. In this connection too ‘with’ (עִם) is written: then he shall offer with the sacrifice of the thankoffering unleavened cakes . . . with (עִם) cakes of leavened bread he shall present his offering (Lev. VII, 12f). — ‘Not sanctified’ means not intrinsically sanctified.

(5) A fortified suburb of Jerusalem (Jast.), which is the uttermost boundary of the town (Rashi). Its exact spot has not been identified, v. Neubauer, *Geographie*, pp. 247ff.

(6) ‘Flagellation, the punishment for violating a negative command, is imposed only if the offender has been duly warned before he sinned. Now, if the leaven is in the Temple Court, he can be warned with the certainty that his proposed action is forbidden. But if it is not in the Temple Court, we are doubtful, as we do not know whether he has leaven at home, and thus it is a doubtful warning. R. Simeon b. Lakish holds that such is not a valid warning, and flagellation is not thereby incurred; while R. Johanan holds that it is a warning, and when we subsequently learn that he had leaven at home, he is flagellated.

(7) I.e., he violates the injunction, ‘Thou shalt not take the name of the Lord thy God in vain (Ex. XX, 7) by remaining passive, not by a positive act, v. Shebu. 20b.

(8) Lit., ‘its name is’.

- (9) For naturally until the last moment of the day only a doubtful warning can be given, as we do not know that he will permit the day to pass without eating it.
- (10) For them to differ in both cases.
- (11) These sanctify whatever is put into them, but only when they are in the Temple Court (Tosaf.).
- (12) Resh Lakish states it (supra) as an obvious thing, but R. Oshaia was in doubt.
- (13) Ex. XXXIV, 25. Hence he is culpable.
- (14) And that obviously applies to its owners only.
- (15) I.e., if he still has leaven when he burns the fat, even if none of the company has any.
- (16) He has no connection with him, — or, he is not bound to take him into account, — is unaffected thereby.
- (17) This supports R. Papa.
- (18) While he still possesses leaven. The reference is to a bird offered as a sacrifice for a man lacking atonement; as stated supra 59a, it could be brought on the fourteenth after the afternoon tamid, i.e., when it is time for the Passover sacrifice to be slaughtered.
- (19) This is explained anon.
- (20) V. note on Mishnah.
- (21) מִזְבֵּחַ, term used in connection with bird sacrifices, as distinct from קִרְבָּן, which refers to animal sacrifices.
- (22) V. Lev. II, 2.

Talmud - Mas. Pesachim 64a

Now [the rulings on] wringing are contradictory, [and the rulings on] burning [the fat] are contradictory? — Then according to your reasoning, let that [Baraita] itself present a difficulty to you. For it teaches, ‘They said [this] of nought except the Passover offering alone; and then it teaches, ‘Whether he slaughters or he sprinkles or he wrings [a bird's neck] or he sprinkles [the blood of the bird]?’¹ [Say] rather, both are [according to] R. Simeon; [the rulings on] wringing are not contradictory: here² it refers to the fourteenth,³ while there it⁴ means during the Intermediate Days, and thus both the one and the other are [according to] R. Simeon. [The rulings on] the burning [of fat] too are not contradictory: it is dependent on Tannaim. For some compare burning to slaughtering,⁵ whilst others do not compare [them].

R. JUDAH SAID: THE [EVENING] TAMID TOO etc. What is R. Judah's reason? — He tells you: Scripture saith, [Thou shalt not slaughter the blood of] My sacrifice,⁶ [implying] the sacrifice which is particularly assigned to Me; and which is that? the tamid.

R. SIMEON SAID: [IF HE SLAUGHTERS] THE PASSOVER SACRIFICE [WITH LEAVEN] ON THE FOURTEENTH etc. What is R. Simeon's reason? — Because ‘My sacrifice,’ ‘My sacrifice,’ is written twice:⁷ read it, ‘a sacrifice,’ ‘My sacrifices’.⁸ For what law did the Divine Law divide them from one another and not write ‘My sacrifices’ [in one word]? To intimate: when there is ‘a sacrifice’ [viz., the Paschal lamb], you are not liable on account of ‘My sacrifices’; when there is no ‘sacrifice,’ you are liable for ‘My sacrifices’.

[BUT IF HE KILLS THE PASSOVER OFFERING WITH LEAVEN] ON THE FESTIVAL, IF FOR ITS OWN PURPOSE, HE IS EXEMPT etc. The reason is that it is for a different purpose,⁹ but if it is unspecified, he is exempt. [Yet] why? The Passover offering during the rest of the year¹⁰ is a peace-offering!¹¹ Can you then infer from this¹² [that] the Passover offering during the rest of the year requires cancellation?¹³ — Said R. Hiyya b. Gamada: It was thrown out from the mouth of the company¹⁴ and they said: [The circumstances are] e.g., that its owners were unclean by reason of a dead body and relegated to the second Passover,¹⁵ so that while unspecified it [still] stands [to be sacrificed] as a Passover offering.¹⁶

MISHNAH. THE PASSOVER OFFERING IS SLAUGHTERED IN THREE DIVISIONS,¹⁷ FOR IT IS SAID, AND THE WHOLE ASSEMBLY OF THE CONGREGATION OF ISRAEL SHALL

KILL IT:¹⁸ [I.E.,] ‘ASSEMBLY,’ ‘CONGREGATION,’ AND ‘ISRAEL.’¹⁹ THE FIRST DIVISION ENTERED, THE TEMPLE COURT WAS FILLED, THEY CLOSED THE DOORS OF THE TEMPLE COURT, THEY SOUNDED A TEKIAH, A TERUAH, AND A TEKIAH.²⁰ THE PRIESTS STOOD IN ROWS, AND IN THEIR HANDS WERE BASINS²¹ OF SILVER AND BASINS OF GOLD; A ROW WHICH WAS ENTIRELY OF SILVER WAS OF SILVER, AND A ROW WHICH WAS ENTIRELY OF GOLD WAS OF GOLD: THEY WERE NOT MIXED; AND THE BASINS HAD NO [FLAT] BOTTOMS, LEST THEY PUT THEM DOWN AND THE BLOOD BECOME CONGEALED. THE ISRAELITE KILLED [THE LAMB], AND THE PRIEST CAUGHT [THE BLOOD]; HE HANDED IT TO HIS COLLEAGUE AND HIS COLLEAGUE [PASSED IT ON] TO HIS COLLEAGUE; AND HE RECEIVED THE FULL [BASIN] AND GAVE BACK THE EMPTY ONE.²² THE PRIEST NEAREST THE ALTAR SPRINKLED IT ONCE OVER AGAINST THE BASE [OR THE ALTAR].²³ THE FIRST DIVISION [THEN] WENT OUT AND THE SECOND ENTERED; THE SECOND WENT OUT AND THE THIRD ENTERED. AS THE MANNER OF THE FIRST [GROUP], SO WAS THE MANNER OF THE SECOND AND THE THIRD. THEY RECITED THE HALLEL;²⁴ IF THEY FINISHED IT²⁵ THEY REPEATED, AND IF THEY REPEATED [AND WERE NOT FINISHED YET], THEY RECITED IT A THIRD TIME, THOUGH THEY NEVER DID RECITE IT A THIRD TIME. R. JUDAH SAID: THE THIRD DIVISION NEVER REACHED²⁶ ‘I LOVE THAT THE LORD SHOULD HEAR’ [ETC.],²⁷ BECAUSE THE PEOPLE FOR IT WERE FEW. AS WAS DONE ON WEEK-DAYS SO WAS DONE ON THE SABBATH, SAVE THAT THE PRIESTS SWILLED THE TEMPLE COURT, [BUT] WITHOUT THE CONSENT OF THE SAGES. R. JUDAH SAID: HE [A PRIEST] USED TO FILL A GOBLET WITH THE MIXED BLOOD²⁸ [AND] HE SPRINKLED IT ONCE ON THE ALTAR; BUT THE SAGES DID NOT AGREE WITH HIM.

HOW DID THEY HANG UP [THE SACRIFICES] AND FLAY [THEM]? THERE WERE IRON HOOKS FIXED IN THE WALLS AND IN THE PILLARS, ON WHICH THEY SUSPENDED [THE SACRIFICES] AND FLAYED [THEM]. IF ANY ONE HAD NO PLACE TO SUSPEND AND FLAY, THERE WERE THERE THIN SMOOTH STAVES WHICH HE PLACED ON HIS SHOULDER AND ON HIS NEIGHBOUR'S SHOULDER, AND SO SUSPENDED [THE ANIMAL] AND FLAYED [IT]. R. ELIEZER SAID: WHEN THE FOURTEENTH

(1) The last two refer to birds, hence not to the Passover offering, v. p. 321, n. 7.

(2) In the first Baraitha.

(3) As is distinctly stated. Then he is exempt, culpability being incurred on that day only for the Paschal lamb.

(4) In the second Baraitha.

(5) Actually only slaughtering which includes sprinkling is mentioned in Ex. XXXIV, 25. (Thou shalt not slaughter the blood of etc.), but some maintain that burning is the same.

(6) Ex. XXIII, 18; XXXIV, 25.

(7) In Ex. XXIII, 18 and XXXIV, 25.

(8) I.e., by transferring the yod (י) from one זבחי to the other, we have זבחי, זבחי, a ‘sacrifice’ referring to the Paschal lamb, and זבחי, ‘My sacrifices’, plural, referring to all others.

(9) I.e., he explicitly states thus.

(10) I.e., at any time other than the eve of Passover.

(11) Automatically. Why then is an explicit declaration required.

(12) Viz., that we do nevertheless require this explicit statement.

(13) Lit., ‘uprooting’, ‘eradicating’. I.e., it does not become a peace-offering automatically, but its character as a Passover offering must be explicitly cancelled.

(14) I.e., all the scholars unanimously declared.

(15) V. Num. IX, 10ff.

(16) In the following month; therefore it is not a peace-offering automatically. But in other cases it is, and an explicit declaration is then unnecessary.

(17) Irrespective of the number sacrificing.

- (18) Ex. XII, 6.
 (19) Each denotes a separate division.
 (20) Teki'ah is a long, straight blast on the shofar (ram's horn); teru'ah is a series of three short consecutive blasts.
 (21) To receive the blood.
 (22) After the blood had been sprinkled. Thus it was worked on the 'endless-chain' system.
 (23) I.e., on the side which has a projecting base, viz., the north and west sides of the altar, v. Mid. III, 1.
 (24) Lit., 'praise', a liturgical passage at present consisting of Ps. CXIII-CXVIII. This was recited by each group.
 (25) Before they finished sacrificing.
 (26) Lit., 'from the days of the third party they did not reach'.
 (27) Ps. CXVI, 1 seq.
 (28) The blood of many sacrifices which ran together.

Talmud - Mas. Pesachim 64b

FELL ON THE SABBATH, HE PLACED HIS HAND ON HIS NEIGHBOUR'S SHOULDER AND HIS NEIGHBOUR'S HAND ON HIS SHOULDER, AND HE [THUS] SUSPENDED [THE SACRIFICE] AND FLAYED [IT].¹ THEN HE TORE IT AND TOOK OUT ITS EMURIM, PLACED THEM IN A TRAY AND BURNT THEM ON THE ALTAR.

THE FIRST DIVISION WENT OUT AND SAT DOWN ON THE TEMPLE MOUNT,² THE SECOND [SAT] IN THE HEL,³ WHILE THE THIRD REMAINED IN ITS PLACE. WHEN IT GREW DARK THEY WENT OUT AND ROASTED THEIR PASCHAL LAMBS.

GEMARA. R. Isaac said: The Passover offering was not slaughtered except in three divisions each consisting of thirty men. What is the reason? 'Assembly' 'congregation,' and 'Israel' [are prescribed, and] we are doubtful whether [that means] at the same time or consecutively.⁴ Therefore we require three divisions each consisting of thirty men, so that if [it means] at the same time, they are there; and if consecutively, they are there. Hence fifty [in all] too are sufficient, thirty entering and preparing [their sacrifices], then ten enter and ten leave, [and another] ten enter and [another] ten leave.

THE FIRST DIVISION ENTERED etc. It was stated, Abaye said: We learned, 'They [the doors] locked themselves';⁵ Raba said, We learned: THEY LOCKED. Wherein do they differ? — They differ in respect of relying on a miracle. 'Abaye said, We learned, They locked themselves'; as many as entered, entered, and we rely on a miracle.⁶ Raba said, We learned, THEY LOCKED, and we do not rely on a miracle. And as to what we learned, R. Judah said: Heaven forbid that Akabia b. Mehalallel was banned! for the wisdom and fear of sin to Akabia b. Mehalallel,⁷ — Abaye explains Temple Court was never closed upon any man in Israel equal in it according to his view, [while] Raba explains it according to his view. Abaye explains it according to his view: there was none in the Temple Court when it closed itself upon every man in Israel like Akabia b. Mehalallel in wisdom and fear of sin. Raba explains it according to his view: There was none in the Temple Court when they closed it on all Israel like Akabia b. Mehalallel in wisdom and the fear of sin.

Our Rabbis taught: No man was ever crushed in the Temple Court⁸ except on one Passover in the days of Hillel, when an old man was crushed, and they called it 'The Passover of the crushed'.

Our Rabbis taught: King Agrippa once wished to cast his eyes on the hosts of Israel.⁹ Said he to the High Priest, Cast your eyes upon the Passover sacrifices. He [thereupon] took a kidney from each, and six-hundred-thousand pairs of kidneys were found there, twice as many as those who departed from Egypt, excluding those who were unclean and those who were on a distant journey; and there was not a single Paschal lamb for which more than ten people had not registered; and they called it, 'The Passover of the dense throngs.'

‘He took a kidney’! but it required burning [on the altar]? He burned them subsequently.¹⁰ But it is written, And [Aaron's sons] shall burn it etc.,¹¹ [which intimates] that he must not mix the fat [portions] of one [sacrifice] with [that of] another? — He subsequently burned them each separately. But it was taught: And [the priest] shall burn then,¹² [this teaches] that all of it must be [burnt] simultaneously.¹³ But it was a mere seizure, i.e., he took it from them until they gave him something else.¹⁴

THE PRIESTS STOOD IN ROWS etc. What is the reason? Shall we say, lest they take [a basin] of gold and return [a basin] of silver;¹⁵ then here too,¹⁶ perhaps they might take [a basin] of two hundred [measures] capacity and return one of one hundred? Rather, [the reason is] that it is more becoming thus.¹⁷

AND THE BASINS DID NOT HAVE [FLAT] BOTTOMS etc. Our Rabbis taught: None of the basins in the Temple had [flat] bottoms, except the basins of the frankincense for the shewbread, lest they put them down and they break up the bread.¹⁸

AN ISRAELITE KILLED AND THE PRIEST CAUGHT [THE BLOOD] etc. Is then an Israelite indispensable?¹⁹ — He [the Tanna] informs us that very fact, viz., that the shechitah is valid [when done] by a lay Israelite. AND THE PRIEST CAUGHT [THE BLOOD] informs us this: from the receiving of the blood and onwards it is a priestly duty.

HE HANDED IT TO HIS COLLEAGUE. You can infer from this that carrying without moving the feet is carrying!²⁰ [No:] perhaps he moved slightly [too]. Then [in that case] what does he inform us? — He informs us this: In the multitude of people is the king's glory.²¹ HE RECEIVED THE FULL [BASIN] AND GAVE BACK THE EMPTY ONE etc. But not the reverse.²² This supports R. Simeon b. Lakish. For R. Simeon b. Lakish said: You must not postpone the precepts.²³

THE PRIEST NEAREST THE ALTAR etc. Which Tanna [holds] that the Passover offering requires sprinkling?²⁴ Said R. Hisda, it is R. Jose the Galilean. For it was taught, R. Jose the Galilean said: Thou shalt sprinkle their blood against the altar, and thou shalt burn their fat.²⁵ ‘its blood’ is not said, but ‘their blood’; ‘its fat’ is not said, but ‘their fat’.²⁶ This teaches concerning the firstling, the tithe [of animals] and the Passover offering, that they require the presenting of blood and emurim at the altar.²⁷ How do we know that they require [sprinkling against] the base? — Said R. Eleazar: The meaning of ‘sprinkling’ is deduced from, a burnt-offering.²⁸ Here it is written, thou shalt sprinkle their blood against the altar, while there it is written, And Aaron's sons, the priests, shall sprinkle its blood against the altar round about:²⁹ just as the burnt-offering requires [sprinkling against] the base, so does the Passover offering too require [sprinkling against] the base.

(1) But the staves might not be used on that day.

(2) If the fourteenth fell on the Sabbath, as they could not carry their sacrifices home and had to wait for the evening.

(3) A place within the fortification of the Temple (Jast.); v. Mid. I, 5.

(4) And each expression denotes a minimum of ten.

(5) Or, were locked-miraculously, without human agency.

(6) That the doors should shut themselves when sufficient had entered.

(7) V. ‘Ed. V, 6 for the whole discussion. ‘Was never closed’ — on the eve of Passover, at the sacrificing of the Paschal lambs.

(8) In spite of the enormous crowds that thronged it.

(9) I.e., to take a census of the Jewish people. This was an unpopular proceeding, as it was regarded as of unfortunate omen; cf. I Chron. XXI. In addition, a census was looked upon with suspicion as being the possible precursor of fresh levies and taxation, and the decision of Quirinius, the governor of Syria, to take a census in Judea (c. 6-7 C.E.) nearly precipitated a revolt; v. Graetz. History of the Jews (Eng. translation) II, ch. V. pp. 129 seq. According to Graetz (op. cit.

p. 252) the present census was undertaken by Agrippa II in the year 66 C.E. as a hint to the Roman powers not to underrate the strength of the Jewish people, and therefore avoid driving them too far by the cruelty and greed of the Procurator, at that time Gessius Florus. Graetz assumes that an extra large number flocked to Jerusalem on that occasion, and it is then that the old man was suffocated. This however does not agree with the statement that the man was crushed in the days of Hillel, which is a far earlier date, Hillel having flourished or commenced his Patriarchate one hundred years before the destruction of the Temple, i.e., 30 B.C.E.

(10) After the event.

(11) Lev. III, 5.

(12) Lev. III, 16.

(13) All the parts of the sacrifice which are burnt on the altar (called emurim) must be burnt at the same time. Here, however, the kidneys would be burnt separately.

(14) The unpopularity of the census (v. p. 326, n. 2) may have necessitated this procedure.

(15) Which is 'descending in sanctity', and this must be avoided.

(16) I.e., even with the present arrangements.

(17) The general beauty and dignity of the proceedings are thereby enhanced.

(18) These vessels were kept near the shewbread, and if they were not provided with a base to stand on they might fall against the rows of shewbread and break up their formation.

(19) Lit., 'is it not enough that it should not be an Israelite?' — Surely a priest too could kill it!

(20) Carrying the blood to be sprinkled was one of the four services (v. supra 59b Mishnah), and there is a controversy in Zeb. 14b whether the priest actually had to walk a little for this or not. From the present passage we see that this was unnecessary.

(21) Prov. XIV, 28.

(22) It had to be done in this order.

(23) Lit., 'one must not pass by precepts', but must perform them immediately they come to hand. Thus when the full basin is held out, the next priest must accept it immediately, before returning the empty one, as the reception of the full basin on its way to the sprinkling is a religious service.

(24) From the distance, and not just pouring out; v. infra 121a.

(25) Num. XVIII, 17.

(26) Though the passage treats of one sacrifice only, viz., the firstling. The plural possessive suffix indicates that other sacrifices too are included in this law.

(27) These are the only sacrifices in connection with which it is not mentioned elsewhere, hence the plural is applied to them. Furthermore, Scripture states 'thou shalt sprinkle' (tizrok), not 'thou shalt pour out' (tishpok).

(28) Lit., "'sprinkling", "sprinkling" is deduced from a burnt-offering'.

(29) Lev. I, 11.

Talmud - Mas. Pesachim 65a

And how do we know it of the burnt-offering itself? — Scripture saith, at the base of the altar of the burnt-offering:¹ this proves that the burnt-offering requires [sprinkling at] the base.²

THE FIRST DIVISION WENT OUT etc. A Tanna taught: It [the third division] was called the slothful division.³ But It was impossible otherwise? What should they have done! — Even so, they should have hurried themselves, as it was taught: Rabbi said: The world cannot exist without a perfume maker and without a tanner: happy is he whose craft is [that of] a perfume maker, [and] woe to him whose craft is [that of] a tanner. Nor can the world exist without males and females: happy is he whose children are males, [and] woe to him whose children are females.⁴

AS HE DID ON WEEK-DAYS etc. Without whose consent?⁵ — Said R. Hisda, Without the consent of R. Eliezer; for if [the ruling of] the Rabbis [is regarded], surely they maintain that it is a shebuth,⁶ and a shebuth is not [interdicted] in the Temple. What is this [allusion]? — For it was taught: Whether he milks, sets milk [for curdling],⁷ or makes cheese, [the standard for culpability is] as much as a dried fig. He who sweeps [the floor], lays [the dust by sprinkling water], and removes

loaves of honey, [if he does this] unwittingly on the Sabbath, he is liable to a sin-offering; if he does it deliberately on a Festival, he is flagellated with forty [lashes]: this is R. Eliezer's view. But the Sages maintain: In both cases it is [forbidden] only as a shebuth.⁸ R. Ashi said: You may even say, [it means] without the consent of the Sages, this agreeing with R. Nathan. For it was taught, R. Nathan said: A shebuth that is necessary they permitted [in the Temple]; [but] a shebuth which is not necessary they did not permit.

R. JUDAH SAID: HE USED TO FILL A GOBLET etc. It was taught, R. Judah said: He used to fill goblet with the mingled blood,⁹ so that should the blood of one of them be spilled, it is found that this renders it fit. Said they to R. Judah, But surely it [this mingled blood] had not been received in a basin? How do they know?¹⁰ Rather, they said thus to him: Perhaps it was not caught in a vessel?¹¹ I too, he answered them, spoke only of that which was received in a vessel. How does he know?¹² The priests are careful. If they are careful, why was it spilled? — Because of the speed with which they work,¹³ it is spilled.

But the draining blood¹⁴ is mixed with it?¹⁵ — R. Judah is consistent with his view, for he maintained, The draining blood is [considered] proper blood. For it was taught: The draining blood is subject to a 'warning';¹⁶ R. Judah said: It is subject to kareth.¹⁷ But surely R. Eleazar said, R. Judah agrees in respect to atonement, that it does not make atonement, because it is said, for it is the blood that maketh atonement by reason of life:¹⁸

(1) Lev. IV, 7.

(2) For in fact the altar was not used for the burnt-offering exclusively, the very sentence quoted treating of a sin-offering. Hence the verse must mean, at the base of the altar, as is done with the burnt-offering.

(3) For remaining to the last.

(4) This was not said in a spirit of contempt for the female sex, but in the realization of the anxieties caused by daughters; v. Sanh. 100b, (Sonc. ed.) p. p. 681).

(5) I.e., on whose view is this wrong?

(6) V. Glos.

(7) Rashi, Jast.: beats milk into a pulp.

(8) Which is only a Rabbinical prohibition, and involves neither a sin-offering nor flagellation, v. Shab. 95a.

(9) Lit., 'the blood of those which were mixed'.

(10) This is an interjection: how do the Rabbis, who raise this objection, know that it was not caught in a vessel?

(11) But poured straight from the animal's throat on to the ground. Rashi: in that case sprinkling is of no avail. Tosaf.: sprinkling, if already performed, is efficacious, but such blood must not be taken up to the altar in the first place.

(12) That it was caught in a vessel? For R. Judah prescribed this merely because the blood might have been spilled; then how can it be remedied with blood about which there is a doubt?

(13) Zariz denotes both careful and speedy; they hurried to catch the blood, present it at the altar, and sprinkle it.

(14) Tamzith denotes the last blood which slowly drains off the animal, contrad. to the lifeblood, which gushes forth in a stream.

(15) Whereas the 'life-blood' is required for sprinkling.

(16) This is a technical designation for a negative injunction whose violation is punished by lashes. But it involves no kareth, as does the consuming of the life-blood (v. Lev. XVII, 10f).

(17) Just like life-blood. Hence it is also the same in respect to sprinkling.

(18) Ibid.

Talmud - Mas. Pesachim 65b

blood wherewith life departs, makes atonement; and blood wherewith life does not depart, does not make atonement? — Rather [reply],¹ R. Judah is consistent with his view, for he maintained: Blood cannot nullify [other] blood.²

It was taught, R. Judah said to the Sages: On your view, why did they stop up [the holes in] the Temple Court?³ Said they to him: It is praiseworthy for the sons of Aaron [the priests] to walk in blood up to their ankles. But it interposed?⁴ — It is moist [liquid] and does not interpose. As it was taught: Blood, ink, honey and milk, if dry, interpose; if moist, they do not interpose.⁵ But their garments become [blood-] stained, whereas It was taught: If his garments were soiled and he performed the service, his service is unfit? And should you answer that they raised their garments.⁶ surely it was taught: [And the priest shall put out] his linen measure:⁷ [that means] that it must not be [too] short nor too long?⁸ — [They could raise them] at the carrying of the limbs to the [Altar] ascent, which was not a service. Was it not? But since it required the priesthood, it was a service! For it was taught, And the priest shall offer the whole, [and burn it] on the altar:⁹ this refers to the carrying of the limbs to the [altar] ascent. — Rather [they could raise them] at the carrying of the wood to the [altar] pile, which was not a service. Nevertheless, how could they walk when carrying the limbs to the [altar] ascent and when carrying the blood? They walked on balconies.¹⁰

HOW DID THEY HANG UP [THE SACRIFICES] AND FLAY [THEM] etc. THEN HE TORE IT OPEN AND TOOK OUT ITS EMURIM, PLACED THEM ON A TRAY AND BURNT THEM [ON THE ALTAR]. Did he then burn them himself?¹¹ Say, To burn them on the altar.

THE FIRST DIVISION WENT OUT etc. A Tanna taught: Each one placed his paschal lamb in its hide and slung it behind him. Said R. 'Ilish: In Arab-like fashion.¹²

CHAPTER VI

MISHNAH. THESE THINGS IN [CONNECTION WITH] THE PASSOVER OFFERING OVERRIDE THE SABBATH: ITS SHECHITAH AND THE SPRINKLING OF ITS BLOOD AND THE CLEANSING OF ITS BOWELS AND THE BURNING OF ITS FAT. BUT ITS ROASTING AND THE WASHING OF ITS BOWELS DO NOT OVERRIDE THE SABBATH. ITS CARRYING¹³ AND BRINGING IT FROM WITHOUT THE TEHUM¹⁴ AND THE CUTTING OFF OF ITS WART DO NOT OVERRIDE THE SABBATH. R. ELIEZER SAID: THEY DO OVERRIDE [THE SABBATH]. SAID R. ELIEZER, DOES IT NOT FOLLOW A FORTIORI: IF SHECHITAH, WHICH IS [USUALLY FORBIDDEN] AS A LABOUR, OVERRIDES THE SABBATH, SHALL NOT THESE, WHICH ARE [ONLY FORBIDDEN] AS A SHEBUTH, OVERRIDE THE SABBATH?¹⁵ R. JOSHUA ANSWERED HIM, LET FESTIVAL[S] REBUT¹⁶ IT, WHEREIN THEY PERMITTED LABOUR AND FORBADE A SHEBUTH.¹⁷ SAID R. ELIEZER TO HIM, WHAT IS THIS, JOSHUA, WHAT PROOF IS A VOLUNTARY ACT IN RESPECT OF A PRECEPT! R. AKIBA ANSWERED AND SAID, LET HAZA'AH¹⁸ PROVE IT, WHICH IS [PERFORMED] BECAUSE IT IS A PRECEPT AND IS [NORMALLY FORBIDDEN ONLY] AS A SHEBUTH, YET IT DOES NOT OVERRIDE THE SABBATH;¹⁹ SO YOU TOO, DO NOT WONDER AT THESE, THAT THOUGH THEY ARE [REQUIRED] ON ACCOUNT OF THE PRECEPT AND ARE [ONLY FORBIDDEN] AS A SHEBUTH, YET THEY DO NOT OVERRIDE THE SABBATH. SAID R. ELIEZER TO HIM, BUT IN RESPECT OF THAT [ITSELF] I ARGUE: IF SHECHITAH, WHICH IS A LABOUR, OVERRIDES THE SABBATH, IS IT NOT LOGICAL THAT HAZA'AH, WHICH IS [ONLY] A SHEBUTH, OVERRIDES THE SABBATH!

(1) To the question, 'But the draining blood is mixed with it'.

(2) Therefore there must be a little of proper (i.e., life-) blood, if spilled in this goblet of mixed blood, and that is sufficient for atonement.

(3) On the eve of Passover they stopped up the holes through which the blood of the sacrifices passed out to the stream of Kidron.

(4) Between the pavement and their feet, whereas they had to stand actually on the pavement itself, Zeb. 15b.

(5) When a person takes a ritual bath (tebillah), nothing must interpose between the water and his skin; if something does

interpose, it invalidates the bath.

(6) I.e., they made them short, so that they did not reach down to the blood.

(7) E.V. Garment. Lev. VI, 3.

(8) But reach exactly to the ground.

(9) Lev. I, 13.

(10) Projecting boards alongside the walls.

(11) This was not necessarily done by the same priest.

(12) In the fashion of Arab merchants, Rashi. Jast.: in the manner of travellers.

(13) Lit., 'riding' — i.e., carrying it upon one's shoulder.

(14) V. Glos.

(15) 'Labour' (עֲמָלָה) denotes work regarded as Biblically forbidden, whereas a shebuth is only a Rabbinical interdict.

(16) Lit., 'prove'.

(17) Lit., 'they permitted (that which is forbidden on the Sabbath) on account of labour' etc. Slaughtering and cooking, for example, are permitted on Festivals, whereas bringing food from without the tehum which is only a Rabbinical prohibition, is forbidden.

(18) Haza'ah connotes the sprinkling of the waters of purification (v. Lev. XIV, 7, 16; Num. XIX, 19) upon an unclean person; zerikah, the sprinkling of the blood of the sacrifice upon the altar.

(19) If the seventh day of the unclean person (v. Num. *ibid.*) falls on the Sabbath, which happens to be the eve of

Talmud - Mas. Pesachim 66a

SAID R. AKIBA TO HIM, OR ON THE CONTRARY: IF HAZA'AH, WHICH IS [FORBIDDEN] AS A SHEBUTH, DOES NOT OVERRIDE THE SABBATH,¹ THEN SHECHITAH, WHICH IS [NORMALLY FORBIDDEN] ON ACCOUNT OF LABOUR, IS IT NOT LOGICAL THAT IT DOES NOT OVERRIDE THE SABBATH.² AKIBA! SAID R. ELIEZER TO HIM, YOU WOULD ERASE WHAT IS WRITTEN IN THE TORAH, [LET THE CHILDREN OF ISRAEL PREPARE THE PASSOVER SACRIFICE] IN ITS APPOINTED TIME,³ [IMPLYING] BOTH ON WEEK-DAYS AND ON THE SABBATH. SAID HE TO HIM, MASTER, GIVE ME AN APPOINTED TIME FOR THESE AS THERE IS AN APPOINTED SEASON FOR SHECHITAH!⁴ R. AKIBA STATED A GENERAL RULE: WORK WHICH COULD BE DONE ON THE EVE OF THE SABBATH OVERRIDES⁵ THE SABBATH; SHECHITAH, WHICH COULD NOT BE DONE ON THE EVE OF THE SABBATH, DOES OVERRIDE THE SABBATH.

GEMARA. Our Rabbis taught: This halachah was hidden from [i.e., forgotten by] the Bene Bathyra.⁶ On one occasion the fourteenth [of Nisan] fell on the Sabbath, [and] they forgot and

Passover, R. Akiba holds that the haza'ah must not be performed, though the man is thereby prevented from joining in the Passover sacrifice. did not know whether the Passover overrides the Sabbath or not. Said they, 'Is there any man who knows whether the Passover overrides the Sabbath or not?' They were told, 'There is a certain man who has come up from Babylonia, Hillel the Babylonian by name, who served⁷ the two greatest men of the time,⁸ and he knows whether the Passover overrides the Sabbath or not [Thereupon] they summoned him [and] said to him, 'Do you know whether the Passover overrides the Sabbath or not?' 'Have we then [only] one Passover during the year which overrides the Sabbath?' replied he to them, 'Surely we have many more than two hundred Passovers during the year which override the Sabbath!⁹ Said they to him, 'How do you know it?'¹⁰ He answered them, 'In its appointed time' is stated in connection with the Passover, and 'In its appointed time'¹¹ is stated in connection with the tamid; just as 'Its appointed time' which is said in connection with the tamid overrides the Sabbath, so 'Its appointed time' which is said in connection with the Passover overrides the Sabbath. Moreover, it follows a minori, if the tamid, [the omission of] which is not punished by kareth, overrides the Sabbath, then the Passover, [neglect of] which is punished by kareth,¹² is it not logical that it overrides the Sabbath! They immediately set

him at their head and appointed him Nasi [Patriarch] over them,¹³ and he was sitting and lecturing the whole day on the laws of Passover. He began rebuking them with words. Said he to them, 'What caused it for you that I should come up from Babylonia to be a Nasi over you? It was your indolence, because you did not serve the two greatest men of the time, Shemaiah and Abtalyon.' Said they to him, 'Master, what if a man forgot and did not bring a knife on the eve of the Sabbath?' 'I have heard this law,' he answered, 'but have forgotten it. But leave it to Israel: if they are not prophets, yet they are the children of prophets!' On the morrow, he whose Passover was a lamb stuck it [the knife] in its wool; he whose Passover was a goat stuck it between its horns. He saw the incident and recollected the halachah and said, 'Thus have I received the tradition from the mouth[s] of Shemaiah and Abtalyon.'

The Master said: "'In its appointed season" is stated in connection with the Passover, and "in its appointed time" is stated in connection with the tamid: just as "its appointed time" which is said in connection with the tamid overrides the Sabbath, so "its appointed time" which is said in connection with the Passover overrides the Sabbath.' And how do we know that the tamid itself overrides the Sabbath? Shall we say, because 'in its appointed time' is written in connection with it;¹⁴ then the Passover too, surely 'in its appointed time' is written in connection with it?¹⁵ Hence [you must say that] 'its appointed time' has no significance for him [Hillel]; then here too, 'its appointed time' should have no significance for him? — Rather Scripture saith, This is the burnt-offering of every Sabbath, beside the continual burnt-offering:¹⁶ whence it follows that the continual burnt-offering [tamid] is offered on the Sabbath.

The Master said: 'Moreover, it follows a minori: if the tamid, [the omission of] which is not punished by kareth, overrides the Sabbath; then the Passover, [neglect of] which is punished by kareth, is it not logical that it overrides the Sabbath!' [But] this can be refuted: as for the tamid, that is because it is constant,¹⁷ and entirely [burnt]?¹⁸ — He first told them the a minori argument, but they refuted it; [so] then he told them the gezerah shawah. But since he had received the tradition of a gezerah shawah, what was the need of an a minori argument? — Rather he spoke to them on their own ground: It is well that you do not learn a gezerah shawah, because a man cannot argue [by] a gezerah shawah of his own accord.¹⁹ But [an inference] a minori, which a man can argue of his own accord, you should have argued! — Said they to him, It is a fallacious a minori argument.

The Master said: 'On the morrow, he whose Passover was a lamb stuck it in its wool; [he whose Passover was] a goat stuck it between its horns.'

(1) I regard this as certain.

(2) This is a reductio ad absurdum.

(3) Num. IX, 2.

(4) Shechitah must be done on the fourteenth; have these a similar fixed time? — surely not!

(5) Lit., 'every work. ... does not override'.

(6) 'The children of Bathyra' — they were the religious heads of Palestine at the time of this incident. — Bathyra is a town of Babylonia. [Their name is, however, generally held to be derived from the colony of that name in Batanea mentioned in Josephus, Antiquities, XVII, 2, 2, and established by Herod for the settlement of the Jews who had come from Babylon.]

(7) I.e., studied under.

(8) Lit., 'generation'.

(9) I.e., during the year more than two hundred sacrifices are offered on the Sabbath, viz., the two daily burnt-offerings and the two additional sacrifices of every Sabbath, besides the extra sacrifices offered on the Sabbath which occurs in the middle of Passover and the middle of Tabernacles.

(10) A question of such importance cannot be decided by a mere argument, however strong, but must have Biblical support, as well as the support of tradition.

(11) Num. XXVIII, 2.

(12) V. Num. IX, 13.

(13) This story of Hillel's rise to eminence contains a number of difficulties particularly (i) The ignorance of Bene Bathyra, the religious heads of the people, and (ii) the fact that there was no single head, but the authority lay in the hands of a family. V. Halevi, Doroth, I, 3. pp. 37ff, where this is discussed at great length; he maintains that the Great Sanhedrin, which was the ruling authority on all religious matters, had been abolished, and there was no single religious head at the time. [Buchler Synhedrion pp. 144ff connects this story with the controversy related infra 70b which led to the retirement of Judah b. Durtai to the south.]

(14) Which implies whenever it is.

(15) Then why is it regarded as axiomatic in the case of the former, whereas the latter must be learnt from it?

(16) Num. XXVIII, 10.

(17) Every day; in comparison therewith the Passover, which is only once a year, is not constant.

(18) Each of which fact gives it a stronger claim to override the Sabbath.

(19) A man must have received a tradition from his teachers that a particular word in the Pentateuch is meant for a *gezerah shawah*, but he cannot assume it himself. Hence the Bene Bathyar, not having received this tradition, could not adduce this *gezerah shawah*.

Talmud - Mas. Pesachim 66b

But he performed work with sacred animals?¹ [They did] as Hillel. For it was taught: It was related of Hillel, As long as he lived² no man ever committed trespass through his burnt-offering.³ But he brought it unconsecrated [hullin] to the Temple Court, consecrated it, layed his hand upon it,⁴ and slaughtered it.

[Yet] how might a person consecrate the Passover on the Sabbath? Surely we learned: You may not consecrate, nor make a valuation vow,⁵ nor make a vow of herem,⁶ nor separate⁷ *terumah* and tithes. They said all this of Festivals, how much the more of the Sabbath! — That applies only to obligations for [the discharge of] which no time is fixed; but in the case of obligations for [the discharge of] which a time is fixed, you may consecrate. For R. Johanan said: A man may consecrate his Passover on the Sabbath, and his Festival-offering [hagigah] on the Festival.

But he drives [a laden animal]?⁸ — It is driving in an unusual way.⁹ [But] even driving in an unusual manner, granted that there is no Scriptural prohibition, there is nevertheless a Rabbinical prohibition? — That is [precisely] what they asked him: An action which is permitted by Scripture, while a matter of a *shebuth* stands before it to render it impossible,¹⁰ such as [an action performed] in an unusual manner [standing] in the way of a precept, what then? Said he to them, 'I have heard this halachah, but have forgotten it: but leave [it] to Israel, if they are not prophets they are the sons of prophets.'

Rab Judah said in Rab's name: Whoever is boastful, if he is a Sage, his wisdom departs from him; if he is a prophet, his prophecy departs from him. If he is a Sage, his wisdom departs from him: [we learn this] from Hillel. For the Master said, 'He began rebuking them with words,' and [then] he said to them, 'I have heard this halachah, but have forgotten it'.¹¹ If he is a prophet, his prophecy departs from him: [we learn this] from Deborah. For it is written, The rulers ceased in Israel, they ceased, until that I arose, Deborah, I arose a mother in Israel;¹² and it is written, Awake, awake, Deborah, awake, awake, utter a song.¹³

Resh Lakish said: As to every man who becomes angry, if he is a Sage, his wisdom departs from him; if he is a prophet, his prophecy departs from him. If he is a Sage, his wisdom departs from him: [we learn this] from Moses. For it is written, And Moses was wroth with the officers of the host etc.;¹⁴ and it is written, And Eleazar the Priest said unto the men of war that went to the battle: This is the statute of the law which the Lord hath commanded Moses etc.,¹⁵ whence it follows that it had been forgotten by Moses.¹⁶ If he is a prophet, his prophecy departs from him: [we learn this] from

Elisha. Because it is written, 'were it not that I regard the presence of Johoshaphat the king of Judah, I would not look toward thee, nor see thee',¹⁷ and it is written, 'But now bring me a minstrel,' And it came to pass, when the minstrel played, that the hand of the Lord [i.e., the spirit of prophecy] came upon him.¹⁸

R. Mani b. Pattish said: Whoever becomes angry, even if greatness has been decreed for him by Heaven, is cast down. Whence do we know it? From Eliab, for it is said, and Eliab's anger was kindled against David, and he said: 'Why art thou come down? and with whom hast thou left those few sheep in the wilderness? I know thy presumptuousness, and the naughtiness of thy heart; for thou art come down that thou mightest see the battle.'¹⁹ And when Samuel went to anoint him [sc. a king], of all [David's brothers] it is written, neither hath the Lord chosen this,²⁰ whereas of Eliab it is written, But the Lord saith unto Samuel, 'Look not on his countenance, or on the height of his stature; because I have rejected him':²¹ hence it follows that He had favoured him until then.

We have [thus] found that the tamid and the Passover override the Sabbath; how do we know that they override uncleanness?²² — I will tell you: just as he learns the Passover from the tamid in respect to the Sabbath, so also does he learn the tamid from the Passover in respect to uncleanness. And how do we know it of the Passover itself? — Said R. Johanan. Because the Writ saith, If any man of you shall be unclean by reason of a dead body:²³ a man [i.e.. an individual] is relegated to the second Passover,²⁴ but a community is not relegated to the second Passover, but they must offer it in [a state of] uncleanness. R. Simeon b. Lakish said to R. Johanan: Say, a man is relegated to the second Passover, [whereas] a community has no remedy [for its uncleanness]. neither on the first Passover not on the second Passover? Rather, said R. Simeon b. Lakish. [It is deduced] from here: [Command the children of Israel,] that they send out of the camp of every leper, and every one that hath an issue, and whosoever is unclean by the dead:²⁵ let [Scripture] state those who are unclean by the dead, and not state zabin²⁶ and lepers, and I would argue, if those who are unclean by the dead are sent out [of the camp]. how much the more zabin and lepers!²⁷

(1) Which is forbidden, v. Deut. XV, 19: thou shalt do no work with the firstling of thine ox — a firstling being sacred.

(2) Lit., 'from his days'.

(3) I.e.. through making unlawful use of the consecrated animal.

(4) v. Lev. I, 4: and he shall lay his hand upon the head of the burnt-offering.

(5) I.e.. vow your own value to the Temple; v. Lev. XXVII, 2-13.

(6) A vow dedicating an object for priestly use, *ibid.* 28 seq.

(7) Lit., 'raise', 'lift off'.

(8) Which is likewise forbidden.

(9) Lit., 'as in a back-handed manner' — an idiom connoting an unusual way of doing anything. Sheep and goats are not employed as beasts of burden, hence this is unusual, whereas by Scriptural law work is forbidden on the Sabbath and Festivals only when performed in the usual way.

(10) Lit., 'to eradicate it'.

(11) Though his rebuke was probably justified and timely, he should not have drawn attention to his own promotion.

(12) *Judg.* V, 7.

(13) *Ibid.* 12; thus after boasting that she was a mother in Israel, she had to be urged to awake and utter song. i.e., prophecy, the spirit having departed from her.

(14) *Num.* XXXI, 14.

(15) *Num.* XXXI, 21.

(16) Lit., 'it had become hidden from Moses'.

(17) *II Kings* III, 14; this was an expression of anger.

(18) *Ibid.* 15.

(19) *I Sam.* XVII, 28.

(20) *Ibid.* XVI, 8f. *passim.*

(21) *Ibid.* 7.

(22) If the larger part of the community is unclean, these offerings are still sacrificed.

(23) Num. IX, 10.

(24) I.e., in the second month, *ibid.* II.

(25) Num. V, 2.

(26) Those who have an issue. Pl. of *zab*, q.v. Glos.

(27) Their uncleanness is more stringent, since it emanates from themselves.

Talmud - Mas. Pesachim 67a

But [it intimates,] there is a time when *zabin* and lepers are sent out, whereas those who are unclean by the dead are not sent out; and when is that? It is [when] the Passover comes [is sacrificed] in uncleanness.

Said Abaye, If so, let us also argue: 'Let [Scripture] state a *zab* and those who are unclean by the dead, and let it not state a leper, and I would argue, If a *zab* is sent out, how much the more a leper; but [the fact that a leper is stated intimates] there is a time when lepers are sent out, whereas *zabin* and those who are unclean by the dead are not sent out, and when is that? It is [when] the Passover comes in uncleanness'? And should you say. That indeed is so—surely we learned: The Passover which comes in uncleanness, *zabin* and *zaboth*, menstruant women and women in childbirth must not eat thereof, yet if they ate, they are not liable [to *kareth*]?' Rather, said Abaye. After all, [it is derived] from the first verse;¹ [and as to the question raised,² the reply is]. If so,³ let the Divine Law write, 'If any man of you shall be unclean'; what is the purpose of 'by reason of a dead body'? And should you say, this [phrase] 'by reason of a dead body' comes for this [purpose, viz..] only he who is unclean by reason of a dead body is relegated to the second Passover, but not other unclean [persons], surely' it was taught: You might think that only those who are unclean by the dead and he who was on a distant journey keep the second Passover; whence do we know [to include] *zabin* and lepers and those who had intercourse with menstruant women?⁴ Therefore it is stated, 'any man'.⁵ Then what is the purpose of [the phrase] 'by reason of a dead body' which the Divine Law wrote? But this is what [Scripture] states: A man [i.e.. an individual] is relegated to the second Passover, whereas a community is not relegated to the second Passover, but they keep [the first Passover] in uncleanness. And when do the community keep [the first Passover] in uncleanness? When [they are] unclean by reason of the dead; but in the case of other forms of uncleanness, they do not keep [it thus].

R. Hisda said: If a leper entered within his barrier,⁶ he is exempt [from flagellation],⁷ because it is said, he shall dwell solitary; without the camp shall his dwelling be:⁸ the Writ transformed it [his prohibition] into a positive command.⁹ An objection is raised: A leper who entered within his barrier [is punished] with forty lashes; *zabin* and *zaboth* who entered within their barrier [are punished] with forty lashes; while he who is unclean by the dead is permitted to enter the Levitical camp;¹⁰ and they said this not only [of] him who is unclean by the dead but even [of] the dead himself, for it is said, And Moses took the bones of Joseph with him,¹¹ 'with him' [implying] within his barrier [precincts]!¹² — It is [a controversy of] Tannaim. For it was taught: 'He shall dwell solitary': [that means,] he shall dwell alone so that other unclean persons¹³ should not dwell with him.¹⁴ You might think that *zabin* and unclean persons are sent away to one [the same] camp; therefore it is stated, that they defile 'not their camps':¹⁵ [this is] to assign a camp for this One and a camp for that one: this is R. Judah's opinion. R. Simeon said, It is unnecessary. For lo, it is said, '[Command the children of Israel] that they send out of the camp every leper, and everyone that hath all issue, and whosoever is unclean by the dead'.¹⁶ Now, let [Scripture] state those who are unclean by the dead and not state *zab*, and I would say, if those who are unclean by the dead are sent out, how much the more *zabin*! Why then is *zab* stated? To assign a second camp to him. And let [Scripture] state *zab* and not state leper, and I would say, if *zabin* are sent out, how much the more lepers! Why then is a leper stated? To assign a third camp to him. When it states, 'he shall dwell solitary', the Writ transforms it [the

prohibition] into a positive command.¹⁷

What is the greater stringency of a zab over him who is unclean by reason of the dead?¹⁸ — Because uncleanness issues upon him from his own body. On the contrary, he who is unclean by the dead is more stringent, since he requires sprinkling on the third and the seventh [days]?¹⁹ — Scripture saith, [instead of] ‘the unclean,’ ‘and whosoever [kol] is unclean,’²⁰ to include him who is unclean through a reptile, and a zab is more stringent than he who is unclean through a reptile; and what is his greater stringency? As we have stated.²¹ On the contrary, a reptile is more stringent, since it defiles [even] accidentally?²² I will tell you:

(1) Num. IX, 10.

(2) By Resh Lakish.

(3) That the deduction is to be made as R. Simeon b. Lakish proposes.

(4) Which act defiles them.

(5) Heb. ish ish: the doubling indicates extension, and therefore includes these.

(6) I.e., into the precincts that are forbidden to him.

(7) Though he thereby transgressed the negative injunction, that they defile not their camp. — Num. V, 3.

(8) Lev. XIII, 46.

(9) Only a negative command involves flagellation, but not a positive command. Though a negative command is stated in this connection, this verse teaches that he is regarded as having violated a positive command only.

(10) The whole of the Temple Mount outside the walls of the Temple Court is so called.

(11) Ex. XIII, 19.

(12) Moses was a Levite.

(13) E.g., zabin and those unclean through the dead.

(14) This shows that his uncleanness is greater and stricter than theirs.

(15) Num. V, 3: ‘camps’. plural.

(16) Num. V, 2.

(17) Since according to R. Simeon this can have no other purpose; thus we have a controversy of Tannaim.

(18) That the former could be deduced as stated a minori from the latter.

(19) V. Num. XIX. 19.

(20) I.e., Scripture employs the second, more-embracing phrase, where the first would suffice.

(21) That the uncleanness emanates from himself. Hence the reference to a zab is superfluous, and therefore it teaches as above.

(22) I.e., even if it touches the person by accident. But a discharge makes a man unclean as a zab only if it issues of its own accord. If, however, it is caused by an ‘accident’, e.g., physical over-exertion or highly-seasoned food, he is not unclean.

Talmud - Mas. Pesachim 67b

To that extent¹ a zab too is certainly defiled through an accident, in accordance with R. Huna. For R. Huna said: The first discharge² of a zab defiles [when it is caused] by an accident.³

What is the greater stringency of a leper over a zab? Because he requires peri'ah⁴ and rending [of garments], and he is forbidden sexual intercourse.⁵ On the contrary, a zab is more stringent, because he defiles couch and seat,⁶ and he defiles earthen vessels by hesset?⁷ — Scripture saith, [instead of] ‘a leper’, ‘and every [kol] leper’⁸ to include a ba'al kerî;⁹ and a leper is more stringent than a ba'al kerî, and what is his greater stringency? As we have stated.¹⁰ On the contrary, a ba'al kerî is more stringent, because he defiles by the smallest quantity [of semen]?¹¹ — He agrees with R. Nathan. For it was taught, R. Nathan said on the authority of R. Ishmael: A zab requires [a discharge of matter] sufficient for the closing of the orifice of the membrum, but the Sages did not concede this to him. And he holds that a ba'al kerî is assimilated to a zab.¹² What is the purpose of ‘and every [kol] leper’?¹³ — Since ‘every one [kol] that hath an issue’ is written, ‘every [kol] leper’ too is written.¹⁴

Now [as for] R. Judah. [surely] R. Simeon says well?¹⁵ — He requires that¹⁶ for what was taught; R. Eliezer said: You might

days, but only until evening, while a reptile too defiles until evening only. think, if zabin and lepers forced their way through and entered the Temple Court at a Passover sacrifice which came in uncleanness,¹⁷ — you might think that they are culpable; therefore it is stated, [‘Command the children of Israel,] that they send out of the camp every leper’, and every one that hath an issue [zab], and whosoever is unclean by the dead’: when those who are unclean by the dead are sent out, zabin and lepers are sent out; when those who are unclean by the dead are not sent out, zabin and lepers are not sent out.

The Master said: “And every [kol] one that hath an issue” is to include a ba'al kerī. This supports R. Johanan. For R. Johanan said: The cellars [under the Temple] were not consecrated; and a ba'al kerī is sent without the two camps.¹⁸

An objection is raised: A ba'al kerī is like [a person defiled through] contact with a reptile. Surely that means in respect of their camp?¹⁹ No: [it means] in respect of their uncleanness.²⁰ [You say] ‘In respect of their uncleanness!’ [Surely] uncleanness until evening is written in connection with the one, and uncleanness until evening is written in connection with the other?²¹ Hence it must surely mean in respect of their camp! — No: after all [it means] in respect of their uncleanness, and he informs us this: that a ba'al kerī is like [a person defiled through] the contact of the reptile: just as the contact of a reptile defiles [even] accidentally, so is a ba'al kerī defiled [when the semen is discharged] accidentally.²² An objection is raised:

(1) Lit., ‘in such a manner’ as that defilement caused by a reptile.

(2) Lit., seeing’ — of discharge.

(3) He is not unclean as a zab, for a period of seven

(4) Letting the hair grow long and neglected, v. Lev. XIII, 45.

(5) V. M.K. 7b.

(6) This is a technical phrase. He defiles that whereon he lies or sits, imposing such a high degree of uncleanness on it that if a man touches it he in turn becomes so unclean as to defile his garments, even if they did not touch it. But a leper, though he too defiles couch and seat, the degree of uncleanness is less, and the man who touches it becomes unclean only in so far that he in turn defiles food and drink, but not his garments, nor can he defile any other utensils by touch. — Rashi. But Maim. and others omit this passage, whence it appears that they do not accept this distinction; v. also Tosaf. a.l. s.v. **שכך**.

(7) Lit., ‘shaking’. A zab defiles an earthen vessel when he causes it to move through his weight. e.g., if it is standing on one end of a rickety bench and he sits down on the other, causing it to move upwards, as on a see-saw.

(8) V. p. 341. n. 5.

(9) A man who has discharged semen.

(10) Rashi understands this as part of the following question: Now what is his greater stringency as stated? On the contrary etc.

(11) Whereas for leprosy there must be at least as much as a bean (geris).

(12) As it is written, This is the law of him that hath an issue (zab), and of him from whom the flow of seed goeth out (ba'al kerī) — Lev. XV, 32. Thus a ba'al kerī too requires a certain minimum; hence a leper is more stringent, and therefore a leper is mentioned in order to assign a third camp to him.

(13) I.e., the ‘kol’ written in connection with a leper.

(14) For the sake of parallelism.

(15) What then is the purpose of the verse quoted by R. Judah supra 67a?

(16) Sc. the verse employed by R. Simeon for this purpose.

(17) I.e., when the community as a whole was unclean.

(18) Viz., the camp of the Shechinah (the place of the Sanctuary) and the Levitical camp, just like a zab. R. Johanan heard these two teachings from his master (Rashi).

(19) I.e., just as a man who is defiled by a reptile is sent out from the camp of the Shechinah only. i.e., from the Temple, so is a ba'al kerî.

(20) Neither is unclean for seven days, but only until the evening.

(21) V. Lev. XI, 24; XV, 16. Hence the comparison is pointless and unnecessary.

(22) V. supra 67a bottom and note a.l.

Talmud - Mas. Pesachim 68a

He who has intercourse with a niddah¹ is like he who is unclean by the dead.² In respect of what: shall we say, in respect of their uncleanness, — but uncleanness for seven [days] is written in connection with the one, and uncleanness for seven days is written in connection with the other?³ Hence it must surely be in respect of their camp;⁴ and since the second clause is in respect of their camps, the first clause too is in respect of their camps? — What argument is this! the one is as stated, and the other is as stated.⁵

An objection is raised: A leper is more stringent than a zab,⁶ and a zab is more stringent than he who is unclean by the dead.⁷ A ba'al kerî is excepted, for he who is unclean by the dead is more stringent than he. What does 'is excepted' mean? Surely [it means], he is excepted from the rule of a zab and is included⁸ in the rule of him who is unclean by the dead, seeing that he who is unclean by the dead is more stringent than he, and [yet] he is permitted within the Levitical camp? — No: [it means that] he is excepted from the camp of him who is unclean by the dead and is included in the camp of a zab; and though he who is unclean by the dead is more stringent than he, and [yet] he may enter the Levitical camp. [nevertheless] we compare him [the ba'al kerî] to what is like himself.⁹

A tanna recited before R. Isaac b. Abdimi: Then he shall go abroad out of the camp:¹⁰ this means the camp of the Shechinah;¹¹ he shall not come within the camp:¹² this means the Levitical camp. From this [we learn] that a ba'al kerî must go without the two camps.¹³ Said he to him, You have not yet brought him in that you should [already] expel him!¹⁴ Another version: you have not yet expelled him, and [already] you [discuss whether] he should enter!¹⁵ Rather say: 'abroad out of the camp' — this is the Levitical camp; 'he shall not come within the camp' — that is the camp of the Shechinah. To this Rabina demurred: Assume that both refer to the camp of the Shechinah, [it being repeated] so that he should violate an affirmative command and a negative command on its account? If so, let Scripture say, 'Then he shall go abroad out of the camp' and 'he shall not enter': what is the purpose of 'within the camp'? Infer from it that it is to prescribe another camp for him.¹⁶

AND THE CLEANSING [MIHUY] OF ITS BOWELS. What is THE CLEANSING OF ITS BOWELS? — R. Huna said: [It means] that we pierce them with a knife.¹⁷ Hiyya b. Rab said: [It means the removal of] the viscous substance of the bowels, which comes out through the pressure of the knife. R. Eleazar observed, What is Hiyya b. Rab's reason? Because it is written, and the waste places of the fat ones [mehim] shall wanderers eat.¹⁸ How does this imply it? — As R. Joseph¹⁹ translated: and the estates of the wicked shall the righteous inherit.²⁰

Then shall the lambs feed as in their pasture [kedobram]:²¹ Menassia b. Jeremiah interpreted it in Rab's name: As was spoken about them [kimedubbar bam].²² What means 'as was spoken about them'? — Said Abaye: 'And the waste places of the fat ones shall wanderers eat'. Said Raba to him, If 'the waste places' were written, it would be well as you say;²³ since, however, 'and the waste places' is written, this states another thing. Rather, said Raba: [It is to be explained] as R. Hananel said in Rab's name. For R. Hananel said in Rab's name: The righteous are destined to resurrect the dead. [For] here it is written, 'Then shall the lambs feed kedobram', while elsewhere it is written, Then shall Bashan and Gilead feed as in the days of old.²⁴ [Now] Bashan means Elisha, who came from Bashan, as it is said, 'and Janai and Shaphat in Bashan,²⁵ while it is written, Elisha the son of Shaphat is here, who poured water on the hands of Elijah.²⁶ [Again,] Gilead alludes to Elijah, for it is

said, And Elijah the Tishbite, who was of the settlers of Gilead, said [unto Ahab].²⁷

R. Samuel b. Nahmani said in R. Jonathan's name: The righteous are destined to resurrect the dead, for it is said, There shall yet old men and old women sit in the broad places of Jerusalem, every man with his staff in his hand for very age;²⁸ and it is written, and lay my staff upon the face of the child.²⁹

‘Ulla opposed [two verses]. It is written, He will swallow up death for ever;³⁰ but it is written, For the youngest shall die a hundred years old?³¹ There is no difficulty: there the reference is to Israel; here, to heathens. But what business have the heathens there? — Because it is written, And strangers shall stand and feed your flocks, and aliens shall be your plowmen and your vinedressers.³²

R. Hisda opposed [two verses]. It is written, Then the moon shall be confounded, and the sun ashamed;³³ whereas it is written, Moreover the light of the moon shall be as the light of the sun, and the light of the sun shall be sevenfold, as the light of the seven days?³⁴ There is no difficulty: the former refers to the world to come;³⁵ the latter to the days of the Messiah.³⁶ But according to Samuel, who maintained, This world differs from the Messianic age only in respect of the servitude to governments,³⁷ what can be said? — Both refer to the world to come, yet there is no difficulty: one refers to the camp of the righteous; the other, to the camp of the Shechinah.

Raba opposed [two verses]: It is written, I kill, and I make alive;³⁸ whilst it is also written, I have wounded, and I heal.³⁹ seeing that He even resurrects, how much the more does He heal!⁴⁰ But the Holy One, blessed be He, said thus: What I put to death I make alive, just as I wounded and I heal [the same person].⁴¹

Our Rabbis taught: ‘I kill, and I make alive’: You might say, I kill one person and give life to another, as the world goes on.⁴² Therefore it is stated, ‘I have wounded, and I heal’: just as the wounding and the healing [obviously] refer to the same person, so death and life refer to the same person. This refutes those who maintain that resurrection is not intimated in the Torah.⁴³ Another interpretation: At first what I slay I resurrect;⁴⁴ and then, what I wounded I will heal.⁴⁵

(1) V. Glos.

(2) This is the conclusion of the Mishnah just quoted, Zab. V, 11.

(3) V. Lev. XV, 24; Num. XIX. 11.

(4) Both are sent out of the camp of the Shechinah only.

(5) Lit., ‘as it is’, i.e., each clause is governed by its own particular requirements.

(6) The leper being sent out of all three camps, whereas the zab is sent out of two only; supra 67a.

(7) The last-named being sent out of the camp of the Shechinah only.

(8) Lit., ‘enters’.

(9) Viz., a zab. Thus the meaning of the Baraita is this: A leper, a zab, and he who is unclean by the dead follow the rule that the more stringent the uncleanness the further away is he sent; but a ba'al kerai is excepted from this rule, and though his uncleanness is less than that of a person unclean by the dead, he is sent further away, because he must be compared to a zab, since both are unclean through bodily discharge.

(10) Deut. XXIII, 11; the reference is to a ba'al kerai.

(11) The Sanctuary.

(12) Ibid.

(13) I.e., if he is in the Temple (‘the camp of the Shechinah’) when he becomes a ba'al kerai, he must leave both that and the Temple mount (‘the Levitical camp’).

(14) I.e., since Scripture states that he must not enter the Levitical camp, it follows that he is without: how then say that he is inside? (Rashi).

(15) I.e., you have not yet ordered him to leave the Levitical camp, and yet you are already forbidding him to enter.

(16) From which he must depart.

- (17) To allow the dung to fall out.
- (18) Isa. V, 17.
- (19) [V. Targum version a.l. The Targum on the Prophets is ascribed by some to R. Joseph. V. B.K., Sonc. ed. p. 9, n. 9.]
- (20) Thus he translates ‘mehim’ the wicked, i.e., the repulsive; similarly ‘mihuy’ refers to the repulsive matter, viz., the viscous substance.
- (21) Ibid. One part of the verse having been quoted and translated, the Gemara proceeds to discuss the other half.
- (22) I.e., in accordance with the promise made: ‘lambs’ is understood as meaning Israel.
- (23) The second part of the verse being explanatory of the first.
- (24) Mic. VII, 14.
- (25) I Chron. V, 12.
- (26) II Kings III, 11.
- (27) I Kings XVII, 1. Now both Elijah and Elisha resurrected the dead (v. ibid. IV; I Kings XVII, 21 seq.) ‘feed’ is therefore understood to allude to this metaphorically; hence the same meaning is assigned to ‘feed’ in the first verse too, ‘the lambs’ being the righteous.
- (28) Zech. VIII, 4.
- (29) II Kings IV, 29. The staff was employed to revive the child (ibid. seq.), and the same purpose is assumed for it in the first verse.
- (30) Isa. XXV, 8.
- (31) Ibid. LXV, 20.
- (32) Ibid. LXI, 5.
- (33) Ibid. XXIV, 23.
- (34) Ibid. XXX, 26.
- (35) Then the sun and the moon shall be ashamed — i.e., fade into insignificance because of the light radiating from the righteous (Rashi in Sanh. 91b).
- (36) V. Sanh., Sonc. ed., p. 601, n. 3.
- (37) I.e., delivery from oppression.
- (38) Deut. XXII, 39.
- (39) Ibid.
- (40) Why then state it? v. Sanh. 91b and notes a.l. in the Sonc. ed.: the point of the difficulty is explained there differently.
- (41) As explained in the next passage.
- (42) People dying and others being born.
- (43) V. Sanh., Sonc. ed., p. 601, n. 5 and p. 604, n. 12.
- (44) I.e., in the same state.
- (45) After their resurrection I will heal them of the blemishes they possessed in their former life.

Talmud - Mas. Pesachim 68b

AND THE BURNING OF ITS FAT. It was taught, R. Simeon said: Come and see how precious is a precept in its [proper] time.¹ For lo! the [precept of] burning the fats and limbs and the fat-pieces is valid all night, yet we do not wait for [burning] them until nightfall.²

ITS CARRYING AND ITS BRINGING etc. But the following contradicts it: You may cut off a wart [of an animal] in the Temple, but not in the country,³ and if [it is done] with a utensil [a knife], it is forbidden in both cases?⁴ R. Eleazar and R. Jose b. Hanina one answered, Both refer to [removing the wart] with the hand: one refers to a moist [wart]; the other, to a dry one⁵ While the other maintains, Both refer to a moist [wart], yet there is no difficulty: one means by hand, and the other means with a utensil.⁶

Now according to him who explained. ‘One means by hand, and the other means with a utensil,’ why did he not say. Both mean by hand, yet there is no difficulty: one refers to a moist [wart]; the other, to a dry one? — He can answer you: a dry one [just] crumbles away.⁷ And according to him

who maintained, 'Both mean by hand, yet there is no difficulty: one refers to a moist [wart]; the other to a dry one'; why did he not say: Both refer to a moist [wart], yet there is no difficulty: one means by hand, and the other means with a utensil? — He can answer you: as for a utensil, Surely he [the Tanna] teaches there, 'if [it is done] with a utensil, it is forbidden in both cases!'⁸ And the other?⁹ That which he teaches [about] a utensil here, [is because] he comes to inform us of the controversy of R. Eliezer and R. Joshua. SAID R. ELIEZER . . . IF SHECHITAH etc. R. Joshua is consistent with his view, for he maintains, Rejoicing on a Festival too is a religious duty.¹⁰ For it was taught, R. Eliezer said: A man has nought else [to do] on a Festival save either to eat and drink or to sit and study. R. Joshua said: Divide it: [devote] half of it to eating and drinking, and half of it to the Beth Hamidrash. Now R. Johanan said thereon: Both deduce it from the same verse. One verse says, a solemn assembly to the Lord thy God,¹¹ whereas another verse says, there shall be a solemn assembly unto you:¹² R. Eliezer holds: [That means] either entirely to God or entirely to you; while R. Joshua holds, Divide it: [Devote] half to God and half to yourselves.

(Mnemonic: 'abam.)¹³ R. Eleazar said: All agree in respect to the Feast of Weeks ['azereth]¹⁴ that we require [it to be] 'for you' too. What is the reason? It is the day on which the Torah was given.¹⁵ Rabbah said: All agree in respect to the Sabbath that we require [it to be] 'for you' too. What is the reason? And thou shalt call the Sabbath a delight.¹⁶ R. Joseph said: All agree that on Purim we require 'for you' too. What is the reason? Days of feasting and gladness¹⁷ is written in connection therewith.

Mar son of Rabina would fast¹⁸ the whole year,¹⁹ except on the Feast of Weeks, Purim, and the eve of the Day of Atonement. The Feast of Weeks, [because] it is the day on which the Torah was given: Purim, [because] 'days of feasting and gladness' is written in connection therewith. The eve of the Day of Atonement: for Hiyya b. Rab of Difti taught: And ye shall afflict your souls on the ninth day of the month:²⁰ do we then fast on the ninth? Surely we fast on the tenth! But this is to tell you: whoever eats and drinks on the ninth thereof, the Writ ascribes [merit] to him as though he had fasted on the ninth and the tenth.²¹

R. Joseph would order on the day of Pentecost: 'Prepare me a third-born calf,'²² saying. 'But for the influence of this day.²³ how many Josephs are there in the market place!'²⁴

R. Shesheth used to revise his studies every thirty days, and he would stand and lean at the side of the doorway and exclaim, 'Rejoice, O my soul, Rejoice. O my soul; for thee have I read [the Bible], for thee have I studied [the Mishnah].' But that is not so, for R. Eleazar said, But for the Torah, heaven and earth would not endure, for it is said, If not for my covenant by day and by night, I had not appointed the ordinances of heaven and earth?²⁵ — In the first place when a man does it [sc. studies], he does so with himself in mind.

R. Ashi said: Yet according to R. Eliezer too, who maintained that [rejoicing on] a Festival is [merely] voluntary, he can be refuted:²⁶ if a Festival, when labour for a voluntary [requirement] is permitted,²⁷ yet the shebuth which accompanies it is not permitted; then the Sabbath, whereon only labour [required for the carrying out of] a precept is permitted, is it not logical that the shebuth which accompanies it is not permitted!

(1) I.e., as soon as it can be performed, even if it can be postponed.

(2) But do it immediately, though it is the Sabbath.

(3) Medinah, 'province'. This is the technical designation for all places outside the Temple.

(4) 'Er. 103a.

(5) Our Mishnah refers to a moist wart. Even when it is removed by hand, which is merely a Shebuth, it is forbidden, since it could have been removed the previous day. But in 'Er. 103a the reference is to a dry one, the removal of which is not even regarded as a shebuth.

- (6) The former is permitted, while the latter is forbidden. — This of course is a more lenient explanation.
- (7) It would not be called cutting at all.
- (8) Why then should it be repeated in the present Mishnah?
- (9) Does he not accept the force of this argument?
- (10) Not merely permitted.
- (11) Deut. XVI, 8.
- (12) Num. XXIX, 35.
- (13) A mnemonic is a word or phrase, whose letters or words respectively each stand for a title or catchword of a subject, strung together as an aid to the memory. Here 'a _ 'azereth' B _ Shabbath; M _ Purim.
- (14) Lit., 'the solemn assembly' — without a further determinant this always means the Feast of Weeks.
- (15) Therefore we must demonstrate our joy in it by feasting.
- (16) Isa. LVIII, 13.
- (17) Esth. IX, 22.
- (18) Lit., 'sat in a fast'.
- (19) That is if the occasion arose.
- (20) Lev. XXIII, 32. The punctuation of the E.V. has been disregarded, as is required by the context.
- (21) Together.
- (22) I.e., the third calved by its mother. Others translate: (i) in its third year; or (ii) third grown, i.e., one that has reached a third of its full growth. On all translations this was regarded as particularly choice.
- (23) Lit., 'if this day had not caused (it).'
- (24) I.e., I owe my eminence to having studied the Torah, which was given on this day.
- (25) Jer. XXXIII, 25. I.e., if not for my Torah, which is to
- (26) Lit., 'there is a refutation for him'.
- (27) I.e., shechitah, though the eating of meat, which constitutes rejoicing, is voluntary.

Talmud - Mas. Pesachim 69a

And R. Eliezer?¹ — In his view the shebuth [required] for a precept is more important.²

It was taught. R. Eliezer said: I argue, if³ the necessary adjuncts of the precept which [come] after shechitah,⁴ when the precept has [already] been performed, override the Sabbath; shall not the necessary adjuncts of the precept which [come] before shechitah override the Sabbath! Said R. Akiba to him: If the necessary adjuncts of the precept which [come] after shechitah override the Sabbath, the reason is⁵ because the shechitah has [already] overridden the Sabbath;⁶ will you say that the necessary adjuncts of the precept before the shechitah shall override the Sabbath, seeing that the shechitah has not [yet] overridden the Sabbath?⁷ Another argument is: the sacrifice may be found to be unfit, and thus he will be found retrospectively to have desecrated the Sabbath.⁸ If so, let us not slaughter it either, lest the sacrifice be found unfit, and thus it be found that he retrospectively desecrated the Sabbath? — Rather, he first told him this [argument], and he refuted it; and then he told him this 'the reason is etc.

be studied by day and by night, heaven and earth would not enjoy permanence. How then could R. Shesheth take such a selfish view of his studies? R. AKIBA ANSWERED AND SAID: LET HAZA'AH PROVE IT etc. It was taught, R. Eliezer said to him: 'Akiba, you have refuted me by shechitah,' by shechitah shall be his death!⁹ Said he to him 'Master, do not deny me at the time of argument:¹⁰ I have thus received [the law] from you. [vis.] haza'ah is a shebuth and does not override the Sabbath.'¹¹ Then since he himself had taught it to him, what is the reason that he retracted? — Said 'Ulla: When R. Eliezer taught it to him it was concerning haza'ah for [the sake of] terumah,¹² since terumah itself does not override the Sabbath;¹³ [and] R. Akiba too, when he refuted him refuted him by haza'ah for [the sake of] terumah, which is [likewise] a religious duty¹⁴ and is [usually forbidden] as a shebuth; but he [R. Eliezer] thought that he was refuting him by haza'ah for the Passover sacrifice.¹⁵

Rabbah raised an objection: R. Akiba answered and said, Let the haza'ah of a person unclean through the dead prove [refute] it, — when his seventh [day] falls on the Sabbath and on the eve of Passover, so that it is a religious duty¹⁶ and it is [only] a shebuth, yet it does not override the Sabbath.¹⁷ Hence he [R. Eliezer] certainly taught him about haza'ah for [the sake of] the Passover sacrifice. Then since he [himself] had taught it to him what is the reason that R. Eliezer rebutted him [thus]? — R. Eliezer had forgotten his own tradition, and R. Akiba came to remind him of his tradition. Then let him tell it to him explicitly? — He thought that it would not be mannerly.¹⁸

Now, what is the reason that haza'ah does not override the Sabbath; consider, it is mere handling,¹⁹ [then] let it override the Sabbath on account of the Passover sacrifice? — Said Rabbah, It is a preventive measure, lest he take it [the water of purification] and carry it four cubits in public ground.²⁰ But according to R. Eliezer, let us [indeed] carry it, for R. Eliezer ruled, The necessary adjuncts to a precept override the Sabbath? I will tell you: that is only when the man himself is fit [to perform the precept] and the obligation lies upon him; but here that the man himself is not fit,²¹ the obligation does not lie upon him.

Rabbah said: According to the words of R. Eliezer,²² [if there is] a healthy infant,²³ one may heat water for him to strengthen him²⁴ and to circumcise him on the Sabbath, since it is fit for him. [If there is] a sickly infant,²⁵ one may not heat hot water for him to strengthen him and to circumcise him, since it is not fit for him.²⁶ Said Raba: But if he is healthy, why does he need hot water to strengthen him? Rather, said Raba, all are regarded as invalids in respect to circumcision: both in the case of a strong infant or a sickly infant, one may not heat hot water for him to strengthen him and to circumcise him on the Sabbath,²⁷ since it is not fit for him.

Abaye raised an objection against him: An [adult] uncircumcised person who did not circumcise himself [on the eve of Passover] is punished by kareth:²⁸ this is the view of R. Eliezer. Now here, though the man himself is unfit, yet he states that he is punished by kareth, which proves that the obligation lies upon him.²⁹ — Said Rabbah: R. Eliezer holds, One may not slaughter [the Passover] and sprinkle [its blood] for him who is unclean through a reptile,

(1) How does he rebut this argument?

(2) Hence though a shebuth is not permitted on a Festival, it nevertheless overrides the Sabbath when it is necessary for the performance of a precept.

(3) Lit., 'and what is to me', this being the ethic dative.

(4) I.e., the cleansing of the bowels.

(5) Lit., 'for what is it to me' — i.e., I need not wonder at it, for the reason that etc.

(6) Therefore it may be overridden again by a shebuth.

(7) Surely not.

(8) For no precept will have been performed.

(9) I.e., your argument is obviously a humorous one and cannot be taken seriously, since you would thereby eradicate a Scriptural law; v. Mishnah.

(10) Rashi; i.e., do not deny what you yourself have taught me — viz., that haza'ah does not override the Sabbath. Just.: do not make me an atonement, (saying, 'may his death be atonement') at the time of judgment — i.e., I need no apology for my attitude; or perhaps, do not be angry with me.

(11) Consequently I am justified in using this fact to prove, by a *reductio ad absurdum* (since it would overthrow a Scriptural law), that your argument is fallacious.

(12) An unclean priest may not undergo haza'ah on the Sabbath in order to eat terumah in the evening.

(13) Terumah may not be separated on the Sabbath.

(14) It is the priests' duty to eat terumah.

(15) Which he holds is permitted on the Sabbath, since otherwise the unclean person is debarred from discharging his obligation.

- (16) Haza'ah will make him fit to partake of the Passover in the evening, which is a religious duty.
- (17) Thus it is explicitly stated that R. Akiba argued that haza'ah, even for the sake of the Passover sacrifice, does not override the Sabbath.
- (18) To tell him plainly; hence he intimated it to him indirectly.
- (19) It is not a labour.
- (20) Which is Scripturally forbidden.
- (21) Since he is unclean.
- (22) That wherever the man is unfit he has no obligation.
- (23) To be circumcised on the Sabbath. 'Healthy' means that he is strong enough to be circumcised even without bathing.
- (24) I.e., to make him even stronger.
- (25) I.e., one who is too weak to be circumcised in his present state unless he is first bathed.
- (26) For at present he is too weak; consequently it is not our duty to strengthen him so that he should be immediately liable. Tosaf.: this distinction can be drawn only according to R. Eliezer. But according to R. Akiba it is forbidden in all cases, just as haza'ah is forbidden.
- (27) But the water must be prepared from the previous day.
- (28) Because he could have circumcised himself after midday, when the Passover is obligatory; hence he incurs kareth for not partaking of the Passover sacrifice, v. Ex. XII, 48 and Num. IX, 10-13. He is not comparable to an unclean person or one who is on a distant journey, since they could not make themselves fit after midday, while before that there was as yet no obligation.
- (29) Where it is possible to make the person fit. Hence haza'ah too should override the Sabbath, since a man is bound to make himself fit.

Talmud - Mas. Pesachim 69b

and wherever an individual would be relegated [to the second Passover], in the case of the community they keep [it] in uncleanness, and whatever is [obligatory] in the case of a community is [obligatory] in the case of an individual, and whatever is not [obligatory] in the case of a community is not [obligatory] in the case of an individual. [Hence as for the defect of] uncircumcision, where if the whole community are uncircumcised we say to them, 'Arise, circumcise yourselves, and sacrifice the Passover, then an individual too, we say to him, 'Arise, circumcise yourself, and sacrifice the Passover,' while if he does not circumcise [himself] and [does not] sacrifice he is punished with kareth. But [in the case of] uncleanness, where if the whole community is unclean we do not sprinkle [the water of purification] upon them but they keep [it] in uncleanness, [therefore] an individual too is not culpable.¹ R. Huna son of R. Joshua said to Raba: Yet there is the second Passover, which is not [practised] in the case of a community, yet it is [practised] in the case of an individual? — There it is different, replied he, because the community has [already] sacrificed at the first [Passover].²

An objection is raised: You might think that there is no penalty of kareth [for neglecting to offer the Passover] except if he [the delinquent] was clean and was not on a journey afar off;³ how do we know it of an uncircumcised person and one who was unclean through a reptile and all others who are unclean?⁴ Because it is stated, and the man [that is clean etc.].⁵ Now, since he seeks [a verse to teach the inclusion of] him who is unclean through a reptile, he [evidently] holds, One may not slaughter [the Passover sacrifice] and sprinkle [its blood] for him who is unclean through a reptile; for if one may slaughter and sprinkle, why seek [a verse] for him, [seeing that] he is indeed [identical with] a clean person?⁶

by the rule stated, a community in like condition is not bound to purify itself but may sacrifice in uncleanness. Again, since the community need not purify itself by sprinkling, an individual is not obliged to either, for an individual has no obligation which is not likewise binding upon the community; consequently, since an individual is not bound to purify himself, he may not do so on the Sabbath. But if the whole community are uncircumcised, it is their duty to circumcise themselves

on the eve of Passover, and therefore it is the duty of an individual too, neglect of which entails kareth. Had he, however, held that we do slaughter the Passover for a man who is unclean through a reptile or through a corpse when his seventh day falls on the eve of Passover, then since the individual is not relegated, the community too might not sacrifice in uncleanness but would have to purify itself; and as a corollary, since the community would have to perform haza'ah, it would also be an individual's duty, and in consequence it would be permitted on the Sabbath. This proves that though he is not fit, the obligation is upon him [to make himself fit], and though this is not [so] in the case of a community,⁷ yet it is [so] in the case of an individual? — Rather, said Raba: R. Eliezer holds, One may slaughter and sprinkle for a man who is unclean through a reptile, and the same law applies to a man who is unclean through the dead on his seventh day;⁸ then for what [purpose] is the haza'ah? for the eating⁹ — [yet] the eating of the Passover sacrifice Is not indispensable.¹⁰ R. Adda b. Abba said to Raba, If so, it is found that the Passover sacrifice is slaughtered for those who cannot eat it?¹¹ 'For those who cannot eat it' means for the infirm and the aged, he replied, since they are [physically] unfit; but this one is indeed fit, save that he is not made ready.

R. AKIBA STATED A GENERAL RULE etc. Rab Judah said in Rab's name: The halachah is as R. Akiba. And we learned similarly in respect to circumcision. R. Akiba stated a general rule: No labour which can be performed on the eve of the Sabbath overrides the Sabbath; circumcision, which cannot be performed on the eve of the Sabbath,¹² overrides the Sabbath; and Rab Judah said in Rab's name: The halachah is as R. Akiba. Now [both] are necessary. For if he informed us [this] in connection with, the Passover, [I would say,] it is only there that the necessary adjuncts of the precept do not override the Sabbath, because thirteen covenants were not made over it; but as for circumcision, over which thirteen covenants were made,¹³ I would say that they [the adjuncts] override [the Sabbath]. While if he informed us [this of] circumcision, [I would argue], it is only there that the necessary adjuncts of the precept do not override the Sabbath, since there is no kareth;¹⁴ but as for the Passover sacrifice, where there is kareth,¹⁵ I might argue, Let the necessary adjuncts override [the Sabbath]. Thus they are necessary.

MISHNAH. WHEN DOES HE⁶ BRING A HAGIGAH¹⁷ WITH IT [THE PASSOVER SACRIFICE]? WHEN IT COMES DURING THE WEEK, IN PURITY, AND IN SMALL [PORTIONS].¹⁸ BUT WHEN IT COMES ON THE SABBATH, IN LARGE [PORTIONS], AND IN UNCLEANNESS, ONE DOES NOT BRING THE HAGIGAH WITH IT. THE HAGIGAH WAS BROUGHT OF FLOCKS, HERDS, LAMBS OR GOATS, OF THE MALES OR THE FEMALES, AND IT IS EATEN TWO DAYS AND ONE NIGHT.¹⁹

GEMARA. What has he taught [previously] that he [now] teaches [about] the hagigah?²⁰ — He has taught about carrying it [the paschal lamb on his shoulders] and bringing it, which do not override the Sabbath, so he also teaches about the hagigah that it [too] does not override the Sabbath, and he states thus: WHEN DOES ONE²¹ BRING A HAGIGAH WITH IT? WHEN IT COMES DURING THE WEEK, IN PURITY, AND IN SMALL [PORTIONS].²²

R. Ashi said: This proves that the hagigah of the fourteenth

(1) This explains why a person who is unclean through a corpse need not purify himself, yet an uncircumcised person must circumcise himself. Thus: — the whole community are not bound to purify themselves by sprinkling, even if the seventh day of their uncleanness falls on the eve of Passover, so that after haza'ah they would be clean in the evening, when the Passover is to be eaten. For he holds that if an individual is unclean through a reptile and has not performed tebillah (q.v. Glos.), though he can do so and be clean in the evening, nevertheless the Passover may not be slaughtered on his behalf; the same applies to him who is unclean through the dead whose seventh day falls on the eve of Passover, though he too would be clean in the evening if he were besprinkled during the day. Thus he must postpone his sacrifice for the second Passover; and therefore

(2) Where, however, the community as a whole did not sacrifice at the first Passover for some other reason of

uncleanness than that of corpse uncleanness, there is no second Passover for individuals who are unclean through a corpse.

(3) v. Num. IX, 10, 13.

(4) In the same way. viz., that they could be clean by the evening, as explained in note 5.

(5) 'And' is an extension, and teaches the inclusion of these.

(6) For he could have the animal sacrificed by another, and he would be clean in the evening to eat it. Hence he must hold that you cannot sacrifice for him whilst he is unclean, i.e., before he performs tebillah, yet even so he incurs kareth since he could have performed tebillah.

(7) The community is not bound to perform haza'ah, even if it could, but sacrifices in uncleanness.

(8) If he held that you may not slaughter etc., then haza'ah would certainly be permitted on the Sabbath and obligatory too, notwithstanding that it is not obligatory upon a community. Since he holds the reverse, however, the actual sacrificing is possible without haza'ah at all.

(9) He cannot eat of the Passover sacrifice, as indeed of all sacrifices, without previous haza'ah.

(10) For the fulfilment of the precept of the paschal sacrifice. Tosaf.: in such a case where he could make himself fit for eating but does not.

(11) Whereas it is stated supra 61a that such a Passover sacrifice is unfit.

(12) When the Sabbath is the eighth day from birth.

(13) In the passage enjoining circumcision upon Abraham and his descendants (Gen. XVII) 'covenant' is mentioned thirteen times, which shows its great importance.

(14) If circumcision is postponed.

(15) For not offering it.

(16) Var. lec. 'ONE'.

(17) Festival sacrifice. Such was obligatory on the first day of all Festivals; hence in the case of Passover, on the fifteenth of Nisan. The obligation is deduced in Hag. 9a from, and ye shall keep it a feast (hag) unto the Lord (Lev. XXIII, 41), hag being interpreted as referring to a Festival sacrifice. In this Mishnah, however, the reference is to a hagigah brought on the fourteenth, and the Mishnah lays down the conditions when it is brought, it being in addition to the hagigah of the fifteenth. Besides the Festival hagigah there was another obligatory sacrifice, called the peace-offering of rejoicing, deduced from, and thou shalt rejoice in thy feast (Deut. XVI, 14). This is discussed anon.

(18) I.e., so many are registered for one paschal lamb that each person can receive but a small portion.

(19) The night between the two days.

(20) The sudden introduction of the hagigah is abrupt and irrelevant, unless it has some point in common with the preceding Mishnah.

(21) Cf. n. 3.

(22) While the next clause proceeds to state when the hagigah does not override the Sabbath, and that is the connection with the preceding Mishnah.

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is not obligatory. For if you should think that it is obligatory, let it come [be sacrificed] on the Sabbath, and let it come [when the Passover sacrifice is divided] in large [portions], and in uncleanness. Nevertheless, what is the reason that it comes [when the paschal lamb is divided] in small portions? — As it was taught: The hagigah which comes with the Passover is eaten first, so that the Passover be eaten after the appetite is satisfied.

AND IT IS EATEN FOR TWO DAYS etc. Our Mishnah is not in agreement with the son of Tema. For it was taught: The son of Tema said: The hagigah which comes with the Passover is as the Passover, and it may only be eaten a day and a night, whereas the hagigah of the fifteenth¹ is eaten two days and one night; again, the hagigah of the fourteenth, a man discharges therewith [his duty] on account of rejoicing, but he does not discharge therewith [his duty] on account of hagigah.² What is the son of Tema's reason?³ — As R. Hiyya taught his son, Neither shall the sacrifice of the feast [zebah hag] of the passover be left unto the morning:⁴ 'zebah hag,' this is the hagigah; 'the passover' is what it implies, and the Divine Law saith, 'it shall not be kept overnight'.⁵

The Scholars asked: According to the son of Tema, is it [the hagigah] eaten roast or is it not eaten roast?⁶ [Do we say,] When the Divine Law compared it to the Passover it was in respect of keeping it overnight, but not in respect of roast; or perhaps there is no difference? — Come and hear: On this night all [must be eaten] roast;⁷ and R. Hisda said: These are the words of the son of Tema. This proves it.⁸

The Scholars asked: According to the son of Tema, does it [the hagigah] come from the herd or does it not come from the herd; does it come from females or does it not come from females; does it come a two-year old, or does it not come a two-year old?⁹ [Do we say,] when the Divine Law compared it to the Passover it was in the matter of eating,¹⁰ but not in respect of all [other] things; or perhaps there is no difference? — Come and hear: The hagigah which comes with the Passover is as the Passover: it comes from the flock, but it does not come from the herd; it comes from the males but it does not come from the females; it comes a year old, but it does not come a two-year old, and it may be eaten only a day and a night, and it may be eaten only roast, and it may be eaten only by those who have registered for it. [Now,] whom do you know¹¹ to hold this view?¹² The son of Tema. This proves that we require everything.¹³ This proves it.

The Scholars asked: According to the son of Tema, is it subject to [the prohibition of] breaking a bone, or is it not subject to [the prohibition of] breaking a bone?¹⁴ [Do we say,] though the Divine Law assimilated it to the Passover, yet the Writ saith, ‘[neither shall ye break a bone] thereof,’ [implying] ‘thereof,’ but not of the hagigah;¹⁵ or perhaps, this ‘thereof’ comes [to teach], of a fit [sacrifice], but not of an unfit one?¹⁶ — Come and hear: If a [slaughtering] knife is found on the fourteenth, one may slaughter with it immediately;¹⁷ [if it is found] on the thirteenth he must repeat the tebillah.¹⁸ [If he finds] a chopper.¹⁹ whether on the one or on the other,²⁰ he must repeat the tebillah.²¹ Who [is the authority for this]?²² Shall we say the Rabbis?²³ wherein does a [slaughtering] knife differ, that we assume that it had been immersed;²⁴ because it is fit for [slaughtering] the Passover? Then a chopper too, surely it is fit for [breaking the bones of] the hagigah²⁰ ?²⁵ Hence it must be [the view] of the son of Tema, which proves that it is subject to [the prohibition of] breaking a bone! — No: in truth [it is the view of] the Rabbis, and [this was taught] e.g., when it [the Passover] comes on the Sabbath.²⁶ But since the second clause teaches, If the fourteenth occurred on the Sabbath, he may slaughter with it immediately;²⁷ and [likewise if he finds it] on the fifteenth, he may slaughter with it immediately;²⁸ if a chopper is found tied to a knife, it is as the knife,²⁹ it follows that the first clause³⁰ does not treat of the Sabbath? — Rather it means that it [the Passover]

readiness for slaughtering the Passover on the fourteenth. We disregard the possibility that the owner may have lost it some time ago, for Jerusalem was thronged at Passover and it could not have lain long without being discovered. came

(1) V. p. 356, n. 4.

(2) V. note on Mishnah on these two sacrifices. Now the hagigah of the fourteenth is a voluntary sacrifice (supra), and it is a general rule that an animal already dedicated for such cannot be used for all obligatory sacrifice, except in the case of the peace-offering of rejoicing. v. infra, 71a. Hence if the hagigah dedicated for the fourteenth is not killed on that day, it can be utilized the next day as the peace-offering of rejoicing but not as the obligatory hagigah of the fifteenth

(3) That the hagigah may be eaten only a day and a night.

(4) Ex. XXXIV, 25.

(5) Referring to the hagigah too.

(6) I.e., must it be eaten roast or not? Similarly the problems which follow.

(7) V. infra 116a.

(8) That the hagigah too must be roast.

(9) V. Ex. XII, 5: your lamb (sc. the Passover) shall be . . . a male of the first year; ye shall take it from the sheep, or from the goats. Does the same apply to the hagigah or not?

- (10) I.e., in the conditions under which it must be eaten.
- (11) Lit., 'hear'.
- (12) That it may be eaten only a day and a night.
- (13) I.e., it must be like the passover in all respects.
- (14) v. Ex. XII, 46: neither shall ye break a bone thereof (sc. the Passover).
- (15) I.e., there is no interdict in its case.
- (16) If the Passover is unfit its bones may be broken; v. infra 83a.
- (17) Without immersing it. For if it were unclean its owner would have immersed it on the thirteenth, so that it should be clean at sunset (v. Num. XIX, 14-19; shall be clean at even applies to utensils too), in
- (18) I.e., he must immerse it, though even if it was unclean its owner may already have done so.
- (19) A large knife used for cutting up meat and breaking the bones, but not as a rule for slaughtering.
- (20) Viz., the thirteenth or the fourteenth.
- (21) For since the bones of the Passover sacrifice must not be broken, even if it was unclean its owner may not have troubled to immerse it on the thirteenth but waited for the fourteenth, to have it in readiness for the use of breaking bones on the following day, to break the bones of the hagigah of the fifteenth or of the peace-offering of rejoicing.
- (22) Which implies that there is no breaking of bones on Passover eve.
- (23) Who do not assimilate the hagigah of the fourteenth to the paschal sacrifice, and consequently hold that the bones of the former may be broken.
- (24) On the day before by the owner so that he who finds it need not immerse it.
- (25) Why then should the finder repeat the immersion?
- (26) So that a hagigah cannot be brought at all. As there would be no need for the chopper, the owner, it is to be assumed, did not immerse it.
- (27) Sc. even with the chopper, if he has no knife. For if it were unclean its owner would have performed tebillah on Friday, to use it on Sunday (v. n. 4). Since tebillah is forbidden on the Sabbath.
- (28) For the same reason that tebillah must already have been performed.
- (29) And even if found on the fourteenth on a weekday he may slaughter with it immediately, for since they are tied together they must both have received tebillah at the same time.
- (30) Which requires a second immersion for either.

Talmud - Mas. Pesachim 70b

in large [portions].¹ How can we know?² — Rather it means that it came in uncleanness.³ Yet after all, how could they know?⁴ — The nasi had died.⁵ When did the nasi die? Shall we say that he died on the thirteenth,⁶ then why was it necessary for the owner to perform tebillah for the knife?⁷ Again, if he died on the fourteenth, wherein does the knife differ, that [we say] he [its owner] gave it tebillah, and wherein does the chopper differ, that [we assume] he did not give it tebillah?⁸ — This arises only when the nasi was in a dying condition on the thirteenth. As for the knife, [concerning] which [there is] one doubt,⁹ he would give it tebillah [on the thirteenth]; the chopper, [concerning] which [there are] two doubts,¹⁰ he would not give it tebillah.

It was taught: Judah the son of Durtai separated himself [from the Sages], he and his son Durtai, and went and dwelt in the South.¹¹ '[For,]' said he, 'if Elijah should come and say to Israel, "why did you not sacrifice¹² the hagigah on the Sabbath?" what can they answer him? I am astonished at the two greatest men of our generation. Shemaiah and Abtalyon, who are great Sages and great interpreters [of the Torah], yet they have not told Israel, The hagigah overrides the Sabbath.'¹³ Rab said, What is the reason of the son of Durtai? Because it is written, And thou shalt sacrifice the passover-offering unto the Lord thy God, of the flock and the herd:¹⁴ yet surely the Passover offering is only from lambs or goats? But 'flock' refers to the Passover offering, [while] 'herd' refers to the hagigah, and the Divine Law saith, 'And thou shalt sacrifice the passover-offering'.¹⁵ Said R. Ashi: And are we to arise and explain the reason of schismatics?¹⁶ But the verse comes for [the exegesis] of R. Nahman. For R. Nahman said in Rabbah b. Abbuha's name: How do we know that the left-over of the paschal offering is brought as a peace-offering?¹⁷ Because it is said, 'and thou shalt sacrifice

the passover-offering unto the Lord thy God, of the flock and of the herd'. Now, does then the Passover offering come from the herd: surely the Passover offering comes only from lambs or from goats? But [it means] the left-over of the paschal offering is to be [utilized] for something which comes from the flock and from the herd.¹⁸ Now according to the Rabbis, what is the reason that it [the hagigah] does not override the Sabbath, seeing that it is certainly a public sacrifice? — Said R. Illa'a on the authority of R. Judah b. Safra: Scripture saith, And ye shall keep it a feast [hag] unto the Lord seven days in the year.¹⁹ 'Seven!' but there were eight?²⁰ Hence from here [we learn that] the hagigah does not override the Sabbath.²¹ When Rabin came,²² he said: I stated before my teachers, Sometimes you can only find six, e.g., if the first day of the Feast [of Tabernacles] fell on the Sabbath?²³ — Said Abaye: That Abin the childless should say such a thing! Eight is altogether impossible. [while] seven are found in most years.²⁴

'Ulla said in R. Eleazar's name: Peace-offerings which a man slaughtered on the eve of the Festival, he does not discharge therewith [his duty] either on account of rejoicing or on account of hagigah.²⁵ 'On account of rejoicing.' because it is written, and thou shalt sacrifice [peace-offerings . . .] and thou shalt rejoice;²⁶ we require the slaughtering

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- (1) In which case a hagigah does not accompany it.
 - (2) So MS.M. Cur. edd. 'they know' that a small number had registered for the Passover for which the unknown owner of this chopper was registered. Aliter: 'how could they (the owners) know on the thirteenth that only a small number would register for the Passover, so that it would not be necessary to have the chopper immersed in readiness?' V. Rashi.
 - (3) Hence a hagigah was possible.
 - (4) How could the owner know on the thirteenth that on the morrow the majority of the community would be unclean?
 - (5) And the whole community would have to take part in his funeral, which would defile them.
 - (6) When the vessels are generally taken for tebillah.
 - (7) Seeing that the Passover is brought in uncleanness. Hence the finder should not be permitted to assume that it is clean, as he might then slaughter the Festival peace-offerings with it, which is forbidden. [Even when the Passover comes in uncleanness, the Festival sacrifices on the following or subsequent days must be brought in cleanness:]
 - (8) He would not have known on the thirteenth, and therefore just as he assumed that a clean knife was necessary for slaughtering the Passover, so he would also assume that a clean chopper would be required for breaking the bones of the hagigah which would accompany it.
 - (9) Viz., whether the nasi would die on the fourteenth or not.
 - (10) (i) Whether the nasi would die; and (ii) whether a hagigah would be brought, for even if he did not die, only a few people might register for that particular paschal offering, in which case it would not be required.
 - (11) Far from Jerusalem, so that he could not be in Jerusalem on Passover and therefore avoid the obligation of bringing a hagigah. He held that it was obligatory even if only a small number registered for the paschal offering, and even on the Sabbath.
 - (12) Lit., 'celebrate'.
 - (13) [Judah b. Durtai is held to have belonged to the Sadducean party, and his son is identified with Dortos (v. Josephus, Antiquities XX, 6, 2) who had been captured by Quadratus in Lydda and executed for having incited the Jews in rebellion against the Romans, v. Derenbourg, Essai, p. 187 note.]
 - (14) Deut. XVI, 2.
 - (15) I.e., both are called by the same name, and therefore the same law applies to both.
 - (16) Though of course the Talmud abounds in controversies, even of one against many, and the views of the minorities too have to be explained, in actual practice the minority always fell in with the final decision of the majority. Hence R. Judah the son of Durtai was unjustified in separating himself, and we have no need to study his view; v. Halevi, Doroth I, 5, pp. 206f. — Or perhaps R. Ashi merely meant that since the interpretation of this verse is according to a minority view, it behoves us to know how the verse is interpreted on the view of the Sages. This appears to be the explanation given by R. Han., whose text differs slightly.
 - (17) E.g., if an animal dedicated for a Passover sacrifice was lost, whereupon its owners registered for another animal, and then it was found after the second was sacrificed. Or again, if a certain sum of money was dedicated to buy a paschal lamb, but it was not all expended; then too the surplus must be used for a peace-offering.

(18) Sc. a peace-offering.

(19) Lev. XXIII, 41. This treats of Tabernacles, which was observed for eight days, and the verse teaches that a hagigah was to be brought (v. supra p. 356, n. 4).

(20) For the hagigah, if not brought on the first day of the Festival, could be brought on any other day.

(21) And since one of the eight days must be the Sabbath, there are actually only seven days when it can be brought.

(22) From Palestine to Babylonia.

(23) Why is this too not intimated in Scripture?

(24) Therefore there is no need for Scripture to intimate that there may only be six,

(25) V. note on Mishnah.

(26) Deut. XXVII, 7.

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at the time of rejoicing,¹ which is absent [here]. 'On account of hagigah': this is an obligatory sacrifice,² and every obligatory sacrifice comes from nought but hullin.³

Shall we say that [the following] supports him? [For it was taught]; And thou shalt be altogether [ak] joyful.⁴ this is to include the night of the last day of the Festival for rejoicing.⁵ You say, the night of the last day of the Festival; yet perhaps it is not so, but the night of the first day of the Festival?⁶ Therefore 'ak' is stated, dividing it.⁷ Now what is the reason?⁸ Is it not because he has nought wherewith to rejoice!⁹ — No: [it is] as it states the reason: Why do you prefer¹⁰ to include the night of the last day of the Festival and to exclude the night of the first day of the Festival? I include the night of the last day of the Festival, because there is rejoicing before it, while I exclude the night of the first day of the Festival, seeing that there is no rejoicing before it.¹¹

R. Joseph raised an objection: The hagigah of the fourteenth, one discharges with it [his duty] on account of rejoicing. but one does not discharge with it [his duty] on account of hagigah.¹² [Yet] why so?¹³ Surely we require slaughtering to be at the time of rejoicing, which is lacking [here]?¹⁴ — Said R. Idi b. Abin: It is meant where he delayed and slaughtered it [on the fifteenth]. R. Ashi observed: This too is logical, for if you should not say thus, who taught this teaching? The son of Tema?¹⁵ But [according to] the son of Tema, surely he has disqualified it through keeping it overnight!¹⁶

Raba objected: [The reciting of] hallel¹⁷ and rejoicing¹⁸ are [observed] eight [days].¹⁹ Now if you say [that] we require the slaughtering at the time of rejoicing, then there are many occasions when only seven are found, e.g.. if the first day of the Festival falls on the Sabbath?²⁰ Said R. Huna son of Rab Judah: He rejoices with the he-goats of the Festivals.²¹ Said Raba: Of this there are two refutations: firstly, because the he-goats of the Festivals can be eaten raw [on the Sabbath], but cannot be eaten roast,²² and there is no rejoicing in [eating] raw [meat]; moreover, the Priests eat it; and wherewith do the Israelites rejoice? Rather, said R. Papa: He rejoices with clean garments and old wine.

When Rabin came, he said in R. Eleazar's name: Peace-offerings which one slaughtered on the eve of the Festival, he discharges therewith [his duty] on account of rejoicing, but he cannot discharge therewith [his duty] on account of hagigah. 'He discharges [his duty] on account of rejoicing,' [for] we do not require the slaughtering at the time of rejoicing. 'But not on account of hagigah'; this is an obligatory [sacrifice], and every obligatory [sacrifice] comes from nought but hullin.

An objection is raised: 'And thou shalt be altogether' [ak] joyful:' this is to include the night of the last day of the Festival for rejoicing. You say, to include the light of the last day of the Festival; yet perhaps it is not so, but it is to include the night of the first day of the Festival? Therefore 'ak' is stated, dividing it. Now what is the reason? Is it not because he has no light wherewith to rejoice! — No: [it is] as it was taught. Why do you prefer to include the night of the last day of the Festival and

to exclude the night of the first day of the Festival? I include the night of the last day of the Festival, because there is rejoicing before it; while I exclude the night of the first day of the Festival, because there is no rejoicing before it.

R. Kahana said: How do we know that the emurin²³ of the hagigah of the fifteenth are disqualified through being kept overnight?²⁴ Because it is said, neither shall the fat of My feast [haggi] remain all night until morning;²⁵ and in proximity thereto ‘the first’ [is stated],²⁶ to intimate that this ‘morning’ means the first morning.²⁷ To this R. Joseph demurred: [Thus] the reason is that ‘first is written, but if ‘first’ were not written I would say, what does ‘morning’ mean? the second morning; [but] is there a case where the flesh is disqualified from the evening, whereas the emurim [are fit] until morning?²⁸ Said Abaye to him, Yet why not? Surely there is the paschal offering according to R. Eleazar b. ‘Azariah, where the flesh is disqualified from midnight,²⁹ whereas the emurim [are fit] until morning? — Said Raba, This is R. Joseph's difficulty: is there a case where the Tanna does not require ‘first’ in respect of the flesh, whereas R. Kahana requires ‘first’ in respect of the emurim?³⁰ What is this [allusion]? — For it was taught: Neither shall any of the flesh which thou sacrificest the first day at even, remain all night until the morning.³¹

(1) Viz., on the Festival itself.

(2) Lit., ‘a matter of an obligation’.

(3) V, p. 357. n. 3.

(4) Deut. XVI, 15. This is superfluous, since v. 14 states, And thou shalt rejoice in thy feast. Hence it is intended as an extension.

(5) I.e., the night of the eighth day. Rashi: It cannot mean the eighth day itself, since ‘seven’ is twice specified (in v. 13 and v. 15). Tosaf.: ‘night’ is not meant particularly. as the same applies to the day. By ‘rejoicing’ is meant the eating of the peace-offering of rejoicing.

(6) Perhaps one must eat of the peace-offering then? And since sacrifices cannot be slaughtered at night, it would be necessary to slaughter it on the eve of the Festival.

(7) Ak is always interpreted as a limitation; hence it excludes the first night.

(8) That you include the last night and exclude the first; why not reverse it?

(9) Since the sacrifice is not to be offered until the following morning. Thus this supports ‘Ulla's statement that the peace-offering of rejoicing cannot be offered on the eve of the Festival.

(10) Lit., ‘what (reason) do you see?’

(11) It is more logical to assume that a continuation of rejoicing already begun is included than that the rejoicing must commence before the time actually prescribed.

(12) V. supra 70a for notes.

(13) Why should he discharge with it his duty on account of rejoicing?

(14) He understood it to mean that it was actually slaughtered on the fourteenth.

(15) As stated supra 70a.

(16) Since he holds that the hagigah of the fourteenth may be eaten only a day and a night. I.e., not after the night of the fifteenth, like the Passover. Hence he must have slaughtered it on the fifteenth.

(17) ‘Praise’ — i.e., Ps. CXIII-CXVIII, which are recited on every Festival.

(18) With the peace-offerings of rejoicing.

(19) The reference is to the Feast of Tabernacles.

(20) When the peace-offering may not be slaughtered.

(21) V. Num. XXVIII, 22, 30; XXIX, 16 et seq. These were public sacrifices, and therefore slaughtered even on the Sabbath.

(22) Though they are slaughtered on the Sabbath, their roasting or cooking does not override the Sabbath.

(23) V. Glos.

(24) Though its flesh may be eaten the whole of the following day too.

(25) Ex. XXIII, 18; ‘haggi’ refers to the hagigah.

(26) ראשית The first (E.V. ‘choicest’) of the fruits etc. Here, however, it is read with ‘morning’, as explained in the text.

(27) I.e., the fat is not to remain until the first morning after the offering is sacrificed.

(28) Surely not, for the flesh may be eaten only on the day it is slaughtered and on the following, but not the night after it!

(29) V. infra 120b.

(30) The sanctity of emurim, which are burnt on the altar, is naturally greater than that of the flesh, which is eaten, and accordingly the former becomes unfit more easily than the latter. Yet we see anon that the Tanna assumes that morning' written in connection with the flesh must mean the first morning. without having recourse to ראשית 'first'; why then does R. Kahana require the proximity of ראשית 'first' in order to establish that 'morning' written in connection with the emurim means the first morning?

(31) Deut. XVI, 4.

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this teaches concerning the hagigah of the fourteenth, that it may be eaten two days and one night.¹ Yet perhaps it is not so, but [only] one day and one night?² When it [Scripture] says, 'the first day,' the second morning³ is meant.⁴ Yet perhaps it is not so, but the first morning [is meant], and to what do I relate⁵ [the case of] the hagigah which may be eaten two days and one night?⁶ [To all other hagigoth] excepting this? When [Scripture] says thereof, But if [the sacrifice of his offering be] a vow, or a freewill-offering,⁷ it teaches concerning the hagigah of the fourteenth that it may be eaten for two days and one night.⁸

The Master said.⁹ 'Yet perhaps it is not so, but the first morning [is meant]'. But you have [already] said, 'When it [Scripture] says. "the first day" the second morning is meant'? — This is what he means: Yet perhaps it is not so, but the Writ speaks of two hagigoth, one the hagigah of the fourteenth, and one the hagigah of the fifteenth, and the former [must not remain] until its morning, while the latter [must not remain] until its morning?¹⁰ Then he argues, as to our general ruling¹¹ [that there is] a hagigah which is eaten two days and one night.¹² if so, in which [case does] 'if, a vow or a freewill-offering' [hold good]? if the hagigah of the fourteenth, surely a day and a night is written in connection therewith; if the hagigah of the fifteenth, surely a day and a night is written in connection therewith?¹³ But this is in respect of the hagigah of the fifteenth, while the whole of the other verse is in respect of the hagigah of the fourteenth [only,] [and thus] it teaches concerning the hagigah of the fourteenth that it may be eaten two days and one night. Thus the reason is that 'on the first day until the morning' is written, so that what does 'morning' mean? the second morning;¹⁴ hence wherever 'morning' is written without qualification, it means the first morning, even if 'first'¹⁵ is not written in connection with it.¹⁶ MISHNAH. IF THE PASSOVER WAS SLAUGHTERED FOR A DIFFERENT PURPOSE¹⁷ ON THE SABBATH, HE [THE SLAUGHTERER] IS LIABLE TO A SIN-OFFERING ON ITS ACCOUNT.¹⁸ WHILE ALL OTHER SACRIFICES WHICH HE SLAUGHTERED AS A PASSOVER,¹⁹ IF THEY ARE NOT ELIGIBLE,²⁰ HE IS CULPABLE; WHILE IF THEY ARE ELIGIBLE, — R. ELIEZER RULES HIM LIABLE TO A SIN-OFFERING, WHILE R. JOSHUA RULES HIM NOT CULPABLE,²¹ SAID R. ELIEZER TO HIM: IF THE PASSOVER, WHICH IS PERMITTED FOR ITS OWN PURPOSE, YET WHEN HE CHANGES ITS PURPOSE HE IS CULPABLE; THEN [OTHER] SACRIFICES, WHICH ARE FORBIDDEN [EVEN] FOR THEIR OWN PURPOSE,²² IF HE CHANGES THEIR PURPOSE IS IT NOT LOGICAL THAT HE IS CULPABLE! R. JOSHUA ANSWERED HIM, NOT SO. IF YOU SAY [THUS] OF THE PASSOVER, [HE IS CULPABLE] BECAUSE HE CHANGED IT FOR SOMETHING THAT IS FORBIDDEN; WILL YOU SAY [THE SAME] OF [OTHER] SACRIFICES, WHERE HE CHANGED THEM FOR SOMETHING THAT IS PERMITTED?²³ SAID R. ELIEZER TO HIM, LET THE PUBLIC SACRIFICES²⁴ PROVE IT, WHICH ARE PERMITTED FOR THEIR OWN SAKE,²⁵ YET HE WHO SLAUGHTERS [OTHER SACRIFICES] IN THEIR NAME IS CULPABLE. R. JOSHUA ANSWERED HIM: NOT SO. IF YOU SAY [THUS] OF PUBLIC SACRIFICES, [THAT IS] BECAUSE THEY HAVE A LIMIT,²⁶ Will YOU SAY [THE SAME] OF THE PASSOVER, WHICH HAS NO LIMIT?²⁷ R. MEIR SAID:

HE TOO WHO SLAUGHTERS [OTHER SACRIFICES] IN THE NAME OF PUBLIC SACRIFICE IS NOT LIABLE.

IF HE SLAUGHTERED IT²⁸ FOR THOSE WHO ARE NOT ITS EATERS,²⁹ OR FOR THOSE WHO WERE NOT REGISTERED³⁰, FOR UNCIRCUMCISED OR FOR UNCLEAN [PERSONS], HE IS CULPABLE; [IF HE SLAUGHTERED IT] FOR ITS EATERS AND FOR THOSE WHO ARE NOT ITS EATERS, FOR THOSE WHO ARE REGISTERED FOR IT AND FOR THOSE WHO ARE NOT REGISTERED FOR IT, FOR CIRCUMCISED AND FOR UNCIRCUMCISED, FOR UNCLEAN AND FOR CLEAN [PERSONS], HE IS NOT LIABLE.³¹ IF HE SLAUGHTERED IT, AND IT WAS FOUND TO POSSESS A BLEMISH, HE IS LIABLE. IF HE SLAUGHTERED IT AND IT WAS FOUND TEREFAH³² INTERNALLY,³³ HE IS NOT LIABLE.³⁴ IF HE SLAUGHTERED IT, AND [THEN] IT BECAME KNOWN THAT ITS OWNERS HAD WITHDRAWN THEIR HANDS FROM IT,³⁵ OR THAT THEY HAD DIED, OR THAT THEY HAD BECOME UNCLEAN, HE IS NOT CULPABLE, BECAUSE HE SLAUGHTERED WITH PERMISSION.³⁶

(1) Understanding 'morning' to refer to the sixteenth of Nisan.

(2) Relating 'morning' to the fifteenth.

(3) After it is slaughtered, i.e., the morning of the sixteenth.

(4) Lit., 'said'. For 'the first day' implies that it may be eaten the whole of the first day after it is slaughtered.

(5) Lit., 'how do I fulfil?'

(6) That there are such hagigoth (pl. hagigah) is deduced anon.

(7) Lev. VII, 16.

(8) The verse continues: it shall be eaten on the day he offereth his sacrifice and on the morrow. Thus two days are allotted, which 'if a vow' is regarded as superfluous, and therefore is interpreted as an extension to include the present case.

(9) The Talmud now proceeds to elucidate this Baraita leading up to the explanation of R. Joseph's argument.

(10) I.e., the former must not remain until the morning of the fifteenth, while the latter must not remain until the morning of the sixteenth. Then the verse would be translated thus: 'neither shall any of the flesh . . . which thou sacrificest . . . at even' — sc. of the hagigah of the fourteenth — 'remain all night', which naturally means until the morning of the fifteenth; while that 'which thou sacrificest the first day', i.e., on the fifteenth, must not remain . . . until the morning' viz., of the sixteenth.

(11) Lit., 'what is established to us'.

(12) Rashi: but as to our principle that there is a hagigah apart from this which may be eaten etc. Thus a different meaning is now given to the phrase 'apart from this'.

(13) On the present hypothesis.

(14) Because of 'the first day'.

(15) אֵשֶׁת.

(16) This is the point of R. Joseph's objection as explained by Raba,

(17) Lit., 'not for its name' — e.g., as a peace-offering.

(18) For having desecrated the Sabbath unintentionally, as he thought that just as it is permitted for its own purposes³ it is permitted for another purpose.

(19) I.e., the animals had been consecrated for other sacrifices.

(20) For a Passover, e.g., if they are females or two-years old (v. Ex. XII, 5).

(21) R. Eleazar holds that even when a man performs a forbidden action while thinking that he is doing a religious deed, he is culpable. R. Joshua, however maintains that if the action actually performed is a religious deed, even a slight one, he is not liable, as he is regarded not as having unwittingly desecrated the Sabbath, but as having erred in a religious matter. This applies to the present case, for he did offer a sacrifice, and R. Joshua rules supra 62b that all sacrifices, including the Passover, even if slaughtered for a different purpose, are nevertheless fit. But in the first case he definitely did not perform a religious action, since all know that a female etc. is not eligible for a Passover, and therefore both agree that he is culpable.

(22) On the Sabbath.

- (23) I.e., he slaughtered them as a Passover, which is actually permitted.
- (24) Rashi: the sacrifices which are prescribed (amure fr. amur).
- (25) The daily burnt-offering and the additional offerings of Sabbaths and Festivals override the Sabbath.
- (26) Only a few animals are slaughtered as public sacrifices, and it is easy to avoid the mistake. Therefore when a man slaughters an animal consecrated for a different purpose as a public sacrifice, he cannot be regarded as having erred in a religious act but as one who unwittingly desecrated the Sabbath.
- (27) An enormous number of animals were slaughtered (cf. supra 64b) — seemingly limitless. Hence his error is pardonable, and he is regarded as having erred in a religious duty.
- (28) The Passover offering, on the Sabbath.
- (29) Such who could not eat of it; e.g.. sick or old people.
- (30) Lit., ‘numbered’,
- (31) In the former case the offering is unfit; hence his act constitutes desecration of the Sabbath; but in the latter case the offering is valid, v. supra 61a.
- (32) V. Glos.
- (33) Lit., ‘in a secret part’.
- (34) A sin-offering is incurred only when a person intends doing what he does, but is unaware that in the circumstances it is forbidden; he is then technically called shogeg, an unwitting offender, But if he did not intend doing it at all, he is called anus, the victim of an unforeseen accident, and is not liable. Now an external examination of the animal would have revealed its blemish; his neglect to do this renders him shogeg, as though he had known that it was blemished, but thought it permitted. But he could not have known here that it was terefah; therefore he is regarded as anus, and is not culpable.
- (35) I.e., they had re-registered for a different animal before this was slaughtered.
- (36) He could not have known of this, and therefore he too is regarded as anus.

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GEMARA. What are we discussing? Shall we say, where he erred?¹ then you may infer from this that abrogation in error constitutes abrogation?² Hence it means that he [intentionally] abrogates [its status].³ Then consider the sequel: WHILE ALL OTHER SACRIFICES WHICH HE SLAUGHTERED AS A PASSOVER, IF THEY ARE NOT ELIGIBLE, HE IS CULPABLE; WHILE IF THEY ARE ELIGIBLE,- R. ELIEZER RULES HIM LIABLE To A SIN-OFFERING, WHILE R. JOSHUA RULES HIM NOT CULPABLE. But if he abrogates [their status], what does it matter whether they are eligible or they are not eligible?⁴ Hence it obviously refers to a man who errs; [then] the first clause refers to a man who abrogates [its status], whereas the second clause refers to him who errs? — Said R. Abin: Yes the first clause refers to a man who abrogates, whereas the second clause refers to him who errs. R. Isaac b. Joseph found R. Abbahu standing in a large concourse of people. Said he to him, How is our Mishnah meant? — The first clause refers to a man who abrogates, whereas the second clause refers to him who errs, he answered him. He learnt it from him forty times, and it seemed to him as though it were lying in his wallet.⁵

We learned: SAID R. ELIEZER: IF THE PASSOVER, WHICH IS PERMITTED FOR ITS OWN PURPOSE, YET WHEN HE CHANGES ITS PURPOSE, HE IS CULPABLE; THEN [OTHER] SACRIFICES, WHICH ARE FORBIDDEN FOR THEIR OWN PURPOSE, IF HE CHANGES THEIR PURPOSE IS IT NOT LOGICAL THAT HE IS CULPABLE. But if this [interpretation] is so, surely they are dissimilar,⁶ since the first clause refers to a man who abrogates, whereas the second clause refers to him who errs? — In R. Eliezer's view there is no difference. But according to R. Joshua, who holds that there is a difference, let him answer him thus? — He says thus to him: According to my view, they are dissimilar, [for] the first clause refers to a man who abrogates, whereas the second clause refers to him who errs. [But even] according to you, it is NOT SO. IF YOU SAY [THUS] OF THE PASSOVER, [HE IS CULPABLE] BECAUSE HE CHANGED IT FOR SOMETHING THAT IS FORBIDDEN; WILL YOU SAY [THE SAME] OF [OTHER] SACRIFICES, WHERE HE CHANGED THEM FOR SOMETHING THAT IS PERMITTED?

SAID R. ELIEZER TO HIM: LET THE PUBLIC SACRIFICES PROVE IT, WHICH ARE PERMITTED FOR THEIR OWN SAKE, YET HE WHO SLAUGHTERS [OTHER SACRIFICES] IN THEIR NAME IS CULPABLE. R. JOSHUA ANSWERED HIM: NOT SO: IF YOU SAY [THUS] OF PUBLIC SACRIFICES, [THAT IS] BECAUSE THEY HAVE A LIMIT; WILL YOU SAY [THE SAME] OF THE PASSOVER, WHICH HAS NO LIMIT? Are we to say that wherever there is a limit R. Joshua holds him culpable? Yet surely infants have a limit⁷ yet we learned: He who had two infants for circumcision, one for circumcision after the Sabbath and the other for circumcision on the Sabbath,⁸ and he erred⁹ and circumcised the one belonging to after the Sabbath on the Sabbath, he is culpable.¹⁰ [If he had] one for circumcision on the eve of the Sabbath and another for circumcision on the Sabbath, and he erred and circumcised the one belonging to the eve of the Sabbath on the Sabbath, — R. Eliezer holds him liable to a sin-offering.¹¹ but R. Joshua exempts him,¹² — Said R. Ammi: The circumstances here are e.g., that he first circumcised [the infant] of the eve of the Sabbath on the Sabbath, so that there is this [infant] of the Sabbath with whom he is pre-occupied;¹³ here e.g.. it means that he first slaughtered the public sacrifices at the beginning.¹⁴

If so, [when] ‘R. MEIR SAID: HE TOO WHO SLAUGHTERS [OTHER SACRIFICES] IN THE NAME OF PUBLIC SACRIFICES IS NOT LIABLE’ — [he meant] even if he had first slaughtered the public sacrifices at the beginning? Surely it was taught. R. Hiyya of Ebel ‘Arab¹⁵ said in R. Meir's name: R. Eliezer and R. Joshua did not differ concerning him who had two infants, one for circumcision on the eve of the Sabbath and one for circumcision on the Sabbath, and he erred and circumcised the one belonging to the eve of the Sabbath on the Sabbath [both agreeing] that he is culpable. About what do they disagree? About a man who had two infants, one for circumcision after the Sabbath and another for circumcision on the Sabbath, and he erred and circumcised the one belonging to after the Sabbath on the Sabbath, R. Eliezer ruling him liable to a sin-offering, while R. Joshua exempts [him].¹⁶ Now is that logical?¹⁷ If there [in the second clause], where he did not perform a religious duty.¹⁸ R. Joshua exempts him; then where he did perform a religious duty, he rules him liable!¹⁹ Said the School of R. Jannai: The first clause means e.g., that he previously circumcised [the infant] belonging to the Sabbath on the eve of the Sabbath,

(1) Thinking that it was a different sacrifice.

(2) Lit., ‘uprooting’. By slaughtering it for a different purpose he abrogates (lit., ‘uproots’) its true status; but this matter is disputed in Men. 49a.

(3) Thinking, however, that this is permitted.

(4) Since he deliberately abrogates its designation, he is certainly not erring in thinking that he is performing a religious act; why then does R. Joshua hold him not liable?

(5) I.e., he then knew it perfectly, and was certain that he would not forget it.

(6) Sc. the two cases.

(7) I.e., in the case adduced he knows definitely that he has only one infant for circumcision on the Sabbath, and therefore when he circumcises another his error is inexcusable, as explained in the note on the Mishnah.

(8) E.g.. twins, one being born on the Sabbath late in the day, and the second born after nightfall (or even during twilight).

(9) Lit., ‘forgot’.

(10) For unwittingly desecrating the Sabbath. For since circumcision is not obligatory before the eighth day, this is not circumcision but the mere infliction of a wound, which entails culpability.

(11) For though he has actually fulfilled a precept, nevertheless circumcision after its proper time does not override the Sabbath.

(12) He erred though fulfilling a precept, viz., because he was occupied with the circumcision of the second, which was actually obligatory for that day; and he also did fulfill a precept by circumcising the first, and R. Joshua holds that in such a case he is not culpable. Hence here too, if he slaughtered a private sacrifice for a public sacrifice, he was occupied with a precept, viz., slaughtering a sacrifice, and he did fulfil a precept, for the sacrifice he did actually offer is valid.

Hence he should not be liable.

(13) When he circumcised the infant whose circumcision was due on the previous day, he had not yet circumcised the other; hence his error arose because he was rightly pre-occupied with the obligation of circumcision on that day.

(14) So that his subsequent error was unjustified, since he had no pre-occupation with any obligation of offering sacrifices at all when he made that error, all permitted sacrifices on that day having been disposed of.

(15) [In the Gilead district, v. Horowitz, Palestine, p. 6.]

(16) It is now assumed that in the first clause R. Meir holds him culpable when he circumcised both, because he thought that it was already time for both, and he first circumcised the infant belonging to the Sabbath, which was due for that day, and then circumcised the other. Now though he did actually perform a religious duty, yet since there was no occasion to be further occupied with this one after having circumcised the one belonging to the Sabbath, he is not regarded as having erred in the fulfilment of a precept. Whereas in the second clause he is exempt because he was pre-occupied with the infant belonging to the Sabbath and circumcised the other by mistake; for it is assumed that he certainly did not circumcise both on that day, as he must have known that one was due for the next day. Thus we see that where he has no occasion at all to be occupied at present with a precept, R. Meir rules him liable.

(17) That the reason is as stated in the last note.

(18) The infant not yet being due for circumcision.

(19) Surely not!

Talmud - Mas. Pesachim 72b

so that the Sabbath does not stand to be overridden¹ whereas in the second clause the Sabbath stands to be overridden by him;² [thus] here, [too], surely the Sabbath stands to be overridden in respect of a public sacrifice.³ R. Ashi said to R. Kahana: But here too [in the first clause] the Sabbath stands to be overridden in connection with infants in general? Nevertheless it was not given [to be overridden] in connection with this man, he answered him.

WHILE ALL OTHER SACRIFICES WHICH HE SLAUGHTERED AS A PASSOVER, IF THEY ARE NOT ELIGIBLE, HE IS CULPABLE; WHILE IF THEY ARE ELIGIBLE, — R. ELIEZER RULES HIM LIABLE TO A SIN-OFFERING, WHILE R. JOSHUA RULES HIM NOT CULPABLE. Which Tanna draws a distinction between eligible and not eligible? It is R. Simeon. For it was taught: The sacrifices which are eligible [for a Passover] and the sacrifices which are not eligible are as one; and similarly he who slaughters for the sake of public sacrifices is not liable; this is R. Meir's view. R. Simeon said: R. Eliezer and R. Joshua did not differ about those which are not eligible, [agreeing] that he is liable. About what do they differ? About those which are eligible. R. Eliezer ruling him liable to a sin-offering, while R. Joshua declares him not liable.

R. Bibi said in R. Eleazar's name: R. Meir declared him not liable even [if it was] a calf of a peace-offering sacrifice which he slaughtered in the name of a Passover-offering.⁴ Said R. Zera to R. Bibi, But R. Johanan said: R. Meir admitted [that he is liable] in the case of blemished [animals]?⁵ — He is not pre-occupied with blemished animals [at all],⁶ whereas he is occupied with this [calf],⁷ he answered him.

Raba asked R. Nahman: What is R. Meir's opinion⁸ [where a man slaughters] hulin for the sake of a Passover?⁹ Said he to him: R. Meir declared him not liable even [if he slaughtered] hulin for the sake of a Passover. But R. Johanan said: R. Meir admitted [that he is liable] in the case of blemished [animals]? Blemished [animals] cannot be confused [for these] these can be confused,¹⁰ Is then R. Meir's reason because they can be confused or they cannot be confused; surely R. Bibi said in R. Eleazar's name, R. Meir declared him exempt even [if it was] a calf of a peace-offering sacrifice which he slaughtered in the name of a Passover-offering,¹¹ which proves that R. Meir's reason is because he is pre-occupied with the [sacrificing of an animal].¹² — Said he to him, If he is pre-occupied [he is not liable] even if it cannot be confused; if it can be confused [he is not liable] even if he is not pre-occupied [with sacrificing], which excludes blemished [animals], which can

neither be confused nor is he indeed pre-occupied [with the sacrificing of them].

R. Zera and R. Samuel b. Isaac were sitting in the hall of R. Samuel b. Isaac[’s house], and they sat and said: R. Simeon b. Lakish said: If a man mistook a spit of nothar¹³ for a spit of [ordinary] roast meat¹⁴ and he ate it, he is liable.¹⁵ While R. Johanan said: If a man had intercourse with his wife, a niddah,¹³ he is liable; if he had intercourse with his yebamah,¹³ a niddah, he is not liable.¹⁶ Some say, In the former case¹⁷ he is all the more liable, seeing that he did not perform a religious duty [at all].¹⁸ Others say, In the former case he would not be liable. What is the reason? It is only there¹⁹ because he should have asked; but here, that he could not have asked,²⁰ [he is] not [liable].

Now [according to] R. Johanan, wherein does his yebamah differ? Because he performed a religious duty! [Then in the case of] his wife too he performed a religious duty.²¹ — It refers to his wife when she is pregnant. But there is the pleasure of the periodical visit?²² — It was not at the time of her periodical visit. But Raba said: A man is bound to please his wife with a good deed?²³ — It was near her [menstruation] date,²⁴ If so, the same [applies to] his yebamah?²⁵ — he is bashful towards his yebamah,²⁶ [but] he is not bashful towards his wife.

Now R. Johanan, according to whom [does he give his ruling]? Shall we say, according to R. Jose, for we learned, R. Jose said: If the first festival-day of the Feast²⁷ fell on the Sabbath, and one forgot [himself] and carried out the palm-branch²⁸ into the street,²⁹ he is not liable [to a sin-offering], because he carried it out with permission.³⁰ But perhaps it is different there, because his time is urgent?³¹ Again, if [it is] in accordance with R. Joshua’s [ruling] on infants,³² there too his time is urgent? — Rather, it is in accordance with R. Joshua’s [ruling] on terumah. For we learned: If he [a priest] was eating terumah and it became known that he was the son of a divorced woman or of a haluzah,³³ R. Eliezer holds him liable for the principal plus a fifth,³⁴ while R. Joshua exempts [him].³⁵ Perhaps [however] this is as R. Bibi b. Abaye. for R. Bibi b. Abaye said: This refers to terumah on Passover eve, since its time is urgent?³⁶ Alternatively, terumah is different, as it is designated ‘abodah,³⁷ and the Divine Law declared ‘abodah valid,³⁸ For we learned: If he was standing and offering [sacrifices] and it became known that he was the son of a divorced woman or of a haluzah, all the sacrifices which he offered on the altar are invalid; but R. Joshua declares them valid. Now we said, what is R. Joshua’s reason? Because it is written, Bless, Lord, his substance [helo] and accept the work of his hands.³⁹ Now where is terumah designated ‘abodah? For it was taught: It once happened that R. Tarfon had not attended the Beth Hamidrash the previous evening. The [following] morning R. Gamaliel met him and said to him ‘Why did you not attend the Beth Hamidrash last night?’ ‘I performed an ‘abodah,’ replied he. ‘All your words are nought but mysteries.’⁴⁰ he retorted, ‘for whence have we ‘abodah nowadays?’⁴¹ Said he to him, ‘Behold, it is said,

(1) And he had not yet discovered his mistake when he came to perform circumcision on the Sabbath. Thus, though he thought that he was occupied with a religious duty, and did in fact perform one, he is nevertheless liable, because the Sabbath did not stand to be violated by him, since there was no infant left for whom the Sabbath must be violated.

(2) Hence he erred in the matter of a religious duty, and R. Meir holds that such is not liable even if he did not eventually perform a religious duty at all. Thus here too, if he slaughters a private sacrifice as a public sacrifice, the Sabbath did stand to be overridden in respect of a public sacrifice, and even if it had actually been slaughtered already the error is excusable, and he is not culpable.

(3) As explained in last note.

(4) Though I might think that it is impossible to confuse these two.

(5) And he assumes that the two cases are alike, since in both an error should be impossible.

(6) Since he never dedicated them as sacrifices.

(7) Having set them aside for an offering, his mind was pre-occupied with them and he might have erred in offering them for another purpose.

(8) Lit., ‘what (says) he’?

- (9) On the Sabbath. No animal may be slaughtered as a sacrifice unless it is first consecrated.
- (10) A man cannot err in respect of blemished animals, whereas he can forget that an animal has not been consecrated.
- (11) Though these too cannot be confused.
- (12) But he is not occupied in sacrificing hullin.
- (13) V. Glos.
- (14) Lit., 'a spit of nothar was exchanged to him for a spit roast'.
- (15) To a sin-offering, which the unwitting consumption of nothar involves. The roast meat was that of a sacrifice, while the eating of sacrifices is a religious duty, as it is written, and they shall eat those wherewith atonement was made (Ex. XXIX, 33). Thus he rules that he is liable even where he erred in thinking that he was fulfilling a religious duty.
- (16) As explained below, the first case means immediately prior to her menstruation period, so that he did not fulfil a religious duty. But in the latter case he fulfils a religious duty (v. Deut. XXV, 5).
- (17) Viz., that dealt with by R. Simeon b. Lakish.
- (18) Whereas he did perform a religious duty by rendering to his wife her conjugal rights.
- (19) Viz., where he cohabited with his wife, that he is liable.
- (20) There was none to ask about the spit.
- (21) Viz., that of procreation, which is enjoined in Gen. I, 28: be fruitful, and multiply.
- (22) V. Keth. 61b,
- (23) Sc. intercourse, even at other times too.
- (24) When one must hold aloof from his wife.
- (25) Neither in her case is there any religious obligation when her menstruation date is near?
- (26) Therefore he could not ask her.
- (27) 'Feast' (hag) without a further determinant always means the Feast of Tabernacles.
- (28) V. Lev, XXIII, 40.
- (29) Carrying from private into public ground constitutes a forbidden labour on the Sabbath; v. Shab.7 2a, 73a.
- (30) I.e., though his action is forbidden, nevertheless it was done as a religious duty. Thus this is similar to the case dealt with by R. Johanan.
- (31) He must do it within a fixed period; hence his anxiety not to miss that period excuses his forgetfulness.
- (32) V. supra 72a.
- (33) V. Glos. — whom a priest may not marry (Lev. XXI,7- a haluzah is forbidden by Rabbinical law only); the issue of such a union is hallal (profaned) who ranks as a zar (lay Israelite) and must not eat terumah under the same penalties as a zar.
- (34) Which a zar who eats terumah unwittingly must pay. v. Lev, XXII, 14.
- (35) Because he erred in thinking that he was performing a religious duty; v. p. 374, n. 3; and the same applies to terumah.
- (36) I.e., it was terumah of leaven and so he was in a hurry to consume it (R. Han.).
- (37) 'Abodah, lit., 'service', means the sacrificial service; it is now stated that the eating of terumah is likewise 'abodah.
- (38) When performed by a hallal, though he is not eligible to do it in the first place. Hence though he may not eat terumah, he is nevertheless not liable if he does eat it.
- (39) Deut, XXXIII, 11. The verse refers to priests, and helo (E.V.. substance) is derived here from hullin (non-sacred, profane); thus it is translated, Bless . . . (even) him who is profaned (hallal) and accept etc., i.e., let his service be valid.
- (40) Lit., 'words of astonishment'.
- (41) After the destruction of the Temple.

Talmud - Mas. Pesachim 73a

I give you the priesthood as a service of ['abodath] gift; and the common man that draweth nigh shall be put to death:¹ [thus] they made the eating of terumah in the borders² as [equivalent to] the 'abodah in the Temple.

IF HE SLAUGHTERED IT FOR THOSE WHO ARE NOT ITS EATERS [etc.]. That is obvious: since it is [taught] there³ [that it is] unfit, he is liable here?⁴ — Because the second clause teaches, HE IS NOT LIABLE, the first clause teaches, HE IS LIABLE. But that too is obvious: Since [the

sacrifice] is fit there, he is not liable here?— Rather, because he teaches, IF HE SLAUGHTERED IT FOR A DIFFERENT PURPOSE ON THE SABBATH, he also teaches [about] THOSE WHO ARE NOT ITS EATERS. And what is the purpose of that itself?⁵ — [He states it] because he wishes to teach the controversy of R. Eliezer and R. Joshua.⁶

R. Huna b. Hinena said to his son, ‘When you go before R. Zerika, ask him: On the view that he who causes damage through a wound is not liable,⁷ [when we learned] IF HE SLAUGHTERED IT FOR THOSE WHO ARE NOT ITS EATERS, HE IS LIABLE, what [of positive value] has he effected? — He effected [this. viz.,] that if they [the emurim] ascended [the top of the altar], they do not descend.⁸ IF HE SLAUGHTERED IT, AND IT WAS FOUND TO POSSESS A BLEMISH, HE IS LIABLE: what [of positive value] has he effected?⁹ — He effected [something positive] in the case of cataracts in the eye,¹⁰ this being in accordance with R. Akiba, who maintained: If they [the emurim] ascended, they do not descend,¹¹ IF HE SLAUGHTERED IT AND IT WAS FOUND TO BE TEREFAH INTERNALLY, HE IS NOT CULPABLE. Hence if it is in an exposed part, he is culpable; [yet] what has he effected?¹² — He effected its withdrawal from the scope of nebelah.¹³ Rabina demurred: As to what was taught: He who slaughters a sin-offering on the Sabbath without [the Temple] to an idol, is liable on account thereof to three sin-offerings:¹⁴ -what has he effected?¹⁵ -Said R. ‘Awira: Because he withdraws it from [the interdict of] a limb [cut] from a live animal.¹⁶

IF HE SLAUGHTERED IT AND IT BECAME KNOWN etc. R. Huna said in Rab's name: A guilt-offering which was transferred to pasture and [then] slaughtered without a specified purpose is fit for a burnt-offering.¹⁷ This proves that he holds that it does not require [express] abrogation.¹⁸ If so, [even] if it was not transferred too?¹⁹ [When it is sacrificed thus immediately] after atonement it is preventively forbidden on account of [when it is sacrificed thus even] before atonement.²⁰ And whence do you rule [thus]? For we learned: A guilt-offering whose owner died or whose owner [otherwise] obtained atonement must graze until it becomes unfit;²¹ then it is sold, and its money falls [is utilized] for a voluntary offering.²² R. Eliezer said: It is left to die.²³ R. Joshua said: he can sell it and bring a burnt-offering for its money.²⁴ Thus, only for its money, but not that itself, because he preventively forbids [it when sacrificed] after atonement on account of [when it is sacrificed] before atonement. This proves it.

R. Hisda raised an objection against R. Huna: IF HE SLAUGHTERED IT AND IT BECAME KNOWN THAT THE OWNERS HAD WITHDRAWN THEIR HANDS etc.

(1) Num. XVIII, 7. ‘Service of gift’ refers to the priestly dues, which includes terumah, and it is designated here ‘abohah.

(2) This is a technical term denoting all places without the Temple.

(3) Supra 61a.

(4) For its unfitness renders his action a desecration of the Sabbath.

(5) For seemingly the same principles are involved here too,

(6) Lit., ‘to make R. Eliezer and R. Joshua dispute’.

(7) In general, the desecration of the Sabbath involves culpability only when it has a positive, beneficial effect. For causing damage, however, a man is not liable (Shab. 105b); but in respect to damage by wounding there is a controversy ibid, 106a.

(8) If a sacrifice becomes unfit in the Temple Court and its emurim (v. Glos.) are placed on the altar for burning, they do not descend but must be burnt there.

(9) For if the emurim of a blemished animal sacrificed unwittingly are laid on the altar, they must be taken down.

(10) Which are a blemish in respect to a sacrifice.

(11) In this case, since it is a kind of blemish that does not apply to a bird-offering, v. Zeb. 85b.

(12) For here too if the emurim are taken up to the altar they must go down again.

(13) V. Glos. As nebelah it would defile, whereas now it does not defile.

(14) (i) For slaughtering on the Sabbath: (ii) for sacrificing to an idol: and (iii) for slaughtering a sacrifice without the

Temple.

(15) Seeing that the slaughtering does not withdraw it from the scope of defilement, since an idol sacrifice becomes a source of defilement!

(16) A limb cut from a live animal is forbidden even to a non-Jew. His present action renders that interdict impossible (Rashi). R. Han.: a man is culpable when he eats as much as an olive of the limb of a live animal even if it is made up of flesh, tendons and bones; now, however, it ranks as *nebelah*, and he is liable only when he eats as much as an olive of the flesh, by itself, excluding the tendons and bones.

(17) A sin-offering and a guilt-offering cannot be brought as votive sacrifices, but only when they are due for transgression. Now, if a man dedicates an animal for one of these, and then dies, or dedicates and sacrifices another animal in its place, then the first, if a sin-offering, must be allowed to perish; if a guilt-offering, it must be put out to pasture until it receives a blemish, when it is redeemed and reverts to *hullin* (v. *Glos.*), while the redemption money is allocated to a special fund for voluntary sacrifices, which take the form of burnt-offerings. Now, if he slaughtered it (in the Temple Court) before it received a blemish, it is valid as a burnt-offering, since that would eventually have been brought in any case. The flesh is then burnt on the altar, while the hide belongs to the priests.

(18) Lit., 'uprooting'. Since this is its ultimate destiny, he need not expressly abrogate its status of a guilt-offering.

(19) I.e., if it was slaughtered as a burnt-offering immediately its owner died etc., it should be fit.

(20) For the two cases may be confused. But once it is actually put out to pasture there is no fear of confusion. — From the text and *Tosaf. a.l.* it would appear that if he slaughters it as a burnt-offering before transferring it to pasture it is unfit, even if it was done. While even after it was transferred to pasture it is fit for a burnt-offering only if it was thus sacrificed, so that we are faced with a *fait accompli*. But at the outset it may not be sacrificed even after it is transferred to pasture.

(21) For a sacrifice by receiving a blemish.

(22) I.e., the money is placed in the fund for voluntary sacrifices.

(23) For he holds that a guilt-offering is the same as a sin-offering.

(24) I.e., the owner brings it as his own sacrifice, and the money does not go into the fund. Thus it is a private sacrifice, so that he himself can slaughter it, he lays his hands upon it (*Lev. I, 4*), and the accompanying drink-offerings are at his expense. Whereas when the money goes into the fund it is brought as a public sacrifice, and the foregoing are absent.

Talmud - Mas. Pesachim 73b

Now it was taught thereon: During the week in such circumstances it must be burnt immediately. Now it is well if you say that it requires abrogation: this is a *Passover*, and since it has no owners, its disqualification is in itself, [and] for that reason it must be burnt immediately. But if you say that it does not require abrogation [then] from the beginning¹ it is a *peace-offering*; On account of what [then] is its disqualification? [Presumably] on account of something extraneous, viz., that he slaughtered it after the evening *tamid*!² [But] then it requires disfigurement? For it was taught, This is the general rule: Wherever its disqualification is in itself, it must be burnt immediately; [if it is] in the blood or in its owner, [the flesh] must become disfigured and [then] it goes out to the place of burning³ — Rather, do not say,⁴ 'if he slaughtered it without specifying its purpose, it is fit as a burnt-offering,' but say, If he slaughtered it for the purpose of a burnt-offering, it is fit. This proves that it requires [express] abrogation.

Then according to R. *Hiyya b. Gamada*, who said: It was thrown out from the mouth of the company and they said: [The circumstances are] e.g., that its owners were unclean through a dead body and relegated to the second *Passover*: [thus] only this requires abrogation, but in general abrogation is not required, what can be said?⁵ — Rather, said R. *Huna* son of R. *Joshua*, what are we discussing here? E.g., if he separated it [for a *Passover*] before midday, and the owner died after midday, so that it was eligible and then rejected, and whatever was eligible and then rejected cannot be eligible again.⁶ — Is then our reasoning [required] for any but *Rab*,⁷ — surely *Rab* said: Live animals cannot be [permanently] rejected?⁸ Rather, said R. *Papa*, the author of this⁹ is R. *Eliezer*, who maintained: Similarly, if he slaughters other [sacrifices] for the sake of the *Passover*, they are unfit,¹⁰ so that its disqualification is in itself.¹¹ But if it is [according to] R. *Eliezer*, he would rule

him liable to a sin-offering, since R. Eliezer rejects [the view that] he who errs in the matter of a precept¹² is exempt!¹³ — R. Joseph¹⁴ the son of R. Salla the Pious explained it before R. Papa: The author of this is R. Joseph b. Honai. For we learned, R. Joseph b. Honai said: Those [other sacrifices] which are slaughtered for the purpose of a Passover or for the purpose of a sin-offering are unfit.¹⁵ This proves that its disqualification is in itself, and for that [reason] it must be burnt immediately; while in the matter of non-culpability¹⁶ he agrees with R. Joshua.¹⁷

R. Ashi said, Rab ruled in accordance with R. Ishmael the son of R. Johanan b. Berokah. For it was taught, R. Ishmael the son of R. Johanan b. Berokah said: If there was sufficient time in the day to ascertain whether the owners had withdrawn their hands or died or become defiled, he is liable,¹⁸ and it [the sacrifice] must become disfigured and [then] go out to the place of burning.

he slaughtered it without a specified purpose, express abrogation not being necessary. But the reason in the Baraitha is a different one, as stated. Thus: at midday the owner was still alive and therefore it was immediately eligible for a Passover offering; the owner's death disqualified it from that purpose, and he holds that it can never be eligible again in such circumstances. What is the reason? Is it not because it does not require abrogation?¹⁹ — Whence [does this follow]: perhaps it is because he agrees with the tanna of the School of Rabbah b. Abbuha, who said: Even piggul²⁰ too requires disfigurement, because we learn the meaning of 'iniquity' from nothar.²¹ For if you should not say thus, where the owners become defiled, what can be said, for surely that certainly requires abrogation, for R. Hiyya b. Gamada said, it was thrown out from the mouth of the company and they said: [The circumstances are] e.g.. that its owners were unclean through a dead body and relegated to the second Passover? Hence it is clear as we answered at first: this is [in accordance with] R. Joseph b. Honai. [

(1) I.e., immediately the owners die or withdraw their hands.

(2) V. Glos.; that is when he would actually slaughter it, thinking that it was still a Passover, whereas as a peace-offering it must be slaughtered before; v. supra 59b.

(3) V. supra 34b for notes.

(4) In the statement of Rab reported by R. Huna.

(5) V. supra 64a for notes.

(6) The original version is to be retained, viz., that

(7) This explanation is given only in order to reconcile R. Huna's statement in Rab's name with the Baraitha.

(8) V. infra 98a.

(9) The Baraitha which was cited commenting on our Mishnah.

(10) V. supra 62b.

(11) I.e., it does not require abrogation, so that it is automatically a peace-offering; hence by slaughtering it expressly for a Passover he renders it intrinsically disqualified, and therefore on weekdays it must be burnt immediately.

(12) V. Mishnah 71 b and note a.l.

(13) Hence in the Mishnah he should be liable for desecrating the Sabbath.

(14) So MS.M. omitting 'But' of cur. edd.

(15) v. Zeb. 2a.

(16) When one errs in a matter of a precept.

(17) That he is not culpable.

(18) For he should have satisfied himself on these things before slaughtering. Therefore he is regarded not as having erred in the fulfilment of a precept but as an unwitting offender (shogeg); hence he is liable.

(19) As above. Thus this supports Rab, who does not accept the view of the Baraitha quoted at the beginning of the page.

(20) V. Glos.

(21) V. infra 82b; though piggul is certainly intrinsically disqualified.

CHAPTER VII

MISHNAH. HOW IS THE PASSOVER-OFFERING ROASTED? WE BRING A SPIT OR POMEGRANATE WOOD AND THRUST IT INTO ITS MOUTH [RIGHT DOWN] AS FAR AS ITS BUTTOCKS, AND PLACE ITS KNEES AND ITS ENTRAILS INSIDE IT: THIS IS THE VIEW OF R. JOSE THE GALILEAN. R. AKIBA SAID: THIS IS IN THE NATURE OR SEETHING;¹ BUT THEY ARE HUNG OUTSIDE IT. ONE MAY NOT ROAST THE PASSOVER-OFFERING EITHER ON A [METAL] SPIT OR ON A GRILL.² R. ZADOK SAID: IT ONCE HAPPENED THAT R. GAMALIEL SAID TO HIS SERVANT TABI, GO OUT AND ROAST US THE PASSOVER-OFFERING ON THE GRILL.’

GEMARA. But let us bring [a spit] of metal? — When part of it is hot the whole of it is hot,³ and so [part of] it is roasted through the spit,⁴ whereas the Divine Law saith, roast with fire,⁵ and not roast through something else. But let us bring [a spit] of palm wood? — Since it has grooves it exudes water [sap], so that it would be like boiled. Then let us bring [a spit] of fig wood? — Since it is hollow,⁶ it exudes water, so that it is like boiled. Then let us bring [a spit] of the oak tree, the carob tree or the sycamore tree? — Because it has knots it exudes water. [But the wood] of the pomegranate tree too has knots? — Its knots are smooth.⁷ Alternatively, this refers to a shoot of this [i.e., the first] year's growth, which has no knots. But there is the point where it is cut?⁸ — He causes the point where it is cut to protrude without [the animal].

Our Mishnah is not according to R. Judah. For it was taught, R. Judah said: Just as a wooden spit is not burnt,⁹ so a metal spit does not boil [the flesh].¹⁰ Said they to him: This [sc. metal], if part of it is hot, the whole of it is hot; whereas the other [wood], if part of it is hot, the whole of it is not hot.¹¹

AND WE PLACE ITS KNEES, etc. It was taught: R. Ishmael called it tok tok.¹² R. Tarfon called it a helmeted goat.¹³

Our Rabbis taught: What is the helmeted goat which it is nowadays forbidden to eat on the nights of Passover?¹⁴ Wherever the whole is roasted in one [piece]. If a lamb was cut from it, [or] if a limb of it was boiled, that is not a helmeted goat. Now that you say that if a limb was cut from it, even if he roasted it together with it, it is not [a helmeted goat], [if a limb is] boiled need it [be stated]?¹⁵ — Said R. Shesheth: It means that he boiled it while attached [to the whole animal].

Rabbah said: A stuffed [lamb]¹⁶ is permitted. Said Abaye to him: But [the lamb] absorbs the blood?¹⁷ As it absorbs, so it exudes, he answered him.¹⁸ Shall we say that this supports him: AND [WE] PLACE ITS KNEES AND ITS ENTRAILS INSIDE IT: what is the reason? Is it not because we say, as it absorbs, so it exudes? — I will tell you: it is different there, [for] since there is the place of slaughtering, which is hollow,

(1) The entrails inside the animal are like meat in a pot, which is seething, not roasting.

(2) This is explained in the Gemara.

(3) Metal-iron — being a good conductor of heat.

(4) The flesh actually in contact with it is roasted in the heat of the spit, not by the heat of the fire.

(5) Ex. XII,8.

(6) Having a marrow-like substance inside.

(7) Hence they do not exude sap.

(8) Which naturally exudes moisture.

(9) For being inside the lamb it is protected from the fire.

(10) Thus he permits the use of a metal spit.

(11) Hence there is no analogy between the two.

(12) ‘Tok’ is the sound of boiling. Thus he held that the knees etc. are placed inside it, so that it emits a sound of boiling.

MS. M. reads: R. Ishmael called it a takbera i.e., a basket, as the animal was stuffed with the loose pieces, v. Jast. s.v. תכברה.

(13) He held that the knees etc. must hang outside, so that it looked like a helmet on the head of a warrior.

(14) I.e., after the destruction of the Temple; v. supra 53a.

(15) Surely it is superfluous.

(16) I.e., the lamb being stuffed with meat salted only enough for roasting, which is less than is required by law when it is to be boiled (Rashi). Blood in flesh is forbidden, hence the prescribed, process of soaking and salting in order to draw it out.

(17) Which exudes from the pieces of meat with which it is stuffed when the whole is roasted.

(18) It exudes on the outside the same amount of blood which it first absorbs on the inside.

Talmud - Mas. Pesachim 74b

[the blood] indeed oozes out.¹

Shall we say that this supports him: The heart must be torn and the blood withdrawn;² if he did not tear it [open], he must tear it after it is boiled³ and it is permitted.⁴ What is the reason? Is it not because we say, as it absorbs, so it exudes?⁵ — The heart is different, because it is smooth.⁶ But surely Rabin the Elder put a paste of dough over a [roasted] pigeon for Rab, and he [Rab] said to him, 'If the paste is good [tasty], give it me and I will eat it?'⁷ — That was [done] with [a paste of] fine flour, which is crumbly.⁸

But Raba visited the home of the Resh Galutha⁹ and they put a paste of dough over a [roasted] duck for him. Said he, 'Had I not seen that it was as clear as white glass, I would not eat of it.' Now should you think, as it absorbs, so it exudes, why particularly when it is clear; [it is permitted] even if not clear? — There it was [prepared] with white flour, so that it [the paste] is compact.¹⁰ Now the law is: [a paste] of finest flour, whether it looks red or does not look red, is permitted;¹¹ [a paste] of white flour: if it is as clear as white glass, it is permitted, if not, it is forbidden; [a paste] of other flours: if it looks red, it is forbidden; if it does not look red, it is permitted. [As to] a stuffed [lamb], he who forbids [does so] even if the mouth is at the bottom; while he who permits [does so] even if the mouth is on top. Now the law is: a stuffed [lamb, etc.] is permitted even if the mouth is on top.¹²

[With regard to] raw meat,¹³ eggs,¹⁴ and the jugular veins, R. Aha and Rabina differ therein. (In the whole Torah¹⁵ R. Aha is stringent while Rabina is lenient, and the law is as Rabina [viz.,] as the lenient [view]; except in these three, where R. Aha is lenient and Rabina is stringent, and the law is as R. Aha, [viz.,] as the lenient view.) If raw meat turns reddish, if one cuts¹⁶ and salts it, it is permitted even for a pot; if one impales it on a spit [over the fire], it is permitted,¹⁷ [because] it [the blood] certainly oozes out. If he placed it on [burning] coals, R. Aha and Rabina differ therein; one forbids and the other permits. He who forbids [holds that] it [the fire] binds [the blood],¹⁸ while he who permits [holds] that it draws [the blood] out. And the law is: it does indeed draw [the blood] out. Similarly with eggs: if he cut and salted them, they are permitted even for a pot. If he suspended them from a spit, they are permitted, [because] it [the blood] certainly oozes out. If he laid them on coals, Aha and Rabina differ therein: one forbids and the other permits them. He who forbids [holds]: it certainly binds [the blood]; while he who permits [maintains]: it draws it out. Similarly with the [throat portion containing the] jugular veins: if he cut and salted it, it is permitted even for a pot; if he suspended it on a spit, the place of the cut¹⁹ being underneath,²⁰ it is permitted, [because] it does indeed ooze out. If he laid it on coals, R. Aha and Rabina differ therein: one forbids and the other permits. He who forbids [holds]: it does indeed bind [the blood]; while he who permits [maintains]: it draws it out. And the law is: it draws it out.

Raw meat which turns red, its serum is forbidden;²¹ if it does not turn red, its serum is permitted. Rabina said: Even if it does not turn red, its serum is forbidden, [for] it cannot but contain streaks of

blood. Mar b. Amemar said to R. Ashi: My father did indeed drink it.²² Others say: R. Ashi himself drank it.

Mar b. Amemar said to R. Ashi: Vinegar which had been used once for contracting [meat],²³ my father would not use it again for contracting'.²⁴ How does it differ from weak vinegar, which may be used for contracting'? — There

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- (1) The animal being hung throat downwards.
 - (2) Before it is boiled; the heart is full of blood and therefore ordinary salting, as is done with other flesh, is insufficient.
 - (3) Rashi: this is assumed to mean, after it is roasted over an open fire, roasting being occasionally referred to as boiling, v. II Chron. XXXV, 13: and they boiled (wa-yebashshelu) the passover with fire according to the ordinance.
 - (4) V. Hul. 109a.
 - (5) The reference is not to the heart absorbing blood from other meat, but to one part of the heart absorbing blood from another, and it is now suggested that it exudes the same blood, since it is roasted over an open fire.
 - (6) Hence it does not absorb, so that even if it were boiled in a pot it would be permitted, though there that it is not directly over the fire we certainly cannot say, so it exudes.
 - (7) Now the paste absorbs blood from the roasted pigeon; since he wanted to eat it, he must have known that it reexudes it.
 - (8) And so leaves room for the blood to ooze.
 - (9) V. Glos.
 - (10) Which prevents the blood from oozing.
 - (11) Even in the former case we assume that the blood which the paste absorbed certainly oozed out, the redness being a mere hue which it leaves.
 - (12) When it is suspended for roasting; though there is no opening for the blood to run out, it nevertheless oozes out through the flesh.
 - (13) Umza is raw meat, unsalted and unsoaked. Blood in flesh is forbidden only if it travels from one part of the flesh to another. But if it remains in its original place, e.g., when raw meat is pickled dry, it is permitted (Rashi).
 - (14) The eggs of a male. Rashi: the controversy infra arises when they look red. Tosaf.: these eggs are covered with a membrane which is forbidden on account of blood, hence the controversy.
 - (15) Where R. Aha and Rabina differ.
 - (16) To allow for the blood to flow out.
 - (17) Even if only slightly salted, as one salts ordinary meat when it is to be roasted.
 - (18) Though not before it has time to travel from its place.
 - (19) I.e., the throat.
 - (20) So that the blood can flow out.
 - (21) This is R. Aha's view; though he permits the meat itself, he agrees that the serum is forbidden.
 - (22) The serum.
 - (23) Meat was washed in vinegar in order to contract the blood vessels and bind the blood.
 - (24) Because after it has been used once the vinegar loses its strength to bind the blood in its place.

Talmud - Mas. Pesachim 75a

the tartness of the fruit is present in its natural state, whereas here the tartness of the fruit is not present in its natural state.

ONE MAY NOT ROAST THE PASSOVER-OFFERING etc. A story [is quoted] in contradiction? — The text is defective, and it teaches thus: But if it is a perforated grill, it is permitted, and R. ZADOK SAID [LIKEWISE]: IT ONCE HAPPENED THAT R. GAMALIEL SAID TO HIS SERVANT: GO OUT AND ROAST US THE PASSOVER-OFFERING ON THE PERFORATED GRILL'.

R. Hinena b. Idi asked R. Idi b. Ahabah: If a man fires an oven with the shells of 'orlah¹ and then

sweeps it out and bakes bread in it, what is [the law] on the view that it is forbidden?² The bread is permitted, he answered. Said he to him, But R. Hinena the Elder said in R. Assi's name in R. Johanan's name: If a man fires an oven, sweeps it out, and roasts the Passover-offering in it, that is not 'roast with fire,' because 'roast with fire,' is stated twice.³ [Thus] the reason is that the Divine Law revealed [it by stating] roast with fire' twice; but if the Divine Law had not revealed it, I would say, it is 'roast with fire'?⁴ — The Divine Law revealed it there, replied he, and we learn from it [for elsewhere]. Alternatively, there the reason is that the Divine Law wrote roast with fire' twice; but if the Divine Law had not written 'roast with fire' twice, I would say, the Divine Law insisted on fire, and even if he swept it out, that too is 'roast with fire';⁵ but here the Divine Law objected to forbidden fuel, which is [now] absent.

Our Rabbis taught: If he cut it⁶ and placed it on the coals, Rabbi said: I maintain that this is 'roast with fire.' R. Ahadeboi b. Ammi pointed out a contradiction to R. Hisda: Did then Rabbi rule [that] coals are fire? But the following contradicts it: [Or when the flesh hath in the skin thereof] a burning by fire [etc.]:⁷ I know it only where it was burnt by fire; if it was burnt with coals, hot ashes, boiling lime, boiling gypsum, or anything produced by fire, which includes hot water [heated] by fire, how do we know it?⁸ Therefore 'a burning' is stated twice, as an amplification. [Hence] it is only because the Divine Law amplified [it by writing] 'a burning' twice, but if the Divine Law had not amplified [it by writing] 'a burning' twice, [I would say that] coals are not fire? Scripture does not find it necessary to include a wood coal, he answered him;⁹ a verse is necessary only in respect of a coal of metal. Then are not coals of metal fire? Surely in respect of a priest's daughter [who committed adultery], though it is written, she shall be burnt with fire,¹⁰ R. Mattenah said: They made a lead wick for her?¹¹ — There it is different, because the Divine Law said, 'she shall be burnt with fire': 'she shall be burnt' is to include all burnings which come from fire, then all the more fire itself! [If so] let us surround her with bundles of faggots and burn her? — The meaning of 'burning' is learnt from the children of Aaron: just as there it was a burning of the soul while the body remained intact, so here burning of the soul while the body remains intact [is meant].¹² Then let us prepare for her boiling water [heated] by the fire?¹³ — [That is ruled out] on account of R. Nahman' [s dictum]. For R. Nahman said, Scripture saith, but thou shalt love thy neighbour as thyself:¹⁴ choose an easy death for him. Now, since there is R. Nahman['s deduction], what is the purpose of the gezerah shawah?¹⁵ — I will tell you: But for the gezerah shawah, I would say [that] the burning of the soul while the body remains intact is not burning,¹⁶ while as for R. Nahman's [teaching], let us use many bundles of faggots for her, so that she should die quickly. Therefore it [the gezerah shawah] informs us [that it is not so]. Then what is the purpose of '[she shall be burnt] with fire'?¹⁷ — It is to exclude [boiling] lead [drawn straight] from its source.

R. Jeremiah said to R. Zera: Then wherever 'she shall be burnt with fire' is written, it is to include all burnings which are produced by fire? Surely in respect to the [sacrificial] bullocks which were burnt, though it is written, and the [the priest] shall burn it on wood with fire,¹⁸ it was nevertheless taught: 'With fire,' but not with boiling lime or boiling gypsum? — Said he to him, How compare! There 'with fire' is written [first] and 'she shall be burnt' after: [hence] it is to include all burnings which are produced by fire;¹⁹ [whereas] here is written, and he shall burn it on wood with fire,' 'with fire' being at the end, to intimate that fire only [is permitted], but not anything else. But there too burning is written at the end, for it is written,

(1) V. Glos.

(2) Where it is not first swept out; V. supra 26b. Here, however, there is no improvement of the fuel in the loaf; hence the question.

(3) Ex. XII, 8, 9. The repetition emphasizes that it must be roast actually over the fire itself.

(4) Hence in the present case as there is no Biblical intimation, we should regard it as though the fire itself were present, and by corollary, as though, the oven were unswept.

(5) Since the heat was the result of fire.

- (6) The Passover-offering; not actually dividing it, but making a number of deep cuts, so that it should roast more quickly.
- (7) Lev. XIII, 24.
- (8) That it falls within this particular category of leprosy? V. Hul. 8a.
- (9) For that indeed is fire.
- (10) Lev. XXI, 9.
- (11) V. Sanh. 52a.
- (12) V. Sanh. 52a.
- (13) I.e., let us execute her by scalding.
- (14) Lev. XIX, 18.
- (15) V. Glos. I.e., the derivation from the sons of Aaron. it. Nahman's dictum in itself excludes also burning by faggots.
- (16) So that the only alternative left is burning by faggots.
- (17) Since after all the verse is taken to include all burnings which come from fire.
- (18) Ibid. IV, 12.
- (19) Since the addition of 'she shall be burnt', after 'with fire' has already been stated, it is superfluous.

Talmud - Mas. Pesachim 75b

where the ashes are poured out shall it be burnt?¹ I will tell you: that 'shall it be burnt' is required for what was taught: 'It shall be burnt': even if no ashes are there; 'it shall be burnt', even if he made the fire catch on to the greater part of it.² Rabina said:³ Unite them⁴ and learn: 'A burning by fire': I know it only if it was burnt by fire or with a coal;⁵ if it was burnt with hot ashes, boiling lime, boiling gypsum or with anything produced by fire, which includes hot water [heated] by the fire, how do we know it? Therefore 'a burning' is stated twice as an amplification.

Raba pointed out a contradiction: did then Rabbi say [that] coals are designated fire? But the following contradicts it: [And he shall take a censer full of] coals [of fire]:⁶ you might think [that] quenched [smouldering] coals are meant;⁷ therefore 'fire' is stated. If 'fire', you might think [that] a flame [must be brought]; therefore 'coals of' is stated. How then [is it to be understood]? He must bring of the brightly-burning [coals].⁸ Now this is self-contradictory: you say: "'coals," you might think [that] quenched coals [are meant], which proves that brightly-burning [coals] are [termed] fire. Then consider the second clause: 'if "fire", you might think [that] a flame [must be brought]; therefore "coals of" is stated,' which proves that even brightly-burning [coals] are not fire? Whereupon R. Shesheth answered, This is what he teaches: coals: you might think, both smouldering and brightly-burning [can be taken]; therefore 'fire' is stated. if 'fire,' you might think [that] a flame [must be brought]; therefore 'coals of' is stated. How then [is this to be understood]? He must bring of the brightly-burning [coals]. Yet at all events coals are not called fire, which is a difficulty according to Rabbi? — Said Abaye, Explain it thus: coals of: you might think quenched, but not brightly-burning; therefore 'fire' is stated; if 'fire,' you might think, he can bring a flame⁹ or a coal, whichever he desires; therefore 'coals of fire is stated. How then [is it meant]? He must bring of the brightly burning [coals]. Raba¹⁰ asked: [You say] 'He can bring a flame or a coal, as he desires.' [But] how is a flame without a coal possible? [Only] if one smears a vessel with oil and lights a fire in it! [Then] why do I need a verse [to exclude] that? Seeing that you do not do thus before a king of flesh and blood, is it not all the more [forbidden] before the Holy One, blessed be He! Rather said Raba, Explain it thus: 'coals of': you might think, quenched but not brightly-burning; therefore 'fire' is stated; if fire, you might think, let him bring half coal and half flame,¹¹ so that by the time he carries it within [the Holy of Holies] it is all a coal; therefore it is stated, 'And he shall take a censer full of coals of fire from off the altar': at the very time of taking they must be coals.

The Scholars asked: [Is the word] omemoth or 'omemoth?¹² -R. Isaac quoted: The cedars in the garden of God could not hide it ['amamuhu].¹³

MISHNAH. IF IT [THE PASCHAL LAMB] TOUCHED THE EARTHEN[WARE] OF THE OVEN, HE MUST PARE ITS PLACE; IF SOME OF ITS JUICE DRIPPED ON TO THE EARTHEN[WARE] AND DRIPPED BACK ON TO IT, HE MUST REMOVE ITS PLACE.¹⁴ IF SOME OF ITS JUICE FELL ON THE FLOUR, HE MUST TAKE A HANDFUL AWAY FROM ITS PLACE. IF HE BASTED IT [THE PASCHAL LAMB] WITH OIL OF TERUMAH¹⁰ IF THEY WHO REGISTERED FOR IT ARE A COMPANY OF PRIESTS, THEY MAY EAT [IT]; BUT IF ISRAELITES, IF IT IS [YET] RAW, LET HIM WASH IT OFF; IF IT IS ROAST, HE MUST PARE THE OUTER PART. IF HE ANOINTED IT WITH OIL OF SECOND TITHE,¹⁵ HE MUST NOT CHANGE ITS VALUE TO THE MEMBERS OF THE COMPANY, BECAUSE SECOND TITHE MUST NOT BE REDEEMED¹⁶ IN JERUSALEM.¹⁷

GEMARA. It was stated: [If] hot matter [falls] into hot,¹⁸ all agree

(1) Ibid.

(2) Yet he must not leave it until the whole is burning. This is deduced because 'it shall be burnt' is repeated at the end of the sentence, which emphasizes that it is to be entirely burnt in all cases.

(3) In reply to the contradiction pointed out by R. Ahadeboi.

(4) Lit., 'wrap'.

(5) Coal is included as implied by the term 'fire', and not derived from the repetition of 'a burning', as stated in the original version.

(6) Lev. XVI, 12.

(7) I.e., without a flame, for otherwise they are simply called 'fire'.

(8) Lit., 'whispering,' for when coals are burning brightly they make a slight hissing noise something like a sibilant whisper.

(9) Without a coal.

(10) As emended in margin from Rabbah.

(11) E.g., a piece of wood part only of which is well alight.

(12) With an alef (ס) or with an 'ayin (ע)?

(13) Ezek. XXXI, 8; 'amamuhu is with an 'ayin (ע), and the root really means to dim, darken, whence E.V. 'hide'.

(14) I.e., the part on to which it dripped. 'Pare' denotes a very thin strip; 'to remove,' the thickness of the finger. The reason is explained in the Gemara.

(15) Second tithe was brought to Jerusalem and eaten there by its Israelite owners; if it was too burdensome, they redeemed it and expended the redemption money in Jerusalem, v. Deut. XIV, 22f.

(16) Var. lec.: sold.

(17) Even to eat it in Jerusalem as holy food. If the owner of this oil charges the other members for their share, he virtually redeems or sells it as far as he is concerned.

(18) E.g., hot milk into hot meat, or hot forbidden flesh into hot permitted flesh, or vice versa. By 'hot', boiling is meant.

Talmud - Mas. Pesachim 76a

that it is forbidden;¹ cold into cold, all agree that it is permitted.² [If] hot [falls] into cold, or cold into hot, — Rab maintained: The upper prevails;³ while Samuel maintained: The lower prevails.

We learned: IF SOME OF ITS JUICE DRIPPED ON TO THE EARTHEN[WARE] AND DRIPPED BACK ON TO IT HE MUST REMOVE ITS PLACE. It was assumed that this refers to a cold earthenware; now it is well on Rab's view that the upper prevails: consequently he must remove its place, because the juice goes and heats the earthenware and the earthenware in turn heats the juice, and when the juice drips back on to the paschal lamb, the paschal lamb is roasted [at that spot] by the heat of the earthenware, whereas the Divine Law said, roast with fire,⁴ but not roast with something else. But on Samuel's view that the lower prevails, since the earthenware is cold it actually cools the juice; why then should he remove its place? — As R. Jeremiah said⁵ in Samuel's name: The reference is to hot flour; so here too the reference is to hot earthenware.

We learned: IF SOME OF ITS JUICE DRIPPED ON TO THE FLOUR, HE MUST REMOVE A HANDFUL FROM ITS PLACE. It was assumed that this refers to cold flour. It is well on Rab's view that the upper prevails: consequently he must remove a handful from its place, because it heats the flour around it and the flour in turn heats it, and the juice is roast by the heat of the flour, whereas the Divine Law said, 'roast with fire', but not roast with something else. But on Samuel's view that the lower prevails, since the flour is cold it actually cools it; why then must he remove a handful from its place? — Said R. Jeremiah b. Samuel: This refers to hot flour.

We learned: IF HE BASTED IT With OIL OF TERUMAH, IF THEY [WHO REGISTERED FOR IT] ARE A COMPANY OF PRIESTS, THEY MAY EAT [IT]; IF IT BELONGS TO ISRAELITES: IF IT IS [YET] RAW, LET HIM WASH IT OFF; IF IT IS ROAST, HE MUST PARE THE OUTER PART. It is well on Rab's view that the upper prevails: consequently [mere] paring is sufficient, because the upper is cold.⁶ But on Samuel's view that the lower prevails, since it is hot it certainly absorbs; why then is paring sufficient: let us forbid it entirely? — Basting is different, because a mere trifle is used.

It was taught in accordance with Samuel: [If] hot matter [falls] into hot, it is forbidden; similarly, if he put cold into hot, it is forbidden; hot into cold or cold into cold, he must wash it off. [You say], 'Hot into cold, he must wash it off'; [surely] since it is hot, until it cools it cannot but absorb a little; then it should at least require paring? Rather say: hot into cold, he must pare it; cold into cold, he must wash it off.

Another [Baraita] taught: If hot meat fell into hot milk, and likewise if cold fell into hot, it is forbidden. Hot into cold or cold into cold, he must wash [the meat]. 'Hot into cold, he must wash [the meat]'; [surely] since it is hot, until it cools it cannot but absorb a little, then it should at least require paring? — Rather say: hot into cold, he must pare [it]; cold into cold, he must wash [the meat].

The Master said: 'Cold into cold, he must wash the meat. R. Huna said: They learned this only where he had not [previously] salted it; but if he had salted it, it is forbidden, for Samuel said: Salted [matter] is like hot;⁷ if preserved [in vinegar], it is like boiled.⁸ Raba said: As to what Samuel said, Salted [matter] is like hot, — this was said⁹ only where it cannot be eaten through the salt;¹⁰ but if it can be eaten in spite of the salt, it is not so. A young pigeon fell into a jug of kamka,¹¹ [and] R. Hinena the son of Raba of Pashrunia¹² permitted it. Said Raba: Who is so wise as to permit such a thing if not R. Hinena the son of Raba of Pashrunia, who is a great man. [For] he can tell you: when did Samuel say, Salted matter is like hot? — Where it cannot be eaten through the salt; whereas this could be eaten in spite of the salt. That is, however, only if it is raw; but if roast, it requires paring. Further, this was said only if it contains no splits;¹³ but if it contains splits, it is [altogether] forbidden; and if it is seasoned with condiments, it is forbidden.¹⁴

Rab said:

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- (1) Because each absorbs from the other.
 - (2) Because they do not absorb from each other.
 - (3) Thus: if hot falls into cold, the upper heats the lower, and it is tantamount to hot into hot: while if cold falls into hot, it is as cold into cold.
 - (4) Ex. XII, 8.
 - (5) V. infra.
 - (6) I.e., the oil is cold. Nevertheless paring at least is required, because the oil cannot but soak slightly into the flesh.
 - (7) 'Salted', this is soon defined — it is regarded as hot, and necessitates paring.
 - (8) And the whole of the permitted matter rendered forbidden.

(9) Lit., 'we said'.

(10) Until the salt is washed off

(11) A relish containing milk, among other things.

(12) A town in Babylonia. Obermeyer does not identify it. Jast., however, s.v. פרשוניא identifies it with Perishna, which is mentioned infra 91a, and Obermeyer, p. 297, n. 1. thinks that the latter is identical with Barus, which was included in the district of Sura for taxation purposes.

(13) Then paring is sufficient.

(14) In both cases the flesh absorbs more freely than otherwise.

Talmud - Mas. Pesachim 76b

Fat meat of a [ritually] slaughtered [animal] which was roasted together with lean meat of nebelah¹ is forbidden. What is the reason? They fatten each other.² But Levi maintained: Even lean meat of a [ritually] slaughtered [animal] which was roasted together with fat meat of nebelah is permitted. What is the reason? It is a mere smell, and smell is nothing. Levi gave a practical decision³ at the house of the Resh Galutha⁴ in the case of a goat and 'something else.'⁵

An objection is raised: One may not roast two Passover offerings together, on account of the mixture. Surely that means, the mixture of [the] flavours,⁶ which is a difficulty on Levi's view? No: [it means] the mixture of their carcasses.⁷ This too is logical, since the second clause teaches: Even a kid and a lamb. Now it is well if you say [that it is] on account of the carcasses: hence he teaches, 'even a kid and a lamb.'⁸ But if you say [that it is] on account of the mingling of [the] flavours, what does it matter whether it is a kid and a lamb or a kid and a kid? — What then? You are bound [to say] that it is forbidden only on account of the mixing of the carcasses, but the mingling of flavours is permitted; shall we say [then] that this is a refutation of Rab? — Said R. Jeremiah: The case we discuss here⁹ is e.g., where he roasted them in two pots. [You say] 'In two pots — can you think so!¹⁰ — Rather say, as though [they were roasted in] two pots,¹¹ and this is what it teaches: One may not roast two Passover-offerings together, on account of the mixture. What mixture? The mixture of the flavours. And even [when roasted] as it were in two pots it is forbidden on account of the [possible] confusing of the carcasses, and even a kid and a lamb [must not be roasted together].

R. Mari said: This is dependent on Tannaim. If a man removes a hot loaf [from the oven] and places it on a wine barrel of terumah, — R. Meir forbids it;¹² whereas R. Judah permits it; while R. Jose permits it in the case of [a loaf of] wheat, but forbids it in the case of barley [flour], because barley absorbs. Surely then it is dependent on Tannaim, one Master holding: Smell is nothing; while the other Master holds: Smell is something [substantial]? According to Levi, it is certainly dependent on Tannaim.¹³ Shall we say that it is [dependent on] Tannaim according to Rab [too]? — Rab can tell you: All agree that smell is something [substantial]; [and as to the ruling of R. Judah] was it not stated thereon, Rabbah b. Bar Hanah said in the name of Resh Lakish: In the case of a hot loaf and an open barrel, all agree that it is forbidden; in the case of a cold loaf and a closed [stoppered] barrel, all agree that it is permitted. They differ only in the case of a hot loaf and a sealed barrel, [or] a cold loaf and an open barrel;¹⁴ and this too¹⁵ is like a hot loaf and an open barrel.¹⁶

R. Kahana the son of R. Hinena the Elder recited: A loaf which was baked together with roast [meat] in an oven may not be eaten with kutah.¹⁷ A fish was roasted [i.e., baked] together with meat, [whereupon] Raba of Parzikia¹⁸ forbade it to be eaten with kutah. Mar b. R. Ashi said: Even with salt too it is forbidden, because it is harmful to [one's] smell and in respect of 'something else.'¹⁹

MISHNAH. FIVE THINGS [SACRIFICES] MAY COME IN UNCLEANNES, YET MUST NOT BE EATEN IN UNCLEANNES: THE 'OMER,²⁰ THE TWO LOAVES,²¹ THE SHEWBREAD,²² THE SACRIFICES OF THE PUBLIC PEACE-OFFERINGS,²³ AND THE HE-GOATS OF NEW MOONS.²⁴ THE PASCHAL LAMB WHICH COMES IN UNCLEANNES IS EATEN IN UNCLEANNES, FOR FROM THE VERY BEGINNING IT CAME FOR NO OTHER PURPOSE BUT TO BE EATEN.

GEMARA. What does 'FIVE' exclude?²⁵ — It excludes the hagigah [for example] of the fifteenth.²⁶ For I might argue, since it is a public sacrifice²⁷ and a season is fixed for it, let it override uncleanness; therefore he informs us [that] since you can make it up the whole seven [days],²⁸ it does not override the Sabbath,²⁹ and since it does not override the Sabbath, it does not override uncleanness.

Now, let him [the Tanna] state the he-goats of festivals too?³⁰ — He does indeed state THE SACRIFICES OF THE PUBLIC PEACE-OFFERINGS.³¹ If so, let him not state the he-goats of New Moons either, seeing that he States THE SACRIFICES OF THE PUBLIC PEACE-OFFERINGS? — I will tell you:

- (1) In the same oven on separate spits and not touching.
- (2) The odour of the fat meat enters the lean meat and makes it fat, and then in turn the odour of the lean meat, which is forbidden enters the permitted meat and renders it forbidden too. — Hence if the meat of nebelah itself is fat, it is certainly forbidden.
- (3) As distinct from a mere theoretical ruling — in accordance with his view.
- (4) V. Glos.
- (5) I.e., a swine, which was generally referred to thus; cf. supra 3b. These had been roasted together.
- (6) Each absorbs the flavour of the other through its smell, which would thus be enjoyed by those who have not registered for that animal.
- (7) The animals themselves may be mixed up with each other.
- (8) Though a mistake is less likely there.
- (9) In the teaching cited.
- (10) The Passover-offering may not be roasted in pots at all.
- (11) A heap of coals or ashes intervening between the two sacrifices.
- (12) To a lay Israelite, because it has absorbed the odour of the wine.
- (13) For R. Meir's view certainly contradicts his.
- (14) And it is only in such cases that R. Judah permits.
- (15) Sc. the case disputed by Rab and Levi.
- (16) Which even R. Judah agrees is forbidden.
- (17) V. Glos. This contains milk.
- (18) Obermeyer, p. 227, n. 2 thinks this identical with Perezina (Faransag), near Bagdad.
- (19) Leprosy.
- (20) V. Glos. and Lev. XXIII, 10f.
- (21) V. ibid. 17.
- (22) V. Ex. XXV, 30.
- (23) The lambs offered on Pentecost, v. Num. XXVIII, 27.
- (24) V. ibid. 15 — all these are brought even if the community is unclean, which of course makes them unclean too through the handling of the officiating priest; nevertheless, they may not be eaten for they are brought merely in discharge of public obligations, but their main purpose is not to be eaten.
- (25) It is assumed that the number has this purpose, for otherwise the Mishnah would simply state, The 'omer . . . come in uncleanness etc.
- (26) And similarly the hagigah of any other Festival.
- (27) In the sense that all Jews must bring a hagigah.
- (28) If not brought on the first day it can be brought for a week afterwards, v. Hag. 9a.
- (29) A public sacrifice overrides the Sabbath only when it cannot be offered on any other day.
- (30) V. Num. XXVIII, 15, 22, 30; XXIX, 5, 16, 38.
- (31) For the he-goats too are public sacrifices (R. Han).

Talmud - Mas. Pesachim 77a

It is necessary for him [to teach about] the he-goats of New Moons. I might argue, surely 'appointed season' [mo'ed] is not written in connection therewith;¹ therefore he informs us that New Moon is designated mo'ed, in accordance with Abaye's [dictum]. For Abaye said, The Tammuz² of that year³ was indeed made full,⁴ as it is written, He hath proclaimed an appointed time [mo'ed] against me to crush my young men.⁵

Shall we say that all of them⁶ are derived from mo'ed ['appointed time']? How do we know it? For

our Rabbis taught: And Moses declared unto the children of Israel the appointed times of the Lord.⁷ For what purpose is this stated?⁸ Because we have learnt only of the daily offering and the Passover-offering [that they override the Sabbath and uncleanness], since ‘in its appointed time’ is stated in connection with them,⁹ ‘in its appointed time’ [implying] even on the Sabbath, ‘in its appointed time’ implying even in uncleanness. Whence do we know it of other public sacrifices? Because it is said, These shall ye offer unto the Lord in your appointed time.¹⁰ Whence do we know to include the ‘omer — and that which is offered with it, and the two loaves and that which is offered with them? Therefore it is stated, ‘And Moses declared unto the children of Israel the appointed times of the Lord’: the Writ fixed it as one appointed season for all of them.¹¹

Now, what is the purpose of all these?¹² — They are necessary. For if the Divine Law wrote it of the daily offering [alone], I would say: The daily offering [overrides the Sabbath and uncleanness] because it is constant and entirely burnt, but the Passover is not so;¹³ hence we are informed [otherwise]. While if the Divine Law wrote it of the Passover-offering, [I would argue that] the Passover-offering [must be offered under all circumstances] because it involves the penalty of kareth,¹⁴ but [as for] the continual offering, for [neglect of] which there is no penalty of kareth, I would say that it is not [so]; hence we are informed [otherwise]. Again, if the Divine Law wrote it of these two, I would say: These alone [override Sabbath and uncleanness, since they] possess a stringent feature, the continual offering being constant and entirely [burnt], the Passover-offering involving the penalty of kareth; but [as for] other public sacrifices, I would say, It is not so. [Hence] the Divine Law wrote, ‘These shall ye offer unto the Lord in your appointed times.’ While if the Divine Law [merely] wrote, ‘These shall ye offer unto the Lord in your appointed times,’ I would argue: [It refers only to] other public sacrifices, which come to make atonement,¹⁵ but [the sacrifices accompanying] the ‘omer and the two loaves, which do not come to make atonement but are merely in order to permit [the new harvest] are not so; hence we are informed [otherwise]. Again, if the Divine Law wrote [about] the ‘omer and the two loaves alone, I would have said: On the contrary, it [applies only to] the ‘omer and the two loaves which are more important, because they come to permit; but these others are not so. Hence we are informed [otherwise].

Now it was assumed that all hold that uncleanness is overridden in the case of a community, hence the headplate is required for propitiation.¹⁶ For there is no [other] Tanna whom you know to maintain [that] uncleanness is permitted in the case of a community¹⁷ but R. Judah. For it was taught: The headplate, whether it is on his [the High Priest's] forehead¹⁸ or it is not on his forehead, propitiates; this is the view of R. Simeon. R. Judah maintained: If it is still on his forehead, it propitiates; if it is not still on his forehead, it does not propitiate. Said R. Simeon to him: Let the High Priest on the Day of Atonement prove it, for it is not on his forehead, and [yet] it propitiates!¹⁹ — Leave the Day of Atonement, replied he, because uncleanness is permitted in the case of a community. Whence it follows that R. Simeon holds: Uncleanness is overridden in the case of a community. Again, [it was assumed that all hold,] the headplate does not propitiate for [the defilement of] eatables,²⁰ for there is no Tanna whom you know to maintain [that] the headplate propitiates for [the defilement of] eatables save R. Eleazar. For it was taught, R. Eleazar said: The headplate propitiates for [the defilement of] eatables; R. Jose said: The headplate does not propitiate for the defilement of eatables.²¹ [Accordingly,] shall we say that our Mishnah²² does not agree with R. Joshua? For it was taught, And thou shalt offer thy burnt-offerings, the flesh, and the blood.²³ R. Joshua said: If there is no blood there is no flesh, and if there is no flesh there is no blood.²⁴ R. Eliezer said: The blood [is fit] even if there is no flesh, because it is said, And the blood of thy sacrifices shall be poured out [against the altar of the Lord thy God].²⁵ Then how do I interpret,²⁶ ‘and thou shalt offer thy burnt-offering, the flesh and the blood?’ [It is] to teach you: just as the blood requires throwing,²⁷ so does the flesh require throwing:²⁸ hence say, there was a small passage-way between the stairway and the altar.²⁹ Now [according to] R. Joshua too, surely it is written, ‘and the blood of thy sacrifices shall be poured out?’ — He can answer you: surely in connection therewith is written, and thou shalt eat the flesh.³⁰

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- (1) Whereas it is from this word that we deduce anon that festival public sacrifices override the Sabbath and uncleanness.
- (2) The fourth month of the year, generally corresponding to June.
- (3) In which the spies reconnoitered the promised Land, with disastrous results, v. Num. XIII.
- (4) I.e., it consisted of 30 days. When it consists of 29 days it is called defective. Now, as they set out on the 29th of Sivan, the third month (Ta'an. 29a), the 40 days of their mission ended on the ninth of Ab, the fifth month. Thus their weeping on that night (ibid. XIV, 1) became the forerunner of subsequent lamentation on that date for many generations, for it is the anniversary of the destruction of the Temple.
- (5) Lam. I, 15. Abaye appears to interpret thus: God caused New Moon (i.e., the 'appointed time' — mo'ed) of Tammuz in that year to be proclaimed on such a day that their return and the weeping of the people would coincide with the future anniversary of the destruction of the Temple. Hence, on this interpretation, New Moon too is designated 'mo'ed'.
- (6) I.e., those mentioned in the Mishnah that may be offered in uncleanness.
- (7) Lev. XXIII, 44.
- (8) Seeing that all the Festivals are individually treated in that chapter.
- (9) Num. XXVIII, 2; IX, 2. 'In its appointed time' implies that the sacrifice must be offered in all circumstances, as explained in the text.
- (10) Ibid. XXIX, 39. This verse ends the section (chs. XXVIII-XXIX) dealing with the public additional sacrifices on New Moon, the Sabbath and Festivals, and its effect is that the whole section is to be so understood as though 'in its appointed season' were explicitly written in connection with each.
- (11) V. previous note; the same applies here, and the 'omer and the two loaves are prescribed in this section (vv. 10f, 17f).
- (12) Scripture could have written appointed season' in connection with one only, and the rest would follow.
- (13) It is not constant by comparison.
- (14) For not bringing it; v. Num. IX, 13.
- (15) The additional sacrifices make atonement for the transgression of affirmative precepts, v. Yoma 36a.
- (16) I.e., though uncleanness is not a bar when the whole community is unclean, Scripture does not mean that the normal interdict of uncleanness is completely abrogated, so that it is permitted, but merely that the interdict is overridden in favour of the community. Now in Ex. XXVIII, 38 it is stated: And it (the head plate) shall be upon Aaron's forehead, and Aaron shall bear (i.e., atone for) the iniquity committed in the holy things (sc. sacrifices) . . . and it shall always be upon his forehead, that they may be accepted before the Lord (i.e., that these sacrifices shall be fit). 'The iniquity' is understood to refer to a case where a sacrifice accidentally became unclean, and the headplate atones for it, so that it remains fit. Since we hold that even in the case of a community uncleanness is merely overridden, but not actually permitted, the head plate is required for propitiation even then.
- (17) So that the propitiation of the headplate is not required at all.
- (18) When the sacrifice accidentally becomes unclean.
- (19) On that day he put aside all his usual vestments, which included the headplate, and wore simple linen garments (v. Lev. XVI,4). Yet if the community was unclean he still offered the sacrifices, and the headplate 'made them acceptable'.
- (20) I.e., if the flesh or the part of the meal-offering which is eaten is defiled, the sacrifice cannot be proceeded with, the headplate propitiating only if the blood or the handful which is burnt on the altar is defiled.
- (21) These two assumptions are the necessary premises for the question which follows.
- (22) Which states that the 'omer, the two loaves, etc., may be offered in uncleanness, although the plate does not propitiate on the eatable parts of these offerings.
- (23) Deut. XII, 27.
- (24) I. e., if either is defiled, the other is unfit for its purpose.
- (25) Ibid.
- (26) Lit., 'fulfil'.
- (27) I.e., dashing against the altar.
- (28) On to the altar.
- (29) Consequently a priest standing at the top of the ascent could not place the flesh on the altar but had to throw it.
- (30) Deut. XII, 27. This proves that the flesh too must be fit for eating.

Talmud - Mas. Pesachim 77b

Then what is the purpose of these two verses?¹ — One refers to the burnt-offering and one refers to a peace-offering, and both are necessary. For if the Divine Law wrote it in connection with a burnt-offering, I would say: It is [only with] the burnt-offering² which is stringent — because it is entirely [burnt]; but as for the peace-offering which is not stringent — I would say that it is not so. Again, if the Divine Law wrote [it of] a peace-offering I would say: on the contrary [the reason is] because it has two forms of consumption;³ but [as for] the burnt-offering, where there are not two forms of consumption.⁴ I would say that it is not so. Hence we are informed [otherwise].

Now [according to] R. Eliezer too, surely it is written, ‘and thou shalt eat the flesh?’ — He can answer you: He utilizes that [to teach] that the flesh is not permitted for eating until the blood is sprinkled. If so, say that the whole verse comes for this [purpose], then how do we know [that] the blood [is fit] even if there is no flesh? — He can answer you: If so, let the Divine Law [first] write ‘thou shalt eat the flesh,’ and then, ‘and the blood of thy sacrifices shall be poured out,’ as is written in the beginning [of the verse], ‘and thou shalt offer thy burnt-offerings, the flesh and the blood?’ Why then does [Scripture] place ‘the blood of thy sacrifices’ first? Hence infer from it [that] the blood [is fit] even if there is no flesh, and infer from it also that the flesh is not permitted for eating until the blood is sprinkled.⁵ And R. Joshua?⁶ — [That] the flesh is not permitted for eating until the blood is sprinkled follows a minori: if the emurim,⁷ which when not available⁸ are not indispensable [to the eating of the flesh], yet when available are indispensable;⁹ then the blood, which if not available is indispensable, if available how much the more is it indispensable! And R. Eliezer?¹⁰ [Even] a law which can be inferred a minori, the Writ takes the trouble of writing it. And R. Joshua? — Wherever we can interpret, we do interpret.¹¹ Shall we now say that our Mishnah is not in accordance with R. Joshua, for since he says that we require both,¹² while the headplate does not propitiate for [the defilement of] eatables, how can it come in uncleanness?¹³ — You may even say [that it agrees with] R. Joshua, but R. Joshua holds: The headplate propitiates for those that ascend.¹⁴ That is well of sacrifices, where there are objects which ascend [sc. emurim]; but what can be said of the ‘omer and the two loaves, where there are no objects to ascend [the altar]? — I will tell you: R. Joshua too said that we require both only in the case of sacrifices; [but] he did not say [it] in the case of meal-offerings.

Yet did he not say [it] in the case of meal-offerings? Surely we learnt: If the remainder thereof¹⁵ was defiled, [or] if the remainder thereof was lost:¹⁶ according to the view of R. Eliezer¹⁷ it [the handful] is fit;¹⁸ according to the view of R. Joshua,¹⁹ it is unfit!²⁰ It is according to his view, yet not entirely so.²¹ [Thus]: according to the view of R. Joshua, that we require both, yet not entirely so, for whereas R. Joshua ruled [thus] in the case of sacrifices, but he did not rule [thus] in the case of meal-offerings, this Tanna holds [that it is so] even in the case of meal-offerings.

Now who is this Tanna that agrees with him but is more stringent than he?²² Moreover, it was taught, R. Jose said: I agree with the words of R. Eliezer²³ in respect to meal-offerings and [animal] sacrifices, and with the words of R. Joshua in respect to [animal] sacrifices and meal-offerings. ‘The words of R. Eliezer in respect to [animal] sacrifices,’ for he used to say: The blood [is fit] even if there is no flesh; ‘and the words of R. Joshua in respect to sacrifices,’ for he used to say: If there is no blood there is no flesh, and if there is no flesh there is no blood. ‘The words of R. Eliezer in respect to meal-offerings’: for he used to say: the handful [is fit] even if there is no remainder [for consumption]; ‘and the words of R. Joshua in respect to meal-offerings,’ for he used to say: if there is no handful there is no remainder, [and] if there is no remainder there is no handful?²⁴ — Rather R. Joshua holds: The headplate propitiates for [the defilement of] the objects which ascend [the altar] and for eatables.²⁵ If so, why [do you say,] ‘according to the view of R. Joshua it is unfit?’²⁶ [That refers] to what is lost or burnt.²⁷ Then according to whom does he teach, ‘[if the remainder] was defiled?’ according to R. Eliezer? [But] that is obvious; seeing that you say that [even when it is] lost

or burnt, where they are [now] non-existent, R. Eliezer declares [the handful] fit, need it [be stated] where it is defiled, when it is in existence! Hence it is obviously [taught] according to R. Joshua, yet he teaches [that] it is unfit?²⁸ Furthermore, it was taught, R. Joshua said: [In the case of] all the sacrifices of the Torah, whether the flesh was defiled while the fat has remained [clean], or the fat was defiled while the flesh has remained [clean], he [the priest] sprinkles the blood. But not if both were defiled. This proves that R. Joshua holds that the headplate does not propitiate either for [the defilement of] the objects which ascend [the altar]²⁹ or for the eatables!³⁰ — Rather [explain it thus:] after all our Mishnah is [the view of] R. Joshua, yet there is no difficulty: here it means in the first place; there it means if it was done [offered]. R. Joshua said [that both are required] only in the first place, but not if it was done.³¹ And whence do you know³² that R. Joshua draws a distinction between [what is required] in the first place and what was done? — Because it was taught: If the flesh was defiled, or disqualified,³³ or it passed without the curtains, — R. Eliezer said: He must sprinkle [the blood]; R. Joshua maintained: He must not sprinkle [the blood]. Yet R. Joshua admits that if he does sprinkle [it], it is accepted.³⁴ But surely this explanation is not acceptable: firstly, because ‘it is unfit’³⁵ implies [even] where it was done. Moreover,³⁶ FIVE THINGS MAY COME [IN UNCLEANNES] implies [even] in the first place!³⁷

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- (1) According to R. Joshua, since both teach that the blood and the flesh are interdependent.
 - (2) That both are interdependent.
 - (3) The fat portions are consumed (‘eaten’) on the altar while the flesh is consumed partly by priests and partly by its owners.
 - (4) The whole being consumed on the altar.
 - (5) The reversed order intimating this additional teaching.
 - (6) How does he know this?
 - (7) V. Gos.
 - (8) E.g., if lost or defiled.
 - (9) The flesh may not be eaten until the emurim are burnt on the altar, v. supra 59b.
 - (10) Does he not accept this argument?
 - (11) The principle that Scripture writes explicitly what can be inferred a minori holds good only when the verse cannot be employed for any other purpose.
 - (12) The blood and the flesh.
 - (13) Sc. the objects enumerated in the Mishnah. For on the one hand, propitiation is required (v. p. 398, n. 2), while on the other there cannot be propitiation for eatables, and according to R. Joshua the eatables and the blood, or in the case of the meal-offering, the handful, are interdependent.
 - (14) The altar, sc. the emurim; i.e., providing that as much as an olive of the emurim ascends the altar, the headplate propitiates for its defilement, and the blood too can be sprinkled.
 - (15) Of the meal-offering, after the handful was removed (v. Lev. II, 9). In the Hebrew the word is in the plural. This remainder would normally be eaten by the priests (ibid. 10).
 - (16) In both cases before the handful was burnt on the altar.
 - (17) That the blood is fit for sprinkling even if the flesh is not available; the handful of a meal-offering is the equivalent of the blood of an animal sacrifice, while the remainder is the equivalent of the flesh.
 - (18) For burning on the altar, and the owner thus discharges his obligation and need not bring another meal-offering.
 - (19) That the blood and the flesh are interdependent.
 - (20) V. Men. 9a Thus R. Joshua requires both in the case of meal-offerings too.
 - (21) Lit., ‘and not according to his view.’
 - (22) I.e., do we in fact find any such Tanna?
 - (23) Lit., ‘I see (as right) the words of R. Eliezer.’
 - (24) This Baraita is explained anon. From it we see that R. Joshua maintained his view even in respect to meal-offerings.
 - (25) Hence our Mishnah can agree with him.
 - (26) Surely the headplate propitiates, i.e., makes the handful fit for burning on the altar, even if the remainder is unclean?
 - (27) If the remainder is lost or burnt the handful is unfit for the head plate propitiates only for defilement.

(28) on his view this is necessary, as it informs us that he holds the handful unfit not only if the rest is now entirely non-existent, but even if the rest is in existence, but unclean.

(29) Sc. the fat.

(30) Sc. the flesh. For if the headplate does propitiate, why is it unfit?

(31) I.e., R. Joshua holds that in the first place both are required; nevertheless, if only the blood was clean and it was sprinkled, though it should not have been, it is fit. Our Mishnah too means where it was done.

(32) Lit., say'.

(33) By the touch of a tebul yom, q.v. Glos.; v. also supra 14a Mishnah and note a.l.

(34) V. supra 34b for the whole passage.

(35) In the ruling of R. Joshua where the remainder was defiled, v. supra.

(36) Even granted that 'it is fit' implied only in the first instance.

(37) So that our Mishnah could still not be in accordance with R. Joshua.

Talmud - Mas. Pesachim 78a

— Rather, there is no difficulty: here the reference is to an individual;¹ there [in the Mishnah] the reference is to a community.²

Shall we say that our Mishnah does not agree with R. Jose? For it was taught, R. Eliezer said: The headplate propitiates for [the defilement of] eatables; R. Jose said: The headplate does not propitiate for [the defilement of] eatables. Now it was assumed: since R. Jose rules, The headplate does not propitiate for [the defilement of] eatables, he agrees with R. Joshua who maintains: We require both.³ Shall we now say [that] our Mishnah does not agree with R. Jose? — No: R. Jose agrees with R. Eliezer, who maintained: The blood [is fit] even if there is no flesh. If so, in respect of what law [does he rule]: the headplate does not propitiate for [the defilement of] eatables?⁴ — Then on your reasoning, when R. Eliezer rules: The headplate does propitiate [for the defilement of eatables], — since he maintains [that] the blood [is fit] even if there is no flesh, in respect of what law [does the headplate propitiate]? — Rather they differ in respect of branding⁵ it with [the unfitness of] piggul⁶ and excluding it from [the law of] trespass.⁷ R. Eliezer holds: The headplate propitiates for it [the defilement of the flesh] and renders it as clean, and so brands it as piggul⁸ and excludes it from [the law of] trespass; while R. Jose holds: The headplate does not propitiate for it and does not render it as clean; hence it cannot be branded as piggul, nor does it exclude it from [the law of] trespass.

To this R. Mari demurred: Even granted that R. Jose agrees with R. Eliezer: as for sacrifices,⁹ It is well, [since] there is blood; as for the 'omer, there is the handful; [in the case of] the shewbread too there are the censers [of frankincense].¹⁰ But [in the case of] the two loaves, what can be said?¹¹ And should you answer, it is in respect of what is offered together with them,¹² then it is tantamount to the public peace-offerings, [and] if so there are [only] four, whereas we learned FIVE? — Rather, R. Jose holds: uncleanness was permitted in the case of a community.¹³

But surely it was taught: Both [in the case of] the one and the other,¹⁴ we besprinkle them the whole seven [days]¹⁵ with [the ashes of] all the purification offerings¹⁶ which were there:¹⁷ this is R. Meir's view. R. Jose said: We besprinkle them on the third day and on the seventh day alone.¹⁸ Now if you should think that R. Jose holds, Uncleanness was permitted in the case of a community, why do I need sprinkling at all?¹⁹ Hence it is clear that our Mishnah does not agree with R. Jose.

R. Papa said to Abaye: And does R. Jose grant the [Court's] document to two!²⁰ For it was taught, R. Jose said: I agree with the words of R. Eliezer in respect to meal-offerings and [animal] sacrifices, and with the words of R. Joshua in respect to sacrifices and meal-offering. 'The words of R. Eliezer in respect to sacrifices,' for he used to say: The blood [is fit] even if there is no flesh; 'the words of R. Joshua in respect to sacrifices,' for he used to say: If there is no blood there is no flesh, if there is no flesh there is no blood. 'The words of R. Eliezer in respect to meal-offerings, for he used to say:

the handful [is fit] even if there is no remainder [fit for consumption]; ‘and the words of R. Joshua in respect to meal-offerings,’ for he used to say: if there is no remainder there is no handful, [and] if there is no handful there is no remainder!

Said he to him: He states what appears logical [to him].²¹ [Thus:] when he was studying [the subject of] sacrifices²² he said: It is logical [that] just as they differ in respect to sacrifices, so do they differ in respect to meal-offerings too. [And] when he was studying [the subject of] meal-offerings he said: It is logical [that] just as they differ in respect to meal-offerings, so do they differ in respect to sacrifices too. Said he to him: It is correct [that] when he was studying [the subject of] sacrifices he said: It is logical [that] just as they differ in respect to sacrifices, so do they differ in respect to meal-offerings too, because the verses [on this matter] are written fundamentally in connection with sacrifices.²³ But when he is studying [the subject of] meal-offerings and he says, It is logical [that] just as they differ in respect to meal-offerings, so do they differ in respect to sacrifices too, — but surely, the verses are fundamentally written in connection with sacrifices! — Rather [explain it thus], there is no difficulty: I agree with the words of R. Eliezer, where it [the flesh] was defiled, and with the words of R. Joshua, where it was lost or burnt. Where it was defiled, what is the reason [that he agrees with R. Eliezer]? Because the headplate propitiates! Surely you know R. Jose to maintain [that] the headplate does not propitiate for [the defilement of] eatables! — Rather [explain it thus], there is no difficulty: I agree with the words of R. Eliezer in the case of the community; I agree with the words of R. Joshua in the case of an individual. In the case of the community, what is the reason [that he agrees with R. Eliezer]? Because uncleanness is permitted in the case of a community? But one [objection] is that you know R. Jose to maintain [that] uncleanness is overridden in the case of a community. Again, if it refers to a community, [does only] R. Eliezer declare it fit, but not R. Joshua?

(1) Then it is unfit in the first place, but valid if done.

(2) Which is unclean; then it is permitted at the very outset.

(3) The blood and the flesh.

(4) Since you now say that the blood can be sprinkled in any case.

(5) Lit., ‘appointing.’

(6) V. Glos.

(7) For *piggul* v. Lev. XIX, 7 (E.V. vile thing); mere intention renders it *piggul*, and it may then not be eaten even within the permitted precincts or within the permitted time. But a sacrifice cannot become *piggul* unless it is otherwise fit. Again, if one benefits from sacrifices of the higher sanctity (v. p. 108, n. 2) before their blood is sprinkled, he is liable to a trespass-offering; if after, he is exempt, for by then the flesh is permitted to priests.

(8) For now there is no other disqualification.

(9) Mentioned in our Mishnah that they may be offered in uncleanness.

(10) All these ascend the altar, and therefore the headplate makes them acceptable.

(11) For these consist entirely of eatables, for whose defilement R. Jose holds that the headplate does not propitiate. How then can they be offered in uncleanness?

(12) V. Lev. XXIII, 18f. The slaughtering of these sacrifices sanctifies the loaves, and the sprinkling of their blood permits them for eating; thus the Mishnah teaches that the headplate propitiates for the defilement of the shewbread in so far as the sacrifices can now be brought.

(13) So that propitiation is not required at all; v. supra 77a p. 398, nn. 2 and 3.

(14) Sc. the priest who burnt the red heifer (Num. XIX 4ff) and the High Priest.

(15) The former prior to his burning the red heifer; the latter, before the Day of Atonement, when he officiated in the Temple.

(16) The red heifer was designated **חטאת**, i.e., a sin-offering, here translated purification offering, v. *ibid.* 9.

(17) Some ashes were kept of every red heifer killed since Moses.

(18) V. Yoma 4a.

(19) Seeing that the sacrifices of the Day of Atonement were public offerings.

(20) In a lawsuit the court granted a document containing the verdict to the winner. Here R. Jose grants this document to

- both sides — i.e., he agrees with both R. Eliezer and R. Joshua.
(21) Without expressing agreement either with the one or the other.
(22) Lit., ‘when he stands at sacrifices.’
(23) V. verses quoted supra 77a.

Talmud - Mas. Pesachim 78b

Surely you have said, even R. Joshua agrees in the case of a community! Rather [explain it thus:] I agree with the words of R. Eliezer where It was done [offered], and with the words of R. Joshua [where it is] at the very outset. [But] if it was done, even R. Joshua agrees, for it is taught: R. Joshua agrees that if he sprinkled [the blood] it is made acceptable? One refers to uncleanness; the other to [the case where it] is lost or burnt. [Thus:] when does he teach, R. Joshua agrees that if he sprinkled [the blood] it is made acceptable, where [the flesh] was defiled, but not if it was lost or burnt; [and] when does R. Jose say, I agree with the words of R. Eliezer if it was done, where [the flesh] was lost or burnt.

MISHNAH. IF THE FLESH WAS DEFILED WHILE THE FAT¹ HAS REMAINED [CLEAN], HE MUST NOT SPRINKLE THE BLOOD;² IF THE FAT WAS DEFILED WHILE THE FLESH HAS REMAINED [CLEAN], HE MUST SPRINKLE THE BLOOD. BUT IN THE CASE OF [OTHER] DEDICATED SACRIFICES IT IS NOT SO, FOR EVEN IF THE FLESH WAS DEFILED WHILE THE FAT HAS REMAINED CLEAN, HE MUST SPRINKLE THE BLOOD.³

GEMARA. R. Giddal said in Rab's name: If he sprinkled [the blood], it [the Passover-offering] is made acceptable.⁴ But we require eating?⁵ — The eating is not indispensable. But surely it is written, according to every man's eating [ye shall make your count for the lamb]?⁶ — That is for preference.⁷ And is [this] not [to intimate that] it is indispensable? Surely it was taught: According to the number of [bemiksath] the souls:⁸ this teaches that the paschal lamb is killed for none save those who registered for it. You might think that if he killed it for those who are not registered for it, he should be regarded as violating the precept, yet it is fit. Therefore it is stated, ‘according to every man's eating ... ye shall make your count [takosu]’: The Writ reiterated it, to teach that it is indispensable; and eaters are assimilated to registered persons.⁹ -Rather, Rab ruled as R. Nathan, who said: The eating of the Passover-offerings is not indispensable. Which [statement of] R. Nathan [is alluded to]?¹⁰ Shall we say, the following [dictum] of R. Nathan? For it was taught, R. Nathan said: How do we know that all Israel can discharge [their obligation] with one Passover-offering? Because it is said, and the whole assembly of the congregation of Israel shall kill it at dusk:¹¹ does then the whole assembly kill? Surely only one kills! But it teaches that all Israel can discharge [their duty] with one Passover-offering.¹² Perhaps it is different there, because if some withdraw it is fit for the others, and if the others withdraw it is fit for these?¹³ — Rather it is this [dictum of] R. Nathan. For it was taught: If one company registered for it, and then another company registered for it, the former, for whom there is as much as an olive [per person], eat it and are exempt from sacrificing a second Passover-offering; the latter, for whom there is not as much as an olive [per person], cannot eat, and they are bound to sacrifice a second Passover-offering. R. Nathan said: Both are exempt from sacrificing a second Passover-offering, because the blood has already been sprinkled.¹⁴ Yet still perhaps it is different there, because if these withdraw it is fit for them [the others]?¹³ — If so, let him teach, because it is possible for them¹⁵ to withdraw? Why [state] ‘because the blood has already been sprinkled?’ That proves’ that the matter depends [entirely] on [the sprinkling of] the blood, but the eating is not indispensable. Now, what compels Rab to establish our Mishnah as meaning in the first place [only] and [in accordance with] R. Nathan: let us establish it as [agreeing with] the Rabbis, and even if it was done,¹⁶ it is not [fit]? — To Rab our Mishnah presents a difficulty: why does it state, HE MUST NOT SPRINKLE THE BLOOD: let it teach, ‘It is unfit’? Hence this proves that he must not sprinkle in the first place [only], but if done it is indeed well.

But on R. Nathan's view, what is the purpose of 'according to every man's eating?' — [To teach] that we require men who are fit to eat [to register for it].

Who is the author of the following which our Rabbis taught: If he slaughtered it for those who can eat of it, but sprinkled its blood for those who cannot eat of it, the paschal-offering itself is fit,¹⁷ and a man discharges his duty therewith? With whom [does this agree]? Shall we say [that] it is [according to] R. Nathan, but not the Rabbis? — You may even say [that it agrees with] the Rabbis: There is no intention of eaters at the sprinkling.¹⁸ Who is the author of the following which our Rabbis taught: If he was ill at the time of the slaughtering but well at the time of sprinkling, [or] well at the time of slaughtering but ill at the time of sprinkling, one may not slaughter and sprinkle on his behalf, unless he is well from the time of the slaughtering until the time of the sprinkling? With whom [does this agree]? Shall we say [that] it is [according to] the Rabbis but not R. Nathan? — You may even say [that it agrees with] R. Nathan: we require a man who is capable of eating [to be registered for it].

Who is the author of the following which our Rabbis taught: If he slaughtered it in cleanness and then its owners became unclean, he must sprinkle the blood in cleanness,¹⁹ but the flesh must not be eaten in uncleanness? With whom [does this agree]? — Said R. Eleazar: This was taught as a controversy, and it is [the view of] R. Nathan.²⁰ But R. Johanan said: You may even say [that] it is [the view of] the Rabbis: we treat here of the community,²¹ who may even sacrifice in [a state of] uncleanness. If it refers to the community, why may the flesh not be eaten in uncleanness? — As a preventive measure, lest the owners²² become unclean [in a subsequent year] after the sprinkling and they argue: Were we not unclean last year, and yet we ate; then now too we will eat! But they will not know that in the previous year the owners were unclean when the blood was sprinkled,²³ whereas this year the owners were clean [when the blood was sprinkled].²⁴

(1) The portions burnt on the altar.

(2) Even according to R. Eliezer, because the main purpose of the Passover-offering is that it should be eaten.

(3) Even according to R. Joshua, since the fat is clean.

(4) And the owner does not bring another.

(5) Which is impossible, since the flesh is defiled.

(6) Ex. XII, 4.

(7) Lit. , 'for a precept'. I.e. 'in the first place the lamb must certainly be brought for this purpose; nevertheless, even when it cannot be eaten the sacrifice is valid.

(8) Ibid.

(9) Just as registration is indispensable, so are eaters, and consequently eating, indispensable.

(10) For he does not rule thus explicitly, and it must be inferred from some other statement.

(11) Ex. XII, 6.

(12) Now in that case there is certainly not as much as an olive of flesh for each, which is the minimum to constitute eating.

(13) So that virtually it is fit for all, but in the present case it is not fit for any.

(14) Which proves that in R. Nathan's view the eating is not indispensable.

(15) Lit., 'they are fit, eligible.'

(16) I.e., even if the blood was sprinkled.

(17) This is assumed to mean that it is fit for the sprinkling of its blood and the burning of the fat, but not for eating.

(18) V. supra, 61b.

(19) I.e., by ritually clean priests and with clean service vessels.

(20) Who maintains that the eating is not indispensable. R. Eleazar holds that he does not require those registered for it even to be fit to eat. Consequently he explains the previous Baraita as the view of the Rabbis only

(21) I.e., the whole or the majority of the community became unclean between the killing and the sprinkling, e.g., if the nasi died just then.

(22) I.e., the community, cf. n. 1.

(23) So that it was a Passover-offering sacrificed in uncleanness, which is eaten in uncleanness too.

(24) Hence the sacrifice came in a state of cleanness, and may therefore not be eaten now that the owners are unclean.

Talmud - Mas. Pesachim 79a

Alternatively I may answer, Rab ruled as R. Joshua.¹ For it was taught, R. Joshua said: [In the case of] all the sacrifices of the Torah, whether the flesh was defiled while the fat has remained [clean] or the fat was defiled while the flesh has remained [clean], he must sprinkle the blood. [In the case of] a nazirite² and one who sacrifices the Passover-offering, if the fat was defiled and the flesh has remained [clean], he must sprinkle the blood; if the flesh was defiled while the fat has remained [clean], he must not sprinkle the blood. Yet if he sprinkled it, it is acceptable.³ If the owners became unclean through a dead body, he must not sprinkle [the blood], and if he does sprinkle the blood it is not acceptable.⁴

BUT IN THE CASE OF [OTHER] DEDICATED SACRIFICES IT IS NOT SO etc. Who is [the author of] our Mishnah? — It is R. Joshua. For it was taught, R. Joshua said: [With regard to] all the sacrifices of the Torah of which as much as an olive of flesh or an olive of fat has remained [clean], he sprinkles the blood. [If there remains] as much as half an olive of flesh and half an olive of fat, he must not sprinkle the blood. But in the case of a burnt-offering, even [if there remains] as much as half an olive of flesh and half an olive of fat, he sprinkles the blood, because the whole of it is entirely [burnt].⁵ While in the case of a meal-offering, even if the whole of it is in existence,⁶ he must not sprinkle [the blood]. What business has a meal-offering [here]?⁷ — Said R. Papa: [This refers to] the meal-offerings of libations.⁸ You might have said, Since it comes in virtue of⁹ the sacrifice, it is as the sacrifice:¹⁰ hence he informs us [that it is not so].

How do we know [it of] fat?¹¹ Said R. Johanan on R. Ishmael's authority, while it is [ultimately] derived from R. Joshua b. Hananiah: Scripture saith, [And the priest shall sprinkle the blood . . .] and burn the fat [heleb] for a sweet savour unto the Lord:¹² the fat [authorizes the sprinkling of the blood] even if there is no flesh. We have thus found [this to hold good of] fat; how do we know it of the lobe above the liver and the two kidneys?¹³ [But] where have we said that we do sprinkle?¹⁴ Since he states, 'while in the case of a meal-offering, even if the whole of it is in existence, we do not sprinkle [the blood],' [that implies,] the meal-offerings alone is not [sufficient for the sprinkling of the blood], but the lobe above the liver and the two kidneys are well.¹⁵ Whence [then] do we know it? — R. Johanan, giving his own [exegesis] said: Scripture saith, 'for a sweet savour': whatever you offer up for a sweet savour.¹⁶ Now, it is necessary that both 'heleb' and 'for sweet savour' be written. For if the Divine Law wrote 'heleb' [alone], I would say: only 'fat', but not the lobe on the liver and the two kidneys; [therefore] the Divine Law wrote 'for a sweet savour.' While if the Divine Law wrote 'for a sweet savour' [alone], I would say: all that ascend for a sweet savour, and even the meal-offering [permit the sprinkling of the blood]; therefore the Divine Law wrote 'heleb.'

MISHNAH. IF THE COMMUNITY OR THE MAJORITY THEREOF WAS DEFILED, OR IF THE PRIESTS WERE UNCLEAN AND THE COMMUNITY CLEAN, THEY MUST SACRIFICE IN UNCLEANNESS. IF A MINORITY OF THE COMMUNITY WERE DEFILED: THOSE WHO ARE CLEAN OBSERVE THE FIRST [PASSOVER], WHILE THOSE WHO ARE UNCLEAN OBSERVE THE SECOND.

GEMARA. Our Rabbis taught: Behold, if the Israelites were unclean, while the priests and the service-vessels¹⁷ were clean, or the Israelites were clean while the priests and the service-vessels were unclean, and even if the Israelites and the priests were clean while the service-vessels were unclean, they must sacrifice in uncleanness, because a public sacrifice cannot be divided.¹⁸ R. Hisda said: They learned this only if the [slaughtering] knife became defiled through a person unclean by

the dead,¹⁹ because the Divine Law saith, [and whosoever . . . toucheth] one that is slain by the sword,²⁰ [intimating,] the sword is [of the same degree of uncleanness] as the slain;²¹ hence it defiles the person. Thus from the very beginning when it is sacrificed,²² it is sacrificed in [a state of] personal uncleanness, which involves kareth. But if the knife became unclean with the uncleanness conferred by a reptile, so that it defiles the flesh alone, but does not defile the person, [only] those who are clean sacrifice, but the unclean do not sacrifice, [for] it is better eaten when the flesh is unclean, which is subject to a negative injunction, rather than that the flesh should be eaten when the person is unclean, which is subject to kareth.²³ This proves that R. Hisda holds: uncleanness is overridden in the case of a community.²⁴ And thus said R. Isaac [too]: uncleanness is overridden in the case of a community.

But Raba said: Even the unclean too may sacrifice. What is the reason? Because it is written, And the flesh that toucheth any unclean thing shall not be eaten; it shall be burnt with fire. And as for the flesh, every one that is clean may eat thereof.²⁵ Wherever we read ‘and the flesh that toucheth any unclean thing shall not be eaten,’ we [also] read, ‘and as for the flesh, every one that is clean may eat thereof;’ and wherever we do not read, ‘and the flesh that toucheth any unclean thing shall not be eaten’ we [also] do not read, ‘and as for the flesh, every one that is clean may eat thereof.’²⁶

It was stated: Behold, if the Israelites were half [of them] clean and half unclean, Rab said: Half against half is as a majority; while R. Kahana said: Half against half is not as a majority. Rab said, Half against half is as a majority; [hence] these sacrifice²⁷ by themselves, while those sacrifice by themselves.²⁸ ‘While R. Kahana said: Half against half is not as a majority; [hence] the clean observe the first [Passover], while the unclean observe the second. Others say, R. Kahana said: Half against half is not as a majority: the clean observe the first [Passover],

(1) Who does not consider the eating indispensable.

(2) Rashi: the peace-offering brought by a nazirite on the completion of his naziriteship (v. Num. VI, 14) is essentially intended to be eaten: hence the eating is indispensable. Tosaf. however maintains that it is not indispensable, and deletes ‘nazirite,’ adding that it is absent in the Tosef. too; Bah also deletes it.

(3) Thus the eating is not indispensable.

(4) Because though the eating is not indispensable, the people registered for it must be fit to eat, while Scripture itself relegated him to the second Passover (Num. IX, 10f).

(5) Since both the flesh and the fat are food for the altar, they combine. But this does not hold good of other sacrifices.

(6) I.e., it is clean.

(7) There is no blood to sprinkle in a meal-offering.

(8) Which accompanied the sacrifice.

(9) Lit., ‘by the strength of.’

(10) Hence if as much as an olive of the flour is clean, and certainly if all is clean, the blood is sprinkled.

(11) Sc. that the blood may be sprinkled if there is as much as an olive of clean fat?

(12) Lev. XVI, 6.

(13) That the blood is to be sprinkled if these alone are clean.

(14) If these alone are left.

(15) I.e., since they are part of the sacrifice itself, the blood is sprinkled if they alone are clean.

(16) Authorizes by itself the sprinkling of the blood.

(17) Used in connection with the sacrifice, the slaughtering knife and basins in which the blood is caught.

(18) That some should bring it in a state of cleanness and others in a state of uncleanness. Since the majority bring it in uncleanness, even the minority who are clean bring it in uncleanness too.

(19) This is the ‘service-vessel’ referred to and its degree of uncleanness.

(20) Num. XIX, 16.

(21) V. supra 14b.

(22) Lit., ‘made.’

(23) V. Mishnah supra 14a and p. 62, n. 2 a.l. Now in the first instance the knife bears a principal degree of uncleanness

and defiles human beings. Hence the man who kills with it must in any case become unclean, while normally the penalty for eating sacred flesh in this state is kareth (v. Lev. VII, 20). But in the second instance the knife is unclean in the first degree only and does not defile the person who handles it, though it defiles the flesh of the animal which is killed with it. Since this is a lower stage, for eating unclean sacred flesh is merely subject to a negative injunction but does not involve kareth, we do not permit the greater uncleanness of the person too; hence those who are bodily unclean must observe the second Passover.

(24) But not permitted; v. supra 77a, p. 398, n. 2. Consequently we seek as far as possible to bring the sacrifice in cleanness or at least with the smallest possible degree of uncleanness.

(25) Lev. VII, 19.

(26) I.e., the two are interdependent. Since the flesh is now eaten unclean, unclean persons too may eat it.

(27) Lit., 'do'.

(28) They must all observe the first Passover. The clean must not show themselves to be defiled, for

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while the unclean observe neither the first nor the second. They cannot sacrifice on the first, because they are not a majority, [while] they cannot sacrifice at the second because they are not a minority.¹

We learned: IF THE COMMUNITY OR THE MAJORITY THEREOF WAS DEFILED, OR IF THE PRIESTS WERE UNCLEAN AND THE COMMUNITY CLEAN, THEY MUST SACRIFICE IN UNCLEANNESS. [Thus] it is only the majority that sacrifices in uncleanness, but [when it is] half and half, they do not sacrifice at the first [Passover], which is a difficulty on Rab's view? — Rab can answer you: [When] a majority [is unclean], all sacrifice in uncleanness; [whereas where there is] half and half, these observe [the Passover] by themselves, and those observe [it] by themselves. That too is logical, because the second clause states IF A MINORITY OF THE COMMUNITY WERE DEFILED: THOSE WHO ARE CLEAN OBSERVE THE FIRST [PASSOVER], WHILE THOSE WHO ARE UNCLEAN OBSERVE THE SECOND. [Thus] only a minority sacrifice at the second, but not [when it is] half against half, for then they sacrifice at the first, these sacrificing by themselves and those sacrificing by themselves.

But in that case it is a difficulty on R. Kahana's view? — R. Kahana can answer you: [It states] IF A MINORITY OF THE COMMUNITY WERE DEFILED, THOSE WHO ARE CLEAN OBSERVE THE FIRST [PASSOVER], WHILE THOSE WHO ARE UNCLEAN OBSERVE THE SECOND; hence [when it is] half against half, the clean observe the first, but the unclean observe neither the first nor the second. Now that is well according to the latter version of P. Kahana[‘s ruling]; but according to the version in which R. Kahana states, ‘The clean observe the first and the unclean

each half ranks as a majority, and when the majority is clean they must not sacrifice in uncleanness. On the other hand, the unclean half is not relegated to the second Passover, since they too count as a majority. observe the second,’ what is to be said? — R. Kahana can answer you: The same law [holds good] that even half against half, the clean observe the first while the unclean observe the second; yet as to what he [the Tanna] teaches, A MINORITY OF THE COMMUNITY: because he teaches THE MAJORITY in the first clause, he also teaches A MINORITY in the second clause.

It was taught in accordance with Rab; it was taught in accordance with R. Kahana, and as both versions [of his ruling]. It was taught in accordance with Rab: If the Israelites were half [of them] clean and half [of them] unclean, the former sacrifice by themselves and the latter sacrifice by themselves. It was taught as the first version of R. Kahana[‘s ruling]: Behold, if the Israelites were half [of them] clean and half [of them] unclean, the clean observe the first [Passover] while the unclean observe the second. And it was taught as the second version of R. Kahana[‘s ruling]:

Behold, if the Israelites were half [of them] clean and half [of them] unclean the clean observe the first, while the unclean observe neither the first nor the second.

Now according to Rab and the second version of R. Kahana[‘s ruling], when he² teaches, ‘The clean observe the first and the unclean [observe] the second,’ how do they reconcile it [with their views]? — E.g., if the Israelites were half [of them] clean and half [of them] unclean, with women making up [the number of] the unclean;³ now he holds: [The observance of the Passover-offering by] women at the first [Passover] is voluntary;⁴ [hence] deduct the women from the [number of] unclean, so that the unclean are a minority, and a minority are relegated to the second Passover.

According to Rab and the first version of R. Kahana, as to what was taught, ‘The clean observe the first and the unclean observe neither the first nor the second,’ how do they reconcile it [with their views]? — Rab reconciles it [thus]: e.g., if the [male] Israelites were half [of them] unclean and half of them clean, with women as an addition to the clean.⁵ Now he holds: [The observance of the Passover-offering by] women at the first [Passover] is a duty, but voluntary at the second. [Hence] they [the unclean] cannot sacrifice at the first, because they are a minority,⁶ and a minority do not sacrifice at the first. While they cannot sacrifice at the second, [because] deduct the women from them,⁷ so there is half and half, and a half do not sacrifice at the second. While according to R. Kahana who maintained, a half too sacrifice at the second, he explains it thus: e.g., if the Israelites were half [of them] clean and half [of them] unclean, with women making up [the number of] the clean. Now he holds: [The observance of the Passover-offering by] women at the first Passover is a duty, while at the second it is voluntary. [Hence] they cannot sacrifice at the first, because they are half against half, and a half does not sacrifice at the first. At the second too they cannot sacrifice, [because] deduct the women from the clean [and] the unclean are a majority, and a majority do not sacrifice at the second. Again, according to R. Kahana, as to what was taught, ‘Behold, if the Israelites were half [of them] clean and half [of them] unclean, the former sacrifice by themselves while the latter sacrifice by themselves,’ how does he explain it? — R. Kahana can answer you: It is [a controversy of] Tannaim: there is a view [that] half against half is as a majority, and there is a view [that] half against half is not as a majority.

[To turn to] the main text:⁸ ‘Behold, if the Israelites were half [of them] clean and half [of them] unclean, the former sacrifice by themselves and the latter sacrifice by themselves. If the unclean exceeded the clean even by one, they all sacrifice in uncleanness, because a public sacrifice cannot be divided.’⁹ R. Eleazar b. Mathia said: A single individual cannot overbalance the community to uncleanness, because it is said,

(1) Whereas only a minority sacrifices at the second Passover.

(2) The Tanna of the cited teaching.

(3) I.e., there were half unclean only when women are included.

(4) They need not observe it all.

(5) Bringing up the clean to a majority.

(6) Since it is obligatory for women they must be counted.

(7) Sc. the clean; for since it is only voluntary for women at the second they cannot be counted.

(8) From which the teaching cited supra, p. 415, is taken.

(9) V. supra p. 412, n. 2.

Talmud - Mas. Pesachim 80a

Thou mayest not sacrifice the passover-offering at one of thy gates.¹ R. Simeon said: Even if one tribe is unclean and all the other tribes are clean, the former sacrifice by themselves while the latter sacrifice by themselves. (What is R. Simeon's reason? — He holds: One tribe is designated a community.)² R. Judah said: Even if one tribe is unclean and all the other tribes are clean, let them

[all] sacrifice in uncleanness, because a public sacrifice cannot be divided. (R. Judah holds: One tribe is designated a community, so that it is half against half,³ and [since] a public sacrifice is not divided, they all sacrifice in uncleanness.)

It was stated: If the Israelites were half [of them] clean and half [of them] unclean, — said Rab: we defile one of them with a reptile.⁴ But why so: let the former sacrifice by themselves and the latter by themselves, for surely Rab said: These sacrifice by themselves and those sacrifice by themselves? — I will tell you: what do we discuss here? E.g., where the unclean exceeded the clean by one. If so, the majority are unclean, [then] let them all sacrifice in uncleanness? — He holds as R. Eleazar b. Mathia, who maintained: A single individual cannot overbalance the community to uncleanness. If so, our difficulty returns in full force:⁵ let the former sacrifice by themselves and the latter by themselves? Rather this is what he means: If there is a Tanna who agrees with the first Tanna⁶ who rules: [When there is] half against half they must not all sacrifice in uncleanness, and [also] he agrees with R. Judah who said: A public sacrifice cannot be divided, then we defile one of them with a reptile.

But ‘Ulla maintained: We send away one of them on a journey afar off.⁷ But let us defile him with a reptile? — He holds: We slaughter [the Passover-offering] and sprinkle [its blood] for a man who is unclean through a reptile.⁸ Then let us defile him through a dead body? — Then you debar him from his hagigah.⁹ But now too you debar him from his Passover-offering? — It is possible to sacrifice at the second [Passover]. Then in the case of [defilement by] a dead body too it is possible to sacrifice [the hagigah] on the seventh [day of Passover] which would be his eighth [day after defilement]? — ‘Ulla holds: They are all a compensation for the first [day]:¹⁰ [hence] he who is eligible on the first is eligible [to sacrifice] on all of them, but wherever one is not eligible on the first, he is not eligible on any of them.

R. Nahman said to them [his disciples], Go and tell ‘Ulla: Who will obey you to pull up his tent-pegs and tent and speed away!¹¹

It was stated: If the majority were zabin¹² and the minority unclean though the dead, — Rab said: Those unclean through the dead cannot sacrifice either on the first or on the second. They do not observe the first [Passover], because they are a minority, and a minority do not observe [it] on the first. They cannot observe it on the second either: whenever the community observes [it] on the first, individual[s] observe [it] on the second; [but] whenever the community does not observe it on the first, individual[s] do not observe [it] on the second. Said Samuel to them [his disciples], Go out and say to Abba:¹³ How do you dispose of, Let the children of Israel keep the Passover in its appointed season!¹⁴ — He [Rab] answered them: Go and say to him: [yet] how do you dispose of it [the verse] when they are all zabin?¹⁵ But [you must say] since it is impossible [to carry it out], it is impossible; so here too it is impossible.

It was stated: If the majority were unclean through the dead and a minority were zabin, — R. Huna said: There is no compensation for a Passover-offering which comes in uncleanness;¹⁶ while R. Adda b. Ahabah said: There is compensation for a Passover-offering which comes in uncleanness. Shall we say that they differ in this, viz., he who maintains [that] there is no compensation for a Passover-offering which comes in uncleanness holds: Uncleanness is overridden in the case of the community; while he who maintains [that] there is compensation for a Passover-offering which comes in uncleanness holds: Uncleanness is permitted in the case of a community!¹⁷ — I will tell you. It is not so, for all hold [that] uncleanness is overridden in the case of a community, and they differ in this: one Master holds:

(1) Deut. XVI, 5. He translates: you must not sacrifice it on account of one person, i.e., one person has no power to change any of the conditions of the sacrifice.

- (2) V. Hor. 5b. Hence it is not relegated to the second.
- (3) Communities are not regarded numerically.
- (4) So that there is a majority unclean, and all can now sacrifice in uncleanness.
- (5) Lit., 'to its place.'
- (6) in the previously cited Baraitha.
- (7) Which is tantamount to being unclean (v. Num. IX, 10) and effects the same result. For the definition of a journey afar off', v. infra 93b.
- (8) Since he can have a ritual bath (tebillah) and be fit to eat in the evening.
- (9) V. Glos. The reference is to the hagigah brought on the fifteenth, and he would be debarred from it, since a man defiled by the dead is unclean for seven days. [But when he is sent away on a 'journey afar off', he might manage to be back in Jerusalem on the following day to offer the hagigah, v. Tosaf.]
- (10) All the days of the Festival, though fit for the sacrificing of the hagigah, are only regarded as a compensation for the first day, this being the day when it should really be brought. This question is disputed in Hag. 9b.
- (11) None will consent to depart on a distant journey! Hence Rab's expedient is preferable. [R. Nahman must have accepted R. Akiba's definition (v. loc. cit.) of a 'journey afar off', v. Tosaf.]
- (12) Pl. of zab, q.v. Glos. They are unclean, but the law that an unclean majority sacrifice in uncleanness applies only to those who are unclean through the dead.
- (13) Rab. His name was Abba Arika, but he was called Rab (the Master) in the same way that R. Judah ha-Nasi was called Rabbi.
- (14) Num. IX, 2.
- (15) When obviously the precept cannot be fulfilled.
- (16) Hence the zabin cannot observe the second Passover.
- (17) V. supra 77a; hence it is really the same as any other Passover-offering, and therefore permits of compensation.

Talmud - Mas. Pesachim 80b

Cleanness defers, [whereas] uncleanness does not defer;¹ while the other Master holds: Even uncleanness defers.

It was stated: If a third were zabin, a third clean, and a third unclean through the dead, — R. Mani b. Pattish said: Those unclean through the dead observe neither the first [Passover] nor the second. They do not sacrifice on the first, [because] the zabin swell the number of the clean² who do not sacrifice in uncleanness; [hence] the unclean through the dead are a minority, and a minority do not sacrifice on the first. They do not sacrifice on the second, [because] the zabin combine with those who are unclean through the dead who did not sacrifice on the first; [hence] they are a majority, and a majority is not relegated to the second Passover.

MISHNAH. IF THE BLOOD OF A PASSOVER-OFFERING IS SPRINKLED AND THEN IT BECOMES KNOWN THAT IT³ WAS UNCLEAN, THE HEADPLATE PROPITIATES; IF THE PERSON [THE OWNER] BECAME UNCLEAN,⁴ THE HEADPLATE DOES NOT PROPITIATE, BECAUSE THEY [THE SAGES] RULED: [IN THE CASE OF] A NAZIRITE, AND HE WHO SACRIFICES⁵ THE PASSOVER-OFFERING, THE HEADPLATE PROPITIATES FOR THE UNCLEANNESS OF THE BLOOD, BUT THE HEADPLATE DOES NOT PROPITIATE FOR THE UNCLEANNESS OF THE PERSON. IF HE WAS DEFILED WITH THE UNCLEANNESS OF THE DEEP,⁶ THE HEADPLATE PROPITIATES.⁷

GEMARA. Thus it is only because it was [first] sprinkled and it became known afterwards [that it was unclean]; but if it [first] became known and [the blood] was sprinkled afterwards, it does not propitiate. But the following contradicts it: For what does the headplate propitiate? For the blood, flesh, and fat which were defiled, whether in ignorance or deliberately, accidentally or intentionally, whether in the case of an individual or of a community?⁸ — Said Rabina: [With regard to] its defilement, whether [it occurred] in ignorance or deliberately, [the offering] is made acceptable;⁹

[but as to its] sprinkling, [if done] in ignorance [that the blood was unclean], it is acceptable; if deliberately, it is not acceptable. R. Shila said: [With regard to] its sprinkling, whether [done] in ignorance [that the blood was unclean] or deliberately, it is accepted; [but as to] its uncleanness, [if it occurred] in ignorance, it is acceptable; if [caused] deliberately, it is not acceptable. But surely he states, ‘whether in ignorance or deliberately?’ This is what it means: If it was defiled in ignorance, and he [the priest] sprinkled it, whether unwittingly or deliberately, it is accepted. Yet surely it is taught, IF THE BLOOD WAS SPRINKLED AND THEN IT BECAME KNOWN: thus it is only because it was sprinkled [first] and it became known afterwards; but if it became known [first] and it was sprinkled afterwards, it is not so? — The same law holds good even if it became known [first] and it was sprinkled afterwards, and the reason that he states, IF IT WAS SPRINKLED AND THEN IT BECAME KNOWN is because he wishes to teach in the second clause, IF THE PERSON BECAME UNCLEAN, THE HEADPLATE DOES NOT PROPITIATE, where even if it was sprinkled [first] and it became known afterwards [it does] not [propitiate]; therefore he teaches the first clause too, IF IT WAS SPRINKLED AND THEN IT BECAME KNOWN.

IF HE WAS DEFILED WITH ‘THE UNCLEANNESS OF THE DEEP’ etc. Rami b. Hama asked: The priest who propitiates with their sacrifices, is the ‘uncleanness of the deep’ permitted to him or not?¹⁰ Do we say, when have we a tradition about the ‘uncleanness of the deep’?¹¹ [It is] in the case of the owners, but we have no tradition in respect of the priest; or perhaps we have a tradition in respect of the sacrifice,¹² no matter whether the owners or the priest [are thus defiled]? — Said Raba, Come and hear: For R. Hiyya taught: They [the Sages] spoke of the ‘uncleanness of the deep’ in respect of a corpse alone. What does this exclude? Surely it is to exclude ‘uncleanness of the deep’ caused by a reptile; and to what [then] do we refer? Shall we say, to the owners [who are thus defiled]? Then in the case of whom? If we say, in the case of a nazirite? Does it [a reptile uncleanness] affect him,¹³ [seeing that] the Divine Law said, and if any man die beside him [etc.].¹⁴ Hence it must refer to him who sacrifices the Passover-offering. Now that is well on the view [that] we may not slaughter [the Passover-offering] and sprinkle [its blood] for those who are unclean through a reptile.¹⁵ But on the view [that] we slaughter and sprinkle on behalf of those who are unclean through a reptile, what can be said? Seeing that known uncleanness was permitted to him [who sacrifices at Passover], how much the more ‘uncleanness of the deep’! Hence it must surely refer to the priest, whence it is proved that ‘uncleanness of the deep’ was permitted to him! — Said R. Joseph, No: After all it refers to the owners and the Passover-offering, and it excludes ‘uncleanness of the deep’ of gonorrhoea.¹⁶

Yet does it [the headplate] not propitiate for the ‘uncleanness of the deep’ of gonorrhoea? Surely it was taught, R. Jose said: A woman who watches from day to day¹⁷ on whose behalf they slaughtered [the Passover-offering] and sprinkled [its blood]

(1) I.e., when the sacrifice comes in a state of cleanness, it relegates the unclean to the second Passover; but when it comes itself in a state of uncleanness, it cannot relegate those who are otherwise unclean to the second Passover.

(2) Lit., ‘they make large.’

(3) Rashi: The offering — i.e., the flesh-or the blood. In the former case the head plate makes it acceptable only in the sense that the owner is not liable to another offering and the emurim are burnt on the altar; yet the flesh itself may not be eaten (Tosaf. on the basis of Rashi's interpretation). Tosaf. itself maintains that the Mishnah refers to the defilement of the blood only.

(4) Through the dead.

(5) Lit., ‘does,’ ‘prepares.’

(6) This is a technical term denoting the hidden uncleanness of a corpse which is now discovered for the first time. E.g., if he was in a house and it is subsequently learned that a corpse had been buried therein.

(7) And he is not liable to a second offering. This is a traditional law.

(8) V. supra 16b. ‘In ignorance’ and ‘deliberately’ are assumed to mean respectively: ignorance of the uncleanness of the blood, and deliberately sprinkling it with that knowledge.

(9) The headplate propitiates.

(10) If the priest who offers the Passover sacrifice or the sacrifices of a nazirite on behalf of their owners was defiled with the 'uncleanness of the deep,' does the breastplate propitiate, so that the sacrifice is valid, or not?

(11) That the headplate propitiates for it.

(12) Viz., that in the case of the Passover-offering and the sacrifice of a nazirite the head plate propitiates for personal defilement caused by the 'uncleanness of the deep.'

(13) Even if he is certainly defiled by a reptile.

(14) Num. VI,9 thus his naziritship is affected only by uncleanness through the dead.

(15) V. supra 69a p. 353. Hence R. Hiyya can mean that when one is defiled through the 'uncleanness of the deep' of a reptile the Passover-offering must not be sacrificed for him.

(16) A zab (gonorrhoeist) is unclean seven days and the Passover-offering may not be offered on his behalf. Now, if the eve of Passover marks the seventh day of his uncleanness, he is in a state of a doubt; for if he does not discharge on that day he will be clean in the evening; while if he does discharge he becomes unclean for a further seven days. Thus he too is unclean with the 'uncleanness of the deep,' and R. Hiyya teaches that the headplate does not propitiate in his case and the offering must not be killed or its blood sprinkled on his behalf.

(17) Lit., 'day against day.'

Talmud - Mas. Pesachim 81a

on her second day, and then she saw [a discharge], may not eat [of the sacrifice] and is exempt from observing the second Passover.¹ What is the reason? Is it not because the headplate propitiates?² — I will tell you: It is not so, [the reason being] because R. Jose holds: She is defiled from now and henceforth.³ But it was taught, R. Jose said: A zab of two discharges⁴ on whose behalf they slaughtered [the Passover-offering] and sprinkled [its blood] on the seventh day,⁵ and then he discharged again;⁶

for the third to see whether another discharge will follow, rendering her a zabah, or not. Thus on the first or second day of her discharge within these eleven days she is called 'a woman who watches from day to day.' Should another discharge follow on the third day, she cannot regain cleanness until seven days have passed without any issue at all. (The foregoing is on the basis of the ancient law, but already in the period of the Talmud itself the law was adopted that a single blood issue at any time imposes all the restrictions which necessitate for cleanness a period of seven consecutive clean days.) Now in the present instance the eve of Passover occurred on the second day of her discharge; the sacrifice was offered and its blood was sprinkled on her behalf before she had a discharge on that day, so that if she had not discharged later she would have been fit to eat in the evening. Since, however, she subsequently discharged, she cannot eat of the sacrifice, as she cannot perform tebillah until the following evening. similarly, a woman who watches from day to day on whose second day they slaughtered and sprinkled on her behalf, and then she discharged again, — these defile their couch or their seat retrospectively,⁷ and they are exempt from observing the second Passover.⁸ — I will tell you: what does 'retrospectively' mean? By Rabbinical law.⁹

Now R. Oshaia too holds [that] he defiles retrospectively by Rabbinical law [only].¹⁰ For it was taught, R. Oshaia said:¹¹ But a zab who saw [a discharge] on his seventh day upsets the preceding [period];¹² whereupon R. Johanan said to him: He does not upset [aught] save that day.¹³ (What will you? If he holds [that] he defiles retrospectively,¹⁴ let us upset even all of them; while if he holds that he defiles [only] from now and onwards,¹⁵ let him not upset even that day?¹⁶ — Rather say: He does not even upset that day.) Whereupon he [R. Oshaia] said to him [R. Johanan], R. Jose agrees with you.¹⁷ Yet surely R. Jose said: They defile their couch and their seat retrospectively? Hence it certainly proves that they defile retrospectively by Rabbinical law [only]. This proves it.

Now according to R. Jose, seeing that he rules [that] he defiles from now and onwards [only], what does '[They spoke of the "uncleanness of the deep"] in respect of a corpse alone' exclude?¹⁸

[Hence] let us solve from this that it refers to the priest, and [thus] the ‘uncleanness of the deep’ is permitted to him? — I will tell you: After all it refers to the owners and [treats] of the Passover-offering, but he [R. Jose] holds: One may not slaughter [the Passover-offering] and sprinkle [its blood] on behalf of those who are unclean through a reptile, and thus it is necessary to exclude it.¹⁹ But according to R. Jose, how is a complete zabah possible?²⁰ — When she has a continuous discharge.²¹ Alternatively, e.g., if she sees [a discharge] the whole of two [successive] twilights.²²

R. Joseph asked: The priest who officiates at²³ the continual-offering,²⁴ is the ‘uncleanness of the deep’ permitted to him or not? If you should say that the ‘uncleanness of the deep’ is permitted to the priest who officiates at their sacrifices,²⁵ what about the gonorrhoea which has no connection with the preceding, and when a man has a single discharge he is unclean only until the evening, when he performs tebillah and becomes clean. Why then does he need another day? priest who officiates at the continual-offering? Do we say, when have we a tradition about ‘the uncleanness of the deep’, in respect of the Passover-offering, [but] we have no tradition about the ‘uncleanness of the deep’ in respect to the continual-offering; or perhaps the continual-offering is learned from the Passover-offering? — Said Rabbah: It stands to reason: if where known uncleanness was not permitted to him,²⁶ yet the ‘uncleanness of the deep’ was permitted to him,²⁷ then where known uncleanness was permitted to him,

(1) During the eleven days following the seven days of niddah (menstruation) which are called the eleven days between the menses, a woman cannot become a niddah again, it being axiomatic that a discharge of blood in that period is not a sign of niddah, but may be symptomatic of gonorrhoea (zibah). A discharge on one or two days within the eleven renders her unclean for that day or those days only, but she cannot perform tebillah (v. Glos.) to become clean until the evening of the following day (for full details v. Nid. 71b ff), and she must wait

(2) For when the blood was sprinkled she was doubtfully unclean, since she might discharge again on that day. Thus she is assumed to be unclean with the ‘uncleanness of the deep,’ and is exempt from observing the second Passover because the headplate propitiates and makes her sacrifice valid, though she cannot partake of it.

(3) If she discharges on one day, waits part of the following and performs tebillah, she is clean, and if she subsequently discharges on the same day she becomes unclean anew, but does not continue her previous uncleanness. Hence when the sacrifice was slaughtered she was actually clean, having already performed tebillah, so that no propitiation is required.

(4) When a man suffers three gonorrhoeic discharges within three days or less (in this respect a man differs from a woman, who becomes a zabah only if the three discharges are on three consecutive days), he becomes a full zab, i.e., he does not regain his cleanness until seven consecutive days pass without a discharge, while during these seven days he is unclean as a zab; should he discharge on any of these days, he requires a further seven days, and so on. On the eighth day he brings a sacrifice, and on the evening that follows he may eat of sacred flesh (having performed tebillah the previous day). If, however, he suffers two discharges only, he is likewise unclean for seven days, but does not bring a sacrifice on the eighth; hence he can partake of sacrifices on the evening following the seventh day.

(5) So that if the day passes without a further discharge, he is fit to partake of the Passover-offering in the evening.

(6) Lit., ‘Saw.’ ‘Saw’ and ‘sight’ are technical terms denoting the gonorrhoeic discharges of a zab.

(7) Anything upon which they sit or lie, even without actually touching it, becomes unclean, its degree of defilement being that of a ‘principal uncleanness’ which in turn defiles people or utensils (v. Mishnah supra 14a and note a.l.). ‘retrospectively’ means, since the tebillah (q.v. Glos.) on the seventh day. Before the tebillah of course he would in any case be unclean.

(8) Thus they are not unclean only for the future, and yet they are exempt from a second Passover; the reason must be because it is an ‘uncleanness of the deep’ of gonorrhoea, and he holds that the headplate propitiates.

(9) But according to Biblical law she was clean during the interval between the tebillah until the third discharge.

(10) I.e., he interprets R. Jose's ruling thus.

(11) So cur. edd. But marginal note emends this to, ‘For R. Oshaia said’, omitting ‘it was taught’, as we never find his view expressed in a Baraitha, though he was the compiler of a series of Baraithas.

(12) I.e., the seven days are nullified and he must count another seven days; v. p. 423, n. 3. Rashi observes that he does not know to what R. Oshaia refers when he says ‘But’, which obviously indicates a contrast with some other law.

Possibly, however, אכן means here 'indeed', 'in truth', in which case it is an independent statement.

(13) Which is disregarded, and he requires only one more day free from discharge in order to regain his cleanness.

(14) I.e., from the beginning of the seventh day, the portion of the seventh day during which he had no discharge not being regarded as a complete day, that we should look upon him as having had seven consecutive days without an unclean discharge.

(15) Not from the beginning of the day, for the part of the day during which he was free from discharge counts as a whole day.

(16) For on that view he has enjoyed seven consecutive days of cleanness, which purifies him. The present discharge therefore is as an entirely new attack of

(17) Since he exempts her from observing the second Passover, he too holds that she is not retrospectively unclean.

(18) For, as seen above, on the present ruling there is no 'uncleanness of the deep' in connection with gonorrhoea. Hence it must refer to defilement by a reptile and to the priest; v. supra 80b.

(19) The steps of the argument are stated supra 80b.

(20) Since he holds that part of the day is counted as a whole day, and she is unclean only from when she discharges, each day is distinct and she can never be unclean for the three consecutive days which are necessary before she becomes a complete zabah.

(21) For the whole three days.

(22) Twilight counts as the end of one day and the beginning of the following. Hence if she discharges right through the twilights of Sunday and Monday, she is regarded as having 'seen' on Sunday, Monday, and Tuesday, and as this includes the beginnings of Monday and Tuesday, she is unclean the whole of these days.

(23) Lit., 'propitiates with'.

(24) During the whole year.

(25) V. supra 80b.

(26) E.g., a nazirite and one who sacrifices his Passover-offering. The headplate does not propitiate to make the sprinkling permissible.

(27) In the case of the continual-offering, where none are clean.

Talmud - Mas. Pesachim 81b

is it not logical that the 'uncleanness of the deep' was permitted to him? — I will tell you: can we then argue a fortiori from a traditional law: surely it was taught, R. Eliezer said to him: Akiba! That a bone [of a corpse] the size of a barley grain defiles¹ is a traditional law, whereas [that] a quarter [log] of blood [of a corpse defiles] is [deduced by you] a fortiori,² and we do not deduce a fortiori from a traditional law! — Rather said Raba: We learn [the scope of] 'its appointed time' from the Passover-offering.³ And where is [the law about] the 'uncleanness of the deep' itself written?⁴ — Said R. Eleazar: Scripture saith, And if any man die beside him ['alaw],⁵ [which means] when it is quite clear beside him.⁶ We have thus found [it in the case of] a nazirite; how do we know [it in the case of] one who sacrifices a Passover-offering? — Said R. Johanan: Because Scripture saith, [If any man shall be unclean by reason of a dead body or] in a distant road unto you:⁷ [that means] when it is quite clear unto you. R. Simeon b. Lakish said, It is as the road: just as the road is manifest, so must the [cause of] defilement be manifest too.

An objection is raised: What is the 'uncleanness of the deep'? Wherever not [even] a person at the end of the world had been cognizant thereof.⁸ If a person at the end of the world had been cognizant thereof, it is not the 'uncleanness of the deep.' [But] according to R. Eleazar who interpreted — when it is quite clear beside him, then [it is 'uncleanness of the deep'] unless he himself [the nazirite] knows of it.⁹ According to R. Johanan who interpreted 'unto you' [as meaning] when it is quite clear unto you, then [at least] two should know thereof.¹⁰ According to R. Simeon b. Lakish who said, It is as a road, then all should know of it? — Rather the 'uncleanness of the deep' is known as a traditional law, while the verse[s] are a mere support.¹¹

Mar son of R. Ashi said: They learned this¹² only where it became known to him¹³ after the

sprinkling, so that when the blood was sprinkled it was rightly sprinkled; but if it was known to him before the sprinkling — it does not propitiate. An objection is raised: If a man finds a corpse lying across the width of a path,¹⁴ in respect of terumah he is unclean;¹⁵ in respect of [the laws of] a nazirite or one who sacrifices the Passover-offering, he is clean; and all [statements of] unclean and clean refer to the future.¹⁶ Rather if stated, it was thus stated: Mar son of R. Ashi said: Do not say that only if it became known to him after sprinkling does it propitiate, whereas if it became known to him before sprinkling, it does not propitiate; for even if it became known to him before sprinkling it [still] propitiates.

[To revert to] the main text: If a man finds a corpse lying across the width of a path, in respect of terumah he is unclean; in respect of [the laws of] a nazirite or one who sacrifices a Passover-offering, he is clean. When is that said? If he has no room to pass by,¹⁷ but if he has room to pass by, he is clean even in respect of terumah. When is that said? If he finds it whole. But if it was broken or dismembered, he is clean, as he might have passed between the pieces. But [if it lay] in a grave, even if broken and dismembered, he is unclean, because the grave unites it.¹⁸ When is this said? If he was walking on foot. But if he was laden [with a burden] or riding, he is unclean; because he who walks on foot can avoid touching it or overshadowing it,¹⁹ but when he is laden or riding, he cannot but touch [it] or overshadow it.²⁰ When is this said?²¹ In the case of ‘uncleanness of the deep’; but in the case of known uncleanness, he is unclean. And what is ‘uncleanness of the deep’? Wherever not [even] one at the end of the world had been cognizant thereof. But if one [even] at the world's end was cognizant thereof, it is not ‘uncleanness of the deep.’ If he found it hidden in straw, earth, or pebbles, it is ‘uncleanness of the deep.’²² [If he found it] in water, in darkness, or in the clefts of rocks, it is not ‘uncleanness of the deep.’²³ And they did not state [the law of] ‘uncleanness of the deep’ in respect of aught save a corpse alone.

MISHNAH. IF IT [THE PASCHAL LAMB] BECAME UNCLEAN, [EITHER] WHOLLY OR THE GREATER PART THEREOF, WE BURN IT IN FRONT OF THE BIRAH²⁴ WITH THE WOOD OF THE PILE.²⁵ IF THE LESSER PART THEREOF BECAME UNCLEAN, ALSO NOTHAR,²⁶ THEY [THE PEOPLE] BURN IT IN THEIR COURT-YARDS OR ON THEIR ROOFS WITH THEIR OWN WOOD. MISERS BURN IT IN FRONT OF THE BIRAH, IN ORDER TO BENEFIT FROM THE WOOD OF THE PILE.

GEMARA. What is the reason?²⁷ — Said R. Jose b. Hanina: In order to put them to shame.²⁸

IF THE LESSER PART THEREOF BECAME UNCLEAN etc. But the following contradicts it: Similarly, he who went out of Jerusalem and reconnected that he had holy flesh with him, if he has passed Scopus he burns it where he is; but if not,

(1) A nazirite, if he touches or carries it, and he must commence again (v. Num. VI, 9-12).

(2) R. Akiba deduced a fortiori from the former that if a nazirite is under the same covering as a quarter log of blood taken from a corpse he is defiled, just as in the first case; v. Naz. 57a.

(3) Mo'ado (its appointed time) is written in connection with both the continual-offering and the Passover-offering (v. Num. XXVIII, 2; IX, 2). Hence just as the head plate propitiates for the ‘uncleanness of the deep’ in the latter case, so in the former too.

(4) That the headplate propitiates in the case of a nazirite and one who sacrifices his Passover-offerings. At this stage it is as yet unknown that it is not intimated in Scripture at all but is a traditional law.

(5) Num. VI, 9.

(6) I.e., he becomes unclean only if the existence of the corpse is ‘beside him’, clear and known to him. But in the ‘uncleanness of the deep’ it was unknown hitherto.

(7) Ibid. IX, 10, lit. translation.

(8) Until after the nazirite or the Israelite sacrificing his Passover-offering was defiled by it. In that case the headplate propitiates.

- (9) Since the verse refers to him.
- (10) 'Unto you', Heb. lakem, is in the plural, hence must refer to two at least.
- (11) But not really the source of the law.
- (12) Sc. that the headplate propitiates for 'uncleanness of the deep' in the two cases stated.
- (13) The owner of the sacrifice, that he had been thus defiled.
- (14) Where he had passed, and he must either have actually touched or passed over it.
- (15) He may not eat terumah.
- (16) Thus though it is now known to him before the blood is sprinkled, the headplate propitiates, for this too was a case of 'uncleanness of the deep', since as far as is known none was aware of the corpse before.
- (17) V. p. 427, n. 7.
- (18) And the whole length of the grave is unclean and defiles.
- (19) **יִשְׁתַּלְתֵּל** < **שָׁלַל** means to form a tent, and is the technical term for overshadowing a corpse without touching it.
- (20) Because the burden or the action of the riding makes him sway from side to side.
- (21) That a nazirite etc. is clean.
- (22) These completely cover a corpse and make him quite invisible; hence its presence would not be known.
- (23) Because one might have seen it previously.
- (24) V. supra 49a.
- (25) The wood specially arranged for the altar for the burning of the burnt-offerings etc.
- (26) That which remained over from a clean Passover sacrifice, v. Ex. XII, 10.
- (27) That it is burnt before the Temple, publicly.
- (28) For their carelessness in permitting it to become defiled.

Talmud - Mas. Pesachim 82a

he returns and burns it in front of the Temple with the wood of the [altar] pile?¹ — Said R. Hama b. 'Ukba, There is no difficulty: One refers to a lodger;² the other [our Mishnah] refers to a householder. R. Papa said, Both refer to a lodger: there he had repaired to the road;³ here he had not repaired to the road. R. Zebid said: in truth it is as was first stated, [viz.,] there it refers to a lodger, while here it refers to a householder, and even where he had not taken to the road; [in the case of] a lodger, since he has not [wood of his own] he was regarded as a miser, for we learned: MISERS BURN IT IN FRONT OF THE TEMPLE IN ORDER TO BENEFIT FROM THE WOOD OF THE [ALTAR] PILE.

Our Rabbis taught: If they come [desire] to burn it in their own court-yards and with the wood of the [altar] pile, we do not heed [permit] them; in front of the Temple and with their own wood, we do not heed them. As for not heeding them [when they wish to burn it] with the wood of the pile in their own courtyards, that is well, [the reason being] lest some of it [the wood] be left over and they come to a stumbling-block through it.⁴ But what is the reason that [they may] not [burn it] in front of the Temple with their own wood? — Said R. Joseph: So as not to shame him who has none [of his own]. Raba said: On account of suspicion.⁵ Wherein do they differ? — They differ where he brought cane reeds and dried branches, which are not fit for the pile.⁶

We learned elsewhere: The head of the ma'amad⁷ used to place the unclean⁸ by the East Gate.⁹ What is the reason? Said R. Joseph: In order to put them to shame.¹⁰ Raba said: Because of suspicion.¹¹ Wherein do they differ? — They differ in respect of delicate persons or ropemakers.¹²

MISHNAH. A PASSOVER-OFFERING WHICH PASSED OUT¹³ OR WAS DEFILED MUST BE BURNT IMMEDIATELY.¹⁴ IF ITS OWNERS WERE DEFILED OR THEY DIED,¹⁵ IT MUST BECOME DISFIGURED¹⁴ AND BE BURNT ON THE SIXTEENTH. R. JOHANAN B. BEROKAH SAID: THIS TOO MUST BE BURNT IMMEDIATELY, BECAUSE THERE ARE NONE TO EAT IT.

GEMARA. As for uncleanness, It is well, because it is written, And the flesh that toucheth any unclean thing shall not be eaten; it shall be burnt with fire.¹⁶ But how do we know it of what goes out? Because it is written, Behold, the blood of it was not brought into the sanctuary within.¹⁷ Moses said to Aaron: 'Why did ye not eat the sin-offering? Perhaps its blood entered the innermost [sanctuary]?'¹⁸ 'No,' he answered him. 'Perhaps it passed without its barrier?'¹⁹ he asked. 'No,' replied he, 'it was in the sanctuary.' Said he to him, 'If it was in the sanctuary, and "behold, the blood of it was not brought into the sanctuary within," wherefore have ye not eaten it?' Whence it follows that if it passed out, or if its blood entered within, it requires burning.

As for when it is defiled, it is well: the Divine Law revealed it in the case of lesser Holy sacrifices, and all the more²⁰ in the case of Most Holy sacrifices.²¹ But as to what goes out; we have found [that it is disqualified in the case of] superior sacrifices; whence do we know [it of] inferior sacrifices? Moreover, as to what was taught: If its blood was kept overnight,²²

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- (1) V. Mishnah supra 49a for notes. — This shows that even a small portion is burnt thus.
 - (2) Who has no home of his own and lacks the facilities for burning it at home.
 - (3) Therefore it is too much trouble to return home, and so he burns it in front of the Temple.
 - (4) They may use it for other purposes, which is forbidden.
 - (5) He will take away any wood that is left over, but the onlooker will think that it is wood of the altar pile and so suspect him of theft.
 - (6) Raba's reason is not applicable here, and therefore it is permitted; whereas R. Joseph's reason still hold hence it is forbidden.
 - (7) Post, a division of popular representatives deputed to accompany the daily services in the Temple with prayers, and also a corresponding division in the country town, answering to the divisions (v. supra 57a, p. 284, n. 3) of priests and Levites. — Jast.
 - (8) Of the priestly division that should have officiated that day in the Temple.
 - (9) That all who entered might see them.
 - (10) For not having taken care to be clean.
 - (11) Lest they be suspected of neglecting the Temple service for their private affairs.
 - (12) Who receive little pay; no priest will neglect the Temple service for this. Raba's reason does not apply here, whereas R. Joseph's reason does.
 - (13) Beyond its proper boundaries.
 - (14) On the fourteenth.
 - (15) So there is none to eat it. (13) V. supra 34a, p. 156, n. 7.
 - (16) Lev. VII, 19.
 - (17) Ibid. X, 18; the previous verses relate how Moses was angry with Eleazar and Ithamar for having the sin-offering burnt instead of eating it.
 - (18) I.e., the Holy of Holies — in that case you had rightly burnt it; v. ibid. VI, 23.
 - (19) I.e., outside the Temple court.
 - (20) Var. lec.: the same law applies.
 - (21) V. supra 24a, p. 108, n. 2. The verse quoted in connection with defilement refers to a peace-offering.
 - (22) I.e., the blood of the sacrifice had not yet been sprinkled by sunset.

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if its blood was poured out, or if the blood passed outside the Temple enclosures, — where it is all established law that it requires burning;¹ whence do we learn it? — We deduce it from R. Simeon['s teaching]. For it was taught, R. Simeon said: In the holy place . . . it shall be burnt with fire:² this teaches of the sin-offering that is burnt in the holy place [sanctuary]. Now, I only know this alone: how do we know it of the unfit of the [other] Most Holy sacrifices and the emurim of the lesser Holy sacrifices? Therefore it is stated, 'in the holy place . . . it shall be burnt with fire.'³ We have [thus] found it of the Most Holy sacrifices; whence do we know it of the lesser Holy sacrifices?⁴ Rather

[that] wherever there is a disqualification in the sacred [sacrifices]⁵ burning is required, no matter whether it is the Most Holy sacrifices or the lesser Holy sacrifices; — this is known by tradition.⁶ And as for Aaron's sin-offering, that is because the incident that happened, happened thus.⁷

Now, according to the tanna of the School of Rabbah b. Abbuha who said, Even piggul requires disfigurement,⁸ whence do we know it — [because] he learns the meaning of iniquity from nothar:⁹ yet let us learn the meaning of iniquity from Aaron's sacrifice?¹⁰ — He can answer you: [A sacrifice such as] Aaron's sin-offering too in such a case¹¹ would require disfigurement in [future] generations;¹² but there it was a special dispensation.¹³ Now that we say, [that] 'wherever there is a disqualification in the sacred [sacrifices] burning is required, no matter whether it is the most sacred sacrifices or the lesser sacrifices, — this is known by tradition,' what is the purpose of 'in the holy place . . . it shall be burnt with fire'? — That is required [to teach] that its burning [must be] in the holy place.¹⁴ What is the purpose of, 'and the flesh that toucheth any unclean thing shall not be eaten; it shall be burnt with fire'?-That is required for its own sake.¹⁵ You might say, All disqualifications of the sacred [sacrifices mean] e.g., if its blood was kept overnight, if its blood was spilled, if its blood went outside, or if it was slaughtered by night: these require burning because they do not apply to hullin.¹⁶ But if it became unclean, which disqualifies in the case of hullin too' I would say, since it has been treated as profane [non-holy], it does not require burning, and burial should suffice for it. Hence we are informed [that it is not so].

IF ITS OWNERS WERE DEFILED OR THEY DIED, IT MUST BECOME DISFIGURED etc.

R. Joseph said: The controversy is where the owners were defiled after the sprinkling, so that the flesh had become fit for eating. But if the owners were defiled before the sprinkling, so that the flesh had not become fit for eating, all agree that it must be burnt immediately. An objection is raised: This is the general rule: Wherever its disqualification is in itself, it must be burnt immediately; [if it is] in the blood or in its owner, [their flesh] must become disfigured and [then] it goes out to the place of burning? Now [the disqualification through] the owners is taught as analogous to [that of] the blood: just as [that of] the blood is before sprinkling, so was [the defilement of] the owners before sprinkling? — Rather if stated, it was thus stated: The controversy is where the owners were defiled before the sprinkling, so that the flesh is not fit for eating, whereby it is as though its disqualification were in itself; but if the owners were defiled after the sprinkling, so that the flesh had become fit for eating, all agree that its disqualification is through something else [extraneous] and it requires disfigurement.

But R. Johanan maintained: The controversy holds good [even if the owners were defiled] after sprinkling too. Now R. Johanan is consistent with his view. For R. Johanan said: R. Johanan b. Berokah, and R. Nehemiah said the same thing. R. Johanan b. Berokah, this which we have stated. What is [the allusion to] R. Nehemiah? — For it was taught, R. Nehemiah said: This [Aaron's sin-offering] was burnt on account of bereavement, therefore it is stated, [and there have befallen me such things] as these.¹⁷ Now surely bereavement is as [a disqualification] after sprinkling.¹⁸ Yet when it was burnt; it was burnt immediately.¹⁹

(1) In all these cases the blood is unfit for sprinkling and in turn the flesh cannot be eaten, and it must be burnt.

(2) Lev. VI, 23.

(3) V. supra 24a and notes a.l.

(4) The verse quoted refers only to the emurim of the lesser holy sacrifices.

(5) Or, whatever its disqualification (that arises) in the sanctuary.

(6) It is not intimated in the Bible.

(7) The Bible does not record this story in order to teach, as stated above, but simply because it happened so.

(8) Though the disqualification is certainly in itself; v. supra 34b.

(9) 'Iniquity' is written in connection with piggul and nothar. Piggul: and the soul that eateth of it shall bear his iniquity (Lev. VII, 18); nothar: but every one that eateth of it shall bear his iniquity (ibid. XIX, 8, — this verse is applied to

nothar in Ker. 5a). Now nothar is naturally disfigured, having been kept too long, and the employment of 'iniquity' in both cases teaches that piggul too requires disfigurement,

(10) Lev. X, 17: and he hath given it to you to bear the iniquity of the congregation. Hence just as it was burnt there on the same day, before it could become disfigured, so should piggul be.

(11) Whatever the cause of its disqualification. On this there are two views: (i) it had been defiled; (ii) it could not be eaten because Aaron and his sons were bereaved that day by the death of Nadab and Abihu.

(12) I.e., if a sin-offering becomes thus disqualified it normally requires disfigurement.

(13) Lit., 'the ruling of the hour'.

(14) In the Temple Court.

(15) I.e., to teach that uncleanness too is a sacred disqualification in this respect.

(16) V. Glos. Hullin remains unaffected by these. Thus in spite of these disqualifications the sacrifice has not been subjected to an indignity, as it were, which would disqualify even in the case of hullin. (2) V. supra 34b for notes.

(17) Lev. X, 19; 'as these' directly refers to his bereavement.

(18) For even if Nadab and Abihu died before the sprinkling, this would not be invalid, the sin-offering being dissimilar to the Passover-offering in this respect. For the latter stands primarily to be eaten, and therefore if the owners are defiled before the sprinkling, the sprinkling is invalid, while if they are defiled after the sprinkling the sprinkling is valid. The purpose of the sin-offering however, is atonement, so that even if the priests are defiled (here, bereaved) before the sprinkling and cannot eat, the sprinkling is valid. Hence this bereavement, even if it occurred before the blood was sprinkled, is the same as when the owners of the Passover-offering are defiled after the sprinkling.

(19) Hence since R. Johanan identifies R. Johanan b. Berokah's view with that of R. Nehemiah, this must be the former's opinion also, and thus they differ in our Mishnah where the owners are defiled after the sprinkling too.

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Rabbah added: R. Jose the Galilean too. For it was taught, R. Jose the Galilean said: The whole passage speaks only of the bullocks which were burnt and the he-goats which were burnt, and its purpose is to teach that when they are disqualified, they must be burnt before the Temple, and to impose a negative injunction against eating them.¹ Said they to him: A sin-offering whose blood entered the innermost [sanctuary], whence do we know [that it is disqualified]? Said he to them, [From the verse] Behold, the blood of it was not brought into the sanctuary within,² whence it follows that if it [the sacrifice] went outside or if its blood entered within, it requires burning.³ But R. Johanan⁴ holds: The blood and the flesh are one thing;⁵ [while the defilement of] the owners is a different thing.⁶

MISHNAH. THE BONES,⁷ AND THE SINEWS, AND THE NOTHAR OF THE PASCHAL LAMB ARE TO BE BURNT ON THE SIXTEENTH.⁸ IF THE SIXTEENTH FALLS ON THE SABBATH, THEY ARE TO BE BURNT ON THE SEVENTEENTH, BECAUSE THEY⁹ DO NOT OVERRIDE EITHER THE SABBATH OR THE FESTIVAL.

GEMARA. R. Mari b. Abbuha said in R. Isaac's name: Bones of sacrifices which served nothar¹⁰ defile the hands,¹¹ since they became a stand for a forbidden article.¹² Shall we say that this supports him: **THE BONES, AND THE SINEWS, AND THE NOTHAR ARE TO BE BURNT ON THE SIXTEENTH.** How are these bones meant? If we say that they contain no marrow, why burn them? Let us throw them away!¹³ Hence it is obvious that they contain marrow. Now, it is well if you agree that the serving of nothar is a [substantial] fact:¹⁴ then it is right that they require burning.¹⁵ But if you say [that] the serving of nothar is not a [substantial] fact, why do they need burning? Let us break them, scoop out their marrow and burn it, and throw them [the bones] away.¹⁶ Hence this surely proves that the serving of nothar is a [substantial] fact! — I will tell you. It is not so: in truth I may argue that the serving of nothar is not a [substantial] fact, but he¹⁷ holds: [neither shall ye break a bone] thereof¹⁸ [means] of a fit [bone], and even of an unfit [one]. [You say] 'Even of an unfit [one]' — can you think so! Surely we learned: But he who leaves anything over [even] of clean [flesh], or he who breaks [a bone] of: an unclean [Passover-offering], does not receive forty

[lashes]?¹⁹ — There is no difficulty: here it means where it enjoyed a period of fitness;²⁰ there it means where it never enjoyed a period of fitness;²⁰ And which Tanna admits a distinction between where it enjoyed a period of fitness and where it did not enjoy a period of fitness? — It is R. Jacob. For it was taught: ‘Neither shall ye break a bone thereof’: ‘thereof’ implies of a fit one, but not of an unfit one. R. Jacob said: If it enjoyed a period of fitness and became unfit, it is subject to the prohibition of breaking a bone; if it did not enjoy a period of fitness, it is not subject to the prohibition of breaking a bone. R. Simeon said: Both the one and the other are not subject to the prohibition of breaking a bone. An objection is raised: No bones of sacrifices require burning,²¹ except the bones of the Passover-offering,²² on account of the stumbling-block.²³ How are these bones meant? If we say that they contain no marrow, why do they need burning? Hence it is obvious that they contain marrow. Now if you should think [that] the serving of nothar is something substantial, why do the bones of [other] sacrifices not require burning? — Said R. Nahman b. Isaac: The circumstances here are e.g., if he found them [the bones] scooped out:²⁴ [in the case of] the bones of [other] sacrifices which are not subject to the prohibition of breaking a bone, [we assume that] they were scooped out before it²⁵ [the marrow] became nothar’, Hence they did not serve nothar and do not require burning. [But in the case of] the bones of the Passover-offering which are subject to the prohibition of breaking a bone, we assume that they were scooped out after they became nothar; hence they had served nothar and require to be burnt.

R. Zebid said: The circumstances here are e.g.,

(1) This refers to Lev. VI, 23: And no sin-offering, whereof any of the blood is brought into the tent of meeting to make atonement in the holy place, shall be eaten; it shall be burnt with fire. The Rabbis relate this to a sin-offering which is sacrificed in the inner court, whose blood was carried into the inner court, thereby thus qualifying it. But R. Jose the Galilean relates it to a sin-offering which is sacrificed in the inner court, e.g., the bullock brought when the entire congregation sins in ignorance (v. Lev. IV, 13 f.). Hence he interprets the verse thus: And no sin-offering thereof any of the blood is rightly brought into the tent of meeting etc., shall be eaten. Now this is superfluous in respect of a valid sacrifice, since it is explicitly stated in IV, 21: and he shall carry forth the bullock without the camp, and burn it. Hence the verse must mean that if it became unfit though going outside its legitimate boundary or through defilement, it must be burnt in front of the Birah, and not be carried ‘without the camp’, i.e., beyond the Temple Mount. Further, this prohibits the eating of its flesh by a negative injunction, violation of which involves flagellation (Lev. IV, 21 merely contains an affirmative precept whose disregard is not punished by flagellation).

(2) Lev. X, 18.

(3) Now, since R. Jose the Galilean learns sacrifices for all time from Aaron's sin-offering, he evidently holds that for all time if the blood is brought within, it requires immediate burning without awaiting disfigurement, though the disqualification of the blood is like a disqualification through something else. Rabbah assumes that the same law viz., that it must be burnt without awaiting disfigurement, applies to the owner's defilement, though it is a disqualification through something else. Hence R. Jose the Galilean and R. Johanan b. Berokah say the same thing.

(4) Who does not include R. Jose the Galilean.

(5) Hence when the blood goes without its precincts, it is a disqualification in the sacrifice itself.

(6) I.e., it is a disqualification through something else, and therefore one cannot be deduced from the other.

(7) Of the paschal lamb. They may not be broken (Ex. XII, 46), and therefore their marrow becomes nothar (v. Glos.) and must be burnt (ibid. 10).

(8) Not on the fifteenth, which is a festival day, but on the sixteenth, which is the first of the Intermediate days (hol ha-mo'ed); v. p. 16, n. 4.

(9) I.e., the burning of them.

(10) I.e., the marrow was left in them after the time permitted for the eating of the sacrifice, and thus became nothar, for which the bones served as a container.

(11) Just as nothar itself, v. infra 85a, 120b.

(12) Sc. the marrow.

(13) Nothar, which must be burnt, is applicable only to what can be eaten in the first place, viz., the flesh and the marrow.

(14) I.e., of sufficient importance to be treated as nothar itself.

(15) I.e., the bones themselves too.

(16) For as stated anon, only a fit bone may not be broken; here, once the marrow is nothar, the bone ceases to be fit.

(17) The Tanna of our Mishnah.

(18) Ex. XII, 46.

(19) Flagellation, the penalty for violating a negative injunction. V. infra 84a. Since he is not so punished, the prohibition evidently does not apply.

(20) E.g., if a bone is rendered unfit on account of nothar, it was fit before it became nothar. Then the prohibition remains even when it becomes unfit. (9) E.g., if the bone was defiled before the sprinkling of the blood. Then it was never fit, and the prohibition does not apply to it.

(21) Though the marrow in them, if uneaten, is nothar. The bones are broken while the marrow is scooped out and burnt.

(22) Where the bones themselves are burnt.

(23) One might Otherwise be led to violate the prohibition of breaking bones.

(24) I.e., the bones were already broken and their marrow removed.

(25) The plural in the text probably refers to the separate marrows distributed among the bones.

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that he found them piled up in heaps and some of them were scooped out:¹ [in the case of] bones of [other] sacrifices which are not subject to the prohibition of breaking a bone, [I assume] that they have all been scooped out and [the marrow] eaten; hence they do not require burning. But in the case of bones of the Passover-offering which are subject to the prohibition of breaking a bone, [I say] perhaps it is these [only] which were scooped out, while the others² were not scooped out; hence they require burning.

Rab Judah said in Rab's name: All sinews are flesh, except the sinews of the neck. We learned: THE BONES, THE SINEWS, AND THE NOTHAR ARE TO BE BURNT ON THE SIXTEENTH. How are these sinews meant? If they are sinews of flesh, let us eat them! While if they remained over,³ then they are [indeed] nothar?⁴ Hence it is obvious [that] the sinews of the neck [are meant]. Now it is well if you say that they are flesh:⁵ therefore they require burning. But if you say that they are not flesh, why do they require burning? — Said R. Hisda: This [teaching] arises only in respect of the thigh sinew, and in accordance with R. Judah. For it was taught, R. Judah said: [The prohibition of the thigh sinew] is operative only in respect of one, and reason determines, that of the right [thigh].⁶ Then in that case conclude that R. Judah is in doubt,⁷ for if he is really certain, let us eat that which is permitted, and throw away that which is forbidden. Why then do they [both] need burning? — Said R. Ika b. Hinena: [This law was stated] where e.g., they were [originally] distinguished but subsequently mixed up.⁸

R. Ashi said: It is necessary [to teach it] only in respect of the fat of the sinew of the thigh. For it was taught: Its fat is permitted, but the Israelites are holy and treat it as forbidden.⁹

Rabina said: It refers to the outer [sinew of the thigh], and is in accordance with Rab Judah's dictum in Samuel's name. For Rab Judah said in Samuel's name: The inner one which is near the bone is forbidden, and a person is liable on its account [to flagellation]; the other which is near the flesh is forbidden, but a person is not liable on its account.¹⁰ IF THE SIXTEENTH FELL etc. Yet why so? Let the affirmative command come and override the negative command?¹¹ — Said Hezekiah, and the School of Hezekiah taught likewise: And ye shall let nothing of it remain until the morning; but that which remaineth of it until the morning ye shall burn with fire: now [the second] 'until the morning' need not be stated, What then is the teaching of 'until the morning'? [Scripture comes] to appoint a second morning for its burning.¹² Abaye said: Scripture saith, The burnt-offering of the Sabbath [shall be burnt] on its Sabbath:¹³ but the burnt-offering of weekdays is not [to be burnt] on the Sabbath, nor is the burnt-offering of weekdays [to be burnt] on Festivals.¹⁴ Raba said: Scripture saith, [no manner of work shall be done in them — sc. Festivals — , save that which every

man must eat,] that only may be done by you:¹⁵ ‘that’ but not its preparatory requisites:¹⁶ ‘only,’

(1) He only examined those on top and found them thus.

(2) Which he did not examine.

(3) Accidentally or through negligence.

(4) Why state it separately?

(5) In spite of their woodenness.

(6) V. Gen. XXXII, 33. Thus actually one of the thigh sinews is permitted, though we do not know which; this one therefore is really nothar and must be burnt.

(7) Which is forbidden and which is permitted.

(8) R. Judah may be certain that the prohibition applies to the right thigh only, but these sinews referred to in our Mishnah, though distinguished when drawn out, are now mixed up and we do not know which is the right and which is the left, and hence both require burning.

(9) Since therefore according to Scriptural law it can be eaten, it is nothar and must be burnt. On the other hand, since in actual practice it could not be eaten the Tanna cannot include it in the term nothar, which generally implies flesh which could have been eaten, and must mention it separately.

(10) It is forbidden by Rabbinical law only. The reasoning in the preceding note applies here too.

(11) It is a general principle that if an affirmative command and a negative command are in conflict, the former overrides the latter. Here we have all affirmative command to burn the nothar, Ex. XII, 10, and a negative command forbidding work on a festival, *ibid.* 16.

(12) Translating: but that which remaineth of it, (ye shall wait) until the (following) morning (sc. that of the sixteenth) (and) burn (it) with fire.

(13) Num. XXVIII, 10; this is the literal translation.

(14) E.g., the animal sacrificed before the Sabbath or Festival must not be burnt the following evening. Hence sacrifices and sacred food in general, if unfit, must not be burnt on Festivals, *a fortiori*.

(15) Ex. XII, 16.

(16) E.g., you may roast meat, but may not sharpen a spit for impaling the meat on it.

Talmud - Mas. Pesachim 84a

but not circumcision out of its proper time, which might [otherwise] be inferred *a fortiori*.¹ R. Ashi said: [On the seventh day is a Sabbath of] solemn rest [Shabbathon],² [written] in connection with Festivals, is an affirmative precept³ and one affirmative precept cannot override a negative precept and an affirmative precept [combined]. MISHNAH. EVERYTHING WHICH CAN BE EATEN OF A FULL-GROWN OX MAY BE EATEN OF A TENDER GOAT,⁴ AND ALSO THE TOPS OF THE FORELEGS AND THE GRISTLES.⁵

GEMARA. Rabbah pointed out a contradiction. We learned: EVERYTHING WHICH CAN BE EATEN OF A FULL-GROWN OX MAY BE EATEN OF A TENDER GOAT; hence that which cannot be eaten [of the former] may not [be eaten of the latter]. Then consider the sequel: [AND ALSO] THE TOPS OF THE FORELEGS AND THE GRISTLES: yet surely these cannot be eaten in the case of a full-grown ox? — Rather it is [dependent on] Tannaim, and it is taught thus: EVERYTHING WHICH CAN BE EATEN OF A FULL-GROWN OX MAY BE EATEN OF A TENDER GOAT, while that which cannot be eaten [of the former] may not be eaten [of the latter]: but some maintain, also THE TOPS OF THE FORELEGS AND THE GRISTLES. Raba said: This [the second] is a defining clause,⁶ and it teaches thus: EVERYTHING WHICH CAN BE EATEN OF A FULL-GROWN OX after [much] boning MAY BE EATEN OF A TENDER GOAT when roasted, and what is it? THE TOPS OF THE FORELEGS AND THE GRISTLES.

It was taught in accordance with Raba: Everything which can be eaten of a full-grown ox after [much] boning may be eaten of a tender goat when roasted, and what is it? The tops of the forelegs and the gristles, and the soft sinews are treated⁷ as flesh.

It was stated: [With regard to] sinews which would ultimately harden,⁸ — R. Johanan said: One may register for them in the Passover-offering; Resh Lakish maintained: One may not register for them in the Passover-offering. R. Johanan said, One may register for them in the Passover-offering, [because] we decide by the present. Resh Lakish maintained. One may not register for them in the Passover-offering, [because] we decide by its ultimate [condition].⁹ Resh Lakish raised an objection against R. Johanan: Everything which can be eaten of a full-grown ox may be eaten of a tender goat, and what is it? The tops of the forelegs and the gristles; [thus] only these,¹⁰ but not sinews which would ultimately harden! — Said he to him: He teaches those, and the same applies to these. [Thus] why are those [permitted]? Because they can be eaten in the case of a full-grown ox after [much] boning; [so] these too call be eaten of a full-grown ox after [much] boning.

R. Jeremiah said to R. Abin: When you go before R. Abbahu, point out a contradiction to him. Did then R. Johanan say, '[With regard to] sinews which would ultimately harden, one may register for them in the Passover-offering', which shows that we decide by the present? Surely Resh Lakish asked R. Johanan: 'Can the skin of the head of a tender [sucking] goat be defiled?'¹¹ And he answered him: 'It cannot be defiled', which proves that we decide by the future? — Said he to him: he who pointed out this contradiction to you was not particular about his flour.¹² Surely R. Johanan retracted in favour of Resh Lakish[’s view], and he said to him: Do not provoke me, for I learn it as the opinion of an individual.¹³ MISHNAH. HE WHO BREAKS A BONE OF A CLEAN PASSOVER-OFFERING RECEIVES FORTY [LASHES]. BUT HE WHO LEAVES OVER [FLESH] OF A CLEAN [OFFERING] OR BREAKS [A BONE] OF AN UNCLEAN [ONE] IS NOT FLAGELLATED WITH FORTY [LASHES].

GEMARA. As for leaving over [flesh] of a clean [offering], it is well. For it was taught: And ye shall let nothing of it remain until the morning; and that which remaineth of it until the morning ye shall burn with fire.¹⁴ Scripture desires to state an affirmative command after a negative command, thus teaching that one is not flagellated for it; this is R. Judah's view.¹⁵ R. Jacob said: This is not the real reason,¹⁶ but because It is a negative injunction involving no action,¹⁷ for which one is not flagellated. But how do we know [that] he who breaks [a bone] of an unclean [offering is not flagellated]? — Because Scripture states, Neither shall ye break a bone thereof:¹⁸ 'thereof' [implies] of a fit sacrifice but not of an unfit one. Our Rabbis taught: 'Neither shall ye break a bone thereof': 'thereof' implies of a fit sacrifice but not of an unfit one. Rabbi said: In one house shall it be eaten . . . neither shall ye break a bone thereof:¹⁸ [this intimates,] whatever is fit for eating is subject to the [prohibition of] breaking a bone, while whatever is not fit for eating is not subject to the [prohibition of] breaking a bone. Wherein do they differ? Said R. Jeremiah: They differ in respect of a Passover-offering which came in a state of uncleanness:¹⁹ on the view that [the verse refers to] a fit [sacrifice].

(1) An infant is circumcised even on the Sabbath, if it is the eighth day after birth (Lev. XII, 3), but not otherwise. This is deduced from 'alone', which is a limitation. But for this, one could infer a fortiori that it is permissible (v. Shab. 132b). Thus we see that an act which need not be done on a particular day may not be done on the Sabbath or on Festivals, and the same applies to unfit sacred food.

(2) Lev. XXIII, 3.

(3) For it intimates: rest thereon, so that work on a festival involves the transgression of both affirmative and negative precepts.

(4) But not those portions of a full-grown ox which are too hard to be eaten (the reference, of course, is to the Passover-offering), though in the case of a young goat these are soft and edible.

(5) E.g., the cartilage of the ears, the gristly portion of the breast, and the small ribs at the end of the spine.

(6) Lit., 'he teaches what they are'.

(7) Lit., 'judged'.

(8) The sinews of the neck of a young goat fit for a Passover-offering are soft, but when it grows older they harden and

are unfit for food.

(9) Thus R. Johanan interprets the 'soft sinews' of the foregoing Baraita as meaning those which are soft now, even if they ultimately harden; while in the view of Resh Lakish it means only those which remain permanently soft.

(10) Which even in the case of a full-grown ox can be eaten after protracted boiling.

(11) At present it is edible, but not when the goat grows older. Can it be defiled as food, since it can now be eaten, or not, since it will ultimately harden.

(12) Whether he milled sound wheat or the refuse! I.e., he was careless about his data.

(13) This refers to the Mishnah in Hul. 122a which states that the skin of the head of a tender goat is as its flesh, i.e., can be defiled as an eatable, which proves that we decide by the present and thus contradicts R. Johanan's answer to Resh Lakish. He, however, countered by stating that he regarded it as an individual's ruling only. Hence when he rules in the present discussion that we decide by the present, it must be on the assumption that that Mishnah represents the opinion of the majority, an assumption, however, which he evidently abandoned.

(14) Ex. XII, 10.

(15) This is a general principle, for when an affirmative precept follows a negative one, it is implied that if the latter is violated, the remedy lies in the former.

(16) Lit., 'this is not of the same denomination'.

(17) It is violated by remaining passive, not by committing a positive act.

(18) Ibid. 46.

(19) I.e., when the majority of the community were unclean; v. Mishnah supra 79a.

Talmud - Mas. Pesachim 84b

this however is unfit;¹ but on the view that whatever is fit for eating [is subject to this law], [surely] this too is fit for eating.² R. Joseph said: In such a case all agree that it is not subject to the [prohibition of] breaking a bone, for Rabbi comes to be [more] lenient³ and this is surely unfit. But⁴ they differ where it enjoyed a period of fitness and then became unfit:⁵ on the view that [the verse refers to] a fit [sacrifice], this [indeed] was fit; but on the view that [only what is] fit for eating [is meant], surely it is not fit for eating now.

Abaye said: In such a case all hold that it is not subject to the [prohibition of] breaking a bone. What is the reason? [Because] at all events it is unfit now. But they differ in respect of breaking a bone during the daytime.⁶ On the view that [the verse refers to] a fit [sacrifice], this [indeed] is fit; but on the view, that [only what is] fit for eating [is subject to this law], at present⁷ it is not fit for eating.

An objection is raised: 'Rabbi said: One may register for the marrow in the head, but one may not register for the marrow in the thigh-bone'. Why [may one register for] the marrow in the head? Because one is able to scrape it and extract it. Now if you think that the breaking of the bone by daylight is permitted, then the thigh-bone too, let us break it during the day, extract the marrow, and register for it? — Abaye can answer you: Yet even according to your view,⁸ let us still take a glowing coal after nightfall, place it upon it, burn it and extract the marrow and register for it? For surely it was taught: But he who burns the bones or cuts the sinew does not violate [the prohibition of] breaking a bone? Then what can you say?⁹ Abaye said: Because it may split.¹⁰ Raba said: [This is impossible] on account of the loss of sacred food, which he may destroy with [his own] hands, as the fire may destroy some of the marrow. [Hence] during the daytime too [it may not be broken] as a preventive measure on account of after nightfall.¹¹

R. Papa said: In such a case all hold that it is subject to the [prohibition of] breaking a bone. What is the reason? [Because] in the evening it is fit for eating. But they differ in respect of a limb part of which went out:¹² On the view that [the verse refers to] a fit [sacrifice], this [indeed] is fit;¹³ while on the view that [only what is] fit for eating [is subject to this law], this, however, is not fit for eating, as was taught: R. Ishmael the son of R. Johanan b. Berokah said: A lamb part of which went

outside, and which he broke, is not subject to the [prohibition of] breaking a bone.

R. Shesheth the son of R. Idi said: In such a case all agree that it is not subject to the [prohibition of] breaking a bone, for this limb is surely unfit. But they differ in respect of breaking a bone of a half-roast [offering].¹⁴ On the view that [the verse refers to] a fit [sacrifice], this is fit;¹⁵ while on the view that [only what is] fit for eating [is subject to this law], now [however] it is not fit for eating.

R. Nahman b. Isaac said: In such a case all agree that it is subject to the [prohibition of] breaking a bone. What is the reason? Because it is surely fit for eating, as he can roast it [completely] and eat it. But they differ in respect of [the breaking of the bone of] the fat tail. On the view that [the verse refers to] a fit [sacrifice], this is indeed fit, but on the view that [only what is] fit for eating [is subject to this law], this [however] is not fit for eating, for the fat tail is offered to the Most High.¹⁶

R. Ashi said: In such a case it is certainly not subject to the [prohibition of] breaking a bone, for it is certainly unfit for eating at all. But they differ in respect of [breaking the bone of] a limb upon which there is less than an olive of flesh.¹⁷ On the view that [the verse refers to] a fit [sacrifice], this indeed is fit; but on the view that [only what is] fit for eating [is subject to this law], we require the standard of eating, which is absent.

Rabina said: In such a case it is not subject to the [prohibition of] breaking a bone, because we require the standard of eating. But they differ in respect of a limb upon which there is less than an olive of flesh at this point,¹⁸ but which contains as much as an olive of flesh elsewhere. On the view that [the verse refers to] a fit [sacrifice], this indeed is fit. But on the view that [only what is] fit for eating [is subject to this law], we require the standard of eating at the point where it is broken, which is absent.

It was taught as four of these.¹⁹ For it was taught, Rabbi said: ‘In one house shall it be eaten . . . neither shall ye break a bone thereof’: he is culpable on account of that which is fit, but he is not culpable on account of that which is not fit. [Thus:] If it had a period of fitness but became unfit by the time of eating, it is not subject to the [prohibition of] breaking a bone. If it contains the standard of eating,²⁰ it is subject to the [prohibition of] breaking a bone; if it does not contain the standard of eating, it is not subject to the [prohibition of] breaking a bone. That which is intended for the altar²¹ is not subject to the [prohibition of] breaking a bone. [Only] at the time of eating is it subject to the [prohibition of] breaking a bone; when not at the time of eating²² it is not subject to the [prohibition of] breaking a bone. It was stated: If a limb does not contain as much as an olive of flesh at this point,²³ but does contain as much as an olive of flesh elsewhere, — R. Johanan maintained: It is subject to the [prohibition of] breaking a bone; R. Simeon b. Lakish said: It is not subject to the [prohibition of] breaking a bone. R. Johanan raised an objection against Resh Lakish: ‘Neither shall ye break a bone thereof’: both a bone upon which there is as much as an olive of flesh and a bone upon which there is not as much as an olive of flesh. Now what does ‘there is not as much as an olive of flesh upon it’ mean? Shall we say that there is not as much as an olive of flesh upon it at all, then why is it subject to the [prohibition of] breaking a bone?²⁴ Hence surely this is what it means: Both a bone upon which there is as much as an olive of flesh at this [very] point and a bone upon which there is not as much as an olive of flesh at this point, but there is as much as an olive of flesh upon it elsewhere? — Said he to him,

(1) Normally such is unfit, for uncleanness is merely overridden in favour of a community, but not permitted, v. supra 77a, p. 398, n. 2; hence it is not subject to the prohibition of breaking a bone.

(2) Since a Passover offered in uncleanness may be eaten in uncleanness, v. supra 76b.

(3) Some versions omit this (Bah).

(4) [Var. lec. omit ‘In such a case . . . But’.]

(5) E.g., the paschal sacrifice became unclean after the sprinkling of the blood.

- (6) Of the fourteenth, before the Festival commences on the evening of the fifteenth.
- (7) I.e., when he actually breaks it.
- (8) Sc. that this is forbidden.
- (9) Why one may not register for the marrow.
- (10) The fire may not burn it through but cause it to crack and split and this is the same as breaking it.
- (11) The point of the 'too' ('during the daytime too') is this: just as it must not be burnt at night by Rabbinical law only, lest something else happen, so he must not break it during the day by Rabbinical law only', also because he may do something else instead, viz., break it at night.
- (12) Without the walls of Jerusalem. The offering had to be eaten in Jerusalem; whatever went outside became unfit. Here as only part of a limb had gone out, this part should be cut out', but this entails cutting across the bone in the limb.
- (13) Sc. the part which remained inside, and when he breaks the bone he naturally touches on that part. Consequently it is forbidden; for the remedy v. Mishnah infra 85b.
- (14) Which is itself forbidden, v. Ex. XII, 9: Eat not of it half-roast (so translated supra 41a).
- (15) The sacrifice itself is fit, though it may not be eaten because it was not properly prepared.
- (16) I.e., it is burnt on the altar together with the emurim (v. Glos.).
- (17) That is the least quantity which constitutes eating
- (18) Where he actually breaks the bone.
- (19) [R. Joseph, R. Nahman b. Isaac, Abaye and Rabina (or R. Ashi). V. n. 5. Var. lec., however, omits the passage.]
- (20) [Either at the point where it is broken, as required by Rabina, or on the limb itself', as required by R. Ashi.]
- (21) I.e., the bone of the fat tail.
- (22) I.e., before nightfall.
- (23) At the point of breaking.
- (24) For R. Johanan and Resh Lakish both, agree that it must contain as much as an olive of flesh before it is subject to the prohibition.

Talmud - Mas. Pesachim 85a

No: it means this: Both a bone which has as much as an olive of flesh on the outside and a bone which has not as much as an olive of flesh on it on the outside, but contains as much as an olive of flesh [marrow] inside, [yet still] at the point of breaking. And it was taught [even so]: 'Neither shall ye break a bone thereof': [this refers to] both a bone which contains marrow and a bone which does not contain marrow, while to what do I apply,¹ and they shall eat the flesh in that night?² To the meat on the bone. Yet perhaps it is not so, but [it applies] to the meat [marrow] inside the bone [too], while to what do I apply, 'neither shall ye break a bone thereof'? To a bone which does not contain marrow; but in the case of a bone which contains marrow he breaks [it] and eats [the marrow]; and do not wonder thereat, for the affirmative command comes and overrides the negative command!³ When, [however,] 'they shall not break a bone thereof'⁴ is stated in connection with the second Passover, which need not have been taught, seeing that it has already been said, according to all the statute of the Passover they shall keep it,⁵ deduce from this [that it means] both a bone which, contains marrow and a bone which does not contain marrow.

An objection is raised: [With regard to] a limb part of which went outside,⁶ he cuts [the flesh] as far as the bone, and pares it until he reaches the joint and then cuts it off.⁷ Now if you say [that] a limb upon which there is not as much as an olive at this point but there is as much as an olive on it elsewhere is not subject to the [prohibition of] breaking a bone, why does he pare it until he reaches the joint and [then] cut it off? Let us scrape a little away and break it? — Abaye said: [This cannot be done] because of a [possible] split.⁸ Rabina said: This refers to the thigh bone.⁹

We learned elsewhere: Piggul and nothar¹⁰ defile the hands.¹¹ R. Huna and R. Hisda, — One maintained: It was on account of the suspects of the priesthood;¹² while the other maintained: It was on account of the lazy priests.¹³ One recited [the reason] in reference to piggul, while the other recited it in reference to nothar. He who recited it in reference to piggul [gave the reason as being]

on account of the suspects of the priesthood. While he who recited it in reference to nothar [stated that it was] on account of the lazy priests. One recited: As much as an olive;¹⁴ while the other recited: As much as an egg. He who recited, as much as an olive [took the same standard] as its prohibition,¹⁵ while he who recites, as much as an olive, [takes the same standard] as its uncleanness.¹⁶

The scholars asked: Did the Rabbis enact uncleanness in respect of what goes outside¹⁷ or not? Do we say, they imposed uncleanness on nothar because they [the priests] might come to be lazy about it; but [concerning] that which goes outside, they will [certainly] not carry it out with [their own] hands, [and so] the Rabbis did not decree uncleanness in connection therewith. Or perhaps there is no difference? — Come and hear: If part of a limb went outside, he cuts [the flesh] as far as the bone and pares it until he reaches the joint and then cuts it off. Now if you say that the Rabbis imposed uncleanness upon it, what if he does cut? Surely it defiles it?¹⁸ — It is concealed uncleanness,¹⁹ and concealed uncleanness does not defile. But according to Rabina who maintained: The connection of foodstuffs is not a real connection, and they are as though separated,²⁰ what can be said: surely they²¹ touch each other and it [the inner portion] is defiled? — Hence according to him who recited, as much as an olive, [we must say here] that it²² did not contain as much as an olive; while according to him who recited, as much as an egg, [we must say] that it did not contain as much as an egg.

Come and hear: If a man carries out flesh of a Passover-offering from one company to another,²³ though he [has violated] a negative injunction, it [the flesh] is clean. Now does that not mean that it is clean yet forbidden, because that which goes out from one company to another company is like that which goes outside its boundary²⁴ and is disqualified [for eating], yet even so it teaches [that] it is clean, which proves that the Rabbis did not decree uncleanness! — No: it is clean and permitted, because that which goes out from company to company is not like that which goes outside its boundary, and it is not disqualified. But surely the second clause teaches: He who eats it is subject to a negative injunction? As for him who says, as much as an egg, it is well: [this may refer to] where it contains as much as an olive²⁵ but not as much as an egg. But according to him who says as much as an olive, what can be said? — Rather [say thus]: We do not ask in respect of what goes out in the case of a Passover-offering, for the Rabbis [certainly] did not decree uncleanness [there]. What is the reason? The members of a company²⁶ are most scrupulous, and so are very careful with it.²⁷ But we do ask in respect of what goes out in the case of sacrifices [in general]: what [is the law]? The question stands over.

Now he who carries out flesh of the Passover-offering

(1) Lit., 'and how do I fulfil?'

(2) Ex. XII, 8.

(3) V. supra 83b, P. 439. n. 1.

(4) Num. IX, 12.

(5) Num. IX, 12.

(6) V. supra 84b, p. 444, n. 2.

(7) While the flesh which he cut on (i.e., which had not gone outside) is eaten.

(8) When he hits the bone to break it, it may split elsewhere, not just where it was scraped.

(9) Which contains marrow; hence scraping the flesh off is of no avail.

(10) V. Glos.

(11) By Rabbinic law; v. infra 120b.

(12) Who were suspected of maliciously making the sacrifice piggul to hurt its owner, who would have to bring another; therefore the priest who handles it was declared unclean, since defilement was regarded as very serious even by the wicked (Rashi, and Tosaf. quoting Yoma 23a). Another interpretation: so that he who touched it should not be suspected of intending to eat it, as it would be known that he could not do this in his unclean state.

(13) Who were too indolent to consume the flesh within the permitted period and allowed it to become nothar.

- (14) Of these defiled the hands.
- (15) That quantity involves punishment if it is eaten.
- (16) As much as an egg is the smallest quantity which defiles by Biblical law. Hence when the Rabbis enacted that this defiles the hands, they adopted the same standard.
- (17) Its appointed boundaries.
- (18) The inner portion of the flesh is defiled by contact with the part which went outside.
- (19) This is a technical term: the actual point of contact is not visible in the same way that the contact of two separate pieces of flesh is visible.
- (20) Since foodstuffs are intended to be cut up. In his view the law of concealed uncleanness is only applicable where the object is not intended to be cut, e.g., a piece of cloth, v. Hul. 72b.
- (21) The two parts.
- (22) The portion which went outside.
- (23) Cf. Mishnah infra 86a.
- (24) Within which it much be eaten. Viz., the walls of Jerusalem.
- (25) Which involves punishment.
- (26) Who have registered for one paschal sacrifice.
- (27) Hence there is no need for a preventive measure.

Talmud - Mas. Pesachim 85b

from one company to another company, how do we know [that he violates a negative injunction]? — Because it was taught: Thou shalt not carry forth aught of the flesh abroad out of the house:¹ I only know [that it must not be taken] from one house to another house; whence do we know [that it must not be taken] from one company to another company?² Because it is stated, ‘abroad’, [meaning] outside [the place of] its consumption.

R. Ammi said: He who carries out flesh of the Passover-offering from one company to another company is not culpable unless he deposits [it there]: ‘carrying out’ is written in connection with it as [in connection with] the Sabbath;³ [hence] just as [in the case of] the Sabbath, [he is not culpable] unless he removes and deposits,⁴ so here too [he is not culpable] unless he removes it [from one company] and deposits it [with the second]. R. Abba b. Mammel raised an objection: If they were carrying them on staves, the front bearers having gone outside the walls of the Temple Court while the rear ones had not [yet] gone out, those in front defile [their] garments while those behind do not defile their garments.⁵ But it has not come to rest?⁶ He raised the objection and he himself answered it: It refers to [carcasses] which are trailed [along the ground].⁷

MISHNAH. IF PART OF A LIMB WENT OUTSIDE, HE CUTS [THE FLESH] AS FAR AS THE BONE AND PARES IT UNTIL HE REACHES THE JOINT AND CUTS IT AWAY. BUT IN THE CASE OF [OTHER] SACRIFICES HE CUTS IT OFF WITH A CHOPPER, BECAUSE THEY ARE NOT SUBJECT TO THE [PROHIBITION OF] BREAKING A BONE. FROM THE DOOR-STOP AND WITHIN RANKS AS WITHIN [THE CITY];⁸ FROM THE DOOR-STOP AND WITHOUT IS AS OUTSIDE [THE CITY]. THE WINDOWS⁹ AND THE THICKNESS OF THE WALL ARE AS THE INSIDE.

GEMARA. Rab Judah said in Rab's name: And it is likewise in respect of prayer.¹⁰ He differs from R. Joshua b. Levi. For R. Joshua b. Levi said: Even an iron partition cannot interpose between Israel and their Father in Heaven.¹¹ Now this is self-contradictory. You say, FROM THE DOORSTOP AND WITHIN RANKS AS WITHIN [THE CITY]; hence the [area of] the door-stop itself is as the outside. Then consider the sequel: FROM THE DOOR-STOP AND WITHOUT IS AS OUTSIDE [THE CITY]; hence the door-stop itself is as the inside? — There is no difficulty: one refers to the gates of the Temple Court;¹² the other, to the gates of Jerusalem.¹³ For R. Samuel b. R. Isaac said: Why were the gates of Jerusalem not sanctified?¹⁴ Because lepers shelter under them in

summer¹⁵ from the sun and in winter¹⁶ from the rain. R. Samuel son of R. Isaac also said: Why was the gate of Nicanor¹⁷ not sanctified? Because lepers stand there and insert the thumbs of their hands [into the Court].¹⁸

THE WINDOWS AND THE THICKNESS OF THE WALL etc. Rab said: The roofs and the upper chambers were not sanctified.¹⁹ But that is not so, for Rab said on the authority of R. Hiyya: There was [only] as much as an olive of the Passover-offering [to eat],²⁰ yet the Hallel²¹ split the roofs!²²

(1) Ex. XII, 46.

(2) Even in the same house.

(3) Sc. in Ex. XVI, 29: let no man go out of his place on the seventh day (Tosaf. s.v. **הוֹצֵא**).

(4) Lit., 'he uproots and lays at rest'. Removing it from private and depositing it in public ground or the reverse; v. Shab. 2a.

(5) This refers to the bullocks which were burnt outside the three camps (v. p. 343 n. 2); Jerusalem itself is the third camp but the bearers defiled their garments as soon as they left the first camp, viz., the Temple Court. This is deduced in Yoma 68a from Lev. XVI, 27: and the bullocks of the sin-offering . . . shall be carried forth without the camp.

(6) It was not put down, yet it defiles, though 'carrying out' is written there.

(7) Which constitutes depositing.

(8) The door-frame in the the city walls of Jerusalem was of considerable breadth — sufficient for the Passover-offering to be eaten there. The Mishnah states that everywhere on the inside of this door-frame is as inside the city, while that on the outside is as the outside of the city. The Gemara discusses the status of the door-frame space itself.

(9) In the city walls; these too occupied a considerable breadth.

(10) Certain portions of the service are recited only when there is a quorum of ten men (called minyan). A man standing in the inside of the door-stop is counted with those inside the room, but not he who is standing outside the door-stop.

(11) Hence even if he stands outside the door-stop, he is counted with the others.

(12) There the space of the door-stop itself is as the inside.

(13) There it is as the outside.

(14) I.e., the space occupied by the thickness of the gates.

(15) Lit., 'the sun'.

(16) Lit., 'the rain'.

(17) The east gate of the Temple Court.

(18) V. Lev. XIV, 17 and Yeb. 7b.

(19) The roofs of the houses of Jerusalem are not sanctified, in the sense that sacrifices which are eaten anywhere in Jerusalem may not be eaten on them. Similarly, the sacrifices which had to be eaten within the Temple precincts might not be eaten on its roof or in its upper chambers.

(20) Very large companies registered for each sacrifice, so that each person could not receive more than that.

(21) V. p. 324, n. 2.

(22) It was sung with such gusto.

Talmud - Mas. Pesachim 86a

Does that not mean that they ate on the roof and recited [the Hallel] on the roof? No: they ate on the ground and recited [it] on the roof. Yet that is not so, for surely we learned: You must not conclude after the Paschal meal [by saying] 'To the aftermeal entertainment!'¹ and Rab said: [That means] that they must not remove from one company to another?² — There is no difficulty: there it is at the time of eating;³ here it is not at the time of eating.⁴ Come and hear: Abba Saul said: The upper chamber of the Holy of Holies was more stringent than the Holy of Holies, for the High Priest entered the Holy of Holies once a year, whereas the upper chamber of the Holy of Holies was entered only once a septennate — others say, twice a septennate — others say, once in a Jubilee — to see what it required?⁵ -Said R. Joseph: Shall a man stand up and raise an objection from the Hekal!⁶ The Hekal is different, because it is written, Then David gave to Solomon his son the pattern of the porch [of

the Temple], and of the houses thereof, and of the treasuries thereof, and of the upper rooms thereof, and of the inner chambers thereof, and of the place of the ark-cover;⁷ and it is written, All this [do I give thee] in writing, as the Lord hath made me wise by His hand upon me.⁸

Come and hear: [With regard to] the chambers built in the sacred area⁹ and opening into the non-sacred area,¹⁰ their inside is non-sacred,¹¹ while their roofs are sacred? — R. Hisda explained this [as meaning] where their roofs were level with the ground of the Temple Court.¹² If so, consider the second clause: [As to] those built in the non-sacred [area] and opening into the sacred [area], their inside is sacred, while their roofs are non-sacred. Now if you think that it means where their roofs are level with the ground of the Temple Court, then they are cellars, whereas R. Johanan said: The cellars were not sanctified? — R. Johanan said this only in respect of those opening into the Temple Mount; [whereas] that was taught in respect of those opening into the Temple Court. But it was taught, R. Judah said: The cellars under the Hekal were non-sacred?¹³ — That was taught where they opened into the non-sacred [area].

Come and hear: And its roof is sacred?¹⁴ — Now is that logical: surely he teaches: As for these roofs, you may not eat there sacrifices of the greater sanctity, nor kill there sacrifices of the lesser sanctity.¹⁵ But in that case 'its roof is holy' presents a difficulty? — Said R. Hama b. Guria: [That was taught] in respect of those two cubits. For we learned: There were two cubits [measures] in Shushan the Castle,¹⁶ one on the north-east corner and one on the south-east corner. That on the north-east corner exceeded [the cubit] of Moses¹⁷ by half a fingerbreadth, while that on the south-east corner exceeded it [sc. the first cubit] by half a fingerbreadth, so that it exceeded [the cubit] of Moses by a fingerbreadth. And why was one large and one small?¹⁸ So that the workers might receive [contracts] by the small [measure] and deliver [the work] by the large one, to avoid liability to a trespass-offering.¹⁹ Any why two? One was for [work in] gold and silver,²⁰ while the other was [or building].²¹ We learned: THE WINDOWS AND THE THICKNESS OF THE WALL ARE AS THE INSIDE. As for the windows, it is well, this being possible where they were level with the ground of the Temple Court; but how is the thickness of the wall conceivable?²² — It is possible in the case of the inner wall,²³ as it is written, But he hath made the rampart and the wall to mourn,²⁴ which R. Aha — others say, R. Hanina — interpreted: the wall proper and the minor wall.

MISHNAH. IF TWO COMPANIES ARE EATING IN ONE ROOM,²⁵ THESE MAY TURN THEIR FACES IN ONE DIRECTION AND THOSE MAY TURN THEIR FACES IN ANOTHER DIRECTION,²⁶ WITH THE BOILER²⁷ IN THE MIDDLE.²⁸ WHEN THE WAITER²⁹ RISES TO MIX [THE WINE], HE MUST SHUT HIS MOUTH AND TURN HIS FACE AWAY [FROM THE OTHER COMPANY] UNTIL HE REACHES HIS OWN COMPANY.³⁰ BUT A BRIDE³¹ MAY TURN HER FACE AWAY AND EAT.

GEMARA. Who is [the author of] our Mishnah? — It is R. Judah. For it was taught: Upon the houses wherein they shall eat it:³² this teaches that a Paschal lamb may be eaten in two companies. You might think that the eater may eat in two places,³³ therefore It is stated, In one house shall he eat it.³⁴ Whence it was said: If the waiter³⁵ ate as much as an olive at the side of the oven, if he is wise he eats his fill³⁶ of it; but if the members of the company wish to do him a favour, they come and sit at his side:³⁷ this is R. Judah's opinion. R. Simeon said: 'Upon the houses wherein they shall eat it:' this teaches that the eater may eat in two places.³⁸

(1) It was customary among ancient nations to conclude a banquet with bouts of drinking, revelry and music. The sanctity of the Paschal meal precluded this, as it would turn an occasion of solemnity and reverential gratitude to God into one of light-hearted frivolity.

(2) For the purpose mentioned in the preceding note. Thus the whole service must be carried out in the same place.

(3) Then a change of place is forbidden.

(4) The hallel was recited after the meal was concluded; praise to God is then permissible anywhere.

- (5) E.g., repairs. Thus the upper chambers were sanctified.
- (6) The Holy, the hall containing the golden altar etc. , contrad. to the Holy of Holies (Jast.). In the present passage, however, R. Joseph appears to use the word more elastically, making it embrace the Holy of Holies too.
- (7) I Chron. XXVIII, 11.
- (8) Ibid. 19. 'The Lord hath made me wise' is understood to mean that he was Divinely inspired to sanctify all those mentioned in the foregoing, which include the 'upper room'.
- (9) I.e., the Temple Court.
- (10) Sc. the Temple Mount; i.e., they had no doors opening into the Temple Court.
- (11) They lack the sanctity of the Temple Court, though they possess that of the Temple Mount, for their status is determined by their openings.
- (12) The chambers referred to being cellars.
- (13) This is now assumed to refer even to those opening into the Temple Court.
- (14) Sc. the roof of the Hekal, this being the conclusion of R. Judah's statement. R. Joseph's answer that the hekal was different on account of the explicit verse is inapplicable here, for the roofs are not mentioned in that verse.
- (15) V. supra p. 108, n. 2. Thus it is definitely stated that they did not enjoy the sanctity of the Temple Court.
- (16) A chamber built above the eastern gate of the Temple, so called because the picture of the castle of Shushan in the capital of the Persian empire, was sculptured upon it.
- (17) I.e., the standard cubit.
- (18) Why not simply the standard cubit of Moses?
- (19) E.g., they contracted to build a certain length in terms of the standard cubit; nevertheless they completed their contract according to the length of the larger measure. The purpose was to preclude the possibility of benefiting from the Sanctuary over and above their exact due, which would involve them in trespass.
- (20) This being more difficult, they added only half a fingerbreadth to the standard measure.
- (21) Where a whole fingerbreadth was added. — Now the roofs were sanctified only in so far that these measuring rods and similar utensils or vessels which were not used in the actual service of the altar might be kept in them. But they were not sanctified in respect of anything else.
- (22) For by the thickness of the wall must be meant the top, which is the same as the upper chambers and the roofs, while the top of the city wall was certainly not on a level with the Temple Mount.
- (23) A smaller wall on the inside of the larger wall; the top of the former was level with the greatest height of the ground of the Temple Court, which itself reached several different heights in gradient.
- (24) Lam. II, 8.
- (25) Of the same Paschal offering.
- (26) They are not bound all to face each other, though they were originally one company for this offering.
- (27) In which water was heated for diluting the wine.
- (28) Though this seems further to emphasize their separateness.
- (29) Who is waiting on both parties. He too had registered for this offering—a Jewish waiter, of course is meant.
- (30) Lest he be suspected of eating with the other company too. This Tanna holds that one Paschal lamb may be eaten in two companies, but one person may not eat in two places.
- (31) Who in her modesty does not wish to face the company.
- (32) Ex. XII, 7.
- (33) Of the same offering. E.g., either in two separate rooms or even in one room containing two companies, which makes it like two rooms.
- (34) Ex. XII, 46. The vocalization is **יֵאָכַל** (passive E.V.: shall it be eaten), but it may also be read **יֵאָכְלוּ**, and R. Judah holds that the traditional consonantal form of the word determines Its meaning regardless of vocalization.
- (35) Engaged in roasting the offering.
- (36) Lit., 'fills his stomach'.
- (37) And eat there, but he may not go and eat with them, as he would thereby be eating in two places.
- (38) 'They shall eat' referring to each individual separately, who is thus permitted to eat in 'the houses'.

Talmud - Mas. Pesachim 86b

You might think that it may be eaten in two companies. Therefore it is stated, 'In one house shall it

be eaten.’¹ Wherein do they differ? R. Judah holds: The traditional [non-vocalized] text is authoritative; while R. Simeon holds: The text as read [as vocalized] is authoritative.²

If they were sitting [in one company], and a partition was spread between them,³ — on the view that [one] Paschal lamb may be eaten in two companies, they may eat [thus]; [but] on the view that [one] Paschal lamb may not be eaten in two companies, they may not eat [thus]. If they were sitting⁴, when the partition was removed from between them:⁵ on the view that the eater may eat in two places, they may [go on] eating [thus]; but on the view that the eater may not eat in two places, they may not [go on] eating. R. Kahana sat [and] stated this as a definite ruling. Said R. Ashi to R. Kahana: You should [rather] ask it as a question: Does the removing of a partition or the setting up of a partition transform it into two places or two companies [respectively] or not? The question stands over.

THE BRIDE TURNS HER FACE AWAY etc. What is the reason? — Said R. Hiyya b. Abba in R. Johanan's name: Because she is modest.⁶

R. Huna the son of R. Nathan visited the home of R. Nahman b. Isaac. They asked him, ‘What is your name?’ ‘Rab Huna,’ replied he.⁷ ‘Would you, Sir, sit down on the couch,’ said they, and he sat down. Then they offered him a goblet, which he accepted at the first [invitation]⁸ but he drank it in two times, without turning his face away. They asked him, ‘What is the reason that you called yourself Rab Huna?’ [He replied:] ‘That is my name.’⁹ ‘What is the reason that when they told you to sit on the couch you did sit?’¹⁰ Said he to them: ‘Whatever your host tells you, do.’¹¹ ‘What is the reason that when a goblet was offered you you accepted it at the first invitation?’ Said he to them: ‘One must show reluctance to a small man, but one must not show reluctance to a great man. ‘Why did you drink it in two times?’ — Said he to them: ‘Because it was taught: He who drinks his goblet in once is a gourmand; in two times, shows good breeding; in three times, is of the arrogant. Why did you not turn your face away?’¹² — ‘We learned, A BRIDE TURNS HER FACE AWAY,’ replied he.¹³

R. Ishmael Son of R. Jose visited the home of R. Simeon b. R. Jose b. Lakunia. They offered him a goblet, which he accepted at the first invitation and drank in one draught. Said they to him: ‘Do you not agree that he who drinks his goblet in one draught is greedy?’ Said he to them: ‘This was not said when your goblet is small, your wine sweet, and my stomach broad’.¹⁴ R. Huna said: The members of a company enter three at a time, and depart even singly.¹⁵ Rabbah observed: But that is only if they enter at the time when people generally enter,¹⁶ and providing that the attendant had taken notice of them.¹⁷ Rabina said: And they must make their [full] payment;¹⁸ and the last must pay extra.¹⁹ But the law does not agree with him. [

(1) Each Paschal lamb must be eaten in one company, but the person is not bound to retain the same position in the company all the time.

(2) V. n. 1; also Sanh., Sonc. ed. p. 10, n. 4.

(3) Thus transforming them into two companies.

(4) In two rooms.

(5) Thus making them into one company; furthermore, a new area is added to each, and this renders the whole as another place.

(6) And as a bride she is naturally the cynosure of all eyes.

(7) Mentioning his title of Rabbi.

(8) Lit. , ‘in one time’ — he did not wait to be pressed a second time.

(9) Lit., ‘I am the master of the name’. Rashi: I have been called Rab Huna even as a child. Thus Rab in his case was a proper name, not only a title. [R. Hananel: an ordained Rabbi and known by this designation.]

(10) The couch was reserved for distinguished visitors, others sitting on ordinary stools. His immediate compliance therefore savoured of arrogance.

(11) Var. lec.: except 'depart'. The text reads better without this addition, but if it is retained it was probably meant humorously — a guest should not outstay his welcome until he is told to go!

(12) Which would have been more mannerly in their opinion.

(13) But not others.

(14) R. Ishmael was very stout, v. 84a.

(15) Rashi: This does not refer particularly to the Passover-offering. The members of a company should enter for meals three at a time in order to facilitate the work of the waiter, but may depart even singly though the waiter has still to attend on the rest. R. Han.: When a company registers for a Passover-offering and three of them (but not less) enter the house at the normal time for eating, they can eat without waiting for the rest. But if they had already assembled and then left for some purpose, even if only one is left he can eat alone and need not wait for their return.

(16) I.e., not earlier, in which case they must wait for the rest.

(17) According to Rashi: They notified the waiter of their intention to depart singly. R. Hananel: The waiter had been sent to find them and failed. MS.M. too reads: the attendant has searched for them.

(18) [To the waiter for the extra trouble incurred. R. Hananel: the one who eats the Paschal lamb on his own, if he ate more than his share, v. Aruch s.v. **שייט**.]

(19) To the water for the extra trouble incurred. [R. Hananel omits this clause.]

Talmud - Mas. Pesachim 87a

CHAPTER VIII

MISHNAH. A WOMAN, WHEN SHE IS IN HER HUSBAND'S HOME, AND HER HUSBAND SLAUGHTERED ON HER BEHALF AND HER FATHER SLAUGHTERED ON HER BEHALF, MUST EAT OF HER HUSBAND'S. IF SHE WENT TO SPEND THE FIRST FESTIVAL IN HER FATHER'S HOME,¹ AND HER FATHER SLAUGHTERED ON HER BEHALF AND HER HUSBAND SLAUGHTERED ON HER BEHALF, SHE MAY EAT WHEREVER SHE PLEASURES. AN ORPHAN ON WHOSE BEHALF HIS GUARDIANS SLAUGHTERED² MAY EAT WHEREVER HE PLEASURES. A SLAVE OF TWO PARTNERS MAY NOT EAT OF EITHER.³ HE WHO IS HALF SLAVE AND HALF FREE⁴ MUST NOT EAT OF HIS MASTER'S.⁵

GEMARA. [Hence] you may infer from this that selection is retrospective?⁶ — [No:] what does 'SHE PLEASURES' mean? At the time of the slaughtering.⁷ Now the following contradicts this: A woman, on the first Festival, eats of her father's; thereafter, if she desires she eats of her father's, [while] if she desires she eats of her husband's?⁸ There is no difficulty: there it means when she is eager to go [to her father's home];⁹ here [in our Mishnah] it means when she is not eager to go. For it is written, Then was I in his eyes as one that found peace [shalom],¹⁰ which R. Johanan interpreted: Like a bride who was found perfect [shelemah] in her father-in-law's home and is eager to go and recount her merits in her father's house, as it is written,¹¹ And it shall be at that day, saith the Lord, that thou shalt call Me My husband [Ishi], and thou shalt call Me no more My Master [Ba'ali]:¹² R. Johanan said: [That means] like a bride in her father-in-law's house, and not like a bride in her father's house.¹³

We have a little sister, and she hath no breasts¹⁴ R. Johanan said: This alludes to Elam, who was privileged to study but not to teach.¹⁵

I am a wall, and my breast like the towers thereof.¹⁶ R. Johanaïl said: 'I am a wall' alludes to the Torah; 'and my breasts like the towers thereof,' to scholars. While Raba interpreted: 'I am a wall' symbolizes the community of Israel; 'and my breasts like the towers thereof' symbolizes the synagogues and the houses of study.

R. Zutra b. Tohiah said in Rab's name: What is meant by the verse, We whose sons are as plants grown up in their youth; whose daughters are as corner-pillars carved after the fashions of the

Temples?¹⁷ 'We whose sons are as plants' alludes to the young men of Israel who have not experienced the taste of sin. 'Whose daughters are as corner pillars,' to the virgins of Israel who reserve themselves¹⁸ for their husbands; and thus it is said, And they shall be filled like the basins, like the corners of the altar.¹⁹ Alternatively. [a parallel is drawn] from the following. Whose garners are full, affording all manner of store.²⁰ 'Carved after the fashion of the Temple.'²¹ both the one and the other, the Writ ascribes [Praise] to them as though the Temple were built in their days.

The word of the Lord that came unto Hosea the son of Beeri, in the days of Uzziah, Jotham, Ahaz, and Hezekiah, kings of Judah:²² Four prophets prophesied in one age, and the greatest of all of them was Hosea. For it is said, The Lord spoke at first with Hosea:²³ did He then speak first with Hosea; were there not many prophets from Moses until Hosea? Said R. Johanan: He was the first of four prophets who prophesied in that age. and these are they: Hosea, Isaiah, Amos and Micah. The Holy One, blessed be He, said to Hosea, 'Thy children have sinned,' to which he should have replied. 'They are Thy children, they are the children of Thy favoured ones they are the children of Abraham, Isaac, and Jacob; extend²⁴ Thy mercy to them.' Not enough that he did not say thus, but he said to Him: 'Sovereign of the Universe! The whole world is Thine; exchange them for a different nation. Said the Holy One, blessed be He, 'What shall I do with this old man? I will order him: "Go and marry²⁵ a harlot and beget thee children of harlotry"; and then I will order him: "Send her away from thy presence." If he will be able to send [her] away. so will I too send Israel away.' For it is said, And the Lord said unto Hosea!: 'Go, take unto thee a wife of harlotry and children of harlotry';²⁶ and it is written, So he went and took Gomer the daughter of Diblaim.²⁷ 'Gomer': Rab said, [That intimates] that all satisfied their lust [gomerim]²⁸ on her; 'the daughter of

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- (1) It was the custom for a woman to spend the first Festival after her marriage in her father's house.
 - (2) He had more than one guardian, and each kind a Passover-offering with him as one of its eaters.
 - (3) Even if one specifically registered him in his company, since half of the slave belongs to another man. Hence he may eat only if both agree that he should be registered with one. — A slave in a Jewish house has the status of a semi-Jew, and if circumcised he ate of the Paschal offering (v. Ex. XII, 44).
 - (4) E.g. 'he had belonged to two masters, and one had manumitted him.
 - (5) As we assume that his master did not count in the free half.
 - (6) Lit., 'there is bererah'. Bererah is a technical term denoting that a choice or selection made now has retrospective validity in a legal sense. For it is assumed that the Mishnah means that the woman may eat of whichever offering she desires now, though she had not yet made her choice when it was killed and its blood was sprinkled. But the Passover-offering may be eaten only by those who had registered for it and on whose behalf it was killed. Hence when we say that her present choice permits her to eat thereof, it proves that this choice is retrospectively valid, as though she had declared it before the offering was killed. Actually there is a controversy (B.K. 51b; Bez. 38a; GIT. 25a) in this matter.
 - (7) It was then that she had declared her choice.
 - (8) Whereas the Mishnah states that at the first Festival she makes her choice.
 - (9) Then she eats of her father's even if she had not expressed her desire previously, as it is taken for granted. Cf. Keth. 71b, (Sonc. ed.) pp. 445ff notes.
 - (10) Cant. VIII, 10.
 - (11) Var. lec.: it is written, this introducing a new passage.
 - (12) Hos. II, 18.
 - (13) I.e., like a bride who has already gone over to her husband completely, and is more intimate with him (viz., after nissu'in, the completion of marriage), and not like a bride in her father's house, which is after erusin (betrothal) only (Rashal).
 - (14) Cant. VIII, 8.
 - (15) V. Sanh., Sonc. ed. p. 138. n. 5.
 - (16) Ibid. 10.
 - (17) Ps. CXLIV, 12. On hekal v. infra p. 512. n. 6. E.V.: a palace.
 - (18) Lit., 'seal their openings'.

- (19) Zech. IX, 1.
 (20) Ps. CXLIV, 13.
 (21) Ibid. 12.
 (22) Hos. I, 1.
 (23) Ibid. 2. lit. translation. E.V.: When the Lord etc.
 (24) Lit., 'roll'.
 (25) Lit., 'take'.
 (26) Ibid.
 (27) Ibid. 3.
 (28) Lit., 'to complete'.

Talmud - Mas. Pesachim 87b

Dibblaim': [a woman of] in fame [dibbah] and the daughter of [a woman of] in fame [dibbah].¹ Samuel said: [It means] that she was as sweet in everyone's mouth as a cake of figs [debelah]. While R. Johanan interpreted: [It means] that all trod upon her² like a cake of figs [is trodden]. Another interpretation: 'Gomer': Rab Judah said: They desired to destroy [le-gammer] the wealth of Israel in her days. R. Johanan said: They did indeed despoil [their wealth]. for it is said, For the king of Aram [Syria] destroyed then, and made them like the dust in threshing.³

And she conceived, and bore him a son. And the Lord said unto him: 'Call his name Jezreel; for yet in little while, and I will visit the blood of Jezreel upon the house of Jehu, and will cause to cease the kingdom of the house of Israel. And it shall come to pass at that day, that I will break the bow of Israel in the valley of Jezreel.' And she conceived again, and bore a daughter. And He said unto him: 'Call her name Lo-ruhamah [that hath not obtained compassion]; for I will no more have compassion upon the house of Israel, that I should in any wise pardon them . . . And she conceived, and bore a son. And He said: 'Call his name Lo-ammi [not my people]; for ye are not My people, and I will not be yours.⁴ After two sons and one daughter were born to him, the Holy One, blessed be He, said to Hosea: 'Shouldst thou have not learned from thy teacher Moses, for as soon as I spoke with him he parted from his wife; so do thou too part from her.' 'Sovereign of the Universe!' pleaded he: 'I have children by her, and I can neither expel her nor divorce her.' Said the Holy One, blessed be He, to him: 'Then if thou, whose wife is a harlot and thy children are the children of harlotry, and thou knowest not whether they are thine or they belong to others, yet [thou] art so; then Israel who are My children, the children of My tried ones, the children of Abraham, Isaac and Jacob; one of the four possessions which I have acquired in this world — (The Torah is one possession, for it is written, The Lord acquired me as the beginning of His way.⁵ Heaven and earth is one possession. as It is written, [God Most High] Who possesses heaven and earth.⁶ The Temple is one possession, for it is written, This mountain [sc. the Temple Mount], which His right hand had acquired.⁷ Israel is one possession, for it is written, This people that Thou hast gotten.)⁸ Yet thou sayest, Exchange them for a different people!' As soon as he perceived that he had sinned, he arose to supplicate mercy for himself. Said the Holy One, blessed be He, to him: 'Instead of supplicating mercy for thyself, supplicate mercy for Israel, against whom I have decreed three decrees because of thee'.⁹ [Thereupon] he arose and begged for mercy, and He annulled the decree[s]. Then He began to bless them, as it is said: Yet the number of the children of Israel shall be as the sand of the sea . . . and it shall come to pass that, instead of that it which was said unto them: Ye are not My people', it shall be said unto them: Ye are the children of the living God.' And the children of Judah and the children of Israel shall be gathered together . . . And I will sow her unto Me in the land; and I will have compassion upon her that hath not obtained compassion; and I will say to them that were not My people: 'Thou art My people.'¹⁰

T. Johanan said: 'Woe to lordship which buries [slays] its possessor, for there is not a single prophet who did not outlive¹¹ four kings, as it is said, The vision of Isaiah the sun of Amoz, which

he saw concerning Judah and Jerusalem, in the days of Uzziah, Jotham, Ahaz, and Hezekiah, kings of Judah.¹²

R. Johanan said: How did Jeroboam the son of Joash king of Israel merit to be counted together with the kings of Judah? Because he did not heed¹³ slander against Amos. Whence do we know that he was counted [with them]? Because it is written, The word of the Lord that came into Hosea the son of Beeri, in the days of Uzziah, Jotham, Ahaz, and Hezekiah, kings of Judah, and in the days of Jeroboam the son of Joash king of Israel.¹⁴ And whence do we know that he did not heed slander? Because it is written, Then Amaziah the priest of Beth-el sent to Jeroboam king of Israel, saying, Amos hath conspired against thee [etc.];¹⁵ and it is written, For thus Amos saith: Jeroboam shall die by the sword [etc.].¹⁶ Said he [Jeroboam]: 'Heaven forfend that that righteous man should have said thus! Yet if he did say, what can I do to him! The Shechinah told it to him.

R. Eleazar said: Even when the Holy One, blessed be He, is angry,¹⁷ He remembers compassion, for it is said, for I will no more have compassion upon the house of Israel.¹⁸ R. Jose son of R. Hanina said [i.e., deduced] it from this: that I would in any wise pardon them.¹⁹ R. Eleazar also said: The Holy One, blessed be He, did not exile Israel among the nations save in order that proselytes might join them, for it is said: And I will sow her unto Me in the land;²⁰ surely a man sows a se'ah in order to harvest many kor! While R. Johanan deduced it from this: And I will have compassion upon her that hath not obtained compassion.²¹

R. Johanan said on the authority of R. Simeon b. Yohai: What is meant by the verse, Slander not a servant unto his master, lest he curse thee, and thou be found guilty?²² And it is written, A generation that curse their father, and do not bless their mother:²³ because they curse their father and do not bless their mother, therefore do not slander?²⁴ But [it means:] even if they [the slaves] are a generation that curse their father and do not bless their mother, yet do not slander [etc.]. Whence do we know it? From Hosea.²⁵

R. Oshaia said: What is meant by the verse, Even the righteous acts of His Ruler in Israel?²⁶ The Holy One, blessed be He, showed righteousness [mercy] unto Israel by scattering them among the nations. And this is what a certain sectarian²⁷ said to R. Hanina, 'We are better than you. Of you it is written, For Joab and all Israel remained there six months, until he had cut off every male in Edom;²⁸ whereas you have been with us many years yet we have not done anything to you!' Said he to him, 'If you agree, a disciple will debate it with you.' [Thereupon] R. Oshaia debated it with him, [and] he said to him, ' [The reason is] because you do not know how to act. If you would destroy all, they are not among you.²⁹ [Should you destroy] those who are among you, then you will be called a murderous kingdom!' Said he to him, 'By the Capitol of Rome!³⁰ with this [care] we lie down and with this [care] we get up.'³¹

R. Hiyya taught: What is meant by the verse, God understandeth the way thereof, and He knoweth the place thereof?³² The Holy One, blessed be He, knoweth that Israel are unable to endure³³ the cruel decrees of Edom,³⁴ therefore He exiled them to Babylonia. R. Eleazar also said: The Holy One, blessed be He, exiled Israel to Babylonia only because it is as deep as she'ol, for it is said, I shall ransom them from the power of the nether-world [she'ol]; I shall redeem them from death.³⁵ R. Hanina said: Because their language is akin to the language of the Torah. R. Johanan said: Because He sent them back to their mother's house.³⁶ It may be compared to a man who becomes angry with his wife: Whither does he send her? To her mother's house. And that corresponds to [the dictum] of R. Alexandri, who said: Three returned to their original home,³⁷ viz., Israel, Egypt's wealth, and the writing of the Tables. Israel, as we have said. Egypt's wealth, as it is written, And it came to pass in the fifth year of King Rehoboam, that Shishak king of Egypt came up against Jerusalem; and he took away the treasurers of the house of the Lord.³⁸ The writing of the Tables, for it is written, and I broke them before your eyes.³⁹ It was taught: The Tables were broken, yet the Letters flew up.⁴⁰ 'Ulla said:

[Their exile] was in order that they might eat

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- (1) He interprets diblain as a dual form of dibbah, ill fame.
 - (2) A euphemism for sexual indulgence.
 - (3) II Kings XIII, 7.
 - (4) Hos. I, 3-6; 8-9.
 - (5) Prov. VIII, 22.
 - (6) Gen. XIV, 19.
 - (7) Ps. LXXVIII, 54.
 - (8) Ex. XV, 16. V. Ab. VI, 10.
 - (9) Jezreel, which symbolizes exile (Jezreel zera', to sow) indicating that Cod would sow (scatter) Israel among the nations; Lo-ammi (not my people) and Lo-Ruhamah (without compassion).
 - (10) Hos. II, 1f, 25.
 - (11) Lit., 'cut clown in his days'.
 - (12) Isa. I, 1.
 - (13) Lit., 'receive', 'accept'.
 - (14) Hos. I, 1.
 - (15) Amos. VII, 10.
 - (16) Ibid. 11.
 - (17) Lit., 'at the time of his anger'.
 - (18) Hos. I, 6. 'Compassion' is thus mentioned even in connection with retribution.
 - (19) Ibid.
 - (20) Hos. II, 25.
 - (21) Ibid. R. Johanan makes this refer to the Gentiles, who in God's compassion will be given the opportunity. through Israel's exile, of coming under the wings of the Shechinah. According to Rashi, R. Johanan deduces it from the concluding part of the verse, 'And I will say to them that are not My people; thou art My people'. This passage shows these two Rabbis in favour of proselytes. For the general attitude of the Rabbis towards proselytization v. f. E. art. Proselyte.
 - (22) Prov. XXX, 10.
 - (23) Ibid. 11.
 - (24) What connection is there between the two verses?
 - (25) Who was rebuked for slandering Israel to God, though they had indeed sinned.
 - (26) Judg. V, 11.
 - (27) Min, v. Glos.
 - (28) I Kings XI, 16.
 - (29) Many live among other nations.
 - (30) Jast. Or perhaps: by the Roman eagle!
 - (31) How to destroy you without incurring odium.
 - (32) Job. XXVIII, 23.
 - (33) Lit., 'receive', 'accept'.
 - (34) I.e., Rome, for which Edom was the general disguise; v. Sanh., Sonc. ed. p. 52. n. 8.
 - (35) Hos. XIII, 14. I.e., its very depth compels a speedy redemption.
 - (36) Abraham having come to Palestine from Ur of the Chaldees.
 - (37) Lit., '(the place of) their planting'.
 - (38) I Kings XIV, 25f. The Israelites took much Egyptian wealth with them at the Exodus: v. Ex. XII, 35f.
 - (39) Deut. IX, 17: 'before your eyes' implies that they saw something wonderful happen, as explained in the text.
 - (40) Back to God. — Though physical matter may be destroyed, the spirit (symbolized by the letters) is indestructible, but waits until mankind is ready to receive it.

Talmud - Mas. Pesachim 88a

dates¹ and occupy themselves with the Torah.

‘Ulla visited Pumbeditha. On being offered a basket [tirama] of dates, he asked them, How many such [are obtainable] for a zuz? ‘Three for a zuz’, they told him. ‘A basketful [zanna]² of honey for a zuz’, exclaimed he, ‘yet the Babylonians do not engage in [the study of] the Torah!’³ At night they [the dates] upset him. ‘A basketful of deadly poison cost a zuz in Babylonia, exclaimed he, ‘yet the Babylonians study the Torah!’⁴

R. Eleazar also said, What is meant by the verse, And many people shall go and say: ‘Come ye, and let us go up to the mountain of the Lord, To the house of the God of Jacob’,⁵ the God of Jacob, but not the God of Abraham and Isaac? But [the meaning is this: we will] not [be] like Abraham, in connection with whom ‘mountain’ is written, as it is said, As it is said to this day, ‘In the mountain where the Lord is seen.’⁶ Nor like Isaac, in connection with whom ‘field’ is written, as it is said, ‘And Isaac when out to meditate in the field at eventide.’⁷ But [let us be] like Jacob, who called Him ‘home’, as it is said, ‘And he called the name of that place Beth-el [God is a home].’⁸

R. Johanan said: The reunion of the Exiles is as important as the day when heaven and earth were created, for it is said, And the children of Judah and the children of Israel shall be gathered together, and they shall appoint themselves one head, and shall go up out of the land; for great shall be the day of Jezreel,⁹ and it is written, And there was evening and there was morning, one day.¹⁰

AN ORPHAN ON WHOSE BEHALF HIS GUARDIANS SLAUGHTERED etc. You may infer from this that selection is retrospective?¹¹ — Said R. Zera: [No:] a lamb according to their father's houses¹² [implies] in all cases.¹³

Our Rabbis taught: A lamb for a household.¹⁴ this teaches that a man can bring [a lamb] and slaughter [it] on behalf of his son and daughter, if minors, and on behalf of his Canaanitish [non-Jewish] slave and bondmaid, whether with their consent or without their consent. But he cannot slaughter [it] on behalf of his son and daughter, if adults, or on behalf of his Hebrew slaves and bondmaids, or on behalf of his wife, save with their consent.

Another [Baraita] taught: A man must not slaughter [the Passover-offering] on behalf of an adult, his son and daughter, and on behalf of his Hebrew slave and bondmaid, and on behalf of his wife, save with their consent. But he may slaughter [it] on behalf of his son and daughter, if minors, and on behalf of his Canaanitish slave and bondmaid, whether with their consent or without their consent. And all of these, if they [themselves] slaughtered and their master [also] slaughtered on their behalf, can discharge [their duty] with their master's, but they cannot discharge [their duty] with their own, except a woman,¹⁵ because she is able to protest.¹⁶ How is a woman different?¹⁷ — Said Raba, [It means] a woman and those who are like her.¹⁸

This is self-contradictory. You say, ‘Except a woman, because she is able to protest.’ [Thus] the reason is because she protested, but if she did not protest, she cannot discharge [her duty] with her husband's. Yet surely the first clause teaches: ‘Nor on behalf of his wife [etc.] save with their consent’: hence if nothing is said, she cannot discharge [her obligation thus]? — What does ‘save with their consent’ mean? Not that they said ‘yes,’ but when they said nothing, which excludes [the case] where they said ‘no.’ But surely ‘and all of these, if they [themselves] killed and their master killed on their behalf, can discharge [their duty] with their master's, but they cannot discharge [their duty] with their own meal's where nothing is said, yet it teaches, ‘except a woman, because she can protest’? — Said Raba: Since they [themselves] slaughtered, you can have no greater protest than this. A SLAVE BELONGING TO TWO PARTNERS etc. R. ‘Ena Saba¹⁹ pointed out a contradiction to R. Nahman: We learned: A SLAVE BELONGING TO TWO PARTNERS MAY NOT EAT OF EITHER’; yet it was taught: If he wishes, he can eat of this one's [and] if he wishes, he can eat of that one's? Said he to him, ‘Ena Saba!²⁰ others say, You black pot!²¹ Between you and me the law

will be clearly defined:²² our Mishnah [holds good] where they are particular with each other;²³ the Baraita [was taught] when they are not particular with each other.

HE WHO IS HALF SLAVE AND HALF FREE MUST NOT EAT OF HIS MASTER'S. It is only of his master's that he must not eat, yet he may eat of his own? But it was taught: He may not eat, either of his own or of his master's! — There is no difficulty: one is according to the earlier Mishnah, while the other is according to the later Mishnah. For we learned: He who is half slave and half free works one day for his master and one day for himself: this is the view of Beth Hillel. Beth Shammai say:

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- (1) Which grow abundantly in Babylonia.
 - (2) [The text appears to be in slight disorder. Read with MS.M.: For how much are such obtainable? — They replied, For a zuz. A zanna denotes a large basket with a capacity of three tirama, cf. Ta'an. 9b.]
 - (3) With the cost of living so low, surely they have plenty of time to study.
 - (4) Suffering makes one charitable-minded.
 - (5) Isa. II, 3.
 - (6) Gen. XXII, 14.
 - (7) Ibid. XXIV, 63.
 - (8) Ibid. XXVIII, 19. Visits to the mountain and the held are only made at certain times, but a home is permanent. Thus this teaches that man must live permanently in God.
 - (9) Hos. II, 2.
 - (10) Gen. I, 4.
 - (11) V. supra 8a.
 - (12) Ex. XII, 3.
 - (13) I.e., the head of the house does not require the consent of the members of the household. For that reason the orphan may now eat whichever he desires and there is no question of retrospective validity.
 - (14) Ibid.
 - (15) She discharges her duty with her own.
 - (16) A married woman can renounce her right to her husband's support and refuse to work for him as she is normally obliged to do.
 - (17) I.e., an adult son and daughter and Hebrew slaves can also protest!
 - (18) I.e., his adult son and daughter and his Hebrew slaves.
 - (19) 'The old man'.
 - (20) Probably as a pun on his name-scholarly eye!
 - (21) He was of unattractive appearance (Jast.), perhaps swarthy. Rashi in A.Z. 16b softens this by explaining that he was either begrimed through toil (many Rabbis in Talmudic days being workmen) or that in his preoccupation with his studies he had neglected the appearance of his garments.
 - (22) As a result of your question and my answer the exact conditions of the law will emerge. Jast. translates: this tradition will be named from myself and from thee.
 - (23) Not to benefit from one another; hence the half of the slave which belongs to one, as it were, may not eat of the other's offering.

Talmud - Mas. Pesachim 88b

You have [thus] safeguarded his master,¹ but you have not safeguarded him! He is unable to marry a [Canaanitish] bondmaid, because he is already half free; he is unable to marry a free woman, because he is still half slave. Shall he be made as nought,² — but surely the world was not created for aught but procreation as it is said, He created it not a waste, He formed it to be inhabited.³ Hence in the public interest we compel his master, and he makes him a free man, and he indites a bond for half his value.⁴ Then Beth Hillel reverted to rule as Beth Shammai.⁵

MISHNAH. IF A MAN SAYS TO HIS SLAVE, 'GO FORTH AND SLAUGHTER THE

PASSOVER-OFFERING ON MY BEHALF': IF HE SLAUGHTERED A KID, HE EATS [THEREOF]. IF HE SLAUGHTERED A LAMB, HE EATS [THEREOF]. IF HE SLAUGHTERED A KID AND A LAMB, HE MUST EAT OF THE FIRST.⁶ IF HE FORGOT WHAT HIS MASTER TOLD HIM, HOW SHALL HE ACT? HE SLAUGHTERS A LAMB AND A KID AND DECLARES, 'IF MY MASTER TOLD ME [TO SLAUGHTER] A KID, THE KID IS HIS [FOR HIS PASSOVER-OFFERING] AND THE LAMB IS MINE; WHILE IF MY MASTER TOLD ME [TO SLAUGHTER] A LAMB, THE LAMB IS HIS AND THE KID IS MINE. IF HIS MASTER [ALSO] FORGOT WHAT HE TOLD HIM, BOTH GO FORTH TO THE PLACE OF BURNING,⁷ YET THEY ARE EXEMPT FROM SACRIFICING THE SECOND PASSOVER.⁸ GEMARA. It is obvious that if he slaughtered a kid, he [the master] may eat [thereof] even though he is accustomed to lamb;⁹ if he slaughtered a lamb, he may eat [thereof] even though he is accustomed to a kid. But how is it stated, IF HE SLAUGHTERED A KID AND A LAMB, HE MUST EAT OF THE FIRST; surely it was taught, One cannot register for two Passover-offerings simultaneously?¹⁰ — Our Mishnah refers to a king and a queen.¹¹ And it was taught even so: One may not register for two Passover offerings simultaneously. Yet it once happened that the king and queen instructed their servants, 'Go forth and slaughter the Passover-offering on our behalf,' but they went and killed two Passover-offerings for them. [Then] they went and asked the king [which he desired and] he answered then, 'Go and ask the queen.' [When] they went and asked the queen she said to them, 'Go and ask R. Gamaliel.' They went and asked R. Gamaliel who said to them: The king and queen, who have no particular desires,¹² must eat of the first; but we [in a similar case] might not eat either of the first or of the second. On another occasion a lizard was found in the [Temple] abattoir,¹³ and they wished to declare the entire repast unclean. They went and asked the king, who answered them, 'Go and ask the queen.' When they went to ask the queen she said to them, 'Go and ask it. Gamaliel.' [So] they went and asked him. Said he to them, 'Was the abattoir hot or cold?'¹⁴ 'It was hot,' replied they. 'Then go and pour a glass of cold water over it,' he told them. They went and poured a glass of cold water over it, and it moved,¹⁵ whereupon R. Gamaliel declared the entire repast clean. Thus the king was dependent on the queen and the queen was dependent on R. Gamaliel: hence the whole repast was dependent on R. Gamaliel.¹⁶ IF HE FORGOT WHAT HIS MASTER HAD TOLD HIM etc. MINE? Whatever a slave owns his master owns!¹⁷ — Said Abaye: He repairs to a shepherd with whom his master generally has dealings,¹⁸ who is therefore pleased to make things right for his master, and he gives him possession of one of them on condition that his master shall have no rights therein.¹⁹

IF HIS MASTER FORGOT WHAT HE HAD TOLD HIM etc. Abaye said: They learned this only where he forgot after the sprinkling, so that when the blood was sprinkled it was fit for eating. But if he [the master] forgot before the sprinkling, so that when the blood was sprinkled it was not fit for eating, they are bound to observe the Second Passover.

Others recite this in reference to the [following] Baraitha: If the hides of five [companies'] Passover-offerings became mixed up with each other, and a wart²⁰ was found on one of them, they all²¹ go out to the place of burning, and they [their owners] are exempt for observing the Second Passover. Said Abaye: This was taught only where they were mixed up after the sprinkling, so that at least when the blood was sprinkled it was fit for eating; but if they were mixed up before the sprinkling, they are bound to observe the Second Passover.

He who recites [this] in reference to our Mishnah, [holds that] all the more [does it apply] to the Baraitha.²² But he who recites it in reference to the Baraitha [holds] that [it does] not [apply] to our Mishnah: since [the sacrifices themselves] are valid, for if he reminds himself [of what the Master had told him], it would be fit for eating, it is [indeed] revealed²³ before Heaven. The Master said: 'And [their owners] are exempt from observing the Second Passover.' But one has [definitely] not discharged [his duty]?²⁴ — [The reason is] because it is impossible [to do otherwise]. What should be done? Should each bring a [second] Passover-offering, — then they bring hullin to the Temple

Court, since four of them have [already] sacrificed.²⁵ If all of them bring one Passover-offering, the result is that the Passover-offering is eaten by those who have not registered for it.²⁶ How so? Let each of them bring his Passover-offering and stipulate and declare: 'If mine was blemished, let this one which I am bringing now be a Passover-offering; while if mine was unblemished, let this one which I am bringing now be a peace-offering'? — That is impossible,

- (1) Lit., 'repaired his master, — so that he should not suffer loss.
- (2) Do neither and end in futility.
- (3) Isa. XLV, 18.
- (4) Which becomes an ordinary debt to his former master.
- (5) After having ruled in actual practice on their own view for some time (v. Halevi, Doroth, I, 3, p. 576), they adopted Beth Shammai's ruling. Now the law is always as Beth Hillel. Before they retracted, he could not eat of his own, because the half in him that is free is sharply differentiated from the half that is not. But when they retracted they would regard him as entirely free, even before he is actually so, since we compel his master to free him; hence he could eat of his own.
- (6) While the second is burnt.
- (7) Because they do not know which belongs to whom, and a Paschal offering may be eaten only by those registered for it.
- (8) For both the killing and the sprinkling of the blood were valid acts.
- (9) And that is really what the Mishnah informs us.
- (10) To eat subsequently whichever one chooses, because selection is not retrospective (v. supra, p. 458, n. 6). Thus the same applies here.
- (11) Being surfeited with luxury they do not care what they eat, and generally leave it to their servants. Hence the question of retrospective validity does not arise.
- (12) Lit., 'their mind is light'.
- (13) A dead lizard (halta'ah) defiles.
- (14) I.e., was it found in hot water or in cold?
- (15) They now saw that it was alive.
- (16) [Derenbourg (Essai p. 211) identifies the King and Queen in these two stories with Agrippa I and his wife Kypros; Buchler (Synedrion p. 129 n. 1) with Agrippa II and his sister Berenice. On either view it is to R. Gamaliel I that reference is here made.]
- (17) How then can the slave stipulate that one of these should be his?
- (18) Lit., 'where his master is accustomed'.
- (19) Since this is in the master's own interests.
- (20) This is a blemish which disqualifies an animal as a sacrifice.
- (21) I.e., the Paschal-offerings.
- (22) For in the Mishnah the sacrifices themselves are both definitely fit, but that we do not know who registered for them, and yet if the doubt arose before the sprinkling they are bound to observe the Second Passover. How much the more then in the Baraitha, where the fitness of the sacrifices themselves is in question!
- (23) Hence even if the doubt arose before the sprinkling, they are exempt from observing the Second] Passover.
- (24) Sc. the one whose offering was blemished.
- (25) A Passover-offering can only be brought when there is an actual obligation. and if a man not under this obligation consecrates an animal as such, the consecration is invalid and the animal remains hullin (q.v. Glos.), which may not be brought into the Temple Court for slaughtering. Here four have actually discharged their duty already, though we do not know who they are, so that four of the animals must remain unconsecrated.
- (26) Because the registration of those whose duty has been done is of no account.

Talmud - Mas. Pesachim 89a

because there is the breast and the shoulder [of the peace offering], which is eaten by priests [only].¹ Then let each one bring a priest with him?² — What is the position of this priest? If he has [already] sacrificed a Passover-offering, then perhaps this [too] is a passover-offering, with the result that the Passover offering is eaten by those who have not registered for it. While if he has not observed the

Passover,³ perhaps this is a peace offering, and so he will not observe the Passover? Then let all the five [jointly] bring one priest who had not kept the Passover and register him for these five Passover-offerings, for on any hypothesis⁴ there is one [sacrifice] with which he will discharge [his duty]!⁵ — Rather [the reason is] because he reduces [the time allowed for] the eating of the peace-offering, for the Passover offering [is eaten] a day and a night,⁶ whereas a peace-offering [is eaten] two days and one night.⁷ Then let them bring a Passover ‘remainder’⁸ and declare, ‘If mine was blemished, let this which I bring now be a passover-offering; while if mine was unblemished, let this which I bring now be a peace-offering,’ for a Passover ‘remainder’ is eaten one day and one night [only]?⁹ — May we then set aside [animals] in the first instance to be remainders!¹⁰ Then let us take the trouble to bring a Passover-remainder?¹¹ Rather [the reason is] because of the laying [of hands]; for whereas the Passover-offering does not require laying [of the hands], a remainder requires laying [of the hands].¹² That is well of a mens’ sacrifice, [but] what can be said of a women s sacrifice?¹³ — Rather it is on account of the [blood] applications: for whereas the Passover-offering [requires] one application, the peace-offering [requires] two, which are four.¹⁴ [But] what does that matter? Surely we learned: All [blood] which is sprinkled on the outer altar,¹⁵ if he [the priest] applied them with one sprinkling, he has made atonement?¹⁶ — Rather [the reason is] because whereas [the blood of] the Passover-offering must be poured out [gently],¹⁷ [that of] the peace-offerings requires dashing [against the altar].¹⁸ But what does that matter? Surely it was taught: All [blood] which is applied by dashing [against the altar], if he [the priest] applied [it] by pouring it out, he has discharged [his duty]?¹⁹ — Granted that we say [thus] where he has done so; [do we say thus] as the very outset too?²⁰

MISHNAH. IF A MAN SAYS TO HIS CHILDREN, ‘BEHOLD, I SLAUGHTER THE PASSOVER-OFFERING ON BEHALF OF WHICHEVER OF YOU GOES UP FIRST TO JERUSALEM,’ AS SOON AS THE FIRST HAS INSERTED HIS HEAD AND THE GREATER PART OF HIS BODY [IN JERUSALEM] HE HAS ACQUIRED HIS PORTION, AND HE ACQUIRES IT ON BEHALF OF HIS BRETHREN WITH HIM.

GEMARA. This proves that selection is retrospective?²¹ Said R. Johanan: He [their father] said this in order to encourage them in [the performance of] precepts.²² This may be proved too, for he [the Tanna] teaches: AND HE ACQUIRES IT ON BEHALF OF HIS BRETHREN WITH HIM; now it is well if you say that he had registered them beforehand, then it is correct. But if you say that he had not registered them beforehand, can they be registered after he has slaughtered it? Surely we learned: They may register and withdraw their hands from it until it is killed!²³ This proves it. It was taught likewise: It once happened that the daughters outstripped the sons, and so it was seen that the daughters were zealous while the sons were indolent. **MISHNAH.** ONE MAY ALWAYS REGISTER FOR IT AS LONG AS THERE IS AS MUCH AS AN OLIVE THEREIN FOR EACH ONE [REGISTERED]. THEY MAY REGISTER AND WITHDRAW THEIR HANDS FORM IT UNTIL IT IS SLAUGHTERED; R. SIMEON SAID: UNTIL THE BLOOD IS SPRINKLED.

GEMARA. What does he inform us? — He informs us this, viz., though this company had registered for it, it can retract [entirely] and a different company register for it.²⁴

THEY MAY REGISTER AND WITHDRAW THEIR HANDS FROM IT UNTIL IT IS KILLED etc. Abaye said: The controversy is in respect of withdrawing, for the Rabbis hold: [And if the household be too little] for being [me-heyoth] for a lamb²⁵ [implies] in the lifetime [mi-hayuth] of the lamb;²⁶ while R. Simeon holds [that it implies] during the existence [mi-hawayuth] of the lamb.²⁷ But in respect of registering all agree [that this can be done only] until it is killed, because the Writ saith, according to the number of [bemiksath] the souls, and then, ye shall make your count [takosu].²⁸ It was taught likewise: They may register and withdraw their hands from it until it is slaughtered. R. Simeon said: They may register until it is slaughtered and withdraw until the blood is sprinkled.

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- (1) And since it may be a Passover sacrifice and no priests are registered for this, they cannot eat it.
- (2) I.e., let a priest register for each sacrifice.
- (3) Having been unclean or on a distant journey at the First Passover.
- (4) Lit., 'whatever you will'.
- (5) This is Rashi's text. Cur. edd. read: there is one who has kept the Passover and so they will discharge etc., i.e., by this device we ensure that all shall have discharged their duty. — The priest then would partake of the breast and shoulders of each sacrifice.
- (6) And what is left over after that must be burnt as nothar,
- (7) Since each sacrifice may be a Passover-offering, we can only permit the shorter period, whereas actually it may be a peace-offering.
- (8) [The text is not clear. R. Hananel reads, let him bring (an offering) and make a stipulation for (it to become if necessary) a Passover-'remainder'.]
- (9) If an animal is consecrated as a Passover-offering but not sacrificed as such, it is a Passover-'remainder', which is then brought as a peace-offering but eaten only during the shorter period. Hence here, let each consecrate the animal for a Passover-offering. If his animal was blemished, he discharges his duty with this one. But if his animal was unblemished, this is automatically a Passover-'remainder', since it cannot be sacrificed for its own purpose (Tosaf.; Rashi explains slightly differently.)
- (10) Surely not.
- (11) I.e., let us find an animal which was actually left over from the first Passover.
- (12) V, Lev, III, 2.
- (13) This does not require laying of the hands.
- (14) The blood was applied to the north-east and the south-west corners of the altar, thus making it appear that the four corners were besprinkled; v. Zeb. 53b.
- (15) This includes the blood of the peace-offering.
- (16) I.e., the sacrifice is valid, though in the first place two applications are required.
- (17) From the basin on to the wall of the altar near the base.
- (18) Vigorously, from a distance.
- (19) The sacrifice is valid.
- (20) Surely we may not arrange at the very outset that the blood should be gently poured out where it really requires to be dashed against the altar. Hence there is no possibility of observing the Second Passover.
- (21) V. supra 87a. It is now assumed that only one was registered.
- (22) But actually he had registered all of them beforehand.
- (23) But not after.
- (24) This disagrees with R. Judah, who maintains infra 99a that one member at least of the original company must remain.
- (25) Ex. XII, 4.
- (26) The verse is understood to refer to withdrawal, it being translated: And if the household has become too little etc., because some of its members have withdrawn. The present interpretation of mi-heyoth teaches that this withdrawal is possible only while the animal is still alive.
- (27) I.e., as long as it still exists for its sacrifice rites to be preformed, which is until the blood is sprinkled.
- (28) Ibid. 'Be-miksath' and 'takosu' are connected with a root meaning to slaughter, while at the same time retaining their connotation of numbering, i.e., registering. Hence registration is permitted only until it is slaughtered; cf. supra 61a.

Talmud - Mas. Pesachim 89b

MISHNAH. IF A MAN REGISTERS ANOTHER WITH HIM [TO SHARE] IN HIS PORTION,¹ THE MEMBERS OF THE COMPANY² ARE AT LIBERTY TO GIVE HIM HIS [PORTION],³ AND HE EATS HIS AND THEY EAT THEIRS.⁴

GEMARA. The scholars asked: Can the members of a company, one of whom is quickhanded,⁵ say to him, 'Take your portion and go!' Do we rule that he can say to them, 'Surely you have

accepted [me]'; or perhaps they can answer him, 'We accepted you for the purpose of the sacrifice,⁶ but we did not accept you with the view that you should eat more than we'? — Come and hear: IF A MAN REGISTERS ANOTHER WITH HIM, THE MEMBERS OF THE COMPANY ARE AT LIBERTY TO GIVE HIM HIS [PORTION], AND HE EATS HIS AND THEY EAT THEIR. What is the reason? Is it not because it is as though one of them were quick-handed:⁷ and if you should think that one who is quick-handed can say to them, 'You have accepted me,'⁸ then let this one be as though he is quick-handed? — I will tell you: That is not so, [for] characters differ, for even if both of them together eat [only] as much as one member of the company, they can say to him that they are not willing to have a stranger with them.

Come and hear: If the attendant ate as much as an olive at the side of the oven, if he is wise he eats his fill of it; but if the members of the company wish to do him a favour, they come and sit at his side and eat: this is R. Judah's opinion.⁹ Thus, only if they wish, but not if they do not wish. Yet why so? Let him say to them, 'Surely you have accepted [me.]'¹⁰ — There it is different, because they can say to him, 'We accepted you with the intention of troubling you to attend on us; [but] we did not accept you that we should take the trouble of attending to you.' Come and hear: Members of a company, one of whom is quickhanded, are at liberty to say [to him], 'Take your portion and go.' And not only that, but even when five arrange for a meal in common,¹¹ they are at liberty to say to him, 'Take your portion and go.' This proves it.

What does 'and not only that' mean?¹² — He proceeds to a climax.¹³ In the case of Passover-offerings it goes without saying, for they can say to him, 'We accepted you for the purpose of the sacrifice.' But even in the case of a meal in common, which is mere companionship, they are at liberty to say to him, 'Take your portion and go.'

Others state: That is no problem to us,¹⁴ but this is our question: Are the members of a company permitted to divide,¹⁵ or are they not permitted to divide?¹⁶ — Come and hear: Members of a company, one of whom was quick-handed, are at liberty to say to him, 'Take your portion and go.' Thus, only if he is quickhanded, but not if he is not quick-handed. This proves it.¹⁷

R. Papa and R. Huna the son of R. Joshua joined their bread together. But by the time R. Huna the son of R. Joshua ate one [piece], R. Papa ate four. Said he to him, 'Divide with me.' 'You have accepted [me as a partner],' he retorted. [Thereupon] he raised all these objections¹⁸ to him, and he answered him as we have answered them. He then refuted him by [the teaching regarding] 'the members of a company [etc.]'. Said he to him, There the reason is because they can say to him, 'We accepted you for the purpose of the sacrifice.' He refuted him by [the teaching regarding] 'a meal in common [etc.]', so he divided with him. Then he went and joined bread with Rabina. By the time R. Huna the son of R. Joshua ate one [piece], Rabina ate eight. Said he: A hundred Papas rather than one Rabina!

Our Rabbis taught: If a man registers others with him for his Passover-offering and his hagigah,¹⁹ the money he holds²⁰ is hullin. And he who sells his burnt-offering and his peace-offering²¹ has effected nothing,²² and the money, however much it is,²³ is utilized²⁴ for a freewill-offering. But since he has not effected anything, why should it be utilized for a freewill-offering?²⁵ Said Raba: As a penalty.²⁶ And what does 'however much it is' mean? — Even if they [the animals] were only worth four [zuz] and he paid five, the Rabbis penalized him even in respect of that additional [zuz].

'Ulla — others state, R. Oshaia — said: Perhaps our Babylonian colleagues know the reason for this ruling. [Consider:] one set aside a lamb for his Passover-offering, and another set aside money for his Passover-offering: how can sanctification fall upon sanctification, that he teaches, 'the money he holds is hullin.'²⁷ —

- (1) Without the knowledge of the other members of the company.
- (2) Who disapprove of the new companion.
- (3) Bidding him to go and eat it elsewhere with the new companion of his choice.
- (4) This Tanna holds that one Paschal lamb may be eaten by two separate companies.
- (5) To seize food — i.e., he is a glutton and eats more than his due share. Lit., ‘who has fine hands’ — a euphemism.
- (6) We calculated that so many are required for this lamb.
- (7) Presumably the two will eat more than the ordinary share of one.
- (8) Enabling me to eat as much as I like.
- (9) V. supra 86a for notes.
- (10) As one of your company, and since I cannot go to you, you must come to me.
- (11) Each contributing an equal share.
- (12) In which way is the second ruling more noteworthy than the first?
- (13) Lit., ‘he states, it is unnecessary’.
- (14) That the quick-handed companion may be told to take his portion and go.
- (15) Each to take his share.
- (16) But must all eat together.
- (17) They must eat together.
- (18) From the teaching cited above.
- (19) Here the Festive peace-offering which was brought on the fourteenth likewise and eaten before the Passover-offering. This was eaten by the same who had registered for the Passover-offering.
- (20) Which he received from those whom he registered.
- (21) I.e., animals which he consecrated for that purpose.
- (22) The sacrifice must be offered on behalf of the first owner.
- (23) Even if it exceeds the animal's worth.
- (24) Lit., ‘falls’.
- (25) His action being null, the money remains hullin.
- (26) He should not have bought another man's sacrifice.
- (27) Money consecrated for a sacrifice can revert to hullin only if an animal of hullin is bought therewith, whereby the animal receives the sanctity of the money, which in turn loses it and becomes hullin. Here, however, the money was consecrated and given for an animal (or part of it, which is the same) which was already consecrated for a Passover-offering: how then can additional sanctity fall upon the animal, in the sense that the sanctity of the money is transferred thereto, leaving the money hullin? — It cannot be answered that this refers to unconsecrated money, for in that case it is obvious.

Talmud - Mas. Pesachim 90a

Said Abaye: Had not R. Oshaia related that [Mishnah]¹ to a case where he registers a harlot for his Passover-offering,² and in accordance with Rabbi,³ I would have related it to sacrifices of lesser sanctity⁴ and in accordance with R. Jose the Galilean who maintained: sacrifices of lesser sanctity are their owner's property. But [on Rabbi's view] a man does not leave anything over [unconsecrated] in the Passover-offering, yet he certainly does leave over in the case of money, because when he set it aside [for a Passover-offering] in the first place, he did so with this intention.⁵ While this [the present Baraitha]⁶ is [the view of] Rabbi,⁷ and for that reason the money he holds is hullin, as a man certainly leaves over [something] of money [unconsecrated]. Again, what R. Oshaia explains as the view of Rabbi, I do not explain as [the view of] Rabbi, for a man does not leave over anything [unconsecrated] of the Passover-offering.⁸ But this [present Baraitha] cannot be established as agreeing with R. Jose, since it is taught therein, ‘and he who sells his burnt-offering and his peace-offering has effected nothing.’⁹ Now however that R. Oshaia related that [Mishnah] to the case of a man who registers a harlot in his Passover-offering and in accordance with Rabbi, it follows that he¹⁰ holds that a man leaves [something unconsecrated] even in his Passover-offering [itself].¹¹ What is [this statement] of R. Oshaia [which is alluded to]? — For we learned: If he gave her [a harlot] consecrated animals as her hire, they are permitted [for the altar];¹² [if he gave her]

birds of hullin, they are forbidden.¹³ Though [the reverse] would have been logical: if with consecrated animals, which a blemish disqualifies, yet [the interdict of] ‘hire’ or ‘price’¹⁴ does not fall upon them;¹⁵ then with birds, which a blemish does not disqualify, is it not logical that [the interdict of] ‘hire’ and ‘price’ does not fall upon them? Therefore it is stated, ‘for any vow,’ which includes birds. [But] now you might argue a *minori* in respect of consecrated animals: if with birds, though a blemish does not disqualify them, yet ‘hire’ and ‘price’ fall upon them, then with consecrated animals, which a blemish disqualifies, is it not logical that ‘hire’ and ‘price’ fall upon them? Therefore it is stated, ‘for any vow [neder],’ which excludes that which is [already] vowed [nadar].¹⁶ Now the reason is because the Divine Law wrote ‘vow’; but otherwise I would say: The interdict of ‘hire’ falls upon consecrated animals: but surely a man cannot prohibit that which is not his? — Said R. Oshaia: It refers to the case of a man registering a harlot for his Passover offering, this being according to Rabbi.

What is [this allusion to] Rabbi? — For it was taught, And If the household be too little from being for a lamb:¹⁷ sustain him with [the proceeds of] the lamb in his food requirements, but not in his requirements of [general] purchases. Rabbi said: In his requirements of [general] purchases too, so that if he has nought [wherewith to purchase], he may register another in his Passover offering and his *hagigah*,¹⁸ while the money he receives is hullin, for on this condition did the Israelites consecrate their Passover offerings.

Rabbah and R. Zera [disagree]. One maintains: None differ about fuel for roasting it, for since this makes the Passover offering fit [to be eaten], it is as the Passover-offering itself.¹⁹ Their controversy is only about unleavened bread and bitter herbs: the Rabbis hold: This is a different eating;²⁰ while Rabbi holds: Since it is a requisite of the Passover-offering,²¹ it is as the Passover-offering itself. The other maintains: None disagree about unleavened bread and bitter herbs either, for it is written, [They shall eat the flesh . . .] and unleavened bread; with bitter herbs they shall eat it;²² hence since they are a requisite of the Passover-offering they are as the Passover-offering. Their controversy is only about buying a shirt therewith [or] buying a cloak therewith. The Rabbis hold: The Divine Law saith, from being for a lamb [mi-heyoth miseh]: devote it [hahayehu] to the lamb;²³ while Rabbi holds: Sustain [hahayeh] thyself with [the proceeds of] the lamb.

But according to Abaye, who said: ‘Had not R. Oshaia related that [Mishnah] to a case where he registers a harlot in his Passover offering, and in accordance with Rabbi, I would have related it to sacrifices of lesser sanctity, and in accordance with R. Jose the Galilean who maintained, Sacrifices of lesser sanctity are their owner's property; but [on Rabbi's view] a man does not leave anything over [unconsecrated] in the Passover-offering’; — surely it is explicitly stated, ‘for on this condition did the Israelites consecrate their Passover-offerings’?²⁴ — Say: ‘for on this condition did the Israelites consecrate the money for their Passover-offerings.’²⁵

MISHNAH. IF A ZAB HAS SUFFERED TWO ATTACKS [OF DISCHARGE], ONE SLAUGHTERS [THE PASSOVER-OFFERING] ON HIS BEHALF ON HIS SEVENTH [DAY]; IF HE HAS HAD THREE ATTACKS, ONE SLAUGHTERS ON HIS BEHALF ON HIS EIGHTH [DAY].²⁶ IF A WOMAN WATCHES DAY BY DAY,²⁷ ONE SLAUGHTERS ON HER BEHALF ON HER SECOND DAY; IF SHE SAW [A DISCHARGE] ON TWO DAYS, ONE SLAUGHTERS ON HER BEHALF ON THE THIRD [DAY]. AND AS TO A ZABAH,²⁸ ONE SLAUGHTERS ON HER BEHALF ON THE EIGHTH [DAY].

GEMARA. Rab Judah said in Rab's name: One slaughters and sprinkles on behalf of a *tebul yom*²⁹ and one who lacks atonement,³⁰

(1) V. *infra* in reference to a man who gave a sanctified animal to a harlot, where it is implied that but for a certain verse this would disqualify the animal from being offered as a sacrifice (v. Deut. XXIII, 19). Though a mail cannot render

forbidden that which does not belong to him, we say there that he would do so, though since it is sanctified it is really not his.

(2) In return for the 'hire' which he owes her.

(3) Rabbi rules infra that if a man needs money e.g. for clothes, he may register other people with him for his Passover-offering and spend his money so acquired on clothes. Thus he holds that an animal sanctified for a Passover offering is entirely his private property; consequently he could also render it forbidden (but for the verse) by making it a harlot's hire.

(4) V. supra p. 108, n. 2. Thus he gave the harlot an animal consecrated for a peace-offering.

(5) I.e., when Rabbi permits the owner to spend the money on clothes etc., it is not because he holds that when a man consecrates an animal for a Passover-offering he leaves part of it unconsecrated, as it were, so that if a man gives him consecrated money for a share in the sacrifice the sanctity of the money is transferred to that unconsecrated portion of the animal, while the money itself thereby becomes hullin and can be expended on anything. The reason is on the contrary that when a man consecrates money for the Passover-offering he leaves that money partly unconsecrated, as it were, in the sense that it automatically reverts to hullin when he gives it in payment for a share in a sacrifice, and in fact, the money is technically to be regarded as a gift, not as payment at all; Hence the vendor can use it as he pleases.

(6) Introduced by 'our Rabbis taught'.

(7) As explained in the preceding note.

(8) Hence on Rabbi's view if he registers a harlot it does not prohibit it, since nothing at all of the animal is his in that sense.

(9) Whereas on R. Jose's view that sacrifices of lesser sanctity are the owner's personal property, the sale of the peace-offering is valid.

(10) Viz., Rabbi, in R. Oshaia's view.

(11) Not only in the money set aside for the Passover-offering.

(12) Since they were consecrated before he gave them to her, he cannot make them forbidden.

(13) To be offered henceforth as a sacrifice.

(14) V. Deut. XXIII, 19: Thou shalt not bring the hire of a harlot, or the price of a dog, into the house of the Lord thy God for any vow etc.

(15) To make them forbidden.

(16) The hire of a harlot cannot be vowed as a sacrifice; but a consecrated animal has already been vowed.

(17) Ex. XII, 4, lit. translation.

(18) Of the fourteenth.

(19) Hence one may certainly sell a share in the sacrifice for this purpose.

(20) Hence he cannot buy it with the proceeds of the sacrifice.

(21) Which must be eaten with unleavened bread and bitter herbs.

(22) Ex. XII, 8. The verse actually quoted, which is slightly different, is Num. IX, 11, but the Talmud probably means the verse stated here.

(23) Lit., 'make it live for the lamb' — i.e., the money realized from the lamb must be expended on what is needed for the lamb, e.g., the unleavened bread and bitter herbs which accompany it.

(24) This definitely implies a reservation in the sacrifice itself.

(25) This is not an emendation but an interpretation.

(26) V. supra p. 423, n. 3. In both these cases they are fit to eat the Passover offering in the evening; hence we kill it on their behalf

(27) V. Supra p. 422, n. 5.

(28) Who had three discharges.

(29) V. Glos.

(30) V. p. 84, n. 1; p. 294, n. 4.

Talmud - Mas. Pesachim 90b

but one may not slaughter and sprinkle for a person unclean through a reptile.¹ But 'Ulla maintained: One slaughters and sprinkles for a person unclean through a reptile. According to Rab, wherein does a tebul yom differ? Because he is fit in the evening. But one unclean through a reptile too is fit in the

evening? — He lacks tebillah. Then a tebul yom too lacks the setting of the sun?² The sun goes down of its own accord.³ Then one who lacks atonement too, surely lacks forgiveness?⁴ — It means where his pair [of birds] are in his hand.⁵ Then a person unclean through a reptile too, surely the mikweh⁶ stands before him? — He may neglect it. If so, he who lacks sacrifice too, perhaps he will neglect [to sacrifice]? — It means e.g., that he had delivered them [his birds] to the Beth din, this being in accordance with R. Shemaiah, who said: It is a presumption that the Beth din of Priests⁷ do not rise from there⁸ until the money in the horn-shaped receptacles is finished.⁹ Now according to Rab, by Scriptural law he¹⁰ is indeed fit, and it was the Rabbis who preventively forbade him;¹¹ why then did Rab say: We defile one of them with a reptile?¹² — Rather [say] according to Rab he is not fit by Biblical law either, for it is written, If any man be unclean by reason of a dead body:¹³ does this not hold good [even] when his seventh day falls on the eve of Passover,¹⁴ which case is [tantamount to] uncleanness through a reptile,¹⁵ yet the Divine Law said, Let him be relegated [to the second Passover]? [But] how do you know that it is so?¹⁶ — He holds as R. Isaac, who said: They¹⁷ were unclean through an unattended corpse¹⁸ whose seventh day fell on the eve of Passover, for it is said, and they could not keep the Passover on that day:¹⁹ thus only on that day could they not keep it, but on the morrow they could keep it,²⁰ yet the Divine Law said, Let them be put off.²¹

We learned: IF A ZAB HAS SUFFERED TWO ATTACKS, ONE SLAUGHTERS ON HIS BEHALF ON HIS SEVENTH [DAY]; does that not mean where he had not performed tebillah, which proves [that] one slaughters and sprinkles for a person unclean through a reptile?²² No; it means where he has performed tebillah. If he has performed tebillah, what does it [the Mishnah] inform us? If he informs us this, that though he lacks the setting of the sun, the sun sets automatically.²³ Reason too supports this [interpretation], since the second clause teaches: IF HE HAS HAD THREE ATTACKS, ONE SLAUGHTERS ON HIS BEHALF ON HIS EIGHTH [DAY]. Now it is well if you agree that [the clause] 'IF A ZAB HAS SUFFERED TWO ATTACKS, ONE SLAUGHTERS ON HIS BEHALF ON HIS SEVENTH [DAY]' means where he has performed tebillah: then [the second clause] is necessary. You might argue: Only when he has had two attacks [do we slaughter for him] on his seventh [day], because he does not lack a positive act; but [in the case of] 'one who has had three attacks, on his eighth day,' where an action is wanting [in that] he lacks forgiveness,²⁴ it is not so. Therefore [the Mishnah] informs us that though he lacks forgiveness, we slaughter and sprinkle on his behalf. But if you say that [the clause, 'IF A ZAB HAS SUFFERED TWO ATTACKS, [ONE SLAUGHTERS ON HIS BEHALF] ON HIS SEVENTH DAY,' means where he has not performed tebillah, what is the purpose of [teaching about] one who has had three attacks? Seeing that you say that one slaughters and sprinkles on behalf of one who had two discharges, and is in his seventh day, but has not performed tebillah, so that he is quite unclean; then how much the more does one slaughter and sprinkle for one who had three attacks, and is in his eighth day, and has performed tebillah on the seventh, so that his uncleanness is of a lighter nature! Hence it surely follows that [the law] that we slaughter on behalf of one who has had two attacks and is in [his] seventh [day] refers to the case where he has performed tebillah! — No. In truth I may tell you that he has not performed tebillah, and [yet] it is necessary. I might argue: Only on the seventh day [do we slaughter for him], since [it lies] in his own hand to make himself fit; but on the eighth day, when it is not in his power to offer the sacrifice, I might say, the priests may neglect him. Hence we are informed [that it is] as R. Shemaiah [stated].²⁵

AND AS TO A ZABAH, ONE SLAUGHTERS etc. A tanna recited before R. Adda b. Ahabah: And as to a zabah,²⁶ one slaughters on her behalf on her seventh day. Said he to him: Is then a zabah on her seventh day fit?²⁷ Even on the view that one slaughters and sprinkles for a person unclean through a reptile, that is only for a person unclean through a reptile, who is fit in the evening. But this one is not fit until the morrow when she brings her atonement. Say [instead], 'on the eighth.' Then it is obvious?²⁸ — You might say, since she lacks atonement, [one must] not slaughter [on her behalf]; hence he informs us [that it is] as R. Shemaiah [stated]. Rabina said: He [the Tanna] recited before him [about] a niddah,²⁹ [thus]: And as to a niddah, one slaughters for her on the seventh

[day]. Said he to him: Is then a niddah fit on the seventh [day]? Even on the view that one slaughters and sprinkles for a person unclean through a reptile [that is] because he is fit in the evening. But a niddah performs tebillah in the evening of [i.e., following] the seventh day: [hence] she is not fit for eating [the Passover offering] until the [evening after the] eighth, by when she has had the setting of the sun.³⁰ But say, 'on the eighth.' That is obvious: seeing that one slaughters and sprinkles for a zabah on the eighth day, though as yet she lacks atonement, need it be taught that one slaughters and sprinkles on behalf of a niddah, who does not lack atonement?³¹ — He finds it necessary [to teach about] a niddah, [and] informs us this: only on the eighth, but not on the seventh, even as it was taught: All who are liable to tebillah.³² their tebillah takes place by day;³³ a niddah and a woman in confinement, their tebillah takes place at night.³⁴ For it was taught: You might think that she [a niddah] performs tebillah by day;³⁵ therefore it is stated, she shall be in her impurity seven days:³⁶ let her be in her impurity full seven days.³⁷ And a woman in confinement is assimilated to Juddah.³⁸ MISHNAH. [As To] AN OMEN,³⁹

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- (1) Though he can perform tebillah and be fit in the evening.
 - (2) I.e., he too is not fit when the sacrifice is actually slaughtered.
 - (3) No action by himself is wanting.
 - (4) I.e., he is yet to bring his sacrifice, and thus he is on a par with a person unclean through a reptile, who is to perform tebillah.
 - (5) For sacrificing, so we need not fear that he may omit to do so and the Passover-offering will have needlessly been slaughtered for him.
 - (6) Ritual bath.
 - (7) A special court in the Temple which dealt with priestly and sacrificial matters.
 - (8) I.e., do not leave the Temple Court.
 - (9) The monies for the bird-offerings were placed daily in horn-shaped receptacles, and the priestly Beth din saw to it that these were expended on the day they were received. Hence there was no fear of neglect.
 - (10) The person unclean through a reptile.
 - (11) This must be assumed, since he gives the reason because we fear that he may neglect his tebillah.
 - (12) V. supra 80a; but an unclean majority means such as are unfit to partake of the Passover offering in the evening by Biblical law.
 - (13) Num. IX, 10.
 - (14) Since Scripture does not particularize, it must include all cases.
 - (15) Since both can be clean in the evening.
 - (16) Since Scripture mentions a dead body, it may refer only to such uncleanness that is not the same as that acquired from a reptile, viz., before the seventh day.
 - (17) The men who came to enquire of Moses and Aaron, Num. IX, 6.
 - (18) Lit., 'a corpse of a precept' — i.e., the corpse of a person whose relatives are unknown; its burial is obligatory upon the first person who finds it.
 - (19) Ibid.
 - (20) This is possible only if the morrow was their eighth day.
 - (21) Though they can make themselves fit for the evening.
 - (22) For they are exactly alike.
 - (23) As above.
 - (24) Is sacrifice is yet to be offered.
 - (25) Supra.
 - (26) Who had three discharges.
 - (27) To partake of the sacrifice in the evening.
 - (28) Though the same is stated in the Mishnah, it might be included there for the sake of parallelism, though unnecessary in itself. But here it is taught as an independent statement.
 - (29) V. Glos.
 - (30) She must not eat of sacrifices until the setting of the sun after her tebillah. Since she performs tebillah in the evening, when the sun has already set, she must wait until the following evening.

- (31) She does not require a sacrifice.
- (32) E.g., a zab and a zabah, a leper, and one defiled through a corpse (Shab. 121a).
- (33) The seventh day from their defilement.
- (34) The evening following the last day of their uncleanness. In this respect a niddah is more stringent than a zabah, who performs tebillah on the seventh day, and does not wait for the evening.
- (35) Sc. the seventh, like a zabah.
- (36) Lev. XV. 19.
- (37) But if she performs tebillah on the seventh day itself, the period is diminished.
- (38) For it is written, as in the days of the impurity of (niddath, const. of niddah) her sickness shall she (sc. a woman in confinement) be unclean (Lev. XII, 3).
- (39) V. Glos. Here it refers to one who became an omen after midday, so that the obligation of the Passover-offering was already incumbent upon him. But if he became an omen before midday, this obligation does not fall on him at all, as stated infra 98a (Tosaf).

Talmud - Mas. Pesachim 91a

AND ONE WHO IS REMOVING A HEAP [OF DEBRIS],¹ AND LIKEWISE ONE WHO HAS RECEIVED A PROMISE TO BE RELEASED FROM PRISON, AND AN INVALID, AND AN AGED PERSON WHO CAN EAT AS MUCH AS AN OLIVE, ONE SLAUGHTERS ON THEIR BEHALF.² [YET IN THE CASE OF] ALL THESE, ONE MAY NOT SLAUGHTER FOR THEM ALONE, LEST THEY BRING THE PASSOVER-OFFERING TO DISQUALIFICATION.³ THEREFORE IF A DISQUALIFICATION OCCURS TO THEM, THEY ARE EXEMPT FROM KEEPING THE SECOND PASSOVER,⁴ EXCEPT ONE WHO WAS REMOVING DEBRIS, BECAUSE HE WAS UNCLEAN FROM THE BEGINNING.⁵

GEMARA. Rabbah son of R. Huna said in R. Johanan's name: They learned this only of a heathen prison; but [if he is incarcerated in] an Israelite prison, one slaughters for him separately; since he was promised, he will [definitely] be released, as it is written, The remnant of Israel shall not do iniquity, nor speak lies.⁶ R. Hisda observed: As to what you say, [If he is in] a heathen prison [one may] not [kill on his behalf alone]; that was said only [when the prison is] without the walls of Beth Pagi;⁷ but [if it is] within the walls of Beth Pagi,⁸ one slaughters on his behalf alone. What is the reason? It is possible to convey it [the flesh] to him and he will eat it.

THEREFORE IF A DISQUALIFICATION OCCURS etc. Rabbah b. Bar Hanah said in R. Johanan's name: They learned [this] only of a round heap;⁹ but [if it was] a long heap, he is exempt from keeping the Second Passover, [for] perhaps he was clean at the time of the shechitah.¹⁰ It was also taught likewise: R. Simeon the son of R. Johanan b. Berokah said: One who is removing a heap [of debris] is sometimes exempt [from the Second Passover] and sometimes liable. How so? [If it was] a round heap and uncleanness [a corpse] was found underneath it, he is liable; a long heap, and uncleanness was found underneath it, he is exempt, [for] I assume [that] he was clean at the time of shechitah.

MISHNAH. ONE MAY NOT SLAUGHTER THE Passover offering FOR A SINGLE PERSON: THIS IS R. JUDAH'S VIEW; BUT R. JOSE PERMITS IT. AND EVEN A COMPANY OF A HUNDRED WHO CANNOT EAT AS MUCH AS AN OLIVE [JOINTLY], ONE MAY NOT KILL FOR THEM. AND ONE MAY NOT FORM A COMPANY OF WOMEN AND SLAVES AND MINORS.

GEMARA. Our Rabbis taught: How do we know that one may not slaughter the Passover-offering for a single person? Because it is said, Thou mayest not sacrifice the passover-offering for one:¹¹ this is R. Judah's opinion. But R. Jose maintained: A single person and he is able to eat it, one may slaughter on his behalf; ten who are unable to eat it, one must not slaughter on their behalf. Now R.

Jose, how does he employ this 'for one'? — He requires it for R. Simeon's [deduction]. For it was taught, R. Simeon said: How do we know that one who sacrifices his Passover offering at a private bamah¹² at the time when bamoth were prohibited violates a negative command? Because it is said, 'Thou mayest not sacrifice the passover-offering within one of thy gates'. You might think that it is also thus when bamoth were permitted:¹³ therefore it is stated, 'within one of thy gates': They ruled [that he violates a negative injunction] only when all Israel enter through one gate.¹⁴ And how does R. Judah know this? — You may infer two things from it.¹⁵

Now according to R. Jose, whence [does he know] that its purpose is for what R. Simeon said: perhaps it comes for what was stated by R. Judah? — He can tell you: you cannot think so, for surely it is written, according to every man's eating.¹⁶

R. 'Ukba b. Hinena of Parishna¹⁷ pointed out a contradiction to Raba: Did then R. Judah Say: One may not kill the Paschal lamb for a single person? But the following contradicts it: [As to] a woman; at the First [Passover] one may slaughter for her separately, but at the second one makes her an addition to others: this is the view of R. Judah. — Said he to him, Do not Say, 'for her separately,' but 'for them separately.'¹⁸ Yet may we form a company consisting entirely of women? Surely we learned, ONE MAY NOT FORM A COMPANY OF WOMEN AND SLAVES AND MINORS. Does that not mean women separately and slaves separately and minors separately? — No, he replied, [it means] women and slaves and minors [together]. Women and slaves, on account of obscenity; minors and slaves, on account of

(1) Which had fallen upon a person, and it is unknown whether he is alive or dead.

(2) All these may be fit in the evening, including an one.

(3) The omen may defile himself through the corpse; he who is removing the debris may find the person underneath it dead, in which case he himself is unclean; the prisoner may not be freed; while the invalid and aged person may grow weaker. Therefore they must be registered with others.

(4) Since they were actually fit when the animal was slaughtered.

(5) If he finds the person underneath dead, he himself was defiled through overshadowing the dead, and thus he was unclean when the animal was sacrificed.

(6) Zeph. III, 13.

(7) V. p. 319, n. 1.

(8) Hence in Jerusalem, where the Passover-offering is eaten.

(9) I.e., one just about covering the person, so that the rescuer must have been directly over the corpse from the very beginning.

(10) He may not have been actually over the corpse then.

(11) Deut. XVI, 5 (E.v. within one [of thy gates]).

(12) 'High place'. Before the Tabernacle was erected in Shiloh, and between its destruction and the building of the Temple, sacrifices were offered at bamoth (pl. of bamah), both private and public. During the existence of the Tabernacle at Shiloh, and since the Temple was built, even after it was destroyed, bamoth were forbidden.

(13) For even then private bamoth were permitted only for votive sacrifices but not for obligatory offerings like the Passover, which were sacrificed at the public bamoth.

(14) I.e., when there is a central sanctuary; but when bamoth were permitted there was no central sanctuary. The verse is understood thus: Thou mayest not Sacrifice the Passover-offering at a private bamah when all Israel enter through one of thy gates.

(15) Presumably by interpreting 'one' separately and 'one of the gates' separately.

(16) Ex. XII, 4. Thus the matter depends solely on ability to eat.

(17) V. supra 76a, p. 393, n. 6.

(18) This is not an emendation, but an explanation: 'for her separately' means that women need not necessarily join a company of men.

Talmud - Mas. Pesachim 91b

licentiousness.¹ [To turn to] the [main] text: [As to] a woman, at the First [Passover] one slaughters for her separately, while at the second one makes her an addition to others: this is the view of R. Judah. R. Jose said: [As to] a woman, at the Second [Passover] one slaughters for her separately, and at the First it goes without saying. R. Simeon said: [As to] a woman, at the First one makes her an addition to others; at the second one may not slaughter for her at all. Wherein do they differ? — R. Judah holds: according to the number of the souls² [implies] even women.³ And should you say, if so, even at the Second too? It is [therefore] written, that man shall bear his sin:⁴ only a man, but not a woman. Yet should you argue: if so, she may not even be [made] an addition at the Second, [therefore is written,] according to all the statute of the [first] passover⁵, which is effective in respect of [her being made] a mere addition.

And R. Jose? What is his reason! — Because in connection with the First [Passover] it is written, ‘according to the number of souls,’ [implying] even a woman. Again, in connection with the Second Passover it is written, that soul shall be cut off from his people,⁶ ‘soul’ [implying] even women. While what does ‘that man shall bear his sin’ exclude? It excludes a minor from kareth.

While R. Simeon [argues]: In connection with the First [Passover] ‘a man is written:⁷ only a man but not a woman. Yet should you say. If so, [she may] not even [be made] an addition: [therefore is written] ‘according to the number of souls’, which is effective in respect of [her being] an addition. But should you say, then even at the Second too, — [therefore] the Divine Law excluded [her] from the second, for it is written, ‘that man shall bear his sin’: [implying] only a man, but not a woman. Now from what is she excluded? If from an obligation,⁸ [this cannot be maintained]: seeing that there is no [obligation] at the first, is there a question of the second! Hence [she is surely excluded] from [participation even as] an addition.

Now, what is [this] ‘man’ which R. Simeon quotes? If we say, they shall take to them every man a lamb, according to their fathers’ houses etc.⁹ Surely that is required for [the teaching] of R. Isaac. who deduced: only a ‘man’ can acquire [on behalf of others], but a minor cannot acquire [on behalf of others]!¹⁰ Rather [it is derived] from ‘a man, according to his eating’.¹¹ But since R. Jose agrees with R. Simeon,¹² R. Simeon too must agree with R. Jose,¹³ and he needs that [verse to teach] that one slaughters the Passover-offering for a single person?¹⁴ — He can answer you: If so,¹⁵ let the Divine Law write ‘according to his eating’,¹⁶ why [state] ‘a man’? Hence you infer two [laws] from it.

With whom does the following dictum of R. Eleazar agree.¹⁷ [viz.]: ‘[The observance of the Passover-offering by] a woman at the First [Passover] is obligatory, while at the Second it is voluntary, and it overrides the Sabbath.’ If voluntary, why does it override the Sabbath? Rather say: ‘at the Second it is voluntary, while at the First it is obligatory and overrides the Sabbath.’ With whom [does it agree]? With R. Judah.

R. Jacob said in R. Johanan's name: A company must not be formed [consisting] entirely of proselytes, lest they be [too particular about it and bring it to disqualification].¹⁸ Our Rabbis taught: The Passover-offering and unleavened bread and bitter herbs are obligatory on the first [night], but voluntary from then onwards.¹⁹ R. Simeon said: In the case of men [it is] obligatory; in the case of women, voluntary. To what does this refer? Shall we say, to the Passover-offering is there then a Passover-offering the whole seven days!²⁰ Hence [it must refer] to unleavened bread and bitter herbs. Then consider the sequel: R. Simeon said: In the case of men [it is] obligatory; in the case of women, voluntary. Does then R. Simeon not agree with R. Eleazar's dictum: Women are bound to eat unleavened bread by Scriptural law, for it is said, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith:²¹ whoever is subject to, ‘thou shalt eat no leavened

bread,' is subject to [the law]. 'arise, eat unleavened bread'; and these women, since they are subject to, 'thou shalt eat no leavened bread,' are also subject to [the law], 'arise, eat unleavened bread?' — Rather say: The Passover-offering, unleavened bread, and bitter herbs are obligatory on the first [night]; from then onwards [the latter two] are voluntary. R. Simeon said: As for the Passover-offering, in the case of men it is obligatory, in the case of women it is voluntary.

MISHNAH. AN ONEN PERFORMS TEBILLAH AND EATS HIS PASSOVER-OFFERING IN THE EVENING, BUT [HE MAY] NOT [PARTAKE] OF [OTHER] SACRIFICES.²² ONE WHO HEARS ABOUT HIS DEAD [FOR THE FIRST TIME],²³

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- (1) Pederasty; cf. Weiss, Dor, II, 21 on the rifeness of pederasty among the Romans. — Heathen slaves are meant here.
 - (2) Ex. XII, 4.
 - (3) Since men are not specified.
 - (4) Num. IX, 13; this refers to the Second Passover.
 - (5) Ibid. 12.
 - (6) Ibid. 13.
 - (7) The Gemara discusses below which verse is meant.
 - (8) I.e., the verse teaches that she need not keep the Second Passover.
 - (9) Ex. XII, 3.
 - (10) He deduces it from the present verse. For this person took the lamb not on his behalf alone but on behalf of 'their fathers' houses', who thereby gained the right to participate therein, and Scripture specifies that a man is required for this, not a minor. Hence a minor cannot be vested with the powers of an agent.
 - (11) Ibid. 4.
 - (12) That the Passover-offering may not be sacrificed at a private bamah, and that this is deduced from, thou mayest not sacrifice the Passover-offering at one of the gates, as stated supra.
 - (13) That the Passover-offering may be slaughtered for a single person.
 - (14) For if R. Simeon does not accept this view, then he should employ the verse, 'thou mayest not sacrifice the Passover offering for one' as teaching that it may not be slaughtered for a single person, as R. Judah does supra 91a, in which case his ruling on the private bamah is without foundation.
 - (15) That the verse is intended for R. Jose's teaching only.
 - (16) Which would show that the matter depends entirely on his powers of eating.
 - (17) Lit., 'as who does it go.'
 - (18) In their ignorance of the law they may object to points which really do not matter, and thus disqualify it without cause.
 - (19) I.e., for the rest of Passover.
 - (20) That is surely not permitted even voluntarily.
 - (21) Deut. XVI, 3.
 - (22) An onen may not eat the flesh of sacrifices (v. Lev. X. 19f). By Scriptural law a man is an onen on the day of death only, but not at night; the Rabbis, however, extended these restrictions to the night too. Since, however, the Passover-offering is a Scriptural obligation, they waived their prohibition in respect of the night, and hence he may eat thereof. He is not unclean, but requires tebillah to emphasize that until the evening sacred flesh was forbidden to him, whereas now it is permitted. In respect of other sacrifices the Rabbinical law stands, and he may not partake of them.
 - (23) On the day when a man is informed of the death of a near relative, e.g., his father, he is an onen by Rabbinical law, even if death took place earlier.

Talmud - Mas. Pesachim 92a

AND ONE WHO COLLECTS THE BONES [OF HIS PARENTS],¹ PERFORM TEBILLAH AND EAT SACRED FLESH.² IF A PROSELYTE WAS CONVERTED ON THE EVE OF PASSOVER, — BETH SHAMMAI MAINTAIN: HE PERFORMS TEBILLAH AND EATS HIS PASSOVER-OFFERING IN THE EVENING; WHILE BETH HILLEL RULE: ONE WHO SEPARATES HIMSELF FROM [THE STATE OF] UNCIRCUMCISION IS LIKE ONE WHO

SEPARATED HIMSELF FROM A GRAVE.³

GEMARA. What is the reason? — He holds: [The law of] aninuth at night is Rabbinical [only], and where the Passover offering is concerned they did not insist on their law, since it involves⁴ kareth;⁵ but in respect to sacrifices [in general] they insisted on their law, Seeing that [only] an affirmative precept is involved.⁶

ONE WHO HEARS ABOUT HIS DEAD etc. ONE WHO COLLECTS BONES? — But he requires sprinkling on the third and the seventh [days]?⁷ — Say: One for whom [his parent's] bones were collected.⁸ A PROSELYTE WHO WAS CONVERTED etc. Rabbah b. Bar

Hanah said in R. Johanan's name: The controversy is in respect of an uncircumcised heathen, where Beth Hillel hold: [He is forbidden to eat in the evening] as a preventive measure lest he become defiled the following year [by the dead] and he argues, 'Did I not perform tebillah last year and eat [of the Passover offering]? So now too I will perform tebillah and eat.' But he will not understand that the previous year he was a heathen and not susceptible to uncleanness, whereas now he is an Israelite and susceptible to uncleanness. While Beth Shammai hold: We do not enact a preventive measure. But with regard to an uncircumcised Israelite⁹ all agree that he performs tebillah and eats his Passover-offering in the evening, and we do not preventively forbid an uncircumcised Israelite on account of an uncircumcised heathen¹⁰ it was taught likewise, R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel did not differ about an uncircumcised Israelite, [both agreeing] that he performs tebillah and eats his Passover-offering in the evening. About what do they differ? About an uncircumcised heathen, where Beth Shammai rule: He performs tebillah and eats his Passover-offering in the evening; while Beth Hillel maintain: He who separates himself from uncircumcision is as though he separated from a grave.

Raba said: [In the case of] an uncircumcised person, sprinkling, and a knife, they [the Sages] insisted on their enactments [even] where kareth is involved;¹¹ [in the case of] an onen, a leper and beth ha-peras,¹² they did not insist on their enactments where kareth is involved. 'An uncircumcised person,' as stated.¹³ 'Sprinkling,' for a Master said: Sprinkling is [forbidden as] a shebuth, yet it does not override the Sabbath.¹⁴ 'A knife,' as it was taught: Just as one may not bring it [sc. a knife for circumcision] through the street, so may one not bring it by the way of roofs, court-yards. or enclosures.¹⁵

'An onen,' as we have stated.¹⁶ What is this [law of] 'a leper'? For it was taught: A leper whose eighth day fell on the eve of Passover¹⁷ and who had a nocturnal discharge [keri] on that day.¹⁸ performs tebillah¹⁹ and eats [the Passover-offering in the evening].²⁰ [For] the Sages said: Though a tebul yom²¹ may not enter [the Levitical Camp], this one does enter:²² it is preferable that an affirmative precept which involves kareth²³ should come and override an affirmative precept which does not involve kareth.²⁴ Now R. Johanan said: By the law of Torah²⁵ there is not even an affirmative precept in connection therewith, for it is said, And Jehoshaphat stood in the congregation of Judah and Jerusalem, in the house of the Lord, before the new court.²⁶ What does 'the new court' mean? That they innovated a law there and ruled: A tebul yom must not enter the Levitical Camp.²⁷

'Beth ha-peras': for we learned: Now Beth Shammai and Beth Hillel both agree

(1) He too is a mourner on that day by Rabbinical law.

(2) In the evening. This applies to all sacrifices, for since even during the day he is an onen by Rabbinical law only, the Rabbis did not extend his aninuth (v. Glos.) to the evening.

(3) He must be besprinkled with the water of purification on the third and seventh days after the circumcision; hence he is not yet fit in the evening.

(4) Lit., 'in the place of'.

- (5) Since the neglect of the Passover offering involves kareth, they waived their law.
- (6) It is an affirmative precept to eat of one's own sacrifice (Ex. XXIX, 33), but the violation of this law does not involve kareth.
- (7) The Mishnah was understood literally as meaning that he himself gathered them; but these defile just like a corpse, and he is unclean for seven days, and must be besprinkled on the third and the seventh days (Num. XIX, 19).
- (8) By others: he himself is nevertheless regarded as an onen on that day.
- (9) Who was circumcised on the eve of Passover.
- (10) I.e., through fear that if the former is permitted it may be thought that the latter is permitted too.
- (11) I.e., though thereby a Scriptural command, failure to observe which involves kareth, is disregarded.
- (12) Peras is half the length of a hundred-cubit furrow, hence fifty cubits; beth ha-peras is the technical designation for a field a square peras in area, declared unclean on account of crushed bones carried over it from a ploughed grave (Jast.). Its uncleanness is Rabbinical only.
- (13) Supra: Beth Hillel forbid him to eat of the Passover-offering as a preventive measure, which is only a Rabbinical enactment.
- (14) V. Supra 65b. Thus on account of a Shebuth, which is a Rabbinical prohibition, the unclean person may not participate in the Passover-offering.
- (15) Karpf, pl. karpifoth, is an enclosure not more than two se'ahs in area (this is slightly over seventy cubits square). If the eighth day of birth, when a child must be circumcised (v. Lev. XII, 3), falls on the Sabbath, the knife must be brought the previous day. If it was forgotten, however, it must not be brought on the Sabbath, even by way of roofs, etc., carrying on which is forbidden by Rabbinical law only, and circumcision must be postponed, notwithstanding that failure to circumcise involves kareth (Gen. XVII, 14). — Actually no kareth would be incurred in the present case, since it would be done another day, but Raba means that to the precept of circumcision there is attached the penalty of kareth.
- (16) V. Mishnah and p. 490. n. 4.
- (17) When a leper was healed from his leprosy he waited seven days, performing tebillah on the seventh, and brought his sacrifices on the eighth (v. Lev. XIV, 9f). When he brought these he was still not permitted to enter the Temple Court ('the camp of the Shechinah) but stood at the east gate ('the gate of Nicanor'). whose sanctity was lower (it was regarded as 'the Levitical camp'), while the priest, standing inside the Temple Court, applied the blood and the oil to the thumbs and the great toes of the leper (ibid. 14f).
- (18) Before he had offered his sacrifices. A ba'al keri (v. Glos.) might not enter even the Levitical Camp (v. supra 67b).
- (19) Again. Though he had performed tebillah the previous day, that was on his leprosy, whereas now he performs it on account of his discharge.
- (20) Thus after the tebillah he would bring his sacrifices for leprosy.
- (21) V. Glos.
- (22) For his purification rites; v. n. 3.
- (23) Sc. the Passover-offering.
- (24) Sc. that a tebul yom must not enter the Levitical Camp. That is derived in Naz. 45a from, 'he shall be unclean; his uncleanness is yet upon him' (Num. XIX, 13); since that is an affirmative statement, the injunction likewise counts as an affirmative precept. Its violation does not involve kareth.
- (25) The Pentateuch.
- (26) II Chron. XX, 5.
- (27) Since this was all innovation, it is only Rabbinical, and as seen supra it was waived for the sake of the Passover-offering. V. Yeb., Sonc. ed. pp. 31ff notes.

Talmud - Mas. Pesachim 92b

that we examine [a beth ha-peras] for the sake of those who would keep the Passover,¹ but we do not examine [it] for those who would eat terumah.² How is it examined? Said Rab Judah in Samuel's name: He sifts the beth ha-peras as he proceeds.³ R. Judah b. Abaye⁴ said in Rab's name: A beth ha-peras which was [thoroughly] trodden down is clean.⁵

CHAPTER IX

MISHNAH. HE WHO WAS UNCLEAN OR IN A JOURNEY AFAR OFF⁶ AND DID NOT KEEP THE FIRST [PASSOVER] MUST KEEP THE SECOND. IF HE UNWITTINGLY ERRED OR WAS ACCIDENTALLY PREVENTED AND DID NOT KEEP THE FIRST, HE MUST KEEP THE SECOND. IF SO, WHY IS AN UNCLEAN PERSON AND ONE WHO WAS IN 'A JOURNEY AFAR OFF SPECIFIED? [TO TEACH] THAT THESE⁷ ARE NOT LIABLE TO KARETH, WHEREAS THOSE ARE LIABLE TO KARETH.⁸

GEMARA. It was stated: If he was in a journey afar off⁹ and they slaughtered [the Passover-offering] and sprinkled [its blood] on his behalf, — R. Nahman said: It is accepted;¹⁰ R. Shesheth said: It is not accepted. R. Nahman said, It is accepted: The Divine Law indeed had compassion on him,¹¹ but if he kept [the first], a blessing come upon him!¹² While R. Shesheth said, It is not accepted: The Divine Law did in fact suspend him, like an unclean person.¹³

R. Nahman said, Whence do I know it? Because we learned, HE WHO WAS UNCLEAN OR IN A JOURNEY AFAR OFF AND DID NOT KEEP THE FIRST [Passover] MUST KEEP THE SECOND; whence it follows that if he wished, he could keep it. And R. Shesheth?¹⁴ -He can answer you: If so, the second clause which teaches, IF HE UNWITTINGLY ERRED OR WAS ACCIDENTALLY PREVENTED AND DID NOT KEEP THE FIRST, HE MUST KEEP THE SECOND: [will you argue that] since he [the Tanna] states, AND DID NOT KEEP, it follows that had he desired he could have kept it? But surely he had unwittingly erred or been accidentally prevented! Hence [you must answer that] he teaches of deliberate neglect together with these;¹⁵ so here too [in the first clause] he teaches about an onen together with these.¹⁶ R. Ashi said: Our Mishnah too implies this,¹⁷ for it is taught, THESE ARE NOT LIABLE TO KARETH, WHILE THOSE ARE LIABLE TO KARETH: Now to what [does this refer]? Shall we say, to one who errs unwittingly or is accidentally prevented? are then he who errs unwittingly and he who is accidentally prevented subject to kareth!¹⁸ Hence it must surely [refer] to a deliberate offender and an onen. And R. Nahman?¹⁹ -He can answer you: In truth it refers to a deliberate offender alone,²⁰ and logically he should have taught, he is liable [in the singular]; but the reason that he teaches, THEY ARE LIABLE is that because the first clause teaches THEY ARE NOT LIABLE, the second clause teaches THEY ARE LIABLE.

R. Shesheth said: Whence do I know it? Because It was taught, R. Akiba said: 'Unclean' is stated and 'in a journey afar off'²¹ is stated:

(1) If there is no other way to reach Jerusalem in time to sacrifice the Passover-offering save by crossing a beth ha-peras, the field is examined and they pass through it.

(2) If a priest wishes to go somewhere to eat terumah and his way lies across a beth ha-peras, he cannot examine it but must take a circuitous course, even if this delays him a day or more. — One who passes over the beth ha-peras becomes unclean, and may not partake either of the Passover-offering or of terumah.

(3) He takes up the earth en route and sifts it, to see if any small bones are hidden there, and if there are none he is clean, cf. note 7.

(4) Var. lec.: Ammi.

(5) As it is assumed that every bone which may be there has been reduced to less than the size of a wheat, which is the minimum standard for conveying uncleanness 'through contact' or treading upon it. Therefore if a man sees this he may cross it to sacrifice the Passover-offering, but not to eat terumah. Now the uncleanness of a beth ha-peras is only Rabbinical, and as we see here this law was waived somewhat in favour of the Passover-offering.

(6) V. Num. IX, 10 f.

(7) Enumerated in this Mishnah-all the four.

(8) This is explained in the Gemara.

(9) He can reach Jerusalem by nightfall in time to eat the offering, but not by day when the offering is sacrificed.

(10) The sacrifice is valid, and he does not keep the second Passover.

(11) By giving him the opportunity of a second Passover.

(12) I.e., all the better.

(13) So that he is not permitted to keep the first.

(14) How does he rebut this?

(15) I.e., though it is not specifically stated, yet the words 'AND DID NOT KEEP' can only apply to such, and he is therefore to be understood as included in the Mishnah.

(16) I.e., the Mishnah is to be read in the first clause as including onen (v. Hananel). He could have kept the First Passover had he desired, v. supra 90b, and it is to this that the words 'AND DID NOT KEEP' refer.

(17) That the first clause includes also onen.

(18) Surely not.

(19) Does he not admit this argument?

(20) For the first clause does not treat of an onen, and consequently R. Nahman's deduction holds good.

(21) Num. IX, 10.

Talmud - Mas. Pesachim 93a

just as an unclean [person] is one who has the means of keeping it,¹ yet must not keep it, so [a man 'in] a journey afar off' means one who has the means of keeping it,² yet he must not keep it.³ And R. Nahman? - He can answer you: R. Akiba is consistent with his view, for he holds: One must not slaughter and sprinkle on behalf of a person unclean through a reptile;⁴ whereas I agree with the view that one slaughters and sprinkles on behalf of a person unclean through a reptile.⁵

Our Rabbis taught: The following keep the second [Passover]: zabin and zaboth,⁶ male lepers and female lepers, niddoth⁷ and those who had intercourse with niddoth, and women after confinement, those who [do not observe the first Passover] inadvertently, and those who are forcibly prevented, and those who [neglect it] deliberately, and he who is unclean, and he who was in 'a journey afar off'. If so, why is an unclean person mentioned? [You ask] 'why is he mentioned'? [Surely to teach] that if he wishes to keep it at the first we do not permit him? Rather [the question is] why is [a person] on a journey afar off mentioned? — To exempt him from kareth, this being in accordance with the view that it is accepted.⁸

Is then a woman obliged [to keep] the second [Passover],⁹ but surely it was taught: You might think that only a person unclean through the dead and one who was in 'a journey afar off' keep the second [Passover], — whence do we know [that] zabin and lepers and those who had intercourse with niddoth [must keep it]? From the verse, If any man [etc.]?¹⁰ -There is no difficulty: one is according to R. Jose; the other, according to R. Judah and R. Simeon.¹¹

Our Rabbis taught: One incurs kareth on account of the first [Passover], and one incurs kareth on account of the second:¹² this is Rabbi's view. R. Nathan said: One incurs kareth on account of the first, but does not incur it on account of the second.¹³ R. Hanania b. 'Akabia said: One does not incur kareth even on account of the first, unless he [deliberately] does not keep the second.

Now they are consistent with their views. For it was taught: A proselyte who became converted between the two Passovers, and similarly a minor who attained his majority between the two Passovers,¹⁴ are bound to keep the second Passover:¹⁵ that is Rabbi's view. R. Nathan said: Whoever is subject to the first is subject to the second, and whoever is not subject to the first is not subject to the second. Wherein do they differ? — Rabbi holds: The second is a separate Festival. R. Nathan holds: The second is a compensation for the second,¹⁶ [but] it does not make amends for the first.¹⁷ While R. Hanania b. 'Akabia holds: The second makes amends for the first. Now the three deduce [their views] from the same verse: But the man that is clean, and is not in a journey.¹⁸ Rabbi holds: And forbearth to keep the Passover, that soul shall be cut off¹⁹ - because he did not keep [it] at the first; or alternatively [if] he brought not the offering of the Lord in its appointed season²⁰ [i.e.] at the second. And how do you know that that [phrase], 'that man shall bear his sin,'²¹ means kareth?

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- (1) He is physically able to keep it.
- (2) E.g., one could sacrifice on his behalf and he could reach Jerusalem in time.
- (3) But must postpone it; hence if he does have it sacrificed on his behalf, it is not accepted.
- (4) Though he will be fit to eat in the evening, because at the time of sacrificing he is not fit. The present case is similar.
- (5) The translation and explanation follows cur. edd. Tosaf. records a different reading, which is supported by the Sifre (Be-ha alotheke): Just as an unclean person is one who cannot possibly keep it, on account of his uncleanness, and he must not keep it, so a person in 'a journey afar off' means one who cannot possibly reach Jerusalem in time (according to 'Ulla, for the sacrificing; according to Rab Judah, for the eating), and he too must not keep it. R. Shesheth deduces that 'he must not keep it' means that even if it is sacrificed on his behalf it is not accepted, since it is completely analogous to the case of an unclean person. R. Nahman answers that because R. Akiba holds that you may not slaughter and sprinkle on behalf of a person unclean through a reptile, therefore he learns the case of 'a journey afar off' from that of uncleanness, since the former two are alike in that both are unfit at the time of slaughtering and fit and able at the time of eating. Hence it is true that in R. Akiba's opinion the sacrifice is not accepted' if offered, but R. Nahman holds that you do slaughter and sprinkle for a person unclean through a reptile. Tosaf. adds that R. Shesheth too holds thus, but that in his view R. Akiba learns it from 'a person unclean through the dead, though the cases are not really alike then.
- (6) Plural of zabb and zabah respectively, q.v. Glos.
- (7) Pl. of niddah, q.v. Glos.
- (8) Supra 92b. For if he held that it is not accepted, then this case must be stated for that very teaching.
- (9) So that female lepers, menstruants and women after childbirth are included.
- (10) Num. IX, 10. Heb. **וַיִּשְׂא וַיִּשְׂא**, the repetition denoting extension. Thus nothing is said about women.
- (11) V. Supra 91b. R. Jose holds that even at the second Passover a company consisting entirely of women may be formed; hence in his view the second Passover is binding upon women. Whereas R. Judah and R. Simeon hold that it is voluntary only.
- (12) Deliberate neglect to keep either when there is the obligation involves kareth. Of course, no man can actually incur kareth twice, but the point is that if a man sinned unwittingly in respect of one but deliberately in respect of the other he incurs kareth. Similarly, where a proselyte becomes converted between the two Passovers and deliberately neglects the second.
- (13) Hence if he inadvertently neglected the first, he does not incur kareth even if he deliberately neglects the second.
- (14) Thus both were exempt from the first Passover, but are in a condition to keep the second.
- (15) He regards it as a separate obligation entirely, even for those who were not subject to the law at all at the first, as in the present instances.
- (16) Hence only he who was subject to the law at the first can keep the second.
- (17) Hence if a person deliberately neglects the first he incurs kareth even if he keeps the second. On the other hand, if he neglects the first unwittingly, he is not liable to kareth even if he deliberately neglects the second, since the second is not an independent obligation apart from the first.
- (18) Num. IX, 13.
- (19) Ibid.
- (20) Ibid. because (Heb. ki) he brought not the offering etc. Ki is variously translated according to the context, v. R.H. 3a. Rabbi renders it 'if'.
- (21) Ibid.

Talmud - Mas. Pesachim 93b

He holds that megaddef is one who curses¹ the [Divine] Name,² while of him who curses the [Divine] Name It Is written, [Whosoever curseth his God] shall bear his sin,³ and [the meaning of] this 'his sin' is learnt from 'his sin' there: just as there [it means] kareth, so here too, [it means] kareth.

Again, R. Nathan holds: And forbearth to keep, the Passover, that soul shall be cut off' for this ki denotes 'because'⁴ and this is what the Divine Law saith, Because he brought not the offering of the Lord at the first. How does he employ this [phrase] 'that man shall bear his sin'?⁵ — He holds that

megaddef is not one who curses the [Divine] Name,⁶ and so [the meaning of] this 'his sin' [written] there is learnt from 'his sin' [written] here; just as [it means] kareth here,⁷ so there too [it means] kareth.

While R. Hanania b. 'Akabia holds [that we translate thus]: 'and forbearth to keep the Passover, that soul shall be cut off';⁸ if [also] he brought not the offering of the Lord in its appointed season, [viz.,] at the second. And how does he employ this 'shall bear his sin'? — As we have stated.⁹

Therefore if [he neglected] deliberately both [Passovers], all agree that he is culpable. If [he neglected] both unwittingly, all agree that he is not culpable. If [he neglected] the first deliberately but the second unwittingly: according to Rabbi and R. Nathan he is culpable; according to R. Hanania b. 'Akabia, he is not culpable. If [he neglected] the first unwittingly but the second deliberately: according to Rabbi he is culpable; according to R. Nathan and R. Hanania b. 'Akabia he is not culpable.

MISHNAH. WHAT IS 'A JOURNEY AFAR OFF'? FROM MODI'IM¹⁰ AND BEYOND, AND THE SAME DISTANCE ON ALL SIDES [OF JERUSALEM]: THIS IS R. AKIBA'S OPINION. R. ELIEZER SAID: FROM THE THRESHOLD OF THE TEMPLE COURT AND WITHOUT. SAID R. JOSE TO HIM: FOR THAT REASON THE HEH IS POINTED¹¹ IN ORDER TO TEACH: NOT BECAUSE IT IS REALLY AFAR OFF, BUT [WHEN ONE IS] FROM THE THRESHOLD OF THE TEMPLE COURT AND WITHOUT [HE IS REGARDED AS BEING 'AFAR OFF'].

G E M A R A. 'Ulla said: From Modi'im to Jerusalem is fifteen miles.¹² He holds as Rabbah b. Bar Hanah said in R. Johanan's name: what is an [average] man's journey in a day?¹³ Ten parasangs: five mils from daybreak until the first sparklings of the rising sun, [and] five mils from sunset until the stars appear. This leaves thirty: fifteen from the morning until midday, and fifteen from midday until evening [i.e., sunset]. 'Ulla is consistent with his view, for 'Ulla said: What is 'a journey afar off'? Any place whence a man is unable to enter [Jerusalem] at the time of slaughtering.¹⁴

The Master said: 'Five mils from daybreak until the first sparklings of the rising sun.' Whence do we know it? — Because It is written, And when the morning arose [i.e., at daybreak], then the angels hastened Lot, saying etc.;¹⁵ and it is written, The sun was risen upon the earth when Lot came unto Zoar.,¹⁶ while R. Hanina said: I myself saw that place and it is five mils [from Sodom].

The [above] text [stated]: "'Ulla said, what is "a journey afar off"? Any place whence a man is unable to enter [Jerusalem] at the time of slaughtering.' But Rab Judah maintained: Any place whence one is unable to enter [Jerusalem] at the time of eating. Rabbah said to 'Ulla: on your view there is a difficulty, and on Rab Judah's view there is a difficulty. On your view there is a difficulty, for you say, 'Any place whence a man is unable to enter at the time of slaughtering': yet surely a man unclean through a reptile is unable to enter¹⁷ at the time of slaughtering, yet you say, One slaughters and sprinkles on behalf of a person unclean through a reptile? On Rab Judah's view there is a difficulty, for he says, 'Any place whence one is unable to enter at the time of eating': but surely he who is unclean through a reptile is able to enter at the time of eating, yet he says, One may not slaughter and sprinkle on behalf of a man unclean through a reptile?¹⁸ Said he to him: Neither on my view nor on Rab Judah's view is there a difficulty. On my view there is no difficulty: 'A journey afar off' [is stated] in reference to a clean person, but 'a journey afar off' is not [stated] in reference to an unclean person.¹⁹

(1) Lit., 'blesses', a euphemism for 'curses'

(2) V. Num. XV, 30; he blasphemeth (Heb. megaddef, R.V.: reproacheth) the Lord; and that soul shall be cut off(i.e., kareth). The meaning of megaddef is disputed in Ker. 7b.

(3) Lev. XXIV, 15. From Num. XV, 30 'ye know that he incurs kareth, and therefore that must be the meaning in this

verse.

(4) R. Nathan renders 'ki' as 'because'.

(5) According to Rabbi it is necessary, as it refers to the punishment for the neglect of the second. But since R. Nathan relates it to the first, it is superfluous, having been already stated.

(6) But one who takes part in an idolatrous service, e.g., by singing hymns in a heathen Temple, v. Ker. 7b. Consequently, Nun., XV, 30 cannot be identified with Lev. XXIV, 15 (v. notes supra), and so there is nothing to indicate the meaning of 'shall bear his sin' in the latter verse, which refers to blasphemy.

(7) As explicitly stated in the first half of the verse.

(8) Translating ki like Rabbi, except that he connects it with the preceding part of the verse.

(9) In connection with R. Nathan.

(10) Generally known as Modim, a town famous in Jewish history as the residence of Mattathias and his sons, where the Maccabean revolt against Antiochus flared up; it was some fifteen miles N.W. of Jerusalem.

(11) The Heb. for 'a journey afar off' (Num. IX, 10) is רַחֵק רַחֵק the ה (heh) being traditionally written with a dot, thus . Such a point was regarded as a weakening or limitation, as though the word were not really written.

(12) A mil=two thousand cubits, a quarter of a parasang.

(13) From daybreak to nightfall, when the day and night are of equal length, i.e., from six a.m. To six p.m.

(14) I.e., so far, that if a man started walking at midday, which is the earliest time for sacrificing the Passover-offering, he could not reach it by sunset, which is the latest. Taking this statement in conjunction with the preceding calculation, we see that Modim must be fifteen mils from Jerusalem.

(15) Gen. XIX, 15.

(16) Ibid. 23.

(17) Sc. the Temple.

(18) For this controversy v. supra 90b.

(19) V. Num. IX, 13: But the man that is clean, and is not in a journey, and forbearth to keep (lit., 'do') the Passover etc. From this we see, (i) that the exemption for a man who is in a 'journey afar off' applies to a clean person, and (ii) that a 'journey (afar off)' is determined by his inability to do the Passover, i.e., to slaughter it. Hence if he is so far away that he cannot reach the Temple Court in time for the slaughtering, he is in a journey afar off'. But an unclean person is exempt because of his uncleanness, which prevents his eating, but not his sacrificing, since that can be done by another acting on his behalf. Moreover, since Scripture specifies one who is 'unclean by reason of a dead body' and does not state one who is unclean through a reptile, it follows that this exemption applies only to such as the former, who are unclean for a long period (seven days) and cannot be fit in the evening, but not to such as the latter, who can be fit to eat in the evening.

Talmud - Mas. Pesachim 94a

On Rab Judah's view there is no difficulty: When one is unclean through a reptile, the Divine Law relegated him [to the second Passover], for it is written, 'If any man shall be unclean by reason of a dead body': does this not refer [even] to one whose seventh day falls on the eve of Passover, yet even so the Divine Law said: Let him be relegated [to the second].¹

Our Rabbis taught: If he was standing beyond Modi'im and is able to enter by horses and mules, you might think that he is culpable. Therefore it is stated: 'and is not in a journey,'² whereas this man was in a journey.³ If he was standing on the hither side of Modi'im, but could not enter on account of the camels and wagons which held him up,⁴ you might think that he is not culpable. Therefore It is stated, 'and is not in a journey,' and lo, he was not in a journey.⁵

Raba said: The world is six thousand parasangs,⁶ and the thickness of the heaven [rakia'] is one thousand parasangs the first one [of these statements] is a tradition, while the other is [based on] reason. [Thus:] he agrees with Rabbah b. Bar Hanah's dictum in R. Johanan's name: What is an average man's journey in a day? Ten parasangs: from daybreak until the first sparklings of the rising sun five mils, and from sunset until the stars appear five mils: hence the thickness of the heaven is one sixth of the day['s journey].⁷

An objection is raised: Rab Judah said: The thickness of the sky is one tenth of the day's journey. The proof is this: what is an [average] man's journey in a day? Ten parasangs, and from daybreak until the rising sun four mils, [and] from sunset until the stars appear four mils,: hence the thickness of the sky is one tenth of the day[’s journey].⁸ This is a refutation of Raba, and a refutation of ‘Ulla! It is a refutation.⁹ Shall we say that this is [also] a refutation of R. Johanan?-He can answer you: I spoke only of [an average man's journey] in a [complete] day, and it was the Rabbis¹⁰ who erred by calculating [the distance for] pre-dawn and after nightfall.¹¹ Shall we say that this is a refutation of R. Hanina?¹² — No: ‘and [the angels] hastened’¹³ is different —¹⁴

Come and hear: Egypt was four hundred parasangs square. Now Egypt is one sixtieth of Ethiopia [Cush], Ethiopia one sixtieth of the world, the world one sixtieth of the Garden, the Garden one sixtieth of Eden, Eden one sixtieth of the Gehenna: thus the whole world is like a pot lid [in relation] to Gehenna. This is [indeed] a refutation .¹⁵ Come and hear: Tanna debe Eliyahu¹⁶ [taught]: R. Nathan said: The whole of the inhabited world is situate under one star. The proof is that a man looks at a star, [and] when he goes eastward it is opposites [and when he goes] to the four corners of the world it is opposite him. This proves that the whole of the inhabited world is situate under one star. This is indeed a refutation.¹⁷

Come and hear: The Wain [‘Waggon’]¹⁸ is in the north and Scorpio is in the south, the whole of the inhabited world lies between the Wain and Scorpio, and the whole of the inhabited world represents but one hour of the day,¹⁹ for the sun enters [the space above] the inhabited world only for one hour in the day.²⁰ The proof is that at the fifth [hour] the sun is in the east while at the seventh the sun is in the west: [during] half of the sixth and half of the seventh the sun stands overhead all people.²¹ This is [indeed] a refutation. Come and hear: For R. Johanan b. Zakkai said: What answer did the Bath Kol²² give that wicked man [Nebuchadnezzar] when he asserted, ‘I will ascend above the heights of the clouds; I will be like the Most High’?²³ A Bath Kol came forth and rebuked him: ‘Thou wicked man, son of a wicked man,

(1) V. supra 90b and notes a.l.

(2) Ibid.

(3) As defined in the Mishnah.

(4) He too being on one, and the road was blocked.

(5) He should have completed it on foot.

(6) Rashi: in diameter from east to west.

(7) The periods from daybreak until the rising sun is in the heavens, and again from sunset until the stars appear, were regarded as the time during which the sun was passing through the sky, which was conceived as a solid vault stretched out above the earth. Hence it follows from Rabbah's dictum that since five mils can be walked in each of these two periods, while thirty mils can be walked during the day excluding these periods (ten parasangs=fifty mils), the thickness of the sky is one sixth of the world's diameter.

(8) The one tenth is of the inclusive figure, i.e., four in forty, whereas one sixth mentioned before was exclusive: six in thirty. But in any case they disagree.

(9) Both (for ‘Ulla v. supra 93b) hold that five mils can be walked from daybreak until the sun is in the heavens, which certainly cannot be reconciled with the present statement.

(10) I.e., ‘Ulla and R. Johanan.

(11) He had merely stated that an average man can walk ten parasangs in a day, but Raba and ‘Ulla had erred by adding that one travels five mils in the period stated; though most people do indeed walk five mils by the time the sun is in the heavens, that is because they generally start a little before dawn; similarly in the evening they continue their journey a little after nightfall.

(12) Supra 93b.

(13) Gen. XIX, 15.

(14) They would naturally cover a greater distance.

(15) For according to the present calculation the surface area of the world is 576,000,000 sq. parasangs (thus: 400 X 400 X 60 x 60) whereas according to Raba, even if the 6000 is squared, we have only 36,000,000 sq. parasangs.

(16) This is a Midrash consisting of two parts, 'Seder Eliyahu Rabbah' and 'Seder Eliyahu Zuta'. According to the Talmud Keth. 106a the Prophet Elijah recited this Midrash to R. 'Anan, a Babylonian Amora of the third century. Scholars are agreed that the work in its present form received its final redaction in the tenth century C.E., though they are not agreed as to where it was written. V. Bacher, Monatschrift, XXIII, 267f; idem in R.E.J. XX, 144-146; Friedmann, Introduction to his edition of Seder Eliyahu; v. Keth., Sonc. ed. p. 680, n. 2.

(17) And since there are countless stars in the sky, it follows that the sky is immeasurably greater than the earth, not, as Raba says, only one sixth.

(18) The Great Bear.

(19) The sun in travelling through the sky takes one hour only to travel across the actual breadth of the world.

(20) As explained in the previous note.

(21) "Wherever they are; thus it is during this hour only that the sun is actually above the world. This too proves that the sky is infinitely larger than the earth.

(22) V. Glos.

(23) Isa. XIV, 14.

Talmud - Mas. Pesachim 94b

descendant of the wicked Nimrod, who incited the whole world to rebel [himrid]¹ against Me during his reign!² How many are the years of man? Seventy years; and if by reason of strength, eighty years, for it is said, The days of our years are threescore years and ten, or even by reason of strength fourscore years.³ Now from earth to heaven is a five hundred years journey, the thickness of heaven is a five hundred years' journey, and between the first heaven and the next lies a five hundred years' journey, and similarly between each heaven,⁴ 'Yet thou shalt be brought down to the nether-world, to the uttermost parts of the pit' —⁵ This is [indeed] a refutation.

Our Rabbis taught: The Sages of Israel maintain: The Galga⁶ is stationary [fixed], while the mazzaloth⁷ revolve; while the Sages of the nations of the world maintain: The Galgal revolves and the mazzaloth are stationary.⁸ Rabbi observed: This disproves their view [viz.,] we never find the Wain in the south or Scorpio in the north.⁹ To this R. Aha b. Jacob demurred: Perhaps it is like the pivot¹⁰ of a millstone,¹¹ or like the door socket?

The Sages of Israel maintain: The sun travels beneath the sky by day and above the sky at night; while the Sages of the nations of the world maintain: It travels beneath the sky by day and below the earth at night. Said Rabbi: And their view is preferable to ours, for the wells are cold by day but warm at night.¹²

It was taught, R. Nathan said: In summer the sun travels in the heights of the heaven,¹³ therefore the whole world is hot while the wells [springs] are cold; in winter the sun travels at the lower ends of the sky,¹⁴ therefore the whole world is cold while the wells are hot.

Our Rabbis taught: The sun travels over four courses: [during] Nisan,¹⁵ Iyar and Sivan, it travels over the mountains, in order to melt the snows; [in] Tammuz, Ab and Elul, over the inhabited world, to ripen the fruits; [in] Tishri, Marheshwan and Kislev, over seas, to dry up the rivers; in Tebeth, Shebat and Adar, through the wilderness, so as not to dry up the seeds [in the ground]. R. ELIEZER SAID: FROM THE THRESHOLD etc. Even though he can enter, and we do not say to him, 'Arise and enter'? but it surely was taught: An uncircumcised Jew who did not circumcise himself is punished by kareth: this is the opinion of R. Eliezer? — Said Abaye: 'A journey afar off' [is stated] in respect of a clean person, but 'a journey afar off' is not [stated] in respect of an unclean person.¹⁶ Raba said: It is [a controversy of] Tannaim. For it was taught, R. Eliezer said: Distance of place is stated in connection with the Passover, and distance of place is stated in connection with tithe:¹⁷ just

as there [it means] without [the boundaries of] its eating,¹⁸ so here too it means outside [the place of] its eating.¹⁹ R. Jose son of R. Judah said on R. Eliezer's authority: [It means] outside [the place] where it is sacrificed.²⁰ With whom does the following dictum of R. Isaac son of R. Joseph agree. [viz.:] In respect of those who are unclean, decide by the majority who are standing in the Temple Court.²¹ With whom [does it agree]? With R. Jose son of R. Judah, as he stated [the law] on R. Eliezer's authority.²²

SAID R. JOSE TO HIM, THEREFORE etc. It was taught, R. Jose the Galilean said: [BY] 'a journey afar off' I may understand a distance of two or three days: but when it is said, and is not in a journey, it teaches that from the threshold of the Temple Court and without is designated a journey

²³

MISHNAH

- (1) This is a play on the name Nimrod, deriving it from marad, to rebel.
- (2) According to Talmudic tradition Nimrod instigated the building of the tower of Babel to storm heaven.
- (3) Ps. XC, 10.
- (4) According to the ancient tradition there were seven heavens.
- (5) Isa. XIV, 15. [In Hag. 13a the distance is further extended and according to the calculation given there amounts to a total of 4,096,000 years' journey, which at the rate of eighty rabbinic mils in 24 hours (v. supra) amounts to 119,603,200,000 say — 120,000 million mils, which shows that the Rabbis had a fair idea of stellar distance. Cf. Feldman, W. M., Rabbinical Mathematics, p. 213.]
- (6) ['Wheel sphere' probably the celestial sphere, v. n. 7.]
- (7) Here fixed stars.
- (8) [This will probably represent the Ptolemaic view according to which the stars are fixed on the surface of the celestial sphere which moves round the earth carrying the stars with it, v. op. cit. p. 71.]
- (9) But if the Galgal revolves, the mazzaloth too would change their position. The view of the Jewish Sages is difficult to explain.
- (10) Rashi. 'Aruch: the socket.
- (11) "Which remains fixed in its place.
- (12) [On this passage v. op. cit. p. 72.]
- (13) Above the earth.
- (14) Not above the earth but at its side.
- (15) The first month of the Jewish civil year, commencing some time in March. The remaining eleven months are enumerated in order.
- (16) v. supra 93b. Similarly, a man must make himself fit for the Passover, and otherwise he incurs kareth. But it is not his duty to bring himself within the area of obligation. Tosaf. points out an obvious difficulty: if he is uncircumcised or unclean and standing without the Temple court, as he must be in that case, he must make himself fit and keep the Passover on penalty of kareth; whereas if he is already circumcised or clean and standing without he is exempt! Tosaf explains it with the principle laid down by R. Zera, v. Yeb. 104b.
- (17) Deut. XIV, 24 q.v.
- (18) The second tithe must be eaten in Jerusalem. Anywhere outside Jerusalem is regarded as a distant place and the law of redemption applies.
- (19) When Scripture states that if a man is on a journey afar off he is exempt, it means if he is anywhere outside Jerusalem, in the whole of which the Passover-offering was eaten. Hence if he is merely outside the Temple Court but in Jerusalem he is not exempt.
- (20) viz., the Temple Court. Thus we have a controversy of Tannaim as to R. Eliezer's view.
- (21) when the majority of those in the Temple Court are unclean, the Passover is sacrificed in uncleanness (supra 79a). But those who are not in the Temple Court are disregarded entirely. as they are on a 'journey afar off'.
- (22) For according to the first Tanna a majority of all in Jerusalem would be required.
- (23) Since 'afar off' is not mentioned here.

Talmud - Mas. Pesachim 95a

WHAT IS THE DIFFERENCE BETWEEN THE FIRST PASSOVER AND THE SECOND? THE FIRST IS SUBJECT TO THE PROHIBITION OF [LEAVEN] SHALL NOT BE SEEN AND [LEAVEN] SHALL NOT BE FOUND;¹ WHILE AT THE SECOND [A MAN MAY HAVE] LEAVENED AND UNLEAVENED BREAD IN THE HOUSE WITH HIM. THE FIRST REQUIRES [THE RECITING OF] HALLEL WHEN IT [THE PASCHAL LAMB] IS EATEN, WHEN THE SECOND DOES NOT REQUIRE HALLEL WHEN IT IS EATEN. BUT BOTH REQUIRE [THE RECITING OF] HALLEL WHEN THEY ARE SACRIFICED, AND THEY ARE EATEN ROAST WITH UNLEAVENED BREAD AND BITTER HERBS, AND THEY OVERRIDE THE SABBATH.

GEMARA. Our rabbis taught: According to all the statute of the Passover they shall keep it:² the Writ refers to the ordinance[s] pertaining to itself.³ How do we know the ordinance[s] indirectly connected with itself?⁴ Because it is said, they shall eat it with unleavened bread and bitter herbs.⁵ You might think that regulations which are not even indirectly connected with itself [are included too]; therefore it is stated, nor shall they break a bone thereof:⁶ just as the breaking of a bone stands out as an ordinance pertaining to itself, so is every ordinance pertaining to itself [included].⁷ Issi b. Judah said: 'they shall keep it' [implies that] the Writ treats of regulations pertaining to itself.⁸

The Master said: 'You might think that regulations which are not even indirectly connected with itself [are included too]' — But surely you have said that the Writ refers to ordinance[s] pertaining to itself?—This is what he means: now that you have quoted, 'they shall eat it with unleavened bread and bitter herbs, which proves that 'they shall keep it'⁹ is not exact, then say that it is like a particularization and a general proposition, whereby the general proposition is accounted as adding to the particularization, so that even all regulations [are included]:¹⁰ hence he informs us [that It is not so].

Now Issi b. Judah, how does he utilize this [law concerning a] bone?—He requires it for [teaching that] both a bone which contains marrow and a bone which does not contain marrow [are meant].¹¹ And the Rabbis: how do they utilize this [verse] 'they shall keep it'?—they require it to teach that one may not kill the Passover-offering on behalf of a single person, so that as far as it is possible to procure [another unclean person] we do so.¹² Our Rabbis taught: 'According to all the statute of the Passover they shall keep it': you might think, just as the first is subject to the prohibition of [leaven] 'shall not be seen' and 'shall not be found', so is the second subject to the prohibition of [leaven] shall not be seen and shall not be found: therefore it is stated, they shall eat it with unleavened bread and bitter herbs.¹³ Again, I know it only of positive precepts;¹⁴ how do we know it of negative precepts? Because It is stated, They shall leave none of it unto the morning.¹⁵ Also, I know it only of a negative precept modified to a positive precept;¹⁶ how do we know it of an absolute negative precept? Because It is stated, 'and they shall not break a bone thereof': [hence] just as the particularization is explicitly stated as a positive precept, and a negative precept modified to a positive precept, and an absolute negative precept, so every positive precept, and a negative precept modified to a positive precept, and complete negative precept [are included].¹⁷ What is included in the general proposition as applied to '[they shall eat it] with unleavened bread and bitter herbs'?—Roast with fire.¹⁸ What does it exclude in its particularization?¹⁹—The putting away of leaven. May I [not] reverse it? — [The inclusion of] a precept pertaining to itself is preferable. What is included in the general proposition as bearing on 'they shall leave none of it unto the morning'?— thou shall not carry forth aught [of the flesh abroad out of the house],²⁰ (which is similar thereto, since the one is disqualified through being nothar,²¹ while the other is disqualified through going out [of its permitted boundary]).²² What does it exclude by its particularization?—[Leaven] 'shall not be seen and 'shall not be found,' (which is similar thereto, for the one does not involve flagellation, since it is a negative precept modified to a positive precept, while the other does not involve flagellation,

since It is a negative precept modified to a positive precept.)²³ May I [not] reverse it?- [The inclusion of] a precept pertaining to itself is preferable.

What is included in the general proposition as bearing on 'they shall not break a bone thereof'?

- (1) Ex. XII, 19; Deut. XVI, 4
- (2) Num. IX, 12 with reference to the second Passover.
- (3) E.g.. how the sacrifice shall be prepared, that it is to be eaten roast etc.; but regulations not directly pertaining to itself, e.g.. the removing of leaven, are not included.
- (4) E.g., that it is to be eaten with unleavened bread and bitter herbs.
- (5) Num. IX, 11.
- (6) Ibid. 12.
- (7) But not others.
- (8) So that 'nor shall they break a bone thereof' is unnecessary for that purpose.
- (9) 'It' might imply that only the regulations directly bearing on the sacrifice itself are meant, and therefore exclude the eating of unleavened bread and bitter herbs.
- (10) This is a general principle of exegesis that if a law is first stated in a particular instance and then in a general form, the former does not limit the latter but on the contrary the latter generalizes the former, so that all instances are included. Here a particular instance of similarity between the first Passover and the second is stated in v. 11 while in v. 12 a general law is stated that the two are alike in all respects.
- (11) Supra 85a.
- (12) Even if we have to defile a person at the first Passover, so that there may be at least two at the second; v. supra 91a.
- (13) V. p. 508. they are alike only in respect of the regulations pertaining to or connected with itself, just like the particular case which is stated.
- (14) 'They shall eat it' etc. is a positive precept, and therefore teaches that all the positive precepts applicable to the first Passover are also binding upon the second, e.g., the precept to eat it roast.
- (15) Num. IX, 12; hence the deduction stated in the preceding note applies to negative precepts too.
- (16) A prohibition which if violated must be repaired by a positive act. Thus 'and ye shall let nothing of it remain until the morning' (Ex. XII, 10) is followed by 'but that which remaineth of it until the morning ye shall burn with fire'. Technically such an injunction is less stringent than an ordinary negative precept and does not involve flagellation.
- (17) Hence the general proposition, 'according to all the statute etc., is applied separately to each of these three particular laws, teaching that all laws which partake of their nature are included.
- (18) V. n . 2.
- (19) For just as the general proposition includes laws unstated, so the particularization teaches that some laws are excluded, as otherwise the former alone would suffice.
- (20) Ex. XII, 46
- (21) V. Glos.
- (22) Var. lec. omits the bracketed passage.
- (23) If flesh of the Passover sacrifice is left over, it must be burnt, while if leaven is not completely removed before Passover, so that it is 'seen' or 'found', it must be destroyed whenever discovered. Hence both of these negative precepts are modified to positive precepts, and he who violates them is not flagellated.-Var. lec. omits the bracketed passage.

Talmud - Mas. Pesachim 95b

— Eat not of it half-roast.¹ By its particularization what does it exclude? Thou shall not offer the blood of My sacrifice with leavened bread.² May I [not] reverse it?- [The inclusion of] a precept pertaining to itself is preferable.

THE FIRST REQUIRES [THE RECITING OF] HALLEL WHEN IT IS EATEN etc. Whence do we know it?-Said R. Johanan on the authority of R. Simeon b. Jehozadak: Scripture saith, Ye shall have a song as in the night when a feast is hallowed:³ the night that is hallowed for a feast [Festival] requires [the reciting of] Hallel ['Song'], while the night which is not hallowed for a feast does not

require [the reciting of] Hallel.

BUT BOTH REQUIRE [THE RECITING OF] HALLEL WHEN THEY ARE SACRIFICED etc. What is the reason?-I can either say, [Scripture] excludes the night, but not the day; or alternatively, is it possible that Israel sacrifice their Passover-offerings or take their palm-branches⁴ without reciting Hallel!

AND THEY ARE EATEN ROAST etc. Only the Sabbath [do they override], but not uncleanness.⁵ our Mishnah does not agree with R. Judah, for it was taught: It [the second Passover] overrides the Sabbath, but it does not override uncleanness; R. Judah maintained: It overrides uncleanness too. What is the reason of the first Tanna?-Seeing that I have suspended him [from the first Passover] on account of uncleanness, shall he after all keep it in uncleanness?⁶ And R. Judah?⁷ — The Torah sought [means] for him to keep it in cleanness; yet if he was not privileged [thus], he must keep it in uncleanness. Our Rabbis taught: The first Passover overrides the Sabbath, [and] the second Passover overrides the Sabbath; the first Passover overrides uncleanness, [and] the second Passover overrides uncleanness; the first Passover requires the spending of the night [in Jerusalem], [and] the second Passover requires the spending of the night [in Jerusalem]. ‘[The second Passover] overrides uncleanness . With whom [does this agree]? — With R. Judah. But according to R. Judah, does it require the spending of the night [in Jerusalem]? Surely it was taught, R. Judah said: How do we know that the second Passover does not require the spending of the night [in Jerusalem]? Because it is said, and thou shalt turn in the morning, and go unto thy tents;⁸ and it is written, six days thou shalt eat unleavened bread:⁹ that which is eaten six [days] requires the spending of the night [in Jerusalem], but that which is not eaten six [days] does not require the spending of the night [in Jerusalem]?¹⁰ -There is [a controversy of] two Tannaim as to R. Judah's opinion.

MISHNAH. [WITH REGARD TO] THE PASSOVER-OFFERING WHICH COMES IN UNCLEANNESS, ZABIN AND ZABOTH, MENSTRUANT WOMEN AND WOMEN AFTER CONFINEMENT MUST NOT EAT THEREOF, YET IF THEY DID EAT THEY ARE EXEMPT FROM KARETH;¹¹ BUT R. ELIEZER EXEMPTS [THEM] EVEN [OF THE KARETH NORMALLY INCURRED] FOR ENTERING THE SANCTUARY.

G E M A R A. Our Rabbis taught: If zabin and zaboth, menstruant women and women after confinement ate of the Passover-offering which was sacrificed in uncleanness, you might think that they are culpable, therefore it is stated, Every one that is clean may eat flesh [of sacrifices]. But the soul that eateth of the flesh of the sacrifice of peace-offerings, that pertain unto the Lord, having his uncleanness upon him, that soul shall be cut off:¹² with regard to that which is eaten by clean persons, you are culpable on its account on the score of uncleanness, but as to that which is not eaten by clean persons, you are not culpable on its account on the score of ‘uncleanness —¹³ R. Eliezer said: If zabin and lepers¹⁴ forced their way through and entered the Temple Court at a Passover-offering which came in uncleanness, you might think that they are culpable; therefore it is stated , [command the children of Israel,] that they send out of the camp every leper, and everyone that hath an issue [zab], and whosoever,- is unclean by the dead:¹⁵ when those who are unclean by the dead are sent out, zabin and lepers are sent out; when those who are unclean by the dead are not sent out, zabin and lepers are not sent out.

R. Joseph asked: What if persons unclean through the dead forced their way in and entered the Temple [hekal]¹⁶ at a Passoveroffering which came in uncleanness? [Do we say,] since the uncleanness of the Temple Court was permitted, the uncleanness of the Temple [hekal] too was permitted;¹⁷ or perhaps, what was permitted was permitted, while what was not permitted was not permitted? Said Raba: Scripture saith, ‘that they send out of the camp,’ [implying] even from part of the camp.¹⁸ Others maintain. Raba said: Scripture saith, without [mi-huz] the camp shall ye send them:¹⁹ only where²⁰ ‘without the camp shall ye send them,’ is applicable, is ‘that they send out of

the camp' applicable.²¹

A. Joseph asked: What if persons unclean by the dead forced their way through [to the altar] and ate the emurim: of a Passover-offering which came in uncleanness?²²

(1) Ex. XII, 9.

(2) Ex. XXXIV, 25.

(3) Isa. XXX, 29.

(4) On the Feast of Tabernacles, v. Lev. XXIII, 40.

(5) If the majority of those who should keep the second Passover are unclean, the sacrifice is not brought.

(6) Surely not.

(7) How does he rebut this argument?

(8) Deut. XVI, 7' 'Thy tents' is understood to refer to tents pitched without Jerusalem; but it cannot mean home, firstly because one might not travel on a Festival, and secondly because the pilgrimage burnt-offering was yet to be offered. The phrase 'in the morning' teaches that the night was to be spent in Jerusalem, even after the Passover sacrifice was consumed.

(9) Ibid. 8.

(10) I.e., only the Passover-offering which necessitates the eating of unleavened bread six days (actually seven; v. infra 120a), and prohibits leaven necessitates the spending of the night in Jerusalem; the first Passover alone fulfils this condition, but not the second. — Thus R. Judah is self-contradictory.

(11) The usual penalty for eating sacred flesh in a state of personal uncleanness. But if they actually entered the Temple too, they are liable to kareth on that account.

(12) Lev. VII, 19f.

(13) Hence when the Passover-offering comes in uncleanness, though zabin etc. may not eat of it, they nevertheless do not incur kareth.

(14) So the text as emended and Supra 67b.

(15) Num. V, 2.

(16) The hall containing the golden altar; the Temple proper, as opposed to the Temple court. Even priests might enter it only when necessary; here entry was unnecessary, since the offering was sacrificed in the Temple Court.

(17) I.e., no penalty is incurred on account of uncleanness.

(18) Even when they are not sent out of the entire camp, as here, they are sent out of the part where their presence is not necessary; hence if they enter it they incur kareth.

(19) Num. V, 3; 'mi-huz' implies right outside the whole of it.

(20) Lit., 'read in his case'.

(21) Hence, since he is not sent out of the whole camp, he is not liable.

(22) The emurim were burnt on the altar, and were therefore forbidden.

Talmud - Mas. Pesachim 96a

[Do we say,] since the uncleanness of the flesh was permitted, the uncleanness of the emurim too was permitted;¹ or perhaps, what was permitted was permitted, and what was not permitted was not permitted? Said Raba, Consider: whence is the uncleanness of emurim included?² From the uncleanness of the flesh, for it is written, That pertain onto the Lord,³ which includes emurim: [hence] wherever the uncleanness of the flesh is interdicted, the uncleanness of the emurim is interdicted: while wherever [the interdict of] the uncleanness of the flesh is absent, [the interdict of] the uncleanness of the emurim is absent.

R. Zera asked: Where did they burn the emurim of the Passover offering of Egypt?⁴ -Said Abaye, And who is to tell us that it was not prepared roast?⁵ Moreover, surely R. Joseph learned: Three altars were there [for the sprinkling of the blood] viz., the lintel and the two doorposts.⁶ Further, was there nothing else?⁷

M I S H N A H. WHAT IS THE DIFFERENCE BETWEEN THE PASSOVER-OFFERING OF EGYPT AND THE PASSOVER-OFFERING OF [SUBSEQUENT] GENERATIONS?⁸ THE PASSOVER-OFFERING IN EGYPT WAS TAKEN ON THE TENTH [OF NISAN],⁹ [ITS BLOOD] REQUIRED SPRINKLING WITH A BUNCH OF HYSSOP ON THE LINTEL AND ON THE TWO DOOR-POSTS, AND IT WAS EATEN IN HASTE ON ONE NIGHT; WHEREAS THE PASS OVER- OFFERING OF [SUBSEQUENT] GENERATIONS IS KEPT THE WHOLE SEVEN [DAYS].¹⁰

G E M A R A. Whence do we know it?—Because it is written, Speak ye unto all the congregation of Israel, saying: in the tenth day of this month they shall take [to them every man a lamb]:¹¹ the taking of this one was on the tenth, whereas the taking of the Passover-offering of [subsequent] generations is not on the tenth. If so, [when it is written,] And ye shall keep it [mishmereth] until the fourteenth day of this month,¹² does that too [intimate], this requires a four days' examination before slaughtering,¹³ but no other requires examination? Surely it was taught, The son of Bag Bag¹⁴ said: How do we know that the tamid¹⁵ requires a four days' examination before slaughtering? Because it is said, Ye shall observe [tishmeru] to offer unto Me in its due season,¹⁶ while elsewhere it is said, And ye shall keep it [mishmereth] until the fourteenth [etc.]:¹⁷ just as there it requires a four days' examination before slaughtering, so here too it requires a four days examination before slaughtering? — There it is different, because tishmeru ['ye shall observe'] is written.¹⁸ And thus [in connection with] the annual Passover-offering it is indeed written, then thou shalt keep this service in this month,¹⁹ [which intimates] that all the services of this month [in subsequent generations] should be like this.²⁰ Hence that [word] 'this'²¹ is to exclude the second Passover, which is like itself.²²

But [again] if so, when it is written, and they shall eat the flesh in this night,²³ does that too [teach] that this is eaten at night, but another is not eaten at night?²⁴ -Scripture saith, then thou shalt keep this service [etc.].²⁵ Then what is the purpose of 'this'?- [It is required] for [the exegesis] of R. Eleazar b. 'Azariah and A. Akiba [respectively].²⁶

But if so, when it is written, But no uncircumcised person shall eat thereof,²⁷ does that too [teach] that he may not eat 'thereof,' yet he may eat of the Passover-offering of [subsequent] generations?-[No, for] Scripture saith, 'Then thou shalt keep [this service etc.].' Then what is the purpose of 'thereof'?- Thereof he must not eat, but he eats unleavened bread and the bitter herbs. But if so, when it is written, There shall no alien eat thereof,²⁸ is it the case there too that he must not eat thereof, yet he eats of the Passover-offering of [subsequent] generations? — Scripture saith, 'Then thou shalt keep [etc.].' Then what is the purpose of 'thereof'?- In that case only ['thereof'] does apostasy disqualify, but apostasy does not disqualify in the case of terumah — Now it is necessary that an uncircumcised person should be stated, and it is necessary that an alien should be stated. For if the Divine Law stated an uncircumcised person, [I would say that he is disqualified] because he is repulsive, but an alien is not repulsive [so] I would say [that he is] not [excluded] from the Passover-offering; hence [an alien] is necessary. And if we were informed about an alien, [I would argue that he is disqualified] because his heart is not toward Heaven, but [as for] an uncircumcised person, whose heart is toward Heaven,²⁹ I would say [that he is] not [excluded]. Thus both are necessary.

But if so, [when it is written,] A sojourner [toshab] and a hired servant [sakir] shall not eat thereof,³⁰ does that too [intimate] that he must not eat thereof, but he does eat of the annual Passover? — Scripture saith, 'Then thou shalt keep [etc.].' Then what is the purpose of 'thereof'?- Only in this case does apostasy disqualify, but apostasy does not disqualify from terumah.³¹ But if so, [when it is written, But every man's servant that is bought for money,] when thou hast circumcised him, then shall he eat thereof,³² — does that too [intimate] that he must not eat thereof, but he does eat of the annual Passover? — Scripture saith, 'then thou shalt keep [etc.].' Then what is the purpose of 'thereof' [bo]? Only in this case [bo] is the circumcision of his males and his slaves

indispensable,³³ but the circumcision of his males and his slaves is not indispensable in the case of terumah. But if so, when it is written, Neither shall ye break a bone thereof,³⁴ does that too [intimate] that he may not break [a bone] thereof, but he may break [a bone] of the annual Passover?-Scripture saith, 'then thou shalt keep [etc.]'. Then what is the purpose of 'thereof'? 'Thereof' [indicates] of a fit [sacrifice], but not of an unfit [one].³⁵

But if so, when it is written, Eat not of it half-roast,³⁶ [does that too intimate,] of it you may not eat [half-roast], but you may eat half-roast of the annual Passover-offering?-Scripture saith, 'then thou shalt keep etc.' Then what is the purpose of 'of it'?- For the teaching of Rabbah in R. Isaac's name.³⁷

AND WAS EATEN IN HASTE etc. How do we know it?- Because Scripture saith, and ye shall eat it in haste:³⁸ 'it' was eaten in haste, but no other was eaten in haste.

AND THE ANNUAL PASSOVER-OFFERING IS KEPT THE WHOLE SEVEN [DAYS] etc. To what does this refer? If we say, to the Passover-offering, — is there then a Passover-offering all the seven [days]?

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- (1) So that liability on eating is not incurred on the grounds of their uncleanness, although there still remains the liability for the eating of emurim which are reserved for the altar.
 - (2) Whence do we learn that for eating emurim in an unclean state liability is incurred? — Actually only the uncleanness of the flesh is explicitly mentioned.
 - (3) Lev. VII, 20.
 - (4) No mention is made of an altar there.
 - (5) And eaten.
 - (6) I.e., there were three places for the sprinkling of the blood, corresponding to the altar in the Temple. But there was no altar for the burning of the emurim.
 - (7) In which the Passover-offering in Egypt differed from those offered in the Temple. Surely there were many points of difference (v. next Mishnah): why then assume that in this respect they were alike?
 - (8) I.e., the annual Passover.
 - (9) Its owner had to take it four days beforehand, declaring, 'This is for the Passover-offering'.
 - (10) This is explained in the Gemara.
 - (11) Ex. XII, 3.
 - (12) Ibid. 6.
 - (13) It was taken on the tenth and examined every day until the fourteenth for a blemish.
 - (14) V. Aboth, Sonc. ed. p. 76, n. 7
 - (15) V. Glos.
 - (16) Num. XXVIII, 2.
 - (17) Tishmeru and mishmereth have the same root.
 - (18) Hence the animal must be examined daily for four days before it is sacrificed, and the same applies to the annual Passover-offering, though the latter is not actually declared to be taken for that purpose.
 - (19) Ex. XIII, 5.
 - (20) I.e., all the regulations of the Egyptian Passover hold good for the annual Passover too, and this includes the four days' examination. The special 'taking' however has been excluded by the exegesis above.
 - (21) In the verse, 'and ye shall keep it until the fourteenth day of this month'.
 - (22) Just as the Egyptian Passover was only one day, so is the annual second Passover of one day's duration only, and it is logical that 'this' should exclude another Passover which is similar to itself. Hence it teaches that the animal sacrificed at the second Passover does not require a four days' examination.
 - (23) Ex. XII, 8.
 - (24) Surely not-the annual Passover-offering was of course eaten at night.
 - (25) Ex. XIII, 5.
 - (26) According to the former, to teach that it may be eaten until midnight only; according to the latter, to show that it

may not be eaten two nights; v. Ber. 9a.

(27) Ibid. XII, 48.

(28) Ibid. 43. By 'alien' is understood not a non-Jew but a Jewish apostate, whose actions have alienated him from God.

(29) For this is understood to refer to one whose brothers died through circumcision, so that he fears the operation, but would otherwise have it performed.

(30) Ex. XII, 45.

(31) This seems quite unintelligible; Rashi deletes the whole passage on other grounds, observing that the answer is in any case pointless. Tosaf. in Yeb. 71 s.v. **ב** defends the present reading.

(32) Ibid. 44.

(33) The master may not partake of the Passover-offering until the males of his household are circumcised.

(34) Ex. XII, 46.

(35) V. supra 70a and 83a.

(36) Ibid. 9.

(37) Viz., that an uncircumcised person may not eat of tithe; v. Yeb. 74a.

(38) Ibid. 11.

Talmud - Mas. Pesachim 96b

— Rather [it must refer] to leaven. Hence it follows that at the Passover of Egypt [leaven was forbidden] one night and no more; but surely it was taught, R. Jose the Galilean said: How do we know that at the Passover of Egypt the [prohibition of] leaven was in force one day only? Because it is said, There shall no leavened bread be eaten¹ and in proximity [thereto] is written, This day ye go forth!² -Rather this is its meaning: [The Passover-offering is kept] one night, and the same law applies to the annual Passover-offering; while [the prohibition of] leaven [was in force] the whole day, whereas at the Passover-offering of [subsequent] generations [the interdict of leaven] holds good for the entire seven [days].

MISHNAH. R. JOSHUA SAID: I HAVE HEARD [FROM MY TEACHERS] THAT THE SUBSTITUTE OF A PASSOVER-OFFERING³ IS OFFERED,⁴ AND THAT THE SUBSTITUTE OF A PASSOVER-OFFERING IS NOT OFFERED,⁵ AND I CANNOT EXPLAIN IT.⁶ SAID R. AKIBA, I WILL EXPLAIN IT: THE PASSOVER-OFFERING WHICH WAS FOUND BEFORE THE SLAUGHTERING OF THE PASSOVER-OFFERING MUST BE LEFT TO GRAZE UNTIL IT BECOMES UNFIT,⁷ BE SOLD, AND ONE BRINGS A PEACE-OFFERING FOR ITS MONEY; AND THE SAME APPLIES TO ITS SUBSTITUTE. [IF FOUND] AFTER THE SLAUGHTERING OF THE PASSOVER, IT IS OFFERED AS A PEACE-OFFERING, AND ITS SUBSTITUTE LIKEWISE.⁸

G E M A R A. BUT LET HIM SAY, The Passover-offering is offered, and the Passover-offering is not offered?⁹ -He informs us this, [viz.,] that there is a substitute of a Passover-offering which is not offered [as a peace-offering].¹⁰ It was stated: Rabbah said: We learned, Before slaughtering and after slaughtering;¹¹ R. Zera maintained: We learned, Before midday and after midday.¹² But according to R. Zera, surely he teaches, BEFORE THE SLAUGHTERING OF THE PASSOVER-OFFERING?-SAY: BEFORE THE TIME OF THE SLAUGHTERING OF THE PASSOVER-OFFERING,¹³

This is dependent on Tannaim: The Passover which is found before slaughtering must graze [etc.]; [if found] after slaughtering, it is offered. R. Eleazar said: [If found] before midday it must graze [etc.]; after midday, it is offered.

[IF IT IS FOUND] AFTER THE SLAUGHTERING OF THE PASSOVER, HE BRINGS IT AS A PEACE-OFFERING etc. Raba¹⁴ said: They learned this only if it was found after the slaughtering and he substituted [another] for it after the slaughtering. But if it was found before the slaughtering

while he substituted [another] for it after the slaughtering, its substitute derives from the power of rejected sanctity, and it cannot be offered.¹⁵ Abaye raised an objection against him: If [he bring] a lamb [for his offering' etc.]:¹⁶ for what purpose is 'if [he bring] a lamb' stated? To include the substitute of a Passover-offering after Passover, [teaching] that it is offered as a peace-offering. How is it meant? If we say that it was found after the slaughtering and he substituted [another] for it after the slaughtering, then it is obvious:¹⁷ why do I require a verse? Hence it must surely apply where it was found before slaughtering and he substituted [another] for it after slaughtering?¹⁸ — No: in truth it applies where it was found after slaughtering and he substituted [another] for it after slaughtering, while the verse is a mere support.¹⁹

Then for what [purpose] does the verse come?²⁰ -For what was taught: '[If he bring] a lamb [etc.]': this is to include the Passover-offering, in respect of its fat tail.²¹ When it is stated, 'If [he bring] a lamb,' this is to include [an animal] more than a year old [dedicated for] a Passover-offering²² and a peace-offering which comes in virtue of a Passover-offering²³, in respect of all the regulations of the peace-offering, [viz.,] that they require laying [of the hands],²⁴ libations, and the waving of the breast and shoulder. Again, when it states, and if [his offering be] a goat,²⁵ it breaks across the subject [and] teaches of a goat that it does not require [the burning of the] fat tail [on the altar].²⁶

Others recite it [Raba's dictum] in reference to the first clause: THE PASSOVER-OFFERING WHICH WAS FOUND BEFORE THE SLAUGHTERING OF THE PASSOVER-OFFERING MUST GRAZE UNTIL IT BECOMES UNFIT, BE SOLD, AND ONE BRINGS A PEACE-OFFERING FOR ITS MONEY, AND THE SAME APPLIES TO ITS SUBSTITUTE. Said Raba, They learned [this] only where It was found before the slaughtering and he substituted [another] for it before the slaughtering. But if it was found before the slaughtering and he substituted [another] for it after the slaughtering, it is offered as a peace-offering. What is the reason? The slaughtering [of the Passover-offering] stamps [with its sanctity] only something that is eligible therefor, [but] it does not stamp [with its sanctity] that which is not eligible therefor.²⁷

Abaye raised an objection against him: 'If [he bring] a lamb [etc.]': what is its purpose? To include the substitute of a Passover-offering after Passover, [teaching] that it is offered as a peace-offering.

(1) Ibid. XIII, 3.

(2) Ibid. 4; v. supra p. 130, n. 9. Thus it was prohibited the whole day, not during the night only.

(3) When an animal is dedicated for a sacrifice, another must not be declared as a substitute for it; if it is, both animals are holy, the holiness of the second being of the same nature as that of the first. But the substitute of a Passover-offering cannot be offered as such, but must be kept until after the Festival. Normally if a Passover-offering is not sacrificed at the proper time, e.g., if it was lost, it is subsequently sacrificed as a peace-offering.

(4) As a peace-offering, after Passover.

(5) As a peace-offering, but must graze until it becomes blemished, whereupon it is redeemed.

(6) When it is offered and when it is not.

(7) Through a blemish.

(8) The animal originally dedicated for the Passover was lost, and another was dedicated in its stead. Now if it was found again before the second was slaughtered or before the time of slaughtering the Passover in general (the exact meaning is disputed in the Gemara), the fact that it was present at the time of slaughtering stamps it as a Passover, and by not slaughtering it, one has rejected it, as it were, with his own hands. Consequently, it can no longer be offered itself, but must be sold, etc. If after finding it he substituted another animal for it, that too is governed by the same law, as stated in n. I. But if it was found after the second was killed, the time of the slaughtering has not stamped it with the name of a Passover-offering, nor has it been rejected therefrom. Consequently, it is brought itself after the Festival as a peace-offering.

(9) Why does R. Joshua speak about the substitute of a Passover: surely he could say the same about the Passover itself?

(10) For I might otherwise think that since the substitute cannot be sacrificed as a Passover-offering, it is as though he dedicated it in the first place for a peaceoffering, and therefore must itself be offered as such in all cases, irrespective of what happens to the original. Hence he informs us that where the original cannot be offered, the substitute too cannot be offered.

(11) I.e., if it was found before or after the second was actually slaughtered.

(12) The time for slaughtering the Passover is from midday until evening. R. Zera maintains that if it is still unfound by midday, it can no longer be stamped as a Passover-offering even if it is found before the second is actually slaughtered, and therefore is subsequently sacrificed itself as a peace-offering.

(13) This does not emend the Mishnah but rather explains it.

(14) Var. lec. Rabbah.

(15) I.e., since the original is rejected, as explained in n. 6 on the Mishnah, the substitute is in the same position.

(16) Lev. III, 7. This refers to a peace-offering, and it is superfluous. For v. 6 states, and if his offering... be of the flock, while v. 12 states, and if his offering be a goat: since 'flock' only comprises goats and lambs, v. 6 must refer to lambs, which renders v. 7 unnecessary. Hence it must be written for a particular exegesis.

(17) Since it follows from the general principle of substitution, as explained in n. 1 and 6 on the Mishnah.

(18) And we are then informed that although the original itself cannot be offered, its substitute is offered!

(19) But not the actual source of the law, which follows indeed from general principles.

(20) Since it is superfluous, as explained on p. 519, n. 6.

(21) The fat tail of all other sacrifices is explicitly stated to be part of the emurim which are burnt on the altar (v. Lev. III, 9; VII, 3). The burning of the emurim is not mentioned at all in connection with the Passover, however, but deduced from elsewhere (v. supra 64b); consequently a verse is required to teach that the fat tail too is included.

(22) Hence unfit for its purpose (v. Ex. XII, 5).

(23) E.g., the substitute for a Passover-offering, or where the owner of a Passover-offering registered for a different animal, so that the first is a Passover remainder; both are sacrificed as peace-offerings.

(24) V. Lev. III, 2.

(25) Ibid. 12.

(26) 'And if' is regarded as a disjunctive, teaching that the provisions that apply to a lamb do not apply to a goat, unless expressly stated. The fat tail is mentioned in connection with the former (v. 9) but not the latter.

(27) I.e., if the animal is dedicated for a Passover-offering, the act or time of slaughtering the second animal stamps it with that sanctity, and since it was not offered then, it was rejected and must graze. But the act of slaughtering cannot stamp an animal with that sanctity, that it should be regarded as rejected if it was not fit for a Passover-offering at the time, and in the latter case this substitute was indeed unfit, since at that time it was as yet unconsecrated. Consequently now that it is consecrated, it is offered itself as a peace-offering.

Talmud - Mas. Pesachim 97a

You might think that it is also thus before Passover,¹ therefore it is stated, 'it':² 'it' is offered [as a peace-offering], but the substitute of a Passover-offering is not offered [as such] —³ How is it meant? If we say that it was found before slaughtering and he substituted [another] for it before slaughtering, then it is obvious!⁴ Why do I require a verse? Hence it must surely apply to where it was found before the slaughtering, 'while he substituted [another] for it after the slaughtering. Thus the refutation of Raba is indeed a refutation.⁵

Samuel said: Whatever must be left to perish in the case of a sin-offering, is brought as a peace-offering in the case of a Passover,⁶ and whatever must be left to graze in the case of a sin-offering,⁷ must also be left to graze in the case of a Passover. While R. Johanan said: No Passover is brought as a peace-offering save that which is found after the slaughtering, but not [if it is found] before the slaughtering. To this R. Joseph demurred: Now is this a general rule? Surely there is the sin-offering more than a year old, which goes forth to pasture,⁸ for R. Simeon b. Lakish said: A sin-offering more than a year old, we regard as though it stood in a cemetery,⁹ and it must be left to graze; whereas a Passover in such a case is brought as a peace-offering, for it was taught: '[If he bring] a lamb [etc.]': this is to include the Passover-offering, in respect of its fat tail. When it is

stated, 'If [he bring] a lamb,' this is to include [an animal] more than a year old [dedicated for] a Passover and a peace-offering which comes In virtue of a Passover-offering in respect of all the regulations of a peace-offering,¹⁰ [viz.,] that they require laying [of the hands], libations, and the waving of the breast and shoulder. Again, when it [Scripture] states, 'and if [his offering be] a goat', it breaks across the subject and teaches of a goat that it does not require [the burning of its] fat tail [on the altar]!¹¹ — Said he to him, Samuel spoke only of lost [sacrifices],¹² but he did not say it of rejected [animals]. Yet is [this principle] possible [in the case of] a lost [sacrifice]? Surely an [animal which was] lost at the time of separating [another],¹³ in the view of the Rabbis goes to pasture [until it receives a blemish], for we learned: If he set apart [an animal as] his sin-offering and it was lost, and he [then] set apart another in its stead, and [then] the first was found again, and behold! both stand [before us], [any] one of them may be sacrificed, while the other must die: this is Rabbi's ruling. But the Sages maintain: No sin-offering must die except one found after its owner has been atoned for.¹⁴ Hence [if found again] before its owner was atoned for, it must graze. Whereas in the case of a Passover-offering, if it was lost and found again after midday [but] before the slaughtering [of the second], it is brought as a peace-offering? — Samuel agrees with Rabbi, who maintained: A lost animal goes forth to perish. But every lost [sin-offering], according to Rabbi, is left to die, whereas in the case of a Passover-offering, if it was lost before midday and found again before midday it must be left to graze?— [If found] before midday it is not [regarded as lost],¹⁵ in accordance with Raba. For Raba said: A loss at night is not designated a loss .¹⁶

Then according to Rabbi, how is it possible that [a sin-offering] should be left to graze?

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- (1) That the substitute of a Passover which is found before Passover is offered as a peace-offering.
- (2) He seems to translate, If it (hu) is a lamb (which) he brings etc. , and treats the 'it' as a limitation.
- (3) this does not mean that where the Passover itself is offered as a peace-offering its substitute is not, but that there is a substitute of the Passover which is not offered as a peace-offering.
- (4) that it cannot be offered itself', having been rejected as explained in n. 6 on the Mishnah.
- (5) Here we cannot answer that the verse is a mere support, as above, for in that case what is the purpose of the verse?
- (6) There are five cases of the former: (i) the offspring of a sin-offering; (ii) the substitute of a sin-offering; (iii) a sin-offering whose owner died; (iv) a sin-offering which was lost, and re-found after its owner had made atonement with another; and (v) a sin-offering more than a year old. All these must be allowed to perish. It is now assumed that all these, in the case of a Passover (the first of course is excluded, the Passover being a male), are brought as a peace-offering.
- (7) until it receives a blemish, when it can be redeemed.-It is discussed anon which these are.
- (8) Until it receives a blemish.
- (9) Thus inaccessible to the priest for sacrifice-i.e., it cannot be sacrificed.
- (10) This is the point of the objection.
- (11) V. supra 96b for notes.
- (12) I.e., iv in p. 521, n. 7.
- (13) If a sin-offering was lost and another consecrated, and then the first was found again before the second was sacrificed, so that the first was a lost animal only when the second was set apart, but not when it was sacrificed.
- (14) By another offering.
- (15) Even if another had been separated in its place.
- (16) If a sin-offering was lost at night, and another was separated in its stead, and the first was found by the morning, even on Rabbi's view It is not regarded as having been lost, since it could not have been sacrificed at night in any case, and therefore it goes forth to pasture. By the same reasoning, if the lost Passover-offering is found before midday, it is not regarded as having been lost, since it could not have been sacrificed before midday.

Talmud - Mas. Pesachim 97b

— In accordance with R. Oshaia. For R. Oshaia said: If he set apart two sin-offerings as security,¹ he is atoned for by one of them, while the second must be left to graze. Yet surely a Passover-offering in such a case is brought as a peace-offering?² — Rather, Samuel holds as R.

Simeon, who maintained: The five sin-offerings are left to die.³ But surely R. Simeon does not hold at all that [any sin-offering] must be left to graze?⁴ Samuel too stated one rule [only]: Whatever must be left to perish in the case of a sin-offering must be left to graze in the case of a Passover-offering. Then what does he inform us?⁵ — [His purpose is] to rebut R. Johanan, who said: No Passover is brought as a peace-offering except if it is found after the slaughtering, but not [if it is found] before the slaughtering, which proves that [in his opinion] the slaughtering stamps [it as a rejected animal]; hence he [Samuel] informs us that midday stamps [it]. Another version: Whereas in the case of the Passover, where it is lost and found after midday [but] before the slaughtering [of the second], it is brought as a peace-offering?⁶ — Samuel agrees with Rabbah, who maintained: The slaughtering stamps [it].⁷ But surely, since R. Johanan said thereon: ‘No Passover-offering is brought as a peace-offering save when it is found after the slaughtering, but not [if it is found] before the slaughtering,’ which proves that [in his opinion] the slaughtering stamps [it], it follows that Samuel holds [that] midday stamps it? — Rather Samuel agrees with Rabbi, who ruled: A lost [sacrifice] goes forth to perish — But all lost [sacrifices] are left to perish, in Rabbi's opinion, whereas in the case of the Passover-offering, where it is lost before midday and found before midday it must be left to graze? — He holds that [if it is found] before midday it is not [regarded as] lost, and he also holds: Midday stamps [it].

M I S H N A H. IF A MAN SETS ASIDE A FEMALE OR A TWO-YEAR OLD MALE FOR HIS PASSOVER-OFFERING,⁸ IT MUST BE LEFT TO GRAZE UNTIL IT BECOMES UNFIT,⁹ THEN BE SOLD, AND ITS MONEY IS SPENT¹⁰ ON A VOLUNTARY SACRIFICE, ON A PEACE-OFFERING.¹¹

(1) Each as security for the other, in case the other is lost.

(2) For this is definitely a case where one is a remainder’, not a rejected sacrifice.

(3) v. supra 97a. Those die in all cases, this holding good of iv whether it was refound before atonement was made with the second or after. Similarly, if two are set aside as a security for each other, the unsacrificed one must die.

(4) How then can Samuel say’, whatever must be left to graze in the case of a sin-offering’?

(5) Since all sin-offerings must be left to die, it follows that Samuel teaches that all lost Passover-offerings are brought as peace-offerings. But this is already taught in the Mishnah, viz., **IF THE PASSOVER-OFFERING IS FOUND AFTER THE SLAUGHTERING, IT IS BROUGHT AS A PEACE-OFFERING**; this is explained supra as meaning after the time for slaughtering, i.e., after midday, which proves that if it is still lost at midday it is brought as a peace-offering.

(6) This is another version of the difficulty raised supra 97a: ‘But surely an animal which was lost at the time of separating another, in the view of the Rabbis goes to pasture, whereas in the case etc. (continuing as in the text).

(7) V. supra 96b. Hence if found before the second is slaughtered it goes to pasture.

(8) Both are ineligible; v. Ex. XII, 5. ‘A two-year old’ means in its second year.

(9) Through a blemish.

(10) Lit., ‘falls’.

(11) In the separate edition of the Mishnah ‘On a peace-offering’ is omitted, while Tosaf. in Zeb. 9b s.v. **תן** gives the reading as, ‘and he brings a peace-offering with its money’. — By separating it for a Passover-offering he has stamped it as such, and since it is unfit, it is regarded as a rejected sacrifice, which cannot be offered itself but must be redeemed and the money expended on a sacrifice. Cf. Mishnah on 96b and n. 6 a.l.

Talmud - Mas. Pesachim 98a

IF A MAN SEPARATES HIS PASSOVER-OFFERING AND DIES, HIS SON AFTER HIM MUST NOT BRING IT AS A PASSOVER-OFFERING¹ BUT AS A PEACE-OFFERING.

G E M A R A.R.Huna son of R.Joshua said, This proves three things: [i] Live animals may be [permanently] rejected;² [ii] that which is rejected [even] ab initio is rejected;³ and [iii] rejection is applicable to monetary sanctity.⁴

IF A MAN SEPARATES HIS PASSOVER-OFFERING etc. Our Rabbis taught: If a man separates his Passover-offering and dies, — If his son is registered with him, he must bring it as a Passover-offering; [if] his son is not registered with him, he must bring it as a peace-offering on the sixteenth [of Nisan].⁵ Only on the sixteenth, but not on the fifteenth: he holds, Vows and voluntary offerings⁶ may not be offered on a Festival.

Now when did the father die? Shall we say that he died before midday [then how is it stated], ‘if his son is registered with him he must bring it as a peace-offering’? — But surely aninuth [bereavement] has previously fallen upon him!⁷ Again, if he died after midday, ‘[if] his son is not registered with him, he must bring it as a peace-offering’?—But midday has stamped it?⁸ Said Rabbah: In truth it is meant where he died before midday, and what does ‘he must bring it as a Passover-offering’ mean? He must bring it for the second Passover.⁹ Abaye said, It is taught disjunctively: If he died after midday, [and] his son is registered with him, he must bring it for the sake of a Passover. If he died before midday, [and] his son is not registered with him, he must bring it as a peace-offering. R. Sherabia said: In truth it means where he died after midday, the case being e.g., where his father was in a dying condition at midday.¹⁰ R. Ashi said: In truth it means that he died after midday,¹¹ this being in accordance with R. Simeon, who maintained: Live animals cannot be [permanently] rejected.¹² Rabina said: [It means] e.g., where he set it aside after midday and its owner died after midday, and he holds: [only] midday establishes it .¹³

M I S H N A H. IF A PASSOVER-OFFERING BECAME MIXED UP WITH OTHER SACRIFICES, ALL MUST BE LEFT TO GRAZE UNTIL THEY BECOME UNFIT [THROUGH A BLEMISH], THEN BE SOLD, AND FOR THE PRICE OF THE BEST ONE MUST PURCHASE [AN ANIMAL] OF EACH DENOMINATION, AND MAKE UP¹⁴ THE EXCESS FROM ONE'S PRIVATE PURSE.¹⁵ IF IT BECAME MIXED UP WITH FIRSTLINGS,¹⁶ -R. SIMEON SAID: IF [THE PASSOVER-OFFERING BELONGED TO] A COMPANY OF PRIESTS, THEY EAT [ALL ON THAT NIGHT].¹⁷

G E M A R A.

(1) As now there are none registered for it.

(2) As here: the animal being rejected from its original purpose, viz., a Passover-offering, it remains ineligible even for a peace-offering, for which it is fit, but must graze. There is an opposing view in Yoma 63b, and quoted infra, that only a dead animal can be rejected permanently.

(3) This animal was not eligible for its purpose from the very outset. There is an opposing view in Suk. 33b that an animal can be permanently rejected only if it was originally eligible.

(4) Since this animal is unfit for a Passover-offering, it was sanctified from the very outset only for its value, viz., that its redemption money should be expended on a sacrifice. Nevertheless it becomes permanently ineligible for the altar.

(5) I.e., on the first of the Intermediate Days.

(6) P. 288, n. 3.

(7) Before the obligation of the Passover, which commences at midday. It is stated supra 91a that the Passover must not be sacrificed on behalf of an onen (v. Glos.) by himself, whereas the present passage implies that he brings it himself, even when he is not registered with others.

(8) As a Passover, and since it cannot be sacrificed as such it remains rejected and cannot be offered itself, as supra 96b ff.

(9) If he did not keep the first through his bereavement.

(10) Hence if his son was registered with him, he must bring it as a Passover, since that obligation preceded his bereavement. But if his son was not registered with him, he must bring it as a peace-offering, for since his father was already in a dying condition, midday did not establish it as a Passover-offering.

(11) But was not necessarily dying at midday.

(12) Save when they become actually unfit, e.g., if they receive a blemish or are given as a harlot's hire (v. Deut. XXIII, 19).

(13) But not the rest of the time allotted for its slaughtering. Hence it has not been established and therefore it cannot be rejected. Consequently, if his son was not registered with him, he must bring it as a peace-offering.

(14) Lit., 'lose'.

(15) Lit., 'house'. Thus: if three lambs of unequal value, one dedicated for a Passover-offering, another for a guilt-offering, and the third for a burnt-offering, became mixed up, they must all be sold. Since the best may have been any of the three sacrifices, he must buy an animal for each sacrifice at the cost of the best; naturally he will need more than they realized, and he must make that up himself.-Instead of 'he must lose' there is a variant: 'and he must set aside'.

(16) Which are offered in the same way as Passover-offerings, viz., the blood of both is sprinkled in the same way, and neither require the waving of the breast and shoulder, nor laying of the hands, nor libations.

(17) Stipulating at the time of slaughtering: 'Whichever is the Passover-offering, we sacrifice it as such, and whichever is the firstling, we offer it as such'.

Talmud - Mas. Pesachim 98b

But he brings sacrifices to the place of unfitness?¹ -R. Simeon is consistent with his view, for he maintains: One may bring sacrifices to the place of unfitness.² For we learned: If a guilt-offering was mixed up with a peace-offering, — R. Simeon said: They must be slaughtered at the north [side of the altar]³ and eaten in accordance with [the laws of] the more stringent of them.⁴ Said they to him: One may not bring sacrifices to the place of unfitness.⁵

Now according to the Rabbis, what do we do?⁶ -Said Raba: We wait until they receive a blemish. Then he brings a choice animal and declares: 'Wherever the Passover-offering may be,⁷ let it[s sanctity] be transferred to this one,'⁸ and he eats them In accordance with the laws of a blemished firstling.⁹

M I S H N A H. IF A COMPANY LOST THEIR PASCHAL SACRIFICE AND INSTRUCTED ONE [OF THEIR NUMBER], 'GO AND SEEK IT, AND SLAUGHTER IT ON OUR BEHALF'; AND HE WENT, FOUND, AND SLAUGHTERED IT, WHILE THEY [Also] TOOK AN ANIMAL AND SLAUGHTERED [IT]: IF HIS WAS SLAUGHTERED FIRST, HE EATS OF HIS AND THEY EAT WITH HIM.¹⁰ WHILE IF THEIRS WAS FIRST SLAUGHTERED, THEY EAT OF THEIRS,¹¹ WHILE HE EATS OF HIS.¹² BUT IF IT IS UNKNOWN WHICH OF THEM WAS FIRST SLAUGHTERED, OR IF THEY KILLED BOTH OF THEM AT THE SAME TIME, HE EATS OF HIS, BUT THEY MAY NOT EAT WITH HIM;¹³ WHILE THEIRS GOES FORTH TO THE PLACE OF BURNING,¹⁴ AND THEY ARE EXEMPT FROM KEEPING THE SECOND PASSOVER.¹⁵

IF HE SAID TO THEM, IF I DELAY, GO FORTH AND SLAUGHTER ON MY BEHALF,¹⁶ [AND] THEN HE WENT AND FOUND AND SLAUGHTERED [IT], WHILE THEY TOOK [ANOTHER] AND SLAUGHTERED [IT], IF THEIRS WAS SLAUGHTERED FIRST, THEY EAT OF THEIRS WHILE HE EATS WITH THEM.¹⁷ WHILE IF HIS WAS SLAUGHTERED FIRST, HE EATS OF HIS¹⁸ AND THEY EAT OF THEIRS.¹⁹ But IF IT IS UNKNOWN WHICH OF THEM WAS SLAUGHTERED FIRST, OR IF THEY SLAUGHTERED BOTH OF THEM AT THE SAME TIME, THEY EAT OF THEIRS, BUT HE MAY NOT EAT WITH THEM, WHILE HIS OWN GOES FORTH TO THE PLACE OF BURNING, AND HE IS EXEMPT FROM KEEPING THE SECOND PASSOVER.²⁰

IF HE INSTRUCTED THEM, AND THEY INSTRUCTED HIM,²¹ THEY MUST ALL EAT OF THE FIRST [TO BE SLAUGHTERED],²² AND IF IT IS UNKNOWN WHICH OF THEM WAS SLAUGHTERED FIRST, BOTH GO FORTH TO THE PLACE OF BURNING.²³

IF HE DID NOT INSTRUCT THEM AND THEY DID NOT INSTRUCT HIM,²⁴ THEY ARE NOT RESPONSIBLE FOR EACH OTHER.²⁵

IF THE PASCHAL SACRIFICES OF TWO COMPANIES BECOME MIXED UP, THESE TAKE POSSESSION OF ONE [ANIMAL] AND THOSE TAKE POSSESSION OF ONE. ONE MEMBER OF THESE JOINS THOSE, AND ONE MEMBER OF THOSE JOINS THESE, AND THEY DECLARE THUS:²⁶ IF THIS PASCHAL SACRIFICE IS OURS, YOUR HANDS ARE WITHDRAWN FROM YOUR OWN AND YOU ARE REGISTERED FOR OURS; WHILE IF THIS PASCHAL SACRIFICE IS YOURS,²⁷ OUR HANDS ARE WITHDRAWN FROM OURS AND WE ARE REGISTERED FOR YOURS.²⁸ SIMILARLY, IF THERE ARE FIVE COMPANIES CONSISTING OF FIVE MEMBERS EACH OR OF TEN EACH, THEY DRAW ONE FROM EACH COMPANY TO THEMSELVES AND MAKE THE FOREGOING DECLARATION.²⁹

IF THE PASCHAL SACRIFICES BELONGING TO TWO [SINGLE INDIVIDUALS] BECOME MIXED UP, EACH TAKES POSSESSION OF ONE [ANIMAL]; THIS ONE REGISTERS A STRANGER³⁰ WITH HIMSELF AND THAT ONE REGISTERS A STRANGER WITH HIMSELF.³¹ THE FORMER GOES OVER TO THE LATTER SACRIFICE AND THE LATTER GOES OVER TO THE FORMER SACRIFICE, AND THEY [I.E., EACH OWNER] DECLARE THUS: IF THIS PASCHAL SACRIFICE IS MINE, YOUR HANDS ARE WITHDRAWN FROM YOUR OWN AND YOU ARE REGISTERED FOR MINE; WHILE IF THIS PASCHAL SACRIFICE IS YOURS, MY HANDS ARE WITHDRAWN FROM MINE AND I AM REGISTERED FOR YOURS.³²

G E M A R A. Our Rabbis taught: if he instructed them and they instructed him, they must [all] eat of the first. If he did not instruct them and they did not instruct him, they are not responsible for each other.³³

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- (1) This difficulty arises on R. Simeon's ruling. A firstling may be eaten two days and the night in between, whereas the Passover-offering may be eaten only on the first night. Thus if it is not eaten by morning he must burn it as nothar (v. Glos.), whereas it is actually still fit.
 - (2) In such a case, rather than let them graze until they receive a blemish, which is the only alternative.
 - (3) The side prescribed for the slaughtering of a guilt-offering. Peace-offerings could be slaughtered on any side of the Temple Court.
 - (4) I.e., as guilt-offerings, viz., during one day and a night only, within the Temple precincts, and by male priests.-A peace-offering is eaten two days and one night, anywhere in Jerusalem, and by Israelites as well as priests.
 - (5) But they must be left to graze until blemished.
 - (6) When a Passover-offering is mixed up with a firstling. When it is mixed up with a burnt-offering or guilt-offering, or when a peace-offering is mixed up with a guilt-offering, the expedient stated in the Mishnah is possible. But a firstling, even when blemished, can not be redeemed in the sense that it becomes hullin but must be eaten by a priest with its blemish; while on the other hand when a Passover-offering receives a blemish, it must be redeemed and may not be eaten otherwise.
 - (7) I.e., whichever of these two animals is the Passover.
 - (8) Thus whichever is the Passover-offering is redeemed.
 - (9) These are: it may not be slaughtered or sold in the ordinary abattoir, nor weighed with the ordinary weights. These restrictions do not apply to a redeemed Passover-offering, and would not apply here if he knew which it was.
 - (10) By instructing him to slaughter it on their behalf they become registered for his and cannot register for another after the first was slaughtered. Hence their own is unfit and must be burnt.
 - (11) By slaughtering their own first they ipso facto cancelled their registration for the original, which is permissible, v. supra 89a.
 - (12) But not of theirs, since he had not registered with them.
 - (13) Lest their own was slaughtered first, whereby they had cancelled their registration for his.
 - (14) For his may have been killed first; v. n. 4.
 - (15) Because they were certainly registered for one animal at the first Passover, while the eating is not indispensable.

- (16) But they did not instruct him to slaughter the lost animal on their behalf.
- (17) While his own must be burnt, for according to his instructions he was now registered for theirs; hence his is unfit, having none registered for it.
- (18) Cf. p. 528, n. 5.
- (19) For they were not registered for his, since they had not instructed him to slaughter it on their behalf.
- (20) Cf. p. 528, n. 9.
- (21) He instructed them to slaughter on his behalf if he delayed, and they instructed him to slaughter on their behalf if he found the lost animal.
- (22) For which they are all automatically registered now.
- (23) Each must thus go forth lest it was slaughtered last and had none registered for it.
- (24) To slaughter on each other's behalf.
- (25) Each party eats of its own, whatever the order of their slaughtering.
- (26) Each company declares thus to the newcomer.
- (27) I.e., it belongs to your first company.
- (28) One of each company must join the other, for otherwise each company would have to withdraw en masse from their own, if it had been taken by the second, thus leaving it momentarily entirely without owners, and this is forbidden.
- (29) Each company consists of four new members and one original member. The latter (or all the original members, where each company consisted of more than five) makes the foregoing declaration to each new member in turn.
- (30) Lit., 'a man from the street'.
- (31) Thus there are now two registered persons for each sacrifice.
- (32) The general reasoning is the same as in the previous cases.
- (33) Thus in the first case one animal must be destroyed, whatever happens, while in the second both are eaten.

Talmud - Mas. Pesachim 99a

Hence the Sages said: Silence is better for the wise, and how much more so for fools, as it is said, Even a fool, when he holdeth his peace, is counted wise.¹ IF THE PASCHAL SACRIFICES BELONGING TO TWO [SINGLE

PERSONS] BECOME MIXED UP etc. Shall we say that our Mishnah does not agree with R. Judah? For it was taught: And if the household be too little for a lamb:² this teaches that they may go on decreasing [their numbers] ,³ providing, however, that one of them remains:⁴ this is R. Judah's view. R. Jose said: Providing that they do not leave the Paschal sacrifice as it is!⁵ — Said R. Johanan: You may even say [that it agrees with] R. Judah. Since R. Judah said, One may not slaughter the Passover-offering for a single person, then from the outset he stood to register another with himself, and he [the newly-registered person] is accounted as one of the [original] members of the company. R. Ashi said: Our Mishnah too proves this, for it teaches, SIMILARLY, IF THERE ARE FIVE COMPANIES CONSISTING OF FIVE MEMBERS EACH: thus, only of five [each], but not [if some consist] of five and [others of] four;

is not[the reason] because one of the [original] members of the company does not remain with it?⁶ This proves it.

CHAPTER X

MISHNAH.

(1) Prov. XVII, 28.

(2) Ex. XII, 4.

(3) V. supra p.474, n. 3.

(4) For 'if it be too few' implies that someone at least is registered for it.

(5) Without owners. Now R. Judah must mean that one of the persons who originally registered for it, when the animal

was first set aside for a Passover-offering, must remain registered for it, while in R. Jose's opinion it is sufficient that someone remains, even if he is not of those who originally registered for it. For if R. Judah's view is not as stated, it does not differ in any way from R. Jose's. But in the Mishnah, when A, the only original owner of one of the sacrifices, declares, 'If this animal is not mine, I withdraw from the other and register for this', the other is left without anyone who first registered for it, since A is the only original owner.

(6) If it consisted of less than five, and one joins each other's company. For if it were unnecessary for all original member to remain, the Mishnah could teach that whatever the number of original members, each company increases itself to five and then does as stated.

Talmud - Mas. Pesachim 99b

ON THE EVE OF PASSOVER¹ CLOSE TO MINHAH² A MAN MUST NOT EAT UNTIL NIGHTFALL. EVEN THE POOREST MAN IN ISRAEL MUST NOT EAT [ON THE NIGHT OF PASSOVER] UNTIL HE RECLINES;³ AND THEY⁴ SHOULD GIVE HIM NOT LESS THAN FOUR CUPS [OF WINE],⁵ AND EVEN [IF HE RECEIVES RELIEF] FROM THE CHARITY PLATE.⁶

G E M A R A. Why particularly THE EVE OF PASSOVER? Even the eves of Sabbaths and Festivals too [are subject to this law]? For it was taught: A man must not eat on the eves of Sabbaths and Festivals from minhah and onward, so that he may enter [i.e., commence] the Sabbath with an appetite [for food]: [these are] the words of R. Judah. R. Jose said: He may go on eating until nightfall! — Said R. Huna: This [our Mishnah] is necessary only on the view of R. Jose, who said: He may go on eating until nightfall: that is only on the eves of Sabbaths and [other] Festivals; but with respect to the eve of Passover he agrees [with R. Judah], because of the duty of [eating] unleavened bread.⁷ R. Papa said: You may even say [that it must be taught on] R. Judah['s view too]: there, on the eve of Sabbaths and Festivals, it is forbidden only from minhah and after, but close to minhah it is permitted; whereas on the eve of Passover it is forbidden even close to minhah too. Now is it permitted just before minhah on the eve of the Sabbath and Festivals? Surely it was taught: A man must not eat on the eve of the Sabbath or Festivals from nine hours⁸ and onwards, in order that he may enter the Sabbath with an appetite: [these are] the words of R. Judah. R. Jose said: He may go on eating until nightfall? — Said Mar Zutra: Who is to tell us that this is authentic?

(1) Lit., 'on the eve of Passovers'. Tosaf. suggests that this may mean either on the eve when Passover-offerings are sacrificed, or on the eve of the first and second Passovers. But there is a variant reading ON THE EVES OF PASSOVER, the whole being in the plural; its meaning will then be on the eve of (every) Passover, as translated in the text, Heb. often using the plural in this way.

(2) V. Glos.; i.e., from just before minhah.

(3) As a sign of freedom, this being the practice in ancient days.

(4) Rashbam and Tosaf.: the charity overseers.

(5) Which every Jew must drink on the night of Passover. These correspond to the four expressions of redemption employed in Ex. VI, 6f: I will bring you out from under the burdens of the Egyptians, and I will deliver you from their bondage, and I will redeem you with an outstretched arm, and with great judgments; and I will take you to me for a people (commentaries and Jerusalemi).

(6) Tamhuy, daily distributed food collected from contributors, soup kitchen (Jast.). This was available only to the poorest of the poor, for he who had enough even for two meals only might not receive from the tamhuy (Pe'ah VIII, 7); even such must drink four cups of wine on the night of Passover.

(7) For since the eating of unleavened bread on the first night of Passover is compulsory (v. Ex. XII, 18) it is unfitting that should be eaten when one is already satisfied.

(8) I.e., about three p.m., whereas minhah time was nine and a half hours, about half past three p.m., two and a half hours before nightfall.

Talmud - Mas. Pesachim 100a

Talmud - Mas. Pesachim 100a

Perhaps it is a corrupted version.¹ Said Meremar to him — others state, R. Yemar; I visited the session of R. Phineas the son of R. Ammi, and a tanna arose and recited it² before him and he accepted it [as correct]. If so, there is a difficulty? Hence it is clearly [to be explained] as R. Huna.³

Yet is it satisfactory according to R. Huna? Surely R. Jeremiah said in R. Johanan's name—others state, R. Abbahu said in the name of R. Jose b. R. Hanina — : The halachah is as R. Judah in respect to the eve of Passover, and the halachah is as R. Jose in respect to the eve of the Sabbath. 'The halachah is as R. Judah in respect to the eve of Passover, whence it follows that R. Jose disagrees on both?'⁴ - No: 'The halachah [etc.]' proves that they disagree in respect to interruption. For it was taught: One must interrupt [the meal] for the Sabbath:⁵ this is R. Judah's ruling. R. Jose said: One need not interrupt [the meal].⁶ And it once happened that R. Simeon b. Gamaliel, R. Judah and R. Jose were dining⁷ at Acco, when the day became holy upon them.⁸ Said R. Simeon b. Gamaliel to R. Jose: 'Berabbi,⁹ is it your wish that we interrupt [our meal] and pay heed to the words of our colleague Judah?' Said he to him: 'Every [other] day you prefer my words to those of R. Judah, whereas now you prefer R. Judah's words in my very presence — "will he even force the queen before me in my house"?'¹⁰ 'If so,' he rejoined, 'we will not interrupt [the meal], lest the disciples see it and establish the halachah [thus] for all time.'¹¹ It was related: They did not stir thence until they had established the halachah as R. Jose.

Rab Judah said in Samuel's name: The halachah is neither as R. Judah¹² nor as R. Jose,¹³ but one must spread a cloth¹⁴ and sanctify [the day].¹⁵ But that is not so, for R. Tahlifa b. Abdimi said in Samuel's name: Just as one must interrupt [the meal] for kiddush,

(1) This Baraitha contradicts the previous one, and there is nothing to show that this is more correct, particularly as the latter agrees with the Mishnah as explained above.

(2) The second Baraitha: from nine hours.

(3) Hence 'from minhah' in the first Baraitha means just before nightfall, and thus the Mishnah and both Baraithas are in agreement.

(4) Whereas in R. Huna's view R. Jose agrees in respect of Passover eve.

(5) The Heb. is in the plural: Sabbaths. I.e., if one started eating before the Sabbath, he must interrupt the meal when the Sabbath commences, remove the table and recite grace (the table was generally removed before grace, v. Ber. 42a), then recite kiddush, the prayer of sanctification, and proceed as with a new meal. According to a version infra 100b, the table was removed before kiddush, which then preceded grace (Tosaf.).

(6) But he completes the meal, recites grace, and then kiddush. Now when R. Jeremiah states that the halachah is as R. Judah in respect to Passover eve, whence it follows that R. Jose disagrees there too, this disagreement is likewise in reference to interrupting the meal, R. Jose maintaining that even on the eve of Passover he need not interrupt it once he has commenced (i.e., if he commenced at the permitted time — Rashbam and Tosaf). But he admits that a man must not commence a meal in the first place shortly before minhah, and that is the meaning of the Mishnah too.

(7) Lit., 'reclining'.

(8) I.e., the Sabbath or festival commenced.

(9) A title of honour, v. Naz., Sonc. ed. p. 64, n. 1.

(10) Esth. VII, 8; i.e., will you shame me in my own presence?

(11) Lit., 'for generations'

(12) Who maintains that one must interrupt the meal, which implies that the table must be removed.

(13) Who ruled that no interruption whatsoever is required.

(14) Which hides the table so that it is not there, as it were.

(15) By reciting kiddush.

Talmud - Mas. Pesachim 100b

so must one interrupt it for habdalah.¹ Now what does 'one must interrupt' mean: surely by

removing the table?² — No: by [spreading] a cloth. Rabbah b. R. Huna visited the Resh Galutha.³ When a tray [with food] was placed before him, he spread a cloth and sanctified [the day].⁴ It was taught likewise: And they both agree that⁵ one must not bring the table⁶ unless one has recited kiddush;⁷ but if it was brought, a cloth is spread [over it]⁸ and kiddush is recited.⁹

One [Baraita] taught: Both¹⁰ agree that one must not commence;¹¹ while another taught: And both agree that one may commence. As to what was taught, ‘and both agree that one must not commence, it is well: that holds good on the eve of Passover.¹² But as to the statement, ‘And both agree that one may commence,’ when [is that]? If we say, on the eve of the Sabbath, — but surely they differ? — There is no difficulty: here it means before nine [hours]; there, after nine [hours].¹³

As for people who have sanctified [the day] in the synagogue,¹⁴ Rab said: They have not done their duty in respect of wine,¹⁵ but they have done their duty in respect of kiddush.¹⁶ But Samuel maintained:

(1) V. Glos.

(2) Thus the mere spreading of a cloth is insufficient.

(3) Exilarch, the official head of Babylonian Jewry.

(4) It was at the beginning of the meal, the Sabbath having commenced.

(5) Rashbam is inclined to delete this phrase. If retained, it refers to R. Judah and R. Jose (Tosaf. and one alternative in Rashbam): though’ they differ as to whether the meal must be interrupted, they agree where it has not yet begun.

(6) Small tables were set for each person separately; these were brought in for the meal and removed when it was finished.

(7) So that the table is then brought in honour of the Sabbath. Nevertheless it was laid before the Sabbath.

(8) Cf. p. 534, n. 9.

(9) This expedient is adopted nowadays that large tables are used, as it would be too troublesome to bring them in after kiddush.

(10) R. Judah and R. Jose, who disagree in respect of commencing a meal on the eve of the Sabbath just before minhah and also in respect of interrupting a meal at nightfall, if it was begun well before minhah.

(11) A meal from minhah and onwards.

(12) As R. Huna Supra 99b.

(13) There is no controversy in respect to the former.

(14) I.e., who have listened to the kiddush recited by the Reader.

(15) If they wish to drink wine at home, they must recite the benediction for wine. Even if they drank wine in the synagogue, over which a benediction had been recited, that does not exempt them, at home, for the change of place breaks the continuity and renders this drinking a new act.

(16) And as far as they are concerned they need not repeat the kiddush at home.

Talmud - Mas. Pesachim 101a

They have not done their duty in respect of kiddush either. Then according to Rab, why he [the Reader] recite kiddush at home? — In order to acquit his children and his household [of their duty]. And [according to] Samuel, why must he recite kiddush in the synagogue?¹ — In order to acquit travellers of their obligation, for they eat, drink, and sleep in the synagogue.² Now Samuel is consistent with his view, for Samuel said: Kiddush is [valid] only where the meal is eaten. From this it was understood [by the disciples] that only [to adjourn] from one house to another [is forbidden],³ but [to adjourn] from one place to another in the same house is not [forbidden]. Said R. ‘Anan b. Tahlifa to them: On many occasions I was standing before Samuel, when he descended from the roof to the ground and then recited [again] kiddush.⁴

Now R. Huna too holds that kiddush is [valid] only where the meal is eaten. For [on one occasion] R. Huna recited kiddush and [then] his lamp was upset, whereupon he carried his utensils into the

marriage chamber [baldachin] of his son Rabbah, where a lamp was [burning] recited kiddush [again], and then ate something, which proves that he holds: kiddush is [valid] only where the meal is eaten.

Now Rabbah too holds: kiddish is [valid] only where the meal is eaten. For Abaye said: When I was at the Master's [sc. Rabbah's] house,⁵ and he recited kiddush, he would say to us: 'Eat a little [here], lest by the time you reach your lodgings your lamps become upset, and you do not recite kiddush in the house where you eat, while you will not have discharged [your duty] with the kiddush of this place, because kiddush is [valid] only where the meal is eaten. But that is not so, for surely Abaye said: In all matters the Master [sc. Rabbah] acted in accordance with Rab, except these three, where he did as Samuel: [viz.,] one may light from lamp to lamp;⁶ one can detach [the fringes] from one garment for [insertion in] another garment;⁷ and the halachah is as R. Simeon in respect to dragging. For it was taught, R. Simeon said: A man may drag a bed, seat, or bench,⁸ providing that he does not intend to make a rut!⁹ — He acted upon Rab's stringent rulings,¹⁰ but he did not act upon Rab's lenient rulings.

But R. Johanan maintained: They have done their duty in respect of wine too.¹¹ Now R. Johanan is consistent with his view, for R. Hanin b. Abaye said in the name of R. Pedath in R. Johanan's name: Both for a change of wine

(1) Seeing that one's duty is not fulfilled thereby in any case.

(2) Not actually in the synagogue, but in adjoining rooms (Tosaf. on the basis of Meg. 28a). Hence the synagogue is like home to them.

(3) After kiddush, since the meal must be eaten in the same place.

(4) V. R. Hananel. Proving that you must not adjourn from one place to another even in the same house.

(5) Abaye was an orphan, and brought up in Rabbah's house.

(6) One may kindle one Hanukkah lamp from another.

(7) V. Num. XV, 38.

(8) Over an earthen floor on the Sabbath or festival.

(9) Though the dragging will possibly make one. — Why then does he rule as Samuel in respect to kiddush?

(10) That was the general rule stated by Abaye, the three exceptions all being leniencies, where he acted as Samuel.

(11) This refers back to 100b bottom. Having heard the benediction for wine in the synagogue, they do not repeat the benediction at home, for in R. Johanan's view their departure from the synagogue does not break the continuity, as they are regarded as having had their mind set upon the meal and the wine from when they heard kiddush.

Talmud - Mas. Pesachim 101b

and for a change of place, he need not recite the benediction [again].¹

An objection is raised: [For] a change of place, he must recite the benediction [again]; for a change of wine, he need not recite the benediction [again]? This refutation of R. Johanan is [indeed] a refutation.

R. Idi b. Abin sat before R. Hisda, while R. Hisda sat and said in R. Huna's name: As to what you said, [for] a change of place he must recite the benediction [again], they taught this only [of a change] from one house to another, but not from one place to another place.² Said R. Idi b. Abin to him: We have learnt it thus in the Baraitha of the School of R. Henak — others state, in the School of Bar Henak — in accordance with your ruling. Does then R. Huna teach us a Baraitha?³ — R. Huna had not heard the Baraitha.⁴

Furthermore, R. Hisda sat and said in his own name: As to what you said: For a change of place he must recite the benediction [again], we said this only of things which do not require a benediction

after them in the same place;⁵ but for the things which demand a blessing after them in the same place, he need not recite the benediction [again]. What is the reason? He [mentally] returns to the first appointed place.⁶ But R. Shesheth maintained: Both for the one and the other he must recite the benediction [again].

An objection is raised: If the members of a company were reclining to drink, and they [precipitately] arose⁷ to go out to welcome a bridegroom or a bride, when they go out, they do not need [to recite] a benediction beforehand;⁸ when they return, they do not need [to recite] a benediction at the beginning.⁹ When is that? If they left an old man or an invalid there;¹⁰ but if they did not leave an old man or an invalid there, when they go out they need [to recite] a benediction beforehand, [and] when they return they need a benediction at the beginning. Now since he teaches, 'they [precipitately] arose,' it follows that we are treating of things which require a blessing after them in the same place,¹¹ and it is only because they left an old man or an invalid there that when they go out they do not need a benediction beforehand, and when they return they do not need a benediction at the beginning. But if they did not leave an old man or an invalid there, when they go out they need a blessing beforehand and when they return they need a blessing at the beginning: this is a difficulty according to R. Hisda?—Said R. Nahman b. Isaac:

(1) If a man recites a blessing for wine and drinks, and the more wine is brought from a different barrel, even if the second is of a different quality, he does not repeat the blessing; similarly, if he recites a blessing over food or drink and then continues his meal elsewhere. Hence the same applies here. — Where a man need not recite a blessing, he may not recite, as a blessing must not be recited where there is no obligation.

(2) In the same house, e.g., from one room to another.

(3) Surely it is superfluous!

(4) Rashbam deletes both the question and the answer, as it is quite usual for an amora to state what is taught in the Baraitha.

(5) Where they are eaten, Rashbam: sc. water or fruit. After everything else, however, (i.e., wine, the seven species enumerated in Deut. VIII, 8, bread, and the five species of grain enumerated in the Mishnah Supra 35a) a blessing in the nature of grace must be recited where it is consumed. Tosaf.: after everything except bread and perhaps also the five species of grain a blessing need not be recited where they are eaten.

(6) Since these things must be followed by a blessing in the place where they are consumed, even when he changes his place he keeps the first in mind, so that his eating in both places should be as one act of eating, the subsequent blessing being for what he ate in both. Consequently, he does not recite a blessing before eating in the second place either.

(7) Lit., 'detached their feet'.

(8) I.e., the blessing after wine, since it is their Intention to return.

(9) When they drink afresh.

(10) Which assures that their departure is only an interruption.

(11) 'They detached their feet' implies that they hurried, on account of the bridegroom or bride, but otherwise they would have remained there, in order to recite the benediction before leaving. — According to Tosaf. (p. 538, n. 3) 'to drink must be omitted from the Baraitha, since in their view no beverage, not even wine, is subject to this rule.

Talmud - Mas. Pesachim 102a

Which Tanna [rules thus on precipitate] rising? R. Judah. For it was taught: If companions were reclining, and they [precipitately] arose to go to the synagogue or to the Beth Hamidrash, when they go out they do not need a blessing beforehand, and when they return they do not need a blessing at the beginning. Said R. Judah: When is that said? When they left some of their companions behind. But if they did not leave some of their companions behind, when they go out they need a blessing beforehand, and when they return they need a blessing at the beginning.

Then [make an opposite deduction]: it is only because they are things which need a blessing in the same place that when they go out they do not need a blessing beforehand and when they return they

do not need a blessing at the beginning. But for things which do not need a blessing in the same place, even on the view of the Rabbis, when they go out they need a blessing beforehand and when they return they need a blessing at the beginning: shall we say that this is a refutation of R. Johanan[‘s ruling]?¹ — But have we not [already] refuted him once? Shall we [then] say that from this too there is a refutation?-[No:] R. Johanan can answer you: The same law holds good that even for things which do not require a blessing after them in the same place it is unnecessary to recite a blessing [afresh], but as to why he teaches, ‘They [precipitately] arose,’ that is to inform you the extent² of R. Judah[‘s view], [viz.,] that even for things which require a blessing after them in the same place, it is only because they left some companions behind [that these additional blessings are not recited]; but if they did not leave some companions behind, when they go out they need a blessing beforehand, and when they return they need a blessing at the beginning.

It was taught in accordance with R. Hisda: If companions were reclining to drink wine and they arose [departed] and returned, they need not recite a blessing [anew].³

Our Rabbis taught: If members of a company were reclining when the day became holy upon them,⁴ a cup of wine is brought to one of them and he recites over it the sanctity of the day [i.e., kiddush], and a second [cup is brought] over which he recites the Grace after meals:⁵ these are the words of R. Judah. R. Jose said: he goes on eating until nightfall.⁶

(1) V. supra 101b top that for a change of place no fresh blessing is required under any circumstances.

(2) Lit., ‘strength’.

(3) V. supra p. 538, n. 3. According to Rashbam the proof is obvious. On the view of Tosaf. ‘to drink wine’ must be deleted, the reference being to bread or the five pieces of grain.

(4) I.e., the sun set ushering in the Sabbath or Festival.

(5) Immediately, without waiting to finish the meal. Nevertheless, since the Sabbath has commenced, he must first recite the kiddush and then Grace. Hence if he wishes to eat more after Grace, he must begin a new meal.

(6) He need not interrupt his meal but may continue until the end.

Talmud - Mas. Pesachim 102b

When they finish [their meal], he recites the Grace after meals over the first cup and the sanctity of the day over the second. Yet why so: let us recite both over one cup?¹ — Said R. Huna in R. Shesheth's name: One may not recite two sanctities over the same cup.² What is the reason? Said R. Nahman b. Isaac: Because you may not perform religious duties in wholesale fashion.³ Yet [may you] not? Surely it was taught: He who enters his house at the termination of the Sabbath, recites blessings over the wine, the light and the spices,⁴ and then recites habdalah over the cup [of wine].⁵ But if he has one cup only, he leaves it until after the meal⁶ and he recites them all together after it?⁷ — Where he has not [enough,] it is different. But on the Festival which falls after the Sabbath, though he has [wine],⁸ yet Rab said: [The order is] Yaknah.⁹ — I will tell you: Since he [Rab] did not include ‘the season’ [zeman],¹⁰ it follows that we are discussing the seventh day of Passover,¹¹ by which time he has consumed all that he had and has one more. But on the first day of the Festival he has [wine], yet Abaye said: [The order is] Yakzanah; while Raba said: [The order is] Yaknehaz?¹² — But habdalah and kiddush constitute one observance,¹³ [whereas] the Grace after meals and kiddush are two [distinct observances].

[To turn to] the [main] text: When a Festival falls after the Sabbath, Rab said: [The order is] Yaknah;¹⁴ Samuel said: [The order is] Yanhak;¹⁵

(1) The difficulty is on R. Jose's view only. But on R. Judah's, since the meal must be interrupted and the table removed, it is natural that two separate cups should be required for kiddush and Grace.

(2) Grace is here designated a ‘sanctity’: i.e., Grace and kiddush are two distinct religious duties, and therefore they

require separate cups.

(3) Lit. , 'bundles'. I.e. , each requires separate attention.

(4) As is done at the termination of the Sabbath. Kiddush and habdalah are both recited over wine; a blessing is pronounced over light because it is then that light was created, v. Supra 54a; spices are inhaled on the termination of the Sabbath to compensate for the loss of the superior ('additional') soul with which man is endowed on the Sabbath, Rashbam and Tosaf. a.l. and in Bez. 33b.

(5) Habdalah, being longer, is left to the last.

(6) Or perhaps, 'until after grace', מִזֶּן being elliptical for בְּרַכַּת הַמִּזֶּן .

(7) Lit., 'he chains them together after it'. Thus two religious acts are combined.

(8) This is assumed to refer to the first evening of Passover, when, as stated supra 99b, even the poorest man was provided with four cups of wine.

(9) This is a mnemonic: Y == Yayin (wine); K == kiddush; N == Ner (light, i.e., a blessing over light); and H == Habdalah thus kiddush and habdalah are both recited over the same cup.

(10) The benediction 'who has kept us alive and preserved us and enabled us to reach this season'. This is recited on the first night (in the Diaspora on the first two nights) of every Festival, as well is in certain other occasions.

(11) Kiddush must be recited then too, as it follows the Intermediate Days, which are only semi-sacred; v. p. 16, n. 4; again, if it follows the Sabbath, Habdalah also is recited.

(12) V.n. 6. Z == zeman ('season').

(13) Both being recited on account of the sanctity of the Festival, to which reference is made even in the habdalah

(14) Wine is first, in accordance with Beth Hillel's view in Ber. 51b that since wine is more constant it takes precedence. Kiddush precedes habdalah because it is regarded as more important; also, if he recited habdalah first, it might appear that the Sabbath were a burden to him, which he desired to end at the earliest possible moment. After kiddush the order is NH ('light' and habdalah), this being the usual order at the conclusion of the Sabbath.

(15) Samuel gives precedence to habdalah over kiddush; the reason is stated infra 103a in the illustration on the ruling of R. Joshua b. Hananiah.

Talmud - Mas. Pesachim 103a

Rabbah said: Yahnak;¹ Levi said: Kanyah;² the Rabbis said: Kiynah;³ ' Mar the son of Rabina said: Nakyah;⁴ Martha said in R. Joshua's name: Niyhak.⁵

Samuel's father sent to Rabbi: Let our Master teach us what is the order of habdalah.⁶ He sent [back] to him: Thus did R. Ishmael b. R. Jose say, speaking in the name of his father who said it on the authority of R. Joshua b. Hananiah: [The order is] Nahiyk.⁷ R. Hanina said: R. Joshua b. Hananiah's [ruling] may be compared to a king who departs [from a place] and governor who enters: [first] you escort the king [out], and then you go forth to greet the governor.⁸ What is our decision thereon? — Abaye said: [The order is] Yakaznah;⁹ while Raba maintained: Yaknehaz.¹⁰ And the law is as Raba.

R. Huna b. Judah visited Raba's home. Light and spices were brought before them, [whereupon] Raba recited a blessing over the spices first and then one over the light. Said he to him: But both Beth Shammai and Beth Hillel [agree that] light comes first and then spices? And to what is this [allusion]? For we learned: Beth Shammai maintain. Light and Grace [after meals], spices and habdalah;¹¹ while Beth Hillel rule: Light and spices, Grace and habdalah!¹² Thereat Raba answered: These are the words of R. Meir; but R. Judah said: Beth Shammai and Beth Hillel did not differ about Grace, [agreeing] that it comes at the beginning and about habdalah, that it comes at the end. About what do they differ? About light and spices. Beth Shammai maintain: Light [first] and then spices; while Beth Hillel rule: Spices [first] and then light; and R. Johanan said [thereon]: The people act in accordance with Beth Hillel as interpreted by R. Judah.

R. Jacob b. Abba visited Raba's home. He saw him recite the blessings 'who create the fruit of the vine over the first cup, and then he recited a blessing over the cup of Grace¹³ and drank it. Said

he to him: 'Why do you need all this? Surely, sir, you have [already] recited a blessing for us once?' 'When we were at the Resh Galutha's¹⁴ we did thus,' replied he. 'It is well that we did this at the Resh Galutha's,' said he, 'because there was a doubt whether they would bring us [more wine] or they would not bring us [more].'¹⁵ But here, surely the [second] cup stands before us and we have it in mind?' 'I acted in accordance with Rab's disciples' he replied. For R. Beruna and R. Hananel, disciples of Rab, were sitting at a meal,

(1) He agrees with Rab that Ner (light) interposes between kiddush and habdalah, because it is illogical to recite them consecutively, since they are mutually contradictory, as it were, kiddush declaring that the day is sacred, whereas habdalah declares that it is not as sacred as the Sabbath. He also agrees with Samuel that habdalah comes before kiddush, and he places wine (Yayin) at the head of all, for the reason stated on p. 541, n. 10.

(2) He too puts kiddush before habdalah, but holds that if wine is put at the beginning, the interval between it and habdalah will be so great that it may appear that the habdalah is not being recited over wine, which is essential. But kiddush need not be in immediate proximity to the wine, since it may be recited over bread too. For that reason too Ner (light) precedes the wine, so that the latter may be nearer to habdalah than to kiddush. — Rashbam transposes these last two views, mainly on the basis of J.T.

(3) They too place kiddush before habdalah. Hence we commence with kiddush, and then recite habdalah in its usual order, which is yayin (wine), Ner (light) and habdalah.

(4) He too places kiddush before habdalah, and also holds that wine must come near habdalah. But just as Ner generally precedes habdalah, because he enjoys the light first, so must it precede kiddush. Again, it cannot be recited between wine and habdalah, so that the wine should precede it, in accordance with the usual practice, because that would cause an interruption between the wine and the habdalah.

(5) He places habdalah before kiddush for the reason stated anon. He then puts wine before habdalah, for since that is immediately followed by kiddush, the wine is accounted for both, which is as it should be. For both kiddush and habdalah should be recited over wine in the first place, though the former is permitted over bread where wine is not available. Again, he puts wine before habdalah and kiddush instead of between them, since wine generally precedes. Furthermore, since Ner generally precedes habdalah, for the reason stated in the last note, it must now come at the very beginning.

(6) The pl. of habdalah employed generically.

(7) V. preceding note. He however places wine between habdalah and kiddush, so that it should really be near to both.

(8) The Sabbath, whose sanctity is greater, is the king; the Festival is the governor. Hence we first bid farewell to the Sabbath with habdalah and then welcome the Festival with kiddush.

(9) Yayin (wine), Kiddush, Zeman (season), Ner (light) and Habdalah.

(10) Yayin, Kiddush, Ner, Habdalah, and Zeman.

(11) This order is followed at the conclusion of the Sabbath if there is sufficient for one cup only.

(12) V. Ber. 51b.

(13) He recited Grace after meals over a second cup, and after Grace he recited the blessing for wine over it. — This is the present practice.

(14) V. Glos.

(15) Hence when we recited a blessing over the first cup we did not think of a second, which therefore constituted a fresh act of drinking, and so the blessing had to be repeated.

Talmud - Mas. Pesachim 103b

[and] R. Yeba Saba¹ waited on them. Said they to him, 'Give us [wine] and we will say Grace.' Subsequently² they said, 'Give us [wine] and we will drink.'³ Said he to them, 'Thus did Rab say: Once you have said, "Give us [wine] and we will say Grace, It is forbidden to you to drink.'⁴ What is the reason? Because you let it pass out of your minds.'⁵

Amemar and Mar Zutra and R. Ashi were sitting at a meal and R. Aha the son of Raba waited on them. Amemar recited a separate blessing for each cup; Mar Zutra recited a blessing over the first cup and over the last cup;⁶ [but] R. Ashi recited a blessing over the first cup and no more. Said R.

Aha b. Raba to them: in accordance with whom are we to act?-Amemar replied: I made a [fresh] decision [each time] .⁷ Mar Zutra replied: I acted in accordance with Rab's disciples. But R. Ashi maintained: The law is not as Rab's disciples for surely when a Festival falls after the Sabbath, Rab ruled: [The order is] Yaknah.⁸ But that is not so: there⁹ he had detached his mind from drinking;¹⁰ [whereas] here he had not detached his mind from drinking.

When he came to perform habdalah,¹¹ his attendant arose and kindled a torch at a lamp.¹² Said he to him, 'Why take all this trouble? Surely the lamp is standing before us!'¹³ 'My servant has acted of his own accord,' replied he. 'Had he not heard it thus from you,'¹⁴ he retorted, 'he would not have done it.' Said he to him: 'Do you then not hold, [To employ] a torch for habdalah is the best way of performing the precept?'

Then he commenced [habdalah] and recited: 'He who makes a distinction between holy and non-holy, between light and darkness, between Israel and the nations, between the seventh day and the six working days.' Said he to him: 'Why do you need all this? Surely Rab Judah said in Rab's name: "He who makes a distinction between holy and non-holy," was the formula of habdalah as recited by R. Judah ha-Nasi?' 'I hold with the following,' answered he. 'For R. Eleazar said in R. Oshaia's name: He who would recite but few [distinctions] must recite not less than three; while he who would add, must not add beyond seven.'¹⁵ Said he to him:

(1) The elder; or, aged.

(2) Before reciting Grace.

(3) They changed their mind and did not wish to recite Grace yet.

(4) Until after grace.

(5) This proves that Grace constitutes an interruption, and so the blessing over the wine must be repeated after Grace; and Raba acted in accordance with this ruling.

(6) I.e., after Grace, as Raba did.

(7) After each cup I intended drinking, no more. Hence when I did drink another it was a new act of drinking, and so I repeated the blessing each time. Consequently my action does not involve a general ruling.

(8) V. supra p. 541, n. 10. Thus the benediction for wine is not recited twice, one on account of kiddush and again on account of habdalah. Hence the same applies to two cups in general.

(9) Where Rab ruled that once they had declared their intention of saying Grace they might not drink again without blessing.

(10) His decision to say Grace proved that.

(11) This is a continuation of the passage narrating .R. Jacob b. Aha's visit to Raba, which had been parenthetically interrupted by the somewhat similar story about Amemar and his companions. The meal in question took place toward the end of the Sabbath, and at the termination of the Sabbath Raba performed habdalah.

(12) For the blessing over light.

(13) Then let the blessing for light be said over the lamp itself.

(14) 'The Master'.

(15) I.e., not less than three points of distinction and not more than seven must be recited in the habdalah.

Talmud - Mas. Pesachim 104a

'But you said neither three nor seven?'¹

'It is true,' answered he, "'between the seventh day and the six working days" is of the nature of the conclusion,² and Rab Judah said Samuel's name: He who recites habdalah must say [something] in the nature of the conclusion near to its conclusion. While the Pumbeditheans maintain: [He must say something] in the nature of the commencement just before its conclusion. Wherein do they differ?³ — They differ in respect of a Festival which falls after the Sabbath [i.e., Sunday], when we conclude with '[Who makest a distinction] between holy and holy.'⁴ On the view that something in

the nature of the commencement [must be repeated] immediately before the conclusion, it will be unnecessary to say, 'Thou didst make a distinction between the sanctity of the Sabbath and the sanctity of the Festival';⁵ but on the view that [a formula] in the nature of the conclusion [must be said] immediately before the conclusion, it is necessary to say, 'Thou didst make a distinction between the sanctity of the Sabbath and the sanctity of the Festival.'

The [above] text [stated]: 'R. Eleazer said in R. Oshaia's name: He who would recite but few [distinctions] must recite not less than three; while he who would add must not add beyond seven.' An objection is raised: Habdalah is recited at the conclusion of the Sabbath, at the conclusion of Festivals, at the conclusion of the Day of Atonement, at the conclusion of the Sabbath [giving place] to a Festival, and at the conclusion of a Festival [giving place] to the Intermediary Days,⁶ but not at the conclusion of a Festival [leading] to the Sabbath.'⁷ He who is well-versed recites many [points of distinction], while he who is not well-versed recites one? — It is [dependent on] Tannaim. For R. Johanan said: The son of holy men recited one, but the people are accustomed to recite three.⁸ Who is the son of holy men? — R. Menahem b. Simai; and why did they call him the son of holy men? Because he did not look at the effigy of a coin.⁹ R. Samuel b. Idi sent [word] to him:¹⁰ 'My brother Hanania recites one.' But the law does not agree with him. R. Joshua b. Levi said: he who recites habdalah must recite [formulas] in the nature of the distinctions mentioned in the Torah.¹¹ An objection is raised: What is the order of the distinctions [recited in the habdalah]? He recites, 'Who makest a distinction between holy and profane, between light and darkness, between Israel and the nations, between the seventh day and the six working days, between unclean and clean, between the sea and dry land, between the upper waters and the nether waters, between Priests, Levites and Israelites'; and he concludes with the order of Creation.¹² Others say, with 'he who formed the Creation.' R. Jose b. R. Judah said: He concludes, 'Who sanctifiest Israel.' Now if this is correct, surely no distinction is mentioned [in the Torah] between the sea and the dry land?¹³ — Delete 'between the sea and the dry land' from this. If so, [you must] also [delete] 'between the seventh day and the six working days'?¹⁴ — That corresponds to the conclusion,¹⁵ Then there is one less' so there are not seven?¹⁶ -I will tell you: [who made a distinction between] Priests, Levites and Israelites is two formulas. between Levites and Israelites [is one], as it is written, At that time the lord made distinct the tribe of Levi.¹⁷ Between Priests and Levites [is another], as It is written, The sons of Amram: Aaron and Moses; and Aaron was made distinct that he should be sanctified as most holy.¹⁸

How does he conclude it? — Rab said: 'Who sanctifiest Israel.' While Samuel said: 'Who makest a distinction, between holy and non-holy,' Abaye, — others state, R. Joseph — denounced¹⁹ this [ruling] of Rab. It was taught in the name of R. Joshua b. Hanania: When one concludes, 'Who sanctifiest Israel and makest a distinction between holy and non-holy,' his days and years are prolonged.

(1) But four.

(2) Habdalah ends with, 'Blessed art thou, O Lord, who makest a division between holy and non-holy'. This phrase, 'between the seventh day' etc. is similar in meaning, and forms a natural bridge to the conclusion, as it were; hence it is not counted. — All benedictions commence with the formula, 'Blessed art thou, O Lord, our God, King of the universe'; if lengthy, they conclude with the formula, 'Blessed art thou, O Lord, who 'etc. It is this latter formula which is referred to as the conclusion.

(3) Seeing that in most blessings the opening and the conclusion are similar in subject. Habdalah itself commences with 'He who maketh a distinction between holy and non-holy', while the passage preceding the conclusion is likewise 'who makest a division between the seventh day (i.e., holy) and the six working days (non-holy)'.
(4) Since both are holy, save that the holiness of the Sabbath is greater.

(5) Since the opening phrase is 'Who makest a distinction between holy and non-holy'.

(6) V. p. 16, n. 4. — Most of these phrases are in the plural in the original.

(7) thus habdalah is recited only to mark the passing of a day of higher sanctity than that which follows, but not the

reverse.

(8) This 'son of holy men' was a Tanna, while the common practice was likewise based on the ruling of a Tanna. Thus we have a controversy of Tannaim.

(9) V. A.Z. 50a. 'Son' is probably used attributively, R. Menahem himself being holy (v. M.K. 25b on the effect of his death); nevertheless this mode of expression is employed because this father too was holy. — Tosaf.

(10) [It is not clear to whom this refers.]

(11) As explained anon.

(12) I.e., 'Blessed art thou, O Lord, who settest the Creation in order'.

(13) I.e., no phrase with the express term 'distinction'

(14) For no phrase states that God made a 'distinction' between the seventh day etc.

(15) And is therefore not counted.

(16) Whereas the purpose of this Baraita is to enumerate the seven formulas of distinction referred to above.

(17) Deut. X, 8.

(18) I Chron. XXIII, 13.

(19) Lit., 'cursed'.

Talmud - Mas. Pesachim 104b

But the law is not as he.¹ 'Ulla visited Pumbeditha. Said Rab Judah to R. Isaac his son, 'Go and offer him a basket of fruit, and observe how he recites habdalah.² He did not go, [however, but] sent Abaye. When Abaye returned, he [R. Isaac] asked him, 'What did he say [in the habdalah]?' 'Blessed is He who maketh a distinction between holy and profane,' replied he, 'and nothing else.' When he came before his father he asked him, 'How did he recite it?' 'I did not go myself,' replied he, '[but] I sent Abaye, and he told me [that he recited] " . . . who makest a distinction between holy and profane".' Said he to him, 'Your pride and your haughtiness are the cause that you are unable to state the law from his own mouth.'

An objection is raised: In all blessings you commence with 'blessed [art Thou]' and conclude with 'blessed [art Thou],' except in the blessings over precepts,³ the blessings over fruits,⁴ a blessing immediately preceding⁵ another, and the last blessing of the reading of the Shema';⁶ in some of these you commence with 'Blessed' but do not conclude with 'Blessed', while in others you conclude with 'Blessed' but do not commence with 'Blessed'; and [in the blessing] 'Who is good and doeth good [unto all]'⁷ you commence with 'Blessed' but do not conclude with 'Blessed'.⁸ [

(1) A double ending is not employed, and the law is as Samuel.

(2) Make this an excuse for staying with him, so that you observe him reciting habdalah.

(3) A blessing is recited before the fulfilment of every precept.

(4) I.e., which are recited before eating or drinking; 'fruits' is employed generically and includes such items as bread, water, vegetables etc.

(5) Lit., 'near to'.

(6) The morning Shema' (v. Glos.) is preceded by two long benedictions and followed by one; the evening Shema' is followed by two.

(7) This is the third blessing (if the three which constitute Grace after Meals; v. Singer's Prayer Book pp. 280-285 for the whole, and p. 283 for the blessing immediately proceeding

(8) The blessings for precepts and fruits are generally short, and therefore 'Blessed' is not repeated at the conclusion. Blessings immediately 'preceding others: e.g., those of the Amidah (the 'Eighteen Benedictions'). As each ends with the formula, 'Blessed art Thou, O Lord, who' etc., the following does not commence with 'Blessed'. Similarly, the blessing immediately preceding the Shema' concludes with 'Blessed' etc., and the Shema' together with the blessing which follows it is regarded as one long blessing; hence that too does not commence with 'Blessed'. (That benediction itself ends with 'Blessed art Thou', etc.; hence the fourth one recited in the evening — v. n. 5 — which follows immediately after, likewise does not commence with 'blessed'.) The third blessing of Grace after meals, though immediately following a conclusion containing the formula, 'Blessed art Thou, O Lord', etc., commence with 'Blessed',

notwithstanding the above general rule, because it was instituted in memory of the Jews slain at Bethar in 135 C.E. which marked the 'disastrous end of the Bar Cochba revolt; hence it was regarded as quite distinct and apart from the rest. It is indeed a lengthy benediction, but as much of it consists of synonyms for God it would be unfitting to repeat 'Blessed art Thou' in the conclusion.

Talmud - Mas. Pesachim 105a

Now this raises a difficulty according to 'Ulla?¹ — 'Ulla can answer you: This too is like a blessing for precepts. [For] what is the reason in the case of a blessing over precepts?² Because It is [mere] praise;³ this too is praise.⁴

R. Hanania b. Shelemia and the disciples of Rab were sitting at a meal, and R. Hamnuna Saba⁵ was waiting on them. Said they to him, 'Go and see if the day has become holy,⁶ in which case we will interrupt [the meal]⁷ and appoint it for the Sabbath.'⁸ 'You do not need it,' he replied; 'the Sabbath itself makes it an appointed [meal].'⁹ For Rab said: Just as the Sabbath makes [it an] appointed [meal] in respect of tithe,¹⁰ so does the Sabbath make [it an] appointed [meal] in respect of kiddush.¹¹ Now they understood from him: just as it makes [it an] appointed [meal] in respect of kiddush, so does it make [it an] appointed [meal] in respect of habdalah.¹² Said R. Amram to them, thus did Rab say: It makes [it an] appointed [meal] in respect of kiddush, but it does not make [it an] appointed [meal] in respect of habdalah.¹³ But that is only in respect of interrupting [the meal], viz., that we do not interrupt [it]; we may not however commence [one].;¹⁴ And even about interrupting we said this with respect to eating only, but not with respect to drinking.¹⁵ And with respect to drinking too we said this only of wine and beer: but as for water, it does not matter.¹⁶

Now he differs from R. Huna. For R. Huna saw a certain man drinking water before habdalah, [whereupon] he observed to him Are you not afraid of choking?¹⁷ For it was taught in R. Akiba's name: He who tastes anything before reciting habdalah shall die through choking.¹⁸ The Rabbis of R. Ashi's academy were not particular about water.

Rabina asked R. Nahman b. Isaac: He who did not recite kiddush on the eve of the Sabbath,¹⁹ can he proceed to recite kiddush at any time of the day?²⁰ — Said he to him: Since the sons of R. Hiyya said, he who did not recite habdalah at the termination of the Sabbath can proceed to recite habdalah the whole week, [it follows that] there too, he who did not recite kiddush on the eve of the Sabbath can proceed to recite kiddush at any time of the day. He raised an objection to him: On the nights of the Sabbath and on the nights of a Festival there is sanctification [kiddush] over the cup [of wine] and a reference [to the Sabbath or Festival] in the Grace after meals.²¹ On the Sabbath and a Festival²² there is no sanctification over a cup [of wine], but there is a reference in the Grace after meals. Now if you should think that he who did not recite kiddush on the eve of the Sabbath can proceed to recite kiddush the whole day, then on the Sabbath and festival [during the day] too there may be sanctification over the cup, 'or if he did not recite kiddush in the evening, he recites kiddush on the morrow?—Said he to him: He [the Tanna] does not teach a case of 'if'.

He raised an objection to him: [If a man must choose between] the honour of the day and the honour of the night,²³ the honour of the day takes precedence; and if he has only one cup [of wine], he recites

(1) Why did he not conclude habdalah with blessed' etc.?

(2) That we do not conclude with 'blessed.'

(3) It contains nothing else, and is consequently short.

(4) To God, for having made a distinction between holy and profane, and it does not treat of any other subject.

(5) The aged, or the Elder.

(6) I.e. if the Sabbath has commenced.

(7) By removing the tables; v. supra p. 533, n. 7.

(8) By removing the table and then bringing it back the meal would be specially appointed as being one account of the Sabbath. (Three meals must be eaten on the Sabbath, and probably they wished to signify that this, though started before, should count as one.)

(9) Since you must pause to recite kiddush, that itself gives it the character of an appointed meal for the Sabbath.

(10) A man may make a light meal, but not a full ('appointed') meal of untithed produce before it is completely ready and subject to tithe. (Produce is not subject to tithe until it has been harvested, threshed and carried in through the front of the house, v. B.M., Sonc. ed. p. 507f.) But the Sabbath, confers upon every meal, even if light, the character of a full, appointed meal, so that untithed produce is then forbidden.

(11) Nothing whatsoever may be eaten before kiddush; thus we see that the Sabbath automatically makes it a Sabbath meal.

(12) One must not eat at the conclusion of the Sabbath before habdalah. They understood that if a man commences during the day, the conclusion of the Sabbath automatically renders what follows an appointed meal, which is forbidden before habdalah, hence habdalah must be recited in the middle of the meal.

(13) For having commenced the meal on the Sabbath, he honours the Sabbath by concluding it without interruption, even if it continues beyond nightfall.

(14) Even a light meal before habdalah.

(15) Drinking must be interrupted for habdalah.

(16) Drinking water is of such slight consequence that it is permitted before habdalah. Drinking wine and beer however, occupies an intermediate position: it is sufficiently unimportant to be interrupted for habdalah, but too important to start after nightfall before habdalah.

(17) This was a rebuke.

(18) Through being unable to catch his breath.

(19) I.e., at the very commencement of the Sabbath' immediately after nightfall. Perhaps the phrase, eve of the Sabbath' indicates that the kiddush was slightly advanced, so as to avert the possibility of commencing the Sabbath too late; cf. O.H. 271, 1 and אברהם מוגן a.l.

(20) Sc. the Sabbath.

(21) Special passages are inserted.

(22) I.e., during the daytime.

(23) The Sabbath is honoured by indulging in more drink and special dainties; here he lacks sufficient for additions at all meals, and must choose between them.

Talmud - Mas. Pesachim 105b

the kiddush of the day over it,¹ because the kiddush of the day takes precedence over the honour of the day. Now if this is correct,² let him leave it until the morrow and do both with it?³ -A religious duty is [more] precious [when performed] at the proper time.

Yet do we say, A religious duty is [more] precious [when performed] at the proper time?⁴ Surely it was taught: He who enters his house on the termination of the Sabbath recites blessings over the while, the light and the spices, and then he recites habdalah over the cup [of wine]. But if he has one cup only, he leaves it until after the meal and recites then all together after it.⁵ Thus we do not say, A religious duty is [more] precious at the proper time? — Said he to him, 'I am neither a self-pretended scholar⁶ nor a visionary [i.e., story-teller] nor unique [in this ruling], but I am a teacher and systematizer of traditions,⁷ and they rule thus in the Beth Hamidrash as I do; we draw a distinction between ushering the day in and ushering the day out: as for ushering the day in, the more we advance it the better, as we thereby show our love for it; but as for ushering the day out, we delay it, so that it may not be [appear] a burden upon us.⁸

You may infer eight things from this Baraita: [i] He who recites habdalah during the prayer⁹ must [also] recite habdalah over the cup [of wine];¹⁰ [ii] Grace [after meals] requires a cup [of wine]; [iii] the cup [of wine] for Grace demands a [minimum] standard;¹¹ [iv] he who says a blessing [over

anything] must partake thereof;¹² [v] if he tastes it he renders it defective;¹³ [vi] even when one has tasted [food] he recites habdalah;¹⁴

(1) I.e., kiddush on Friday evenings, which marks the sanctification of the whole day. But he must not leave it for drinking during the meal.

(2) Viz., R. Nahman's ruling.

(3) Kiddush, and pay honour to the day by drinking some of it during a meal.

(4) Even in such a case, where by postponing it an additional purpose is served.

(5) V. supra 102b notes.

(6) I have not said this on my own authority.

(7) The translation follows Jast. V.

(8) Hence kiddush is said as early as possible, and it may not be deferred for the morrow. But we willingly delay the habdalah.

(9) To Amidah or the Eighteen Benedictions, which constitute the Prayer par excellence; a habdalah formula is inserted in the fourth benediction.

(10) For 'he who enters his house' implies that he has seen away from home, presumably at the synagogue, where he would already have recited habdalah in the Amidah of the evening service.

(11) Viz., a quarter of log (rebi'ith). Otherwise, he could use half for habdalah and half for Grace.

(12) Either he or one of the listeners. For otherwise he could recite habdalah over the cup of wine and leave it untouched for Grace.

(13) it is now assumed that he had more than one rebi'ith, but not two. Hence he could perform habdalah, drink the excess, and leave a rebi'ith for Grace. Since this is not done, it follows that merely by drinking a little of the whole cup it becomes unfit for Grace.

(14) There is a contrary view infra 106b, q.v. Here we see that when there is insufficient wine, he has his meal and then recites habdalah.

Talmud - Mas. Pesachim 106a

[vii] you may recite two sanctities over the same cup;¹ and [viii] this is [the ruling of] Beth Shammai as interpreted by R. Judah.² R. Ashi said: [The deductions that] if he tastes it he renders it defective, and that the cup of Grace requires a [minimum] standard, are the same thing,³ and this is what he Says: What is the reason that once he tastes of it he renders it defective? Because the cup of Grace requires a [minimum] standard. R. Jacob b. Idi objected to a defective pitcher. R. Idi b. Shisha objected to a defective cup. Mar b. R. Ashi objected even to a defective barrel.⁴

Our Rabbis taught: Remember the Sabbath day, to keep it holy;⁵ remember it over wine.⁶ I know it only of the day; whence do we know it of the night?⁷ Because it is stated, 'remember the Sabbath day, to keep; it holy.' [You ask], 'Whence do we know it of the night?' — on the contrary, the principal kiddush is recited at night, for when he sanctifies, he must sanctify [from] the beginning of the day. Moreover, [you say,] 'whence do we know it of the night? Because it is stated, "remember the sabbath day to keep it holy"- the Tanna seeks [proof] for the night, while he adduces a verse relating to the day[time]? — This is what he means: 'Remember the Sabbath, day, to keep it holy': remember it over the wine at its commencement.⁸ I know it only of the night: whence do we know it of the day? Because it is said, 'Remember the Sabbath day, to keep it holy.

What blessing does he recite by day?⁹ -Said Rab Judah: ...who createst the fruit of the vine.¹⁰ R. Ashi visited Mahuza.¹¹ Said they [the Mahuzaeans] to him, let the master recite the Great kiddush for us.' They gave him [the cup of wine]. Now he pondered, What is the Great kiddush? Let us see, he reasoned, for all blessings [of kiddush] we first say ' . . . who createst the fruit of the vine'¹² [So] he recited' . . .who createst the fruit of the vine,' and tarried over it,¹³ [and then] he saw an old man bend [his head] and drink. Thereupon he applied to himself [the verse], The wise man, his eyes are in his head.¹⁴

The sons of R. Hiyya Said: He who did not recite habdalah at the termination of the Sabbath proceeds to recite habdalah anytime during the week. And, until when?—Said R. Zera: Until the fourth day of the week.¹⁵ Even as R. Zera sat before R. Assi — others state, R. Assi sat before R. Johanan — and he sat and stated: In respect to divorces the first day of the week, the second, and the third [are defined as] after the Sabbath; the fourth, the fifth, and the eve of the [Sabbath] day [rank as] before the Sabbath.¹⁶ R. Jacob b. Idi said: But [he does] not [recite a blessing] over the light.¹⁷

R. Beruna said in Rab's name:

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- (1) habdalah and Grace are two separate sanctities. i.e., religious duties.
 - (2) That the blessing for light precedes that of spices, for Beth Hillel reverse it (supra 103a). It cannot be the ruling of Beth Hillel as interpreted by R.Meir, for on that view the blessing for light precedes Grace, whereas this Baraita states that the blessings are recited after Grace.
 - (3) I.e., tasting it renders it unfit only when less than the minimum quantity is thereby left; otherwise it would remain fit.
 - (4) A small barrel is meant. If kiddush or habdalah was recited over wine contained in one of these, they insisted that it should be full.
 - (5) Ex. XX, 8.
 - (6) Kiddush, whereby the Sabbath is remembered,' must be recited over wine.
 - (7) That kiddush must be recited Friday evening over wine.
 - (8) 'To keep it holy' implies that it is to be 'remembered,' i.e., sanctified, by kiddush, when the holiness of the day commences, which is in the evening.
 - (9) It is stated Supra 105a that kiddush ('sanctification) is not recited by day.
 - (10) I.e., no special benediction apart from the usual one recited over wine.
 - (11) V. p. 20 ,n. 5.
 - (12) Hence it would be fitting for that to be called the Great kiddush, since it is recited on every occasion.
 - (13) He paused before drinking it in order to see whether this was deemed sufficient for the kiddush by day.
 - (14) Eccl. II, 14.
 - (15) Exclusive. From the fourth day onward the days are counted with the following Sabbath, and it would be inappropriate to recite habdalah then for the preceding Sabbath.
 - (16) E.g., if a man divorces his wife on condition that she performs a certain acton after a particular Sabbath, it must be done not later than the third day following; if he stipulates, before the Sabbath, Wednesday, Thursday, or Friday are meant.
 - (17) When he recites habdalah later in the week. Rashbam: the reason is presumably because the blessing for light can be recited only at the termination of the Sabbath (v. supra 54a), since it was then created for the first time.

Talmud - Mas. Pesachim 106b

He who washes his hands [before eating]¹ must not recite kiddush.² Said R. Isaac b. Samuel b. Martha to them: Rab has not yet died³ and we have [already] forgotten his ruling! I stood many times before Rab: sometimes he preferred bread [and] recited kiddush over bread; at others he preferred wine [and] recited kiddush over wine.⁴

R. Huna said in Rab's name: Once he has tasted [food] he must not recite kiddush.⁵ R. Hana b. Hinena asked R. Huna: May he who has tasted [food] recite habdalah?⁶ I maintain, replied he, [that] he who has tasted [food] recites habdalah. But R. Assi said: He who has tasted [food] may not recite habdalah.

R. Jeremiah b. Abba visited R. Assi. He forgot himself and ate something. [Then] they gave him a cup [of wine] and he recited habdalah. Said his [R. Assi's] wife to him [R. Assi]: But you⁷ do not act thus? Leave him, replied he; he holds as his teacher.⁸

R. Joseph said in Samuel's name: He who has tasted [food] may not recite kiddush; he who has tasted [food] may not recite habdalah. But Rabbah said in R. Nahman's name in Samuel's name: He who has tasted [food] does recite kiddush; and he who has tasted [food] does recite habdalah ‘

(1) The hands must be washed before partaking of a meal at which bread is eaten, and there must be no interruption between the washing and the eating of some bread.

(2) Before breaking bread-kiddush, of course, comes first — , as it constitutes an interruption, and he discharges his own duty thereby. If he does recite kiddush, he must wash again before eating.

(3) Lit., 'Rab's soul has not yet gone to rest.' — Or perhaps: Rab has only just died.

(4) Rashi and Rashbam: if he was very hungry he would wash and recite kiddush over the bread and immediately eat it. This proves that the reciting of kiddush is not an interruption and does not necessitate washing again. R. Tam: sometimes he preferred bread (being very hungry) and recited kiddush (over wine) with the intention of eating bread immediately after it (**וַיֵּשֶׁב** can bear this meaning); hence he must have washed before kiddush, and as we see, another washing is unnecessary.

(5) In the evening, but just wait for the morrow.

(6) That evening — sc. at the termination of the Sabbath — , or must he to wait for the morrow.

(7) Lit., 'the Master.'

(8) Sc. Rab, in whose name R. Huna gave his ruling.

Talmud - Mas. Pesachim 107a

Raba said: The law is: He who has tasted [food] recites kiddush, and he who has tasted [food] recites habdalah. Again, he who does not recite kiddush on the eve of the Sabbath proceeds to recite kiddush any time during the Sabbath, until the termination of the Sabbath. He who did not recite habdalah at the termination of the Sabbath proceeds to recite habdalah and time during the week.¹ Amemar commenced this ruling of a Raba in the following version: The law is: He who has tasted [food] recites kiddush, he who has tasted [food] recites habdalah; he who did not recite kiddush on the eve of the Sabbath proceeds to recite kiddush at any time of the day. He who did not recite habdalah proceeds to recite habdalah the whole day.² Mar Yanuka and Mar Kashisha the sons of R. Hisda³ said to R. Ashi: Amemar once visited our town: lacking wine, we brought him beer [for habdalah], but he would not recite habdalah [over it], 'and passed the night fasting.'⁴ The next day we took trouble to procure wine for him, whereupon he recited habdalah and ate something. The following year he again visited our town, [and] we offered him beer. Said he, 'If so, it is the wine of the country';⁵ [so] he recited habdalah and ate a little. This proves three things; [i] [Even] he who recites habdalah in the Prayer must recite habdalah over a cup [of wine];⁶ [ii] a man must not eat until he has recited habdalah; and [iii] he who did not recite habdalah at the termination of the Sabbath

proceeds to recite habdalah any time during the week.

R. Hisda asked R. Huna:⁷ Is it permitted to recite kiddush over beer? Said he to him, Seeing that I asked Rab, and Rab asked R. Hiyya, and R. Hiyya asked Rabbi about pirzuma,⁸ fig [-beverage], and asne,⁹ and he could not resolve it for him, can there be a question about [barley] beer! Now it was understood from him: kiddush indeed may not be recited over it, yet we can recite habdalah over it. Said R. Hisda to them, Thus did Rab say: Just as you may not recite kiddush over it, so may you not recite habdalah over it. It was stated too' R. Tahlifa b. Abdimi said in Samuel's name: Just as you may not recite kiddush over it, so may you not recite habdalah over it. Levi sent to Rabbi beer strained thirteenfold.¹⁰ On tasting it he found it well-flavoured. Said he: 'Over such as this it is fitting to recite kiddush and to utter all the psalms and praises in the world.' At night it caused him pains. Said he: 'Seeing that it chastises us, shall it propitiate!' ¹¹

R. Joseph said: I will vow in the presence of a multitude¹² not to drink beer. Raba said: I would drink flaxwater,¹³ yet I would not drink beer. Raba also said: His drink shall be but beer who recites kiddush over beer.¹⁴ Rab found R. Huna¹⁵ reciting kiddush over beer. Said he to him: 'Abba¹⁶ has begun to acquire istiri¹⁷ with beer. '¹⁸

Our Rabbis taught: You recite kiddush over wine only, and you say a blessing over wine only. Do we then not recite the blessing, 'by whose word all things exist' over beer and water? — Said Abaye, this is what he means: You do not say, 'bring a cup of blessing to say Grace [after meals],' over aught except wine.

Our Rabbis taught: You do not recite kiddush over beer. On the authority of R. Eleazar son of R. Simeon they said: You can recite kiddush [over it]. The tasting of wine [demands] but a small quantity.¹⁹ R. Jose b. Judah said: [At least] a mouthful. R. Huna said in Rab's name, and thus did R. Gidal of Naresh²⁰ learn: He who recites kiddush and drinks a mouthful [of the wine] as discharged [his duty]; if not, he has not discharged [his duty]. it. Nahman b. Isaac said: I recite this [name] neither [as] Gidal b. Menassia nor Gidal b. Manyomi, but simply Gidal. What difference does that make? — In respect of opposing [one statement] of his to [another statement] of his.²¹

CLOSE TO MINHAH. The scholars asked: Did we learn, CLOSE TO the great MINHAH, or perhaps we learned, CLOSE TO the lesser "MINHAH?²² Did we learn, CLOSE to the great MINHAH, the reason being on account of the Passover-offering, lest he come to prolong [the meal]

(1) V. supra 106a.

(2) Viz., Sunday, but not the whole week.

(3) Yanuka means youth; Kashisha, old age. Some accordingly translate: the younger add the elder sons of R. Hisda respectively. Others however translate: The son born to R. Hisda in his youth and the son born in his old age, i.e., the elder and the younger sons of R. Hisda respectively. Rashi and Keth. 89b s.v. **נור** and Tosaf. in B.B. 7b s.v. **נור**

(4) Dan. VI, 19. He would not eat without reciting (habdalah).

(5) Beer is evidently a popular drink and occupies the same place here that wine generally occupies elsewhere.

(6) V. Supra p. 552, n. 4.

(7) Text as emended (Bah).

(8) Jast. A beer brewed from figs, in that case it must differ from **תאניני** which is also a beverage made from figs, while ordinary beer is from barley. Rashi however regards pirzuma as barley beer, while ordinary beer is made from dates.

(9) Jast.: a drink made of shrubby fruit(?) — All these are superior to the ordinary barley beer about which R. Hisda asked.

(10) R. Han.: repeatedly strained for clarity — thirteen merely indicates many. Rashbam: beer made by pouring water on dates, then pouring the same water with its date infusion over other dates, this operation being repeated many times.

(11) Rashbam: i.e., it causes pain — is it fit to propitiate God therewith, i.e., to recite kiddush over it — surely not! Others: first it entices (by its pleasant flavour) and then it causes pain.

- (12) A vow made in the presence of a multitude cannot be annulled, v. Git. 36a.
- (13) I.e., water in which flax is steeped.
- (14) If he grudges the money for wine, there will come a time when he can afford only beer for his general drinking.
- (15) Var. lec., Rabbah b. Bar Hanah.
- (16) Lit., 'father' — a title of respect.
- (17) Coins.
- (18) I.e., you have begun trading with beer, so it has become sufficiently valuable in your eyes to recite kiddush over it.
- (19) He who says a blessing over wine must taste some of it (supra 105b bottom); the smallest quantity suffices.
- (20) identical 'with Nahras or Nahr-sar, on the canal of the same name, on the east bank of the Euphrates; Obermeyer, p. 307.
- (21) If a statement by one of these two is found to contradict the present one, there is no difficulty, as he is not identical with either. Or perhaps: he may be identical with one of them, so that a contrary statement by the other does not prove a self-contradiction.
- (22) The time for the great minhah is six and a half hours (i.e., half an hour after midday) and onwards. This is the earliest hour for the sacrificing of the evening amid (v. supra 58a). The lesser minhah is two and a half hours before nightfall.

Talmud - Mas. Pesachim 107b

and refrain from performing the Passover [-offering]; or perhaps we learned CLOSE TO the lesser 'MINHAH, the reason being on account of the unleavened bread, lest he merely gorge himself with the unleavened bread?'¹ Said Rabina, Come and hear: Even King Agrippa² who was accustomed to eat at nine hours, might not eat on that day until night. fall. Now it is well if you say that we learned, CLOSE TO the lesser MINHAH, Hence it is that which is noteworthy about Agrippa;³ but if you say [that] we learned, CLOSE TO the great MINHAH, what is there noteworthy about Agrippa, seeing that the interdict has [already] fallen upon him from before?⁴ What then? We learned, CLOSE TO the lesser MINHAH? Yet after all what is there remarkable about Agrippa: surely the the of the interdict has come!⁵ -You might say: Nine hours⁶ to Agrippa is like four hours⁷ to us;⁸ Hence he informs us [otherwise]. R. Jose⁹ Said: But he may make a meal¹⁰ with various sweet-meats.¹¹ R. Isaac would make a meal with vegetables. It was taught likewise: The attendant may make a meal with the inwards,¹² and he may [also] offer them to the guests. And though there is no proof of this, yet there is a hint thereof, for it is said, Break up for you a fallow ground, and sow not among thorns.¹³

Raba used to drink wine the whole of Passover eve, so as to whet his appetite¹⁴ to eat more unleavened bread in the evening. Raba said: How do I know that wine whets the appetite? Because we learned:

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- (1) Lit., 'a gross eating,' having eaten his fill beforehand.
- (2) A king of the Hasmonean dynasty, who followed Rabbinical teaching.
- (3) I.e., though he did not eat earlier, and at nine hours interdict has not yet commenced (for it commences just before nine and a half hours), he might nevertheless not start then, as he would probably prolong it.
- (4) Surely we would not think him exempt from the interdict merely because he had not yet eaten.
- (5) I.e., about three p.m.
- (6) I.e., about ten a.m.
- (7) Before he finishes his meal. For even R Jose, who maintains that a man needs not interrupt the meal once he has commenced (supra 99b), admits that he must not commence a meal knowing that he will prolong it beyond the forbidden period.
- (8) Since the latter hour is the general mealtime, while Agrippa did not breakfast until three p.m.
- (9) Alfasi reads: Assi.
- (10) Lit., 'dip.'
- (11) Fruit or meat, without bread: these were generally dipped into a relish. — The time meant is from minhah and

onwards.

(12) Of an animal which he is preparing for the festival meals.

(13) Jer. IV, 3. Rashi: i.e., do not work without profit; so if a man is engaged on preparing food and is forbidden to eat thereof it causes him mental suffering. [Rashi did not seem to read: 'and he may offer them to the guest. Rashbam and Tosaf. explain the reference to a relish prepared for whetting the appetite and the verse is quoted in illustration that the stomach must be prepared to receive food as the ground for seeds].

(14) Lit., 'draw his heart'.

Talmud - Mas. Pesachim 108a

Between these cups,¹ if he wishes to drink [more] he may drink; between the third and the fourth he must not drink.² Now if you say that it [wine] satisfies, why may he drink? Surely he will merely gorge on the unleavened bread! Hence this proves that it sharpens the appetite.

R. Shesheth used to fast³ the whole of the eve of passover. Shall we say that R. Shesheth holds [that] we learned, Close TO the great MINHAH, the reason being on account of the Passover [sacrifice], lest he prolong [the meal] and refrain from performing the Passover [-offering]; and he [also] holds as R. Oshaia, who said: 'The son of Bathyra used to declare valid the Passover [-offering] which one slaughtered in its own name⁴ on the morning of the fourteenth'; and from the morning it is the time for the Passover, for the whole day is the time for the Passover, as he holds, [and the whole assembly . . . shall kill it] between the evenings⁵ [means any time] between yesterday evening and this evening?⁶ — I will tell you [that is] not [so]. R. Shesheth was different, for he was delicate, and if he ate anything in the morning his food would not benefit him in the evening.⁷

EVEN THE POOREST MAN IN ISRAEL MUST NOT EAT UNTIL HE RECLINES. It was stated: [For the eating of] the unleavened bread reclining is necessary; for the bitter herbs reclining is not necessary.⁸ [As for the drinking of] the wine, — It was stated in R. Nahman's name [that] reclining is necessary, and it was stated in R. Nahman's name that reclining is not necessary. Yet they do not disagree: one [ruling] refers to the first two cups, and the other ruling refers to the last two cups. Some explain it in one direction, others explain it in the other direction. [Thus:] some explain it in one direction: for the first two cups reclining is necessary, because it is at this point that freedom commences; for the last two cups reclining is necessary, [because] what has been has been.⁹ Others explain it in the contrary direction: on the contrary, the last two cups necessitate reclining, [because] it is precisely then that there is freedom; the first two cups do not necessitate reclining, [because] he is still reciting 'we were slaves.'¹⁰ Now that it was stated thus and it was stated thus, both [the first and the last ones]¹¹ necessitate reclining. Lying on the back is not reclining; reclining on the right side is not reclining.¹² Moreover he may put [his food] into the windpipe before the gullet,¹³ and thus endanger himself.

A woman in her husband's [house] need not recline,¹⁴ but if she is a woman of importance she must recline.¹⁵ A son in his father's [house] must recline.¹⁶ The scholars asked: What about a disciple in his teacher's presence? — Come and hear, for Abaye said: When we were at the Master's [Rabbah b. Nahman's] house, we used to recline on each other's knees. When we came to R. Joseph's house he remarked to us, 'You do not need it: the fear of your teacher is as the fear of Heaven.'

An objection is raised: A man must recline with all [people], and even a disciple in his master's presence? — That was taught of a craftsman's apprentice.

The scholars asked: What about an attendant? — Come and hear, [or R. Joshua b. Levi said: A attendant, who ate as much as an olive of unleavened bread while reclining has discharged [his duty]. Thus, only while reclining, but not if he was not reclining. This proves that he must recline. This proves it.

R. Joshua b. Levi also said: Women are subject to [the law of] these four cups

- (1) The first and second, and the second and third.
- (2) The third cup is drunk in connection with grace after meals. Having died already, he has no need to drink for his appetite, and if he now drinks more he will appear to be adding to the statutory number (four) of cups. T.J. states that drink after the meal (apart from the two which are still to be drunk to make up the four) intoxicates and makes the person unfit to recite the hallel.
- (3) Lit., sit in a fast'.
- (4) i.e., as a Passover, and not as a different sacrifice.
- (5) Ex. XII, 6 (E.V. (at dusk)).
- (6) I.e., the evenings commencing the fourteenth and the fifteenth. The night must be omitted, since offerings cannot be sacrifices at night. — Though of course sacrifices lead altogether ceased by the time of R. Shesheth, yet if on this view one had to fast when the temple stood, it would still be necessary, because the interdict had never formally been rescinded.
- (7) I.e., he would have no appetite in the evening.
- (8) the former symbolizes freedom; the latter, bondage. Bitter herbs may not be eaten while reclining.
- (9) The last two cups come after the meal, by which time the whole narrative of Israel's liberation has been completed. Hence there is no need then to emphasize the theme of freedom.
- (10) V. infra 116a.
- (11) var. lec.: all.
- (12) Since he must eat with his right hand.
- (13) if he eats lying on his back may go down the wrong way.
- (14) Because she stands under his authority.
- (15) Isserles (O.H. 472, 4 Gloss) remarks that women nowadays are of high worth.
- (16) He does not sense his father's authority so strongly.

Talmud - Mas. Pesachim 108b

because they too were included in that miracle.¹

Rab Judah said in Samuel's name: These four cups must contain sufficient for the mixing of a generous cup.² if he drank them raw [undiluted], he has discharged [his duty].³ If he drank them [all] at once,⁴ he has discharged [his duty]. If he gave his sons and household to drink of them,⁵ he has discharged [his duty].

'If he drank them raw [undiluted]. he has discharged [his duty].' Raba observed: He has discharged [his duty] of wine, but he has not discharged [his duty] of [symbolizing his] freedom.⁶ If he drank them [all] at once, Rab said:⁷ He has discharged [his duty of drinking] wine,⁸ [but] he has not discharged [his duty of] four cups.⁹ 'If he gave his sons and household to drink of them, he has discharged [his duty]': Said R. Nahman b. Isaac: Providing that he [himself] drank the greater part of [each] cup.

An objection is raised: These four cups must contain the standard of a rebi'ith, whether neat or diluted, whether new [wine] or old; R. Judah said: It must possess the taste and the appearance of wine. Thus it is incidentally taught.'the standard of a rebi'ith,' whereas you say, 'a generous cup'? — I will answer you: Both are the same standard, [for] what does he mean by 'sufficient for the mixing of a generous cup? For each one separately [of the four cups]. which is a rebi'ith for all of them together.¹⁰

'R. Judah said: It must possess the taste and appearance of wine. Said Raba, What is R. Judah's reason? Because it is written, Look not thou upon the wine when it is red.¹¹

Our Rabbis taught: All are bound to [drink] the four cups, men, women, and children. Said R. Judah: Of what benefit then is wine to children? But we distribute to them

(1) Of liberation; v. Sot. 11b, where it is stated that the Israelites were redeemed as a reward to the righteous women of that generation.

(2) Their wine was too strong to be drunk neat. 'A generous cup' is one of sufficient quantity for Grace, viz., a rebi'ith (quarter of a log), and Rab Judah said that each of these four cups must contain enough undiluted wine to make up to a rebi'ith of diluted wine. — The usual mixture was one Part wine to three parts water.

(3) Providing that he drank a rebi'ith on each, occasion (Rashbam).

(4) Without following the order prescribed infra 114a and 116a-b.

(5) Possibly separate cups were not set for each member of the household. as is done nowadays; v. supra 99b Tosaf. s.v.

לֹא יִפְחָתוּ לֹא מֵאַרְבַּע כּוֹסוֹת

(6) I.e., he has discharged his duty in a poor way, since drinking undiluted wine is hardly drinking at all — This does not refer to wine nowadays, which is not so strong and does not require dilution.

(7) Alfasi and Asheri omit: Rab said.

(8) V. infra 109: a man must rejoice on a Festival by drinking wine; this duty he has now discharged.

(9) But all count as one cup. and another three are necessary.

(10) I.e., a rebi'ith of the raw wine, which when diluted will make four rebi'ith of drinkable wine, a rebi'ith for each cup.

(11) Prov. XXIII, 31. Thus it does not merit the name wine unless it has its appearance too.

Talmud - Mas. Pesachim 109a

parched ears of corn and nuts on the eve of Passover, so that they should not fall asleep, and ask [the 'questions'].¹ It was related of R. Akiba that he used to distribute parched ears and nuts to children on the eve of Passover, so that they might not fall asleep but ask [the 'questions']. It was taught, R. Eliezer said: The mazzoth are eaten hastily² on the night of Passover, on account of the children, so that they should not fall asleep.³ It was taught: it was related of R. Akiba⁴ [that] never did he say in the Beth Hamidrash, 'It is time to rise [cease study]', except on the eve of Passover and the eve of the Day of Atonement. On the eve of Passover, because of the children, so that they might not fall asleep. On the eve of the Day of Atonement, in order that they should give food to their children.

Our Rabbis taught: A man is in duty bound to make his children and his household rejoice on a Festival, for it is said, And thou shalt rejoice it, thy feast, [thou and thy son, and thy daughter, etc.]⁵ Wherewith does he make them rejoice? With wine. R. Judah said: Men with what is suitable for them, and women with, what is suitable for them. 'Men with what is suitable for them': with wine. And women with what? R. Joseph recited: in Babylonia, with coloured garments; in Eretz Yisrael, with ironed lined garments.

It was taught, R. Judah b. Bathyra said: When the temple was in existence there could be no rejoicing save with meat, as it is said, And thou shalt sacrifice peace-offerings, and shalt eat there; and thou shalt rejoice before the Lord thy God.⁶ But now that the Temple is no longer in existence, there is no rejoicing save with wine, as it is said, and wine that maketh glad the heart of man.⁷ R. Isaac said: The xestes⁸ for muries in Sepphoris was about equal to the Temple log, and thereby we gauge the rebi'ith of [wine for] Passover.⁹ R. Johanan said: The ancient tomanta which was in Tiberias exceeded this by a quarter, and thereby we gauge the rebi'ith of [wine for] Passover. R. Hisda said: The rebi'ith of the Torah¹⁰ is [the cubic content of a vessel] two fingerbreadths square by two and seven-tenths¹¹ fingerbreadths in depth.¹² As it was taught: Then he shall bathe all his flesh in water:¹³ [this intimates] that nothing must interpose between his flesh and the water; 'in water' [means] in the water of a mikweh; 'all his flesh' [implies sufficient] water for his whole body to be covered therein. And how much is that?

(1) v. infra 116a Mishnah.

(2) Others: the plate containing the mazzoth is lifted, to draw the attention of the children to the unusual fare; others, the mazzoth are taken away from the children before they have eaten their fill, as a heavy meal conduces to sleep.

(3) Var. lec.: so that they should ask 'questions'. This agrees with the first alternative translation in the preceding note. R. Han. reads both: so that they should not fall asleep but ask.

(4) In Suk. 28a this is attributed to R. Johanan b. Zakkai.

(5) Deut. XVI, 14. Presumably the proof lies in the bracketed passage, which is absent in the text. Possibly too he reads: we-Simmakta (pi'el) 'and thou shalt cause to rejoice' instead of we-Samakta 'and thou shalt rejoice. Tosaf.'s reading, however, and Maharsha emends text accordingly, is: and thou shalt rejoice, thou and thy household (ib. XIV 26). This refers to the eating of the second tithe in Jerusalem, and its teaching is applied here to Festivals.

(6) Deut. XXVII, 7.

(7) Ps. CIV, 15.

(8) A measure kept as a standard; it was somewhat less than a pint.

(9) Required for the four cups.

(10) In respect to several Biblical laws a rebi'ith is specified by the Rabbis.

(11) Lit., 'two and a half and a fifth.'

(12) Hence the volume of a rebi'ith is $2 \times 2 \times 27 = 108$ cubic fingerbreadths.

(13) Lev. XV, 16.

Talmud - Mas. Pesachim 109b

A square cubit by three cubits' depth, and the Sages estimated the standard of the water of a mikweh at forty se'ahs.¹

R. Ashi said: Rabin b. Hinena told me, The Table in the Sanctuary was jointed.² For if you should think that it was [permanently] fastened, how could one immerse a cubit in a cubit?³ What difficulty is this! Perhaps it was immersed in the sea which Solomon made. For R. Hiyya taught: The sea which Solomon made held one hundred and fifty clean [i.e., regulation-sized] mikwoth.

AND THEY SHOULD GIVE HIM NOT LESS THAN FOUR [CUPS]. How could our Rabbis enact something whereby one is led into danger: Surely it was taught: A man must not eat in pairs, nor drink in pairs,⁴ nor cleanse [himself] twice nor perform his requirements⁵ twice? — Said R. Nahman: Scripture said, [it is] a night of guarding [unto the lord]:⁶ [i.e.,] it is a night that is guarded for all time⁷ from harmful spirits. Raba said: The cup of Grace [after meals] combines [with the others] for good, but does not combine for evil.⁸ Rabina said: Our Rabbis instituted four cups as symbolizing liberty: each one

(1) 1 se'ah == 6 kabs; 1 kab == 4 logs; 1 log == 4 rebi'ith; 1 cubit == 6 handbreadths; 1 handbreadth = 4 fingerbreadths. On this basis R. Hisda arrives at his estimate. Thus: 1 Se'ah == 96 rebi'ith; 40 se'as == 96 X 40 == 3840 rebi'ith. Hence cubic capacity of mikweh is 3840 X 108 == 41472 fingerbreadths which is the equivalent of cubic capacity of 3 cubic cubits, 1 cubic cubit being equal to 243 (== 13824 fingerbreadths), and 3 cubic cubits being equal to 3 X 13824 == 41472].

(2) And the joints could be taken apart.

(3) The Table was a cubit square, while a mikweh, as stated here, was likewise a cubit square; hence it would be impossible to immerse the Table in the mikweh if it became unclean and needed a ritual bath.

(4) I.e., he must not eat or drink two or a multiple of two of anything, a malignant potency being ascribed to twos.

(5) A euphemism for intimacy.

(6) Ex. XII, 42.

(7) Lit., 'that is guarded and comes on.'

(8) The third cup, which is drunk in collection with Grace after meals, combines with others to break the spell of evil which, might be caused by drinking the first two, but is not counted in the four for harm.

Talmud - Mas. Pesachim 110a

Talmud - Mas. Pesachim 110a

is a separate obligation.¹

‘He must not perform his requirements twice.’ Why? Has he not [newly] decided?² -Said Abaye, This is what he [the Tanna] means: He must not eat in pairs and drink in pairs and he must not perform his needs even once [after eating or drinking in pairs], lest he be weakened³ and be affected.⁴

Our Rabbis taught: He who drinks in pairs, his blood is upon his own head. Said Rab Judah: When is that? If he had not seen the street;⁵ but if he has seen the street, he is at liberty [to drink a second cup]. R. Ashi said: I saw that R. Hanania b. Bibi used to go out and see the street at each cup. Now we have said [this]⁶ only [if he intends] to set out on a journey [after drinking]; but [if he intends to stay] at home, it is not [harmful]. R. Zera observed: And going to sleep is like setting out on a journey. R. Papa said: And going to the privy is like setting out on a journey. Now [if [he intends to stay] at home it is not [dangerous]? Yet surely Raba counted the beams,⁷ while when Abaye had drunk one cup, his mother would offer him two cups in her two hands;⁸ again, when R. Nahman b. Isaac had drunk two cups, his attendant would offer him one cup; [if he had drunk] one cup, he would offer him two cups in his two hands?⁹ — An important person is different.¹⁰

‘Ulla said: Ten cups are not subject to [the danger of] pairs. ‘Ulla is consistent with his view, for ‘Ulla said, while others maintain, it was taught in a Baraita: The Sages instituted ten cups in a mourner's house. Now if you should think that ten cups are subject to [the danger of] pairs, how could our Rabbis arise and enact a regulation whereby one is led into danger! But eight are subject to ‘pairs.’ R. Hisda and Rabbah son of R. Huna both maintained: ‘Shalom’ [peace] combines [with others] for good, but does not combine for evil;¹¹ but six is subject to ‘pairs’. Rabbah and R. Joseph both maintained: Wiyhuneka [‘and be gracious unto thee’] combines [with others] for good, but does not combine for evil;¹² but four is subject to ‘pairs.’ Abaye and Raba both maintained: We-yishmerekka [‘and keep thee’] combines [with others] for good, but does not combine for evil.¹³ Now Raba is consistent with his view, for Raba allowed the Rabbis to depart [from his house] after four cups, [and] though Raba b. Liwai¹⁴ came to harm, he paid no heed to the matter, saying, ‘That was [his punishment] because he raises difficulties at the public session.’¹⁵

R. Joseph said: The demon Joseph told me [that] Ashmedai the king of the demons is appointed over all pairs.¹⁶ and a king is not designated a harmful spirit.¹⁷ Others explain it in the opposite sense: On the contrary, a king is quick-tempered [and] does whatever he wishes, for a king can break through a wall to make a pathway for himself and none may stay him.¹⁸

R. Papa said, Joseph the demon told me: For two we kill; for four we do not kill, [but] for four we harm [the drinker]. For two [we hurt] whether [they are drunk] unwittingly or deliberately; for four, only if it is deliberate, but not if it is unwitting. And if a man forgot himself and happened to go out,¹⁹ what is his remedy? Let him take his right-hand thumb in his left hand and his left-hand thumb in his right hand and say thus: ‘Ye [two thumbs] and I, surely that is three!²⁰ But if he hears one saying, ‘Ye and I, surely that is four!’ let him retort to him, ‘Ye and I are surely five!’ And if he hears one saying, ‘Ye and I are six,’ let him retort to him, ‘Ye and I are seven.’²¹ This once happened until a hundred and one, and the demon burst [with mortification].

Amemar said: The chief of the sorceresses told me: He who meets sorceresses should say thus: ‘Hot dung in perforated baskets for your mouths, o ye witches! may your heads become bald,²² the wind carry off your crumbs,²³

(1) Hence they do not combine.

- (2) The second is occasioned by a new desire, and does not combine with, the first.
- (3) Through intimacy.
- (4) Since eating or drinking in pairs has already made him more susceptible to hurt than he would otherwise have been.
- (5) i.e., if he does not go out between the drinks.
- (6) That pairs is harmful.
- (7) At each cup he mentally counted one beam, to ensure not drinking in pairs.
- (8) Likewise that he should not drink in pairs.
- (9) Though in these cases they were remaining at home.
- (10) The demons are at greater pains to hurt him; hence he is endangered even when staying at home.
- (11) 'Shalom' (peace) is the seventh word (in Heb.) of the verse The Lord lift up His countenance upon thee, and give thee peace (Num. VI, 26). Hence the seventh cup combines with others for good etc. as on p. 565, n. 5.
- (12) Wiyhunka is the fifth Hebrew word of the verse, The Lord make His face to shine upon thee, and be gracious unto thee (ibid. 25).
- (13) This is the third word of the verse, The Lord bless thee, and keep thee (ibid. 24).
- (14) Or, the Levite.
- (15) He would raise difficulties in the course of my public lectures, thereby putting me to shame.
- (16) Those who drink in pairs are at his mercy.
- (17) It is beneath his dignity to cause hurt. Hence there is generally no danger in pairs (though occasionally he may disregard his dignity — Rashbam).
- (18) Hence the danger is all the greater.
- (19) After drinking 'pairs.'
- (20) Thus breaking the spell of pairs.
- (21) And so on.
- (22) Lit., 'bald be your baldness' — they practised witchcraft with their hair.
- (23) Likewise used in the practice of witchcraft. Rashbam holds that this is an allusion to Ezek. XIII, 18f, q.v.

Talmud - Mas. Pesachim 110b

your spices be scattered, the wind carry off the new saffron which ye are holding, ye sorceresses; as long as He showed grace to me and to you, I had not come among [you]; how that I have come among you, your grace and my grace have cooled.'¹

In the West [Palestine] they were not particular about 'pairs. R. Dimi of Nehardea was particular even about the marks on a [wine-] barrel:² it once happened that a barrel burst.³ This is the position in general: when one is particular, they [the demons] are particular about him,⁴ while when one is not particular,⁵ they are not particular about him. Nevertheless one should take heed. When R. Dimi came,⁶ he said: Two eggs, two nuts, two cucumbers and something else — [these are] halachah from Moses at Sinai;⁷ but the Rabbis were doubtful what this something else was, and so the Rabbis forbid a 'pairs' on account of the 'something else.' And as to what we have said, Ten, eight, six and four are not subject to 'pairs,' that was said only in respect to the harmful spirits [mazzikin], but where witchcraft is concerned we fear even many.⁸ As [it once happened in] the case of a certain man who divorced his wife, [whereupon] she went and married a shopkeeper. Every day he [her first husband] used to go and drink wine, [and though] she exercised her witchcraft against him, she could avail nought, because he was heedful of 'pairs.' One day he drank to excess and did not know how much he drank; until sixteen [cups] he was clear-headed and on his guard; after that he was not clear-headed and took no care, [and] she turned him out at an even [number of drinks]. As he was going along an Arab met him and observed to him: A corpse is walking here!⁹ He went and clasped a palm tree; the palm tree cried out¹⁰ and he burst.

R. 'Awira said: Plates and loaves are not subject to even numbers. This is the general rule: That which is completed by man is not subject to even numbers; [but in the case of] that which is completed by Heaven, such as various kinds of eatables, we fear [even numbers]. A shop is not

subject to even numbers.¹¹ If a man changes his mind,¹² it is not subject to even numbers. A guest is not subject to even numbers.¹³ A woman is not subject to even numbers; but if she is an important woman, we take heed. R. Hinena son of R. Joshua said: Asparagus [-wine] combines [with other liquors] for good, but does not combine for harm.¹⁴

Rabina said in Raba's name: [A doubt concerning] even numbers [is resolved] stringently;¹⁵ others state: [A doubt concerning] even numbers [is resolved] leniently.¹⁶

R. Joseph said: Two [cups] of wine and one of beer do not combine; two of beer and one of wine combine, and your token [is this]: 'This is the general principle: Whatever is joined thereto of a material more stringent than itself is unclean; of a material more lenient than itself, is clean.'¹⁷

R. Nahman said in Rab's name: Two [cups] before the meal¹⁸ and one during the meal combine; one before the meal and two during the meal do not combine. R. Mesharsheya demurred: Do we then desire to effect a remedy for the meal: we desire to effect a remedy for the person, and surely the person stands remedied!¹⁹ Yet all agree that two during the meal and one after the meal do not combine, in accordance with the story of Rabbah b. Nahmani.²⁰

Rab Judah said in Samuel's name: All mixed drinks combine,²¹

(1) I have not taken sufficient care of myself.

(2) Indicating the quantities sold. He took care that there should not be an even number of these.

(3) When an even number of marks had been made on it.

(4) They are more anxious to injure him.

(5) Takes no great pains to save himself from demons.

(6) From Palestine to Babylonia.

(7) It is a tradition dating back from Moses that even numbers of these and of another unnamed commodity are harmful.

(8) A large multiple of two, such as six, eight, etc.

(9) He recognized that he was doomed.

(10) Probably, made a rustling noise. [Var. lec., 'withered']

(11) I.e., if one drinks in two shops. Others: if one drinks an even number of glasses in one shop, for these are harmful at home only. The incident related above, however, took place in a tavern.

(12) He drank one glass, not intending to drink more; then decided to drink another.

(13) He does not know how much will be offered him, therefore at each he is regarded as having decided afresh.

(14) Cf. p. 565, n. 5.

(15) If a man does not know whether he has drunk an even number or not, he should drink another. This turns an even number into odd, not an odd into even, because in the latter case this glass represents a fresh decision (cf. p. 568, n. 8), and does not combine with the others.

(16) Thus showing that he is not particular about it and thereby removing the hostility of the demons (cf. supra).

(17) Materials, to become unclean, must be of a certain minimum size, which varies according to the value of the material: the greater the value, the more stringent it is, i.e., the smaller its minimum. If the material is less than the minimum and a piece of another material is joined to it, making it up to the minimum, the rule is as stated. Thus here too, wine, being more valuable than beer, combines with it; beer being less valuable than wine, it is disregarded.

(18) Lit., 'tray.'

(19) Since he has drunk three.

(20) V. B.M. 86a.

(21) If a man drinks mixed (i.e., diluted) wine and then any other mixed drink (so Rashbam), they combine.

Talmud - Mas. Pesachim 111a

except water;¹ while R. Johanan maintained: Even water. R. Papa said: This was said only of hot [water] mixed with cold or cold mixed with hot; but not [if it is] hot mixed with hot or cold with

cold.²

Resh Lakish said: There are four actions for which he who does them has his blood on his own head and forfeits his life,³ viz.: easing oneself between a palm tree and the wall passing between two palm trees; drinking borrowed water, and passing over spilt water, even if his wife poured it out in his presence. 'Easing oneself between a palm tree and the wall': this was said only if there is not four cubits,⁴ but if he leaves four cubits it does not matter. And even if he does not leave four cubits [space], it was said only where there is no other path;⁵ but if there is another path, it does not matter.

'Passing between two palm-trees.' This was said only where a public thoroughfare does not cross between them; but if a public thoroughfare crosses between them, it does not matter.

'Drinking borrowed water.' That was said only if a child borrowed it; but [if] an adult, it does not matter. And even if a child borrowed it, this was said only in respect to the countryside, where it is not found [in abundance]; but in the town, where it is found in abundance, it does not matter. And even in respect to the countryside, this was said only of water, but there is no objection against [borrowed] wine and beer.

'And passing over spilt water.' This was said only if he did not interpose dust⁶ or spit into it; but if he interposed dust or spit into it, it does not matter. Again, this was said only if the sun had not passed over it nor did he walk sixty steps over it; but if the sun had passed over it and he walked sixty steps over it, it does not matter. Again, this was said only if he was not riding an ass and was not wearing shoes; but if he was riding an ass and was wearing shoes, it does not matter. Yet that is only where there is nought to fear of witchcraft; but where there is aught to fear of witchcraft, even if there are all these [safeguards], we still fear, as in the case of a certain man who rode on a ass and was wearing his shoes; his shoes shrank, and his feet withered.

Our Rabbis taught: There are three who must not pass between [two men], nor may [others] pass between them, viz.: a dog, a palm tree, and a woman. Some say: a swine too; some say, a snake too. And if they pass between, what is the remedy? — Said R. Papa: Let them commence [a verse] with el [God] and end with el.⁷ Others say: Let them commence [a Scriptural passage] with lo [not] and finish with lo.⁸ If a Menstruant woman passes between two [men], if it is at the beginning of her menses she will slay one of them⁹ and if it is at the end of her menses she will cause strife between them. What is the remedy? Let them commence [a verse] with el and end with el. When two women sit at a crossroad, one on one side of the road and one on the other side of the road, facing each other, they are certainly engaged in witchcraft. What is the remedy? If there is another road [available], let one go through it. While if there is no other road, [then] if another man is with him, let them clasp hands and pass through; while if there is no other man, let him say thus: 'Igrath Izlath, Asya, Belusia¹⁰ have been slain with arrows.'¹¹

When one meets a woman coming up from her statutory tebillah,¹² if [subsequently] he is the first to have intercourse, a spirit of immortality will infect him; while if she is the first to have intercourse, a spirit of immortality will infect her. What is the remedy? Let him say thus: 'He poureth contempt upon princess, and causeth them to wander in the waste, where there is no way.'¹³

R. Isaac said: What is meant by the verse, Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me?¹⁴ This refers to him who sleeps in the shadow of a single palm-tree or in the shadow of the moon. Now in respect to the shadow of a single palm-tree this holds good only where the shadow of the neighbouring [tree] does not fall upon it; but if the shadow of the neighbouring tree falls upon it, it does not matter. Then when it was taught: He who sleeps in the shadow of a single palm-tree in a courtyard and he who sleeps in the shadow of the moon, has his blood on his own head, how is it meant? Shall we say that the shadow of the

neighbouring tree does not fall upon it, — then even in a field too [it is dangerous]? Hence you may surely infer from this that in a courtyard [there is danger] even if the shadow of the neighbouring tree fall on it. This proves it. And in respect to the shadow of the moon too, this holds good only when [it falls] in the west,¹⁵ but when it is in the east it does not matter.

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- (1) Cold water mixed with hot water is not regarded as a mixed drink and does not combine with other mixed drinks.
 - (2) R. Johanan too admits that this is not a mixture, and it does not combine with other mixed drinks.
 - (3) I.e., whatever happens, he has only himself to blame.
 - (4) Between tem: this leaves no room for the evil spirits to pass comfortably and so they injure him.
 - (5) For the demon to pass through.
 - (6) I.e., he did not scatter dust upon the water before passing over it.
 - (7) Rashbam: Num. XXIII, 22f, which commence and finish with el in Heb.
 - (8) Ibid. 19.
 - (9) I.e., cause perjury to one of them (Rashbam).
 - (10) The demons by whose aid you seek to work witchcraft.
 - (11) The text is obscure.
 - (12) After her period of menstruation.
 - (13) Ps. CVII, 40.
 - (14) Ps. XXIII, 4.
 - (15) I.e., at the end of the month when the moon is in the east and casts its shadow in the west.

Talmud - Mas. Pesachim 111b

If one eases oneself on the stump of a palm-tree, the demon Palga¹ will seize him, and if one leans one's head on the stump of a palm-tree, the demon Zerada² will seize him. He who steps over a palm-tree, if it had been cut down, he will be cut down [killed]; if it had been uprooted, he will be uprooted and die. But that is only if he does not place his foot upon it; but if he places his foot upon it, it does not matter.

There are five shades:³ the shade of a single palm-tree, the shade of a kanda-tree,⁴ the shade of a caper-tree, [and] the shade of sorb bushes.⁵ Some say: Also the shade of a ship and the shade of a willow. This is the general rule: Whatever has many branches, its shade is harmful, and whatever has hard prickles [or, wood], its shade is harmful, except the service-tree, whose shade is not harmful although its wood is hard, because Shida [the demon] said to her son, 'Fly from the service-tree, because it is that which killed your father'; and, it also killed him. R. Ashi said: I saw R. Kahana avoid all shades.

[The demons] of caper-trees are [called] Ruhe [spirits]: those of sorb-bushes are [called] Shide [demons]: those which haunt roofs are [called] Rishpe [fiery-bolts]. In respect of what does it matter? In respect of amulets.⁶ [The demon] of caper-trees is a creature without eyes. What does it matter? In respect of fleeing from it.⁷ A scholar was once about to ease himself among the caper-trees, when he heard it advancing upon him so he fled from it. Well he had gone, it embraced a palm-tree,⁸ whereupon the palm-tree cried out⁹ and it [the demon] burst.

[The demons] of sorb-bushes are [called] Shide. A sorb-bush which is near a town has not less than sixty Shide [demons] [haunting it]. How does this matter? In respect of writing an amulet. A certain town-officer went and stood by a sorb-bush near a town, whereupon he was set upon by sixty demons and his life was in danger. He then went to a scholar who did not know that it was a sorb-bush haunted by sixty demons, and so he wrote a one-demon amulet for it. Then he heard how they suspended a hinga¹⁰ on it [the tree]¹¹ and sing thus: 'The man's turban is like a scholar's, [yet] we have examined the man [and find] that he does not know "Blessed art Thou".'¹² Then a certain scholar came who knew that it was a sorb-bush of sixty demons and wrote a sixty-demon amulet for

it. Then he heard them saying, 'Clear away your vessels from here.'

Keteb Meriri:¹³ there are two Ketebes, one before noon and one after noon; the one before noon is called Ketheb Meriri, and looks like a ladle turning in the jug of kamka.¹⁴ That of the afternoon is called Keteb Yashud Zaharaim ['Destruction that wasteth at noonday'];¹⁵ it looks like a goat's horn, and wings compass it about.

Abaye was walking along, with R. Papa on his right and R. Huna, son of R. Joshua on his left. Seeing a Keteb Meriri approaching him on the left, he transferred R. Papa to his left and R. Huna son of R. Joshua to his right. Said R. Papa to him: 'Wherein am I different that you were not afraid on my behalf?' 'The time is in your favour,' replied he.¹⁶

From, the first of Tammuz¹⁷ until the sixteenth they are certainly to be found; henceforth it is doubtful whether they are about or not, and they are found in the shadow of hazabe¹⁸ which have not grown a cubit, and in the morning and evening shadows when these are less than a cubit [in length], but mainly in the shadow of a privy.

R. Joseph said: The following three things cause defective eyesight: combing one's head [when it is] dry, drinking the drip-drop [of wine], and putting on shoes while the feet are still damp.

[Eatables] suspended in a house lead¹⁹ to poverty, as people say, 'He who suspends a basket [of food] puts his food in suspense.' Yet this relates only to bread, but it does not matter about meat and fish, [since] that is the usual way [of keeping them]. Bran²⁰ in a house leads to poverty. Crumbs in a house lead to poverty: the demons rest upon them on the nights of Sabbaths and on the nights of the fourth days.

The genius appointed over sustenance is called Neki'ah [Cleanliness]; the genius appointed over poverty is called Nabal [Folly or Filth]. Dirt on the spout of a pitcher leads to poverty. He who drinks water out of a plate is liable to a cataract. He who eats cress without [first] washing his hands will suffer fear thirty days.

(1) Jast. conjectures paralysis. [Aruch: 'headache on one side of the head', megrim, connecting it with rt. meaning 'to divide'].

(2) Perhaps vertigo; Rashi: megrim.

(3) Involving danger on account of the demons that inhabit them.

(4) MS.M.: kinura, the name of a shrubby tree, Christ's-thorn or lote (Jast.).

(5) [Var. lec.: add as fifth 'the shade of the willow-tree].

(6) Charms to counteract them, in which their names are written.

(7) As it is sightless it cannot follow.

(8) In error. Rashi and Rashbam read נפקא דקלא , it tripped over a palm-tree.

(9) [Or, withered v. supra p. 568, n. 5.]

(10) A musical instrument.

(11) Jast. Perhaps: they danced in chorus about it.

(12) He does not know which benediction to recite when he puts it on ridiculed his pretensions to scholarship.

(13) 'Bitter destruction' (v. Deut. XXXII, 24). Regarded here as the name of a demon.

(14) A kind of sauce made of milk and bread-crumbs. — The translation follows the reading of Rashi and Rashbam, which differs from cur. edd.

(15) Ps. XCI, 6.

(16) You have been blessed with good fortune, so the demon will not harm you.

(17) The fourth month of the Jewish year, roughly corresponding to July.

(18) A species of shrub.

(19) Lit., 'are harmful.'

Talmud - Mas. Pesachim 112a

He who lets blood without washing his hands will be afraid seven days. He who trims his hair and does not wash his hands will be afraid three days. He who pares his nails and does not wash his hands will be afraid one day without knowing what affrights him.

[Putting] one's hand to one's nostrils is a step to fear; [putting] one's hand to one's forehead is a step to sleep. It was taught: If food and drink [are kept] under the bed, even if they are covered in iron vessels, an evil spirit rests upon them.

Our Rabbis taught: A man must not drink water either on the nights of the fourth days [Wednesdays] or on the nights of Sabbath,¹ and if he does drink, his blood is on his own head, because of the danger. What is the danger? An evil spirit. Yet if he is thirsty what is his remedy? Let him recite the seven 'voices' which David uttered over the water and then drink, as it is said: The voice of the Lord is upon the waters; the God of glory thundereth, even the Lord is upon many water. The voice of the Lord is powerful; the voice of the Lord is full of majesty. The voice of the Lord breaketh the cedars; yea, the Lord breaketh in pieces the cedars of the Lebanon ... The voice of the Lord heweth out flames of fire. The voice of the Lord shaketh the wilderness; the Lord shaketh the wilderness of Kadesh. The voice of the Lord maketh the hinds to calve, and strippeth the forests bare; and in His temple all say: 'Glory.'² But if [he does] not [say this], let him say thus: 'Lul shafan anigran anirdafin,³ I dwell among the stars, I walk among lean and fat people.' But if [he does] not [say this], if there is a man with him he should rouse him and say to him, 'So-and-so the son of So-and-so, I am thirsty for water,' and then he can drink. But if not, he knocks the lid against the pitcher, and then he can drink. But if not, let him throw something into it and then drink.

Our Rabbis taught: A man should not drink water from rivers or pools at night, and if he drinks, his blood is on his own head, because of the danger. What is the danger? The danger of blindness.⁴ But if he is thirsty, what is his remedy? If a man is with him he should say to him, 'So-and-so the son of So-and-so, I am thirsty for water.' But if not, let him say to himself, 'O So-and-so,⁵ my mother told me, "Beware of shabrire" : Shabrire, berire, rire, ire re,⁶ I am thirsty for water in a white glass.'

AND EVEN [IF HE RECEIVES RELIEF] FROM THE CHARITY PLATE ETC. That is obvious? — It is necessary only even according to R. Akiba who said: Treat your Sabbath like a weekday⁷ rather than be dependent on man; yet here, in order to advertise the miracle, he agrees.⁸

Tanna debe Eliyahu [taught]:⁹ Though R. Akiba said, 'Treat your Sabbath like a weekday rather than be dependent on men,' yet one must prepare something trifling at home.¹⁰ What is it? Said R. Papa: Fish hash. As we learned, R. Judah b. Tema said: Be strong as the leopard and swift as the eagle, fleet as the deer and valiant as a lion to do the will of thy Father in heaven.¹¹

Our Rabbis taught: Seven things did R. Akiba charge his son R. Joshua: My son, do not sit and study at the highest point of the town;¹² do not dwell in a town whose leaders are scholars;¹³ do not enter your own house suddenly, and a the more your neighbour's house; and do not withhold shoes from your feet.¹⁴ Arise early and eat, in summer on account of the sun [i.e., heat] and in winter on account of the cold; treat your Sabbath like a weekday rather than be dependent on man, and strive to be on good terms with the man upon whom the hour smiles. R. Papa observed: [That does] not [mean] to buy from or to sell to him, but to enter into partnership with him. But now that R. Samuel b. Isaac said: What is meant by the verse, Thou hast blessed the work of his hands?¹⁵ Whoever took a farthing [perutah] from Job was blessed; even to buy from and to sell to him is advisable.

Five things did R. Akiba charge R. Simeon b. Yohai when he was immured in prison.¹⁶ He [the latter] said to him, 'Master, teach me Torah.' 'I will not teach you,' he replied.¹⁷ 'If thou wilt not teach me,' said he, 'I will tell my father Yohai and he will deliver thee to the state.' 'My son,' answered he, 'more than the calf wishes to suck does the cow desire to suckle.' Said he to him, 'Yet who is in danger: surely the calf is in danger!'¹⁸ Said he to him: 'If you wish to be strangled, be hanged on a large tree,¹⁹ and when you teach your son, teach him from a corrected scroll.' (What is that? Said Raba, — others state, R. Mesharsheya: A new one, for once an error has entered, it remains.)²⁰ 'Do not cook in a pot in which your neighbour has cooked.' (What does that mean? [Do not marry] a divorced woman during her husband's lifetime. For a Master said: When a divorced man marries a divorced woman, there are four minds in the bed. Alternatively, [it refers] even to a widow, for

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- (1) Rashbam: without a light.
 - (2) Ps. XXIX, 3-5, 7-9.
 - (3) This is an incantation.
 - (4) Shabrire, v. Git., Sonc. ed. p. 327, n. 4.
 - (5) Addressing himself thus.
 - (6) [An incantation against the demon of blindness resembling an Abracadabra amulet, in which each succeeding line is reduced by one letter].
 - (7) In the matter of food and drink.
 - (8) That he must take from charity.
 - (9) V. p. 504, n. 1.
 - (10) In honour of the Sabbath.
 - (11) Thus even the poorest must make an effort to honour the Sabbath.
 - (12) Many pass there, and they will disturb your studies.
 - (13) Intent on their studies, they neglect the affairs of the town!
 - (14) Cf. Shab. 129a.
 - (15) Job I, 10.
 - (16) R. Akiba was kept in prison several years and then martyred for defying Hadrian's edict against practising and teaching Judaism, Ber. 61b; v. J.E. I, 3051.
 - (17) He did not wish to endanger him.
 - (18) He pleaded to be allowed to take the risk.
 - (19) If you must depend on an authority, see that he is a great one.
 - (20) A error learned in childhood is difficult to dispel.

Talmud - Mas. Pesachim 112b

not all fingers¹ are alike). Enjoying the produce without interest² is a good deed and profitable investment.³ A religious deed which leaves the body pure is marrying a woman when one [already] has children.

Four things did our holy Teacher⁴ command his children: Do not dwell in Shekantzib,⁵ because [its inhabitants] are scoffers and will corrupt you to disbelief. And do not sit upon the bed of a Syrian woman. Some say, [that means:] do not lie down to sleep without reading the shema'; while others explain: do not marry a proselyte. But others explain 'Syrian' literally, [the reason being] on account of what happened to R. Papa.⁶ And do not seek to evade toll tax, lest they discover you and deprive you of a that you possess. And do not stand in front of an ox when he comes up from the meadow, because Satan dances between his horns.⁷ Said R. Samuel: this refers to a black ox and in the month of Nisan.⁸ R. Oshaia recited: One must remove a distance of fifty cubits from an ox that is a tam⁹ [and] as far as the eye can see from an ox that is a mu'ad. A Tanna taught in R. Meir's name: [Even] when the ox's head is in the feeding-bag, climb up to the roof and throw away the ladder from under you.

Rab said: The cry for an ox¹⁰ is 'hen, hen'; for a lion, 'zeh zeh'; for a camel, 'da da'; a ship's cry is 'helani hayya hela we-hiluk hulua.'¹¹

Abaye said: Skin, a fish, a cup, hot water, eggs, and the vermin in linen are all injurious to 'something else'.¹² Skin: [that means] he who sleeps on a tanner's hide.¹³ A fish: [viz.,] shibuta¹⁴ during Nisan. A cup: the residue of fish hash. Hot water: pouring extremely hot water over oneself.¹⁵ Eggs: [i.e.,] he who treads on [their] shells. Vermin in linen: if one launders his garment and does not wait eight days before putting it on, the vermin¹⁶ are produced and harmful for 'something else'.

R. Papa said: A man should not enter a house in which there is a cat, without shoes. What is the reason? Because the cat may kill a snake and eat it; now the snake has little bones, and if a bone sticks into his foot it will not come out, and will endanger him. Others say: A man should not enter a house where there is no cat, in the dark.¹⁷ What is the reason? Lest a snake wind itself about him without his knowing, and he come to danger. Three things did R. Ishmael son of R. Jose charge Rabbi: (Mnemonic: Makash).¹⁸ Do not inflict a blemish upon yourself. (What does that mean? Do not engage in a lawsuit with three, for one will be your opponent and the other two witnesses [against you] .) And do not feign interest in¹⁹ a purchase when you have no money.²⁰ When your wife as performed tebillah, do not be intimate with her the first night. Said Rab: That refers to a niddah by Scriptural law,²¹ [for] since there is the presumption of an open well,²² she may continue with gonorrhoeic discharge.²³

Three things did R. Jose son of R. Judah charge Rabbi. Do not go out alone at night, and do not stand naked in front of a lamp, and do not enter a new bath-house, lest it [the floor] split.²⁴ How long [is it regarded as new]? — Said R. Joshua b. Levi: For twelve months. 'And do not stand naked in front of a lamp,' for it was taught: He who stands naked in front of a lamp will be an epileptic, and he who cohabits by the light of a lamp will have epileptic children.

Our Rabbis taught: If one cohabits in a bed where an infant is sleeping, that infant [will be] an epileptic. Now that was said only if he is less than one year old; but if he is a year old, it does not matter. Again, this was said only if he is sleeping at [their] feet; but if he is sleeping at [their] head, it does not matter. Again, this was said only if he does not lay his hand upon him; but if he lays his hand upon him, it does not matter.

'And do not go out alone at night', for it was taught: One should not go out alone at night, i.e., on the nights of neither Wednesday nor Sabbaths, because Igrath the daughter of Mahalath,²⁵ she and one hundred eighty thousand destroying angels go forth, and each has permission to wreak destruction independently. Originally they were about a day. On one occasion she met R. Hanina b. Dosa [and] said to him, 'Had they not made an announcement concerning you in Heaven, "Take heed of Hanina and his learning," I would have put you in danger.' 'If I am of account in Heaven,' replied he, 'I order you never to pass through settled regions.' 'I beg you,' she pleaded, 'leave me a little room.' So he left her the nights of Sabbaths and the nights of Wednesdays. On another occasion she met Abaye. Said she to him, 'Had they not made an announcement about you in Heaven, "Take heed of Nahmani²⁶ and his learning," I would have put you in danger.' 'If I am of account in Heaven,' replied he, 'I order you never to pass through settled regions.' But we see that she does pass through? — I will tell you: Those are

(1) Euphemism: The wife thinks always of her first husband.

(2) Lit., 'hire.'

(3) Lit., 'a large body'. The passage is a difficult one, particularly with the reading of the ed. **ס**, but it would seem to refer to lending money on a field and receiving some of its produce in part repayment. But as its value is probably calculated at less than market price, this is a profitable investment, yet at the same time there is no actual interest. Such a

transaction is permitted (B.M. 67b). 'Ar. and MS.M. read: רַבִּי , and Jast. accordingly translates: An act of charity and at the same time a good investment is the act of him who helps to produce fruits, while he has the reward (e.g. , one who loans money to a husbandman on security, allowing payment in small instalments).

(4) I.e., R. Judah ha-Nasi.

(5) A town in Babylonia, on the east side of the Tigris; v. Obermeyer, *Landschaft*, pp. 190f. It is there (p. 191, n. 4) pointed out, however, that R. Judah, a Palestinian, would have had no occasion to warn his children against living in a town in Babylonia, nor could he have known the character of its inhabitants well enough to justify this warning; hence it is conjectured that 'Raba' should be read here instead.

(6) V. Ber. 8b.

(7) Rashbam: the ox is mad, as explained infra.

(8) The first month-about April.

(9) The technical name of an ox that has not yet gored three times. When it has, it is called mu'ad.

(10) With which to chase it away or to urge it to work.

(11) Perhaps the ancient equivalent of 'yo heave ho'. [MS.M. reads simply: 'hayya, hayya'].

(12) Leprosy.

(13) Rashi and Rashbam. I.e., before it is completely dressed.

(14) Probably mullet (Jast.).

(15) At a bath.

(16) Which it may still contain.

(17) MS.M.: Without shoes.

(18) V. p. 348, n. 8. M == Mum (blemish); K == mekah (a purchase); SH == ishteka (your wife).

(19) Lit., 'stand over.'

(20) V. B.M. 58b and notes a.l. in Sonc. ed.

(21) By which a woman performs tebillah seven days after the beginning of menstruation, even if menstruation lasted all the seven days. Subsequently, however, it was enacted that she must wait seven days from the end of menstruation. Rab observes that R. Ishmael's charge held good only when the more lenient Scriptural law was practised.

(22) I.e., her blood-flow has continued almost until tebillah.

(23) During intimacy.

(24) Through the heat.

(25) The queen of demons.

(26) Abaye was so called because he was brought up in the house of Rabbah b. Nahman.

Talmud - Mas. Pesachim 113a

the narrow paths [which they frequent], whence their horses bolt and come [into civilized places] bringing them along.

Rab said to R. Assi: Do not dwell in a town in which no horses neigh or dogs bark.¹ And do not dwell in a town where the leader of the community is a physician.² And do not marry two [women],³ [but] if you do marry two, marry a third.⁴

Rab said to R. Kahana: Deal in carcasses, but do not deal in words;⁵ flay carcasses in the market place and earn wages and do not say, 'I am a priest and a great man and it is beneath my dignity.'⁶ [Even] if you [merely] ascend the roof, [take] victuals with you.⁷ [Even] if a hundred pumpkins cost but a zuz in town, let them, be under your skirts.⁸ Rab said to his son Hiyya: Do not take drugs⁹ and do not leap in great jumps;¹⁰ do not have a tooth extracted,¹¹ and do not provoke serpents and do not provoke a Syrian woman.

Our Rabbis taught: Three must not be provoked, viz.: an insignificant Gentile,¹² a little snake, and a humble pupil. What is the reason? Because their kingdom stands behind their ears.¹³

Rab said to his son Aibu: I have laboured over your studies but without success, [so] come and I

will teach you worldly wisdom. Sell your wares while the sand is still on your feet.¹⁴ Everything you may sell and regret,¹⁵ except wine, which you can sell without regrets.¹⁶ Untie your purse and [then] open your sacks.¹⁷ Better a kab from the ground than a kor from the roof.¹⁸ When the dates are in your bag run to the brewery [beth sudna].¹⁹ And to what extent? — Said Raba: Up to three se'ahs. R. Papa said: If I were not a beer manufacturer I would not have become wealthy. Others say, R. Hisda said: If I were not a beer manufacturer, I would not have become wealthy. What is [the meaning of] sudna?²⁰ Said R. Hisda: A pleasant secret [sod na'eh] and the exercise of charity.²¹

R. Papa said: Every bil²² requires collecting;²³ in every credit sale it is doubtful whether it [payment] will be forthcoming or not, and when it is forthcoming it may be bad money.²⁴

Three things did R. Johanan say in the name of the men of Jerusalem: when you go out to battle, do not go out among the first but among the last, So that you may return among the first; and treat your Sabbath like a weekday rather than be dependent on your fellow-beings, and strive to be on good terms with him upon whom the hour smiles.

Three things did R. Joshua b. Levi say in the name of the men of Jerusalem. Do not practise immodesty²⁵ on account of the incident which occurred;²⁶ if your daughter has attained puberty, free your slave and give [him] to her;²⁷ and beware of your wife with her first son-in-law. What is the reason?—R. Hisda said: On account of immorality: R. Kahana said: On account of money.²⁸ And [in fact] both are correct.

R. Johanan said: Three are of those who will inherit the world to come, viz.: he who dwells in Eretz Yisrael; and he who brings up his sons to the Study of the Torah; and he who recites habdalah over wine at the termination of the Sabbath. Who is that? He who leaves over [wine] from kiddush for habdalah.²⁹

R. Johanan said: Concerning three does the Holy one, blessed be He, make proclamation every day:³⁰ a bachelor who lives in a large town without sinning, a poor man who returns lost property to its owner, and a wealthy man who tithes his produce in secret.³¹ R. Safra was a bachelor living in a large town.

(1) These guard the town: the dogs raise the alarm and the marauders are pursued on horseback.

(2) There seems to be no adequate reason for this. Possibly a doctor would be too busy to give proper attention to communal matters. R. Tam in B.B. 110a s.v. **לא תימא** reads **אסי** instead of **אסיה**, i.e., do not dwell in a town whose head is (R.) Assi — a playful warning against the cares of office, which leave but little time for study.

(3) Lest they devise plots against you.

(4) She will reveal their designs.

(5) Gossip or quibbling.

(6) The greatest man is not degraded by honest work.

(7) Do not undertake the least journey without provisions.

(8) Keep them in stock and do not wait to buy until you actually need them.

(9) Even as a medicine, as they are habit forming.

(10) Or: do not jump over a brook — the strain affects the eyesight.

(11) When you have toothache — it will eventually cease in any case. [R. Hananel refers it to a molar tooth, the extraction of which affects the eyesight. Preuss, *Biblich — talmudische Medizin*, p. 330, quotes Celsus: *majore periculo in superioribus dentibus fit (extractio), quia potest tempora oculosque concutere*].

(12) Lit., 'a little Gentile'.

(13) They will grow up and take revenge. The particular expression may have been occasioned by Diocletian's rise to be Emperor of Rome though born of slaves — according to the Rabbis he was a swineherd originally. When Emperor he tried to avenge insults offered to him in his lowly position.

(14) Immediately you return from buying, sell.

- (15) If the price advances — you might have received more.
- (16) Had you waited it might have turned to vinegar.
- (17) Pocket the money for a purchase before delivering it.
- (18) Rather earn little near home than much far away.
- (19) To brew beer of them — otherwise you may eat them.
- (20) That it is employed to denote a brewery.
- (21) It is a pleasant secret — it is profitable and affords the means of charity.
- (22) Lit., ‘everything on account (of which a bill or bond must be indited).’
- (23) Do not be certain of the money until you have actually collected it.
- (24) If payment is made in small instalments the money may be frittered away.
- (25) Do not frequent places where immodest sights are to be seen. Var. lec.: do not frequent roofs.
- (26) Viz. , David's sin with Bath Sheba.
- (27) Marry her at the earliest possible moment.
- (28) She is likely to spend your money on him.
- (29) He has only a little wine and specially reserves for habdalah that which remains over from kiddush.
- (30) As having earned His special approval.
- (31) I.e., without ostentation.

Talmud - Mas. Pesachim 113b

Now a tanna recited [R. Johanan's dictum] before Raba and R. Safra, [whereupon] R. Safra's face lit up. Said Raba to him: it does not mean such as you, but such as R. Hanina and R. Oshaia, who were cobblers in Eretz Yisrael and dwelt in a street of harlots and made shoes for harlots and went in to them:¹ they [the harlots] looked at them, but they [these scholars] would not lift their eyes to look at them, and their [the harlots'] oath was ‘by the life of the holy Rabbis of Eretz Yisrael.’²

Three the Holy One, blessed be He, loves: he who does not display temper, he who does not become intoxicated, and he who does not insist on his [full] rights.³

Three the Holy One, blessed be He, hates: he who speaks one thing with his mouth and another thing in his heart; and he who possesses evidence concerning his neighbour and does not testify for him; and he who sees something indecent in his neighbour and testifies against him alone.⁴ As it once happened that Tobias sinned and Zigud alone came and testified against him before R. Papa, [whereupon] he had Zigud punished. ‘Tobias sinned and Zigud is punished!’ exclaimed he, ‘Even so,’ said he to him, ‘for it is written, one witness shall not rise up against a man,⁵ whereas you have testified against him alone: you merely bring him into ill repute.’⁶ R. Samuel son of R. Isaac said in Rab's name: Yet he may hate him,⁷ for it is said, ‘If thou see the ass of thine enemy lying under its burden.’⁸ Now which enemy [is meant]: Shall we say, a Gentile enemy, — but it was taught: The enemy of whom they spoke is an Israelite enemy, not a Gentile enemy? Hence it obviously means an Israelite enemy. But is it permitted to hate him? Surely it is written, ‘Thou shalt not hate thy brother in thy heart?’⁹ Again if there are witnesses that he had committed wrong, the all indeed hate him! why particularly this person? Hence it must surely apply to such a case where he had seen something indecent in him. R. Nahman b. Isaac said: it is a duty to hate him, as it is said, ‘The fear of the Lord is to hate evil.’¹⁰ R. Aha son of Raba asked R. Ashi: What about telling his teacher, that he should hate him?—Said he to him: If he knows that his teacher regards him as trustworthy as two [witnesses], he should tell him; but if not, he must not tell him.

Our Rabbis taught: There are three whose life is not life; the [over.] compassionate, the hot-tempered, and the [too] fastidious; whereon R. Joseph observed: And these [qualities] are found in me.

Our Rabbis taught: Three hate one another, viz.: dogs, fowls, and Parsee priests;¹¹ some say,

harlots too; some say, scholars in Babylonia too.

Our Rabbis taught: Three love each other, viz.: proselytes, slaves, and ravens. Four are too impossible for words:¹² a poor man who is arrogant, the wealthy man who flatters,¹³ a lecherous old man, and a leader who lords it over the community without cause. Some say: Also he who divorces his wife a first and a second time and takes her back. And the first Tanna?¹⁴ — it may be that her kethubah¹⁵ is large,¹⁶ or else he has children from her and cannot divorce her.¹⁷

Five things did Canaan charge his sons: Love one another, love robbery, love lewdness, hate your masters and do not speak the truth. Six things were said of a horse: it loves promiscuity, it loves battle, it has a proud spirit ' it despises sleep, eats much and excretes little. Some say: it also seeks to slay its master in battle. Seven are banned¹⁸ by Heaven; these are they: A Jew who has no wife; he who has a wife but no children;¹⁹ and he who has children but does not bring them up to the study of the Torah; and he who has no phylacteries on his head and on his arm ' no fringes on his garment and no mezuzah on his door, and he who denies his feet shoes. And some say: Also he who never sits in a company assembled for a religious purpose.²⁰ Rabbah b. Bar Hanah said in the name of R. Samuel b. Martha in Rab's name on the authority of it. Jose of Huzal: How do we know that you must not consult astrologers?²¹ Because it is said: Thou shalt be whole-hearted with the lord thy God.²² And how do we know that one who knows that his neighbour is greater than himself even in one thing must show him honour? Because it is said, because a surpassing [superior] spirit was in him, and the king thought to set him over' the whole realm.²³ And she [a woman] who sits over clean blood is forbidden intercourse;²⁴ for how long? Said Rab: A 'onah.²⁵

A Tanna taught: Joseph of Huzal is identical with Joseph the Babylonian with Issi b. Gur Aryeh, with Issi b. Judah, with Issi b. Gamaliel and with Issi b. Mahallalel, and what was his [real] name? Issi b. 'Akabia.²⁶ It. Isaac b. Tabla is identical with R. Isaac b. Hakla, and with R. Isaac b. Ila'a.²⁷

(1) To deliver the shoes.

(2) Thus by their chastity in face of great temptation they sanctified the Divine Name.

(3) In the sense that he does not retaliate.

(4) Being the only person who has seen it.

(5) Deut. XIX, 15.

(6) Since no action can follow your unsupported testimony.

(7) As an evildoer-hate is morally wrong otherwise.

(8) Ex. XXIII, 5.

(9) Lev. XIX, 17.

(10) Prov. VIII, 13.

(11) **וְהַחֲבֵרִין** Guebers, [Aliter: 'partners' v. Strashun].

(12) Lit., 'the mind does not tolerate them'.

(13) I.e., who denies his true feelings.

(14) Why does he not include the last?

(15) Marriage settlement, which she can claim from him on divorce.

(16) So that he must take her back, as he cannot pay it.

(17) I.e., he cannot remain constant to the divorce.

(18) Var. lec. : as banned.

(19) By his own volition.

(20) E.g., at a circumcision feast.

(21) Lit., 'Chaldeans,' who were versed in astrological arts.

(22) Deut. XVIII, 13.

(23) Dan. VI, 4.

(24) This is based on the Scriptural law that for a period of thirty-three or sixty-six days beginning respectively on the eighth or the fifteenth day after childbirth a woman's blood is clean (v. Lev. XII, 1-5), i.e. ' it does not defile her and

cohabitation is permitted. When this period is ended, she is designated 'a woman sitting over clean blood,' and cohabitation is forbidden, lest she have a blood discharge and think that just as her blood did not defile before, it does not defile her now either.

(25) Lit. , 'a period' — Rashi: one night. — Thus the law applies to the forty-first or the eighty-first night only.

(26) [Issi (a variant of Joseph) was the son of 'Akabia b. Mahallalel, the story of whose excommunication is told in 'Ed. V, 6, and it was in order to be spared the tragic memories associated with the name of 'Akabia that Issi did not describe himself as the son of 'Akabia; v. Derenbourg, Essai p. 484].

(27) In the edd. there follows 'hu R. Isaac b. Aha': the same is R. Isaac b. Aha; Bah however deletes hu, in which case another person is now referred to.

Talmud - Mas. Pesachim 114a

R. Isaac b. Aha mentioned in legal discussions is the same as R. Isaac b. Phineas mentioned in homilies, and the token is 'Hear 'me [shema'uni], — my brethren [ahay] , and my people.'¹

Rabbah b. Bar Hanah said in R. Johanan's name in the name of R. Judah b. R. Il'ai: Eat onions [baze] and dwell in the protection [beze] [of your house],² and do not eat geese and fowls lest your heart pursue you;³ reduce your food and drink and increase [expenditure] on your house. When 'Ulla came, he said: In the West [Palestine] a proverb is current: he who eats the fat tail [allitha] must hide in the loft ['alitha],⁴ but he who eats cress [kakule] may lie by the dunghill [kikle]⁵ of the town.⁶

M I S H N A H. THEY FILLED⁷ THE FIRST CUP FOR HIM; BETH SHAMMAI MAINTAIN: HE RECITES A BLESSING FOR THE DAY [FIRST],⁸ AND THEN RECITES A BLESSING OVER THE WINE; WHILE BETH HILLEL RULE: HE RECITES A BLESSING OVER THE WINE [FIRST], AND THEN RECITES A BLESSING FOR THE DAY.

G E M A R A. Our Rabbis taught: [These are] the matters which are disputed by Beth Shammai and Beth Hillel in respect to the meal: Beth Shammai maintain: He recites a blessing for the day [first] and then recites a blessing over the wine, because the day is responsible for the presence of the wine;⁹ moreover, the day has already become sanctified while the wine has not yet come.¹⁰ But Beth Hillel maintain: He recites a blessing over the wine and then recites a blessing for the day, because the wine enables the kiddush to be recited.¹¹ Another reason: the blessing for wine is constant, while the blessing for the day is not constant ,¹² [and of] that which is constant and that which is not constant, that which is constant comes first. Now the law¹³ is as the ruling of Beth Hillel. Why state [another reason]?¹⁴ — [This:] for should you argue: there we have two [reasons], whereas here there is [only] one,¹⁵ [I answer that] here also there are two, [for of] that which is constant and that which is not constant, that which is constant comes first. 'Now the law is as the ruling of Beth Hillel': that is obvious, since there issued a Bath Kol?¹⁶ — If you wish I can answer that this was before the Bath Kol. Alternatively, it was after the Bath Kol, and this is [in accordance with] R. Joshua who maintained We disregard a Bath Kol.¹⁷

MISHNAH. THEY THEN¹⁸ SET [IT] BEFORE HIM.¹⁹ HE DIPS THE LETTUCE²⁰ BEFORE YET HE HAS REACHED THE AFTERCOURSE OF THE BREAD.²¹ THEY SET BEFORE HIM MAZZAH, LETTUCE [HAZERETH], AND HAROSETH²² AND TWO DISHES, THOUGH THE HAROSETH IS NOT COMPULSORY. R. ELEAZAR SON OF R. ZADOK SAID: IT IS COMPULSORY. AND IN THE TEMPLE THEY USED TO BRING THE BODY OF THE PASSOVER-OFFERING BEFORE HIM.

G E M A R A.

(1) I Chron. XXVIII, 2. Thus in legal discussions (shema'ta, connected with shema'uni) his name appears as b. Aha (connected with ahay).

- (2) Do not spend overmuch on food, then you will be able to afford your house.
- (3) Do not cultivate a greedy appetite so that you are always wanting to eat.
- (4) He who squanders his money on costly dishes must hide from his creditors.
- (5) [Aliter: 'place of assembly' from Grk.** , a circle].
- (6) Afraid of none — not being in debt.
- (7) Lit. , 'mixed. ,
- (8) I.e. , the blessing on the sanctity of the Festival.
- (9) If it were not a festival no wine would be required.
- (10) The festival automatically commences with the appearance of the stars, even if no wine as yet been brought to the table. Thus it is first in time, and therefore first in respect to a blessing too.
- (11) without wine or bread kiddush cannot be said. Bread is the equivalent of wine in this respect, and the blessing for bread precedes the blessing for the day.
- (12) Whenever 'wine is drunk a blessing over it is required, whereas the blessing of sanctification is confined to festivals.
- (13) [MS.M.: the halachah].
- (14) Is not the first sufficient?
- (15) Beth Shammai give two reasons for their view, whereas only one supports both Hillel's
- (16) Proclaiming the law always to be as Beth Hillel; v. Er. 13b.
- (17) V. B.M. 59b.
- (18) After having recited the kiddush over the wine.
- (19) Rashi and Rashbam: vegetables. R. Han.: the table with the food, which was brought after kiddush.
- (20) Tosaf.: into water or vinegar, and eats it. This is to stimulate the child's wonder, as it is unusual to commence the meal thus.
- (21) Viz., the bitter herbs, which are eaten after the unleavened bread. Bertinoro reads: before he has reached the breaking (i.e., the distribution) of the bread.
- (22) V. Glos.

Talmud - Mas. Pesachim 114b

Resh Lakish said: This¹ proves that precepts require intention, [for] since he does not eat it² the stage when bitter herbs are compulsory, he eats it with [the blessing,] 'Who createst the fruit of the ground,' and perhaps he did not intend [to fulfil the obligation of] bitter herbs; therefore he must dip it again with the express purpose of [eating] bitter herbs. For if you should think [that] precepts do not require intention, why two dippings: surely he has [already] dipped it once?³ But whence [does this food]? Perhaps after a precepts do not require intention, and as to what you argue, why two dippings, [the answer is,] that there may be a distinction for [the sake of] the children.⁴ And should you say, if so, we should be informed about other vegetables:⁵ If we were informed about other vegetables I would say: Only where other vegetables [are eaten first] do we require two dippings, but lettuce alone⁶ does not require two dippings:⁷ hence he informs us that even lettuce [alone] requires two dippings, so that there may be a distinction [shown] therewith for the children. Moreover, it was taught: If he ate them [the bitter herbs] while demai,⁸ he has discharged [his duty]; if he ate them without intention, he has discharged [his duty]; if he ate them, in half quantities,⁹ he has discharged [his duty], providing that he does not wait between one eating and the next more than is required for the eating of half [a loaf]?¹⁰ -it is [dependent on] Tannaim. For it was taught, R. Jose said: Though he has [already] dipped the lettuce [hazereth], it is a religious requirement to bring lettuce and haroseth and two dishes before him.¹¹ Yet still, whence [does this food]: perhaps R. Jose holds [that] precepts do not require intention and the reason that we require two dippings is that there may be a distinction [shown] for the children?- If so, what is the 'religious requirement'?¹²

What are the two dishes?-Said R. Huna: Beet and rice.¹³ Raba used to be particular for¹⁴ beet and rice, since it had [thus] issued from the mouth of R. Huna. R. Ashi said: From R. Huna you may infer that none pay heed to the following [ruling] of R. Johanan b. Nuri. For it was taught, R. Johanan b.

Nuri said: Rice is a species of corn and kareth is incurred for [eating it in] its leavened state, and a man discharges his duty with it on Passover.¹⁵ Hezekiah said: Even a fish and the egg on it.¹⁶ R. Joseph said: Two kinds of meat are necessary, one in memory of the Passover-offering and the second in memory of the hagigah.¹⁷ Rabina said: Even a bone and [its] broth.

It is obvious that where other vegetables are present, he recites¹⁸ the blessing, 'who createst the fruit of the ground' over the other vegetables and eats, and then¹⁹ recites the blessing, '[Who hast commanded us] concerning the eating of bitter herbs,' and eats.²⁰ But what if he has lettuce only? Said R. Huna: First he recites a blessing over the bitter herbs, 'Who createst the fruit of the ground,' and eats, and then [later] he recites over it 'concerning the eating of bitter herbs' and eats.

(1) The fact that he dips lettuce twice.

(2) The first lettuce.

(3) The first lettuce is eaten before it is obligatory (v. n. 8 in Mishnah); hence the ordinary blessing for vegetables is recited, not 'who hast commanded us concerning the eating (If bitter herbs,' though later it will be eaten as an obligation. This he did not discharge his duty of eating bitter herbs with the first lettuce, because that was not his intention, which proves that one does not discharge one's duty unless it is expressly done with that intention.

(4) v.p. 587, n. 8.

(5) The Mishnah should state that a vegetable is dipped into water and eaten Why specify hazereth (lettuce), which is one of the vegetables which may be eaten as bitter herbs (v. supra 39a)?

(6) I.e., where lettuce alone is eaten.

(7) for once he has eaten it he has done his duty in respect of bitter herbs.

(8) V. Glos.

(9) I.e., as much as half an olive the first time and the same the second time, as much as an olive being the minimum quantity which must be eaten.

(10) V. supra p. 208, n. 9. — This distinctly contradicts Resh Lakish.

(11) And Resh Lakish maintains that R. Jose's reason is because precepts require intention.

(12) mizwah implies that it is an essential obligation.

(13) Even these constitute two dishes, and of course two kinds of meat all the more (Rashbam and Tosaf.)

(14) Lit., 'go in search of.'

(15) Tabshil denotes a boiled dish: hence if it were a species of corn, boiling would make it leaven.

(16) I.e., the egg with which it is smeared before it is prepared. Though it becomes all one, yet it counts as two dishes.

(17) v. Mishnah supra 69b.

(18) At the first dipping.

(19) At the second dipping.

(20) Each blessing being over a different vegetable.

Talmud - Mas. Pesachim 115a

To this R. Hisda demurred: After filling his stomach with it he returns and recites a blessing over it! — Rather, said R. Hisda: On the first occasion he recites over it, 'Who createst the fruit of the ground,' and, 'concerning the eating of bitter herbs,' and eats, while subsequently he eats the lettuce without a blessing. In Syria they acted in accordance with R. Huna, while R. Shesheth the son of R. Joshua acted according to R. Hisda. And the law is in accordance with R. Hisda. R. Aha the son of Raba used to go in search of other vegetables, so as to avoid controversy.¹

Rabina said, R. Mesharsheya son of R. Nathan told me: Thus did Hillel² say on the authority of tradition:³ A man must not make a sandwich of mazzah and bitter herbs together and eat them, because we hold that mazzah nowadays⁴ is a Biblical obligation, whereas bitter herbs are a Rabbinical requirement and thus the bitter herbs, which are Rabbinical, will come and nullify the mazzah, which is Biblical. And even on the view that precepts cannot nullify each other, that applies only to a Biblical [precept] with a Biblical [precept], or a Rabbinical [precept] with a Rabbinical

[precept], but in the case of a Scriptural and a Rabbinical [precept], the Rabbinical [one] comes and nullifies the Scriptural [one]. Which Tanna do you know [to hold] that precepts do not nullify each other? — it is Hillel.⁵ For it was taught, it was related of Hillel that he used to wrap them together,⁶ for it is said, they shall eat it with unleavened bread and bitter herbs.⁷ R. Johanan observed: Hillel's colleagues disagreed with him. For it was taught: You might think that he should wrap them together and eat them, in the manner that Hillel ate it, therefore it is stated, they shall eat it with unleavened bread and bitter herbs, [intimating] even each separately.⁸ To this R. Ashi demurred: If so, what is [the meaning of] 'even'?⁹ Rather, said R. Ashi, this Tanna teaches thus: You might think that he does not discharge his duty unless he wraps them together and eats them, in the manner of Hillel therefore it is stated, they shall eat it with unleavened bread and bitter herbs, [intimating] even each separately. Now that the law was not stated either as Hillel or as the Rabbis,¹⁰ one recites the blessing. '[Who hast commanded us] concerning the eating of unleavened bread' and eats; then he recites the blessing, 'concerning the eating of bitter herbs,' and eats; and then he eats unleavened bread and lettuce together without a blessing. in memory of the Temple, as Hillel [did].¹¹

R. Eleazar said in R. Oshaia's name: Whatever is dipped in a liquid¹² requires the washing of the hands.¹³ Said R. Papa: Infer from this that the lettuce

(1) Lit., 'to exclude himself from a controversy'.

(2) The reference is to R. Hillel, the fourth century Babylonian amora, and not to Hillel, the great Nasi who flourished in the first century B.C.E.

(3) I.e., it came to him anonymously; Kaplan, Redaction of the Talmud, p. 227.

(4) I.e., after the destruction of the Temple and the cessation of sacrifices.

(5) Hillel 1.

(6) Place the paschal meat of bitter herbs between mazzah.

(7) Num. IX, 11.

(8) This is deduced from the sing. 'it.'

(9) 'Even' shows that they may certainly be eaten together.

(10) Though the aforementioned Tanna does not disagree with Hillel, as R. Ashi has shown, it was nevertheless held that some Rabbis did disagree.

(11) This he acts on both views, by eating them first separately and then together.

(12) Vegetables, which are dipped into vinegar.

(13) Unwashed hands are, unclean in the second degree and therefore disqualify terumah (v. Mishnah supra 14a and note a.l.), and whatever disqualifies teruma defiles liquids in the first degree (supra 14b). Therefore the hands must be washed.

Talmud - Mas. Pesachim 115b

must be plunged right into the haroseth¹ to counteract the kappa.² For if you should think that it need not be sunk into it, why is the washing of the hands required?³ Surely he does not touche [the haroseth]?⁴ Yet perhaps I may maintain that in truth it need not be sunk [into the haroseth], the kappa dying from its smell; yet why is washing of the hands required? In case he plunges it in.

R. Papa also said: A man must not keep the bitter herbs [an appreciable time] in the haroseth, because the sweetness of its ingredients [sc. the haroseth] may neutralize its bitterness, whereas the taste of bitter herbs is essential, but it is then absent.

R. Hisda brought⁵ Rabbana 'Ukba⁶ and he lectured: If he washed his hands at the first dipping- he must wash his hands at the second dipping [too]. The Rabbis discussed this before R. Papa: This was stated in general,⁷ for if you should think that it was stated here [in connection with Passover], why must he wash his hands twice? Surely he has [already] washed his hands once?⁸ Said R. Papa to them: On the contrary, it was stated here, for if you should think that it was stated in general, why two

dippings?⁹ What then? it was stated here? Then why must he wash his hands twice: surely he has [already] washed his hands once? — I will tell you: since he is to recite the Haggadah¹⁰ and Hallel,¹¹ he may let his thoughts wander¹² and touch [something unclean].

Raba said: If he swallows unleavened bread, he discharges his duty;¹³ if he swallows bitter herbs, he does not discharge his duty.¹⁴ If he swallows unleavened bread and bitter herbs [together], he discharges his duty of unleavened bread, [but] not his duty of bitter herbs. If he wraps them in bast and swallows them, he does not discharge his duty of unleavened bread either.

R. Simi b. Ashi said: unleavened bread [must be set] before each person [of the company]. bitter herbs before each person. and haroseth before each person, but we remove the table¹⁵ only from before him who recites the Haggadah. R. Huna said: All these too [are Set only] before him who recites the Haggadah.¹⁶ And the law is as R. Huna.

Why do we remove the table? — The School of R. Jannai said: So that the children may perceive [the unusual proceeding] and enquire [its reasons]. Abaye was sitting before Rabbah, [when] he saw the tray taken up from before him. Said he to then: We have not yet eaten, and they have [already] come [and] removed the tray from before us! Said Rabbah to him: You have exempted us from reciting, ‘Why [is this night] different?’¹⁷

Samuel said: Bread of [‘oni]¹⁸ [means] bread over which we recite [‘onin] many words.¹⁹ It was taught likewise: ‘Bread of [‘oni]’ means bread over which we recite [‘onin] many words. Another interpretation: ‘Bread of [‘oni]’: ‘ani [poverty] is written:²⁰ just as a beggar generally has a piece,

(1) which is a liquid.

(2) A poisonous substance in the hazereth.

(3) For the first dipping, v. infra.

(4) With his hand, if the lettuce is only dipped lightly in it.

(5) אֲדַבְרִיהָ .

(6) ‘Rabbana’ is a Babylonian title, probably the equivalent of the Palestinian ‘Rabban’ lit., ‘our teacher,’ which is a peculiar title of honour, higher than ‘Rabbi.’

(7) When a man eats vegetables at other times of the year. Since the eating of vegetables then is not statutory, each time he eats them (after dipping) even at the same meal counts as a separate act, for when he ate the first time he did not intend eating them again; hence he must wash his hands at each.

(8) Knowing that he would eat vegetables a second time; hence once should suffice.

(9) The vegetable having been dipped once into vinegar, it need not be dipped again.

(10) The narrative of the exodus, which is an essential part of the ritual.

(11) ‘Praise,’ i.e., Ps. CXIII-CXVIII.

(12) I.e., not think about keeping his hands clean.

(13) Of eating unleavened bread, though he has not chewed it.

(14) Because he has not tasted its bitterness, which is essential. Rashi reads: if he swallows bitter herbs, he has discharged his duty because even then he cannot altogether avoid tasting its bitterness.

(15) V. p. 535, n. 7.

(16) Since the meal has not yet commenced it is sufficient to place the food before one.

(17) V. Mishnah infra 116a. By your observation you have in fact asked that question.

(18) E.V. ‘affliction’. Deut. XVI, 3.

(19) v. supra p. 166, n. 10.

(20) Defective, though it is read plene, denoting ‘reciting’.

Talmud - Mas. Pesachim 116a

so here too a piece [is taken].¹ Another interpretation: just as a poor man fires [the oven] and his wife

bakes,² so here too, he heats and she bakes.³

THOUGH HAROSETH IS NOT A RELIGIOUS REQUIREMENT. Then if it is not a religious requirement, on what account does he bring it? — Said R. Ammi: On account of the kappa.⁴ R. Assi said: The kappa of lettuce [is counteracted by] radishes; the kappa of radishes, [by] leeks; the kappa of leeks, [by] hot water; the kappa of a these, [by] hot water. And in the meanwhile⁵ let him say thus: ‘Kappa kappa, I remember you and your seven daughters and your eight daughters.in.law.’

R. ELEAZAR SON OF R. ZADOK SAID: IT IS A RELIGIOUS REQUIREMENT. Why is it a religious requirement? R. Levi said: In memory of the apple-tree;⁶ R. Johanan said: In memory of the day.⁷ Abaye observed: Therefore one must make it acrid and thicken it: make it acrid, in memory of the apple-tree; and thicken it, in memory of the day. It was taught in accordance with R. Johanan: The condiments⁸ are in memory of the straw;⁹ [and] the haroseth [itself] is a reminder of the day. R. Eleazar son of R. Zadok said: Thus did the grocers¹⁰ cry, ‘Come and buy ingredients for your religious requirements. **MISHNAH. THEY FILLED A SECOND CUP FOR HIM. AT THIS STAGE¹¹ THE SON QUESTIONS HIS FATHER;¹² IF THE SON IS UNINTELLIGENT, HIS FATHER INSTRUCTS HIM [TO ASK]: ‘WHY IS THIS NIGHT DIFFERENT FROM ALL [OTHER] NIGHTS. FOR ON ALL [OTHER] NIGHTS WE EAT LEAVENED AND UNLEAVENED BREAD, WHEREAS ON THIS NIGHT [WE EAT] ONLY LEAVENED BREAD; ON ALL OTHER NIGHTS WE EAT ALL KINDS OF HERBS, ON THIS NIGHT BITTER HERBS; ON ALL OTHER NIGHTS WE EAT MEAT ROAST, STEWED OR BOILED, ON THIS NIGHT, ROAST ONLY.¹³ ON ALL OTHER NIGHTS WE DIP¹⁴ ONCE, BUT ON THIS NIGHT WE DIP TWICE.’ AND ACCORDING TO THE SON’S INTELLIGENCE HIS FATHER INSTRUCTS HIM.¹⁵ HE COMMENCES WITH SHAME AND CONCLUDES WITH PRAISE; AND EXPOUNDS FROM ‘A WANDERING ARAMEAN WAS MY FATHER’¹⁶ UNTIL HE COMPLETES THE WHOLE SECTION.**

G E M A R A. Our Rabbis taught: If his son is intelligent asks him, while if he is not intelligent his wife asks him; but if not,¹⁷ he asks himself. And even two scholars who know the laws of Passover ask one another.

WHY IS THIS NIGHT DIFFERENT FROM ALL OTHER NIGHTS? FOR ON ALL OTHER NIGHTS WE DIP ONCE, WHILE ON THIS NIGHT WE DIP TWICE. To this Raba demurred: Is then dipping once indispensable all other days? Rather, said Raba, It was thus taught: For on all other nights we are not obliged to dip even once, whereas on this night, twice. To this R. Safra demurred: A statutory obligation on account of children!¹⁸ Rather, said R. Safra, He teaches thus: We do not dip even once, whereas this night [we dip] twice. **HE COMMENCES WITH SHAME AND CONCLUDES WITH PRAISE.** What is ‘WITH SHAME’? Rab said: ‘Aforetime our fathers were idolaters’; while Samuel said: ‘We were slaves.’¹⁹ R. Nahman asked his slave Daru: ‘When a master liberates his slave and gives him gold and silver, what should he say to him?’ ‘He should thank and praise him,’ replied he. ‘You have excused us from saying “Why [is this night] different?”’ observed he. [Thereupon] he commenced by reciting, ‘We were slaves.’

MISHNAH. R. GAMALIEL USED TO SAY: WHOEVER DOES NOT MAKE MENTION OF²⁰

(1) The blessing for the unleavened bread must be said over a piece of mazzah only, not over a whole one, to emphasize Israel's poverty in Egypt. (Hence three mazzoth are required, two because every festival and the Sabbath require two loaves, and a third which is broken, so that the blessing may be recited over the piece.)

(2) Without delay, as they' cannot afford more fuel should the oven cool.

(3) Even wealthy people must bake the unleavened bread without unnecessary delay, lest it turn leaven.

(4) V. supra 115b.

(5) While waiting for the cure to take effect-or perhaps, until he takes these.

- (6) Under which the Israelitish women in Egypt gave birth to their children; v. Sot., 11b.
- (7) Wit which they made bricks.
- (8) Which are mixed in the haroseth.
- (9) Just as the straw was kneaded into the clay.
- (10) Lit., ' parched grain merchants ' — such would sell spices etc. too. Rashi and Rashbam: vendors who sat behind latticed windows.
- (11) Lit. , 'and here' .
- (12) Why all this unusual procedure?
- (13) I.e., in Temple times, v. supra 70a.
- (14) So the text as emended, and it is thus quoted in the Gemara; v. O.H. 473. 7 and ו"ל 9 a.l.
- (15) The answer must be intelligible to the child.
- (16) Deut. XXVI, 5.
- (17) If he has no wife.
- (18) 'Obliged' (hayyabin) connotes a religious precept, whereas as stated supra 114b the first dipping is merely to stimulate the children's wonder.
- (19) The modern liturgy combines both, commencing however with the latter.
- (20) Perhaps better: 'explain.' as R. Gamaliel's main point is that their purpose must be explained; v. Kaplan, Redaction of the Talmud, p. 203.

Talmud - Mas. Pesachim 116b

THESE THREE THINGS ON PASSOVER DOES NOT DISCHARGE HIS DUTY, AND THESE ARE THEY: THE PASSOVER-OFFERING. UNLEAVENED BREAD, AND BITTER HERBS. THE PASSOVER-OFFERING IS [SACRIFICED] BECAUSE THE OMNIPRESENT PASSED OVER THE HOUSES OF OUR FATHERS IN EGYPT, AS IT IS SAID, THEN YE SHALL SAY: IT IS THE SACRIFICE OF THE LORD'S PASSOVER, FOR THAT HE PASSED OVER etc.¹ THE UNLEAVENED BREAD IS [EATEN] BECAUSE OUR FATHERS WERE REDEEMED FROM EGYPT, AS IT IS SAID, AND THEY BAKED UNLEAVENED CAKES OF THE DOUGH WHICH THEY BROUGHT FORTH OUT OF EGYPT etc.² THE BITTER HERB IS [EATEN] BECAUSE THE EGYPTIANS EMBITTERED THE LIVES OF OUR FATHERS IN EGYPT, AS IT IS SAID, AND THEY MADE THEIR LIVES BITTER etc.³ IN EVERY GENERATION A MAN IS BOUND TO REGARD HIMSELF AS THOUGH HE PERSONALLY HAD GONE FORTH FROM EGYPT, BECAUSE IT IS SAID, AND THOU SHALT TELL THY SON IN THAT DAY, SAYING: IT IS BECAUSE OF THAT WHICH THE LORD DID FOR ME WHEN I CAME FORTH OUT OF EGYPT.⁴ THEREFORE IT IS OUR DUTY TO THANK, PRAISE, LAUD, GLORIFY, EXALT, HONOUR, BLESS, EXTOL, AND ADORE HIM WHO WROUGHT ALL THESE MIRACLES FOR OUR FATHERS AND OURSELVES; HE BROUGHT US FORTH FROM BONDAGE INTO FREEDOM, FROM SORROW INTO JOY, FROM MOURNING INTO FESTIVITY, FROM DARKNESS INTO GREAT LIGHT, AND FROM SERVITUDE INTO REDEMPTION. THEREFORE LET US SAY BEFORE HIM, HALLELUJAH!⁵ HOW FAR DOES ONE RECITE IT? BETH SHAMMAI MAINTAIN: UNTIL 'AS A JOYOUS MOTHER OF CHILDREN,'⁶ WHILE BETH HILLEL SAY: UNTIL 'THE FLINT INTO A FOUNTAIN OF WATERS,'⁷ AND HE CONCLUDES WITH [A FORMULA OF] REDEMPTION. R. TARFON USED TO SAY WHO REDEEMED US AND REDEEMED OUR FATHERS FROM EGYPT, BUT HE DID NOT CONCLUDE [WITH A BLESSING].⁸ R. AKIBA SAID: 'SO MAY THE LORD OUR GOD AND THE GOD OF OUR FATHER SUFFER US TO REACH OTHER SEASONS AND FESTIVALS WHICH COME TOWARDS US FOR PEACE, REJOICING IN THE REBUILDING OF THY CITY AND GLAD IN THY SERVICE, AND THERE WE WILL PARTAKE OF THE SACRIFICES AND THE PASSOVER-OFFERINGS⁹ etc. AS FAR AS BLESSED ART THOU, O LORD, WHO HAST REDEEMED ISRAEL.'

GEMARA. Raba said: He must say 'and us did he bring forth from there.'

Raba said: He must lift up the unleavened bread, and he must lift up the bitter herb,¹⁰ but he need not lift up the meat;¹¹ moreover, it would appear as though he ate sacrifices without [the Temple].¹² R. Aha b. Jacob said: A blind person is exempt from reciting the Haggadah. [For] here it is written, it is because of that [zeh],¹³ while elsewhere it is written, This our son [zeh]:¹⁴ just as there the blind are excluded,¹⁵ so here to the blind are excluded. But that is not so, for Meremar said: I asked the scholars of the School of R. Joseph, who recites the Aggadah¹⁶ at R. Joseph's? And they told me, R. Joseph; Who recites the Aggadah at R. Shesheth's? And they told me, R. Shesheth.¹⁷ — These Rabbis held that un-leavened bread nowadays is a Rabbinical obligation.¹⁸ Hence it follows that R. Aha b. Jacob holds that unleavened bread nowadays is a Scriptural obligation?¹⁹ But Surely it was R. Aha b. Jacob himself who said: [The obligation of eating] unleavened bread nowadays is Rabbinical! — He holds, Whatever our Rabbis enacted, they enacted it similar to the Scriptural Jaw.²⁰ But according to R. Shesheth and R. Joseph too, surely it is certain that whatever our Rabbis enacted, they enacted similar to a Scriptural law? — How compare!²¹ As for there, it is we: since it should have been written, 'He is our son,' whereas it is written, 'This our son,'²² you may infer that it comes to exclude blind persons. But here, if not 'for the sake of this' what should be written? Hence it comes [to intimate], 'for the sake of the unleavened bread and bitter herbs.'²³

THEREFORE IT IS OUR DUTY.

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- (1) Ex. XII, 27.
 - (2) Ibid. 39.
 - (3) Ex. I, 14.
 - (4) Ibid. XIII, 8.
 - (5) 'Praise ye the Lord,' with which Hallel commences.
 - (6) Ps. CXIII, 9.
 - (7) Ibid. CXIV, 8.
 - (8) Hatham is the technical term meaning to round off a liturgical passage with a blessing formula, 'Blessed art Thou, O Lord.'
 - (9) So the text as emended, 'sacrifices' referring to the hagigah of the fourteenth, which was eaten before the Passover-offering (v. supra 70a); hence it is mentioned before too.
 - (10) When saying, 'This unleavened bread' ' . . 'this bitter herb.'
 - (11) Which is set in memory of the Passover-offering; v. R. Joseph's dictum supra 114b.
 - (12) If he lifted up the meat as he said 'This Passover-offering,' it would look as if he had actually consecrated it as a sacrifice, which is forbid den, Since sacrifices may not be offered without the Temple (Raba refers to post-Temple times). Hence he must not lift up the meat.
 - (13) Lit., 'this'.
 - (14) Deut. XXI, 20.
 - (15) For 'this our son' implies that his parents see and point at him.
 - (16) Haggadah.
 - (17) R. Joseph and R. Shesheth were both blind.
 - (18) Sc. that unleavened bread must be eaten on the first night of Passover (the interdict of leavened bread of course is Biblical). Hence the reciting of the Haggadah is likewise Rabbinical, and therefore 'unaffected by R. Aha b. Jacob's deduction.
 - (19) For he states his law generally, and therefore meant it for post-Temple times too.
 - (20) On which it is based. Hence since the blind were exempt from reciting the Haggadah when it was a Scriptural obligation, they are still exempt now that it is only Rabbinical.
 - (21) They reject the law entirely, together with the analogy on which it is based.
 - (22) v. Sanh., Sonc. ed. p. 486, n. 2 and 3.
 - (23) I.e., it does not intimate that he who recites must see it, but simply means: it is for this reason that I eat unleavened bread and bitter herbs viz., because of what the Lord did for me etc.

Talmud - Mas. Pesachim 117a

R. Hisda said in R. Johanan's name: Hallelujah, Kesjah¹ and Jedidjah² are single words.³ Rab said: Kesjah and merhabjah⁴ are single words. Rabbah⁵ said merhabjah alone [is a single word]. The scholars asked: What about merhab Jah in R. Hisda's view?⁶ The question stands. The scholars asked: What about Jedidjah in Rab's view? — Come and hear: Jedidjah is divisible into two, therefore Jedid is non-sacred while Jah [the Lord] is sacred.⁷ The scholars asked: What about Hallelujah in Rab's view? Come and hear, for Rab said: I saw [a copy of] the Psalms in my friend's college,⁸ wherein 'Hallalu' was written on one line and 'jah' on the following.⁹ Now he disagrees with R. Joshua b. Levi, for R. Joshua b. Levi said: What is the meaning of 'Hallelujah? Praise him with many praises.¹⁰ Further, he [R. Joshua b. Levi] is self-contradictory. For R. Joshua b. Levi said: The Book of Psalms was uttered with ten synonyms of praise, viz.: nizzuah [victory], niggun [melody], maskil,¹¹ mizmor [psalm], shir [song], ashre [happy], tehillah [praise], tefillah [prayer], hodayah [thanksgiving] [and] hallelujah. The greatest of all is 'hallelujah,' because it embraces the [Divine] Name and praise simultaneously.¹²

Rab Judah said in Samuel's name: The Song in the Torah¹³ was uttered by Moses and Israel when they ascended from the [Red] Sea. And who recited this Hallel?¹⁴ The prophets among them ordained that Israel should recite it at every important epoch and at every misfortune — may it not come upon them! and when they are redeemed they recite [in gratitude] for their redemption.

It was taught, R. Meir used to say: All the praises which are stated in the Book of psalms, David uttered all of them, for it is said, The prayers of David the son of Jesse are ended [kallu]:¹⁵ read not kallu but kol ellu [all these].¹⁶ Who recited this Hallel? R. Jose said: My son Eleazar maintains [that] Moses and Israel said it when they ascended from the [Red] Sea, but his college disagree with him, averring that David said it. But his view is preferable to theirs: Is it possible that Israel slaughtered their Passover-offerings or took their palm-branches without uttering song!¹⁷ Another argument: Micah's image¹⁸ stands at Beki¹⁹ and Israel recites the Hallel!²⁰

Our Rabbis taught: As for all the songs and praises to which David gave utterance in the Book of Psalms, R. Joshua said: He spoke them in reference to himself; R. Joshua said: He spoke them with reference to the [Jewish] community; while the Sages maintain: Some of them refer to the community, while others refer to himself. [Thus:] those which are couched in the singular bear upon himself, while those which are couched in the plural allude to the community. Nizzuah and niggun²¹ [introduce psalms] relating to the future; maskil [indicates that it was spoken] through a meturgeman [interpreter]; [the superscription] To David, a psalm' intimates that the Shechinah rested upon him and then he uttered [that] song; 'a psalm of david' intimates that he [first] uttered [that particular] psalm and then the Shechinah rested upon him. This teaches you that the Shechinah rests [upon man] neither in indolence nor in gloom nor in frivolity nor in levity, nor in vain pursuits,²² but only in rejoicing connected with a religious act, for it is said, 'but now bring me a minstrel.' And it came to pass, when the minstrel played, that the hand of the lord came upon him.²³ Rab Judah said in Rab's name: And it is likewise so in a matter of halachah.²⁴ R. Nahman said: And it is likewise so for a good dream.²⁵ But that is not so, for R. Giddal said in Rab's name: If a scholar sits before his teacher and his lips do not drip anxiety.²⁶ they shall be burnt, for it is said, His lips are as lilies [shoshanim], dropping with flowing myrrh [mor 'ober]:²⁷ read not shoshanim but sheshonim [that study]; read not mor'ober but mar 'ober [dropping anxiety]? — There is no difficulty: One applies to the teacher, the other to the disciple. Alternatively, both refer to the teacher, yet there is no difficulty: the one holds good before he commences; the other, after he commences. Even as Rabbah used to say something humorous to his scholars before he commenced [his discourse], in order to amuse them;²⁸ after that he sat in awe and commenced the lecture.

Our Rabbis taught: Who uttered this Hallel? R. Eleazar said: Moses and Israel uttered it when they

stood by the [Red] Sea. They exclaimed, ‘Not unto us, not unto us,’²⁹ and the Holy Spirit responded. ‘For mine own sake, for mine own sake, will I do it.’³⁰ R. Judah said: Joshua and Israel uttered it when the kings of Canaan attacked them. They exclaimed, ‘Not unto us [etc.]’ and the Holy Spirit responded etc. R. Eleazar the Modiite said: Deborah and Barak uttered it when Sisera attacked them. They exclaimed, ‘Not unto us [etc.]’ and the Holy Spirit responded. ‘For Mine own sake, for Mine own sake, will I do it.’ R. Eleazar b. ‘Azariah said: Hezekiah and his companions uttered it when Sennacherib attacked them. They exclaimed, ‘Not unto us [etc.]’ and the Holy Spirit responded etc. R. Akiba said: Hananiah, Mishael and Azariah uttered it when the wicked Nebuchadnezzar rose against them. They exclaimed, ‘Not unto us etc.,’ and the Holy Spirit responded etc. R. Jose the Galilean said: Mordecai and Esther uttered it when the wicked Haman rose against them. They supplicated, ‘Not unto us etc.’, and the Holy Spirit responded etc. But the Sages maintain: The prophets among them enacted that the Israelites should recite at every epoch and at every trouble — may it not come to them! — and when they are redeemed, they recite it [in thankfulness] for their delivery.

R. Hisda Said: Hallelujah marks the end of a chapter; Rabbah b. R. Huna said: Hallelujah marks the beginning of a chapter.³¹ R. Hisda observed: I saw that in the copies of the Psalms used in the college of R. Hanin b. Rab, ‘Hallelujah’ was written in the middle of the chapter,³² which proves that he was in doubt.

R. Hanin b. Raba said: A agree that in the case of, ‘My mouth shall speak the praise of the Lord, and let all flesh bless His holy name for ever and ever.’³³ ‘Hallelujah which follows it is the beginning of the [next] psalm. In the wicked shall see, and be vexed; he shall gnash with his teeth, and melt away, the desire of the wicked shall perish:³⁴ the ‘Hallelujah’ which follows it commences the [next] psalm. Again, in the passage. ‘that stated in the house of the lord in the night seasons,³⁵ the following ‘Hallelujah commences the [next] psalm.³⁶ Bible scholars³⁷ add the following: He will drink of the brook by the way, therefore will he lift up the head:³⁸ Hallelujah which follows it is the beginning of the next psalm. The fear of the lord is the beginning of wisdom; a good understanding have a they that do thereafter; His praise endureth for ever.³⁹ ‘Hallelujah which follows it is the beginning of the [next] psalm.

Shall we say that this is dependent on Tannaim? [For we learned:] HOW FAR DOES HE RECITE IT? BETH SHAMMAI MAINTAIN: UNTIL AS A JOYOUS MOTHER OF CHILDREN, WHILE BETH HILLEL. SAY: UNTIL THE FLINT INTO A FOUNTAIN OF WATERS.’ But another [Baraitha] taught: How far does he recite it? Beth Shammai maintain: Until ‘when Israel came forth out of Egypt.’⁴⁰ while Beth Hillel say: Until, ‘Not unto us, O Lord, not unto us.’⁴¹

(1) In Ex. XVII, 16: The hand upon kesjah (E.V.: the throne of the Lord).

(2) II Sam. XII, 25: and he called his name jedidjah (E.V. Jedidiah).

(3) Though Jah means the ‘Lord,’ it combines to form a single word.

(4) Ps CXVIII, 5: He answered me ba-merhabjah (E.V.: with great enlargement); lit., ‘with the Lord’s enlargement.

(5) Rashal reads: Raba:

(6) Is it one word or two?

(7) This would affect e.g., the manner of its writing. If ‘Jedid’ is written incorrectly, it can be erased and rewritten. But Jah, being sacred (i.e., God’s name), must not be erased and would have to be cut out entirely, together with its parchment.

(8) I.e., at the college of R. Hiyya.

(9) Thus he evidently regards it as two words.

(10) Since he interprets the whole word thus, he evidently regards it as one.

(11) V. e.g., superscriptions to Ps. XLII, XLIV, and XLV; perhaps lit., ‘a psalm giving instruction.’

(12) Thus he interprets ‘Jah’ separately.

(13) ‘Torah’ bears here its narrower connotation of Pentateuch. The ‘Song’ referred to is that contained in Ex. XV.

- (14) Ps. CXIII-CXVIII. [MS.M. (gloss) inserts: Moses and Israel recited it].
- (15) Ps. LXXII, 20.
- (16) The verse thus reads: All these are prayers etc.
- (17) Until the time of David — surely not.
- (18) V. Judg. XVII.
- (19) [Probably a variant of Bochin, v. judg. II, 1].
- (20) Rashbam: Hallel, which contains a sweeping condemnation of idolatry (v. Ps. CXV, 5-8), could not have been composed in the days of David while Micah's idolatrous image was still in existence; hence it must have been composed at the Red Sea.
- (21) V. supra.
- (22) Lit., 'idle words' or chatter.
- (23) II Kings III, 15. Maharsha in Shab. 30a observes that the verse is quoted to show that the Shechinah does not rest on a man who is plunged in gloom, Elisha requiring the minstrel to dissipate the gloom occasioned by Jehoram's visit.
- (24) Serious study should be preceded by light-hearted conversation.
- (25) Going to sleep in good spirits promotes happy dreams.
- (26) Lit., 'bitterness'. To show due reverence.
- (27) Cant. V, 13.
- (28) Lit., 'and the scholars rejoiced'.
- (29) Ps. CXV, 1.
- (30) Isa. XLVIII, 11.
- (31) Where a single 'Hallelujah' separates two psalms (e.g., Ps. CXXXIV and CXXXV), R. Hisda maintains that it ends the first, while Rabbah b. R. Huna places it at the beginning of the second.
- (32) I.e., the two men were into one with 'Hallelujah' in the middle.
- (33) Ps. CXLV, 21.
- (34) Ps. CXII, 10.
- (35) Ibid. CXXXIV, 1.
- (36) This is somewhat difficult as 'Hallelujah' does not immediately follow. Possibly the phrase is quoted loosely to indicate which psalm is meant, viz., CXXXIV, 'Hallelujah,' the commencing the next. Tosaf. however quotes 'Ye that stand in the house of the Lord, in the courts of the house of our God'. In our edd. this is Ps. CXXXV, 2, and does not end the psalm; but according to Tosaf. it does, while v. 3, which begins with 'Hallelujah,' (E.V. praise ye the lord) is the beginning of another psalm.
- (37) Presumably scholars who specialized in the study of the Bible.
- (38) Ps. CX, 7.
- (39) Ps. CXI, 10.
- (40) Ibid. CXIV, 1.
- (41) Ibid. CXV, 1. In each case whereas the Mishnah quotes the ending of the chapters according to our edd., the Baraita quotes the beginning of the following chapters.

Talmud - Mas. Pesachim 117b

Surely then they differ in this: he who says, until 'as a joyous mother of children', holds that [the following] 'Hallelujah' [praise ye lord] is the beginning of the [next] psalm; while he who says until, 'when Israel came forth out of Egypt', holds that 'Hallelujah' is the end of the [previous] psalm!¹ — R. Hisda reconciles it with his view. All agree that 'Hallelujah' is the end of the psalm. Hence the statement, until 'when Israel came forth out of Egypt' is well. While he who says, until 'a joyous mother of children' is meant inclusively. Then let him say, 'up to "hallelujah"'? And should you answer, because we would not know which 'Hallelujah,' then let him say, 'up to the "Hallelujah" of "as a joyous mother of children"'? This is a difficulty. Rabbah b. R. Huna reconciles it with his view. All agree that 'Hallelujah' is the beginning of the psalm. Hence the statement, until 'as a joyous mother of children' is well. While he who says, until 'when Israel came forth' does not mean it inclusively. Then let him say, 'until the Hallelujah? And should you answer, because we would not know which 'Hallelujah' is meant, then let him say, 'until the Hallelujah of "when Israel came

forth"? This is a difficulty.

AND HE CONCLUDES WITH [A FORMULA OF] REDEMPTION. Raba said: [The ending of the benediction following] the reciting of the shema² and Hallel is 'who redeemed Israel';³ that of prayer⁴ is 'the redeemer of Israel'.⁵ What is the reason? Because it is a petition.⁶ R. Zera said: [The formula] in kiddush is 'who did sanctify us with His commandments and did command us'; that of prayer is 'sanctify us with Thy Commandments.' What is the reason? Because it is supplication. R. Aha b. Jacob said: And he must refer to the Egyptian exodus in the kiddush of the day. [For] here it is written, that thou mayest remember the day [when thou camest forth out of the land of Egypt],⁷ while there it is written, Remember the sabbath day, to hallow it [by reciting kiddush].⁸

Rabbah b. Shila said: [The formula] in Prayer is 'who causeth the horn of Salvation to spring forth,'⁹ while that of the haftarah¹⁰ is 'the shield of David.' And I will make thee a great man, like unto the name of the great ones [that are in the earth the earth].¹¹ R. Joseph taught: that alludes to the fact that we say 'the shield of David.'¹²

R. Simeon b. Lakish said: And I will make thee a great nation:¹³ that means that we say, 'the God of Abraham'; and I will bless thee — that we say, 'the God of Isaac'; and make thy name great, — that we say, 'the God of Jacob.' You might think that we conclude with [a reference to] all of them: therefore it is said, and be thou a blessing: with thee do we conclude, but we do not conclude with all of them.

Raba said: I found the elders of Pumbeditha¹⁴ sitting and stating: On the Sabbath, both in Prayer¹⁵ and in kiddush [we conclude the benediction with] 'who sanctifiest the Sabbath.' On a festival, both in Prayer and in kiddush [we conclude with] 'who sanctifiest Israel and the [festive] seasons.' Said I to them, On the contrary, [the formula] of Prayer both on the Sabbath and on a festival is 'who sanctifiest Israel.' In the kiddush of the Sabbath [the formula is] 'who sanctifiest the Sabbath'; On a festival, 'who sanctifiest Israel and the seasons.' Now I will state my reason and your reason. Your reason is: the Sabbath is permanently fixed, hence both in Prayer and in kiddush 'who sanctifiest the Sabbath' [is said].¹⁶ On festivals, which are fixed by Israel, for they intercalate the months¹⁷ and fix [the beginnings of] the years,¹⁸ 'who sanctifiest Israel and the seasons' [is said].¹⁹ My reason: Prayer, which is [carried on] in public, [requires] 'who sanctifiest Israel';²⁰ as for kiddush, which is [recited] privately [at home], on the Sabbath [the formula is] 'who sanctifiest the Sabbath,' while on festivals it is 'who sanctifiest Israel and the seasons'²¹ That [argument] however is Incorrect: is not prayer [recited] privately [too], and is not kiddush recited publicly?—Raba however, holds: Follow the main [practice].²²

'Ulla b. Rab visited Raba. he recited [kiddush] in accordance with the elders of Pumbeditha, and he said nothing to him [in protest]. This proves that Raba retracted. R. Nathan the father of R. Hune the son of R. Nathan²³ visited R. Papa. He recited it in accordance with the elders of Pumbeditha, whereupon R. Papa praised him. Rabina said: I visited Meremar at Sura, when the reader²⁴ went down [to the reading desk]²⁵ and recited it as the elders of Pumbeditha. Everybody made to silence him, but he said to them, 'Leave him alone: the law is as the elders of Pumbeditha.' Then they did not silence him.²⁶

MISHNAH. THEY FILLED THE THIRD CUP FOR HIM. HE THEN RECITES GRACE AFTER MEALS. OVER THE FOURTH [CUP] HE CONCLUDES THE HALLEL, AND RECITES THE GRACE OF SONG.²⁷ BETWEEN THESE CUPS²⁸ HE MAY DRINK IF HE WISHES; BETWEEN THE THIRD AND THE FOURTH HE MAY NOT DRINK.

GEMARA. R. Hanan said to Raba: This proves that Grace after meals requires a cup [of wine]. Said he to him: Our Rabbis instituted four cups as symbolizing freedom:²⁹ let us perform a religious

act with each.³⁰

OVER THE FOURTH [CUP] HE CONCLUDES THE HALLEL, AND RECITES THE GRACE OF SONG.

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- (1) This of course is on the view of Beth Shammai. The differences in the view of Beth Hillel are then stated for the sake of parallelism (Rashbam).
 - (2) This is followed by one benediction in the morning and two in the evening, before the 'Prayer,' i.e. the Eighteen benedictions.
 - (3) In the past tense.
 - (4) The Amidah on weekdays. It consists of the Eighteen Benedictions, the fifth of which is a prayer for redemption.
 - (5) In the present tense.
 - (6) For the future. Hence the past tense would be inappropriate.
 - (7) Deut. XVI, 3.
 - (8) Ex. XX, 8. 'Remember' in the second verse, i.e., the reciting of kiddush (and the Sabbath is an example of a holy days, including Festivals). must include the 'remember,' of the first verse, vi., the Egyptian exodus.
 - (9) That is the ending of the fifteenth benediction.
 - (10) V. Glos. It is followed by four benedictions. The reference here is to the third, whose subject-matter is the same as the fifteenth benediction mentioned in the preceding note.
 - (11) II Sam. VII, 9.
 - (12) it is a great honour to David that God is designated 'the shield of David' in the conclusion of a benediction.
 - (13) Ex. XII, 2.
 - (14) Rab Judah and R. 'Ena, v. Sanh. 17b.
 - (15) The 'Amidah on Sabbath and Festivals consists of seven benedictions.
 - (16) Because its sanctification depends entirely on God.
 - (17) The Jewish month consists of either 29 or 30 days, the length of each month being fixed by the Jewish authorities.
 - (18) Thereby fixing the dates of festivals too.
 - (19) Thus Israel must be mentioned, because through Israel the festivals are sanctified.
 - (20) I.e., a reference to the whole community.
 - (21) The emphasis being on the sacred nature of the day, 'Israel' must be mentioned in the latter case because the sanctification (If the seasons is dependant thereon (supra).
 - (22) Prayer is essentially intended for the community, not withstanding that private prayer too is possible. Again, kiddush is chiefly intended for the home ('in the place of the meal'), though it is also recited in the synagogue on account of the wayfarers.
 - (23) 'The son of R. Nathan' should probably be deleted.
 - (24) Lit., 'the deputy of the congregation.' In the Talmud this is the name of the reader who leads the congregation in prayer; the modern title 'hazzan' dates from the post-Talmudic period.
 - (25) In Talmudic times this was on a lower level than the rest of the synagogue building, in accordance with Ps. CXXX, 1: out of the depths have I called Thee O Lord.
 - (26) Omitted in MS. M. var. lec. add: And the law is as the elders of Pumbeditha.
 - (27) The phrase is explained in the Gemara.
 - (28) Viz., first, second and third.
 - (29) This is omitted in Rashbam.
 - (30) Hence Grace is recited over the third. But on other occasions a cup may not be required for Grace after meals.

Talmud - Mas. Pesachim 118a

What is 'THE GRACE OF SONG'? Rab Judah said: 'They shall praise Thee, O Lord our God'; while R. Johanan said: 'The breath of a living [etc.]'¹

Our Rabbis taught: At the fourth he concludes the Hallel and recites the great Hallel this is the view of R. Tarfon. Others say: The Lord is my shepherd; I shall not want.'² What comprises the

great Hallel? Rab³ Judah said: From 'O give thanks' until 'the rivers of Babylon.'⁴ While R. Johanan said: From 'A song of ascents' until 'the rivers of Babylon.'⁵ R. Aha b. Jacob said: From 'for the Lord hath chosen Jacob unto himself'⁶ until 'the rivers of Babylon.' And why is it called the great Hallel? — Said R. Johanan: Because the Holy One, blessed be He, sits in the heights of the universe and distributes food to all creatures.⁷

R. Joshua b. Levi said: To what do these twenty-six [verses of] 'Give thanks'⁸ correspond? To the twenty-six generations which the Holy One, blessed be He, created in His world; though He did not give them the Torah, He sustained them by His love.⁹

R. Hisda said:¹⁰ What is meant by the verse, O give thanks unto the Lord, for He is good?¹¹ Give thanks unto the Lord who exacts man's debts by means of His goodness:¹² the wealthy man through his ox and the poor man through his sheep,¹³ the fatherless through his egg and the widow through her fowl.

R. Johanan said: Man's sustenance involves twice as much suffering as [that of] a woman in childbirth. For of a woman in childbirth it is written, in pain [be-'ezeb — thou shalt bring forth children],¹⁴ whereas of sustenance it is written, in toil [be-'izzabon — shalt thou eat].¹⁵ R. Johanan also said: Man's sustenance is more difficult [to come by] than the redemption, for of redemption it is written, the angel who hath redeemed me from all evil,¹⁶ thus a mere angel [sufficed], whereas of sustenance it is written, the God who hath fed [shepherded] me.¹⁷ R. Joshua b. Levi said: When the Holy One, blessed be He, said to Adam, 'Thorns also and thistles shall it bring forth to thee,'¹⁸ tears flowed from his eyes, and he pleaded before Him, 'Sovereign of the Universe! Shall I and my ass eat out of the same crib!' But as soon as He said to him, 'In the sweat of thy face shalt thou eat bread,'¹⁹ his mind was set at rest. R. Simeon b. Lakish said: Happy are we that we did not remain subject to the first! Abaye observed: Yet we have still not [altogether] escaped from it, for we eat herbs of the field.²⁰

R. Shizbi said in the name of R. Eleazar b. 'Azariah: A man's sustenance is as difficult [to provide] as the dividing of the Red Sea, for it is written, Who giveth food to a flesh,²¹ and near it, To Him who divided the Red Sea in sunder.²²

R. Eleazar b. 'Azariah said: A man's excretory organs [when blocked up] are as painful as the day of death and [as difficult to overcome]²³ as the dividing of the Red Sea, for it is said, The prisoner hasteneth to be loosed; [and he shall not go down dying into the pit, neither shall his bread fail];²⁴ and that is followed by [For I am the Lord thy God,] who stirreth tip the sea, that the waves thereof roar.²⁵

Again. R. Shesheth said on the authority of R. Eleazar b. 'Azariah: He who despises the Festivals²⁶ is as though he engaged in idolatry, for it is said, Thou shalt make thee no molten gods,²⁷ which is followed by, The feast of unleavened bread shalt thou keep.²⁸

R. Shesheth also said on the authority of R. Eleazar b. 'Azariah: Whoever relates slander, and whoever accepts slander, and whoever gives false testimony against his neighbour, deserve to be cast to dogs, for it is said, ye shall cast to the dogs,²⁹ which is followed by, Thou shalt not take up a false report,³⁰ which may be read tashshi.³¹

Now since there is the great Hallel, why do we recite this one?³² Because it includes [a mention of] the following five things: The exodus from Egypt, the dividing of the Red Sea, the giving of the Torah [Revelation], the resurrection of the dead, and the pangs of Messiah.³³ The exodus from Egypt, as it is written, When Israel came forth out of Egypt;³⁴ as the dividing of the Red Sea: The sea saw it, and fled;³⁵ the giving of the Torah: The mountains skipped like rams;³⁶ resurrection of the

dead: I shall walk before the Lord [in the land of the living];³⁷ the pangs of Messiah: Not unto us, O Lord, not unto us.³⁸

R. Johanan also said: 'Not unto us, O Lord, not unto us' refers to the servitude to [foreign] powers. Others state, R. Johanan said: 'Not unto us, O Lord, not unto us' refers to the war of Gog and Magog.³⁹ R. Nahman b. Isaac said: [Hallel is recited] because it contains [an allusion to] the deliverance of the souls of the righteous from the Gehenna, as it is said, I beseech Thee, O Lord, deliver my soul.⁴⁰ Hezekiah said: Because it alludes to the descent of the righteous⁴¹ into the fiery furnace and their ascent from it. 'Their descent,' for it is written, Not unto us, O Lord, not unto us: [this] Hananiah said; 'But unto Thy name give glory' was said by Mishael; For Thy mercy, a rid for Thy truth's sake, by Azariah; Wherefore should the nations say?⁴² by all of them. 'Their ascent from the fiery furnace,' for it is written, O praise the Lord, all ye nations;⁴³ [this] Hananiah said; Laud Him, all ye peoples, was said by Mishael; For His mercy is great toward us,⁴⁴ by Azariah; 'And the truth of the Lord endureth for ever,' by all of them. Others maintain [that] it was Gabriel who said, 'And the truth of the Lord endureth for ever.' [For] when the wicked Nimrod cast our father Abraham into the fiery furnace, Gabriel said to the Holy One, blessed be He: 'Sovereign of the Universe! Let me go down, cool [it], and deliver that righteous man from the fiery furnace.' Said the Holy One, blessed be He, to him: 'I am unique in My world, and he is unique in his world: it is fitting for Him who is unique to deliver him who is unique. But because the Holy One, blessed be He, does not withhold the [merited] reward of any creature, he said to him, 'Thou shalt be privileged to deliver three of his descendants.'⁴⁵

R. Simeon the Shilonite lectured: When the wicked Nebuchadnezzar cast Hananiah, Mishael, and Azariah into the fiery furnace, Yurkami, Prince of hail,⁴⁶ rose before the Holy One, blessed be He, and said to Him: 'Sovereign of the Universe! Let me go down and cool the furnace and save these righteous men from the fiery furnace.' Said Gabriel to him, 'The might of the Holy One, blessed be He, is not thus [manifested], for thou art the Prince of hail, and all know that water extinguishes fire. But I, the Prince of fire, will go down and cool it within

(1) V. P. B. p. 125.

(2) Ps. XXIII.

(3) Text as read by Asheri.

(4) I.e., Ps. CXXXVII.

(5) Ps. CXX-CXXXIV all bear the superscription 'A song of ascents.' Hence he probably means Ps. CXX-CXXXVI.

(6) Ps. CXXXV. 4

(7) The subject matter of Ps. CXXXVI, 25-26. Which is a great thing indeed, and for that He is praised by the reciting of the great Hallel.

(8) Ps. CXXXVI contains twenty-six verses, each of which expresses gratitude to God.

(9) There were twenty-six generations from Adam until Moses. These, lacking the Torah, could not be sustained through their own merit but only through God's love.

(10) Var. lec.: R. Joshua b. Levi also said.

(11) Ps. CXXXVI, 1 .

(12) I.e., from what He has granted to man.

(13) When people must suffer loss in expiation of wrong, the loss is regulated according to their means.

(14) Gen. III, 16.

(15) Ibid. 17 'Izzabon is more emphatic than 'ezeb (both belong to the same root), and therefore denotes greater suffering.

(16) Gen. XLVIII, 16.

(17) Ibid. 15.

(18) Gen. III, 18.

(19) Ibid. 19.

(20) Wild herbs. The translation is that of the amended text given in the margin. [Cur. edd.: 'Happy were we had we

remained subject to the first,' that is, and thus been spared the sweat of the brow in search for a livelihood. Thereupon Abaye observes — we still retain part of this advantage in that there are wild herbs which provide food without toil.]

(21) Ps. CXXXVI, 25.

(22) Ibid. 13.

(23) The Heb. קשה has both meanings.

(24) Isa. LI, 14.

(25) Ibid. 15. This is understood as an allusion to the dividing of the Red Sea.

(26) The Intermediate Days of the Festival, doing unnecessary work thereon (Rashi).

(27) Ex. XXXIV, 17.

(28) Ibid. 18.

(29) Ex. XXII, 30.

(30) Ex. XXIII, 1.

(31) [תשיא from rt. meaning 'to entice', 'induce', 'mislead', hence attempting to influence the judge to one side by bearing false testimony against another person. v. Sanh., Sonc. ed. p. 31 n. 10]. Rashbam deletes this phrase, holding that the whole follows from the verse as it stands.

(32) Viz., Ps. CXIII-CXVIII.

(33) I.e., the suffering which must precede his coming.

(34) Ibid. CXIV, 1.

(35) Ibid. 3.

(36) Ibid. 4; cf. Judg. V. 4f.

(37) Ps. CXVI, 9.

(38) Ibid. CXV, 1. This is now interpreted as a prayer to be spared the great distress of that time; cf. Sanh. 97a.

(39) V. Ezek. XXXVIII and Sanh., Sonc. ed. p. 630. n. 7.

(40) Ps. CXVI, 4.

(41) Hananiah, Mishael and Azariah.

(42) Ps. CXV, 2.

(43) Ps. CXVII, 1.

(44) Ibid. 2.

(45) And when that promise was fulfilled, Gabriel said 'and the truth' etc.

(46) The presiding genius over hail-storms.

Talmud - Mas. Pesachim 118b

and heat it without,¹ and will thus perform a double miracle.² Said the Holy One, blessed be He, to him, 'Go down.' It was then that Gabriel commenced [with praise] and said, 'And the truth of the Lord endureth for ever.'

R. Nathan said: it was the fish in the sea who said, 'and the truth of the Lord endureth for ever,' this being in accordance with R. Huna. For R. Huna said: The Israelites of that generation [sc. of the Egyptian exodus] were men of little faith, and as Rabbah b. Mari expounded: What is taught by the verse, But they were rebellious at the sea, even at the Red Sea?³ This teaches that in that moment the Israelites were rebellious and said: Just as we ascend at one side [of the sea] so do the Egyptians ascend from another. Whereupon the Holy One, blessed be He, ordered the Prince of the Sea,⁴ 'Spue them forth on to the dry land.' Said he to Him, 'Sovereign of the Universe! Does a master make a gift to his servant and then take it back from him!' 'I will give you one and a half times their number,' He replied. 'Sovereign of the Universe, he pleaded, 'can a servant claim [a debt] from his Master!' 'Let the brook of Kishon be surety for Me,' He answered. Straightway he spewed them forth on to the dry land, and Israel came and saw them, as it is said, and Israel saw the Egyptians dead on the sea-shore.⁵

What is [this allusion to] 'one and a half times their number'? For in the case of Pharaoh it is written, [and he took] six hundred chosen chariots,⁶ whereas in the case of Sisera it is written, [And

Sisera gathered . . .] nine hundred chariots of iron.⁷ When Sisera came [to fight Israel] he advanced against them with iron staves. Thereupon the Holy One, blessed be He, brought forth the stars out of their orbits against them, as it is written, The stars in their courses fought against Sisera.⁸ As soon as the stars of heaven descended upon them they heated those iron staves . So they went down to cool them and to refresh themselves in the brook of Kishon. Said the Holy One, blessed be He, to the brook of Kishon, ‘Go and deliver your pledge.’ Straightway the brook of Kishon swept them out and cast them into the sea, as it is said, The brook Kishon swept them away, that ancient brook.⁹ What does ‘that ancient brook’ mean? The brook that became a surety in ancient times. In that hour the fish in the sea opened [their mouths] and exclaimed, ‘and the truth of the Lord endureth for ever.’

R. Simeon b. Lakish said, What means ‘Who maketh the barren woman [‘akereth] to dwell in her house’?¹⁰ The congregation of Israel said before the Holy One, blessed be He, ‘Sovereign of the Universe! Thy sons have made me like a weasel that dwells in the vaults [‘ikare]¹¹ of houses.’¹²

Raba lectured, What means, I love that the Lord should hear [my voice and my supplications]?¹³ The congregation of Israel said: Sovereign of the Universe! When am I loved by Thee? When Thou hearest the voice of my supplications. I was brought low [dallothi], and He saved me.¹⁴ The congregation of Israel spoke before the Holy One, blessed be He, Sovereign of the Universe! Though I am poor [dallah] in religious deeds, yet I am Thine, and it is fitting that I should be saved.

R. Kahana said: When R. Ishmael son of R. Jose fell sick, Rabbi sent to him: Tell us two or three things which you have said to us in your father's name. He sent back to him, Thus did my father say: What is meant by the verse, O praise the Lord, all ye nations:¹⁵ What business have the nations of the world here?¹⁶ This is its meaning: ‘O praise the Lord, all ye nations’ for the mighty and wondrous deeds which He wrought for them; all the more we, since ‘His mercy is great toward us.’ Furthermore [he sent word to him]: Egypt is destined to bring a gift to the Messiah. He will think not to accept it from them, but the Holy One, blessed be He, will instruct him, ‘Accept it from them: they furnished hospitality to My children in Egypt.’ Immediately, ‘Nobles shall come out of Egypt [bringing gifts].¹⁷ Then Ethiopia shall argue with herself: If those [the Egyptians] who enslaved them are thus [treated], how much the more we, who did not enslave them! At that the Holy One, blessed be He, shall bid him: ‘Accept it from them.’ Straightway, ‘Ethiopia shall hasten to stretch out her hands unto God.’¹⁸ Then shall the wicked Roman State argue with herself: If those who are not their brethren are thus [accepted], how much the more we, their brethren.¹⁹ But the Holy One, blessed be He, will say to Gabriel: Rebuke the wild beast of the reeds [kaneh]; the multitude of [‘adath] the bulls:²⁰ rebuke the wild beast [Rome] and take thee possession [keneh] of the congregation [‘edah].²¹ Another interpretation: rebuke the wild beast of the reeds, i.e.. that dwells among the reeds, as it is written, The boar out of the wood doth ravage it, that which moveth in the field feedeth on it.²² R. Hiyya b. Abba interpreted it in R. Johanan's name: Rebuke the wild beast all of whose actions may be recorded with the same pen.²³ ‘The multitude of the bulls [abbirim], with the calves of the people’:²⁴ that means that they slaughtered the valiant [abbirim] like calves which have no owners.²⁵ ‘Everyone opening his hand with the desire of money’:²⁶ they stretch out their hand to accept the money, but do not carry out its owners’ wishes. ‘He hath scattered the people that delight in approaches’: what caused Israel to be scattered among the nations? The approaches [to the nations] which they desired.²⁷

He also sent to him: There are three hundred and sixty five thoroughfares in the great city of Rome, and in each there were three hundred and sixty five palaces; and in each palace there were three hundred and sixty five storeys,²⁸ and each storey contained sufficient to provide the whole world with food.²⁹ R. Simeon b. Rabbi asked Rabbi — others say, R. Ishmael son of R. Jose asked Rabbi — For whom are all these [other storeys]? — For you, your companions and acquaintances, as it is said, And her gain and her hire shall be holiness to the Lord,’ it shall not be stored nor treasured; for her gain shall be for them that dwell before the Lord.³⁰ What does ‘it shall not be stored’ mean?

— R. Joseph learned: 'It shall not be stored' refers to a storehouse [granary]; 'nor treasured,' to a treasure house.³¹ What means 'for them that dwell before the Lord'? — Said R. Eleazar:

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- (1) To burn those who threw them into it; cf. Dan. III, 22.
(2) Lit., 'a miracle within a miracle.'
(3) Ps. CVI, 7.
(4) According to ancient beliefs the sea, like the elements in general, were in charge of particular angels.
(5) Ex. XIV, 30.
(6) Ibid. 7.
(7) Judg. IV, 13.
(8) Ibid. V, 20.
(9) Ibid. 21.
(10) Ps. CXIII, 9.
(11) Lit., 'root', 'foundations' hence 'vaults'.
(12) The congregation of Israel is personified here as a woman, as often, and she complains that through the sins of her less worthy children she is ashamed of the daylight but must hide like the weasels in the dark vaults of houses.
(13) Ps. CXVI, 1.
(14) Ibid. 6.
(15) Ibid. CXVII 1.
(16) Why should they praise God because 'His mercy is great toward us' (ibid. 2)?
(17) Ps. LXVIII, 32.
(18) Ibid.
(19) Rome was always identified with Edom, the state built by Esau's descendants; v. Gen. XXXV, 1.
(20) Ps. LXVIII, 31.
(21) I.e., Israel.
(22) Ps. LXXX, 14. Kaneh is now interpreted as the cane reeds of the forest, the boar (or, swine) being Rome. This interpretation is probably connected with the midrash that when Solomon married Pharaoh's daughter an angel planted a large reed in the sea whereon Rome was built (Midrash Rabbah on Cant. 1, 6).
(23) Kaneh is now connected with the same word meaning feather, quill. — All their activities are of the same nature — evil to Israel.
(24) Ps. LXVIII, 31.
(25) To protect them.
(26) Reading mithrapas as mattir pas — the letters are almost the same — opening the hand, and connecting raze with rason, desire; the money that is given to ensure the fulfilment of one's wishes. E.V.: Every one submitting himself with pieces of silver.
(27) Maharsha retains the natural translation 'war': had they submitted to Nebuchadnezzar and Titus at the first and second Temples respectively, instead of desiring war, they would not have gone into exile.
(28) מַעְלֵה means a stairway, and is probably to be understood as in the text.
(29) Maharsha: The number three hundred and sixty five is symbolic, because the Gentiles depend on the solar year of three hundred and sixty five days.
(30) Isa. XXIII, 18.
(31) I.e., of gold and silver.

Talmud - Mas. Pesachim 119a

They who recognize their colleagues' place in the academy. Others state, R. Eleazar said: They who welcome their colleagues in the academy.¹ What does 'and for stately clothing' [li-mekasseh 'athik]² mean? That refers to him who 'conceals' [mekasseh] the things which the Ancient ['athik] of days³ concealed. And what is that? The secrets of the Torah.⁴ Others explain: That refers to him who reveals the things which the Ancient of days concealed [kissah]. And what is it? The reasons of the Torah.⁵

R. Kahana said on the authority of R. Ishmael b. R. Jose: What is meant by, 'For the leader [la-menazzeah]: a Psalm of David?⁶ Sing praises to Him who rejoices when they conquer Him.⁷ Come and see how the character of the Holy One, blessed be He, is not like that of mortal man. The character of mortal man is such that when he is conquered he is unhappy, but when the Holy One is conquered He rejoices, for it is said, Therefore He said that He would destroy them, had not Moses His chosen stood before Him in the breach, [to turn back His wrath].⁸

R. Kahana said on the authority of R. Ishmael son of R. Jose, and our Rabbis said in the name of R. Judah Nisi'ah:⁹ What is implied by the verse, And they had the hands of a man under their wings?¹⁰ Yado [his hand] is written:¹¹ this refers to the Hand of the Holy One, blessed be He, which is spread out under the wings of the Hayyoth,¹² in order to accept penitents [and shield them] from¹³ the Attribute of Justice.¹⁴ Rab Judah said in Samuel's name: All the gold and silver in the world Joseph gathered in and brought to Egypt, for it is said, And Joseph gathered up all the money that was found [in the land of Egypt, and in the land of Canaan].¹⁵ Now I know it only about that of Egypt and Canaan; whence do we know it about that of other countries? Because it is stated, And all the countries came unto Egypt [to Joseph to buy corn].¹⁶ And when the Israelites migrated from Egypt they carried it away with them, for it is said, and they despoiled the Egyptians.¹⁷ R. Assi said: They made it like a trap in which there is no corn;¹⁸ R. Simeon b. Lakish said: Like a pond without fish.¹⁹ Thus it [the treasure] lay until Rehoboam, when Shishak king of Egypt came and seized it from Rehoboam, for it is said, And it came to pass in the fifth year of king Rehoboam, that Shishak king of Egypt came up against Jerusalem; and he took away the treasures of the house of the Lord, and the treasures of the king's house.²⁰ Then Zerah, king of Ethiopia, came and seized it from Shishak; then Assa came and seized it from Zerah king of Ethiopia and sent it to Hadrimon the son of Tabrimon. The Ammonites came and seized it from Hadrimon the son of Tabrimon. Jehoshaphat came and seized it from the Ammonites, and it remained so until Ahaz, when Sennacherib came and took it from Ahaz. Then Hezekiah came and took it from Sennacherib, and it remained thus until Zedekiah, when the Babylonians [Chaldeans] came and seized it from Zedekiah. The Persians came and took it from the Chaldeans; the Greeks came and took it from the Persians. The Romans came and took it from the Greeks, and it is still lying in Rome.

R. Hama son of R. Hanina said: Three treasures did Joseph hide in Egypt: one was revealed to Korah; one to Antoninus the son of Severus;²¹ and the third is stored up for the righteous for the future time.

Riches kept by the owner thereof to his hurt:²² R. Simeon b. Lakish said: This refers to Korah's wealth. And a the substance that was at their feet.²³ R. Eleazar said: This refers to a man's wealth, which puts him on his feet. R. Levi said: The keys of Korah's treasure-house were a load for three hundred white mules,²⁴ though all the keys and locks were of leather.²⁵

(Mnemonic: Diyash, ADYish, Kashdek, me-Odeka)²⁶ R. Samuel b. Nahmani said in R. Jonathan's name: I will give thanks unto Thee, for Thou hast answered me²⁷ was said by David; The stone which the builders rejected is become the chief corner-stone;²⁸ by Yishai [Jesse]; This is the Lord's doing,²⁹ by his brothers; This is the day which the Lord hath made³⁰ by Samuel. We beseech 'Thee, O Lord, save now!³¹ was said by his brothers: We beseech Thee, O Lord, make us now to prosper! by David; Blessed be he that cometh in the name of the Lord,³² by Jesse; We bless you out of the house of the Lord,³² by Samuel; The Lord is God, and hath given us light,³³ by all of them; Order the festival procession with boughs, by Samuel; Thou art my God, and I will give thanks unto Thee,³⁴ by David; Thou art my God, I will exalt Thee, by all of them.

We learned elsewhere: Where it is the practice

(1) I.e.. who treat them in a friendly fashion. Maharsha: who are among the earliest, so that they can greet their

colleagues who arrive latter.

(2) This completes the verse.

(3) God; v. Dan. VII, 13.

(4) Esoteric teaching, which was to be confined to the few.

(5) It is meritorious to investigate the reasons of Scriptural laws.

(6) This is the superscription of a number of psalms; 'menazzeah is derived from nazzeah, to be victorious.

(7) I.e., prevail upon Him to rescind intended punishment. La-menazzeah is now understood in a causative sense: to Him who makes men victorious.

(8) Ps. CVI, 23.

(9) The Prince. I.e., R. Judah II, — The text is as emended in the margin.

(10) Ezek. I, 8.

(11) Instead of yede, the hands of.

(12) Lit., 'living creatures' — the angels that bore the Divine Chariot, as described in Ezek. I.

(13) Var. lec.: on account of.

(14) Justice, Mercy. etc., are often hypostasized.

(15) Gen. XLVII, 14.

(16) Ibid. XLI, 57.

(17) Ex. XII, 36.

(18) To attract the birds. Bird-traps were set with corn. [Aliter: Like a fortress without corn (pro. visions). Var. lec.: like a net without fish.]

(19) Var. lec. (v. D.S.): like husks without grain.

(20) I Kings XIV, 25f.

(21) On his identity v. Sanh., Sonc. ed. p. 610 n.7.

(22) Eccl. V, 12.

(23) Deut. XI, 6.

(24) This of course is not to be taken literally.

(25) Instead of metal, so as to be light in weight, yet they were such a load.

(26) D == David; Y == Yishay (Jesse); A == Ehaw (his brothers); Sh == Shemuel (Samuel), K == kulan (all of them); me-Odeka == on the passage commencing Odeka, 'I will give thanks unto Thee'.

(27) Ps. CXVIII, 21.

(28) Ibid. 22.

(29) Ibid. 23.

(30) Ibid. 24.

(31) Ibid. 25.

(32) Ibid. 26.

(33) Ibid. 27.

(34) Ibid. 28.

Talmud - Mas. Pesachim 119b

to repeat,¹ he must repeat; to recite it once only,² he must recite them once only; to pronounce a blessing after it [sc. the Hallel], he must pronounce a blessing upon it: it all depends on local custom. Abaye observed: This was taught only [about a blessing] after it, but a blessing before it is obligatory, for Rab Judah said in Samuel's name: A blessing must be recited for a religious duties before ['ober] they are performed. How is it implied that 'ober connotes priority? — Said R. Nahman b. Isaac: Because it is written, Then Ahimaaz ran by the way of the Plain, and overran [wa-ya'abor, i.e., ran before] the Cushite.³ Abaye said: [It follows] from this: And he himself passed over ['abar] before them.⁴ Others quote the following: And their king is passed on [wa-ya'abor] before them, and the Lord at the head of them.⁵

It was taught: Rabbi repeated [certain] verses of i⁶ [sc. Hallel]; R. Eleazar b. Perata added passages⁷ to it. What did he add? Said Abaye: He added [passages] for repetition from 'I will give

thanks to thee' and onwards.

R. 'Awira lectured, Sometimes stating it in R. Ammi's, Sometimes in R. Assi's name: What is meant by. And the child grew, and was weaned [wa-yiggamel]?⁸ The Holy One, blessed be He, will make a great banquet for the righteous on the day He manifests [yigmol] His love to the seed of Isaac.⁹ After they have eaten and drunk, the cup of Grace¹⁰ will be offered to our father Abraham, that he should recite Grace, but he will answer them, 'I cannot say Grace, because Ishmael issued from me. Then Isaac will be asked, 'Take it and say Grace.' 'I cannot say Grace,' he will reply, 'because Esau issued from me.' Then Jacob will be asked: 'Take it and say Grace.' 'I cannot say Grace,' he will reply. 'because I married two sisters during [both] their lifetimes, whereas the Torah was destined to forbid them to me. Then Moses will be asked, 'Take it and say Grace.' 'I cannot say Grace, because I was not privileged to enter Eretz Yisrael either in life or in death.' Then Joshua will be asked: 'Take it and say Grace.' 'I cannot say Grace,' he will reply, 'because I was not privileged to have a son,' for it is written, Joshua the son of Nun;¹¹ Nun his son, Joshua his son.¹² Then David will be asked: 'Take it and say Grace.' 'I will say Grace, and it is fitting for me to say Grace,' he will reply, as it is said, I will lift up the cup of salvation, and call upon the name of the Lord.¹³ MISHNAH. ONE MAY NOT CONCLUDE AFTER THE PASCHAL MEAL [BY SAYING]. 'NOW TO THE ENTERTAINMENT! [APIKOMAN].'¹⁴

GEMARA. What does APIKOMAN mean? Said Rab: That they must not remove from one company to another.¹⁵ Samuel said: E.g., mushrooms for myself and pigeons for Abba.¹⁶ R. Hanina b. Shila and R. Johanan said: E.g., dates, parched ears of corn, and nuts. It was taught as R. Johanan: You must not conclude after the Paschal meal with e.g., dates, parched ears, and nuts.

Rab Judah said: One may not conclude after the [last] unleavened bread [is eaten]¹⁷ by saying, 'Now to the entertainment!' We learned: YOU MAY NOT CONCLUDE AFTER THE PASCHAL MEAL [BY SAYING], 'NOW TO THE ENTERTAINMENT!' Thus it is forbidden only after the Paschal meal, but you may conclude [thus] after the unleavened bread? — He proceeds to a climax:¹⁸ After the unleavened bread it need not be stated, since its taste is not substantial;¹⁹ but [I might think] that there is no objection after the Paschal lamb, whose taste is substantial and cannot [easily] be wiped out. Hence he [the Tanna] informs us [otherwise].

Shall we say that this supports him: [As for] sponge cakes, honey-cakes and iskeritin,²⁰ a man may fill his stomach with them, providing that he eats as much as an olive of unleavened bread at the end. [This implies], only at the end,

(1) Certain verses at the end of Hallel, viz., Ps. CXVIII, 21-29. Every verse of the rest of the Psalm is repeated in the text, either actually or by parallelism, and therefore these four verses are repeated when they are recited.

(2) Lit., 'to (say it) straight off.'

(3) II Sam. XVIII, 23.

(4) Gen. XXXIII, 3.

(5) Mic. II, 13.

(6) [Rashi(Suk. 39a): 'from "We beseech thee, O Lord, etc." onwards.']

(7) [I.e., to those repeated by Rabbi (Rashi loc. cit.)].

(8) Gen. XXI, 8: the verse continues: And Abraham made a great feast on the day that Isaac was weaned.

(9) I.e., when Israel is vindicated and his glories restored.

(10) The cup of wine over which Grace after meals is recited.

(11) Num. XIV, 38 et passim.

(12) I Chron. VII, 27. This occurs in the genealogical lists, and since it is not carried beyond Joshua, we must assume that he was not blessed with a son.

(13) Ps. CXVI, 13.

(14) Gr. **.

(15) V. Supra 86a for notes.

(16) I.e., Rab. Rab and Samuel used to eat pigeons and mushrooms respectively after the meal, as desert, and Samuel says that this must not be done after the Paschal meal. Thus his interpretation (and R. Johanan's which follows) is stricter than Rab's. For Rab only forbids further eating elsewhere, whereas Samuel forbids it in the same place.

(17) I. e., nowadays at the end of the meal in memory of the Paschal lamb.

(18) Lit., 'he says, it is unnecessary'.

(19) He must finish the meal with the taste of the Paschal lamb and the unleavened bread predominant in his mouth. Now the taste of the latter is not substantial and enduring, and therefore it is superfluous to teach that nothing may be eaten after it.

(20) V. Supra 37a. These are regarded as 'rich mazzah' and therefore the duty of eating mazzah, which must be 'bread of affliction (poverty)' cannot be discharged with them.

Talmud - Mas. Pesachim 120a

but not at the beginning!¹ — [No:] He proceeds to a climax. [If he eats it] at the beginning it goes without saying [that his duty is discharged], since he eats it with an appetite; but at the end, [where] he may come to eat it as mere gorging, I might say that he does not [do his duty]. Hence he [the Tanna] informs us [otherwise].

Mar Zutra recited it thus: R. Joseph said in Rab Judah's name in Samuel's name: One may conclude after the unleavened bread [by saying] 'Now to the entertainment.' Shall we say that this supports him: ONE MAY NOT CONCLUDE AFTER THE PASCHAL MEAL. [BY SAYING], 'NOW TO THE ENTERTAINMENT'; hence one may not conclude thus [only] after the Paschal lamb, yet one may conclude thus after the unleavened bread? — [No:] — He proceeds to a climax. After the unleavened bread it need not be stated, seeing that its taste is not substantial; but I would say [that it is] not so after the Paschal lamb; hence [the Tanna] informs us [otherwise]. An objection is raised: [As for] sponge-cakes, honey-cakes, and iskeritin, a man may fill his stomach therewith, providing that he eats as much as an olive of unleavened bread at the end. Thus it is only at the end, but not at the beginning? He proceeds to a climax: at the beginning, when he eats with an appetite, it is unnecessary [to teach it]; but at the end, where he may merely gorge, I might say [that it is] not [permitted]; hence [the Tanna] informs us [that it is].

Raba said: [The eating of] unleavened bread nowadays is a Scriptural obligation, whereas [that of] bitter herbs is Rabbinical. Yet wherein do bitter herbs differ? Because it is written, they shall eat it [the Passover-offering] with unleavened bread and bitter herbs,² [which implies], when [the law of] the Passover-offering is in force, [that of] bitter herbs is in force, and when the Passover-offering is not in force, bitter herbs are not required either! Then in the case of unleavened bread too, surely it is written, 'they shall eat it with unleavened bread and bitter herbs'? — Scripture indeed repeated [the precept] in the case of unleavened bread: at even ye shall eat unleavened bread.³ But R. Aha b. Jacob maintained: Both the one and the other are [only] Rabbinical. But surely it is written, 'at even ye shall eat unleavened bread'? — That is required in respect of an unclean person and one who was on a journey afar off.⁴ For you might argue: Since they cannot eat of the Passover-offering, they need not eat unleavened bread or bitter herbs either; hence [the verse] informs us [otherwise]. And Raba?⁵ — He can answer you: In respect of an unclean person and one who was on a journey afar off a verse is not required, for they are no worse than an uncircumcised person and an alien.⁶ For it was taught: No uncircumcised person shall eat thereof:⁷ 'thereof' he may not eat, but he must eat unleavened bread and bitter herbs. And the other?⁸ — It is written in the case of the one [the uncircumcised etc.] and it is written in the case of the other [the unclean etc.], and they are both necessary.⁹

It was taught in accordance with Raba: Six days thou shalt eat unleavened bread, and on the seventh day shall be a solemn assembly to the Lord thy God:¹⁰ just as [on] the seventh day [the

eating of unleavened bread] is voluntary,¹¹ so [on] the six days it is voluntary. What is the reason?¹² Because it is something which was included in the general law and then excluded from the general law, in order to illumine [other cases], [which means that] it was excluded not in order to throw light upon itself, but in order to throw light upon the entire general law.¹³ You might think that on the first night too it is [merely] voluntary; therefore it is stated, 'they shall eat it with unleavened bread and bitter herbs.' I know this only when the Temple is in existence; whence do we know it when the Temple is not in existence? From the verse, 'at even ye shall eat unleavened bread': thus the Writ made it a permanent obligation.

MISHNAH. IF SOME OF THEM¹⁴ FELL ASLEEP, THEY MAY EAT [WHEN THEY AWAKE]; IF ALL OF THEM FELL ASLEEP THEY MUST NOT EAT.¹⁵

(1) And the presumed reason is because nothing may be eaten after the last unleavened bread.

(2) Num. IX, 11.

(3) Ex. XII, 18. Bah (on the basis of Tosaf. in Kid. 37b) suggests that the following verse should be quoted instead: in all your habitations shall ye eat unleavened bread (ibid. 20).

(4) But who will be fit by the evening.

(5) Does he not admit this? and if he does, on what grounds does he differentiate between unleavened bread and bitter herbs?

(6) I.e., one who does not observe Jewish law; v. supra, p. 131, n. 5.

(7) Ex. XII, 48.

(8) R. Aha b. Jacob: how does he answer this?

(9) An unclean person etc. cannot be deduced from an 'alien,' for since the former will observe the second Passover a month hence, I would argue that he can then discharge his obligation of eating unleavened bread and bitter herbs too. But an 'alien' will not have that opportunity, and therefore he is naturally bound to eat the unleavened bread and the bitter herbs now. By the same reasoning, if there were only one verse, I would apply it to the latter, but not to the former.

(10) Deut. XVI, 8.

(11) But not obligatory.

(12) Why do I interpret it thus, seemingly in contradiction to the literal meaning?

(13) This is a principle of exegesis. Now the general rule is stated: seven days shall ye eat unleavened bread (Ex. XII, 15); when the seventh is excluded by the verse, 'six days' etc, this throws light not on the seventh alone, but upon the whole period, teaching that the eating of unleavened bread therein is voluntary.

(14) Sc. of a company at a Passover meal.

(15) In the latter case they have ceased to think about the Paschal lamb; when they awake it is as though they would eat in two different places, sleep breaking the continuity of action and place, and thus it is forbidden.

Talmud - Mas. Pesachim 120b

R. JOSE SAID: IF THEY FELL, INTO A LIGHT SLEEP, THEY MAY EAT; IF THEY FELL FAST ASLEEP, THEY MUST NOT EAT.¹ THE PASSOVER-OFFERING DEFILES ONE'S HANDS AFTER MIDNIGHT;² PIGGUL AND NOTHAR DEFILE ONE'S HANDS.

GEMARA. R. JOSE SAID: IF THEY FELL INTO A LIGHT SLEEP, THEY MAY EAT; IF THEY FELL FAST ASLEEP, THEY MUST NOT EAT. What condition is meant by 'A LIGHT SLEEP'? Said R. Ashi: A sleep which is not sleep, a wakefulness which is not wakefulness. E.g., if he answers when called, cannot make a reasoned statement, yet recollects when reminded. Abaye was sitting [at the Passover meal] before Rabbah. Seeing him dozing he remarked to him, 'You, sir, are sleeping.'³ 'I was merely dozing,' replied he, 'and we have learnt: 'IF THEY FELL INTO A LIGHT SLEEP, THEY MAY EAT; IF THEY FELL, FAST ASLEEP', THEY MUST NOT EAT.'

THE PASSOVER-OFFERING DEFILES ONE'S HANDS AFTER MIDNIGHT etc. This proves that from midnight it is nothar. Which Tanna [holds thus]? — Said R. Joseph. It is R. Eleazar b.

‘Azariah. For it was taught: And they shall eat the flesh in that night.’⁴ R. Eleazar b. ‘Azariah said: ‘In that night’ is stated here, while elsewhere it is stated, For I will go through the land of Egypt in that night;⁵ just as there it means midnight, so here too [they may eat the Passover-offering] until midnight.⁶ Said R. Akiba to him: Yet surely it is already stated, [and ye shall eat it] in haste,⁷ [implying] until the time of haste.⁸ If so, what is taught by ‘in [that] night?’ You might think that it can be eaten like [other] sacrifices, [viz.,] by day: therefore it is stated, ‘in [that] night’: it is eaten by night, but it may not be eaten by day. Now how does R. Akiba employ ‘that [night]’? He utilizes it as excluding a second night. For I might argue. Since the Passover-offering is a sacrifice of lesser sanctity,⁹ and the peace-offering is a sacrifice of lesser sanctity, the just as the peace-offering is to be eaten two days and one night, so in the case of the Passover-offering, I will substitute nights for days,¹⁰ and it may be eaten two nights and one day. Therefore the Divine Law wrote ‘that [night]’. And R. Eleazar b. ‘Azariah?¹¹ — He can answer you: That is deduced from, and ye shall let nothing of it remain until the morning.¹² And R. Akiba?¹³ — He can answer you: Had not the Divine Law written ‘that [night]’. I would have said, what does ‘morning’ mean? the second morning. Then what of R. Eleazar b. ‘Azariah? — He can answer you: Wherever ‘morning’ is written, It means the first morning.¹⁴

Raba said: If a man eats unleavened bread after midnight nowadays, according to R. Eleazar b. ‘Azariah he does not discharge his duty.¹⁵ That is obvious, [for] since it is assimilated to the Passover-offering, it is like the Passover-offering? — You might say, surely the Writ¹⁶ excluded it from the analogy;¹⁷ hence he informs us that when the Writ restores it, it restores it to its original state.¹⁸

PIGGUL AND NOTHAR DEFILE ONE'S HANDS. R. Huna and R. Hisda — one maintains: It is on account of suspected priests; while the other said: It is on account of the lazy priests. One maintained: As much as an olive [defiles]; while the other said: [At least] as much as an egg.

(1) This distinction refers to the first clause, when only some of them fell asleep.

(2) Because it is then nothar, q.v. Glos.

(3) This happened while he was eating the unleavened bread at the end of the meal, and Abaye meant that he might not continue now.

(4) Ex. XII, 8.

(5) Ibid. 12.

(6) After which it is nothar.

(7) Ibid. 11.

(8) I.e., when they had to make haste to leave Egypt, which was in the morning.

(9) V. p. 108, n. 2.

(10) This is necessary, since its main eating is at night.

(11) How does he refute this argument?

(12) Ex. XII, 10.

(13) Does he not admit this?

(14) Cf. supra 71a and b.

(15) Since he holds that the Passover-offering may not be eaten after midnight, while as stated supra 120a unleavened bread is assimilated to the Passover-offering.

(16) I.e., the verse ‘at even ye shall eat unleavened bread’.

(17) In that unleavened bread is declared obligatory nowadays despite the absence of the paschal lamb, v. supra 120a.

(18) V. supra 120a. I.e., once the Writ teaches that unleavened bread nowadays is obligatory, notwithstanding the analogy, it becomes assimilated to the paschal-offering in respect of the hours during which the obligation can be discharged.

One taught in reference to piggul, while the other taught in reference to nothar. He who taught in reference to piggul [gave the reason as being] on account of the suspected priests. While he who taught in reference to nothar [gave the reason as being] on account of the lazy priests. One said: As much as an olive [defiles]; while the other said: [At least] as much as an egg. He who maintained, as much as an olive, [accepts the standard] as its prohibition; while he who rules, as much as an egg, [holds that the standard is the same as its uncleanness].¹

MISHNAH. IF HE RECITED THE BLESSING FOR THE PASSOVER-OFFERING, HE THEREBY EXEMPTS THE [FESTIVAL] SACRIFICE; [BUT] IF HE RECITED THE BLESSING FOR THE SACRIFICE, HE DOES NOT EXEMPT THE PASSOVER-OFFERING: THIS IS THE VIEW OF R. ISHMAEL. R. AKIBA SAID: THE FORMER DOES NOT EXEMPT THE LATTER, NOR DOES THE LATTER EXEMPT THE FORMER.²

GEMARA. When you examine the matter, [you must conclude] that in R. Ishmael's opinion sprinkling [zerikah] is included in pouring [shefikah], but pouring is not included in sprinkling. Whereas in R. Akiba's opinion pouring is not included in Sprinkling, nor is sprinkling included in pouring.³ [

(1) V. supra 85b for notes on the whole passage.

(2) The 'sacrifice' referred to is the hagigah of the fourteenth (v. supra 69b). An appropriate blessing was recited before each.

(3) Rashbam: both R. Ishmael and R. Akiba hold that the blood of the Passover-offering must be poured out, i.e., the priest must stand quite close to the altar and gently pour the blood on to its base. But the blood of the hagigah requires sprinkling, i.e., from a distance and with some force'. Now R. Ishmael holds that if the blood of the hagigah is poured out instead of sprinkled, the obligation of sprinkling has nevertheless been discharged. Consequently, the blessing for the Passover-offering includes that of the hagigah, since in both the blood may be poured on to the base of the altar. But if the blood of the Passover-offering is sprinkled, the obligation has not been discharged: consequently the blessing for the hagigah, whose blood is normally sprinkled, does not exempt the Passover-offering. By the same reasoning we infer that in R. Akiba's view neither includes the other.

Talmud - Mas. Pesachim 121b

R. Simlai was present at a Redemption of the Firstborn,¹ He was asked: It is obvious that for the redemption of the firstborn it is the father who must recite the blessing, 'who hast sanctified us with Thy commandments and hast given us command concerning the redemption of the first born.' But as for the blessing, 'Blessed . . . who hast kept us alive and preserved us and enabled us to reach this season,' does the priest² recite it or the child's father? Does the priest recite the blessing, since the benefit redounds to him; or does the child's father recite it, since it is he who carries out a religious duty?³ He could not answer it, so he went and asked it at the schoolhouse, and he was told: The child's father recites both blessings. And the law is that the child's father recites both blessings.⁴

(1) V. Ex. XIII, 13; Num. XVIII, 16.

(2) Who receives the five shekels of redemption.

(3) The religious duty is primarily his, since any priest could receive the redemption money.

(4) Rashbam: this story is quoted here because the Mishnah too treats of two blessings.

Talmud - Mas. Yoma 2a

CHAPTER I

MISHNAH. SEVEN DAYS BEFORE THE DAY OF ATONEMENT THE HIGH PRIEST WAS REMOVED FROM HIS HOUSE TO THE CELL OF THE COUNSELLORS¹ AND ANOTHER PRIEST WAS PREPARED TO TAKE HIS PLACE IN CASE ANYTHING² HAPPENED TO HIM [THE HIGH PRIEST] THAT WOULD UNFIT HIM [FOR THE SERVICE]. R. JUDAH SAID: ALSO ANOTHER WIFE WAS PREPARED FOR HIM IN CASE HIS WIFE SHOULD DIE. FOR IT IS WRITTEN,³ AND HE SHALL MAKE ATONEMENT FOR HIMSELF AND FOR HIS HOUSE. 'HIS HOUSE THAT MEANS 'HIS WIFE'. THEY SAID TO HIM: IF SO THERE WOULD BE NO END TO THE MATTER.⁴

GEMARA. We learned elsewhere: Seven days before the burning of the [red] heifer⁵ the priest who was to burn the heifer was removed from his house to the cell in the north-eastern corner before the Birah.⁶ It was called the cell of the stone chamber.⁷ And why was it called the cell of the stone chamber? Because all its functions [in connection with the red heifer] had to be performed only in vessels made of either cobble-stones,⁸ stone or earthenware. What was the reason [for that restriction]? Since a tebul-yom⁹ was permitted to [perform the ceremony of] the heifer, as we have learnt:¹⁰ They [deliberately] rendered the priest ritually impure to remove [a false notion] from the minds of the Sadducees, who used to say: 'Only by those on whom the sun has set could it be performed', the Rabbis ordained that only vessels made of cobble-stones, stone, or earthenware which are immune to impurity — should be used in connection with the heifer, lest the ceremony thereof be treated slightly.¹¹

Why [was the ceremony performed] in the north-eastern corner? — Since the heifer was a sin-offering¹² and a sin-offering had to be sacrificed in the northern corner, whereas, on the other hand, it is written about the heifer,¹³ Towards the front of the tent of meeting,¹⁴ the Rabbis ordained [for the heifer] a cell in the northeastern corner, so that [the special importance of this ceremony] be clearly recognized.

What is Birah? — Rabbah b. Bar Hana in the name of R. Johanan said: There was a place on the Temple mount called Birah. Resh Lakish said: The whole sanctuary is called Birah, as it is written, And to build the Birah for which I have made provision.¹⁵

Whence is it proved¹⁶ that it is necessary to remove the priest [from his house]? — R. Minyumi b. Hilkiah in the name of R. Mahsiah b. Idi, in the name of R. Johanan said: The text reads:¹⁷ As hath been done this day, so the Lord hath commanded to do, to make atonement for you;¹⁸ the work la'asoth [to do] refers to the matter of the [red] heifer, the words lekapper 'alekem [to make atonement for you] refer to the work of the Day of Atonement. It is obvious that the whole of this text could not be taken as referring to the heifer, because of the words 'to atone' and the heifer has nothing to do with atonement. But let us assume that the whole text¹⁹ refers to the Day of Atonement? — They said [in answer to this suggestion]: One may infer from, the fact that the identical expression ziwvah [he commanded] is used.²⁰ Here²¹ it is written: The Lord ziwvah [commanded] to do,²² and there²³ it is written: This is the statute of the law which the Lord ziwvah [has commanded]:²⁴ just as in the latter [passage ziwvah] refers to the heifer, so does it in the former refer to the heifer, and just as the removal [of the priest is enjoined] in the one, so must the removal [of the priest apply] to the other.

(1) Parhedrin (Gr. **), assessors, counselors. V. infra 8b. [According to Abba Saul (Mid. V, 4 cf. Bertinoro a.l.) it was identical with the wood chamber on the south of the Temple Court. It has also been identified with the Chamber of Hewn Stones, the seat of the Sanhedrin. V. Buchler, *Das Synedrion*, p. 23ff]

- (2) Impurity.
- (3) Lev. XVI, 6.
- (4) His second wife too might die.
- (5) Num. XIX, 2.
- (6) The Temple. V. I Chron. XXIX, 1. J. Pes. 35a; Zeb. 119a.
- (7) [Mishnah Parah omits 'cell'.]
- (8) Or 'vessels made of dung'.
- (9) Lit., 'one who has bathed in the daytime (but must wait for sunset to be perfectly clean)'. The Sadducees would exclude him from service at either ceremony until after sunset.
- (10) Parah III, 7.
- (11) Due to the feeling that since a tebul-yom was admitted, its degree of sanctity may not be too high.
- (12) It is a 'hattath', this word meaning here purification, may also be translated as 'sin-offering'. Num. XIX, 9
- (13) Ibid. XIX, 4.
- (14) Lying east.
- (15) I Chron. XXIX, 19.
- (16) Both for the service of the Day of Atonement and the red heifer ceremony.
- (17) With reference to the seven days of the consecration of the Tabernacle in the wilderness.
- (18) Lev. VIII, 34.
- (19) Ibid.
- (20) On the Rabbinic inference from analogy, gezerah shawah, v. Glos.
- (21) In connection with the consecration ceremonies.
- (22) Lev. VIII, 34.
- (23) In connection with the red heifer.
- (24) Num. XIX, 2.

Talmud - Mas. Yoma 2b

But perhaps say that [the word] *ziwwah*¹ [he commanded] has reference to [the word] *ziwwah* which occurs in connection with the Day of Atonement,² since the verse reads,³ And he did as the Lord *ziwwah* [commanded] Moses?⁴ — One may infer from [the word] *ziwwah* used before conformity⁵ for another case in which *ziwwah* is used also before conformity,⁶ but one may not infer *ziwwah* is used before conformity⁵ for *ziwwah* used after conformity.⁷ Perhaps *ziwwah*¹ has reference to sacrifices,⁸ for it is written, On the day when the Lord *zawwotho*⁹ [commanded] the children of Israel?¹⁰ — One may fitly infer *ziwwah*⁶ from *ziwwah*,⁵ but one may not infer *zawwotho*¹¹ from *ziwwah*.¹² But what does it matter? Did not the school of R. Ishmael teach that [in the verse], The priest shall return or the priest shall come in,¹³ 'returning' and 'coming in' mean one and the same thing?¹⁴ — These words [of the school of R. Ishmael] apply only when there is no identical word,¹⁵ but where such a similar word is used, the inference may be made only on the basis of absolute identity of expression. — [We stated above that the word] '*lekapper*' [to atone] has reference to the Day of Atonement. May it not refer [also]¹⁶ to the atonement resulting from a sacrifice?¹⁷ — How could we know which priest would happen to perform the sacrifice so that he would have to be removed [from his house]?¹⁸ But why should we not really have to postulate such separation for the whole priestly division?¹⁹ — It is proper to make inference from something for which a definite time is appointed²⁰ for something which similarly is fixed for a definite time.²¹ That excludes any inference [from the consecration of the priest, an annual event] to sacrifices which are offered up every day.²² Perhaps [the reference is to] the [three] festivals?²³ — One may infer something which takes place but once a year²⁴ from something else which took place but once a year, but inference for these festivals is excluded since they do not take place but once a year. Perhaps [the reference is] to one festival.²⁵ And if you would answer [by saying], We would not know to which [it has reference], [it would be] either the festival of Passover, which Scripture always mentions²⁶ [as the first of the three], or the feast of Sukkoth, because a great number of commandments apply to it!²⁷ -The point is, however, that you may infer the [law of the priest's] removal [from his house] for seven days before

the service which he is to perform on one day²⁸ from [another case in which the priest is] removed also for seven days for the service of one day;²⁹ but one may not fitly infer that [a priest must be] removed for seven days for the service of seven³⁰ days from the fact that a law exists obliging [the priest's] removal for seven days for the service of one day.²⁹ Yet perhaps [the reference is to] the Eighth Day³¹ because there would be a service of only one day? — One may infer [laws concerning] a day which is not immediately preceded by another [festival] sanctity²⁸ from another day,²⁹ which similarly is not preceded by other [festival] sanctity,²⁹ but one may not infer for a day preceded by [festival] Sanctity³² from a day unpreceded by such.

But [even if the inference by analogy be unjustified] is there no legitimate conclusion a minori ad majus, viz., if a day unpreceded by another [festival] sanctity requires [for the officiating priest] a seven day removal [from his family], how much more should a day preceded by another [festival] sanctity require it!³³ — R. Mesharsheya answered: Scripture expressly states this day,³⁴ that means on a day like this.³⁵ R. Ashi said:³⁶ Could there be any festival the major³⁷ part of which would require no removal [of the priest], while its attachment³⁸ would require it. And even according to the one who holds that the eighth day is [not a mere attachment to Sukkoth, but] an independent festival day, that applies only to

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- (1) Written in connection with the consecrations.
 - (2) So that the whole passage of Lev. VIII, 34 refers to that day.
 - (3) Lev. XVI, 34.
 - (4) To justify inference from identity of phrase or word, there must be in the two texts a certain identity of circumstance.
 - (5) As in Lev. VIII, 34 where the phrase is, 'He commanded to do'.
 - (6) As in the case of the red heifer where too it is, 'He commanded to do'.
 - (7) As in the case with the Day of Atonement, where the text is, 'and he did as the Lord commanded'.
 - (8) So that every priest should require separation before offering a public sacrifice.
 - (9) From the same root as *ziwwah*. Lit., 'His commanding'.
 - (10) Ibid. VII, 38.
 - (11) V. nn. 14 and 15.
 - (12) To justify inference by *gezerah shawah* there must be exact identity of expression.
 - (13) Ibid. Xlv, 39.
 - (14) For the purposes of inference v. Hor., Sonc. ed., p. 57, n. 11. So that such literalness as the insistence on differentiation between *ziwwah* and *zawwotho* is not justified.
 - (15) From the congruity of which an analogy may be inferred.
 - (16) V. Tosaf. Yesh.
 - (17) Offered by an individual for atonement (Rashi); so that every priest would need such removal before sacrificing.
 - (18) The priests were assigned their service by means of a lot. V. infra 22a.
 - (19) Because the task may come to anyone by the allotment. And thus the question remains, perhaps the word 'lekapper' applies also to the atonement of a sacrifice, cf. n. 3.
 - (20) The consecration of the priests.
 - (21) The Day of Atonement.
 - (22) There are many sacrifices offered up by the individuals.
 - (23) [Since the sacrifices offered on festivals serve for atonement, v. Shebu. 2a-b.]
 - (24) [The consecration of the priests 'once a year' is not to be taken literally; it means once in that particular year in which the consecration was held.]
 - (25) Which is an annual event.
 - (26) Ex. XXIII, 15; Lev. XXIII, 5; Num. XXVIII, 16; Deut. XVI, 1.
 - (27) The laws touching the booths, the citron, myrtle, palm-branch and willow of the brook; the ceremony of the libation, etc.
 - (28) The Day of Atonement.
 - (29) I.e., the eighth day of the Consecration, v. Lev. IX, 1ff.
 - (30) Passover or Sukkoth.


- (31) Shemini 'Azereth. The Eighth Day of the Solemn Assembly celebrated after the seventh day of the Festival of Booths (Sukkoth), in which case the inference would appear legitimate.
- (32) Shemini Azereth is preceded by the seven days of Sukkoth.
- (33) Shemini 'Azereth, which is preceded by the seven days of Sukkoth.
- (34) Lev. VIII, 34.
- (35) Confirming the earlier differentiation.
- (36) Countering the suggestion that the reference is to Shemini 'Azereth.
- (37) Sukkoth has seven days preceding the one day of 'Azereth.
- (38) Shemini 'Azereth.

Talmud - Mas. Yoma 3a

Pe'Z'R'K'Sh'B,¹ but in matters of complementing the sacrifice of the festival, the eighth day is but a continuation of the first day, as we have learned: He who failed to offer up the festival sacrifice² on the first day of the feast [of Sukkoth], may do so during the entire festive season including the last day of the feast.³

[Perhaps] say [that the reference is to] Pentecost,⁴ because that would also mean removal of the priest for seven days preceding a one-day service?⁵ — R. Abba said: One may fitly infer a case⁶ in which one ox and one ram are offered from another⁷ case in which one ox and one ram are offered, this excludes, however, Pentecost, on which two⁸ rams are to be sacrificed. This would be right according to the opinion that on the Day of Atonement only one ram is being offered up,⁹ but what could be said according to the view that on the Day of Atonement too, two rams were to be offered up?¹⁰ For it has been taught: Rabbi¹¹ said, The ram mentioned here [in Leviticus] is the same as the one mentioned in the Book of Numbers;¹² R. Eliezer son of R. Simeon said: Two rams are here [involved], the one mentioned here and the other mentioned in the Book of Numbers!¹³ — It may be in accord even with the opinion of R. Eliezer son of R. Simeon. Because there¹⁴ one [of the rams] is offered up in fulfilment of the regular sacrifices for that day, and the other as one of the additional sacrifices, whereas in the case of Pentecost both are the regular sacrifices of that day.¹⁵ [Perhaps] say that [the reference is to] New Year¹⁶ which should also imply the removal of the priest for seven days preceding a one-day service? — R. Abbahu said, One may infer a case in which the priest offers up an ox and a ram from his own means¹⁷ from another case in which he offers up an ox and a ram from¹⁸ his own means, that excludes Pentecost¹⁹ and Rosh hashanah²⁰ on which both are offered up from public [congregational] funds. This would be right according to the opinion which holds that the words kah leka²¹ ['take thee'] mean 'take from thy own means' and

(1) This is a mnemonical acrostic for: P (payyis allotment, by counting, of the work to be done by the priests in the sanctuary. No such counting took place during the Sukkoth festival, but it was the rule on Shemini 'Azereth); Z (zeman — the blessing on the entrance of a festival referring to the return of the festive season. This benediction was repeated on the eve of Shemini 'Azereth, thus constituting it an independent holy day); R (regel-festival with its own name); K (korban — having its own number of sacrifices); Sh (shir — song — Shemini 'Azereth having its own psalm in the liturgy); B (berakah-blessing — on Shemini 'Azereth a special prayer was offered up for the life of the king.) V. R.H. 4b. In all these respects Shemini 'Azereth might be considered an independent festival.

(2)  means (Jastrow): To turn, to celebrate an anniversary, to observe a festival, to make a periodical pilgrimage, to offer the pilgrim's festive sacrifice.

(3) The conclusion, i.e., Shemini 'Azereth, v. Hag. 17a.

(4) 'Azereth means detention, gathering, concluding feast. 'Azereth in general designates 'Azereth Pesah', i.e., Shabuoth (the Feast of Weeks, Pentecost) to be distinguished from Shemini 'Azereth, the concluding festival of Sukkoth.

(5) The biblical Pentecost has one day only.

(6) The Day of Atonement, Lev. XVI, 5.

(7) The eighth day of the priest's consecration, Lev. IX, 2.

(8) Lev. XXIII, 18.

- (9) The question being whether the ram demanded in Lev. XVI, 5 is identical with the one mentioned in Num. XXIX, 8, or whether two different sacrifices are implied.
- (10) That would put the Day of Atonement into the same class as Pentecost and would thus preclude inference from the eighth day of the consecration of the priest for the former.
- (11) R. Judah ha-Nasi, the Prince, redactor of the Mishnah.
- (12) Lit., 'one fifth of (dealing with) Numbers'. Homesh applies to one of the five books of the Torah, as well as to one of the five books of the Psalms. 'Hamisha Homshe Torah' — the five books of the Torah.
- (13) V. infra 75b.
- (14) On the Day of Atonement, Lev. XVI,3 does not call the ram a 'musaf' or 'additional' sacrifice, as in all other cases, where the phrase 'apart from the morning burnt-offering' occurs, to indicate that the sacrifice in question is 'apart' or 'additional' as throughout Num. XXVIII and XXIX.
- (15) So that Pentecost, having different laws, may not fitly be inferred from the eighth day of the priest's consecration.
- (16) Rosh ha-Shanah, the Jewish New Year, originally one day only, v. Bez. 5a.
- (17) Lev. XVI, 3, Herewith shall Aaron come into the holy place, i.e., he shall bring it along from his own.
- (18) At the consecration, Lev. IX, 2, Take thee, i.e, from thy own means.
- (19) Lev. XXIII, 18, And ye shall present, i.e., the community.
- (20) 'And ye shall present' also occurs in connection with the Rosh ha-Shanah sacrifices, ibid. XXIII, 25.
- (21) Lev. IX, 2.

Talmud - Mas. Yoma 3b

'aseh leka¹ ['make thee'] mean 'make from thy own means', but what could be said [in the argument above] according to the opinion [that kah leka² means 'take for thyself] from the community funds', for we have been taught:³ The expression 'kah leka' means 'mi-sheleka [from thy own] and 'aseh leka means mi-sheleka [taken from thy own funds], but we-yikehu eleka⁴ means [they shall take for them] from community funds; these are the words of R. Josiah; R. Jonathan said, Both 'kah leka' and 'we-yikehu eleka' mean from community funds, and what is intimated by saying 'kah leka' [take thee]? As it were,⁵ 'I prefer your own [private means expended on this work] to the community's [expenditure]'. (Abba Hanan said in the name of R. Eleazar: One verse reads, Make thee an ark of wood,⁶ and another,⁷ And they shall make an ark of acacia-wood,⁸ how is that?⁹ Here it refers to a time when Israel act in accordance with His will,¹⁰ there it deals with a time when they do not act in accordance with His will) — They¹¹ are disputing only as to the general meaning [of the word 'leka'] in connection with the command to 'take' or to 'do', as e.g., Take thou also unto thee the chief spices,¹² or Make thee two trumpets of silver,¹³ but in the above cases¹⁴ it is clearly indicated in the text that it is from thine own.¹⁵ For consider in [the portion of the Bible dealing with the] consecration of the priests, it is written: And unto the children of Israel thou shalt speak, saying: Take ye a he-goat for a sin-offering,¹⁶ why then the passage: And he said to Aaron: Take thee a bull-calf for a sin-offering?¹⁷ Conclude from this 'kah leka' means 'mi-sheleka', from your own. [Similarly] in connection with the Day of Atonement it reads: Herewith shall Aaron come into the holy place: with a young bullock for a sin-offering,¹⁸ etc. Why then the passage, And he shall take of the congregation of the children of Israel¹⁹ and And Aaron shall present the bullock of the sin-offering which is lo [for himself]?²⁰ Conclude from this that the word 'lo' implies it is to be brought from his own means.

R. Ashi²¹ said: It is legitimate to infer a case in which an ox is offered up as sin-offering and a ram as burnt-offering²² from another case in which an ox is offered up as sin-offering and a ram as a burnt-offering;²³ this excludes from analogy New Year²⁴ and Pentecost,²⁵ [as] in both cases both animals are offered up as burnt-offerings only.

Rabina said: One may infer a service performed by the high priests²⁶ from another service performed by the high priest²⁷ that excludes [the occasions mentioned] in all the questions [raised], because the services mentioned therein are not performed by the high priest.²⁸ Others have this

version of Rabina's reply: One may infer [certain rules for] a service held for the first time from a service held for the first time. This excludes all the other cases [referred to above], because none of them took place for the first time. What does this 'first time' mean? — Does it mean that the high priest had first performed service there?²⁹ That would be [the argument of Rabina's in] the first version. No, it means the first service of its kind held in its place, which may fitly be inferred from another service³⁰ held for the first time in its place. When R. Dimi came³¹ [from Palestine], he said: R. Johanan taught one thing, R. Joshua b. Levi two. R. Johanan taught one thing the words 'la'asoth', 'lekapper'³² refer to the service of the Day of Atonement. R. Joshua b. Levi taught two things: 'la'asoth' means the ceremony of the [red] heifer, 'lekapper' refers to the service of the Day of Atonement. How could [you say that] R. Johanan taught [only] one thing? Have we not learnt in our Mishnah: SEVEN DAYS BEFORE THE DAY OF ATONEMENT, and in another Seven days before the burning of the heifer?³³ — That³⁴ is only a special provision.³⁵ But did not R. Minyumi b. Hilkiyah in the name of R. Mahsiah b. Idi, [and the latter] in the name of R. Johanan report the [interpretation of the text], 'As hath been done this day, so hath the Lord commanded la'asoth [to do] lekapper 'alekem [to make atonement for you]'. 'La'asoth' refers to the ceremony of the heifer and 'lekapper' to the service of the Day of Atonement?³⁶ This interpretation was that of his teacher.³⁷ For when Rabina came [from Palestine]³⁸ he said: R. Johanan reported in the name of R. Ishmael that 'la'asoth' referred to the ceremony of the heifer, and 'lekapper' to the work of the Day of Atonement.

Said Resh Lakish to R. Johanan: Whence do you infer this interpretation? From the Consecration Service?³⁹ Hence, just as with the Consecration Service, the omission of any prescribed form would render the service invalid [would you say that] here too⁴⁰ the omission of anything prescribed [by inference from congruity of text] for that service, would render it invalid? And if you said: Yes, indeed, surely we learnt: ANOTHER PRIEST IS PREPARED TO TAKE HIS PLACE, not another priest is removed from his house!⁴¹ And if you would say MATHKININ [one prepares] and MAFRISHIN [one removes] mean the same thing, then the Mishnah ought to use in both passages either mathkinin or mafrishin!⁴² — [R. Johanan] said to him: And whence do you, Sir, infer it?⁴³ — He answered: From [the account concerning] Sinai. For the Scriptural text reads, And the glory of the Lord abode upon Mount Sinai, and the cloud covered him⁴⁴ six days, and He called unto Moses on the seventh day.⁴⁵ Now consider: Since it is written 'and He called unto Moses on the seventh day', what do the 'six days' mean? They establish a rule⁴⁶ for anyone who enters the camp of the Shechinah⁴⁷ that he must remove himself from his house for six days. But we have learnt SEVEN?⁴⁸ — Our Mishnah conforms to the opinion of R. Judah b. Bathyra who considers the possibility of the high priest's

(1) Num. X, 2.

(2) Must not be taken literally.

(3) Men. 28b.

(4) Ex. XXVII, 20.

(5) If it were possible to assume such intimation from God.

(6) Deut. X, 1.

(7) Ex. XXV, 10.

(8) In one verse the making is demanded of Moses, in the other of the children of Israel.

(9) Contradiction to be explained.

(10) When Israel fulfil God's will, it is they who get the credit for enabling Moses to perform His will. Otherwise all the credit is given to Moses.

(11) I.e., R. Josiah and R. Jonathan. Here follows the reply to the question, how meet the above argument in the view of R. Jonathan who holds that 'kah leka' means 'take for them from community funds'.

(12) Ex. XXX 34.

(13) Num. X, 2.

(14) In connection with the offerings of the high priest on the Day of Atonement and the eighth day of the Consecration.

- (15) The private means of the high priest.
- (16) Lev. IX, 3.
- (17) Ibid. IX, 2.
- (18) Lev. XVI, 3.
- (19) Ibid. XVI, 5.
- (20) Ibid. XVI, 6.
- (21) He and Rabina deal with the questions raised as to why the analogy may not include other festivals besides the Day of Atonement.
- (22) On the Day of Atonement the high priest offers up as his private sacrifice an ox for the sin-offering and a ram for a burnt-offering.
- (23) On the eighth day of the consecration a young ox is offered up as sin-offering and a ram as burnt-offering.
- (24) On Rosh ha-Shanah no ox is offered up as sin-offering, Num. XXIX, 1-6.
- (25) On 'Azereth (Shabuoth) no ox is offered up as sin-offering, ibid. XXVIII, 26-31.
- (26) The Day of Atonement.
- (27) The Consecration.
- (28) That answers all the questions raised.
- (29) The first service ever performed by a high priest was that on the eighth day of the Consecration, hence it would be right to infer therefrom the service on the Day of Atonement, when the high priest for the first time offered up the community's sacrifice, on the first Day of Atonement.
- (30) The service of the Day of Atonement took place in the Holy of Holies, which had never been entered before the first service on the first Day of Atonement, just as the Consecration Service included the first sacrifice on the outer altar, in priestly garments.
- (31) Atha 'came' is the technical term for the return of scholars from Babylonia to Palestine and vice versa.
- (32) Lekapper being the explanation of la'asoth.
- (33) The priest in question was removed from his house, v. supra 2a.
- (34) The rule in connection with the burning of the red heifer.
- (35) Because in some other respects there is latitude in connection with the heifer service (v. supra p. 1, n. 7), some more stringent ordinances were decided upon, not, however as a matter of traditional law, but rather as an ad hoc regulation.
- (36) This tradition in the name of R. Johanan is in evident conflict with the statement reported by R. Dimi.
- (37) He reported only his teacher's decision, but did not surrender his own opinion.
- (38) V. p. 9, n. 10.
- (39) V. supra 2a and notes.
- (40) With regard to the ceremony of the red heifer.
- (41) So that, if the high priest were prevented from officiating the substitute priest would perform the service without the necessary previous separation, which would render his service invalid and the ceremony unprovided with a priest.
- (42) Since the Mishnah deliberately uses two terms, their meaning must be different, hence Resh Lakish's question remains.
- (43) The obligation to remove the priest from his house.
- (44) I.e., Moses, R.V. 'it' referring to the mountain; v. infra 4a.
- (45) Ex. XXIV, 16.
- (46) Lit., 'build a father', a precedent, i.e., justify the conclusion from this specifically stated law to other cases.
- (47) Lit., 'royal residence', then Divine Presence, here the Divine Camp, the Sanctuary.
- (48) The Mishnah here speaks of a removal for seven days.

Talmud - Mas. Yoma 4a

becoming ritually impure through family contact.¹ R. Johanan said to Resh Lakish: It is right according to me who infer² from the Consecration; for this agrees with what we are taught: 'On both of them [the Priests]³ we sprinkle throughout the seven days [water] from all the sin-offerings⁴ that were there';⁵ but according to you who infer from Sinai, was there any sprinkling done on Sinai? — But⁶ according to your own reasoning, it would not be right either, for in the consecration [ceremony the sprinkling was done with] blood, whereas here with water? — That⁷ is no difficulty. For R.

Hiyya taught: 'The water takes the place of blood', but according to you, was there any sprinkling on Sinai? — He answered: It was a mere additional provision.⁸

We have a teaching in accord with R. Johanan,⁹ and we have a teaching in accord with Resh Lakish.¹⁰ 'In accord with R. Johanan we have a teaching'; Scripture reads: Herewith [bezoth] shall Aaron come into the holy place,¹¹ i.e., with that mentioned in that section, the section of the Consecration. And what is mentioned in the section about the Consecration? Aaron was removed for seven days and then officiated for one day, and Moses handed over to him¹² throughout the seven days to train him in this service. Also for the future the high priest is to be removed for seven days and to officiate for one day, and two scholars of the disciples of Moses¹³ [this excludes Sadducees]¹⁴ transmitted to him throughout the seven days to train him in the service. Hence [the Rabbis] ruled that seven days before the Day of Atonement the high priest was removed from his house to the cell of the counsellors. And just as the high priest was removed, so was the priest burning the heifer removed to the cell lying in the north-eastern corner before the Temple and each of them was throughout the seven days sprinkled [with water] from all the sin-offerings that were there. And if you should ask: But during the Consecration the sprinkling was done with blood and here water, [remember] that the water takes the place of the blood. And it further says: 'As hath been done this day so the Lord hath commanded la'asoth [to do], lekapper [to make atonement] for you'.¹⁵ 'La'asoth' refers to the ceremony of the heifer, 'lekapper' means the service of the Day of Atonement.¹⁶ But the word 'be-zoth' is required for the verse itself,¹⁷ i.e., with a young bullock for a sin-offering and a ram for a burnt-offering? — Answer:¹⁸ If 'be-zoth' were meant to refer only to the sacrifices, the text should have said ba-zeh [with this] or ba-eleh [with these], why [was] 'be-zoth' [chosen]? So that you may learn both things from it.¹⁹ Why was it necessary to cite the other verse?²⁰ — You might have said only the first Day of Atonement requires that the high priest be removed at the Consecration, but on all future Days of Atonement no such removal is necessary; or [you might say] only the first²¹ high priest needed such removal but all future high priests do not require it; come and hear:²² 'As hath been done this day etc.'²³

'We have a teaching in accord with Resh Lakish': Moses went up in a cloud, was covered by the cloud, and was sanctified by the cloud in order that he might receive the Torah for Israel in sanctity, as it is written: And the glory of the Lord abode upon Mount Sinai,²⁴ this took place after the Ten Commandments, which were at the beginning of the forty days,²⁵ this is the view of R. Jose the Galilean. R. Akiba said [with reference to] 'And the glory of the Lord abode' from the beginning of the [third] month, and the cloud wa-yekasehu [covered it],²⁶ i.e., the mountain,²⁷

(1) Lit., 'the uncleanness of his house'. His wife might become menstruant during congress, he as one having had congress with a menstruant would be levitically impure for seven days, thus prevented from officiating on the Day of Atonement.

(2) The obligation to remove the priest.

(3) The one officiating on the Day of Atonement and the one engaged with the red heifer.

(4) Name by which the red heifer ashes are known, v. Num. XIX, 9.

(5) V. infra 8a. A reserve of ashes was kept in the sanctuary for sprinklings. V. Parah 111, 11.

(6) This is Resh Lakish's rejoinder.

(7) This is R. Johanan's reply.

(8) To emphasize the importance of the ceremony of the heifer, and to signify the entrance upon the sanctuary on the Day of Atonement.

(9) Who inferred the removal from consecration. A Baraita — a tradition or opinion of a Tanna not reported in the Mishnah.

(10) Who inferred it from Sinai.

(11) Lev. XVI, 3.

(12) The eighth day of the Consecration was ministered to by Aaron, Lev. IX, 2.

(13) The detailed laws for the service.

- (14) Who held divergent views as to the service and changed its order from the prescribed form.
- (15) Lev. VIII, 34.
- (16) This cited Baraita is thus in support of R. Johanan.
- (17) It cannot be torn from the text, where it has obvious and important meaning, to be used for ad hoc interpretation.
- (18) Lit., 'they say', or 'I will say'.
- (19) Zoth is feminine, the words for bullock and ram are masc., hence ba-zeh or ba-eleh would have been more correct. The choice of be-zoth indicates that something else is implied.
- (20) The citing of an additional verse, where the first or first ones seemed to convey sufficient information, is an indication that erroneous inference might be made, which the additional verse, through its information, prevents.
- (21) Aaron, Lev. VIII.
- (22) 'Come and hear', a technical term for refuting a wrong opinion or repelling an attack.
- (23) 'So the Lord commanded you', i.e., for all the future.
- (24) Ex. XXIV, 16.
- (25) Ex. XXIV, 18. Cf. *ibid.* XIX, 3,9,25.
- (26) Wa-yekasehu may be translated 'covered him' or 'covered it', Moses or the mountain, the Hebrew word *har* (mountain) being also masculine.
- (27) Moses came down to speak to Israel (Ex. XIX, 3f), hence it would be wrong to say that the cloud covered him six days before the Revelation.

Talmud - Mas. Yoma 4b

then 'He called unto Moses on the seventh day'. Moses and all Israel were standing there,¹ but the purpose of Scripture was to honour Moses.² R. Nathan says: The purpose of Scripture was that he [Moses] might be purged of all food and drink in his bowels so as to make him equal to the ministering angels.³ R. Mattiah b. Heresh⁴ says, The purpose of Scripture here was to inspire him with awe, so that the Torah be given⁵ with awe, with dread, with trembling, as it is said: Serve the Lord with fear and rejoice with trembling.⁶ What is the meaning of 'And rejoice with trembling'?⁷ — R. Adda b. Mattena says in the name of Rab: Where there will be joy, there shall be trembling.⁸

In what do R. Jose the Galilean and R. Akiba differ? — In the controversy of these Tannaim. For we have been taught:⁹ On the sixth day of the month¹⁰ was the Torah given to Israel. R. Jose says on the seventh. He who says that the Torah was given on the sixth day holds that on the sixth it was given and on the seventh Moses ascended the mountain;¹¹ he who holds that the Torah was given on the seventh assumes that on the seventh both the Torah was given and Moses ascended, as it is written, And He called unto Moses on the seventh day.¹² Now R. Jose the Galilean is of the same opinion as the first Tanna,¹³ who held that the Torah was given on the sixth of the month, therefore this¹⁴ happened after the giving of the Ten Commandments: 'The glory of the Lord abode on mount Sinai and the cloud covered him six days' 'him' meaning Moses- 'And He called unto Moses on the seventh day' to receive the remainder of the Torah.¹⁵ For if the thought should come to you that 'And the glory of the Lord abode' from the New Moon [of Sivan], so that 'And the cloud covered him' referred to the mountain, and 'The Lord called unto Moses on the seventh day' to receive the Ten Commandments, surely they had received the Torah on the sixth day already and also the cloud had departed on the sixth day! — R. Akiba, however, held with R. Jose that the Torah was given to Israel on the seventh.¹⁶ Quite in accord with R. Akiba's teaching is the statement¹⁷ that the Tablets were broken on the seventeenth of Tammuz, for the twenty-four days of Sivan¹⁸ and the sixteen of Tammuz make up the forty days he was on the mountain, and on the seventeenth of Tammuz he went down and came¹⁹ to break the Tablets. But according to R. Jose the Galilean who holds that there were six days of the separation²⁰ in addition to forty days [spent] on the mountain, the Tablets could not have been broken before the twenty-third of Tammuz? — R. Jose the Galilean will answer you: The six days of the separation are included in the forty days on the mountain.

The Master said: "'And He called Moses", whilst Moses and all Israel were standing' there'. This

interpretation supports the view of R. Eleazar, for R. Eleazar said: ‘And He called unto Moses’ whilst Moses and all Israel were standing there; the only purpose of Scripture is to do honour to Moses. They²¹ raised the following objection: [He heard the voice speaking] elaw [unto him] not lo [to him];²² hence we know that Moses heard, but all Israel did not hear?²³ - This is no difficulty. The one passage speaks of Sinai, the other of the tent of meeting.²⁴ Or, you might say, the one statement refers to the call, the other to the speech.²⁵ R. Zerika asked a question concerning the contradiction of scriptural passages in the presence of R. Eleazar, or, according to another version, he asked the question in the name of R. Eleazar. One passage reads: And Moses was not able to enter into the tent of meeting because the cloud abode thereon,²⁶ whereas another verse says: And Moses entered into the midst of the cloud?²⁷ It teaches us that the Holy One, blessed be He, took hold of Moses and brought him into the cloud. The school of R. Ishmael taught: Here²⁸ the word be-thok [in the midst] appears and it also appears elsewhere: And the children of Israel went into the midst of the sea,²⁹ just as there [the word be-thok] implies a path, as it is written: And the waters were a wall³⁰ unto them,²⁹ so here too there was a path, [for Moses through the cloud].

And the Lord called unto Moses, and spoke unto him,³¹ why does Scripture mention the call before the speech? — The Torah teaches us good manners: a man should not address his neighbour without having first called him. This supports the view of R. Hanina, for R. Hanina said: No man shall speak to his neighbour unless he calls him first to speak to him. Rabbah said: Whence do we know that if a man had said something to his neighbour the latter must not spread the news without the informant's telling him ‘Go and say it’? From the scriptural text: The Lord spoke to him out of the tent of meeting, lemor [saying] .³² At any rate it is to be inferred³³ that both hold that the omission of any detail mentioned in connection with the priest's Consecration renders the ceremony invalid, for it was said: With regard to the ceremony of Consecration R. Johanan and R. Hanina are disputing; one says: The omission of any form prescribed in connection with the ceremony renders it invalid, whilst the other holds only such matter as is indispensable on any future occasion is indispensable now, whereas such detail as is dispensable in future generations, is dispensable even the first time. One may conclude that it is R. Johanan who holds that the omission of any detail whatsoever that is mentioned in connection with the Consecration ceremony renders such ceremony invalid, because R. Simeon b. Lakish said to R. Johanan³⁴ [in the course of the argument]: ‘And just as with the ceremony of Consecration the omission of any prescribed detail renders the ceremony invalid. And R. Johanan did not retort at all’. That proof is conclusive.³⁵

What is the [practical] difference between the opinions?

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- (1) Moses did not ascend the mountain nor did he separate from his circle till after the Revelation.
 - (2) All Israel were present, why then does Scripture report that the word of God came to Moses alone? — The answer is: To show him special regard.
 - (3) R. Nathan is of the opinion of R. Jose the Galilean that the call to Moses referred to in the verses was for separation after the Revelation, yet this offers no basis for necessitating separation before entering into the Sanctuary, as the object of Moses' separation was that he might be like the ministering angels.
 - (4) He too shares the opinion of R. Jose the Galilean.
 - (5) To Moses and through him to Israel.
 - (6) Ps. II, 11.
 - (7) The terms seem contradictory.
 - (8) The Torah is a source of joy. The precepts of the Lord are right, rejoicing the heart, Ps. XIX, 9, cited by Rashi. But there shall also be awe, reverence for the numen, the Lord, the Lawgiver. Tosaf. cites I Chron. XVI, 27 Strength and gladness are in His Place.
 - (9) Shah. 86b.
 - (10) Of Sivan, the first day of Shabuoth.
 - (11) Sinai.
 - (12) Ex. XXIV, 16.

- (13) The anonymous Tanna of the Baraita
- (14) Moses' ascent on the mount.
- (15) The other laws (beside the Ten Commandments) and the Oral Law.
- (16) So that the 'Seventh day' refers to the seventh day on which the Torah was given.
- (17) V. Ta'an. 26a.
- (18) From the seventh to the thirtieth.
- (19) Either 'came to the camp of Israel, saw the dances and broke' or paraphrastic for 'broke'.
- (20) After the Revelation.
- (21) The teachers (students) in the academy.
- (22) The passage, Num. VII, 89 reads: Moses . . . heard the voice speaking elaw (to him, which is the longer form, lo being the normal one) from above the ark-cover etc. The use, in this passage, of the longer form, seemed to suggest a closer or exclusive communication. According to Hayyug, quoted Otzar ha-Geonim VI, 1, n. 4, there is a difference of meaning derivable in accord with grammatical principles, in 'lo' and 'elaw' respectively.
- (23) So that all Israel, indeed, did not hear God's message. If so, then the only purpose of the statement '. . . Scripture is to honour Moses' is unjustified. For Scripture does not change the fact. It was Moses alone whom the message reached.
- (24) In the tent of meeting only Moses could hear the voice. On Mount Sinai all Israel heard it, but to honour Moses, Scripture mentions him only as having done so.
- (25) The call proper, the honour of the individual call, was vouchsafed to Moses alone, the speech following was heard by all.
- (26) Ex. XL, 35.
- (27) Ibid. XXIV, 18.
- (28) The apparent contradiction is removed by the suggestion that he entered the cloud on this occasion with divine help.
- (29) Ex. XIV, 22.
- (30) The water being piled up like a wall, Israel walked along a path. The inference is from similarity of expression.
- (31) Lev. I, 1.
- (32) Lemor here is taken to mean 'to say it (to others)', or else the next few words are illustratively, not logically implied: Speak (unto the children of Israel).
- (33) From Resh Lakish's question to R. Johanan: '... just as with the Consecration service the omission of any prescribed form would render the service invalid' and R. Johanan's tacit acceptance of this view, supra 3b.
- (34) Supra 3b.
- (35) Had he held a different view, he would surely not have permitted his opponent's statement to go unchallenged.

Talmud - Mas. Yoma 5a

R. Joseph says the putting¹ of the hands [upon the head of the sacrifice] is the difference. According to the one who holds that the omission of any detail renders the ceremony invalid, [failure] to lay the hand upon the head of the sacrifice would render the ceremony invalid. According to him who holds that only the omission of what is indispensable in the future renders the ceremony invalid, [omission of] the putting of the hand on the animal's head did not render the ceremony invalid. Whence do we know that in the future [the omission of] the putting of the hands [on the animal's head] is not indispensable?— For it has been taught: And he shall lay his hand . . . and it shall be accepted for him [to make atonement for him].² Does the laying on of the hand make atonement for one? Does not atonement come through the blood, as it is said: For it is the blood that maketh atonement by reason of the life!³ Why, then, is it written: 'And he shall lay his hand on . . . and it shall be accepted for him to make atonement for him'? To say that if he performed the laying on of the hands as an unimportant part⁴ of the commandment, Scripture would account it to him as if he had not obtained proper atonement.⁵ R. Nahman b. Isaac said: The waving⁶ is the difference. According to him who holds whatever detail is prescribed for the ceremony is indispensable, the waving is indispensable; according to him who holds that only what is indispensable for all the future is indispensable now, the waving is not indispensable. Whence do we know that for all time to come the waving is not indispensable? — For we have been taught:⁷ To be waved, to make atonement for him.⁸ Does the waving make atonement? Is it not the blood which makes atonement, as it is written, 'For it is the

blood that maketh atonement by reason of the life'? Then why does Scripture say, 'To be waved, to make atonement for him'? To say that if he treats the waving as an unimportant part of the ceremony, Scripture accounts it to him as if he had not obtained proper atonement.

R. Papa said: The separation for seven days is the [practical] difference between the two opinions. According to the opinion that whatsoever is prescribed for the ceremony is indispensable, the separation, too, is indispensable; according to him who holds that only what is indispensable for all time to come is indispensable now, the separation is not indispensable. Whence do we know that the separation is not indispensable for all time to come? Because the Mishnah reads, [another priest] IS MADE READY FOR HIM, instead of is 'separated for him'.⁹ Rabina said: The difference lies in the increase [in the number of garments]¹⁰ and of the anointments¹¹ necessary during the seven days. According to the opinion that whatever is prescribed in connection therewith is indispensable, the increase [in the number of garments] and anointments during the seven days, too, is indispensable. According to him who holds that only what is indispensable for all time to come, is indispensable now, these things too are not indispensable. Whence do we know that they are not indispensable for all time to come? — For it was taught: And the priest who shall be anointed and who shall be consecrated to be priest in his father's stead, shall make the atonement.¹² What does the passage come to teach?¹³ From the text: Seven days shall the son that is priest in his stead put them on [etc.],¹⁴ I would know that a priest who had put on the required larger number of garments and who had been anointed on each of the seven days¹⁵ was permitted to ['minister in the holy place']¹⁶ at the Consecration. Whence would I know that if he had put on the larger number of garments for but one day, and had been anointed on each of the seven days; or, if he had been anointed but one day, but has put on the larger number of garments for seven days, [he would also be permitted]? To convey that teaching, Scripture says, 'Who shall be anointed and who shall be consecrated', that means anointed and consecrated in whatever way.¹⁷ We have now found evidence that the larger number of garments is necessary in the first instance for the seven days. Whence do we know that anointment on each of the seven days is in the first instance required? You may infer that either from the fact that a special statement of the Torah was necessary to exclude it; or, if you wish, from the scriptural text itself, And the holy garments of Aaron shall be for his sons after him, to be anointed in them, and to be consecrated in them.¹⁸ In this passage the anointing and the donning of the larger number of garments are put on the same level. Hence, just as the donning of the larger number of garments is required for the seven days, so is the anointing obligatory for the seven days.

What is the reason of the man who holds that the forms prescribed for the ceremonies are indispensable?— R. Isaac b. Bisna said: Scripture reads And kaka [thus] shalt thou do to Aaron and his sons, — 'thus means indispensableness.'¹⁹

You may be right with regard to any

(1) Lev. I, 4; VIII, 18.

(2) Lev. I, 4.

(3) Lev. XVII, 11.

(4) Lit., 'a remnant'.

(5) Lit., 'as it did not atone for him and it did'. Technically the ceremony had achieved its purpose, because essentially it is the blood which makes atonement, but since laying the hands on the animal's head is part of the ceremony (although not essential to it) and he has been negligent about it, he has obtained atonement for himself, but has not attained re-atonement with his creator, whose command he has treated slightly.

(6) Of part of the sacrifice, Lev. VIII, 27.

(7) Men. 93b.

(8) Lev. XIV, 21.

(9) If the separation of the priest were an indispensable part of the ceremony, the proposed substitute for the high priest would have to be separated too, so that in case of any mishap to the high priest he would enter upon the service properly

prepared by separation. Since the Mishnah reads 'prepared' only, the separation obviously is not deemed indispensable.

(10) The eight garments of the high priest as against the four of the ordinary priest.

(11) Every one of the seven days the head and the eye-lids of the high priest were anointed with oil.

(12) Lev. XVI, 32.

(13) Obviously the service was to be performed by the high priest, why then this apparently superfluous passage?

(14) Ex. XXIX, 30.

(15) Of his consecration as high priest, v. infra.

(16) That is on the Day of Atonement.

(17) As long as he has been consecrated, even if some detail of the ceremony has been omitted.

(18) Ex. XXIX, 29.

(19) The emphatic expression 'thus' intimates the indispensableness of the prescribed forms, 'thus' and 'not otherwise'.

Talmud - Mas. Yoma 5b

form prescribed in this context. Whence do we know that forms not prescribed¹ here in this context are also indispensable? — R. Nahman b. Isaac said: We infer that from [the fact that in both contexts the same word] *petah* [is used].² R. Mesharsheya said: And keep the charge of the Lord³ indicates the indispensableness [of the prescribed forms]. R. Ashi said: For so am I commanded⁴ indicates indispensableness.

Our Rabbis taught:⁵ For so am I commanded,⁶ As I commanded,⁷ As the Lord commanded.⁸ [Of these passages], 'For so am I commanded' that they eat⁹ it whilst in mourning; 'As I commanded' [this] he said to them at the time¹⁰ of the occurrence;¹¹ 'As the Lord commanded', and not on my own authority.

R. Jose b. Hanina said: Breeches are not mentioned in the section.¹² But when it says, And this is the thing that thou shalt do unto them to hallow them, to minister,¹³ it includes the breeches and the tenth part of an ephah.¹⁴ It may rightly be said that breeches are included in the general term 'garments',¹⁵ but whence do we know about the tenth of an ephah? — [This we know] by inferring [the meaning of the word] *zeh* [used here]¹⁶ from *zeh* [in the verse], *Zeh* [this] is the offering of Aaron and his sons which they shall offer unto the Lord . . . the tenth part of an ephah.¹⁷

R. Johanan in the name of R. Simeon b. Yohai said: Whence do we know that also the reading of the portion¹⁸ was indispensable? To teach us that it is said, This is the *dabar* [thing] which the Lord has commanded to be done,¹⁹ i.e., the speaking²⁰ thereof is indispensable. — In what order did he put the garments on them? — What is past, is past!²¹ Rather, [the question is] in what order will he put the garments on them in the future?²² — In the future, too,²³ when Aaron and his sons will come, Moses will come with them. But [the question is] how did he put the clothes on them [if we are] to understand the scriptural account?²⁴ -The sons of R. Hiyya and R. Johanan held different opinions about it. One said: Aaron was first clothed and afterwards his sons; whilst the other said: Aaron and his sons were clothed simultaneously. Said Abaye: With regard to the tunic and the mitre none disputes the fact that Aaron came first and his sons afterwards,²⁵ for both in the [text containing] the command and [the account of the] actual performance Aaron is mentioned first. What they are disputing is [the order of] the girdle.²⁶ He who says Aaron [came first] and then his sons [is of this opinion] because it is written, And he girded him with the girdle,²⁷ and only after this is it written, And he girded them with a girdle,²⁸ whereas he who holds that the girding took place without any interruption, [is of this opinion] because It is written, And thou shalt gird them with girdles, Aaron and his sons.²⁹ According to the opinion that Aaron and his sons were girded at the same time, does not Scripture first say, 'And he girded him with a girdle' and then only later is it written, 'And he girded them with a girdle'?³⁰ —

(1) In Ex. XXIX, 5, there are Instructions relative to the Consecration, such as putting on Aaron the tunic, the robe of the

ephod and the ephod, the breastplate, the mitre on his head, the holy crown on the mitre. These are not mentioned in the ceremony described in Lev. VIII.

(2) Ex. XXIX, 4 and Lev. VIII, 33.

(3) Lev. VIII, 35.

(4) Ibid. VIII, 35.

(5) Zeb. 101b.

(6) Lev. X, 13.

(7) Ibid. X, 18.

(8) Lev. X, 15

(9) Lev. X, 13: Take the meal-offering and eat it, this command contradicts Deut. XXVI, 14, I have not eaten thereof in my mourning. The answer is, 'So am I commanded', i.e., a special decision from God.

(10) The death of Nadab and Abihu, Lev. X, 2.

(11) When he found that the goat of the sin-offering had been burnt, he said to them, You should have eaten it 'as I commanded you' in regard to the meal-offering.

(12) Chapters VIII and IX of Lev. which deal with the Consecration.

(13) Ex. XXIX, 1.

(14) Which the priests are obliged to offer up on the day of their Consecration. V. Men. 51b.

(15) Ex. XXIX, 5: And thou shalt take the garments and put upon Aaron.

(16) Ex. XXIX, 1.

(17) Lev. VI, 13. The inference from similarity of expression is never used 'for the purpose of deducing a new law from Scripture, but merely as an attempt to find a scriptural support for an opinion expressed by one of the authorities in the Mishnah'. Mielziner, Intro. 148.

(18) The section on the Consecration. It was to be read as part of the ceremony.

(19) Lev. VIII, 5' Dabar may mean both 'word' and 'thing'. No further reference to the ceremony being necessary, the suggestion is made that dabar, the word, the reading of the word is commanded. Support may be found in the fact that the preceding verse speaks of The congregation assembled at the door of the tent of meeting, such 'assembly' for the purpose of hearing scriptural reading being expressly enjoined in Deut. XXXI, 28 and esp. at the Sukkoth festival in the year of release.

(20) The word, i.e., the section read.

(21) There is no relevance in archaeological research.

(22) I.e., in the Messianic future.

(23) There is no need for speculation. Moses will be in charge and he knows the law.

(24) There are apparent contradictions between the command as given in Ex. XXIX and the account of the ceremony in Lev. VIII respectively. In Ex. XXIX, 9: And thou shalt gird them with a girdle, Aaron and his sons intimates that this girding of father and sons took place in close succession to one another. I.e., he girded Aaron only after he had first clothed the sons with the other garments apart from the girdle, so that the girding of Aaron and his sons were, so to speak, at the same time (v. infra); whereas in Lev. VIII, 7: And girded him with the girdle and clothed him with the robe . . . and placed the breastplate upon him and set the mitre upon his head to be followed by ibid. v. 13: And Moses brought Aaron's sons and clothed them with tunics and girded them with girdles shows the girding of Aaron took place before the clothing of the sons had even begun.

(25) [Moses clothed Aaron with the tunic and the mitre before he began to clothe the sons with these garments. These would also include the breeches, as these were always to come first, v. infra 23b.]

(26) Whether Aaron was girded before or after the sons were clothed with the tunic and mitre.

(27) Lev. VIII, 7.

(28) Ibid. 13. I.e., after having first clothed them with the other garments.

(29) Ex. XXIX, 9.

(30) Cf. n. 4.

Talmud - Mas. Yoma 6a

He will tell you: This is to teach you that the girdle of the high priest was not the same [material] as that of the average priest.¹ According to the opinion that Aaron was girded and afterwards his sons,²

does not Scripture say, ‘And thou shalt gird them with a girdle’?— He will tell you this³ informs us that the girdle of the high priest was of the same [material] as the average priest. Was it then necessary to state: ‘And he girded him with a girdle’ and [then] ‘And he girded them’? From that we infer that Aaron came first and then his sons. But how could it have been possible simultaneously?⁴ — This only means to indicate that [Aaron] came first.⁵

THE HIGH PRIEST WAS REMOVED. Why was he removed?[You ask] why was he removed!⁶ [Is it not] as you have said, either according to the derivation of R. Johanan, or to that of Resh Lakish? — No, this is⁷ the question: Why was he separated from his house? — It was taught: R. Judah b. Bathyra said: Let his wife be found under doubt of being a menstruant and he have congress with her.⁸ Do we speak of wicked people?⁹ — Rather, perhaps he will have congress with his wife and she will then be found to be doubtfully a menstruant.¹⁰ [The Rabbis] were discussing the decision before R. Hisda: According to whom was it made?-Obviously according to R. Akiba, who said: A menstruant makes him who had congress with her impure [retrospectively].¹¹ For, according to the Rabbis, behold they say: A menstruant does not render impure him who had congress with her [retrospectively]. R. Hisda said to them: It may be in accord even with the Rabbis. For they conflict with R. Akiba only in the case in which [the blood stains are found] much later¹² [than the congress], but, [if they be found] very soon afterwards,¹³ they agree with him. R. Zera said: Hence it is evident that to one who had congress with a menstruant do not apply the same restrictions as do to the menstruant herself and he may bathe [for purification] in day time.¹⁴ For, if you were to say that to one who had congress with a menstruant applied the same laws that apply to her, when could he bathe? Only at night. How could he, then, officiate on the morrow,¹⁵ since he would have to await sunset for becoming ritually pure? Hence it must be [clear] that one who had intercourse with a menstruant is not subject to the same restrictions as the menstruant herself. Said R. Shimi of Nehardea: You might even say [that the above decision is in accord with the view] that one who has intercourse with a menstruant is like the menstruant, yet [would the high priest be able to officiate at the service] for we would separate him from his house an hour before sunset.¹⁶ An objection was raised: All those who are obliged to take the ritual bath must take the bath at night.¹⁷ A menstruant and a woman after confinement immerse during the day. A menstruant, then, only, but not one who had intercourse with her?¹⁸ — [No, it means], A menstruant and all whom one may include in that term.¹⁹ Another objection was raised: One to whom pollution has happened is like one who touched an unclean [dead] reptile. One who had intercourse with a menstruating woman is like one who was made unclean through a corpse.²⁰ Is it not concerning the bath?²¹ — No, it is concerning [the conditions of] their uncleanness.²² But [surely] concerning their uncleanness²³ there are direct statements in Scripture! In the first case it is written that it lasts for seven days,²⁴ and in the second case also the seven days’ duration is prescribed.²⁵

(1) The girdle as described in Ex. XXXIX, 29 was to be made of fine twined linen, and blue and purple and scarlet, the work of the weaver in colours. The separate mention made of Aaron's girdle and that of his sons serves to indicate that they were not alike and that this description referred to the girdle of the high priest alone: the girdle of other priests was made of lesser material.

(2) From which one may infer that they are to be girded simultaneously, ‘them’, i.e., together.

(3) The answer is: The emphasis is not on the time or interval, but on the fact that father and son shall be girded with the same girdle, no distinction being allowed between the girdles worn by high priest and ordinary priest respectively.

(4) Taking the word simultaneously literally (cf. p. 21, n. 13), the question is, How could Moses have girded five men simultaneously?

(5) The Torah does not command any simultaneity. Aaron is mentioned in one passage and his sons in another, in order to emphasize that he must come first-whether in the clothing of the garments or in the girding.

(6) The first question was misunderstood. The answer implies that the source of the commandment to remove the priest was being sought.

(7) What was really intended was the practical motive of the enactment.

(8) Tosef. Yoma I.

(9) No good Jew (v. Sheb. 18b; Shulhan Aruk, Yoreh Deah 184, 2) would approach his wife unless her ritual purity were beyond doubt, how much less a high priest. Hence such contingency is unthinkable. Dealing with high priests, are we dealing with wicked men?

(10) Bloodstains may be found on the bed after congress and the doubt would arise, whether the discharge occurred before or after congress. Such a doubt would render her husband impure for seven days and ritually unfit to enter the sanctuary.

(11) [For twenty-four hours, so that should the stain be found after congress, the husband would be considered unclean for seven days, v. Nid. 14a.]

(12) Lit., 'after after', v. next note.

(13) [Lit., 'one after' this interval is defined in Nid. 12b as time enough to get down from the bed and rinse her face (euphemistically).]

(14) A menstruant is not permitted to bathe during the seventh day of her menstrual impurity, but only at night, after sunset, the beginning of the eighth day. But he who had congress with her would be permitted to bathe during the seventh day, without having to await the sunset of the seventh day. Hence he needs to be separated for but seven days. And if on the day of the separation he had congress and the doubt of her being a menstruant arose, he would count from the day of the separation until the day before the Day of Atonement, when he would take the bath during the day, await the sunset, and then be fit to enter the sanctuary on the Day of Atonement (Rashi).

(15) He would ritually be impure at the night of the Day of Atonement, hence there would have been no sunset before the Day of Atonement when he was pure and he would be unfit to officiate on the following day; thus the whole separation would be futile.

(16) That is, on the even before the eighth day before the Day of Atonement. One hour is a very short period and unimportant, hence the separation would still be called 'one of seven days'. He could bathe on the evening before the eve of the Day of Atonement (the seventh day after having become ritually impure) and be fit to officiate on the Day of Atonement, having awaited the sunset on the day before his bath.

(17) Meg. 20a, based on Num. XIX, 19, for the law that all may bathe during the day: And on the seventh day he shall purify him and bathe himself in water and be clean at even. — That a menstruant must not bathe before the night of the seventh day is inferred from Lev. XV,19: And if a woman have an issue, she shall be in her impurity seven days. A woman after confinement is compared to a menstruant in Lev. XII, 2: If a woman be delivered . . . , then she shall be unclean for seven days; as in the days of the impurity of her sickness shall she be unclean.; v. infra 88a

(18) Here would be a Tannaitic text invalidating an Amora's inference.

(19) Since the menstruant by contact communicates her impurity, it is logical to assume that the conditions of purification would be identical. Hence the implicit statement is sufficient.

(20) Zab. V, 11.

(21) That the bath could be taken in day-time.

(22) One to whom defilement has happened is like one who touched a dead reptile in that both become clean in the evening, and are unclean in the first degree of uncleanness; and he who had intercourse with a menstruant is afflicted with uncleanness for seven days and is one of the original causes of uncleanness like him who was made unclean through a corpse.

(23) I.e., that of one who has intercourse with a menstruant.

(24) Lev. XV, 24. Her impurity be upon him, he shall be unclean seven days.

(25) Num. XIX, 11: He that toucheth the dead, even any man's dead body, shall be unclean seven days.

Talmud - Mas. Yoma 6b

Must one not hence assume that the comparison concerns their bath?¹ No, indeed it refers only to [the conditions of] their uncleanness, and it was necessary to mention that only because of the latter clause [of that Mishnah, viz.,] that one who had intercourse with a menstruant is afflicted with a graver form of impurity than he [who has become unclean through a corpse] in that he causes uncleanness of couch and seat² [such uncleanness being of a lighter nature] so as to affect only foods and liquids.³

Come and hear:⁴ For R. Hiyya taught: A man or a woman afflicted with gonorrhoea or with

leprosy, one who had intercourse with a menstruant, and one made unclean through a corpse, may take the bath during the day; a menstruant and a woman after confinement take their bath at night.⁵ This is [indeed] a refutation.⁶ Now whilst removing him from the [possible] impurity due to his house,⁷ remove him from the [possibility of] uncleanness through a corpse!⁸ R. Tahlifa, father of R. Huna, said in the name of Raba: This teaches that in the case of a community [the law of] corpse uncleanness is inoperative.⁹ Rabina said: You might also say that [the law of] corpse uncleanness is only suspended in case of a community,¹⁰ yet uncleanness due to contact with a corpse is infrequent,¹¹ whereas uncleanness due to marital life happens often. It has been said: As [to the law of] corpse-uncleanness R. Nahman said: It is inoperative in case of a community. R. Shesheth said: It is only suspended in case of an entire community. Whenever there are in the same priestly family-division¹² men, both clean and unclean ones, nobody disputes the fact that the clean ones do the service and the unclean ones forego it. The dispute concerns only the question as to whether one is obliged to make an endeavour to obtain, clean ones from another family-division. R. Nahman said: [The law of] corpse-uncleanness is inoperative in case of a community, hence we need make no such effort. R. Shesheth says: That law is only suspended in case of a community and hence we must endeavour [to find clean priests for the service].

Some hold that even in a case in which there are both clean and unclean priests in the same family-division, R. Nahman insists that even the unclean ones may officiate

(1) Since a statement as to the duration of their uncleanness, from its express form in the Torah, seems superfluous. But such repetition is illogical and hence the interpretation that it applies to the bathing is justified which proves that he who has intercourse with the menstruant may immerse by day.

(2) [As many couches as are under him become unclean although they had not been in direct contact with him, which is not the case with one who suffers corpse-uncleanness. He defiles only those couches which his body actually touches.]

(3) All original causes of uncleanness (**אבות הטומאה**) render, by touch, man and vessels unclean, whereas the derived first and second and third causes affect only foods and liquids, but neither human beings nor 'vessels' (apparel, etc.).

(4) This phrase in our case introduces a refutation.

(5) *Infra* 88a.

(6) This Tannaitic tradition is beyond the argument of any Amora. The refutation is complete.

(7) i.e., his wife.

(8) Keep away from him every company, lest someone die whilst in the same room with the high priest and render him unclean for seven days.

(9) Lit., 'permissible'.

(10) It is only suspended as by emergency and every effort is due to effect a proper service in its stead.

(11) Hence no precautionary measures, such as, so to speak, quarantining the priest, are necessary.

(12) *Beth-Ab. V. Glos.*

Talmud - Mas. Yoma 7a

because the Torah has rendered all levitical impurity caused through a corpse inoperative in case of a community.¹

R. Shesheth said: Whence do I know that?² Because it has been taught: If the priest was standing and offering up the sheaf of the 'Omer³ and it became unclean in his hands⁴ let him tell and another one is brought in its place. And if there be none but this, one would say to him: 'Be clever and keep quiet'.⁵ At all events he teaches, He should tell about it and another one is brought in its place!⁶ — R. Nahman said: I admit⁷ that where there is a remnant to be eaten [one would have to make an effort to procure a substitute sacrifice].⁸ Another objection was raised: If he was offering up the meal-offering of the bullocks or rams or sheep, and it became unclean in his hand, he should say so and one brings another one in its place; but if there be none [available] but the first, one tells him,

‘Be wise and keep quiet’.⁹ Does this not refer to the bullocks, rams and sheep offered up on the feast [of Sukkoth]?¹⁰ — R. Nahman will answer you: No, the word ‘bullock’ refers to the bullock offered up in expiation of idolatry,¹¹ and although it is a community sacrifice, since there is no definite time fixed for it, one endeavours [to find a substitute offering]; the word ‘rams’ refers to the ram of Aaron¹² and although it is appointed to be sacrificed at a definite time, yet, since it is the offering of an individual, one endeavours [to procure a substitute]; the word ‘lambs’ refers to the lamb offered up together with the ‘Omer-sheaf, of which¹³ there are remnants to be eaten. — Another objection was raised:¹⁴ If [sacrificial] blood became unclean and one sprinkled it, if by mistake, it is accepted;¹⁵ if wilfully, it is not accepted!¹⁶ — This teaching refers to the sacrifice of an individual. Come and hear: For what [mistake at sacrifice] does the priest's plate¹⁷ effect pardon?¹⁸ Concerning blood, flesh, fat, which become unclean, whether by mistake or wilfully, whether by accident or voluntarily,¹⁹ whether [the sacrifice] was offered up by an individual or by the entire community.²⁰ Now if it enter your mind that the law of uncleanness is inoperative in case of a community, what need is there for [the priest's plate] to effect pardon?— R. Nahman will answer you: What has been taught about the plate's effecting pardon, refers only to the sacrifice of an individual. Or, if you like, one might say, it refers also to such community sacrifices for which no definite time has been set. — Another objection was raised:²⁰ [Touching on] And Aaron shall bear the iniquity committed in the holy things. Does he bear any kind of iniquity? If you mean the iniquity of piggul [— a sacrifice rejectable²¹ because of the intended disposal beyond the legal limits of space], concerning this Scripture has said already, It will not be accepted.²² If you mean the iniquity of nothar,²³ concerning that Scripture has said already, It shall not be imputed!²⁴

(1) The source is Num. IX, 10: If any person . . . shall be unclean by reason of a dead body or be in a journey afar off, he could postpone the offering up of his paschal lamb until the fourteenth of the month of Iyar. From this R. Shesheth infers that a person (an individual) is suspended (postpones the celebration of Passover), but not a community. Pes. 66b.

(2) That the law is only suspended, not inoperative.

(3) V. Glos.

(4) The rendering in our text seems defective. In Men. 72a it reads: If he was standing and offering up the flour-offering of the ‘Omer and it became unclean, if there is another (available), he may say to him, — bring the other’ in its place. And if not he says to him — ‘Be clever and keep quiet’. The Tosef. reads: If he offered up the ‘Omer and it became unclean he tells it and one brings another one in its place. If there be none besides the first, one says to him, ‘Be clever and keep quiet about it’.

(5) Since no substitute is available, silence is wisdom, for the priest's frontplate procures forgiveness for such mishap. V. infra.

(6) Hence it is clear that even in the case of a community the law concerning corpse-uncleanness is but suspended, not rendered inoperative, which contradicts R. Nahman.

(7) Although a communal sacrifice may indeed be offered up also in a state of congregational impurity, it may not be eaten in a state of impurity. V. Pes. 77b.

(8) In the case of an ‘Omer offering, where the priest takes a fistful, I admit that remnants to be consumed must be consumed in cleanliness.

(9) This text is apparently taken from the Tosef. Men. II, yet in that text the word for ‘rams’ is omitted.

(10) V. Num. XXIX, 12ff. These are community sacrifices, with a definite time appointed for them, yet the law of impurity is only suspended, for ‘one brings another one in its place’.

(11) The passage in Num. XV, 22f: And when ye shall err and not observe all these commandments, then it shall be, if done in error by the congregation . . . that all the congregation shall offer up one bullock for a burnt-offering, is assumed to refer to the main and most potent error: idolatry.

(12) Offered up on the Day of Atonement.

(13) The meal-offering brought with the ‘Omer lamb, of which a fistful was taken by the priest and the remnants eaten.

(14) V. Pes. 16b.

(15) And the flesh thereof may be eaten.

(16) [In so far that the flesh may not be eaten, though pardon is effected by means of the priest's plate (v. infra). This proves that the law of uncleanness does operate in the case of a community (which is apparently included in the general

terms of this teaching).]

(17) The source is Ex. XXVIII, 36-38: And thou shalt make a plate of pure gold and engrave upon it, like the engravings of a signet: HOLY OF THE LORD. And thou shalt put it on a thread of blue, and it shall be upon the mitre: upon the forefront of the mitre it shall be. And it shall be upon Aaron's forehead and Aaron shall bear the iniquity committed in the holy things which the children of Israel hallow.

(18) Lit., 'Make (the sacrifice) acceptable.'

(19) The word רצון (free-will) after מזיד (wilfully) is tautologous, but it is a matter of Talmudic style, since אונם (accident) is mentioned, its opposite is also included, illustratively rather than logically.

(20) Men. 25b.

(21) Lev. VII, 18: And if any of the flesh of the sacrifice of his peace-offerings (which according to the preceding verse may be eaten only in the day that it is offered on and on the morrow) be at all eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it: it shall be an abhorred thing (piggul) and the soul that eateth of it shall bear his iniquity. The term piggul although generally denoting the intention in the mind of the officiating priest to dispose of the sacrifice beyond the proper time (חוי' לזמנה) signifies here according to Rashi the intended disposal thereof beyond the legal limits of space, (חוי' למקומו). V. Zeb. 28a. Tosaf. explains differently.

(22) V. note 5.

(23) [Lit., 'left over', generally portions of sacrifice left over beyond the legal time and here with the special meaning of the intended disposal of the sacrifice beyond the legal time, so Rashi.]

(24) Lev. VII, 18.

Talmud - Mas. Yoma 7b

Is it not hence that there is no iniquity which he bears except that concerning levitical uncleanness which has been declared inoperative in its general rule whenever a community sacrifice is involved, and the difficulty remains for R. Shesheth?¹ Concerning this matter the Tannaim differ,² for it has been taught:³ The front plate effects pardon⁴ whether it be on the high priest's forehead or not; these are the words of R. Simeon. R. Judah said: As long as it is on his forehead it effects pardon, if it is not on his forehead, it does not effect pardon. R. Simeon said to him: The case of the high priest on the Day of Atonement proves [your contention wrong], for the plate⁵ is then not on his forehead and yet it effects pardon — R. Judah answered him: Leave the case of the high priest on the Day of Atonement alone, for to him, because the community is concerned,⁶ the law of uncleanness has been rendered inoperative. Hence it is to be inferred that according to R. Simeon⁷ the law of uncleanness is only suspended in case of a community.⁸

Abaye said: If the front plate was broken there is no conflicting opinion, all agreeing that it effects no pardon. The dispute concerns only the case when it is hung up on a peg, R. Judah holding, And it shall be upon the forehead [of Aaron] and he shall bear,⁹ whilst R. Simeon bases his opinion on, And it shall be continually upon his forehead, that they may be accepted before the Lord.¹⁰ Now what does 'continually' mean? Shall I say that it shall indeed be continually on his forehead? How is that possible? Must he not enter the privy¹¹ occasionally, must he not sleep at times?¹¹ Rather must it all imply that [the front plate] 'continually'¹² effects pardon. According to R. Judah,¹³ does not Scripture say 'continually'?¹⁴ — That word implies that he should never dismiss it from his mind;¹⁵ this is in agreement with Rabbah son of Huna, for Rabbah son of Huna said: A man is obliged to touch his tefillin¹⁶ every hour. This may be learned by inference ad majus from the front plate.

(1) Who holds that that law is only suspended, not abrogated, where a community sacrifice is involved.

(2) So that R. Shesheth may have the benefit of the support of the Tanna whose opinion he held.

(3) Pes. 77a.

(4) For uncleanness of a sacrifice.

(5) On that day, when the high priest enters the Holy of Holies, he doffs his golden garments, including the front plate, and wears simple linen.

- (6) He offers up the sacrifice to make atonement for the whole congregation.
- (7) Who opposes the view of R. Judah.
- (8) And it is the front plate that effects the pardon. This is the dispute of the Tannaim.
- (9) Ex. XXVII, 38.
- (10) Ibid., the pardon dependent upon the high priest's bearing the plate.
- (11) Respect for the holy garment would necessitate its removal at that time.
- (12) The evidence of the text seems to favour R. Simeon's interpretation.
- (13) Not only does his own interpretation appear wrong when confronted with R. Simeon's argument.
- (14) The word 'continually', which cannot be referred to the wearing of the plate, needs must be applied to its efficacy.
- (15) Not the outward efficacy of the plate; the attitude of the high priest towards its function is what the Torah prescribes here.
- (16) Originally the tefillin were worn all day. V. Shab. 130a.

Talmud - Mas. Yoma 8a

If touching the front plate, on which the mention [of God] is but inscribed once,¹ the Torah prescribes 'And it shall be continually upon his forehead,' i.e., he shall not dismiss it from his mind, how much more does this apply to the tefillin which contain the mention [of God] many a time!² But according to R. Simeon who says the front plate effects pardon always, does not Scripture intimate [in the passage], 'On the forehead [of Aaron] and he shall bear' [that the effecting of pardon depends on his bearing the plate]?- No, that passage merely serves to indicate the place of the plate. Whence does R. Judah know that there is a definite place prescribed for the front plate?³ He infers that from 'On his forehead'. Why should not R. Simeon infer it from the passage too?⁴ -Indeed he does. Then how does he interpret 'On the forehead [of Aaron] and he shall bear'?- He will tell you: [It means to say that] whatsoever is fit to rest 'on the forehead', can effect pardon, whatsoever is not fit to rest on the forehead cannot effect it. This excludes a broken plate, which, indeed, cannot effect a pardon. Whence now does R. Judah infer the law concerning a broken plate? — He derives it from the [fact that instead of] 'the forehead' the text has 'his forehead'.⁵ R. Simeon, however, does not attach any significance to [the words] 'the forehead', [and] 'his forehead'.⁶

Are the above Tannaim disputing the principle of the following Tannaim? For it has been taught: On both of them⁷ throughout the seven days they would sprinkle from all the sin-offerings⁸ that were there;⁹ these are the words of R. Meir. R. Jose said: They sprinkled him only on the third and seventh days. R. Hanina, the deputy high priest¹⁰ said: The priest that was to burn the red heifer they sprinkled on each of the seven days, but the high priest that was to officiate on the Day of Atonement was sprinkled only on the third and seventh day.¹¹ Is it not that their difference rests on this principle: R. Meir holds the law concerning ritual uncleanness to be only suspended in the case of community, whilst R. Jose considers it inoperative in that case.¹² But how can you understand the case of a community?¹³ If R. Jose holds that the law concerning ritual uncleanness is inoperative in case of a community, why is any sprinkling necessary? — Rather, you must assume that all agree that these Tannaim hold that law to be only suspended in case of a community and the point of issue here between them is this: R. Meir holds that we say that it is obligatory¹⁴ for the ritual immersion to be taken in its proper time,¹⁵ and R. Jose holds we do not say that it is obligatory for the ritual immersion to be taken in its proper time.¹⁵ But does R. Jose hold that we do not maintain that it is obligatory for the ritual immersion to take place in its proper time? Surely, it has been taught: One who has the name [of God] inscribed on his flesh must not bathe¹⁶ nor anoint himself nor stand at a place of filth. If he happens to have an obligatory ritual bath, he should place reed grass on that part and thus bathe.¹⁷ R. Jose says: He may go down to bathe as usual, provided he does not rub that part.¹⁸ And it is established that they are disputing the question as to whether it is obligatory for a ritual immersion to take place in its proper time; the first Tanna holding we do not say that it is obligatory for a ritual immersion to be taken in its proper time, and R. Jose affirming that we do say that it is obligatory for a ritual immersion to be taken in its proper place.¹⁹ — Rather: Everybody

agrees that those two Tannaim²⁰ both hold we do say that it is obligatory for a ritual immersion to be taken in its proper time, and their dispute above concerns the following principle: R. Meir is of the opinion that we compare²¹ the [law concerning] ‘sprinkling’ to [that concerning] the immersion²² and R. Jose holds we do not compare ‘sprinkling’ to immersion’. What about R. Hanina, the deputy high priest? If he compares ‘sprinkling’ to ‘immersion’, the high priest on the Day of Atonement too [should be sprinkled on every day]. And if he does not compare ‘sprinkling’ to ‘immersion’ the priest who burns the heifer [should] neither [be sprinkled on every day]? — In truth he does not make that comparison, the enactment²³ touching the priest who burns the heifer being a mere special stringency.²⁴

According to whose opinion is the following teaching: There is no difference between the priest who burns the heifer and the high priest on the Day of Atonement except

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- (1) In the inscription ‘HOLY UNTO THE LORD’.
 - (2) In the four excerpts from the Torah, which they contain. Hence the obligation to touch tefillin all the time, as a reminder of the lessons they convey.
 - (3) Since he interprets ‘On the forehead and he shall bear’ as indicating interdependence of pardon and plate, whence does he know the place of the plate?— Perhaps it may be worn elsewhere too.
 - (4) The passage is simple and direct enough and untouched by the controversy.
 - (5) In the phrase ‘On his forehead continually’, R. Judah derives the law of the broken plate from the use of the possessive.
 - (6) There is nothing abnormal calling for special attention in the use of the possessive.
 - (7) V. supra p. 12 notes.
 - (8) With water from the ashes.
 - (9) Which remained from red heifers from the time of Moses until that period (Bertinoro). V. also Parah III, 5. From the ashes of every heifer some part was kept for future use.
 - (10) Segan. V. Sanh., Sonc. ed. p. 91, n. 1.
 - (11) Cf. Num. XIX, 19.
 - (12) Which shows that R. Jose and R. Meir differ on the same principle as R. Judah and R. Simeon.
 - (13) Lit., ‘Can you hold that opinion?’
 - (14) Mizwah may mean ‘commandment’, ‘good deed’, ‘ought’, ‘is obligatory’.
 - (15) [On the day prescribed by the law, and the same applies to the sprinkling which for the reason explained infra must take place every day.]
 - (16) Lest he blot out the name of God.
 - (17) Lest he blot out ‘the name of God.’
 - (18) V. Shab. 120b.
 - (19) From here it would appear that R. Jose held the ritual bath should be taken as soon as it is due.
 - (20) R. Meir and R. Jose.
 - (21) Lit., ‘analogy’, ‘comparison’, usually based on the close connection of two subjects in one and the same passage of the Torah. Arguments from Hekkesch are, in general, regarded as being more conclusive than those from Gezerah Shawah, the former not admitting of refutation. Both could be applied only for the purpose of supporting a traditional law. Mielziner, l.c.
 - (22) Cf. supra p. 12.
 - (23) That he be sprinkled on the third and fifth days.
 - (24) As to the stringency v. p. 10, n. 2, but even so the sprinkling was not indispensable on any definite day; all that was prohibited was too long an interval between the first and the second sprinkling (Rashi).

Talmud - Mas. Yoma 8b

that the latter is removed for the purpose of sanctity,¹ and his fellow priests were permitted to touch him, whilst the former is removed for purposes of ritual and his colleagues forbidden to touch him. According to whom [is this teaching]? According to the opinion either of R. Meir or of R. Jose. For

if it were in accord with the opinion of R. Hanina, deputy high priest, there would be one more point of difference.²

R. Jose, the son of R. Hanina demurred to this: It is quite right that we sprinkle him on the first day,³ because that may be the third of his impurity; similarly on the second, because that may be the third day of his impurity; on the third, because that may be the third day of his impurity; on the fifth, because that may be the seventh day of his impurity; on the sixth, because that may be the seventh day of his impurity; on the seventh, because that may be the seventh day of his impurity. But on the fourth day why should there be any sprinkling at all? That day could not be in doubt as being either the third day⁴ or the seventh day⁵ of his impurity? — But, according to your own point of view, how can there be sprinkling throughout the seven days? For have we not an established rule that the sprinkling is forbidden as shebuth⁶ and as such cannot override the Sabbath?⁷ — But you must then needs say: ‘Seven days with the exception of the Sabbath’, similarly here, ‘Seven⁸ with the exception of the fourth day.’ Rabah said: For that reason since the matter of the high priest on the Day of Atonement does not depend on us but on the fixing of the calendar,⁹ he ought to be separated on the third of Tishri, and on whatever day the third of Tishri falls, we would remove him; but as to the priest who burns the heifer, since the matter depends on us,¹⁰ we should remove him on the fourth of the week, so that his fourth day would fall on the Sabbath.

TO THE CELL OF THE COUNSELLORS etc. R. Judah said, Was it the ‘cell of the parhedrin [counsellors], was it not rather the ‘cell of the buleute¹¹ [senators]’? Originally, indeed, it was called the ‘cell of the buleute’ but because money¹² was being paid¹³ for the purpose of obtaining the position of high priest and the [high priests] were changed every twelve¹⁴ months, like those counsellors, who are changed every twelve months,¹⁵ therefore it came to be called ‘the cell of the counsellors’.

We learnt elsewhere: upon the bakers¹⁶ the Sages imposed only the duty of setting apart¹⁷ enough for the heave-offering of tithes¹⁸ and hallah.¹⁹ Now, it is quite right [that they did not impose] the great heave-offering, because it has been taught:

(1) As the high priest was about to enter the sanctuary, he was removed from all, in order that he may, in solitude, take upon himself the holiness of the day, shed all pride of office and concentrate on his great responsibility viz., to obtain forgiveness of sin for Israel. As for the priest of the heifer, v. p. 2, n. 2.

(2) For according to R. Hanina, there is this additional difference that the high priest is sprinkled on the third and seventh day only, whereas the priest who is to burn the heifer is sprinkled on each of the seven days.

(3) Of the priest's separation, Num. XIX, 19: And the clean person shall sprinkle upon the unclean person on the third day, and on the seventh day; and on the seventh day shall he purify him. Ibid. 12: But if he purify himself not on the third day and on the seventh day, he shall not be clean.

(4) For, since he became separated he did not touch a corpse.

(5) For if the fourth day of his separation were the seventh day of his impurity, then the day before his separation would needs have been the third day of his impurity, and not having been sprinkled on that day, he could not be sprinkled on the seventh day of his impurity (the fourth day of his separation) for a first sprinkling on the third day of the impurity is indispensable for the second sprinkling on the seventh day.

(6) Lit., ‘rest’, work forbidden by the Rabbis on the Sabbath and festivals as being out of spirit with the ceremony of the day.

(7) I.e., the prohibition of work on the Sabbath. Pes. 65a.

(8) ‘Seven’ must be understood to mean *exceptis excipiendis*, with the exception of those days on which the sprinkling is not lawful or not necessary.

(9) Lit., ‘month’. His entering the sanctuary on the Day of Atonement on the tenth of Tishri depends only on the fixing of the new moon by the Sanhedrin (Cf. Sanh. 2a), from which the tenth would be counted.

(10) There is no definite time prescribed for the burning of the red heifer.

(11) [**, the members of the **, the administrative body of the city of Jerusalem. V. Buchler, Synedrion p. 232.]

(12) To the Hasmonean kings and their satellites.

(13) [So Rashi cur. ed. (lit.) 'they gave money for it' etc. The phrase 'for it' (לִּי) is obscure.]

(14) This is not to be taken literally. On an average, as the Talmud tells later on, these high priests lasted twelve months, no longer. [MS.M. reads: 'They were changed by Heaven'. I.e., they did not survive the twelve months. Others: 'They were removed by the king when a higher price was offered him for the priesthood.' Rashi reads: 'They changed it,' 'it' referring to the chamber. Each new priest on his accession would set up a new chamber for himself.]

(15) Rashi: The king removed his counsellors annually.

(16) Bakers who were 'Fellows' of the pharisaic order. As such they had to undertake scrupulous observance especially of the laws of levitical purity. The haberim (fellows) were distinguished from the great mass of the 'ame ha-arez, the untrained multitude, who were suspects as to levitical purity and also as to the payment of tithe. V. infra.

(17) From the doubtfully tithed fruit which they had brought of the 'amme ha-aretz.

(18) Terumath Ma'aser. V. Glos. s.v. terumah. Terumah Gedolah. V. Glos. s.v. terumah.

(19) The priest's share of the dough. V. Demai II, 4.

Talmud - Mas. Yoma 9a

Because he¹ sent into all the districts of Israel and he found that they² were separating only the great heave-offering;³ [it is also right that the Sages did not impose upon these bakers] the first tithe and the poor man's tithe,⁴ because [of the principle that] the claimant must produce evidence;⁵ but the second tithe, let then [the baker] separate, take it up to Jerusalem and eat it there! 'Ulla said: Because these parhedrin⁶ were beating them all the twelve months⁷ and telling them 'sell cheap, sell cheap,' the Sages did not burden them [to set apart the second tithe and take it up to Jerusalem].⁸ What does parhedrin mean? — Porase [managers].⁹ Rabbah b. Bar Hana said: What is the meaning of the passage, The fear of the Lord prolongeth days,' but the years of the wicked shall be shortened?¹⁰ 'The fear of the Lord prolongeth days' refers to the first Sanctuary, which remained standing for four hundred and ten years and in which there served only eighteen¹¹ high priests. 'But the years of the wicked shall be shortened'¹⁰ refers to the second Sanctuary, which abided for four hundred and twenty years and at which more than three hundred [high] priests served. Take off therefrom the forty years which Simeon the Righteous served,¹² eighty years which Johanan the high priest served,¹³ ten, which Ishmael b. Fabi¹⁴ served, or, as some say, the eleven years of R. Eleazar b. Harsum.¹⁵ Count [the number of high priests] from then on and you will find that none of them completed his year [in office].¹⁶ R. Johanan b. Torta¹⁷ said: Why was Shiloh¹⁸ destroyed? Because of two [evil] things that prevailed there, immorality and contemptuous treatment of sanctified objects. [Proof that] immorality prevailed because it is written, Now Eli was very old, and he heard all that his sons did unto Israel, and how that they lay with the women that did service at the door of the tent of meeting. Notwithstanding R. Samuel b. Nahmani who said in the name of R. Johanan: Whosoever says, The sons of Eli sinned¹⁹ is but mistaken; it is

(1) Johanan, the high priest.

(2) The great mass of the people, exclusive of the Haberim. V. Glos. s.v. haber.

(3) V. Sot. 48a.

(4) The first tithe belonged to the Levite and was due annually; the second tithe was to be consumed by the owner in Jerusalem, annually; the third tithe was due every third year—it was the poor man's tithe.

(5) The heave-offering of the tithe, like the terumah (v. Glos.) itself, was, on penalty of death through divine action, forbidden to be eaten by a non-priest. With regard to the poor man's tithe, the baker could say: If you want to assert legal claim thereto, you will have to prove that the 'am ha-arez, from whom I bought it, has failed to give tithe thereof before he sold it to me. Unless such proof was forthcoming, there was no legal claim on the part of the Levite on the non-Levite poor to its possession.

(6) Paredroi-assessors, counsellors. The Mishnah J. reads paledroi. The Tosef. paredroi. These assessors had a bad reputation from their oppressive measures at the market places, over which, as commissioners, they had jurisdiction. So that, apart from the fact that the high priests, during the second Temple, were changed as often as these officials, the fact that they were dubbed paredroi indicates that there must have been more than one point of contact between these

officials and the priests.

(7) Usually their office was of twelve months' duration. As the next line shows, these officials made full use of their twelve months' opportunity for abuse of power.

(8) The Sages preferred to give the baker haberim the benefit of the doubt that the 'amme ha-arez, as a rule, do give the tithe.

(9) Cf. "**, supervisor, purser, collector, which is logical rather than etymological.

(10) Prov. X, 27.

(11) [Var. lec., eight priests. Cf. I Chron. V, 36ff. Jehozadak who was taken to exile not being counted. V. Tosaf. s.v. **סז**] and Rashi I Chron. V, 36.]

(12) Simeon the Just, High Priest Simon I, c. 300 b.c.e. ' v. Aboth, Sonc. ed., p. 2.

(13) John Hyrcanus, the Hasmonean high priest (Jastrow). V. Ber. He succeeded Simeon the Righteous as high priest (Bertinoro, Ma'as. Sh., 5, end). After eighty years serving as high priest he became a Sadducee (Ber. 29a). That makes it difficult to identify him with John Hyrcanus.

(14) V. Tosef. cf. Yoma 1. [High priest in the days of Agrippa II. He is not to be confused with the high priest of the same name who is reported by Josephus (Wars VI 2, 2) to have been executed in Cyrene after the destruction of the Temple. V. Buchler. op. cit. p. 98.]

(15) V. ibid. I. The Tosef. reads Harsoth. In Yoma 35b he is described as a model rich man who forsook his financial interests to devote himself to the Torah.

(16) Bah, in his marginal notes, inserts on the basis of text on parallel passages the following interpolation here: R, Johanan b. Torta said: 'And why all that? Because they bought the priestly office for money, for R. Assi reported that Martha, the daughter of Boethus, brought King Jannai two kabful of denars to nominate Joshua b. Gamala as one of the high priests. And R. Johanan b. Torta said (further). The same statement is made, infra 18a, in the name of R. Assi.

(17) An interesting account of Torta is given in the Pesik. Rab. XIV: (tortah being taken as the feminine of tora, hence cow. It occurs in this form in the Targum Num. XIX, 2.) He said: If a cow that has no speech and no mind, recognized her Creator, should I, whom my Maker created in His image, not go and acknowledge Him. He became a Jew, studied, grew efficient in the Torah and they named him Johanan b. Torta.

(18) The seat of the Tabernacle after the conquest.

(19) As the text indicates. The same apologetics are elsewhere used to defend Reuben, the sons of Samuel, David, Solomon. (Shab. 55b).

Talmud - Mas. Yoma 9b

because they delayed offering up their sacrificial¹ birds Scripture accounts it to them as if they had lain with them. The [sacred] offerings were treated contemptuously, as it is written,² Yea, before the fat was made to smoke, the priest's servant came and said to the man that sacrificed: 'Give flesh to roast for the priest,' for he will not have sodden flesh of thee, but raw.' And if the man said unto him: 'Let the fat be made to smoke first of all, and then take as much as thy soul desireth': then he would say: 'Nay, but thou shalt give it me now, and if not, I will take it by force. 'And the sin of the young men was very great before the Lord, — for the men dealt contemptuously with the offering of the Lord.

Why was the first Sanctuary destroyed? Because of three [evil] things which prevailed there: idolatry, immorality, bloodshed. Idolatry, as it is written: For the bed is too short for a man to stretch himself and the covering too narrow when he gathereth himself up.³ What is the meaning of 'For the bed is too short for a man to stretch himself'? R. Jonathan said: It is: This bed⁴ is too short for two neighbours to stretch themselves. And [what is the meaning of] 'the covering too narrow when he gathereth himself up'? — R. Samuel b. Nahmani said: When R. Jonathan [in his reading] came to this passage, he would cry and say: To Him, concerning Whom it is written, He gathereth the waters of the sea together like a heap,⁵ the cover became too narrow! Immorality [prevailed] as it is written: Moreover the Lord said: Because the daughters of Zion are haughty, and walk with stretched-forth necks and wanton eyes, walking and mincing as they go, and make a tinkling with their feet.⁶ 'Because the daughters of Zion are haughty', i.e., they used to walk with proud carriage. 'And

wanton eyes' i.e., they filled their eyes with kohl.⁷ 'Walking and mincing as they go', i.e. , they used to walk with the heel touching the toe. 'And make a tinkling with their feet', R. Isaac said: They would take myrrh and balsam and place it in their shoes⁸ and when they came near the young men of Israel they would kick, causing the balsam to squirt at them and would thus cause the evil desire to enter them like an adder's poison.

Bloodshed [prevailed] as it is written: Moreover Manaseh shed innocent blood very much, till he had filled Jerusalem from one end to another.⁹ They were wicked, but they placed their trust in the Holy One, blessed be He.¹⁰ For it is written, The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets thereof divine for money; yet will they lean upon the Lord and say 'Is not the Lord in the midst of us? No evil shall come upon us'.¹¹ Therefore the Holy One, blessed be He, brought them three evil decrees as against the three evils which were their own:¹² Therefore shall Zion for your sake be plowed as a field, and Jerusalem shall become heaps and the mountain of the house as the high places of a forest. But why was the second Sanctuary destroyed, seeing that in its time they were occupying themselves with Torah, [observance of] precepts, and the practice of charity? Because therein prevailed hatred without cause. That teaches you that groundless hatred is considered as of even gravity with the three sins of idolatry, immorality, and bloodshed together . And [during the time of] the first Sanctuary did no groundless hatred prevail? Surely it is written: They are thrust down to the sword with my people; smite therefore upon my thigh,¹³ and R. Eleazar said: This refers to people who eat and drink together and then thrust each other through with the daggers of their tongue! — That [passage] speaks of the princes in Israel, for it is written , Cry and wail, son of man; for it is upon my people,¹³ etc. [The text reads] 'Cry and wail, son of man'. One might have assumed [it is upon] all [Israel], therefore it goes on, Upon all the princes of Israel.

R. Johanan and R. Eleazar both say: The former ones whose iniquity was revealed¹⁴ had their end¹⁵ revealed, the latter ones whose iniquity was not revealed have their end still unrevealed.

R. Johanan said: The fingernail of the earlier generations¹⁶ is better than the whole¹⁷ body of the later generations. Said Resh Lakish to him: On the contrary, the latter generations are better,¹⁸ although they are oppressed by the governments, they are occupying themselves with the Torah .- He [R. Johanan] replied: The Sanctuary will prove [my point] for it came back to the former generations, but not to the latter ones.

The question was put to R. Eleazar: Were the earlier generations better, or the later ones? — He answered: Look upon the Sanctuary! Some say he answered: The Sanctuary is your witness [in this matter].¹⁹

Resh Lakish was swimming in the Jordan. Thereupon Rabbah b. Bar Hana came and gave him the hand:²⁰ Said [Resh Lakish] to him: By God! I hate you. For it is written: If she be a wall, we will build upon her a turret of silver; if she be a door, we will enclose her with boards of cedar.²¹ Had you made yourself like a wall and had all come up in the days of Ezra, you would have been compared to silver, which no rottenness can ever affect. Now that you have come up like doors,²² you are like cedarwood, which rottenness prevails over. What is erez ['cedar']?- 'Ulla said: It is sasmagor.²³ What is 'sasmagor'?-R. Abba says it is the divine²⁴ voice as it has been taught: After the later prophets Haggai, Zechariah, and Malachi had died, the Holy Spirit²⁵ departed from Israel, but they still availed themselves of the Bath Kol.²⁶ — But did Resh Lakish talk with Rabbah b. Bar Hana?²⁷ Even with R. Eleazar, who was the master of the land of Israel, Resh Lakish did not converse²⁸ [for anyone with whom Resh Lakish conversed in the street could get merchandise without witnesses]²⁹ would he engage in conversation with Rabbah b. Bar Hana?-R. Papa said: 'Throw a man between them'.³⁰ It was either Resh Lakish and Ze'iri or Rabbah b. Bar Hana and R. Eleazar.³¹ When he [Resh Lakish] came before R. Johanan , he said to him: This is not the reason.³² Even if they had all

come up in the time of Ezra, the Divine Presence would not have rested over the second Sanctuary, for it is written:³³ God shall enlarge Japheth, and he shall dwell in the tents of Shem, [that means],

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- (1) Lev. XII, 8.
 - (2) I Sam. li, 15-17.
 - (3) Isa. XXVIII, 20.
 - (4) Manasseh the faithless king, introduced idols into the very Sanctuary. There was no room for the God of Israel, together with an idol, in his one Sanctuary.
 - (5) Ps. XXXIII, 7. The ad hoc exposition here is either: 'On his cover (the idol) became His rival,' or 'The cover itself, used for idolatrous purposes, thus became His rival,' the cover here standing for the Sanctuary.
 - (6) Isa. III, 16.
 - (7) A powder used for painting the eyelids, stibium (Jastrow).
 - (8) Bah interpolates here: and walking around in the streets of Jerusalem and when they came near etc., v. D.S.
 - (9) II Kings XXI, 16.
 - (10) The text as it stands is in need of correction. The present rearrangement based on text in parallel passages (v. D.S.) is adopted by Bah. [Cur. edd. insert: 'This refers to the first Sanctuary'. This, on the rearrangement of the text adopted (v. n. 5), is evidently superfluous. V. D.S.]
 - (11) Micah III, 11.
 - (12) Ibid. 12.
 - (13) Ezek. XXI, 17.
 - (14) 'Who did not hide their misdeeds' (Rashi).
 - (15) I.e., the end of their captivity. Jer. XXIX, 10: For thus saith the Lord: After seventy years are accomplished in Babylon, I will remember you and perform My good word to you, in causing you to return to this place.
 - (16) The earlier generations are, of course, those of the first Temple, the later ones Israel since the second destruction.
 - (17) Lit. , 'the belly'.
 - (18) Or 'better off'. There is a slight shift in the argument. R. Johanan had referred to their value, Resh Lakish to their political and moral condition.
 - (19) It came back to them after the first destruction, it has not come back to us as yet. There is only a slight difference in Hebrew between the two versions עיניכם and עידיכם.
 - (20) [To help Resh Lakish out of the water. V. D.S. a.l. n. 100.]
 - (21) Cant. VIII, 9.
 - (22) A wall is of one piece, a door, a gate at least of two. Had Israel come from Babylon, not in parts, but at once, Jewry in Palestine may have been found worthy of a restoration of the Sanctuary.
 - (23) Perhaps a comp. of sass and magor-magerah i.e. , a sawing worm. Bah reads: The worm destroys and saws it off from within.
 - (24) Bath Kol (v. Glos.). Just as some part of the cedar is unaffected by the worm, surviving the ruin, so was the gift of the divine voice a remnant of God's grace, even after the destruction. V., however, Cant. Rab. VIII, 11
 - (25) Of prophecy.
 - (26) V. Sot. 48b.
 - (27) [In the street, v. infra.]
 - (28) Tosaf. a.I. suggests that he would not address R. Eleazar, but would, of course, offer him the courtesy of a reply, when addressed by him; an example is cited from Zeb. 5a.
 - (29) One would trust the honesty of a man whom Resh Lakish honoured by engaging him in public conversation.
 - (30) Change the account by substituting one other man for one of the persons mentioned in the original account.
 - (31) 'If Resh Lakish was the swimmer, make Ze'iri the other man; or Rabbah b. Bar Hana offered the hand and R. Eleazar was the swimmer' (Rashi). [Aliter: Or Rabbah b. Bar Hana (who was a Palestinian) was the swimmer, and R. Eleazar (who was a Babylonian) offered the hand, v. Hyman, Toledoth, p.3 1076.]
 - (32) Your complaint was unjustified.
 - (33) Gen. IX, 27.

although God has enlarged Japheth,¹ the Divine Presence rests only in the tents of Shem.² Whence do we know that the Persians are derived from Japheth? — Because It is written: The sons of Japheth: Gomer, and Magog, and Madai and Javan, and Tubal, and Meshek, and Tiras.³ ‘Gomer’, i.e. Germania;⁴ ‘Magog’, i.e. Kandia;⁵ ‘Madai’, i.e. Macedonia; ‘Javan’,⁶ in its literal sense; ‘Tubal’, i.e. Beth-Unyaki;⁷ ‘Meshek’, i.e. Mysia;⁸ ‘Tiras’ — its identification is a matter of dispute between R. Simai and the Rabbis, or, according to another report, between R. Simon and the Rabbis, one holding that it is to be identified with Beth Tiryaka,⁹ and the other [authorities] declaring it is Persia. R. Joseph learnt: ‘Tiras’ is Persia, Sabtah and Raamah, and Sabteca.¹⁰ R. Joseph learnt: I.e. the inner Sakistan and the outer Sakistan.¹¹ Between the two there is [a distance] of one hundred parasangs and its circumference one thousand parasangs.¹² And the beginning of his kingdom was Babel and Erech, and Accad, and Calneh in the land of Shinar.¹³ ‘Babel’ in its usual sense; ‘Erech’ ‘i.e. Urikath;¹⁴ ‘Accad’, i.e. Baskar;¹⁵ ‘Calneh’, i.e. Nupar —¹⁶ Ninpi. Out of that land went Ashur.¹⁷ R. Joseph learnt: ‘Ashur’, i.e. Silok.¹⁸ And builded Nineveh and Rehoboth-ir, and Calah.¹⁹ ‘Nineveh in its usual sense; ‘Rehoboth-ir’, i.e. Perath of Meshan.²⁰ ‘Calah’ i.e., Perath de Borsif.²¹ And Resen between Nineveh and Calah — the same is the great city.²² ‘Resen’, i.e., Ctesiphon.²³ ‘The same is the great city’. [From here] I do not know yet whether by ‘the great city’ Nineveh or Resen is meant. But, as Scripture says, Now Nineveh was an exceeding great city unto God, of three days’ journey,²⁴ say that by ‘the great city’ Nineveh is meant.

An²⁵ Ahiman, Sheshai, and Talmai the children of Anak, were there.²⁶ A Tanna taught: ‘Ahiman’, i.e., the most skilful²⁷ of the brethren; ‘Sheshai’,²⁸ i.e., he made the ground [he stepped on] like pits; ‘Talmai’, i.e., he made the ground full of ridges. Another comment:²⁹ Ahiman built Anath, Sheshai built Alush; Talmai built Talbush.³⁰ [They were called] ‘the children of Anak’, because they lorded it over the sun by reason of their height.³¹

R. Joshua b. Levi in the name of Rabbi said: Rome is designed to fall into the hand of Persia, as it was said: Therefore hear ye the counsel of the Lord, that He hath taken against Edom; and His purposes that He hath purposed against the inhabitants of Teman: surely the least of the flock shall drag them away, surely their habitation shall be appalled to them.³² Rabbah b. ‘Ullah demurred to this: What intimation is there that ‘the last of the flock’ refers to Persia? [Presumably] because Scripture reads: The ram which thou sawest having two horns, they are the kings of Media and Persia.³³ But say [perhaps] it is Greece, for it is written, And the rough he-goat is the king of Greece?³⁴ — When R. Habiba b. Surmaki came up,³⁵ he reported this interpretation before a certain scholar. The latter said: One who does not understand the meaning of the passage asks a question against Rabbi. What does, indeed, ‘the least of the flock’ mean? The youngest of his brethren, for R. Joseph learnt that Tiras is Persia.³⁶

Rabbah b. Bar Hana in the name of R. Johanan, on the authority of R. Judah b. Ila'i, said: Rome is designed to fall into the hands of Persia, that may be concluded by inference a minori ad majus: If in the case of the first Sanctuary, which the sons of Shem [Solomon] built and the Chaldeans destroyed, the Chaldeans fell into the hands of the Persians,³⁷ then how much more should this be so with the second Sanctuary, which the Persians built and the Romans destroyed, that the Romans should fall into the hands of the Persians.³⁸ Rab said: Persia will fall into the hands of Rome. Thereupon R. Kahana and R. Assi asked of Rab: [Shall] the builders fall into the hands of the destroyers? — He said to them: Yes, it is the decree of the King.³⁹ Others say: He replied to them: They too are guilty for they destroyed the synagogues. It has also been taught in accord with the above, Persia will fall into the hands of Rome, first because they destroyed the synagogues, and then because it is the King's decree that the builders fall into the hands of the destroyers. Rab also said: The son of David will not come until the wicked kingdom of Rome will have spread [its sway] over the whole world for nine months, as it is said: Therefore will He give them up, until the time that she who travaileth hath brought forth; then the residue of his brethren shall return with the children of Israel.⁴⁰

Our Rabbis taught: All the cells in the Sanctuary were without a mezuzah⁴¹ with the exception of the cell of the counsellors, for therein there was a residence for the high priest. R. Judah said: Were there not a number of cells in the Sanctuary which had a compartment for a dwelling, yet had no mezuzah? Rather, the [reason for the] mezuzah on the cell of the counsellors was due to a preventive measure, What was the reason for R. Judah's statement? — Rabbah said, R. Judah is of the opinion, any house which is not made to serve both as a summer-home and a winter-home, is not a house.⁴² Abaye raised an objection: But it is written: And I will smite the winter-house with the summer-house!⁴³ — He answered: They are called summer-house or winter-house, but not by the general name house. Abaye raised the following objection: ‘The sukkah⁴⁴ used at the Feast [of Tabernacles] according to R. Judah renders [the fruit brought during the Feast] liable to tithe, whereas the Sages exempt it [from such duty]’;⁴⁵ and it has been learnt in connection with it: R. Judah considers [a sukkah] liable to ‘erub,⁴⁶ a mezuzah to tithe.⁴⁷ And if you should say he considers it liable to these duties only on rabbinic enactment, that could apply to ‘erub and mezuzah, but as regards tithe, can one say that it is but a rabbinic enactment, [should we not fear]

(1) Japheth here stands for Persia, as the following account endeavours to show.

(2) [I.e. , the Divine Presence rests only in the Temple built by Solomon, a descendant of Shem and not in that built by the Persians, the descendants of Japheth.]

(3) Gen. X, 2.

(4) Germania, the land of the Cimmerii. [Rieger, P. (MGWJ, 1936 p. 455) identifies it with the modern Kerman in South Persia.]

(5) Usually identified with Crete. [J. Meg. I, 11 reads: Gothia, the land of the Goths.]

(6) [J.T.loc. cit. reads, ‘Madai in its literal sense, Javan is Ephesus’. Golds. accordingly reads Madai in its literal sense, Javan is Macedonia.]

(7) Bithynia in Asia Minor.

(8) Mysia, a district in Asia Minor.

(9) Thrace.

(10) Gen. X,7.

(11) Drangania, a district in Persia (Jast.). [Golds. Scythia.]

(12) Rashi: They are a district surrounded by mountains. The outer S. includes the inner S., the inner which is one hundred parasangs’ distance from the outer, while the circumference of the outer one is one thousand parasangs.

(13) Gen.X, 10.

(14) Warka, S.E. of Babylon (Jast.).

(15) Jast. reads כשכר Cashkar, Cascara in Babylonia (v. Payne-Smith 1843).

(16) Ass. Nippur, modern Niffer. [Ninpi was probably an additional name by which Nippur was known and which is probably derived from the planet-god Ninib, Obermeyer p. 336.]

(17) Gen. X, 11.

(18) In Keth. 10b the reading is סליקא Selucia, on the border of Babylonia and Assyria.

(19) Gen. X, 11 .

(20) Perath, according to Jastrow seems to be the general name of certain districts, thus in connection with Meshan, Messene, the island formed by the Euphrates, the Tigris and the royal canal. Berliner, Beitr. z. Geogr. 44.

(21) A city near the site of Babel, Borsippa.

(22) Gen. X,12.

(23) A town on the eastern bank of the Tigris.

(24) Jonah III, 3.

(25) The Talmud continues with aggadic interpretation of other names.

(26) Num. XIII, 22.

(27) Root מן (denominative of מן ‘right’). ‘To endow with skill’, ‘distinguish’.

(28) According to Rashi the name is to be connected with the root meaning ‘desolation’, Lam. III, 47.

(29) Rashi omits, ‘Another comment’, and just adds the information as to the building activity of the giant en passant.

(30) [Identified by Obermeyer with ‘Anah, Alusa and Telbeth, three fortified island-towns on the Northern Euphrates.]

(31) So Jast. Rashi: "With their height reaching up to the sun it surrounded their neck as a necklace does the neck.

- (32) Jer. XLIX, 20.
 (33) Dan. VIII, 20.
 (34) Dan. VIII, 21.
 (35) From Babylon to Palestine.
 (36) Tiras is mentioned last in Gen. X, 2, hence the 'youngest of the brethren'.
 (37) The destroyers fell into the hands of their enemies. Belshazzar into the hands of Darius (Rashi).
 (38) It seems logical that the destroyers fall into the hands of the builders.
 (39) The Supreme King of Kings.
 (40) Micah V, 2, interpreting the verse that the duration of the people's abandonment will be 'until the time etc.', i.e. nine months, the period of pregnancy.
 (41) The inscription of Deut. VI, 4-9, XI, 13-21 on a slip of parchment.
 (42) Only a 'house' (cf. Deut. VI, 9) requires a mezuzah, not a temporary residence.
 (43) Amos III, 15.
 (44) The booth covered with twigs for the seven days of Sukkoth (Tabernacles). Lev. XXIII, 33-44.
 (45) V. Ma'as. VII, 3. The liability to tithes begins only from the moment the produce is brought into the house, v. Ma'as. I, 3 and the point at issue between R. Judah and the Sages is whether a sukkah is considered a house in what concerns tithes.
 (46) For the purpose of regulating Sabbath limits of movement a legal community or continuity is symbolically established for the inhabitants of a city, a court etc. If the sukkah opens out into a court in which there are other dwellings too, the inhabitants of all these dwellings will contribute their share towards a dish to be deposited in one of the dwellings, by which act the dwellings are considered as common to all, and the carrying of objects across the court and from one dwelling to another will be permitted.
 (47) Only a house needs 'erub and mezuzah.

Talmud - Mas. Yoma 10b

that he may come to set aside tithe from where it is obligatory for where it is exempt and from where it is exempt for where it is obligatory?¹ -Rather, said Abaye, there is no dispute concerning the seven days [of the separation], all agreeing that [the cell] is liable [to have a mezuzah];² what the dispute is concerned with is the other days of the year; the Rabbis would institute it as a precautionary measure on account of the seven days, whilst R. Judah does not see the need for such a measure. Raba said to him: But the teaching [of the Mishnah]³ reads, 'The sukkah of the Feast during the Feast'! Therefore says Raba: On all other days of the year they all agree that there is no obligation [for a mezuzah at the sukkah and cell], the dispute touches only the seven days, and there is a special ground in the case of the sukkah and there is a special reason in the case of the cell. There is a special reason in the case of the sukkah: R. Judah, holding in accordance with his own principle, that the sukkah must have the character of a permanent residence, hence considers [the sukkah] is liable to a mezuzah, whilst the Rabbis, following their own principle, hold that the sukkah must have the character of an incidental residence, and hence requires no mezuzah. There is also a special reason for the dispute in the case of the cell [of the counsellors]; the Rabbis hold that a dwelling not freely chosen is called a dwelling whilst R. Judah is of the opinion that such dwelling is not included in the term dwelling; only rabbinically it was arranged that a mezuzah be affixed at the cell lest the people say the high priest is being kept in prison.⁴

Who has taught the following which our Rabbis have taught:

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- (1) He might take off the tithe from something that is liable to tithe only by rabbinic enactment for some other heap (of produce), which is liable by the law of the Torah, and vice versa, thus invalidating the former and the latter.
 (2) Even as at the sukkah.
 (3) V. supra p. 45, n. 5. And yet it is said: 'The Sages exempt it from tithe', hence even during the seven days, according to one view, there would be exemption from the duty.
 (4) Since only a dwelling not freely chosen does not need a mezuzah.

Talmud - Mas. Yoma 11a

All the gates that were there¹ had no mezuzah, with the exception of the gate of Nicanor,² within which the cell of the counsellors was situated. Apparently this teaching is in agreement with the Rabbis³ and not with R. Judah. For, if it were to be R. Judah's opinion [surely] he holds that [the mezuzah at the cell] itself is only a rabbinical enactment, shall we enact a preventive measure⁴ to guard another preventive measure?⁵ — You might even say it is in accord with R. Judah. [They are not two separate enactments, rather] the whole is but one measure.⁶

Our Rabbis taught: And upon thy gates:⁷ alike upon the gates of houses, upon the gates of courts, upon the gates of provinces, upon the gates of cities rests the dutiful obligation⁸ to the Omnipresent, as it is said, 'Upon the doorposts of thy house and upon thy gates'. Said Abaye to R. Safra: Why did the Rabbis not affix a mezuzah on the city gateways of Mahoza?⁹ — He answered: They serve only as supports for the Fort of Turrets [of that city].¹⁰ But the Fort of Turrets itself should have a mezuzah, for it contains a residence-compartment for the keeper of the prison! For it has been taught: A synagogue, which contains a dwelling-place for the synagogue attendant¹¹ must have a mezuzah! Rather, said Abaye, it¹² is due to a fear of danger.¹³ For it has been taught: The mezuzah of an individual's [house] should be examined¹⁴ twice every seven years, and of public buildings twice every fifty years. It happened to an Artaban¹⁵ who was examining mezuzoth in the upper market of Sepphoris¹⁶ that a quaestor found him and took from him a thousand zuz.¹⁷ But R. Eleazar said: Messengers engaged in a mizwah do not come to harm? — Where danger is to be expected, it is different, for it is written: And Samuel said: How can I go? If Saul hear it, he will kill me. And the Lord said: Take a heifer with thee, and say: I am come to sacrifice unto the Lord.¹⁸ R. Kahana recited before Rab Judah: The straw-magazine, the stable, the wood-shed, and the store-house are exempt from the mezuzah, because the women make use of them.¹⁹ What does 'they make use [of them]' mean? — They bathe [therein].²⁰ Rab Judah said to him: The reason for the exemption is that they bathe [therein], but [had they been restricted to their] ordinary use, these places are liable to a mezuzah. But has it not been taught that an ox-stable is exempt from a mezuzah? Rather we must say that 'they make use [of them]' means they adorn themselves therein and this is what it teaches: Although the women adorn themselves therein, they are exempt from mezuzah.²¹ Said R. Kahana to him: But are the [places] wherein women adorn themselves exempt [from a mezuzah]? Surely it has been taught: An ox-stable is exempt from mezuzah, and [places] where women adorn themselves are liable to a mezuzah — What then remains now for you to say [is that] the case of [dwellings] wherein women adorn themselves is being disputed by Tannaim,²² and so on my view too²³ concerning these places [when limited to their] ordinary use, there is a dispute of Tannaim — For it has been taught: 'Thy house'²⁴ means 'a house appointed for thee', thus excluding the straw-magazine, the ox-stable, the wood-shed, and the store-house which are exempt from the mezuzah. Some however declare them liable [to have a mezuzah]. In truth, they said, the privy, the tannery, the bathhouse, the house for ritual immersion are exempt from a mezuzah. Now R. Kahana explains [this teaching] according to his view, and Rab Judah explains it according to his view. 'R. Kahana explains it according to his view' thus: 'Thy house' means 'the house appointed for thee', thus excluding a straw-magazine, ox-stable, woodshed and store-house which are exempt from a mezuzah. Some however declare them liable. In truth, they said, the privy, the tannery, the bath-house, the house for ritual immersion and the rooms which the women make use of to adorn themselves are exempt from the mezuzah. But if this is so, it is the same as merhaz? — We are informed about public and about private bath-houses. For the thought may have occurred that only public bath-houses are exempt because they are full of uncleanness, but private bathhouses, where there is less thereof, are liable to a mezuzah, therefore he lets us know [that even private bath-houses are exempt]. 'Rab Judah explains it in accord with his view': This is how it is taught: 'Thy house' means 'a house appointed for thee', that excludes the straw-magazine, ox-stable, wood-shed, and store-house as exempt from mezuzah, even though women adorn themselves [therein].²⁵ Some

consider houses wherein the women adorn themselves obliged to have a mezuzah. But [when restricted to their] ordinary use, all agree that they are exempt. In truth they said: The privy, the tannery, the private or public bathhouse, even though the women adorn themselves therein, are exempt from mezuzah, because they contain a great deal of uncleanness. But would, according to Rab Judah, all agree that [these places when restricted to their] ordinary use are exempt? Surely it has been taught: ‘In your gates’,²⁶ that implies alike the gates of houses, of courts, of provinces, of cities, cattle-sheds, hen-roosts, shed for straw, store-house for wine, store-house for oil — they all are liable to a mezuzah — One might assume this includes also

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- (1) All the gates in the eastern part of the Temple Court.
 - (2) Nicanor imported Corinthian bronze doors for the Temple gate called after him.
 - (3) I.e., the opponents of R. Judah in the Baraitha supra 10a.
 - (4) Making the Nicanor Gate liable to a mezuzah.
 - (5) V. Bez. 2b.
 - (6) Result of one enactment.
 - (7) Deut. VI, 9.
 - (8) Of affixing a mezuzah.
 - (9) A large Jewish trading town on the Tigris.
 - (10) [So Jast. Obermeyer p. 168: The fort of Be Koke, a fortress adjoining Mahoza.]
 - (11) Hazzan, v. Ta'an., Sonc. ed., p. 77, n. 2.
 - (12) The absence of a mezuzah at the Fort of Turrets.
 - (13) Rashi: Lest the king say: You are engaging in some witchcraft at the gate of my city. Perhaps because in examining the mezuzah from time to time one may find such an unpleasant quaestor as the Artaban did.
 - (14) It may have deteriorated by rotting or through worms, or it may have been stolen.
 - (15) A corruption or Judaization of ‘tribune’.
 - (16) In Upper Galilee.
 - (17) A silver coin, one fourth of a shekel, one denar.
 - (18) I Sam. XVI, 2.
 - (19) Lit., ‘are deriving benefit therein’.
 - (20) In the nude, hence it would be disrespectful to affix a mezuzah.
 - (21) [Rab Judah does not correct the Baraitha in stating that these places are exempt because the women make use of them. The Baraitha, in his view, means that although they make use of them, since, however, it is only for the purpose of adorning themselves and not as permanent dwellings, these places are exempt. Tosaf. s.v. פס]
 - (22) Whether they are liable to a mezuzah.
 - (23) Explaining the phrase as meaning ‘they bathe’.
 - (24) Deut. VI, 9.
 - (25) And which therefore might be considered dwellings.
 - (26) Deut. VI, 9.

Talmud - Mas. Yoma 11b

the porter's lodge,¹ a veranda² and a balcony, therefore the text reads, ‘house’ — [meaning] just as ‘house’ means a building appointed for a dwelling it thus excludes all other buildings not appointed for a dwelling. One might have wanted to include also the privy, the tannery, the bath-house and the house for ritual immersion, therefore the text says, ‘house’: just as a ‘house is made for dignity, so only all such are implied, which also are made for dignity, to the exclusion of these, which are not made for dignity. One might have wanted to include the mountain of the Sanctuary,³ the cells and the courts.⁴ Therefore the text says ‘house’: just as a ‘house’ is for common use so are only such [houses] as are for common use [liable] to a mezuzah — to the exclusion of these which are sacred!⁵ This is a refutation.

R. Samuel son of Rab Judah recited before Raba: Six gates are exempt from the mezuzah.- [the

gates of] the straw-shed, the stable, the wood-house, the store-house, the Median⁶ gate, a gate without beams and a gate that is not ten handbreadths high. He [Raba] said to him: You started by saying six and you ended up with seven?—He replied: There is Tannaitic division of opinion concerning the Median gate, for it has been taught: An arched doorway⁷ — R. Meir declares it liable to the mezuzah, while the Sages exempt it.⁸ All agree, however, that, if the posts are ten handbreadths⁹ [high], it is liable to the mezuzah.¹⁰ Said Abaye: All agree that if the [whole] doorway is ten handbreadths in height, but the post is not even three¹¹ it is considered nothing;¹² again, if the post is three handbreadths in height, but the [whole] doorway not even ten, it is also considered nothing.¹² They are disputing only concerning doorways the [whole] height of which is ten, with the posts three in height, but with a width less than four handbreadths, space however being left to extend it to four handbreadths.¹³ R. Meir holds one may extend¹⁴ it by digging [to the required minimum of four handbreadths], whilst the Sages hold that we do not extend it by digging it. Our Rabbis taught: The synagogue, the women's apartment, and the house belonging to partners are liable to mezuzah — Is that not self-evident? — You might have said [the scriptural] ‘Thy house’¹⁵ [means] her — but not [the woman's] house; ‘thy house’ but not their [partners’] house, hence we are taught [that they are included in the law of mezuzah]. But would you expound similarly: That your days may be multiplied and the days of your sons?¹⁶ Do only their [sons] need life, not the others [women and their daughters]? What then is the significance of ‘Thy house’? — It is as Raba said: For Raba said: The way thou enterest [thy house], and when a man moves, he moves with the right foot first.¹⁷

Another [Baraita] taught:¹⁸ The synagogue, the house belonging to partners, and the women's compartment are subject to uncleanness from house plagues. Is that not self-evident? You might have said: Then shall come he who has the house to him;¹⁹ to him’ [implies] but not ‘to her’ [woman], ‘to him’ but not ‘to them’ [partners], therefore we are told [that this is not so]. Perhaps it is really so? — Scripture says, In a house of the land of your possession,²⁰ [which includes both] — Why then ‘to him’? [That means to say that] if one devotes his house to himself exclusively, refusing to lend his belongings by pretending he did not own them, the Holy One, blessed be He, exposes him as he removes his belongings.²¹ Thus ‘to him’ excludes [from the infliction of the house plague] him who lends his belongings to others.²²

But is a synagogue subject to uncleanness from house plagues? Has it not been taught: One might assume that synagogues and houses of learning are subject to uncleanness from house plagues, therefore Scripture says: ‘He who has the house to him’, i.e., he to whom alone the house belongs, that excludes those [houses] which do not belong to him alone? — This is no difficulty: The first teaching is in accord with R. Meir, the second with Rabba, for it has been taught: A synagogue which contains a dwelling for the synagogue attendant²³ is liable to a mezuzah, but one which has no dwelling apartment, R. Meir declares it liable but the Sages exempt it. Or, if you wish, you might say: Both teachings are in accord with the Rabbis. In the one case the synagogue referred to has a dwelling [apartment], in the other it has no dwelling apartment. Or, if you wish, you might say [in accounting for the discrepancy] that in both cases the synagogue has no dwelling apartment

(1) Lit., ‘a gate-house’.

(2) Exedra.

(3) The Temple mount.

(4) In the singular: The Temple court. In the plural the various compartments there, as the men's compartment, the women's compartment.

(5) [This proves that the places enumerated in the teaching of R. Kahana, even when restricted to their ordinary use, are also subject to a difference of opinion of Tannaim whether or not they are liable to a mezuzah, which contradicts Rab Judah.]

(6) The Median gate was usually made with an arched doorway, hence gates with such doorways came to be called Median.

- (7) Which is the same as a Median gate.
- (8) [Since it narrows down at the arch to less than four handbreadths, the required minimum of a gate, v. n. 10.]
- (9) Before the entrance began to narrow down at the arch.
- (10) 'Er. 11b.
- (11) It began to narrow down at less than three handbreadths from the ground.
- (12) And requires no mezuzah, for the minimum for any doorway is ten in height for the whole doorway, four in width, three for the posts; below it is but 'solid' earth.
- (13) Within the ten handbreadths, the minimum required height of the doorway.
- (14) By legal fiction. As long as the doorway starts on a breadth of four by three, allowing space for continued dimension up to ten, we look upon it as continuing in the same size, hence as entitled to the designation 'door', with the implication of being subject to the law of mezuzah
- (15) The possessive suffix in the Hebrew is masc. sing.
- (16) Deut. XI, 21. If you press the text so hard, excluding woman because the possessive is in the masculine form, then you should consistently expound: In order that your days, may be, where the possessive suffix, too, is masculine, that God holds out no promise for the prolongation of women's life. Perhaps benekem, which literally means 'your sons', although it is understood to include 'daughters', being usually translated as 'children' might render the consequence of such pedantic interpretation more absurd still.
- (17) Read ad hoc: instead of betheka, bi'atheka, i.e., 'thy coming in' instead of 'Thy house', to infer thence that the mezuzah should be affixed on the door-post at the right hand of him who enters. In this manner, indeed, the mezuzah is affixed, in the upper third of the post.
- (18) Men. 34a.
- (19) Lev. XIV, 35. So lit., E.V. 'he that owneth the house shall come',
- (20) Ibid. 34.
- (21) In accord with the priest's command, as prescribed: And the priest shall command that they empty the house before the priest go in to see the plague. Lev. XIV, 36.
- (22) The plague is thus seen as a punishment for niggardliness.
- (23) V. supra p. 47 n. 8.

Talmud - Mas. Yoma 12a

, the first teaching referring to big cities, the second to villages.¹ But are synagogues in big cities really not subject to uncleanness from house plagues? Has it not been taught: 'In the house of the land of your possession,'² i.e., the house of the land of your possession could become defiled through leprosy, but Jerusalem³ could not become defiled through leprosy. R. Judah said: I have heard that only the place of the Sanctuary is unaffected by the law of leprosy?⁴ Now does not that imply that synagogues and houses of learning are subject to the law of leprosy even though they be in large cities? — Read R. Judah said: I have heard that only sacred places⁵ are not subject to the law of leprosy. What principle are they disputing? — The first Tanna holds Jerusalem was not divided amongst the tribes⁶ and R. Judah holds Jerusalem was divided among the tribes, the basis of their difference being the principle on which these Tannaim differ, for it has been taught: What lay in the lot of Judah? The Temple mount, the cells, the courts. And what lay in the lot of Benjamin? The Hall,⁷ the Temple⁸ and the Holy of Holies. And a strip of land went forth from Judah's lot and went into Benjamin's territory, and on this the Temple was built — Benjamin the Righteous was longing to swallow it every day as it is written: He coveteth him all day,⁹ therefore he obtained the privilege of becoming the host of the Omnipotent,¹⁰ as it is said: And He dwelleth between his shoulders¹¹ .

The following Tanna holds that Jerusalem was not divided amongst the tribes, for it has been taught: One does not rent houses in Jerusalem, because it [the city] does not belong to them, [the inhabitants]. R. Eleazar son of R. Zadok said: Nor any beds. Therefore the innkeepers take the skin of the sacrificial animals by force.¹² Abaye said: We may learn from this that it is usual for a man to leave to his host the empty wine pitcher and the hide.¹³

But are the synagogues of the villages subject to the laws of leprosy? Has it not been taught: As a possession,¹⁴ i.e., until they conquer it. If they have conquered but not yet divided it among the tribes, or even divided it among the tribes but not divided it among the families, or even divided it among the families but before each man knows where his lot is, whence do we know [that the laws of leprosy do not apply yet]? To teach us that Scripture says: 'Then he who has the house to him' i.e., he to whom alone the house is belonging, excluding these [houses] which do not belong to him [the owner] alone.¹⁵ — It is more correct as we have answered at first.¹⁶

AND ANOTHER PRIEST IS PREPARED FOR HIM: It is obvious that if any disqualifying mishap occurred to the high priest before the morning [daily] offering, that one¹⁷ initiates the other priest with the morning burnt-offering. But if the mishap should have occurred after the morning sacrifice, how could he be initiated?¹⁸ — R. Adda b. Ahabah said: With the girdle.¹⁹ That will be in accord with him who holds that the girdle of the high priest is identical with that of the common priest,²⁰ but according to the opinion that the girdle of the high priest was not the same as that of the common priest,²¹ what can be said?²² — Abaye said: He would put on the eight garments and turn²³ with the hook, in accordance with what R. Huna said. For R. Huna said: If a non-priest turns with the hook, he incurs penalty of death.²⁴ R. Papa said:

(1) In the metropolis people from many cities assemble in the synagogue, it therefore seems to belong to everybody, i.e., to nobody, whilst in the villages those who attend are known to all, being like partners in the synagogue (Rashi).

(2) Lev. XIV, 34.

(3) Jerusalem was not divided among the tribes, but was kept in trust for all Israel and could therefore not be subject to a law applying to privately owned houses only.

(4) Meg. 26a.

(5) Instead of 'Sanctuary'. 'Sacred places' include synagogues and houses of learning.

(6) V. supra p. 52, n. 6.

(7) Ulam, leading to the interior of the Temple.

(8) The Hall containing the golden altar, Mid. IV, 1.

(9) Deut. XXXIII, 12. The ad hoc translation, lit., 'to bend over', thus to be anxious, hence (Rashi): he scratched himself in despair, was anxious to conquer it.

(10) The Ark stood in his lot.

(11) Ibid.

(12) I Tosef. Ma'as. Sh. I.

(13) Of the animal which he slaughters and consumes in the house of his host (Rashi).

(14) Lev. XIV, 34.

(15) Obviously then the synagogues in the villages are not subject to levitical uncleanness, hence the alternate answer above, 'One speaks of' synagogues in metropolises, the other of synagogues in villages', is unsatisfactory.

(16) The distinction is rather between synagogues with a dwelling for the synagogue attendant and those without it.

(17) He should officiate at the morning burnt-offering in the eight garments of the high priest.

(18) The rest of the service of the Day of Atonement is performed in four garments, how will his office of high priestly function be indicated?

(19) The high priest's girdle, which on the Day of Atonement is of fine linen (Lev. XVI, 4).

(20) [I.e. the material for the girdle prescribed for the high priest in Ex. XXXIX, 29 was also intended to be used for the girdle of the common priests, so that the girding of a linen girdle by the priest on the Day of Atonement would serve to indicate his high priestly function.]

(21) [I.e., the girdle of the common priest was of linen, the material of the girdle described in Ex. XXXIX, 29 being restricted to the high priest, so that the girding by the priest of a linen girdle on the Day of Atonement would indicate no particular high priestly function.]

(22) How would it be recognizable that he is initiated into performing the high priest's service?

(23) Rashi: Before starting on the service of the day, he puts on the eight garments, and turns on the outer altar one of the limbs of the daily burnt-offering with an iron hook. By reason of such turning that limb is more speedily consumed. He has thus done the initiative work for the office of high priest which he is to assume anon.

(24) This is only preparatory work, but since a non-priest, performing it in accord with R. Huna's opinion incurs the penalty of death, it is obviously considered as of even importance with the service proper, hence serving to initiate the newcomer into the high priest's office.

Talmud - Mas. Yoma 12b

His service¹ initiates him — Has it not been taught: All the vessels which Moses made became sanctified through being anointed. From then on they become sanctified through being used at a service.² Similarly here his service initiates him.

When R. Dimi came [from Palestine] he reported: Concerning the girdle of the common priest there is a dispute between Rabbi and R. Eleazar b. Simeon, one said it was of kil'ayim [wool and linen in the same web],³ the other said it was of fine linen.⁴ It may be ascertained that it was Rabbi who said the girdle was made of kil'ayim, for it has been taught: There is no difference between the high priest and the common priest except in the girdle, this is the opinion of Rabbi. R. Eleazar b. R. Simeon said: Not even in the girdle is there any distinction. Of what time [does this teaching speak]? If during the rest of the year, there are many points of difference, [as e.g.] the high priest [officiates] in eight garments, the common priest in four; you must say, then, that [the time discussed is] the Day of Atonement.⁵ We can tell you: In fact the discussion deals with the other days of the year, and it refers to such garments which both wear alike⁶ [the only difference being the girdle].

When Rabin came [from Palestine] he reported: Everybody agrees that the girdle of the high priest on the Day of Atonement was made of fine linen, and during the rest of the year of kil'ayim. The discussion concerned only the common priest's girdle, both on the Day of Atonement and during the rest of the year; concerning that Rabbi said it was made of kil'ayim and R. Eleazar b. Simeon of fine linen. R. Nahman b. Isaac said: We also have: Upon his flesh.⁷ Why the repetition of 'he shall put on'? To include the mitre and the girdle for the removal of the ashes, this is the opinion of R. Judah. R. Dosa said: It is to include the provision that the [four] garments of the high priest on the Day of Atonement may be used by the common priest [during the rest of the year]. Rabbi says: There are two valid objections to this: First, that the girdle of the high priest on the Day of Atonement is different from that of the common priest; secondly, shall the garments worn for the service of most solemn sanctity be worn for ministration of lesser holiness? Rather 'he shall put on' [was repeated] to include worn-out garments.⁸ R. Dosa adheres to his principle, for it has been taught: And shall leave them there,⁹ that teaches that they must be hidden.¹⁰ R. Dosa said: [It means that] he [the high priest] shall not use them on another Day of Atonement.¹¹ Our Rabbis have taught: If a disqualifying accident occurred to him, and another was appointed in his place then the former returns [afterwards] to his office, whilst the latter has upon himself all the obligations touching the high priesthood,¹² this is the opinion of R. Meir. R. Jose says: The first returns to his office, the second becomes unfit for the office of either high priest or common priest.¹³ R. Jose said: It happened to Joseph b. Elam¹⁴ of Sepphoris that after a disqualifying accident had happened to the high priest, he was appointed in the former's place, and the Sages said: The former returns to his office, the latter is unfit to be either common priest or high priest. He cannot be high priest for the sake of preventing ill-feeling,¹⁵ nor can he any more be a common priest, for 'we may promote in [a matter] of sanctity, but not degrade'.¹⁶ Rabbah b. Bar Hana said in the name of R. Johanan:

(1) His officiating, without other initiation, in itself is initiating.

(2) Sanh. 16b.

(3) V. Ex. XXXIX, 29, cf. supra p. 54, n. 6.

(4) Byssus.

(5) [When the high priest too has only four garments like a common priest, the difference between them being only as regards the girdle. Whereas the high priest's girdle was on that day of linen, that of the common priests was of kil'ayim, the same as during the whole year.]

- (6) The tunic, the breeches, mitre and girdle, the only difference being in the girdle.
- (7) Lev. VI, 3: And the priest shall put on his linen garment, and his breeches shall he put upon his flesh.
- (8) These may be used for the removal of the altar ashes. V. infra 23b.
- (9) Lev. XVI, 23: And Aaron shall come into the tent of meeting, and shall put off the linen garments, which he put on when he went into the holy place, and shall leave them there.
- (10) To prevent their being used again, or their being used for any less sacred purpose.
- (11) But they may be used by a common priest.
- (12) Rashi: He must not let his hair grow long nor rend the clothes, nor contract ritual impurity because of a near relative's death; nor marry a widow; but he must officiate in eight garments.
- (13) V. infra.
- (14) Tosef. Yoma I, 4. The reading there is corrupt, and to be corrected in accord with the reading in Tosef. s.v. **כהן** and in J.Yoma 38a: It happened to Joseph ben Ulam of Sepphoris (not 'in Sepphoris', for it could have happened only in Jerusalem) who served for an hour (or: little while) as high priest and as he went out he said to the King: My lord and King: Whose were the bullock and the goat which were offered up to-day, did they come from me or from the high priest? The King understood (the trend) of his question and he replied: What is this, ben Ulam? Are you not satisfied with having served in the high priest's place for one hour before Him Who spoke and the world was created, so that you seek to obtain the high priest's office for yourself? In that moment ben Ulam understood that he was deposed from the high priesthood. V. Hor., Sonc., ed. p. 89 notes, and Meg. p. 59, n. 2.
- (15) Acc. to Tosef. ibid. the ill-feeling may also attack the King and the other priests.
- (16) V. infra 20b.

Talmud - Mas. Yoma 13a

The halachah is in accord with R. Jose, but R. Jose admits that if [the substitute high priest] transgressed that injunction and officiated, his service is valid. Rab Judah said in the name of Rab: The halachah is in accord with R. Jose, but R. Jose admits that if the first [high priest] dies, the second [the substitute] returns to his service. Is that not self-evident?¹ — You might have said: This would involve for him a rivalry in his lifetime,² hence he informs us³ [that this is not so].

R. JUDAH SAYS: ONE PROVIDES FOR HIM ALSO ANOTHER WIFE. But the Rabbis, too, are considering a possibility!⁴ — The Rabbis will tell you: Levitical impurity is frequent,⁵ death is infrequent.

THEY SAID TO HIM: IF SO THERE IS NO END TO THE MATTER. They gave a good answer to R. Judah! What then about R. Judah? — He will tell you: One may consider the possibility of one death, but one would not [go so far as to] consider the possibility of two [successive wives'] deaths. And the Rabbis? — [They hold that] if enactment [on the basis of consideration of the possibility] of death is justified, such [possibility] should be considered to include also two.⁶ But the Rabbis ought to apply that consideration to themselves!⁷ The Rabbis will answer you: The high priest is careful. If he be careful, why was another priest prepared [to take his place in case of accidental impurity]? — Since 'ye make the latter his rival, he will be all the more careful.

But is this arrangement⁸ sufficient? The Divine Law said: His house⁹ and that [substitute wife] is not 'his house'.¹⁰ -He betroths her [unto himself]. — But [still] as long as he does not marry her,¹¹ she is not 'his house'? — He marries her. — But then he has 'two houses' and the Divine Law said: And make atonement for himself and for his house,¹² but not for 'two houses'? — He divorces her again. If he divorces her, our question reverts to its place?¹³ — No, the provision applies to the case that he divorces her on condition; [namely], he says to her: Behold this thy letter of divorce¹⁴ [to be valid] in case thou diest.¹⁵ But perhaps she dies and he will have 'two houses'? — Rather, the case is that he says to her: Behold this thy letter of divorce [to be valid] if thou diest. If she does not die, then she is divorced;¹⁶ and if she does die, there is [still] the other one alive. But perhaps she will not die, so that her letter of divorce is valid and the other [the first] one die, and he will stay without a

‘house’? Say rather: He says to her: Behold this thy letter of divorce [to be valid] if one of you die, so that if the one dies there is [still] the other one alive, and if the other one dies there is [still] this one alive. But perhaps neither of them will die and he will have ‘two houses’? Furthermore on such a condition¹⁷ it, [the divorce,] is really not valid; has not Raba said: If he said: Behold this thy letter of divorce to be valid if thou drinkest no wine all the days of my life and thy life, it is not valid;¹⁸ but if he said: ‘All the days of the life of So-and-so’, then it is valid?¹⁹ — Rather say that he said to her: Behold this thy letter of divorce [to be valid] if thy fellow [wife] does not die. If her fellow does not die, she [the second wife] is divorced, and if she does die, then there is still the other [the second wife] alive [to be his house’]. — But perhaps her fellow wife will die in the middle of the service and it will become

(1) Since the only reason for his disqualification was the ill-will engendered in the heart of the original high priest.

(2) Lit., ‘from life’. When the substitute might be said to have awaited jealously the death of his predecessor.

(3) We do not go so far in endeavour to prevent ill-feeling.

(4) Since they agree to the provision of a substitute high priest.

(5) It may be due to pollution, to unexpected contact with the saliva of an ‘am ha-arez, (Rashi).

(6) The death of one within a day is a rather infrequent occurrence. The only reason for considering it would be a principle, according to which we must consider possibilities, even remote. On such basis the death of two successive wives may not be said to be outside the sphere of possibility, hence: ‘IF SO, THERE IS NO END.

(7) With even logic the Sages ought to admit that, since we are considering the possibility of accidental impurity disqualifying the incumbent high priest, it is perfectly within the sphere of possibility that the substitute, too, may suffer such accidental disqualification, hence, here too there is no end to it!

(8) Of preparing a substitute wife.

(9) Lev. XVI, 6.

(10) If the first wife dies, whilst the second is not yet married to him, he has no ‘house’ to obtain atonement for.

(11) Lit., ‘takes her (to his home)’.

(12) Ibid. The Mishnah interprets ‘his house’ as his wife, v. supra 2a.

(13) In its original force. V. supra.

(14) Get. v. Glos.

(15) On the Day of Atonement. If she die on that day, her letter of divorce is retroactively valid, there is one ‘house’ only: and if she does not die but her fellow die, then she remains as the ‘house’, her letter of divorce being invalid. Rashi makes this significant observation: These arguments are not valid, they are answers to hypothetical questions preparing the ground for the last, satisfactory answer.

(16) And the first woman is his only ‘house’,

(17) Where the condition attached refers to her life.

(18) The purpose of the divorce is complete divorcement, whereas by the term of this letter she would remain ‘connected’ with him all her life.

(19) Git. 83b.

Talmud - Mas. Yoma 13b

retrospectively revealed that the letter of divorce of the other one was not valid and he would then have been officiating¹ at the service with ‘two houses’? — Rather assume, then, that he says to her: Behold this thy letter of divorce [to be valid] if thy fellow dies. — But perhaps the fellow wife will die and the letter of divorce of the first wife will be valid and he will stand there without a ‘house’? — Rather [say that] we speak of the case that he divorced them both, to the one he said: Behold this thy letter of divorce [to be valid] in case thy fellow wife does not die; and to the other one he said: Behold this thy letter of divorce [to be valid] if thou dost not enter the synagogue.² But perhaps her fellow will not die and she will not enter the synagogue, and the letter of divorce of both will be valid and he will stand without a ‘house’? — Rather: To the one he says: Behold this thy letter of divorce [to be valid] in case thy fellow does not die; and to the other one: Behold this thy letter of divorce [to be valid] if I enter the Synagogue, so that if the one die, the second be available, and if

the second die the first be available. What will you say in the case that her fellow wife dies in the midst of the service and retrospectively he will have officiated at the service with two 'houses'? If he saw that she was about to die, he would at once enter the synagogue and would render the divorce retroactively valid. — R. Assi or, as some say, R. 'Awira, demurred to this: Consequently, if this be so, two widows of one brother should not be married by the brother-in-law?³ — Scripture repeats 'his sister-in-law' twice, to intimate [that even in the case of] two sisters-in-law the law of levirate marriage applies. But then a woman betrothed⁴ should not be married to her levir?⁵ — [By emphasizing] 'abroad'⁶ the betrothed woman is meant to be included.

Our Rabbis taught: The high priest may offer up a sacrifice as a mourner,⁷ but may not eat thereof. R. Judah said: Throughout the day.⁸ What does 'throughout the day' signify? — Said Raba: It means to indicate that he should be brought from his house.⁹ Abaye said to him: But now, according to R. Judah we even remove him¹⁰ [from the Sanctuary], for it has been taught: If he was standing and offering up a sacrifice on the altar, and he hears that one [of his close relatives]¹¹ died, he should leave the service and go out. This is the opinion of R. Judah; R. Jose says: He should complete his service.¹² How can you then say that we bring him from his house?¹³ — Rather, says Raba, 'throughout the day'

(1) I.e., the first part of the service.

(2) On the Day of Atonement.

(3) So shall it be done unto the man that doth not build up his brother's house. Deut. XXV, 9. Here also the word 'house' is used for 'wife' and since 'house' is taken to mean but one wife, no brother would be able to perform the levirate marriage where his dead brother had left two wives.

(4) 'Arusah', betrothed, engaged, but not 'brought home'. The betrothal carries with it almost all the legal consequences of marriage. V. Glos. s.v. Erusin.

(5) If 'house' is to be taken to refer to wife, why should a betrothed sister-in-law be subject to levirate marriage?

(6) If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not be married abroad unto one not of his kin. The word 'abroad' here is superfluous and is taken to indicate that even one who was 'still outside', not having been married properly, but only betrothed, is included in the law of the levirate marriage, v. Yeb. 13b.

(7) 'Onen' is a mourner before the burial of his kinsman, to be distinguished from 'abel', a mourner during the seven days after burial. With regard to the high priest, Lev. XXI, 11 reads: Neither shall he go into any dead body, nor defile himself for his father or for his mother; neither shall he go out of the sanctuary, nor profane the sanctuary of his God. Scripture thus permits his officiating but he is forbidden to eat of any sacred meat whilst in mourning. This is inferred ad majus from Deut. XXVI, 14 which, referring to tithe, is of lesser sanctity than the meat of sacrifices, as the Israelites say: I have not eaten thereof in my mourning.

(8) V. Hor. 12b.

(9) He should be deliberately brought to the Sanctuary from his house, so that his pre-occupation with the sacrifices may help to lessen his grief.

(10) This refers to the common priest.

(11) Father or mother or son or daughter or brother or unmarried sister. Rabbinical enactment includes the married sister.

(12) V. Hor. loc. cit.

(13) If in the case of the common priest R. Judah would have him removed if he became a mourner, would he in the case of the high priest consider it a good deed to bring him to the Sanctuary?

Talmud - Mas. Yoma 14a

means to say that he does not officiate all that day,¹ as a preventive measure lest he eat.² Said R. Adda b. Ahabah to Raba: But did R. Judah enact a preventive measure lest he eat? Have we not learnt, R. Judah said: WE ALSO PROVIDE ANOTHER WIFE FOR HIM, LEST HIS WIFE DIE? Now when his wife dies he may perform the service [on the same day] without R. Judah becoming apprehensive lest he eat?—He replied: Now is this so?³ There, because it is the Day of Atonement, on

which all the world does not eat, he, too, would not be likely to eat, but here [on any day] when all the world is eating, he would also be ready to eat — But under such conditions⁴ what mourning would be coming upon him because of her, since she is divorced from him? — Granted that no mourning would be obligatory, but he would surely be distracted.⁵ MISHNAH. THROUGHOUT THE SEVEN DAYS HE SPRINKLES THE BLOOD⁶ AND BURNS THE INCENSE⁷ AND TRIMS THE LAMPS⁸ AND OFFERS THE HEAD AND THE HIND LEG;⁹ ON ALL OTHER DAYS HE OFFERS ONLY IF HE SO DESIRES; FOR THE HIGH PRIEST IS FIRST IN OFFERING A PORTION¹⁰ AND HAS FIRST PLACE IN TAKING A PORTION.¹¹

GEMARA. Who is the authority [for our Mishnah]? — R. Hisda said: It is not in accord with R. Akiba, for if it were, R. Akiba Surely holds that if some of the sprinkling¹² fell upon a clean person, it rendered him unclean! How could he then officiate at the service?¹³ — For it has been taught: And the clean person shall sprinkle upon the unclean,¹⁴ i.e., [if sprinkled] ‘upon the unclean’, [he becomes] clean, [if sprinkled] upon the clean [he becomes] unclean, this is the opinion of R. Akiba. But the Sages hold that these matters [concerning sprinkling]¹⁵ apply only to such things as are susceptible to uncleanness. I What is it about? — As we have learnt: If he intended sprinkling an animal and [happened to] sprinkle a man, then, if there be sufficient water on the hyssop, he may repeat [the sprinkling].¹⁶ If he intended sprinkling a man and he [happened to] sprinkle an animal, then, if there be enough water on the hyssop, he may not repeat [the sprinkling].¹⁷ What is the reason for R. Akiba's view? — Let the Divine Law write ‘And the clean person shall sprinkle upon him’, what is the meaning of ‘upon the unclean,’? Infer from this that [if sprinkled] the unclean becomes clean, and [if sprinkled] the clean becomes unclean. And [what is the reason for the view of] the Rabbis? — These words emphasize that [sprinkling is right] only upon matter susceptible to uncleanness. But this¹⁸ case can be deduced a minori ad majus: If sprinkling upon an unclean makes clean, how much more shall sprinkling upon a clean [keep or make more] clean! And R. Akiba? — It is with reference to this that Solomon said: I said, I will get wisdom,, but it is far from me.¹⁹ — And the Sages? [They explain] this [passage to refer] to [the fact that] he who sprinkles and he who is sprinkled are clean, whereas he who touches them [the waters of purification] is rendered unclean.²⁰ — But is he who sprinkles clean? Surely it is written, And he that sprinkleth the water of sprinkling shall wash his clothes?²¹ — ‘Sprinkleth’ here means ‘toucheth’. — But the text reads ‘sprinkleth’ and also mentions ‘toucheth’;²¹ furthermore, he who ‘sprinkleth’ must wash his clothes, whereas he who ‘toucheth’ need not wash his clothes? — Rather ‘sprinkleth’ here means ‘carrieth’ — Then let the Divine Law write ‘carrieth’, why is ‘sprinkleth’ written? — That [is meant] to let us know that there must be a quantity sufficient for the sprinkling.²² That will be right according to him who holds that a definite minimum is necessary in the sprinkling,²³ but according to him who holds there is no required minimum in the sprinkling,²³ what is there to be said? Even according to him who holds there is no required minimum [it will be right], for that refers only to the back of the man,²⁴ but in the vessels there must be a definite quantity, as we have learnt: How much water is necessary to be sufficient for the sprinkling? Enough for dipping

(1) Until the evening.

(2) During the day he is forbidden by the Torah to eat, in the evening after burial the prohibition is only Rabbinical (Rashi).

(3) This analogy is incorrect.

(4) Since he would rush to the synagogue during her coma so that she would be divorced from him as soon as he entered it (v. infra), hence how could he be considered a mourner for his divorced wife. It is interesting to observe that sudden death does not enter among the many possibilities considered in this discussion. It would invalidate the suggestion of his leaving for the synagogue as soon as his wife was near death.

(5) upset by reminiscent tenderness, unable, as Rashi says, to be in the prescribed happy mood for eating sacrificial meat. [V. Hul. 132b, so that but for the fact that the apprehension lest he may eat does not arise on the Day of Atonement, he would not have been allowed to perform under such conditions the Temple service lest he eat of the sacrifices, Tosaf. Yesh.]

- (6) Of the daily morning and evening sacrifices on the outer altar. Ex. XXIX, 38-42.
- (7) Mornings and evenings on the golden inner altar, *ibid.* XXX, 1-8.
- (8) Of the seven-branched candlestick, *ibid.* XXVII, 20-21; also XXX, 7-8. The trimming consisted of the following: Every evening the lamps were kindled by a priest, every morning cleaned, filled with oil, and provided with fresh wick. All this work during the seven days was performed by the high priest.
- (9) According to Tam. IV, 2-3, the sacrificial lamb, after being slaughtered, was divided into certain parts, which, as a rule, were brought on the altar by the priests chosen by the count. Head and hind leg always were offered up first.
- (10) The high priest had the prerogative to offer up at any time any portion of any sacrifice he desires, other priests could do so only during their particular week of service, v. Glos. s.v. Mishmar.
- (11) Of the flesh of the sacrifice which was distributed among the priests: he could choose any part he preferred.
- (12) Of the ashes of the red heifer mixed with running water. Num. XIX, 17.
- (13) During the seven days of his separation, since he was to be sprinkled each day.
- (14) Num. XIX, 19: And the clean person shall sprinkle upon the unclean, the words 'upon the unclean' seem superfluous, 'upon him' would have been clear enough. From this R. Akiba infers that only upon the unclean has the sprinkling a cleaning effect, with opposite effect on the clean.
- (15) The Sages also consider the words superfluous, but they find in them the intimation that sprinkling has its effect only upon things susceptible to uncleanness, hence, if sprinkled upon things unsusceptible to uncleanness it has been misused, and whatever is left of the water is invalid and may no more be used for sprinkling and cleansing.
- (16) (I.e., he can use the water left on the hyssop for a second sprinkling without necessarily dipping it again (Rash).]
- (17) V. Par. XIII, 3. [The hyssop must be dipped anew if the priest desires to perform with it another sprinkling. In having been sprinkled on the animal the water on the hyssop became disqualified as water of purification with which work has been done, and can no longer be used for ritual sprinkling. Thus the Sages infer from the superfluous words 'upon the unclean' that the water of purification may be used only for such things as are susceptible to uncleanness, and by being sprinkled on things not so susceptible it becomes invalid (Rashi). R. Hananel on the basis of another reading explains differently.]
- (18) The contention of the Sages that sprinkling could never have the effect of rendering unclean.
- (19) Eccl. VII, 23. This matter is beyond logic, it is a law which has puzzled others already.
- (20) Num. XIX, 21.
- (21) Num. XIX, 21.
- (22) For rendering the one who carries the water unclean; that is indicated by expressing 'carrying' in terms of 'sprinkling'.
- (23) V. Nid. 9a.
- (24) However small the quantity of the water that reaches him from the hyssop bundle, the cleansing is achieved.

Talmud - Mas. Yoma 14b

the buds therein and for the water to be sprinkled.¹ Abaye said: [The Mishnah] may be in accord even with R. Akiba: He [the high priest] officiates all day, [and] in the evening is he sprinkled, then he takes the immersion and awaits the sunset.²

AND BURNS THE INCENSE AND TRIMS THE LAMPS. Hence [you may infer that] the incense came first and the lamps afterwards. A contradiction is raised against this:³ He to whom it fell to clear the inner altar of ashes . . . he to whom it fell to clean the candlesticks . . . he to whom it fell to burn the incense?⁴ R. Huna said: Who is the Tanna of [the Tractate] Tamid?⁵ R. Simeon of Mizpah.⁶ But surely we have learnt exactly the opposite.⁷ For we have learnt:⁸ As he⁹ came to the north-eastern corner [of the altar], he sprinkled to the east and north;¹⁰ then he came to the south-western corner and sprinkled it to the west and south. And with reference to this [Mishnaic statement] it was taught: Rabbi Simeon of Mizpah has this change in Tamid.¹¹ As he came to the north-eastern corner he sprinkled it to the east and to the north; then he came to the south-western corner, and sprinkled it to the west and afterwards to the south.¹² — Rather, said R. Johanan: Who is the authority for the order [given] in [the Tractate] Yoma? R. Simeon of Mizpah. But here is a contradiction between the order [given] in [the Tractate] Yoma and the order [given] in another

passage therein: The second count decided who should slaughter, who should sprinkle [the blood], who should remove the ashes from the inner altar, who should remove the ashes from the candlestick, who should take up the limbs [of the burnt-offering] to the ramp [of the altar]. The third count: 'Fresh ones, come and be counted for the incense!'¹³ -Abaye said: This is no difficulty. The one case speaks of the trimming of the five lamps, the other of the trimming of the two lamps.¹⁴ Shall we say that the incense interrupted the trimming of the lamps? But Abaye was recounting the order [of the daily Temple service] in the name of a tradition¹⁵ and he has the trimming of the lamps interrupted by the blood of the regular daily offering?¹⁶ — I will tell you: This is no difficulty, the one refers to the [order of the daily Temple service] in accord with Abba Saul, the other in accord with the Sages, for it has been taught: He should not trim the lamps and after that burn the incense, but he should offer the incense first and then trim the lamps. Abba Saul says: He should first trim and then offer [the incense] — What is the reason for Abba Saul's view? — For it is written: Every morning, when he dresseth the lamps,¹⁷ and afterwards [it says], he shall burn it?¹⁸ — And the Sages?¹⁹ What the Divine Law intends here is

(1) Par. XIII, 5.

(2) Thus he would be clean at night and able to officiate again on the morrow. Next day exactly the same procedure will follow. V. infra 19a.

(3) The quotation is from two Mishnahs, Tam. III, 9 and ibid. V, 4.

(4) Here the trimming of lamps is mentioned as coming before the incense.

(5) [Ginzberg, *Journal of Jewish Lore and Philosophy* 1, p. 200 takes this phrase to denote that the Tractate Tamid did not go through the hands of Rabbi as Redactor, but that it has comedown to us in the original form with R. Simeon of Mizpah, a contemporary of R. Gamaliel II, as its compiler.]

(6) V. Pe'ah II. He was either of Mizpah or 'Governor of the Watch-tower of the Temple' (Jastrow).

(7) R. Simeon of Mizpah opposes the teaching reported in Tamid.

(8) Tam. IV, 1.

(9) The priest who sprinkled the blood.

(10) The sprinkling had to be made in such a manner that one constituted two, it was done in form of a Greek 'gamma', from the two corners. '.

(11) **משנה בתמיד** a difficult phrase. Rashi: 'To change the order in connection with the Tamid, the daily regular offerings'. R. Hananel: He differs with the view laid down in Tamid. Ginzberg, op. cit., p. 285 n. 1 takes it as corresponding to **תמני**, 'teaches', used in introducing 'variants': R. Simeon's version of Tamid is . . .]

(12) R. Simeon insists that two separate applications had to be made from the south-western corner, one to the west and another to the south, and thus opposes the order given in Tamid, v. infra 15a, hence he could not be an authority for the Tractate.

(13) From here it is seen that incense was offered after the lamps, which contradicts our Mishnah here.

(14) There were seven lamps, the trimming of which, according to this answer, was interrupted by the offering of the incense, so that five lamps were trimmed, then the incense offered, after which the last two lamps of the seven-branched candlestick were trimmed, v. infra 33a.

(15) **משמיה דגמרא**. This expression seems to mean that Abaye could not give the precise source of his authority but referred it to 'tradition' in general, v. Bacher HUCA, 1924, p. 31.]

(16) His account thus varies from the statement he makes here.

(17) Ex. XXX, 7.

(18) Ibid. in the same passage.

(19) How do they explain this verse?

Talmud - Mas. Yoma 15a

that at the time the lamps are being trimmed there shall — [still] be a burning of the incense. For, if you would not interpret thus, [how will you account for 'at dusk'], as it is written: And when Aaron lighteth the lamps at dusk, he shall burn it.¹ Would you say here too that he shall first light the lamps and afterwards offer up the incense due at dusk? And if you will say, 'Indeed, so it is,' but has it not

been taught:² From evening to morning,³ i.e., provide a sufficient quantity [of oil] that it may burn all night from evening to morning; or, according to another interpretation: ‘From evening to morning’, i.e., there is no service which is proper [to be performed] ‘from evening to morning’ except this.⁴ What then the Divine Law intends is that at the time of the lighting there shall [still] be a burning of the incense. Here also: at the time of the trimming there shall [still] be a burning of the incense. And Abba Saul?⁵ It is different there, because Scripture Says: otho [it].⁶ R. Papa said: This⁷ is no difficulty. The one account agrees with the Sages, the other with Abba Saul⁸ How do you place the matter now: Our Mishnah in accord with the Sages, and [the Mishnah of] the count in accord with Abba Saul? Then consider the second part:⁹ They brought to him the daily sacrifice. He made the incision and another finished the slaughtering for him. He entered to burn the incense and to trim the lamps.¹⁰ That is in accord with the Sages. The beginning and the end [is then] in accord with the Sages and the middle in accord with Abba Saul?¹¹ — R. Papa will tell you: Yes, the beginning and end are in accord with the Sages and the middle with Abba Saul.¹² It is clear why Abaye does not agree with [the interpretation of] R. Papa: because he will not explain the first and last part [of the Mishnah] as being in accord with the Sages, whilst the middle with Abba Saul. But why does not R. Papa take Abaye's point of view? He will tell you: Would he [the Tanna] teach first¹³ of the trimming of two lamps and only afterwards¹⁴ of the trimming of five lamps? And Abaye? — He will tell you: First he teaches in a general fashion [of the obligation of the high priest to be occupied during the seven days],¹⁵ and afterwards he describes the order [of the service].¹⁶

The text [above states]: He came to the north-eastern corner, and sprinkled the east and the north; then [as he came to] the south-western corner, he sprinkled the west and south, and in connection with that it was taught that R. Simeon of Mizpah had this changed in Tamid. As he came to the north-eastern corner he sprinkled the east and north; then as he came to the south-western corner he sprinkled the west and afterwards the south.¹⁷ What is the reason of R. Simeon of Mizpah? — R. Johanan in the name of one of the school of R. Jannai said: Scripture said, And one he-goat for a sin-offering unto the Lord: it shall be offered beside the continual burnt-offering, and the drink-offering thereof.¹⁸ It¹⁹ is a burnt-offering and the Divine Law²⁰ says, Deal with it as with a sin-offering — How is that to be done? He sprinkles one in such a manner as to constitute two [sprinklings], as is prescribed for a burnt-offering and he sprinkles two separate ones as is prescribed for the sin-offering. But let him make two sprinklings in such a manner as to constitute four, as is prescribed for a burnt-offering, and four full sprinklings as is prescribed for a sin-offering? — We do not find anywhere that blood brings atonement and then brings atonement again. But we do find blood, half of which is sprinkled after the manner of a sin-offering, and the other half after the manner of a burnt-offering? What you must of needs [say is] that Scripture has brought them under the same category! Here too one might say ‘of needs Scripture has brought them under one category’? — Here it is a case of merely ‘splitting’ the sprinkling.²¹ But let him sprinkle one so as to constitute two below, as is prescribed for a burnt-offering and two separate sprinklings above as is prescribed for sin-offerings?²² — We do not find that any blood is sprinkled, half above, and half below. Not indeed? Have we not learnt: He sprinkled thereof once upwards, and seven times downwards? That was done *ke-mazlif* [like the movement of swinging a whip]. What does ‘*ke-mazlif*’ mean? Rab Judah showed it by [imitating the movements of] a lasher.²³ But [do we] not [find any blood sprinkled half above and half below]? surely we have learnt: He sprinkled thereof upon the tohar of the altar seven times.²⁴ Don't you think it means upon the middle [of the front] of the altar, as people say ‘the noon-light’ shines, meaning by ‘*tihara*’ the middle of the day? — Rabbah b. Shila said: No, it refers

(1) Ibid. 8.

(2) Pes. 59a.

(3) Ex. XXVII, 21.

(4) The lighting of the lamps. There is no other service that is proper from the time they have been lit in the evening till the following morning (Rashi).

(5) How does he meet this argument?

(6) Ex. XXVII, 21. Only this ('it') may be done from evening to morning and no other work, so that you are compelled to give this interpretation to the text, but with regard to the verse dealing with the trimming, no such necessity arises.

(7) He refers to the question from the apparent contradiction of the two Mishnahs in Yoma — our Mishnah and the one infra 25a.

(8) Where incense is mentioned as coming first, the teaching is in accord with the Sages, the other passage where the lamps are first in order is in agreement with Abba Saul.

(9) Of the Mishnah of the count, infra.

(10) V. infra 31b. [This must refer to the two lamps as there is general agreement that the trimming of the five lamps must precede the incense.]

(11) That is unlikely.

(12) This is not impossible.

(13) In our Mishnah.

(14) [In the Mishnah infra 25a. Surely the trimming of the five lamps was before that of the two!]

(15) Without being concerned as to the order.

(16) [And thus infra 25a speaks of the trimming of the five lamps and infra 31b of the trimming of the two.]

(17) V. supra p. 65 notes.

(18) Num. XXVIII, 15.

(19) [The continual burnt-offering.]

(20) [By placing it in juxtaposition to a sin-offering, v. infra.]

(21) Without any evidence that this is made after the manner of a sin-offering, since both are made in one corner.

(22) The blood of the burnt-offering was sprinkled below the red line, round the middle of the altar, that of the sin-offering above the red line. V. Mid. III, 1.

(23) Above and below is not said here with regard to some line in the middle of the thickness, but it means that of the mercy seat was upwards, the seven all downwards, as one who swings a whip will make similar movements, v. Tosaf. s.v. כּמַצְרִיף.

(24) [The Aramaic tohar is taken to mean 'shining' like the Hebrew zohar, infra].

Talmud - Mas. Yoma 15b

to the top of the altar itself,¹ for it is written: And the like of the very heaven for clearness.² Why does he just sprinkle first as due with the burnt-offering, and afterwards as due with the sin-offering? Let him first sprinkle as due in case of a sin-offering and after that as due with a burnt-offering! — Because it³ is a burnt-offering, it comes first.⁴ And why does he just sprinkle north-east and south-west. Let him sprinkle south-east and then north-west? — I will tell you: The burnt-offering requires the [projecting] base⁵ [of the altar], and the south-eastern corner has no [projecting] base. — Why does he sprinkle first north-east and then south-west, let him sprinkle south-west and then northeast? — Since a master said:⁶ All the turns you make in the Temple must be to the right, the east, he comes first to that [north-east].⁷ Whence do you know that it is with the burnt-offering that the Divine Law states that it should be offered up in the manner due to a sin-offering? May it not be that it is with regard to the sin-offering⁸ that the Torah says: Offer it up after the manner of the burnt-offerings? — Let not that thought arise in you. For it is written: Beside the continual burnt-offering and the drink-offering thereof.⁹ What does the Divine Law mean by this? Apply the measures [forms] of the sin-offering to the burnt-offering.

We have learnt there: The memuneh¹⁰ said to them: Go and bring a lamb from the Cell of the Lambs.¹¹ Now the Cell of the Lambs was in the north-western corner. Four cells were there: one was the Cell of the Lambs; one the Cell of the Seals;¹² one the Cell of the Fireplace,¹³ and one cell, in which the shewbread was made.¹⁴

They raised an objection: There were four rooms in the Cell of the Fireplace, like small rooms opening into a reception room; two on holy ground, two outside of holy ground; and the ends of the

flagstones [in the pavement] indicated the mark between the sacred and the secular grounds. What was their use? The south-western was the Cell of the Lambs for offerings;

- (1) The word tohar may mean 'pure', 'clear', and thus here the ashes on the top of the altar were shoved aside and the clear place in the middle sprinkled.
- (2) Ex. XXIV, 10.
- (3) The continual daily offering.
- (4) Mid. III, 1.
- (5) Zeb. 51a, based on Lev. IV, 18: the blood must be sprinkled to a place on the altar below which there is a projecting base.
- (6) V. infra 45a.
- (7) In the case of a sin-offering (the blood of which is applied to the corner of the altar), as he goes up to the ramp of the altar and turns right, he comes to the south-eastern corner first, but he may not sprinkle the blood there, because that corner has no projecting base. He therefore goes on to the north-eastern corner, where he sprinkles. The same order is also followed with a burnt-offering, although there is no ascent of the ramp since the blood thereof was sprinkled below the line round the middle of the altar. He approaches the front of the altar from the south, then turns to the right. [The words 'the east' do not apply here, as the first sprinkling is made, as stated, in the north-east. They are mentioned as a current phraseology arising from the context in which the phrase 'all the turns you make etc.' is first used. V. infra 58b.]
- (8) [The he-goat of the New Moon.]
- (9) Translate ad hoc: 'upon the burnt-offering', instead of 'beside the burnt-offering', cf. supra p. 68.
- (10) Temple Superintendent, v. infra p. 97' n. 4.
- (11) In which lambs were kept, which had been passed as fit for sacrifices, in accord with Lev. I, 11.
- (12) Shek. V, 3, 5. There were four seals in the Temple and on them was inscribed 'Calf', 'Ram', 'Kid', 'Sinner'; 'Calf' signifying drink-offerings for (sacrifices from) the herd... 'Kid' signifying drink-offerings for (sacrifices from) the flocks . . . 'Ram' signifying drink-offerings for rams, 'Sinner' signifying drink-offerings for the three beasts offered up by the lepers. Anyone who wished to obtain drink-offerings would go to Johanan who was in charge of the seals, give him money and receive from him a seal, go from him to Ahiyah who was in charge of the drink-offerings, give him the seal and receive from him the drink-offering. V. Num. XV, 1-12.
- (13) In which the fire was perpetually maintained, v. Tam. I, 1.
- (14) Tam. 30a.

Talmud - Mas. Yoma 16a

the south-eastern was the cell wherein they made shewbread; in the north-eastern the Hasmoneans hid the stones of the altar, which the Greek kings had defiled;¹ through the north-western they went down to the chamber of immersion!² — R. Huna said: Who is the authority for [the anonymous Mishnahs in] Middoth? R. Eliezer b. Jacob, for we have learnt: The court of the women was one hundred and thirty-five cubits long and one hundred and thirty-five cubits wide. At its four corners there were four cells. What was their use? The south-eastern was the Cell of the Nazirites, where the Nazirites cooked their peace-offerings, and cut off their hair and cast it under the pot;³ the north-eastern was the Cell of the Wood-shed, wherein priests afflicted with a blemish were standing to examine the wood for worms-for any wood wherein a worm was found is unfit for the altar; the north-western was the Cell of the Lepers; as to the south-western, R. Eliezer b. Jacob said: I forget what its use was, whilst Abba Saul said: There they put wine and oil and it used to be called the Cell of the House of Oils.⁴ It may also be proved by reasoning that the authority for [the anonymous Mishnahs in] Middoth is R. Eliezer b. Jacob, for we have learnt: All the walls that were there [in the Temple] were high with the exception of the eastern wall, because the priest who burns the heifer stands on the Mount of Olives and looks towards the entrance of the Temple at the time the blood [of the heifer] is sprinkled.⁵

And we have learnt: All the entrances that were there; were twenty cubits high and ten cubits wide.⁶ And we have learnt: Inside this⁷ was the Soreg [a railing of lattice work].⁸ And we have

learnt: Inside this was the Hel [rampart],⁹ ten cubits broad. There were twelve steps there,¹⁰ the height of each step was half a cubit and the depth of each step was half a cubit. [Furthermore]: Fifteen steps which led from the Court of the Israelites to the Court of the Women, the height and depth of each step being half a cubit.¹¹ [Furthermore we learnt]: Between the Hall¹² and the altar there were twenty-two cubits, there were twelve steps, the height and depth of each half a cubit;¹³ and we have learnt: R. Eliezer b. Jacob said: There¹⁴ was a step one cubit high and the platform¹⁵ was set thereon and on it were three steps half a cubit high each.¹⁶ Now, if you can say that the authority for the anonymous¹⁷ [Mishnahs in Tamid] is R. Eliezer b. Jacob then it will be quite right, because according to him the door is concealed;¹⁸ but if you should say that it is in accord with [the other] Rabbis, there would be left half a cubit through which the door would be visible!¹⁹ — R. Adda b. Ahaba said: It is R. Judah, for it has been taught:²⁰ R. Judah said: The altar was placed exactly in the centre of the Temple Court, measuring thirty-two cubits;

(1) The Hellenized Syrians under Antiochus Epiphanes, I Macc. IV, 44f.

(2) Mid. I, 6. An obvious contradiction of the first account above.

(3) Num. VI, 18: And the Nazirite shall shave his consecrated head at the door of the tent of meeting, and shall take the hair of his consecrated head, and put it on the fire which is under the sacrifice of peace-offerings.

(4) Mid. II, 5. R. Eliezer b. Jacob's statement, 'I forget what its use was indicates that he was the authority of the anonymous Mishnah.

(5) V. Mid. II, 4. (5) The following statement should make what follows clear. All the entrances of the buildings on the Temple mount were twenty cubits high. Inside the Hel were twelve steps, each half a cubit high. From the Court of the Women to the Court of Israel led fifteen steps, and twelve from the Hall to the Temple. Together thirty-nine steps, each half a cubit high, making nineteen and one half cubits in toto. According to this Tanna one need not assume that the eastern wall was lower, for since the height of the entrance is twenty cubits, there would still remain one half cubit of the door, which the steps (being only nineteen and one half cubits high) could not hide, so that the priest burning the heifer could look directly from the top of the Mount of Olives into the entrance to the Temple through the various entrances which were all exactly one against the other. But since we learnt that the eastern wall was lower, the Mishnah must be in accord with Eliezer b. Jacob, according to whom two and one half cubits were added to the height of the steps, for we have learnt in his name: There was a step, one cubit high, on which stood the platform with three steps of half a cubit height each. If we add that to the nineteen and a half cubits of the combined heights of the steps, we get twenty-two cubits (v. Tosaf. Jesh.) and that height would hide from view the entrance which was only twenty cubits high. The high priest burning the heifer looked westwards from the Mount of Olives, i.e. towards the eastern wall of the Temple, that is why, according to R. Eliezer b. Jacob, the eastern wall had to be lower, and that is the conclusive evidence that the anonymous Mishnah of Tamid is in accord with R. Eliezer.

(6) Mid. II, 3.

(7) Inside the entrance of the Temple Mount around the inner parts containing the Court of the Women and the Court of the Temple.

(8) [Or 'a stone wall', Mid. II, 3. The Soreg was the barrier beyond which heathens were not permitted to approach the Temple area, cf. Josephus, Wars, v. 5, 2.]

(9) [A raised platform going around the inner precincts.]

(10) In those ten cubits of the Hel leading up to the Court of the Women.

(11) Ibid.

(12) Ulam, leading to the interior of the Temple.

(13) Mid. III, 6.

(14) Between the Court of the Israelites and the Court of the Priests.

(15) It is the platform of the Levites, on which they stood, when singing or teaching, and from which the priests pronounced the benediction, V. Mid. II, 6.

(16) Mid. II, 2.

(17) Whenever no teacher is mentioned in the Mishnah of Middoth it is R. Eliezer b. Jacob, or whenever a Tanna is mentioned as opposing the anonymous Mishnah, he opposes R. Eliezer b. Jacob.

(18) By the height of the steps.

(19) To the priest looking across from the Mount of Olives; what necessity then was there for the eastern wall to be

lower?

(20) The Tanna who said that the eastern Temple wall was lower.

Talmud - Mas. Yoma 16b

ten cubits opposite the door of the Temple, eleven cubits toward the north, and eleven cubits toward the south. With the result that the altar was exactly opposite the Temple and its walls.¹ But, if you should consider that the authority for Middoth is in accord with R. Judah, how could the altar possibly have stood in the centre of the Temple? Surely we have learnt: The Temple Court in all had a length of a hundred and eighty-seven cubits and a width of a hundred and thirty-five cubits. From east to west it extended over a hundred and eighty-seven cubits; the space which [lay] Israelites trod was eleven cubits; eleven cubits was the space which the priests trod; the altar occupied thirty-two; between Hall and altar were twenty-two cubits; the Sanctuary a hundred cubits and eleven cubits behind the place of the mercy seat.² From north to south was a hundred and thirty-five cubits; the ramp and the altar occupying sixty-two cubits, from the altar to the rings³ eight cubits; the place of the rings twenty-four; from the rings to the tables four; from the tables to the columns four;⁴ from the columns to the walls of the Temple Court eight cubits and the remainder lay between the ramp and the wall and the place of the columns.⁵ Now if you were to consider that the authority for Middoth is R. Judah, how is it possible that the altar be in the centre of the Temple, since the bigger part of the altar lies towards the south?⁶

(1) The inside of the Temple was twenty cubits, the walls were six cubits in depth, and the height of the altar was nine cubits to which must be added the thirteen and a half cubits rise in the level of the Court of the Israelites where the altar stood making a total of twenty-two and a half cubits; thus the altar would hide the Temple door, hence the lower eastern wall. V. Zeb. 58b.

(2) [An empty space beyond the Holy of Holies, the purpose of which is not stated anywhere.]

(3) They were set in the ground in the slaughter-house, north of the altar, and the necks of the animals were placed in them. The most holy sacrifices were slain on the north side of the altar, Zeb. 47a.

(4) Low columns placed in the ground, to which iron hooks were attached, on which the animals were hung for flaying.

(5) Mid. V, 1, 2.

(6) [The figures given here as from south to north make a total of a hundred and ten cubits. To this must be added the space of four cubits occupied by the table, which is not mentioned here, then leaving a remainder of twenty-one cubits which lay equally between the ramp and the wall and the place of columns. This allows for ten and a half cubits for the space between the ramp (which was on the south of the altar) and the southern wall of the court. Deducting this from sixty-seven and a half cubits which was half the breadth of the court from south to north, we are left with fifty-seven cubits within which lay the ramp, thirty cubits in length, and twenty-seven out of the thirty-cubits of the altar proper, with the result that the larger part of the altar lay in the southern half of the court. V. Rashi.]

Talmud - Mas. Yoma 17a

Must one not rather infer that the authority [for Middoth] is R. Eliezer b. Jacob?¹ That is the right inference.

R. Adda,² the son of R. Isaac said: That cell³ was removed [from both] corners;⁴ to him that came from the north it appeared to be in the south and to him who came from the south it appeared to be in the north — It is to be proved by inference that it lay more in the south-west. Whence [can this be proved]? From a contradiction from [one statement about the] Cell of the Shewbread to [another statement about the] Cell of the Shewbread and the answer given by R. Huna, the son of R. Joshua: 'One teacher considers it as lying to the right, and the other as lying to the left'.⁵

(1) [And the entrance of the Sanctuary was covered from the sight of the priest, who burnt the heifer on the Mount of Olives, by the extra step and not by the altar, for according to him the whole altar lay in the southern half of the court. V. infra 37b.]

(2) R. Adda wishes to reconcile the two contradictory Mishnahs in regard to the position of the Cell of the Lambs.

(3) The Cell of the Lambs.

(4) [Situated on the west side it extended from north to south, though removed from both extremities.]

(5) The Tanna in Tamid (supra 15b) mentions the Cell of the Lambs in the north-west, and assuming that he is counting towards the right, the Cell of the Seals would be in the south-west, the Cell of the Fireplace in the south-east, and the Cell of the Shewbread in the north-east. Against that the objection was raised, viz., the Mishnah in Middoth places the Cell of the Shewbread in the south-east. Whereupon R. Huna said: The Tanna of Middoth counts from the right, whereas the Tanna of Tamid counts from the left. Now, if we say that the Tanna of Tamid, who says that the Cell of the Lambs lay in the north-western corner, admits that it lay more to the south-west, but that it appeared (as the Gemara above has it) to the north-west, and he started in reality counting from the south-west, that will explain the contradictory statements in Tamid and Middoth; but if you say that his statement, the Cell of Lambs lay in the north-western corner, is to be taken literally, there is no sense in the answer, for even if one counted towards the left, that cell would be lying in the south-western corner.

Talmud - Mas. Yoma 17b

Now, if you say that it lay in the south-western corner, it will be right that he answers the objection raised from [one statement about] shewbread to [another statement about] shewbread; but if you say it lay in the north-western corner, what sense is there in the answer about the shewbread? Must one not hence infer that it lay in the south-western corner? That is the right inference. But the Master has said: All the turns you make must be to the right, i.e., towards the east?¹ — That [rule] applies to the Temple service, but here it is merely on account of measurement.

FOR THE HIGH PRIEST IS FIRST IN OFFERING A PORTION AND FIRST IN TAKING A PORTION [OF THE SACRIFICES]. Our Rabbis taught: How is he first in offering a portion? He can say: This burnt-offering I shall offer up, this meal-offering I shall offer up. How has he first right in taking a portion? He can say: This sin-offering I am eating, this guilt-offering I am eating. He can take one of the two loaves,² four or five of the shewbread loaves. Rabbi says: Always five, for it is written: And it shall be for Aaron and his sons³ i.e., half for Aaron and half for his sons. This [statement in] itself is difficult. You have said: 'He takes one of the two loaves'. That is in accord with Rabbi, who says: He can take one half. Now say the middle portion: 'Four or five of the shewbread loaves', that is in accord with the Sages who say that he does not take one half. Now say the last portion: Rabbi says: 'Always [he takes] five'. Does, then, the first and last part agree with Rabbi and the middle with the Sages?—Abaye said: The first and the second parts agree with the Sages, and the Sages admit that it is not a proper thing to give the high priest a piece of bread.⁴

(1) V. supra p. 69.

(2) Of Pentecost, v. Lev. XXIII, 17.

(3) Lev. XXIV, 9.

(4) Hence he may take one of the two loaves of Pentecost.

Talmud - Mas. Yoma 18a

How is 'four or five' to be taken? — According to the Sages who say:¹ The incoming Mishmar² took six and the outgoing group took six, and there is no fee for the locking of the Temple gates,³ the division is in respect of the twelve loaves. Deduct one from a half, that makes five. Whereas according to R. Judah who says: The incoming Mishmar takes seven, of which two are the fee for locking the Temple gates, and the outgoing division takes five; the division is in respect of ten⁴ loaves, take one off the half, thus he takes four. Raba said: The whole teaching is in accord with Rabbi, but he is of the opinion of R. Judah.⁵ How then does 'four' come in? He should take five? That is no difficulty: In the one case there is a Mishmar which⁶ delayed in the Sanctuary, in the other there is no such Mishmar. If there be a Mishmar which delayed,⁷ so that he would take four of them, the division is in respect of eight loaves; if there is no Mishmar which had delayed, one ought to divide ten, so that the division is in respect of ten loaves, he would take five loaves. If so, then, can Rabbi say: Always five? — That is, indeed, a difficulty. MISHNAH. THEY DELIVERED TO HIM ELDERS FROM THE ELDERS OF THE COURT AND THEY READ BEFORE HIM [THROUGHOUT THE SEVEN DAYS] OUT OF THE ORDER OF THE DAY.⁸ THEY SAID TO HIM, SIR HIGH PRIEST, READ YOU YOURSELF WITH YOUR OWN MOUTH, PERCHANCE YOU HAVE FORGOTTEN OR PERCHANCE YOU HAVE NEVER LEARNT. ON THE EVE OF THE DAY OF ATONEMENT IN THE MORNING THEY PLACE HIM AT THE EASTERN GATE AND PASS BEFORE HIM OXEN, RAMS AND SHEEP, THAT HE MAY LEARN TO KNOW AND BECOME FAMILIAR WITH THE SERVICE. THROUGHOUT THE SEVEN DAYS THEY DID NOT WITHHOLD FOOD OR DRINK FROM HIM. BUT ON THE EVE OF THE DAY OF ATONEMENT NEAR NIGHTFALL THEY WOULD NOT LET HIM EAT MUCH BECAUSE FOOD BRINGS ABOUT SLEEP.

GEMARA. It is quite right that [they assume] perchance he has forgotten, but that he never learnt, do we ever appoint men of that type? Surely it has been taught: And the priest that is highest among his brethren,⁹ that means he should be highest among his brethren in strength, in beauty, in wisdom, and in riches. Others¹⁰ say: Whence do we know that if he does not possess [any wealth], his brethren, the priests, endow him?¹¹ To teach us that it says: 'And the priest who is great by reason of his brethren',¹² i.e., make him great from what his brethren have?¹³ -R. Joseph said: That is no difficulty. One refers to the first Temple, the other to the second, for R. Assi said: A tarkabful¹⁴ of denars did Martha,¹⁵ the daughter of Boethus give to King Jannai¹⁶ to nominate¹⁷ Joshua ben Gamala as one of the high priests.¹⁸

ON THE EVE OF THE DAY OF ATONEMENT IN THE MORNING: A Tanna taught: Also the he-goats. Why has our Tanna not taught he-goats? — Since they are meant for sin[-offerings], he might feel discouraged. If it be so: does not a bullock,¹⁹ too, come for a sin[-offering]? — Since that comes for himself and his brethren the priests, [there is this advantage] that if there be one among his brethren the priests with whom there is something the matter, he would know it and bring him back to repentance, but would he know that with all Israel? Rabina said: This is what the popular proverb means: If your sister's son has been appointed a constable, look out that you pass not before him in the street.²⁰

THROUGHOUT THE SEVEN DAYS THEY DID NOT WITHHOLD etc. It has been taught: R. Judah b. Nakussa said: One fed him [cakes] of fine flour and eggs in order to produce [speedy] elimination. They answered him: Thus you will induce the more excitement.²¹

It has been taught: Symmachus said in the name of R. Meir: One does not feed him either A'B'Y,²² and some say, neither A'B'B'Y,²² and some say neither white wine. Neither A'B'Y, i.e., neither Ethrog [citron], nor Bezim [eggs], nor Yayin yashan [old wine]. And, according to others, no A'B'B'Y, i.e., neither Ethrog, nor Bezim, nor Bassar shamen [fat meat], nor Yayin yashan, some say neither white wine because white wine induces levitical impurity in man.²³ — Our Rabbis taught: To one afflicted with gonorrhoea one assigns food or too many kinds of food as the cause²⁴ of an attack of gonorrhoea. Eleazar b. Phinehas says in the name of R. Judah b. Bathyra: One does not feed him²⁵ either H'G'B'Y or G'B'M, or any other thing that induces impurity. Neither H'G'B'Y, i.e., neither Halab [milk], nor Gebinah [cheese], nor Bezah, nor Yayin: nor G'B'M, i.e., neither megrisen shel pul [soup of pounded beans] , nor Basar shamen,, nor Muries²⁶ . ‘Nor any other matters [foods] that induce impurity’ — What is that meant to include? — It is meant to include what our Rabbis taught: Five things induce impurity in man, they are as follows: garlic,

(1) Suk. 56a.

(2) A division of priests, v. Glos. s.v. These divisions changed every Sabbath.

(3) [On Saturday evening, though the gates had been opened on that day by the outgoing division.]

(4) Not the half, as Rabbi would have it.

(5) That the two loaves are never divided.

(6) On festivals all priests irrespective of division came up for service in the Temple and shared in the shewbread. If the festival starts on a Sunday, the guest priests would have to arrive in Jerusalem on the Friday before, since travel on the Sabbath is forbidden. Similarly, if the festival closes on Friday, the priests would have to stay over the Sabbath in Jerusalem. Hence, in either case, they share equally in the shewbread with the priests of the division in service in that particular week. If however, the festival started on a Monday, so that the guest priests might have arrived on Sunday, but instead came on Friday already; or, if the festival closed on Thursday, so that the priests might have returned on Friday, but stayed in Jerusalem until Sunday, such ‘delaying’ divisions (or guest divisions) were allotted only two loaves whilst the remaining ten loaves were divided between the incoming and outgoing weekly divisions.

(7) And which obtained two loaves, Only eight remain for division — two having paid for the locking of the doors-and the high priest would receive but four.

(8) As prescribed in Lev. XVI.

(9) Lev. XXI, 10.

(10) Either: anonymous authorities, differing with the first Tanna of the Mishnah; or R. Meir, v. Hor. 13b.

(11) Raise him to independence by a collection taken up by all the priests.

(12) This is an ad hoc translation: (a) who is highest among his brethren (b) who is high because (of what) his brethren (do for him).

(13) V. Hul. 134b.

(14) [(a) **קב = תרי קב** two kabs; (b) ** = 2 1/2 kabs.]

(15) [His wife, v. Yeb. 61a.]

(16) [Jannai is often employed in the Talmud as a general patronymic for Hasmonean and Herodian rulers. Here it stands for Agrippa II, v. Josephus Ant. XX, 9, 4, and Derenbourg, Essai, 248ff.]

(17) The text has **על** ‘because (he had nominated him)’. D.S. reads, correctly, **עד** ‘so that’.

(18) To be, ‘the elected by the electors’.

(19) Lev. XVI, 6, 11.

(20) Because he knows all your affairs and he may blackmail you.

(21) With the danger of pollution, which would unfit him for the service on the Day of Atonement, on the morrow.

(22) Mnemonic signs, explained below.

(23) Causing sex excitement and thus possible pollution.

(24) That benefit of the doubt will have this advantage for him: If it were due to his usual illness, he would have to count seven days from the day it happened before he would be pure again, but now he can continue his original count.

(25) During the time when he examines himself to make sure there has been no recurrent attack of gonorrhoea.

(26) A brine or pickle containing fish-hash and sometimes wine (Jast.).

Talmud - Mas. Yoma 18b

pepperwort, purslane, eggs, and garden-rocket.

And one went out into the field to gather oroth [herbs]¹ — A Tanna taught in the name of R. Meir: That refers to garden-rocket. R. Johanan said: Why are they called 'oroth'? because they enlighten the eyes.² R. Huna said: If one finds a garden-rocket he should eat it, if he can, and if not he should pass it over his eyes. R. Papa said: That refers to rocket growing on the balk. R. Giddal said in the name of Rab: A guest should not eat eggs nor sleep in the garment of his host.³ Whenever Rab came to Darshis,⁴ he would announce: Who would be mine for a day?⁵ Whenever R. Nahman would come to Shekunzib⁶ he would have it announced: Who will be mine for a day? But has it not been taught:⁷ No man should marry a woman in one country and then go and marry a woman in another country lest they [their children]⁸ might marry one another with the result that a brother would marry his sister or a father his daughter, and one fill all the world with bastardy to which the scriptural passage refers: And the land become full of lewdness?⁹ — I will tell you: [The affairs of] the Rabbis are well-known.¹⁰ But did not Raba say: If one has proposed marriage to a woman and she has consented then she must await seven clean¹¹ days? — The Rabbis informed them before by sending their messenger earlier. Or, if you like, say: They only arranged for private meetings with them, because 'You cannot compare one who has bread in his basket with one who has no bread in his basket'.¹²

MISHNAH. THE ELDERS OF THE COURT HANDED HIM OVER TO THE ELDERS OF THE PRIESTHOOD AND THEY TOOK HIM UP TO THE UPPER CHAMBER TO THE HOUSE OF ABTINAS.¹³ THEY ADJURED HIM, TOOK THEIR LEAVE, AS THEY SAID TO HIM: SIR HIGH PRIEST, WE ARE MESSENGERS OF THE BETH DIN AND YOU ARE OUR MESSENGER AND THE MESSENGER OF THE COURT. WE ADJURE YOU BY HIM THAT MADE HIS NAME TO DWELL IN THIS HOUSE THAT YOU DO NOT CHANGE ANYTHING OF WHAT WE SAID TO YOU.¹⁴ HE TURNED ASIDE AND WEPT AND THEY TURNED ASIDE AND WEPT.¹⁵ IF HE WAS A SAGE HE WOULD EXPOUND, AND IF NOT, THE DISCIPLES OF THE SAGES WOULD EXPOUND BEFORE HIM. IF HE WAS FAMILIAR WITH READING [THE SCRIPTURES] HE WOULD READ. IF NOT THEY WOULD READ BEFORE HIM. FROM WHAT WOULD THEY READ BEFORE HIM? FROM JOB, EZRA AND CHRONICLES.¹⁶ ZECHARIAH BEN KUBETAL SAID: OFTEN HAVE I READ BEFORE HIM FROM DANIEL.

(1) II Kings, IV, 39.

(2) This is a play on 'oroth', as if it were derived from the root 'or', light, thus 'enlightening'.

(3) Eggs might induce pollution. He might suffer pollution in the host's garment, which would be a doubly unpleasant occurrence.

(4) Be-Ardashir near Mahuza.

(5) Who would marry me for one day. 'This strange statement, completely contradicted by the saintly character of both Rab (v. 'Er. 100a, Hag. 5a, Keth. 48b, Sanh. 76a) and R. Nahman, has been explained through an account in Babli 76b. King Shapur entertained two guests, Bati b. Toba and Mar Judah. In accordance with Persian custom, he "honoured" them by sending to each a concubine. This gift was rejected by Mar Judah, but accepted by Bar Toba. Rab and R. Nahman, as leaders of their people would find themselves similarly embarrassed by such attention, on the occasion of their official visits to Persian cities. Some princes are known to have taken the refusal of their "gift" as a serious affront. In order to avoid complications, these Rabbis hit upon the device of declaring themselves married, i.e., provided with a wife in the city they visited, going to the length of marrying "for a day" the local wife, thus helping them to escape the royal "gift".' For another explanation v. Yeb., Sonc. ed., p. 235 n. 7.

(6) On the eastern bank of the Tigris.

(7) Yeb. 37b

(8) 'They' may mean either the children of that man, son and daughter, may meet as strangers; or he might meet his own daughter. The assumption being that he divorces his wife and so loses interest in her child.

(9) Lev. XIX, 29.

(10) Their children, their wives. They would boast of their descent, or of having once been married to a Sage.

(11) The assumption being that because of the excitement involved she has become a menstruant.

(12) The craving of him who lacks the opportunity of gratifying it is much more intense than that of him who has the opportunity.

(13) There the family of Abtinas prepared the incense, there the high priest was taught the skillful manipulation that would enable him to take up the incense without spilling one grain.

(14) That he would not act in the manner of the Sadducees. V. Gemara.

(15) The elders, because they had to utter such suspicion, he, because they had done so.

(16) These books, less known, might arouse his interest and keep him awake. Sleep was to be prevented, because of the risk of pollution.

Talmud - Mas. Yoma 19a

GEMARA. A Tanna taught: To teach him¹ the manipulation of hafinah.² R. Papa said: The high priest had two cells. One, the Cell of the Counsellors,³ the other, the Cell of the House of Abtinas;⁴ one to the north, the other to the south. 'One to the north', as we have learnt: Six cells were in the Temple Court, three to the north, three to the south.⁵ Those to the north were the Cell of the Salt, the Cell of Parwah,⁶ the Rinsing Cell. Into the Cell of the Salt the salt for the sacrifice was put; 'The Cell of Parwah', there the hides of the animal-offerings were salted and on its roof was the place of immersion for the high priest on the Day of Atonement; 'The Rinsing Cell': there the inwards of the animal-offerings were rinsed and an incline led from it to the roof of the Parwah Cell. The three to the north were: The Wood-Cell, the Exile Cell,⁷ and the Cell of Hewn Stone. Concerning the Wood-Cell R. Eliezer b. Jacob said: I have forgotten what it was used for, but Abba Saul said: It was the Cell of the high priest and it lay behind the two and the roof of all the three was of the same height. 'The Exile Cell'; there was the Exile cistern, and a wheel was placed above it and from there they drew water for the whole Temple Court. 'The Cell of Hewn Stone'; there the Sanhedrin of Israel was sitting and judging the priests and whosoever was found unfit would put on a black dress and wrap himself in black, go out and go his way. And one in whom no blemish was found would put on a white garment, wrap himself in white, enter the Sanctuary and officiate with his brethren. 'One cell was to the south', as we have learnt.⁸ There were seven gates in the Temple Court, three to the north, three to the south and one to the east. To the south: The Gate of Kindling, next to it the Gate of the Firstlings, the third being the Gate of the Water.⁹ To the east the Nicanor Gate,¹⁰ beside which were two cells, one to the right and the other to the left; the former the Cell of Phinehas, the keeper of the garments and the latter the Cell of the Makers of the Griddle Cakes. To the north: The Gate of the Spark:¹¹ it was a kind of portico with an upper chamber built on top of it, and the priests kept watch above and the Levites below. It had a doorway to the Hel;¹² next to it was the Gate of the offering¹³ and the third was the Gate of the Cell of the Fireplace. And it was further taught: The high priest immersed himself five times and performed ten sanctifications¹⁴ on that day, all of them on holy ground on the roof of the Parwah house, with the exception of this one,¹⁵ which was on profane ground, on top of the Gate¹⁶ which latter was beside his own cell. But, [continues R. Papa], I do not know whether the Cell of the Counsellors was to the north and the Cell of the house of Abtinas to the south, or the Cell of the house of Abtinas to the north and the Cell of the Counsellors to the south. But it could be proven that the Counsellors' Cell was to the south. How? He would get up,¹⁷ relieve nature, immerse himself,¹⁸ turn northward to learn his hafinah practice,¹⁹ enter the Sanctuary and officiate all day at the service; towards evening he would be sprinkled,²⁰ return southward, immerse himself²¹ and rest. But if you were to say that the Counsellors' Cell is to the north, he would then get up, relieve nature,²² turn to the south, immerse himself and learn the hafinah, enter the Sanctuary, perform the service all day, be sprinkled towards evening, return to the south and immerse himself, and then he would have to turn and go to the north to rest. Would we trouble him so much?²³ Why should we not put him to much trouble so that if he be a Sadducee, he will give up; or in order that he become not too overbearing; for if you do not say so, let us place the two [cells] next to each

other; or, let one be enough for him.

THEY SAID TO HIM: SIR HIGH PRIEST etc. Shall we say that this²⁴ will be a refutation of R. Huna, the son of R. Joshua, for R. Huna, the son of R. Joshua said: These priests are messengers of the All Merciful God. For if you were to say they are our own messengers,

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- (1) The high priest, in that chamber.
 - (2) The taking of handfuls of incense.
 - (3) Where he slept.
 - (4) Where he would learn hafinah.
 - (5) Mid. V, 3.
 - (6) Named after a Persian builder of that name.
 - (7) [So called because it was constructed by the returned exiles from Babylon.]
 - (8) Mid. I, 4.
 - (9) Into which a bottle of water was brought for the water libation on the Sukkoth festival, v. Shek. 9a.
 - (10) Named after its designer or donor.
 - (11) A perpetual flame was kept up in its upper chamber to rekindle the fire in the Cell of the Fire-place.
 - (12) V. supra p. 72, n. 4.
 - (13) Animals destined for most holy sacrifices were brought there, because they had to be slaughtered on the north side of the altar.
 - (14) Washing his hands and feet; that is the traditional interpretation of Lev. XVI, 24.
 - (15) The first immersion, obligatory on any day, to anyone desiring to enter the Temple, v. infra 30b.
 - (16) V. infra 30a. This proves R. Papa's statement that the high priest had a private cell on the south side where the Water Gate was situated.
 - (17) Every morning of the seven days.
 - (18) [Assuming that the Counsellor's Cell where he slept was in the south, all this would take place in the south. The place for the first immersion was as first stated on top of the Water Gate which was no the south.]
 - (19) [That is in the cell of Abtinah.]
 - (20) The sprinkling made the clean unclean, hence the necessity of immediate immersion so as to fit him for to-morrow's service.
 - (21) V. supra 4b.
 - (22) [This would, on this assumption, take place in the north.]
 - (23) Hence it seemed reasonable to assume that the Counsellors' Cell lay to the south.
 - (24) Our Mishnah, according to which he is addressed as 'Our Messenger'.

Talmud - Mas. Yoma 19b

is there anything that we ourselves are unable to perform¹ and our messengers can perform?² — Rather this is what they said to him: We adjure you according to our mind and in the mind of the Beth din.³

HE TURNED ASIDE AND WEPT AND THEY TURNED ASIDE AND WEPT. He turned aside and wept because they suspected him of being a Sadducee,⁴ and they turned aside and wept, for R. Joshua b. Levi said: Whosoever suspects good folks will suffer [for it] on his own body.⁵ Why was all this [solemn adjuration] necessary? Lest he arrange the incense outside and thus bring it in, in the manner of the Sadducees.⁶

Our Rabbis taught: There was a Sadducee who had arranged the incense without, and then brought it inside.⁷ As he left he was exceedingly glad. On his coming out his father met him and said to him: My son, although we are Sadducees, we are afraid of the Pharisees. He replied: All my life was I aggrieved because of this scriptural verse: For I appear in the cloud upon the ark-cover.⁸ I would say: When shall the opportunity come to my hand so that I might fulfil it.⁹ Now that such

opportunity has come to my hand, should I not have fulfilled it? It is reported that it took only a few days until he died and was thrown on the dunghheap and worms came forth from his nose. Some say: He was smitten as he came out [of the Holy of Holies]. For R. Hiyya taught: Some sort of a noise was heard in the Temple Court, for an angel had come and struck him down on his face [to the ground] and his brethren the priests came in and they found the trace as of a calf's foot on his shoulder,¹⁰ as it is written: And their feet were straight feet, and the sole of their feet was like the sole of a calf's foot.¹¹

R. ZECHARIAH, THE SON OF KEBUTAL, SAID etc.: R. Hanan, the son of Raba, repeated to Hiyya, the son of Rab in the presence of Rab: R. Zechariah the son of Kefutal, whereupon Rab indicated to him with [a gesture of] the hand: [that it should be] Kebutal. Why did he not speak to him? — He was reading the Shema'.¹² But is such [interruption] permitted, has not R. Isaac b. Samuel b. Martha said: He who reads the Shema' may neither blink with his eyes, nor gesticulate with his lips, nor point with his fingers; and it has also been taught: R. Eleazar Hisma said concerning him who whilst reading the Shema' blinks with his eyes, gesticulates with his lips or points with his fingers, Scripture has said: Thou hast not called upon me, O Jacob?¹³ — There is no difficulty; one view refers to the first portion of the Shema', the other to the second portion.¹⁴

Our Rabbis have taught: And thou shalt speak of them,¹⁵ 'of them', but not during prayer;¹⁶ of them thou mayest speak, but not of other things.¹⁷ R. Aha said: 'And thou shalt speak of them', i.e. make them a regular programme, and not a casual topic. Raba said: One who engages in profane talk transgresses a positive command, for it is written: 'And thou shalt speak of them', 'of them', but not of other matters. R. Aha b. Jacob said: He transgresses against a prohibition, for it is said: All things toil to weariness; man cannot utter it.¹⁸

MISHNAH. IF HE SOUGHT TO SLUMBER, YOUNG¹⁹ PRIESTS WOULD SNAP THEIR MIDDLE FINGER²⁰ BEFORE HIM AND SAY: SIR HIGH PRIEST, ARISE AND DRIVE THE SLEEP AWAY²¹ THIS ONCE ON THE PAVEMENT. THEY WOULD KEEP HIM AMUSED UNTIL THE TIME FOR THE SLAUGHTERING [OF THE DAILY MORNING OFFERING] WOULD APPROACH.

GEMARA. What is 'zeredah?' — Rab Judah said: The rival of this one, which is it? the thumb.²² R. Huna demonstrated it and its sound could be heard in the whole academy.

AND THEY WOULD SAY: SIR HIGH PRIEST, ARISE AND DRIVE THE SLEEP AWAY THIS ONCE. R. Isaac said: [Show us] something new.²³ What was that? — They said to him: Show us the kidah.²⁴

AND THEY WOULD KEEP HIM AMUSED UNTIL THE TIME FOR THE SLAUGHTERING WOULD APPROACH. A Tanna taught: They kept him amused neither with the harp nor with the lyre, but with the mouth. What were they singing? Except the Lord build a house, they labour in vain that build it.²⁵ Some of the worthiest of Jerusalem²⁶ did not go to sleep all the night in order that the high priest might hear the reverberating noise,²⁷ so that sleep should not overcome him suddenly. It has been taught: Abba Saul said: Also in the country²⁸ they used to do so²⁹ in memory of the Temple, but they used to commit sin.³⁰ Abaye, or, as some say, R. Nahman b. Isaac, interpreted that to refer to Nehardea. For Elijah said to Rab Judah, the brother of R. Sila the Pious: You have said: Why has not Messiah come? Now to-day is the Day of Atonement and yet how many virgins were embraced in Nehardea! He answered: What did the Holy One, blessed be He, say? — He answered:

(1) V. Ned. 35a. Prohibiting the making of gestures whilst reading the Shema'.

(2) Permitting the making of gestures.

(3) [He is addressed as 'Our Messenger' only in respect of this adjuration, i.e., to impress on him that he must take the

oath in the sense as understood by them. (V. Ned. 24b-25a).]

(4) The Sadducees held that the high priest should prepare the incense on the fire pan before entering the Holy of Holies so that he would enter it with the pan as smoke. Many priests were suspected of adhering to that sect, hence the necessity of that solemn adjuration that the high priest would make no change.

(5) The text for this teaching is Ex. IV, I and 6. Moses had 'suspected' Israel of disbelieving the message of the Lord, when he would bring it to them, hence he was smitten with leprosy. But the leprosy there was neither meant as punishment, nor abiding, the verses are used illustratively rather than logically for the present purpose.

(6) V. infra 53a.

(7) Into the Holy 'of Holies.

(8) Lev. XVI, 2.

(9) The Sadducees interpreted the passage: For I appear in the cloud, as if it said: For I am to be seen only with the cloud (of the incense) upon the ark-cover. The whole verse, according to them is to mean: Let him not come into the holy place except with the cloud (of incense), for only thus, with the cloud, am I to be seen on the ark-cover. Hence the Sadducees' effort to enter the Holy of Holies with the fire pan as smoke, prepared and lit outside.

(10) [The high priest, in coming out of the Holy of Holies, walked backward so as not to turn his back on the Holy of Holies (v. infra 52b). When he reached the threshold and his back first emerged behind the curtain, the angel who was outside the curtain struck him on his back between the shoulders and threw him down, making him fall forward into the Holy of Holies with his face to the ground. There he lay till his brother priests came and threw him out. Cf. J. Yoma, I, 5. Lauterbach J.Z. HUCA IV, p. 193.]

(11) Ezek. I, 7. That trace is the 'evidence' that an angel had struck him, kicked him with his foot. The 'four living creatures' are identified with angels.

(12) V. Glos.

(13) Isa. XLIII, 22.

(14) In the first portion occur the words 'And these words shall be on thy heart', indicating that special devotion is necessary for such prayer to be properly read. Deut. VI, 6. The second portion, ibid XI, 13-22, contains no such special emphasis, hence no such restriction applies.

(15) Deut. VI, 7.

(16) Prayer should be silent.

(17) Loose talk, prattle.

(18) Eccl. I, 8. 'Cannot', i.e., 'ought not', i.e., 'must not',

(19) Lit., 'flowers' then 'young men' fig., in Job XXX, 12 the word is used contemptuously: Upon my right hand rises the brood.

(20) Zeredah is the middle finger, Tosef. Men, 35b as against Rashi a.l. Jastrow would derive it from zarad (be rough, in sound), thus 'the snapping finger'. Baneth (Mo'ed, a.l.) would connect it with 'strideo' (Engl. a 'strident' note). But since 'makkeh' is used for playing on a musical instrument, it may be that 'they played before him with the snapping finger', to keep him amused: or, cf. the Roman 'crepitus digitorum', it may have been a sign of command: Arise!

(21) 'Pug' means to stop. Lam. II, 18 thus 'remove', thus 'remove sleep'. The pavement was cool for his naked feet.

(22) Phonetic play: the match to this (the middle finger) or the nearest to this (the index finger), what is it? The thumb, i.e., the sound is produced with these two fingers (Jast.).

(23) על חדת lit., 'for something new explaining אַחַת' this once' in the Mishnah.

(24) Pressing both big toes against the floor, bowing and kissing the pavement, and rising without moving the feet — this difficult performance was called the kidah-the bowing to the ground.

(25) Ps. CXXXVII, 1. By implication: Except your service will be motivated by reverence for God, it will be in vain.

(26) יְקִירֵי יְרוּשָׁלַיִם 'the nobility of Jerusalem' designated also נְקִי־הַדְּעָת שְׁבִירוּשָׁלַיִם v. Klein מדעי היהדות I (1926) p. 74ff.]

(27) Of the people awake around him, singing and amusing him.

(28) Lit., 'border-towns', then: the country outside Jerusalem.

(29) Stay up all night before the Day of Atonement.

(30) Intimacy developed between men and women.

Talmud - Mas. Yoma 20a

Sin coucheth at the door.¹ — What about Satan? — He answered: Satan has no permission to act as accuser on the Day of Atonement. Whence [is that derived]? — Rama b. Hama said: Hasatan² in numerical value is three hundred and sixty-four, that means: on three hundred and sixty-four days he has permission to act as accuser, but on the Day of Atonement he has no permission to act as accuser.

MISHNAH. EVERY DAY ONE WOULD REMOVE³ [THE ASHES FROM] THE ALTAR AT KERI'ATH HA-GEBER OR ABOUT THAT TIME, EITHER BEFORE OR AFTER. BUT ON THE DAY OF ATONEMENT AT MIDNIGHT,⁴ AND ON THE FEASTS AT THE FIRST WATCH,⁵ AND BEFORE THE COCKCROW APPROACHED THE TEMPLE COURT WAS FULL OF ISRAELITES. GEMARA. We have learnt elsewhere: If limbs [of animal offerings] burst off from upon the altar before midnight, they must be put back and the law of Me'ilah⁶ applies to them; if they sprang off the altar after midnight, they need not be put back and the law of Me'ilah does not apply to them.⁷ Whence do we know that?⁸ — Rab said: One scriptural verse says: All night and . . . he shall make smoke⁹ and another passage says: All night . . . and he shall take up [the ashes],¹⁰ how is that? Divide [the night] half of it for smoking and the other half for taking up [of the ashes].¹¹

R. Kahana raised an objection: EVERY DAY ONE WOULD REMOVE THE ASHES FROM THE ALTAR AT COCKCROW OR ABOUT THAT TIME, EITHER BEFORE OR AFTER. BUT ON THE DAY OF ATONEMENT AT MIDNIGHT AND ON THE FEASTS AT THE FIRST WATCH: Now

(1) Gen. IV, 7. Overcoming people against their better intentions.

(2) The Satan.

(3) Lev. VI, 3: And the priest . . . shall take up the ashes whereto the fire hath consumed the burnt-offering on the altar, and he shall put them beside the altar. In reality one did not remove all the ashes, but a handful. The rest was swept together on top of the altar and formed gradually a cone or 'apple', (tapuah ha-mizbeah) which was considered an ornament. It was removed only when it occupied too much room: And he . . . shall carry forth the ashes without the camp unto a clean place (ibid. 4).

(4) To keep the high priest busy. This part of the work need not have been done by him, as Tosaf. Zeb. 86b proves.

(5) As to the watch, there is a diversity of opinion in Ber. 3a, some dividing the night into three, others into four such watches.

(6) Me'ilah is the law concerning the unlawful use of sacred property; ma'al means 'commit a trespass' and refers to the use or appropriation of anything that belongs to the altar, to the Sanctuary, to God. If me'ilah has been committed by error, there is reparation and a guilt-offering: If one commit a trespass and sin through error, then he shall bring his forfeit to the Lord, a ram without blemish . . . for a guilt-offering, and he shall make restitution for that which he hath done amiss . . . and shall add the fifth part thereto (Lev. V, 15-16).

(7) Zeb. 86a.

(8) That by midnight the limbs are considered consumed and treated as ashes.

(9) Lev. VI, 2-5. It is a loose combination of passages.

(10) In reality the smoking, mentioned at the end, might be assumed to take place at the end. The argument here is from the facts back to some support in the text.

(11) Any limb bursting off after midnight is regarded as consumed and can be removed as ashes.

Talmud - Mas. Yoma 20b

if the thought should arise in you that midnight is a time fixed by the Torah, how could it be anticipated [or postponed]?¹ — Rather said R. Johanan: By mere logical conclusion from the text 'All the night' would I not know that it means until the morning, why then the teaching 'until the morning'? Add another morning to the 'morning of the night',² Hence every day one would remove the ashes at cockcrow, either before or after being ample [time]. On the Day of Atonement, when the high priest is weak, we do it about midnight and on the Feasts when many Israelites are present and

many sacrifices³ are offered we do it from the first watch, as indeed the reason therefore is indicated: BEFORE THE COCKCROW APPROACHED, THE TEMPLE COURT WAS FULL OF ISRAELITES. What does 'keri'ath ha-geber'⁴ mean? — Rab said: The call of a man,⁵ R. Shila: The call of the cock. Rab came to the place of R. Shila, when there happened to be no interpreter⁶ to stand next to R. Shila, so Rab took the stand next to him and interpreted 'keriath hageber' as 'the call of the man'. R. Shila said to him: Would you, Sir, interpret it as: Cockcrow! Rab replied: 'A flute is musical to nobles, but give it to weavers, they will not accept it'.⁷ When I stood before R. Hiyya and interpreted 'keriath ha-geber' as the 'call of the man' he did not object to it and you say to me: Say, perhaps, the cock's crow! He said: Sir, you are Rab, would you sit down, Sir!⁸ He replied: People say: If you have hired yourself away [to someone] pull his wool!⁹ Some say: Thus did he reply to him: One may promote a man in holy things, but not demote¹⁰ him. There is a teaching in accordance with Rab, and there is also a teaching in accord with R. Shila. There is a teaching in accord with Rab: What does Gebini the Temple crier call out: Arise, ye priests for your service, Levites for your platform, Israel for your post! And his voice was audible for three parasangs. It happened that King Agrippa who came along travelling, heard his voice from three parasangs, and as he came home, he sent gifts to him. Nevertheless, the high priest is more excellent than even he, for the Master said:¹¹ It has happened already that when he prayed 'Oh Lord' that his voice was heard in Jericho, and Rabbah b. Bar Hana said in the name of R. Johanan: From Jerusalem to Jericho is a distance of ten parasangs:¹² and although here there is weakness,¹³ and there none, and here it is day and there night;¹⁴ for R. Levi said: Why is the voice of man not heard by day as it is heard by night? Because of the revolution¹⁵ of the sun which saws in the sky like a carpenter sawing cedars. Those sunmotes are called 'la',¹⁶ and with reference to them Nebuchadnezzar said:¹⁷ And all the inhabitants of the world are considered as 'la'. Our Rabbis taught: Were it not for the revolution of the sun, the sound of the tumult of Rome would be heard: and were it not for the sound of the tumult of Rome, the sound of the revolution of the sun would be heard.

Our Rabbis taught : There are three voices¹⁸ going from one end of the world to the other: The sound of the revolution of the sun; the sound of the tumult of Rome, and the sound of the soul as it leaves the body. Some say also the sound of childbirth

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- (1) [Since before midnight it is not considered consumed. Rashi omits 'or postponed' which is bracketed in cur. edd. Tosaf. retains it explaining it on the principle that 'the zealous perform a religious duty as early as possible'.]
 - (2) The morning of the night' is the dawn. The additional morning is the margin of before and after the cockcrow.
 - (3) Since there were many ashes and they had all to be removed for the 'apple' to be imposing, they started earlier on these days.
 - (4) The call of 'geber'. That word means in Hebrew both 'man' and 'cock'. Hence it may mean that the work started at cockcrow or as soon as the man (officer) called them in the morning.
 - (5) The officer summoned all, priests, Levites, and Israelites, to their respective duties.
 - (6) Amora (v. Glos.). The Rabbi taught in Hebrew, which he spoke to the interpreter. The latter translated the lecture into Aramaic, the language of the people, as against Hebrew, more and more the language of the scholars (Rashi).
 - (7) I.e., fools would criticize, where men of taste admire.
 - (8) Do not continue as my interpreter. You are too big to serve me.
 - (9) Having undertaken the task, I will complete it, unconcerned about questions of dignity.
 - (10) The next interpreter may know very little and it would be a sort of disgrace for you to have to put up with an ignoramus after my service, The emphasis is on the ignoramus, not on any implied self-praise.
 - (11) Infra 39b.
 - (12) V. Glos.
 - (13) The weakness due to the Fast.
 - (14) The high priest prayed during the day, when his voice would be less audible because of the revolution of the sun.
 - (15) Lit., 'the wheel', V. Otzar ha-Geonim, a.l.: 'There is a voice heard now in Babylon, sounding from pools, and connected trenches, a harsh voice, which is ascribed to Ridya. Thus also do the Ishmaelites (Muslim Arabs) call it. It sounds from the month of Iyar through the harvest'. V. Ginzberg, Geonica, I, 345

(16) Nothing, to which is equal a mere mote, a particle.

(17) Ran. IV, 32. And 'in the inhabitants of the world are reputed as nothing is ad hoc translated 'as sun-motes'.

(18) Aliter: reputation.

Talmud - Mas. Yoma 21a

and some say also the sound of Ridya.¹ The Sages prayed for the soul as it leaves the body and achieved the stopping [of that cry].

We have learnt in accord with R. Shila: If one starts out on a journey before kerith ha-geber, his blood comes upon his own head!² R. Josiah says: [He should wait] until he has crowed twice, some say: Until he has crowed thrice. What kind of cock? The average type.³

Rab Judah said in the name of Rab: When the Israelites come up to the festivals, they stand pressed together,⁴ but they prostrate themselves, with wide spaces [between them], and they extend eleven cubits behind the back wall of the Holy of Holies.⁵ What does that mean? — It means that although they extended eleven cubits behind the back wall of the Holy of Holies, standing pressed together, yet when they prostrated themselves, they prostrated themselves with wide spaces [between them]. This is one of the ten miracles which were wrought in the Temple, for we have learnt: Ten miracles were wrought in the Temple:⁶ no woman miscarried from the scent of the holy flesh; the holy flesh never became putrid; no fly was seen in the slaughter house; no pollution ever befell the high priest on the Day of Atonement; no rain ever quenched the fire of the wood-pile on the altar; neither did the wind overcome the column of smoke that arose therefrom; nor was there ever found any disqualifying defect in the 'Omer⁷ or in the two loaves,⁸ or in the shewbread; though the people stood closely pressed together, they still found wide spaces between them to prostrate themselves; never did serpent or scorpion injure anyone in Jerusalem, nor did any man ever say to his fellow: The place is too narrow for me to stay overnight in Jerusalem.⁹ — He started with [miracles in] the Temple and concludes with [those wrought] in Jerusalem! — There are two more [miracles wrought] in the Temple. For it has been taught: Never did rains quench the fire of the pile of wood on the altar; and as for the smoke arising from the pile of wood, even if all the winds of the world came blowing, they could not divert it from its wonted place. But are there no more? Has not R. Shemaya of Kalnebo¹⁰ taught that the fragments of earthenware¹¹ were swallowed up in the very place [where they were broken];¹² and Abaye said: The crop, the feathers, the ashes removed from the inner altar and from the candlestick were swallowed up in the very place [where they were taken off]? — The three¹³ [referring to] disqualifications were included under one head, hence take off two and add two! But then all [cases of] things swallowed up ought also to be included under one¹⁴ head, so that the count would be one short? — There are also other [miracles], for R. Joshua b. Levi said:¹⁵ A great miracle was wrought with the shewbread, viz., when it was removed it was as fresh as when it was put on, as it was said: To put hot bread in the day it was taken away.¹⁶ But are there no more? Has not R. Levi said: This matter has been handed down as a tradition to us from our forefathers: The place on which the ark stands is not included in the measurement;¹⁷ and has not Rabbanai in the name of Samuel said: The Cherubs¹⁴ were standing by sheer miracle? — The count refers to miracles wrought outside [the Temple], miracles wrought inside are not mentioned. If that be so, what of the shewbread which is also a miracle that happened inside the Temple? — No, that miracle happened outside, for Resh Lakish said: What is the meaning of the passage: Upon the pure table before the Lord;¹⁸ the statement that it is pure implies that it was susceptible to uncleanness.

(1) **אֵלֶּיךָ**: name of the angel of rain. In Ta'an. 25b his figure is said to be that of a calf, and according to Rashi it is from this fact that it derives its name, **אֵלֶּיךָ** being the Aramaic equivalent of **חֹרֶשׁ** a ploughing (ox).

(2) Which proves the phrase to mean, cockcrow.

(3) One that crows neither too early nor too late.

(4) Pressed, squeezed together in the Temple. Rashi would have it as a simile of a 'floating mass', immovable in a

swaying mob.

(5) Lit., 'House of the Mercy Seat', v. supra p. 73, n. 5.

(6) Another reading has 'unto our forefathers in etc.'

(7) Of new barley offered on the second day of Passover, Lev. XXIII, 10f.

(8) The first fruits of the wheat harvest offered on Pentecost, *ibid.* 17.

(9) V. Aboth, Sonc. ed., p. 62 notes,

(10) [Kar-nebo, the city of Nebo. Probably Borsippa, v. Funk, Monumenta I p. 299.]

(11) In which flesh of sin-offerings was boiled, and which according to Lev. had to be broken, v. Lev. VI, 21.

(12) Zeb. 96a.

(13) Of the 'Omer, the two loaves and the shewbread.

(14) Broken earthenware, crop, feathers, ashes. Broken earthenware was counted as one and all the other things swallowed up came as under one head, so that if they were all to be placed on one count, there would be one miracle short of the number.

(15) Hag. 26b.

(16) I Sam. XXI, 7

(17) The Cherubim which Solomon made stood on the floor next to the ark, on the right and left, The spread of their wings was twenty cubits, Since the whole room had no more than twenty cubits, the body of the Cherubs, as separate from the wings, was in the room by miraculous provision. The same applies to the ark.

(18) Lev. XXIV, 6.

Talmud - Mas. Yoma 21b

[But surely] it was a wooden vessel, intended for resting, and every wooden vessel intended for resting is not susceptible to uncleanness and sets up a barrier¹ against uncleanness?² Rather does this teach us that the table would be lifted³ up for the gaze of those who came up to the Festivals, with the mark: Behold how beloved you are of God, for it is as fresh when it is taken off as it was when put on, as it was said: 'To put hot bread in the day it was taken away'.⁴

But were there no more [miracles]? Did not R. Oshaia say?⁵ When King Solomon built the Sanctuary, he planted therein all kinds of [trees of] golden delights, which were bringing forth their fruits in their season and as the winds blew at them, they would fall off, as it is written: May his fruits rustle like Lebanon,⁶ and when the foreigners entered the Temple they withered, as it is written: And the flower of Lebanon languishes;⁷ and the Holy One, blessed be He, will in the future restore them, as it is said: It shall blossom abundantly and rejoice, even with joy and singing; the glory of Lebanon shall be given unto it?⁸ -Permanent miracles he does not include in his count. And now that we have come to this [conclusion], the ark and the Cherubim are also permanent miracles.⁹

The Master said: 'And the [smoke arising from the] pile of wood on the altar'. But was there smoke arising from the pile of wood? Has it not been taught: Five things were reported about the fire of the pile of wood: It¹⁰ was lying like a lion, it was as clear as sunlight, its flame was of solid substance, it devoured wet wood like dry wood, and it caused no smoke to arise from it? — What we said [about the smoke] referred to the wood from outside [of the Sanctuary].¹¹ For it has been taught: And the sons of Aaron the priest shall put fire upon the altar¹² — although the fire comes down from heaven, it is a proper thing to bring fire from outside too.¹³

'Lying like a lion'. But has it not been taught: R. Hanina, deputy high priest, said: I myself have seen it and it was lying like a dog? — This is no contradiction: The first statement refers to the first Temple, the second to the second Temple.¹⁴ But was the fire present at the second Temple?-Surely R. Samuel b. Inia said: What is the meaning of the scriptural verse: And I will take pleasure in it [we-ikabed] and I will be glorified?¹⁵ The traditional reading is 'we-ikabedah', then why is the [letter] 'he' omitted [in the text]? To indicate that in five¹⁶ things the first Sanctuary differed from the second: in the ark, the ark-cover, the Cherubim,¹⁷ the fire, the Shechinah, the Holy Spirit [of

Prophecy], and the Urim-we-Thummim [the Oracle Plate]? — I will tell you, They were present, but they were not as helpful [as before].

Our Rabbis taught: There are six different kinds of fire: Fire which eats but does not drink; fire which drinks but does not eat; fire which eats and drinks; fire which consumes dry matter as well as moist matter; and fire which pushes fire away; fire which eats fire. ‘Fire which eats but does not drink’: that is our fire [water quenches it]; ‘which drinks but does not eat’: the fever of the sick; ‘eats and drinks’: that of Elijah, for it is written: And licked up the water that was in the trench;¹⁸ ‘eats both dry and moist matter’: the fire of the pile of wood; ‘fire which pushes other fire away’: that of Gabriel;¹⁹ and ‘fire which eats fire’: that of the Shechinah, for a Master said: He put forth His finger among them and burned them.²⁰ [It is stated above], ‘But the smoke arising from the pile of wood, even all the winds of the world could not move it from its place’. But [did not] R. Isaac b. Abdimi Say: ‘On the night following²¹ the last day of the [Sukkoth] Festival all were gazing upon the smoke arising from the pile of wood. If it inclined northward, the poor rejoiced and the people of means were sad, because the rains of the coming year would be abundant and their fruits would rot.²² If it inclined southward, the poor were depressed and the men of means rejoiced, for there would be little rain that year and the fruit could be preserved. If it inclined eastwards, all rejoiced;²³ if westwards all were depressed’?²⁴ — It merely means that it swayed hither and thither like a tree, but it was not scattered. The Master said: [If it inclined] eastward all rejoiced: westward — all were depressed. There is a contradiction against it: The east wind is always good ‘ the west wind always bad, the north wind benefits wheat when it has grown to one third [of its usual height], and is bad for olives when they are budding; the south wind is bad for wheat which has grown one third [of its normal size] and good for olives when they are budding and R. Joseph or Mar Zutra said, in connection therewith, as a sign: The table was in the north, and the candlestick in the south,²⁵ i.e., the one [north wind] grows what is good for the table,²⁶ and the other [south wind] what is good for the candlestick?²⁷ — This is no contradiction: the former statement refers to us,²⁸ the latter to them.²⁹ [

(1) חוּצֵי. The root ‘hazaz’ means to cut off, to divide, to serve as an intervening object.

(2) Wooden utensils which are not intended to be moved (as e.g., a table) are not only not susceptible to uncleanness, but they form a barrier against uncleanness, effectively preventing its spread. This is inferred from the passage: And upon whatsoever any of them, when they are dead, doth fall, it shall be unclean; whether it be any vessel of wood, or raiment, or skin, or sack (Lev. XI, 32). In this passage sack and vessel of wood are cited together, hence our Sages infer that just as a sack is movable and moved, so uncleanness can befall only such wooden vessels as are movable and moved; whereas a wooden vessel meant to rest (or have things placed thereon) is different and hence unsusceptible.

(3) The table being taken out periodically to be shown to the pilgrims was no longer considered an immovable object and became susceptible to uncleanness, and the miracle consisted in the fact that nevertheless it never actually became unclean,

(4) I Sam. XXI, 7.

(5) Infra 39b.

(6) Ps. LXXII, 16. Hence there are fruits in Lebanon. But Lebanon was identified with the Sanctuary (Git. 56b), thus the paraphrase of the trees and the winds to create the rustling.

(7) Nahum I, 4.

(8) Isa, XXXV, 2.

(9) And therefore not included.

(10) Either as the simple text suggests, the fire, majestically, quietly; or, as Rashi has it: ‘It’ refers to a great lump of coal which fell from heaven in the days of Solomon and stayed there until the time of Manasseh; that lump having the form of a lion.

(11) Lit., ‘private (man)’ — not part of the altar wood, but wood which was brought in addition and unaffected by the special property of the holy fire.

(12) Lev, I, 7.

(13) Infra 53a.

(14) The first Sanctuary was held in great reverence, itself, its priests, its influence. The second came to be held in

disrespect. The above tradition may well reflect the attitude towards both, as crystallized in the Aggada. Therefore the very pile of wood 'was lying like a lion' in David's Temple, and appeared 'lying like a dog' in the second.

(15) Hag. I, 8: Go up to the hill-country and bring wood, and build the house; and I will take pleasure in it and I will be glorified, saith the Lord.

(16) The numerical value of **ה** is five.

(17) The first three form one unit.

(18) I Kings XVIII, 38: Then the fire of the Lord fell and consumed . . . and licked up.

(19) Pes. 118a, ref. to Dan.III, 27.

(20) The angels objecting to the creation of man. The angels are of fire, v. Sanh. 38b.

(21) V. R. H. 16a: At the Feast of Tabernacles the World is judged through water. V. Ta'an. 2a. Hence the anxiety to watch for the decision from the direction of the wind.

(22) Hence they would have to sell them fast, i.e., cheaply.

(23) Because it meant average rain, plenty of fruit, without danger of rotting so that the merchants could charge moderate prices.

(24) Because it dries up the seeds, and causes famine, v. B.B. 147a. At any rate the smoke moved, which contradicts the statement above.

(25) Sc. in the Sanctuary.

(26) Wheat for the shewbread.

(27) Oil of the olive.

(28) For Babylonia, which is always full of moisture, the east wind is good.

(29) For Palestine, which is dry, full of mountains and hills, it is bad.

Talmud - Mas. Yoma 22a

CHAPTER II

MISHNAH. ORIGINALLY WHOSOEVER¹ DESIRED TO REMOVE [THE ASHES FROM] THE ALTAR DID SO. IF THEY WERE MANY, THEY WOULD RUN AND MOUNT THE RAMP² [OF THE ALTAR] AND HE THAT CAME FIRST WITHIN FOUR CUBITS³ OBTAINED THE PRIVILEGE. IF TWO WERE EVEN, THE OFFICER⁴ WOULD SAY TO THEM [ALL:]⁵ RAISE THE FINGER!⁶ AND HOW MANY DID THEY PUT FORTH? ONE OR⁷ TWO BUT ONE DID NOT PUT FORTH THE THUMB IN THE TEMPLE.⁸ IT ONCE HAPPENED THAT TWO WERE EVEN AS THEY RAN TO MOUNT THE RAMP. ONE OF THEM PUSHED HIS FELLOW WHO FELL AND BROKE HIS LEG. WHEN THE COURT SAW THAT THEY INCURRED DANGER, THEY ORDAINED THAT THE ALTAR BE CLEARED ONLY BY COUNT. THERE WERE FOUR COUNTS. THIS IS THE FIRST COUNT.

GEMARA. But why did our Rabbis not establish the count for this service from the beginning? They thought, Since it was a night service, it would not be considered so precious and they [many priests] would not come. But when they saw that [many] were coming and incurred danger,⁹ they arranged the count. But the burning on the altar of the limbs and fat-pieces is also a night service, and yet our Rabbis arranged a count for it? — It is rather the end of the service of the day.¹⁰ But the other¹¹ too is the beginning of the service of the day, for R. Johanan said: If he sanctified his hands [by washing]¹² for clearing the ashes off the altar he need not in the morning sanctify them again,¹³ because he has sanctified them already from the beginning of the service?¹⁴ — Say: Because he has from the beginning¹⁵ sanctified his hands for the service. Some say:¹⁶ First they [the Rabbis] believed that since [many of them] are overcome by sleep, they would not come [to this night service], but when they saw they were coming and incurring danger, our Rabbis arranged for the count. But with the burning of the limbs and fat-pieces, [taking also place at a time when] they are also overcome by sleep and yet our Rabbis arranged for a count? There is a difference between going to sleep and rising from sleep.¹⁷

But was the arrangement due to that consideration, was it not rather due to another consideration, for it has been taught:¹⁸ He who obtained the task of clearing the altar of the ashes thereby also obtained the ordering of the pile of wood on the altar and of the two pieces of wood?¹⁹ — R. Ashi said: There were two arrangements. First they [the Rabbis] opined that they would not come [at night], but when they saw that the priests did come and incurred danger, they arranged for the count. When the count had been arranged, they did not come, for they said: ‘Who can tell whether the lot will fall on me’ [therefore] they [the Rabbis] arranged that he who had obtained the task of clearing the ashes off the altar, should thereby also obtain the task of arranging the piles of wood and the two pieces of wood, in order that they might come and submit to the count.

IF THEY WERE MANY etc.: R. Papa said: It is obvious to me [that within four cubits does] not [refer to] the four cubits on the floor,²⁰ because we learnt: THEY WOULD RUN AND MOUNT THE RAMP; neither does it mean the first²¹ [four cubits], because we learnt: THEY WOULD RUN AND MOUNT THE RAMP, and after that: HE THAT CAME FIRST WITHIN FOUR CUBITS; neither does it mean [four cubits] in the middle because this is not clearly indicated; hence it is self-evident that it means [four cubits] off the altar. But R. Papa asked: Do these four cubits, of which we have spoken, include the one cubit of the [projecting] base and the one cubit of the gallery,²²

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- (1) There were twenty-four divisions (Mishmaroth) of the priests, each division (Mishmar, v. Glos.) consisting of four to nine families (Bate Aboth). Every week another division did service in the Sanctuary, being relieved on the Sabbath. During the week they distributed the service among the families. (V. Tosef. Ta'an. II.) Any one among the family (Beth-Ab, v. Glos.) whose turn came on that day, could originally, if he so desired, remove the ashes from the altar.
 - (2) The ramp, at the south of the altar, led up to it. Its length was thirty-two cubits.
 - (3) Off the altar.
 - (4) Memuneh. Lit., ‘the appointed one’ general term for temple official of high rank. Here the officer in charge of the count; v. Shek. V, 1.
 - (5) Not to the two alone, but to all that were present.
 - (6) So that the decision would be reached by the count. The officer would place them in a (circular) queue, take the mitre off one of them, and after having named a number, would start counting from that man by the fingers put forth. The priest with whom the number was reached, secured the task.
 - (7) There may be some older, weaker, or sick priests for whom it was inconvenient to put one finger forth and hold it aloft until the count was over. Whenever one such handicapped priest was present, the officer would require all to put forth two fingers, which is less of an effort.
 - (8) A trickster foreseeing where the count would end, might place his index-finger at some distance from the thumb, so that the officer would count his two fingers as belonging to two people, with the result that the count would be wrong and designed to serve the trickster's end.
 - (9) By racing together, they might push one another down.
 - (10) And so considered important by the priests.
 - (11) The removal of the ashes.
 - (12) V. Ex. XXX, 19.
 - (13) Unless he should leave the Temple, when another sanctification by washing would be due.
 - (14) Hence it is the beginning of the service, and the argument is void.
 - (15) Interpret R. Johanan's word to mean: He sanctified himself from the beginning (during the night) for the service.
 - (16) In answer to the question: why was this count not arranged from the very first?
 - (17) A man will find it easier to postpone the hour of sleep than to rise from sleep early in the morning (for the purpose of clearing the altar of the ashes).
 - (18) Infra 28a.
 - (19) Two logs of wood, placed above the pile of wood on the altar. V. infra 26b. These being considered an important service would require a count.
 - (20) Before reaching the ramp.
 - (21) At the foot of the ramp.

(22) Sobeb. Lit., 'a ring', or 'hoop'; here a gallery round the altar for the priest to walk on.

Talmud - Mas. Yoma 22b

or does it mean exclusive of the one cubit base and one cubit gallery?¹ — [The question] stands.

IF TWO WERE EVEN, THE OFFICER WOULD SAY TO THEM: RAISE THE FINGER, etc.

A Tanna taught: Put forth your fingers for the count. But let him count them?² — That supports the statement of R. Isaac, for R. Isaac said: It is forbidden to count Israel even for [the purpose of fulfilling] a commandment, as it is written: And he numbered them be-bezek [with pebbles].³ R. Ashi demurred to this: Whence do you know that the word 'bezek' is here used in the sense of being broken [i.e., pebbles], perhaps it is the name of a place, as it is written: And they found Adoni-Bezek in Bezek?⁴ — Rather it is from here: And Saul summoned the people and numbered them with telaim⁵ [sheep].

R. Eleazar said: Whosoever counts Israel, transgresses a [biblical] prohibition, as it is said: Yet the number of the children of Israel shall be as the sand of the sea, which cannot be measured.⁶ R. Nahman b. Isaac said: He would transgress two prohibitions, for it is written: 'Which cannot be measured nor numbered'. R. Samuel b. Nahmani said: R. Jonathan raised an objection: It is written: 'Yet the number of the children of Israel shall be as the sand of the sea,' and it is also written: 'Which cannot be numbered?'⁷ This is no contradiction: Here⁸ it speaks of the time when Israel fulfils the will of the Lord, there of the time when they do not fulfil His will. Rabbi,⁹ on behalf of Abba Jose son of Dosthai, said: This is no contradiction: Here it speaks of [counting done] by human beings, there of counting by Heaven.¹⁰ R. Nehilai b. Idi said in the name of Samuel: As soon as a man is appointed administrator of a community, he becomes rich — First it was written: 'And he counted them by means of pebbles,' and, in the end, 'And he counted them by means of sheep'. But perhaps these sheep were of their own? — Then what is remarkable about it?¹¹

And he strove in the valley.¹² R. Mani said: Because of what happens 'in the valley': When the Holy One, blessed be He, said to Saul: Now go and smite Amalek,¹³ he said: If on account of one person the Torah said: Perform the ceremony of the heifer whose neck is to be broken,¹⁴ how much more [ought consideration to be given] to all these persons! And if human beings sinned, what has the cattle committed; and if the adults have sinned, what have the little ones done?¹⁵ A divine voice came forth and said: Be not righteous overmuch.¹⁶ And when Saul said to Doeg: Turn thou and fall upon the priests,¹⁷ a heavenly voice came forth to say: Be not overmuch wicked.¹⁸

R. Huna said: How little does he whom the Lord supports need to grieve or trouble himself! Saul sinned once and it brought [calamity] upon him, David sinned twice and it did not bring evil upon him — What was the one sin of Saul? The affair with Agag.¹⁹ But there was also the matter with Nob,²⁰ the city of the priests? — [Still] it was because of what happened with Agag that Scripture says: It repenteth Me that I have set up Saul to be king.²¹ What were the two sins of David? — The sin against Uriah²² and that [of counting the people to which] he was enticed.²³ But there was also the matter of Bathsheba?²⁴ — For that he was punished, as it is written, And he shall restore the lamb fourfold:²⁵ the child, Amnon, Tamar and Absalom.²⁶ But for the other sin he was also punished as it is written: So the Lord sent a pestilence upon Israel from the morning even to the time appointed?²⁷ — There his own body was not punished — But in the former case, too, his own body was not punished either?²⁸ Not indeed? He was punished on his own body, for Rab Judah said in the name of Rab: For six months David was smitten with leprosy, the Sanhedrin removed from him, and the Shechinah departed from him, as it is written: Let those that fear Thee return unto me, and they that know Thy testimonies,²⁹ and it is also written: Restore unto me the joy of Thy salvation.³⁰ But Rab said that David also listened to evil talk?³¹ — We hold like Samuel [who says] that David did

not do so. And even according to Rab, who says that David listened to calumny, was he not punished for it? For Rab Judah said in the name of Rab. At the time when David said to Mephibosheth: I say: Thou and Ziba divide the land,³² a heavenly voice came forth to say to him: Rehoboam and Jeroboam will divide the Kingdom.

Saul³³ was a year old³⁴ when he began to reign. R. Huna said: Like an infant of one year, who had not tasted the taste of sin. R. Nahman b. Isaac demurred to this: Say perhaps: Like an infant of one year old that is filthy with mud and excrement?³⁵ R. Nahman thereupon was shown a frightening vision in his dream, whereupon he said: I beg your pardon,³⁶ bones of Saul, son of Kish. But he saw again a frightening vision in his dream, whereupon he said: I beg your pardon, bones of Saul, son of Kish,³⁷ King in Israel.

Rab Judah said in the name of Samuel: Why did the kingdom of Saul not endure? Because no reproach rested on him,³⁸ for R. Johanan had said in the name of R. Simeon b. Jehozadak: One should not appoint any one administrator of a community, unless he carries a basket of reptiles on his back, so that if he became arrogant, one could tell him: Turn around!³⁹

Rab Judah said in the name of Rab: Why was Saul punished? Because he forewent the honour due to himself, as it is said: But certain base fellows said: 'How shall this man save us?' And they despised him and brought him no present. But he was as one that held his peace,⁴⁰ and it is written [immediately following that]: Then Nahash the Ammonite came up and encamped against Jabesh-gilead.⁴¹ R. Johanan further said in the name of R. Simeon b. Jehozadak: Any scholar,

(1) [The altar was constructed with two rebatements of two cubits, one cubit at the base and another at the Sobeb; and R. Papa's query is whether these two cubits are to be included in the four cubits distance, so that the real distance measured in a straight line from the main structure of the altar would be six cubits.]

(2) By heads.

(3) I Sam. XI, 8.

(4) Judg. I, 5.

(5) I Sam. XV, 4.

(6) Hosea II, 1. 'Cannot be numbered' is interpreted-and grammatically there is no solid objection as 'should not, must not be numbered', thus a positive statement becomes a prohibition. The assumption is justified that here again the ultimate basis of the prohibition is not this passage, but the passage is a peg on which to hang the idea. There are more obvious sources of the prohibition known to the disputants.

(7) Ibid. The sand of the sea, however tremendous the number of grains, yet could be counted. Why then the second part of the passage which cannot be numbered'? It is true this verse is divested of its simple meaning, which does not permit this dichotomy. But again the major purpose of the questioner is to drive home a moral.

(8) When Israel fulfils the Lord's commands, it will become infinite, beyond the possibility of a count: if it does not live up to His law, it may, nevertheless, be great in number, but it will be countable.

(9) Another reading: R. Assi. There is no valid objection to the text here.

(10) Maharsha: Human beings would weary of counting, because of the great number.

(11) That Scripture mentions it especially. E.V. takes 'Telaim' to be the name of a place.

(12) I Sam. XV, 5. E.V.: 'And he lay in wait'. Saul was thus 'striving because of what happens in the valley', i.e., he argued from that ceremony against the slaying of the Amalekites. V. Gruenberg, s. Exeg. Beitrage, III, index.

(13) I Sam. XV, 3.

(14) Deut. XXI, 1-9.

(15) I Sam. XV, 3: Slay both man and woman, infant and suckling, ox and sheep, camel and ass.

(16) Eccl. VII, 16.

(17) I Sam. XXII, 18.

(18) Eccl. VII, 17.

(19) I Sam. XV, 2ff

(20) Ibid. XXII, 19.

- (21) Ibid. XV, 11.
- (22) II Sam. XI, 2-27.
- (23) Ibid. XXIV, 1.
- (24) He had committed adultery in addition to having instigated murder.
- (25) II Sam. XII, 6. He had unconsciously prophesied his own punishment.
- (26) All of whom died during his lifetime; thus he paid four of his 'lambs' for the one he had unrighteously taken from its master.
- (27) II Sam. XXIV, 15.
- (28) Just as here the people died and not he, so was it his children, but not he, who were afflicted because of his sin.
- (29) Ps. CXIX, 79.
- (30) Ibid. LI, 14.
- (31) The evil reports of Ziba against Mephibosheth. So that he committed a third sin.
- (32) II Sam. XIX, 30.
- (33) I Sam. XIII, 1.
- (34) The literal interpretation being impossible because of earlier texts, the Rabbis endeavour to find therein homiletical suggestion.
- (35) R. Nahman was not actuated by any animus against Saul. He objected primarily to the too ready way of moralizing in advance of textual equivocality. With even justice one could illustrate an opposite aspect of infancy, and an analogy would thus throw evil light on King Saul.
- (36) His conscience smote him afterwards, for in his eagerness to demonstrate the error of hasty interpretation, he had offended the memory of Saul.
- (37) His conscience was not at rest, until he had fully realized that he had offended the King of Israel. His dreams reflected his thoughts by day, and only after his second apology did he feel relieved.
- (38) On Saul's descent. None could therefore prevent his arrogance by pointing to a family skeleton, saying: Turn around and your basket of reptiles (family ignominy) will stand revealed.
- (39) V. preceding note.
- (40) I Sam. X, 27.
- (41) Ibid. XI, 1, hence, because immediately following, viewed as consequence of his too great humility.

Talmud - Mas. Yoma 23a

who does not avenge himself and retain anger like a serpent, is no [real] scholar.¹ But is it not written: Thou shalt not take vengeance nor bear any grudge?² — That refers to monetary affairs, for it has been taught: What is revenge and what is bearing a grudge? If one said to his fellow: 'Lend me your sickle', and he replied 'No', and to-morrow the second comes [to the first] and says: 'Lend me your axe'! and he replies: 'I will not lend it to you, just as you would not lend me your sickle' — that is revenge. And what is bearing a grudge? If one says to his fellow: 'Lend me your axe', he replies 'No', and on the morrow the second asks: 'Lend me your garment', and he answers: 'Here it is. I am not like you who would not lend me [what I asked for]' — that is bearing a grudge. But [does] not [this prohibition apply to] personal affliction? Has it not been taught: Concerning those who are insulted but do not insult others [in revenge], who hear themselves reproached without replying, who [perform good] work out of love of the Lord and rejoice in their sufferings,³ Scripture says: But they that love Him be as the sun when he goeth forth in his might?⁴ — [That means,] indeed, that he keeps it in his heart [though without taking action]. Rut Raba said: He who passes over his retaliations has all his transgressions passed over?⁵ — [That speaks of the case] that an endeavour was made to obtain his reconciliation, and his consent is obtained.

AND HOW MANY DID THEY PUT FORTH? ONE OR TWO. If they may put forth two, why is it necessary to mention that they may put forth one? — R. Hisda said: This is no difficulty: The one speaks of healthy persons, the other of sick ones.⁶ Thus has it been taught: One finger is put forth, but not two. To whom does this rule apply? To a healthy person, but a sick one may put forth even two. But the 'Yehidim'⁷ put forward two and one counts only one thereof.⁸ But has it not been

taught: One does not put forth either the third finger or the thumb because of tricksters, and if one had put forth the third finger, it would be counted,⁹ but if one had put forth the thumb it would not be counted, and not alone that but the officer strikes him with the pekia'?'¹⁰ — What does 'it would be counted' mean? Only one. What is pekia'?' — Rab said: A madra [chastising whip]. What is madra? R. Papa said: The whip of the Arabs, the head [sting] of which is taken off. — Abaye said: Originally I believed that which we have learnt: Ben Bibai was in charge of "pekia"¹¹ meant, in charge of the wicks, as we have learnt: From the outworn breeches and belts of the priests they used to make 'peki'in' and light them¹² Now that I hear that it was taught: Not that alone, but the officer would strike him with the 'pekia" I understand that 'pekia" means lash.¹³

IT ONCE HAPPENED THAT TWO WERE EVEN AS THEY RAN TO MOUNT THE RAMP. Our Rabbis taught: It once happened that two priests were equal as they ran to mount the ramp and when one of them came first within four cubits of the altar, the other took a knife and thrust it into his heart. R. Zadok stood on the steps of the Hall¹⁴ and said: Our brethren of the house of Israel, hear ye! Behold it says: If one be found slain in the land... then thy elders and judges shall come forth . . .¹⁵ On whose behalf shall we offer the heifer whose neck is to be broken, on behalf of the city or on behalf of the Temple Courts? All the people burst out weeping. The father of the young man came and found him still in convulsions. He said: 'May he be an atonement for you. My son is still in convulsions and the knife has not become unclean.' [His remark] comes to teach you that the cleanness of their vessels was of greater concern to them even than the shedding of blood. Thus is it also said: Moreover Manasseh shed innocent blood very much, till he had filled Jerusalem from one end to the other.¹⁶

Which event took place first?¹⁷ Would you say that of the bloodshed took place first? Now, if in spite of the bloodshed they did not establish the count, would they have arranged it because of the [incident of the] broken leg? Rather, the [incident of the] broken leg came first — But since they had already arranged a count how was [the affair of the bloodshed] within the four cubits possible? — Rather, the incident of the bloodshed came first, but at first [the Rabbis] thought it was a mere accident; but when however they saw that even without [such unfortunate accidents] they incurred danger, they enacted the count.

'R. Zadok stood upon the steps of the Hall and called out: Our brethren of the House of Israel, hear ye! Behold it says: If one be found slain in the land.¹⁸ On whose behalf shall we bring the heifer whose neck is to be broken, on behalf of the city or of the Temple Courts?' But does [the community of] Jerusalem bring a heifer whose neck is to be broken? Surely it has been taught: Ten things were said concerning Jerusalem and this is one of them —

(1) Maharsha interprets this statement by reference to Gen. III, 15: And I will put enmity between thee and the woman, and between thy seed and her seed; they shall bruise thy head and thou shalt bruise their heel. The man will endeavour to crush the serpent so as to deprive it of its life: whereas the serpent retaliates by bruising only the heel, a non-vital part of the human body. Thus, 'serpent-like' the scholar should retaliate most moderately even when great wrong was done to him. — This proverb may also be a reaction to too humble a scholar, who by reason of his extreme forbearance seemingly encourages impudent and cruel people in their nefarious conduct. — Another suggested interpretation: just as great serpents swallowing their prey, moisten it with so much saliva as to be deprived of a sense of what, subjectively, they are eating, knowing only, objectively, that they are eating something, so should the scholar, against whom a wrong was committed, not endeavour to avenge himself subjectively, but to avenge objectively the wrong that was perpetrated. [Bacher (ZDMG, 1874, p. 6) relates this dictum to the one preceding: Any scholar who does not avenge himself like Nahash (which is the Hebrew for serpent) is no scholar. The reference is to a tradition preserved in a fragment of the Jerusalem Targum on Isa. XI, 2 that the condition made by Nahash for the offered covenant was that the Gileadites remove the injunction from the Torah barring the Ammonites from the congregation of Israel — an injunction which he considered an affront.]

(2) Lev. XIX, 18.

- (3) Because imposed by the Lord, either to test their faith or to punish them in this world for their sins, rewarding their virtues in the world to come, cf. Git. 68b: 'In order that he may enjoy his world here whence the theory that the wicked who prosper are rewarded here for their good deeds and punished for their evil doings in the hereafter, with the opposite method applied to the virtuous.
- (4) Judg. V, 31.
- (5) He who forbears to retaliate will find forbearance for his own failings.
- (6) V. supra p. 97, n. 7.
- (7) Certain individuals, i.e., scholars, v. Ta'an 10a. They would, out of respect for their learning, be permitted a convenience, which sick persons are granted out of consideration for their health.
- (8) Tosef. Yoma I, 10.
- (9) No trickiness is involved here, because the distance between these fingers is too small to mislead the officer into assuming that he saw the fingers of two different persons in the count, but with the thumb a dishonest motive seems obvious, hence both, the disregard and the punishment.
- (10) Pekia' — may mean: strip, shreds of garments, hence either wick or whip.
- (11) Shek. V, 1.
- (12) Suk. 51a.
- (13) Abaye does not absolutely exclude two compatible meanings of the word.
- (14) Ulam, the hall leading to the interior of the Temple.
- (15) Deut. XXI, 1.
- (16) II Kings XXI, 16.
- (17) The bloodshed or the breaking of the leg.
- (18) Deut. XXI, 1.

Talmud - Mas. Yoma 23b

it does not have to bring a heifer whose neck is to be broken.¹ Furthermore: And it be not known who hath smitten him but here it is known who has smitten him?—Rather [he put his question rhetorically] to increase the weeping.²

'The father of the young man came and found the boy in convulsions. He said: "May he be an atonement for you.³ My son is still in convulsions, etc." To teach you that they looked upon the purity of their vessels as a graver matter than bloodshed!' [The Scholars in the Academy] asked this question: Was it that bloodshed became a minor matter to them, whereas the purity of their vessels remained in its original importance, or did bloodshed concern them as before but the purity of the vessels became for them of a still graver concern? Come and hear: Because the Talmud adduces 'And also innocent blood did Manasseh shed' that indicates that bloodshed had become a matter of smaller concern to them whilst the purity of the vessels retained its original importance.

Our Rabbis taught: And he shall put off his garments and put on other garments and carry forth the ashes⁴ — from this I might learn even as on the Day of Atonement,⁵ [so] that he put off his holy garments and put on profane garments.⁶ To teach us [the true law] it says: 'And he shall put off his garments and put on other garments, thus comparing the garments he put on with the garments he put off; just as the former are holy garments, so are the latter holy garments. If so, what does [the word] 'other' teach?⁷ [They shall be] inferior to the former. R. Eliezer said: [The words] 'other' and 'he shall carry forth' indicate that priests afflicted with a blemish⁸ are permitted to carry forth the ashes.

The Master said: "'Other garments", i.e. inferior to the former', as the school of R. Ishmael taught: For the school of R. Ishmael taught: One should not offer a cup of wine to one's teacher while wearing the garment wherein one has cooked a dish⁹ for him.

Resh Lakish said: Just as there is diversity of opinion about the carrying forth of the ashes,¹⁰ so there is about clearing them off the altar.¹¹ R. Johanan said: The diversity of opinion applies only to

the carrying forth, but as to clearing them off the altar, all agree that this is [regular] service.¹² What is the reason for Resh Lakish's view? He will tell you: If it should enter your mind that this [the clearing of the ashes off the altar] is considered a [regular] service — then you would have a service legitimate in two garments.¹³ And R. Johanan?¹⁴ — The Divine Law revealed the regulation for tunic and breeches, but it includes also mitre and girdle.¹⁵ Then why are these [two specially mentioned]? — ‘Middo bad’ [‘linen garments’] is written [here to indicate] proper measure,¹⁶ ‘miknese bad’ [‘linen breeches’] to teach us in accord with what has been taught:¹⁷ Whence is it known that nothing may be put on before the breeches? Because it is said: ‘And he shall have the linen breeches upon his flesh.’ And Resh Lakish? — That the garment must have the proper measure [he infers] from the fact that the Divine Law employs [the word] ‘middo’ [garment, not tunic]; that nothing may be put on before the breeches, he infers from the words: ‘on his flesh’. Shall we say that the point at issue is the same as between the following Tannaim: ‘[And his linen breeches shall he put] on his flesh.’ Why does Scripture say: ‘Shall he put on?’¹⁸ That is meant to include the [obligation of wearing] mitre and girdle for the clearing off of the ashes — this is the opinion of R. Judah. R. Dosa says: That means to include [the rule] that the [four white] garments worn by the high priest on the Day of Atonement may be worn by the common priest [during the remainder of the year].¹⁹ Rabbi said: There are two refutations to this matter. One: the girdle of the high priest²⁰ is different from that of the common priest.²¹ Two: shall garments used at a service of solemn holiness be worn at a service of lesser holiness? — But what, rather, is the significance of ‘yilbash’?

(1) Sot. 45a.

(2) To make them conscious of the horrible nature of the deed perpetrated.

(3) Maharsha explains that since Jerusalem is deprived of the heifer ceremony, which would normally obtain forgiveness for them, the generous father prayed for atonement by the grace of God.

(4) Lev. VI, 4.

(5) When the high priest changed his garments with every different service, cf. infra 70a.

(6) In the case of the high priest he changes from golden garments into linen garments and vice versa. With the ordinary priest however who has no alternate holy garments, the change would be from holy garments into profane ones.

(7) The word ‘other’ is connected with ‘and he shall carry forth’ to which it is placed in juxtaposition in the Hebrew text, thus referring to the priest.

(8) And thus designated ‘other’, i.e., than those who are usually fit for service.

(9) Similarly there should be different garments worn for the service proper and for the removal of the ashes respectively.

(10) As to whether blemished priests may remove them.

(11) That matter depends on the answer to the question, as to whether the removal of the ashes is considered a service or not.

(12) Requiring the putting on of four garments and the ministrations of unblemished priests.

(13) Scripture says: He shall put on his linen garments and his linen breeches shall he put upon his flesh. (Lev. VI, 3.) If the removal of the ashes, whereof this passage speaks, were a service, how could Scripture demand only ‘the linen garment’ and the ‘linen breeches i.e., two garments, when a service proper requires four? Since only two garments are required, evidently the removal of the ashes is not considered a service and hence may be performed even by blemished priests, who would not be admissible to service proper!

(14) R. Johanan who considers this a proper service, requiring unblemished priests, how will he account for the contradictory fact that Scripture insists on two garments only.

(15) He explains that in reality four garments are required here, as may be inferred from the parallel passage in Lev. XVI, 4, where as a matter of course ‘mitre and girdle’ are added, the one passage supplementing implicates the other.

(16) He connects ‘middo’ which comes from a root meaning garment, with ‘madad’, which means to measure, i.e., the garment must be of proper measure, for the priest's figure. Resh Lakish infers from the fact that ‘middo’ (garment) is used instead of the usual ‘kethoneth’ (tunic) that a properly fitting garment is required.

(17) Zeb. 35a.

(18) Lev. XVI, 4: The text could have stated ‘He shall put on the holy tunic and the linen breeches on his flesh’. The word ‘yilbash’ (‘he shall put on’) is superfluous. The word ‘yilbash’ is a sort of terminus technicus for complete dress,

i.e., the four garments.

(19) [He utilizes yilbash, written here, for the purpose of a gezerah shawah with yilbash mentioned in connection with the four garments put on by the high priest on the Day of Atonement. V. Lev. XVI, 4 to teach this rule.]

(20) Included in the four garments worn by the high priest on the Day of Atonement.

(21) V. supra p. 55, n. 6. So that the ordinary priests could not wear the four garments of the high priests.

Talmud - Mas. Yoma 24a

It includes worn-out garments.¹ And he shall leave them there,² that teaches that they must be hidden away. R. Dosa says: They are fit for use by a common priest. What does 'And he shall leave them there' intimate? That he [the high priest] must not use them on another Day of Atonement.³ Now would you not say that this is the subject of their dispute: that one⁴ holds it [the removal of the ashes] to be a service⁵ and the other⁶ does not consider it such?⁷ — No. Everybody agrees it is a service; the point of dispute here is this: One says another scriptural passage is necessary⁸ to include also for this service [the four garments]; the other: no such passage is necessary.⁹

R. Abin asked: How much of the ashes of the altar is to be removed? Shall we infer [the quantity] from the taking off of the tithes,¹⁰ or from what was taken off from the [spoil of] Midian?¹¹ — Come and hear: For R. Hiyya taught: Here¹² the word 'herim' ['he shall take up'] is used and there¹³ the expression 'we-herim' ['and he shall take up'] is used. Just as in the latter case it means taking a handful, so in the former case it means taking a handful.¹⁴

Rab said:¹⁵ There are four services for the performance of which a non-priest [stranger] incurs penalty of death:¹⁶ sprinkling, smoking [the fat],¹⁷ the water libation, and the libation of wine. Levi says: also the removal of the ashes. Thus did Levi also teach us in his Baraitha: Also the removal of the ashes. What is the reason for Rab's view? It is written: And thou and thy sons with thee shall keep the priesthood in everything that pertaineth to the altar, and to that within the veil; and ye shall serve; I give you the priesthood as a service of gift; and the common man that draweth nigh shall be put to death.¹⁸ 'A service of gift', but not a service of removal;¹⁹ 'and you shall serve, i.e., a complete service, not a service followed by another.'²⁰ And Levi?²¹ — The Divine Law included it²² in saying: 'In every thing that pertaineth to the altar.' And Rab?²³ — That is meant to include the seven sprinklings within,²⁴ and those concerning the leper.²⁵

And Levi?²⁶ — He infers [these] from [the fact that instead of] 'the thing', [is written] 'every thing', [that pertaineth]. And Rab?²⁷ — He does not infer aught from 'every thing'.²⁸ But say this: 'In everything that pertaineth to the altar' is a general proposition; 'service of gift' is a specification.²⁹ Now: if a general proposition is followed by a specification, the scope of the proposition is limited by the specification,³⁰ hence the 'service of gift' would be included, but a service of removal would be excluded? — The scriptural text reads:

(1) They may be worn for any service as long as they are wearable, i.e., whole.

(2) Lev. XVI, 23. With reference to the garments worn by the high priest on the Day of Atonement.

(3) This is the end of the Baraitha, 46a.

(4) R. Judah.

(5) And therefore it requires for it all the four garments.

(6) R. Dosa.

(7) And therefore holds that the linen tunic and breeches are sufficient without the mitre and girdle.

(8) Lest one assume that the verse is to be taken literally, that only two garments are required, hence that this is no service proper.

(9) Since Scripture insists on the tunic and breeches it is evidently considered a service, requiring all the four garments.

(10) Num. XVIII, 25, where about one per cent is taken off.

(11) Ibid. XXXI, 28-40, where it is but one-fifth of one per cent.

- (12) Lev. VI, 3.
- (13) Ibid. 8.
- (14) [It is not inferred either from tithe or from the spoil of Midian, but from the handful taken by the priest. This however applies only to the minimum, which may however be exceeded at will (Rashi).]
- (15) Zeb. 112b .
- (16) Although the common man is forbidden to perform any service in the sanctuary, he does not incur the penalty of death in any but the following cases.
- (17) Or 'the handful of the meal-offering'.
- (18) Num. XVIII, 7.
- (19) E.g., the removal of the ashes.
- (20) The Hebrew word עבודת תמה is divided into עבודת תמה so as to read: perfect service, i.e., one complete, without additional functions such as the four services mentioned by Rab. This excludes a service such as slaughtering which is not complete without the rites connected with the sprinkling of the blood that follow it.
- (21) Rab's inferences excluding the removal of the ashes seem to be right?
- (22) The removal of the ashes for the performance of which a non-priest incurs penalty of death.
- (23) Everything that pertaineth obviously includes something else. Unless some other service is intended, Levi proves his case.
- (24) Lev. IV, 6: And sprinkle of the blood seven times before the Lord; ibid. 17. also ibid. XVI, 14.
- (25) Lev. XIV, 51: And he shall take the cedar-wood . . . and sprinkle the house seven times, which may not be considered as part of 'the altar' service; the same applies to the functions referred to in the preceding note.
- (26) Whence does he infer these?
- (27) What does 'everything' suggest to him.
- (28) Lit., 'he does not expound the thing' as everything'.
- (29) Already comprehended in the general proposition.
- (30) This is one of the principles of hermeneutics (kelal u-ferat) according to R. Ishmael, v. Shebu., Sonc. ed., p. 12, n. 9.

Talmud - Mas. Yoma 24b

'And to that within the veil . . . and you shall serve',¹ [i.e.] Only within the veil is 'the service of gift'² [included] but not the 'service of removal away',³ but outside [the Temple] even a 'service of removal'⁴ [is included].⁵ But [one could] similarly [argue with regard to the exposition of] 'you shall serve' only within the veil, is a complete service⁶ [included] but not one service which is followed by another service,⁷ but outside, even a service followed by another [is also included]?⁸ — [Scripture, by saying] 'And ye shall serve' has reconnected them.⁹

Raba asked: What is the law regarding [a service of] removal within the Temple?¹⁰ Do we compare it with [a service of removal] within¹¹ [the veil] or with [one] outside [the Temple]? Then he answered the question himself: It is to be compared to [a removal service] within [the veil]. [For Scripture instead of] 'within' [says:] 'And to that within [the veil]'.¹² But then¹³ should the common man who arranged the [shewbread] table be guilty? — There is the arrangement of the censer of frankincense.¹⁴ — Then if he arranges the censers let him incur the penalty!¹⁵ — There is the removal of the censers¹⁶ and the smoking of the incense. Let the common man who put the candlestick in order incur the penalty! — That is to be followed by the putting in of the wick. Then if he put the wick in let him incur that penalty! — There is the adding¹⁶ of the oil. Then if he puts the oil in let him incur that penalty? There is the lighting.¹⁶ Then if he lights it let him incur that penalty! — Lighting is not considered a service. Is it, indeed, not [considered a service]? But it has been taught:¹⁷ And the sons of Aaron the priest shall put fire upon the altar, and lay wood in order upon the fire¹⁸ — this teaches that the kindling of the wood of the fig-tree¹⁹ must be performed by a priest who is fit [for service] and with garments of ministrations.²⁰ The kindling of the fig-wood is considered service, but not the lighting of the candlestick. Then let the common man who puts the pile of wood [on the altar] in order, incur that penalty! — There is the arrangement of the two logs of wood.²¹ — Then if he arranged the two logs of wood, let him incur that penalty? — It is followed by

the arranging of the limbs.²² But R. Assi had said in the name of R. Johanan: A common man who arranged the two logs of wood incurred the penalty of death? — In this indeed there is division of opinion,²³ one holding [the arrangement of the two logs of wood] is a complete service, the other holding that it is not a complete service.

There is a teaching in accord with Rab, and there is a teaching in accord with Levi. ‘There is the teaching in accord with Rab’: These are the services for the performance of which a common man incurs penalty of death: the sprinkling of the blood, both within [the Temple] and within the Holy of Holies: and he who sprinkles the blood of a bird offered as a sin-offering;²⁴ and he who wrings out the blood, and who smokes the bird offered up as a burnt-offering;²⁵ and he who makes the libation of three logs of water or of wine.²⁶ ‘There is a teaching in accord with Levi’: The services for the performance of which a common man incurs penalty of death are: the removal of the ashes, the seven sprinklings within [the Holy of Holies] and he who offers up on the altar a sacrifice whether fit or unfit. THERE WERE FOUR COUNTS etc.²⁷ Why do they decide by count? [You ask,] ‘Why?’ As we have explained. Rather: Why did they decide by count once and again?²⁸ — R. Johanan said: To stir up the whole Temple Court, as it is said: We took sweet counsel together, in the house of God we walked be-ragesh [with tumult].²⁹

What garments do they wear when taking the count? R. Nahman said: Common garments, R. Shesheth said: Sacred garments. ‘R. Nahman said: Common garments’. For if you were to say these garments were sacred there would be violent men who would serve by force.³⁰ ‘R. Shesheth said: Sacred garments’. For if you were to say common garments, it would happen that, out of sheer love [of the service] they would perform it in common clothes.³¹ R. Nahman said: On what ground do I hold my view? Because we have learnt: They delivered them to the Temple sextons, who stripped them of their garments and left them with their breeches only.³²

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- (1) These words separate the general proposition from the specification, and thus sever the connection with them and render any inference as from one to the other invalid.
 - (2) [E.g., the sprinkling of the blood and the burning of incense in the Holy of Holies on the Day of Atonement, v. Lev. XVI, 13-14.]
 - (3) E.g., the taking out of the censer on the Day of Atonement from the Holy of Holies.
 - (4) [E.g., the removal of the ashes.]
 - (5) In the services for his performance of which a non-priest incurs the penalty of death.
 - (6) [E.g., the putting of incense on the fire in the Holy of Holies.]
 - (7) E.g., the bringing in of the spoon and the censer in the Holy of Holies which must be followed by the burning of the incense.
 - (8) E.g., the removal of the ashes.
 - (9) [The waw of עבדתם connects the general statement and particularization as far as the deduction made from the word itself is concerned, but it does not affect the exposition based as ‘a service of gift’ which is still governed by the words ‘within the veil’.]
 - (10) E.g., the removal of the ashes of the golden altar and candlestick.
 - (11) According to Rab there is no difference between service within the veil or outside: a common man becomes guilty of death only if he performs a service of gift, not of removal. But according to Levi he becomes guilty also in case of a service of removal. Hence Raba's question addresses itself to Levi: Do we compare it to the service within the veil, so that the common man performing it would not incur penalty of death, or to service without, when he would incur it?
 - (12) The letter ‘waw is superfluous. It includes also the Temple, hence in case of a gift service, he would incur that penalty there too, and with a removal service he would be exempt as within the veil.
 - (13) If a common man who performs in the Temple a Service of gift incurs the penalty of death.
 - (14) After the shewbread is arranged. V. Lev. XXIV, 7. Hence the former is not a complete service, for the performance of which a commoner incurs the penalty of death.
 - (15) Assuming this to be a ‘complete’ service, not followed by anything else.
 - (16) On the following Sabbath, which forms a completion of this service. V. ibid, 8.

- (17) Infra 45a.
 (18) Lev. I, 7.
 (19) Used as kindling wood on the altar, V. Tam. II, 4.
 (20) Hence it is considered a proper service and the commoner performing it should incur the penalty.
 (21) v. infra, 33a.
 (22) Of the Daily continual offering.
 (23) Between Rab who limits the liability to the four he enumerates and R. Johanan who includes the arrangement of the two logs of wood.
 (24) V. Lev. V, 9.
 (25) V. Ibid. I, 15.
 (26) Suk. 48a.
 (27) The text here is corrected in accordance with Bah.
 (28) The Mishnah speaks of four counts.
 (29) Ps. LV, 15. The word, **ברגש**, usually translated as ‘multitude’ is here connected with **רגש**, meaning ‘to stir up’, thus, ‘enthusiasm’, ‘love’.
 (30) Even without having been chosen by count, his being fitly dressed encouraging such forwardness.
 (31) If the lot fell on them.
 (32) Tam. V, 3.

Talmud - Mas. Yoma 25a

Don't [you agree] that this refers to those who had obtained part in the day's services by the count?¹ — R. Shesheth said: No, it refers to those who had not obtained part in the day's service by the count.² Thus also does it appear provable by logic. For, if it were to refer to those who were allotted part in the service by count, how could it be stated that they left them the breeches only; surely it has been taught: Whence do we know that nothing may be put on before the breeches? To teach us that it says:³ And breeches of linen shall be on his flesh.⁴ — And the other?⁵ — This is no difficulty: This is what it teaches: Whilst they still wore the common clothes, they put on the holy breeches, after that they removed the common clothes and left them with the [holy] breeches.

Said R. Shesheth: Whence do I hold my view? From what has been taught: The Cell of the Hewn Stone⁶ was [built] in the style of a large basilica. The count took place in the eastern side, with the elder⁷ sitting in the west, and the priests in the form of a spiral figure. The officer came and took the mitre from the head of one of them. One would know then that the count would start from him.⁸ Now, if the thought should arise that the priests [came to the count] in common garment — is there a mitre in common dress? — Yes, there is, as Rab Judah or, as some say, R. Samuel b. Judah reported: A priest for whom his mother made a tunic, could officiate therein at an individual [not community] service.⁹ Abaye said: We can infer from this the Cell of Hewn Stone was [situated] half on holy ground, half on non-holy ground; that the Cell had two doors, one opening on holy ground, the other opening on non — holy ground. For, if the thought should arise in you that the whole of it was on holy ground — how could the elder sit to the west; has not a Master¹⁰ said: Nobody could sit in the Temple Court except the kings of the House of David.¹¹ Furthermore, if you could think that the whole cell was outside holy ground, how could the count take place on its eastern side, is it not required: ‘In the house of God we walked with the throng’¹² and this would not be [the house of God]! Hence [the inference is valid]: It is half on holy ground, half on non-holy ground. And if the thought should arise in you that the Cell has but one door opening on holy ground, how could the elder sit to the west, and we have learnt: If the cells are built on non-holy ground and open on holy ground the space within them is holy.¹³ And if the thought should arise in you that it opened into unholy ground how could the count take place in the eastern part [of the Cell];¹⁴ have we not learnt: If they are built on holy ground and open out on non-holy ground, their space within is non-holy, hence you must needs say: the Cell had two doors, one opening on holy ground, the other on non-holy ground.

MISHNAH. THE SECOND COUNT¹⁵ WHO SHOULD SLAUGHTER [THE DAILY REGULAR OFFERING],¹⁶ WHO SHOULD SPRINKLE THE BLOOD, WHO SHOULD REMOVE THE ASHES FROM THE INNER ALTAR,¹⁷ WHO SHOULD REMOVE THE ASHES FROM THE CANDLESTICK,¹⁸ WHO SHOULD TAKE UP TO THE RAMP THE LIMBS [OF THE OFFERING], THE HEAD AND THE [RIGHT]¹⁹ HIND-LEG, THE TWO FORELEGS, THE TAIL AND THE [LEFT]¹⁹ HIND-LEG, THE BREAST AND THE THROAT,²⁰ THE TWO FLANKS,²¹ THE INWARDS, FINE FLOUR,²² THE CAKES²³ AND THE WINE.²⁴ ALTOGETHER THIRTEEN PRIESTS OBTAINED A TASK.²⁵ BEN AZZAI SAID BEFORE R. AKIBA IN THE NAME OF JOSHUA: IT [THE DAILY OFFERING] WAS OFFERED UP IN THE WAY IT WALKS.²⁶

GEMARA. The question was asked: When they take the count, do they do so for one service or for each individual task? — Come and hear: Four counts were there.²⁷ Now if the thought should arise in you that there was a separate count for each task, there would be need of many counts! — R. Nahman b. Isaac said: This is what [the Mishnah] means: Four times they went in for counting, and on each occasion there were many counts.

(1) And they were stripped of the common garments which they wore during the count.

(2) They were stripped of the sacred garments which they wore during the count.

(3) V. supra 23b.

(4) Lev. XVI, 4.

(5) R. Nahman.

(6) [The Hall wherein the great Sanhedrin used to sit. Schurer II, p. 264 identifies it with the chamber 'close to the xystus' on the western border of the Temple mount. For the refutation of this view, V. Krauss. J.E. XII, 576.]

(7) Of the Beth din supervising the count (Rashi).

(8) Tosef. Suk. IV, 6.

(9) V. infra 35b.

(10) Infra 69b.

(11) In Deut. XVIII, 5: The Lord hath chosen him out of all thy tribes to stand to minister in the name of the Lord, against which II Sam. VII, 18: Then David the king went in and sat before the Lord.

(12) And this enthusiasm, as explained before, was created by the count.

(13) Ma'as Sh. III, 8.

(14) The count had to take place on holy ground.

(15) V. Mishnah, supra 22a.

(16) The priest with whom the count ended slaughtered the daily regular sacrifice. His right hand neighbour had the next task, his neighbour's right hand neighbour the third, etc.

(17) On the inner altar, every morning and evening, the incense was offered. The glowing coals for that purpose were obtained from the outer altar. The ashes which remained were removed next day. They could be removed by a common priest even on the Day of Atonement.

(18) This too could be performed by any common priest, the high priest had but to do the lighting of the lamps.

(19) The right hindleg. V. Tamid IV, 3.

(20) Larynx with windpipe, lungs and heart.

(21) With milt and liver.

(22) For the meal-offering which accompanied the daily regular sacrifice. Num. XXVIII, 5.

(23) Made on the **מַחֲבֵת** (pan). V. Men.96a. It was the daily sacrifice of the high priest which accompanied the daily regular sacrifice. Lev. VI, 13; Shek. VII, 6.

(24) Num. XXVIII, 7.

(25) Two, that of slaughtering and sprinkling; two, clearing the golden altar and the candlestick; six, taking up the limbs and inwards, three, taking up the flour and wine-offerings.

(26) Lit., 'according to the manner of its gait', i.e., in order of the parts of the body active in the movements; first head and right hind-leg, then breast and neck, then the two fore-legs, then the two flanks, the tail and the left hind-leg.

Talmud - Mas. Yoma 25b

Come and hear: R. Judah said: There was no count for the coal-pan, but the priest who had obtained the task of [smoking] the incense said to his assistant: Obtain with me the privilege of serving the coal-pan.¹ — It is different with incense and coal-pan, because they form together one service. Some argue thus: This is the case only with coal-pan and incense, because they form one service, but all other tasks require individual count!² — [No.] With regard to the coal-pan it is necessary to inform us [that no separate count is required] for the thought could have arisen that because it takes place rarely and enriches,³ therefore a special count should be arranged for it, hence we are taught [that it is not so].

Come and hear: R. Hiyya taught: There was no count for each individual task, the priest who secured the task of [the killing of] the daily burnt-offering drew twelve priests to himself [for the tasks involved]. This proves it.

THE SECOND COUNT: The question was asked: Who receives the blood?⁴ [Do we say that] he who killed? For if you were to say that the one who sprinkles the blood receives it, perhaps in his enthusiasm⁵ he may not receive the whole blood; or does the sprinkler receive it, for if you were to say that he who kills the animal receives the blood, occasionally a non-priest kills [the animal]?⁶ — Come and hear: Ben Katin made twelve spigots for the laver so that his twelve brethren, the priests, who are occupied with the daily regular sacrifice, may simultaneously wash their hands and feet.⁷ Now, if you were to think that he who kills [the animal] also receives its blood there would be thirteen.⁸ Must we not therefore infer therefrom that he who sprinkles receives the blood? This proves it.

R. Aha, the son of Raba said to R. Ashi: We have also learnt thus: He whose lot it was to slaughter it, slaughtered it; he whose lot it was to receive the blood, received it — and then he came to sprinkle it.⁹ This proves it.

BEN 'AZZAI SAID BEFORE R. AKIBA, etc.: Our Rabbis taught: What is 'THE WAY OF ITS WALKING'? The head, right hind-leg, breast and neck, the two fore-legs, the two flanks, the tail and the left hind-leg. R. Jose says: It was offered up in the order in which it is flayed. Which is the order of its being flayed? The head, the right hind-leg, the tail, the left hind-leg, the two flanks, the two fore-legs, the breast, and the neck. R. Akiba says: It was offered up in the order in which it was dissected. Which is the order of the dissection? The head, the right hind-leg, the two forelegs, the breast and the neck, the two flanks, the tail and the left hind-leg. R. Jose the Galilean says: It was offered up in the order of its best parts. Which is the order of its best parts? The head, the [right] hind-leg, the breast and neck, the two flanks, the tail and the [left] hind-leg and the two fore-legs. But is it not written: Even every good piece, the thigh and the shoulder?¹⁰ — That refers to a lean animal:¹¹ Raba said: Both our Tanna¹² and R. Jose the Galilean follow the order of quality of the meat, but one takes into consideration the size [of the limbs], the other the fatness.

Why does the head go together with the [right] hind-leg?¹³ Because the head has many bones; one attaches the [meaty] hindleg to it.

All¹⁴ agree at any rate that the head is offered up first. Whence do we derive this rule? Because it has been taught: Whence do we know that the head and the suet come before all other parts [of the animal]? To teach us that, it says: He shall lay it in order with its head and its suet.¹⁵ And as to the other 'suet',¹⁶

- (1) The incense required two priests: one who carried the incense into the Temple and smoked it, the other who took out the coals from the outer altar, brought them into the Temple, and put them on the inner altar to smoke the incense upon them. V. infra 26a. From here it appears that not every task required a count.
- (2) Which proves that every task requires a count.
- (3) V. infra 26a.
- (4) In a basin for sprinkling purposes.
- (5) Lit., 'his love (for the service)'.
 (6) As deduced from Lev. I, 5; a non-priest may kill the animal, as the priestly functions in connection with an animal-sacrifice begin with the receiving of the blood.
- (7) Infra 37a.
- (8) There were thirteen tasks according to the Mishnah. The slaughtering, however, since even a commoner might perform it, did not require washing of hands and feet even if performed by a priest. But if he who slaughtered it should also receive its blood, he would have to wash his hands too because of the subsequent receiving of the blood.
- (9) Tamid IV, 1.
- (10) Ezek. XXIV, 4. [This shows that the thigh (the hind-leg) and the shoulder (the foreleg) are among the best pieces whereas here they are mentioned last (תום ישנים); v. however p. 119, n. 2.]
- (11) [The verse speaks of the wicked in Israel who plunder the poor and consume the good pieces of their animals which at best could only be lean, whereas the daily sacrifices were offered from the best, Ibid.]
- (12) The Tanna of our Mishnah.
- (13) [Var. lec. transfer here both the question from Ezek. XXIV, 4 and the answer that follows. In this reading these refer to 'our Tanna' who mentions 'the fore-legs' before the hind-legs whereas in Ezekiel the thigh (hind-leg) is given preference, v. Bah.]
- (14) Ben 'Azzai, R. Jose, R. Akiba, R. Jose the Galilean, whilst basing their order on different considerations, all have the head offered up first.
- (15) Lev. I, 12. Infra 26a.
- (16) Ibid. I, 8: The pieces, and the head, and the suet. It was included in the other pieces.

Talmud - Mas. Yoma 26a

what does it signify? [It has its meaning] in accordance with what has been taught: How did he do it? He placed the suet upon the open throat and offered it up thus, that being done as a sign of respect for heaven.¹

MISHNAH. THE THIRD COUNT: NOVICES² COME UP AND SUBMIT TO THE COUNT FOR THE INCENSE. THE FOURTH COUNT: NOVICES AND OLD PRIESTS, WHO WILL TAKE UP THE LIMBS³ FROM THE RAMP TO THE ALTAR.

GEMARA. A Tanna taught: Never did a man repeat that,⁴ What is the reason? — Because it enriches. R. Papa said to Abaye: Why [does the incense enrich]? Would one say because Scripture says: They shall put incense before Thee,⁵ and soon after: Bless, Lord, his substance?⁶ If so, then a burnt-offering should also enrich, for there it is written also: And whole burnt-offering upon Thine altar?⁷ He answered: The second is frequent,⁸ the first not. Raba said: You will not find any rabbinical scholar giving decision who is not a descendant from the tribe of Levi or Issachar. 'Of Levi', as it is written: They shall teach Jacob Thine ordinances,⁵ 'of Issachar', as it is written: And of the children of Issachar, men that had understanding of the times, to know what Israel ought to do.⁹ But mention Judah too, for it is written: Judah is my law-giver?¹⁰ — I am speaking [only] of those [who make conclusions] in accordance with the adopted practice.¹¹

R. Johanan said: No count is arranged for the daily continual evening¹² sacrifice, but the priest who secured the task of offering the continual morning sacrifice also obtains the task of the evening sacrifice. An objection was raised: Just as one arranges a count for it in the morning so is a count arranged for it in the evening? — That was taught in application to the incense.¹³ — But it has been

taught: Just as one arranges a count for it¹⁴ [masc.], in the morning, so does one arrange for it, a count in the evening. Read:¹⁵ for it [fem.] — But it has been taught: Just as one arranges a count for it [masc.] in the morning, so is a count arranged for it [masc.] in the evening, and just as one arranges a count for it [fem.] in the morning, so is a count arranged for it¹⁶ [fem.] in the evening! — R. Samuel b. Isaac said: Here we refer to the Sabbath, on which the divisions of the priests are relieved.¹⁷ But on the original assumption¹⁸ there was a larger number of counts? — All came in the morning [for the count]; to some it was allotted for the morning to others, for the evening.

THE FOURTH COUNT: NOVICES AND OLDER PRIESTS etc.: Our Mishnah does not agree with the view of R. Eliezer b. Jacob, for we have learnt: He who brings the limbs up to the ramp also brings them up to the altar.¹⁹ What principle are they disputing? One holds: In the multitude of the people is the king's glory,²⁰ whereas the other is of the opinion that [the distribution of duties among too many] is not good form in the abode of the Shechinah.²¹ Raba said: R. Eliezer b. Jacob does not agree with the view of R. Judah, nor does the latter agree with the view of the former, for, if that were the case there would be too few counts.²² And if you find a teacher who teaches 'five [counts]',

(1) Because the throat is smeared with blood, it would not look respectful enough to offer it up in such condition. Hul. 27b.

(2) Nothing was more desired than the privilege of offering up incense. Hence priests who had already enjoyed that function were excluded from repetition until all their colleagues had the same task bestowed upon them. Hence the officer calls on novices to present themselves for the count.

(3) The limbs of the sacrifice were first placed on the lower part of the ramp, after having been dissected, (Tamid IV, 1, 2) then later carried thence to the altar and burnt there.

(4) The offering up of incense.

(5) Deut. XXXIII, 10.

(6) Ibid. 11.

(7) Ibid. 10.

(8) Sacrifices may be either private or public, hence very frequent. Incense was a community offering, hence limited by law.

(9) I Chron. XII, 33.

(10) E.V. 'sceptre'.

(11) i.e. of practical interpreters and scholars, not of law-makers.

(12) Strictly speaking 'afternoon'.

(13) Because nobody was permitted to repeat that function until all candidates had that privilege bestowed upon them once.

(14) Ketoreth (incense) is of fem. gender, hence the question asked from a text where the word 'lo' (masculine 'for him', 'to his') is used.

(15) Assume that the personal pronoun may be used loosely, or that the text misreported. 'lah' ('to her', 'to it', fem. instead of 'lo', the masculine) being intended.

(16) So that there is a special text for the incense.

(17) The division (Mishmar, v. Glos.) officiating at the continual offering of morning had left by the time the continual offering of dusk was to be attended to.

(18) That there was a special count for the evening sacrifice.

(19) Tamid V, 2.

(20) Prov. XIV, 28.

(21) It might appear as if the service was considered a burden, so that its function had to be distributed among many.

(22) R. Judah omits the count for the coal-pan; according to R. Eliezer there was no special count for the service of carrying the limbs up to the altar, hence, had both accepted each other's view, there would be only three counts. He who taught there were five counts, contradicted both of these Tannaim, each of whom omitted one, though not the same count.

Talmud - Mas. Yoma 26b

he is in accord with neither R. Eliezer b. Jacob, nor with R. Judah.

MISHNAH. THE CONTInual¹ OFFERING WAS OFFERED UP BY NINE, TEN, ELEVEN OR TWELVE [PRIESTS], NEITHER BY MORE [THAN TWELVE], NOR BY LESS [THAN NINE]. HOW THAT? [THE OFFERING] ITSELF [WAS BROUGHT] UP BY NINE;² AT THE FEAST [OF SUKKOTH] WHEN ONE CARRIED A BOTTLE OF WATER,³ THERE WERE TEN. AT DUSK⁴ BY ELEVEN: [THE OFFERING] ITSELF BY NINE AND TWO MEN WHO CARRIED TWO LOGS⁵ OF WOOD. ON THE SABBATH BY ELEVEN: [THE OFFERING] ITSELF BY NINE WITH TWO MEN HOLDING IN THEIR HAND THE TWO CENSERS OF FRANKINCENSE FOR THE SHEWBREAD.⁶ AND ON THE SABBATH WHICH FELL DURING THE FEAST OF SUKKOTH ONE MAN CARRIED IN HIS HAND A BOTTLE OF WATER.

GEMARA. R. Abba, or as some say Rami b. Hama or again as some say R. Johanan, said:⁷ The water libation on the Feast of Sukkoth is offered up only at the continual sacrifice of the morning. Whence is this to be inferred? Because [the Mishnah] teaches: AND ON THE SABBATH WHICH FELL DURING THE FEAST OF SUKKOTH ONE MAN CARRIED IN HIS HAND A BOTTLE OF WATER. Now if the thought could arise in you that [also] at the continual offering at dusk is the water of libation offered up,⁸ then it would also happen during the weekday.⁹ R. Ashi said: We also have learned thus:¹⁰ One said to the priest offering the libation: Hold your hands up! For it happened once that he poured it upon his feet and all the people stoned him with their citrons.¹¹ This proves it. It was taught: R. Simeon b. Yohai said: Whence do we know that at the continual offering of dusk two logs of wood were to be brought up by two priests? Because it is said: And [the sons of Aaron the priest shall] lay wood in order upon the fire.¹² If it has no bearing on the morning sacrifice because it is written: And the priest shall kindle wood on it every morning, and he shall lay the burnt-offering in order upon it,¹³ make it bear on the dusk sacrifice! — But perhaps, say: Both refer to the morning sacrifice, the Divine Law enjoining: Do it! And do it! again.¹⁴ — If that [were intended] the Divine Law should have said: ‘And he shall kindle wood.’ ‘And he shall kindle wood.’¹⁵ But if the Divine Law had stated: ‘And he shall kindle [wood]’ I would have assumed it may be done by one only, not by two, therefore we are taught that both one and two shall do so?¹⁶ — If that were intended the Divine Law should have stated: ‘He shall kindle [wood]’¹⁷ . . . and ‘they shall kindle wood,’ or ‘He shall lay [wood] in order’ and ‘they shall lay [wood] in order.’¹⁸ Why the words ‘He shall kindle’ and ‘They shall lay in order’?¹⁹ That we infer from it as we have said above.

R. Hiyya taught: The [second] count at times [affects] thirteen²⁰ priests, at times fourteen,²¹ fifteen, or sixteen. But has it not been taught: [At times] seventeen?²² — That teaching is in accord not with R. Eliezer b. Jacob, but with R. Judah.²³ **M I S H N A H.** A RAM WAS OFFERED BY ELEVEN: THE FLESH BY FIVE, THE INWARDS,²⁴ THE FINE FLOUR,²⁵ AND THE WINE BY TWO EACH. A BULLOCK WAS OFFERED BY TWENTY-FOUR: THE HEAD AND [RIGHT] HIND-LEG²⁶ — THE HEAD BY ONE AND THE [RIGHT] HIND-LEG BY TWO [PRIESTS]. THE TAIL AND [LEFT] HIND-LEG — THE TAIL BY TWO AND THE [LEFT] HIND-LEG BY TWO. THE BREAST AND NECK — THE BREAST BY ONE AND THE NECK BY THREE. THE TWO FORE-LEGS BY TWO, THE TWO FLANKS BY TWO. THE INWARDS, THE FINE FLOUR,²⁷ AND THE WINE²⁸ BY THREE EACH. THIS APPLIES ONLY TO OFFERINGS OF THE COMMUNITY. IN PRIVATE OFFERINGS, HOWEVER, IF A SINGLE PRIEST²⁹ WANTS TO OFFER [ALL], HE MAY DO SO. BUT AS TO THE FLAYING AND DISMEMBERING OF BOTH COMMUNAL, AND PRIVATE OFFERINGS THE SAME REGULATIONS APPLY.³⁰ **GEMARA.** A Tanna taught: The law regarding the flaying and the dismembering is alike in both [communal and private sacrifices] in that they may be done by a non-priest. Hezekiah said: Whence do we know that the law regarding flaying and dismembering is alike [with all sacrifices] in that they may be done by a non-priest? Because it is written: And the sons of Aaron the high priest shall put

fire upon the altar,³¹ i.e., priesthood is required for the putting of the fire upon the altar, but not for the flaying and dismembering.

- (1) Beginning with the taking up of the limbs to the ramp.
- (2) In the same manner in which the parts of the sacrificial animal were brought up to the ramp, so were they thence carried to the altar, thus six priests were required to carry the lamb's parts, and three to convey the flour and wine-offerings to the altar.
- (3) For the water libation, v. Suk. 48a.
- (4) Strictly speaking 'in the afternoon'.
- (5) They were added to the pile of wood on the altar.
- (6) Lev. XXIV, 7-8: And thou shalt put pure frankincense with each row, that it may be to the bread for a memorial-part, even all offering made by the fire unto the Lord. Every Sabbath day he shall set it before the Lord continually, it is from the children of Israel, an everlasting covenant.
- (7) The report came in the name of these three, without preponderance of evidence as to the real author.
- (8) The Mishnah states that only on the Sabbath of the Feast of Sukkoth was the continual offering offered up by twelve priests. But if the water libation were offered up in connection with the continual dusk offering too, twelve priests would then too be necessary: nine for the lamb itself, two for the logs of wood, one for the bottle of water.
- (9) So that on a week-day too, twelve priests would be required for the offering, which contradicts the Mishnah.
- (10) V. Suk. 48b.
- (11) The Sadducees rejected the water libation, hence, when in charge, they would invalidate the ceremony. The people observant of such sabotage, punished the hypocrite by pelting him with their citrons (ethrog). But these citrons were used only at the morning prayer. The Mishnah in Sukkoth mentions the citrons to indicate that the libation of the water took place only at the time citrons were part of the service, i.e., in the morning. The first proof was textual, the second factual.
- (12) Lev. I, 7.
- (13) Ibid. VI, 5.
- (14) Hence there would be no repetition and the inference as to the dusk sacrifice would be invalid.
- (15) In both instances why the change of expression? That has definite significance.
- (16) The double form, singular and plural, was thus necessary.
- (17) For the water libation, v. Suk. 48a.
- (18) In the same manner in which the parts of the sacrificial animal were brought up to the ramp, so were they thence carried to the altar, thus six priests were required to carry the lamb's parts, and three to convey the flour and wine-offerings, to the altar.
- (19) But what it is meant to convey, could have been conveyed without change of phrase.
- (20) V. Mishnah supra 25a.
- (21) On the Sukkoth Festival; on the Sabbath; and on the Sabbath of the Sukkoth Festival, respectively.
- (22) [On Sabbath of Sukkoth, cf. Rashi and MS. M. Tosaf. however refers this to ordinary days omitting the words 'at times'. The number 17 can only be arrived at by adding to the 13 priests an additional four: (1) for removal of ashes; (2) for bringing up the limbs from the ramp to the altar; (3) for smoking the incense; (4) for bringing the coal-pan. This would not be in accordance with R. Eliezer b. Jacob; v. R. Hananel's reacting in next note.]
- (23) Who as stated supra 26a requests an extra priest for carrying the limbs from the ramp to the altar. Rabbenu Hananel (v. p. 123, n. 11) reads: Neither with R. Eliezer b. Jacob, nor with R. Judah. For R. Judah holds there was no count for the coal-pan, the priest who had secured the task of the incense inviting his assistant to share the function of the coal-pan. Nor with R. Eliezer b. Jacob, who omits the count of the function of the limbs being brought to the altar from the ramp; according to him the priest who carried them up to the ramp, also brought them thence to the altar. V. Rashi, Tosaf. and **סוֹת יְשָׁנִים**.
- (24) The lamb for the continual offering must not be older than one year. The ram could be between one and two years of age, hence its inwards were much heavier.
- (25) The wine-offering with the ram was heavier by one fourth, the flour-offering was twice as heavy as that of the lamb.
- (26) Lit., 'as far as head and hind-leg are concerned', which usually were offered by one person here etc.
- (27) Num. XV, 9.
- (28) Ibid. 10.

(29) Of the division ministering that week, whom the owner of the sacrifice entrusted with the task.

(30) Non-priests, too, might either flay or dissect the sacrifices. Hence there were no counts for them. The sacrifices of the community, however, although even they could be slaughtered by non-priests, were welcome to, and sought after by priests, whence the necessity of a count in connection with them.

(31) Lev. I, 7.

Talmud - Mas. Yoma 27a

But that passage is required for its own information?¹ — R. Shimi b. Ashi said: I found Abaye explaining it to his son: [It was taught]: ‘One shall kill,’² hence we infer that even a non-priest may kill [the sacrificial animal]. But whence are you coming?³ — Because Scripture says: And thou and thy sons with thee shall keep your priesthood, [in everything that pertaineth to the altar].⁴ I might have learned that even the killing [must be done by priests alone], therefore it is written: And he shall kill the bullock before the Lord,⁵ and Aaron's sons, the priests, shall present the blood,⁵ i.e., the work of the priesthood is commanded only from the receiving [‘presenting’] of the blood and so on.⁶ And he shall lay his hand . . . and he shall kill,⁷ hence we are taught that the killing [of the sacrificial animal] is permissible even to a non-priest. Now, [Abaye went on explaining to his son] since the work obligatory on the priests starts only with the receiving of the blood, what is the purpose of: And the sons of Aaron . . . shall put the fire?⁸ To exclude flaying and dismembering.⁹ But still that was necessary. For one might have thought since [the putting on of the fire] is not a kind of service, the omission of which prevents atonement, it did not require priesthood, hence we are taught [from this passage] that it requires priesthood? — Rather do we infer it from here: And Aaron's sons, the priests, shall lay it, order the pieces, and the head, and the suet.¹⁰ Now, since the work obligatory upon priests starts with the receiving of the blood, why was the passage: ‘And they shall lay in order’ [etc.] necessary? It meant to exclude the flaying and the dismemberment.¹¹ But say perhaps that it means to exclude the arranging of the two logs of wood? — It seems logical that the passage excludes [a service relating to the sacrifice itself] which is of the type referred to. On the contrary: [it seems logical that] it excludes the ‘putting in order’ of [wood], which is analogous [to the ‘laying in order’ of the pieces referred to].¹² This thought should not arise in your mind, for a Master taught: ‘And the priest shall offer the whole . . . upon the altar.’ This refers to the bringing up of the limbs to the ramp. Now only the bringing of the limbs to the ramp requires a priest, but not the bringing of the logs of wood, implying that the putting in order of the two logs of wood requires a priest.¹³ Why, then, is it necessary to state ‘And they [the priests] shall lay [the pieces] in order’? to exclude flaying and dismembering.¹⁴ But say, perhaps, that this text is necessary for its own meaning?¹⁵ --[In reality so.] What then is the purpose of [the passage], ‘And the priest shall make the whole smoke upon the altar’?¹⁶ To exclude flaying and dismembering. [So that] ‘And the priest shall offer the whole’ refers to the bringing up of the limbs to the ramp; only the bringing up of the limbs to the ramp requires a priest, but not the bringing of the two logs of wood to the ramp. Implying that the putting in order of the two logs of wood that does require the services of a priest and the words: ‘And they shall put’¹⁷ have immediate text meaning;¹⁸ the words ‘And they shall lay in order [the pieces]’¹⁹ indicate it must be two; the words: ‘The sons of Aaron’¹⁹ also indicate two; the words: ‘The priests’¹⁹ also indicate two, together we learn from them that the [offering up of the] lamb requires the services of six priests. R. Hamnuna said: To R. Eleazar it seems difficult, for this passage¹⁹ refers to the young bullock, the service in connection with which required twenty-four priests! But he found it right again, for Scripture says: Upon the wood that is on the fire which is upon the altar¹⁹; now what thing is it in connection with which ‘wood’, ‘fire’ and ‘altar’ are mentioned?

(1) That a priest is required for the putting on of the fire. An inference for other matter is justified only when the text itself, or part of it, appears superfluous.

(2) ‘We-shahat’ Lev. I, 5, may mean ‘and he shall kill’, the most obvious meaning in the context; or ‘one shall kill’, ‘one’ being a term general enough to include a commoner.

(3) On what are you basing your argument, that it is necessary to bring proof that a non-priest may kill the animal; what

basis is there for the assumption that he may not do so?

(4) Num. XVIII, 7. The bracketed portion is interpolated by Bah. and rightly so, for upon it rests the argument.

(5) Lev. I, 5.

(6) [Since the priests are mentioned only in connection with the presenting of the blood and not with the killing.]

(7) Ibid. 4,5. ['He shall kill' has for the subject the same person as 'he shall lay his hand' — the owner of the sacrifice (a non-priest).]

(8) Since the putting on of the fire followed the presenting of the blood, the latter signifying the commencement of the priestly function, why was it necessary to mention that the 'Sons of Aaron' perform it?

(9) That these may be performed by non-priests.

(10) Lev. I, 8.

(11) I.e., flaying and dismembering.

(12) That the putting on of the two logs of wood did not require a priest.

(13) Since the fetching of the wood is especially stated to need no priest, the inference is — obvious that the putting in order of the two logs requires a priest's service.

(14) [V. supra, note 2. The passage that follows up, ' . . . text meaning' is difficult and is omitted by Wilna Gaon. The interpretation attempted here involves no change in the text of cur. edd.]

(15) [To show that the arrangement of the pieces required a priest, as it might have been assumed that 'even a non-priest may perform it since it is not a service' indispensable for effecting an atonement.]

(16) Lev. I, 9.

(17) Ibid. 7.

(18) That a priest is required for putting on the fire, v. supra p. 126.

(19) Lev. I, 8.

Talmud - Mas. Yoma 27b

Say it is the lamb.¹

R. Assi said in the name of R. Johanan: A non-priest who laid the pile of wood in order [on the altar] incurs the penalty [of death]. What should he do [post facto]? — Let him break it up and then put it in order again. What is the good of that? — Rather: Let the non-priest break it up again and let a priest put it in order afterwards. R. Ze'ira demurred to this: But is there not a service which may be performed also at night and which a non-priest would render invalid? Surely, there is the smoking of the limbs and the fat-pieces.² That is but the conclusion of the service of the day. But there is the removing of the ashes? That is the beginning of the work of the day, as R. Assi has reported in the name of R. Johanan: If he has sanctified his hands [by washing] in the morning for the removal of the ashes, he need not sanctify [them] on the morrow, for he has already sanctified them from the beginning of the service.³ But the difficulty remains!⁴ If this statement was made, it was stated thus: R. Assi said in the name of R. Johanan: A non-priest who laid the two logs of wood in order incurs the penalty [of death] because this is a day service. Raba demurred to this: If so, a count should be required for it! — It escaped him what had been taught: He who secured the task of clearing the ashes off the altar, [thereby also] secured the task of putting in order the pile of wood and the two logs of wood.³ Shall we, then, say that only service performed during the day requires the count but service performed during the night does not require the count? Surely there is the [smoking of the] members and the fat-pieces?⁵ — That is the end of the service of the day. But there is the removal of the ashes? — That is due to a certain event.⁶ Shall we say that only for service performed during the day and for participation in which a non-priest incurs the penalty of death, a count is required, but that wherever a non-priest does not incur penalty of death for performance of a service, no count is required? But then what of the killing [of the animal]?⁷ — It is different with the killing because that is the beginning of the service.

Mar Zutra or R. Ashi said: But we have learned otherwise: The officer said to them: Go forth and see if the time for the killing [of the continual morning sacrifice] has arrived,⁸ but he is not teaching

about the laying in order of the two logs of wood?⁹ It speaks only of such things as cannot be remedied¹⁰ again, but not such for which there is a remedy.¹¹ Some say¹² this is what R. Ze'ira asked: Is there any service followed by another service, which would be invalidated if performed by a non-priest?¹³

(1) The passage 'Upon the wood that is on the fire which is upon the altar' is superfluous, for v. 7 contains that information already, hence the inference is right that the six priests are suggested here.

(2) V. supra 24a.

(3) V. supra 22a.

(4) Where do we find a service which may be performed at night and which a non-priest renders invalid?

(5) For which a count has been arranged.

(6) Mentioned in Mishnah supra.

(7) Which may be performed by a non-priest and yet requires a count.

(8) Infra 28a.

(9) Hence it took place during the night.

(10) The continual morning offering must not be offered before daybreak; de facto it was invalid, had to be replaced by another and be burnt in a place far from the altar like any invalidated sacrifice.

(11) If the logs of wood had been put in order before daybreak, one could break them up and put them back in order again after daybreak.

(12) [The text from this point to the end of the chapter is in disorder, consisting, according to Rashi and others, of several interpolations. The interpretation that follows is that of Tosaf. on the basis of curr. edd.]

(13) [R. Ze'ira's question has reference to R. Johanan's ruling, that a non-priest who arranges the wood pile on the altar is liable to death. Against this R. Ze'ira raises the objection that since it is followed by another service, i.e., the arranging of the two logs of wood, a non-priest should incur no penalty nor invalidate it by his performance of it. V. Tosaf. s.v. **אֵיכָא**.]

Talmud - Mas. Yoma 28a

Surely there is [the smoking of] the limbs and fat-pieces?¹ — That is the end of the service of the day.² But what of the removal of the ashes?³ — It is the beginning of the service of the day,⁴ for R. Johanan said: If he sanctified his hands by washing for the removal of the ashes, in the morning he need not sanctify [his hands] since he had already sanctified them at the beginning of the service. If so the difficulty⁵ remains? — Rather if this statement was made it was made thus: R. Assi said in the name of R. Johanan: If a non-priest arranged in order two logs of wood [on the altar] he incurs the penalty of death, because it is a complete service.⁶ To this Raba demurred: If this is so let it require a count. But it requires no count? Surely it was taught, He who secures the privilege in respect of the removal of the ashes, secures also the privilege in respect of the arranging of the two logs of wood? This is what he means. It should have a separate count for itself? The [reason is] as we have already stated.

Are we to say that for a service which is complete, and for the performance of which a non-priest incurs the penalty of death, a count is required, but for one, for performance of which a non-priest does not incur such penalty, no count is required — but there is the killing [of the sacrificial animal]? — It is different with that killing, because it is the beginning of the service of the day. Shall we say that only a complete service requires the count, but a service followed by another does not require it — but there is the smoking of the members and the fat-pieces? — That is the end of the service of the day. — But there is the removal of the ashes? — Here [the count is due] because of what happened.

Mar Zutra or R. Ashi said: We too have learnt thus:⁷ The officer said to them: GO FORTH AND SET WHETHER THE TIME FOR THE KILLING OF THE MORNING SACRIFICE HAS ARRIVED. But he does not teach anything about the time for the laying in order of the two logs of

wood?⁸ — He teaches only concerning such things as cannot be remedied again, but not concerning such for which there is a remedy.⁹

CHAPTER III

MISHNAH. THE¹⁰ OFFICER SAID TO THEM: GO FORTH AND SEE WHETHER THE TIME FOR KILLING [OF THE MORNING SACRIFICE] HAS ARRIVED. IF IT HAD ARRIVED THEN HE WHO SAW IT SAID: IT IS DAYLIGHT!¹¹ MATHIA B. SAMUEL SAID: THE WHOLE EAST IS ALIGHT.¹² EVEN UNTO HEBRON?¹³ AND HE ANSWERED ‘YES’. AND WHY WAS THAT [CONSIDERED] NECESSARY? BECAUSE ONCE WHEN THE LIGHT OF THE MOON¹⁴ ROSE THEY THOUGHT THAT THE EAST WAS ALIGHT¹⁵ AND SLAUGHTERED THE CONTINUAL OFFERING, WHICH AFTERWARDS THEY HAD TO TAKE AWAY INTO THE PLACE OF BURNING.¹⁶

THE HIGH PRIEST¹⁷ WAS LED DOWN TO THE PLACE OF IMMERSION. THIS WAS THE RULE IN THE TEMPLE: WHOSOEVER CROSSED HIS FEET¹⁸ REQUIRED AN IMMERSION, AND WHOSOEVER MADE WATER REQUIRED SANCTIFICATION BY WASHING¹⁹ HIS HANDS AND FEET.

GEMARA.

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- (1) [This service, it is now assumed, receives its completion only with the removal of the ashes, and yet must not be performed by a non-priest under the penalty of death (Tosaf.).]
- (2) [The original assumption n. 3. is rejected. The smoking of the limbs is in itself regarded as the completion of the day service (Tosaf.).]
- (3) [Which must be followed by the taking of the ashes outside the camp, v. Lev. VI, 4' and yet is considered a complete service, v. supra 24a (Tosaf.).]
- (4) [Whereas the taking of the ashes outside the camp is not performed daily (v. Tamid II, 2) and consequently it cannot be regarded as completing the removal of the ashes (Tosaf.).]
- (5) Of R. Ze'ira.
- (6) [V. supra 22a. For the reason that no special count has been arranged for the two logs of wood. R. Hananel.]
- (7) That the laying of the two logs of wood is a complete service.
- (8) [Because it is considered a night service completing the arranging of the wood pile on the altar (Rashi), v. also Tosaf.]
- (9) V. supra, p. 128, nn. 8, 9.
- (10) The Mishnah continues the account of the procedure, where it had been interrupted, 26a. This Mishnah refers not only to the Day of Atonement, but to the continual sacrifice on every morning of the year.
- (11) The Mishnaic **בַּרְקַאי** 'barkai' may be a contraction of 'barka hi', i.e. there is a shining. Or: the shining one, i.e., the morning star.
- (12) [Rashi (Men. 100a) regards these words not as reporting the view of Mathia b. Samuel, but as a historical narrative. The passage is consequently to be translated: Mathia b. Samuel (who was a Temple officer v. infra), used to say (in announcing the time in question) The whole east is alight, **תּוֹם יִשְׁנִים** a.l.]
- (13) V. Gemara. For the choice of Hebron, which is too far from Jerusalem to permit one in Jerusalem to see its towers, the Yerushalmi has a plausible suggestion, viz., that that city was mentioned for its historical importance; because of the cave of Machpelah, in which the patriarchs and matriarchs of Israel are buried.
- (14) This could not have happened on a Day of Atonement, because on that day the moon has gone down long before dawn, but on one of the last days of a month, in which the moon, to the west of the sun, rises before dawn.
- (15) When the sky is clouded the light coming from the moon may be confused with that of the sun. But it never reaches as far as the latter, hence the question of the officer whether the horizon is alight even unto Hebron. The officer may have been Mathia. V. Shek. V, 1.
- (16) Possibly a room in the Temple, V. Baneth, Pes. IX, note 49.
- (17) The account of the service on the Day of Atonement is here continued, immediately interrupted again, and

re-continued on 30a.

(18) A euphemism for: to ease oneself, to relieve nature.

(19) In the water of the holy laver. Ex. XXX, 18.

Talmud - Mas. Yoma 28b

It was taught: R. Ishmael said: The morning [star] shines. R. Akiba said the morning [star] rose.¹ Nahuma b. Afkashion said: The morning [star] is already in Hebron. Mathia b. Samuel, the officer in charge of the counts, said: The whole east even unto Hebron is alight. R. Judah b. Bathyra said: The whole east even unto Hebron is alight and all the people have gone forth, each to his work. If that were the case, it would be [too much of the day] too late! — Rather: each to hire working men.²

R. Safra said: The [afternoon] prayer of Abraham³ is due when the walls begin to grow dark.⁴ R. Joseph said: Shall we indeed learn [our laws] from Abraham?⁵ — Raba answered: A Tanna learned from Abraham and we should not learn from him! For it has been taught: And in the eighth day the flesh of his foreskin shall be circumcised,⁶ this passage teaches that the whole of the [eighth] day is proper for the circumcision, but the zealots perform their religious duty as early as possible as it is said: And Abraham rose early in the morning and saddled his ass.⁷ — Rather, said Raba, is it this that appeared difficult to R. Joseph: For we have learnt: If the eve of Passover falls on the eve of Sabbath, the paschal lamb is to be slaughtered at one half after the sixth hour,⁸ and offered up at one half after the seventh hour.⁹ — But let it be slaughtered when the walls begin to grow dark!¹⁰ — What is the difficulty? Perhaps the walls of the Sanctuary begin to grow dark half an hour after the sixth hour because they were not exactly straight.¹¹ Or [one might say]: It was different with Abraham whose heart [mind] knew great astronomical speculation.¹² Or: Because he was an elder [zaken] who had a seat at the scholar's council,¹² for R. Hama b. Hanina said: Our ancestors were never left without the scholars' council. In Egypt they had the scholars' council, as it is said: Go and gather the elders of Israel together;¹³ in the wilderness they had the scholars' council, as it is said: Gather unto Me seventy men of the elders of Israel;¹⁴ our father Abraham was an elder and a member of the scholars' council, as it is said: And Abraham was [zaken] an elder well stricken in age;¹⁵ our father Isaac was an elder and a member of the scholars' council, as it is said: And it came to pass when Isaac was an elder [zaken];¹⁶ our father Jacob was an elder and a member of the scholars' council, as it is said: Now the eyes of Israel were dim with age [zoken];¹⁷ [even] Eliezer, the servant of Abraham was an elder and a member of the scholars' council, as it is said: And Abraham said unto his servant, the elder of his house, that ruled over all he had,¹⁸ which R. Eleazar explained to mean that he ruled over [knew, controlled] the Torah of his master.¹⁹ Eliezer of Damascus': R. Eleazar said, He was so called because he drew²⁰ and gave drink to others of his master's teachings.

Rab said: Our father Abraham kept the whole Torah, as it is said: Because that Abraham hearkened to My voice [kept My charge, My commandments, My statutes, and My laws].²¹ R. Shimi b. Hiyya said to Rab: Say, perhaps, that this refers to the seven laws?²² — Surely there was also that of circumcision!²³ Then say that it refers to the seven laws and circumcision [and not to the whole Torah]? — If that were so, why does Scripture say: 'My commandments and My laws'?

Raba or R. Ashi said: Abraham, our father, kept even the law concerning the 'erub of the dishes,'²⁴ as it is said: 'My Torahs':²⁵ one being the written Torah, the other the oral Torah.²⁶

MATHIA B. SAMUEL SAID etc. . . . AND HE ANSWERED 'YES'. Who was it that said 'yes'? the man standing on the roof! Is he the dreamer and the interpreter?²⁷ Should it, then, be he who is standing on the ground, whence would he know?²⁸ — If you like say it is he who stands on the roof, and if you like say it is he who stands on the ground. If you want to say it is he who stands on the roof; he says: THE WHOLE EAST IS ALIGHT, the one standing on the ground answering: EVEN

UNTO HEBRON? whereupon the former says: 'YES'. If you like say that it is he who stands on the ground: He says: THE WHOLE EAST IS ALIGHT? whereupon the other responds: EVEN UNTO HEBRON?²⁹ and the former answers: 'YES'.³⁰

AND WHY WAS THAT CONSIDERED NECESSARY etc. But can it be confused?³¹ Has it not been taught: Rabbi says: The rising column of the moon is different from that of the sun. The light column of the moon rises straight like a stick, the light column of the sun [the dawn] irradiates in all directions? — The school of Ishmael taught: It was a cloudy day and the light was scattered in all directions.³² R. Papa said: We can infer therefrom that on a cloudy day the sun is felt all over. What is the practical difference?³³ — In the spreading³⁴ of skins, or, as Raba expounded: A woman should not knead³⁵ either in the sun or in the heat of the sun. R. Nahman said: The sultry air of the sun³⁶ is more intense than that of direct sunlight, your analogy³⁷ being: a jar of vinegar,³⁸ the dazzling sun-light³⁹ is worse than the uncovered sun, your analogy being drippings [from the roof].⁴⁰

(1) A later time.

(2) All the people have gone forth, each to his work, refers not to the workingmen who leave for work at a later hour, but to the contractors, who early in the morning hire their men for the day's work.

(3) The afternoon prayer is by tradition ascribed to Isaac, but since he learned it from his father, Abraham receives here the credit for it. Or, as Tosaf. Ber. 26b s.v. **יצחק** has it, after Isaac had instituted the prayer, Abraham fixed the time for it.

(4) Are no longer shone upon by the sun, that is after the middle of the day.

(5) For Abraham lived before the Torah was given and Israelites should follow the conduct of the prophets, who knew and practised the Torah rather than that of Abraham who, whilst living in its spirit, could not have known all the laws thereof. There are, of course, also views according to which Abraham practised the oral and the written law, v. below. v. Tosaf. Moed Katon, 20a, s.v. **מה חג**.

(6) Lev. XII, 3.

(7) Gen. XXII, 3, the reference may also be ibid. XIX, 27, v. Meg. 20a.

(8) The day was divided into twelve hours of varying duration, in winter an hour may be as short as forty minutes, in summer as long as ninety.

(9) Pes. 58a.

(10) I.e., after the beginning of the seventh hour-after midday.

(11) It was narrower above than below and thus did not cast a shadow till later in the afternoon.

(12) And could hence foretell the exact hour; V. B.B., Sonc. ed., p. 83, n. II.

(13) Ex. III, 16.

(14) Num. XI, 16.

(15) Gen. XXIV, I. E.V. 'was old'.

(16) Ibid. XXVII, 1.

(17) Ibid. XLVIII, 10.

(18) Ibid. XXIV, 2.

(19) Ibid. XV, 2. In all these cases the word zaken (elder) is interpreted in accord with Sifra, Kedoshim. III, 7: (**חכמה**) **קזן זה שקנה** a zaken is he who has acquired wisdom (through study).

(20) This is a play on **דמשק**, as if it were a compositum of **דולף** (one who draws) and **משקה**, (one who gives drink).

(21) Gen. XXVI, 5.

(22) Obligatory upon 'The sons of Noah', i.e., upon all civilized nations and individuals. They include the commandment to promote justice, and the prohibitions of idolatry, immorality, blasphemy, murder, cruelty to animals, and theft.

(23) Which Abraham observed.

(24) Lit., 'mixing of dishes'. One may not prepare food on a holy day, which falls on Friday, for the Sabbath immediately following it. But one may start on the eve of the holy day to prepare such food for the Sabbath, the cooking on the holy day being but a continuation of this weekday work. This provision is not Biblical.

(25) Taking the word Torah in its sense as the sum-total of Jewish Law.

- (26) The written Law, i.e., the Five Books of Moses; the Oral Law, which Moses received on Sinai, handing it down to Joshua, the latter handing it down to the elders, the latter to the prophets, these to the Men of the Great Synod (Aboth I, 1).
- (27) It seems strange that one man should both ask the question and answer it.
- (28) He could not observe it from where he stood.
- (29) ['Is this what you want to know'.]
- (30) ['Indeed this is just what I ask'. The mention of Hebron is to recall the memory of the patriarchs who lie buried there. T. J. Yoma III, 1. V. Rashi. Var. lec.: He (who stands on the roof) says THE WHOLE EAST IS ALIGHT AS EAR AS HEBRON, and the other (who stands on the ground) says 'YES?' i.e., 'Indeed? are you sure it is so?' V. R. Hananel and D.S. a.l.]
- (31) Can the light of the moon be confused with that of the sun?
- (32) On a cloudy day the rising column of the sun is invisible because of the heavy clouds and it is only where the clouds are somewhat scattered that it is visible, hence the confusion is possible.
- (33) That this inference is mentioned here.
- (34) To be dried.
- (35) The dough on the Passover to prepare unleavened cakes. R. Papa's maxim would make the rule more stringent.
- (36) Produced by the passage of the sun-rays through a cloudy atmosphere.
- (37) Lit., 'your sign'.
- (38) Which emits a stronger smell through a small opening than when quite open.
- (39) Coming through cracks or breaks in the clouds.
- (40) It is more agreeable to enter completely (a bath or rainy place) than to get continual drippings on one's body.

Talmud - Mas. Yoma 29a

Unchaste imagination is more injurious¹ than the sin itself, your analogy being the odour of meat.² The end of the summer is more trying than the summer itself, your analogy being a hot oven.³ A fever in winter is severer than in summer, your analogy being a cold oven.⁴ It is harder to remember well something old than to commit to memory a fresh thing, your analogy being a cement made out of old cement.⁵ R. Abbahu said: What is the reason of Rabbi's opinion?⁶ — It is written:⁷ For the Leader, upon Aijelet ha-Shahar⁸ — just as the antlers of the hind branch off this way and that way, so the light of the dawn is scattered in all directions. — R. Zera said: Why was Esther compared to a hind?⁹ To tell you that just as a hind has a narrow womb and is desirable to her mate at all times as at the first time, so was Esther precious to King Ahasuerus at all times as at the first time. R. Assi said: Why was Esther compared to the dawn?¹⁰ To tell you that just as the dawn is the end of the whole night, so is the story of Esther the end of all the miracles. But there is Hanukkah? — We refer to those included in Scripture. That will be right according to the opinion that Esther was meant to be written,¹¹ but what can be said according to him who held that it was not meant to be written? — He could bring it in accord with what R. Benjamin b. Japheth said, for R. Eleazar said in the name of R. Benjamin b. Japheth: Why is the prayer of the righteous compared to a hind? To tell you that just as with the hind, as long as it grows, its antlers form additional branches every year, so with the righteous, the longer they abide in prayer, the more will their prayer be heard.

THEY SLAUGHTERED THE CONTINUAL OFFERING: When?¹² Would you say on one of the remaining days of the year? Had it then to be offered up? Hence [you will say that it happened] on the Day of Atonement, but is there any moon-light visible then?¹³ — This is what it means: On the Day of Atonement, when the observer said: It is daylight, they would take the high priest down to the place of immersion.¹⁴ The father of R. Abin learnt:¹⁵ Not only concerning this¹⁶ was it said,¹⁷ but also concerning the pinching of a bird's head and the taking of a fistful of the meal-offering, [was it said] that if it was done during the night, it had to be burnt. That is quite right with regard to the bird designated for a burnt-offering, since the fact can no more be undone, but touching the fistful of the meal offering,

- (1) To health, physical and moral.
- (2) The odour of roast meat is more injurious to the digestive apparatus even than the eating thereof.
- (3) It is easy to kindle a fresh fire in a hot oven, the ground being dry. By the end of summer the atmosphere is very hot so that any additional hot weather makes it well nigh intolerable.
- (4) It requires a great deal of wood and effort to warm up the cold oven in the cold days of winter. Thus must a fever be very severe to afflict one on a cold day.
- (5) That has been used before. It is hard to dissolve it and re-make it.
- (6) Who says that the light column of the sun (dawn) is scattered.
- (7) Ps. XXII, 1.
- (8) Lit., 'The Hind of the Dawn. That may have been a well-known melody, according to which the psalm was to be sung, the direction being meant for the choir-leader. V. the comm. of Delitzsch, Cheyne and Koenig.
- (9) In Meg. 15b, Queen Esther is reported to have sung this psalm as she came before Ahasuerus, hence the comparison.
- (10) 'Er. 54b.
- (11) Meg. 7a. To protect the books of the Bible, they were declared unclean, so that after touching them, one had to wash one's hands. The question hence, as to whether any book defiled the hands, implies the question as to whether it was included in the Canon and has inspiration ascribed to its contents. About the Book of Esther there is a dispute in Meg. 7a, one of the Rabbis ascribing inspiration to it, whence it was to be written and included in the Canon, the other denying it inspiration, hence declaring its touch did not defile the hands. V. Yadaim III, 5.
- (12) Did this error happen, on the basis of which the high priest was taken down to the place of immersion. The questioner takes the second incident reported in the Mishnah as a sequel to the first.
- (13) At dawn.
- (14) The answer indicates that these two incidents are not to be connected. The error happened on an ordinary day. The second passage refers to the Day of Atonement and states that when the observer had said 'It is daylight', then, on a Day of Atonement, the high priest would be taken down, etc.
- (15) Men. 100a.
- (16) Not only a sacrifice that was offered up during the night (instead of in its proper time, after day-break).
- (17) That it is to be burnt.

Talmud - Mas. Yoma 29b

let him put it back and take it again when it is day? — He learnt and explained it: The vessels of ministration render what is in them sacred even outside of the proper time.¹ An objection was raised: This is the rule: Whatsoever is offered² up during the day, becomes sanctified by day and whatsoever is offered up during the night becomes sanctified both by day and by night.³ At any rate it is taught that whatsoever is offered up during the day becomes sanctified by day only, and not by night?⁴ — It may not become sanctified [enough] to be offered up, but it may become sanctified enough to be invalidated.⁵

R. Zera raised an objection: If he put in order the shewbread and the [frankincense] clip after the Sabbath and smokes the [contents of] the cups on the [following] Sabbath it is invalid.⁶ What should he do? He should leave it for the coming Sabbath, for even if it stayed for many days on the table, that does not matter. But why? It should be sanctified and invalidated?⁷ — Raba said: He who raised the objection, raised a valid one, and the father of R. Abin is also quoting a Baraita,⁸ but it is of the opinion that the night is not considered a wanting⁹ time, the day however is so considered. But when the night of Sabbath approaches, let it then become at once sanctified and invalidated?¹⁰ — Rabina said: We assume that he removed it before then. Mar Zutra, or as some say, R. Ashi said: You may set the case even if he had not removed it before [Sabbath eve], since, however, he had put it in order at variance with the regulation¹¹ it is as if a monkey had laid it there.¹²

THIS WAS THE RULE IN THE TEMPLE etc.: It is quite right that the feet must be washed because of squirts,¹³ but why must the hands be washed? — R. Abba said: This teaches us that it is

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- (1) Hence it can no more be put back. Since the vessel has sanctified it for the altar, it must not be put back among the remaining part of the meal-offering.
- (2) E.g., the meal-offerings, the incense.
- (3) The text here corrected in accord with Bah. V. Tem. 14a. [Cur. ed. inserts 'and whatsoever is offered up during the night becomes sanctified by night, and whatsoever is offered up both during the day and during the night becomes sanctified both by day and by night.' As the former can refer only to drink-offerings (V. Ta'an. 2b) which however are offered up also during the day, this passage is omitted and the text corrected accordingly.]
- (4) Which means that there is no sanctification but in the proper time.
- (5) [If it carries overnight without having been offered (V. Zeb. 87a). The fistful accordingly having been placed in the vessel of ministration at night becomes invalidated with daybreak, and can no longer be put back among the remaining part of the meal-offering.]
- (6) [Because it had not been left on the table for seven days as prescribed, v. Lev. XXIV, 5ff. Var. lec. rightly omit: it is invalid, V. Rashi.]
- (7) Through having been set on the table in its proper time.
- (8) It is not the case of all Amoraic opinion, which can be refuted by argument. It is an authoritative Tannaitic teaching and a way must be found to bring the present argument in accord with it.
- (9) The day goes after the night, hence it is part of the night, hence the fistful put into the vessel at night is regarded as having been put therein in the proper time and consequently is sanctified properly. Since, however, it is a day-offering it must be burned with the shewbread; however, where there is a whole day wanting, the bread does not become sanctified.
- (10) Since the night is not considered as 'wanting time', whereas everything that is due during the day and was placed into the sacred vessels in the preceding night, becomes sanctified and invalidated, then, when the eve of second Sabbath comes, let the table sanctify the bread and invalidate it?
- (11) When it was wanting time.
- (12) Without any intention, hence the table does not sanctify it, for we consider that since it was placed there without intention, it was technically not placed there at all, hence it becomes neither sanctified nor invalidated.
- (13) Of urine.

Talmud - Mas. Yoma 30a

the right thing to wipe off [squirtings]. This supports the view of R. Ammi who says: A man must not go out with squirtings on his feet, because he may appear as one that has his privy member cut off and he may thus cause evil talk against his children that they are bastards.¹

R. Papa said: If there be excrement in its place,² he must not read the Shema'.³ How shall we imagine this case? If to say that it is invisible, that is self-evident; if to say that it is not seen surely⁴ 'The Torah was not given to the ministering angels!' This has but reference to a situation in which it is obvious when he sits and invisible when he stands. But what is the difference between this and one who has filth on his body, for it has been stated: Where one who has filth on his body, or whose hands are in a privy,⁵ R. Huna permits the reading of the Shema' and R. Hisda forbids it?⁶ — In its place filth is most execrable, away from it, it is less so. Our Rabbis taught: This is the halachah with regard to meal-time:⁷ If a man goes forth to make water, he washes his one⁸ hand and re-enters. If he conversed with his neighbour and waited [diverting himself], he washes both his hands [again] and re-enters. When he washes his hands, he should not wash them outside and enter, because of the suspicion,⁹ but he should enter, sit at his accustomed place and wash his two hands there, then pass the pitcher¹⁰ around the guests.¹¹ — R. Hisda said: What we said refers to drinking,¹² but as to eating he may wash his hands outside and re-enter, people know that he is fastidious of taste.¹³ R. Nahman b. Isaac said: I would do the same¹⁴ before drinking as people know me to be fastidious.

MISHNAH. NO MAN EVEN IF HE WERE CLEAN COULD ENTER THE TEMPLE COURT WITHOUT HAVING IMMERSSED HIMSELF. FIVE IMMERSIONS AND TEN SANCTIFICATIONS DID THE HIGH PRIEST UNDERGO ON THAT DAY. AND ALL ON

HOLY GROUND IN THE PARWAH¹⁵ CELL WITH THE EXCEPTION OF THIS ONE¹⁶ ALONE.
— A LINEN SHEET WAS SPREAD BETWEEN HIM AND THE PEOPLE.

GEMARA. Ben Zoma was asked: What is the purpose of this immersion?¹⁷ He answered: If one¹⁸ who moves from one holy place to another and from one place [the entering of] which [in uncleanness] involves kareth¹⁹ to another place [the entering of] which [in uncleanness] involves kareth, requires immersion, how much more shall he require immersion who moves from profane ground into holy ground, and from a place [the entering of] which [in uncleanness] does not involve kareth, to a place [the entering of] which [in uncleanness] involves kareth! R. Judah said: It is only an immersion required for the sake of uniformity,²⁰ so that he may remember if there is any uncleanness on him and abstain.²¹ In what principle do they differ?

(1) Men afflicted with such blemish are incapable of reproduction, hence people, mistaking him for a man thus afflicted and hearing that he has children, will spread the rumour that they are begotten in adultery.

(2) In the anus.

(3) V. Glos.

(4) Ber. 25b.

(5) He happens to have his hands still in the space of the privy, between its door and the wall which separates it from the next room.

(6) Because the whole body ought to be attuned to prayer, as the psalmist has it: All my bones shall say: Lord, who is like unto Thee, Ps. XXXV, 10.

(7) Hands have to be washed before taking a meal.

(8) The one which may have been touched by the squirts of urine.

(9) That he failed to wash his hands outside.

(10) Which he had used for washing his hands.

(11) V. Tosef. Ber. IV.

(12) [That he does not intend eating any more, but drinking, in which case the washing of the hands a second time is but a matter of precaution in case he does partake of some bread (Rashi).]

(13) The average man is assumed to be fastidious enough not to eat without his fingers having been washed before, esp. since eating with the fingers (rather than with fork and knife) was the general custom. V.T.A. III, p. 43.

(14) And wash my hands outside.

(15) In the southern part of the Temple Court, v. Mid. V, 3.

(16) The first one (mentioned in preceding Mishnah 28a) which he performed on profane ground at the Water-Gate.

(17) For every man who wishes to enter the Temple Court.

(18) The high priest, in the course of his five services on the Day of Atonement, moved from the inner to the outer court, both being sacred and having the special restriction attached, viz., that one who entered them in uncleanness incurred divine penalty of death.

(19) V. Glos.

(20) Lit., 'an attached immersion'. There is no Biblical obligation, but a Rabbinic 'fence' to assure a consciousness of any uncleanness attaching to him who entered the Temple Court.

(21) From entering the Temple Court.

Talmud - Mas. Yoma 30b

As to whether the service is profaned.¹ According to Ben Zoma² he profanes the service, according to R. Judah he does not. But does he, in accordance with Ben Zoma's view, profane the service? Has it not been taught: If a high priest did not immerse or sanctify himself between garment and garment or between service and service, his service remains valid.³ But if either a high priest or a common priest has not washed his hands and feet in the morning and then had officiated at a service, that service is invalidated? — Rather does the dispute concern the question as to whether he transgresses a positive command or not,¹ Ben Zoma holding he transgresses a positive command, R. Judah that he does not. But does R. Judah hold this view? Has it not been taught: A leper⁴ immerses himself and

stands in the Nicanor Gate. R. Judah said: He does not need to immerse himself, for he has done so already on the evening before! This has its own reason, as it was taught: 'Because he had immersed himself on the eve before'.⁵ What does he ask who asks this?⁶ — Because he wants to raise another objection, viz., [why was it called] the cell of the lepers, because lepers immerse themselves therein.⁷ R. Judah says: Not only of the lepers did they say [this] but of every man [who enters the Temple Court]?⁸ — That is no difficulty. One statement refers to the case that he immersed himself, the other to the case that he did not. But, if he did not immerse himself, he must await the setting of the sun? — Rather: In both cases he is presumed to have immersed himself, but in the one case he is presumed to have ceased to have his mind [on the necessity of preventing defilement],⁹ in the other he is presumed to have had his mind thereon all the time. But if he ceased to have his mind on it, he would need to be sprinkled on the third and the seventh day, for R. Dosthai b. Mattun said in the name of R. Johanan: Wherever attention¹⁰ [from the need to prevent uncleanness] is diverted, sprinkling on the third and the seventh day is required?¹¹ — Rather: In both cases he is presumed not to have diverted the attention, yet there is no contradiction, for in the one case he is presumed to have immersed himself for the purpose of entering the Sanctuary, in the other he is assumed to have done so without that purpose in mind.¹² Or, if you like, say: Read not of lepers did they say [this]¹³ but of every man. Rabina said: R. Judah makes his statement only on behalf [of the view] of the Rabbis: As far as my view is concerned, no leper needs [another] immersion. But according to your opinion, admit at least that this was said not of lepers alone but of all people. And the Rabbis?¹⁴ — The leper is accustomed to [his] impurity, all others are unaccustomed to it.¹⁵

Shall we say that the Rabbis who dispute with R. Judah¹⁶ are of the opinion of Ben Zoma,¹⁷ notwithstanding which they make reference to the leper,¹⁸ to inform you of the far-reaching consequences of R. Judah's opinion; or perhaps the difference in the case of the leper lies in the fact that he is accustomed to the uncleanness?¹⁹ — He answered: It is different with the leper, because he is accustomed to his uncleanness.

Said Abaye to R. Joseph:²⁰ Would an intervening object

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- (1) By officiating without immersing first.
 - (2) Who infers it from an argument a minori which has the force of Biblical law.
 - (3) Zeb. 19b. [Since a high priest does not profane the service by failing to take the intermediary immersions, there could be no profanation of the service in the absence of the first immersion, since on the view of Ben Zoma the latter is inferred from the former.]
 - (4) On the eighth day of his affliction, although he had immersed himself on the seventh, Lev. XIV, 9: And it shall be on the seventh...he shall bathe his flesh in water, and he shall be clean. Yet, when he offers up the prescribed sacrifices on the eighth day, he shall immerse himself again.
 - (5) R. Judah holds the purpose of the immersion of those who enter the Sanctuary in the morning is just to remind them of their former uncleanness, whereas the leper, who by reason of last night's immersion got rid of his uncleanness, is not in need of another reminder, in form of a second immersion.
 - (6) I.e., why ask an apparently unnecessary question? The answer is obvious. Mielziner (Introduction p. 238) cites Frankel MGWJ 1861 for a tradition according to which all passages in the Talmud introduced by this phrase belong to the additions made by the Saboraim.
 - (7) [Before they entered the Temple Court on the eighth day in the morning; when standing at the Nicanor Gate they thrust their thumb and toe into the Temple Court, there to receive an application of the blood of the guilt-offering and of oil; v. Lev. XIV, 14ff and supra 16a and infra p. 143, n. 10.]
 - (8) 'Not only of the lepers' implies the lepers at any rate, hence he would consider a re-immersion necessary, which contradicts his earlier statement.
 - (9) By consistent guarding of his body against touch by agents of ritual uncleanness.
 - (10) For he may have entered the tent in which a corpse lay.
 - (11) For entering the Temple.
 - (12) He therefore requires a second immersion in the morning.

(13) Requiring immersion on entering the Sanctuary.

(14) How would they meet R. Judah's argument?

(15) Hence he will no more pay attention to the dangers of defilement, whereas all others, unaccustomed to uncleanness and not reconciled to it, will be anxious to avoid such risk.

(16) And hold that a leper needs re-immersion on the eighth day.

(17) Who requires no morning immersion even in the case of a leper who is accustomed to uncleanness.

(18) Although they hold with Ben Zoma that every one entering the Sanctuary is by the law of the Torah obliged to immerse himself.

(19) That of leprosy, hence is accustomed to touch things unclean, whence the assumption that even after his immersion he may have done so; but other men require no morning immersion Biblically before entering the Sanctuary.

(20) Text in accord with Maharsha.

Talmud - Mas. Yoma 31a

render this immersion¹ invalid or not? — He replied: 'Whatever the Rabbis ordained, they endowed with the authority of a law of the Torah'.²

Said Abaye to R. Joseph: Is a partial entrance of the Sanctuary considered an entrance or not? — He answered: The thumb³ and toe will prove that, for there but a partial entrance is involved, and it was taught: A leper immerses himself and stands in the Nicanor Gate! — The question was asked: What about making for himself a long knife for slaughtering?⁴ This question is asked in accord with the view of both Ben Zoma and the Rabbis who oppose R. Judah. This question is asked on the view of Ben Zoma: Perhaps Ben Zoma does not consider the immersion obligatory except in the case of one who actually enters, but not for one who stands outside; or perhaps even for the latter, because he might gradually enter. The question is also asked according to the view of the Rabbis who oppose R. Judah: Perhaps the Rabbis hold their view only there⁵ because he does not perform a service,⁶ but where he officiates at a service they would agree,⁷ or do they make no difference? — The question remains unanswered.

FIVE IMMERSIONS AND TEN SANCTIFICATIONS: Our Rabbis taught: The high priest underwent five immersions and ten sanctifications on that day, all of them on holy ground, in the Parwah Cell, with the exception of the first, which took place on profane ground, on top of the Water Gate, lying at the side of his [private] cell.⁸ Abaye said: We infer therefrom that the Etam well was [at least] twenty-three cubits above the ground of the Temple Court.⁹ For we have learnt: All the doorways there were twenty cubits in height, ten cubits in breadth, with the exception of that of the Hall¹⁰ and it was taught: And he shall bathe all his flesh in water,¹¹ I.e., in the waters of a mikweh,¹² in water which covers his whole body. What 'is its quantity? One cubit square, three cubits high, and the Sages have calculated that the required quantity for [the contents of] a mikweh is forty se'ah.¹³

(1) An immersion, to be valid, requires utterly undisturbed touch of the water on the body of the person immersing himself, any intervening object rendering the immersion invalid. This, however, in the questioner's mind applies only to such immersion as is commanded by the Torah. R. Judah, who considers it only an immersion for the sake of uniformity, might hence hold that in this case an intervening object might not be considered sufficiently disturbing to render the immersion invalid.

(2) Pes. 30b.

(3) Lev. XIV, 14: And the priest shall take the blood of the guilt-offering and... shall put it upon the thumb of his right hand, and upon the great toe of his right foot. Ibid. 17: And of the rest of the oil . . . the priest shall put . . . upon the thumb of his right hand and upon the great toe of his right foot. It is to receive of the blood and the oil that the leper stands at the Nicanor Gate and puts his hands and feet inside, v. 11 indicating that: And the priest that cleanseth him shall set the man that is to be cleansed . . . at the door of the tent of meeting.

(4) To escape the obligation of an immersion, which is due on entering. With a knife long enough he might slay the sacrificial animal from without.

- (5) In the case of an ordinary man entering the Sanctuary.
- (6) Hence they free him from the obligations of an immersion.
- (7) That such is necessary.
- (8) V. supra.
- (9) From the Etam well was the water supply for the pool on top of the Water Gate, v. Zeb. 55b.
- (10) V. supra 15a.
- (11) [The reference is to Lev. XV, 16 and the text is to be corrected accordingly. The verse in cur. edd. is from Lev. XV, 13.]
- (12) Lit., 'gathering (of water)' then the term. techn. for the pool for ritual immersion. The water therein must not be drawn, i.e., through a vessel, but must come directly from spring, river, sea or rain.
- (13) 'Er. 4b. Forty se'ah correspond roughly to two hundred and sixty-four quarts of water. [The water in the pool on top of the Water Gate had thus to rise to a height of twenty-three cubits above the level of the Temple Court twenty cubits for the height of the doorway and three cubits for the height of the pool, which would have been impossible unless the Etam well was situated on at least a corresponding height.]

Talmud - Mas. Yoma 31b

But there is also one cubit of the ceiling and one cubit of the flooring?¹ — Since the gates of the Sanctuary are made of marble these were made of a small [thickness]. But there is some [additional thickness] however small? — Since it is not even as much as a cubit, he does not count it.

A LINEN SHEET WAS SPREAD BETWEEN HIM AND THE PEOPLE. Why of linen? — As R. Kahana said [elsewhere]:² So that he may perceive that the service of the day is to be performed in garments of linen. Thus here too it is that he might perceive that the service of the day is to be performed in garments of linen.

MISHNAH. HE STRIPPED OFF [HIS GARMENTS]³ WENT DOWN AND IMMersed HIMSELF, CAME UP AND DRIED HIMSELF.⁴ THEY BROUGHT HIM THE GOLDEN⁵ GARMENTS, HE PUT THEM ON AND SANCTIFIED HIS HANDS AND FEET. THEY BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT AND SOME ONE ELSE FINISHED IT FOR HIM.⁶ HE RECEIVED THE BLOOD AND SPRINKLED IT. HE WENT INSIDE⁷ TO SMOKE THE INCENSE OF THE MORNING⁸ AND TO TRIM THE LAMPS;⁹ [AFTERWARDS] TO OFFER UP THE HEAD AND THE LIMBS AND THE PANCAKES AND THE WINE-OFFERING. THE MORNING INCENSE WAS OFFERED UP BETWEEN THE BLOOD AND THE LIMBS, THE AFTERNOON [INCENSE] BETWEEN THE LIMBS AND THE DRINK-OFFERINGS. IF THE HIGH PRIEST WAS EITHER OLD OR OF DELICATE HEALTH WARM WATER WOULD BE PREPARED FOR HIM AND Poured INTO THE COLD, TO MITIGATE ITS COLDNESS.

GEMARA. The scholars said in the presence of R. Papa:¹⁰ This [Mishnah]¹¹ is not in accord with R. Meir, for if it were in accord with him,¹² behold he said: There must be two sanctifications for the putting on of the garments, hence there ought to be here, too,¹³ two sanctifications for the putting on of the garments!¹⁴ R. Papa said unto then.: Whether on the view of the Sages or of R. Meir, one sanctification is for the stripping off of the holy garments,¹⁵ and one for the putting on¹⁵ and the reason of their dispute is [the interpretation of these words]: He shall put off, he shall bathe and he shall put on.¹⁶ R. Meir holds that Scripture compares the stripping to the putting on [of the garments], i.e., just as in the case of the putting on of the garments he first puts them on and only afterwards sanctifies himself, so also with the stripping off of the garments, he first strips off and then sanctifies himself; whereas the Rabbis hold that [Scripture] compares the stripping off to the putting on, i.e., just as with the putting on he sanctifies himself whilst dressed in the garments, so with the stripping off, he sanctifies himself whilst the garments are yet on him. Said the scholars to R. Papa: How can you say so, has it not been taught: A sheet of linen was spread between him and

the people, he stripped off [his garments], went down, immersed himself, came up and dried himself. One brought the golden garments before him, he put them on, and sanctified his hands and his feet. R. Meir said: He stripped off [his garments] and sanctified his hands and his feet, went down and immersed himself, came up and dried himself. One brought the golden garments before him, he put them on and sanctified his hands and feet!¹⁷ — He answered them: If there is such teaching, it is a teaching [to be recognized]. According to R. Meir it is right, because we thus account for the

(1) [I.e., there must have been an additional cubit for the ceiling of the doorway and one for the flooring of the pool on top?]

(2) Infra 35a.

(3) His non-holy garments.

(4) Lit., 'sponged himself'.

(5) The eight garments, which the high priest puts on for service. They are: tunic, breeches, mitre, girdle, breast-plate, ephod, robe and plate. V. Ex. XXVIII, 2ff.

(6) To enable the high priest to put the knife aside and to take hold of the holy bowl in which he receives the blood. On other days one priest would slaughter, and another receive the blood. Both functions were to be performed by the high priest on the Day of Atonement.

(7) נָכַח Lit., 'entered'. The word 'entered', however, does not fit the whole of what follows, as Baneth remarks. For whereas he entered the Sanctuary (Hekal) to smoke the incense and trim the lamps, he cannot be said to have 'entered' to offer up the head etc. which took place outside. Baneth therefore suggests with considerable justification that, as elsewhere, 'נָכַח' be translated 'prepared to', 'went on to'. But this change is unnecessary as one could translate: He went in to . . . trim the lamps, (afterwards) to offer up the head . . .

(8) Ex. XXX, 7.

(9) I.e., clean them, provide them with wick and oil, according to Maimonides, also light them.

(10) V. Rashi.

(11) [Which prescribes only one sanctification in connection with the first immersion when he changes from his non-holy garments into the garments of gold.]

(12) [Who teaches infra 34b that in connection with the second immersion, when he changes from the garments of gold into linen garments, he disrobes himself first and then sanctifies himself, in contradistinction to the Rabbis who place the sanctification before the disrobing.]

(13) [It is assumed that the reason of R. Meir for prescribing the disrobing before the sanctification is that he holds that the two sanctifications required on the change of garments are for the putting on of holy vestments. Whereas the Rabbis ascribe one for the stripping of holy garments and the other for the putting on of holy garments.]

(14) [On the other hand, in the view of the Rabbis, there would be no need for more than one sanctification, since the garments of which he strips himself at the first immersion are non-holy.]

(15) So that our Mishnah can be also in accord with R. Meir.

(16) Lev. XVI, 23, 24.

(17) [This shows that R. Meir requires two sanctifications also in connection with the first immersion.]

Talmud - Mas. Yoma 32a

ten sanctifications, but according to the Rabbis, they are only nine? — The Rabbis will answer you: The last sanctification is made when he strips off the holy garments and puts on the profane¹ ones.

Our Rabbis taught: And Aaron shall come into the tent of meeting² For what purpose does he enter? For no other purpose than that of taking out the censer and the coal-pan, the whole portion being reported in right order with the exception of this passage.³ For what reason?⁴ — R. Hisda said: There is a tradition: Five immersions and ten sanctifications did the high priest undergo on that day. If he had performed them in the order mentioned in the scriptures there could have been no more than three immersions and six sanctifications.⁵

It was taught: R. Judah said: Whence do we know of the five immersions and ten sanctifications which the high priest had to undergo on that day? To teach us that it is said: And Aaron shall come into the tent of meeting, and shall put off the linen garments . . . and he shall wash his flesh in water in a holy place and put on his other vestments and come forth and offer [his burnt-offering].⁶ Thus you infer that whenever one changes from one service to another,⁷ an immersion is required. Rabbi said: Whence do we know that the high priest had to undergo five immersions and ten sanctifications on that day? Because it is said: He shall put on the holy linen tunic, and he shall have the linen breeches upon his flesh, and shall be girded with the linen girdle, and with the linen mitre shall he be attired; they are the holy garments; and he shall bathe his flesh in water, and put them on.⁸ Hence you learn that whosoever changes from service to service requires an immersion. Moreover, it says, 'They are the holy garments', thus putting all the garments on the same level. Now there are five services;⁹ The continual offering of dawn, [performed] in the golden garments: the service of the day [the Day of Atonement], in linen garments; of his [the high priest's] and the people's ram, in the golden garments; [the taking out] of the censer and coal-pan, in white garments; the continual evening offering in the golden garments — Whence do we know that every immersion required two sanctifications? For it is written: And he shall put off . . . and he shall wash; and he shall wash and he shall put on.¹⁰ — R. Eliezer b. Simeon said: This can be inferred a *minori ad majus*: If in a case where no immersion is required,¹¹ sanctification is yet required,¹² how much more, in a place in which immersion is required,¹³ is sanctification also required — But [perhaps let us also infer] that as there only one sanctification is required, here, too, one only would be necessary? Therefore Scripture says: And Aaron shall come into the tent of meeting, and shall put off the linen garments which he put on — what is the meaning of 'which he put on'? Does not a man put off but that which he did put on? Rather [are these superfluous words written] to put the putting off on the same level with the putting on of the garments; just as the putting on of the garments requires sanctification,¹⁴ so does the putting off of the garments require it.

[The master said].¹⁵ 'R. Judah said: Whence do we know of the five immersions and ten sanctifications which the high priest had to undergo on that Day? To teach us that Scripture says: "And Aaron shall come into the tent of meeting . . . and shall wash his flesh in water in a holy place." Thus you infer that whenever one changes from one service to another, an immersion is required.' We found [this rule] for the change from the white garments to the golden ones.¹⁶ Whence do we know [that it also applies] for the change from the golden to the linen ones?

(1) At the end of the service of the Day of Atonement, as he strips off the holy garments to don profane ones.

(2) Lev. XVI, 23.

(3) *Infra* 70b.

(4) Did Aaron, have to interrupt the service, interpolating the offering up of his and the people's ram, between the incense and the bringing out of censer and coal-pan?

(5) One immersion each for the continual offering of the morning, for the service of the day, which includes censer — and coal-pan — function, and one between that and the offering up of the rams, which includes the additional, and the

continual afternoon offering. Thus there would be three immersions only as against the five traditionally reported. Hence the necessity of a change in the programme, hence the interpolation of the offering of the rams between the service within (the day's service) and the bringing out of censer and coal-pan. So that the censer — and coal-pan — function now interrupts between the offerings of the rams and the continual afternoon-offering, with the result that there are now five immersions necessary; one for the morning's continual offering, in the golden garments; one for the service of the day in white garments; one for the offering of the two rams on the outer altar in the golden garments; one for the taking out of censer and coal-pan in white garments; and the fifth for the additional, and the continual afternoon offering in the golden garments. Thus tradition and text are harmonized, the five immersions implying ten sanctifications, one each, before each putting off, and before each putting on, of the garments required for each service.

(6) Lev. XVI, 23, 24.

(7) I.e., from a service performed within the Tent of Meeting to one performed outside and vice versa.

(8) Ibid. 4.

(9) Whether on the view of Rabbi or of R. Judah.

(10) [This is the continuation of Rabbi's statement and the reference is to Lev. XVI, 23, 24. The words 'he shall wash', being placed between 'he shall put off' and 'he shall put on', are taken by Rabbi as referring both to stripping and the robing, each requiring a separate washing (sanctification), this in contradistinction to R. Judah who derives from it supra the need of all immersion between every change of service v. infra 32b.]

(11) During the rest of the days of the year (as against the Day of Atonement) the law of the Torah does not require immersion before each service, only by Rabbinic ordinance, the purpose of which is to keep the priest conscious of risks to his cleanliness, is such immersion necessary. (V. supra 30a.)

(12) V. Ex. XL, 32.

(13) On the Day of Atonement, at every change of garment.

(14) As is inferred a minori.

(15) [To be inserted with some MSS. V. D.S.]

(16) The verses in question (Lev. XVI, 23, 24) occurring in connection with the stripping of the white garments.

Talmud - Mas. Yoma 32b

The school of R. Ishmael taught: That can be inferred a minori: If the golden garments in which the high priest does not enter the Holy of Holies require immersion, how much more do the linen garments, in which he enters the Holy of Holies, require it? But this argument can be demolished: The case of the golden garments is different, because much atonement is obtained in them.¹ Rather, he infers it from what Rabbi said.²

[The Master said]³ 'Rabbi said, Whence do we know of the five immersions and the ten sanctifications which the high priest had to undergo on that day? To teach us that it is said: "He shall put on the holy linen tunic . . ." Hence you learn that whosoever changes from service to service requires an immersion.' We have found that [required for a change] from the golden,⁴ to the white garments. Whence do we know that [the same rule obtains for a change] from the white to the golden garments? The school of R. Ishmael taught: That can be inferred a minori: If the white garments, in which but little atonement is obtained, require an immersion, how much more will the golden garments, in which much atonement is obtained, require it? This argument can be demolished: The case of the white garments is different, because the high priest, dressed in them, enters the Holy of Holies? It is for this reason that he [Rabbi, in his statement] teaches: And it also says: 'They are the holy garments, and he shall bathe his flesh in water, and put them on'.⁵

'Now there are five services'. That of the continual afternoon offering [performed] in the golden garments; the service of the day in white garments; [the offering up of] his, and the people's ram in the golden garments; the [taking out of] the censer and coal-pan in white garments; and the continual offering at dusk, in the golden garments — And whence do we know that every immersion requires two sanctifications? To teach us that Scripture says: 'And he shall put off . . . and he shall wash . . . and he shall wash . . . and he shall put on'. But this [passage] refers to the immersions?⁶ — Since it

has no reference to the immersion [the requirement of] which we infer from ‘They are the holy garments,⁷ apply it to the sanctifications . Then the Divine Law should have written the term of ‘sanctification’?⁸ — [Scripture chooses that term] to let us know that immersion is even as sanctification, i.e., just as immersion must take place on holy ground, so must sanctification take place on holy ground. Whence does R. Judah⁹ infer [that] the sanctification [must take place on holy ground]? — He infers it from the teaching of R. Eleazar son of R. Simeon.

R. Hisda said: Rabbi's view excludes that of R. Meir and that of the Rabbis.¹⁰ It excludes that of the Rabbis, for according to them he sanctifies himself [first] while he is still dressed, whereas Rabbi holds that he sanctifies himself after he is stripped; and it also excludes the view of R. Meir, for R. Meir holds that the second sanctification takes place when he is [already] dressed, whereas, according to Rabbi, he sanctifies himself whilst still stripped of the garments.¹¹ R. Aha b. Jacob said: All agree that at the second sanctification he first dons [the garments] and then sanctifies himself. What is the reason? Because Scripture said: Or when they come near to the altar,¹² i.e., only he who lacks nothing but the approach,¹³ that excludes him who lacks both dressing and approach. R. Aha, the son of Raba, said to R. Ashi: R. Hisda does not agree with R. Aha, nor does R. Aha agree with R. Hisda, for else there would be fifteen sanctifications required according to Rabbi.¹⁴

ONE BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT etc. What does ‘KERAZO’¹⁵ mean? ‘Ulla said: It is a synonym for ‘slaying’ — R. Nahman b. Isaac said: What is the scriptural evidence? Egypt is a very fair heifer. But the kerez [gadfly] out of the north is come, it is come.¹⁶ What is the intimation?¹⁷ — As R. Joseph interpreted it: A fair kingdom is Egypt but murderous nations from the north will come upon it.¹⁸

How far shall he cut? — ‘Ulla said: The bigger part of both organs.¹⁹ Thus also said R. Johanan: The bigger part of the two organs. Resh Lakish also holds that he cuts through the bigger part of the two organs, for Resh Lakish said:²⁰ Since we have learned that the cutting through of the bigger part of an organ is as good as the cutting through the whole of it, why did we learn that ‘the bigger part of one organ [is required to be cut through] in case of a fowl ‘and the bigger part of the two organs [are required to be cut through] in case of an animal? Because we have learned: ONE BROUGHT HIM THE CONTINUAL OFFERING, HE MADE THE REQUIRED CUT AND SOMEONE ELSE FINISHED IT FOR HIM, HE RECEIVED THE BLOOD AND SPRINKLED IT—one might assume, if another one did not complete the killing for him, it would be invalid. — [You say that] ‘one could assume that if the other did not complete the killing for him, it would be invalid,’ then it would mean that the service is performed by someone²¹ else and we have learnt: All the services of the Day of Atonement are valid only if performed by him [the high priest]?²² — Rather: This is what he says: One might have assumed that it shall be considered invalidated by Rabbinic ordinance,²³

(1) They are used every day for services, whereas the white garments are used only for the service in the Holy of Holies on the Day of Atonement and obtain atonement for the Sanctuary and its sacred things, if defilement had occurred there; v. Shebu. 7b.

(2) From Lev. XVI, 4.

(3) [Inserted by one MS. cf. Rashi.]

(4) The verse in question occurring in connection with the changing from the gold garments into the linen ones.

(5) The additional passage adduced by Rabbi intimates that Scripture makes the fact that they are the holy garments the reason for the need of immersion, so that one shall infer that all changes of holy garments on the Day of Atonement require immersion, thus also the golden garments.

(6) Since it says ‘his flesh’.

(7) Cf. n. 1.

(8) [I.e., it should have been written ‘he shall wash his hands and feet’, R. Hananel.]

(9) Who interprets the above passage differently, who therefore lacks a source for this information.

(10) Mentioned supra p.146, n. 6.

- (11) [Rabbi holds that both sanctifications are performed whilst he is stripped, one before the immersion and the other after the immersion.]
- (12) Ex. XXX, 20.
- (13) May perform the sanctification.
- (14) According to R. Hisda, Rabbi requires two sanctifications between stripping and dressing; and according to R. Aha, Rabbi requires the sanctification after being dressed before the service, for if their views were not incompatible, Rabbi would be found to require fifteen sanctifications.
- (15) Why a change of the usual wording? 'Shehato' would have been the normal way of putting it.
- (16) Jer. XLVI, 20.
- (17) The word 'kerez' here, meaning 'gadfly', does not suggest explanation of the incision.
- (18) The question has the Hebrew text in mind, the answer the Aramaic paraphrase. Since 'kerez' is interpreted as 'murderous', 'karaz' may fitly be used for 'shahat', to kill.
- (19) The windpipe and the gullet.
- (20) Hul. 29b.
- (21) That would render the service of the other essential, hence would mean someone else's participation in the service of the Day of Atonement, which is against the law.
- (22) Infra 73a.
- (23) Making a distinction between profane slaughter, where the bigger part of an organ is on the same level as the whole organ, i.e., the cutting through of the bigger part completes the slaughtering effectively, as against sacred animals, which would have their organ (or organs) completely cut through.

Talmud - Mas. Yoma 33a

therefore we have learnt: The bigger part of an organ with a fowl, the bigger part of two organs with an animal — But since, even by Rabbinic ordinance, it would be considered not invalidated,¹ why does he [the other one] have to finish it? — It is the proper thing [a command] to finish it.²

Abaye related the order of the [daily] priestly functions in the name of tradition and in accordance with Abba Saul:³ The large pile comes before the second pile for the incense; the second pile for the incense comes before the laying in order of the two logs of wood; the laying in order of the two logs of wood precedes the removing of the ashes from the inner altar; the removing of the ashes from the inner altar precedes the trimming of the five lamps; the trimming of the five lamps precedes the blood⁴ of the continual offering; the blood of the continual offering precedes the trimming of the two lamps; the trimming of the two lamps precedes the incense; the incense precedes the limbs;⁵ the limbs come before the meal-offering; the meal-offering precedes the pancakes; the pancakes come before the drink-offerings; the drink-offerings precede the additional offerings; the additional offerings come before the [frankincense] censers, and the [frankincense] censers precede the continual afternoon-offering, as it is said: And he shall make smoke thereon the fat of the peace-offerings,⁶ i.e., herewith all the offerings are completed —⁷ The Master said: 'The great pile precedes the second pile for the incense.' Whence do we know that? Because it has been taught:⁸ This is the law of the burnt-offering: it is that which goeth up on its fire-wood upon the altar all night⁹ — this passage refers to the great pile. And the fire of the altar shall be kept burning thereby¹⁰ — this refers to the second pile for the incense.¹¹ But perhaps I should reverse it?¹² — It seems more logical that the great pile have preference because it brings more¹³ atonement — On the contrary: the second pile is of greater value, for it is introduced within [the Sanctuary].¹⁴ — Nevertheless, the one which causes more atonement is of greater value. And, if you like, say: If there be no wood found for the second pile, would one not bring it into [the Sanctuary] from the great pile?¹⁵

'The second pile for the incense precedes the laying in order of the two logs of wood.' Whence do we know that? — Because it is written: And the priest shall kindle wood¹⁶ upon it every morning,¹⁷ i.e., 'upon it',¹⁸ but not upon the other pile,¹⁹ hence we can infer that the other pile is arranged already. But the word 'upon it' has its own text meaning? — 'Upon it' is written twice.²⁰ 'The laying

in order of the two logs of wood precedes the removing of the ashes from the inner altar.’ Although touching the one it is written: ‘In the morning, in the morning’²¹ and touching the other it is also written: ‘In the morning, in the morning’²² nevertheless that which is preparatory [to the incense burning] has preference,²³ What would be preparatory [according to their reply], are the two logs of wood, but surely you said that the two logs of wood belong to the great pile!²⁴ — R. Jeremiah said: It is the laying in order of the wood.²⁵ — Rabina said:²⁶ Since he started with the laying in order [of the wood], he completes it also. R. Ashi said:²⁶ If he found no wood in the second pile, would he not bring it in from the great pile?

‘And the removal of the ashes from the inner altar precedes the trimming of the five lamps.’ Why? — Abaye said: I know it²⁷ by tradition, but I do not know the reason. Raba said: it is in accord with Resh Lakish, for Resh Lakish said: ‘One must not forego the occasion of performing a religious command’²⁸

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- (1) If the other priest did not finish the cutting of the organs.
 - (2) In order to obtain a proper supply of blood for the services of the day.
 - (3) V. supra 14b.
 - (4) Actually: the slaying of the animal and the receiving of the blood.
 - (5) Smoking of the limbs of the continual morning-offering.
 - (6) Lev. VI, 5.
 - (7) Connecting ad hoc שלמים peace-offerings’ with the root שלם meaning to be complete, thus: And he shall make smoke thereon the fat of the peace-offerings is made to mean: And he shall . . . the complete sacrifice, the conclusion of the sacrifices.
 - (8) Infra 45a.
 - (9) Lev. VI, 2.
 - (10) Ibid.
 - (11) A special pile of wood, away from the main great pile, was kindled to provide embers for the daily burning of incense on the golden altar; v. Tam. 29a.
 - (12) So that the pile for the incense should come first.
 - (13) Because every smoking, with the exception of that of the incense, smoked on the inner altar, is performed thereon.
 - (14) For incense burning.
 - (15) So that some of the great pile, too, may be introduced within the Sanctuary.
 - (16) This is taken to refer to the two logs of wood.
 - (17) Lev. VI, 5.
 - (18) I.e., the large pile.
 - (19) The second pile for incense.
 - (20) Ibid. In this very same verse, once it has its text meaning, the surplus word intimates the inference.
 - (21) Ex. XXX, 7, E. V., ‘every morning’. [With reference to the smoking of incense, which also includes the removal of the ashes from the inner altar which must precede the incense offering.]
 - (22) Lev. VI, 5.
 - (23) The embers of the wood are essential, for without them no incense can be smoked.
 - (24) And are thus not preparatory to the incense.
 - (25) Lit., ‘the name of’ is wood, and wood is essential for the incense, even though not this wood.
 - (26) The reason why the laying of the two logs precedes the removal of the ashes from the inner altar.
 - (27) That this was the order according to Abba Saul.
 - (28) Infra 58b.

Talmud - Mas. Yoma 33b

and as he [the priest] enters the Hekal [Sanctuary], he comes first upon the altar.¹ For it was taught: The table was to the north two and one half cubits away from the wall, the candlestick was to the south, two and one half cubits away from the wall, the altar stood in the exact middle, extending

somewhat outward.² But let it stand with them?³ — Since it is written: And the candlestick over against the table,⁴ it is required that they⁵ see each other. Said Raba: From what Resh Lakish said we infer that it is forbidden to forego the arm in favour of the forehead.⁶ How shall he do it? From the arm [he shall] proceed to the forehead.⁷

‘And the trimming of the five lamps is to precede the blood of the continual offering, and the blood of the continual offering is to come before the trimming of the two lamps.’ What is the reason? — Abaye said: [The phrases] ‘In the morning, in the morning’, [written] in connection with the two logs of wood,⁸ which are not necessary [there]:⁹ one¹⁰ applies to the trimming of the five lamps which shall precede the blood of the continual offering; the other applies to the blood of the continual offering which is to come before the trimming of the two lamps.¹¹ ‘One applies to the trimming of the five lamps which should precede the blood of the continual offering’, for here¹² are three¹³ [words], there only two. ‘And the other applies to the blood of the continual offering which should come before the trimming of the two lamps’, for, although in each case there are two,¹⁴ yet, that which obtains atonement¹⁵ has preference.

R. Papa said to Abaye: But say, perhaps, that one is to be applied to the removing of the ashes of the inner altar, which is to precede the blood of the continual offering, for here are three words,¹⁶ there but two; and one applies to the blood of the continual offering that should come before the trimming of the five lamps, for, although in both cases there are but two, the one that obtains atonement is to have preference? — If so, what shall he interrupt it with?¹⁷ It would be quite right according to Resh Lakish who said: The lamps were trimmed and [after interruption] trimmed again.¹⁸ in order to keep the whole Temple Court animated, but according to R. Johanan who interprets ‘In the morning, in the morning’,¹⁹ i.e., divide it into two mornings,²⁰ what could be said?²¹ Said Rabina to R. Ashi: Are the words ‘In the morning, in the morning’ in connection with the wood at all superfluous? Surely they are really necessary for their text meaning, the Divine Law saying that they should precede the second pile for the incense? He replied: Have we not explained: ‘Upon it’ but not upon the other pile, which indicated that the other must have been there already!²²

Why does he trim the five lamps first, let him trim the two lamps first! — Having started already, let him do the bigger part. Then let him trim six? — Scripture says: When he dresseth the lamps, he shall burn it,¹⁹ and ‘lamps’ is no less than two. — ‘And the trimming of the lamps is to come before the incense’, for Scripture says: ‘When he dresseth the lamps’, and afterwards [it says]. ‘He shall burn it’ [the incense].¹⁹

‘And the incense [shall precede] the limbs’ — For it was taught: Let that, in connection with which it is said ‘In the morning, in the morning’, precede that, in connection with which Scripture said only, ‘In the morning’ [once].²³

‘And the limbs [come before] the meal-offering’, for it was taught:²⁴ Whence do we know that nothing may precede²⁵ the continual offering of the dawn?

(1) Before he reaches the candlestick.

(2) Men. 99a. Eastward towards the entrance into the Hekal,

(3) Between them, i.e., in the exact middle.

(4) Ex. XXVI, 35.

(5) The candlestick and table.

(6) To reverse the order of putting on the tefillin (v. Glos.).

(7) In Deut. VI, 8 it reads: And thou shalt bind them for a sign upon thy hand, and they shall be for frontlets between thy eyes. Tosaf. s.v. **עבורי** would have Raba's remark apply to the obligation to touch the tefillin as a preventive of diversion from a prayerful mood.

(8) Lev. VI, 5, v. supra p. 156, n. 2.

- (9) For as preparatory they have preference and come every morning first; v. supra.
- (10) 'In the morning'.
- (11) On the principle that if a certain expression is superfluous in its own context it is applied for hermeneutical purposes to another (אם אינו ענין).
- (12) With reference to the trimming of the lamps.
- (13) I.e., three times 'in the morning': twice in Ex. XXX, 7, and one which we apply as above, whereas the continual offering has but once 'in the morning', Ex. XXIX, 39, to which the one applied from the two logs of wood is to be added.
- (14) Twice in Ex. XXX, 7, which apply to the two lamps equally as to the five, and twice in connection with the continual offering as explained in n. 8.
- (15) V. infra 36a.
- (16) The applied and the two in their own passage. Lev. VI, 5.
- (17) The trimming of the lamps, which according to Abba Saul had to take place before the incense-offering. Since the order would be: the blood of the continual offering, the trimming of the lamps, the incense.
- (18) First five lamps were trimmed and two after a break.
- (19) Ex. XXX, 7.
- (20) By interrupting it through the interpolation of another service in the midst of the original order.
- (21) Hence R. Papa's supposition cannot be admitted.
- (22) V. supra p. 154. nn. 13, 14.
- (23) Ex. XXIX, 39. [Although it has been stated supra that one 'in the morning' is applied to the continual offering from elsewhere, this is only as far as the blood rituals are concerned, but does not apply to the smoking of the limbs (Rashi).]
- (24) Tamid 28b.
- (25) I.e., may be burnt on the main pile of the altar.

Talmud - Mas. Yoma 34a

To teach us that it said: And he shall lay the burnt-offering in order upon it,¹ and Raba said 'the burnt-offering' [means] this is the first burnt-offering.²

'And the meal-offering [shall precede] the pancakes' — [For Scripture reads]: Burnt-offering and meal-offering.³

'And the pancakes precede the drink-offerings', they, too, are considered a species of a meal-offering.

'And the drink-offerings [come before] the additional offerings as is written: A sacrifice and drink-offerings.⁴

'And the additional sacrifices [come before] the [frankincense] censers' — But has it not been taught: The [frankincense] censers come before the additional sacrifices? — This is a matter concerning which Tannaim are disputing.⁵ Abaye said: The view that the additional offerings precede the [frankincense] censers seems more logical, for did you not say that the words 'In the morning, in the morning' imply that it is to receive preference before all, thus do the words 'on the day . . . on the day'⁶ indicate that it is to be [offered up] last [in the day]. What is the reason of him who holds that the [frankincense] censers come before the additional offerings? — He infers it from the identical expression 'statute'⁷ which occurs with the pancakes. If he infers it hence, let him do so complete?⁸ — Here [the words] 'on the day . . . on the day' come in to intimate that they [the frankincense censers] are offered up last [in the day].

THE INCENSE OF THE MORNING WAS OFFERED UP BETWEEN THE LIMBS AND THE DRINK-OFFERINGS. According to whom [is this teaching]? If according to the Rabbis,⁹ it should come between the blood and the lamps;¹⁰ if according to Abba Saul, it should come between the

lamps and the limbs?¹¹ — In truth it is in accord with the Rabbis, but he does not treat of the order here.¹²

THE INCENSE OF THE AFTERNOON WAS OFFERED UP BETWEEN THE [SMOKING OF THE] LIMBS AND THE DRINK-OFFERINGS. Whence do we know these things? — R. Johanan said: Because Scripture said: As the meal-offering of the morning, and as the drink-offering thereof, thou shalt present it,¹³ i.e., just as with the meal-offering of the morning the incense precedes the drink-offerings, so also here the incense shall come before the drink-offerings. But then, just as there the incense precedes the [smoking] of the limbs, here too the incense should come before the limbs? Is it written: ‘As the limbs of the morning’? It is written: ‘As the meal-offering of the morning’, which means: As the meal-offering of the morning, but not as the [smoking of the] limbs of the morning.

Our Rabbis taught: And the drink-offering thereof shall be the fourth part of a hin:¹⁴ let him infer [the need of a drink-offering] for the morning sacrifice from the evening sacrifice.

(1) Lev. VI, 5.

(2) Cf. Hor. 12a.

(3) Lev. XXIII, 37: These are the appointed seasons of the Lord, which ye shall proclaim to be holy convocations, to bring an offering made by fire unto the Lord, a burnt-offering, and a meal-offering, a sacrifice, and drink-offerings, each on its own day. This is the prescribed order, not to be interfered with.

(4) Ibid.

(5) Pes. 58a.

(6) Ibid. XXIV, 8: on the day of the Sabbath, on the day of the Sabbath, shall he set it in order before the Lord, continually. Just as In the morning, in the morning’ was accepted as an intimation that it shall be early in the morning, so ‘On the day, on the day’ may fitly be assumed to be an indication that it is to be offered last in the day.

(7) Concerning the pancakes, the word ‘statute’ is used in Lev. VI, 15, as in connection with the frankincense censers, ibid. XXIV, 9. Just as pancakes take precedence over additional offerings, so do the frankincense censers.

(8) That the frankincense censers should have precedence over the the drink-offerings too.

(9) [That the incense was offered between the trimming of the five lamps and the two lamps, v. supra 15a.]

(10) [I.e., before completing the trimming of the lamps.]

(11) V. supra 33a.

(12) [He was not too particular in regard to the details of the order (Rashi). On this view it could be also in accord with Abba Saul, but it is preferable to make the Mishnah in agreement with the majority of Rabbis (Rashi).]

(13) Num. XXVIII, 8.

(14) Ibid. 7.

Talmud - Mas. Yoma 34b

Rabbi said: For the evening sacrifice from the morning sacrifice!¹ It is quite right according to the Rabbis, for that is written [specifically] in connection with the continual offering of the evening,² but what is the ground of Rabbi's statement? — Rabbah b. ‘Ulla said: Scripture said: ‘For the one lamb’.³ Now which is the lamb in connection with which the word ehad [one] is used? Say: It is the lamb of the continual offering of the morning.⁴ And what do the Rabbis [reply]? — ‘Ehad’, i.e., the unique, the best of the flock. And [what is] Rabbi's [answer]? — He infers that⁵ from: And all your choice vows.⁶ And the Rabbis? — One speaks of freewill-[offerings], the other of obligatory [offerings] and both need special mention.⁷

IF THE HIGH PRIEST WAS OLD OR OF DELICATE HEALTH etc. It was taught: R. Judah said: Lumps of wrought iron were heated on the eve of the Day of Atonement and were cast into the cold water to mitigate the coldness. But was [one] not thereby hardening them?⁸ — R. Bibi said: [The heat] did not reach the hardening point. Abaye said: Even assume it did reach the hardening

point, [a forbidden] act⁹ which was produced without intent, is permitted. But did Abaye say that? Has it not been taught:¹⁰ The flesh of his foreskin¹¹ — even though a white spot¹² is there may he cut it off,¹³ these are the words of R. Josiah. And we asked investigatively concerning it: Why is a Scriptural statement necessary for that,¹⁴ and Abaye said: This was in accord with R. Judah who said: A forbidden act produced without intent, remains forbidden!¹⁵ That applies only to forbidden things in the whole Torah,¹⁶ but here¹⁷ hardening is [forbidden] only by Rabbinic ordination. MISHNAH. THEY BROUGHT HIM TO THE PARVAH CELL-WHICH WAS ON HOLY GROUND.¹⁸ THEY SPREAD A SHEET OF BYSSUS [LINEN] BETWEEN HIM AND THE PEOPLE. HE SANCTIFIED HIS HANDS AND HIS FEET AND STRIPPED. R. MEIR SAID: HE STRIPPED, SANCTIFIED HIS HANDS AND HIS FEET. HE WENT DOWN AND IMMERSSED HIMSELF, CAME UP AND DRIED HIMSELF. AFTERWARDS THEY BROUGHT HIM WHITE GARMENTS.¹⁹ HE PUT THEM ON AND SANCTIFIED HIS HANDS AND HIS FEET. IN THE MORNING HE PUT ON PELUSIUM LINEN WORTH TWELVE MINAS,²⁰ IN THE AFTERNOON INDIAN LINEN WORTH EIGHT HUNDRED ZUZ. THESE ARE THE WORDS OF R. MEIR. THE SAGES SAY: IN THE MORNING HE PUT ON [GARMENTS] WORTH EIGHTEEN MINAS AND IN THE AFTERNOON [GARMENTS] WORTH TWELVE MINAS, ALTOGETHER THIRTY MINAS.²¹ ALL THAT AT THE CHARGE OF THE COMMUNITY²² AND IF HE WANTED TO SPEND MORE OF HIS OWN HE COULD DO SO.

(1) Just as the one requires drink-offering, so does the other. The practical difference: The case of a community who had enough for only one drink-offering. According to the opinion that one must infer the regulation for the afternoon-offering from the morning-offering, the latter is more important and the drink-offering would have to be allotted to the morning-offering. (Tosaf. s.v. **בְּרִי**.) The basis of the discussion: To which of the two continual offerings does the phrase ‘for the one lamb’ (Num. XXVIII, 7) refer? The Sages hold it refers to the last named, the afternoon-offering, whereas Rabbi holds that it recalls the morning-offering, where the same phrase (‘one’) is used (verse 4).

(2) The last named of the two.

(3) Num. XXVIII, 7.

(4) V. Ibid. 4.

(5) That particular meaning of ‘ehad’, as applied to the continual offering.

(6) Deut. XII, 11.

(7) As arguments may be advanced in favour of each requiring to be of the best, to the exclusion of the other.

(8) Which is forbidden on any holy day, how much more on the solemn Day of Atonement.

(9) Shab. 41b.

(10) Shab. 133a.

(11) Lev. XII, 3.

(12) Of leprosy, which normally must not be removed by surgery.

(13) The word ‘flesh’ here is superfluous, hence we infer therefrom that no matter how the flesh be (even leprosy) he may circumcise it.

(14) Since it was a forbidden act produced without intent, it seems self-evident that it would be permitted. Why, then, was the Scriptural intimation necessary?

(15) Abaye, who held that this intimation supported the view of R. Judah, evidently agrees with him.

(16) By the Torah proper, the Five Books of Moses, as against the Torah in general, the sum total of the Jewish law and tradition. Prohibitions of the Torah are more serious, hence even unintended transgression remains forbidden.

(17) The prohibition dealt with here.

(18) The first immersion, on top of the Water Gate, took place on profane ground; this, however, had to be performed on holy ground, as part of the service of the Day of Atonement.

(19) The four garments prescribed for the special service of the Day of Atonement: the tunic, the breeches, the girdle and the mitre, Lev. XVI, 4.

(20) One mina is worth about £ 3.

(21) As long as one spends more for the morning garments than for the evening garments, there is no regulation to enforce the exact sum mentioned in the Mishnah. V. infra. The evening garment was put on by the high priest for the

sole purpose of removing spoon and coal-pan from the Holy of Holies, whereas the rest of the special service of the Day of Atonement was performed by him in the morning garment, hence it has to be the better of the two.

(22) Var. lec.: So much he received from the Temple treasury. V. Bah.

Talmud - Mas. Yoma 35a

GEMARA. What does 'Parwah' mean? — R. Joseph said: Parwah is [the name of] a [Persian] Magus.¹

THEY SPREAD A SHEET OF BYSSUS [LINEN] BETWEEN HIM AND THE PEOPLE. Why was it of Byssus [linen]? R. Kahana said: That he may perceive that the service of the day was [to be performed] in garments of Byssus [linen].

IN THE MORNING HE PUT ON PELUSIUM LINEN WORTH EIGHTEEN MINAS: Does the Tanna wish to teach us summing up?² — This is what he teaches us: One should spend neither more nor less than the sum total, but it does not matter whether one spends less for the one or more for the other. Now everybody, at any rate, agrees that the garments for the morning are more important, whence do we know that? — R. Huna, the son of R. Elai said: Scripture said: Linen . . . linen . . . linen . . . linen,³ i.e., the choicest linen.

(1) Rabbenu Hananel reported that according to some scholars, Parwah had dug a cave under the ground of the Sanctuary, so that he might be able to watch the high priest at the service of the Day of Atonement. The Sages, noticing the digging, sought and found the cave, and hence called the cell after him.

(2) The summing up seems superfluous, it is too simple to warrant the statement by the Tanna.

(3) Lev. XVI, 4, in connection with the putting on of the garments in the morning. Four times, as if to indicate the best of all possible linen.

Talmud - Mas. Yoma 35b

An objection was raised: And they shall put on other garments and they shall not sanctify the people with their garments.¹ Would you not say that 'other' implies better garments? — No, 'other' implies inferior ones.

R. Huna b. Judah, or, as some say, R. Samuel b. Judah learnt: After the community service is over, a priest for whom his mother made a tunic, may put it on and perform therein private service,² provided he hands it over to the community. Is that not self-evident?³ You might have said: Let us fear he may not hand it over properly,⁴ therefore he teaches us that we have no such fear.

They told about R. Ishmael b. Phabi⁵ that his mother made him a tunic worth one hundred minas which he put on to officiate at a 'private' service and then handed it over to the community. They told about R. Eleazar b. Harsom⁶ that his mother made him a tunic worth twenty thousand minas and his brethren, the priests, would not suffer him to put it on because he looked like one naked. But how could it be transparent, did not a Master say the thread [of the priestly garments] was six times twisted? — Abaye said: [It was visible] even as wine shines through a [glass] cup.⁷

Our Rabbis taught: The poor, the rich, the sensual⁸ come before the [heavenly] court — They say to the poor: Why have you not occupied yourself with the Torah? If he says: I was poor and worried about my sustenance, they would say to him: Were you poorer than Hillel? It was reported about Hillel the Elder that every day he used to work and earn one tropaik,⁹ half of which he would give to the guard at the House of Learning, the other half being spent for his food and for that of his family. One day he found nothing to earn and the guard at the House of Learning would not permit him to enter. He climbed up and sat upon the window,¹⁰ to hear the words of the living God from the mouth

of Shemayah and Abtalion — They say, that day was the eve of Sabbath in the winter solstice and snow fell down upon him from heaven. When the dawn rose,¹¹ Shemayah said to Abtalion: Brother Abtalion, on every day this house is light and to-day it is dark, is it perhaps a cloudy day. They looked up and saw the figure of a man in the window. They went up and found him covered by three cubits of snow. They removed him, bathed and anointed him and placed him opposite the fire and they said: This man deserves that the Sabbath be profaned on his behalf.

To the rich man they said: Why have you not occupied yourself with the Torah? If he said: I was rich and occupied with my possessions, they would say to him: Were you perchance richer than R. Eleazar? It was reported about R. Eleazar b. Harsom that his father left him a thousand cities on the continent and over against that one thousand boats on the sea. Every day he would take a sack of flour on his shoulder and go from city to city and from province to province to study the Torah. One day his servants found him¹² and seized him for public service. He said to them: I beg of you, let me go to study the Torah. They said: By the life of R. Eleazar b. Harsom, we shall not let you go. [He gave them much money so that they let him go].¹³ He had never seen them, for he was sitting all day and night, occupying himself with the Torah. To the sensual person they would say: Why have you not occupied yourself with the Torah? If he said: I was beautiful and upset by sensual passion, they would say to him: Were you perchance more beautiful than Joseph? It was told of Joseph the virtuous that the wife of Potiphar every day endeavoured to entice him with words — The garments she put on for him in the morning, she did not wear in the evening, those she had put on in the evening, she did not wear in the morning. She said to him: Yield to me! He said: No. She said: I shall have you imprisoned. He said: The Lord releases the bound.¹⁴ She said: I shall bend thy proud stature.¹⁵ He replied: The Lord raises those who are bowed down.¹⁶ She said: I shall blind your eyes. He replied: The Lord opens the eyes of the blind.¹⁶ She offered him a thousand talents of silver to make him yield to her, to lie with her, to be near her,¹⁷ but he would not listen to her; not to 'lie with her' in this world, not 'to be with her' in the world to come. — Thus [the example of] Hillel condemns the poor, [the example of] R. Eleazar b. Harsom condemns the rich, and Joseph the virtuous condemns the sensual.

MISHNAH. HE CAME TO HIS¹⁸ BULLOCK AND HIS BULLOCK WAS STANDING BETWEEN THE HALL¹⁹ AND THE ALTAR,²⁰ ITS HEAD TO THE SOUTH AND ITS FACE TO THE WEST.²¹ AND THE PRIEST STOOD IN THE EAST WITH HIS FACE TO THE WEST.²² AND HE PRESSED BOTH HIS HANDS UPON IT²³ AND MADE Confession. AND THUS HE WOULD SAY: O LORD!²⁴ I HAVE DONE WRONG, I HAVE TRANSGRESSED, I HAVE SINNED BEFORE THEE, I AND MY HOUSE. O LORD! FORGIVE THE WRONGDOINGS, THE TRANSGRESSIONS, THE SINS WHICH I HAVE COMMITTED AND TRANSGRESSED AND SINNED BEFORE THEE, I AND MY HOUSE, AS IT IS WRITTEN IN THE TORAH OF MOSES THY SERVANT: FOR ON THIS DAY SHALL ATONEMENT BE MADE FOR YOU [TO CLEANSE YOU; FROM ALL YOUR SINS SHALL YE BE CLEAN BEFORE THE LORD].²⁵ AND THEY²⁶ ANSWERED AFTER HIM: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER!

(1) Ezek. XLIV, 19. [The prohibition of the use of woolen garments in verse 17 shows that the reference is to the Day of Atonement, as on other days some of the priestly garments were made of wool; further, the words 'and they shall put on other garments' are taken as applying to their return in the afternoon into the inner court after they had gone forth into the outer court to put off their garments with which they ministered in the morning, and the words 'they shall not sanctify the people with their garments' are taken as a separate command forbidding the use by the priests of the garments of ministry when not in actual service (Rashi).]

(2) The removal of the spoon and coal-pan, which may be done even when the community is absent, hence is called 'individual or private service.

(3) That he may perform therein a 'private' service once he hands it over to the community.

(4) I.e., without reservation.

- (5) V. supra p. 37, n. 5.
- (6) V. supra p. 37, n. 5.
- (7) Be it ever so thick. Thus was the flax of his garments transparent and his body visible.
- (8) Lit., 'wicked'.
- (9) Corresponding to ** (Victoriatu) — Quinariu, half a denar, Jast.
- (10) An aperture in the roof looking down to the ground floor.
- (11) Lit., 'the pillar of the morning'.
- (12) Not knowing who he was.
- (13) This is a marginal addition.
- (14) Ps. CXLVI, 7.
- (15) I.e., humiliate you with a slave's labour.
- (16) Ibid. 8.
- (17) Gen. XXXIX, 10.
- (18) Two bullocks were offered up on that day, one from community funds at the additional sacrifice (Num. XXIX, 8), the other from the high priest's means; the latter, here dealt with, is therefore called 'his' bullock.
- (19) The Ulam leading to the interior of the Temple connecting the Hekal with the Temple court.
- (20) The outer altar in the Temple court.
- (21) The priest turned its head in the direction of the Hekal, so that the horns, between which the priest pressed his hands on its head, faced the Hekal, v. Gemara.
- (22) The priest thus stood at the side of his bullock, his back to the altar, his face towards the Holy of Holies.
- (23) I.e., upon its head, between the horns.
- (24) Lit., 'O, the Name'.
- (25) Lev. XVI, 30.
- (26) The priests and the people who stood in the Temple court and who, on hearing him pronounce the ineffable Name of God, prostrated themselves.

Talmud - Mas. Yoma 36a

GEMARA. Whom did you hear saying that the place between Hall and altar was [considered] north?¹ R. Eleazar son of R. Simeon, for it was taught: What is [considered] north? From the northern wall of the altar up to the [northern] wall of the Temple court and opposite the whole altar on the north,² this is the opinion of R. Jose son of R. Judah. R. Eleazar son of R. Simeon adds also the space between the Hall and the altar.³ Rabbi adds also the space for the treading of the priests and the place for the treading of the Israelites within,⁴ and all agree that from the inside of the knives' cell⁵ it was illegitimate.⁶ Shall we [then] say that the Mishnah is in accord with R. Eleazar son of R. Simeon, but not with Rabbi? — You can even say that it is in accord with Rabbi, for if he adds even⁷ to what R. Jose son of R. Judah says, will he not add to [the space defined by] R. Eleazar b. R. Simeon!⁸ This is what we mean: If it were in accord with Rabbi, it⁹ could be placed anywhere in the whole Temple court! What, then [would you maintain] that [the Mishnah] is in accord with R. Eleazar b. R. Simeon! But then it ought to be placed anywhere between altar and wall?¹⁰ You must consequently say that the reason¹¹ is to avoid the high priest getting tired;¹² thus also, on the view of Rabbi, the reason¹¹ is to avoid the high priest getting tired.

ITS HEAD TO THE SOUTH, AND ITS FACE TO THE WEST. How is that possible?— Rab answered: The priest turns its head — But let him place it straight?¹³ — Abaye said: We are afraid it might drop excrements. Our Rabbis taught:¹⁴ How does one press [the hands on the head of the sacrifice]?¹⁵ The sacrifice stands to the north,¹⁶ with its face to the west, and he who presses¹⁷ [the hands] stands to the east, with his face to the west, and lays his two hands between the two horns of the sacrifice, that nothing may intervene between him and the sacrifice¹⁸ — and he makes confession. With a sin-offering [he makes confession] of the sin [committed]; with a guilt-offering, of the guilt incurred; with a burnt-offering, of the transgressions in connection with gleanings,¹⁹ the forgotten sheaf,²⁰ the corner of the field,¹⁹ and the poor tithe²¹ — these are the words of R. Jose the

Galilean. R. Akiba said: A burnt-offering is offered up exclusively for transgression of a positive command or of a prohibition transformed into a command.²² In what do they differ? R. Jeremiah said:

(1) [For the purposes of slaughtering the sacrifice of the high priest, which, as belonging to the highest grade of sanctity had to be slaughtered on the north side. Such must be the view of the Mishnah which states that the bullock was placed between the Hall and the altar for confession as well as for slaughtering purposes, v. infra 41b: 'At the place where the confession was made there it was slaughtered'.]

(2) Only the thirty-two cubits to the north and facing the altar are considered part of the north, where the slaughtering of sacrifices of the highest grade of sanctity is legitimate, but not the space east and west of the altar, although lying to the north of the Temple court, for the biblical command states: And he shall kill it on the side of the altar northward before the Lord. (Lev. I, 11), for though these parts are to the north of the Temple court, they are not to the north of the altar.

(3) [He includes the space on the north side of the Temple court extending westwards, although not exactly facing the northern wall of the altar.]

(4) Eleven cubits each. He includes the whole north of the Temple court, even to the eastern wall.

(5) V. Mid. IV, 7, to the north and south of the Temple court. This cell, fifteen cubits to the north, fifteen to the south, ten from east to west, had twenty-four apertures where the twenty-four divisions of priests kept their knives.

(6) From the knives' cell within it was impossible to see the wall altar, hence it was forbidden to slaughter it there, Zeb. 20a.

(7) Surely when he declares that space which, is further away is legitimate he will not declare forbidden that which is nearer!

(8) [The text is difficult. MS. M. omits 'You can even say it is in accord with Rabbi'.]

(9) The high priest's bullock.

(10) On the north of the Temple court.

(11) For placing it between the Hall and the altar.

(12) To prevent his becoming over-tired by carrying the bowl with the blood a long distance.

(13) With its back to the altar and its face to the Hekal.

(14) Tosef. Men. X, 12.

(15) Of the highest grade of sanctity.

(16) The side on which it is to be slain.

(17) The owner of the sacrifice.

(18) Men. 93b, the text in the Tosef. differs somewhat.

(19) Lev. XIX, 9: Neither shalt thou gather the gleanings of thy harvest.

(20) Deut. XXIV, 19.

(21) Ibid. XXVI, 12.

(22) I.e., a prohibition the transgression of which must be repaired by a succeeding act, as e.g., Ex. XII, 10: You shall let nothing of it remain until the morning (prohibition); But that which remaineth... you shall burn in fire (remedial action).

Talmud - Mas. Yoma 36b

They differ concerning the prohibition of carrion,¹ R. Akiba holding it to be a proper prohibition,² whilst R. Jose the Galilean does not consider it a proper prohibition.³ Abaye said: Everybody agrees that the prohibition of carrion is a proper prohibition, what they differ in is the laws touching 'Thou shalt leave',⁴ R. Akiba holding 'Thou shalt leave' means from the very beginning,⁵ whilst R. Jose the Galilean holds it means 'now'.⁶ Our Rabbis taught:⁷ How does he make confession: I have done wrong, I have transgressed I have sinned — Similarly, in connection with the he-goat to be sent away Scripture says: And he shall confess over him all the iniquities of the children of Israel, and all their transgressions even in their sins.⁸ Similarly, with Moses, it says: Forgiving iniquity and transgression and sin⁹ — these are the words of R. Meir. The Sages, however, say: 'Wrongs' are deliberate misdeeds, thus also does Scripture say: That soul shall be utterly cut off, his wrong shall be upon him,¹⁰ 'transgressions' are rebellious deeds, as it is said: The King of Moab hath transgressed against me;¹¹ furthermore: Then did Libnah transgress at the same time; 'sins'¹² are

inadvertent omissions, as it is said: If any one shall sin through error.¹³ — Should he then, after having confessed the deliberate misdeeds and the rebellious deeds, turn back and confess inadvertent omissions?¹⁴ Rather, thus did he make confession: I have sinned, I have done wrong, I have transgressed before Thee, I and my house etc. Thus also does Scripture say in connection with David: We have sinned with our fathers, we have done wrong, we have dealt wickedly.¹⁵ Thus also with Solomon: We have sinned, and have done wrong, we have dealt wickedly.¹⁶ Thus also with Daniel: We have sinned, and have dealt wrong, and have done wickedly.¹⁷ — What is the meaning, then, of Moses' saying: 'Forgiving iniquity and transgression and sin'?¹⁸ Moses said before the Holy One, blessed be He: Lord of the Universe, when Israel sin before Thee and then do penance, account their premeditated sins as errors! Rabbah b. Samuel said in the name of Rab: The halachah is in accord with the Sages. But [that is] self-evident, for 'Where the opinion of one individual is opposed to the opinion of a majority, the law follows the majority'?¹⁹ — You might have said: The reason of R. Meir appears more logical because the scriptural verse of Moses²⁰ supports it, therefore we are taught [as above].

Once a man went down²¹ before Rabbah and arranged his prayer in accord with R. Meir's view. He said to him: Do you forsake the Sages and act like R. Meir? — He answered: I hold as R. Meir, for thus it is written in the Torah of Moses.

Our Rabbis taught:²² And shall make atonement²³ — Scripture speaks of atonement through words.²⁴ You say it refers to atonement through words. But perhaps it refers to atonement [obtained] through [sacrificial] blood? I infer it thus: Here 'atonement is mentioned and there²⁵ 'atonement' is mentioned — Just as the atonement mentioned in connection with the he-goat is one through words, so the atonement mentioned with the bullock is one obtained through words. And if you wish to argue against it, then [learn from]: And Aaron shall present the bullock for the sin-offering, which is for himself and shall make atonement for himself and for his house,²³ yet the bullock has not been slaughtered!²⁶ What does 'And if you wish to argue against it' imply? — This: And if you would say: Let us infer from the he-goat prepared within the Temple, the atonement of which is obtained through blood, behold [against that argument] Scripture says: 'And he shall make atonement', and the bullock has not been slaughtered yet!

(1) Carrion-an animal that has died a natural death; also whatever has become unfit through faulty slaughtering.

(2) [For which lashes are inflicted, and for which a burnt-offering does not atone.]

(3) Because once one has eaten the carrion, it is no more possible to sell it to the stranger or give it to the sojourner as prescribed in Deut. XIV, 21, R. Akiba holding it a proper prohibition, for the transgression of which one would be punished with the prescribed thirty-nine lashes, the fact that one cannot repair the transgression notwithstanding. According to R. Jose no such punishment would here be inflicted, hence it is not a proper prohibition.

(4) Thou shalt not glean thy vineyard, neither gather the fallen fruit of thy vineyard. Thou shalt leave them for the poor and for the stranger. (Lev. XIX, 9.)

(5) V. next note.

(6) Here is another instance of a prohibition transformed into a command: Thou shalt not glean . . . thou shalt leave them. R. Akiba holds the positive commandment is enjoined from the very first, that is, thus: do not glean but leave; hence it is not a prohibition transformed into a command, but a command from the beginning; whilst R. Jose assumes that it is a de facto command: Don't glean, but having gleaned, undo your transgression by leaving it etc.

(7) Tosef. Yoma, II, 1.

(8) Lev. XVI, 21.

(9) Ex. XXXIV, 7.

(10) Num. XV, 31.

(11) II Kings III, 7.

(12) Ibid. VIII, 22.

(13) Lev. IV, 2.

(14) It is illogical to ask forgiveness for the gravest offences first and then for the lighter ones.

- (15) Ps. CVI, 6.
 (16) I Kings VIII, 47.
 (17) Dan. IX, 5. In all these cases the logical order is maintained, forgiveness being asked, first, for the sins due to inadvertence, then for those deliberate misdeeds, at last for rebellious acts.
 (18) Where the order appears reversed.
 (19) Ber. 9".
 (20) Which agrees, as to the order, with R. Meir.
 (21) To the prayer desk.
 (22) Meg. 20b.
 (23) Lev. XVI, 11.
 (24) I.e., confession.
 (25) In connection with the he-goat that is sent away. Lev. XVI, 10.
 (26) How then is atonement possible? It can be obtained through confession.

Talmud - Mas. Yoma 37a

— Whence do we know that [the confession] starts with ‘O’? — Here the expression ‘atonement’ is used and there, in connection with Mount Horeb,¹ the expression ‘atonement’ is used, [hence the inference that] just as it started there with ‘O’² so must it start here with ‘O’ Whence do we know that the Name³ is to be pronounced here?—Here the word ‘atonement’ is used and in connection with the heifer whose neck is to be broken⁴ the word ‘atonement’ is used, [hence the inference that] just as there the Name is pronounced, so is it to be pronounced here. Abaye said: It is quite right that we cannot make inference for Horeb from the heifer whose neck is to be broken,⁵ because that is a past affair, but why should one not infer for the heifer whose neck is to be broken from what happened at [Mount] Horeb?⁶ — And if you will say ‘indeed so’, but have we not learned:⁷ ‘The priests say: Forgive Thy people Israel’,⁸ but they mention nothing about ‘O!’- This is a difficulty.

AND THEY ANSWERED AFTER HIM: It was taught: Rabbi said, [commenting on]: For I will proclaim the name of the Lord; Ascribe ye greatness unto our God:⁹ Moses said to Israel: When I mention the name of the Holy One, blessed be He, ascribe greatness [unto Him]; Hananyah, the son of the brother of R. Joshua said [commenting on]: The memory of the righteous shall be for a blessing:¹⁰ The prophet said to Israel: When I make reference to the Righteous One of all the Worlds, say a blessing!

MISHNAH. HE THEN WENT BACK TO THE EAST OF THE TEMPLE COURT, TO THE NORTH OF THE ALTAR, THE DEPUTY HIGH PRIEST¹¹ AT HIS RIGHT AND THE HEAD OF THE FAMILY¹² [MINISTERING THAT WEEK] AT HIS LEFT. THERE WERE TWO HE-GOATS¹³ AND AN URN¹⁴ CONTAINING TWO LOTS. THEY WERE OF BOX-WOOD. BEN GAMALA MADE THEM OF GOLD AND THEREFORE HE WAS PRAISED. BEN KATIN MADE TWELVE SPIGOTS FOR THE LAVER,¹⁵ FOR THERE HAD BEEN BEFORE BUT TWO. HE ALSO MADE A MACHINE FOR THE LAVER, IN ORDER THAT ITS WATER SHOULD NOT BECOME UNFIT BY REMAINING OVERNIGHT.¹⁶ KING MONOBAZ¹⁷ HAD ALL THE HANDLES OF ALL THE VESSELS USED ON THE DAY OF ATONEMENT MADE OF GOLD. HIS MOTHER HELENA¹⁸ HAD A GOLDEN CANDLESTICK MADE OVER THE DOOR OF THE HEKAL. SHE ALSO HAD A GOLDEN TABLET MADE, ON WHICH THE PORTION TOUCHING THE SUSPECTED ADULTERESS¹⁹ WAS INSCRIBED. NICANOR²⁰ EXPERIENCED MIRACLES WITH HIS GATES AND HIS MONEY WAS PRAISED.

GEMARA. Since [the Mishnah] reads: TO THE NORTH OF THE ALTAR, one infers that the altar was not standing in the north.²¹ Whose opinion represents our Mishnah? The opinion of R. Eliezer b. Jacob, for it was taught: Northward before the Lord,²² i.e., the north must be fully unoccupied — this is the opinion of R. Eliezer b. Jacob.²³ But the first part of the Mishnah is in

accord with R. Eleazar son of R. Simeon? — The whole of the Mishnah is in accord with R. Eliezer b. Jacob,²⁴ but read there: In the space between Hall and altar.

THE DEPUTY HIGH PRIEST AT HIS RIGHT AND THE HEAD OF THE FAMILY AT HIS LEFT: Rab Judah said:²⁵ One who walks at his master's right hand is a boor. [But] we have learnt: THE DEPUTY HIGH PRIEST AT HIS RIGHT AND THE HEAD OF THE [MINISTERING] FAMILY AT HIS LEFT; and furthermore, it was taught:²⁶ Of three walking along, the teacher should walk in the middle, the greater of his disciples to his right, the smaller one at his left, and thus do we find that of the three angels who came to visit Abraham, Michael went in the middle, Gabriel at his right,²⁷ Raphael at his left? — R. Samuel b. Papa interpreted [the first saying] before R. Adda: [It is wrong only, if] he [the teacher] be hidden by him — But has it not been taught: One who walks in front of his teacher is a boor, one who walks behind him is arrogant? — [It is assumed here] that he turns sideways.

AND THERE WAS A CASKET WHEREIN THERE WERE TWO LOTS: Our Rabbis taught: [with reference to] And Aaron shall cast lots upon the two goats²⁸ — ‘lots’, i.e., made of any material. One might have assumed that he should cast two lots on the head of each,²⁹ therefore [Scripture repeats]: One lot for the Lord and the other lot for Azazel,²⁸ i.e., there is but one lot ‘for the Lord’, and there is but one lot ‘for Azazel’ — One might have assumed that he shall give upon the head of each²⁹ a lot each ‘for the Lord’ and ‘for Azazel’, therefore Scripture says: ‘One lot for the Lord’, i.e., there is but one lot ‘for the Lord’ and but one lot ‘for Azazel’ — Why then does Scripture say: [he shall cast] ‘lots’? [That means to say] that they must be alike: he must not make one of gold and the other of silver, one large, the other small; ‘lots’ [means they may be made] of any material. But that is self-evident? — No, it is necessary [to state that], as it was taught: Since we find that the [high priest's] front-plate had the name of the Lord inscribed thereon and was made of gold, I might have assumed that this too must be made of gold, hence it says [twice] ‘lot’ . . . ‘lot’, to include [permission to make it of] olive-wood, nut-wood or box-wood.³⁰ BEN KATIN MADE TWELVE SPIGOTS FOR THE LAVER: A Tanna taught: In order that his twelve brethren, the priests, who were occupied with the continual offering, may be able to sanctify their hands and feet simultaneously.³¹

A Tanna taught:³² In the morning, when the laver was full, he sanctified his hands and feet from the upper spigot; in the evening, when [the water] was low, he sanctified his hands and feet from the lower spigot.

HE ALSO MADE A MACHINE FOR THE LAVER: What machine was that? — Abaye said: A wheel which let it go down [to the pit].

KING MONOBAZ MADE ALL THE HANDLES FOR THE VESSELS etc.: He should have made [the vessels] them[selves] of gold?

(1) Ex. XXXII, 30. The similarity of expression indicates some similarity of procedure, hence the inference is legitimate. Thus also below.

(2) Ibid. v. 31.

(3) The ineffable name of God. ‘**י**’ may be ‘B essentiae’.

(4) Deut. XXI, 8.

(5) To pronounce the Name also here.

(6) To start with ‘O’.

(7) Sot. 47b.

(8) Deut. XXI, 8.

(9) Deut. XXXII, 3.

(10) Prov. X, 7.

- (11) Segan. V. Glos.
 (12) Beth Ab. V. Glos.
 (13) Lev. XVI, 5,7.
 (14) The Greek **.
 (15) The priests washed (sanctified) their hands and feet with the water of that laver, before entering the Sanctuary or preparing a service. They turned the spigots and the water came over their hands and feet.
 (16) The sacred vessels sanctify everything that comes in contact with them (Zeb. 86a), and whatever has thus been sanctified becomes invalid by remaining overnight. Ben Katin's machine (***) connected the laver with the well, thus retaining for it the undisturbable freshness of the well, hence, when drawn up in the morning, by means of the wheel, it remained valid for sacred use. The heavy laver, until then, had to be filled every morning afresh, after being emptied of last night's water — a laborious, time-wasting effort.
 (17) He was king of Adiabene in the last years before the destruction of the second Temple.
 (18) She was queen of Adiabene.
 (19) Num. V, 11-31. V. Git. 60a.
 (20) V. Tosef. II, 4, and with slight modifications, the account infra 38a.
 (21) [I.e., that no part of the altar extended to the north half of the Temple court, so that on retracing his steps from the Temple proper to the Temple court, and reaching the altar, he was on the north of it.]
 (22) Lev. I, 11.
 (23) Zeb. 59a.
 (24) Who said: Part of the altar extended to the north, whence he permitted the bullock to be slaughtered between Hall and altar. V. supra 36a and note. (10) In the preceding Mishnah: The bullock was standing near the place between Hall and altar, about the northern corner of the latter, not in the north exactly'.
 (25) Hul. 91a.
 (26) 'Er. 54b.
 (27) To the right, somewhat behind him, not next to him, because in the latter case he would cover him and that is unseemly.
 (28) Lev. XVI, 8.
 (29) Since Scripture says 'lots' instead of 'a lot each'.
 (30) [Since the repetition of 'lot' intimates that they can be made of any material, the word 'lots' must likewise mean of any material, Tosef. s.v. יָבֹלֵי
 (31) V. supra 25b.
 (32) [What follows gives the reason why formerly there had been, as stated in the Mishnah, two spigots; v. D.S. a.l.]

Talmud - Mas. Yoma 37b

— Abaye said: [Reference here is made to] the handles of the knives.

The following objection was raised: He also made of gold the base of the vessels, the rims of the vessels, the handles of the vessels and the handles of the knives [used on the Day of Atonement]? — Abaye explained: These are the helms of axes and adzes.

HIS MOTHER HELENA MADE A CANDLESTICK OF GOLD etc.: A Tanna taught:¹ When the sun was shining, sparkling rays proceeded from it and all knew then that the time had arrived for the reading of the [morning] Shema'.² An objection was raised: One who reads the Shema' in the morning together with the linen of the [priestly] Mishmar or the [laymen] Ma'amad,³ has not fulfilled his duty, because the men of the Mishmar read it early and the men of the Ma'amad read it too late.⁴ — Abaye said: It was for the rest of the people of Jerusalem.

SHE ALSO MADE A TABLET: Do you not conclude from this that one may write a scroll for a child for practising purposes?⁵ — Resh Lakish said in the name of R. Jannai: Alphabetically.⁶ An objection was raised: Whilst writing he⁷ looks unto the tablet and copies what is written on the tablet?⁸ — Say: He looks and writes as it is written on the tablet.⁹ He raised this objection: When he

writes he looks and copies what is written on the tablet, and what is written thereon? And if some man have lain with thee . . . if no man have lain with thee; if thou hast gone aside . . . and if thou hast not gone aside!¹⁰ — There it was written

(1) Tosef. II, 3.

(2) V. Ber. 26a.

(3) V. Glos.

(4) They postponed the reading of the Shema' until their service in connection with the continual offering had been completed. How then did the sparks inform them when this information for practical purposes was useless?

(5) In Git. 60a there is a discussion on this matter, one view permitting the writing of individual portions, the other holding only the whole Torah may be written out. Our Mishnah might settle the dispute there.

(6) What is involved here is not the real copying of a chapter of the Torah, but a kind of mnemotechnic device, with the initial letters only written out, the complete text to be supplied by memory, with the guidance of these hints.

(7) The priest who writes the scroll which the suspected adulteress must drink up.

(8) Indicating that the complete text was contained thereon.

(9) I.e., the initial letters serve him as guide.

(10) Num. V, 19, 20.

Talmud - Mas. Yoma 38a

by sections.¹

NICANOR EXPERIENCED MIRACLES WITH HIS DOORS: Our Rabbis taught: What miracles happened to his doors? It was reported that when Nicanor had gone to fetch doors² from Alexandria of Egypt, on his return a gale arose in the sea to drown him. Thereupon they took one of his doors and cast it into the sea and yet the sea would not stop its rage. When, thereupon, they prepared to cast the other into the sea, he rose and clung to it, saying: 'Cast me in with it!' [They did so, and] the sea stopped Immediately its raging. He was deeply grieved about the other [door]. As he arrived at the harbour of Acco, it broke through and came up from under the sides of the boat. — Others say: A monster of the sea swallowed it and spat it out on the dry land Touching this, Solomon said: The beams of our houses are cedars, and our panels are berothim [cypresses].³ Do not read 'berothim [cypresses] but 'brith yam',⁴ I.e., covenant of the sea'. — Therefore all the gates in the Sanctuary were changed for golden ones with the exception of the Nicanor gates because of the miracles wrought with them. But some say: Because the bronze of which they were made had a golden hue.⁵ R. Eliezer b. Jacob said: It was Corinthian bronze,⁶ which shone like gold.

MISHNAH. AND THESE WERE MENTIONED TO THEIR SHAME: THEY OF THE HOUSE OF GARMU WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE SHEWBREAD;⁷ THEY OF THE HOUSE OF ABTINAS WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE INCENSE; HYGROS, SON [OF THE TRIBE] OF LEVI KNEW A CADENCE⁸ IN SONG BUT WOULD NOT TEACH IT; BEN KAMZAR WOULD NOT TEACH ANYONE HIS ART OF WRITING.⁹ CONCERNING THE FORMER IT IS SAID: THE MEMORY OF THE RIGHTEOUS SHALL BE FOR A BLESSING;¹⁰ CONCERNING THE OTHERS IT IS SAID: BUT THE NAME OF THE WICKED SHALL ROT.

GEMARA. Our Rabbis taught: The house of Garmu was expert in preparing the shewbread, but would not teach it — The Sages sent for specialists from Alexandria of Egypt, who knew how to bake as well as they, but they did not know how to take [the loaves] down [from the oven] as well as the former, for they were heating the oven from without and baked from within, whereas the latter heated the oven from within and baked from within [with the result] that the bread of the latter became mouldy, whereas the bread of the former did not grow mouldy. When the Sages heard that, they quoted: Everyone that is called by My name [and whom] I have created for My glory,¹¹ and

said: Let the house of Garmu return to their office. The Sages sent for them, but they would not come. Then they doubled their hire and they came. [Until now] they used to get twelve minas for the day, [from] that day, twenty-four minas. R. Judah said: [Until then] they received twenty-four minas per day, [from] that day they received forty-eight minas. The Sages said to them: What ground did you see for refusing to teach [your art]? They said to them: In our father's house they knew that this House will be destroyed, and perhaps an unworthy man would learn it and then proceed to serve an idol with it. — For the following was their memory honoured: Never was fine bread to be found in their children's hand, lest people say: These feed from the [preparation of]¹² the shewbread — Thus [they endeavoured] to fulfil [the command]: Ye shall be clear before the Lord and before Israel.¹³

THEY OF THE HOUSE OF ABTINAS WOULD NOT TEACH ANYTHING ABOUT THE PREPARATION OF THE INCENSE. Our Rabbis taught: The house of Abtinias were expert in preparing the incense but would not teach [their art]. The Sages sent for specialists from Alexandria of Egypt, who knew how to compound incense as well as they, but did not know how to make the smoke ascend as well as they. The smoke of the former ascended [as straight] as a stick, whereas the smoke of the latter was scattered in every direction. When the Sages heard thereof, they quoted: 'Everyone that is called by My name, I have created for My glory',¹⁴ as it is said: The Lord hath made everything for His own purpose,¹⁵ and [said]: The house of Abtinias may return to their [wonted] place. The Sages sent for them, but they would not come. Then they doubled their hire and they came. Every day [thitherto] they would receive twelve minas, [from] that day twenty-four. The Sages said to them: What reason did you have for not teaching [your art]? They said: They knew in our father's house that this House is going to be destroyed and they said: Perhaps an unworthy man will learn [this art] and will serve an idol therewith. — And for the following reason was their memory kept in honour: Never did a bride of their house go forth perfumed and when they married a woman from elsewhere they expressly forbade her to do so lest people say: From [the preparation of] the incense they are perfuming themselves. [They did so] to fulfil the command: 'Ye shall be clear before the Lord and before Israel.'¹⁶

It was taught: R. Ishmael said: Once I was walking on the way and I came upon one of their children's children and I said to him: Your forefathers sought to increase their glory and to reduce the glory of the Creator, now the glory of the Creator is at its wonted place, and He has reduced their glory. R. Akiba said: R. Ishmael b. Luga related to me: One day I and one of their descendants went to the field to gather herbs and I saw him crying and laughing. I said to him: 'Why did you cry?' He answered: 'I recalled the glory of my ancestors' — 'And why did you laugh happily?' He replied: 'Because the Holy One, blessed be He, will restore it to us' — 'And what caused you to remember?' He said: 'There is smoke-raiser¹⁷ before me'. 'Show it to me!' He said to me: 'We are bound by oath not to show it to any person' — R. Johanan b. Nuri said: Once I came upon an old man, who had a scroll [containing prescriptions] for frankincense in his hand. I asked him: 'Whence are you [derived]?' He said: 'I come from the house of Abtinias' — 'What have you in your hand?' He replied: 'A scroll [containing prescriptions] for frankincense.' 'Show it to me!' He said: 'As long as my father's house was alive they would not surrender it to any one, but now here it is, but be very careful about it — When I came and told thereof to R. Akiba he said: 'Henceforth it is forbidden to speak of them in dispraise' — Referring to this¹⁸ Ben 'Azzai said: By your name you will be called, to your place you will be restored

(1) Not the initial letters of the words, but the initial words of the verses: The headings of sections were written out, the rest intimated by initial letters.

(2) The doors for the great eastern gate of the Temple Court.

(3) Cant. I, 17.

(4) Without any radical change of the text, except the division of the words, which in the original was hardly noticeable. V. Blau, *Einleitung in die Schrift*, p. 119f. [Aliter: Do not read 'berothim' (ברותים) but berithim (בריתים), 'covenants', the doors having made a covenant with each other to be together. V. Rashi and D.S. a.l.]

(5) Mid. II, 3.

(6) Corinthian bronze was refined, hence the light weight, hence the golden hue, as against the duller tone of the heavier bronze.

(7) The twelve shewbread loaves, resting in the Hekal on the golden table from Sabbath to Sabbath (Ex. XXV, 30 and Lev. XXIV, 5-9) were very thin and fragile. Made of some four quarts of flour, they were about one half inch in thickness, some twenty-eight inches in length, some twelve inches in breadth. There were some artistic devices at the corners, which made the preparation a highly difficult art. They would be baked on Friday, often on Wednesday, to be eaten on the Sabbath of the following week, and extraordinary skill was required to keep them fresh and well-tasting. The secret of the baking and removing them, from the oven without breaking them was kept by the house of Garmu, for failure to reveal which they are branded here. The Talmud, however, adduces some mitigating reasons for this apparent niggardliness.

(8) A somewhat difficult phrase. Evidently in connection with the Temple songs. It may have been a specially composed finale, allowing for individual margins of musical ingenuity (Baneth).

(9) V. Gemara.

(10) Prov. X, 17.

(11) Isa. XLIII, 7; hence the best should be available for the Sanctuary, even if cost is involved.

(12) Profits, remainders, at any rate not from their own. One must avoid giving the appearance of unrighteous action, even when acting rightly.

(13) Num. XXXII, 22.

(14) V. p. 176, n. 1.

(15) Prov. XVI, 4; thus that skill must not be allowed to remain unused.

(16) Num. XXXII, 22.

(17) The name of a plant whose identity had to be hidden from all but the members of the house of Abtinas.

(18) Their re-instatement into the original office.

Talmud - Mas. Yoma 38b

and from what belongs¹ to you will you be given. No man can touch what is prepared for his fellow and 'One kingdom does not interfere with the other² even to the extent of one hair's breadth'.³

HYGROS OF THE TRIBE OF LEVI etc. It was taught: When he tuned his voice to a trill, he would put his thumb into his mouth and place his finger [on the division line] between the two parts of the moustache, so that his brethren, the priests, staggered backward with a sudden movement.⁴

Our Rabbis taught: Ben Kamzar would not teach anything about [his art of] writing. It was said about him that he would take four pens between his fingers and if there was a word of four letters⁵ he would write it at once. They said to him: 'What reason have you for refusing to teach it?' All found an answer for their matter [attitude]. Ben Kamzar could not find one. Concerning [all] former ones it is said: 'The memory of the righteous shall be for a blessing', with regard to Ben Kamzar and his like it is said: 'But the name of the wicked shall rot' — What is the meaning of 'But the name of the wicked shall rot'? — R. Eleazar said: Rottenness enters their names, none name their children after them.

Rabina raised an objection: The story of Doeg b. Joseph whom his father left to his mother when he was a young child: Every day his mother would measure him by handbreadths⁶ and would give his [extra] weight in gold to the Sanctuary. And when the enemy prevailed, she slaughtered him and ate him, and concerning her Jeremiah lamented: Shall the women eat their fruit, their children that are handled in the hands?⁷ Whereupon the Holy Spirit replied: Shall the priest and the prophet be slain in the Sanctuary of the Lord?⁸ — See what happened to him!⁹

R. Eleazar said: The righteous man is remembered by his own [good deeds], the wicked [also] by those of his fellow. [Proof that] the righteous [is remembered] by his own [good deeds], for it is

written: 'The memory of the righteous shall be for a blessing'. The wicked [is remembered also] by his associate['s wickedness], for it is written: 'But the name of the wicked [pl.] shall rot.' — Rabina said to one of the Rabbis who expounded Aggada before him: Whence is this statement, which the Rabbis mention: The memory of the righteous shall be for a blessing? — He replied: It is a scriptural verse: 'The memory of the righteous shall be for a blessing.' Whence, in the Torah, may that teaching be derived? — From what is written: Shall I hide from Abraham that which I am doing?¹⁰ And it is [there] also written: Seeing that Abraham shall surely become a great and mighty nation.¹¹ [He asked further]: Whence do we know this matter, which the Rabbis mention: But the name of the wicked shall rot? — He replied: It is a scriptural verse: 'But the name of the wicked shall rot'. Whence, in the Torah, may this teaching be derived?—From what is written: And he moved his tent as far as Sodom,¹² and it is written: Now the men of Sodom were wicked and sinners against the Lord exceedingly.¹³

R. Eleazar said: A righteous man once lived between two wicked men and did not learn from their deeds, a wicked man lived between two righteous men and did not learn from their ways — The righteous who lived between two wicked men and did not learn from their wicked ways was Obadiah.¹⁴ The wicked man living between two righteous men and not learning from their ways was Esau.

R. Eleazar [also] said: From the blessing of the righteous you can infer the curse for the wicked and from the curse of the wicked you may infer the blessing for the righteous — From the blessing of the righteous you can infer the curse for the wicked, as it is written: For I have known him, to the end that he may command,¹⁵ and [soon] after that it is written: And the Lord said: Verily the cry of Sodom and Gomorrah is great.¹⁶ From the curse of the wicked you can infer the blessing for the righteous, for it is written: Now the men of Sodom were wicked and sinners against the Lord exceedingly.¹⁷ And the Lord said unto Abram, after that Lot was separated from him . . . [all the land, which thou seest, to thee will I give . . .]¹⁸

R. Eleazar further said: Even for the sake of a single righteous man would this world have been created for it is said: And God saw the light that it was [for one who is] good,¹⁹ and 'good' means but the righteous, as it is said: Say ye of the righteous that he is the good one.²⁰

R. Eleazar said also: Whoever forgets [through neglect] any part of his study, causes his children to go into exile, as it is said: Seeing that thou hast forgotten the law of thy God, I also will forget thy children.²¹ R. Abbahu said: Such a one is deprived of his greatness, as it is said: Because thou hast rejected knowledge, I will also reject thee, that thou shalt be no priest to me.²²

R. Hiyya b. Abba said in the name of R. Johanan: No righteous man dies out of this world, before another, like himself, is created,²³ as it is said: The sun also ariseth, and the sun goeth down²⁴ , — before the sun of Eli set, the sun of Samuel of Ramathaim rose. R. Hiyya b. Abba also said in the name of R. Johanan: The Holy One, blessed be He, saw that the righteous are but few, therefore He planted them throughout all generations, as it is said: For the pillars of the earth are the Lord's, and He hath set the world upon them.²⁵

R. Hiyya b. Abba said also in the name of R. Johanan: Even for the sake of a single righteous man does the world endure, as it is said: But the righteous is the foundation of the world.²⁶ R. Hiyya himself infers this from here: He will keep the feet of His holy ones²⁷ 'Holy ones' means many? — R. Nahman b. Isaac said: It is written: His holy' one.²⁷

R. Hiyya b. Abba said further in the name of R. Johanan: When the majority of a man's years have passed without sin, he will no more sin, as it is said: 'He will keep the feet of His holy ones'. In the school of Shila it was taught that if the opportunity for sin has come to a man the first and the second

time and he resisted, he will never sin, as it is said: 'He will keep the feet of His holy ones'.²⁸

Resh Lakish said: What is the meaning of: If it concerneth the scorers He scorneth them, but unto the humble He giveth grace?²⁹ i.e., if a man comes to defile himself, the doors are opened to him, but if he comes to purify himself, he is helped. In the school of R. Ishmael it was taught: It is as when a man sells naphtha and balm

(1) What is predestined as your lawful source of income.

(2) In either time or place.

(3) Ber. 48b.

(4) Enchanted with the beauty of the music, or startled by the power of his voice.

(5) [The Tetragrammaton. V. Rashi on the Mishnah.]

(6) With her handbreadth, on her hand, to know how much he had gained since yesterday.

(7) Lam. II, 20.

(8) The reference is to the Prophet Zechariah b. Jehoiadah, the priest. The text in Lam. may refer to that as well; its original meaning, not unknown to the answerer, lamented the destruction by the enemy, of priest and prophet alike. At any rate someone was called Doeg in spite of the first Doeg's bad reputation (I Sam. XXI, 8.)

(9) Normally, none would do that, because of a bad omen, or because one should help the name of the wicked to 'rot' by being forgotten. Look what this deviation from custom brought upon the child.

(10) Gen. XVIII, 17.

(11) Ibid. XVIII, 18.

(12) Ibid. XIII, 12.

(13) Ibid. 13.

(14) Who lived between Ahab and Jezebel. V. Sanh. 12b.

(15) Gen. XVIII, 19.

(16) Ibid. 20.

(17) Ibid. XIII, 13.

(18) Ibid. 15.

(19) Ibid. I, 4.

(20) Isa. III, 10. E.V., 'Say ye of the righteous, that it shall be well with him.' V. Hag. 12b.

(21) Hosea IV, 6.

(22) Ibid.

(23) Kid. 72b.

(24) Eccl. I, 5.

(25) I Sam. II, 8.

(26) Prov. X, 25. E.V., 'Is an everlasting foundation'.

(27) I Sam. II, 9. Although the kere (the traditional reading) is in the plural the kethib (הַסִּידִיּוֹ), (the written form) הַסִּידוֹ is in the singular.

(28) [Taking לְרַגְלֵי in the sense of רַגְלֵי, cf. Gen. XXX, 30, 'at the foot of', 'at the guidance of', 'on account of', he renders the verse, He preserves (the world) on account of His holy ones (Rashi).]

(29) Prov. III, 34.

Talmud - Mas. Yoma 39a

: If [a purchaser] comes to measure naphtha, he [the shopkeeper] says to him: Measure it out for yourself; but to one who would measure out balm he says: Wait, till I measure together with you, so that both I and you, may become perfumed.

The school of R. Ishmael taught: Sin dulls the heart of man, as it is said: Neither shall ye make yourselves unclean with them, that ye should be defiled thereby.¹ Read not we-nitmethem [that you should be defiled], but u-netamothem [that you should become dullhearted].² Our Rabbis taught: 'Neither shall you make yourselves unclean that you should be defiled thereby.' If a man defiles

himself a little, he becomes much defiled: [if he defile himself] below, he becomes defiled from above; if he defile himself in this world, he becomes defiled in the world to come. Our Rabbis taught: Sanctify yourselves, therefore, and be ye holy:³ If a man sanctify himself a little, he becomes much sanctified. [If he sanctify himself] below, he becomes sanctified from above; if he sanctify himself in this world, he becomes sanctified in the world to come.

CHAPTER IV

MISHNAH. HE SHOOK⁴ THE URN AND BROUGHT UP THE TWO LOTS. ON ONE WAS INSCRIBED: 'FOR THE LORD', AND ON THE OTHER: 'FOR AZAZEL'. THE DEPUTY HIGH PRIEST WAS AT HIS RIGHT HAND, THE HEAD OF THE [MINISTERING] FAMILY AT HIS LEFT. IF THE LOT [HAVING] 'FOR THE LORD' [INSCRIBED THEREON] CAME UP IN HIS RIGHT HAND, THE DEPUTY HIGH PRIEST WOULD SAY TO HIM: SIR HIGH PRIEST, RAISE THY RIGHT HAND! AND IF THE LOT [WITH THE INSCRIPTION] 'FOR THE LORD' CAME UP IN HIS LEFT HAND, THE HEAD OF THE FAMILY WOULD SAY: SIR HIGH PRIEST, RAISE THY LEFT HAND! THEN HE PLACED THEM ON THE TWO HE-GOATS AND SAID: A SIN-OFFERING 'UNTO THE LORD!' R. ISHMAEL SAID: HE DID NOT NEED TO SAY: A SIN-OFFERING, BUT 'UNTO THE LORD'. AND THEY ANSWERED AFTER HIM: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER!⁵

GEMARA. Why was it necessary to shake the urn? — Lest he take one intentionally.⁶ Raba said: The urn was of wood and profane and could hold no more than the two hands [at its mouth]. — Rabina demurred to this: It is quite right that [its mouth] could contain no more than his two hands, i.e., to prevent his taking one intentionally [through manipulation] but why should it be profane? Let it be sanctified? — That would result in our having a ministering vessel of wood, and we do not make ministering vessels of wood. Then let it be made of silver, or of gold? — 'The Torah has consideration for the money of Israel'.⁷

Our Mishnah is not in accordance with the following Tanna, for it was taught: R. Judah said in the name of R. Eliezer: The deputy high priest and the high priest put their hand into the urn. If the lot ['For the Lord'] comes up in the hand of the high priest, the deputy high priest said to him: Sir high priest, raise thy hand! And if it came up in the right hand of the deputy high priest, the head of the [ministering] family says to him: Say your word!⁸ -Let the deputy high priest address him? — Since it did not come up in his hand, he might feel discouraged.⁹ In what [principle] do they¹⁰ differ? — One holds, the right hand of the deputy high priest is better than the left hand of the high priest, the other holding, they are of even importance. Who is the Tanna disputing R. Judah? — It is R. Hanina, deputy high priest. For it was taught: R. Hanina, deputy high priest, says: Why does the deputy high priest stand at the right? In order that if an invalidating accident should happen to the high priest, the deputy high priest may enter [the Sanctuary] and officiate in his stead.¹¹

Our Rabbis taught: Throughout the forty years that Simeon the Righteous ministered, the lot ['For the Lord'] would always come up in the right hand; from that time on, it would come up now in the right hand, now in the left. And [during the same time] the crimson-coloured strap¹² would become white. From that time on it would at times become white, at others not. Also: Throughout those forty years the westernmost light¹³ was shining, from that time on, it was now shining, now failing; also the fire of the pile of wood kept burning strong,¹⁴ so that the priests did not have to bring to the pile any other wood besides the two logs,¹⁵ in order to fulfil the command about providing the wood unintermittently; from that time on, it would occasionally keep burning strongly, at other times not, so that the priests could not do without bringing throughout the day wood for the pile [on the altar]. [During the whole period] a blessing was bestowed upon the 'omer,¹⁶ the two breads,¹⁷ and the shewbread, so that every priest, who obtained a piece thereof as big as an olive, ate it and became satisfied with some eating thereof and even leaving something over. From that time on a curse was

sent upon ‘omer, two breads, and shewbread, so that every priest received a piece as small as a bean: the well-bred¹⁸ ones withdrew their hands from it, whilst voracious folk took and devoured it. Once one [of the latter] grabbed his portion as well as that of his fellow, wherefore they would call him ‘ben

(1) Lev. XI, 43.

(2) ונטמתם for ונטמתם MS.M. cur. ed. ונטמתם.

(3) Lev. XVI, 44.

(4) Continuing the account of Mishnah (supra 37a); or ‘shook hastily’ (because of eagerness, anxiety).

(5) The J.T. states that when the high priest pronounced the Ineffable Name those near prostrated themselves, those afar responding with ‘Blessed be the name of His glorious kingdom for ever and ever’.

(6) It was considered a happy omen when it came up in the right hand, and the temptation was as great as near to improve upon chance by dexterous manipulation.

(7) V. infra 44b.

(8) Viz., ‘A sin-offering unto the Lord’.

(9) If the deputy high priest, in whose hand it came up, gave him the command, he might easily read into his words the arrogance of the successful.

(10) R. Judah and the Tanna of our Mishnah.

(11) Nazir 47b, which implies that as long as the high priest is fit for service the deputy high priest performs no priestly service whatsoever, in opposition to R. Judah.

(12) Which was tied between the horns of the bullock. If that became white, it signified that the Holy One, blessed be He, had forgiven Israel's sin. Cf. Though your sins be as scarlet, they shall be as white as snow (Isa. I, 18, Rashi).

(13) The westernmost light on the candlestick in the Temple, into which as much oil was put as into the others. Although all the other lights were extinguished, that light buried oil, in spite of the fact that it had been kindled first. This miracle was taken as a sign that the Shechinah rested over Israel. V. Shab. 22b and Men. 86b.

(14) On the altar, on which it was kindled in the morning.

(15) V. supra 26b.

(16) V. Glos.

(17) V. Lev. XXIII, 17ff

(18) Lit., ‘modest’, ‘decorous’.

Talmud - Mas. Yoma 39b

hamzan’ [grasper] until his dying day. Rabbah b. R. Shela said: What Scriptural basis [is there for this appellation]? — O my God, rescue me out of the hand of the wicked, out of the grasp of the unrighteous and homez [ruthless] man.¹ Raba said, From here [is the basis obtained]: Learn to do well, seek justice, strengthen hamoz [the oppressed]² i.e., strengthen him hamoz [who is oppressed], but strengthen not homez [the oppressor].³

Our Rabbis taught: In the year in which Simeon the Righteous died, he foretold them that he would die. They said: Whence do you know that? He replied: On every Day of Atonement an old man, dressed in white, wrapped in white, would join me, entering [the Holy of Holies] and leaving [it] with me, but today I was joined by an old man, dressed in black, wrapped in black, who entered, but did not leave, with me. After the festival [of Sukkoth] he was sick for seven days and [then] died. His brethren [that year] the priests forbore to mention the Ineffable Name in pronouncing the [priestly] blessing.⁴ Our Rabbis taught: During the last forty years before the destruction of the Temple the lot [‘For the Lord’] did not come up in the right hand; nor did the crimson-coloured strap become white; nor did the westernmost light shine; and the doors of the Hekal would open by themselves, until R. Johanan b. Zakkai rebuked them, saying: Hekal, Hekal, why wilt thou be the alarmer thyself?⁵ I know about thee that thou wilt be destroyed, for Zechariah ben Ido has already prophesied concerning thee:⁶ Open thy doors, O Lebanon, that the fire may devour thy cedars.⁷

R. Isaac b. Tablai said: Why is its⁸ name called Lebanon? Because it makes white the sins of Israel. R. Zutra b. Tobiah said: Why is it called 'Forest', as it is written: The house of the forest of Lebanon?⁹ To tell you that just as a forest produces sprouts, so does the Temple. For R. Hosea said:¹⁰ When Solomon built the Sanctuary, he planted therein all sorts of precious golden trees, which brought forth fruit in their season. When the wind blew against them, their fruits would fall down, as it is said: May his fruit rustle like Lebanon.¹¹ They were a source of income for the priesthood. But as soon as the idolaters entered the Hekal, they dried up, as it is said: And the flower of Lebanon languisheth.¹² And the Holy One, blessed be He, will restore it to us, as it is said: It shall blossom abundantly, and rejoice, even with joy and singing, the glory of Lebanon shall be given to it.¹³ Our Rabbis taught:¹⁴ Ten times did the high priest pronounce the [Ineffable] Name on that day: Three times at the first confession, thrice at the second confession, thrice in connection with the he-goat to be sent away, and once in connection with the lots. And it already happened that when he pronounced the Name, his voice was heard even unto Jericho.¹⁵ Rabbah b. Bar Hana said: From Jerusalem to Jericho it is a distance of ten parasangs. The turning hinges of the Temple doors were heard throughout eight Sabbath limits.¹⁶ The goats in Jericho used to sneeze because of the odour of the incense. The women in Jericho did not have to perfume themselves, because of the odour of the incense. The bride in Jerusalem did not have to perfume herself because of the odour of the incense. R. Jose b. Diglai said: My father had goats on the mountains of Mikwar¹⁷ and they used to sneeze because of the odour of the incense. R. Hiyya b. Abin said in the name of R. Joshua b. Karhah: An old man told me: Once I walked towards Shiloh¹⁸ and I could smell the odour of the incense [coming] from its walls.

R. Jannai said: To bring the lot up out of the casket is indispensable,¹⁹ but to place [it on the bullock's head] is not.²⁰ R. Johanan said: Even to bring up the lot is not indispensable.²¹ On the opinion of R. Judah who said that services performed in the white garments outside the Holy of Holies are not indispensable there is no dispute, [all agreeing] that [the bringing up of lots] is not indispensable; they dispute only the opinion of R. Nehemiah:²² He who says it is indispensable, holds even as R. Nehemiah [does]; whereas the other who holds it is dispensable, explains [R. Nehemiah to refer to] an actual service, whereas the casting of the lots is no service. — Others say: On the opinion of R. Nehemiah, who says it is indispensable, there is no dispute, [all agreeing that] it is indispensable; the dispute touches only the opinion of R. Judah: he who holds it is dispensable, agrees with R. Judah; whereas he who holds it is indispensable [explains] that it is different here because Scripture repeats twice: On which [the lot] fell.²³ — An objection: was raised 'It is a command to cast the lots but if he has failed to do so, [the service] is, nevertheless, valid. Now that will be quite right according to the version that none disputes that on R. Judah's view it is dispensable, so that this [teaching]²⁴ is in accordance with R. Judah

(1) Ps. LXXI, 4.

(2) Isa. 1, 17.

(3) V. Sanh. 35a.

(4) Men. 109b. Tosaf Sotah 38a suggests that the Ineffable Name could be pronounced only when there was some indication that the Shechinah rested on the Sanctuary. When Simeon the Righteous died, with many indications that such glory was no more enjoyed, his brethren no more dared utter the Ineffable Name.

(5) Predict thy own destruction.

(6) I.e., concerning this significant omen of the destruction of the Temple.

(7) Zech. XI, 1. Ido was his grandfather, but it occurs occasionally that a man is called 'the son after a distinguished ancestor.

(8) The Sanctuary. A play on **לַבְנוֹת**, connected with **לֶבֶן**.

(9) I Kings X, 21.

(10) V. supra 21b.

(11) Ps. LXXII, 16.

(12) Nahum I, 4.

(13) Isa. XXXV, 2.

(14) Tosef. Yoma II, 2.

(15) V. supra 20b.

(16) The marked-off area around a town or place within which it is permitted to move on the Sabbath. Sabbath limits i.e., two thousand cubits in every direction. The turning hinges, then, created a sound, according to this scholar, audible beyond sixteen thousand cubits.

(17) The name varies: Mikmar, Mikwar, Makvar (a district of Peraea). One version omits reference to a place, and reads 'on the mountains', which may have appropriated the מ from the next word and omitted it for want of clarity. It should be reasonably near Jerusalem to suit the context. See D.S., p. 110.

(18) The place of the tent of meeting. In the mind of the narrator the odour of incense must have been well-nigh imperishable.

(19) Without the casting of the lots no choice could be made as to the destination of the two he-goats, i.e., the service could not go on.

(20) This view considers the service of the high priest dependent on the decision of the lots, the decisive factor being the lots and not the formal putting of the lot on the animal's head.

(21) R. Johanan considers the action of the high priest the determining factor, independent of his having either had lots or having placed them on the head. His declaration as to which animal is for the Lord and for Azazel resp., validates the service.

(22) Infra 60a contains the dispute between R. Judah and R. Nehemiah as to whether any change in the prescribed order renders the service invalid. It hinges on the question as to whether the word 'hukkah' (statute) i.e., binding order, applies to the service in the Holy of Holies only, independent as to the garments wherein they are performed (R. Judah) or whether it applies to any service in the white garments, performed either in the Holy of Holies or elsewhere (R. Nehemiah). A sub-question would be whether anything in connection with the Day of Atonement, or only a service proper is covered by R. Nehemiah's view. If e.g., the casting of the lots is not considered a service, though an action in connection with it, it may not be indispensable since it is performed outside the Holy of Holies, although in white garments.

(23) Lev. XVI, 9,10 which repetition emphasizes the indispensable nature of this service.

(24) That it is a command to cast the lots, but that failure to do so does not invalidate the service.

Talmud - Mas. Yoma 40a

. But according to the version that they are disputing on R. Judah's view it would again be quite right according to him who holds it is dispensable, for then [the authority for this teaching] would be R. Judah; but according to him who considers it indispensable [the question is asked]: Who [will be the authority] for this [teaching]? Read: It is a command to place [the lots on the bullock's head].¹

Come and hear: It is a command to cast the lots and to make confession. But if he had not cast the lots² or made confession, [the service is] valid.³ And should you reply that here, too' [you would read] 'to place [the lot on the bullock's head]', say then the second part: R. Simeon said: If he has not cast the lots, the service is still valid, but if he has failed to make confession, it is invalidated. Now what does 'If he has not cast the lots' mean? Would you say it means, 'He has not placed the lots',⁴ this would imply [would it not] that R. Simeon holds the casting of the lots is indispensable? But surely it was taught: If one of the two [bullocks] died, he brings the other without [new] casting of lots — these are the words of R. Simeon?⁵ — R. Simeon did not know what the Sages meant [with the Phrase 'lo higril']⁶ and thus he said to them: If by 'hagralah' you mean casting of the lots itself, I dispute with you on one matter, but if by 'hagralah' you mean the placing of the lots then I disagree with you on two counts.⁷

Come and hear: With regard to the sprinkling of the blood within the veil, [the regular service of] the bullock is indispensable for the service of the he-goat [to be valid]; but the regular service of the he-goat is not indispensable for the service of the bullock to be valid.⁸ Now, it is quite right that the regular service of the bullock is indispensable for the he-goat, e.g., if he performed the rites of the

he-goat before those of the bullock, he has done nothing.⁹ But that [the regular service of] the he-goat is not indispensable to the bullock, what does it mean? Would you say [it means] that if he sprinkled the blood of the bullock in the Hekal before the sprinkling of the he-goat within [the veil]?¹⁰ But surely Scripture says 'statute'!¹¹ Rather must you say [it means that] if he sprinkled the blood of the bullock within, before the casting of the lots¹² [it is valid]. Now since the order is not indispensable [is it not to be inferred that] the casting of the lots itself is not indispensable!¹³ — No, [it means that] he made the sprinkling of the blood of the bullock on the altar before sprinkling the blood of the he-goat in the Hekal¹⁴ and this [teaching] is in accord with R. Judah, who says that anything done in the white garments outside [the Holy of Holies] is dispensable. But does it not state 'with regard to the sprinklings within'?¹⁵ Rather: It is in accord with R. Simeon who holds the casting of the lots is dispensable. Or, if you like, say: Still I say it is in accord with R. Judah,¹⁶ and although the order of the service is not indispensable, the casting of the lots is indispensable. And they follow their own principle.¹⁷ For it was taught:

(1) This ruling is generally accepted: Dejure the placing of the lots is obligatory. De facto failure to do so does not render the ceremony invalid, Scripture repeating twice 'on which the lot fell', thus creating a precedent for the casting of the lots, but it refers only once to the placing of the lots on the bullock's head.

(2) לֹא הִגְרִיל infra n. 6.

(3) Hence the casting of the lots is dispensable — a refutation of R. Jannai.

(4) Only the placing of the lots does R. Simeon consider dispensable, but the casting he considers indispensable.

(5) Infra 63b.

(6) Lit., 'He did not perform the hagrah' and rendered supra 'he has not cast lots' cf. n. 3. 'Hagrah', 'acting with lots' may mean causing lots 'to be cast' or 'to be placed', hence grammatically either application is justified: 'lo higril' he did not cause the lots 'to be cast' or 'to be placed' (on the head etc.). R. Simeon did not know which interpretation had been offered by the Sages. He knew however that both are possible.

(7) If you mean by 'hagrah' the casting of the lots, I dispute only your stand touching confession, agreeing with you that the casting of the lots is not indispensable, but if you mean by 'hagrah' the placing of the lots on the head etc. but the casting itself you consider indispensable, then I disagree with you on two counts: you hold casting indispensable, I do not; you hold confession not indispensable, I consider it indispensable.

(8) [The order of the service prescribed in Lev. XVI for the bullock and the he-goat which is offered within is as follows: (i) First confession over the bullock; (ii) Casting lots over the he-goats; (iii) second confession over the bullock; (iv) Slaughtering of the bullock; (v) Bringing the spoon and fire pan into the Holy of Holies; (vi) Burning of incense; (vii) Sprinkling of blood of the bullock on the mercy-seat; (viii) Confession over and slaughtering of the he-goat; (ix) Sprinkling of the he-goat's blood on the mercy-seat; (x) Sprinkling of the blood of the bullock on the Veil, separating the Holy, the Hekal, from the Holy of Holies; (xi) Sprinkling of the blood of the he-goat on the Veil; (xii) Mixing together the blood of the he-goat and the bullock and applying the mixture on the golden altar. Here the rule is laid down that if he performed any one of the rites in connection with the he-goat before such of the bullock as should have preceded it, that rite is invalid and must be performed again in its proper order. If, however, he performed any of the rites in connection with the bullock before such of the he-goat as should have preceded it, that rite is not invalid.]

(9) It has no validity.

(10) [I.e., he performed rite (x) before rite (ix), v. n. 1].

(11) Which has reference to the rites performed within the Veil, and which implies an inflexible rule invalidating the irregularity of the service.

(12) [I.e., he performed rite (vii) before (ii).]

(13) Hence there is one who holds that the casting of the lots is not indispensable. That contradicts the above statement that even R. Judah (and all the more R. Nehemiah) considers it indispensable.

(14) [I.e., he performed rite (xii) before rite (xi). The blood of the bullock here means that which he mixed with the blood of the he-goat.]

(15) Whereas this irregularity in connection with the bullock concerned a service performed outside the Holy of Holies.

(16) [And the irregularity consequently concerned rites (vii) and (ii), v. p. 190, n. 5.]

(17) This refers to the dispute of R. Judah and R. Simeon where he failed to make confession.

Talmud - Mas. Yoma 40b

[With reference to] It shall be set alive before the Lord, to make atonement over him¹ — how long must it stay alive? Until the blood of its fellow-sacrifice is sprinkled, this is the opinion of R. Judah.² R. Simeon holds: Until the confession [of sin].³ Wherein do they differ? — As it was taught: ‘To make atonement over him’ — Scripture speaks of atonement through blood, thus does it also say: And when he hath made an end to atoning for the holy place,⁴ just as there it refers to atonement by blood, so does it refer here to atonement by blood this is the opinion of R. Judah. R. Simeon says: ‘To make atonement over him’ — Scripture speaks of atonement by words [confession].

Come and hear:⁵ The disciples of R. Akiba asked him: If it [the lot ‘for the Lord’] came up in the left hand, may he turn it to the right? He replied: Do not give all occasion for the Sadducees to rebel!⁶ The reason, then, [of his negative answer] is so as not to give an occasion for the Sadducees to rebel, but, without that, we would turn it, yet you said that the casting of the lots is indispensable, and since the left hand has determined its destination,⁷ how can we turn it? — Raba answered: This is what they said: If the lot had come up in the left hand, may one change it and the he-goat to the right?⁸ Whereupon he answered: Give no occasion to the Sadducees to rebel.

Come and hear: If [Scripture] has said: The goat, ‘upon which it [the lot] is’⁹ I would have said he must place it thereon. Therefore it says: ‘[on which it] fell’, i.e., once it has fallen upon it, he no more need [place it on its head]. Now in respect of what [was this said]?¹⁰ Would you say: In respect of a command,¹¹ which would imply that the placing of the lots is not even a command!¹² Rather must you say it means that it is in respect of indispensability;¹³ hence we learn that the casting is indispensable, and the placing of the lot [upon the head] is dispensable.¹⁴ Raba said: This is what he means: If it had said: ‘Upon which it is’, I would have said: let him leave it there until the time for the slaughtering; therefore it says: [upon which it] fell, to intimate that once it had fallen upon it, it needs nothing else.¹⁵

Come and hear: And offer him for a sin-offering¹⁶ i.e., the lot designates it for the sin-offering, but the naming¹⁷ [alone] does not designate it a sin-offering. For I might have assumed, this could be inferred a minori: If in a case where the lot does not sanctify,¹⁸ the naming does sanctify, how much more will the naming sanctify where the lot also does so sanctify? Therefore [Scripture] says: ‘And offer him for a sin-offering’ [to intimate] it is the lot which designates it a sin-offering, but the naming does not make it a sin-offering.

(1) With reference to the he-goat that is to be sent away. Lev. XVI, 10.

(2) [In accordance with his view that confession is not indispensable so that if the he-goat died after the sprinkling of the blood of the bullock (rite vii) before the confession over the he-goat (rite viii) the service is valid.]

(3) *Infra* 65a.

(4) *Ibid.* 20.

(5) *Tosef.* III, 2, the version in the Talmud is somewhat modified.

(6) The substitution of Sadducees for ‘Minim’ (Judeo-Christian heretics) is undoubtedly due to the censors’ dislike of any word that may appear as even an implied attack on the Church. The heretics will claim this manipulation an ‘additional proof’ of the Pharisees’ doing with the law whatever pleased them. Thus they would be helped to rebel, arguing at once in favour of their heresy and against the Pharisees.

(7) For the Lord, even before the lot was actually placed on the he-goat.

(8) If the lot ‘For the Lord’ came up in the left hand so that the he-goat standing opposite the priest at his left hand was thereby designated a sin-offering for the Lord, that on the right being designated for Azazel, may he exchange the he-goats and the lots so that whereas the lot decided which is which, the manipulation will have afforded him the comfort of knowing that without formally changing the lots, the ‘right one’ will be designated for the Lord.

(9) Intimating that it lies there for a considerable time.

(10) That once the lots are cast nothing more is necessary.

(11) I.e., there is no longer any command to be fulfilled after the casting of the lots.

(12) Surely this is impossible!

(13) I.e., that once the lots are cast there is nothing else deemed indispensable for determining the destination of the he-goats.

(14) A refutation of R. Johanan.

(15) The verse serves to indicate that once it 'fell upon it' there is not even a command to be placed there, as a sign or assurance that it will be offered up for the purpose designated.

(16) Lev. XVI, 9: And Aaron shall present the goat upon which the lot fell for the Lord, and offer it for a sin-offering.

(17) By the high priest. The above verse, in which the offering-up follows immediately 'upon which the lot fell' indicates that the coming up of the lot decides the matter, not the naming by the priest.

(18) As with the sacrificial couples of birds, where either owner or priest by verbal statement makes the designation, where, however, the casting of lots would be useless.

Talmud - Mas. Yoma 41a

Now whose is the anonymous opinion in the Sifra?¹ R. Judah's, and he teaches: The lot designates the sin-offering and the naming does not make it a sin-offering. Hence we see that the casting of the lots is indispensable. This will be a refutation of the opinion that it is not indispensable. It is a refutation.

R. Hisda said: The special designation of the couples² is made either by the owner³ or by the priest's action.⁴ R. Shimi b. Ashi said: What is the basis of R. Hisda's dictum? Because it is written: She shall take [. . . for a burnt-offering]⁵ and And the priest shall offer one [as a sin-offering]⁶ i.e., [the designation is made] either at the [owner's] taking [purchasing] or at the offering-up [by the priest].

They raised the following objection: 'And make it a sin-offering'⁷ -i.e., the lot makes it a sin-offering, but the naming [alone] does not make it a sin-offering. For I might have assumed, this could be inferred a minori: If in a case where a lot does not sanctify, the naming does, how much more should the naming sanctify, where the lot does? Therefore [Scripture] says: 'And make it for a sin-offering' [to intimate] it is the lot which makes it a sin-offering, but the naming does not make it a sin-offering. Here it is neither the time⁸ of its purchase, nor of its being offered, and yet he states that it should designate? — Raba said: This is what he said: If in a case where the lot does not sanctify even at the time of the purchase and even at the time of the offering, the naming does sanctify it at the time of either purchase or offering, how much more shall the naming, at either the time of purchase or of offering, sanctify it in a case where the lot sanctifies outside the time of either purchase or offering? Therefore [Scripture] says: 'And make it a sin-offering', i.e., the lot makes it a sin-offering but the naming does not make it a sin-offering.

Come and hear: If someone defiled the Sanctuary⁹ whilst poor and put aside money for his bird-couple-offering, and afterwards became rich,¹⁰ and said thereupon: This [money] be for the sin-offering and that for the burnt-offering he adds to the money for the sin-offering to bring his obligatory offering, but he may not add to his burnt¹¹ -offering to bring his obligatory offering. Now here¹² it is neither the time of the purchase, nor the time of the offering and yet he teaches that it is designated?¹³ — R. Shesheth said: How do you reason?¹⁴ Surely R.. Eleazar said in the name of R. Hoshai: If someone defiled the Sanctuary whilst rich, and brought the offering of a poor person, he has not done his duty. Now, since he has not done his duty, how could he have designated¹⁵ it? Must you not, rather, say that he had designated it when already poor? Thus here,¹⁶ too, the case is that he said it from the time when he set [the money] aside.¹⁷ But according to R. Hagga in the name of R. Josiah who said: He has done his duty¹⁸ —

(1) A Tannaitic commentary (Midrash) on Leviticus.

- (2) Of sacrificial birds (Lev. XII, 8 and XV, 30), as to which is to be the burnt-offering and which the sin-offering.
- (3) At the purchase the owner can decide which is to serve for either sacrifice.
- (4) If not designated by the owner, the priest has the right to name each bird for the sacrifice he chooses, i.e., either sin- or burnt-offering.
- (5) Lev. XII, 8.
- (6) Ibid. XV, 30.
- (7) Lev. XVI, 9. So literally. E.V. 'offer it for a sin-offering'.
- (8) The designation by naming, which now is assumed to take place at the time of the sanctification by the lot, i.e., neither at the time of the purchase, nor at that of the offering.
- (9) By entering it in uncleanness, Lev. V, 2.
- (10) With the consequence that he must offer the contingent sacrifice of a rich person: a lamb as a sin-offering, whereas a poor person had to offer up two turtledoves or two young pigeons as sin- and burnt-offering resp. (Lev. V, 6 and 11.)
- (11) Ker. 28a. He may add to the original money designated for the poor man's sin-offering for his new sin-offering, but he may not use the money designated for the poor man's burnt-offering to add thereto the sum necessary for the purchase of the rich man's sin-offering (his lamb). The latter is forbidden, because once he had designated, the money for the burnt-offering, it may no more be changed for any other offering.
- (12) After the designation.
- (13) And that he may no more change it.
- (14) Do you consider the Baraitha to be in order?
- (15) The poor man's sin-offering no more applies to him, how could he have designated it a burnt-offering after becoming rich, since he does not have to bring a burnt-offering at all (only the poor man brings a burnt- and sin-offering, one pigeon each, the rich man's lamb serving as sin-offering only).
- (16) In reply to the objection raised against R. Hisda.
- (17) Correct the Baraitha to read: If someone defiled the Sanctuary whilst poor and put aside money for his couple and said at the time when he set the money aside 'This be etc.' and afterwards became rich.
- (18) So that the Baraitha as it stands need not be corrected.

Talmud - Mas. Yoma 41b

what is there to be said?¹ — Do not read: 'And said thereupon', but 'And thereupon he bought and said'.²

But if 'thereupon he bought' [then it states] 'he may add and bring his obligatory sacrifice', it must mean³ that he redeems⁴ [the bird-offering]? But surely a bird-offering may not be redeemed?⁵ — R. Papa said: For instance, if he bought one single pigeon. If he bought it as the burnt-offering, then he adds to the money for his sin-offering the money for his [new] obligatory sacrifice, the burnt-offering [of the bird] becoming a freewill-offering; if he bought it as the sin-offering he may not add to the money for the burnt-offering for the purchase of his [new] obligatory sacrifice and that sin-offering is left to perish.

The text [above] states: R. Eleazar said in the name of R. Hoshai: 'If one defiled the Sanctuary whilst being rich and brought the offering prescribed for a poor person, he has not done his duty, R. Haggai in the name of R. Josiah says: He did perform it.' The following objection was raised: If a poor leper brought the offering prescribed for a rich person, he has performed his duty; if a rich person brought the offering prescribed for a poor one, he has not performed his duty?⁶ — There it is different because it is written: This [shall be the law of the leper].⁷ If that is so, then [let it apply] in the first part [of the Mishnah] too? — Surely the Divine Law includes that case through the word Torath ['law']!⁸ As it was taught: the word Torath ['the law']⁷ includes a poor leper, who brought a rich [leper's] sacrifice. One might have assumed that even a rich leper who brought a poor leper's sacrifice [might be included so as to have performed his duty], therefore it says: 'This'. Let us infer from it [for one who defiled the Sanctuary]? — The Divine Law [by saying]: And if he be poor,⁹ excludes [all but the leper].¹⁰

MISHNAH. HE BOUND¹¹ A THREAD OF CRIMSON WOOL ON THE HEAD OF THE HE-GOAT WHICH WAS TO BE SENT AWAY,¹² AND [MEANTIME] HE PLACED IT [AT THE GATE] WHENCE IT WAS TO BE SENT AWAY; AND THE HE-GOAT THAT WAS TO BE SLAUGHTERED, AT THE PLACE OF THE SLAUGHTERING.¹³ HE CAME TO HIS BULLOCK A SECOND¹⁴ TIME, PRESSED HIS TWO HANDS UPON IT AND MADE CONFESSION. AND THUS HE WOULD SAY: O LORD, I HAVE DEALT WRONGFULLY, I HAVE TRANSGRESSED, I HAVE SINNED BEFORE THEE, I AND MY HOUSE, AND THE CHILDREN OF AARON, THY HOLY PEOPLE, O LORD, PRAY FORGIVE THE WRONGDOINGS, THE TRANSGRESSION, AND THE SINS, WHICH I HAVE COMMITTED, TRANSGRESSED, AND SINNED BEFORE THEE, I AND MY HOUSE, AND THE CHILDREN OF AARON, THY HOLY PEOPLE. AS IT IS WRITTEN IN THE TORAH OF MOSES, THY SERVANT: FOR ON THIS DAY ATONEMENT BE MADE FOR YOU, TO CLEANSE YOU; FROM ALL THE SINS SHALL YE BE CLEAN BEFORE THE LORD. AND THEY RESPONDED: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM FOR EVER AND EVER.

GEMARA. They raised the question: AND THE HE-GOAT THAT WAS TO BE SLAUGHTERED AT THE PLACE OF THE SLAUGHTERING — does this refer to the tying [of the strap]¹⁵ or to the placing [of the animal]?¹⁶ Come and hear: For R. Joseph learned: He bound a crimson-coloured strap on the head of the he-goat which was to be sent away and placed it against the gate whence it was to be sent away; and the he-goat which was to be slaughtered at the place where it was to be slaughtered, lest they become mixed up one with the other, or with others. It will be quite right if you say it refers to the binding [of the strap], but If you say it refers to the placing [of the animal], granted that it would not be mixed up with its fellow [he-goat] because the one had a strap, whilst the other had none, but it could surely be mixed up with other he-goats?¹⁷ Hence we learn from here that It refers to the tying [of the strap]. This proves it. R. Isaac said: I have heard of two straps, one in connection with the [red] heifer,¹⁸ the other with the he-goat-to-be-sent-away, one requiring a definite size, the other not requiring it, but I do not know which [requires the size]. R. Joseph said: Let us see: The strap of the he-goat which required division,¹⁹ hence also required a definite size, whereas that of the heifer which does not need to be divided, does not require a definite size, either. Rami b. Hama demurred to this: That of the heifer also requires weight?²⁰ — Raba said: The matter of this weight is disputed by Tannaim.²¹ But does the strap of the heifer not have to be divided? [Against this] Abaye raised the following objection: How does he do it?²² He wraps them²³ together with the remnants²⁴ of the strips [of scarlet wool]! Say: with the tail²⁵ of the strip.

R. Hanin said in the name of Rab: If the cedar-wood and the scarlet thread were [merely] caught by the flame,²⁶ they are usable [for the ceremony]. — They raised the following objection: If the strap caught fire, another strap is brought and the water of lustration prepared.²⁷ Abaye said: This is no contradiction; one speaks of a flame which blazes²⁸ up, the other of one which is subdued.²⁹

Raba said: Concerning the weight of [the heifer's strap] there is a division of opinion among Tannaim, for it was taught: Why does he wrap them³⁰ together? In order that they form together one bunch — this is the opinion of Rabbi. R. Eleazar son of R. Simeon says: In order that they have [sufficient] weight to fall into the midst of the burning heifer. — When R. Dimi came [from Palestine] he said in the name of R. Johanan: I heard of: three [different] straps, one, that of the [red] heifer, the other, that of the he-goat-to-be-sent-away, the third of the leper; one having a weight of ten zuz,³¹ the other a weight of two sela's,³¹ the third a weight of one shekel,³¹ and I do not know how to specify it. When Rabin came, he specified it in the name of R. Jonathan:

(1) How will R. Hisda meet the objection raised against him from the Baraita?

(2) The change implies only that one word had been omitted. Thus the question against R. Hisda is answered.

- (3) Lit., 'what is it?'
- (4) Divesting it of its sacred character by changing its purpose and adding thereto the money required for the lamb.
- (5) Tem. 23b.
- (6) Neg. XIV, 12. An objection against R. Hagga.
- (7) Lev. XIV, 2 indicating there must be no duration.
- (8) Indicating that there is ultimately one Torah, one law governing all lepers.
- (9) Ibid. 21.
- (10) 'If he be poor'; the 'he' is emphatic, indicating that this law applies only to a leper; but any other person, obliged to bring an offering of higher or lesser value, according to pecuniary condition, may bring the 'poor man's offering' and yet have its duty performed although he be rich himself.
- (11) To prevent any confusion between the he-goats, or between them and the third he-goat, to be offered up at the additional service (Num. XXIX, 11).
- (12) Destined for Azazel, in the wilderness, whence it was hurled to its death from a rock. The word Azazel has been variously interpreted, but it seems to be the name of a place (a rough rock) rather than that of a demon.
- (13) To be explained in the Gemara.
- (14) V. supra 35b: HE CAME TO HIS BULLOCK, that was the first time.
- (15) I.e., he tied the strap about its neck, the place of the slaughtering.
- (16) I.e., he placed it where it had to be slaughtered.
- (17) At the place where sacrifices were slaughtered, since it had no distinguishing mark.
- (18) v. Num. XIX, 1ff
- (19) Infra 67a: What did he (who sent the he-goat away) do. He divided the strap of crimson wool, tying one half to the rock, the other half between his horns.
- (20) To fall right into the midst of the burning heifer' as Scripture (Num. XIX, 6) requires it.
- (21) V. infra.
- (22) With reference to the red heifer v. Parah III, 13.
- (23) The hyssop and cedar-wood.
- (24) There are, then, remnants of strips, hence there must have been division here, too.
- (25) Simply the end of the strap, thinned out like a tail, hence no evidence of a division.
- (26) Cf. supra n. 1.
- (27) Lit., 'and he sanctifies'.
- (28) A fire which unexpectedly rises and spreads; a fire diverted from its course. Or: a fire which unexpectedly rises and spreads;
- (29) In the former case another strap is to be brought since it did not come in contact with the fire itself; but not in the latter case.
- (30) Cedar-wood, hyssop and scarlet, Num. XIX, 6.
- (31) Zuz — the smallest silver coin corresponds to either one quarter or one half of a shekel. Sela' — is either five or ten zuzim. The shekel weighs about twelve grams. V. Krauss, T.A. II, 404.

Talmud - Mas. Yoma 42a

That of the heifer had the weight of ten zuz, that of the he-goat-to-be-sent-away had the weight of two sela's, and that of the leper weighed one shekel. R. Johanan said: About the [strap used in connection with] the heifer R. Simeon b. Halafta and the Sages are disputing, one saying it weighed ten shekels, the other it weighed but one shekel. As a mnemotechnic [sign use]:¹ 'Whether one gives much, or one gives little'.² — R. Jeremiah of Difti said to Rabina: They are not disputing in regard to [the strap of] the heifer, but in regard [to that of] the he-goat-to-be-sent-away; and on the day [of their dispute] died Rabia b. Kisi, and as a sign to remember this coincidence they uttered: [The death of the righteous], Rabia b. Kisi, obtains atonement, even as the he-goat-to-be-sent-away. — R. Isaac said: I heard of two slaughterings, one of the [red] heifer, the other of his bullock,³ one being permissible to a lay Israelite,⁴ the other being invalidated if performed by a lay Israelite, and I do not know which is which. It is reported: Concerning the slaughtering of the heifer and of his bullock [there is a dispute between] Rab and Samuel, one holding the heifer to be invalidated [if killed by a

lay Israelite], but that his bullock [so slaughtered] is fit, while the other holds that his bullock is invalidated [if a commoner killed], but [so killed] the heifer is fit. It may be ascertained that it is Rab who holds that [the slaughtering of] the heifer [by a lay Israelite] renders it invalid. For R. Zei'ra⁵ said: The slaughtering of the heifer by a lay Israelite is invalid and Rab said thereupon: 'Eleazar' and 'Statute'⁶ we learned in connection therewith. — But as for Rab, wherefore the difference between [the law] in the case of the heifer, because 'Eleazar' and 'Statute' is written in connection therewith, when also in connection with 'his' bullock 'Aaron'⁷ and 'Statute' is written? The slaughtering is not [regarded as a Temple] service.⁸ Then this ought to apply to the heifer as well? — It is different with the heifer, because it is [in the category of] offerings for Temple repair.⁹ — So much the more then!¹⁰ -R. Shisha son of R. Idi said: It is the same as with the [inspection of] appearances of leprosy,¹¹ which is not a service, yet requires a priest's service. Now according to Samuel, who holds the killing of 'his' bullock by a lay Israelite is invalid, wherefore the difference [in law] in the case of 'his' bullock, in connection with which 'Aaron' and 'Statute' are written, when also in connection with the heifer 'Eleazar' and 'Statute' are written? — It is different there, because it is written: And he shall slay it before him,¹² which means that a lay Israelite may slaughter and Eleazar should watch it.¹³ And [how does] Rab [explain this]? — [It means] he¹⁴ must not divert his attention from it. Whence does Samuel know that he must not divert his attention from it? — He infers that from And the heifer shall be burnt in his sight.¹⁵ And [why the repetition according to] Rab? — One refers to the slaughtering, the other to the burning;¹⁶ and it was necessary to mention both. For if the Divine Law had written it concerning the slaughtering [alone, I would have said]: There [attention is necessary] because it is the beginning of the service, but with the burning [one could] say: 'No [attention is necessary]' therefore it was necessary [for the Divine Law] to mention [it also touching burning]. And if the Divine Law had written it [only] touching the burning, one would have said [attention is necessary there], because just now the heifer is being made ready,¹⁷ but [during] slaughtering no [attention is necessary]. Therefore it was necessary [for the Divine Law] to mention [that too]. — What does this exclude?¹⁸ Is it to say to exclude the gathering of its ashes and the drawing of the water for the putting in of the ashes?

(1) Ber. 5b.

(2) The usual meaning: Whether one gives much or little, the main matter is that he direct his heart to our Father who is in heaven, is irrelevant here, the accent being put, for mnemotechnic reasons, on: the one (stands for) much, the other for little, i.e., one of the disputants ascribes the maximum, the other the minimum weight.

(3) The bullock which the high priest had to bring for himself on the Day of Atonement.

(4) I.e., a non-priest.

(5) Var. lec. 'Rab'.

(6) Num. XIX, 3: And ye shall give her to Eleazar the priest i.e., it requires a priest's service; ibid. 21: And it shall be a perpetual statute i.e., it is indispensable that the priest do so, as prescribed.

(7) Lev. XVI, 3: Herewith shall Aaron come . . . with a young bullock; and ibid. 34: And this shall be an everlasting statute unto you.

(8) Since a lay Israelite may perform it, the word 'statute', mentioned in connection with his bullock, does not refer to the slaughtering.

(9) The heifer is not offered up on the altar, as any other sacrifice, hence there is no distinction as to the services to be performed in connection with it, and all alike require a priest.

(10) On the contrary, how much more ought a lay Israelite to be permitted to slay the red heifer.

(11) Lev. XIII, 2.

(12) Num. XIX, 3.

(13) 'He' referring to a lay Israelite; 'before him' (lit., 'before his face'), to Eleazar.

(14) 'He' refers to Eleazar i.e., he shall slaughter it and keep his mind on this important ceremony.

(15) Num. XIX, 5.

(16) That is that both rites require attention.

(17) The burning for the purposes of the ashes is the central part of the ceremony, to 'prepare' the heifer for her cleansing purpose.

(18) I.e., with regard to what function is no attention essential.

Talmud - Mas. Yoma 42b

Surely Scripture says: [And it shall be kept for the congregation of the children of Israel] for a water of sprinkling?¹ — Rather it excludes the casting in of cedarwood, hyssop, and scarlet, because they are not part of the heifer itself.

It was reported: If the heifer was slaughtered by a lay Israelite, R. Ammi said it is valid. R. Isaac, the Smith, said it was invalid. ‘Ulla said it is valid, whilst some there are who say [that he said] it was invalid.

R. Joshua b. Abba raised an objection in support of Rab: I know only that the sprinkling of its water is not valid if performed by a woman, as [when done] by a man; and that it is valid only [if done] by day.² Whence do I know that the slaughtering of the heifer, the reception of its blood, the sprinkling of its blood, the burning of the heifer, and the casting into the burning heifer of cedar-wood, hyssop, and scarlet [may not be done by night]?³ To teach us that Scripture said: [This is the statute of] the law.⁴ I might have assumed that this should include also the gathering of its ashes and the drawing of the water for the putting-in of the ashes, to teach us that Scripture said: ‘This’.⁵ — What causes you to include those, and to exclude these? — Since Scripture both extends and limits, say, we shall infer everything from the [regulations touching] the sprinkling of its water: Just as the sprinkling of its water is not proper if done by a woman, as it is [if performed] by a man, and not valid except if done by day, thus⁶ include also the slaughtering of the heifer, the reception of its blood, the sprinkling of its blood, the burning of the heifer, and the casting into the burning heifer of cedar-wood, hyssop, and scarlet. Since these [functions] may not be performed by a woman, so may they be performed only by day; but I exclude the gathering of its ashes and the drawing of the water for the putting-in of its ashes, which, since they may be performed by either man or woman, hence may also be performed by night. But how is this a refutation?⁶ Will you say that because [the slaughtering is stated to be] invalid [if performed] by a woman, it must be invalid, also, if performed by a lay Israelite,⁷ there would be as counterproof the sprinkling of its waters, which, whilst invalid [if performed] by a woman, yet may be done by a lay Israelite! Said Abaye: This is the refutation: Why is the woman excluded [from the slaughtering], because [Scripture said]: ‘Eleazar’, [implying] but not a woman; that [must be applied to] the lay Israelite also, for [the analogue inference]: ‘Eleazar’ [the priest], [implies] but not a lay Israelite.

‘Ulla said: In that whole section [of the red heifer] there are [texts] implying an exception from a preceding implication, and [texts] independent [of preceding or following] implications: And ye shall give her unto Eleazar the priest⁸ [implies] only this one to Eleazar, but not [the heifers] in later generations to Eleazar;⁹ some say: In later generations [you shall give it] to the high priest, others: In later generations to a common priest. It is quite right according to him who holds that in later generations [the heifer is to be handed over] to a common priest,¹⁰ but whence does he infer who holds that in later generations [it is to be given] to the high priest? — He infers it from [the identical word] ‘Statute’, ‘Statute’, used [also]¹¹ in connection with the Day of Atonement.¹²

And he shall bring it forth¹³ [implies] that he must not bring forth another one with her, as we have learnt:¹⁴ If the heifer refused to go forth, one may not send a black one with her, lest people say: They slaughtered a black [heifer], nor may another red heifer be brought forth with her, lest people say: They slaughtered two. — R. Jose said: This comes not under this title,¹⁵ but because it is written: [And he shall¹⁶ bring it forth]; ‘it’, [implies] by itself. And the [anonymous] first Tanna [surely wrote] ‘it’.¹⁷ — Who is this first Tanna? It is R. Simeon who ‘interprets¹⁸ the reason of biblical law’. What is the difference between them? — There is a difference

- (1) Num. XIX,9 which implies that special watch must be kept with these till the sprinkling.
- (2) Because day is stated specifically, Num. XIX, 12.
- (3) No special verse is required that these may not be performed by a woman since 'Eleazar' or 'priest' is written throughout the section (Rashi).
- (4) Ibid 2, 'law' implying uniform regulations for the whole ceremony.
- (5) I.e., 'Do what is written here, but do not add to these regulations' (Rashi).
- (6) Of Samuel, 42a, who holds that a lay Israelite may slaughter the heifer, for since the objection was raised in support of Rab, it must needs be an attack on Samuel's view.
- (7) Whereas Samuel is said supra to declare it valid.
- (8) Num. XIX, 3.
- (9) Eleazar at that time was deputy high priest, and that heifer, by express statement of Scripture, was entrusted to him. In future, however, it would be given either to the high priest, or to a common priest (R. Hananel).
- (10) For, since Scripture did not expressly state that it be handed over to the high priest, or his deputy, but merely by implication, the assumption seems justified that any priest could officiate at the ceremony.
- (11) Lev. XVI, 29 and Num. XIX, 21, on which this analogy is based.
- (12) Where the service is to be performed by the high priest.
- (13) Num. XIX, 3.
- (14) Parah III, 7.
- (15) I.e., this is not the real reason, rather etc.
- (16) The bracketed portion is omitted in the Talmud and supplied from the Mishnah, Parah III, 7.
- (17) Which seemingly justified the excluding interpretation.
- (18) Kid. 68b: Such interpretation will accordingly modify the law, extending or limiting it.

Talmud - Mas. Yoma 43a

if one should bring forth an ass with her.¹

And he shall slay it [implies] that one must not slaughter any other [heifer] with it. Before him¹ [implies] according to Rab that he must not divert his attention from her; according to Samuel, that a lay Israelite may slaughter, and Eleazar look on.² And Eleazar the priest shall take of its blood with his finger³ [is written] according to Samuel in order to refer it [the rite] back to Eleazar;⁴ according to Rab:⁵ this is a limitation following a limitation and a double limitation serves to widen the scope, viz., that even a common priest may do it. And the priest shall take cedar-wood, and hyssop, and scarlet,⁶ [is written] according to Samuel, that even a common priest [may take and cast it] according to Rab:⁷ it is necessary [to mention it], for you might have thought and said: Since these things do not belong to the heifer itself, they do not require any priest's service, therefore Scripture informs us [that they do]. Then the priest shall wash his clothes,⁸ [implies] in his priestly⁹ garments. And the priest shall be unclean until the even,⁸ [implies] that he shall be in his priestly garments¹⁰ even in future generations. That will be quite right according to him who holds that [the heifer ceremony] will in future generations be performed by a common priest,¹¹ but according to him who holds that in future generations [the heifer ceremony will be performed by] the high priest, now, since a high priest is required, is it necessary to state that he must be in his priestly garments? — Yes, Scripture does [occasionally] take the trouble to mention things which might have been inferred a minori.

And a man that is clean shall gather up the ashes of the heifer and lay them up¹² — 'a man,' [is written] to declare fit a lay Israelite;¹³ 'that is clean' — to declare fit a woman; and 'lay them up' [implies] one who has understanding how to lay them up, that excludes one deaf and dumb, an idiot, and a minor, who have not the understanding of how to lay them up. We learned elsewhere:¹⁴ All are fit to prepare [the waters of lustration]¹⁵ with the exception of the deaf and dumb, the idiot, and the minor. R. Judah declares fit a minor and disqualifies a woman and an hermaphrodite. What is the reason for the Rabbis' view? — Because it is written: And for the unclean they shall take of the ashes of the burning of the purification from sin [and put upon them running water in a vessel],¹⁶ i.e.,

they¹⁷ whom I declared unto thee unfit for the gathering [of the ashes] I also declared unto thee unfit for the preparation [of the waters of lustration], but they whom I declared fit to thee for the gathering, I have also declared unto thee fit for the preparation. And [what does] R. Judah [say]? — If that were so,¹⁸ Scripture should have said: ‘He shall take [we-lakah]’;¹⁹ what is the meaning of they shall take?’ To intimate that even a minor whom I declared unto thee unfit there, is fit to act here.²⁰ — Whence does he know that a woman is unfit? — Because Scripture says: [‘he shall put’] i.e., he, but not she, shall put. — And the Rabbis? — If the Divine Law had written ‘He shall take’, ‘he shall put’, one might have assumed the same man must both give and put, therefore Scripture wrote ‘and they shall take’. And if the Divine Law had stated ‘they shall take’ and [also] ‘they shall put’, one might have assumed that there must be two to take and put, therefore Scripture wrote: ‘they shall take’ and ‘he shall put’, to indicate that even if [it is right] two take [the ashes] and one puts [the running water in a vessel]. — And a clean man shall take hyssop, and cup it in the water [and sprinkle],²¹ according to the Rabbis:²² ‘A man’ [implies] but not a woman; ‘clean’ is [written] to declare fit²³ even a minor; according to R. Judah:²⁴ ‘a man’ [implies] but not a minor; ‘clean’ to declare fit a woman.

An objection²⁵ was raised: ‘All are qualified to sprinkle except one whose sex is unknown, an hermaphrodite and a woman; but a child that is without²⁶ understanding, a woman may aid in sprinkling’

(1) According to the first Tanna that would be permitted, because the presence of the ass could not mislead people into the assumption that it was he who is sacrificed; according to Rabbi, it would be forbidden, for ‘it’ excludes permission for any other animal to be brought forth together with her.

(2) V. supra 42a.

(3) Ibid. 4.

(4) Since ‘he shall slay’ refers, according to Samuel, to the lay Israelite, it was necessary to emphasize that the sprinkling had to be done by ‘Eleazar’, otherwise it might have been assumed that it could be performed by the lay Israelite who did the slaughtering.

(5) Who refers ‘he shall slay’ to the priest, the repetition of ‘Eleazar’ here is apparently superfluous.

(6) The repetition indicating that no limitation is intended, but only exemplification.

(7) Who permits a common priest to receive the blood, this passage being independent of the preceding implication.

(8) Lev. XIX, 7.

(9) It was superfluous to state ‘the priest’ again, since we are dealing but with him, the implication therefore is that he must do it in his priestly garments.

(10) When performing the red heifer ritual.

(11) Who does not draw an analogy from the identical words ‘statute’, occurring both in connection with the Day of Atonement and with the heifer; hence it is necessary to state that in the future, nonetheless, he must then wear his official garb.

(12) Num. XIX, 9.

(13) For gathering up the ashes.

(14) Parah V, 4.

(15) I.e., to put water over the ashes.

(16) Num. XIX, 17.

(17) ‘They’ referring to such as were declared fit for the immediately preceding rite of gathering the ashes mentioned in verse 9.

(18) That ‘they’ refers to such as are mentioned in verse 9.

(19) Just as in verse 9 the singular is used.

(20) A minor is not permitted to gather the ashes, but he may put the water in the ashes.

(21) Num. XIX, 18.

(22) Who hold that the mixing of the ashes and water may be done only by such as are fit to gather the ashes, thus excluding a minor.

(23) Had the same regulation implied in verse 9 applied also to sprinkling, the phrase ‘a clean man’ would have been

superfluous here.

(24) Who disqualifies a woman and declares fit a minor for the mixing of the ashes with the water.

(25) Parah XII, 10.

(26) Corrected according to the Mishnah. The Talmud here reads: a child that has understanding.

Talmud - Mas. Yoma 43b

and here R. Judah does not dispute?¹ — Abaye said: Since the Master said that this chapter contains [texts] implying an exception from a preceding implication, and [texts] independent of preceding or following implications he surely disputes.

And the clean person shall sprinkle upon the unclean,² ‘clean’ implies that he was unclean before,³ that informs us that a tebul-yom is qualified [to officiate] at the heifer [ceremony]. R. Assi said: When R. Johanan and Resh Lakish engaged in investigating questions about the heifer, they were unable to produce more than what a fox can bring up from a ploughed field, but they said this chapter contains [texts] implying an exception from a preceding implication, and [texts] independent of preceding or following implications.⁴

A tanna⁵ recited before R. Johanan: All the slaughterings may be performed by a lay Israelite with the exception of that of the [red] heifer. R. Johanan said to him: Go out and teach it in the street!⁶ We do not find that slaughtering is disqualified [if performed] by a lay Israelite. Nor would R. Johanan not listen only to a tanna [in this matter] he would not even listen to his own master, for, whereas R. Johanan said in the name of R. Simeon b. Jehozadak: The slaughtering of the heifer by a lay Israelite is invalid [he added]: But I say, it is valid, for we do not find that slaughtering [of sacrifices] by a lay Israelite is invalid.

HE CAME TO HIS SECOND BULLOCK: Why is it that in the first confession he does not say ‘And the children of Aaron, Thy holy people’ and in the second confession he mentions: ‘The children of Aaron, Thy holy people’? — The school of R. Ishmael taught: Common sense dictates⁷ this: It is better that one innocent⁸ obtain atonement for the guilty, than that one guilty obtain atonement for the guilty.

MISHNAH. HE KILLED IT [THE BULLOCK] AND RECEIVED ITS BLOOD IN A BOWL. AND HE GAVE IT TO THE ONE WHO SHOULD STIR IT UP ON THE FOURTH TERRACE WITHIN THE SANCTUARY⁹ LEST IT CONGEAL.¹⁰ HE TOOK THE COAL-PAN AND WENT UP TO THE TOP OF THE ALTAR, CLEARING THE COALS TO BOTH SIDES, TOOK A PANFUL OF THE GLOWING CINDERS FROM BELOW, CAME DOWN AND PLACED THE COAL-PAN ON THE FOURTH TERRACE IN THE TEMPLE COURT.¹¹ ON OTHER DAYS HE WOULD TAKE OUT [THE CINDERS] WITH A SILVER COAL-PAN, AND EMPTY IT INTO ONE OF GOLD, BUT THIS DAY HE TOOK THEM OUT WITH A GOLDEN [COAL-PAN] IN WHICH HE WAS TO BRING THEM. IN [THE INNER SANCTUARY] ON OTHER DAYS¹² HE WOULD TAKE THEM UP WITH A COAL-PAN CONTAINING FOUR KABS, AND EMPTY IT INTO ONE CONTAINING THREE KABS,¹³ THIS DAY HE TOOK THEM OUT WITH ONE CONTAINING THREE KABS, IN WHICH HE BRINGS OUGHT [THE CINDERS] IN, TOO. R. JOSE SAID: ON OTHER DAYS HE WOULD TAKE THEM OUT WITH ONE CONTAINING ONE SE'AH, AND EMPTY IT INTO ONE CONTAINING THREE KABS, THIS DAY HE TOOK THEM OUT WITH ONE CONTAINING THREE KABS, IN WHICH HE ALSO BRINGS IN [THE CINDERS]. ON OTHER DAYS THE PAN WAS HEAVY, TODAY IT WAS LIGHT.¹⁴ ON OTHER DAYS ITS HANDLE WAS SHORT, TODAY IT WAS LONG.¹⁴ ON OTHER DAYS IT WAS OF YELLOWISH GOLD, TODAY OF RED GOLD. THIS IS THE STATEMENT OF R. MENAHEM. ON OTHER DAYS HE WOULD OFFER HALF A MINA [OF INCENSE] IN THE MORNING AND HALF A MINA IN THE AFTERNOON, TODAY HE ADDS ALSO HIS TWO

HANDS FULL.¹⁵ EVERY DAY IT WAS FINE, BUT TODAY THE FINEST POSSIBLE.¹⁶ ON OTHER DAYS THE PRIESTS WOULD GO UP ON THE EAST SIDE OF THE RAMP¹⁷ AND COME DOWN ON THE WEST SIDE, TODAY THE HIGH PRIEST GOES¹⁸ UP IN THE MIDDLE AND COMES DOWN IN THE MIDDLE. R. JUDAH SAYS: THE HIGH PRIEST ALWAYS GOES UP IN THE MIDDLE AND COMES DOWN IN THE MIDDLE. ON OTHER DAYS THE HIGH PRIEST SANCTIFIED HIS HANDS AND FEET FROM THE LAVER, THIS DAY FROM A GOLDEN LADLE. R. JUDAH SAYS: THE HIGH PRIEST ALWAYS SANCTIFIES HIS HANDS AND FEET FROM A GOLDEN LADLE. ON OTHER DAYS THERE WERE FOUR WOOD-PILES THERE,¹⁹ TODAY FIVE, THUS SAYS R. MEIR. R. JOSE SAYS: ON OTHER DAYS THREE, TODAY FOUR. R. JUDAH SAYS: ON OTHER DAYS TWO, TODAY THREE. GEMARA. But it is written: And there shall be no man in the tent of meeting?²⁰ R. Judah said: Read: Of the Hekal.²¹

Our Rabbis taught: ‘And there shall be no man in the tent of meeting’²²

(1) Tosaf s.v. Velo expresses amazement at the fact that the questioner overlooks the Tosefta, in which R. Judah actually does dispute the anonymous Mishnah. It is to be found in Parah XII, 8, which, as Tosaf suggests, the questioner may not have known the Mishnah containing no such dispute of R. Judah's.

(2) Num. XIX, 19.

(3) The word ‘tahir’ (a clean person) is superfluous, since Scripture just speaks of him, hence it must mean one who is clean again, hence was unclean before. The inference for a tebul-yom (v. Glos.) thus appears justified.

(4) Hence it is impossible to explain them on one schema, because of the particular condition of this chapter, but for the tradition, the inferences would appear incompatible.

(5) V. Glos. s.v. (b).

(6) I.e., it is not fit for the Academy, we cannot accept your report.

(7) Lit., ‘the norm of justice’.

(8) The high priest is adjudged innocent, after having besought and obtained forgiveness for himself.

(9) V. Gemara, loc. cit.

(10) Through being kept there until the time of the smoking of the incense.

(11) Now he would take the incense with his hands and place it in the golden pan.

(12) Tamid V, 5.

(13) This list will prove’ helpful: 1 log=6 eggs; 1 kab =4 logs; 1 se'ah =6 kabs.

(14) The lighter pan and the longer handle were to assist the high priest in his heavy labour on the Day of Atonement.

(15) Both the daily incense on the golden altar in the inner Sanctuary. and the special incense for the day — the latter on a golden pan — were on the Day of Atonement, offered up by the high priest alone.

(16) I.e., ground very thin, thus of finest quality. Ex. XXX, 36.

(17) To the outer altar there were no steps, but the ramp, built ‘In the south of the altar, covering nine cubits of height. The priests went up to the right and down to the left.

(18) Var. lec., ‘Today they went up etc.’ V. Gemara.

(19) Explanation in the Gemara.

(20) Lev. XVI, 17. How then could the priest stir the blood on the fourth terrace in the Sanctuary?

(21) I.e., the fourth terrace leading from the Sanctuary to the Court. v. Mid. III, 6.

(22) Lev. XVI, 17.

Talmud - Mas. Yoma 44a

— one could assume, not even in the Temple Court, therefore it says: ‘in the tent of meeting’. I know [this prohibition] only for the tent of meeting in the wilderness. Whence do we know thereof for Shiloh and the everlasting Sanctuary? To teach us that [Scripture] says in the holy place. I know [the prohibition] only during the time of [the smoking of] the incense, whence [do I know that it applies also] during the time of the sprinkling of the blood? To teach us that, Scripture says: until he come out and have made atonement for himself. — I know it only at the [time of] his entering.

Whence do I learn at his coming forth? To teach us that it says: until he come out. And he shall have made atonement for himself, and for his household, and for all the assembly of the house of Israel, i.e., the atonement for himself precedes that for his household, and the atonement for his household precedes that for his brethren, the priests and the atonement for his brethren, the priests, precedes that for all the assembly of Israel.

The Master said: I know [of the prohibition] only for the time of [the smoking of] the incense. How is this implied? — Raba, and thus also R. Isaac b. Abdimi, and thus also R. Eleazar said: Scripture says: ‘And he shall have made atonement for himself, and for his household, and for all the assembly of the house of Israel’. What atonement is there which obtains evenly for himself, his household, his brethren, the priests, and the whole assembly of the house of Israel? It is the smoking of the incense. But does the incense obtain atonement? — Indeed, for R. Hananiah cited:¹ We learn that the incense obtains atonement for what was said: And he put on the incense and made atonement for the people.² And the School of R. Ishmael taught: Why does incense obtain atonement for [the sin] of the evil tongue [evil speech]? Let that which is [performed] in secret³ come and obtain atonement for what is committed in secret!

We have learnt elsewhere:⁴ People must keep away from the place between Ulam⁵ and altar at the time of the smoking of the incense. R. Eleazar said: This was taught only during the time of the smoking of the incense in the Sanctuary, but during the time the incense was smoked in the Holy of Holies, people had to keep away from the Hekal, but not from the place between the Ulam and the altar.

A. Adda b. Ahabah, or as some say, Kadi,⁶ raised the following objection: R. Jose says: ‘Just as they keep away from the place between Ulam and altar during the [smoking of] the incense, so do they keep away at the time of the sprinkling of the blood of the anointed priest's bullock,⁷ and of the bullock offered up because of an error of the congregation,⁸ and of the he-goats [offered up] because of idolatry.⁹ What gradation of sanctity is there, then, between the Hekal and the space between Ulam and altar? [None] except that from the Hekal men keep away both during the time of the smoking of the incense, and outside of the time of the smoking of the incense, but from the space between Ulam and altar people keep away only in the time of the incense. At any rate, at the time of the smoking of the incense, they do keep away.¹⁰ Would you not say [it means] during the time of the smoking [of the incense] in the Holy of Holies?¹¹ — No, [the reference is to the time of smoking] in the Hekal.¹² If so, [how explain] ‘what then is the gradation between the two places’ etc.? Is the above the only difference in gradation?¹³ Is there not also this difference: that from the Hekal they keep away during the time both of the smoking of the incense in the Hekal itself, and of the smoking of the incense in the Holy of Holies, whereas from the place between Ulam and altar they keep away only during the time of the smoking of the incense in the Hekal itself? — This [exactly] is what he teaches: ‘Except that from the Hekal men keep away, both during the time of the smoking of incense [in the Hekal] and outside of the time of the smoking of the incense [in the Hekal],¹⁴ but from the place between Ulam and altar they keep away

(1) ‘Ar. 16a.

(2) Num. XVII, 12.

(3) In the Holy of Holies, hence — since none but the high priest could enter it — ‘in secret’.

(4) Kel. I, 9.

(5) The hall leading to the interior of the Temple.

(6) Either the name of an otherwise unknown Amora, or ‘As the case may be’; or an anonymous Amora; or ‘a fictitious one’, cf. B.M. 2a.

(7) V. Lev. IV, 3ff.

(8) Lev. IV, 13ff.

(9) Num. XV, 24; traditionally interpreted as the sin of idolatry.

(10) Even from the space between the [Ulam and the altar.

(11) Which refutes R. Eleazar.

(12) But at the time of the incense smoking in the Holy of Holies they separate only from the Hekal but not from the space between Ulam and the altar.

(13) Lit., 'and no more'.

(14) I.e., when incense is offered in the Holy of Holies.

Talmud - Mas. Yoma 44b

only in the time of the smoking of the incense [in the Hekal]. — But there is also this gradations that they keep away from the Hekal both during its own sanctification¹ and that of the Holy of Holies, whereas from the space between Ulam and altar they do not keep away except when the Hekal is being sanctified? — Raba said: The term 'keep away' includes it all in one.²

The Master said: So do they keep away at the time of the sprinkling of the blood of the anointed priest's bullock, and of the bullock offered up because of an error of the congregation, and of the he-goats offered up because of idolatry. Whence do we know that? — R. Pedath said: We infer that from the identity of the word 'atonement' [occurring also] with reference to the Day of Atonement.

R. Aha b. Ahabah said: Conclude from this that the gradations of sanctity³ are Biblical, and thus they have learnt them by tradition, for if it should enter your mind that they are only Rabbinical enactment, then what [in law] is the difference in the space between Ulam and altar [from which they must keep away] for fear that they might enter by accident, they should [analogically] keep away from the whole Temple Court out of fear that they might accidentally enter? — The space between Ulam and altar, since it is not marked off in any fashion, is not recognizable sufficiently, whereas the Temple Court, since there is the outer altar to mark it off, is sufficiently recognizable.⁴ Raba said: Conclude from this that the holiness of Ulam and Hekal is the same. For if it should enter your mind that they are of two different degrees of sanctity, then the sanctity of the Ulam itself is due only to rabbinic enactment; shall we then enact a preventive measure to prevent the violation of another preventive measure?⁵ — No, the Ulam and the space between Ulam and altar are of one degree of sanctity, the Hekal and the Ulam, however, are of two degrees of sanctity.

ON OTHER DAYS HE WOULD TAKE THEM OUT WITH A SILVER COAL-PAN: What is the reason? The Torah has consideration for the money of Israel.⁶

TODAY HE TOOK THEM OUT WITH A GOLDEN PAN IN WHICH HE WAS TO BRING THEM IN: Why? [To prevent] weakness of the high priest.⁷

ON OTHER DAYS HE WOULD TAKE THEM UP WITH A COAL-PAN CONTAINING FOUR KABS: A Tanna taught:⁸ One kab of the embers became scattered,⁹ and he swept it into the channel.¹⁰ One [Baraita] teaches one kab, and another two kabs? It is quite right according to the one which teaches 'one kab', for it is in accord with what the Rabbis said, but the one that taught 'two kabs' is in accord neither with the Rabbis nor with R. Jose?¹¹ — R. Hisda said: It is R. Ishmael, the son of R. Johanan b. Beroka, for it was taught: R. Ishmael, son of R. Johanan b. Beroka said: He brought [the cinders] in a pan containing two kabs. — R. Ashi said: You can also say that it is in accord with R. Jose and he said it thus: On other days he would take them up with a pan containing a se'ah of the wilderness,¹² and pour it into one containing three Jerusalem kabs.

ON OTHER DAYS THE PAN WAS HEAVY, TODAY IT WAS LIGHT: A Tanna taught: On other days it was of thick size, but this day it was thin.

ON OTHER DAYS ITS HANDLE WAS SHORT, TODAY LONG: Why that? So that the arm of

the high priest may support it. A Tanna taught: On other days it had no covering,¹³ today it had one — this is the statement of the son of the Segan.¹⁴

ON OTHER DAYS ITS GOLD WAS YELLOWISH: R. Hisda said: There are seven kinds of gold:¹⁵ gold; good gold; gold of Ophir;¹⁶ fine¹⁷ gold; spun¹⁸ gold; locked¹⁹ gold; Parwayim²⁰ gold. Gold and good gold, as it is written:²¹ And the gold of that land is good. Ophir gold: [so called] because it derives from Ophir. Fine [mupaz] gold

(1) I.e., which would include also the sprinkling of blood.

(2) They both come under one head, independent of the particular rite which is the cause for the keeping away.

(3) Enumerated in Mishnah Kelim 1, 6 — 9.

(4) So as to prevent their entering by mistake, or accident.

(5) In Bez. 3a.

(6) Supra 39a.

(7) That is why he did not have to pour it into another pan. Having the whole heavy programme of the Day of Atonement on his shoulders, all legitimate relief is provided.

(8) V. Tamid 33a.

(9) When he emptied the coal-pan containing four kabs into one containing only three.

(10) V. Shek. IV, 2.

(11) According to whom three kabs would be scattered.

(12) Corresponding to six 'desert' or five Jerusalem kabs, the difference between the two being one sixth. The desert se'ah has five Jerusalem kabs and when the priest pours out three, two remain.

(13) A difficult word, obscure in etymology: variously translated as case, covering. v. Otzar ha-Geonim, ed. B.M. Lewin VI, 21: 'attachment', a contrivance to prevent the handle of the coal-pan from getting too hot. J.T. נרתיק, 'case', 'casket'.

(14) Perhaps the son of R. Hanina the Segan; perhaps also the last to hold this title, v. Bacher. Agada I, 55.

(15) Mentioned in the Bible.

(16) I Kings X, 11.

(17) Ibid. 18. Tosaf cites the J.T. explaining it to be gold without dross or alloy.

(18) Ibid. 16.

(19) Ibid. 21. The AJP Bible translates it 'pure' gold. 'Closed' to all dross, hence 'solid' would suit it as well.

(20) II Chron. III, 6, obviously the name of a place. The explanation here is homiletical.

(21) Gen. II, 12.

Talmud - Mas. Yoma 45a

, because it resembles [the shining jewel] paz. Spun gold, because it is spun like a thread. Locked [rare] gold, because when its sale is opened, all other shops are being locked up.¹ Gold of Parwayim, because it looked like the blood of a bullock [par]. R. Ashi said: There are but five [varieties], each having gold and good gold. Thus was it also taught:² 'On other days the gold was yellowish, this day it was red and that was the Parwayim gold, which looks like the blood of a bullock.'

ON OTHER DAYS HE WOULD OFFER UP HALF [A MINA] ETC., ON OTHER DAYS IT WAS FINE, TODAY MOST FINE: Our Rabbis taught: Why was it necessary to state 'beaten small'³ since it is written already: And thou shalt beat some of it very small?⁴ It is but to intimate that it must be most fine. **ON OTHER DAYS THE PRIESTS WOULD COME UP ON THE EASTERN SIDE OF THE RAMP:** Because a master said: Any turn you make shall be but to the right, i.e., toward the east.⁵

BUT TODAY HE COMES UP IN THE MIDDLE, AND GOES DOWN IN THE MIDDLE: Why? To honour the high priest.⁶

ON ALL DAYS THE HIGH PRIEST SANCTIFIED HIS HANDS AND FEET FROM THE LAVER etc.: Why? To honour the high priest.

ON OTHER DAYS THERE WERE FOUR WOOD-PILES THERE: Our Rabbis taught:⁷ On other days there were two wood-piles, today three; one for the big wood-pile; one for the second pile for the incense, and one which is added for this day;⁸ this is the opinion of R. Judah. R. Jose said: On other days three, today four: one for the big wood-pile, one for the second pile of the incense, one to keep up the fire,⁹ and one which was added for this day. R. Meir said: On all days four and today five; one for the big wood-pile, one for the second pile for the incense, one to keep up the fire, and one for [the burning of] limbs and fat-pieces which had not been consumed on the eve, and one which was added on this day. At any rate all are agreed about two, whence do they know it? — Scripture says: It is that which goeth up on its firewood upon the altar all night,¹⁰ i.e., the big pile. And the fire of the altar shall be kept burning thereby,¹⁰ i.e., the second pile for the incense. Whence does R. Jose infer the [pile for] keeping up the fire? He infers that from: And the fire of the altar shall be kept burning thereby.¹⁰ And R. Judah? This [verse] refers to the kindling of the [splinters of] fig-wood,¹¹ for it was taught: R. Judah used to say: Whence do we know that the kindling of the fig-tree splinters must take place only on the top of the altar? To teach us that, it says: ‘And the fire of the altar shall be kept burning thereby’. R. Jose said: Whence do we know that a [special] pile is made up to keep the fire burning? To teach us that it says: ‘And the fire of the altar shall be kept burning thereby.’ But whence does R. Jose infer that the fig-tree splinters must be kindled [on the top of the altar]? — He infers it from whence R. Simeon infers it. For it was taught:¹² And the sons of Aaron the priest shall put fire on the altar¹³ — that teaches that the kindling of the fig-tree wood must be done by a priest and in a ministering vessel;¹⁴ thus, R. Judah. R. Simeon said to him: How could it enter your mind that a lay Israelite could come up to the altar? Rather does [this passage] teach that the kindling of the fig-wood must take place on the top of the altar. And R. Judah? If we had to infer it from there, we might assume he may stay on the ground and kindle it with bellows, therefore he informs us [as above]. Whence does R. Meir know about limbs and fat-pieces unconsumed from the eve before [requiring a special pile]?¹⁵ — He infers it from ‘And the fire’. And the Rabbis? — They do not interpret the ‘And’ [waw]. But, what, according to the Rabbis, does he do with the limbs and fat-pieces unconsumed from the eve before? — He returns them to the big pile, for it was taught: Whence do we know of limbs and fat-pieces unconsumed from the eve before

(1) For as long as such gold was obtainable in one shop, none would go to buy in any other.

(2) In support of the explanation of ‘Parwayim’.

(3) Lev. XVI, 12.

(4) Ex. XXX, 36, for all days of the year, therefore a minori for the Day of Atonement.

(5) [The ramp being on the southern side of the altar, by ascending on the eastern side of the ramp, the east of the altar, towards which he has turned is immediately on his right, thus obviating unnecessary movement in the Temple.]

(6) [As a mark of distinction he has the privilege of walking about freely in the Temple without restricting his movements to the minimum. Var. lec.: ‘They’ i.e., the high priest and those who accompany him as a mark of honour].

(7) V. Tosef. Yoma III.

(8) To take thence embers for the incense to be smoked in the Holy of Holies.

(9) In case the fire of the great pile did not keep up strong, one added fire from here.

(10) Lev. VI, 2.

(11) Whereby the big pile was lit,

(12) Supra 24b.

(13) Lev. I, 7.

(14) I.e., the priest must perform this in his priestly vestments.

(15) Since he uses the above passage for his own interpretation.

that he lays them in order on the altar, and if the latter cannot hold them, that he lays them on the ramp, or on the gallery,¹ until the great pile is made? To teach us that, Scripture says: Whereto the fire hath consumed the burnt-offering on the altar.² And R. Meir?³ — [This is to teach] you may place back [there] unconsumed parts of the ‘burnt-offering’, but you may not place there unconsumed parts of the incense, for R. Hanania b. Minumai, of the school of R. Eliezer b. Jacob, said [with reference to]: ‘whereto the fire hath consumed the burnt-offering on the altar’ — you place back unconsumed parts of the burnt-offering, but you do not place back unconsumed parts of the incense. At any rate all agree that one adds [an additional pile] on that day; whence do they infer that? — They infer that from: ‘And the fire’, for even he who does not expound a ‘waw’, expounds ‘waw he’ [and the].⁴ What does ‘Fire shall be kept burning upon the altar continually’⁵ mean? — It is required as it was taught: ‘Fire shall be kept burning on the altar continually’; it shall not go out — that teaches concerning the second pile for the incense that it shall be laid in order only on the outer altar.⁶ Whence do we know that about fire, for the coal-pan, [on the Day of Atonement] and for the candlestick?⁷ That can be inferred as follows: The word esh [fire] is mentioned in connection with the incense,⁸ and the same word is mentioned in connection with coal-pan and candlestick; hence just as the former comes upon the outer altar, so do the latter come upon the outer altar. Or turn this way⁹ [perhaps]: the word esh [fire] is mentioned in connection with incense and is also mentioned in connection with coal-pan and candlestick; just as for the former it comes [for the altar] ‘near to it’,¹⁰ so for the latter it comes [from the altar] near to it.¹¹ To teach us [the right law] Scripture says: ‘Fire shall be kept burning on the altar,’ it shall not go out i.e., the continual fire whereof I spoke¹² to you must be nowhere else but on the top of the outer altar. We thus learned it for the fire of the candlestick, whence do we know it for the fire of the coal-pan? This can be inferred: [The word] ‘esh’ [fire] is stated in connection with the coal-pan, and ‘esh’ is used in connection with the candlestick, hence just as the former comes from the outer altar, so does the latter come from the outer altar. But, perhaps turn this way: [the word] ‘esh’ is mentioned in reference to the incense, and ‘esh’ is used in connection with the coal-pan; hence just as the former comes from [the altar] near to it, so the latter too comes from [the altar] near to it. Therefore it says: And he shall take a censer full of coals of fire from off the altar before the Lord¹³ Now which altar is [only] partly before the Lord, but not wholly before the Lord? You must say it is the outer altar.¹⁴

Now it was necessary [for Scripture] to mention both ‘from off the altar’ and from ‘before the Lord’. For if the Divine Law had written only ‘from off the altar’ I might have said: That ‘altar’ means the inner altar, hence the Divine Law said: ‘from before the Lord.’¹⁵ And if the Divine Law had written: ‘From before the Lord’ [alone], I might have said it must be exactly before the Lord,¹⁶

(1) The sobeb v. Glos.

(2) Lev. VI, 3. This is superfluous in view of the preceding ‘it is that which goeth up on its firewood’, hence the derivation.

(3) How does he explain this verse.

(4) As in this case where it is written ‘and the fire’ a superfluous letter may have some intimation, two unnecessary ones must have it.

(5) Lev. VI, 6.

(6) ‘The altar’ in the cited verse referring to the outer altar.

(7) I.e., that they are to be fetched from the other altar.

(8) According to Rashi the word ‘esh’ is not really mentioned, but implied: he shall smoke it ‘and there can be no smoke without fire’; but Tosaf. cites Num. XVI, 18, where the word fire is actually explicit in connection with incense.

(9) I.e., argue thus; a suggestion opposed to the preceding one is occasionally introduced by this composite word.

(10) The inner altar is in the neighbourhood of the outer altar.

(11) I.e., the inner altar which is nearest to the candlestick and the Holy of Holies.

(12) I.e., the perpetual light of the candlestick, v. Ex. XXVII, 20.

(13) Lev. XVI, 12.

(14) Since the inner altar is entirely facing the inner Sanctuary.

(15) 'Mi-lifne' — 'from before' is taken to mean 'only part of the altar is before the Lord.'

(16) I.e., just opposite the entrance of the Sanctuary.

Talmud - Mas. Yoma 46a

but not to one side or to the other,¹ therefore it was necessary [to have both phrases].

R. Eleazar said in the name of Bar Kappara: R. Meir used to say: For any of the limbs of the [daily] burnt-offering which remained over,² a special pile is to be arranged, even on the Sabbath. What is he teaching us? Have we not learnt: Every day there were four piles of wood there?³ — R. Abin said: It was necessary [to state it] for those which became [somewhat] invalidated.⁴ [This however] is only when the fire has already touched them, but not when the fire has not taken hold of them. Some there are who say: Whether they were valid or invalid⁴ [the same rule applies]: If the fire had touched them, a special pile is needed but if not, not. [You say] 'Even on the Sabbath'. [Surely] we have learnt thus: AND TODAY FIVE [PILES OF WOOD]!⁵ — R. Aha b. Jacob said: It was necessary [to mention that]. The thought might have arisen in you that this applied only when the Day of Atonement fell [immediately] after Sabbath, because the fat-pieces of the Sabbath may be offered up on the Day of Atonement, but not [if it fell] in the middle of the week, therefore he informs us [that it applies then too].

Raba said: Who is it that does not care what flour he grinds?⁶ Have we not learnt: On all other days?⁷ [These were four]-This is a real difficulty. Now he [Bar Kappara] disputes with R. Huna who holds: The continual offering suspends the Sabbath only at its beginning, but not at its end.⁸

[To turn to] the main text: The continual offering suspends the Sabbath only at its beginnings not at its end. What does it not suspend? — R. Hisda says: It suspends the Sabbath, but not the law of levitical impurity. Rabbah said: It suspends the law of levitical impurity,⁹ but not the Sabbath. Said Abaye to Rabbah: There is a difficulty on your view as well as on the view of R. Hisda. According to you, there is a difficulty: Why does it suspend the law of levitical impurity? Because Scripture said: In its due season¹⁰ i.e., even in levitical uncleanness, [it should suspend also] the Sabbath, [since] 'in its due season' [implies] even on the Sabbath? — And according to R. Hisda there is a difficulty. Wherefore the difference [in law in the case of] Sabbath touching which it is written: 'In its due season' [i.e.] even on the Sabbath; the same should apply to levitical impurity, since 'In its due season' [implies] even in levitical uncleanness.¹¹ He answered: There is no difficulty according to my view, nor is there any difficulty according to R. Hisda. There is no difficulty on my view; for the beginning is like the end

(1) Though it is on the western side of the altar.

(2) I.e., the limbs had been only partly consumed.

(3) One of which was meant for the limbs of the burnt-offering of the Temple, which remained over.

(4) I.e., Only in so far that they were not to be offered at the altar at the outset, though once they had been brought upon the altar they could be allowed to remain there to be consumed.

(5) And the same regulation governs both the Sabbath and the Day of Atonement, and it was taught that for the limbs of the continual dusk-offering a special pile was established on the Day of Atonement.

(6) I.e., does not care what argument he offers. Just as one who does not care what flour he grinds, will hurt his body through indigestible food, so will one who is not sensitive to careless thinking in his study, hurt his mind. V. Lewin, Otzar VI, 55, 170.-D.S. adduces a reading from the Aruk, 'he does not care what comes before him', i.e., he ignores texts in theorizing.

(7) Which includes the Sabbath.

(8) This offering is sacrificed on the Sabbath day, notwithstanding the fact that the labour involved many kinds of work expressly forbidden on that day. But only at the beginning. i.e., if the beginning of that sacrifice has to be made on the Sabbath. Of the Friday dusk-offering, however, the limbs must be smoked before the Sabbath. Since it belongs to Friday

it would be desecration to continue it on the Sabbath.

(9) Cf. supra 6b.

(10) Num. XXVIII, 2.

(11) For if no clean priest is present to sprinkle the blood, even one in the state of levitical uncleanness is permitted to do so.

Talmud - Mas. Yoma 46b

[consequently] in the case of the law of levitical impurity, since it is suspended at the beginning it is also suspended at the end, but with regard to the Sabbath, since it is not suspended at the beginning¹ it is also not suspended at the end. Nor is there any difficulty according to R. Hisda: He does not hold that the end is like the beginning: [consequently] with regard to the Sabbath, since it is inoperative when a community sacrifice is concerned, it is suspended also at the end of the sacrifice, whereas as regards the law of levitical uncleanness, since in the face of a community sacrifice it is only suspended,² it is suspended only at the beginning which is essential for [the obtainment of] atonement, but not at the end, which is not essential for atonement.

It was stated: If one puts out the fire of the coal-pan or of the candlestick, Abaye holds him guilty,³ Raba holds him not guilty. If he put it out on the top of the altar, all agree that he is guilty, they dispute it only if he brought it down to the ground and put it out there. Abaye holds him guilty 'because it is fire of the altar'; whereas Raba holds him guilty, 'since he snatched it away, he has snatched it'.⁴ According to whose opinion will be, then, what R. Nahman said in the name of Rabbah b. Abbuha: 'One who takes an ember down from the altar and puts it out is guilty' shall we say it will be in accord with Abaye?⁵ — You may also say that it is in accord with Raba, for in the one case it was not snatched away' for its ordained use,⁶ in the other case it was snatched away' from the altar for its ordained use.

Some there are who say: None disputes the case where he took it down to the floor and put it out there, [all agreeing] that he is not guilty, the dispute concerns but the case where he put it out on the top of the altar. Abaye holds he is guilty 'because it is the top of the altar', whereas Raba holds him guilty, 'since he snatched it away, he has snatched it'. According to whose opinion, then, will be the teaching of R. Nahman in the name of Rabbah b. Abbuha viz.: 'One who brings an ember down from the altar and puts it out is guilty', — will you not say it will be in accord with neither Abaye nor Raba? — [No], there it was not snatched away for its ordained use, here it was snatched away' for its ordained use. [

(1) The Friday dusk-offering must be offered before Sabbath since the blood of the offering would become useless, invalidated, if not sprinkled before sunset.

(2) Only 'with difficulty' but never imperative, every attempt must be made to prepare the sacrifice in levitical cleanness. V. Supra 7b.

(3) Of having transgressed the prohibition: 'It shall not go out' i.e., it must not be put out, Lev. VI, 6.

(4) And it has lost its sacred character, hence what he put out on the floor was no more a coal sanctified on the altar whence he does not become guilty of transgressing the prohibition.

(5) The adopted opinion in disputes between Abaye and Raba is in the overwhelming majority in accord with Raba, whence the question as to the meaning of his teaching an invalid opinion. V. B.M. 22b.

(6) To place it in the coal-pan.

Talmud - Mas. Yoma 47a

CHAPTER V

MISHNAH. THEY BROUGHT OUT TO HIM THE LADLE AND THE PAN. [FROM THE LATTER] HE TOOK HIS TWO HANDS FULL [OF INCENSE] AND PUT IT INTO THE LADLE, A TALL [HIGH PRIEST] ACCORDING TO HIS SIZE, A SHORT ONE ACCORDING TO HIS SIZE AND THUS WAS ITS MEASURE. HE TOOK THE PAN¹ IN HIS RIGHT [HAND] AND THE LADLE IN HIS LEFT [HAND].

GEMARA. THE PAN? But was it not taught:² He took the pan and went up to the top of the altar, took out the burning coals, and went down? — There the reference is to the pan of burning coals, here to the pan of the incense. For it was taught:³ One brought out for him the empty ladle from the Cell of Vessels, and the heaped pan of incense from the Cell of the House of Abtinah.⁴

HE TOOK HIS TWO HANDS FULL AND PUT IT INTO THE LADLE, A TALL [HIGH PRIEST] ACCORDING TO HIS SIZE, A SHORT ONE ACCORDING TO HIS SIZE AND THUS WAS ITS MEASURE: For what purpose was the ladle on the Day of Atonement necessary? Surely the Divine Law said: [And he shall take] his hands full and bring it⁵ — Because [otherwise] it is impossible.⁶ For how shall he do it? Shall he bring in [the pan of burning coals] and then again bring in [the incense]?⁷ The Divine Law refers to one 'bringing in', not to two 'bringings in'. — Shall he take the incense in his handfuls and place the pan⁸ [of burning coals] on top of it, entering thus? Then when he comes [within the veil] how shall he act? Shall he take it between his teeth and set the pan [of burning coals] down? Now, if such procedure is unseemly in the presence of a mortal king, how much less seemly is it before the Supreme King of Kings, the Holy One, blessed be He? — Thus it is impossible and since it is impossible, we do it as we find it in connection with the [offerings of the] princes.⁹

He took the pan¹⁰ in his right hand and the censer into his left hand.¹¹ 'The native below and the alien in the heavens above?' This one [the ladle] is small, the other [coal-pan] large,¹² and even where both are alike, as with R. Ishmael b. Kimhith, the one is hot and the other cold. It was reported about R. Ishmael b. Kimhith that he was able to take four kabs in his two handfuls, saying: All women are valiant but the valour of my mother exceeded them all.¹³ Some interpret it¹⁴ as referring to the crumb-dough,¹⁵ in accord with Rabbah b. Jonathan who said in the name of R. Yehiel that crumb-dough is very helpful to a sick person. Others say it refers to the [healthy] semen [she received], in accordance with what R. Abbuha asked. For he raised a contradiction: It is written: For thou hast sifted¹⁶ me with strength unto the battle¹⁷ but it is also written, Who has girded me with valour [for the battle]¹⁸ [to interpret the divergence thus]: David said before the Holy One, blessed be He: Lord of the Universe, Thou hast [first] 'carefully sifted' and then strengthened me. It was told of R. Ishmael b. Kimhith¹⁹ that one day he talked in the street to an Arab, and spittle from his mouth flew on his garments,²⁰ whereupon his brother Jeshebab entered and ministered in his stead. Thus their mother saw²¹ two high priests on one day. Furthermore, it is told of R. Ishmael b. Kimhith that he went out and talked with a certain lord²² in the street, and spittle from his mouth squirted on his garments, whereupon Joseph his brother entered and ministered in his stead so that their mother saw two high priests²¹ on one day. The Sages said unto her: What hast thou done to merit such [glory]? She said: Throughout the days of my life the beams of my house have not seen the plaits of my hair.²³ They said to her: There were many who did likewise and yet did not succeed.²⁴

Our Rabbis taught: with his fists²⁵, that means that he must not make a measure for his fistful.²⁶ The question was: How about making a measure for his handfuls? Is it only there²⁵ since it is written, 'With his fist',²⁷ whereas here²⁸ where it is not written 'With his handfuls' but 'his hand full of fine incense,' [it matters] not,²⁹ or does he derive [the meaning of] 'full' from [the word], full'

[occurring in connection with] his fist?³⁰ — Come and hear: AND THUS WAS ITS MEASURE'. Would you not say that it means: If he wishes to make a measure he may do so?³¹ — No, this is what it means: In the same manner would he take the hands full within the Holy of Holies.³² May not you then conclude from this that he takes the handfuls [outside] and repeats it inside again! — [No], perhaps it means that if he wants to have a measure made, he may do so;³³ or, that he must take neither less nor more.³⁴

Our Rabbis taught: His fistfull.³⁵ One might have assumed that it may come forth on both sides, therefore Scripture says: 'With his fist'.³⁶ From 'With his fist' I might have inferred that he should just take some with his finger-tips hence Scripture says: His fistful', i.e., in the manner in which people take a fistful. How so? He bends three of his fingers³⁷ up to his wrist and takes a fistful.

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- (1) V. Gemara.
 - (2) Infra 48b.
 - (3) Ibid.
 - (4) V. supra.
 - (5) Lev. XVI, 12.
 - (6) To perform the rite without the ladle.
 - (7) In his handfuls.
 - (8) Shall he put the pan on the incense and enter.
 - (9) Num. VII, 14; One ladle . . . full of incense.
 - (10) This refers to the pan of burning coal.
 - (11) This is illogical for the ladle with the incense should be in his right hand and the less important pan in the left.
 - (12) Hence the heavier of the two, and therefore carried in the right hand.
 - (13) Lit., 'has ascended to the roof'. She has taken exceedingly good care of her children. The phrase is reminiscent of Prov. XXXI, 29. **הַרְרָה** may be interpreted as valour (Jast.); as vine (Aruch) or bundles of green (R. Han.) i.e., children.
 - (14) The mother's valour or the children's power.
 - (15) Which she ate during her pregnancy or on which she fed her children.
 - (16) With reference to his inner constitution. E.V. 'girded me'.
 - (17) II Sam. XXII, 40.
 - (18) Ps. XVIII, 33. The texts of II Sam. XXII and Ps. XVIII are almost identical, hence changes or deviations must have a definite idea underlying each. 'Sifted' is an ad hoc interpretation. The words 'for the battle' are not found in Ps. XVIII, 33.
 - (19) Tosaf. Yoma III.
 - (20) It was on the day of Atonement, he was to minister as high priest and the spittle defiled and thus prevented him from officiating.
 - (21) Both her sons.
 - (22) In the Tosaf. the reading is 'a king' and the incident reported to have occurred on the eve of the Day of Atonement.
 - (23) Especially a married woman would always cover her hair, as a sign of modesty. [Buchler (JQR. 1926) p. 8 identifies this high priest with Simeon (Ishmael) the son of Kamithos who was appointed by Gratus in the year 17-18.] The sight of a married woman's hair is an impropriety. Git. 90a.
 - (24) In obtaining such distinction. Your suggestion is insufficient.
 - (25) Lev. VI, 8.
 - (26) I.e., he must not use a measure instead of his fist.
 - (27) I.e., with his fist only, not with a measure.
 - (28) Lev. XVI, 12.
 - (29) Does the prohibition of using a measure not apply here.
 - (30) V. Lev. II, 2; the word 'full' written thus implies prohibition of an artificial measure. By inference from the identity of phrase the same may be assumed to apply here.
 - (31) This may be explained to refer to the ladle, to mean that one could have a measure made in accord with the high priest's size of hand.
 - (32) The Mishnah here means: And this was the method of measurement within; i.e., the priest would empty incense

from the ladle into his hands and then put it over the burning coals in the pan.

(33) I.e., one cannot conclude from the Mishnah either way.

(34) Thus was the measure-two exact hands full-rigidly so.

(35) Lev. II, 2.

(36) Lev. VI, 8. No more, just as much as the closed fist will contain.

(37) Grasping with them.

Talmud - Mas. Yoma 47b

In the case of the [meal-offering baked in a] griddle and the [meal-offering of the] stewing-pan¹ he makes it even with his thumb from above and with his small finger from below. And this was the most difficult service in the Sanctuary. [You say] 'this is'; and nothing else? Was there not the pinching of the bird's head² and was there not the taking of the fistfuls?³ - But say, rather, this was one of the difficult priestly functions in the Sanctuary. — R. Johanan said: R. Joshua b. Uza'ah asked: How about that which is between [the fingers of the fist]?⁴ -R. Papa answered: That which is inside needs no question for it surely belongs to the fistful. Concerning that which is on the outside, too, there is no doubt, it surely is considered a remainder.⁵ The question attaches only to such portions as are in between [the fingers]. How about these? — Said R. Johanan: R. Joshua b. Uza'ah had subsequently solved [the question] viz., concerning [the portion] in between, uncertainty prevails.⁶ How then shall he act?-R. Hanina said: He shall burn [as an offering] first the fistful and then the portions in between [the fingers]. For, if we were to burn up [the 'in between' portions] first, perhaps they are considered remainders, and it would thus be a case where the remainders became reduced between the taking of the fistful and the burning [of it on the altar], whereas the Master has said⁷ that if remainders became reduced between the taking of the fistful and the burning thereof no more fistfuls may be burnt up on their account! If that be so, then even now apply thereto the rule:⁸ Whatever had partly been used in fire offering must no more be burnt [as an offering]?⁹ Said R. Judah, son of R. Simeon b. Pazzi: He burns them [the remainders] up as wood, in accord with R. Eliezer, for it was taught:¹⁰ R. Eliezer said: For a sweet savour,¹¹ for this you must not bring them up but you may bring them up as fuel. This will be in accord with R. Eliezer, but what is there to be said in accord with the Sages?¹² R. Mari said: Fat priests¹³ take the fistful. Now that you have come to this answer, according to R. Eliezer, too, [there is a procedure which may be adopted] at the outset,¹⁴ viz., fat priests should take the fistful. R. Papa inquired: How about the middle [portions] 'in between' connection with the [two] hands full?¹⁵ — What is he inquiring about? If he derives [the meaning of the word] 'full' from 'full' [occurring] there¹⁶ it is the same [as the first question].¹⁷ — This is what R. Papa asks: [Should we say that] we require that 'he shall bring it his hands full',¹⁸ which is the case here, or is it required that he take...bring in, which is not the case here?¹⁹ — The question remains unanswered.

R. Papa said: It is obvious to me that 'his fistful' means: In the manner in which people usually take a fistful, but R. Papa asked: If he had taken the 'fistful' with his finger-tips, what is the law then, or [if he took it] from below upward, or from the sides, what then? — The questions remain unanswered.

R. Papa said: It is obvious to me that the 'handfuls' are to be taken as men usually take them, but he asked: If he took the 'handfuls' with his finger-tips, what then? or from below upward, or from the side; or if he swept it with one hand and with the other and then brought the hands together? — The questions remain unanswered.

(1) V. Lev. II, 5 and 7.

(2) Zeb. 64b, based on Lev. V, 8.

(3) The priest's taking of the handfuls of incense, Lev. XVI, 12, v. infra 49b.

(4) Is it considered part of the fistful to be offered on the altar, or the remnant which went to the priests?

- (5) Belonging to the priests.
- (6) As to where they are to belong.
- (7) Men. 9a.
- (8) Men. 58a.
- (9) An interpretation of Lev. II, 12. And since he first burns up the fistful he should not be permitted to burn up after that the remainders as an offering.
- (10) Zeb. 77b.
- (11) Lev. II, 12, on which the rule cited last is based.
- (12) Who extend the prohibition even against burning them as fuel (v. Zeb. 77b). What is one therefore to do with the portions 'in between'.
- (13) Whose fingers are fat without any space between them for any quantity to get in.
- (14) The proposal to burn it as fuel is even according to R. Eliezer not one which is to be adopted at the outset, v. Zeb. ibid.
- (15) Sc. of incense offered on the Day of Atonement.
- (16) I.e., in connection with the fistful; just as with the fistful any heaping is not burnt up as offering, the same would apply to heapings of the two hands full. The analogy based on the use of the word 'full' in both Lev. II, 2, which refers to the first, as in ibid. XVI, 12, which deals with the two hands full.
- (17) Asked supra, whether a measure may be made for the hands full.
- (18) Lit., 'his hands full... and he shall bring' v. Lev. XVI, 12.
- (19) For he has not placed it between his fingers, it having entered there by itself, hence the required personal effort-and he shall take it-was absent.

Talmud - Mas. Yoma 48a

R. Papa asked: If he stuck the fistful on to the side of the vessel, what then? Does the law require that it be put into the middle of the vessel, which is the case here, or must it be placed inside the vessel properly, and this was not done in our case? — The question remains unanswered.

Mar, the son of R. Ashi asked: If he overturned the vessel and placed the fistful on the bottom of the vessel, how then? Does the law require placing it in the vessel, which was done here, or is it to be placed properly, which has not been done? The question remains unanswered.

R. Papa asked: With regard to the 'handfuls' are they to be heaped or levelled?-R. Abba said to R. Ashi: Come and hear: The 'handfuls' whereof they spoke are to be neither levelled, nor heaped, but liberally measured. — We learned elsewhere:¹ If the blood was poured out on the pavement² and he gathered it up, it is invalidated. But if it was poured out of the vessel on the pavement and he gathered it up, it is usable. Whence do we know this?³ — For the Rabbis taught: And [the anointed priest] shall take of the blood of the bullock,⁴ i.e., from the blood of life⁵ and not from the blood of the skin, nor from the last blood oozing out.⁶ 'From the blood of the bullock' i.e., the blood from the bullock shall he receive [straight]. For if you were to interpret from the blood of the bullock' [as meaning] 'from the blood⁷ i.e.' even if only part of the blood, has not Rab Judah said: He who receives the blood must receive the whole of the bullock's blood, as it is said: And all the remaining blood of the bullock shall he pour out at the base of the altar,⁸ hence it is evident from here that from the blood of the bullock' must be interpreted as 'blood from the bullock [straight]';⁹ he¹⁰ holding the view: One may remove [a letter] and add [one] and thus interpret.¹¹

R. Papa asked: If the incense was scattered from his handfuls, how then? Is his hand to be compared to the neck of the animal¹² so that the incense would be invalidated, or is it to be compared to a ministering vessel and thus is not invalidated? — The question remains unanswered.

R. Papa asked further: If, in taking the handfuls of the incense, he had an [unlawful] intention,¹³ what then? Do we say that we infer [the meaning] of 'full' [by analogy of] 'full' occurring with the

meal-offering,¹⁴ [viz.,] as in that case an [unlawful] intention effects an invalidation, so here too, an unlawful intention will effect an invalidation, or is it not so?-R. Shimi b. Ashi said to R. Papa: Come and hear: R. Akiba added [the cases of]¹⁵ the fine flour, the incense, the balm, and the embers [of the sanctuary]. that if a tebul yom¹⁶ had touched part of them, he invalidated all of them.¹⁷ Now the assumption is that since a tebul yom invalidates them¹⁸ so does their being kept overnight,¹⁹ and since their being kept overnight invalidates them, so does unlawful intention.²⁰

R. Papa asked:

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- (1) Zeb. 25a.
 - (2) Before having been received into a vessel, as prescribed.
 - (3) That it is necessary for the blood to flow from the neck of the animal straight into a vessel.
 - (4) Lev. IV, 5.
 - (5) The blood coming forth in a jet, with which life leaves the body of the animal.
 - (6) Of the vein which was cut.
 - (7) The Hebrew words are Mi-dam ha-par, 'From the blood of the bullock'. The 'mi' has partitive meaning-'from the blood', part of it, not all of it.
 - (8) Lev. IV, 7.
 - (9) Meaning not from the skin, the vein, but that which is the bullock's life, with the jetting away of which his life too is gone.
 - (10) The Tanna of the cited Baraitha.
 - (11) In order to remove a contradiction. This interpretation involves a change in the Hebrew text. Instead of **מִדָּם הַפָּר** the ad hoc reading is: **דָּם מֵהַפָּר** Involving a removal of one letter from the first word and its addition to the second word.
 - (12) When the blood flows from the neck of the animal to the pavement, instead of being received in a vessel, it is invalidated. Does the same law apply when the incense is scattered?
 - (13) An intention at the moment of slaying to eat of the flesh beyond the allotted time renders the animal in question 'a vile thing' (Zeb. 25a). If the priest has similar intention, i.e., to offer up the incense tomorrow instead of today, would the same consequence ensue for the incense?
 - (14) V. supra p. 223.
 - (15) V. Hag. 23b, Sonc. ed., for notes.
 - (16) One who has bathed in daytime but must await the sunset to be perfectly clean. V. Lev. XXII, 7.
 - (17) The vessel of ministry combining the various constituent parts of the flour etc., as one. V. Hag., Sonc. ed., 23b for notes.
 - (18) Through the union effected by the vessel of ministry.
 - (19) In virtue of the fact that they were contained in a vessel of ministry. V Me'il. 10a.
 - (20) I.e., since the incense by being placed in a vessel of ministry received a holy character in respect of contact with a tebul yom, and being kept overnight, it becomes invalidated through unlawful intention.

Talmud - Mas. Yoma 48b

If he, in removing the coals [for the incense], had an unlawful intention — what then? Are preliminary¹ means of a religious act to be considered as the act itself or not? — The question remains unsolved.

The question was asked of R. Shesheth: If the blood was carried [to the altar] in the left hand, what is the law?² R. Shesheth answered: You have learnt it: He took the pan of burning coals in his right hand and the ladle in his left.³ But he could have settled that point to them from what we have learnt:⁴ [He carried] the right hind-leg in the left hand with the inside of the skin outward?⁵ — If the argument were based on that I might have assumed this applies only to a carrying [of such things] which are not indispensable to atonement,⁵ but in the case of a carrying [of things] which are indispensable to atonement,⁶ [it would] not [apply], therefore he has to bring [the above reference].⁷

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- (1) So that his unlawful thought in connection with the preliminary act would have the same effect as such thought in connection with the religious act in itself and so the incense is rendered invalidated. Another interpretation would limit the effects of his unlawful intention to the preliminary act, here to the embers.
- (2) All the other rites in connection with the blood sprinkling must be performed with the right. V. Zeb. 16b and 24a.
- (3) Whence we may infer that even in this case he is within the law.
- (4) Tam. IV, 3.
- (5) I.e., the carrying of the limbs.
- (6) E.g., the carrying of the blood to the place of sprinkling.
- (7) Referring to the incense which is indispensable to atonement.

Talmud - Mas. Yoma 49a

They raised the following objection:¹ A lay Israelite, an onen,² one inebriate or one with a blemish are invalidated for the receiving, the carrying, and the sprinkling of the blood, and so is one seated, and the left hand. This is a refutation. — But R. Shesheth himself has asked this question in refutation!³ For R. Shesheth said to the Amora⁴ of R. Hisda who asked of R. Hisda: May the blood be carried by a lay Israelite? He answered: It is proper and a scriptural verse supports me: And they killed the passover lamb, and the priests dashed⁵ of their hand, and the Levites flayed them.⁶ And R. Shesheth raised this question: A lay Israelite, a mourner, an inebriate, or one blemished are invalidated for the receiving, the carrying, or the sprinkling of the blood, and so is one seated and the left hand!⁷ -After having heard it, he raised it in objection [against R. Hisda]. But R. Hisda had cited a scriptural passage [in support]? — They served only the purpose of a portico.⁸

R. Papa asked: If another⁹ [priest] took his hands full and put it into his [the high priest's] hands — how then? Is what we require that it be 'his hands full' which we have here, or is it required that he both 'take [his hands full] and bring it in', which was not the case here? — The question remains unsolved. R. Joshua b. Levi asked: If he had taken his hands full and then died, what about someone else entering [within the Holy of Holies] with his [the first one's] handfuls? — Said R. Hanina: This is a question of the older generation!¹⁰ Shall we say that R. Joshua b. Levi was older?¹¹ But R. Joshua b. Levi had said: R. Hanina permitted me to drink a cress-dish¹² on the Sabbath? [You say] to drink? That is self-evident, for we have learnt:¹³ One may eat all kinds of food for a remedy, and one may drink every kind of drink as a medicine? — Rather to grind and to drink cress-dish on the Sabbath. What case do you mean? If it be a case of danger, surely it is allowed;¹⁴ and if the case be without danger, it surely is forbidden?¹⁵ -In truth the case referred to is one dangerous and this is how the question ran: Does it cure so that one may for this purpose desecrate the Sabbath, or does it not effect a cure so that one may not desecrate the Sabbath in connection with it? And why was it R. Hanina?¹⁶ — Because he was familiar with medicine, for R. Hanina said:¹⁷ Never did a man consult me concerning a wound inflicted by a white mule and recover. But we see that people recover?-Say: And it was cured.¹⁸ -But we see them cured?-The reference here is to red mules, the end of whose feet is white. — At any rate we learn from here that R. Hanina was the older one?¹⁹ -Rather, this is what he said: Our question is like one of the former generation.²⁰ But did R. Hanina express such a view?²¹ Did not R. Hanina say: With a bullock,²² i.e., but not with the blood of a bullock;²³ and, furthermore, was it not R. Hanina who said: If he took the hands full of the incense before the slaying of the of the bullock, he has done nothing?²⁴ — This is what he [R. Hanina] said: Since he²⁵ asks the question, the inference is justified that he holds 'With a bullock' includes also 'with the bullock's blood'; now, according to [this] his view, his question is like the question of an older generation. — What about that?²⁶ — R. Papa said: If [we say that] he takes the handful first and then must take it again,²⁷ then his fellow may enter with his hafinah,²⁸ because the hafinah is still the same; but if [we say] that he takes the handfuls once but does not take them again, then your question arises. Said R. Huna son of R. Joshua to R. Papa: On the contrary! If [we say that he] performs the hafinah twice, none else should enter with his hafinah, because it is impossible that the

second take not either a bit less [than the handfuls of the first]²⁹ or a bit more; but [if we say that] he performs only one hafinah, does your question arise. For the question had been raised: Must he perform the hafinah twice?- Come and hear: AND SUCH WAS ITS MEASURE. Now does not that mean that as the measure in the outside hafinah, so was it in the hafinah within the Holy of Holies? — No, perhaps the meaning here is that if he wanted to make a measure he could do so, or, that he must not take either more or less in the one case than in the other.³⁰ Come and hear:

(1) Zeb. 16a.

(2) V. Glos.

(3) Hence he obviously knew the Mishnah, how then could he have given the wrong answer!

(4) V. Glos. s.v. (b).

(5) II Chron. XXXV, 11.

(6) I.e., the blood which they received at the altar side from those who killed the passover, namely, lay Israelites who are fit for slaughtering sacrifices, v. Supra 43a.

(7) Which shows that R. Shesheth knew of the Mishnah disqualifying the carrying with the left hand, how then did he solve the question put to him contrariwise.

(8) The laymen served only the purpose of a portico, holding the bowls up to view, but not handing them to the altar.

(9) Lit., 'his fellow'.

(10) The fact that this question asked by a teacher of the older generation has been also put by myself is an implicit compliment to our learning; R. Joshua b. Levi being of the older generation.

(11) The older of the two scholars. Hence Hanina's remark about the 'older generation'.

(12) 'Drink' because usually mixed with wine or oil.

(13) Shab. 109b.

(14) And is not in need of any special argument for dispensation.

(15) And no effort to permit it would be legitimate.

(16) Of whom the question was asked.

(17) Hul. 7a.

(18) The first interpretation referred to the person injured by the mule,' the second to the wound.

(19) Since R. Joshua refers to Hanina as 'R. Hanina', one must assume that the former cannot have been older, for in that case he would have called him by his first name, Instead of saying 'R. Hanina etc.'

(20) He said to his pupils: This question of yours has been already asked by older scholars than you, viz., R. Joshua b. Levi, and it remained unsolved.

(21) Did he himself doubt as to whether the high priest may enter the Holy of Holies with the handfuls of incense that had been taken by someone else.

(22) Lev. XVI, 3.

(23) I.e., one priest must both slay the bullock and enter the Holy of Holies with its blood. This interpretation excludes the possibility of one's entering with the blood of a bullock slain by someone else.

(24) The ministration is invalid and must be repeated in proper form and order, infra 60b. As the taking of the hands full must not be performed before, but after the slaying of the bullock, the first high priest must have slain his bullock and the one who takes his place must slay another bullock, it is evident that he cannot use the handfuls taken by the first high priest, which took place before the slaying of the second bullock. Hence it seems impossible that R. Hanina could have asked the question attributed to him here.

(25) Since R. Joshua asked the question, he must hold that the second priest need not bring another bullock, for if that were his view, the taking of the handful of the incense before the slaying of the bullock would have been invalidated. Hence the apposite remark that others of an earlier generation who, in opposition to him hold that 'with a bullock' includes even 'with the blood of his bullock' have already asked the question.

(26) The original question: If a priest had taken the hands full of incense and thereupon had died, may another enter with his 'handfuls'?

(27) Within the Holy of Holies, v. infra and supra 47a.

(28) The handfuls taken by the high priest. V. Glos.

(29) As not all handfuls of people are of the same capacity.

(30) v. supra 47a and notes.

Talmud - Mas. Yoma 49b

How does he do it?¹ He takes hold of the dish² with his finger-tips according to some with his teeth — and pulls it with his thumb until it reaches his elbows, then he turns it over in his hands and heaps up the incense in order that its smoke may come up slowly; some say he scatters it in order that its smoke may come up fast; and this is the most difficult ministration in the Sanctuary. This alone? None other? But is there not the pinching of the bird's head? And the taking of [an exact] fistful of the incense? — Rather [say] this is one of the more difficult ministrations in the Sanctuary.³ [At any rate] infer from here that he had to perform the hafinah twice. — The inference is right.

The question was raised: If the priest slew [the animal] and died, may someone else enter with its blood? Do we say 'With a bullock' [includes] even 'with the blood of the bullock', or 'With a bullock' only but not with its blood?⁴ — R. Hanina said: 'With a bullock', but not with its blood. R. Lakish said: 'With a bullock', and even with its blood. R. Ammi said: 'With a bullock', but not with the blood of the bullock. R. Isaac the Smith said: 'With a bullock' and even with its blood. R. Ammi raised the following objection: One⁵ may be counted in⁶ for the paschal lamb, or one may withdraw from being counted in it until it be slaughtered. Now, if that view were correct,⁷ this should read: Until he sprinkles [the blood]. — There [is a special situation], because It is written: miheyoth misseh, i.e., as long as the lamb is alive.⁸

Mar Zutra raised the following objection: One must not redeem⁹ with a calf or with a beast of chase, or with what had been slaughtered or with a cross-bred, or with a koy,¹⁰ only with a lamb?¹¹ There is a different case, because [the meaning of] lamb [here] is inferred from 'lamb'¹² [mentioned in connection] with the paschal lamb. Then just as that must be male, without blemish, and one year old,¹³ this too ought to be male, without blemish, and one year old? — [To prevent such interpretation], Scripture states: Thou shalt redeem . . . thou shalt redeem,¹⁴ to include both. If [repetition of] 'Thou shalt redeem' means to include, then all ought to be included? — What value would the word 'lamb' have in that case!

(1) The second hafinah, in the Holy of Holies.

(2) I.e., the ladle when containing the handfuls.

(3) Supra 47b and notes.

(4) V. supra 49a and notes.

(5) Pes. 60b.

(6) V. Ex. Xli, 4.

(7) That the blood, in the service, takes the place of the bullock itself.

(8) E.V. And if (the household) be too little for a lamb', here the ad hoc interpretation is: as long as it is itself — read **מֵהַיּוֹת** i.e., as long as the animal is whole, before it is slaughtered, as long as it is alive.

(9) A firstling of an ass, Ex. XIII, 12, 13.

(10) A kind of bearded deer or antelope (Jastrow), which belongs either to the genus of cattle or of beast of chase.

(11) V. Bek. 12a. Since the emphasis is on 'lamb' (Ex. XIII, 13) and a slaughtered lamb is excluded, the inference appears justified, that a slaughtered lamb is no more considered to be a lamb. Hence a refutation of the view that blood can be considered as of equal ritual value with the animal itself.

(12) Ex. XII, 3ff

(13) Ibid. 5.

(14) Ibid. XIII, 13.

Talmud - Mas. Yoma 50a

R. Isaac the Smith raised the following objection to R. Ammi's view: 'Even the whole bullock shall he carry forth'.¹ — [It means]: he shall take it out in its completeness.² And the bullock of the

sin-offering and the he-goat of the sin-offering?³ — R. Papa answered: Nobody disputes with regard to skin, flesh, and excrement, the dispute applies only to the blood,⁴ one holding blood to be designated ‘bullock’, the other holding that blood is not designated ‘bullock’. R. Ashi said: It seems reasonable to hold with the view that blood is designated ‘bullock’, for it is written: Herewith shall Aaron come into the holy place; with a young bullock.⁵ Now does he bring it in with its horns? [Is it not] rather, with its blood, and yet it is called ‘bullock’. And the other?⁶ [It means this:] ‘How⁷ is Aaron legally permitted to enter the Sanctuary? With a young bullock for a sin-offering’. — But derive it⁸ from the fact that it is a sin-offering whose owners have died and ‘a⁹ sin-offering whose owners have died is left to die’?¹⁰ -Said Rabin the son of R. Ada to Raba: Your own disciples said in the name of R. Amram: This¹¹ is a community sin-offering and the sin-offering of the community is not left. For we learned:¹² R. Meir said: ‘Are not the bullock of ‘the Day of Atonement and the pancakes of the high priest and the paschal lamb¹³ each offerings of an individual and yet they suspend the law of Sabbath and the laws touching levitical impurity?’ Would you not infer therefrom that there must be a view according to which these are considered offerings of the congregation?¹⁴ But according to your own arguments when it states:¹⁵ R. Jacob said to him:¹⁶ But are there not the bullock to be offered for an error of the congregation, and the he-goats to be offered up for idolatry and the festive offering,¹⁷ all of which are community-offerings, and yet they suspend neither the laws of the Sabbath, nor those of levitical impurity? Would you infer from this that there must be a view that they are sacrifices of an individual?¹⁸ Rather [what you must therefore say is] he answered the first Tanna whom he heard saying that a community-sacrifice suspends the laws both of the Sabbath and those touching levitical impurity, whilst the sacrifice of an individual suspends neither the laws of the Sabbath nor those affecting levitical uncleanness, whereupon R. Meir said: ‘Is [the law concerning] the offering of an individual a general rule, is there not the bullock of the Day of Atonement? Are there not the pancakes of the high priest and the paschal lamb, all of which are private offerings, and yet they suspend both the Sabbath and the impurity laws?’ And also R. Jacob said: ‘Is the law concerning the offering of the community a rule, are there not the bullock for an error of the community, and the he-goats for idolatry, and the festive offering, all of which are community-offerings yet suspend neither the laws of the Sabbath, nor those touching levitical impurity?’ Rather accept this principle: Whatsoever has a fixed time,¹⁹ suspends both the laws of the Sabbath and those touching levitical impurity, even [though the sacrifice concerned be that] of an individual; and whatsoever has no definite time fixed suspends neither the Sabbath laws nor those affecting levitical uncleanness even if a community-offering [were involved].²⁰

Abaye raised the following objection:²¹ If the bullock and the he-goat of the Day of Atonement had been lost and other [animals] had been set aside in their stead,²² then they must all be left to die; similarly, if the he-goats [offered in expiation] for idolatry had been lost and others had been set aside in their stead,²² they must all be left to die; this is the view of R. Judah. R. Eleazar and R. Simeon hold: They should be left to go to pasture until they become unfit for sacrifice,²³ whereupon they should be sold and the money realized should go to the fund for [providing] freewill-offerings. because ‘a community-sacrifice is not left to die’.²⁴ Bullock here refers to the bullock offered up for an error of the community. — But the text reads ‘of the Day of Atonement’? — This refers to the he-goat. But it was stated: If the bullock of the Day of Atonement and the he-goat of the Day of Atonement had been lost and others were set aside in their stead,²² they must all be left to die, this is the view of R. Judah. R. Eleazar and R. Simeon hold: They should be left to go to pasture until they become unfit for sacrifice, whereupon they should be sold and the money realized for them should go to the fund for providing freewill-offerings. because a community-offering is not left to die’? — Do not read:²⁵ ‘For a community-sacrifice is not left to die’, read rather, for ‘a sacrifice belonging to partners is not left to die’.²⁶ What is the practical difference?²⁷ — That the priests will not have to bring a sacrifice for an error in a legal decision.²⁸ — Come and hear: For R. Eleazar asked:

(1) Lev. IV, 12. The animal is slain already and yet Scripture calls it a ‘bullock’.

(2) I.e., all that is left of it the emphasis being on ‘the whole’.

- (3) Ibid. XVI, 27. This shows that the body of the bullock itself after it is slain is still designated 'bullock'.
- (4) Whether blood by itself is equivalent to the whole animal so that the terms may be used indiscriminately or not?
- (5) Lev. XVI, 3.
- (6) How will he explain this verse?
- (7) with such ministrations in view is Aaron permitted to enter the sanctuary, to perform all details in connection with the bullock.
- (8) That another priest may not enter with the blood of a bullock slain by the first priest who died.
- (9) Tem. 15a.
- (10) Hence no further ministration is possible with it.
- (11) Bullock of the Day of Atonement.
- (12) V. Tem. 14a (Mishnah); v. next note.
- (13) This is omitted in Mishnah Tem. hence var. lec. 'it has been taught' instead of 'we have learnt', v. note 2.
- (14) In accord with the view of the first Tanna, whom R. Meir opposes, that only community-offerings can suspend these laws.
- (15) Tosef. Tem. I.
- (16) To the same first Tanna whom R. Meir opposes.
- (17) Brought by the pilgrims to the Temple on the occasion of a festival (Ex. XXIII, 14).
- (18) The assumption being that only thus could they fail to suspend either of the laws.
- (19) The Pancakes of the high priest are to be offered at a definite time every day, whereas the festive offering may be brought for seven days following the festival, hence having no definite time.
- (20) Hence we have no proof that any Tanna is of the opinion that the bullock of the Day of Atonement is a community-sacrifice.
- (21) Infra 65a.
- (22) When they are found again, they are deprived of food until they die.
- (23) Because of a blemish or their repulsive appearance.
- (24) Hence we see that these Tannaim consider the bullock of the Day of Atonement a community-offering, in clear contradiction of the statement above.
- (25) In the cited Baraithas.
- (26) The bullock brought by the high priest on the Day of Atonement being considered a sacrifice belonging to partners because all the priests share in the atonement effected by it.
- (27) Since in either case the animal is not left to die, whether we call it a community sacrifice or one belonging to partners?
- (28) If the Beth din by error had wrongly advised the priests, such error would not be considered 'error of the community', as when a whole tribe by mistake transgresses the law, but would be considered a sacrifice of partners, which is not left to die. Herein lies the practical difference, hence the justification of the distinction.

Talmud - Mas. Yoma 50b

According to him who holds that the bullock of the Day of Atonement is a private sacrifice, is a substitute made for it valid¹ or not? Does not this imply that there is one who considers it a community-offering?² - No, the inference is that there is one who considered it an offering of partners.³

[To turn to] the main text: R. Eleazar asked: According to him who holds that the bullock of the Day of Atonement is an offering of an individual, is a substitute made for it valid or not?¹ What is his question? [Shall we say, as to] whether [the validity of a substitute] is dependent on him who consecrated it, or on him who attains atonement thereby?⁴ Obviously [it may be objected] we make it dependent on him who obtains atonement thereby.⁴ for R. Abbuha said in the name of R. Johanan: He who consecrates must add the fifth to and he who obtains atonement thereby can render valid a substitute,¹ and one who separates the priestly gift from his own produce for that of his neighbour has the benefit of the pleasure!⁵ In truth it is obvious that the matter depends on him who obtains atonement, and this is what he asked: Have his fellow-priests a definite share in the atonement⁶ or do

they receive their forgiveness merely by implication?⁷ Come and hear: There are some aspects of the original sacrificial animal severer than those of a substitute animal, there are some aspects in which the substitute animal has more rigid rules than the original sacrificial animal. More severe are the regulations touching the original inasmuch as it applies both to an individual and to a community, suspends the Sabbath law, and the law concerning levitical impurity, and renders a substitute [valid,] all these things not applying to the substitute animal.⁸ More severe are the regulations touching a substitute animal than those of the original sacrificial animal, inasmuch as a substitute is effected⁹ even if it have a permanent blemish, and it cannot be made available [on redemption] for profane use, either to be shorn, or put to work,¹⁰ all these things not applying to the original animal.¹¹ Now what kind of sacrifice is meant here? If we are to assume an individual's sacrifice [is meant]. how could it suspend the laws of either Sabbath or those touching levitical impurity; if, again, the reference be to a community sacrifice, how could it be replaced? Hence the reference here must be to the [high priest's] bullock, and [it is stated that] 'it suspends both Sabbath and impurity laws' because it has a definite time; and 'renders its substitute [valid]' — because It is the offering of an individual!¹² -Said R. Shesheth: No, the reference here is to the ram of Aaron.¹³ Thus, indeed, does it also appear logical. For if we were to assume the reference is to the bullock, [the question would arise, Is it] that the substitute of the bullock does not suspend the Sabbath or the laws of impurity, but on a week-day it can be offered; surely is it not the substitute of a sin-offering,¹⁴ and 'the substitute of a sin-offering is left to die'?-No! in truth, [the reference here is to] his bullock, and what does substitute mean here? [That which goes by] the name of substitute.¹⁵ — But, if so, sacrifice here, too, should mean [that which goes by the name of] an original sacrifice?¹⁶ — No, he does not deal with [whatever goes by the name of] an original sacrifice. Whence that?-Since it states: 'There are restrictions In the law regarding substitute animals, in that even a permanently blemished animal is affected, and it cannot be made available for profane use either to be shorn or put to work'. Now if the thought should arise in you that the word 'sacrifice' here meant [whatever goes by] the name of an original sacrificial animal, surely there is

(1) V. Lev. XXVII, 10.

(2) A substitute for a congregational sacrifice is not valid. V. Tem. 13a.

(3) A substitute for a sacrifice of partners is not valid, 13a.

(4) This is the problem: If it is determined by the one who consecrated then in his case the substitute would be valid, since it is the high priest, from whose possession it comes, who consecrated it. If, however, it depends on those who obtain forgiveness, then no such substitution would be possible. There are many. i.e., his fellow-priests, who obtain forgiveness with the bullock, and no substitute can be made in the case of a sacrifice of partners. (9) If someone consecrates an animal for his fellow, whose duty is thereby to be fulfilled, and it suffers a blemish and he wishes to redeem it, the one who consecrated it is considered its owner and must add a fifth to its value (v. Lev. XXVII, 19). whereas he who is to obtain atonement thereby, would not have to add the fifth, because Scripture insists (ibid.): And he that sanctified...will redeem it, then he shall add the fifth part of the valuation.

(5) He has the privilege of bestowing it upon whatever priest he chooses. This shows that there is no question that the validity of a substitute is determined by the one who consecrated the original sacrifice. What point then was there in R. Eleazar's question?

(6) Through the bullock of the high priest, i.e., are they to be considered partners in the sacrifice from the time of its dedication.

(7) Jast.: circuit, transference in direction. Rashi: floating, unsettled condition. Goldschmidt: from Syriac: the bearer (of atonement). i.e., the high priest.

(8) No substitute for a substitute is valid.

(9) The animal itself, even though it be blemished, partakes of sacrificial holiness, although unfit for the altar.

(10) I.e., even after redemption the substitute may neither be shorn nor put to work, though its flesh may be consumed as non-holy meat.

(11) If the original sacrificial animal had been blemished the owner who consecrated it could consecrate only its value, hence the animal on redemption was made available for profane use without any reservation.

(12) Which solves the question of R. Eleazar.

(13) I.e., the ram brought by the high priest for his own atonement on the Day of Atonement, v. Lev. XVI, 3.

(14) V. Lev. *ibid.*

(15) The teaching speaks here of a substitute in general, not of a substitute of any particular original sacrificial animal. The restriction concerning substitutes lies in the fact that no substitute ever suspends the law of the Sabbath, even though the substitute be offered up.

(16) Without referring to any original sacrifice in particular; why then refer the term either to his bullock or the ram of Aaron?

Talmud - Mas. Yoma 51a

the first-born and the tithe of cattle, the laws of which affect even a permanently blemished animal, and which are not available [on redemption] for profane use to be subjected to shearing or work. Hence [you must say] he does not deal with [whatever goes by] the name of an original sacrifice.¹ Why is it different with substitute animals? — The substitutes all have uniform rules, whereas the original sacrificial animal includes first-born and tithe for cattle. Now, as to R. Shesheth, why does he refer the teaching to the ram of Aaron, let him rather refer to the paschal lamb, which suspends the laws of the Sabbath and of levitical uncleanness and can have a substitute because it is an individual's sacrifice?—He holds that a paschal lamb is never offered for one individual.² Then let him put the case as dealing with the second paschal lamb? — Is that able to suspend the laws of levitical impurity?

Said R. Huna the son of R. Joshua to Raba: Why does the Tanna³ designate the paschal lamb an individual's sacrifice and the festal offering a community sacrifice? Would you say because the latter is offered up by large crowds?⁴ So is the paschal lamb offered up by large crowds. — There is the second paschal lamb, which is not offered up by large crowds. Said he to him: If so, it ought to suspend the laws of Sabbath and those of levitical impurity.⁵ — He answered: Yes, he holds in accord with him who says that it suspends [them]. For it was taught: The second paschal lamb suspends the Sabbath, but not the laws of levitical impurity.⁶ R. Judah says: It suspends also the laws of levitical impurity. What is the reason for the view of the first Tanna? He will tell you: 'You have postponed it⁷ only because of levitical impurity, how then shall it suspend the laws of levitical impurity!' And R. Judah?—He will tell you: Scripture says: According to all the statute of the passover shall they keep it,⁸ i.e., even in levitical impurity. The Torah gave him an opportunity to do it in levitical purity, but if he was not privileged to do so, let him do it even in impurity. [

(1) But with one particular type of original sacrifice.

(2) This is the view of R. Judah (Pes. 91a), there being always more than one to subscribe to the cost of the paschal lamb, which must be eaten up within its prescribed limited time, Ex. XII, 10.

(3) Supra 50a.

(4) I.e., on festivals when there are many pilgrims in the Temple.

(5) Since the reference is to the second paschal lamb. MS.M.: '(how state that) it suspends the law of Sabbath!'

(6) Pes. 95b.

(7) The offering of the paschal lamb, v. Num. IX, 11.

(8) *Ibid.* IX, 12.

Talmud - Mas. Yoma 51b

But let him infer it¹ from the words of the Divine Law: 'which is of himself',² i.e., he shall bring it from what belongs to him, for it was taught 'which is of himself', that means he must bring it of his own possession, not from community funds. One might have assumed he must not bring it from community funds, because the congregation obtains no atonement therefrom, but he may bring it from the funds of his fellow-priests, because they do obtain atonement therefrom, therefore Scripture says: 'which is of himself'. One might have assumed he must [de jure] not bring it from funds beside

his own, but that if he [de facto] had done so, it would be valid, therefore Scripture says again: 'which is of himself', repeating the condition in order to render conformity with it indispensable.³ — But according to your own view: If his fellow-priests have no part in it, how can they obtain atonement, [even by implication]?⁴ Rather must you say it is different with regard to the private treasury of Aaron⁵ for the Divine Law has declared it free to his fellow-priests, thus also with regard to the [question of a] substitute sacrifice [we say] the private treasury of Aaron is different since the Divine Law has made it free for his fellow-priests.

MISHNAH. HE WENT THROUGH THE HEKAL⁶ UNTIL HE CAME TO THE PLACE BETWEEN THE TWO CURTAINS WHICH SEPARATED THE HOLY FROM THE HOLY OF HOLIES AND BETWEEN WHICH THERE WAS [A SPACE OF] ONE CUBIT. R. JOSE SAID: THERE WAS BUT ONE CURTAIN, AS IT IS SAID: AND THE VEIL SHALL DIVIDE UNTO YOU BETWEEN THE HOLY PLACE AND THE MOST HOLY.⁷ GEMARA. R. Jose gave a proper rejoinder to the Rabbis. What about the Rabbis? — They will tell you: Those things⁸ applied at the Mishkan,⁹ but in the Second Temple, because there was lacking the partition wall¹⁰ which had been in the first Temple — and the Sages were doubtful as to whether its sacredness partook of the character of the Holy or the Holy of Holies, they made two curtains.¹¹

Our Rabbis taught: He was walking between altar and candlestick.¹² This is the view of R. Judah. R. Meir says: Between the table¹³ and the altar. Some there are who say: Between the table and the wall.¹⁴ Who are the 'some'? — R. Hisda said: It is R. Jose. who said: The entrance was to the north.¹⁵ And R. Judah? — He will tell you that the entrance was to the south. According to whose view was that of R. Meir? If it agreed with R. Judah's, let him enter as R. Judah states,¹⁶ if it agreed with R. Jose, let him enter as R. Jose states! In truth he agrees with R. Jose, but he will tell you the tables¹⁷ were placed between north and south, hence they would interrupt his walk, preventing him from getting himself in.¹⁸ Or, if you like you might say: In truth, the tables were placed from east to west, but it does not seem proper

(1) The answer to the question above of R. Eleazar concerning the relation of the fellow-priests to the high priest's Day of Atonement bullock.

(2) Lev. XVI, 6 with reference to his bullock.

(3) Lev. XVI, 11 surely indicates that they have no share in the bullock, but receive atonement only by implication through the high priest's atonement, although the bullock is his own private property.

(4) So Bah.

(5) I.e., in respect of the bullock of the Day of Atonement.

(6) V. Glos.

(7) Ex. XXVI, 33.

(8) The one curtain referred to in Exodus.

(9) The Sanctuary in the wilderness.

(10) I Kings VI, 16 refers to the two cedar-covered partitions, with a vacant space between them, which separated the Holy Place from the Holy of Holies, occupying the space of one cubit, but the text: And he built twenty cubits on the hinder part of the house with boards of cedar from the floor unto the joists, leaves it undecided from which of the two holy areas the space of one cubit was to be deducted.

(11) In the second Temple that partition was replaced by two curtains with a space between them.

(12) As he entered, he moved southward between the inner altar and candlestick, which was to the south, walking toward the curtain.

(13) The table was placed next to the northern wall, the candlestick next to the southern wall, the golden altar between them. According to R. Judah the high priest walked toward the Holy of Holies between altar and candlestick, that is on the southern side. According to R. Meir between table and altar, i.e., on the northern side.

(14) According to R. Jose between table and wall, on the northern side.

(15) R. Jose held that there was but one curtain, clasped on the north side, and since the entrance was on the north side, the high priest of necessity was walking along the northern wall.

(16) R. Judah also agreed that the immediate entrance into the Holy of Holies had to be on the northern side but he held that there were two curtains, with the outer one clasped to the southern side, through which he first entered, hence the high priest was walking along the southern wall till he reached the outer entrance, then walking along between the two curtains towards the north till he reached the second entrance leading immediately into the Holy of Holies.

(17) Solomon had made ten tables arranged in two rows of five tables, to the left and right of the table of shewbread. The Sages discuss if these tables were placed lengthwise from south to north or from east to west. R. Meir held the former view, so that all the tables were placed in the northern half of the Sanctuary (Ex. XXVI, 35): And thou shalt put the table on the north side. Now the breadth of the Sanctuary was twenty cubits, its northern half ten cubits; the length of a table two cubits, so that each row of five tables filled the northern half of the Temple hall, without any free space between tables and wall. If any space were left free, then the row of the tables would to that extent encroach upon the southern half. Thus the tables would block the high priest on his walk between the table and the wall.

(18) Between the table and the wall.

Talmud - Mas. Yoma 52a

to go straight ahead [towards the seat of the Divine Presence].¹ And R. Jose? — Israel is so beloved that Scripture does not wish to burden their messenger.² As to R. Judah, let him enter between the candlestick and the wall! — His garments would become blackened.³ R. Nathan said: Concerning the 'cubit of partition'. the Sages did not decide as to whether its sanctity was that of the Holy of Holies or of the Holy Place outside of it. To this Rabina demurred: What was their reason? Shall we say because it is written: And the house which King Solomon built for the Lord, the length thereof was three score cubits, and the breadth thereof twenty cubits, and the height thereof thirty cubits.⁴ [Also] it is written: And the house, that is, the Temple before [the Sanctuary]. was forty cubits long⁵ and it is further written: And before the Sanctuary which was twenty cubits in length, and twenty cubits in breadth, and twenty cubits in the height thereof⁶ — so that we do not know whether the [space of] a cubit of the partition was to be deducted from the twenty or the forty, — perhaps it is to be deducted from neither the twenty nor the forty, the account referring only to the free spaces, not to the walls. As a proof [is the fact] that whenever the walls are mentioned, they are mentioned separately, for we have learnt: The Sanctuary was a hundred cubits square and a hundred cubits in height. The wall of the Ulam⁷ was five [cubits thick] and the Ulam eleven. The wall of the Sanctuary six, and its interior forty cubits, the partition one cubit and the Holy of Holies twenty cubits, the wall of the Sanctuary six, the cell six and the wall of the cell five!⁸ — Rather, the question is whether the sanctity of the partition is as that of the inner part [the Holy of Holies], or the outer part, and this is as R. Johanan reported: Joseph of Huzal asked: [It is written], And a debir⁹ in the midst of the house from within he prepared to set there the ark of the covenant of the Lord.¹⁰ The question was asked [in the Academy]: What does Scripture mean to say? [Does it mean] 'a debir in the midst of the house; from within he prepared to place the ark there'; or 'a debir in the midst of the house from within'?¹¹ — But could they have any doubt? Surely it was taught: Issi b. Judah said: There are five verses in the Torah [the grammatical construction of] which is undecided:

(1) on the assumption that they were placed between east and west, so that he could walk unhandicapped along the north wall towards the Holy of Holies, the suggestion is offered that it would not be in accord with the reverence due to that sacred place for the high priest to walk straight towards it, 'feasting his eyes all the time on that most awe-inspiring place, through the opening through which he was to enter, hence R. Meir's view.

(2) The high priest, as representative of Israel, is permitted to avoid the weary detour between table and altar and to proceed straight along the north wall towards the Holy of Holies.

(3) From the smoke (soot) of the candlestick on the wall.

(4) I Kings VI, 2.

(5) Ibid. 17.

(6) I Kings VI, 20.

(7) The hall leading into the interior of the Temple.

(8) V. Mid. IV. 6 and 7. Hence the question above is answered.

(9) E.V. 'Sanctuary:' here taken to denote the space between the partition dividing the Holy from the Holy of Holies.

(10) I Kings VI, 19.

(11) According to the first interpretation the cubit partition would be excluded then from the Holy of Holies. Does the 'from within' belong to the first part of the verse, referring to the debir or to the second interpretation and refer to the Holy of Holies?

Talmud - Mas. Yoma 52b

'lifted up',¹ 'like almond-blossoms';² 'tomorrow',³ 'cursed'⁴ and 'rise up'.⁵ It was also taught:⁶ Joseph of Huzal is the same as Joseph the Babylonian, and is identical⁷ with Issi b. Judah, also with Issi b. Gur Aryeh,⁸ also with Issi b. Gamliel, also with Issi b. Mahalalel. What was his real name? Issi b. Akiba!⁹ — In the Torah there is no other,¹⁰ but in the Prophets there is. But is there in the Torah no other; surely there is for R. Hisda asked:¹¹ [It is written], And he sent the young men of the children of Israel, who offered burnt-offerings,¹² [does it mean] of lambs; and sacrificed peace-offerings unto the Lord [namely of oxen]; or [does the word] 'oxen' refer to all [sacrifices]?¹³ — R. Hisda had indeed his doubts about it, but to Issi b. Judah it was obvious.

MISHNAH. THE OUTER CURTAIN WAS HELD BACK BY A CLASP ON THE SOUTH SIDE AND THE INNER CURTAIN ON THE NORTH SIDE. HE WALKED ALONG BETWEEN THEM UNTIL HE REACHED THE NORTH SIDE. WHEN HE REACHED THE NORTH SIDE HE TURNED ROUND TO THE SOUTH AND WENT ON ALONG THE CURTAIN, TO HIS LEFT, UNTIL HE REACHED THE ARK. WHEN HE REACHED THE ARK HE PUT THE PAN OF BURNING COALS BETWEEN THE TWO BARS.¹⁴ HE HEAPED UP THE INCENSE UPON THE COALS AND THE WHOLE HOUSE BECAME FULL WITH SMOKE. HE CAME OUT BY THE WAY HE ENTERED¹⁵ AND IN THE OUTER HOUSE¹⁶ HE UTTERED A SHORT PRAYER. HE DID NOT MAKE THE PRAYER LONG SO AS NOT TO FRIGHTEN ISRAEL.

GEMARA. To what are we referring here? If it be the first Sanctuary, was there then a curtain?¹⁷ Again, if it is to the second Sanctuary, was there then an Ark? Surely it has been taught: When the Ark was hidden, there was hidden with it the bottle containing the Manna,¹⁸ and that containing the sprinkling water,¹⁹ the staff of Aaron,²⁰ with its almonds and blossoms, and the chest which the Philistines had sent as a gift to the God of Israel, as it is said: And put the jewels of gold which you return to Him for a guilt-offering in a coffer by the side thereof and send it away that it may go.²¹ Who hid it? — Josiah hid it. What was his reason for hiding it? — He saw the Scriptural passage: The Lord will bring thee and thy King whom thou shalt set over thee,²² therefore he hid it, as it is said: And he said to the Levites, that taught all Israel, that were holy unto the Lord: Put the holy ark into the house which Solomon, the son of David, King of Israel did build. There shall no more be a burden upon your shoulders now. Serve now the Lord your God and His people Israel.²³ And R. Eleazar said: We derive by analogy²⁴ between the words 'there', 'generations' and 'to be kept' occurring in these passages!²⁵ In truth we refer to the second Sanctuary and what does 'He came to the Ark' mean? I.e., he came to the place of the Ark. But the text reads: HE PLACED THE PAN OF BURNING COALS BETWEEN THE TWO BARS?²⁶ — Read [it to mean]: 'as if it were between the two bars'.

HE HEAPED THE INCENSE UPON THE COALS. We learn here in accordance with the view that he heaped it [the incense]²⁷ up. One [Baraita] taught: He begins to heap it up on the inner side, which is to him the outer side,²⁸ whereas another taught: he begins to heap it up on the outer side which is to him the inner side. Abaye said: It is a matter of dispute among Tannaim. Further said Abaye: The view of him who holds he begins to heap it on the inner side, which is to him the outer side, seems logical, for we have learnt:²⁹ One teaches him: Be careful

(1) Gen. IV, 7: The meaning could be: If thou doest well (good!) — but thou must bear the sin, if thou doest not well; or

the usual interpretation: If thou doest well, there will be forgiving (or lifting up of face); and if thou doest not well, sin coucheth at the door.

(2) Ex. XXV, 33: Three cups, made like almond-blossoms in one branch, a knop and a flower, or: Three cups, like almond-blossoms . . . a knop and a flower.

(3) Ex. XVII, 9: Go out and fight with Amalek tomorrow; I will stand on the top of the hill, etc.

(4) Gen. XLIX, 6, 7: And in their self-will they houghed oxen. Cursed be their anger, for it was fierce. Or: And in their self-will they houghed the cursed oxen. Their anger was fierce. (The cursed oxen would thus be an uncomplimentary reference to Shechem, a descendant of Canaan cursed in Gen. IX, 25).

(5) Deut. XXXI, 16: Behold thou art about to sleep with thy fathers; and (this people) will rise up. Or: Behold thou art about to sleep with thy fathers and (wilt in future) rise up. This people will go astray after the foreign gods. — Tosaf. s.v. endeavours to account for the curious order of the sentences quoted.

(6) Pes. 113b.

(7) Issi as an abbreviation of Joseph is perfectly possible. Tosaf.

(8) Judah is called Gur Aryeh (a lion's whelp) in the blessing of Jacob, hence the substitution here, v. Gen. XLIX, 9.

(9) V. Pes., Sonc. ed., p. 585. n. 6.

(10) Now Joseph of Huzal is here identified with Issi b. Judah and yet among the ambiguous passages here enumerated, the passage which aroused his question (I Kings VI, 20) is not mentioned!

(11) Hag. 6b.

(12) Ex. XXIV, 5.

(13) I.e., also to burnt-offerings, the meaning depending on the pause: If we pronounce 'oloth' (burnt-offerings) at the end of the middle pause, or read on without such pause in the middle.

(14) V. Ex. XXV, 13f.

(15) Just as, on entering, he turned southwards until he reached the Ark, thus as he left, he did not turn his face, but went backwards, with his face toward the Ark (Rashi).

(16) In the Sanctuary.

(17) V. supra 51b.

(18) Ex. XVI, 33.

(19) Num. XIX, 9.

(20) Num. XVII, 25.

(21) I Sam. VI, 8. Hence it is evident that it was placed together with the Ark and the fear was justified that together with the latter these things might be exiled and lost.

(22) Deut. XXVIII, 36.

(23) II Chron. XXXV, 3.

(24) That the other objects enumerated were hidden at the same time as the Ark.

(25) Ex. XXX, 6 and *ibid.* XVI, 33, the word 'there' occurs, justifying the inference that something must occur in both the Ark and the manna; in the passage referring to the latter, Ex. XVI, 33, as well as in the passage referring to the oil for anointing (*ibid.* XXX, 31) the priests the word 'generations' occurs, again indicating some justified inference of something in common; finally, in connection with the manna as well as in the passage about the staff of Aaron the word 'to be kept' occurs (Ex. XVI, 33 and Num. XVII, 25). From all these word analogies the inference is drawn that what manna, bottle, oil, staff of Aaron and Ark had in common is that having been placed in or near the Ark, they also were hidden together. Hence the reference in the Mishnah could not be to the second Sanctuary either.

(26) He placed it just where the two staves had been in the first Sanctuary.

(27) V. supra 49b.

(28) I.e., he commences to heap up the incense from the inside part of the coal-pan in relation to the Holy of Holies, working outwardly towards his arm. I.e., he commenced to heap up the incense on the outer side of the pan in relation to the Holy of Holies, working towards the inside, away from his arm, with the precaution suggested below.

(29) Tamid 33a.

Talmud - Mas. Yoma 53a

not to start in front of thee lest thou be burnt.¹

Our Rabbis taught: And he shall put the incense upon the fire before the Lord:² i.e., he must not put it in order outside and thus bring it in. [This is] to remove the error from the minds of the Sadducees who said: He must prepare it without, and bring it in. What is their interpretation? — For I appear in the cloud upon the ark-cover³ 'that teaches us that he prepares it outside and brings it in'. The Sages said to them: But it is said already 'And he shall put the incense upon the fire before the Lord'.⁴ If so for what purpose then is it stated 'For I appear in the cloud upon the ark-cover'? It comes to teach us that he puts into it a smoke-raiser.⁵ — Whence do we know that he must put a smoke-raiser into it? — Because it is said: So that the cloud of the incense may cover the ark-cover.⁶ But if he did not put a smoke-raiser into it, or that he omitted one of its spices he is liable to death. But [why not] infer this⁷ from the fact that he effected an entrance for no purpose.⁸ R. Shesheth said: We speak here of the case that he was in error about the entrance,⁹ but deliberate in omitting the spice. R. Ashi said: You might even set the case when he was deliberate with regard to both but [here we deal with the case] where he brought in two incenses, one incomplete, the other defective, so that he is not guilty because of the purposeless entrance because he had offered up a perfect incense, but he is guilty in regard to the incense because he had offered up one defective incense.

The Master had said: 'Whence is it known that he must place a smoke-raiser into it? To teach us that, it is said: "So that [the cloud] may cover etc."¹⁰ [What need of] one scriptural verse added to another?¹¹ — Said R. Joseph: This is what is meant: From here I know only about the leaf of the smoke-raiser, whence do I know about the root?¹² To teach us that Scripture said: 'So that it may cover [etc.]'¹³ Said Abaye to him: But the opposite has been taught; for it was taught: If when he put in the root of the smoke-raiser, it would rise up straight like a stick until it reached the ceiling beams; as soon as it reached the beams of the ceiling it would come slowly down the walls until the house became full of smoke, as it is said: And the house was filled with smoke?¹⁴ — Rather, said Abaye, this is what it means: Now I know only about the root of the smoke-raiser, whence do I know also about its leaf? To teach us that Scripture said: 'So that it may cover [etc.]'.

R. Shesheth said: I know only about the Tent of Meeting in the wilderness; whence do I know about Shiloh and the eternal Sanctuary? To teach us that Scripture said: 'So that it may cover [etc.]' But that we infer from, And so shall he do for the Tent of Meeting, that dwelleth with them?¹⁵ — Rather is this meant: Now I know about the Day of Atonement,¹⁶ whence do I know about the other days of the year? To teach us that, Scripture said: 'So that it may cover [etc.]'. R. Ashi said: One [passage] refers to the commandment, the other to its indispensableness.¹⁷ Raba said: One refers to the penalty incurred, the other to the prohibition.¹⁸ It was taught: R. Eliezer said: That he die not,¹⁹ i.e., the penalty, For I appear in the cloud, i.e., the prohibition. I might have assumed that both were stated before the death of the sons of Aaron,²⁰ to teach us [the true fact] it is written: After the death of the two sons of Aaron.²¹ One might assume that both were said after the death of the two sons of Aaron; to teach us [the true fact] it is written: 'For I will appear in the cloud upon the ark-cover.'²² How is that [to be explained]? The prohibition [was stated] before the death, the penalty after the death. — How is this inference made? Raba said: 'For I will appear in the cloud' — but He had not appeared²³ yet. Then why were they punished? — As it was taught: R. Eliezer said: The sons of Aaron died only because they decided a question of law in the presence of Moses their Master. What was it they decided? — And the sons of Aaron the priest shall put fire upon the altar²⁴ [means] although the fire was coming down from heaven²⁵ yet was it obligatory to bring private²⁶ fire.

HE CAME OUT BY THE WAY HE ENTERED: Whence is this known? — Said R. Samuel b. Nahmani in the name of R. Jonathan: Scripture said: So Solomon came to the high place that was at Gibeon, [unto] Jerusalem.²⁷ What has Gibeon to do with Jerusalem?²⁸ Rather, [Scripture] compares his departure from Gibeon towards Jerusalem with his entrance from Jerusalem into Gibeon, i.e., just as when he entered Gibeon from Jerusalem his face was directed towards the high place, in the same way as he had come in; in the same manner as he left Gibeon for Jerusalem his face was turned toward the high place even in the same way as when he had come in.²⁹ In similar manner the priests

as they ministered, the Levites on their service, the Israelites on their posts³⁰ — as they left they would not turn their face back, to go out, but would turn their face sideways to leave. Thus also a disciple taking leave of his master, must not turn his face back to go away, but must turn sideways to depart. As was the case with R. Eleazar, whenever he took leave of R. Johanan: if R. Johanan wanted to leave, R. Eleazar would stand on his place, the head bowed, until R. Johanan disappeared from his sight but when R. Eleazar wished to take leave he would walk backwards until he disappeared from the sight of R. Johanan. When Raba was about to take leave of R. Joseph he would go backwards, so that his feet were bruised and the threshold of the house of R. Joseph was stained with blood.

(1) The incense which he had heaped up towards his end and which burns continually may touch his arm and burn it whilst he is working it towards the other side.

(2) Lev. XVI, 13.

(3) The Sadduceans in literal translation have this interpretation: 'I, the Lord, am to be visited', i.e., seen, in the Holy of Holies, in the cloud of the smoke of incense, which must be a cloud, i.e., prepared outside, so that when, in the Holy of Holies I am seen, it is in the cloud of incense, all ready and rising up, as the high priest enters.

(4) Which clearly shows that the incense is put in the fire inside.

(5) The name of a plant used as an ingredient of the incense and whose effect lay in achieving a straight rising smoke.

(6) Lev. XVI, 13.

(7) That he is culpable if he omitted one of its ingredients.

(8) That is indicated already by the passage in Lev. XVI,2: That he come not at all times ... lest he die, which indicates that a fruitless entrance incurs such penalty, hence no additional source of that law is necessary.

(9) To which no penalty of death is attached.

(10) The incense without the smoke-raiser could not possibly effect such 'covering'.

(11) From the passage 'For in the cloud, etc.' we inferred the necessity of the smokeraiser, why then an additional verse?

(12) Whether the roots or the leaf achieved the straight smoke. R. Joseph holds that the leaves had such property, Abaye attributed that quality to the root.

(13) 'Cover' may refer to the capacity to just cover the ark-cover, but not to rise above it.

(14) Isa. VI, 4. This proves that the root is more effective for producing the straight smoke.

(15) Lev. XVI, 16, i.e., wherever he shall dwell with them, shall they do this.

(16) The portion of the Torah refers to the Day of Atonement.

(17) 'So that it may cover' is the command. He shall not come at all times ... for in a cloud shall I appear — and not otherwise is the prohibition that the incense is indispensable.

(18) Lit., 'warning'.

(19) Lev. XVI, 13.

(20) Who died in expiation of their sin; and thus assumed it was their neglect to put the smoke-raiser into the incense.

(21) Lev. XVI, 1.

(22) This is the literal rendering.

(23) I.e., when this scriptural verse was uttered the Lord had not appeared yet. But if the reference were to a time after the death of the two sons of Aaron, He would have appeared already, namely on exactly that day, as it is said: And the glory of the Lord appeared unto all the people. (Lev. IX, 23).

(24) Lev. I, 7.

(25) V. supra 21b.

(26) Although their decision was correct, they incurred penalty for their presumptuousness in rendering a decision before their master, instead of requesting him to render it for them.

(27) II Chron. I, 13.

(28) The indeterminate 'Jerusalem' in the text is ambiguous and therefore invites ad hoc interpretation.

(29) So that the text means: In the same manner as Solomon journeyed to Gibeon, so did he proceed on his return journey from Gibeon to Jerusalem.

(30) V. Ta'an. 24a.

Talmud - Mas. Yoma 53b

The people told R. Joseph that Raba did that, whereupon he said to him: May it be the will [of God] that you raise your head above the whole city.¹ R. Alexandri said in the name of R. Joshua b. Levi: One who prays [the 'Amidah]² should go three steps backwards, and then recite 'peace'.³ R. Mordecai said to him: Having taken the three steps backwards, he ought to remain standing, as should a disciple who takes leave of his master; for if he returns at once, it is as with a dog who goes back to his vomit. It has also been taught thus: One who prays shall take three steps backwards and then pronounce 'peace'. And if he did not do so, it would have been better for him not to have prayed at all. In the name of R. Shemaya they said: He should pronounce 'peace' towards the right, then towards the left, as it is said: At His right hand was a fiery law unto them,⁴ and it is also said: A thousand may fall at thy side and ten thousand at thy right hand.⁵ For what reason 'and it is also said'? — You might have said it is the usual thing to take a thing with the right hand,⁶ come therefore and hear: 'A thousand may fall at thy side and ten thousand at thy right hand'.⁷

Raba saw Abaye pronouncing 'peace' first towards the right and he said to him: Do you mean that your right hand is meant? It is your left hand, which is the right of the Holy One, blessed be He. R. Hiyya the son of R. Huna said: I saw Abaye and Raba who were taking all three steps with one genuflexion.

AND HE UTTERED A SHORT PRAYER IN THE OUTER HOUSE: What did he pray? Raba son of R. Adda and Rabin son of R. Adda both reported in the name of Rab: 'May it be Thy will, O Lord our God, that this year be full of heavy rains and hot'. But is a hot year an advantage? — Rather: If it be a hot one, let it be rich in rain. — R. Aha the son of Raba concluded the prayer in the name of R. Judah [thus]: May there not depart a ruler from the house of Judah, and may the house of Israel not require that they sustain one another, and permit not the prayers of travellers⁸ to find entrance before you. R. Hanina b. Dosa was walking along a road when rain came down upon him. He said: 'Lord of the Universe! All the world is comfortable and Hanina is afflicted!' The rain stopped. As he came home, he said: 'Lord of the Universe! All the world is afflicted and Hanina is comfortable!'⁹ The rain came again. R. Joseph said: Of what use is the prayer of the high priest against R. Hanina b. Dosa!

Our Rabbis taught:¹⁰ It happened with one high priest that he prolonged his prayer. His fellow priests undertook to enter after him. As they began to enter he came forth. They said to him: Why did you prolong your prayer? — He said: Is it disagreeable to you that I prayed for you, for the Sanctuary, that it be not destroyed? — They said to him: Do not make a habit of doing so, for thus have we learnt: He would not pray long lest he terrify Israel.¹¹

MISHNAH. AFTER THE ARK HAD BEEN TAKEN AWAY, THERE WAS A STONE FROM THE DAYS OF THE EARLIER PROPHETS,¹² CALLED THE SHETHIYAH,¹³ THREE FINGERS ABOVE THE GROUND, ON WHICH HE WOULD PLACE [THE PAN OF BURNING COALS]. HE WOULD TAKE THE BLOOD FROM HIM WHO WAS STIRRING IT, AND ENTER [AGAIN] INTO THE PLACE WHERE HE HAD ENTERED,¹⁴ AND STAND [AGAIN] ON THE PLACE ON WHICH HE HAD STOOD,¹⁵ AND SPRINKLE THEREOF ONCE UPWARDS¹⁶ AND SEVEN TIMES DOWNWARDS, AIMING TO SPRINKLE NEITHER UPWARDS NOR DOWNWARDS BUT KEMAZLIF [MAKING THE MOVEMENT OF SWINGING A WHIP]. AND THUS WOULD HE COUNT: ONE, ONE AND ONE, ONE AND TWO, ONE AND THREE, ONE AND FOUR, ONE AND FIVE, ONE AND SIX, ONE AND SEVEN. THEN HE WOULD GO OUT AND PUT IT ON THE GOLDEN STAND IN THE SANCTUARY. ONE WOULD BRING HIM THE HE-GOAT, HE WOULD SLAY IT, RECEIVE ITS BLOOD IN A BASIN, ENTER [AGAIN] THE PLACE HE HAD ENTERED BEFORE, STAND [AGAIN] ON THE PLACE HE HAD STOOD ON BEFORE AND WOULD SPRINKLE THEREFROM ONCE UPWARDS AND SEVEN TIMES DOWNWARDS. THUS WOULD HE COUNT; ONE, ONE AND TWO, ETC. THEN HE WOULD GO OUT AND PLACE IT ON THE SECOND GOLDEN STAND IN THE

SANCTUARY. R. JUDAH SAID: THERE WAS NO MORE THAN ONE GOLDEN STAND. HE WOULD¹⁷ TAKE THE BLOOD OF THE BULLOCK AND PUT DOWN THE BLOOD OF THE HE-GOAT, SPRINKLE THEREOF UPON THE CURTAINS FACING THE ARK OUTSIDE, ONCE UPWARDS, SEVEN TIMES DOWNWARD, AIMING TO SPRINKLE NEITHER UPWARDS NOR DOWNWARDS, BUT KE-MAZLIF [MAKING THE MOVEMENT OF SWINGING A WHIP]. THUS WOULD HE COUNT [AS ABOVE]. THEN HE WOULD TAKE THE BLOOD OF THE HE-GOAT, DEPOSITING THE BLOOD OF THE BULLOCK, AND SPRINKLE THEREOF UPON THE CURTAIN FACING THE ARK OUTSIDE ONCE UPWARDS, SEVEN TIMES DOWNWARDS [AS ABOVE]. THEN HE WOULD POUR THE BLOOD OF THE BULLOCK INTO THE BLOOD OF THE HE-GOAT EMPTYING THE FULL VESSEL INTO THE EMPTY ONE. GEMARA. [The Mishnah] does not teach ‘After the Ark has been hidden away’, but ‘After the Ark had been taken away’, this is in accord with him who holds that the Ark went into exile to Babylonia, for it was taught: R. Eliezer said: The Ark went into exile to Babylonia, as it was said: In the following year King Nebuchadnezzar sent and had him brought to Babel together with the precious vessels of the house of the Lord.¹⁸ R. Simeon b. Yohai said: The Ark went into exile to Babylonia, as it was said: Nothing shall be left, saith the Lord,¹⁹ i.e., the Ten Commandments contained therein R. Judah b. Ilai²⁰ said: The Ark was hidden [buried] in its own place, as it was said: And the staves were so long that the ends of the staves were seen from the holy place, even before the Sanctuary; but they could not be seen without; and there they are unto this day.²¹ Now he²² disputes ‘Ulla for ‘Ulla said: R. Matthiah b. Heresh asked R. Simeon b. Yohai in Rome.²³ Now since R. Eliezer had taught us on the first and second occasion that the Ark went into exile to Babylonia (the first was the one which we said just now: ‘And he had him brought to Babel together with the precious vessels of the house of the Lord’, but what is the second one? — Because it is written: And gone is from the daughter of Zion

(1) R. Joseph being blind would not have noticed this reverent conduct of his pupil. On learning it he pronounced a prayerful hope, which was fulfilled. For Raba did become head of the Academies of both Sura and Pumbeditha.

(2) Lit., ‘(prayer read) standing’. The prayer par excellence, v. P.B. p. 44ff.

(3) At the end of that prayer one says: May He who maketh peace in His high places, make peace for us and for all Israel. This is the pronouncement of ‘peace’.

(4) Deut. XXXIII, 2.

(5) Ps. XCI, 7.

(6) People would usually use their right hand, but there is no particular importance attached to it to bestow ceremonial preference upon it.

(7) Which suggests that the right hand is granted greater victory, hence is more significant than the left.

(8) Who would pray for dry weather, as better for their comfort on the road.

(9) As he had no fields and thus no need of rain.

(10) Tosef. Yoma II.

(11) By his delay, attributable either to his failure to obtain forgiveness or to personal mishap.

(12) According to Sot. 48b this term includes Samuel, David and Solomon.

(13) Root: shatha — to lay a foundation, thus foundation stone. From it, as the Gemara says, the world was founded or started.

(14) Into the Holy of Holies.

(15) Between the two staves.

(16) In the direction of the ‘ark-cover’.

(17) This continues R. Judah’s account. (5) V. Gemara. (6) Lev. XVI, 18: And he shall take the blood of the bullock and the blood of the goat and put it upon the horns of the altar round about. The inference is that since but one act of ‘putting’ is mentioned the two were mixed, by pouring the first into the second.

(18) II Chron. XXXVI, 10.

(19) Isa. XXXIX, 6, dabar, ‘thing’, here taken as ‘word’, i.e., the word(s) i.e., the ten commandments.

(20) Corrected according to Jer. Shek. VI; cur. edd. b. Lakish.

(21) I Kings VIII, 8.

(22) The one who reports in this Baraita the view of R. Simeon b. Yohai.

(23) Who had gone there to plead with the Emperor on behalf of the people of Israel afflicted by emergency decrees of the Governor, see Graetz II, 443 (Engl. ed.).

Talmud - Mas. Yoma 54a

all her splendour.¹ What does 'all her splendour' mean? All that is enclosed within her.²) What do you say now? — He answered: I say that the Ark was hidden in its place, as it is said: 'And the staves were so long, etc.' Rabbah said to 'Ulla: How does it follow from this?³ — Because it is written: 'Unto this day'. But does the term 'Unto this day' mean everywhere 'forever'? Is it not written: And they [the children of Benjamin] did not drive out the Jebusites that inhabited Jerusalem; but the Israelites dwelt with the children of Benjamin in Jerusalem, unto this day.⁴ Would you say here too that they did not go into exile? Surely it was taught:⁵ R. Judah said: For fifty-two years no human being passed as it is said: For the mountains will I take up a weeping and wailing, and for the pastures of the wilderness a lamentation; because they are burned up, so that none passeth through, and they hear not the voice of the cattle; both the fowl of the heavens and the beast are fled and gone,⁶ and the numerical⁷ value of Behemah is fifty-two. Furthermore, R. Jose said: For seven years sulphur and salt prevailed in the land of Israel, and R. Johanan said: What is the basis of R. Jose's view? He infers it from the analogy of the words 'covenant', 'covenant'. Here Scripture reads: And he shall make a firm covenant with many for one week;⁸ and in another place it is written: Then men shall say: Because they forsook the covenant of the Lord, the God of their fathers.⁹ — He answered: Here the word 'there' is used, there this expression¹⁰ is not used. — Would you say that wherever the word 'there' is used, it implies 'forever', but the following objection can be raised: And some of them, even of the sons of Simeon, five hundred men, went to Mount Seir, having for their captains Pelatiah, and Neariah, and Rephaiah, and Uzziel, the sons of Ishi. And they smote the remnants of the Amalekites that escaped, and dwelt there unto this day.¹¹ But Sennacherib, King of Assyria, had come up already and confused all the lands as it is said: I have removed the bounds of the peoples, and have robbed their treasures?¹² This is a refutation.

R. Nahman said: It was taught that the Ark was hidden away in the Chamber of the wood-shed. R. Nahman b. Isaac said: Thus were we also taught.¹³ It happened to a certain priest who was whiling away his time that he saw a block of pavement that was different from the others. He came and informed his fellow, but before he could complete his account, his soul departed. Thus they knew definitely that the Ark was hidden there. What had he been doing?¹⁴ R. Helbo said: He was playing with his axe. The school of R. Ishmael taught: Two priests, afflicted with a blemish, were sorting the woods when the axe of one of them slipped from his hand and fell on that place, whereupon a flame burst forth and consumed him.¹⁵

R. Judah contrasted the following passages: And the ends of the staves were seen,¹⁶ and it is written but they could not be seen without¹⁶ — how is that possible? — They could be observed, but not actually seen. Thus was it also taught: 'And the ends of the staves were seen One might have assumed that they did not protrude from their place. To teach us [the fact] Scripture says: 'And the staves were so long'. One might assume that they tore the curtain and showed forth; to teach us [the fact] Scripture says: 'They could not be seen without'. How then? They pressed forth and protruded as the two breasts of a woman, as it is said: My beloved is unto me as a bag of myrrh, that lieth betwixt my breasts.¹⁷

R. Kattina said: Whenever Israel came up to the Festival, the curtain would be removed for them and the Cherubim were shown to them, whose bodies were intertwined with one another, and they would be thus addressed: Look! You are beloved before God as the love between man and woman.

R. Hisda raised the following objection: But they shall not go in to see the holy things as they are

being covered,¹⁸ in connection with which Rab Judah in the name of Rab said: It means at the time when the vessels are being put into their cases?¹⁹ — R. Nahman answered: That may be compared to a bride: As long as she is in her father's house, she is reserved in regard to her husband, but when she comes to her father-in-law's house, she is no more so reserved in regard to him.²⁰

R. Hana son of R. Kattina raised the following objection: It happened with a priest who was whiling away his time²¹ etc. — He was answered: You speak of a woman, who has been divorced. When she is divorced, she goes back to her earlier love.²²

Of what circumstances are we treating here?²³ If we were to say the reference is to the first Sanctuary — but there was no curtain!²⁴ If, again, the reference be to the second Sanctuary, but there were no Cherubim? — In truth the reference is to the first Sanctuary and as to ‘curtain’ the reference here means the curtain at the entrances, for R. Zera said in the name of Rab: There were thirteen curtains in the Sanctuary, seven facing the seven gates, two [more], one of which was at the entrance to the Hekal,²⁵ the other at the entrance to the Ulam;²⁶ two to the debir; two, corresponding to them, in the loft.²⁷ R. Aha b. Jacob said: In truth the reference here is to the second Sanctuary, but it had painted Cherubim, as it is written: And he carved all the walls of the house round about with carved figures of Cherubim and palm-trees and open flowers, within and without,²⁸ and he overlaid them with gold fitted upon the graven work.²⁹ And it is written also: According to the space of each, with loyoth [wreaths round about].³⁰ What does ‘according to the space of each with loyoth’ mean? Rabbah son of R. Shilah said:

(1) Lam. I, 6.

(2) Hadarah (her inner chamber); i.e., all that is enclosed within Zion, in its Sanctuary, the Ark, etc.

(3) The inference that the Ark etc. was hidden in its place.

(4) Judg. I, 21.

(5) Shab. 145b.

(6) Jer. IX, 9.

(7) The numerical value serves only as ‘asmakta’ or intimation. Rashi goes through a closely reasoned argument to account for the fifty-two years.

(8) Dan. IX, 27.

(9) Deut. XXIX, 24; before that statement there is the reference to brimstone and salt: And that the whole land is brimstone and salt (v. 22). Thus the severe punishment for the forsaking of the covenant is that sulphur and salt cover the land. ‘One week’ in Dan. IX means a week of years.

(10) In the case of the Ark Scripture reads: ‘There unto this day’, implying for ever, whilst in the absence of ‘there’ in Judges I, 21, no such claim is made.

(11) I Chron. IV, 42-3.

(12) Isa. X, 13. The King of Babylon boasts of his achievements. Hence the sons of Simeon could not have dwelt there ‘forever.’

(13) Mish. Shek. VI, 2.

(14) To incur such punishment. The answer being that, unmindful of the reverence due to the Sanctuary, he had been playing around with his axe.

(15) or ‘it.’

(16) I Kings VIII, 8.

(17) Cant. I, 13.

(18) Num. IV, 20.

(19) This is said of the Levites in the wilderness, who, whilst carrying the vessels on their shoulders, were not permitted to look at them before they were covered. How much less would the Holy of Holies be profaned by being shown to the masses who had come to celebrate the Festival; the Cherubim being above the mercy-seat in the Holy of Holies.

(20) Before marriage there is reserve, which is given up in marriage, to be assumed again when divorce has taken place. Israel in the wilderness is comparable to the bride in her father's home; in the Temple to the bride in her husband's care.

(21) Which shews that the same reserve still obtains in the Temple.

- (22) I.e., to the reserve of original prenuptial state.
 (23) Of what time speaks this account of the curtain being unrolled and the Cherubim shown to the pilgrims.
 (24) I.e., between the Holy and the Holy of Holies, but a partition; v. supra 52b.
 (25) V. Glos.
 (26) I.e., in the cubit space of partition between the Holy and the Holy of Holies.
 (27) Just above the entrance to the Holy of Holies.
 (28) I Kings VI, 29.
 (29) Ibid. 35.
 (30) Ibid. VII, 36.

Talmud - Mas. Yoma 54b

Even as a man embracing his companion.¹ Resh Lakish said: When the heathens entered the Temple and saw the Cherubim whose bodies were intertwined with one another, they carried them out and said: These Israelites, whose blessing is a blessing, and whose curse is a curse, occupy themselves with such things! And immediately they despised them, as it is said: All that honored her, despised her, because they have seen her nakedness.²

AND IT WAS CALLED SHETHIYAH: A Tanna taught: [It was so called] because from it the world was founded.³ We were taught in accord with the view that the world was started [created] from Zion on. For it was taught: R. Eliezer says: The world was created from its centre, as it is said: When the dust runneth into a mass, and the clods keep fast together.⁴ R. Joshua said: The world was created from its sides on, as it is said: For He saith to the snow: 'Fall thou on the earth'; likewise to the shower of rain, and to the showers of His mighty rain.⁵ R. Isaac the Smith said: The Holy One, blessed be He, cast a stone into the ocean, from which the world then was founded as it is said: Whereupon were the foundations thereof fastened, or who laid the corner-stone thereof?⁶ But the Sages said: The world was [started] created from Zion, as it is said: A Psalm of Asaph, God, God, the Lord [hath spoken],⁷ whereupon it reads on: Out of Zion, the perfection of the world,⁸ that means from Zion was the beauty of the world perfected.

It was taught: R. Eliezer the Great said: These are the generations of the heavens and of the earth, in the day that the Lord God made earth and heaven.⁹ The generations [the creations] of heaven¹⁰ were made from the heaven and the generations of the earth were made from the earth. But the Sages said: Both were created from Zion, as it is said: 'A Psalm of Asaph: God, God, the Lord, hath spoken, and called the earth from the rising of the sun to the going down thereof.' And Scripture further says: 'Out of Zion, the perfection of beauty, God hath shined forth', that means from it the beauty of the world was perfected.

HE TOOK THE BLOOD FROM HIM THAT WAS STIRRING IT: etc. What does 'KE-MAZLIF' mean? — R. Judah showed it to mean

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- (1) 'Loyoth' is connected with the root signifying 'attach', hence 'companions'.
 (2) Lam. I, 8.
 (3) Tosef. II. The suggestion is that Zion was created first, and around it other clods, rocks, formations, continents, were formed until the earth was completed.
 (4) Job XXXVIII, 38.
 (5) Ibid. XXXVII, 6. The picture here (Rashi) is that of a skeleton or frame, which filled in, gradually solidifying from all sides towards the centre, which is last in foundation. All Scriptural verses here are used as intimation not logically but illustratively. Here is an amazing anticipation of the modern theory that the world was founded by the solidification of vapours, the Talmudic account ascribing this gradual creation to the will of God.
 (6) Job XXXVIII, 6.
 (7) Ps. L, 1.

(8) Ibid. v. 2.

(9) Gen. 11, 4.

(10) All things of heaven, the stars, sun and moon.

Talmud - Mas. Yoma 55a

‘as one swinging a whip’. — A Tanna taught: As he sprinkled, he did so not upon the ark-cover,¹ but against its thickness. And when he is to sprinkle upwards he first turns his hand down, and when he is to sprinkle downwards he first turns his hand up. — Whence do we infer this?² R. Aha b. Jacob said in the name of R. Zera: Scripture says: And sprinkle it upon the ark-cover and before the ark-cover.³ Now with regard to the he-goat it need not be said [that he should sprinkle] downwards,⁴ for that can be inferred from [the procedure with] the bullock where [the sprinkling] downwards⁵ [is made], when then is it mentioned here too? To compare [the sprinkling] ‘upon’ [the ark-cover with the sprinkling] ‘before’ [it]: Just as [the sprinkling] ‘before’ does not mean ‘before’ actually,⁶ so does sprinkling ‘upon’ [here] not mean really ‘upon’.⁷ On the contrary! It was not necessary to state with regard to the bullock [that the sprinkling should be done] ‘upon’ [the ark-cover], for that could be inferred from the fact that the he-goat's blood was sprinkled upon [it], why then was it mentioned to compare the sprinkling ‘before’ [it], to the sprinkling ‘upon’ [it], viz. just as ‘upon’ means exactly, so shall ‘before’ here mean ‘upon exactly’?⁸ How can you say this? Granted, if you say that the ‘downward’ sprinkling in the case of the he-goat is mentioned for the purpose of comparison,⁹ then [sprinkling] ‘upward’ written in connection with the bullock is necessary in accord with the school of R. Eliezer b. Jacob; for the school of R. Eliezer b. Jacob taught: Upon the face of the ark-cover on the east,¹⁰ this [special case] establishes a general rule viz., that wherever Scripture says ‘before’ [‘face’] it means ‘on the east’; but if you say that the ‘upwards’ in connection with the bullock is mentioned for the purpose of comparison, then for what purpose is the ‘downward’ in connection with the he-goat mentioned?

Our Rabbis taught: ‘And he shall sprinkle it upon the ark-cover and before the ark-cover’. From this we know how often the he-goat's blood is to be sprinkled upwards, viz., once; I do not know, though, how often ‘downwards’, so that I infer that thus: The word ‘blood’ is used in connection with the downward [sprinkling] of the bullock's blood, and the same word ‘blood’ is used about the downward [sprinkling] of the goat's blood: hence just as ‘downwards’ with the bullock means seven times, so does ‘downwards’ with the goat mean ‘seven times’. Or argue it this way: The word ‘blood’ is used in connection with the ‘upward’ [sprinkling] of the goat's blood, and the word ‘blood’ is used in connection with the downward [sprinkling] of the he-goat's blood; hence just as ‘upwards’ with the he-goat means once, thus also shall ‘downwards’ with the he-goat mean ‘once’? Let us see what comparison is legitimate: One may infer ‘downwards’ from ‘downwards’; but one may not infer ‘downwards’ from ‘upwards’. On the contrary: It is legitimate to infer [one aspect of] one matter from [another aspect of] the same matter, but one may not infer one matter from an extraneous one!¹¹ To teach [the true facts] Scripture says: And [he shall] do with its blood¹² as he did with the blood of the bullock.¹³ Now it was not necessary¹⁴ to say ‘as he did’, why then was it said? To show that all the ‘doings’ of them should be alike; as there were seven sprinklings downward with the bullock, so shall there be seven sprinklings downward with the goat. We learn thus how many [sprinklings] downwards there are to be both with bullock and he-goat. But I do not know how many [sprinklings] upwards are to be made with the bullock's blood. And so I infer: The word ‘blood’ is used for the upward [sprinkling] in the case of the he-goat, and the word ‘blood’ is used for the upward [sprinkling] in the case of the bullock. Hence, [the inference that] just as the upward sprinkling in the case of the he-goat has to be made once,¹⁵ so shall the upward [sprinkling] in the case of the bullock be made once. Or argue it this way: The word ‘blood’ is used for the downward [sprinkling] in the case of the bullock, and the word ‘blood’ is used in the case of the upward [sprinkling] of the bullock: hence just as seven downward sprinklings have to be made with the bullock's blood, so must seven upward sprinklings be made with the bullock's blood! Let us see

what comparison is legitimate: One may fitly infer [something about] upward [sprinklings] from [other] upward [sprinklings], but one may not infer [something about] upward [sprinklings] from downward [sprinklings]. On the contrary: It is legitimate to infer one [aspect of one] matter from [another aspect of the same] matter, but one may not fitly infer one matter from an extraneous one.¹⁶ Scripture therefore teaches: ‘And he shall do with his blood as he did with the blood of the bullock’! It was not necessary to say ‘with his blood’, why then was it said? To intimate that all the ‘doings’ of them should be alike: just as seven sprinklings downward were made in the case of the bullock, so shall seven sprinklings downward be made in the case of the goat; and just as only one upward sprinkling was made with the he-goat, so only one sprinkling upward had to be made in the case of the bullock.

ONE, ONE AND ONE, ONE AND TWO: Our Rabbis taught: [He counted] One, one and one, one and two, one and three, one and four, one and five, one and six, one and seven¹⁷ — this is the view of R. Meir. R. Judah says: One, one and one, two and one, three and one, four and one, five and one, six and one, seven and one. Yet they are not conflicting,¹⁸ each counting as is customary in his place. At any rate, both agree that the first sprinklings must be counted with each of the following. What is the reason thereof? — R. Eleazar said: In order that he make no mistake in the count.¹⁹ — R. Johanan said: Scripture said: ‘And before the ark-cover shall he sprinkle’. Now it was not necessary to say ‘shall he sprinkle’. [For what teaching purpose] why then was it said, ‘He shall sprinkle’? — To indicate that the first sprinkling shall be counted with each subsequent one. — What is the [practical] difference between the two? — In case he had not counted, but also had made no mistake.²⁰ HE WENT OUT AND PLACED IT ON THE GOLDEN STAND IN THE SANCTUARY: We have learned there:²¹ There were no money chests²² [provided] for obligatory bird-offerings, to prevent confusion. What does ‘to prevent confusion’ mean? — R. Joseph said: To prevent confusion between freewill and obligatory offerings.²³ — Abaye said to him: Let him make two and inscribe on them: This is a freewill-offering, the other obligatory. — R. Judah

(1) I.e., not on the top surface thereof.

(2) That the two upward sprinklings are not made actually upon the ark-cover.

(3) Lev. XVI, 15, with reference to the he-goat.

(4) I.e., ‘before the ark-cover’.

(5) V. infra.

(6) The blood in the downward sprinkling fell on the ground not on the ark-cover. V. Rashi. Cur. edd.: ‘does not mean upon’.

(7) Not only not exactly upwards, but really downwards.

(8) So that in his downward sprinkling the blood is to touch the thickness of the ark-cover, whilst in his upward sprinkling it should touch its upper surface.

(9) As is stated at first.

(10) So lit., Lev. XVI, 14.

(11) I.e., the he-goat from the bullock.

(12) Sc. of the he-goat.

(13) Lev. XVI, 15.

(14) Since the sprinkling ‘upon’ or ‘before’ has been expressly mentioned in connection with the he-goat. Any apparently superfluous word or words were chosen for intimation or indication.

(15) As the Scriptural text indicates.

(16) The assumption that different parts of the same procedure are governed by similar rules seems more justified than that similar aspects of altogether different matters have such regulations.

(17) Tosef. II.

(18) In the place of R. Meir the tens were counted first, the singles following, whilst the opposite way of counting prevailed in the city of R. Judah.

(19) And include the one sprinkled upward among the seven which he has to sprinkle downwards (Bertinoro).

(20) If counting is obligatory, he had failed to do it properly. If the only purpose is the prevention of error and he has

managed to avoid it, then de facto all is right.

(21) J. Shek. VI, 6.

(22) These were special money chests into which persons who had a freewill-offering of a bird to offer would put in money in payment of the offerings which the priests would make on their behalf. No such chests were however available for obligatory offerings of a bird.

(23) There were different regulations governing the ritual of the freewill and obligatory offerings respectively, for of the obligatory birds one was offered up as a burnt-offering, the other as a sin-offering, whereas all freewill-offerings were burnt-offerings, these differences implying distinctions in the ritual. Now if one of the money chests were confused with another, so that the priest would offer a freewill-offering from the money meant for obligatory offerings and vice versa, the offering would be rendered invalid.

Talmud - Mas. Yoma 55b

does not consider such inscriptions [of any value]. For we have learnt: R. JUDAH SAID: THERE WAS NO MORE THAN ONE STAND. Now why not two? Evidently because they might be mixed up! But then let him provide two and write upon them: This is for the bullock and this for the he-goat? Hence you must¹ assume that R. Judah does not consider such inscriptions [of any value]. An objection was raised in the Academy: There were thirteen money chests in the Temple, on which were inscribed: 'new shekels', 'old shekels', 'bird-offerings', 'young birds for the whole offering', 'wood', 'frankincense', 'gold for the mercy-seat', and on six of them: 'freewill-offerings'. 'New shekels': [i.e.] those shekels due each year; 'old shekels': [i.e.] one who had not paid his shekel last year must pay it the next year. 'Bird-offerings', these are turtle-doves. 'Young birds for the whole offerings', these are young pigeons; and both of these are for whole offerings. This is the view of R. Judah.² — When R. Dimi came [from Palestine] he said: In the West³ they said: It is a preventive measure against the case of a sin-offering whose owner has died.⁴ But do we indeed take that into consideration? Have we not learnt: If someone sends his sin-offering from a far-away province,⁵ it is offered up in the assumption that he is alive?⁶ — Rather [the preventive measure is] against the case of a sin-offering whose owner has assuredly died.⁷ But in that case let us separate four zuz⁸ and cast them into the sea,⁹ so that the rest will be available for use! R. Judah rejects the principle of Bererah.¹⁰ Whence do we know this? Would you say from what we have learnt:¹¹ If a man buys wine from the Cutheans¹² on the eve of Sabbath, as it is getting dark,¹³ he may say: Let the two logs¹⁴ which I am about to set apart¹⁵ be heave-offering

(1) Because the priest might overlook them.

(2) Shek VI, 6; for notes v. Sonc. ed. a.l. Hence R. Judah apparently did consider inscriptions of value.

(3) Palestine.

(4) A sin-offering, the owner of which died, must not be sacrificed but must be left to die, v. supra 50a. Now if the owner died, then the money for the value of the sin-offering which he may have put in one of the chests must be thrown into the sea. That money, being unusable and confused with other monies in the chest, would render them all useless. This is the confusion referred to above, hence the non-provision of money chests for obligatory offerings of a bird.

(5) Lit., 'province of the sea'.

(6) V. Git. 28a.

(7) It is known that he died after having deposited his money in the chest for the bird-offerings before having offered it up.

(8) The usual price of one dove.

(9) And thus free the rest of the monies for their designated purposes, on the assumption that these four zuz represented the money for the sin-offering of a bird and was that deposited by the deceased.

(10) Lit., 'choosing', 'choice', then subsequent selection, retrospective designation, i.e. , the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose (Jast.).

(11) Demai VI, 4.

(12) Before the prohibition against their wines had been decreed. As the Cutheans (Samaritans) were suspected of neglecting the laws of terumah and tithe the buyer must himself set these aside before he can be permitted to drink any of

the wine.

(13) If the purchase took place on the Sabbath eve immediately before dusk (when there is no time to remove these priestly and levitical dues from the wine) and he requires the wine for the Sabbath. It is prohibited to separate priestly or levitical dues on the Sabbath, v. Bez. 36b.

(14) A log (v. Glos.) is c. 549 cubic centimetres.

(15) For the hundred logs contained in the cask he bought.

Talmud - Mas. Yoma 56a

ten¹ tithe-offering, and nine second tithe, and after he sets aside the redemption² money for the second tithe he may drink it at once. These are the words of R. Meir.

(1) 'Logs which I am about to set aside'.

(2) Lit., 'to profane'. 'to desecrate'; to cause the loss of priestly status or of sacred use, to make available for private use. With money (cf. Deut. XIV, 25) that he has at home or anywhere else.

Talmud - Mas. Yoma 56b

R. Judah, R. Jose and R. Simeon prohibit it. Hence we see that he rejects the principle of Bererah! — How does that follow? Perhaps the matter is different there, as the motive is taught there: They said to R. Meir: Don't you admit that if the bottle burst he would be found retrospectively to have drunk untithed wine? He said to them: If it bursts.¹ — Rather is it to be derived from what Ayo taught: for he taught: R. Judah said: No man may stipulate two possibilities at the same time. But if the Sage comes from the east, his 'Erub² applies eastwards alone; if he comes from the west, his 'Erub applies westwards alone, but never in both directions. And we asked concerning it: What is the difference touching both directions that it cannot apply, it is only because the principle of Bererah is rejected,³ the same ought to apply even [where the condition was 'if the Sage comes] from the east or west'? Thereupon R. Johanan said: In this case the Sage has arrived already.⁴ But now that we maintain that R. Judah rejects the principle of Bererah whilst upholding the value of inscriptions [notices],⁵ also for the Day of Atonement let there be prepared two stands with such inscriptions! Because the high priest is fatigued, he would not pay attention to them. For should you not agree to this consideration, he could really do without any such inscriptions, for one [contains] more [blood], and the other less.⁶ And if you were to say, he does not receive the whole of it,⁷ but R. Judah said: He who slays the animal, must receive the whole blood, as it is said: The whole blood of the bullock he shall pour upon the base of the altar.⁸ And if you were to say some thereof might be spilled; — still, one [blood] is lighter [in colour], the other darker. Hence you must needs explain that the high priest, because of his fatigue, could not pay sufficient attention [to the difference in the blood]; thus is it here: because of his fatigue the high priest could not pay sufficient attention [to the inscriptions].

Once a man went down [to the praying desk] in the presence of Raba⁹ and read: Then he came forth, and placed it upon the second stand in the Temple. He took the blood of the bullock and deposited the blood of the he-goat. He said to him: In one point in accord with the Sages,¹⁰ in another with R. Judah?¹¹ Rather say: He deposited the blood of the he-goat and took the blood of the bullock.

AND HE SPRINKLED THEREOF UPON THE CURTAIN OUTSIDE OPPOSITE THE ARK: Our Rabbis taught: And so shall he do for the tent of meeting.¹² What does that come to teach? That as he sprinkles in the Holy of Holies, thus must he sprinkle in the Hekal, i.e., just as in the Holy of Holies he sprinkles once upward and seven times downward, from the blood of the bullock, thus shall he sprinkle in the Hekal. That dwelleth with them in the midst of their uncleanness¹³ i.e., even when they are unclean, the Divine Presence is among them.

A certain Sadducee¹⁴ said to R. Hanina:

- (1) This is a contingency that need not be reckoned with, since a guard may be appointed to watch out for such theoretical situations.
- (2) The word 'erub' means interweaving, mixture, confusion, conjunction. It signifies also a symbolical act, by which the legal fiction of community or continuity is established. With reference to the Sabbath limits: a person deposits, before the Sabbath (or the Holy Day), certain eatables to remain in their place over the next day, by which act he transfers his abode to that place and his movements on the Sabbath are measured from it as the centre. On the Sabbath in the area around a town or place the limits are two thousand cubits in every direction. The case here discussed is that of one who expects a scholar outside his city and is desirous of meeting him. He deposits the 'erub for this purpose. V. 'Er., Sonc. ed., pp. 252f. notes.
- (3) It being held that the choice the man made between the two Sages on the following day may not have been his choice at twilight on the previous day when the validity of the 'erub must take effect.
- (4) Sc. at twilight of the Sabbath eve he was already within the permitted Sabbath limit of that man's town though the latter was unaware of the fact. As the validity of the 'erub was made dependent on an event that, though unknown to the speaker, had actually taken place before twilight of the Sabbath eve there can be no question as to the 'erub's effectiveness. It is not the speaker's subsequent knowledge of the fact that renders the 'erub valid retrospectively, but the presence of the Sage at the crucial moment. The question of bererah, therefore, does not at all arise.
- (5) As so proved from Shek. VI, 5.
- (6) One contains the blood of the bullock which is of a larger quantity than that of the he-goat.
- (7) Sc. the blood of the bullock.
- (8) Lev. IV, 7.
- (9) He acted as deputy of the congregation (public reader) and read the order of the service of the Day of Atonement.
- (10) The reference to the second stand.
- (11) Stating that he took first the blood of the bullock and then deposited the blood of the he-goat.
- (12) Lev. XVI, 16.
- (13) Ibid.
- (14) A censorial corruption of Min (v. Glos.). A Sadducean would not have spoken of Israel as 'you'.

Talmud - Mas. Yoma 57a

Now you are surely unclean, for it is written: Her filthiness was in her skirts.¹ -He answered: Come and see what is written concerning them: 'That dwelleth with them in the midst of their uncleanness', i.e., even at the time when they are unclean, the Divine Presence is among them. — But may something inferred by analogy be used as basis of another by analogy?² — The inference here came from the subject itself for which inference was made, together with another, thus cannot be considered inference by analogy.³ This will be well in accord with the view that such inference is not inference by analogy, but what can be said according to the view that even that is inference by analogy? — Only the localities are inferred here from one another.⁴ Or, if you like, say: He infers the outside [sprinklings] from the inside ones simultaneously.⁵ It was taught: When he sprinkled, he did not sprinkle directly upon the curtain, but towards it. R. Eliezer b. Jose said: I saw it⁶ in Rome and there were upon it many drops of blood both of the bullock and the he-goat of the Day of Atonement. — Perhaps these stains were those from the [blood of] the bullock [offered up] for an error of the community,⁷ or of the goats [offered in expiation] for idolatry? — He saw that they were in their regular order.⁸ It has also been taught⁹ in connection with the bullock offered up for an error of the community: When he sprinkled the drops were not to reach the curtain, but if they did, they just did.¹⁰ And R. Eleazar b. Jose said: I saw it in Rome and there were upon it many drops of blood from the bullock offered up for an error of the congregation and from the he-goats offered up for idolatry. But perhaps they came from the bullock and he-goat of the Day of Atonement? — He saw that they were not in their regular order.

If the blood [of the one] was mixed up with the blood [of the other],¹¹ — Raba holds, he sprinkles

once upwards and seven times downwards, and it serves for both. When this was reported before R. Jeremiah, he said: Those foolish Babylonians, because they live in a dark country, they utter dark teachings.¹² Surely he would be giving the upward sprinkling [of the blood] of the he-goat before the downward sprinkling [of the blood] of the bullock, whereas the Torah said: And when he hath made an end of atoning for the holy place,¹³ [implying] he must complete [the sprinkling of] the blood of the bullock, then complete [the sprinkling of] the blood of the he-goat. Rather, said R. Jeremiah: He sprinkles once upward and seven times downward in the name of the bullock, and then he sprinkles once upward and seven times downward in the name of the he-goat.

If the blood of one was mixed up with the blood of the other in the midst¹⁴ of the last sprinklings, then R. Papa wanted to say before Raba, he makes seven downward sprinklings in the name of the bullock and he-goat, then makes one upward in the name of the he-goat. Said Raba to him: Now they had just called us foolish, now they might call us the most foolish of the foolish for we teach them but they learn not. Surely now he would be making the downward sprinkling [of the blood] of the he-goat before the upward sprinkling [of the blood] of the he-goat, whereas the Torah said: Sprinkle first upward, then downward.

(1) Lam. I, 9.

(2) Above (55a) we inferred the number of upward and downward sprinklings with the blood of the bullock and the he-goat respectively. Here again an attempt is made to infer through analogy the number of upward and downward sprinklings in the Sanctuary from the sprinklings in the Holy of Holies. The rule is that in the laws appertaining to sacrifices something obtained by analogy may not become the basis or source of new inference by analogy; such inference is legitimate only when based upon the Biblical text itself.

(3) In the primary analogy the main law prescribing upward and downward sprinklings is definitely taught in the Biblical text, both in the case of the bullock and the he-goat, it is only their number that is inferred from one another. In such a case the primary analogy may be made the basis for a further analogy. It is only when the very law itself is mentioned in one case only and then inferred through analogy for the other that no further inference by analogy may be made. If e.g., no reference had been made in the Biblical text to any upward or downward sprinkling, such regulation being based on inference from one to the other, it would then be wrong to endeavour to derive another law by analogy from the first law inferred by analogy.

(4) I.e., whereas in the first analogy the inference was made from one animal for the other, the second is concerned in the localities — i.e., the Holy of Holies and the Temple, extending the sprinkling regulations from the former to the latter.

(5) The second inference is not made via the animals but directly from the sprinklings within the Holy of Holies to those outside, in the Temple Proper.

(6) V. Me'il. 17b: R. Eliezer was in Rome and had occasion to see the holy vessels in the royal treasury, among them the curtain of the Holy of Holies.

(7) Lev. IV, 13 and Num. XV, 24.

(8) One on top of the other, as the result of the motion of the priest, in the manner of one swinging a whip.

(9) V. D.S. Cur. edd. 'We also learnt'.

(10) De facto it did not matter: even if the drops reached the curtain there was no cancellation of the service.

(11) The blood of the bullock with the blood of the he-goat.

(12) V. Pes., Sonc. ed., 60b.

(13) Lev. XVI, 20.

(14) I.e., after he had made the upward sprinkling with the blood of the bullock.

Talmud - Mas. Yoma 57b

Rather, said Raba, he makes seven downward sprinklings in the name of the bullock, then makes one upward and seven downward sprinklings in the name of the he-goat.

If the cups [of blood] have become confused,¹ then he sprinkles, and sprinkles again, and sprinkles once more, three times.² If part³ of the blood became mixed up and part not, then obviously when he

makes the sprinklings he makes them from that part which is definitely known [to be unmixed]; but as for the other,⁴ is it to be considered a remainder and must thus be poured out at the base⁵ of the altar, or is it to be considered 'rejected' [from sacred use] and must be poured into the canal?⁶ — R. Papa said: Even according to the view that one cup renders the other a remainder,⁷ that applies only where he could make the sprinklings if he wanted to do so but in this case,⁸ even if he so desired, he would be unable to make the sprinkling. R. Huna the son of R. Joshua said to R. Papa: On the contrary! Even according to the view that one cup renders the other 'rejected', that applies only if he rejected it with his hands [deliberately], but where he had not rejected it with his hands it would not apply? For it has been taught: Above it is said: And the remaining blood thereof shall he pour out,⁹ and below: And all the remaining blood thereof shall he pour out.¹⁰ Whence do we know that, in the case of a sin-offering, if he had received the blood in four cups and sprinkled from each one cup thereof¹¹ one sprinkling, all the remaining blood must be poured out at the base? To teach us that Scripture said: 'And all the remaining blood thereof shall he pour out'. One might have assumed that even if he made the four sprinklings from one of the [cups], to teach us correctly, Scripture said: 'And the remaining blood thereof shall he pour out' i.e., only this is to be poured out at the base but they [the rest] are to be poured into the canal. R. Eliezer son of R. Simeon said: Whence do we know that if he received the blood of a sin-offering in four cups and made the four sprinklings from one of them, that they must all be poured out at the base? To teach us that Scripture said: 'And all the remaining blood thereof shall he pour out'.¹² But according to R. Eliezer son of R. Simeon is it not written: 'And the remaining blood thereof shall he pour out'? — R. Ashi said: This is meant to exclude the [blood that] remains in the neck of the animal.

HE Poured the blood of the bullock into the blood of the he-goat: We were taught in accordance with the view that one mixed [the blood] to sprinkle upon the horns [of the inner altar], for it has been said: R. Josaia and R. Jonathan [were disputing], one said: One mixed [the bloods], the other one did not do so. It may be ascertained that it is R. Josaia who held that one mixed [the bloods]; for he said: Although Scripture does not state: 'together',¹³ is it not written: it is as if 'together' were written. You might also say that it is R. Jonathan, but here it is different, because Scripture states 'once'.¹⁴ It has been taught contrary to this, our reply: 'And he shall take of the blood of the bullock and of the blood of the goat'¹⁵ i.e., that they are to be mixed. This is the view of R. Josaia.

(1) The priest not knowing which of the cups contained the blood of the bullock and which the blood of the he-goat.

(2) In each case he makes one sprinkling upward and seven downward from one cup then again from the second cup, finally again from the first cup, so that in any case the blood of the bullock would have been sprinkled before that of the he-goat. For, if the first cup was actually that containing the bullock's blood, and the second that containing the he-goat's blood, he has fulfilled his duty properly, with the first and second series of sprinklings. If, however, the first cup happened to be that of the he-goat, then such sprinkling was of no avail, and the second cup being that containing the bullock's blood and the third again the one containing the he-goat's blood, are in order and the service is performed in accord with the regulations which postulate that the sprinklings made with the bullock's blood came first.

(3) As e.g., when the blood contained in two cups was poured into a third, so that each of the two cups contained a quantity of blood.

(4) The mixed blood in the third cup.

(5) V. Zeb. 47a: the remaining blood was poured over the western base of the outer altar.

(6) I.e., since the sprinklings did not come from it, shall the blood be relegated, together with all waste of the Temple Court, through the canal, to the brook of Kidron.

(7) Whenever the priest has received the blood in two cups but has sprinkled from one only, the blood in the other cup is poured out over the base of the altar.

(8) Where part of the blood of the two cups was poured into a third.

(9) Lev. IV, 25.

(10) Ibid. v, 34.

(11) The blood of the sin-offering was sprinkled upon the four corners of the altar.

(12) Thus we see that the first Tanna treats the blood in the cup or cups from which no sprinkling has been made as rejected, to be poured out in the canal, whereas R. Eliezer b. R. Simeon treats it as the remainder, to be poured out over the base.

(13) In Sanh. 66a these two Sages debate the question as to whether literal direction is necessary to indicate that a prohibition does not refer to two persons together where the contrary might be assumed, R. Judah holding that such direction is necessary while R. Jonathan holds it is not. Thus, on the view of R. Josaia, even though no definite instruction is to be found in the text, the inference that the blood of the bullock and he-goat be sprinkled together, appears legitimate according to the analogous consistence of the view.

(14) Ex. XXX, 10. And Aaron shall make atonement upon the horns of it once (a year). The word is here interpreted to mean that one sprinkling is to be made of the blood of both animals.

(15) Lev. XVI, 18.

Talmud - Mas. Yoma 58a

R. Jonathan said: [He sprinkled] separately from the one and from the other. Said R. Josaia to him: But was it not said already: 'Once'? To this R. Jonathan replied: But was it not said already: 'From the blood of the bullock and the blood of the he-goat'? Why then was the word 'once' stated? To tell you, [sprinkle] once, but not twice from the blood of the bullock; once and not twice from the blood of the he-goat. Another [Baraitha] taught: 'And he shall take from the blood of the bullock and from the blood of the he-goat' i.e., that the two shall be mixed together. You say that they shall be mixed together! but perhaps he should sprinkle separately from the one and from the other? To teach us the right thing, Scripture says: 'once' and the anonymous [Baraitha] is in agreement with the view of R. Joshua.

HE Poured THE [CONTENTS OF] THE FULL VESSEL INTO THE EMPTY ONE: Rami b. Hama asked of R. Hisda: If he placed one bowl into another and this received the blood, what then? Is homogeneous matter considered an interposition or not?¹ He answered: You have learnt that already: HE Poured [THE CONTENTS OF] THE FULL VESSEL INTO THE EMPTY ONE. Does this mean that he placed the full bowl into the empty one?² — No, it means that he poured the full vessel into the empty one.³ But the first part states already: HE Poured THE BLOOD OF THE BULLOCK INTO THE BLOOD OF THE HE-GOAT? — [It is repeated] in order [to make sure] that he will mix it very well indeed.

Come and hear: If he stood upon any vessel, or upon his fellow's foot, it is invalid!⁴ — It is different with his neighbour's foot, because he [his fellow] does not abandon it.⁵ Some there are who say: This is how he asked of him: Is such the manner of ministration or not? Come and hear: For the school of R. Ishmael taught:[And they shall take] all the vessels of ministry, wherewith they minister in the sanctuary,⁶ i.e., two⁷ vessels, but one ministry [service].

Rami b. Hama asked of R. Hisda: If he deposited bast in the bowl and he received the blood therewith, what then? Is heterogeneous matter considered an interposition⁸ or not? Is it not considered an interposition, since it penetrates [the blood], or is there no difference? — He replied to him: We have learnt that: He empties out the water until the sponge is reached.⁹ — It is different with water because it is very weak. Some there are who say: This is how he answered him: In the case of the blood¹⁰ it is permitted, but in the case of the fistful it is invalid.¹¹

(1) The priest is to receive the blood. If one bowl is considered an interposition, then the priest, whose hand does not hold the bowl containing the blood, is not really receiving the blood, the ministration then should be cancelled as invalid. (This discussion refers, as Rashi explains, not just to the Day of Atonement, but to the service on any day of the year). The two bowls are homogeneous and if they be considered as interposition, then the above question follows. With regard to heterogeneous matter, there is no doubt; it surely is considered an interposition, v. Tosaf. s.v. ג'י.

(2) That would indicate that homogeneous matter is not considered an interposition and would thus settle the above

question in the affirmative.

(3) So that the situation is entirely different and no inference as to the interposition of homogeneous matter is possible.

(4) If the priest, in receiving the blood, stood upon a vessel, then that vessel was interposing between the floor of the Sanctuary and the priest, therefore invalidating the service. (Zeb. 24a). Similarly, if he stood upon his fellow's foot. The foot, however, is homogeneous and the fact that the service is cancelled, would seem to indicate that homogeneous matter is considered an interposition, so that the question above would appear to be answered.

(5) Homogeneous matter is not considered an interposition, but a human foot is an undeniable entity.

(6) Num. IV, 12.

(7) I.e., vessels in the plural means at least two (although the plural is indefinite as to the maximum, there is the undeniable minimum of two); whereas the word ministry refers to one ministration only.

(8) The bast is heterogeneous to the bowl, hence should be considered an interposition. But since the blood penetrates the bast and reaches the bowl, does it cancel the interposing bast, so that, as it were, the priest had received the blood in the bowl proper, as viewed retroactively, or not?

(9) Parah VI, 3: If someone was mixing the ashes (of the red heifer) in the water of a trough of stone, and there was a sponge in the trough then the water in the sponge is invalid, as a sponge is not a vessel. What should he do? The water in the trough should be poured out until the sponge is reached and the water is valid. Hence we see that a sponge is not considered interposing so as to invalidate the whole water, and similarly here, the bast should not be considered as interposing between the bowl and the blood.

(10) Because it is thin.

(11) For the fistful of the flour-offering was required to be received in the vessel after having first been taken, analogous to the receiving of the blood, hence any interposing object would render the ministration invalid.

Talmud - Mas. Yoma 58b

MISHNAH. AND HE SHALL GO OUT UNTO THE ALTAR THAT IS BEFORE THE LORD,¹ — THAT IS THE GOLDEN ALTAR.² THEN HE BEGINS TO SPRINKLE³ DOWNWARD.⁴ WHENCE DOES HE COMMENCE? FROM THE NORTH-EAST HORN [OF THE ALTAR], THEN THE NORTH-WEST, THEN THE SOUTH-WEST, THEN THE SOUTH-EAST. WHERE HE COMMENCES [SPRINKLING] ON THE OUTER ALTAR,⁵ THERE HE COMPLETES [SPRINKLING] ON THE INNER ALTAR. R. ELIEZER SAID: HE REMAINED IN HIS PLACE AND SPRINKLED. AND HE WOULD SPRINKLE EVERY HORN FROM BELOW UPWARDS, WITH THE EXCEPTION OF THE HORN AT WHICH HE WAS STANDING, WHICH HE WOULD SPRINKLE FROM ABOVE DOWNWARDS. THEN HE SPRINKLED THE TOP⁶ OF THE ALTAR SEVEN TIMES AND Poured OUT THE REMAINDER OF THE BLOOD AT THE WESTERN BASE OF THE OUTER ALTAR. AND [THE REMAINDER OF THE BLOOD SPRINKLED] ON THE OUTER ALTAR HE Poured OUT AT THE SOUTHERN BASE. BOTH MINGLED IN THE CANAL⁷ AND FLOWED INTO THE BROOK KIDRON AND THEY WERE SOLD TO GARDENERS AS MANURE AND BY USING THEM ONE TRANSGRESSES THE LAW OF TRESPASS.⁸ GEMARA. Our Rabbis taught: 'And he shall go out unto the altar', what does that mean to teach? R. Nehemiah said: Since we find that, in connection with the bullock offered up for [the transgression in error of] 'any of the commandments',⁹ the priest stands outside the altar and sprinkles towards the curtain,¹⁰ one might have assumed that here the same would take place, therefore Scripture said: 'And he shall go out unto the altar', hence he must have been found before on the inner side of the altar.¹¹ — Another [Baraitha] taught: 'Before the Lord'. What does that mean to teach? R. Nehemiah said: Since we find with the bullock and he-goat of the Day of Atonement that the priest stands on the inner side of the altar and sprinkles upon the curtain, as he sprinkles one might have assumed here the same would be the case, therefore Scripture has come to teach us: The altar of sweet incense before the Lord, which is in the tent of meeting,¹² that implies: the altar before the Lord, but not the priest before the Lord. How that? He stands outside the altar and sprinkles.

HE BEGAN TO SPRINKLE DOWNWARD: Our Rabbis taught: He began to sprinkle downward.

Whence did he commence? From the south-eastern horn, [proceeding to] the south-western, north-western and north-eastern horns respectively. This is the view of R. Akiba, — R. Jose the Galilean says: [He started from] the north-eastern, [proceeding to] the north-western, southwestern and south-eastern horns respectively.¹³ At the place where, according to R. Jose the Galilean, he commenced, there according to R. Akiba, he stopped. At the place where R. Akiba would have him start, there R. Jose the Galilean would have him stop. All agree at any rate that he does not start at the point he first comes to.¹⁴ What is the reason? Said Samuel: Scripture said: And he shall go out unto the altar, i.e., only after he has gone over the whole altar. But according to R. Akiba he ought to go around it to the right.¹⁵ Shall we say [then] that they are disputing a teaching of Rami b. Ezekiel? For Rami b. Ezekiel said: Concerning the sea¹⁶ which Solomon made, [Scripture states]: It stood upon twelve oxen, three looking toward the north, and three looking toward the west, and three looking toward the south, and three looking toward the east; and the sea was set upon them, and all their hinder parts were inward.¹⁷ Hence you are taught that all the turns you make [in the Temple] must be to the right, i.e., eastward;¹⁸ one Master [R. Jose the Galilean] agreeing with Rami b. Ezekiel, the other Master [R. Akiba] disagreeing? — No, all agree with the view of Rami b. Ezekiel and the matter of dispute here is, rather, this: One Master holds that [the regulations] within¹⁹ are inferred from [those] without,²⁰ the other Master holding we do not infer [the regulations] ‘within’ from [those] ‘without’. But according to R. Akiba, granted that he does not infer ‘within’ from ‘without’, let him be permitted to do it one way if he so chooses, or the other way if he so chooses?²¹ — R. Akiba will tell you: As far as de jure regulation is concerned he ought to start at the horn to which he had come first, for Resh Lakish has said: One must not forego the occasion for performing a religious act;²² and the reason why he does not do so is because Scripture said: ‘And he shall go out unto the altar,’ i.e., until he has gone outside the whole altar. Therefore as soon as he has sprinkled the blood on this horn, he returns to the horn with which he should have started from the beginning.²³

(1) Lev. XVI, 18.

(2) Ex. XXX, I.

(3) Lit., ‘to cleanse from sin’.

(4) Lit., ‘he goes down’ i.e., he applies the blood to the horn of the altar beginning at the top and leading his finger downward.

(5) Zeb. 53a.

(6) This word is variously interpreted in the Gemara. It may mean ‘back’, i.e., top; it has been claimed as ‘the pure, real surface’ (of gold) i.e., free from coals or ashes; as the centre of the altar front.

(7) V. Shek. IV, 2.

(8) Lev. V, 15.

(9) Lev. IV, 1ff.

(10) V. infra.

(11) The text should have read: ‘He shall make atonement on the altar that is before the Lord’. ‘And he shall go out unto the altar’ has no special significance. But since we find that on the occasion of other sacrifices he was standing outside, the words ‘and he shall go out’ here indicate that in this case he was on the inner side.

(12) Lev. IV, 7. The words ‘before the Lord’ are in themselves superfluous — for obviously the altar was ‘before the Lord’ — but are to indicate that only the altar was ‘before the Lord’ but not the priest. The latter stood outside and did not interpose between the altar and the curtain either when he sprinkled the blood on the corners or against the curtains.

(13) The dispute hinges on the question as to whether there were one or two curtains before the Holy of Holies. R. Akiba holds there were two, the outer one clasped on the south side. As the priest came from the Holy of Holies from the south in order to proceed with the sprinkling against the curtain, the first horn of the altar he meets is the south-western, however, he did not sprinkle, because of the interpretation of ‘And he shall go out unto the altar’ (v. infra) so that he begins the sprinkling on the south-eastern side and then turning to the left continues with the outer corners. R. Jose the Galilean holds, in accord with R. Jose, that there was but one curtain, clasped on the north side, so that as the priest came forth from the north he reached first the north-western horn of the altar, where, however, he did not sprinkle but at the north-eastern horn, and then turning to the right he returned to the north-western horn to continue his sprinkling.

- (14) Coming from the west, he first reaches one of the western horns of the altar (v. previous note), yet does not commence with it.
- (15) V. p. 273, n. 5.
- (16) The water reservoir in the Temple of Solomon.
- (17) I Kings VII, 25.
- (18) This is derived from the order in which the sides are enumerated; the phrase 'eastward' does not apply here but is taken from the passage where this principle is originally quoted in connection with the ramp. v. supra 45a and Zeb. 62b.
- (19) The inner altar.
- (20) The Sea of Solomon.
- (21) Either to the right or to the left.
- (22) V. supra 33a.
- (23) V. p. 273. n. 5.

Talmud - Mas. Yoma 59a

Or if you like, say: If we hold that the sprinkling [on the inner altar] was done in walking around,¹ there would be general agreement that we infer 'within' from 'without', but the dispute here rests on this: one Master holds the sprinkling was done by circular movements of the hand, the other Master holding the sprinkling was done in walking around. Or if you like, say: All agree that the sprinkling [on the inner altar] was done by circular movements of the hand, the point of dispute here is: one Master holds, we may infer [the regulations touching] the hand from [those governing] the foot, the other Master holding that we do not infer the 'hand' from the 'foot'. But does R. Jose the Galilean hold that the sprinkling was done by circular movement of the hand? Surely, since the second part reads: R. Eliezer said: HE REMAINED IN HIS PLACE AND SPRINKLED,² it follows that the first Tanna did not hold so?³ Hence it is obvious, as we have answered before: One Master holds the sprinkling was done by circular movement of the hand, whereas the other Master holds it was done by walking around. And if you like to say: The dispute lies therein: that one Master holds that the [phrase] 'round about' [mentioned in connection] with the inner altar signifies the same as 'round about' [mentioned in connection] with the outer altar,⁴ whereas the other Master holds that the whole of the inner altar occupied as much space as one horn of the outer altar.⁵

It was taught: R. Ishmael said: Two high priests had survived the First Sanctuary. One said: I had done the sprinkling [in the inner altar] by circular movement of my hand; the other said: I had done the sprinkling by walking around the altar. The first advanced a reason for his procedure, so did the second. The first said: The 'round about' of the inner altar had to be as the round about' of the outer altar; the other stating: The whole of the inner altar occupied as much space as one horn of the outer altar.

R. ELIEZER SAID: HE REMAINED IN HIS PLACE AND SPRINKLED. With whom does our Mishnah agree? — With R. Judah. For it was taught: R. Meir said, R. Eliezer said: He remained in his place and sprinkled. And all the sprinklings he made from above downward with the exception of the one athwart, which he made from below upward. R. Judah said, R. Eliezer said: He remained in his place and sprinkled. All the sprinklings he made from below upward with the exception of this one right before him which he made from above downward, to prevent his garments from becoming sullied.⁶

THEN HE SPRINKLED THE TOP [TIHARO] OF THE ALTAR: What does 'TIHARO' mean? — Rabbah son of R. Shila said: The centre of the altar-front, as people say: 'The moon-light [tiharo] shines,' meaning thereby the middle of the day. An objection was raised: As he sprinkles, he sprinkles neither upon the ashes, nor upon the embers, but he removes the coal to both sides and sprinkles?⁷ — Rather, said Rabbah son of R. Shila: [It means] the cleared surface⁸ of the altar, as it is written: And the like of the very heaven for [tohar] clearness.⁹

It was taught: Hanania said: He would sprinkle¹⁰ standing on the north side.¹¹ — R. Jose said: He would sprinkle standing on the south side.¹¹ Wherein are they disputing? — One [Hanania] holds the entrance was through the curtain on the south, whereas the other [R. Jose] holds it was on the north side.¹² At any rate all agree that on the place where he completed the sprinkling on the horns there he would sprinkle on the top thereof. What is the reason? — Scripture says: And he shall cleanse it...and hallow it,¹³ i.e., where he hallows it,¹⁴ there shall he cleanse it [we-tiharo].¹⁵

AND THE REMAINDER OF THE BLOOD HE SPRINKLED UPON THE WESTERN BASE OF THE OUTER ALTAR: For Scripture said: And all the remaining blood of the bullock shall he pour out [etc.],¹⁶ and as he comes forth [from the Sanctuary] he meets this [side of the altar base] first.

AND THAT OF THE OUTER ALTAR HE Poured ON THE SOUTHERN BASE: Our Rabbis taught: ‘The base of the altar’¹⁷ i.e., the southern base. You say it is the southern base. But perhaps it is not so, but rather the western base? I will tell you: Let his coming down from the ramp be inferred from his going out of the Sanctuary: Just as when he goes out of the Sanctuary [he pours out the remainder of the blood] at [the point] nearest to him, and which is it? — the western base, so when he comes down from the ramp [he pours out the remainder of the blood] at the point nearest to him, and which is it? — the southern base.

It was taught: R. Ishmael said: Both times [blood was poured out] at the western base. — R. Simeon b. Yohai: No, [it was] at the southern base. — It is quite right, according to R. Ishmael: He holds that one may infer that concerning which no details are given from that which is thus described,¹⁸ but what is the reason of R. Simeon b. Yohai? — R. Ashi said: He holds the entrance [to the Sanctuary] was at the south.¹⁹ The teaching of the school of R. Ishmael was taught in the school of R. Simeon b. Yohai:²⁰ In both cases it was the southern base. As a mnemotechnic sign remember: The men won over the man.²¹

BOTH MINGLED IN THE CANAL AND FLOWED etc.: Our Rabbis taught: One transgresses the law of trespass with [sacrificial] blood. These are the words of R. Meir. R. Simeon and the Sages hold: One does not commit such trespass.

(1) As was the case with the sprinkling on the outer altar.

(2) So that the sprinkling was done by the circular movement of his hand.

(3) The first Tanna (anonymous) of our Mishnah is R. Jose the Galilean, in accordance with his view in the Baraita cited. Now since R. Eliezer, in disputing, states that the sprinkling was made by circular movements of the hand, it is obvious that R. Jose did not think so. Hence the statement ‘All agree that the sprinkling was done by circular movement of the hand’ is wrong.

(4) V. Lev. XVI, 18. And...he shall put it upon the horns of the altar round about. In the case of the outer altar, the sprinkling was done by walking around, the analogy would render the same procedure proper with the inner altar.

(5) One cubit square.

(6) The purpose of this procedure was practical, beyond any ritualistic significance: he sprinkled upon the horn before him from above downward, lest some blood drip into his sleeve.

(7) The first interpretation of the word ‘tiharo’ would identify it with the middle of the side of the altar. But the passage just adduced indicates it must be the top. Cf. supra, p. 69, n. 2.

(8) Lit., ‘exposed (part)’.

(9) Ex. XXIV, 10.

(10) The seven sprinklings on the top of the altar, as explained supra.

(11) I.e., on the side where he completed the round of sprinkling on the altar.

(12) V. supra p. 274, n. 1, 5.

(13) Lev. XVI, 19.

(14) On the horns, i.e., on the horn where he completes the hallowing.

(15) By means of the seven sprinklings.

(16) Lev. IV, 7.

(17) Lev. IV, 30 with reference to an individual sin-offering.

(18) With regard to blood-offerings which are sprinkled on the inner altar there is the Biblical statement: Upon the base of the altar . . . which is at the entrance to the tent of meeting (Lev. IV, 7 and 18), this being the western base; there being no such statement concerning those offerings of which the blood is on the outer altar, the inference is legitimate.

(19) [The whole of the outer altar being on the northern half of the court so that when the priest came out of the Sanctuary the first base he met was the southern, v. supra 16b.]

(20) [I.e., R. Ishmael had retracted his view so that the disciples of R. Simeon b. Yohai could report the teaching in the name of R. Ishmael (Rashi).]

(21) 'The men drew nigh', i.e., won over the man, viz., the disciples of R. Simeon prevailed upon R. Ishmael to agree with them.

Talmud - Mas. Yoma 59b

Now the dispute touches only the question as to whether [there is a trespass] Rabbinically;¹ according to Biblical law, however, there is no trespass.² When [do we know] these things? — 'Ulla said: Scripture said: 'To you'³ i.e., it belongs to you. The school of R. Simeon taught: To make atonement⁴ i.e., I have given it for atonement, but not for [the law of] trespass [to apply]. R. Johanan said: Scripture said: 'It' i.e., [implying that] it is before atonement: just as after atonement one cannot be guilty of trespass concerning it,⁵ thus can one before atonement not be guilty of trespass concerning it. But perhaps say: It is after the atonement as before the atonement: just as before the atonement one may become guilty of trespass concerning it, so also after atonement may one become guilty of trespass concerning it? — There is nothing concerning which one can become guilty of trespass, once the atonement touching it has been fulfilled.⁶ But there is the removal of the ashes [from the altar]?⁷

(1) Making the offender liable to pay the capital value of the blood.

(2) And the offender is exempt from the extra payment of the fifth, v. Lev. V, 16.

(3) Lev. XVII, 11 . I have given it (the blood) to you.

(4) Ibid. 'To make atonement', implies but for no other ritual purpose, such as the application of the law of trespass.

(5) Once atonement has been effected with any sacrifice the law of trespass does not apply to it, v. infra.

(6) Once it has served its purpose it is no longer considered the property of the Sanctuary for laws of trespass to apply to it.

(7) V. Lev. VI, 3. The Biblical regulation And he shall put them (the ashes) beside the altar, (ibid.), indicates that they must be hid away, are not available for private use, and are hence still the property of the Sanctuary, to which the laws of trespass apply though the commandment concerning it has already been fulfilled.

Talmud - Mas. Yoma 60a

— That is because referring to the removal of the ashes and the priestly garments¹ there are two verses [written] for the same purpose² and wherever two verses have the same purpose no deduction can be made from them [for other precepts].³ That will be right according to the Rabbis who hold: 'And he shall put them there'⁴ signifies that they must be hidden away but what can be said according to R. Dosa who holds that the garments of the [high] priest may be used for a common priest? — That is because concerning the removal of the ashes and the heifer⁵ whose neck is to be broken are two verses written for the same purpose, and wherever two verses are written for the same purpose no deduction can be made from them. That will be right according to the view that holds from two identical Scriptural statements no deduction can be made; but what can be said in accordance with the view that such deduction is permissible? — There are two limiting qualifications: And he shall put them⁶ and the one whose neck was broken.⁷ For what purpose are

three Scriptural verses necessary in connection with the blood?⁸ — One is to exclude [blood] from [the rule touching] left-overs,⁹ one to exclude it from the rule touching trespass,¹⁰ and one to exclude it from the rule touching ritual uncleanness.¹¹ But no verse is necessary to exclude it from the rule touching piggul¹² for we have learnt: Whatever has that which renders [the offering] permissible, whether for human beings¹³ or for service on the altar¹⁴ can make one liable on its account for piggul. And blood itself is a thing which renders the offering permissible.¹⁵

MISHNAH. CONCERNING EVERY MINISTRATION OF THE DAY OF ATONEMENT MENTIONED¹⁶ IN THE PRESCRIBED ORDER IF ONE SERVICE WAS DONE OUT OF ORDER BEFORE ANOTHER ONE, IT IS AS IF IT HAD NOT BEEN DONE AT ALL. IF HE SPRINKLED THE BLOOD OF THE HE-GOAT BEFORE THE BLOOD OF THE BULLOCK, HE MUST START OVER AGAIN, SPRINKLING THE BLOOD OF THE HE-GOAT AFTER THE BLOOD OF THE BULLOCK. IF BEFORE HE HAD FINISHED THE SPRINKLINGS WITHIN [THE HOLY OF HOLIES] THE BLOOD WAS Poured AWAY, HE MUST BRING OTHER BLOOD, STARTING OVER AGAIN AND SPRINKLING AGAIN WITHIN [THE HOLY OF HOLIES]. LIKEWISE, IN MATTERS OF THE SANCTUARY AND THE GOLDEN ALTAR, SINCE THEY ARE EACH A SEPARATE ACT OF ATONEMENT.¹⁷ R. ELEAZAR AND R. SIMEON SAY: WHEREVER HE STOPPED, THERE HE MUST BEGIN AGAIN.¹⁸

GEMARA. Our Rabbis taught: Concerning every ministration of the Day of Atonement mentioned in the prescribed order, if one service was done [out of order] before another one, it is as if one had not done it at all. R. Judah said: When does this apply? Only with regard to service performed in white garments, within [the Holy of Holies], but any service performed in white garments without, if in connection with them he performed one out of order before the other one, then what he has done is done [valid]. R. Nehemiah said: These things apply only to service performed in white garments, whether performed within [the Holy of Holies] or without, but in case of services performed in golden garments outside, what has been done, is done. Said R. Johanan: And both expounded it on the basis of one Scriptural passage: And this shall be an everlasting statute unto you . . . once in the year.¹⁹

(1) I.e., the garments with which the high priest performed the service of the Day of Atonement, v. Lev. XVI, 23.

(2) Lit., 'that come as one', i.e., in both there is a special verse stating that the same law applies.

(3) In both cases the Biblical law stipulates that they must not be used; Lev. XVI, 23 and VI, 3 (v.infra). The Torah should have stated the law in one case, for the other to be inferred in the usual manner. The identical statement in both cases — thus ruling out the usual analogy — indicates that both deal with unusual cases, from which no deduction would be legitimate.

(4) Lev. XVI, 23.

(5) Deut. XXI, 1f. 'There' (in the valley) indicates that it shall be buried there.

(6) Lev. VI, 3.

(7) Deut. XXI, 6. The definite article (ha-'arufah) is interpreted as implying limitation. The limitation excludes other things from the operation of this law.

(8) On 59b three Amoraim had inferred that the law of trespass does not apply to blood from three special, otherwise superfluous phrases. The Gemara now suggests that since three such special phrases appear, with but one of them necessary according to each Amora, they must each serve a limiting purpose.

(9) Portions of sacrifices left over beyond the legal time must be burnt. But blood of such left-overs is not included in the principle of left-overs, and, therefore, if one ate such blood, the penalty incurred derives only from the fact that he ate blood, not any additional penalty because he has eaten of left-overs.

(10) The law of trespass does not apply to blood.

(11) If someone ate of holy sacrifices in a state of levitical impurity, the penalty, if unwittingly, is a sin-offering, as it is for eating blood. The law does not apply to the blood of sacrifices, which if eaten in a state of levitical impurity involves only one sin-offering, viz., for eating blood.

(12) Piggul i.e., vile (ness) is the term used for a sacrifice that is rejected because of an improper intention in the mind of

the officiating priest at the time of the sacrificing. Such improper intention includes his intention to dispose of the same beyond its legal space or time. (Lev. VII, 18 and *ibid.* XIX, 7.)

(13) The priests or owners by whom portions of the offering are consumed.

(14) On which the prescribed sacrificial portions are burnt.

(15) Zeb. 43a. The sprinkling of the blood makes parts of sacrifices permissible to the owner or priests; just as it makes certain portions of the animal fit to be offered up on the altar.

(16) In our Mishnah.

(17) Therefore every act of atonement completed, even if out of order is valid, without any repetition necessary.

(18) Even if the individual act of atonement has not been completed. These Rabbis hold that one may continue, or start again, even in the midst of a service, even though this service had been started out of order.

(19) Lev. XVI, 34.

Talmud - Mas. Yoma 60b

R. Judah holds: [This means] the place on which once a year atonement is obtained: whereas R. Nehemiah holds that it refers to the objects through which once a year atonement is obtained.¹ But according to R. Judah, is then 'place' written here?² — Rather is this the reason for R. Judah's view: It is written 'This', and it is written 'Once', one excludes [services performed in] white garments, the other [those performed in] golden garments.³ And R. Nehemiah?⁴ — One excludes the golden garments, the other the remaining blood,⁵ which [if done out of order] do not impair [the service]. And R. Judah? — If [an act performed in white garments out of order] impairs the service,⁶ it impairs it here too, and if it does not impair [the service] it does not impair it here either;⁷ as it was taught:⁸ And when he hath made an end of atoning for the holy place,⁹ i.e., if he has obtained atonement he has completed it, if not, not. This is the opinion of R. Akiba. R. Judah said to him: Why should we not interpret thus: If he has completed it, he has obtained atonement, if not, not, to say, that if one of the sprinklings is missing, he has done nothing? And we inquired: What is the difference between them and R. Johanan and R. Joshua b. Levi, each gave an answer: One said: They differ only as to the interpretation of the text, while the other said: The remaining blood¹⁰ is what they differ in. But did R. Johanan hold thus?¹¹ Surely R. Johanan said: R. Nehemiah taught in accordance with the view that the remaining blood [offered not as prescribed] impairs [the service].¹² This is a refutation.

R. Hanina said: If he took the handfuls of the incense before the slaying of the bullock, he has done nothing. According to whom is this? [Presumably] not according to the view of R. Judah. Surely he said that the word 'statute' was written only in connection with ministrations performed in white garments within [the Holy of Holies]! — [No], you may say that it is even in agreement with R. Judah's view, inasmuch as what is necessary for a service performed within is considered as a service within.

We learned: IF BEFORE HE HAD FINISHED THE SPRINKLINGS WITHIN [THE HOLY OF HOLIES] THE BLOOD WAS Poured AWAY, HE MUST BRING OTHER BLOOD, STARTING OVER AGAIN AND SPRINKLING WITHIN AGAIN. Now, if this view were right [it] should read: 'He should start again with the taking of the handfuls'?¹³ —

(1) The word 'statute' denotes that the order for this day is statutory, hence any disregard would render a service out of order invalid. R. Judah holds that this 'statute'- limitation has reference to the place whence once a year atonement is obtained, i.e., the Holy of Holies, whereas R. Nehemiah assumes it refers to the objects, by means of which, or in which, once a year atonement is obtained, i.e., both place and garments. Hence according to R. Judah the order is indispensable within the Holy of Holies, but not in the rest of the Sanctuary in which atonement is obtained frequently, and not but once in the course of the year. According to R. Nehemiah both place and garments, in which atonement must be obtained, have indispensable order of regulations.

(2) That the term 'statute' should refer to it?

- (3) 'This' and 'Once' being limitations.
- (4) How does he explain these two limitations?
- (5) Even if the pouring out had been delayed beyond the order, services performed meantime remain valid. The fact that this is done in white garments has no effect on the enforcement of the order in which it is to be done.
- (6) I.e., those parts of the service that were to follow it, but which were performed before it.
- (7) And there is no reason to exclude the remainder of the blood.
- (8) [That according to R. Judah the omission of the rite in connection with the remainder of the blood impairs the service, and consequently the term 'statute' should apply to it equally with the other acts performed in white garments.]
- (9) Lev. XVI, 20.
- (10) R. Akiba holds: the omission of the rite connected with it does not impair the atonement, as the main sprinklings had been made and the atonement is complete, even if the remaining blood has not been poured away; whereas R. Judah holds: If all is completed, then he has obtained atonement, if not (and failure to pour away the remaining blood would be included in this indispensable programme) not.
- (11) That according to R. Nehemiah the remaining blood presents no handicap. Since above R. Johanan said that both used one Scriptural passage as their text and R. Nehemiah was consequently held to infer that the disposal of the remaining blood according to order was not indispensable.
- (12) V. Zeb. 11a.
- (13) Since R. Hanina holds that taking the handfuls of the incense before the slaughtering of the bullock is invalid, he would have to take afresh a new handful before slaughtering the second bullock.

Talmud - Mas. Yoma 61a

He does not treat of the incense.¹

'Ulla said: If he slew the he-goat before sprinkling the blood of the bullock, he has done nothing. We learned: IF HE SPRINKLED THE BLOOD OF THE HE-GOAT BEFORE THE BLOOD OF THE BULLOCK, HE MUST START OVER AGAIN, SPRINKLING THE BLOOD OF THE HE-GOAT AFTER THE BLOOD OF THE BULLOCK. Now, if this view were right, [it] should read: 'He shall start over again' and slaughter?² — 'Ulla explained this to refer to the sprinklings in the Sanctuary;³ and thus also R. Afes explained it to refer to the sprinklings in the Sanctuary. LIKEWISE IN MATTERS OF THE SANCTUARY AND THE GOLDEN ALTAR: Our Rabbis taught: And he shall make atonement for the most holy place,⁴ i.e., the Holy of Holies [for] The tent of meeting, i.e., the Sanctuary;⁵ [for] the altar⁶ in the literal sense. 'He shall make atonement' — this [refers to] the courts; 'the priests' in the literal sense; 'the people', i.e., Israel; 'He shall make atonement', this refers to the Levites. Then they are all declared alike in respect of one atonement, for all other sins they⁷ obtain atonement through the he-goat-that-is-to-be-sent-away,⁸ this is the view of R. Judah. R. Simeon said: Just as the blood of the he-goat [the rites of which are] performed within obtains atonement for Israel in all matters of impurity touching the Sanctuary and its holy things,⁹ thus also does the blood of the bullock obtain atonement for the priests in all matters of impurity touching the Sanctuary and its holy things; and just as the confession over the he-goat-to-be-sent-away obtains atonement for Israel with regard to all other transgressions, so does the confession over the bullock obtain atonement for the priest for all other transgressions.¹⁰

Our Rabbis taught: 'And when he hath made an end of atoning for the holy place', this refers to the Holy of Holies; 'The tent of meeting', i.e., the Sanctuary; the altar, in its literal sense — this teaches that for all of these special [independent] atonements must be obtained. Hence they said: If he sprinkled some of the sprinklings made within, and the blood was poured away, he shall bring other blood and start again from the beginning with the sprinklings within. R. Eleazar and R. Simeon say: He shall start but from the place where he stopped. If he has completed the sprinkling due within and the blood was poured away, then he shall bring other blood and he shall start from the beginning with the sprinklings in the Sanctuary. If he had sprinkled some of the sprinklings due in the Sanctuary and the blood was poured away, he shall bring other blood and start again from the

beginning with the sprinklings due in the Sanctuary. R. Eleazar and R. Simeon say: He need start but from the place where he had stopped. If he had completed the sprinklings due in the Sanctuary and the blood was poured away, he shall bring other blood and start again from the beginning with the sprinkling due on the altar. If he had made some of the sprinklings due on the altar and the blood was poured away, he shall bring other blood and he shall start again from the beginning with the sprinklings due on the altar. R. Eliezer and R. Simeon said: He shall not start except from the place where he had stopped. If he had completed the sprinklings due on the altar and the blood was poured all agree that this is no handicap. Said R. Johanan: Both¹¹ infer it from one scriptural passage: With the blood of the sin-offering of atonement . . . once a year.¹² R. Meir holds: I have spoken to thee of one sin-offering [whereby to obtain one atonement], not of two sin-offerings; R. Eleazar and R. Simeon holding, I have spoken of one sprinkling, not of two sprinklings.¹³

It was taught: Rabbi said: R. Jacob taught me a difference with regard to the logs.¹⁴ But is there no [dispute]? Surely it has been taught: If he made some of the sprinklings within [the Sanctuary],¹⁵ and the blood was poured away, he must bring another log [of oil] and start again from the beginning with the sprinklings due within. R. Eleazar and R. Simeon hold: He starts again from the place he had stopped at. If he had completed the sprinklings due within [the Sanctuary] and the log was spilt, he shall bring another log and start again from the beginning with the application on the thumbs¹⁶ and toes.¹⁶ If he had made some of the applications on the thumbs and toes and the log was spilt, he shall bring another log and start over again from the beginning with the applications on the thumbs and toes. R. Eleazar and R. Simeon hold: He shall start where he had stopped before. If he had completed the applications due on the thumbs and toes and the log was spilt, then all agree that the applications on the head are not a handicap.¹⁷ Say rather: R. Jacob taught me also [the difference of opinion] concerning the log.¹⁸

The Master had said: The applications on the head are no handicap. Why that? Shall I say because Scripture says: And what remaineth over of the oil,¹⁹ but then [when it says]: But that which is left of the meal-offering etc.,²⁰ would you say that there, too, it constitutes no handicap?²¹ — It is different there because it is written: ‘And the rest’²² and what remaineth over etc’²³

(1) He would certainly have to take anew the handfuls.

(2) [It is assumed that the reference is to the sprinklings within the Holy of Holies, with the result that the he-goat was slaughtered before the sprinkling of the blood of the bullock.]

(3) But the slaying of the he-goat took place in its proper place, after the blood of the bullock had been sprinkled within.

(4) Lev. XVI, 33.

(5) These sprinklings atone for any impurity that occurred in the Holy of Holies or the Sanctuary, if any person should have entered there unwittingly in a state of impurity. V. Shebu. 7b.

(6) If any impurity occurred to any person at the altar, he staying there for a period co-extensive with the time of one prostration.

(7) Priest, Levites and Israelites.

(8) Besides those of impurity. In the case of other transgressions the he-goat-to-be-sent-away obtains forgiveness for both priests and commoners. But for the sin implied in any impurity in the Temple, it is the bullock which obtains forgiveness for the priests, and the he-goat which brings it to Israel.

(9) Without confession. As there was no confession with that he-goat.

(10) V. Sheb. 13b.

(11) The anonymous authority who is R. Meir on the one hand, and R. Eleazar and R. Simeon on the other.

(12) Ex. XXX, 10.

(13) The word **חטאת** rendered ‘sin-offering’ means also ‘purge from sin’, hence sprinkle.

(14) With regard to the log of oil used for the purification of the leper (v. Lev. XIV, 21) R. Jacob had taught that unlike the sprinklings of the Day of Atonement, there was no dispute concerning the question here where one must start again after a service had been performed out of order.

(15) This refers to the purification rite of a leper, v. Lev. XIV, 16.

(16) Lev. XIV, verse 17.

(17) Hence the dispute between the Rabbis did affect the log of oil as well.

(18) The report had been originally misread. As R. Hananel suggests, it read: 'R. Jacob had not made any difference with regard to the log'. In its original interpretation it implied: There was no difference of opinion among the Rabbis touching the log. But, since that report was now refuted, the meaning must have been: R. Jacob taught me that there was no difference between the log and the other case; in both the Rabbis are of divergent opinion.

(19) Lev. XIV, 29 which indicates that the oil used for the head is but a remainder and not an essential part of the rite.

(20) Ibid. II, 10.

(21) In reality it does, v. Men. 9a.

(22) Ibid. XIV, 17 with reference to the oil applied to the thumbs and toes.

(23) The oil applied on the thumbs and toes is thus designated 'remainder' and that applied on the head 'remainder of remainder' and therefore constitutes no handicap.

Talmud - Mas. Yoma 61b

R. Johanan said: If the guilt-offering of a leper had been slaughtered not for its own purpose,¹ — therein we find a dispute between [on the one hand] R. Meir, and R. Eleazar and R. Simeon [on the other]. R. Meir, who said he must bring another one and start all over from the beginning, would here consistently hold that he must bring another [animal as] guilt-offering and slay it, whereas R. Eleazar and R. Simeon, who say: He shall start at the place he had left off before, would hold that here there is no redress.²

R. Hisda demurred to them: Surely it is written: 'It³ — This is a refutation. It was taught in accord with R. Johanan: If the guilt-offering of a leper had been slaughtered not for its own purpose, or if one had not sprinkled of its blood upon the thumbs and toes, it is considered a burnt-offering in regard to the altar and requires the [prescribed]⁴ libations and he requires another guilt-offering to render him right again.⁵ — And R. Hisda? — He will answer you: What means, he requires? — He requires, but he has no remedy [to get it]. But would a Tanna teach: 'He requires' when he has no remedy [of getting it]? Indeed, as it was also taught: [Concerning] a baldheaded nazirite Beth Shammai taught he requires to pass through a razor [over his head],⁶ whereas Beth Hillel said: He need not pass through a razor [over his head]. And R. Abina said: When Beth Shammai say: It is necessary, [they mean] he requires to [do so] but he has no remedy.⁷ He thus contradicts R. Pedath, for R. Pedath said: Beth Shammai and R. Eleazar say one and the same thing. 'Beth Shammai', as we have stated above, and 'R. Eleazar' as we have learnt.⁸ If he⁹ have no thumb or toe, he⁹ can never obtain purity. R. Eleazar said: One should place it on the place due, and thereby the duty is done. R. Simeon said: If he placed it on [the thumb and toe of] the right, he has done his duty.

Our Rabbis taught: And the priest shall take [receive] of the blood of the guilt-offering¹⁰ — one might have assumed that is to be done with a vessel, therefore the text reads: 'And he shall put it' i.e., just as the 'putting' must be done by the priest himself, so must the 'taking' be by the priest himself. One might have assumed the same applied to the blood which is to be used for [sprinkling upon] the altar, therefore the text reads: For as the sin-offering . . . so is the guilt-offering.¹¹ Just as a vessel is necessary [for receiving the blood of a] sin-offering,¹² so is a vessel necessary [for the blood of] the guilt-offering. You thus find yourself stating that in the case of the guilt-offering of the leper two priests receive the blood thereof, one in his hand,¹³ the other in a vessel.¹⁴ The first who receives it in the vessel proceeds to the altar, whereas the other who receives it in his hand goes to the leper.

We have learnt there: All of them¹⁵ render the garments levitically impure and are to be burnt in the place where the ashes are deposited. This is the opinion of R. Eleazar and R. Simeon. The Sages say: They do not render the garments ritually unclean and they are not to be burnt in the place where the ashes are deposited, except the last one because with that he completed the atonement. — Raba

asked the following question of R. Nahman: How many he-goats is he to send away?¹⁶ — He answered: Should he perhaps send his flock away?¹⁷ — He said to him:

(1) [I.e., he offered it in the name of some other sacrifice. In such a case the sacrifice is valid but is not accounted to the owner in fulfillment of his duty and the owner must consequently bring anew the offering which was due from him.]

(2) [R. Meir, who holds that part of a service that has not been completed is of no account, would similarly regard this incomplete guilt-offering as not offered and would require another guilt-offering; whereas R. Eleazar and R. Simeon, who do not disregard that part of the service which had been performed, would hold that he cannot bring a new guilt-offering as Scripture explicitly states 'One lamb for a guilt offering' (Lev. XIV, 12) and not two.]

(3) Lev. XIV, 12: 'And offer it as a guilt-offering', i.e., only the one which has been waved together with the oil. This unequivocal statement of the Torah R. Meir too must accept, hence the interpretation just offered is to be rejected.

(4) V. Num. XV, 1ff.

(5) I.e., the leper becomes pure, normal again, so that he may eat holy things (sacrificial meat). This shews that there is a view that he can bring a new guilt-offering, which supports R. Johanan.

(6) Num. VI, 5: All the days of his vow of the Naziriteship there shall no razor come upon his head, until the days be fulfilled, i.e., but when the days are fulfilled he shall have his hair cut.

(7) This bald-pate cannot do so. Yet it is stated 'he requires'.

(8) Naz. 46b.

(9) The leper.

(10) Lev. XIV, 14.

(11) Ibid. XIV, 13.

(12) V. Zeb. 97b.

(13) For sprinkling on the leper himself.

(14) For the sprinkling on the altar.

(15) All the bullocks and he-goats mentioned in our Mishnah, in connection with blood poured away before the completion of the individual atonement or the whole service in question, and for which substitutes are obligatory, must be burnt outside the three camps (that of the priests, the Levites, and of Israel) and they render the garments of those occupied with burning impure. Lev. XVI, 27-28.

(16) [Where, for instance, the blood of the he-goat was poured away after the sprinklings in the Holy of Holies in which case he has to bring anew two goats and cast lots afresh.]

(17) Obviously only one he-goat-to-be-sent-away is dealt with in Lev. XVI.

Talmud - Mas. Yoma 62a

Does he not burn¹ his flock? — How compare these two? With regard to this, it is written 'it',² touching the other it is not written 'it'.

It was stated: R. Papi said in the name of Raba: He sends away the first. — R. Shimi said in the name of Raba: He sends away the last. It is quite right according to R. Shimi in the name of Raba, who said he sends the last away: that is because with him he completes the atonement, but what is the view of R. Papi in the name of Raba? — He holds with R. Jose who says: The commandment is properly fulfilled with the first one. Which view of R. Jose is referred to here? Shall I say it is R. Jose's view in the case of the baskets — for we learned: There were three baskets, each of three se'ahs, in which they took up terumah out of the [shekel] chamber³ and on them were inscribed [the letters] Alef, Beth, Gimel. And it was taught: R. Jose said: Why were Alef, Beth, Gimel inscribed upon them? So that one may know which of them was taken up first [out of the shekel chamber], so as to use it first, for the commandment properly applies to the first! But perhaps it is because at the time when the first is to be used, the others are not ready for use?⁴ Rather [do we refer to the view of] R. Jose touching the paschal sacrifice, for it has been taught:⁵ If one set aside his passover sacrifice and it was lost [went astray] and he set aside another one in his place and then the first was found again, so that both are before him, then he may offer up whichever he wants. This is the view of the Sages. R. Jose says: The commandment attaches properly to the first, but if the second be better than [the first] then he may offer it.

CHAPTER VI

MISHNAH. THE TWO HE-GOATS OF THE DAY OF ATONEMENT ARE REQUIRED TO BE ALIKE IN APPEARANCE, IN SIZE, IN VALUE, TO HAVE BEEN BOUGHT AT THE SAME TIME. BUT EVEN IF THEY ARE NOT ALIKE THEY ARE VALID. IF ONE WAS BOUGHT ONE DAY AND THE OTHER THE FOLLOWING DAY, THEY ARE VALID. IF ONE OF THEM DIED BEFORE THE LOT WAS CAST ANOTHER ONE IS BOUGHT FOR THE SECOND ONE. BUT [IF IT DIED] AFTER THE LOT WAS CAST ANOTHER PAIR MUST BE BOUGHT AND THE LOTS CAST FOR THEM OVER AGAIN. AND IF THE ONE THAT WAS CAST FOR THE LORD DIED, HE [THE HIGH PRIEST] SHOULD SAY: LET THIS ON WHICH THE LOT FOR THE LORD HAS FALLEN STAND IN ITS STEAD. AND IF THE ONE THAT WAS CAST FOR AZAZEL DIED HE SHOULD SAY: 'LET THIS ON WHICH THE LOT FOR AZAZEL HAS FALLEN STAND IN ITS STEAD. THE OTHER ONE IS LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED WHEN IT IS TO BE SOLD AND ITS VALUE GOES TO THE TEMPLE FUND. FOR THE SIN-OFFERING OF THE CONGREGATION MUST NOT BE LEFT TO DIE.⁶ R. JUDAH SAYS: IT IS LEFT TO DIE. FURTHERMORE SAID R. JUDAH: IF THE BLOOD WAS Poured AWAY, THE GOAT-TO-BE-SENT-AWAY WAS LEFT TO DIE. IF THE GOAT-TO-BE-SENT-AWAY DIED THE BLOOD IS Poured AWAY.

GEMARA.

(1) And yet it states that 'all of them are burnt on the place where the ashes are deposited'.

(2) Lev. XVI, 10, with reference to the he-goat-to-be-sent-away. 'It' implies only 'one'.

(3) Into which the shekels were thrown in the month of Adar, with which the priests filled the three baskets for the communal offerings. V. Shek. III, 2.

(4) When one basketful is taken up first one would obviously use that first, but the goat of the first pair could not be sent away before all the sprinklings of blood had been made, when the second is as fitting to be sent away as the first.

(5) Infra 64a.

(6) V. Tem. IV, 3.

Talmud - Mas. Yoma 62b

Talmud - Mas. Yoma 62b

Our Rabbis taught: And he shall take. . . two he-goats,¹ now the minimum of he-goats is two; why then is 'two' mentioned? To indicate that the two be alike. Whence do we know that even if the two are not alike they are valid? Therefore the text reads: 'He-goat', 'he-goat',² which is inclusive [widens the scope]. Now the reason, then, is only that the Divine Law expressly includes it, but had the Divine Law not done so, one would have assumed that they are invalid. Whence do we derive this indispensability? — You might have thought that we say: 'Two' is written three times.³ But now that the Divine Law has twice written 'he-goat' what is the purpose of 'two' written three times? — One applies to appearance, the other to size, the third to value. It has been similarly taught in connection with the lambs of the leper: And he shall take two lambs.⁴ Now the minimum of lambs is two, then why does the text say: 'Two'? To indicate that the two be alike. Whence do we know that even if the two be not alike, they are valid? Therefore the text reads: 'Lamb', 'lamb',⁵ which is inclusive [widens the scope]. Now the reason is only that the Divine Law expressly includes it, but had the Divine Law not done so, one would have assumed that they are invalid, whence do we assume this indispensability? — You might have thought we say: It is written: [This] shall be [the law].⁶ But now that the Divine Law has said: 'Lamb', 'lamb', what purpose serves 'shall be'? — That refers to the rest of the status of the leper.⁷

It was similarly taught in connection with the [birds of] the leper: Birds;⁸ now the minimum of birds is two. Why then is 'two' mentioned? To indicate that the two be alike. Whence do we know that even if they be not alike, they are valid? Therefore the text reads: 'Birds', 'birds',⁹ which is inclusive. Now the reason then is that the Divine Law expressly includes it, but had the Divine Law not included it, one would have assumed that they are invalid. Whence do we derive this indispensability? — You might have thought that we say that it is written 'shall be'. But now that the Divine Law through 'birds', ['birds'] includes it, what purpose serves 'shall be'? — Because of the rest of the status of the leper.

If so, in the case of the daily burnt-offerings let us make a similar deduction: 'Lambs', 'lambs',¹⁰ since the minimum of lambs is two, why does the text read: 'Two'? To indicate that they shall be alike. And whence do we know that even if they are not alike they are valid? Therefore the text reads: 'Lamb', 'lamb',¹¹ which is inclusive.¹² But as far as proper performance of the precept is concerned is it indeed required¹³ [that the lambs shall be alike]? — Here we need it for what has been taught: Two for the day¹⁰ i.e., against the day.¹⁴ You say: Against the day, but perhaps it really means, the daily duty? When it says: The one lamb shalt thou offer in the morning, and the other lamb shalt thou offer at even,¹¹ behold the daily duty is already stated, hence how do I apply the words: 'Two for the day'? I.e., against the day. How is that? The continual morning offering was being slain on the north-western corner, on the second ring,¹⁵ whereas that of the even was slain on the north-eastern corner on the second ring.¹⁵ But the additional sacrifices of the Sabbath certainly must be alike.¹⁶

Our Rabbis taught: If he [the high priest] slew two he-goats of the Day of Atonement outside [the Temple court] before the lots were cast, then he is guilty in respect of both; if, however, after the lot was cast, then he is guilty¹⁷ in respect of the one cast 'for the Lord', but free in respect of the one cast 'for Azazel'.¹⁸ If before he has cast the lots, he is guilty in respect of both of them. But what [sacrifice] are they fit for?¹⁹ — Said R. Hisda: Since [each] is fit to be offered up as the he-goat [the rites of which are] performed without.²⁰ But why is it impossible to offer it up as the he-goat [of which rites are] performed within [the Holy of Holies]? presumably because it still lacks the casting of the lot? But then it ought to be unfit to be used as the he-goat [of which rites are performed] without, for the reason that it still lacks the other ministrations of the Day?²¹ — R. Hisda holds: One may not call the absence of any functions due on the same day a lack of time.²²

Said Rabina: Now that R. Hisda said that the absence of the casting of the lot has the same significance as the absence of a [direct] action,²³ then in view of what Rab Judah said in the name of Samuel: 'Peace-offerings which have been slain before the doors of the Temple have been opened are invalid, as it is said: And he shall slay it at the gate of the tent of meeting,²⁴ i.e., at the time when it is open, but not when it is closed';

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- (1) Lev. XVI, 5.
 - (2) Ibid. 9, 10.
 - (3) Lev. XVI, 5, 7, 8 and thus indicates indispensability.
 - (4) Ibid. XIV, 10.
 - (5) Ibid. 12, 13.
 - (6) Ibid. 2. 'Shall be' implies precise instructions from which there may be no deviation.
 - (7) I.e., to the other regulations relating to the purification of the leper.
 - (8) Lev. XIV, 4.
 - (9) Ibid. 5, 6.
 - (10) Num, XXVIII, 3.
 - (11) Ibid. 4.
 - (12) It is inclusive, i.e., as long as it is a lamb, even if not exactly like the other, it is included in the terms of the commandment.
 - (13) This, however, is nowhere stated.
 - (14) I.e., the morning sacrifice is to be offered up against (opposite) the sun-rise, viz., on the western side of the altar, and the evening sacrifice on the opposite, namely, the eastern side (R. Han.).
 - (15) To the north of the altar were rings, twenty four, six rows of four each, at which they slaughtered the animal offerings. (V. Mid. III, 5.). On these rings the animals were securely tied before slaying. When the morning sacrifice was slain on the western side the light of the sun poured freely in, just as in the eve, when the sacrifice was slain on the eastern side, the rays of the sinking sun were unimpeded. Always in the direction opposite to the light of the day. Tosaf. suggests that the second ring rather than the first was used to prevent the animal from polluting the altar with excrements.
 - (16) [Since in connection with this only 'two lambs' is stated (V. Num. XXVIII, 9) but not the inclusive 'one lamb'. V, Rashi and R. Han.]
 - (17) On the score of Lev. XVI, 3ff:
 - (18) The he-goat destined for Azazel would in any case be killed outside the Sanctuary hence nothing illegitimate took place, no change of place.
 - (19) That he should be liable for slaughtering them outside the Temple court.
 - (20) I.e., in the Sanctuary proper, without the Holy of Holies. The additional sacrifice for the Day of Atonement, a he-goat, is offered up, its blood sprinkled without (Num. XXIX, 11).
 - (21) i.e., the sprinkling of the blood of the bullock and he-goat and the taking and offering of the handfuls of incense, all of which must take place before the additional sacrifice is offered up.
 - (22) The absence of the ministrations of the day mentioned in n. 3 does not affect the validity of the he-goat offered as an additional offering, as these do not constitute a defect in the he-goat itself, but are absent because the time for them had not yet arrived. Whatsoever is bound to come within the day, may not be considered wanting on that day. [This distinguishes it from the casting of lots, the absence of which constitutes a lack in the very he-goat which consequently renders it unfit for use within].
 - (23) In the offering itself, rendering it unfit for Temple use.
 - (24) Lev. III, 2.

Talmud - Mas. Yoma 63a

if someone had slain them outside before the doors of the Temple had been open, he would be free, because the lack of opening is like the lack of a [direct] action.¹ But does R. Hisda adopt the principle of 'since'?² Surely R. Hisda said: If someone had slaughtered the Passover sacrifice outside on any of the other³ days of the year, then, if he did it in its own name, he is free, but if he did it not

in its own name, he is culpable.⁴ The reason [that he is culpable] lies in his having slaughtered it not in its own name. But if he had slaughtered it without any indication it is [as if — slaughtered] in its name, and he would be free? Why that? Let us say: Since it would be fit for a sacrifice not in its own name, within the Temple⁵ [he should be liable]? Now, how compare? There a removal is necessary,⁶ whereas this needs no such removal. Rabbah b. Shimi taught these [two statements of R. Hisda] as [emanating] from Rabbah. He then raises a difficulty from [the one view of] Rabbah against [the other given by] Rabbah; but answers [the difficulty] as we have answered. When R. Dimi [came from Palestine] he said in the name of R. Jeremiah, who said it in the name of R. Johanan: If one slaughtered a Paschal sacrifice outside on any of the other days of the year, whether in its name or not in its name, he is exempt. Said R. Dimi: I have reported this statement in the presence of R. Jeremiah [and queried]: It is all correct [in the case where it was slaughtered] in its name, since it is not fit [for the Temple], but [where it was] not in its name [why should it be exempt]? Surely it would be fit as a sacrifice not in its own name within the Temple? And he said this [in reply]: The removal [of the name of a sacrifice] outside [the Temple] is not deemed [an effective] removal.⁷ — When Rabin came [from Palestine], [he said that] R. Jeremiah said in the name of R. Johanan: If one had slain a Passover sacrifice outside on any of the other days of the year, whether in its own name or not in its own name, he is culpable. Even ‘in its own name’? But have we not learnt: A sacrifice whose time has not yet come [may be such] either because of itself or because of its owner. Which is a sacrifice whose time has not yet come because of its owner? If the owner, either man or woman, was afflicted with gonorrhoea, or was a woman after child-birth or a leper and had offered up their sin-offering or their guilt-offering outside [before the appointed time], they are free.⁸ But if they offered up their whole-offerings or their peace-offerings outside, they are culpable.⁹ And R. Hilkiyah b. Tobi said: They did not teach thus only if they were offered up in their own name, but if they were not offered up in their own name, they were not culpable.¹⁰ Now at any rate, then, when offered up in their own name, the owners are culpable. But why that? Let us say, Since they are fit to be offered up in their own name within [they should be culpable]?- How compare? There a removal is necessary, but here Passover sacrifice during the rest of the days of the year is a peace-offering.¹¹

R. Ashi taught:¹² the owner is culpable, as we had stated above. R. Jeremiah of Difti taught he is not culpable, because he is of the opinion that the Passover sacrifice during the rest of the days of the year requires a removal,¹³ and the removal outside [the Temple] is not [effective]. Therein he disputes with R. Hilkiyah b. Tobi.¹⁴

The Master said: ‘When the lot has been cast, he is culpable in respect of the one [he-goat] cast ‘for the Lord’, and free with respect to the one cast ‘for Azazel’. Our Rabbis taught: What man soever there be of the house of Israel that killeth an ox or lamb, or goat, in the camp, or that killeth it without the camp, and hath not brought it unto the entrance of the tent of meeting to present it as an offering unto the Lord.¹⁵

(1) So that the offerings were not fit for Temple use, and thus involve no guilt when offered outside.

(2) הוֹאִיל either derived from יֵעָל — ע and א interchange frequently — thus: it helps — and followed by — ‘because’ since; or הֵאָּ + אִילוֹ ‘look now, if’, i.e., once this is so, that also may be granted; or from the Biblical אָּאִ ‘accepted, agreed that this is so, that also ought to be accepted’, implying that because something is permitted in one case, the permission should be extended to all analogous cases.

(3) Besides the eve of Passover, the fourteenth of Nisan, which is the proper date for this sacrifice.

(4) Because in this case it is a peace-offering, which should have been slain within the Temple.

(5) It could be used within as a peace-offering.

(6) [It could not be used within as a peace-offering unless it had been expressly removed at the time of slaughtering from its original purpose as Passover sacrifice, and consequently as long as no such removal had been made it cannot be said to be fit for use within the Temple.] The he-goat offered within as well as the one without are sin-offerings in either situation.

(7) [Although a paschal lamb on any other days in the year can be removed from its original purpose and offered as a

peace-offering, such a removal is effective only when it is offered within the Temple, but where it is offered outside, the paschal lamb retains its original name and purpose and consequently involves no guilt for having been slaughtered outside.]

(8) V. Lev. XV, 14, 29; XII, 6, XIV, 10.

(9) In the case of sin-offerings or guilt-offerings, which were offered up outside before they were due, no culpability is involved, because they are not acceptable within before their time has come, neither as obligatory nor as freewill-offerings. But burnt-offerings or/and peace-offerings, which are accepted even when not obligatory, are fit to be offered up within even before the appointed time, hence they involve culpability when offered up without. V. Zeb. 112b.

(10) This exemption applies only when the guilt-offering was offered up in its own name outside, in which case being before its appointed time it would be unfit for the Temple. But if it was offered up for another purpose than that originally designated, e.g., for a burnt — or peace-offering, where it would be acceptable within at any time, there is culpability when offered up without.

(11) Without the need of an express removal from its original purpose.

(12) With reference to the statement reported by Rabin.

(13) Before it can be offered as a peace-offering.

(14) Who holds that a removal outside the Temple is an effective removal.

(15) Lev. XVII, 3, 4.

Talmud - Mas. Yoma 63b

From [the word] ‘offering’ I might have assumed that even offerings for the temple repair [are included], which are also called ‘offerings’, in accord with the Scriptural words: And we have brought the Lord's offering,¹ therefore the text reads: ‘And hath not brought it unto the entrance of the tent of meeting’, i.e., whatsoever is fit to be brought to the tent of meeting, if offered up outside, involves culpability; but whatsoever is fit to be brought to the entrance of the tent of meeting, if offered up outside, does not involve culpability. Thus I would exclude only those which are not fit to be offered up at the entrance of the tent of meeting, but I would not exclude [the cow for the sin-offering² and] the he-goat-to-be-sent-away, which are fit to be brought to the entrance of the tent of meeting, therefore the text reads: ‘Unto the Lord’ i.e., only those assigned to the Lord, to the exclusion of such as are not assigned to the Lord.

But do the words ‘Unto the Lord’ imply exclusion,? I shall raise a contradiction: It may be accepted for an offering made by fire unto the Lord,³ i.e., the fire-offerings.⁴ Whence do we know that one may not dedicate it before its time has come?⁵ Therefore the text reads: ‘As an offering’. ‘Unto the Lord’, includes the he-goat-to-be-sent-away!⁶ Said Raba: There [the meaning is determined] by the context, and here too [its meaning is determined] by the context: There ‘Unto the entrance implies inclusion, therefore ‘Unto the Lord’ implies exclusion; here ‘An offering made by fire’ implies exclusion, hence ‘Unto the Lord’ has inclusive⁷ meaning. Now the only reason then is that the Divine Law included it, but if it had not done so I would have assumed that the he-goat-to-be-sent-away could be dedicated before its time.⁸ But⁹ the lot does not determine except such [an animal] as is fit ‘for the Lord’?¹⁰ — Said R. Joseph: This is in accord with Hanan the Egyptian, for it was taught:¹¹ Hanan the Egyptian says: Even if the blood is in the cup, may he bring its mate and pair them.¹² But admitted that Hanan does not accept the opinion concerning ‘rejection’¹³ you surely did not hear that Hanan does not accept the opinion as to the necessity of casting the lots? Perhaps he [the high priest] would have to bring [two] and cast lots [afresh]?¹⁴ — Rather, said R. Joseph, this [Baraita]¹⁵ is in accord with R. Simeon, for it was taught: If one of them died, he brings another one without casting lots, this is the view of R. Simeon! Rabina said: The reference [in the Baraita] is to a case in which one of them became blemished and was redeemed with another one.¹⁶ But whence will you say that a blemish renders it [the scapegoat] invalid? As it was taught: Nor make an offering by fire of them,¹⁷ this refers to the pieces of fat. From here I could infer only as to all the pieces. Whence do we know that it applies also to parts thereof? Therefore the text reads: ‘Of them’. ‘The altar’¹⁷ i.e., the sprinkling of the blood. Unto the Lord,¹⁷ that includes the

he-goat-to-be-sent-away.

Now it was necessary [for the Scripture] to write [disqualifying a scapegoat], the blemished animal and one whose time has not yet come. For if the Divine Law had written only about the animal whose time has not yet come, I would have assumed there [it is disqualified] applies because its time has not yet come, but in the case of one blemished whose time had come, I might have assumed that [the disqualification does] not [apply]. And if the Divine Law had written about the blemished animal alone, I might have assumed the reason [for its being disqualified] there lies in repulsiveness, but with the animal whose time has not yet come, and where there is no repulsive feature, one might have assumed [the law] does [not] apply, hence it was necessary [to write about both].

(1) Num. XXXI, 50.

(2) The red heifer. Tosaf. supports Rashi's elimination of this reference to the red heifer, because the latter was not brought to the entrance of the tent of meeting, hence is logically excluded from the present discussion.

(3) Lev. XXII, 27.

(4) Only from the eighth day are they acceptable as offerings.

(5) I.e., that an offering cannot be dedicated before the eighth day.

(6) This shows that 'Unto the Lord' implies inclusion.

(7) The he-goat-to-be-sent-away is not 'for the Lord', but fit to be brought unto the entrance of the tent of meeting. So 'Unto the Lord' excludes whatsoever is not assigned for the Lord. In the other passage 'An offering made by fire' excludes, of course, the goat, which is to be hurled from the precipice, whereas 'Unto the Lord' is complimentarily inclusive, hence the goat must not be offered up before it is eight days.

(8) I.e., before it is eight days old.

(9) V. Tem.6b.

(10) And that implies a minimum age, hence invalidation before its time.

(11) Zeb. 34b.

(12) Even if the blood of the he-goat to be sprinkled up within is in the cup, when the he goat-to-be-sent-away dies, no new casting of the lots is necessary according to Hanan, but, as is assumed at present, one may simply bring another he-goat from outside and pair it and appoint it for Azazel even without lots. Thus we see that Hanan does not hold the principle that the lot does not determine etc.; and consequently the he-goat-to-be-sent-away need not necessarily have reached its proper time hence a scriptural verse is necessary to teach that it must do so.

(13) He does not accept the view of R. Judah in our Mishnah that the scapegoat is to be rejected as unfit on account of the mishap to the other.

(14) Leaving the one, upon whom the lot 'for the Lord' now falls, to pasture until it acquires a blemish, whilst obtaining atonement through the blood of the first. At any rate, however, casting the lots is necessary, hence one whose time had not yet come would be invalidated, because the lot determines only what is 'fit for the Lord', i.e. whose time has come.

(15) Which requires a special text to teach that the he-goat-to-be-sent-away must be of minimum age.

(16) Where the he-goat-to-be-sent-away suddenly became blemished, its successor obtained by means of redemption needs no lot to determine its purpose, and, since no list was required, there is no implied obligation as to proper minimum age.

(17) With reference to blemished animals. Lev. XXII, 22.

Talmud - Mas. Yoma 64a

Raba said: [It¹ was necessary] for the case that he² had a sick person in the house, for whom he killed the mother-animal on the Day of Atonement.³ But is it forbidden in such a case?⁴ Does not the Divine Law say: Ye shall not kill it⁵ and this is not killing?⁶ — In the West [Palestine] they said: Hurling it down from the [mountain] peak, that is its killing.

IF THAT 'FOR THE LORD' DIED, etc.: Rab said: The second of the first pair is to be offered up, the second of the second pair should be left to pasture.⁷ - R. Johanan said: The second of the first

pair should be left to pasture, the second pair should be offered up. In what principle do they differ? — Rab holds: Living animals⁸ are not rejected [forever], whereas R. Johanan holds: Living animals are rejected [forever]. What is the reason for Rab's view? He infers it from those whose time has not yet come: An animal whose time has not yet come, although it is as yet unfit, when it later becomes fit again, will be quite in order. Thus also here. How can this be compared? There⁹ it was never fit at all. Here it was once fit and then rejected? — Rather is this the reason of Rab's view: He infers it from an animal afflicted with a passing blemish: An animal afflicted with a passing blemish surely although now unfit, yet when it is fit again, is quite in order. Thus also here. But whence do we know if touching the former? Because it is written: Because their corruption is in them, there is a blemish in them¹⁰ i.e., only as long as a blemish is in them are they not acceptable, but when their blemish passes they are acceptable. And R. Johanan? — The Divine Law stated 'in them'¹⁰ i.e., only these are acceptable after the blemish has passed, but all other animals rejected [through temporary unfitness] once they have been rejected, stay rejected. And Rab? — The words 'in them' signify that only as long as they are in their natural form are they not acceptable, but as soon as they are mixed up with others, they are acceptable; as we have learnt,¹¹ if the members of unblemished [whole-offerings] were mixed up with the members of blemished [animals], R. Eliezer says: If the head of one of them had been offered,¹² the heads of all may be offered; if the legs of one of them had been offered, the legs of all may be offered. The Sages, however, say: Even if all the members with exception of one have been offered, this one must go forth to the place of burning. And the other one [R. Johanan]? He infers that from [the fact that instead of] 'bam' [is written] 'bahem'.¹³ — And the other one [Rab]? — He does not expound from 'bahem' instead of 'bam'. But according to Rab, granted that animals cannot be rejected for ever, if he wishes let him offer this, and if he wishes let him offer the other?¹⁴ — Raba said: Rab holds to the view of R. Jose, who said: The command attaches properly to the first. — Which [view of] R. Jose are you referring to? Shall I say, You say [the view of] R. Jose concerning the baskets, for we have been taught:¹⁵ There were three baskets each of three se'ahs,¹⁶ in which they took up terumah out of the shekel-chamber, and on each of them was inscribed: Alef, Beth, Gimel. And we have been taught: R. Jose said: Why is Alef, Beth, Gimel inscribed upon them? So that one may know out of which of them the terumah was taken up [out of the shekel-chamber] first, to use it first, for the command properly applies to the first! — But perhaps it is different there because at the time when the first is to be used, the others are not ready for use yet?¹⁷ - Rather is it R. Jose['s view] concerning the Passover sacrifice, for it was taught: If someone has separated his Passover sacrifice and it is lost, and he thereupon puts aside another one in its place, and afterwards the first one is found again, so that both are standing [ready to be used], then he can offer up whichever he prefers; this is the view of the Sages. R. Jose holds the commandment attaches properly to the first,¹⁸

(1) The verse disqualifying a scapegoat that has not reached its proper time.

(2) Who was the purveyor to the community of these animals.

(3) In case of a dangerously ill person the slaying of an animal for food or remedial purpose is permitted. Raba suggests the case that the purveyor of the he-goat had, on the Day of Atonement, slain its mother for the patient. But in view of the prohibition (Lev. XXII, 28:) Whether it be cow or ewe, ye shall not kill it and its young both in one day, the he-goat would thus become an animal that was wanting in time all the Day of Atonement, after the lot had been cast.

(4) To use the young as scapegoat.

(5) Lev. XXII, 28.

(6) The prohibition is now interpreted to refer to the technical ritual slaying, whereas the scapegoat is being hurled down the precipice.

(7) Until it acquires a blemish.

(8) If they are temporarily invalidated, they can still be used by means of the substitution of another animal as pair.

(9) Because it was wanting in time and thus was never rejected.

(10) Lev. XXII, 25.

(11) Zeb. 77b.

(12) Before the confusion of the other members with the members of the whole-offerings had been noticed.

(13) From the fact that the Divine Law used the longer word 'bahem' instead of the shorter 'bam', which has the identical meaning, this inference is attempted. The rival view ignores this variation as not intended for additional inferences.

(14) Whereas the law here is stated to require only the first.

(15) V. supra 59b and notes.

(16) I.e., 144 eggs.

(17) But here although the lots had been cast, the goat could not be slain until after the blood of the bullock had been sprinkled. In the interim the he-goat with it had died, two others were brought in, and when the time for slaying the goat had come, the latter was already in readiness.

(18) For notes v. supra 59b.

Talmud - Mas. Yoma 64b

but if the second one be very much better, he shall offer it up.

Raba said: Our Mishnah points to be in accord with Rab, whereas the Baraitha is in accord with R. Johanan. Our Mishnah is in accord with Rab for it reads: IF THE ONE THAT WAS CAST FOR THE LORD DIED, HE [THE HIGH PRIEST] SHOULD SAY: LET THIS ON WHICH THE LOT FOR THE LORD HAS FALLEN STAND IN ITS STEAD' [implying] that the other remains as it is.¹ The Baraitha is in accord with R. Johanan, for it reads: As to the second.² I do not know whether [it means] the second of the first pair, or the second of the second pair. But from the words 'shall be set alive'³ [I infer: only this one] but not one whose pair has died.⁴ How does that follow? — 'It shall now be set alive', [and] not the one that has been set [alive] before [but whose pair has died].

We learned: FURTHERMORE DOES R. JUDAH SAY: IF THE BLOOD WAS Poured AWAY, THE SCAPEGOAT IS LEFT TO DIE; IF THE SCAPEGOAT DIED, THE BLOOD IS Poured AWAY. Now that is quite right according to R. Johanan, who holds living animals are rejected [permanently], — therefore the scapegoat is left to die. But according to Rab, who holds that living animals are not rejected [permanently], why should the scapegoat be left to die? — Rab will answer you: What I say, I say in accordance with the view, not of R. Judah, but of the Sages.⁵ It is quite right according to Rab: Therein lies the difference between the Sages and R. Judah; but according to R. Johanan, wherein lies the difference?⁶ — Raba said: That is what we have said [above]: The Mishnah points to be in accord with Rab.

We learned: FOR A COMMUNITY SIN-OFFERING IS NOT LEFT TO DIE. This [implies] that one of an individual, in such a case, would be left to die. Now that will be right according to R. Johanan,⁷ following R. Abba in the name of Rab, for R. Abba said In the name of Rab:

(1) In the state of holiness, without being rejected.

(2) The second mentioned in the Mishnah, that it is left to pasture.

(3) Lev. XVI, 10. One that 'shall be set alive', not one which had been set alive again, a second time.

(4) Hence the second in the Mishnah must refer to the second of the first pair.

(5) [Who, as is to be inferred from the words of R. Judah, held that the second in the first pair is to be offered, because in their view living animals are not rejected permanently].

(6) R. Johanan holds that the Sages insist that the second of the first pair must not be offered. Wherein then does R. Judah, in his additional remark ('Furthermore') differ from the Sages.

(7) Who holds that the second of the first pair is left to pasture.

Talmud - Mas. Yoma 65a

All agree that if he had obtained atonement through [the animal that] had not been lost, [the animal that] had been lost must be left to die;¹ but according to Rab it would be as if someone has set aside

two sin-offerings as a guarantee [that one of them should be available if the other be lost],² and R. Oshaia said: If someone had set aside two sinofferings for the purpose of guarantee, he gains atonement through one of them and leaves the other to pasture? — Since Raba said that Rab followed the view of R. Jose,³ who holds the commandment properly attached to the first, it is as if it⁴ had from the very beginning been set aside [in substitution] for the one that was lost. We learned: R. JUDAH SAYS: IT SHALL BE LEFT TO DIE. It is quite right in the view of R. Johanan who said that the second of the first pair must be left to pasture [that is, according to the Rabbis]⁵ and [it is this one which] according to R. Judah be left to die,⁶ so that he obtains atonement through the second one of the second pair; but if the view of Rab who said that the second of the second pair must be left to pasture, and [it is this one which] according to R. Judah must be left to die, then according to R. Judah⁷ through which can he obtain atonement? — Do you understand that R. Judah refers to the second of the second pair? R. Judah refers to the second of the first pair.⁸ Others framed the [above] question [against Rab]⁹ in the following manner: Furthermore did R. Judah say: If the blood was poured away, the scapegoat is left to die; if the scapegoat died the blood is poured away.

Now it is in order according to Rab: In the first part [of the Mishnah] they are disputing about the sin-offering of the community, and in the latter part about [the rejection of] living animals,¹⁰ but according to R. Johanan: What does 'Furthermore signify?'¹¹ — This difficulty remains.¹²

FURTHERMORE SAID R. JUDAH: IF THE BLOOD WAS Poured AWAY, THE SCAPEGOAT IS LEFT TO DIE. It is quite right that when the blood was poured away the scapegoat must die, because the command with it had not been fulfilled, but when the scapegoat died, why should the blood be poured away; surely the commandment therewith had been fulfilled? — The School of R. Jannai said: Scripture said: [The goat] shall be set alive before the Lord, to make atonement,¹³ i.e., how long must he stay alive? Until the time that his fellow's blood is sprinkled.

We have learnt elsewhere: If the inhabitants of a town sent their shekels¹⁴ and they were stolen or lost, then, if terumah¹⁵ has been taken up already, they¹⁶ swear an oath before the Temple treasurers; and if not they swear an oath before the people of the town; and the people of the town must pay the shekels anew. If they were found again or the thieves restored them, then both are taken as shekels¹⁷ and they do not count as prepayment for the dues of the next year. R. Judah says: They count for the next year.¹⁸ What is the reason of R. Judah's view? — Raba said: R. Judah holds that obligatory offerings of one year may be brought up in the following year. Abaye raised the following objection against him:¹⁹ If the bullock or the he-goat of the Day of Atonement were lost and he had set aside others in their place, also, if the goats offered up for idolatry [were lost] and others were set aside for them, then they must all be left to die, this is the opinion of R. Judah. R. Eliezer and R. Simeon hold: They shall be left to pasture until they become blemished, when they should be sold and the money realized for them should go for freewill-offerings, for the sin-offerings of the community must not be left to die.²⁰ — He [Raba] answered:

(1) [If one had set aside an animal as sin-offering and the animal got lost, and after setting aside another in its stead, the lost animal was found, then according to Rabbi he obtains atonement with whichever he chooses and the other is left to die. The Sages, however, hold that it is left to pasture, as the law which requires that a sin-offering, the owner of which has obtained atonement by another, is to be left to die applies only if it was found after the atonement rites had been performed, but not if found before the atonement (V. Tem. 23a). Now in connection with this R. Abba said that there is no disagreement between Rabbi and the Sages where the atonement was obtained through the one which had not been lost, i.e., through the second, all agreeing in such a case that the first one is left to die. (In accordance with the established old law that if a sin-offering had been lost and the owner obtained atonement through another, when it is found again it is left to die). The dispute concerns a case where atonement was obtained through the first, after it had been lost and found again, Rabbi holding that what is set aside in substitution for that which had been lost is subject to the same law as the lost animal itself and hence must be left to die, whereas the Sages do not share the view. Now in our

Mishnah on the view of R. Johanan, who holds that the second of the first pair is left to pasture, it rightly gives as reason 'For no community sin-offering is left to die'; for had it been of an individual it would be left to die, since the atonement is being obtained through the one which had suffered no mishap, and had never been rejected.]

(2) [According to Rab who rules that the atonement is being obtained through the second of the first pair which had been rejected, how could the Mishnah state by implication that if it had been the sin-offering of an individual it would under similar circumstances be left to die? Not only would this not be the case according to the Sages, who rule that whatever is set aside in substitution for that which had been lost is not subject to the same law as the lost animal itself (v. previous note), seeing that he has obtained atonement through the one that had been rejected; but even according to Rabbi (v. *ibid*) it would not have to be left to die, since the second of the second pair has never been set aside as substitution for the one that had been lost, seeing that its predecessor is still alive. It was merely set aside as a companion to the other which had to be brought in place of the one (the first goat cast for Azazel) that had died. But since living animals cannot be permanently rejected, he should in such a case be able to offer either, just as in the case where one sets aside two offerings as a guarantee for each other.]

(3) V. *supra* 64a.

(4) [I.e., the second of the second pair, and hence but for the fact that it was a public sacrifice it would have been left to die.]

(5) The authority of the first view reported anonymously in the Mishnah.

(6) [It is now assumed that R. Judah's rule that it must be left to die has reference to the one which, according to the Rabbis, is left to pasture, since R. Judah's view is of the opinion that living animals are permanently rejected as has been established, *supra* 64b.]

(7) [He surely cannot obtain atonement by means of the first, seeing that he holds that living animals are permanently rejected.]

(8) [For in the view of Rab, R. Judah differs from the Rabbis also on the question of the fitness of the second of the first pair for sacrifice; whilst the Rabbis hold that it is offered, R. Judah holds that it is left to die.]

(9) Raised *supra* 64b.

(10) The Rabbis holding that they are not permanently rejected, hence atonement is obtained through the second of the first pair, whereas R. Judah (as has just been explained) holds that the second in the first pair is left to die and the second in the second pair is offered up.

(11) The Rabbis, too, agree that the second in the first pair remains rejected.

(12) Even as stated *supra* 64b that the Mishnah is in support of Rab.

(13) Lev. XVI, 10.

(14) Through messengers to Jerusalem to pay their Temple dues.

(15) Lit., 'heave-offering', here denoting the contribution of Shekels taken up at stated times from out of the shekel-chamber in the Temple from which public sacrifices were bought, v. Shek. III, 1ff

(16) The messengers take the oath of bailees in accord with Ex. XXII, 10.

(17) For the current year.

(18) For notes v. Shek., Sonc. ed., II, 1.

(19) Shebu. 11a.

(20) Hence we see that R. Judah does not permit the obligation of one year to be kept in order to be brought up the following year, otherwise he would not have ruled that this should be left to die, which contradicts the view just expressed.

Talmud - Mas. Yoma 65b

You speak about community sacrifices? It is different with community sacrifices, even as R. Tabi said, in the name of R. Josiah. For R. Tabi said in the name of R. Josiah: Scripture said: This is the burnt-offering of every new moon throughout the months of the year.¹ The Torah indicates: Renew and bring Me an offering of the new terumah.² That will be right concerning the he-goat.³ But can it be said in the case of the bullock? Preventive measure attaches to the bullock because of the he-goat. And because of preventive measure shall they be left to die?⁴ And, furthermore, the statement of R. Tabi in the name of R. Josiah characterizes the action as merely a meritorious deed, for R. Judah said in the name of Samuel: It is a meritorious deed to offer the community sacrifices, which are due in

Nisan, from the new terumah. If he had offered them from the old, he has fulfilled his duty, but has omitted a meritorious deed! — Rather, said R. Zeira: [The reason why they cannot be offered in the following year is] because the lot of one year cannot determine for the following year. But let us cast lots again? — There is the fear that people might say the lots do determine from one year for the next. That will be reasonable as far as the he-goat is concerned, but what can be said about the bullock? — The prohibition attaches to the bullock because of the he-goat. And because of a preventive measure shall they be left to die? — The Rabbis before Abaye said that to be a preventive measure on account of a sin-offering whose owner had died.⁵ That will be right in the case of the he-goat, but what of the case of the bullock? — The restriction in the case of the bullock derives from the he-goat. And because of a preventive measure shall they be left to die? — Rather is it a restriction because of a sin-offering whose year is past.⁶ Is that [but] a preventive measure? This is itself a sin-offering whose year is past.⁷ This is no difficulty, in accord with the view of Rabbi. For it was taught:⁸ A full year,⁹ one counts three hundred and sixty-five days according to the year of the sun, this is the view of Rabbi. The Sages say: One counts twelve months from day to day.

(1) Num. XXVIII, 14.

(2) V. R.H., Sonc. ed., p. 25, nn. 8 — 9.

(3) Which was provided from the funds of the shekel-chamber.

(4) It would seem sufficient that they be left to pasture.

(5) If the priest should die that year.

(6) I.e., the fear that by the next Day of Atonement it may be more than a year old. All the he-goats offered up as sin-offerings are invalidated after they have reached the age of one year.

(7) Obviously this sin-offering will be past one year this time next year.

(8) R. H. 6b.

(9) Lev. XXV, 30. The reference here is to the time (one year) during which the seller of a dwelling house in a walled city may redeem the property sold by cancellation of contract.

Talmud - Mas. Yoma 66a

And if the year be a prolonged year, the advantage belongs to the seller.¹ That is right as far as the he-goat is concerned. But what can be said in the case of the bullock? — The preventive measure attaches to the bullock because of the he-goat. And because of a preventive measure shall he be left to die? And, furthermore, a sin-offering, whose [first] year is past, is left to pasture,² for Resh Lakish³ said: As to a sin-offering which has passed its year, we look upon it as if it were standing on the cemetery⁴ and it is left to pasture? — Rather, said Raba, is the restriction due to the fear of an offence,⁵ for it was taught:⁶ One may neither consecrate anything, nor vow any 'valuation',⁷ nor declare anything as devoted⁸ nowadays.⁹ And if one had consecrated or vowed a 'valuation', or declared anything as devoted, if an animal, it should be uprooted,¹⁰ if fruits, vessels or covers, one should let them rot; if money or metal vessels, they are to be taken to the Salt [Dead] Sea.¹¹ And what does 'uprooting' mean? Locking the door before it, so that it die of itself. What kind of offence [is here contemplated]? If an offence in connection with the offering up, that ought then to apply to other cases of pasturing animals also?¹² If an offence in connection with shearing or working it, then that ought to apply to other pasturing animals too? In truth the offence contemplated is one in connection with the offering-up, but with those which are not to be offered up¹³ one is not pre-occupied, whereas with this one, since it is to be offered up, he would be pre-occupied. Now as to the question itself whether we fear the possibility of an offence, Tannas are disputing. For it was taught in one [Baraitha]: A Paschal lamb which was not offered up on the first Passover may be offered up on the second,¹⁴ and if not offered up on the second, may be offered up in the following year. And another [Baraitha] taught: It must not be offered up. Is it not then that they dispute touching [the fear of] an offence? — No, all agree we are not apprehensive as to a possible offence; but here they are disputing in the matter at issue between Rabbi and the Sages,¹⁵ and there is no contradiction [between the two Baraithas]; the one is in accord with Rabbi, the other with the Rabbis

[Sages].¹⁶ — But was it not taught: The same applies to the money?¹⁷ Hence rather infer from here that they are disputing in regard to the fear of the offence. — That inference is accepted.

MISHNAH. HE THEN CAME TO THE SCAPEGOAT AND LAID HIS TWO HANDS UPON IT AND HE MADE CONFESSION. AND THUS WOULD HE SAY: I BESEECH THEE, O LORD, THY PEOPLE THE HOUSE OF ISRAEL HAVE FAILED, COMMITTED INIQUITY AND TRANSGRESSED BEFORE THEE. I BESEECH THEE, O LORD, ATONE¹⁸ THE FAILURES, THE INIQUITIES AND THE TRANSGRESSIONS WHICH THY PEOPLE, THE HOUSE OF ISRAEL, HAVE FAILED, COMMITTED AND TRANSGRESSED BEFORE THEE, AS IT IS WRITTEN IN THE TORAH OF MOSES, THY SERVANT, TO SAY: FOR ON THIS DAY SHALL ATONEMENT BE MADE FOR YOU, TO CLEANSE YOU; FROM ALL YOUR SINS SHALL YE BE CLEAN BEFORE THE LORD. AND WHEN THE PRIESTS AND THE PEOPLE STANDING IN THE TEMPLE COURT HEARD THE FULLY-PRONOUNCED NAME COME FORTH FROM THE MOUTH OF THE HIGH PRIEST, THEY BENT THEIR KNEES, BOWED DOWN, FELL ON THEIR FACES AND CALLED OUT: BLESSED BE THE NAME OF HIS GLORIOUS KINGDOM 'FOR EVER AND EVER. THEY HANDED IT OVER TO HIM WHO WAS TO LEAD IT AWAY. ALL WERE PERMITTED TO LEAD IT AWAY,¹⁹ BUT THE PRIESTS MADE IT A DEFINITE RULE NOT TO PERMIT AN ISRAELITE²⁰ TO LEAD IT AWAY. R. JOSE SAID: IT ONCE HAPPENED THAT ARSELA OF SEPPHORIS LED IT AWAY, ALTHOUGH HE WAS AN ISRAELITE. AND THEY MADE A CAUSEWAY FOR HIM BECAUSE OF THE BABYLONIANS, WHO WOULD PULL ITS HAIR, SHOUTING TO IT: 'TAKE²¹ AND GO FORTH, TAKE AND GO FORTH'.

GEMARA. But he did not say: 'The sons of Aaron, thy holy people'; which Tanna is of this opinion? — R. Jeremiah said: This is not in accord with R. Judah, for if it were in accord with R. Judah, surely he said: They, too, obtain atonement from the scapegoat?²² Abaye said: You might even say that it is in accord with R. Judah: Are the priests not included in 'Thy people Israel'? Our Rabbis taught: A man²³ [means] to declare a non-priest eligible;²⁴ appointed²³

(1) According to Rabbi, the count always goes according to the number of the days of the solar year, independent as to intercalation or non-intercalation of the extra month, so that the sin-offering need not necessarily have passed its first year by the next Day of Atonement.

(2) And not to die.

(3) Pes. 97a.

(4) Which no priest is permitted to enter, i.e., the animal must not be slaughtered.

(5) Lit., 'stumbling-block'.

(6) That the fear of an offence is taken into consideration.

(7) V. Lev. XXVII, 3.

(8) Ibid. 28.

(9) After the destruction of the Temple, things consecrated, valued or devoted in favour of it, since not available for the Sanctuary to which they are properly assigned, must be destroyed.

(10) This is soon explained.

(11) [So MS.M. Cur. edd.: he should take the value of the benefit derived from them to the Salt Sea.]

(12) If the offence lies in the possibility that it may be offered up instead of being left to pasture until it acquires a blemish, the same apprehension would be justified with regard to any other animal which is ruled to be left to pasture.

(13) In other cases where animals are ruled to be left to pasture, these animals themselves will never become fit for offering, since they are left to pasture till they become blemished, when they are sold and with the proceeds another animal is bought for offering. Hence he would not be preoccupied with the thought of offering them, as in the case of the animal which is to be offered up on the next Day of Atonement and which he might thus offer up before.

(14) The second Passover for those who were far away or ritually unclean on the fourteenth of Nisan. To some such person this lamb may be sold. V. Num. IX,9.

(15) As supra 65b, whether a complete year denotes a solar year or exactly twelve months.

(16) [According to Rabbi it would perforce be past its first year on the following Passover, when it would be disqualified for a Paschal lamb, hence it cannot be offered in the coming year; whereas, according to the Sages, it might still be under a year, hence it may be retained for the coming year.]

(17) [I.e., the same dispute which is found in connection with the Paschal lamb applies also to money which had been set aside for one year's Paschal lamb, whether it may be used for the next year. Now in the case of money, surely the point at issue between Rabbi and the Sages does not apply.]

(18) Lit., 'wipe off'.

(19) Var. lec., high priests.

(20) I.e., a non-priest.

(21) Sc. our sins.

(22) V. supra 61a.

(23) V. Lev. XVI, 21.

(24) For taking away the scapegoat into the wilderness.

Talmud - Mas. Yoma 66b

[means] that he must be prepared [from the previous day]; 'appointed' [means] that [it is to send away]; even on the Sabbath 'appointed', even if in a state of uncleanness.¹ [You say]: 'Man [means] to declare a non-priest eligible', but that is obvious? — You might have thought that since [the term] Kapparah [atonement] is written in connection therewith,² therefore he informs us [as above]. — 'Appointed', i.e., even on the Sabbath. What does this teach?³ — R. Shesheth said: It is to say that if it is sick, he may make it ride on his shoulder. According to whose view is this? Not according to R. Nathan, for R. Nathan said: A living being carries itself!⁴ -You may even say that this is in accord with R. Nathan: when it is sick it is different,⁵ however.

Rafram said: This is to say that [the laws of] 'erub⁶ and carrying out⁷ apply on Sabbath, but do not apply on the Day of Atonement.⁸ 'Appointed', i.e., even in a state of uncleanness.⁹ What does that teach? — R. Shesheth said: It is to say that if he who is to carry it away became unclean, he may enter in impurity the Temple Court¹⁰ and carry it away.

R. Eliezer was asked: What about his carrying it on his shoulder? — He said: He could carry you and me.¹¹ If he who is to take it away became sick, may he send it away through someone else? — He said: I wish to keep well, I and you!¹² If he pushed it down and it did not die, must he go down after it and kill it? — He said to them: So perish all Thine enemies, O Lord.¹³ But the Sages say: If it became sick, he may load it on his shoulder; if he pushed it down and it did not die, he shall go down and kill it. They asked R. Eliezer: 'What about So-and-so¹⁴ in the world to come'? — He replied, 'Have you asked me only about this one'?¹⁵ 'May one save the lamb from the lion'? — He said to them: 'Have you asked me only about the lamb'?¹⁵ 'May one save the shepherd from the lion'? — He said to them: 'Have you asked me only about the shepherd'?¹⁶ 'May a mamzer¹⁷ inherit'? — [He replied]: 'May he marry the wife of his brother who died without issue'?¹⁸ 'May one whitewash his house'?¹⁹ — [He replied]: 'May one whitewash his grave'? — [His evasion was due] not to his desire to divert them with words [counter-questions], but because he never said anything that he had not heard from his teacher.²⁰

A wise woman asked R. Eliezer: Since with regard to the offence with the golden calf all were evenly associated, why was not the penalty of death the same?²¹ — He answered her: There is no wisdom in woman except with the distaff. Thus also does Scripture say: And all the women that were wise-hearted did spin with their hands.²² It is stated: Rab and Levi are disputing in the matter. One said: Whosoever sacrificed and burned incense died by the sword; whosoever embraced and kissed [the calf] died the death [at the hands of Heaven];²³ whosoever rejoiced in his heart died of dropsy. The other said: He who had sinned before witnesses and after receiving warning,²⁴ died by the sword; he who sinned before witnesses but without previous warning, by death; and he who

sinned without witnesses and without previous warning, died of dropsy.

Rab Judah said: The tribe of Levi did not participate in the idolatry, as it is said: Then Moses stood in the gate of the camp.²⁵ Rabina was sitting and reporting this teaching, whereupon the sons of R. Papa b. Abba objected to Rabina: Who said of his father and of his mother: 'I have not seen him, etc.'?²⁶ — 'His father', that is the father of his mother, an Israelite; 'brother', the brother of his mother, an Israelite; 'sons', that means the sons of his daughter [which she had] from an Israelite.

AND THEY MADE A CAUSEWAY FOR HIM etc. Rabbah b. Bar Hana said: These were not Babylonians but Alexandrians, and because they [the Palestinians] hated the Babylonians,²⁷ they called them [the Alexandrians] by their [the Babylonians'] name. It was taught: R. Judah said, They were not Babylonians, but Alexandrians. — R. Jose said to him: May your mind be relieved even as you have relieved my mind!²⁸

MISHNAH. SOME OF THE NOBILITY OF JERUSALEM USED TO GO WITH HIM UP TO THE FIRST BOOTH. THERE WERE TEN BOOTHS FROM JERUSALEM TO THE ZOK²⁹

(1) This is soon explained.

(2) And this term as a rule occurs only in connection with a rite performed by priests.

(3) What Sabbath desecration could the taking of the scapegoat to the wilderness involve?

(4) V. Shab. 90a. Hence no transgression would be involved in carrying it.

(5) A sick being, unable to 'carry itself', might logically be assumed to be an exception to R. Nathan's rule.

(6) v. Glos.

(7) I.e., transferring an object from public to private grounds and vice versa, both of which were prohibited on the Sabbath.

(8) Since the word 'anointed' is here interpreted as referring to the suspension of the Sabbath law, the inference is justified that no such prohibition existed on the Day of Atonement, or else it would be illogical to say that a special statement permits the suspension of these laws on the Day of Atonement which fell on a Sabbath, since they would be operative on any Day of Atonement, even if it fell on a weekday. The laws of 'carrying out' and 'erub belong together, hence strictly speaking, the Gemara need not have mentioned both; when one is applied, the other automatically applies too.

(9) How should the laws on levitical uncleanness apply to the taking of the scapegoat to the wilderness?

(10) When he receives it from the high priest.

(11) R. Eliezer made a point of not answering any question concerning which he had not received a definite tradition or interpretation from his teachers.

(12) This, too, is an evasive answer: You and I are well, hope to keep well, why trouble about such hypothetical situations?

(13) Judg. V, 31.

(14) Pelsoni. It may have been a general question concerning 'John Doe', or it may refer to Solomon's (Rashi), or to Absalom's (R. Han.) regard for the Davidic Dynasty being responsible for the substitution of the vague Pelsoni. [Some see in Pelsoni a reference to Jesus, Finkelstein L. to Philo. Bokser, B.Z. Pharisaism in Transition pp. 18ff, rightly regards these identifications as hardly supported by any facts.]

(15) All his answers are evasive.

(16) Some see in the question about the shepherd a reference to David, who as lion (King) or as shepherd had taken the lamb (Bathsheba) from her husband. Others see the lamb in Uriah, Bathsheba's husband, whom the lion (David) sent to his death.

(17) May a bastard (the issue of a union forbidden under the penalty of extinction) inherit his father?

(18) Why don't you ask the whole question: How far does he participate in the rights and duties of normal Jews?

(19) May one whitewash one's house in spite of the fact that one ought to remain conscious all the time of the destruction of the Temple, etc.

(20) [V. Suk., Sonc. ed., p. 122. Bokser, op. cit. pp. 108f sees in these questions differences of opinion on important points of law. The question about sheep concerned the ban against cattle-raising which the Rabbis wished to enforce (v.

B.M. 84b) and which R. Eliezer opposed as having no precedent in tradition. The questions relating to the mamzer involved the imposition of certain discriminations against the mamzer of which R. Eliezer did not approve, and similarly he refused to accept the prohibition of the other Rabbis of plastering one's house in sad remembrance of the destruction of the Temple, not finding any support for it in tradition].

(21) Scripture mentions three forms of penalties: Some died by the sword (Ex. XXXII, 27), others by the plague (ibid. 35), the rest by dropsy as the result of their drinking the water containing the gold dust, which Moses had offered them in expiation (ibid. 20).

(22) Ex. XXXV, 25.

(23) I.e., died by the plague.

(24) Penalty could be imposed only when the offence had been committed in the presence of two witnesses who accuse the defendant, after he had been warned as to the consequences of his offence.

(25) Ex. XXXII, 26. (cont.) and said: 'Whoso is on the Lord's side, let him come unto me'. And all the sons of Levi gathered themselves together unto him.

(26) Deut. XXXIII, 9. Here seems scriptural proof that the Levites, in punishing the guilty, ignored relationships, such as father or mother, but executed punishment on all. Thus their relatives, other Levites, must have been guilty.

(27) This hatred caused them to look down upon the Babylonians as remiss in their religious duties, and to father upon them other people's wrongs.

(28) R. Jose was a Babylonian. He welcomes the interpretation, which freed his fellow-countrymen from the charge of such boorish conduct.

(29) Lit., 'the peak', the mountain top from which the scapegoat was precipitated. Also used to denote the precipice itself.

Talmud - Mas. Yoma 67a

[A DISTANCE OF] NINETY RIS, SEVEN AND A HALF OF WHICH MAKE A MIL.¹ AT EVERY BOOTH THEY WOULD SAY TO HIM: HERE IS FOOD AND HERE IS WATER. THEY WENT WITH HIM FROM BOOTH TO BOOTH, EXCEPT THE LAST ONE.² FOR HE WOULD NOT GO WITH HIM UP TO THE ZOK,³ BUT STAND FROM AFAR, AND BEHOLD WHAT HE WAS DOING.

WHAT DID HE DO? HE DIVIDED THE THREAD OF CRIMSON WOOL, AND TIED ONE HALF TO THE ROCK, THE OTHER HALF BETWEEN ITS HORNS, AND PUSHED IT FROM BEHIND. AND IT WENT ROLLING DOWN AND BEFORE IT HAD REACHED HALF ITS WAY DOWN HILL IT WAS DASHED TO PIECES. HE CAME BACK AND SAT DOWN UNDER THE LAST BOOTH UNTIL IT GREW DARK. AND FROM WHEN ON DOES IT RENDER HIS GARMENTS UNCLEAN?⁴ FROM THE MOMENT HE HAS GONE OUTSIDE THE WALL OF JERUSALEM. R. SIMEON SAYS: FROM THE MOMENT HE PUSHES IT INTO THE ZOK.⁵

GEMARA. Our Rabbis taught: There were ten booths and twelve mils⁶ [distance] — this is the view of R. Meir. R. Judah says Nine booths and ten mils; R. Jose says: Five booths and ten mils. And they are all available by means of an 'erub.⁷ R. Jose said: My son Eliezer suggested to me: As long as I have an 'erub, two booths would do even for ten mils.⁸ With whose view will agree what was taught: But not from the last booth, for nobody would go with him up to the Zok, but standing afar, would behold what he was doing? According to whom [is this]? According to R. Meir.⁹

AT EVERY BOOTH THEY WOULD SAY TO HIM: HERE IS FOOD AND WATER: A Tanna taught: Never did any one [who carried the goat away] find it necessary to use it, but¹⁰ [the reason of this provision is because] you cannot compare one who has bread in his basket with one who has no bread in his basket.¹¹

WHAT DID HE DO? HE DIVIDED THE THREAD OF CRIMSON WOOL: But let him tie the

whole [thread] to the rock? — Since it is his duty [to complete his work with] the he-goat, perhaps the thread might become fast white, and he would be satisfied.¹² But let him tie the whole thread between its horns? — At times its head [in falling] is bent and he would not pay attention.¹³ Our Rabbis taught:¹⁴ In the beginning they would tie the thread of crimson wool on the entrance of the Ulam¹⁵ without: if it became white they rejoiced; if it did not become white, they were sad and ashamed. Thereupon they arranged to tie it to the entrance of the Ulam within. But they were still peeping through and if it became white, they rejoiced, whereas, if it did not become white, they grew sad and ashamed. Thereupon they arranged to tie one half to the rock and the other half between its horns. R. Nahum b. Papa said in the name of R. Eleazar ha-Kappar: Originally they used to tie the thread of crimson wool to the entrance of the Ulam within, and as soon as the he-goat reached the wilderness, it turned white. Then they knew that the commandment concerning it had been fulfilled, as it is said: If your sins be as scarlet, they shall be as white wool.¹⁶

BEFORE IT HAD REACHED HALF ITS WAY DOWN HILL: The question was raised: As to those limbs [pieces] are they permitted for general use?¹⁷ Rab and Samuel are in dispute on this point, one saying: They are permitted, the other they are forbidden. The one who holds they are permitted [argues thus]:

(1) [So that ninety ris is the equivalent of twelve mils.]

(2) I.e., the one who accompanied him to the last booth, the one before the Zok.

(3) [Because according to calculation there was a distance of two mils between the last booth and the Zok which was beyond the walking limits of the Sabbath or Festivals.]

(4) V. Lev. XVI, 26.

(5) Cf. p. 312, n. 6.

(6) [V. n. 1. This allowed for one mil(=2000 cubits) the permissible walking distance between one booth and another and two mils from the last booth to the Zok].

(7) This 'erub signified the transferring of one's abode to the place where certain foods were deposited, with the consequence that his movements on the Sabbath would be assumed to start from that abode and were permitted within 2000 cubits in every direction.

(8) Suppose some Jerusalemites deposited on the eve of the Day of Atonement some eatables at the end of the 2000 cubits which are the legal maximum for walking out of the city on the Sabbath. Then they are permitted to accompany the man appointed to take away the scapegoat a distance of 2000 more cubits (the maximum as from the present fictitious abode). The guard of other booths eight and four mils off Jerusalem could do the same, in every direction. Now one may go 2000 cubits with him from Jerusalem, where guards from the first booth join him up to the second and so on, until his destination is reached.

(9) According to R. Jose and R. Judah even the last reaches the Zok.

(10) V. supra 18b.

(11) The craving of him who lacks the opportunity to gratify it is much more intense than the craving of him who has such opportunity.

(12) If the thread should turn white suddenly before the goat had yet been hurled down, the appointed man might be so happy with the sign of forgiveness obtained as to neglect going through with the prescribed ceremony of pushing the he-goat downward, thus leaving the command unfulfilled.

(13) To the change in colour, since the thread would be out of his sight.

(14) V. R.H. 31b.

(15) The Hall leading to the interior of the Temple.

(16) Isa. I, 18.

(17) I.e., may they e.g., be sold so that the profit therefrom be enjoyed. Hana'ah (general use) stands for any enjoyment except akilah, eating for human consumption, therefore using it for profit, as a gift, etc.

Talmud - Mas. Yoma 67b

For it is written: 'in the wilderness';¹ the one who holds they are forbidden [argues]: Because

Scripture says: cut off.² But as for him who considers them forbidden, for what purpose does he use the word 'wilderness'? He needs it in accord with what was taught: 'Into the wilderness', 'to the wilderness', 'in the wilderness',³ that means to include Nob, Gibeon, and Shiloh and the Permanent House.⁴ And what does the other [teacher] do with 'cut off'? — He needs it, in accord with what was taught: Gezerah,⁵ [the term] 'gezerah' means something that is 'cut off';⁶ another explanation: Gezerah means something that goes to pieces as it goes down; another interpretation: 'gezerah'⁷ — perhaps you might say this is a vain thing? Therefore the text reads: I am the Lord, I have decreed⁷ it and you are not permitted to criticize it.

Raba said: The view of him who says they are permitted is more reasonable, for the Torah did not say 'Send away'! to create [possibility of] offence.⁸ Our Rabbis taught: Azazel — it should be hard and rough.⁹ One might have assumed that it is to be in inhabited land, therefore the text reads: 'In the wilderness'. But whence do we know that it [is to be in] a Zok?¹⁰ — Therefore the text reads: 'Cut off'.¹¹ Another [Baraita] taught: Azazel, i.e., the hardest of mountains, thus also does it say: And the mighty [ele] of the land he took away.¹² The School of R. Ishmael taught: Azazel — [it was so called] because it obtains atonement for the affair of Uza and¹³ Aza'el.-

Our Rabbis taught: Mine ordinances shall ye do,¹⁴ i.e., such commandments which, if they were not written [in Scripture], they should by right have been written and these are they: [the laws concerning] idolatry [star-worship], immorality and bloodshed, robbery and blasphemy. And My statutes shall ye keep,¹⁴ i.e., such commandments to which Satan objects, they are [those relating to] the putting on of sha'atnez,¹⁵ the halizah¹⁶ [performed] by a sister-in-law, the purification of the leper, and the he-goat-to-be-sent-away. And perhaps you might think these are vain things, therefore Scripture says: I am the Lord,¹⁴ i.e., I, the Lord have made it a statute and you have no right to criticize it.

FROM WHEN ON DOES IT RENDER HIS GARMENTS UNCLEAN? Our Rabbis taught: Only he who is to take the goat away renders his garments unclean, but he who sends the appointed man away¹⁷ does not render his garments unclean. One might have assumed that [he does so] as soon as he goes forth outside from the wall of the Temple court, therefore the text reads: He that letteth go.¹⁸ If [you derive from] 'he that letteth go' [one might infer that] only when he reaches Zok, therefore the text reads: 'And he that letteth go'.¹⁹ How then is it? R. Judah says: As soon as he goes out of the walls of Jerusalem. R. Jose says: Azazel and wash [are written in close proximity] i.e., only when he reaches the Zok. R. Simeon says: And he that letteth go the goat for Azazel shall wash his clothes, i.e., he flings it down headlong and his garments become then unclean.

MISHNAH. HE [THE HIGH PRIEST] CAME TO THE BULLOCK AND THE HE-GOAT THAT WERE TO BE BURNT,²⁰ HE CUT THEM OPEN AND TOOK OUT THE SACRIFICIAL PORTIONS²¹ AND PUT THEM ON A TRAY, AND BURNT THEM UPON THE ALTAR. HE TWISTED THEM [THE BEASTS] AROUND CARRYING POLES AND BROUGHT THEM OUT TO THE PLACE OF BURNING. FROM WHAT TIME DO THEY RENDER GARMENTS UNCLEAN?²² AFTER THEY HAVE GONE OUTSIDE THE WALL OF THE TEMPLE COURT. R. SIMEON SAYS: FROM THE MOMENT THE FIRE HAS TAKEN HOLD OF MOST OF THEM.

GEMARA. And he burnt them up? How could that thought arise in you?²³ — Rather say: To burn them [later] on the altar.

HE TWISTED THEM AROUND CARRYING POLES: R. Johanan said: So in the form of a net-work. — A Tanna taught: He did not cut them up as one cuts up the flesh of a burnt-offering, but [he left] the skin on the flesh. Whence do we know this? Because It was taught:²⁴ Rabbi said: It is said here: skin . . . flesh . . . and dung²⁵ and it is said there: skin . . . flesh . . . and dung²⁶

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- (1) Lev. XVI, 22. This phrase is superfluous and comes to teach that just as the wilderness belongs to all so are the broken limbs of the he-goat it contains free for the use of all.
- (2) Ibid. i.e., cut off from use, forbidden.
- (3) Ibid. vv. 10, 21, 22.
- (4) I.e., The Jerusalem Temple. The law applies to all these places.
- (5) The Hebrew for the 'cut off'.
- (6) I.e., something that rises steep, and not in a slope.
- (7) The root meaning of the word is: cut off, guard. Thus: to institute a preventive measure, to enact a prohibition, to decree. All these root-meanings are here brought into play: It is 'cut off', hence descending precipitately. — It is cut, 'split', hence dashed in pieces. — It is a decree, divine, hence no criticism is allowed.
- (8) It would be an offence for an unwary man who found them to make use of these animals, and the Torah would place no such stumbling-block in the way of the average person. Hence the assumption that the members of the goat's body are free to be used.
- (9) Az and el mean strong, irresistible, impudent.
- (10) Zok means a mountain peak; it may be the special name of the mountain whence the he-goat was flung down.
- (11) V. Supra p. 315, n. 7.
- (12) Ezek. XVII, 13.
- (13) This is a reference to the legend of fallen angels, based partly on Gen. VI, 4 and also on foreign lore. V. Jung, L. 'Fallen Angels in Jewish, Christian and Mohammedan literature'.
- (14) Lev. XVIII, 4.
- (15) A web of wool and linen, v. Deut. XXII, 11. All the laws mentioned in this group cannot be explained rationally; they are to be taken on faith, as the decree of God.
- (16) The ceremony of taking off the brother-in-law's shoe, v. Deut. XXV, 5ff.
- (17) I.e., those who accompany him.
- (18) Lev. XVI, 26.
- (19) [This argument is not clear. v. Rashi. Tosef. (Yoma III) reads: One might have assumed as soon as he goes forth outside the wall of the Temple court, therefore the text reads: 'For Azazel shall wash his clothes'. If 'for Azazel shall wash his clothes', I might [infer] only when he reaches Zok etc.]
- (20) Ibid. 27: And they shall burn in the fire their skin, and their flesh.
- (21) Lev. IV, 8-10.
- (22) V. Lev. XVI, 28.
- (23) That took place much later.
- (24) Zeb. 50a.
- (25) Lev. XVI, 27.
- (26) With reference to the bullock brought by an anointed priest for a sin-offering. Ibid. IV, 11.

Talmud - Mas. Yoma 68a

just as above it is [carried forth] by means of cutting up and not by flaying, so here also it is by means of cutting up and not by flaying. Whence do we know it there? — For it was taught: 'And its inwards, and its dung, and he shall carry forth',¹ that teaches that he must carry it forth complete.² One might have assumed that he must also burn it complete, therefore it is said here: 'with its head and with its legs' and there also it is said: its head and its legs,³ hence just as there it is [offered] by means of cutting up, so here also it is [carried forth] by means of cutting up. One might assume that just as there it is by means of flaying, so here too, therefore the text reads: 'And its inwards and its dung'. How is this implied [in the Scriptural text]? — R. Papa answered: Just as the dung is enclosed in the inwards, so shall the flesh be enclosed in the skin.⁴

FROM WHAT TIME DO THEY RENDER GARMENTS UNCLEAN? [etc.] Our Rabbis taught:⁵ [And the bullock and . . . the he-goat] he shall carry forth without the camp and they shall burn. There⁶ you allot them three⁷ camps and here only one camp?⁸ Then, why does it read: 'without the

camp'? To tell you: As soon as he goes outside the one camp, the garments are rendered unclean. Whence do we know it there?⁹ — For it was taught:¹⁰ Even the whole bullock shall he carry forth without the camp,¹¹ i.e., without the three camps. — You say: Without the three camps, but perhaps it means [only] 'without one camp'? When Scripture says, in connection with the bullock of the congregation: 'without the camp', whereas no such statement [of the text] is necessary, for it is said already: And he shall burn it as he burned the first bullock,¹² why then was 'without the camp' stated? To allot it another camp; and when Scripture says, Without the camp', in connection with the removal of the ashes whereas no such statement is necessary,¹³ since it is said already: Where the ashes are poured out,¹¹ this means to allot it a third camp. What does R. Simeon¹⁴ do 'Without the camp'?¹⁵ He needs it, as it was taught: R. Eliezer says: It is said here: 'Without the camp', and it is said there: Without the camp:¹⁶ Just as here it means outside the three camps, so does it mean there outside the three camps; and just as there it means to the east of Jerusalem,¹⁷ so does it mean here to the east of Jerusalem. But according to the view of the Sages where were they burnt? In accordance with what was taught: Where were they burnt?

(1) Lev. IV, 11-12.

(2) But the skin of the bullock, and all its flesh, with its head, and with its legs, and its inwards, and its dung, omitting no part of the animal's anatomy, hence justifies the statement that 'shall he carry forth', in the following verse, means he shall carry it forth complete.

(3) Lev. I, 8, 9. With reference to a burnt-offering of the flock.

(4) The skin of the bullock and all its flesh, occurring in the same passage with and its dung justifies the analogy: as the dung is enclosed, etc.

(5) Zeb. 105b.

(6) In connection with the bullock which the congregation or the anointed priest had to offer up as a sin-offering for an offence committed in error.

(7) Three camps, outside of which it is to be burnt, are 'allotted', designated in connection with it: the priestly camp, the camp of the Levites, the camp (the city) of Israel as shown infra.

(8) This bullock would apparently be burnt outside of the first camp (as 'without the camp' is mentioned only once). What difference justifies such discrimination? The difference would lie in the nature of the sacrifice, but there is practically no such difference, both being offered up inside and having the same regulation with regard to their burning and to their defiling of the garments.

(9) V. p. 318, n. 8.

(10) Sanh. 42b.

(11) Lev. IV, 12.

(12) Ibid. v. 21.

(13) V. ibid. VI, 4.

(14) Who, in our Mishnah, says: The garments are rendered unclean only from the moment the fire has taken hold of most parts of the sacrifice.

(15) Lev. XVI, 27.

(16) Num. XIX, 4. With reference to the red heifer.

(17) As indicated in the words towards the face of the tent of meeting, that is, he stands in the east facing the entrance of the Tabernacle to the west.

Talmud - Mas. Yoma 68b

to the north¹ of Jerusalem, and without the three camps. R. Jose says: They were burnt in the place² where the ashes of the sacrifices were deposited.

Raba said: Who is the Tanna disputing with R. Jose. It is R. Eliezer b. Jacob, for it was taught: [The bullock shall he carry forth to] where the ashes are poured out, and burn it, i.e., there shall be ashes [from before].³ R. Eliezer b. Jacob says: It means that its place shall be sloping. Said Abaye: Perhaps they are disputing as to whether the place shall be sloping!⁴ — Our Rabbis taught: And he

that burneth them⁵ i.e., he that burneth renders his garments unclean, but not he who kindles the fire, nor he who puts the wood in order. And who is 'He that burneth'? He who assists at the time of the burning. One might have assumed that even after they have become ashes, they shall still defile the garments, therefore Scripture says: 'them, i.e., only as long as they [are 'they'] do they defile the garments, but not once they have become ashes. R. Eliezer son of R. Simeon says: The bullock [itself] defiles the garments, but when the flesh is burnt to hard lumps it no more defiles the garments. What is the difference between the two views? — If it has been reduced to lumps of charred flesh.⁶

MISHNAH. THEY SAID TO THE HIGH PRIEST: THE HE-GOAT HAS REACHED THE WILDERNESS. AND WHENCE DID THEY KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS? THEY USED TO SET UP GUARDS AT STATIONS⁷ AND FROM THESE TOWELS WOULD BE WAVED, THUS WOULD THEY KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS. R. JUDAH SAID: BUT DID THEY NOT HAVE A GREAT SIGN? FROM JERUSALEM TO BETH HIDODO⁸ WAS THREE MILS. THEY COULD WALK A MIL, RETURN THE MIL, THEN TARRY THE TIME IT TAKES TO WALK A MIL, AND THUS KNOW THAT THE HE-GOAT HAD REACHED THE WILDERNESS. — R. ISHMAEL SAID: BUT THEY HAD ANOTHER SIGN TOO: A THREAD OF CRIMSON WOOL WAS TIED TO THE DOOR OF THE TEMPLE, AND WHEN THE HE-GOAT REACHED THE WILDERNESS THE THREAD TURNED WHITE, AS IT IS WRITTEN: THOUGH YOUR SINS BE AS SCARLET THEY SHALL BE AS WHITE AS SNOW.⁹

GEMARA. Abaye said: One may infer from here that Beth Hidodo is in the wilderness and this is what he [the Tanna of the Mishnah] informs us: that R. Judah holds: As soon as the he-goat has reached the wilderness the commandment concerning it is fulfilled.

CHAPTER VII

MISHNAH. THE HIGH PRIEST [THEN] CAME TO READ. IF HE WISHED TO READ IN LINEN GARMENTS HE COULD DO SO, OTHERWISE HE WOULD READ IN HIS OWN WHITE VESTMENTS. THE SYNAGOGUE ATTENDANT¹⁰ WOULD TAKE A SCROLL OF THE LAW AND GIVE IT TO THE HEAD OF THE SYNAGOGUE,¹¹ AND THE HEAD OF THE SYNAGOGUE GAVE IT TO THE SEGAN,¹² AND THE SEGAN GAVE IT TO THE HIGH PRIEST, AND THE HIGH PRIEST STANDS AND RECEIVES IT, AND READS [THE SECTION] BEGINNING] 'AFTER THE DEATH . . .'¹³ AND 'HOWBEIT ON THE TENTH. . .'¹⁴ THEN HE WOULD ROLL UP THE SCROLL OF THE LAW AND PUT IT IN HIS BOSOM AND SAY, 'MORE THAN WHAT I HAVE READ OUT BEFORE YOU IS WRITTEN HERE. AND ON THE TENTH . . .'¹⁵ WHICH IS IN THE BOOK OF NUMBERS HE RECITES BY HEART. THEN HE RECITES IN CONNECTION THEREWITH EIGHT BENEDECTIONS: FOR THE LAW, FOR THE TEMPLE SERVICE, FOR THE THANKSGIVING, FOR THE FORGIVENESS OF SINS AND FOR THE TEMPLE SEPARATELY,¹⁶ AND FOR ISRAEL SEPARATELY AND FOR JERUSALEM SEPARATELY,¹⁷ FOR THE PRIESTS SEPARATELY AND FOR THE REST OF THE PRAYER.¹⁸ HE WHO SEES THE HIGH PRIEST WHEN HE READS DOES NOT SEE THE BULLOCK AND THE HE-GOAT THAT ARE BEING BURNT, AND HE THAT SEES THE BULLOCK AND THE HE-GOAT THAT ARE BEING BURNT DOES NOT SEE THE HIGH PRIEST WHEN HE READS: NOT THAT HE WAS NOT PERMITTED BUT BECAUSE THE DISTANCE APART WAS GREAT AND BOTH RITES WERE PERFORMED AT THE SAME TIME.

GEMARA. Since it states: IN HIS OWN WHITE VESTMENT,¹⁹ the inference is that reading is not a [Temple] service, and then it states: IF HE WISHED TO READ IN THE LINEN GARMENTS HE COULD DO SO, from which one may learn that priestly garments may be enjoyed for private

use!²⁰ Perhaps it is different with reading, because it is a necessity for the [Temple] service. For the question was raised: Are the priestly garments allowed for private use or not allowed! — Come and hear: They would not sleep in the holy garments.²¹ Now they could not sleep in them, but they could eat in them!²² — Perhaps it is different with the eating, because it is necessary for the service, for it was taught: And they shall eat those things wherewith atonement was made;²³ this teaches that the priests eat and the owner obtains atonement. ‘They could not sleep in them’, but could they walk around in them? — In truth they might not walk around in them either

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- (1) For all the ceremony in connection with the sin-offering took place in the north.
- (2) Before Beth ha-Deshen; when ashes have been deposited there it is Beth ha-Deshen. After they have been deposited it is Shefek ha-Deshen, the place where ashes have been poured out. (v. Rashi).
- (3) V. Lev. IV, 12.
- (4) I.e., the discussion may concern only the question as to whether the place must be sloping, and not whether ashes must have been deposited there first, R. Eliezer b. Jacob agreeing that ashes must have been deposited there before.
- (5) Lev. XVI, 28.
- (6) In this case the flesh has been dissolved without having become ashes. According to the first Tanna they render the garments unclean as long as they are not ashes, hence, in this case would still have this defiling effect. According to R. Eliezer son of R. Simeon it is only as long as they are bullocks, i.e., whole, that they render garments impure, whereas as charred flesh they are no more bullocks, hence do not affect the garments any more.
- (7) Jastr. from Grk. Diadoche — relays, guard at stations, corrupted into dirchaot.
- (8) Not definitely identified. J.T. Beth Horon, var. lec. Haroro, Beth Hadure.
- (9) Isa. I, 18.
- (10) [Hazzan. There is no certainty in regard either to the origin or rank of the Hazzan. Here he appears a second in rank to the Head of the Synagogue].
- (11) [ראש הכנסת Identified with the **, the officer who administered the external affairs of the synagogue, v. Krauss, Synagogale Altertumer, p. 116ff. and J.E. II, 86.]
- (12) V. Glos.
- (13) Lev. XVI.
- (14) Lev. XXIII, 26-32.
- (15) Num. XXIX, 7-11.
- (16) What ‘separately’ means is not clear. Some texts including, J.T. omit. V. also Sotah 40b.
- (17) [J.T. and separate editions of the Mishnah omit ‘for Jerusalem’, which makes the number exactly eight].
- (18) V. Gemara.
- (19) Robe, garment; either the Greek stole, or a derivation of talal, cf. talith — Jast, and does not necessitate sacred priestly vestments.
- (20) For private clean use, as against the possibility of impurity in sleep.
- (21) Tamid 25b.
- (22) Although eating is not part of the service, it is permissible for priests to eat in their official garments.
- (23) Ex. XXIX, 23.

Talmud - Mas. Yoma 69a

but it is necessary [to make special mention of sleep] on account of the last clause:¹ they may take them off, fold them, and put them under the head.

‘They may take them off, fold them, and put them under the head’! You may infer, then, hence that priestly garments may be enjoyed for private use? — R. Papa said: Do not say, ‘Under their heads’, but rather say, ‘Next to their heads’. R. Mesharsheya said: You may infer, thence, that one may keep the tefillin next to oneself whilst asleep. It is also logical that [the meaning here is] next to their heads’. For if the thought should arise in you that [it means] ‘under their heads’, surely you ought to derive [the prohibition of that] on account of the mixed texture [of wool and linen], for among [the garments which consisted of a mixed texture] is also the girdle, so that even if the private

enjoyment [of priestly garments] is permitted, surely here he is deriving benefit from a mixed texture! — That will be right according to the view that the girdle of the high priest [on the Day of Atonement] is identical with the girdle of the common priest during the rest of the year; but what can be said according to the view that the girdle of the high priest is not identical with that of the commoner?² — And if you were to say mixed textures are forbidden only for wearing and putting on, but not for lying on, surely was it not taught: Neither shall there come upon thee,³ i.e., but you may spread it under you; but the Sages declare that this too is forbidden, because a fringe [of the mattress etc.] might wind itself round the flesh. And if you were to say: Something was placed in between, but did not R. Simeon b. Pazzi in the name of R. Joshua b. Levi say on the authority of Rabbi, in the name of the Holy Community of Jerusalem: Even if there were ten mattress covers, one on top of the other, with mixed textures under them, it would still be forbidden to sleep on them. Rather, therefore, must you say [the meaning is]: ‘Next to their heads’. This is conclusive. R. Ashi said: In reality, read: ‘Under their heads’. [And as to the question]² But he would enjoy mixed textures? [the answer is], Priestly garments are stiff, for even so did R. Huna, son of R. Joshua say: The shrunk felt-cloth of Naresh⁴ is permitted.⁵

Come and hear: As to priestly garments, it is forbidden to go out in them in the province,⁶ but in the Sanctuary whether during or outside the time of the service, it is permitted to wear them, because priestly garments are permitted for private use. This is conclusive. But in the province [it is] not [permitted]? Surely it was taught: The twenty-fifth of Tebeth is the day of Mount Gerizim,⁷ on which no mourning is permitted. It is the day on which the Cutheans demanded the House of our God from Alexander the Macedonian so as to destroy it, and he had given them the permission, whereupon some people came and informed Simeon the Just.⁸ What did the latter do? He put on his priestly garments, robed himself in priestly garments, some of the noblemen of Israel went with him carrying fiery torches in their hands, they walked all the night, some walking on one side and others on the other side, until the dawn rose. When the dawn rose he [Alexander] said to them: Who are these [the Samaritans]? They answered: The Jews who rebelled against you. As he reached Antipatris,⁹ the sun having shone forth, they met. When he saw Simeon the Just, he descended from his carriage and bowed down before him. They said to him: A great king like yourself should bow down before this Jew? He answered: His image it is which wins for me in all my battles. He said to them: What have you come for? They said: Is it possible that star-worshippers should mislead you to destroy the House wherein prayers are said for you and your kingdom that it be never destroyed! He said to them: Who are these? They said to him: These are Cutheans who stand before you. He said: They are delivered into your hand. At once they perforated their heels, tied them to the tails of their horses and dragged them over thorns and thistles, until they came to Mount Gerizim, which they ploughed and planted with vetch, even as they had planned to do with the House of God. And that day they made a festive day.¹⁰ If you like say: They were fit to be priestly garments, or, if you like, say: It is time to work for the Lord: they have made void Thy law.¹¹

THE SYNAGOGUE ATTENDANT WOULD TAKE A SCROLL OF THE LAW. One may infer from here that one may shew honour to the disciple in the presence of his master?¹² — Abaye said: It is all done for the sake of the high priest.¹³

AND THE HIGH PRIEST STANDS. From this you can infer that he was sitting before, but surely we have learnt:¹⁴

(1) Which permits the sleeping on them, independent of any fear that impurity may occur in the sleep, since the garments were taken off the body.

(2) According to the first view both are of linen, without any mixture, hence may be worn. But according to the second view, the commoner did wear a different kind of belt, made up of mixed texture, v. supra 6a notes, hence the difficulty.

(3) Lev. XIX, 19.

(4) Near Sura.

- (5) That felt-cloth was so hard that one could not have worn a garment of that material. The prohibition of mixed texture, however, applies only to such material as may be worn as garments and warm the body.
- (6) I.e., outside the Temple.
- (7) On which the Samaritans (Cutheans) had their Temple.
- (8) One of the surviving members of the Great Synod, v. Aboth, Sonc. ed., p. 2, n. 1.
- (9) Antipatris, in Judah, on the way from Jerusalem to Caesarea, was built by King Herod and called after his father, Antipater.
- (10) Prohibiting every public mourning. This shews that Simeon wore the priestly garments outside Jerusalem.
- (11) Ps. CXIX, 126. [In Megillath Ta'anith the day of the destruction of the Temple on Mount Gerizim is 21st Kislev. According to Josephus it was destroyed by Hyrcanus in the year 128 B.C.E. For the literature on the subject v. Lichtenstein, H., HUCA, vol. VIII-IX, p. 288].
- (12) The question is, shall we consider this an answer to the problem propounded elsewhere and not answered (B.B 119b; Sotah 40b) as to whether it is legitimate to shew honour to a subordinate in the presence of his superior, (disciple in presence of master). The solution, inferred from here, would be the affirmative.
- (13) I.e., what happens here serves but to indicate how many subordinates the high priest has, i.e., how exalted his position is. The problem is still unsolved as to a situation in which the honour would be intended exclusively for the benefit of the disciple or subordinate.
- (14) [Read with var. lec.: 'A Master said', as what follows is no Mishnah].

Talmud - Mas. Yoma 69b

Nobody may sit down in the [Temple] Court except the kings of the house of David alone, as it is said: Then David the king went in and sat before the Lord?¹ — It is as R. Hisda had explained [elsewhere]: In the women's court, so also here. 'In the women's court'. — Where was R. Hisda's statement made? — In connection with the following: An objection was raised, it was taught: Where did they read therein?² In the Temple. R. Eliezer b. Jacob said: On the Temple Mount, as it is said: And he read therein before the broad place that was before the water gate;³ and R. Hisda said: In the women's court.⁴ And Ezra blessed the Lord, the great God.⁵ What does 'great' imply? — R. Joseph said in the name of Rab: He magnified Him by [pronouncing] the Ineffable Name.⁶ R. Giddal said: [He recited], Blessed be the Lord, the God of Israel, from everlasting even to everlasting.⁷ Said Abaye to R. Dimi: But perhaps it means that he magnified Him by [pronouncing] the Ineffable Name? — He answered: One does not pronounce the Ineffable Name outside [the limits of the Temple]. But may one not? Is it not written: And Ezra the scribe stood upon a pulpit of wood, which they had made for the purpose. [. . . and Ezra praised the great God].⁸ And R. Giddal [commenting thereupon] said: He magnified Him by [pronouncing] the Ineffable Name?—That was a decision in an emergency.⁹ And [they] cried with a great [loud] voice unto the Lord, their God.¹⁰ What did they cry? — Woe, woe, it is he¹¹ who has destroyed the Sanctuary, burnt the Temple, killed all the righteous, driven all Israel into exile, and is still dancing around among us! Thou hast surely given him to us so that we may receive reward through him.¹² We want neither him, nor reward through him! Thereupon a tablet fell down from heaven for them, whereupon the word 'truth'¹³ was inscribed. (R. Hanina said: One may learn therefrom that the seal of the Holy One, blessed be He, is truth). They ordered a fast of three days and three nights, whereupon he¹¹ was surrendered to them. He came forth from the Holy of Holies like a young fiery lion. Thereupon the Prophet said to Israel: This is the evil desire of idolatry, as it is said: And he said: This is wickedness.¹⁴ As they took hold of him a hair of his beard fell out, he raised his voice and it went [was audible] four hundred parasangs. Thereupon they said: How shall we act? Perhaps, God forbid, they might have mercy upon him from heaven! — The prophet said unto them: Cast him into a leaden pot, closing its opening with lead. Because lead absorbs the voice, as it is said: And he said: This is wickedness. And he cast her down into the midst of the measure, and he cast the weight of lead upon the mouth thereof.¹⁴ They said: Since this is a time of Grace, let us pray for mercy for the Tempter to evil.¹⁵ They prayed for mercy, and he was handed over to them. He said to them: Realize that if you kill him, the world goes down. They imprisoned him for three days, then looked in the whole land of

Israel for a fresh egg and could not find it.¹⁶ Thereupon they said: What shall we do now? Shall we kill him? The world would then go down. Shall we beg for half-mercy?¹⁷ They do not grant ‘halves’ in heaven.¹⁷ They put out his eyes and let him go. It helped inasmuch as he no more entices men to commit incest.¹⁸ In the West [Palestine] they taught it thus: R. Giddal said: [And Ezra praised...the] great [God]:¹⁹ i.e., he magnified Him by pronouncing the Ineffable Name. R. Mattena said: He said: The great, the mighty, and the awful God.²⁰ The interpretation of R. Mattena seems to agree with what R. Joshua b. Levi said: For R. Joshua b. Levi said: Why were they called men of the Great Synod? Because they restored the crown of the divine attributes to its ancient completeness.²¹ [For] Moses had come and said: The great God, the mighty, and the awful.²² Then Jeremiah came and said: Aliens are destroying²³ His Temple. Where are, then, His awful deeds? Hence he omitted²⁴ [the attribute] the ‘awful’. Daniel came and said: Aliens are enslaving his sons. Where are His mighty deeds? Hence he omitted the word²⁵ ‘mighty’. But they came and said: On the contrary! Therein lie His mighty deeds that He suppresses His wrath,²⁶ that He extends long-suffering to the wicked. Therein lie His awful powers: For but for the fear of Him, how could one [single] nation persist among the [many] nations! But how could [the earlier] Rabbis²⁷ abolish something established by Moses? R. Eleazar said: Since they knew that the Holy One, blessed be He, insists on truth, they would not ascribe false [things] to Him.²⁸

AND HE READ: AFTER THE DEATH’ AND ‘HOWBEIT ON THE TENTH DAY’: A question was raised: One may skip in reading from the Prophets, but one may not skip in reading from the Torah!²⁹ — That is no difficulty: The one [prohibition] applies where [the passage skipped is] sufficiently long to interrupt the interpreter, the other where it is not sufficiently long to interrupt the interpreter.³⁰ — But surely it is in connection therewith that it was taught: One may skip in reading from the Prophets, but one may not skip in reading from the Torah; and how much may be skipped [in the Prophets]? So much as is not sufficiently long to interrupt the interpreter. This implies that in reading from the Torah one may not skip at all? — Said Abaye: There is no difficulty: [The permission applies] here, where one theme is concerned, [the prohibition] there, where two themes are concerned.³¹ Thus also it was taught: One may skip in the reading from the Torah, if the theme be one and same, in reading from the Prophets, even if two themes be involved; in each case, however, only when it is not sufficiently long to interrupt the interpreter. Nor may one skip from one Prophetic Book to another, but in case of one of the twelve Minor Prophets one may skip even [from one Book to another],

(1) I Chron. XVII, 16. Only the descendants of David who, through his son, built the Temple, are permitted to feel sufficiently at home there to be permitted to sit down in the Temple Court, as Scripture indicates.

(2) I.e., when any public reading took place in the Temple.

(3) Neh. VIII, 3. Ezra read the Law ‘in the presence of the men and the women’.

(4) [The text from ‘it is as R. Hisda explained’ to this point is in disorder. MS.M. reads: ‘Said R. Hisda, In the women’s court. An objection was raised: Where did they read therein? In the (Temple) Court . . . water-gate? — Said R. Hisda, In the women’s court’. Ronsburg (Glosses) deletes ‘An objection was raised’. In any case our present text seems to be a conflation of two readings].

(5) Neh. VIII, 6.

(6) [Shem ha-Meforash. Lit., ‘the Distinguished Name’ synonymous with the Shem ha-Meyuhad ‘the Unique Name’, and generally held identical with the Tetragrammaton uttered as written, v. Sanh., Sonc. ed., p. 408, n. I].

(7) I Chron. XVI, 36.

(8) Neh. VIII, 4-6.

(9) Not to be taken as precedent. Lit. ‘a decision for the moment’.

(10) Ibid. IX, 4. [Here too the text is in disorder as the verse has no connection with the preceding verse to which it is adduced in explanation of the emergency referred to, the incident in the first verse having taken place on the first of the seventh month, whilst that of the second verse on the twenty-fourth. Var. lec. accordingly omit the first quotations from ibid. VIII, 4 and substitute in its place the second verse ibid. IX, 4; v. Bah.]

(11) The evil desire, tempter of idolatry.

- (12) For resisting him successfully Israel would be rewarded.
- (13) I.e., I agree with you: you spoke the truth.
- (14) Zech. V, 8.
- (15) The evil desire, for idolatry is also the evil desire for immorality. The two were found to go hand in hand.
- (16) Whereas there is no good in idolatry there is at least some good in the desire for sex indulgence. Perpetuation of the race depends upon it. So does human food. The people who found themselves with the opportunity to destroy the temptation of flesh-love discovered that, when the genius of sex-love is cancelled, no eggs are available.
- (17) To ask that temptation or the tempter should live, but not tempt, is to ask a thing that Heaven will not grant. The tempter lives to tempt. But by depriving its flame of its major glare, by keeping it within lawful limits, one promotes domesticity and prevents depravity.
- (18) Lit., 'against relatives'.
- (19) [On the variant given supra p. 327. n. 6, the reference is to 'great' mentioned in Neh. IX, 4.]
- (20) Ibid. 32.
- (21) The crown, I.e., the praise of the Lord. By re-embodiment the attributes, which Jeremiah and Daniel had omitted.
- (22) Deut. X, 17.
- (23) Or, revel in.
- (24) In his prayer, Jer. XXXII, 17f.
- (25) In his prayer, Dan. IX, 4ff.
- (26) So MS.M. cur. edd. He subdues his inclination.
- (27) Jeremiah, Daniel.
- (28) Since to them the circumstances indicated that He desired to hide His mighty or awful deeds.
- (29) Meg. 24a.
- (30) The interpreter would follow immediately the reader. If the rolling did not involve so much time that, at the end of his interpretation of the passage just read, the interpreter would have to stop to await the reading of the new Hebrew passage, well and good. For to keep the congregation waiting for the continuation of the service is unseemly. But 'Howbeit on the tenth day' is so near Lev. XVI, that before the interpreter would have concluded his Aramaic interpretation of the last Hebrew passage, the new passage would have been started and read, for him to interpret without loss of time.
- (31) This distinction is not technical, but pedagogical. If both passages although near — so that the interpreter need not keep the congregation waiting — deal with two subjects, one shall not skip from one to another, because closer attention is necessary for an understanding of the laws of the Torah. But where one subject only is involved, as in the reading on the Day of Atonement, such skipping is permitted. Meg. 24a.

Talmud - Mas. Yoma 70a

provided one does not skip from the end of the Book to its beginning.

THEN HE WOULD ROLL UP THE SCROLL OF THE LAW etc.: Why all that?¹ — So as not to discredit the scroll of the Law.²

AND ON THE TENTH, WHICH IS IN THE BOOK OF NUMBERS, HE RECITED BY HEART: Why that? Let him roll up [the scroll] and read from it [again]? — R. Huna the son of R. Joshua said in the name of R. Shesheth: Because it is not proper to roll up a scroll of the Law before the community, because of respect for the community.³ Then one should bring another scroll and read therefrom? — R. Huna, son of R. Judah said: Because it would discredit the first [scroll]. Resh Lakish said: Because of an unnecessary blessing.⁴ But we do take into consideration [the reason that it would] discredit [the first scroll]? Has not R. Isaac, the Smith, said: If the beginning of the month of Tebeth falls on the Sabbath, one brings three scrolls of the Torah, and reads from one about the affairs of the day,⁵ in the second about the new moon, in the third about Hanukkah?⁶ — Three men [reading] from three scrolls do not imply a discredit [for the first and second scroll], one man reading from two scrolls does.⁷

THEREUPON HE PRONOUNCED EIGHT BLESSINGS: Our Rabbis taught: For the Torah, as one pronounces it in the Synagogue;⁸ for the Temple service; for the thanksgiving;⁹ for the forgiving of iniquity, as usual;¹⁰ for the Sanctuary separately; for the priest separately; for Israel separately; and for the rest of the prayer.

Our Rabbis taught: The rest of the prayer: [Accept my] song, petition, supplication before Thee for Thy people Israel, which are in need of salvation.' He would conclude with: '[Blessed art Thou, O Lord] who hearkenest unto prayer.' Thereupon each would bring a scroll of the Torah from his house and read therefrom, in order to shew the multitude its beauty.¹¹ HE WHO SEES THE HIGH PRIEST . . . NOT THAT IT WAS NOT PERMITTED etc.: That is self-evident? — You might have thought as Resh Lakish does: For Resh Lakish said: One must not permit a mizwah to pass by unnoticed; and what mizwah is there here? In the multitude of the people is the king's glory.¹² Therefore we are informed¹³ [that it was permitted].

MISHNAH. IF HE READ IN THE GARMENTS OF LINEN, HE WOULD THEN SANCTIFY HIS HANDS AND FEET, STRIP OFF HIS CLOTHES, GO DOWN AND IMMERSE HIMSELF, COME UP AND DRY HIMSELF. THE GOLDEN VESTMENTS WOULD BE BROUGHT TO HIM, HE PUT THEM ON, SANCTIFIED HIS HANDS AND FEET, WENT OUT, OFFERED UP HIS OWN RAM AND THE RAM OF THE PEOPLE,¹⁴ AND THE SEVEN UNBLEMISHED, ONE-YEAR-OLD-LAMBS.¹⁵ THIS IS THE VIEW OF R. ELIEZER. R. AKIBA SAID: THESE WERE OFFERED UP TOGETHER WITH THE DAILY WHOLE-OFFERING OF THE MORNING, WHEREAS THE BULLOCK FOR THE WHOLE-OFFERING¹⁵ AND THE HE-GOAT WHICH IS OFFERED UP OUTSIDE¹⁶ WERE OFFERED UP TOGETHER WITH THE DAILY WHOLE-OFFERING OF THE AFTERNOON. HE THEN SANCTIFIED HIS HANDS AND FEET, STRIPPED OFF HIS CLOTHES, WENT DOWN AND IMMERSSED HIMSELF, CAME UP AND DRIED HIMSELF. THE WHITE VESTMENTS WOULD BE BROUGHT TO HIM, HE PUT THEM ON AND SANCTIFIED HIS HANDS AND HIS FEET. THEN HE WOULD GO IN TO BRING OUT THE LADLE AND THE FIRE-PAN. HE WOULD SANCTIFY HIS HANDS AND FEET, STRIP OFF HIS CLOTHES, GO DOWN AND IMMERSE HIMSELF, COME UP AND DRY HIMSELF. THE GOLDEN GARMENTS WOULD BE BROUGHT TO HIM. HE PUT THEM ON, SANCTIFIED HIS HANDS AND FEET, AND WENT IN TO BURN UP THE AFTERNOON INCENSE, AND TO TRIM THE LAMPS. HE SANCTIFIED HIS HANDS AND FEET AND STRIPPED. THEN HE WENT DOWN, IMMERSSED HIMSELF, CAME UP AND DRIED HIMSELF. THEY WOULD THEN BRING TO HIM HIS OWN GARMENTS, HE PUT THEM ON. THEY WOULD ACCOMPANY HIM TO HIS HOUSE. HE WOULD ARRANGE FOR A DAY OF FESTIVITY FOR HIS FRIENDS WHENEVER HE HAD COME FORTH FROM THE SANCTUARY IN PEACE.

GEMARA. The question was raised: How does he [R. Akiba] mean: They [the seven lambs] were offered up together with the daily whole-offering of the morning, whereas the bullock for the whole-offering and the he-goat which is offered up outside were offered up together with the daily whole-offering of the afternoon; or did he mean, perhaps, this: they were offered up together with the daily whole-offering of the morning and together also with them the bullock for the whole-offering, whereas the he-goat which is offered up outside is offered up together with the daily whole-offering of the afternoon?¹⁷ Furthermore, when, according to R. Eliezer who omits reference to him, is the bullock for the whole-offering being sacrificed? Furthermore, according to both R. Eliezer and R. Akiba, when are the sacrificial portions of the sin-offering¹⁸ smoked? — Raba said: You have no properly arranged order [of the service] except you adopt either the view of R. Eliezer, as taught in the School of Samuel, or the view of R. Akiba as reported in the Tosefta. For the School of Samuel taught: R. Eliezer said, He went forth, prepared his own ram, and the ram of the people and the sacrificial portions of the sin-offering, but the bullock for the whole-offering and the seven lambs, and the he-goat that was offered up outside were offered up together with the daily whole-offering of

the afternoon. What is the teaching of R. Akiba as recorded in the Tosefta?¹⁹ — For it was taught: R. Akiba said, The bullock for the whole-offering, and the seven lambs were offered up together with the Daily whole-offering of the morning, as it is said: [Ye shall offer these] beside the burnt-offering of the morning which is for a continual burnt-offering.²⁰ After that the service of the day

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- (1) Why was it necessary for him to say: More than I have read before you is written here?
 - (2) His reciting by heart may suggest to the congregation that the passage in question is missing from the scroll.
 - (3) Whom one should not keep waiting for the continuation of the service.
 - (4) Any unnecessary mention of His name is a transgression of the third command, wherefore in doubtful circumstances a blessing should rather be unpronounced than repeated. A new scroll would require a new blessing and is therefore to be avoided, as leading to an unnecessary, i.e., unlawful mention of His name.
 - (5) The portion of the Torah, due to be read on that Sabbath, one of the fifty-two Sabbaths of the year, to each of which is apportioned a Sidrah from the Pentateuch.
 - (6) V. Meg. 29b.
 - (7) The suggestion that one of the scrolls is defective is more reasonable in the case of one and the same person reading from two, than in the case of three different persons, each of whom reads his portion from one special scroll.
 - (8) V. P.B. p. 147.
 - (9) Op. cit. p. 50ff.
 - (10) As we have it in the Day of Atonement Liturgy.
 - (11) To 'adorn oneself' before Him in the performance of His commandments, i.e., to perform them in a manner aesthetically satisfactory is a duty which our Rabbis derived from Ex. XV, 2: He is my God and I will glorify Him. In pursuit of that ideal, a pious Jew would build his tabernacle in most careful and beautiful form, would have his scroll written by excellent scribes, would have his prayer shawl adorned, or made from costly wool or silk. To shew his scroll to the people would be an exhibition of his natural pride in that precious possession.
 - (12) Prov. XIV, 28. Consequently it might be thought that one must not depart from witnessing one rite in favour of the other.
 - (13) That it is permitted to pass by a mizwah unnoticed, if one is engaged in the performance of another. The prohibition to ignore the opportunity of performing a mizwah applies only when one is not engaged, or about to be engaged, in another good deed.
 - (14) Lev. XVI, 24.
 - (15) Num. XXIX, 8.
 - (16) I.e., its blood was sprinkled on the outer altar. Ibid. v. 11.
 - (17) R. Akiba's statement is not clear enough. Either of the two interpretations are possible, dependent on where the end of the clause is placed.
 - (18) Mentioned in the Mishnah Supra 67b.
 - (19) A collection of oral laws, outside of the Mishnah, but considered authoritative. Several such collections are mentioned and ascribed to various Sages.
 - (20) Num. XXVIII, 23.

Talmud - Mas. Yoma 70b

and after that the he-goat which is to be offered outside, as it is said: One he-goat for a sin-offering, beside the sin-offering of atonement;¹ and after that his own ram and the ram of the people, after that the sacrificial portions of the sin-offering, and after that the Daily whole-offering of the afternoon.

What is the reason for R. Eliezer's view? — He [the high priest] performs [the service] in accord with the order written [in Scripture's text]: first he performs what Leviticus enjoins and then he performs what Numbers prescribes.² And R. Akiba? — It is in accord with the reason he himself states: Beside the burnt-offering of the morning, which is for a continual burnt-offering which shews that the additional sacrifices were offered up together with the Daily whole-offering of the morning. What does R. Eliezer do with the passage: Beside the sin-offering of atonement?³ He uses it [for the teaching]: Both⁴ atone for similar kinds of sins.⁵ R. Judah said in his [R. Akiba's] name: One⁶ is

offered up together with the Daily whole-offering of the morning, and six⁶ with the Daily whole-offering of the afternoon. R. Eleazar son of R. Simeon said in his name: Six were offered up with the Daily whole-offering of the morning and one together with the Daily whole-offering of the evening. What is [the reason] of the Rabbis? — There are two verses written: It is written: ‘Beside the burnt-offering of the morning’⁷ and it is written: ‘And he come forth and offer his burnt-offering’.⁸ He therefore prepares one part with the one, and the other with the other. Wherein are they disputing? — R. Judah holds: He offered one first, as it is written: ‘Beside the burnt-offering of the morning’, and then he performed the service of the day, because of a [possible] weakness of the high priest. R. Simeon b. Eleazar holds: Since he once started, he performs the service of the six, lest he be negligent [and will not offer them after the service of the day]. But as to the service due that day, he is zealous.⁹

All, at any rate, agree that it was but one ram;¹⁰ according to whose view is that? — In accord with Rabbi. For it was taught: Rabbi says:¹¹ [The] ‘one ram’¹² spoken of here is the same ram which is mentioned in the Book of Numbers.¹³ R. Eleazar son of R. Simeon says: Two rams are involved, one mentioned here, the other in the Book of Numbers. What is the ground of Rabbi's view? Because Scripture says: ‘One’. — And R. Eleazar son of R. Simeon: ‘One’ here means, the [unique] outstanding one of his flock. And Rabbi? — He infers that from, and all your choice vows.¹⁴ And R. Eleazar son of R. Simeon? — One refers to obligatory offerings, the other to voluntary ones and [a statement concerning both] is necessary.¹⁵

HE WOULD SANCTIFY HIS HANDS AND FEET. Our Rabbis taught: And Aaron shall come in to the tent of meeting.¹⁶ For what purpose does he enter? To fetch ladle and fire-pan

(1) Ibid. XXIX, 11.

(2) [Hence the additional offerings and the Daily afternoon whole-offering prescribed in Numbers are offered last].

(3) [Which implies that the he-goat offered outside is offered before his own ram and the ram of the people].

(4) [The he-goat whose blood is sprinkled outside and the he-goat, the sin-offering of the atonement, whose blood is sprinkled within].

(5) Sheb. 2a. Atonement is made by the he-goat whose blood is sprinkled outside, as well as by: Beside the sin-offering of atonement.

(6) Of the seven lambs.

(7) Which shews that the additional offerings were offered in conjunction with the Daily offering of the morning.

(8) Lev. XVI, 24. [How this implies that the additional offerings were to be offered in conjunction with the Daily offering of the evening is not clear. V. Strashun Glosses].

(9) His zeal for the service of the Day of Atonement will enable him to overcome any weakness that may supervene.

(10) Which is offered up on the Day of Atonement on behalf of the congregation.

(11) V. supra 3a.

(12) Lev. XVI, 5.

(13) Num. XXIX, 8.

(14) Deut. XII, 11.

(15) One could not have inferred the law that the choicest of animals have to be brought in the case of voluntary offerings from the obligatory ones, or vice versa, because to one view the former is preferable, more pleasing because spontaneous, whereas to the other the performance of one's duty takes preference. Hence two texts are necessary to include both kinds of offerings.

(16) Lev. XVI, 23.

Talmud - Mas. Yoma 71a

for the whole portion here follows the order with the exception of this verse.¹ Why? — R. Hisda said: We have it on tradition² that the high priest underwent five immersions and ten sanctifications on that day. And if you were to say that they are recorded in their normal order, you would find but

three immersions and six Sanctifications.³ To this R. Zera demurred: But perhaps⁴ he interrupted [the service of the day] with the he-goat that was to be offered up outside? — Abaye replied: Scripture said, ‘He come forth and offer his burnt-offering’⁵ i.e., on his first coming forth he is to offer his burnt-offering, and that of the people.⁵ Raba said: Scripture said, And shall put off the linen garments [etc.].⁶ . Now it was necessary [to add] ‘which he put on’, for can a man put off except what he had put on before? What then is the purpose of stating ‘which he put on’? I.e., which he had put on before.⁷ — To this Rabba son of R. Shila demurred: But perhaps he interrupted with the he-goat to be offered up outside? — Surely it is written: ‘He come forth and offer, etc.’ — But is the rest of the section written in accord with the actual order? Surely the verses say: And the fat of the sin-offering shall he make smoke on the altar,⁸ and then: And the bullock of the sin-offering and the goat of the sin-offering,⁹ whereas we learned: HE WHO SEES THE HIGH PRIEST WHEN HE READS DOES NOT SEE THE BULLOCK AND THE HE-GOAT THAT ARE BURNT,¹⁰ whereas the sacrificial portions of the sin-offering were smoked up afterwards?¹¹ — Read: From this passage on.¹² But what makes you find fault¹³ with the verses, why don't you find fault with the Mishnah rather? — Said Abaye: Scripture states: And he that letteth go... and he that burneth,¹⁴ i.e., just as the letting go takes place before, so does the burning.¹⁵ — On the contrary! [Say:] Just as the burning takes place now,¹⁶ so does the letting go take place now!¹⁷ — ‘And he that letteth go’ implies [to that which was referred to] before.¹⁸ Raba said, Scripture says: [But the goat . . . for Azazel] shall be set alive.¹⁹ How long must it needs be set alive? Until the time of Atonement — Now when is the time of Atonement? At the time when the blood is sprinkled, not beyond it.²⁰

When he who was to take [the he-goat] away came back and met the high priest in the street, he would say to him: Sir high priest, we have fulfilled your request. If he met him in his house, he would say to him: We have fulfilled the request of Him Who grants life to all who live.

Rabbah said: When Rabbis in Pumbeditha would take leave of each other, they would say: May He Who grants life to all who live, grant you a long, happy, and right life! — I shall walk before the Lord in the lands of the living.²¹ Rab Judah said: That means the place of markets [public thoroughfare].²² For length of days, and years of life, and peace, will they add to you.²³ But are there years, which are years of life, and years, which are not years of life? — R. Eleazar said: These are such years of man as have changed from evil to good.²⁴

Unto you, O men, I call.²⁵ R. Berekiah said: They are the disciples of the wise, who resemble women, and do mighty deeds like man.²⁶

R. Berekiah also said: If a man wishes to offer a libation upon the altar, let him fill the throat of the disciples of the wise with wine, as it is said: ‘Unto you, O men, [ishim]²⁷ I call’. Furthermore did R. Berekiah say: If a man sees that Torah ceases from his seed, let him marry the daughter of a disciple of the wise, as it is said: Though the root thereof wax old in the earth, and the stock thereof die in the ground

(1) The whole of chapter XVI of Leviticus describes the service of the Day of Atonement, as it actually took place, with the exception of v. 23 which, followed by the statement, And he shall bathe . . . and come forth, and offer his burnt-offering and the burnt-offering of his people (v. 24), would cause one to infer that the high priest had first entered to fetch the ladle and the fire-pan, and afterwards had offered up his burnt-offering and that of his people; whereas actually he fetched ladle and fire-pan after having offered up these burnt-offerings. V. Supra 32b notes.

(2) The Mishnah cites the traditional number of immersions and sanctifications, supra 19a, 30a and 31a. Every change of garments necessitated two sanctifications and one immersion.

(3) And if one were to assume that the order is exactly described also in vv. 23-24 i.e., that the offering of the two burnt-offerings did not interrupt the service of the Day of Atonement by taking place before the fetching of ladle and fire-pan, then only three changes of garments would be involved, viz., the offering of the continual sacrifice of the morning, performed in the golden garments, the service of the day including the fetching of ladle and fire-pan, in white

garments, and the offering up of the two burnt-offerings and the rest of the service, in golden garments again, thus three changes involving but three immersions and six sanctifications. The Biblical account would thus contradict, or render impossible, the tradition as preserved in the Mishnah. To harmonize the two the interpretation is offered that in reality the offering of the burnt-offerings came between the service of the day and the fetching of censer and fire-pan, implying two more changes of garments; for the high priest would offer the two burnt-offerings in white garments, into which and from which he would change from and into the golden garments, so that the five traditional changes and immersions as well as the ten sanctifications traditionally reported are thus established: the continual offering of the morning, due in the golden garments, the service of the day in white ones, the offering up of the two burnt-offerings in the golden garments, the fetching of censer and fire-pan in the white ones, and finally, the additional sacrifices and the continual offering of the evening, in the golden ones.

(4) Since all that is required is harmony between the Mishnaic statement as to five immersions and six sanctifications, it is not necessarily the last suggestion that must be adopted. The he-goat to be offered up outside, prescribed in Num. XXIX, 11 ('the sin-offering of the atonement') too, required two immersions and four sanctifications, hence the number of sanctifications and immersions could be harmonized on this assumption too. The interruption of the service of the day with the he-goat of which no mention is made in the service of the day prescribed in Leviticus, would involve no rearrangement of the Biblical text, such as the first suggestion implied.

(5) Lev. XVI, 24 states that he offers up the two rams, his own and the people's, as soon as he has left the Holy of Holies. Whereas, if he were to have fetched the ladle and the coal-pan first, he would have offered them after his second coming forth from the Holy of Holies.

(6) Lev. XVI, 23. Raba does not endeavour to answer the question propounded by R. Zera, he endeavours to explain the Baraitha, which would emend the Scriptural account by having the order of the service interrupted as above.

(7) That was thus the second stripping off of the garments. Hence there must have been a change of garments between the service of the day and the fetching of the censer and coal-pan, whence it follows that this verse refers to the second stripping off of garments, and comes after the offering up of the two rams by the high priest.

(8) Lev. XVI, 25.

(9) Ibid. v. 27.

(10) Because the burning and the reading took place at the same time, which is when the priest is still wearing the white garments, in which as the Mishnah states he reads.

(11) I.e., at the third immersion when he offers the two rams, i.e., after changing into the golden garments (v. Mishnah supra 70a). This clearly contradicts the order of Biblical verses.

(12) Read, instead of 'except this verse', 'except from this verse on', when the Scriptural verses no more take into account the actual order.

(13) Why don't you rather emend the Mishnah and say that the burning of bullock and he-goat did not take place at the time the high priest read the portion from the Torah, but after the portions of the sin-offering had been smoked, as the Scriptural verses have it.

(14) Lev. XVI, 26 and 28.

(15) Scripture here uses the same participial form in referring to him that letteth go and to him that burneth. That implies a certain analogy. In both passages follows the statement: And the fat of the sin-offering shall he make smoke on the altar. (Ibid. v. 25.) Now the sending away of the he-goat for Azazel preceded that, as v. 21 reads: And he shall send him away by the hand of an appointed man into the wilderness. Of necessity 'He that letteth go' refers to previous passages, as to say: With reference to the letting go of which you were commanded before, i.e., before the smoking of the sacrificial portions of the sin-offering (he that letteth go defiles the garments). The above-mentioned analogy justifies the inference that 'he that burneth' similarly refers to the burning done before.

(16) I.e., after the smoking of his sacrificial portions.

(17) One could also argue just to the contrary, for the analogy could be made in either way: just as the burning takes place after the sacrificial pieces of the sin-offering have been smoked, thus is the reference to him that letteth go, for now. The statement in v. 21 'And he shall send it away' then means, now that the time for this has arrived.

(18) As explained in n. 3.

(19) Lev. XVI, 10: alive, to make atonement for him.

(20) Hence it could not be maintained that the he-goat was to be sent away after the portions of the sacrifice were smoked. That disposes of the last question.

(21) Ps, CXVI, 9.

(22) Markets may be lands of life, because there is much life in them, or because they furnish 'a living' to many.

(23) Prov. III, 2.

(24) When sunshine comes again, the memory of evil days is so obliterated that they do not seem to have been experienced, lived at all.

(25) Prov. VIII, 4.

(26) Study makes them weak, like women. But in the fields of halachah they are mighty heroes. This maxim is included here, because the word 'ish' (Sir high priest) recalls a homiletical interpretation of the same word elsewhere.

(27) Connecting ishim with ishe, fire-offerings.

Talmud - Mas. Yoma 71b

yet through the scent of water it will bud, and put forth boughs like a plant.¹

AND A FESTIVE DAY HE WOULD ARRANGE FOR HIS FRIENDS: Our Rabbis taught: It happened with a high priest that as he came forth from the Sanctuary, all the people² followed him, but when they saw Shemayah³ and Abtalion, they forsook him and went after Shemayah and Abtalion. Eventually Shemayah and Abtalion visited him, to take their leave of the high priest. He said to them: May the descendants of the heathen come in peace!⁴ — They answered him: May the descendants of the heathen, who do the work of Aaron, arrive in peace, but the descendant of Aaron, who does not do the work of Aaron, he shall not come in peace!⁵

MISHNAH. THE HIGH PRIEST PERFORMS THE SERVICE IN EIGHT PIECES OF GARMENTS, AND THE COMMON PRIEST IN FOUR: IN TUNIC, DRAWERS, MITRE, AND GIRDLE. THE HIGH PRIEST ADDS THERETO THE BREASTPLATE, THE APRON, THE ROBE AND THE FRONTLET. IN THESE WERE THE URIM AND THUMMIM⁶ INQUIRED OF. BUT THEY WERE NOT INQUIRED OF EXCEPT FOR THE KING, FOR THE AB BETH DIN⁷ OR FOR ONE WHOM THE COMMUNITY NEEDS.⁸

GEMARA. Our Rabbis taught: [All] things, in connection with which the word shesh ['fine linen'] is said, had their threads sixfold: 'twined' [denotes] eightfold [threads]; the robe [had its threads] twelvefold; the curtain,⁹ twenty-four-fold; the breastplate and apron twenty-eight-fold. Whence do we know that they had their threads sixfold? — Scripture said: And they made the tunics of fine linen, the mitre of fine linen and the goodly headtires of fine linen, and the linen breeches of fine twined linen.¹⁰ Here are five Scriptural references: One is necessary for the subject itself, that they must be made of flax; one, that their thread shall be sixfold; one to indicate that they must be twisted; one, that this applies also to other garments in connection with which the term 'shesh' is not used, and once, that it is indispensable. What indicates that the word 'shesh' means flax? — R. Jose b. Hanina said: Scripture says: Bad [linen] i.e., whatever comes out of the soil singly.¹¹ But say, perhaps, it is wool? — Wool splits off.¹² But flax also splits? Flax splits into branches through beating.¹³ Rabina said: [I infer it] from this. They shall have linen tires upon their heads, and shall have linen breeches upon their loins.¹⁴ Said R. Ashi to him: But whence did they know that before Ezekiel came? — But, according to your argument, what of R. Hisda's statement: This matter¹⁵ we have learnt not from the Torah of Moses, but from the words of Ezekiel b. Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My sanctuary?¹⁶ Who taught this before Ezekiel came? Rather must you say that it was traditionally handed down and when Ezekiel came he strengthened it by attaching it to Scripture; in our case [here] too it was a traditional teaching and Ezekiel strengthened it by attaching it to Scripture.

Whence do we know that 'twined' [denotes] eightfold [threads]? — Scripture says: And they made upon the skirts of the robe pomegranates of blue, and purple, and scarlet, twined.¹⁷ One may infer from the analogy of 'twined' used in connection with the curtain: just as there [each twined thread] was twenty-four-fold,¹⁸ so also here was it twenty-four-fold, the thread of each kind of

material being eightfold.¹⁹ - But one should infer from breast-plate and apron: just as there it was twenty-eightfold, so also here twenty-eight-fold?²⁰ — One may infer a thing in connection with which gold is not mentioned from another thing, in connection with which gold is not mentioned;²¹ that excludes the breast-plate and apron in connection with which gold is mentioned. On the contrary! One should, rather, infer concerning one garment from another garment, which would exclude the curtain, because that [in a sense] is a tent! — Rather, if it is inferred from the girdle,²² thus inferring concerning a garment, in connection with which gold is not mentioned from another garment, in connection with which gold is not mentioned; but not inferring concerning anything, in connection with which gold is mentioned from something in connection with which gold is mentioned. R. Mari said: Scripture said: Thou shalt make it,²³ i.e., only, nothing else.²⁴ R. Ashi said: And thou shalt make,²⁵ i.e., all the work in connection therewith must be the same. Now how is that possible? If he were to make the three kinds tenfold each, there would be thirty [threads]. And if one made two ninefold and one tenfold, but Scripture said: ‘And thou shalt make’, i.e., all the work in connection therewith must be alike.

Whence do we know that the robe [had its threads] twelfefold? Because Scripture said: And thou shalt make the robe of the ephod

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- (1) Job XIV, 8, 9. The Torah is compared to water. Such fragrant water the children of the disciples of the wise will bring with them into the new home.
- (2) Lit., ‘world’.
- (3) They were the famous teachers of Hillel and Shammai of the Mishnah, v. Aboth I. Descendants of non-Jews, according to one tradition (Git. 57b), scions of Sennacherib's.
- (4) In this manner this graceless high priest gave vent to his jealous anger at the honour which the people had bestowed upon these masters of the Law.
- (5) Aaron pursued peace; his disciples, too, were very peaceful. So were Shemayah and Abtalion increasing peace in the world, but this high priest, whose arrogance caused strife, was not a worthy descendant of Aaron.
- (6) v. Ex. XXVIII, 30.
- (7) Lit., ‘Father of the Court’. V. Glos.
- (8) v. Mak. 11b.
- (9) V. Ex. XXVI, 31.
- (10) Ex. XXXIX, 27-8.
- (11) Bad from badad means single, single stalk. Bad also means linen; hence the interpretation using both homonyms. Similarly, shesh means both ‘fine linen’ and ‘six’, whence support for the teaching that it must be sixfold. Flax has no branches, but leaves, the flax coming from the middle stem.
- (12) On the sheep; does not grow in single threads like stalks.
- (13) Whilst normally it grows in single stalks.
- (14) Ezek. XLIV, 18, whilst in the Pentateuch these tires are prescribed to be of shesh which proves shesh to be flax.
- (15) That an uncircumcised priest (no matter whether uncircumcised because of disobedience to the Torah, which would render him also uncircumcised in heart, whose actions ‘alienate’ him from the Lord, or because his brethren had died as the result of circumcision, which circumstances would free him from the obligation of the circumcised) may not enter the Sanctuary.
- (16) Ezek. XLIV, 9.
- (17) Ex. XXXIX, 24.
- (18) [The curtain had four kinds of material, each having its thread sixfold, since the word shesh is mentioned in connection therewith, v. Ex. XXVI, 31. Thus each twined thread which consisted of the four materials was twenty-fourfold].
- (19) I.e., with the robe where only three kinds of materials were used, the threads of each strand had to be eightfold to make each twined thread of all the material twenty-eightfold].
- (20) As shewn infra.
- (21) I.e., the robe from the curtain neither of which had gold.
- (22) [Which also had four kinds of material each of sixfold threads, since shesh is written in connection therewith, v. Ex.

XXXIX, 29].

(23) Ex. XXVIII,15 is with reference to the breast-plate.

(24) Only breast-plate and apron, 'it', hence no precedence for any other garment, taking 'it' to indicate 'it' exclusively.

(25) Ex. XXVIII, 33, repeated in connection with the pomegranates, indicates that all the material used there must have been made alike. Hence it is impossible for the twined thread in the robe to be of a twenty-eightfold, as he goes on to explain.

Talmud - Mas. Yoma 72a

plaited of blue.¹ And one may infer from the analogy of 'blue', used also in connection with the curtain, just as there [each of the materials had its threads]² sixfold, so also sixfold here.³ But let us infer from the skirt and the pomegranates, just as there it was eightfold thus also here eightfold? — One may infer for one garment from another, but one may not infer for a garment from an adornment to a garment. On the contrary! One may infer concerning a matter from the matter itself,⁴ but one may not infer for a thing from something outside thereof. For that reason we said:⁵ One, to inform us concerning other garments in connection with which 'shesh' is not used. The curtain twenty-fourfold. Four [strands of material] each of sixfold [threads], there being here neither controversy nor decision.⁶

Whence do we know that [each twined thread of] breast-plate and apron was twenty-eightfold? Because it is written: And thou shalt make a breast-plate of judgment, the work of the skillful workman; like the work of the ephod thou shalt make it; of gold, of blue and purple, and scarlet and fine twined linen⁷ — four kinds of material, each sixfold, amount to twenty-four threads, and of the gold, one thread to each of the sixfold threads of the four materials, four [threads], together twenty-eightfold [twine]. Perhaps the gold too was sixfold? — R. Aha b. Jacob said: Scripture said: And they [did beat the gold into thin plates and] cut it into threads — that means four.⁸ R. Ashi said: Scripture states: To work it in the blue and in the purple.⁹ How should that be done? Shall one make [the gold] four times in twofold, that would amount to eight [fold gold threads]! Shall one make it twice twofold and twice a one single thread? — Surely the word 'make' indicates that all the work in connection therewith must be alike!

Rehaba said in the name of R. Judah: One who makes a tear in priestly garments is to be punished with lashes, for Scripture said: That it be not rent.¹⁰ R. Aha b. Jacob demurred to this: Perhaps this is what the Divine Law Says: Make a hem lest it be torn?¹¹ — But is it written: Lest it be torn?

R. Eleazar said: One who removes the breast-plate from the apron, or who removes the staves of the ark receives the punishment of lashes, because it was said: That it be not loosed from the ephod,¹² and [the staves] they shall not be removed from it.¹³ — To this R. Aha b. Jacob demurred: But perhaps this is what the Divine Law says: Fasten them and arrange them properly [by forcing the chords through the ring], so that they 'be not loosed', or that they 'be not removed'? — Is it written: 'that they be not loosed' or 'that they be not removed'?

R. Jose b. Hanina pointed out a contradiction. It is written: The staves shall be in the rings of the ark: they shall not be taken from it,¹² and it is also written: The staves thereof shall be put into the rings.¹⁴ How is that possible? They were movable, but could not slip off.¹⁵ Thus also was it taught: 'The staves shall be in the rings of the ark'. One might have assumed that they could not be moved from their place. Therefore the text reads: 'And the staves thereof shall be put into the rings'. If I had this verse [to go by] one might have assumed that they could be taken out and put in again. Therefore the text says: 'the staves shall be in the rings of the ark'. How that now? They were movable but could not slip off.

R. Hama b. Hanina said: What is the meaning of the verse: [Thou shalt make the boards of the

tabernacle] of acacia wood, standing up,¹⁶ i.e., they should stand up, even as they grow.¹⁷ Another interpretation: 'Standing up — i.e., they kept up [the gold] they were overlaid with.'¹⁸ Another interpretation: 'Standing up' — one might assume; Their hope [of restoration] is gone,¹⁹ their expectation is frustrated, therefore the text says: 'Standing up, i.e., standing up for ever and ever.

Rabbi Hama b. Hanina said: What is the meaning of the text: The plaited

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- (1) E.V. 'all of blue', *ibid.* 31.
 - (2) V. *supra* p. 341, n. 8.
 - (3) [And the term plaited' implies at least another strand of six threads, hence twelvefold].
 - (4) Skirt and pomegranates are part of the upper garment, hence an inference from them appears more legitimate.
 - (5) V. *supra* p. 340.
 - (6) That is too simple for any dispute, requires no case, and no judge to sit upon it.
 - (7) Ex. XXVIII, 15.
 - (8) *Ibid.* XXXIX, 3. Threads being plural means at least two. When these are cut, at least, or—since there is no qualifying suggestion—four.
 - (9) *Ibid.* [This implies that there must be an admixture of gold with every kind of material].
 - (10) *Ibid.* XXVIII, 32. Since a precaution is prescribed to prevent a rent, obviously the rending thereof is prohibited and transgressions as with any other not otherwise specified offence, incur punishment of lashes.
 - (11) It is a precautionary command but its significance is not that of a prohibition, the transgression of which implies punishment by lashing.
 - (12) Ex. XXVIII, 28.
 - (13) *Ibid.* XXV, 15.
 - (14) *Ibid.* XXVII, 7. (Rashi quotes *Ibid.* XXV, 14). The first passage indicated immovability, the other adjustment, which implies contradiction.
 - (15) The staves at their ends were thicker than the rings, hence could be moved, but not removed entirely.
 - (16) *Ibid.* XXVI, 15.
 - (17) The top on top.
 - (18) [I.e., without the need of nails. V. D.S. a.l.].
 - (19) The hope for restoration is found buttressed by the implication of the text.

Talmud - Mas. Yoma 72b

garments for ministering in the holy place.¹ But for the priestly garments, there would not have remained of the haters² of Israel one to remain or to escape.³ R. Samuel b. Nahmani said: In the school of R. Simeon it was taught: [They were] webs which they cut off the looms in the shape required, leaving a small portion of the unwoven thread.⁴ What was that? — Resh Lakish said: It was needle-work.⁵

An objection was raised.⁶ 'All priestly garments must not be made by needle-work, but by weaving', as it is said: woven work!⁷ — Abaye said: This applies only to their sleeves, as it was taught: The sleeves of the priestly garments were woven apparently and then attached to the garment.⁸ They reached up to the wrist.

Rehaba said in the name of Rab Judah: Three arks did Bezalel make: the middle one of wood, nine [handbreadths] high; the inner one of gold, eight high, the outer one of gold,⁹ a little more than ten high. But it was taught: A little more than eleven [high]?— That is no contradiction: the one opinion agrees with the view that the thickness thereof¹⁰ was one handbreadth, the other was in accord with the view that the thickness thereof was not one handbreadth.¹¹ And what purpose served the 'little more'?¹² — It is the space of the crown.¹³

R. Johanan said: There were three crowns: that of the altar, that of the ark, and that of the table.

The one of the altar Aaron deserved and he received it. The one of the ark, David deserved and received. The one of the ark is still lying and whosoever wants to take it, may come and take it.¹⁴ Perhaps you might think it is of little account, therefore the text reads: By me kings reign.¹⁵

R. Johanan pointed out a contradiction. It is written: Zar [alien] and we read it: zir? i.e., [crown] — If he deserves it, it becomes a wreath unto him; if not it remains alien to him.¹⁶ R. Johanan pointed out another contradiction. It is written: Make thee an ark of wood,¹⁷ and it is also written: And they shall make an ark of acacia wood?¹⁸ Hence one learns that the inhabitants of his city are obliged to do the work of the scholar for him.

Within and without shalt thou overlay it.¹⁹ Raba said: Any scholar whose inside is not like his outside, is no scholar.²⁰ Abaye, or, as some say, Rabbah b. ‘Ulla said: He is called abominable, as it is said: How much less one that is abominable and impure, man who drinketh iniquity like water.²¹ R. Samuel b. Nahmani, in the name of R. Jonathan: What is the meaning of the scriptural statement: Wherefore is there a price in the hand of a fool, to buy wisdom, seeing he hath no understanding,²² i.e., woe unto the enemies of the scholars,²³ who occupy themselves with the Torah, but have no fear of heaven! R. Jannai proclaimed: Woe unto him who has no court, but makes a gateway for his court!²⁴ Raba said to the Sages: I beseech you, do not inherit a double Gehinnom!²⁵

R. Joshua b. Levi said: What is the meaning of the Scriptural verse: And this is the law which Moses set [before the children of Israel]?²⁶ — If he is meritorious it becomes for him a medicine of life, if not, a deadly poison. That is what Raba [meant when he] said: If he uses it the right way it is a medicine of life unto him; he who does not use it the right way, it is a deadly poison.

R. Samuel b. Nahmani said: R. Jonathan pointed out the following contradiction: it is written: The precepts of the Lord are right, rejoicing the heart,²⁷ but it is also written: The word of the Lord is tried?²⁸ If he is meritorious, it rejoices him; if not, it tries him.²⁹ Resh Lakish said: From the body of the same passage this can be derived: If he is meritorious, it tests him unto life; if not, it tests him unto death.³⁰ The fear of the Lord is pure, enduring forever.³¹ R. Hanina said: This refers to one who studies the Torah in purity. What does that mean? — He marries a woman and afterwards studies the Torah.³²

The testimony of the Lord is sure, making wise the simple.³³ R. Hiyya b. Abba said: It [the Torah] may be entrusted to testify as to those who study it. ‘The work of the skillful workman³⁴ . . . the work of the skillful embroiderer.³⁵ R. Eleazar said: Those embroidered over what they had traced. It was taught in the name of R. Nehemiah: The embroiderer's is needle-work, therefore it has only one [visible] figure. The designer's is weaving work, therefore it has two different figures.³⁶

IN THESE WERE THE URIM AND THUMMIM INQUIRED OF. When R. Dimi came [from Palestine] he said: In the garments wherein the high priest officiates, the [priest] Anointed for Battle officiates, as it is said: And the holy garments of Aaron shall be for his sons after him,³⁷ i.e., for him who comes after him in greatness [of office]. R. Adda b. Ahabah, some say Kadi, raised an objection: One might have assumed that the son of the Anointed for Battle succeeds him in service, even as the son of the high priest succeeds him in service,

(1) Ex. XXXV, 19.

(2) Euphemistic for Israel — a calamity is foreshadowed only in indirect fashion.

(3) The root sarad (to plant) also means ‘leaving over’, hence the interpretation: the garments of escape, because they brought atonement for Israel, thereby preventing their extinction.

(4) Here the term is explained as the garments, one part of which was left over unwoven, or unmade.

(5) [This is difficult, nor is the text apparently quite in order. According to Rashi the meaning is, what is done with the unwoven remnant? And the answer is that it is cut off, woven separately and then sewn on to the main garment].

- (6) Zeb. 88a.
- (7) Ex. XXVIII, 32.
- (8) According to Resh Lakish, then, the unwoven remnant would be used in connection with the sleeves.
- (9) Reading with Bah.
- (10) Of the outer ark.
- (11) [In order to understand the distinction thus drawn, it is well to remember that the three arks were open at the top; consequently if the thickness of the outer one was less than one handbreadth, a height of ten handbreadths and a little more would suffice: nine handbreadths corresponding to the height of the middle ark (when measured from without) and a fraction of a handbreadth to allow for the thickness of the outer ark at the bottom, while one extra handbreadth was necessary for the mercy seat which was inserted between the two side boards of the outer ark to rest upon the thickness of the sides of the two smaller arks. If, however, the thickness of the outer ark was one handbreadth, its height, measured from outside would then have to be at least ten handbreadths whilst for the purpose of the mercy seat an extra handbreadth would be necessary, making a total of eleven. As to the need of the 'little more' this will be explained soon. V. Rashi].
- (12) Mentioned in the Baraitha, v. supra n. 1.
- (13) [V. Ex. XXV, 11. The side boards of the outer ark projected beyond the mercy seat that was inserted between them (cf. n. 1), a kind of rim (crown)].
- (14) Aaron, the first high priest, obtained the crown of priesthood, symbolized by the altar; David, the crown of kingdom; but there is no hereditary crown of learning, it must be acquired by each individual. The aspirants, however, are not many, hence it is still lying unclaimed.
- (15) Prov. VIII, 15. Wisdom is identified with Torah, through which it is acquired.
- (16) The Hebrew spelling of wreath may include the letter 'yod', without it the word might be read 'zar', stranger, hence the illustrative suggestion.
- (17) Deut. X, 1.
- (18) Ex. XXV, 10.
- (19) Ibid. II.
- (20) Inside and outside there should be the same golden character.
- (21) Job XV, 16; rendered, one who drinketh the water of the Torah and yet has iniquity in him.
- (22) Prov. XVII, 16. Wisdom is knowledge of the Torah, understanding is moral rightness, based on fear of heaven. Hence this interpretation.
- (23) Euphemism for 'scholars'.
- (24) Fear of the Lord is the court, the goal. Learning should lead to it. Learning (the gateway) without reverence (the goal) is wasteful, sinful.
- (25) The Mishnah, Aboth VI, indicates that acquisition of the Torah depends upon a frugal way of living, a reduction of the margin of joy to a minimum. The reward is to come in after-life. Such reward depends upon reaching the goal of study; fear of heaven. One who now engages in Torah-study without possessing fear of heaven, suffers in this world, wherein he denies himself pleasure for the sake of his study, as well as in the other world, where because he had no fear of heaven, reward will be denied, punishment inflicted.
- (26) Deut. IV, 44.
- (27) Ps. XIX, 9.
- (28) Ibid. XVIII, 31.
- (29) Here the part. passive is interpreted as active, 'tested' becomes 'testing'.
- (30) It tries and refines him, so that he lives a finer life. It tries him by suffering, which ultimately destroys him.
- (31) Ps. XIX, 10.
- (32) So that he is undisturbed by impure thoughts.
- (33) Ibid. 8.
- (34) Ex. XXVI, 31.
- (35) Ibid. v. 1.
- (36) On the two sides of the cloth.
- (37) Ibid. XXIX, 29.

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therefore the text reads: Seven days shall the son that is priest in his stead put them on, even he who cometh into the tent of meeting [etc.],¹ i.e., he who is worthy of entering the tent of meeting. Now if this were the case,² then he too would be fit [to enter the tent of meeting]? — R. Nahman b. Isaac said: This is what it means: Whosoever was mainly anointed for the [purpose of] the tent of meeting, that excludes him who was anointed mainly for Battle.

The following objection was raised: The Anointed for Battle officiates neither in four garments, like a common priest, nor in eight like a high priest? — Abaye said: Would you render him then a common man?³ Rather: Neither like a high priest, for the sake of preventing ill-feeling;⁴ nor like a common priest, because one promotes to a higher degree of sanctity, but one must not degrade'. R. Adda b. Ahabah said to Raba: But there is a Tanna who pays no attention to the prevention of ill-feeling, yet according to him, he does not officiate?⁵ For it was taught:⁶ In the following points a high priest differs from a common priest: the bullock of the priest anointed;⁷ and the bullock due in case of [unwitting] transgression of any commandment;⁸ the bullock of the Day of Atonement; the tenth of the ephah;⁹ he does not unbind his hair, nor rend his clothes.¹⁰ But he [the high priest] tears his garments from below, and the common priest tears his from above; he must not defile himself for his [deceased] relatives;¹¹ he is under obligation to marry only a virgin;¹² is prohibited from marrying a widow;¹³ causes the slayer to return;¹⁴ as onen [mourner]¹⁵ he may offer up a sacrifice but may not eat or take a share thereof; he receives his portion first and takes first part in the offering [of the sacrifice]; he officiates in eight garments; is exempt¹⁶ [from a sacrifice] for [an unwitting transgression of] defilement relating to the Sanctuary and its hallowed thing, and the whole service of the Day of Atonement is legitimate only when performed by him. All these [laws] apply also to priests consecrated by a larger number of official garments, with the exception of the bullock to be offered up for the transgression of any commandment. All these apply to the high priest who has passed from his high priesthood,¹⁷ with the exception of the bullock of the Day of Atonement and the tenth of the ephah. All these things do not apply to the priest Anointed for Battle, with the exception of five matters mentioned in that portion of the section: he does not unbind his hair, nor rend his clothes; nor defile himself with any [deceased] relative; is obliged to marry a virgin; forbidden to marry a widow; and causes the slayer to return-according to R. Judah; whereas, according to the Sages, he does not cause him to return.¹⁸ Whence does he [the Tanna] consider [the question of] enmity [to arise]? Only with regard to one of similar rank.¹⁹ But with one of inferior rank he does consider it.²⁰

R. Abbahu was sitting and reporting this teaching in the name of R. Johanan, whereupon R. Ammi and R. Assi averted their faces.²¹ (Some say it was R. Hiyya b. Abba who reported this teaching, whereupon R. Ammi and R. Assi averted their faces). To this R. Papa demurred: Granted [that they could not say anything against] R. Abbahu, because of the high regard the Imperial house had for him, but as for R. Hiyya b. Abba, they should have told him explicitly that R. Johanan had not said so!

When Rabin came, he said: This²² was stated with reference to the time when he is consulted.²³ Thus also was it taught: The garments which the high priest wears when he officiates the Anointed for Battle wears when he is consulted.

Our Rabbis taught: How were [the Urim and Thummim] inquired of? — The inquirer had his face directed to him who was consulted, and the latter directed himself to the Divine Presence. The inquirer said: Shall I pursue after this troop?²⁴ He who was consulted answered: 'Thus saith the Lord: Go up and succeed'! R. Judah said: He need not say, 'This saith the Lord' but only 'Go up and succeed' — One does not inquire in a loud voice, as it is said: Who shall inquire for him;²⁵ neither shall one but think thereof in one's heart, as it is said: 'Who shall inquire for him';²⁵ but rather in the manner in which Hannah spoke in her prayer, as it is said: Now Hannah, she spoke in her heart.²⁶

One should not put two questions at the same time; if one has done so, only one [question] is answered; and only the first [question] is answered, as it is said: Will the men of Keilah deliver me up into his hand? Will Saul come down,²⁷ etc. . . . and the Lord said.' He will come down.²⁷ But you said: Only the first [question] is answered? — David had asked

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- (1) I.e., on the Day of Atonement. Ibid. v. 30.
 - (2) That the Anointed for Battle officiates in eight garments.
 - (3) I.e., a non-priest.
 - (4) It is only Rabbinic enactment that interferes therewith, because of the desire of the Sages to prevent ill-feeling. By the law of the Torah, the Anointed for Battle could officiate.
 - (5) In the eight garments.
 - (6) Mishnah Hor. III, 4,5.
 - (7) Rashi and others omit, as this is the same as the item that follows.
 - (8) V. Lev. IV, 3.
 - (9) Ibid. VI, 13: This is the offering of Aaron and his sons . . . in the day when he is anointed: the tenth part of an ephah of fine flour for a meal-offering.
 - (10) In the case of mourning.
 - (11) Lev. XXI, 11. These relatives include father, mother, wife, son and daughter, brother or sister.
 - (12) Ibid. v. 13.
 - (13) Ibid. v. 14.
 - (14) When the priest dies, the slayer without intent returns from the city of refuge. Num. XXXV, 10ff.
 - (15) For (Lev. XXI, 12): Neither shall he go out of the Sanctuary. He is called 'onen', whilst his dead lie unburied on the day of death.
 - (16) V. Hor. 12b.
 - (17) Who acted as substitute for the high priest, v. supra 12b.
 - (18) Though this Tanna does not consider here the question of ill-feeling, since he rules that the high priest who passed from his high priesthood continues to officiate with eight garments, and yet the Anointed for Battle he permits the use only of four garments.
 - (19) The substitute enjoyed the same rank as the high priest.
 - (20) The Anointed for Battle is of inferior rank to the high priest, and the donning of eight garments would arouse ill-feeling in the high priest.
 - (21) Refusing to accept the report that R. Johanan had said this.
 - (22) The statement that the Anointed for Battle wears the same eight garments which are the high priest's official garb.
 - (23) By means of the Urim and Thummim.
 - (24) I Sam. XXX, 8.
 - (25) Num. XXVII, 21.
 - (26) I Sam. I, 13.
 - (27) Ibid. XXIII, 11.

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in wrong order and received his answer in right order.¹ And as soon as he knew that he had asked in wrong order, he asked again in right order, as it is said: Will the men of Keilah deliver up me and my men in to the hand of Saul? And the Lord said.' They will deliver thee up.² But if the occasion required both questions, both were answered, as it is said: And David inquired of the Lord, saying: Shall I pursue after this troop? Shall I overtake them? And He answered him: pursue; for thou shalt surely overtake them and shalt without fail recover all.³ And although the decree of a prophet could be revoked, the decree of the 'Urim and Thummim' could not be revoked, as it is said: By the judgment of the Urim. Why were they called 'Urim and Thummim'? 'Urim' because they made their words enlightening.⁴ 'Thummim' because they fulfil their words. And if you should ask: Why did they not fulfil their words in Gibeah Benjamin?⁵ It is because they did not inquire⁶ [whether the result would be] victory or defeat.⁷ But at last, when conquered, they [the Urim and Thummim]

approved their action, as it is said: And Phinehas, the son of Eleazar, the son of Aaron, stood before it in those days, saying: 'Shall I yet again go out to battle against the children of Benjamin my brother, or shall I cease?' and the Lord said: Go up, for tomorrow I will deliver him into thy hand.⁸

How was it effected? — R. Johanan said: [The letters] stood forth.⁹ Resh Lakish said: They joined each other. But the 'Zade' was missing?¹⁰ R. Samuel b. Isaac said: They contained also the names of Abraham, Isaac and Jacob. But the 'Teth', too, was missing? — R. Aha b. Jacob said: They contained also the words: The 'tribes'¹¹ of Jeshurun.

An objection was raised: No priest was inquired of who does not speak by means of the Holy Spirit and upon whom the Divine Presence does not rest, for Zadok inquired and succeeded, whilst Abiathar inquired and failed, as it is said: But Abiathar went up until all the people had done passing out of the city?¹² — He helped along.¹³

AND ONE INQUIRED ONLY FOR A KING. Whence do we know these things? — R. Abbahu said: Scripture said, And he shall stand before Eleazar the priest, who shall inquire for him by the judgment of the Urim;¹⁴ 'he' i.e., the king, 'and all the children of Israel with him', i.e., the [priest] Anointed for Battle, 'even all the congregation', that is the Sanhedrin.

CHAPTER VIII

MISHNAH. ON THE DAY OF ATONEMENT IT IS FORBIDDEN TO EAT, TO DRINK, TO WASH, TO ANOINT ONESELF, TO PUT ON SANDALS,¹⁵ OR TO HAVE MARITAL INTERCOURSE.¹⁶ A KING OR BRIDE¹⁷ MAY WASH THE FACE, AND A WOMAN AFTER CHILDBIRTH¹⁸ MAY PUT ON SANDALS. THIS IS THE VIEW OF R. ELIEZER. THE SAGES, HOWEVER, FORBID IT. IF ONE EATS THE BULK OF A LARGE DATE, THE LIKE THEREOF, WITH ITS STONE INCLUDED, OR IF HE DRANK A MOUTHFUL, HE IS CULPABLE.¹⁹ ANY FOODS COMPLEMENT ONE ANOTHER IN MAKING UP THE BULK OF A DATE, AND ALL THE LIQUIDS COMPLEMENT ONE ANOTHER IN MAKING UP A MOUTHFUL, BUT WHAT A MAN EATS AND DRINKS DOES NOT GO TOGETHER.²⁰

GEMARA. [Merely] FORBIDDEN? But surely punished with extirpation?²¹ — R. Ela, or as some say, R. Jeremiah, said: This refers only to less than the legal quantity.²² That will be right according to the view that even less than legal quantity is for — bidden by the law of the Torah, but what can be said according to the view that less than the legal quantity is permitted by the law of the Torah? For it was said: As for less than the legal quantity, R. Johanan holds it forbidden by the law of the Torah, but Resh Lakish considers it permitted by the law of the Torah. Now [the above answer] would be right according to R. Johanan, but what can be said according to Resh Lakish? — Resh Lakish would agree that [less than the legal quantity] is forbidden by [decree of] the Rabbis.²³ If that be the case, one should not be liable on account thereof to offer a sacrifice for an oath,²⁴ why then did we learn:²⁵ [If one had sworn] an oath not to eat carrion, trefah things,²⁶ abominable²⁷ or creeping things, and then had eaten thereof, he is culpable? R. Simeon holds him not culpable. And we raised the point in connection therewith: Why should he be culpable? Surely he stands committed to the oath²⁸ from Mount Sinai on! [And] Rab, Samuel and R. Johanan [in reply] said [it is a case] when he includes things permitted in the oath touching foods forbidden,²⁹ whereas Resh Lakish said: This cannot be explained except where he either expressly refers to less than the legal quantity, and that in accord with the view of the Sages,³⁰ or that he made a general statement

(1) He should have asked first: Will Saul come down? Then, Will they deliver me up?

(2) I Sam. XXIII, 12.

(3) Ibid. XXX, 8.

(4) Ety. 'Urim' - lights. 'Thummim' - tam-to be complete, perfect; here true, fulfilled.

- (5) Judg. XX.
- (6) [The text of cur. edd. is not clear and the rendering follows the reading of MS.M. Rashi, on the basis of the present text, explains: They (the Urim and Thummim) did not state clearly, etc.].
- (7) The single question was who should lead them.
- (8) Judg. XX, 28.
- (9) The names of the twelve sons of Jacob were inscribed on the Urim and Thummim. The answer always came through the letters which stood in relief.
- (10) The names of the twelve sons did not include that letter.
- (11) The Hebrew of which includes a teth.
- (12) II Sam. XV, 24. [This is explained, that he retired from the priesthood because he received no reply from the Urim and Thummim. This in turn would indicate that it is the Holy Spirit resting on the priest that gives that reply and not the letters of the Oracle].
- (13) By the priests' merit the oracle came forth.
- (14) Num. XXVII, 21.
- (15) Or any shoes of leather. Tosef. Yoma IV: 'Even cloth-shoes'.
- (16) The term literally means 'use of the bed'.
- (17) Within the first month after the wedding.
- (18) Lit., 'one reconvalescing', whose health is still delicate and to whom a cold may prove dangerous. Leather shoes will protect her against such contingency.
- (19) V. Lev. XXIII, 29.
- (20) To make up the culpable quantity.
- (21) The term forbidden may mean: either unlawful but, de facto, unpunished; or normally: punished with lashes. But transgression by eating would be punished with extirpation, kareth (v. Glos.).
- (22) Lit., 'half the standard'. The usual legal quantity of forbidden foods is the bulk of an olive; on the Day of Atonement, the bulk of a big date. Any less than that, though the eating thereof does not involve one in the prescribed punishment, nevertheless constitutes a transgression. That is what the Mishnah indicates by the term 'forbidden' i.e., in any quantity.
- (23) Even though less than the legal minimum does not involve punishment according to Biblical law, or indeed, may not be forbidden at all, Rabbinical law, as a fence around the laws of the Torah, may declare less than a minimum forbidden, or punishable, too. The dispute between R. Johanan and Resh Lakish would hinge on the question as to whether forbidden foods are so considered in any quantity, however small, or whether the term 'eating' etc. implies a definite minimum below which no transgression at all can be said to have taken place.
- (24) I.e., if someone has sworn that he would not eat less than the legal quantity of a forbidden food. Since that food is forbidden, he has, as it were, already sworn on Mount Sinai, not to eat it; the present oath, therefore, has no force, for the transgression of which no sin-offering is necessary (v. Shebu. 27a).
- (25) Shebu. 21a.
- (26) The word trefah. lit., 'torn', means any kind of abnormal, irregular, ritually inadmissible food. Nebelah 'carrion' refers to the flesh of animals which had died a natural death, or in connection with the ritual slaughtering of which a basic mistake or irregularity had been committed.
- (27) Lev. XI, 11, 31, 42, 46.
- (28) Israel swore their allegiance to the Torah, and that oath binds every Israelite.
- (29) Had he sworn not to eat forbidden things, such oaths would imply his non-culpability in case of transgression, i.e., as far as the oath is concerned. But, by including things permitted, he swears an oath, the effect of which is to prohibit for him the eating of otherwise permissible foods. Hence the transgression implies the obligation of sacrifice.
- (30) The Sages hold that an oath 'I will not eat a certain thing' implies 'I will not eat as much as the legal minimum', hence he could be guilty in the case of having eaten less than that only if he had expressly stated: I shall not eat anything at all of that food, his special declaration investing his oath with validity in the case of an infinitesimal amount of the food now forbidden to himself.

Talmud - Mas. Yoma 74a

and in accord with R. Akiba, who said that a man may prohibit to himself anything in any quantity,¹

however small.² And if you would say that since it is permitted by the Torah, [the law relating to the] sacrifice for an oath is operative,³ surely we learned: An 'oath of testimony'⁴ applies only to those qualified to bear witness;⁵ and we raised the point: what does that mean to exclude, whereupon R. Papa said: This excludes a king, and R. Aha b. Jacob said: This excludes a professional dice-gambler.⁶ Now a dice-player, as far as Biblical law is concerned, is qualified to bear witness and only the Rabbis declared him unfit, and yet an oath does not apply to him?⁷ There it is different, for Scripture said: If he do not utter it,⁸ and this man cannot make a [valid] utterance.⁹

Now would you say that wherever the punishment is extirpation the term 'forbidden' is not used?¹⁰ Surely it was taught: Although the term 'forbidden' was used in connection with all of them,¹¹ the punishment of extirpation applies only to him who eats or drinks, or engages in labour? — This is what is said: When the term 'forbidden' is used, it is applied but to less than the legal minimum, but where the legal minimum has been transgressed the punishment involved is extirpation; and also extirpation is the penalty, that is the case only with him who eats or drinks or engages in labour. Or, if you like, say: When [the Mishnah] uses the term 'forbidden', it refers to the rest [of the transgressions],¹² for Rabbah and R. Joseph taught in the other books of the School of Rab:¹³ Whence do we know that it is forbidden on the Day of Atonement to anoint oneself, to wash, to put on shoes, and to have marital intercourse? Therefore the text reads: [It] is a Sabbath of solemn rest [unto you].¹⁴ [To turn to] the main text: As for the matter of less than the legal minimum, R. Johanan said: It is forbidden by Biblical law, whilst Resh Lakish said: It is permitted by Biblical law. R. Johanan said, It is forbidden by Biblical law; since it could be joined [to form a minimum] it is forbidden food that he is eating. Resh Lakish said: It is permitted by Biblical law, for the Divine Law speaks of eating and this is not [eating].¹⁵ — R. Johanan raised the following objection against Resh Lakish: I know only that whatsoever involves punishment is subject to a prohibition; but in the case of the koy,¹⁶ and what is less than the legal minimum, since they do not involve punishment, I might say that they are not subject to a prohibition either, therefore the text reads: No fat.¹⁷ — This is only Rabbinical and the text [adduced] is but a mere support. And that is also logical. For if one should assume that the prohibition is Biblical, surely [the status of] the koy is doubtful and no Scriptural text is necessary to cover a doubtful¹⁸ case! — Were it only for this there would be no argument, they would hold

(1) R. Akiba, on the other hand, holds that a legal minimum exists only in the case of foods etc. forbidden by the Torah, whereas a man who forbids himself by oath any kind of permitted food, implies that he would not partake of any quantity, however small, thereof.

(2) Now, if Resh Lakish held that even less than the legal minimum is forbidden by Rabbinical decree, then how could he endeavour to explain the case of the man taking the oath as applying to one eating less than the legal minimum? For, since he is interdicted to eat by the law of Deut. XVII, 11: According to the law which they shall teach thee ... thou shalt do . . . thou shalt not turn aside... to the right hand or to the left, from eating food Rabbinically forbidden, his oath is inoperative, hence does not oblige him to offer a sacrifice for his transgression thereof.

(3) Shebu. 30a. The answer of Resh Lakish would endeavour to make a distinction between things forbidden by the Torah, the oath re-forbidding the same to oneself would be considered inoperative and would free the swearer, in the case of transgression, from the obligation to offer up a sacrifice — and things permitted by the Torah, to which the oath could apply, so that if one swore not to eat less than the legal minimum which, because below the legal quantity, would be permitted by the law of the Torah and forbidden only by Rabbinic decree, the oath would operate, and in the case of transgression he would have to bring a sacrifice.

(4) Lev. V, 1f.

(5) V. Shebu. 30a.

(6) The king can neither testify, nor be testified against, because of his exalted position; the gambler cannot testify, because his profession renders him, hence his statements or pledges, untrustworthy.

(7) By Biblical law one is considered a robber only if one actually robs from one's hand, as in II Sam. XXIII, 21 where the technical term 'gagal', rob, is used: He (plucked — lit., 'robbed') the spear out of his hand; v. also B.K. 79b. So that, if the oath does not apply to a gambler, although by Biblical law, he is not prevented from testifying, the proposed

distinction is unjustified.

(8) Lev. V, 1.

(9) It means: One whose utterance not merely means speech, but words of meaning, words to be trusted, whereas this gambler's words, since he is untrustworthy, are, legally speaking, no utterance at all.

(10) As insufficient, hence misleading; this being the reason for the first question here in the Gemara.

(11) All the things forbidden, as enumerated in our Mishnah.

(12) Not eating and drinking.

(13) From the School of Rab emanated halachical commentaries not only on Leviticus, but on Numbers and Deuteronomy as well.

(14) Lev. XVI,31 interpreted here as solemn rest not only from work, but from the usual occupations, such as eating, drinking, washing, anointing and having marital intercourse. Just as the term 'solemn day of rest' in connection with the Sabbath is, by the Sages, interpreted as including all manner of work, even not employed in connection with the building of the Sanctuary, so does that term here imply affliction by rest, as above.

(15) Since below the minimum it may be nibbling, but it is eating that is forbidden.

(16) A kind of bearded deer or antelope (Jast.). It is left undecided as to whether it belongs to the genus of cattle, the tallow of which is forbidden, or to beasts of chase, the tallow of which is permitted.

(17) Lev. VII, 23. This proves that less than a legal minimum is prohibited by the Torah.

(18) Since there is no doubt before the Divine Lawgiver, no Scriptural text would be necessary to cover a doubtful situation.

Talmud - Mas. Yoma 74b

the koy is a creature by itself. For if you were not to say so, how could R. Idi b. Abin say: 'Also all' includes the koy,¹ since the koy is a doubtful case and surely no Scriptural text is necessary to cover doubtful cases. Hence [what you must say is] a 'creature by itself' is a different case, thus also here [say] 'a creature by itself' is a different case.

Our Rabbis taught: Ye shall afflict your souls.² One might assume that one must sit in heat or cold in order to afflict oneself, therefore the text reads: And ye shall do no manner of work;² just as the [prohibition of] labour [means]: sit and do nothing, so does [the enjoinder of] affliction [signify]: sit and do nothing.³ But say perhaps: If one sit in the sun and is warm, one may not say unto him: rise and sit in the shade; or, when he sits in the shade and is cool, one may not tell him: rise and sit in the sun?⁴ — It is as with labour: Just as you have made no distinction with regard to labour, so in connection with the [prescribed] affliction⁵ is no distinction to be made. Another [Baraita] taught: 'Ye shall afflict your souls'. One might assume that one must sit in heat or cold to afflict oneself, therefore Scripture said: 'And ye shall do no manner of work'. Just as in connection with work [the reference is to] something for which one may become culpable also in another connection,⁶ so with affliction it is to something for which one might become culpable in another connection, and what is that? 'An abhorred thing',⁷ or that which remaineth.⁸ I shall then include only 'the abhorred thing' or that which remaineth, because the penalty there is extirpation but not include *tebel*,⁹ since the penalty involved therein is not extirpation, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls',¹⁰ which is inclusive. I might then include *tebel*, the punishment in connection with which is death,¹¹ but not include *carrion*, the penalty for eating which is not death, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include the [eating of] *carrion*, which involves a [transgression of a] prohibition, but not profane food, [the eating of] which is not prohibited at all, therefore Scripture said: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include profane food, the eating of which is not commanded, but exclude *terumah*,¹² the eating of which is commanded, therefore Scripture said: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. I might then include *terumah*, which is not subject to the law concerning remaining over, but exclude holy sacrifices, in connection with which the law concerning remaining over applies, therefore the text reads: 'Ye shall afflict', 'and ye shall afflict your souls', which is inclusive. And if you should have any remark [in objection

thereto], [I can reply], Behold Scripture said: And I will destroy that soul,¹³ i.e., an affliction which causes a destruction of life, and what is that but [the denial of] eating and drinking? What is [meant by]: And if you should have any remark [in objection thereto]? — One might have said Scripture speaks here of marital intercourse,¹⁴ therefore the text reads: ‘And I will destroy that soul’, i.e., an affliction which causes the destruction of life, and that is [the abstention from] eating and drinking. The School of R. Ishmael taught: Here the phrase ‘affliction’ is used, and there¹⁵ the term ‘affliction’ is used; just as there an affliction through hunger is meant, so is here an affliction through hunger meant. But let us infer from: ‘If thou shalt afflict my daughters’?¹⁶ — One should infer concerning the affliction of a community from another affliction of a community, but not for the affliction of a community from the affliction of an individual. But let us infer it from the ‘affliction’ in Egypt, as it is said: And [the Lord] saw our affliction,¹⁷ and in connection with which we said: This is the enforced abstinence from marital intercourse? — Rather [answer thus]: One infers for a heavenly affliction from another heavenly affliction, but one should not infer concerning a heavenly affliction from an affliction through human beings.¹⁸

Who fed thee in the wilderness with manna . . . that He might afflict thee.¹⁹ R. Ammi and R. Assi [are disputing], one said, You cannot compare one who has bread in his basket with one who has none,²⁰ the other said: You cannot compare one who sees what he eats with one who does not see what he is eating.²¹ R. Joseph said: This is an allusion to [the reason] why blind people eat on without becoming satisfied. Abaye said: Therefore let him who has a meal eat only in daylight. R. Zera said: What Scriptural verse intimates that? Better is the seeing of the eyes than the wandering of the desire.²² Resh Lakish said: Better is the pleasure of looking at a woman than the act itself as it is said: ‘Better is the seeing of the eyes than the wandering of the desire’.

When it giveth its colour in the cup, when it glideth down smoothly.²³ R. Ammi and R. Assi [dispute concerning it], one said: Whosoever fixes

(1) V. Hul. 21a with reference to the blood of the koy.

(2) Lev. XVI, 29.

(3) The affliction enjoined is negative; deny to yourself certain things, abstain from them. It does not demand self-affliction by specific activity, such as sitting in the sun on a hot day.

(4) In this case affliction would take the negative form of abstaining from comfort, in accord with the proposition suggested.

(5) Labour, in any form, is prohibited. Just as one is not obliged to engage in positive work of affliction, the negative form of abstention from getting comfort. Hence, just as one need not go out of comfortable shade into the sun for the purpose of afflicting oneself, so need one not abstain from a change into shade in order to be afflicted in the sun.

(6) Namely on the Sabbath.

(7) A sacrifice rejected in consequence of an improper intention in the mind of the sacrificing priest, v. Lev. VII, 18.

(8) Portions of sacrifices left over beyond the legal time.

(9) Produce forbidden until the priestly gifts have been separated.

(10) Lev. XVI, 31.

(11) At the hands of heaven.

(12) The priest's share of the crop, one fiftieth of the dough, Num. XVIII, 8, 25.

(13) Lev. XXIII, 30.

(14) The term ‘affliction’ is used for the abstention therefrom, as well as for rape, in the Talmud (infra 77a) as well as in the Bible, Deut. XXII, 24 and elsewhere.

(15) Ibid. VIII, 3.

(16) Gen. XXXI, 50.

(17) Deut. XXVI, 7.

(18) It was God who afflicted Israel in the wilderness, Who bids them afflict themselves — thus may be said to afflict them Himself- on the Day of Atonement, whereas in Egypt it was Pharaoh who afflicted them.

(19) Deut. VIII, 16.

(20) V. Supra 18b.

(21) The taste of the manna according to tradition varied according to one's liking (v. infra), so that he who ate it did not see actually the thing which he was tasting].

(22) Eccl. VI, 9.

(23) Prov. XXIII, 31.

Talmud - Mas. Yoma 75a

his eye in the cup,¹ all incestual intercourse appears to him like a plain;² the other said: One who indulges in his cup, the entire world appears to him like a plain.³

Care in the heart, boweth it down.⁴ R. Ammi and R. Assi [explained it differently], one said: One should force it down,⁵ the other said: One should tell thereof to others.⁵

And dust shall be the serpent's food.⁶ R. Ammi and R. Assi [disputed its meaning], one said: Even if the serpent were to eat all the delicacies of the world, he would feel therein but the taste of dust; the other said: Even though he ate all the delicacies of the world, his mind would not be at ease until he had eaten dust.

It was taught: R. Jose said, Come and see how different the action of human beings is from that of the Holy One, blessed be He. If one of flesh and blood is angry with his neighbour he persecutes him as far as depriving him of his livelihood, but it is different with the Holy One, blessed be He. Although He cursed the serpent, yet when he goes up to the roof, there is his food; if he goes down, there is his food. He cursed Canaan:⁷ yet he eats what his master eats, drinks what his master drinks. He cursed the woman,⁸ all are running after her. He cursed the earth,⁹ all are feeding from it.

We remember the fish which we were wont to eat in Egypt for nought.¹⁰ Rab and Samuel [were disputing its meaning], one said: [Fish here means] real fish; the other said: Illicit intercourse.¹¹ One who said it means real fish [explains it so because of] 'which we were wont to eat'; the other who interprets it as 'illicit intercourse', does so because the term 'for nought' is used.¹² But according to him who said it means 'intercourse', does not Scripture read: 'Which we were wont to eat'? — Scripture uses an euphemism, as it is written: She eateth and wipeth her mouth and saith: I have done no wickedness.¹³ What does 'for nought' mean according to him who says they were real fish? — They were brought to them from public property, for a Master taught: When the Israelites were drawing water, the Holy One, blessed be He, prepared for them in the water little fish for their pitchers. According to him who said 'real fish', but with regard to illicit intercourse [he holds] they were not dissolute, it will be quite right that Scripture said: A garden shut up is my sister, etc.¹⁴ but according to the view that fishes mean 'illicit intercourse', what 'fountain sealed' is here? — They were not dissolute with regard to forbidden relations.¹⁵ It will be right according to him who interprets it as 'illicit intercourse', hence Scripture said: And Moses heard the people weeping for their families,¹⁶ i.e., because of the families [relations] with whom they were forbidden to have intercourse; but according to him who interprets it as 'fish', what does 'weeping for their families' mean? — Both¹⁷ are implied.

The cucumbers and the melons.¹⁸ R. Ammi and R. Assi [were disputing its meaning], one said: They found in the manna the taste of every kind of food, but not the taste of these five;¹⁹ the other said: Of all kinds of food they felt both taste and substance, but of these the taste only without the substance.

Now the manna was like gad [coriander] seed.²⁰ R. Assi said [it was] round like a seed [of coriander] and white like a pearl.

Our Rabbis taught: ‘Gad’ i.e., the manna resembled the seed of flax in its capsules. Others say: ‘Gad’ i.e., it was like a tale, which draws the heart of man, even like water.²¹ Another [Baraita] taught: ‘Gad’, because it revealed to Israel whether the child was one of nine months’ pregnancy from the first husband, or of seven months’ [pregnancy] from the second.²² ‘White’,²³ because it makes white [cleanses] the sins of Israel.

It was taught: R. Jose said: Even as the prophet would tell Israel what is to be found in clefts or holes so would the manna reveal to Israel what is to ‘be found in clefts or holes’. How that? If, e.g., two men came before Moses with a law-suit, one saying: You have stolen my servant, the other saying: You have sold him to me, Moses would say to them: To-morrow judgment will be pronounced. To-morrow, then: If his [the slave's] ‘omer was found in the house of his first master, it was evidence that the other one had stolen him; if it was found in the house of his second master, that was proof that the former had sold him to the latter. Similarly, if a man and a woman came before Moses with a suit, he saying: She acted offensively against me, and she asserting: He acted offensively against me, Moses would say to them: To-morrow judgment will be pronounced. On the morrow: If her ‘omer was found in her husband's house, that was proof that she had acted offensively, but if it was found in her father's house, that was evidence that he had acted offensively towards her.²⁴

It is written: And when the dew fell upon the camp in the night, the manna fell upon it,²⁵ and it is also written: And the people shall go out and gather,²⁶ and it is written too: The people went about and gathered it.²⁷ How all that?²⁸ — Unto the righteous it fell in front of their homes; the average folk went out and gathered, whereas the wicked ones had to go about to gather it. It is written: ‘bread’,²⁶ and it is written, [dough of] ‘cakes’,²⁹ and it is written, ‘they ground it’.²⁹ How that? — The righteous received it as bread, the average Israelites as [dough of] cakes, and the wicked ones had to grind it in the handmill. Or beat it in mortars.³⁰ Rab Judah said in the name of Rab, or as some say, R. Hama b. Hanina: That teaches that there came down to Israel with the manna the cosmetics for women, i.e., a thing that is ground in a mortar. And seethed it in pots.³⁰ R. Hama said: This intimates that with the manna there came down to Israel the ingredients for pudding.

And they brought yet unto him freewill-offerings every morning.³¹ What does ‘every morning’ mean? — R. Samuel b. Nahmani, in the name of R. Jonathan said: [This:] Of those things which came down every morning intimates that, together with the manna, there came down to Israel precious stones and pearls, as it is said: And hanesi'im brought the onyx stones;³² [and] it was taught: [nesi'im here means]: clouds literally, as it is said also: As clouds [nesi'im] and winds, without rain.³³ And the taste of it was as the taste of a cake baked with oil.³⁰ R. Abbuha said: [Do not read le-shad (cake), but shad (breast)]³⁴ viz: Just as the infant finds very many a flavour in the breast, so also did Israel find many a taste in the manna as long as they were eating it. Some there are who say: [‘Le-shad’ means] a real demon; even as the demon changes into many colours, so did the manna change into many tastes.³⁵

And Moses said: This shall be when the Lord shall give you in the evening flesh to eat, and in the morning bread to the full.³⁶ A Tanna [taught] in the name of R. Joshua b. Karhah: The flesh for which they asked improperly was given to them at an improper time;³⁷

(1) The Talmud takes the passage in this sense: When he puts his eye i.e., devotes his attention to the cup, when he is drunk.

(2) ‘Mesharim’ (‘smoothly’) is connected with meshor, ‘a plain’.

(3) In his drunken state the man overlooks all handicaps to his desire, be they directed against illicit intercourse or against his neighbour's property.

(4) Prov. XII, 25.

(5) One connects the word yashhenna (boweth it down) with the Hebrew nassah, ‘to remove’; the other with the Hebrew

suh, 'to speak'.

(6) Isa. LXV, 25.

(7) Gen. IX, 26. God did not really curse him, it was Noah who did so. But by decreeing that Canaan be a slave, He seems to confirm Noah's curse.

(8) Here, too, God did not really curse the woman, unless the punishment He meted out to her may imply a curse. All the passages here adduced are connected either by the fact that R. Ammi and R. Assi discussed them or by association of ideas.

(9) Gen. III, 17.

(10) Num. XI, 5.

(11) [I.e., they chafed under the new restrictions in matters of intercourse that had been imposed on them.]

(12) The suggestion is that whereas regular marriage implied widowhood (kethubah), before that mohar (dowry, Ex. XXII, 16), no such financial responsibility is necessary in the case of illicit intercourse.

(13) Prov. XXX, 20, referring to an unchaste woman.

(14) Cant. IV, 12.

(15) [I.e., those that had been already forbidden to the sons of Noah, v. Sanh. 57b].

(16) Num. XI, 10: E.V. 'family by family'; because of its families, family affairs, prohibitions of family life.

(17) The one (fish) is obvious, the other (illicit intercourse) is suggested.

(18) V. p. 361, n. 4.

(19) The Israelites remembered sadly these foods, cucumbers, melons, leeks, onions, garlic. which they had enjoyed in Egypt and which they now missed. Evidently the manna substituted for all other foods, but these five. The latter were 'absent' because these foods do not agree with women in pregnancy.

(20) Num. XI, 7.

(21) Connecting it with rt. negad, draw, pull, attract.

(22) The 'omer per head in each household (v. Ex. XVI, 16) being arranged miraculously in accord with the true state of affairs, would be found in the house of the true father and thus would reveal whose child the infant was. Gad is thus connected with the causative of nagad, meaning to 'reveal', 'tell'.

(23) Being dependent for their daily food on God's bounty, the children of Israel would reflect on their conduct and continually improve it in order to deserve God's food.

(24) In either situation the 'omer would be found in the home of him who deserved it. The master of the slave would have an additional 'omer bestowed upon himself; the husband whom his wife had offended would have the measure in his house, where she belonged; if the husband had ill-treated her, so that her father's house was a legitimate refuge, her 'omer would be found there. Thus would the gad (to which the manna was compared) reveal the true state of affairs. In the case of the slave he would be restored, on the evidence of the 'omer, to his master; in the case of the wife, either the husband would have to pay her her marriage settlement (kethubah) or, if she had been guilty, she would forfeit it.

(25) Num. XI, 9.

(26) Ex. XVI, 4.

(27) Num. XI, 8.

(28) These three statements seem incompatible with one another; according to Num. XI, 9 the manna fell into the camp; according to Ex. XVI, 4 outside thereof, whereas according to Num. XI, 8 it was so far away from the camp that the people had to go far to find it.

(29) עוגות, Num. XI, 8; this denotes cakes while yet unbaked (Rashi).

(30) Num. XI, 8.

(31) Ex. XXXVI, 3.

(32) The word nesi'im, from the root nasa, 'to lift up'; thus things lifted up, elevated, may mean either princes or clouds.

(33) Prov. XXV, 14.

(34) Supplemented from Bah.

(35) The word le-shad may mean cake, as the simple text has it. It may also be connected with shad, 'breast', or with shed, 'demon'. Thus the two following interpretations. The different tastes of the milk depend on the food the mother has eaten.

(36) Ex. XVI, 8.

(37) They had enough cattle to feed their lust for flesh, their importune prayers for flesh, hence, were improper, and they would in punishment receive the flesh at night when, because of the need for preparation, it came too late, 'at an

improper time', because usable only the next day.

Talmud - Mas. Yoma 75b

whereas the bread for which they asked properly was given to them in its proper time.¹ Here the Torah intimates a matter of good form; that one should eat meat but at night. But surely Abaye said: One who has a meal should eat it only during the day? — We mean: as in day-light.²

R. Aha b. Jacob said: At first Israel were like hens picking in the dunghill, until Moses came and fixed for them a definite meal-time.³

While the flesh was yet between their teeth,⁴ yet it is also written: But a whole month,⁵ how is that? — The average people [died] at once, the wicked ones continued to suffer a whole month. And they spread them all abroad.⁶ Resh Lakish said: Do not read 'wayishtehu' [they spread abroad], but 'wa-yishahtu' [they were slaughtered], which [reading] intimates that the enemies of Israel had incurred the punishment of being slaughtered.⁷ 'Spread abroad'; it was taught in the name of R. Joshua b. Karhah: Do not read 'shatoah', but 'shahut' [ritually killed], which would intimate that there came down to Israel together with the manna something requiring ritual killing.⁸ Rabbi replied: So must you infer it from here. Was it not stated before: He caused flesh also to rain upon them as the dust, and winged fowl as the sand of the sea?⁹ And was it not taught: Rabbi said, Then thou shalt kill [of thy herd and of thy flock]. . . as I have commanded thee.¹⁰ This teaches that Moses received commandments concerning the gullet, and the windpipe, and concerning the larger part of one [organ] in the case of a fowl, and the larger part of two in the case of cattle?¹¹ What then does 'shatoah' [read, shahut] intimate? — That they [the quails] came down so as to form layers.

It is written: 'bread', but it is also written, 'oil' and it is also written, 'honey'?¹² — R. Jose b. Hanina said: Bread for the youths, oil for the aged, honey for the infants. It is written 'shlaw' and we read: slaw?¹³ — R. Hanina said: The righteous eat it at ease,¹⁴ whereas when the wicked eat it, it is unto them like thorns.¹⁵ R. Hanan b. Abba said: There are four kinds of slaw [quails]: thrush, partridge, pheasant and quail proper; the best of all is the thrush, the worst of all is the quail proper, which is like a small bird. [One stuffs it],¹⁶ places it in the oven, and it swells up, and becomes so big that it fills the oven. Thereupon one places it on top of twelve loaves of bread, and [even] the lowest one of them cannot be eaten without [some other food] in combination.¹⁷ Rab Judah would find them among his jars; R. Hisda among the twigs. Unto Raba his field labourer used to bring them from the meadow¹⁸ every day. One day he did not bring them. He wondered: Why this? He went up to the roof and heard a child which read: When I heard, my inward parts trembled.¹⁹ Thereupon he said: One knows from this that R. Hisda is dead.²⁰ It is for this reason that people say: By the merit of his master eats the pupil. It is written: And when the layer of dew was gone up,²¹ but it is also written: And when the dew fell?²² — R. Jose b. Hanina said: There was dew above, and dew below it; it resembled something placed in a box. A fine scale-like thing [mehuspas];²³ Resh Lakish said: It is something that melts on the wrist [palm] of the hand.²³ R. Johanan said: [It means] something which is absorbed by the two hundred and forty-eight parts [of the human body].²⁴ But [the numerical value] of mehuspas is much more?²⁵ — R. Nahman b. Isaac said: The word is written defective. Our Rabbis taught: Man did eat the bread of the mighty,²⁶ i.e., bread which ministering angels eat. This was the interpretation of R. Akiba. When these words were reported to R. Ishmael he said to them: Go forth and tell Akiba: Akiba, thou hast erred. For do, indeed, the ministering angels eat bread? Was it not said long ago: I did neither eat bread, nor drink water?²⁷ How, then, do I interpret 'the bread abbirum [of the mighty]'? I.e., bread which was absorbed by the two hundred and forty-eight parts [ebarim]. Then how do I apply: And thou shalt have a paddle among thy weapons?²⁸ That refers to what [foods] the foreign merchants were selling unto them. R. Eleazar b. Perata said: Even of the foodstuff which merchants of other nations sold them, the manna would counteract the effect. What then is the meaning of 'And thou shalt have a paddle among thy weapons'? — That applied to

the time after their offence.²⁹ The Holy One, blessed be He, said: I thought they shall be like ministering angels, but now I shall burden them with the walk of three parasangs³⁰ as it is written: And they pitched by the Jordan, from Beth-jeshimoth even unto Abel-shittim.³¹ And Rabbah b. Hana had said: I have seen this place, it is three parasangs in extension.³² And furthermore it was taught when they went to relieve nature they went neither forward, nor sideways, but rearwards.³³

But now our soul is dried away: there is nothing at all.³⁴ They said: This manna will swell up their bowels, for is there one born of woman who absorbs food without eliminating it too? But when these words were reported before R. Ishmael he said to them: Do not read *abbirim* [mighty] but *ebarim* [parts of the body], i.e., something which is absorbed by the two hundred and forty-eight parts. But how do I then interpret: 'And thou shalt have a paddle among thy weapons'? — That refers to food that came to them from the distant parts.³⁵ Another interpretation of: Man did eat the bread of the mighty:

(1) Nobody can live without bread, hence that prayer was proper.

(2) By the light of torch, or candle.

(3) Morning and evening, the manna and the quails respectively.

(4) Num. XI, 33.

(5) Ibid. v. 20.

(6) Ibid. v. 32. This suggestion, although aggadic, is not ungrammatical, metathesis being frequent, as in *kesseb*, *kebess* (sheep).

(7) Perhaps because of their unrighteous clamour for flesh, when they had cattle of their own. 'Enemies of Israel' is an euphemism for 'Israel'.

(8) Hence we infer that quails were of a species that require ritual killing.

(9) Ps. LXXVIII, 27. 'Before' means, before this indirect inference there was a clear text to convey this teaching.

(10) Deut. XII, 21.

(11) The windpipe and the gullet, one in the case of fowl, both in the case of cattle, must be cut according to the ritual. There is no commandment anywhere in the Pentateuch as to the details of ritual slaughtering of animals or birds, called *shechitah*. Hence 'as I have commanded thee' must needs refer to another source of law: the unwritten or oral one.

(12) In reference to the manna. Ex. XVI, 29, 31 and Num. XI, 8. Three different tastes are ascribed to this food.

(13) The spelling is **מ**, the pronunciation **מ**. The deviation indicates another aspect.

(14) The Hebrew word (with **מ**) may be traced to a root meaning 'ease'. Thus the homiletical interpretation.

(15) The Aramaic equivalent of the reading means 'thorn', hence the suggestion that *slaw* in addition to the simple text meaning, has also other implications.

(16) Supplemented from Bah.

(17) It is so greasy that without some other dry food added it would be indigestible.

(18) Bah.

(19) Hab. III, 16.

(20) This story is very satisfactorily explained in Schatzkes' *Mafteah I*, Warsaw, 1866. R. Hisda, in spite of his great riches, was very frugal in his habits and so economical that he would not entrust even the management of wood to any servant, but himself every day handed wood to the cooks (*Git. 56a*). Although he would find the quails among his twigs, he would prevent anyone from laying his hands upon these delicacies. His son-in-law Raba, therefore, arranged with a tenant-farmer to bring them. His failure to bring them one day Raba rightly attributed to the thought that something had happened which rendered such service unnecessary. To this inference he added, according to widespread custom, the additional reliance on the implications of a text the first child he met would be studying. When that text suggested evil news the 'evidence was complete'.

(21) Ex. XVI, 14.

(22) Num. XI, 9. The passage in Ex. suggests that the dew covered the manna, whereas the verse in Num. indicates that the dew was below the manna.

(23) There is a play on 'mah', 'melt', and 'pas', 'palm'.

(24) The numerical value of 'Mehuspas': Mem = 40, heth = 8, samek = 60, pe = 80 and samek = 60, together 248. V. Mak., Sonc. ed., p. 169, n. 5.

(25) The part. pass. is usually spelt with a waw, which makes its numerical value plus 6 =254; whereas the reading is plene, the text is without the waw מַחֲפַפִּים, hence 248; and the inference as to the 248 parts of the body is supported.

(26) Ps. LXXVIII, 25.

(27) Deut. IX, 18.

(28) Ibid. XXIII, 14. The paddle is to serve thus: And it shall be, when thou sittest down abroad, thou shalt dig therewith, and shalt turn back, and cover that which cometh from thee. But, if the manna was completely absorbed, there was nothing 'coming from the Israelite', hence no need for the paddle.

(29) In complaining of the manna as Num. XXI, 5; Our soul loatheth this light bread.

(30) To get outside the confines of the camp for the call of nature.

(31) Num. XXXIII, 49.

(32) 'Er. 55b.

(33) None would turn backwards, therefore there was no offence against common decency involved.

(34) Num. XI, 6.

(35) Lit., 'province of the sea'.

Talmud - Mas. Yoma 76a

That is Joshua for whom manna [specially] fell down as it did to¹ all Israel, [for] it is written: here, 'man',² and also there it is written: Take thee Joshua, the son of Nun, a man in whom is spirit.³ But perhaps it is Moses, of whom it is said: Now the man Moses was very meek?⁴ — One may infer ish from ish, but not ish from we-ha-ish.⁵

R. Simon b. Yohai was asked by his disciples: Why did not the manna come down unto Israel once annually? He replied: I shall give a parable: This thing may be compared to a king of flesh and blood who had one son, whom he provided with maintenance once a year, so that he would visit his father once a year only. Thereupon he provided for his maintenance every day, so that he called on him every day. The same with Israel. One who had four or five children would worry, saying: Perhaps no manna will come down to-morrow, and all will die of hunger. Thus they were found to turn their attention to their Father in Heaven. Another interpretation: They ate it whilst it was yet warm.⁶ Another interpretation: Because of the burden of the way.⁷

And it long ago happened that R. Tarfon, R. Ishmael and the Elders were seated and occupied with the portion referring to the manna, and also R. Eleazar of Modiim was seated among them. R. Eleazar of Modim commenced [to expound] and said: The manna which came down unto Israel was sixty cubits high! R. Tarfon said to him: Modite! How long will you rake words together and bring them up against us?⁸ — He answered: My master! I am expounding a Scriptural verse.

Fifteen cubits upward did the waters prevail; and the mountains were covered.⁹ Were there indeed fifteen cubits [high] in the valley, [fifteen cubits in the lowlands],¹⁰ fifteen cubits on the mountains?¹¹ Were the waters standing like a series of walls? And, furthermore, how could the ark come to the top [of the mountains]? Rather, all the fountains of the great deep came up first until the water was even with the mountains, then the water rose fifteen more cubits. Now which measure is larger, that of reward or punishment? You must needs agree that the measure of goodness [reward] is larger. Now with the measure of punishment it is written: The windows of heaven were opened,¹² with the measure of goodness, however, it is said: And he commanded the skies above, and opened the doors of heaven; and caused manna to rain upon them for food, and gave them of the corn of heaven.¹³ [And a Tanna taught]:¹⁴ Now how many windows has a door? Four; hence 'doors' [imply] eight.¹⁵ Thus it is found that the manna which fell upon Israel was sixty cubits. It was taught: Issi b. Judah says: The manna which fell down for Israel rose so high that all the kings of the east and the west could see it, as it is said: [Thou preparest a table before me in the presence of my enemies. . .] my cup runneth over.¹⁶ (Abaye said: It is evident from this that the cup of King David in the future world will hold two hundred and twenty-one logs, as it is said: My cup is rewayah [overflowing],

and this is the numerical value of rewayah).¹⁷ But there is no comparison: there it took forty days, here only one hour;¹⁸ or there for all the world, here for Israel alone;¹⁹ and it should have been higher still! — [Rather]: R. Eleazar of Modim infers it from the analogy of ‘opened’, ‘opened’.²⁰

[ON YOM KIPPUR] EATING IS FORBIDDEN. To what do the five afflictions correspond? — R. Hisda said: To the five afflictions mentioned in the Torah: And on the tenth day:²¹ howbeit on the tenth day;²² a sabbath of solemn rest;²³ it is a sabbath of solemn rest,²⁴ and it shall be unto you.²⁵ But these are only five, whereas [in our Mishnah] we learned of six [afflictions]? — Drinking is included in eating. For Resh Lakish said: When do we know that drinking is included in eating? Because Scripture said: And thou shalt eat before the Lord thy God . . . the tithe of thy corn, of thy [tirosh] wine, and of thine oil;²⁶ ‘tirosh’ is wine and yet Scripture reads: ‘And thou shalt eat’. Whence this proof? Perhaps it means that he used it as all admixture to elaiogarum?²⁷ For Rabbah b. Samuel said: Elaiogarum contains the juice of beets; oxygarum the sauce of all kinds of boiled vegetables? — Rather, said R. Aha b. Jacob, is that inferred from here: And thou shalt bestow thy money for whatever thy soul desireth, for oxen, for sheep, or for wine, or for strong drink.²⁸ [To] wine and strong drink [applies the term] drinking and yet the Divine Law reads: ‘And thou shalt eat’. How is that [conclusive]? — Perhaps here, too, the implication is that he uses it as an admixture to elaiogarum?— Scripture says ‘Strong drink’, i.e., something which intoxicates.²⁹ But perhaps the reference here is to preserved figs from Keilah, for it was taught: If one [a priest] ate preserved figs from Keilah,³⁰ and drank honey and milk, and thus entered the Sanctuary

(1) Corresponding to.

(2) Num. XXVII, 18.

(3) Ex. XXIV, 13. Joshua went up with Moses to Mount Sinai, Moses did not eat, but Joshua did, hence the manna must have come to him there.

(4) Num. XII, 3.

(5) Analogy should be built upon exact similarity, almost identity, not on relative similarity of expression; according to this rigid rule no analogy from ‘ish’ to ‘ha-ish’ or vice versa could be argued.

(6) Its taste or flavour was preserved, but if gathered once for the whole year, it would become stale, cold, tasteless.

(7) It would greatly hamper them on their journeys.

(8) Try to impress us with unsubstantiated statements.

(9) Gen. VII, 20.

(10) [Var. lec. rightly omit as unnecessary repetition].

(11) The phrase fifteen cubits upward surely could not be taken to mean that the fifteen cubits were measured from different levels.

(12) Ibid. v. 11.

(13) Ps. LXXVIII, 23, 24.

(14) Supplied from MS.M. V. also Rashi.

(15) At least two are implied in ‘doors’ hence at least eight windows. But the measure of goodness surpasses the measure of punishment (as e.g., Ex. II, 6, 7). There were at least two ‘windows’ of heaven at the flood, as implied in ‘windows’ which poured forth fifteen cubits of rain; the eight windows (of the two doors of heaven) must have produced at least no less, i.e., sixty cubits of manna, since the measure of goodness is surely no smaller than that of punishment. So that ‘sixty’ here is to be taken as minimum.

(16) Ps. XXIII, 5, 6. This reckoning is stimulated by the preceding one.

(17) The psalm is taken as prophetic of restoration — either in this world (then ‘in the future’ at the time of the Messiah) or in the world to come (usual interpretation).

(18) Between the flood and manna.

(19) Here the argument is in favour of a higher measure for the manna. For since the space wherein it fell was limited, whilst the windows of heaven presumably were capable of pouring out the same quantity, the manna confined to a small area should have risen very much higher than the waters, which covered all the earth.

(20) Gen. VII, 11 and Ps. LXXVIII, 23; he does not employ the argument of a greater measure in store for reward than for punishment; but merely from the fact that in each case two windows produced a height of fifteen cubits — whether

of manna or water.

(21) Num. XXIX, 7.

(22) Lev. XXIII, 27.

(23) Ibid. 32.

(24) Ibid. XVI, 31.

(25) Ibid. v. 29.

(26) Deut. XIV, 23.

(27) Greek; a sauce of oil and garum, to which wine is sometimes added.

(28) Deut. XIV, 26.

(29) And no intoxication results from eating.

(30) A town in the lowlands of Judea, cf. Josh. XV, 44; v. Sanh., Sonc. ed., p. 481, n. 6.

Talmud - Mas. Yoma 76b

he is culpable?¹ — Rather, he infers it by analogy of ‘strong drink’ from the Nazirite.² Just as there it means wine, so here too is wine involved. But is ‘tirosh’ wine? Was it not taught: One who takes a vow to abstain from ‘tirosh’ is forbidden to use any sweet drink but may use wine? — But is [‘tirosh’] not wine? Surely it is written: And tirosh makes the maids flourish!³ The thing which is derived from ‘tirosh’ makes maids flourish.⁴ But it is written: And thy vats shall overflow with tirosh?⁵ — Thy vats shall overflow with what is derived from ‘tirosh’. But it is written: Harlotry, wine and tirosh take away the heart?⁶ — Rather, everybody agrees that ‘tirosh’ is wine, but with regard to vows we go after common parlance.⁷

Why is it [wine] called ‘yayin’ and ‘tirosh’? — It is called ‘yayin’ because it brings lamentation into the world, and ‘tirosh’ ‘because he who indulges in it becomes poor.’⁸

R. Kahana pointed out a contradiction: It is written ‘tirash’ and we read ‘tirosh’! — If he is meritorious he becomes a head [rosh] through it; if not, he becomes poor [rash] through it.⁹ Raba pointed out this contradiction: The text reads, ‘yeshammah’, whilst we read ‘yesammah’?¹⁰ — If he is meritorious it makes him happy, if not, it makes him desolate. That is why Raba said: Wine and odorous spices made me wise.¹¹

Whence do we know that [abstention from] bathing and from anointing oneself is considered an affliction? — Because it is written: I ate no pleasant bread, neither came flesh nor wine in my mouth, neither did I anoint myself at all.¹² What does ‘I ate no pleasant bread’ mean? — Rab Judah, in the name of R. Samuel b. Shilath said: He ate not even bread made of pure wheat. Whence do we know that [the abstention from anointing] was considered an affliction? Because it is written: Then he said unto me: Fear not, Daniel, for from the first day that thou didst set thy heart to understand, and to afflict¹³ thyself before thy God, thy words were heard; and I am come because of thy words.¹⁴ We have found it now with regard to [abstention from] anointing oneself. Whence do we know it about [abstention from] washing? — R. Zutra, son of R. Tobiah said: Scripture reads: And it is come into his inward parts like water, and like oil into his bones.¹⁵ But perhaps that applies to drinking it? — It is compared to oil; just as the oil is applied externally, so also the water [is such as is applied] externally. But a Tanna teaches just the reverse, for we learned: Whence do we know that anointing oneself is like drinking on the Day of Atonement? Although there is no conclusive evidence for this, there is some intimation, for it is said: ‘And it is come into his inward parts like water, and like oil into his bones’?¹⁶ — Rather, said R. Ashi: [That abstention from] washing [is considered an affliction] is evident from the verse itself, for it is written: ‘Neither did I anoint myself at all’.¹⁷ What does: ‘And I am come because of thy words’ mean?¹⁸ — It is written: And there stood before them seventy men of the elders of the House of Israel, and in the midst of them stood Jazaniah, the son of Shapan, every man with his censer in his hand; and a thick cloud of incense went up.¹⁹ [Furthermore]: And the form of a hand was put forth, and I was taken by a lock of my head; and a

spirit lifted me up between the earth and the heaven, and brought me into the visions of God to Jerusalem, to the door of the gate of the inner court that looketh toward the north; where

(1) Lev. X, 9.

(2) Num. VI, 3.

(3) Zech. IX, 17.

(4) The argument is not too obvious. According to Rashi the point under consideration is whether 'tirosh' is the name for wine (new wine) or for the grapes themselves. If the latter is accepted wine is 'that which is derived from tirosh (berries)'.

(5) Prov. III, 10 and into vats the wine is poured, not the berries!

(6) Hos. IV, II. Surely grapes would not fit into this context.

(7) And in common parlance 'tirosh' and 'yayin' are separated.

(8) The first is a play on 'ya, ya' exclamation of woe, the second on the second syllable of 'tirosh', which is connected with 'rash', to become poor, as if 'tirosh' meant, You will become poor.

(9) The text connected with the root meaning 'poor', the reading with the noun 'rosh', head.

(10) Ps. CIV, 15. Again a difference between text and pronunciation with a significance attached to both; samah means 'rejoicing', 'shammah' is connected with 'shammah', desolation, the 'he' and 'heth' interchanging.

(11) Stimulated my intellect.

(12) Dan. X, 3.

(13) E.V. 'to humble'.

(14) Ibid. V. 12.

(15) Ps. CIX, 18.

(16) Here water in the verse is taken to refer to 'drinking' from which 'anointing' is derived, contrary to the conclusion just arrived at whereby the meaning of 'water' is derived from its juxtaposition to 'oil'.

(17) Lit., '(as to) anointing I did not anoint myself at all'. 'At all' means, not even washing, which may be preparatory.

(18) When was he driven out, so that he had to re-enter? The reference is to 'the man clothed in linen', (v. *ibid.* verse 5) identified *infra* with Gabriel.

(19) Ezek. VIII, 11.

Talmud - Mas. Yoma 77a

there was the seat of the image of jealousy, which provoketh to jealousy.¹ [Furthermore]: And he brought me into the inner court of the Lord's house, and, behold, at the door of the temple of the Lord, between the porch and the altar, were about five and twenty men, with their backs toward the temple of the Lord, and their faces toward the east; and they worshipped the sun toward the east.² Now from the implication of the text: 'And their faces toward the east', do I not know that their backs were toward the temple of the Lord? Why then does the text state: 'With their backs toward the temple of the Lord'? It teaches that they uncovered themselves and committed a nuisance toward that which is below.³ The Holy One, blessed be He, said to Michael:⁴ Michael, your nation has committed sin. Michael answered: Lord of the Universe! Let the good ones among them be considered sufficient! He replied: I shall burn both them and the good ones among them! Immediately then: And he spoke unto the man clothed in linen, and said: Go in between the wheelwork, even under the cherub, and fill both thy hands with coals of fire from between the cherubim, and dash them against the city. And he went in my sight.⁵ Thereupon: And the cherub stretched forth his hand between the cherubim unto the fire that was between the cherubim, and took thereof and put it into the hands of him that was clothed in linen, who took it and went out.⁶ R. Hana b. Bizna said in the name of R. Simeon the Pious: Were it not for the fact that the coals of the hand of the cherub became cold [in the process of coming] into the hands of Gabriel,⁷ there would not have been left over from the 'enemies of Israel'⁸ one to remain or one to escape, for it is written: And behold the man clothed in linen, who had the inkhorn on his side, reported, saying: 'I have done according to all that Thou hast commanded me'.⁹ R. Johanan¹⁰ said: In that hour Gabriel was led out behind the curtain and received forty fiery strokes, he being told: If you had not executed the command at all, well, you simply would not have executed it.¹¹ But since you did execute it, why did you not do as you were commanded?¹² Furthermore: Don't you know that:¹³ 'One brings no report about mischief'?¹⁴ Thereupon Dubiel,¹⁵ the guardian angel of the Persians, was brought in and placed in his stead, and he officiated for twenty-one days. This is what is written: But the prince of the kingdom of Persia withstood me one and twenty days; but lo, Michael, one of the chief princes, came to help me; and I was left over there beside the kings of Persia.¹⁶ Twenty-one provinces and the port of Mashmahig¹⁷ were given to him. Thereupon he said: Put down for me Israel for the polltax! They did so. Put down the Sages for the poll-tax! They did so. When they were about to sign, Gabriel came forth from behind the curtain and said: It is vain for you that ye rise early, and sit up late, ye that eat the bread of toil; so He giveth unto His beloved in sleep.¹⁸ (What does 'So He giveth unto His beloved in sleep' signify? R. Isaac said: This refers to the wives of the scholars who deny themselves sleep in this world, and acquire the world to come).¹⁹ No attention was paid to him. He said before Him: Lord of the Universe, if all the wise men of other nations were in one scale of the balance, and Daniel, the man of pleasant parts, in the other, would he not be found to outweigh them all? — The Holy One, blessed be He, said: Who is it that pleads the merit of my children? They replied: Lord of the Universe, it is Gabriel. He said: Let him come in, as it is written: 'And I am come [in] because of thy words'. Having commanded that they bring him in, they brought him in. He noticed that Dubiel held the document in his hand, and he wanted to take it from him, but the former swallowed it. Some say: [The document] was written out, but not signed. Others say: It was also signed, but as he swallowed it, the signature was blotted out. Hence there are some people in the kingdom of Persia who are obliged to pay poll-tax, while others are free from it. And when I go forth, lo, the prince of Greece shall come.²⁰ He cried and cried and none minded him.

Or, if you like, that [abstention from] washing is considered an affliction is deducible from here. For it is written: And unto Abiathar the priest said the king: 'Get thee to Anathoth, unto thine own fields; for thou art deserving of death; but I will not at this time put thee to death, because thou didst bear the ark of the Lord God before David my father, and because thou wast afflicted in all wherein my father was afflicted'.²¹ And concerning David it is written: For they said: 'The people is hungry, and faint and thirsty in the wilderness'.²² 'Hungry' because of no bread; 'thirsty' because of no

water; 'faint' because of what? Would you not say: Because of no washing?²³ — But perhaps 'faint' [means] because of no sandals? — Rather said R. Isaac, [it is to be deducted] from this: As cold water to a faint soul.²⁴ But perhaps it means: [Faint] from [lack of] drink? — Does Scripture read: 'Into a faint soul'? Upon a faint soul is written! And whence is to be inferred that [abstention from wearing] sandals [is considered an affliction]? Because it is written: And David went up by the ascent of the Mount of Olives and wept as he went up; and he had his head covered, and went bare.²⁵ 'Bare' of what? Obviously 'of shoes'. Perhaps it means bare because without horse and whip?— Rather, said R. Nahman b. Isaac, the inference comes from: Go and loose the sack-cloth from off thy loins, and put thy shoe from off thy foot,²⁶ and it is written: And he did so, walking naked and bare.²⁶ 'Bare' of what? Obviously bare of sandals. But perhaps [it means he went] in patched shoes. For, if you were not to interpret thus, 'naked' would also have to be explained as stark naked? Rather, must you here too explain: [naked] i.e.. in shabby garments, thus also 'bare' in patched sandals! — Rather, said R. Nahman b. Isaac: [It is derived] from here: Withhold thy foot from being unshod, and thy throat from thirst,²⁷ i.e., withhold thyself from sin lest thy foot become unshod; withhold thy tongue from idle speech, lest thy throat become dry [faint with thirst].

Whence do we know that [abstention from] marital intercourse is considered an affliction? — Because it is written: If thou shalt afflict my daughters, and if thou shalt take wives beside my daughters,²⁸ [i.e..]

(1) Ibid. v. 3.

(2) Ibid. v. 16.

(3) A euphemism for heaven.

(4) Who is the guardian angel of Israel.

(5) Ezek. X, 2.

(6) Ibid. 7.

(7) Alluded to in 'the man clothed in linen'.

(8) Euphemistic for Israel.

(9) Ibid. IX, 11.

(10) Var. lec. remove the whole account that follows from here.

(11) He may have assumed that God's mercy would postpone or suspend punishment.

(12) You were commanded to fetch the coals yourself, you sinned in appointing someone else to do so.

(13) Meg. 15a. For the same reason one need not report to children the death even of their parents.

(14) With reference to his reporting back, 'I have done according to all that Thou hast commanded me'.

(15) Lit., 'bear-god'. In Daniel VII, 5 Persia appears as 'a bear', hence their angel is bear-god. V. Kid. 72a. A.Z. 2a.

(16) Dan. X, 13. This verse is ingeniously used to build up the present Aggadah.

(17) A place on an island of the Persian Gulf, famous for pearl fisheries. V. R. H., Sonc. ed., p. 99, n. 5. V. D. S. as to the MSS. which omit this whole passage.

(18) Ps. CXXXVII, 2.

(19) The nations of the world should not be able to subdue or tax these, for they are the beloved of the Lord, and their own wives, in denying sleep to themselves in this world (taking 'yedid' ad hoc as if derived from 'nadad', flee, avoid i.e., sleep) earn eternal salvation. God thus protects them. When this argument proved unavailing, they made another attempt by comparing Daniel with all non-Jewish scholars, and this was accepted by the Lord.

(20) Dan. X, 20. Gabriel's protest was of no avail against the time when Greece was given rule over Israel.

(21) I Kings II, 26.

(22) II Sam. XVII, 29.

(23) Thus would abstention from bathing be proved to be considered an affliction.

(24) Prov. XXV, 25.

(25) II Sam. XV, 30.

(26) Isa. XX, 2.

(27) Jer. II, 25.

(28) Gen. XXXI, 50.

Talmud - Mas. Yoma 77b

'if thou shalt afflict' by denying conjugal duty, 'if thou shalt take' refers to rivals. But say [perhaps]: Both [afflictions due] to rival women? — Does Scripture say: 'If thou shalt take',¹ it reads: 'And if thou shalt take'. But perhaps both refer to affliction through rivals; one through rivalries among them, the other through rivalries of new wives, so that ['if thou shalt afflict'] would be the same as 'if thou shalt take'.² Does Scripture say: 'If thou wilt take and afflict'? It reads: If thou shalt afflict and thou shalt take.³ R. Papa said to Abaye: But intercourse in itself is described as affliction, for it is written: And he lay with her and afflicted her?⁴ He answered: He afflicted her through other [forms of] intercourse.

Our Rabbis taught: It is forbidden to wash part of the body [on the Day of Atonement], as [it is forbidden to wash] the whole body. But if one was soiled with mud or excrement, he may wash in his usual way without any fear.⁵ It is forbidden to anoint part of the body [as it is forbidden to anoint] the whole body. If, however, one was sick or had scabs on his head, he may anoint himself in his usual way without any fear. The School of R. Menasseh taught: R. Simeon b. Gamaliel said: A woman may wash one of her hands in water to give bread to an infant without any fear. It was reported about the older Shammai⁶ that he would not [hand food] to be eaten even with one hand, whereupon the Rabbis decreed that he must do so with both hands.⁷ Why that? Abaye said: Because of Shibta.⁸

Our Rabbis taught: One who goes to visit his father or his teacher, or his superior,⁹ may walk through water up to his neck without any fear. They asked: How about a master who visits his disciple? — Come and hear: For R. Isaac b. Bar Hana said: I saw Ze'iri who went to R. Ashi, his disciple. R. Ashi said: That was R. Hiyya b. Ashi, who went to Ze'iri, his master. Raba permitted the people of 'Ibar Jemina¹⁰ to walk through water for the purpose of guarding [fruits] the crop.¹¹ Abaye said to Raba: I know a teaching that supports you [your decision]: Those who guard the crop may walk up to the neck through water without any fear. R. Joseph permitted the people of Be Tarbu¹² to walk through the water in order to go to the lecture [of the Day of Atonement] but he did not permit them to return [in the same fashion]. Abaye said to him: If so, you will put a stumbling-block in their way for the future.¹³ Some say: He permitted them to go and to return [through water], whereupon Abaye said: Quite right [to permit them] to do so on the way to the lecture, but why the permission on their return? — Lest you put a stumbling-block in their way for the future.

Rab Judah and R. Samuel son of R. Judah were standing at the bank of Nehar Papa,¹⁴ at the ford of Hazdad, and Rami b. Papa was standing on the other bank. He shouted across: How about going over to you to inquire about a decision of the Law? Rab Judah answered; Rab and Samuel both agree: One may come over, provided one take not one's hand out of the bosom of his shirt.¹⁵ Some say: It was R. Samuel, son of Rab Judah who said: We were taught, He may come over, provided he take not his hand out of the bosom of his shirt.

R. Joseph demurred: But, even on a weekday is such action permitted?¹⁶ Does not Scripture say: He measured a thousand cubits and he caused me to pass through the waters, waters that were to the ankles;¹⁷ hence we infer that it is permitted to pass through water up to the ankles. Again he measured a thousand, and caused me to pass through the waters, waters that were up to the knees;¹⁸ hence we learn that it is permitted to pass through waters up to the knees. Again he measured a thousand, and caused me to pass through waters that were to the loins;¹⁸ hence we know that it is permissible to pass through water up to the loins. Henceforth: Afterward he measured a thousand, and it was a river that I would not pass through.¹⁹ Abaye said: It is different with a river whose waters run rapidly.²⁰ One might have assumed that it is permissible to swim across such a river, therefore the text reads: For the waters were risen, waters to swim in.¹⁹ What does 'sahu' mean? —

‘Swim’, for a swimmer is called ‘sayaha’. One might have assumed that it is permissible to pass through such [river] in a small Liburnian boat, therefore the text reads: Wherein, shall go no galley with oars.²¹ One might have assumed that one may cross it in a big Liburnian ship, therefore Scripture says: Neither shall gallant ship pass thereby.²⁰ How does that follow from the text? — As R. Joseph interprets it: No fisher's boat goes thereon, no big boat traverses it.²² R. Judah b. Pazzi said: Even the Angel of Death has no permission to cross it, for here it is said: ‘Wherein shall go no galley with oars [shayit].’²³ and there it reads: From going [shut] to and fro in the earth.²³ R. Phinehas in the name of R. Huna of Sepphoris said: The spring that issues from the Holy of Holies in its beginning resembles the antennae of locusts; as it reaches the entrance to the Sanctuary it becomes as the thread of the warp; as it reaches the Ulam,²⁴ it becomes as the thread of the woof; as it reaches the entrance to the [Temple] court, it becomes as large as the mouth of a small flask, that is meant by what we learned: R. Eliezer b. Jacob said: [Hence] go forth the waters

(1) So that the second part of the verse would state explicitly what the first implies.

(2) Thus the question as to the meaning of ‘and’ would be disposed of.

(3) The lesser evil would be mentioned first, whereas the marrying of Jacob of other additional women would constitute the larger wrong.

(4) Gen. XXXIV, 2.

(5) Of transgressing the prohibition of washing on the Day of Atonement.

(6) The colleague of Hillel in the Sanhedrin under King Herod.

(7) Shammai did not wish to allow himself the concession made by the Rabbis, since he always took the severer view for himself, when two interpretations of ritual obligations were involved. But the Rabbis decided that their permission to wash one's hand was a matter of safeguarding the child's health, and Shammai's unwillingness to accept their rule was unjustified. To emphasize that they imposed upon him the obligation to wash both his hands before handing food to his infant.

(8) An evil spirit, or odour, that endangers the health of those that eat food touched with unwashed hands.

(9) On the day of Atonement and in order to reach him must wade through a river. ‘His superior’ is one to whom one owes obeisance either by Biblical or Rabbinic law or by the exigencies of political situation.

(10) [Lit., ‘the right (= south) side’, the district south of Mahoza on the Tigris, where lay the orchards of Mahoza and which could not be reached except across some canal, v. Obermeyer p. 181.]

(11) [Apparently the people of Ibar Jemina came up to Mahoza for the service of the Day of Atonement and Raba permitted them to return home by wading through water in order to guard their produce, v. loc. cit.].

(12) [Near Pumbeditha, v. Obermeyer. p. 230].

(13) They will abstain from attending the lecture on future occasions because of the discomfort involved in having to wait until the end of the Day of Atonement for their return home.

(14) [A canal that passed through Pumbeditha, v. Obermeyer. p. 227].

(15) I.e., to throw his cloak over his shoulder, it would look as if he were carrying it, rather than wearing it.

(16) To walk through water up to one's neck.

(17) Ezek. XLVII, 3.

(18) Ibid. 4.

(19) Ibid. v. 5.

(20) As with the river, coming from the Holy of Holies; but this is no precedent.

(21) Isa. XXXIII, 21.

(22) V. Targum on Prophets a.l.

(23) Job I, 7. The argument is based on the analogy of expression. The conditions attaching to the ‘shayit’ in Isaiah inferred from Ezekiel apply also to shut in Job. Hence, just as there it is forbidden, by inference, to cross the river, so may the Angel of Death, as another shayit not do so either.

(24) The Main Hall leading into the interior of the Sanctuary.

Talmud - Mas. Yoma 78a

which will bubble forth from under the threshold of the Sanctuary.¹ From there onwards it becomes

bigger, rising higher and higher, until it reaches the entrance to the House of David.² As soon as it reaches the entrance to the house of David, it becomes even as a swiftly running brook, in which men and women afflicted with gonorrhoea, menstruating women, and women after childbirth bathe, as it is said: In that day there shall be a fountain opened to the house of David and to the inhabitants of Jerusalem, for purification and for sprinkling.³ Said R. Joseph: Hence there is an intimation that a menstruating woman [at her purification] must sit in water [that reaches in height] up to the neck. But the law is not in accord with him.

(That will be right on the Day of Atonement, on which no sandal is worn). But what about the Sabbath on which sandals are worn?⁴ — R. Nehemiah, the son-in-law of the Prince,⁵ said: I saw R. Ammi and R. Assi who reached a pool of water and crossed it dressed.⁶ That is all right in shoes, but what can be said in the case of sandals?⁷ R. Rihumi said: I saw Rabina, who crossed it in sandals. R. Ashi said: One must not do so at the outset in sandals. The Exilarch once came to Hagronia to the house of R. Nathan. Rafram and all the Rabbis attended his lecture, Rabina did not. Next day Rafram wanted to remove Rabina from the mind of the Exilarch,⁸ so he said to him: 'Why did you not come to the lecture, Sir?' He answered: 'My foot hurt me'. 'You should have put shoes on!' 'It was the back of the foot'. 'You should have put sandals on'. He answered: 'A pool of water was in the way'. 'You should have crossed it in them,'. He replied: 'Don't you hold, Sir, the view of R. Ashi, that one must not at the outset do so in sandals'!

Judah b. Gerogeroth taught: It is forbidden to sit on moist muddy ground on the Day of Atonement. R. Joshua b. Levi said: This refers to mud which makes wet [those sitting on it]. Abaye said: If it is moist enough to moisten other subjects.

Rab Judah said: It is permitted to cool off [by sitting] on fruit on the Day of Atonement. Rab Judah would cool off through squash, Raba through fresh twigs, Rabbah through a silver cup. R. Papa said:⁹ On a silver vessel one may not cool oneself if it is full; it is permissible only when it is not full. On an earthen vessel it is forbidden in either case, because [the unglazed vessel] lets the moisture ooze through. R. Papa¹⁰ said: A silver vessel, if not full, is also forbidden for use as a cooler-off, because it may be upset.¹¹ Ze'iri b. Hama was the host of R. Ammi and R. Assi, and R. Joshua b. Levi, and of all the Rabbis of Caesarea. He said to R. Joseph the son of R. Joshua b. Levi: O, son of a great man,¹² come and let me tell you a fine custom that your father had. He had a towel from the eve of the Day of Atonement, which he soaked in water, made it into a kind of dry vessel, and on the morrow would wipe his face, hands and feet with it. On the eve of the ninth of Ab he would soak it in water and on the morrow he would stroke his eyes with it. Similarly¹³ when Rabbah b. Mari came he reported: On the eve of the ninth of Ab a towel was brought to him, he soaked it in water, and put it under his head. On the morrow he would therewith wipe his face, hands and feet. On the eve of the Day of Atonement one brought him a towel, which he soaked in water and made it into a kind of dry vessel, and on the morrow he stroked his eyes with it. Said R. Jacob to R. Jeremiah b. Tahlifa: You had told us the matter in just the opposite fashion and we refuted you by reference to prohibition of wringing out.¹⁴

R. Menashiah b. Tahlifa, in the name of R. Amram, on the authority of Rabbah b. Bar Hanah said: The following question was propounded to R. Eleazar: Must a scholar, who is a member of an Academy, obtain special permission to declare a firstborn animal allowed,¹⁵ or does he not need that special permission? What was it that appeared doubtful to them? — This is what they wanted to know: In accord with the statement of R. Iddi b. Abin that 'this matter was left in the hands of the Prince as a special distinction for himself', the question is: Must [the elder] receive permission, or, since he is an elder and a member of an Academy, he need not? R. Zadok b. Haloka thereupon stood up and said: I saw R. Jose b. Zimra who was both an elder and a member of an Academy, and indeed was superior to the grandfather of this our Prince,¹⁶ yet obtained permission to declare firstborn animals for profane use! — R. Abba replied to him: It was not like this, but rather, this was the fact:

R. Jose b. Zimra was a priest, and this was his problem: Is the halachah in accord with R. Meir, who said: One who is suspected concerning a matter¹⁷ may neither judge nor offer testimony in connection therewith; or is the halachah in accord with R. Simeon b. Gamaliel who said: Such a one would be trustworthy in a case concerning his neighbour, but not in a case concerning himself? The answer given was: The halachah is in accord with the view of R. Simeon b. Gamaliel. Furthermore did they ask [R. Eleazar]: How about

(1) Mid. III, 6. A play on pakh (pitcher) as if derived from pakhakh (to bubble forth).

(2) I.e., Zion, outside Jerusalem, the fortress in the wall of the Holy City.

(3) All of which need a ritual immersion to regain their purity. Zech. XIII, 1.

(4) Some commentators, among them Rashi, omit the bracketed portion. The question taken up again is: Whether, as apart from the prohibition to wear shoes, which applies on the Day of Atonement as a form of affliction, on a Sabbath such crossing would be permissible, since the possibility of their falling off, and being carried, should involve a preventive prohibition of such crossing. They might slide off easily, and thus lead the wearer to carrying them.

(5) Perhaps R. Judah II.

(6) I.e., with their feet dressed in shoes.

(7) The difference between the two lies in this: that shoes, as a rule, are laced or worn tight, whence the danger of their falling off is minimized. Therefore the Rabbis above were seen wearing shoes. But sandals which are but lightly attached, might slide off.

(8) I.e., to find out from Rabina the reason for his absence and thereby remove the suspicion of deliberate negligence in his friend's part from the mind of the Exilarch.

(9) Asheri: Rab.

(10) Alfasi and Asheri: R. Ashi.

(11) The silver vessel, being smooth, may be upset and the liquid spilt, thus offering unlawful flow.

(12) Lit., 'son of a lion'.

(13) [Wilna Gaon Glosses deletes 'Similarly'].

(14) Wringing out is forbidden on the Day of Atonement; the towel had therefore to be dried on the eve of the Day of Atonement. Abba Mari was wrong and rejected this important detail, hence the version reported by R. Jeremiah b. Tahlifa.

(15) According to Sanh. 5a no Sage was permitted to declare a firstborn animal free, i.e., defective and hence permitted for profane use, unless he had received special authorization from the Prince in Palestine. The question here posed is whether a member of an Academy may be considered a privileged person in this respect or not. This problem is not germane to the present discussion and is introduced only because it leads to another (the next) question, touching the Day of Atonement, which was submitted at the same time.

(16) [R. Judah II, whose grandfather was R. Judah I, the Prince].

(17) Since the destruction of the Temple a firstborn animal must be left to pasture under priestly control until it acquired a blemish. To avoid such inconvenience many a priest felt tempted to discover a blemish before its actual appearance, hence the priests were suspected of undue laxity in this matter. V. Bek. 35a.

Talmud - Mas. Yoma 78b

going forth [on the Day of Atonement] in sandals of bamboo? — Thereupon R. Isaac b. Nahmani stood up and said: I saw myself R. Joshua b. Levi going forth in sandals of bamboo on the Day of Atonement. I asked him: How about [on public rain] fast?¹ He answered: There is no difference. Rabbah b. Bar Hanah said: I saw R. Eleazar of Niniveh² who was going forth in sandals of bamboo on a public [rain] fast, and I asked him: How about the Day of Atonement? He answered: There is no difference. Rab Judah went forth in [sandals made of] reeds; Abaye in [such made] of palm-branches; Raba in [such made of] twisted reeds; Rabbah b. Bar Hanah tied a piece of cloth around his legs and went thus forth.

Rami b. Hama raised an objection: 'A cripple may go forth with his artificial foot', according to R. Meir, whilst R. Jose forbids it. Both agree, however, that he must not go forth with it on the Day of

Atonement.³ Said Abaye: There, the reference is where it [the wooden leg] has pads, and [the prohibition to go out with them on the Day of Atonement is] due to the comfort [they bring]. Said Raba to him: But if it be no object of wear [without them], would the pads make it one? And, furthermore, is any comfort not coming from shoes forbidden on the Day of Atonement? Did not Rabbah b. Bar Hanah tie a cloth around his legs and thus go forth? Furthermore, since the conclusion [of that teaching] reads: 'If it [the artificial leg] has a receptacle made of pads, it is capable of acquiring ritual uncleanness',⁴ it follows that the first portion deals with a wooden leg without such pads? — Rather, said Raba: In truth, all agree that an artificial leg is not considered a shoe, but in the case of the Sabbath they differ on the following point: One Master holds, We decree [the prohibition for fear] it may fall off and cause him to carry it four cubits in a public thoroughfare;⁵ whereas the other Master holds, We do not decree [any prohibition because of such fear].

Our Rabbis taught: Children are permitted all these [matters],⁶ with the exception of the putting on of shoes. Wherein is the putting on of shoes different? [Presumably] because people might say: Adults made them [wear them]. In all other cases, too, they might say: Adults made them for them? Bathing and anointing can be performed on the preceding day. But sandals, too, may be assumed to have been put on yesterday? It is impossible for sandals to have been put on yesterday, for Samuel said: Let one who would experience a taste of death put on shoes and sleep in them! But it is stated that [the other matters] are permitted [implying] for them at the very outset? — Rather, those things which have nothing to do with their natural growth,⁷ the Rabbis have interdicted, these however, which are needed for their health,⁸ the Rabbis have not forbidden. For Abaye said: Mother⁹ told me the proper treatment for a child consists in [bathing in] warm water and [rubbing with] oil. If he has grown a bit, in egg with kutah;¹⁰ if he grows up still more, the breaking of clay vessels.¹¹ Thus did Rabbah buy clay vessels in damaged condition for his children who would break them.¹²

THE KING AND THE BRIDE MAY WASH THEIR FACES. According to whom is our Mishnah? According to R. Hananiah b. Tradion. For it was taught: [Even] the king and the bride may not wash their faces. R. Hananiah b. Tradion said in the name of R. Eliezer: The king and the bride may wash their faces. The woman after childbirth may not put on a sandal. R. Hananiah b. Tradion said in the name of R. Eliezer: A woman after childbirth may put on a sandal. Why [may] a king [wash his face]?—Because Scripture said: Thine eyes shall see the king in his beauty.¹³ Why [may] a bride [wash her face]? — Lest she become unattractive to her husband. Rab said to R. Hiyya: How long [does] a bride [enjoy this privilege]? He replied: As it was taught: One must not withhold her adornment from the bride during the full thirty days [after the wedding].¹⁴ The woman after childbirth may put on shoes to avoid a cold. Samuel said: If there is danger of a scorpion it is permitted [for all to wear shoes].

ONE WHO EATS AS MUCH AS THE BULK OF A BIG DATE. R. Papa asked:

(1) V. Ta'an. 12b.

(2) [Probably Nawa in the Golan Province (Transjordan). V. Klein JQR (NS) II, 550ff]

(3) Shab. 65b. It is assumed at present that although the artificial leg is not considered a shoe, it is yet forbidden to walk out with it on the Day of Atonement. Hence sandals of bamboo should also be forbidden on that day.

(4) V. loc. cit.

(5) The minimum constituting a transgression of the prohibition to carry anything in a public thoroughfare. No minimum is necessary for transferring an object from a private to public thoroughfare and vice versa.

(6) Prohibited in our Mishnah on the Day of Atonement.

(7) As wearing shoes.

(8) As washing and anointing.

(9) V. Kid. 31b.

(10) A preserve consisting of sour milk, bread-crusts and salt.

(11) The breaking of the glass is not a concession to their youthful fury, but an excellent outlet for emotional surplus

energies, cheaper than anything else on which they might wreak themselves.

(12) V. Kid. 31b.

(13) Isa. XXXIII, 17.

(14) The bride or young matron retains her privilege for thirty days, even if she becomes a mourner after father or mother, her ornaments would be left to her (v. Keth. 4a). Similar consideration is lawful for the weak mother after childbirth, and for any person in danger of contracting a disease. Hence the 'menace of a scorpion' applies to all, even healthy persons.

Talmud - Mas. Yoma 79a

Does the [size of] the date spoken of include the kernel or does it not?¹ R. Ashi asked: Does 'a bone as big as a barley-corn' include the husk or does it not?² [Is the reference to] a moist one or to a dry one? — R. Ashi did not ask the question posed by R. Papa: For 'a big date' was said, which means a date in its complete size.³ R. Papa did not ask the question propounded by R. Ashi, because a moist one would be called 'shibolet' and one without its husk 'ushla'.⁴

Rabbah said in the name of Rab Judah: The big date spoken of is bigger than an egg, and our Rabbis had established the fact that with such a quantity [a hungry person] becomes satisfied,⁵ but with less than that he does not become satisfied.

An objection was raised: Once they brought to R. Johanan b. Zakkai a dish to taste and to Rabban Gamaliel two dates and a bucket of water, whereupon they said: Take them up to the Sukkah.⁶ (In connection therewith it was taught:)⁷ [They ordered so], not because that was the legal decision, but because they desired to take a severer view for themselves. And⁸ when someone gave R. Zadok a piece of food smaller than an egg, he would take it with a towel, eat it outside the Sukkah, and pronounce no blessing after it.⁹

(1) The Mishnaic text 'kamoha u-kegarinatha' may mean either, date and its kernel; or, date or its kernel (Rashi). Cf. Ex. XXI, 6 where the word 'o' also means 'either' and/or 'or'. V. Mecklenburg, *ha-kethab we-hakabbalah* a.l. [The question is nevertheless not clear. Var. lec., however, read: Does the size of the date (spoken of) with its kernel (refer to) a dry or moist one, v. D. S. a. l. Cf. the next question].

(2) Ber. 41a. The reference is to a bone as small as a barley-corn, of a corpse which renders him who touches it ritually unclean.

(3) I.e., including the kernel.

(4) And not 'se'orah'.

(5) Comes to himself.

(6) This happened on a Sukkoth day, when meals are to be taken in the booth (sukkah).

(7) The bracketed portion is omitted in some texts.

(8) Hul. 107a.

(9) R. Zadok showed a less severe attitude in three things: (a) He did not wash his hands but would take the food with a towel — only because of his fastidiousness. (b) He ate it outside the Sukkah. (c) He did not pronounce the customary blessing after it (Rashi).

Talmud - Mas. Yoma 79b

This [implies that] if it were as big as an egg it would require [to be eaten] in the Sukkah, and if the thought should occur to you that the big date referred to is larger in size than an egg — now if two dates¹ without kernels are not even as large as one egg, how could a large date with its kernel be bigger in size than an egg? — R. Jeremiah said: Yes, two dates without their kernel are not as large as an egg, but a large date with its kernel is bigger than an egg. R. Papa said: Therefore do people say: Two kabs of dates contain as much as one kab of kernels, with a bit left over.² Raba said: The reason there was that they were fruits, and fruits do not require [to be eaten in] a Sukkah.³ An

objection was raised: Rabbi said, ‘When we were studying the Torah with R. Eleazar b. Shammua,’ figs and wine-berries were brought before us and we ate them outside the Sukkah as an incidental meal’. That means only as an incidental meal [is it permitted to eat fruit] outside the Sukkah, but as a proper meal not?⁴ — Say: ‘We ate them as [if we had partaken of] an incidental meal outside the Sukkah’.⁵ Or, if you like say: ‘We ate them for a regular meal and we ate bread with them outside the Sukkah [in a quantity small enough to be considered only for] an incidental meal’. Shall we say that the following supports his view: ‘Therefore if he made up the number [of meals] by means of delicacies, he has done his duty’.⁶ Now if you should think that fruits must be eaten in the Sukkah, he should have stated ‘fruits’ [instead of ‘delicacies’]? What does he mean by ‘delicacies’? ‘Fruits’. Or, if you like, say: [The reference is to] a place wherein fruits are not to be found.

R. Zebid said: The big date whereof they spoke is smaller in size than an egg, for we learned: Beth Shammai say: ‘Of leaven as much as an olive, or leavened bread as much as a date’.⁷ And thereon we were debating; what is the reason of Beth Shammai? [And were given this]: Let the Divine Law write about hamez [leavened bread] alone, without needing a reference to leaven, and I would say: If the eating of an olive-size of hamez the leaven whereof is not so intensive is forbidden, how much more is such size forbidden in the case of leaven which is so much more leaven! But since the Divine Law nevertheless mentioned them separately, it teaches you that the minimum size of the one is not the same as of the other, viz., in the case of leaven it is that of an olive, in the case of hamez that of a date. Now if you should think that the big date mentioned is bigger than an egg, since Beth Shammai are looking for a quantity bigger than an olive, let them teach that of an egg; and even if the two be of the same size let them teach ‘that of an egg’. Hence one must infer therefrom that the date spoken of is smaller than an egg! How does that follow? In truth I may say to you, perhaps, that the big date referred to is bigger than an egg, but the normal one is as big as an egg, and (even though they be of the same size)⁸ Beth Shammai just mentions one of the two! Rather, may one infer it⁹ from here: ‘How much must one have eaten to be obliged to make an appointment for common [saying of] grace [after meals]? The size of an olive, according to R. Meir. According to R. Judah: The size of an egg’.¹⁰ [And in connection therewith it was said:] Wherein are they differing? R. Meir holds: And thou shalt eat,¹¹ refers to eating. ‘And be satisfied’,¹¹ refers to drinking. And the minimum of ‘eating’ is the size of an olive whereas R. Judah holds: ‘And thou shalt eat and be satisfied’, i.e., an eating which brings satisfaction, and that is [at least as much] as an egg. And if you should think that the big date referred to is bigger than an egg — how if the quantity of an egg even satisfied one, would it not help one to come to? Thence the inference is proper that the big date referred to is smaller than an egg: the quantity of an egg will satisfy one, the size of a big date will help one to come to. It was taught: Rabbi says,

(1) Which R. Gamaliel had eaten in the Sukkah and in connection with which it was stated ‘not that the law required it’, which means they were less than the legal minimum — one egg.

(2) Because the kernels are larger in bulk than the dates.

(3) The argument from the Sukkah is misleading, because fruits, no matter what their quantity, are not required to be eaten in the Sukkah.

(4) Which would signify, as against R. Papa, that fruits in proper quantity would have to be eaten in the Sukkah.

(5) Because they were fruits, no matter how many of them, they would be considered a mere incidental meal, permissible to be had outside the Sukkah.

(6) V. Suk. 28a. R. Eliezer holds fourteen to be the required minimum number of meals that must be taken in the Sukkah during the feast of Tabernacles. If someone now made up the number of prescribed meals by means of delicacies etc.

(7) The minimum, the possession of which during Passover causes one to transgress the prohibition. Ex. XII, 19: Seven days shall there be no leaven found in your houses, and XIII, 7: And there shall be no leavened bread seen with thee, neither shall there be leaven seen with thee, in all thy borders. V. Bez. 2a.

(8) [The bracketed words are best left out with var. lec.].

(9) That the big date spoken of is less than an egg.

(10) Ber. 45a.

(11) Deut. VIII, 10.

Talmud - Mas. Yoma 80a

All the legal standards [for foods] are the size of an olive, with the exception of that of the ritual defilement of foods, because there Scripture has used a different expression and the Sages accordingly have altered the standard. The proof for this view is furnished by the Day of Atonement.¹ What is the change in the usual expression in connection therewith? — [It follows] from: [For whatsoever soul it be that] shall not be afflicted.² And what is the change in the usual quantity the Sages have decreed here? — ‘As much as a date’. And what constitutes the proof from the Day of Atonement?³ One could have replied: Here it is the usual Scriptural expression.⁴

Whence do we know that the minimum for the ritual uncleanness of foods is the size of an egg? — Said R. Abbahu in the name of R. Eleazar: Scripture says, All food therein which may be eaten,⁵ i.e., food⁶ derived from food, and that is an egg of a hen. But say it is a kid? That still requires slaughtering.⁷ But say it is an animal taken alive out of the slaughtered mother's womb?⁸ — That still requires cutting open.⁹ Then say: the egg of bar-yokani?¹⁰ — If you take hold of too large a thing, you may lose your hold, but if you take hold of the lesser thing, you will retain your hold.¹¹ But say: the egg of a little bird, that is very small? — R. Abbahu said in his own name: ‘All food there in which may be eaten’, i.e., food which you may eat in one swallowing; and the Sages measured that the esophagus cannot hold more than the size of a hen's egg.

R. Eleazar said: If one has eaten tallow in these times,¹² he must put down [make a note of] the quantity, because another Rabbinical Court may come and increase the measures.¹³ What does increase the measures mean? Would say you that they would declare one obliged to bring a sin-offering for having eaten the size of a small olive, but it was taught: When a ruler sinneth, and doeth through error any one of all the things [which the Lord his God hath commanded] not to be done, and is guilty.¹⁴ i.e., only he who repents when he finds out his transgression must bring a sacrifice, because of his error, but he who does not repent when he finds out his transgression, does not bring a sacrifice for his error.¹⁵ Rather, therefore, must [‘increase the measures’] signify that they would declare a sacrifice obligatory only when he had eaten a quantity as large as a large olive. But according to the first view, viz., that they could impose a sacrifice even for the quantity of a small olive, what does ‘increase the measure’ mean? — It might mean increase the number of sacrifices’ required because of the reduced minimum of the quantities. R. Johanan said: Standard measures and penalties are fixed by laws [communicated] to Moses on Sinai. But the penalties are written out in Scripture? — Rather: The minimum required for penalties is fixed by laws [communicated] to Moses on Sinai. It was also taught thus: The minima required for penalties are fixed by laws [communicated] to Moses on Sinai. Others say: The Court of Jabetz¹⁶ fixed them. But Scripture said: These are the commandments,¹⁷ which means that no prophet is permitted to introduce any new law from then on? — Rather: They were forgotten and then they established them anew.

OR IF HE DRANK A MOUTHFUL. Rab Judah said in the name of Samuel: Not really a mouthful, but so much that if he moves it to one side it looks like a mouthful. But we learned: A MOUTHFUL. — Say: ‘As much as A MOUTHFUL’!

An objection was raised: ‘How much must one have drunk to become culpable? Beth Shammai say: One fourth [of a log], Beth Hillel say: One mouthful. R. Judah in the name of R. Eliezer says: As much as a mouthful. R. Judah b. Bathyra says: As much as can be swallowed at a time! Is this one better than our Mishnah which we explained as meaning: ‘That it look like a mouthful’, and this, too, we can explain: That it look like a mouthful. But if so, it is the same opinion as that of R. Eliezer? — There is a difference in the case of an exact mouthful.¹⁸

R. Hoshaiah demurred to this: If so, there would be a [another] case in which Beth Shammai took the more lenient view, and Beth Hillel the severer one?¹⁹ — He replied to him:

- (1) Where a change in expression on the part of the Bible involved a change in the fixed minimum standard.
- (2) Lev. XXIII, 29. The usual expression would be: Whosoever eateth on the day. The Rabbis, then, would have applied the normal measure, the olive, the legal minimum with every forbidden food.
- (3) There seems to be no difference between the law touching ritual impurity of foods and that covering the prohibition of food on the Day of Atonement. In both cases change in expression is responsible for change in measure. Wherein, then, lies the reason for the Day of Atonement text being chosen as a proof?
- (4) In the text relating to the uncleanness of foods the expression 'All foods therein which may be eaten' (which is the change in the usual expression alluded to, v. infra) would not appear an unusual expression. But 'that shall not be afflicted' for 'that shall eat' is indeed, unusual and thus accounts best for the change in measure determined by the Rabbis.
- (5) Lev. XI, 34.
- (6) Interpreted: that (coming) from food, which is also eatable.
- (7) Before it can be designated food.
- (8) Lit., 'the young one of an animal which is ripped open'. Such a young animal, where the mother in whose womb it still was, was slaughtered in accord with the rite, is considered ready food, since it does not require ritual slaughtering.
- (9) It is not considered ready food since it requires not, indeed, the ritual slaughter, but cutting open and removal of the blood.
- (10) A bird of fabulous size, the eggs of which are very large, v. Bek. 57b.
- (11) A proverb: v. R.H. 4b. In the case of two possible interpretations, always choose the smaller as the more likely one.
- (12) I.e., when the Temple is no longer in existence.
- (13) R. Eleazar suggested that if the Sanctuary be rebuilt in his days and a new Rabbinical Court were in session, they might render such decision. Hence one who is conscious of having eaten tallow may well take the precaution of putting down the exact quantity so as to be sure that his transgression does, or does not, involve the obligation of a sin-offering, in accord with the new enactment of the revived court.
- (14) Lev. IV, 22.
- (15) As he became conscious of his transgression, the new enactment was still unknown, the quantity of a small olive to him, hence, was below the minimum required for a transgression to be constituted, hence he has not 'found out his transgression', and is not required to offer up a sacrifice in atonement of his sin.
- (16) Identified with Othniel, the son of Kenaz; after the death of Moses he revived the forgotten portions of the law, v. Tem. 16a.
- (17) Lev. XXVII, 34: These are the laws, i.e., no others may ever be offered.
- (18) According to the Hillelites who insist: a mouthful, it is enough if it looks like a generous mouthful when moved to one cheek; according to R. Eliezer the appearance of an exact mouthful is required.
- (19) In the fourth chapter of 'Ed. all cases are enumerated in which, as against the usual norm, Beth Shammai take the more lenient, and Beth Hillel the more severe, view. If our text were right it should have been enumerated as an additional exception, because here too the usual attitudes of these two conflicting schools of learning are reversed, since Beth Hillel make him liable for what appears like a mouthful, which is less than the minimum required by Beth Shammai.

Talmud - Mas. Yoma 80b

When this came up for discussion, it came up in connection with 'Og, king of Bashan',¹ so that Beth Shammai will be found to take the severer view. — R. Zera asked a strong question: To what difference is it due that, with regard to eating, the minimum of a date was fixed for every one, whereas in the case of drinking each has [his minimum] in accord with his own [mouthful]? — Abaye replied to him: Regarding² food the Rabbis established that with [the quantity of] a date a person may come to, but with a smaller quantity he will not come to; but with regard to drinking [they have found] that a man will come to with the quantity of his own [mouthful], but not with less

than that. — R. Zera then asked another strong question: ‘All the world’ with a date and Og, the king of Bashan, also with a date? — Abaye replied: The Rabbis have ascertained that [touching food] the quantity [of a date] helps one to come to, but with a smaller quantity he will not come to; but, whereas all the world [can come to] more so, Og, king of Bashan, [only] somewhat so. R. Zera again asked another strong question: Fat meat in the quantity of one date and wine-branches also in the quantity of one date? — Abaye replied: The Rabbis have ascertained that one comes to with so much, but not with less; with [this quantity of] fat meat one becomes, however, more satisfied, whilst with the same quantity of wine-branches one becomes less so. Raba asked a strong question: The quantity of an olive, during the time one could eat a peras,³ — and the quantity of a date during the time required for eating a peras!⁴ — Abaye replied: The Rabbis have ascertained that if it [the eating of the quantity of a date] takes so long [as one could eat a peras] a person will come to, but if longer he will not come to. Raba asked another strong question: The quantity of a date, during the time required for the eating of a peras, and half a peras during the time required for the eating of a peras?⁵ — R. Papa answered: Leave alone the uncleanness of the body, which is not determined by Biblical law.⁶ But could R. Papa have answered thus? Is it not written: Neither shall ye make yourselves unclean with them, that ye should be defiled thereby.⁷ and R. Papa said that from here is derived the Biblical origin of the [laws concerning] the body's becoming defiled [through unclean foods]? — It is really Rabbinical, and Scripture is quoted only as mere [mnemotechnical] aid.⁸

ALL FOODS COMPLEMENT ONE ANOTHER IN MAKING UP THE BULK OF A DATE. R. Papa said: If one ate a piece of raw meat with salt, they are joined;⁹ and although [salt] in itself is no food, since people eat [the two] together, they are joined. Resh Lakish said: The juice on the green [vegetables] joins so as to make up [with the vegetable] the [quantity of a] date in connection with the Day of Atonement. But that is self-evident? You might have said: It is drink,¹⁰ therefore he informs us that whatever is used for seasoning food is considered as food. Resh Lakish said: If one eats an excessive meal on the Day of Atonement, he is free from punishment. Why? Scripture said: That shall not be afflicted,¹¹ and that excludes whatever causes harm.¹² R. Jeremiah said in the name of Resh Lakish: If a non-priest eats excessively of terumah,¹³ he need pay but the principal, but not the [fine of the] additional fifth, for Scripture says: And if a man eat,¹⁴ which excluded one causing harm.¹⁵ R. Jeremiah said in the name of R. Johanan: A non-priest

(1) I.e., this teaching refers to the case of men as gigantic as Og, king of Bashan (Ber. 54b); in such cases Beth Shammai will be found to have taken, as usual, the severer view. For according to that school the minimum incurring penalty for any man is a fourth of a log, whereas according to the Hillelites it is for each according to his mouthful. According to Beth Shammai, therefore, an ‘Og, king of Bashan’ would become culpable on drinking, what to him would be less than a drop, whereas according to Beth Hillel he would incur penalty only when drinking the generous measure of his own mouthful.

(2) Corrected according to Bah.

(3) Peras, lit., ‘a piece (of bread)’ is in the Tosef. Neg. VII, 10 defined as half a loaf, three of which make a kab. The time it takes to eat such a quantity is the maximum within which morsels of food smaller than the minimum measure are considered to join in order to make up the minimum incurring penalty.

(4) Ought not a longer period to be allowed for the quantity of a date?

(5) If one has eaten half a peras of ritually unclean food during the time it takes to eat a peras of food, one is considered unclean and may not partake of sacred foods. Half a peras is (‘Er. 83a) as two ‘friendly’ (generous sized) eggs, equal in size to three ordinary eggs.

(6) And consequently is not governed by such strict standards.

(7) Lev. XI, 43.

(8) As far as Biblical law is concerned, a person could become defiled by food only by swallowing the meat of a ritually clean fowl that has died a natural death. The reference to this verse is used by R. Papa only to lend support to the more severe rabbinic law.

(9) To make up together the legally required minimum of the big date.

(10) And, according to the Mishnah, foods and drinks do not combine to make up the required minimum.

(11) Lev. XXIII, 29.

(12) The man causes harm to himself by excessive eating and thus is also afflicting himself, or at least not enjoying himself. Rashi suggests that since Jews eat lavishly on the eve of the Day of Atonement, a meal taken immediately thereupon, i.e. after the incidence of the fast, would constitute excessive eating.

(13) V. Glos.

(14) Lev, XXII, 14.

(15) The offence here was committed in error, whence the capital and the fifth as fine is to be repaid by the offender. Such fine would be dispensed with in case this food was taken as an excessive meal, where the eating is but sheer waste of the terumah.

Talmud - Mas. Yoma 81a

who chews¹ barley-corns of terumah must pay the principal, but not the additional fifth, for Scripture said: 'If a man eat', that excludes one causing harm. R. Shezbi said in the name of R. Johanan: If a non-priest swallowed jujubes of terumah, and spat them out, and another one ate them, then the first pays the principal, and the fifth, whereas the second does not pay more than their wood [fuel] value.²

BUT WHAT A MAN EATS AND DRINKS DOES NOT GO TOGETHER. Who is the Tanna [of this part of the Mishnah]? — R. Hisda said: This has been taught under a controversy of opinion, and it is in accord with R. Joshua, for we learned: R. Joshua pronounced with principle: All foods are equal regarding the [duration of] their uncleanness and the quantity of them [required to convey uncleanness] combine; if they be equal only concerning the [duration of] their uncleanness, but not concerning the quantity of them [required to convey uncleanness]; or only regarding quantity, but not in the duration of uncleanness; or if they be equal neither in respect of [duration of] uncleanness nor quantity, they do not combine [to make up the minimum quantity which constitutes the transgression].³ R. Nahman said: You may even say that [this part of our Mishnah is] in accord with the Rabbis. For the Rabbis [opposing R. Joshua] hold their view only touching uncleanness, because all are designated as 'uncleanness', but here the point involved is 'coming to', and this⁴ does not enable one to come to. Thus also did Resh Lakish say: This has been taught under the controversy of an opinion and our Mishnah is in accord with R. Joshua, for we were taught: R. Joshua pronounced a principle etc. but R. Johanan said: You may even say that our Mishnah is in accord with the Rabbis: There the Rabbis present their view only in connection with uncleanness, but here 'coming to' is the point, and this⁴ does not enable one to come to.

MISHNAH. IF A MAN ATE AND DRANK IN ONE STATE OF UNAWARENESS, HE IS NOT OBLIGED TO BRING MORE THAN ONE⁵ SIN-OFFERING, BUT IF HE ATE AND PERFORMED LABOUR WHILE IN ONE STATE OF UNAWARENESS HE⁶ MUST OFFER UP TWO SIN-OFFERINGS. IF HE ATE FOODS UNFIT FOR FOOD, OR DRANK LIQUIDS UNFIT FOR DRINKING, OR DRANK BRINE OR FISH-BRINE, HE IS NOT CULPABLE.

GEMARA. Resh Lakish said: Why is no explicit warning⁷ mentioned in connection with the commandment to afflict oneself? — Because it is impossible. For how shall the Divine Law word it? Were the Divine Law to write: 'He shall not eat'? But 'eating' implies [the minimum size of] an olive.⁸ Shall the Divine Law write: 'He shall not afflict himself'?⁹ That would mean: Go and eat! — R. Hoshaiah asked a strong question: Let the Divine Law write: 'Take heed, lest thou dost not afflict thyself'! — That would mean several prohibitions.¹⁰ To this R. Bibi b. Abaye demurred: Let the Divine Law write: Take heed concerning the commandment of affliction! 'Take heed' implies a command, if attached to a command, and a prohibition, if attached to a prohibition.¹¹ R. Ashi asked a strong question: Let the Divine Law write: Do not depart from affliction! — This is a difficulty.

The following Tanna derives it [the prohibition relating to affliction] from here: And ye shall afflict your souls: ye shall do no manner of work.¹² One might have assumed that the punishment¹³

[of extirpation] is involved for one who disregarded the addition¹⁴ by doing a labour, therefore Scripture said: For whatsoever soul it be that doeth any manner of work in that same day he shall be cut off,¹⁵ i.e., only for the [disregard of] that day itself is one punished with extirpation, but for labour performed during the additional time one is not punished with extirpation. One might have assumed that one does not incur punishment of extirpation by doing labour during the additional time, but that one does incur punishment of extirpation for failure to afflict oneself during the additional time, therefore the text reads: For whatsoever soul it be that shall not be afflicted in that same day he shall be cut off;¹⁶ that means for [failure of] afflicting [oneself on] the day itself does the penalty of extirpation come, but the penalty of extirpation does not result from failure to afflict oneself during the additional time. One might have assumed that one is not included in the penalty, but that one is under a warning against performing work during the additional time, therefore the text reads: And ye shall do no manner of work in that same day,¹⁷ i.e., one is warned concerning the day itself but not concerning [work done] during the additional time. One might have assumed that one is not under a warning concerning labour performed during the additional time, but one is under a warning concerning [failure of] affliction during the additional time; but a logical inference cancels that. For if in the case of labour, the prohibition of which applies on Sabbath and festival days, one is not under a warning [concerning additional time] then with regard to [the commandment of] affliction, which does not apply on Sabbath and festival days, how much more should one not be under a warning against it [during the additional time]! But we have not learnt [so far] of any explicit warning with regard to the [obligation to] affliction on the day itself, whence then do we derive [that required 'warning']? [From the following]: There was no necessity for stating the penalty resulting from the performance of labour, for that is inferable from the [commandment of] affliction. If [for failure of] affliction, which is not commanded on the Sabbath and festival days, one is punished with extirpation, then for the performance of labour [the prohibition of] which does apply on Sabbath and festival days, how much more shall [one be punished with extirpation]! Why then was [the penalty] stated? It is free¹⁸ for interpretation, hence it serves for comparison, to derive thence an inference from analogy of expression: the penalty is stated in connection with [the commandment of] affliction, and the penalty is stated in connection with the [prohibition of] labour, hence just as the performance of labour was punished only after warning,¹⁹ so also is [failure of] affliction punished only after warning. But against this it may be objected:²⁰ The specific condition with affliction [which attaches a penalty to it] lies in the fact that no exception against the general rule was made here; but would you apply [the same] to the performance of labour seeing that in its case exceptions from the general rule were made?²¹ Rather [argue thus]: Let Scripture not mention any penalty in connection with [failure of] affliction, inferring it from the [prohibition of] labour. If [the performance of] labour, from the general prohibition of which some exceptions were made, involves the penalty of extirpation, how much more must [failure of] affliction, from the general prohibition of which no exception was made, involve such penalty? Then why does Scripture mention it? It is free for interpretation, hence it serves for comparison, to derive thence an inference from analogy of expression: the penalty is mentioned in connection with [failure of] affliction, and the same penalty is mentioned in connection with [the performance of] labour, hence just as [performance of] labour is punished only after warning, so is [the failure of] affliction punished only after warning. Against this may be objected: There is a specific condition in connection with labour [to which a penalty is attached] in that it is forbidden on Sabbath and festival days, but would you apply the same to [the commandment of] affliction seeing that does not apply on Sabbath and festival days? Rabina said: This Tanna infers it from the word 'self-same'.²² Now it must be free,²³ for if it were not free, the objection as above could be raised against it. Hence it indeed must be free.

[Consider] there are²⁴ five Scriptural verses written in connection with labour:²⁵ one indicating the prohibition for the day, one the prohibition for the night, one the warning for the day, one the warning for the night, one remains free for inference from [the prohibition of] labour for [the commandment of] affliction, touching both day and night.

The School of R. Ishmael taught: Here the word 'affliction' is used and there the word 'affliction'²⁶ is used; hence just as there the penalty is incurred only after warning, so here too the penalty is incurred only after warning. R. Aha b. Jacob said: One can infer that from the phrase 'Shabbath Shabbathon' ['solemn day of rest']²⁷ which occurs in connection with the ordinary Sabbath,²⁸ and just as there penalty is incurred only after warning, so here too, penalty is incurred only after warning. R. Papa said:

- (1) 'Chewing' which is the term. techn. for irregular eating.
- (2) The first, having eaten them, must pay both principal and fine, a complete offence having been committed by him; but not the second, who ate something which could have been used only as fuel.
- (3) Two half olives from two corpses, or two pieces of the size each of one half of a lentil, coming from a dead creeping thing, share the duration of uncleanness and the minimum quantity; a creeping thing and the carcase of an animal that died a natural death, are alike with regard to duration of the uncleanness they cause (in each case up to the evening of the day), but differ as to the minimum quantity which causes defilement; the former has the standard of an olive, the latter that of a lentil. A human corpse and the carcase of an animal again are alike in the minimum required for defiling a person, viz., an olive, but are different with regard to the duration of the uncleanness caused: the former causing one lasting seven days, the latter one lasting up to the evening only; v. Me'il. 17a.
- (4) The quantity of a big date, composed of food and drink does not enable one to come to, whereas food alone of that quantity would. The only matter in connection with the minimum required on the Day of Atonement is that it enables one to come to, hence the Rabbis could agree here, whilst disputing R. Joshua in the matter of the combination of various unclean foods.
- (5) He did not know all the time that it was the Day of Atonement. Because whereas two offences took place, both belong to one head: eating includes drinking.
- (6) But eating and working are two different forms of activities prohibited on the Day of Atonement, derived from two Scriptural verses, Num. XXIX, 7 and Lev. XXIII, 29.
- (7) The usual form of which is: 'Thou shalt not'.
- (8) The usual minimum (to render one culpable of having eaten forbidden food) is the quantity of an olive. Had the Torah therefore used the phrase 'He shall not eat', the inference would have been that one who ate the quantity of an olive had thereby transgressed the law; whereas the quantity on the Day of Atonement is dependent on one's coming to, which is the result of having eaten as much as the size of a big date.
- (9) The form would be negative, but the meaning just the opposite of what is required!
- (10) 'Take heed' and 'lest' are phrases each implying a separate negative command, v. 'Er. 96a.
- (11) Deut. XXIV, 8: 'Take heed in the plague of leprosy' implies the prohibition of cutting off the bright spot (Lev. XIII, 2) whereas 'Take heed that you do a certain thing', i.e., not neglect it, has affirmative exhortatory meaning. The phrase here would therefore imply a positive command.
- (12) Num. XXIX, 7.
- (13) Reading with Bah.
- (14) The prohibitions and positive commandments in connection with the Day of Atonement become valid some time before the actual commencement of the day — before the night of the tenth of Tishri, and extend for some minutes after the end of the Day of Atonement — the night of the eleventh day. The validity for this additional time of the laws governing the Day of Atonement is Biblical, v. infra 81b.
- (15) Lev. XXIII, 30.
- (16) Lev. XXIII, 29.
- (17) Ibid. v. 28.
- (18) Lit., 'being free', or 'vacated', here unnecessary for the context, hence available for hermeneutical purposes.
- (19) Lev. XXIII, 28.
- (20) The comparison is superficial, because in spite of similarity of expression, basic difference of prevailing conditions render the comparison unjustified, and but for an explicit statement of penalty in the case of 'labour' one would not be able to derive it from 'affliction'.
- (21) None is exempted from the affliction, whereas as regards labour the priests in the Sanctuary were permitted to perform all work in connection with the ceremonial of the Day of Atonement.
- (22) This word occurs both with the prohibition of labour in Lev. XXIII, 30 and with the commandment of affliction in

v. 29 *ibid.*, hence appears available for inference from analogy of expression.

(23) V. p. 397. n. 3.

(24) So Bah.

(25) Lev. XVI, 29; XXIII, 28, 29, 30 and Num. XXIX, 7.

(26) In connection with the rape of a betrothed maiden, Deut. XXII, 24.

(27) Lev. XXIII, 32.

(28) Lit., 'with the Sabbath of creation', i.e., the Sabbath, the observance of which is due to the first Sabbath, a tech. term. for any ordinary seventh day Sabbath, as against other days of rest, viz., the Holy Days.

Talmud - Mas. Yoma 81b

This day itself is also called Sabbath, for Scripture said: [In the ninth day of the month, from even to even], shall ye keep your Sabbath. R. Papa did not [well] interpret as R. Aha b. Jacob, because it is preferable to use a Scriptural text mentioned in connection with the subject itself. But why did not R. Aha b. Jacob expound as R. Papa did? — That¹ is necessary for the following teaching: And ye shall afflict your souls, in the ninth day of the month. One might have assumed that such affliction commences on the ninth of the month already. Therefore the text reads: 'At even'. If from 'at even', one might have inferred that one must afflict oneself only after it gets dark, therefore the text reads: 'In the ninth'. How is [this to be explained]? He should commence to afflict himself whilst it is yet day. From here we learn that we add from the profane time to the sacred one. Thus I know it only at its beginning. Whence do I know it at its end? Therefore Scripture said: 'From even unto even'. Thus I know it only for the Days of Atonement, whence do I learn the same for the Sabbath days? Therefore the text reads: 'Your Sabbath'. How is that? Wherever the word 'shebuth' [rest] is mentioned, we add from the profane time to the sacred one.

How does the Tanna who infers from the word-analogy of 'self-same',² 'self-same' interpret the words: 'In the ninth of the month'? — He uses it in accord with what Hiyya, the son of Rab, of Difti taught, for Hiyya, the son of Rab, of Difti learned: 'And you shall afflict your souls in the ninth [day of the month]'. But is one fasting on the ninth? Do we not fast on the tenth? Rather, it comes to indicate that, if one eats and drinks on the ninth, Scripture accounts it to him as if he had fasted on the ninth and the tenth.³

IF HE ATE FOODS UNFIT FOR FOOD. Raba said: If one chewed pepper on the Day of Atonement, he is not culpable. If one chewed ginger on the Day of Atonement, he is not culpable. An objection was raised: R. Meir used to say: By mere implication from the text: Then you shall count the fruit thereof as forbidden.⁴ I could understand that fruit trees are meant. Why then does Scripture say: 'trees for food'? It means a tree the taste of whose wood and fruit are alike. Say: This is pepper. That teaches you that the plant of pepper is subject to the law of 'orlah',⁵ and that the land of Israel lacks nothing, as it is said: Thou shalt not lack anything in it.⁶ — That is no difficulty; The one case deals with green pepper, the other with dry pepper.⁶ Rabina said to Meremar: But R. Nahman has said that preserved ginger coming from India is permitted,⁷ and the blessing . . . Who createst the fruit of the ground' is obligatory [before eating it].⁷ — This is no difficulty: The one case deals with fresh one, the other with dry one.

Our Rabbis have taught: If one ate the leaves of calamus, he is culpable. If he ate the leaves of vine, he is culpable. What vines are meant here? — R. Isaac of Magdala said: Such as sprouted forth between New Year and the Day of Atonement.⁸ R. Kahana said: During the first thirty days,⁹ it was taught in accord with R. Isaac of Magdala: If one ate the leaves of calamus, he is not culpable. If he ate the leaves of vines, he is culpable. The vines meant here are those that sprouted forth between New Year and the Day of Atonement.

IF HE DRANK BRINE OR FISH-BRINE HE IS NOT CULPABLE. But [if he drank] vinegar, he

is culpable — according to whom is our Mishnah? — According to Rabbi. For it was taught: Rabbi said, Vinegar restores the soul.¹⁰ R. Giddal b. Menasseh of Bari of Naresh¹¹ reported that the halachah is not in accord with Rabbi, whereupon in the following year all went forth to drink [on the Day of Atonement] vinegar [mixed with water]. When R. Giddal heard that he became angry and said: I spoke only of a de facto case, did I say at all that one may do so at the outset? I referred only to a small quantity, did I speak at all of a large one? I spoke only of raw vinegar, did I refer at all to [vinegar] mixed [with water]? [

(1) The Scriptural text adduced by R. Papa.

(2) Who infers the additional time from the words of the text, which are free for interpretation (v. supra). To him the words 'And ye shall afflict yourself on the ninth', which to us suggest the additional time, must convey a different meaning.

(3) The feasting on the ninth of Tishri helps to emphasize the solemnity and the self-affliction due on the morrow, indeed, starting at the eve of the same day. The more feasting on the eve of the Day of Atonement, the more pronounced the affliction on the day itself.

(4) Lev. XIX, 23.

(5) Which forbids for the first three years the fruit of trees, v. *ibid*.

(6) Deut. VIII, 9. Hence pepper is considered fruit, and as such should involve the eater thereof on the Day of Atonement in the penalty of extirpation, whereas Raba had taught that one who ate thereof is not culpable. R. Meir speaks of green pepper which can be eaten, hence subject to the law of 'orlah, whereas Raba speaks of dry pepper, which cannot be considered a food, hence one who has eaten thereof, in the best case has not partaken of eatables, in the worst case has harmed himself, in either case is not culpable.

(7) Preserved ginger therefore is considered a food. The blessing due emphasizes that it is considered such.

(8) But if they sprouted forth before the New Year, they are considered stale and 'even as wood', i.e., no food.

(9) The same principle, though in different terms.

(10) I.e., has the effect of satisfying one, of helping one to come to, on the Day of Atonement.

(11) I.e., Bari, which was near Naresh, north of Sura. V. Obermeyer, p.308.

Talmud - Mas. Yoma 82a

MISHNAH. ONE SHOULD NOT AFFLICT¹ CHILDREN AT ALL ON THE DAY OF ATONEMENT. BUT ONE TRAINS THEM A YEAR OR TWO BEFORE² IN ORDER THAT THEY BECOME USED TO RELIGIOUS OBSERVANCES.

GEMARA. Since [the Mishnah has taught already that] two years before [their attaining majority] they must be trained, is it necessary to state that one must do so a year before that time? R. Hisda said: This is no difficulty: the one refers to a healthy³ child, the other to a sickly one. R. Huna said: At the age of eight and nine years one trains them by hours,⁴ at the age of ten and eleven they must fast to the end of the day, by Rabbinic ordinance. At the age of twelve they must fast to the end of the day by Biblical law, [all this] referring to girls. R. Nahman said: At the age of nine and ten one trains them by hours, at the age of eleven and twelve they must fast to the end of the day by Rabbinic ordinance, at the age of thirteen they must fast to the end of the day by Biblical law, [all this] referring to boys. R. Johanan said: There is no Rabbinic ordinance about the obligation of children to fast to the end of the day. But, at the age of ten and eleven one trains them by hours, at the age of twelve they must fast to the end of the day by Biblical law.

We learned: ONE SHOULD NOT AFFLICT THE CHILDREN AT ALL ON THE DAY OF ATONEMENT, BUT ONE TRAINS THEM A YEAR OR TWO BEFORE. That will be right according to R. Huna and R. Nahman: A YEAR OR TWO BEFORE [means] a year before, according to Rabbinic law, or two years before, according to Biblical law.⁵ But according to R. Johanan, there is a difficulty!⁶ R. Johanan will tell you: 'One or two years before means: before their reaching maturity.'⁷

Come and hear: For Rabbah b. Samuel taught: One does not afflict children on the Day of Atonement, but one trains them a year, or two, before their attaining maturity. That will be right according to R. Johanan, but according to R. Huna and R. Nahman this presents a difficulty. — [These] Rabbis will tell you: ‘Training’ here means ‘fasting to the end of the day’. But has ‘training’ the meaning of ‘fasting to the end of the day’? Was it not taught: What is training? If he was accustomed to eat at the second hour [eight o'clock],⁸ one feeds him now at the third hour [nine o'clock]; if he was accustomed to eat at the third hour, one feeds him now at the fourth.⁹ Raba b. ‘Ulla said, There are two kinds of training.¹⁰

MISHNAH. IF A WOMAN WITH CHILD SMELT,¹¹ SHE MUST BE GIVEN TO EAT UNTIL SHE FEELS RESTORED. A SICK PERSON IS FED AT THE WORD OF EXPERTS.¹² AND IF NO EXPERTS ARE THERE, ONE FEEDS HIM AT HIS OWN WISH UNTIL HE SAYS: ENOUGH.

GEMARA. Our Rabbis taught: If a woman with child smelt the flesh of holy flesh, or of pork, we put for her a reed into the juice and place it upon her mouth. If thereupon she feels that her craving has been satisfied, it is well. If not, one feeds her with the juice itself. If thereupon her craving is satisfied it is well; if not one feeds her with the fat meat itself, for there is nothing that can stand before [the duty of] saving life, with the exception of idolatry, incest¹³ and bloodshed [which are prohibited in all situations]. Whence do we know that about idolatry? For it was taught: R. Eliezer said: Since it is said, With all thy soul,¹⁴ why is it said: With all thy might?¹⁴ And since it is said: ‘With all thy might’, why is it said: ‘With all thy soul’? [It but comes to tell you that]¹⁵ if there be a man whose life is more cherished by him than his money, for him it is said: ‘With all thy soul’; and if there be a person to whom his money is dearer than his life, for him it is said: ‘With all thy might’.¹⁶ Whence do we know it about incest and bloodshed? — Because it was taught: Rabbi said, For as when a man rises against his neighbor, and slayeth him, even so is this matter.¹⁷ What matter do we infer for [the rape of] a betrothed maiden from a murderer? — Rather: What was meant to teach, learns itself.¹⁸ Just as in the case of a betrothed maiden it is lawful to save her at the expense of his [the would-be raper's] life, thus also in the case of a murderer. And just as in the case of [an order to] shed blood one should rather be killed oneself than transgress [the prohibition of murder], thus also in the case of a [command to rape a] betrothed maiden, one should rather be killed than transgress [the prohibition of violating her].

(1) To make them fast, to deny them food. Concerning other afflictions, v. supra 78b.

(2) The connotation of this is discussed in the Gemara.

(3) With a healthy child the training may be started at an earlier year than with a sick or sickly one.

(4) Extending the hours of fasting from one hour to another.

(5) So Rashi, v. Bah; v. next note. Cur. edd. according to rabbinic law. On interpretation of this reading v. Wilna Gaon, Glosses.

(6) Whereas R. Huna and R. Nahman could explain ‘BEFORE’ as meaning ‘before they are obliged by Rabbinic law’ to fast to the end of the day. R. Johanan holds there is no Rabbinic ordinance compelling children to fast to the end of the day, and would be unable to account for this text.

(7) His answer is simple; ‘before’ means ‘before maturity’, when yet the obligation to fast to the end of the day does not apply.

(8) According to the Jewish calculation for ritual purposes, every day, summer and winter, has twelve hours, every night twelve hours. The hours, however, vary in duration. In December an hour may consist of forty minutes, in June of ninety minutes. In Tishri (usually September) an hour would have about sixty minutes. The first hour of the day would be from six to seven, the second from seven to eight. ‘At the second hour’ would thus correspond to ‘about eight o'clock’.

(9) This indicates, at any rate, that ‘training’ means ‘training by the extension of hours’, not ‘fasting to the end of the day’.

(10) Raba replies that the term ‘training’ is being used in both senses.

(11) Smelt a dish on the Day of Atonement and has a morbid desire for it.

(12) Physicians.

(13) Including adultery.

(14) Deut. VI, 5. The word 'meod', usually translated as 'might', is here interpreted as 'economic might', money.

(15) Life is more important than 'money' or 'might'. Why then the mention of both? If one is commanded to love the Lord even with all one's soul, viz., so that one would surrender life in the service of Him, it is self-evident and therefore superfluous to mention the obligation to love Him with all one's money, viz., to be willing to surrender one's possessions to Him.

(16) Scripture takes account of people's idiosyncrasies, the Lord, Who gave the Torah to Moses, knoweth the heart of man.

(17) Deut. XXII, 26 referring to the rape of a betrothed maiden.

(18) Lit., 'Behold this one comes to teach and turns out a learner'. This passage is intended to throw light on another one, whereas it receives light therefrom.

Talmud - Mas. Yoma 82b

Rut whence do we know that this principle applies in the case of a murder? — This is reasonable. For there was a man who came before Raba and said to him: The lord of my village told me: Kill so-and-so, and if you will not, I shall kill you! — He [Raba] answered: Let him kill you, but do not kill! What makes you see that your blood is redder than his? Perhaps the blood of that man is redder than yours?¹

There was a woman with child who had smelt [a dish]. People came before Rabbi [questioning him what should be done]. He said to them: Go and whisper to her that it is the Day of Atonement. They whispered to her and she accepted the whispered suggestion, whereupon he [Rabbi] cited about her the verse: Before I formed thee in the belly I knew thee.² From her came forth R. Johanan. [Again] there was a woman with child who smelt [a dish]. The people came to R. Hanina, who said to them: Whisper to her [that it is the Day of Atonement]. She did not accept the whispered suggestion. He cited with regard to her:

(1) The Lord wants you to save your own life, because the life of any one of His children is clear to Him. But your neighbour's life is as clear to Him as your own; and no blood is 'redder than the other'. Hence you must not kill someone else, in order to save life. But if someone comes to murder you, self-defence is not only permissible, but mandatory.

(2) Jer. I, 5.

Talmud - Mas. Yoma 83a

The wicked are estranged from the womb.¹ From her came forth Shabbatai, the hoarder of provisions² [for speculation].

A SICK PERSON IS FED AT THE WORD OF EXPERTS. R. Jannai said: If the patient says, I need [food], whilst the physician says: He does not need it, we hearken to the patient. What is the reason? The heart knoweth its own bitterness.³ But that is self-evident? You might have said: The physician's knowledge is more established; therefore the information [that we prefer the patient's opinion]. If the physician says: He needs it, whilst the patient says that he does not need it, we listen to the physician. Why? Stupor seized him.⁴

We learned: A SICK PERSON IS FED AT THE WORD OF EXPERTS. [That implies]: Only upon the order of experts, but not upon his own order? [Further it implies]: Only upon the order of 'experts,' but not upon the order of a single expert?⁵ — This refers to the case that he says: I do not need it. But one should feed him upon the order of one expert? — This refers to the case when someone else is present who agrees that he does not need it. [If so, wherefore state that he] is FED

AT THE WORD OF EXPERTS. Surely that is self-evident, for it is a possibility of danger to human life and ‘in the case of the possibility of danger to human life we take a more lenient view’!⁶ — It refers to a case in which two more people are present who say that he does not need it.⁷ And although R. Safra said that ‘Two are as a hundred and a hundred are as two’⁸ applies only to witnesses, but with regard to opinion we go according to the number of opinions, all that applies only to opinions concerning money matters, but here it is a case where there is a possibility of danger to human life. But since in the second part [of the Mishnah] it states: AND IF NO EXPERTS ARE THERE, ONE FEEDS HIM AT HIS OWN WISH, it is to be inferred that in the first part we deal with the case that he said he needed it? There is something missing [in the Mishnah] and this is how it reads: These things are said only for the case that he says: I do not need it; but if he says: I need it, then if two experts are not there, but one who says: He does not need it, then ONE FEEDS HIM AT HIS OWN WISH.

Mar son of R. Ashi said: Whenever he says. ‘I need [food]’, even if there be a hundred who say, ‘He does not need it’, we accept his statement, as it is said: ‘The heart knoweth its own bitterness’. We learned in the Mishnah: If no experts are there one feeds him at his own wish. That means only if no experts are there, but not if such experts were there? — This is what is meant: These things are said only for the case that he says, ‘I do not need it’, but if he says, ‘I need it’, then there are no experts⁹ there at all, [and] one feeds him at his own wish, as it is said: ‘The heart knoweth its own bitterness’.

MISHNAH. IF ONE IS SEIZED BY A RAVENOUS HUNGER,¹⁰ HE MAY BE GIVEN TO EAT EVEN UNCLEAN THINGS UNTIL HIS EYES ARE ENLIGHTENED.¹¹ IF ONE WAS BIT BY A MAD DOG, HE MAY NOT GIVE HIM TO EAT THE LOBE OF ITS LIVER, BUT R. MATTHIA B. HERESH PERMITS IT.¹² FURTHERMORE DID R. MATTHIA B. HERESH SAY: IF ONE HAS PAIN IN HIS THROAT, HE MAY POUR MEDICINE INTO HIS MOUTH ON THE SABBATH,¹³ BECAUSE IT IS A POSSIBILITY OF DANGER TO HUMAN LIFE AND EVERY DANGER TO HUMAN LIFE SUSPENDS THE [LAWS OF THE] SABBATH. IF DEBRIS FALL ON SOMEONE, AND IT IS DOUBTFUL WHETHER OR NOT HE IS THERE, OR WHETHER HE IS ALIVE OR DEAD, OR WHETHER HE BE AN ISRAELITE OR A HEATHEN, ONE SHOULD OPEN [EVEN ON SABBATH] THE HEAP OF DEBRIS FOR HIS SAKE. IF ONE FINDS HIM ALIVE ONE SHOULD REMOVE THE DEBRIS, AND IF HE BE DEAD ONE SHOULD LEAVE HIM THERE [UNTIL THE SABBATH DAY IS OVER].

GEMARA. Our Rabbis taught: How did they know that his eyes are enlightened again? When he distinguishes between good and bad [food]. — Abaye said: In the taste thereof. Our Rabbis taught: If one was seized by a ravenous hunger, one feeds him with the less forbidden things first; as between *tebel* [untithed food] and carrion,¹⁴ one should feed him carrion first; between *tebel* and fruit of the seventh year, one should give him the fruit of the seventh year first.¹⁵ As between *terumah*¹⁶ and *tebel*, Tannaim are of divided opinion. For it was taught: One should feed him *tebel*, but not *terumah*. Ben Tema holds: *Terumah*, but not *tebel*. Rabbah said: If it is possible [to feed him] with common food,¹⁷ there is general agreement that one should prepare it¹⁸ for him and feed him with it; the dispute concerns the case when it is not possible [to feed him] with common food; one holds that [the prohibition of] *tebel* is more severe, the other assuming that the prohibition¹⁹ of *terumah* is the more severe. The one holds that [the prohibition of] eating *tebel* is more severe because *terumah* is permissible to priests. the other holding [the prohibition of] *terumah* more severe, whereas *tebel* may be rendered right [by tithing].

(1) Ps. LVIII, 4.

(2) The suggestion throughout the page of a woman with child who smells a dish and develops a morbid longing for it, is that it is the embryo, and not the mother, who has the desire. If the mother accepted the whispered suggestion, it was due to the noble piety of the unborn child, hence, R. Johanan as the child of the first woman. None is more contemptible than

the speculator in foodstuffs who corners the markets for his sordid gain and who causes great affliction among the poor. Such a person, even in the embryonic stage, would not be influenced by the information that it is the Day of Atonement. He would crave his food, unresponsive to any law or sentiment.

(3) Prov. XIV, 10.

(4) So that he does not feel the lack of food.

(5) Which refutes R. Jannai.

(6) V. Shab. 129a.

(7) Two witnesses are considered sufficient evidence (Deut. XIX, 15) and no increase of their number either strengthens, or if they were counter-witnesses, by reason of superior numbers, weakens their original testimony.

(8) And yet on the strength of the two experts who say 'he needs it', he is fed.

(9) Such experts, opposing the patient's own view, would be ignored: 'They are not present at all'.

(10) **, bulimy, ox-hunger.

(11) Cf. I Sam. XIV, 27. Such ravenous hunger renders the eyes dull.

(12) That was considered a cure: a fore-runner of modern homeopathics. The Tanna who forbids it denies its curative value, hence its use is forbidden. Matthia b. Heresh believed in this cure, hence permitted it.

(13) The dispute here concerns not the principle, but the efficacy, of the proposed medicines.

(14) Whenever the permitted and forbidden food alone are insufficient to restore the patient, one should proceed by eliminating as far as possible the more forbidden foods. Untithed food involves punishment of death by divine hand, whereas the eating of carrion involves only the castigation by stripes.

(15) Similarly is the fruit of the seventh year less 'forbidden', its eating implies much less penalty than the eating of untithed food, because there only the transgression of a positive commandment is involved.

(16) V. Glos.

(17) [Probably it means that the hungry person can wait for the priestly dues to be duly set aside, v. D.S. a.l. p. 50].

(18) By setting aside the prescribed dues.

(19) In each case that food which is considered less forbidden, or involving less of a penalty, would be given first.

Talmud - Mas. Yoma 83b

'If it be possible with common food [etc.]'. Surely it is self-evident?—This refers to the case [that it would have to be done] on the Sabbath.¹ But on the Sabbath, too, It is self-evident, because moving is forbidden only by Rabbinic decree?² — We deal here with a pot without a hole, the obligation³ on which, too' is only Rabbinic.⁴ ('One holds [the prohibition of] *tebel* is more severe, the other holding [the prohibition of] *terumah* more severe).⁵ Shall we say that Tannaim have been disputing this matter already?⁶ For it was taught: If one was bitten by a snake, one may call for him a physician from one place into another,⁷ or tear open a hen for him, or cut leak from the ground for him, give it to him to eat, without having separated the tithe thereof; this is the view of Rabbi. R. Eleazar son of R. Simeon said: He must not eat until tithe has been separated. Shall we say that it is in accord with R. Eleazar son of R. Simeon, and not with Rabbi?⁸ — You may even say that it is in accord with Rabbi's view. Rabbi [one may say] makes his statement only here because the tithe of vegetables is in question and that is due but Rabbinically, but in the case of the tithe of corn, which is obligatory by Biblical law, even, Rabbi would agree that if you permit him to eat without [due tithing] in the case of a pot without a hole, he would come to eat likewise even in the case of a pot with a hole.⁹

Our Rabbis taught: If one was seized with a ravenous hunger, he is given to eat honey and all kinds of sweet things, for honey and very sweet food enlighten the eyes of man. And although there is no proof for the matter, there is an intimation in this respect: See, I pray you how mine eyes are brightened. because I tasted a little of this honey.¹⁰ What does 'although there is no proof for the matter' mean? Because there no ravenous hunger has seized him. Abaye said: This applies only after a meal, but before the meal, it even increases one's appetite, as it is written: And they found an Egyptian in the field, and brought him, to David, and gave him, bread, and he did eat,' and they gave him water to drink,' and they gave him a piece of cake of figs, and two clusters of raisins,' and when he had eaten, his spirit came back to him,' for he had eaten no bread, nor drunk any water, three days

and three nights.¹¹

R. Nahman said in the name of Samuel: If one was seized by a ravenous hunger, one should give him to eat a tail with honey. R. Huna, the son of R. Joshua said: Also pure flour with honey. R. Papa said: Even barley-flour with honey [is effective]. R. Johanan said: Once I was seized by a ravenous hunger, whereupon I ran to the eastern side of a fig-tree, thus making true in my own case: Wisdom preserveth the life of him who hath it,¹² for R. Joseph learned: One who would taste the [full] taste of a fig, turns to its eastern side, as it is said: And for the precious things of the fruits of the sun.¹³

R. Judah and R. Jose were walking together when a ravenous hunger seized R. Judah. He seized a shepherd and devoured his bread. R. Jose said to him: You have robbed the shepherd! As they entered the city, a ravenous hunger seized R. Jose. They brought him all sorts of foods and dishes. Whereupon R. Judah said to him: I may have deprived the shepherd, but you have deprived a whole town. Also, R. Meir and R. Judah and R. Jose were on a journey together. (R. Meir always paid close attention to people's names, whereas R. Judah and R. Jose paid no such attention to them). Once as they came to a certain place. they looked for a lodging, and as they were given it, they said to him [the innkeeper]: What is your name? — He replied: Kidor. Then he [R. Meir] said: Therefrom it is evident that he is a wicked man, for it is said: For a generation [ki-dor] very forward are they.¹⁴ R. Judah and R. Jose entrusted their purses to him;¹⁵ R. Meir did not entrust his purse to him, but went and placed it on the grave of that man's father. Thereupon the man had a vision in his dream [saying]: Go, take the purse lying at the head of this man! In the morning he [the innkeeper] told them [the Rabbis] about it, saying: This is what appeared to me in my dream. They replied to him: There is no substance in the dream of the Sabbath night¹⁶. R. Meir went, waited there all day, and then took the purse with him. In the morning they [the Rabbis] said to him,: 'Give us our purses'. He said: There never was such a thing!¹⁷ R. Meir then said to them: Why don't you pay attention to people's names? They said: Why have you not told this [before]. Sir? He answered: consider this¹⁸ but a suspicion. I would not consider that a definite presumption! Thereupon they took him [the host] into a shop [and gave him wine to drink].¹⁹ Then they saw lentils on his moustache. They went to his wife and gave her that as a sign, and thus²⁰ obtained their purses and took them back. Whereupon he went and killed his wife. It is with regard to this that it was taught:²¹ [Failure to observe the custom of] the first water²² caused one to eat the meat of pig, [failure to use] the second water slew a person. At the end they, too, paid close attention to people's names. And when they called to a house whose [owner's] name was Balah, they would not enter, saying: He seems to be a wicked man, as it is written: Then said I of her that was [balah] worn out by adulteries.²³

IF SOMEONE WAS BITTEN BY A MAD DOG. Our Rabbis taught: Five things were mentioned in connection with a mad dog. Its mouth is open, its saliva dripping, its ears flap, its tail is hanging between its thighs, it walks on the edge of the road. Some say, Also it barks without its voice being heard. Where does it²⁴ come from? — Rab said: Witches are having their fun with it. Samuel said: An evil spirit rests upon it. What is the practical difference between these two views? — This is the difference

(1) On the Sabbath it is not usually permitted to separate the terumah.

(2) [The prohibition to set aside on Sabbath any of the priestly dues is of Rabbinical origin, in the same category as moving about on the Sabbath articles that are unfit for use (cf. Bez. 36b)].

(3) To tithe the fruit grown therein.

(4) [I.e., the tebel under consideration grew in a pot without a hole, and consequently not subject biblically to priestly dues. Nevertheless where it can be rendered right by setting aside the dues, we are told one should rather override the shebuth (v. Glos.) involved than feed him with what is regarded as tebel only Rabbinically (Rashi)].

(5) [On the interpretation of Rashi which is followed in these notes, the bracketed passage is best omitted, as it is in various MSS. V. D.S.]

(6) [I.e., Rabbah's principle that we override the shebuth rather than to feed him, with produce which is tebel only

Rabbinically, v. p. 408, n. 10].

(7) On the Sabbath, as a rule, that would not be permitted, but in the case of a possible danger to human life, that restriction would be inoperative.

(8) [I.e., Rabbah's principle is in agreement with R. Eleazar b. R. Simeon, who likewise holds that the vegetables must be first tithed even on Sabbath, although they are subject to tithes only Rabbinically].

(9) In which case the obligation is Biblical, which involves the penalty of death by divine decree. [MS.M. has an entirely different reading of the whole passage. v. D.S. a. l.]

(10) I Sam. XIV, 29.

(11) I Sam. XXX, 11, 12.

(12) Eccl. VII, 12.

(13) Deut. XXXIII, 14.

(14) Ibid. XXXII, 20. The name 'kidor' suggested to R. Meir one who does not deserve confidence. That, as he later explained, was an idiosyncrasy of his own, amounting at best to an intuitive caution.

(15) It was on the eve of the Sabbath,

(16) The Sabbath rest gives rise to idle thoughts which are then reflected in dreams.

(17) Lit., 'these things never happened'.

(18) The suggestion conveyed by the sound of a man's name.

(19) Supplemented from Bah.

(20) Telling him the husband had sent them for the purses and giving her as a proof the fact that lentils had been the last meal in her house.

(21) Corrected in accord with marginal gloss.

(22) The washing of hands before meals implies 'the first water', as against the latter water-washing of the hands after meals, to remove any fat, grease, crumbs, from the meal. The one precedes the blessing before the meal, the other the grace after meals. Failure to wash his hands before meals caused one to eat pork. A certain innkeeper, who served both Jews and heathens, guided himself by the attitude of the guests as to 'first waters'. Once a non-conforming Jew entered, asked for a meal, without washing his hands; the innkeeper taking him for a heathen, placed pork before him (Rashi). In our case, had Kidor washed his hands after meals, and as is usual in such a case, wiped his upper lip, the traces of his repast would not have been visible, the Rabbis would have had no clue as to how to restore their purses to themselves, and the enraged thief would not have killed his wife.

(23) Ezek. XXIII, 43. A play on 'balah', viz., one worn out by wrong living.

(24) The madness of the dog.

Talmud - Mas. Yoma 84a

as to killing it by throwing¹ something at it. It was taught in accordance with Samuel: When one kills it, one does so only with something thrown against it. One against whom it rubs itself is endangered; one whom it bites, dies. 'One against whom it rubs itself is endangered'. What is the remedy?—Let him cast off his clothing, and run. As happened with R. Huna, the son of R. Joshua, against whom one mad dog rubbed itself in the market-place: he stripped off his garments and ran, saying: I fulfilled in myself. 'Wisdom preserveth the life of him who hath it'.²

'One whom it bites, dies'. What is the remedy? — Abaye said: Let him take the skin of a male hyena.³ and write upon it: I, So-and-so, the son of that-and-that woman, write upon the skin of a male Hyena: Hami, kanti, kloros. God, God, Lord of Hosts, Amen, Amen, Selah,⁴ Then let him strip off his clothes, and bury then, in a grave [at cross-roads],⁵ for twelve months of a year. Then he should take them out and burn them in an oven, and scatter the ashes. During these twelve months, if he drinks water, he shall not drink it but out of a copper tube, lest he see the shadow⁶ of the demon and be endangered. Thus the mother of Abba b. Martha, who is Abba b. Minyumi, made for him a tube of gold [for drinking purposes].

FURTHERMORE DID R. MATTHIA SAY. R. Johanan suffered from scurvy. He went to a matron, who prepared something for him on Thursday and Friday. He said to her: How shall I do it

on the Sabbath? She answered him,: Then you will not need it [any more]. He said: But if I should need it, what then,? She replied: ‘Swear unto me by the God of Israel⁷ that you will not reveal it’ [to others]; whereupon he swore: ‘To the God of Israel I shall not reveal it’. She revealed it to him, and he went forth and expounded it in his lecture. But he had sworn to her? — [He swore]: ‘To the God of Israel I shall not reveal it’ [which implies] but to His people I shall reveal it! But this is a profanation of the Name?⁸ — It was so that he had explained it [the meaning of his oath] to her from the very beginning. What did she give to him? R. Aha, the son of R. Ammi said: The water of leaven, olive oil and salt. R. Yemar said: Leaven itself, olive oil and salt. R. Ashi said: The fat of a goose-wing. Abaye said: I tried everything without achieving a cure for myself, until an Arab recommended: ‘Take the stones of olives which have not become ripe one third, burn them in fire upon a new rake, and stick them into the inside of the gums’.⁹ I did so and was cured. Whence does [scurvy] come? — From [eating] very hot wheat [-en bread], and from the [overnight] remnants of a pie of fish-hash and flour. What is its symptom? — If he puts anything between his teeth, his gums will bleed.

When R. Johanan suffered from scurvy, he applied this [remedy] on the Sabbath and was healed. How could R. Johanan do that?¹⁰ — R. Nahman b. Isaac said: It is different with scurvy, because whereas it starts in the mouth, it ends in the intestines. R. Hiyya b. Abba said to R. Johanan: According to whom is it? According to R. Matthia b. Heresh who said that if one has pains in his throat one may pour medicine into his mouth on the Sabbath?¹¹ — I say: In this case, but in no other.¹² Shall we say that the following [teaching] supports his view? If one is attacked by jaundice one may give him to eat the flesh of a donkey; if one was bitten by a mad dog, one may give him to eat the lobe of its liver; and to one who has pains in his mouth may be given medicine on the Sabbath — this is the view of R. Matthia b. Heresh; but the Sages say: These are not considered cures — Now what does ‘these’ mean to exclude? Won't you say it is meant to exclude medicine?¹³ No, it is meant to exclude blood-letting in case of asphyxia.¹⁴ Thus also does it seem logical. For it was taught: R. Ishmael son of R. Jose reported three things in the name of R. Matthia b. Heresh: One may let blood in the case of asphyxia on the Sabbath, and one whom a mad dog has bitten may be given to eat the lobe of its liver, and one who has pains in his mouth may be given medicine on the Sabbath, whereas the Sages hold: These are not considered cures. Now what does ‘these’ exclude? Would you not say ‘these’ excludes the two latter one, and not the first one?¹⁵ — No, it means to exclude the first two ones, and not the last one.

(1) If it were killed by something held in one's hand the contact with the dog's body might cause the evil spirit to attack the dog's assailant. If madness is the result of witches' fun, no such danger would seem to inhere.

(2) Eccl. VII, 12.

(3) Or, leopard.

(4) V. Blau, *Altjud. Zauberwesen*, p. 80f

(5) Supplemented from Bah.

(6) Which might have jumped over from the dog, and would endanger him.

(7) The Hebrew proposition ‘l’ may be interpreted as ‘by’ (the God of Israel), as the matron meant it; or, ‘to’ the God of Israel, as the Rabbi took it: I swear that ‘to the God of Israel I shall not reveal it’.

(8) If a scholar deceives a non-Jew he profanes the Name of the Lord, Who is associated with the Torah and Israel, much more than when an ordinary Jew does so although it is a grave offence in any case.

(9) Lit., ‘inside the row of teeth’.

(10) Since that does not seem to be a dangerous disease, justifying the application of medicine on the Sabbath day. By Rabbinic ordinance that is forbidden, as a fence around the law (Aboth I, 1) to prevent its leading to the grinding of spices for medicinal purposes, grinding being one of the thirty-nine kinds of labour prohibited by Biblical law on the Sabbath.

(11) But the Sages oppose R. Matthia, hence he remains in the minority and his permission is invalid.

(12) Here the Sages will agree with him, because of the ultimately dangerous character of the disease.

(13) As being permissible owing to their curative properties.

(14) Which is permitted.

(15) Which the Rabbis consider a cure. Which proves that the Sages, while they regard bloodletting as a cure for asphyxia and permissible on Sabbath, do not extend this sanction to medicine in general.

Talmud - Mas. Yoma 84b

Come and hear: For Rabbah b. Samuel learned: If a woman with child has smelt [food], one feeds her until she is restored; and one who was bitten by a mad dog is given to eat from the lobe of its liver, and one who has pains in his mouth may be given medicine on the Sabbath — these are the words of R. Eleazar b. Jose in the name of R. Matthia b. Heresh. But the Sages say: In this case, but not in another. Now what does ‘in this case refer to? Would you say to the woman with child? That is self-evident; for is there anyone to say that in the case of a woman with child it would not be permitted? — Hence it must refer to the medicine.¹ This is conclusive.²

R. Ashi said: Our Mishnah too justifies this inference. R. MATTHIA B. HERESH SAID FURTHERMORE: IF ONE HAS PAINS IN HIS MOUTH ONE MAY GIVE HIM MEDICINE ON THE SABBATH.³ And herein the Rabbis⁴ do not dispute him. For if it were that the Rabbis dispute him, he should teach these together,⁵ and afterwards mention that the Rabbis dispute it . This is conclusive evidence.

BECAUSE IT IS A POSSIBILITY OF DANGER TO HUMAN LIFE. Why was it necessary to add ‘AND WHEREVER THERE IS DANGER TO HUMAN LIFE, THE LAWS OF THE SABBATH ARE SUSPENDED?—Rab Judah in the name of Rab said: Not only in the case of a danger [to human life] on this Sabbath, but even in the case of a danger on the following Sabbath.⁶ How that? If e.g. the [diagnosis] estimates an eight-day [crisis] the first day of which falls on the Sabbath. You might have said, let them wait until the evening, so that the Sabbaths may not be profaned because of him, therefore he informs us [that we do not consider that]. Thus also was it taught: One may warm water for a sick person on the Sabbath, both for the purpose of giving him a drink or of refreshing him, and not only for [this] one Sabbath did they rule thus, but also for the following one. Nor do we say: Let us wait, because perchance he will get well, but we warm the water for him immediately, because the possibility of danger to human life renders inoperative the laws of the Sabbath, not only in case of such possibility on this one Sabbath, but also in case of such possibility on another Sabbath. Nor are these things to be done by Gentiles or minors,⁷ but by Jewish adults.⁷ Nor do we say in this connection: We do not rely in such matters on the opinions of women, or of Samaritans, but we join their opinion to that of others.⁸

Our Rabbis taught: One must remove debris to save a life on the Sabbath, and the more eager one is, the more praiseworthy is one; and one need not obtain permission from the Beth din. How so? If one saw a child falling into the sea, he spreads a net and brings it up — the faster the better, and he need not obtain permission from the Beth din though he thereby catches fish [in his net]. If he saw a child fall into a pit, he breaks loose one segment [of the entrenchment] and pulls it up — the faster the better; and he need not obtain permission of the Beth din, even though he is thereby making a step [stairs]. If he saw a door closing upon an infant,⁹ he may break it, so as to get the child out — the faster the better; and he need not obtain permission from the Beth din, though he thereby consciously makes chips of wood. One may extinguish and isolate [the fire] in the case of a conflagration — the sooner the better, and he need not obtain permission from the Beth din, even though he subdues the flames.¹⁰ Now all these cases must be mentioned separately. For if only the case of the [infant falling into] the sea had been mentioned [one would have said, it is permitted there] because meantime¹¹ the child might be swept away by the water, but that does not apply in the case [of its falling into] the pit, because since it remains [stays] therein, one might have thought, one may not [save it before obtaining permission], therefore it is necessary to refer to that. And if the teaching had confined itself to the case of the pit, [one would have thought, there no permission is

required] because the child is terrified but in the case of a door closing upon it, one might sit outside and [amuse the child] by making a noise with nuts, therefore it was necessary [to include that too].

For what purposes is the 'extinguishing' and 'isolating' necessary? — Even for the benefit of another [neighbouring] court.

R. Joseph said on the authority of Rab Judah, in the name of Samuel: In the case of danger to human life one pays no attention to majority. How is that? Would you say [in the case of] nine Israelites and one heathen among them? But then the majority consists of Israelites! Or, even if there were half and half, in the case of danger to human life, we take the more lenient view? Again, if you say that it is a case of nine heathens and one Israelite, that too is self-evident, because it is stationary and whatever is stationary is considered¹² half and half? — No, it refers to a case in which [one has]¹³ gone off into another court.¹⁴ You might have said: Whosoever has gone off, has gone off from the majority which consisted of heathens, therefore the information that in case of danger to human life, we are not concerned with question of majorities which consisted of heathens. But that is not so, for R. Assi said in the name of R. Johanan: In the case of nine heathens and one Israelite, [if a building collapsed upon them while they were all] in that court, one must remove debris, but not if [a building collapsed] in another court?¹⁵ — This is no contradiction: In the one case all had gone off, in the other only a few had gone off.¹⁶ But could Samuel have said that? Have we not learnt: If one finds therein¹⁷ a child abandoned, if the majority of the inhabitants are heathens, it is to be considered a heathen; if the majority are Israelites, it is to be considered an Israelite; in the case of half and half it is to be also considered an Israelite.¹⁸ And in connection therewith Rab said: This was taught only in relation to sustaining it,¹⁹ but not for the purpose of legitimizing²⁰ it;

(1) V. p. 414, n. 3.

(2) That the Rabbis agree that this may be given on Sabbath.

(3) [The text here differs from the one given in the Mishnah, but agrees with the reading in the Mishnah of MS.M].

(4) The authorities of the first view given anonymously in the Mishnah.

(5) With the other case, wherein the Sages oppose his view.

(6) As is soon explained.

(7) So MS.M.; cur. edd. Cutheans (Samaritans). If the original 'Cutheans is preferred, then 'gedole Yisrael' (rendered here 'adult Jews') means 'even prominent Jews' — shall profane the Sabbath to save life.

(8) If e.g., two say it is necessary, three say it was not, and a woman or a non-Jew assert it is necessary, the opinion of the latter is joined to that of the others, who are in the affirmative, thus presenting a divided opinion, in which case, since danger to human life is involved, the more lenient view is adopted.

(9) The infant may be frightened, or within the room, endangered.

(10) And produces a coal-fire, which may be utilised. For other readings v. D.S. a.I.

(11) Until such permission is obtained.

(12) Kabua'. For a full explanation of this principle v. Sanh., Sonc. ed., p. 531, n. 4.

(13) [So Asheri].

(14) And in that court he became buried in the debris.

(15) Where to one of the group had repaired.

(16) [In the former case, since they all had left the former court, the principle of kabua' no longer operates, and consequently the majority decides, but in the latter case, since there still remains a number of them in the former court, we apply the principle of kabua' and the debris have to be removed. So Asheri; Rashi explains differently].

(17) In a town wherein Israelites and Gentiles live.

(18) V. Keth. 15a.

(19) Jews are in duty bound to support their own poor.

(20) If the child found exposed were a girl, she could not marry a priest, who is obliged to marry a native-born Israelite, not a proselyte.

Talmud - Mas. Yoma 85a

whereas Samuel said: [It was taught] with reference to removing the debris for its sake?¹ — The words of Samuel refer to the first clause, 'If the majority are heathens, it is considered a heathen'. It is in connection therewith that Samuel said that it did not apply to the saving of life.²

'If the majority are heathens, it is considered a heathen'. For what practical law [is this taught]? — Said R. Papa: To give it to eat carrion.³ 'If the majority are Israelites, it is considered an Israelite' — For what practical purpose [is this taught]? To restore to it lost property.⁴ 'In the case of half and half, it is considered an Israelite'. For what practical purpose [is this taught]? Resh Lakish said: With regard to damages⁵ How that? Shall we say that one ox of ours gored one of his?⁶ Let him bring proof and collect!⁷ — No, It is necessary for the case that an ox of his had gored one of ours; then he must pay one half, and concerning the other he can say: Prove that I am not an Israelite and collect!⁸

IF DEBRIS HAD FALLEN UPON SOMEONE [etc.]. What does he teach herewith?⁹ — It states a case of 'not only'.¹⁰ Not only must one remove the debris in the case of doubt as to whether he is there or not, as long as one knows that he is alive if he is there; but, even though it be doubtful whether he is alive or not he must be freed from the debris. Also, not only if it is doubtful whether he be alive or dead, as long as it is definite that he is an Israelite; but even if it is doubtful whether he is an Israelite or a heathen, one must, for his sake, remove the debris.

IF ONE FINDS HIM ALIVE, ONES SHOULD REMOVE THE DEBRIS. But that is self-evident if one finds him alive? — No, the statement is necessary for the case that he has only a short while to live.

AND IF HE BE DEAD, ONE SHOULD LEAVE HIM THERE. But that, too, is self-evident? — It is necessary because of the teaching of R. Judah b. Lakish. for it was taught: One may not save a dead person out of a fire.¹¹ R. Judah b. Lakish said: I heard that one may save a dead person out of a fire. Now even R. Judah b. Lakish says that only because¹² 'a person is upset about a dead relative' and if you will not permit him [to save his dead] he will ultimately come to extinguish the fire, but here, if you do not permit it, what can he do?¹³

Our Rabbis taught: How far does one search?¹⁴ Until [one reaches] his nose. Some say: Up to his heart. If one searches and finds those above to be dead, one must not assume those below are surely dead. Once it happened that those above were dead and those below were found to be alive. Are we to say that these Tannaim dispute the same as the following Tannaim? For it was taught: From where does the formation of the embryo commence? From its head, as it is said: Thou art he that took me [gozi] out of my mother's womb,¹⁵ and it is also said: Cut off [gozi] thy hair and cast it away.¹⁶

Abba Saul said: From the navel which sends its roots into every direction!¹⁷ You may even say that [the first view is in agreement with] Abba Saul, inasmuch as Abba Saul holds his view only touching the first formation, because 'everything develops from its core [middle]', but regarding the saving of life he would agree that life manifests itself through the nose especially, as it is written: In whose nostrils was the breath of the spirit of life.¹⁸

R. Papa said: The dispute arises only as to from below upwards,¹⁹ but if from above downwards, one had searched up to the nose, one need not search any further, as it is said: 'In whose nostrils was the breath of life'.

R. Ishmael, R. Akiba and R. Eleazar b. Azariah were once on a journey, with Levi ha-Saddar²⁰ and R. Ishmael son of R. Eleazar b. Azariah following them. Then this question was asked of them: Whence do we know that in the case of danger to human life the laws of the Sabbath are suspended? — R. Ishmael answered and said: If a thief be found breaking in.²¹ Now if in the case of this one it is

doubtful whether he has come to take money or life; and although the shedding of blood pollutes the land, so that the Shechinah departs from Israel, yet it is lawful to save oneself at the cost of his life — how much more may one suspend the laws of the Sabbath to save human life! R. Akiba answered and said: If a man come presumptuously upon his neighbour etc. thou shalt take him from My altar, that he may die.²² I.e., only off the altar, but not down from the altar.²³ And in connection therewith Rabbah b. Bar Hana said in the name of R. Johanan: That was taught only when one's life is to be forfeited,

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- (1) Which seems to indicate that even in the case of saving human life it is the majority which decides the legal attitude.
 - (2) Samuel holds that even in that case life must be saved, majority or minority not influencing such a duty.
 - (3) I.e., the flesh of an animal that either died a natural death, or in the course of the ritual slaughter in which some irregularity occurred. An Israelite bound by the ritual could not partake thereof, whereas a non-Israelite could eat it.
 - (4) V. B.M., Sonc. ed., p. 149, n. 6.
 - (5) V. B.K., Sonc. ed., p. 211, n. 6. The Jewish owner of an ox which has gored an ox owned by a heathen, is not obliged to pay damages, whereas the heathen would have to pay full damage, whether the owner had been forewarned or not. The Jewish owner of an ox who has gored an ox owned by a fellow-Jew, if not forewarned must pay half of the damage; if forewarned, full damage.
 - (6) I.e., the abandoned child. The suggestion is that we would make him pay damage.
 - (7) The damages due to you.
 - (8) He pays one half, as any Jew not forewarned would if his ox gored the ox of a fellow-Jew. The owner in this case would wait to collect full damages, claiming the owner of the goring ox to be a heathen, hence obliged to repay full damages, even if not forewarned. The latter would say: One half I have paid because I am a Jew. If you wish to collect the other half, it is upon you to adduce evidence that I am not a Jew. Only thus could you collect.
 - (9) What is the value of all these hypothetical cases, doubtful savings of life, that he adduces.
 - (10) Lit., 'it is not required'.
 - (11) On the Sabbath, which may be profaned to save life, but not to save a dead person from being burnt.
 - (12) Shab. 43b.
 - (13) There is no Biblical law he can transgress; he will but wait for the end of the Sabbath day to do this work.
 - (14) If the person buried under the debris gives no sign of life at the point at which debris have been removed from him.
 - (15) Ps. LXXI, 6.
 - (16) Jer. VII, 29.
 - (17) Hence the dispute of these Tannaim looks exactly the same as those mentioned above.
 - (18) Gen. VII, 22.
 - (19) If the person under the debris has his feet up and his head down. According to one view, one must examine the core, i.e., the heart; according to the other, even though the heart seems to have suspended action, the definitive diagnosis depends on the action or failure of the function of the nose.
 - (20) Perhaps the systematizer: one who arranged traditions systematically, as opposed to one who excels in dialectics. [Aruch:ha-Sarad: the netmaker].
 - (21) Ex. XXII, 1, in which case, in spite of all the other considerations, it is lawful to kill him.
 - (22) Ex. XXI, 14.
 - (23) If he came as priest to do his service, one may take him off the altar, but if he had commenced on it, one may not take him down.

Talmud - Mas. Yoma 85b

but to save life¹ one may take one down even from the altar. Now if in the case of this one, where it is doubtful whether there is any substance in his words or not, yet [he interrupts] the service in the Temple [which is important enough to] suspend the Sabbath, how much more should the saving of human life suspend the Sabbath laws! R. Eleazar answered and said: If circumcision, which attaches to one only of the two hundred and forty-eight members of the human body, suspends the Sabbath,² how much more shall [the saving of] the whole body suspend the Sabbath! R. Jose son of R. Judah said: Only ye shall keep My Sabbaths,³ one might assume under all circumstances, therefore the

text reads: 'Only' viz, allowing for exceptions.⁴ R. Jonathan b. Joseph said: For it is holy unto you;⁵ I.e., it [the Sabbath] is committed to your hands, not you to its hands.

R. Simeon b. Menassia said: And the children of Israel shall keep the Sabbath.⁶ The Torah said: Profane for his sake one Sabbath, so that he may keep many Sabbaths. Rab Judah said in the name of Samuel: If I had been there, I should have told them something better than what they said: He shall live by them,⁷ but he shall not die because of them. Raba said: [The exposition] of all of them could be refuted, except that of Samuel, which cannot be refuted. That of R. Ishmael — perhaps that is to be taken as Raba did, for Raba said : What is the reason for the [permission to kill the] burglar? No man controls himself when his money is at stake, and since [the burglar] knows that he [the owner] will oppose him, he thinks: If he resists me I shall kill him, therefore the Torah says: If a man has come to kill you. anticipate him by killing him! Hence we know it [only] of a certain case; [but] whence would we know it of a doubtful one? That of R. Akiba's, there too [there may be a refutation]. Perhaps we should do as Abaye suggests, for Abaye said: We give him⁸ a couple of scholars, so as to find out whether there is any substance in his words. Again we know that only in the case of certain death, [but] whence would we know it of a doubtful case? [And similarly with the exposition of] all of them we know it only of a certain case; whence do we know of a doubtful case? But of Samuel, as to that there is no refutation. Rabina, or R. Nahman b. Isaac said: 'Better is one corn of pepper than a whole basket full of pumpkins.'⁹

MISHNAH. THE SIN-OFFERING AND THE GUILT-OFFERING [FOR THE] UNDOUBTED COMMISSION OF CERTAIN OFFENCES¹⁰ PROCURE ATONEMENT, DEATH AND THE DAY OF ATONEMENT PROCURE ATONEMENT TOGETHER WITH PENITENCE.¹¹ PENITENCE PROCURES ATONEMENT FOR LIGHTER TRANSGRESSIONS: [THE TRANSGRESSION OF] POSITIVE COMMANDMENTS AND PROHIBITIONS. IN THE CASE OF SEVERER TRANSGRESSIONS IT [PENITENCE] SUSPENDS [THE DIVINE PUNISHMENT], UNTIL THE DAY OF ATONEMENT COMES TO PROCURE ATONEMENT. IF ONE SAYS: I SHALL SIN AND REPENT, SIN AND REPENT, NO OPPORTUNITY WILL BE GIVEN TO HIM TO REPENT.¹² [IF ONE SAYS]: I SHALL SIN AND THE DAY OF ATONEMENT WILL PROCURE ATONEMENT FOR ME, THE DAY OF ATONEMENT PROCURES FOR HIM NO ATONEMENT. FOR TRANSGRESSIONS AS BETWEEN MAN AND THE OMNIPRESENT THE DAY OF ATONEMENT PROCURES ATONEMENT, BUT FOR TRANSGRESSIONS AS BETWEEN MAN AND HIS FELLOW THE DAY OF ATONEMENT DOES NOT PROCURE ANY ATONEMENT, UNTIL HE HAS PACIFIED HIS FELLOW. THIS WAS EXPOUNDED BY R. ELEAZAR B. ALARIAH: FROM ALL YOUR SINS BEFORE THE LORD SHALL YE BE CLEAN,¹³ I.E., FOR TRANSGRESSIONS AS BETWEEN MAN AND THE OMNIPRESENT THE DAY OF ATONEMENT PROCURES ATONEMENT, BUT FOR TRANSGRESSIONS AS BETWEEN MAN AND HIS FELLOW THE DAY OF ATONEMENT DOES NOT PROCURE ATONEMENT UNTIL HE HAS PACIFIED HIS FELLOW.¹⁴ R. AKIBA SAID: HAPPY ARE YOU, ISRAEL! WHO IS IT BEFORE WHOM YOU BECOME CLEAN? AND WHO IS IT THAT MAKES YOU CLEAN? YOUR FATHER WHICH IS IN HEAVEN, AS IT IS SAID: AND I WILL SPRINKLE CLEAN WATER UPON YOU AND YE SHALL BE CLEAN.¹⁵ AND IT FURTHER SAYS: THOU HOPE OF ISRAEL, THE LORD!¹⁶ JUST AS THE FOUNTAIN RENDERS CLEAN THE UNCLEAR, SO DOES THE HOLY ONE, BLESSED BE HE, RENDER CLEAN ISRAEL.

GEMARA. Only the undoubted guilt-offering [atones], but not the suspensive one? But is not the word 'forgiveness' written with regard to it too?¹⁷ — These [others] procure complete atonement, the suspensive guilt-offering does not procure complete atonement. Or else, As for these [others]¹⁸ another can effect their atonement, whereas in the case of the suspensive guilt-offering nothing else can effect their atonement. For it was taught: If those who were liable to sin-offerings, or guilt-offerings [for the] undoubted [commission of offences] permitted the Day of Atonement to

pass, they are still obliged to offer then, up; but in the case of those who were liable to suspensive guilt-offerings, they are exempt.¹⁹

DEATH AND THE DAY OF ATONEMENT PROCURE ATONEMENT TOGETHER WITH PENITENCE. Only TOGETHER WITH PENITENCE, but not in themselves! — Shall we say that this teaching is not in accord with, Rabbi? For it was taught: Rabbi said, For all transgressions [of commands of] the Torah, whether one had repented or not, does the Day of Atonement procure atonement, except in the case of one who throws off the yoke²⁰ [of the Torah], interprets the Torah unlawfully.²¹ or breaks the covenant of Abraham our father.²² In these cases, if he repented, the Day of Atonement procures atonement, if not, not! — You might even say that this is in accord with Rabbi: Repentance needs the Day of Atonement, but the Day of Atonement does not need repentance.

PENITENCE PROCURES ATONEMENT FOR LIGHTER TRANSGRESSIONS: [THE TRANSGRESSION OF] POSITIVE COMMANDMENTS AND PROHIBITIONS. If it procures atonement for the transgression of negative commandments, is it necessary [to state that it procures it for the transgression of] positive ones?²³ — Rab Judah said: This is what he means, [It procures atonement] for [the transgression of] a positive commandment , of a negative commandment that is to be remedied into a positive one.²⁴ But not [for the transgression] of an actual negative commandment? Against this the following contradiction is to be raised: These are light transgressions [for which penitence procures atonement: transgression of] positive commandments and negative commandments

(1) If one had been sentenced to death, there is ample provision for a revision, if even at the last moment someone claims to have found evidence of the accused's innocence. If a priest has such evidence, or is only believed to have it, he would be taken down from the altar even after he had commenced, and before having completed, his service.

(2) The circumcision must take place on the eighth day, even if that day falls on the Sabbath, suspending the law of the Sabbath, which prohibits operation, as well as preparations leading to it.

(3) Ex. XXXI, 13.

(4) Lit., 'divides', 'makes a distinction'. The word 'rak' here translated 'only' (E.V. 'verily') is interpreted as 'only under certain, I.e., not all conditions',

(5) Ibid. 14.

(6) Ibid., 16.

(7) Lev. XVIII, 5.

(8) To the priest who thinks he has relevant testimony in favour of the accused, because of which he may be taken down from the altar in the midst of the service.

(9) A commentary on Samuel's irrefutable simple interpretation, as against the more involved and less perfect interpretations of the other Rabbis.

(10) Cf. Lev. V, 15 and VI, 6, as opposed to the suspensive guilt-offering, due in the case of doubtful commission of sin, which postpones punishment until that doubt is removed, when a sin-offering is due to procure atonement. Among the guilt-offerings due for undoubted commission of certain offences are: one for illegal appropriation of private property, after reparation has been made; one for misappropriation of sacred property; one for carnal connection with a bondwoman betrothed to another man; the offering of a nazirite who had interrupted the days of his avowed naziriteship by levitical impurity.

(11) Penitence is essential; it consists of genuine regret, and determination to improve one's conduct. In the case of any offering (sin or guilt) such penitence is taken for granted, for without it no sacrifice has any meaning or value.

(12) Because this statement indicates that he never experienced genuine regret.

(13) Lev. XVI, 30.

(14) The verse is thus taken to mean 'From all your sins before the Lord', (i.e. , as between man and his Creator) will the Day the Atonement procure you forgiveness; but not for those which are committed not 'before the Lord', and 'before man', viz., sins committed against our fellow-man.

(15) Ezek. XXXVI, 25.

- (16) Jer. XVII, 13. The word 'mikweh' is a homonym meaning both 'fountain' thus ritual bath, and 'hope'.
- (17) V. Lev. V, 18 with reference to a suspensive guilt-offering; v. also supra p. 422, n. 4.
- (18) The sin-offering and certain guilt-offerings.
- (19) Ker. 25a.
- (20) I.e., denies the existence of God.
- (21) Lit., 'reveals an aspect of the Torah (not in accordance with the correct interpretation)'; or, 'acts in a bare-faced manner against the Torah'. For a full discussion of the phrase v. Sanh., Sonc. ed., p. 99.
- (22) Circumcision; v. loc. cit.
- (23) A sin of omission is not as serious as one of commission.
- (24) A prohibitive law, the transgression of which must be repaired by a positive act, as e.g., Lev. XIX, 13: Thou shalt not rob, and V, 23: He shall make restitution.

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with the exceptions of: Thou shalt not take [in vain]¹ — 'Thou shalt not take' and others of the same kind.²

Come and hear: R. Judah said: For everything from 'Thou shalt not take' and down repentance procures atonement, for everything from 'Thou shalt take' and up.³ penitence procures suspension [of punishment] and the Day of Atonement procures atonement? — 'Thou shalt not take' and others of the same kind.

Come and hear: Since in connection with Horeb⁴ penitence and forgiveness are stated,⁵ one might assume, that includes the [transgression of] 'Thou shalt not take', therefore it says: He will not clear the guilty.⁶ Then I might have assumed that with all others guilty of having transgressed negative commandments the same is the case, therefore the text reads: '[Will not clear the guilt of him who taketh] His name [in vain].⁷ i.e., He does not clear the guilt in [the taking in vain of] His name, but He clears the guilt in the transgression of other negative commandments?⁸ -This is indeed a point of dispute between Tannam; for it was taught: For what transgression does penitence procure atonement? For that of a positive commandment. And in what case does repentance suspend punishment and the Day of Atonement procure atonement? In such as involve extirpation, death-penalty through the Beth din and in actual negative commandments.

The Master said: In connection with Horeb [penitence and]⁹ forgiveness is stated. Whence do we know that? Because it was taught : R. Eleazar said: It is impossible to say. 'He will not clear the guilt '¹⁰ Since it says: 'He will clear the guilt'; nor is it possible to say: 'He will not clear the guilt' since it is said: 'He will clear the guilt'; how is that to be explained? 'He clears the guilt' of those who repent, and does not 'clear the guilt' of those who do not repent.

R. Matthia b. Heresh asked R. Eleazar b. Azariah in Rome: have you heard about the four kinds of sins, concerning which R. Ishmael has lectured? He answered: They are three, and with each is repentance connected — If one transgressed a positive commandment , and repented , then he is forgiven, before he has moved from his place; as it is said: Return, O backsliding children.¹¹ If he has transgressed a prohibition and repented, then repentance suspends [the punishment] and the Day of Atonement procures atonement, as it is said : For on this day shall atonement be made for you ... from all your sins.¹² If he has committed [a sin to be punished with] extirpation or death through the Beth din, and repented, then repentance and the Day of Atonement suspend [the punishment thereon], and suffering finishes the atonement,¹³ as it is said: Then will I visit their transgression with the rod, and their iniquity with strokes.¹⁴ But if he has been guilty of the profanation of the Name, then penitence has no power to suspend punishment, nor the Day of Atonement to procure atonement, nor suffering to finish it, but all of them together suspend the punishment and only death finishes it , as it is said : And the Lord of hosts revealed Himself in my ears; surely this iniquity shall

not be expiated by you till ye die.¹⁵ What constitutes profanation of the Name? — Rab said: If, e.g., I take meat for the butcher and do not pay him at once.¹⁶ Abaye said: That we have learnt [to regard as profanation] only in a place wherein one does not go out to collect payment, but in a place where one does not go out to collect, there is no harm in it [not paying at once]. Rabina said: And Matha Mehasia¹⁷ is a place where one goes out collecting payments due. Whenever Abaye bought meat from two partners, he paid money to each of them, afterwards bringing them, together and squaring accounts with both. R. Johanan said: In my case [it is a profanation if] I walk four cubits without [uttering words of] Torah or [wearing] tefillin.¹⁸

Isaac, of the School of R. Jannai. said: If one's colleagues are ashamed of his reputation, that constitutes a profanation of the Name. R. Nahman b. Isaac commented: E.g., if people say, May the Lord forgive So-and-so. Abaye explained: As it was taught: And thou shalt love the Lord thy God,¹⁹ i.e., that the Name of Heaven be beloved because of you. if someone studies Scripture and Mishnah, and attends on the disciples of the wise, is honest in business,²⁰ and speaks pleasantly to persons, what do people then say concerning him? 'Happy the father who taught him Torah, happy the teacher who taught him Torah; woe unto people who have not studied the Torah; for this man has studied the Torah look how fine his ways are, how righteous his deeds! . Of him does Scripture say: And He said unto me: Thou art My servant, Israel, in, whom I will be glorified.²¹ But if someone studies Scripture and Mishnah, attends on the disciples of the wise, but is dishonest in business, and discourteous in his relations with people, what do people say about him? ' Woe unto him who studied the Torah, woe unto his father who taught him Torah; woe unto his teacher who taught him Torah!' This man studied the Torah: Look, how corrupt are his deeds, how ugly his ways; of him Scripture says: In that men said of them,: These are the people of the Lord, and are gone forth out of His land.²²

R. Hama b. Hanina said: Great is penitence, for it brings healing to the world, as it is said: I will heal their backsliding, I will love them, freely.²³ R. Hama b. Hanina pointed out a contradiction: It is written : Return, ye backsliding children,²⁴ I.e., you who were formerly backsliding; and it is written: I will heal your backsliding?²⁵ This is no difficulty: in the one case the reference is where they return out of love, in the other, out of fear.²⁶

Rab Judah pointed out this contradiction: It is written: 'Return ye backsliding children, I will heal your backsliding', but it is also written: For I am a lord unto you. and I will take you one of a city. and two of a family?²⁷ This is no contradiction: The one verse speaks [of a return] out of love or fear; the other, when it comes as a result of suffering.

R. Levi said: Great is repentance, for it reaches up to the Throne of Glory, as it is said: Return, O Israel, unto the Lord thy God.²⁸

(1) Ex. XX, 7; viz., the Name of God. [This proves that other negative commands are included in the lighter transgression for which penitence procures atonement].

(2) I.e., all actual negative commandments.

(3) 'Up and down', i.e., before and after.

(4) After the sin of the golden calf as Moses besought the Lord's forgiveness.

(5) As explained infra.

(6) Ex. XX, 7.

(7) Interpreting the phrase as if it were divided into two parts.

(8) [This proves that for the transgression of other negative commandments penitence effects atonement].

(9) Supplemented from Bah.

(10) Ex. XXXIV, 7.

(11) Jer. III, 14.

(12) Lev. XVI, 30.

- (13) Lit., 'cleanses (from sin)'.
 (14) Ps. LXXXIX, 33.
 (15) Isa. XXII, 14.
 (16) He would learn from my bad example to treat debts dishonestly by delaying and ultimately ignoring the payment.
 (17) A suburb of Sura, the place of Rabina.
 (18) People would not know that I am weak, they would profit by my 'example' to neglect the study of the Torah, v. D.S. a.I.
 (19) Deut. VI, 5.
 (20) Supplemented from Bah.
 (21) Isa. XLIX, 3.
 (22) Ezek. XXXVI, 20.
 (23) Hos. XIV, 5.
 (24) Jer. III, 22.
 (25) [The contradiction is not clear. Apparently the first part of the verse implies that having repented they are perfect as children, whereas the second part, which speaks of 'healing', implies that they still retain a taint of their former backsliding, v. Rashi].
 (26) [Where the penitence is motivated by love, the return is complete leaving no trace of any taint, which is not the case where it is motivated by fear].
 (27) Jer. III, 14.
 (28) Hos. XIV, 2.

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R. Johanan said: Great is repentance. for it overrides a prohibition of the Torah, as it is said: . . . saying: If a man put away his wife, and she go from him, and become another man's, may he return unto her again? Will not that land be greatly polluted? But thou hast played the harlot with many lovers; and wouldest thou yet return to Me? Saith the Lord.¹ R. Jonathan said: Great is repentance, because it brings about redemption, as it is said And a redeemer will come to Zion, and unto them that turn from transgression in Jacob,² i.e., why will a redeemer come to Zion? Because of those that turn from transgression in Jacob. Resh Lakish said: Great is repentance, for because of it premeditated sins are accounted as errors, as it is said: Return, O Israel, unto the Lord, thy God,' for thou hast stumbled in thy iniquity.³ 'Iniquity' is premeditated, and yet he calls it 'stumbling' But that is not so! For Resh Lakish said that repentance is so great that premeditated sins are accounted as though they were merits, as it is said: And when the wicked turneth from his wickedness, and doeth that which is lawful and right, he shall live thereby!⁴ That is no contradiction: One refers to a case [of repentance] derived from love, the other to one due to fear. R. Samuel b. Nahmani said in the name of R. Jonathan: Great is repentance, because it prolongs the [days and]⁵ years of man, as it is said: 'And when the wicked turneth from his wickedness . . . he shall live thereby'. R. Isaac said: In the West [Palestine] they said in the name of Rabbah b. Mari: Come and see how different from the character of one of flesh and blood is the action of the Holy One, blessed be He. As to the character of one of flesh and blood, if one angers his fellow,⁶ it is doubtful whether he [the latter] will be pacified or not by him. And even if you would say, he can be pacified, it is doubtful whether he will be pacified by mere words. But with the Holy One, blessed be He, if a man commits a sin in secret, He is pacified by mere words, as it is said: Take with you words, and return unto the Lord.⁷ Still more: He even accounts it to him as a good deed, as it is said: And accept that which is good.⁷ Still more: Scripture accounts it to him as if he had offered up bullocks, as it is said : So will we render for bullocks the offerings of our lips.⁷ Perhaps you will say [the reference is to] obligatory bullocks. Therefore it is said: I will heal their backsliding, I will love them freely.⁸

It was taught: R Meir used to say, Great is repentance. for on account of an individual who repents, the sins of all the world are forgiven, as it is said: I will heal their backsliding. I will love them freely, for mine anger is turned away from him.⁸ 'From them' it is not said, but 'from him,'.

How is one proved a repentant sinner? — Rab Judah said: If the object which caused his original transgression comes before him on two occasions, and he keeps away from it. Rab Judah indicated: With the same woman, at the same time, in the same place. Rab Judah said: Rab pointed out the following contradictions. It is written: Happy is he whose transgression is covered,⁹ whose sin is pardoned;¹⁰ and it is also written: He that covereth his ‘transgression shall not prosper?’¹¹ This is no difficulty, one speaks of sins that have become known [to the public], the other of such as did not become known.¹² R. Zutra b. Tobiah in the name of R. Nahman said: Here we speak of sins committed by a man against his fellow, there of sins committed by man against the Omnipresent.¹³ It was taught: R. Jose b. Judah said: If a man commits a transgression, the first, second and third time he is forgiven, the fourth time he is not forgiven, as it is said: Thus saith the Lord.’ For three transgressions of Israel, Yea for four, I will not reverse it;¹⁴ and furthermore it says: Lo, all these things does God work, twice, yea, thrice, with a man.¹⁵ What does ‘furthermore’ serve for? — One might have assumed that applies only to a community, but not to an individual, therefore: Come and hear [the additional verse]: ‘Lo, all these things does God work, twice, yea, thrice with a man’.

Our Rabbis taught: As for the sins which one has confessed on one Day of Atonement, he should not confess them on another Day of Atonement; but if he repeated them, then he should confess them, on another Day of Atonement — And if he had not committed them again, yet confessed them again, then it is with regard to him that Scripture says: As a dog that returneth to his vomit, so is a fool that repeateth his folly.¹⁶ R. Eleazar b. Jacob said: He is the more praiseworthy, as it is said: For I know my transgressions, and my sin is even before me.¹⁷ How then do I [explain]. ‘As a dog that returneth to his vomit, etc.’? In accord with R. Huna; for R. Huna said: Once a man has committed a sin once and twice, it is permitted to him. ‘Permitted’? How could that occur to you? — Rather, it appears to him as if it were permitted.¹⁸

It is obligatory to confess the sin in detail [explicitly], as it is said: This people have sinned a great sin, and have made them a god of gold.¹⁹ These are the words of R. Judah b. Baba. R. Akiba said: [This is not necessary],²⁰ as it is said: ‘Happy is he whose transgression is covered, whose sin is pardoned.’²¹ Then why did Moses say: ‘And have made them a god of gold’? That is [to be explained] in accord with R. Jannai, for R. Jannai said:²² Moses said before the Holy One, blessed be He: The silver and gold which Thou hast increased unto Israel until they said ‘enough !’²³ has caused them to make golden gods.

Two good administrators arose unto Israel, Moses and David. Moses begged: let my sin be written down, as it is said: Because ye believed not in me to sanctify me.²⁴ David begged that his sin be not written down, as it is said; ‘Happy is he whose transgression is forgiven, whose sin is pardoned’. This case of Moses and Aaron may be compared to the case of two women who received in court the punishment of stripes; one had committed an indecent act, the other had eaten the unripe figs of the seventh year.²⁵ Whereupon the woman who had eaten unripe figs of the seventh year said: I beg of you, make known for what offence I²⁶ have been punished with stripes, lest people say: The one woman was punished for the same sin that the other was punished for. They brought unripe fruits of the seventh year, and hanged them on her neck, and they were calling out before her: This woman was punished with stripes because she ate the unripe figs of the seventh year.

One should expose hypocrites to prevent²⁷ the profanation of the Name,²⁸ as it is said: Again, when a righteous man doth turn from righteousness. and commit iniquity, I will lay a stumbling-block before him.²⁹ The repentance of the confirmed sinner delays punishment, even though the decree of punishment for him had been signed already. The careless ease of the wicked ends in calamity. Power buries those who wield it. Naked did man come into the world, naked he leaves it. Would that his coming forth be like his coming in.³⁰ Whenever Rab went to the court, he used to say thus: Out of his own will he goes³¹ towards death, the wishes of his household he is unable to fulfil, for he returns empty to his home. Would that the coming forth be like the going in.³²

(Whenever Raba went to the court he used to say thus:

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- (1) Jer. III, 1.
 - (2) Isa. LIX, 20.
 - (3) Hos. XIV, 2.
 - (4) Ezek. XXXIII, 19.
 - (5) Supplemented from Bah.
 - (6) So MS.M.; cur. edd. add 'with words'.
 - (7) Hos. XIV, 3.
 - (8) Ibid. 5.
 - (9) E.V. 'forgiven'.
 - (10) Ps. XXXII, 1.
 - (11) Prov. XXVIII, 13. The phrase 'covering of sin' is understood in the sense of hiding it, not making it public by confession.
 - (12) Certain sins, such as have become notorious, one ought to confess publicly; secret sins one need confess to none but God.
 - (13) Social sins one ought to make known to others so that they might intercede on his behalf unto the person he offended; ritual transgressions one need reveal but to God.
 - (14) Amos II, 6.
 - (15) Job XXXIII, 29.
 - (16) Prov. XXVI, 11.
 - (17) Ps. LI, 5.
 - (18) In that respect he becomes like a dog, returning to his vomit.
 - (19) Ex. XXXII, 31.
 - (20) Supplemented from Bah.
 - (21) V. supra p. 430, n. 3.
 - (22) V. Ber. 32a.
 - (23) A play on the name of a place 'Di zahab' (Deut. I, 1) which is read 'Dai zahab' viz., 'enough of gold'.
 - (24) Num. XX, 12.
 - (25) Unripe figs of the Sabbatical year, which must not be eaten, as Sabbatical produce must not be wasted.
 - (26) Lit., 'she'.
 - (27) Lit., 'on account of'.
 - (28) People should not imitate their conduct.
 - (29) Ezek. III, 20.
 - (30) That he leave life as innocent as he entered it.
 - (31) Referring to himself.
 - (32) The responsibility involved in rendering decision appeared to him as momentous as if the ethical dangers involved were physical ones. The stipend was insufficient to meet the needs of his household, the only fruit was the fear that he may leave the court less righteous than he entered it. There were no salaries for the judges in antiquity. Like the office of the Rabbi, it was a post of honour. But every scholar who spent his time exclusively in the study of the Torah was freed from taxes and received public and private privileges.

Talmud - Mas. Yoma 87a

Out of his own will he goes towards death, the wishes of his household he is unable to fulfil, for he returned empty to his house. Would that the coming forth be like the going in).¹ And when he [Rab]² saw a crowd escorting him, he would say: Though his excellency mount up to heaven, and his head reach unto the clouds, yet shall he perish forever like his own dung, they that have seen him shall say: 'Where is he?'³ When R. Zutra was carried shoulder-high⁴ on the Sabbath before the Pilgrimage festivals,⁵ he would say: For riches are not forever; and doth the crown endure unto all generations?⁶

It is not good to respect the person of the wicked.⁷ It is not good for the wicked that they are being

favoured [by the Holy One, blessed be He] in this world. It was not good for Ahab that he was favoured in this world, as it is said: Because he humbled himself before Me, I will not bring the evil in his days.⁸ So as to turn aside the righteous in judgment⁹ — it is good for the righteous that they are not favoured in this world. It was good for Moses that he was not favoured in this world, as it is said: Because ye believed not in Me, to sanctify Me [etc.]. But had you believed in Me your time to depart this world would not yet have come. Happy are the righteous! Not only do they acquire merit, but they bestow merit upon their children and children's children to the end of all generations, for Aaron had several sons who deserved to be burnt like Nadab and Abihu, as it is said: 'That were left';¹⁰ but the merit of their father helped them. Woe unto the wicked! Not alone that they render themselves guilty, but they bestow guilt upon their children and children's children unto the end of all generations. Many sons did Canaan have, who were worthy to be ordained¹¹ like Tabi, the slave of R. Gamaliel, but the guilt of their ancestor caused them [to lose their chance].

Whosoever causes a community to do good, no sin will come through him, and whosoever causes the community to sin, no opportunity will be granted him to become repentant. Whosoever causes a community to do good, no sin will come through him'. Why? Lest he be in Gehinnom, and his disciples in Gan Eden [Paradise], as it is said: For Thou wilt not abandon my soul to the nether world, neither wilt Thou suffer thy godly one to see the pit.¹²

'And whosoever causes the community to sin, no opportunity will be granted him for repentance', lest he be in Gan Eden and his disciples in Gehinnom, as it is said: A man, that is laden with the blood of any person shall hasten his steps unto the pit; none will help him.¹³

IF ONE SAYS: I SHALL SIN, AND REPENT, SIN AND REPENT. Why is it necessary to state I SHALL SIN AND I SHALL REPENT twice? — That is in accord with what R. Huna said in the name of Rab; for R. Huna said in the name of Rab: Once a man has committed a transgression once or twice, it becomes permitted to him. 'Permitted'? How could that come into your mind — Rather, it appears to him like something permitted.

I SHALL SIN AND THE DAY OF ATONEMENT SHALL PROCURE ATONEMENT; THEN THE DAY OF ATONEMENT DOES NOT PROCURE ATONEMENT. Shall we say that our Mishnah is not in accord with Rabbi, for Rabbi said: It was taught, For all transgressions of Biblical commandments, whether he repented or not, whether positive or negative, does the Day of Atonement procure atonement? — You may even say it will be in agreement with Rabbi. It is different when he relies on it.¹⁴

FOR TRANSGRESSIONS COMMITTED BY MAN AGAINST THE OMNIPRESENT. R. Joseph b. Helbe pointed out to R. Abbahu the following contradiction: [We learned]:¹⁵ FOR TRANSGRESSIONS COMMITTED BY MAN AGAINST HIS FELLOWMAN THE DAY OF ATONEMENT PROCURES NO ATONEMENT, but it is written: If one man sin against his fellow-man, God [Elohim] will pacify him?¹⁶ 'Elohim' here means 'the Judge'. But how then is the second half of the clause to be understood, 'But if a man sin against the Lord, who shall entreat for him'? — This is what he means to say: 'If a man sins against his fellow-man, the judge will judge him, he [his fellow] will forgive him';¹⁷ 'but if a man sins against the Lord God, who shall entreat for him'? Only repentance and good deeds.

R. Isaac said: Whosoever offends his neighbour, and he does it only through words, must pacify him, as it is written: My son, if thou art become surety for thy neighbour, If thou hast struck thy hands for a stranger — , thou art snared by the words of thy mouth. . . do this, now, my son, and deliver thyself, seeing thou art come into the hand of thy neighbour; go, humble thyself, and urge thy neighbour.¹⁸ If he has a claim of money upon you, open the palm of your hand to him,¹⁹ and if not, send many friends to him.²⁰ R. Hisda said: He should endeavour to pacify him through three groups

of three people each, as it is said: He cometh before me and saith: I have sinned and perverted that which was right, and it profited me not.²¹ R. Jose b. Hanina said: One who asks pardon of his neighbour need do so no more than three times, as it is said: Forgive. I pray thee now . . . and now we pray thee.²² And if he [against whom he had sinned] had died, he should bring ten persons and make them stand by his grave and say: I have sinned against the Lord, the God of Israel, and against this one, whom I have hurt. R. Abba had a complaint against R. Jeremiah. He [R. Jeremiah] went and sat down at the door of R. Abba and as the maid poured out water, some drops fell upon his head. Then he said: They have made a dung-heap of me, and he cited this passage about himself: He raiseth up the poor out of the dust.²³ R. Abba heard that and came out towards him, saying: Now, I must come forth to appease you, as it is written: 'Go, humble thyself and urge thy neighbour'. When R. Zera had any complaint against any man, he would repeatedly pass by him,²⁴ showing himself to him, so that he may come forth to [pacify] him. Rab once had a complaint against a certain butcher, and when on the eve of the Day of Atonement he [the butcher] did not come to him,²⁵ he said: I shall go to him to pacify him. R. Huna met him and asked: Whither are you going, Sir? He said, To pacify So-and-so. He thought: Abba²⁶ is about to cause one's death.²⁷ He went there and remained standing before him [the butcher], who was sitting and chopping an [animal's] head. He raised his eyes and saw him [Rab], then said: You are Abba, go away. I will have nothing to do with you. Whilst he was chopping the head, a bone flew off, struck his throat, and killed him.

Once Rab was expounding portions of the Bible²⁸ before Rabbis, and there entered

(1) [This bracketed passage is left out in MS.M.].

(2) V. Sanh. 7b.

(3) Job XX, 6-7.

(4) He was advanced in age and unable to walk quickly, and thus he was carried so that the audience should not have to wait long for his arrival.

(5) When he would preach on the Festival laws.

(6) Prov. XXVII, 24.

(7) Ibid. XVIII, 5.

(8) I Kings XXI, 29.

(9) Prov. XVIII, 5.

(10) Lev. X, 12, the suggestion being 'they were left to survive', having also deserved the punishment suffered by their two brethren.

(11) The official ordination, lit., 'laying hands' on the scholar,

(12) Ps. XVI, 9.

(13) Prov. XXVIII, 17.

(14) Lit., 'by the way of'. Since he relies upon the capacity of the Day of Atonement to forgive, for sinning, such forgiveness is not procured by that day.

(15) Supplemented from Bah.

(16) I Sam. II, 25. E.V. 'shall judge him', Elohim may mean either 'God' or 'judge,' and so the Hebrew verb 'pallel' may mean either 'judge' or 'pray', thus 'pacify', 'forgive'. The two meanings of the words are represented in the two suggestions here.

(17) [An instance of aposiopesis, in which part of the sentence is suppressed, cf. Giesenius Kautzsch, ** 159dd and which part of the sentence is suppressed, cf. Gesenius Kautzsch, 159dd and 162. V. Maharsha. Rashi explains differently].

(18) Prov. VI 1-3.

(19) So Bah. I.e., pay him. The Hebrew is a play on the word **התרפם** 'humble thyself'.

(20) The Hebrew is a play on **רהב רעיד** 'urge thy neighbour'.

(21) Job XXXIII, 27. The root for 'right' — 'yashar' is interpreted as if derived from 'shur', from which the noun 'shurah', 'row', 'group' is derived.

(22) Gen. L, 17. The brethren, in their appeal to Joseph to forgive the wrong they had done to him, use the term 'na' (O, pray) three times.

(23) I Sam. II, 8.

(24) To, make it easier for him to endeavour reconciliation.

(25) To pacify him.

(26) Because the butcher had neglected to make his effort to reconcile Rab. Abba was the real name of Rab.

(27) As he knew that the butcher was a hard man and would not take advantage of Rab's offer at reconciliation.

(28) פסיק דדרא V. Shab., Sonc. ed., p. 572, n. 1.

Talmud - Mas. Yoma 87b

R. Hiyya, whereupon Rab started again from the beginning; as Bar Kappara entered, he started again from the beginning; as R. Simeon, the son of Rabbi entered, he started again from the beginning. But when R. Hanina b. Hama entered, he said: So often shall I go back? And he did not go over it again. R. Hanina took that amiss. Rab went to him on thirteen eves of the Day of Atonement, but he would not be pacified. But how could he do so, did not R. Jose b. Hanina Say: One who asks pardon of his neighbour need not do so more than three times?¹ — It is different with Rab.² But how could R. Hanina act so [unforgivingly]? Had not Raba said that if one passes over his rights, all his transgressions are passed over [forgiven]? — Rather: R. Hanina had seen in a dream that Rab was being hanged on a palm tree, and since the tradition is that one who in a dream is hanged on a palm tree will become head [of an Academy] he concluded that authority will be given to him, and so he would not be pacified, to the end that he departed to teach Torah in Babylon.³

Our Rabbis taught: The obligation of confession of sins comes on the eve of the Day of Atonement, as it grows dark. But the Sages said: Let one confess before one has eaten and drunk, lest one become upset⁴ in the course of the meal. And although one has confessed before eating and drinking, he should confess again after having eaten and drunk, because perchance some wrong has happened in the course of the meal, And although he has confessed during the evening prayer, he should confess again during the morning prayer; [and although he has confessed] during the morning prayer, he should do so again during the Musaf [additional prayer]. And although he had confessed during the Musaf, he should do so again during the afternoon prayer; and although he had done so in the afternoon prayer, he should confess again in the Ne'ilah [concluding prayer]. And when shall he say [the confession]? The individual after his 'Amidah Prayer',⁵ the public reader in the middle thereof. What is it [the confession]? — Rab said: 'Thou knowest the secrets of eternity'.⁶ Samuel said: From the depths of the heart.⁷ Levi said: And in thy Torah it is said . . .⁸ R. Johanan said: Lord of the Universe, [etc.].⁹ Rab Judah: 'Our iniquities are too many to count, and our sins too numerous to be counted'. R. Hamnuna said: 'My God, before I was formed, I was of no worth, and now that I have been formed, it is as if I had not been formed. I am dust in my life, how much more in my death. Behold I am before Thee like a vessel full of shame and reproach. May it be thy will that I sin no more, and what I have sinned wipe away in Thy mercy, but not through suffering'.¹⁰ That was the confession [of sins] used by Rab all the year round, and by R. Hamnuna the younger, on the Day of Atonement. Mar Zutra said: All that [is necessary only] when he did not say: 'Truly, we have sinned'.¹¹ but if he had said: 'Truly, we have sinned', no more is necessary, for Bar Hamdudi said: Once I stood before Samuel, who was sitting, and when the public reader came up and said: 'Truly, we have sinned', he rose. Hence he inferred that this was the main confession.

We learned elsewhere: On three occasions of the year the priests raise their hands [in benediction] four times during the day; at the morning prayer, at Musaf, at Minhah [afternoon prayer] and at the closing of the [Temple] gates. Viz., on fast days, at the ma'amads and on the Day of Atonement.¹² What [is the prayer at] 'the closing of the [Temple] gates'? — Rab said: An extra prayer.¹³ Samuel said: 'Who are we, what is our life, etc.'?¹⁴

The following objection was raised: On the evening of the Day of Atonement one reads seven [benedictions]¹⁵ and then makes the confession, in the morning prayer one reads seven

[benedictions] and makes confession, at Musaf one reads the seven [benedictions] and makes confession, at Minhah one reads the seven [benedictions] and makes confession, and at Ne'ilah one reads the seven [benedictions] and makes confession?¹⁶ [And further was]¹⁷ it taught: On the Day of Atonement as it becomes dark one reads the seven benedictions and makes confession, and concludes with the confession¹⁸ — that is the view of R. Meir, whereas the Sages say: He should read the seven [benedictions], and if he wishes to conclude with the confession, he may do so. That would be a refutation of Samuel?¹⁹ — It is a refutation.

'Ulla b. Rab came down [to the reader's desk] before Raba, commencing the Ne'ilah prayer with 'Thou hast chosen us and concluding with 'What are we, what is our life', and he praised him. R. Huna b. Nathan said: The individual should say it²⁰ after his prayer.

Rab said: The concluding prayer exempts from evening prayer [to follow]. Rab goes according to his idea that it is all extra prayer, and since one has said it already [at dusk] it is not required any more. But did Rab say so? Did not Rab say: The halachah is according to the view that the evening Prayer is not obligatory?²¹ He said this on the view that it is obligatory.²²

An objection was raised: On the evening of the Day of Atonement he should read seven [benedictions] and make confession, in the morning also seven and make confession, at Musaf also seven and make confession, at Minah also seven and make confession,²³ at Ne'ilah also seven and make confession, at the evening Prayer he reads seven benedictions [the seventh consisting of] the substance of the eighteen benedictions.²⁴ R. Hanina b. Gamaliel said in the name of his ancestors: One must read the complete prayer of eighteen benedictions,

(1) V. supra p. 435.

(2) He goes beyond what the law requires, his humility and kindness refuse to recognize limits in such matters.

(3) After the death of Raba, R. Hanina became head of the Academy (v. Keth. 103b) and he interpreted the dream to mean that he would die soon, to make place for Rab. In order to allow for another interpretation, with less fatal results to himself of that vision, he refused to become reconciled to Rab, forcing the latter to go to Babylon, where in accord with that dream he did become before long head of the School of Sura.

(4) Through drink.

(5) The 'Amidah, the prayer par excellence.

(6) V. P.B., p. 259.

(7) [Probably the same as the prayer mentioned by Rab, except that Samuel substitutes 'The depths of the Heart' for 'secrets of the eternity' V. D.S. a.l.].

(8) [For us this day He shall make atonement for you (Rashi); v. P. B., p. 257].

(9) V. P.B., p. 7.

(10) V. P.B., p. 263.

(11) V. P.B., p. 258.

(12) For notes v. Ta'an., Sonc. ed., p. 136.

(13) I.e., an extra Amidah consisting of the usual seven benedictions like all the other Amidahs of Festivals.

(14) V. P.B., p. 267.

(15) I.e., the Amidah, cf. n. 2.

(16) This contradicts Samuel's opinion.

(17) [So emended by Ronsburg, v. Marginal Glosses; cur. edd. This is a point of dispute between Tannas, v. note 8].

(18) [I.e., he ends the middle benedictions of the 'Amidah with the usual formula, Blessed art Thou O Lord . . . Who forgivest (Rashi).]

(19) [Here at any rate all agree that at the concluding service there is an Amidah in contradiction to Samuel. MS.M. deletes this and reads in the Baraita. But the Sages say he need not read the seven (benedictions), which would be in support of Samuel. Thus the view of Samuel is 'a point of' dispute among Tannas'. V. n. 6; cur. edd. present a conflated text].

(20) I.e., What are we, etc.

- (21) In which case there is no point in his present ruling.
 (22) Not arguing for himself, but for the scholar of the opposite view.
 (23) So MS.M..
 (24) V. Ber. 29a.

Talmud - Mas. Yoma 88a

because one must make mention of Habdalah¹ in the benediction [commencing with] ‘Thou favourest’.² That is a dispute of Tannaim, for it was taught in a Baraitha: All those obliged to immerse themselves may do so in their usual manner on the Day of Atonement, the menstruating woman, and the woman after childbirth immerse themselves in their usual manner on the evening of the Day of Atonement. One who had a pollution may do so until the afternoon prayer.³ R. Jose said: He may do so throughout the day. But the following contradiction is to be pointed out: A man or woman afflicted with gonorrhoea, or with leprosy, one who had had intercourse with a menstruant, or one rendered unclean by contact with a dead person, may immerse themselves in their usual manner on the Day of Atonement. A menstruating woman, and a woman after childbirth may immerse themselves in their usual manner on the night before the Day of Atonement. One who had experienced a pollution may immerse himself throughout the day.⁴ R. Jose said: From the Minhah onwards, he may not immerse himself? — This is no difficulty: The one refers to the case that he had read the Ne’ilah prayer,⁵ the other that he had not read the Ne’ilah. If he had prayed, what is the reason for the view of the Rabbis?⁶ — The Rabbis hold: It is obligatory to take the ritual bath at the proper times.⁷ This implies that R. Jose would not hold this not to be obligatory, but surely it was taught: If he has had the name [of God] inscribed on his body he must not bathe, nor anoint himself, nor stand in an unclean place; if it happens that he is obliged to immerse himself, he should tie some reed around, go down and immerse himself, R. Jose said: He may go down and immerse himself in the usual manner, provided he does not rub it off. And we know that they are disputing the principle as to whether it is obligatory to take the ritual bath at its definite time!⁸ [The Tanna of] that [former Baraitha]⁹ is R. Jose b. Judah, for it was taught: R. Jose b. Judah said: The [one] immersion at the end suffices for her.¹⁰ Our Rabbis taught: One who experiences a pollution on the Day of Atonement should go down and immerse himself and in the evening he should rub himself off properly. ‘In the evening’? What is passed, is it not passed?¹¹ Rather say: He should rub himself off on the eve before!¹² He holds it is obligatory to rub oneself off. A tanna¹³ recited before R. Nahman: To one who experienced a pollution on the Day of Atonement, all sins will be forgiven. But it was taught: All his sins will be arranged before him? — What does ‘arranged’ mean? Arranged to be forgiven. In the School of R. Ishmael it was taught: One who experienced a [night-] pollution on the Day of Atonement, let him be anxious throughout the year, and if he survives the year, he is assured of being a child of the world to come. R. Nahman b. Isaac said: You may know it [from the fact that] all the world is hungry, and he is satisfied. When R. Dimi came, he said: He will live long, thrive and beget many children.¹⁴

(1) Lit., ‘division’. The reference to the distinction between holy and profane recited in the Amidah on the termination of the Sabbath and Festivals.

(2) V. P.B., p. 46.

(3) That means, if he had experienced pollution before then, he may immerse himself until Minhah, so that he may pray the afternoon prayer. But if it happened after the afternoon prayer, he should not immerse himself, but await until dark therewith. The Sages hold that the Ne’ilah is to be said at night, and therefore in agreement with Rab’s teaching, renders exempt the evening prayer; whereas R. Jose, who holds that the man who had experienced pollution may immerse himself throughout the day, so that even if he had experienced after the afternoon prayer, he may immerse himself in order that he might pray the concluding prayer, is of the opinion that the Ne’ilah prayer is not said at night, and therefore does not exempt the evening service.

(4) V. supra 6b.

(5) Before he experienced the pollution, and therefore R. Jose holds that he may not immerse himself after the Minhah.

- (6) In the second Baraita, allowing immersion after Minhah.
- (7) And since the time of the immersion of those who experienced pollution is during the day, they may do so even after Minhah.
- (8) V. supra 8a.
- (9) Who does not permit immersion after Minhah because he does not regard it as an obligation to immerse at the proper time.
- (10) V. Shab., Sonc. ed., p. 598, n. 11.
- (11) How can a later action influence something completed before?
- (12) So that his body be sufficiently clean, and in the case of a pollution the immersion will touch every part of his body. An immersion is ritually effective only if the waters reach unimpeded the whole surface of the body.
- (13) V. Glos. s.v. (b).
- (14) His experience indicates that his seed will multiply.

Talmud - Mas. Sukkah 2a

CHAPTER I

MISHNAH. A SUKKAH¹ WHICH² IS MORE THAN TWENTY CUBITS HIGH IS NOT VALID, R. JUDAH, HOWEVER, DECLARES IT VALID. ONE WHICH IS NOT TEN HAND BREADTHS HIGH, OR WHICH HAS NOT THREE WALLS, OR WHICH HAS MORE SUN THAN SHADE, IS NOT VALID.

GEMARA. We have learnt elsewhere³ : If the [cross-beam above an] alley-entry⁴ is more than twenty cubits high, it must be lowered. R. Judah says this is unnecessary. Now wherein lies the difference [between the two cases that] with regard to the Sukkah it is declared NOT VALID, while with regard to [the cross-beam over] the alley-entry, a remedy is indicated? — With regard to the Sukkah, since it is a Pentateuchal⁵ ordinance, it [was proper categorically to] state, NOT VALID;⁶ with regard to [the cross-beam over] an alley-entry, however, since the injunction is only Rabbinical,⁷ a remedy is given.⁸ And, if you wish, you may say that even with a Pentateuchal command a remedy may be given, but with regard to the Sukkah, as the ordinances relating thereto are many it was briefly stated, NOT VALID⁹ [while in the case of a cross-beam over] an alley-entry, since the regulations thereof¹⁰ are not many, a remedy is indicated.

Whence do we know this?¹¹ — Rabbah answered: Scripture says, That your generations may know¹² that I made the children of Israel to dwell in booths,¹³ [with a booth] up to twenty cubits [high] a man 'knows' that he is dwelling in a booth, but with one higher than twenty cubits he does not 'know' that he is dwelling in a booth, since his eye does not descry it.¹⁴ R. Zera replied: From the following verse, And there shall be a booth for a shadow in the daytime from the heat.¹⁵ [With a booth] up to twenty cubits [high] a man sits in the shade of the booth;¹⁶ but with one higher than twenty cubits he sits, not in the shade of the booth¹⁶ but in the shade of its walls.¹⁷ Said Abaye to him,¹⁸ But if so, if a man made his Sukkah in Ashteroth Karnayim¹⁹ would it also be no valid Sukkah? — He answered him: In that case, remove the 'Ashteroth Karnayim' and there will remain the shade of the Sukkah, but here, remove the walls, and you have no shade of a Sukkah.²⁰

Raba replied: [It is derived] from the following verse, Ye shall dwell in booths seven days,²¹ the Torah declared, For the whole seven days leave thy permanent abode and dwell in a temporary abode. [With a booth] up to twenty cubits [high] a man makes his abode a temporary one; [in one] higher than twenty cubits, a man does not make his abode temporary, but permanent.²² Said Abaye to him, But if so, if he made walls of iron and placed the [proper] covering²³ over them, would it also²⁴ be no valid Sukkah. The other answered him, it is this that I mean to tell you: [In a booth] up to twenty cubits, which a man makes his temporary abode, even if he makes it permanent, he has fulfilled his obligation; [but in one] higher than twenty cubits, such as a man makes his permanent abode, even if he makes it temporary, he has not fulfilled his obligation.

(1) The booth set up at the Feast of Tabernacles in fulfilment of Lev. XXIII, 42.

(2) In its interior.

(3) 'Er. I, 1.

(4) If an alleyway has courtyards opening into it, while on one side it is open to a public domain, a cross-beam placed over the entrance imparts to it some of the characteristics of a private domain within which freedom of movement on the Sabbath is permitted.

(5) V. Supra n. 1.

(6) The suggestion of a remedy might have been misunderstood as being mere advice the neglect of which did not vitally affect the performance of the precept, and so it would be concluded that ex post facto the Sukkah may be deemed fit. (V. Tosaf. 'Er. 2a s.v. סוכה contra Rashi).

(7) According to the Pentateuchal ordinance three walls suffice to make an enclosure private.

- (8) There is no need for so much precaution in the case of a Rabbinical, as in that of a Pentateuchal law.
- (9) Thus presenting a succinct ruling covering all disqualifications. Were remedies for each disqualification to be indicated the ruling would have extended to undue lengths, contrary to the principle of brevity in teaching (v. Pes. 3b).
- (10) Given in the cited Mishnah 'Er. I, 1.
- (11) That the prescribed height of a Sukkah is Pentateuchal.
- (12) Emphasis on 'know'.
- (13) Lev. XXIII, 43.
- (14) The roof covering סכך Which is the essential feature of the Sukkah.
- (15) Isa. IV, 6.
- (16) Sc. the roof (cf. supra n. 5).
- (17) Whose shadows completely fill the interior and render that of the roof superfluous.
- (18) R. Zera.
- (19) A glen between two high mountains where the sun cannot penetrate. Lit., 'Ashteroth of the two horns', v. Gen. XLV, 5.
- (20) Since the high roof would not suffice to exclude the sunshine that comes streaming in from the sides.
- (21) Lev. XXIII, 42.
- (22) Such a high structure requires firm foundations and walls and these give it the characteristics of a permanent abode.
- (23) סכך, 'to cover' refers especially to the valid covering of a Sukkah,
- (24) Since it is a permanent structure.

Talmud - Mas. Sukkah 2b

All¹ do not agree with [the deduction of] Rabbah, since that [verse]² refers to the knowledge of [future] generations. Nor do they agree with R. Zera, since that verse³ refers to the Messianic age.⁴ [What, however, does] R. Zera [answer to this objection]?- [he could answer], If so, the verse could read 'And there shall be a covering for a shadow in the daytime'. Why then was it stated, 'And there shall be a booth for a shadow in the daytime'? Hence you must infer therefrom both points.⁵

Nor do they⁶ agree with Raba, on account of the objection of Abaye.⁷

Whose authority is followed in the statement made by R. Josiah in the name of Rab, that the difference of opinion⁸ is where the walls do not reach the covering, but where the walls do reach the covering the sukkah is valid, even if it is higher than twenty cubits?

'Whose authority is followed' [you ask]? it is in accordance with Rabbah whose reason⁹ is that the eye does not descry it, but where the walls reach the covering, the eye¹⁰ does descry it.

Whose authority is followed in the statement made by R. Huna in the name of Rab, that the difference of opinion⁸ is where the area of the sukkah was only four cubits square but where it was more than four cubits square [both agree] that even if it is higher than twenty cubits it is valid? — In agreement with whom [you ask]? In agreement with R. Zera who gives as the reason¹¹ the [character of the] shade, and, since it¹² is spacious- there is the shade of a Sukkah.¹³

Whose authority is followed in the statement made by R. Hanan b. Rabbah in the name of Rab, that the difference of opinion¹⁴ is only where [the Sukkah] can contain [only] a person's head, the greater part of his body, and his table,¹⁵ but where it is larger than this [both agree] that even if it is higher than twenty cubits it is valid? — In agreement with whom [you ask]? In agreement with none.¹⁶

It is understandable that R. Josiah disagrees with R. Huna and with R. Hanan b. Rabbah, since they lay down a [minimum] measurement in the extent [of the Sukkah] while he does not lay down a minimum measurement as to the extent [thereof]; but [as regards] R. Huna and R. Hanan b. Rabbah,

can we say that they differ on [what minimum of extent constitutes] the validity of the Sukkah, the former¹⁷ holding the opinion that the validity of the sukkah [depends upon its being a minimum of] four cubits [square] while the latter¹⁸ holds that the validity of the sukkah [depends, upon its capacity of] containing his head, the greater part of his body, and his table?— No! Both may agree that the validity of the Sukkah [depends upon its capacity of] containing his head, the greater part of his body, and his table, but here they differ on the following principle: One master¹⁸ holds the opinion that they¹⁹ differ where the Sukkah [can] contain [only] his head, the greater part of his body, and his table, but if it is larger than this both agree that it is valid,²⁰ while the other master¹⁷ holds the opinion that they differ [about a Sukkah whose size is] between [one capable of] containing his head, the greater part of his body and his table, and one four cubits square, but if it is more than four cubits square, both agree that it is valid.²¹

It was objected:²² A Sukkah which is higher than twenty cubits is not valid, but R. Judah declared it valid up to a height of forty or fifty cubits. R. Judah stated, ‘It happened with Queen Helena²³ in Lydda²⁴ that her Sukkah was higher than twenty cubits, and the elders nevertheless were going in and out of it and spoke not a word to her [in disagreement]’. They said to him, ‘Is²⁵ this a proof? She was a woman and [therefore] free from the obligation of the Sukkah’.²⁶ He answered them, ‘Did she not have seven sons? And besides, she did nothing except in accordance with the command of the Sages’. Why does he have to add ‘and besides, she did nothing except in accordance with the command of the Sages’? Thus he said to them: If you will answer [with regard to her seven sons] that her sons were minors²⁷ and minors are free from [the obligation of] the sukkah, since [however] she had seven, there must have been at least one²⁸ who was [old enough] not to be dependent on his mother; and if you will object that [the duty of educating] a child who is not dependent on his mother is merely a Rabbinical injunction, and she took no heed of a Rabbinical injunction, I²⁹ add ‘and besides, she did nothing except in accordance with the command of the Sages’. Now this [Baraita] is well according to the authority who says that their³⁰ difference of opinion was in the case where the walls did not reach the covering;³¹ since it is the custom of a queen to sit in a sukkah whose walls do not reach the roof

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- (1) The Amoras, supra 2a, who dealt with the question, whence is it derived that the prescribed height of a Sukkah is Pentateuchal.
 - (2) Lev. XXIII, 43.
 - (3) Isa. IV, 6.
 - (4) When there shall be booths for shelter against heat etc.
 - (5) That (a) there will be a Sukkah in the Messianic age and (b) only one whose roof provides the necessary shadow is valid.
 - (6) V. supra n. 3.
 - (7) Supra 2a ad fin.
 - (8) In our Mishnah, between the first anonymous authority and R. Judah.
 - (9) For the ruling of the first Tanna.
 - (10) Travelling up the walls.
 - (11) For the ruling of the first Tanna.
 - (12) The Sukkah.
 - (13) Sc. the roof covering.
 - (14) V. p. 3, n. 10.
 - (15) They used to eat reclining on a couch by the table.
 - (16) Since even when the Sukkah can contain more than his head, greater part of his body and table, all the reasons given by the above authorities for disqualifying a Sukkah higher than twenty cubits still apply.
 - (17) R. Huna.
 - (18) R. Hanan b. Rabbah.
 - (19) The anonymous authority in our Mishnah and R. Judah.
 - (20) Even when higher than twenty cubits.

- (21) I.e., according to R. Zera, since on account of its spaciousness there is the shade of a Sukkah in it.
- (22) Against the Amoras who laid down supra the principles on which the authorities in our Mishnah differ.
- (23) A famous royal convert to Judaism, about the year thirty C.E. She was Queen Adiabene, wife of Monobaz I, and mother of Monobaz II. She visited Palestine about forty-three C.E. and presented a golden portal to the Temple (Yoma 37a). She was buried in Jerusalem.
- (24) A town in Palestine, west of Jerusalem, noted as a seat of scholarship after the destruction.
- (25) Lit., 'from there'.
- (26) Since it is a commandment dependent upon a specified time for its performance from which women are exempt.
- (27) Under thirteen years of age.
- (28) Who, although still a minor, must be educated in the observance of the commandments of the Torah.
- (29) Lit., 'come and hear'.
- (30) That of R. Judah and the first Tanna in our Mishnah.
- (31) Of the Sukkah.

Talmud - Mas. Sukkah 3a

because of ventilation; but according to the authority who states that they differed only in the case of a small' Sukkah,¹ is it then customary for a queen to sit in a diminutive sukkah?² — Rabbah b. Adda answered, The ruling was necessary only in the case of a Sukkah constructed with many recesses.³ Is it then customary for a queen to sit in a sukkah with many recesses? — R. Ashi answered: [The ruling] was necessary only in the case of the recesses in it.⁴ The Rabbis hold the opinion that her sons sat in the proper Sukkah, while she sat in one of the recesses for reasons of modesty, and hence they⁵ made no remark,⁶ while R. Judah was of the opinion that her sons sat with her,⁷ and still they⁵ made no remark.

R. Samuel b. Isaac⁸ stated, The halachah is that [the Sukkah] must be able to contain his head, the greater part of his body, and his table. R. Abba said to him, In agreement with whom is this ruling? Is it in agreement with Beth Shammai?⁹ -The other answered him,, According to whom else? Another version: R. Abba said to him, Who holds this opinion?-He answered, 'Beth Shammai, and¹⁰ do not budge from it'.

R. Nahman b. Isaac demurred: Whence do we know that Beth Shammai and Beth Hillel are in dispute concerning a small Sukkah? Perhaps their dispute concerns a large Sukkah, as for instance, where a man sat at the entrance of the Sukkah with his table inside the house,¹¹ Beth Shammai holding the opinion that we prohibit it lest he be drawn after the table, while Beth Hillel hold that we do not prohibit it? This, furthermore, may be deduced also [from the wording], for it was stated, 'If his head and the greater part of his body were within the Sukkah but his table was within the house, Beth Shammai declare it invalid, and Beth Hillel declare it valid;'¹² but if it is [as you say]¹³ it ought to read, [If the Sukkah can] contain, or cannot contain [his head etc.].¹⁴

But do they not dispute concerning a small Sukkah? Has it not in fact been taught: [If a Sukkah can] contain his head, the greater part of his body and his table, it is valid. Rabbi says, It must be four cubits square. While in another [Baraita] it has been taught: Rabbi says, Any Sukkah which is not four cubits square is invalid, while the Sages say, Even if it can contain only his head, and the greater part of his body it is valid. Whereas of 'his table' there is no mention. Does not thus¹⁵ a contradiction arise between the two [Baraitas]? We must consequently infer therefrom that one is [according to] Beth Shammai, and the other according to Beth Hillel!¹⁶

Mar Zutra observed, The wording of this Mishnah¹² also proves it,¹³ since it says: 'Beth Shammai declare it invalid, and Beth Hillel declare it valid', and if it were [as you say]¹⁷ it ought to read: Beth Shammai say', He has not fulfilled his obligation while Beth Hillel say that he has.¹⁸ But do not the words, 'He [whose head etc.] were'¹⁹ present a difficulty? — The fact is that they differ on two

[points], on a small Sukkah and a large one, but the text is defective and is to be read thus: 'He whose head and the greater part of his body were within the sukkah and his table within the house,'²⁰ Beth Shammai say, He has not fulfilled his obligation and Beth Hillel say, He has; and if it is [able to] contain only his head and the major part of his body alone,²¹ Beth Shammai declare it invalid and Beth Hillel valid.' Who is the authority for that which our Rabbis taught: 'A house which is not four cubits square is free from the obligations of Mezuzah²², and parapet,²³ does not contract levitical uncleanness from leprosy,²⁴ is not irredeemable among the dwelling houses of a walled city,²⁵ nor does one return on its account from the array of war,²⁶ nor need an 'Erub²⁷ be prepared for it, nor Shittuf,²⁷ nor does one place therein an 'Erub²⁸

- (1) But agreed where it was a large one.
- (2) Obviously not. Why then did the Rabbis in this case differ from R. Judah?
- (3) Since each recess was small the Rabbis may well have regarded it as invalid.
- (4) Sc. It was a large Sukkah with recesses in it.
- (5) The elders.
- (6) Since a woman is exempt from Sukkah.
- (7) In the recesses.
- (8) Var. lec., R. Huna.
- (9) It cannot be in agreement with Beth Hillel who (infra 28a) do not require a Sukkah to be capable of containing also one's table.
- (10) Although the halachah is usually according to Beth Hillel.
- (11) I.e., the Sukkah was built on to the house
- (12) Mishnah infra 28a.
- (13) That the point at issue is a small Sukkah.
- (14) It may, therefore, be concluded that the point at issue is a Sukkah that was large.
- (15) Since the former does, and the latter does not mention 'his table'.
- (16) Which proves that Beth Shammai and Beth Hillel dispute concerning a small Sukkah.
- (17) That the dispute related to a large Sukkah.
- (18) Since the Sukkah itself is valid.
- (19) As has been pointed out supra in support of R. Nahman b. Isaac's demur.
- (20) Referring to a large Sukkah.
- (21) Referring to a small Sukkah.
- (22) V. Deut. VI, 9 and Glos.
- (23) V. Ibid. XXII, 8.
- (24) V. Lev. XIV, 34ff
- (25) V. Ibid. XXV, 29, 30. Houses in walled cities, if sold, were irredeemable after twelve months, and remained in perpetuity the buyers', v. Lev. XXV, 30. A structure less than four cubits square is not regarded as a 'house', and none of the above-mentioned laws are applicable to it. It may be redeemed at any time, and if it was not redeemed it returns to the seller in the jubilee year.
- (26) V. Deut. XX, 5.
- (27) V. Glos,
- (28) I.e., this structure cannot be regarded as one of the houses wherein the 'Erub of the courtyard may be placed.

Talmud - Mas. Sukkah 3b

nor make of it an extension¹ between two cities, nor can brothers or partners divide it '2 Must we say that it agrees with Rabbi,³ and not with the Rabbis?⁴ — No! One can even say that it agrees with the Rabbis. The Rabbis say it⁵ only with regard to a Sukkah which is a temporary abode, but with regard to a house which is a permanent abode, even the Rabbis admit that if it has an area of four cubits square, people dwell therein,⁶ otherwise, they do not dwell therein.

The Master said, 'It is free from the obligations of Mezuzah, and parapet, does not contract

levitical uncleanness from leprosy, is not irredeemable among the houses of a walled city, nor does one return on its account from the array of war'. What is the reason? — Because the term 'house' occurs in all [these commandments].⁷

'Nor need an 'Erub be prepared for it, nor Shittuf, nor does one place therein an 'Erub'. What is the reason?—Since it is unsuitable as a dwelling.⁸ Now the 'Erub of courtyards is not placed therein, but a Shittuf⁹ may be placed therein. What is the reason? — Since it is no worse than a courtyard within an alleyway as we have learnt, 'The 'Erub of courtyards [are placed] in a courtyard, and the shittuf of an alley in the alley',¹⁰ and the point was raised, [How can it be said that], 'The 'Erubs of courtyards [are placed] in a courtyard'? Have we not in fact learnt,¹¹ If a man placed his 'Erub in a gatehouse¹² or in an exedra, or in a gallery, it is no valid 'Erub,¹³ and he who dwells therein cannot be a cause of prohibition?¹⁴ — Say rather, 'Erubs of courtyards [are placed] in a house of the courtyard, and the Shittufs of alleys in a courtyard of the alley; and this¹⁵ is no worse than a courtyard in an alley.

'Nor make of it an extension between two cities'. Since it is not regarded even as an outpost.¹⁶ What is the reason?— Outposts are suitable for their purpose,¹⁷ but this is unsuitable for anything.¹⁸

'Nor can brothers or partners divide it'. The reason apparently is that it is not four cubits square, but if it were four cubits square, [presumably] they could divide it.¹⁹ But have we not learnt, A courtyard should not be divided unless there be four cubits to each [of the parties]?²⁰ — Say rather, The law of division²¹ does not apply to it, as [it does in the case of] a courtyard. For R. Huna ruled, 'A courtyard is divided according to the number of its doors',²² and R. Hisda said, 'Four cubits are allowed for each door and the remainder is divided equally', but this²³ applies only to a house which is intended to stand, [and therefore] we allow it a [share in the] courtyard; but as to this [a hovel] which is intended to be demolished, we do not allow it [a share in the] courtyard.

If [a Sukkah] was more than twenty cubits high and he diminished its [height] with bolsters and cushions it is not a [valid] diminution,

(1) A legal fiction whereby a house between two cities' (situated at a distance of a hundred and forty-one and a third cubits from each other) 'extends' the boundaries of each if it was equidistant from both. The two cities are then treated as one, and walking from one to the other and along distances of two thousand cubits from each city in all directions is permitted on the Sabbath.

(2) If it fell to brothers as an inheritance, or if it belonged to partners who wish to dissolve their partnership. V. Mishnah B.B., I, 6.

(3) Who regards a Sukkah less than four cubits square as invalid.

(4) Is it likely, however, that an anonymous Baraita represents the view of an individual against that of the majority?

(5) That a structure less than four cubits is valid.

(6) And it can, therefore, be regarded as a 'house'.

(7) V. Deut. VI, 9; XXII, 8; Lev. XIV, 35; XXV, 29; Deut. XX, 5.

(8) And consequently unfit for an 'erub whose function is to combine all the residents into one group that virtually dwells in the house where it is deposited. For the same reason only the resident of a house that is suitable as a dwelling imposes restrictions on his neighbours unless he joined in the 'Erub. One that is 'unsuitable may be regarded as non-existent (cf. 'Er. 49a).

(9) Whose function is not the combination of dwellings but that of courtyards.

(10) 'Er. 85b.

(11) Mishnah 'Er. VIII, 4.

(12) A porter's lodge.

(13) Cf. supra n. 2 mut. mut.

(14) To the other inmates as regards carrying in the courtyard. How then could it be said that an 'Erub deposited in an open courtyard is valid?

- (15) A house less than four cubits square.
 (16) בורגני Gr. ** an isolated turret outside a city.
 (17) A night's lodging.
 (18) Lit., 'for its purpose', to serve as a dwelling for which purpose a house is built.
 (19) I.e., presumably they could compel each other to divide.
 (20) B.B. 11a.
 (21) As explained presently by R. Huna and R. Hisda.
 (22) V. B.B., Sonc. ed., p. 54, n. 5.
 (23) That house owners are entitled to certain shares in their common courtyard.

Talmud - Mas. Sukkah 4a

even though he abandoned them¹ since his intention is canceled by that of other men;² if [he spread] straw [in order to diminish the height] and abandoned it, it is a [valid] diminution, and much more so is this the case with earth which he abandoned. [If he spread] straw which he had no intention of removing³ or earth concerning which his intention is unknown — this is a matter of dispute between R. Jose and the Rabbis. For we have learnt, If a house was filled with straw or gravel and the owner announced his intention to abandon it, it is duly abandoned.⁴ [Thus only if] he expressly abandoned it,⁵ is it not regarded as abandoned, but if he did not expressly do so, it is not so regarded; and with regard to this we have learnt, R. Jose ruled: Straw which he has no intention of removing is like ordinary earth⁶ and is deemed to be abandoned; earth which he intends to remove [later] is like ordinary straw⁶ and is not deemed to be abandoned.⁷ [If a Sukkah] was more than twenty cubits high but palm-leaves⁸ hung down within the twenty cubits, if the shade⁹ is more than the sun,¹⁰ it is valid, otherwise it is invalid. If [the sukkah] was ten handbreadths high¹¹ and palm-leaves hung down within the ten cubits, Abaye¹² intended to say that if the sun [that penetrates through them] is more than their shade, it is valid,¹³ [but] Raba said to him, This is a house [whose roof] hangs low down, and no man lives in such a dwelling. If it was higher than twenty cubits and he built a ledge at the middle wall¹⁴ along its whole length¹⁵ and it¹⁶ has the minimum size of a valid Sukkah,¹⁷ it¹⁸ is valid.¹⁹ If [he built the ledge] on a side [wall], — if from the edge of the ledge to the wall [opposite] there are four cubits,²⁰ it²¹ is invalid; but if the distance was less than four cubits, it¹⁸ is valid.²² What principle does he teach us by this ruling? That we apply the rule of the 'curved wall'?²³ But have we not [already] learnt it: A house [the middle of whose flat roof] is missing and one placed the valid covering of a Sukkah upon it,²⁴ if there are four cubits from the [top of the] wall to the covering, it²⁵ is invalid;²⁶ which [shows that] if the distance was less than this it is valid?²⁷ — One might have thought that only there²⁸ [it is valid] since [each side] is suitable [to serve] as a wall;²⁹ but that here³⁰ since it³¹ is unsuitable for a wall, one might say that it is invalid, [therefore] we were taught [that even here the principle³² is applied].

If [a sukkah] was higher than twenty cubits and one built a platform in the middle of it, if there are four cubits on every side between the edge of the platform and the wall, it³³ is invalid; but if the distance is less than four cubits, it is valid. What principle does this teach us? That we apply the rule of the 'curved wall'?³⁴ But is not this principle identical with the former one?—One might have thought that we apply the rule of the 'curved wall' on one side only, but not on every side, therefore we were taught [that we apply it to all sides also].

If [a Sukkah] was less than ten handbreadths in height and one hollowed out³⁵ [a hole]³⁶ in order to bring it to [ten handbreadths], — if there was a distance of three handbreadths from the brim of the hollow to the wall, it is invalid;

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- (1) I.e., he declared them to be null and void and as part of the ground for the duration of the Festival. '
 (2) Who would still regard them as cushions.
 (3) During the Festival; but he did not actually pronounce the formula of annulment.

- (4) And the house is regarded as filled in respect of the laws of ohel, v. 'Er., Sonc. ed., fol. 78b, notes.
- (5) I.e., pronounced the formula of annulment.
- (6) Concerning which the owner's intention is unknown.
- (7) It has thus been shown that all agree that straw or earth that had been explicitly abandoned is deemed to be duly abandoned, and that straw about which the owner's intention is not known and earth which he intends to remove is not regarded as abandoned, while as regards straw or earth which the owner does not intend to remove and earth about which the owner's intention is not known there is a divergence of view between R. Jose, who deems it to be abandoned, and the Rabbis.
- (8) Which form the roof covering.
- (9) Of the palm-leaves that hang down.
- (10) Since the palm-leaves may be regarded as a valid covering within the twenty cubits.
- (11) The minimum height.
- (12) On the analogy of the previous ruling.
- (13) Since their presence adds no substantial shade.
- (14) A Sukkah generally has only three walls, the fourth side being the door. The 'middle wall' is the one between the two side walls.
- (15) So that it reached the side walls.
- (16) The ledge.
- (17) Seven handbreadths and a fraction square.
- (18) The entire Sukkah, even the area between the ledge and the door.
- (19) The area of the ledge being regarded as a small valid Sukkah with three walls, while the remainder is treated as an extension of it (cf. infra 19a).
- (20) Since in this case the ledge had no more than two walls.
- (21) The entire Sukkah.
- (22) Because the roof, (cf. infra 6b) above the area between the ledge and the opposite wall is regarded as a continuation of that wall which thus serves as a third wall for the ledge.
- (23) Sc., that a part of a ceiling may be regarded as the curved extension of a wall that adjoined it.
- (24) The hole.
- (25) The entire house.
- (26) As a Sukkah.
- (27) Infra 17a. Why then should the same principle be taught twice?
- (28) In the case of the broken roof.
- (29) I.e., it is not higher than the permitted maximum
- (30) In the case of the ledge, where the wall opposite is higher than the permitted size.
- (31) The wall opposite the ledge.
- (32) Of 'curved wall'.
- (33) The entire Sukkah, even on the platform.
- (34) Sc. that a part of a ceiling may be regarded as the curved extension of a wall that adjoined it.
- (35) In the floor.
- (36) Extending over an area of the prescribed minimum size of a Sukkah (Rashi).

Talmud - Mas. Sukkah 4b

if the distance was less than three handbreadths¹ it is valid. Why do we say there² 'less than four cubits', and here 'less than three handbreadths'? In the former case where there is a wall,³ it is sufficient [if the distance is] 'less than four cubits'; in the latter case, however, where a wall has to be made,⁴ [if the distance is] 'less than three handbreadths' it is [valid]; otherwise it is not.

If [a sukkah] was more than twenty cubits high and one erected in it⁵ a pillar ten handbreadths high, and large enough for a valid sukkah,⁶ [in this case] Abaye intended to say the partitions⁷ are deemed to be continued upward,⁸ [but] Raba said to him: Recognizable partitions are necessary, which these are not.

Our Rabbis taught: If a man drove four poles into the ground and put the sukkah-covering on them, R. Jacob declares it valid and the Sages declare it invalid. R. Huna stated: The dispute relates only [to poles erected] on the edge of a roof, where R. Jacob holds that we apply the rule of 'the partition continues upward'⁹ while the Sages hold that we do not apply the rule of 'the partition continues upward'; but [if they were erected] in the middle of the roof,¹⁰ all agree that [the Sukkah is] invalid.¹¹ R. Nahman, however, maintained that the dispute relates only [to poles erected] in the middle of the roof.¹² It was asked: [Does he mean that] the dispute concerns only [poles that were erected] in the middle of the roof, but if such were erected on the edge of the roof all agree that it is valid,¹³ or is it possible [that he means that] the dispute concerns both cases? — The question remains undecided.¹⁴

An objection was raised: If one drove poles in the ground and placed the Sukkah-covering over them, R. Jacob declares [such a sukkah] valid, and the Sages declare it invalid. Now the earth, surely, is [in respect of partitions] like the middle of a roof¹⁵ and still R. Jacob regards [the Sukkah] as valid. Is this not, then, a refutation of R. Huna?¹⁶ — It is indeed a refutation. Moreover, [presumably] they dispute¹⁷ concerning the middle of the roof, only, but where [poles are put up] on the edge of the roof they all agree that it is valid. Must it then be said that this will refute R. Huna on two points?¹⁸ -R. Huna could answer you: They disagree about poles in the middle of the roof, and likewise also about those on the edge, and the reason why the dispute concerns the middle of the roof is in order to show you how far R. Jacob's view extends viz., that even where the poles were in the middle of the roof he holds [the Sukkah] to be valid.

Our Rabbis taught: If a man drove four [round shaped] poles into the ground and covered them with the Sukkah-covering, R. Jacob ruled, We see: If it is found that on being planed and smoothed¹⁹ there would remain the width of a handbreadth on two adjacent sides,²⁰ they²¹ are treated as deymoads,²² but if not, they cannot be treated as deymoads for R. Jacob used to say, The prescribed minimum width of the deymoads of a Sukkah is a handbreadth;²³ but the Sages say, Only if two [of the adjacent walls] are proper [walls], may the width of the third be only a handbreadth.

ONE OF WHICH IS NOT TEN HANDBREADTHS HIGH. Whence do we know this?- It was stated, Rab, R. Hanina, R. Johanan and R. Habiba learnt: (throughout all Seder Mo'ed²⁴ when these pairs are mentioned together [some] substitute the name of R. Jonathan for that of R. Johanan), the ark [of the covenant] was nine handbreadths high,²⁵ and the ark cover one handbreadth,²⁶ making a total of ten handbreadths, and it is written, And there I will meet with thee, and I will speak with thee from above the ark-cover;²⁷

(1) So that the rule of labud (v. Glos.) can be applied.

(2) In the case of the ledge.

(3) Since its height was no less than ten handbreadths.

(4) Since one lower than ten hand breadths cannot be regarded as a valid wall.

(5) Far away from the walls.

(6) I.e., its top had an area of no less than seven handbreadths and a fraction square.

(7) Sc. the side of the pillar.

(8) As far as the ceiling, and that, since the sides are no less than ten handbreadths high and the distance between the top of the pillar and the roof is less than twenty cubits, the pillar constitutes a valid Sukkah.

(9) The walls of the house, may, therefore, be regarded as continuing upward and forming walls for the Sukkah.

(10) So that the house walls are removed front the poles.

(11) The poles alone being insufficient to constitute valid walls.

(12) R. Jacob holding that poles provided the width of each is no less than a handbreadth, constitute valid walls for a Sukkah, while the Sages hold that a Sukkah must have no less than two valid walls adjacent to each other and a third one of the minimum width of a handbreadth.

- (13) On the principle of upward extension.
- (14) Teku (v. Glos.).
- (15) Since in neither case are there any partitions beneath the poles to which the rule of ‘partitions continue upward’ could be applied.
- (16) Who holds that, where the poles were erected in the middle of a roof, all agree that the Sukkah is invalid.
- (17) R. Jacob and the Rabbis, in the Baraitha just cited.
- (18) His statement (a) that all agree that poles in the middle of a roof constitute no valid Sukkah is refuted by the explicit statement in the Baraitha, while his statement (b) that the dispute concerns poles erected on the edge of the roof is refuted by the inference just made.
- (19) I.e., cut into a rectangular shape and a portion of the inside removed.
- (20) Of each pole.
- (21) Each of the corner-pieces.
- (22) **דִּיּוֹמָד** a rectangular corner-piece. The word is of uncertain derivation. Probably a hybrid, **+עמוד, ‘two columns’ (Levy).
- (23) Unlike in the case of wells in connection with Sabbath, where the minimum is one cubit on each side, v, ‘Er. 17b.
- (24) The Order to which this tractate belongs.
- (25) A cubit and a half. V. Ex. XXV, 10. One cubit is equivalent to six handbreadths.
- (26) V. infra for the proof of this statement.
- (27) Ex. XXV, 22.

Talmud - Mas. Sukkah 5a

and it has been taught, R. Jose stated, Neither did the Shechinah¹ ever descend to earth, nor did Moses or Elijah ever ascend to Heaven,² as it is written, ‘The heavens are the heavens of the Lord, but the earth hath He given to the sons of men’.³ But did not the Shechinah descend to earth? Is it not in fact written, And the Lord came down upon Mount Sinai?⁴ — That was above ten handbreadths [from the summit]. But is it not written, And His feet shall stand in that day upon the Mount of Olives?⁵ — That will be above ten handbreadths. But did not Moses and Elijah ascend to Heaven? Is it not in fact written, And Moses went up unto God?⁶ — [That was] to a level lower than ten [handbreadths from heaven]. But is it not written, And Elijah went up by a whirlwind into heaven?⁷ — [That was] to a level lower than ten handbreadths. But is it not written, He⁸ seizeth hold of the face of His throne, and He spreadeth His cloud upon him,⁹ and R. Tanhum said: This teaches that the Almighty spread some of the radiance of¹⁰ his Shechinah and his cloud upon him?¹¹ — That was at a level lower than ten handbreadths. But in any case is it not written, ‘He seizeth hold of the face of His throne’?¹² — The throne was well lowered for his sake until [it reached a level] lower than ten handbreadths [from Heaven] and then he¹¹ seized hold of it.

One can well understand that the ark was nine [handbreadths high] since it is written, And they shall make an ark of acacia wood: two cubits and a half shall be the length thereof, and a cubit and a half the breadth thereof, and a cubit and a half¹³ the height thereof,¹⁴ but whence do we know that the ark-cover was a handbreadth [high]? — From that which R. Hanina learned: As for all the vessels which Moses made, the Torah gave the measurements of their length and breadth and height, [while in the case of] the ark-cover its length and its breadth are given,¹⁵ but not its height.¹⁶ Proceed, therefore, to deduce it from the smallest of the vessels, concerning which it is said, And thou shalt make unto it a border of a handbreadth round about.¹⁷ Just as there the height was a handbreadth so was it there also a handbreadth. But why should not our deduction be made from the vessels themselves?¹⁸ — If one select the greater, one does not select well; if one select the lesser, one selects well.¹⁹ But why should not our deduction be made from the plate of gold,²⁰ as it was taught: ‘The ziz²¹ was in the shape of a plate of gold two finger-breadths broad and stretching from ear to ear, and upon it were engraved two lines, Yod and He²² above, and Kodesh²³ [followed by a] Lamed²⁴ below,²⁵ and R. Eliezer son of R. Jose said, I saw it in Rome²⁶ and it had Kodesh Ladonai²⁷ on one line? — We deduce [the measurements of a] vessel from another vessel, but we do not

deduce [the measurements of a] vessel from an ornament. Why then should we not deduce from the crown,²⁸ of which a master stated, The crown was on the smallest possible size?²⁹ — We deduce the size of a vessel from that of another vessel, but not from the appurtenances of a vessel. If so, [it may be objected] was not the border also an appurtenance of a vessel?³⁰ — The border was below [the top of] the table.³¹ This is correct according to the authority who holds that the border was below, but according to the authority who holds that it was above³² what can one answer³³ seeing that it³⁴ was only an appurtenance of a vessel? — The fact is that one adduces the size of a thing some of whose measurements are given by the Torah from another thing whose measurements are given by the Torah, but no deduction can be made from the plate of gold or the crown of which the Torah gave no measurements at all.

R. Huna said: [The height of the ark-cover may be deduced] from the following verse, Upon the face of the ark-cover' on the east,³⁵ and a 'face' is not smaller than a handbreadth. But perhaps it means a face like that

(1) V. Glos.

(2) This is no doubt a polemic against the doctrine of the Ascension.

(3) Ps. CXV, 16. Now since the Shechinah descended as low as the ark-cover it may be concluded that the boundary of the earth is at that level, viz., ten handbreadths from, the ground. Consequently a wall whose height is less than ten handbreadths cannot be regarded as a valid wall.

(4) Ex. XIX, 20.

(5) Zech. XIV, 4.

(6) Ex. XIX, 3.

(7) II Kings II, 11.

(8) Moses.

(9) Job XXVI, 9. (E.V., 'it').

(10) R. Tanhum explains the word פֶּרְשׁוּ Parshez as a notarikon, an abbreviation for Paras SHaddai Ziw, 'The Almighty spread the radiance of'.

(11) Moses.

(12) The throne, surely, is in heaven.

(13) I.e., nine handbreadths (a cubit equals six handbreadths).

(14) Ex. XXV, 10.

(15) Ex. XXV, 17.

(16) I.e., its thickness.

(17) Ibid. v. 25.

(18) Which were higher than a handbreadth.

(19) Proverb. Lit., 'If thou hast seized much, thou hast not seized; if thou hast seized little, thou hast seized.' The lesser is included in the greater, but the greater is not included in the lesser. The selection of the lesser is, therefore, the safer course.

(20) Ex. XXVIII, 36; which was smaller than a handbreadth.

(21) E.V., 'plate of gold'. It was worn by the High priest on his forehead.

(22) One of the divine names.

(23) 'Holy'.

(24) 'To'.

(25) Sc. the divine name Yod He appeared on the left in the first line while 'Holy to' appeared on the right in the second line, so that by reading from right to left (as Semitic languages are to be read) one obtained the phrase 'holy to the Lord' (cf. Tosaf. s.v. קֹדֶשׁ a.l.).

(26) R. Eliezer accompanied R. Simeon b. Yohai to Rome, and saw there the vessels of the Temple which Titus had carried off after the destruction of the Temple in 70 C.E. V. Bacher, Agg. Tann, Heb. ed. Part II, vol. II, p. 100.

(27) 'Holy to the Lord'.

(28) Ex. XXV, II. The crown of gold round the ark.

(29) Lit., 'anything'.

- (30) How then could deduction be made from it?
 (31) Joining its legs together and forming part of the structure.
 (32) And thus served only as an ornament.
 (33) To the objection, why should deduction be made from it and not from the crown.
 (34) Like the crown.
 (35) Lev. XVI, 14.

Talmud - Mas. Sukkah 5b

of the Bar-Yokani?¹ — If one select the greater, one does not choose well, if one select the lesser, one does select well. Might it not be said that the face meant was one like that of a zipartha² which is very small? — R. Aha b. Jacob answered, R. Huna draws an analogy between two expressions of 'face'.³ It is written here, '[Upon the face of the ark-cover]', and it is written elsewhere,⁴ From the face of Isaac his father.⁵ But why should we not deduce from the 'face' Above, concerning which it is written, As one seeth the face of God, and thou wast pleased with me?⁶ -If one selects the greater, one does not select well; if one select the lesser, one selects well. Then why should we not deduce from the cherub,⁷ concerning which it is written, Toward the face of the ark-cover shall the faces of the cherubim be?⁸ — R. Aha b. Jacob answered, We have a tradition that the face of the cherubim was not less than a handbreadth, and R. Huna too made his deduction from this verse.⁹ What is the derivation of cherub?— R. Abbahu said, 'Like a child', for in Babylon they call a child Rabia.¹⁰ Said Abaye to him: If so,¹¹ how will you explain the Scriptural text, The first face was the face of the cherub and the second face the face of a man,¹² seeing that the face of a cherub is the same as that of a man?¹³ — [One¹⁴ has] a large face and the other a small face.¹⁵

But whence do we know that the height of the interior space¹⁶ exclusive of the covering, must be ten [handbreadths] seeing that it might be said that the covering¹⁷ also is included? — The fact is that the deduction¹⁸ is made from the Temple covering of which it is written, And the house which King Solomon built for the Lord, the length thereof was threescore cubits, and the breadth thereof twenty cubits, and the height thereof thirty cubits,¹⁹ and it is written, The height of the one cherub was ten cubits and so was it of the other cherub,²⁰ and it was taught, Just as we find in the Temple that the cherubim²¹ reached to a third of the height thereof²² so also in the Tabernacle²³ they reached to a third of its height.²⁴ Now what was the height of the Tabernacle? Ten cubits, as it is written, Ten cubits shall be the length of a board.²⁵ How much is this? Sixty handbreadths. How much is a third? Twenty handbreadths. Deduct the ten of the ark and the ark-cover,²⁶ and ten handbreadths remain; and it is written, And the cherubim shall spread out their wings on high, covering the ark-cover with their wings.⁹ [From which we see that] the Divine Law calls [the wings that were stretched] above a height of ten handbreadths²⁷ a 'covering'.²⁸ But whence do we know that their wings were above their heads? Is it not possible that they were on a level with their heads.²⁹ — R. Aha b. Jacob answered, It is written 'On high'. But perhaps this means that the wings were raised very high?³⁰ — Is it then written, 'On high, on high'?

This explanation is satisfactory according to R. Meir, who says that all the cubits [in the Sanctuary] were normal cubits,³¹ but according to R. Judah who says that the cubits of the edifice were six handbreadths, but of the vessels were five, what can be said? For how much [then] were the ark and cover?³² Eight and a half,³³ so that eleven and a half handbreadths are left.³⁴ Shall we [therefore] say that [according to R. Judah] a Sukkah must be [at least] eleven and a half [handbreadths high]? — The fact is that according to R. Judah the law³⁵ was learnt as a tradition, for R. Hiyya b. Ashi citing Rab stated: The laws concerning [minima],³⁶ standards, interpositions³⁷ and partitions³⁸ are [a part of the] halachah that was given to Moses on Sinai. But are not the laws relating to minima Pentateuchal, since it is written, A land of wheat and barley, and vines and fig-trees and pomegranates, a land of olive-trees and honey,³⁹ and R. Hanin stated that all this verse was said in allusion to the prescribed minima. 'Wheat' is an allusion to the leprous house as we have

learnt: He who enters a leprous house with his clothes on his shoulders, and his sandals and rings in his hand, both he and they become instantaneously unclean;⁴⁰ [

- (1) A legendary bird of huge dimensions. Cf. Bek. 57b. Kohut (11 p. 178) connects it with Varaghna (Bactrian), an ostrich.
- (2) The smallest known bird. Probably a humming bird.
- (3) Which does not occur in connection with the zipartha.
- (4) Gen. XXVII, 30.
- (5) As in the latter case the reference is to a human face so it is also in the former.
- (6) Gen. XXXIII, 10.
- (7) Which might have been smaller than a handbreadth.
- (8) Ex. XXV, 20.
- (9) Ex. XXV, 20.
- (10) The first letter of the word כְּרוּב is regarded by him as the caph of comparison. R. Abbahu was a Palestinian.
- (11) That the size of the face of a cherub is no less than a handbreadth.
- (12) Ezek. X, 14.
- (13) If their sizes are identical why were they mentioned separately?
- (14) A human being.
- (15) But the size of neither is less than a handbreadth.
- (16) Of a Sukkah.
- (17) As in the case of the ark and ark-cover.
- (18) That the height of the interior of a Sukkah must be no less than ten handbreadths.
- (19) I Kings VI, 2.
- (20) Ibid. 26.
- (21) Standing on the floor.
- (22) Ten (the height of a cherub) is a third of thirty (the height of a house).
- (23) Standing on the ark (inclusive of the ark and ark-cover).
- (24) Of the Tabernacle.
- (25) Ex. XXVI, 16.
- (26) To arrive at the height of the cherubim.
- (27) From the ark-cover.
- (28) Rt. סִכָּךְ, the same as that of the word used for the covering of a Sukkah.
- (29) In which case, the hollow space between the wings and the ark-cover was only ten handbreadths minus the thickness of the wings.
- (30) Sc. above the height of ten handbreadths.
- (31) Six handbreadths.
- (32) Which are 'vessels'.
- (33) One and a half cubits of the ark (five plus two and a half) seven and a half handbreadths, and the ark-cover one handbreadth.
- (34) Between the ark-cover and the wings of the cherubim.
- (35) On the minimum height of a Sukkah.
- (36) The minimum quantities for forbidden things etc.
- (37) The amount of foreign matter which in ritual cleansing constitutes a bar between one's body and the water.
- (38) For purposes of Sabbath, Sukkah etc.
- (39) Deut. VIII, 8.
- (40) Since the clothes, sandals and rings were only carried by the man but not worn, they, like himself come under the Pentateuchal law of 'He that goeth into the house... shall be unclean' (Lev. XIV, 46).

Talmud - Mas. Sukkah 6a

if however he was dressed in his garments, and his sandals were on his feet, and his rings on his fingers, he becomes instantaneously unclean, but they¹ remain clean² unless he carries there long

enough to eat half a loaf of wheaten bread but not of barley bread,³ while in a reclining position and eating with condiment.⁴ ‘Barley’? As we have learnt, A barley-corn's bulk of a bone⁵ defiles by contact and by carrying, but not by ‘overshadowing’.⁶ ‘Vines’ are an allusion to the fourth part [of a log of wine which is the minimum prohibited] to a Nazirite.⁷ ‘Fig-trees’ allude to the size of a dry fig [which is the minimum measurement for transgressing the law against] the carrying out⁸ of [food] on the Sabbath. ‘Pomegranates’? As we have learnt: All [defiled wooden] vessels belonging to householders⁹ [become clean if the breaches in them] are as large as pomegranates.¹⁰ ‘A land of olive-trees’ [is an allusion to the] land all of whose [minima] standards [for permitted and forbidden things] is the bulk of an olive. How can it possibly mean ‘all whose [minima] standards’? Are there not those which we have just mentioned? — Say rather, ‘The majority of whose [minima] standards are the bulk of an olive’. ‘Honey’ alludes to the size of a large date,¹¹ [which is the minimum size forbidden] on the Day of Atonement. Does it not then clearly follow that the [minima] standards are Pentateuchal?¹² — Do you then imagine that the [minima] standards were actually prescribed in the Pentateuch? [The fact is that] they are but traditional laws while the Scriptural verse is merely a support.

But are not [the laws of] interposition Pentateuchal, as it is written, And he shall wash his flesh in water¹³ [which implies] that nothing should interpose between him and the water? The traditional law comes [to teach] concerning one's hair, in agreement with a statement of Rabbah b. Bar Hana, for Rabbah b. Bar Hana stated: One knotted hair constitutes an interposition;¹⁴ three hairs do not, but I do not know [the law in the case of] two. But is not the law relating to one's hair also Pentateuchal, since it was written, And he shall wash [eth] his flesh in water¹³ and [the word] ‘eth’ includes that which is joined to his body, i.e., his hair?¹⁵ — The traditional law comes to teach with reference to [the ruling reported by] R. Isaac; for R. Isaac said:

(1) Since they were worn in the usual manner.

(2) They are included in the category of ‘clothes’ which are only to be washed (cf. Lev. XIV, 47).

(3) Wheaten bread is the more easily eaten.

(4) Neg. XIII, 9.

(5) Of a corpse.

(6) Ohal. II, 3. ‘Overshadowing’ or ohel is the technical term, based on Num. XIX, 14 for the defilement conveyed by a dead body to everything within the same house or under the same roof or cover. Only a backbone, a skull or the greater part of the limbs of the body cause the defilement of a person in such circumstances.

(7) Num. VI, 3.

(8) From a private into a public domain and vice-versa.

(9) As opposed to those of craftsmen.

(10) Kel. XVII, 1. If wooden vessels which are unclean become broken, they revert to their cleanliness if the breach is so large, since no householder would continue the use of utensils broken to such an extent, and by losing the status of a utensil, an object becomes levitically clean. In the case of a craftsman's utensils, even holes as small as an olive, are sufficient to deprive them of the legal status of utensils, since they cause the utensils to be unfit for sale, and they consequently become clean.

(11) ‘Honey’ in the Bible is regarded as referring to dates’ honey.

(12) How then could Rab maintain supra 5b that they formed part of the traditional code given orally to Moses at Sinai?

(13) Lev. XIV, 9.

(14) Because it is possible to tie it so closely that no water could penetrate.

(15) The **נס** of the object is interpreted as including something not specifically mentioned.

Talmud - Mas. Sukkah 6b

According to the word of the Torah¹ if most [of one's hair is covered]² and one minds it, an interposition is constituted,³ and if one does not mind it, no interposition is constituted. [The Rabbis] however enacted a prohibition against [a covering of] most of one's hair, even if one does not mind

it, as a preventive measure [against the possibility of allowing an interposition on] most of one's hair where one does mind it, and that [a covering over] the minor part of one's hair where one minds it [shall constitute an interposition] on account [of the possibility of allowing an interposition over] most of one's hair where one minds it. Then why should not a prohibition be enacted against an interposition over the lesser part of one's hair where one does not mind it as a preventive measure against [the possibility of allowing an interposition over] the lesser part where one does mind it or the major part which one does not mind? — This ruling⁴ itself is only a restrictive enactment; shall we come and institute a restrictive enactment against the possibility of infringing another restrictive enactment?⁵

[As for the laws of] partitions, these are those referred to above.⁶ That is satisfactory according to R. Judah,⁷ but according to R. Meir⁸ what can one say?⁹ — That the tradition refers to [the legal fiction] of extension,¹⁰ junction¹¹ and the curved wall.¹²

OR WHICH HAS NOT THREE WALLS. Our Rabbis taught: Two [walls] must be of the prescribed dimensions, and the third [may be] even one handbreadth.¹³ R. Simeon says: Three walls must be of the prescribed dimensions, and the fourth [may be] even one handbreadth.¹³ On what principle do they differ? — The Rabbis hold that the traditional Scriptural text¹⁴ is authoritative, while R. Simeon holds that the traditional reading¹⁵ is authoritative. 'The Rabbis hold that the traditional Scriptural text is authoritative', and the word Sukkoth occurs twice defectively and once plene, making four references.¹⁶ Deduct one¹⁷ for the law itself,¹⁸ and three remain; two [walls at least] must be of the prescribed dimensions, and tradition came and diminished [the prescribed minimum of] the third, reducing it to only one handbreadth. 'R. Simeon holds that the traditional reading is authoritative'. The word Sukkoth¹⁹ is read thrice, which²⁰ equals six [references]. Deduct one Scriptural reference²¹ for the law itself and four remain; three walls at least of prescribed dimensions, and tradition came and diminished the [prescribed minimum of the] fourth and reduced it to a handbreadth. And if you wish, you can say that they²² are unanimous that the traditional reading is authoritative²³ but they differ in this; that one Master²⁴ holds that the covering heeds a Scriptural reference,²⁵ while the other Master²⁶ holds that it does not.²⁷ And if you wish you can say that they are unanimous that the traditional Scriptural text is authoritative,²⁸ but they differ on this principle; that one Master²⁴ holds that the tradition comes to diminish [the implications of Scripture]²⁹ while the other²⁶ holds that tradition comes and adds to it.³⁰

And if you wish you can say that both agree that tradition comes to diminish and that the traditional Scriptural text is authoritative, but they differ as to whether one uses first [references] for exegesis. One Master²⁶ holds that we employ first references for exegesis, and the other Master³¹ holds that we do not.

R. Mattenah said: The reason of R. Simeon is a derivation from the following verse: And there shall be a Sukkah for a shadow in the day-time from the heat, and for a refuge and for a covert from storm and from rain.³² Where is this handbreadth [of a wall]³³ placed? — Rab said: It is placed at right angles to one of the projecting [walls].³⁴ R. Kahana and R. Assi said to Rab:

(1) 'Torah' here means the halachah received by Moses on Sinai (Rashi).

(2) With mud; or each hair was knotted singly.

(3) So far in virtue of the halachah given to Moses on Sinai.

(4) That an interposition (a) over a minor part which one minds or (b) over a major part which one does not mind.

(5) Of course not. Hence the permissibility of an interposition over a minor portion which one does not mind.

(6) The height of a Sukkah.

(7) Who does not derive these laws from a Scriptural text.

(8) Who deduced the height of ten handbreadths from Scriptural verses.

(9) Sc. how could such laws which are Pentateuchal be described as merely traditional?

- (10) גוד a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be deemed to touch the ground and the ceiling respectively.
- (11) דבור small interstices, of less than three handbreadths, are disregarded, and the wall is deemed to be a solid whole.
- (12) דופן עקומה if a portion of the roof of a Sukkah consists of materials that are legally unfit for the purpose the Sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four cubits from that wall. That portion of the roof together with the wall it adjoins are regarded as one curved wall; and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper Sukkah.
- (13) In width.
- (14) The letters without the vowels, Sanh., Sonc. ed., p. 10, n. 4.
- (15) Irrespective of the spelling.
- (16) When the word סכת is written defectively it is regarded as singular, each word counting as one, and when it is plene it is regarded as a plural counting as two
- (17) Of the words denoting Sukkoth.
- (18) I.e., the law of Sukkah in general, that a Sukkah has to be made.
- (19) In the plural.
- (20) Since each plural form denotes two.
- (21) I.e., one word Sukkoth in the plural which denotes two.
- (22) The Rabbis as well as R. Simeon.
- (23) And there are therefore four references free for interpretation.
- (24) Sc. the Rabbis.
- (25) So that one of the four references is required for the roof and only three remain for the walls.
- (26) R. Simeon.
- (27) And four free references for the walls remain.
- (28) The number of free references is consequently three.
- (29) Thus reducing the third wall to one handbreadth.
- (30) I.e., Scripture teaches us the necessity of three walls and tradition adds a fourth.
- (31) Sc. the Rabbis.
- (32) Isa. IV, 6; unless there are four walls, the Sukkah is no refuge from storms.
- (33) Of the third wall according to the Rabbis and of the fourth according to R. Simeon.
- (34) Sc. if, for instance, (according to the Rabbis) there are only two walls running respectively from north to south along the east and from east to west along the south, meeting each other at south east, the small handbreadth wall is to be placed either at the northern end of the eastern wall or at the western end of the southern wall.

Talmud - Mas. Sukkah 7a

Why not place it in a slanting position?¹ Rab remained silent. It was also stated: Samuel said in the name of Levi: It is placed at right angles to one of the projecting [walls], and so it is ruled in the Beth Hamidrash that it is placed at right angles to one of the projecting [walls]. R. Simon (or, as some say, R. Joshua b. Levi) ruled: One makes [the additional wall of the width of] a loose² handbreadth and places it within three handbreaths of the wall, since whatever is less than three handbreadths from the wall is regarded as joined to the wall.³

Rab Judah said, A Sukkah made like an [open] alley-way⁴ is valid, and this handbreadth [wall] is placed in whatever side one pleases.⁵ R. Simon (or, as some say, R. Joshua b. Levi) says, He makes a strip of slightly more than four [handbreadths]⁶ and places it within three handbreadths of the wall, since whatever is less than three handbreadths from the wall is regarded as joined to the wall. But why did you say in the previous case⁷ that one loose handbreadth suffices while here you say that there must be a strip of four handbreadths? — In the previous instance where there are two valid walls,⁸ a loose handbreadth suffices, but here, where there are no two valid walls,⁹ if there is a strip of four handbreadths it is valid, otherwise, it is not [valid]. Raba ruled, It¹⁰ is only permitted if it has the form of a doorway.¹¹ Another version is that Raba said, And it¹⁰ is also valid if it has the form of

a doorway.¹² Another version is that Raba said: And in addition,¹³ the form of a doorway [to the intervening part] is necessary.¹⁴ R. Ashi found R. Kahana making [the third wall of a Sukkah] a loose handbreadth wide¹⁵ and constructing also the form of a doorway. He said to him: Does not the Master hold the opinion of Raba who said that it is also valid with the form of a doorway?¹⁶ — He answered: I accept the other reading of [the statement of] Raba viz., that in addition [to a board of the size of a handbreadth] the form of a doorway is also necessary.

‘Two walls must be of the prescribed dimensions etc.’¹⁷ Raba¹⁸ said, And similarly with regard to the Sabbath.¹⁹ Since [the handbreadth] is regarded as valid wall of the Sukkah it is also regarded as a valid wall in respect of the Sabbath.²⁰ Abaye raised an objection against him: Do we then apply the rule of ‘since’?²¹ Was it not in fact taught: ‘[The rules relating to the structure of] the wall of a Sukkah are the same as those relating to that of the Sabbath,²² provided only that there is no gap of three handbreadths between any two reeds.²³ And the [law relating to the] Sabbath is more [stringent] than that of Sukkah, in that the [wall for purposes of] the Sabbath is valid only if its standing portion is more than that which is broken,²⁴ which is not the case with the Sukkah’. Now this means, does it not, that the law relating to the Sabbath of the Sukkah²⁵ is more [stringent] than that relating to the Sukkah itself,²⁶ and that we do not apply the rule of ‘since’?²⁷ — No, [it means that the law relating to] the ordinary Sabbath is more [stringent in its requirements with regard to a valid wall] than [the law relating to] the Sabbath of the Sukkah.²⁸ But if this is so,²⁹ why was it not also stated: [The law relating to] the ordinary Sukkah³⁰ is more [stringent] than [that of] the Sukkah of Sabbath,³¹ since [the validity of] the ordinary Sukkah demands a width of a loose handbreadth [for the third wall] while [the validity of] the Sukkah of Sabbath does not require the width of a loose handbreadth [for a wall] but a side-post alone is sufficient,³² for it is you who ruled³³ that if one placed Sukkah-covering over an alleyway which has a side-post it is valid?³⁴ — There was no need to mention this,³⁵ [since it is obvious³⁶ that] if we apply [the rule of ‘since’] from the less stringent³⁷ to the more stringent,³⁸ we certainly apply it From the more stringent to the less stringent.³⁹ [Reverting to] the main subject; ‘Rab ruled:

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- (1) So that it would be facing two walls and the Sukkah would seem to have four walls. Lit., ‘as the head of an ox’, so
 - (2) A handbreadth is four fingerbreadths and the ‘loose handbreadth’ is measured by holding the fingers loosely, not pressed against one another.
 - (3) The total width now being four handbreadths and the prescribed minimum size of a Sukkah wall being seven handbreadths, the wall constitutes the greater part of a valid Sukkah wall.
 - (4) The two walls facing one another.
 - (5) Since either wall at either end is a projecting wall.
 - (6) The width of one handbreadth not being enough in this case.
 - (7) Where the walls were at right angles to one another.
 - (8) Cf. previous note.
 - (9) Since each stands isolated from the other.
 - (10) A Sukkah that has one wall less than the required number of walls.
 - (11) I.e., it is not enough to attach one board of the width of four handbreadths to one of the walls, but two posts each half a handbreadth in width must be attached to each opposite wall with a cross-beam joining them (cf. ‘Er. 11b).
 - (12) Instead of a board of the width of a handbreadth; sc. either the one or the other contrivance renders the Sukkah valid.
 - (13) To a board of the width of a handbreadth.
 - (14) Sc. one of the posts on which the cross-beam lies (cf. supra n. 2) must be a full handbreadth wide.
 - (15) In agreement with the ruling of R. Simon supra.
 - (16) Without the addition of a board of the full width of a handbreadth.
 - (17) Supra 6b.
 - (18) Var. lec. Rabbah.
 - (19) Sc. though at least three walls are necessary to constitute a private domain to permit carrying therein on the Sabbath, on the Sabbath of Tabernacles the Sukkah is regarded as a private domain even though it has only two normal walls and

one of the width of a handbreadth, and if he set up such a Sukkah next to his entrance of this house adjoining the street, he may carry in and out of it into his house.

(20) As the third narrow wall is on such a Sabbath, as on any other day, deemed valid as a wall for the Sukkah it is ipso facto deemed valid as a wall in respect of enclosing a private domain, and if such a Sukkah is set up at the entrance of a house opening out into the street, one may carry out of the house into the Sukkah and vice versa.

(21) 'Since (the handbreadth wall) is regarded etc.'

(22) Sc. the same relaxation of the law (cf. 'Er. 16b) is applicable in both cases.

(23) That make up the fence.

(24) A technical term meaning that the space of wall must exceed the interstices.

(25) Sc. the Sabbath in the week of Tabernacles.

(26) Sc. that though the Sukkah is valid as a Sukkah, it is not valid to carry therein on the Sabbath unless the wall space is more than the interstices.

(27) Since the walls are valid in respect of the Sukkah they are also valid in respect of the Sabbath.

(28) For on the Sabbath of the Festival the rule of 'since' (cf. n. 6) is well applied.

(29) That the comparison is only between the Sabbath generally and the Sabbath of the festival.

(30) Of the festival weekdays.

(31) Cf. supra n. 4.

(32) Since we compare the wall of Sabbath to the wall of Sukkah, two opposite walls and a side-post should suffice in the case of the latter as in that of the former.

(33) By 'applying the rule of 'since etc.'.

(34) On the Sabbath.

(35) That the law relating to a Sukkah generally is more restrictive than that relating to a Sukkah on the Sabbath.

(36) By an inference from the ruling in the earlier clause.

(37) Sukkah.

(38) Sabbath.

(39) Viz., that a sidepost that effects validity in respect of the Sabbath also effects it in respect of Sukkah.

Talmud - Mas. Sukkah 7b

If one placed Sukkah-covering over an alley-way which has a side-post it is valid'. Rab further ruled: If one placed Sukkah-covering over the [upright] boards around wells¹ it is valid [as a Sukkah]. And the enunciation of [all the three laws² was] necessary. For if he had mentioned only [the law relating to] the alley-way one would have assumed [that there the Sukkah is valid]³ because it had two proper walls, but that in the case of partitions of wells, which have not two proper walls, the Sukkah is not valid. And if we had been informed of the boards around wells only, one would have assumed [that there the sukka is valid] because there are four walls, but that if one placed sukka-covering over an alleyway, where there are no walls, it is not [valid]. And if we had been informed of both those laws [but not of the third,] one would have assumed that from the more stringent to the less stringent [we apply the rule of 'since'] but not from the less stringent to the more. [Therefore all the three enunciations were] necessary.

OR WHICH HAS MORE SUN THAN SHADE IS NOT VALID.

Our Rabbis taught: [This⁴ applies only where] the sunshine is due to the scanty covering, but not where it is due to [interstices in] the walls, while R. Josiah says,⁴ Even where it is due to [interstices in] the walls. R. Yemar b. Shelemiah said in the name of Abaye, What is the reason of R. Josiah?⁵ — Because it is written: And thou shalt cover the ark with the veil.⁶ Now since the 'veil' was a partition⁷ and the Divine Law nevertheless called it a 'covering' it is evident that a wall must be as [close] as the covering. And [how do] the Rabbis [explain this verse]? — It⁸ means that the veil should bend over a little [at the top] so that it might look like a covering.

Abaye said: Rabbi, R. Josiah, R. Judah, R. Simeon, R. Gamaliel, Beth Shammai, R. Eliezer and

‘Others’⁹ -all hold the opinion that the Sukkah must be constructed like a permanent abode. ‘Rabbi’? — As it has been taught: Rabbi said, A sukkah which is not four cubits square¹⁰ is invalid.¹¹ ‘R. Josiah’? — As we have [just] stated. ‘R. Judah’? — As we have learnt: A SUKKAH WHICH IS MORE THAN TWENTY CUBITS HIGH IS NOT VALID, R. JUDAH, HOWEVER, DECLARES IT VALID.¹² ‘R. Simeon’? — As it has been taught: Two [walls] must be of the prescribed dimensions and the third [may be] even one handbreadth.¹³ ‘R. Gamaliel’? — As it has been taught: If a man erects his Sukkah on the top of a waggon or on the deck of a ship, R. Gamaliel declares it invalid and R. Akiba declares it valid.¹⁴ ‘Beth Shammai’? — As we have learnt: If his head and the greater part of his body were within the Sukkah and his table was within the house, Beth Shammai declare it invalid, and Beth Hillel declare it valid.¹⁵ ‘R. Eliezer’?—As we have learnt: If a man makes his sukkah like a cone-shaped hut¹⁶ or if he propped it up against a wall,¹⁷ R. Eliezer declares it invalid, since it has no roof’, and the Sages declare it valid.¹⁸ The ‘Others’? As it has been taught: Others Say: A Sukkah made like a dovecote¹⁹ is invalid, since it has no corners.

R. Johanan said: If a sukkah was [round shaped] like a furnace,²⁰ provided twenty-four men can sit around its circumference,²¹ it is valid, otherwise it is invalid. According to whom [is this²² state — ment made]? Obviously²³ according to Rabbi who says that a sukkah which is not four cubits square is invalid. But consider: A man occupies the space of a cubit, and where the circumference [of a circle] is three handbreadths, its diameter is one handbreadth,²⁴ should it not then²⁵ suffice²⁶ if only twelve men²⁷ [can sit around it]?²⁸

(1) For the convenience of Pilgrims on the Festivals it was enacted that four corner-pieces placed round a well in a public domain impart to the enclosure the status of a private domain where cattle could be watered on the Sabbath. v. ‘Er. 17b.

(2) Laid down by Rab; viz., those relating to a Sukkah on Sabbath, the alley-way, and the boards around wells.

(3) By the application of the rule of ‘since etc.’.

(4) That the Sukkah is invalid.

(5) For requiring the walls to be as close as the covering.

(6) Ex. XL, 3.

(7) Cf. Ex. XXVI, 33.

(8) The expression ‘Thou shalt cover’.

(9) R. Meir. When Hakam under the presidency of R. Simeon b. Gamaliel II, he together with R. Nathan was involved in a conflict with R. Simeon and was expelled from the Sanhedrin. He was later re-admitted, but henceforth his statements were recorded under the anonymous authorship of ‘Others’. Bacher, Ag. Tann. II, 2, J.E. VIII, 434.

(10) The minimum area of a house.

(11) Supra 3a.

(12) Supra 2a.

(13) Supra 6b.

(14) ‘Infra 23a.

(15) Infra 28a.

(16) I.e., its walls slope to a point and there is no roof; like a bell-tent.

(17) Sc. it was not provided with a roof but its wall sloped from the ground to an adjoining wall.

(18) Infra 19b.

(19) Round shaped.

(20) R. Johanan disagrees with the ‘others’ supra.

(21) Each man is assumed to occupy one cubit space.

(22) Which requires such a large size for a round shaped Sukkah.

(23) Since no other authority required so large a size.

(24) Among the Babylonians $\pi = 3$ (V. Feldman, Rabbinical Mathematics and Astronomy, 1931, p. 22).

(25) Since the circumference is three times the diameter.

(26) According to Rabbi who prescribes the size of four cubits square.

(27) Three times four (cf. supra n. 3).

(28) Why then did R. Johanan speak of twenty-four men?

Talmud - Mas. Sukkah 8a

— That¹ applies only to a circle, but in the case of a square, a greater perimeter is required.² But consider: By how much is a square greater than its [inscribed] circle? By a quarter. Should it then not suffice if only sixteen [men can be seated around it]?³ -That⁴ is so in the case of a circle inscribed within a square, but if a square is to be inscribed within a circle a greater circumference is required on account of the projection of the corners.⁵ But consider: If the side of a square is a cubit, its diagonal is approximately one and two fifths cubits.⁶ Should not then [a circumference equivalent to] sixteen and four fifths [cubits]⁷ suffice?⁸ — [R. Johanan] gave only an approximate figure. But is it not to be maintained that one may be assumed to give all approximate figure only [where the discrepancy is] small, but could such all assumption be made [where the discrepancy is] big? — Mar Kashisha the son of R. Hisda said to R. Ashi: Do you think that a man occupies one cubit? [The fact is that] three men occupy two cubits. How much then does this [amount to for twenty-four men]? Sixteen cubits; and we [really] demand here sixteen and four fifths,⁹ [because, as has been said, R. Johanan] gave only an approximate figure. But is it not to be maintained that one may be assumed to give approximate figures only when the law is thereby restricted, but could such an assumption be made where a law is thereby relaxed? -R. Assi answered R. Ashi: In truth, a man occupies a cubit-space, but R. Johanan does not include the space occupied by the men.¹⁰ How many [cubits] does this¹¹ [amount to]? Eighteen;¹² while sixteen and four-fifths suffice. That is [then] what was meant [when it was stated] that he only gave an approximate figure; and in this case it is in the direction of stringency.¹³

The Rabbis of Caesarea¹⁴ (and some say, The judges of Caesarea) maintain, The circumference of a circle inscribed in a square is a quarter;¹⁵

(1) That the perimeter is approx. only three times the diameter.

(2) Since the diameter is not equal to the side, but to the diagonal of the square.

(3) ** being regarded as equivalent to three, a square is one quarter larger than its inscribed circle. If a circle with a diameter of four cubits accommodates four times three is twelve men, a square of four cubits provides seating capacity for four times four is sixteen men. A circumference of sixteen cubits should, therefore, have sufficed.

(4) That a square exceeds a circle by a quarter, and that a four cubits square contains a perimeter of sixteen, and a circle one of twelve cubits.

(5) The circumferences of the Sukkah must, therefore, be large enough to contain a square of four cubits.

(6) Actually it is 1.4142.

(7) Lit., 'seventeen less a fifth'. The diagonal of the square being equal to $(4+4 \times \frac{2}{5}) = 5 \frac{3}{5}$ cubits, and ** being approximately equivalent to three, a circumference of $3 \times 5 \frac{3}{5}$ cubits $16 \frac{4}{5}$ cubits ought to suffice. (For this whole discussion of Feldman, op. cit., pp. 28-30). Cf. also 'Er., Sonc. ed., p. 531ff, notes.

(8) I.e., space for no more than sixteen men. Why then did R. Johanan prescribe a space for twenty-four men?

(9) V. p. 29, n. 13.

(10) The men are considered as sitting round the circumference of the Sukkah they themselves forming a circumference of twenty-four cubits (equivalent to the space occupied by twenty-four men) with a diameter of eight cubits. But the inner circumference formed by the Sukkah is smaller since its diameter is eight minus two (the space occupied lengthways by the legs of two men, one sitting at each end) is six cubits.

(11) For the circumference of the Sukkah.

(12) Since a diameter of six cubits has a circumference of eighteen cubits.

(13) Instead of a circumference of $16 \frac{4}{5}$ one of eighteen cubits is prescribed while the difference in the diameter ($6 - 5 \frac{3}{5} = \frac{2}{5}$) is even less

(14) Caesarea Maritima, a famous seat of learning in the second and third century, the seat of R. Abbahu. The 'rabbis of Caesarea' are often quoted. V. Bacher, Die Gelehrten von Caesarea in MGWJ. XLV, p. 298.

(15) I.e., a quarter less than the perimeter of the square.

Talmud - Mas. Sukkah 8b

but the square inscribed within that circle is a half.¹ But this² is not correct, for we see that these are not so much bigger. R. Levi said in the name of R. Meir: If the two booths of the potters are one within the other,³ the inner one⁴ is not valid as a Sukkah,⁵ and is obliged to have a Mezuzah⁶ while the outer one⁷ is valid as a Sukkah,⁸ and is free from the obligation of a Mezuzah.⁹ But why should this be so? Why should not the outer one be regarded as the gate-house of the inner one, and¹⁰ therefore be obliged to have a Mezuzah? — Because neither [booth] is of a permanent nature.¹¹

Our Rabbis taught: [Mnemonic,] Ganbak.¹² A booth of Gentiles,¹³ women, cattle or Samaritans and any booth whatever¹⁴ is valid, provided that it is covered according to the rule. What is meant by 'according to the rule'?¹⁵ — R. Hisda answered: Provided that [the covering] was made [with the intention of providing] the shade for the Sukkah.¹⁶ What does 'any booth whatever' include? — It includes the booths [whose mnemonic is] Rakbash,¹⁷ as our Rabbis taught: The booth of shepherds, the booth of field-watchers, the booth of city guards, and the booth of orchard-keepers,¹⁸ and any booth whatever¹⁹ is valid, provided that it is covered according to the rule. What is meant by 'according to the rule'?²⁰ — R. Hisda answered: Provided [the covering] was made [with the intention of providing] the shade for the Sukkah. What does 'any booth whatever' include? — It includes the booths [whose mnemonic] is Ganbak.²¹ The Tanna of Ganbak²² regards these booths as possessing greater validity²³ because they are permanent, and therefore he used the expression, any booth whatever' to include Rakbash which are not permanent,²⁴ while the Tanna of Rakbash regards the latter as possessing greater validity since they belong to those who are bound [by the commandment of Sukkah]²⁵ and therefore he used the expression, 'any booth whatever' to include the Ganbak booths which belong to those who are not bound [by the commandment of Sukkah].

(1) Of the circumscribed square. Thus if a circumference is twenty-four cubits (the figure given by R. Johanan) the circumscribed square has a perimeter of $24 + 24/3 = 32$ cubits, while the inscribed square has a perimeter of approximately: $32/2 = 16$ cubits (the measurements prescribed by Rabbi).

(2) That the perimeter of the circumscribed square is twice the perimeter of the inscribed square and that the circumference of the circle is, therefore, bigger than the latter by a half of its perimeter. V. 'Er., Sonc. ed., p. 533, n. 6.

(3) A potter worked and lived in his inner booth and displayed his wares in the outer one.

(4) Since he works and lives in it throughout the year.

(5) Because his dwelling in it during the festival would in no way indicate that he is performing the commandment of Sukkah,

(6) As any other dwelling.

(7) In which he lives only during the festival.

(8) It being obvious to all that he is performing the commandment.

(9) Being only a temporary dwelling, it is free from the obligation of Mezuzah, even during the festival. Throughout the year it is free from the obligation since it is not used as a dwelling.

(10) In accordance with the ruling in Men. 33b.

(11) Sc. even the inner one cannot be regarded as important enough to have a gate-house.

(12) The word **גַּנְבָּךְ** consists of the initial letters of **תְּבַהֲמָה תְּנַשִּׁים תְּגוּיִם** and **כּוֹתִיִּם** Gentiles, women, cattle and Samaritans, whose booths are discussed in what follows.

(13) Used only as a summerhouse.

(14) This will be explained infra.

(15) It cannot simply refer to rules like those enunciated in our Mishnah, which are applicable to all Sukkahs, since this would be self-evident.

(16) Not merely for privacy. While it is not essential for a Sukkah to be made expressly in connection with the festival, it cannot be valid unless it was originally made to serve as a protection from the sun.

(17) **שׁוֹמְרֵי פִירוֹת** and **בּוֹרְגַנֵּי קִיּוּצֵי תְּרוּעִים** initials of **רַקְבֵּי שׁ** — shepherds, fieldwatchers, city guards and orchard-keepers.

(18) All these are male Israelites who are subject to the commandment of Sukkah; but their booths are not made for the festival.

(19) This will be explained infra.

(20) V. p. 31, n. 13.

(21) V. p. 31, n. 10.

(22) Who classes the Rabbash booths under 'any booth whatever'.

(23) Than the Rabbash booths.

(24) Since they are moved from place to place.

(25) Cf. supra n. 1.

Talmud - Mas. Sukkah 9a

[MISHNAH. BETH SHAMMAI DECLARE AN OLD SUKKAH¹ INVALID,² BUT BETH HILLEL PRONOUNCE IT VALID. WHAT IS AN OLD SUKKAH? ONE MADE THIRTY DAYS BEFORE THE FESTIVAL; BUT IF ONE MADE IT FOR THE PURPOSE OF THE FESTIVAL, EVEN AT THE BEGINNING OF THE YEAR, IT IS VALID.

GEMARA. What is Beth Shammai's reason?³ -Scripture says, The festival of Sukkoth, for seven days unto the Lord,⁴ [implying therefore] a Sukkah made expressly for the sake of the Festival. And Beth Hillel?⁵ - They need that [verse] for the same deduction as that of R. Shesheth, R. Shesheth having said in the name of R. Akiba, Whence do we know that the wood of the Sukkah is forbidden⁶ all the seven [days of the Festival]? From Scripture which states, 'The Festival of Sukkoth, seven days to the Lord'; and it was taught, R. Judah b. Bathyra says: Just as the Name of Heaven rests upon the Festival offering,⁷ so does it rest upon the Sukkah, since it is said, 'The Festival of Sukkoth, seven days to the Lord': just as the Festival [offering] is 'to the Lord', so is the sukkah also 'to the Lord'. And Beth Shammai also, do not they need the verse for this deduction?-Yes, indeed. What then is Beth Shammai's reason?⁸ -There is another Scriptural verse. Thou shalt make⁹ the Festival of Sukkoth for seven days.¹⁰ This implies a sukkah made expressly for the sake of the Festival. And Beth Hillel?¹¹ -They need this [verse for the deduction] that a sukkah may be made in the intermediate days of the Festival.¹² And Beth Shammai? — They hold the same opinion as R. Eliezer, who laid down that no sukkah may be made in the intermediate days of the Festival.¹³

Do not Beth Hillel, however, agree with the statement Rab Judah cited in the name of Rab: If a man made [zizith]¹⁴ from the hanging web or woof,¹⁵ or sewing threads,¹⁶ they are invalid;¹⁷ but if he made them from a tuft [sewn to a garment]¹⁸ they are valid.¹⁹ When I repeated this in the presence of Samuel,²⁰ he said to me, Even if made from a tuft [sewn to a garment] they are also not valid, because²¹ it is necessary that the weaving²² shall be done specifically for its purpose?²³ Here too then we should require a Sukkah²⁴ to be made specifically for its purpose?²⁵ — [Zizith are] different, since Scripture says, Thou shalt make to thee twisted cords:²⁶ 'to thee' [means] for the specific purpose of thy obligation. But here also [Scripture says], 'The Festival of Sukkoth thou shalt make to thee', 'to thee' meaning for the specific purpose of thy obligation? That [phrase]²⁷ is needed to exclude a stolen [Sukkah].²⁸ But in the other case too it²⁷ is needed to exclude stolen [zizith]? — In that case there is another verse, [that serves the purpose], And they shall make to them,²⁹ i.e., of their own.

(1) This is explained anon.

(2) The reason is given in the Gemara infra.

(3) For their ruling in our Mishnah.

(4) Lev. XXIII, 34. Emphasis on 'Sukkah. . . for the Lord'.

(5) How, in view of this text, can they maintain their view?

(6) To be used for secular purposes.

(7) To render it forbidden before its prescribed portions have been burnt on the altar.

- (8) For their ruling in our Mishnah.
- (9) J.T. 'keep', A. V., 'observe'.
- (10) Deut. XVI, 13; emphasis on 'make'.
- (11) How, in view of the text, can they maintain their view?
- (12) If one did not make it prior to the Festival.
- (13) Infra 27b.
- (14) v. Glos. and cf. Num. XVI, 38.
- (15) Sc. he twisted into zizith threads hanging over from a woven garment.
- (16) That were used in the sewing of a garment and ends of which were hanging from that garment.
- (17) Since they were not attached to the garment as zizith, but merely formed a part of the web etc.
- (18) Sc. a tuft of wool was sewn to the garment and then was cut into strips and twisted into zizith.
- (19) Since their attachment to the garment was made for the purpose of the zizith.
- (20) whose school Rab Judah attended for a time after Rab's death.
- (21) Cur. edd. insert in parenthesis 'thus it is seen clearly'.
- (22) Not merely the attachment of the zizith.
- (23) I.e., that of zizith.
- (24) According to Beth Hillel,
- (25) An objection against Beth Hillel who ruled that the Sukkah need not be made specifically for the purpose of Sukkoth.
- (26) Deut. XXII, 12.
- (27) 'To thee'.
- (28) Sc. with a stolen Sukkah the commandment cannot be fulfilled.
- (29) Num. XV, 38. **וְהָיוּ** 'for themselves'.

Talmud - Mas. Sukkah 9b

MISHNAH. IF ONE MADE HIS SUKKAH UNDER A TREE, IT IS AS IF HE MADE IT WITHIN THE HOUSE.¹ IF ONE SUKKAH IS ERECTED ABOVE ANOTHER, THE UPPER ONE IS VALID BUT THE LOWER IS INVALID.² R. JUDAH SAID, IF THERE ARE NO OCCUPANTS IN THE UPPER ONE, THE LOWER ONE IS VALID.

GEMARA. Raba said, [Our Mishnah] was taught only in respect of a tree whose shade is greater than the sun [shining through its branches] but if the sun is more than its shade, it is valid. Whence [do we know this]? Since it states, IT IS AS IF HE MADE IT WITHIN THE HOUSE. Now for what purpose does it state IT IS AS IF HE MADE IT WITHIN THE HOUSE? Let it simply state 'it is invalid'? But the fact is that he taught us this, that the tree³ [referred to is] like a house, just as in a house the shade is more than the sunshine, so the tree has more shade than sunshine.

But even where the sun is more than the shade, what is the advantage, seeing that all invalid covering is joined to a valid one?⁴ — R. Papa answered: [This⁵ is a case] where [the branches of the tree] were interwoven.⁶ If the branches were interwoven,⁶ why⁷ mention the case at all? — One might have thought that it should be prohibited where it is interwoven as a preventive measure against the possibility of regarding it as valid even where it was not interwoven,⁸ [therefore the Mishnah] informs us that no such preventive measure has been enacted. Have we not learnt this also: If a man trained upon it [a sukkah] vine, or a gourd, or ivy, and he covered [it with a valid covering], it is invalid.⁹ But if the valid covering exceeded these in quantity, or if one cut them,¹⁰ it is valid.¹¹ Now to what case does this¹² refer? Shall I say where he did not interweave them,¹³ then obviously the invalid covering is joined to¹⁴ the valid one?¹⁵ Must it not then¹⁶ refer to a case where one did interweave them,¹³ and hence it may be inferred that no preventive measure was in such a case deemed necessary?¹⁷ — One might have presumed that [this¹⁸ is permissible] only ex post facto but not ab initio, hence we were informed [that¹⁹ even ab initio it is permissible]. IF ONE SUKKAH IS ERECTED ABOVE ANOTHER. Our Rabbis taught, Ye shall dwell in Sukkoth,²⁰ but not in a

sukkah under another sukkah, nor in a Sukkah under a tree, nor in a Sukkah within the house. On the contrary! Does not the word Sukkah²¹ imply two? — R. Nahman b. Isaac answered, The word is written defectively.²² R. Jeremiah said: Sometimes both²³ are valid, sometimes both invalid; sometimes the lower one is valid and the upper invalid, and sometimes the lower one is invalid and the upper one valid. ‘Sometimes both are valid’. In what circumstances? When in the lower one the sun is more than the shade,²⁴ and in the upper the shade is more than the sun, and the upper one is within twenty [cubits from the ground].²⁵ ‘Sometimes both are invalid’. In what circumstances? When in both of them the shade is more than the sun, and the upper one is more than twenty cubits [high].²⁶ ‘Sometimes the lower one is valid and the upper invalid’.

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- (1) I.e., it is as though there are two roofs, and it is, therefore, invalid
 - (2) The reason is given in the Gemara infra.
 - (3) Which renders a Sukkah under it invalid.
 - (4) The covering of a Sukkah must be made of plants that are detached from the ground. Growing ones are invalid. The presence of the invalid covering of the tree should, therefore, invalidate the Sukkah.
 - (5) The ruling in our Mishnah.
 - (6) Lit., ‘he pressed them down’. The branches of the tree were pressed down and interwoven with the valid covering, and, since the former are less in quantity than the latter, the Sukkah is valid (cf. infra 11a).
 - (7) Since the ruling is so obvious why did the Mishnah have to state ‘AS IF HE MADE IT IN THE HOUSE’; and what need of Raba's ruling?
 - (8) Invalid materials that are not interwoven with valid ones render a Sukkah invalid.
 - (9) On account of the invalid covering which remained isolated from the valid one.
 - (10) And thus detached them from the growing tree.
 - (11) Infra 11a.
 - (12) The Mishnah just cited.
 - (13) The invalid with the valid material.
 - (14) But not interwoven with.
 - (15) And the Sukkah therefore would be invalid.
 - (16) Since the Sukkah was stated to be valid.
 - (17) And the question re-arises: Why should the same law be repeated here?
 - (18) The joining of the two materials.
 - (19) Provided the two materials were interwoven.
 - (20) Lev. XXIII, 42.
 - (21) The plural form of Sukkah.
 - (22) V. supra. Traditional spelling is סִכָּה a singular form.
 - (23) Sukkoth that were put up on the top of one another.
 - (24) Its covering can, therefore, be disregarded.
 - (25) The covering of the upper one is thus valid for both, since they are regarded as one Sukkah.
 - (26) I.e., from the roof of the lower one. The lower one is invalid since it is a Sukkah under a Sukkah, and the upper one is similarly invalid since it is more than twenty cubits high.

Talmud - Mas. Sukkah 10a

In what circumstances? When the lower one has more shade than sun, and the upper one more sun than shade,¹ and both are within twenty cubits [from the ground].² ‘And sometimes the upper one is valid and the lower invalid’. In what circumstances? When in both of them the shade is more than the sun, and the upper one is within twenty cubits.³ [But is not all this] self-evident? — The statement of the case of the ‘lower one valid and the upper one invalid’ was necessary. As it might have been thought that [the lower sukkah] would be prohibited as a preventive measure lest one also joins⁴ an invalid covering⁵ to a valid covering,⁶ therefore it teaches us [that it is valid].⁷

How much [space] should there be between [the roof of] one sukkah and that of the other to

invalidate the lower one?⁸ R. Huna replied, A handbreadth,⁹ since we find a handbreadth [prescribed as the minimum size] with regard to overshadowing in cases¹⁰ of uncleanness, as we have learnt.¹¹ [A space of] one handbreadth square and one handbreadth high¹² acts as a carrier of uncleanness and as an interposition to it,¹³ but if it is less than one handbreadth high it neither conveys nor interposes.¹⁴ R. Hisda and Rabbah son of R. Huna [however,] say, Four [handbreadths], since we do not find a place of any [legal] importance¹⁵ to be less than four [handbreadths];¹⁶ while Samuel says, Ten [handbreadths]. What is the reason of Samuel? — As its validity, so is its invalidity. Just as its validity [is effected by a height of] ten handbreadths,¹⁷ so is its invalidity [effected by] ten handbreadths.¹⁸

We have learnt: R. JUDAH SAID, IF THERE ARE NO OCCUPANTS IN THE UPPER ONE, THE LOWER ONE IS VALID. Now what is the meaning of 'THERE ARE NO OCCUPANTS'? If we say, actual occupants, are then occupants [it could be objected] a determining factor?¹⁹ Must [we then] not [say] that 'THERE ARE NO OCCUPANTS' means that the Sukkah is unsuitable for occupation? And how is this possible? Where it is less than ten handbreadths high. May we not, therefore, infer that the first Tanna²⁰ holds the opinion that even if it is unsuitable for occupation it is still invalid?²¹ — When R. Dimi, came,²² he said, In the West²³ they say,²⁴ if the lower one cannot bear the weight of²⁵ the bolsters and the cushions of the upper one, the lower one is valid.²⁶ This implies [does it not] that the first Tanna²⁷ holds the opinion that even if the lower one is not able to bear their weight, it is still invalid?²⁸ -The difference between them²⁹ is³⁰ where it can bear the weight with difficulty.³¹

MISHNAH. IF ONE SPREAD A SHEET³² OVER IT³³ BECAUSE OF THE SUN OR BENEATH IT BECAUSE OF FALLING [LEAVES], OR IF HE SPREAD [A SHEET] OVER THE FRAME OF A FOURPOST BED,³⁴ [THE SUKKAH] IS INVALID.³⁵ ONE MAY SPREAD IT, HOWEVER, OVER THE FRAME OF A TWO-POST BED.³⁶

GEMARA. R. Hisda stated, [Our Mishnah] speaks only [of a sheet spread] BECAUSE OF FALLING [LEAVES],³⁷ but if [it was spread] in order to beautify [the Sukkah], it is valid.³⁸ But is not this obvious! For have we not learnt, BECAUSE OF FALLING [LEAVES]? One might have said that the law is the same even [where the sheet served the purpose] of beautifying [the Sukkah] and that the reason why it was stated, BECAUSE OF FALLING [LEAVES], is that he mentions what is the common practice, therefore he informs us this.³⁹

Can we say that the following supports [R. Hisda's view]: If he covered it⁴⁰ according to the rule, and adorned it with embroidered hangings and sheets, and hung therein nuts, almonds, peaches, pomegranates, bunches of grapes, wreaths of ears of corn, [phials of] wine, oil or fine flour, it is forbidden to make use of them⁴¹

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- (1) And thus its covering which is an invalid one cannot invalidate the lower Sukkah.
 - (2) If the roof of the upper Sukkah, however, was above twenty cubits from the ground its invalid material (since all Sukkah roofs above twenty cubits height are invalid) would be deemed to be joined to the roof of the lower Sukkah and to render it invalid in consequence.
 - (3) Of the roof of the lower one. Being a valid Sukkah it invalidates the lower one on the ground of the latter's being a Sukkah under a Sukkah.
 - (4) I.e., regards the roof of the upper, and of the lower Sukkah as one.
 - (5) Sc. the covering of the upper Sukkah where it is higher than twenty cubits.
 - (6) And thus use an invalid Sukkah.
 - (7) Thus indicating that no preventive measure was deemed necessary.
 - (8) As a Sukkah under a Sukkah.
 - (9) I.e., if it is less than this, the two roofs are regarded as one.
 - (10) Lit., 'tents'.

- (11) V. marg. glos. Cur. edd. in parenthesis, 'for it was taught'.
- (12) I.e., a cubic handbreadth between the level on which the contaminating object lies and the object that forms the 'roof' or 'tent' above it.
- (13) It acts as a carrier in that whatever is under the same 'roof' as the unclean object is unclean, and as an interposition in that whatever lies above the 'roof' is not defiled.
- (14) Ohal. III, 7. Cf. prev. n. mut. mut.
- (15) A private domain, for instance.
- (16) V. Shab. 7a. A space between the upper and lower roof that was less than four handbreadths cannot, therefore, be regarded as forming an upper Sukkah above the lower one.
- (17) The roof of a Sukkah must be at least ten handbreadths high to render the Sukkah valid.
- (18) If the roof of the Sukkah above it is, however, lower than ten handbreadths, the lower Sukkah remains valid.
- (19) Of course not.
- (20) The authority of the anonymous first part of the Mishnah who differs from R. Judah.
- (21) Which is refutation of Samuel.
- (22) From Palestine to Babylon.
- (23) Palestine.
- (24) In explanation of R. Judah's ruling, IF THERE ARE NO OCCUPANTS'.
- (25) Lit., receive .
- (26) Since the upper one is not strong enough to be regarded as a Sukkah. As a Sukkah cannot be valid unless its floor can bear the prescribed weight so also, on the principle, 'As its validity so is its invalidity' laid down by Samuel, it cannot cause the invalidity of the lower Sukkah unless the latter's roof which is its floor can bear the prescribed weight. Where the upper one, however, is less than ten handbreadths high even the first Tanna agrees that it cannot affect the validity of the lower one, in agreement with Samuel.
- (27) Who differs from R. Judah.
- (28) Apparently we may. Now, since in this respect the first Tanna does not uphold Samuel's principle, and since the question of height depends on the same principle, may it not be contended that he differs from Samuel as regards the height also?
- (29) The first Tanna and R. Judah.
- (30) Not the complete ability or inability to bear the weight mentioned.
- (31) According to the first Tanna this invalidates the lower one; according to R. Judah, it does not. Where, however, it cannot bear the weight at all, the first Tanna on Samuel's principle, agrees with R. Judah.
- (32) A sheet (cf. infra 11a) is subject to ritual defilement and is, therefore, invalid as a Sukkah-covering.
- (33) The roof of a Sukkah.
- (34) And thus made a tent within the Sukkah. קינות Gr. **, four poles over which a covering is placed.
- (35) In the former case, because of the unsuitability of the covering, and in the latter case because of the intervention of a tent.
- (36) A bed frame with only two poles, one on each side, the top of which being less than a handbreadth in width it cannot be regarded as a valid tent (v. Gemara infra).
- (37) In which case it is regarded as a part of the roof and therefore causes the invalidity of the Sukkah.
- (38) Since the sheet does not serve the purpose of a roof covering.
- (39) That the Sukkah is valid if a sheet was intended to beautify it.
- (40) The Sukkah.
- (41) To eat, for instance, any of the fruit.

Talmud - Mas. Sukkah 10b

until the conclusion of the last day of the Festival, but if¹ he expressed a condition about them,² all depends on [the terms of] his condition?³ — No! It is possible [that the statement was made with reference to sheets] at the side [of the Sukkah].⁴ It was stated: The adornments of a Sukkah do not diminish [the height of] the Sukkah.⁵ R. Ashi said, But at the side, they do diminish [the size of a Sukkah].⁶

Minyamin, the servant of R. Ashi, had his shirt soaked in water, and he spread it out on their Sukkah. R. Ashi said to him, 'Remove it, lest they say that it is permissible to use as a covering something which is susceptible to defilement'. 'But [the other asked] can they not see that it is wet?'⁷ 'I mean [the first answered] when it is dry'.⁸

It was stated: The adornments of a Sukkah⁹ which are removed four [handbreadths from the roof] R. Nahman declared valid,¹⁰ and R. Hisda and Rabbah son of R. Huna declare invalid.¹¹ R. Hisda and Rabbah son of R. Huna once came to the house of the exilarch, and R. Nahman¹² sheltered them in a Sukkah whose adornments were separated four handbreadths [from the roof]. They were silent and said not a word to him. Said he to them, 'Have our Rabbis¹³ retracted their teaching?'¹⁴ -"We", they answered him, are on a religious errand,¹⁵ and [therefore] free from the obligation of the Sukkah'.¹⁶

Rab Judah said in the name of Samuel, It is permissible to sleep in a canopied bed in a Sukkah, even though it has a flat roof, provided it is not ten [handbreadths] high.¹⁷

Come and hear: He who sleeps in a canopied bed in a Sukkah has not fulfilled his obligation?¹⁸ - Here we are dealing with a case of one that was ten [handbreadths] high. It was objected: He who sleeps under the bed in a Sukkah has not fulfilled his obligation?¹⁹ — But, surely, Samuel has explained that [this refers to] a bed ten [handbreadths] high. Come and hear: OR IF HE SPREAD [A SHEET] OVER THE FRAME OF A FOUR-POST BED, [THE SUKKAH] IS INVALID? — There also it is a case where they are ten [handbreadths] high. But surely, it was not taught thus, for it has been taught, naklitin [means a frame with] two [poles], and kinofoth [means a frame with] four [poles]; if one spread a sheet over the frame of kinofoth it is invalid, if over naklitin, it is valid, provided that the naklitin are not ten [handbreadths] high above the bed. This implies that kinofoth [are invalid] even if they are less than ten [handbreadths high]? — Kinofoth are different, since they are permanent.²⁰ But, behold the case of one Sukkah above another, which is also permanent; and Samuel nevertheless said, 'As its validity so is its invalidity'?²¹ — I will explain: In the latter case, [when it is a question] of invalidating a Sukkah,²² [the upper one must be ten [handbreadths] high,²³ but here, [where it is a question] of making a tent,²⁴ even less than ten [handbreadths suffices] also to constitute a tent.²⁵

R. Tahlifa b. Abimi said in the name of Samuel, He who sleeps naked in a canopied bed, may put his head out of the canopied bed and read the Shema'.²⁶ It was objected: He who sleeps in a canopied bed naked may not put his head out of it and read the Shema'? — The latter refers to a case where [the canopy] was ten [handbreadths] high.²⁷ This stands to reason also, since it was stated in the final clause: To what can it be compared? To a man standing naked in a house, in which case he may not put his head out of the window and read the Shema'. This is conclusive.

(1) Prior to the Festival.

(2) I.e., he made a declaration that he desired to retain full possession 'during the twilight of the first day' of the Festival of any of the objects mentioned. Unless the declaration is made at the proper time and in this form the objects assume the sanctity of the Sukkah and no subsequent declaration can remove it.

(3) Beza 30b, which shows that ornamental sheets do not invalidate a Sukkah. Does not this then provide support to R. Hisda's view?

(4) One, however, hung under the roof may well invalidate a Sukkah, even if its purpose was ornamental.

(5) If it was higher than twenty cubits and the sheet hung lower, it is still invalid, since a sheet is unsuitable as a Sukkah-covering.

(6) If the presence of the adornments caused it to be less than the minimum of seven handbreadths square.

(7) And that it was spread out for the purpose of drying only.

(8) Only then is it necessary to remove it from the Sukkah.

(9) Sheets spread under the Sukkah roof as decorations (Rashi).

- (10) Because their identity is merged in that of the roof.
- (11) Since they form a 'tent' that intervenes between the roof and the habitable part of the Sukkah.
- (12) R. Nahman was chief in authority at the exilarch's house.
- (13) Sc. R. Hisda and Rabbah b. R. Huna.
- (14) Cited supra.
- (15) It was regarded as a religious duty to visit one's master, or the exilarch, on the Festivals.
- (16) A person engaged on a religious errand is free from other religious duties (cf. infra 25a).
- (17) Above the bed. It cannot be regarded as a valid tent unless it is ten handbreadths high.
- (18) An objection against Samuel's ruling just cited.
- (19) infra 20b.
- (20) Hence they may be regarded as a proper tent. The poles of a canopied bed, however, are not permanent, and cannot be regarded as a valid tent unless they are ten handbreadths high.
- (21) Supra 10a; which shows that even a permanent structure cannot be valid unless it is ten handbreadths high.
- (22) On the ground that one Sukkah is above another.
- (23) Otherwise it cannot invalidate the lower Sukkah.
- (24) Under which it should be forbidden to sleep but the rest of the Sukkah remaining valid.
- (25) If it is to be permanent.
- (26) The Scriptural reading Deut. VI, 4f, which had to be read twice daily; otherwise it is forbidden to read while naked. V. Ber. 24b and 25b.
- (27) Which has, therefore, the legal status of a room. As a naked person is forbidden to read the Shema' even if he puts his head out of a window (because the greater part of his body is still in the room) so it is forbidden to read the Shema' while the greater part of one's body remained in the canopied bed. A canopy that is lower than ten handbreadths is regarded as a covering or cloak.

Talmud - Mas. Sukkah 11a

But as to a house, even though it is not ten [handbreadths] high, since it is permanent it constitutes a valid tent,¹ for it is no worse than the frame of a four-post bed.

Another version is that Rab Judah said in the name of Samuel, It is permitted to sleep in a bridal-bed in a Sukkah, since it has no roof,² even though it be ten [handbreadths] high. It was objected: He who sleeps in a canopied bed in a Sukkah has not fulfilled his obligations? — Here we are dealing with the case of one which has a roof'. Come and hear: Naklithin [means a frame with] two [poles]; kinofoth [means a frame with] four [poles], if he spread a canopy over the frame of kinofoth it is invalid,³ over that of naklithin it is valid, provided that the naklithin are not ten [handbreadths] high above the bed. But if they are ten [handbreadths] high above the bed, it is invalid, [is it not] even though it has no roof?—Naklithin are different, since they are permanent. If they are permanent, why are they not [subject to the same law as] kinofoth?⁴ — As compared to kinofoth they are not [considered] permanent,⁵ but compared to the bridal-bed they are [considered] permanent.⁶

Rabbah son of R. Huna expounded, It is permitted to sleep in a canopied bed [in a Sukkah] even though it has a roof and even though it is ten [handbreadths] high. According to whom [is this opinion expressed]?—According to R. Judah who said that a temporary tent⁷ cannot nullify a permanent one,⁸ as we have learnt: R. Judah said, We were accustomed to sleep under a bed⁹ in the presence of the Elders.¹⁰ Why then does he not say, The halachah is as R. Judah?—If he had said, The halachah is as R. Judah, I might have presumed that this applies only to a bed which is made [to be slept] upon,¹¹ but not to a canopied bed which, is made [to be slept] within,¹² hence he informs us that the reason of R. Judah is¹³ that a temporary tent cannot nullify a permanent one, no matter whether it be an ordinary bed¹⁴ or a canopied bed.¹⁵

MISHNAH. IF HE TRAINED A VINE OR A GOURD OR IVY OVER [THE SUKKAH] AND

COVERED IT WITH THE COVERING OF A SUKKAH, IT IS NOT VALID.¹⁶ IF [HOWEVER] THE SUKKAH-COVERING EXCEEDS THEM IN QUANTITY, OF IF HE CUT THEM,¹⁷ IT IS VALID. THIS IS THE GENERAL RULE. WHATEVER IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND DOES NOT GROW FROM THE SOIL MAY NOT BE USED FOR SUKKAH-COVERING, BUT WHATEVER IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND GROWS FROM THE SOIL MAY BE USED FOR SUKKAH-COVERING.

GEMARA. R. Joseph sai¹⁸ before R. Huna, and in the course of the session he stated, [with reference to the ruling] OR IF HE CUT THEM, IT IS VALID, Rab said, But he must shake them.¹⁹ Said R. Huna to him, This has been said by Samuel! R. Joseph turned away his face [in annoyance] and retorted, Did I then tell you that Samuel did not say it? Rab said it and Samuel also said it. It is this that I say, said R. Huna to him, As to that, Samuel said it, and not Rab, since Rab declares it valid [without shaking],²⁰ as in the case of R. Amram the Pious who attached fringes to the aprons of the women of his house.²¹ He hung them²² but did not cut off the ends of the threads.²³ When he came before R. Hiyya b. Ashi²⁴ the latter said to him, Thus said Rab, [In such a case the threads] may be cut and they are valid. Thus it is obvious that their cutting is their [valid] preparation, so here also,²⁵ their cutting is their [valid] preparation. But does Samuel hold the opinion that we do not say that their cutting is their [valid] preparation? Did not Samuel in fact teach in the name of R. Hiyya, If one attached [zizith] to two corners in one²⁶ and then cut the ends of these threads, the zizith are valid. Does not this mean that he first knotted them and then cut them?²⁷ -No, he cut them first²⁸ and afterwards knotted them. If he cut them first and then knotted them, why mention it?²⁹ -One would have thought

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- (1) And therefore if a person is naked he cannot put his head out and read the Shema'.
 - (2) The cover was sloping from above the bed around it.
 - (3) Sc. one may not use it within a Sukkah.
 - (4) And thus render their use in a Sukkah forbidden.
 - (5) Hence they cause no invalidity where they are lower than ten handbreadths.
 - (6) They cause, therefore, invalidity where they are ten handbreadths high even if they have no roof, while a canopied bed that has no roof causes no invalidity even where it is ten handbreadths high.
 - (7) The canopied bed.
 - (8) The Sukkah which in comparison with it may be regarded as permanent.
 - (9) In a Sukkah. The movable bed being regarded as temporary and the Sukkah as permanent.
 - (10) Infra 20b.
 - (11) And not under it. As the bed was never intended to serve as a 'tent' a person's occasional use of it for the purpose of sleeping under it cannot confer upon it the status of a valid tent.
 - (12) And the roof thereof might, therefore, be regarded as constituting a valid tent.
 - (13) Not the one just suggested.
 - (14) Under which one sleeps.
 - (15) Within which one sleeps.
 - (16) Since a growing plant may not be used as a Sukkah-covering.
 - (17) From the ground, after he had trained them on the Sukkah.
 - (18) In the college.
 - (19) After they had been cut. Sc. each branch must be raised and put back in position so that the covering is made from valid materials. If no moving or shifting takes place after the plants had been cut the Sukkah remains invalid since it was made from invalid materials. The mere cutting of them from the ground does not alter the fact that the covering was made from invalid materials.
 - (20) The cutting alone is regarded as the 'making' of the covering.
 - (21) R. Amram was of the opinion, not generally held, that women are bound to wear fringes.
 - (22) On the four corners of the garments.
 - (23) He folded one thread four times, and attached it to the garment. By subsequently cutting it he made of it the eight

requisite threads.

(24) To inquire whether the mere cutting of the long thread constitutes the 'making' of the fringes.

(25) In the case of the Sukkah where the branches were only cut and not shifted.

(26) Long threads folded in four were passed through the two corners, and then separated by being cut in the middle.

(27) In agreement with Rab.

(28) Immediately after insertion before he wound the prescribed number of coils and made the necessary knots.

(29) It is obvious that it is valid.

Talmud - Mas. Sukkah 11b

that it was necessary to insert the threads in one corner at a time, which was not the case here, therefore he informed us [that it was not so].

It was objected: If he hung them¹ and did not cut their ends, they are invalid. Does not this mean invalid for ever,² and is thus a refutation of Rab?-[No!] Rab can answer: What is the meaning of 'invalid'? Invalid until they are cut. Samuel, however, says, [It means] invalid for ever. And so said Levi, They are invalid for ever. And so said R. Mattenah in the name of Samuel: They are invalid for ever. Another version is that R. Mattenah said, A [similar] incident happened to me, and when I came before Samuel he told me, They are invalid for ever.

It was objected: If he inserted them³ and then cut their ends, they are invalid; and it was also taught concerning a Sukkah: Thou shalt make⁴ [implies] but not from that which is already made, hence they⁵ inferred, If one trained a vine or a gourd or ivy [over the walls of a Sukkah] and then covered them with the Sukkah-covering it is invalid. Now, how is this to be understood? If you say that it is a case where one did not cut them,⁶ why then give the reason because of "'Thou shalt make" [implies] but not from that which is already made'? Let him rather give the reason that they are joined to the ground? Consequently it must be a case where he cut them,⁶ and yet it is taught that it is invalid. Deduce then, therefrom that we do not say that their cutting⁶ is their [valid] preparation. And is not this then a refutation of Rab? Rab can answer that there we are dealing with a case where he pulled them [from the trunk]⁷ so that their 'making' is not apparent. At all events, [does not the case where] 'he inserted them and then cut their ends'⁸ present a difficulty against Rab?⁹ — It is a difficulty.

Can we say that [their dispute¹⁰ accords with a dispute of] Tannas? [As we have learnt], If one transgressed and¹¹ plucked them,¹² [the myrtle is still] invalid, so R. Simeon b. Jehozadak, while the Sages declare it valid. Now they¹³ were of the opinion that everyone¹⁴ agrees that [the components of] a lulab¹⁵ must be tied together, and that we deduce [the law of] lulab from that of Sukkah, concerning which it is written 'thou shalt make', [which implies]'but not from what which is made'. Do they [then] not dispute on this principle, that the one who declared it¹⁶ valid is of the opinion that with regard to the Sukkah we say that 'their cutting is their [valid] preparation', and [therefore] with regard to lulab also we say that their plucking is their [valid] preparation; while the one who declares it invalid is of the opinion that with regard to the Sukkah we do not say that 'their cutting is their valid preparation', and [therefore] with regard to lulab also we do not say that their plucking is their [valid] preparation?¹⁷ — No! Everyone may agree that with regard to the Sukkah we do not say that their cutting is their [valid] preparation, but here they differ on the principle whether we deduce the law of lulab from that of Sukkah. The one who declares it¹⁶ valid is of the opinion that we do not deduce lulab from Sukkah, while the one who declares it invalid says that we do deduce lulab from sukkah. And if you wish you may say that if we were of the opinion that¹⁸ the [components of the] lulab must be tied together,¹⁹ [we must admit that] all agree that we do deduce the law of lulab from that of Sukkah,²⁰ but here they dispute on the following: One Master²¹ holds the opinion that it²² must be tied together²³ while the other holds that it need not be tied together; and their dispute is analogous to that of the following Tannas of whom it has been taught: A lulab, whether [its

components] be tied together or not, is valid, while R. Judah says, If tied together it is valid, if not, it is invalid.²⁴ What is the reason of R. Judah?—He deduces the word ‘take’²⁵ from the word ‘take’ mentioned in connection with the bundle of hyssop. It is written there, And ye shall take a bundle of hyssop,²⁶ and it is written here, And ye shall take you on the first day etc.²⁷ Just as there it was taken in a ‘bundle,’²⁸ so here also it must be taken in a bundle.²⁸ And the Rabbis?²⁹ — They do not deduce ‘take’ from ‘take’.³⁰

According to whom is that which has been taught, It is a religious duty to tie [the components of] the lulab together, but if one did not tie them, it is [still] valid? If it is according to R. Judah, why is it valid if one does not tie them, and if it is according to the Sages, why is it ‘a religious duty’?³¹ -It is in fact according to the Rabbis, but [it is a religious duty]³¹ since it is written, This is my God and I will glorify him³² [which implies] glorification³³ before Him in [the due performance of] religious duties.

THIS IS THE GENERAL RULE: WHATEVER IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS etc. Whence do we know this? Resh Lakish said: Scripture says, But there went up a mist from the earth;³⁴ just as a mist is a thing that is not susceptible to [ritual] uncleanness and originates from the soil, so must [the covering of] the Sukkah³⁵ [consist of] a thing that is not susceptible to [ritual] uncleanness, and grow from the soil. That is satisfactory according to the authority who says that [the booths of the wilderness were] clouds of glory, but according to the authority who says [the Israelites] made for themselves real booths, what can one say?³⁶ For it has been taught: For I made the children of Israel to dwell in booths,³⁷ These³⁸ were clouds of glory, so R. Eliezer. R. Akiba says, They made for themselves real booths. Now this³⁹ is satisfactory according to R. Eliezer, but according to R. Akiba, what can one say?³⁶ — When R. Dimi came,⁴⁰ he explained in the name of R. Johanan, Scripture says, The Festival [hag] of Sukkoth thou shalt keep.⁴¹ The Sukkah is thus⁴² compared to the Festival [offering].⁴³ Just as the Festival offering is a thing which is not susceptible to [ritual] uncleanness and grows from the soil,⁴⁴ so the Sukkah must be unsusceptible to [ritual] uncleanness and grow from the soil.

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- (1) The threads of the zizith.
 - (2) Even though they were subsequently cut.
 - (3) The threads of the zizith.
 - (4) Sc. the Sukkah, Deut. XVI, 13.
 - (5) The Rabbis.
 - (6) From the ground.
 - (7) I.e., he pulled the branches from the vine etc., until they broke, but the bark was still attached (cf. Tosaf. a.l.).
 - (8) Cited supra.
 - (9) According to whom they should be valid, whereas the Baraitha declares them invalid.
 - (10) On the question whether ‘their cutting is their valid preparation’.
 - (11) On the festival day.
 - (12) The berries of a myrtle that is to be attached to the festive wreath. Such a myrtle must have more leaves than berries; but it is forbidden in the Festival to remove any of the berries though this may well be done on a weekday.
 - (13) The Rabbis at the college who raised the argument.
 - (14) Sc. both the Tannas mentioned.
 - (15) The palm-branch used on the Festival of Tabernacles. V. infra. To it are tied the myrtle and willow and the tying together of the plants is regarded as analogous to the preparation of a Sukkah.
 - (16) The myrtle.
 - (17) Cf. supra p 45, n. 9.
 - (18) According to the Tannas mentioned.
 - (19) So that the term of ‘making’ or ‘preparation’ might be applied.
 - (20) Sc. as in the case of Sukkah ‘cutting’ is not regarded as ‘making’ so in the case of the lulab also ‘plucking’ is not regarded as ‘making and the myrtle is invalid.

- (21) R. Simeon.
- (22) The festive wreath.
- (23) Hence the term of 'making' may well be applied to it. As the binding is done prior to the festival the plucking of the berries during the festival is of no avail since at that time the wreath is already made.
- (24) *Infra* 33a.
- (25) Mentioned in connection with the festive wreath.
- (26) Ex. XII, 22.
- (27) Lev. XXIII, 40.
- (28) Or 'tied together'.
- (29) How, in view of this deduction, can they maintain their view.
- (30) Sc. they did not receive this analogy from their teachers; and no Gezerah shawah (v. Glos.) analogy is valid unless it can be traced through a chain of uninterrupted tradition from Moses.
- (31) 'To tie (the components of) the lulab together'.
- (32) E.V., 'I will praise him'. Ex. XV, 2.
- (33) Lit., 'be glorified'.
- (34) Gen. II, 6.
- (35) Since the Sukkah is commemorative of the clouds (v. *infra*).
- (36) In explanation of the ruling of our Mishnah.
- (37) Lev. XXIII, 43.
- (38) Booths.
- (39) The explanation of Resh Lakish.
- (40) From Palestine to Babylon.
- (41) Deut. XVI, 13.
- (42) Since it appears in juxtaposition with hag.
- (43) Hagigah, from the same rt. as hag.
- (44) Since animals are fed on that which grows from the ground. R. Johanan regards them also as growing from the ground.

Talmud - Mas. Sukkah 12a

And if [you will suggest]: Just as the Festival offering was a live animal so the Sukkah must be [of something which is] alive, [it may be replied that] when Rabin came, he said in the name of R. Johanan, Scripture says, After that thou hast gathered in from thy threshing-floor and thy winepress. The verse thus speaks of the leavings of the threshing-floor and the lees of the wine-press.¹ But perhaps it means the actual threshing-floor and the actual wine-press?² - Zera answered, It is written winepress', and³ it is impossible to cover the Sukkah with this!³ R. Jeremiah demurred: But perhaps it means the solidified wine that comes from Senir, which resembles fig-cakes?⁴ R. Zera observed, We had something in our hands, and R. Jeremiah came and cast an axe at it.⁵ R. Ashi replied, 'From thy threshing-floor',⁶ [implies] but not the threshing-floor itself,⁷ from thy wine-press',⁶ [implies] but not the wine-press itself.⁸ R. Hisda replied,⁹ The deduction is made from this verse, Go forth unto the mount and fetch olive-branches, and branches of wild olive, and myrtle-branches and palm-branches, and branches of thick trees.¹⁰ Are not myrtle-branches, the same as branches of thick trees?¹¹ — R. Hisda answered: The wild myrtle¹² [were to be fetched] for the Sukkah, while the branches of thick trees,¹³ for the lulab.

MISHNAH. BUNDLES OF STRAW, BUNDLES OF WOOD, AND BUNDLES OF BRUSHWOOD MAY NOT SERVE AS SUKKAH-COVERING, BUT ALL OF THEM,¹⁴ IF THEY ARE UNTIED, ARE VALID. ALL MATERIALS, HOWEVER,¹⁵ ARE VALID FOR THE WALLS.

GEMARA. R. Jacob said, I heard from R. Johanan [the explanation of] two things,¹⁶ this one,¹⁷ and the following:¹⁸ If one hollows out a haystack to make of it a Sukkah, [the hollow] is no [valid]

Sukkah.¹⁹ The reason for one of them he attributed to a Rabbinical enactment lest [a man use his] store-house as a Sukkah,²⁰ and as a reason for the other he gave, because 'thou shalt make', [implies] but not from that which is made; but I do not remember which of them is on account of a 'store-house', and which on account of "'thou shalt make" but not from that which is made'. R. Jeremiah said, Let us see:²¹ R. Hiyya b. Abba said in the name of R. Johanan, Why did they say that bundles of straw, bundles of wood, and bundles of brushwood may not serve as sukkah-covering? Because it may happen²² that a man returns in the evening from the field with his bundle on his shoulder, and raising it up he places it on his hut to dry it,²³ and then²⁴ he might decide to leave it there as a sukkah-covering, but the Torah said, 'Thou shalt make', [which implies], but not from that which is made.²⁵ Now since this is forbidden as a restrictive measure against the possibility of the use of a store-house²⁶ [as a Sukkah]²⁷ the other²⁸ must have been forbidden on the ground of 'thou shalt make' [which implies], but not from that which is made.²⁹ And R. Jacob?³⁰ -He had not heard that [statement] of R. Hiyya b. Abba. R. Ashi said:³¹ Are then bundles of straw, bundles of wood and bundles of brushwood forbidden only because of the possible use of a store-house³² and not because of the injunction 'thou shalt make' [which implies], but not from that which is made,³³ and is the hollowing out of a haystack forbidden only because of the injunction 'thou shalt make' which implies but not from that which is made, and not because of the possible use of a store-house?³⁴ And R. Johanan?³⁵ — He can answer you that here where it states, MAY NOT SERVE AS A SUKKAH-COVERING, it means that only at the outset

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- (1) Which grow from the ground and are unsusceptible to ritual uncleanness.
 - (2) Which includes the grain and the grapes both of which are susceptible to ritual uncleanness.
 - (3) Since it contains only a liquid.
 - (4) And is, therefore, suitable as a roof covering.
 - (5) I.e., R. Jeremiah has destroyed what the former thought was a satisfactory explanation of the ruling in our Mishnah.
 - (6) Emphasis on 'from'.
 - (7) Hence the deduction that the text 'speaks of the leavings of the threshing-floor' etc.
 - (8) V. p. 48, n. 16.
 - (9) In reply to the question, Whence does our Mishnah deduce that WHATEVER IS SUSCEPTIBLE TO RITUAL UNCLEANLINESS etc.
 - (10) Neh. VIII, 15. All the varieties enumerated are unsusceptible to ritual uncleanness and grow from the ground.
 - (11) 'Branches of thick trees' in Lev. XXIII, 40 is regarded (v. infra 32b) as referring to myrtle. Why then should the same thing be mentioned twice?
 - (12) This is the species referred to in 'myrtle branches', which has only one or two leaves in each row and is, therefore, invalid for the lulab. V. infra 32b.
 - (13) Having three leaves in each row.
 - (14) Straw, wood and brushwood.
 - (15) Though invalid for the Sukkah roof.
 - (16) Sc. rulings in the Mishnah.
 - (17) The ruling in our Mishnah on the invalidity of bundles.
 - (18) Lit., 'and the other'.
 - (19) Infra 15a.
 - (20) A restrictive enactment of the Rabbis lest a man regard also his 'store-house', i.e., a room not used throughout the year, as a valid Sukkah.
 - (21) Whether another statement of R. Johanan might throw light on R. Jacob's uncertainty.
 - (22) Any time in the year.
 - (23) Sc. with no intention to use it for shelter from the sun.
 - (24) On the approach of the festival of Tabernacles.
 - (25) As in the latter case a Pentateuchal prohibition is involved, since the bundle was never intended to serve as a Sukkah, a Rabbinical prohibition was imposed even in the case where bundles were used expressly for the festival Sukkah.
 - (26) Sc. bundles 'stored' on a hut during the summer for the winter.

- (27) I.e., merely as a Rabbinical prohibition.
- (28) 'If one hollows out a haystack' etc.
- (29) I.e., the prohibition must be Pentateuchal.
- (30) Why, in view of the last cited statement of R. Johanan, was he uncertain as to what applied to which?
- (31) In objection to R. Jacob.
- (32) I.e., a Rabbinical prohibition.
- (33) A Pentateuchal prohibition.
- (34) Sc. since our Mishnah might refer not only to bundles that were laid on the walls for the purposes of serving as a Sukkah (forbidden only Rabbinically as a preventive measure) but also to such as were stored there during the year (forbidden Pentateuchally), and since the Mishnah cited might refer not only to the usual haystack (forbidden Pentateuchally) but also to one whose sheaves that are to serve as the Sukkah roof were duly shaken and shifted with the specific intention of using them as a roof for the Festival Sukkah (forbidden only Rabbinically as a preventive measure), how could R. Jacob maintain in the name of R. Johanan that only a Pentateuchal, or only a Rabbinical prohibition applied to either Mishnah?
- (35) How, in view of R. Ashi's contention, can he assign only one reason for each.

Talmud - Mas. Sukkah 12b

it is invalid, because of the possible use of a store-house;¹ according to the Biblical law, however, it is valid; while in the other case where it is stated categorically that it is no Sukkah, implying even when he has made it, it is no Sukkah even Pentateuchally. Rab Judah said in the name of Rab, If one covered a Sukkah with plain² arrow-shafts, it is valid; with bored³ shafts, it is invalid. 'With plain arrow-shafts it is valid'; but is not this obvious? I might have said that these should be forbidden on account of bored ones, therefore he informs us [that they are not forbidden]. 'With⁴ bored shafts, it is invalid', is not this obvious? — I might have thought that a receptacle which is made to be [permanently] filled up is not regarded as a receptacle, therefore he informs us [that it is].

Rabbah b. Bar Hana said in the name of R. Johanan, 'If one covered a Sukkah with flax-stalks that had been soaked and baked, it is invalid;⁵ with flax stalks in their natural state it is valid; with flax-stalks in an intermediate stage of preparation, I do not know [whether it is valid or not]'. But as to what constitutes an intermediate stage,⁶ I⁷ do not know whether if it has been pounded and not corded it is regarded as in an intermediate stage,⁸ but if it has been soaked and not pounded it is regarded as being in its natural state,⁹ or perhaps, even if it has been soaked but not pounded, it is also regarded as being in an intermediate stage.¹⁰

Rab Judah ruled, One may use licorice-wood or wormwood as a Sukkah-covering. Abaye ruled, Licorice-wood may be employed, but not wormwood. What is the reason?- Since

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- (1) Ex post facto, however, it is obviously permitted. The prohibition, therefore, can only be Rabbinical.
- (2) Lit., 'male shafts'. The shaft, being plain and inserted into the arrow head, is regarded as a piece of unprepared wood, which is unsusceptible to ritual uncleanness
- (3) Lit., 'female shafts'. Having a hole bored at one of its ends into which the arrow-head is inserted, the shaft is regarded as a valid receptacle which is susceptible to ritual uncleanness.
- (4) Cur. edd. in parenthesis 'The Master said'.
- (5) Since such stalks are susceptible to ritual uncleanness (cf. Shab. 27b).
- (6) In the view of R. Johanan.
- (7) The speaker, Rabbah b. Bar Hana.
- (8) And its validity is, therefore, a matter of doubt.
- (9) And is consequently valid.
- (10) And its validity is, therefore, a matter of doubt.

Talmud - Mas. Sukkah 13a

Talmud - Mas. Sukkah 13a

they give an unpleasant odour, one might leave [the Sukkah]¹ and depart.

R. Hanan b. Raba said, Izma and hegeh² may be employed as a Sukkah-covering; [while] Abaye said, Izma may be used, but not hegeh. What is the reason?—Since their leaves fall off, one might leave the Sukkah and depart. R. Giddal said in the name of Rab, The forked portion of a palm tree³ may be used as a Sukkah-covering, even although [the branches] are joined together,⁴ [since] a natural joining⁵ is not considered a joining; and even although one later joined them⁶ [the covering is valid, since] joining of one thing [to itself] is not considered a joining.

R. Hisda said in the name of Rabina b. Shila, One may cover the Sukkah with forked reeds, even though they are joined,⁴ [since] a natural joining is not considered a joining; and even though one later joins them,⁶ the joining of one thing [to itself] not considered as a proper joining.

So it was also taught: Reeds and forked reeds may be used as a Sukkah covering. As to reeds, this is obvious?⁷ — Read: Reeds of the forked variety⁸ may be used as a Sukkah-covering.

R. Hisda [further] stated in the name of Rabina b. Shila, A man fulfils his obligation⁹ on Passover with bitter herbs of the marsh,¹⁰ It was objected: Hyssop but not Greek hyssop, or stibium-hyssop, or wild hyssop, or Roman hyssop or any kind of hyssop which has a special¹¹ name?¹² — Abaye answered: Whatever had different names prior to the Giving of the Law, and yet the Torah makes specific mention of the general name only obviously [the intention is to exclude such of the species which] have special names;¹³ but the former¹⁴ did not have different names before the Giving of the Law at all.¹⁵

Raba answered: Their ordinary name is really 'bitter herbs',¹⁶ but they are called 'bitter herbs of the marsh', because they are found in marshes.

R. Hisda said, The joining of one thing [to itself] is not considered a proper joining;¹⁷ of three things, it is considered a joining; of two, there is a dispute between R. Jose and the Rabbis, as we have learnt, The commandment [to take a bunch] of hyssop [requires the taking of] three stalks having three buds.¹⁸ R. Jose says, Three buds,¹⁹ and its remnants²⁰ [continue valid] if two [stalks remained] and if there is aught [of each] of the stumps.²¹ Now it was assumed that since²² its remnants [are valid] with two, at the outset also two are valid, and that the reason he teaches three is to indicate what is the most proper observance of the commandment;²³ consequently since R. Jose requires three only for the most proper observance of the commandment according to the Rabbis²⁴ three are indispensable.²⁵ But has it not been taught, R. Jose says, If at the outset a bunch of hyssop has only two stalks²⁶ or if its remnants²⁷ consist of one, it is invalid, since a bunch is not valid unless at the outset it contains three and its remnants are no less than two? — Reverse [the assumption]:²⁸ According to R. Jose three are indispensable, according to the Rabbis three are required only for the proper observance of the commandment. So it has also been taught: If²⁹ a bunch of hyssop contains two stalks at the outset or if its remnant consists of one it is valid, since it is not invalid unless at the outset or when it is a remnant it consists of one. But is a remnant of one invalid? Have you not [just] said that a remnant of one is valid?

(1) Cf. Bah.

(2) Species of thorns and prickly shrubs.

(3) Either (a) where the ramification starts or (b) its upper portion.

(4) And thus have the appearance of a bundle which is invalid for a Sukkah-covering.

(5) Lit., 'a binding by the hands of heaven.'

(6) At their upper ends.

(7) Why then should they at all be mentioned?

- (8) Sc. the waw in וְדוֹקְרָנִין is not to be rendered ‘and’ but ‘of’, ‘that are’.
- (9) Of eating bitter herbs (cf. Ex. XII, 8).
- (10) Probably succory (Jast.).
- (11) Lit., ‘accompanying’.
- (12) Since hyssop in the Bible means ordinary hyssop only, so should ‘bitter herbs’ presumably mean only ordinary bitter herbs, but not that of the marsh.
- (13) [Lit., ‘it is known that it has a special name’ (to be excluded). The text is not clear. MS.M.: ‘such has (a species of) a special name (to be excluded)].
- (14) Bitter herbs.
- (15) All its varieties, therefore, are admissible.
- (16) Hence they are admissible like the ordinary bitter herbs.
- (17) Either in respect of the designation of ‘bundle’ which is invalid for a Sukkah roof or in that of ‘bunch’ in the case of hyssop.
- (18) One bud on each stalk.
- (19) This will be discussed infra.
- (20) Sc. if one stalk has become broken by use.
- (21) Parah XI, 9.
- (22) According to R. Jose.
- (23) Sc. the commandment is best observed with three, though it is considered fulfilled if only two are taken.
- (24) Who differ from him.
- (25) Thus we see that according to R. Jose, two can constitute a ‘bunch’ or ‘joining’, whereas according to the Rabbis three are required.
- (26) Instead of three.
- (27) The bunch having originally contained three stalks.
- (28) Made supra in connection with R. Hisda's statement.
- (29) According to the Rabbis. V. next note.

Talmud - Mas. Sukkah 13b

— Say rather, Unless at the outset, [it contains] no more than the permitted number for its remnant, viz., one.¹

Meremar expounded, The bundles of Sura² are valid as a Sukkah-covering.³ Although [the seller] binds them together he does so merely to facilitate their counting.⁴ R. Abba said, As for cone-shaped bundles of bulrushes, as soon as the top-knots are untied they are valid [as a Sukkah-covering]. But are they not still tied at the bottom?⁵ — R. Papa answered, [This is a case] where he loosens them.⁶ R. Huna the son of R. Joshua said, one can even ‘say that [it is valid though] he does not loosen them, since a binding which is not made to facilitate transport⁷ is not considered a binding. R. Abba said in the name of Samuel, Herbs concerning which the Sages said that a man fulfils with them his obligation on Passover,⁸ carry⁹ ritual defilement,¹⁰ do not¹¹ act as an interposition to ritual defilement¹² and cause invalidity in a Sukkah-covering in the same manner as an air space.¹³ What is the reason? — Since when they wither they crumble and fall, they are regarded as though they were not there.

R. Abba further said in the name of R. Huna, He who cuts grapes for the vat, does not render their ‘handles’ [stalks] susceptible to [ritual] uncleanness;¹⁴ while R. Menashia b. Gada said in the name of R. Huna, He who cuts [ears of corn] for a Sukkah-covering¹⁵ does not render their handles susceptible to uncleanness. He who holds this opinion with regard to the cutting [of ears], certainly holds it with regard to the cutting of grapes,¹⁶ since one does not desire [any stalks] lest they suck up one's wine; he who holds the opinion that the cutting of grapes¹⁶ does not render their stalks susceptible to the uncleanness, holds that the cutting [of ears]¹⁵ does render them susceptible since one is pleased to use [the ears] for the Sukkah-covering in order that [the grains] be not scattered.¹⁷

Must we say that the [ruling of] R. Menashia b. Gada¹⁸ is a point at issue between Tannas? For it has been taught, Boughs of fig-trees on which there are figs, branches of vines on which there are grapes, or straws on which there are ears of corn or palm-branches on which there are dates, all these, if the inedible part is greater than the edible are valid [for a Sukkah-covering], otherwise, they are invalid. ‘Others’¹⁹ say, [They are not valid] unless the straw²⁰ is more than both the ‘handle’²¹ and the food. Now do they not differ on this principle, that one Master²² holds the opinion they²³ render the handles²⁴ susceptible to uncleanness,²⁵ while the other Master holds the opinion that they do not render the ‘handles’ susceptible to uncleanness? — According to R. Abba,²⁶ there is certainly²⁷ a dispute of the Tannas,²⁸ but according to R. Menashia b. Gada,²⁹ must we say that [his ruling is] in agreement only with one of the Tannas?³⁰ — R. Menashia can answer you, All³¹ agree that he who cuts ears for a Sukkah-covering does not render the ‘handles’ susceptible to uncleanness, but here we are dealing with a particular case where he cuts them for food,³² and then changed his mind [and used them] for a Sukkah-covering. But if he cut them for food, what is the reason [for the view] of the Rabbis?³³ And if you will answer that the Rabbis³⁴ are of the opinion that since he changed his mind about them [to use them] for a Sukkah-covering, his original intention³⁵ becomes annulled, [it may be objected], does then one's intention become annulled in such a case?³⁶ Have we not learnt:³⁷ All vessels

(1) Thus it has been shown that the number of three stalks mentioned supra in the name of the Rabbis refers only to what is expected for the most proper observance of the commandment. If the number is to be insisted upon as indispensable this last cited Baraitha, could agree neither with R. Jose nor with the Rabbis.

(2) Reeds tied into bundles which were on sale at Sura.

(3) Sc. they are not to be classed with ordinary bundles which are invalid for the purpose.

(4) He has no intention of keeping them together for storage. Any one buying them usually unbinds them before putting them out to dry. Hence their validity for the Sukkah even before they are unbound.

(5) Since the reeds are also woven together at the bottom.

(6) Sc. undid the ends of the cord that hold them together. The woven part may still remain.

(7) If they are carried about they fall apart.

(8) As, for instance, bitter herbs, lettuce or endives prescribed for the first Passover evening meal.

(9) While they are still fresh.

(10) Sc. they serve as ohel (v. Glos.).

(11) If they form a horizontal partition between a clean and an unclean object.

(12) This is a Rabbinical restriction. Pentateuchally they act as an interposition until they become dry.

(13) The space they occupy is regarded as air space, and just as an air space of three handbreadths in the roof of the Sukkah invalidates it, so does a covering of these herbs.

(14) Lit., ‘they have no handles’, since the stalks serve no useful purpose in the case of grapes for a vat. Handles of vessels or stalks of fruit are susceptible to ritual uncleanness only where they are needed for the purpose of lifting the object with their aid.

(15) And produce is attached to them.

(16) For a vat.

(17) In the absence of the stalks the grains could not be used at all as a roof covering.

(18) That ‘he who cuts ... does not render their stalks susceptible etc.’

(19) V. supra 7b.

(20) I.e., the inedible portion of the branch or stalk.

(21) Sc. the part of the stalk near the fruit whereby the latter can be lifted.

(22) The ‘Others’.

(23) I.e., both he who cuts grapes and he who cuts ears of corn for Sukkah-covering.

(24) V. supra n. 10.

(25) And, therefore, they are regarded in the same light as the fruit and are unfit for the Sukkah roof unless the inedible portion exceeds both them and the edible portion.

(26) Who ruled that only in the case of grapes are handles not susceptible but in the case of ears the handles are

susceptible.

(27) Since the first Tanna holds that in either case the 'handles' are not susceptible.

(28) R. Abba holding the same view as the 'Others' who hold that 'handles' are susceptible.

(29) Who holds that if one cuts ears for a Sukkah-covering it does not render the 'handles' susceptible to ritual uncleanness.

(30) The first Tanna. Sc. must it be admitted that the 'others' always maintain that the handles in the case of 'ears of corn' are rendered susceptible to uncleanness, in complete contradiction of it. Menashia's ruling, or is it possible to explain the view of the 'others' as applying to a particular case only?

(31) Even the 'others'.

(32) When they are rendered susceptible to uncleanness.

(33) The first Tanna, who ruled that the 'handles' are not rendered susceptible to uncleanness.

(34) Sc. the first Tanna.

(35) Of using them for food.

(36) That of susceptibility to ritual uncleanness.

(37) Kelim XXV, 9.

Talmud - Mas. Sukkah 14a

can be rendered susceptible to uncleanness by intention,¹ but cannot be rendered insusceptible except by an act of change,² since³ an act can disannul a [prior] act or intention, while an intention cannot disannul either a [previous] act or a [previous] intention? And if you will say that this⁴ refers only to vessels which are of importance but that 'handles' which are needed only as aids for the eating of the food,⁵ are made [susceptible to uncleanness] by intention and are also unmade by intention [it may be objected], Have we not learnt: The stalks of all foodstuffs that are threshed⁶ in the threshing-floor⁷ are insusceptible to ritual uncleanness,⁸ and R. Jose declares them susceptible?⁹ It is explicable according to the authority who says that 'threshing' here means loosening [the sheaves],¹⁰ but according to the authority who says that 'threshing' here really means 'threshing',¹¹ what can one answer?¹² — That in the previous case also,¹³ he actually threshed them.¹⁴ If so,¹⁵ what is the reason of the 'others'?¹⁶ They hold the same opinion as R. Jose, as we have learnt, R. Jose declares them susceptible to uncleanness. How can you compare them?¹⁷ One can understand there¹⁸ the reason of R. Jose, that [the stalks] have a use according to R. Simeon b. Lakish, as R. Simeon b. Lakish said, Since one can [the more easily] turn them¹⁹ with the pitchfork,²⁰ but in this case,²¹ what use have they?²² --To seize hold of them by their haulms when he takes it²³ to pieces.

[Reverting to] the main text, 'The stalks of all foodstuffs that are threshed in the threshing-floor are unsusceptible to uncleanness, and R. Jose declares them susceptible'. What is the meaning of 'threshed' here? — R. Johanan says, Actual threshing. R. Eleazar²⁴ says, Untying the bundle. One can understand according to R. Eleazar,²⁴ who says that 'threshing' means untying the bundle, that this²⁵ is the reason why R. Jose declares them susceptible to uncleanness, but according to R. Johanan who says that 'threshing' means actual threshing, why²⁶ does R. Jose declare them susceptible to uncleanness? — R. Simeon b. Lakish answered, Since he can [the more easily] turn them with a pitch fork.

R. Eleazar²⁴ said, Why are the prayers of the righteous likened to a pitchfork?²⁷ To teach thee that just as the pitchfork turns the corn from place to place in the barn, so the prayers of the righteous turn the mind of the Holy One, blessed be He, from the attribute of harshness to that of mercy.

MISHNAH. PLANKS MAY BE USED FOR THE SUKKAH-COVERING. THESE ARE THE WORDS OF R. JUDAH. R. MEIR FORBIDS THEM. IF ONE PLACES OVER IT²⁸ A PLANK FOUR HANDBREADTHS WIDE, IT IS VALID PROVIDED THAT HE DOES NOT SLEEP UNDER IT.²⁹

GEMARA. Rab said, The dispute³⁰ concerns planks which are four [handbreadths wide],³¹ in which case R. Meir holds the preventive measure against [the possible use of] an ordinary roofing,³² while R. Judah disregards this preventive measure against [the use of] an ordinary roofing, but in the case of planks which are less than four handbreadths wide all agree that the Sukkah is valid.³³ Samuel however says that the dispute³⁴ concerns planks which are less than four [handbreadths wide],³⁵ but if they are four [handbreadths wide], they are invalid according to all.³⁶ If they are 'less than four' [you say, does this then imply,] even less than three? But [in this case] are they not mere sticks?³⁷ — R. Papa answered, He³⁸ means thus, If they are four [handbreadths wide] the Sukkah is invalid according to all,³⁶ if they are less than three, it is valid according to all.³⁹ What is the reason? Since they are mere sticks. In what do they⁴⁰ dispute? In [planks that are] from three to four [handbreadths wide]. One Master⁴¹ holds the opinion that since there is not in them the minimum extent of a 'place'⁴² we do not make a restrictive enactment,⁴³ and the other Master⁴⁴ holds the opinion that since the law of labud⁴⁵ can no longer apply to them⁴⁶ we make a restrictive enactment.

We learned: IF ONE PLACES OVER IT A PLANK WHICH IS FOUR HANDBREADTHS WIDE, IT IS VALID, PROVIDED THAT HE DOES NOT SLEEP UNDER IT. Now it is well according to Samuel who says that the dispute is where there are not four [handbreadths] but where there are four, all agree that it is invalid; for this reason he must NOT SLEEP UNDER IT. But according to Rab who says that the dispute is where there are four [handbreadths] but where there are less than four all agree that it is valid, why, according to R. Judah, may he NOT SLEEP UNDER IT? — Do you then think that this statement⁴⁷ is according to all? The concluding statement agrees in fact with R. Meir [only]. Come and hear: Two sheets combine,⁴⁸

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- (1) Sc. if the owner intended them to be used in their present state as finished products for a purpose for which they are fully suitable. The fact that for any other purposes they could not be regarded as finished products cannot affect the owner's intention.
 - (2) In the shape or structure of the vessel.
 - (3) V. Bah.
 - (4) That an intention cannot be annulled by an intention.
 - (5) One only holds the fruit by its stalk when eating it.
 - (6) Lit., 'trampled'.
 - (7) This is explained infra.
 - (8) Because by the threshing the owner has indicated that he has no use for the stalks.
 - (9) 'Ukzin I, 5. Cur. edd. enclose 'and R. Jose. . . susceptible' in parenthesis.
 - (10) The loosening of the sheaves is regarded as an intention to thresh and, therefore, the stalks are unnecessary, and this intention disannuls their previous susceptibility to uncleanness.
 - (11) An actual act.
 - (12) To the objection, How can it be maintained (supra 3b ad fin.) that an intention alone can annul an intention?
 - (13) Lit., 'here also' in the dispute of the first Tanna and the 'others'.
 - (14) I.e., after having decided to use them as Sukkah-covering.
 - (15) That an act was performed.
 - (16) Who still regard them as susceptible to uncleanness.
 - (17) The case in dispute between the first Tanna and the 'others' and that between the first Tanna and R. Jose here.
 - (18) In the case of the threshing.
 - (19) The ears.
 - (20) Even after threshing, the stalks are useful, that the pitchfork may hold the corn, and therefore they are susceptible to uncleanness.
 - (21) Where he cuts the ears for the purpose of the Sukkah.
 - (22) Apparently none. Why then should they be susceptible to uncleanness?
 - (23) The Sukkah roof.
 - (24) V. marg. glos. Cur. edd. in parenthesis 'Eliezer'.

- (25) Since it is only a very slight act and this does not affect their status as handles.
- (26) In view of the fact that an important act had been performed.
- (27) The verb עָתַר 'to entreat' in Gen. XXV, 21, is homiletically connected with עֵתָר 'a pitchfork'.
- (28) A Sukkah.
- (29) The plank.
- (30) Between R. Judah and R. Meir in our Mishnah.
- (31) Such planks are used in the usual construction of house roofs.
- (32) Lit., 'beams'. Since roofs were made of planks of this size, if such planks were permitted on a Sukkah, one would regard an ordinary roof also as valid for the purpose.
- (33) Since no one is likely to draw an analogy between such narrow boards and the wide ones of an ordinary roof
- (34) Between R. Judah and R. Meir in our Mishnah.
- (35) Only in this case does R. Judah permit their use (cf. prev. note).
- (36) Sc. even R. Judah.
- (37) How then could R. Meir disallow their use.
- (38) Samuel.
- (39) Sc. even according to R. Meir.
- (40) R. Judah and R. Meir.
- (41) R. Judah.
- (42) A structure smaller than four handbreadths is not considered a 'place' (v. supra).
- (43) V. supra n. 2.
- (44) R. Meir.
- (45) V. supra 6b and Glos.
- (46) Even if each plank were to be regarded as a mere air space. It applies only to an air space of less than three handbreadths in width.
- (47) Just cited from our Mishnah.
- (48) To form four handbreadths, to render the Sukkah-covering invalid.

Talmud - Mas. Sukkah 14b

two boards do not combine. R. Meir says, Boards also are like sheets.¹ It is well according to Samuel who says that the dispute is where there are not four [handbreadths], but where there are four handbreadths all agree that it is invalid, [since it may be explained:] What does 'combine' mean? That they combine to make four [handbreadths]. But according to Rab, who says that their dispute is where there are four [handbreadths], but where there are not four handbreadths all agree that it is valid, how is it² to be explained? If there are four [handbreadths]³ why need they combine; if there are not, why [is it invalid]? Are they not mere sticks? — Indeed [it is a case] where there are four handbreadths, and what [is meant by] combine is that they combine to form four cubits⁴ at the side.⁵

Another version: It is well according to Samuel, who says that the dispute is where there are not four [handbreadths], but where there are four, all agree that it is invalid, [since it may be explained:] What is meant by 'combine'? That they combine to form four cubits at the side. But according to Rab, it is well according to R. Meir, since what is meant by 'combine' may be that they combine to form four cubits at the side, but according to R. Judah, who says that even if there are four [handbreadths] the Sukkah is valid, what could be the meaning of 'they do not combine'? Are they not like mere sticks?⁶ — Since R. Meir said 'they combine', R. Judah said 'they do not combine'. It has been taught in agreement with Rab, and it has been taught in agreement with Samuel. 'It has been taught in agreement with Rab', If he covered the Sukkah with planks of cedar which are not four [handbreadths wide], it is valid according to all. If they have four [handbreadths], R. Meir declares it⁷ invalid and R. Judah valid. R. Judah said, It happened in a time of peril⁸ that we brought planks which were four [handbreadths wide]⁹ and we laid them over a balcony and sat under them. They¹⁰ said to him, Is this a proof? A time of peril is no proof.

'It has been taught in agreement with Samuel', If one covered the Sukkah with planks of cedar which are four [handbreadths wide] it⁷ is invalid according to all; if they have not four [handbreadths] R. Meir declares it⁷ invalid and R. Judah valid. But R. Meir admits that if there is a space of one plank between every two planks,¹¹ a man may place laths¹² between them and the Sukkah is valid,¹³ and R. Judah agrees that if he placed on it a plank four handbreadths wide, [although] the Sukkah is valid, a man may not sleep under it,¹⁴ and if he sleeps beneath it he has not fulfilled his obligation.¹⁵

It was stated: If he placed the planks¹⁶ on their sides,¹⁷ R. Huna declared it⁷ invalid,¹⁸ and R. Hisda and Rabbah son of R. Huna declared it valid.¹⁹ R. Nahman once came to Sura and R. Hisda and Rabbah son of R. Huna came in to him and asked, If he placed them on their sides, what is the law?²⁰ He said to them, It is invalid, since they are regarded as metal spits.²¹ R. Huna said to them, Did I not tell you, Say as I do? They answered him, Did then the Master give us a reason when he did not accept his ruling? He said to them, Did you ask me for a reason and I would not give you?

Can we say that the following provides support for his view:²² If [the Sukkah] cannot contain his head, the major part of his body and his table, or if a breach has been made in it²³ large enough for a kid to jump in headlong,²⁴ or if he placed on it a plank four handbreadths wide, even if only three handbreadths of it enter within, it²⁵ is invalid. How is this [last sentence]²⁶ meant? Surely that he placed them²⁷ on their sides?²⁸ — No! Here we are dealing with a case where he placed it²⁹ above the entrance of the booth,³⁰ with three [of the four handbreadths] within and one protruding outside, in which case it is considered as a lath protruding from the Sukkah, and every lath protruding from a Sukkah is regarded as [part of the] Sukkah.³¹

(1) Infra 17b.

(2) The ruling of R. Meir just cited.

(3) In the width of each board.

(4) Not in the middle of the roof where invalid material of the width of four handbreadths is sufficient to invalidate the Sukkah.

(5) Of the Sukkah, where invalid covering does not invalidate the Sukkah unless it covers four cubits of space.

(6) Which, obviously, do not combine to invalidate a Sukkah.

(7) The Sukkah.

(8) When the performance of religious rites was forbidden.

(9) Which the heathens did not suspect to serve any ritual purpose.

(10) The Rabbis who differed from his view.

(11) Irrespective of the size of the latter.

(12) Lit., 'refuse', sc. of the threshing-floor etc.

(13) This is explained infra 18a.

(14) The plank.

(15) Of living in a Sukkah.

(16) That were four handbreadths wide.

(17) Which were less than three handbreadths in width.

(18) For the reason given by R. Nahman infra.

(19) Since no house roof is constructed in such a manner there was no need to enact a preventive measure as in the case of flat-lying planks.

(20) They thought he might agree with their view.

(21) I.e., since a plank of four handbreadths is invalid, as is any metal object, in whatever position it is placed, it is still invalid.

(22) R. Nahman's.

(23) In one of the Sukkah walls near the ground.

(24) Without forcing its way in, i.e., one of three handbreadths.

(25) The Sukkah.

(26) That a plank of four handbreadths should cover only three.

(27) The planks.

(28) And covered all the Sukkah with them.

(29) One plank only.

(30) Sc. the side where there was no wall and to which the principle of 'curved wall' (v. supra 4a) does not apply.

(31) V. infra, 19a. Hence it is that the one handbreadth without is deemed to be added to the three within to constitute an invalid covering.

Talmud - Mas. Sukkah 15a

MISHNAH. IF A ROOF [OF TIMBER]¹ HAS NO PLASTERING, R. JUDAH SAYS THAT BETH SHAMMAI RULED THAT² HE SHOULD LOOSEN [ALL THE PLANKS] AND REMOVE ONE FROM BETWEEN EACH TWO,³ WHILE BETH HILLEL RULED HE SHOULD EITHER LOOSEN [THE PLANKS] OR REMOVE ONE FROM BETWEEN TWO. R. MEIR RULED, HE SHOULD REMOVE ONE FROM BETWEEN TWO, BUT NOT LOOSEN.⁴

GEMARA. It is well according to Beth Hillel; their reason is that 'Thou shalt make', [implies] but not from that which is [already] made,⁵ so that if he loosens [the planks] he performs an action,⁶ and if he removes one from between two he performs an action;⁶ but what is the reason of Beth Shammai? If it is that 'Thou shalt make' [implies] but not from that which is [already] made, one act only⁷ should be sufficient; if it is because of a restriction on account [of the possible use]⁸ of all ordinary roofing,⁹ it should suffice if he removes one from between two?¹⁰ — Indeed it is because of a restriction on account [of the possible use] of an ordinary roofing, but they mean thus: Even although he loosens them, if he removes one from between two,¹¹ it is [valid], otherwise it is not. If so, read the concluding [part:] R. MEIR RULED, HE SHOULD REMOVE ONE FROM BETWEEN TWO, BUT NOT LOOSEN. Is not R. Meir's view thus identical with that of Beth Shammai? — He¹² means thus: Beth Shammai and Beth Hillel did not dispute on this point.¹³ What [then] does [the Mishnah] teach us?¹⁴ That R. Meir holds that a preventive measure [has been enacted] against the possible use⁸ of an ordinary roofing, while R. Judah disregards the preventive measure against [the use of] an ordinary roofing? But have they not already disputed on this point, seeing that we have learnt, Planks may be used for the Sukkah covering, these are the words of R. Judah; R. Meir forbids them?¹⁵ — R. Hiyya b. Abba answered in the name of R. Johanan, The former Mishnah deals with planed boards¹⁶ and they forbade them as a preventive measure against [the possible use⁸ of] vessels.¹⁷ But according to Rab Judah who citing Rab said,¹⁸ 'If he covered the Sukkah with plain arrowshafts, it is valid; with bored arrow-shafts, it is invalid',¹⁸ and he does not restrict plain shafts on account of [the possible use of] bored ones; here also we should not restrict planed boards on account of [the possible use of] vessels? You are consequently obliged to say that the dispute in the former [Mishnah] is on the question whether a preventive measure against the possible use of an ordinary roofing has been enacted and that the dispute in the latter Mishnah is also on the same question; but why should they dispute the same question twice? — The latter [Mishnah] is what R. Judah said to R. Meir: 'Why [he said in effect] do you forbid planks?'¹⁹ As a preventive measure against [the possible use of] an ordinary roofing? But it is Beth Shammai only who hold this opinion while Beth Hillel do not enact any preventive measure'.²⁰ To this R. Meir answers that Beth Shammai and Beth Hillel do not dispute this point at all. This is correct according to Rab who says that the dispute²¹ is where the planks are four [handbreadths wide], since in such a case R. Meir holds that a preventive measure [has been enacted] against [the possible use of] an ordinary roofing while R. Judah disregards the preventive measure against all ordinary roofing; but according to Samuel, who says that the dispute²¹ is where the planks are not four [handbreadths wide], but that where they are four handbreadths wide all agree that it²² is invalid, on what principle do they dispute in the latter [Mishnah]?²³ They dispute on [the question of] the annulment of a roof.²⁴ One Master²⁵ holds the opinion that²⁶ by this means it becomes annulled,²⁷ while the other Master²⁸ holds the opinion that by this means it does not become annulled.²⁹

MISHNAH. IF ONE ROOFS HIS SUKKAH WITH IRON SPITS OR THE LONG BOARDS OF A BED,³⁰ AND THE SPACE BETWEEN THEM³¹ EQUALS THEM,³² IT³³ IS VALID. IF HE HOLLOWS OUT A HAYSTACK TO MAKE FOR HIMSELF A SUKKAH, IT IS NO VALID SUKKAH.

GEMARA. Can we say that this³⁴ is a refutation of R. Huna, the son of R. Joshua, since it was stated, If the breach is equal to that which is standing,³⁵ R. Papa says it is permitted,³⁶ and R. Huna the son of R. Joshua says it is forbidden?³⁷ — R. Huna the son of R. Joshua can answer, ‘What is meant by EQUALS THEM? That it can easily pass through them.’³⁸

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- (1) The planks of such a roof were usually no less than four handbreadths wide.
 - (2) If it is desired to use the room as a Sukkah.
 - (3) Being replaced by suitable material.
 - (4) Loosening being of no avail at all.
 - (5) Sc. from invalid materials or as a house and not as a Sukkah.
 - (6) For the express purpose of the Sukkah.
 - (7) Loosen or remove.
 - (8) As a Sukkah.
 - (9) V. supra 12a.
 - (10) By which the solidity of the roof is broken up.
 - (11) So that (a) he performs an act for the express purpose of the Sukkah and (b) he breaks up the solidity of the roof and there is no need to provide against the possible use of a solid roof for a Sukkah.
 - (12) R. Meir.
 - (13) Both agreeing as to the necessity for removing one from between two.
 - (14) By giving the views of R. Judah and R. Meir.
 - (15) Mishnah supra 14a.
 - (16) Less than four handbreadths in width, so that no preventive measure against the possible use of all ordinary roofing was necessary.
 - (17) Vessels are susceptible to ritual contamination and are, therefore, invalid for a Sukkah-covering. Planed boards are not proper ‘vessels’ and are not susceptible to ritual uncleanness, but, as they can be used for certain purposes, they are forbidden as a Sukkah-covering lest one regard proper vessels also as permitted.
 - (18) Supra 12b.
 - (19) In the Mishnah supra 14a.
 - (20) An objection thus arises against R. Meir: Why does he adopt the view of Beth Shammai against the more authoritative one of Beth Hillel?
 - (21) Between R. Meir and R. Judah.
 - (22) The Sukkah.
 - (23) Sc. since the planks in an ordinary roof are usually no less than four handbreadths wide why does R. Judah maintain that according to Beth Hillel the Sukkah is nevertheless valid?
 - (24) Sc. whether what was once a roof can be annulled by removing planks, or by the performance of any other act which indicates that the man is aware that a Sukkah is valid only if it was made for the purpose.
 - (25) R. Judah.
 - (26) According to Beth Hillel.
 - (27) No preventive measure being deemed necessary.
 - (28) R. Meir.
 - (29) Even according to Beth Hillel, a preventive measure having been enacted.
 - (30) Iron spits, since they are metal, and side pieces of a bed since they are ‘vessels’ are invalid for a Sukkah since they are susceptible to ritual uncleanness.
 - (31) Which is filled in with a valid Sukkah-covering.
 - (32) I.e., their thickness.
 - (33) The Sukkah.

(34) The first ruling in our Mishnah.

(35) This deals with a barrier for the purpose of establishing a private enclosure to carry within it on the Sabbath.

(36) To carry objects within the enclosure.

(37) 'Er. 15b. Now since in the circumstances mentioned a partition is invalid in the case of the Sabbath why is the roof valid in that of Sukkah?

(38) Sc. between the spits or boards, so that the space between, which will be covered with suitable materials, is slightly wider.

Talmud - Mas. Sukkah 15b

But is it not possible to measure them exactly'?¹ — R. Ammi answered, This is a case where he makes it larger.² Raba said, one can even say that he does not make it larger, but if they³ were placed as the web, he places [the valid covering] as the woof; if as the woof, he places them as the web.⁴ OR THE LONG BOARDS OF A BED. Can we say that this⁵ confirms [a statement of] R. Ammi b. Tabyomi, for R. Ammi b. Tabyomi said, If he covered the Sukkah with discarded⁶ vessels it is invalid? — [No,] as R. Hanan said elsewhere in the name of Rabbi, 'With the long board and two legs, or with the short board⁷ and two legs',⁸ so here also it may refer to the long board and two legs, or the short board and two legs.⁹ Where was this statement of R. Hanan in the name of Rabbi stated? — In connection with what we have learnt:

(1) The questioner assumed that the previous answer meant that the phrase EQUALS THEM denotes a space between boards and the like which is usually larger than the objects between which it intervenes.

(2) I.e., the Mishnah actually referred only to a case where one did make it larger.

(3) The boards or the spits.

(4) I.e., the valid covering is placed crosswise to the invalid, and, therefore, always exceeds it in volume.

(5) The prohibition to use boards that can no longer be regarded as 'vessels' on account of having once formed a part of a 'vessel'.

(6) Lit., 'worn out'.

(7) The short boards are at the head and foot of the bed, the long at the sides. V. Kelim XVIII, 5.

(8) It will be explained infra why these may be regarded as vessels and what purpose they can serve.

(9) Which may be regarded as a proper vessel.

Talmud - Mas. Sukkah 16a

A bed can become unclean [only] when it is assembled¹ and be rendered clean only when it is assembled, these are the words of R. Eliezer, but the Sages say, it can become unclean when it is in parts and become clean when in parts.² What are [these parts]? — R. Hanan said in the name of Rabbi, The long board and two legs or the short board and two legs. For what is it³ fit?⁴ — For placing against a wall and sitting upon it, and for tying it with ropes.⁵

[Reverting to] the main text: 'R. Ammi b. Tabyomi said, If he covered with discarded vessels it is invalid'. What are discarded vessels? — Abaye said, Small strips of cloth less than three [handbreadths] square which are unfit to be used either by rich or by poor. It has been taught in agreement with R. Ammi b. Tabyomi: In the case of a matting of rushes or straw, the remnants thereof, even if diminished,⁶ may not be used for a Sukkah-covering;⁷ in that of a mat of reeds, a large one⁸ may be used for a Sukkah-covering, a small one⁹ may not be used for a Sukkah-covering.¹⁰ R. Eliezer said, The former also is susceptible to [ritual] uncleanness¹¹ and may not be used as a Sukkah-covering.¹²

IF HE HOLLOWS OUT A HAYSTACK. R. Huna said, This only refers to where there is not a hollow of one handbreadth [in height] extending to seven [handbreadths square],¹³ but if there is a hollow of one handbreadth extending to seven, it is a [valid]¹⁴ Sukkah. So it has also been taught; If

he hollows out a haystack to make for himself a Sukkah, it is a [valid] Sukkah. But have we not learnt, IT IS NO SUKKAH? Deduce, therefore, therefrom [that the explanation is] according to R. Huna. This is conclusive.

Some put it¹⁵ in the form of a contradiction. We have learnt: IF HE HOLLOWS OUT A HAYSTACK TO MAKE FOR HIMSELF A SUKKAH, IT IS NO SUKKAH. But has it not been taught that it is [a valid] Sukkah? — R. Huna answered, There is no difficulty. The latter refers to where there is a hollow of a handbreadth extending to seven [handbreadths]¹³ while the former refers to where there is no hollow of a handbreadth extending to seven [handbreadths].

MISHNAH. IF ONE SUSPENDS THE WALLS¹⁶ FROM ABOVE DOWNWARDS,¹⁷ IF THEY¹⁸ ARE HIGHER THAN THREE HANDBREADTHS FROM THE GROUND, IT IS INVALID. IF HE RAISES THEM FROM THE BOTTOM UPWARDS, IF THEY BE TEN HANDBREADTHS HIGH, IT IS VALID.¹⁹ R. JOSE SAYS, JUST AS FROM THE BOTTOM UPWARDS A HEIGHT OF TEN HANDBREADTHS SUFFICES SO FROM THE TOP DOWNWARDS DOES A HEIGHT OF TEN HANDBREADTHS [SUFFICE].

GEMARA. On what principle do they²⁰ differ? — One Master²¹ holds the opinion that a hanging partition²² renders [the Sukkah] valid, and the other Master²³ holds the opinion that a hanging partition does not render it valid.²⁴

We have learnt elsewhere, If there be a cistern between two courtyards,²⁵ they²⁶ may not take water therefrom on the Sabbath,²⁷ unless a partition ten handbreadths high be made either from above, or from below,²⁸ within²⁹ its rim.³⁰ R. Simeon b. Gamaliel says,

(1) When all its parts are joined together.

(2) Kelim XVIII, 9.

(3) The long or short board with the legs.

(4) That it should in consequence have the status of a 'vessel'.

(5) To form a couch (v. Rashi). [Aliter: and to sit upon it for twisting ropes. Cf. Aruch; MS.M. omits 'and sitting upon it', which Rashi also did not seem to read.]

(6) From the minimum required to make them susceptible to uncleanness, i.e., six handbreadths square, v. Kel. XXVII, 2.

(7) Since in origin they constituted a vessel.

(8) Which cannot be regarded as a 'vessel' since it is usually used as a covering.

(9) Which may be regarded as a vessel.

(10) On account of its susceptibility to ritual uncleanness.

(11) In his opinion a large one also is used as a rule for sitting purposes and must, therefore, be regarded as a vessel.

(12) V. infra Mishnah I, 11.

(13) The minimum size of a Sukkah.

(14) [The reason for invalidating a Sukkah which has been hollowed out of the haystack is as stated supra 12a "thou shalt make" which implies but not from that which has been made'. This reservation it is to be noted applies only to the Sukkah-covering but not to the walls. Now, if in piling up the haystack there was left a space below of the mentioned dimensions, the top of the haystack can be said to have been constructed in the very first instance to provide a covering (for the space below) and as such is valid for the Sukkah which has been hollowed out. Where, however, there was no such space left in the first instance, the covering which the top of the haystack provides comes into existence only as the automatic result of the hollowing out and consequently is invalid for the Sukkah; so Rashi. For another interpretation v. R. Han.]

(15) R. Huna's explanation.

(16) Of a Sukkah.

(17) This refers, of course, to walls woven from reeds, branches or textile.

(18) Sc. their lower ends.

- (19) Even though they do not reach the roof.
- (20) R. Jose and the first Tanna in our Mishnah.
- (21) R. Jose.
- (22) If it is ten handbreadths high.
- (23) The first Tanna.
- (24) When its lower end, however, is within three handbreadths from the ground it is no longer regarded as a hanging partition but as one resting on the ground.
- (25) Between which there was no 'erub (v. Glos.), and one half of the cistern was in one courtyard while the other half was in the other courtyard, and the partition between the courtyards was suspended above the cistern.
- (26) The tenants of either courtyard.
- (27) Since each group of tenants would thereby be carrying the water of the other group from the latter's domain into their own.
- (28) Near the water.
- (29) Cf. Rashi. Lit., 'or within', referring to 'from above'.
- (30) This is a special relaxation of the law of partitions in the case of water. Where the suspended partition, however, is without the rim, as is the case with the wall between the courtyards, since it was not especially made for the water, it cannot be regarded as valid.

Talmud - Mas. Sukkah 16b

Beth Shammai say, [The partition may be suspended] from above, and Beth Hillel say, Only from below. R. Judah said, A partition¹ should not be [subjected to] greater [restrictions] than the wall between them.² Rabbah b. Bar Hana said in the name of R. Johanan, R. Judah spoke according to the view of R. Jose³ who said that a hanging partition validates. But in fact it is not so! Neither does R. Judah hold the opinion of R. Jose,⁴ nor does R. Jose hold the opinion of R. Judah.⁵ 'R. Judah does not hold the opinion of R. Jose', for R. Judah speaks only there with regard to the 'erub of courtyards,⁶ which is a Rabbinical injunction, but here, with regard to the Sukkah which is a Pentateuchal commandment, he does not [say so]. 'Nor does R. Jose hold the opinion of R. Judah,' for R. Jose speaks only here with regard to the Sukkah which is merely a positive commandment⁷ but with regard to the Sabbath, the interdiction of which involves stoning, he does not say so.⁸ And if you will retort⁹ with regard to the incident which occurred at Sepphoris,¹⁰ on whose authority was it done?¹¹ Not on the authority of R. Jose,¹² but on that of R. Ishmael son of R. Jose.¹³ What was this incident? — [That concerning which] when R. Dimi came¹⁴ he related that on a certain occasion they forgot to bring a Scroll of the Law¹⁵ on the eve of the Sabbath. On the morrow, they stretched sheets over the pillars¹⁶ and¹⁷ brought the Scroll of the Law and read therein. Can it mean that they [really] spread them out? Whence then did they bring them on the Sabbath?¹⁸ — Rather they found sheets [already] spread over the pillars, and therefore they brought the Scroll of the Law and read therein. R. Hisda stated in the name of Abimi, A matting slightly more than four handbreadths [wide] is permitted as a Sukkah wall.¹⁹ How does one place it? — One suspends it in the middle less than three [handbreadths] from the ground and less than three from the top,²⁰ and whatever [space] is less than three handbreadths is treated as labud.²¹ But is not this obvious? — One might have said that we apply the law of labud once, but we do not apply labud twice [to the same wall], therefore he informed us of this. It was objected: A matting slightly more than seven [handbreadths] is permitted as a Sukkah wall!²² — With reference to what was this taught? With reference to a large Sukkah,²³ and what does it inform us?²⁴ That walls may be suspended from above downwards in agreement with R. Jose.²⁵

R. Ammi said, A board which is slightly more than four [handbreadths] wide²⁶ is²⁷ permitted for a Sukkah wall when he places it less than three [handbreadths] from the termination of the adjacent wall, since a space less than three [handbreadths] is²⁸ treated as labud.²⁹ What does he inform us? — He informs us this: That the minimum extent of a small Sukkah is seven [handbreadths].

- (1) Within the cistern.
- (2) The two courtyards, 'Er. 86b. I.e. the wall alone, though suspended above the cistern, is a valid partition in respect of the movement of objects on the Sabbath.
- (3) Of our Mishnah.
- (4) That a suspended partition is valid in a Sukkah.
- (5) That a suspended partition is valid on the Sabbath in the case of the cistern.
- (6) V. supra 3b.
- (7) The punishment for which transgression is comparatively mild.
- (8) Even in the case of a Rabbinical injunction.
- (9) Since R. Jose does not agree with R. Judah in the case of Sabbath.
- (10) V. infra, where a suspended partition was treated as valid in the case of Sabbath.
- (11) Seeing that R. Jose who was the rector of the academy of Sepphoris (v. Sanh. 32b) did not agree with such a view.
- (12) Who at that time was no longer alive.
- (13) His son.
- (14) From Palestine to Babylon.
- (15) The Scroll was in one of the houses of the courtyard where stood the Synagogue. As there was no 'erub prepared it was forbidden to carry from the house to the Synagogue on the Sabbath, and they, therefore, adopted the following device.
- (16) That were situated between the house and the Synagogue.
- (17) Having thus formed a sort of private domain.
- (18) When the carrying of objects is forbidden.
- (19) If it is as long as the required wall.
- (20) The Sukkah referred to is one that is exactly ten handbreadths high, and the placing of a matting slightly more than four in the middle leaves a space of less than three on either side.
- (21) V. supra 6b, and Glos.
- (22) Since it prescribes the minimum of seven handbreadths, it follows that only one labud is permitted.
- (23) I.e., one more than ten handbreadths in height which precludes the assumption of more than one labud. All that can be done is to suspend the mat at a distance of less than three handbreadths from the roof so that its size (being slightly more than seven handbreadths) combines with the space between it and the roof (which is somewhat less than three handbreadths) to constitute (by the rule of labud) a suspended wall of ten handbreadths in height.
- (24) Sc. is it not obvious that a ten handbreadths high wall is valid?
- (25) Supra.
- (26) And is ten handbreadths high.
- (27) Placed vertically.
- (28) By the rule of labud.
- (29) And thus a wall of the prescribed minimum length of seven handbreadths is obtained.

Talmud - Mas. Sukkah 17a

MISHNAH. IF ONE REMOVED THE SUKKAH-COVERING THREE HANDBREADTHS¹ FROM THE WALLS, IT IS INVALID.² IF [THE ROOF OF] A HOUSE IS BREACHED,³ AND HE PLACED A SUKKAH-COVERING OVER IT, IF THERE IS A DISTANCE OF FOUR CUBITS FROM THE WALL TO THE COVERING, IT IS INVALID.⁴ SIMILARLY IN THE CASE OF A COURTYARD WHICH IS SURROUNDED BY AN EXEDRA.⁵ IF [THE COVERING OF] A LARGE SUKKAH WAS SURROUNDED WITH A MATERIAL WHICH IS INVALID FOR A SUKKAH-COVERING, IF THERE IS A SPACE OF FOUR CUBITS⁶ BENEATH IT, IT IS INVALID.⁷

GEMARA. Why are all these [rulings]⁸ needed? — It is necessary [to state them all]. For if he⁹ had only informed us of [the roof of] a house which is breached, [one would have said that the validity¹⁰ applied to this case only] because the partitions are made for the house,¹¹ but in the case of a courtyard which is surrounded by an exedra, where the partitions are not made for the exedra it does not apply;¹² and if he had informed us of those two,¹³ [one would have said that the validity¹⁰ applied to these cases only] because their covering might be a valid covering,¹⁴ but in the case of a large Sukkah which is surrounded with a material which is invalid for a Sukkah-covering, since the very material of the covering is invalid, it does not apply, [therefore it is] necessary [to mention all].

Rabbah stated, I found the Rabbis of the College of Rab sitting and saying,¹⁵ ‘An air space invalidates¹⁶ if it is three [handbreadths wide]; an invalid covering invalidates¹⁶ if it is four [handbreadths wide]’, and I said to them, Whence do you know that an air space of three [handbreadths] invalidates? [Presumably] because we learned: IF THE SUKKAH-COVERING IS THREE HANDBREADTHS DISTANT FROM THE WALLS, IT IS INVALID. [But if so,] invalid Sukkah-covering too should not invalidate¹⁶ unless it extends to four cubits, since we have learnt: IF [THE ROOF OF] A HOUSE IS BREACHED AND HE PLACED A SUKKAH-COVERING OVER IT, IF THERE IS A DISTANCE OF FOUR CUBITS FROM THE WALL TO THE COVERING, IT IS INVALID. And they said to me, This is no evidence¹⁷ since Rab and Samuel both say that¹⁸ the reason of its validity is because [the roof is regarded as the continuation] of a ‘curved wall’;¹⁹ and I said to them, What [would the law be] if the invalid Sukkah-covering were less than four [handbreadths], with an air space²⁰ of less than three [handbreadths]? [Surely] it would be valid.²¹ And what if he filled in this space with spits?²² [Surely] it would be invalid.²³ Now should not an air-space which invalidates with three [handbreadths]²⁴ be treated like invalid covering which only invalidates with four?’²⁵ And they answered me, ‘If so, then even according to you, who say that invalid covering invalidates only if there are four cubits, how [would it be] if there was invalid covering of less than four cubits, and [next to it] an air space of less than three handbreadths? [Surely] it would be valid. And if he filled in this space with spits? [Surely] it would be invalid. Now [can it not similarly be argued] should not an air space which invalidates with three [handbreadths] be like the Sukkah-covering which invalidates [only] if there are four cubits?’ And I answered them, ‘How can you compare the two cases? It is well according to me who say four cubits,

(1) Horizontally.

(2) Since the mere air cannot be regarded as a valid part of either the roof or the walls.

(3) In the centre at some distance from the walls.

(4) Since the portion of the roof that intervenes between the walls and the valid covering constitutes a break. If the distance, however, is less than four cubits each wall and the portion of the roof adjacent to it is regarded as one ‘curved wall’ reaching from the ground to the valid covering (v. supra 4a). It is forbidden to use the portion of the Sukkah under the solid roof but the centre of the house is regarded as a valid Sukkah.

(5) A peristyle. A roof projects from the sides of the courtyard in front of the houses that surround it while the centre of the courtyard is exposed. If this centre has been covered with the proper materials the courtyard is subject to the same laws as the house spoken of in the previous clause.

- (6) Between the walls and the valid covering.
- (7) Cf. supra n. 3 mut. mut.
- (8) All of which are based on the principle of the inadmissibility of a 'crooked wall' where the invalid part of the roof is no less than four cubits in width.
- (9) The author of our Mishnah.
- (10) Where the distance is less than four cubits.
- (11) And the house becoming a Sukkah, the 'partitions', i.e., the walls, are, on the principle of the 'curved wall', regarded as the valid walls of the Sukkah also.
- (12) But for the houses, in consequence of which they cannot be regarded as the walls of the Sukkah either.
- (13) House and courtyard.
- (14) Its inadmissibility being due entirely to the fact that it was not originally intended as a Sukkah-covering.
- (15) In the name of Rab.
- (16) An entire Sukkah.
- (17) Lit., 'with the exception of this'.
- (18) In our Mishnah.
- (19) Lit., 'crooked wall', while they spoke of invalid covering that was far removed from the walls and that could not consequently be treated as a continuation of these walls.
- (20) Next to it.
- (21) Since the invalid covering is less than the prescribed minimum.
- (22) Which owing to their susceptibility to ritual uncleanness are invalid for a Sukkah-covering.
- (23) Since there are now more than four handbreadths of invalid covering, whereas hitherto whilst it was air space the Sukkah was not invalidated.
- (24) And which is, therefore, more serious.
- (25) And consequently the Sukkah under discussion would be invalidated by the air space though it is less than three handbreadths.

Talmud - Mas. Sukkah 17b

because [in this case the validity of the Sukkah depends on] whether there is the standard size¹ or not, and here² there is not the standard size, for since their standard sizes³ are unequal, they do not combine; but according to you, who say that the size is solely dependent on the principle of division⁴ what does it matter whether the division is made through invalid covering, or through invalid covering and space?' Abaye said to him, And according to the Master also, admitted that their standards are unequal in a large Sukkah, but in a small Sukkah are they not equal?⁵ — He answered, The reason there⁶ is not because the standards are equal, but because there is not the [minimum] size of a Sukkah remaining.⁷

Do we not then combine standards when they are unequal? Have we not in fact learnt: A garment that is three [handbreadths] square, sacking four handbreadths square, leather five handbreadths square and matting six handbreadths square⁸ [are susceptible to uncleanness]. And it has been taught concerning this: Garments and sacking, sacking and leather, leather and matting combine with one another?⁹ — In that case the reason has been given, as R. Simeon said, 'What is the reason?¹⁰ Since they¹¹ are susceptible to uncleanness¹² if [a man with running issue] sits on them, as we have learnt: If he cuts from any one of them¹³ a piece one handbreadth square, it is susceptible to uncleanness'.¹⁴ To what use can a piece one handbreadth square be put? — R. Simeon b. Lakish in the name of R. Jannai replied, It can be used as a patch¹⁵ for [the saddle of] an ass.¹⁶

In Sur:¹⁷ they taught this decision¹⁸ in the above words;¹⁹ in Nehardea²⁰ they taught [as follows]:²¹ Rab Judah said in the name of Samuel, Invalid covering in the middle [of the Sukkah] invalidates²² if it is four [handbreadths wide]; at the side only if it is four cubits wide; while Rab says, Whether in the middle or at the sides, [it invalidates] only if it is four cubits wide.

We have learnt: If he placed over it²² a plank four hand breadths wide,²³ it is valid.²⁴ It is well according to Rab who says that whether in the middle or at the sides [the invalid covering must be no less than] four cubits [to invalidate it]; for this reason it is [here] valid; but according to Samuel who says that at the middle a width of four [handbreadths invalidates], why is it here valid? — Here it is a case where [the plank was placed at] the side. Come and hear: Two sheets combine,²⁵ two boards do not combine.²⁶ R. Meir says, Boards are like sheets.²⁷ It is well according to that version which says that Rab says that ‘whether in the middle or at the sides [it invalidates only] if it is four cubits wide;’ for thus by ‘combine’ was meant, Combine to make four cubits; but, according to the version which says that Rab says that, in the middle [even, only] four handbreadths [width of invalid covering] invalidates, what kind of boards are we to imagine? If they are each four handbreadths wide, why need they combine? And if they are each less than four handbreadths wide, they are mere sticks!²⁸ — This is indeed a case where they are each four handbreadths wide; and what does ‘combine’ mean? That they combine to make up four cubits at the side.²⁹

Come and hear: If he covered the Sukkah with planks of cedarwood which are four [handbreadths wide], according to all it is invalid; if they have not four handbreadths in their width, R. Meir declares it³⁰ invalid and R. Judah declares it valid,

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- (1) To invalidate a Sukkah; the standard being received as Sinaitic tradition.
 - (2) In the case of the Sukkah under consideration.
 - (3) For invalid covering and for air space.
 - (4) The standard of four handbreadths in connection with invalid covering has no basis in tradition, it not being mentioned even in the Mishnah; it has been fixed merely on the principle that four handbreadths represent a ‘division, i.e., the minimum size of a separate place, breaking up the unity of the Sukkah.
 - (5) A Sukkah of minimum size, i.e., of seven handbreadths square, is invalid if there are either three handbreadths of invalid covering or of air space; why then should not the two combine?
 - (6) In the case of a small Sukkah where three handbreadths of air space or invalid covering equally invalidate.
 - (7) As the standards are still different they cannot be combined.
 - (8) By reason of a man with an impure issue sitting or treading on it. Kel. XXVII, 2.
 - (9) To form the prescribed larger size.
 - (10) That the various materials enumerated may be combined.
 - (11) Separately.
 - (12) The same standard of size applying to each material.
 - (13) The materials just mentioned.
 - (14) Kel. XXVII, 4.
 - (15) So Aruch. V. marg. glos. Cur. edd. in parenthesis ‘to take it’,
 - (16) Upon which a man is able to sit.
 - (17) The seat of the College of Rab.
 - (18) Of Rab, that invalid covering to the extent of four handbreadths causes the invalidity of a Sukkah.
 - (19) That Rabbah found the Rabbis of the College of Rab etc. (supra 17a).
 - (20) The seat of the College of Samuel.
 - (21) Viz., that Rab did not make the statement but that the question was a point at issue between Rab and Samuel.
 - (22) A Sukkah.
 - (23) Presumably even where the plank was placed in the middle of the roof.
 - (24) Supra 14a.
 - (25) To constitute the prescribed minimum to invalidate the Sukkah on account of their susceptibility to ritual uncleanness.
 - (26) To form the prescribed minimum, to invalidate a Sukkah as a preventive measure against the possible use of boards all along the roof.
 - (27) Supra 14a and b.
 - (28) Which are surely a valid Sukkah-covering.
 - (29) Of the Sukkah.

Talmud - Mas. Sukkah 18a

but R. Meir admits that if there is the space of one plank between every two planks that one may place laths between them and it is valid.¹ It is well according to him who says that whether in the middle or at the sides it needs four cubits [of invalid covering to invalidate a Sukkah], for this reason it is here valid;² but according to him who says that in the middle four [handbreadths of invalid covering invalidate] why is it valid?³ — R. Huna the son of R. Joshua answered, We are dealing here with a Sukkah which measures no more than a bare eight [cubits], and he places [alternately] plank and lath, plank and lath, plank and lath on one side and [similarly] plank and lath, plank and lath, plank and lath on the other side, so that there are two laths in the middle, and thus a valid Sukkah is formed in the middle.⁴

Abaye ruled, An air space of three handbreadths in a large Sukkah which is diminished with either sticks or spits⁵ is a [valid] diminution;⁶ in a small Sukkah,⁷ with sticks it is a [valid] diminution,⁸ with spits an invalid one.⁹ This¹⁰ applies only to the side,¹¹ but as regards the middle, R. Aha and Rabina differ. One says, The rule of labud¹² applies in the middle,¹¹ while the other says, The rule of labud does not apply in the middle.

What is the reason of him who says that the rule of labud applies in the middle? — Because it has been taught, If a beam protrudes from one wall but does not touch the opposite wall, and similarly in the case of two beams, one protruding from one wall and one from the other and not touching each other, if [the space between¹³ is] less than three [handbreadths] it is unnecessary to provide another beam;¹⁴ if it is three [handbreadths] it is necessary to provide another beam.¹⁵ And [what does] the other¹⁶ [answer to this]? — Beams¹⁷ are different [from a Sukkah]¹⁸ since [their erection is merely] a Rabbinical measure.¹⁹

What is the reason of him who says that the rule of labud is not applied in the middle? — Because we learned: If a skylight in [the roof of] a house was of one handbreadth square, and there was an object of uncleanness in the house, all the house is unclean, but what is directly below the skylight is clean.²⁰ If the unclean object is directly below the skylight, the whole house is clean. If the skylight was less than a handbreadth square, and there was an unclean object in the house, what is directly below the skylight is clean; if the unclean object is directly below the skylight, the whole house is clean.²¹ And [what does] the other²² [say]?²³ — The laws of uncleanness differ [from those of Sukkah] since there is a tradition to that effect.²⁴

R. Judah b. Ila'i expounded, If [the roof of] a house is breached, and he placed a Sukkah-covering over it, it²⁵ is valid.²⁶ R. Ishmael son of R. Jose said to him, Master, explain [thy words]. Thus my father²⁷ explained it: If there are four cubits²⁸ it²⁵ is invalid,²⁶ if less than four cubits, it is valid.

R. Judah b. Ila'i expounded, Abruma²⁹ is permitted. R. Ishmael son of R. Jose said to him, Master, explain [thy words]. Thus said my father, Those from such and such a place are forbidden,³⁰ and from such and such a place are permitted.³¹ This is analogous to that which Abaye said; the zahantha³² of Bab Nahara³³ are permitted. What is the reason? If you will say that it is because there is a swift current there, and an unclean fish, since it has no spinal cord, cannot exist therein, [it could be retorted that] we see that they do exist [in rivers with rapid currents]. Will you then say that it is because it has salt water, and 'an unclean fish, since it has no scales, cannot exist [in salt water, it could be retorted that] we see that they do exist? — The reason in fact is that the muddy nature of this river does not allow unclean fish to breed in it. Rabina said, But at the present time that the River Ethan³⁴ and the River Gamda flow therein, they³⁵ are forbidden.³⁶

It was stated, If a man placed a Sukkah-covering over an exedra³⁷ which has door-frames,³⁸ it is valid;³⁹ if it has no door-frames, Abaye declares it⁴⁰ valid and Raba declares it invalid. Abaye declares it valid [since]

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- (1) Supra 14b.
 - (2) Since each board is less than four cubits in width.
 - (3) Is not each single board sufficient to cause invalidity?
 - (4) Eight cubits equal forty-eight handbreadths which are duly covered by the six planks (six times four is twenty-four handbreadths) and the latter which also total six times four is twenty-four handbreadths, but the alternation of planks and laths is as follows (P is plank, L is lath) PLPLPLLPLPLP. The eight handbreadths in the middle represented by LL constitute a valid Sukkah, the next being regarded as continuations of the walls, since on any side they are less than four cubits in extent.
 - (5) Sticks are a valid, spits an invalid covering.
 - (6) And the Sukkah is valid, since there is now neither the minimum of air space nor the minimum of invalid covering to cause invalidity.
 - (7) Sc. one of minimum size.
 - (8) Since by the rule of labud the air space is deemed to be non-existent.
 - (9) Because the air space and the spits, which together extend along three handbreadths cannot be regarded as a valid part of the roof and the Sukkah (being of the minimum size) is thus reduced to less than the prescribed minimum.
 - (10) That an air space less than three handbreadths causes no invalidity.
 - (11) Of the Sukkah.
 - (12) V. supra 6b.
 - (13) The beam and the wall or the two beams.
 - (14) To make the necessary enclosure in connection with the movement of objects in an alley on the Sabbath.
 - (15) 'Er. 14a. As the rule of labud is applied to the air space between the two beams so it is applied to an air space in the middle of a Sukkah.
 - (16) Who does not apply the rule of labud to an air space in the middle.
 - (17) To make the necessary enclosure in connection with the movement of objects in an alley on the Sabbath.
 - (18) Which is a Pentateuchal ordinance.
 - (19) Pentateuchally the movement of objects is permitted even in the absence of a beam.
 - (20) From which it follows that the space of the skylight is not regarded as labud making the whole roof one and everything within the room unclean.
 - (21) Ohal. X, 1.
 - (22) Who applies the rule of labud in the middle.
 - (23) Sc. how can he maintain his ruling in view of the Mishnah just cited?
 - (24) As the tradition was received in connection with the former it cannot be applied to the latter.
 - (25) The house.
 - (26) As a Sukkah.
 - (27) R. Ila'i.
 - (28) Of solid roof between the walls and the valid covering.
 - (29) A species of very small fish (Rashi), brine of a certain fish (Jast.).
 - (30) Since in that place very small insects abound in the water and it is difficult to remove them from the fish (Rashi).
 - (31) Since no insects live in that water.
 - (32) A species of small fish.
 - (33) The river Bab. A tributary of the Euphrates.
 - (34) In A.Z. 39a: Goza.
 - (35) The zahantha.
 - (36) Either because the unclean insects of those rivers flow into it, or because their streams purify the waters of the Bab and turn them into a suitable breeding ground for the unclean insects. V. A.Z., Sonc. ed., p. 191 notes.
 - (37) V. note on our Mishnah. The edge of the exedra was removed from the inner wall of the courtyard more than four cubits.
 - (38) The exedra being separated from the courtyard by a sort of colonnade each column in which is less than three

handbreadths distant from the other.

(39) Since the space between the door-frames is less than three handbreadths we apply the law of labud whereby they are regarded as one solid wall. In the absence of the colonnade the Sukkah, sc. the centre portion with the valid covering, has no walls since the courtyard walls which are separated from it by more than four cubits cannot serve as its walls to the Sukkah.

(40) The Sukkah.

Talmud - Mas. Sukkah 18b

we say that the edge of the roof [of the exedra is regarded as though it] descends and fills up [the space],¹ while Raba says it is invalid, since we do not say that the edge of the roof descends and fills up [the space]. Said Raba to Abaye, According to you who say that the edge of the roof [is regarded as though it] descends and fills in [the space, is a Sukkah valid] even if the middle wall is missing?² He answered him, In that case I agree with you [that the Sukkah is invalid] since it would be like an alley-way that is open on two opposite sides.

Must we say that Abaye and Raba differ on the same principle as that on which Rab and Samuel differed for it was stated, If an exedra was in a field,³ Rab declares that it is permitted to carry [on the Sabbath] over the whole extent of it, since we say that the edge of the roof descends and fills in the space,⁴ while Samuel said that it is forbidden to carry in it except within four cubits, since we do not say that the edge of the roof descends and fills in [the space]?⁵ — [No!] With regard to the opinion of Samuel neither of them⁶ disagrees;⁷

(1) And this forms a wall on every side of the Sukkah.

(2) Sc. if a Sukkah is erected with only the two opposing sides, are the planks of the roof regarded as descending to form the missing walls?

(3) I.e., one that has a roof but is without walls.

(4) Forming walls around it.

(5) V. 'Er., Sonc. ed., p. 654 notes. Win then Abaye's view agree only with that of Rab, and Raba's only with that of Samuel?

(6) Not even Abaye.

(7) That the edge of the exedra cannot be regarded as descending and forming walls for the Sukkah. For if in the case of the Sabbath where the roof was made for the exedra its edge is not regarded as descending and forming walls how much less could an edge be regarded as descending and forming walls in the case of a Sukkah where the roof was made for the exedra and not for the Sukkah.

Talmud - Mas. Sukkah 19a

they only differ with regard to the opinion of Rab. Abaye agrees with Rab, while Raba can say that Rab ruled then only in that case,¹ since the partitions² are made for the exedra, but in the case here,³ since they are not made for this purpose [he would] not [rule thus].⁴

We have learnt: SIMILARLY IN THE CASE OF A COURTYARD WHICH IS SURROUNDED WITH AN EXEDRA.⁵ But why?⁶ Should it not rather be assumed that the edge of the roof descends and fills in [the space]?⁷ — Raba explained according to Abaye that this is a case where one made the beams level.⁸

In Sura⁹ they taught these statements¹⁰ in the above form. In Pumbeditha¹¹ they taught [them as follows]: If a man placed a Sukkah-covering over an exedra which has no door-frames, it is invalid according to all.¹² If it has door-frames.¹³ Abaye declares it valid, while Raba declares it invalid. Abaye declares it valid, since we apply the law of labud,¹⁴ Raba declares it invalid, since we do not apply the law of labud;¹⁵ but the law is according to the former version.¹⁶

R. Ashi found R. Kahana placing a Sukkah-covering over an exedra which had no door-frames.¹⁷ He said to him, Does not the Master hold the opinion which Raba stated, that if it has door-frames it is valid, but if it has no door-frames it is invalid? — He showed him [that a door-frame] was visible within though level on the outside, or visible from without, though level from within,¹⁸ for it has been stated, ‘If it¹⁹ is visible from without and level from within,²⁰ it is regarded as a valid side-post’,²¹ and a side-post is in this respect like door-frames. A Tanna taught: Laths projecting from a Sukkah are regarded as the Sukkah.²² What is meant by ‘laths projecting from a Sukkah’? — ‘Ulla replied, Sticks²³ projecting beyond the back²⁴ of the Sukkah. But do we not need three walls?²⁵ — [This refers to a case] where there were [three walls]. But do we not need the size²⁶ prescribed as a minimum for the validity of a Sukkah? — [This refers to a case] where there was [the size prescribed as a minimum for the validity of a Sukkah]. But do we not need that the shade should exceed the sun? — [This refers to] where there was [more shade than sun]. If so,²⁷ what need was there to state it? — One might have said that since they²⁸ were made for the inside but not for the outside it²⁹ is not [valid], therefore he informs us [that it is valid]. Rabbah and R. Joseph both stated: This³⁰ refers to sticks projecting in front of a Sukkah³¹ one wall of which continues with them. As one might have said that it does not contain the prescribed minimum for the validity of a Sukkah,³² therefore he informs us [that it is valid].³³

Rabbah b. Bar Hana said in the name of R. Johanan, This³⁰ is necessary only in the case of a Sukkah, most of which has more shade than sun, while a minor part of it has more sun than shade. As one might have said that this small portion³⁴ invalidates it, therefore he informs us [that it does not]. What then is meant by ‘going out’?³⁵ [It means] going out from the validity of a Sukkah. R. Oshaia said, This³⁰ is necessary only in the case of a small Sukkah³⁶ which has invalid Sukkah-covering to an extent of less than three [handbreadths]; and what is meant by ‘going out’?³⁷ Going out from the laws applicable to a Sukkah.³⁸ R. Hoshiah demurred: Let it³⁹ be regarded as no better than air space, does then air space of less than three [handbreadths] invalidate a small⁴⁰ Sukkah?⁴¹ — R. Abba answered him, [The difference is that] in the former case³⁹ it combines [with the rest of the Sukkah] and it is permitted to sleep under it;⁴² in the latter case⁴³ it does not combine and it is forbidden to sleep under it. But is there anything which itself is invalid and yet combines [with another thing to become valid]? — R. Isaac b. Eliashib answered, Yes!

(1) Sabbath.

(2) Sc. the edge of the roof of the exedra which is assumed to descend and to form partitions.

(3) Sukkah.

(4) Cf. supra n. 5 mut. mut.

(5) If the roof of the exedra is four cubits wide, so that the walls of the houses cannot be regarded as the Sukkah walls, the Sukkah is invalid.

(6) Should the Sukkah be invalid.

(7) And thus provides walls.

(8) The beams of the Sukkah-covering were not placed over the exedra roof, so that the edge of the latter was visible within the Sukkah, but on a level with it.

(9) The site of the College of Rab.

(10) The views of Abaye and Raba.

(11) After the destruction of Nehardea by Odenathus in 259, Judah b. Ezekiel (Rab Judah), a pupil of Rab and Samuel, established a college at Pumbeditha.

(12) Even according to Abaye. Since the roof was made for the exedra and not for the outside space its edge cannot be regarded as forming a wall for that space.

(13) And the distance between any two of them is less than three handbreadths.

(14) As the wall is consequently a proper one it may serve for both the exedra and the Sukkah.

(15) The rule of labud is applied only to a wall that was made to serve the space it encloses but not to one that is to serve an outside space also.

- (16) Of Raba's ruling, viz., that labud is applied even where a wall is to serve an outside space, while an edge of a roof is assumed to descend downwards only when it is to serve its inner space.
- (17) Only two walls were made to the Sukkah, the exedra edge forming the third, and the fourth side was open lacking even the minimum of a handbreadth to constitute a fictitious wall.
- (18) The exedra had a door-frame no less than a handbreadth wide which commenced at the corner of the Sukkah and extended outside the Sukkah, being visible only from without, thus: (see drawing left) a = Sukkah wall; b = roof of exedra; c = wall of exedra; d = projection of exedra wall forming door-frame.
- (19) A side-post that must be fixed to the edge of an alley to enable the carrying of objects within it on the Sabbath.
- (20) Sc. if the sidepost is level with one of the walls but extending beyond it, so that it is visible only from without. Thus: (see drawing right) a = side-post.
- (21) V. 'Er. (Sonc. ed.) fol. 9b notes. (11) Hence it is valid whether it is visible from within the Sukkah or without it.
- (22) And one fulfils his obligation by sitting under them.
- (23) Of the Sukkah-covering.
- (24) Sc. the middle wall of the three prescribed as the minimum number of walls for a valid Sukkah.
- (25) While the projection has only one.
- (26) Seven handbreadths square.
- (27) That the projection satisfied all the prescribed requirements of a valid Sukkah.
- (28) The walls.
- (29) The projection.
- (30) The ruling about the projection spoken of.
- (31) Which has only three walls, the fourth side being entirely open.
- (32) And the opposite wall does not reach beyond the Sukkah proper.
- (33) Because it is regarded as part of the Sukkah having as it does two complete walls and a portion of a third one which need not be longer (than one handbreadth).
- (34) Which has more sun than shade.
- (35) The literal translation of **נצו** rendered supra 'projecting'.
- (36) Measuring only seven handbreadths.
- (37) V. p. 81, n. 14.
- (38) In being an invalid covering.
- (39) The invalid covering.
- (40) Measuring only seven handbreadths.
- (41) Of course it does not; much less then would an invalid covering do it; what need then was there to state the obvious?
- (42) And this is the point the ruling under discussion was intended to emphasize.
- (43) Air space.

Talmud - Mas. Sukkah 19b

Fluid clay proves it; since it combines¹ to make up forty se'ah,² yet he who immerses in it has not undergone a proper immersion.³

MISHNAH. IF ONE MAKES HIS SUKKAH LIKE A CONESHAPED HUT OR LEANED IT AGAINST A WALL, R. ELIEZER INVALIDATES IT SINCE IT HAS NO [PROPER] ROOF, WHILE THE SAGES DECLARE IT VALID.

GEMARA. It has been taught: R. Eliezer agrees that if he raised it⁴ one handbreadth from the ground,⁵ or if he separated it⁶ one handbreadth from the wall,⁷ it is valid. What is the reason of the Rabbis?⁸ — That the incline of a tent is like the tent itself. Abaye found R. Joseph sleeping on a bridal bed⁹ in a Sukkah. He said to him, 'According to whom [do you act]?¹⁰ [presumably] according to R. Eliezer?¹¹ Do you then forsake the Rabbis¹² and act according to R. Eliezer?'¹³ — He answered him, 'In the Baraita this¹⁴ is taught in the reverse, order, viz., that R. Eliezer declares it valid and the Sages declare it invalid.' [Abaye then asked], 'Do you forsake a Mishnah and act

according to a Baraitha?’¹⁵ — He answered him, ‘The Mishnah represents an individual opinion,¹⁶ as it has been taught, If he makes his Sukkah like a cone-shaped hut, or leaned it against a wall R. Nathan says that R. Eliezer invalidates it because it has no roof while the Sages declare it valid.’¹⁷

MISHNAH. A LARGE REED MAT¹⁸ IF MADE FOR RECLINING UPON IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS¹⁹ AND²⁰ IS INVALID AS A SUKKAH-COVERING. IF MADE FOR A COVERING,²¹ IT MAY BE USED FOR A SUKKAH-COVERING AND IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS. R. ELIEZER RULED, WHETHER SMALL OR LARGE, IF IT WAS MADE FOR RECLINING UPON, IT IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND IS INVALID AS A SUKKAH-COVERING; IF MADE FOR A COVERING, IT IS VALID AS A SUKKAH-COVERING AND IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS.

GEMARA. [Is not our Mishnah] self-contradictory? It says, IF MADE FOR RECLINING UPON IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND IS INVALID AS A SUKKAH-COVERING. The reason then²² is because it was made specifically for reclining upon, but if it was made without specific purpose, [it would be assumed that it was] for a covering. And then it is taught: IF MADE FOR A COVERING IT IS VALID AS A SUKKAH-COVERING AND IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS. The reason then²³ is because it was made specifically for a covering, but if it was made without specific purpose [it would be assumed that it was] made for reclining upon? — This is no difficulty. The former case refers to a large [mat], the latter to a small one. This is well according to the Rabbis, but according to R. Eliezer it still presents a difficulty, for we have learnt:²⁴ R. ELIEZER SAYS, WHETHER SMALL OR LARGE, IF IT WAS MADE FOR RECLINING UPON, IT IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND IS INVALID AS A SUKKAH-COVERING. The reason then is that it was made specifically for reclining upon, but if made with no specific purpose, [it would be assumed that it was intended] for a Sukkah-covering. But read the latter portion [of the Mishnah]. IF MADE FOR A COVERING, IT IS VALID AS A SUKKAH-COVERING AND IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS. The reason then is that it was made specifically for a Sukkah-covering, but if made without specific purpose, [it would be assumed that it was] for reclining upon? — Rather said Raba: In the case of a large [mat] all acquiesce that if made without specific purpose [it is assumed to be intended] for a covering. They only differ in the case of a small [mat]. The first Tanna is of the opinion that ordinarily a small one is for reclining upon, and R. Eliezer is of the opinion that ordinarily a small one is for a covering as well;

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- (1) With water.
 - (2) The minimum prescribed for a ritual bath.
 - (3) Immersion in fluid clay is invalid, yet if there is not the minimum forty se'ah in a mikweh, the fluid clay makes up the necessary amount.
 - (4) Either the hut or the lean-to.
 - (5) The intervening air space is regarded as a wall, by applying the law of labud, and the rest as the roof.
 - (6) The lean-to.
 - (7) The intervening air space is regarded as a roof, stretching horizontally to the wall.
 - (8) The Sages.
 - (9) A bed which has no covering on top of the width of a handbreadth, but the curtains rise to a point. V. supra 10b.
 - (10) In using a bed that is covered with a curtain that intervenes between it and the Sukkah roof.
 - (11) Who ruled that a sloping or cone-shaped tent is no valid tent.
 - (12) The Sages.
 - (13) But the decision of the Sages, since they are the majority, should be followed rather than that of an individual.
 - (14) The dispute between R. Eliezer and the Sages.
 - (15) But a Mishnah surely is more authoritative than the Baraitha.
 - (16) That of R. Nathan.

- (17) The contemporaries of R. Nathan, however, differ from him in maintaining that R. Eliezer declared it valid while the Sages held it to be invalid.
- (18) Which is hard and inconvenient for lying or reclining upon.
- (19) Since it was expressly made for the purpose it is regarded as a finished article.
- (20) On account of its susceptibility to uncleanness.
- (21) So that it is not a finished article.
- (22) Why it is not regarded as a finished article.
- (23) Why it is regarded as an unfinished article.
- (24) Rashal omits 'this . . . learnt' and substitutes, 'Read the latter part of the Mishnah'.

Talmud - Mas. Sukkah 20a

and it is this that was meant: If a large mat of reeds is made specifically for reclining upon, it is susceptible to [ritual] uncleanness and is invalid as a Sukkah-covering. The reason is that it was made specifically for reclining upon, but ordinarily it is regarded as though it was made for a covering, and is valid as a Sukkah-covering. A small [mat], if made for a covering, is valid as a Sukkah-covering. The reason is that it was made specifically for covering, but ordinarily it is regarded as though made for reclining upon, and is invalid for a Sukkah-covering.¹ [This is the view of the first Tanna] and R. Eliezer comes to say that whether it is small, or large, if made without specific purpose, it is valid as a Sukkah-covering.

Abaye said to him,² If so,³ [instead of] R. ELIEZER SAYS, WHETHER IT IS SMALL OR LARGE, it ought to read, Whether it is large or small?⁴ Furthermore, is it not in fact with regard to a large mat that they are in dispute, and it is R. Eliezer who takes the stricter view, for it was taught: A large mat of reeds is valid for a Sukkah-covering. R. Eliezer says, If it is not susceptible to [ritual] uncleanness,⁵ it is valid for a Sukkah-covering?⁶ Rather said R. Papa, 'With regard to a small [mat], all acquiesce that ordinarily it is intended for reclining upon. In what do they dispute? In the case of a large one. The first Tanna is of the opinion that ordinarily a large one is intended for a covering, while R. Eliezer is of the opinion that ordinarily a large one is intended for reclining upon also'. And what is meant⁷ by 'IF IT WAS MADE FOR RECLINING UPON?'⁸ It is this that was meant: Ordinarily also its manufacture is assumed to be for the purpose of reclining upon unless one made it specifically for a covering.⁹ Our Rabbis taught, A mat of wicker or of straw, if large,¹⁰ is valid for a Sukkah-covering, if small¹¹ it is invalid for a Sukkah-covering.¹² One of reeds or of helath,¹³ if plaited,¹⁴ is valid for a Sukkah-covering, if woven,¹⁵ it is invalid. R. Ishmael son of R. Jose said in the name of his father, Both the one and the other, are valid for a Sukkah-covering; and R. Dosa also ruled according to his view.

We have learnt elsewhere: All reed mats are susceptible to corpse uncleanness.¹⁶ These are the words of R. Dosa. The Sages, however, say, They are susceptible to the uncleanness of midras.¹⁷ [Can it mean] to the uncleanness of midras but not to that of a corpse seeing that we have learnt: Whatever is susceptible to [primary] uncleanness of midras is also susceptible to [primary] uncleanness from a corpse?¹⁸ — Say rather also to the uncleanness of midras.¹⁹

What is meant by hozloth?²⁰ — R. Abdimi b. Hamduri said marzuble. What is marzuble? — R. Abba said, Bags filled with foliage.²¹ R. Simeon b. Lakish said, Real matting. And Resh Lakish is consistent [in this view], since Resh Lakish said, May I be an expiation for R. Hiyya and his sons.²² For in ancient times when the Torah was forgotten from Israel, Ezra came up from Babylon and established it. [Some of] it was again forgotten and Hillel the Babylonian²³ came up and established it. Yet again was [some of] it forgotten, and R. Hiyya and his sons came up²⁴ and established it. And thus said R. Hiyya and his sons: R. Dosa and the Sages did not dispute about reed-mats of Usha,²⁵

(1) Rashal omits 'A small mat. . . covering' since it is not in the Mishnah.

- (2) Raba.
- (3) That R. Eliezer's point is that a small mat is subject to the same law as a large one.
- (4) The point of R. Eliezer being that a small mat has the same law as a large one, on which the first Tanna agrees. The order should be: Whether large, as you say, or small.
- (5) Sc. if it was specifically intended to be used as a Sukkah-covering.
- (6) From which it follows that if a large mat was made without specific purpose it is regarded as made for a covering according to the first Tanna, while according to R. Eliezer it is regarded as made for lying upon.
- (7) In R. Eliezer's ruling.
- (8) Seeing that ordinarily also it is regarded as intended for the same purpose.
- (9) The statement of the first Tanna is thus explained as before viz., that the first clause refers to a large mat (as was explicitly stated) while the latter clause refers to a small mat, the meaning being that if the mat was a small one, that was made specifically for a covering it may be used as a Sukkah-covering while ordinarily it is assumed to be intended for lying upon. To this R. Eliezer objected: A large mat also is subject to the same law as a small one viz., that if made for no specific purpose it is deemed to have been made for lying upon, is susceptible to ritual uncleanness and may not be used as a Sukkah-covering, but if it was expressly made to serve as a covering it may be used as a Sukkah-covering and is not susceptible to uncleanness.
- (10) In consequence of which it is not used for lying upon.
- (11) Irrespective of whether it was plaited or woven.
- (12) Since the materials are soft they are in either case (cf. prev. n.) suitable for reclining upon.
- (13) Another kind of reed.
- (14) And therefore uneven and unsuitable for reclining upon.
- (15) The materials being hard, it is suitable for reclining upon only if it is woven.
- (16) Sc. they are ordinarily regarded as vessels that are susceptible to the various degrees of ritual uncleanness, except that they, not being intended for lying upon, contract primary uncleanness only through contact with a corpse and not (v. infra) through midras.
- (17) 'Ed. III, 4. V. Glos.; i.e., in their opinion the mats are as a rule intended for lying upon and are, therefore, susceptible to primary uncleanness even through midras.
- (18) Nid. VI, 3.
- (19) Because they are (a) deemed to have the status of a vessel and (b) are as a rule intended for lying upon.
- (20) Rendered supra 'reed mats'.
- (21) Mizable, used by shepherds as pillows (Rashi).
- (22) A respectful way of mentioning one's deceased parent or teacher. V. Kid. 31b.
- (23) This famous teacher hailed from Babylon.
- (24) From Babylon.
- (25) The reeds of Usha, a town in Galilee famous as one of the seats of the Sanhedrin, were soft and were used exclusively for mattresses, those of Tiberias were hard and not used for this purpose.

Talmud - Mas. Sukkah 20b

that they are susceptible to [ritual] uncleanness,¹ or of Tiberias that they are not susceptible.² About what do they dispute? About those of other places. One Master³ is of the opinion that since they are not [as a rule]⁴ used for sitting upon, they are like those of Tiberias, and the Masters are of the opinion that since it sometimes happens that they are 'used for sitting upon,⁵ they are like those of 'Usha.

The Master said: 'All reed mats are susceptible to corpse uncleanness. These are the words of R. Dosa'. But was it not taught: 'And R. Dosa also said according to his⁶ words'?⁷ -This is no difficulty. The former refers to one that has a rim,⁸ the latter to one that has no rim.⁹

It was objected: Mats of bamboo,¹⁰ of reed grass, of sackcloth¹¹ or of goat's-hair¹² are susceptible to corpse uncleanness,¹³ so R. Dosa, while the Sages say, They are also susceptible to midras uncleanness. It is well according to him who says [that hozloth means] 'bags filled with foliage',

since those of bamboo and of reed-grass¹⁴ can be used¹⁵ for baling fruit, while those of sackcloth and goat's-hair¹⁶ can be used for haversacks or baskets,¹⁷ but according to him who says that it means 'real matting', it is well¹⁸ with regard to those of sackcloth and goat's-hair, since they can be used¹⁵ for curtains¹⁹ or for sieves but to what use¹⁸ can those of bamboo and reed-grass be put?²⁰ — They can be used for [covering] brewing vats.

Some read [as follows]: It is well according to him who says [that hozloth means] 'real matting', since those of bamboo and reed-grass may be used for [covering] brewing vats while those of sackcloth and goat's hair can be used for curtains or for sieves, but according to him who says that it means 'bags filled with foliage, it is well with regard to those of sackcloth and goat's hair which may be used for haversacks or baskets, but to what use can those of bamboo and reed-grass be put? — They may be used for baling fruit.

It was taught: R. Hanina stated, When I journeyed²¹ in the Diaspora²² I came across an old man who said to me, 'A reedmat may be used as a Sukkah-covering'. And when I came before R. Joshua, my father's brother, he agreed with his words. R. Hisda said, Only if it²³ has no rim.²⁴ 'Ulla said, Those mats of the people of Mahuza, were it not for their rim, would be valid as a Sukkah-covering.²⁵ So it has also been taught: Reed mats are valid as a Sukkah-covering, but if they have rims they are invalid as a Sukkah-covering.

CHAPTER II

MISHNAH. HE WHO SLEEPS UNDER A BED IN THE SUKKAH²⁶ HAS NOT FULFILLED HIS OBLIGATION.²⁷ R. JUDAH STATED, WE WERE ACCUSTOMED TO SLEEP UNDER A BED IN THE PRESENCE OF THE ELDERS, AND THEY SAID NAUGHT²⁸ TO US. R. SIMEON SAID, IT HAPPENED THAT TABI,²⁹ THE SLAVE OF RABBAN GAMALIEL, USED TO SLEEP UNDER A BED.³⁰ AND R. GAMALIEL SAID TO THE ELDERS, 'YE HAVE SEEN TABI MY SLAVE, WHO IS A SCHOLAR, AND KNOWS THAT SLAVES ARE EXEMPT FROM [THE LAW OF] A SUKKAH, THEREFORE DOES HE SLEEP UNDER THE BED', AND INCIDENTALLY WE LEARNED THAT HE WHO SLEEPS UNDER A BED³¹ HAS NOT FULFILLED HIS OBLIGATION.²⁶

GEMARA. But, surely, there are no ten [handbreadths in the height of the BED, are there]?³² — Samuel interpreted, [that it refers to] a bed which is ten [handbreadths high]. We have learnt elsewhere, A hole which has been hollowed out by water or by insects or eaten through by saline corrosion, and similarly a row of stones,³³ or a pile of beams,³⁴ overshadow uncleanness.³⁵ R. Judah said, Any 'tent' which is not made by the hands of man³⁶ is not³⁷ considered as a tent.³⁸ What is the reason of R. Judah?

(1) Even to that of midras since they are intended for lying upon and for no other purpose.

(2) Since no one would use them for lying upon.

(3) R. Dosa.

(4) V. Rashi. Lit., 'there is none who sits upon them'.

(5) And are appointed for the purpose.

(6) R. Jose's.

(7) That such mats are valid for a Sukkah-covering. From which it follows that they are not regarded as a 'vessel' that is susceptible to ritual uncleanness.

(8) And it is thus a finished article, a 'vessel'.

(9) Which, being used for no other purpose but that of covering booths cannot be regarded as a 'vessel'.

(10) Or 'cork' (v. Jast.).

(11) Made of goat's hair (Rashi).

(12) Or horse-hair from the mane or the tail (Rashi).

- (13) But not to that of midras, since they can be regarded as 'vessels', but not as objects used for reclining or sitting upon.
- (14) Though the materials are loosely woven.
- (15) If not for lying upon.
- (16) Closely woven materials.
- (17) In which even very small objects can be kept.
- (18) According to R, Dosa.
- (19) V. Rashi and Tosaf. 'Covers' (Jast.).
- (20) Sc. since these are not made for lying upon and since they are useless for any other purpose why should they be susceptible to ritual uncleanness?
- (21) Lit., 'went down'.
- (22) Lit., 'exile', sc. Babylon. He undertook the journey for the purpose of arranging the interpolation of an extra month in the calendar. V. Ber. 63a.
- (23) The mat.
- (24) If it has one it might be used as a vessel and, being in consequence susceptible to ritual uncleanness, becomes invalid as a Sukkah-covering.
- (25) Since they were generally used for the coverings of booths and were unsuitable for any other purpose.
- (26) Since the bed forms a 'tent' that intervenes between him and the Sukkah roof.
- (27) During the festival of Tabernacles one must eat, drink and sleep in a Sukkah.
- (28) Against it.
- (29) The famous slave of Gamaliel II, often mentioned in the Mishnah. Elsewhere Gamaliel makes exceptions for him saying, 'Tabi was not like other slaves'. v. Ber. II, 7.
- (30) In his master's Sukkah.
- (31) In a Sukkah.
- (32) The bed not being ten handbreadths high how can it be regarded as a 'tent'? (Cf. Supra n. 1).
- (33) Under which a cavity was formed by the removal of a stone.
- (34) Cf. prev. n. mut. mut.
- (35) A hollow formed by any of the above means is regarded as a 'tent', rendering unclean whatever is within it if a piece of corpse lies there.
- (36) For the purpose of serving as a tent.
- (37) As far as conveying uncleanness is concerned.
- (38) Oh. III, 7.

Talmud - Mas. Sukkah 21a

— He deduces it from the word 'tent' [common to this¹ and to] the Tabernacle. It is written here, This is the law, when a man dieth in the tent,² and it is written there, And he spread the tent over the tabernacle.³ As there ['tent' means one] made by the hands of man, so here [it means one made] by the hands of man. And the Rabbis?⁴ — The word 'tent' occurs many times,⁵ to include [all tents].⁶

Is then R. Judah of the opinion that a tent which is not made by the hand of man is no valid tent? Let us point out an incongruity: [We have learnt] Courtyards were built in Jerusalem over a rock, and beneath them was a hollow [made] because of [the fear of] a grave in the depths,⁷ and they used to bring there pregnant women, and there they gave birth to their children and there they reared them for [the service of the Red] Heifer.⁸ And⁹ they brought oxen, upon whose back were placed doors, and the children sat upon them with stone cups¹⁰ in their hands. When they reached Siloam¹¹ they went down into the water and filled them, then ascended and sat again [on the doors].¹² R. Jose said, [Each child] used to let [his cup] down and fill it from his place¹³ because of [the fear of] a grave in the depths;¹⁴ and it has been taught, R. Judah said, They did not bring doors, but oxen.¹⁵ Now oxen, surely, are a 'tent' which is not made by the hands of man, and does it not nevertheless teach, R. Judah said, They did not bring doors, but oxen?—When R. Dimi came,¹⁶ he said in the name of R. Eleazar, R. Judah agrees¹⁷ in, the case [of a 'tent' that is as large as] a fistful.¹⁸

So it has also been taught: R. Judah admits in the case of overhanging crags and clefts of rocks.¹⁹ But a door, surely, has²⁰ an altitude of many fistfuls and yet R. Judah teaches, does he not, ‘They did not bring doors but oxen’?²¹ — Abaye replied, [It means that] they did not need to bring doors.²² Raba said, [It means that] they did not bring doors at all because the child, feeling confident,²³ might put out his head or one of his limbs and thus contract uncleanness

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- (1) The laws of uncleanness.
 - (2) Num. XIX, 14.
 - (3) Ex. XL, 19.
 - (4) Sc. those who differ from R. Judah. Do they not apply the analogy?
 - (5) In Num. XIX, the chapter dealing with the laws in question.
 - (6) Even such as were not made for the purpose.
 - (7) Sc. the possibility of the existence of an unknown grave under the rock. Unless there is a hollow space of the height of one handbreadth above it the uncleanness of the grave penetrates through the rock and beyond it.
 - (8) The Red Heifer (Num. XIX) necessitated the utmost degree of ritual cleanliness. All the vessels used in connection with it were, therefore, of stone or earthenware which are not susceptible to ritual uncleanness, and, according to the above Mishnah, the children whose duty it was to bring the officiating priest the water for the sin-offering were kept free from contamination from pre-natal days until they were seven or eight years of age (Rashi, — Tosefta says, twelve). Hence the precautions mentioned above.
 - (9) When the water had to be brought from Siloam.
 - (10) Which are not susceptible to ritual uncleanness.
 - (11) Heb. **הַשִּׁילּוֹחַ**, the famous conduit the history of whose construction is commemorated in the Siloam inscription.
 - (12) The doors prevented any contamination reaching the children.
 - (13) Sc. he did not go down to the water.
 - (14) Parah III, 2. Cf. supra p. 90, n. 9.
 - (15) Whose bulky bodies served as a tent and partition between any possible uncleanness below and the children above. Tosef. Parah III, 2 with variants.
 - (16) From Palestine to Babylon.
 - (17) That a tent is valid even if it was not made by the hands of man.
 - (18) A size that is bigger than that of a handbreadth.
 - (19) These, although naturally formed, constitute a valid ‘tent’, since the hollow space is more than a handbreadth in height.
 - (20) From the ground to the door.
 - (21) Presumably because the doors cannot be regarded as a valid ‘tent’. Now If a door is no valid tent, how could the body of an ox be regarded as a valid one?
 - (22) The oxen alone were sufficient.
 - (23) Lit., ‘the mind of the child might be haughty’, since the width of the door would obviate any fear of his falling.

Talmud - Mas. Sukkah 21b

on account of a grave in the depths.¹

It has been taught in agreement with Raba: R. Judah said, They did not bring doors at all, because the child, feeling confident, might put out his head or one of his limbs and thus contract uncleanness on account of a grave in the depths, but they brought Egyptian oxen with wide bellies, and the children sat on their backs with stone cups in their hands. When they came to Siloam they descended, filled them, and ascended and sat again on their backs.

But has not a bed an altitude of many fistfuls, and yet we have learnt, R. JUDAH SAID, WE WERE ACCUSTOMED TO SLEEP UNDER A BED IN THE PRESENCE OF THE ELDERS?² — A bed is different, since it is made [to be slept] upon?³ But are not oxen also made [to be sat] upon?⁴

— When Rabin came⁵ he explained in the name of R. Eleazar, Oxen are different, since they afford shelter for shepherds in summer from the sun, and in the rainy season from the rain.⁶ If so, should not a bed [also be so regarded] since it affords shelter to the shoes and sandals under it?⁷ — The fact is, said Raba, that oxen are different since they naturally shelter their entrails,⁸ as it is written, Thou hast clothed me with skin and flesh, and covered me with bones and sinews.⁹

And if you like [you may say that] R. Judah¹⁰ follows his own view that a Sukkah must be a permanent abode; and since a bed is but a temporary abode, while a Sukkah is a permanent 'tent', a temporary tent cannot annul a permanent one. But does not R. Simeon also say that a Sukkah must be a permanent abode,¹¹ and yet [he holds¹² that] a temporary tent¹³ does annul a permanent tent?¹⁴ — It is in this that they¹⁵ differ. One Master¹⁶ holds the opinion that a temporary tent can come and annul a permanent tent, while the other Master¹⁷ holds the opinion that a temporary tent cannot annul a permanent tent.

R. SIMEON SAID, IT HAPPENED THAT TABI, THE SLAVE etc. It has been taught: R. Simeon said, From the casual conversation of R. Gamaliel we have learnt two things. We have learnt that slaves are free from the obligation of Sukkah, and we have learnt that he who sleeps under a bed [in a Sukkah] has not fulfilled his obligation. But why does he not say, From the words of R. Gamaliel?¹⁸ -He informs us of something [else] by the way in agreement with that which R. Aha b. Adda, [or as some say, R. Aha b. Adda in the name of R. Hamnuna] said in the name of Rab: Whence do we know that even the casual¹⁹ conversation of scholars demands study? From Scripture where it is said, And whose leaf²⁰ does not wither.²¹

MISHNAH. IF A MAN SUPPORTS HIS SUKKAH WITH THE LEGS OF A BED, IT IS VALID. R. JUDAH SAID, IF IT CANNOT STAND BY ITSELF, IT IS INVALID.

GEMARA. What is the reason of R. Judah? — R. Zera and R. Abba b. Mamal disagree. One says, It is because the Sukkah has no permanence, and the other says, It is because he keeps it up with something susceptible to [ritual] uncleanness. What essentially differentiates them?²² — If, for instance, he fixed iron stakes [in the ground] and covered them with a Sukkah-covering. According to him who says, because it has no permanence, here there is permanence; according to him who says, because he keeps it up with something susceptible to [ritual] uncleanness, he is here also setting it up with something which is susceptible to [ritual] uncleanness.

Abaye said, They taught this²³ only if he supported it,²⁴ but if he placed a Sukkoth-covering above a bed,²⁵ it is valid. What is the reason? — According to him who says, because it has no permanence, here there is permanence; according to him who says, because he sets it up with something susceptible to [ritual] uncleanness, here he does not set it up with something susceptible to [ritual] uncleanness.²⁶ [

(1) In the absence of a door the child, in his fear of falling down, would not venture to put any part of his body out beyond the width of the body of the ox.

(2) Which shows that an occasional 'tent' is no valid tent.

(3) And not underneath it. Hence it cannot constitute a valid 'tent'.

(4) And not underneath them. How then could they be regarded as a valid tent?

(5) From Palestine to Babylon,

(6) So that the belly of the ox may well be regarded as a valid tent.

(7) V. B.B. 58a.

(8) Thus constituting a tent.

(9) Job X, 11. 'Covered' implies 'shelter', 'tent'.

(10) Who permits sleeping under a bed in a Sukkah.

(11) Supra 7b.

- (12) As is evident from his statement in our Mishnah.
 (13) A bed.
 (14) A valid Sukkah.
 (15) R. Simeon and R. Judah.
 (16) R. Simeon.
 (17) R. Judah.
 (18) Sc. why is the term 'casual conversation' used, instead of the more common 'words'.
 (19) Lit., 'profane'.
 (20) I.e., even the least important part of the tree.
 (21) Ps. I, 3. The righteous man is compared to the tree and his casual talk to the leaf.
 (22) R. Zera and R. Abba. As always, this means, what practical difference is there between them?
 (23) The law about the bed just enunciated.
 (24) The roof.
 (25) Sc. beds formed the walls only while the roof was supported on poles of the prescribed material.
 (26) Cf. prev. n.

Talmud - Mas. Sukkah 22a

MISHNAH. A DISARRANGED¹ SUKKAH AND ONE WHOSE SHADE IS MORE THAN ITS SUN² IS VALID. IF [THE COVERING] IS CLOSE KNIT LIKE THAT OF A HOUSE, IT IS VALID, EVEN THOUGH THE STARS CANNOT BE SEEN THROUGH IT.

GEMARA. What is meant by medubleleth?³ — Rab replied, It means a beggarly Sukkah;⁴ and Samuel says, One whose reeds are not all on the same level.⁵ Rab taught the [first part of the Mishnah as] one [statement], while Samuel taught it as two. Rab taught it as one: A Sukkah which is medubleleth, (what is medubleleth? Beggarly) whose shade is more than its sun, is valid; while Samuel taught it as two: What is medubleleth? Disarranged; and [the Mishnah] teaches two [laws,] that a disarranged Sukkah⁶ is valid and that a Sukkah whose shade is more than its sun is valid.

Abaye stated, This⁷ applies only where there are not three handbreadths of distance between one reed and another, but if there are three handbreadths between one and another, it⁸ is invalid. Raba says, Even if there are three handbreadths between one and another we also do not say [that it⁸ is invalid] unless the upper reed⁹ is not a handbreadth wide but if the upper reed is a handbreadth wide, it⁸ is valid,¹⁰ since we apply to it the law of 'Beat and throw it down'.¹¹

Raba said, Whence do I say that if the upper reed is a handbreadth wide we apply to it the law of 'Beat and throw it down', and if it is not so wide we do not apply it? From what we have learnt: If the beams of [the roof of] a house and of its upper chamber have no plaster-work,¹² and they¹³ lie exactly one above the other, and there is uncleanness under one of them,¹⁴ only the space beneath this one is unclean; if between a lower and an upper [beam],¹⁵ the space between them is unclean; if upon an upper beam, what is above it as far as the sky is unclean. If the upper beams were opposite the gaps between the lower beams, and uncleanness lay beneath one of the beams, the space beneath them all is unclean;¹⁶ if it lay above one of the beams, what is above them as far as the sky is unclean.¹⁷ And on this it was taught, When do these¹⁸ apply? When the beams are each a handbreadth [wide]¹⁹ and there is [a gap] of a handbreadth between them,²⁰ but if there is not [a gap] of a handbreadth between them,²¹ if there is uncleanness under one of them,²² whatever is under that beam²³ is unclean²⁴ while the space between them²⁵ and above them is clean.²⁶ Thus it clearly follows that if there is a handbreadth²⁷ we apply the law of 'Beat and throw it down', but if there is not a handbreadth²⁷ we do not apply this law. This is conclusive.

R. Kahana was sitting at his studies and enunciated this statement.²⁸ Said R. Ashi to R. Kahana, Do we then not apply the law of 'Beat and throw down' where an object is not a handbreadth wide?

Has it not in fact been taught: If a beam was protruding from one wall, but was not touching the opposite wall, and similarly if two beams, one protruding from one wall and one from the other, were not touching each other, and [the space between them²⁹ is] less than three [handbreadths]³⁰ it is unnecessary to supply another beam, but if it was three [handbreadths] it is necessary to supply another beam. R. Simeon b. Gamaliel ruled,

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- (1) Heb. medubleleth. The Gemara discusses the exact meaning.
 - (2) This rule which appears to be a repetition of the one supra 2a is discussed infra.
 - (3) Cf. supra n. 1.
 - (4) Sc. one covered with very few reeds, the roof having many holes, except that none of them is three handbreadths wide.
 - (5) Lit., one reed going up, and another down', so that the interior of the Sukkah has more sun than shade. The Sukkah is nevertheless valid because the number of reeds is sufficient, had they been laid on the same level, to provide more shade than sun.
 - (6) Cf. supra n. 5.
 - (7) The statement of Samuel that the Sukkah is valid though one reed is up and another is down (cf. supra n. 5).
 - (8) The Sukkah.
 - (9) Lit., 'its roof'.
 - (10) Even if it is three handbreadths higher than the lower one.
 - (11) A legal fiction whereby a plane is regarded as though it were placed at a lower level. The reed which is raised above the others is regarded as though it were lying on the same level as the lower ones. The necessity of a handbreadth of width is explained forthwith.
 - (12) So that the beams are completely separated from one another.
 - (13) The beams of the house and the beams of the upper chamber respectively.
 - (14) One of the beams of the lower room.
 - (15) Sc. one of the upper chamber.
 - (16) Since by the rule of 'Beat and throw it down' the upper and the lower beams are virtually lying at the same level and together make up one continuous roof.
 - (17) Oh. XII, 5.
 - (18) The rulings in the Mishnah just cited.
 - (19) So that each beam is important enough to be treated as a 'tent' both as regards causing uncleanness to spread all under it and to form an interposition between an uncleanness under it and the space above it.
 - (20) Sc. the lower beams, so that each upper beam placed opposite the gaps between the lower beams virtually covers a part of the roof of the lower room to all extent of not less than one handbreadth.
 - (21) So that each of the upper beams covers in the roof of the lower room a space that is less than one handbreadth.
 - (22) The lower beams.
 - (23) That one being no less than a handbreadth wide.
 - (24) Cf. supra n. 8.
 - (25) I.e., the gaps between the lower ones (v. R. Han.).
 - (26) Tosef. Oh. XIII, 7.
 - (27) In the width of a beam.
 - (28) Of Raba.
 - (29) The beam and the wall or the two beams.
 - (30) So that the law of labud is applicable.

Talmud - Mas. Sukkah 22b

If the space was less than four [handbreadths]¹ it is unnecessary to bring another beam, if not, it is necessary to bring another beam.² And so in the case of two parallel beams neither of which can support a half-brick,³ if they can support a half-brick on their joint width of a handbreadth,⁴ it is not necessary to bring another beam; if not, it is necessary to bring another beam. R. Simeon b. Gamaliel said, If they can support a half-brick in its length of three handbreadths,⁵ it is not necessary to bring

another beam; if not,⁶ it is necessary to bring another beam. If one was above and the other below,⁷ R. Jose son of R. Judah said, We regard the upper one as though it were lower down⁸ or the lower one as though it were higher,⁹ provided that the upper one is not more than twenty [cubits from the ground]¹⁰ nor the lower one less than ten [cubits from the ground].¹¹ From which it follows that if both of them were within twenty [cubits]¹² we do apply the law of 'beat and throw down' even although none of them is a handbreadth [wide].¹³ — The other replied, Explain thus: Provided that the upper one is not more than twenty [cubits from the ground], but within the twenty [cubits], and the lower one is near it within less than three [handbreadths], or else: Provided that the lower one is not less than ten [cubits from the ground] but more than ten, and the upper one is near it within less than three [handbreadths], but if they were three [handbreadths apart] since [the upper beam] is not a handbreadth [wide], we do not apply the law of 'beat and throw down'.

WHOSE SHADE IS MORE THAN ITS SUN IS VALID. But if they are equal it is invalid? But have we not learnt in the other chapter,¹⁴ 'or whose sun is more than its shade, is invalid', from which it follows that if they are equal it is valid? — There is no difficulty, since the former¹⁵ refers to above and the latter to below.¹⁶ R. Papa observed, This bears on what people say, 'The size of a zuz¹⁷ above becomes the size of an issar¹⁷ below'.

IF CLOSE TOGETHER LIKE A HOUSE. Our Rabbis have taught, If it is close together like a house, even though the stars cannot be seen through it, it is valid. If the rays of the sun¹⁸ cannot be seen through it, Beth Shammai invalidate it, and Beth Hillel declare it valid.

MISHNAH. IF ONE ERECTS HIS SUKKAH ON THE TOP OF A WAGGON,¹⁹ OR ON THE DECK OF A SHIP,²⁰ IT IS VALID²¹ AND THEY MAY GO UP INTO IT ON THE FESTIVAL. IF HE MADE IT ON THE TOP OF A TREE, OR ON THE BACK OF A CAMEL, IT IS VALID,²² BUT THEY MAY NOT GO UP INTO IT ON THE FESTIVAL.²³ IF THE TREE [FORMED] TWO [WALLS] AND ONE WAS MADE BY THE HANDS OF MAN,²⁴ OR IF TWO WERE MADE BY THE HANDS OF MAN AND ONE WAS FORMED BY THE TREE, IT IS VALID, BUT THEY MAY NOT GO UP INTO IT ON THE FESTIVAL.²⁵ IF THREE WALLS WERE MADE BY THE HANDS OF MAN AND ONE WAS FORMED BY THE TREE, IT IS VALID AND THEY MAY GO UP INTO IT ON THE FESTIVAL.

(1) R. Simeon b. Gamaliel applies the law of labud to a space of four handbreadths also.

(2) 'Er. 14a, supra 18a q.v. notes.

(3) The cross-beam at the entrance of an alley has to be one handbreadth wide in order to be capable of holding a half-brick that is one and a half handbreadths wide (v. 'Er. 13b) One smaller than this width is not valid.

(4) In this case two beams, each less than the required width, were placed next to one another so that the half-brick can be placed in its breadth upon both.

(5) I.e., the space between the two narrow beams may be wider, provided they are strong and wide enough to carry the half-brick.

(6) I.e., the beams mentioned were not capable of supporting the half-brick.

(7) Sc. the two beams were not placed exactly level with one another, but one was raised more than the other.

(8) On a level with the lower one.

(9) And level with the one above it.

(10) Since a beam at such a height is invalid.

(11) 'Er. 14a; since no partition is valid unless it is no less than ten handbreadths high.

(12) Though the distance between them was more than three handbreadths.

(13) An objection against Raba.

(14) Mishnah I, 1.

(15) If they are equal it is invalid.

(16) If in the roof ('above') there is as much open, as covered space, then it is invalid, since the sun appears on the floor in broader patches than the shade; if on the floor ('below') there is as much sunshine as shade, it is evident that there is

more of the roof covered than open. The idea is that the beams of the sun widen from the roof to the floor.

(17) Coins. The issar was worth one twenty-fourth of a zuz, but being of copper whereas the zuz was of silver, it was larger.

(18) Lit., 'the stars of the sun'.

(19) Though it is on the move.

(20) Where it is exposed to gales.

(21) Since the Sukkah satisfies the requirements of a temporary abode.

(22) On the intermediate days of the Festival or even on the Festival itself if one did enter it.

(23) Since the use of a tree on the Festival is forbidden under a Rabbinic measure.

(24) Cf. Tosaf. This refers to cases where the roof of the Sukkah was resting on the tree.

(25) A preventive measure against the possibility of putting some object on the roof (cf. prev. n.).

Talmud - Mas. Sukkah 23a

THIS IS THE GENERAL RULE: WHATEVER CAN STAND BY ITSELF IF THE TREE WERE TAKEN AWAY IS VALID, AND THEY MAY GO UP INTO IT ON THE FESTIVAL.

GEMARA. According to whom is our Mishnah? According to R. Akiba, as it has been taught, He who erects his Sukkah on the deck of a ship, R. Gamaliel declares it invalid and R. Akiba valid.¹ It happened with R. Gamaliel and R. Akiba when they were journeying on a ship² that R. Akiba arose and erected a Sukkah on the deck of the ship. On the morrow the wind blew and tore it away. R. Gamaliel said to him, Akiba, where is thy Sukkah?

Abaye said, All are in accord that where it³ is unable to withstand a normal land breeze it is nothing;⁴ if it can withstand an unusually [strong] land breeze, all are in accord that it is valid. Where do they dispute? Where it can withstand a normal land breeze, but not a normal sea breeze;⁵ R. Gamaliel is of the opinion that the Sukkah must be a permanent abode, and since it cannot withstand a normal sea breeze, it is nothing,⁴ while R. Akiba is of the opinion that the Sukkah must be a temporary abode, and since it can withstand a normal land breeze, it is valid.

OR ON THE BACK OF A CAMEL etc. According to whom is [this part of] our Mishnah? — According to R. Meir, as it has been taught, If he makes his Sukkah upon the back of an animal, R. Meir declares it valid and R. Judah invalid. What is the reason of R. Judah? — Since Scripture says, Thou shalt keep the feast of Sukkoth for seven days.⁶ A Sukkah which is suitable for seven days is called a valid Sukkah; if it is unsuitable for seven days it is not called a valid Sukkah.⁷ And R. Meir? — According to Pentateuchal law this [Sukkah] is also suitable [for seven days], and it is only the Rabbis who decreed against it.⁸

If he used an animal as a wall of the Sukkah, R. Meir declares it invalid and R. Judah valid, for R. Meir was wont to say, Whatever contains the breath of life can be made neither a wall for a Sukkah, nor a side-post for an alley⁹ nor boards around wells,¹⁰ nor a covering stone for a grave.¹¹ In the name of R. Jose the Galilean they said, Nor may a bill of divorcement be written upon it.

What is the reason of R. Meir? — Abaye replied, Lest it die.¹² R. Zera replied, Lest it escape.¹² Concerning an elephant securely bound, all¹³ agree [that¹⁴ the Sukkah is valid], since even though it die,¹⁵ there is still ten [handbreadths height] in its carcass.¹⁶ Regarding what then do they dispute? Regarding an elephant which is not bound. According to him¹⁷ who says, Lest it die, we do not fear;¹⁸ according to him¹⁹ who says, We fear lest it escape, we do fear.²⁰ But according to him who says, Lest it die, let us fear also lest it escape? — Rather say, Regarding an elephant which is not bound, all agree [that the Sukkah is invalid]; regarding what do they dispute? Regarding an [ordinary] animal which is bound: According to him who says, Lest it die, we fear [for that],²¹ according to him who says, Lest it escape, we have no fear.²² But according to him who says, Lest it

escape, let us fear lest it die? — Death is not a frequent occurrence.²³ But is there not an open space between [the animal's legs]?²⁴ — [It refers to] where he filled it in with branches of palms and bay-trees. But might it not lie down? — [It refers to] where it was tied with cords from above.²⁵

And according to him who says, Lest it die, is it not tied with cords from above?²⁶ — It may occur that it is made to stand within three [handbreadths] of the covering²⁷

(1) Supra 7b.

(2) In the week of the Festival.

(3) A Sukkah.

(4) No valid Sukkah.

(5) So Tosaf. supra 7b. Cur. edd., in parenthesis 'an unusually strong land breeze'.

(6) Deut. XVI, 13.

(7) And this one is unsuitable for the first day of the Festival since it is Rabbinically forbidden to enter it on that day.

(8) As Pentateuchally it is suitable for all the seven days it is a valid Sukkah.

(9) V. supra.

(10) V. 'Er. 17b.

(11) Golel, v. Naz., Sonc. ed., p. 202, n. 5. I.e., it is not subject to the laws of a covering stone of a grave (cf. Hul. 72a) even if it was used as such.

(12) During the Festival and the Sukkah that would thus remain with one wall less than the prescribed number would be invalid.

(13) Abaye and R. Zera.

(14) According to R. Meir.

(15) And falls to the ground.

(16) And a valid wall still remains.

(17) Abaye.

(18) Sc. the Sukkah is valid, since there are ten handbreadths in the height of the carcass.

(19) R. Zera.

(20) And the Sukkah is, therefore, invalid.

(21) As the animal when lying on the ground would be less than ten handbreadths high, the wall, and consequently the Sukkah, is invalid.

(22) Since the animal is bound; and the Sukkah is, therefore, valid.

(23) Hence no preventive measure was called for.

(24) Even when it is alive. How then can a wall with such a gap be regarded as valid?

(25) So that it cannot lie down.

(26) So that even if it dies it will still be held up in a standing position. Why then should the Sukkah be invalid?

(27) I. e., there is a space of less than three handbreadths between the top of the animal and the roof, which is quite valid because of the law of labud.

Talmud - Mas. Sukkah 23b

but when it dies, it shrinks,¹ and this might not enter his mind.² But did Abaye say that R. Meir³ takes the possibility of death into consideration while R. Judah disregards it? Have we not in fact learnt: If the daughter of an Israelite was married to a priest, and her husband went to a country beyond the sea, she may eat of terumah⁴ on the presumption that he is still alive.⁵ And when we pointed to the following contradiction: [If a priest said to his wife,] 'Here is thy bill of divorce [to take effect] one hour before my death',⁶ she is forbidden to eat of terumah forthwith,⁷ Abaye answered that there is no difficulty, since the former [statement]⁸ is according to R. Meir who disregards the possibility of death, while the latter⁹ is according to R. Judah who regards the possibility of death, as it has been taught, If a man buys wine¹⁰ from Cutheans¹¹ he may say, 'Two log¹² which I intend to set aside are terumah, ten are the first tithe, and nine¹³ the second tithe', and then he redeems it¹⁴ and may drink it at once. So R. Meir

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- (1) And the space will then be more than three handbreadths to which labud cannot apply and the Sukkah will in consequence be invalid.
 - (2) To make the necessary adjustments. Hence the preventive measure that no living animal may ever be used as a Sukkah wall.
 - (3) In enacting a preventive measure.
 - (4) V. Glos.
 - (5) Git., III, 3.
 - (6) A common procedure to obviate the necessity of halizah (v. Glos.).
 - (7) Git. 28a, Ned. 3b.
 - (8) That the woman may eat terumah.
 - (9) Forbidding her to eat it.
 - (10) Late on Friday when he has no time to separate the terumah and tithes before the incidence of the Sabbath.
 - (11) Who do not give the priestly dues.
 - (12) Two out of a hundred, the normal amount of terumah given. Unlike tithe, the exact amount is not specified in the Bible. A log is a liquid measure, v. Glos.
 - (13) A tenth of what remains. The terumah goes to the priests, the first tithe to the Levites and the second has to be eaten in Jerusalem.
 - (14) The second tithe which may be redeemed with money. v. Deut. XIV, 22ff.

Talmud - Mas. Sukkah 24a

. R. Judah, R. Jose and R. Simeon forbid it?¹ -Transpose [the statement:]² R. Meir takes the possibility of death into consideration, while R. Judah disregards the possibility of death, as it was taught, If he used an animal as a wall for a Sukkah, R. Meir declares it invalid and R. Judah valid. [But then there is still] a contradiction between the two statements of R. Meir?³ — R. Meir can answer you: Death is of frequent occurrence, but the splitting of a wineskin is infrequent, since one might give it in charge of a guardian.

[But there is still] a contradiction between the two statements of R. Judah?⁴ The reason of R. Judah⁵ is not lest the wineskin split, but because he does not accept the principle of bererah.⁶ But does R. Judah consider the possibility of the wineskin splitting? Surely since the latter part [of the Baraita] continues: They said to R. Meir, 'Do you not agree that [we must fear] lest the wineskin split, with the result that he drank untithed [wine] retrospectively?' And he answered them, 'When the wineskin splits',⁷ it follows [does it not], that R. Judah⁸ does consider the possibility of the wineskin splitting? — [No!] There it is R. Judah who says to R. Meir in effect, 'As regards myself I do not accept the principle of bererah, but according to you who do accept the principle of bererah, do you not agree that [we must fear] lest the wineskin split?' And the latter answered, 'When the wineskin splits'.⁹

But does not R. Judah regard the possibility of death? Have we not in fact learnt: R. Judah says, Even another wife was prepared for him, lest his wife die?¹⁰ — On this surely it was stated: R. Huna the son of R. Joshua said, They adopted a higher standard with regard to Atonement.¹¹

Now whether according to him who says,¹² Lest it die, or according to him who says, Lest it escape, [the animal] according to the Pentateuchal law is a valid partition, and it is only the Rabbis who made a restrictive enactment concerning it. But if this is so, it ought according to R. Meir, to convey uncleanness [if it is used] as a covering stone of a grave,¹³ why then have we learnt: R. Judah¹⁴ says it¹⁵ is subject to the laws of uncleanness that are applicable to the covering stone of a grave, while R. Meir declares it unsusceptible to such uncleanness?¹⁶ -The fact is, said R. Aha b. Jacob, that R. Meir¹⁷ is of the opinion that any partition which is upheld by wind¹⁸ is no valid partition. Some there are who say that R. Aha b. Jacob said that R. Meir¹⁷ is of the opinion that any

partition which is not made by the hands of man¹⁹ is no partition. What [practical difference] is there between [the two versions]? — The practical difference between them is where he set up a Sukkah wall with an inflated skin. According to the version which says a partition which is upheld by wind is no valid partition, [this one is invalid] since it is upheld by wind; according to the version which says ‘not made by the hands of man’

(1) Tosef. Dem. VII, 4, B.K. 69b; since the wineskin may split open and the contents be lost before he is able to make his intended separation an actual one, with the result that what he has already drunk is untithed. Thus R. Judah who takes this possibility into consideration certainly considers the possibility of death, while R. Meir who disregards this possibility equally disregards that of death. Now, since Abaye there distinctly attributes these views to R. Judah and R. Meir respectively how could he attribute to them here the reversed views?

(2) Of Abaye in the passage last cited.

(3) In the case of the skin he does not take its possible splitting into consideration while in the case of the animal he does take into consideration the possibility of its dying.

(4) Cf. supra n. 8, mut. mut.

(5) In the case of the wine.

(6) The principle that the later selection is considered as having been applied retrospectively. The later separation of the wine has no retrospective application. Hence even if the skin did not split the terumah is invalid.

(7) ‘Er. 37b. Sc. one does not anticipate the wineskin splitting.

(8) From whom R. Meir differs.

(9) For further notes v. ‘Er., Sonc. ed., p. 259.

(10) Yoma I, 1. The High Priest on the Day of Atonement had to be married in accordance with Lev. XVI, 7, where ‘his house’ is interpreted as his wife. In case his wife died on the eve of the day, another was held in readiness.

(11) Where even very remote possibilities were considered and provided for.

(12) In giving R. Meir's reason supra.

(13) Since according to Pentateuchal law it is a valid partition, it ought to contract uncleanness, even if the Rabbis decreed later that it is no valid partition. With regard to Sukkah and the alley the Rabbinical decree might well be upheld since it restricts the law but in the case of uncleanness where it leads to a relaxation of the Pentateuchal law the Rabbinical decree must obviously be disregarded.

(14) Wanting in the separate edd. of the Mishnah and ‘Er. 15a.

(15) An animate object that was used to cover a coffin.

(16) ‘Er. 15a and supra fol.23a.

(17) In ruling an animate object to be an invalid partition.

(18) Or ‘air’.

(19) It is not in human power to impart the breath of life.

Talmud - Mas. Sukkah 24b

it is valid, since it is made by the hands of man.¹

The Master said: ‘In the name of R. Jose the Galilean they said, Nor may a bill of divorcement be written upon it’.² What is the reason of R. Jose the Galilean? — As it has been taught: [Scripture³ says], A bill⁴ [hence] I know only [that] a bill⁵ [is valid],⁶ how do we know to include any other material?⁷ Scripture expressly states, Thus he writeth her⁸ implying, on whatever material it may be. If so, why does Scripture state, ‘bill’?⁵ To teach you that just as a bill is a thing which has no breath of life, and cannot eat, so is everything valid which has not the breath of life and does not eat. And the Rabbis?⁹ — If Scripture had written ‘in a bill’, [it would be] as you say,¹⁰ but now that it is written ‘a bill’¹¹ the expression refers merely to the recital¹² of the words.¹³ And how do the Rabbis¹⁴ expound the words, ‘That he writeth’?¹⁵ — They need that [text for the exposition that] with the writing she becomes divorced, but she does not become divorced with money.¹⁶ As I might have said that, since her exit [from the married state]¹⁷ is compared to her entry into it¹⁸ just as her entry is with money,¹⁹ so is her exit, therefore it teaches us [this]. And whence does R. Jose the

Galilean deduce this?²⁰ -He deduces it from [the words], ‘a bill of divorcement’;²¹ the bill divorces and nothing else. And the others?²² — They need [this terminology to teach that the bill of divorcement must be] one which severs them [completely], as it has been taught. [If a man say,] Herewith is your get [to take effect] on condition that you do not drink wine, or go to your father's house ever, it is no severance.²³ [If he say, The condition shall apply] for thirty days, it is a severance.²⁴ And the other?²⁵ — He deduces it from [the use of the form] kerithuth [instead of that of] kareth.²⁶ And the others? — They do not expound [the difference between] kerithuth and kareth.²⁷

MISHNAH. IF HE MAKES HIS SUKKAH BETWEEN TREES, SO THAT THE TREES FORM ITS WALLS,²⁸ IT IS VALID. GEMARA. R. Aha b. Jacob said, A partition which is unable to withstand²⁹ a normal wind is no valid partition. We have learnt, IF HE MAKES HIS SUKKAH BETWEEN TREES, SO THAT THE TREES FORM ITS WALLS, IT IS VALID. But do they not sway to and fro? — We are dealing here with solid [trees].³⁰ But are there not the swaying branches?³¹ — [It refers to] where he plaited it with shrubbery and bay-trees.³² If so, why [need he] mention it? — One would have thought that it should be forbidden as a preventive measure lest he come to make use of the tree,³³ therefore he informs us [that it is valid]. Come and hear: If there was there³⁴ a tree,³⁵ or a fence,³⁶ or a partition of reeds, it is regarded as a valid corner-piece!³⁷ — This also refers to where he plaited it with shrubbery and bay-trees. Come and hear: If a tree³⁸ throws a shadow on the ground, it is permitted to move objects under it³⁹ if the ends of its branches are not three handbreadths high above the ground.⁴⁰ But why?⁴¹ Does not the tree sway to and fro? — Here also it is a case where one plaited it with shrubs and bay-trees. But if so,⁴² it should be permitted⁴³ to carry objects³⁹ over its whole area whatever its size; why then did R. Huna the son of R. Joshua say, One may not carry any objects there

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- (1) A man inflated it.
 - (2) An animate object. Supra 23a.
 - (3) In dealing with divorce.
 - (4) Deut. XXIV, 1, he writeth her a bill of divorcement.
 - (5) Sefer, i.e., parchment.
 - (6) As a writing material.
 - (7) A wooden tablet or an olive leaf, for instance.
 - (8) Deut. XXIV, 1, emphasis on writeth.
 - (9) How, in view of R. Jose's exposition can they maintain their view?
 - (10) That the reference is to the material on which the divorce formula is written.
 - (11) ספר.
 - (12) ספירת.
 - (13) I.e., the contents of the document, not the material on which it is written.
 - (14) Who do not take ‘bill’ to imply parchment.
 - (15) Which R. Jose used to include other materials. Since according to their view ‘bill’ does not exclude anything, what need was there for a text to include other materials?
 - (16) I.e., a woman cannot be divorced, as she is betrothed by giving her some money.
 - (17) Divorce.
 - (18) Marriage. Deut. XXIV, 2 reads, And when she is departed from his house, and go and be another man's wife. The Talmud on the basis of this juxtaposition compares divorce (‘departure’) to marriage (‘being’).
 - (19) Betrothal may be effected by the man's giving to the woman money and saying, ‘Behold thou art betrothed unto me by this money’.
 - (20) The deduction just made.
 - (21) The juxtaposition of ‘bill’ and ‘divorcement’.
 - (22) The Rabbis. To what do they apply this text?
 - (23) Since the condition is timeless, and at any time in the future she might break the condition and the divorce would become void, it is of no effect.

- (24) Since at the end of the specified period the get would be definitely effective it is regarded as Pentateuchally valid forthwith.
- (25) R. Jose. Whence does he deduce this ruling?
- (26) Since Scripture could have written כרת and writes בריתות the extra letters are regarded as teaching an added lesson.
- (27) The Rabbis disregard such fine distinctions. On the whole passage v. Git. 21b.
- (28) But its roof does not rest upon them (Rashi). [Otherwise it would be invalid as a Sukkah kept up by an object that is attached to the ground. V. supra 21b, Strashun.]
- (29) I.e., to stand firm without swaying.
- (30) Old and strongly built trees which do not sway in the wind.
- (31) Which sometimes form part of the wall.
- (32) So that the branches also form a solid part of the wall.
- (33) By putting his things on it on the festival day.
- (34) At one of the corners of a watering station round which corner-pieces are placed to enable the carrying of the water from the well to the enclosure on the Sabbath.
- (35) Whose thickness was of the dimensions of one cubit by one cubit prescribed for a corner-piece.
- (36) Cf. prev. n. mut. mut.
- (37) 'Er. 19b. Now does not this prove that trees though swaying to and fro are regarded as a valid wall?
- (38) Whose branches bend downwards.
- (39) On the Sabbath.
- (40) 'Er. 15a; since by the law of labud they are deemed to be touching the ground and, since at their other ends at which they are attached to the tree they are ten handbreadths above the ground, they form a valid partition.
- (41) Sc. why should the branches be regarded as a valid partition to constitute an enclosure within which the movement of objects on the Sabbath is permitted?
- (42) That the branches were plaited for the express purpose of serving as an enclosure in which one might dwell while engaged in watching the fields around.
- (43) As in the case of all similar enclosures (cf. prev. n.).

Talmud - Mas. Sukkah 25a

except where its area was not bigger than two beth se'ah?¹ — The reason² is that it³ is an abode made to serve the open air⁴ and in every abode that is made to serve the open air⁴ objects may be moved in it⁵ only if its area is no more than two beth se'ah.⁶

Come and hear: If one made his Sabbath rest⁷ in a mound which is ten [handbreadths] high and [whose extent] is from four cubits to two beth se'ah and so also with a cavity⁸ which is ten [handbreadths] deep, and [whose extent] is from four cubits to two beth se'ah and so also with a harvested spot⁹ that was surrounded by ears of corn, he may walk throughout its whole extent and two thousand cubits¹⁰ outside it [on the Sabbath].¹¹ [Now is not this permitted] even although it¹² sways to and fro?¹³ — There also it refers to where he plaited it¹² with shrubs and bay-trees.¹⁴

MISHNAH. THOSE WHO ARE ENGAGED ON A RELIGIOUS ERRAND¹⁵ ARE FREE FROM [THE OBLIGATIONS OF] SUKKAH.¹⁶ INVALIDS AND THEIR ATTENDANTS ARE FREE FROM [THE OBLIGATIONS OF] SUKKAH. CASUAL EATING AND DRINKING¹⁷ ARE PERMITTED OUTSIDE THE SUKKAH. GEMARA. Whence do we know this?¹⁸ — From what our Rabbis taught: When thou sittest in thy house¹⁹ excludes²⁰ the man who is occupied with a religious duty,²¹ And when thou walkest by the way¹⁹ excludes a bridegroom.²⁰ Hence²¹ they²² said, He who marries a virgin is free [from the obligation of reading the Shema'], but [he who marries] a widow is bound [by the obligation].²³ How is this²⁴ inferred? — R. Huna said, It is compared to 'the way'¹⁹ just as 'the way'²⁵ refers to a secular way,²⁶ so must every act²⁷ be secular, thus excluding such a man who is occupied with the performance of a religious duty. But does it²⁸ not refer to where one is going on a religious errand [also]?²⁹ And does not the Divine Law nevertheless say that

one should read?³⁰ — If so,³¹ the verse should have said, ‘When sitting and when walking’;³² why [then does it say,] ‘When thou sittest and when thou walkest’? [It must consequently mean:] When walking for thy own purpose thou art bound by the obligation, but when walking on a religious errand thou art free. If so,³³ should not even the man who marries a widow³⁴ also be exempt?—When he marries a virgin his mind is pre-occupied³⁵ but when he marries a widow his mind is not preoccupied.³⁶

Does this mean that whenever a man's mind is pre-occupied he is exempt?³⁷ If so, if his ship was sunk, so that his mind is preoccupied is he also exempt?³⁷ And if you will say, ‘It is indeed so’, did not R. Abba b. Zabda [it may be retorted] say in the name of Rab: A mourner³⁸ is bound by all the commandments that are enumerated in the Torah, with the sole exception of that of tefillin because the word ‘beauty’³⁹ was applied to them? — In the former case⁴⁰ his pre-occupation is on account of a religious duty;⁴¹ in the latter⁴² it is on account of a secular event.⁴³

But is the law that he who is engaged on one religious duty is free from any other deduced from here?⁴⁴ Is it not deduced from elsewhere, As it has been taught: And there were certain men who were unclean by the dead body of a man, etc.⁴⁵ Who were these men? They were those who bore the coffin of Joseph,⁴⁶ so R. Jose the Galilean.

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- (1) ‘Er. 15a. A beth se'ah is a square measure, the size of a field which requires two se'ahs of seed to sow it. One beth se'ah is estimated as two thousand five hundred square cubits.
 - (2) For. R. Huna's ruling.
 - (3) The area under the branches.
 - (4) I.e., it is a mere shelter for the watchman who guards the open field around it.
 - (5) On the Sabbath.
 - (6) The Rabbis limited it to this size on the assumption that the courtyard of the sanctuary was of this size. If the area is larger it is subject to the laws of karmelith and objects in it may be moved within four cubits only.
 - (7) I.e., appointed the spot as his Sabbath abode at the time the Sabbath commenced.
 - (8) Which a man appointed as his Sabbath abode (cf. prev. n.).
 - (9) Cf. prev. n. Lit., ‘cut standing (ears)’.
 - (10) The distance in all directions which a man may walk on the Sabbath outside his town or enclosure in which he rested when the Sabbath began.
 - (11) ‘Er. 15a.
 - (12) The enclosure formed by the ears of corn.
 - (13) Apparently it is. How then could R. Aha maintain that a swaying partition is invalid?
 - (14) So that the enclosure is a firm one.
 - (15) Lit., ‘those that are sent forth for a religious duty’. Those, for instance, who go to study the Torah or to redeem a captive.
 - (16) Even when they stay for a rest.
 - (17) I.e., but not a set meal.
 - (18) The first ruling in our Mishnah.
 - (19) Deut. VI, 7, dealing with the duty of reading the Shema’ (v. P.B. pp. 40-42).
 - (20) From the duty (cf. prev. n.).
 - (21) How this is inferred is explained presently.
 - (22) The Rabbis.
 - (23) Ber. 11a.
 - (24) That those engaged in a religious act are exempt.
 - (25) In walking in which the duty of reading the Shema’ must be performed.
 - (26) Or, ‘optional. It is now taken to mean that one is walking by the way to pursue his normal occupations.
 - (27) The performance of which must not interfere with the duty of reading the Shema’.
 - (28) V. supra n. 2.
 - (29) Apparently it does.

- (30) How then is it inferred that those engaged in a religious act are exempt?
- (31) That Deut. VI, 7 refers also to one engaged in a religious act.
- (32) Which would have included all forms both secular and religious.
- (33) That the performance of a religious act exempts one from the obligations mentioned.
- (34) Who also is performing a religious duty.
- (35) And he cannot, therefore, perform another duty at that time.
- (36) Cf. prev. n. mut. mut.
- (37) From the performance of his religious duties.
- (38) Though his mind is pre-occupied.
- (39) Ezek. XXIV, 17; an ornament that is unbecoming to a mourner.
- (40) Where one marries a virgin.
- (41) Hence his exemption from other duties.
- (42) Where a ship was sunk as in that of a mourner.
- (43) Or, 'optional matter'. Mourning to the extent of shutting out of all other thoughts is regarded as optional and is excluded from the religious duty of mourning which is duly defined.
- (44) Deut. VI, 7.
- (45) Num. IX, 6, dealing with the celebration of the Second Passover in the month of Iyar by those who, for certain specified reasons, were unable to celebrate the first in Nisan.
- (46) Cf. Gen. L, 25 and Ex. XIII, 19.

Talmud - Mas. Sukkah 25b

R. Akiba said, They were Mishael and Elzaphan who were occupied with [the remains of] Nadab and Abihu.¹ R. Isaac said, If they were those who bore the coffin of Joseph, they² had time to cleanse themselves [before Passover,]³ and if they were Mishael and Elzaphan they could [also] have cleansed themselves [before the Passover].⁴ But it was those who were occupied with a meth mizwah,⁵ the seventh day [of whose purification] coincided with the eve of Passover, as it is said, They could not keep the Passover on that day,⁶ on 'that' day they could not keep the Passover, but on the morrow they could?⁷ — [Both texts]⁸ are necessary. For if he had only informed us of the former,⁶ I would have said [that they⁹ were free from the obligation there] because the time of the obligation of the Passover had not yet come,¹⁰ but not here¹¹ where the time of the reading of the Shema' had come,¹² [therefore] it was necessary [to have the latter].¹³ And if he had informed us of the latter¹³ only, I would have said [that one is exempt here] because this does not involve kareth,¹⁴ but not there,⁶ where it¹⁵ involves kareth [therefore the former⁶ also was] necessary.

[Reverting to] the main text: 'R. Abba b. Zabda said in the name of Rab, A mourner is bound by all the commandments of the Torah with the sole exception of that of tefillin since the word "beauty"¹⁶ is applied to them'.¹⁷ Since the All Merciful said to Ezekiel,¹⁸ Bind thy beauty¹⁹ upon thee,¹⁶ the implication²⁰ must be, 'Thou art under this obligation,²¹ but other people²² are free.' This,²³ however, applies only to the first day,²⁴ since of that day it is written, And the end thereof as a bitter day.²⁵

R. Abba b. Zabda also said in the name of Rab, A mourner is bound by the obligation of Sukkah. Is not this obvious?²⁶ — I might have said that since R. Abba b. Zabda said in the name of Rab that he who is in discomfort is free from the obligation of Sukkah, this [mourner should be exempt] since he also is in discomfort, therefore he informs us that this²⁷ applies only to discomfort over which one has no control,²⁸ but [not to that experienced by a mourner]; since it is he himself who is the cause of his discomfort, it is incumbent upon him to compose his mind.²⁹

R. Abba b. Zabda also said in the name of Rab, A bridegroom and the shoshbins,³⁰ and all the wedding guests³¹ are free from the obligation of Sukkah all the seven days.³² What is the reason? Because they have to rejoice. But let them eat in the Sukkah and rejoice in the Sukkah? — There is

no proper rejoicing³³ but under the wedding canopy.³⁴ But let them eat in the Sukkah and rejoice under the canopy? — There can be no real rejoicing except where the banquet is held. But why should they not put up a canopy in the Sukkah? — Abaye says, [This is impossible] because [of the possibility] of privacy³⁵ and Raba said, Because of the discomfort of the bridegroom.³⁶ What practical difference is there between them?³⁷ — The practical difference between them emerges where people are in the habit of going in and out of there. According to the view of privacy, the restriction does not apply; according to the view of discomfort, it does. R. Zera³⁸ said, I had the banquet in the Sukkah and rejoiced under the canopy and my heart rejoiced all the more since I was fulfilling two [commandments].³⁹

Our Rabbis have taught, The bridegroom, and the shoshbins and all the wedding guests are free from the obligations of prayer⁴⁰ and tefillin,⁴¹ but are bound to read the Shema'.⁴²

(1) Cf. Lev. X, 4ff.

(2) Since they did not carry it for ten months (cf. Rashi for proof).

(3) And could not consequently have been described as 'could not keep the Passover' (Num. IX, 6). Cf. following note.

(4) Since Nadab and Abihu died on the first of Nisan which was the eighth day of consecration (cf. Lev. IX and X and Shab. 87b) and, according to Rabbinic tradition, Eleazar the Priest prepared the ashes of the Red Heifer (Num. XIX) on the second day of Nisan in order to enable those who had come into contact with a dead body to be duly cleansed before the Passover. Cf. prev. n.

(5) Lit., '(the burial of) the dead (as a) commandment'. Generally denoting one who has no relatives to occupy themselves with his burial. Here understood to include the one dead who is a near relative (Rashi).

(6) Num. IX, 6.

(7) Now these men, though they well knew that their attendance to the dead would prevent them from celebrating the Passover at the proper time, nevertheless performed the former and were in consequence exempt from the latter. Similarly in the case of all other religious duties one engaged in the performance of one is exempt from any other. What need then was there for a similar deduction from Deut. VI, 7?

(8) That of Num. as well as that of Deut.

(9) The men who were unclean.

(10) When they attended to the dead.

(11) The case of Shema'.

(12) While he is still under the bridal canopy.

(13) Deut. VI, 7.

(14) V. Glos.

(15) The failure to prepare the Paschal lamb.

(16) Ezek. XXIV, 17.

(17) Cf. supra p. 108, n. 2.

(18) Who was in mourning (cf. Ezek. XXIV, 16ff).

(19) E.V. 'headline'.

(20) Emphasis on 'thy' and 'thee'.

(21) Of putting on the tefillin.

(22) Who are in mourning.

(23) The exemption from tefillin.

(24) Of the mourning.

(25) Amos VIII, 10. The beginning of the verse is 'And I will make it as the mourning for an only son'. Since 'day' in the sing. is used it follows that actual mourning is limited to one day.

(26) Since he is under the obligation of observing all other religious duties (as stated supra) that of Sukkah is obviously included.

(27) R. Abba's ruling.

(28) I.e., discomfort caused by the condition of the Sukkah, as, e.g., cold or heat.

(29) And thus fit himself for the performance of the religious duty of Sukkah.

(30) The bridegroom's best man. V. Glos.

- (31) **בני ההפה** Lit., ‘the sons of the bridal-chamber’, denoting more strictly the friends of the bridegroom who prepared for him the bridal-chamber and attended on him at the wedding. V. Mann, J., HUCA I, p. 335.]
- (32) Of the wedding festivities.
- (33) Of a bridegroom.
- (34) Huppah, v. Glos.
- (35) The bridegroom had to be alone with his bride in a room after the ceremony as a symbol of conjugality. The Sukkah being usually made on a roof (v. infra p. 115 n. 12) which is frequented by very few people, might afford an opportunity for a stranger to enter it during a temporary and unavoidable absence of the bridegroom.
- (36) As a Sukkah need not have more than three walls the canopy in it is too much exposed for the convenient display of his affections.
- (37) Abaye and Raba.
- (38) Who married on the eve of the festival. During a festival no marriages are allowed (M.K. 8b).
- (39) Those of Sukkah and marriage.
- (40) Which requires concentration, an effort they are unable to make.
- (41) On account of possible drunkenness and levity attendant on festivities.
- (42) The first verse of which only requires concentration. For such a short while one is assumed to be able to make the effort.

Talmud - Mas. Sukkah 26a

In the name of R. Shila they said, The bridegroom¹ is free from, but the shoshbins and the wedding guests are subject to the obligation.²

It has been taught: R. Hanania b. Akabya said, Scribes of books of the Law, tefillin and mezuzoth, their agents and their agents’ agents, and all who are engaged in holy work³ including sellers of blue⁴ are free from the obligation of prayer and tefillin and all the commandments mentioned in the Torah. This confirms the words of R. Jose the Galilean who laid down: He who is occupied with the performance of a religious duty is [at that time] free from the fulfilment of other religious duties.

Our Rabbis taught, Day travellers are free from the obligation of Sukkah by day⁵ but are bound to it at night. Night travellers are free from the obligation of Sukkah at night,⁶ but are bound to it by day. Travellers by day and night are free from the obligation both day and night.⁶ Those who are on a religious errand⁷ are free both by day and by night,⁸ as in the case of R. Hisda and Rabbah son of R. Huna who, when visiting on the Sabbath of the Festival the house of the Exilarch,⁹ slept on the river bank of Sura,¹⁰ saying, ‘We are engaged on a religious errand¹¹ and are [therefore] free [from the obligation of Sukkah]’.

Our Rabbis taught, The day watchmen of a town are free from the obligation of Sukkah by day¹² and bound to it at night; the night watchmen are free by night¹² and bound by day, the day and night watchmen are free both by day and at night.¹² Keepers of gardens and orchards¹³ are free both by day and by night — But why should they not make a Sukkah there and sit in it? — Abaye said, ‘Ye shall dwell’¹⁴ [implies] just as you normally dwell.¹⁵ Raba said, ‘The breach invites the thief’.¹⁶ What practical difference is there between them?¹⁷ — The practical difference [emerges] where one is guarding a pile of fruit.¹⁸

INVALIDS AND THEIR ATTENDANTS. Our Rabbis taught, The invalid spoken of here is not [only] an invalid who is in danger, but also one who is not in danger, even one who suffers from eyeache or headache. R. Simeon b. Gamaliel said, On one occasion I was suffering with my eyes in Caesarea and R. Jose Berebi¹⁹ permitted me and my attendants to sleep outside the Sukkah. Rab permitted R. Aha Bardela to sleep in a tester-bed²⁰ in a Sukkah in order [to shut out] the gnats. Raba permitted R. Aha b. Adda to sleep outside the Sukkah on account of the odour of the day.²¹ Raba is here consistent, since Raba said, He who is in discomfort²² is free from the obligation of Sukkah.

But have we not learnt: INVALIDS AND THEIR ATTENDANTS ARE FREE FROM THE OBLIGATION OF SUKKAH, [from which it follows,] only an invalid²³ but not one who is merely in discomfort? — I will explain: An invalid is free together with his attendants, whereas he who is in discomfort is himself free, but not his attendants.

CASUAL EATING AND DRINKING ARE PERMITTED OUTSIDE THE SUKKAH. What constitutes a casual meal? — R. Joseph said, [The volume of] two or three eggs. Abaye said to him: But sometimes this suffices for [a whole meal for] a man, why then should this not constitute a set meal? Rather, said Abaye, [a small quantity] only as much as a student tastes before proceeding to the college assembly.²⁴

Our Rabbis taught, Casual eating is permitted outside the Sukkah, but not casual sleeping.²⁵ What is the reason? — R. Ashi²⁶ said, We fear lest the person fall into a deep slumber. Abaye said to him, With reference, however, to that which has been taught, 'A man may indulge in casual sleep while wearing his tefillin, but not in regular sleep', why do we not²⁷ fear lest he fall into a deep slumber? — R. Joseph the son of R. Ila'i said, [The latter refers to where] the person entrusts others [with the task of waking him from his] sleep. R. Mesharsheya demurred: Does not 'Your guarantor need a guarantor?'²⁸ — Rather, said Rabbah b. Bar Hana in the name of R. Johanan, This refers to where the person puts his head between his knees.²⁹ Raba³⁰ said, [In the case of Sukkah the question of] regularity in sleep does not arise.³¹ One [Baraita] teaches, A man may indulge in a casual sleep in his tefillin but not in regular sleep, and another [Baraita] taught, Whether a casual sleep or regular sleep [is permitted] while a third Baraita taught, Neither a casual sleep nor a regular sleep [is allowed]!³² — There is no difficulty: The last refers to where he holds them in his hand,³³ the first one to where they rest on his head,³⁴ while the second refers to where he spreads a cloth over them.³⁵

What constitutes a casual sleep? — Rami b. Ezekiel taught, [Sleeping during the time] it takes to walk one hundred cubits. It has also been taught so: He who sleeps in tefillin and [on waking] observes an issue of semen,³⁶ should seize hold of the strap³⁷

(1) Whose mind is pre-occupied.

(2) These authorities do not uphold the rule that one engaged in the performance of one's religious duty is at that time exempt from all other duties.

(3) Lit., 'work of heaven'.

(4) For zizith.

(5) Since one is to live in the Sukkah as in a house. As a day traveller does not use his house during the day so need he not use his Sukkah.

(6) Cf. prev. n. mut. mut.

(7) Though they travel in the daytime only.

(8) Because their minds are pre-occupied with their religious errand in all its phases.

(9) [MS.M.: 'When they went up for the Sabbath of the Festival of the Exilarch'. During the third century whilst the Exilarch had his seat at Nehardea, a special celebration in honour of the Exilarch was held annually on the Sabbath of Sukkoth, **שבת דרגלא** which was attended by scholars of all districts. v. Obermeyer p. 292 who strangely enough does not give the reading of MS.M.]

(10) [According to Obermeyer's interpretation of the passage (v. preceding note), this refers to their outward journey. The caravan which R. Hisda and Rabbah b. R. Huna joined for their journey from Sura, which was their home, to Nehardea (a distance of one hundred and ten km.), set out as was usual very early in the morning, even before the break of dawn, so that they in common with other travellers, in order to be ready for the departure, had to spend the preceding night outside the town, near the river bank of Sura].

(11) The visit to the Exilarch and the attendance at his discourse.

(12) Cf. p. III, n. 9 mut. mut.

(13) Who must always be at their posts.

(14) Lev. XXIII, 42.

- (15) *Infra* 27a. As it is practically impossible for an ordinary person to furnish a Sukkah in gardens or orchards, which are away from one's home, in the manner a house is normally furnished, the watchmen of such places were granted exemption from Sukkah.
- (16) A proverb. The knowledge that the watchman is within the Sukkah will give the thief his opportunity.
- (17) Abaye and Raba.
- (18) According to Raba such a man must live in a Sukkah since it is possible to watch the pile through the Sukkah door.
- (19) A title of honour given to Sages. v. Nazir, *Sonc. ed.*, p. 64, n. 1. Here it is R. Jose b. Halafta.
- (20) Which is ten handbreadths high and has a roof and is ordinarily forbidden. V. *supra*.
- (21) With which the floor of the Sukkah was covered.
- (22) On account of conditions in the Sukkah.
- (23) Is exempt.
- (24) Kallah v. Glos.
- (25) A doze.
- (26) R. Ashi I, a contemporary of Abaye.
- (27) As in the case of Sukkah.
- (28) *Git.* 28b; i.e., the person who is asked to wake him might himself fall asleep.
- (29) In which position sound sleep is impossible.
- (30) Maintaining that there is no need to provide against the possibility of one's falling from a doze into a regular sleep.
- (31) I.e., a doze and sound sleep are equally forbidden, since the former may be as satisfying as the latter. Hence the prohibition outside the Sukkah of even a doze. With tefillin, however, the reason why sleep is forbidden is lest one eructate, and there is no fear of this in a doze.
- (32) How are these to be reconciled?
- (33) In which case he may not even doze, lest they fall to the ground.
- (34) In which case we fear for eructation which is likely during sound sleep, but not when one is only dozing.
- (35) While they lie under his pillow.
- (36) When, owing to his defilement, it is his duty to remove the tefillin from his head.
- (37) Of the tefillin.

Talmud - Mas. Sukkah 26b

but not of the capsule; these are the words of R. Jacob; but the Sages say, A man may indulge in a casual sleep in his tefillin but not in a regular sleep, and what constitutes a casual sleep? [Sleeping during the time] it takes to walk one hundred cubits.

Rab said, It is forbidden to a man to sleep by day¹ more than the sleep of a horse. And what is the sleep of a horse? Sixty respirations. Abaye said, The sleep of the Master² is as that of Rab, and that of Rab as that of Rabbi³ and that of Rabbi as of David,⁴ and that of David as of a horse, and that of a horse is sixty respirations.

Abaye slept [by day] as long as it takes to go up from Pumbeditha to Be Kube.⁵ R. Joseph applied to him the verse, How long wilt thou sleep, O sluggard, when wilt thou arise out of thy sleep.⁶

Our Rabbis taught, He who wishes to go to sleep by day, he may, if he desires, remove [his tefillin] and he may if he so desires, put them on.⁷ At night, he may not put them on but must remove them;⁸ these are the words of R. Nathan. R. Jose said, Youths⁹ must always¹⁰ remove them and never⁹ put them on, since ritual uncleanness¹¹ is of frequent occurrence with them. Must we then say that R. Jose is of the opinion that a man who has an issue of semen¹² may not don his tefillin?¹³ — Abaye answered, We are dealing here with the case of young men in the company of their wives, [upon whom the restriction was imposed] lest they proceed to familiar practice.¹⁴

Our Rabbis taught: If he forgot and had sexual intercourse in his tefillin he should not seize hold either of a strap¹⁵ or of a capsule¹⁵ until he wash his hands to take them off, since hands touch things

automatically.¹⁶

MISHNAH. IT ONCE HAPPENED THAT THEY BROUGHT COOKED FOOD TO R. JOHANAN B. ZAKKAI TO TASTE, AND TWO DATES AND A PAIL OF WATER TO R. GAMALIEL AND THEY SAID, 'BRING THEM UP TO THE SUKKAH'.¹⁷ BUT WHEN THEY GAVE TO R. ZADOK FOOD LESS THAN THE BULK OF AN EGG,¹⁸ HE TOOK IT IN A TOWEL,¹⁹ ATE IT OUTSIDE THE SUKKAH AND DID NOT SAY THE BENEDICTION AFTER IT.²⁰ GEMARA. Does not the incident²¹ come as a contradiction.²² There is a lacuna, and it should be taught thus: But if he wishes to be strict with himself, he may do so, and it does not constitute presumption, and so it also happened that THEY BROUGHT COOKED FOOD TO R. JOHANAN B. ZAKKAI TO TASTE, AND TWO DATES AND A PAIL OF WATER TO R. GAMALIEL

(1) 'When it is one's duty to study the Torah.

(2) Rabbah b. Nahmani.

(3) R. Judah ha-Nasi I, his teacher.

(4) The duration of whose sleep was known to Rabbi by tradition.

(5) A place about two hours' walking distance north of Pumbeditha, v. Obermeyer, p. 230.

(6) Prov. VI, 9.

(7) Since during day time one is not likely to indulge in regular sleep.

(8) Even if he only desire to doze.

(9) If they intend to sleep.

(10) Even in the day time.

(11) Caused, it is now assumed, by semen.

(12) Cf. prev. n.

(13) But if this were so, and since the halachah is always in agreement with R. Jose (cf. Git. 67b), why does not the halachah agree with this ruling?

(14) A levity which could not be allowed while a man wears his tefillin.

(15) Of the tefillin.

(16) Lit., 'constantly busy', and may, therefore, have touched an unclean spot.

(17) As they were of the opinion that one may not partake of anything casually outside the Sukkah. [The Sukkah was, as was usual, built on the flat roof of the house, hence the phrase 'bring them up'.]

(18) A quantity which in his opinion may be eaten without previous washing of one's hands.

(19) To avoid touching it with his unwashed hands.

(20) R. Zadok is of the opinion that the benediction after the meal, and eating in a Sukkah apply only to a full meal in agreement with R. Judah's interpretation of Deut. VIII, 10 (cf. Ber. 49a).

(21) Recorded in our Mishnah.

(22) To the previous Mishnah where casual eating is permitted outside a Sukkah,

Talmud - Mas. Sukkah 27a

AND THEY SAID, 'BRING THEM UP TO THE SUKKAH', BUT WHEN THEY GAVE TO R. ZADOK FOOD LESS THAN THE BULK OF AN EGG, HE TOOK IT IN A TOWEL, ATE IT OUTSIDE THE SUKKAH, AND DID NOT SAY THE BENEDICTION AFTER IT.

But if it was the bulk of an egg, must he needs [eat it in] the Sukkah? Should we say that this is a refutation of R. Joseph and Abaye?¹ — Perhaps [it means that] less than the bulk of an egg does not necessitate washing of the hands² and the benediction,³ but if it was the bulk of an egg, it necessitates washing of the hands and the benediction.⁴

MISHNAH. R. ELIEZER SAID, A MAN IS OBLIGED TO EAT FOURTEEN MEALS IN THE SUKKAH,⁵ ONE ON EACH DAY AND ONE ON EACH NIGHT. THE SAGES HOWEVER SAY, THERE IS NO FIXED NUMBER⁶ EXCEPT ON THE FIRST NIGHT OF THE FESTIVAL

ALONE.⁷ R. ELIEZER SAID IN ADDITION, IF A MAN DID NOT EAT IN THE SUKKAH ON THE FIRST NIGHT OF THE FESTIVAL, HE MAY MAKE UP FOR IT ON THE LAST NIGHT OF THE FESTIVAL,⁸ WHILE THE SAGES SAY, THERE IS NO COMPENSATION FOR THIS, AND OF THIS WAS IT SAID: THAT WHICH IS CROOKED CANNOT BE MADE STRAIGHT, AND THAT WHICH IS WANTING CANNOT BE NUMBERED.⁹

GEMARA. What is the reason of R. Eliezer? — Ye shall dwell¹⁰ implies just as you normally dwell. As in a [normal] abode [a man has] one [meal] by day and one by night, so in the Sukkah [he must have] one meal by day and one by night. And the Rabbis?¹¹ — [They say that the implication¹⁰ is] like an abode. Just as in an abode a man eats if he desires and if he does not so desire he does not eat, so also with the Sukkah; if he desires he eats, and if he does not so desire he does not eat. But if so, [why should he not have the option] on the first night of the Festival also? R. Johanan answered in the name of R. Simeon b. Jehozadak, With regard to Sukkah it says, The fifteenth,¹² and with regard to the Festival of Passover it says, The fifteenth.¹³ Just as there¹⁴ the first night only is obligatory¹⁵ but from then on it is optional,¹⁶ so here also the first night is obligatory,¹⁷ but from then on it is optional. And in the case of Passover whence do we know?¹⁸ -Since the verse says, At evening ye shall eat unleavened bread;¹⁹ Scripture thus establishes it²⁰ as an obligation.

R. ELIEZER SAID IN ADDITION. But did not R. Eliezer say that A MAN IS OBLIGED TO EAT FOURTEEN MEALS IN THE SUKKAH, ONE ON EACH DAY AND ONE ON EACH NIGHT?²¹ -Bira answered in the name of R. Ammi, R. Eliezer recanted [of his previous statement]. With what does one make up for it?²² If you will say with bread,²³ is not one merely eating the [obligatory] meal of the festival day?²⁴ — The fact is that by ‘make up is meant that one should make up with various kinds of desert.²⁵ So it has also been taught:²⁶ If he made up [for a meal he has missed] with various kinds of desert he fulfilled his obligation.²⁷

The major domo of King Agrippa²⁸ asked R. Eliezer, [A man] such as I am, who eat but one meal a day, may I eat one meal [in the Sukkah] and be free [of my obligation]? He answered him, Every day you draw out [the meal] with all kinds of dainties for your own honour, and now you cannot add one dainty for the honour of your Creator? He also asked him, [A man] such as I who have two wives, one in Tiberias and one in Sepphoris, and two Sukkahs, one in Tiberias and one in Sepphoris, may I go from one Sukkah to the other and²⁹ thus be free from my obligation? He answered him, No! For I say that he who goes from one Sukkah to another annuls the ‘mizwah³⁰ of the first.

It has been taught: R. Eliezer says,

(1) Who respectively say (supra 26a) that casual eating is two or three eggs and the bulk of an egg, the quantity a student eats before proceeding to college.

(2) Before eating it.

(3) After it has been eaten.

(4) But not Sukkah, the prescribed minimum for which is either that given by R. Joseph or Abaye.

(5) During the seven days of the festival.

(6) Sc. one need not eat even one meal in the Sukkah if one desires to fast throughout the seven days.

(7) When one must eat a meal in the Sukkah.

(8) Which is the Eighth Day of Solemn Assembly, though on that day the obligation of Sukkah no longer applies. (This will be discussed in the Gemara).

(9) Eccl. I, 15.

(10) Lev. XXIII, 42, dealing with the Sukkah.

(11) THE SAGES, sc. how can they maintain their view against this exposition.

(12) Lev. XXIII, 39.

(13) Ibid. 6.

(14) Passover.

- (15) For eating unleavened bread.
- (16) V. Pes. 120a.
- (17) To eat in the Sukkah.
- (18) That the obligation applies at least to the first night.
- (19) Ex. XII, 18.
- (20) Eating on the first evening.
- (21) And since the last day is not subject to the obligation, and any person sitting in the Sukkah on that day in fulfilment of the commandment is guilty of adding to the commandments, how can that day compensate for the first?
- (22) The meal of the first evening.
- (23) Sc. one's ordinary meal.
- (24) How then could it also serve as compensation?
- (25) Which form no essential part of the usual festival meal.
- (26) That even desert may be regarded as a compensating meal.
- (27) Much more so, of course, if he did it with a proper meal of bread and meat.
- (28) [Agrippa II; the major domo, epitropos, is identified with Joseph b. Simai mentioned in Shab. 121b. V. Graetz, MGWJ. XIII 1881, p. 484 and Klein, Beitrage p. 66 n. 1.]
- (29) Though other people must use the same Sukkah throughout the seven days (v. infra).
- (30) The good deed performed by obeying the commandment to dwell in a Sukkah.

Talmud - Mas. Sukkah 27b

One may not go from one Sukkah to another,¹ nor may one² make a Sukkah during the Intermediate Days of the Festival, while the Sages say, One may go from one Sukkah to another, and one may make a Sukkah during the Intermediate Days of the Festival; but both of them are in accord that if it fall down, one³ may re-erect it during the Intermediate Days.

What is the reason of R. Eliezer? — Scripture says, Thou shalt keep the Feast of Sukkah for seven days,⁴ [which implies,] make a Sukkah which shall be fit for seven days.⁵ And the Rabbis?⁶ -This is what the Divine Law means: Make a Sukkah for the Festival. 'But both of them are in accord that if it fall down one may re-erect it during the Intermediate Days' — But is not this obvious?⁷ — I would have said that this⁸ is [deemed to be] another [Sukkah] and is [thus] not one for seven days, therefore he informs us [that we do not say so].⁹

It has been taught: R. Eliezer said, Just as a man cannot fulfil his obligation on the first day of the Festival¹⁰ with the palm-branch of his fellow, since it is written, And ye shall take to you on the first day the fruit of goodly trees, branches of palm-trees¹¹ i.e., from your own, so cannot a man fulfil his obligation with a Sukkah of his fellow, since it is written, The festival of Sukkoth thou shalt keep to thee for seven days.¹² I.e., of thine own. The Sages, however, say, Although they¹³ said that a man cannot fulfil his obligation on the first day of the Festival¹⁰ with the palm-branch of his fellow, he may nevertheless fulfil his obligation with the Sukkah of his fellow, since it is written, All that are homeborn, in Israel shall dwell in Sukkoth,¹⁴ which teaches that all Israel are able to sit in one Sukkah.¹⁵ And how do the Rabbis¹⁶ interpret the words 'to thee'?¹² — It is needed to exclude a stolen [Sukkah]; but as to a borrowed one, It is written, 'All that are homeborn' etc.¹⁴ And what does R. Eliezer do with, 'All that are homeborn'?¹⁴ — It is needed [to include] a convert who had become converted in the meantime¹⁷ or a minor who had attained his majority in the meantime.¹⁸ And the Rabbis?¹⁹ — Since they say that a man²⁰ may make a Sukkah during the Intermediate Days of the Festival no [special] verse is needed [for converts and minors].²¹

Our Rabbis have taught: It once happened that R. Ila'i went to pay his respects to R. Eliezer his master in Lydda²² on a Festival.²³ He²⁴ said to him, 'Ila'i, you are not of those that rest on the Festival',²⁵ for R. Eliezer used to say, 'I praise the indolent who do not emerge from their houses on the Festival'²⁶ since it is written, And thou shalt rejoice, thou and thy household'.²⁷ But it is not so?

For did not R. Isaac say, Whence do we know that a man is obliged to pay his respects to his teacher on the Festival? From Scripture which said, Wherefore wilt thou go to him to-day? It is neither New Moon nor Sabbath²⁸ from which it follows that on the New Moon²⁹ and the Sabbath a man is obliged to pay his respects to his master?³⁰ — There is no difficulty. The latter refers to where he can go and return [to his house] on the one day;³¹ the former to where he cannot go and return on the same day.³² Our Rabbis have taught: It happened that R. Eliezer passed the Sabbath³³ in Upper Galilee in the Sukkah of R. Johanan son of R. Ila'i at Caesarea or, as some say, in Caesarea [Philippi],³⁴ and when the sun reached the Sukkah he said to him,³⁵ 'How if I spread a cloth over it?'³⁶ He answered him, 'There was not a tribe in Israel which did not produce a judge'.³⁷ When the sun reached to the middle of the Sukkah, he said to him, 'How if I spread a cloth over it?' He answered him, 'There was not a tribe in Israel from which there did not come prophets, and the tribes of Judah and Benjamin appointed their kings at the behest of the prophets'.³⁸ When the sun reached the feet of R. Eliezer,³⁹ Johanan took a cloth and spread it over [the Sukkah]. R. Eliezer [thereupon] tied up his cloak, threw it over his back, and went out.⁴⁰ It was not in order to evade an answer [that he answered as he did] but because he never said anything which he had not heard from his master.

How did R. Eliezer act thus?⁴¹ Did not R. Eliezer say, One may not go from one Sukkah to another?⁴² — It was on another Festival.⁴³ But did not R. Eliezer say, I praise the indolent who do not leave their houses on the Festival? — It was an ordinary Sabbath.

But could he not deduce [the answer]⁴⁴ from his own⁴⁵ statement, since we have learnt: One may shut a window⁴⁶ with a window-shutter if it is fastened or hung [on the window-frame],⁴⁷ but if not, one may not shut a window with it; but the Sages say, In either case one may shut the window with it?⁴⁸

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- (1) Sc. to eat in one and sleep in the other or to use one on one day and the other on the next.
 - (2) Who did not dwell in a Sukkah on the first day.
 - (3) Who fulfilled his duty in it in the earlier day or days.
 - (4) Deut. XVI, 13.
 - (5) One made during the Intermediate Days is obviously for less than 'seven days' as is one that is forsaken before the seven days are over.
 - (6) How can they maintain their view against this exposition?
 - (7) Since the Sukkah was originally put up for the full seven days.
 - (8) Since it is put up again during the Intermediate Days.
 - (9) Because the repaired Sukkah is merely the continuation of the original one which was duly intended for the full seven days.
 - (10) Of Tabernacles.
 - (11) Lev. XXIII, 40.
 - (12) This is the literal translation of Deut. XVI, 13 quoted supra.
 - (13) The Rabbis who preceded them.
 - (14) Lev. XXIII, 42.
 - (15) Now, the contribution each Israelite could possibly make towards the cost of such a common Sukkah would inevitably amount to less than a perutah which legally acquires nothing, so that each could use the Sukkah only by borrowing it from the others.
 - (16) The Sages.
 - (17) I.e., between the first and the last days of the Festival.
 - (18) They are obliged to make for themselves a Sukkah in which to dwell from that time to the end of the Festival, even although an ordinary Israelite, according to R. Eliezer supra, must make a Sukkah after the Festival has begun.
 - (19) Who use this text supra for another deduction, whence do they deduce the law just mentioned?
 - (20) Even an ordinary Jew whose duty it was to make the Sukkah prior to the Festival.
 - (21) Whose case may be inferred a minori ad majus.
 - (22) R. Eliezer b. Hyrcanus who conducted his own academy at Lydda for many years. V. Sanh. 36b.

- (23) I.e., set out on the eve of the Festival in order to be with his Master on the first day of the Festival.
- (24) The Master.
- (25) Sc. those who spend it at home in the company of their wives.
- (26) Though their sole reason for staying at home is their indolence.
- (27) Deut. XIV, 26. This verse does not, as a matter of fact, refer to a Festival but to the second tithing. Tosaf. (Pes. 109a) suggests an analogy between this verse and Deut. XVI, 14, the import of each being the same, but the former is quoted since it mentions the word 'house' (i.e., 'wife') specifically.
- (28) 11 Kings IV, 23. The reference is to the Shunamite woman and Elisha.
- (29) Sc. a Festival.
- (30) V. R.H., Sonc. ed., p. 62, n. 12. Now how are the two statements to be reconciled?
- (31) As his wife would thus have his company for a part of the day he must also pay his respects to his teacher.
- (32) His duty to his wife overrides his duty to his teacher as far as a visit to him on a Festival is concerned.
- (33) Of Tabernacles.
- (34) There were two Caesareas in N. Palestine, distinguished by their spelling.
- (35) Johanan to R. Eliezer.
- (36) So as to provide more shade. The point of his question was whether the spreading of the cloth is regarded as the extension of a temporary tent which is forbidden on the Sabbath.
- (37) He turned to another topic, since, as explained infra, he never gave a decision which had not been handed down. R. Eliezer's outstanding characteristic was his rigid conservatism.
- (38) Saul and David, for instance, were appointed by Samuel. Cf. prev. n.
- (39) As the sun climbed the sky, its rays penetrated more and more into the Sukkah.
- (40) In order to avoid responsibility for Johanan's action (cf. supra n. 4).
- (41) Dwell in another person's Sukkah on the Festival.
- (42) How then could he leave his own Sukkah in Lydda (cf. Sanh. 32b) for that of Johanan at Caesarea?
- (43) Not Tabernacles. They sat in the Sukkah for convenience.
- (44) To Johanan's enquiry.
- (45) R. Eliezer's.
- (46) On the Sabbath.
- (47) Because in that case it is regarded as a part of the window and its closure constitutes neither 'building' nor an addition to a building.
- (48) Shab. XVII, 7. Now since the question was whether spreading the cloth over the Sukkah would be regarded as adding to it on the Sabbath why did not it, Eliezer deduce from this analogous case that the answer was in the affirmative?

Talmud - Mas. Sukkah 28a

— [No.] In the latter case¹ it is [forbidden] since he destroys its identity,² but in the former where he does not,³ the law is not so.⁴

Our Rabbis have taught: It happened that R. Eliezer passed the Sabbath in Upper Galilee, and they asked him for thirty decisions in the laws of Sukkah. Of twelve of these he said, 'I heard them [from my teachers]'; of eighteen he said, 'I have not heard'. R. Jose b. Judah said, Reverse the words: Of eighteen he said, 'I have heard them', of twelve he said, 'I have not heard them'. They said to him, 'Are all your words only reproductions of what you have heard?' He answered them, 'You wished to force me to say something which I have not heard from my teachers. During all my life [I may tell you] no man was earlier than myself in the college, I never slept or dozed in the college, nor did I ever leave a person in the college when I went out, nor did I ever utter profane speech, nor have I ever in my life said a thing which I did not hear from my teachers'.

They said concerning R. Johanan b. Zakkai that during his whole life he never uttered profane talk, nor walked four cubits without [studying the] Torah or without tefillin, nor was any man earlier than he in the college, nor did he sleep or doze in the college, nor did he meditate⁵ in filthy

alleyways, nor did he leave anyone in the college when he went out, nor did anyone ever find him sitting in silence, but only sitting and learning, and no one but himself ever opened the door to his disciples, he never in his life said anything which he had not heard from his teacher, and, except on the eve of Passover⁶ and on the eve of the Day of Atonement,⁷ he never said, 'It is time to arise from the studies at the college'; and so did his disciple R. Eliezer conduct himself after him.

Our Rabbis have taught: Hillel the Elder had eighty disciples, thirty of whom were worthy of the Divine Spirit resting upon them, as [it did upon] Moses our Master, thirty of whom were worthy that the sun should stand still for them [as it did for] Joshua the son of Nun,⁸ [and the remaining] twenty were ordinary. The greatest⁹ of them was Jonathan b. Uzziel,¹⁰ the smallest¹¹ of them was Johanan b. Zakkai. They said of R. Johanan b. Zakkai that he did not leave [unstudied] Scripture, Mishnah, Gemara,¹² Halachah,¹³ Aggadah,¹⁴ details of the Torah,¹⁵ details of the Scribes,¹⁶ inferences a minori ad majus, analogies,¹⁷ calendrical computations¹⁸ gematrias,¹⁹ the speech of the Ministering Angels, the speech of spirits,²⁰ and the speech of palm-trees,²¹ fullers' parables²² and fox fables,²³ great matters or small matters; 'Great matters' mean the Ma'aseh merkabah,²⁴ 'small matters' the discussions of Abaye and Raba;²⁵ in order to fulfil what is said, That I may cause those that love me to inherit substance, and that I may fill their treasuries.²⁶ And if the smallest of them was so great, how much more so was the greatest? They said of Jonathan b. Uzziel that when he used to sit and occupy himself with the study of the Torah, every bird that flew above him was immediately burnt.

MISHNAH. IF A MAN'S HEAD AND THE GREATER PART OF HIS BODY WERE WITHIN THE SUKKAH AND HIS TABLE WITHIN THE HOUSE,²⁷ BETH SHAMMAI DECLARE IT INVALID AND BETH HILLEL DECLARE IT VALID. BETH HILLEL SAID TO BETH SHAMMAI, DID IT NOT IN FACT HAPPEN THAT THE ELDERS OF BETH SHAMMAI AND THE ELDERS OF BETH HILLEL WENT TO VISIT R. JOHANAN B. HA-HORONITH AND FOUND HIM SITTING WITH HIS HEAD AND THE GREATER PART OF HIS BODY WITHIN THE SUKKAH AND HIS TABLE WITHIN THE HOUSE, AND THEY SAID NAUGHT TO HIM?²⁸ BETH SHAMMAI ANSWERED, IS THAT A PROOF? INDEED THEY SAID TO HIM, IF YOU HAVE SO CONDUCTED YOURSELF, YOU HAVE NEVER IN YOUR LIFE FULFILLED THE LAW OF THE SUKKAH.

WOMEN, SLAVES AND MINORS ARE FREE FROM THE OBLIGATION OF SUKKAH, BUT A MINOR WHO IS NOT DEPENDENT ON HIS MOTHER IS BOUND BY THE LAW OF SUKKAH. IT ONCE HAPPENED THAT THE DAUGHTER-IN-LAW OF SHAMMAI THE ELDER GAVE BIRTH TO A CHILD,²⁹ AND HE BROKE AWAY THE PLASTER OF THE ROOF AND PUT SUKKAH-COVERING OVER THE BED FOR THE SAKE OF THE CHILD. GEMARA. Whence do we know this?³⁰ For our Rabbis taught: [If Scripture had said] 'homeborn' [it would have included] every homeborn, [but since it says] 'the homeborn'³¹ it excludes women. 'Every' includes minors.

The Master has said: 'The homeborn' excludes women. Does that mean that 'homeborn' implies both men and women? But has it not been taught: 'The homeborn'³² includes the homeborn women that they must fulfil the law of afflicting themselves, which shows that 'homeborn'³³ implies men [only]? — Rabbah answered, They³⁴ are traditional laws³⁵ but the Rabbis applied a Scriptural verse to them. Which³⁶ is based on a Scriptural verse and which on a traditional law? And, moreover, what is the necessity for a Scriptural verse or for a traditional law?³⁷ Is not a Sukkah a positive commandment dependent upon a fixed time [for its fulfilment], and are not women exempt from every positive commandment which depends upon a fixed time [for its fulfilment]? As to the Day of Atonement [also]³⁸ can it not be derived from [the statement] Rab Judah made in the name of Rab, for Rab Judah citing Rab stated and so the school of R. Ishmael taught, As Scripture says, Man or woman³⁹

- (1) That of the window-shutter.
- (2) I.e., the identity of the shutter is lost to the window. The act of closing must, therefore, be regarded as 'building'.
- (3) Since the cloth would not be allowed to remain in the Sukkah.
- (4) The window-shutter becomes part of the frame, but the cover does not become part of the Sukkah. The spread of the latter, therefore, need not necessarily be regarded as building.
- (5) His studies or other sacred subjects.
- (6) When it was necessary to hurry home to the Passover meal for the sake of the children who might otherwise fall asleep (cf. Pes. 109a).
- (7) When the last meal of the day had to be eaten early before the fast began.
- (8) Cf. Josh. X, 12f.
- (9) Or 'eldest', but the following statement suggests 'the greatest'.
- (10) According to Meg. 3a, he wrote a Targum to the Prophets, and wished to translate the Hagiographa, but was prevented. The extant Targum to the Prophets is pseudo-Jonathan.
- (11) Or 'the youngest'.
- (12) Explanations of the Mishnah.
- (13) Decisions of law.
- (14) The non-halachic part of Talmud, including homiletics, ethics, folk-lore, legends etc.
- (15) The minute details and subtle points in Biblical exposition.
- (16) Similarly of Rabbinical enactments.
- (17) The second of the thirteen hermeneutical principles of R. Ishmael.
- (18) The calculations of the solstice etc.
- (19) Laws derived from the numerical equivalents and other numerical computations of letters.
- (20) Usually evil spirits, demons.
- (21) Rashi professes ignorance of this. Hai Gaon writes in a responsum that on a windless day, if a man stand between two palms and observe how they incline to one another, signs can be deduced which afford information. The Gaon Abraham Kobasi d. 828, was a proficient interpreter of 'the speech of palms'.
- (22) The fuller is a well-known figure in Roman comedy.
- (23) R. Meir was an adept in fox fables.
- (24) Esoteric speculation based on Ezek. I
- (25) They lived much after Johanan b. Zakkai. Rashbam suggests that their forte was the harmonizing of Mishnah and Baraitha. Rashi suggests that they were forgotten and Abaye and Raba re-taught them. For further notes on the passage v. B.B., Sonc. ed., p. 563.
- (26) Prov. VIII, 21.
- (27) The Sukkah being attached to the house — v. supra.
- (28) Some texts omit this sentence, in view of what follows.
- (29) A male-child, on the Festival.
- (30) That women are exempt, and children bound.
- (31) The literal translation of Lev. XXIII, 42 is 'Every one of the homeborn' etc.
- (32) In Lev. XVI, 29, referring to the Day of Atonement.
- (33) Without the prefixed definite article.
- (34) Sc. one of the two laws under discussion.
- (35) Not dependent upon the proof of a Scriptural verse, but on the tradition given to Moses on Mount Sinai.
- (36) Of the two laws.
- (37) Either in the case of Sukkah to exclude women or in that of the Day of Atonement to bring them under the obligation.
- (38) Sc. the law that women are subject to the law of afflicting themselves on that day.
- (39) Num. V, 6 referring to 'any sin.'

Talmud - Mas. Sukkah 28b

, the Writ [thereby]¹ makes man and woman equal as regards all punishable acts in the Torah?² Abaye answered, Indeed Sukkah is a traditional law, and still³ it is necessary. For I would have said,

since 'Ye shall dwell' implies, in the same manner as you ordinarily live; as one's permanent abode is for husband and wife, so the Sukkah must be for husband and wife, therefore he informs us⁴ that it is not so. Raba said, It⁵ is necessary,⁶ since I might have said, Deduce the fifteenth⁷ from the fifteenth⁸ of the Festival of Unleavened Bread: just as in the latter case women are bound by the obligation⁹ so in the former also women are bound, hence we were informed⁴ [that it is not so].

And now that you say that Sukkah is a traditional law, why is the Scriptural verse¹⁰ necessary? — To include converts. I would have said 'the homeborn in Israel', said the Divine Law, but not converts, therefore it informs us¹¹ that it is not so. [That women must fast on] the Day of Atonement is deduced, is it not, from [the statement of] Rab Judah in the name of Rab?¹² — [The verse] is necessary [to include] the additional affliction.¹³ As I might have said that, since the Divine Law excluded the additional affliction from punishment and warning,¹⁴ women are entirely exempt therefrom, therefore he informs us that they are subject to the obligation.

The Master said, [The word] 'every' comes to include minors. But have we not learnt: WOMEN, SLAVES AND MINORS ARE FREE FROM THE OBLIGATION OF THE SUKKAH? — There is no difficulty. The former refers to a minor who has reached the age of being trained,¹⁵ the latter where he has not yet reached the age of being trained. But is not the obligation of a minor who has reached the age of being trained a Rabbinical injunction?¹⁶ — It is indeed a Rabbinical injunction, but the Scriptural verse is merely a support to it. A MINOR WHO IS NOT DEPENDENT ON HIS MOTHER etc. What is meant by a minor who is not dependent on his mother? — The school of R. Jannai said, Whomever, when he relieves himself, his mother need not clean. R. Simeon b. Lakish¹⁷ said, He who awakes from his sleep and does not call his mother. 'His mother'! But do not grown-ups also call their mother? Say, rather, he who awakes from his sleep and does not call 'Mother! Mother!'¹⁸

IT ONCE HAPPENED THAT THE DAUGHTER-IN-LAW OF . . . GAVE BIRTH TO A CHILD etc. The incident¹⁹ contradicts [the Mishnah],²⁰ does it not? — There is a lacuna, and thus it should be taught: But Shammai takes a strict view, and [indeed] IT ONCE HAPPENED THAT THE DAUGHTER-IN-LAW OF SHAMMAI THE ELDER GAVE BIRTH TO A CHILD AND HE BROKE AWAY THE PLASTER OF THE ROOF, AND PUT SUKKAH-COVERING OVER THE BED FOR THE SAKE OF THE CHILD.

MISHNAH. ALL THE SEVEN DAYS [OF THE FESTIVAL]²¹ A MAN MUST MAKE THE SUKKAH HIS PERMANENT ABODE AND HIS HOUSE HIS TEMPORARY ABODE. IF RAIN FELL, WHEN MAY ONE BE PERMITTED TO LEAVE IT?²² WHEN THE PORRIDGE WOULD BECOME SPOILT. THEY PROPOUNDED A PARABLE. TO WHAT CAN THIS BE COMPARED? TO A SLAVE WHO COMES TO FILL THE CUP FOR HIS MASTER, AND HE²³ Poured a pitcher over his face.²⁴

GEMARA. Our Rabbis have taught, All the seven days,²¹ one should make the Sukkah, his permanent abode and his house his temporary abode. In what manner? If he had beautiful vessels, he should bring them up into the Sukkah, beautiful divans, he should bring them up into the Sukkah; he should eat and drink and pass his leisure in the Sukkah.

Whence do we know this?²⁵ — From what our Rabbis have taught: Ye shall dwell²⁶ implies, in the same manner as you ordinarily live. Hence they said, All the seven days²⁷ one should make his Sukkah his permanent abode, and his house his temporary abode. In what manner? If he has beautiful vessels, he should bring them up into the Sukkah, beautiful divans, he should bring them up into the Sukkah, he should eat and drink and pass his leisure in the Sukkah; he should also engage in profound study²⁸ in the Sukkah. But it is not so? For did not Raba say, Scripture and Mishnah [should be studied] in the Sukkah, but Gemara²⁹ outside the Sukkah? — There is no difficulty, The

former [statement refers to] revising,³⁰ the latter to profound study.

- (1) By placing the two nouns in juxtaposition.
- (2) Among which those connected with the Day of Atonement are included.
- (3) Although it can be deduced from the fact that Sukkah is dependent on time for its fulfilment.
- (4) By citing a traditional law.
- (5) The traditional law.
- (6) Although it can be deduced from the fact that Sukkah is dependent on time for its fulfilment.
- (7) Lev. XXIII, 34 dealing with Tabernacles.
- (8) Ibid. 6.
- (9) Of eating unleavened bread (cf. Pes. 43b).
- (10) 'The homeborn' which implies an addition.
- (11) By the definite article before 'homeborn'.
- (12) Why then is it necessary to have a Scriptural verse to include women.
- (13) I.e., that the fast of women must also begin on the eve of the Day of Atonement some time before nightfall.
- (14) Which apply to the Day of Atonement itself.
- (15) The age at which a child has to be trained for his future responsibilities on attaining his majority. Normally eleven or twelve years of age, but here, in view of our Mishnah, it means when he is independent of his mother.
- (16) Why then is it here deduced from Scripture?
- (17) V. marg. glos. Cur. edd. read, 'Rabbi' and enclose 'Simeon' in parenthesis.
- (18) I.e., if when he calls once and she does not answer he is silent, he is regarded as not being dependent on his mother.
- (19) Which shows that a Sukkah was made for a minor who was dependent on his mother.
- (20) Which ruled that minors are exempt from Sukkah.
- (21) Of Tabernacles.
- (22) His Sukkah.
- (23) The Master.
- (24) Rain on Tabernacles is a sign of God's displeasure (Ta'an. I, 1). God shows his displeasure at his servant Israel's performing of his duties.
- (25) The rules just enumerated.
- (26) Lev. XIII, 42.
- (27) Of Tabernacles.
- (28) This is taken to mean the Gemara which needs more concentrated application than Scripture or Mishnah.
- (29) תניי On the term v. Shab., Sonc. ed., p. 559, n. 1.
- (30) When not much concentration is needed.

Talmud - Mas. Sukkah 29a

As was the case of Raba¹ b. Hama when he was standing before R. Hisda, [first] they ran over the Gemara together, and then they investigated the reasons.

Raba said, Drinking vessels may be kept in the Sukkah,² eating utensils³ [must be taken] outside the Sukkah.⁴ Earthenware pitchers and wooden pails [must be kept] outside the Sukkah. A lamp⁵ [may be kept] within the Sukkah, while some say [that it must be kept] outside the Sukkah; but there is no difference of opinion between them, the former referring to a large Sukkah and the latter to a small one.⁶

IF RAIN FELL. A Tanna taught, When a porridge of beans⁷ would become spoilt.⁸ Abaye was seated before R. Joseph in a Sukkah. The wind blew and brought down chips⁹ [into the food]. R. Joseph¹⁰ said to them, 'Remove the vessels for me hence' — Abaye said to him, 'But have we not learnt, WHEN THE PORRIDGE WOULD BECOME SPOILT?'¹¹ He answered him, 'For me, who am fastidious, this is like the porridge becoming spoilt'.

Our Rabbis taught, If he was eating in the Sukkah, and rain fell, and he left [the Sukkah],¹² he need not trouble to return there¹³ until he has finished his meal. If he was sleeping in the Sukkah and rain fell and he left,¹⁴ he need not trouble to return until it is dawn. They asked them, [Is the reading] sheye'or¹⁵ or sheye'or?¹⁶ — Come and hear, [It has been taught,] 'Until sheye'or¹⁶ and the morning star appear'. [Now¹⁷ how are the] two¹⁸ [to be reconciled]? Consequently you must read, Until sheye'or¹⁹ and the morning star appear.²⁰

THEY PROPOUNDED A PARABLE. TO WHAT CAN THIS BE COMPARED. They asked them, Who Poured upon whom?²¹ Come and hear: For it has been taught: The master poured the pitcher over his face and said, 'I have no desire for your service

Our Rabbis taught,²² When the sun is in eclipse, it is a bad omen for the whole world. This may be illustrated by a parable. To what can this be compared? To a human being who made a banquet for his servants and put up for them a lamp. When he became wroth with them he said to his servant, 'Take away the lamp from them, and let them sit in the dark'.

It was taught: R. Meir said, Whenever the luminaries are in eclipse, it is a bad omen for Israel²³ since they are inured to blows.²⁴ This may be compared to a school teacher who comes to school with a strap in his hand. Who becomes apprehensive? He who is accustomed to be daily punished.

Our Rabbis taught, When the sun is in eclipse it is a bad omen for idolaters; when the moon is in eclipse, it is a bad omen for Israel,²³ since Israel reckons by the moon²⁵ and idolaters by the sun.²⁶ If it²⁷ is in eclipse in the east, it is a bad omen for those who dwell in the east; if in the west, it is a bad omen for those who dwell in the west; if in the midst of heaven it is bad omen for the whole world. If its face is red as blood, [it is a sign that] the sword is coming to the world; if it is like sack-cloth,²⁸ the arrows of famine are coming to the world; if it resembles both, the sword and the arrows of famine are coming to the world. If the eclipse is at sunset²⁹ calamity will tarry in its coming; if at dawn, it hastens on its way: but some say the order is to be reversed. And there is no nation which is smitten that its gods are not smitten together with it, as it is said, And against all the gods of Egypt I will execute judgments.³⁰ But when Israel fulfil the will of the Omnipresent, they need have no fear of all these [omens] as it is said, Thus saith the Lord,' Learn not the way of the nations, and be not dismayed at the signs of heaven, for the nations are dismayed at them,³¹ the idolaters will be dismayed, but Israel will not be dismayed.

Our Rabbis taught, On account of four things is the sun in eclipse: On account of an Ab Beth din³² who died and was not mourned³³ fittingly; on account of a betrothed maiden who cried out aloud in the city and there was none to save her;³⁴ on account of sodomy, and on account of two brothers whose blood was shed at the same time. And on account of four things are the luminaries³⁵ in eclipse: On account of those who perpetrate forgeries, on account of those who give false witness; on account of those who rear small cattle in the land of Israel;³⁶ and on account of those who cut down good trees.³⁷

And on account of four things is the property of householders given into the hands of the government: On account of those who retain in their possession bills which have been paid;³⁸ on account of those who lend money on usury;

(1) Cur. edd. in parenthesis 'of Rabbah'. Var. lec., Rami.

(2) Even after use.

(3) After they have been used.

(4) The former remain clean after use, the latter do not.

(5) Though it is an earthen vessel.

(6) Of the minimum size of seven handbreadths.

- (7) Which even slight rain spoils.
- (8) It is permitted to leave the Sukkah.
- (9) Of the roof.
- (10) Who was very fastidious (Cf. Pes. 113b).
- (11) It is permitted to leave the Sukkah.
- (12) In order to finish his meal in the house.
- (13) Lit., 'to go up'; when the rain stops.
- (14) To finish his sleep in the house.
- (15) 'That he awakens', i.e., if he happened to awake during the night and the rain stopped he must return forthwith.
- (16) 'It dawn'.
- (17) If the reading is sheye'or ('it dawn').
- (18) Seeing that 'dawn' is later than the time 'the morning star appears'.
- (19) 'He awakens'.
- (20) Sc. both conditions are required. If, for instance, he awoke at midnight he need not return to the Sukkah because it is not yet dawn, and if it dawned before he awoke he need not be awakened.
- (21) Sc. does the pronoun refer to the SLAVE or the MASTER, i.e., the improper conduct of Israel or God's disdainful rejection?
- (22) The following topics are suggested by the previous mention of rain as a bad omen.
- (23) The euphemism 'enemies of Israel' in the original is used for Israel.
- (24) More than any other people. If any evil is to befall the world Israel may be sure to have the lion's share if not all of it.
- (25) Sc. by the moon also. The lunar month is one of the foundations of the Jewish calendar.
- (26) I.e., the sun only.
- (27) The sun.
- (28) Dark and overcast.
- (29) Lit., 'at its entry', Sc. to its imaginary home of rest for the night.
- (30) Ex. XII, 12.
- (31) Jer. X, 2.
- (32) The vice-president of the Sanhedrin. The nasi was the President.
- (33) With a memorial address.
- (34) Cf. Deut. XXII, 24.
- (35) The moon and the stars.
- (36) Animals that cannot be prevented from ravaging the fields of others, v. B.K. 79b.
- (37) Even though they are their own.
- (38) In the hope of claiming on them again.

Talmud - Mas. Sukkah 29b

on account of those who had the power to protest [against wrongdoing] and did not protest; and on account of those who publicly declare their intention to give specified sums for charity and do not give.

Rab said, On account of four things is the property of householders confiscated by the state treasury:¹ On account of those who defer payment of the labourer's hire; on account of those who withhold the hired labourer's wages; on account of those who remove the yoke from off their necks and place it on [the necks] of their fellows² and on account of arrogance. And the sin of arrogance is equivalent to all [the others] whereas of the humble it is written, But the humble shall inherit the land, and delight themselves in the abundance of peace.³

C H A P T E R III

MISHNAH. A STOLEN OR A WITHERED PALM-BRANCH⁴ IS INVALID. ONE [THAT

CAME] FROM AN ASHERAH⁵ OR FROM A CONDEMNED CITY,⁶ IS INVALID. IF ITS TOP WAS BROKEN OFF OR ITS LEAVES WERE DETACHED,⁷ IT IS INVALID. IF ITS LEAVES ARE MERELY SPREAD APART⁸ IT IS VALID. R. JUDAH SAYS, HE SHOULD TIE THEM UP AT THE TOP. THE THORN-PALMS OF THE IRON MOUNTAIN⁹ ARE VALID.¹⁰ A PALM-BRANCH WHICH IS THREE HANDBREADTHS IN LENGTH, LONG ENOUGH TO WAVE, IS VALID.

GEMARA. [The Tanna]¹¹ categorically teaches [that the PALMBRANCH IS INVALID] irrespective of whether [it is to be used] on the first day of the Festival¹² or on the second day.¹³ Now this is right as regards a withered palm since we must have [a branch that is] 'goodly'¹⁴ which this one is not; but with regard to a stolen one, the law is quite right as far as the first day of the Festival is concerned, since it is written, 'to you'¹⁴ [which implies that it shall be] of your own, but why should it not be allowed on the second day?¹⁵ — R. Johanan answered in the name of R. Simeon b. Yohai,

(1) For the fiscus.

(2) The reference is to those who evade payment of taxes, so that the burden falls more heavily on others.

(3) Ps. XXXVII, 11.

(4) Lulab, one of the four species used in the festive wreath (cf. Lev. XXIII, 40).

(5) A grove worshipped by heathens (cf. Deut. XII, 2).

(6) Cf. Deut. XIII, 16.

(7) From the stem.

(8) But are joined to the stem at their roots.

(9) A mountain in the vicinity of Jerusalem.

(10) Though their leaves are short.

(11) In our Mishnah.

(12) When the obligation is Pentateuchal.

(13) On which the obligation is only Rabbinical.

(14) Lev. XXIII, 40.

(15) To which the text cited, which explicitly refers to the first day, does not apply.

Talmud - Mas. Sukkah 30a

because it¹ would be a precept fulfilled through a transgression [which is forbidden], as it is said, And ye have brought that which is stolen, and the lame and the sick,² 'The stolen' is thus compared with the lame; just as the lame can never be rectified,³ so that which is stolen can never be rectified, [that is] irrespective of whether the stolen is used before abandonment [of hope of recovery by the owner] or after abandonment. Now this⁴ is right before abandonment, since the Divine Law said, When any man of you bringeth an offering unto the Lord⁵ and this⁶ is not his, but [why should the law apply] after abandonment [of right by the owner], seeing [that the robber] has acquired it⁷ by [virtue of that] abandonment?⁸ The reason must then be that it is a precept fulfilled through a transgression.

R. Johanan in the name of R. Simeon b. Yohai further said, What is the purport of that which is written, For I the Lord love justice, I hate robbery with iniquity?⁹ This may be compared to a human king who passed through his custom-house and said to his attendants, 'pay the tax¹⁰ to the tax-collectors'. They said to him, 'But the whole tax, surely, belongs to thee!' He answered them, 'All travellers would learn from me not to evade their payments of tax'. So the Holy One, blessed be He, said, 'I the Lord hate robbery in burnt-offerings;¹¹ let My children learn from Me and keep away from robbery'.¹²

Sc¹³ it was also stated: R. Ammi said, A withered [palm-branch] is invalid because it is not

‘goodly’,¹⁴ a stolen one is invalid because it constitutes a precept fulfilled through a transgression.

And this¹⁵ disagrees with R. Isaac, since R. Isaac b. Nahmani said in the name of Samuel, This¹⁶ was taught only with regard to the first day of the Festival, but on the second day, since a man fulfils his obligation with a borrowed [palm-branch].¹⁷ he fulfils it also with a stolen one.

R. Nahman b. Isaac objected: A STOLEN OR WITHERED PALM-BRANCH IS INVALID, from which it follows that a borrowed one is valid? Now when?¹⁸ If you say, On the first day of the Festival, is it not written [it may be objected] ‘to you’¹⁹ implying that it should be your own, and this one is not his! Consequently the reference must be to the second day of the Festival, and yet it teaches that a stolen one is invalid?²⁰ — Raba replied: Indeed it refers to the first day of the Festival but he²¹ implies the form of ‘It is not required’:²² It is not required to state that a borrowed one is invalid since it is not his; but in the case of a stolen one, of which I might say that normally a robbery [implies immediate] abandonment by its owner and that it is, therefore, like his own,²³ therefore he informs us [that even a stolen one is invalid].²⁴

R. Huna said to some traders, When you purchase myrtles from heathens,²⁵ do not cut them yourselves, but let them²⁶ cut them and give them to you. What is the reason? — Heathens as a rule acquire their land by robbery²⁷

(1) The use of a stolen palm-branch.

(2) Mal. 1, 13.

(3) To become a valid offering.

(4) That the stolen may not be used.

(5) Lev. I, 2. The Heb. for ‘of you’ may be rendered ‘of yours’. sc. the offering must come from the donor's own property.

(6) Being a stolen one.

(7) The stolen.

(8) V. B.K. 67a.

(9) Isa. LXI. 8.

(10) For the king's own goods.

(11) Be'olah. E.V. ‘with iniquity’. The noun may bear both significations.

(12) Even although everything belongs to God, and there can, therefore, technically be no robbery in offering a sacrifice to God.

(13) That the reason for the first ruling in our Mishnah is, as R. Johanan explained, that a pious deed may not be performed through a transgression.

(14) Cf. Lev. XXIII, 40.

(15) The ruling that a stolen palm-branch is invalid on the second day of the Festival.

(16) That a stolen palm-branch is invalid.

(17) As was explained supra 29b ad fin.

(18) Is it valid.

(19) Lev. XXIII, 40.

(20) How then could R. Isaac b. Nahmani maintain in the name of Samuel that it is valid?

(21) The author of our Mishnah.

(22) A statement which mentions only the less probable, and includes the more probable.

(23) Even if the owner was not heard to abandon it.

(24) Unless the owner had actually abandoned the hope of ever recovering it.

(25) For binding to the palm-branch. V. infra.

(26) The heathens.

(27) From Jews.

Talmud - Mas. Sukkah 30b

and there is no [title to] land by robbery;¹ therefore let them cut it down, so that there may be abandonment [of right]² by the owner while it is in their possession,³ and change of domain⁴ in your hands.⁵ But in any case, even when the traders cut the myrtles, let abandonment [of right] by the owner take place when these are in their hands, and change of domain when they are in the hands of the purchasers?⁶ — It is necessary [to state this law] only with regard to the hoshanna⁷ of the traders themselves.⁸ But why could they not acquire possession of them by the change they make in it?⁹ — [R. Huna] is of the opinion that the palm-branch [wreath] does not need binding;¹⁰ and [even] if you were to find some ground for saying that the palm-branch wreath does need binding, [still] the change would be one that can be removed by restoring the object to its original condition¹¹ which is not regarded as a valid change. But why should they not acquire possession by virtue of the change of name, since previously¹² it was called asa [myrtle] and now

(1) Lit., 'land cannot be robbed'; v. B.K. 117b. The myrtle while still growing is, therefore, legally the property of its Jewish owner and thus invalid to the purchaser.

(2) Of the cut myrtles.

(3) Unlike land, detached produce is acquired by robbery.

(4) From that of the seller to that of the buyer.

(5) He is of the opinion that abandonment of right by the owner is not sufficient to constitute acquirement of title by the possessor unless there was in addition either (a) a change of domain, (b) a change in the nature of the object, or (c) a change in its name (v. B.K. 67a). But even if abandonment alone were sufficient, the robbery, if the traders themselves had cut the myrtles, would have been committed by them, and they would have been guilty of performing a precept by means of a transgression.

(6) Lit., 'in our hands'. And since the purchasers commit no robbery they might well use the myrtles.

(7) The myrtle. Lit., 'save, we beseech thee', a refrain chanted when holding the wreath of which the myrtles form a part.

(8) Which they require for their own use. In such a case, were they to cut the myrtles, there would be no change of domain and they (the users) would be committing the robbery.

(9) By binding the three components, the myrtles, the willows and the palm-branch.

(10) Hence there is no change.

(11) He may unbind the component parts.

(12) Before it was put into the festive wreath.

Talmud - Mas. Sukkah 31a

hoshanna?¹ — Previously also a myrtle² was called hoshanna.¹

Our Rabbis taught, In the case of a stolen Sukkah, and [a Sukkah made by] placing Sukkah-covering over a public thoroughfare,³ R. Eliezer declares [them] invalid and the Sages declare [them] valid. R. Nahman explained: The dispute⁴ applies only where he⁵ forcibly ejects his fellow⁶ from the Sukkah. In which case R. Eliezer⁷ is consistent with his view, he having said, 'A man cannot fulfil his obligation in the Sukkah of his fellow', so that if [we hold that] there is a title to land by robbery, the Sukkah is a stolen one,⁸ and even if [we hold that] there is no title to land by robbery,⁹ [still] the Sukkah is a borrowed one;¹⁰ and the Rabbis¹¹ [also] are consistent, since they maintain that a man can fulfil his obligation in the Sukkah of his fellow, and that there is title to land by robbery, so that the Sukkah is a borrowed one.¹² Where, however, he stole wood and used it for Sukkah-covering, all agree¹³ that he [the owner] has [a claim] merely against the cost of the wood.¹⁴ How [do we know this]?¹⁵ — Since [the Sukkah] is compared to a public thoroughfare;¹⁶ as the ground of a public thoroughfare is not his,¹⁷ so [must] the Sukkah [referred to] also be one put up on land that is not his.¹⁸

A certain old woman¹⁹ came before R. Nahman and said to him, 'The Exilarch and all the Rabbis of the house of the Exilarch are sitting in a stolen Sukkah'. She cried²⁰ but R. Nahman took no notice

of her. She said to him, 'A woman whose father²¹ had three hundred and eighteen slaves cries out to you, and you take no notice?' R. Nahman said to them, 'She is a noisy woman; but she can claim only the cost of the wood'.²²

Rabina said, If the main joist of a Sukkah was stolen,²³ the Rabbis made an enactment with regard to it,²⁴ similar to the enactment of the beam.²⁵ But is not this²⁶ obvious? Wherein does it differ from wood?²⁷ — I would have thought that [the law applied only to] wood since it is common,²⁸ but not to this which is uncommon,²⁹ therefore he informs us [that the law applies to this case also]. This,³⁰ however, only applies during the seven days [of the Festival], but after the seven days, it must be returned in its original state. If, however, he fixed it in with cement,³¹ even after the seven days he need only give its value.

A Tanna taught, A withered [palm-branch] is invalid; R. Judah declares it valid. Raba said, The dispute concerns only the palm-branch, since the Rabbis are of the opinion that the palm-branch is likened to the ethrog [citron], and just as the ethrog must be a goodly [fruit]³² so must the palm-branch be goodly, while R. Judah holds that we do not liken the palm-branch to the ethrog; but with regard to the ethrog, all agree that it must be a goodly [fruit].³²

Does not then R. Judah demand that the palm-branch shall be goodly? Have we not in fact learnt, R. JUDAH SAYS, HE SHOULD TIE THEM UP AT THE TOP, the reason presumably being that it must be goodly? — No! The reason is as it has been taught: R. Judah said in the name of R. Tarfon, Branches of palm-trees³³ [mean that the palm-branches must be] tied up.³⁴ and if they were separated, one must tie them up.³⁵ But does he not then demand that it be goodly? Have we not in fact learnt, 'The lulab³⁶ is bound only with its own species; so R. Judah',³⁷ the reason presumably being that it must be goodly? — No! Since Raba said [that it may be bound] even with the bast or the root of the palm.³⁷ What then is the reason of R. Judah? — Because he is of the opinion that the [components] of the lulab must be bound together and if one employs another species,³⁸ the number of species becomes five.³⁹

But does R. Judah demand that the ethrog be goodly? Has it not in fact been taught, As to the Four Species of the lulab, just as one may not diminish from them, so one may not add to them. If he cannot find an ethrog, he may neither bring a quince nor a pomegranate, nor any other thing. Dried up [ethrogs] are valid, withered ones are invalid. R. Judah says, Even withered ones [are valid]. And R. Judah, furthermore said, It happened

(1) V. supra n. 2.

(2) Since it is used in the mentioned wreath.

(3) Whereby one robs the public of access to it.

(4) Between R. Eliezer and the Sages.

(5) The robber.

(6) The rightful owner of the land upon which the Sukkah is erected. Lit., 'he seizes his fellow and ejects him'. (Whatever is attached to the ground is subject to the laws of title that apply to landed property).

(7) In ruling the Sukkahs mentioned invalid.

(8) And, therefore, invalid.

(9) And the land as well as the Sukkah are, therefore, the property of the rightful owner (cf. supra p. 135, n. 13).

(10) And R. Eliezer excludes both stolen and borrowed Sukkahs by his exposition of 'to thee' supra.

(11) The Sages.

(12) And, therefore, valid.

(13) Even R. Eliezer.

(14) But the wood itself passes into the possession of the robber who has acquired it by change of function and name, and the Sukkah being neither robbed nor borrowed, is consequently valid.

(15) That the dispute depends on the questions whether land may be legally acquired by robbery and whether a borrowed

Sukkah is valid.

(16) Both appearing in juxtaposition.

(17) I.e., it does not belong to the man who put up a Sukkah on it since it obviously belongs to the public.

(18) And consequently must refer to the case where he forcibly ejected the owner.

(19) From whom the servants of the Exilarch had robbed the wood wherewith his Sukkah was covered.

(20) Demanding the return of her wood.

(21) Rashi suggests that this refers to Abraham the father of all Jews, who had three hundred and eighteen servants (Gen. XIV, 14).

(22) Sc. there is no need to break up the structure in order to return to her the actual wood (cf. Git. 55a).

(23) And if it were to be removed, the Sukkah would collapse.

(24) That the owner be given the value of it only.

(25) The locus classicus of this law, referring to a house; the Sukkah, though a frail structure, having been given in this respect the status of a permanent structure during the festival days.

(26) The law of the joist.

(27) Concerning which it has just been ruled that its value only is to be paid to the owner.

(28) And the robbed man can, therefore, easily buy some with the money.

(29) Cf. prev. n. mut. mut.

(30) That the joist itself need not be returned.

(31) So that it becomes a permanent fixture.

(32) As is explicitly stated in Lev. XXIII, 40.

(33) Lev. XXIII, 40; 'branches' כַּפּוֹת.

(34) כַּפּוֹת the root כָּפַת in Biblical, Aramaic and Mishnaic Hebrew means 'to bind'.

(35) Infra 32a.

(36) Lit., 'palm-branch'. Where lulab is used it refers to all three species tied together. V. infra.

(37) Infra 36a.

(38) For the binding.

(39) Instead of the four prescribed in Lev. XXIII, 40; and it is forbidden to add to any legally prescribed number.

Talmud - Mas. Sukkah 31b

that urban dwellers¹ used to bequeath their lulabs to their grandchildren. They² said to him, Is that a proof? A case of emergency does not constitute a proof.³ At all events it is taught that R. Judah says that even withered ones are valid, and this refers, does it not, to the ethrog?⁴ — No! It refers to the palm-branch.

The Master has said, 'Just as one may not diminish from them, so one may not add to them'. But is not this obvious? — I would have said that since R. Judah said that the lulab⁵ must be bound, if one bring another species,⁶ each is regarded as separate,⁷ therefore he informs us [that it is not so].⁸

The Master has said, 'If he cannot find an ethrog, he may bring neither a pomegranate nor a quince, nor any other thing'. But is not this obvious? — I would have said that he may bring it in order that the law of ethrog might not be forgotten, therefore he informs us [that it is forbidden lest] at times the result be disastrous, since one might confound [the one fruit with the other].⁹

Come and hear: An old ethrog is invalid, but R. Judah declares it valid. [Is not this a] refutation of Raba? — It is a refutation.

But does not [R. Judah] demand that it¹⁰ be goodly? Have we not in fact learnt: If it¹⁰ is green as a leek, R. Meir declares it valid and R. Judah invalid?¹¹ Is it¹² not because it¹⁰ must be goodly? No! Because the fruit is not yet ripe. Come and hear: The minimum size of an ethrog is, R. Meir says, the size of a nut; R. Judah says that of an egg.¹¹ Is it¹² not because it¹⁰ must be goodly? — No! Because the fruit is not ripe.

Come and hear: Its¹⁰ maximum size is such that one should be able to hold two in one hand; so R. Judah. R. Jose says, Even if one can hold one ethrog in both hands.¹¹ Now what is the reason?¹³ Is it not because he requires it to be goodly? — No! Because Rabbah¹⁴ said, The lulab [must be held] in the right hand and the ethrog in the left,¹⁵ and since sometimes he might put them in the wrong hands, when he changes over [the ethrog might fall] and become invalid.¹⁶ But, according to R. Judah is it not written in Scripture ‘goodly’?¹⁷ — This means ‘that which remains upon the tree from year to year’.¹⁸

ONE THAT CAME FROM AN ASHERAH OR FROM A CONDEMNED CITY. Is then [the palm-branch that came from] an asherah invalid? Did not Raba in fact say, One should not take a palm-branch of idolatry, but if he did nevertheless take it, it is valid?¹⁹ — Here we are dealing with an asherah [dating from the time of] Moses, whose [minimum] size²⁰ [is regarded as] crushed.²¹ A deduction from the wording also proves this, since it²² is compared with a condemned city.²³ This is conclusive. IF ITS TOP WAS BROKEN OFF. R. Huna said, ‘BROKEN OFF’ only was taught, but if it is only split, it is valid. Is it then valid if it is split? Has it not been taught, A palm-branch which is bent

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- (1) Who could not obtain fresh ones.
 - (2) The Rabbis who disagreed with him.
 - (3) Tosef. Suk. II.
 - (4) How then could it be maintained that R. Judah insists on the ethrog being goodly?
 - (5) Lit., ‘palm-branch’. Where lulab is used it refers to all three species tied together. V. infra.
 - (6) Without binding it with the others.
 - (7) I.e., the extra species is regarded as something apart from the four and hence permissible.
 - (8) Even a species that is unbound may not be added.
 - (9) And thus use a quince or a pomegranate even where an ethrog is obtainable.
 - (10) The ethrog.
 - (11) Infra 34a.
 - (12) R. Judah's reason.
 - (13) For R. Judah's ruling.
 - (14) Var. lec. ‘Raba’ (Bah).
 - (15) Infra 37b.
 - (16) If the ethrog is too large for him to grasp in his hand together with his lulab, as he is changing over, he will drop it. Hence the ruling that ‘one should be able to hold two in one hand’, one of these two representing the space the lulab would occupy during the change.
 - (17) Specially in connection with the ethrog, Lev. XXIII, 40.
 - (18) The word **הדר** ‘goodly’ is translated by R. Judah homiletically as **הדר** ‘which dwells’. V. infra 35a.
 - (19) Hul. 89a.
 - (20) V. Mishnah supra 29b.
 - (21) A thing that is condemned to be burnt is regarded as burnt, and since it must be burnt (cf. Deut. XII, 3) it is regarded as non-existent.
 - (22) The asherah.
 - (23) Which must too be burnt and, therefore, regarded as non-existent.

Talmud - Mas. Sukkah 32a

, thorny, split or curved like a sickle is invalid. If it¹ has become hardened,² it is invalid. If it only appears as though it is hardened,³ it is valid?⁴ — R. Papa answered, It⁵ refers to where it⁶ is like a prong.⁷ ‘If it is curved like a sickle’, Raba said, refers only to its front, but towards its back, it is its nature [to be curved]. R. Nahman said, At the sides⁸ is the same as at the front, and some say, The same as at its back. Raba further said, A palm-branch of which all the foliage grows on one side is a blemished plant and is invalid.

IF ITS LEAVES WERE BROKEN OFF etc. R. Papa said. ‘DETACHED’ means like a broom,⁹ ‘SPREAD APART’ means that they were parted from one another.¹⁰ R. Papa asked, How if the central leaf¹¹ is split?¹² — Come and hear what R. Johanan¹³ said in the name of R. Joshua b. Levi: If the central leaf is removed, it⁶ is invalid. No doubt if it is split the same law would apply? No, if it is removed the law is different, since it is entirely lacking. Another version is that R. Johanan said in the name of R. Joshua b. Levi:¹³ If the central leaf is split, it is as though it is removed, and [the lulab] is invalid.

R. JUDAH SAYS. It has been taught: R. Judah said in the name of R. Tarfon, ‘Branches of palm-trees’, [means that palm-branches must be] tied up, and if they were separated, one must tie them up.¹⁴ Rabina said to R. Ashi, How do we know that ‘Branches of palm-trees’ refers to the [green sprouts of the] palm-branches? Perhaps it means [branches of] the hardened palm?¹⁵ — It must be [a branch the leaves of which can be] bound up, and this one¹⁶ cannot.¹⁷ But¹⁸ perhaps it means the stalk [itself]?¹⁹ — [Since the word] ‘bound’ is used, it must refer to something which can be separated, but this is permanently bound. But perhaps it means the inflorescence of palms?²⁰ — Abaye answered, It is written, Her ways are ways of pleasantness, and all her paths are peace.²¹ Raba Tosfa'ah said to Rabina, But perhaps it means two branches of palms? — The word is written kappath.²² Then perhaps it means one? — That would be called kaf.²³

THE THORN-PALMS OF THE IRON MOUNTAIN ARE VALID. Abaye said, They taught it only where the top of one [leaf] reaches the junction of the next, but if the top of the one does not reach the junction of the next,²⁴ it²⁵ is invalid. So it has also been taught: The thorn-palms of the iron mountain are invalid. But have we not learnt that they are valid? It may be deduced, therefore, [that the ruling is] in agreement with Abaye. This is conclusive.

(1) The palm-branch.

(2) Wooden.

(3) Sc. it began to harden but the process was not yet complete.

(4) Now since this Baraita distinctly ruled a split lulab to be invalid how could R. Huna uphold it to be valid?

(5) The Baraita.

(6) The lulab.

(7) If it is naturally split to this extent even R. Huna agrees that it is invalid.

(8) Sc. if the lulab is bent sideways.

(9) Leaves detached from the central rib and subsequently bound together.

(10) But joined to the rib at their roots.

(11) Lit., ‘the twins’, the central leaf being a junction of two.

(12) The split reaching as low as the top of the lower leaves.

(13) In the parallel passage in B.K. 96a the reading is R. Mathon.

(14) Supra 31a q.v. notes.

(15) I.e., a palm which is some years old, whose branches have become hardened like other tree branches, and there must be one central branch and one protruding from each side.

(16) The hardened branch.

(17) Since the branches are too hard.

(18) Since it is insisted that the branch must be 'bound'.

(19) From which no leaves branch out at all.

(20) A spike covered with flowers, and enveloped by one or more spathes. Being only one or two years old its leaves can still be bent and bound to the central parts.

(21) Prov. III, 17; i.e., it is unpleasant to hold this prickly spike and, therefore, the Torah could not have referred to it.

(22) Implying the singular. The word כפת is written defectively, which can be read as כפת (cf. supra 31a).

(23) A branch; not kappath which implies something that has to be bound, v. supra.

(24) These thorn-palms are very sparsely covered with leaves, so that the top of the lower leaf may not reach as far as the beginning of the one above it.

(25) The branch.

Talmud - Mas. Sukkah 32b

Some put it¹ in the form of mutual contradiction: We have learnt: THE THORN-PALMS OF THE IRON MOUNTAIN ARE VALID. But has it not been taught that they are invalid? Abaye answered, There is no difficulty: The one² refers to where the top of the one leaf reaches the junction of the next; the other³ to where the top of the one does not reach the junction of the other. R. Marion said in the name of R. Joshua b. Levi, while others say that Rabbah b. Mari taught in the name of R. Johanan b. Zakkai, There are two palms in the valley of Hinnom,⁴ between which there ascends smoke, and it is in that connection that we have learnt, THE THORN-PALMS OF THE IRON MOUNTAIN ARE VALID, and it is the entrance to Gehenna.

A PALM-BRANCH WHICH IS THREE HANDBREADTHS IN LENGTH. Rab Judah said in the name of Samuel, The [minimum] length of the myrtle and the willow is three [handbreadths], and that of the palm-branch four, so that the palm-branch should extend one handbreadth beyond the myrtle. And R. Parnak said in the name of R. Johanan, The stem⁵ of the palm-branch should extend a handbreadth beyond the myrtle.

Have we not learnt, A PALM-BRANCH WHICH IS THREE HANDBREADTHS IN LENGTH, LONG ENOUGH TO WAVE, IS VALID?⁶ — Read AND LONG ENOUGH TO WAVE;⁷ and each one⁸ explains it according to his own view.⁹

Come and hear: [We have learnt.] The [minimum] length of the myrtle and the willow is three [handbreadths], and that of the palm-branch four. Surely [this means, does it not,] inclusive of the leaves?¹⁰ — No, exclusive of the leaves.

[To turn to] the main text: The [minimum] length of the myrtle and the willow is three [handbreadths], and that of the palm-branch four. R. Tarfon says, A cubit¹¹ consisting of five handbreadths.¹² Raba said, May R. Tarfon's Master forgive him [for this absurd statement]! We cannot find a valid myrtle three [handbreadths] long, would one of five handbreadths be required?¹³ When R. Dimi came¹⁴ he explained. [R. Tarfon meant thus]: Make a cubit which has [normally] six handbreadths, into five.¹⁵ Deduct from these the three for the myrtle and the remainder is for the palm-branch. How much then¹⁶ is it?¹⁷ Three and three fifths?¹⁸ Do not then two statements of Samuel contradict one another, for here Rab Judah says in the name of Samuel, The [minimum] length of the myrtle and the willow is three [normal handbreadths], and elsewhere R. Huna said in the name of Samuel that the halachah is as R. Tarfon?¹⁹ — [Samuel] was not precise.²⁰

But do we not say that one is not precise only when [this results in] a restriction [of the law] but not when [it results in] a relaxation of it?²¹

When Rabin came,²² he explained: [R. Tarfon meant thus]: Make a cubit of five normal handbreadths into one of six handbreadths. Deduct of these three for the myrtle, and the remainder is

for the palm-branch. But how much¹⁶ is it?²³ Two and a half.²⁴ Is there not ‘then a discrepancy between [the two statements of] Samuel?²⁵ — [The answer is that] he was not precise, and in this case his lack of precision²⁶ results in a restriction [of the law], since R. Huna said in the name of Samuel that the halachah is as R. Tarfon.²⁷

MISHNAH. A STOLEN OR WITHERED MYRTLE IS NOT VALID, ONE OF AN ASHERAH OR OF A CONDEMNED CITY IS INVALID. IF ITS TIP WAS BROKEN OFF, OR ITS LEAVES WERE SEVERED, OR IF ITS BERRIES WERE MORE NUMEROUS THAN ITS LEAVES, IT IS INVALID, BUT IF HE DIMINISHED THEIR NUMBER IT IS VALID. ONE MAY NOT, HOWEVER, DIMINISH THEM ON THE FESTIVAL.

GEMARA. Our Rabbis taught, ‘Boughs of a thick tree²⁸ [means] [that kind of tree] whose branches completely cover its trunk. Now what [tree] is this? Obviously you must say that it is the myrtle. But perhaps it is the olive?²⁹ — It must be wreathed,³⁰ which [the olive] is not. But perhaps it is the plane tree?³¹ — It is required that the branches shall cover its trunk, which is not the case [with the plane tree]. But perhaps it is the oleander?³² Abaye said, ‘Its³³ ways³⁴ are the ways of pleasantness’,³⁵ and [with the oleander] this is not the case.³⁶ Raba expressed [the same idea] from the following verse, Therefore love ye truth and peace.³⁷

Our Rabbis taught, [That plant whose leaves are] shaped like a plait, and resemble a chain, is the myrtle. R. Eliezer b. Jacob said ‘The boughs of a thick tree’²⁸ [means] a tree the taste of whose wood and whose fruit is similar: Say, then, it is the myrtle.

A Tanna taught, A tree which is ‘aboth³⁸ is valid, and which is not ‘aboth is not valid. What constitutes ‘aboth? — Rab Judah said, When three leaves grow out of one nest.³⁹ R. Kahana said, Even [if they only grow in] twos and ones.⁴⁰ R. Aha the son of Raba sought to obtain⁴¹ one [whose leaves grew] in twos and ones, since R. Kahana said [that such are valid]. Mar b. Amemar said to R. Ashi, ‘My father used to call that⁴² the wild myrtle’.

Our Rabbis taught, If the larger part of its⁴³ leaves fell off⁴⁴ and the lesser part remained, it is valid, provided that its wreath-work⁴⁵ remains. But is not this self-contradictory? You said that if the larger part of its leaves fell off⁴⁴ it is valid and then it is stated, ‘provided that its wreath-work remains’. But since two [of the three leaves] have fallen off, how is it possible to have a wreathwork? — Abaye said, It is possible

(1) Our Mishnah as well as the Baraitha cited.

(2) Our Mishnah.

(3) The Baraitha.

(4) A valley near Jerusalem. v. Jer. XIX, 2.

(5) Not merely the leaves.

(6) How then could Samuel and R. Johanan maintain that the length must be four handbreadths?

(7) Sc. the part which extends beyond the myrtle and willow, which is, therefore, not bound and can be waved.

(8) Samuel and R. Johanan.

(9) According to Samuel a handbreadth including the leaves, according to R. Johanan one excluding the leaves.

(10) An objection against R. Johanan.

(11) [אמה]. So MS.M. Cur. edd.: באמה (to be measured by) a cubit etc.].

(12) This is now assumed to mean that the myrtle and the willow must each be one such cubit long.

(13) Obviously not.

(14) From Palestine to Babylon.

(15) A normal handbreadth is one-sixth of a cubit. R. Tarfon made its measurement for the purpose of the lulab one fifth instead of one sixth. [I.e., R. Dimi reported that R. Tarfon said באמה and not אמה, cf. p. 142, n. 8.]

(16) In normal handbreadths.

- (17) The three handbreadths each of which is equal to a fifth of the six normal handbreadths.
- (18) Since the three handbreadths of the myrtle are equivalent to $3 \times 1 \frac{1}{5} = 3 \frac{3}{5}$ normal handbreadths.
- (19) Who prescribes $3 \frac{3}{5}$ normal handbreadths.
- (20) By three he really meant $3 \frac{3}{5}$.
- (21) Three instead of $3 \frac{3}{5}$.
- (22) From Palestine to Babylon.
- (23) The three handbreadths each of which equals $\frac{5}{6}$ of a normal one.
- (24) The normal cubit of six handbreadths being divided into five, each handbreadth is $\frac{5}{6}$ of a normal handbreadth. The three handbreadths of the myrtle, therefore, equal $(3 \times \frac{5}{6} = \frac{15}{6} =) 2 \frac{1}{2}$ normal handbreadths, leaving $2 \frac{1}{2}$ for the extending portion of the palm-branch.
- (25) Three, against two and a half normal handbreadths.
- (26) The number three.
- (27) That only a length of two and half normal handbreadths is enough.
- (28) Lev. XXIII, 40; E.V., 'of thick trees'.
- (29) Whose branches also cover its trunk.
- (30) 'Aboth (E.V., 'thick'), i.e., the leaves must grow in a sort of wreath-like formation.
- (31) Whose leaves also grow in wreath-like formation.
- (32) A bitter plant with stinging leaves which possesses both required characteristics.
- (33) The Torah's.
- (34) Sc. the performance of its commandments.
- (35) Prov. III, 17.
- (36) Since it is both bitter and stinging.
- (37) Zech. VIII, 19. There is in it neither 'peace' since it stings, nor 'love' since it is bitter and poisonous.
- (38) The leaves of which grow in wreath-like formation, v. supra n. 3.
- (39) Where the leaf emerges from the stem.
- (40) Two leaves coming out of one nest, and one from the lower one ascends and touches them.
- (41) For his lulab.
- (42) One whose leaves grow in twos and ones.
- (43) The myrtle's.
- (44) Sc. of each group of three leaves two fell off.
- (45) I.e., that three leaves are still coming out from each nest of the stem. The contradiction is discussed anon.

Talmud - Mas. Sukkah 33a

with the Egyptian¹ myrtle which has seven [leaves] in each nest, and [therefore] when four fall off, there are still three left. Abaye said, [From this] we can deduce that the Egyptian myrtle is valid for the hoshanna² But is not this obvious? — I might have said that since it has a distinctive name, it cannot be considered valid, therefore he informs us [that it is valid]. But perhaps it is indeed so?³ -The Divine Law says, 'boughs of a thick tree'⁴ i.e., of any kind.

Our Rabbis taught, If the larger part of its leaves were withered, and only three twigs with green leaves⁵ remained, it is valid. And R. Hisda added, [Provided] that they⁶ are at the top of each [twig].⁷

IF ITS TIP WAS BROKEN OFF. 'Ulla bar Hinena taught, If its tip was broken off, and a berry grew on it,⁸ it is valid. R. Jeremiah asked, If the tip was broken off before the Festival, and the berry grew on it on the Festival,⁹ what [is the law]? Do we apply the law of disability to [all] commandments or not?¹⁰ — Can he not decide this point from that which we have learnt: If he covered it and it became uncovered, he need not cover it again; if the wind covered it, he must cover it again.¹¹ And Rabbah b. Bar Hana said in the name of R. Johanan, They taught this¹² only where it subsequently became uncovered, but if it did not subsequently become uncovered, he is free from [the duty of] covering it. And when we asked concerning this, 'Even if it subsequently became uncovered, why must he cover it? Once it¹³ has suffered¹⁴ the disability¹⁵ is it not permanently

disabled?'¹⁶ R. Papa said, This implies that the law of disability does not apply to [all] commandments? — The question [of R. Jeremiah] is concerning that very statement of R. Papa: Is he¹⁷ certain that the law of disability does not apply to [all] commandments, irrespective of whether it is in the direction of stringency¹⁸ or leniency,¹⁹ or perhaps he¹⁷ is doubtful, and therefore we apply it in the direction of stringency,¹⁸ but not in the direction of leniency?¹⁹ It remains unanswered.²⁰

Can we say that these²¹ are according to the dispute of Tannas? [For we have learnt], If he transgressed and picked them²² off,²³ it is invalid. These are the words of R. Eleazar b. Zadok,²⁴ while the Sages declare it valid.²⁵ Now they²⁶ were of the opinion that according to all²⁷ the lulab does not need binding, and that, even if some reason could be found for ruling that it does need binding, we do not deduce [the laws of] lulab from those of Sukkah of which it is written, 'Thou shalt make' [which implies] but not from that which is already made.²⁸ Surely then they disagree on the following principle viz., that he who declares it invalid is of the opinion that we apply the law of disability to [all] commandments,²⁹ while he who declares it to be valid is of the opinion that we do not apply the law of disability³⁰ to [all] commandments?³¹ — No! All agree that we do not apply the law of disability to [all] commandments, but they disagree here in whether we deduce [the laws of] lulab from [those of] Sukkah. One Master³² is of the opinion that we do so deduce them,³³ while the other Master³⁴ is of the opinion that we do not make such a deduction.

And if you wish you may say that if it were held that the lulab needs binding all would have agreed that we deduce [the laws of] lulab from [those of] Sukkah;³³ but they disagree here on whether the lulab needs binding, as is the case in the dispute of these Tannas of whom it has been taught: A lulab, whether [the other prescribed species were] bound with it or not, is valid. R. Judah says, If it is bound [with the others] it is valid; if it is unbound, it is invalid.³⁵ What is the reason of R. Judah? — He deduces it from the word 'take' [which occurs here and with] the bundle of hyssop. It is written here, And ye shall take on the first day,³⁶ and there it is written And ye shall take a bundle of hyssop.³⁷ Just as there [it must be] a bundle, so here also [it must be] a bundle. And the Rabbis?³⁸ - They make no deduction from the mention of the word 'take' in the two passages. Who is it that learned that which our Rabbis have taught: It is a pious deed to bind the lulab, but [even] if he did not bind it, it is valid? Now who is it? If R. Judah be suggested, why is it valid if he did not bind it? If the Rabbis are suggested, what pious deed does he perform?³⁹ — It is in fact the Rabbis, and the pious deed spoken of is due to 'This is my God and I will glorify Him'.⁴⁰

OR IF ITS BERRIES WERE MORE NUMEROUS THAN ITS LEAVES. R. Hisda said, The following statement was made by our great Master,⁴¹ and may the Omnipresent be his help! They taught it⁴² only [if all the berries were] in one place, but if in two or three places, it⁴³ is valid. Said Raba,⁴⁴

(1) Or 'hedge', where it is free to grow unhampered (Rashi).

(2) The festive wreath.

(3) That it is not valid.

(4) V. supra p. 144, n. 1.

(5) Each twig having three leaves on it.

(6) The leaves.

(7) If they are not at the top, the myrtle cannot be regarded as 'goodly' and is, therefore, invalid.

(8) A kind of berry which can grow even on a detached myrtle (Rashi).

(9) While it was bound to the lulab.

(10) As it applies to sacrifices. Once a disability appears in a sacrifice after it is slain, even if the disability is removed, the sacrifice is still regarded as invalid. Similarly here the myrtle has become disabled for use before the Festival, and recovers its sound state on the Festival, and the question is whether or not the disability it once suffered renders it permanently invalid.

(11) Hul. 87a. The Mishnah refers to the law of covering up the blood of a bird or beast. V. Lev. XVII, 13 and Mishnah

Hul. VI.

- (12) That if the wind covered the blood it must be covered up again.
- (13) The blood.
- (14) When the wind had covered it.
- (15) I.e., there was no obligation then to cover it again.
- (16) Even after it had been uncovered. Why then has it been ruled that it must be covered again?
- (17) The Tanna of the Mishnah cited.
- (18) As in the case of the blood which must be covered again.
- (19) As in that of the broken myrtle where the growth of the berry would render it valid.
- (20) Teku, v. Glos.
- (21) The two views on the law of disability.
- (22) The berries whose number exceeded that of the leaves. V. supra 11b.
- (23) On the Festival when such picking is Rabbinically forbidden as shebuth (v. Glos.).
- (24) The reading supra 11b is 'R. Simeon b. Jehozadak'.
- (25) Supra 11b.
- (26) The Rabbis at the college who were discussing the question.
- (27) Sc. the Rabbis and R. Eleazar.
- (28) So that the disqualification of the lulab cannot be due to the fact that when the myrtle became fit the festive wreath had already been made.
- (29) As the myrtle was once invalid it must always remain so.
- (30) Which is applicable to holy sacrifices.
- (31) Hence the validity of the myrtle after the number of its berries had been reduced on the festival.
- (32) R. Eleazar.
- (33) As a Sukkah that was not made for the festival is invalid so also is the festive wreath invalid if the validity of the myrtle was effected after the wreath had been made.
- (34) The Sages.
- (35) Supra 11b.
- (36) Lev. XXIII, 40.
- (37) Ex. XII, 22.
- (38) How can they maintain their view in the face of this deduction?
- (39) Seeing that they require no binding.
- (40) Ex. XV, 2. For the whole passage and notes cf. supra 11b.
- (41) Rab.
- (42) The ruling just cited from our Mishnah.
- (43) The myrtle.
- (44) So Bah. Cur. edd. add 'to him'.

Talmud - Mas. Sukkah 33b

[If the berries are in] two or three places it is regarded as speckled,¹ and [therefore] invalid. Rather if it² was at all stated, thus was it stated: OR IF ITS BERRIES WERE MORE NUMEROUS THAN ITS LEAVES, IT IS INVALID. R. Hisda said, The following statement was made by our great Master, and may the Omnipresent be his help! They taught this only if the berries were black,³ but if they were green they are merely a species of myrtle and valid. R. Papa said, Red [berries] are like black,⁴ since R. Hanina said, Black blood is [in reality] red blood except that it deteriorated.⁵

IF HE DIMINISHED THEIR NUMBER, IT IS VALID. When did he diminish them? If you say, before he bound them,⁶ is not this obvious? Consequently it must be said, after he bound them?⁷ This then is a disability from the very outset.⁸ Why then may it not be deduced therefrom that a disability from the outset⁸ is no [permanent] disability?⁹ — Indeed it refers to [a diminution that took place] after he bound them, but he¹⁰ is of the opinion that the binding is merely a designation [for its purpose], and a mere designation is of no consequence.¹¹

THE DIMINUTION, HOWEVER, MAY NOT TAKE PLACE ON THE FESTIVAL. But if he transgressed and did pluck them,¹² how is it? Is it valid? But then, when did it become black? If you will say that it became black from the previous day,¹³ then it is a disability from the very outset.¹⁴ Why then may it not be deduced therefrom that a disability from the very outset is no disability? Consequently it must be conceded, must it not, that it became black on the Festival. It is thus a case of being fit¹² and then disabled. May it then be deduced therefrom that if anything was fit¹² and then suffered a disability it may become fit again? — No! Indeed it refers to where it became black before the Festival; and that a disability from the very outset¹¹ is no disability you may well deduce therefrom; but that where it was fit¹² and then suffered a disability it becomes fit again you may not deduce therefrom.

Our Rabbis taught, The diminution¹⁵ may not take place on the Festival. In the name of R. Eliezer son of R. Simeon they said that it may be diminished.¹⁶ But is he not¹⁷ improving an object¹⁸ on the Festival?¹⁹ — R. Ashi said, This is a case where he plucked them²⁰ for food,²¹ and R. Eliezer son of R. Simeon maintains the same opinion as his father who said that a work which is done without intention is permitted. But do not both Abaye and Raba say that R. Simeon admits in the case of ‘cut off his head, but let him not die’²² [that it is forbidden]?²³ — Here we are dealing with a case where he has another hoshanna.²⁴ Our Rabbis taught, If the binding²⁵ became loosened on the Festival,²⁶ he may bind it as one binds vegetables.²⁷ But why [should this²⁸ be necessary]? Why should not one make a proper loop?²⁹ — [This statement is] according to R. Judah who says that a loop is to be considered a proper knot.³⁰ But if it is according to R. Judah, should not a proper binding be required?³¹ The Tanna [of the Baraitha] agrees with R. Judah on one point³² and disagrees with him on the other.³³

MISHNAH. A STOLEN OR WITHERED WILLOW-BRANCH IS INVALID. ONE FROM AN ASHERAH OR FROM A CONDEMNED CITY IS INVALID. ONE WHOSE TIP WAS BROKEN OFF OR WHOSE LEAVES WERE SEVERED, OR A MOUNTAIN WILLOW³⁴ IS INVALID. ONE THAT WAS SHRIVELLED OR HAD LOST SOME OF ITS LEAVES, OR ONE GROWN IN A NATURALLY WATERED SOIL,³⁵ IS VALID.

GEMARA. Our Rabbis taught, Willows of the brook³⁶ means those which grow by a brook. Another interpretation of ‘willows of the brook’ is one whose leaf is elongated as a brook.³⁷

Another Baraitha taught: ‘Willows of the brook’, [might mean] willows of the brook only. Whence do we know that those grown on naturally watered soil and mountain willows [are also valid]? Scripture expressly states, ‘willows³⁸ of the brook’, i.e., from any place.

(1) Since the leaves are green while the berries are black.

(2) R. Hisda's tradition just cited.

(3) In which case it is speckled (cf. supra n. 7) and invalid.

(4) And, therefore, invalid.

(5) With regard to the blood of menstruation (v. Nid. 28a).

(6) So that when it was bound with the other species it was already valid.

(7) So that at the time of binding it was invalid.

(8) I.e., a disability that appeared before the Festival. Such a disability having appeared before the time for the fulfilment of the Festival is due does not invalidate permanently the object of ritual, which on recovering its normal status, becomes fit for use, v. infra.

(9) A question that remained unanswered, v. infra.

(10) The Tanna of our Mishnah.

(11) Sc. the plants do not thereby assume the full character of a festive wreath. The disability, therefore, cannot be regarded as having occurred prior to the Festival.

- (12) On the Festival.
 (13) The Festival eve.
 (14) V. p. 148, n. 14.
 (15) Of the berries (cf. our Mishnah).
 (16) On the Festival.
 (17) By making an invalid plant valid.
 (18) Lit., 'a vessel'.
 (19) Which is forbidden.
 (20) The berries.
 (21) Not for the purpose of rendering the plant valid.
 (22) The symbolic representation of the fact that although one has not the intention of bringing about a certain result, it is nevertheless an inevitable consequence.
 (23) And the validity of the myrtle is the inevitable consequence of the plucking of the berries.
 (24) Being independent of the one with the berries the removal of the latter cannot be regarded as the improvement of an object.
 (25) Of the three species of the festive wreath.
 (26) When the tying of a knot is forbidden.
 (27) No knot is made and the loose end is inserted between the winding and the plants.
 (28) Mode of binding.
 (29) Which not being a knot is permitted on the Festival.
 (30) Shab. 113a.
 (31) As laid down by him supra 33a.
 (32) That a loop is regarded as a proper knot and is forbidden on the Festival.
 (33) That the lulab must be properly bound.
 (34) זַפְזַפָּה v. infra 34a.
 (35) Sc. land which does not need artificial irrigation.
 (36) Lev. XXIII, 40.
 (37) And not rounded.
 (38) In the plural.

Talmud - Mas. Sukkah 34a

Abba Saul¹ says, Willows [in the plural means] two, one for the lulab and one for the Sanctuary.² And whence do the Rabbis³ deduce [the law of the willow] for the Sanctuary? — They had this as an accepted tradition; for R. Assi said in the name of R. Johanan, The laws of ten plants,⁴ the willow-branch and the water libation⁵ were given to Moses upon Mount Sinai.⁶

Our Rabbis taught, 'Willows of the brook'⁷ means those that grow by the brook excluding the zafzafah which is a willow that grows on the mountains. R. Zera said, Where is its Scriptural support?⁸ — He placed it beside many waters, he set it as a zafzafah.⁹ Abaye said to him, Is it not possible that [the latter part] is merely an explanation:¹⁰ 'He placed it beside many waters', and what was it? A zafzafah? — If so, what was the need for 'he set it'? R. Abbahu explained it:¹¹ The Holy One, blessed be He, said, I intended that Israel should be before Me as something placed beside many waters, that is, a willow, but they have made themselves as a zafzafah of the mountains.

Some teach this verse¹¹ in connection with the Baraita:¹² 'He placed it beside many waters, he set it as a zafzafah'.⁹ To this R. Zera demurred, Is it not possible that [the latter part] is merely an explanation: 'He placed it beside many waters' and what was it? A zafzafah? — If so, what could be the meaning of 'he set it'? R. Abbahu explained it:¹¹ The Holy One, blessed be He, said, I intended that Israel should be before Me as something placed beside many waters, that is, a willow, and they have made themselves as a zafzafah of the mountains.

Our Rabbis taught, What is a willow and what a zafzafah?--The willow has a red stem, an elongated leaf and a smooth edge; the zafzafah has a white stem, a round leaf and an edge serrated like a sickle. But has it not been taught, If it is like a sickle it is valid, if like a saw¹³ it is invalid? — Abaye said. That¹⁴ was taught only with regard to the rounded willow.¹⁵ Abaye said, Deduce therefrom that a rounded willow¹⁵ is valid for the hoshanna. But is not this obvious? — I would have said that since it has a distinctive name¹⁶ it would be thereby invalid, therefore he informs us [that it is not so]. But perhaps it is indeed so?¹⁷ — ‘Willows¹⁸ of the brook’, says the Divine Law, implying from any place.

R. Hisda said, Since the destruction of the temple the following three things have had their names interchanged. [What was formerly called] hilpetha [is now called] ‘arabta, and what was called ‘arabta, is now called hilpetha.¹⁹ What does that legally matter?--With regard to the lulab.²⁰ [What was before called] shifora [is now called] hazozerah,²¹ and what was hazozerah is now shifora. In what respect does this legally matter? — In respect of the shofar for the New Year. [What was formerly called] pathora [is now called] pathorta, and what was pathorta is now pathora.²² In what respect does this matter legally? — In respect of business transactions.²³ Abaye said, I also add [that what was formerly called] be kase [is now called] hublila,²⁴ and the former hublila is now be kase. In what respect does this legally matter? — In respect of a needle found in the fleshy part of the second stomach.²⁵ Raba b. Joseph said, I also add that [what was formerly called] Babylon [is now called] Borsif²⁶ and the former Borsif is now Babylon. In what legal respect

(1) Objecting to the deduction just made.

(2) V. infra 45a. In the Sanctuary they walked round the altar seven times with willows.

(3) Who expound the plural ‘willows’ as referring to the validity of mountain willows and those that grow on naturally watered soil.

(4) That if there is a minimum of ten saplings to a se'ah, the whole area may be ploughed until the New Year of the Sabbatical year, since the digging is for the sake of the trees; not of the ground, v. Sheb. I, 6.

(5) V. infra 48a.

(6) V. supra.

(7) Lev. XXIII, 40.

(8) That the mountain willow is inferior to the ordinary one.

(9) Ezek. XVII, 5. The assumption is that the second part of the verse ‘he set it as a zafzafah’ is in contrast to the former part, as R. Abbahu infra explains.

(10) Of the first part.

(11) The text just cited.

(12) I.e., the author of the Baraitha and not R. Zera cited it. According to this version Abaye's objection is attributed to R. Zera.

(13) A sickle-like edge has all the teeth pointing in a slanting direction towards the handle; a saw-like edge has upright teeth (Rashi).

(14) ‘Like a sickle it is valid’.

(15) One with rounded leaves.

(16) ‘Rounded’ willow. V. supra p. 145.

(17) I.e., invalid.

(18) The plural form.

(19) Kinds of willow. The hilpetha is identical with the zafzafah and is invalid, the ‘arabta is the valid willow.

(20) What is now called ‘arabta is invalid, and vice versa.

(21) The shifora or shofar is the ram's horn which is valid for sounding on the New Year, the hazozerah is a silver trumpet.

(22) The pathora is a large table, usually of a money-changer, the pathorta a small one.

(23) The seller must supply the article named in the contract in accordance with the current usage.

(24) Or hablila. The hablila is the first stomach of ruminants, the be kase (or beth ha-kosoth) the second stomach.

(25) If a needle is found in the first stomach, provided it does not perforate it, the animal remains ritually fit. If it is

found in the second stomach the animal is ritually unfit (v. Hul. 50b).

(26) Borsippa, a town adjoining the old city of Babylon. v. Obermeyer. p. 314ff.

Talmud - Mas. Sukkah 34b

does this matter? — In respect of bills of divorcement?¹

MISHNAH. R. ISHMAEL SAYS, [ONE MUST HAVE]² THREE MYRTLE-BRANCHES, TWO WILLOW-BRANCHES, ONE PALM-BRANCH AND ONE ETHROG. EVEN IF TWO [OF THE MYRTLE-BRANCHES] HAVE THEIR TIPS BROKEN OFF AND [ONLY] ONE IS WHOLE [THE WREATH IS VALID]. R. TARFON SAYS, EVEN IF ALL THREE HAVE THEIR TIPS BROKEN OFF. R. AKIBA SAID, JUST AS [IT IS NEEDED TO HAVE BUT] ONE PALM-BRANCH AND ONE ETHROG, SO [IT IS NEEDED TO HAVE BUT] ONE MYRTLE-BRANCH AND ONE WILLOW-BRANCH.

GEMARA. It has been taught, R. Ishmael said, 'The fruit of a goodly tree³ implies one; 'Branches of palm-trees'³ implies one;⁴ 'boughs of thick trees'³ implies three;⁵ 'willows of the brook'³ implies two, and even if two [of the myrtle-branches] have their tips broken off, and only one is whole [the wreath is valid]. R. Tarfon said, [There must be] three,⁶ [and they are valid] even if all have their tips broken off. R. Akiba said. Just as [it is necessary to have but] one palm-branch and one ethrog, so [it is necessary to have but] one myrtle-branch and one willow-branch. R. Eliezer said to him,⁷ If one should say that the ethrog should be bound with them⁸ in one bundle you can answer, Is it then written, 'The fruit of a goodly tree and branches of palm-trees'? It says only, 'The fruit of a goodly tree, branches of palm-trees'.⁹ And whence do we know that they are a hindrance to one another?¹⁰ Scripture teaches, 'And ye shall take'.¹¹ [implying] that the taking must be complete.¹² As to R. Ishmael,¹³ whichever view he takes [he is inconsistent]. For if he demands that the myrtle-branches] be whole, why should he not demand¹⁴ that they all be whole, and if he does not demand it, why should even one [have to be whole]? — Said Bira'ah in the name of R. Ammi, R. Ishmael recanted from this view.¹⁵ Rab Judah said in the name of Samuel, The halachah is in agreement with R. Tarfon.¹⁶ And Samuel is consistent; for in his view [expressed elsewhere] Samuel said to those who sold myrtle. 'Sell at the normal price, for if not, I will expound to you as R. Tarfon'.¹⁷ What is his reason?¹⁸ If you will say that he wished to take a lenient view, why did he not expound to them as R. Akiba¹⁹ who is still more lenient? — Three with broken tips are common, one with an unbroken tip is uncommon.²⁰

MISHNAH. AN ETHROG WHICH IS STOLEN OR WITHERED IS INVALID. ONE FROM AN ASHERAH OR A CONDEMNED CITY IS INVALID. IF IT WAS OF 'ORLAH²¹ OR OF UNCLEAR TERUMAH²² IT IS INVALID. IF IT WAS OF CLEAN TERUMAH HE SHOULD NOT TAKE IT,²³ BUT IF HE DID TAKE IT, IT IS VALID. IF IT WAS DEMAI,²⁴ BETH SHAMMAI DECLARE IT INVALID, AND BETH HILLEL DECLARE IT VALID. IF IT WAS OF SECOND TITHE, IT SHOULD NOT BE TAKEN²³ [EVEN] IN JERUSALEM, BUT IF HE TOOK IT, IT IS VALID.

IF THE LARGER PART OF IT IS COVERED WITH SCARS, OR IF ITS NIPPLE IS REMOVED, IF IT IS PEELED, SPLIT, PERFORATED, SO THAT ANY PART IS MISSING, IT IS INVALID. IF ITS LESSER PART ONLY IS COVERED WITH SCARS, IF ITS STALK WAS MISSING, OR IF IT IS PERFORATED BUT NAUGHT OF IT IS MISSING, IT IS VALID. AN ETHIOPIAN²⁵ ETHROG IS INVALID. IF IT IS GREEN AS A LEEK, R. MEIR DECLARES IT VALID AND R. JUDAH DECLARES IT INVALID.

THE MINIMUM SIZE OF AN ETHROG, R. MEIR SAYS, IS THAT OF A NUT. R. JUDAH SAYS THAT OF AN EGG. THE MAXIMUM [SIZE] IS SUCH THAT TWO CAN BE HELD IN

ONE HAND. THESE ARE THE WORDS OF R. JUDAH. R. JOSE SAID, EVEN ONE [THAT HE CAN HOLD ONLY] IN BOTH HIS HANDS.

(1) A bill of divorcement executed in the original Borsif and carried to another place is invalid unless the bearer made the declaration; 'In my presence it was written and in my presence it was signed', while one brought from Babylon required no such declaration (cf. Git. 2a, 6a, and Sanh. 109a). For further notes on this passage v. Shab., Sonc. ed., fol. 36a.

(2) For the festive wreath (cf. Lev. XXIII, 40).

(3) Lev. XXIII, 40.

(4) Since the word is written in singular form. V. supra.

(5) Corresponding to the three words in the original: 'anaf, 'ez and 'aboth.

(6) Myrtle-branches.

(7) [Var. lec. rightly omit 'to him'].

(8) The other three species.

(9) The absence of the waw conjunctive in this case and its presence in the case of the myrtles and willows that follow indicates that while the last three must be tied together the first need not.

(10) I.e., if one of the four species is missing it invalidates all.

(11) Lev. XXIII, 40.

(12) The four species together.

(13) Who requires only one myrtle-branch to be whole while the other two may have their tips broken off.

(14) Since Scripture draws no distinction between the two and the one.

(15) Sc. he now holds that one myrtle-branch is enough, but it must be whole.

(16) That myrtle-branches whose tips are broken off are valid.

(17) The people preferred whole, unbroken myrtles and to prevent exploitation by the vendors, Samuel threatened to expound that even broken ones are valid.

(18) That Samuel threatened to rule as R. Tarfon.

(19) Who requires only one myrtle-branch.

(20) The threat to adopt R. Tarfon's ruling had, therefore, a greater effect.

(21) The fruit of a tree during the first three years of its growth. V. Lev. XIX, 23.

(22) V. Glos.

(23) For the festive wreath.

(24) Produce about which it is doubtful whether it has been tithed; lit., 'mixed'.

(25) I.e., 'dark coloured', 'black'.

Talmud - Mas. Sukkah 35a

GEMARA. Our Rabbis have taught, 'The fruit of a goodly tree'¹ implies² a tree the taste of whose 'fruit' and 'wood' is the same. Say then that it is the ethrog. Might it not be said to be pepper, as it has been taught. 'R. Meir used to say, From the implication of the text, And ye have planted all manner of trees,³ do I not know that the reference is to a tree for food?⁴ What then does Scripture teach by the [next phrase] "for food"? [That⁵ the reference is to] a tree the taste of whose fruit and wood is the same. Say then that it is pepper. This is to teach you that the pepper tree⁶ is subject to the law of 'orlah and that the Land of Israel lacks nothing, as it is said, Thou shalt not lack anything in it?⁷ — There⁸ [pepper is excluded] since it is impossible [to use it].⁹ For how shall he proceed? If he take one [pepper seed],⁹ it is unrecognizable;¹⁰ if he takes two or three, the Divine Law surely said, one 'fruit'¹¹ and not two or three fruits. [Its use] therefore is impossible.

Rabbi said, Read not hadar¹² but ha-dir;¹³ just as the stable contains large and small [animals], perfect and blemished ones, so also [the fruit spoken of⁸ must have] large and small, perfect and blemished. Have not then other fruits large and small, perfect and blemished? — It is this rather that was meant: Before the small ones¹⁴ come, the large¹⁵ are still existent [on the tree].¹⁶

R. Abbahu¹⁷ said, Read not hadar,¹² but ha-dar,¹⁸ a fruit which remains upon its tree from year to year. Ben 'Azzai said, Read not hadar, but hudor¹⁹ for in Greek water is called hudor.¹⁹ Now what fruit is it that grows by every water? Say, of course, it is the ethrog.

IF FROM AN ASHERAH OR FROM A CONDEMNED CITY, IT IS INVALID. What is the reason? — Since it is condemned to be burnt, [it is considered as though] its minimum size is destroyed.²⁰

IF FROM 'ORLAH, IT IS INVALID. What is the reason? R. Hiyya b. Abin and R. Assi disagree on this point. One explains because there is no permission to eat it,²¹ and the other explains because it²² has no monetary value.²³ It is now assumed that the authority who insists on permission to eat it [in order to render it valid] does not insist upon [its having] monetary value,²⁴ and that he who insists upon monetary value does not insist upon permission to eat it.²⁵

Now we learned, OR OF UNCLEAN TERUMAH, IT IS INVALID. This is well according to him who explains, because there is no permission to eat it,²⁶ but according to him who explains, because it has no monetary value,²⁷ why [should unclean terumah be invalid] seeing that the man can kindle it under his cooking?²⁸ The fact is [that with regard to] permission to eat it, all agree that it is an essential,²⁹ and they disagree only on the question whether monetary value [is also necessary]. One Master is of the opinion that permission to eat it is necessary²⁹ but not monetary value, while the other Master is of the opinion that monetary value is also necessary. What is the practical difference between them? — The case of the Second Tithe in Jerusalem differentiates them according to R. Meir.³⁰ According to him who explains, because there is no permission to eat it [it is valid, since] in this case there is permission to eat it. According to him who explains, because it has no monetary value [it is invalid, since] the Second Tithe is sacred money.³¹

It may be concluded that it is R. Assi who gives [also] the reason that it has no monetary value,³² since R. Assi said, [With] an ethrog of the Second Tithe according to R. Meir,³³ a person cannot fulfil his obligation on the Festival, and according to the Sages³⁴ he may fulfil his obligation with it on the Festival.³⁵ This is proved.

[Turning to] the main text, R. Assi said: [With] an ethrog of the Second Tithe, according to R. Meir, a person cannot fulfil his obligation on the Festival, and according to the Sages he may fulfil his obligation with it on the Festival. With unleavened bread of the Second Tithe, according to R. Meir, a man cannot fulfil his obligation³⁶ on Passover,³⁷ and according to the Sages he may fulfil his obligation with it on the Passover. Dough of the Second Tithe, according to R. Meir, is exempt from hallah,³⁸ according to the Sages it is liable to hallah.

R. Papa demurred: This³⁹ is well with regard to dough, since it is written, Of the first of your dough.⁴⁰ With regard to the ethrog also it is written, To you⁴¹ [implying that — it should be yours.⁴² With regard however to unleavened bread, does Scripture say, 'your unleavened bread'? — Rabbah b. Samuel, or as some say, R. Yemar b. Shelemiah, replied. We deduce it from the word 'bread' which is common to both passages. In this connection it is written, The bread of affliction⁴³ and there⁴⁴ it is written,

(1) Lev. XXIII, 40.

(2) Since 'ez (tree) or 'wood' and peri (fruit) are in juxtaposition.

(3) Lev. XIX, 23, the conclusion of which is 'It shall not be eaten'.

(4) Apparently we do.

(5) Since ma'akal (food) and 'ez (trees or 'wood') are in juxtaposition.

(6) Though low and similar to a vegetable plant which is exempt from 'orlah.

(7) Deut. VIII, 9.

- (8) In Lev. XXIII, 40.
- (9) With the festive wreath.
- (10) On account of its minute size.
- (11) Peri in the sing.
- (12) 'Goodly'.
- (13) 'The stable'.
- (14) Of the current year.
- (15) Of the previous year.
- (16) And this can refer to the ethrog only whose fruit remains on the tree for two or three years.
- (17) Agreeing with Rabbi but adopting a different form of exposition.
- (18) 'Which dwells'.
- (19) Cur. edd., 'Idor'.
- (20) V. supra 31b.
- (21) Since it is prohibited for use, it does not come within the category of 'yours'. lakem (E.V., 'unto you').
- (22) Since it is forbidden to derive any benefit from it.
- (23) Cf. supra n. 15, mut. mut.
- (24) Second Tithe, for instance, which may be eaten in Jerusalem would consequently be valid though it cannot be regarded as having monetary value since its owner according to R. Meir is not permitted to use it for such a purpose for instance as the betrothal of a wife (cf. Kid. 52b).
- (25) An ethrog of tebel (v. Glos.) though forbidden to be eaten, would consequently be valid since benefit may be derived from it.
- (26) Since unclean terumah may not be eaten.
- (27) While permission to eat it is of no consequence.
- (28) Cf. Shab. 25b.
- (29) To validity.
- (30) Who regards Second Tithe as sacred, not secular money (Kid. 52b).
- (31) Lit., 'of the Most High.' And is therefore not 'yours' (cf. supra p. 156. n. 15).
- (32) Sc. that an ethrog is invalid unless it satisfies both conditions, permissibility to eat it as well as the possession of monetary value and that an ethrog of Second Tithe is, according to R. Meir, invalid.
- (33) Who regards Second Tithe as sacred money.
- (34) Who regard it as secular property.
- (35) Pes. 38a.
- (36) To eat unleavened bread.
- (37) Sc. on the first night of the Festival.
- (38) The separation of a portion of one's dough for the priest (v. Glos.). The reason is discussed infra.
- (39) That the use of Second Tithe is invalid.
- (40) Num. XV, 21; while Second Tithe is sacred and not entirely 'yours'.
- (41) Lev. XXIII, 40.
- (42) Cf. supra n. 5 mut. mut.
- (43) Deut. XVI, 3.
- (44) With regard to hallah.

Talmud - Mas. Sukkah 35b

Then it shall be when ye eat of the bread of the land;¹ just as in the latter case [the reference is to] what is yours and not of the tithe, so in the former case, [it must be] yours and not of the tithe.

Can we say that the following supports [this view]: Dough of the Second Tithe is exempt from hallah, according to R. Meir, while the Sages say that it is liable?² — 'Can we say that the following supports [this view]'! Is it not the identical statement? Rather [say that the question was whether we can say that] since they³ dispute in this instance,⁴ they also dispute in the others⁵ or perhaps dough is exceptional because Scripture repeated the words 'your dough'.⁶ OR OF UNCLEAN TERUMAH,

IT IS INVALID; because there is no permission to eat it.

IF IT WAS OF CLEAN TERUMAH, HE SHOULD NOT TAKE IT. R. Ammi and R. Assi disagree on the reason of the ruling. One explains, Because he [thereby]⁷ renders it susceptible [to ritual uncleanness],⁸ while the other explains. Because he depreciates its value.⁹ What is the practical difference between them? The case where one assigned the name of terumah to it¹⁰ except to its outer peel. According to him who explains, Because he renders it susceptible [to ritual uncleanness], this¹¹ does apply;¹² according to him who explains, Because he depreciates its value, it¹³ does not apply.¹⁴

BUT IF HE DID TAKE IT, IT IS VALID; [since] according to him who explains, Because there is no permission to eat it, this is permitted to be eaten,¹⁵ and according to him who explains, Because it has no monetary value, this surely has monetary value.¹⁶

IF IT WAS DEMAI. What¹⁷ is the reason of Beth Hillel?—Because, if he wishes, he may declare his property to be hefker¹⁸ and thereby become a pauper who is entitled to benefit [from demai] we may now also apply to it the expression ‘to you’. For we have learnt, Poor men and billeted troops may be fed with demai.¹⁹ [But on the view of] Beth Shammai²⁰ a poor man may not eat demai; as we have learnt, Poor men and billeted troops may²¹ eat demai and R. Huna stated, A Tanna taught: Beth Shammai say that poor men and billeted troops may not be fed with demai, while Beth Hillel say that poor men and billeted troops may be fed with demai.

IF IT WAS OF SECOND TITHE . . . IN JERUSALEM. According to him who explained,²² Because he renders it susceptible [to uncleanness] it is [here forbidden] since he renders it susceptible [to uncleanness]; according to him who explained.²² Because he depreciates its value [it is forbidden] since here also he depreciates its value.

BUT IF HE TOOK IT, IT IS VALID. According to him who explains.²³ Because there is no permission to eat it,²⁴ [the ruling]²⁵ is according to all.²⁶ According to him who explains,²³ Because it has no monetary value, according to whom [is the ruling]? According to the Rabbis.²⁷

IF THE LARGER PART OF IT IS COVERED WITH SCARS. R. Hisda said, The following was said by our great Master,²⁸ may the Omnipresent be his help! This was taught only [where they were] in one place, but if they were in two or three places, [the ethrog] is valid. Raba said,²⁹ On the contrary! If they were in two or three places the ethrog is as though speckled and invalid. Rather if the statement was at all made, it was made in connection with the latter part [of our Mishnah]: IF ITS LESSER PART ONLY IS COVERED WITH SCARS . . . IT IS VALID. R. Hisda said, The following was said by our great Master, may the Omnipresent be his help! This was taught only [if they were] in one place, but if in two or three places the ethrog is as speckled and invalid. Raba said, But [if a scar is] on the oblate part,³⁰ even if it is one of the slightest extent, the ethrog is invalid.

IF ITS NIPPLE IS REMOVED. R. Isaac b. Eleazar³¹ taught,³² If its peduncle was removed.³³ IF IT IS PEELED. Raba ruled, An ethrog which was peeled so as to resemble³⁴ a red date³⁵ is valid. But have we not learnt, IF IT IS PEELED . . . IT IS INVALID? — This is no difficulty,

(1) Num. XV, 19.

(2) Pes. 28a.

(3) R. Meir and the Sages.

(4) Hallah.

(5) Ethrog and unleavened bread; bind thus support is afforded to R. Assi's submission.

(6) In Num. XV, 20 and 21. In this case alone perhaps, where the fact that it must be one's property is emphasized, does R. Meir exempt it, but not in the case of ethrog or unleavened bread where Scripture laid no such emphasis.

- (7) By using an ethrog of terumah in connection with the festive wreath.
- (8) An article is not susceptible to ritual uncleanness until it has come in contact with water. The lulab is usually placed in water to keep it fresh (cf. infra 42a) and when the ethrog comes in contact with the wet lulab it also is rendered susceptible to similar uncleanness.
- (9) Since the peel of the ethrog becomes damaged by use.
- (10) The ethrog.
- (11) The prohibition to use it ab initio.
- (12) Since the entire ethrog becomes susceptible.
- (13) The prohibition to use it ab initio.
- (14) Since the outer peel is no terumah.
- (15) By a priest and, under certain conditions, by an Israelite also.
- (16) A priest and, under certain conditions an Israelite also, being permitted to betroth a woman with it.
- (17) Since demai may not be eaten.
- (18) V.Glos.
- (19) Demai III, 1.
- (20) Who forbid the use of demai.
- (21) Cur. edd. in parenthesis 'not'.
- (22) Supra p. 159.
- (23) With regard to 'orlah, supra.
- (24) And that the question of monetary value is of no consequence.
- (25) On Second Tithe.
- (26) Both the Sages who say that the Second Tithe is secular property and R. Meir who says it is sacred property, since in either case it may be eaten.
- (27) But (cf. prev. n.) not according to R. Meir.
- (28) Rab. (V. supra 33b).
- (29) Cf. Bah. Cur. edd. add 'to him'.
- (30) The part of the ethrog which slopes towards the nipple.
- (31) In his Baraitha.
- (32) Instead of 'IF ITS NIPPLE' etc.
- (33) Reading bukna instead of pitmah.
- (34) In colour, after it had been peeled.
- (35) Ahina, a kind of inferior dates.

Talmud - Mas. Sukkah 36a

since the former refers to where all of it [was peeled], the latter to where only a part was peeled.¹

SPLIT, PERFORATED. 'Ulla b. Hanina² learned,³ If it is completely perforated [it is invalid even if the hole is] of the minutest size; if it is not completely perforated [the hole must be of the minimum size] of an issar.⁴

Raba enquired: If there developed in an ethrog the symptoms [which render an animal] terefah,⁴ what is the law? — But concerning what does he inquire? If concerning [an ethrog which is] peeled,⁵ have we not [already] learnt it?⁶ If concerning one that is split⁵ have we not learnt it also?⁶ If concerning one that is perforated.⁵ have we not learnt it also?⁶ — The enquiry he raised was concerning [the law] 'Ulla cited in the name of R. Johanan [who taught], If the [contents of the] lung pour out as from a ladle⁷ [the animal] is fit to be eaten,⁸ and Raba explained that this applies only when the arteries are still whole, but if the arteries are rotted [the animal is] terefah. Now what is the ruling here?⁹ Is it possible that this¹⁰ applies to the former case only, where, since the air cannot affect it,¹¹ it could become healthy again,¹² but not in the latter case where, since the air can affect it, it inevitably decays, or is it possible that there is no difference? — Come and hear: An ethrog which is swollen, decayed, pickled, boiled, and Ethiopian,¹³ white or speckled, is invalid. An ethrog which

is round as a ball is invalid. And some add if two are grown together. If an ethrog is half-ripe, R. Akiba declares it invalid, and the Sages valid. If it was grown In a mould, so that it has the appearance of another species, it is invalid. At any rate it teaches ‘swollen or decayed’, which implies, does it not, swollen from without or decayed from within?¹⁴ No! Both refer to the exterior, and yet there is no discrepancy. The one refers to a case where the ethrog is swollen even although it is not decayed; the other to a case where it was decayed without being swollen.

The Master has said, An Ethiopian ethrog is invalid. But has it not been taught, If it is Ethiopian it is valid, if it is like an Ethiopian,¹⁵ it is invalid? — Abaye answered, In our Mishnah also we learned of one that is like an Ethiopian. Raba answered, There is no difficulty. The former refers to us,¹⁶ the latter to them.¹⁷

A half-ripe ethrog, R. Akiba declares invalid, and the Sages declare it valid. Rabbah observed, Both R. Akiba and R. Simeon say the same thing. As to R. Akiba there is the statement just quoted. But what is the ruling of R. Simeon? — That which we have learnt:¹⁸ R. Simeon declares ethrogs to be exempt [from tithes] when they are small.¹⁹ Said Abaye to him, But perhaps it is not so! R. Akiba may uphold his view only here, since the ethrog must be ‘goodly’, which [an unripe ethrog] is not, but there²⁰ he may hold the opinion of the Rabbis;²¹ or else, R. Simeon may have maintained his view only here,²⁰ since it is written, Thou shalt surely tithe all the increase of thy seed,²² [which confines liability to tithe to such fruit only] as men bring forth for sowing,²³ but in the present instance he might agree with the Rabbis,

(1) It is invalid since it is ‘speckled’.

(2) Var. lec. Hinena (Bah).

(3) In connection with the ruling. IF IT IS PERFORATED BUT NAUGHT OF IT IS MISSING.

(4) V. Glos.

(5) Certain organs, if peeled, split or perforated, cause an animal to be terefah.

(6) In our Mishnah.

(7) Sc. the flesh inside is decayed and liquified.

(8) Hul. 47b.

(9) In the case of the ethrog. The seed kernels are regarded as corresponding with the arteries of the lungs.

(10) The permissibility.

(11) One of the internal organs.

(12) Were the animal alive. An injury which, were the animal alive, would disappear, does not render the animal terefah.

(13) V. infra.

(14) In which case it can be compared to an organ which is sound outside, but decayed from within.

(15) I.e., black, but not grown in Ethiopia.

(16) Babylonians.

(17) In Palestine, Ethiopian ethrogs are unknown and therefore they are declared invalid. In Babylon, Ethiopian ethrogs were common and valid (Rashi).

(18) Cur. edd. in parenthesis ‘as it was taught’.

(19) Ma'as. I, 4.

(20) With regard to its liability to tithes.

(21) Who regard it as liable to tithes.

(22) Deut. XIV, 22.

(23) I.e., ripe fruit.

Talmud - Mas. Sukkah 36b

and there is nothing more [to say about it].¹

‘If it was grown in a mould, so that it has the appearance of another species, it is invalid.’ Raba

stated, They taught this Only in the case where ‘it has the appearance of another species’, but if it has its natural shape it is valid. But is not this obvious, seeing that it was taught,² ‘the appearance of another species’? — It³ was necessary only in a case where it⁴ was moulded in the shape of planks joined together.⁵

It was stated: An ethrog which has been gnawed by mice, Rab ruled, is no longer ‘goodly’.⁶ But it is not so? Did not R. Hanina in fact, taste a part of it,⁷ and fulfilled his obligation⁸ [with the remainder]? — Does not then our Mishnah⁹ present a contradiction against R. Hanina?¹⁰ — One might well explain that our Mishnah presents no contradiction against R. Hanina since the former might refer to the first day of the Festival,¹¹ while the latter might refer to the second day; but [does not R. Hanina's ruling¹² present] a contradiction against Rab?¹³ — Rab can answer you: [The gnawing by] mice is different, since they are repulsive.

Others says, Rab ruled that it¹⁴ is ‘goodly’ since R. Hanina tasted a part [of an ethrog] and fulfilled his obligation [with the remainder]. But does not our Mishnah⁹ present a contradiction against R. Hanina? — There is really no contradiction, since the former refers to the first day of the Festival, while the latter refers to the second day.

THE MINIMUM SIZE OF AN ETHROG etc. Rafram b. Papa observed: As is the dispute¹⁵ here, so is the dispute with regard to rounded pebbles. For it has been taught, It is permitted on the Sabbath¹⁶ to carry three rounded smooth pebbles¹⁷ into [a field] lavatory.¹⁸ And what must be their size? R. Meir ruled, The size of a nut, R. Judah ruled, That of an egg.

THE MAXIMUM SIZE etc. It was taught: R. Jose related, It happened with R. Akiba that he came to Synagogue with his ethrog on his shoulder.¹⁹ R. Judah answered him,²⁰ Is this a proof? They²¹ in fact said to him, This ethrog is not ‘goodly’.

MISHNAH. THE LULAE²² MAY BE BOUND ONLY WITH [STRANDS OF] ITS OWN SPECIES; SO R. JUDAH. R. MEIR SAYS IT MAY BE BOUND EVEN WITH A CORD.²³ R. MEIR OBSERVED, IT ACTUALLY OCCURRED THAT THE MEN²⁴ OF JERUSALEM USED TO BIND THEIR LULABS WITH STRANDS OF GOLD. THEY²⁵ ANSWERED HIM, BUT THEY BOUND IT WITH [STRANDS OF] ITS OWN SPECIES UNDERNEATH [THE STRANDS OF GOLD].²⁶

GEMARA. Raba stated, A lulab may be bound even with bast, or even with [strips of] the roots of the date-palm. Raba further stated, What is the reason of R. Judah? He is of the opinion that the lulab²² must be bound so that if one uses another species, the wreath would contain five species.²⁷

Raba further stated, Whence do I deduce that bast and roots of date-palms are species of the palm-tree? From what has been taught: [It is written,] Ye shall dwell in Sukkoth [booths],²⁸ which implies a Sukkah²⁹ made of any material; so R. Meir. R. Judah ruled, The Sukkah must be made of the same four species as the lulab. And logic demands it: If the lulab which does not obtain by night as by day,³⁰ is valid only with the Four Species, is there not then much more reason that the Sukkah which obtains both by night and by day,³⁰ shall be valid only with the Four Species? They answered him, Any a fortiori argument which begins with a restriction [of the law] and concludes with a relaxation [of it]³¹ is no valid argument.³²

(1) Sc. no further arguments can be advanced since R. Simeon need not agree with R. Akiba nor need the latter agree with the former.

(2) Cur. edd. in parenthesis ‘we learned’.

(3) Raba's statement.

(4) The ethrog.

- (5) 'Angular' (Jast.) 'in the shape of the wheel of a water mill' (Rashi); Raba's view being that such a shape may be regarded as natural.
- (6) Cf. Lev. XXIII, 40.
- (7) Lit., 'differed with it', sc. in some relish.
- (8) Of taking the festive wreath.
- (9) Which ruled an ethrog any part of which is missing to be invalid.
- (10) Who, as stated, used an ethrog after a part of it had been removed.
- (11) When, in accordance with an exposition of 'and ye shall take' in Lev. XXIII, 40, the ethrog must be whole.
- (12) According to which an ethrog a part of which is missing is fit at least for the second day.
- (13) Who does not regard such an ethrog as 'goodly', and consequently it is invalid even on the second day of the festival, v. supra 29b.
- (14) An ethrog gnawed by mice.
- (15) Between R. Meir and R. Judah on the minimum size of an ethrog.
- (16) When the carrying of an object in certain domains is forbidden.
- (17) To cleanse oneself.
- (18) Which has no walls and the movement of objects into it on the Sabbath is otherwise Rabbinically forbidden.
- (19) Owing to its huge size; which proves that there is no maximum size.
- (20) R. Jose.
- (21) The Rabbis at the Synagogue.
- (22) Sc. the festive wreath consisting of the palm, myrtle and willow-branches.
- (23) So separate edd. of the Mishnah, Alfasi and Asheri. Cur. edd. insert, 'with a thread'.
- (24) [אנשי ירושלים MS.M. יקירי ירושלים 'The nobility'. V. infra p. 166, n. 3. Klein, S. מדעי היהדות I, p. 72ff regards both these terms as synonymous with נקיי הדעת . V. Sanh., Sonc. ed., p. 131, n. 3].
- (25) The Rabbis at the College.
- (26) The former serving as binders and the latter as mere ornaments.
- (27) Instead of the four prescribed in Lev. XXIII, 40. It is forbidden to add to a commandment.
- (28) Lev. XXIII, 42.
- (29) I.e., the Sukkah-covering.
- (30) V. infra 43a for proof.
- (31) As will soon be illustrated.
- (32) Since the ultimate effect of the restriction is a relaxation.

Talmud - Mas. Sukkah 37a

For suppose he could not find all the Four Species, he would be sitting and doing nothing¹ while the Torah said, 'Ye shall dwell in booths for seven days.' implying a Sukkah of whatever material. And so with Ezra it says, Go forth unto the mount, and fetch olive branches, and branches of wild olive, and myrtle branches and palm-branches, and branches of thick trees to make Sukkoth, as it is written.² And [what does] R. Judah [answer to this verse?] — He is of the opinion that the other [species] were for the walls, while the 'myrtle branches and palm-branches and branches of thick trees' were for Sukkah — covering. And [nevertheless] we have learnt, Planks may be used as a Sukkah-covering, these are the words of R. Judah.³ Thus⁴ it clearly follows that bast and roots of date-palms⁵ are a species of palm-tree.⁶ This is conclusive.

But did R. Judah rule that the Four Species alone [are valid]⁷ and not anything else? — Was it not in fact taught, 'If he covered it⁸ with planks of cedar wood which are four handbreadths wide, it is invalid according to all.⁹ If they are not four handbreadths wide, R. Meir declares it invalid and R. Judah valid, but R. Meir admits that, if there is a space of one plank between every two planks, he may place laths between them and the Sukkah is valid'¹⁰ — What is meant by 'cedar'? Myrtle. This is in agreement with Rabbah son of R. Huna, since Rabbah son of R. Huna stated, In the school of Rab¹¹ they said that there were ten species of cedar, as it is said, I will plant in the wilderness the cedar, the acacia tree, and the myrtle etc.¹²

R. MEIR SAYS EVEN WITH A CORD. It has been taught: R. Meir said, It occurred with the nobility¹³ of Jerusalem that they bound their lulabs with [strands of] gold. They said to him, Is that evidence? They bound it in fact with strands of its own species underneath.¹⁴

Rabbah said to those who bind the hoshanna¹⁵ at the house of the Exilarch, 'When you bind the hoshannas at the house of the Exilarch, [be careful to] leave a handle¹⁶ so that¹⁷ there should be no interposition'.¹⁸ Raba [however] ruled, Whatever is used to beautify it¹⁹ constitutes no interposition.

Rabbah further stated, A man shall not hold the hoshanna²⁰ with a scarf, because it is required that the 'taking'²¹ shall be complete, and in this case it is not. Raba, however, ruled, Taking hold by means of something else is also regarded as a valid 'taking'. Whence, said Raba, do I derive that taking hold by means of something else is also regarded as a valid taking? From what we have learnt: If the hyssop²² is too short,²³ it may be made to suffice with a thread or with a reed and so it is dipped and brought up, but one must hold the hyssop itself when sprinkling.²⁴ Now why [is this²⁵ permitted]? Did not the Divine Law say, And he shall take hyssop and dip?²⁶ May we not then deduce therefrom that taking hold by means of something else is also regarded as a valid 'taking'?²⁷ — But whence the proof? That case²⁸ perhaps is different; since [the thread or reed] was joined on [to the hyssop],²⁹ it is regarded as part of it? — In fact [the deduction is made] from the following: [If the ashes of the Red Heifer] fell [of their own accord] from their tube into the trough they are invalid.³⁰

(1) Sc. would be deprived of the performance of the precept of Sukkah.

(2) Neh. VIII, 15.

(3) Supra 14a.

(4) Since only that which is valid for the lulab is valid for the Sukkah.

(5) Which, in view of R. Judah's restrictions, must be understood to be the material of the planks which he permits for Sukkah-covering.

(6) Had they not been that, they would have been invalid for the Sukkah as well as for the lulab.

(7) As a Sukkah-covering.

(8) A Sukkah.

(9) I.e., even according to R. Judah.

(10) Supra 17b.

(11) Be-rab may also mean simply 'in the school'.

(12) Isa. XLI, 19, which shows that myrtle is also called cedar.

(13) V. supra p. 164, n. 9.

(14) So that the gold bands above them served as a mere ornament.

(15) The term is used for the myrtle or the entire festive wreath, here it is to be understood in the latter sense.

(16) Below the binding.

(17) When the wreath is held in the performance of the precept.

(18) Between the hand of the holder and the wreath. Rabbah holds that according to Pentateuchal law, the binding is unnecessary hence it would form an interposition between one's hand and the wreath.

(19) The wreath.

(20) V. supra n. 7.

(21) With reference to Lev. XXIII, 40.

(22) Used for the sprinkling of the water containing the ashes of the Red Heifer. V. Num. XIX, 6.

(23) To reach the level of the water in the tube.

(24) Parah XII, 1.

(25) Dipping the hyssop by means of a thread or reed.

(26) Num. XIX, 18, the verb 'to take' being used here as in the case of the lulab.

(27) Nevertheless, in order that he may have a firmer grasp of it for the better sprinkling, he must take hold of the hyssop itself when performing the lustration.

(28) Parah XII, 1.

(29) I.e., to lengthen it.

(30) Parah VI, 1. The ashes were carried in tubes from which they were emptied into a stone trough containing tile water. If the ashes fall into the water of their own accord they become invalid since the putting into the water must be done with intention.

Talmud - Mas. Sukkah 37b

From this it follows that if the man himself threw them into the water they are [presumably] valid.¹ Now why [should that be so]? Did not the Divine Law say, And they shall take of the ashes . . . and he shall put?² May we not then³ deduce that taking by means of something else is also regarded as a valid 'taking'.

Rabbah further stated, One should not thrust the palm-branch through the bound willow and myrtle⁴ lest some leaves are detached and thus form an interposition.⁵ Raba, however, ruled, A thing of the same species does not constitute an interposition.

Rabbah further stated, One should not shear the palm-branch while it is in the wreath,⁴ since loose leaves⁶ might remain and form an interposition,⁵ Raba however ruled, A thing of the same species does not constitute an interposition.

Rabbah further stated, it is forbidden to smell⁷ a myrtle branch [used] for the [fulfilment of the] commandment,⁸ but it is permitted to smell an ethrog [used] for the [fulfilment of the] commandment. What is the reason? — The myrtle — since it is used as perfume, when it is set apart [for ritual purposes] is set apart from [use as a] perfume: the ethrog, however, since it is used as food, when it is set apart [for ritual purposes] it is set apart [only] from [use as] food.

Rabbah further stated, If a myrtle is attached to the ground, it may be smelt,⁹ if an ethrog is attached to the ground, it may not be smelt. What is the reason? — The myrtle, since it is used as a perfume,¹⁰ [even] if you permit it [to be smelt], the man would not be tempted to cut it; the ethrog, however, since it is used for food, if you permit it [to be smelt] the man might be tempted¹¹ to cut it.¹²

Rabbah further stated, The lulab [must be held]¹³ in the right hand and the ethrog in the left. What is the reason? The former constitutes three commandments¹⁴ and the latter only one.¹⁵

R. Jeremiah enquired of R. Zerika, Why in the blessing¹⁶ do we say only 'To take the palm-branch'?¹⁷ — Because it towers above the others. Then¹⁸ why should not one lift up the ethrog and recite the blessing over it? — The reason is, the other answered him, that as a species it naturally towers above all of them.

MISHNAH. AND WHERE¹⁹ IS [THE LULAB] WAVED? AT THE COMMENCEMENT AND THE CONCLUSION OF THE PSALM, O GIVE THANKS UNTO THE LORD²⁰ AND AT SAVE NOW, WE BESEECH THEE, O LORD.²¹ THESE ARE THE WORDS OF BETH HILLEL. BETH SHAMMAI SAY, ALSO AT O LORD WE BESEECH THEE, SEND NOW PROSPERITY.²² R. AKIBA STATED, I WATCHED R. GAMALIEL AND R. JOSHUA, AND WHILE ALL THE PEOPLE WERE WAVING THEIR LULABS [AT OTHER VERSES], THEY WAVED THEM ONLY AT SAVE NOW, WE BESEECH THEE, O LORD.²²

GEMARA. Who has ever mentioned the name of waving [of the lulab]?²³ — It was mentioned previously:²⁴ A lulab which has a length of three handbreadths, sufficient to wave with it, is valid,²⁵ and in reference to this the Mishnah says, AND WHERE IS THE LULAB WAVED?

We have learnt elsewhere, As to the Two Loaves²⁶ and the Two Lambs of Pentecost,²⁷ how does one proceed? [The priest] places the two loaves upon the two lambs and places his hands beneath them and waves them forwards and backwards, upwards and downwards, as it is said, Which is waved²⁸ and which is heaved²⁹ up.³⁰ R. Johanan explained, [One waves them] to and fro [in honour of] Him to Whom the four directions belong, and up and down [in acknowledgment of] Him to Whom are Heaven and Earth.

In Palestine³¹ they taught us thus: R. Hama b. 'Ukba stated in the name of R. Jose son of R. Hanina, He waves them to and fro in order to restrain harmful winds; up and down, in order to restrain harmful dews. R. Jose b. Abin, or, as some say, R. Jose b. Zebila, observed, This implies

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- (1) Though, as in the case when they fell of their own accord, the man did not hold the ashes themselves but only the tube which contained them.
 - (2) Num. XIX, 17, the verb 'to take' being used.
 - (3) Since taking by means of a tube is here regarded as a valid taking.
 - (4) Lit., 'hoshanna' v. supra, p. 166, n. 5.
 - (5) Between the components of the wreath.
 - (6) Of the lulab.
 - (7) During the seven days of the Festival.
 - (8) Of Lev. XXIII, 40.
 - (9) This refers to the Sabbath. There is no need to fear that the man might be tempted to cut it down and thus transgress the Sabbath.
 - (10) And can well be enjoyed without plucking it.
 - (11) By its fragrance.
 - (12) In order to eat it. Cutting or even biting off a growing fruit is an act forbidden on the Sabbath.
 - (13) When the precept, Lev. XXIII, 40, is fulfilled.
 - (14) Those of the palm, the myrtle and the willow which are bound together.
 - (15) The right hand is regarded as the more important, and in it, therefore, one must hold the more important part of the species.
 - (16) On taking the Four Species of which the palm-branch is one.
 - (17) Omitting all mention of the others. Cf. P.B. p. 218.
 - (18) Since it is merely altitude that determines the blessing.
 - (19) In the course of the recital of the Hallel Psalms (CXIII-CXVIII) on Tabernacles.
 - (20) Ps. CXVIII.
 - (21) Ibid. 25.
 - (22) Ps. CXVIII, 25.
 - (23) Apparently none. Why then does our Mishnah tacitly assume that the lulab is to be waved.
 - (24) Lit., 'there he stands'.
 - (25) Supra 29b.
 - (26) Cf. Lev. XXIII, 16f.
 - (27) Ibid. 20.
 - (28) Referring to the first two movements.
 - (29) Referring to the last two.
 - (30) Ex. XXIX, 27.
 - (31) Lit., 'West'.

Talmud - Mas. Sukkah 38a

that even the dispensable parts¹ of a commandment² prevent calamities; for the waving is obviously a dispensable part of the commandment,³ and yet it shuts out harmful winds and harmful dews. In connection with this Raba remarked, And so with the lulab.⁴ R. Aha b. Jacob used to wave it⁵ to and

fro, saying, 'This⁶ is an arrow in the eye of Satan'.⁷ This, however, is not a proper thing [for a man to do] since [Satan] might in consequence be provoked [to let temptation loose] against him.

MISHNAH. IF A MAN WAS ON A JOURNEY⁸ AND HAD NO LULAB WHEREWITH TO PERFORM THE PRESCRIBED COMMANDMENT,⁹ WHEN HE COMES HOME HE SHOULD TAKE IT [EVEN IF HE IS] AT TABLE.¹⁰ IF HE DID NOT TAKE THE LULAB IN THE MORNING, HE SHOULD TAKE IT AT ANY TIME BEFORE DUSK, SINCE THE WHOLE DAY¹¹ IS VALID FOR [TAKING] THE LULAB.

GEMARA. You said that he should take it [even if he is] AT TABLE. This then means that he must interrupt [his meal for the purpose]. But is not this in contradiction with the ruling,¹² If they have begun¹³ they need not interrupt [it]?¹⁴ — R. Safra replied, There is no contradiction: The latter statement refers to where there is still time [to perform the commandment] during the day, while the former refers to where there is [otherwise] no time.

Raba retorted, What difficulty is this?¹⁵ Is it not possible [that the difference in ruling is due to the fact that] the former⁵ is a Pentateuchal commandment¹⁶ while the latter¹⁷ is only Rabbinical? Rather, said Raba, if a difficulty at all exists, it is this: [The ruling] HE SHOULD TAKE IT WHEN HE COMES HOME [EVEN IF HE IS] AT TABLE, clearly shows that he must interrupt [his meal], while [the ruling] subsequently taught, IF HE DID NOT TAKE IT DURING THE MORNING HE SHOULD TAKE IT AT ANY TIME BEFORE DUSK shows, [does it not], that he need not interrupt [his meal]? [To this] R. Safra might well reply, There is no difficulty: The latter refers to where there is still time during the day, the former where there is [otherwise] no time.

R. Zera retorted, What difficulty is this?¹⁸ Perhaps it is a religious duty to interrupt [one's meal for the purpose of taking the lulab] but if one did not interrupt it one should take [the lulab] at any time before dusk, since the whole day is valid for the taking of the lulab? Rather, said R. Zera, [The incongruity] indeed is as we said previously;¹⁹ and with regard to your difficulty [why the reply was not given²⁰ that] the former was a Pentateuchal commandment while the latter was only Rabbinical,²¹ the fact is that here we are dealing with the second day of the Festival [the obligation of taking the lulab on] which is only Rabbinical.²² A deduction [from the wording of our Mishnah] also [shows that this is so], since it teaches IF A MAN WAS ON A JOURNEY AND HAD NO LULAB WHEREWITH TO PERFORM THE PRESCRIBED COMMANDMENT. Now if it could possibly have been assumed to refer to the first day of the Festival, [the difficulty would arise] is it permitted [to travel on that day]?²³

MISHNAH. IF A SLAVE, A WOMAN, OR A MINOR RECITED [THE HALLEL]²⁴ TO HIM, HE MUST REPEAT AFTER THEM WHAT THEY SAY,²⁵ (AND A CURSE BE UPON HIM). IF A MAJOR RECITED TO HIM, HE REPEATS AFTER HIM [ONLY] HALLELUJAH.²⁶ WHERE THE CUSTOM OBTAINS TO REPEAT [THE VERSES],²⁷ HE SHOULD REPEAT; [WHERE THE CUSTOM IS] TO SAY THEM ONLY ONCE, HE SHOULD SAY THEM ONCE; [WHERE THE CUSTOM OBTAINS] TO RECITE THE BENEDICTION,²⁸ HE SHOULD RECITE THE BENEDICTION. EVERYTHING IS DEPENDENT ON LOCAL CUSTOM.

GEMARA. Our Rabbis have taught, It has truly²⁹ been laid down that a [minor] son³⁰ may recite [the Grace after meals] for his father,³¹ a slave may recite it for his master, and a wife for her husband; but the Sages said, May a curse come upon that man whose wife and [minor] sons have to recite the benediction for him!³²

Raba observed,

(1) Lit., 'remnants'.

- (2) There are parts of a commandment whose performance is indispensable to the due fulfilment of that commandment, and the neglect to perform which renders it invalid. Others are prescribed but dispensable. The waving belongs to the latter category.
- (3) Cf. Yoma 5a.
- (4) It also must be waved to and fro, up and down.
- (5) The lulab.
- (6) The performance of God's commandments of which that of lulab is one.
- (7) Whose aim is the seduction of man.
- (8) During the festival of Tabernacles.
- (9) Lit., 'in his hand . . . to take'.
- (10) Sc. if he did not remember it until he began his meal, he must interrupt his meal and take the lulab forthwith.
- (11) The night only excluded.
- (12) In connection with the reading of the afternoon prayer.
- (13) Any of the acts (including that of eating) which must not be begun before the afternoon prayer has been read.
- (14) Shab. 9b.
- (15) To which R. Safra had to give an almost arbitrary answer.
- (16) Being Pentateuchal it is more rigid than a Rabbinical rule. A meal must consequently be interrupted for its sake at all times.
- (17) Statutory daily prayer.
- (18) The one raised by Raba.
- (19) That between our Mishnah and that of Shab. 9b.
- (20) By R. Safra.
- (21) The answer suggested by Raba.
- (22) The Pentateuchal commandment referring only to the first day (cf. supra 30b). Hence the necessity for R. Safra's reply.
- (23) The reference consequently must be to the second day when the duty of taking the lulab, like that of the daily statutory prayers, is only Rabbinical.
- (24) Ps. CXIII-CXVIII.
- (25) The Reader used to read the Hallel, and the congregation responded only with certain words (v. infra). Since, however, a minor, a slave and a woman are exempt from the Hallel, they cannot officiate for others, and each individual must repeat it after them word for word. (9) That he has not learnt to read himself, or if he has learnt, that he makes use in divine service of inferior or second rate deputies.
- (26) For the words or passages after which the response is to be made cf. Sot. 30b. For a full discussion of the mode of recital, cf. I. W. Slotki, 'Antiphony in Ancient Hebr. Poetry'. JQR., N.S., vol. XXVI, pp. 199-219.
- (27) Of Ps. CXVIII, 21-29. Lit., 'to double'.
- (28) At the conclusion of the Hallel. The opening benediction is obligatory.
- (29) Be'emeth, a formula introducing a generally accepted ruling.
- (30) Who has attained the age of training, and who is subject to the duty of saying Grace after meals by Rabbinic law.
- (31) This is explained in Ber. 20b to refer to one who ate only a small quantity of bread and who, like his son, is consequently obliged to say Grace after it by a Rabbinic law only. The two being subject to the same Rabbinic law, the latter may well exempt the former (cf. Ber. 20b).
- (32) Cf. relevant note on our Mishnah.

Talmud - Mas. Sukkah 38b

One can deduce important decisions from the [present] custom of [reciting the] Hallel.¹ [Thus], since he² says Hallelujah³ and they respond Hallelujah,⁴ it may be inferred that it is a religious duty⁵ to answer Hallelujah.⁶ Since he⁷ says, Praise Him, ye servants of the Lord,⁸ and they [again] respond Hallelujah,⁹ it may be deduced that if a major recites [the Hallel] for one the latter¹⁰ responds Hallelujah.¹¹ Since he⁷ says, Give thanks unto the Lord,¹² and they respond, Give thanks unto the Lord, it may be inferred that it is a religious duty¹⁰ to make a response of the beginning of the sections.¹³ (So it was also stated; R. Hanan b. Raba ruled, It is a religious duty to make a response of

the beginning of the sections.) Since he¹⁴ says, Save now, we beseech Thee, O Lord,¹⁵ and they¹⁶ answer, Save now, we beseech Thee, O Lord,¹⁷ it may be inferred that if a minor was reciting it for him, the latter¹⁸ answers after him what he says.¹⁹ Since he¹⁴ says, O Lord, we beseech Thee, send now prosperity,¹⁵ and they¹⁶ respond O, Lord we beseech Thee, send now prosperity, it may be inferred that if a man wishes to double [the verses] he may.²⁰ Since he¹⁴ says, Blessed be he that cometh,²¹ and they²² answer, In the name of the Lord,²¹ it may be inferred that he who hearkens is as though he responded.²⁰

They enquired of R. Hiyya b. Abba, If one listened but did not make the responses — what is the law?²³ — He answered them, The Sages, the Scribes,²⁴ the leaders of the people and the expounders laid down that if a man listened though he did not make the responses he has fulfilled his obligation. So it was also stated:²⁵ R. Simeon b. Pazzi citing R. Joshua b. Levi who had it from Bar Kappara stated, Whence do we know that he who listens is as though he responds? From what is written, Even all the words of the book²⁶ which the King of Judah²⁷ hath read.²⁸ For was it Josiah that read them? Was it not, in fact Shaphan who read them, as it is written, And Shaphan read it²⁹ before the king.³⁰ Consequently it may be inferred that he who listens is as though he responds. But perhaps Josiah read it after Shaphan had read it? — R. Aha b. Jacob replied, This cannot be thought of, since it is written, Because thy heart was tender, and thou didst humble thyself before the Lord, when thou heardest²⁹ what I spake;³¹ "When thou heardest", not "when thou didst read".

Raba ruled, One should not say Blessed be he that cometh³² and then [pause and] say "in the name of the Lord,"³² but "Blessed be he that cometh in the name of the Lord"³² all together.³³ (R. Safra said to him,

(1) [In former days it was customary for the congregation to rely on the Reader for the recital of the Hallel, and in order to enable them to participate actively in the recital, a number of customs were introduced. In the days of Raba the congregation read it themselves, yet certain features of the former procedure were retained as reminders.]

(2) The Reader who leads the congregation in prayer.

(3) The first Hallelujah introducing the Hallel.

(4) [While the Reader does not proceed until the congregation has responded. This was the custom in Raba's place; v. Rashi and Tosaf.]

(5) For the whole congregation including even those who recite the Hallel themselves.

(6) After the Reader had said it.

(7) The Reader who leads the congregation in prayer.

(8) Ps. CXIII, 1.

(9) This too was the custom that obtained in Raba's place, though the congregation subsequently recited the Hallel themselves, v. n. 7.

(10) Where he relies on the Reader to recite it for him.

(11) [I.e., after every clause. As a reminder of this custom the congregants in the days of Raba responded Hallelujah after "Praise him, ye servants of the Lord". This custom is not followed nowadays.]

(12) Ps. CXVIII, 1.

(13) Whereas the mere response of Hallelujah is sufficient for single clauses, this is not enough for the beginning of the sections.

(14) The Reader who recites to the congregation in the Synagogue.

(15) Ps. CXVIII, 25.

(16) Though they subsequently recite themselves all the Psalm.

(17) Thus repeating every word though it forms no part of the beginning of a section.

(18) [Lit., 'he answers'. So MS.M.; cur. edd. 'They answer'.]

(19) This custom (which is still retained to the present day) serving as a reminder of the original one when a minor may have acted as Reader.

(20) Cf. supra n. 15 mut. mut.

(21) Ps. CXVIII, 26.

- (22) Neither repeating what the Reader has said nor responding Hallelujah. This custom does not obtain nowadays.
- (23) Sc. Has that man thereby fulfilled his duty.
- (24) Or 'elementary teachers' (Rashi).
- (25) By Amoras.
- (26) Cur. edd. in parenthesis 'the words'.
- (27) Cur. edd. in parenthesis 'Josiah'.
- (28) II Kings XXII, 16.
- (29) Cur. edd. in parenthesis 'all these words'.
- (30) Ibid.10.
- (31) Ibid. 19.
- (32) Ps. CXVIII, 26.
- (33) Only in antiphonal chant is the breaking up of the distich allowed.

Talmud - Mas. Sukkah 39a

'Moses!¹ Do you speak aright? The fact is that both here and there,² it³ is the conclusion of the clause and the pause does not matter'.)⁴

Raba ruled, One should not say,⁵ 'May His great Name' and then [pause and] say, 'be blessed' but 'May His great Name be blessed' all together. R. Safra said to him, 'Moses!¹ Do you speak aright? The fact is that both here and there⁶ it⁷ is the conclusion of the clause and the pause does not matter'.

WHERE THE CUSTOM OBTAINS TO REPEAT. It was taught, Rabbi used to repeat [certain] words in it,⁸ R. Eleazar b. Perata used to augment [certain] words in it.⁹ What is meant by 'augment'? — Abaye explained, He augmented the doubling beginning with 'I will give thanks unto Thee'¹⁰ to the end of the Psalm.¹¹

[WHERE THE CUSTOM OBTAINS] TO RECITE THE BENEDICTION, HE SHOULD RECITE THE BENEDICTION. Abaye explained, This was taught only with regard to the concluding benediction,¹² but with regard to the preceding benediction,¹² it is a positive commandment to say it, for Rab Judah citing Samuel ruled, With all commandments the benediction is to be recited 'ober [prior] to their performance. And whence do we know that the word 'ober means prior? — R.¹³ Nahman b. Isaac replied, Since it is written, Then Ahimaaz ran by the way of the plain and he overran¹⁴ the Cushite.¹⁵ Abaye said the inference is from the following verse. And he himself passed over¹⁶ before them.¹⁷ And if you wish, you may infer from the verse, And their king is passed¹⁸ on before them, and the Lord at the head of them.¹⁹

MISHNAH. IF A MAN PURCHASE A LULAV²⁰ FROM HIS FELLOW²¹ IN THE SABBATICAL YEAR THE LATTER SHOULD GIVE HIM THE ETHROG AS A GIFT, SINCE ONE IS NOT PERMITTED TO PURCHASE IT IN THE SABBATICAL YEAR.²²

GEMARA. What is the position if the other²³ is unwilling to give him it²⁴ as a gift? — R. Huna replied, He should include²⁵ the price of the ethrog in that of the palm-branch.²⁶ But why should he not pay him directly?²⁷ — Because one must not hand over money for fruit of the Sabbatical Year to an 'am ha-arez.²⁸ For it has been taught, A man must not hand over money to an 'am ha-arez for fruit of the Sabbatical Year²⁹ more than is sufficient for three meals,³⁰ but if he handed [him] over [more]³¹ he should say, 'This money³² shall be exchanged³³ for [the ordinary] fruit which I have in my house'³⁴

(1) Either a flattering title given to Raba by R. Safra, or a form of oath.

(2) Perhaps meaning in ordinary, as in antiphonal recital (cf. supra n. 10). [MS.M. however omits 'both here and there'; v. n. 16.]

- (3) The second member of the clause (distich).
- (4) Rashal omits the passage in parenthesis.
- (5) When reciting the Kaddish (cf. P.B. p. 75f).
- (6) If the previous statement of R. Safra is to be deleted with Rashal (cf. supra n. 14) the meaning will be both 'here' in the case of the Kaddish and 'there' in that of Ps. CXVIII, 26. V. Maharam.
- (7) The second half of the sentence.
- (8) From Ps. CXVIII, 25 to the end of the Psalm.
- (9) I.e., to those doubled by Rabbi.
- (10) Ps. CXVIII, 21.
- (11) Cf. I. W. Slotki, 'The Stichometry and Text of the Great Hallel', J.T.S., p. 261f.
- (12) Of the Hallel.
- (13) Cur. edd. 'because R.'.
- (14) Waya'abor, of the same rt. as 'ober.
- (15) II Sam. XVIII, 23.
- (16) 'Abar.
- (17) Gen. XXXIII. 3.
- (18) V. supra n. 7.
- (19) Mic. II, 13.
- (20) Sc. the festive wreath.
- (21) Who was an 'am ha-arez (Rashi; cf. Tosaf. a.l.).
- (22) During the Seventh Year of release, it is forbidden to purchase fruit which has grown that year. The ethrog alone of the Four Species is a fruit. V. Lev. XXV, 1-7. The Gemara (infra 39b) discusses the palm-branch.
- (23) The seller.
- (24) The ethrog.
- (25) Lit., 'cause to swallow up'.
- (26) He gives a price, ostensibly for the other three species, sufficient to cover the cost of all four.
- (27) For the ethrog.
- (28) V. Glos.
- (29) With which it is forbidden to trade, and any money obtained from trading with Sabbatical Year fruit must be consumed in the Sabbatical Year. But an 'am ha-arez is suspected to trade with the money or hoard it for another year.
- (30) To enable him to enjoy the prescribed number of Sabbath meals; and since this was permitted for the Sabbath it was also permitted for any other day of the week.
- (31) So that there is reason to fear that the 'am ha-arez will trade with that money.
- (32) Which is in excess of that required for three meals.
- (33) Lit., 'profaned'.
- (34) The money thus loses all sanctity.

Talmud - Mas. Sukkah 39b

and [the purchaser] eats the fruit¹ [as though it has] the sanctity of the Sabbatical Year. This² however, applies only where one buys from what is hefker,³ but if one buys from protected produce⁴ it⁵ is forbidden [to buy] even for as little as half an issar.

R. Shesheth objected, And [if a man buys] from what is hefker [may he pay, you say, for] three meals and no more? I will point out contradictions: Rue, asparagus, fenugreek,⁶ coriander of the mountains, water-parsley and meadow-eruca are always exempt from tithe and may be bought from anyone⁷ in the Sabbatical Year, since the like of these is not guarded.⁸ He⁹ raised the objection and he himself replied to it: They¹⁰ taught [that only as much as is] sufficient for one's food¹¹ [may be bought]. And so said Rabbah b. bar Hana in the name of R. Johanan. They¹⁰ taught [that only as much as is] sufficient for food¹¹ [may be bought]. (How do we know that 'man'¹² means food? — Since it is written, And the king appointed¹³ for them a daily portion of the king's food.)¹⁴

But if so,¹⁵ the lulab also¹⁶ [should not be bought]?¹⁷ — The lulab is a product of the sixth year which entered the seventh.¹⁸ But if so, is not the ethrog also a product of the sixth year which entered the seventh? — In the case of the ethrog we compute from the time of its gathering.¹⁹ But surely, both R. Gamaliel and R. Eliezer²⁰ agree that as regards the Sabbatical Year we compute the year of the ethrog from its time of blossoming, as we have learnt, The ethrog is like a tree in three respects, and like a vegetable in one. It is like a tree in three respects, as regards the laws of ‘orlah,²¹ of the Fourth Year, and of the Seventh Year;²² and like a vegetable in one respect

- (1) Which assumes the sanctity of the Sabbatical Year which the money previously had.
- (2) That the ‘am ha-arez may be entrusted with a sum sufficient for the purchase of three meals.
- (3) V. Glos. I.e., where the ‘am ha-arez took no measures to protest his field so that the poor may freely come and take of the produce, in which case there is no need to suspect that the ‘am ha-arez intended to keep all the produce for himself.
- (4) Where he took good care to have his field protected, so that there is good reason to suppose that the ‘am ha-arez intends keeping all of it for himself.
- (5) Since the fruit of the Sabbatical Year must be made hefker for all.
- (6) Var. lec. (cf. sep. edd. of the Mishnah) ‘wild yarbuz’.
- (7) Even from an ‘am ha-arez.
- (8) Sheb. IX, 1; which clearly proves that the produce of an unguarded field may be bought in unlimited quantities, not merely for three meals.
- (9) R. Shesheth.
- (10) The authors of the Mishnah cited.
- (11) ‘Man’, sc. for three meals of the day.
- (12) Cf. prev. n.
- (13) Wa-yeman of the same rt. as man.
- (14) Dan I, 5.
- (15) That the price of produce of the Sabbatical Year may not be handed over to an ‘am ha-arez if it exceeds the prescribed maximum.
- (16) Since it is subject to the restrictions of the Sabbatical Year.
- (17) From an ‘am ha-arez.
- (18) The year of the palm is reckoned from its blossoming (cf. R. H. 13b) and a palm-branch which is cut in the Sabbatical Year even as late as the fourteenth day of Tishri (the eve of Tabernacles) must, since this month is the first of the year, inevitably have blossomed in the sixth year that preceded it.
- (19) When it is cut from the tree, which, of course, takes place in the seventh year (cf. R.H. 13b, Kid. 3a).
- (20) Who differ in the case of tithing.
- (21) V. Glos.
- (22) I.e., that the year of its growth is the one in which it blossoms.

Talmud - Mas. Sukkah 40a

in that its tithing is determined by the time of its gathering.¹ So R. Gamaliel. R. Eliezer ruled, The ethrog is like a tree in all respects?² — He³ holds the same opinion as that Tanna of whom it has been taught: R. Jose stated, Abtolmos gave evidence in the name of five elders that the tithing of the ethrog depends upon [the time of its] gathering,⁴ but our Rabbis voted in Usha⁵ and laid down [that this⁶ applies] both to tithing and the Sabbatical Year.⁷ But who mentioned the Sabbatical Year?⁸ — There is a lacuna in the text, and so it⁷ should be read: The tithing of the ethrog depends upon [the time of its] gathering, and its subjection to the laws of the Sabbatical Year depends on [the time of its] blossoming, but our Rabbis voted in Usha and laid down that the ethrog is dependent on the time of its gathering as regards both tithing and the Sabbatical Year.⁹

The reason then for the [permission to purchase a] lulab¹⁰ is¹¹ that it is [the product of] the sixth year which entered the seventh, but if it were of the Sabbatical Year it would have been sacred? But

why? Is it not mere wood, and wood does not possess the sanctity of the Sabbatical Year, as it has been taught,¹² Leaves of reeds and leaves of the vine which have been heaped up as a hiding-place upon a field, if they were gathered for [animal] food, they possess the sanctity of the Sabbatical Year, but if they were gathered for firewood, they have not the sanctity of the Sabbatical Year?¹³ — There¹³ the case is different, since Scripture says, ‘For you for food’¹⁴ thus comparing ‘for you’ to ‘for food’, i.e., that [product is forbidden] the benefit from which comes at the time of its consumption;¹⁵ firewood therefore is excluded since the benefit from it¹⁶ comes after its consumption.¹⁷ But is there not the wood of the pine tree,¹⁸ the benefit from which is derived at the same time as its consumption?¹⁹ — Raba replied, Wood, as a rule, is used for heating.²⁰

And the question of whether [the restrictions of the Sabbatical Year apply to] wood that is used for heating²¹ is one in dispute between Tannas, as it has been taught: The produce of the Sabbatical Year may not be used²² either for steeping or for washing. R. Jose ruled, they may be so used.²³ What is the reason of the first Tanna? — Because Scripture says ‘for food’²⁴ [implying] but not for steeping or for washing. What is the reason of R. Jose? — Because Scripture says, ‘for you’²⁴ [implying], ‘for all your needs’, even for steeping and for washing. But, according to the first Tanna, is it not written, ‘for you’? — That ‘for you’ is compared with ‘for food’, viz., the benefit from which comes at the same time as its consumption, thus excluding [produce used for] steeping and washing the benefit from which comes after their consumption.²⁵ But according to R. Jose, is it not written ‘for food’? — He employs this phrase for the deduction, ‘for food’, but not for an emollient, as it has been taught, ‘for food’, but not for an emollient. You say that ‘for food’ implies but not for an emollient; why not say, ‘[For food]’ but not for washing? When it says, ‘for you’ washing is included, what then can I deduce from the phrase, ‘for food’? ‘For food’, but not for an emollient. But what reason do you see for including washing and excluding an emollient?

(1) If, for instance, it blossomed in the second year of the Septennial Cycle and was gathered in the third, the ‘poor man’s tithe’ (due in the latter year) must be given in addition to the first tithe, and not ‘second tithe’ which is due in the second year.

(2) Bik. II, 6; even as regard tithes. How then could it be maintained supra that the Tanna of our Mishnah holds that the year of the ethrog is the one in which it is gathered?

(3) The Tanna of our Mishnah who forbids the purchase of an ethrog in the Sabbatical Year.

(4) V. p. 177, n. 16.

(5) One of the seats of the Sanhedrin.

(6) That the determining factor is the year in which it is gathered.

(7) R.H. 15a.

(8) No one, of course; why then the expression, ‘but our Rabbis etc.’?

(9) V. R.H., Sonc. ed., fol. 15a notes.

(10) In the Sabbatical year.

(11) As has been explained supra 39b.

(12) Cur. edd. in parenthesis, ‘we learned’.

(13) B.K. 101b.

(14) Lev. XXV, 6.

(15) When a fruit, for instance, is eaten, or an oil is used in a lamp.

(16) Baking on it, for instance.

(17) I.e., when it is already turned into coals. A lulab, however, whose main use is for sweeping a floor is used up or consumed at the same time that the benefit is derived from it.

(18) Used for torches.

(19) Why then should not the laws of the Sabbatical Year apply to it where it was gathered for lighting purposes?

(20) So that the benefit cannot be derived until it is consumed. Hence its exemption from the laws of the Sabbatical Year even where it was expressly gathered for lighting.

(21) So Rashi a.l. Cf., however, Tosaf. a.l. and Rashi B.K. 102a.

(22) Lit., ‘handed over’.

(23) B.K. 102a.

(24) Lev. XXV, 6.

(25) If flax, for instance, is steeped in wine of the Sabbatical Year in the process of its preparations, the wine is already spoiled by the time the flax is ready for use.

Talmud - Mas. Sukkah 40b

I include washing since¹ it is a requirement common to all men and exclude an emollient since it is not common to all men.² Who is the author of that [statement] which our Rabbis taught: 'For food' implies but not for an emollient, 'for food', but not for perfume, 'for food' but not for an emetic? — In agreement with whom is this statement? It is in agreement with R. Jose;³ for were it [to be suggested, with] the Rabbis,⁴ [it could be retorted,] surely there is also steeping and washing [to be excluded].⁵

R. Eleazar ruled, The produce of the Sabbatical Year can be redeemed⁶ only by way of sale,⁷ while R. Johanan ruled, Either by way of sale or by way of exchange.⁸ What is the reason of R. Eleazar? — Since it is written, In this year of jubilee ye shall return etc.⁹ and there follows immediately the verse, And if thou sell ought to thy neighbour,¹⁰ [which implies,]¹¹ only by way of sale,¹² but not by way of exchange. And what is the reason of R. Johanan? — Since it is written, For it is a jubilee, it shall be holy;¹³ just as sacred objects can be redeemed either by way of sale or by way of exchange, so the produce of the Sabbatical Year can be redeemed either by way of sale or by way of exchange. But what does R. Johanan do with the verse, 'And if thou sell ought unto thy neighbour'?¹⁴ — He requires it in accordance with the statement of R. Jose b. Hanina, as it has been taught,¹⁵ R. Jose b. Hanina observed, Come and see how serious is [even] the dust¹⁶ of the Sabbatical Year,¹⁷ etc. For if a man merely trades with the produce of the Sabbatical Year, the result is that he will eventually have to sell his movables and his tools, as it is said, 'In this year of jubilee ye shall return, each man to his possession'¹⁸ and there immediately follows the verse, 'And if thou sell ought unto thy neighbour etc.'¹⁹

What, however, does R. Eleazar do with the verse of R. Johanan? — He needs it in accordance with what has been taught, 'For it is a jubilee, it shall be holy unto you';²⁰ just as with holy objects the money [for which it is redeemed] assumes the same sanctity,²¹ so with the products of the Sabbatical Year, the money [for which it is redeemed] assumes the same sanctity.

It has been taught in agreement with R. Eleazar, and it has also been taught in agreement with R. Johanan. It has been taught in agreement with R. Eleazar: [In the case of the produce of] the Sabbatical Year the money [for which it is exchanged] assumes the same sanctity [as the produce itself], for it is said, 'For it is a jubilee it shall be holy unto you';²⁰ just as with holy objects the money [for which it is redeemed] assumes the sanctity [of the holy object], and becomes forbidden, so with the produce of the Sabbatical Year, the money [for which it is redeemed] assumes the same sanctity [as the produce] and becomes forbidden. [But] in case [you would say] that just as, with holy objects, the money [for which it is redeemed] assumes its sanctity and [the holy object itself] becomes profaned, so also with the produce of the Sabbatical Year, the money for which it is redeemed assumes its sanctity and the [produce itself] becomes profaned Scripture explicitly says, 'it shall be'²⁰ i.e., it remains in its original consecrated state. How so? If with the produce of the Sabbatical Year one purchased meat, both the meat²² and the produce²³ must be removed²⁴ during the Sabbatical Year. If, however, one purchased with the meat fish, the meat²⁵ emerges [from the sanctity of the produce of the Sabbatical Year], and the fish assumes it. If one purchased with the fish wine, the fish emerges [from the sanctity of the produce of the Sabbatical Year], and the wine assumes it. If one purchased with the wine oil, the wine emerges [from Its state of sanctity] and the oil assumes it. How does this come about? The last [object for which the previous one is redeemed] assumes [the sanctity] of the Sabbatical Year,²⁶ but the produce itself²⁷ remains under restriction.²⁸

Now since the term 'purchased' repeatedly is used, it is evident that only by way of sale [does it become redeemed], but not by way of exchange.²⁹

It was taught in agreement with R. Johanan: Both the produce of the Sabbatical Year and of the Second Tithe may be redeemed³⁰ with cattle, beast or fowl, whether live or slaughtered. These are the words of R. Meir, while the Sages ruled, With slaughtered [animals and fowls] they may be redeemed,³⁰ but not with live ones, this being a preventive measure against one's possible rearing of flocks³¹ from them.³²

Raba said, The dispute³³ applies only

(1) Like the eating of 'food'.

(2) Thus it has been shown that the first Tanna who excludes steeping and washing, on the ground that the produce is already consumed by the time the benefit is derived from it, excludes also for the same reason, wood that is used for heating, while R. Jose who does not exclude steeping and washing does not exclude wood either.

(3) Who excludes only such benefit as is not common to all.

(4) Sc. the first Tanna.

(5) V. p. 179, n. 10.

(6) Lit., 'rendered profane'; whereby that for which it is exchanged receives the sanctity which the produce of the Sabbatical Year had previously, and the produce itself becomes redeemed.

(7) I.e., only if it is sold to a second party, not by exchanging the one for the other while the owner retains the produce for himself as in the case of holy things.

(8) By declaring 'This produce is exchange for this money'.

(9) Lev. XXV, 13. The laws of the Jubilee are also applicable to the Sabbatical Year.

(10) Ibid. 14.

(11) Since the two verses are in juxtaposition.

(12) May the produce of the Sabbatical Year be redeemed.

(13) Ibid. 12.

(14) Ibid. 14.

(15) 'Ar. 30b.

(16) Sc. not only the actual prohibition itself but even secondary prohibitions.

(17) V. supra n. 7.

(18) V. p. 180, n. 7.

(19) Lev. XXV, 14.

(20) Ibid. 12.

(21) Lit., 'takes hold of the money thereof'. While the objects completely lose their sanctity.

(22) Which has assumed sanctity — i.e., the character of the Sabbatical Year produce.

(23) Which remained in its original state.

(24) V. Sheb. Ch. VII.

(25) Whose sanctity was only an acquired one.

(26) While the previous object loses its sanctity.

(27) That actually grew in the Sabbatical Year.

(28) Kid. 58a.

(29) This Baraita thus agrees with R. Eleazar.

(30) Lit., 'rendered profane', the general term used for redeeming sacred objects implying 'exchange', in agreement with R. Johanan.

(31) A generic term for animals, beasts and fowls.

(32) And by thus retaining them would transgress either the precept of removing the tithe by the end of the third year of the Septennial Cycle (v. Deut. XXVI, 12ff) or the prohibition against trading with the produce of the Sabbatical Year.

(33) Between R. Meir and the Sages.

Talmud - Mas. Sukkah 41a

Talmud - Mas. Sukkah 41a

to male [animals and birds],¹ but with regard to female ones, all agree that they may be redeemed with slaughtered ones, but not with live ones, since a preventive measure has been enacted against one's possible rearing of flocks from them.

R. Ashi said, The dispute² concerns only the original produce itself,³ but with regard to secondary produce,⁴ both agree that [it can be redeemed] either by way of sale, or by way of exchange: and the reason that the term 'purchased' was continually repeated⁵ is that since in the first clause the term 'purchased' was used it was used in the latter clause also.⁶

Rabina raised an objection against R. Ashi, [It has been taught]: If a man has a sela' of [the proceeds of the produce of] the Sabbatical Year,⁷ and wishes to purchase therewith a shirt,⁸ how should he proceed?⁹ Let him go to his regular shopkeeper¹⁰ and say to him, 'Give me a sela' worth of fruit' and give it to him.¹¹ Then he tells him, 'Behold this fruit¹² is given to you as a gift',¹³ and [the shopkeeper] answers him, 'And here is a gift for you of a sela''¹⁴ And the latter may purchase with it whatsoever he desires.¹⁵ Now here, surely, the sela' is a secondary produce,¹⁶ and yet it teaches, does it not, [that it may be redeemed only] by way of sale, and not by way of exchange?¹⁷ — Rather, said R. Ashi, the dispute [of R. Eleazar and R. Johanan] centres round the secondary produce, but with regard to the primary produce all agree that [it may be redeemed] only by way of sale, and not by way of exchange; and as to what has been stated,¹⁸ 'Both the produce of the Sabbatical Year and of the Second Tithe [may be redeemed by exchange]',¹⁹ what is meant by 'the produce of the Sabbatical Year' is the money for which the produce is exchanged. For if you will not say so, then 'tithe' also must mean actual tithe,²⁰ surely it is written, Thou shalt bind the money in thy hand?²¹ Consequently it must mean the money for which tithe [was exchanged],²² and so here also it means the money for which the produce of the Sabbatical Year [is exchanged].

MISHNAH. FORMERLY²³ THE LULAB WAS TAKEN FOR SEVEN DAYS IN THE TEMPLE, AND IN THE PROVINCES²⁴ FOR ONE DAY ONLY. WHEN THE TEMPLE WAS DESTROYED, R. JOHANAN R. ZAKKAI INSTITUTED THAT THE LULAB SHOULD BE TAKEN IN THE PROVINCES FOR SEVEN DAYS IN MEMORY OF THE TEMPLE, [AND HE ALSO INSTITUTED] THAT ON THE WHOLE OF THE DAY OF WAVING²⁵ IT SHALL BE FORBIDDEN [TO EAT THE NEW PRODUCE OF THE YEAR].²⁶

GEMARA. Whence do we know that we must perform [ceremonies] in memory of the Temple? — R. Johanan replied, Since Scripture says, For I will restore health unto thee, and I will heal thee of thy wounds, saith the Lord, Because they have called thee an outcast. She is Zion, there is none that seeketh for her.²⁷ 'There is none that seeketh for her', implies that she should be sought.²⁸

AND THAT ON THE WHOLE OF THE DAY OF WAVING. What is the reason? — The Temple may be rebuilt speedily, and people²⁹ would say, 'Did we not eat [the new corn] last year from the time that day dawned in the East? Let us now also eat it [from the same time]' and they would be unaware of the fact that in the previous year, when there was no Temple, once day dawned in the East it was permitted [to eat of the new corn], but now that the Temple is rebuilt, it is only the [waving of the] 'omer which [commences] the permission.³⁰

But when [does this assume the Temple to be] rebuilt? If you will say that it is rebuilt on the sixteenth [of Nisan], then obviously it is permitted to eat from the time that day dawned in the East?³¹ If, however, it is rebuilt on the fifteenth³² why should it not be permitted after midday, for surely we have learnt, Those that lived at a distance³³ were permitted [to eat of the new corn] from midday³⁴ onwards, because [they knew that] the Beth din would not be negligent in the matter?³⁵ — This³⁶ was necessary [only in case] it is rebuilt at night,³⁷ or [on the fifteenth] close to sunset.³⁸ R.³⁹ Nahman b. Isaac replied, R. Johanan b. Zakkai instituted this in accordance with a principle of R.

Judah⁴⁰ who holds that Pentateuchally all that day⁴¹ is forbidden,⁴² since it is written,

- (1) Who are not usually kept for breeding purposes. Only in this case does R. Meir not uphold the preventive measure of the Sages.
- (2) Between R. Eleazar and R. Johanan.
- (3) That actually grew in the Sabbatical Year.
- (4) The produce for which the original produce is exchanged.
- (5) In the Baraitha (supra 40b) cited in support of R. Eleazar.
- (6) Though actually one could exchange it as well.
- (7) Which must be spent in the same year.
- (8) Which would probably last until the following year.
- (9) In order to comply with the law which permits it to be spent for use in the same year only.
- (10) lit., 'with whom he is familiar'. Who, on account of their acquaintance would be willing to oblige him.
- (11) The sela' thus loses all its sanctity which passes over to the fruit.
- (12) Which is now sacred.
- (13) And the shopkeeper eats during the Sabbatical Year.
- (14) Which now possesses no sanctity.
- (15) The fruit becomes sacred and being given as a gift, can be eaten by the shopkeeper. The money has become redeemed in the process of exchange and can, therefore, be used to purchase anything.
- (16) The sela', being money received from the sale of the original produce is obviously a 'secondary produce'.
- (17) Had the latter way been permitted there would have been no need to go to a shopkeeper. It would have sufficed for the man to redeem the sela' with any produce he has in his own house. How then could R. Ashi maintain that secondary produce may be redeemed by way of exchange?
- (18) Cited supra 40b in support of R. Johanan.
- (19) Which would prove that the Sabbatical produce itself may be redeemed by way of exchange.
- (20) I.e., that it may be exchanged for cattle, beast or fowl.
- (21) Deut. XIV, 25; which proves that the exchange can only be made for money.
- (22) It is the money obtained from the sale of the tithe which is mentioned, not the tithe itself.
- (23) In Temple times. This Mishnah is repeated in R.H. IV, 3.
- (24) Including Jerusalem (Rashi).
- (25) The sixteenth of Nisan, the Second Day of Passover, when the 'omer was first waved. (Cf. Lev. XXIII, 11).
- (26) When the Temple stood, the new corn could be eaten immediately after the waving, but after the destruction of the Temple it was Pentateuchally permitted from the early morning (cf. Men. 68a). R. Johanan b. Zakkai, however, forbade it the whole day.
- (27) Jer. XXX, 17.
- (28) I.e., that ceremonies in its memory should be performed.
- (29) Who before its rebuilding were eating the new produce from the morning of the sixteenth of Nisan.
- (30) The distinction depends upon the apparent contradiction in Lev. XXIII, 14 which says, Until this self-same day until ye have brought the offering, the first part of which permits it the moment day dawns, the second when the offering has been brought. V. Men. 68a.
- (31) Since in the morning there was as yet no Temple.
- (32) Or before.
- (33) From Jerusalem, and were, therefore, unaware when the court ordained the offering of the 'omer.
- (34) Of the sixteenth.
- (35) Men. X, 5; and would certainly effect it before midday.
- (36) The institution of R. Johanan b. Zakkai.
- (37) That belonged to the sixteenth of Nisan.
- (38) So that in either case there would be no time to prepare the 'omer, which necessitates great preparation, before midday on the sixteenth. On the question how the Temple could be rebuilt on the fifteenth day, being a Festival day. v. Rashi and Tosaf.
- (39) Cur. edd. in parenthesis, 'said R.'.
- (40) R. Judah lived two generations later than R. Johanan b. Zakkai, but the meaning is that they were both of the same

opinion.

(41) Of the sixteenth of Nisan, the Day of Waving.

(42) To eat of the new corn.

Talmud - Mas. Sukkah 41b

Until this self-same day,¹ [which means] until the very day itself, and he is of the opinion that the expression 'until' is meant to include [the terminus in the prohibition].² But does he³ hold a similar opinion?⁴ Does he not in fact disagree with him, as we have learnt,⁵ When the Temple was destroyed, R. Johanan b. Zakkai instituted that on the whole of the Day of the Waving it should be forbidden [to eat of the new corn]. Said R. Judah to him, But⁶ is it not forbidden Pentateuchally, since it is written, 'Until the self-same day'⁷ [which means] until the very day itself?⁸ — It is R. Judah who was under a misapprehension, He thought that [R. Johanan b. Zakkai] meant that it⁹ was forbidden as a Rabbinical prohibition, but it is not so. He meant it as a Pentateuchal prohibition. But does it not say, 'He instituted'?¹⁰ — What is meant by 'he instituted' is that he expounded (the Pentateuchal verse)¹¹ and instituted the law accordingly.

MISHNAH. IF THE FIRST DAY OF THE FESTIVAL¹² FALLS ON A SABBATH, ALL THE PEOPLE BRING THEIR LULABS TO THE SYNAGOGUE [ON THE PREVIOUS DAY]. ON THE MORROW THEY ARISE EARLY [AND COME TO THE SYNAGOGUE] AND EACH ONE RECOGNIZES HIS OWN [LULAB] AND TAKES IT, SINCE THE SAGES LAID DOWN THAT NO ONE CAN FULFIL HIS OBLIGATION ON THE FIRST DAY OF THE FESTIVAL WITH THE LULAB OF HIS FELLOW. BUT ON THE OTHER DAYS OF THE FESTIVAL A MAN MAY FULFIL HIS OBLIGATION WITH THE LULAB OF HIS FELLOW. R. JOSE RULED, IF THE FIRST DAY OF THE FESTIVAL FELL ON THE SABBATH, AND A MAN FORGOT AND CARRIED OUT HIS LULAB INTO A PUBLIC DOMAIN, HE IS NOT CULPABLE, SINCE HE BROUGHT IT OUT WHILE UNDER THE INFLUENCE [OF A RELIGIOUS ACT].¹³ GEMARA. Whence do we know this?¹⁴ — From what our Rabbis have taught, 'And ye shall take'¹⁵ [implies] that there should be a 'taking' with the hand of each individual, 'to you,' implies that it should be yours, excluding a borrowed or a stolen [lulab]. From this verse the Sages deduced that no one can fulfil his obligation on the first day of the Festival with the lulab of his fellow, unless the latter gave it to him as a gift. And it once happened that when R. Gamaliel, R. Joshua, R. Eleazar b. 'Azariah and R. Akiba were travelling on a ship¹⁶ and R. Gamaliel alone had a lulab which he had bought for one thousand zuz, R. Gamaliel took it and fulfilled his obligation with it; then he gave it as a gift to R. Joshua who took it, fulfilled his obligation with it and gave it as a gift to R. Eleazar b. 'Azariah who took it, fulfilled his obligation with it, and gave it as a gift to R. Akiba who took it, fulfilled his obligation with it and then returned it to R. Gamaliel.

Why does he need mention that he¹⁷ returned it?¹⁸ — He teaches us something incidentally viz., that a gift made on condition that it be returned constitutes a valid gift; as also follows from what Raba said: [If a man say to his fellow], 'Here is an ethrog [as a gift] on condition that you return it to me', and the latter took it and fulfilled his obligation with it, if he returned it, he is regarded as having fulfilled his obligation,¹⁹ but if he did not return it, he is regarded as not having fulfilled his obligation.²⁰

For what purpose need he mention that [R. Gamaliel] had bought it for one thousand zuz? — In order to let you know how precious to them was the opportunity of fulfilling a religious duty.

Mar b. Amemar said to R. Ashi, My father used to recite his prayers [while holding the lulab in his hand].²¹ It was objected: A man should not hold his tefillin in his hand or a Scroll of the Law in his bosom while reciting his prayers,²² nor [while wearing his tefillin] should he let water, or doze or sleep.²³ And in connection with this Samuel said, The same²⁴ applies to a knife,²⁵ a dish,²⁶ a loaf of

bread²⁷ and money?²⁸ — In the latter cases he is not performing a religious duty²⁹ and, therefore, would worry over them³⁰ but in the former one³¹ he is fulfilling a religious duty³² and, therefore, he would not worry over it.³³

It has been taught, R. Eleazar b. Zadok stated, This was the custom of the men³⁴ of Jerusalem. When a man left his house he carried his lulab in his hand; when he went to the synagogue his lulab was in his hand, when he read the Shema³⁵ and his prayers³⁶ his lulab was still in his hand, but when he read in the Law or³⁷ recited the priestly benediction³⁸ he would lay it on the ground.³⁹ If he went to visit the sick or to comfort mourners, he would go with his lulab in his hand, but when he entered the House of Study, he would send his lulab by the hand of his son, his slave or his messenger.⁴⁰ What does this⁴¹ teach us? — It serves to inform you how zealous they were in the performance of religious duties.

R. JOSE RULED, [IF THE FIRST DAY OF] THE FESTIVAL etc. Abaye stated,

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- (1) Lev. XXIII, 14.
 - (2) Sc. 'until the day' means that even on the day itself it is also forbidden.
 - (3) R. Judah.
 - (4) To that of R. Johanan b. Zakkai.
 - (5) Cur. edd. in parenthesis, 'for it was taught'.
 - (6) Why institute it?
 - (7) Lev. XXIII, 14.
 - (8) Men. 68a, which shows that R. Judah and R. Johanan b. Zakkai differ.
 - (9) The new corn on the sixteenth day.
 - (10) An expression which implies a Rabbinical prohibition only.
 - (11) Explaining that 'until' includes also the terminus.
 - (12) Of Tabernacles.
 - (13) He was so intent on the performance of the act that he inadvertently overlooked the fact that the day was the Sabbath on which such carrying is forbidden.
 - (14) That one cannot fulfil one's obligation on the first day with someone else's lulab.
 - (15) Lev. XXIII, 40.
 - (16) On the Festival of Sukkoth. Probably on their way to Rome in the year 95 B.C. [V. Finkelstein L., Akiba, p. 137.]
 - (17) R. Akiba.
 - (18) To R. Gamaliel, who had already fulfilled his duty at the very beginning.
 - (19) Because the condition on which the gift was dependent was duly carried out.
 - (20) Since the gift was dependent upon the condition of his returning it, which was not complied with.
 - (21) The fulfilment of the duty of lulab was so dear to him that he did not wish to part with it even during prayer.
 - (22) Since he might be so anxious not to drop the tefillin or the scroll that he would not concentrate on his prayers.
 - (23) In case he might drop them (cf. supra 26a).
 - (24) That they must not be held in one's hand during prayers.
 - (25) The man's anxiety not to let it drop upon his foot prevents him from concentration on his prayer.
 - (26) That was full (cf. prev. n. mut. mut.).
 - (27) The falling of which to the ground would render it objectionable.
 - (28) Ber. 23b; which a man is anxious not to drop and scatter (cf. supra n. 4 mut. mut.).
 - (29) In holding the objects mentioned.
 - (30) Being a burden to him they disturb his mind and interfere with his prayers.
 - (31) Lulab.
 - (32) In holding it.
 - (33) His prayers, therefore, would not be disturbed.
 - (34) Cf. supra p. 164, n. 9.
 - (35) Sc. Deut. VI, 4-9, XI, 13-21 and Num. XV, 37-41 (cf. P.B. pp. 40-42).
 - (36) The 'Amidah or the Eighteen Benedictions (cf. P.B. pp. 44-54).

(37) Being a priest.

(38) 'The Lord bless thee etc.' (cf. P.B. p. 53).

(39) He had to use his hands to roll up the Scroll of the Law and he had to raise his outspread hands when reciting the priestly benediction.

(40) Tosef. Sukkah II. Lest his interest in his studies should cause him to forget its existence and to drop it from his hands.

(41) The record of the custom of the men of Jerusalem.

Talmud - Mas. Sukkah 42a

They taught [that he is not culpable] only when he had not yet fulfilled his obligation,¹ but if he had fulfilled his obligation,¹ he is guilty of a transgression.² But has he not fulfilled his obligation³ the moment he lifted it up?⁴ — Abaye answered, [This is a case] where he held it upside down.⁵ Raba replied, You may even say that he did not hold it upside down,⁶ but here we are dealing with a case where he carried it out in a vessel. But is it not Raba himself who laid down that taking by means of something else is regarded as a valid taking?⁷ — That applies only [where the taking with something else is done] as a mark of respect, but not [if it is done] in a disrespectful manner.⁸

R. Huna stated, R. Jose used to say, A fowl [offered as] a burnt-offering⁹ that was found¹⁰ among other fowls¹¹ and [the priest] thought that it was a fowl of a sin-offering, and ate it, he is not culpable.¹² What, however, does he¹³ teach us by this ruling? Is it that if a man errs in connection with a matter of religious duty he is exempt? But this is, is it not, exactly the same [as the one in our Mishnah]?¹⁴ — It might have been assumed that only there¹⁵ is the man not culpable when he errs in connection with a matter of religious duty, because [by his very mistake] he performs a religious duty,¹⁶ but here,¹⁷ where, by erring in connection with a matter of religious duty he does not perform another religious duty,¹⁸ might have said that he is culpable, therefore he¹⁹ informs us [that even here he is not culpable].

An objection was raised: R. Jose ruled, If a man slaughters on the Sabbath the daily offering which has not been properly examined,²⁰ he is liable to bring a sin-offering²¹ and another daily offering must be offered!²² — The other answered him, That case lies in a different category,²³ for concerning it it has been stated: R. Samuel b. Hattai citing R. Hamnuna Saba²⁴ who cited it in the name of R. Isaac b. Ashian who had it from R. Huna who cited Rab, explained, This is a case, for instance, where the daily offering was brought from a chamber that contained animals which had not been examined.²⁵

MISHNAH. A WOMAN MAY TAKE [THE LULAB] FROM THE HAND OF HER SON OR FROM THE HAND OF HER HUSBAND AND PUT IT BACK IN WATER²⁶ ON THE SABBATH.²⁷ R. JUDAH RULED, ON THE SABBATH IT MAY BE PUT BACK [INTO THE WATER IN WHICH IT WAS PREVIOUSLY KEPT],²⁸ ON A FESTIVAL DAY²⁹ [WATER] MAY BE ADDED,³⁰ AND ON THE INTERMEDIATE DAYS [OF THE FESTIVAL THE WATER] MAY ALSO BE CHANGED. A MINOR³¹ WHO KNOWS HOW TO SHAKE [THE LULAB] IS SUBJECT TO THE OBLIGATION OF LULAB.

GEMARA. Is not this³² obvious? — I might have said that, since a woman does not come under the obligation [of lulab] she may not take it,³³ therefore he informs us [that she may].³⁴

A MINOR WHO KNOWS HOW TO SHAKE THE [LULAB]. Our Rabbis taught, A minor who knows how to shake [the lulab] is³⁵ subject to the obligation of the lulab;³⁶ [if he knows how] to wrap himself [with the tallith]³⁷ he is subject to the obligation of zizith;³⁸ [if he knows how] to look after tefillin, his father must acquire tefillin for him; if he is able to speak, his father must teach him Torah and the reading of the Shema'. What [in this context] could be meant by Torah? — R.

Hamnuna replied, [The Scriptural verse] Moses commanded us a Law, an inheritance of the congregation of Jacob.³⁹ What [in this context] is meant by the Shema'? — The first verse.⁴⁰ If [the minor] knows how to take care of his body⁴¹ we may eat food that has been prepared in ritual purity though his body [touched it]; if he knows how to take care of hands,⁴² we may eat food that has been prepared in ritual purity even though his hands [touched it]. If he knows how to answer [questions on whether he touched any ritual uncleanness], a doubtful case on his part⁴³ that occurs in a private domain is regarded as unclean, but if in a public domain as clean.⁴⁴ [If he⁴⁵ knows how] to spread out his hands [in priestly benediction]⁴⁶ *terumah*³⁷ may be shared out to him in the threshing-floors.⁴⁷

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- (1) Before he left his house.
 - (2) Since at the time he left his house he could not have been under the influence of a religious act.
 - (3) Of 'taking' the lulab.
 - (4) Of course he did. How then is it possible ever to leave one's house with a lulab in hand without having ipso facto fulfilled the prescribed duty?
 - (5) The obligation is not fulfilled unless it is held as it grows naturally (cf. infra 45b).
 - (6) The reason is explained presently.
 - (7) Supra 37a.
 - (8) If one takes it with the scarf one wears out of respect, it is valid but if one carries it out in a vessel, thus showing lack of respect, it is not valid.
 - (9) The burnt-offering was forbidden to be eaten, since all of it had to be consumed on the altar.
 - (10) At the south western side of the altar where, in addition to burnt-offerings of fowls, sin-offerings of fowls were also sometimes offered.
 - (11) Lit., 'wings'.
 - (12) Sc. is exempt from a trespass-offering which the eating of it would otherwise have entailed. Since the eating of a sin-offering is a religious duty, no offence is committed by the man who, intending to do a good deed, has mistakenly eaten the wrong bird.
 - (13) R. Huna.
 - (14) When R. Jose informs us that if one errs in connection with a matter of religious duty he is not culpable. Why then should R. Huna merely repeat a ruling of our Mishnah?
 - (15) In our Mishnah.
 - (16) That of taking the lulab.
 - (17) In R. Huna's ruling.
 - (18) Since the fowl is a burnt-offering no religious duty is performed in eating it.
 - (19) R. Huna.
 - (20) To ascertain whether it was free from blemishes.
 - (21) Because a daily offering that has not been previously examined is invalid, and by slaughtering it on the Sabbath one is guilty of doing forbidden work.
 - (22) Now since R. Jose holds the man liable to bring a sin-offering it follows that if one errs in connection with a matter of religious duty without performing one, he is culpable. An objection against R. Huna.
 - (23) Lit., 'outside that (case)'.
 - (24) The Elder.
 - (25) The man had no right at all to take an animal from an unexamined supply and his act, therefore, is not a mistake committed when under the anxiety of performing a religious duty, but almost a wilful transgression.
 - (26) To prevent it from withering.
 - (27) And she is not guilty of moving an object that is useless to her.
 - (28) But no other water may be added. Much less may the water be changed.
 - (29) Which is subject to lesser restrictions than the Sabbath.
 - (30) But not changed.
 - (31) Under the age of thirteen years and one day.
 - (32) That A WOMAN MAY TAKE THE LULAB etc.
 - (33) Since she is carrying on the festival an object that is useless to her.

- (34) Since the lulab is suitable for the man it has the status of a 'vessel' which may be moved by everybody.
- (35) In Rabbinic law.
- (36) In this and all the instances that follow, the purpose is to train the child in the observance of precepts.
- (37) V. Glos.
- (38) Cf. Num. XV, 37.
- (39) Deut. XXXIII, 4.
- (40) Deut. VI, 4, the first verse of the passage.
- (41) Though not of his hands, i.e., he is careful enough not to touch any ritual uncleanness with his body though he might allow his hands to touch a minor uncleanness.
- (42) Cf. prev. n. mut. mut.
- (43) Sc. if he answer that he is in doubt.
- (44) Cf. Sot. 28a. Any doubtful case of uncleanness is regarded as clean if it is in a public domain and unclean if in a private one.
- (45) Being a priest.
- (46) I.e., he actually performs the precept in public (Rashi). Num. VI, 24ff. Cf. P.B. p. 53.
- (47) Where the sharing of the terumah to the priests took place publicly. As such a boy may obviously be relied upon (cf. Meg. 24a) to preserve the terumah in its levitical purity, it may be given to him even in public. (V. Tosaf). If he is unable to 'spread his hands' he cannot be assumed to know how to take proper care of terumah and, therefore, only those who know him personally to be able to do it may privately send terumah to his house (cf. Yeb. 99b).

Talmud - Mas. Sukkah 42b

If he knows how to slaughter [animals ritually]¹ we may eat from [the meat of animals] which he has slaughtered. R. Huna explained: This applies only where an adult was standing by his side [when he performed the act].² If [a child] is able to eat an olive size of [bread made of] corn,³ one⁴ must remove oneself a distance of at least four cubits from his excrement or water.⁵ R. Hisda explained: This applies only where the child is able to consume it⁶ in the time [which it takes an ordinary adult] to eat half a loaf.⁷ (R. Hiyya the son of R. Yeba observed, But in the case of an adult [the law⁸ applies] even if he cannot eat it⁶ in the time [which it takes a normal person] to eat half a loaf, since it is written, He that increaseth knowledge⁹ increaseth sorrow.)¹⁰ If [a child] can eat an olive of roast meat, the Paschal lamb may be slaughtered on his behalf,¹¹ as it is said, According to the eating of every man.¹² R. Judah ruled, [This¹³ is not allowed] until he is able to pick out an eatable. In what manner? — If he is given a splinter, he throws it away; if he is given a nut, he eats it.

CHAPTER IV

MISHNAH. [THE CEREMONIALS OF] THE LULAB AND THE WILLOW¹⁴ [CONTINUED FOR] SIX [DAYS] OR¹⁵ SEVEN; THE [RECITAL OF THE WHOLE] HALLEL¹⁶ AND THE REJOICING¹⁷ [CONTINUED FOR] EIGHT [DAYS]; [THE DWELLING IN A] SUKKAH AND THE WATER LIBATION¹⁸ SEVEN [DAYS]; THE FLUTE PLAYING¹⁹ FIVE²⁰ OR SIX [DAYS].²¹

'[THE CEREMONIALS OF] THE LULAB . . . SEVEN'. HOW IS THIS? IF THE FIRST DAY OF THE FESTIVAL FELL ON A SABBATH, THE LULAB [IS CARRIED FOR] SEVEN DAYS; BUT [IF IT FELL] ON ANY OTHER DAY, [IT IS CARRIED ONLY] FOR SIX.²²

'THE WILLOW . . . SEVEN DAYS'. HOW IS THIS? IF THE SEVENTH DAY OF [THE CEREMONIALS OF] THE WILLOW FELL ON SABBATH, [THEY LAST] SEVEN DAYS; IF IT FELL ON ANY OTHER DAY, [THEY LAST ONLY] SIX.²³

HOW WAS [THE CEREMONIAL OF] THE LULAB CARRIED OUT?²⁴ IF THE FIRST DAY OF THE FESTIVAL FELL ON A SABBATH, THEY BROUGHT THEIR LULABS TO THE

TEMPLE MOUNT, AND THE ATTENDANTS RECEIVED THEM AND ARRANGED THEM IN ORDER UPON THE PORTICO,²⁵ WHILE THE ELDERS²⁶ LAID THEIRS IN A CHAMBER.²⁷ AND THE PEOPLE WERE INSTRUCTED TO SAY, 'WHOSOEVER GETS MY LULAB IN HIS HAND, LET IT BE HIS AS A GIFT'.²⁸ ON THE MORROW THEY AROSE BETIMES, AND CAME [TO THE TEMPLE MOUNT] AND THE ATTENDANTS THREW DOWN [THEIR LULABS] BEFORE THEM, AND THEY SNATCHED AT THEM, AND SO THEY USED TO COME TO BLOWS WITH ONE ANOTHER. WHEN THE BETH DIN, HOWEVER, SAW THAT THEY REACHED A STATE OF DANGER, THEY INSTITUTED THAT EACH MAN SHOULD TAKE [HIS LULAB] IN HIS OWN HOME.

GEMARA. But why [should it be forbidden to carry the lulab on the Sabbath]?²⁹ It³⁰ involves only a mere movement, why then³¹ should it not override the Sabbath?³² — Rabbah answered, It³³ is a restrictive measure, lest a man take [the lulab] in his hand and go to an expert in order to learn [the rites connected with it]

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- (1) Though he is not well-versed in the various laws associated with it (Rashi).
 - (2) And the adult testifies that all the ritual laws associated with it were duly observed.
 - (3) Of any of the following five species: Wheat, barley, spelt, oats and rye.
 - (4) Who desires to read his prayers or any sacred matter.
 - (5) Since they emit an offensive odour.
 - (6) The olive size of bread.
 - (7) Sc. an amount of bread that suffices for two ordinary meals. A whole loaf suffices for four meals (cf. 'Er. 82b). If it takes him a longer time he is in the same legal position as one who eats the size of half an olive on one day and the size of another half on the following day, in which case the two are not combined to form the prescribed minimum.
 - (8) To remove oneself etc.
 - (9) Sc. the adult, as compared with the child.
 - (10) Eccl. I, 18. 'Sorroa is taken as a euphemism. The older a man is, the more offensive his excrement.
 - (11) Sc. he may be included in a party that joined together to participate in the lamb.
 - (12) Ex. XII, 4; emphasis on 'eating'.
 - (13) The inclusion of a child in a party for participation in the Paschal lamb.
 - (14) The willow branch was carried round the Altar in the Temple (cf. infra 45a).
 - (15) When they superseded the Sabbath v. infra.
 - (16) Ps. CXIII-CXVIII.
 - (17) The consumption of peace-offerings (cf. Deut. XVI, 14 and Pes. 109a).
 - (18) After the offering of the regular daily morning offering during the Festival (cf. Yoma 26b).
 - (19) In connection with the water drawing.
 - (20) If a Sabbath occurred during the middle of the Festival.
 - (21) If the first day happened to be a Sabbath. Since the flute may not be played on the Sabbath and on the first and last day of the Festival, three days have to be deducted from the eight in the former case (cf. prev. n.) and only two (the first and the last) in the latter case where Sabbath coincides with the first and last Festival days. Each of the items mentioned in the Mishnah is dealt with at length in the subsequent Mishnahs, where it is fully explained.
 - (22) The lulab may be carried on Sabbath on the first day only. If the first day was not Sabbath, one of the succeeding days was, and on this Sabbath it was not permitted to be carried.
 - (23) The Gemara later explains the importance of the seventh day.
 - (24) When during Temple times the first day fell on a Sabbath.
 - (25) The Temple Mount was surrounded by a portico with seats under it. The Gemara (infra 45a) discusses whether it means the roof of the portico or the seats under it.
 - (26) To avoid the crush on the following day.
 - (27) Away from those of the public.
 - (28) Since if it belonged to someone else it was invalid. V. supra 41b.
 - (29) Even if it is not the first day.
 - (30) The rite of the lulab.

(31) Since the commandment to take the lulab in the Temple for seven days is Pentateuchal.

(32) Sc. on what ground did the Rabbis institute a preventive measure against taking it?

(33) The prohibition to take the lulab on a Sabbath.

Talmud - Mas. Sukkah 43a

and thereby he will be carrying it for four cubits through a public domain.¹ And the same reason applies to the shofar,² and the same reason applies to the megillah.³

But if so, let it⁴ apply to the first day⁵ also? — ‘The first day’ you say? Did not our Rabbis institute that it should be taken in one's home?⁶ — That is quite correct as from after this enactment, but what can you answer as regards the time before the enactment? — The fact is that with regard to the first day, the obligation to take the lulab on which is Pentateuchal even in the Provinces⁷ the Rabbis⁸ did not enact a restrictive measure,⁹ but with regard to the other days [the command to take the lulab on which] does not Pentateuchally obtain in the Provinces,¹⁰ the Rabbis did enact a restrictive measure.¹¹

But if this is so,¹² the same law should obtain at the present time also?¹³ — We do not know when the New Moon was fixed.¹⁴ But why should it not override the Sabbath¹⁵ for them¹⁶ since they know when the New Moon was fixed? — The law is indeed so; for in our Mishnah we have learnt, IF THE FIRST DAY OF THE FESTIVAL, FELL ON A SABBATH, all the people BROUGHT THEIR LULABS TO THE TEMPLE MOUNT, while in another Mishnah we have learnt [that they brought them] to the Synagogue,¹⁷ consequently you may deduce from these that the former refers to the time when the Temple was in existence while the latter refers to the time when the Temple was no longer in existence.¹⁸ This is conclusive.¹⁹

Whence do we derive that [the taking of the lulab] is a Pentateuchal obligation in the Provinces? — From what has been taught: And ye shall take²⁰ teaches that the lulab must be taken in the hand of each one; to you teaches²¹ that it must be yours, thus excluding a borrowed or a stolen [lulab]; on the day²² implies, even if it be the Sabbath; first²³ implies²⁴ even in the Province; the first²⁵ teaches that it overrides the first day of the Festival only.²⁶

The Master said, ‘On the day²⁷ implies, even if it be Sabbath.’ But consider: [The taking of the lulab] is ordinary carrying. Is a Scriptural verse then necessary to permit ordinary carrying?²⁸ Raba answered, It was necessary to have it only with regard to the preliminaries of the lulab,²⁹ and this is in accordance with a ruling of that Tanna of whom it has been taught, The lulab and all its preliminaries²⁹ override the Sabbath, so R. Eliezer.³⁰

What is the reason of R. Eliezer? — Scripture says, ‘on the day,’ implying, even the Sabbath. But what do the Rabbis³¹ make of the expression, on the day? — They need it to infer from it that on the day, [is the lulab to be taken] but not at night. Then whence does R. Eliezer deduce that [the lulab is to be taken] by day, and not at night? — He deduces it from the conclusion of the verse, ‘And ye shall rejoice before the Lord your God for seven days’, ‘days’ imply, but not nights. And the Rabbis?³² — If deduction were made from this verse, I might have said that we ought to compare ‘days’ [mentioned here] with ‘days’ mentioned with regard to the Sukkah³³ so that just as there [the expression of] ‘days’ includes nights, so here also [the expression of] ‘days’ includes nights.³⁴

And with regard to the Sukkah itself whence do we derive [that the expression of ‘days’ includes nights]? — From what our Rabbis have taught: Ye shall dwell in booths for seven days,³³ the expression of ‘days’ includes also the nights. You say that the expression of ‘days’ includes also the nights, perhaps it is not so and ‘days’ implies but not the nights, and this is really logical. For the word ‘days’ is used here,³⁵ and it is also used in connection with lulab so that just as there it means

days and not nights, so here also it must mean days and not nights. Or take it another way: The word 'days' is mentioned here,³⁵ and also in connection with the [seven days of the] investment,³⁶ so that just as there it means days and also nights,³⁷ so here also it must mean days and also the nights! Let us then see to what it³⁸ is more comparable.³⁹ We should deduce a thing whose performance is a matter of the whole day³⁸ from a thing whose performance is a matter of the whole day,⁴⁰ and let no proof be adduced from something whose performance is only for one moment.⁴¹ Or take it another way: We might deduce a thing which was ordained for future generations³⁸ from something whose performance also was ordained for future generations,⁴¹ but let no proof be adduced from the investment which does not obtain for future generations!⁴² [This is, therefore, an open question, but] Scripture explicitly repeats

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- (1) Not with the intention of fulfilling a religious duty, but merely to receive instruction.
 - (2) The ram's horn blown on the New Year.
 - (3) The Scroll of Esther read on Purim. The shofar may not be blown and the megillah may not be read on the Sabbath for the same reason.
 - (4) The restrictive measure.
 - (5) Of the festival.
 - (6) As stated in our Mishnah ad fin., and since it must be taken at home only, and not in the Synagogue, no one is likely to forget the prohibition against carrying it out.
 - (7) Sc. all places outside the Temple.
 - (8) On account of its importance.
 - (9) Either in the Temple or in the Provinces.
 - (10) It only obtains in the Temple (v. infra).
 - (11) Even in the Temple.
 - (12) That because it obtains in the Provinces no preventive measure was enacted.
 - (13) I.e., the command to take the lulab should override on the first day the Sabbath even now when the Temple is no longer in existence.
 - (14) Having to rely on the messages from Palestine which did not reach everywhere in time for the Festival, the fifteenth of the month may consequently not be actually the fifteenth and one taking the lulab on that day might be transgressing the Sabbath.
 - (15) Even at the present time.
 - (16) The Palestinians.
 - (17) Supra 41b. How then are the two Mishnahs to be reconciled.
 - (18) Hence they brought their lulabs to the Synagogue.
 - (19) [Tosaf. a.l. points out that this conclusion is reversed later on, infra 44a, where the contradiction of the two Mishnahs is reconciled in a different manner].
 - (20) Lev. XXIII, 40; emphasis on 'take'.
 - (21) Ibid, emphasis on 'you'.
 - (22) Ibid., emphasis on 'day'.
 - (23) Ibid.
 - (24) Since Temple was not mentioned.
 - (25) Ibid., sc. the use of the He article.
 - (26) The He restricting it to the 'well-known', or most important day of the Festival.
 - (27) Lev. XXIII, 40; emphasis on 'day'.
 - (28) Which is only a Rabbinical law enacted long after Scripture.
 - (29) E.g., its preparation, its cutting from the tree and its binding.
 - (30) Shab. 131b.
 - (31) Who differ from R. Eliezer.
 - (32) Why do they not deduce from this verse?
 - (33) Lev. XXIII, 42.
 - (34) Hence the necessity for the other verse.
 - (35) In respect of Sukkah.

(36) Of Aaron and his sons for the High Priesthood. (V. Lev. VIII).

(37) Since the text explicitly mentioned day and night (v. Lev. VIII, 35).

(38) The Sukkah.

(39) To the seven days of investment or to the lulab.

(40) Investment (cf. Lev. VIII, 33 and 35).

(41) The lulab.

(42) Each of the rites of lulab and investment has one point of similarity with the Sukkah and one of difference from it. The Sukkah like the lulab is an eternal commandment, but unlike it its performance is continuous. The seven days of investment on the other hand were continuous but not ordained for future generations.

Talmud - Mas. Sukkah 43b

‘Ye shall dwell’ in order to point an analogy. It is stated here,¹ Ye shall dwell,² and with regard to the [seven days of] investment it is also stated, ‘Ye shall dwell’,³ so that just as in that case the word ‘days’ includes also the nights, so here also ‘days’ includes the nights.

THE WILLOW . . . SEVEN DAYS’. HOW IS THIS? Why does the [ceremonial of the] willow-branch on the seventh day⁴ override the Sabbath?⁵ — R. Johanan answered, In order to publish the fact that it⁶ is a [commandment] of the Torah. But if so, in the case of the lulab also, why should it not override the Sabbath⁷ in order to publish the fact that it⁸ is a [commandment] of the Torah? — In the case of lulab there is a restrictive enactment on account of the reason of Rabbah.⁹ But if so, let us make the same restrictive enactment with regard to the willow also? — In the case of the willow-branch the emissaries of the Beth din would bring it¹⁰ but the lulab is entrusted to everyone.¹¹ But if so,¹² ought it not to override [the Sabbath] on any day?¹³ — [If that were done] people would come to hold the lulab¹⁴ in light esteem. Then why should not [the willow] override [the Sabbath] on the first day of the Festival?¹⁵ — It will not be clear [that it is the rite of the willow that overrides the Sabbath, for] people might say that it is the lulab which overrides it.¹⁶

But why should not the Sabbath be overridden on any one of the other days?¹⁷ — Since [the permission to override the Sabbath] was removed from the first day,¹⁸ it was transferred to the seventh.¹⁹ But if so,¹² why should it not override it at the present time also? — We do not know when New Moon was fixed.²⁰ But in their case²¹ since they know when New Moon was fixed, why should it not override [the Sabbath]? — When Bar Hadya came,²² he explained that this never happened.²³ When, however, Rabin came²² and all the company that used to go down [from Palestine to Babylon]²⁴ they stated that it did happen, and that it did not override [the Sabbath]. Does not then the original difficulty arise? — R. Joseph answered, Who says that [the ceremonial of] the willow-branch is [performed] by the taking of it? Perhaps it is done by its being fixed [to the sides of the altar].²⁵

Abaye raised an objection against him: THE CEREMONIALS OF THE LULAB AND THE WILLOW [CONTINUED FOR] SIX [DAYS] OR SEVEN. Does not [this²⁶ imply that the willow is] as the lulab just as the [ceremonial of the] lulab is [performed] by its being taken, so is that of the willow performed by its being taken?²⁷ — What an argument! The rite of each may have been carried out according to its own particular rules.²⁸

Abaye raised a further objection against him: Every day they walked round the altar once, but on that day²⁹ they walked round it seven times.³⁰ Does not this mean, with the willow-branch?³¹ No, with the lulab.³² But did not R. Nahman state in the name of Rabbah b. Abbuha [that the circuit was made] with the willowbranch? — The other³³ answered him, He told you, ‘with the willow-branch’ and I say ‘with the lulab’.

It was stated, R. Eleazar stated [that the circuit was made] with the lulab; R. Samuel b. Nathan

citing R. Hanina stated [that it was made] with the willow-branch. And so said R. Nahman who had it from Rabbah b. Abbuha, With the willow-branch.

Raba said to R. Isaac the son of Rabbah b. bar Hana, Come, O Son of the Law, and I will tell you of an excellent statement which your father made. With reference to what we have learnt, 'Every day they walked round the altar once, and on that day they went round seven times',³⁴ your father citing R. Eleazar stated, [This was done] with the lulab.

He raised an objection against him: The rite of the lulab overrides the Sabbath on the first day,³⁵ and that of the willow-branch on the last day.³⁶ On one occasion the seventh day of the [ceremonial of the] willow-branch fell on a Sabbath, and they brought saplings of willows on the Sabbath eve and placed them in the courtyard of the Temple. The Boethusians,³⁷ having discovered them, took and hid them under some stones.³⁸ On the morrow some of the 'amme ha-arez³⁹ discovered them and removed them from under the stones, and the priests brought them in and fixed them in the sides of the altar. [The reason for hiding the willows was that] the Boethusians do not admit that the beating of the willow-branch⁴⁰ overrides the Sabbath.⁴¹ Thus⁴² we see clearly that [the performance of the willow ceremonial is] in the taking of it?⁴³ — This is a refutation. Then why should it⁴⁴ not override [the Sabbath]?⁴⁵ — Since with us⁴⁶ it does not override [the Sabbath]⁴⁷ it does not override it with them⁴⁸ either.⁴⁹

But is there not the first day of the Festival on which [the rite of the lulab] does not override the Sabbath for us,⁵⁰ but does it for them?⁴⁸

(1) In respect of Sukkah.

(2) Lev. XXIII, 42.

(3) Ibid. VIII, 35.

(4) Of the Festival.

(5) Sc. why was no preventive measure enacted in its case as in that of lulab supra?

(6) Though not specifically mentioned.

(7) On every day of the Festival (not only the first) that falls on the Sabbath.

(8) Sc. taking it on all the seven days, though this is not specifically mentioned in the Pentateuch, since the period indicated in Lev. XXIII, 40, may refer to other forms of rejoicing.

(9) Supra 42b ad fin.

(10) On the Sabbath eve, to be borne round the altar by the priests on the morrow. For these men, who are presumed to be acquainted with the Law, no preventive measures were called for.

(11) Had no preventive measure been enacted, a breach in the Sabbath laws might have occurred.

(12) That in the case of the willow no preventive measure was deemed necessary and that Pentateuchally it must be taken all the seven days of the Festival.

(13) Of the Festival which falls on the Sabbath, and not only on the seventh.

(14) Since it overrides the Sabbath only the first day.

(15) As is the case with the lulab.

(16) The inference might be made that the overriding of the Sabbath is mainly due to the lulab and only incidentally to the separate willow.

(17) Sc. why was preference given to the seventh day?

(18) For the reason given supra.

(19) Another conspicuous day. The middle days are not so conspicuous as the first and the seventh.

(20) V. supra p. 195, n. 9. The day we assume to be the seventh may in fact be the sixth, and the Sabbath is thus overridden on the wrong day.

(21) Sc. the Palestinians.

(22) From Palestine to Babylon.

(23) The date of the beginning of the month was so arranged that the seventh day of the Festival never coincided with the Sabbath. This was effected by adding a day to the previous month or to any other of the preceding months.

- (24) [נחותי] Lit., 'going down', a term denoting a group of Palestinian 'travelling scholars' of the fourth century who used to journey to and fro between Palestine and Babylonia in order to transmit the teachings and traditions of the Academies of one country to the other, v. Funk S., *Die Juden in Babylonian I*, p. 146].
- (25) And since now there is no altar and the rite cannot be properly performed, the Sabbath may not be overridden.
- (26) The juxtaposition of the two.
- (27) How then could R. Joseph suggest that the willow was fixed to the sides of the altar?
- (28) The appearance of the two nouns in juxtaposition is no proof that the performance of the two rites was identical.
- (29) The seventh day of the Festival.
- (30) *Infra* 45a.
- (31) And, therefore, the duty is obviously performed by the mere holding of the willow-branch. An objection against R. Joseph (cf. *supra* n. 7).
- (32) After the willow-branch had been fixed in the sides of the altar.
- (33) R. Joseph.
- (34) *Infra* 45a.
- (35) Lit., 'at its beginning'.
- (36) Lit., 'at its end'.
- (37) A sect closely related to the Sadducees. Tradition traces their origin to Boethus a pupil of Antigonus of Soko. More probably followers of Boethus or Simeon b. Boethus who was made High Priest by Herod in 25 B.C.E. V. J.E. III, p. 285.
- (38) The Boethusians, knowing that the Pharisees would not remove the stones on the Sabbath, hoped thereby effectively to prevent a ceremony in which they did not believe.
- (39) Who are unacquainted with the Sabbath laws.
- (40) The willow-branch, according to Rabbinic law, was beaten on the ground. Cf. *Mishnah infra* 45a.
- (41) *Tosef. Suk. III*.
- (42) Since the willow-branch had to be beaten.
- (43) Not merely in fixing it to the altar.
- (44) The taking of the willow on the seventh day of the Festival.
- (45) In Palestine, where they know when the New Moon was fixed.
- (46) In Babylon and all other countries outside Palestine.
- (47) On account of our ignorance of the day when the New Moon was fixed.
- (48) The Palestinians.
- (49) In order that no distinctions be made between one country and another.
- (50) In Babylon and all other countries outside Palestine.

Talmud - Mas. Sukkah 44a

— I will answer! For them also it does not override [the Sabbath]. Does not then a contradiction arise between those two Mishnahs, since one teaches 'all the people BROUGHT THEIR LULABS TO THE TEMPLE MOUNT',¹ and the other Mishnah teaches [that they brought them] to the Synagogue,² and we answered,³ did we not, that the one referred to Temple times and the other to the time after the destruction of the Temple? — No; both refer to Temple times,⁴ but there is nevertheless no contradiction since the one refers to the Sanctuary and the other⁵ to the Provinces.⁶

Abaye said to Rabbah,⁷ Why in the case of the lulab do we perform the ceremony for seven days in commemoration of the Sanctuary, whereas in the case of the willow-branch we do not perform the ceremony for seven days in commemoration of the Sanctuary?⁸ — He answered him, Since one fulfils the obligation [of taking the willow-branch] with the willow-branch on the lulab. But the former asked, does not one do it⁹ on account of the lulab?¹⁰ And if you will answer that one first raises it once¹¹ and then raises it again,¹² is it not a daily occurrence that we do not so act? — R. Zebid answered in the name of Raba, In the case of the lulab which is a Pentateuchal precept we perform the ceremony for seven days in commemoration of the Sanctuary; in the case of the willow-branch which is only a Rabbinical precept, we do not perform the ceremony for seven days

in commemoration of the Sanctuary.

According to whom [is this statement]¹³ made? If you will say, According to Abba Saul,¹⁴ did he not say: It is written, willows of the brook,¹⁵ implying¹⁶ two, one referring to the [willow-branch in the] lulab and the other to [the willow-branch for use in] the Sanctuary?¹⁷ If you will say, It is according to the Rabbis, did they not have it as an accepted tradition, since R. Assi citing R. Johanan who had it from R. Nehunya of the Plain of Beth Hawartan,¹⁸ stated, The laws of the ten plants, the willow-branch and water libation were given to Moses upon Mount Sinai?¹⁹ Rather, said R. Zebid, in the name of Raba, In the case of the rite of the lulab, which has a Pentateuchal origin²⁰ for its performance in the Provinces, we perform it for seven days in commemoration of the Sanctuary; in the case of the rite of the willow-branch, which has no Pentateuchal origin for its performance in the Provinces, we do not perform it for seven days in commemoration of the Sanctuary.

Resh Lakish ruled, Priests suffering from a physical blemish²¹ were permitted²² to enter between the Ulam²³ and the altar in order to fulfil the precept of the willow-branch.²⁴ Said R. Johanan to him, Who said so? — ‘Who said so?’ Did he not himself say so,²⁵ since R. Assi citing R. Johanan who had it from R. Nehunya of the Plain of Beth Hawartan stated, The laws of the ten plants, the willow-branch and water libation were given to Moses upon Mount Sinai?²⁶ — He rather meant this: Who said that [the precept²⁷ is fulfilled] by taking,²⁸ perhaps it is fulfilled by fixing,²⁹ who said that it may be done by priests with a blemish, perhaps it [may be done] only by unblemished priests?

It was stated, R. Johanan and R. Joshua b. Levi differ. One holds that the rite of the willow-branch is an institution of the prophets,³⁰ the other holds that the willow-branch is a usage of the prophets.³¹ It can be concluded that it was R. Johanan who said, ‘It is an institution of the prophets’, since R. Abbahu stated in the name of R. Johanan, ‘The rite of the willow-branch is an institution of the prophets’. This is conclusive.

Said R. Zera to R. Abbahu, Did then R. Johanan say so?³² Did not R. Johanan in fact state in the name of R. Nehunya of the Plain of Beth Hawartan that ‘the law of the ten plants, the willow-branch and the water libation were given to Moses on Mount Sinai’? — [The other] was appalled for a while,³³ and then he answered, They were forgotten³⁴ and the prophets³⁵ reinstated them.

But could R. Johanan say so?³⁶ Did not R. Johanan in fact state, ‘What I said was yours was in fact theirs’?³⁷ — Rather³⁸ [answer thus]: This is no difficulty,

(1) Supra 42b.

(2) Supra 43a.

(3) V. supra 43a.

(4) [When messengers were sent forth to the Diaspora informing them when the New Moon had been fixed, v. Strashun].

(5) Which speaks of carrying the lulab ‘to the Synagogue’.

(6) After the destruction of the Temple, however, no such messengers were sent forth, so that the taking of the lulab on the Sabbath is forbidden within as well as without Palestine.

(7) So Bah. Cur. edd., ‘Raba’.

(8) The latter ceremony is performed on one day only (cf. Rashi, a.l.).

(9) Take a willow-branch with the lulab.

(10) And not in fulfilment of the precept of the willow-branch.

(11) To fulfil the precept of the lulab.

(12) To fulfil the precept of the willow-branch.

(13) That the rite of the willow-branch is only Rabbinical.

(14) Supra 34a.

(15) Lev. XXIII, 40.

(16) Since the plural is used.

- (17) Now since both are derived from the Pentateuch the latter like the former must obviously be a Pentateuchal commandment.
- (18) V. Ta'an. Sonc. ed., p. 7, n. 2.
- (19) Supra 34a, q.v. notes.
- (20) For the first day.
- (21) Though such priests were throughout the year forbidden not only to take part in the Temple ceremonies but also to enter the Sanctuary (cf. Kelim I).
- (22) In this case an exception was made.
- (23) The Hall leading to the interior of the Temple. V. Mid. IV, 7.
- (24) Which necessitated a circuit round the altar, and which could not possibly be done without passing between the Ulam and the altar.
- (25) The questioner assumed that R. Johanan meant, 'Who said that the rite of the willow-branch is a religious duty'?
- (26) Supra.
- (27) Of the willow-branch.
- (28) So that even those who suffer from blemishes must enter and thus tread upon ground forbidden to them.
- (29) In which case one eligible priest can perform the rite for all the others.
- (30) Haggai, Zechariah and Malachi, the prophets of the Second Temple to whom tradition ascribes many enactments.
- (31) Sc. they had it only as a custom, and since it did not have the force of a law, no benediction over it is necessary.
- (32) That the rite of the willow was an institution of the prophets.
- (33) Cf. Dan. IV, 16.
- (34) During the exile.
- (35) At the divine commandment.
- (36) That the commandments were forgotten during the exile.
- (37) B.K. 117b. Sc. the knowledge of the Law which he first thought was the possession of the Palestinians was in fact in the hands of the Babylonians (Rashi). How then could it be said that he held that the Torah was forgotten during the Babylonian exile? [R. Han. (v. Tosaf.) renders thus: 'One of yours (sc. a Babylonian scholar) said that it (the rite of taking the willow-branch) is theirs', i.e., of Rabbinic origin].
- (38) [Lit., 'But', so MS.M. The answer of R. Abbahu is being rejected and another is given to reconcile the two statements of R. Johanan].

Talmud - Mas. Sukkah 44b

since one statement¹ refers to the Sanctuary and the other² to the Provinces.

R. Ammi ruled, The willow-branch is required to have a minimum size³, it must be taken separately only,⁴ and no man can fulfil his obligation with the willow-branch in the lulab. But since the Master said, 'It must be taken separately only' is it not self-evident that 'no man can fulfil his obligation with the willow-branch in the lulab'? — I might have said that that applies only where one does not lift [the lulab] a second time, but not where one does lift it a second time,⁵ therefore he informs us that it is not so. R. Hisda citing R. Isaac, however, ruled, A man may fulfil his obligation with the willow-branch in the lulab.⁶

What is its prescribed minimum?⁷ — R. Nahman said, Three fresh twigs with leaves. R. Shesheth, however, said, Even one leaf and one twig. 'One leaf and one twig'! Can such a rule be imagined?⁸ — Say rather, Even one leaf on one twig.⁹

Aibu¹⁰ related, I was once standing in the presence of R. Eleazar b. Zadok when a man brought a willow-branch before him, and he took it and shook¹¹ it over and over again without reciting any benediction, for he was of the opinion that it¹² was merely a usage of the prophets.¹³

Aibu¹⁰ and Hezekiah, the maternal grandsons of Rab, brought a willow-branch before Rab, and he shook it over and over again without reciting a benediction, for he was of the opinion that it¹² was

merely a usage of the prophets.¹³ Aibu stated, I was standing in the presence of R. Eleazar b. Zadok when a certain man came before him and said to him, 'I possess cities, vineyards and olive trees, and the inhabitants of the cities come¹⁴ and hoe the vineyards and eat the olives.¹⁵ Is this¹⁶ proper or improper?' — 'This', the other replied, 'is improper'. As the man was about to leave him and depart, [R. Eleazar] observed, 'It is now forty years that I have dwelt in this land, and I have never seen a man walking in the paths of righteousness as this man'. The man thereupon returned and said to him, 'What should be done?' he answered him, 'Abandon the olives to the poor and pay yourself for hoeing the vineyards'.

But is hoeing permitted [during the Sabbatical year]? Has it not in fact been taught: But the seventh year thou shalt let it rest and lie still¹⁷ means, 'Let it rest' from hoeing and 'lie still' as regards the removal of stones? — R. Ukba b. Hama replied, There are two kinds of hoeing; one consists in closing up the fissures and the other in aerating the soil.¹⁸ Aerating the soil is forbidden¹⁹ but closing up the fissures²⁰ is permitted.

Aibu citing R. Eleazar b. Zadok ruled, One should not walk more than three parasangs on the Sabbath eve.²¹ R. Kahana observed, They made this statement only [in reference to a man who was going to] his home,²² but if he was going to his inn²³ he relies upon [the food] which he has with him. Others say that R. Kahana observed, The statement²⁴ was necessary even in the case of a man [who was going] to his home.²⁵ R. Kahana stated, It actually happened with me, that²⁶ I did not find even a fishpie.²⁷

HOW WAS [THE CEREMONIAL OF] THE LULAB CARRIED OUT? A tanna recited before R. Nahman, 'Arranged them upon the roof²⁸ of the portico'. The other said to him

- (1) That it was a law given to Moses on Mount Sinai.
- (2) That it was an institution of the prophets.
- (3) This is given infra.
- (4) Nothing else may be bound together with it.
- (5) Once in fulfilment of the rite of lulab and a second time in fulfilment of that of the willow.
- (6) Cur. edd. in parenthesis, 'on the first festival day of the feast', which is difficult to explain.
- (7) Sc. of the willow-branches.
- (8) Obviously not
- (9) The size prescribed supra 32b applies only to the willow-branches that were bound with the lulab.
- (10) This Aibu, the father of Rab, is the great-grandfather of the Aibu mentioned later (v. Rashi). R. Eleazar b. Zadok before whom he stood, the grandson of R. Eleazar b. Zadok I, lived in the second century.
- (11) So Rashi.
- (12) The shaking of the willow outside the Temple.
- (13) Only a Pentateuchal or Rabbinical rite requires a benediction.
- (14) During the Sabbatical Year, when the produce should be hefker (v. Glos.).
- (15) As payment for hoeing the vineyards.
- (16) The payment out of the produce with which all trading is forbidden.
- (17) Ex. XXIII, 11.
- (18) Breaking up the clods and allowing the air to permeate to the roots. Lit., 'to make the trees strong'.
- (19) Since the tree is thereby improved.
- (20) Which only serves to protect the tree.
- (21) Lest he is unable to reach his destination before sunset. He should rather remain where he is, allowing himself sufficient time in which to prepare his Sabbath meals.
- (22) Without first informing them of his arrival. Were he to arrive after or near sunset it would be too late to prepare for him his Sabbath meals. As he might have expected his people to be ready for him there might be a clash.
- (23) The people of which he does not expect to prepare his meals without notice.
- (24) Of Aibu.

(25) Where he is sure to find at least some food, much more so does it apply to an inn, since he cannot rely upon finding there any food at all for the Sabbath.

(26) Arriving unexpectedly.

(27) 'Kassa deharsana', a concoction of fish-hash and flour fried in the fish oil. It represents the minimum of a meal.

(28) His reading in our Mishnah was not **עַל גַּב הַאי צַטְבָּא** 'upon the portico' but **עַל גַּב הַאי צַטְבָּא** 'upon the roof of the portico'.

Talmud - Mas. Sukkah 45a

'Does one then need to dry them?'¹ Say rather, Upon the portico'.² Rehaba citing R.³ Judah stated, The Temple Mount had a double colonnade, one colonnade being within the other.⁴

MISHNAH. HOW WAS THE PRECEPT OF THE WILLOW-BRANCH [CARRIED OUT]? THERE WAS A PLACE BELOW JERUSALEM CALLED MOZA.⁵ THEY WENT DOWN THERE AND GATHERED THENCE YOUNG WILLOW-BRANCHES AND THEN CAME AND FIXED THEM AT THE SIDES OF THE ALTAR SO THAT THEIR TOPS BENT OVER THE ALTAR. THEY THEN SOUNDED⁶ A TEKI'AH [LONG BLAST], A TERU'AH [TREMULOUS BLAST] AND AGAIN A TEKI'AH.⁷ EVERY DAY⁸ THEY WENT ROUND THE ALTAR ONCE, SAYING, 'WE BESEECH THEE, O LORD, SAVE NOW, WE BESEECH THEE, O LORD, MAKE US NOW TO PROSPER'.⁹ R. JUDAH SAID, [THEY WERE SAYING],¹⁰ 'ANI WAHO,¹¹ SAVE NOW'. BUT ON THAT DAY¹² THEY WENT ROUND THE ALTAR SEVEN TIMES. WHEN¹³ THEY DEPARTED, WHAT DID THEY SAY? 'THINE, O ALTAR, IS THE BEAUTY! THINE, O ALTAR, IS THE BEAUTY!' R. ELIEZER SAID, [THEY WERE SAYING,] 'TO THE LORD AND TO THEE, O ALTAR, TO THE LORD AND TO THEE, O ALTAR'.

AS WAS ITS PERFORMANCE¹⁴ ON A WEEKDAY, SO WAS ITS PERFORMANCE ON THE SABBATH, SAVE THAT THEY GATHERED THEM¹⁵ ON THE EVE [OF THE SABBATH,] AND PLACED THEM IN GOLDEN BASINS THAT THEY MIGHT NOT BECOME MILDEWED. R. JOHANAN B. BEROKA SAID, THEY USED TO BRING PALM TWIGS AND BEAT THEM ON THE GROUND AT THE SIDES OF THE ALTAR, AND THAT DAY WAS CALLED '[THE DAY OF] THE BEATING OF THE PALM TWIGS'. THEY USED TO TAKE THEIR LULABS FROM THE HANDS OF THE CHILDREN AND EAT THEIR ETHROGS.¹⁶

GEMARA. It was taught, It¹⁷ was the place called Kolonia. Then why does our Tanna call it MOZA?¹⁸ — Since it was exempt from the king's tax, he calls it MOZA.

AND THEN CAME AND FIXED THEM AT THE SIDES OF etc. A Tanna taught, They were large¹⁹ and long and eleven cubits high, so that they might bend over the altar one cubit.²⁰ Meremar citing Mar Zutra observed, Deduce therefrom²¹ that they¹⁵ were laid upon the base [of the altar],²² for if you were to assume that they were placed on the ground, consider this: It²³ rose up one cubit and drew in one cubit, and this²⁴ formed the base. It²⁵ then rose up five cubits and drew in one cubit, and this²⁶ formed the circuit; it²⁷ [then] rose up three cubits, and this²⁸ was the place of the horns.²⁹ Now³⁰ how could they³¹ bend over the altar?³² Consequently it may be deduced from this that they were laid on the base.³³ This is conclusive. R. Abbahu said, What is its Scriptural proof?³⁴ — Since it is said, Order the festival procession with boughs, even unto the horns of the altar.³⁵

R. Abbahu citing R. Eleazar stated, Whosoever takes the lulab with its binding and the willow-branch with its wreathing is regarded by Scripture as though he had built an altar and offered thereon a sacrifice. For it is said,

(1) Obviously not, since a dried lulab is in fact invalid.

(2) Not upon its roof.

- (3) Cur. edd. in parenthesis 'Rab'. [The reference is to Rab Judah the Amora, whom Rehaba designated as Rabbi because he was his teacher, v. Bez., Sonc. ed., p. 54, n. 9]-
- (4) V. Pes., Sonc. ed., p. 59, nn. 10-11.
- (5) The Gemara infra identifies the place. Cf. Josh. XVIII, 26. The name has been revived in a modern colony in the same locality.
- (6) On the shofar.
- (7) V. R.H. 33b.
- (8) Of the first six days of the Festival.
- (9) Ps. CXVIII, 25.
- (10) In order to avoid the repetition of the Tetragrammaton.
- (11) לַיְיָ יְיָ the numerical value of which equals that of the Hebrew for 'we beseech Thee, O Lord'. For other explanations cf. Rashi, a.l.
- (12) The seventh day of the Festival.
- (13) Bah, and apparently also Rashi, delete this paragraph.
- (14) The ceremonial of the willow-branch.
- (15) The willow-branches.
- (16) And the act was not regarded as robbing but as a form of sport associated with the jollity of the day. An alternative translation: 'Immediately the children pulled out their lulabs (from their wreaths) and ate their ethrogs'. (Tosaf. a.l. Bertinoro and Rashi infra 46b).
- (17) MOZA.
- (18) Meaning 'exempt'.
- (19) Var. lec. 'tender'. (Ronsburg).
- (20) The measurements are discussed presently.
- (21) From the statement that they bent 'over the altar one cubit'.
- (22) I.e., at a height of one cubit from the ground.
- (23) The altar at its base.
- (24) The platform, one cubit in height and 32 X 32 cubits in area.
- (25) The altar above the base.
- (26) The second platform, 30 X 30 cubits in area and five cubits in height, that rested on the base.
- (27) The topmost part of the altar.
- (28) The top, three cubits in height and 28 X 28 cubits in area, that rested on the circuit.
- (29) Vertical projections, one cubit cube, at each of the four corners of the top of the altar. Mid. III, 1.
- (30) Since, as has been shown, the height from the base of the altar to the top was nine cubits.
- (31) The willow-branches that were eleven cubits high and stood on the ground.
- (32) The willow-branch, placed in a slanting position against the altar (nine cubits in height) and removed sufficiently from its base to allow for the horizontal distance of two cubits from the side of the base to the top of the altar, would not project at all beyond the top of the altar; what then, would remain for bending over?
- (33) And leaned against the side of the circuit, thus gaining the two cubits of the height and width of the base and leaving two cubits length of willow-branch sufficient to bend over the top of the altar one cubit.
- (34) That the willow-branches overhung the top of the altar.
- (35) Ps. CXVIII, 27. The height of the horns was one cubit above the top of the altar, and boughs that reached to the top of the horns naturally bent one cubit over the altar top.

Talmud - Mas. Sukkah 45b

Bind the festival¹ with myrtle branches² even unto the horns of the altar.³

R. Jeremiah citing R. Simeon b. Yohai, and R. Johanan citing R. Simeon of Mahoz⁴ who had it from R. Johanan of Makkuth stated, Whosoever makes an addition⁵ to the Festival by eating and drinking⁶ is regarded by Scripture as though he had builded an altar and offered thereon a sacrifice. For it is said, Make an addition to⁷ the Festival with fat cattle,⁸ even to the horns of the altar.⁹

Hezekiah citing R. Jeremiah who had it from R. Simeon b. Yohai stated, In the case of all commandments,¹⁰ one does not fulfil one's obligation unless [the objects involved] are in the same condition as when they grow,¹¹ for it is said, Acacia wood standing up.¹² So it was also taught, 'Acacia wood standing up,' implies that they should stand in the manner of their growth. Another interpretation: 'Standing up' implies that they held¹³ their [gold] overlaying.¹⁴ Another interpretation of 'Standing up'.' Lest you may say, 'Their hope is lost, their expectation is frustrated',¹⁵ Scripture expressly states, 'Acacia wood standing up'¹² implying that they will stand for ever and to all eternity.

Hezekiah further stated in the name of R. Jeremiah who said it in the name of R. Simeon b. Yohai, I am able¹⁶ to exempt the whole world from judgment from the day that I was born until now, and were Eliezer, my son, to be with me [we could exempt it] from the day of the creation of the world to the present time, and were Jotham the son of Uzziah¹⁷ with us, [we could exempt it] from the creation of the world to its final end.¹⁸

Hezekiah further stated in the name of R. Jeremiah who said it in the name of R. Simeon b. Yohai, I have seen the sons of heaven¹⁹ and they are but few. If there be a thousand, I and my son are among them; if a hundred, I and my son are among them; and if only two, they are I and my son.

Are they then so few? Did not Raba in fact state,²⁰ The row [of righteous men immediately] before the Holy One, blessed be He, consists of eighteen thousand, for it is said, It shall be eighteen thousand round about?²¹ — This is no difficulty: The former number refers to those who see Him 'through a bright speculum, the latter to those who see Him through a dim one.²² But are those who see Him through a bright speculum so few? Did not Abaye in fact state, The world never has less than thirty-six righteous men who are vouchsafed a sight of the Shechinah every day, for it is said, Happy are they that wait lo²³ [for Him] and the numerical value of lo is thirty-six? — There is no difficulty: The latter number²⁴ refers to those who may enter [the Presence] with permission, the former²⁵ to those who may enter without permission.

WHEN THEY DEPARTED, WHAT DID THEY SAY? But does not one thereby²⁶ associate the name of God²⁷ with something else²⁸ concerning which it has been taught, Whosoever associates the name of God with something else is uprooted from the world, as it is said, Save unto the Lord alone?²⁹ — It is this that was meant: TO THE LORD we give thanks, AND TO THEE we offer praise, TO THE LORD we give thanks AND THEE we laud.

AS WAS ITS PERFORMANCE ON A WEEKDAY. Said R. Huna, What is the reason of R. Johanan b. Beroka? Because it is written, Branches,³⁰ which³¹ implies two, one for the lulab and one for the altar. But the Rabbis say, The word 'branches' is written defectively.³² R. Levi explained, [The reason of R. Johanan b. Beroka³³ is that Israel is] compared to the date-palm; as the date-palm has but one heart³⁴ also Israel has but one heart [which is completely devoted] to their Father in Heaven.³⁵

Rab Judah citing Samuel stated, [The benediction is recited over] the lulab for seven [days] and over the Sukkah only on one day.³⁶ What is the reason? — In the case of the lulab where the nights form breaks between the days,³⁷ each day involves a separate commandment; in the case of the Sukkah where the nights do not form breaks between the days,³⁸ all seven days are regarded as one long day. Rabbah b. Bar Hana, however, stated in the name of R. Johanan, [The benediction is recited over] the Sukkah for seven days and over the lulab but one day.³⁶ What is the reason? — For the Sukkah which is a Pentateuchal precept [the benediction must be recited all the] seven [days]; in the case of the lulab which is but a Rabbinical enactment [a benediction on] one day suffices. When Rabin came,³⁹ he stated in the name of R. Johanan, [The benediction is recited over] the one as well as the other [all] seven [days]. R. Joseph ruled, Lay hold fast to the decision of Rabbah b. Bar Hana,

since with regard to Sukkah,⁴⁰ all the Amoras adopt the same position as he.

An objection was raised:

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- (1) Sc. the lulab that is taken at the Festival.
 - (2) Lit., 'its twistings or plaitings', reference to the shape of the foliage. E.V., 'Order the festival procession with boughs'.
 - (3) Ps. CXVIII, 27; sc. the act is like the sprinkling of the sacrificial blood upon the horns of the altar.
 - (4) A place in Palestine not to be confused with Mahuza in Babylon.
 - (5) Lit., 'a binding'.
 - (6) Sc. enjoys himself with better food and drink on the Festival, or, alternatively, enjoys himself in this way on the day following the Festival. The alternative interpretation is the origin of the name Isru hag given to the day after a festival.
 - (7) Lit., 'bind'.
 - (8) Heb. ba'abothim is taken as derived from 'abeh, 'thick', 'fat'.
 - (9) Ps. CXVIII, 27. For E.V. v. supra.
 - (10) E.g., the lulab and willow-branch.
 - (11) The roots downwards and the tops upwards.
 - (12) Ex. XXVI, 15, in reference to the walls of the Tabernacle.
 - (13) Lit., 'cause to stand'.
 - (14) Sc. the plates of gold were nailed to the boards with golden nails, the plates alone not being long enough to stand in independence of the boards.
 - (15) Sc. since the disappearance of the Tabernacle of Testimony the boards will never again reappear.
 - (16) On account of his troubles and suffering.
 - (17) King of Judah. Tradition sees in him one of the most righteous and pious of kings, one who loyally observed the fifth commandment in being content to act as regent during his father's reign without even aspiring to the throne, and one who always gave his ruling in the name of his father.
 - (18) Simeon b. Yohai, who is the reputed author of the Zohar, spent thirteen years in a cave with his son, hiding from the Romans, and suffering great privation.
 - (19) Those who will see the Presence of God in the Hereafter.
 - (20) So in Sanh. 97b (where the entire passage is reproduced with some variants); the text here is in slight disorder.
 - (21) Ezek. XLVIII, 35.
 - (22) They receive only a clouded vision of the Divine Presence.
 - (23) Isa. XXX, 18.
 - (24) Thirty-six.
 - (25) Two, R. Simeon b. Yohai and his son.
 - (26) By saying, TO THEE LORD AND TO THEE, O ALTAR.
 - (27) Lit., 'heaven'.
 - (28) Thus suggesting a co-deity.
 - (29) Ex. XXII, 19; Sanh. 63a.
 - (30) Lev. XXIII, 40.
 - (31) The use of the plural.
 - (32) In the singular, v. supra 34b.
 - (33) For prescribing a special lulab rite for the altar.
 - (34) Sc. its marrow is found in the central branch only.
 - (35) And expresses thus its devotion by this symbolic act.
 - (36) The first.
 - (37) Since the commandment of the lulab does not obtain at night (v. supra 43a).
 - (38) Since the commandment obtains both by day and by night (ibid.).
 - (39) From Palestine to Babylon.
 - (40) That the benediction must be recited on each of the seven days.

Talmud - Mas. Sukkah 46a

Talmud - Mas. Sukkah 46a

He who makes a lulab¹ for his own use² shall recite the benediction, 'Blessed [art Thou, O Lord our God, King of the Universe] who has kept us in life, and hast preserved us, and enabled us to reach this season'. When he takes it to fulfil therewith his obligation, he shall say, 'Blessed [art Thou, O Lord our God, King of the Universe] who hast sanctified us by Thy commandments, and commanded us concerning the taking of the lulab' and even though he has recited the benediction on the first day, he must again recite it on all seven days. He who makes a Sukkah for his own use shall recite the benediction, 'Blessed [art Thou, O Lord our God, King of the Universe] who kept us in life, and sustained us etc.' When he enters the Sukkah to take up his abode therein he shall say, '... Who hast sanctified us by Thy commandments and commanded us to dwell in the Sukkah'; and once he has recited the benediction on the first day, he has no need to repeat it [on subsequent days].³ Now is there not a contradiction between the one statement concerning the lulab and the other,⁴ and between the one concerning Sukkah and the other?⁵ The difficulty between the one statement concerning the lulab and the other may well be disposed of, since one might refer to Temple times⁶ and the other to the time when the Temple was no longer in existence; but does not the difficulty concerning the two statements about the Sukkah remain? — The question⁷ is one in dispute between Tannas, as it has been taught, Whenever a man puts on his tefillin⁸ he must⁹ recite the benediction; so Rabbi,¹⁰ but the Sages ruled, He recites the benediction in the morning only.¹¹

It was stated:¹² Abaye ruled, The law is in agreement with Rabbi, while Raba ruled, The law is in agreement with the Rabbis. R. Mari the son of Samuel's daughter remarked, I noticed that Raba himself did not act in accordance with his own ruling¹³ but rising early, he would go to the privy, emerge and wash his hands, put on his tefillin and recite the benediction, and when he had to attend to his needs a second time he would¹⁴ go to the privy, emerge and wash his hands, put on his tefillin and recite the benediction again. We also act in accordance with the ruling of Rabbi and recite the benediction¹⁵ all seven days.¹⁶

Mar Zutra remarked, I notice that R. Papi recited the benediction whenever he put on his tefillin.¹⁷ The Rabbis of the school of R. Ashi recited the benediction whenever they touched their tefillin.¹⁸

Rab Judah citing Samuel ruled: The commandment of lulab¹⁹ applies to all the seven days,¹⁶ but R. Joshua b. Levi ruled, The commandment of the lulab¹⁹ applies to the first day only,²⁰ and subsequently it is but an ordinance of the Elders;²¹ while R. Isaac ruled, [The taking of the lulab on] every day, and even on the first one is but an ordinance of the Elders. But have we not an established rule that on the first day it is a Pentateuchal commandment? — Say rather, Except on the first day. But if so, is not this²² identical with the ruling of R. Joshua b. Levi? — Read, And so said R. Isaac.

Rab also is of the opinion that the commandment of the lulab¹⁹ applies to all seven days,²³ for R. Hiyya b. Ashi citing Rab stated, One who kindles the Hanukkah lamp²⁴ must recite a benediction.²⁵

R. Jeremiah ruled, He who sees the Hanukkah light²⁶ must recite the benediction. What benediction does one recite? — Rab Judah answered, On the first day he who kindles the light must recite three benedictions²⁷ and he who sees it must recite two;²⁸ henceforth he who kindles the lights recites two benedictions²⁹ and he who sees them only one.³⁰ What is the benediction? — 'Blessed [art Thou, O Lord our God, King of the Universe] who hast sanctified us by Thy commandments, and commanded us to kindle the light of Hanukkah'.²⁷ But where³¹ did He command us? — [The commandment is deduced from the verse,] Thou shalt not turn aside.³² R. Nahman b. Isaac replied, [Deduction is made from the verse,] Ask thy father, and he will declare unto thee.³³ (Which [benediction] does one omit?³⁴ — The benediction on the season.³⁵ Might it not be suggested that one omits the benediction of the miracle?³⁶ — The miracle occurred every day).³⁷

R. Nahman b. Isaac taught this³⁸ explicitly:³⁹ Rab ruled, The commandment of the lulab applies to

all seven days.

Our Rabbis taught, He who makes a Sukkah for his own use shall recite the benediction, 'Blessed art Thou . . . who has kept us in life etc.'⁴⁰ When he enters to take up his abode in it, he says, 'Blessed art Thou . . . who has sanctified us, etc.'⁴¹ If it⁴² was already erected,⁴³ he may recite the benediction if he can make some renovation in it; and if not, he recites two benedictions⁴⁰ when he enters to take up his abode in it.

R. Ashi stated, I observed that R. Kahana recited all of them over the cup of Sanctification.⁴⁴

Our Rabbis taught, He who has to perform many commandments⁴⁵ [simultaneously] shall say, 'Blessed . . . who hast sanctified us by Thy commandments and commanded us concerning the commandments'.⁴⁶ R. Judah ruled, One must recite a benediction over each one separately. R. Zera or, as some say, R. Hanina b. Papa stated, The halachah⁴⁷ is in agreement with R. Judah. R. Zera or, as some say, R. Hanina b. Papa further stated, What is the reason of R. Judah? Because it is written, Blessed be the Lord by day.⁴⁸ Now do we bless Him by day and not by night?⁴⁹ But this comes to teach you: Return to Him every day its appropriate benedictions.⁵⁰ So also here: Return unto Him for every single thing, its appropriate benedictions. R. Zera or, as some say, R. Hanina b. Papa further stated, Come and see that not as the standards of mortal man are the standards of the Holy One, blessed be He. According to the standards of mortal man, an empty vessel

(1) On the eve of the Festival.

(2) Not for that of others.

(3) Pes. 7b.

(4) Since Rabbah b. Bar Hana ruled that the benediction over the lulab is recited only on the first day and here it is ruled that it must be recited all the seven days.

(5) Since he says that the benediction over the Sukkah must be recited all seven days and here it is ruled that it is to be recited on the first day only.

(6) When, according to R. Johanan, it was a Pentateuchal commandment to take the lulab every day.

(7) Whether in the case of a commandment that is performed during a certain length of time the benediction is to be said more than once.

(8) Though it is one's duty to wear them all day.

(9) Irrespective of the number of times he takes them off and puts them on again.

(10) Similarly in the case of Sukkah. Though the seven days are regarded as one long day the benediction must be repeated every day.

(11) Men. 43a. So also in the case of Sukkah the benediction is recited on the first day only.

(12) By Amoras.

(13) That the benediction is to be recited only once.

(14) After taking off his tefillin.

(15) Of the Sukkah.

(16) Of the Festival.

(17) Irrespective of the number of times this had happened during the day.

(18) It is a pious act to touch one's tefillin as frequently as possible (cf. Yoma 7b).

(19) Sc. the recital of the benediction over it.

(20) Since the obligation on that day is Pentateuchal.

(21) R. Johanan b. Zakkai and his colleagues. Such an ordinance, being only Rabbinical, requires no benediction.

(22) The ruling of R. Isaac.

(23) The benedictions must be recited, even though it is only a Rabbinical ordinance.

(24) During Hanukkah or the Feast of Dedication beginning on the twenty-fifth of Kislev, one lamp is lit on the first night, two on the second, three on the third, and so on, until the eighth night when eight lamps are kindled.

(25) Even though it is only a Rabbinical institution; and similarly in the case of lulab.

(26) While he himself did not light one in his own home.

- (27) V. P.B. p. 274.
- (28) Omitting the first benediction, 'to kindle the light'.
- (29) The first two.
- (30) The second only.
- (31) Since it is not mentioned in the Bible.
- (32) Deut. XVII, 11; even from that which the Rabbis institute, thus giving a Rabbinical commandment Pentateuchal sanction.
- (33) Deut. XXXII, 7.
- (34) After the first day.
- (35) The third, 'Who has kept us alive etc.'
- (36) The second one.
- (37) The benediction mentioning it cannot, therefore, be omitted. Rashal omits the passage in parenthesis. On the whole passage, v. Shab. 23a.
- (38) Rab's ruling on the lulab.
- (39) Sc. he did not deduce it, as stated supra, from the law of the Hanukkah light.
- (40) Cf. P.B. p. 232.
- (41) ' . . . to dwell in the Tabernacle' (ibid.).
- (42) The Sukkah.
- (43) For some secular purpose.
- (44) When he recited the Sanctification of the Festival (v. P.B. p. 230f) he recited the two above mentioned benedictions (P.B. p. 232 also. This is our present custom.
- (45) E.g., Sukkah, lulab, tefillin and zizith.
- (46) And there is no need to recite the special benedictions prescribed for each individual commandment.
- (47) [הלכה] So MS.M.: cur. edd. [הלכות].
- (48) Ps. LXVIII, 20.
- (49) Is He not in fact blessed always.
- (50) Those of the Sabbath on a Sabbath and those of a weekday during weekdays.

Talmud - Mas. Sukkah 46b

is able to contain [what is put into it], and a full vessel cannot contain it¹ but according to the standards of the Holy One, blessed be He, a full vessel is able to contain it¹ While an empty one cannot; as it is said, And it shall come to pass, if thou shalt hearken diligently,² if you hearken,³ you will continue to hearken,⁴ but if not, you will not hearken.⁵ Another interpretation: If you will hearken to the old,⁶ you will be able to hearken to the new,⁷ but if thy heart turn away⁸ you will no more hearken.⁹

FROM THE HANDS OF THE CHILDREN, etc. R. Johanan ruled, The ethrog is forbidden¹⁰ on the seventh day,¹¹ and permitted on the eighth; the Sukkah is forbidden¹² even on the eighth. Resh Lakish, however, ruled that the ethrog is permitted¹⁰ even on the seventh day.¹³ On what principle do they differ? — One Master¹⁴ is of the opinion that it is set aside only for the performance of its commandment,¹⁵ while the other Master¹⁶ is of the opinion that it¹⁷ is set aside for the whole day.¹⁸

Resh Lakish raised an objection against R. Johanan: THEY USED¹⁹ TO TAKE THEIR LULABS FROM THE HANDS OF THE CHILDREN AND EAT THEIR ETHROGS. Does not this equally apply to adults also?²⁰ — No; it applies to children alone.²¹

There are others who say that R. Johanan raised the objection against Resh Lakish: THEY USED¹⁹ TO TAKE THEIR LULABS FROM THE HANDS OF THE CHILDREN AND EAT THEIR ETHROGS. [Of] children only, but not [of] adults!²² — No; the same law applies to [those of] adults also, and the reason that he mentions children is that he states what was customary.²³

Said R. Papa to Abaye, What, according to R. Johanan, is the essential difference between the Sukkah and the ethrog?²⁴ — The other answered him, The Sukkah which is fit to be used at twilight [after the seventh day], for were he perchance to have a meal at that time he would be expected to sit therein and eat there, is set aside for its ritual purpose during the twilight, and since it is set aside during twilight, it is also set aside for the whole of the eighth day; the ethrog, however, which is not suitable during twilight,²⁵ is not set aside for its ritual purpose during twilight, hence it is not set aside for the purpose for the whole of the eighth day.

Levi, however, ruled, The ethrog²⁶ is forbidden even on the eighth day;²⁷ while the father of Samuel ruled, The ethrog is forbidden on the seventh day, but permitted on the eighth — The father of Samuel subsequently adopted the view of Levi. R. Zera, however, adopted the [earlier] view of the father of Samuel, for R. Zera ruled, It is forbidden to eat an ethrog [even one] that has become invalid, all the seven days.²⁸

R. Zera ruled, One should not transfer possession²⁹ of the festive wreath³⁰ to a child on the first day of the Festival.³¹ What is the reason? — Because a child is³² entitled to acquire possession but not to transfer it, and the result will be that (the man] would have to perform his duty with a lulab which is not his.³³

R. Zera further ruled, One should not promise a child to give him something and then not give it to him, because he will thereby teach him lying, as it is said, They have taught their tongues to speak lies.³⁴

[The following dispute is based on the same principles] as the one between R. Johanan and Resh Lakish.³⁵ For it was stated, If a man set apart seven ethrogs for the seven days,³⁶ Rab ruled, He may fulfil his obligation with each one and eat it forthwith, while R. Assi ruled, He may fulfil his obligation with each one and eat it on the morrow.³⁷ On what principle do they differ? One Master³⁸ is of the opinion that it³⁹ is set apart only for the performance of its rite⁴⁰ while the other Master⁴¹ is of the opinion that it³⁹ is set apart for the whole day.

And as for us, who⁴² keep two days [of the Festival] how are we to proceed?⁴³ — Abaye replied, On the eighth day which may be the seventh, it⁴⁴ is forbidden;⁴⁵ on the ninth day which may be the eighth, it is permitted. Meremar ruled, Even on the eighth day, which may be the seventh, it is permitted. In Sura they acted in accordance with the ruling of Meremar. R. Shisha the son of R. Idi acted in accordance with the ruling of Abaye. And the law is in agreement with Abaye.

R. Judah the son of R. Samuel b. Shilath citing Rab ruled, The eighth day which may be the seventh is regarded as the seventh in respect of the Sukkah⁴⁶ and as the eighth in respect of the benediction.⁴⁷ R. Johanan, however, ruled, It is regarded as the eighth in respect of both.⁴⁸ That one must dwell [in the Sukkah on the eighth day] is agreed by all, they only differ

(1) Sc. anything added to its contents.

(2) Deut. XXVIII, 1. Lit., 'if hearkening, thou wilt hearken', emphasis on the repetition of the verb.

(3) I.e., if you are in the habit of listening and learning.

(4) The mind used to hearkening and learning ('a full vessel') will be able to continue to hearken and to gather more knowledge.

(5) One not used to the discipline of religion and study from his youth is unable to acquire them in later life.

(6) Sc. revise regularly that which you have already learnt.

(7) His previous knowledge will serve as a preparation and aid to further knowledge.

(8) Deut. XXX, 17; neglecting past study and experience.

(9) Your studies will have no foundation or background.

(10) To be eaten.

- (11) Even after it had been used for its ritual purpose.
- (12) To be used as fuel.
- (13) After it served its ritual purpose.
- (14) Resh Lakish.
- (15) The moment, therefore, it has served its ritual purpose for the last time on the seventh day, profane use may be made of it.
- (16) R. Johanan.
- (17) Since it still has its sacred use on the seventh day.
- (18) For ordinary purposes, therefore, it may not be used until the eighth day.
- (19) On the seventh day of the Festival.
- (20) Sc. that the adults may eat their own ethrogs also, which proves that an ethrog may be eaten on the seventh day.
- (21) Since their ethrogs were never properly set aside, as is the case with adults, for the ritual purpose. A child is under no obligation to have an ethrog, and he is given one for the mere purpose of his religious training and practice.
- (22) Cf. prev. note mut. mut.
- (23) The ethrogs were snatched from the children, not from adults.
- (24) That the former should be forbidden all the seventh day while the latter is permitted.
- (25) After one has duly take it in the morning.
- (26) Since it is doubtful whether the moment of twilight is to be regarded as the conclusion of the one day or as the beginning of the following one, and since the ethrog was forbidden all the seventh day including twilight which possibly belongs to the eighth day.
- (27) Because what is forbidden at twilight remains forbidden throughout the day.
- (28) But on the eighth day it is permitted.
- (29) As a gift.
- (30) Lit., 'hoshanna'.
- (31) Unless he himself has already performed the rite.
- (32) In accordance with Rabbinic law.
- (33) Which is invalid (v. supra 29b). Once the man gave it to the child, it becomes the latter's property which, as a minor, he cannot transfer again to him.
- (34) Jer. IX, 4.
- (35) Supra.
- (36) Of the Festival, one for each day.
- (37) Rashal transposes the views of Rab and R. Assi.
- (38) Rab.
- (39) Each ethrog.
- (40) Hence it may be eaten immediately after the rite had been performed.
- (41) R. Assi.
- (42) Since we are in doubt as to which day is the first.
- (43) Subjecting the two to the same sanctity and restrictions as the first.
- (44) The ethrog.
- (45) To be eaten.
- (46) As will be explained infra.
- (47) Sc. the mention of the day, viz., 'The Eighth Day of Solemn Assembly', must be included in the daily prayers, the Grace after meals and the kiddush.
- (48) Sukkah as well as benediction.

Talmud - Mas. Sukkah 47a

on the question of the benediction.¹ According to him who regards the day as the seventh in respect of the Sukkah, we also recite the benediction [of the Sukkah], while according to him who holds that it is regarded as the eighth in respect of both, we do not recite the benediction [of the Sukkah].² R. Joseph observed, Hold fast to the ruling of R. Johanan,³ since R. Huna b. Bizna and all the notables of his age once entered a Sukkah on the eighth day which may have been the seventh, and while they sat therein, they did not recite the benediction.⁴ But is it not possible that they were of the same opinion as he who laid down that once a man has recited the benediction⁴ on the first day, he has no more need to recite it?⁵ — There was a tradition that they⁶ had just come from the fields.⁷

There are some who say that the ruling that one must not recite the benediction [of the Sukkah] is agreed upon by both, and that they only differ on the question whether one must sit [in the Sukkah].⁸ According to him who ruled that it is regarded as the seventh day in respect of the Sukkah, we must indeed sit in it thereon, while according to him who ruled that it is regarded as the eighth day in respect of both, we may not even sit in it thereon. R. Joseph observed, Hold fast to the ruling of R. Johanan. For who is the authority of the statement?⁹ R. Judah the son of R. Samuel b. Shilath [of course], and he himself sat on the eighth day which might be the seventh outside the Sukkah.¹⁰ And the law is that we must indeed sit in the Sukkah but may not recite the benediction.

R. Johanan ruled, We recite the benediction of the season¹¹ on the Eighth Day of the Festival,¹² but we do not say the benediction of the season on the seventh day of Passover. [In connection with this] R. Levi b. Hama or, as some say, R. Hama b. Hanina stated, You can have proof that this is so,¹³ since [the Eighth Day] is different [from the preceding days] in three respects: In those of Sukkah, lulab and water libation,¹⁴ and according to R. Judah who maintained that with one log¹⁵ of water they performed the water libation for eight days,¹⁶ it is different at least in two respects.

If so, is not the seventh day of Passover also different in respect of the commandment to eat unleavened bread, since a Master has said, On the first night¹⁷ it is an obligation [to eat unleavened bread], and henceforth it is voluntary?¹⁸ — What a comparison! In the case of Passover, it is different from the first night, but not from the day,¹⁹ whereas in the case of the Eighth Day, it is different even from the preceding day. Rabina replied, The Eighth Day is different from the day immediately preceding it, whereas the seventh day of Passover is different from what is prior [to the period] which precedes it.²⁰ R. Papa replied,²¹ In one case²² it is written 'bullock', in the other²³ 'bullocks'. R. Nahman b. Isaac replied, In this case²² it is written, 'on the day', in the other,²³ 'and on the day'. R. Ashi replied, In the case of the Eighth Day it is written, 'According to the ordinance' while in the case of the seventh day it is written, 'according to their ordinance'.

Can we say that [the following statement] supports [the view of R. Johanan]:²⁴ The bullocks, the rams and the lambs²⁵ act as a hindrance to one another,²⁶ while R. Judah ruled, The bullocks do not act as a hindrance to one another, since they diminish in number progressively.²⁷ They²⁸ said to him, But are not all of them²⁹ diminished in number on the Eighth Day?³⁰ He answered them, The Eighth Day is a separate festival,³¹ for, just as the seven days of the Festival must have [their own] sacrifices, psalm,³² benediction³³ and staying overnight,³⁴ so the Eighth Day must have its own sacrifices, psalm,³⁵ benediction³³ and staying overnight.

(1) 'Blessed art Thou . . . to sit in the Sukkah'.

(2) Thus it is the eighth 'in respect of Sukkah' in that the benediction of the Sukkah is not recited, and it is the eighth 'in respect of the benediction', in that we mention the 'Eighth Day of Solemn Assembly'.

(3) That the benediction of the Sukkah is not to be said on the eighth which may be the seventh.

(4) Of the Sukkah.

(5) On any of the other days of the Festival.

- (6) R. Huna b. Bizna and the others.
- (7) Or 'pasture land', where they looked after their cattle since the beginning of the Festival and, therefore, had not yet sat in a Sukkah during that Festival.
- (8) On the eighth day.
- (9) Cited in the name of Rab supra.
- (10) Which proves that he did not rely upon the tradition he cited.
- (11) The benediction, 'Blessed . . . who hast kept us in life . . . to reach this season' (cf. P.B. p. 231) which is said only on the first day of a festival. R. Johanan regards the eighth day as a separate festival.
- (12) The Eighth Day of Solemn Assembly, which is regarded as a festival distinct from that of Tabernacles.
- (13) That the Eighth Day is a festival of its own.
- (14) None of which obtains on the Eighth Day.
- (15) Not, as the first Tanna stated, with three logs.
- (16) *Infra* 48b; and only for the seven days.
- (17) Of Passover.
- (18) *Pes.* 120a.
- (19) Since even on the first day of Passover the eating of unleavened bread is voluntary.
- (20) The first night.
- (21) The next three statements point out that in the section dealing with the sacrifices of the festival, Num. XXIX, 12-39, there are differences between the first seven days, and the Eighth Day either in respect of the laws of the sacrifices or the expressions used in connection with them; proving that the latter is a separate festival. These differences are that (a) on each of the seven days a number of bullocks were sacrificed while on the Eighth Day only one was offered (v. 36). (b) the descriptions of the sacrifices of the second to the seventh day begin with the word 'and' ('And on the day'), suggesting continuity, while that of the Eighth Day commences 'On the eighth day' omitting the 'and', (c) on the seventh day it was 'According to their ordinance', connecting it with the previous days whereas the Eighth Day has, 'according to the ordinance'.
- (22) The Eighth Day.
- (23) The first seven days.
- (24) That the benediction of the season is to be said on the Eighth Day.
- (25) Prescribed as sacrifices for the days of Tabernacles.
- (26) The omission of one of them invalidates the whole number.
- (27) Thirteen on the first day and one less every day (v. Num. XXIX). As the number is in any case steadily diminished, the additional omission of one or more cannot affect the remainder.
- (28) The Rabbis who differed from him.
- (29) Even the rams and lambs.
- (30) Of course they are: On the seven days of the festival the number of rams and he-lambs remains constant at two and fourteen respectively, while on the Eighth Day only one ram and seven he-lambs were offered (cf. Num. XXIX, 36). Why then should the omission of one of these more than the omission of a bullock affect the remainder?
- (31) Its sacrifices cannot, therefore, like those of any of the seven days, be compared to the others.
- (32) *Ps.* XCIV, sung by the Levites when the sacrifice was offered (v. *infra* 55a).
- (33) This is explained *infra*.
- (34) The duty of remaining in Jerusalem for the night following the festival, mentioned in the case of the Passover (*Deut.* XVI, 7) is adduced to apply to all festivals (cf. *R.H.* 5a).
- (35) According to *Soferim* XIX, 2, it was *Ps.* VI.

Talmud - Mas. Sukkah 47b

Now does not ['benediction' refer to the benediction of the] season?¹ — No, it refers to the Grace after meals and to Prayer.² It is also in accordance with reason to say so, for if you were to imagine that [the reference is to the benediction of] the season, do we then [it could be objected] recite the benediction of the season during all the seven days?³ — This really presents no difficulty, for if a man did not recite the benediction [of the season] during the first day, he has to recite it on the morrow, or on any subsequent day.⁴ But, in any case, must not the benediction [of the season] be

recited over a cup [of wine]?⁵ Must we then say that this⁶ supports the view of R. Nahman,⁷ for R. Nahman laid down [that the benediction of the] season may be recited even in the market-place?⁸ For if you will say that the cup [of wine] is essential, has one then a cup [of wine] every day? — This might apply to a case where one chanced to have a cup [of wine].

Is then R. Judah of the opinion that on the Eighth Day there must be staying overnight? Has it not in fact been taught: R. Judah stated, Whence do we know that the Second Passover⁹ does not need staying overnight? From what was said, And thou shalt turn in the morning and go into thy tents¹⁰ and [immediately afterwards] it is written, Six days thou shalt eat unleavened bread,¹¹ thus implying that that which must have six days [of observance]¹² must have staying overnight, but that which does not need six days [of observance]¹³ does not need staying overnight. Now is not this¹⁴ to exclude also the Eighth Day of the festival? — No, to exclude only the Second Passover which is similar to it.¹⁵ It is also in accordance with reason to say so,¹⁶ for we have learnt, The bikkurim¹⁷ require a sacrifice, a psalm,¹⁸ waving¹⁹ and staying overnight.²⁰ Now who is it that has been heard to say that they require waving? R. Judah of course, and it states that they²¹ require staying overnight.²² For it has been taught,²³ And thou shalt set it down²⁴ refers to the waving. You say that it refers to the waving but perhaps it means literally ‘setting it down’? As it says [subsequently], And set it down,²⁵ ‘setting down,’ surely, is mentioned, to what then do I apply the verse, ‘and thou shalt set it down’? To waving.²⁶

[This Mishnah],²⁷ however, might concur with R. Eliezer b. Jacob,²⁸ for it has been taught, And the priest shall take the basket out of thy hand²⁹ teaches³⁰ that bikkurim require waving; these are the words of R. Eliezer b. Jacob. What is the reason of R. Eliezer b. Jacob? He deduces it from the word ‘hand’ occurring here and in the case of the peace-offering. Here it is written, ‘And the priest shall take the basket out of thy hand’,²⁹ and there it is written, His own hands shall bring the offering unto the Lord,³¹ just as here the priest [takes it and waves it] so there the priest [takes it and waves it], and just as there the owner [brings and waves it] so here also the owner [brings and waves it]. How is this possible?³² The priest places his hand under the hand of the owner and waves it.³³

What is the ultimate decision?³⁴ — R. Nahman ruled, We say [the benediction of the] season on the Eighth Day of the Festival, while R. Shesheth ruled, We do not say [the benediction of the] season on the Eighth Day of the Festival. And the law is that we say [the benediction of the] season on the Eighth Day of the Festival.

It has been taught in agreement with R. Nahman, The Eighth Day

(1) Which shows, does it not, that in agreement with R. Johanan, the benediction of the season must be said on the Eighth Day?

(2) Instead of saying ‘this Festival of Tabernacles’, as is done during the seven days, one says, ‘this Eighth Day of Solemn Assembly’ (cf. P.B. pp. 282 and 228). The Tosefta (IV, 17) says that this refers to the blessing of the king, in accordance with I Kings VIII, 66.

(3) Of course not. It is said only on the first day.

(4) ‘Benediction’ may, therefore, apply to that of the season.

(5) And not every one has always wine on the intermediate days of a festival.

(6) The assumption that ‘benediction’ refers to that of the season and that it may be said on any of the intermediate days when not every one can afford wine.

(7) That the cup of wine is not essential for the benediction?

(8) Without wine.

(9) Which was kept by those who were unable to keep the Passover proper owing to ritual uncleanness or absence (cf. Num. IX, 6 14).

(10) Deut. XVI, 7.

(11) Ibid. 8.

- (12) Sc. the Passover proper.
- (13) The Second Passover which is kept on the fourteenth of Iyar only.
- (14) The deduction of R. Judah which seems to lay down a general rule.
- (15) [I.e., to the celebration spoken of in the context Deut. XVI, 7-8. Var. lec., however, omit 'which is similar to it'. R. Judah was thus referring only to the Second Passover, and did not lay down a general rule].
- (16) That R. Judah excludes the Second Passover only.
- (17) First fruits (v. Deut. XXVI, 1ff), when taken up to Jerusalem.
- (18) Ps. XXX.
- (19) This is discussed infra.
- (20) Bik. II, 4.
- (21) Bikkurim.
- (22) Though the ceremony does not last for six days, which shows that only the Second Passover has been excluded.
- (23) Proof is now adduced that R. Judah requires bikkurim to be waved.
- (24) Deut. XXVI, 10.
- (25) Deut. XXVI, 4. For variant in order of verses quoted v. Mak., Sonc. ed., p. 130, n. 7.
- (26) Mak. 18b.
- (27) Which requires 'waving' and 'staying overnight' in the case of bikkurim.
- (28) And not with R. Judah who may be maintaining that whatever rite lasts for less than six days requires neither the one nor the other.
- (29) Deut. XXVI, 4.
- (30) Since it says 'Out of thy hand'.
- (31) Lev. VII, 30.
- (32) For both the priest and the owner to perform the waving.
- (33) Mak. 18b. Thus it has been shown that the Mishnah Bik. II, 4, may represent the view of R. Eliezer b. Jacob; and consequently no support may be adduced from it to the view that R. Judah excludes the Second Passover only.
- (34) On the question of the benediction of the season on the Eighth Day.

Talmud - Mas. Sukkah 48a

is a Separate festival with regard to P'Z'R' K'SH'B'¹ i.e., with regard to balloting it is a separate festival,² with regard to the benediction of the season it is a separate festival,³ with regard to the nature of the festival it is a separate festival,⁴ with regard to its sacrifice it is a separate festival,⁵ with regard to its psalm it is a separate festival,³ and with regard to its benediction it is a separate festival.³

MISHNAH. 'THE HALLEL [WAS RECITED] AND THE [PEACE-OFFERINGS OF] REJOICING [WERE OFFERED] ON ALL THE EIGHT DAYS' — HOW IS THAT? THIS TEACHES THAT ONE IS BOUND TO RECITE THE HALLEL, [OFFER PEACE-OFFERINGS OF] REJOICING AND SHOW HONOUR TO THE FESTIVAL ON THE LAST DAY, AS ON ALL THE OTHER DAYS OF THE FESTIVAL.

GEMARA. Whence do we know this?⁶ — From what our Rabbis taught, [The verse], And thou shalt be altogether joyful⁷ includes⁸ the night of the last day of the Festival.⁹ But perhaps this is not so, but the text was meant to include [the night of] the first day of the Festival?¹⁰ As it says, ak¹¹ a division is indicated.¹² But why have you seen fit to include the last night of the Festival and to exclude the first night? I include the last night since it is preceded by rejoicing¹³ and exclude the first night which is not preceded by rejoicing.

MISHNAH. THE SUKKAH [MUST BE USED ALL] SEVEN DAYS. HOW IS THIS [TO BE UNDERSTOOD]? WHEN A MAN HAS FINISHED HIS [LAST] MEAL,¹⁴ HE MAY NOT DISMANTLE HIS SUKKAH.¹⁵ HE MAY, HOWEVER, REMOVE ITS FURNITURE¹⁶ FROM THE AFTERNOON ONWARDS IN HONOUR OF THE LAST DAY OF THE FESTIVAL.¹⁷

GEMARA. If a man has no FURNITURE to remove,¹⁸ what shall he do? ‘If a man has no FURNITURE’! What then did he use when he was using [his Sukkah]? — Rather say, If he had no place where to put his furniture¹⁹ what shall he do?²⁰ — R. Hiyya b. Ashi²¹ answered, He removes four handbreadths [of its roof],²² while R. Joshua b. Levi answered, he should kindle a lamp in it.²³ In fact, however, there is no difference of opinion between them, the latter referring to us [Babylonians], and the former to them [the Palestinians].²⁴ This²⁵ is a satisfactory procedure with regard to a Sukkah of minimum size²⁶ but what can be said with regard to a large Sukkah?²⁷ — One might carry into it eating utensils, since Raba ruled, Eating utensils must be kept outside the Sukkah; drinking vessels in the Sukkah.²⁸

MISHNAH. HOW WAS THE WATER LIBATION [PERFORMED]? A GOLDEN FLAGON HOLDING THREE LOGS WAS FILLED FROM THE SILOAM.²⁹ WHEN THEY ARRIVED AT THE WATER GATE,³⁰ THEY SOUNDED A TEKIAH [LONG BLAST], A TERUAH [TREMULOUS NOTE] AND AGAIN A TEKIAH [LONG BLAST]. [THE PRIEST THEN] WENT UP THE ASCENT [OF THE ALTAR]³¹ AND TURNED TO HIS LEFT³² WHERE THERE WERE TWO SILVER BOWLS. R. JUDAH SAID, THEY WERE OF PLASTER [BUT THEY LOOKED SILVER] BECAUSE THEIR SURFACES WERE DARKENED FROM THE WINE. THEY HAD EACH A HOLE

(1) A mnemonic acrostic formed by the initial letters of פִּיּוּם ‘balloting’, זֶמַן ‘season’, רִגְלָה ‘festival’, קָרְבָּן ‘sacrifice’, שִׁיר ‘psalm’, בְּרִכָּה ‘benediction’.

(2) There were so many sacrifices on the first seven days, that the balloting for duty among the courses of priests was unnecessary. On the Eighth Day there was but one bullock offered and it was balloted for (cf. infra 55b).

(3) As stated supra.

(4) That it is unnecessary to dwell on it in the Sukkah.

(5) The number of bullocks offered is not six as might have been expected if the sixth day had been regarded as the eighth of the days of Tabernacles on each of which the number of bullocks was reduced by one.

(6) That the duty of rejoicing prescribed for the seven days of the Festival applies to the Eighth Day also.

(7) Deut. XVI, 15.

(8) Since ‘joyful’ is superfluous, the duty of rejoicing having been mentioned earlier in the context.

(9) Sc. one must include the night belonging to the Eighth Day and following the seventh in the rejoicings of the concluding day, i.e., the number of sacrifices on the seventh day must be such as to suffice for the night following; and since the night is included much more so the day that follows since the time for offerings is the day-time.

(10) Sc. that offerings must be brought on the eve of the first day of the Festival in order to provide for the first evening when no offering may be brought.

(11) Lit., ‘but’, ‘only’; E.V., ‘altogether’.

(12) Implying a limitation, v. Pes. 5a.

(13) Of the concluding day.

(14) On the seventh day.

(15) Since he must still use it for learning, sleeping or any occasional meal on that day.

(16) From the Sukkah into the house where he is to have his meals in the evening and the following day.

(17) For the rejoicings of which the house has to be prepared.

(18) V. supra n. 4.

(19) I.e., he had nowhere else to eat.

(20) To indicate that he is not using his Sukkah for more than the prescribed seven days.

(21) So Asheri. Cur. edd. in parenthesis, ‘Rab’.

(22) Thus invalidating it and showing that it is no longer in use.

(23) By doing in it that which is forbidden in a Sukkah (cf. supra 29a) he indicates that it is no longer in use as a Sukkah but as an ordinary hut.

(24) In Babylon where the proper calculations of the calendar are unknown, the Eighth Day may be the seventh, and the Sukkah must, therefore, be used on the morrow. It cannot be invalidated by a breach in its roof so one places there a

lamp which can subsequently be removed. The Palestinians, however, who are familiar with the calculations, make no more use of the Sukkah after the seventh day, and it may, therefore, be invalidated on that day.

(25) The kindling of the lamp.

(26) Into which no lamp may be brought during the seven days of the Festival (cf. supra 29a).

(27) Where a lamp may be taken in even during the seven days.

(28) Ibid.

(29) A pool near Jerusalem.

(30) One of the gates of the Temple court.

(31) Which was on the south (Mid. III, 3).

(32) Towards the south-west of the altar where the water libations were offered.

Talmud - Mas. Sukkah 48b

LIKE A SLENDER SNOUT,¹ ONE [HOLE] BEING WIDE AND THE OTHER NARROW SO THAT BOTH EMPTIED THEMSELVES² TOGETHER.³ THE ONE ON THE WEST WAS FOR WATER AND THE ONE⁴ ON THE EAST FOR WINE. IF ONE Poured THE FLAGON OF WATER INTO THE BOWL FOR WINE, OR THAT OF WINE INTO THAT FOR WATER, HE HAS FULFILLED HIS OBLIGATION. R. JUDAH STATED, WITH ONE LOG⁵ HE PERFORMED THE CEREMONY OF THE WATER-LIBATION ALL EIGHT⁶ DAYS. TO [THE PRIEST] WHO PERFORMED THE LIBATION THEY USED TO SAY, 'RAISE THY HAND';⁷ FOR ON A CERTAIN OCCASION, A CERTAIN MAN⁸ Poured OUT THE WATER OVER HIS FEET, AND ALL THE PEOPLE PELTED HIM WITH THEIR ETHROGS.

AS WAS ITS PERFORMANCE ON WEEKDAYS, SO WAS ITS PERFORMANCE ON THE SABBATH, SAVE THAT ON THE EVE OF THE SABBATH AN UNHALLOWED⁹ GOLDEN BARREL WAS FILLED FROM THE SILOAM, AND PLACED IN A CHAMBER. IF IT WAS Poured AWAY OR UNCOVERED, IT WAS REFILLED FROM THE LAVER,¹⁰ FOR WINE OR WATER WHICH HAS BECOME UNCOVERED IS INVALID FOR THE ALTAR.

GEMARA. Whence do we know this?¹¹ — R. Ena replied, From Scripture which says, Therefore with joy shall ye draw water [from the wells of salvation].¹²

There were once two minim,¹³ one was called Sason¹⁴ and the other Simha.¹⁵ Said Sason to Simha, 'I am better than you, since it is written, They shall obtain Sason and Simha'.¹⁶ 'I', said Simha to Sason, 'am better than you, since it is written, The Jews had Simha and Sason'.¹⁷ 'One day', said Sason to Simha, 'they will take you out¹⁸ and make you a runner, since it is written, For with Simha shall they go forth'.¹⁹ 'One day', said Simha to Sason, 'they will take you out¹⁸ and draw with you water, for it is written, "Therefore with Sason shall ye draw water"'.¹²

A certain min²⁰ whose name was Sason once said to R. Abbahu, 'You are destined to draw water for me in the world to come, for it is written, "Therefore be-sason shall ye draw water"'.²¹ 'If', the other retorted, 'it had been written, "le-sason"²² it would be as you say, but as it is written "be-sason"²³ the meaning must be that a water-skin will be made of your skin, and water will be drawn with it'.

[THE PRIEST] WENT UP THE ASCENT [OF THE ALTAR] AND TURNED TO HIS LEFT etc. Our Rabbis have taught, All who ascended the altar turned to the right, proceeded round and descended by the left,²⁴ save those ascending for the following three purposes,²⁵ who ascended by the left,²⁶ turned on their heel²⁷ and returned [the same way]. These [three things] are the water-libation and wine-libation, and the burnt-offering of a fowl when the altar was full on [its south] east side.²⁸

[BUT THEY LOOKED SILVER] BECAUSE THEIR SURFACES WERE DARKENED. It is well [as regards the flagon of the wine] since wine darkens, but how was that of the water darkened?- Since the Master has said, IF ONE Poured THE FLAGON OF WATER INTO THE BOWL FOR WINE, OR THAT OF WINE INTO THAT FOR WATER, HE HAS FULFILLED HIS OBLIGATION, the [flagon] of water may²⁹ thus become darkened.

THEY HAD EACH A HOLE LIKE A SLENDER SNOUT etc. Must we say that our Mishnah³⁰ agrees with R. Judah and not with the Rabbis seeing that we have learnt, R. JUDAH STATED, WITH ONE LOG HE PERFORMED THE CEREMONY OF THE WATER-LIBATION ALL EIGHT DAYS;³¹ for if it agrees with the Rabbis, could they not both pour together?³² — [No,] You may say that it agrees even with the Rabbis, [the reason for the different sizes of the holes being that] wine is viscous and water is fluid. It is in accordance with reason also to say so,³³ for if [our Mishnah concurs with] R. Judah, [it should have used the terms] ‘broad’ and ‘strait’ which he used;³⁴ as it has been taught, R. Judah stated, There were two vessels there, one of water and one of wine, the mouth of the wine [vessel] was broad, and that of the water was strait, so that both should empty themselves together. This is conclusive.

THE ONE ON THE WEST WAS FOR WATER. Our Rabbis taught, It once happened that a certain Sadducee³⁵ poured the water libation over his feet and all the people pelted him with their ethnogs. On that day the horn of the altar became damaged,³⁶ and a handful of salt was brought and it was stopped up, not because the altar was thereby rendered valid for the service, but merely in order that it should not appear damaged

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- (1) Sc. each bowl had a perforated spout.
 - (2) On the altar, through a hole in which the water ran down to the deep altar ditches.
 - (3) This is explained in the Gemara.
 - (4) Adjacent to it.
 - (5) Not, as the first Tanna stated, three.
 - (6) And not, as the first Tanna asserted, seven.
 - (7) That all may see that the water is poured into the bowl.
 - (8) A Sadducee. Josephus, Ant. XIII, 13, 5, ascribes the incident to Alexander Jannai, king and High Priest 107-76 B.C.E. The Sadducees denied the validity of this precept and in this way he showed his contempt of the Pharisees.
 - (9) Since anything which remains in a hallowed vessel overnight becomes invalid (cf. Men. VII, 4).
 - (10) Cf. Ex. XXX, 18. Though a hallowed vessel, it did not cause the water in it to be invalid because it was sunk in a cistern on the festival eve (cf. Yoma 37a).
 - (11) That the shofar is sounded at the ceremony (Rashi). That the water was taken from Siloam (Tosaf.). According to Rashi, the answer is in the word ‘joy’, according to Tosaf. in the words ‘from the wells of salvation’.
 - (12) Isa. XII, 3.
 - (13) ‘Sectarians’, ‘apostates’ or ‘Jewish Christians’. V. Glos., s.v. Min.
 - (14) Meaning ‘joy’.
 - (15) ‘Gladness’.
 - (16) Isa. XXXV, 10; ‘joy’ before ‘gladness’.
 - (17) Esth. VIII, 17.
 - (18) From heaven.
 - (19) Isa. LV, 12.
 - (20) Cf. n. 5.
 - (21) Isa. XII, 3.
 - (22) ‘For joy’.
 - (23) ‘With joy’.
 - (24) The ascent was on the south, and on reaching the altar one turned to the right, to the south-east corner, to perform the sacrifice. Since it was obligatory to make right-hand turns one could not return by the same way but had to make a complete circuit of the altar and descend by the western side of the descent.

- (25) Which took place at the south-west corner of the altar.
- (26) And (cf. prev. n.) immediately turned towards the south-west. They could not turn to the right to make a circuit round the altar for reasons explained in Zeb. 64a.
- (27) Which meant turning to the right.
- (28) Where normally this sacrifice was done. (Cf. Lev. I, 16, Tamid I, 4).
- (29) Since wine may sometimes be poured into it.
- (30) Which prescribes one hole to be wide and the other narrow.
- (31) The wine was the fourth of a hin (Num. XXVIII, 7) equivalent to three logs. This would explain the necessity for having a larger aperture in the wine flagon, since there was three times as much wine.
- (32) Since each was three logs.
- (33) That our Mishnah is in agreement with the Rabbis.
- (34) קצר-רהב instead of מיעובה 'WIDE' and דק 'NARROW'. The difference between broad and strait is larger than that between wide and narrow (Rashi).
- (35) V. supra p. 226, n. 15.
- (36) On account of some hard missiles that caught it.

Talmud - Mas. Sukkah 49a

for¹ an altar which has not the ascent, the horn,² the base³ and the square shape⁴ is invalid for the service. R. Jose b. Judah adds, Also the circuit.⁵

Rabbah b. Bar Hana citing R. Johanan stated, The Pits⁶ have existed⁷ since the Six days of creation,⁸ for it is said, The roundings of thy thighs are like the links of a chain the work of the hands of a skilled workman.⁹ 'The rounding¹⁰ of thy thighs' refers to the Pits; 'like the links¹¹ of a chain' implies that their cavity¹² descends to the abyss; 'the work of the hands of a skilled workman' means that they are the skillful handiwork of the Holy One, blessed be He.

The school of R. Ishmael taught: Bereshith;¹³ read not bereshith but bara shith.¹⁴

It has been taught, R. Jose says, The cavity of the Pits descended to the abyss, for it is said, Let me sing of my well-beloved, a song of my beloved touching his vineyard. My well-beloved had a vineyard on a very fruitful hill.¹⁵ And he digged it, and cleared it of stones, and planted it with the choicest vine, and built a tower in the midst of it, and also hewed out a vat therein.¹⁶ 'And planted it with the choicest vine', refers to the Temple; 'and built a tower in the midst of it', refers to the altar; 'and also hewed out a vat therein', refers to the Pits.¹⁷

It has been taught, R. Eleazar b. Zadok stated, There was a small passage-way between the ascent and the altar,¹⁸ on the westward of the ascent, and once in seventy years the young¹⁹ of the priesthood used to descend there²⁰ and gather up therefrom the congealed wine which had the appearance of rounds of pressed figs, and proceeded to burn it in a state of sanctity²¹ as it is said, In the holy place shalt thou pour out a drink-offering of strong drink unto the Lord,²²

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- (1) The reason why it was unfit for service.
- (2) A stone of one cubic cubit at each of the four corners.
- (3) A ledge of one cubit in width and one cubit in height from the ground round the altar.
- (4) Cf. Ex. XXVII, 1.
- (5) V. Mid. III, 1. Its absence also invalidates the altar. Cf. Zeb. 62a.
- (6) 'Shithin', the pits under the altar into which the wine flowed after the libation.
- (7) Lit., 'were created'.
- (8) I.e., they were a natural formation.
- (9) Cant. VII, 2.
- (10) Of the rt. hamak 'hidden', 'covered up'.

- (11) From hala.
- (12) From halal, similar (cf. prev. n.) to hala.
- (13) 'In the beginning', Gen. I, 1.
- (14) 'He created the pit' (of the altar).
- (15) Palestine.
- (16) Isa. V, 1 and 2.
- (17) Tosef. Sukkah III, 15.
- (18) [The ascent did not adjoin closely the altar at the top, but was removed from it by two cubits].
- (19) Lit., 'flowers'.
- (20) The cavity through which the wine passed was fenced up along four sides, forming a vat reaching to the marble floor of the court (not as the Rabbis maintain, to the abyss).
- (21) Sc. in a holy place in the Temple.
- (22) Num. XXVIII, 7.

Talmud - Mas. Sukkah 49b

just as its libation was done in sanctity, so must its burning be done in sanctity.¹ But what is the proof?² — Rabina answered, An analogy is made between two expressions of 'holy'. It is written here, 'In the holy place shalt thou pour out a drink-offering of strong drink unto the Lord', and it is written elsewhere, Then shalt thou burn the remainder with fire, it shall not be eaten, because it is holy.³

Whose view is followed in what we learned,⁴ 'The law of sacrilege⁵ applies to drink-offerings at the beginning,⁶ but after they have descended into the Pits,⁷ the law of sacrilege does not apply to them'?⁸ Must we say⁹ that it is that of R. Eleazar b. Zadok,¹⁰ for if it were that of the Rabbis [the objection could be raised: Did they not state] that the Pits descended to the abyss?¹¹ You may even say that it is that of the Rabbis, [but it refers to] where it was collected.¹²

There are some who read: Must we say that¹³ it is that of the Rabbis,¹⁴ and not that of R. Eleazar b. Zadok, for if it were that of R. Eleazar b. Zadok, [the objection would arise:] Do they not¹⁵ still retain their hallowed character?¹⁶ — You may even say that it is that of R. Eleazar, for sacrilege cannot apply to anything whose commandment has already been fulfilled.¹⁷

Resh Lakish stated, When the wine-libation was poured upon the altar, the Pits were stopped up,¹⁸ in order to fulfil what is written, 'In holiness shalt thou pour out a drink-offering of strong drink unto the Lord'.¹⁹ But how does this imply it? — R. Papa answered, Shekar²⁰ is an expression suggestive of drink, satiety and plenty. From this it may be inferred, R. Papa observed that when a man has his fill of wine, it is due to his filling of his throat.²¹

Raba remarked, A young scholar who has not much wine should swallow it in quaffs.²² Raba used to gulp down the cup of benediction.²³

Raba made the following exposition: What is the implication of what was written, How beautiful are thy steps in sandals, O prince's daughter?²⁴ How beautiful are the steps of Israel when they go up [to Jerusalem] to celebrate a festival. 'O prince's daughter', means, daughter of our father Abraham, who is called prince, as it is said, The princes of the peoples are gathered together, the people of the God of Abraham.²⁵ 'The God of Abraham'! And not the God of Isaac and Jacob? But the meaning is, The God of Abraham who was the first of proselytes.²⁶

The School of R. Anan taught: It is written,²⁷ The roundings of thy thighs.²⁸ Why are the words of the Torah compared to the thigh? To teach you that just as the thigh is hidden, so should the words of the Torah be hidden,²⁹ and this is the import of what R. Eleazar said, What is the implication of the

text, It hath been told thee, O man, what is good, and what the Lord doth require of thee: Only to do justly, and to love mercy, and to walk humbly with thy God?³⁰ 'To do justly' means [to act in accordance with] justice; 'to love mercy' refers to acts of loving kindness³¹ 'and to walk³² humbly with thy God' refers to attending to funerals and dowering a bride for her wedding.³³ Now can we not make a deduction a fortiori: If in matters which are normally performed publicly³⁴ the Torah enjoins 'to walk humbly', how much more so in matters that are normally done privately?³⁵

R. Eleazar stated, Greater is he who performs charity than [he who offers] all the sacrifices, for it is said, To do charity³⁶ and justice is more acceptable to the Lord than sacrifice.³⁷

R. Eleazar further stated, Gemiluth Hasadin³⁸ is greater than charity, for it is said, Sow to yourselves according to your charity, but reap according to your hesed;³⁹ if a man sows, it is doubtful whether he will eat [the harvest] or not, but when a man reaps, he will certainly eat. R. Eleazar further stated, The reward of charity depends entirely upon the extent of the kindness in it,⁴⁰ for it is said, 'Sow to yourselves according to charity, but reap according to the kindness'.

Our Rabbis taught, In three respects is Gemiluth Hasadim superior to charity: charity can be done only with one's money, but Gemiluth Hasadim can be done with one's person and one's money. Charity can be given only to the poor, Gemiluth Hasadim both to the rich and the poor. Charity can be given to the living only, Gemiluth Hasadim can be done both to the living and to the dead.⁴¹

R. Eleazar further stated, He who executes charity and justice is regarded as though he had filled all the world with kindness, for it is said, He loveth charity and justice, the earth is full of the lovingkindness of the Lord.⁴² But lest you say that whoever wishes to do good succeeds without difficulty,⁴³ Scripture expressly says, How precious is Thy lovingkindness, O God etc.⁴⁴ As⁴⁵ one might say that this applies also to a man who fears God,⁴⁶ Scripture expressly says, But the lovingkindness of the Lord is from everlasting to everlasting upon them that fear Him.⁴⁷

R. Hama b. Papa stated, Every man who is endowed with grace⁴⁸ is without doubt a God-fearing man, for it is said, 'But the lovingkindness of the Lord is from everlasting to everlasting to them that fear Him.' R. Eleazar further stated, What is the purport of what was written, She openeth her mouth with wisdom, and the Torah of lovingkindness is on her tongue?⁴⁹ Is there then a Torah of lovingkindness and a Torah which is not of lovingkindness? But the fact is that Torah [which is studied] for its own sake is a 'Torah of lovingkindness', whereas Torah [which is studied] for an ulterior motive is a Torah which is not of lovingkindness.

Some there are who say, Torah [which is studied] in order [subsequently] to teach it is a 'Torah of lovingkindness', but Torah [which is] not [studied subsequently] to teach it is a Torah which is not of lovingkindness.

AS WAS ITS PERFORMANCE ON WEEKDAYS etc. But why [bring the water in an UNHALLOWED vessel]? let him bring it in a hallowed one?⁵⁰ — Ze'iri replied, [The author of our Mishnah] is of the opinion that no fixed amount has been prescribed for the water [of libation] and that vessels of ministry hallow their contents even if there was no intention.

(1) Tosef Me'il. I, 16.

(2) That the text refers to burning. No proof is expected for the periodical cleaning of the Pits, since it is obvious that the wine could not be allowed to accumulate there for ever.

(3) Ex. XXIX, 34; as the latter expression of 'holy' applies to burning, so also does the former.

(4) Cur. edd. in parenthesis 'was taught'.

(5) Necessitating a trespass-offering (cf. Lev. V, 15).

(6) I.e., from the time they were consecrated until libation, since during all this time they are consecrated for the altar.

- (7) When they are no longer suitable for the altar.
- (8) V. Me'il. 11a.
- (9) Since it was necessary to state that the law of sacrilege does not apply to them.
- (10) Who holds that the Pits reached only to the floor of the court and that the wine poured into them was retrievable.
- (11) No law, surely, is required for an object that is for ever lost in the abyss.
- (12) By the suspension of a vessel in the Pit.
- (13) Since the law of trespass does not apply to them after they descended into the Pits.
- (14) The case being one where the drink-offerings were intercepted in the Pits.
- (15) Since he ruled that they are to be burnt in a holy place.
- (16) Why then should not the law of sacrilege still apply?
- (17) The act of libation is regarded as the completion of the commandment.
- (18) So that the wine should not run away immediately and the hole present the sight of a throat full of 'drink, satiety and plenty'.
- (19) Num. XXVIII, 7.
- (20) E.V., 'strong drink'.
- (21) By swallowing large mouthfuls, and not by taking small draughts however large the total quantity consumed.
- (22) Since thereby (cf. prev. n.) he has the same satisfaction as if he drank much wine.
- (23) To show his love of the precept. [The text appears in slight disorder. MS.M. reads: 'A young scholar who has no wine in excess of the cup of benediction should gulp it down'.]
- (24) Cant. VII, 2.
- (25) Ps. XLVII, 10.
- (26) At that time God was only his and not Isaac's or Jacob's.
- (27) Lit., 'what (means) that which is written'.
- (28) This is a continuation of Cant. VII, 2.
- (29) It should be taught in privacy, not in the market place (cf. M.K. 16a).
- (30) Mic. VI, 8.
- (31) Gemiluth Hasadim (v. infra). It is wider than charity including as it does all acts of kindness.
- (32) Emphasis on 'walk'.
- (33) One's help in such cases should be given humbly and in privacy.
- (34) Weddings and funerals.
- (35) The giving of alms.
- (36) Zedakah. E.V. 'righteousness'.
- (37) Prov. XXI, 3.
- (38) Translated 'the practice of kindness' (v. infra).
- (39) Hos. X, 12; the last work signifying Gemiluth Hasadim.
- (40) [I.e., the grace, gentleness and sympathy that accompany the act of charity].
- (41) By attending to their funeral and burial.
- (42) Ps. XXXIII, 5.
- (43) Lit., 'that whoever wishes to leap may leap'.
- (44) Ps. XXXVI, 8; i.e., the opportunity of doing real, well-deserved charity and dispensing it in a judicious manner, is rare (Rashi).
- (45) Cur. edd. in parenthesis, 'the earth is full of the lovingkindness of the Lord'.
- (46) Sc. that he also has difficulties in executing charity and justice.
- (47) Ps. CIII, 17. Those that truly fear God find lovingkindness easily.
- (48) Var. lec., 'lovingkindness'.
- (49) Prov. XXXI, 26.
- (50) The questioner assumes that a vessel of ministry does not hallow its contents unless there is that intention, and that it does not hallow it unless it corresponds to the specific amount prescribed for that particular rite. In this case the water has neither of these desiderata.

If, therefore, it were brought in a hallowed vessel it would have been rendered invalid by remaining therein overnight.

Hezekiah¹ replied, Vessels of ministry do not in fact hallow their contents where there was no intention, but [the use of a hallowed vessel was here forbidden] as a preventive measure lest it be assumed that there was intention that the contents should be hallowed.² R. Jannai citing R. Zera replied, You may even say that a fixed amount has been prescribed for the water [of libation]³ and that vessels of ministry do not hallow their contents unless there was intention, [but the use of a hallowed vessel was nevertheless forbidden] as a preventive measure lest people will think that it was filled with the water for the purpose of using it for the washing of the hands and the feet [of the High Priest].⁴

IF IT WAS Poured AWAY OR UNCOVERED etc. But why?⁵ Could it not⁶ be filtered through a strainer?⁷ Must we then say⁸ that our Mishnah does not agree with R. Nehemiah, for it has been taught, [Liquid that has passed through] a strainer is forbidden under the law of uncovering, and R. Nehemiah stated, When does this apply? Only when the receptacle underneath⁹ was uncovered, but when the receptacle underneath is covered, even although the upper one¹⁰ was uncovered, the law of uncovering does not apply, since the venom of a serpent is like a fungus which floats on the surface and remains where it is?¹¹ -You may even maintain that it agrees with R. Nehemiah, since it may be submitted that R. Nehemiah's ruling referred to secular use, but not to one divine,¹² for does not R. Nehemiah uphold [the lesson of the verse,] Present it¹³ now to thy governor; will he be pleased with thee? Or will he accept thy person?¹⁴

CHAPTER V

MISHNAH. THE FLUTE-PLAYING [TOOK PLACE] SOMETIMES [ON] FIVE DAYS AND SOMETIMES ON SIX. THIS REFERS TO THE FLUTE-PLAYING AT BETH HA-SHO'EBAH [THE PLACE OF THE WATER-DRAWING]¹⁵ WHICH OVERRIDES NEITHER THE SABBATH NOR ANY FESTIVAL DAY.¹⁶

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- (1) Granting that our Mishnah provides evidence that no specific quantity has been prescribed for the water of libation.
 - (2) And those observing that the water is used despite the fact that it was kept overnight might draw the wrong conclusion that hallowed objects of similar nature are equally unaffected by a stay overnight.
 - (3) Three logs, according to the Rabbis, and one log according to R. Judah.
 - (4) Such water must first be hallowed (cf. Ex. XXX, 19) and however large its quantity it might still be regarded as intended to be used for this purpose. If the water were allowed to be used on the next day, wrong conclusions (cf. p. 234 n. 6) might be drawn.
 - (5) Should uncovered water be invalid.
 - (6) Since the only reason why uncovered water is forbidden is lest a snake injected its venom into it.
 - (7) And thus eliminate the venom.
 - (8) Since the use of a filter is not allowed.
 - (9) The strainer, i.e., the one that receives the filtered water.
 - (10) Sc. the strainer.
 - (11) In the strainer. B.K. 115b, cf. B.B. 97b.
 - (12) Lit., 'for the Most High'.
 - (13) I.e., the blind, the lame and the sick, mentioned by the prophet in the earlier part of the verse.
 - (14) Mal. I, 8; sc. would you offer to God what is rejected by man? As those objectionable offerings (cf. prev. n.) were condemned by the prophet as unsuitable, so is any objectionable thing (such as liquid that was exposed and possibly contaminated by venom) to be condemned as unsuitable for any divine service.
 - (15) **בֵּית הַשּׂוֹאֵבָה**. The exact meaning of the term which also appears in the form **שׂוֹבָה** (v. D.S. a.l.) is not clear. For a full discussion of the ceremony v. Feuchtwanger S., MGWJ. LIV-45]. For the details v. infra.
 - (16) Therefore when one of the Intermediate Days was a Sabbath it was performed on five days only.

Talmud - Mas. Sukkah 50b

GEMARA. It was stated, Rab Judah and R. Ina differ, one of them taught Sho'ebah¹ and the other taught Hashubah.² Mar Zutra observed, He who teaches, Sho'ebah is not in error, and he who teaches Hashubah is not in error. He who teaches Sho'ebah¹ is not in error, since it is written, And ye shall draw water in joy,³ and he who teaches Hashubah is not in error, since R. Nahman stated, It is an important precept, dating from the very Creation.⁴

Our Rabbis taught, The flute-playing overrides the Sabbath; so R. Jose b. Judah; but the Sages ruled, It does not override even the Festival. R. Joseph explained, The dispute⁵ concerns only the song that accompanied the sacrifices,⁶ since R. Jose is of the opinion that the essential feature of the [Temple] music is the instrument, in consequence of which it is a Temple service which overrides the Sabbath, whereas the Rabbis are of the opinion that the essential feature of the [Temple] music is the vocal singing, in consequence of which the [playing of the instruments] is not a Temple service and does not, therefore, override the Sabbath; but with regard to the singing at the Festival of Water-Drawing, all agree that it is a mere expression of rejoicing and does not, therefore, override the Sabbath.

Whence, said R. Joseph, do I derive that the dispute concerns only that?⁷ From what has been taught, If vessels of ministry were made of wood, Rabbi declares them invalid and R. Jose b. Judah holds them to be valid.⁸ Now do they not differ on this principle, that he who declares them valid is of the opinion that the essential feature of the [Temple] music is the instrument⁹ and [its validity may, therefore,] be deduced from that of the reed-flute of Moses,¹⁰ while he who holds them to be invalid is of the opinion that the essential feature of the Temple music is the vocal singing¹¹ and its validity, therefore, cannot be deduced from that of the reed-flute of Moses? — No; both of them may agree that the essential feature of the [Temple] music is the instrument, but in this case they differ on the question whether we may deduce what it is possible [to manufacture from another material] from that which it is impossible [to manufacture from another material].¹² He who declares them valid is of the opinion that we do deduce that which it is possible [to manufacture from another material], from that which it is impossible [to manufacture from another material],¹³ whereas he who holds them to be invalid is of the opinion that we do not deduce the possible from the impossible.¹⁴ And if you wish you may say that all are in agreement that the essential feature of the [Temple] music is the vocal singing,¹⁵ and that¹⁶ we do not deduce the possible from the impossible,¹⁵ but in this case they differ on the question whether, in making the deduction concerning the candlestick,¹⁷ we apply the principle of 'the general and the particular' or the rule of 'extension and limitation'.¹⁸ Rabbi applies the principle of 'the general and the particular' while R. Jose b. Judah applies the principle of 'extension and limitation'. Rabbi applies the principle of the 'general and particular' [thus:] And thou shalt make a candlestick¹⁹ is a general statement, of pure gold¹⁹ is a particular, of beaten work shall the candlestick be made¹⁹ is again a general statement; [the instruction thus consists of] two general [statements] with a particular [statement between], in which case it includes only such things as are similar to the particular [statement],²⁰ so that as the particular is specified to be of metal, so must all [vessels] be of metal. R. Jose b. Judah applies the principle of 'extension and limitation' [thus:] And thou shalt make a candlestick¹⁹ is an extension, of pure gold¹⁹ is a limitation, of beaten work shall the candlestick be made¹⁹ is again an extension. The text thus gives two extensions with a limitation between in which case it includes everything [and excludes but one thing]. What does it include? All materials, and what does it exclude? [Only]²¹ earthenware.

R. Papa stated,

(1) 'Water-drawing'.

(2) 'Important'. The phrase would thus mean 'The Important Rejoicing of the Temple'. [This reading would support the

variant hashe'ubah **השאובה** (v. n. 1) with which it could easily be confused].

(3) Isa. XII, 3.

(4) When, as stated supra 49a, the Pits were created to receive the libations.

(5) Between R. Jose and the Sages.

(6) When the libation of wine was offered in connection with the continual morning and evening offerings (cf. 'Ar. 10a).

(7) Whether the vocal organs or the instruments are the essential features of the Temple music.

(8) Sot. 14b.

(9) And it may, therefore, be regarded as a Temple vessel.

(10) Which was made of wood (cf. 'Ar. 10b). Tradition dated this reedpipe from Moses. As that pipe was made of wood so may all musical instruments of the Temple be made of wood.

(11) So that the instrument cannot be regarded as one of the Temple vessels.

(12) It was impossible (as explained in 'Ar. 10b) to make the best of pipes of anything but reeds. All other vessels, however, can be made from metal.

(13) Hence he allows all vessels to be made from wood as was the reed-pipe of Moses.

(14) Hence it is only the pipe, which (as stated supra) cannot be satisfactorily made of other materials, that may be made of wood, but not any other vessels which can well be made of metal.

(15) No deduction, therefore, may be made from Moses' reed-pipe.

(16) Even if it were to be insisted that the essential feature of the music was the instrument.

(17) Of the sanctuary, which is regarded as the prototype of all the other vessels.

(18) Two methods of homiletics, the former employed by R. Ishmael, the latter by R. Akiba. Cf. Sanh., Sonc. ed., vol I, p. 301, n. I.

(19) Ex. XXV, 31.

(20) Cf. P.B. p. 13.

(21) Since according to the principle of extension and limitation, only the most remote is excluded.

Talmud - Mas. Sukkah 51a

[This dispute¹ is] on the same principle as the one between the following Tannas concerning which we have learnt,² [The instrument players in the Temple] were the slaves of the priests; so R. Meir. R. Jose says, They were the families of Beth Ha-Pegarim, and Beth Zipporia who hailed from Emmaus³ and were married into the priestly stock.⁴ R. Hanina b. Antigonus says, They were Levites.⁵ Now do they⁶ not differ on the following principles: He who says that they were slaves is of the opinion that the essential feature of the [Temple] music was the vocal singing,⁷ while he who says that they were Levites holds the opinion that the essential feature of the [Temple] music was the instrument?⁸ — But do you understand this? What then is the opinion upheld by R. Jose? If he is of the opinion that the essential feature of the [Temple] music was the singing, then even slaves [should be allowed to play the instruments],⁹ and if he is of the opinion that the essential feature was the instrument, should not then only Levites [be allowed to play] but not Israelites?¹⁰ But the fact is that all agree that the essential feature of the [Temple] music was the vocal singing, but it is on this that they differ: One Master holds that the practice was as he stated¹¹ while the other Master holds that the practice was as he stated.¹¹ In what respect could this¹² matter? — In respect of taking the fact that a man stood upon the platform¹³ as proof of honourable descent¹⁴ or [as proof that he is eligible for] tithes.¹⁵ He who says that they were slaves is of the opinion that the fact that [one's ancestor] stood upon the platform is proof neither of honourable descent nor that [he is eligible for] tithes;¹⁶ he who says that they were Israelites [of honourable family] is of the opinion that we accept the standing upon the platform as proof of honourable descent, but not [of eligibility for] tithes;¹⁷ while he who says that they were Levites is of the opinion that the standing upon the platform is accepted as proof in regard to both honourable descent and [eligibility for] tithes.¹⁸

R. Jeremiah b. Abba, however, maintains¹⁹ that the dispute²⁰ concerns only the music²¹ at the Water-Drawing, since R. Jose b. Judah is of the opinion that even an added expression of Rejoicing²² overrides the Sabbath, while the Rabbis are of the opinion that an added expression of Rejoicing

does not override [either] the Sabbath [or the Festival], but as regards the music which accompanied the sacrifices, all agree that it is [an integral part of] the Service and overrides the Sabbath.

An objection was raised.²³ [It was taught,] The music which accompanied the Water-Drawing overrides the Sabbath. So R. Jose b. Judah. The Sages, however, rule that it does not override even the Festival. Is not this a refutation of R. Joseph?²⁴ — It is indeed a refutation.

Can we also say that they²⁵ dispute only concerning the music which accompanied the Water-Drawing, but that with regard to the music that accompanied the sacrifices all²⁶ agree that it overrides the Sabbath, and this²⁷ would, therefore, constitute a double refutation of R. Joseph?²⁸ — [No.] R. Joseph could answer you, They dispute concerning the music that accompanied the Water-Drawing and the same applies also to [that which accompanied] the sacrifices, and the reason that they expressed their different views with regard to the Water-Drawing was in order to acquaint you with the extent of the view of R. Jose b. Judah, viz., that even the music of the Water-Drawing overrides [the Sabbath]. Was it not, however, stated, THIS REFERS TO THE FLUTE-PLAYING AT THE PLACE OF THE WATER-DRAWING, WHICH OVERRIDES NEITHER THE SABBATH NOR ANY FESTIVAL DAY, [from which we can infer that] this [playing] does not override the Sabbath, but the playing which accompanied the sacrifices does override [the Sabbath]?²⁹ Now whose view is it? If you were to say that it is that of R. Jose b. Judah, did he not state that the playing which accompanies the Water-Drawing also overrides the Sabbath?³⁰ Consequently it must be, [must it not,] the view of the Rabbis, and thus³¹ arises a double refutation of R. Joseph?³² It is indeed a refutation.

What is the reason of him who stated that the essential feature of the [Temple] music was the instrument? — Because it is written, And Hezekiah commanded to offer the burnt-offering upon the altar. And when the burnt-offering began, the song of the Lord began also, and the trumpets together with the instruments of David, King of Israel.³³ What is the reason of him who stated that the essential feature of the Temple music was the vocal singing? — Because it is written, It came even to pass, when the trumpeters and the singers were as one, to make one sound to be heard.³⁴ As to the other also,³⁵ is it not written, ‘and Hezekiah commanded etc.’?³⁶ — It is this that was meant: The song of the Lord began’ vocally ‘together with the instruments of David, King of Israel’, which were but to sweeten the voice. And as to the other one too,³⁷ is it not written, ‘it came even to pass, when the trumpeters and singers were as one’?³⁸ — It is this that was meant: ‘The singers’ performed in the same manner as ‘the trumpeters’. Just as the trumpeters [performed] with instruments, so did the singers [perform] with instruments.

MISHNAH. HE³⁹ WHO HAS NOT SEEN THE REJOICING AT THE PLACE OF THE WATER-DRAWING HAS NEVER SEEN REJOICING IN HIS LIFE. AT THE CONCLUSION OF THE FIRST FESTIVAL DAY OF TABERNACLES THEY⁴⁰ DESCENDED⁴¹ TO THE COURT OF THE WOMEN⁴² WHERE THEY HAD MADE A GREAT ENACTMENT.⁴³ THERE WERE THERE GOLDEN CANDLESTICKS WITH FOUR GOLDEN BOWLS ON THE TOP OF EACH OF THEM AND FOUR LADDERS⁴⁴ TO EACH, AND FOUR YOUTHS DRAWN FROM THE PRIESTLY STOCK IN WHOSE HANDS WERE HELD JARS OF OIL CONTAINING ONE HUNDRED AND TWENTY LOG WHICH THEY Poured INTO THE BOWLS.⁴⁵

FROM THE WORN-OUT DRAWERS AND GIRDLES OF THE PRIESTS THEY MADE WICKS AND WITH THEM THEY KINDLED THE LAMPS; AND⁴⁶ THERE WAS NOT A COURTYARD IN JERUSALEM THAT WAS NOT ILLUMINED BY THE LIGHT OF THE PLACE OF THE WATER-DRAWING.

MEN OF PIETY AND GOOD DEEDS⁴⁷ USED TO DANCE BEFORE THEM

- (1) Whether the vocal singing or the instrumental playing was the essential feature of the Temple service.
- (2) Cur. edd. in parenthesis 'it was taught'.
- (3) Near Tiberias.
- (4) Because they were Israelites of pure and honourable descent (cf. Kid. IV, 5).
- (5) V. 'Ar. 10a.
- (6) The three Tannas just mentioned.
- (7) As this was done by the Levites, slaves were allowed to play the instruments.
- (8) Hence only the Levites were allowed to play it.
- (9) Supra n. 5.
- (10) Why then does he allow Israelites.
- (11) Lit., 'thus'.
- (12) The type of the instrument players.
- (13) Dukan, the platform upon which the Levites stood in the Temple during the singing of the Psalms (cf. 'Ar. II, 6).
- (14) Lit., 'whether we raise one from the dukan to (an honourable) pedigree'. The Jews were proud of their lineage and investigated the descent of the women whom they wished to marry for four generations back. (V. Kid. IV, 4 and 5).
- (15) I.e., that he is a Levite.
- (16) Hence it is permitted even for slaves to take part.
- (17) Honourable Israelites only were, therefore, allowed to participate.
- (18) Levites only were, therefore, allowed to ascend the platform.
- (19) Contrary to the view of R. Joseph supra 50b.
- (20) Of R. Jose b. Judah and the Rabbis.
- (21) Sc. the instrument playing.
- (22) Even if it is not an integral part of the Service.
- (23) To R. Joseph's view.
- (24) Who stated that R. Jose agreed that the music at the Water-Drawing did not override the Sabbath.
- (25) R. Jose and the Sages.
- (26) Even the Sages.
- (27) Since he submitted that the Sages hold that this music does not override the Sabbath.
- (28) Both with regard to the Water-Drawing and the sacrifices. In the case of the former he maintained that R. Jose holds that it does not override the Sabbath, while here it is shown that according to R. Jose it does override it; while in the case of the latter he maintained that the Sages hold that it does not override the Sabbath, from here it might be inferred that according to their view it does.
- (29) Apparently we can.
- (30) While here it is stated that it does not override it.
- (31) Since the Rabbis here admit that the music at the sacrifice overrides the Sabbath while R. Joseph maintained that according to their view it does not override it.
- (32) V. p. 240, n. 11.
- (33) II Chron. XXIX, 27. Thus the other instruments no less than the trumpets sounded at the time of sacrifice, make 'the song of the Lord'; v. next note.
- (34) II Chron, V, 13, where no instrumental music is mentioned. 'The trumpeters' refers not to the players of the instruments that accompanied the singing, but to those who sounded the trumpets at the time of sacrifice. Hence it was 'the singers' alone who made here the music (V. Rashi).
- (35) Who holds that the vocal music was an essential feature of the Temple service.
- (36) Which proves that the instruments were an essential.
- (37) Who stated that the instruments were an essential feature.
- (38) Which, as shown supra, implies that the music was only vocal.
- (39) Separate edd. of the Mishnah read, 'They said: He who' etc.
- (40) The priests and Levites.
- (41) The fifteen steps (mentioned later in our Mishnah) that led from the Court of the Israelites.
- (42) Cf. Mid. II, 5.
- (43) The Gemara infra explains this.
- (44) To ascend to the top, since they were fifty cubits high (v. infra).

(45) This is explained in the Gemara infra.

(46) Owing to the considerable height of the lamps (cf. prev. n.) and the high altitude of the Temple mount on which the court was situated.

(47) Or 'miracle workers', lit., 'men of work' (cf. Sot. IX, 15).

Talmud - Mas. Sukkah 51b

WITH LIGHTED TORCHES IN THEIR HANDS,¹ AND SING SONGS AND PRAISES. AND LEVITES WITHOUT NUMBER WITH HARPS, LYRES, CYMBALS AND TRUMPETS AND OTHER MUSICAL INSTRUMENTS WERE THERE UPON THE FIFTEEN STEPS LEADING DOWN FROM THE COURT OF THE ISRAELITES TO THE COURT OF THE WOMEN, CORRESPONDING TO THE FIFTEEN SONGS OF ASCENTS² IN THE PSALMS.³ IT WAS UPON THESE⁴ THAT THE LEVITES STOOD⁵ WITH THEIR INSTRUMENTS OF MUSIC AND SANG THEIR SONGS. TWO PRIESTS STOOD BY THE UPPER GATE WHICH LEADS DOWN FROM THE COURT OF THE ISRAELITES TO THE COURT OF THE WOMEN, WITH TWO TRUMPETS IN THEIR HANDS. WHEN THE COCK CROWED THEY SOUNDED A TEK'AH [LONG DRAWN-OUT BLAST], A TERU'AH [TREMULOUS NOTE] AND AGAIN A TEK'AH.⁶ WHEN THEY REACHED THE TENTH STEP THEY SOUNDED A TEK'AH, A TERU'AH AND AGAIN A TEK'AH. WHEN THEY REACHED THE COURT⁷ THEY SOUNDED A TEK'AH, A TERU'AH AND AGAIN A TEK'AH.⁸ AND WHEN THEY REACHED THE GROUND⁹ THEY SOUNDED A TEK'AH, A TERU'AH, AND AGAIN A TEK'AH.¹⁰ THEY PROCEEDED, SOUNDING THEIR TRUMPETS, UNTIL THEY REACHED THE GATE WHICH LEADS OUT TO THE EAST. WHEN THEY REACHED THE GATE WHICH LEADS OUT TO THE EAST, THEY TURNED THEIR FACES FROM EAST TO WEST¹¹ AND PROCLAIMED, OUR FATHERS¹² WHO WERE IN THIS PLACE [STOOD] WITH THEIR BACKS TOWARD THE TEMPLE OF THE LORD, AND THEIR FACES TOWARD THE EAST, AND THEY WORSHIPPED THE SUN TOWARD THE EAST,¹³ BUT AS FOR US, OUR EYES ARE TURNED TO THE LORD'. R. JUDAH STATED, THEY USED TO REPEAT [THE LAST WORDS] AND SAY 'WE ARE THE LORD'S AND OUR EYES ARE TURNED TO THE LORD'.

GEMARA. Our Rabbis taught, He who has not witnessed the rejoicing at the place of the Water-Drawing has never seen rejoicing in his life. He who has not seen Jerusalem in her splendour, has never seen a desirable city in his life. He who has not seen the Temple in its full construction has never seen a glorious building in his life. Which Temple?¹⁴ — Abaye, or it might be said, R. Hisda, replied, The reference is to the building of Herod.¹⁵ Of what did he build it? — Rabbah¹⁶ replied, Of yellow and white marble. Some there are who say, With yellow, blue and white marble. The building rose in tiers¹⁷ in order to provide a hold for the plaster. He¹⁸ intended at first to overlay it with gold, but the Rabbis told him, Leave it alone for it is more beautiful as it is, since¹⁹ it has the appearance of the waves of the sea.

It has been taught, R. Judah stated, He who has not seen the double colonnade²⁰ of Alexandria in Egypt²¹ has never seen the glory of Israel. It was said that it was like a huge basilica, one colonnade within the other, and it sometimes held²² twice the number of people that went forth from Egypt.²³ There were in it seventy-one cathedras of gold, corresponding to the seventy-one members of the Great Sanhedrin,²⁴ not one of them containing less than twenty-one²⁵ talents of gold, and a wooden platform in the middle upon which the attendant of the Synagogue stood with a scarf in his hand. When the time came to answer Amen,²⁶ he waved his scarf and all the congregation²⁷ duly responded. They moreover did not occupy their seats promiscuously, but goldsmiths sat separately, silversmiths separately, blacksmiths separately, metalworkers separately and weavers separately, so that when a poor man entered the place he recognized the members of his craft and on applying²⁸ to that quarter obtained a livelihood for himself and for the members of his family.²⁹

Abaye stated, Alexander of Macedon³⁰ slew them all. Why were they so punished? — Because they transgressed this verse: Ye shall henceforth return no more³¹ that way,³² and they did return. When he³³ came and found them reading from The Book, ‘The Lord will bring a nation against thee from afar’,³⁴ he remarked, ‘I³⁵ should have brought my ships in a ten days’ journey, but as a strong wind arose the ships arrived in five days’! He, therefore,³⁶ fell upon them and slew them.

AT THE CONCLUSION OF THE FIRST FESTIVAL DAY etc. What was the GREAT ENACTMENT? — R. Eleazar replied, As that of which we have learnt. Originally [the walls of the Court of the Women] were smooth,³⁷ but [later the Court] was surrounded with a gallery, and it was enacted that the women should sit above and the men below.³⁸

Our Rabbis have taught, Originally the women used to sit within [the Court of the Women] while the men were without, but as this caused levity, it was instituted that the women should sit without and the men within. As this, however, still led to levity, it was instituted that the women should sit above³⁹ and the men below.

But how could they do so?⁴⁰ Is it not written, All this [do I give thee] in writing as the Lord hath made me wise by His hand upon me?⁴¹ — Rab answered, They found a Scriptural verse and expounded it:

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- (1) Throwing them up and catching them again, and performing this feat with four or eight torches throwing up and catching one after the other (Rashi).
 - (2) So with sep. edd. of the Mishnah. Cur. edd. omit ‘SONGS OF’ and insert ‘ASCENTS’ in parenthesis.
 - (3) Pss. CXX-CXXXIV.
 - (4) And not at the side of the altar where they performed at the time of the offering of the sacrifices.
 - (5) At the festivities of the Water-Drawing.
 - (6) This was a call to proceed to draw the water of libation from Siloam.
 - (7) Sc. the floor of the Court of the Women.
 - (8) The last sentence is deleted by Elijah Wilna.
 - (9) Elijah Wilna adds, ‘of the court’.
 - (10) Cur. edd. enclose the last sentence in parenthesis.
 - (11) Thus facing the Temple.
 - (12) In the days of the first Temple.
 - (13) Cf. Ezek. VIII, 16.
 - (14) Lit., ‘what is it (to which the reference is made)’. There were the Temples of Solomon, Nehemiah and Herod.
 - (15) Herod rebuilt the Temple. For a full description cf. Josephus, Ant. XV, 11 v. also B.B. 4a.
 - (16) Cur. edd. in parenthesis, ‘Raba’.
 - (17) Lit., ‘he brought out an edge and brought in an edge’.
 - (18) Herod.
 - (19) On account of the variegated hues of the marble.
 - (20) ** i.e., the basilica-synagogue.
 - (21) From the foundation of the city by Alexander the Great in 332 B.C.E., the Jews formed an important section of the population with their own places of worship and other rights and privileges.
 - (22) Cur. edd. in parenthesis, ‘600,000 X 600,000’.
 - (23) I.e., 1,200,000.
 - (24) Bah read ‘elders’ for ‘members of... Sanhedrin’.
 - (25) The reading ‘twenty-one myriads’ of cur. edd. is deleted by Elijah Wilna.
 - (26) When e.g., the Reader concluded a benediction.
 - (27) To whom owing to the huge size of the Synagogue, the reader's voice was inaudible.
 - (28) For employment.
 - (29) [Whether this is to be identified with the beautiful Synagogue mentioned by Philo is not certain. Krauss S., Synagogale Altertumer, p. 261ff argues that this basilica was no Synagogue but a trading mart where the Jews would

also hold services.]

(30) Var. lec., Trajan (Elijah Wilna). [Trajan is the name given in J. Suk. V, I, and the reference is to the massacre of the Jews in Alexandria under Trajan in 116 recorded by Eusebius. V. Derenbourg, Essai, p. 410ff and Graetz, Geschichte IV, p. 117ff.]

(31) Sc. to Egypt.

(32) Deut. XVII, 16.

(33) The tyrant.

(34) Ibid. XXVIII, 49.

(35) Lit., 'that man'.

(36) Finding in the Scriptural verse and in the kindness of the elements that his expedition was providential.

(37) [So Rashi on basis of reading תלסקה; var. lec. תלסקה '(the floor spacing) was divided (into two sections)'. V. D.S.].

(38) Cf. Mid. II, 5.

(39) On the gallery.

(40) Alter the original structure of the Temple.

(41) I Chron. XXVIII, 19, referring to the construction of the First Temple.

Talmud - Mas. Sukkah 52a

And the land shall mourn, every family apart; the family of the house of David apart, and their wives apart.¹ Is it not, they said, an a fortiori argument? If in the future² when they will be engaged in mourning and the Evil Inclination will have no power over them,³ the Torah⁴ nevertheless says, men separately and women separately, how much more so now⁵ when they are engaged in rejoicing and the Evil Inclination has sway over them.⁶

What is the cause of the mourning [mentioned in the last cited verse]?¹ — R. Dosa and the Rabbis differ on the point. One explained, The cause is the slaying of Messiah the son of Joseph,⁷ and the other explained, The cause is the slaying of the Evil Inclination.

It is well according to him who explains that the cause is the slaying of Messiah the son of Joseph, since that well agrees with the Scriptural verse, And they shall look upon me because they have thrust him through, and they shall mourn for him as one mourneth for his only son;⁸ but according to him who explains the cause to be the slaying of the Evil Inclination, is this [it may be objected] an occasion for mourning? Is it not rather an occasion for rejoicing? Why then should they weep? — [The explanation is] as R. Judah expounded: In the time to come⁹ the Holy One, blessed be He, will bring the Evil Inclination and slay it in the presence of the righteous and the wicked. To the righteous it will have the appearance of a towering hill, and to the wicked it will have the appearance of a hair thread. Both the former and the latter will weep; the righteous will weep saying, 'How were we able to overcome such a towering hill!' The wicked also will weep saying, 'How is it that we were unable to conquer this hair thread!' And the Holy One, blessed be He, will also marvel together with them, as it is said, Thus saith the Lord of Hosts, If it be marvellous in the eyes of the remnant of this people in those days, it shall¹⁰ also be marvellous in My eyes.¹¹

R. Assi stated, The Evil Inclination is at first like the thread of a spider, but ultimately¹² becomes like cart ropes, as it is said, Woe unto them that draw iniquity with cords of vanity, and sin as it were with a cart-rope.¹³

Our Rabbis taught, The Holy One, blessed be He, will say to the Messiah, the son of David (May he reveal himself speedily in our days!), 'Ask of me anything, and I will give it to thee', as it is said, I will tell of the decree etc. this day have I begotten thee, ask of me and I will give the nations for thy inheritance.¹⁴ But when he will see that the Messiah the son of Joseph is slain, he will say to Him, 'Lord of the Universe, I ask of Thee only the gift of life'. 'As to life', He would answer him, 'Your

father David has already prophesied this concerning you', as it is said, He asked life of thee, thou gavest it him, [even length of days for ever and ever].¹⁵

R. 'Awira or, as some say, R. Joshua b. Levi, made the following exposition: The Evil Inclination has seven names. The Holy One, blessed be He, called it Evil, as it is said, For the imagination of man's heart is evil from his youth.¹⁶ Moses called it the Uncircumcised, as it is said, Circumcise therefore the foreskin of your heart.¹⁷ David called it Unclean, as it is said, Create me a clean heart, O Lord,¹⁸ which implies that there is an unclean one. Solomon called it the Enemy, as it is said, If thine enemy¹⁹ be hungry, give him bread²⁰ to eat and if he be thirsty give him water to drink.²¹ For thou wilt heap coals of fire upon his head, and the Lord will reward thee;²² read not, 'will reward thee'²³ but 'will cause it to be at peace with thee.'²⁴ Isaiah called it the Stumbling-Block, as it is said, Cast ye up, Cast ye up, clear the way, take up the stumbling-block out of the way of my people.²⁵ Ezekiel called it Stone, as it is said, And I will take away the heart of stone out of your flesh and I will give you a heart of flesh.²⁶ Joel called it the Hidden One, as it is said, But I will remove far off from you the hidden one.²⁷

Our Rabbis taught: 'But I will remove far off from you the hidden one',²⁷ refers to the Evil Inclination which is constantly hidden in the heart of man; and will drive him into a land barren and desolate²⁸ means, to a place where there are no men for him to attack; with his face toward the eastern sea,²⁸ [implies] that he set his eyes against the First Temple²⁹ and destroyed it and slew the scholars who were therein; and his hinder part toward the western sea²⁸ [implies] that he set his eyes against the Second Temple and destroyed it and slew the scholars who were therein. That his foulness may come up and his ill-savour may come up²⁸ [means] that he leaves the other nations in peace and attacks only Israel.³⁰ Because he hath done great things.²⁸ Abaye explained, Against scholars³¹ more than against anyone;³² as was the case when Abaye heard a certain man saying to a woman, 'Let us arise betimes and go on our way'. 'I will', said Abaye, 'follow them in order to keep them away from transgression' and he followed them for three parasangs across the meadows. When they parted company³³ he heard them say, 'Our company is pleasant, the way is long'.³⁴ 'If it were I',³⁵ said Abaye, 'I could not have restrained myself', and so went and leaned in deep anguish against a doorpost, when a certain old man³⁶ came up to him and taught him: The greater the man, the greater his Evil Inclination.

R. Isaac stated, The [Evil] Inclination of a man grows stronger within him from day to day, as it is said, Only

(1) Zech. XII, 12.

(2) The time alluded to in the text cited.

(3) So that levity is least to be expected.

(4) Sc. Scripture, in the statement 'and their wives apart'.

(5) At the festivities of the Water-Drawing.

(6) And undue levity is most likely.

(7) The precursor of the Messiah ben David, the herald of the true Messianic age.

(8) Zech. XII, 10.

(9) The Messianic age.

(10) E.V., 'Should it'.

(11) Zech. VIII, 6.

(12) If the man continues to yield to temptation.

(13) Isa. V, 18.

(14) Ps. II, 7 and 8.

(15) Ps. XXI, 5.

(16) Gen. VIII, 21.

(17) Deut. X, 16; the heart is the supposed seat of the Evil Inclination.

- (18) Ps. LI, 12.
 (19) The Evil Inclination.
 (20) Sc. the study of the Torah.
 (21) Sc. the study of the Torah.
 (22) Prov. XXV, 21 and 22.
 (23) Yeshalem lak.
 (24) Yashlimenu lak.
 (25) Isa. LVII, 14.
 (26) Ezek XXXVI, 26.
 (27) Joel II, 20; E.V., 'northern one'.
 (28) Ibid.
 (29) Synonymous with sea (cf. Rashi).
 (30) Lit., 'the enemies of Israel', a euphemism.
 (31) Who are 'great' men.
 (32) Does the Evil Inclination act.
 (33) Each one having had to go in a different direction.
 (34) Sc. much as they would have liked to go together they must part company since they had to go in different directions.
 (35) Lit., 'he who hates me', euphemism.
 (36) Tradition identifies the anonymous old man with the spirit of Elijah.

Talmud - Mas. Sukkah 52b

evil all the day.¹ R. Simeon b. Lakish stated, The Evil Inclination of a man grows in strength from day to day and seeks to kill him, as it is said, The wicked watcheth the righteous and seeketh to slay him;² and were it not that the Holy One, blessed be He, is his help, he would not be able to withstand it, as it is said, The Lord will not leave him in his hand, nor suffer him to be condemned when he is judged.³

The school of R. Ishmael taught, If this repulsive wretch⁴ meets thee, drag him to the Beth Hamidrash.⁵ If he is of stone, he will dissolve, if of iron he will shiver into fragments. 'If he is of stone he will dissolve', for it is written, Ho, every one that thirsteth come ye to the water⁶ and it is written, The waters wear the stones.⁷ 'If he is of iron, he will shiver into fragments', for it is written, Is not my word like as fire? Saith the Lord, and like a hammer that breaketh the rock in pieces?⁸

R. Samuel b. Nahmani citing R. Johanan stated, The Evil Inclination entices man in this world and testifies against him in the world to come, as it is said, He that delicately bringeth up his servant from a child shall have him become a manon⁹ at the last,¹⁰ for according to the Atbah¹¹ of R. Hiyya a witness¹² is called¹³ manon.¹⁴ R. Huna pointed out an incongruity: It is written, For the spirit of harlotry hath caused them to err,¹⁵ but is it not also written, [For the spirit of harlotry] is within them?¹⁶ First it only causes them to err, but ultimately it enters into them. Raba observed, First he¹⁷ is called a passer-by, then he is called a guest, and finally he is called a man,¹⁸ for it is said, And there came a passer-by¹⁷ to the rich man, and he spared to take of his own flock and of his own herd, to dress for the guest¹⁷ and then it is written, but took the poor man's lamb and dressed it for the man¹⁷ that was come to him.¹⁹

R. Johanan remarked, There is a small organ in man which satisfies him when in hunger and makes him hunger when satisfied,²⁰ as it is said, When they were starved²¹ they became full etc.²²

R. Hana b. Abba stated: It was said at the schoolhouse, There are four things of which the Holy One, blessed be He, repents that He had created them, and they are the following: Exile, the Chaldeans, the Ishmaelites and Evil Inclination. 'The Exile', since it is written, Now, therefore, what

do I here, saith the Lord, seeing that My people is taken away for naught etc.;²³ ‘the Chaldeans’, since it is written, Behold the land of the Chaldeans — this is the people that was not;²⁴ ‘the Ishmaelites’, since it is written, The tents of the robbers²⁵ prosper, and they that provoke God are secure since God brought them with His hand;²⁶ ‘the Evil Inclination’, since it is written, [And I will gather her that is driven away] and her that I have afflicted.²⁷

R. Johanan remarked, Were it not for [the declarations in] the following three Scriptural verses,²⁸ the feet of the enemies of Israel²⁹ would have sunk. One is the verse, And her that I have afflicted;³⁰ the other is the verse, Behold, as the clay in the potter's hand, so are ye in My hand, O House of Israel;³¹ and the third, And I will take away the heart of stone out of your flesh, and I will give you a heart of flesh.³² R. Papa observed, [This may be derived] from the following verse also, And I will put My spirit into you.³³

And the Lord showed me four craftsmen.³⁴ Who are these ‘four craftsmen’? — R. Hana b. Bizna citing R. Simeon Hasida replied: The Messiah the son of David, the Messiah the son of Joseph, Elijah and the Righteous Priest.³⁵ R. Shesheth objected,³⁶ If so, was it correct to write, These³⁷ are the horns which scattered Judah,³⁸ seeing that they came to turn [them] back?³⁹ — The other answered him, Go to the end of the verse: These then are come to frighten them, to cast down the horns of the nations, which lifted up their horns against the Land of Judah, to scatter it⁴⁰ etc. Why, said R. Shesheth to him, should I argue with Hana in Aggada?⁴¹

And this shall be peace: when the Assyrian shall come into our land, and when he shall tread in our palaces, then shall we raise up against him seven shepherds and eight princes among men.⁴² Who are the ‘seven shepherds’? — David in the middle, Adam, Seth and Methuselah⁴³ on his right, and Abraham, Jacob and Moses⁴⁴ on his left. And who are the ‘eight princes among men’? — Jesse, Saul, Samuel, Amos, Zephaniah, Zedekiah, the Messiah, and Elijah.⁴⁵

FOUR LADDERS etc. A Tanna taught, the height of a candlestick was fifty cubits.

AND FOUR YOUTHS DRAWN FROM THE PRIESTLY STOCK IN WHOSE HANDS WERE HELD JARS OF OIL CONTAINING ONE HUNDRED AND TWENTY LOG. It was asked: Were there one hundred and twenty log for⁴⁶ all of them or one hundred and twenty log for each? — Come and hear: With jars of oil in their hands, each of thirty log making a total of one hundred and twenty log.

A Tanna taught, And they⁴⁷ were superior⁴⁸ to the son of Martha the daughter of Boethus.⁴⁹ It was said of the son of Martha the daughter of Boethus, that he⁵⁰ could take⁵¹ two sides of a huge ox which cost one thousand zuz and walk with them,⁵² heel to toe,⁵³ but the Sages would not permit him to do so because In the multitude of the people is the King's glory.⁵⁴ In what respect, however, were they⁵⁵ superior? If you will say because of the weight do not those⁵⁶ weigh more?⁵⁷ — The fact is that in that case there was an ascent every four [cubits length of which rose only to a height of about one cubit]⁵⁸ so that it was far from being perpendicular, while here there were ladders which were almost perpendicular.⁵⁹

AND THERE WAS NOT A COURTYARD IN JERUSALEM. A Tanna taught,

(1) Gen. VI, 5; as the days go on the evil increases.

(2) Ps. XXXVII, 32.

(3) Ibid. 33.

(4) The Evil Inclination.

(5) The schoolhouse, i.e., overcome it by your application to study.

(6) Isa. LV, 1; sc. the Torah.

- (7) Job XIV, 19.
- (8) Jer. XXIII, 29. [This can also be rendered: 'like the hammer which the (granite) rock (against which it is struck) breaketh; the Evil Inclination being compared to an iron hammer and the Beth Hamidrash to a granite rock, v. Tosaf.].
- (9) מַנּוּן E.V., 'master'.
- (10) Prov. XXIX, 21.
- (11) A form of arrangement of the letters of the alphabet in groups of two, each group corresponding to the numerical value of ten (e.g. ב"ה, א"ט) or a hundred (e.g. כ"פ, י"צ) while nun which in the tens has no corresponding letter is grouped with he which in the units has no corresponding letter.
- (12) סַהַדָּה sahadah.
- (13) Since the letters מ and ו correspond to ד and ט and each נ corresponds to a ה.
- (14) מַנּוּן. מ = ד, נ = ה, ו = ט, ז = ה.
- (15) Hos. IV, 12; the cause of the error thus being external.
- (16) Ibid. V, 4; i.e., internal.
- (17) Sc. the Evil Inclination.
- (18) Sc. an inmate, an occupier of the house.
- (19) II Sam. XII, 4.
- (20) The more one yields to one's passions the more mastery they gain. Cf. 'the appetite comes with the eating'.
- (21) Kemar'itham, apparently compared with the rt. of ra'ab ('to hunger') or ra' ('bad', 'lean'). E.V. 'fed'.
- (22) Hos. XIII, 6.
- (23) Isa. LII, 5.
- (24) Ibid. XXIII, 13; i.e., it were better if they had never existed.
- (25) Identified with the Arabs (Ishmaelites) who dwell all their lives in tents.
- (26) Job XII,6 E.V., 'in whatsoever God bringeth into their hand'.
- (27) Mic. IV, 6; by creating the Evil Inclination.
- (28) Which imply that God is responsible for the sins of His people.
- (29) Euphemism for Israel.
- (30) Mic. IV, 6; by creating the Evil Inclination.
- (31) Jer. XVIII, 6.
- (32) Ezek. XXXVI, 26.
- (33) Ibid. 27.
- (34) Zech. II, 3.
- (35) Identified in Gen. R. XLIII with Melchizedek. [MS.M. reads: Melchizedek. He represented the best type of Monotheist of the non-Jewish race].
- (36) [Read with MS.M.: demurred, מִתְקִיף לָהּ].
- (37) Presumably 'the craftsmen'.
- (38) Zech. II, 4, Which shows that it refers to enemies of Israel.
- (39) MS.M.: to rehabilitate them.
- (40) Zech. ibid., which shows that the 'horns' refer to the enemies of Israel and not to the craftsmen.
- (41) He admitted defeat at the hands of an expert in homiletics.
- (42) Mic. V, 4.
- (43) Non-Jews.
- (44) Jews.
- (45) The Yalkut and Ein Jacob have Elijah before Messiah. Cf. Mal. III, 23.
- (46) Cf. Bah.
- (47) The youths, who were able to carry the heavy weight of oil mentioned.
- (48) In strength.
- (49) Boethus was the High Priest whose daughter Martha married Joshua b. Gamala, the institutor of the school system in Palestine, and who with her wealth bribed Agrippa II to appoint him High Priest, c. 64. She was a widow when she married Joshua and the reference here may be to a son of her first marriage.
- (50) Who was a priest.
- (51) Up the ascent to the altar.
- (52) Despite their heavy weight.

(53) I.e., in a stately and slow manner.

(54) Prov. XIV, 28; one ox had to be carried by twenty-four priests (cf. Yoma 26b).

(55) The youths, who were able to carry the heavy weight of oil mentioned.

(56) The two sides of an ox.

(57) Than thirty log.

(58) The total length of the ascent being thirty-two cubits and the height of the altar only nine cubits.

(59) Needing greater physical effort to ascend them even though the weight one carried was less.

Talmud - Mas. Sukkah 53a

A woman could¹ sift wheat by the illumination of the place of the Water-Drawing.

MEN OF PIETY AND GOOD DEEDS, etc. Our Rabbis have taught, Some of them, used to say,² 'Happy our youth that has not disgraced our old age'. These were the men of piety and good deeds. Others used to say, 'Happy our old age which has atoned for our youth'. These were the penitents. The former and the latter, however, said, 'Happy he who hath not sinned, but let him who hath sinned return and He will pardon him.'³

It was taught, Of Hillel the Elder, It was said that when he used to rejoice at the Rejoicing at the place of the Water-Drawing, he used to recite thus, 'If I am here, everyone is here; but if I am not here, who is here?'⁴ He also used to recite thus, 'To the place that I love, there My feet lead me: if thou wilt come into My House, I will come into thy house; if thou wilt not come to My House, I will not come to thy house, as it is laid, In every place where I cause My name to be mentioned, I will come unto thee and bless thee'.⁵

He⁶ moreover once saw a skull floating upon the face of the water. 'Because', he said to it, 'thou didst drown others, they have drowned thee, and they that drowned thee shall be drowned too'.⁷

R. Johanan stated, A man's feet are responsible for him; they lead him to the place where he is wanted.⁸

There were once two Cushites⁹ who attended on Solomon, and these were Elihoreph and Ahyah, the sons of Shisha, scribes,¹⁰ of Solomon. One day Solomon observed that the Angel of Death was sad. 'Why', he said to him, 'art thou sad?' — 'Because', he answered him, 'they¹¹ have demanded from me the two Cushites who sit here'.¹² [Solomon thereupon] gave them in charge of the spirits¹³ and sent them to the district of Luz.¹⁴ When, however, they reached the district of Luz¹⁵ they died. On the following day he observed that the Angel of Death was in cheerful spirits. 'Why', he said to him, 'art thou cheerful?' — 'To the place', the other replied, 'where they expected them from me, thither didst thou send them!'¹⁶ Solomon thereupon uttered the saying, 'A man's feet are responsible for him; they lead him to the place where he is wanted'.

It was taught: They said of R. Simeon b. Gamaliel that when he rejoiced at the Rejoicing at the place of the Water-Drawing, he used to take eight lighted torches [and throw them in the air] and catch one and throw one and they did not touch one another;¹⁷ and when he prostrated himself, he used to dig his two thumbs in the ground, bend down,¹⁸ kiss the ground, and draw himself up again,¹⁸ a feat which no other man could do, and this is what is meant by Kidah.¹⁹

Levi showed in the presence of Rabbi what Kidah is and as a result, became lame.²⁰ But was this the cause of his [lameness]? Did not R. Eleazar in fact state, One should never cast reproach against Providence, for a great man cast reproach against Providence and was as a result rendered lame, and he was²¹ Levi?²² Both the former and the latter were the cause [of his lameness].²³

Levi²⁴ used to juggle in the presence of Rabbi²⁵ with eight knives, Samuel before King Shapur²⁶ with eight glasses of wine,²⁷ and Abaye before Rabbah²⁸ with eight eggs or, as some say, with four eggs. It was taught: R. Joshua b. Hanania stated, When we used to rejoice at the place of the Water-Drawing, our eyes saw no sleep. How was this? The first hour [was occupied with] the daily morning sacrifice; from there [we proceeded] to prayers; from there [we proceeded] to the additional sacrifice, then the prayers to the additional sacrifice, then to the House of Study, then the eating and drinking, then the afternoon prayer, then the daily evening sacrifice, and after that the Rejoicing at the place of the Water-Drawing [all night]. But it cannot be so!²⁹ For did not R. Johanan rule, He who says, 'I take an oath not to sleep for three days' is to be flogged³⁰ and he may sleep forthwith?³¹ — The fact is that what was meant was this: 'We did not enjoy a proper sleep', because they dozed on one another's shoulder.

FIFTEEN STEPS. R. Hisda said to a certain Rabbi who was arranging his Aggadas before him,³² 'Have you heard in correspondence to what David composed his fifteen Songs of Ascent?'³³ — 'Thus', the other replied, 'said R. Johanan: When David dug the Pits³⁴ the Deep rose up and threatened to submerge the world, and David thereupon uttered the fifteen Songs of Ascent and caused its waves to subside'. But if so, [asked R. Hisda,] ought it not to be Songs of Descent, instead of Ascent? — 'Since you have reminded me', the other replied '[I may say that] it was stated thus: When David dug the Pits, the Deep arose and threatened to submerge the world. "Is there anyone", David enquired, "who knows whether it is permitted to inscribe the [Ineffable] Name

(1) Cf. Tosaf. a.l.

(2) In the course of their praises.

(3) Tosef. Sukkah IV, 2.

(4) Ibid. IV, 3; 'I' referring to God (Rashi) or Israel (T.J. cf. Tosaf. a.l.).

(5) Ex. XX, 21; all the personal pronouns in the passage referring to the divine presence.

(6) Hillel.

(7) Cf. Aboth II, 6; an expression of the idea of Divine Retribution.

(8) By Death.

(9) 'Ethiopians' or (with Rashi) 'handsome men', as the Rabbis render the noun in Num. XII, 1.

(10) I Kings IV, 3.

(11) In heaven.

(12) Sc. death has been decreed against them.

(13) Over whom Solomon had dominion (cf. Meg. 11b, on I Chron. XXIX, 23).

(14) To save them from death. V. Gen. XXVIII, 19 and Judg. I, 23. Owing probably to the identification of this word with the one meaning 'the indestructible bone of the vertebra' (Lev. R., XVIII) tradition says that the Angel of Death had no power in Luz (v. Sot. 46b).

(15) And were still at the gate.

(16) It was decreed that they should die at the gate of Luz.

(17) A form of juggling.

(18) While still leaning on them.

(19) A form of prostration mentioned in Scripture, translated 'bowed their heads' (Ex. IV, 31). The feat consisted in the leverage of the body without bending or using the hands.

(20) The tremendous strain dislocated his thigh.

(21) Lit., 'and who was he?'

(22) V. Ta'an. 25a.

(23) His reproach of God was the Divine cause, and his attempt to perform Kidah the occasion. Cf. 'the ox dropped whets the knife' (Shab. 32a).

(24) On the occasion of the Rejoicing at the Water-Drawing.

(25) R. Judah I, the Patriarch, who was always in a melancholy mood, sorrowing for Israel's suffering and persecution, and whom his disciples were anxious to cheer.

(26) Shapur I, King of Persia, with whom Samuel was on such terms of friendship that the latter was sometimes called

King Shapur, cf. B.B. 115a (Sonc. ed., p. 475. n. 8).

(27) Without spilling any of their contents.

(28) Cur. edd. in parenthesis 'Raba'.

(29) That they had no sleep during all the days devoted to the rejoicings of the Water-Drawing.

(30) For taking a false oath, since it is impossible to go three days without sleep.

(31) Shebu. 25a.

(32) [MS.M.: before R. Johanan].

(33) Pss. CXX-CXXXIV.

(34) R. Johanan disagrees with the previous view that the Pits were a natural formation dating from the Creation.

Talmud - Mas. Sukkah 53b

upon a sherd, and cast it into the Deep that its waves should subside?" There was none who answered a word. Said David, "Whoever knows the answer and does not speak, may he be suffocated". Whereupon Ahitophel¹ adduced an a fortiori argument to himself: "If, for the purpose of establishing harmony between man and wife, the Torah said, Let My name that was written in sanctity² be blotted out by the water,³ how much more so may it be done in order to establish peace in the world!" He, therefore, said to him, "It is permitted!" [David] thereupon inscribed the [Ineffable] Name upon a sherd, cast it into the Deep and it subsided sixteen thousand cubits. When he saw that it had subsided to such a great extent, he said, "The nearer it is to the earth, the better the earth can be kept watered" and he uttered the fifteen Songs of Ascent and the Deep reascended fifteen thousand cubits and remained one thousand cubits [below the surface]'. Ulla remarked, Deduce therefrom that the thickness of the earth's surface is one thousand cubits.⁴ But do we not see that one has but to dig a little for the waters to emerge? — R. Mesharsheya answered, That⁵ is due to the high level⁶ [of the source] of the Euphrates.⁷

TWO PRIESTS STOOD BY THE UPPER GATE WHICH LEADS DOWN etc. R. Jeremiah asked, [What is meant by] 'THE TENTH STEP'? Does it mean that they descended five [of the fifteen] and stood upon the remaining ten, or rather that they descended ten and stood upon the five? — It cannot be decided.⁸

Our Rabbis taught, Since it is said, And their faces toward the east,⁹ is it not obvious that their backs were toward the Temple of the Lord?⁹ What then is the import of the statement, 'their backs were toward the Temple of the Lord'? It teaches that they uncovered themselves and committed there a nuisance.

WE ARE THE LORD'S AND OUR EYES ARE TURNED TO THE LORD etc. But can it be so? Did not R. Zera in fact rule, He who repeats Shema', Shema'¹⁰ is as though he said Modim, Modim [and he is silenced]?¹¹ — The fact is that it was this that they used to say, "They worshipped the sun toward the east" but as for us we give thanks unto the Lord, and to the Lord do our eyes hope'.¹²

MISHNAH. THEY NEVER SOUNDED LESS THAN TWENTY-ONE BLASTS IN THE TEMPLE,¹³ AND NEVER MORE THAN FORTY-EIGHT. EVERY DAY THEY BLEW TWENTY-ONE BLASTS¹⁴ IN THE TEMPLE, THREE AT THE OPENING OF THE GATES,¹⁵ NINE AT THE DAILY MORNING SACRIFICE,¹⁶ AND NINE AT THE DAILY EVENING SACRIFICE. AT THE ADDITIONAL SACRIFICES¹⁷ THEY SOUNDED AN ADDITIONAL NINE; AND ON THE EVE OF THE SABBATH THEY ADDED SIX, THREE AS A SIGN TO THE PEOPLE TO CEASE FROM WORK AND THREE TO MARK A DISTINCTION BETWEEN THE HOLY AND THE PROFANE.¹⁸

ON THE EVE OF THE SABBATH IN THE INTERMEDIATE DAYS OF THE [SUKKOTH] FESTIVAL, THERE WERE [THEREFORE] FORTY-EIGHT BLASTS, [VIZ.,] THREE AT THE

OPENING OF THE GATES,¹⁵ THREE AT THE UPPER GATE,¹⁹ THREE AT THE LOWER GATE,²⁰ THREE AT THE WATER-DRAWING, THREE AT THE ALTAR,²¹ NINE AT THE DAILY MORNING SACRIFICE, NINE AT THE DAILY EVENING SACRIFICE, NINE AT THE ADDITIONAL SACRIFICES, THREE AS A SIGN TO THE PEOPLE TO CEASE FROM WORK, AND THREE TO MARK A DISTINCTION BETWEEN THE HOLY AND THE PROFANE.¹⁸ GEMARA. Our Mishnah does not agree with R. Judah, for it has been taught: R. Judah ruled, The minimum number of blasts is seven, and the maximum sixteen.²² What is the basic principle of their dispute? — R. Judah is of the opinion that Teki'ah, Teru'ah and Teki'ah²³ are counted as one, and the Rabbis²⁴ are of the opinion that the Teki'ah and the Teru'ah are separate and distinct notes. What is the reason of R. Judah? — Scripture says, And ye shall sound a Teki'ah Teru'ah,²⁵ which clearly proves that the Teki'ah and the Teru'ah are regarded as one.²⁶ And the Rabbis?²⁷ — That verse is required to teach that the Teru'ah must be preceded and followed by a sustained blast.²⁸ What then is the reason of the Rabbis? — Because it is written, And when the congregation is to be gathered together, ye shall sound a Teki'ah, but not a Teru'ah.²⁹ Now if you could imagine that the Teki'ah and the Teru'ah form one note, would the Divine Law say, 'Perform one half of the commandment, but not the other half'?³⁰ And R. Judah?³¹ — That sounding was a mere signal.³² And the Rabbis? — It was indeed a signal, but the Divine Law³³ made it into a commandment.

Whose view is followed in that which R. Kahana stated, There must be no interval whatever between the Teki'ah and the Teru'ah?³⁴ — In agreement with whose view [you ask]? In agreement with that of R. Judah.³⁵ But³⁶ is not this obvious?

(1) The teacher of David. Cf. Aboth VI, 3 (the Baraitha of R. Meir).

(2) On a scroll. V. Num. V, 23.

(3) Ibid.

(4) Below which are 'the depths beneath'.

(5) The water near the surface.

(6) Lit., 'ladder'.

(7) The Euphrates was reputed to have the highest source of all (Babylonian) rivers, v. Bek. 55a and Obermeyer, p. 56.

(8) Teku, v. Glos.

(9) Ezek. VIII, 16. V. our Mishnah.

(10) In order to avoid any suggestion of Dualism, it was rigidly forbidden to the Reader to repeat the word Shema' (Deut. VI, 4), or the word modim ('we give thanks') in the 'Amidah. (Ber. 33b).

(11) Here also he appears to repeat the word God twice.

(12) [Since each mention of the name of the Lord has reference to a different context, the suggestion of dualism does not arise].

(13) On any day.

(14) I.e., seven quavering sounds (teru'ahs) each of which was preceded and followed by a sustained one (teki'ah).

(15) Of the Temple court.

(16) When its libations were offered the Levites sang, and the blasts were blown at three intervals in the songs. At each interval there was one quavering blast preceded and followed by a sustained blast (cf. Tamid VII, 3).

(17) On New Moons, Sabbaths and Festivals.

(18) The Holy Sabbath and the profane weekdays.

(19) The Nikanor Gate; v. Mishnah supra 51b.

(20) That led out to the East.

(21) When they set the willow-branches at the side of the altar, v. supra 45a.

(22) Tosef. Sukkah IV, 10. In Zuckermendel's edition, the reading is thirteen instead of sixteen.

(23) The Teki'ah is a long drawn out sound and the Teru'ah a tremulous, quavering note.

(24) In our Mishnah.

(25) Num. X, 5; E.V., 'And when ye blow an alarm'.

(26) So Rashal. Cur. edd. in parenthesis, 'And it is written, an alarm they shall blow. How is this possible? By regarding the Teki'ah and the Teru'ah as one'.

- (27) How, in view of this text can they maintain that the Teki'ah and the Teru'ah are regarded as separate blasts?
- (28) Since in this verse Teki'ah precedes Teru'ah, and in another it follows it (cf. R. H. 34a). Cur. edd. in parenthesis insert, 'And whence does R. Judah deduce the necessity of a sustained blast preceding and following the Teru'ah? — He deduces it from the expression, a second time' (Num. X, 6).
- (29) Num. X, 7; E.V., 'Ye shall blow, but ye shall not sound the alarm'.
- (30) Hence their opinion that the Teki'ah and the Teru'ah are independent blasts.
- (31) How, in view of this argument, does he justify his statement?
- (32) For the camp. As it had no religious significance its incompleteness did not matter.
- (33) By commanding its use.
- (34) 'Ar. 10a.
- (35) Who regards the three notes as one.
- (36) Cur. edd. in parenthesis, 'if R. Judah'.

Talmud - Mas. Sukkah 54a

— [No.] As it might have been said that it is also in agreement with the view of the Rabbis, and that its purpose¹ was to exclude the view of R. Johanan who laid down that if a man heard the nine Teki'ahs² in nine hours³ during the day he has still fulfilled his obligation, therefore he informed us [that it agrees only with the view of R. Judah]. Might it not be suggested that it is indeed so?⁴ — If it were so,⁵ what could be meant by 'no interval whatever'?

ON THE EVE OF THE SABBATH IN THE INTERMEDIATE DAYS OF THE FESTIVAL etc. But [the sounding of the trumpet] on the tenth step⁶ he does not mention. In agreement with whose view then is our Mishnah? — It is in agreement with that of R. Eliezer b. Jacob, for it has been taught: Three blasts on the tenth step. R. Eliezer b. Jacob ruled, Three at the altar. He⁷ who ruled three on the tenth step omits the three at the altar; and he⁸ who ruled three at the altar omits the three upon the tenth step.

What is the reason of R. Eliezer b. Jacob? — Since one sounded the trumpet for the opening of the gates, why should one sound it on the tenth step? Is it not a gate!⁹ It is, therefore, preferable that the trumpet should be sounded at the altar. The Rabbis, however, are of the opinion that since one sounds the trumpet for the Water-Drawing,¹⁰ why should one sound it at the altar?¹¹ It is, therefore, preferable to sound it upon the tenth step.¹²

When R. Aha b. Hanina came from the South, he brought a Baraitha with him [which read:] And the sons of Aaron the priests shall blow with trumpets.¹³ Surely there was no need to state explicitly 'shall blow', since it is already written, Ye shall blow with the trumpets over your burnt-offerings and over the sacrifices of your peace-offerings.¹⁴ Why then was it stated, 'shall blow'? [To teach you that] the sounding of the trumpets is throughout in accordance with the number of the additional offerings.¹⁵ He¹⁶ taught this [Baraitha] and he also explained it to mean that the trumpet is to be sounded¹⁷ for every single additional offering.¹⁸

We have learnt, ON THE EVE OF THE SABBATH IN THE INTERMEDIATE DAYS OF THE FESTIVAL THERE WERE [THEREFORE] FORTY-EIGHT BLASTS. Now if it were so,¹⁹ why was it not stated²⁰ that on the Sabbath of the Festival²¹ it was possible to have fifty-one blasts?²² — R. Zera answered, Because the trumpet was not sounded at the opening of the gates on the Sabbath.²³

Who is this, Raba exclaimed, who is not concerned about the flour [he grinds out]?²⁴ [The answer is untenable], firstly, because we have learnt EVERY DAY²⁵ and, secondly, even if there were²⁶ the same number,²⁷ it should still have been stated that 'on the Sabbath of the Festival they blew forty-eight blasts' since from this statement one could make two deductions, that of R. Eliezer b.

Jacob²⁸ and that of R. Aha b. Hanina.²⁹ The fact, however, is, Raba explained, [that the reason³⁰ is] because the trumpet was not sounded for the Water-Drawing on the Sabbath,³¹ so that³² the number was diminished much.³³

But³⁴ why was not the New Year that fell on a Sabbath mentioned³⁵ seeing that on it there are three additional sacrifices: The additional offering of the New Year, the additional offering of the New Moon, and the additional offering of the Sabbath?³⁶ — It was necessary to teach the instance of the eve of the Sabbath in the Intermediate Days of the Festival in order to inform us that the law is in agreement with R. Eliezer b. Jacob.³⁷ Was it then asked why the one was not mentioned instead of the other? [The question in fact is] why is not the one mentioned as well as the other?³⁸ — [The Tanna of our Mishnah] might have mentioned some and omitted others. But what else did he omit to justify this omission also?³⁹ — He omitted the instance of the eve of Passover.⁴⁰

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- (1) In stating that there must be 'no interval'.
 - (2) Of the New Year (v. R.H. 34b).
 - (3) I.e., at long intervals.
 - (4) That R. Kahana's statement agrees also with the view of the Rabbis and excludes only that of R. Johanan.
 - (5) That in agreement with the Rabbis, short intervals are permitted.
 - (6) Of the Temple court; v. Mishnah supra 51b.
 - (7) Sc. the Rabbis.
 - (8) R. Eliezer.
 - (9) Of course it is.
 - (10) The rejoicing at which is the real cause of all the extra soundings of the trumpet on the Festival (Rashi).
 - (11) I.e., where the sounding might appear to be due to the willow-branch ceremony.
 - (12) Which makes it more evident that it is specially sounded on account of the Water-Drawing, as no other rite is connected with the tenth step.
 - (13) Num. X, 8.
 - (14) Num. X, 10.
 - (15) This is explained presently.
 - (16) R. Aha b. Hanina.
 - (17) The prescribed number of blasts.
 - (18) If the day is, for instance, both a Sabbath and a Festival, the prescribed number of nine blasts must be sounded for each of the two additional offerings.
 - (19) As R. Aha b. Hanina interpreted.
 - (20) In giving the maximum number possible.
 - (21) Since there are two additional sacrifices, that of Sabbath and that of the Festival.
 - (22) Three more than on the Sabbath eve (according to R. Judah) on account of the second additional offering, after deducting the special six sounded on Sabbath eve.
 - (23) So that there were three less than on the Sabbath eve.
 - (24) A criticism of R. Zera: 'He does not care what answer he gives'.
 - (25) Including the Sabbath day. If on the Sabbath no blasts were sounded at the opening of the gates the number on that day would have been less than the number so given in our Mishnah.
 - (26) On the Sabbath and on the Sabbath eve.
 - (27) Forty-eight.
 - (28) That the blowing of the trumpets was upon the altar and not on the tenth step, as our Mishnah goes on to explain.
 - (29) That the trumpet was sounded for every additional offering.
 - (30) Why the Sabbath was not mentioned.
 - (31) Since the water was drawn on the Sabbath eve (v. supra 48b).
 - (32) On the Sabbath.
 - (33) Those of the upper gates and the lower gates and the altar, besides those that served as a sign to cease work and to mark the distinction between the holy and the profane.
 - (34) According to R. Aha who maintains that each additional offering was accompanied by additional blasts.

(35) Among the maxima in our Mishnah.

(36) Making a total of forty-eight: The twenty-one daily blasts and the twenty-seven for the three additional sacrifices.

(37) As stated supra, that no blasts were sounded on the tenth step.

(38) Lit., 'let him teach this and let him teach that'.

(39) The answer that he mentioned some and omitted others is valid only if it can be shown that other instances beside the one under discussion have also been omitted.

(40) The sacrifice of the Paschal Lamb was performed by three groups of the people, each one reading the Hallel three times and sounding three blasts on the trumpet each time, making a total of twenty-seven blasts (cf. Pes, 64a). which added to the twenty-one blasts sounded daily, amounts to forty-eight.

Talmud - Mas. Sukkah 54b

If [the omission is to be justified] on account of the omission of the eve of the Passover, [the latter, it may be pointed out], is no omission, for this statement¹ is made according to² R. Judah who stated, Never in the life of the third group did they reach the verse, I love the Lord, for he heareth my voice,³ since the people composing the group were few in number.⁴ But⁵ did you not say that the earlier part of our Mishnah is not in agreement with R. Judah?⁶ — Is it not possible that our Tanna agrees with R. Judah on one point⁷ though he disagrees with him on another point?⁸ What else then was omitted that we might say that this also was similarly omitted? — The other omission was the eve of the Passover which fell on the eve of a Sabbath, when six blasts are to be subtracted⁹ and six¹⁰ are to be added.

AND NEVER MORE THAN FORTY-EIGHT. No? But is there not the eve of the Passover which falls on the Sabbath, on which, if the statement is in agreement with R. Judah, there were fifty-one blasts, and if it is in agreement with the Rabbis¹¹ there were fifty-seven?¹² — [Our Mishnah] mentioned only those which recur annually, but does not mention the case of the eve of the Passover which falls on the Sabbath, since it does not occur every year. Does then the eve of the Sabbath in the Intermediate Days of a Festival occur every year? May it sometimes not happen at all, this being the case¹³ when, for instance, the first day of the Festival coincides with the eve of the Sabbath?¹⁴ — No, when the first day of the Festival would coincide with the eve of the Sabbath, the Festival is postponed.¹⁵ What is the reason?¹⁶ — Because if the first day of the Festival were to fall on the eve of the Sabbath, when would the Day of Atonement [of that year] be? On the [previous] Sunday.¹⁷ Therefore it is postponed.¹⁸

But do we postpone it? Have we not in fact learnt, The fats [of offerings performed on] the Sabbath¹⁹ may be offered on the Day of Atonement,²⁰ and R. Zera furthermore stated, When I was²¹ in the school of Rab in Babylon²² I used to say that that which has been taught, 'If the Day of Atonement fell on the eve of the Sabbath, they did not sound the trumpet,²³ and if it fell at the conclusion of the Sabbath²⁴ they did not recite the Habdalah'²⁵ is agreed to by all,²⁶ but when I came up to Palestine²⁷ I found R. Judah the son of R. Simeon b. Pazzi that he sat at his studies and taught that it was in agreement with R. Akiba only?²⁸ — This is no difficulty since the one statement²⁹ is according to the Rabbis³⁰ and the other³¹ according to 'the Others',³² for it has been taught, 'Others' say, There cannot be more than four weekdays' difference between the Pentecost of one year and the next, and between one New Year and the next,³³ and if the year was prolonged,³⁴ there would be five days.³⁵

An objection was raised.³⁶ If New Moon fell on the Sabbath, the Psalm of the New Moon³⁷ supersedes the Psalm of the Sabbath.³⁸ Now if the law were [as R. Aha stated], why³⁹ should not one say both that of the New Moon and that of the Sabbath?⁴⁰ — R. Safra replied: What is meant by 'supersedes'? That it⁴¹ supersedes it⁴² in the sense of taking precedence over it. But why? [Does not then] that which is constant take precedence over that which is not constant?⁴³ — R. Johanan answered, [The New Moon Psalm was given precedence] in order that people should know that the

New Moon has been fixed⁴⁴ at its proper time.⁴⁵ Do we then use this⁴⁶ as a distinguishing sign? Do we not in fact use another distinguishing sign, as we have learnt:⁴⁷ 'The fats⁴⁸ of the Daily Morning offering were placed on the lower half of the Ascent [of the altar] on its east side,⁴⁹ while those of the additional offerings were placed on the lower half of the Ascent on its west side;⁵⁰ while those of the New Moon were placed beneath the rim of the altar below,'⁵¹

- (1) The maximum of forty-eight blasts on the eve of the Passover.
- (2) Lit., 'this according to whom'.
- (3) Ps. CXVI,1; sc. they did not complete the Hallel even once. The number of blasts in their case was, therefore, no more than three.
- (4) Pes. 64a; most of the people having joined the first, or the second group. Only in the case of these two groups, the offering of whose sacrifices took longer than the singing of the Hallel, owing to their large number, it was necessary to read it a second and a third time.
- (5) For the reading cf. Rashal. Cur. edd., 'surely we have established'.
- (6) Who, contrary to our Mishnah, enumerates a minimum of seven and a maximum of sixteen (v. supra 53b). Now is it likely that the latter clause will be in agreement with his view while the earlier one is not?
- (7) As regards the Passover eve.
- (8) The number of blasts. As this is, of course, possible the instance of the eve of the Passover could not obviously have been cited and, consequently, could not be regarded as an omission.
- (9) From the blasts for the third group, in agreement with R. Judah's statement.
- (10) Of the blast common to every Sabbath eve, the three for ceasing work and the three that served as a mark of distinction between the holy and the profane.
- (11) Who, contrary to R. Judah's statement, maintain that the Hallel was recited three times by the last group also.
- (12) Six more, three for each repetition of the Hallel.
- (13) Lit., 'and how is this to be imagined?'
- (14) The Water-Drawing does not override the first day of the Festival if it is a Sabbath, and the following Sabbath is already the Eighth Day of Solemn Assembly on which the Water-Drawing ceremonial no longer took place.
- (15) By one day. The previous month of Ellul is made to have thirty days instead of twenty-nine, so that the Friday which would have been the fourteenth of Tishri is the thirteenth of the month.
- (16) For the postponement of the first day of the Festival, and consequently, the first of Tishri by one day.
- (17) Since the first day of the Festival is on the fifteenth of Tishri and the Day of Atonement is on the tenth of that month.
- (18) The Day of Atonement was not allowed to fall on a Sunday on account of the difficulties involved. (V. R.H. 20a).
- (19) Sc. the daily evening sacrifice.
- (20) Which immediately follows it. (Shab. XV, 5).
- (21) [So MS.M. V. Shab. 114b, cur. edd. 'we were'.]
- (22) R. Zera was a Babylonian who emigrated to Palestine.
- (23) To warn the people to cease work, since in any case no work was done on that Friday on account of the sanctity of the Day of Atonement.
- (24) Since the Day of Atonement is no less holy than the Sabbath day.
- (25) The prayer of 'distinction' between a holy day and a weekday and between one holy day and another.
- (26) Sc. by R. Ishmael and R. Akiba.
- (27) Lit., 'there'.
- (28) Shab. 114b. Now in any case both the Mishnah and the Baraitha cited prove that the Day of Atonement may fall on a Sunday. How then could it be maintained that if it were to fall on a Sunday it must be postponed?
- (29) Our Mishnah which implies that there is no Intermediate Sabbath every year.
- (30) Who allow the addition of an extra day to Ellul to meet certain exigencies. Hence the postponement.
- (31) The Baraitha which implies that the Day of Atonement can fall on a Sunday.
- (32) Sc. R. Meir who allows no addition of any extra day to a month to meet certain exigencies and, consequently, no postponement.
- (33) I.e., if in one year it falls on a Sunday, in the next it must be on a Thursday, since the twelve months consist of 29 and 30 days alternately or $6 \times (29 + 30) = 354$ days $= 354/7$ weeks $= 50$ weeks and 4 days.

- (34) By the addition of an extra month.
- (35) The additional intercalated month being always twenty-nine days, R.H. 6b.
- (36) Against R. Aha's view (supra p. 54a) that the trumpet was sounded separately for every additional offering of the day.
- (37) Ps. CIV.
- (38) Ps. XCII.
- (39) Since the sounding of the trumpet accompanied the singing of the Psalms.
- (40) I.e., a separate Psalm for each additional offering, in the same manner as there was a separate sounding of the trumpet.
- (41) The Psalm for the New Moon.
- (42) The Sabbath Psalm.
- (43) It is a general principle that that which has the more common incidence takes precedence over that of the less common occurrence. Why then should not the Sabbath Psalm take precedence over that of the New Moon?
- (44) By the Great Beth din in Jerusalem.
- (45) Not every one can see the birth of the New Moon, and the fact that its Psalm was given preference served as an assurance of the official recognition of the date.
- (46) The precedence of the Psalm.
- (47) Cur. edd. in parenthesis, 'it was taught'.
- (48) The term here refers to all parts of the sacrifice.
- (49) Var. lec. 'west side'.
- (50) Var. lec. 'east side'. So also Maimonides.
- (51) Var. lec. 'on the rim of the altar above'. V. Shek. VIII, 8.

Talmud - Mas. Sukkah 55a

and in connection with this R. Johanan stated that [the reason for this¹ was] that people should know that the New Moon has been fixed at its proper time? — Two distinguishing signs were made, so that some might see the one while others might see the other.²

An objection was raised³ [from what] Raba b. Samuel learned: Since it might have been presumed that as the trumpet is sounded for the Sabbath on its own⁴ and for the New Moon on its own⁵ it is also sounded for each additional offering separately.⁶ Scripture, therefore, teaches explicitly, And on your New Moons.⁷ Is not this then a refutation of R. Aha? — It is indeed a refutation. But how is the inference⁸ made? — Abaye answered, Scripture says, 'And on your New Moons', whereby all the months are compared with one another.⁹ R. Ashi answered, It is written, 'your month'¹⁰ and it is written 'On the beginnings of.'¹¹ What month is it that has two beginnings? It is, you must say, that of the New Year,¹² and the Divine Law nevertheless says, 'your month'¹⁰ viz., that it is to be regarded as one.

Moreover it has been taught: What did they recite on the first day of the Intermediate Days?¹³ Ascribe unto the Lord, O ye sons of might.¹⁴ On the second day what did they recite? But unto the wicked God saith.¹⁵ On the third day what did they recite? Who will rise up for me against the evil-doers?¹⁶ On the fourth day what did they recite? Consider, ye brutish among the people.¹⁷ On the fifth day what did they recite? I removed his shoulder from the burden.¹⁸ On the sixth day what did they recite? All the foundations of the earth are moved;¹⁹ and if the Sabbath occurred on any of these days²⁰ 'are moved'²¹ is to be superseded.²² R. Safra assigned to them²³ the mnemonic Humbahi.²⁴ R. Papa assigned to them the mnemonic Humhabi;²⁵ and the mnemonic for you²⁶ is 'the escort of the scribes'.²⁷ Now is not this a refutation of R. Aha b. Hanina?²⁸ — It is indeed a refutation.

But did not R. Aha b. Hanina quote both a Scriptural verse and a Baraita [in support of his view]?²⁹ — Rabina answered, [The meaning of the Baraita is] that the trumpet blasts are

lengthened.³⁰ The Rabbis of Caesarea in the name of R. Aha³¹ stated, It³² means that the number of the trumpeters is to be increased.

And we who keep two days [of the Festival], how do we proceed?³³ — Abaye ruled, The [paragraph for the] second day is to be omitted.³⁴ Raba ruled, [That of] the seventh day is omitted.³⁵ It was taught in agreement with Raba: If the Sabbath falls on one of them³⁶ 'are moved'³⁷ is omitted.

Amemar instituted in Nehardea³⁸ to go back and repeat the previous portions.³⁹

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- (1) The special place for the New Moon sacrificial pieces.
 - (2) Lit., 'he who saw one saw it' etc.
 - (3) To R. Aha's view.
 - (4) Sc. when it is an ordinary Sabbath.
 - (5) Sc. when it occurs on a weekday.
 - (6) Even when Sabbath and New Moon occur on the same day.
 - (7) Num. X, 10. This is explained presently.
 - (8) From Num. X, 10 (cf. prev. n.).
 - (9) Sc. whatever Festivals the day of the New Moon may have, the number of trumpet blasts is always to be the same, i.e., they are to be sounded for one additional offering only.
 - (10) Num. X, 10; i.e., the written form being defective it may be rendered as a sing.
 - (11) The plural form, *ibid.* E.V., 'In the beginnings of your months'.
 - (12) Since its first day is both New Moon and New Year.
 - (13) Of Tabernacles, when the additional sacrifice was being offered.
 - (14) Ps. XXIX, 1. Sc. all the Psalm in which this verse occurs.
 - (15) Ps. L, 16. Sc. the whole Psalm (cf. prev. n.).
 - (16) Ps. XCIV, 16. From this verse to the end of the Psalm (Rashi).
 - (17) Ps. XCIV v, 8. Sc. vv. 8-15 (Rashi).
 - (18) Ps. LXXXI, 7. Sc. all the Psalm.
 - (19) *Ibid.* LXXXII, 5. Sc. all the Psalm.
 - (20) When Ps. XCII had to be read.
 - (21) Sc. Ps. LXXXII which is allotted to the last day.
 - (22) The Psalm that is superseded by the Sabbath Psalm is read on the Sunday and is followed on the subsequent days by the other Psalms in the order given, so that the Psalm for the last day is always the one completely superseded.
 - (23) The Psalms mentioned.
 - (24) A fictitious word composed of the first letters of the verses quoted.
 - (25) Making Ps. LXXXI precede Ps. XCIV, 8-15.
 - (26) To remember who made Humbahi his mnemonic, and who Humhabi.
 - (27) Or 'school teachers' whose quarters are frequented by many people, men and women. Sadra is the Aramaic for 'scribe' or 'school teacher', and 'ambuha', ('an escort') is similar in sound to Humbahi. The mnemonic thus suggests that 'Safra said humbahi'.
 - (28) Who ruled *supra* that for every additional offering of the day there were special blasts, thus requiring also special Psalms while here it is ruled that one Psalm superseded the other.
 - (29) How then could such an authoritative statement be refuted?
 - (30) Not as R. Aha b. Hanina interpreted it. The Baraitha merely says that 'they sound according to the additional offerings'. The explanation that it means separate blasts for each additional offering is R. Aha's alone and his own interpretation might well be refuted.
 - (31) Not to be confused with R. Aha b. Hanina.
 - (32) The Baraitha.
 - (33) The paragraphs of the sacrifices (v. Num. XXVIII) are to be read on the respective days. Since, owing to doubt, two days instead of one, are kept as the first day of the Festival, thus diminishing the Intermediate Days by one, which of the paragraphs is to be omitted?
 - (34) And the others then follow in order.

(35) That of the second to the sixth being moved one day forward.

(36) The days of Tabernacles.

(37) Sc. Ps. LXXXII, i.e., the Psalm of the seventh, which is the last day.

(38) In the case of the Pentateuchal texts dealing with the respective sacrifices on the different days of the Festival, that are included in the additional prayers of the respective days.

(39) Lit., 'to skip'. Sc. on the first day of the Intermediate Days, concerning which there is doubt whether it is the second or the third day of the Festival, the paragraphs relating to the second and the third (Num. XXIX, 17-22) are recited; on the second day which might be the third or the fourth, the paragraphs relating to the third and the fourth (ibid 20-25) are recited; on the third day, which might be the fourth or the fifth, the paragraphs relating to the fourth and fifth (ibid. 23-28) are recited, and so on. None of the paragraphs is thus omitted. This is the custom followed nowadays.

Talmud - Mas. Sukkah 55b

MISHNAH. ON THE FIRST FESTIVAL DAY OF TABERNACLES THERE WERE OFFERED THIRTEEN BULLOCKS, TWO RAMS AND ONE HE-GOAT.¹ FOURTEEN HE-LAMBS² THEREFORE³ REMAINED FOR THE OTHER EIGHT COURSES OF PRIESTS. ON THE FIRST DAY, SIX⁴ OFFERED⁵ TWO EACH AND THE REMAINING [TWO] ONE EACH.⁶ ON THE SECOND DAY⁷ FIVE [COURSES]⁸ OFFERED⁵ TWO EACH AND THE REMAINING [FOUR] ONE EACH.⁶ ON THE THIRD DAY⁹ FOUR [COURSES]¹⁰ OFFERED TWO EACH AND THE REMAINING [SIX] ONE EACH.¹¹ ON THE FOURTH DAY¹² THREE¹³ OFFERED TWO EACH AND THE REMAINING [EIGHT] ONE EACH.¹¹ ON THE FIFTH DAY¹² TW¹³ OFFERED TWO EACH AND THE REMAINING [TEN] ONE EACH.¹¹ ON THE SIXTH DAY¹² ONE¹³ OFFERED TWO AND THE REMAINING [TWELVE] ONE EACH.¹¹ ON THE SEVENTH DAY¹⁴ ALL WERE EQUAL.¹⁵ ON THE EIGHTH DAY¹⁶ THEY AGAIN CAST LOTS¹⁷ AS ON THE OTHER PILGRIM FESTIVALS. IT WAS ENJOINED THAT [THE COURSE] THAT OFFERED BULLOCKS ON ONE DAY SHOULD NOT OFFER THEM ON THE MORROW, BUT THAT THEY SHOULD TAKE THEIR TURNS IN ROTATION.¹⁸

GEMARA. Must we say that our Mishnah¹⁹ represents the view of Rabbi, and not that of the Rabbis, since it has been taught, For the bullock which is offered on the Eighth Day lots are cast as at first,²⁰ these are the words of Rabbi, but the Sages ruled, One of the two courses which did not have a third turn in the bullocks²¹ offered it? — You may even say that it represents the view of the Rabbis,²² for do not two courses also require²³ the casting of lots?²⁴

Whose view is followed in that which has been taught, All the courses repeated²⁵ a second and a third time, with the exception of two courses who repeated a second time but not a third one?²⁶ Must we say that it follows that of Rabbi, and not that of the Rabbis?²⁷ — You may even say that it follows that of the Rabbis, but the statement that²⁸ they did not repeat a third time refers to the bullocks of the Festival.²⁹ What then does this³⁰ teach us?³¹ — It is this that we were taught, that he who offered bullocks on the one day shall not offer them on the morrow, but they must all take their turns in rotation.

R. Eleazar³² stated, To what do those seventy bullocks³³ [that were offered during the seven days of the Festival] correspond? To the seventy nations.³⁴ To what does the single bullock [of the Eighth Day] correspond? To the unique nation.³⁵ This may be compared to a mortal king who said to his servants, 'Prepare for me a great banquet'; but on the last day he said to his beloved friend, 'Prepare for me a simple meal that I may derive benefit from you'.

R. Johanan observed, Woe to the idolaters, for they had a loss and do not know what they have lost.³⁶ When the Temple was in existence the altar atoned for them, but now³⁷ who shall atone for them?

MISHNAH. AT THREE PERIODS IN THE YEAR³⁸ ALL THE COURSES OF THE PRIESTS SHARED EQUALLY IN THE FESTIVAL SACRIFICES³⁹ AND IN THE DIVISION OF THE SHEWBREAD.⁴⁰ ON PENTECOST⁴¹ THEY USED TO SAY TO THE PRIEST,⁴² 'HERE IS UNLEAVENED BREAD FOR YOU,⁴³ HERE IS LEAVENED BREAD'.⁴⁴ THE COURSE OF PRIESTS WHOSE PERIOD OF SERVICE WAS FIXED [FOR THAT FESTIVAL WEEK]⁴⁵ OFFERED THE DAILY OFFERING, VOW-OFFERINGS AND FREEWILL-OFFERINGS AND ALL OTHER CONGREGATIONAL OFFERINGS,⁴⁶ AND IT OFFERED THEM ALL.⁴⁷

GEMARA. But are not the emurim⁴⁸ the Most High's?⁴⁹ - R. Hisda replied, [The meaning is], that which is prescribed [to be offered] on the Festivals.⁵⁰

Our Rabbis taught, Whence do we know that all the courses share equally in the sacrifices of the Festival? Since Scripture explicitly stated, And come with all the desire of his soul . . . and minister.⁵¹ As it might be said that the same applies to all the days of the year Scripture explicitly teaches 'From one of thy gates'⁵² [meaning this:] I have said so, [saith the Lord], Only when all Israel enter⁵³ by one gate.⁵⁴

AND IN THE DIVISION OF THE SHEWBREAD. Our Rabbis taught, Whence do we know that all the courses share equally in the division of the shewbread?

(1) As prescribed in Num. XXIX, 13 and 16, a total of sixteen beasts.

(2) Ibid. 13.

(3) Since there were twenty-four courses (v. Ta'an., Sonc. ed., pp. 136 and 142f) of priests all of whom were entitled to share in the Festival sacrifices, and sixteen of these were occupied with the sixteen beasts (ct. n. 7).

(4) Of the eight courses.

(5) Of the fourteen lambs.

(6) A total of fourteen.

(7) When the number of bullocks was reduced by one (cf. Num. XXIX, 17), and only fifteen courses were occupied with the twelve bullocks, two rams and one he-goat.

(8) Of the remaining (24 — 15 =) 9.

(9) When the number of bullocks was again reduced by one. From the second day to the seventh day the number was reduced by one on each successive day (v. Num. XXIX, 17-32).

(10) Of the remaining (24 — 14 =) 10.

(11) A total of fourteen.

(12) Cf. p. 267, n. 15 mut. mut.

(13) Cf. p. 267, n. 16.

(14) When the number of beasts, seven bullocks, two rams, fourteen he-lambs (Num. XXIX, 32) and one he-goat (ibid. 34) was equal to the number of the courses of priests.

(15) Sc. each course offered one beast.

(16) When there was but one bullock, one ram and seven he-lambs to be offered (Num. XXIX, 36) a number that did not suffice to provide even one beast for each course of priests.

(17) As prescribed in Yoma 22a.

(18) So that twenty-two of the courses had three turns with the bullocks and only two had no more than two turns (cf. Rashi a.l.).

(19) Which states ON THE EIGHTH DAY THEY AGAIN CAST LOTS, presumably for all the twenty-four courses.

(20) Sc. by all the twenty-four courses, as if the Festival has just begun, and not merely by those who had only two turns in the bullocks (cf. prev. n. but one).

(21) Cf. supra n. 8.

(22) The Sages.

(23) To determine which of them should have the privilege of offering the bullock of the Eighth Day.

(24) Of course they do.

(25) The offering of a bullock during the seven days of Tabernacles.

- (26) Tosef. Suk. IV, 15.
- (27) Since according to the Rabbis, who regard the offering of the bullock of the Eighth Day as connected with the offerings on the previous seven days, only one course did not offer a third time.
- (28) Lit., 'what'.
- (29) But not to the bullock of the Eighth Day.
- (30) The statement that twenty-two repeated three times and two repeated only twice.
- (31) Is it not obvious that seventy bullocks divided among twenty-four courses means that twenty-two offered three each and the remaining two courses two each?
- (32) Cur. edd. in parenthesis, 'Eliezer'.
- (33) Cf. prev. n. but one.
- (34) Seventy is the traditional number of Gentile nations, and the seventy bullocks are offered to make atonement for them.
- (35) Israel.
- (36) By their destruction of the Temple.
- (37) That it is no longer in existence.
- (38) Passover, Pentecost and Tabernacles.
- (39) Sc. those prescribed for respective Festivals. The word used is emurim which usually signifies that part of the sacrifice which is burnt upon the altar. The Gemara explains this infra.
- (40) If there was a Sabbath during the Festival. Cf. Lev. XXIV, 5-9. The shewbread was removed from the table and distributed among the priests on the Sabbath day (cf. Men. 52b).
- (41) If it happened to be on a Sabbath.
- (42) When he was given his share.
- (43) Sc. shewbread. The twelve loaves of the shewbread were unleavened.
- (44) The two loaves prescribed as a Pentecost offering. These were leavened. Each priest must receive a share from the leavened as well as from the unleavened. It is not enough to give him a larger share in the one to make up for the share due to him in the other (cf. Kid. 53a, Men. 73a).
- (45) Each course officiated in turn for one week during which they offered and received the dues from all the sacrifices of that week.
- (46) That have not been prescribed for the Festival. It is only in the sacrifices that were prescribed for the Festival in question that all the courses have an equal share.
- (47) This apparently superfluous statement is explained in the Gemara infra.
- (48) Rendered in our Mishnah SACRIFICES (cf. supra p. 269, n. 14).
- (49) Burnt upon the altar. How then can they be shared among the priests?
- (50) R. Hisda connects emurim with amur 'stated', 'declared', referring to the sacrifices prescribed to be offered by individuals on a Festival; the festive peace-offerings of the breast and shoulder belonged to the priests, and the burnt-offerings brought on appearing in the Temple of which the hide was given to the priests. V. Hag., Sonc. ed., p. 2, nn. 1-2.
- (51) Deut. XVIII, 6, 7. 'Levite' in this verse refers to the priests. On all other days the offering belonged to the officiating course (cf. Lev. VII, 9).
- (52) Deut. XVIII, 6; emphasis on 'one'.
- (53) I.e., into the one city of Jerusalem.
- (54) Sc. during the Festivals.

Talmud - Mas. Sukkah 56a

From Scripture which teaches, They shall have portion to portion to eat,¹ meaning, as the division of the service [is equal for all], so is the division of the food.² Now what food [could this mean]? If you will say that it means the sacrifices, do we not deduce that from a different verse,³ It shall be the priest's that offers it?⁴ Consequently⁵ it must refer to the shewbread. As one might assume that the same applies also to obligatory offerings that are offered on the Festival, though not on account of the Festival,⁶ Scripture explicitly teaches, Except for that which is sold⁷ according to the fathers' houses;¹ now what is it that the fathers have sold to each other? [The week allotted to each course,

each one having agreed] ‘I shall be in charge in my week and you in your week’.⁸

ON PENTECOST THEY USED TO SAY TO THE PRIEST etc. It was stated, Rab ruled, [The benediction of] the Sukkah⁹ [comes first]¹⁰ and then that of the season.⁹ Rabbah b. Bar Hana ruled, [The benediction of] the season [is first] and then that of the Sukkah. ‘Rab ruled, [The benediction of] the Sukkah [comes first] and then that of the season’, since the obligation of the day is more important. ‘Rabbah b. Bar Hana ruled, [The benediction of] the season [is first]’, since that which is more constant¹¹ precedes that which is less constant.¹² Must we say that Rab and Rabbah b. Bar Hana differ on the same principles as those on which Beth Shammai and Beth Hillel differed? For our Rabbis have taught, These are the points of difference between Beth Shammai and Beth Hillel with regard to [the ritual at] a meal: Beth Shammai rule that one¹³ recites the benediction of the day¹⁴ and then the benediction over the wine, whereas Beth Hillel rule that one recites the benediction over the wine and then the benediction of the day. ‘Beth Shammai rule that one recites the benediction of the day and then the benediction over the wine’, since it is the day which is the cause of the wine being brought,¹⁵ and [moreover] the sanctification of the day comes before the wine is brought,¹⁶ ‘whereas Beth Hillel rule that one recites the benediction over the wine first and then the benediction of the day’, since the wine is the cause of the sanctification being recited.¹⁷ Another reason: The benediction over wine is more common,¹⁸ and the benediction of the day less common,¹⁹ and that which is more common takes precedence over that which is less common.²⁰ Now must we say that Rab²¹ is in agreement with Beth Shammai and Rabbah b. Bar Hana²² with Beth Hillel? — [No,] Rab can answer you, I may uphold my view even according to Beth Hillel, for Beth Hillel maintain their ruling only in that case, since the wine is the cause of the sanctification being recited, but not in this case, since even if there were no benediction of the season, do we not say [the benediction of] the Sukkah?²³ And Rabbah b. Bar Hana can answer you, I may maintain my view even according to Beth Shammai, for Beth Shammai gave their ruling only in that case, since it is the day which is the cause of the wine being brought, but not in this case, since even without a Sukkah do we not recite [the benediction of] the season?²⁴

We have learnt, ON PENTECOST THEY USED TO SAY TO THE PRIEST, ‘HERE IS UNLEAVENED BREAD FOR YOU, HERE IS LEAVENED BREAD’. Now here, surely, the leavened bread is the essential feature [of the Festival]²⁵ and the unleavened bread an unessential one,²⁶ and yet it teaches, ‘HERE IS UNLEAVENED BREAD FOR YOU, HERE IS LEAVENED BREAD’. Is not this then a refutation of Rab?²⁷ — Rab can answer you, This point is one in dispute between Tannas; for it has been taught [elsewhere], ‘Here is unleavened bread for you, here is leavened bread’. Abba Saul, [however] stated, [They said,] ‘Here is leavened bread for you, here is unleavened’.

R. Nahman b. R. Hisda expounded: The law is not according to Rab who said, [First the benediction of] the Sukkah and then [that of] the season, but first [is the benediction of] the season and then [is that of] the Sukkah. R. Shesheth the son of R. Idi however, laid down, First [the benediction of] the Sukkah and then [that of] the season; and the law is that the benediction of Sukkah is first and then follows that of the season.

THE COURSE OF PRIESTS WHOSE PERIOD OF SERVICE WAS FIXED etc., AND ALL OTHER CONGREGATIONAL OFFERINGS. What does [this]²⁸ include? — It includes the bullock brought as a result of a transgression caused by the forgetfulness of the congregation²⁹ and the he-goats brought as an atonement for idolatry.³⁰

AND IT OFFERED THEM ALL. What does this include? — It includes the slack season³¹ of the altar.³² MISHNAH. IF A FESTIVAL FELL NEXT TO THE SABBATH, EITHER BEFORE OR AFTER IT,³³ ALL THE COURSES SHARED EQUALLY IN THE DISTRIBUTION OF THE SHEWBREAD. IF ONE DAY INTERVENED BETWEEN THEM,³⁴ THE COURSE WHOSE

PERIOD OF SERVICE WAS FIXED [FOR THAT WEEK] TOOK TEN [OF THE] LOAVES, WHILE THEY THAT WERE DETAINED³⁵ TOOK TWO.³⁶ ON ALL OTHER DAYS OF THE YEAR THE INCOMING COURSE TOOK SIX LOAVES AND THE OUTGOING COURSE SIX.³³ R. JUDAH STATED, THE INCOMING COURSE TOOK SEVEN AND THE OUTGOING FIVE.³³ THE INCOMING COURSE DIVIDED IT IN THE NORTH, AND THE OUTGOING IN THE SOUTH.³³ [THE COURSE OF] BILGAH³⁷ ALWAYS DIVIDED IT IN THE SOUTH,³³ SINCE THEIR RING³⁸ WAS IMMOVABLE³⁹ AND THEIR ALCOVE⁴⁰ WAS BLOCKED UP.

GEMARA. What is meant by BEFORE and what by AFTER? If you will say that BEFORE refers to the First Day of the Festival and AFTER to the Last Day of the Festival,⁴¹ is not then [the Sabbath referred to] the very Sabbath of the Intermediate Days? But the fact is that BEFORE refers to the Last Day of the Festival and AFTER refers to the First Day of the Festival.⁴² What is the reason?⁴³ — Since the one course⁴⁴ had to arrive early⁴⁵ and the other had to leave late,⁴⁶ the Rabbis made the provision⁴³ in order that they⁴⁷ might have their meals together.

IF ONE DAY INTERVENED.

(1) Deut. XVIII, 8.

(2) Lit., 'eating'.

(3) Lit., 'from there'.

(4) Lev. VII, 9, i.e., the priest who offers it is entitled to its dues.

(5) Since it cannot refer to the ordinary sacrifices.

(6) Obligatory offerings which happen to be offered on the Festival, but are not prescribed for the Festival.

(7) E.V., 'his due'.

(8) I.e., that each course shall officiate for one week in rotation. Hence it is only in the sacrifices that are specially prescribed for the Festival that all the courses have an equal share.

(9) Cf. P.B. p. 232.

(10) If one did not recite the benediction of the season when the Sukkah was made in consequence of which (cf. supra 46a) the benedictions of Sukkah and the season have to be recited on entering the Sukkah for the first time during the Festival.

(11) The benediction of the season is recited at all Festivals.

(12) That of Sukkah is recited during Tabernacles only.

(13) In the course of the recital of the kiddush on Friday nights (cf. P.B. p. 124).

(14) The Sabbath.

(15) If not for the Sabbath there would have been no need at all to bring wine.

(16) I.e., the Sabbath is automatically sanctified at sunset.

(17) Without it the sanctification (kiddush) is not said.

(18) It has to be said whenever one drinks wine.

(19) It occurs only once in seven days.

(20) Ber. 51b.

(21) Who laid down that the obligation of the day is more important.

(22) Who holds that the more constant takes precedence.

(23) Of course we do. Hence it takes precedence on account of the precedence of the obligation of the day.

(24) We do; and since the latter is more constant it takes precedence.

(25) Since it is prescribed for the ritual of the day (cf. Lev. XXIII, 17).

(26) It is the ordinary shewbread of the previous Sabbath.

(27) Since that which is constant, though unessential is mentioned first.

(28) The addition of ALL OTHER.

(29) V. Lev. IV, 13 — 14. If the congregation as a whole erred on the Festival through the forgetfulness of a law.

(30) Committed during the Festival.

(31) פ"ק Lit., 'summer time' or 'summer fruit'. V. Shebu., Sonc. ed., p. 50, n. 3.

(32) When there were not sufficient private offerings to supply the altar, freewill-offerings were offered from the public

funds.

(33) The Gemara infra explains this.

(34) The Sabbath and the Festival.

(35) If the Festival fell, for instance, on a Thursday, and the outgoing course instead of leaving on Friday remained over the Sabbath.

(36) Since they could have left on the Friday which was an ordinary weekday, if they wanted.

(37) V. I Chron. XXIV, 14.

(38) Which was on the north side.

(39) And useless. Twenty-four rings were attached to the floor of the Temple court, corresponding to the number of courses, to hold the necks of the animals sacrificed by each course respectively. Since Bilgah was debarred from officiating (v. infra) their ring was fixed and made immovable.

(40) A sort of niche in which were kept the sacrificial instruments etc. (cf. Mid. IV, 7).

(41) I.e., the first day fell on Friday or the last day fell on Sunday.

(42) I.e., the last day fell on Friday or the first day on Sunday. There was no Intermediate Sabbath, since the Sabbath either immediately preceded the first day or immediately followed the last.

(43) That the outgoing course received a share in the shewbread.

(44) The incoming.

(45) Before the Sabbath.

(46) After the Festival.

(47) The two courses.

Talmud - Mas. Sukkah 56b

But why the extra two?¹ - R. Isaac answered, They were a reward for the closing of the doors.² But [why should not the outgoing course] say to the other, 'Less for less'?³ — Abaye replied, 'A young pumpkin [in hand] is better than a full-grown one [in the field]'.⁴

Rab Judah stated, In the same manner⁵ they⁶ divided the additional offerings.⁷

An objection was raised: 'The outgoing course offered the Daily Morning Sacrifice and the additional offerings, and the incoming course offered the Evening Daily Sacrifice and the censers';⁸ but it does not state, [does it,] that they divided the additional offerings? — That Tanna⁹ does not deal with the question of division.

Rab objected, But the Tanna cited at the school of Samuel does deal with the question of division, and yet does not mention the division of the additional offerings, for at the school of Samuel it was taught: The outgoing course offered the Daily Morning Sacrifice and the additional offerings; the incoming course offered the Daily Evening Sacrifice and the censers; four priests entered there,¹⁰ two from one course and two from the other and they divided the shewbread. But it does not mention that they divided the additional offerings. Is not this a refutation of Rab Judah? It is indeed a refutation. THE INCOMING COURSE DIVIDED IT IN THE NORTH. Our Rabbis taught, The incoming priests divided their shares in the north in order that it should be seen that they were the incoming course, and the outgoing priests divided theirs in the south, so that it should be seen that they were the outgoing course.¹¹

[THE COURSE OF] BILGAH ALWAYS DIVIDED IT IN THE SOUTH. Our Rabbis taught, It happened that Miriam the daughter of Bilgah¹² apostatized and married an officer of the Greek¹³ kings. When the Greeks¹⁴ entered the Sanctuary,¹⁵ she stamped with her sandal upon the altar, crying out, 'Lukos! Lukos!¹⁶ How long wilt thou consume Israel's money! And yet thou dost not stand by them in the time of oppression!' And when¹⁷ the Sages heard of the incident, they made her ring¹⁸ immovable and blocked up her alcove.¹⁹

Some however, say that the course [of Bilgah] was dilatory in coming²⁰ and [that of] Jeshebeab his brother²¹, entered with him and served in their stead. Although the neighbours of the wicked have no profit [from their proximity]²² the neighbours of Bilgah²³ did have profit, since [after the imposition of the penalty, the course of] Bilgah always²⁴ divided their shares in the south, while that of his brother Jeshebeab did it²⁵ in the north.²⁶

It is well according to him who stated²⁷ that his²⁸ course was dilatory in coming, since for this reason the whole course might well be penalized; but according to him who stated²⁹ that it was Miriam the daughter of Bilgah who apostatized, do we [it may be objected] penalize [even a] father on account of his daughter?

Yes, replied Abaye, as the proverb has it, 'The talk of the child in the market-place, is either that of his father or of his mother'.³⁰ May we then penalize the whole course on account of her father or mother? — 'Woe', replied Abaye, 'to the wicked, woe to his neighbour';³¹ it is well with the righteous and well with his neighbour; as it is said, Say ye of the righteous, that it shall be well with him, for they shall eat the fruit of their doings'.³²

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- (1) The question concerns R. Judah. Why, according to him, does the incoming course receive two more loaves than the outgoing one?
 - (2) The incoming course had to close the Temple Gates which the outgoing course had left open.
 - (3) Lit., 'take off for take off', sc. you take one less now and when it is your turn to go out, the next incoming course will in its turn be one less.
 - (4) Proverb. Cf. 'A bird in the hand is worth two in the bush'.
 - (5) As the shewbread.
 - (6) The outgoing and incoming courses.
 - (7) Of the Sabbath, sc. both had equal shares in the skills of the offerings.
 - (8) Of frankincense. Before these were burnt the shewbread could not be eaten.
 - (9) Of the Baraitha cited.
 - (10) The Temple courtyard.
 - (11) Tosef. Sukkah IV.
 - (12) Of the course of Bilgah, although her father's name also might have been Bilgah (v. infra).
 - (13) Sc. Syrian Greek.
 - (14) Cf. prev. n.
 - (15) In 168 B.C.E., during the persecutions of Antiochus IV that culminated in the same year in the Maccabean revolt. [Buchler, *Priester*, p. 76, n. 3 places this incident during the Roman wars, the terms Greek and Roman being frequently interchangeable in the Talmud].
 - (16) **, 'Wolf', name for the altar. [For this expression applied to the altar, with an allusion to its construction and situation rather than to its voraciousness, v. Gen. R. XCIX and Brull, *Jahrbucher* I, p. 63].
 - (17) After the Maccabean victory.
 - (18) Sc. that of her course.
 - (19) The justice of the penalty is discussed infra.
 - (20) When it was their turn to take charge of the Temple service.
 - (21) Cf. I Chron. XXIV, 13.
 - (22) Cf. 'woe to the wicked, woe to his neighbour' (Neg. XII, 6, Num. R. XVIII, 5 and infra).
 - (23) Sc. the course of his brother Jeshebeab.
 - (24) Even on entering.
 - (25) Even when leaving.
 - (26) Cf. Tosef. Suk. III. The north was deemed to be superior to the south.
 - (27) As a reason for the penalty imposed on the course of Bilgah.
 - (28) Bilgah's.
 - (29) As a reason for the penalty imposed on the course of Bilgah.
 - (30) Parents are held responsible for the character and upbringing of their offspring.

(31) The neighbours of the wicked suffer with him.

(32) Isa. III, 10. The verse is omitted in some editions since it does not conclusively prove Abaye's statement. It may have been quoted merely in order to conclude the Tractate with a happy Scriptural verse.

Talmud - Mas. Beitzah 2a

CHAPTER I

MISHNAH . [IF] AN EGG IS LAID ON A FESTIVAL-DAY, BETH SHAMMAI¹ SAY: IT MAY BE EATEN [ON THE SAME DAY], BUT BETH HILLEL¹ MAINTAIN: IT MAY NOT BE EATEN [UNTIL THE DAY IS OVER]. BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN² IS OF THE SIZE OF AN OLIVE³ AND LEAVENED BREAD IS OF THE SIZE OF A DATE,⁴ BUT BETH HILLEL MAINTAIN: BOTH⁵ ARE OF THE SIZE OF AN OLIVE. HE WHO SLAUGHTERS GAME ON POULTRY ON A FESTIVAL-DAY, BETH SHAMMAI SAY: HE MAY DIG UP [EARTH] WITH A SHOVEL⁶ AND COVER [THE BLOOD],⁷ BUT BETH HILLEL MAINTAIN: ONE MAY NOT SLAUGHTER⁸ UNLESS HE HAS [LOOSE] EARTH PREPARED FROM THE DAY BEFORE [THE FESTIVAL];⁹ BUT THEY AGREE THAT IF HE HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD], BECAUSE¹⁰ THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED].¹¹

GEMARA. What¹² are we discussing? If one should say about a hen kept¹³ for food, what is the reason of Beth Hillel,¹⁴ [seeing that] it is food which has been separated;¹⁵ and [if] about a hen kept for laying eggs, what is the reason of Beth Shammai,¹⁶ [seeing that] it is mukzeh?¹⁷ — But what objection is this? Perhaps Beth Shammai do not accept [the prohibition of] Mukzeh? (We are of the opinion that even he who permits mukzeh forbids nolad;¹⁸ what then is the reason of Beth Shammai?) — R. Nahman replied: In table [we are debating] about a hen kept for laying eggs; but he who accepts [the prohibition of] mukzeh accepts [the prohibition of] nolad, and he who rejects [the prohibition of] mukzeh rejects [the prohibition of] nolad.¹⁹ Beth Shammai is [of the same opinion] as R. Simeon²⁰ and Beth Hillel is [of the same opinion] as R. Judah.²¹ But did R. Nahman say thus? Surely we have learnt: Beth Shammai say: One may remove²² [on the Sabbath] from the table [with the hand] bones and nutshells;²³ but Beth Hillel maintain: One lifts off the whole table-top and shakes it.²⁴ And R. Nahman²⁵ said: As for us, we only hold that Beth Shammai [follow the view] of R. Simeon! — R. Nahman can reply to you: With reference to the Sabbath where the Tanna teaches anonymously²⁶ according to [the opinion of] R. Simeon as we have learnt: You may cut up gourds²⁷ for cattle and a carcass²⁸ for dogs²⁹ Beth Hillel is made to represent the opinion of R. Simeon; but

(1) For the Schools of Shammai and Hillel v. J.E. III, 115ff.

(2) On the Feast of Passover, involving penalty; cf. Ex. XII, 19.

(3) But not less.

(4) A date is considered larger than an olive; but v. Jast. s.v.

(5) Leaven and leavened bread.

(6) If loose earth is not available.

(7) Cf. Lev. XVII, 13.

(8) On a Festival-day.

(9) In the three cases here mentioned Beth Shammai is more lenient than Beth Hillel. Hence they are taught together though not all are relevant to the subject.

(10) The sentence introduced by because has no casual relation with what precedes, and infra 8a, the letter ׀ == because, is emended to ׀ == and.

(11) 'Mukan', 'set in readiness'; v. Glos. The wood having been kindled on the previous day, the ashes accumulated during the Festival are considered as if they were prepared before the Festival, as the house-holder had in his mind that there would be ashes which he could use for covering the blood.

(12) Kind of hen that laid the egg.

(13) Lit., 'standing'.

(14) Who say the egg may not be eaten.

(15) From the hen. Since the hen was kept to be killed for food, the egg laid is regarded as a separated edible part of the

hen. Cf., however, **נרשום** Hul. 14b who takes the word **אפרת** in the sense of **פרו ורבו**.

(16) Who say the egg may be eaten.

(17) A thing not mentally intended or set in readiness before the Festival to be used on the Festival is called mukzeh; v. Glos. Since the hen was not 'set in readiness' before the Festival the egg should therefore be forbidden to be eaten or handled on the Festival.

(18) Lit., 'born'; i.e., an object which has only come into existence in its present form on a Festival. Such is forbidden to be used on a Festival.

(19) There is no fundamental difference between mukzeh and nolad, only temporal.

(20) Who rejects the prohibition of mukzeh, cf. Shab. 44b.

(21) The opponent of R. Simeon, *ibid.*

(22) Because they do not accept the prohibition of mukzeh.

(23) Bones and nutshells are regarded as refuse and by the law of mukzeh may not be handled.

(24) Beth Hillel accept the prohibition of mukzeh and therefore rule that one may not remove the bones and nutshells with his hand but gets rid of them by lifting the table-top. Shab. 143a.

(25) R. Nahman, wishing to follow the standard rule that in disputes between Shammai and Hillel the law prevails as Hillel, and also to follow the rule that the law prevails according to the opinion expressed in an anonymous Mishnah, here reverses the teaching of the two Schools.

(26) A Mishnah taught anonymously without mention of its author indicates that the teaching is the prevailing law.

(27) The cutting up of gourds is not regarded as unnecessary labour on Sabbath, for the animals are then better able to feed.

(28) Of an animal that dies on a Sabbath and consequently was not intended before the Sabbath to be given to the dogs to feed on.

(29) Shab. 156b; *infra* 6b, 27b.

Talmud - Mas. Beitzah 2b

with reference to Festivals, where the Tanna teaches anonymously according to [the Opinion of] R. Judah as we have learnt: You may not [on a Festival] chop up firewood from rafters¹ nor from a beam which was broken on a Festival² — Beth Hillel is made to represent the opinion of R. Judah.

Now who taught our Mishnah anonymously, [was it not] Rabbi?³ Why then is it that with reference to the Sabbath he teaches the Mishnah anonymously according to [the opinion of] R. Simeon, whereas with reference to Festivals he teaches the Mishnah anonymously according to R. Judah? — I will answer. With respect to the Sabbath which is stringent so that people will not come to treat it lightly, he taught the Mishnah anonymously according to R. Simeon who is lenient; [with respect to] a Festival which is less stringent⁴ so that people might come to treat it lightly, he taught the Mishnah anonymously according to R. Judah who is strict.

How have you explained it [the Mishnah]? With respect to a hen kept for laying eggs [the prohibition is] on account of mukzeh! If so, then instead of disputing about an egg,⁵ let [the Mishnah state that] they dispute about the hen [itself]!⁶ — It is in order to inform you of the extent of the opinion⁷ of Beth Shammai that [even] nolad is permitted. Then let them, dispute about the hen [itself] to show you the extent [of the opinion] of Beth Hillel that they forbid [even] mukzeh! And if you reply that information with respect to the extent of the opinion of permitting is to be preferred,⁸ then let them dispute about it both,⁹ thus: 'A hen and its egg [laid on a Festival] may be eaten; but Beth Hillel maintain: They may not be eaten'¹⁰ — Therefore, said Rabbah: In reality, it [the Mishnah] refers to a hen kept for food; but we are discussing a Festival which fell on a Sunday,¹¹ and [the prohibition¹² is] on account of preparation [on a Sabbath].¹³ For Rabbah is of the opinion that every egg laid now was completely formed the day before. And Rabbah is consistent with his view;¹⁴ for Rabbah said: What is [the teaching of] that which is written,¹⁵ and it shall come to pass on the sixth day that they shall prepare that which they bring in?¹⁶ [It is that] a weekday may prepare¹⁷ for Sabbath, and a weekday may prepare for a Festival; but a Festival may not prepare for

Sabbath and Sabbath may not prepare for a Festival.¹⁸ Said Abaye to him [Rabbah]: But if it is so,¹⁹ let [the egg laid on] a Festival in general²⁰ be permitted!²¹ — It is a preventive measure out of consideration for a Festival falling on a Sunday.²² Let [the egg laid on] a Sabbath in general²³ be permitted!²¹ — It is a preventive measure out of consideration for a Sabbath [immediately] following a Festival.²⁴ But do we enact a preventive measure [in such a case]? Surely it was taught: If one slaughters a hen²⁵ and finds therein eggs completely formed, they may be eaten on the Festival.²⁶ Now if this be so,²⁷ let them²⁸ be prohibited on account of those [eggs] laid on the same day!²⁹ — He answered him: [The case of] there being in a hen eggs completely formed is a rare occurrence, and the Rabbis do not decree a prohibition with regard to a rare occurrence.

R. Joseph said: It³⁰ is a preventive measure on account of [the eating of] fruit fallen [from a tree].³¹ Said Abaye to him: What is the reason [that] fruit fallen from a tree [on a Festival] is forbidden?

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- (1) Stacked for building purposes.
 - (2) Before the Festival the beam was not intended to be used for firewood, hence it may not be so used on account of mukzeh, infra 31a, Shab. 157b.
 - (3) Rabbi Judah ha-Nasi.
 - (4) Cf. Ex. XII, 16.
 - (5) Which is forbidden on account of its hen.
 - (6) Whether it may be eaten or slaughtered on the Festival, since it was specifically kept for laying eggs.
 - (7) Lit., 'power'; i.e., how far Beth Shammai maintain their view.
 - (8) Because It is an evidence of courage of conviction, while the more rigid opinion may be the outcome of doubt.
 - (9) The hen and its egg. Granted that information respecting the power of permission is preferable, but where, by a slight addition, more information could be given, this addition should be made.
 - (10) And since the Mishnah does not state this, R. Nahman's explanation of the Mishnah cannot be accepted.
 - (11) Lit., '(immediately) after the Sabbath'.
 - (12) According to Beth Hillel.
 - (13) Though the egg was here prepared by nature, it is none the less forbidden.
 - (14) Expressed elsewhere. 'Er. 38b. V. Tosaf. s.v. אָמַר.
 - (15) This clause is omitted in 'Er.; for such an expression is only used in haggadic passages, cf. D.S.
 - (16) Ex. XVI, 5.
 - (17) The preparation needs only be by word of mouth, or even by thought alone.
 - (18) [As a day of rest, a festival is included in the term Sabbath and requires also 'preparation'; but such 'preparation' may not take place on the Sabbath and consequently the egg is prohibited].
 - (19) Lit., 'from now', where now refers to what Rabbah has just stated as the reason for Hillel's view.
 - (20) Except that falling on a Sunday.
 - (21) To be eaten the same day.
 - (22) If it should be permitted in the one case it will be thought that it is also permitted in the other.
 - (23) Except when a Festival falls on a Friday.
 - (24) V. p. 4, n. 15.
 - (25) On a Festival.
 - (26) No matter whether the Festival falls on a Sunday or on any other day, infra 7b.
 - (27) That a measure is enacted in such a case.
 - (28) The eggs found in the hen killed on a Festival falling on a Sunday.
 - (29) Which are forbidden.
 - (30) The prohibition of the egg according to Beth Hillel.
 - (31) On a Festival, which is forbidden. Not eating the egg laid on a Festival is fencing the law of not eating fruit fallen on a Festival.

It is a preventive measure lest one climbs [a tree] and plucks [its fruit];¹ but this² is itself [only] a preventive measure: should we then come and enact one preventive measure to safeguard [another] preventive measure! — Both³ are one preventive measure.⁴

R. Isaac said: It is a preventive measure on account of [the consuming of] juices exuding [from fruit].⁵ Said Abaye to him: What is the reason that juice exuding [from fruit on a Festival] is forbidden? It is a preventive measure lest one [purposely] squeezes out [the juice];⁶ [thus] this is itself [only] a preventive measure; should we then come and enact one preventive measure against [the breach of] another preventive measure! — Both⁷ are one preventive measure.⁸

All [the other Rabbis] do not explain⁹ as R. Nahman does, in accordance with our objection.¹⁰ Likewise they do not explain as Rabbah, because they do not accept [his rule of] Hakanah.¹¹ But why does not R. Joseph explain as does R. Isaac? — He will answer you: An egg is food and fruit is food, excluding juice which is not food [but a beverage]. And why does not R. Isaac explain as does R. Joseph? — He will answer you: An egg is enclosed [in the hen] and juice is enclosed in the fruit, excluding fruit which is exposed all the time.

R. Johanan also is of the opinion that it is a preventive measure on account of [the consuming of] juices exuding [from fruit]. For R. Johanan pointed out a contradiction between one statement of R. Judah and another statement and [also] reconciled it: We have learnt: You may not squeeze fruit¹² to bring out juice, and [even] if the juice exuded of itself it is [still] forbidden. R. Judah says: If [the fruit was intended] as an eatable, what exudes is permitted; but if [it was kept] for its juice, then what exudes is forbidden.¹³ So we see that according to R. Judah [what exudes from] anything [kept] as eatables is [regarded] as food separated.¹⁴ But contrast this with the following: R. Judah further said:¹⁵ One may stipulate on the first day of the [New Year] Festival with respect to a basket of fruit¹⁶ and eat it on the second [day];¹⁷ similarly an egg laid on the first [day] may be eaten on the second.¹⁸ Only 'on the second', but not on the first!¹⁹ And R. Johanan answered: The statement must be reversed.²⁰ Now since he [R. Johanan] contrasts them with each other, infer from this that there is one and the same reason.²¹

(1) An act Biblically forbidden on a Sabbath or Festival, being in the nature of reaping.

(2) Prohibition of eating fallen fruit on a Festival.

(3) The prohibition of eating the egg laid on a Festival and the fruit fallen from a tree on a Festival.

(4) Against the same prohibition of climbing and gathering fruit. In the enactment of the measure against fallen fruit the egg was included, being regarded as a fallen fruit.

(5) On a Festival. Not eating the egg laid on a Festival is fencing the law of not consuming juice exuding from fruit on a Festival.

(6) An act Biblically forbidden on a Sabbath or Festival, being in the nature of threshing.

(7) The prohibition of eating the egg and the juice.

(8) Against the same prohibition of squeezing juice from fruit on a Festival. In the enactment of the measure against exuding juice the egg was included.

(9) Our Mishnah.

(10) Supra 2b.

(11) V. Glos.

(12) On a Sabbath or Festival.

(13) Shab. 143b.

(14) I.e., a part of the whole.

(15) With respect to the New Year Festival which even in Palestine was observed for two days.

(16) Not yet tithed.

(17) It is forbidden to separate the Levitical tithe on a Festival (v. infra 36b). But since, according to R. Judah, only one of the two days is holy, the owner can make a conditional statement on the first day as follows: if to-day is not the Festival, then let this specified portion be the tithe for the rest; if, on the other hand, to-day is the Festival, then let what I

have just said be void. On the second day he says likewise: If to-day is not the Festival, then let the specified portion be the tithe; if to-day is the Festival, then the specified portion is already tithe. By means of these two conditional statements the owner can, on the second day, proceed to eat the fruit, for it has been tithed either on the first or second day. V. 'Er. 39b.

(18) For if the first day when the egg was laid was the holy day of the two days, then it can be eaten on the following day; and if the first day was not the holy day then the egg may also be eaten on the second day because it was not laid on a Festival. 'Er. 39b.

(19) Because the egg is not regarded as food separated from the hen, and this is contradictory to his statement above with respect to the juice being permitted to be consumed on the Festival itself. At present it is assumed that the reference here is to a hen kept for food.

(20) To remove the contradiction, R. Johanan suggests, that in the quoted Mishnah, it is not R. Judah who permits the juice to be consumed but his opponent, the anonymous Tanna.

(21) For prohibiting both the egg and the self-exuded juice, viz., it is a preventive measure against the breach of the prohibition of squeezing juice from fruit on a Festival.

Talmud - Mas. Beitzah 3b

Rabina says: In reality you need not reverse [the authorities] for R. Judah was speaking from the point of view of the Rabbis,¹ thus: According to my view [the egg] is permitted even on the first day, because it is food separated [from the hen]; but according to your opinion, you should at least agree with me that it is permitted on the second day, for they² are two distinct days of holiness.³ And the Rabbis answered him: No, [the two days] are one [continuous day of] holiness. Rabina, the son of R.'Ulla, says: [We are dealing] here with a hen kept for laying eggs, and R. Judah⁴ is consistent with his view, for he holds [the interdict of] mukzeh.⁵

An objection was raised: Both an egg laid on a Sabbath and an egg laid on a Festival may not be moved to cover therewith a vessel,⁶ nor to support therewith the leg of a bed;⁷ but a vessel may be placed over it so that it should not be broken; and if in doubt,⁸ it is forbidden; and if it got mixed up with [even] a thousand [eggs], they are all forbidden.⁹ This is well, according to Rabbah, who says [that it is] 'on account of preparation',¹⁰ [then it is a] doubt with respect to a Biblical prohibition, and every doubt with respect to a Biblical prohibition [must be decided] with stringency. But according to R. Joseph and R. Isaac, who say [that it is] 'a preventive measure', then it is a doubt with respect to a Rabbinical enactment, and every doubt with respect to a Rabbinical enactment [is resolved] with leniency!¹¹ — The last clause [of the text] deals with a doubt of trefa.¹² If so, consider the latter clause; 'and if it got mixed up with a thousand [eggs] they are all forbidden'. Now if you say that the doubt is whether [the egg was laid on] a Festival or on a weekday,¹³ it is well, because [the egg] is an object which can become [otherwise] permitted,¹⁴ and any object which can become [otherwise] permitted is not neutralized even in a thousand [times its quantity].¹⁵ But if you say that it is a doubt of trefa, then [the egg] is an object which cannot become [otherwise] permitted and should therefore be neutralized by a greater number [than itself].¹⁶ And if you answer 'an egg is valuable and is not neutralized by a greater number,' this¹⁷ would be correct according to him who says that we learnt 'whatsoever one is wont to count'.¹⁸ But according to him who says that we learnt 'that which one is wont to count', what is to be said?¹⁹ For we have learnt:²⁰ If one had trusses of fenugreek of kil'ayim of a vineyard²¹ they are to be burnt;²² if they got mixed up with others²³ and these [again with others,²⁴ they are all to be burnt. This is the opinion of R. Meir. But the Sages say: [The forbidden trusses] are neutralized in [a majority of the proportion of] one in two hundred. For R. Meir used to say: That which one is wont to count [when selling] disqualifies.²⁵ But the sages say: Only six things²⁶ render [the whole] prohibited — R. Akiba says: seven — and they are as follows: The nuts of Perek,²⁷ and the pomegranates of Baden,²⁷ casks spigoted, beetroot-tops,²⁸ cabbage stalks²⁹ and Greek gourds. R. Akiba adds also the loaves of a householder.³⁰ Those mixtures which are subject to the law of 'Orlah, [impart the prohibition of] 'Orlah,³¹ and those which are subject to the law of Kil'ayim of a vineyard [impart the prohibition of] Kil'ayim of a vineyard.³² And it was stated thereon

that R. Johanan said: We learnt,³³ ‘that which one is wont to count [when selling]’; and Resh Lakish said: We learnt: ‘whatsoever one is wont to count [when selling].’ [Now the text]³⁴ would be well according to the opinion of Resh Lakish; but according to the opinion of R. Johanan, what can be said? R. Papa replied: This Tanna³⁵ is the author [of the teaching] concerning the ‘litra of dried figs’, who says that anything which [is sold] by number, even though [its prohibition is] a Rabbinical enactment, is not annulled, how much more so when it is Biblical.³⁶ For we have learnt:³⁷ If a litra of dried figs³⁸ was pressed upon the top of a jar³⁹ and he does not know on which jar it was pressed, or on the top of a barrel and he does not know on which barrel it was pressed, or on top of a basket⁴⁰ and he does not know on which basket it was pressed, R. Meir maintains [that] R. Eliezer

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- (1) His opponents. The anonymous opinion is that of the majority of the Rabbis.
 - (2) The two days.
 - (3) Only one of which is really holy, cf. infra.
 - (4) Who prohibits the egg to be eaten on the first day.
 - (5) Cf. Shab. 156b.
 - (6) A wine glass or a decanter.
 - (7) According to an old tradition, an egg standing quite vertically can support a very heavy weight. But cf. MGWJ 71, 1927 p. 44; 72, 1928. pp. 391-5, where this Baraita is discussed, and where it is shown that this was done for magical purposes.
 - (8) On the present assumption as to whether the egg was laid on a Festival or not.
 - (9) Infra 42; Shab. 43b.
 - (10) Supra 2b.
 - (11) And therefore the egg concerning which a doubt arose whether it was laid on a Festival or not should be permitted.
 - (12) I.e., whether the hen that laid it is trefa the prohibition of which is Biblical. V. Glos.
 - (13) Lit., ‘common’, ‘ordinary’, i.e., not a Festival-day.
 - (14) After the Festival the egg is in any case permitted, even though no neutralization were to take place.
 - (15) This is a Talmudic principle with respect to the neutralization of an object when intermixed with permitted commodities. Though normally a certain portion of the latter is sufficient to neutralize the former, that does not operate if the former is destined to become permitted without recourse to neutralization. Hence, in our case, where the egg was laid on a Festival-day and is forbidden for that day only, but not after, if that egg got mixed up with no matter how many others on the day it was laid, it is not neutralized, but all are forbidden on that day. Cf. B.M., Sonc. ed. p. 314, note 2.
 - (16) According to the rule based on Ex. XXIII, 3.
 - (17) Forbidding to be eaten even though the egg got mixed up with a thousand.
 - (18) When selling is regarded as important and is not neutralized by a greater quantity than itself. For eggs, though occasionally sold in bulk are also sold in units and therefore do not merge in the majority.
 - (19) To explain this statement; for the eggs which are sometimes sold in bulk do not belong to such a category. Whatsoever is more comprehensive than that. According to the former teaching, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold in units rather than in bulk. According to the latter teaching, neutralization is permitted in all cases except those where the objects are of such a high value that they are not sold save by counting single units. V. Yeb., sonc. ed., p. 551 n. 11.
 - (20) ‘Orlah. III, 6; Yeb. 81a. Zeb. 72a.
 - (21) Cf. Lev. XIX, 19, and Deut. XXII, 9. Lit., ‘mixed growths of plantings’. V. Glos.
 - (22) For no benefit or usufruct may be had from such mixed growths.
 - (23) Trusses of fenugreek not of mixed growths of a vineyard.
 - (24) This clause is omitted both in ‘Orlah and Yeb. But V. Tosaf. Zeb. 72a. s.v. **נתערבו**.
 - (25) Or renders forbidden the others with its prohibition. For this rendering of the word **מקדש** v. Jast. p. 1320a. V. also Yeb., Sonc. ed. p. 552, n. 4 and 9.
 - (26) If forbidden and mixed up with others.
 - (27) Perek and Baden are both localities in Samaria N.E. of Shechem (cf. Rashi). Tosaf. Yeb. 81b. s.v. **פרך** takes the former to mean cracknuts. Cf. A.Z., Sonc. ed. p. 354, note 4.
 - (28) For making beverage.
 - (29) For making crude whisky.

- (30) With reference to the law of leaven during passover, as distinct from the loaves of a baker.
- (31) I.e., come under the law of 'Orlah. Lit., 'circumcision'. V. Lev. XIX, 23-4. where the use of the fruit of young trees forbidden. The use is wholly forbidden during the first three years.
- (32) The first three belong to 'Orlah, the others to Kil'ayim.
- (33) In the words of R. Meir.
- (34) That if the egg got mixed up even in a thousand they are all prohibited.
- (35) Who made the statement that even if the egg got mixed up with a thousand they are all forbidden.
- (36) As the egg from the trefa hen.
- (37) Cf. Ter. IV, 10. For var. lec. v. Comm. a.l.
- (38) Of terumah (V. Glos.) which may not be eaten by non-priests. Cf. Lev. XXII, 10. It is the portion (from one sixtieth to one fortieth) that must be given to the priests from the produce of the harvest and can only become neutralized in a quantity 100 times itself. V. Num. XVIII, 8; Deut. XVIII, 4, where corn, wine, and oil are mentioned but not fruit. The requirement to give terumah of fruit is only a Rabbinical enactment.
- (39) Which was only among many jars of figs each holding 100 litras.
- (40) In the shape of a beehive.

Talmud - Mas. Beitzah 4a

said: We regard the upper [layers] as if they are dispersed [among each barrel] and the lower¹ neutralize the upper [litra of figs]; [while] R. Joshua says: If there were there a hundred tops [of barrels] they neutralize, but if not, then [all] the top layers are forbidden and [all] the remainders are permitted. [But] R. Judah maintains² [that] R. Eliezer said: If there are a hundred upper layers they neutralize, but if not then [all] the top layers are forbidden and [all] the remainders are permitted; [while] R. Joshua Says: Even if there are three hundred tops of barrels they do not neutralize.³ If it⁴ was pressed in a jar and he does not know in which jar he pressed it, all agree that they neutralize. [You say], All agree? [Why] this is the point they are disputing! Said R. Papa: This is what he says: If it was pressed in a jar and he does not know it, which part of the jar it was pressed, whether northward or southward, all agree that it is neutralized.⁵

R. Ashi said: In reality the doubt is whether [the egg was laid] on a Festival-day or on a weekday,⁶ [but] it [the egg] is a forbidden] object which will become permitted,⁷ and anything [forbidden] which will become permitted, even though [forbidden] by a Rabbinical enactment⁸ is not neutralized.⁹

It was taught: Others say in the name of R. Eliezer: The egg [laid on a Festival] and the hen may be eaten. About what are we discussing? If about a hen kept for food, it is self-evident that the egg and the hen are permitted;¹⁰ and if about a hen kept for laying eggs, then the egg and the hen are forbidden!¹¹ — Answered R. Zera: [It means,] it [the egg] may be eaten in virtue of the hen.¹² What are the circumstances?¹³ — Said Abaye: For example when he bought it [the hen] without specifying [for what purpose]; if it is killed then it is [retrospectively] clear that it was intended to be kept for food;¹⁴ if it is not killed, then it is evident that it was intended to be kept for laying eggs.¹⁵ R. Mari says: He states an exaggeration.¹⁶ For it was taught: Others say in the name of R. Eliezer: The egg may be eaten, it and its hen, and its chicken and its shell. What is meant by 'its shell'? Shall I say [it means] literally 'shell', is then the shell [fit for] food?¹⁷ Again, if it should [mean] a chicken in its shell, surely the Rabbis dispute with R. Eliezer b. Jacob¹⁸ only when the chicken is actually hatched, but when it has not yet been hatched they do not dispute!¹⁹ Therefore 'the chicken and its shell' is an exaggeration,²⁰ so also here 'it and its hen may be eaten' is an exaggeration.

It was stated: A Sabbath and a Festival [following one another]. Rab says: [An egg] laid on the one is forbidden on the other, but R. Johanan maintains: [The egg] laid on the one is permitted on the other. Shall we say that Rab holds that they [a Sabbath and a Festival immediately following] are regarded as one [continuous day of] holiness? But Rab said: The halachah is according to the four

elders who decided according to the opinion of R. Eliezer who says [the Sabbath and the Festival] are two [distinct days of] holiness! — Rather they differ here in Rabbah's [law of] Hakanah;²¹ Rab accepts Rabbah's law of Hakanah and R. Johanan rejects Rabbah's law of Hakanah.

The same is disputed by Tannaim: If it [an egg] is laid on a Sabbath, it may be eaten on a Festival;²² [if it is laid] on a Festival it may be eaten on a Sabbath.²³ R. Judah says in the name of R. Eliezer: The dispute still continues; for Beth Shammai say: It may be eaten; whereas Beth Hillel maintain: It may not be eaten.²⁴ The host of R. Adda b. Ahabah had some eggs from a festival [which he wished to prepare] for the Sabbath.²⁵ He came before him, and asked: Is it permitted to roast them to-day²⁶ that we may eat their to-morrow? He answered him: What is in your mind: [in a dispute between] Rab and R. Johanan the halachah Is as R. Johanan? But even R. Johanan only allows [the egg] to be quaffed on the morrow, but not on the same day [it was laid];²⁷ even as it was taught: Whether an egg was laid on a Sabbath or on a Festival, one may not move it to cover therewith a vessel nor to support therewith the leg of a bed.²⁸

The host of R. Papa — some say it was another man who came before R. Papa — had some eggs from a Sabbath [which he wished to prepare] on the [immediately following] Festival. He came, asking him: Is it permitted to eat them to-morrow?²⁹ He answered him: Go away now and come to-morrow: for Rab would not appoint an interpreter for himself from [the first day of] the Festival until [the termination of] its companion³⁰ on account of inebriety.³¹ When he came on the morrow, he said to him:

(1) Layers of each barrel.

(2) R. Meir and R. Judah differ with respect to the dispute between R. Eliezer and R. Joshua.

(3) The litra of figs, for the top layers of figs are in the category of things that are also sold by number and therefore the quantity of vessels is immaterial. Cf. J. Ter. IV, 7.

(4) The litra of terumah figs.

(5) Because not being a complete layer now, it is no longer in the category of being numbered. R. Joshua is then the Tanna who held that anything which is often sold by number is not annulled, and he will be the author of the teaching regarding the mixed egg.

(6) And as for the suggestion that in any doubt with respect to a prohibition based on a Rabbinical enactment leniency is required, v. supra 3b.

(7) After a certain time. The egg will in any case be permitted after the Festival.

(8) Concerning which leniency is usually preferred.

(9) And we are to proceed with stringency even in the case of doubt.

(10) That is, in the view of Beth Shammai; and if R. Eliezer intends to rule like Beth Shammai, why mention the hen-mother at all? Rashi.

(11) On account of mukzeh. V. infra 34a.

(12) If the hen is eaten on the Festival so may also the egg be eaten.

(13) When it is the actual eating of the hen that renders also the egg permissible.

(14) And therefore the egg, being part of the hen, may also be eaten.

(15) And therefore the egg is not permitted.

(16) He uses the figure of speech called hyperbole for the sake of emphasis; i.e., he states the law very emphatically, mentioning more than is necessary.

(17) All that was necessary to be said was 'the chicken', for the shell is not classed as food.

(18) And say that a chicken just hatched may be eaten even though its eyes were not open. V. infra 6b.

(19) I.e., they all agree that it may not be eaten. Hence it cannot mean in its shell.

(20) Saying more than is required.

(21) Supra 2b. V. Glos.

(22) Immediately following the Sabbath.

(23) Immediately following the Festival.

(24) So that the anonymous Tanna supports R. Johanan and R. Judah supports Rab.

(25) Immediately following the Festival, and he was doubtful.

(26) On Friday, the day they were laid.

(27) When it is forbidden even to move it.

(28) Supra 3b. q.v.

(29) I.e., on the Sunday.

(30) I.e., the second day of the Festival.

(31) Rab was in the habit of appointing an interpreter who would enlarge and expand the teachings he would communicate to him. Rab was so scrupulous that he refrained from communicating teachings and decisions to his interpreter on a feast day lest he should risk giving less than his best through the influence of drinking wine on the Festival. R. Papa would not give on a Sabbath a decision for the same reason.

Talmud - Mas. Beitzah 4b

If [I had given my decision] forthwith, I would have erred, and told you that [in a dispute between] Rab and R. Johanan the halachah is as R. Johanan; whereas Raba has said: In these three [cases]¹ the law is as Rab, both when he is lenient and when he is stringent.

R. Johanan said: If branches fell off a palm tree on a Sabbath, it is forbidden to burn them [for firewood] on the Festival [immediately following it], and do not seek to refute me [by referring to the case] of the egg.² What is the reason? Because the egg is fit to be taken raw on the [Sabbath] day [it was laid],³ and since you do not permit it [to be eaten] until the following day, one will surely know that on the same day [that it was laid] it is prohibited.⁴ [But in the case of the] branches which are not fit for the [Sabbath] day [on which they fell],⁵ if you permit them to be used on the morrow,⁶ one might say that even on the [same] day [they fell off]⁷, they are also permitted, while [their prohibition] the day before was on account of the Sabbath, when they were not fit for burning.

R. Mattenah said: If branches fell off a palm tree on a Festival into an oven, one may add thereto a larger amount of wood kept in readiness⁸ and burn them [together]. But is he not handling a prohibited object?⁹ Since the greater part consists of that which is permitted, when he is handling, he is handling that which is permitted. But he neutralizes a prohibited object at the outset, and we have learnt: One may not [directly] neutralize a prohibited object at the outset!¹⁰ — This applies only [where the object is prohibited] according to the Biblical law, but [where it is only] Rabbinical] [prohibited] one may [directly] neutralize.¹¹ But how is it to be explained according to R. Ashi, who says that an object [forbidden] which will become permitted is not neutralized even though [forbidden] by a Rabbinical enactment?¹² — this applies only where the prohibited object remains intact, but here the thing forbidden is indeed burnt up.¹³ It was stated: [With reference to] the two Festival-days of the Diaspora,¹⁴ Rab says: [The egg] laid on the one¹⁵ is permitted on the other,¹⁶ and R. Assi maintains: [The egg] laid on the one is forbidden on the other. Shall it be said that R. Assi holds the opinion that [both days] have one continuous holiness? But R. Assi recited the habdalah¹⁷ [blessing] between the first and second Festival-days?¹⁸ — R. Assi himself was in doubt, hence he acted in both cases with stringency.¹⁹

R. Zera said: Logic supports R. Assi; for we are now well acquainted with the fixing of the new moon and, nevertheless, we do observe two days.²⁰ Abaye said: Logic supports Rab; for we have learnt: In early times they used to light bonfires,²¹ but on account of the mischief of the Samaritans²² the Rabbis ordained that messengers should go forth.²³ Now if the [mischief of the] Samaritans ceased²⁴ we would [all] observe only one day; and [even during the Samaritan mischief] wherever the messengers arrived²⁵ they observed [only] one day.²⁶ But now that we are well acquainted with the fixing of the new moon,²⁷ why do we observe two days? — Because they sent [word] from there [Palestine]:²⁸ Give heed to the customs of your ancestors which have come down to you; for it might happen that the government might issue a decree²⁹ and it will cause confusion [in ritual].

It was stated: [With respect to] the two Festival-days of the New Year, Rab and Samuel³⁰ both say: [An egg] laid on the first day is forbidden on the second day. For we have learnt:³¹ In early times they [the Sanhedrin] admitted the testimony about new moon throughout the [whole]³² day.³³ Once, however, the witnesses were late in arriving

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- (1) For the three cases v. infra 5b. Our case is one of the three.
 - (2) Concerning which I have said that an egg laid on a Sabbath may be eaten on the immediately following Festival-day.
 - (3) All egg may not be cooked on a Sabbath, but may be eaten raw because there is no work in sucking eggs.
 - (4) On account of mukzeh.
 - (5) For it is prohibited to kindle fire on a Sabbath. Cf. Ex. XXXV, 3.
 - (6) The following Festival-day.
 - (7) If it were a Festival and not a Sabbath.
 - (8) V. Glos. s.v. mukan.
 - (9) When stoking the fire the alien branches are prohibited on account of mukzeh.
 - (10) This statement is not found anywhere else so worded, but is inferred from Ter. V, 9, where it is stated that if one se'ah of Heave-offering fell into less than 100 se'ahs of common produce, and other common produce afterwards fell therein, if it was in error the whole is permitted, but if wantonly, it is forbidden. Cf. ש'ר a.l.
 - (11) And the prohibition of mukzeh is only Rabbinical.
 - (12) V. supra 3a. And the wood will in any case be permitted after the Festival.
 - (13) Cf. Tosaf. Pes. 26b. s.v. חדש .
 - (14) Outside Palestine every Festival which Biblically is to be observed for day is kept for two days because of doubt. Since the Festival is fixed for a certain day of the month (for example passover on the 15th Nisan) it is Important to know the exact day the New Moon appears. For the consecration of the New Moon was determined not only by mathematical calculation but by the confirmation of witnesses who had seen it. This applied only to the 30th, but on the 31st, the day would be consecrated even without witnesses, because it would be known that after the 30th the moon should become new even if it were not seen, for the moon renewed itself about every 292 days. therefore those in Palestine could easily be informed whether the new moon was consecrated by the Sanhedrin in Jerusalem on the 30th day or on the 31st, thus making the month just passed either full or defective. But those in the Diaspora, not being able to be informed in time whether the new moon was consecrated on the 30th or on the 31st, kept the appointed Festival-day for two days in order to be sure of observing it (for example, in the case of Passover, they kept both the 15th and 16th of Nisan as the 1st day of Passover). Hence the two Festival-days of the Diaspora.
 - (15) I.e., the first day.
 - (16) Because only one of the two days is holy.
 - (17) V. Glos.
 - (18) He would not have recited the habdalah had he regarded the two Festival-days as one continuous day of holiness. V. Rashi.
 - (19) The observance in the Diaspora of two days instead of one as in Palestine can be regarded from two points of view: (a) It was an enactment of the Rabbis that for all time in the Diaspora two days should be kept for each Festival-day (v. supra n. 1). From that point of view the two days are regarded as one long day of holiness and the egg might not be eaten on the second day. (b) The people in the Diaspora have taken upon themselves the observance of two days instead of one because of their uncertainty; for those however, who were well acquainted with the fixing of the new moon, the first day only is regarded as really holy and the second day as of a minor holiness, requiring the recitation of the habdalah between the two, and the egg would be permitted to be eaten on the second day.
 - (20) Presumably because the Rabbis have so enacted for us to keep the two days as one continuous day of holiness and it is their ordinances that we observe.
 - (21) They indicated the new moon outside Jerusalem by means of firesignals whether the day just elapsed was the 30th of the past month or the 1st of the coming month.
 - (22) In lighting beacons at other times to confuse the Jews. For the term Cuthim v. J.E. vol. IV, p. 398.
 - (23) V. R.H. 22b (Sonc. ed. p. 96, n. 7).
 - (24) And we reverted to the lighting of fire-signals.
 - (25) The distance covered by the traveling messengers was relative, dependent on what day in the month a festival fell, so that sometimes they would cover more territory than at others.

(26) Evidently the observance of two days was not an enactment for all time.

(27) The calendar was fixed about the beginning of the fourth century. [This has been ascribed to Hillel II, v. Graetz IV, pp. 316-318.]

(28) To the Jews in the Diaspora. Cf. Sanh. 17b. [probably this refers to the message sent by R. Jose (J. 'Er. III) a contemporary of Hillel II, urging the people of the Diaspora not to depart from the ancestral customs despite the calendar which have been introduced by the Patriarch, v. Graetz IV, p. 456.]

(29) To destroy all the sacred writings and prevent the study of the Law and thus all knowledge of fixing the calendar would be lost.

(30) Who are often opposed in debate.

(31) R.H. 30b.

(32) The word 'whole' is absent in R.H.

(33) The 30th of Ellul, which had already been determined as New Year. The 30th of Ellul, commencing at sunset, was observed as New Year's day in case witnesses should arrive during that day reporting that they had seen the new moon.

Talmud - Mas. Beitzah 5a

and the Levites erred in the chant.¹ [In consequence] they enacted that they should only receive witnesses until Minhah,² but if witnesses came from Minhah onwards³ they observed [the remainder of] that day⁴ and the following day as holy.⁵

Rabbah said: Since the enactment of R. Johanan b. Zakkai, the egg is permitted,⁶ for we have learnt:⁷ After the destruction of the Temple⁸ R. Johanan enacted that testimony [concerning the appearance of new moon] should be admitted the [whole] day.⁹ Said Abaye to him: But have not Rab and Samuel both said that the egg is forbidden [on the second day]? — He replied to him: I quote to you R. Johanan b. Zakkai, and you tell me about Rab and Samuel!¹⁰ But for Rab and Samuel our Mishnah is a difficulty! — There is no difficulty. This [ruling] applies to us [Babylonians], but that [ruling] applies to them [the Palestinians].¹¹ But R. Joseph¹² says: Even from [the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited [on the second day]. What is the reason? It¹³ is a matter which was decided by a majority vote¹⁴ and whatever was [forbidden] by a majority vote, requires another majority vote to permit it.¹⁵ Said R. Joseph: Whence do I infer this?¹⁶ From what is written: 'Go say to them, return ye to your tents'.¹⁷ And [Scripture] further says: 'When the trumpet soundeth long, they shall come up to the mount'.¹⁸ And we have further learnt:¹⁹ The fourth [year] vineyard [fruit] was to be brought to Jerusalem [from all places] within a radius of one day's journey [from Jerusalem], and the following are its boundaries: Elath²⁰ on the South,²¹ Akrabah²² on the North, Lydda²³ on the West, and the Jordan on the East.²⁴ And 'Ulla said — others say Rabba b. Bar Hana in the name of R. Johanan — What is the reason? [It is] in order to decorate the streets of Jerusalem with fruits. And it was [further] taught: R. Eliezer had trees of the fourth year in a vineyard to the east of Lydda near Kefar Tabi²⁵

(1) They sang the psalm for ordinary days at the eventide sacrifice and it turned out after the arrival of witnesses that it was actually New Year's day. V. Tamid VII, 3-4.

(2) The time of the offering of the eventide sacrifice. V. Glos. Cf. Schurer II, I pp. 286ff.

(3) When there was still some part of the day to run, though their testimony would not be accepted for consecrating the 30th as New Year's day, yet.

(4) The end of the 30th from the arrival of the witnesses to the close of the day was also considered holy.

(5) Hence it was seen that the Sanhedrin itself under such conditions observed the New Year's Festival for two days even where there was no uncertainty; and the people outside Jerusalem would need to observe both the 30th and the 31st of Ellul as New Year in case of such a contingency, so that the observance of two days for the New Year's Feast was an enactment of the Rabbis from the very beginning making two days one continuous day of holiness, and, therefore, an egg laid on the first day is prohibited even on the second.

(6) To be eaten on the second day.

(7) R.H. 30b.

- (8) Since the Temple no longer existed the reason for the previous enactment falls away.
- (9) So that the observance of the two days at the present time could only be on account of doubt, since only one of the two days is holy. For, even if witnesses came towards the end of the 30th, the whole of the 30th would be regarded as New Year and the 31st would be regarded as a weekday. But if no witnesses came on the 30th, the 31st would be New Year's day and the 30th, though observed as a holy day, was in reality an ordinary day; and therefore the egg laid on the 30th in such a case would be permitted on the 31st.
- (10) R. Johanan b. Zakkai was the greater authority.
- (11) The enactment of R. Johanan b. Zakkai could only affect Palestine, where only one day, viz., the 30th, would now be regarded as New Year, however late the messengers came on that day. But in Babylon and all places outside Palestine, the observance of the two days was not affected by the enactment of R. Johanan, for there the two days were kept holy by the early Rabbinical enactment, and were regarded as one continuous day of holiness.
- (12) In opposition to Rabbah.
- (13) The prohibition of the egg on the second day.
- (14) If witnesses had not come before eventide the Assembly of Sages decided to make the two days one continuous day of holiness.
- (15) Even though the reason for its prohibition no longer exists, the prohibition still holds until a further vote in Assembly had been taken and declaring it now permissible; and as no such vote had been taken the status quo remains, i.e., the prohibition of the egg is still binding. V. Sanh. 59b. It is pointed out infra 5b that the vote of Assembly was not directly dealing with the egg but with the making of the two days one continuous day of holiness.
- (16) That a prohibition once made by an Assembly is still binding until it has been rescinded by another Assembly.
- (17) Deut. V, 27. God had previously told them to abstain from women for three days, and this prohibition did not ipso facto cease at the expiration of the three days, but required from God direct permission to resume cohabitation. V. Tosaf. 5a, s.v. **ש** V. also Sanh., Sonc. ed. p. 403, n. 1.
- (18) Ex. XIX, 13. Here too the prohibition of ascending Mt. Sinai was on account of the Theophany, and at the ceasing of the Theophany it could be inferred that the people might ascend the Mount. Yet it was not left for anyone to infer that they might ascend, but they had to await the express authority of God.
- (19) M.Sh. V, 2; R.H. 31b. (9) Fruit of the first three years of a tree may not be eaten, and the fruit of the fourth year must be eaten before the Lord in Jerusalem, Lev. XIX, 23. If, however, the journey was too great, the fruit might be redeemed and the money expended in Jerusalem. V. Deut. XIV, 24-25. The Rabbis, however, ordained that for a radius of one day's journey from Jerusalem the fruit could not be redeemed but must be brought to Jerusalem.
- (20) V. Neubauer, *La Geographic du Talmud*, p. 19. No place of such a name within one day's journey from Jerusalem has yet been plausibly identified.
- (21) This is the correct reading as in M.Sh. and not North. Cf. D.S. a.l.
- (22) Neubauer, p.159. Perhaps the modern Akrah, 25 miles North of Jerusalem.
- (23) Cf. Neh. VII, 37. V. also Neubauer, p. 76.
- (24) V. R.H., Sonc. ed. p. 151, notes.
- (25) Since Lydda was within one day's journey West of Jerusalem, Kefar Tabi which was East of Lydda would likewise be within one day's journey from Jerusalem.

Talmud - Mas. Beitzah 5b

and he wished to renounce [the vineyard] for the poor.¹ But his disciples said to him: Master, thy colleagues have already taken a vote with respect to your case and permitted it.² Who are meant by 'thy colleagues'? R. Johanan b. Zakkai [and his school]. Now the reason [why the fruit may be redeemed] is only because they had taken a vote; but if they had not taken a vote, it would not [have been permitted].³

What is meant by 'And [Scripture] further says'?⁴ — He means thus: Consider: It is written: Be ready against the third day, come not near a woman.⁵ Then what is the purpose of 'Go say to them, Return ye to your tents'? Infer therefrom that every prohibition decided by a majority vote requires another majority vote to rescind it. And should you reply, it comes as a command concerning conjugal duties,⁶ [then] come and hear: 'When the trumpet soundeth long they shall Come up to the

mount.’ Now consider: It is written: ‘Neither let the flocks nor herds feed before that Mount.’⁷ Then what is the purpose of?’ When the trumpet soundeth long they shall come up to the Mount’. Conclude therefrom that what has been prohibited by a majority vote requires another majority vote to rescind it.⁸ And should you argue, this only applies to the case of a Biblical [prohibition] but not to the case of a Rabbinical [prohibition],⁹ [then] come and hear: ‘The fourth [year vineyard] fruit, etc.’ Now the law concerning the fourth [year vineyard] fruit is a Rabbinical enactment, and yet they said to him: ‘Thy colleagues have already taken a vote respecting your case and permitted it!’ And if you say¹⁰ that R. Johanan b. Zakkai allowed also a vote to be taken concerning an egg and permitted it, [I will reply]: They only took a vote concerning testimony, but concerning the egg they did not take a vote. Said Abaye to him: Has there been then at all a vote taken [at any time] concerning the egg [itself]?¹¹ The egg is dependent on [the acceptance of] testimony: If the testimony of the witnesses is disallowed, then the egg is forbidden¹² but if the testimony of the witnesses is permitted then the egg is [a automatically] permitted,¹³

R. Adda and R. Salmon, both of Be Kelohith¹⁴ say: Even [from the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited. Why? The Temple may very soon be rebuilt,¹⁵ and people would say: ‘Did we not eat last year on the second day [of the New Year] the egg [laid on the first day]? Now too, we shall continue to eat it;’ and they will not know that in the previous year¹⁶ they [the two days] were of two distinct forms of holiness¹⁷ whereas now¹⁸ they are one [continuous day of] holiness.¹⁹ If so, we should not even accept [the] testimony [of witnesses the whole day]! What is the reason? For the Temple may very soon be rebuilt, and people might say: ‘Did we not accept last year testimony concerning the New Moon during the whole day [long]? Now too, we shall [continue to] accept [their testimony]!’? — Where [is the comparison] in this? [The acceptance of] testimony is entrusted to the Beth din²⁰ [only], but [the case of] the egg is entrusted to all.²¹

Raba Says: Even since the enactment of R. Johanan b. Zakkai and onwards, the egg is forbidden; [for] does not R. Johanan b. Zakkai agree that if witnesses arrive after Minhah, the remainder of that day and the following day is observed as holy?²² Raba further said: The law [is as] Rab in the foregoing three cases²³ whether he is lenient or stringent. [

(1) In order not to have to bring the fruit himself to Jerusalem, but that the poor might gather the fruit for themselves and bring it to Jerusalem. Although R. Eliezer lived after the fall of Jerusalem when the reason for decorating its streets no longer existed, yet he adhered to the ruling that the fruit being within the radius of one day's journey, could not be redeemed but had to be brought to Jerusalem.

(2) I.e., the authority you are holding to has been rescinded by another authority and you can therefore redeem the fruits and bring only the money to Jerusalem.

(3) [Which proves that whatever has been decided by a majority vote requires another majority vote to abrogate the decision, even where the reason for the original decision no longer operates].

(4) The question here is: How do you infer from the first passage of Scripture the principle that a prohibition once made is absolutely binding until it has been rescinded; and if the inference is satisfactory, why is it necessary to have a second Scripture text? Rashi.

(5) Ex. XIX, 15.

(6) But not a cancelling of the previous prohibition of Ex. XIX, 15.

(7) Ibid. XXXIV, 3. The expression ‘before that Mount’ is interpreted as meaning ‘that Mount covered with the cloud of the Divine presence’, from which it might be inferred that only as long as the cloud of the Divine presence remained over the mountain no man or beast could draw near, but when the cloud was removed the people might, by their own inference, have thought that they might now ascend the mountain.

(8) The reason for the ‘trumpet sounding long’ was to indicate that the Divine presence was removed from the mountain.

(9) As our case of the egg.

(10) R. Joseph resumes here the thread of his remarks which were interrupted by quoting the source of his principle.

(11) And if no vote was directly taken, the question of requiring another vote rescinding it does not arise.

- (12) For the two days are regarded as one continuous day of holiness.
- (13) For then, in reality, only one of the two days is holy.
- (14) Or Kaluhith Chalchitis in Mesopotamia. V. Funk Monumenta I, p. 290.
- (15) When the old order of consecrating the new moon through the testimony of witnesses would be restored and the witnesses be received until eventide only.
- (16) Before the Temple had been restored.
- (17) For only one day was really holy and the other was observed on account of doubt.
- (18) The Temple having been rebuilt.
- (19) As existed before the enactment of R. Johanan R. Zakkai.
- (20) The Ecclesiastical Authorities, and they know the rule to be observed after the building of the Temple. V. Yeb. 22a.
- (21) The question of the egg is a matter about which anyone may feel he can decide, and decide to eat the egg on the second day after the Temple had been rebuilt as he did before the Temple was rebuilt.
- (22) In which case the two days of New Year would be regarded as one continuous day of holiness. According to this view, the object of R. Johanan's enactment of accepting witnesses throughout the 30th day was for the purpose of fixing the days of the Festivals following New Year; i.e., if witnesses came any time on the 30th, that day would be the first of Tishri, from which the days of the month would be computed.
- (23) (a) When a Festival-day falls on Friday or on a Sunday; (b) The two Festival-days of the Diaspora; (c) The two days of New Year.

Talmud - Mas. Beitzah 6a

Raba said: On the first day of a Festival, [only] Gentiles may busy themselves with a corpse,¹ [but] on the second day, Israelites may busy themselves with a corpse, and² even on the two Festival-days of the New Year, which however is not the case with respect to an egg.³ The Nehardeans⁴ say: The same holds good even with respect to an egg; for what is in your mind: Perhaps [the month of] Ellul will be intercalated?⁵ Surely R. Hinena b. Kahana said in the name of Rab: From the days of Ezra⁶ and onward we do not find Ellul ever intercalated.⁷

Mar Zutra said: This⁸ was said only when [the corpse] had already been lying for some time,⁹ but if it had not lain for a long time, we let it remain.¹⁰ R. Ashi says: Even if it had not lain for a [good] long time we do not let it remain [unburied]. What is the reason? With regard to a dead body the Rabbis have made the second day of a Festival as a weekday even with respect to cutting for it a shroud and cutting for it a [branch of] myrtle.¹¹ Rabina said: But nowadays when there are Guebers¹² we apprehend.¹³

Rabina was once sitting in the presence of R. Ashi on [one of] the two Festival-days of the New Year,¹⁴ [and] noticing that he was troubled, he said to him: Why is the Master troubled? He [R. Ashi] replied: I have not set an 'erub tabshilin.¹⁵ Said he to him: Let the Master prepare an 'erub tabshilin now. For did not Raba say: A man may set an 'erub tabshilin on the first day of a Festival for the second and stipulate?¹⁶ — He replied: Granted that Raba [indeed] said so with respect to the two Feast-days of the Diaspora.¹⁷ But did he then say this also with respect to the two days of the New Year's Festival?¹⁸ But the Nehardeans maintain that even an egg is permitted!¹⁹ — R. Mordecai observed to him [to Rabina]: The Master²⁰ distinctly told me that he does not accept this [teaching] of the Nehardeans.

It was stated: If a chicken was hatched out on a Festival, Rab says: It is forbidden,²¹ but Samuel — some say, R. Johanan — maintains: It is permitted. Rab says it is forbidden [because] it is mukzeh;²² but Samuel — some say, R. Johanan — maintains it is permitted, since it makes itself permitted through shechitah.²³ R. Kahana and R. Assi said to Rab: What difference is there between this and a calf born on a Festival?²⁴ — He replied to them: [The case of the calf is different] since it was [regarded as] mukan²⁵ by virtue of its mother.²⁶ And what difference is there between this and a calf born [on a Festival] from a Trefa?²⁷ Rab remained silent. Said Rabbah — some say [it was] R.

Joseph — Why was Rab silent? He should have replied to them: [This calf is permitted] since it is mukan for dogs through its [trefa] mother.²⁸ — Abaye replied to him:

- (1) E.g., the making of a shroud and the digging of a grave.
- (2) The same holds good.
- (3) I.e., an egg laid on the first day of the New Year is not permitted on the second day.
- (4) The scholars of Nehardea, i.e., the School of Samuel. V. Sanh., Sonc. ed. p. 42.
- (5) I.e., Beth din will insert an extra day in the month of Ellul, in which case the New Year Festival would begin on the second day.
- (6) Cf. Neh. VIII, 13, where 'second day' refers to New Year.
- (7) The only exception was when the witnesses arrived late.
- (8) Law that Israelites may busy themselves with a dead body on a Festival.
- (9) And is decomposing and becoming offensive.
- (10) Until after the Festival.
- (11) The funeral trappings and the myrtle placed on the coffin were to honour the dead.
- (12) The fanatical sect of Persian fireworshippers, v. Git., Sonc. ed. p. 63, n. 2. This probably refers towards the close of the Sassanid rule marked by the persecution of the Jews. V. J.E. p. 648, c. 1. The Jews had to render to the Guebers compulsory service from which they were exempt on a Festival.
- (13) Lest through allowing Jews to bury on the second day of a Festival the Guebers might regard that day as an ordinary working day and compel them to work.
- (14) The New Year Festival fell on Thursday and Friday.
- (15) V. Gos. It is a symbolical act by which meals may be prepared on a Festival occurring on a Friday for the following Sabbath. The method is to prepare a dish on the Thursday for the Sabbath which enables all the cooking done on the Friday to be regarded as a continuation of the cooking begun on the Thursday.
- (16) If the first of the two days is the real feast-day, then the preparation of the food on the second day should be permitted; and if the second day is the proper feast-day, then preparation of the 'erub is permissible on the first day, which is not a Festival but a weekday.
- (17) I.e., observed only in the Diaspora where two days are observed on account of doubt.
- (18) Which are observed also in Palestine where the two days of the New Year are regarded as one continuous holy day. Surely not!
- (19) On the second day, if laid on the first day of the New Year's Festival thus indicating that only one of the two days is holy.
- (20) R. Ashi who was R. Mordecai's teacher, v. Sot. 46b.
- (21) To be eaten on the day of the Festival.
- (22) V. supra, p. 2, n. 5.
- (23) V. Gos. Before the chicken is hatched, the act of slaughtering does not permit it to be eaten. It is only when born that the chicken can be eaten through ritual slaughter. And since the hatching out of the chicken (on the Festival) enables it to be eaten through slaughtering, it also frees it from mukzeh; i.e., since it gains permission for itself to be eaten through ritual slaughter, it also gains permission for itself to be free from mukzeh.
- (24) Which may be eaten on the same day, v. infra.
- (25) V. Gos.
- (26) The calf found in a ritually slaughtered cow may be eaten through the slaughtering of its mother. The calf therefore is valid for provision even before its birth.
- (27) V. Gos. This calf when found within the mother is not permitted for use by the slaughtering of its trefa mother. It must itself be ritually slaughtered before it can be permitted; and yet we do not find anyone prohibiting the eating of a calf born of a trefa on a Festival.
- (28) Immediately before the Festival the mother-cow as trefa was intended as food for dogs, and this included the calf within it. The cow and the calf would thus become mukan for dogs and therefore the law of mukzeh should not apply to the calf. The same, however, cannot be said of the chicken in the egg.

Talmud - Mas. Beitzah 6b

Seeing that that which is mukan for human consumption is not mukan for dogs — for we have learnt: One may cut up¹ gourds for cattle and a carcass for dogs;² R. Judah says: If [the animal] was not yet nebelah³ on the eve of the Sabbath it is forbidden,⁴ for it was not mukan⁵ — can that which is mukan for dogs be considered mukan for human beings? — He said to him: It is even so; that which is mukan for human consumption is not mukan for dogs, for that which is useable for man one does not throw to dogs. [But] that which is mukan for dogs is [also] mukan for human consumption, for the mind of man is directed to everything which may be fitting for him. [A Baraitha] was taught in accordance with Rab [and a Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan. [A Baraitha] was taught in accordance with Rab: A calf which is born on a Festival is permitted;⁶ [but] a chicken which is hatched on a Festival is forbidden. And what difference is there between the one and the other? [The calf] is mukan by virtue of its mother through shechitah,⁷ but [the chicken] is not mukan by virtue of its another.⁸ [A Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan: A calf which is born on a Festival is permitted; a chicken which is hatched on a Festival is permitted. Why? [The calf] is mukan by virtue of its mother and [the chicken] makes itself permitted through slaughter.

Our Rabbis taught: A chicken which is hatched on a Festival is forbidden. R. Eliezer b. Jacob says: It is forbidden even on a weekday since its eyes are not yet open. With whose opinion does the following passage agree: Even all creeping things that creep upon the earth,⁹ this includes chickens whose eyes are not yet opened?¹⁰ With whose opinion? The opinion of R. Eliezer b. Jacob.

R. Huna said in the name of Rab: An egg is completed on its issue [from the fowl]. What is meant by ‘completed on its issue’? If we say, [it means] it is completed on its issue, so that [the egg] may be eaten with milk;¹¹ [which implies] when it is still within the hen [the egg] may not be eaten with milk? But surely we have learnt: If one kills a hen and finds therein completely formed eggs, these may be consumed with milk! And if [it means] it is completed on its issue so that [the egg] may be eaten on a Festival;¹² [which implies] when [the egg] is still within the hen,¹³ it may not be eaten on the Festival?¹⁴ But surely we have learnt: If one kills a hen and finds therein eggs completely formed they are permitted to be eaten on the Festival.¹⁵ And if you say that he informed us in the Baraitha what we do not learn in the Mishnah?¹⁶ This too¹⁷ we have learnt [in a Mishnah]: If an egg is laid on a Festival, Beth Shammai say: It may be eaten [on the same day], but Beth Hillel maintain: It may not be eaten [until the day is over].¹⁸ Now Beth Shammai and Beth Hillel dispute thus only about [the egg] that is laid; but if [the egg] is in the hen, all agree that it is permitted! And if you maintain that Beth Hillel prohibit [the egg] even when it is within the hen, and the reason he [the author of the Mishnah] quotes [their dispute with respect to an egg] ‘laid’ is in order to manifest to you the extent of the opinion of Beth Shammai that even if it is laid it is permitted; then as to that which we have learnt: If one slaughtered a hen and found therein eggs completely formed they are permitted to be eaten on the Festival — who will its author be? Neither Beth Shammai nor Beth Hillel!¹⁹ Therefore ‘it is completed on its issue’ [means] that [the egg] can hatch chickens, [but the egg found] in the body of the hen cannot hatch chickens. What is its practical bearing? — with respect to buying and selling.²⁰ As once happened when someone called out [to the salesmen]: Who has eggs

(1) On the Sabbath.

(2) V. supra p. 3 and notes.

(3) V. Glos.

(4) To be given to the dogs.

(5) For dog's consumption before the Sabbath.

(6) [The prohibition of nolad (V. Glos.) does not apply to living beings. V. Tosaf. s.v. עגל.]

(7) The owner of the mother-cow could have intended to kill the cow on the Festival and the cow and the calf that was within it would be mukan. The same however cannot be said of a chicken, because the owner could never conceive of an egg within the fowl ready to be hatched, so that in the case of the chicken there is no case of mukan.

(8) Because no egg is ever upon the point of being hatched when the hen is killed.

(9) Lev. XI, 42.

(10) Hul. 64a.

(11) And is not regarded as part of the flesh of the fowl. The Biblical rule not to eat meat together with milk (based on Ex. XXIII, 19) is extended by the Rabbis to include fowls. Eggs, however, may be eaten with milk.

(12) If the egg was laid before the Festival.

(13) Which was slaughtered on the Festival.

(14) On account of the law of Hakanah, v. supra 2b.

(15) Supra 2b.

(16) I.e., the Baraitha finds no support in the Mishnah, and therefore the Baraitha is not authoritative, so that R. Huna could rule that when the egg is still in the hen it may not be eaten on the Festival.

(17) The ruling of the Baraitha.

(18) Supra 2a.

(19) For Beth Shammai permit even the laid egg and Beth Hillel, according to this theory, prohibit the egg even though it is in the body of the hen.

(20) If one sells eggs for hatching then they must be eggs that are really laid and fertile.

Talmud - Mas. Beitzah 7a

of a cackling hen? When they gave him eggs [found] in a slaughtered hen, he came to R. Ammi [complaining], who said to them: It is an erroneous sale and he can withdraw [from it]. [But] this is self-evident!¹ — You might say that this [buyer] really wanted [the eggs] for eating, and the reason he asked [for eggs] of a cackling hen is that [such eggs] are hard-shelled; and that the practical outcome [of] his claim² is that he must refund him the difference,³ so he informs us [that this is not so].⁴

There was once one who said to [the salesmen], ‘Who has mated eggs⁵ [for sale]? Who has mated eggs?’ [When] they gave him unmated eggs,⁶ he came to R. Ammi who said to them: It is an erroneous sale and he can withdraw [from the transaction]. [But] this is self evident! — You might say that he needed [the eggs] only for eating,⁷ and the reason he asked for mated eggs is that they are richer; and that the practical bearing of this is that they must refund him the difference,⁸ so he informs us that the whole transaction is fraudulent].

Alternatively: What is meant, ‘it is completed on its issue’? [It means] it is completed with the coming forth of its greater part, and it is accordance with R. Johanan. For R. Johanan said: If the greater part of an egg issued on the day before the Festival and went back, it may be eaten on the Festival-day.⁹ There are some [scholars] who say: What is meant, ‘it is completed on its issue’? [It means] it is completed with the [coming forth] of the whole of it. Only with the coming forth of the whole of it, but not with its greater part,¹⁰ and this is to reject the opinion of R. Johanan.

[To revert to] the main text: If one slaughtered a hen and found therein completely formed eggs, these may be taken with milk.¹¹ R. Jacob says: If [the eggs] were attached [to the hen] by sinews they are forbidden.¹² Who is the author of that which our Rabbis taught: He who eats of a carcass¹³ of a clean bird, of its cluster of eggs, or of its bones, or of its veins, or of its flesh torn off while alive¹⁴ is clean;¹⁵ [but he who eats] of its ovary or of its crop or of its entrails, or if he melted its fat and swallowed it,¹⁶ he is unclean.¹⁷ — Who is the author [of the teaching], ‘[He who eats] of its cluster of eggs is clean’? — Said R. Joseph: It is not in accordance with R Jacob. For if it were in accordance with R. Jacob, lo, he says: If [the eggs] were attached by sinews they are forbidden [to be taken with milk]!¹⁸ Said Abaye to him: Whence [do you say this]? Perhaps R. Jacob regards [these eggs as flesh] only with respect to a prohibition¹⁹ but not with respect to defilement? And if you say that we should enact a preventative measure also in respect to defilement?²⁰ [I would reply], This would be an extension of [the scope of] defilement, and we do not extend [the scope of] defilement by Rabbinical enactment.²¹

There are some [scholars] who say [thus]: Who is the author [of the teaching that if one eats] ‘of its ovary he is unclean’?²² Said R. Joseph: It is R. Jacob: For he says, ‘If [the eggs] were attached [to the hen] by sinews they are forbidden [to be taken with milk]’. Said Abaye to him: Whence [do you understand] that by the term ovary is meant [the eggs] that are attached to the ovary? Perhaps it means the ovary itself!²³ And if you object: What need is there to say this with respect to the ovary? [I would reply]: It is analogous to the crop and the inwards; for although these are [really] flesh,²⁴ [yet] since there are people who do not eat them, it is therefore necessary to state these; so also here [with respect to the ovary] since there are people who do not eat it, it is necessary to teach it. Our Rabbis taught: All creatures which copulate during the day are born during the day; all creatures which copulate during the night are born during the night; all creatures which copulate both by day and by night, give birth both by day and by night. ‘Those which copulate by day are born by day’, this refers to a fowl; ‘those which copulate during the night are born during the night’, this refers to the bat; ‘those which copulate by day and by night give birth by day and by night’, this refers to man and whatever is like him.

The Master said [above]: ‘Those who copulate by day are born by day refers to a fowl’. What is the practical difference? — With respect to the teaching of R. Mari son of R. Kahana. For R. Mari son of R. Kahana said: If one examined a hen-coop on the eve of the Festival and could not find in it an egg, and on the morrow he rose early²⁵ and found in it an egg, it is permitted.²⁶ But did he not examine [the nest]? — I say²⁷ that he did not examine it very carefully, and even if he did examine it very carefully, I would say that [perhaps] the greater part [of the egg] came out [before the Festival] and went back; and [this ruling is] in accordance with [the opinion of] R. Johanan.²⁸

But that is not so; for R. Jose b. Saul said in the name of Rab: If one examined a hen-coop on the eve of the Festival and did not find in it an egg and on the morrow he rose early and found an egg in it, it is prohibited?²⁹ — This [latter passage] refers to eggs laid through friction with the earth,³⁰ If so,³¹ with respect to the teaching of R. Mari, might I not also say [the egg] was laid through friction with the earth? — When there is a cock near her.³² Even when there is a cock [near her] might I not [still] say that the egg was laid through friction with the earth? — Said Rabina: There is a tradition³³ that wherever there is a cock near her she will not fructify [eggs] through friction. And how near [should the cock be]?³⁴ — R. Gamda replied in the name of Rab: Sufficiently near

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- (1) That it is a fraudulent sale, since he asked for one thing and was given another.
 - (2) Seeing that he requires them in any case for eating.
 - (3) Between the value of cackling eggs and the eggs received, but the sale is nevertheless valid and cannot be rescinded.
 - (4) But we rather assume that when he asked for eggs of a cackling hen he wanted them for hatching, hence the sale is null.
 - (5) Lit., ‘eggs of (a hen paired with) a cock’.
 - (6) Lit., ‘eggs produced through friction of the body in the earth’, but not through contact with a male.
 - (7) And not for hatching.
 - (8) Between the value of mated eggs and the eggs received, but the transaction would still be valid.
 - (9) If subsequently laid on the Festival-day, and the law of mukzeh does not apply in this case.
 - (10) Lit., ‘with the coming . . . yes, but with . . . no’.
 - (11) V. supra p. 25, n. 4.
 - (12) Because they are then regarded as flesh.
 - (13) The carcass of a bird not ritually slaughtered does not defile a person through being carried or touched; it is only the eating of its flesh which defiles. Cf. supra to Lev. XXII, 8 and Nid. 42b.
 - (14) If any part of the bird is cut off while the bird is still living, although it may not be eaten, it does not defile.
 - (15) Because the cluster of eggs, the bones and the veins are not considered as flesh.
 - (16) Drinking is included in this law of defilement.
 - (17) These are considered as part of the flesh.

(18) Hence they are considered flesh.

(19) Not because he regards the eggs as flesh but as a preventative measure to safeguard the breach of eating flesh and milk together.

(20) I.e., to pronounce the person unclean when eating only the eggs.

(21) The Rabbis did not extend the law of defilement by declaring the man who eats of these eggs unclean, because of the monetary loss that would follow (by his clothes and whatever he touches becoming unclean; v. Lev. XVII, 15). But with respect to the prohibition of eating the eggs with milk, there the eggs themselves are not prohibited; it is only to safeguard the law of eating flesh and milk that the Rabbis instituted a preventive measure, and though the eggs themselves may be eaten, they may not be eaten with milk. In this respect they consider the eggs flesh.

(22) And thus considers the eggs flesh. Cf. Tosaf. Men. 70a. s.v. **ביצי**.

(23) And that is indeed flesh.

(24) And you would understand that they defile.

(25) Before daybreak.

(26) Because it is assumed that the egg was laid the previous day as, by the nature of the case, it could not have been laid during the night.

(27) **אימר** Either Imperf. 1. sing., or Imper. 2. sing.

(28) Who regards the egg as having been laid. It may have been deposited during the night of the Festival, but it is not regarded as having been laid during the night.

(29) Because we assume the egg was laid during the night of the Festival.

(30) Which eggs might be laid even at night.

(31) That unmated eggs can be laid at night.

(32) Therefore the egg must have been laid during the day.

(33) Lit., 'they (teachings) are handed down'.

(34) That the hen should not lay eggs through friction.

Talmud - Mas. Beitzah 7b

that [the hen] can hear his crowing in the daytime.¹ R. Mari gave a decision [in a case where the cock was] at a distance of sixty houses.² But if there is a river [between them] she [the hen] does not cross over, but if there is a bridge,³ she crosses over; if there is a plank she does not cross over. It happened once that [a hen] crossed over even a plank.

How have you explained it;⁴ with respect to unmated eggs? Then why particularly teach when he examined [the hen-coop]; even if he had not examined, it should also [be prohibited]! — If he did not examine it, I might say [the egg] was from yesterday. If so, even if he had examined it, I might still say that the greater part [of the egg] came out [yesterday] and went back and [should therefore be permitted] in accordance with R. Johanan! — The contingency stated by R. Johanan is rare.

R. Jose b. Saul further said in the name of Rab: This pulverized garlic is a danger to be left exposed.⁵

BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN IS OF THE SIZE OF AN OLIVE, AND LEAVENED BREAD IS OF THE SIZE OF A DATE. What is Beth Shammai's reason? — If so,⁶ the Divine Law should only have written about leavened bread and not about leaven and I should have said: If leavened bread, the acidity of which is not very great, [is forbidden] at the size of an olive, how much more should leaven, the acidity of which is very great [be forbidden] at the size of an olive: then why does the Divine Law need to state leaven? In order to teach that the standard of the one is not like the standard of the other.⁷ And Beth Hillel? — It is necessary [for the Divine Law to state both]. For if the Divine Law had written only about leaven I might have said that the reason [leaven is forbidden to be seen] is that its acidity is very great, but leavened bread, the acidity of which is not great, I might have said is not [forbidden to be seen at all]. It is therefore necessary [to state leavened bread]. And if the Divine Law had stated leavened bread, [I might have

said that] the reason [leavened bread is forbidden to be seen] is that it is fit for food, but leaven which is not fit for food, I might have said is not [forbidden to be seen at all]. Therefore both are necessary.

Shall we say that Beth Shammai does not agree with what R. Zera had said? For R. Zera said: The Scripture [verse]⁸ begins with the term 'leaven' and concluded with the term 'leavened bread' in order to teach that 'leaven' and 'leavened bread' are alike? — With respect to eating, no one differs [about the size].⁹ They only differ with respect to the removal [of the leaven from the house]; Beth Shammai is of the opinion that we do not learn [the law of] 'removal' from [that of] 'eating', while Beth Hillel maintains that we do learn 'removal' from 'eating'.¹⁰

Likewise it was stated: R. Jose b. Hanina said: The dispute is only with respect to the 'removal', but with respect to 'eating' all agree that both [leavened bread and leaven] are [forbidden] of the size of an olive. Likewise it was also taught: 'And there shall no leavened bread be seen with thee neither shall there be leaven seen with thee';¹¹ herein lies the dispute between Beth Shammai and Beth Hillel, where Beth Shammai say that leaven is the size of an olive and leavened bread is of the size of a date, but Beth Hillel maintain that both are of the size of an olive.

HE WHO SLAUGHTERS GAME OR POULTRY ON A FESTIVAL, etc. HE WHO SLAUGHTERS [implies] only if he has done so,¹² but not [that it may be done] at the very outset. Then consider the subsequent clause: BUT BETH HILLEL MAINTAIN: HE MUST NOT SLAUGHTER [etc.], whence it follows that the first Tanna holds that he may slaughter [at the outset]! — This is no difficulty. He means, 'HE MUST NOT SLAUGHTER AND COVER [etc.]'.¹³ But consider the final clause: BUT THEY AGREE THAT IF HE SLAUGHTERED HE MAY DIG WITH A SHOVEL AND COVER; whence it follows the first clause does not mean '[only] if he has done it'! — Answered Rabbah: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice'¹⁴ how should one answer him? Beth Shammai say: One answers him: Slaughter, dig and cover; but Beth Hillel maintain: he must not slaughter unless he had [loose] earth set in readiness before the Festival'. R. Joseph says: This is what [the Mishnah] says: 'The slaughterer who comes to ask advice, how should one answer him? Beth Shammai say: One answers him: Go [and] dig, slaughter and cover; but Beth Hillel maintain: He may not dig unless he had [loose] earth set in readiness from before the Festival'.

Said Abaye to R. Joseph: Shall it be said that you, Sir, and Rabbah disagree with respect to the teaching of R. Zera in Rab's name? R. Zera said in the name Rab: The slaughterer [of game or poultry] must put earth beneath [to receive the blood] and earth above, for it is said: 'He shall pour out the blood thereof, and cover it with dust'.¹⁵ It does not say earth but 'in earth',¹⁶ teaching that the slaughterer must put earth beneath and earth above. You, Sir, [therefore] accept the teaching of R. Zera and Rabbah rejects the teaching of R. Zera. He answered him: Both I and Rabbah accept the teaching of R. Zera and our dispute here is as follows: Rabbah is of the opinion that he may [only slaughter] if there is [already] earth beneath [to receive the blood]; but if not, he may not slaughter,¹⁷ for we apprehend that he might change his mind and not slaughter.¹⁸ But according to my view, it is better,¹⁹ for if you will not permit him [to dig] he will come to be deprived of the joy of the Festival.²⁰

BUT THEY AGREE THAT IF SOME HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD]. R. Zerika said in the name of Rab. Judah: This only holds good when the shovel had [already] been sticking [in the earth] since the previous day.²¹ But does he not cause crumbling of the earth?²² — Answered R. Hiyya b. Ashi in the name of Rab:

(1) The crowing does not reach so far during the daytime as at night.

- (2) The cock was removed sixty houses from the hen yet R. Mari maintained that there was copulation and permitted the egg.
- (3) Or 'ferry'.
- (4) The saying of R. Jose b. Saul.
- (5) Any exposed liquid is forbidden for use lest a snake has drunk therefrom. The same applies to pulverized garlic.
- (6) That the prohibition of both leaven and leavened bread were of the size of an olive.
- (7) I.e., leavened bread is of the size of a date, for food of such a size is estimated by the Rabbis sufficient to make one 'come to', (cf. Yoma 79a), and leaven is of the size of an olive which is the minimum.
- (8) Ex. XII, 19.
- (9) I.e., even Beth Shammai agree that both leaven and leavened bread of the size of an olive are forbidden to be eaten.
- (10) Ex. XII, 19 deals with the prohibition and penalty of eating anything leavened. Ex. XIII, 7 deals with the removal of anything leavened from the house. From the fact that Ex. XIII, 7 mentions both 'leaven' and 'leavened bread' Beth Shammai infer that the size of the 'leavened bread' with respect to removal is not that of an olive but that of a date.
- (11) Ex. Xlii, 7.
- (12) For otherwise, the Mishnah should state that a man may slaughter it. HE WHO SLAUGHTERS, however, implies that the law which follows holds good only if he has already slaughtered.
- (13) Beth Hillel's point is made with reference to the covering of the blood, not with reference to the killing at all; and therefore a deduction as to the view of the first Tanna can likewise be made only with reference to the covering.
- (14) Whether he may slaughter, having no earth.
- (15) Lev. XVII, 13
- (16) The preposition **ב** here means in rather than with, indicating that dust is to be put on all sides. V. Nachmanides a.l. for reason of covering the blood.
- (17) For he may not dig to obtain the earth to place beneath.
- (18) He would then have dug earth unnecessarily.
- (19) That he should be allowed to dig.
- (20) For he will not be able to slaughter, v. Deut. XVI, 14.
- (21) So that there is no violation of the law of digging on the Festival; for digging requires both the sticking in of the shovel as well as the lifting of it with the earth in it.
- (22) Granted there is not digging, but this crumbling of the earth is also forbidden, being in the nature of grinding.

Talmud - Mas. Beitzah 8a

[We are dealing with a case] where the soil is loose.¹ But does he not make a hole?² — This is according to R. Abba; for R. Abba said: if one digs a hole on the Sabbath and only requires its soil, he is guiltless in regard to it.³

BECAUSE THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED]. Who is speaking here of the ashes of the hearth?⁴ Answered Rabbah: Read thus: 'AND⁵ THE ASHES OF THE HEARTH ARE MUKAN'. Rab Judah said in Rab's name: They only taught this⁶ when it [the fire] had been kindled on the day of the Festival; but if it had been kindled on the Festival [itself] it is forbidden;⁷ but if [the ashes] are suitable⁸ to roast an egg therein, it is permitted.⁹ Likewise It was also taught: When they said [that] the ashes of the hearth are mukan, they only said so when it [the fire] had been kindled before the Festival; but if it had been kindled on the Festival it is forbidden; but if they are suitable to roast an egg therein it is permitted. If one had brought earth into his garden or into his waste land [before the Festival] one may cover the blood therewith.¹⁰

Rab Judah further said in the name of Rab: A man may bring a basket-full of earth [into his house] and may use it for whatever is necessary.¹¹ Mar Zutra pointed out in the name of Mar Zutra the Great: This only holds good if he had appointed a special corner for it.¹²

An objection was raised: One may not slaughter a koy¹³ on a Festival, and if he did slaughter it, he

may not cover its blood.¹⁴ Now if this were so¹⁵, let him cover it [the blood] in accordance with the opinion of Rab Judah?¹⁶ — But even according to your point of view, let him cover the blood with ashes of the hearth, or with earth in which a shovel was stuck?¹⁷ Therefore you must needs say that we are dealing here with a case where he has not [any of these];¹⁸ so also explain that we are dealing with a case where he has not [a basket-full of earth in the house]. If so¹⁹ then why particularly with respect to [an animal about which there is] a doubt [whether its blood requires covering]; even with respect to an animal about which there is no doubt one also may not [cover the blood by digging]?²⁰ — He uses the expression ‘not only but also’: not only may he not slaughter [in the case of an animal about which there is no doubt],²¹ but even in the case of an animal about which there is a doubt, where I might have said that because of the joy of the Festival he should be allowed to slaughter without covering the blood, he informs us [that he may not slaughter].

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- (1) As for example gravel or sand.
 - (2) When he takes it out, which is forbidden, being in the nature of ‘building’.
 - (3) Since it was not his intention to make the hole, the presence of the hole is only a disfigurement and for such an act of impairing or disfiguring one is not considered guilty of a breach of the Sabbath law; and although such an act is forbidden ab initio, yet for the sake of the joy of the Festival it has been permitted.
 - (4) Lit., ‘who has mentioned its name previously (that you are referring to it now)?’
 - (5) Changing the letter **ו** for **י**. V. supra p. 1, n. 10.
 - (6) That the ashes of the hearth are considered *mukan*.
 - (7) On account of *mukzeh*.
 - (8) Hot enough.
 - (9) To use such ashes for covering the blood even though the fire was kindled on the Festival itself, because since the ashes may be used for baking they cannot be regarded as *mukzeh* and may therefore be used, when in such a state, for any other purpose.
 - (10) Since it was prepared for any purpose.
 - (11) And it is not regarded as a part of the earth of the house and thus be prohibited from being handled.
 - (12) I.e., he did scatter over the ground, thereby indicating that it was for his use.
 - (13) A bearded deer or antelope (GR. **) Jast. V. however Hul. 79b where it is defined as a cross between a goat and a gazelle. V. also B.K., Sonc. ed. p. 443 n. 6. A doubt prevails regarding this animal whether it is in the category of cattle the blood of which need not be covered, or in the category of game the blood of which is to be covered. Cf. Lev. XVII, 13.
 - (14) Perchance it is cattle and he would be handling earth unnecessarily. V. Hul. 83b, 79b.
 - (15) That earth thus brought could be used in any way.
 - (16) By listing the basket-full of earth. Even if it were definitely cattle, the earth could still be used without infringing the law not to do any work on a Festival.
 - (17) From before the Festival, which is stated in our Mishnah to be *mukan*.
 - (18) Viz., ashes or a shovel of earth.
 - (19) That we are dealing with a case where he has no earth except through digging.
 - (20) Since we accept the decision of Beth Hillel according to which it is forbidden to dig earth on a Festival for covering blood.
 - (21) Since he has no earth in readiness.

Talmud - Mas. Beitzah 8b

But surely since he teaches at the end [of the clause] ‘and if he did slaughter it, he may not cover its blood’, understand from this that [we are] speaking of a case where he has [earth in readiness]!¹ — Therefore answered Rabbah: The ashes of the hearth² are regarded as *mukan* for [the covering of blood of] animals about which there is no doubt, but they are not regarded as *mukan* with respect to animals about which there is some doubt [whether their blood requires covering]. Why are they not [considered *mukan* in respect of the blood of the animal] about which there is a doubt? because he would be making a hole [in the ashes on the Festival]! Then in the case of an animal [game] about

which there is no doubt, he would also be making a hole? But [why would it not be regarded as making a hole in the ashes]? because it is in accordance with R. Abba!³ Than here also it is in accordance with R. Abba!⁴ And if [you say that] the reason [why he may not use them to cover the blood of an animal about which there is] a doubt is that he may cause a crumbling [of the earth],⁵ we should enact a preventive measure on account of crumbling of the earth even in the case of definite [game]? — In the case of [animals] about which there is no doubt, even if he crumbles the earth [it is permitted]; for the positive command [to cover the blood] comes and overrides the negative command.⁶ But when do we say that a positive command overrides⁷ a negative command, [only in cases] like ‘circumcision in leprosy’⁸ or ‘a linen garment with [woolen] fringes’,⁹ where the infringement of the negative command is at the same time as the fulfillment of the of the positive command!¹⁰ — This presents no difficulty, for simultaneously with the crumbling of the earth he covers the blood. But after all, [in] a Festival there exists both a positive and a negative command,¹¹ and a positive command cannot override both a positive and negative command! — Therefore answered Raba: ashes of the hearth [or anything like it] are intended for a definite case of game but not for a doubt.¹² And Raba follows [here] his opinion [expressed elsewhere]. For Raba said: If one brought in earth [before the Festival] to cover therewith excrement [of a child], he may cover therewith the blood of a bird;¹³ [to cover therewith] the blood of a bird he may not cover therewith the excrement [of a child].¹⁴ The Neharbeleans¹⁵ say: Even if one brought in earth to cover therewith the blood of a bird, he may [also] cover therewith the excrement [of a child].¹⁶

In the West¹⁷ they say: R. Jose Hama and R. Zera — some say, Raba the son of R. Jose b. Hama and R. Zera — differ therein; one says: koy is analogous to excrement,¹⁸ and the other says: koy is not analogous to excrement.¹⁹ It may be proved that it was Raba who said that koy is analogous to excrement; for Raba said: If one brought in earth to cover therewith excrement [of a child], he may cover therewith the blood of a bird, [but if he brought it earth to cover therewith] the blood of a bird, he may not cover therewith the excellent [of a child].²⁰ Conclude from this [that it was Raba].

Rami the son of R. Yabba said: The reason why we are not allowed to cover [the blood of] a koy is that it is a preventive measure against permitting the use of its suet.²¹ If it is so, [it should be prohibited] even on a weekday! — On a weekday people will say because he wants to clean his court.²² What is there to be said if he slaughtered [the koy] on a dust-heap?²³ [And further] what will you say if one comes to ask advice?²⁴ — On a weekday even if there is any doubt the Rabbis would tell him: Go, take trouble and cover [the blood]; but on a Festival, if there is a doubt, would the Rabbis tell him: Go, take trouble and cover [the blood]!²⁵ R. Zera learnt: it is not only with respect to a koy that the Rabbis said [thus]; but even if one slaughtered cattle, game and poultry and their blood became mingled, it is [also] prohibited to cover [such mingled blood] on a Festival.²⁶

Said R. Jose b. Jasiniah: This was only said when one cannot cover it [the mingled blood] with one thrust of the shovel;²⁷ but if one can cover it with one thrust of the shovel, it is permitted. But is not this self-evident?²⁸ — You might assume that we should prohibit [even] one shovelful lest perchance [he might go on to use] two shovelfuls, so he informs us [that one is allowed]. Rabbah said: If one slaughtered a bird on the eve of the Festival [and omitted to cover the blood], one may not cover it on the Festival;²⁹

(1) For otherwise there would be no point in stating the law, seeing that where no earth in readiness is available he may not cover the blood of an animal which certainly requires covering. The original question therefore remains, viz., why should he not cover the blood of the koy either according to the teaching of Rab Judah or with the ashes of the earth?

(2) The same applies to the basket-full of earth.

(3) Who does not regard this as digging a pit; v. supra 6a.

(4) Therefore the reason cannot be on account of making a hole.

(5) [It is possible that the ashes contain cinders, or the basket-full of earth clods. V. supra p. 33 n. 6].

(6) Not to do any work on a Festival.

- (7) Lit., 'positive command comes and overrides etc.'
- (8) It is forbidden to remove a Leprous spot by an operation. Deut. XXIV, 8. The command to circumcise however (Gen. XVII, 10ff) has to take place even though a leprous spot is on the foreskin.
- (9) Woollen fringes (Deut. XXII, 12) may be inserted in a garment of linen in spite of the prohibition not to wear a garment of heterogeneous materials.
- (10) For the act of crumbling the earth precedes the action of covering the blood.
- (11) In addition to the negative command 'not to do any work', cf. Lev. XXIII, 7, 8, 21, 35 there is also a positive command of 'resting', cf. ibid. XXIII, 39.
- (12) [They are not considered mukam in respect of animals about which there is a doubt, not because of the infringement of any prohibition involved, but because it is assumed that he had intended to use them only for such animals as definitely require the covering of their blood].
- (13) In the case of a child's excrements the need is only a probable one, but with respect to the blood, he decided beforehand to kill on that day. Therefore if he prepared the earth to use for a contingency. how much more should he be permitted to use it for that which he definitely decided.
- (14) For the earth was set in readiness only for a certain definitely determined object and therefore cannot be used in case of contingency.
- (15) I.e., Rami b. Berabi or Beroki V. Sanh. 17b, Sonc. ed. p. 89. Neharbel identified with Nehar Bil, east of Bagdad, Obermeyer, p. 269.
- (16) Because the contingency of the excrement is almost a certainty.
- (17) I.e., Palestine. The Babylonians, when alluding to Palestine, called it the West, as Palestine was to the west of Babylon. Cf. Ber. 2b. But V. Sanh. 17b.
- (18) I.e., if one brought earth to cover dung, he could cover therewith the blood of the koy, for the contingency of the dung is similar to the uncertainty with respect to the koy.
- (19) Because the contingency of the dung is almost a certainty, and is therefore regarded as definite in comparison with koy which is absolutely uncertain.
- (20) Hence Raba regards the contingency of requiring the earth for dung as remote and not as almost a certainty
- (21) Heleb (V. Glos.). Suet is disallowed in the case of oxen and sheep but not in the case of game. If therefore you allow to cover its blood, people might regard it as game.
- (22) And not because the koy is regarded as game. On a Festival work is forbidden with the exception of the preparation of food. The cleansing of a court is no exception.
- (23) Where you cannot say that the covering of the blood is in order to keep the dust-heap clean.
- (24) Whether, if he slaughters a koy on a weekday he should cover its blood? Is there not the possibility of the one asking the question, on being told that he is to cover its blood, himself coming to the conclusion that he may regard the koy as game and thus eat its suet.
- (25) Surely not! Therefore people might come to a wrong inference.
- (26) Because in so doing, he would be doing unnecessary work in covering the blood of the cattle.
- (27) Which would be sufficient to cover the blood of the game and poultry; so that anything more than one shovelful would be unnecessary work.
- (28) The one shovelful is required for the game and poultry, so that no extra work is done on account of the blood of the cattle.
- (29) Because that which could be done before the Festival may not be done on the Festival. The bird, however, could be eaten in spite of the breach of the positive command to cover the blood.

Talmud - Mas. Beitzah 9a

if one prepared dough on the eve of the Festival, he may separate from its hallah¹ on the Festival.² The father of Samuel Says: Even if one Prepared dough on the eve of the Festival, he may not separate from it hallah on the Festival.³ Shall it be said that Samuel disputes with his father? For Samuel said: With respect to hallah outside Palestine, one may go on eating [of the dough] and separate the priestly portion at the end!⁴ — Answered Raba: Does then not Samuel agree that if one designated it by name⁵ that it is forbidden to be eaten by laymen?⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY A LADDER [ON A FESTIVAL] FROM ONE DOVECOTE TO ANOTHER,⁷ BUT HE MAY INCLINE IT FROM ONE PIGEON-HOLE TO ANOTHER. BUT BETH HILLEL PERMIT [THIS].

GEMARA. R. Hanan b. Ammi said: The dispute refers only to public ground, when Beth Shammai is of the opinion that whoever sees [him carrying the ladder] might say that he needed it for [plastering his roof];⁸ Beth Hillel hold, his dovecote proves his intention; but in private ground, all agree that it is permitted. But it is not so. For Rab Judah said in the name of Rab:⁹ ‘Wherever the sages have forbidden anything because of appearances, it is forbidden even in the most innermost chambers!’¹⁰ — It is [a contro versy of] Tannaim. For it was taught: One may spread them out in the sun, but not in the presence of people.¹¹ R. Eleazar and R. Simeon forbid this.¹²

Others say [thus]: R. Hanan b. Ammi said: The dispute refers to private ground; for Beth Shammai accept the teaching of Rab Judah in the name of Rab, and Beth Hillel reject the teaching of Rab Judah in the name of Rab; but on public ground all agree that it is forbidden. Shall it be said that Rab ruled as Beth Shammai?!¹³ — It is [a controversy of] Tannaim.¹⁴ For it was taught: ‘He may spread them out in the sun, but not in the presence of people. R. Eleazar and R. Simeon forbid this’

(1) The priestly portion of dough. V. Glos.

(2) For the decree of the Rabbis ‘not to separate tithes on a Festival’ (infra 36b) did not include dough, since it is permitted to make dough, which cannot be eaten until the priestly portion of the dough has been taken.

(3) When the Rabbis permitted the separation of hallah on a Festival, it only referred to a dough that was made on the Festival.

(4) Thus showing that the separation of hallah is not essential, since the eating of the dough does not depend upon the separation of hallah; and since one may eat of the dough before the separation one should be allowed to separate the hallah on the Festival, since the separation cannot be regarded as making the dough legally fit for use; cf. infra 36b.

(5) If one designated the separated part by the name hallah, it automatically assumes the name of terumah (V. Glos.).

(6) Hence such hallah is called terumah and can therefore be included in the Rabbinical enactment forbidding tithing on a Festival.

(7) To bring down the pigeons that are to be slaughtered.

(8) A man must avoid even the appearance of transgression.

(9) The authority of Rab as head of the Babylonian Community was not to be disputed by all Amora like R. Hanan, for he was regarded as enjoying the authority of a Tanna. CF. Sanh. 83b; ‘Er. 50b; etc.; cf. also Tosaf. B.M. 46b.

(10) If therefore on public ground it is forbidden because of appearances, It should also be forbidden even on private ground.

(11) This refers to clothes which were accidentally wetted on the Sabbath. For they might say that work had been done in washing. Hence there is an opinion that in private ground where the question of because of appearances does not apply it is permitted.

(12) Shab. 64b; 146b.

(13) This explanation would make Rab appear to side with Beth Shammai against Beth Hillel. But Rab would not go against the standard rule that the halachah prevails according to the opinion of Beth Hillel.

(14) The dispute between Beth Shammai and Beth Hillel according to R. Hanan is similar to the dispute between the anonymous Tanna and Rabbis Eleazar and Simeon. Rab, however, must explain the dispute of the Mishnah as in the first stage of the argument, and Beth Hillel, according to him, permit even on public ground because the dovecote proves the intention.

Talmud - Mas. Beitzah 9b

Our Mishnah is not in agreement with the following Tanna. For it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that one may carry the ladder from one dovecote

to [another] dovecote;¹ they dispute only about bringing it back, Beth Shammai saying: One may not bring it back, and Beth Hillel maintaining: One may even bring it back. R. Judah said: These words apply only to a dovecote ladder;² but with respect to a loft-ladder all agree that it is forbidden.³ R. Dosa says: One may incline it [the ladder] from one pigeon-hole to another. Others say in the name of R. Dosa: One may even move it with [short] hop-like steps.⁴

The sons of R. Hiyya⁵ went out to the Villages [to inspect the fields]. When they came back their father asked them: Has any legal question come before you? They replied to him: A case of [carrying] a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion: Since R. Judah said that they [Beth Shammai and Beth Hillel] do not dispute with respect to a loft-ladder, it follows that the first Tanna holds that they do differ [even there].⁶ But this is not so; R. Judah is only explaining the view of the first Tanna.⁷ Whence [is this known]? — Since [the list Tanna] states: ‘One may carry a ladder from one dovecote to another [dovecote].’ If therefore you maintain that they differ with respect to a loft-ladder [instead of] this [phrase], ‘One may carry a ladder from one dovecote to another dovecote,’⁸ he should say, ‘One may carry a ladder to a dovecote.’⁹ [Evidently] this is what he means: only [the ladder] of a dovecote but not that of a loft. And the other?¹⁰ — Does it then state a ladder of a dovecote? It [only] states ‘from one dovecote to another dovecote’, [indicating] even to any number of dovecotes.¹¹

Others say: A case of inclining a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion that what the first Tanna¹² forbids, R. Dosa permits.¹³ But it is not so. [Rather is it] what the first Tanna permits,¹⁴ R. Dosa forbids.

BUT HE MAY INCLINE IT FROM ONE PIGEON HOLE TO ANOTHER etc. Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival¹⁵ and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival, Beth Shammai say: He may dig up [earth] with a shovel and cover [the blood], but Beth Hillel maintain: One may not slaughter unless he has [loose] earth prepared from the day before [the Festival]!¹⁶ — R. Johanan replied: The authorities should be reversed.¹⁷ ‘Whence [does this follow]?¹⁸ Perhaps Beth Shammai say thus there¹⁹ only when there is [already] a shovel sticking in the earth,²⁰ but not where there is no shovel sticking in the earth.²¹ Or perhaps Beth Hillel permit here²² only because the dovecote makes it evident,²³ but there²⁴ it is not permitted!²⁵ Rather, if there is a difficulty,²⁶ the following is the difficulty. Beth Shammai say,²⁷ One may not take [pigeons]²⁸ unless he stirred [them] up²⁹ the day before. But Beth Hillel say: He stands and declares, ‘This one or that one shall I take’.³⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient; but the following contradicts this: If one slaughters game or poultry on a Festival [etc.]! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]?³¹ Perhaps Beth Shammai [permit] only when there is [already] a shovel sticking in the earth

(1) In order not to be deprived of the joy of the Festival.

(2) As his intention is then unmistakable.

(3) For the sake of appearance, as it may certainly be thought that he wishes to repair the roof.

(4) If the top of the ladder does not reach a particular pigeon-hole otherwise.

(5) Judah and Hezekiah.

(6) And, of course, Beth Hillel's view is law.

(7) Thus none permit the use of the ladder of the loft, since R. Judah does not state a separate view.

(8) Which signifies a ladder only used for dovecotes.

(9) The word משובך should have been omitted.

(10) I.e., R. Hiyya, what was the meaning of the text to him?

(11) The expression from ‘one dovecote to another dovecote’ is not asserting that it was a dovecote ladder, but rather that the ladder may be moved to several dovecotes.

- (12) The first Tanna of R Dosa is R. Judah who forbids the carrying of a loft-ladder.
- (13) The loft-ladder at any rate to be inclined from one pigeon hole to another.
- (14) R. Judah permits the carrying of a dovecote ladder while R. Dosa forbids carrying and only permits inclining the ladder which had been brought to the dovecote before the Festival. But a loft-ladder would be forbidden even to incline.
- (15) Beth Shammai do not give a more lenient decision out of regard for the joy of the Festival.
- (16) Supra 2a. In this case Beth Shammai is more lenient than Beth Hillel.
- (17) Rashi: The authorities in the second Mishnah are to be reversed; Tosaf.: The authorities of the first Mishnah are to be reversed.
- (18) There is no need to change the authorities for the attitude of each school in the second Mishnah can be in harmony with their attitude in the first Mishnah.
- (19) That it is permissible to dig up earth with a shovel.
- (20) Before the Festival when there is no likelihood of breaking any law on the Festival.
- (21) Even if the earth is loose, for in sticking in the shovel it would appear as if he were digging on a Festival. Similarly in the second Mishnah an onlooker might think that he was intending to repair his roof.
- (22) Not out of consideration for the joy of the Festival.
- (23) That no forbidden work is intended to be performed.
- (24) In the first Mishnah.
- (25) To dig even though the shovel was already sticking in the earth because he may cause a crumbling of the earth which is in the nature of grinding and the possibility of an infringement of the law by digging takes precedence over the consideration of the joy of the Festival.
- (26) Which led R. Johanan, to reverse the authorities.
- (27) Infra 10a.
- (28) For slaughtering on a Festival.
- (29) V. infra 10a.
- (30) Preparing then, for the following day.
- (31) So D.S. as supra. Cur. edd. 'perhaps it is not so'.

Talmud - Mas. Beitzah 10a

but not when there is no shovel sticking in the earth;¹ or perhaps Beth Hillel rule thus only here because since it is mukzeh,² it is sufficient if he stands and declares, 'This one or that one shall I take';³ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take a pestle⁴ to cut up meat thereon; but Beth Hillel permit [it].⁵ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry [on a Festival] Beth Shammai etc.! — R. Johanan replied: The authorities should be reversed. 'Whence [does this follow]? Perhaps it is not so? [Perhaps] Beth Shammai rule [thus] only there where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking In the earth. Or perhaps Beth Hillel rule thus only here, because it [the pestle] bears the designation of utensil;⁶ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not lay out a hide⁷ for treading on⁸ and one may not lift it up unless it has [sticking to it] flesh [as much as] an olive;⁹ but Beth Hillel permit.¹⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts that if one slaughters game or poultry on a Festival etc! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]? Perhaps it is not so; [perhaps Beth Shammai rule thus only there, where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here because it [the hide] is fit for sitting thereon,¹¹ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take down shutters¹² on a Festival, but Beth Hillel permit them even to be put back.¹³ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival etc.! It is well [that the rulings of] Beth Shammai are not

contradictory: there [it is permitted only] when there is [already] a shovel sticking in the earth but here there is no shovel sticking in the earth.¹⁴ But [the views of] Beth Hillel are contradictory! — Said R. Johanan: The authorities should be reversed. [Why reverse the authorities]?¹⁵ Perhaps Beth Hillel rule thus only here because building and pulling down do not apply to utensils,¹⁶ but there [they do] not [rule thus].

MISHNAH. BETH SHAMMAI SAY:¹⁷ ONE MUST NOT TAKE [PIGEONS] UNLESS HE HAS STIRRED¹⁸ [THEM] UP THE DAY BEFORE [THE FESTIVAL]; BUT BETH HILLEL SAY: HE STANDS AND DECLARES: THIS ONE OR THAT ONE WILL I TAKE. GEMARA. R. Hanan b. Ammi said: The dispute is only with respect to the first brood¹⁹ when Beth Shammai is of the opinion that²⁰ we preventively prohibit,²¹ lest he may come to change his mind,²² whereas Beth Hillel is of the opinion: We do not prohibit as a precautionary measure; but with respect to the second brood all agree that it is sufficient when he stands and declares, ‘This one or that one will I take’.²³

Now according to Beth Hillel, why must he declare, ‘This one or that one will I take’, let him [rather] say, ‘Of these will I take [one] tomorrow’?²⁴ And if you reply that Beth Hillel do not accept [the law of] Bererah,²⁵ surely we have learnt:²⁶ If a corpse [lay] in a room²⁷ which has many doors²⁸ they are all unclean;²⁹ if one of these [doors] was opened,³⁰ it alone is unclean³¹ and all the others are clean.³² If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square,³³ this gives protection to all the other doors.³⁴ Beth Shammai say: Providing that he had formed his intention to take it out³⁵ before the person died;³⁶ but Beth Hillel say: [It holds good] even [if his intention was formed] after the person died!³⁷ — But has it not already been stated thereon: Rabbah said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards.³⁸ R. Oshaia also said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards; only ‘from now onwards’ but not ‘retrospectively’.³⁹ Raba says: In reality [the statement of Beth Hillel is even in respect of cleansing] retrospectively,⁴⁰ and here⁴¹ the reason⁴² is lest he might take up [a pigeon] and put it down again, take up [a pigeon] and put it down again and thus come to take one which is not fit for him.⁴³ But you say it is sufficient if he stands and says this or that will I take!⁴⁴ — This only applies on the eve of the Festival,⁴⁵

(1) Similarly they do not permit to take a pigeon on a Festival unless he had specified before the Festival the particular pigeon he intended to slaughter, for after handling one he might change his mind and decide upon another and thus the handling of the first pigeon would be regarded as unnecessary work on a Festival.

(2) Viz., the prohibition of taking pigeons without previous preparation.

(3) This constitutes sufficient preparation.

(4) Used for the pounding of groats and therefore reserved for work forbidden on a Festival and so must not be handled.

(5) *Infra* 11a.

(6) Lit., ‘the law of a utensil is upon it’, and one may always handle a utensil on a Festival.

(7) Flayed on the Festival.

(8) Whereby it becomes tanned.

(9) The minimum to be used as a meal and what is needful for food may be carried about on a Festival.

(10) Cf. *infra* p. 51.

(11) They used to sit cross-legged upon rugs.

(12) For it is of the nature of building and pulling clown. V. *infra* 54, n. 2.

(13) Although such work is not directly for the sake of the Festival, *infra* 11b.

(14) I.e., in this case there is nothing corresponding to the shovel sticking in the earth in order to permit.

(15) Cf. MS.M. Cur. ed. ‘or’. [The text is in disorder: D.S. a.l. on the basis of different MSS. reconstructs it as follows: ‘On a Festival etc.’ — Said R. Johanan: The authorities are reversed. But whence (does this follow)? Perhaps Beth Shammai rules thus only there . . . but here there is no shovel . . . earth. Or perhaps Beth Hillel rule thus only here because building etc.’ — following the same line of argument as in the preceding cases].

- (16) The forms of the utensils are not changed but are only used for a different purpose.
- (17) Supra 9b. q.v.
- (18) To stir up, means to examine properly what sort of bird it was.
- (19) It is usual to leave the first brood as company for the parent birds.
- (20) If he did not 'stir' them before the Festival.
- (21) Taking any on the Festival.
- (22) About slaughtering that particular pigeon and put it back. He would thus have handled and moved the pigeon unnecessarily. If, however, he 'stirred' them before the Festival and chose one for slaughter, then he has definitely made up his mind to have that bird.
- (23) For there is no question of putting the bird back, since it is only the first brood that is left with the parent birds.
- (24) Since a verbal preparation is sufficient to remove the prohibition of mukzeh, it should be assumed that the bird chosen on the Festival is retrospectively the same one about which he spoke the day before.
- (25) Retrospective selection. A legal term to denote that a present selection shall have retrospective validity. The selection of a particular dove on the Festival from a number that have been generally designated before the Festival (when it was intended to take one only) shall rank as though that dove itself has been selected before the Festival.
- (26) Infra 37b; 'Er. 68b; Oh. VII, 3.
- (27) A corpse in a room defiles not only the vessels inside the room but even those standing just outside the door beneath the lintel of the entrance through which the corpse is to be carried out. If there is more than one entrance to the room the same rule applies to them all unless it has been specifically determined to carry it through one particular entrance. Such determination protects the other entrances.
- (28) All of which are closed or open.
- (29) The doors themselves and even the vessels outside under the same lintels; because the corpse may be carried out through any one of them.
- (30) After the person's death.
- (31) For it is assumed that the corpse will be taken out through the open door.
- (32) I.e., all vessels placed subsequently in the remaining entrances. With respect to those vessels placed there prior to the opening of the one door v. the immediately following hypothetical dispute between Beth Shammai and Beth Hillel.
- (33) The minimum opening through which a whole corpse could be carried out.
- (34) His intention or determination is regarded as if he had actually opened the entrance.
- (35) Through a particular door.
- (36) But if only after death, then those vessels which had been placed in the same entrance prior to his determination would be unclean.
- (37) It ranks as though that door had been designated for that purpose immediately at death; hence we see that Beth Hillel accept the rule of Bererah.
- (38) I. e., from the time subsequent to his determination. According to Beth Shammai, when there has been no determination before the death, all the entrances are unclean and the subsequent determination does not remove the uncleanness except by the actual act of opening. Not so Beth Hillel. But Beth Hillel will not accept the rule of Bererah.
- (39) I.e., those vessels placed in the entrances from the time of death until the forming of his intention all agree are unclean.
- (40) Because Beth Hillel accept the rule of Bererah.
- (41) In our Mishnah.
- (42) That Beth Hillel say that he must specify this or that.
- (43) On account of mukzeh; for his intention was to take only what was necessary' for him. If, however, he said 'this or that I will take,' he will definitely take those designated.
- (44) Why not apprehend here too lest he will pick and choose since he did not 'stir' them before the Festival?
- (45) I.e., If he makes this declaration on the eve of the Festival to remind him that he may not pick and choose on the Festival on account of mukzeh.

Talmud - Mas. Beitzah 10b

but¹ on the Festival [itself]² it is forbidden;³ for sometimes the [seemingly] fat ones are found [to be] lean, and the [seemingly] lean ones are found [to be] fat, and [thus] he handles [birds] which are not

fit for him; or else, sometimes they may all be found lean, and he will leave them and thus come to refrain from the joy of the Festival.⁴

MISHNAH. IF HE DESIGNATED⁵ BLACK [DOVES]⁶ BUT FOUND WHITE, WHITE BUT FOUND BLACK, TWO BUT FOUND THREE, THEY ARE [ALL] FORBIDDEN;⁷ THREE BUT FOUND TWO, THEY ARE PERMITTED. [IF HE DESIGNATED DOVES] INSIDE THE NEST AND FOUND THEM IN FRONT OF THE NEST, THEY ARE FORBIDDEN; BUT IF NONE EXCEPT THESE WERE THERE, THEY ARE PERMITTED.

GEMARA. Is not this self-evident? — Said Rabbah: We are dealing here with a case where he had designated black and white,⁸ and on the following morning he found black ones in the place of the white and white ones in the place of the black; you might say they are the very same [doves] and they had only exchanged [their nests], so he informs us⁹ that those¹⁰ are gone away and these are different ones. Shall it be said that [this Mishnah] supports the view of R. Hanina? for R. Hanina said:¹¹ [If] majority and proximity [are in opposition]¹² you follow the majority?¹³ — As Abaye has explained,¹⁴ when there is a board,¹⁵ likewise also here [explain] when there is a board.

[IF HE DESIGNATED] TWO [DOVES] BUT FOUND THREE THEY ARE [ALL] FORBIDDEN. Whichever way you take it [they are forbidden]; if these¹⁶ are other [doves], then they are indeed others;¹⁷ if they are the same, then there is [another] one mixed up with them.¹⁸

[IF HE DESIGNATED] THREE [DOVES] BUT FOUND TWO THEY ARE PERMITTED. What is the reason? — They are indeed the same¹⁹ and one of them has flown away. Shall it be said that the Mishnah is according to Rabbi and not according to the Sages? For we have learnt: If one deposited one hundred [zuz]²⁰ and found two hundred,²¹ [it is assumed that] there is hullin [money]²² and second tithes [money] mixed together. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²³ If he deposited two hundred [zuz] and found one hundred, [it is assumed that] one hundred has been left²⁴ and one hundred has been taken away. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²⁵ — You can even say [that it is] in accordance with the Sages, for It was stated thereon: R. Johanan and R. Eleazar both say:²⁶ Doves are different since they are used to hop about.²⁷ But why is it necessary²⁸ to explain here, ‘doves are different since they are used to hop about’? Surely it has already been stated with respect to this [very Baraita] that [there is a dispute between] R. Johanan and R. Eleazar; one says: The controversy [between Rabbi and the Sages] is when there were two purses,²⁹ but when there is [only] one purse all agree that the entire sum is hullin.³⁰ And the other says: The dispute is when there is one purse,³¹ but when there are two purses all agree that [we are to assume] one hundred has been left and one hundred taken away! It is well according to the view that the dispute relates to two purses; hence it is necessary to explain here ‘it is different with doves since they are used to hop about.’ But according to the view that ‘the dispute is [only] with respect to one purse but when there are two purses all agree that one hundred had been left and one hundred taken’ why is it necessary to answer it [as above]; surely you have said indeed that they do not dispute with respect to two purses?³² — Said R. Ashi: We are dealing here with doves tied together and with purses fastened together;³³ doves pull themselves apart from one another, but purses do not pull themselves apart from one another.³⁴ And Rabbi?³⁵ — He will answer you: In the case of purses too, it occurs

(1) If he has to make up his mind.

(2) I.e., if he only said ‘of these will I take to-morrow.’

(3) To take any bird.

(4) But had he specifically designated which to take, he would not change his mind.

(5) For eating on the Festival.

(6) That were in the nest.

(7) In the first case they are definitely strange doves and in the second case since he cannot recognize the doves he

designated they are all forbidden.

(8) In two separated nests.

(9) That we are to suppose.

(10) Doves that have been designated for slaughter on the eve of the Festival.

(11) B.B. 23b.

(12) I.e., If a case can be decided one way on the ground of majority and another way on the ground of nearness. For majority and nearness, cf. Ex. XXIII, 2 and Deut. XXI, 3 respectively. V. also B.B., Sonc. ed. p. 117, n. 2.

(13) Here too it is probable that the doves are the same and that the nests have been exchanged owing to their close proximity. On the other hand it is possible to imagine these doves as part of the great majority of birds which do not belong to him and which had not been predetermined on.

(14) With reference to another case, *infra* 11a.

(15) In front of the dovecote upon which strange birds settle. Accordingly it is also probable that as soon as the old doves left their dovecote (quitted their nest), these strange doves took their place. The question of proximity therefore applies equally to the strange doves as well as to the doves that were originally in the nest in which case no one disputes that majority decides.

(16) All three.

(17) They are therefore forbidden, for these have not been designated before the Festival.

(18) And since it is not known which is the new one they are all forbidden.

(19) I.e., two of the three previously designated.

(20) I.e., one case of a hundred zuz of the second tithe which had to be taken to Jerusalem, but which owing to the distance was converted into money. This money had to be spent in Jerusalem. V. Deut. XIV, 22-26.

(21) I.e., two one-hundred zuz pieces.

(22) I.e., ordinary, unconsecrated, not of the second tithe.

(23) He must therefore select the finest coin for the second tithe and say: If this was originally the second tithe coin then it is well; if, on the other hand, the other coin was originally the second tithe, then let this one be exchanged for the other.

(24) For he would not have put away hulin money together with second tithe money; and since two coins were found instead of one, it is to be assumed that the one-hundred zuz piece of the second tithe had been taken out and put in another place, while this two-hundred is ordinary money subsequently put in the same place.

(25) Because the owner would not have separated one second tithe coin from the other except to take it to Jerusalem; hence the Sages assume that he had taken out the two hundred zuz which he put somewhere away, replacing them by the hundred zuz of ordinary money, but that he had forgotten the whole matter. Similarly according to the Sages it would follow that the three doves had flown away and two others came in their place. V. Pes. 100.

(26) In explanation of this seeming contradiction.

(27) Therefore one of them may have hopped away and the two left are of the original ones. But the same cannot be said with respect to money.

(28) For both R. Johanan and R. Eleazar.

(29) Each containing one hundred zuzim. It is then that Rabbi says that one hundred was left and one hundred taken away.

(30) For if he took aught of such money he would have taken the lot.

(31) It is then that the Sages assume that the entire two hundred second tithe money had been taken out and placed elsewhere.

(32) The contradiction shown between the Mishnah and the view of the Sages was removed by both R. Johanan and R. Eleazar by explaining that there was a difference between doves and coins. But since one of the same two Rabbis maintains that in the case of two purses each containing one hundred zuzim the Sages agree that the hundred left is part of the original, which is in agreement with the statement in the Mishnah, then why was he a party to that explanation of the contradiction?

(33) The expression 'One purse containing two hundred zuzim' means two purses, each containing one hundred zuzim, tied together and regarded as one purse; likewise 'two purses' would mean when they are not tied together. In the former case the Sages hold that the purse left is not one of the original two that were tied together. This view is contradictory to the Mishnah which says that the two doves found are of the original three that were tied together from which one had torn itself away. This contradiction is overcome by drawing a distinction between live birds and inanimate purses.

(34) And therefore the purse left may not be of the original two tied together.

(35) Surely this is a logical distinction!

Talmud - Mas. Beitzah 11a

that their knot becomes worn out.

WITHIN THE NEST AND FOUND THEM IN FRONT OF THE NEST THEY ARE FORBIDDEN. Shall it be said that this¹ supports the view of R. Hanina? For R. Hanina said:² [If] majority and proximity [are in opposition] you follow the majority? — Said Abaye: When there is a board.³ Raba says: 'We are treating here of two nests one above the other;⁴ and it goes without saying that if he designated [doves] in the lower [nest] and did not designate [those] in the upper, and [on the morrow] finds [doves] in the lower [nest] and none in the upper they are forbidden, for we assume that those of the lower [nest] had flown away and these⁵ had indeed hopped down; but even if he designated [doves] in the upper [nest] and did not designate [those] in the lower and he came and found [some] in the upper and did not find [any] in the lower, these too are forbidden, for we assume that those⁶ had flown away and these had indeed fluttered up.⁷ BUT IF NONE EXCEPT THESE WERE THERE THEY ARE PERMITTED. What are the circumstances? If you say that [this refers] to those which can fly, then it is possible to assume that those had flown away and these are different ones? And if [this refers] to those which can [only] hop,⁸ then if there is [another] nest within fifty cubits, they might indeed have hopped away;⁹ and if there is no [other] nest within fifty cubits, it is obvious that they are permitted, for Mar 'Ukba b. Hama said: 'Whatever hops does not hop more than fifty cubits! — In truth [it means] where there is [another] nest within fifty cubits, but e.g., it is situated round a corner; you might say that they has indeed hopped away,' so it¹⁰ informs us that they only hop along as long as by turning they see their nest,¹¹ but if not,¹² they do not hop away.

MISHNAH. BETH SHAMMAI SAY:¹³ YOU MAY NOT TAKE A PESTLE¹⁴ TO CUT UP MEAT THEREON,¹⁵ BUT BETH HILLEL PERMIT [IT]. BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE¹⁶ FOR TREADING ON¹⁷ NOR MAY HE LIFT IT UP UNLESS THERE IS AS MUCH AS AN OLIVE OF FLESH WITH IT,¹⁸ BUT BETH HILLEL PERMIT IT.

GEMARA. A Tanna taught: And they [both] agree that if he had already cut up meat thereon, it [the pestle] may not be moved.¹⁹

Abaye said: The dispute is [only] with respect to a pestle, but in the case of a butcher's block²⁰ all agree that it is permitted. This is obvious: we learnt, A PESTLE!²¹ — You might say that the same applies even to a butcher's block²² and the reason it states PESTLE is in order to inform you of the extent of the view of Beth Hillel that even an object specially made for work which is forbidden²³ is also permitted; hence he informs us [that it is not so]. Others state; Abaye [himself] replied:²⁴ It is only necessary [to teach] that even a new butcher's block [is permitted]. You might say: He may change his mind and not cut up [meat] on it,²⁵ so he informs us [that this is not so]. Do then Beth Shammai not fear [the possibility of] one changing his mind?²⁶ Surely it was taught: Beth Shammai say: One may not lead the slaughterer²⁷ and the knife to the animal [to be slaughtered]²⁸ nor the animal to the slaughterer and the knife; but Beth Hillel say: One may bring the one to the other. Beth Shammai say: One may not carry spices or a pestle to the mortar, nor the mortar to the spices or the pestle; but Beth Hillel say: One may bring the one to the other! — What comparison is this? [With respect to] an animal it is well: he may come to change his mind saying, let us leave this lean animal and I will bring another animal which is fatter than this; [with respect to] a dish too he may come to change his mind, saying, let us leave this dish which requires spices and I will bring another [dish] which does not require spices. [But] here what are we to suppose? He will change his mind and not cut up [the meat]? Since he has already slaughtered [the animal], it has to be cut up.

BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE. A Tanna taught: And they [both] agree that one may salt upon it meat for roasting.²⁹ Abaye said: It was taught only [when it is] for roasting but not for boiling.³⁰ This is obvious: We learnt³¹ ‘for roasting’? — This he [Abaye] informs us that even for roasting [to salt it almost as much] as for boiling is [also] forbidden.

Our Rabbis taught: One may neither salt³² pieces of suet³³ for turn them about.³⁴ They reported in the name of R. Joshua: One may spread them out in the air on pegs [of wood]. R. Mattenah said: The halachah is as R. Joshua. Others state: R. Mattenah said: The halachah is not as R. Joshua. This is well according to the version, ‘the halachah is as R. Joshua’, [then it is necessary]: For I might say, [when] an individual and a majority [are in dispute] the halachah is as the majority: [hence] he informs us that [here] the halachah is as the individual. But according to the version ‘the halachah is not as R. Joshua’, it is obvious: [for when] an individual and a majority [are in dispute], the halachah is as the majority! — You might think that the opinion of R. Joshua is logical, for if you will not permit him³⁵ he will altogether forbear to slaughter,³⁶ so he informs us.³⁷ And why is this different from the case of placing a hide before the treading place?³⁸

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- (1) Statement of the Mishnah in assuming that the doves now found in front of the nest are not those that were originally within the nest.
 - (2) Supra 10b; B.B. 23b.
 - (3) Before the dovecote upon which strange doves settle. V. supra p. 48, n. 2.
 - (4) And the reason they are forbidden is on account of mukzeh and not that we regard them as part of the great majority of bids.
 - (5) At present in the lower nest.
 - (6) First mentioned.
 - (7) From the nest below.
 - (8) I.e., young ones that cannot yet fly.
 - (9) From their own cote and settled here.
 - (10) The Mishnah.
 - (11) I.e., so long as their nest is within sight.
 - (12) If by turning they cannot see their own nest.
 - (13) Supra 10a.
 - (14) Normally used for pounding grain, a work forbidden on a Festival.
 - (15) Work permitted on a Festival.
 - (16) Flayed on a Festival.
 - (17) Or, ‘before the treading place’, i.e., to be walked on as a door-mat whereby it becomes tanned; v. p. 43.
 - (18) I.e., clinging to it.
 - (19) For the purpose for which it was needed had already been done.
 - (20) Lit., ‘bone-breaker’.
 - (21) But not a butcher's block.
 - (22) I.e., Beth Shammai prohibits this too, lest after taking it he changes his mind and does not use it at all.
 - (23) On a Festival; v. p. 51, n. 7.
 - (24) To the question ‘is it not obvious?’
 - (25) In order to spare it so as not to spoil it; hence it should be forbidden; cf. n. 1.
 - (26) For we have just said according to Abaye that Beth Shammai agree that a new butcher's block may be moved for cutting up meat thereon, and they do not take into consideration the possibility of changing the mind.
 - (27) V. Marg. note; cf. also D.S.
 - (28) If they are distant from one another lest the slaughtering might not take place, and unnecessary toil is forbidden on a Festival.
 - (29) Although salt assists the tanning, because very little salt is used when the meat is to be roasted.
 - (30) Where much salt is required.
 - (31) The word **תַּנְיָא** is used here loosely as it refers to a Baraita.

(32) On a Festival.

(33) In order to preserve them for use after the Festival. Suet may not be eaten but may be used for making candles, etc.

(34) To prevent them decaying.

(35) To spread the pieces of suet on pegs.

(36) And thus be deprived of the joy of the Festival.

(37) That we do not follow the opinion of R. Joshua.

(38) Which Beth Hillel permit for the reason that if you will not allow him to do this he will omit slaughtering altogether.

Talmud - Mas. Beitzah 11b

— There it is not manifest,¹ since it [the hide] is fit to be used as a mat to sit on. Here [however] he will be led to argue: ‘What is the reason [that] the Rabbis permitted me [to spread it on pegs]: so that it should not become offensive: what difference is there whether I spread them or salt them? Rab Judah in the name of Samuel said: A man may salt [on a Festival] several pieces of meat together even though he needs only one piece.² R. Adda b. Ahabah made use of an artifice and salted piece after piece.³ MISHNAH. BETH SHAMMAI SAY:⁴ ONE MAY NOT TAKE DOWN SHUTTERS ON A FESTIVAL,⁵ BUT BETH HILLEL PERMIT EVEN TO PUT THEM BACK AGAIN.

GEMARA. What [kind of] shutters? — Said ‘Ulla: The shutters of a [shopkeeper's] stall.⁶ ‘Ulla further said: There are three cases where [the Rabbis] allowed the completing [of the action]⁷ on account of its beginning,⁸ and they are as follows: [The placing of] the hide for people to tread on;⁹ [the taking down of] shutters from stalls¹⁰ and the replacing of a plaster¹¹ in the Temple. And Rehaba said in the name of Rabbi Judah:¹² Also he who opens his cask [of wine] or commences [cutting] into his dough for the requirements of the Festival¹³ and according to R. Judah who Says: He may finish [selling them after the Festival].¹⁴

‘[The placing of] the hide for people to tread on’; we have [already] learnt it!¹⁵ — You might say that the reason of Beth Hillel¹⁶ is because it is fit to be used as a mat and therefore even though [the hide was flayed] before the Festival it is also [permitted]; so he informs us [that] they permitted its completion for the sake of the beginning: [therefore if flayed] on the Festival it is [permitted], before the Festival it is not [permitted].

‘[THE TAKING DOWN OF] SHUTTERS FROM STALLS’ we have also learnt, [viz., but Beth Hillel permit even to put them back again]: — You might say that the reason of Beth Hillel is that building or demolishing does not apply to utensils and [therefore] even [the lids of chests in] houses are also permitted,¹⁷ so he informs us that they only permitted its completion on account of the beginning; therefore of stalls only [is it permitted] but not of [chests in] houses.¹⁸

‘The replacing of a plaster in the Temple’ we have also learnt [viz.]:¹⁹ One may replace²⁰ a plaster [on a wound] in the Temple but not in the country:²¹ — You might Say, what is the reason? Because there is no shebuth²² in the Temple and [therefore] even a priest not performing a Temple service [may also replace a plaster], so he informs us that they [only] permitted its completion on account of the beginning, [therefore it is permitted] only in the case of [a priest] performing a Temple service, but not when not performing a Temple service. ‘[The case of] opening a cask’, we have also learnt²³ [viz.]: He who opens his cask [of wine] or commences cutting into his dough for the requirements of the Festival, R. Judah says: He may finish [selling them after the Festival]; but the Sages say: He may not finish! — You might say that the Rabbis regarded the uncleanness of an ‘am ha-arez during the [period of the] Festival as cleanness and [therefore] even though he had not commenced²⁴ it is also [permitted];²⁵ so he informs us that they only permitted its completion on account of the beginning, [therefore] only if he had commenced [to sell them during the Festival] but not if he had not commenced.²⁶ And ‘Ulla: What is the reason that he does not state this?²⁷ — He does not deal

with [cases] where there is a dispute. But there is a dispute concerning those too!²⁸ — The [opinion of] Beth Shammai against that of Beth Hillel is regarded as having no authority.²⁹

Our Mishnah³⁰ is not according to the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that one may take down the shutters on a Festival; they dispute only about replacing, Beth Shammai maintaining: One may not replace [them]; while Beth Hillel rules: One may even replace [them]. When is this said? Where they [the shutters] have hinges,³¹ but if they have no hinges all agree that it is permitted [even to replace them]. But it was taught: This applies only if they have no hinges, but if they have hinges all agree that it is forbidden! — Said Abaye: When they have hinges on the side all³² agree that it is forbidden;³³ they only dispute where there is a hinge in the middle:

- (1) That the spreading of the hide is for tanning.
- (2) For this is not doing extra work, for there is one act of salting whether it be for one or for several pieces.
- (3) After salting one piece for eating on the same day, he took another under the pretence that it was preferable, and so on until the whole was salted. The object was to preserve the meat in better condition for the days following the Festival.
- (4) Supra 10a.
- (5) For it is of the nature of building and pulling down, work forbidden on a Festival.
- (6) Although general trading is prohibited on a Festival, yet things necessary for the full enjoyment of the Festival may be sold on trust, no payment being made on the day of the Festival. One or two shutters were taken down to show that such goods might be obtained.
- (7) Which was not necessary for the Festival and in an ordinary way would have been prohibited.
- (8) The beginning of the action was necessary for the enjoyment of the Festival and so the ending is permitted for the sake of the beginning. If it were forbidden, it might cause the neglect of beginning certain work which was necessary for the full enjoyment of the Festival.
- (9) If he would not be allowed to use the skin in this way he would not kill.
- (10) If he will not be allowed to close he will not open to give food.
- (11) To apply a plaster on the Sabbath is forbidden. If, however, a priest having a plaster on a wound on his hand by reason of which he may not perform the Temple service (because nothing may adhere to his hand during the Temple service) has removed same, then he may replace it after the Temple service is over.
- (12) [The reference is to Rab Judah, whom Rehaba designated as 'Rabbi' ('my teacher') because he was his teacher (Rashi). V. D.S. a.l.]
- (13) To retail these to the pilgrims during the Festival among whom may be some of the עמי הארץ who do not observe the law of purification and who may have come into contact with the wine or bread thus rendering them unclean. According to R. Judah, the remainder also may after the Festival be bought by or sold to anyone however scrupulous he may be. V. p. 56, n. 1. Here, too, if we do not allow him to sell after the Festival, he will not commence opening for the Festival.
- (14) This is explained infra.
- (15) Supra 11a. Then why mention it again?
- (16) In permitting the hide to be trodden on.
- (17) To be taken off and to be put back again.
- (18) I.e. , even Beth Hillel hold that building or demolishing with respect to utensils is Rabbinically prohibited, but here they permit only on account of the enjoyment of the Festival.
- (19) 'Er. 102b.
- (20) On a Sabbath.
- (21) מדינה (country) used here as opposed to מקדש (Sanctuary, Temple precincts).
- (22) A Rabbinical Statute concerning the true keeping of the Sabbath; an act forbidden by the Rabbis on a Sabbath as being out of harmony with the celebration of the day. The replacing of a plaster on a Sabbath, like other medicinal remedies, is forbidden by the Rabbis as a preventive measure against pounding spices. The prohibition of acts as shebuth, however, did not apply to Temple duties. V. Glos.
- (23) Hag. 26b. Wine or dough which has been touched by an 'am ha-arez may not be bought by or sold to persons who are scrupulous about purification, for the 'am ha-arez is suspected of being unclean. If an 'am ha-arez comes into contact

with the wine or the dough during the Festival, they are not contaminated and may be bought by or sold to anybody during the Festival, even the most scrupulous. Should any wine or dough remain after the Festival, R. Judah and the Sages dispute whether these may continue to be bought by or sold to scrupulous people. If, however, wine or dough not for sale during the Festival came in contact with an 'am ha-arez, such may not be bought by or sold to the scrupulous after the Festival even according to R. Judah.

(24) To sell during the Festival.

(25) To the most scrupulous according to R. Judah, even though an 'am ha-arez had come into contact with these.

(26) The uncleanness of an 'am ha-arez was regarded as clean only with respect to things that were started to be sold, but if an 'am ha-arez touched a thing that had not been started to be sold, he contaminated them.

(27) Additional case of Rehaba.

(28) For Beth Shammai dispute the three cases he mentions.

(29) Lit., 'Beth Shammai('s view), in the place of Beth Hillel is not a Mishnah', since the halachah is determined according to Beth Hillel. Cf. Ber. 36b, Yeb. 9a.

(30) Which states the dispute between Beth Shammai and Beth Hillel with respect to taking down shutters.

(31) In which case replacing appears more in the nature of building.

(32) Both Beth Shammai and Beth Hillel.

(33) Because it is more difficult to put them back.

Talmud - Mas. Beitzah 12a

One master¹ holds that we preventively prohibit a hinge in the centre on account of a hinge at the side;² and the other master³ is of the opinion we do not preventively prohibit.⁴

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY OUT AN INFANT⁵ OR A LULAB⁶ OR A SCROLL OF THE LAW⁷ INTO PUBLIC GROUND,⁸ BUT BETH HILLEL PERMIT [IT].

GEMARA. A Tanna taught before R. Isaac b. Abdimi: He who slaughters a freewill burnt-offering on a Festival is flagellated.⁹ Said he to him: He who taught you this held the opinion of Beth Shammai who maintain: We do not say, 'Since carrying out is permitted for what is [actually] necessary [for the preparation of food], it is also permitted for that which is not necessary'.¹⁰ For if [he held the opinion of] Beth Hillel, surely they maintain: 'Since carrying out is permitted where it is necessary, it is also permitted where it is not necessary', so also here, since slaughtering is permitted where it is necessary¹¹ it is also permitted where it is not necessary.¹² To this Rabbah demurred: Whence do you know that Beth Shammai and Beth Hillel differ on this [point]; perhaps they differ as to whether [the laws of] 'erub and carrying out apply to Sabbath, but [the laws of] 'erub and carrying out do not apply to a Festival?¹³ One Master is of the opinion, 'Erub and [the laws of] carrying out apply to both the Sabbath and the Festival,¹⁴ and the other Master maintains, 'Erub and [the laws of] carrying out apply to Sabbath but 'erub and [the laws of] carrying out do not apply to the Festival, as it is written, Neither carry forth a burden out of your houses on the Sabbath day,¹⁵ only on the Sabbath day but not on the Festival!¹⁶ To this R. Joseph demurred [in turn]: If so,¹⁷ let them¹⁸ dispute with respect to stones!¹⁹ Since, however, they do not dispute about stones, infer from it that they differ with respect to carrying out [things] that are not necessary [in the preparation of food].²⁰

R. Johanan is also of the opinion that they differ in whether [we say], 'Since carrying out is permitted for what is necessary [in the preparation of food] it is also permitted for what is not necessary [in the preparation of food]'; for a tanna recited before R. Johanan:²¹ He who boils the thigh sinew on a Festival²² in milk and eats it is flagellated on five counts, for [unnecessarily] cooking the sinew on a Festival,²³ for eating the sinew, for boiling meat in milk,²⁴ for eating meat with milk,²⁴ and

- (1) I.e., Beth Shammai.
- (2) If the former is permitted, one will think that the latter, too, is permitted.
- (3) I.e., Beth Hillel.
- (4) And therefore permit even to put them back again. The two Baraita therefore are not contradictory, for each refers to a different case.
- (5) On a Festival, even to circumcise it. The circumcision ceremony was usually performed in a synagogue, hence the need to carry the infant out.
- (6) Lit., 'palm-branch', which bound together with myrtles and willows was carried, together with a citron, during the Feast of Tabernacles. V. Lev. XXIII, 40. Beth Shammai prohibit the carrying out of the lulab even for the purpose of fulfilling this command.
- (7) For the purpose of reading it.
- (8) For only such work as is necessary in the preparation of food may be done on a Festival.
- (9) The only offering which an individual may bring on a Festival is one part of which he may eat. But a burnt-offering is entirely consumed by fire on the altar; hence he does unnecessary work on the Festival. Obligatory (i.e., public) burnt-offerings are however permitted, as are all public sacrifices, both on the Sabbath and on Festivals, but voluntary offerings can be offered after the Festival.
- (10) As follows from our Mishnah.
- (11) For his own food during the Festival.
- (12) As the freewill burnt-offering.
- (13) The carrying of articles from one domain to another is forbidden, yet by means of an 'erub it is permitted. 'Erub is a symbolical act by which is established the legal fiction of joining one private estate with another private estate, thus extending the area in which things could be carried.
- (14) Just as it is not permitted on a Sabbath to carry from one domain to another without an 'erub, so on a Festival.
- (15) Jer. XVII, 22.
- (16) Thus Beth Hillel too may hold that we do not say, 'Since a certain labour is permitted in the preparation of food, it is also permitted in other cases too', their reason in the Mishnah being that they do not regard carrying out as a labour at all vis a vis Festivals.
- (17) That Beth Hillel hold that the prohibition of carrying without an 'erub does not apply to Festivals.
- (18) Beth Shammai and Beth Hillel.
- (19) Which it is altogether unnecessary to carry out; whether these may be carried out on Festivals into a public domain, v. Tosaf. s.v. זָרָה and R. Hananel.
- (20) But for the carrying out of which there is nevertheless some reason as the examples quoted in the Mishnah, v. loc. cit.
- (21) Mak. 21b; Yes. 47b. In Mak. the reading is slightly different.
- (22) Forbidden in Gen. XXXII, 33.
- (23) Since the sinew may not be eaten, the work of cooking it is unnecessary and consequently punishable by flogging. The same applies to the work of kindling a fire.
- (24) The prohibition of boiling meat with milk or eating of the same as well as making any use thereof is derived from the three passages of Scripture (Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21) forbidding to seeth a kid in its mother's milk.

Talmud - Mas. Beitzah 12b

for kindling fire.¹ Said he [R. Johanan] to him: Go, teach [this] outside [the Academy]; [what you have said with respect to] kindling and cooking has no authority, and if you say that it has an authority, [that authority] must be Beth Shammai who maintain that we do not say, 'Since carrying out [on a Festival] is permitted for what is necessary² it is also permitted for what is not necessary', likewise [they maintain] here that we do not say, 'Since the kindling of fire is permitted [on a Festival] for what is necessary, it is also permitted for what is not necessary'. For according to Beth Hillel, since they maintain [that we do say] 'Since carrying out is permitted for what is necessary, it is also permitted for what is not necessary', so also they would maintain here [that we say], 'Since the kindling of fire is permitted for what is necessary. it is also permitted for what is not necessary'.³

MISHNAH. BETH SHAMMAI SAY: YOU MAY NOT TAKE TO THE PRIEST HALLAH⁴ OR PRIESTLY DUES⁵ ON A FESTIVAL WHETHER THEY WERE SEPARATED ON THE DAY BEFORE OR ON THE SAME DAY. BUT BETH HILLEL PERMIT IT. SAID BETH SHAMMAI TO THEM: AN ANALOGY [SUPPORTS OUR VIEW]: HALLAH AND PRIESTLY DUES ARE A GIFT TO THE PRIEST AND TERUMAH⁶ IS [LIKEWISE] A GIFT TO THE PRIEST; JUST AS ONE MAY NOT TAKE [TO THE PRIEST] TERUMAH⁷ SO ONE MAY NOT TAKE [TO HIM] PRIESTLY DUES. BETH HILLEL, REPLIED TO THEM: NO! IF YOU SAY⁸ IN THE CASE OF TERUMAH WHICH HE HAS NOT THE RIGHT TO SEPARATE,⁹ WILL YOU SAY [THE SAME] WITH RESPECT TO PRIESTLY DUES WHICH HE IS PERMITTED TO SEPARATE?¹⁰

GEMARA. Now it was assumed that [the Mishnah means where] they were [both] separated on that day and slaughtered on that day, and [where] they were [both] separated the day before and slaughtered the day before. Who is [the authority for] our Mishnah: It is neither R. Jose nor R. Judah but the 'Others'!¹¹ For it was taught: R. Judah said: Beth Shammai and Beth Hillel did not differ concerning the dues which were separated on the eve of the Festival, [both agreeing] that you may take them together with the dues which were separated and killed on the same day [viz., the Festival]!¹² They differ only whether one may take them¹³ by themselves, when Beth Shammai say: You may not take [them], and Beth Hillel maintain: You may take [them]. And this is how Beth Shammai argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may not take terumah, so may you not take Priestly Dues. Beth Hillel replied to them: No! If you say [thus] of terumah which he has not the right to set apart [on a Festival], would you say [the same] of Priestly Dues which he has the right to set apart! R. Jose said: Beth Shammai and Beth Hillel do not differ about the Priestly Dues, [both agreeing] that you may take [them];¹⁴ they dispute only with respect to terumah when Beth Shammai say: You may not take [it],¹⁵ and Beth Hillel maintain: You may take [it]. And this is how Beth Hillel argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may take the Priestly Dues [to the priest] so may you take terumah [to him]. Beth Shammai replied to them: No! If you say [thus] of Priestly Dues which he has the right to separate [on a Festival], would you say [the same] of terumah which he has not the right to separate! Others say: Beth Shammai and Beth Hillel do not differ about terumah, [both agreeing] that you may not take [it]; they dispute only with respect to the Priestly Dues, when Beth Shammai say: You may not take [them] and Beth Hillel maintain: You may take [them]. Now shall it be said that it [the Mishnah] is [the ruling of] 'Others' and not [the ruling of] R. Judah?¹⁶ — Said Raba: Does it then say, 'Which were separated that day and killed that day'? It [only] says, 'WHICH WERE SEPARATED [etc.]' but in reality they were slaughtered the day before. [Accordingly] shall it be said that it [the Mishnah] is according to R. Judah and not according to the 'Others'?¹⁷ — You can even say, [It agrees with] the 'Others', for [they speak of Priestly Dues separated on a Festival] from those [animals] slaughtered the day before. If so they are identical with R. Judah! — They differ in respect of being brought together with other Priestly Dues.¹⁸

Rab Judah said in the name of Samuel: The halachah is as R. Jose.¹⁹ R. Tobi the son of R. Nehemiah had a jug of wine of terumah. He came to R. Joseph asking him: May I carry it now [on the Festival] to the priest? He answered him: Thus did Rab Judah say in the name of Samuel: The halachah is as R. Jose.

The host²⁰ of Rab, son of R. Hanan had bundles of mustard-stalks [and] he asked him: Is it permissible to crush it on the Festival and eat of it?²¹ He could not answer.²² He went to Raba who replied: You may rub ears of corn together²³ and crumble pods²⁴ on a Festival.²⁵ Abaye raised an objection: He who rubs ears of corn on the eve of the Sabbath may winnow them on the following day [Sabbath] from hand to hand and eat, but [he may] not [winnow them] with a reed-basket nor with a dish. He who rubs ears of corn on the eve of a Festival may winnow them on the following day [the Festival] little by little²⁶ and eat, even with a reed-basket and even with a dish, but not with a tray nor with a winnowing fan nor in a sieve.²⁷ [Now] only 'on the eve of the Festival' [is rubbing

of corn stated to be permitted] but not on the Festival [itself]²⁸ — You may even say [that it may be done] on the Festival [itself], but because he states in the first part [of the passage] ‘on the eve of the Sabbath’, he also states in the concluding part ‘on the eve of a Festival’. If so,²⁹ we find that one has the right to separate [on a Festival]³⁰ and we have learnt: NO! IF YOU SAY THAT WITH RESPECT TO TERUMAH WHICH HE HAS NO RIGHT TO SEPARATE etc.! — This is no difficulty:

- (1) V. Ex. XII, 16 and cf. n. 4.
- (2) As in the preparation of food.
- (3) This proves that R. Johanan is also of the opinion that the dispute between Beth Shammai and Beth Hillel is whether we say, ‘Since carrying out is permitted etc.
- (4) Dough-offering. V. Num. XV, 17-21. Although hallah may be taken from the dough in order to enable the dough to be eaten, it may not be carried to the priest.
- (5) For the different parts of a slaughtered animal which fall to the share of the priest, v. Deut. XVIII, 3.
- (6) Heave-offering. V. Num. XVIII, 11ff and Glos.
- (7) To the priest on a Festival, since it could have been taken to the priest before the Festival when it was separated.
- (8) That one may not bring to the priest on a Festival.
- (9) On a Festival; cf. infra 36b.
- (10) Since slaughtering is permitted on a Festival. Surely not!
- (11) ‘Others’ usually refers to R. Meir; Hor. 13b.
- (12) He regards the latter as axiomatic, and permits the former because no extra work is involved.
- (13) The Priestly Dues separated before the Festival.
- (14) The same holds good with respect to hallah.
- (15) To the priest on a Festival.
- (16) The Mishnah can certainly not agree with R. Jose; but can it agree with R. Judah?
- (17) For according to the present explanation, even Beth Shammai permit taking to the priest the Priestly Dues of animals slaughtered on the Festival. Put the ‘Others’ represent Beth Shammai as prohibiting the bringing of Priestly Dues from both an animal slaughtered before or on the day of the Festival.
- (18) Which were separated on the Festival itself. In R. Judah's opinion Beth Shammai permit them to be taken in conjunction with similar gifts separated on the day of the Festival.
- (19) Who hold that Beth Hillel permits even terumah to be taken to the priest on a Festival.
- (20) I.e., Innkeeper.
- (21) Is crushing prohibited since it is possible to do this before the Festival?
- (22) Lit., ‘it was not in his hand’.
- (23) To separate the grain from the chaff; v. infra 13b.
- (24) To get the seeds out.
- (25) Since rubbing ears of corn is different from the usual manner of threshing and does not involve culpability on a Sabbath it is altogether permitted in the case of a Festival.
- (26) Lit., ‘upon the hand’, v. fast. s.v. **ת**.
- (27) Such vessels are used for large quantities and it would appear as if he was preparing for the following day.
- (28) Which contradicts Rab b. R. Hanan.
- (29) That one may rub ears of corn on a Festival.
- (30) Corn is liable for tithing only after it has been threshed, winnowed and piled up in a heap, after which nothing may be eaten until terumah is taken. But before it is subject to tithe a light meal is permitted. By allowing a man on a Festival to rub ears of corn and eat the grain it follows that he must also be permitted to take terumah which he would not have done before, as terumah is generally not separated in the ears of corn until they have been turned into grain.

Talmud - Mas. Beitzah 13a

One¹ is [according to] Rabbi and the other² is [according to] R. Jose son of R. Judah.³ For it was taught: If he brought in ears of corn⁴ to make dough therefrom, he may eat a slender repast⁵ thereof and it is exempt [from terumah]; [if however he brought in the ears of corn] in order to rub the in

together,⁶ Rabbi declares them liable [to terumah]⁷ and R. Jose son of R. Judah exempts them.⁸ But [even] according to R. Jose son of R. Judah, it⁹ may also occur when, for example, one has brought in ears of corn to make dough therefrom¹⁰ and on the Festival changed his mind [deciding] to rub them,¹¹ so that they become tebel¹² on the day [of the Festival]!¹³ — Rather what does terumah [mentioned in the Mishnah] mean? Terumah [as separated] in most cases.¹⁴

Abaye said: The dispute¹⁵ is only with respect to ears of corn,¹⁶ but in the case of grain of pulse all agree that when in bundles they are tebel.¹⁷ Shall it be said that the following supports him? [For we have learnt]: He who had bundles of fenugreek of tebel, must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed, but he does not separate [terumah] on the stalks.¹⁸ Is not the author of this R. Jose son of R. Judah who says there¹⁹ that it is not tebel, yet here²⁰ it is tebel?²¹ — No, it is in accordance with the opinion of Rabbi.²² If it is in accordance with Rabbi, [then] why state fenugreek; even ears of corn too [are liable to be tithed]? — What then: [it is according to] R. Jose son of R. Judah? Let [the text] inform us of other kinds of pulse²³ and [I would infer] how much more [is it true of] fenugreek? But he [the Tanna] needs [to teach it about] fenugreek; for I might have thought that since the stalks have the same taste as the fruit, he should also give tithe on the stalks,²⁴ so he informs us [that it is not so].

Others state: Abaye said: The dispute is only with respect to ears of corn,²⁵ but as for grain of pulse all agree that when in bundles they are not tebel.²⁶ An objection is raised: He who had bundles of fenugreek of tebel, he must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed but not on the stalks. Does not tebel connote that it is tebel in respect of terumah?²⁷ — No, [it means] tebel in respect of the terumah of the tithe,²⁸ and it is in accordance with R. Abbahu's dictum in the name of R. Simeon b. Lakish. For R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe [levitical] which one anticipated while the corn was yet in the ears,²⁹ its designation renders it tebel in respect of the terumah of the tithe.³⁰ Why must he [the Levite] beat out [the seeds]? Let him say [to the priest]: Just as they have given them to me so will I give them to you!³¹ — Said Raba: This is a penalty.³² Likewise has it been taught: A Levite to whom his tithes were given while the corn was still in the ear, must³³ make it [fit for] a barn;³⁴ [if it is] grapes, he must make them into wine; if olives, he must turn them into oil; [only] then does he separate the terumah of [the] tithe and give same to the priest. For just as the great terumah is taken

(1) The Baraitha allowing the corn to be rubbed and eaten on the Festival.

(2) Our Mishnah.

(3) Both agree that rubbing ears of corn on a Festival is allowed. They only dispute whether terumah must then be separated. Rabbi maintains that it is required; consequently terumah may in such a case be separated on a Festival. R. Jose, however, holds that it is unnecessary; hence terumah may never be separated on a Festival. (Rashi). Tosaf: This, i.e., the Mishnah, is according to Rabbi, for since Rabbi holds that the bringing in of the ears for eating raw constitutes the final stage for tithing, terumah could and should have been separated before the Festival; and it is a general rule that whatever could be done before the Festival may not be done on the Festival. But the Baraitha is according to R. Jose b. R. Judah: for since he holds that the bringing in of the ears for eating raw does not constitute the final stage for tithing, there was no obligation to tithe them before the Festival; hence if he decides on the Festival to make a full meal of them, he must first separate terumah; since there was no obligation before, it is regarded as something which could not be done earlier, and therefore it is permitted on a Festival.

(4) Not yet ready for tithing.

(5) V. p. 62, n. 13.

(6) And to eat the grain raw little by little.

(7) According to Rabbi, the bringing in of corn into the house for the purpose of eating raw grain corresponds to the finishing touch of the corn brought into the barn and makes it liable for tithing even for a light meal.

(8) He draws a distinction between the two purposes. For the Biblical expression **תבול** (Num. XVIII, 27) signifies corn which has been threshed and levelled out in a heap, and as this corn was brought in the ears, it has not had the finishing touch making it ready for tithing.

- (9) The taking of terumah on a Festival.
- (10) After the usual threshing and winnowing.
- (11) And eat them raw. On the interpretation of Tosaf. (v. supra p. 63 n. 3) the question should read, 'But even according to Rabbi . . . therefrom' (when no obligation rested upon him to tithe before the Festival), 'and on the Festivals . . . to rub them', when he may not eat of these except after tithing, so that we find terumah being authorized to be set apart on a Festival.
- (12) Grain from which the priestly and Levitical dues have not been taken. V. Glos.
- (13) The fact that he brought in the ears of corn to make dough therefrom after the normal threshing and winnowing made them liable for terumah, and by changing his mind to rub the ears together to eat them raw not only cannot remove the liability for tithing, but, on the contrary, takes the place of the finishing touch in the barn so that not even a light meal may be had without first taking terumah.
- (14) Viz., when the corn is levelled out in heaps in a barn, as above. But the case which is now discussed is exceptional and therefore generally disregarded. The Mishnah can therefore agree both with Rabbi and R. Jose.
- (15) Between Rabbi and R. Jose b. Judah.
- (16) It is then that R. Jose exempts from tithing.
- (17) V. Glos. Because pulse is frequently tied up in bundles to be threshed in small quantities as required, and consequently the bringing in of a bundle of pulse in the house corresponds to the finishing touch of grain in a barn. (Rashi).
- (18) Ter. X, 6.
- (19) In the case of ears of corn.
- (20) In the case of pulse.
- (21) The statement 'bundles of fenugreek of tebel' presupposes a liability for tithing, because the tying up into bundles is the finishing preparation for tithing.
- (22) Who maintains that even ears of corn are also liable for tithing when brought into the house for use.
- (23) Which are not tied up into bundles, like peas or beans.
- (24) For the stalks together with its fruit are used for seasoning. The Baraitha can therefore on this argument be in accordance with Rabbi, so that it affords no support to Abaye.
- (25) It is then that Rabbi says that they are liable to be tithed, because many take bundles of corn into the house to eat them raw or roasted without having been stored and prepared for tithing in a barn.
- (26) Because pulse becomes liable for tithing only after it has been made into a stack.
- (27) Consequently we see that although yet in bundles they are already liable for tithing.
- (28) The proper order of tithing, after the corn has first been levelled out in the barn, is this: First terumah is separated for the priest (called the great terumah) and one-tenth of the remainder (called tithe) for the Levite, who in turn, separates one-tenth of his tithe for the priest which is designated terumah of the tithe. The great terumah, or simply terumah as it is generally referred to, varies from one-fortieth to one-sixtieth. It is also called the 'great terumah' because this portion is greater than that received from the Levite.
- (29) I.e. , the Israelite separated it before separating the great terumah.
- (30) Although had he not separated tithe it would not be regarded as tebel, and a light meal would be permissible. Similarly in the Baraitha, although pulse does not become liable to terumah before it has been made into a stack, once the Levite anticipated and received his share when in bundles, it becomes liable also to terumah of the tithe.
- (31) If it referred to the terumah of an Israelite he would have to beat out the grain because the expression **תביל** (Num. XVIII, 27) signifies that the priest is to be given tithe only when the corn is threshed; V. Rashi.
- (32) For taking the tithe before the great terumah was rendered, against the prescribed order.
- (33) Before giving his terumah to the priest.
- (34) When it would have received the last preparation for tithing.

Talmud - Mas. Beitzah 13b

only from the threshing-floor and from the wine-press,¹ so also is the terumah of the tithe to be taken only from the threshing-floor and from the wine-press.

[It is stated above]: 'He estimates!' Surely it requires [exact] measuring!² — The author of this is

Abba Eleazar b. Gimal. For it was taught: Abba Eleazar b. Gimal says: 'And your heave-offering shall be reckoned unto you'.³ Scripture speaks of two heave-offerings,⁴ one [being] the great terumah and the other the terumah from the [Levite's] tithe; just as the great terumah may be separated by estimation⁵ and by mental determination⁶ so may the terumah from the [Levite's] tithe be separated by estimation and by mental determination.

The text [above stated]: R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe which one anticipated while the corn was yet in the ears, its designation renders it *tebel* in respect of the terumah from the [Levite's] tithe. What is the reason? Said Raba: Because it already bears the name tithe.

R. Simeon b. Lakish said: The First Tithe which was anticipated while the corn was yet in the ears is exempt from the great terumah, for Scripture Says: Then ye shall offer up an heave-offering of it for the Lord, a tithe of the tithe;⁷ a tithe of the tithe have I commanded you, but not 'the great terumah and a tithe of the tithe'. Said R. Papa to Abaye: If so, even if he anticipated it⁸ at the barn too? — He replied to him: It is for your sake that Scripture states: Out of all your gifts ye shall offer every heave-offering of the Lord.⁹ What [reason] do you see?¹⁰ — In the one case,¹¹ it is already corn;¹² in the other, it is not already corn.

We have learnt elsewhere:¹³ He who hulls barley,¹⁴ may hull it grain by grain and eat it,¹⁵ but if he hulls [it] and lays [the grains] in his hand, he is liable [to give tithe].¹⁶ Said R. Eleazar: And it is likewise with respect to the Sabbath.¹⁷ But this is not so! For Rab's wife hulled for him cupfuls, and likewise R. Hiyya's wife hulled cupfuls for him! Rather if this [statement of R. Eleazar] has been said, It was said with respect to the second clause: He who rubs ears of wheat may winnow them from one hand to the other and eat them [without tithing]; but if he winnows them and lays them on his lap he is liable. Said R. Eleazar: And it is likewise with respect to the Sabbath. R. Abba b. Mamel demurred to this: And [in] the first clause, [is he liable] in respect to tithe but not in respect to Sabbath? Is there then any action which with respect to the Sabbath does not rank as the final act,¹⁸ whereas with respect to tithe it is regarded as the final act?¹⁹ To this R. Shesheth the son of R. Idi demurred: Is there not? Surely there is [the case of what constitutes] their threshing-floor in respect of tithing;²⁰ for we have learnt,²¹ When is their harvesting time for tithing?²² In the case of cucumbers and gourds after their coils of blossom have dropped,²³ and if they have not dropped, then as soon as they have been made a heap. And we learnt likewise of onions:²⁴ [They are liable for tithing] as soon as he [their owner] sets up a heap. Yet with respect to the Sabbath the setting up of a heap does not involve culpability? Therefore you must needs say that [with respect to the Sabbath] the Torah forbade work of craftsmanship;²⁵ so also here²⁶ [say] the Torah forbade work of craftsmanship.

How should one rub them?²⁷ — Abaye in the name of R. Joseph says: One [finger] against one [finger].²⁸ But R. 'Awia in the name of R. Joseph says: One [finger] against two [fingers].²⁹ Raba [however] says: So long as he does it in an unusual way it is permitted even between the thumb and all the fingers.

How should one winnow [them on a Sabbath]? — Said R. Adda b. Ahabah in the name of Rab: He should winnow

(1) V. Num. XVIII, 27.

(2) If the text referred to the great terumah, the expression 'estimate' would be correct, since according to Scripture no definite percentage is required, for even a single grain can exempt the whole of the crop, while the giving of one-fortieth — one-sixtieth is only a Rabbinical enactment. But now that we explain that it means the terumah from the Levite's tithe, it definitely says (Num. XVIII, 27) that this must be one-tenth.

(3) Num. XVIII, 27.

- (4) The Massoretic text has **תרומתכם** in the singular, but many MSS. including the Samaritan Version read **תרומותיכם** in the plural.
- (5) It was not necessary to measure out the fiftieth part usually given for the terumah.
- (6) One can mentally determine to take terumah from one side of the heap of corn and may then eat from the other side before the terumah had been actually set apart.
- (7) Num. XVIII, 26.
- (8) I.e., if he tithed it before separating the great terumah.
- (9) Num. XVIII, 29, indicating that even the great terumah has to be given by the Levite to the priest if it was not already given by the Israelite.
- (10) To make this distinction between the corn in the ear and the corn in the barn.
- (11) When the corn is already in the barn.
- (12) And the great terumah is due to the priest. Therefore he is entitled to recover the great terumah from the Levite.
- (13) Ma'as. IV, 5.
- (14) In order to eat it raw.
- (15) For this is regarded as a scanty meal and he is exempt from tithing.
- (16) For this is regarded as a full meal.
- (17) If he hulls it into the hand it is regarded in the in the nature of threshing and he is guilty of desecrating the Sabbath.
- (18) To make one guilty of a breach of the Sabbath. The finishing touch to a work on a Sabbath involves culpability.
- (19) To make him liable for tithing.
- (20) The word **גרן** 'threshing-floor' is used as a technical term meaning harvesting time or the final act making cereals or vegetables liable to tithe.
- (21) Ma'as I, 5.
- (22) So that it may be regarded as tebel and a light meal would not be permissible.
- (23) I.e., after they have been trimmed up and made neat.
- (24) Ma'as I, 6.
- (25) **מלאכת מחשבת** Ex. XXXI, 4-5 speaks of the work of craftsmanship of the Tabernacle and is immediately followed by the laws respecting the Sabbath, indicating that the work forbidden on the Sabbath is similar to the craftsmanship there referred to. But the placing of the vegetables in a heap is not considered a work of craftsmanship. But v. R. Hananel a.l.
- (26) In the case of the laying of the grains in his hand.
- (27) On a Festival to distinguish from the rubbing on any other day, which was to rub with the finger of one hand on the palm of the other.
- (28) I.e., between the thumb and the first finger.
- (29) I.e., between the thumb and the two fingers.

Talmud - Mas. Beitzah 14a

from the joints of the fingers upwards.¹ They laughed at it in the West:² so long as he does it in an unusual manner [it is permitted to be done] even with the whole palm! But said R. Eleazar: He should winnow vigorously with one hand.³ MISHNAH. BETH SHAMMAI SAY: SPICES MAY BE POUNDED WITH A WOODEN PESTLE⁴ AND SALT IN A SMALL CRUSE OR WITH A WOODEN LADLE;⁵ BUT BETH HILLEL MAINTAIN: SPICES MAY BE POUNDED AFTER THEIR USUAL FASHION WITH A STONE PESTLE AND SALT WITH A WOODEN PESTLE.⁶

GEMARA. All agree at any rate that [the pounding of] salt must be done in an unusual manner; what is the reason? — R. Huna and R. Hisda [differ]. One says: [Because] all dishes require salt,⁷ but not all dishes require spices; and the other says: [Because] all spices lose their flavour,⁸ but salt does not lose its flavour. Wherein do they differ? — The difference between them is when he knew [on the eve of the Festival] what dish he will cook [on the morrow],⁹ or in the case of saffron.¹⁰

Rab Judah said in the name of Samuel: Everything which is pounded may be pounded in the usual way, even salt.¹¹ But Surely you have said that salt must be [pounded] in an unusual way! He rules

as the following Tanna, for it was taught: R. Meir says: Beth Shammai and Beth Hillel do not differ over [commodities] which are pounded, [agreeing] that they may be pounded in the usual way, and salt with them;¹² they differ only with respect to pounding it [salt] alone, when Beth Shammai say: Salt [may be pounded] in a small cruse and with a wooden ladle only for roasting¹³ but not for boiling, and Beth Hillel maintain: [It may be pounded] with everything. ‘With everything’! — Can you think so?¹⁴ — Say rather, for everything.¹⁵

R. Aha Bardela said to his son: ‘When you pound [salt], incline [the mortar] sideways and pound. R. Shesheth heard¹⁶ the sound of a mortar and pestle; [then] said he: This is not [coming] from my house. Perhaps it was done sideways?¹⁷ — He heard a shrill noise.¹⁸ Perhaps it was spices?¹⁹ — Spices produce a dull sound.

Our Rabbis taught: One may not prepare pearl-barley²⁰ nor pound anything in a mortar. [You state] two [contradictory rulings]?²¹ — This is what it means to say: ‘What is the reason that you may not prepare pearl-barley? Because you may not pound [anything] in a mortar. Then it should have [only] stated: ‘One may not pound [anything] in a mortar’! — If it stated [only], ‘One may not pound anything in a mortar’, I would say, that is only in a big mortar; but in the case of a small mortar [I would say], It is well; so it informs us [that this is not so]. But it was taught: One may not pound in a big mortar but one may pound in a small mortar! — Said Abaye: ‘When the teaching²² was taught, it too was taught of a large mortar.’²³

(1) But not in his palm.

(2) I.e., the scholars of Palestine. V. Sanh. 17b, Sonc. ed. p. 89.

(3) Not just throw it up a little.

(4) Although the pounding of spices is permitted on a Festival it should be done in a somewhat different way from ordinary days.

(5) The pounding of salt must be done in all entirely unusual way, both with regard to the vessel in which, and also with regard to the vessel with which, it is pounded.

(6) According to Beth Hillel it is sufficient if the vessel with which it is pounded is different.

(7) He should therefore have prepared the salt before the Festival.

(8) Therefore it must be prepared on the day it is required.

(9) According to the first reason, even the pounding of spices must be done in an unusual manner since it could have been prepared on the day it is required.

(10) According to not lose its flavour, so that according to the second reason it is the same as salt.

(11) Or, Even salt! But etc.

(12) I.e., , pounding them both on the same occasion, by preparing the salt in immediately after the spices Rashi as explained by Rashal).

(13) When a small quantity only is required.

(14) Even with a utensil which may not be handled at all on the Sabbath?

(15) I.e., for every purpose, whether for roasting or boiling — and that in the usual way Rab Judah thus has a Tanna in support for his ruling.

(16) On a Festival.

(17) In which case it is permissible.

(18) Whereas if the mortar were inclined there would be a heavy, dull noise.

(19) Which may be pounded in the usual way.

(20) On a Festival, because it requires toilsome pounding.

(21) The first ruling forbids toilsome pounding only, whereas the second for bids all pounding.

(22) Introduced by, Our Rabbis taught’.

(23) The two statements are not contradictory. The first statement forbidding the pounding of pearl-barley refers even to a small mortar, and the second statement refers to a big mortar. Only pearl-barley is forbidden to be pounded in a small mortar but other things may be.

Talmud - Mas. Beitzah 14b

Raba says: There is no difficulty: this [Baraita¹ refers] to us,² and the other [Baraita³ refers] to them.⁴

R. Papa visited Mar Samuel.⁵ They set before him pearl-barley broth and he did not eat of it. Perhaps they prepared it in a small mortar?⁶ — He noticed that it was very fine.⁷ Perhaps they prepared it the day before [the Festival]? — He saw that it [the pearl-barley] was still bearing the polish from the husking.⁸ Or you can say: It is different in the case of the house of Mar Samuel, on account of the laxity of the servants.⁹

MISHNAH. IF ONE SELECTS PULSE ON A FESTIVAL, BETH SHAMMAI SAY: HE MUST SELECT THE EDIBLE PARTS AND EAT [THEM FORTHWITH]; BUT BETH HILLEL SAY: HE MAY PICK OUT AS USUAL¹⁰ [FROM A SMALL QUANTITY] IN HIS LAP OR IN A BASKET OR IN A DISH; BUT NOT ON TO A BOARD OR IN A SIFTER OR IN A SIEVE.¹¹ RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM [IN WATER] AND SKIM OFF [THE REFUSE].

GEMARA. It was taught: Rabban Gamaliel said: This was [only] stated when the edible part is more than the refuse;¹² but if the refuse is more than the edible part, all agree that he must pick out the edible part and leave the refuse. If the refuse is more than the edible part, is there anyone who permits it [to be picked]?¹³ — This refers to a case where the work [of picking out the refuse] is great though the quantity [of the refuse] is small.¹⁴

RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM AND SKIM OFF [THE REFUSE]: It was taught: R. Eleazar son of R. Zadok said: This was the practice in the house of Rabban Gamaliel; they brought a bucket-full of lentils and poured water over them with the result that that which was edible remained below and the refuse [floated] on top. But has not the opposite been taught?¹⁵ — There is no contradiction: The one applies to sand, the other applies to chaff.¹⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY SEND [GIFTS TO A NEIGHBOUR] ON A FESTIVAL ONLY PORTIONS [READY FOR EATING],¹⁷ BUT BETH HILLEL SAY: ONE MAY SEND CATTLE, GAME AND POULTRY WHETHER ALIVE OR SLAUGHTERED. ONE MAY [ALSO] SEND WINE, OIL, FLOUR OR PULSE BUT NOT GRAIN.¹⁸ BUT R. SIMEON PERMITS [ALSO] GRAIN.¹⁹

GEMARA. R. Jehiel taught: Provided that he does not send it [the present] by a company [of men].²⁰ A Tanna taught: A company consists of not less than three persons. R. Ashi put the question: What [is the law] with respect to three persons with three varieties [of gifts]?²¹ This question is undecided.

R. SIMEON PERMITS [ALSO] GRAIN. It was taught: R. Simeon allows grain: e.g., wheat, to prepare thereof food for gladiators;²² barley, to give to his cattle; [and] lentils to prepare thereof groats.²³

MISHNAH. ONE MAY SEND CLOTHES, WHETHER SEWN UP OR NOT YET SEWN UP EVEN THOUGH THERE IS KIL'AYIM²⁴ IN THEM, PROVIDED THEY ARE NECESSARY²⁵ FOR THE FESTIVAL; BUT [ONE MAY] NOT [SEND] HOB-NAILED SANDALS²⁶ NOR UNSTITCHED SHOES. R. JUDAH SAYS: NOT EVEN WHITE SHOES BECAUSE THEY [STILL] REQUIRE AN ARTISAN [TO BLACKEN THEM]. THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL MAY [ALSO] BE SENT [ON A FESTIVAL].

GEMARA. As for sewn [articles] it is well: they are fit for garments; [likewise] unsewn [articles] too, [as] they are fit for a covering. But for what are kil'ayim fit? And if you say they can be used to fold under him,²⁷ surely it was taught: Neither shall there come upon thee [a garment of two kinds of stuff mingled together],²⁸ but you may spread it beneath you. But the Sages said: It is forbidden to do so lest a thread might cling to his body! And if you say [that it is permissible] if there is anything interposing between them,²⁹ surely R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, who said in the name of R. Jose b. Saul, who said in the name of Rabbi in the name of the Holy Community at Jerusalem:³⁰ Even if ten mattresses lie one on top of the other and [some material of] kil'ayim is beneath them, it is forbidden to sleep thereon! And if [you say] it refers to a curtain, surely 'Ulla said: Why did [the Sages] say a curtain is unclean³¹ because the attendant warms himself beside it!³²

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- (1) Permitting the pounding in a small mortar.
 - (2) Babylonians, who have no domestics.
 - (3) Forbidding pounding even in a small mortar.
 - (4) Palestinians, who have domestics who are inclined to laxity; these might pound in a large mortar and say they have used a small one; hence small ones too were forbidden.
 - (5) On a Festival.
 - (6) Which is permitted in Babylon.
 - (7) This cannot be attained in a small mortar.
 - (8) Its sheen was too fresh for it to have been prepared the day before.
 - (9) Mar Samuel, although in Babylon, had servants who might disregard the observance of the rules.
 - (10) I.e., pick out the refuse and the bad ones that are not edible.
 - (11) Because it might seem he was preparing for the next day.
 - (12) It is then that Beth Hillel permit to pick out the refuse.
 - (13) Since the lesser part is lost in the greater it is forbidden even to be handled on the Festival.
 - (14) By the expression 'if the refuse is more' is to be understood not that the refuse is greater in quantity but rather that the trouble of picking out the refuse was greater.
 - (15) That the edible parts float on top and the refuse sinks to the bottom.
 - (16) Sand sinks to the bottom and chaff floats on top.
 - (17) Which will be eaten at once and not kept.
 - (18) Which must be ground, and consequently may not be used.
 - (19) For they can be cooked as they are or may be ground in a small mortar.
 - (20) Lest it should appear as if the food were being sent to a public sale.
 - (21) Are they regarded as individuals or does the variety of gifts make no difference.
 - (22) The wheat was not ground but prepared whole for their special diet.
 - (23) Which may be done on a festival.
 - (24) V. Glos. So that one may not wear them. V. Lev. XIX, 19, Deut. XXII, 11; cf. Shab. 60b.
 - (25) [Var. lec. 'Although they are not necessary'].
 - (26) V. infra.
 - (27) To be used cushion or mat.
 - (28) Lev. XIX, 19.
 - (29) Between the garment of kil'ayim and the body.
 - (30) V. R. H., Sonc. ed. p. 80, n. 9.
 - (31) I.e. it can become unclean.
 - (32) All ordinary partition does not receive defilement, being regarded as part of the house, but a curtain can become defiled, because it is also used as a wrap for warming; and since a curtain may be used as a wrap it may not be made of kil'ayim.

Talmud - Mas. Beitzah 15a

— Rather, [this refers] to hard material;¹ just as R. Huna the son of R. Joshua said: The coarse

felt-mattresses [coming] from Naresh² are permitted [to sit on].³ R. Papa said: Slippers⁴ are not [forbidden] on account of kil'ayim. Raba said: These money-bags do not come under [the law of] kil'ayim,⁵ but seed-bags do come under [the law of] kil'ayim.⁶ R. Ashi said: Neither money-purses nor seed-bags are subject to [the law of] kil'ayim, because it is not the usual practice to warm oneself with these.

BUT NOT HOB-NAILED SANDALS: What is the reason that hob-nailed sandals may not [be sent]? Because of the incident that occurred.⁷ Abaye said: Hob-nailed sandals may not be worn [during a Festival] but they may be handled. 'They may not be worn on account of the incident that happened; 'but they may be handled', since it teaches ONE MAY NOT SEND; for if you maintain that it is forbidden to handle, now if it is forbidden to handle, need sending [be taught]?⁸

NOR UNSTITCHED SHOES. This is obvious! — It is necessary even when it is fastened with wooden pins.⁹

R. JUDAH SAYS: NOT EVEN WHITE SHOES. It was taught: R. Judah permits black [sandals] and forbids white because they [still] require a clod containing silicate of iron.¹⁰ R. Jose forbids black [sandals] because they [still] require to be smoothed. And they do not differ, the one Master [ruling] according to his district and the other Master according to his district. In the district of the one Master [the sandal was finished] with the flesh [side of the leather] inside, [and] in the district of the other Master [they finished the sandals] with the flesh [side] outwards.¹¹

THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL R. Shesheth permitted scholars to send tefillin¹² on a Festival. Abaye said to him: But we have learnt: **WHATEVER MAY BE USED ON A FESTIVAL MAY HE SENT:**¹³ — This is what he means to say: 'Whatever one uses on a weekday¹⁴ may be sent on a Festival.

Abaye said: Since we are now dealing with tefillin, we would say something thereon. If one was on his way [home],¹⁵ wearing tefillin on his head,¹⁶ and the sun was setting upon him, he should place his hand upon them¹⁷ until he reaches his house. If he was sitting in the Academy¹⁸ with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them, until he reaches his house.¹⁹ R. Huna the son of R. Ika raised an objection: If one was on his way [home] with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them until he reaches a house situated near the wall [of the city].²⁰ If he was sitting in the Academy [with tefillin on his head] and the holiness of the day came in, he must place his hand upon them until he reaches the house nearest to the Academy.²¹ There is no contradiction. The one treats of a case when it [the house] is guarded,²² the other when it is not guarded. If it is not guarded, [then] why particularly 'on his head'; even if they [the tefillin] were [found] lying on the ground he should also [be allowed to carry them to this house]: For we have learnt: He who finds tefillin [on a Sabbath] may bring them in in pairs!²³ — This is no difficulty: The one²⁴ treats of a case when it is guarded against thieves and against dogs, the other²⁵ when it is guarded against dogs but it is not guarded against thieves.²⁶ You might think that the majority of robbers [in that district] are Israelites²⁷ who would not handle them disrespectfully; hence he informs us [that it is not so]. [

(1) Which does not warm and upon which it is permitted to sit.

(2) Identical with Nahras or Nalr-sar, on the canal of the same name, on the east bank of the Euphrates, Obermeyer p. 307. Cf. B.M., Sonc. ed. pp. 468 n. 3; 539 n. 7.

(3) Although they are manufactured from kil'ayim.

(4) Home-shoes or a kind of socks.

(5) Because the purses become hard through the coins they contain and therefore do not warm.

(6) And therefore may not be placed on one's lap.

- (7) The event is recorded in Shab. 60a. This particular sandal could be worn with the heel in front, giving the appearance that the one who had entered had gone out. When men hiding in a cave from the Romans saw what appeared as Signs of someone having left they became panic-stricken lest the Romans should by this means find them in their hiding-place, and in their attempt to escape more were killed through the panic than might have been killed by the Romans.
- (8) Surely not!
- (9) Or even in the case when only a few stitches were put in, Rashi.
- (10) Used for blacking leather.
- (11) It had therefore to be smoothed and polished.
- (12) Phylacteries. v. Glos.
- (13) But tefillin are not used on a Festival. V. 'Er. 96a.
- (14) I.e. a thing that is properly finished, which includes tefillin.
- (15) On the eve of the Sabbath.
- (16) In Talmudic times tefillin were worn all day and in the street not merely at the morning service as now.
- (17) The Sages allowed him to carry the tefillin into the city after the manner of a garment and not to leave them unguarded, out of respect for the tefillin.
- (18) Which was in the field, and therefore an unguarded place.
- (19) The tefillin could not be left in the Academy for fear of being lost.
- (20) And leave the tefillin there, but he may not carry them into the city.
- (21) But he may not carry them to his own house.
- (22) And therefore the tefillin must be left in the house nearest the city wall or the Academy.
- (23) In the manner they are worn on weekdays, one on the arm and one on the forehead. V. Shab. 62a; 'Er. 95a.
- (24) The Baraita that states they must be left in the house nearest the city wall.
- (25) Abaye.
- (26) [MS.M. adds, 'and one when it is guarded neither against dogs nor thieves', the reference being to the Mishnah in 'Er. 95a that he may bring them in in pairs].
- (27) Cf. A.Z. 70b; Tosaf. B.B. 55b, s.v. **רבי אליעזר**. This refers to large Jewish settlements. The Rabbis were broad-minded enough to realize that in a town containing an overwhelming Jewish population the majority of thieves would be Jewish.

Talmud - Mas. Beitzah 15b

CHAPTER II

MISHNAH. [IF] A FESTIVAL FELL ON THE EVE OF SABBATH, ONE MAY NOT AT THE OUTSET COOK ON THE FESTIVAL FOR THE SABBATH, BUT HE MAY COOK FOR THE FESTIVAL, AND IF ANY IS LEFT OVER IT REMAINS FOR THE SABBATH; AND HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL¹ AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH.² BETH SHAMMAI SAY: TWO DISHES [ARE REQUIRED FOR THIS PURPOSE], WHILE BETH HILLEL SAY: ONE DISH. YET THEY [BOTH] AGREE THAT A FISH AND AN EGG UPON IT ARE [CONSIDERED AS] TWO DISHES. [IF] HE ATE IT³ OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH.

GEMARA. Whence do we know this?⁴ — Said Samuel: Because the Scripture Says: Remember the Sabbath day to keep it holy,⁵ remember it in view of another⁶ Festival which comes to make it forgotten.⁷ What is the reason [for the institution of the 'erub]?⁸ — Said Raba: In order that he may choose a fine portion for the Sabbath and a fine portion for the Festival.⁹ R. Ashi said: In order that people might say, 'You may not bake on a Festival for the Sabbath, how much the more [is it forbidden] on a Festival for a weekday'.¹⁰

We have learnt: HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL AND RELY

UPON IT [TO PREPARE FOOD] FOR THE SABBATH. It is well according to R. Ashi who says, 'In order that people might say you may not bake on a Festival for the Sabbath [etc.]:' hence it is only ON THE EVE OF THE FESTIVAL but not on the Festival. But according to Raba, why particularly on the eve of the Festival; even on the Festival [itself] too [let it be permitted]?¹¹ — It is even so, but it is a preventive decree lest he be negligent.¹² Now a Tanna deduces it from the following: Bake that which ye will bake, and seethe that which ye will seethe;¹³ from this R. Eliezer concluded [that] you may bake only [in dependence] upon what is [already] baked and you may cook only [in dependence] upon what is [already] cooked.¹⁴ Herein the Sages found a Biblical support for 'erub tabshilin.¹⁵

Our Rabbis taught: It happened that R. Eliezer was once sitting and lecturing the whole day [of the Festival] on Festival laws. [When] the first group left [the lecture hall] he said: These are people of butts;¹⁶ [when] the second group [left] he said: These are people of casks; [when] the third group [left] he said: These are people of pitchers;¹⁷ [when] the fourth group [left] he said: These are people of flasks; [when] the fifth group [left] he said: These are people of beakers.¹⁸ [When] the sixth group began to go out he said: These are the people of the curse.¹⁹ He cast his eyes at his disciples²⁰ and their faces began to change,²¹ [whereupon] he said to them: My sons, not of you said I this, but of those who have gone out, who put aside life eternal and occupy themselves with the life temporal [or ephemeral]. When they were taking their leave²² he said to them: Go your way, eat the fat, and drink the sweet, and send portions unto him for whom nothing is prepared: for this day is holy unto our Lord: neither be ye grieved; for the joy of the Lord is your [strength] stronghold.²³ The Master said: 'Who put aside life eternal and occupy themselves with the life temporal'. But the enjoyment of the Festival is a religious duty! — R. Eliezer is consistent with his [own] view, for he said: Rejoicing on the Festival is optional. For it was taught: R. Eliezer says: On a Festival a man has nought [to do] save either eat and drink or sit and learn. R. Joshua says: Divide it, half of it for the Lord, [and] half of it for yourselves. R. Johanan said: Both drew their inference from the same Scripture verse[s]. One verse states: A solemn assembly to the Lord thy God,²⁴ and another verse reads: Ye shall have a solemn assembly.²⁵ How is this [to be reconciled]? R. Eliezer is of the opinion: Either the whole of it is for the Lord or the whole of it is for yourselves; while R. Joshua is of the opinion: Divide it; half of it is for the Lord and half of it is for yourselves. What means 'for whom nothing is prepared'? — R. Hisda said: For him who did not set [i.e., prepare] an 'erub tabshilin. Others say: He who had not the opportunity to set an 'erub tabshilin; but he who had the opportunity to set an 'erub tabshilin and did not set is a transgressor. What means 'for the joy of the Lord is your strength'? — R. Johanan said in the name of R. Eleazar son of R. Simeon: The Holy One, blessed be He, said unto Israel: My children, borrow on My account and celebrate the holiness of the day, and trust in Me and I will pay. R. Johanan [further] said in the name of R. Eleazar son of R. Simeon: He who desires his property to be preserved for him, should plant therein an adar,²⁶ for it says: The Lord on high is mighty;²⁷ alternatively, adara,²⁸ [implies] what its name [indicates]; for people say: Why [is it called] adara? Because it lasts from generation to generation.²⁹ It was similarly taught: A field in which there is an adar can neither be robbed nor forcibly purchased and its fruits are protected.³⁰

R. Tahlifa, the brother of Rabinai of [Be] Hozae³¹ learnt:

(1) V. supra p. 23, n. 1.

(2) The dish prepared on the eve of the Festival is regarded as the basis upon which the right to cook on the Festival for the Sabbath depends.

(3) The dish intended for the 'erub.

(4) That he may cook for the Sabbath in virtue of a special dish ('erub).

(5) Ex. XX, 8.

(6) Lit., 'from another'.

(7) The interest in the Festival preceding the Sabbath might cause one to forget about the Sabbath. The 'erub counteracts this possibility. [Aliter: 'Remember it since one might forget it' (v. Rashi) — a rendering supported by MS.M. which

reads **לֶאֱחֹר** for **מֵאֲחֹר** cf. cur. edd.]

- (8) Actually it is not based upon any Biblical verse, but is only a Rabbinical enactment, the verse being a mere support.
- (9) He will not consume all the good things on the Festival, but will leave some for the Sabbath.
- (10) The 'erub is instituted not in honour of Sabbath but in honour of the Festival.
- (11) For on the Festival itself he can still choose a fine portion for the Sabbath.
- (12) And omit to prepare it altogether.
- (13) Ex. XVI, 23.
- (14) On the Friday which is a Festival, you may bake and cook only in virtue of the baking and cooking of the previous day.
- (15) This phrase indicates that the present deduction too is merely in support, not the actual source of the law, which is Rabbinical only.
- (16) I.e., very rich, counting their wine by butts. They have left thus early because of the large quantities of food and drink waiting for them. These are gluttons.
- (17) I.e., less rich than the second but wealthier than the next group.
- (18) Less keen on their pleasures.
- (19) The emptiness of the Lecture Hall roused his ire.
- (20) Who had remained behind.
- (21) I.e., to turn pale, because they thought he was angry with them for not leaving earlier — apparently they thought that he considered himself bound to go on as long as he had hearers.
- (22) At the close of the lecture.
- (23) Neh. VIII, 10.
- (24) Deut. XVI, 8.
- (25) Num. XXIX, 35. The first verse implies that it may be devoted to God's service, whereas the second intimates that it is meant for man.
- (26) A kind of cedar, high and majestic. Such a tree is known, and in case of his having to go abroad, he will be remembered as possessor, for his name will be coupled with the adar tree.
- (27) Ps. XCIII, 4. The word **אֲדִיר** is linked with the **אֲדָר** tree. The planting of the adar tree will strengthen his claim to the property.
- (28) The Aramaic form of adar.
- (29) Dora dora; a play on words
- (30) The pollen of this tree is a vermicide, Rashi.
- (31) The modern Khuzistan province S.W. Persia, Obermeyer, op. cit. pp, 204ff. cf. B.M., Sonc. ed. p. 508, n. 2.

Talmud - Mas. Beitzah 16a

The entire sustenance of man [for the year] is fixed for him from New Year's [Festival] to the Day of Atonement,¹ except the expenditure for Sabbaths and the expenditure for Festivals and the expenditure for the instruction of his children in the Law; if he [spent] less [for any of these] he is given less and if he [spent] more he is given more. Said R. Abbahu:² What verse of Scripture [supports this]? 'Blow the horn at the new moon at the full moon for our feast-day'.³ Which is the Festival on which the moon is concealed? Say, it is New Year;⁴ and it is written [with respect to this Festival]: 'For it is a statute [hok] for Israel, an ordinance of the God of Jacob'.⁵ How is it implied that [the word] hok connotes sustenance? For it is written: 'And did eat their portion [hukkam] which Pharaoh gave them'.⁶ Mar Zutra says, [It is inferred] from here: 'Feed me with mine allotted [hukki]⁷ bread'. It was taught: They related concerning Shammai, the Elder [that] all his life he ate in honour of the Sabbath. [Thus] if he found a well-favoured animal he said, Let this be for the Sabbath. [If afterwards] he found one better favoured he put aside the second [for the Sabbath] and ate the first.⁸ But Hillel the Elder had a different trait, for all his works were for the sake of heaven,⁹ for it is said: Blessed be the Lord, day by day.¹⁰ It was likewise taught: Beth Shammai say: From the first day of the week [prepare] for the Sabbath;¹¹ but Beth Hillel say: Blessed be the Lord, day by day.¹⁰

R. Hama b. Hanina said: He who makes a gift to his neighbour need not inform him, for it says, 'And Moses knew not that the skin of his face sent forth beams'.¹² An objection was raised: 'That ye may know I am the Lord who sanctify you',¹³ The Holy One, blessed be He, said unto Moses: Moses, I have a precious gift in my treasury and its name is Sabbath and I wish to give it to Israel; go and tell them. Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother! — There is no difficulty. The one treats of a gift which will naturally become known, and the other treats of a gift which does not naturally become known. But the Sabbath too is a gift which would have naturally become known! — Its reward¹⁴ would not naturally be known.¹⁵ The Master said: 'Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother'. What should he do to it [the child]?¹⁶ — He smears it with oil or puts rouge on it. But now that we are afraid of witchcraft, what [is to be done]?¹⁷ — R. Papa said: He must smear it [the child] with some of that very substance [he put on the bread].¹⁸ R. Johanan said in the name of R. Simeon b. Yohai: Every commandment which the Holy One, blessed be He, gave unto Israel, He gave to them publicly, except the Sabbath which He bestowed upon them in secret, for it is said: 'It is a sign between Me and the children, of Israel for ever'.¹⁹ If so, idolators should not be punished on its account!²⁰ — The Sabbath He indeed made known to them [the idolator] but its reward He did not make known to them. Or you can say: Its reward too He made known to them [but] the enlarged soul,²¹ He did not make known to them; for R. Simeon b. Lakish said: On the eve of the Sabbath the Holy One, blessed be He, gives to man an enlarged soul and at the close of the Sabbath He withdraws it from him, for it says: He ceased from work and rested:²² once it [the Sabbath] has ceased²³ woe that the [additional] soul is lost!²⁴

A MAN MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL. Abaye said: They taught this only of a dish²⁵ but not of bread.²⁶ Why is bread different that it is not [fit for an 'erub]? If I were to say something used as a relish is required then what of pearl-barley which is also not a relish — for R. Zera said: These Babylonians are fools for they eat bread with bread²⁷ — and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may set an 'erub of pearl-barley broth! — Rather, we require [for an 'erub dish] something which is not common, and bread is common, whereas pearl-barley broth is not common.²⁸ Others teach: Abaye said: They taught this only of a dish but not of bread. What is the reason? If I were to say something which is not common is required whereas bread is common, then what of pearl-barley broth, which is also not common and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may not set an 'erub with pearl-barley broth! — Rather, something used as a relish is required and bread is not used as a relish and pearl-barley broth too is not used as a relish for R. Zera said: These Babylonians are fools for they eat bread with bread.

R. Hiyya taught: The lentils at the bottom of the pot²⁹ can be relied upon as an 'erub tabshilin, providing that they amount to as much as an olive. R. Isaac son of Rab Judah said: One may scrape off the fat which is upon the knife and rely upon it as an 'erub tabshilin, providing that it amounts to as much as an olive.

R. Assi said in the name of Rab: Small salted fish are not subject to [the interdict against] the cooking of a heathen.³⁰ R. Joseph said: And if a heathen grilled them one may rely upon them as [or for] an 'erub tabshilin,³¹ but if a heathen made them into a pie of fish-hash it is prohibited.³² This is obvious! You might think

(1) Between the first and the tenth of Tishri. These days are known as the ten days of Penitence.

(2) In Sanh. 11b, R. Abba.

(3) Ps. LXXXI, 4; he connects כסדה (E. V. full moon) with the same root meaning to cater, and translates: 'at the concealed (moon)'.

(4) The remaining Festivals fall during the middle of the month near full moon.

(5) Ps. LXXXI, 5. The word קנה (E. V. statute) is taken to mean sustenance which is allotted to Israel on New Year.

- (6) Gen. XLVII, 22.
 (7) Prov. XXX, 8.
 (8) So that he was always eating in honour of the Sabbath.
 (9) He trusted in God that he would obtain something worthy for the Sabbath.
 (10) Ps. LXVIII, 20.
 (11) In Aramaic the saying rhymes and is a cue to prompt people to think of the coming Sabbath.
 (12) Ex. XXXIV, 29.
 (13) Ex. XXXI, 13.
 (14) Lit., 'the gift of its reward'.
 (15) God informed Israel, through Moses, the reward for keeping the Sabbath.
 (16) In order to let the mother know.
 (17) Sorcerers or witches used these in the practice of their occult arts.
 (18) Whether butter, jam or fat (dripping). These do not suggest witchcraft.
 (19) Ex. XXXI, 17. The word **לעלם** is written defectively as if derived from **עלם** to hide, conceal.
 (20) V. A.Z. 2b, where it is implied that the idolator will be punished for rejecting the Torah when it was offered to him. But in respect of the Sabbath, at least, there should be no punishment, seeing that it was offered even to Israel in secret only.
 (21) Lit., 'additional soul', by this term the Talmud indicates the spiritual ennoblement conferred by the Sabbath.
 (22) Ex. XXXI, 17.
 (23) The verb **שבת** 'he ceased from work' is translated: He ceased keeping the Sabbath (because of its expiration). Malter, Ta'anit, 27a.
 (24) This is a play on the word **וינפש** which is taken to stand for **וי אבדה נפש** (Goldschmidt suggests the reading **וי אבדה נפש** 'the soul is no longer (here)', which is nearer the Hebrew word **וינפש** .)
 (25) A cooked meal.
 (26) Bread cannot be an 'erub.
 (27) Concerning the Babylonians who eat pearl-barley broth with bread, v. Ned. 49b.
 (28) Bread is eaten at every meal, whereas pearl-barley is not.
 (29) Left over unintentionally on the eve of the festival.
 (30) The Rabbis forbade food cooked by heathens, to prevent over-familiarity leading to intermarriage. But things which can be eaten raw do not come under this prohibition even if they are cooked, been use the cooking of such things could hardly be considered a favour. These salted small fish can be eaten raw.
 (31) Since they can be eaten raw.
 (32) Because the dough could not be eaten unbaked (i.e. uncooked).

Talmud - Mas. Beitzah 16b

[that] the fish-hash is the principal element;¹ hence he informs us that the flour is the principal element.

R. Abba said: An 'erub tabshilin² must be the size of all olive.³ The Scholars asked: [Does that mean] one olive for all [the participants together] or an olive for each one separately? — Come and hear: For R. Abba said in the name of Rab: An 'erub tabshilin requires to be the size of an olive whether for one or for one hundred.

We have learnt: [IF] HE ATE IT OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH. What does 'ANY' [SMALL] PORTION mean? Does it not mean although it is not as much as an olive?⁴ — No, when it is as much as an olive.

Come and hear: This dish⁵ [can be] grilled or pickled or stewed⁶ or boiled; and the Spanish colias⁷ [can be used] when he had poured hot water over it⁸ on the eve of the Festival; [for] its

commencement and its end⁹ there is no standard [in quantity]. Does it not [surely] mean there is no standard [fixed] at all? No, there is no upper [i.e., maximum] standard,¹⁰ but there is a downwards [i.e., minimum] standard.¹¹

R. Huna said in the name of Rab: The 'erub tabshilin requires cognizance.¹² It is certain that the cognizance of him who deposits [the dish] is required but do we require the cognizance of him for whom it is deposited, or do we not require [it]? — Come and hear: For the father of Samuel used to set the 'erub for the whole of Nehardea; R. Ammi and R. Assi used to set the 'erub for the whole of Tiberias.¹³ R. Jacob b. Idi proclaimed: He who has not set an 'erub tabshilin, let him come and rely upon mine. And how far?¹⁴ — R. Nahumi b. Zecharaiah said in the name of Abaye: As far as the Sabbath limit.¹⁵

There was a certain blind man who used to recite Baraitas in the presence of Mar Samuel. When he noticed that he was gloomy he asked him: Why are you gloomy? Because I have not set an 'erub tabshilin,¹⁶ replied he. Then rely upon mine, he rejoined. The following year he [again] noticed that he was gloomy. Said he to him: Why are you gloomy? He answered him: Because I have not set all 'erub tabshilin. [Then] said he to him: You are a transgressor: to everybody else it is permitted,¹⁷ but to you it is forbidden.¹⁸

Our Rabbis taught: If a Festival falls on the eve of Sabbath one may neither set [on the Festival] a boundary 'erub¹⁹ nor an 'erub of courts.²⁰ Rabbi Says: One may set a court 'erub but not a boundary 'erub, for you can forbid him²¹ what is forbidden to him [on a Festival]²² but you cannot forbid him what is allowed to him [on a Festival].²³ It was stated: Rab says: The halachah is as the first Tanna, and Samuel says: The halachah is as Rabbi.

The Scholars asked: Is the halachah as Rabbi [meant] leniently or stringently? — Of course he [Samuel] meant it leniently!²⁴ — [The question was raised] because R. Eleazar sent word to the Diaspora [to wit]; Not as you teach in Babylon that Rabbi permits and the Sages forbid, but [rather] Rabbi forbids and the Sages permit. How is it now?²⁵ — Come and hear: For R. Tahlifa b. Abdimi decided a case according to Samuel, and Rab remarked [thereon:] The first decision of this young scholar is harmful.²⁶ [Now] if you say that he [Samuel] meant [his teaching] to be lenient it is well, hence this is harmful. But if you say [he meant] stringently, what harmful [teaching] is there! — Since many come to error²⁷

(1) And therefore the dough is disregarded altogether.

(2) The Hebrew employs the plural.

(3) But not less.

(4) Which contradicts Rab.

(5) Of the 'erub.

(6) Shaluk, translated 'stewed', means very much boiled.

(7) A very small fish of the tunny type. V. Krauss TA II, pp. 91 and 506.

(8) The pouring of hot water on the tunny fish is its preparation for eating.

(9) I.e., both when it is first made for an 'erub and when part has been eaten or lost.

(10) I.e., as regards its greatness.

(11) Below which it cannot constitute an 'erub.

(12) That it has been set for the purpose of 'erub.

(13) It is evident from this that the cognizance of all the Jewish residents of Nehardea and Tiberias was not required.

(14) I.e. within what area.

(15) Tehum, v. Glos.

(16) The Festival referred to here was New Year when in 'erub cannot be set conditionally.

(17) To rely upon my 'erub.

(18) I only had intended those who had unwittingly forgotten to rely on my 'erub, but not where the forgetfulness is

through sheer negligence.

(19) Enabling him to go on the Sabbath from one township to another.

(20) Enabling him to carry on the Sabbath from one court to another, because he would thereby join the courts in a legal sense, making them ali as one. This ranks as the repairing of an object and constitutes work.

(21) To effect on a Festival that a certain action should be permitted on the Sabbath.

(22) The prohibition of going from one township to another applies both to Sabbaths and Festivals.

(23) Carrying out from one private court to another is permitted on a Festival, without an 'erub.

(24) For Rabbi allows a court 'erub to be set on a Festival.

(25) Did Samuel mean that the halachah is as Rabbi taught in Babylon or as taught in Palestine.

(26) I.e. leading to a breach of the law.

(27) By forgetfully carrying on the Sabbath following the Festival from one court to another though no 'erub could be set on the Festival.

Talmud - Mas. Beitzah 17a

this is harm.¹ Raba said in R. Hisda's name who said in the name of R. Huna: The halachah is as Rabbi, viz., that it is forbidden.²

Our Rabbis taught: If a Festival fell on a Sabbath, Beth Shammai Say: He must pray eight [benedictions]³ and recite [the benediction] of the Sabbath separately and of the Festival separately; but Beth Hillel say: He must pray seven [benedictions]⁴ beginning with the Sabbath [formula] and ending with the Sabbath [formula],⁵ and he makes mention of the holiness of the day in the middle.⁶ Rabbi says: He should also conclude it [the benediction] 'Who sanctifieth the Sabbath, Israel and the Seasons.' A tanna recited in the presence of Rabina: 'Who sanctifieth Israel and the Sabbath⁷ and the Seasons.' He said to him: Does then Israel sanctify the Sabbath?⁸ The Sabbath has already been sanctified [from the creation] and so continues! Say rather: 'Who sanctifieth the Sabbath, Israel and the Seasons.' R. Joseph said: The halachah is as Rabbi and as Rabina explained it.

Our Rabbis taught: If a Sabbath falls on a New Moon or on the intermediate days of a Festival,⁹ at the evening, morning and afternoon services he prays seven [benedictions]¹⁰ and makes mention of the nature of the day¹¹ in the 'Abodah,¹² and if he did not recite [it], he is made to turn back;¹³ R. Eliezer says: [He alludes to the day] in the Thanksgiving [benediction],¹⁴ while in the Additional Services¹⁵ he begins with the Sabbath [formula] and closes with the Sabbath [formula], and makes mention of the holiness of the day in the middle.¹⁶ R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka say: Whenever one is obliged to say seven benedictions¹⁷ he begins with the Sabbath [formula] and closes with the Sabbath [formula] and mentions the holiness of the day in the middle. Said R. Huna: The halachah is not as that pair [of scholars].¹⁸

R. Hiyya b. Ashi in Rab's name said: A man may prepare a boundary 'erub on the first day of a Festival¹⁹ for the second and stipulate.²⁰ Raba said: A man may prepare an 'erub tabshilin on the first day of a Festival for the second and stipulate.²¹ He who states a boundary 'erub, all the more an 'erub tabshilin' while he who states an 'erub tabshilin, but not a boundary 'erub. What is the reason? Because one may not acquire a [Sabbath] residence on a 'Sabbath'.²²

Our Rabbis taught: One may not bake on the first day of a Festival for the second. In truth they said:²³ A woman may fill the whole pot with meat although she only needs one portion; a baker may fill a barrel with water although he only needs one handful,²⁴ but as for baking he may bake only what he needs. R. Simeon b. Eleazar says: A housewife may fill the entire oven with loaves, because bread is baked better in a full oven. Said Raba: The halachah is as R. Simeon b. Eleazar.

The scholars asked: He who did not set an 'erub tabshilin is he forbidden [to bake for the Sabbath] and [likewise] his flour is forbidden,²⁵ or perhaps only he is forbidden, but his flour is not forbidden? What is the practical difference? — Whether he must give up his flour to others.²⁶ If you say that [both] he is forbidden and [likewise] his flour is forbidden, then he must give his flour to others,²⁷ but if you say, he is forbidden but his flour is not forbidden, [then] he need not give up his flour to others. What [is the law]? — Come and hear: He who has not set an 'erub tabshilin may neither bake nor cook nor store [food] away²⁸ neither for himself nor for others; nor may others bake or cook for him. What should he do? He gives up his flour to others [and these] bake and cook for him — Conclude therefrom that he is forbidden and [likewise] his flour is forbidden. It is thus concluded.

The scholars asked: What if he transgressed and baked?²⁹ Come and hear: He who has not set an 'erub tabshilin what is he to do? He gives up his flour to others and [these] others bake and cook for him.

(1) Had he permitted the 'erub to be set on the Festival they could have carried without transgressing the law.

- (2) To set on a Festival either a boundary 'erub or a court 'erub.
- (3) The first three and the last three are the same as that of the ordinary 'Amidah (v. Glos).
- (4) One middle benediction sufficing for both the Sabbath and the Festival, but must commence and end with the Sabbath formula.
- (5) And no more, not as we end with the additional words 'Israel and the Seasons' cf. P.B. p. 229.
- (6) The middle benediction is from **מקדש ישראל** to **אתה בחרתנו** and the allusion to the specific prayer is found in **ותתן לנו** v. P.B. p. 228.
- (7) Mentioning Israel before Sabbath.
- (8) Festivals are consecrated by Israel in accordance with the fixing of the New Moon, but the sanctity of the Sabbath is independent and absolute.
- (9) Lit., 'the nonsacred portion of the Festival'. In the case of Passover and Tabernacles the first and last days only are holy, the intermediate days enjoying a semi-sanctity.
- (10) As on an ordinary Sabbath.
- (11) Whether it be New Moon "ran intermediary day of a Festival.
- (12) 'Abodah (lit., 'service') is the designation of the benediction commencing with **רצה**, so called because it is a prayer for the restoration of the sacrificial service. A passage commencing with **יעלה ויבא** in which specific mention of New Moon or of the Intermediate Days is made, is inserted in the middle of this benediction. Cf. P.B. p. 50.
- (13) I.e., start again at **רצה**.
- (14) Viz., in the benediction commencing with **מודים** ('we give thanks'). P.B. p. 51.
- (15) On Sabbaths, Festivals, and New Moons an additional services read after the morning service, corresponding to the additional sacrifices when were offered in the Temple on those days. V. J.E. IX, p. 116.
- (16) In the passage **ותתן לנו** cf. P.B. p. 233.
- (17) Even in the first-named prayers.
- (18) But as the first Tanna in so far as the nature of day at the evening, morning and afternoon services is to be mentioned in the 'Abodah. His ruling, however, that the close at the Additional Service is only with the Sabbath formula, is not adopted as halachah, for in that respect the halachah is as Rabbi that the conclusion is, 'Who sanctifieth the Sabbath, Israel and the seasons (or the New Moon)' — Rashi.]
- (19) If he forgot to set the 'erub on the eve of the Festival which fell on Thursday and Friday.
- (20) For the Sabbath immediately following the second day. For the condition v. supra p. 23, n. 2.
- (21) V. supra 6a.
- (22) The term **שבתא** here means Festival. An 'erub tabshilin, however, was allowed in honour of the Sabbath.
- (23) For this expression v. B.M. 60a.
- (24) With the same labour he can fill the entire vessel as well as partly fill it, but with respect to bread every loaf requires extra labour.
- (25) To be baked on the Sabbath, even by others.
- (26) Before they may bake it.
- (27) By giving it to them as a present.
- (28) In such a manner that it retains its heat.
- (29) May he eat it on the Sabbath or not?

Talmud - Mas. Beitzah 17b

Now if there is [this possibility],¹ let him state: If he transgressed and baked it is permissible! — Said R. Adda b. Matena: [The Tanna] teaches a legal remedy; an illegal remedy he does not teach.

Come and hear: He who has set an 'erub tabshilin may bake and cook and store, and if he wishes to eat his 'erub he is at liberty to do so. If he ate it [the 'erub] before he had baked [or] before he had stored, then he may not bake nor cook nor store away neither for himself nor for others, nor may others bake or cook for him; but he may cook for the Festival and if he leaves [any thing] he has left it for the Sabbath, provided that he does not [intentionally] resort to an artifice;² and if he has resorted to all artifice it is forbidden!³ — Said R. Ashi: You speak of all artifice? An artifice is different, for the Rabbis have treated it more rigorously than an intentional transgression.⁴

R. Nahman b. Isaac says: This⁵ represents the opinion of Hananiah and according to Beth Shammai. For it was taught:⁶ Hananiah says that Beth Shammai maintain: One may bake only if he set an 'erub of bread, and one may cook only if he set an 'erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival; but Beth Hillel affirm: One may set an 'erub with one dish and prepare all his requirement [in reliance] thereon.⁷

Come and hear: He who tithed his fruits on the Sabbath,⁸ if [he acted] in error he may eat [of them], if deliberately, he may not eat [of them].⁹ This treats of a case where he has other fruits.¹⁰

Come and hear: If one purified his [unclean] vessels on the Sabbath,¹¹ if in error he may use them, if deliberately he may not use them!¹² — This treats of a case where he has other vessels, or [the reason may be because] it is possible to borrow [vessels from others].

Come and hear: He who has cooked on the Sabbath, if in error he may eat [of it], if deliberately, he may not eat [of it]!¹³ — The prohibition with respect to Sabbath is different.¹⁴

BETH SHAMMAI SAY TWO DISHES. Our Mishnah is not in accordance with the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that two dishes are necessary;¹⁵ they differ only about a fish and the egg thereon,¹⁶ when Beth Shammai say: Two [separate] dishes [are necessary] and Beth Hillel maintain: [This] one dish [is sufficient]. But they agree that if one crumbles a [hardboiled] egg and puts it inside the fish or if he shreds a head of leek¹⁷ and puts it inside the fish, they [count as] two dishes. Rab said: The halachah is according to our Tanna¹⁸ [in his representation] of the view of Beth Hillel.¹⁹

IF HE ATE IT OR IF IT WERE LOST, HE MAY NOT . . . Abaye said: We have a tradition; if his 'erub was eaten up after he had begun to prepare the dough he may finish it.²⁰

MISHNAH. IF IT [THE FESTIVAL] FELL ON THE DAY AFTER THE SABBATH, BETH SHAMMAI SAY: ONE MUST IMMERSE EVERYTHING [UNCLEAN] BEFORE THE SABBATH;²¹ BUT BETH HILLEL MAINTAIN; VESSELS [MUST BE IMMERSED] BEFORE THE SABBATH BUT MEN ON THE SABBATH. THEY AGREE [HOW EVER] THAT ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL,²² BUT ONE MAY NOT IMMERSE [IT];²³ AND ONE MAY IMMERSE²⁴ [TO CHANGE] FROM ONE INTENTION TO ANOTHER²⁵ OR FROM ONE COMPANY TO ANOTHER.²⁶

GEMARA. All incidentally agree that a vessel may not [be immersed] on a Sabbath: What is the reason? — Said Rabba: It is a preventative measure

(1) Of being able to eat, viz., by transgressing.

(2) Evasion of the law by purposely cooking much more than he requires.

(3) And presumably the same is true if he transgressed and cooked!

(4) Deliberate transgression is recognized as such and will not entice others whereas all evasion may be regarded as wholly permitted and set an evil example for others too.

(5) The teaching if he has resorted to an artifice it is forbidden. R. Nahman does not admit the possibility that an artifice may be treated more stringently than deliberate transgression, for the latter is certainly a graver fault intrinsically.

(6) Supra 22b.

(7) Consequently we see that Hananiah is very stringent with reference to an 'erub tabshilin, and therefore the same applies to an artifice, but our problem is based on Beth Hillel's more lenient ruling.

(8) This is forbidden by the Rabbis. V. infra 36b.

(9) Ter. II, 3. Hence we may infer that if he deliberately baked without an 'erub, he may not eat of it.

(10) To eat on the Sabbath, so that there is no hindering of the enjoyment of the Sabbath. The problem here is when he

has no other provision.

(11) In order to cleanse them, which is forbidden by the Rabbis since it is equivalent to repairing a utensil. V. infra 18a.

(12) Ibid.

(13) V. infra 18a.

(14) Cooking on the Sabbath is Biblically forbidden, the penalty for which may be stoning. Therefore the Rabbis have been rigorous in the treatment of such intentional breach. But with respect to cooking on a Festival without an 'erub, where the prohibition is mere Rabbinical, it is possible that the Rabbis are more lenient and would allow him to eat on the Sabbath.

(15) As an 'erub.

(16) I.e., the egg in which the fish is smeared before cooking.

(17) קפלוטות GR. ** == a head of leek. V. Krauss T.A. II, pp. 560-561.

(18) I.e.,

(19) In Mishnah. (7) Viz., that an 'erub may consist of one dish only.

(20) Even to baking it.

(21) But not on the Sabbath, because it is equivalent to repairing or reconditioning the vessel, and the same applies to man.

(22) Which cannot be defiled. The stone vessel containing the unclean water is placed in a mikweh (ritual bath) and immersed until the two waters make contact. Other liquids and foods once unclean cannot be made ritually clean. V. Mik. VI, 8.

(23) Viz., the unclean water in a defiled vessel in order to cleanse the vessel at the same time.

(24) On a Festival.

(25) I.e., if the vessels were immersed before the Festival to be put to a particular use and on the Festival he decided to use them for another purpose which requires higher sanctity, he may immerse them on the Festival, for the second immersion is not regarded as reconditioning the vessels. V. Hag. II, 6, 7.

(26) If he performed an immersion before Passover with the intention of eating the Paschal Lamb with one company, and then determined to join another company which required a higher degree of sanctity, he may immerse again on the Festival itself.

Talmud - Mas. Beitzah 18a

lest he take it in his hand and carry it four cubits in a public ground.¹ Abaye said to him: How is it to be explained when there is a pit² in his courtyard?³ He answered him: A pit in his courtyard is preventively forbidden on account of a pit in public ground. This is well with respect to Sabbath, but with respect to Festivals⁴ how is it to be explained? — They forbade [it on] Festivals on account of [the] Sabbath. Do we then preventively forbid?⁵ Surely we have learnt: THEY AGREE THAT [ON A FESTIVAL] ONE MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL BUT ONE MAY NOT IMMERSE [IT]; and if this is so, let us forbid surface contact on account of immersion! — Now is that logical? If he has [other] clean water, then why effect surface contact for this [water]? Therefore [this treats of a case] where he has no [other clean water], and since he has no [other clean water] he will be very careful with it.⁶

He raised an objection to him: One may draw [water] with a [ritually] unclean bucket and it [the bucket] becomes clean;⁷ Now if it is so, let us preventively forbid lest he come to immerse it by itself! It is different there; since he is permitted [to immerse it] by means of drawing water only he will remember.⁸ He raised an objection to him: A vessel which became defiled on the eve of a Festival, one may not immerse it on the Festival; [if it became defiled] on the Festival one may immerse it on the Festival: Now if it is so, let us forbid [that which became defiled] on the Festival on account of [that which became defiled] on the eve of the Festival? — Defilement on a Festival is a rare occurrence and [with regard to] a thing of rare occurrence the Rabbis did not enact a preventative measure.⁹

He raised an objection to him: A vessel which became defiled¹⁰ through a father of uncleanness,¹¹

one may not immerse it on a Festival;¹² [but if it became defiled] through a derivative uncleanness,¹³ one may immerse it on a Festival.¹⁴ Now if it is so, let us forbid one because of the other! — How is a derivative uncleanness possible?¹⁵ [Only] in the case of priests,¹⁶ [and] priests are careful.¹⁷

Come and hear: For R. Hiyya b. Ashi said in Rab's name: A niddah,¹⁸ who has no [ritually clean] clothes,¹⁹ may use guile and immerse herself in her clothes.²⁰ Now if it is so, let us forbid this lest she come to immerse [her clothes] by themselves! — It is different there; since it is permitted to her only in her clothes, she will remember .²¹

R. Joseph says: It²² is a preventive measure on account of wringing [the clothes].²³ Said Abaye to him: This is well [with respect to] apparel, which can be wrung; [but with respect to] vessels, which cannot be wrung, what is there to be said? — He replied to him: These have been forbidden on account of those. He raised all the above mentioned objections and he answered him [the said] as we have answered.

R. Bibi says: It²² is a preventive measure, lest he delay.²⁴ It was taught as R. Bibi: A vessel which became defiled on the eve of the Festival, one may not immerse it on the Festival lest he delay.

Raba Says: [The immersion of vessels is forbidden] because it looks like repairing the vessel.²⁵ If it is so, a man too [should likewise] be forbidden?²⁶ — [In the case of] a man it looks as if he were cooling himself.²⁷ This is well in the case of clear water;²⁸ but what will you say with respect to turbid water? — Said R. Nahman b. Isaac: It happens that one comes [home]

(1) The minimum distance involving culpability.

(2) I.e., a mikveh.

(3) When there is no need to carry the vessel out of private ground at all.

(4) When carrying is permitted.

(5) I.e., enact one preventative measure lest another preventative measure be violated.

(6) Not to allow it to become defiled. Accordingly the water becoming defiled is a rare occurrence and such is disregarded; cf. infra.

(7) Because the real purpose of the immersion is not patent, for people would think that his purpose was to draw water.

(8) That immersion itself is forbidden on a Festival.

(9) V. 'Er. 63a.

(10) On the eve of the Festival.

(11) I.e., a primary uncleanness, a person or object that touched a dead body. For the various degrees of defilement v. Pes. 14a.

(12) For a father of uncleanness defiles the vessel by Biblical law, hence the immersion of the vessel would be regarded as reconditioning it on a Festival.

(13) I.e., anything which itself became unclean through contact with a 'father of uncleanness'; which Biblically is incapable of transmitting uncleanness to the vessel.

(14) Since by Biblical law the vessel is still clean, the immersion is not regarded as reconditioning it.

(15) That it should defile a vessel

(16) Who eat consecrated food which would be contaminated by this vessel.

(17) To distinguish between a vessel that became defiled through a primary cause or through a secondary cause. Or, they are careful not to permit their vessels to become unclean, which makes such defilement rare: v. supra.

(18) V. Glos.

(19) To put off after performing tebillah, while, on account of the Festival, she is unable to immerse the clothes she wears.

(20) Which cleanses both herself and her clothes. This is permitted for the same reason that you may draw water in an unclean bucket, as people will think that she is performing it for herself.

(21) As above.

(22) The prohibition of immersing vessels and clothes on Sabbath and Festivals.

(23) Wringing is prohibited both on Sabbath and Festivals.

(24) Their immersion until the Festival when he has more time and in the meantime uses the defiled vessels for consecrated food.

(25) Since this makes it useable.

(26) Since tebillah makes him fit to eat sacred food, such as flesh of sacrifices.

(27) And that he was not taking a ritual bath.

(28) Where one may wash oneself.

Talmud - Mas. Beitzah 18b

in hot weather and bathes even in water used for soaking [dirty linen]. This is well in summer;¹ what will you say of winter? R. Nahman b. Isaac replied: A man sometimes returns [home] from the field besmeared with mud and filth and bathes even in winter. This is well on a Sabbath;² but on the Day of Atonement³ what is there to be said? — Said Raba: Is there then any[thing] which on a Sabbath is permitted⁴ and on the Day of Atonement is forbidden?⁵ But since it [bathing] is permitted on the Sabbath, it is also permitted on the Day of Atonement. Does then Raba accept the argument of 'Since'?⁶ Surely we have learnt: He who has toothache must not rinse them with vinegar⁷ [On the Sabbath],⁸ but he may dip [his food] in vinegar in his usual manner, and if it becomes better, it becomes better.⁹ And we pointed out a contradiction: He must not rinse and expectorate¹⁰ but he may rinse and swallow? And Abaye answered: When we learnt our Mishnah,¹¹ we learnt it also [as referring to] rinsing and expectorating. Raba however answered: You may even say [the Mishnah refers to] rinsing and swallowing, and [still] there is no contradiction: in the one case [it means] before the dipping [of the food into the vinegar]¹² and in the other case [it means] after the dipping [of the food in the vinegar]. Now if it is so¹³ let us say, Since it is permitted before the meal, it is also permitted after the meal! — Raba retracted from that [statement].¹⁴ How do you know that he retracted from that [statement]; perhaps he changed his mind with respect to the present one?¹⁵ — You cannot suppose this, for it was taught: Everyone who is required to take a ritual bath¹⁶ may bathe in the usual way, both on the [fast of the] Ninth of Ab and on the Day of Atonement.⁷ BUT THEY BOTH AGREE THAT [ON A FESTIVAL] YOU MAY EFFECT SURFACE CONTACT FOR [UNCLEAN] WATER IN A STONE VESSEL etc. What does BUT ONE MAY NOT IMMERSE [IT] mean? — Said Samuel: One may not on a Festival immerse the [unclean] vessel on account of its water in order to cleanse it!¹⁷

Who is the author of our Mishnah? It is neither Rabbi nor the Sages! For it was taught: One may not immerse the [unclean] vessel on account of its water in order to cleanse it, nor may one effect surface contact or [unclean] water in a stone vessel in order to cleanse it; this is the opinion of Rabbi. But the Sages say: One may immerse the vessel on account of its water in order to cleanse it, and one may effect surface contact for [unclean] water in a stone vessel in order to cleanse it.¹⁸ Who now is [the author of our Mishnah]? If Rabbi, [the ruling on] surface contact is a difficulty;¹⁹ if the Sages, [the ruling on] immersion²⁰ is a difficulty? — If you like I can say [the author of the Mishnah is] Rabbi; alternatively, it is the Sages. If you like I can say it is Rabbi; the first clause of the Baraita²¹ concerns Festivals and the concluding clause²² concerns the Sabbath, whereas the whole of our Mishnah²³ deals with Festivals.

(1) When one may bathe to cool oneself.

(2) When it is permissible to wash.

(3) When it is forbidden to wash oneself

(4) On the score of work.

(5) Surely not!

(6) As stated, even where there may be a reason for prohibiting it on the Day of Atonement which does not apply to the Sabbath, as in the present instance.

(7) Lit., 'suck vinegar into them'.

- (8) Healing, except in the case of danger, is forbidden, lest he crush the ingredients on the Sabbath. V. Shab. 111a; A.Z. 28a.
- (9) I.e., there is no harm done; he has not broken the law.
- (10) Because it is then evident that he is taking it as medicine.
- (11) On toothache.
- (12) Then he may rinse and swallow for it is regarded as a part of the meal, being his first meal, the aperitif, the hors d'oeuvre.
- (13) That Rab accepts the argument of 'Since'.
- (14) Concerning toothache, and his statement about bathing on the Day of Atonement was made subsequently.
- (15) Viz., re bathing on the Day of Atonement.
- (16) E.g., a woman after menstruation or confinement. (16) When washing oneself is forbidden. V. Ta'an. 13a; Shab. 111a.
- (17) One may not put unclean water [for surface contact in an unclean wooden vessel which itself requires immersion, so that through the surface contact the vessel is automatically immersed.
- (18) For var. lec. v. D.S.
- (19) Whereas Rabbi forbids it our Mishnah permits it.
- (20) Which the Sages allow, while our Mishnah forbids.
- (21) In which Rabbi forbids immersion, implying that surface contact is permitted.
- (22) In which Rabbi forbids even surface contact.
- (23) Which forbids immersion and permits surface contact. For var. lec. v. Rashi and D.S.

Talmud - Mas. Beitzah 19a

Alternatively, I can say it is the Sages and the whole of our Mishnah deals with the Sabbath.

Our Rabbis taught: A vessel which became defiled on the eve of a Festival one may not immerse at twilight.¹ R. Simeon Shezuri says: Even on a weekday one may not immerse it [then], because it requires [waiting until] sunset.² And does not the first Tanna require [waiting until] sunset?³ Said Raba: I found the disciples of the Academy who sat and said: They differ whether his intention is to be recognized from his acts. How so? If, for example, he is holding a vessel in his hand and running along [about] twilight [time]⁴ to immerse it; one Master is of the opinion that the reason he is running along is that he indeed knows that he requires [to wait until] sunset;⁵ and the other Master is of the opinion that he is running on account of his work.⁶ Then said I to them: None dispute that his intention is recognized from his acts;⁷ they differ [only] when [another] vessel⁸ became defiled through [part of a reptile] less than the size of a lentil,⁹ and he¹⁰ came before the Rabbis to ask whether [having come into contact with part of a reptile] less than the size of a lentil it has become defiled or not.¹¹ One Master is of the opinion: Since he does not know this he also does not know that;¹² and the other Master is of the opinion: This [only] he does not know,¹³ but [with the requirement of] sunset he is well acquainted.¹⁴ AND ONE MAY IMMERSE [TO CHANGE] FROM ONE INTENTION TO ANOTHER. Our Rabbis taught: How is, FROM ONE INTENTION TO ANOTHER, meant? He who wishes to make his wine press out of his olive press¹⁵ or his olive press out of his wine press may do so.¹⁶ What means 'FROM ONE COMPANY TO ANOTHER'? If he intended to eat with one company,¹⁷ and [now] wishes to eat with another company,¹⁸ he may do so.¹⁹

MISHNAH. BETH SHAMMAI SAY: ONE MAY BRING PEACE-OFFERING²⁰ [ON FESTIVALS] BUT MAY NOT LAY [HANDS] THEREON;²¹ BUT ONE MAY NOT BRING BURNT-OFFERINGS²² [ON A FESTIVAL]; BUT BETH HILLEL MAINTAIN: ONE MAY BRING PEACE-OFFERINGS AND BURNT-OFFERINGS AND ALSO LAY HANDS THEREON.

GEMARA. 'Ulla said: 'The dispute is only with respect to the laying on [of hands] on Festival peace-offerings²³ and the sacrificing of the pilgrimage burnt-offerings,²⁴ when Beth Shammai hold:

‘And ye shall keep [wehagothem] it a Feast [hag] unto to the Lord’,²⁵ implies only Festival peace-offerings [hagigah]²⁶ but not the pilgrimage burnt-offerings; and Beth Hillel maintain: ‘unto the Lord’ [implies] all [sacrifices offered] unto the Lord;²⁷ but all agree that vows and freewill-offerings²⁸ may not be offered on a Festival.²⁹ And thus did R. Adda b. Ahabah say: Vows and freewill-offerings may not be offered on a Festival.

An objection was raised: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering which is not for the Festival,³⁰ [both agreeing] that it may not be offered on a Festival,³¹ and concerning peace-offerings of the Festival³² that they may be offered on the Festival;³³ they only differ concerning a burnt-offering which is for the Festival and concerning peace-offerings which are not for the Festival, when Beth Shammai say: He may not bring [them]³⁴ and Beth Hillel maintain: He may bring [them]! — Reconcile it by saying thus: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ concerning a burnt-offering or peace-offering which are not connected with the Festival that they may not be offered on the Festival and concerning peace-offerings connected with the Festival that they may be offered on the Festival; they differ only concerning a burnt-offering connected with the Festival, when Beth Shammai say: He may not bring [it], and Beth Hillel maintain: He may bring [it]. R. Joseph said:³⁵ You quote Tannaim at random.³⁶ There is a dispute of Tannaim. For it was taught: [As to] peace-offerings which are offered³⁷ on account of the Festival, Beth Shammai say: He lays [hands] on them on the eve of the Festival and slaughters them on the Festival; but Beth Hillel maintain: He lays [hands] on them on the Festival and slaughters their on the Festival,

(1) Because it may already be the Festival. Twilight is a period after sunset which it cannot exactly be determined whether it is day or night.

(2) I.e., if a person is seen to attempt to immerse a vessel at twilight he is stopped: the person immersing the vessel at twilight evidently intends to use it immediately after immersion. But the vessel immersed at twilight would still be unclean until sunset of the following day; cf. Lev. XI, 32.

(3) Before it is ritually clean. Surely a person who has ritually cleansed all unclean vessel by immersion must wait until the sun sets before he may use it.

(4) [I.e., before sunset. The bracketed words must be added if the word ‘twilight’ which MS.M. omits is retained with cur. edd.]

(5) Before he can use it. Therefore on a weekday he is allowed to proceed because when, on reaching the ritual bath, he finds that the sun has already set, he will immerse it and wait until the following sunset before using it. But on the eve of a Festival he may not immerse it in case it is already the Festival. But v. Goldschmidt, n. a.l.

(6) I.e., he is in a hurry to get on with his work. Such action does not show intention and it is therefore to be apprehended lest he will come to use it after immersing it.

(7) We may certainly deduce his intention from his acts.

(8) In addition to the one already defiled, Rashi. V. n. 9.

(9) The minimum size to cause defilement.

(10) This man who was seen running before sunset to immerse the vessel.

(11) R. Hananel reads: ‘Became defiled through (a part of a reptile) of the size of a lentil, and he came before the Rabbis to ask whether a reptile of the size of a lentil defiles’ (he not knowing the law that it does). On this reading the vessel which he was rushing to immerse was the very vessel about which he enquired of the Rabbis and which he was told that it required immersion; v. n. 6.]

(12) Viz., that sunset is required.

(13) For it is not specifically written in Scripture that it must be of the size of a lentil. [On the reading of R. Hananel (note 9): For it is not specifically stated in Scripture that a reptile (or part of it) bigger than a lentil defiles.]

(14) Scripture distinctly states that sunset is required cf. Lev. XI, 32.

(15) If one immersed his defiled vessel in order to use it for his olive press and then changed his mind and wished to use it for his wine press. כַּד is the smaller vessel for oil. [MS.M. reads כַּד ‘Olive press’.]

(16) Without requiring further immersion. If therefore the owner takes it upon himself to immerse again the vessel, such immersion may be performed on a Festival, for he is not thereby reconditioning the vessel.

- (17) And performed immersion with this intention.
- (18) He can only change his mind before the animal is sacrificed.
- (19) Without requiring further immersion. The extra immersion is therefore permissible on a Festival.
- (20) Because part thereof is eaten by their owners.
- (21) Beth Shammai forbid this as a shebuth (v. Glos.), as it was performed with all one's strength and is regarded as being in the nature of riding an animal which is expressly forbidden by the Rabbis (Rashi). [V. however, infra 20a where Beth Shammai are said to hold that the law of laying on of hands does not apply at all to obligatory offerings. Rashi's explanation follows, however, that of R. Johanan, Hag. 16b; v. Tosaf. infra 20a s.v. **סוף**]
- (22) I.e., private voluntary burnt-offerings.
- (23) Which are obligatory. V. Lev. XXIII, 41, and the eating of meat was considered an essential part of the festival enjoyment.
- (24) V. Ex. XXIII, 15. Lit., 'the appearance (in the Temple before the Lord)'.
- (25) Lev. XXIII, 41.
- (26) We-hagothem being grammatically connected with hag and hagigah.
- (27) Which includes the pilgrimage burnt-offering.
- (28) I.e., private sacrifices.
- (29) Since they do not belong to the Festival and can be offered on any other day.
- (30) E.g., a burnt-offering as a vow or a freewill-offering.
- (31) Because (a) none of the sacrifice is eaten by the owners; and (b) it can be brought after the Festival.
- (32) I.e., the Festival peace-offerings.
- (33) Because (a) They are eaten by the owners, thus increasing the joy of the Festival; (b) They belong to the Festival and cannot be brought after the Festival.
- (34) Thus Beth Shammai maintain that peace-offerings not connected with the Festival may not be brought on the Festival, which contradicts 'Ulla.
- (35) There is no need to amend the Baraitha
- (36) You quote the view of one Tanna (viz., R. Simeon b. Eleazar) while disregarding the possibility that another Tanna may have a different opinion.
- (37) Lit., 'come'.

Talmud - Mas. Beitzah 19b

but all agree that vows and freewill-offerings may not be offered on a Festival.¹

And the following Tannaim [are engaged in the same controversy]² as these [aforementioned] Tannaim. For it was taught: One may not bring a thank-offering³ on the Feast of Unleavened Bread on account of the leaven which it contains;⁴ nor on Pentecost, because it is a Festival;⁵ but one may bring his thank-offering on the Feast of Tabernacles.⁶ R. Simeon says: Lo, Scripture says, on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles,⁷ [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and whatever may not be brought on the Feast of Unleavened Bread may not be brought on the Feast of Weeks and on the Feast of Tabernacles [either]. R. Eleazar son of R. Simeon says: A man may bring his thank-offering⁸ on the Feast of Tabernacles and may therewith fulfil his obligation in respect of the joy [of the Festival],⁹ but does not fulfil his obligation therewith in respect of the Festival sacrifices.¹⁰ The Master said:¹¹ 'One may not bring a thank-offering on the Feast of Unleavened Bread on account of the leaven which it contains. This is obvious! — Said R. Adda son of R. Isaac, some say R. Samuel b. Abba: We are treating here of the fourteenth [of Nisan] and he holds: You must not bring consecrated meat to the place of disqualification.¹² 'Nor on Pentecost, because it is a Festival'; he is of the opinion [that] vows and freewill-offerings may not be offered on a Festival.¹³

'But a man may bring his thank-offering on the Feast of Tabernacles'. When? If it should mean on the Festival itself, but you say, 'Nor on Pentecost because it is a Festival'. — Therefore [it must

mean] on the intermediary days of the Festival.

R. Simeon says: Lo, Scripture says: 'on the Feast of Unleavened Bread, and on the Feast of Weeks, and on the Feast of Tabernacles', [teaching] whatever may be brought on the Feast of Unleavened Bread may [also] be brought on the Feast of Weeks and on the Feast of Tabernacles, and what may not be brought on the Feast of Unleavened Bread may [also] not be brought on the Feast of Weeks and on the Feast of Tabernacles.¹⁴ To this R. Zera demurred: Seeing that we may [even] gather firewood can there be a question about vows and freewill-offerings!¹⁵ — Said Abaye: None dispute that the offering [of the thank-offering] is permitted:¹⁶ they differ only as to whether he is subject to 'Thou shalt not delay'¹⁷ on its account. The first Tanna holds: The Divine Law said 'Three Festivals',¹⁸ even not in their order of sequence;¹⁹ while R. Simeon is of the opinion; only in their order of sequence [he transgresses] but not when they are not in order of sequence.

'R. Eleazar son of R. Simeon says: One may bring the thank-offering on the Feast of Tabernacles' — When? If [it means] on the Intermediary days of the Festival, then it is the same as the first Tanna. Therefore [it means] on the Festival [itself], and he is of the opinion that vows or freewill-offerings may be offered on Festivals.²⁰ And why does he teach this particularly of the Feast of Tabernacles? — R. Eleazar son of R. Simeon follows his view [expressed elsewhere]. For it was taught: R. Simeon Says: Scripture²¹ need not have mentioned 'the Feast of Tabernacles' for the passage is dealing with it.²² Why [then] is it mentioned? To teach that this is the last.²³ R. Eleazar son of R. Simeon Says: To teach that this [Festival of Tabernacles alone] brings it about.²⁴

'And may therewith fulfil his obligation concerning the joy [of the Festival], but does not fulfil his obligation therewith concerning the Festival sacrifices.' This is obvious; for this is indeed an obligatory sacrifice²⁵ and any obligatory sacrifice can only be brought of unconsecrated [animals or money]!²⁶ — It is necessary to teach this even if he explicitly stipulated.²⁷ As R. Simeon b. Lakish asked R. Johanan: What if one said, 'I vow a thank-offering that I may therewith fulfil my obligation of hagigah;' [or] 'I take upon myself to become a Nazirite

(1) This Tanna corroborates the statement of 'Ulla.

(2) With respect to vows and freewill-offerings

(3) V. Lev. VII, 12-15.

(4) The thank-offering requires leaven (V. Lev. VII, 13) and naturally cannot be offered on Passover.

(5) And a thank-offering like vows and freewill-offerings may not be offered on a Festival.

(6) I. e., during the Intermediary days of the Festival.

(7) Deut. XVI, 16.

(8) I.e., one which he had previously vowed.

(9) It is obligatory to rejoice on the Festivals (v. Deut. XVI, 14), and this rejoicing requires meat (v. supra p. 97, n. 9). The thank-offering can be brought for this purpose.

(10) These are obligatory and such must be brought from unconsecrated animals (i.e., animals which are not due on account of a previous vow); hence the thank-offering is ineligible for this purpose.

(11) The Talmid proceeds to a discussion of the Baraita in the course of which there emerges the Tannaitic controversy referred to.

(12) For the ten loaves of leaven which accompany the thank-offering could hardly be eaten by about 10 a.m. when leaven becomes forbidden, and the rest would have to be burnt as nothar (v. Glos.).

(13) This is the statement referred to above of the Tanna who differs and maintains that vows and freewill-offerings may not be offered on Festivals.

(14) It was wrongly assumed that the statement forbids the bringing of the thank-offering even on the Intermediary days of the Festival, hence the following objection.

(15) This certainly may be brought.

(16) On the Intermediary Days of the Festival of Tabernacles.

(17) Deut. XXIII, 22.

(18) Ex. XXIII, 14. In R.H. 4b it is deduced that one violates this if three festivals pass without his fulfilling his vow.

(19) If the vow to bring the thank-offering is made before Tabernacles, the first Tanna counsels the vower to bring it at the immediately following Feast of Tabernacles. Because, according to him, the three Festivals just mentioned need not be in order of sequence commencing with Passover. Therefore unless he brings it on the immediately following Tabernacles he will have to make a special journey to Jerusalem to offer it, since he cannot bring it either on Passover or the Pentecost, whilst he must not delay beyond them. R. Simeon, however, maintains that he transgresses only if three Festivals, taken in order of sequence starting from Passover, pass without his fulfilling the vow. Hence this is what he means: Whatever comes 'on the Feast of Unleavened Bread', i.e., whatever was vowed before the Feast of Passover, so that there was already an obligation by Passover, must be brought either at Pentecost or Tabernacles immediately following; but 'Whatever does not come on the Feast of Unleavened Bread, 'i.e., if there was no obligation then, as he vowed after Passover, need not be brought on the immediately following Festivals of Pentecost or Tabernacles, since he will still have till the Tabernacles of the following year without transgressing the prohibition of 'delaying'.

(20) V. supra p. 100, n. 3.

(21) Deut. XVI, 16.

(22) Viz., Tabernacles. V. verse 13.

(23) I.e., that the three Festivals must, for the transgression of 'delaying' follow in that order — Passover, Pentecost and Tabernacles.

(24) The transgression of the Command. If he vowed before Tabernacles and did not fulfil the vow until Tabernacles elapsed he has transgressed. Cf. R.H. 4a.

(25) V. p. 99, n. 11.

(26) But not of second tithe money which is already consecrated, nor of animals already dedicated as vows and freewill-offerings. V. Pes. 71a.

(27) When he vowed the thank-offering he stipulated that it should take the place of the Festival sacrifice.

Talmud - Mas. Beitzah 20a

[on condition] that I shave with the second tithe money?¹ He replied to him: He is under a vow, but he cannot discharge [his hagigah obligation therewith]: he is a Nazirite, but he cannot shave [as he stipulated].²

A certain man declared,³ Give four hundred zuz to So-and-so and let him marry my daughter. R. Papa said: The four hundred zuz he receives, and as for the daughter, if he wishes he may marry [her] [and] if he wishes he need not marry [her].⁴ The reason is because he said: 'Give him and he shall marry;⁵ but if he had said, 'Let him marry and give him', [then] if he marries her, he receives [the money]; but if he does not marry [her], he does not receive [it].

Meremar was sitting and stated this ruling⁶ in his own name. Said Rabina to Meremar: You are teaching this thus,⁷ [but] we teach it as a question directed by Resh Lakish to R. Johanan.

A tanna recited before R. Isaac b. Abba: 'And he presented the burnt-offering; and offered it according to the ordinance',⁸ [i.e.,] according to the ordinance of a freewill burnt-offering;⁹ this teaches that the obligatory burnt-offering requires laying on of hands.¹⁰ Said he to him: He who told you this did so in accordance with Beth Shammai¹¹ who do not learn obligatory peace-offerings from freewill peace-offerings;¹² for it is according to Beth Hillel, since they learn obligatory peace-offerings from freewill peace-offerings, the obligatory burnt-offering too does not require a Scripture text, for they infer it from the freewill burnt-offering.¹³ But whence do you know that Beth Hillel¹⁴ learn obligatory peace-offerings from freewill peace-offerings; perhaps they learn it from the obligatory burnt-offering,¹⁵ while the obligatory burnt-offering itself requires a Scripture text?¹⁶ — Why [would you say that] they do not infer it from freewill peace-offerings: because they are frequent?¹⁷ Then they could not infer it from an obligatory burnt-offering either, since it is wholly consumed!¹⁸ — It is inferred from both of them.¹⁹ But does Beth Shammai maintain that obligatory peace-offerings do not require the laying on of hands. Surely it was taught: R. Joseph said: Beth

Shammai and Beth Hillel do not differ about the laying on of hands itself, [both agreeing] that it is necessary;²⁰ they dispute only whether the [act of] slaughtering must immediately follow the laying on of hands, when Beth Shammai hold: It is not necessary,²¹ and Beth Hillel maintain: It is necessary! — He²² teaches according to the following Tanna. For it was taught: R. Jose son of R. Judah said: Beth Shammai and Beth Hillel do not differ that the slaughtering must immediately follow the laying on of hands, they dispute only about the laying on of hands itself,²³ Beth Shammai ruling: It is not necessary, while Beth Hillel maintain: It is necessary.

Our Rabbis taught: It once happened that Hillel the Elder brought his burnt-offering into the Temple Court on a Festival for the purpose of laying hands thereon. The disciples of Shammai the Elder gathered around him and asked: What is the nature of this animal? He replied to them: It is a female²⁴ and I brought it as a peace-offering. [Thereupon] he swung its tail for them²⁵ and they went away. On that day Beth Shammai got the upper hand over Beth Hillel²⁶ and wished to fix the halachah according to their ruling.²⁷ But an old man of the disciples of Shammai the Elder was there named Baba b. Buta, who knew that the halachah is as Beth Hillel²⁸ and he sent

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- (1) I.e., that I purchase the sacrifice due on the day that I cut my hair (v. Num. VI, 13ff) with second tithing money.
 - (2) Although the condition on which he made his vow is invalid, he is still bound to fulfil his vow.
 - (3) As his last will and testament.
 - (4) This decision of R. Papa has some analogy with that ruling of the Baraita that precedes, hence its inclusion here.
 - (5) In this order.
 - (6) Supra 19b bottom and the ruling on same.
 - (7) In your own name.
 - (8) Lev. IX, 16. This verse refers, according to Rashi, to the obligatory burnt-offering brought by Aaron on the eighth day of his consecration (v. Lev. IX, 2), and according to Tosaf. to the communal burnt-offering (v. Lev. IX, 15).
 - (9) For the Bible does not state a rule about the obligatory burnt-offering. Hence this verse must mean that the same rules that apply to a freewill burnt-offering apply to an obligatory burnt-offering. V. Lev. I, 3ff.
 - (10) The law of laying on of hands is prescribed only for freewill-offerings v. Lev. I, 3ff (burnt-offerings), III, 2 (peace-offerings).
 - (11) In our Mishnah 19a.
 - (12) In regard to the necessity of laying on of hands (v. supra note 1). Similarly with respect to burnt-offerings Beth Shammai will not infer obligatory burnt-offerings from freewill burnt-offerings; hence a special Scripture text is required that obligatory burnt-offerings require laying on of hands. V. Lev. III, 2.
 - (13) The inference is as follows: Just as we find that a freewill burnt-offering, because it is a burnt-offering, requires laying on of hands, so also an obligatory burnt-offering, since it is likewise a burnt-offering. This principle of exegesis is called Binyan Ab, v. Glos. Beth Shammai, however, does not admit this difference as there is no analogy between freewill burnt-offerings that can be brought at any time and obligatory burnt-offerings which are only brought at stated times.
 - (14) Who permit the laying of hands on obligatory offerings on a Festival.
 - (15) Perhaps Beth Hillel too reject this inference (v. n. 4) of obligatory from freewill offerings.
 - (16) [I.e., Lev. IX, 16 from which is derived the law that the obligatory burnt-offering requires laying on of hands, so that the cited Baraita can be in accord with Beth Hillel as well as Beth Shammai.]
 - (17) I.e., they can be brought at any time.
 - (18) V. Lev. I, 9.
 - (19) So that if an objection is raised with regard to one that the rule of laying on hands applies there because of a certain characteristic which is not found in the case of obligatory peace-offerings, reference can be made to the other where the same characteristic is lacking and yet the rule of laying on hands is not dependent on the presence of that characteristic.
 - (20) Save that Beth Shammai maintain that the laying on of hands in the case of obligatory peace-offerings must be performed before the Festival and not on the Festival itself.
 - (21) Hence it can be done before the Festival, and therefore it may not be done on the Festival.
 - (22) The author of our Mishnah.
 - (23) In the case of obligatory peace-offerings.

(24) And such is not offered as a burnt-offering. V. Lev. I, 3. He wanted to avoid a quarrel and told them what was not true for the sake of peace.

(25) In order to make them believe it was a female.

(26) I.e., they forced the majority.

(27) Viz., that obligatory burnt-offerings do not require laying on of hands.

(28) I.e., that Beth Shammai's ruling is only a stringency, but not based on Biblical law.

Talmud - Mas. Beitzah 20b

and fetched all the sheep of Kedar¹ that were in Jerusalem and put them into the Temple Court and said: Whoever wishes to lay on hands let him come and lay on hands; and on that day Beth Hillel got the upper hand and established the halachah according to their opinion and there was no one there who disputed it.²

It happened again with a certain disciple of the disciples of Beth Hillel who brought his burnt-offering into the Temple Court for the purpose of laying hands thereon. A certain disciple of the disciples of Beth Shammai found him and said to him: Why the laying on of hands?³ He replied: Why [not keep] silence? He silenced him with a rebuke and he went away. Said Abaye: Therefore a young scholar to whom his colleague says anything should not answer back more than the former had spoken to him; for the one said to the other, Why the laying on of hands? and the other replied, [correspondingly] Why [not keep] silence?

It was taught; Beth Hillel said to Beth Shammai: If, when it is forbidden [to slaughter to provide food] for a layman,⁴ it is permitted [to slaughter] for the Most High,⁵ then where it is permitted on behalf of a layman,⁶ it is surely logical that it is permitted for the Most High.⁷ Beth Shammai replied to them: Let vows and freewill-offerings prove [the contrary], for they are permitted for a layman and yet forbidden for the Most High.⁸ Beth Hillel said to them: As for vows and freewill-offerings, that is because there is no fixed time for them; will you say [the same] with respect to a pilgrimage burnt-offering seeing that it has a fixed time!⁹ Beth Shammai replied to them: Even [for] this [sacrifice] there is no [strictly] fixed time. For we have learnt:¹⁰ He who did not bring his Festival offering on the first day of the Festival, may bring it during the whole of the remaining days of the Festival, even on the last day. Beth Hillel replied to them: Even [for] this there is indeed a time fixed, for we have learnt:¹⁰ If the Festival passes and he has not brought his Festival offering, he bears no [further] liability [on its account].¹¹ Beth Shammai said to them: Surely it is said 'That only may be done' for you,¹² [implying] but not for the most High God? Beth Hillel replied to them: Surely it is said: '[And ye shall keep it as a feast] unto the Lord',¹³ [implying] whatever is for the Lord! If so, why then does the text say: 'For you'? for you but not for heathens,¹⁴ for you, but not for dogs.

Abba Saul taught the same in another form: If when thy hearth is closed,¹⁵ the hearth¹⁶ of the Master is open,¹⁷ how much the more must the hearth of thy Master be open when thy hearth is open.¹⁸ And that is logical that thy table should not be full and the table of thy Master empty. In what do they differ?¹⁹ — One Master²⁰ holds: Vows and freewill-offerings may be offered on a Festival and the other Master holds they may not be offered on a Festival.

R. Huna said: On the view that vows and freewill-offerings may not be offered on a Festival, say not, Biblically they are indeed permitted²¹ and only the Rabbis preventively forbade them lest one delay,²² but even Biblically they are not permitted; for the two loaves of bread²³ which are obligatory for that day²⁴ so that we need not apprehend delay, yet [their preparation] does not override either the Sabbath or a Festival.²⁵

The scholars asked: On the view that vows and freewill-offerings may not be offered on a Festival

what is the law if one transgressed and did slaughter?²⁶ Raba says: He sprinkles the blood in order to permit the flesh to be eaten for food.²⁷ Rabbah son of R. Huna says: He sprinkles the blood in order to burn their inwards at eventide.²⁸ What [difference] is there between them? — They differ when the flesh was defiled or lost; according to Raba he must not sprinkle [the blood],²⁹ according to Rabbah son of R. Huna he does sprinkle.

An objection was raised: If one slaughters the lambs of the Feast of Weeks³⁰ for another purpose³¹ or if one slaughters them before or after their [fixed] time, the blood is to be sprinkled and the flesh is to be eaten; but if it was the Sabbath, he may not sprinkle³² and if he did sprinkle³³

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- (1) I.e., the best, cf. Isa. LX, 7.
 - (2) Cf. Buchler, Types, p. 74.
 - (3) Seeing that we forbid it.
 - (4) Viz., on the Sabbath.
 - (5) Public sacrifices being offered on that day.
 - (6) Viz., on a Festival.
 - (7) Whatever is required for the altar, even the pilgrimage burnt-offering.
 - (8) I.e., vows and freewill-offerings may not be offered on a Festival, yet animals may be killed for ordinary food, then.
 - (9) Surely not!
 - (10) Hag. 9a, 17a; R.H. 4b; Meg. 5a.
 - (11) Therefore he should be allowed to bring it on the first day of the Festival lest, by postponing, he be prevented from bringing it at all.
 - (12) Ex. XII, 16.
 - (13) Lev. XXIII, 41.
 - (14) Lit., 'kuthim', but this is probably a censor's substitute for heathen. For these no food may be cooked on Festivals.
 - (15) I.e., when you may not prepare food, viz., Sabbath.
 - (16) The altar.
 - (17) For sacrifice.
 - (18) Viz., on a Festival.
 - (19) Abba Saul and the first Tanna.
 - (20) Abba Saul who does not quote in his version the reply of Beth Shammai that vows and freewill-offerings prove the contrary.
 - (21) For Beth Hillel's interpretation 'unto the Lord' whatever is for the Lord is the correct one.
 - (22) To offer them until the Festival when he may be prevented from offering them at all.
 - (23) V. Lev. XXIII, 17.
 - (24) I.e., The Feast of Weeks.
 - (25) They may not be baked on the Festival, since that can be done prior thereto.
 - (26) May the blood be sprinkled?
 - (27) On the day of the Festival.
 - (28) Sprinkling may only be performed during the day but the burning of the inwards takes place at night.
 - (29) Though sprinkling is no labour, it is forbidden as shebuth (v. Glos.).
 - (30) V. Lev. XXIII, 19.
 - (31) I.e., as burnt-offerings instead of peace-offerings.
 - (32) For the flesh cannot be eaten on the Sabbath since cooking is prohibited.
 - (33) Without consulting.

Talmud - Mas. Beitzah 21a

It is acceptable¹ on condition that the inwards are burnt at eventide.² [Now] 'If he did sprinkle' indicates only if it was [already] done, but [it may] not [be done] at the outset. According to Raba it is well, but on Rabbah b. R. Huna's view there is a difficulty? — That is indeed a difficulty. Alternatively you can answer: The shebuth³ of Sabbath is different from the shebuth of a Festival.⁴

R. Awia the Elder asked R. Huna: Is it permissible to slaughter on a Festival an animal half of which belongs to a heathen and half to an Israelite? — He said to him: It is permitted. The other said: What difference is there between this [case] and the case of vows and freewill-offerings?⁵ — A raven flies,⁶ he retorted. When he left, his son Rabbah said to him: Was this not R. Awia the Elder whom you, sir, have praised as a great man?⁷ — What then was I to do with him? answered he; I am to-day [in the condition of the lover who said] ‘Stay ye me with dainties, refresh me with apples’,⁸ and he asked me things which require reasoning.⁹ And what is [really] the reason?¹⁰ — An animal half of which belongs to a heathen and half to an Israelite may be slaughtered on a Festival, because it is impossible [to eat] as much as an olive of flesh without slaughtering;¹¹ but vows and freewill-offerings may not be slaughtered on a Festival because when the priests receive their portion,¹² they receive it from the table of the Most High.¹³

R. Hisda said: An animal half of which belongs to a heathen and half to an Israelite is permitted to be slaughtered on a Festival, because as much as an olive of flesh is unattainable without slaughtering; [but] dough belonging half to a heathen and half to an Israelite may not be baked on a Festival for it is possible to divide it at the kneading. R. Hana b. Hanilai raised an objection: Dogs’ dough,¹⁴ if the shepherds eat of it, is subject to hallah,¹⁵ and one may prepare an ‘erub¹⁶ therewith, effect a partnership¹⁷ therewith, pronounce a blessing over it,¹⁸ and say grace after it,¹⁹ and it may be baked on a Festival,²⁰ and a man can fulfil his obligation therewith on Passover.²¹ But why [may it be baked on a Festival]? Surely it is possible for him to divide it during the kneading! — Dogs’ dough is different since it is possible to appease them [the dogs] with carrion.²²

Does then R. Hisda accept the argument of ‘Since’?²³ Surely it was stated: He who bakes on a Festival for the weekday, R. Hisda says: He is flagellated; whereas Rabbah maintains: He is not flagellated. R. Hisda says: He is flagellated, [for] we do not say, Since if visitors came to him, it is fit for him [on the festival], it is even now²⁴ [con sidered] fit for him; Rabbah maintains: He is not flagellated, [for] we do maintain [the argument of] ‘Since’?²⁵ — Rather, do not say, ‘Since it is possible [etc.]’, but when, for example, he [the shepherd] has a carcass, so that it is definitely possible to satisfy them [the dogs] therewith.²⁶ They asked of R. Huna: May the [Jewish] inhabitants of the valley²⁷ who are obliged to supply bread²⁸ for the troops, bake [it] on a Festival? — He replied to them: We see’ If they can give some bread [thereof] to a child and they [the soldiers] do not object, then every [loaf] is fit for a child; hence it is permitted; but if not,²⁹ it is forbidden. But surely it was taught: It once happened that Simeon the Temanite did not come to the Academy on the eve [of the Festival]. In the morning Judah b. Baba found him and asked: Why did you not attend yesterday [evening] at the Academy? He replied to him: A troop of soldiers came into our town and wished to plunder the entire city; so we killed a calf for them and fed them and let them depart in peace. Said [Judah] to him: I should be surprised if your gain is not counterbalanced by your loss,³⁰ for surely the Torah said ‘for you’³¹ but not for heathens. But why so: the [calf] was fit to be eaten [by them]?³² — Said R. Joseph: It was a trefa calf.³³ But it was fit for dogs? — Tannaim differ on this; for it was taught: ‘Save that which every soul³⁴ must eat, that only may be done by you’.³¹ From the implication of the expression ‘every soul’ I might assume also that the soul of cattle is included³⁵ as it is said, ‘And he that smiteth a soul of a beast mortally shall make it good’;³⁶ the text therefore says, ‘for you’

(1) I.e., a valid act.

(2) V. Nazir 28b; Men. 48a.

(3) V. Glos., cf. n. 2.

(4) On a Sabbath it is more stringent.

(5) Which the owners likewise share, as it were with God.

(6) A well-known phrase eluding a question or making an evasive reply.

(7) Why then did you dismiss him insultingly?

(8) Cant. II, 5. He had just finished lecturing and was anticipating the joy of the festive meal.

- (9) And I did not feel equal to the task.
- (10) This the Talmud proceeds to ask.
- (11) Therefore the animal may be slaughtered for the sake of the portion belonging to an Israelite.
- (12) The breast and thigh. V. Lev. VII, 34.
- (13) As invited guests, without having in the sacrifice any proprietary rights. Therefore the slaughtering of the sacrifice is entirely for God, and hence forbidden.
- (14) Which is to be baked for dogs.
- (15) For it is called bread. V. Num. XV, 19ff.
- (16) I.e., a court 'erub.
- (17) For an alley 'erub.
- (18) Before eating it.
- (19) Cf. P.B. pp. 279-280.
- (20) On account of the portion which the shepherds are to eat.
- (21) With unleavened bread prepared from such dough. V. Hal. I, 8.
- (22) So that it may all be for the shepherds, though in fact it will not be.
- (23) Since a thing is permitted under certain conditions it is permitted even where these conditions are absent, for in actual fact he has no carrion available and the dough will be eaten in part by the dogs.
- (24) Though he has no visitors.
- (25) If guests were coming etc.
- (26) With the result that the whole dough will be for the shepherds. So according to cur. edd. R. Hananel omits 'possible', reading: 'For he will certainly satisfy them therewith'. On his reading render, 'Do not say etc. but (say that we speak of) a case when (the shepherd) has etc. cf. MS.M.]
- (27) Or (Jewish) villages.
- (28) Lit., 'flour'.
- (29) If the soldiers do object.
- (30) I.e., the punishment for transgressing the Festival.
- (31) Ex. XII, 16.
- (32) The owners could have eaten a part of it.
- (33) Which is forbidden to Israelites.
- (34) So literally. E.V. 'man'.
- (35) For the word 'soul' is found in connection with cattle.
- (36) Lev. XXIV, 18.

Talmud - Mas. Beitzah 21b

[intimating] but not for dogs. This is the opinion of R. Jose the Galilean. R. Akiba says: Even the soul of cattle is included; if so, then why does the text say 'for you'? For you, but not for heathens — And what reason do you see to include dogs and to exclude heathens? I include dogs, since you are responsible for their food, and I exclude heathens because you are not responsible for their food.¹

Abaye said to R. Joseph: Now according to R. Jose the Galilean who says 'for you' but not for dogs, how can we throw date stones [as fodder] to cattle on a Festival?² — Said he to him: Because they are fit for fuel. This is well when they are dry, but how is it to be explained when they are moist? — They are fit for a big fire.³ This is well on a Festival, but what will you say with respect to the Sabbath.⁴ — We may handle them in virtue of bread,⁵ in accordance with Samuel; for Samuel said: A man may do all he needs in virtue of bread.⁶

But he⁷ disagrees with R. Joshua b. Levi; for R. Joshua b. Levi said: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure, lest he may [cook] more on his [the heathen's] account. R. Aha b. Jacob says: Not even on a Sabbath, on account of what is left at the bottom of the cups.⁸ If so, even [the remains of] our own [wine] too?⁹ — Ours is fit for fowls.¹⁰ Theirs too is fit for fowls? — Theirs is forbidden for any use.¹¹ Let him

remove them in virtue of the cups! Did not Raba say: You may remove the brazier on account of the ashes,¹² although it contains fragments of wood!¹³ — There¹⁴ they are not prohibited for use, but here¹⁵ they are prohibited for use. R. Aha b. Difti said to Rabina: Let it be like a vessel for excrement!¹⁶ — He answered him: May we make excrement at the outset?¹⁷ Raba accompanied¹⁸ Mar Samuel who lectured: One may invite a heathen [to a meal] on a Sabbath, but one may not invite a heathen on a Festival as a preventive measure lest he will [cook] more on his account. When a heathen visited Meremar and Mar Zutra on a Festival they would say to him: If you are content with that which we have prepared for ourselves it is well; but if not we cannot take extra trouble for your sake.

MISHNAH. BETH SHAMMAI SAY: A MAN MAY NOT HEAT WATER FOR HIS FEET¹⁹ UNLESS IT IS ALSO FIT FOR DRINKING;²⁰ BUT BETH HILLEL PERMIT IT. A MAN MAY MAKE A FIRE AND WARM HIMSELF AT IT.

GEMARA. The scholars asked: Who taught this [ruling] about fire? Is it the opinion of all, Beth Shammai drawing a distinction between the benefit of the whole body²¹ and the benefit of a single limb,²² or does Beth Hillel teach this, while Beth Shammai do not differentiate?²³ — Come and hear: Beth Shammai say: A man may not make a fire to warm himself at it; but Beth Hillel permit it.

MISHNAH. IN THREE THINGS RABBAN GAMALIEL WAS STRINGENT, IN ACCORDANCE WITH THE RULING OF BETH SHAMMAI: ONE MAY NOT STORE AT THE OUTSET WARM WATER ON A FESTIVAL [FOR THE SABBATH],²⁴ AND ONE MAY NOT SET UP²⁵ A CANDLESTICK ON A FESTIVAL, AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES²⁶ BUT ONLY IN THIN WAFERS. RABBAN GAMALIEL SAID: NEVER DID MY FATHER'S HOUSEHOLD BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS. SAID THEY TO HIM: WHAT CAN WE DO WITH YOUR FATHER'S HOUSEHOLD, WHO WERE STRINGENT TOWARDS THEMSELVES AND LENIENT TO ALL ISRAEL, [PERMITTING THEM] TO BAKE BREAD BOTH IN LARGE LOAVES AND THICK CAKES.

GEMARA. What are the circumstances? If he has set an 'erub tabshilin, what is the reason of Beth Shammai?²⁷ And if he had not set an 'erub tabshilin, what is the reason of Beth Hillel?²⁸ — Said R. Huna: In truth I can say that he did not set an 'erub tabshilin but the Rabbis²⁹ permitted him [to prepare]³⁰ what is necessary for his sustenance; and R. Huna follows his view: for R. Huna said: He who did not set an 'erub tabshilin, others³¹ may bake one loaf for him and cook one dish for him

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- (1) Thus R. Akiba permits the preparation of animal's food, while R. Jose forbids it.
 - (2) Since they are not fit for human consumption, they should not be allowed to be handled.
 - (3) A big fire can burn even damp fuel.
 - (4) When it is forbidden to kindle a fire.
 - (5) I.e., together with bread.
 - (6) I.e., handle an article forbidden in itself along with bread, and it does not show disrespect to food.
 - (7) R. Huna, who permits baking for heathens if a part thereof can be given to a child.
 - (8) The wine left by the Jew in his cup may be used, and therefore it may be removed, whereas the wine in the cup of the heathen must not be used, and consequently may not be handled either.
 - (9) May not be removed, because it is unseemly.
 - (10) By putting pieces of bread into it.
 - (11) Lest they performed some idolatrous libation therewith.
 - (12) Which he intended before the Festival to use on the Festival for covering up anything unseemly.
 - (13) Which are not usable and may not be handled.
 - (14) With respect to the pieces of wood.
 - (15) The dregs in the wine cups.
 - (16) Which may be removed on account of its repulsiveness.

- (17) I.e., may we make an object repulsive so as to be permitted to remove it? Surely not!
- (18) אֲדַבְרִיהָ , v. Ta'an, Sonc. ed. p. 60, n. 5.
- (19) [Rashi: 'To wash them': R. Hananel: 'To warm them'.]
- (20) Kindling on a Festival is permitted for food but not for the purpose of washing.
- (21) Regarding this as equivalent to food.
- (22) I.e., heating water for his feet.
- (23) Between the whole body and a single limb.
- (24) Storing counts as cooking.
- (25) This appears to mean that if a metal candelabrum fell down, it must not be put up again, this being regarded as building.
- (26) Such loaves involve burdensome labour.
- (27) Who prohibit.
- (28) Who permit.
- (29) Adopting Beth Hillel's ruling.
- (30) V. n. 7.
- (31) [Lit., 'they'. Others take 'they' as referring to the household, including the master himself v. Asheri.]

Talmud - Mas. Beitzah 22a

and light [one] candle for him. It was said in the name of R. Isaac: They may also grill a small fish for him. It was taught likewise: He who did not set an erub tabshilin, one may bake one loaf for him and store one dish for him and light [one] candle for him and heat one jug of water for him, while some maintain: They may also grill a small fish for him.¹ Raba says: In truth it treats of a case where he did set [an 'erub tabshilin], but storing [hot water] is different for it is evident that he is doing it for the sake of the Sabbath.² Abaye raised an objection:³ Hananiah says [that] Beth Shammai maintain: One may bake only if he set an 'erub of bread and one may cook only if he set an 'erub of cooked food, and one may store only if he had already warm water stored on the eve of the Festival. But if he had stored water, it is [as implied] at any rate allowed, even though it is evident that he is doing it for the sake of the Sabbath! Therefore said Abaye: [It⁴ treats of a case] when for example he set an 'erub for the one⁵ and did not set an 'erub for the other,⁶ and the author is Hananiah according to Beth Shammai.

AND ONE MAY NOT SET UP A CANDLESTICK: What does he do?⁷ — Said R. Hinena b. Bisna: We are dealing with [a jointed] candlestick composed of parts, [the reason being] because it looks like building;⁸ for Beth Shammai hold:⁹ Building applies [also] to utensils and Beth Hillel maintain: Neither building nor pulling down apply to utensils. 'Ulla visited Rab Judah and his attendant arose and set up the lamp¹⁰ [on the Festival]. Rab Judah raised an objection to 'Ulla: He who puts oil in a [burning] lamp [on a Sabbath] is culpable on account of kindling, and he who draws supplies from it is culpable on account of extinguishing.¹¹ — He replied: I was not paying attention to it.

Rab said: Snuffing [the wick] is permitted [on a Festival]. Abba b. Martha asked Abaye: May one extinguish the lamp for something else?¹² — He replied: It is possible [to take place] in another room. What if he has no other room? — It is possible to make a partition. What if he has nothing wherewith to make a partition? — It is possible to cover it [the light] with a vessel. What if he has no vessel? — He replied: It is forbidden.¹³ He raised an objection: One may not extinguish a log in order to save it,¹⁴ but it is permitted [to extinguish it] so that a room or a pot does not become smoky!¹⁵ — He replied: This is the opinion of R. Judah,¹⁶ but I am speaking according to the view of the Rabbis.¹⁷ Abaye asked Rabbah: May one extinguish a conflagration on a Festival? When danger of life is involved I do not ask, for [this] is permitted even on a Sabbath; I only ask when a loss of money [alone] is involved: What is the law? — He replied: It is forbidden. He raised an objection: One may not extinguish a log in order to save it, but it is permitted [to extinguish it] so

that the room or a pot does not become smoky!¹⁸ — This is the opinion of R. Judah, but I am speaking according to the view of the Rabbis.

R. Ashi asked Amemar: May one [medically] paint the eyes on a Festival? When there is a danger, for example of discharge, pricking [pain], congestion, watering, inflammation or the first stages of sickness, I do not ask, for [then] it is permissible even on the Sabbath;¹⁹ I only ask when the sickness is almost cured and it [the painting] is only to give brightness to the eyes.²⁰ What is the law? — He replied: It is forbidden. He raised the objection: ‘You may not extinguish a log [etc.]’ and he answered the same as we have answered.²¹

Amemar permitted the eye to be painted [medically] by a heathen on a Sabbath. Some say: Amemar himself allowed his eye to be painted by a heathen on a Sabbath. R. Ashi said to Amemar: What is your opinion, because ‘Ulla the son of R. Illai said: All that a sick man needs may be performed by a heathen on a Sabbath? And R. Hamnuna [further] said: In all cases where there is no danger one may tell a heathen to do it? But this is only when he does not himself help him, but you, Sir, assist him by closing and opening the eye! — He replied: R. Zebid made the same objection and I answered him: Helping is of no consequence.

Amemar permitted to paint the eyes on the second day of the New Year's Feast. R. Ashi said to Amemar: But Raba said: On the first day of a Festival Gentiles [only] may busy themselves with a corpse, [but] on the second day Israelites may do it, and even on the two Festival days of the New Year

(1) [According to the rendering adopted here (cf. n. 6) only others are permitted by Beth Hillel to prepare food for him, v. R. Nissim a.l.]

(2) Whereas cooking, even when intended for the Sabbath, may nevertheless appear to be for the Festival.

(3) V. supra 17b.

(4) Our Mishnah which prohibits storing.

(5) I.e., he baked and cooked before the Festival for the purpose of ‘erub.

(6) I.e., he did not store any hot water before the Festival.

(7) Surely this is not a prohibited labour!

(8) If it is put together.

(9) V. supra 10a, 11b.

(10) [Alfasi and Rashi: He inclined it backwards so as to draw off the oil from the wick and caused the light to go out.]

(11) Because the light goes out sooner, and extinguishing is likewise forbidden on a Festival.

(12) A euphemism for marital intercourse.

(13) To put out the light.

(14) I.e., for the sake of thrift.

(15) Consequently we see that in order to derive benefit on a Festival, it is permissible to extinguish.

(16) V. infra 28b where R. Judah maintains that . . . ‘for you’ (Ex. XII, 16) means for all your (permitted) needs.

(17) Who differ from R. Judah. V. ibid.

(18) A conflagration likewise gives forth smoke and causes great inconvenience.

(19) V. A.Z. 28b, Sonc. ed. p. 142.

(20) I.e., to make the eyes sparkle.

(21) Viz. the Baraita is according to R. Judah.

Talmud - Mas. Beitzah 22b

which how ever is not the case with respect to an egg?¹ — He replied: I hold as the Nehardeans who say: [The same holds good] even with respect to an egg; for what is in your mind: perhaps [the month of] Elul will be intercalated?² Surely R. Hinena b. Kahana said:³ From the days of Ezra and onward we do not find Elul ever intercalated.

AND ONE MAY NOT BAKE BREAD IN LARGE LOAVES BUT ONLY IN THIN WAFERS: Our Rabbis taught: Beth Shammai say: One may not bake thick bread on Passover,⁴ but Beth Hillel permit it; and how much is regarded as thick bread? — Said Rab Huna: A handbreadth, for so we find with respect to the Shewbread [that the loaves were] a handbreadth [in thickness].⁵ To this Rab Joseph demurred: If they allowed⁶ this for experts,⁷ did they also permit it to non-experts?⁸ If they allowed it in the case of well-kneaded bread,⁹ are they also to allow it with respect to bread which is not well-kneaded?¹⁰ If they allowed it in the case of dry wood,¹¹ would they allow it in the case of moist wood?¹² If they allowed it in the case of a hot oven,¹³ would they allow it in the case of a cold oven?¹⁴ If they allowed it in the case of a metal oven,¹⁵ would they allow it in the case of a clay oven?¹⁶ Said R. Jeremiah b. Abba: I asked my teacher (viz., Rab) privately, what is meant by ‘thick bread’ [and he replied:] a large quantity of bread.¹⁷ Others say: R. Jeremiah b. Abba said in Rab's name: I asked my teacher (viz., Rabbi the Holy),¹⁸ privately, what is meant by ‘thick bread’, [and he replied:] a large quantity of bread. And why do they call it ‘thick bread’? — Because there is more kneading to be done.¹⁹ Alternatively: In the district of this Tanna they called a large quantity of bread thick bread — Consider: [the reason is] that he labours unnecessarily.²⁰ [Then] why teach [particularly] about Passover, this should hold good of other Festivals as well? — It is even so, only the Tanna was dealing with Passover. It was taught likewise: Beth Shammai say: One may not bake a large quantity of bread on a Festival, but Beth Hillel permit it.

MISHNAH. HE²¹ FURTHERMORE GAVE THREE LENIENT RULINGS:²² ONE MAY SWEEP A DINING-ROOM²³ AND PUT THE SPICES²⁴ [ON THE FIRE] ON A FESTIVAL, AND ONE MAY PREPARE A ‘HELMETED’ KID ON PASSOVER NIGHT.²⁵ BUT THE SAGES FORBID THESE.²⁶

GEMARA. R. Assi said: The dispute is [only with respect] to perfuming [clothes],²⁷ but when it is for smelling all agree that it is permitted. An objection was raised: One may not sweep a dining-room on a Festival, but in the house of Rabban Gamaliel they did Sweep. R. Eleazar b. Zadok said: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not sweep the dining-room on a Festival but they swept it on the eve of the Festival and covered it with sheets. On the morrow when guests came they removed the sheets with the result that the room was automatically swept. They said to him: If so, it is permitted to do the same even on the Sabbath. And one may not put the spices [on the fire] on a Festival, but in the house of Rabban Gamaliel they did put. Said R. Eleazar b. Zadok: Frequently I accompanied my father to the house of Rabban Gamaliel and [observed that] they did not put the spices [on the fire] on a Festival, but they used to bring in iron censers and fill them with the perfume of the incense on the eve of the Festival and stop up the vent-holes on the eve of the Festival. On the morrow when guests came they opened the vent-holes with the result that the room was automatically perfumed. They said to him: If so, it is permitted to do the same even on a Sabbath.²⁸ But if stated it was thus stated: R. Assi said: The dispute is when it is for smelling, but when it is for perfuming [clothes] it is forbidden. The scholars asked: May one fumigate²⁹ [fruits] on a Festival? R. Jeremiah b. Abba in Rab's name says: It is forbidden;³⁰ but Samuel says: It is permissible. R. Huna says: It is forbidden because he extinguishes [the charcoal].³¹ Said R. Nahman to him: Let the Master say because he kindles³² [the spices]? — He answered him: At first he extinguishes and afterwards he kindles.³³ Rab Judah says: On charcoal fire it is forbidden,³⁴

(1) The egg laid on the first day may not be eaten on the second. V. supra 6a.

(2) In which case the New Year's Festival will begin on the second day.

(3) V. supra 6a where the words ‘in the name of Rab’ are added.

(4) It was presumed that the reason is lest the dough become leavened during its preparation.

(5) V. Men. 57a.

(6) Lit., ‘said’.

- (7) I.e., priests who were acquainted with the preparation of the Shewbread. Cf. Yoma 38a.
- (8) Inexperienced bakers might allow the thick dough to become leavened.
- (9) Such as was essential for the Shewbread (Men. 76a). Well-kneaded dough does not easily become sour.
- (10) There is no guarantee that the dough in private houses would be well-kneaded.
- (11) Such as was used in the Temple (v. Ta'an 31a) and which gives a clear fire and bakes quickly.
- (12) Which smoulders and does not give forth much heat.
- (13) The oven in the Temple was heated daily and never got quite cold.
- (14) I.e., an oven that was allowed to get cold and afterwards heated.
- (15) Such as was used in the Temple (v. Zeb. 95b) and which gives forth good heat and keeps the heat long.
- (16) Surely not! — In the Temple all these favourable conditions were present but they might be absent elsewhere.
- (17) More than is necessary for the Festival, thus doing more work than he should.
- (18) For this title of Rabbi Judah, the Prince, cf. Shab. p. 118b.
- (19) Lit., 'there is increase in kneading it'.
- (20) And not because the dough might become leaven as previously presumed.
- (21) Rabban Gamaliel.
- (22) Lit., 'said three things for leniency'.
- (23) Lit., 'couches' used as dining tables.
- (24) For the purpose of perfuming the room. V. Ber. (Cohen) p. 279 n. 6.
- (25) I.e., a kid roasted whole with its knees and inwards hanging outside. The Passover-offering was roasted in that manner in the days of the Temple; consequently the Sages forbade this after the destruction of the Temple, since sacrifices might not be brought then. Rabban Gamaliel, however, permits it.
- (26) They forbid sweeping because of the filling up of cavities, and they forbid spices because this only applies to epicureans or to people possessing repugnant odours, cf. Keth. 7a (Rashi).
- (27) It is then that the Sages prohibit because the perfuming of the clothes is not directly one's personal pleasure.
- (28) The Rabbis would never have disagreed in such a case. Since they do disagree, however, R. Gamaliel must have permitted the putting of spices on the fire on the Festival. They must then have assumed either that R. Eleazar b. Zadok's memory was at fault or that R. Gamaliel, while in truth holding that it was permitted, did not act on his view out of deference to the Sages who were in a majority. Incidentally we see that the Sages prohibit it even for smelling.
- (29) For eating purposes, by placing them over spices on burning coals.
- (30) Because it is only an epicurean luxury.
- (31) When sprinkling the spices over it.
- (32) And kindling is forbidden unless it is for the general preparation of food.
- (33) The first effect of his action is to extinguish (i.e. dim) the coals; that is followed by the spices catching fire; R. Nahman quoted the first only.
- (34) For there is both extinguishing and kindling.

Talmud - Mas. Beitzah 23a

on [hot] sherds¹ it is permitted;² but Rabbah maintains: On [hot] sherds it is also forbidden because he generates a fragrance [in the sherd].³ Rabba and R. Joseph both say: It is forbidden to invert a box [of aromatics] on silken garments on a Festival, because he is producing a fragrance [in the garments]. And why is [this case] different from [the Baraitha]: One may rub it [aromatic wood] and smell it and one may nip off a bit of it and smell it?⁴ — There the fragrance is indeed present and one only increases the smell, [whilst] here he produces a fragrance [in the garments].

Raba [however] says: On charcoal too it is permitted, [for it is] just as roasting meat on a charcoal [fire].⁵ R. Gebiha from Be Kathil⁶ expounded at the door of the Exilarch: Kittura⁷ is allowed. Amemar said to him: What [is meant by] Kittura? If it means the plaiting of sleeves, [creasing of garments] then it is a craftsman's work;⁸ and if [it means] to fumigate, it is [surely] forbidden for he indeed extinguishes! — Said R. Ashi to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire. Some teach: Amemar said to him: What is [meant by] Kittura? If it means the plaiting of sleeves, then it is a craftsman's work; and if [it means] to fumigate, it is [surely]

forbidden, for he produces a perfume! — Said R. Ashi: I told it to him, and in the name of a great man did I tell it to him: In truth [it means] to fumigate, but it is analogous to roasting meat on a charcoal fire.

AND ONE MAY PREPARE A 'HELMETED' KID: It was taught: R. Jose said Theodosius of Rome introduced among the community of Rome the practice of eating a helmeted kid on Passover night. They [the Rabbis] sent [word] to him: If you were not Theodosius, we would have condemned you to excommunication, for you are causing the children of Israel to eat consecrated [animals] outside of Jerusalem. Do you really mean consecrated [animals]?⁹ — Say rather: [That which is] similar to consecrated [animals].¹⁰

MISHNAH. THREE THINGS R. ELEAZAR B. AZARIAH PERMITTED AND THE SAGES FORBADE: HIS COW WAS LED OUT [ON A SABBATH] WITH A LEATHER STRAP BETWEEN HER HORNS,¹¹ AND [HE ALSO RULED THAT] ONE MAY CURRY CATTLE ON A FESTIVAL,¹² AND ONE MAY GRIND PEPPER IN A PEPPER MILL.¹³ R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL BECAUSE IT MAKES A WOUND THEREBY, BUT ONE MAY COMB;¹⁴ BUT THE SAGES SAY: ONE MAY NEITHER CURRY NOR COMB.

GEMARA. Shall it be said that R. Eleazar b. Azariah had [only] one cow, surely Rab — some say, Rab Judah in Rab's name — said: R. Eleazar b. Azariah had given as tithe thirteen thousand calves yearly from his herd? — It was taught: It was not his cow but of a neighbouring lady, and because he did not restrain her, it [is referred to as his].¹⁵

AND ONE MAY CURRY CATTLE ON A FESTIVAL. Our Rabbis taught: What is currying and what is combing? Currying is done with a small toothed [comb] and causes wounds; combing is done with a large toothed [comb] and does not cause wounds; and there are three views with respect to this: R. Judah maintains: An unintentional act¹⁶ is forbidden, but currying is done with fine teeth and causes wounds, [while] combing is done with large teeth and does not cause wounds, and we do not preventively prohibit combing on account of currying. The Sages are likewise of R. Judah's opinion that an unintentional act is forbidden, but they preventively prohibit combing on account of currying;¹⁷ and R. Eleazar b. Azariah holds as R. Simeon who says: An unintentional act is permitted, [hence] both currying and combing is allowed.

Raba in the name of R. Nahman in the name of Samuel said: — some say, R. Nahman himself said — the halachah is as R. Simeon, since R. Eleazar b. Azariah agrees with him. Said Raba to R. Nahman: Let the Master say the halachah is as R. Judah since the Sages agree with him? — He replied to him: I hold as R. Simeon, and furthermore R. Eleazar b. Azariah agrees with him.

(1) Lit., 'on a fragment of pottery'.

(2) For extinguishing does not apply here and the kindling is performed in an unusual way, which is not prohibited Biblically (Rashi).

(3) I.e., he creates something new in the sherd which was absent before, and this the Rabbis forbade.

(4) *Infra* 33b.

(5) Which is permitted, although here too there is extinguishing and kindling while the odour of the meat enters the coals.

(6) On the Tigris, N. of Bagdad. Obermeyer, p. 143.

(7) The word has two meanings (a) plaiting (b) perfuming and he did not specify what he meant.

(8) Which is certainly forbidden.

(9) But they were not consecrated.

(10) V. p. 116, n. 9.

(11) Because he regarded such halter as an ornament. The Sages, however, regarded it as a burden.

- (12) With a fine comb.
 (13) Lit., 'in their mill'.
 (14) Rashi: with a blunt-toothed wooden comb or scraper.
 (15) Lit., 'is called by his name'.
 (16) As the causing of a wound through the combing.
 (17) If the former is permitted, people will do the latter too.

Talmud - Mas. Beitzah 23b

MISHNAH. A PEPPER-MILL IS SUSCEPTIBLE TO DEFILEMENT ON ACCOUNT OF [IT CONSISTING OF] THREE [SEPARATE] UTENSILS;¹ ON ACCOUNT OF A RECEPTACLE,² ON ACCOUNT OF A METAL UTENSIL³ AND ON ACCOUNT OF A SIFTING UTENSIL.⁴

GEMARA. It was taught: The lower part [becomes defiled] as a receptacle; the middle part as a sifting utensil; the upper part as a metal vessel.

MISHNAH. A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS,⁵ AND IT MAY BE HANDLED ON SABBATH,⁶ AND IT MAY BE PULLED ALONG ONLY ON MATTING.⁷ R. JUDAH SAYS: NO ARTICLES MAY BE DRAGGED [ALONG THE FLOOR] EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES⁸ [THE EARTH] DOWN.

GEMARA. A CHILD'S GO-CART IS SUSCEPTIBLE TO THE DEFILEMENT OF MIDRAS, because he [the child] supports himself thereon;⁹ AND IT MAY BE HANDLED ON SABBATH, because it is considered a utensil;

AND IT MAY BE PULLED ALONG ONLY ON MATTING; only on matting but not on the earth. What is the reason? Because he makes a rut [furrow]:¹⁰ the author of this is [therefore] R. Judah who says: An unintentional act is forbidden; for if it were R. Simeon, surely he maintains: An unintentional act is permitted; for it was taught: R. Simeon says: A man may drag along a bed, stool or bench [on the floor], provided he has no intention of making a furrow. [But] read the last clause: R. JUDAH SAYS: NOTHING MAY BE DRAGGED [ALONG THE FLOOR] ON THE SABBATH EXCEPT A WAGON BECAUSE IT [ONLY] PRESSES [THE EARTH] DOWN; Only because it presses it down but it does not make a furrow? — There are two Tannaim¹¹ who differ as to the opinion of R. Judah.

CHAPTER III

MISHNAH. ONE MAY NOT CATCH FISH FROM A FISHPOND ON A FESTIVAL¹² NOR GIVE THEM FOOD,¹³ BUT ONE MAY CATCH VENISON OR GAME FROM ANIMAL ENCLOSURES AND ONE MAY PUT FOOD BEFORE THEM. RABBAN SIMEON R. GAMALIEL SAYS: NOT ALL ENCLOSURES ARE ALIKE. THIS IS THE GENERAL RULE:

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- (1) So that even if one part were missing the rest counts as complete utensils and can become unclean (Rashi). Tosaf: if one part became defiled the other parts are not affected.
 (2) In contrast to flat wooden vessels which have no hollow for receiving and cannot become unclean. V. Kelim. XI, 1.
 (3) V. Kelim. XI, 2. Even a flat metal utensil can become unclean.
 (4) V. Kelim. XVI, 3, XVII, 4.
 (5) V. Glos.
 (6) Since it really is a utensil. That which does not rank as a utensil may not be handled.
 (7) In order not to make a rut. Their floors were earthen.
 (8) But does not turn it up into a furrow.
 (9) It is therefore considered a stool.

(10) I.e., he breaks the surface of the ground, being in the nature of ploughing.

(11) One holds that a go-cart is regarded as any other piece of furniture and may not be dragged along because it may skid and turn up the earth as a plough, and the other holds the wheels only press down the earth but do not make a rut.

(12) Because this could have been done before the Festival.

(13) Because they can look after themselves.

Talmud - Mas. Beitzah 24a

WHENEVER CHASING IS STILL NECESSARY¹ IT IS FORBIDDEN² BUT WHERE CHASING IS NOT STILL NECESSARY IT IS PERMITTED.

GEMARA. Now the scholars pointed out a contradiction: One may not catch [animals] from enclosures of venison and game on a Festival nor may one put food before them. Thus the rulings on venison are contradictory and those on game are contradictory. As for the rulings on venison, it is well and there is no difficulty, one agreeing with R. Judah, the other with the Sages. For we have learnt: R. Judah says: If [on a Sabbath] one hunts a bird into a tower-trap or a gazelle into a house he is culpable³ — (only [if he drives it] into a house is he culpable but not into an enclosure).⁴ But the Sages say: [If he drives] a bird into a tower-trap or a gazelle [even] into a garden, a court or an enclosure [he is culpable].⁵ But the rulings on game are contradictory! And if you say, this also presents no difficulty, for the one treats of a roofed enclosure and the other of an unroofed enclosure, — surely a house is like a roofed enclosure and [yet] according to both R. Judah and the Sages [he is liable] only [if he drove] a bird into a tower-trap but not into a house! — Said Rabbah b. Huna: We treat here⁶ of a wild bird which does not submit to taming.⁷ For the School of R. Ishmael taught: Why is it called free-bird, because it dwells in the house as in the fields.⁸ Now that you have come to this [explanation],⁹ there is no contradiction in the rulings on venison, [for] the one refers to a small enclosure; the other, to a large enclosure.¹⁰ What is 'a small enclosure' [and] what is 'a large enclosure'? — Said R. Ashi: Whenever one runs after it [the animal] and catches it with one lunge,¹¹ It is a small enclosure, otherwise it is a large enclosure. Alternatively: If there are many corners [whither it can escape] it is a large enclosure, otherwise it is a small enclosure. Alternatively: whenever the shadow of one wall falls upon the other,¹² it is a small enclosure, otherwise it is a large enclosure.

RABBAN SIMEON B. GAMALIEL SAYS: NOT ALL ENCLOSURES ARE ALIKE etc. R. Joseph said in the name of Rab Judah in the name of Samuel: The halachah is as Rabban Simeon b. Gamaliel. Abaye said to him: 'The halachah is [etc.],' from which it would follow that they [the Sages] dispute it!¹³ — He said to him: What practical difference does it make to you?¹⁴ — He replied to him: Is a lesson to be recited as a sing-song?¹⁵

THIS IS THE GENERAL RULE: WHENEVER CHASING IS STILL NECESSARY, etc.: What is meant by CHASING IS STILL NECESSARY? Said R. Joseph in the name of Samuel: Whensoever one has to say, 'Bring a trap so that we may catch it'.¹⁶ Said Abaye to him: But what of geese and hens where one [also] says, 'Bring a net so that we may catch it', and yet it was taught: He who catches geese, hens or Herodian doves¹⁷ he is free! Said Rabbah son of R. Huna in the name of Samuel: These come at night into their coops [for roosting],¹⁸ but those do not come at night into their coops. But what of doves of a dovecote and doves of a loft which [likewise] come at night into their coops, and yet it was taught: He who catches doves of a dovecote or doves of a loft or birds nesting in nests¹⁹ or in a residence²⁰ is liable? — Rather, said Rabbah son of R. Huna in the name of Samuel: These come at night into their coops and their feeding is your obligation,²¹ but those come at night into their coops but you are not obliged to feed them. R. Mari says: These are in the habit of fleeing, but those make no attempt to flee. But surely all of them make an attempt to flee! — I mean they are wont to flee to their nests.²²

MISHNAH. IF TRAPS FOR WILD ANIMALS, BIRDS OR FISH WERE SET ON THE EVE OF THE FESTIVAL, ONE MAY NOT TAKE FROM THEM ON THE FESTIVAL UNLESS HE KNOWS THAT THEY WERE [ALREADY] CAUGHT ON THE EVE OF THE FESTIVAL; AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL WHO SAID: THEY ARE PERMITTED, BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.²³

GEMARA. You quote an incident to contradict [the teaching of the Mishnah]! — There is a lacuna in the text and learn thus: When a doubt prevails whether it is in mukan,²⁴ it is forbidden, but Rabban Gamaliel Permits it: AND IT ONCE HAPPENED THAT A CERTAIN GENTILE BROUGHT FISH TO RABBAN GAMALIEL, WHO SAID: THEY ARE PERMITTED BUT I HAVE NO WISH TO ACCEPT [THEM] FROM HIM.

Rab Judah said in the name of Samuel: The halachah is not as Rabban Gamaliel. Some recited it [the statement of Samuel] with reference to the [following] teaching: When a doubt prevails whether it was mukan, Rabban Gamaliel permits and R. Joshua prohibits. Said Rab Judah in the name of Samuel: The halachah is as R. Joshua.

Some [again] recite it with reference to the following teaching:

- (1) Lit., 'whenever the hunting is wanting', i.e., if the enclosure is large and great effort in pursuing the game is requisite.
- (2) Because it is regarded as hunting.
- (3) For having transgressed the Sabbath because these are now quite caught. Hunting is forbidden on the Sabbath, but liability is not incurred unless the act of hunting is complete and the animal actually caught.
- (4) For there is still effort required to catch the animal.
- (5) V. Shab. 106a. Thus all agree that the chasing of a bird into a house does not involve liability, the bird not being regarded as caught.
- (6) With respect to chasing a bird on Sabbath.
- (7) Even when chased into a house it cannot easily be captured.
- (8) Even when in the house it is not domesticated.
- (9) That the apparent contradiction in the rulings on game may be reconciled without assuming a controversy of Tannaim.
- (10) And both rulings state the view of the Sages.
- (11) The space being too small to allow escape.
- (12) The walls were of ordinary height.
- (13) Which is not the case, for the Sages too draw a distinction between a large enclosure and a small one.
- (14) Since the halachah remains true.
- (15) Whether correct or not.
- (16) I.e., means are still required for catching it.
- (17) [Domesticated indoor doves, supposed to have been bred by Herod. V. Krauss, T.A. II, p. 138].
- (18) Where it is easy to catch them, and therefore they are regarded as permanently caught.
- (19) Lit., 'pitcher-shaped (vessels)' put up in walls or cornices as birds' nests. V. fast., s.v. טפיה .
- (20) [Var. lec. (a) 'or residences'; (b) 'or pits', v. infra p. 127, n. 16.]
- (21) Therefore they are regarded as any domestic animal which is always ready for food.
- (22) So that great effort is needed before they are caught.
- (23) Because he did not like the man.
- (24) I.e., prepared before the Festival. V. Glos.

Talmud - Mas. Beitzah 24b

One may slaughter [animals] out of enclosures¹ on a Festival but not out of hunting-nets or gins;² R.

Simeon b. Eleazar says: If he came on the eve of the Festival and finds them [the nets or gins]³ damaged, [then] it is certain that they were caught on the eve of the Festival and [consequently] they are permitted; but if he came on the Festival and finds them damaged, it is certain that they were caught on the Festival and are [therefore] prohibited. Now this is self-contradictory. [First] you say: If he came on the eve of the Festival and finds them damaged it is certain that they were caught on the eve of the Festival. Hence it is only because he came and found them damaged; but if a doubt exists, they are forbidden. Consider then the latter clause: If he came on the Festival and finds them damaged, it is certain that they were caught on the Festival: Thus it is only because he came and found them damaged [on the Festival]; but if a doubt exists [then I say] they were caught on the eve of the Festival and are [therefore] permitted? — This is what he means: If he came on the eve of the Festival and found them damaged, it is certain that they were caught on the eve of the Festival and are permitted; but if a doubt exists it is regarded as if they had been caught on the Festival and they are forbidden. Said Rab Judah in the name of Samuel: The halachah is as R. Simeon b. Eleazar.

WHO SAID: THEY ARE PERMITTED. For what purpose are they permitted? — Rab says: They are permitted to be received,⁴ and Levi says: They are permitted to be eaten. Said Rab: A man should never absent himself from the Academy even for a single hour, for I and Levi were both present when Rabbi taught this lesson. In the evening he said: They are permitted to be eaten; but on the [following] morning he said: They are permitted to be received. I who was present in the Academy retracted, [but] Levi who was not present in the Academy did not retract.

An objection is raised: If a Gentile brings a present to an Israelite, even slimy fish or fruit [gathered] on the same day, they are permitted.⁵ This is well on the view that they are permitted to be received.⁶ But on the view that they are permitted to be eaten, is then fruit [picked] on the same day permitted to be eaten?⁷ — Now even according to your reasoning, is then fruit [gathered] on the same day permitted to be handled? But we treat here of fish that are red at the gills⁸ and of fruit preserved in leaves.⁹ And why does he call them ‘of the same day’? Because they are [as fresh] as [if they had been gathered] on the same day. R. Papa said: The law is: If a Gentile brought a present¹⁰ to an Israelite on a Festival, [then] if there is of that kind still attached to the ground it is prohibited,¹¹ and in the evening it is also prohibited for as long a time as it takes to gather;¹² but if there is nothing of the same kind attached to the earth, [then] within the tehum¹³ it is permitted,

(1) Since they are already there on the eve of the Festival, when they are regarded as fully caught. Lit., ‘dykes’, so called because they contain pools of water for the animals to drink.

(2) Because they may have been caught on the day of the Festival.

(3) [I.e., the long ropes or cords to which the nets proper are attached and which tend to become loosened when an animal is caught at the far distant end].

(4) I.e., to be handled, but not to be eaten.

(5) This teaching is evidently in accordance with Rabban Gamaliel.

(6) For although it is almost definite that they have been gathered on the Festival, yet he permits them only to be received.

(7) Surely not!

(8) They are fresh but have been caught for some time.

(9) To keep them fresh, but which had really been gathered before the Festival.

(10) Of freshly gathered fruit.

(11) Since they were possibly gathered on the Festival.

(12) In order not to benefit from work performed on the Festival.

(13) V. Glos. I.e., if the fruit were brought from within the Sabbath limit.

Talmud - Mas. Beitzah 25a

but outside the tehum it is prohibited. And what is brought [from outside the tehum] for one

Israelite¹ is permitted for another Israelite.² Rabbah son of R. Huna said in Rab's name: If one stops up a pond [from a stream] on the eve of a Festival³ and on the following morning he finds fish therein, they are permitted.⁴ Said R. Hisda: From the words of our Master⁵ we learn [that] if a wild beast takes up its abode in an orchard, predetermination [of the young for the Festival] is not necessary.⁶ Said R. Nahman: Our colleague has fallen among the great.⁷ (Some say: Rabbah son of R. Huna said: From the words of our Master we learn [that] if an animal takes up its abode in an orchard predetermination is not necessary. Said R. Nahman: The son of our colleague has fallen among the great — There he has not performed an action⁸ [whereas] here he did perform an action.)⁹ Does it¹⁰ then not require [special] predetermination?¹¹ Surely it was taught: If an animal takes up its abode in all orchard it requires predetermination, and a free bird¹² must be tied by her wings¹³ so that it should not be mistaken for its mother, and this they averred in the name of Shemaiah and Abtalion! — This is [indeed] a refutation.¹⁴ Does it then require predetermination? Surely it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that if he determined on doves within the nest and finds them in front of the nest they are forbidden;¹⁵ this only applies to doves of a dovecote or doves of a loft and birds nesting in nests and pits;¹⁶ but geese, hens and Herodian doves¹⁷ and animals having their abodes in orchards are permitted and do not require predetermination; and a free-bird must be tied by its wings so that it should not be mistaken for its mother; and those that were tied up and those that have been handled,¹⁸ [if found] in pits, houses, dykes or trenches are permitted,¹⁹ but [if] on trees they are forbidden lest he climb up and pluck [fruit at the same time]; and those that are tied and those that have been handled, wherever they are found²⁰ are forbidden on account of robbery!²¹ — Said R. Nahman: There is no difficulty: the one applies to the young bird,²² the other to its mother.²³ Is then determination [alone] sufficient for the mother-bird; it still requires to be caught?²⁴ Rather said R. Nahman b. Isaac: Both treat of the young, but the one refers to a garden near the city²⁵ and the other refers to a garden which is not situated near [the city].

MISHNAH. ONE MAY SLAUGHTER [ON A FESTIVAL] AN ANIMAL AT THE POINT OF DEATH ONLY IF THERE IS TIME ENOUGH ON THAT DAY TO EAT THEREOF AS MUCH AS AN OLIVE OF ROASTED FLESH.²⁶ R. AKIBA SAYS: EVEN [IF THERE IS ONLY TIME TO EAT] AS MUCH AS AN OLIVE OF RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER.²⁷ IF HE SLAUGHTERED IT²⁸ IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE OR A BARROW,²⁹ BUT HE BRINGS IT IN PIECE BY PIECE IN HIS HAND.

GEMARA. Rami b. Abba said: Flaying and cutting up [is required] in the case of a burnt-offering,³⁰ and the same holds good with respect to butchers:³¹ the Torah teaches in this good breeding³² that one should not eat flesh before flaying and cutting up. What does he inform us?³³ If I were to say that it is to reject the opinion of R. Huna, who said: An animal, when alive, stands in the presumption of a forbidden object until you ascertain how it was slaughtered;³⁴ once it is slaughtered, it stands in the presumption of being permitted until it becomes known to you how it became trefa³⁵ — but surely we have learnt in our Mishnah as R. Huna, for we have learnt: R. Akiba Says: EVEN [IF THERE IS ONLY TIME TO EAT] AS MUCH AS AN OLIVE OR RAW FLESH [TAKEN] FROM THE PLACE OF SLAUGHTER; does it not mean literally 'from the place where it is slaughtered'?³⁶ — No, it [means] 'from the place where it digests the food'.³⁷ But R. Hiyya taught: [It means] literally 'from the place where it is slaughtered'? Rather, Rami b. Abba

(1) Who may not use it

(2) Since the law of *tehum* is only Rabbinical, the Rabbis were lenient (Rashi).

(3) So that no fish can come in.

(4) Although he did not know before the Festival that they had been trapped, for the fish in the pond are regarded as having been predetermined for use before the Festival.

(5) I.e., Rab.

(6) [They themselves are however forbidden since they need chasing, Asheri.]

- (7) He has made a statement about which there is great controversy.
- (8) The animal took up its abode of its own accord without the owner of the park enclosing it.
- (9) The act of stopping up. An action is a tacit predetermination.
- (10) An animal that took up its abode in an orchard.
- (11) As inferred by R. Hisda.
- (12) Living in a house as well as in a field.
- (13) [This kind of bird is very small so that the mother and its young are alike, hence a sign is necessary].
- (14) Of R. Hisda.
- (15) V. supra 11a.
- (16) So Rashi: Cur. edd.: 'And in a residence'.
- (17) V. supra p. 124, n. 1.
- (18) Before the Festival, and their owner recognizes them.
- (19) On the Festival.
- (20) On public property, even not on a Festival.
- (21) For the first person that handled them acquired ownership to them.
- (22) Which cannot escape.
- (23) Its mother, which is larger, requires predetermination.
- (24) And should be forbidden on the Festival.
- (25) The owner naturally would draw from that, and therefore he is regarded as having tacitly predetermined thereon.
- (26) Otherwise it would be preparing food on a Festival for the following day, which is forbidden.
- (27) I.e., from the neck without first having to flay the animal and cut it up.
- (28) Any animal.
- (29) This is not a way of paying due regard to the sanctity of the Festival.
- (30) Before the animal is placed on the altar; v. Lev. I, 6.
- (31) Before they sell the meat the animal must be flayed and cut up.
- (32) 'The way of the land'.
- (33) Does he merely teach good manners or state a prohibition? In the latter case, the reason would be that the animal might be found trefa (v. Glos.) when cut up, whence it follows that he regards an animal as a doubtful trefa even if nothing has been seen to cause this doubt.
- (34) The flesh is forbidden so long as it is not known that the animal was slaughtered according to prescribed ritual.
- (35) V. Glos. If a cause of trefa is discovered after shechitah, e.g., the lung is pierced, and it is not known whether this happened before shechitah or after, the animal is permitted. Cf. Hul. 9a. Thus he holds that we entertain no doubt at all once the animal is ritually slaughtered.
- (36) I.e., from the neck where flaying of the animal is not required. Hence we see that it is permissible to eat of the animal before it is flayed and cut up to discover any internal injury.
- (37) The word **טובה** has the wider significance 'to destroy and grind up', and under the term **בית טביחתה** the digestive organs are to be included, and in order to arrive at them, the animal must be cut up

Talmud - Mas. Beitzah 25b

merely teaches us good manners, as it was taught:¹ A man should not begin to eat leek or onion from the top side, but from the leaves; and if he did eat, he is a glutton.² Likewise, a man should not drink his cup of wine in one draught; and if he did so drink, he is a swiller. Our Rabbis taught: He who drinks his beaker in one draught is greedy, in two [draughts] is well-mannered, in three [draughts] is haughty. Rami b. Abba further said: The ivy³ cuts off the feet⁴ of criminals;⁵ the [law concerning] young trees⁶ cuts off the feet of butchers⁷ and of those cohabiting with menstruous women;⁸ the lupine⁹ will cut off the feet of the enemies¹⁰ of Israel, for it is said: 'And the children of Israel again did that which has evil in the sight of the Lord, and served the Baalim, and the Ashtaroth, and the gods of Aram, and the gods of Zidon, and the gods of Moab, and the gods of the children of Ammon, and the gods of the Philistines, and they forsook the Lord, and served him not.'¹¹ From the implication of 'and they forsook the Lord', do I not know that 'they served Him not'? Then why does the text say, 'and they served him not'? Said R. Eleazar: The Holy One, blessed be He, said:

My children have not even treated Me like the lupine¹² which is boiled seven times and eaten as a dessert.

A Tanna taught in the name of R. Meir: Why was the Torah given to Israel? Because they are impetuous.¹³ The School of R. Ishmael taught: 'At His right hand was a fiery law unto them';¹⁴ the Holy One, blessed be He, said: These are worthy to be given the fiery law. Some say: The laws of these are like fire, for had not the Law been given to Israel no nation or tongue could withstand them. And this is what R. Simeon b. Lakish said: There are three distinguished in strength [fierce]: Israel among the nations,¹⁵ the dog among animals, [and] the cock among birds. Some say: Also the goat among small cattle. And some say: Also the caper-bush¹⁶ among shrubs.

IF HE SLAUGHTERED IT IN THE FIELD, HE MAY NOT BRING IT IN ON A POLE. Our Rabbis taught: A blind man may not go out [on a Festival] with his staff,¹⁷ nor a shepherd with his wallet, neither may a man or a woman go out in a palanquin. But it is not so! For R. Jacob b. Idi sent [word]: In our neighbourhood was an old man who was carried in his sedan-chair, and when they came and asked R. Joshua b. Levi [about this], he said: When a number of people need him it is permitted. And our Teachers relied on the words of Ahi Shakia who related: I brought¹⁸ R. Huna from Hini to Shili¹⁹ and from Shili to Hini; and R. Nahman b. Isaac narrated: I carried Mar Samuel from the sun into the shade and from the shade into the sun? — There it is as the reason stated: When a number of people need him it is permitted.

R. Nahman said to Hanna b. Adda, Zion's messenger:²⁰ When you go hither make a circuit and go over the Promontory of Tyre²¹ and visit R. Jacob b. Idi and ask him: What do you say with respect to a palanquin? Before he came there, R. Jacob b. Idi departed this life. When he arrived, he found R. Zerika. He asked him: How do you rule with respect to a palanquin? — He replied: Thus did R. Ammi say: [It is permissible] provided that he is not carried on the shoulders. What means 'provided that he is not carried on the shoulders'? — Said R. Joseph the son of Raba: By means of alanki.²² But it is not so, for R. Nahman permitted [his wife] Jaltha to be carried in a sedan-chair by means of alanki? — It is different with Jaltha for she was nervous.²³ Amemar and Mar Zutra were carried on the shoulders²⁴ on the Sabbath [preceding] the Festival²⁵ on account of nervousness, and some say, on account of troubling the public.²⁶

MISHNAH. IF A FIRSTLING²⁷ FELL INTO A PIT,²⁸ R. JUDAH SAYS: LET AN EXPERT GO DOWN AND INSPECT [IT];

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- (1) For we find even Tannaim giving instructions with respect to good manners.
 - (2) Likewise he who eats from the animal before it is flayed is a glutton.
 - (3) Used for boundary marks. The ivy is used for landmarks because its roots go straight down and do not obtrude into neighbouring land.
 - (4) I.e., convicts.
 - (5) Who perpetrate the removal of such landmarks.
 - (6) V. Lev. XIX, 23.
 - (7) Who eat of the flesh before the animal has been flayed and cut up and examined.
 - (8) I.e., before the woman has taken the ritual bath. As patience is required until the fourth year before the fruit is eaten, so We are to have patience and wait until the proper time before enjoying meat or conjugal privilege.
 - (9) The lupine is so bitter that it is not edible until it has been cooked seven times. So Israel has worshipped the seven idols mentioned in the following verse and was seven times chastened without amending.
 - (10) A euphemism for Israel itself.
 - (11) Judg. X, 6.
 - (12) The lupine after seven boilings is sweet, but although Israel has repented seven times and been forgiven, they still rebel and make me bitter towards them again.
 - (13) The Law was to discipline them.

(14) Deut. XXXIII, 2.

(15) But the Law tempers their strength.

(16) Because of its rapid growing, for as soon as it is plucked it grows again. V. Shab. 30b.

(17) Because of the disrespect to the Festival, since this is his everyday practice.

(18) In a palanquin.

(19) Hini and Shili are places in Babylon near Sura situated very close to each other.

(20) He was so called because he frequently travelled to Palestine (Rash). Or, perhaps he was something like our modern **משו"ק** Palestine at this time was in a decaying state and needed support from abroad.

(21) I.e., along the sea coast.

(22) Poles used to carry burdens on the shoulders of two or more persons, Jast.

(23) Of falling.

(24) In the Beth ha-Midrash, to their seat. [MS.M. adds: by means of alanki].

(25) When it was customary for them to lecture on the Festival laws.

(26) Who would have to stand up and wait until these teachers made their way slowly through the crowd to the platform. But by being carried shoulder high (or by means of alanki) they were quickly carried through the gathering; cf., however, Sanh., Sonc. ed. p. 30, n. 4.

(27) Which may be slaughtered in post-Temple days for consumption by priests only when it has a blemish which would disqualify it for the altar. V. Deut. XV, 19-22.

(28) On a Festival, before the condition of its blemish was exactly known, and it is feared lest it die there.

Talmud - Mas. Beitzah 26a

IF IT HAD A BLEMISH¹ HE MAY BRING IT UP AND SLAUGHTER IT,² BUT IF NOT, HE MAY NOT SLAUGHTER IT. R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL, IT IS NOT MUKAN.³

GEMARA. Wherein do they differ?⁴ If we are to say that they differ as to whether one may examine blemishes [on a Festival], R. Judah holding: One may examine blemishes on a Festival, while R. Simeon maintains: One may not examine blemishes on a Festival, then let them dispute whether one may examine blemishes in general [on a Festival]!⁵ — It is especially necessary [to teach this] with respect to a firstling that fell into a pit; [for] you might have thought that on account of suffering of animals one might have recourse to an artifice and bring it up [from the pit] in accordance with R. Joshua,⁶ so he informs us [that it is not so]. If so, instead of HE MAY NOT SLAUGHTER IT, it should be stated, 'He may not bring it up⁷ and slaughter it!' — This [teaching] is necessary [only] where he transgressed and brought it [the animal] up; you might think that he may slaughter it, so he informs us [that it is not so]. [But how could he possibly] slaughter it? Surely it is without blemish! — This is necessary [concerning the case] where it received a blemish.⁸ But it is mukzeh!⁹ — Rather, [it treats of a case] where it received a temporary [transient] blemish on the eve of the Festival and now [on the Festival] it turned into a permanent blemish; you might have thought that he [the owner] had set his mind upon it¹⁰ and he may therefore slaughter it; so he informs us¹¹ [that it is not so]. Our Rabbis taught: A firstling without blemish that fell into a pit. R. Judah the Prince¹² says: Let an expert go down [the pit] and examine it; if it has sustained a blemish, he may bring [it] up and slaughter [it],¹³ but if not, he may not slaughter [it]. R. Simeon b. Menasia said to him: They [the Rabbis]¹⁴ indeed said: One may not examine blemishes on a Festival. How [is this¹⁵ to be explained]? If it received a blemish on the eve of the Festival,¹⁶ one may not examine it on the Festival;¹⁷ if it received a blemish

(1) Rashi: If the firstling sustained a defect before the Festival, but it was not known until now whether the defect was such as to disqualify it for the altar.

(2) For its owner probably intended before the Festival to slaughter it on the Festival.

(3) I.e., no expert may go down to examine it, because the pronouncing of the blemish by the expert is regarded by R. Simeon as preparing a vessel, since before the examination of the expert it could not be used on the Festival, or as sitting

in judgment, which is not permitted on a Festival (Rashi), v. infra 36a.

(4) It cannot be that they are disputing here with respect to mukzeh, because we have previously learnt that R. Judah prohibits mukzeh and R. Simeon permits it.

(5) Why particularly about a firstling that has fallen into a pit.

(6) V. Shab. 117b.

(7) Since on the present hypothesis this is the main purpose of the teaching.

(8) Through its fall.

(9) Since the firstling had no blemish before the Festival it may not be slaughtered on the Festival on account of mukzeh. V. Glos.

(10) On account of its temporary blemish.

(11) Since the blemish was of a temporary nature, it is regarded as if the firstling had no blemish at all and cannot be intended to be slaughtered.

(12) [Not to be confused with R. Judah in our Mishnah who is R. Judah b. Ila'i].

(13) R. Judah the Prince does not regard the firstling as mukzeh (Rashi).

(14) Of former generations.

(15) [The views of the Rabbis of former generations in which R. Simeon b. Yohai the teacher of R. Simeon b. Menasia is included].

(16) And it is not known whether the blemish was of a temporary nature or permanent.

(17) At the outset. But if it was examined, it may be slaughtered, since on the eve of the Festival it only lacked the expert's examination.

Talmud - Mas. Beitzah 26b

on the Festival, R. Simeon [b. Yohai] says: This is not mukan.¹ But they agree that if it is born [on a Festival] with a blemish it is regarded as mukan.²

Rabbah son of R. Huna expounded: If it is born with a blemish one may examine it at the outset on a Festival. R. Nahman said to him: My father taught: If he transgressed and examined it, it is an examination,³ and you say one may examine it at the outset'!

Abaye said: The opinion of Rabbah son of R. Huna⁴ is more acceptable, for it [the previous Baraitha] teaches three cases: [viz.,] 'If it received a blemish on the eve of the Festival you may not examine it on the Festival'; it is only at the outset that you may not [examine], but if it has been done it is well and good; 'If it received a blemish on the Festival, R. Simeon says: This is not mukan'? i.e., even if it has been examined it still may not [be slaughtered]; and then it states, 'But they agree that if it is born [on a Festival] with a blemish it is regarded as mukan', [i.e.,] even at the very outset.⁵ But surely when R. Oshaia came he brought with him the following teaching: Whether it received the blemish on the eve of the Festival, or whether it received the blemish on the Festival, the Sages⁶ say: This is not regarded as mukan!⁷ But then there is a contradiction from the other [Baraitha]!⁸ — The author of that Baraitha is Adda b. Ucmi who blunders in his teaching.⁹ R. Nahman b. Isaac said: Our Mishnah also proves this;¹⁰ for it states: R. Simeon says: WHENEVER ITS BLEMISH WAS NOT OBSERVED ON THE DAY BEFORE THE FESTIVAL IT IS NOT MUKAN. What means ITS BLEMISH WAS NOT OBSERVED? If I were to say that no blemish was visible at all,¹¹ [then] it is obvious; need this be taught?¹² Therefore [it means] that it was not examined by an expert on the eve of the Festival whether it was a passing blemish or a permanent blemish. Nevertheless it teaches IT IS NOT MUKAN;¹³ understand therefrom [that it is so]. [R.] Hillel¹⁴ asked Raba: Does the law of mukzeh apply to a part¹⁵ of the Sabbath or not? How can such a contingency arise? If they [the fruit] were fit at twilight¹⁶ they were fit;¹⁷ and if [at twilight] they were not fit, then they are not fit!¹⁸ — It applies to a case where [at twilight] they were fit¹⁹ but afterwards became unfit²⁰ and then again became fit.²¹ What is the law?²² He replied to him: The law of mukzeh applies. He raised an objection: 'But they agree that if it is born with a blemish it is regarded as mukan';²³ but why? Let us say: This firstling was originally²⁴ fit through its mother;²⁵ when it was born, it became debarred

[from use];²⁶ on it being shown to an expert it became permitted!²⁷ — Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth].²⁸ Some teach: He replied to him: The law of mukzeh does not apply to a part of the Sabbath. Shall we say [the following] supports him? ‘But they agree that if it is born with a blemish it is regarded as mukan’; now this firstling was originally fit through its mother; when it was born, it became debarred [from use]; on its being shown to an expert it became permitted! — Answered Abaye — some say, R. Safra: It means for example that the experts were present there [at the time of birth].

Come and hear: If one was eating grapes [on a Sabbath] and left some over, which he carried up on the roof to make from them raisins; [or was eating] figs and left some over which he carried up on the roof to make from them dry figs, he may eat of them [on the Festival] only if he had designated them before the Festival;²⁹ the same is true of peaches, quinces and other kinds of fruit.³⁰ Now what are the circumstances? If they were fit,³¹ why must he designate [them]? If [on the other hand] they were not fit, [then] what even if he does designate them?³² And if you say that he did not know³³ whether they were fit or not,³⁴ surely R. Kahana said: [Fruits] set aside [for drying] which had dried [before the eve of the Festival] even if the owners did not know it, are permitted!³⁵ Hence it must surely treat [of a case] where they were fit but [afterwards] became debarred from use and then again became fit, now if you maintain the law of mukzeh does not apply [to such a case] why is it necessary to designate them? — What then: the law of mukzeh does apply? Then what if he does designate them?³⁶ — Rather it treats of a case where they were only half fit,³⁷ some people eating them³⁸ and some not; if he designated them, he made known his mind,³⁹ [but] if he did not designate them he did not make known his mind. R. Zera said: Come and hear [an argument] from beans and lentils; for beans and lentils are in their raw state⁴⁰ fit for chewing; by putting them in a pot [for cooking] they become inedible;⁴¹

(1) And even if an expert did examine it, it still may not be slaughtered. For the reason v. supra p. 132, n. 9.

(2) Since the firstling was never in a condition of prohibition but from its birth was ready for use.

(3) I.e., his decision is valid.

(4) That it may be examined at the outset.

(5) If it were otherwise this clause should have been coupled with the first clause.

(6) I.e., R. Simeon.

(7) So that it is still possible to maintain that the teaching with respect to the firstling being born with a blemish refers only to a case de facto. How could then Abaye support the opinion of Rabbah son of R. Huna in face of this Baraitha?

(8) Brought in support of Rabbah son of R. Huna. Which of these is the more authoritative?

(9) I.e., he is an unreliable authority.

(10) As supporting R. Oshaia.

(11) I.e., that it incurred no blemish at all.

(12) Even R. Judah, R. Simeon's disputant, would agree that it may not be slaughtered; for though he may hold that a blemish may be examined on a Festival, yet he maintains the law of mukzeh.

(13) Even in the case of de facto. Hence the last clause in the Baraitha ‘but they agree that if it is born with a blemish it is regarded as mukan’ also refers only to a case de facto.

(14) A fourth century Amora.

(15) מְצִי = moiety or a part.

(16) Just before the Sabbath commences.

(17) And there was no part of the Sabbath during which they became mukzeh.

(18) And are certainly forbidden. — The question whether something was fit or not is always decided by its state at twilight.

(19) When for example fruits such as figs or grapes have been set apart for drying, i.e., to become dry figs or raisins, (during which process they are not edible) but at the commencement of the Sabbath the drying process had finished.

(20) Being swollen and puffed up by rain.

(21) The sun having dried them before the end of the Sabbath.

(22) Does the unfitness of part of the day render them mukzeh for the rest of the day?

- (23) V. supra.
- (24) I.e., at twilight.
- (25) Through the slaughtering of the mother-animal the embryo, though a firstling, is permitted even if it is unblemished. V. Deut. XV, 19.
- (26) Until an expert will establish the permanency of its blemish.
- (27) Hence this animal too was forbidden for a part of the day, yet it is not accounted mukzeh for the rest of day.
- (28) And immediately affirmed that it was a permanent blemish; hence at no time of the day was it mukzeh.
- (29) That if he would set aside fruits on the Sabbath or Festival to be dried, he should be allowed to eat them after they were dried.
- (30) V. Shab. 45a.
- (31) I.e., at twilight.
- (32) It is of no avail, for designation cannot change that which is mukzeh to mukan.
- (33) At twilight.
- (34) And as it was too much trouble for him to find out, he designated them by declaring, 'I will eat them to-morrow if they are fit'.
- (35) To be eaten without requiring any designation.
- (36) Why should they be permitted, since the unfitness intervened later.
- (37) Lit., 'fit and not fit'.
- (38) In this half fit condition.
- (39) That for him they were fit.
- (40) Lit., 'originally'.
- (41) So long as they are boiling. Lit., rejected (from use)'.

Talmud - Mas. Beitzah 27a

and when their cooking is finished they are [again] fit!¹ — Said Abaye to him: Then according to your reasoning,² cooked dishes in general present a difficulty; for usually dishes at twilight are seething³ and [yet] in the evening we eat them!⁴ But [the truth is] if they [can] become fit through human means, there is no question at all;⁵ our question⁶ is only when they become fit through heaven.⁷ R. Judah the Prince⁸ had a firstling and sent it [on the Festival] to R. Ammi.⁹ He however did not want to examine it. Said R. Zerika — some say, R. Jeremiah — to him: [In a dispute between] R. Judah and R. Simeon the halachah is as R. Judah!¹⁰ Afterwards he sent it to R. Isaac the Smith. He [too] did not want to examine it. Said R. Jeremiah — some say, R. Zerika — to him: [In a dispute between] R. Judah and R. Simeon the halachah is as R. Judah! Said R. Abba to him: Why did you not allow the Rabbis to act according to R. Simeon? He replied: What support have you?¹¹ — He said to him: Thus did R. Zera say: The halachah is as R. Simeon. A certain person exclaimed: May it fall to my lot to go thither [Palestine] and learn this teaching from the mouth of the Master. When he came thither he met R. Zera and asked him: Did you, Sir, say the halachah is as R. Simeon? — He replied to him: No, I [only] said, his view is to be preferred; for since our Mishnah states: R. SIMEON SAYS: WHENEVER ITS BLEMISH WAS NOT OBSERVED BEFORE THE FESTIVAL IT IS NOT MUKAN; and the Baraitha teaches the same in the name of the Sages,¹² it follows that his opinion is to be preferred. How then does the law stand? — Said R. Joseph: Come and hear; for it hangs on strong ropes;¹³ for R. Simeon b. Pazzi said in the name of R. Joshua b. Levi in the name of R. Jose b. Saul in the name of Rabbi in the name of the Holy Congregation of Jerusaiem:¹⁴ R. Simeon [b. Menasiah] and his contemporaries have said: The halachah is as R. Meir. They¹⁵ have said! But these¹⁶ are much older¹⁷ than he!¹⁸ — Therefore [say], They taught it according to the opinion of R. Meir.¹⁹ For we have learnt: If one slaughtered a firstling and [only] afterwards showed its blemish [to an expert], R. Judah permits²⁰ [it], but R. Meir says: Since it was slaughtered without the permission of an expert it is forbidden.²¹ Consequently R. Meir holds [that] the examination of a firstling is not like the examination of a trefa; [for] the examination of a firstling [must take place] during life, [but] the examination of a trefa [is done] after slaughtering. Hence [it follows that] the examination of a trefa [takes place] even on a Festival, [but] the examination of a

firstling [must take place only] on the eve of the Festival.²² Abaye said to him: Do they²³ then dispute there on the examining of blemishes [on a Festival]; [surely] they dispute whether he is to be penalized!²⁴ For Rabbah b. Bar Hana said in the name of R. Johanan: In the case of a cataract,²⁵ all agree that it [the animal] is forbidden, because it changes²⁶ [after slaughter]. They differ only with respect to a blemish in the body,²⁷ when R. Meir holds: We preventively prohibit a blemish in the body out of regard to a blemish in the eye;²⁸ while R. Judah is of the opinion: We do not preventively prohibit! Said R. Nahman b. Isaac: The Mishnah also proves [this]. For it states: R. Meir says, Since it was slaughtered without the permission of an expert it is forbidden; conclude therefrom that [R. Meir merely] penalizes [him]. It is thus concluded.

Ammi of Wardena²⁹ used to examine the firstlings in the household of the Prince;³⁰ one [a blemish] occurred on a Festival, and he did not examine it. They came and told [this] to R. Ammi, who told then, He did right in not examining it. But it is not so! For R. Ammi himself did examine? — R. Ammi indeed examined it on the day before³¹

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- (1) Thus they are exactly parallel to the case under discussion, yet they are certainly permitted when cooked.
 - (2) That food on the boil is treated as mukzeh.
 - (3) And therefore unfit to be eaten.
 - (4) [Despite the well-established principle that whatever is mukzeh at twilight remains mukzeh for the whole Sabbath].
 - (5) About their becoming mukzeh through their momentary unfitness, Since it is in his power to make them fit — which explains why the beans and lentils as well as the cooked dishes referred to are not considered mukzeh.
 - (6) Whether mukzeh applies to a part of the Sabbath.
 - (7) I.e., through the heat of the sun over which he has no control.
 - (8) I.e., R. Judah II.
 - (9) To examine whether it had a permanent blemish so that it might be eaten by the priests who ate at the Prince's table.
 - (10) And R. Judah, in one instance, allows to examine blemishes on a Festival. V. 'Er. 46b.
 - (11) To decide the halachah according to R. Simeon.
 - (12) R. Simeon's opinion is recorded in the Baraitha (supra 26b, 'when R. Oshaia came etc.') anonymously in the form of 'the Sages say' — this expression indicates that it is the majority ruling.
 - (13) An idiom meaning, 'it is based on high authority'. The strong ropes are the great authorities. (Cf. the expression, 'It is well moored.') V. A.Z., Sonc. ed. p 34 n. 5. Aliter: High trees (v. Aruch).
 - (14) V. R.H., Sonc. ed., p. 80, n. 9.
 - (15) I.e., R. Simeon b. Menasiah and his contemporaries.
 - (16) The Rabbis who formed the Holy Congregation of Jerusalem.
 - (17) I.e., belong to an earlier generation.
 - (18) I.e. R. Simeon b. Menasiah. And it is very unusual for such to report a halachah in the name of a very young man.
 - (19) It is usual for older scholars to commend younger contemporaries by saying that their opinion coincides with the opinion of some great authority.
 - (20) To be eaten if the examination proves the blemish to be permanent.
 - (21) Even though the examination proved the blemish to be permanent. V. Bek. 28a.
 - (22) Because the examination of the firstling is the allimportant thing and may not be performed on a Festival. Hence R. Judah is in a minority against the opinions of R. Meir and R. Simeon b. Yohai.
 - (23) R. Meir and R. Judah.
 - (24) So that even R. Meir may hold that a blemish may be examined on a Festival.
 - (25) I.e., a skin on the pupil of the eye which gradually causes blindness.
 - (26) Had the animal been examined before it was slaughtered, the blemish would have appeared transitory, whilst after slaughter it appears permanent.
 - (27) Which does not vary with the slaughtering of the animal.
 - (28) And this preventive prohibition is really a penalty for having slaughtered it without permission of an expert.
 - (29) [On the Eastern Bank of the Tigris near Bagdad, Obermeyer p. 270.]
 - (30) [In Palestine where Ammi had settled.]
 - (31) The Festival to see whether the blemish was permanent.

Talmud - Mas. Beitzah 27b

and on the day of the Festival he only asked how it [the blemish] had come about; just as a certain man¹ brought a firstling before Raba on the eve of a Festival towards evening. Raba was sitting and combing his head; he lifted up his eyes and looked at the blemish and said to him: Go now, and come to-morrow. When he came on the following day, he asked him: How did it happen? He replied: Barley was strewn on the one side of the hedge and it [the firstling] was on the other side. As it wanted to eat thereof, it stuck its head [through the hedge] and the hedge tore its lip.² Said he to him: Perhaps you caused this intentionally? — He replied to him: No. And whence do you know that the intentional causing [of a blemish] renders it forbidden? — For it was taught: There shall not be any blemish therein,³ I only know that no blemish may be therein.⁴ Whence do I know that one may not indirectly cause [a blemish] to it through something, [for example] that he may not bring dough or pressed figs and put them on the ear in order that a dog may come and take it?⁵ The text says: 'Not any blemish'. It says 'blemish' and it says 'any blemish'.⁶

MISHNAH. IF A BEAST DIED [ON A FESTIVAL] IT MAY NOT BE MOVED FROM ITS PLACE. IT HAPPENED THEY ONCE ASKED R. TARFON CONCERNING THIS AND CONCERNING HALLAH⁷ THAT BECAME DEFILED;⁸ HE WENT INTO THE ACADEMY AND INQUIRED, AND THEY ANSWERED HIM: THEY MAY NOT BE MOVED FROM THEIR PLACE.

GEMARA. Shall it be said that we have learnt anonymously not as R. Simeon; for we have learnt: R. Simeon says: One may cut up gourds for cattle and a carcass⁹ for dogs. R. Judah says: If the animal was not yet dead on the eve of the Sabbath it is forbidden.¹⁰ — You can say it [the Mishnah] can even be as R. Simeon, [for] R. Simeon admits that living animals¹¹ that died [on the Sabbath] are forbidden.¹² This is all very well according to Mar b. Amemar in the name of Raba, who said: R. Simeon admits that living animals that died [on the Sabbath] are forbidden.¹³ But according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted, what is there to be said? — Ze'iri explained it with respect to a consecrated animal.¹⁴ [Our Mishnah] also proves this; for it teaches CONCERNING THIS AND CONCERNING HALLAH THAT BECAME DEFILED; just as hallah is consecrated, so is the animal [one that is] consecrated. Then the reason is that it was consecrated; but if [the animal was] not consecrated it is permitted;¹⁵ this is all very well according to Mar the son of R. Joseph in the name of Raba, who says: R. Simeon disputes even in the case of living animals which died [on the Sabbath, maintaining] that they are permitted. But according to Mar b. Amemar in the name of Raba who says: R. Simeon agrees that living animals which died [on the Sabbath] are forbidden, what is there to be said?¹⁶ — It treats here of an [animal] that had been in a dangerous condition [on the eve of the Festival], and it is according to the opinion of all.¹⁷

MISHNAH. ONE MAY NOT ON THE FESTIVAL BE COUNTED IN AS HAVING A SHARE IN THE ANIMAL¹⁸ AT THE OUTSET, BUT [PEOPLE] MAY BE COUNTED IN ON THE EVE OF THE FESTIVAL AS HAVING A SHARE IN THE ANIMAL, AND THEY SLAUGHTER IT¹⁹ AND DIVIDE IT BETWEEN THEM.²⁰ GEMARA. What means ONE MAY NOT BE COUNTED IN AS HAVING A SHARE? — Said Rab Judah in the name of Samuel: One may not on a Festival, at the outset, arrange about the price of an animal.²¹ How should he do it?²² Said Rab: Let him²³ bring two animals²⁴ and place them side by side and say: 'This one is like the other one'.²⁵ It was Likewise taught:²⁶ One may not say to his neighbour: 'I want to go shares with you [in your animal] to the value of a sela', I want to go shares with you to the value of two sela's'; but he may say. 'I want to go shares with you for a half or for a third or for a fourth'.

(1) A priest.

- (2) Which counts as a permanent blemish.
- (3) Lev. XXII, 21.
- (4) I.e., one may not make a blemish.
- (5) And injure its ear.
- (6) I.e., 'blemish' alone would have sufficed; 'any' (Heb. kol) is an extension and therefore includes even indirect action.
- (7) V. Glos.
- (8) Which may not even be used as fuel on a Festival.
- (9) I.e., an animal that died on the Sabbath.
- (10) V. supra 6b.
- (11) I.e., animals that were healthy and strong at the beginning of the Sabbath.
- (12) To be moved on the Sabbath. R. Simeon allows an animal to be cut up for dogs only if the same were in a dangerous condition on the eve of the Sabbath or Festival.
- (13) V. Shab. 45b.
- (14) Which is forbidden to be given to dogs, hence it may not be moved at all, since no use can be made of it.
- (15) To cut it up for dogs on Sabbath.
- (16) Whose opinion will our Mishnah represent.
- (17) Since the owner reckoned on it dying, he intended to give it to the dogs; therefore it was mukan. [Var. lec. omit: 'And it is according to . . . all'. I.e., the Mishnah which implies that the carcass of a non-consecrated animal that has been in a dangerous condition may be cut up on the Festival is in accordance with R. Simeon, v. Rashi. On the reading of cur. edd., the Mishnah can be also in accordance with R. Judah; for he would agree that, where it had been in a dangerous condition before the Festival, it may be cut up on the Festival, his dispute with R. Simeon concerning only an animal that had been ill but not dangerously so, v. R. Nissim.]
- (18) In doing so, it would be like transacting business on a Festival, because they would know its weight and market value.
- (19) On the Festival, leaving over the question of price etc. until after the Festival.
- (20) [Rashi: 'He (the butcher) slaughters it'].
- (21) As it savours of transacting business. V. infra 37a.
- (22) Referring to the second clause of the Mishnah. How do they divide it on a Festival so that they should know afterwards how much each received?
- (23) [On Rashi's reading (p. 141, n. 7): 'How should the butcher do to be able to fix the price after the festival'].
- (24) Of equal value, only one of which is to be slaughtered and shared.
- (25) And after the Festival they arrange the price of the one that was not slaughtered and pay their shares pro rata for the one that was slaughtered.
- (26) That no price may be fixed on a Festival.

Talmud - Mas. Beitzah 28a

MISHNAH. R. JUDAH SAYS: A MAN MAY WEIGH MEAT [ON A FESTIVAL] AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER;¹ BUT THE SAGES SAY: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL.

GEMARA. What means [NOT] AT ALL? — Said Rab Judah in the name of Samuel: even to protect it [the flesh] from mice² Said R. Idi b. Abin: This only applies if it [the scales] hang on a hook.³ Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] even by hand.⁴ Rab Judah in the name of Samuel further said: A skilled butcher may not weigh meat [on a Festival] in water.⁵ Rab Hiyya b. Ashi said: One may not cut a handle in the meat.⁶ Said Rabina: But with the hand⁷ it is permitted [to make a handle]. R. Huna said: It is permitted to make a mark on the meat,⁸ just as Raba son of R. Huna was wont to cut it [the meat] in a triangular shape.⁹ R. Hiyya and R. Simeon b. Rabbi weighed one portion against [another] portion¹⁰ on the Festival.¹¹ According to whom? It is neither according to R. Judah nor according to the Rabbis! For if according to R. Judah, Surely he says: A MAN MAY WEIGH MEAT [ON A FESTIVAL]

AGAINST A UTENSIL OR AGAINST A BUTCHER'S CHOPPER; only against a utensil but not against any other thing!¹² And if according to the Rabbis, surely they say: ONE MAY NOT LOOK ON THE PAIR OF SCALES AT ALL! — They acted as R. Joshua. For it was taught: R. Joshua says: One may weigh one portion [against] another portion on a Festival. Said R. Joseph: The halachah is as R. Joshua, since we learnt in [Tractate] Bekoroth in accordance with his view. For we have learnt: As to consecrated animals that became disqualified, the benefit of them belongs to the Temple,¹³ and one may weigh [the meat] portion against portion in the case of the firstling.¹⁴ Said Abaye to him: Perhaps it is not so?¹⁵ [Perhaps] R. Joshua says this¹⁶ only here¹⁷ where there is no disrespect to consecrated animals, but not there¹⁸ where there is a disrespect to consecrated animals. Alternatively, [perhaps] the Rabbis said this¹⁶ only there¹⁸ because it does not appear as everyday practice,¹⁹ but not here²⁰ which appears like an ordinary transaction.²¹ Shall it be said that they²² were very particular [with each other]; but there were seven fishes brought to the house of Rabbi and [although] five of them were found in the house of R. Hiyya, yet R. Simeon b. Rabbi did not mind? — Answered R. Papa: Link a [different] person with each of them,²³ either it was R. Hiyya and R. Ishmael son of R. Jose or it was R. Simeon b. Rabbi and Bar Kappara.

MISHNAH. ONE MAY NOT WHET A KNIFE ON A FESTIVAL,²⁴ BUT ONE MAY DRAW IT OVER ANOTHER KNIFE²⁵ [TO SHARPEN IT].

GEMARA. R. Huna said: They only taught this of a whet-stone, but it is permitted on a knife-board. Said Rab Judah in the name of Samuel: That which you say that on a [whet-]stone it is forbidden, applies only to sharpening it, but to remove its grease is permitted; whence it follows that on a knife-board even sharpening is permitted. Some taught this²⁶ on the concluding part: 'it is permitted on a [knife-]board'. — Said Rab Judah in the name of Samuel: That which you said that on a [knife-]board it is permitted, applies only to the removal of its grease, but to sharpen it is forbidden; whence it follows that on a whet-stone even to remove its grease is forbidden. Some taught this on our Mishnah: ONE MAY NOT WHET A KNIFE ON A FESTIVAL. Said Rab Judah in the name of Samuel: They only taught this with respect to sharpening it, but to remove its grease is permitted; whence it follows that to draw it over another knife is permitted even for the purpose of sharpening it. And others taught this on the concluding part [of our Mishnah]: BUT ONE MAY DRAW IT OVER ANOTHER KNIFE. Said Rab Judah in the name of Samuel: They only taught this with respect to removing its grease, but to sharpen it, is prohibited; whence it follows that on a whet-stone even to remove its grease is prohibited.

Who is the authority [of our Mishnah] that on a whet-stone it is forbidden? Said R. Hisda: It is not as R. Judah; for it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits [on a Festival] even the preliminaries for the preparing of food.²⁷ Raba said to R. Hisda: May we lecture in your name that the halachah is as R. Judah? — He replied to him: May it be [God's] will that you lecture all good things of this sort in my name. R. Nehemiah the son of R. Joseph said: I was standing [on a Festival] before Raba who

(1) Putting the meat in one pan of the scale and the utensil in the other. But actual weights may not be used, as it would look like doing business.

(2) Meat may not be put in scales even for that.

(3) It is then prohibited because it appears as if the meat is being weighed.

(4) Because he does the same during the week.

(5) The water being placed in a graduated vessel used for weighing meat by observing the displacement of the water.

(6) A hole by which it is handled.

(7) By digging the fingers into the meat.

(8) So that its ownership might not be mistaken.

(9) When he sent it by a messenger, in order that his household might recognize it, because meat temporarily lost from sight is prohibited. V. B.M. 23a, Sonc. ed. p. 146, n. 5.

- (10) When they used to divide meat between them.
- (11) In the two pans of a scale. This is not an everyday practice, therefore they held it is permitted.
- (12) Such as one portion against another portion which he regards as an everyday practice.
- (13) And therefore they may be sold even by weight.
- (14) Though it may not be weighed with ordinary weights, because the benefit belongs not to the Temple but to the owner, yet weighing portion against portion is permitted. This proves that weighing portion against portion is not an everyday practice.
- (15) Perhaps the two cases are not analogous, as has been assumed.
- (16) That one may weigh portion against portion.
- (17) In the case of a Festival.
- (18) In the case of a firstling.
- (19) Because one does not usually sell meat by employing another piece of meat as the weight, and the law of disqualified sacred animals refers to the sale of their meat.
- (20) With respect to the division of the meat between the two Rabbis.
- (21) For it is not unusual for divisions to be made in this manner and therefore they would forbid this on a Festival.
- (22) R. Hiyya and R. Simeon b. Rabbi who divided the meat exactly between them.
- (23) Do not say it was these two who were particular about having an equal share, but bring in somebody else.
- (24) On a whet-stone.
- (25) Because such a method is different from the everyday practice.
- (26) Statement of Rab Judah.
- (27) And sharpening a knife is such a preliminary.

Talmud - Mas. Beitzah 28b

was stropping a knife on the edge of a basket and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, only he was of the opinion: Thus is the halachah but one does not teach it [publicly].¹

Abaye also related: I was standing before the Master² who was stropping a knife on the edge of a mill and I asked him: Do you, Sir, want to sharpen it or do you want to remove its grease? — And he replied to me: To remove its grease. But it was clear to me that he was engaged in sharpening, but he was of the opinion, Thus is the halachah but one does not teach it [publicly]. The scholars asked: May one show a knife on a Festival to a sage?³ — R. Mari the son of R. Bizna permits, and the Rabbis forbid [it]; but R. Joseph says: A scholar may examine [a knife] for himself⁴ and lend it to another. R. Joseph further said: If a knife became blunt⁵ it may be sharpened on a Festival; and this applies only in the case when it can cut with difficulty.⁶ R. Hisda — some say, R. Joseph — lectured: With respect to a knife dented⁷ and a spit with the point broken off⁷ and the sweeping out of a stove and a pot range⁸ on a Festival we come to the dispute between R. Judah and the Rabbis. For it was taught: The Festival is distinguished from the Sabbath only with respect to the preparing of food alone. R. Judah permits even the preliminaries for the preparing of food. What is the reason of the first Tanna?⁹ Scripture says, ‘that alone may be done for you,’¹⁰ [only] ‘that’ but not the preliminaries [for the preparation]. And R. Judah? — The text says, ‘for you’ for you [means] for all your needs. And the first Tanna; surely it says ‘for you’?¹¹ — He will reply to you: That [text] ‘for you’ [signifies] but not for a heathen. And the other;¹² surely it also says ‘that [alone]’? — He will reply to you: ‘That’ is written and ‘for you’ is written, yet there is no contradiction; the one applies to preliminaries which can be performed before the Festival,¹³ and the other to preliminaries which cannot be performed before the Festival.¹⁴ Rab Judah in the name of Samuel said: One may not repair a bent spit on a Festival. This is obvious! — It [the teaching] is necessary even when one can straighten it with the hand.¹⁵

Rab Judah in Samuel's name further said: A spit which was used for roasting meat may not be

handled on the Festival.¹⁶ R. Adda b. Ahabah said in the name of Malkio: He pulls it out [of the joint] and puts it in a corner.¹⁷ Said R. Hiyya b. Ashi in R. Huna's name: Providing there is as much as an olive of meat on it. Rabina says: It [the spit] may be handled even though there is no meat on it at all, for it is analogous to the case of a thorn in a public ground.¹⁸ R. Hanina¹⁹ son of R. Ikka said: [The teachings on] a spit,²⁰ bondmaids,²¹ and hair-pits²² are by R. Malkio; whereas those on belorith-tresses,²³ wood-ashes²⁴ and cheese²⁵ are by R. Malkia.²⁶ R. Papa says: If referring to a Mishnah or a Baraitha²⁷ it is [by] R. Malkia, [but] independent teachings²⁸ are by R. Malkio; and as a mnemonic make use of: The Mishnah is queen.²⁹ Wherein do they differ? They differ in regard to bondmaids.³⁰ MISHNAH. A MAN MAY NOT SAY TO A BUTCHER, 'WEIGH ME A DINAR'S WORTH OF MEAT',³¹ BUT HE SLAUGHTERS [THE ANIMAL] AND SHARES IT AMONG THEM.³²

GEMARA. What is he to do?³³ — As

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- (1) So that people might not treat Festivals lightly.
 - (2) Rabbah.
 - (3) Before slaughtering the animal, the knife must be examined by a sage or an expert to assure that it is free from the slightest notch.
 - (4) At home.
 - (5) But there was no sign before the Festival that the knife needed sharpening.
 - (6) I.e., it was not badly blunt so that it would not require much sharpening; otherwise it is forbidden.
 - (7) On the Festival.
 - (8) I.e., sweeping out plaster which had fallen from its walls before the Festival, but which was only just noticed.
 - (9) I.e., the Rabbis.
 - (10) Ex. XII, 16. E.V. 'by you'.
 - (11) Signifying 'for all your needs'.
 - (12) R. Judah.
 - (13) Such 'are forbidden as implied in 'that'.
 - (14) Such are permitted as implied in 'for you'.
 - (15) Without beating it on an anvil. I might think that that does not constitute work.
 - (16) I.e., it may not be taken out of the joint but the meat is carved from it on the spit; for the spit becomes mukzeh on account of its unseemliness.
 - (17) Thrust out of harm's way, but not taken there (Rashi).
 - (18) Which one may remove on a Sabbath, to prevent danger to the public, by carrying it repeatedly short distances, each of which is to be less than four cubits. Similarly the spit may be taken to a place where it can do no harm,. Cf. Shab. 42a.
 - (19) In the parallel passage in Mak. 21a. It is R. Nahman.
 - (20) Quoted above, allowing the greasy spit to be put into a corner.
 - (21) R. Eliezer says (in a Mishnah), even if a wife brought with her one hundred maids of her own, the husband can still insist on her doing work with wool on the ground that idleness is demoralizing. On this R. Malkio comments, the halachah is as R. Eliezer. V. Keth. 59b and 61b.
 - (22) In Nid. 52a R. Huna says that the two hairs proving puberty must be set in pitlets. On this R. Malkio comments that the pitlets alone even without the hairs are sufficient indication of puberty.
 - (23) In A.Z. 29a a Baraitha teaches that when an Israelite cuts the hair of a heathen, he should refrain from touching the top-tresses (or crown-lock) because these were usually consecrated to some deity. On this R. Malkia comments that the Israelite should begin to withdraw his hand at a distance of three fingers breadth on every side. On belorith V. Krauss. T.A. I., 645. Cf also Sanh., Sonc. ed. p. 114, n. 5.
 - (24) In Mak. 21a. R. Malkia says that it is prohibited to powder one's wound with burnt wood ash, because it gives the appearance of an incised imprint which is forbidden according to Lev. XIX, 28.
 - (25) In A.Z. 35b, R. Malkia, in a discussion why the cheese of a heathen is forbidden (in the Mishnah) says that it is forbidden because its surface is smeared with lard.
 - (26) The two names Malkio and Malkia can easily be interchanged, hence these two groups were given to assist the memory.

(27) Heb. Mathnitah.

(28) I.e., opinions and dicta heard from eminent teachers and reported by their disciples or visiting scholars as distinguished from what is taught in Mishnah and Baraita.

(29) The name of the one associated with a Mishnah (and Baraita) is R. Malkia which name closely resembles the Aramaic word for 'queen'-malketha.

(30) According to R. Hanina it is attributed to R. Malkio, while according to R. Papa, since it has a reference to a Mishnah, it is attributed to R. Malkia.

(31) The mentioning of money is disallowed.

(32) Without mentioning money.

(33) In order to get the quantity he desires.

Talmud - Mas. Beitzah 29a

in Sura they say,¹ '[Give me] a tirta² or half a tirta'; in Naresh³ they say, '[Give me] a helka² or half a helka; in Pumbeditha they say, '[Give me] an uzya² or half an uzya'; in Nehar Pekod⁴ and in Matha Mehasia⁵ they say, '[Give me] a rib'a² or half a rib'a.

MISHNAH. A MAN MAY SAY [ON A FESTIVAL] TO HIS NEIGHBOUR, 'FILL ME THIS VESSEL', BUT NOT IN A MEASURE. R. JUDAH SAYS: IF IT WAS A MEASURING-VESSEL HE MAY NOT FILL IT. IT IS RELATED OF ABBA SAUL B. BATNITH THAT HE USED TO FILL UP HIS MEASURES ON THE EVE OF A FESTIVAL AND GIVE THEM TO HIS CUSTOMERS ON THE FESTIVAL. ABBA SAUL SAYS: HE USED TO DO SO DURING THE INTERMEDIARY DAYS OF A FESTIVAL⁶ TOO, ON ACCOUNT OF THE CLEARNESS OF MEASURE;⁷ BUT THE SAGES SAY: HE USED ALSO TO DO SO⁸ ON AN ORDINARY DAY FOR THE SAKE OF THE DRAINING OF THE MEASURES.⁹ GEMARA. What means BUT NOT IN A MEASURE? — Said Rab Judah in Samuel's name, But not in a vessel set aside as a measure; but one may fill a vessel held in reserve¹⁰ for measuring.¹¹ Whereupon R. Judah said: One may not fill even a vessel held in reserve as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient; but we know of them to the contrary! For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: One may not look on the pair of scales at all;¹² which proves [that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis! — R. Judah is not self-contradictory, [for] there¹³ [it treats of a vessel] not held in reserve as a measure,¹⁴ whereas here [it treats of a vessel] which is held in reserve as a measure. The Rabbis too are not self-contradictory, [for] there¹³ he acts as one acts on an ordinary day,¹⁵ [but] here he does not act as one acts on an ordinary day.¹⁶ Raba says: What means BUT NOT IN A MEASURE? [It is] that he may not mention to him the name of the measure;¹⁷ but one may fill a vessel appointed as a measure. Whereupon R. Judah said: One may not fill a vessel appointed as a measure. This proves that where the joy of the Festival is concerned R. Judah is stringent and the Rabbis are lenient, but we know of them to the contrary! For we have learnt: R. Judah says: A man may weigh meat [on a Festival] against a utensil or a butcher's chopper, but the Sages say: You may not look on the pair of scales at all, which [proves that] R. Judah is lenient and the Rabbis are stringent! [Hence] there is a contradiction [in the rulings] of R. Judah and a contradiction [in the rulings] of the Rabbis! — R. Judah is not self-contradictory, [for] there it is not appointed as a measure, [but] here it is appointed as a measure. The Rabbis too are not self-contradictory, [for] there he acts as one acts on an ordinary day, [but] here he does not act as one acts on an ordinary day; for People are accustomed to pass wine in a measuring-vessel and drink [therefrom].¹⁸

IT IS RELATED OF ABBA SAUL B. BATNITH. A Tanna taught: He also used to act thus during [the Intermediary Days of] a Festival on account of disturbing [study] in the Academy.¹⁹ Our Rabbis taught: He collected three hundred jugs of wine from the foam of the measures,²⁰ and his

associates collected three hundred jugs of oil from the drops of the measures,²¹ and they brought them to the treasurers [of the Temple] in Jerusalem,²² who said to them: There is no need for you to [do] this.²³ They replied to them: We too will have none of it. They said to them: Since you act so stringently with yourselves then apply it to public purposes; for it was taught: If one robbed and he does not know whom he robbed,²⁴ he must apply it to public purposes. What are such? — Said R. Hisda: Wells, ditches and grottos.²⁵ R. Hisda took Rabana Ukba about and lectured:²⁶ A man may not measure barley on a Festival and give it to his animal, but he may scoop up [with his hand] a kab-full or two kabs-full and give it to his animal without fear.²⁷ And the baker may measure spices and put them in his pot so as not to spoil the dish.²⁸ R. Jeremiah b. Abba said in Rab's name: A woman may measure flour on a Festival and make it up into dough in order that she may separate hallah²⁹ generously, but Samuel says: It is forbidden. But the School of Samuel taught:³⁰ It is permitted! — Said Abaye: Now that Samuel says: It is forbidden, and the School of Samuel taught: It is permitted,

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- (1) When asking for meat on a Festival.
 - (2) According to Rashi these terms are technical names of the pieces of meat which were carved for retailing. They had different names in different places.
 - (3) Identical with Nahras or Nahr-sar, on the canal of the same name, on the east bank of the Euphrates. Obermeyer, p. 307.
 - (4) West of Mehuza, identical with Nehar Malka, situated on the canal of the same name on the west bank of the Tigris. Obermeyer, pp. 273, 275.
 - (5) A suburb of Sura. V. Obermeyer, p. 297.
 - (6) The second (or third) to the sixth days of Passover and the second (or third) to the seventh days of Tabernacles.
 - (7) So that the froth might settle, thus assuring correct measure, or that the sediment might remain in the measuring vessel. [Var. lec. omit: ON ACCOUNT...MEASURE, v. Rashi.]
 - (8) I.e., fill the measures a day before.
 - (9) Lit., 'squeezing', 'wringing out'. He placed his measuring-vessels a-tilt over the vessels of the customers so that no drop should be left behind in the measuring-vessel.
 - (10) **העומד למדה**, Lit., 'which stands for measuring'. [MS.M. **העומד על**, i.e., a vessel which has the capacity of a certain measure but not intended to be used for measuring, v. D.S.]
 - (11) In case the real measure is broken or lost; but as yet this reserve has never been used for the purpose.
 - (12) Supra 28a.
 - (13) In the case of weighing meat.
 - (14) The utensil and the hatchet are not vessels serving as weights.
 - (15) When the weights are not at hand the butcher often uses his implements as weights.
 - (16) For the new vessel was not yet regarded as a measure (Rashi). [This is difficult: On the reading of MS.M. (supra n. 1): For the vessel is not intended for measuring.]
 - (17) E.g., pints, quarts or gallons, but only 'fill this vessel'.
 - (18) Therefore the filling of such a vessel has not at all the appearance of a sale.
 - (19) He filled up the measures during the night in order that he may be free to lecture on the day of the Festival. [This might be taken as supplementing the reason stated in the Mishnah: He filled them during the night so that he should not have to wait for the froth to settle and be free to lecture, v. Rashi and supra p. 148, n. 10.]
 - (20) By not removing the froth he saved so much on each measure. In that way he found that he had saved three hundred jugs full.
 - (21) By not leaving the measuring vessel to run out into the funnel.
 - (22) They thought it belonged to their customers. For the whole story cf. Buchler, Types, p. 144.
 - (23) I.e., to deliver this, since the purchasers have waived all claim thereto.
 - (24) To whom he wishes to make restitution.
 - (25) And thus provide water to the general public among whom the robbed person is to be found. Cf. B.K. 94b.
 - (26) **אדבריה**. V. Supra p. 111, n. 3.
 - (27) That he is desecrating the Festival thereby.
 - (28) Which might occur if he merely guessed at the measure.

(29) V. Glos.

(30) [Rashi: Like R. Hiyya and R. Oshaia, Samuel too had compiled a collection of Tannaitic teachings.]

Talmud - Mas. Beitzah 29b

then Samuel's purpose is to inform us the halachah for actual practice.¹ Our Rabbis taught: One may not [sift] flour a second time² on a Festival. In the name of R. Papeus and R. Judah b. Bathyra they said: One may [sift it] a second time;³ but they agree that if a pebble or a splinter fell in, one may sift it again.

A tanna recited in the presence of Rabina: One may not [sift] flour a second time on a Festival, but if a pebble or a splinter fell in, he may pick it out with his hand. He said to him: All the more this is forbidden, because it is in the nature of selecting.⁴ Raba⁵ the son of R. Huna Zuti expounded at the gate of Nehardea: One may [sift] flour a second time on a Festival. R. Nahman said to them [his disciples]: Go and say to Abba,⁶ 'Take your favours and throw them on thorns';⁷ come and see how many sieves are being used in Nehardea. The wife of R. Joseph sifted flour on an inverted sieve.⁸ He said to her: Take notice that I want good bread.⁹ The wife of R. Ashi sifted flour on the top side of the table. Said R. Ashi: This my [wife] is the daughter of Rami b. Hama, and Rami b. Hama was a man of [pious] deeds, and unless she had seen this in the home of her parents, she would not have done it.

MISHNAH. A MAN MAY GO TO A SHOPKEEPER WHOM HE GENERALLY PATRONIZES¹⁰ AND SAY TO HIM: 'GIVE ME [SO MANY] EGGS AND NUTS, AND STATING THE NUMBER; FOR THIS IS THE WAY OF A HOUSEHOLDER TO RECKON IN HIS OWN HOME.'¹¹

GEMARA. Our Rabbis taught: A man may go to a cattledealer whom he generally patronizes and say to him: Give me one kid or one lamb; to a butcher whom he generally patronizes and say to him: Give me one shoulder or one leg; to a poultry breeder whom he generally patronizes and say to him: Give me one dove or one pigeon; to a baker whom he generally patronizes and say to him: Give me one loaf or one roll; and to a shopkeeper whom he generally patronizes and say to him: Give me twenty eggs, or fifty nuts, or ten peaches, or five pomegranates, or one Ethrog; provided that he does not mention any measure.¹² R. Simeon b. Eleazar says: Provided that he does not mention any sum of money.

CHAPTER IV

MISHNAH. WHEN ONE TAKES JARS OF WINE FROM PLACE TO PLACE, HE MAY NOT CARRY THEM IN A BASKET OR IN A HAMPER,¹³ BUT HE MAY CARRY [THEM] ON HIS SHOULDER OR IN FRONT OF HIM. LIKEWISE, ONE WHO CARRIES STRAW MAY NOT LET THE BUNDLE [OF STRAW] HANG DOWN OVER HIS BACK, BUT MUST CARRY IT IN HIS HAND; AND ONE MAY START [USING] A HEAP OF STRAW,¹⁴

(1) Although theoretically it is permitted, still one should not decide accordingly. Cf. supra 28b.

(2) For this could have been done before the Festival.

(3) The sifting a second time is not considered work.

(4) Which is forbidden on Sabbaths and Festivals. Cf. Shab. 73a.

(5) Var. lec.: Rabbah.

(6) I.e., to my colleague (Rashi). [Abba is a familiar appellation of Raba (Rabbah), whereby he could be addressed only by a colleague. As R. Nahman could hardly have been his colleague, preference is to be given to MS. M. which reads R. Hama, the head of the Nehardea School at the time; v. Hyman, Toledoth p. 1074].

(7) All know without this that it is allowed. Cf. B.K. 83a; B.M. 63b. V. Keth., Sonc. ed. p. 313, n. 7.

- (8) In an unusual way.
- (9) You can therefore sift it in the usual way.
- (10) Who would trust him to settle the reckoning after the Festival. Lit., 'with whom he is often'.
- (11) Hence mentioning the number does not particularly give it the appearance of purchase.
- (12) E.g., pints, quarts or gallons.
- (13) For this is the usual way of carrying it.
- (14) On a Festival even though he did not designate it before the Festival.

Talmud - Mas. Beitzah 30a

BUT [ONE MAY] NOT [START USING WOOD] FROM A PENT-HOUSE.¹

GEMARA. A Tanna taught: If it is impossible [to carry it] in an unusual way,² it is permitted [to carry in a basket or hamper]. Raba enacted in Mehuza: Whatever [load] one [usually] carries with a great effort,³ must be carried [on a Festival] on a carrying pole;⁴ whatever is [usually] carried on a carrying-pole is to be carried [on a Festival] by a yoke;⁴ whatever is [usually] carried by a yoke, is to be carried [on a Festival] by a hand-barrow;⁴ whatever is [usually] carried by a hand-barrow [on a Festival] a cloth is to be spread over it;⁵ but if it is impossible [to vary the usual procedure] it is permitted, for a Master said: If it is impossible [to carry it] in an unusual way it is permitted. R. Hanan b. Raba⁶ said to R. Ashi: Did the Rabbis say that on a Festival [every work] as far as possible should be done in an unusual way? But these [our] women fill their pitchers with water on a Festival without any alteration and we do not say anything to them! He replied to him: Because it is impossible [in any other way]. [For] how should it be done? If [a woman], who usually draws water in a large pitcher, should have to draw in a small pitcher, then she would have to do more walking!⁷ If [a woman], who [usually] draws in a small pitcher, should have to draw in a large pitcher, then you would increase her burden! Should she cover the vessel with a [wooden] lid, it might fall off and she will have to carry it!⁸ Should she bind it fast, it might become unfastened and she would be caused to tie it up again!⁹ Should she spread a cloth over it,¹⁰ it might become soaked in water and she be led to wring it out!¹¹ Therefore, it is impossible [otherwise]. Raba son of R. Hanin said to Abaye: We have learnt: You may not clap the hands or slap the thighs or dance;¹² and yet we indeed see that [people] do this and we do not take them to task! — He replied to him: And according to your opinion, that which Rabbah said: A man may not sit down at the entrance of the lehi¹³ lest an object should roll away and he come to carry it [four cubits in a public thoroughfare];¹⁴ yet there are these women who take their waterugs and go and sit at the entrance of an alley and we do not say anything to them! But let Israel [go their way]: it is better that they should err in ignorance than presumptuously;¹⁵ here also [I say], Let Israel go their way: it is better that they should err in ignorance than presumptuously. This, however, applies only to a Rabbinical [prohibition] but not to a Biblical [prohibition]. But it is not so; whether it [the prohibition] is Biblical or Rabbinical we do not tell them anything; for the additional time to the Day of Atonement is a Biblical injunction,¹⁶ yet people eat and drink until dusk and we do not say anything to them.

AND ONE MAY START [USING] A HEAP OF STRAW. Said R. Kahana: This proves that one may start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Simeon who does not hold [the law of] mukzeh. Then consider the last clause: BUT [ONE MAY] NOT [START USING STORED] WOOD FROM A PENT-HOUSE; this is in accordance with R. Judah who holds [the prohibition of] mukzeh. — We treat here of cedar and cypress wood which are mukzeh on account of monetary loss,¹⁷ where even R. Simeon agrees. Some recite this in reference to the last clause [thus]: BUT NOT FROM WOOD FROM A PENT-HOUSE. Said R. Kahana: This proves that one may not start using [wood] for the first time from a store [on a Festival]. With whom does that agree? With R. Judah who holds the prohibition of mukzeh. Then consider the first clause: ONE MAY START [USING] A HEAP OF STRAW; this is in accordance with R. Simeon who does not hold mukzeh! — There it speaks of rotted straw.¹⁸ Rotted

straw is indeed capable of being used for clay!¹⁹ — When there are thorns in it.²⁰

(1) Lit., 'which is in the mukzeh (stored away)'. The wood stored there is usually for building purposes and not for fuel, hence it is mukzeh.

(2) If e.g., he needs a great quantity.

(3) On a handspike.

(4) Commentators disagree about these terms. Cf. D.S. ad loc.

(5) Some kind of deviation, so that what is being carried is not seen.

(6) [R. Hanan b. Raba was no contemporary of R. Ashi and hence read with MS.M.: Raba b. Hanin said to Abaye.]

(7) She would have to go several times to draw the water to the amount she requires.

(8) [Var. lec.: It might break and she will carry the fragments, v. Ronsburg, Glosses].

(9) And it is forbidden to make a knot on a Festival, when the knot is in the nature of a repair.

(10) V. supra p. 153, n. 7.

(11) Which is forbidden.

(12) These are forbidden on a Festival as a preventive measure lest he fit up instruments of music. V. infra 36b.

(13) The post of an alley.

(14) Carrying in the alley is permitted, the post converting it by a legal fiction into a private residence. But carrying in the public thoroughfare is of course forbidden.

(15) And therefore we do not tell them this, since in any case they would go on doing the same thing.

(16) The injunction against eating, etc. commences a little before evening, and in Yom. 81b (q.v.) it is deduced that this addition is required by Scriptural law.

(17) They are too good to be used as fire-wood and are only intended for building purposes.

(18) Which being unfit for fodder is automatically intended as fuel, and therefore is not mukzeh.

(19) For building; hence it cannot be regarded as automatically intended for fuel.

(20) Which render it unfit for kneading into clay.

Talmud - Mas. Beitzah 30b

MISHNAH. ONE MAY NOT TAKE WOOD FROM A HUT BUT ONLY FROM [WHAT IS] ADJACENT TO IT.¹

GEMARA. Why may he not [take wood] from the hut?² because he thereby demolishes a tent!³ Then [if he takes it] from what is adjacent thereto he likewise demolishes a tent!⁴ — Said Rab Judah in Samuel's name: By the term adjacent understand adjacent to the walls.⁵ R. Menasiah says: You can even say that they are not adjacent to the walls,⁶ but this was taught with respect to [tied] bundles.⁷

R. Hiyya son of Joseph recited in the presence of R. Johanan: One may not take wood [on a Festival] from a hut but only from what is adjacent to it, and R. Simeon permits it. They agree, however, with respect to a Tabernacle on the Feast of Tabernacles that it is forbidden;⁸ but if he stipulated concerning it,⁹ everything depends upon his reservation.

'And R. Simeon permits it;' but surely he is pulling down a tent! — Answered R. Nahman b. Isaac: We treat here of a collapsed hut and R. Simeon follows his opinion, for he does not hold the prohibition of mukzeh.¹⁰ For it was taught: The oil left over in a lamp or in a dish¹¹ is forbidden [to be used on Sabbath], but R. Simeon permits it.¹² But what comparison is it? There the man sits and waits for the going out of the lamp,¹³ but here does then a man sit and wait for his hut to collapse? — Said R. Nahman b. Isaac: We treat here of a tottering hut, so that he had his mind set upon it since the day before.¹⁴

'They agree, however, with respect to a Tabernacle on the Feast of Tabernacles that it is forbidden; but if he stipulated concerning it everything depends upon his reservation.' Is then a

stipulation concerning it of any avail? Surely R. Shesheth said on the authority of R. Akiba: Whence do we know that the wood of the Tabernacle is forbidden [for use] the entire seven days [of the Festival]? From the verse: [On the fifteenth day of the seventh month is] the feast of Tabernacles for seven days unto the Lord.¹⁵ And it was taught R. Judah b. Bathyra says: Whence do we know that just as the Festival offering bears the name of Heaven so also the Sukkah [Tabernacle] bears the name of Heaven: Because the text says ‘the feast [hag]¹⁶ of tabernacles for seven days unto the Lord’,¹⁵ just as the Festival offering is for the Lord¹⁷ so is the Sukkah for the Lord!¹⁸ Said R. Menasiah the son of Raba:¹⁹ The concluding clause²⁰ refers to an ordinary hut,²¹ but the stipulation with respect to a Festival booth²² is of no avail. Yet is it not [valid] in the case of a Festival booth? Surely it was taught: If one covered it [the Festival booth] according to law and decorated it with hand-made carpets and tapestries, and hung therein nuts, almonds, peaches, pomegranates and bunches of grapes, vines, oils,²³ and fine meal, and wreaths of ears of corn, it is forbidden to make use of them until the termination of the last day of the Festival; and if he stipulated thereon, everything depends upon his stipulation!²⁴ — Abaye and Raba both say: This refers to one who says [before the Festival] ‘I will not stand aloof from them²⁵ right through the period of twilight,’ so that the sanctity [of the Festival] did not fall upon them;²⁶ but as to the wood of the Festival booth, since sanctity did fall upon it²⁷ it becomes mukzeh for the entire seven days. But in what respect is this different from what was stated: If one set aside seven Ethrogim²⁸ for the seven days of the Festival,²⁹ Rab says, [After] fulfilling his obligation with each one [of them], they may be eaten immediately;³⁰ and R. Assi says: [After] fulfilling his obligation with each one [of them] they may be eaten on the morrow?³¹ — There where the nights are separated from the days,³² each day is a separate obligation; but here where the nights are not separated from the days,³³ all the [seven] days are regarded as one long day.

(1) The meaning of this is discussed in the Gemara.

(2) I.e., from its roof.

(3) Technically, removing part of a building is regarded as demolishing it.

(4) I.e., to the roof lying on top of it, The removal of that too or of part thereof also constitutes demolishing.

(5) But not built into and part of them; but the wood that lies on the roof, even though not built into the roof, is regarded as part of the covering of the roof.

(6) But adjacent to the roof, i.e., lying on the roof.

(7) Since they were not untied, we see that they were put there for storage, and not to form part of the roof.

(8) Even during the Intermediary days of the Festival.

(9) Before the Festival.

(10) The hut collapsed on the Festival. Now since it was standing just before the Festival commenced, it was then regarded as mukzeh, as it was forbidden then to remove part of it on account of the prohibition of demolishing. Hence the first Tanna holds that even when it collapses it remains forbidden as mukzeh. R. Simeon, however, does not accept the prohibition of mukzeh at all, hence it is permitted.

(11) I.e., a dish of oil placed near a lamp to act as a feed thereto.

(12) For while it was burning one might not remove any of the oil, as technically that constituted extinguishing. Hence the oil is regarded as mukzeh on account of a prohibition and remains forbidden even after the light goes out. R. Simeon permits it, because he rejects the prohibition of mukzeh. Shab. 44a.

(13) Lit., ‘when will his lamp go out’. He knows it will finally go out and therefore he intended to use the residue from the very beginning; hence R. Simeon does not regard it as mukzeh.

(14) I.e., He intended before the Festival that, should the hut collapse on the Festival, he would use its wood; hence it is quite analogous to the residue of the oil in the lamp or dish.

(15) Lev. XXIII, 34. I.e., the entire seven days, it is consecrated ‘unto the Lord’.

(16) The word **הג** is taken as **הגיה**.

(17) The animal becomes holy as soon as it was dedicated for a Festival offering.

(18) And may not be used. Hence this is a Biblical prohibition: surely a stipulation cannot nullify such!

(19) [Var. lec. Said R. Menasiah in the name of Samuel.]

(20) ‘If he stipulated, everything depends upon his reservation.’

- (21) Which has collapsed on a Festival.
- (22) Lit., 'a booth of a precept' — i.e., one erected in fulfilment of the scriptural law; v. Lev. XXIII, 42.
- (23) I.e., decanters containing wine and oil.
- (24) Here we see that the stipulation holds good.
- (25) I.e., I accept no interdict in respect of them.
- (26) Technically a Festival prohibition falls on an object at the immediately preceding twilight. Hence here he expressly stipulated that this should not happen; therefore it does not become mukzeh.
- (27) The preceding stipulation would be of no avail here, since he could not take it at twilight on account of the prohibition of demolishing.
- (28) V. Glos. s.v. Ethrog.
- (29) One to be used for each day.
- (30) Without having to wait till the end of the day. Cf. Suk. 46b. He holds that it was made mukzeh only in respect of that particular duty, and since that has been fulfilled, it is no longer mukzeh.
- (31) Thus both agree that their prohibition does not extend to the entire Festival.
- (32) The command to take an ethrog (v. Lev. XXIII, 40) has reference only to the day.
- (33) Since the precept of dwelling in booths applies to the nights just as well as to the days.

Talmud - Mas. Beitzah 31a

MISHNAH. ONE MAY BRING IN FROM THE FIELD [FIRE-] WOOD THAT IS GATHERED TOGETHER,¹ AND FROM A KARPIF [AN ENCLOSURE] EVEN THOUGH IT IS SCATTERED ABOUT.² WHAT IS A KARPIF? ANY [ENCLOSURE] ADJOINING THE TOWN; THIS IS THE OPINION OF R. JUDAH. R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY,³ EVEN IF IT IS [ONLY JUST] WITHIN A SABBATH TEHUM. GEMARA. Rab Judah said in Samuel's name: You may take wood only from a collected pile in an enclosure. But we have learnt: FROM AN ENCLOSURE EVEN THOUGH IT IS SCATTERED ABOUT! — Our Mishnah represents the opinion of an individual; for it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel do not differ [both agreeing] that one may not take in [wood] that was scattered in the field, and that one may take in [wood] that was piled up in an enclosure; they differ only with respect to scattered [wood] in an enclosure and collected [wood] in a field, when Beth Shammai say: He may not take thereof, and Beth Hillel say: He may take thereof.⁴

Said Raba: Leaves of shrubs and leaves of the vine-shoots even though they lie in a heap are forbidden, for since if a wind rises it scatters them, they are regarded as if they are scattered. But if he laid a garment over them the previous day,⁵ it is well.⁶

WHAT IS A KARPIF etc.? The scholars asked: What does it mean? [Does it mean], 'Any [enclosure] adjoining the town providing, however, it has a way of entering by a key; whereas R. Jose comes to teach: Since it has a way of entering by a key, even if [only just] within a Sabbath tehumi, it is still [a karpif]; or this is perhaps what it means: 'Any [enclosure] adjoining the town whether it has a way of entering by a key or not; and R. Jose comes to teach: Even if [only just] within a Sabbath tehumi [it is a karpif] but only if it has a way of entering by a key; if, however, it has no way of entering by a key it is not [a karpif] even though [the enclosure] adjoins the town? — Come and hear: Since it [the Mishnah] teaches: 'R. JOSE SAYS: ANY [ENCLOSURE] WHICH ONE ENTERS WITH A KEY, EVEN IF [ONLY JUST] WITHIN A SABBATH TEHUM', understand therefrom that R. Jose teaches a twofold leniency.⁷ R. Salla said in the name of Jeremiah: The halachah is as R. Jose in the direction of leniency. MISHNAH. ONE MAY NOT CHOP UP FIREWOOD FROM BEAMS NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL;⁸ AND ONE MAY NOT CHOP EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.

GEMARA.

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- (1) The wood was piled up before the Festival for that purpose, so that strangers might not take it away.
 - (2) For even then we may assume that he intended to use it, but did not trouble to collect it because it was enclosed and so guarded.
 - (3) Lit., 'a padlocked entrance'.
 - (4) But the majority of the Rabbis differ and hold that Beth Hillel forbids the taking of scattered wood even from an enclosure.
 - (5) To keep the wind from scattering them.
 - (6) For it shows that he intended before the Festival to use them for firewood.
 - (7) If the enclosure is adjacent to the city there is no need to have an entrance by a key, and if it can be entered by means of a key it is regarded as a karpif even though it is distant from the city to the extent of a tehum.
 - (8) V. supra 2b.

Talmud - Mas. Beitzah 31b

But you say [in] the first clause, ONE MAY NOT CHOP UP [WOOD] at all! — Answered Rab Judah in the name of Samuel: There is a lacuna and must be taught thus: ONE MAY NOT CHOP UP FIREWOOD FROM a layer of BEAMS¹ NOR FROM A BEAM WHICH WAS BROKEN ON A FESTIVAL; but one may chop up [firewood] from a beam which was broken before the Festival; and when one chops up, ONE MAY NOT CHOP EITHER WITH AN AXE OR WITH A SAW OR WITH A SICKLE BUT ONLY WITH A [BUTCHER'S] CHOPPER.

We have likewise learnt: One may not chop up firewood from a layer of beams nor from a beam which was broken on a Festival, because it was not mukan..

BUT NOT WITH AN AXE. R. Hinena b. Salmia said in Rab's name: They taught this only of its broad end; but with its narrow end² it is permitted. This is obvious: we have learnt: [BUT ONLY] WITH A [BUTCHER'S] CHOPPER!³ — You might say: This applies to a chopper only, but as for a combined axe and chopper,⁴ I might say, Since this side is forbidden the other side too is forbidden, so he informs us [that it is not so].

Some teach this with respect to the latter clause: BUT ONLY WITH A [BUTCHER'S] CHOPPER. R. Hinena b. Salmia said in Rab's name: They taught this only of its narrow end, but with its broad end it is prohibited. This is obvious; we have learnt: ONE MAY NOT [CHOP] WITH AN AXE! — You might say: This applies only to an axe alone; but as for a combined chopper and axe, I might say: Since this end is permitted, the other end too is permitted,' so he informs us [that it is not so].

MISHNAH. IF A [CLOSED] ROOM FULL OF PRODUCE WAS BURST OPEN⁵ [ON A FESTIVAL] HE MAY TAKE [THE PRODUCE] OUT THROUGH THE BREACH.⁶ R. MEIR SAYS: HE MAY MAKE A HOLE AT THE OUTSET AND BRING OUT [THE PRODUCE].

GEMARA. Why so? He is indeed pulling down a tent! — Said R. Nahumi b. Adda in the name of Samuel: It treats here of a layer of bricks.⁷ But it is not so, for R. Nahman said: Bricks left over from a building may be moved on Sabbath, because they are fit for sitting on;⁸ but if he put them in layers one upon the other, he has certainly determined them for something else! Said R. Zera: They said this⁹ with respect to a Festival but not with respect to Sabbath. We have likewise learnt: R. Meir says: He may make a hole at the outset and take out; they said this with respect to a Festival but not with respect to Sabbath. Samuel said: One may loosen the knots¹⁰ in the ground¹¹ but one may not unravel nor cut¹² [the rope]; [the knots in the doors] of utensils, one may loosen and unravel and cut,¹³ whether on a Sabbath or a Festival. They raised an objection: One may loosen the knots in the ground on the Sabbath but one may not unravel nor cut; but on a Festival one may loosen and

unravel and cut! — This represents the view of R. Meir, who says: He may make a hole at the outset and bring out [the produce] but the Rabbis dispute with him, and I say this according to the Rabbis. Do then the Rabbis dispute with him with respect to knots in the ground? Surely it was taught: The Sages agree with R. Meir with respect to knots in the ground that on Sabbath one may loosen but one may not unravel nor cut, while on a Festival one may loosen and unravel and cut!

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- (1) Because the beams were stored for building purposes and not for firewood.
 - (2) Lit., 'its feminine side' . . . 'its masculine side'.
 - (3) This usually has no broad, sharp side.
 - (4) I.e., where one side is broad, like an axe, and the other narrow, like a butcher's chopper — presumably the choppers were made thus, not like ours nowadays.
 - (5) I.e., some of the bricks fell out through the pressure.
 - (6) The produce is not regarded as mukzeh though he would not have been able to get at them had the room not burst open.
 - (7) Lying loose one upon the other and not built in with mortar.
 - (8) Hence rank as utensils. — An object not ranking as a utensil may not be handled on the Sabbath.
 - (9) Viz., the law in our Mishnah.
 - (10) Lit., 'seals'.
 - (11) I. e., the knot in the cord which fastens the door to the rafter to keep it tight and which also points out the trap-door in the floor.
 - (12) For this would be in the nature of pulling down.
 - (13) For the law of pulling down does not apply to utensils.

Talmud - Mas. Beitzah 32a

— He¹ ruled as the following Tanna. For It was taught: One may loosen the knots in the ground, but one may not unravel nor cut, whether on a Sabbath or on a Festival; but as to those of utensils — on a Sabbath one may loosen but one may not unravel nor cut; on a Festival one may loosen and unravel and cut. You have justified the first clause; but there is a contradiction from the concluding clause!² — This represents the opinion of R. Nehemiah who says: All utensils may not be handled except for their normal use.³ If it is R. Nehemiah, why particularly the Sabbath; the same holds good even on a Festival! And if you say that R. Nehemiah makes a distinction between a shebuth⁴ of the Sabbath and a shebuth of a Festival,⁵ [I would object], Does he then make a distinction? For one [Baraitha] teaches: One may kindle a fire [on a Festival] with utensils,⁶ but one may not kindle a fire with fragments of utensils;⁷ and another [Baraitha] teaches: One may kindle a fire with both utensils and fragments of utensils; and [still] another [Baraitha] teaches: One may not kindle either with utensils or with broken pieces of utensils; and we explained, there is no contradiction: One is according to R. Judah, the other is according to R. Simeon, and the third is according to R. Nehemiah!⁸ — Two Tannaim dispute about the opinion of R. Nehemiah.⁹ MISHNAH. ONE MAY NOT HOLLOW OUT A LAMP¹⁰ [ON A FESTIVAL], BECAUSE HE WOULD BE MAKING A UTENSIL; AND ONE MAY NOT MAKE CHARCOAL¹¹ ON A FESTIVAL, NOR CUT A WICK IN TWO. R. JUDAH SAYS: ONE MAY SEVER IT WITH A FLAME.

GEMARA. Who teaches that the hollowing out of a lamp constitutes [making] a utensil?¹² — Said R. Joseph: It is R. Meir; for it was taught: When is a clay vessel susceptible to defilement? As soon as its form is finished;¹³ this is the opinion of R. Meir. R. Joshua says: As soon as it is baked in the furnace. Said Abaye to him: Whence does this follow? Perhaps R. Meir is of this opinion only there, because they [the vessels] are fit for receiving things;¹⁴ but here¹⁵ for what is it fit? — For receiving copper coins.

Some say: Said R. Joseph: It is R. Eliezer son of R. Zadok: For we have learnt: Ironian¹⁶ stewpots do not contract defilement when under the same roof as a corpse, but they become defiled if they are carried by one who has an issue.¹⁷ R. Eliezer son of R. Zadok says: They are undefiled even if they are carried by one who has an issue, because they are not yet finished in the making.¹⁸ Said Abaye to him: Perhaps R. Eliezer son of R. Zadok is of this opinion only there, because they [the stewpots] are fit for receiving things;¹⁹ but here for what is it fit? — For receiving copper coins.

Our Rabbis taught: One may not hollow out a lamp and one may not make Ironian stewpots on a Festival. R. Simeon b. Gamaliel permits Ironian stewpots. What means Ironian? — Said Rab Judah: Provincial. What means 'provincial'? — Said Abaye: Peasants' trenchers.²⁰

AND ONE MAY NOT MAKE CHARCOAL. This is obvious; for what is it fit?²¹ — R. Hiyya taught: This is necessary to be taught only with respect to handing them over to the bath attendants on the same day.²² Is it then permissible [for such use] on that day?²³ — As Raba explained [elsewhere]: Where it is for perspiring,²⁴ and before the prohibition,²⁵ so also here [it treats of a case] of perspiring and before the prohibition.

NOR CUT A WICK IN TWO [etc.]: Why not with a knife —

(1) R. Samuel who forbids unravelling even on a Festival.

(2) According to the concluding clause one may in the case of vessels only loosen on a Sabbath, whereas Samuel permits even unravelling and cutting too.

(3) Hence, though the cutting is permitted in itself, a knife may not be handled for that purpose. But Samuel disagrees with R. Nehemiah in this.

(4) V. Glos.

- (5) Treating the latter less rigorously than the former and consequently the said restriction does not apply to a Festival.
- (6) Since being utensils they may be handled, they may also be used for burning.
- (7) Being fragments, they may not be handled normally; and though fit for fuel (which under other circumstances would permit them to be handled), this is discounted, since they were not intended for this before the Festival.
- (8) R. Judah who holds the prohibition of mukzeh, forbids fragments as fuel; R. Simeon who rejects this prohibition, permits them, while R. Nehemiah, holding that utensils may be handled for their normal use only, forbids even whole utensils. This proves that R. Nehemiah's ruling applies to Festivals too.
- (9) One holding that he draws a distinction in respect of his ruling between the Sabbath and Festivals; the other, that he does not.
- (10) By pressing in the finger into a lump of clay.
- (11) This too is technically regarded as a utensil for goldsmiths.
- (12) Although the clay is not yet baked in the furnace.
- (13) I.e., hollowed out, even before it is hardened in the furnace.
- (14) I.e., dry objects, even though they were unfit for liquids.
- (15) Being unbaked, it cannot take oil for lighting, as it will soak into it; while it is too small for ordinary dry objects.
- (16) For V.L. cf. D.S. The correct reading as well as the exact meaning of this term is uncertain. The Talmud (*infra*) explains it in the sense of provincial, coarse and unfinished. V. 'Ed., Sonc. ed. p. 12, n. 9. According to the Commentaries, this stewpot was fashioned like a hollow ball and thus baked in the kiln and afterwards cut into two. Undivided it cannot become unclean through a dead body because the inner space is enclosed and a clay vessel must have a hollow before it can receive defilement. (Cf. Num. XIX, 15).
- (17) Cf. Lev. XV, 4 and 12, where a hollow in the vessel is not required.
- (18) Viz., their hollowing out, and are therefore not considered utensils. 'Ed. II, 5. Hence we see that the hollowing out constitutes the making of a utensil, and the same holds good in the Mishnah.
- (19) When they are hollowed out.
- (20) Which are coarse and unfinished.
- (21) They can only be used on the same day for manufacturing works which are forbidden on a Festival.
- (22) For the preparation of the bath water.
- (23) The Rabbis distinctly forbade taking baths both on Sabbath and Festivals. Cf. Shab. 38a.
- (24) Not actually bathing.
- (25) Of such perspiring on Sabbath and Festivals. Cf. Shab. 40a.

Talmud - Mas. Beitzah 32b

because he thereby makes an article;¹ then by [severing it] with fire he is also making an article? — R. Hiyya taught: He may sever it with fire [when the wick is] in two lamps.²

Said R. Nathan b. Abba in the name of Rab: One may trim the wick on a Festival. What is meant by trimming? Said R. Hanina b. Salmia [in Rab's name]: To remove the snuff.

Bar Kappara taught: Six things have been taught with respect to a wick, three restrictions and three leniencies. The restrictions are: One may not plait it at the outset on a Festival, and one may not singe it with fire,³ and one may not cut it in two. Leniencies: One may rub it by hand,⁴ and one may soak it in oil, and one may sever it with fire when it is in two lamps.

R. Nathan b. Abba further said in the name of Rab: The rich men of Babylon will go down to Gehenna; for once Shabthai b. Marinos came to Babylon and entreated them to provide him with facilities for trading and they refused this to him; neither did they give him any food. He said: These are the descendants of the 'mixed multitude',⁵ for it is written, And [He will] show thee mercy and have compassion upon thee,⁶ [teaching that] whoever is merciful to his fellow-men is certainly of the children of our father Abraham, and whosoever is not merciful to his fellow-men is certainly not of the children of our father Abraham.⁷

R. Nathan b. Abba further said in the name of Rab: He who is dependent on another's table, the world is dark to him, for it is said: He wandereth abroad for bread. 'Where is it?' He knoweth that the day of darkness is ready at his hand.⁸ R. Hisda says: Also his life is no life.

Our Rabbis taught: There are three whose life is no life and they are: He who is dependent on the table of his neighbour; he whom his wife rules; and he whose body is subject to suffering. And some say: Also he who possesses only one shirt.⁹ And the first Tanna? — It is possible to examine his garment.¹⁰

MISHNAH. ONE MAY NOT BREAK UP A POTSHERD OR CUT PAPER IN ORDER TO ROAST THEREON SALT-FISH;¹¹ NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE,¹² BUT ONE MAY PRESS [THE ASHES] DOWN;¹³ NOR MAY ONE PLACE TWO JARS SIDE BY SIDE IN ORDER TO SET A SAUCEPAN ON THEM.¹⁴ NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND THE SAME APPLIES TO A DOOR; NOR MAY ONE DRIVE CATTLE WITH A STAFF ON A FESTIVAL, BUT R. ELEAZAR SON OF R. SIMEON PERMITS IT.

GEMARA. What is the reason [that one may not break Up a potsherd]? — Because he is making a [new] article.¹⁵

NOR MAY ONE RAKE OUT AN OVEN OR A POT RANGE. R. Hiyya b. Joseph recited in the presence of R. Nahman: If it is impossible to bake unless it is raked out it is permitted. A brick fell down in R. Hiyya's wife's oven on a Festival. [So] R. Hiyya said to her: Take notice that I want good bread.¹⁶ Raba said to his attendant: Roast a duck for me and mind it does not get burnt.¹⁶ Rabina said to R. Ashi: R. Aha from Huzal¹⁷ told that they pasted up the oven¹⁸ for you, Sir, on a Festival!¹⁹ He replied to him: We use²⁰ [the clay from] the bank of the Euphrates,²¹ and even then only when one had marked out [the clay] on the previous day. Said Rabina: Ashes are permitted.²²

NOR MAY ONE PLACE TWO JARS SIDE BY SIDE: Said R. Nahman: It is permissible to arrange the stones of a privy side by side on a Festival.²³ Rabbah raised an objection to R. Nahman: **ONE MAY NOT PLACE TWO JARS SIDE BY SIDE AND ON THESE SET A SAUCEPAN!** — He replied to him: It is different there, for he is making a tent.²⁴ Rabbah Zuta said to R. Ashi: Accordingly it should also be permitted to build a seat²⁵ on a Festival, since he is not making a tent! — He replied to him: There the Torah forbade a permanent building but not a temporary building, but the Rabbis forbade a temporary building on account of a permanent building; but here²⁶ the Rabbis did not enact this prohibition, for the sake of his dignity.

Rab Judah said: It is permitted [to build] a fireheap from above downwards but not from beneath upwards.²⁷

(1) Out of one wick he makes two.

(2) If the two ends of the wick are two lamps he may light it in the middle, since his purpose does not appear to be to divide it but rather to get a light.

(3) To remove any threads or fibres.

(4) To soften it.

(5) Cf. Ex. XII, 38.

(6) Deut. XIII, 18.

(7) The verse ends: as He hath sworn unto thy fathers. Now he translates the part quoted thus: and He will give thee (the spirit of) mercy — i.e., to be merciful to others. Hence, of the person who possesses that, it can be said . . . 'unto thy fathers', viz., the Patriarchs; but if one lacks it, 'Unto thy fathers' cannot be said of him, and so he must be a descendant of the mixed multitude.

(8) Job XV, 23.

- (9) Because he is distressed by vermin.
- (10) To cleanse it from vermin.
- (11) Which must not lie on the metal of the tripod, as it would be burnt.
- (12) If some of its plaster peeled and fell into it. It must not be raked out, as that would constitute the repairing of a utensil.
- (13) So that the dough which was pressed to the side of the oven (this was the ancient method of baking) should not come into contact with the old ashes or earth.
- (14) Because it looks like setting up a tripod and is in the nature of building.
- (15) The broken potsherd is now to serve as a utensil for preventing burning.
- (16) I.e., have the oven raked out.
- (17) A place between Nehardea and Sura; Obermeyer op. cit. p. 299. V. Keth., Sonc. ed. p. 716, n. 7.
- (18) I.e., they filled up the cracks in the oven making it airtight.
- (19) But surely mixing the cement for that purpose is forbidden, as a derivative of kneading. V. Shab. 73a.
- (20) Lit., 'we rely'.
- (21) The alluvial soil of the bank of the Euphrates is like clay and no further preparation is required. [R. Ashi's home was Matha Mehasia on the right bank of the Euphrates.]
- (22) To be mixed with water and used for making the oven airtight, because 'kneading' does not apply to ashes.
- (23) Two large stones were put side by side, thus forming a kind of seat.
- (24) In a technical sense.
- (25) **סבבא** is a solid seat standing on the ground. Since there is no empty space beneath its top, it does not constitute a tent.
- (26) In the case of a privy.
- (27) I.e., one may not lay two logs of wood near one another and lay a third above it, since this resembles the building of a tent. He must therefore hold up one log and lay two underneath.

Talmud - Mas. Beitzah 33a

The same is true also of an egg, a pot, a bed and a jug.¹

NOR MAY ONE PROP UP A POT WITH A WOODEN WEDGE AND LIKEWISE WITH A DOOR. Can you possibly mean WITH A DOOR?² — Say rather: And the same applies to a door.³

Our Rabbis taught: One may not prop up a pot with a wooden wedge and the same applies to a door, for wood is meant [as a rule] only for heating;⁴ but R. Simeon permits it. Nor may one drive cattle with a staff on a Festival, but R. Eleazar son of R. Simeon permits it. Shall it be said that R. Eleazar son of R. Simeon agrees with his father in rejecting [the prohibition of] mukzeh? — No; in this case even R. Simeon agrees,⁵ for it looks as though he were going to market.⁶

Bamboo-cane, R. Nahman forbids⁷ and R. Shesheth permits. When it is moist none dispute that it is forbidden;⁸ they [only] dispute when it is dry; he who forbids it says: Wood is made to serve only for kindling;⁹ he who permits it says, It is one and the same thing whether roasting with it [used as a spit] or whether roasting with its coal.¹⁰ Some say: When it is dry none dispute that it is permitted; they [only] dispute when it is moist; he who forbids [it,] it is because it is not fit for fuel,¹¹ and he who permits [it] says, It is fit for a big fire. And the law is: When it is dry it is permitted, when it is moist it is forbidden.

Raba lectured: A woman may not go into a wood-shed to fetch therefrom a brand;¹² and a log of wood that was broken [on a Festival] may not be burnt on the Festival, for one may heat with utensils but one may not heat with broken utensils. Shall it be said that Raba is of the same opinion as R. Judah who holds the rule of mukzeh? But surely Raba said to his attendant: Roast me a duck and throw its inwards to the cat!¹³ — There [it is different]; since they [the inwards] turn putrid, he had intended them [for the cat] from the day before.¹⁴ MISHNAH. R. ELIEZER SAYS: A MAN

MAY TAKE A CHIP FROM THAT WHICH IS LYING BEFORE HIM¹⁵ TO PICK HIS TEETH WITH IT, AND HE MAY COLLECT [CHIPS] FROM THE COURT YARD AND MAKE A FIRE, FOR EVERYTHING IN A COURT IS MUKAN. BUT THE SAGES SAY: HE MAY COLLECT ONLY FROM THAT WHICH IS BEFORE HIM AND MAKE A FIRE. ONE MAY NOT PRODUCE FIRE EITHER FROM WOOD,¹⁶ OR FROM STONES,¹⁷ OR FROM EARTH,¹⁸ OR FROM TILES,¹⁹ OR FROM WATER;²⁰ NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM.

GEMARA. Rab Judah said:

(1) When an egg is to be placed on a tripod for baking, the tripod must not be placed on the fire and the egg on it, but it must be held in the hand, the egg placed on it, and then the whole on the fire. — A pot was placed on two barrels with a fire burning underneath. These barrels, however, must not be placed in position first, but the pot must be held in the air and then the barrels put underneath. — Folding beds are likewise: instead of the supports being placed first and then the canvas or skin overlay, as usual, the canvas must be stretched out first and the supports fitted in to it. Finally, when barrels are being stored away, One on top of two, the top one must be held and the other two pushed under it. In each case the usual mode of setting would constitute making a tent.

(2) It was presumed that it means 'the door may not be used as a prop'.

(3) Viz., a door may not be propped up with a chip. The Mishnah therefore must be translated: And it is likewise so in the case of a door.

(4) Hence it is mukzeh in respect of any other purpose.

(5) That it is prohibited.

(6) Lit., 'to a dance', so called because of the crowds assembled at the market.

(7) To be used as a spit on a Festival, on account of mukzeh, for it was not intended before the Festival to use it as a spit.

(8) For it cannot then be used even for eating.

(9) Hence it is mukzeh in respect of any other purpose.

(10) For it is permissible to burn it and use its charcoal for roasting.

(11) Hence it cannot be handled for its natural purpose, and therefore it must not be handled for any other purpose either.

(12) To be used for a poker. For wood can only be employed for kindling and cannot be used as a utensil unless it was so intended before the Festival.

(13) Whereas according to R. Judah the inwards should be forbidden to be handled as mukzeh. Cf. supra 2a, 27b.

(14) Hence R. Judah would agree that the inwards are not mukzeh.

(15) I.e., in the house.

(16) By rubbing two sticks together, because this would be bringing into existence something which was not already made.

(17) By striking flint with steel,

(18) Sulphur or phosphorus.

(19) This clause is omitted in the Mishnayoth.

(20) By using the water in a glass as a mirror to focus the rays of the sun.

Talmud - Mas. Beitzah 33b

[The prohibition] of making a utensil does not apply to cattle fodder.¹ R. Kahana raised an objection to Rab Judah: One may carry about spice-wood for smelling or in order to fan a sick person with it; and he may rub it and smell it but he may not cut off [a piece] in order to smell it;² and if he did cut off [a piece] he is not culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he did cut off he is liable to a sin-offering!³ — He replied to him: If [the Baraitha had taught that] 'he is not culpable, yet it is forbidden', even that would contradict me; how much more so when it states 'he is liable for a sin-offering'; but that [Baraitha] was taught with respect to hard [spice-wood].⁴ But is hard [spicewood] capable of being rubbed! — There is a lacuna and must be taught as follows: 'He may rub it and smell it and he may cut off [a piece] and smell it'. This only applies to soft spice-wood, but he may not cut hard [spice-wood], and if he does cut it, he is not

culpable, although it is forbidden; he may not cut off [a piece] in order to pick his teeth, but if he does cut off he is liable to a sin-offering. One [Baraita] teaches: He may cut off [a piece] and smell it; and another [Baraita] teaches: He may not cut off in order to smell thereof? — Said R. Zera in the name of R. Hisda: There is no contradiction; one refers to soft [spice-wood]; the other, to hard. To this R. Aha b. Jacob demurred: Why [may he] not [cut off] from hard [spice-wood]?⁵ In what respect is this different from what we learnt: A man may break open a cask in order to eat of its dry figs, provided that he does not intend to make a utensil [of it].⁶ And furthermore, Raba son of R. Adda and Rabin son of R. Adda have both related: When we were staying with Rab Judah he broke a branch off⁷ and gave us each a piece of aloe-wood, although they were [so hard that they were] capable of being used as a handle for a bill or an axe!⁸ — There is no contradiction; the one is according to R. Eliezer, and the other is according to the Rabbis; for it was taught: R. Eliezer says: A man may take a chip from [wood] lying before him to pick his teeth with it, but the Sages say: He may take [it] only out of a cattle-crib;⁹ but they both agree that he may not cut off [a piece], and if he did cut off to pick his teeth or to open a door with it,¹⁰ if he did it unwittingly on a Sabbath, he is liable to a sin-offering, and if he did it deliberately on a Festival he is liable to receive forty lashes: this is the opinion of R. Eliezer. But the Sages say: Both the one and the other are forbidden only as a shebuth.¹¹ [Now] R. Eliezer¹² who says there,¹³ ‘he is liable to a sin-offering’, [will hold] here [that] he is not culpable, although it is forbidden; the Rabbis who say there, ‘he is not culpable although it is forbidden’ [maintain] here [that] it is permitted at the outset. But does not R. Eliezer accept the teaching, A man may break open a cask in order to eat of its dry figs provided that he does not intend to make a utensil? — Said R. Ashi: That was taught with respect to a barrel whose parts are stuck together with pitch.¹⁴

AND HE MAY COLLECT FROM THE COURT: Our Rabbis taught: He may collect from the court and make a fire, for every thing in the court is mukan, provided that he does not make many heaps; but R. Simeon permits [even this]. In what do they differ? — One is of the opinion: It looks as though he were gathering for the morrow and the day after;¹⁵ and the other is of the opinion: His pot bears testimony for him.¹⁶

ONE MAY NOT PRODUCE FIRE. What is the reason? Because he is creating [something new] on a Festival.

NOR MAY ONE MAKE TILES RED-HOT. What does he do?¹⁷ — Said Rabbah b. Bar Hana in the name of R. Johanan: We are dealing here with new bricks [and the prohibition is] because

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- (1) I.e., straw or stubble and the like may be used as a tooth-pick.
 - (2) By cutting off a piece, he produces a new surface which yields greater fragrance.
 - (3) Although some spice-wood can be used as fodder. This contradicts Rab Judah.
 - (4) Which is unfit for fodder. Hence it does not contradict me at all.
 - (5) In order to smell. Did then the Rabbis preventively forbid it lest he might cut it off as a utensil?
 - (6) I.e., he must not break open the bung in such a way as to make a permanent mouth. This we see that no such preventative decree exists.
 - (7) On a Sabbath in order to smell thereof. The branch was, of course, detached.
 - (8) Cf. Shab. 146a.
 - (9) Since it is definitely food, it can therefore be used for any purpose.
 - (10) I. e. , to use it as a latch.
 - (11) V. Glos.
 - (12) The explanation of there being no contradiction is now continued.
 - (13) With respect to cutting spice-wood.
 - (14) Therefore it cannot afterwards again be used as a vessel. Cf. Jast. s.v. **מוסתקי**
 - (15) Which is certainly forbidden.
 - (16) I.e., it is quite obvious that he wants the fuel for the Festival.

(17) What forbidden action is there in this?

Talmud - Mas. Beitzah 34a

he has yet to examine them.¹ Others explain it: Because he has yet to harden them.² We have learnt elsewhere:³ If one trod upon it [poultry] or knocked it against a wall, or if cattle trampled over it and it still moves convulsively and continues alive for a full day of twenty-four hours, and he then slaughters it, it is ritually fit. Said R. Eleazar b. Jannai in the name of R. Eleazar b. Antigonus: It still has to be examined.⁴ R. Jeremiah asked of R. Zera: May one slaughter it on a Festival? Should we assume an unsoundness On a Festival⁵ or not? He replied to him: We have learnt it: **NOR MAY ONE MAKE TILES RED-HOT IN ORDER TO ROAST ON THEM**; and we raised the point: What does he do? And Rabbah b. Bar Hana in the name of R. Johanan said: We are dealing here with new bricks [and they must not be heated] because he has yet to examine them.⁶ He said to him: We teach: Because he has yet to harden them.⁷ It was taught: If one brings the fire [on a Sabbath] and another brings the wood and another puts the pot on the fire and another brings the water and another puts in the seasoning and another stirs, they are all liable.⁸ But surely it was taught: The last one is liable and the rest are exempt! — There is no contradiction. The one speaks of a case where the fire was brought first; and the other, where the fire was brought last.⁹ As for all the others, it is well, for they perform an action;¹⁰ but he who puts the pot on the fire, what does he do?¹¹ — Said R. Simeon b. Lakish: We treat here of a new pot and they applied here the prohibition of making tiles red-hot. Our Rabbis taught: A new oven and a new pot range are like all other utensils which may be carried about in a court; but one may not smear them with oil or polish them with a rug or cool them with cold water in order to harden them; but if [it is done] for the purpose of baking,¹² it is permitted.

Our Rabbis taught: One may scald the head and the feet [of a fowl or animal] or singe them with fire; but one may not cover them, with potter's clay or with earth or with lime,¹³ nor may one cut off [their hair] with scissors; and one may not cut round vegetables with their [garden] shears,¹⁴ but one may trim the artichoke and the cardoon;¹⁵ one may heat and bake in a large oven¹⁶ and one may warm up water in an antiki¹⁷ vessel; but one may not bake in a new large oven lest it crack¹⁸.

Our Rabbis taught: One may not blow up [the fire] with bellows [on a Festival] but one may blow it up with a tube [reed]; one may not condition a spit nor may one sharpen it.

Our Rabbis taught: One may not split a reed in order to roast a salt fish thereon, but one may crack a nut in a rag and we do not apprehend lest it be torn.¹⁹

MISHNAH. R. ELIEZER FURTHER²⁰ SAID: A MAN MAY STAND NEAR HIS DRYING FIGS²¹

(1) Whether they can stand burning, for if they crack they cannot be used and all his labour has been in vain.

(2) By burning; hence when he makes them red-hot he completes their manufacture, and this may not be done on Festival.

(3) Hul. 57a and 57b.

(4) Whether the injury did not make it trefa.

(5) I.e., on account of its stringency and therefore not kill it.

(6) To see if they crack. Hence we see that we do assume an unsoundness on account of the stringency of the Festival.

(7) So that this has no bearing on our problem.

(8) For various breaches of the Sabbath.

(9) In the former case all are liable, for all have committed a breach of the Sabbath; in the latter only the last person performed a culpable act.

(10) As one carries the fire he creates a draught which fans it into a stronger blaze; hence his action technically constitutes kindling. Similarly, he who adds fuel. Pouring in the water and the condiments and stirring all constitute

cooking.

(11) He puts it on empty; hence he does not cook at all.

(12) That the bread should not burn.

(13) In order to remove the hair.

(14) The shears with which they are cut from the soil. The prohibition is because one might suspect that the person had only on that day cut them from the ground.

(15) These plants require a good deal of care in their preparation.

(16) Though it involves much labour.

(17) [אַנְטִיכִי A water-heating vessel with a fuel compartment (v. Shab. 41a). Though it retains its heat for a long time, extending even beyond the needs of the Festival day on which it is heated, it is nevertheless permitted, v. R. Nissim. The derivation of the word is obscure. Krauss TA, I, p. 73 connects it with Grk, GR. ** v. op. cit. p. 411.]

(18) And the whole labour will be in vain. Unnecessary labour is forbidden on a Festival.

(19) For even if it does get torn it is of no consequence, for one is liable only if the tearing is for the purpose of sewing it up again.

(20) Cf. supra p. 33a.

(21) Heb. mukzeh. Which require designation for the Sabbath.

Talmud - Mas. Beitzah 34b

ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR¹ AND SAY: FROM THIS PART WILL I EAT TO-MORROW.² BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS, 'FROM HERE UNTO THERE.'

GEMARA. We have learnt elsewhere.³ If children put away figs⁴ [in the field] on the eve of Sabbath [for the Sabbath] and they forgot and did not tithe them, [before the Sabbath], they may not be eaten after the Sabbath until they have been tithed.⁵ And we have also learnt:⁶ If one was carrying figs through his court for drying,⁷ his children and the members of his household may make a light meal of them and are exempt [from tithes].⁸ Raba asked R. Nahman: Does the Sabbath establish a liability to tithes in the case of drying figs,⁹ seeing that they were not completely ready [for eating]?¹⁰ Do we say, Since it is written, And [thou shalt] call the Sabbath a delight,¹¹ it [the Sabbath] establishes a liability even where the commodity is not completely ready [for tithing], or perhaps it [the Sabbath] establishes liability only where the commodity is completely ready [for tithing], but not where the commodity is not yet completely ready? — He replied to him: The Sabbath establishes liability whether the commodity is completely ready [for tithing] or not. He said to him: Say [perhaps] that the Sabbath is like a court? Just as a court establishes liability only where the commodity is completely ready [for tithing],¹² so also the Sabbath does not establish liability save where the commodity is completely ready? — He replied to him: We have a distinct teaching that the Sabbath establishes liability both where the commodity is completely ready and where the commodity is not completely ready [for tithing]. Mar Zutra son of R. Nahman said: We have likewise learnt: R. Eliezer further said: A MAN MAY STAND NEAR HIS DRYING FIGS ON THE EVE OF A SABBATH IN THE SABBATICAL YEAR etc.: Thus it is only in the Sabbatical year, when it is free from tithe; but in the other years of the septennate it would be forbidden;¹³ [and] for what reason? Is it not because the Sabbath establishes liability! — No, there it is different; since he says, FROM THIS PART WILL I EAT TO-MORROW, he established liability for himself.¹⁴ If so, why particularly the Sabbath; this holds good even on a weekday? — This is what he informs us, [namely] that tebel¹⁵ is regarded as mukan

(1) V. Lev. XXV, 1-7. In the Sabbatical year fruit is tithe-free.

(2) Such designation is sufficient for he holds the rule of retrospective selection, i.e., a selection made subsequently is of legal effect retrospectively, as though it were made earlier—here, as though he expressly designated the particular figs to-morrow.

(3) Ma'as. IV, 2.

- (4) Which were ready for eating and therefore liable for tithing.
- (5) Although a light meal of untithed fruit is permitted before it has been brought into the house or the court (v. B.M. 88a), appointing these figs for the Sabbath marks the end of their ingathering and they become liable to tithe.
- (6) Ma'as. III, 1.
- (7) The preparation of which is not yet complete.
- (8) Although they have been brought into the court.
- (9) Heb. mukzeh.
- (10) Lit., 'its work (of storing) is not finished'. This clause is explanatory of the word mukzeh, Rashi.
- (11) Isa. LVIII, 13.
- (12) Cf. Mishnah, Ma'as. III, I cited supra.
- (13) To eat the fruit without tithing.
- (14) For he has shown that as far as he is concerned its preparation is completed and it is now quite ready for eating.
- (15) V. Glos.

Talmud - Mas. Beitzah 35a

with respect to Sabbath, so that if one transgressed and tithed it, it is fit for use.¹ But is not the remainder put back; and we know R. Eliezer to hold that whenever the remainder can be put back, it does not establish liability?² For we have learnt: If one took olives out of the vat he may dip them in salt one at a time and eat them [untithed]; but if he dipped ten³ [in salt] and placed them before him he is liable.⁴ R. Eliezer says: [If he takes them] from a clean vat he is liable; from an unclean vat, he is exempt, because he can put back what remains over.⁵ And we argued on this: What is the difference between the first clause and the last clause?⁶ And R. Abbahu answered: The first clause treats of a clean vat and an unclean person, so that he cannot put the remainder back;⁷ the last clause treats of an unclean vat and an unclean person, so that he can put it back! — Our Mishnah too treats of clean drying figs and an unclean person who cannot put it back. But surely they are de facto put back?⁸ — Rather said R. Simi b. Ashi:⁹ You speak of R. Eliezer? R. Eliezer follows his opinion [expressed elsewhere]; for he says that [separating] terumah¹⁰ establishes liability, how much more so the Sabbath.¹¹ For we have learnt: If terumah had been separated from fruits before they were completely ready [for tithing],¹² R. Eliezer forbids a light meal to be made of it, but the Sages permit.¹³

Come and hear [a support] from the second clause: BUT THE SAGES SAY: ONLY IF HE MARKS IT OUT AND SAYS: FROM HERE UNTO THERE. Thus it is only on the eve of a Sabbath in the Sabbatical year, when it is free from tithe; but in other years of the septennate, it would be forbidden. What is the reason? Surely because the Sabbath establishes liability? — No, there it is different; since he says, FROM HERE UNTO THERE WILL I EAT TOMORROW, he made it liable for tithing. If so, why particularly of Sabbath: this holds good even on a weekday? This is what he informs us, [namely] that tebel is mukhan with respect to Sabbath, so that if one transgressed and separated the tithe, it is fit for use. But the following contradicts this: If one was eating a cluster of grapes¹⁴ and entered from the garden into the court,¹⁵ R. Eliezer says: He may finish [eating it without tithing], [but] R. Joshua maintains: He may not finish. If it was getting dark towards the Sabbath,¹⁶ R. Eliezer says: He may finish [eating the cluster of grapes], [but] R. Joshua maintains: He may not finish.¹⁷ — There [it is different] as the passage is explained:¹⁸ R. Nathan says: When R. Eliezer said, 'He may finish', he did not mean that he may finish [eating it] in the court, but he must leave the court and finish [it in his garden]; and when R. Eliezer said, 'He may finish', he did not [mean] that he may finish [it] on the Sabbath, but he waits until the termination of the Sabbath and finishes [it]. When Rabin came [from Palestine], he said in the name of R. Johanan: Neither the Sabbath nor [the separating of] terumah nor [bringing the fruit into the] court, nor [the act of] purchasing establish liability save where it was [otherwise] completely ready [for tithing]. 'The Sabbath', to reject the opinion of Hillel; for it was taught: if one carries fruit from one place to another¹⁹ and the holiness of the [Sabbath] day came upon him, said R. Judah: Hillel alone forbids

- (1) On the Sabbath, for the designation of the day before is valid; and the tithing too is valid, since the prohibition of the tithing on a Sabbath is only Rabbinical.
- (2) How much more so is it not liable for tithing when he merely said, 'From here will I eat to-morrow'.
- (3) 'Ten' is absent in the Mishnayoth: it thus means, if he dipped a fair number, etc.
- (4) By thus placing them all in front of him and not eating each as he dips it into the salt, he shows that he wishes to make a proper meal of them, not a mere snack, and a proper meal is forbidden before tithing.
- (5) Ma'as. IV, 3. When he can put the remainder back, even if he takes many he does not mean to make a proper meal, as he may eat a few only; hence he is not liable. But when he cannot put the remainder back, and he takes a number, he evidently intends to eat them all now, and this intention establishes liability to tithes because it will constitute a full and proper meal.
- (6) Even in a clean vat one can put back the fruit left over.
- (7) Because he renders what he touches unclean, and so this in turn will defile the olives in the vat if he puts it back.
- (8) Since they have never been taken out; he merely designated them by word of mouth.
- (9) In truth it is not his speech but the Sabbath that establishes liability; nevertheless our Mishnah does not support R. Nahman, because it only quotes the view of R. Eliezer, but the Sages differ.
- (10) V. Glos.
- (11) But the Sages who differ with respect to terumah differ also with respect to Sabbath.
- (12) I.e., before their preparation was complete and therefore not yet liable to tithe.
- (13) Ma'as. II, 4. — R. Eliezer holds that the separating of terumah though it was as yet unnecessary, has established a liability to tithes too, though it is not yet completely ready. But the Sages dispute this.
- (14) The grapes are tithe-free until they are brought within the owner's court. When yet in the vineyard, the owner may eat of them a slender meal, for their preparation for tithing is regarded complete only when made into wine.
- (15) Which makes the grapes liable to tithe, without which even a light meal is now forbidden.
- (16) When it is forbidden to tithe. — This is a separate case and does not refer to when he entered the court.
- (17) Ter. VIII, 3. Hence it is to be inferred that R. Eliezer does not hold that the Sabbath establishes liability for tithing.
- (18) In Tosef. Ter. VII.
- (19) This follows the text of the Tosefta, which is preferable to that of our edd. [The Fruit was evidently taken for drying; v. Wilna Gaon Ma'as. III and cf. R. Hananel a.l. Assuming that לקצור 'to harvest' in cur. edd. is a scribal error for לקצות 'to dry', the reading of cur. edd. yields equally good sense.]
- (20) But all the other scholars allow.

Talmud - Mas. Beitzah 35b

'Court', to reject the opinion of R. Jacob, for we have learnt: If one was carrying figs into his court for drying, his children and the members of his household may eat of them a light meal and are exempt [from tithes]; and with respect to this, it was taught: R. Jacob makes him liable for tithing and R. Jose son of R. Judah exempts [him].

'Terumah', to reject the opinion of R. Eliezer; for we have learnt: If one separated terumah from fruits before they were completely ready [for tithing] R. Eliezer forbids a light meal to be made of it, but the Sages permit.¹

'Purchasing', as it was taught: If one bought figs from an 'am ha-arez² in a district where the majority of the people press [them], he may eat thereof a light meal and he tithes them as demai.³ Infer from this three things; infer from this [that] 'purchasing' establishes liability only where it was completely ready [for tithing]; infer from this also [that] the majority of the 'amme ha-arez do tithe [their produce]; and [further] infer from this [that] one should tithe the demai of an 'am ha-arez even of a commodity whose preparation has not yet been completed. And it⁴ is to reject that which we have learnt: If one exchanges fruit with his neighbour, the one intending to eat them [as they are] and the other intending to eat them, or the one intending to dry them and the other intending to dry them,

or the one intending to eat them and the other intending to dry them, they are both liable.⁵ R. Judah says: He who intends eating it is liable,⁶ but he who intends drying it is exempt.⁷

CHAPTER V

MISHNAH. ONE MAY LET DOWN FRUIT⁸ THROUGH A TRAP-DOOR ON A FESTIVAL BUT NOT ON A SABBATH, AND COVER UP FRUIT WITH VESSELS ON ACCOUNT OF THE RAIN; AND LIKEWISE JARS OF WINE AND JARS OF OIL; AND [EVEN] ON A SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN.

GEMARA. It was stated: Rab Judah and R. Nathan [dispute]; one recites MASHILLIN⁹ and the other teaches MASHHILLIN. Said Mar Zutra: The one that recites MASHILLIN does not teach wrongly and the other who recites MASHHILLIN does not teach wrongly. The one that recites MASHILLIN does not teach wrongly for it is written, For thine olives shall drop off, [yishshal];¹⁰ and the other who recites MASHHILLIN does not teach wrongly for we have learnt: [If the firstling is a] shahol or a kasol [it may be slaughtered]; ‘shahol’ [means an animal] whose hip has become dislocated¹¹ and ‘kasol’ [means an animal] one of whose hips is higher than the other.¹² R. Nahman b. Isaac said: The One that recites MASHIRIN does not teach wrongly and the one that recites MASHHIRIN does not teach wrongly, and the one that recites MANSHIRIN does not teach wrongly. The one that recites MASHIRIN does not teach wrongly, for we have learnt: R. Ishmael says: A Nazirite may not shampoo his head with clay because it makes the hair fall out [mashir];¹³ and the one that recites MASHHIRIN does not teach wrongly, for we have learnt: The hair-clip [shahor] and the barber's scissors are susceptible to defilement even though they [the two parts] are separated;¹⁴ and the one that recites MANSHIRIN does not teach wrongly, for we have learnt: If one's clothes fell [nashru] in the water [on a Sabbath], he may walk in them without fear.¹⁵ Alternatively, from the following teaching: What is leket?¹⁶ That which was let fall [nashar] at the time of harvesting.¹⁷ We have learnt: YOU MAY LET DOWN FRUIT THROUGH A TRAPDOOR ON A FESTIVAL? How much?¹⁸ — Said R. Zera in the name of R. Assi — some say, R. Assi said in the name of R. Johanan: Like that which we have learnt: One may clear away [on Sabbath as much as] four or five bundles of straw or grain¹⁹ on account of guests or to avoid disturbance of study.²⁰ But perhaps it is different there where study would [otherwise] be disturbed, but here where there is no disturbance of study it is not so!²¹ Or perhaps there [as many as] four or five bundles are allowed [to be cleared away] because the Sabbath is stringent and [people] will not come to treat it lightly, but on a Festival, which is less stringent and people might come to treat it lightly, he may not [move any at all]! Or [argue] in the reverse: There [only four or five are allowed] because no monetary loss is involved, but here where monetary loss is involved²² even more is allowed!

(1) V. supra 35a.

(2) The name given to an illiterate peasant who is under suspicion of not giving tithes from his produce. V. Glos.

(3) ‘Suspect produce’, i.e. produce regarding which it is not known whether the prescribed tithes have been duly set apart by the vendor before selling.

(4) The statement of Rabin in the name of R. Johanan above.

(5) For exchange is a purchase, and this Tanna holds that purchase establishes liability even when the commodity is not completely ready.

(6) For it is ready as far as he is concerned.

(7) For it is not ready for him, and R. Judah holds that purchase itself does not establish liability.

(8) Spread out on the roof for drying.

(9) This and all the following verbs have the significance of letting down.

(10) Deut. XXVIII, 40. Mashillin is from the same root (nashal).

(11) I.e., dropped, and mashhillin therefore has the same sense.

(12) Bek. 40a.

(13) Naz. 42a. V. also Num. VI, 5.

- (14) Because each part can be used separately as an instrument for cutting. Kel. XIII, 1. Thus 'shahor' has the sense 'to cause to fall'.
- (15) That he may be suspected of having washed them on the Sabbath. Shab. 147a.
- (16) Which belongs to the poor.
- (17) Pe'ah. IV, 10.
- (18) May he clear away that it should not be regarded as extra work?
- (19) But no more.
- (20) I.e., if one needs the space for guests or disciples. Shab. 126b. Lit., 'the disturbance of the House of learning'.
- (21) I.e., he may not take as many as four or five.
- (22) The rain would spoil the fruit.

Talmud - Mas. Beitzah 36a

[Moreover] we have learnt there:¹ But [one may] not [clear away] the store-house; and Samuel said: What means 'but [one may] not [clear away] the storehouse'? [It means,] But one may not clear away the entire store² lest he come to level out hollows.³ Now what is the law here?⁴ [Do I say that] it is forbidden there, on the Sabbath, because it is stringent, but on a Festival which is less stringent it is permitted; or perhaps [I can argue], if there where there is disturbance of study, you say that it is forbidden, here where there is no disturbance of study how much the more? [Furthermore] we have learnt here: ONE MAY LET DOWN FRUIT THROUGH A TRAP-DOOR ON A FESTIVAL; and R. Nahman said: They taught this only with respect to the same roof, but not from one roof to another. And it was likewise taught: One may not move [things] from one roof to another even when the roofs are level with each other.⁵ Now how is it there [on the Sabbath]?⁶ [Do I say that] here only it is forbidden, because a Festival is less stringent and [people] might come to treat it lightly, but on a Sabbath which is stringent and [people] will not come to treat it lightly, it is allowed; or perhaps [I can argue], if here, where loss of fruit is involved, you say that it is not [permitted] there, where no damage of fruit is involved, how much the more? [Again] it was taught here:⁷ He may not let them [the bundles] down through windows with ropes, nor may he bring them, down by means of ladders. How is it there?⁸ [Do I say that] only here, on a Festival it is forbidden, because no disturbance of study is involved, but [there] on the Sabbath, where there is a disturbance of study, it is allowed: or perhaps [I can argue], if here where damage of fruit is involved, you say that it is forbidden, there where no damage of fruit is involved, how much the more? The questions remain undecided.

AND ONE MAY COVER UP FRUIT. 'Ulla said: Even a stack of loose bricks.⁹ R. Isaac said: [Only] fruits which are useable [may be covered]. And R. Isaac follows his opinion [expressed elsewhere]; for R. Isaac said: A utensil may be handled [on Sabbath] only for the benefit of a thing which itself may be handled on the Sabbath.¹⁰

We have learnt: ONE MAY COVER UP FRUIT WITH VESSELS; only fruit but not a stack of loose bricks! — The same is true even of a stack of loose bricks; but because he teaches in the first part [of the Mishnah], ONE MAY LET DOWN FRUIT,¹¹ he teaches also in the concluding part, ONE MAY COVER UP FRUIT.

We have learnt: AND LIKEWISE JARS OF WINE AND JARS OF OIL!¹² — We are dealing here with tebel.¹³ This too is logical: for if you maintain [that we are dealing with] jars of wine and oil which are permitted, surely this he already teaches in the first clause, viz., FRUITS!¹⁴ — It is especially necessary to teach this with respect to jars of wine and oil; for I might have thought that the Rabbis took into consideration only a great loss,¹⁵ but a small loss they did not take into consideration, so he informs us [that it is not so].

We have learnt: ON A SABBATH YOU MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN!¹⁶ — [It deals here] with respect to rain fit for use.¹⁷ Come and hear: One may spread a mat

over bricks on a Sabbath!¹⁸ — [It treats of bricks] that were left over from a building and which are fit to sit on.

Come and hear: You may spread a mat over stones on a Sabbath!¹⁹ — [It treats] of smoothly pointed stones which are fit for a privy.

Come and hear: One may spread a mat over a beehive on a Sabbath,²⁰ in sunny weather on account of the sun and in rainy weather on account of the rain, provided that he does not intend to capture [the bees]! — There likewise [it treats of a case] where it contains honey.²¹ R. Ukba of Meshan²² said to R. Ashi: This is well in summer when there is honey [in the hive], but in winter how is it to be explained? — It is especially necessary to teach this with respect to the two honeycombs.²³ But these two honeycombs are mukzeh!²⁴ — We deal here with a case where he reserved them [for his use]. But what if he did not reserve them for his use? [It is] forbidden! Then instead of teaching, 'provided that he does not intend to capture [the bees]', he should teach a distinction with respect to [the first case] itself,²⁵ [viz.], This applies only when he has reserved them for his use, but if he did not reserve them for his use it is forbidden? — This is what he means to say; even though he has reserved them, [for his use he may cover them with a mat] provided always that he does not intend to capture [the bees]. How have you explained it:²⁶ according to R. Judah who holds the law of mukzeh?²⁷ But say the concluding part: provided that he does not intend to capture [the bees]: this is in accordance with R. Simeon, who says, An unintentional act is permitted!²⁸ — Do you then think [the concluding clause] is according to R. Simeon? Surely Abaye and Raba both said: R. Simeon agrees [that it is forbidden] in the case of 'Cut off his head but let him not die'.²⁹ — In point of fact, the whole [Mishnah there] is according to R. Judah, and we are dealing here with a case where it [the beehive] has a little window;³⁰ and do not say, according to R. Judah provided that he does not intend to capture [the bees]

(1) Shab. 126b.

(2) I.e. if the store contained only four or five bundles he may not remove them all and thus clear the Boor.

(3) Found in the floor of the barn.

(4) May one clear away the entire barn on a Festival?

(5) When no extra labour in lifting is incurred.

(6) For the sake of guests or the study of the Law?

(7) With respect to clearing bundles on a Festival.

(8) On the Sabbath, may one remove for the sake of guests or the study of the Law?

(9) May be covered up, even though the bricks themselves may not be moved.

(10) Since the bricks may not be handled, nothing else (e.g., a tarpaulin) may be handled to cover them.

(11) I.e. only that which is fit for use on the Sabbath or Festival and hence may be handled.

(12) Implying, but not bricks.

(13) Which, like the bricks, are not useable on a Festival and therefore may not be moved, yet they may be covered. Hence bricks are the same.

(14) For obviously they are alike.

(15) The rain can cause greater damage to fruit than to the jars of wine or oil.

(16) The rain-drops are likewise not useable, and therefore may not be handled, and yet a vessel may be handled for receiving them.

(17) I.e., ordinary rainwater which can be used for watering cattle.

(18) To protect them from rain, although the bricks are for building purposes and may not be moved; cf. Shab. 43a.

(19) Shab. 43a, — it is assumed that these too are not fit for use and therefore may not be handled.

(20) To protect it from the rain, although the beehive itself may not be moved.

(21) And the mat is to protect the honey, which may be handled.

(22) Mesene, a district south-east of Babylon, on the path of the trade route to the Persian Gulf. V. Obermeyer, p. 89ff; B.K., Sonc. ed. p. 566, n. 5.

(23) Which are left behind as food for the bees, v. B.B. 80a.

(24) For they are reserved for the bees, and may not be moved.

(25) When he covered it solely to protect it from the rain.

(26) This law about covering a beehive?

(27) For otherwise you could have answered that it agrees with R. Simeon, who rejects the law of mukzeh.

(28) Provided that the act he is doing is permitted, he is not made to refrain because he may unintentionally also do something forbidden. V. Shab. 50b. Whereas R. Judah is of the opinion that all unintentional act is prohibited.

(29) This is an idiom describing the inevitable result of an unintentional act; i.e., where an unintentional act must inevitably result in a forbidden act, R. Simeon agrees that it is forbidden. Here too, he inevitably captures the bees, so that even R. Simeon should forbid it. V. Keth., Sonc. ed. p. 20, n. 8.

(30) Through which the bees can escape.

Talmud - Mas. Beitzah 36b

but say rather, provided that he does not make it [the beehive] a trap.¹ [But] this is obvious! — You might say [that] catching is forbidden only in respect of a kind of creature which one usually catches, but with respect to the sort which one does not usually catch,² it is permitted; so he informs us [that it is not so]. R. Ashi says:³ Does he then teach ‘in summer and in winter’? He teaches ‘in sunny weather on account of the sun and in rainy weather on account of the rain’, [i.e.,] in the days of Nisan and in the days of Tishri⁴ when there is both sun and rain as well as honey present.

ON SABBATH ONE MAY PLACE A VESSEL BENEATH THE DROPS OF RAIN. It was taught: If the vessel became full, he may keep on pouring it out as it fills and put it back again without restraint. In the mill-room of Abaye rain trickled through.⁵ He came before Rabbah who said to him: Go, bring in your bed there, so that it [the mill] may be regarded by you like a commode⁶ and [so] take it out. Abaye sat and put himself the question: May then one make of anything a commode at the outset?⁷ In the meantime Abaye's mill fell to pieces. He said: I well deserve it, for I have transgressed the words of my Master.⁸ Samuel said. The commode and the chamber-pot may be taken out to the dung-heap [for emptying], and when he brings them back, he is to pour water therein and [then] take them back.⁹ From this they [the disciples] concluded that one may carry out [the contents of] the commode by means of the vessel but not the ordure itself;¹⁰ [but] come and hear [to the contrary]: Once a mouse was found in a scent-box belonging to R. Ashi. R. Ashi said to them: Take it by the tail and bring it out.¹¹

MISHNAH. EVERY [ACT] THAT IS CULPABLE¹² ON A SABBATH AS A SHEBUTH,¹³ [OR] AN OPTIONAL ACT [RESHUTH], [OR] A RELIGIOUS ACT,¹⁴ IS ALSO CULPABLE ON A FESTIVAL. THE FOLLOWING ACTS ARE CULPABLE AS A SHEBUTH: ONE MAY NOT CLIMB A TREE, NOR RIDE A BEAST, NOR SWIM IN WATER, NOR CLAP THE HANDS, NOR SLAP [THE THIGHS], NOR DANCE. THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE,¹⁵ NOR BETROTH A WIFE, NOR PERFORM HALIZAH,¹⁶ NOR PERFORM YIBBUM [CONSUMATE A LEVIRATE MARRIAGE].¹⁷ THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE [ANYTHING TO THE TEMPLE], NOR VOW A PERSONAL VALUATION,¹⁸ NOR MAKE A VOW OF HEREM,¹⁹ NOR SET ASIDE TERUMAH OR TITHES. ALL THESE THINGS THEY [THE RABBIS] PRESCRIBED [AS CULPABLE] ON A FESTIVAL, HOW MUCH MORE [ARE THEY CULPABLE] ON SABBATH. THE FESTIVAL, DIFFERS FROM THE SABBATH ONLY IN RESPECT OF THE PREPARATION OF FOOD ALONE.

GEMARA. ONE MAY NOT CLIMB A TREE; it is a preventive measure lest he pluck [fruit]. NOR RIDE A BEAST; it is a Preventive measure lest he might go without the tehum.²⁰ Then this proves that the law of tehum is Biblical?²¹ — Rather say, it is a preventive measure lest he cut off a switch.²²

NOR SWIM IN WATER; it is a preventive measure lest he might make a swimming bladder.

NOR CLAP THE HANDS, NOR SLAP THE THIGHS, NOR DANCE; it is a preventive measure lest he might repair musical instruments.

THE FOLLOWING ARE CULPABLE AS OPTIONAL SECULAR ACTS: ONE MAY NOT JUDGE: But is he not discharging a religious act?²³ — This holds good only where a more capable person is available.²⁴

NOR BETROTH A WIFE. Is he not discharging a religious obligation?²⁵ — It treats of one

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- (1) By closing also the small aperture.
 - (2) Bees, as a rule, are not caught with a net.
 - (3) The text treats of a case, as previously explained, when there is honey in the hive; and as for the question, In winter there is no honey!
 - (4) Nisan is the first and Tishri the seventh month of the Jewish Calendar, corresponding to the months of March and September respectively.
 - (5) The placing of vessels to catch the dripping rain would itself be insufficient to save the mill from damage, unless it were itself removed.
 - (6) The mill was of clay and the rain would make it dirty and foul.
 - (7) V. supra 21b.
 - (8) By questioning his advice.
 - (9) Since the vessel itself is considered mukzeh on account of its filthiness and may not be carried about.
 - (10) I.e., to take out the ordure by itself or anything filthy and obnoxious is forbidden.
 - (11) Showing that it is the unclean thing itself that can be removed.
 - (12) According to Rabbinical enactment.
 - (13) V. Glos. The term is generally applied to an action which while not belonging to the category of forbidden labours (V. Shab. 73a) or their derivatives, was nevertheless forbidden either because it might lead to one of these or because it did not harmonize with the general spirit of the Sabbath.
 - (14) I.e., actions which are normally secular and optional or even in the nature of religious observances, but which are nevertheless forbidden on the Sabbath.
 - (15) In a lawsuit.
 - (16) V. Deut. XXV, 9, and Glos. s.v.
 - (17) The marriage with the wife of a deceased brother. V. Deut. XXV, 5-7.
 - (18) V. Lev. XXVII, 1-8.
 - (19) I.e., devote anything to the Lord; V. Lev. XXVII, 28.
 - (20) V. Glos.
 - (21) For it is a general rule that a preventive measure is enacted to safeguard a Biblical law only, but not a Rabbinical one. But actually there is a controversy whether the law of tehum is Biblical or only Rabbinical, v. 'Er. 35.
 - (22) To use as a whip. Cutting off anything that is growing is certainly prohibited by Biblical law.
 - (23) To judge is a meritorious deed — hence it should be included in the third category.
 - (24) So that as far as this person is concerned it is an optional act, though judging in general ranks as a religious obligation.
 - (25) V. Gen. I, 28.

Talmud - Mas. Beitzah 37a

who [already] has a wife and children.¹

NOR PERFORM HALIZAH, NOR PERFORM YIBBUM. Is he not performing a religious act? — It treats of a case where there is an elder [brother] and it is a [prior] obligation for the elder [brother] to consummate a levirate marriage. And on account of what are all these [forbidden]? — It

is a preventive measure lest he write.²

THE FOLLOWING ARE CULPABLE AS RELIGIOUS ACTS: ONE MAY NOT DEDICATE, NOR VOW A PERSONAL VALUATION, NOR MAKE A VOW OF HEREM; [they are forbidden] as preventive measures lest one transact business.³

NOR SET ASIDE TERUMAH OR TITHES. This is obvious!⁴ R. Joseph taught: It is necessary [to teach this] even in the case of giving them to the priest on the same day [of the Festival].⁵ This, however, applies only to produce which was tebel⁶ since the day before; but with respect to produce which is only just now become tebel, as for example to set aside hallah from dough, he may set them [tithes] aside and give them to the priest. Are then these acts⁷ culpable only as reshuth and not as shebuth?⁸ And are those acts⁹ culpable only as religious acts and not as shebuth? Said R. Isaac: He proceeds to a climax;¹⁰ not only is an act which is purely a shebuth¹¹ forbidden, but even a shebuth which partakes of an optional [meritorious] act¹² is also forbidden; and not only is a shebuth partaking of an optional [meritorious] act forbidden, but even a shebuth partaking of a religious obligation¹³ is also forbidden.

ALL THESE THINGS THEY FORBADE ON A FESTIVAL [etc.]. But the following contradicts this. One may let down fruit through a trap-door on a Festival but not on a Sabbath!¹⁴ — Said R. Joseph: There is no contradiction: the one¹⁵ is according to R. Eliezer, the other is according to R. Joshua. For it was taught: If it [an animal] and its young fell into a pit,¹⁶ R. Eliezer says: He may bring up one of them in order to slaughter it and must slaughter it; and as for the other, he feeds it in the very place [it fell], so that it should not die. R. Joshua says: He brings up one in order to slaughter it but does not slaughter it, and he uses subtlety¹⁷ and again brings up the second [animal]; and he may slaughter whichever he desires.¹⁸ Abaye said to him: Whence [do you know that it is so]? Perhaps R. Eliezer said so only there where one can feed the animal,¹⁹ but not here where no feeding is possible.²⁰ Or [perhaps] R. Joshua ruled thus only there, where one can make use of subtlety, but not here where it is not possible to make use of subtlety?²¹ — Rather said R. Papa: There is no contradiction: the one²² is according to Beth Shammai, the other is according to Beth Hillel. For we have learnt: Beth Shammai say: One may not carry out an infant or a lulab or a Scroll of the Law into public ground; but Beth Hillel permit it.²³ But perhaps it is not so! [Perhaps] Beth Shammai ruled thus only there, with respect to carrying out, but not with respect to handling?²⁴ — Is not handling needed for carrying out?²⁵

MISHNAH. CATTLE AND UTENSILS ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE OWNERS.²⁶ IF ONE GIVES HIS COW OVER TO HIS SON OR TO A HERDSMAN [TO TEND], THEY²⁷ ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OR THE OWNER. [ANY] UTENSILS WHICH HAVE BEEN SET APART FOR [THE USE OR] ONE OF THE BRETHREN IN A HOUSE, ARE [RESTRICTED TO THE SAME LIMITS] AS HIS FEET; BUT [THOSE UTENSILS] WHICH HAVE NOT BEEN SO SET APART, CAN BE TAKEN [ONLY] WHERE [ALL THE BRETHREN] MAY GO.²⁸ IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF A FESTIVAL, [IT IS RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THE BORROWER; [BUT IF HE BORROWED IT] ON THE FESTIVAL, IT IS AS THE FEET OR THE LENDER. LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR CONDIMENTS, WATER OR SALT FOR HER DOUGH, THESE ARE [RESTRICTED TO THE SAME LIMITS] AS THE FEET OF THEM BOTH.²⁹ R. JUDAH EXEMPTS IN THE CASE OF WATER,³⁰ BECAUSE IT IS NOT SUBSTANTIAL.³¹

GEMARA. Our Mishnah

(1) V. Mishnah. Yeb. 61b.

- (2) The betrothal or marriage contracts.
- (3) Since these partake somewhat of that nature.
- (4) [It is not quite obvious, and Rashi seems to omit the question as well as 'It is necessary' in the reply, reading, 'R. Joseph taught: Even in the case etc.'. V. D.S. a.l.]
- (5) Although it is not then evident that the setting aside of the tithes was for his own benefit; rather has it the appearance that he is doing it in the interest of the priest.
- (6) V. Glos.
- (7) Not judging, etc.
- (8) Surely they too are forbidden on account of shebuth for the reason stated supra.
- (9) Not dedicating, etc.
- (10) Lit., "He says it is unnecessary" etc.'.
- (11) Which have no semblance of religious merit in them, such as climbing a tree, etc.
- (12) Such as are enumerated in the middle list.
- (13) Such as are enumerated in the last list.
- (14) Whereas from the end of our Mishnah it is to be inferred that no difference exists between Sabbaths and Festivals except in the preparation of food alone.
- (15) Our Mishnah which teaches that every action forbidden on a Sabbath on account of shebuth is also forbidden on a Festival, implying even though it entails a monetary loss.
- (16) On a Festival, when one may bring up the animals for slaughtering only. On the other hand, it is forbidden to slaughter an animal together with its young on the same day. Lev. XXII, 28.
- (17) By preferring the other animal for slaughter.
- (18) V. Shab. 117b, 124a.
- (19) So that no monetary loss is incurred.
- (20) Perhaps in such a case even R. Eliezer would permit it on a Festival, and yet not on the Sabbath.
- (21) I.e., where it is impossible to give the pretence that the proposed action is entirely permissible in itself, even R. Joshua may forbid it.
- (22) Our Mishnah.
- (23) V. supra 12a. [It is assumed that just as Beth Shammai forbid carrying into the public ground anything not connected with preparation of food, so they would forbid the handling of such things even when money loss is involved].
- (24) I.e., moving it from one part of the house to another.
- (25) Before an article can be carried out it must be moved and handled, and it was only on that account that handling is forbidden (Rashi). Hence where carrying out is forbidden, handling and moving are likewise.
- (26) They may be taken on a Festival only where the owner may go. [On Sabbath and Festivals it is permitted to walk within two thousand cubits in all directions from the boundaries of the town where one lives. Should one wish to walk beyond that limit, he can do so by depositing an 'erub at the end of the two thousand cubits in the direction he wishes to go, from which point he may again walk another two thousand cubits. Having however gained the two thousand cubit limit in one direction, he forfeits his right of movement in the opposite direction outside the town boundary].
- (27) Such animals — the plural is used generically.
- (28) I.e., if each brother has a different Sabbath limit, their common utensils are restricted to the area common to them all.
- (29) The dough may only be brought to that place where both may go.
- (30) I.e., the ownership of the water does not affect the dough.
- (31) I.e., it is not noticeable as a separate ingredient and therefore does not affect the status of the dough.

Talmud - Mas. Beitzah 37b

is not as R. Dosa, for it was taught: R. Dosa says — some say, Abba Saul says: If one buys a beast from his neighbour on the eve of the Festival, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the purchaser; and if one handed over a beast to a herdsman, even though he did not deliver it to him until the Festival, it is [restricted to the same limits] as the feet of the herdsman! — You can even say, it is as R. Dosa, and there is no

contradiction: Here it treats of one herdsman and there of two herdsmen.¹ This call also be proved; for it teaches TO HIS SON ON TO A HERDSMAN;² infer from this [that it is so]. Rabbah b. Bar Hana said in the name of R. Johanan: The halachah is as R. Dosa. Did then R. Johanan say thus? But surely R. Johanan has said: The halachah is as an anonymous Mishnah, and we have learnt: CATTLE AND UTENSILS ARE AS THE FEET OF THE OWNERS [etc.!] — Have we not already explained, here it treats of one herdsman and there of two herdsmen! Our Rabbis taught: If two people borrowed one garment jointly,³ one to wear it⁴ in the morning at the Academy and the other to wear it in the evening⁵ at a banquet, the one setting an 'erub on the north [side of the town] and the other on the south [side], [then] the one who set the 'erub on the north [side] may walk in it to the north [side] only as far as the other who set his 'erub on the south [side] is allowed to go; and the one who set the 'erub on the south may wear it to the south only as far as the other who set the 'erub on the north may go; and if they measured the Sabbath limit exactly,⁶ then it [the garment] may not be moved from its place.⁷ It was stated: If two [men] bought a barrel and an animal⁸ in partnership, Rab says: The barrel is permitted⁹ but the animal is forbidden;¹⁰ Samuel, however, says: The barrel too is forbidden. What is Rab's opinion? If he holds that selection is retrospective,¹¹ then the animal too should be permitted; and if he holds that selection is not retrospective, then the barrel too should be forbidden! In reality he holds that selection is retrospective, but the case of an animal is different, because the territories draw their vitality from one another.¹² R. Kahana and R. Assi said to Rab: They [the partners] do not take into account the prohibition of mukzeh, but they do take into account the prohibition of boundary limits!¹³ Rab was silent. How does the law stand? R. Oshaia says, Selection is retrospective, and R. Johanan maintains: Selection is not retrospective. Does then R. Oshaia hold the law of bererah? But surely we have learnt:¹⁴ If a corpse [lay] in a room which has many doors they are all unclean; if one of these [doors] was opened, it alone is unclean and all the others are clean. If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square, this gives protection to all the other doors. Beth Shammai Say: Providing that he had formed his intention to take it out before the person died; but Beth Hillel Say: [It holds good] even [if his intention was formed] after the person died. And it was stated thereon: R. Oshaia said: [The statement of Beth Hillel is] with respect to the cleansing of the doors from now and onwards. Only 'from now and onwards' but not retrospectively! — Reverse [the authorities]; R. Oshaia Says, selection is not retrospective and R. Johanan maintains: Selection is retrospective. Does then R. Johanan hold that selection is retrospective? Surely R. Assi said in the name of R. Johanan: Brothers who have divided [an inheritance] are considered as purchasers¹⁵ and must restore [their shares] to one another in the year of Jubilee!¹⁶ And if you answer that R. Johanan does not hold that Selection is retrospective in the case of a Biblical [law]¹⁷ but with respect to a Rabbinical [law]¹⁸ he does hold, [I would object] does he then hold in the case of a Rabbinical [law], but Ayyo taught:¹⁹ R. Judah says: A man cannot conditionally reserve for himself two contingencies simultaneously; but if a scholar comes to the East, his 'erub to the East is valid: if to the West, his 'erub to the West is valid.²⁰ However, he cannot [stipulate] when there are two scholars coming on different sides.

(1) If there are in the town several herdsmen, the owner cannot know which will take over the beast and therefore it is restricted to the feet of the owner. But if there is only one, it is tacitly assumed that it will be entrusted to him, and therefore it automatically takes his status.

(2) Since the Mishnah states an alternative, we see that the circumstances are such that he is not restricted to one person only, and that is the same as where there are several herdsmen in the town.

(3) Before the Festival.

(4) Lit., 'to go out in it'.

(5) Of the Festival.

(6) I.e., if each set his 'erub at the extreme limit of his boundary.

(7) It may not be taken without the town at all (cf. supra p. 188, n. 10).

(8) On the eve of the Festival to be divided on the Festival.

(9) To be carried by each according to his territory limit.

- (10) To be carried save in the area where they may both go.
- (11) I.e., what each was to receive on the Festival is assumed as having been determined before the Festival.
- (12) I.e., the animal is one indivisible whole before it is killed, and the portion which subsequently falls to one could not at the beginning of the Festival be accounted as cut off from the other.
- (13) Rashi: We can see that each partner did not put the portion of his other partner so much out of his mind that his own should be forbidden because it drew vitality from his partner's, (for if he had put it out of mind, his partner's portion would be forbidden to him as mukzeh, and his own too, on the present hypothesis, since it draws vitality from the other). Why then should we assume that he does take his partner's portion into account in respect of boundaries? Tosaf. explains this differently.
- (14) V. supra 10a, for notes.
- (15) I.e., the portion chosen by each brother for himself cannot be considered as having thus retrospectively become the very inheritance designated for him, v. B.K., Sonc. ed. p. 399 and notes.
- (16) Because there is no fictitious understanding that the father had given that part to one brother and the other part to the other. Purchased property returns in the year of Jubilee to the former owners. V. Lev. XXV, 8ff. V. B.K. 69b, Git. 25a and 48a.
- (17) As for example the law of Jubilee.
- (18) As for example the law of tehum.
- (19) In 'Err. 36b a Mishnah teaches that if two scholars were coming near to him, one to the East and one to the West, he may place two 'erubs and on the Sabbath choose to which of these two he should go. R. Judah, according to Ayyo, disputes this.
- (20) I.e., if only one scholar was coming and it was not definite whether he would be coming to the East or to the West.

Talmud - Mas. Beitzah 38a

And we raised the question: Why is it that he cannot [stipulate] when there are two scholars coming on different sides? Because we do not hold that selection is retrospective; then even [if a scholar came] to the East or to the West we should likewise not maintain that selection is retrospective! And R. Johanan answered: It treats of a case where the scholar had already come.¹ Consequently [we see that] R. Johanan does not hold that selection is retrospective! But in reality do not reverse [the authorities]; but R. Oshaia does not hold that selection is retrospective [only] in respect of a Biblical [law], but in respect to a Rabbinical [law] he does hold it. Mar Zutra lectured: The halachah is as R. Oshaia. Samuel said: The ox of a cattle breeder is as the feet of all;² the ox of a herdsman is as the feet [of the people] of that town.³

IF ONE BORROWS A VESSEL FROM HIS NEIGHBOUR ON THE EVE OF THE FESTIVAL [etc.]. This is obvious! — This is necessary respecting the case when it was not delivered to him until the Festival; you might think that he [the owner] did not place it in his [the borrower's] possession, so he informs us [that it is not so]. This supports R. Johanan; for R. Johanan said: If one borrows a vessel from his neighbour on the eve of a Festival, even though he did not hand it over to him until the Festival, it is as the feet of the borrower.

BUT ON THE FESTIVAL IT IS AS THE FEET OF THE LENDER. This is obvious! — This is necessary respecting the case when he is wont to borrow frequently from him; you might think that he [tacitly] puts it into his [the borrower's] possession, so he informs us [that it is not so]; for he [the owner] might say,⁴ he will probably find another person and go and borrow from him.

LIKEWISE A WOMAN THAT BORROWED FROM HER NEIGHBOUR: When R. Abba went up [to Palestine], he said: May it be the will [of God] that I may say something which is acceptable. When he came up [to Palestine] he met R. Johanan and R. Hanina b. Pappi and R. Zera — some say, R. Abbahu and R. Simeon b. Pazzi and R. Isaac the Smith; and they were sitting and saying: Why so? Let the water and the salt be nullified in relation to the dough!⁵ — R. Abba said to them:

- (1) So that the selection had already been made for him before Sabbath, though he was not aware where.
- (2) Since it may be bought by any man, it may go wherever the purchaser goes.
- (3) A cattle breeder sells to people of all districts, whereas a herdsman, though he does not generally sell, does so occasionally to people in the immediate vicinity.
- (4) Since he had not asked him.
- (5) Hence the dough would be permitted to be carried without reference to the ownership of the water and the salt!

Talmud - Mas. Beitzah 38b

If one kab of wheat of one person got mixed up with ten kabs of wheat of another, should the latter eat and be happy?¹ They laughed at him. Said he to them: Have I taken away your coats [that you laugh at me]?² They again laughed at him. Said R. Oshaia: They were right in laughing at him. Why did he not say to them [as an example] of a case of wheat that got mixed up with barley? Because they are of different kinds, and in a mixture of different kinds the rule of neutralization takes effect; then the same is true of wheat that got mixed up with wheat: granted that according to R. Judah it does not become neutralized, but according to the Rabbis it indeed becomes neutralized.³ R. Safra said to him:⁴ By Moses!⁵ Is it well what you say?⁶ Did they not hear what R. Hiyya of Ktesifon⁷ said in the name of Rab: If one picks out pebbles from his neighbour's threshing floor he must pay him the value of wheat.⁸ Consequently [it is because] he lessened the measure [of his wheat];⁹ likewise in this case he has lessened the quantity.¹⁰ Said Abaye to him: Does not the Master make a distinction between money which is being claimed and money which is not being claimed?¹¹ — He replied to him: And according to your opinion, that which R. Hisda said: Nebelah¹² is neutralized in ritually slaughtered meat,¹³ because the slaughtered cannot assume the character of nebelah,¹⁴ but ritually slaughtered meat is not neutralized in nebelah, because nebelah can assume the character of ritually slaughtered meat.¹⁵ Would you likewise [assume that], if it¹⁶ has an owner, it does not become neutralized? And if you say it is even so, surely it was taught: R. Johanan b. Nuri said: Ownerless articles acquire their [Sabbath] rest;¹⁷ although they had no owner, it is the same as if they had an owner!¹⁸ — He replied to him: [Still]¹⁹ can you compare the case of a ritual prohibition with a monetary case! In the case of a ritual prohibition, it [the less] is neutralized [in the majority]; but with respect to a monetary case, it is not neutralized [in the majority]. What is now the reason?²⁰ Abaye says: It is a preventive measure lest the dough be made in partnership.²¹ Raba says: Condiments are used for seasoning and whatever is used for seasoning does not become neutralized.²²

(1) Obviously not! Similarly, the salt and water do not lose their identity in spite of the greater value of the flour.

(2) Surely I have said or done nothing absurd.

(3) Cf. Men. 22a. Hence the very basis of his answer was incorrect.

(4) To R. Oshaia (Rashi), cf. however infra p. 194, n. 1.

(5) So Rashi. Or, Moses, well hast thou spoken, 'Moses' being a title of honour, as one might say, 'O great scholar'.

(6) [Aliter 'It is well what you say'; R. Safra addressing R. Abba.]

(7) On the eastern bank of the Tigris.

(8) Corresponding to the measure of the stones picked out, since these stones are measured up with the wheat for sale.

(9) By taking out the pebbles.

(10) Through the water the quantity of the dough is enlarged and without the water the measure of the dough would be less. Hence if the pebbles, which have no intrinsic value, can nevertheless not be disregarded, surely we cannot disregard the water and the salt.

(11) The pebbles cannot be disregarded and retain their separate identity because their owner claims their value, since a loss has been inflicted upon him. In the Mishnah no such claim is made on the Festival, therefore owing to their lesser value the salt and the water may well be disregarded.

(12) V. Glos.

(13) If of three pieces of flesh, two are from a ritually slaughtered animal and one from a nebelah, then that which is touched by one of these three is not unclean, for we assume that contact has taken place with one of the pieces of the

ritually slaughtered animal.

(14) Hence there are two different kinds and the rule of majority prevails.

(15) If the nebelah flesh putrefies, it loses the characteristic of nebelah flesh and does not defile.

(16) The nebelah.

(17) He who finds them may carry them two thousand cubits in every direction but not to the place for which he has set an 'erub, for that would be beyond two thousand cubits.

(18) This proves that the absence of an owner to claim a thing does not destroy the status of an object in regard to its movements on Sabbaths and Festivals.

(19) Even granted that no distinction is made between objects that have an owner and such as have none, the difficulty presented by our Mishnah still remains.

(20) For the teaching of our Mishnah that condiments, water, and salt do not become neutralized, seeing that here too we are concerned merely with a matter of ritual prohibition — moving beyond the tehum.

(21) And each carry it to his own limit, which is certainly forbidden.

(22) By its very nature.

Talmud - Mas. Beitzah 39a

And R. Ashi says: Because it is an object which can become [otherwise] permitted;¹ and any object which can become [otherwise] permitted is not neutralized even in two thousand [times its quantity].²

R. JUDAH EXEMPTS IN THE CASE OF WATER. Only water and not the salt? But surely it was taught: R. Judah says: Water and salt become neutralized both in dough as well as in cooked food!³ — There is no difficulty; the one treats of salt of Sodom⁴ and the other of salt of Istria.⁵ But it was taught: R. Judah says: Water and salt become neutralized in dough but do not become neutralized in cooked food, because of its fluidity!⁶ — There is no difficulty; the one treats of a thick mass, the other of clear soup.

MISHNAH. A LIVE COAL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER, BUT A FLAME⁷ CAN BE TAKEN ANYWHERE.⁸ ONE INCURS A TRESPASS-OFFERING IN RESPECT OF A LIVE COAL OF HEKDESH;⁹ BUT AS FOR A FLAME [OF HEKDESH], ONE MAY NEITHER BENEFIT FROM IT, NOR INCUR A TRESPASS-OFFERING.¹⁰ IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT.

GEMARA. Our Rabbis taught: Five things were said in respect to a live coal: A live coal is [restricted to the same limits] as its owner, but a flame can be taken anywhere; one incurs a trespass-offering in respect to a live coal of hekdesch, but with respect to a flame, one may not benefit from it, nor incur a trespass-offering. A live coal used in idolatrous service is forbidden but a flame is permitted; if one carries out a live coal into public ground [on a Sabbath] he is culpable, but [if he does the same] with a flame he is exempt; he who is under a vow not to benefit from his neighbour, may not make use of his coal but may make use of his flame. Now why is the flame used in idolatrous service permitted and that of hekdesch forbidden? — Idolatrous service is repugnant and people hold themselves very aloof from it, therefore the Rabbis have taken no measures against it; but as hekdesch is not repugnant and people do not hold themselves aloof from it, the Rabbis enacted a preventive measure on its account.¹¹

IF ONE CARRIES OUT A LIVE COAL INTO PUBLIC GROUND [ON A SABBATH] HE IS CULPABLE, BUT [IF HE DOES THE SAME] WITH A FLAME HE IS EXEMPT. But it was taught:¹² He who takes out a flame of whatever size is culpable! — Answered R. Shesheth: This treats of a case when he brings it [the flame] out on a chip. Then he should be liable on account of the chip! — When it is less than the standard required; for we have learnt: He who carries out wood

[is culpable only] if it is sufficient to cook therewith a small egg.¹³ Abaye says: When he smears a vessel with oil and kindles it. Then he should be liable on account of the vessel! — [We are treating] of a potsherd. Then he should be liable on account of the potsherd! — When it is less than the standard required; for we have learnt: [He is culpable that takes out] a potsherd big enough to place between one board and another;¹⁴ this is the opinion of R. Judah.¹⁵ But that which we have learnt: ‘If one carries out a flame [on a Sabbath] he is exempt’, how can it occur?¹⁶ — If, for example, he brandishes the object [that is burning so that the flame projected] into public ground.¹⁷

MISHNAH. [THE WATER FROM] A PRIVATE WELL IS [RESTRICTED TO THE SAME LIMITS] AS ITS OWNER;¹⁸ AND [THE WATER FROM A WELL] BELONGING TO THE INHABITANTS OF THAT TOWN IS [RESTRICTED TO THE SAME LIMITS] AS THE PEOPLE OF THAT TOWN; AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON¹⁹ IS [RESTRICTED TO THE SAME LIMITS] AS THE ONE THAT DRAWS.

GEMARA. Raba pointed out a contradiction to R. Nahman: We have learnt: [The water from] a private well is [restricted to the same limits] as its owner; but the following contradicts this: Flowing streams and bubbling springs [have the same restrictions] as anyone!²⁰ — Answered Rabbah: Our Mishnah treats of collected [water].²¹ It was likewise stated: R. Hiyya b. Abin said in the name of Samuel: [It treats] of collected [water].

AND [THE WATER FROM A WELL] BELONGING TO THOSE WHO RETURNED FROM BABYLON IS AS THE ONE THAT DRAWS. It was stated: If one draws [water] and gives it to his neighbour, R. Nahman says: [It is restricted to the same limits] as the one for whom it was drawn; [but] R. Shesheth maintains: As the one who drew. In what are they disputing? — One is of the opinion that the well is ownerless,²² while the other is of the opinion that the well is held jointly.²³

Raba raised the [following] objection to R. Nahman: If one says to his neighbour, Behold, I am herem to you,²⁴ he against whom the vow is made is forbidden;²⁵

(1) After the Festival it can be taken anywhere.

(2) This is a general rule; cf. supra 3b.

(3) [Var. lec., ‘R. Judah exempts in the case of water and salt’.]

(4) The salt of Sodom was thick and hard. V. Krauss op. cit. I, 499ff. Hence it is not neutralized as its presence is always discernable.

(5) A town in Pontus.

(6) Whereas R. Judah's exemption in our Mishnah in the case of water applies also to cooked food with which the condiments mentioned are used.

(7) I.e., if one for example lights a taper at another's flame.

(8) Within the restricted areas belonging to those who carry it.

(9) I.e., belonging to the Sanctuary. V. Lev. V, 14ff.

(10) If one does benefit from it.

(11) If people are permitted to use that, they will also put other articles of hekdesch to secular use, which is forbidden.

(12) V. Ber. 53a.

(13) I.e., the egg of a hen. Shab. 89b.

(14) To keep boards rigid and to avoid warping (Rashi).

(15) Shab. 82a.

(16) For a flame must be carried in something else.

(17) Lit., he throws’, while retaining the thing to which the flame clings.

(18) Like the individual.

(19) The wells that were dug for the use of the exiles who returned from Babylon and hence were regarded as the property of the whole nation.

(20) I.e., one may take them wherever he himself may go.

(21) I.e., a cistern.

(22) The water accordingly belongs to the one that draws, on the principle that a man cannot act as agent to acquire ownerless property on behalf of another person; v. *infra* p. 199, n. 9.

(23) I.e., it belongs to the whole nation, which includes him for whom the water was drawn, and the drawer of the water merely acts as his agent.

(24) I.e., I am to you as a thing that is banned.

(25) To benefit from the vower.

Talmud - Mas. Beitzah 39b

[if he said,] Behold, thou art herem, to thee, the vower is forbidden;¹ [if he said,] Behold, I am [herem] to thee, and thou to me, both are forbidden to benefit from one another; but [to both] is permitted the use of things that belong to them that came up from Babylon, but the use of things that belong to the citizens of that town is forbidden to both.² And the following are the things which belong to them that came up from Babylon: The Temple Mount, the [Temple] Chambers, the [Temple] Courts, and a well in the middle of the road.³ The following belong to [the citizens of] that town: The market-square, the Synagogue, and the bath-house.⁴ Now if you say that a well is held jointly, then why is it permitted? Surely we have learnt: Partners who vowed not to derive benefit from one another may not enter their [common] court-yard to bathe in the well!⁵ — To bathe in it is indeed [not allowed], but we are treating here of drawing [water]; the one draws of his own and the other draws of his own.⁶ Does then R. Nahman hold the rule of bererah, but we have learnt: Brothers who are [also] partners,⁷ when they are liable to surcharge⁸ they are exempt from cattle-tithe, and when they are liable to cattle-tithe⁹ they are exempt from the surcharge.¹⁰ And in this connection R. ‘Anan said: This¹¹ was taught only in the case when they divided goats for lambs and lambs for goats;¹² but if they divided goats for goats and lambs for lambs,¹³ we say, each receives his share which was designated for him at the very beginning.¹⁴ While R. Nahman said: Even if they divided goats for goats and lambs for lambs, we do not say each receives his share which was designated for him at the very beginning!¹⁵ — Rather, all agree that the well is ownerless, but they dispute here with respect to the case of one who picks up a lost article on behalf of his neighbour; one is of the opinion that he [the neighbour] acquires title [to it], and the other is of the opinion that he does not acquire [it].¹⁶ MISHNAH. IF ONE HAS HIS PRODUCE IN ANOTHER TOWN, THE INHABITANTS OF WHICH HAVE MADE AN ‘ERUB IN ORDER TO BRING TO HIM SOME OF HIS PRODUCE, THEY MAY NOT BRING IT TO HIM;¹⁷ BUT IF HE HIMSELF MADE AN ‘ERUB, HIS PRODUCE IS LIKE HIMSELF.¹⁸

(1) To benefit from the other.

(2) Because they are both shareholders therein.

(3) Made for the exiles who returned from Babylon to Jerusalem.

(4) Ned. 47b.

(5) [V. Ned. 45b. The words ‘to bathe in the well’ do not occur there, and are omitted here in MS.M.]

(6) I.e., what each draws is regarded as though it had retrospectively been assigned to him, so that the other never had any claim therein. This answer therefore assumes the law of bererah, v. Glos.

(7) partners are exempt from cattle-tithe (cf. Bek. 56b); brothers, on the other hand, who have come into the inheritance of their father, are liable to tithe those cattle that were born when their goods were still undivided.

(8) Every Israelite had to give half a shekel annually to the Temple for the communal sacrifices; this was augmented by an agio, i.e., a kind of premium or surcharge to cover a possible deficiency in the value of the half shekel, since the value of coins depended on their weight. If two partners combine to pay a whole shekel, they still each have to pay the extra agio. On the other hand, a father can give a whole shekel for his two sons without any extra agio. If two brothers have come into the inheritance of their father, they are regarded as brothers, i.e., as successors of a property belonging to one individual, so that they would be liable for cattle-tithe and exempt from the agio, as their father would have been. If they divide the inheritance and afterwards become partners, they are regarded as partners both in respect of the cattle-tithe

and of the agio.

(9) I.e., if they have not yet divided the inheritance.

(10) Shek. 1,7; Hul. 25b; Bek. 56b.

(11) I.e., the teaching 'when they are liable to surcharge they are exempt from cattle-tithe', indicating that by dividing the estate the brothers are no longer regarded as heirs.

(12) When they deal with each other in a purely business manner, it is then that they are not regarded as heirs but as partners.

(13) I.e., if they are not so strict about the exact monetary value.

(14) I.e., the portion chosen by each brother for himself is considered as having thus retrospectively become the very inheritance designated for him, so that they are still regarded as heirs with respect to the estate though it had been divided.

(15) And therefore by dividing the estate the brothers cease to be regarded any longer as heirs. Thus R. Nahman rejects the law of bererah.

(16) V. B.M. 10a. According to one opinion the water belongs to the one on whose behalf it was drawn, and according to the other opinion it belongs to the drawer. For since the well has the legal status of being ownerless, water drawn from it is like something found.

(17) Because the produce, being his private property, lay under the same restrictions as the owner. Bah emends: whose inhabitants set an 'erub in order to visit him, they must not bring him of his fruit.

(18) I.e., he may bring his produce home, where his 'erub permitted him to go to that town.

Talmud - Mas. Beitzah 40a

IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM [ANY] PORTIONS UNLESS HE [THE HOST] HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.

GEMARA. It was stated: If one deposits produce with his neighbour, Rab says: [The produce has the same restrictive limits] as the one with whom they were deposited; but Samuel says: [They have the same restrictive limits] as the one who deposited them. Shall it be said that Rab and Samuel follow their opinions [expressed elsewhere]? For we have learnt: If he brought in¹ with permission, the owner of the court-yard is liable. Rabbi says: He is liable only when the owner has undertaken to guard it.² And R. Huna said in Rab's name: The halachah is according to the opinion of the Sages; whereas Samuel said: The halachah is as Rabbi. Shall it be said that Rab is of the opinion of the Rabbis and Samuel is of the opinion of Rabbi?³ — Rab will say to you: My opinion is even in accordance with Rabbi; for Rabbi holds his opinion there⁴ because without an explicit declaration he does not undertake supervision,⁵ but here⁶ he definitely undertook to look after it. [Also] Samuel will reply [to you]: My opinion is even in accordance with the Rabbis; for the Rabbis hold their opinion there⁷ because a man wishes it, that his ox should be in the possession of the owner of the court, so that if it does damage he should not be liable; but here,⁸ does a man then wish that his produce should be in the possession of his neighbour!⁹ We have learnt: **BUT IF HE HIMSELF MADE AN 'ERUB, HIS PRODUCE IS LIKE HIMSELF.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he himself set an 'erub, of what avail is it to him?¹⁰ — R. Huna replied: In the Academy they declared [that it treats of a case] where he assigned a corner [of his house] to him.¹¹

Come and hear: **IF ONE INVITED GUESTS TO HIS HOME, THEY MAY NOT TAKE AWAY WITH THEM PORTIONS UNLESS HE HAD ASSIGNED FOR THEM THEIR PORTIONS ON THE EVE OF THE FESTIVAL.** Now if you say [that the produce has the same restrictive limits] as the one with whom it was deposited, even if he assigned [the portions] for them through another person of what avail is it? — Here also, since he assigned [the portions] for them through another person, it is as if he assigned a corner [of his house] to them. Alternatively say: Assignment is different.¹² R. Hana b. Hanilai hung up meat¹³ On the door-bolt.¹⁴ He came before R. Huna who said

to him: If you yourself hung it up, go and take it away; but if they¹⁵ hung it up for you, you may not take it away.¹⁶ And even if he himself hung it up, may he then take it away? Surely R. Huna was a disciple of Rab and Rab said: [The produce has the same restrictive limits] as the one with whom it was deposited! — It is different [when he himself hung it up on] the door-bolt, for it is as if he¹⁷ assigned for him a corner [of the house]. R. Hillel said to R. Ashi: And if they hung it up for him, may he not take it away? Surely Samuel said: The ox of a cattle-breeder is as the feet of anyone!¹⁸ Rabina said to R. Ashi: And if they hung it up for him may he not take it away? Surely Rabbah the son of R. Hana said in the name of R. Johanan: The halachah is as R. Dosa!¹⁹ R. Ashi said to R. Kahana: And if they hung it up for him, may he not take it away? Surely we have learnt: Cattle and utensils have the same restrictive limits as the feet of the owners!²⁰ — Rather it is different in the case of R. Hana b. Hanilai, for he was an important man²¹ and was deeply occupied in his study, and he [R. Huna] said this to him: If you yourself hung it up, then you have an identification mark on it, and you did not let it out of your mind; therefore go and take it away; but if they hung it up for you, then you let it pass out of your mind and you may not take it away.²²

MISHNAH. ONE MAY NOT GIVE DRINK AND SLAUGHTER PASTURE ANIMALS,²³ BUT ONE MAY GIVE DRINK AND SLAUGHTER HOUSEHOLD ANIMALS. THE FOLLOWING ARE HOUSEHOLD ANIMALS: THEY THAT PASS THE NIGHT IN TOWN. PASTURE ANIMALS ARE SUCH AS PASS THE NIGHT IN [MORE DISTANT] PASTURE GROUND.²⁴

GEMARA. Why does he teach ‘GIVE DRINK AND SLAUGHTER’?²⁵ — He incidentally informs us that a man should water his animal before slaughter on account of the adhesiveness of the skin.²⁶

Our Rabbis taught: The following are pasture animals and the following are household animals. Pasture animals are such as are led out about [the time of] Passover²⁷ and graze in [more distant] meadows, and who are led in at the time of the first rainfall.²⁸ The following are household animals: Such as are led out and graze outside the city-border²⁹ but return and spend the night inside the city-border. Rabbi says: Both of these are household animals; but pasture animals are such as are led out and graze in [more distant] meadows and who do not return to the habitation of men either in summer or in winter. Does then Rabbi accept the prohibition of mukzeh?³⁰ Surely R. Simeon b. Rabbi asked of Rabbi: What is the law, according to R. Simeon, with respect to dates which are set aside for ripening?³¹ [And] he replied to him: According to R. Simeon

(1) His ox or other objects through which damage was caused in a stranger's court-yard.

(2) B.K. 47b.

(3) I.e., in the present instance, Rab rules that the produce suffers the same restrictions as their trustee, because he holds as the Rabbis that it belongs to the trustee in respect of guardianship, and therefore it also belongs to him in respect of ritual restrictions.

(4) In B.K.

(5) He merely permitted him to bring in his ox, but did not undertake to guard it.

(6) In the case of the produce.

(7) In B.K.

(8) In the case of the produce.

(9) [MS.M. adds ‘so that the use of them should be prohibited to him (on the Festival)’.]

(10) Since the produce is still in the possession of his trustees in the other town.

(11) I.e., the trustee lent him the corner of his house where the produce was kept; therefore it remained legally in his (the depositor's) possession.

(12) Since its very purpose thereby is that the object so assigned should pass into the assignee's ownership. [MS.M. omits this last passage.]

(13) Given to him by the butchers before the Festival. He was visiting the town on the Festival to deliver a discourse, and was returning to his own place after the lecture.

- (14) Of the house of his host.
- (15) The host's household.
- (16) The reason is soon explained.
- (17) His host with whom the meat was left.
- (18) Likewise here too, since the butchers naturally have in mind that it is to belong to any purchaser as from the eve of the Festival.
- (19) Cf. supra 37b. Similarly here the movements of the meat should be determined by his limits.
- (20) V. supra 37a.
- (21) I.e., a great scholar.
- (22) Because meat (temporarily) hidden from sight is forbidden unless it is recognized by an identification mark. Such an identification mark would however have been noticed only by him himself, and not by the host's household who were not immediately concerned with the meat].
- (23) On account of mukzeh.
- (24) And so cannot come within the definition of 'what is set in readiness'.
- (25) Surely the whole question is only about slaughtering, since even pasture animals may be given drink on Festivals.
- (26) In order that the skin may more easily be flayed.
- (27) The month of Nisan, i.e., March-April.
- (28) October-November.
- (29) In the environs and suburbs of the town.
- (30) For the prohibition of slaughtering pasture animals on a Festival is due to mukzeh, and therefore it is assumed that since Rabbi defines pasture animals, he accepts this prohibition.
- (31) Lit., 'burst dates'. May they be eaten on Festivals?

Talmud - Mas. Beitzah 40b

only dry figs and raisins¹ come under the category of mukzeh! — If you like, say: These² also are like dry figs and raisins. And if you like, say: He [Rabbi] answered him³ according to the opinion of R. Simeon, but he himself is not of this opinion.⁴ Alternatively, say: He [Rabbi] said this according to the opinion of the Rabbis. According to my view, there is [absolutely] no mukzeh; but even on your view, you should agree with me at all events that such [animals] as are led out and graze about the time of Passover and who are led in at the time of the first rainfall are household animals. And the Rabbis replied to him: No, such are pasture animals.

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- (1) Because they were formerly edible and have been set aside for drying.
- (2) Animals which shun the habitation of men.
- (3) His son.
- (4) He himself extended the law of mukzeh even to these.

Talmud - Mas. Rosh HaShana 2a

CHAPTER I

MISHNAH. THERE ARE FOUR NEW YEARS.¹ ON THE FIRST OF NISAN² IS NEW YEAR FOR KINGS³ AND FOR FESTIVALS.⁴ ON THE FIRST OF ELUL⁵ IS NEW YEAR FOR THE TITHE OF CATTLE.⁶ R. ELEAZAR AND R. SIMEON, HOWEVER, PLACE THIS ON THE FIRST OF TISHRI.⁷ ON THE FIRST OF TISHRI⁸ IS NEW YEAR FOR YEARS,⁴ FOR RELEASE AND JUBILEE YEARS,⁹ FOR PLANTATION¹⁰ AND FOR [TITHE OF] VEGETABLES.¹¹ ON THE FIRST OF SHEBAT¹² IS NEW YEAR FOR TREES,¹³ ACCORDING TO THE RULING OF BETH SHAMMAI; BETH HILLEL, HOWEVER, PLACE IT ON THE FIFTEENTH OF THAT MONTH.

GEMARA. FOR KINGS. Why this law?¹⁴ — R. Hisda said: For dealing with documents,¹⁵ as we have learnt: 'Bonds if antedated are invalid,¹⁶ but if postdated are valid'.

Our Rabbis learnt: If a king ascended the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives¹⁷ he is reckoned to have reigned a year. If on the other hand he ascended the throne on the first of Nisan, he is not reckoned to have reigned a year till the next first of Nisan comes round.

The Master has said, 'If a king ascends the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives he is reckoned to have reigned a year.'

(1) I.e., the year is reckoned to commence at different dates for different purposes, as the Mishnah goes on to specify.

(2) The first month of the Jewish calendar (in Biblical times known as 'the month of Abib', or the springing corn), commencing in the latter half of March or the earlier part of April.

(3) If a document is dated with a certain year in a king's reign, the year is reckoned to have commenced in Nisan, no matter in what month the king came to the throne. The Gemara discusses what kinds of kings are meant — whether Israelitish or other.

(4) The meaning of this is discussed infra in the Gemara.

(5) The sixth month of the Jewish calendar.

(6) For purposes of tithe it was necessary to specify the year in which cattle were born, because cattle born in one year could not be given as tithe for cattle born in another, v. Lev. XXVII, 32.

(7) So that according to these authorities there were only three New Years.

(8) The seventh month.

(9) I.e., from the first of Tishri in these years ploughing and similar operations were forbidden. V. Lev. XXV, 4, 11.

(10) For reckoning the years of 'uncircumcision'. V. Lev. XIX, 23.

(11) I.e., those gathered after this date could not be used as tithe for those gathered before. Cf. n. 6.

(12) The eleventh month.

(13) For tithing the fruit. V. notes 6 and 11.

(14) Why should we not be content to reckon the year of the king from the day on which he ascended the throne?

(15) I.e., to enable us to determine which are antedated.

(16) If a man borrowed money in Tishri and the bond was dated in Tammuz (the fourth month of the Jewish calendar) the bond is invalid and does not give the lender any right to seize property which the borrower may have sold even subsequent to Tishri. This is a fine for having conspired to seize by means of the bond property which had been sold prior to the making of the loan. Now if the reigning king came to the throne some time between Tammuz and Tishri, then if we reckoned his years from the date of his accession, Tishri would always come before Tammuz, and the document should therefore be valid. To prevent this leading to confusion, it was consequently ordained that the king's year should always be regarded as commencing with Nisan. Tosaf. point out that it is very difficult to conceive of an instance where this might actually lead to confusion, as scribes can usually be trusted to remember the year of the reign; the example Tosaf. give is where the king came to the throne on the first of Nisan and a scribe has to write a document

on the first of Nisan in the following year. In such a case the scribe might easily think that the king came to the throne on the second of Nisan, and so, but for the regulation, might date the document a whole year wrong.

(17) I.e., on the next day.

Talmud - Mas. Rosh HaShana 2b

This teaches us that Nisan is the New Year for kings, and that one day in a year is reckoned as a year. 'But if he ascended the throne on the first of Nisan he is not reckoned to have reigned a year till the next first of Nisan comes round'. This surely is self-evident? — It had to be stated in view of the case where his election to the throne was determined upon¹ in Adar. You might think that in that case we should reckon him [by the next first of Nisan] to have reigned two years. We are therefore told [that this is not so].

Our Rabbis learnt: If [a king] died in Adar and was succeeded by another in Adar, we can designate [the rest of] the year [up to the first of Nisan] as belonging to either.² If he died in Nisan and was succeeded by another in Nisan, we can date the year by either.³ If he died in Adar and was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second.

The Master has here said, 'If he died in Adar and was succeeded by another, we can date the year by either'. Surely this is obvious? — You might think that we never date the same year by two kings;⁴ hence we are told [that this can be done]. 'If the first died in Nisan and was succeeded by another in Nisan, the year may be dated by either'. This also seems to be obvious? — You might think that when we lay down that a day in the year is reckoned as a year we mean only at the end of the year but not at the beginning;⁵ therefore we are told [that this is not so]. 'If the first died in Adar and he was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second'. This surely is obvious? — It had to be stated in view of the case where his election was determined upon from Adar and he is succeeding his father.⁶ In that case you might think that we should reckon two years to him. We are therefore told [that this is not so].

R. Johanan said: How do we know [from the Scripture] that the years of kings' reigns are always reckoned as commencing from Nisan? Because it says, And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month of Ziv which is the second month.⁷ Here Solomon's reign is put side by side with the exodus from Egypt,⁸ [to indicate that] just as [the years from] the exodus from Egypt are reckoned from Nisan, so [the years of] Solomon's reign commenced with Nisan.

But how do we know that the years from the exodus from Egypt itself are reckoned as commencing with Nisan? Perhaps we reckon them from Tishri?⁹ — Do not imagine such a thing. For it is written, And Aaron the priest went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt, in the fifth month,¹⁰ on the first day of the month,¹¹ and it is further written, And it came to pass in the fortieth year, in the eleventh month,¹² on the first day of the month, that Moses spoke, etc.¹³ Now since the text when referring to Ab places it in the fortieth year and again when referring to [the following] Shebat places it also in the fortieth year, we may conclude that Tishri is not the beginning of the year.¹⁴ [This, however] is not conclusive. I grant you that the former text states explicitly that [the year spoken of was] 'from the going forth from Egypt'; but how do we know that [the year mentioned in] the latter text is reckoned from the exodus?¹⁵ Perhaps it is from the setting up of the Tabernacle?¹⁶ — [We may reply to this] on the model of R. Papa, who said [in another connection]¹⁷ that the occurrence of the expression 'twentieth year' in two contexts provides us with a gezerah shawah:¹⁸ so here, [I may say that the occurrence of] the expression 'fortieth year' in the two contexts provides us with a gezerah shawah, [showing that] just as in the one case¹⁹ [the date is reckoned] from the Exodus, so in the other case²⁰ also.

But how do you know that [in respect of these two incidents] that of Ab was prior? Perhaps that of Shebat was prior?²¹ — Do not imagine such a thing. For it is written [in connection with the latter], ‘After he had smitten Sihon’;²² and when Aaron died Sihon was still alive, as it is written

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- (1) By the notables of the State. Lit. ‘they (i.e., their votes) have been counted for him’.
 - (2) I.e., we can regard the remaining days of the year as belonging either to the last year of the late king or the first year of the new king.
 - (3) And similarly if the second ascended the throne in any other month of the year.
 - (4) But reckon the whole as belonging to the one who has died.
 - (5) E.g., if the first king died after only reigning a few days in the year.
 - (6) This point is mentioned here because we have already been told above that his mere election does not affect the dating.
 - (7) I Kings. VI. 1.
 - (8) I.e., the event recorded is dated by both of them.
 - (9) Which is the beginning of years reckoned from the creation.
 - (10) Ab.
 - (11) Num. XXXIII, 38.
 - (12) Shebat.
 - (13) Deut. I, 3.
 - (14) As otherwise Ab and Shebat would fall in different years.
 - (15) As it simply says ‘In the fortieth year’, without specifying from when.
 - (16) Which was in Nisan of the second year of the exodus.
 - (17) V. infra 3b.
 - (18) V. Glos.
 - (19) The death of Aaron.
 - (20) The address of Moses.
 - (21) I.e., the address of Moses was prior to the death of Aaron, the fortieth year having commenced with the Tishri preceding Moses’ address.
 - (22) Deut. I, 4.

Talmud - Mas. Rosh HaShana 3a

And the Canaanite the king of Arad heard.¹ What was the report that he heard? He heard that Aaron had died and that the clouds of glory had departed, and he judged that it was now permitted to attack Israel; and this is intimated in the verse, And all the congregation saw [wa-yirur] that Aaron was dead,² [commenting on which] R. Abbahu said, Do not read wayirur, but wa-yerau [and they were seen],³ [the next word⁴ being translated] in accordance with the dictum of Resh Lakish; for Resh Lakish said, Ki has four significations — ‘if’, ‘perhaps’, ‘but’ ‘for’.⁵ [In objection to this it may be asked], Are the two things alike?⁶ [The verse] there speaks of Canaan, whereas [here] it [speaks of] Sihon? — It has been taught: Sihon, Arad, and Canaan are all one. He was called Sihon as resembling a sayyah [foal] of the wilderness, he was called Canaan after his kingdom; and as for his real name, this was Arad. According to other authorities, he was called Arad as resembling an ‘arad [wild ass] of the wilderness, and Canaan after his kingdom, while as for his real name, this was Sihon.

But can I not suppose that New Year is in Iyar?⁷ — Do not imagine such a thing. For it is written, And it came to pass in the first month in the second year on the first day of the month that the tabernacle was reared up,⁸ and it is written elsewhere, And it came to pass in the second year in the second month . . . that the cloud was taken up front over the tabernacle of the testimony.⁹ Seeing that the text when referring to Nisan places it in the second year and when referring to Iyar places it also in the second year, we may conclude that Iyar is not New Year. Can I suppose then that New Year is

in Sivan?¹⁰ — Do not imagine such a thing. For it is written, In the third month after the children of Israel were gone forth out of the land of Egypt;¹¹ and if Sivan is New Year, it should say, ‘In the third month in the second year after the children of Israel etc.’ But why not say that New Year is in Tammuz,¹² in Ab,¹³ in Adar?¹⁴ — Rather, said R. Eleazar, we learn [that Nisan is New Year] from here: And he began to build in the second month in the second¹⁵ in the fourth year of his reign.¹⁶ What [is here meant by] ‘in the second’? Does not [the superfluous word] mean the second by which his reign is reckoned? Rabina strongly demurred to this. Why not, [he said], suppose it to mean the second day of the month? — In that case it would have said distinctly, ‘on the second day of the month’.¹⁷ But may I not suppose it means on the second day of the week? [This cannot be for two reasons.] One is that we never find the second day of the week mentioned in Scripture, and the other is that the second ‘sheni’ [second] is put on the same footing as the first sheni, [indicating that] just as the first sheni refers to a month, so the second sheni refers to a month.

It has been taught in accordance with R. Johanan: How do we know [from the Scripture] that the years of kings’ reigns are always reckoned as commencing from Nisan? Because it says, ‘And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt etc.’ and it is further written, ‘And Aaron the priest went up to Mount Hor at the commandment of the Lord, etc.’ and it is further written, And it came to pass in the fortieth year in the eleventh month’,¹⁸ and it is further written, ‘After he had smitten Sihon etc.’ and it is further written, And all the congregation saw that Aaron was dead etc., and it is further written, ‘And it came to pass in the first month in the second year etc., and it is further written, ‘And it came to pass in the second year in the second month etc.’ and it is further written, ‘In the third month after the children of Israel were gone forth out of the land of Egypt etc.’ and it is further written, ‘And he began to build etc.’

R. Hisda said: The rule [that New Year for kings is in Nisan] was only meant to apply to the kings of Israel, but the years of non-Israelitish kings are reckoned from Tishri,¹⁹ as it says, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev,²⁰ in the twentieth year²¹ etc., and it is written further, And it came to pass in the month of Nisan in the twentieth year of Artaxerxes.²² Now since when speaking of Kislev he places it in the twentieth year and when speaking of Nisan he places it also in the twentieth, we may conclude that New Year is not in Nisan. [This, however, is not conclusive]. In the latter text, it is true, it is expressly stated that [it was the twentieth year] of Artaxerxes, but in the former how do we know that the reign of Artaxerxes is referred to? Perhaps

(1) Num. XXXIII, 40. (V. Tosaf. s.v. **יִשְׁמַע**). The text continues in the E.V., of the coming of the children of Israel, but the Talmud renders (more in accordance with the original), ‘when the children of Israel came’. The text thus does not state what he heard and so leaves room for the exposition which follows.

(2) Num. XX, 29.

(3) I.e., became visible, the clouds of glory having previously served as a screen to them.

(4) In the original.

(5) And here if we read wa-yerau, ‘ki’ means ‘for’. Apparently Resh Lakish means that these four significations are in addition to the usual one of ‘that’, which must be the meaning here if we keep the reading wa-yiru.

(6) Viz., your exposition and your argument.

(7) The second month.

(8) Ex. XL, 17.

(9) Num., X, 11.

(10) The third month.

(11) Ex. XIX, 1.

(12) The fourth month.

(13) The fifth month.

(14) The twelfth month. The months between Ab and Adar have already been excluded above where it was shown that

Ab and Shebat must be in the same year.

(15) E.V., 'on the second day'.

(16) II Chron. III, 2.

(17) This being the usual formula of the text.

(18) This citation is inserted in the text on the authority of Maharsha. It is certainly necessary.

(19) The seventh month.

(20) The ninth month.

(21) Neh., I, 1.

(22) Ibid, II, 1.

Talmud - Mas. Rosh HaShana 3b

some other system of dating is adopted? — R. Papa replied: The occurrence in each text of the expression 'twentieth year' provides us with a *gezerah shawah*,¹ [indicating that] just as in the latter case it means 'of the reign of Artaxerxes', so in the former. But how do you know that the incident of Kislev was prior? Perhaps the incident of Nisan was prior?² — Do not imagine such a thing, since it has been taught: The things that Hanani told Nehemiah in Kislev were related by Nehemiah to the king in Nisan. 'The things that Hanani told Nehemiah', as we read, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the castle, that Hanani, one of my brethren, came out of Judah, he and certain men; and I asked them concerning the Jews that had escaped, that were left of the captivity, and concerning Jerusalem. And they said unto me: The remnant that are left of the captivity there in the province are in great affliction and reproach; the wall of Jerusalem also is broken down, and the gates thereof are burned with fire.³ These things 'were related by Nehemiah to the king in Nisan,' as we read, And it came to pass in the month Nisan, in the twentieth year of Artaxerxes the king, when wine was before him, that I took up the wine and gave it unto the king. Now I had not been beforetimes sad in his presence. And the king said unto me, Why is thy countenance sad, seeing thou art not sick? This is nothing else but sorrow of heart. Then I was very sore afraid. And I said unto the king, Let the king live for ever; why should not my countenance be sad, when the city, the place of my fathers' sepulchres, lieth waste and the gates thereof are consumed with fire? Then the king said to me: For what dost thou make request? So I prayed to the God of heaven. And I said unto the king: If it please the king and if thy servant have found favour in thy sight, that thou wouldst send me unto Judah, unto the city of my fathers' sepulchres, that I may build it. And the king said unto me, the queen also sitting by him, For how long will thy journey be and when wilt thou return? So it pleased the king to send me; and I set him a time.⁴

R. Joseph sought to disprove [the statement that the years of non-Israelitish kings are reckoned from Tishri, as follows]: [It is written], In the four and twentieth day of the month, in the sixth month, in the second year of Darius the king,⁵ and it is further written, In the seventh month in the second year in the one and twentieth day of the month.⁶ Now if it is [as you say], then we should have here 'in the seventh month in the third year'! — R. Abbahu replied: Cyrus was a worthy king,⁷ and therefore they reckoned his years like those of the kings of Israel.⁸

R. Joseph demurred strongly against this [last notion]. For one thing [he said, if this is so,] then there is a contradiction between two biblical texts. For it is written, And the house⁹ was finished on the third day of the month of Adar, which was the sixth year of Darius the king,¹⁰ and in connection with this it has been taught: 'At that period, in the year following,¹¹ Ezra went up from Babylon along with his band of exiles'. Now it is written further, And he [Ezra] came to Jerusalem in the fifth month, which was in the seventh year of the king; and if it is [as you say], it should be 'in the eighth year'? Further, is there any connection [between your answer and the question]? You speak of Cyrus and the text¹² speaks of Darius! — It has been taught: 'Cyrus,¹³ Darius, and Artaxerxes¹⁴ were all one. He was called Cyrus because he was a worthy king;¹⁵ Artaxerxes after his realm;¹⁶ while Darius

was his own name. All the same, the contradiction still remains?¹⁷ — There is no contradiction. The one verse¹⁸ speaks of him before he degenerated,¹⁹ the other after he degenerated.

R. Kahana strongly demurred to this [saying], Did he indeed degenerate? Is it not written,

(1) V. Glos.

(2) And the year might therefore commence with Nisan.

(3) Neh., I, 1-3.

(4) Neh. II, 1-6. It is not clear why the last three verses are quoted.

(5) Hag. I, 15.

(6) Ibid. II, 1. This verse follows immediately on the one just quoted and it is assumed that it refers to the same year as the preceding verse; therefore the words 'in the second year', which appear in the quotation as given in the Talmud in brackets, are not found in this verse (Rashi).

(7) The Hebrew word is kasher, which contains the same consonants as the name Koresh (Cyrus).

(8) I.e., commenced them with Nisan.

(9) The Second Temple.

(10) Ezra, VI, 15.

(11) Which would be the seventh year of Darius.

(12) In Haggai.

(13) The Second.

(14) Mentioned together in Ezra, VI, 14.

(15) V. supra, p. 8, n. 4.

(16) [The Persian Artakhshathra means 'by whom empire is perfected'].

(17) Between the statements in Haggai and in Ezra.

(18) In Haggai, which reckons his years from Nisan.

(19) Lit., 'fermented', a metaphor either from wine turning to vinegar or from flour becoming leaven. The 'evil imagination' is often compared by the Sages to a 'leaven'.

Talmud - Mas. Rosh HaShana 4a

And that which they have need of, both young bullocks and rams and lambs, for burnt-offerings to the God of heaven, wheat, salt, wine and oil, according to the word of the priests that are in Jerusalem, let it be given them day by day without fail?¹ — Said R. Isaac to him: [Here is something] out of your own package:² That they may offer sacrifices of sweet savour unto the God of heaven, and pray for the life of the king and of his sons.³ But even so, is not the action still a meritorious one, seeing that it has been taught: 'If a man says, I offer this sela' for charity in order that my children may live and in order that through it I may merit the future world, he may still be a wholly righteous man?' — There is no contradiction; this statement applies to Israelites, there we speak of heathens.⁴

Alternatively I may say that we know he deteriorated because it is written, with three rows of great stones and a row of new timber, and let the expenses be given out of the king's house.⁵ Why did he make these conditions? He thought to himself, If the Jews revolt against me, I will burn it with fire. But did not Solomon do the same thing, as it is written, three rows of hewn stone and a row of cedar beams?⁶ — Solomon placed the wood above and he placed it below; Solomon sunk it in the building and he did not sink it in the building; Solomon plastered it over and he did not plaster it over.

R. Joseph, (or, as some say, R. Isaac) said: Whence do we know that he deteriorated? From here: And the king said unto me, the shegal also sitting by hint.⁷ What is 'shegal'? Rabbah b. Lema said In the name of Rab, a she-dog.⁸ But if that is so, what are we to make of the verse, But hast lifted up thyself against the Lord of heaven, and they have brought the vessels of His house before thee, and

thou and thy lords, thy shegaloth and thy concubines have drunk wine in them.⁹ Now how can 'shegal' here be a dog? Do dogs drink wine? — This is no difficulty, as [we can suppose that] it was taught to drink. But what of the verse where it is written, Kings' daughters are among thy favourites, at thy right hand doth stand the shegal in gold of Ophir?¹⁰ Now if 'shegal' is a dog, what promise is the prophet bringing to Israel? — What he means is this: Because the Torah is as dear to Israel as a 'shegal' to the heathens, you have earned as your reward the gold of Ophir. Alternatively I may say that 'shegal' does as a rule mean 'queen', but in this case Rabbah b. Lema had a tradition [that it means 'dog'], and the reason why [in the text] it is called 'shegal' is because it was as dear to him¹¹ as a queen; or, possibly, because he put it on the queen's seat.

Alternatively I may say that we know he deteriorated from here: Unto a hundred talents of silver and to a hundred measures of wheat and to a hundred baths of wine and salt without prescribing how much.¹² At first there was no limit, but now he made a limit. But perhaps at first he simply had not decided on the limit? The truth is that the best explanation is that which was given first.

AND FOR FESTIVALS. How can [New Year] for the festivals be on the first of Nisan? It is surely on the fifteenth of Nisan?¹³ — R. Hisda said: What it means is that the festival which occurs in it is the New Year for the festivals. The legal import of this rule is for determining when one who makes a vow transgresses the precept of 'not delaying'.¹⁴ and R. Simeon is here followed, as it has been taught: Whether a man makes a vow, or sanctifies,¹⁵ or makes a valuation,¹⁶ as soon as three festivals elapse [before he carries out his word], he transgresses the precept of 'not delaying'. R. Simeon says: The three festivals must be in order, with Passover first. So too R. Simeon b. Yohai used to say: The festivals [referred to] are sometimes three [in number], sometimes four, sometimes five. For instance, if a man made a vow before Passover, they are three, if before Pentecost five, if before Tabernacles four.

Our Rabbis taught: Those who are liable for a money valuation,¹⁷ for a valuation,¹⁸ for a herem,¹⁹ for consecrations,²⁰ for sin-offerings, trespass-offerings, burnt-offerings and peace-offerings, charity contributions, tithes, firstborn and tithe of cattle, paschal lamb,

(1) Ezra, VI, 9.

(2) I.e., the next words in the same passage confute you.

(3) Which would show that his motives were not pure.

(4) And therefore the king's action was not meritorious. [Heathens are assumed to regret the good deed should the attached condition not be realized (Rashi and Tosaf.)].

(5) Ezra, VI, 4. These words occur in the rescript issued by the first Cyrus authorizing the building of the Temple. We must suppose therefore that Darius intended at first to allow them to build it wholly of stone, but on consulting the rescript changed his mind. V. Tosaf. s.v. **ונדבך**

(6) I Kings, VI, 36.

(7) Neh. II, 6.

(8) For immoral purposes.

(9) Dan. V, 23.

(10) Ps. XLV, 10.

(11) Artaxerxes.

(12) Ezra VII, 22, referring to the appropriations for the builders of the Temple.

(13) The first day of Passover, the first of the festivals.

(14) Deut. XXIII, 22: When thou shalt vow a vow to the Lord thy God, thou shalt not delay to pay it.

(15) I.e., dedicates an object to the Sanctuary.

(16) Saying, 'I dedicate to the sanctuary the value of such-and-such a person'. V. Lev. XXVII, 1-8.

(17) By saying, 'I dedicate to the Sanctuary my own price'.

(18) V. supra, n. 4.

(19) Something devoted. V. Lev. XXVII, 28, 29.

(20) Objects dedicated to the Sanctuary.

Talmud - Mas. Rosh HaShana 4b

gleanings, forgotten sheaves and corners of the field,¹ as soon as three festivals have elapsed transgress the precept of 'not delaying'. R. Simeon said: The three festivals must be in order, with Passover first. R. Meir said: As soon as one festival has passed, he transgresses the precept of 'not delaying'. R. Eliezer b. Jacob said: As soon as two festivals have elapsed, he transgresses the precept of 'not delaying'. R. Eleazar son of R. Simeon said: As soon as the feast of Tabernacles has passed, he transgresses the precept of 'not delaying'.

What is the reason of the First Tanna?² — Let us see, [he says]: The text³ has been speaking of them⁴ [the three festivals]. Why then does it repeat,⁵ on the feast of unleavened bread, on the feast of weeks, and on the feast of tabernacles? We must understand it to be laying down the rule for 'not delaying'.⁶ R. Simeon again says that there was no need [even so] to repeat 'on the feast of tabernacles', of which the text was just speaking.⁷ Why then was it mentioned? To show that this one must be the last. What is R. Meir's reason?⁸ — Because it is written, And thither thou shalt come and thither ye shall bring.⁹ What do the Rabbis [say to this]? — They say that this constitutes only a positive injunction.¹⁰ What has R. Meir [to say to this]? — [He says that] since the All-Merciful told him to bring and he did not bring, automatically he has transgressed the precept of 'not delaying'. What is the reason of R. Eliezer b. Jacob?¹¹ Because it is written, These ye shall offer unto the Lord in your appointed seasons;¹² the minimum of 'seasons' is two. What do the Rabbis [say to this]? — [They say] that this word is required for the exposition of R. Jonah; for R. Jonah said,¹³ All the festivals are put on the same footing with one another, to show that all¹⁴ atone for the uncleanness of the Sanctuary and its holy things.¹⁵ What is the reason of R. Eleazar son of Simeon?¹⁶ As it has been taught: R. Eleazar son of Simeon said: There was no need for the feast of Tabernacles to be mentioned in this verse,¹⁷ as the text was already speaking of it. Why then was it mentioned? To show that this one is the determining factor. What exposition then do R. Meir and R. Eliezer b. Jacob give of the words 'on the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles'? — They require them for the same purpose as R. Eleazar b. Oshaia. For R. Eleazar b. Oshaia said: How do we know that [a sacrifice due but not brought on] Pentecost¹⁸ can be made up for during the next seven days? Because it says, On the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles. Just as [a sacrifice not brought on the first day of] the feast of Passover can be made up for during the next seven days,¹⁹ so [a sacrifice not brought on] the Feast of Weeks can be made up for during the next seven days.

But why should not the Feast of Weeks be put on the same footing [in this respect] as the feast of Tabernacles, so that just as in that case [the duration of the festival is] eight days, so here eight days [should be allowed]? — The eighth day [of Tabernacles] is a separate festival.²⁰ I can still say that we call the eighth day a separate festival in respect of P'Z'R' K'SH'B',²¹ but that in the matter of compensation all agree that this can be made on it for the first day, as we have learnt: If one did not bring his festival sacrifice on the first day of Tabernacles, he can bring during the whole of the festival, including the last day of the festival? — If you grasp a lot you cannot hold it, if you grasp a little you can hold it.²²

But what injunction then²³ did the All-Merciful indicate by mentioning the festival of Tabernacles [in this verse]? — [It is mentioned] in order to be put on the same footing as the feast of Passover [in this respect]:

(1) If an owner took these, he has to restore them to the poor.

(2) Who requires three festivals in any order.

(3) Viz., Deut. XVI.

- (4) Lit. he set out from these’.
- (5) In v. 16, after saying, three times a year shall all thy males appear, etc.
- (6) As much as to say, ‘Come before God to pay your vows, and do not come empty-handed.’
- (7) In vv. 13-15.
- (8) For requiring only one festival.
- (9) Deut. XII, 5, 6. As much as to say, ‘each time you come, bring your vows’.
- (10) And if he does not carry it out, he is still not guilty of ‘delaying’.
- (11) Who requires two festivals.
- (12) Num. XXIX, 39. The ‘these’ here strictly refers to obligatory sacrifices, but as the text goes on, besides your vows and free will-offerings, these can also be included in the rule.
- (13) Sheb. 10.
- (14) The he-goats for sin-offering brought on festivals; v. Num. XXVIII and XXIX.
- (15) V. Shebu. 10a.
- (16) Who says that Tabernacles must be the last,
- (17) Viz., Deut. XVI, 16.
- (18) ‘Azereth.
- (19) This is learnt from the words, And ye shall keep it as a feast to the Lord . . . seven days (Ex. XII, 14, 15). V. Hag. 9a.
- (20) Standing in the same relation to Tabernacles as Pentecost to Passover.
- (21) P== payyes (casting lots); on the eighth day the twenty-four mishmaroth (wards) of the priests cast lots to see which should officiate, but not on the preceding days, when all officiated in order. Z == zeman (time); the blessing sheheheyanu (who has kept us alive) is said on the eighth day, as on the first days of other festivals. R == regel (festival); the eighth day is no longer termed ‘Tabernacles’ but is known as ‘the eighth day of solemn assembly’. K == Korban (offering); the sacrifice of the day (one bullock, one ram and seven sheep) was quite different from that of the days of Tabernacles. SH == shir (song); the psalm chanted by the Levites was not the same as that for Tabernacles. B == berakah (blessing); on this day, in the time of the Monarchy, a blessing was said for the king, in memory of the dedication of the Temple, when, as we read, on the eighth day the people blessed the king (I Kings, VIII, 66) Cf. Yoma 3a, Suk. 48a.
- (22) A proverbial saying, indicating here that Pentecost should be put on a level in this respect with Passover which has the smaller number of days, not with Tabernacles.
- (23) If the Feast of Weeks is not to be put on the same footing as Tabernacles.

Talmud - Mas. Rosh HaShana 5a

just as on the feast of Passover [the celebrant is] required to stay overnight¹ [in Jerusalem], so on the feast of Tabernacles he is required to stay overnight. How do we know this in the case of Passover? — Because it is written,² And thou shalt turn in the morning and go unto thy tents.³

But whence then do the First Tanna and R. Simeon⁴ derive the rule of compensation for the Feast of Weeks? — They derive it from the statement of Rabbah b. Samuel; for Rabbah b. Samuel stated: The Torah said, Count days⁵ and sanctify the new moon,⁶ count days and sanctify the Feast of Weeks,⁷ [indicating that] just as the new moon [is sanctified for the period corresponding with the unit of time] by which it is counted,⁸ so the Feast of Weeks [is sanctified for the period corresponding with the unit of time] by which it is counted.⁹ [In that case] I should say that [the compensation period of] the Feast of Weeks is only one day?¹⁰ — Raba replied: Do we count only days to the Feast of Weeks and not weeks [also]? Has not a Master said, It is a mizwah to count days and it is also a mizwah to count weeks?¹¹ And further, we read in the text, ‘the feast of weeks’.¹²

But can the paschal lamb¹³ be offered on any of the festivals? The paschal lamb [surely] has a fixed date:¹⁴ if it is brought then, well and goods but if not, it is rejected?¹⁵ — R. Hisda replied: The paschal lamb is mentioned incidentally. R. Shesheth said: ‘Paschal lamb’ here means the peace-offering [brought] in lieu of the paschal lamb.¹⁶ But if that is so, this is covered by the term

peace-offerings'?¹⁷ — Our authority mentions the peace-offering [which is brought] in lieu of the paschal lamb and he also mentions the peace-offerings which are brought for their own sake. You might be inclined to think that [the former] being brought in lieu of the paschal lamb

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- (1) I.e., the first night of the intermediate days (Rashi).
 - (2) In connection with the paschal lamb.
 - (3) Deut. XVI, 7. The morning of the first day of the festival obviously cannot be meant, as on that day the celebrant had to bring his festival offering.
 - (4) Who require the whole of this verse for the rule of 'not delaying'.
 - (5) As it is written. Ye shall not eat it one day, nor two days, nor five days, nor ten days, nor twenty days, but a whole month (Num. XI, 19, 20).
 - (6) By sacrifices, v. Num. XXVIII, 11.
 - (7) V. Lev. XXIII, 15. [Read with R. Hananel, Count weeks and sanctify the Feast of Weeks, v. Lev. XXIII, 15].
 - (8) It is counted by days and is sanctified for one day.
 - (9) It is counted by weeks and is sanctified for one week.
 - (10) Since it also says, 'Ye shall count fifty days'. Ibid. 16.
 - (11) To say, e.g., 'seven days which are one week to the 'omer'.
 - (12) Deut. XVI, 16.
 - (13) Mentioned above (p. 11) among the objects to which the rule of 'not delaying' applies.
 - (14) Viz., the fourteenth of Nisan.
 - (15) Lit., 'pushed away'.
 - (16) Lit., 'peace-offerings of the paschal lamb'. If the paschal lamb was not brought at the proper time through being lost, another was declared to be a peace-offering in its place, and this came under the rule of 'not delaying'.
 - (17) Which also occurs in the Baraitha quoted.

Talmud - Mas. Rosh HaShana 5b

is on the same footing as the paschal lamb.¹ Therefore we are told [that this is not so].

What is the authority [in the Scripture] for these rules? — As our Rabbis have taught: 'When thou shalt vow a vow:² this tells me only [the rule for] a vow; how do I know that a freewill-offering³ is also included? We have here the term 'vow' and in another place⁴ we find the expression if a vow or a free will-offering; just as there a freewill-offering goes with the vow, so here, a freewill-offering goes with it. To the Lord thy God: this indicates money valuations, valuations, devoted things, and consecrated things.⁵ Thou shalt not be slack to pay it: it, but not its substitute.⁶ For he will surely require it: this indicates sin-offerings, trespass-offerings, burnt-offerings and peace-offerings.⁷ The Lord thy God: this indicates charity contributions, tithes and firstborn.⁸ From thee: this indicates gleanings, forgotten sheaves and corners of the field. And it will be sin in thee; but not sin in thy offering.⁹

The Master has [just] said: "'Thou shalt not be slack in paying it"; It and not its substitute'. Substitute for what? If the substitute for a burnt-offering or a peace-offering is meant, this is actually offered.¹⁰ If the substitute for a sin-offering, this is allowed to perish.¹¹ How then are we to understand 'its substitute'? — The substitute for a thanksgiving-offering, as R. Hiyya taught: If a thanksgiving offering became mixed up with its substitute and one of them died, there is no remedy for the other,¹² For what is he [the owner] to do? Shall he offer it and offer the bread¹³ with it? Perhaps it is the substitute.¹⁴ Shall he offer it without the bread? Perhaps it is the original thank-offering. But [if that is so,] seeing that it cannot be offered, why do I require a text to exclude it? — R. Shesheth replied: In point of fact, [the intention of the verse is] to exclude the substitutes for burnt-offerings and peace-offerings, and we are dealing here with the case of one which was kept over during two festivals and then became blemished and the owner made it profane by substituting another and this was kept over one festival. You might imagine in this case that since it takes the

place of the first, it is as if it had been kept over for three festivals; therefore we are told that this is not so. But on the view of R. Meir who said that as soon as one festival has been allowed to elapse there is a transgression of the precept 'not to delay', what can be said? — Raba replied: Here we are dealing with a case where the animal became blemished during the festival and he declared it profane [by substituting another], and this was kept over the festival. You might imagine that since it takes the place of the first it is as if it had been kept over during the whole of the festival.¹⁵ Therefore we are told [that this is not so].

"And it will be sin in thee," but not sin in thy offering'. Do we derive this lesson from here? Surely it is derived from the text adduced by the 'Others', as it has been taught: 'Others say, I might say that a firstling after a year has passed¹⁶ is like consecrated things that have become disqualified¹⁷ and so is disqualified. Therefore it says, And thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thy herd and of thy flock.¹⁸ Here firstling is mentioned alongside of tithe, [to indicate that] just as tithe is not disqualified by being kept from one year to another,¹⁹ so a firstling is not disqualified by being kept from one year to another.' — It was still necessary [to learn the lesson in the other way]. For you might have imagined that this applies only to a firstling, which is not for appeasement, but consecrated²⁰ things which are for appeasement²¹ will not appease [if kept over]. Therefore I am told that this is not so.

But still [I may object that]

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- (1) And the transgression of 'not delaying' is incurred with the passing of one festival (Rashi).
 - (2) Deut. XXIII, 22.
 - (3) In making a vow a man said, 'I undertake to bring such-and-such an offering'; in making a freewill-offering he said, 'I undertake to bring this animal as an offering'.
 - (4) Lev. VII, 16.
 - (5) V. supra p. 11 nn. 5-8. Because all these went for the repair of the Temple and not to the priests.
 - (6) This is explained below.
 - (7) All these as distinct from the vow and freewill-offerings were an obligation the fulfilment of which could be demanded. The burnt-offerings and peace-offerings referred to are those which were brought as an additional offering on the festival. If they had been already set aside, they could be brought on a subsequent festival (V. Tosaf., s.v. **לשם**).
 - (8) The words 'the Lord thy God' here are strictly speaking superfluous, and can therefore be used for an exposition.
 - (9) I.e., the offering is not disqualified thereby.
 - (10) If the original animal was lost and another substituted and then the first was found, both are offered and the substitute also comes under the rule of 'not delaying'.
 - (11) And never offered.
 - (12) I.e., it must be allowed to perish.
 - (13) V. Lev. VII, 12, 13.
 - (14) And according to Men. 79b, bread was not to be brought with the substitute of a thanksgiving-offering.
 - (15) And thus, according to R. Meir, is the rule of 'not delaying' transgressed.
 - (16) A firstling has to be sacrificed within its first year, v. Deut. XV, 20.
 - (17) For being offered on the altar.
 - (18) Deut. XIV, 23.
 - (19) Because it says, At the end of every three years thou shalt bring forth all the tithe etc., Deut. XIV, 28.
 - (20) E.g., burnt — and sin-offerings.
 - (21) Heb. **לְרַצוֹן** Lev. I, 3 et al. E.V. 'that he (it) may be accepted.'

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the lesson is derived from the exposition of Ben 'Azzai, as It has been taught: Ben 'Azzai said: What is the point of the word otho [it]?¹ Since it says, Thou shalt not be slack in paying it,² I might think that a vow which is delayed also fails to appease. Therefore it says, 'it': this one fails to appease, but

a delayed vow does not fail to appease! — No; [what we must say is], “in thee a sin”, but not in thy wife a sin’. For you might think that, since R. Johanan [or, as some say, R. Eleazar] has said, ‘A man’s wife dies only because money is [rightfully] demanded of him and he has it not,’³ as it says, Why should he take thy bed from under thee?’⁴ and so I would say that his wife will die also because of this transgression of ‘not delaying’. We are therefore told [that this is not so].

Our Rabbis taught: ‘That which is gone out of thy lips:⁵ this is an affirmative precept.⁶ Thou shalt observe: this is a negative precept. And do: this is an injunction to the Beth din to make thee do, According as thou hast vowed: this means a vow. To the Lord thy God: this means sin-offerings and trespass-offerings, burnt-offerings and peace-offerings.⁷ A freewill-offering:⁸ this has its literal meaning. Even that which thou hast promised: this means things sanctified for the repair of the Temple. With thy mouth: this means charity.’

The Master has here said that “that which is gone out of thy lips” implies an affirmative precept’. Why do I require the words for this purpose? This lesson can be derived from the words, and thither thou shalt come and thither ye shall bring.⁹ “Thou shalt observe”; this implies a negative precept’. Why do I require these words? This lesson can be derived from ‘thou shalt not be slack in paying it’.¹⁰ “And do”: this is an injunction to the Beth din to make thee do’. Why do I require these words? This lesson can be derived from he shall bring it,¹¹ as it has been taught: He shall bring it: this teaches us that he is to be constrained¹² [if necessary]. I might say, even against his will. Therefore it says, of his own will.¹³ What is to be done then? We constrain him until he says ‘I am willing’. [What is the answer?] — The one [set of texts¹⁴ deal with the case] where he had pledged himself but had not yet set aside the animal, the other with the case where he had set it aside but had not yet offered it. And both are required. For if the rule had been laid down only for the case where he had pledged himself but had not yet set aside the animal, [I might say that the reason is] because he has not yet carried out his word, but where he has set it aside but not yet offered it I might argue that wherever it is, it is in the treasury of the All-Merciful. These texts therefore were necessary. And if again the rule had been laid down only for the cases where he has set the animal aside but not yet offered it, I might say that the reason is because he is keeping it by him, but if he has pledged himself without having yet set it aside I might argue that his mere word counts for nothing. Therefore these texts are also necessary.

But how can you say that [one set of texts is] where he has pledged himself but not yet set aside, seeing that ‘freewill-offering’ is mentioned, and we have learnt, What is a vow? When a man says, I pledge myself to bring a burnt-offering. What is a freewill-offering? Where a man says, I declare this to be a burnt-offering. What is the difference [in practice] between a vow and a freewill-offering? If [an animal set aside to perform] a vow dies or is stolen, he has to replace it, but if a freewill-offering dies or is stolen he is not bound to replace it! — Raba replied: You can find a freewill-offering of this kind¹⁵ in the case where he said, ‘I pledge myself to bring a burnt-offering on condition that I shall not be obliged to replace it’.

“With thy mouth”: this is charity’. Raba said: For [paying] charity-offerings one becomes liable at once. What is the reason? Because the poor are waiting.¹⁶ Surely this is obvious? — [Not so, since] you might think that, as charity is mentioned in the passage dealing with offerings, [it need not be paid] till three festivals have elapsed, as in the case of offerings. We are therefore told that this is not so. Only the others [the offerings] were made by the All-Merciful dependent on the festivals, but this [charity] is not so, because the poor are waiting.¹⁷

Raba said: As soon as one festival has elapsed, he transgresses an affirmative precept. The following objection was raised:¹⁸ R. Joshua and R. Pappias testified regarding the offspring of a peace-offering¹⁹ that it should also be brought as a peace-offering. R. Pappias said: I testify that we had a heifer which was sacrificed as a peace-offering, and we ate it on Passover, and we ate its

young as a peace-offering on the Festival.²⁰ Now I can understand why it was not offered on Passover, the ground being that it was still too short-lived.²¹ But how could the young be kept over Pentecost, which would involve the transgression of an affirmative precept? — R. Zebid said in the name of Raba: It may have been

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- (1) In Lev. VII, 18, If any of the flesh . . . be eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it. The word otho could be dispensed with.
- (2) Deut. XXIII, 22.
- (3) E.g., if he vows without having the wherewithal to pay.
- (4) Prov. XXII, 27, referring to those who go surety.
- (5) Deut. XXIII, 24.
- (6) Because we understand the word 'carry out'.
- (7) V. supra, p. II
- (8) Heb. נְדָבָה E.V., 'freely'.
- (9) Deut. XII, 5, 6. V. p. 12, n. 8.
- (10) Which occurs just above in Deut. XXIII, v. 22.
- (11) Lev. I, 3.
- (12) By physical force.
- (13) לְרַצְנוֹ E.V., 'that he may be accepted'.
- (14) Explicitly in Deut. XXIII, verse 24, and by derivation in verse 22; v. supra p. 5b (Rashi).
- (15) One in respect of which he has pledged himself without setting aside.
- (16) Lit., 'are standing'.
- (17) Lit., 'are to be found'. MS.M. omits, 'Only . . . waiting'.
- (18) 'Ed. 7.
- (19) If the animal was consecrated when pregnant, or became pregnant subsequently, and gave birth before being sacrificed.
- (20) Heb. אֹהֶל, which usually designates Tabernacles.
- (21) Lit. 'deficient in time'. I.e., not yet eight days old. V. Lev. XXII, 27.

Talmud - Mas. Rosh HaShana 6b

that it was sick on Pentecost. R. Ashi said: What is meant by the statement 'we ate its young as a peace-offering on the Festival'? it means, the Feast of Weeks. What says the other to this? — [He says that] wherever [Pentecost] is mentioned in connection with Passover, it is called 'Assembly' ['azereth].¹

Raba said: As soon as three festivals have elapsed, he transgresses every day the precept of 'not delaying'. The following was cited in objection to this: [The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year [even] without three festivals,² or three festivals even it less than a year, the precept of 'not delaying' is transgressed. What objection is there here?³ — R. Kahana said: The objection is a sound one.⁴ See now: the Tanna is looking for prohibitions; let him then state, 'he transgresses the precept of "not delaying" every day'.⁵ What says the other to this? — [He says that] the Tanna is only anxious to stamp the act as forbidden;⁶ he does not look for extra prohibitions.⁷

[To revert to] the [above] text: '[The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year even without three festivals or three festivals even if less than a year, the precept of "not delaying" is transgressed'. I grant that three festivals without a year are possible; but how is a year possible without three festivals? And I still grant that this is possible for one who requires the three festivals to be in order, but for one who does not require them to be in order how is it possible? And I still grant that this is possible for Rabbi in a leap year, since it has been taught, [It is written] 'a complete year'⁸: Rabbi says, he [the seller] reckons three

hundred and sixty-five days, which is the number of days in the solar year, while the Sages say that he reckons twelve months from day to day,⁹ and if it is a leap year he gets the benefit.¹⁰ — It is possible for Rabbi [to have a year without three festivals] in the case where one sanctified the animal after¹¹ the festival of Passover, since when the end of the next second Adar¹² comes round the year is completed but the number of festivals is not completed. But for the Rabbis how is it possible? — [It is possible] on the basis of what R. Shemaiah learnt: Pentecost is sometimes on the fifth of the [third] month, sometimes on the sixth, and sometimes on the seventh. For instance, if both of them¹³ are full,¹⁴ it is on the fifth;¹⁵ if both of them are defective.,¹⁶ it is on the seventh; if one is full and the other defective, it is on the sixth.¹⁷ Who is the Tanna who takes a different view from R. Shemaiah?¹⁸ It is the ‘Others’, as it has been taught: Others say that between Pentecost and Pentecost, between New Year and New Year there is always an interval of four days [of the week],¹⁹ or, in a leap year, five.²⁰

R. Zera asked: Does the rule of ‘not delaying’ apply to an heir?²¹ [Do we reason that] the All-Merciful has said ‘When thou shalt vow a vow’, and he has not made a vow, or [perhaps we apply the text], and thither thou shalt come and thither shall ye bring,²² and he also is liable?²³ — Come and hear, since R. Hiyya has taught: ‘From thee [me'imak]’:²⁴ this excludes the heir. But this ‘me'imak’ is required to bring under the rule gleanings, forgotten sheaves, and corners of the field?²⁵ — I expound ‘imak, and I expound me'imak.’²⁶

R. Zera also asked: Does the rule of ‘not delaying’ apply to a woman? Do we reason that she is not obliged to appear [at Jerusalem on the festivals]²⁷ or perhaps do we reason that she is enjoined to rejoice?²⁸ — Abaye replied: Is not the answer provided by the fact that she is enjoined to rejoice? But could Abaye say this, seeing that Abaye has said that a woman is made joyful by her husband?²⁹ Abaye was answering R. Zera on his own premises.

The question was raised: From what day is the year of the firstling reckoned? — Abaye said, From the hour of its birth; R. Aha b. Jacob said, From the time when it can be used for appeasement.³⁰ Nor is there any conflict of opinion between them; one speaks of an animal without blemish,³¹

(1) The Rabbinic term for Pentecost; and therefore **אָהַרְבָּעִים** here must mean Tabernacles.

(2) This statement is discussed infra.

(3) There is no contradiction between this statement and that of Raba.

(4) Lit., ‘he who raises the objection objects well’.

(5) And since he does not say so, we presume that he is in disagreement with Raba.

(6) Lit., ‘to fix it in a prohibition’.

(7) But all the same he would agree with Raba.

(8) Within which a house sold in a walled city could be compulsorily redeemed. Lev. XXV, 29.

(9) Which in an ordinary year is only 354 days according to the Jewish calendar.

(10) The year in this case being 383 days.

(11) Strictly speaking it must be during passover, since 365 days would not elapse from after Passover till the end of the next Adar sheni. Or ‘the end of Adar’ may be used loosely to signify the days between then and Passover.

(12) The second Adar in a leap year.

(13) The months of Nisan and Iyar.

(14) I.e., contain thirty days.

(15) This being the fiftieth day from the second day of Passover.

(16) I.e., contain only 29 days.

(17) Hence if pentecost is in one year on the fifth and he sanctifies on the sixth, and the next year Pentecost is on the seventh, a full twelvemonth can pass without three festivals.

(18) And would not count a year without three festivals.

(19) They held that the months are full and defective in strict rotation, and the twelvemonth consequently has 354 days, which is four days over 50 weeks. On this view, Pentecost must always be on the sixth of Sivan.

- (20) It being assumed that the intercalary month consists always of twenty-nine days. i.e., four weeks and a day.
- (21) Whose father made a vow which he had not fulfilled before his death.
- (22) V. supra p. 12, n. 8.
- (23) To 'come' and consequently to 'bring'.
- (24) Deut. XXIII, 22.
- (25) V. supra p. 11.
- (26) 'Imak' means 'from thee', and this would be sufficient for the rule; we therefore derive an additional lesson from the form me 'imak (lit., 'from with thee').
- (27) Since it says, shall all thy males appear (Deut. XVI, 16).
- (28) Which implies partaking of the peace-offerings. v. pes. 109a, and as she must go to Jerusalem for this purpose, she must also 'not delay' the vow'
- (29) With fine clothes, v. Kid. 34b.
- (30) I.e., sacrifice, viz., on the eighth day, v. Lev. XXII, 27.
- (31) Which can be sacrificed on the eighth day.

Talmud - Mas. Rosh HaShana 7a

, the other of an animal with a blemish.¹ Can a blemished animal be eaten [on the day of birth]?² [We speak of one] of which we know for certain that it has not been born prematurely.³

Our Rabbis taught: On the first of Nisan is New Year for months,⁴ for leap-years,⁵ and for the offering of shekalim;⁶ some say, also for the renting of houses.⁷

'New Year for months': whence do we know this? — Because it is written, This month shall be unto you the beginning of months, it shall be the first month of the year to you. Speak ye unto all the congregation of Israel saying, In the tenth day of this month they shall take unto then: every man a lamb, according to their fathers' houses, a lamb for a household. . . and ye shall keep it until the fourteenth day of the same month, and they shall kill it⁸ etc. It is also written [elsewhere],⁹ Observe the month of Abib¹⁰ [springing corn]. Now which is the month in which there is springing corn? You must say this is Nisan; and this is called 'first'. But cannot I say that it is Iyar? — We require springing corn', and there is none. But cannot I say that it is Adar? — We require the bulk of the springing corn, and this we have not [in Adar]. But does the text say, 'the bulk of the springing corn'? Rather, said R. Hisda; we learn it from here: Howbeit on the fifteenth day of the seventh month, when ye have gathered in the fruits of the land.¹¹ What is the month in which there is 'gathering in'?¹² You must say that this is Tishri, and the text calls it 'seventh'. But cannot I say that it is Marheshvan, and by 'seventh' is meant the seventh to Iyar? — We require 'gathering in', and this we have not [in Marheshvan]. But cannot I say that it is Elul, and by seventh' is meant seventh to Adar? — We require the bulk of the ingathering, which we have not [in Elul]. But does the text say, 'the bulk of the ingathering'? — The fact is, said Rabina, that we cannot learn this from the Torah of Moses our teacher, but we have to learn it from the later Scriptures,¹³ [viz.,] Upon the four and twentieth day of the eleventh month, which is the month Shebat.¹⁴ Rabbah b. 'ulla said, [We learn it] from here: So Esther was taken unto king Ahasuerus into his house royal in the tenth month which is the month Tebeth.¹⁵ R. Kahana said: [We learn it] from here, In the fourth day of the ninth month, even in Kislev.¹⁶ R. Aha b. Jacob said, [We learn it] from here: Then were the king's scribes called at that time in the third month which is the month of Sivan.¹⁷ R. Ashi said, [We learn it] from here: They cast pur, that is, the lot, before Haman from day to day and from month to month to the twelfth month, which is the month Adar.¹⁸ If you prefer, I can learn it from here: In the first month which is the month Nisan.¹⁹ Why did not all the others derive it from here?²⁰ — Perhaps 'first' here means, 'first in relation to his [Haman's] affair'.²¹

Why did not our Tanna²² [reckon the first of Nisan as the New Year for months]? — Our Tanna speaks only of years, he does not speak of months.

‘For leap years’. Do we reckon [a New Year] for leap years from Nisan?²³ Has it not been taught: ‘A leap year is not decreed²⁴ before New Year,²⁵ and if such a decree is issued it is not effective. In cases of emergency,²⁶ however, the decree may be issued immediately after New Year, and even so the intercalary month must be [the second] Adar’!²⁷ — R. Nahman b. Isaac replied: What is meant here by ‘leap years’? The closing of a leap year, as we have learnt: ‘They’s testified that the year may be declared a leap year throughout the whole of Adar, since others asserted that this could be done only until Purim.’²⁸ What was the reason of those who held that this could be done only until Purim? — Since a Master has stated that ‘enquiries are made regarding the laws of Passover for thirty days before Passover,²⁹ People might be led into neglecting the rules of leaven.’³⁰ What says the other to this? — He says that people know that a leap year depends on calculation, and they say to themselves that the Rabbis have only now got the calculation right.³¹

What of our Tanna?³² — He speaks only of commencements, not of terminations.

‘And for the offering of shekalim’.³³ How do we know this [from Scripture]? — R. Josiah said: The Scripture says, This is the burnt-offering of each month in its month throughout the months of the year.³⁴ The Torah here enjoins:³⁵ ‘Renew [the year] and bring an offering from the new contributions’. That the ‘year’ here commences with Nisan is learnt by analogy with the text,³⁶ It is the first to you of the months of the year.³⁷ But why not suppose it is Tishri from the analogy of, From the beginning of the year?³⁸ — To a year with which months are mentioned we apply the analogy of a year with which months are mentioned, but to a year with which months are not mentioned, we do not apply the analogy of a year with which months are not mentioned.

Rab Judah said in the name of Samuel: It is proper to bring the congregational sacrifices that are offered on the first of Nisan from the new contributions. If, however, they are brought from the old, the duty has been performed,³⁹ but not in the most appropriate manner.⁴⁰ It has been taught to the same effect: ‘It is proper to bring the congregational sacrifices which are offered on the first of Nisan from the new contributions; if, however, they were brought from the old, the duty has been performed, but not in the most appropriate manner. If a private person has offered them from his own property, they are unexceptionable, provided he hands them over to the congregation’. Surely this is self-evident? — You might think that we should have some scruples [in accepting them], in case

(1) Which can be eaten as ordinary non-sacrificial flesh,

(2) Perhaps it has been born prematurely and cannot survive, v. Shab. 135b.

(3) Lit., ‘that its months have been completed’.

(4) I.e., the order of months commences with Nisan.

(5) V. infra.

(6) For first using for the purchase of congregational sacrifices the shekalim that were collected in Adar. Cf. Meg. 29b.

(7) V. infra.

(8) Ex. XII, 2-6. Only the first of these verses need have been quoted.

(9) In connection with the Passover.

(10) Deut. XVI, 1.

(11) Lev., XXIII, 39.

(12) When the produce is brought in from the fields to save it from the approaching rain.

(13) Lit., ‘words of Kabbalah’ (tradition), a name given in the Talmud to the Prophetic writings and the Hagiographa, v. B.K., Sonc. ed., p. 3, n. 3.

(14) Zech. I, 7.

(15) Esth. II, 16.

(16) Sech. VII, 1.

(17) Esth. VIII, 9.

(18) Ibid., III, 7.

- (19) Ibid.
- (20) Since Nisan is mentioned explicitly.
- (21) With regard to the others also it might be asked why more than one quotation is needed. Perhaps the idea was to show that there had been no change in the names of the months since the time of 'kabbalah'. V. however, Tosaf. s.v. **מדברי**.
- (22) The Tanna of our Mishnah.
- (23) I.e., can the Beth din even in Nisan declare that the year just begun is to be a leap year?
- (24) In the time of the Second Temple the calendar was not fixed, but the Beth din declared any year a leap year (i.e., inserted an intercalary month) according as they judged necessary, subject to certain rules.
- (25) Because if this were done, by the time Adar came round people might forget.
- (26) E.g., if they were afraid that they might be prevented from issuing the decree later.
- (27) V. Sanh., Sonc. ed. p. 55 notes. (15) R. Joshua and R. Pappias. Sanh. 87a Ed. VII, 7.
- (28) And once Purim had passed, the next month had to be Nisan of the next year and not the second Adar of the present year.
- (29) I.e., the emissaries of the Beth din instructed the public on the matter during this time.
- (30) If in the interval Passover was postponed for a month, they would not observe the new date of the Passover.
- (31) Lit., 'this calculation had not been completed by the Rabbis till now'.
- (32) Why does he not include leap years.
- (33) In Adar a shekel had to be contributed by every Israelite for the purchase of congregational sacrifices during the coming year.
- (34) Num. XXVIII, 14.
- (35) By the superfluous expression, 'throughout the months of the year'.
- (36) 'And we derive (the meaning of) "year" from "year" (commencing) with Nisan'.
- (37) Ex. XII, 2.
- (38) Deut. XI, 12, referring to the rainfall.
- (39) In respect of the sacrifice itself.
- (40) Lit. 'he has omitted a precept'.

Talmud - Mas. Rosh HaShana 7b

he has not transferred them with all his heart.¹ We are told therefore [that this is not necessary].

Why does our Tanna [not reckon New Year for shekalim]? — Since it is laid down that if the sacrifices are brought [from the old contributions] the duty is still performed, he was not certain [whether this should be counted a New Year].

'Some say, Also for the renting of houses'. Our Rabbis have taught: 'If a man lets a house to another for a year, he reckons it as twelve months from day to day.² If, however, he stipulates "for this year", then even if the tenant only entered into occupation³ on the first of Adar, as soon as the first of Nisan arrives,⁴ a year has been completed.' And even according to those who say that one day in the year is reckoned as a year, this does not apply here, because a man would not trouble to rent a house for less than thirty days. But why should I not say that Tishri [is the New Year for letting houses]?⁵ — It is taken for granted that when a man takes a house [in Tishri], he takes it for the whole of the rainy season. Why do the first Tanna of the Baraitha and our Tanna [not reckon the renting of houses]? — In Nisan also there is often cloudy weather.⁶

ON THE FIRST OF ELUL IS NEW YEAR FOR THE TITHE OF CATTLE. Who is the authority for this? — It is R. Meir, as it has been taught: 'R. Meir says, On the first of Elul is New Year for the tithe of cattle'. Who is the authority in respect of festivals? It is R. Simeon,⁷ Now look at the succeeding clause: R. ELEAZAR AND R. SIMEON SAY, ON THE FIRST OF TISHRI. [Am I to say that] the first and third statements here follow the authority of R. Simeon and the middle one that of R. Meir? — R. Joseph said: The authority here is Rabbi, and he decides now in accordance with

one, now with another Tanna. In respect of festivals he concurs with R. Simeon, and in respect of tithe of cattle he concurs with R. Meir. If that is so, how can he say FOUR [New Years]? There are five?⁸ — Raba replied: There are four according to all authorities. There are four according to R. Meir, excluding the festivals,⁹ and four according to R. Simeon, excluding the tithe of cattle.¹⁰ R. Nahman b. Isaac said: [The meaning of our Mishnah is], There are four months in which there are a number of New Years.¹¹

An objection was raised: ‘The sixteenth of Nisan is the New Year for the ‘Omer;¹² the sixth of Sivan is the New Year for the two loaves’.¹³ Now [this being so], according to Raba the Mishnah should say six, and according to R. Nahman b. Isaac five? — R. Papa said: In fixing the number, [the Tanna] reckons only such [New Years] as commence with the evening,¹⁴ he does not reckon those that do not commence with¹⁵ the evening.¹⁶ But what of festivals which [in respect of vows] do not commence with the evening¹⁷ and yet are reckoned? — Since he has to bring [his vow], he becomes guilty [of ‘delaying’] from the very commencement [of the festival].¹⁸ But what of Jubilees which do not commence with the evening,¹⁹ and yet are reckoned in? — This follows the view of R. Johanan b. Ishmael the son of R. Johanan b. Beroka, who said that the Jubilee commences with the New Year. R. Shisha the son of R. Idi said: In fixing the number, [the Tanna] reckoned only New Years that are not inaugurated with some ceremony,²⁰ but he does not reckon those that are inaugurated with a ceremony.²¹ But what of festivals, which [in respect of vows] are inaugurated with a ceremony,²² and yet are not reckoned? — The [transgression of] ‘not delaying’ comes automatically.²³

(1) Lit., ‘very well’.

(2) I.e., from a date in one month to the same date in the same month next year.

(3) Lit., ‘stood’.

(4) I.e., as soon as thirty days have passed.

(5) So that, if a man rents a house on the first of Elul for a year, he takes it only to the first of Tishri.

(6) And therefore at no time would a man if he took a house for a year mean merely thirty days.

(7) As explained above, that R. Simeon requires three festivals in order in the matter of vows, and he is therefore the authority for the first statement in the Mishnah, that there is a New Year for festivals.

(8) The New Year for festivals being on the fifteenth of Nisan.

(9) Since R. Meir is of the view that the transgression is involved after the lapse of one festival. V. supra 4b.

(10) I.e., the first of Elul as a separate New Year; since R. Simeon places it on the first of Tishri which is in any case a new year.

(11) There being two in Nisan, and these are counted as one.

(12) I.e., for making permissible the new corn. Lev. XXIII, 14.

(13) For bringing meal-offerings from the new corn. Ibid. 17.

(14) E.g., the New Year for kings commences with the evening of the first of Nisan.

(15) Lit., ‘full’.

(16) As instanced presently.

(17) It being assumed that the precept of ‘not delaying’ is not transgressed till the hour arrives when the animal vowed may be offered, i.e., till the perpetual offering of the morning is brought.

(18) Even though he is unable to bring the sacrifice till the morning.

(19) But which are ushered in with a blast of the shofar on the Day of Atonement, in the daytime.

(20) Lit. ‘depend on an act’. I.e., the New Years which begin with the advent of the day itself.

(21) The prohibition of the new corn for personal consumption and for offerings respectively is raised only by the offering of the Omer and the two loaves.

(22) No sacrifice could be offered before the bringing of the daily morning sacrifice.

(23) As soon as the Festival sets in.

But what of Jubilees?¹ — This follows the authority of R. Ishmael the son of R. Johanan b. Beroka. R. Ashi said: [The meaning of our Mishnah is,] There are four New Years which fall on four firsts of the month.² [Do you then reckon] the first of Shebat [as one and so] follow Beth Shammai?³ — He [R. Ashi] meant it in this way: There are three according to all authorities; with regard to the first of Shebat there is a difference of opinion between Beth Shammai and Beth Hillel.

R. ELEAZAR AND R. SIMEON SAID, ON THE FIRST OF TISHRI. R. Johanan said: They both based their opinions on the same verse, viz., The rams have mounted the sheep⁴ and the valleys also are covered over with corn, they shout for joy, yea, they sing.⁵ R. Meir reasoned: When do the rams mount the sheep? At the time when the valleys are covered over with corn. And when are the valleys covered over with corn? In Adar. The sheep conceive in Adar and bear in Ab,⁶ and their New Year is in Elul. R. Eleazar and R. Simeon said: When do the rams mount the sheep? At the time when they [the ears of corn] shout for joy and sing.⁷ When do the ears of corn burst into song? In Nisan. They conceive in Nisan and bear in Elul, and their New Year is in Tishri. How then does the other [R. Meir] account for the words, ‘they shout for joy, yea they sing’? — This refers to the late ones, whose conception takes place in Nisan. But how then does the other [R. Eleazar] account for the words, the valleys are covered with corn? — That refers to the early ones, whose conception takes place in Adar. Now according to R. Meir, there is no difficulty; the text says, ‘The rams mount the sheep’, to wit at the time when ‘the valleys are covered with corn’, but there are some also [which do not conceive till] they shout aloud and sing’. But on the view of R. Eleazar and R. Simeon, the clauses should be reversed, thus: ‘The rams mount the sheep’, to wit, at the time when the ears of corn ‘shout for joy and sing’, but there are some which do so [already] ‘when the valleys are covered with corn’? — The fact is, said Raba, that all authorities hold that the rams mount the sheep at the time when the valleys are covered with corn, which is in Adar, but where they differ is in the exposition of the following text, viz., Thou shalt surely tithe,⁸ [in regard to which we have learnt that] the Scripture speaks of two tithes, the tithe of cattle and the tithe of corn. Now R. Meir was of opinion that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as corn becomes liable to tithe, soon after it reaches completion,⁹ so cattle becomes liable to tithe soon after it reaches completion.¹⁰ R. Eleazar and R. Simeon again held that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as the New Year for the tithe of corn is in Tishri, so the New Year for the tithe of cattle is in Tishri.

ON THE FIRST OF TISHRI IS NEW YEAR FOR YEARS. What legal bearing has this? — R. Papa said: For [determining the validity of] documents, as we have learnt, ‘Bonds if antedated are invalid, but if postdated are valid’.¹¹ But we have learnt, ON THE FIRST OF NISAN IS NEW YEAR FOR KINGS, and we asked, What is the legal bearing of this, and R. Hisda replied, For [determining the validity of] documents?¹² — There is no contradiction; the one statement refers to kings of Israel, the other to kings of other nations. What then of the dictum of R. Hisda, ‘This statement refers only to the kings of Israel, but for the kings of other nations we reckon from Tishri’; was R. Hisda telling us only something that we already know from a Mishnah? — No; R. Hisda wanted to tell us the import of some Scriptural verses.¹³ If you like I can say that R. Hisda explains the Mishnah here in the same way as R. Zera, since R. Zera said [that it¹⁴ means], for reckoning cycles,¹⁵ in this following the view of R. Eleazar, who said that the world was created in Tishri.¹⁶ R. Nahman b. Isaac [explained the Mishnah to refer] to the Divine judgment ‘as it is written, From the beginning of the year to the end of the year,¹⁷ [which means], From the beginning of the year sentence is passed as to what shall be up to the end of it. How do we know that this takes place in Tishri? — Because it is written, Blow the horn at the new moon, at the covered time [keseh]¹⁸ for our feastday.¹⁹ Which is the feast

(1) V. n. 2.

(2) And for this reason the New Year for the Omer and the two loaves are not included in our Mishnah.

(3) V. Mishnah.

- (4) E.V., 'The meadows are clothed with flocks'.
- (5) Ps. LXV, 14.
- (6) Six months being allowed for pregnancy.
- (7) A poetic description of the rustling of the ears. It is doubtful whether we can find here an allusion to the idea that 'all creatures sing a certain chant before the Holy One, blessed be He'.
- (8) Lit., 'tithing thou shalt tithe', Deut., XIV, 22.
- (9) I.e., after it has become thoroughly dried in the fields, in Elul, v. infra 12a.
- (10) I.e., after it is born, in Ab.
- (11) V. supra, p. 2, n. 2.
- (12) Which shows that the year for documents is dated from Nisan and not Tishri.
- (13) I.e., he was telling us that we can learn from the Scriptures that the years of non-Israelitish kings are reckoned from Tishri. V. supra p. 7.
- (14) The statement ON THE FIRST OF TISHRI IS THE NEW YEAR FOR YEARS.
- (15) I.e., the cycle of Tishri is the first of the four cycles of the year, v. infra p. 43, n. 9. The year is divided into four cycles called Tekufoth, the Tekufah of Nisan (Vernal Equinox); Tammuz (Summer Solstice); Tishri (Autumn Equinox); Tebeth (Winter Solstice). The term Tekufah is also applied to the season itself.
- (16) V. infra 10b.
- (17) Deut. XI, 12. The verse continues, the eyes of the Lord thy God are always upon it (the land of Canaan).
- (18) E.V., 'appointed time', or 'full moon'.
- (19) Ps. LXXXI, 4.

Talmud - Mas. Rosh HaShana 8b

on which the moon is covered over [mithkaseh]? You must say that this is New Year;¹ and it is written [in this connection], For it is a statute for Israel, an ordinance for the God of Jacob.²

Our Rabbis taught: 'For it is a statute for Israel, an ordinance for the God of Jacob': this teaches that the heavenly Beth din does not assemble for judgment until the Beth din on earth has sanctified the month'.

Another [Baraita] taught: 'For it is a statute for Israel'; this tells me only that Israel [are judged]; how do I know that this applies also to the [other] nations of this world? Because it is written, an ordinance for the God of Jacob'. If that is the case, what is the point of saying, For it is a statute for Israel?³ — It teaches that Israel are brought up for trial first. And this is in harmony with the [following] saying of R. Hisda. For R. Hisda said: Where a king⁴ and a community appear together, the king is brought up for judgment first, as it says, the judgment of his servant [Solomon] and the judgment of his people.⁵ What is the reason? — If you like I can say, because it is not seemly that the king should stand outside, and if you like I can say, [the king is tried] before [the Divine] wrath becomes really fierce.⁶

FOR RELEASE YEARS. How do we know this [from the Scripture]? — Because it is written, And in the seventh year shall be a sabbath of solemn rest for the land,⁷ and that this commences with Tishri we learn from the analogy with the word 'year'⁸ in from the beginning of the year.⁹ But let us learn that it is Nisan from analogy with the word 'year' in the text, it is the first to you of the months of the year?¹⁰ — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.¹¹

AND FOR JUBILEE YEARS. [is the New Year for] Jubilees on the first of Tishri? Surely [the New Year for] Jubilees is on the tenth of Tishri, as it is written, on the day of atonement shall ye make proclamation with the horn?¹² — What authority is here followed? R. Ishmael the son of R. Johanan b. Beroka, as it has been taught: And ye shall hallow the fiftieth year.¹³ What is the point of

these words? [It is this]. Since it says, On the day of atonement [ye shall make proclamation],¹² I might think that the year is sanctified only from the Day of Atonement onwards. Therefore it says, And ye shall sanctify the fiftieth year. This teaches that it is sanctified from its inception. On this ground R. Ishmael the son of R. Johanan b. Beroka laid down that from New Year to the Day of Atonement slaves were neither dismissed to their homes nor subjected to their masters, but they ate and drank and made merry, wearing garlands on their heads.¹⁴ When the Day of Atonement came, the Beth din sounded the horn; slaves were dismissed to their homes and fields returned to their original owners. And the Rabbis [— what do they make of this verse]? — [They say it teaches that] you are to sanctify years but not months.¹⁵

Another [Baraitha] taught: ‘It is a Jubilee.¹⁶ What is the point of these words? — Since it says, And ye shall hallow the fiftieth year,¹³ I might think that, just as it is sanctified from its inception onwards, so it remains sanctified [for a time] after its termination. And there would be nothing to wonder at in this, seeing that we [regularly] add from the profane on to the holy.¹⁷ Therefore it says, it is a Jubilee to you, the fiftieth year, [to show that] you are to sanctify the fiftieth year, but not the fifty-first year.¹⁸

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- (1) The only feast which takes place when the moon is hidden.
 - (2) Ibid. 5.
 - (3) For if the other nations are judged, a plus forte raison Israel.
 - (4) Israel being regarded as a king in relation to the other nations.
 - (5) I Kings, VIII, 59.
 - (6) Being inflamed by the sins of the community.
 - (7) Lev. XXV, 4.
 - (8) And he derives (the meaning of) ‘year’ from ‘year’ (commencing) with Tishri.
 - (9) Deut. XI, 12, which refers to Tishri.
 - (10) Ex. XII, 2.
 - (11) V. supra p, 7a.
 - (12) Lev. XXV, 9, referring to the Jubilee.
 - (13) Ibid 10. These words are apparently superfluous, it having already been said, and thou shalt number forty-nine years.
 - (14) In sign of their approaching freedom.
 - (15) Cf. infra 24a.
 - (16) Lev. XXV, II.
 - (17) V. infra.
 - (18) The word ‘it’ being specific.

Talmud - Mas. Rosh HaShana 9a

And the Rabbis [— what do they make of these words]?¹ — [They say]: You are to count the fiftieth year, but you are not to count the fifty-first,² to exclude the view of R. Judah, who said that the fiftieth year is reckoned both ways.³ We are here told that this is not so.

And how do we know [from the Scripture] that we add from the profane on to the holy?⁴ — As it has been taught: In plowing time and in harvest time thou shalt rest.⁵ R. Akiba, [commenting on this,] said: There was no need [for Scripture] to specify the ploughing and harvest of the Sabbatical year, since this has already been mentioned [in] thy field thou shalt not sow etc.⁶ What must be meant therefore is the ploughing of the year before the seventh which is passing into the seventh,⁷ and the harvest of the seventh year which is continuing into the period after the seventh year.⁸ R. Ishmael said: Just as ploughing is optional,⁹ so the harvest [here referred to] is an optional one, excluding the harvesting of the ‘Omer, which is a religious duty.¹⁰ Whence then does R. Ishmael derive the rule that an addition is to be made from the profane on to the holy? — From what has

been taught: And ye shall afflict your souls on the ninth day:¹¹ I might think [literally] on the ninth day. It therefore says, In the evening.¹² if in the evening, I might think, after dark? It therefore says, 'or, the ninth day'.¹³ What then am I to understand? That we begin fasting while it is yet day; which shows that we add from the profane on to the holy. I know this [so far] only in regard to the inception [of the holy day]; how do I know it in regard to its termination? Because it says, from evening to evening.¹² So far I have brought only the Day of Atonement under the rule; how do I know that it applies to Sabbaths also? Because it says, ye shall rest.¹⁴ How do I know that it applies to festivals? Because it says, your Sabbath.¹⁴ How am I to understand this? That wherever there is an obligation to rest, we add from the profane on to the holy.

What then does R. Akiba make of this, 'and ye shall afflict your souls on the ninth day'? — He requires it for the lesson learnt by R. Hiyya b. Rab from Difti.¹⁵ For R. Hiyya b. Rab from Difti learnt: 'And ye shall afflict your souls on the ninth day'. Do we then fast on the ninth day? Is it not on the tenth day that we fast? [We do]; but [the use of this word] indicates that if a man eats and drinks on the ninth day, the Scripture accounts it to him

(1) They have no need of this lesson, seeing that they do not consider the year sanctified from its inception. (Cf. Tosaf. s.v. **גרבנין** 8b).

(2) Lit. 'the year fifty and first'. So our texts, the meaning being, according to Rashi, that you are not to reckon the fiftieth year as fiftieth to the Jubilee and first to the next septennate. Tosaf., by a slight change of wording, renders: 'You are to count the fiftieth year (as fiftieth to the Jubilee), but you are not to count the fiftieth year as one (to the following septennate)', which is a smoother reading.

(3) As fiftieth to the Jubilee and first to the next septennate.

(4) I.e., add a little from the ordinary week-day on to the holy day.

(5) Ex. XXXIV, 21.

(6) Lev. XXV, 4.

(7) Ploughing under trees in the sixth year which will benefit them in the seventh.

(8) Stuff which grows of itself and reached a third of its growth in the seventh year.

(9) As there is no ploughing, which is considered a religious duty.

(10) R. Ishmael takes the words 'in plowing time etc.' to refer to the Sabbath, and learns from them that the 'Omer to be brought on the second day of Passover may be reaped on Sabbath, v. Mak. 8b.

(11) Lev. XXIII, 32.

(12) Ibid.

(13) And after dark would be on the tenth.

(14) Lev. XXIII, 32.

(15) Dibtha, below the Tigris, S.E. of Babylon.

Talmud - Mas. Rosh HaShana 9b

as if he fasted on both the ninth and the tenth days.¹

Our Rabbis taught: It is a Jubilee² — 'A Jubilee'³ even though they did not observe the release of fields, even though they did not observe the blowing of the trumpet.⁴ I might say [that it is still a Jubilee] even though they did not observe the dismissal of slaves. Therefore it says, 'it is'.⁵ So R. Judah. R. Jose said: 'It is a Jubilee', — 'A Jubilee'³ even though they did not release fields, even though they did not dismiss slaves. I might think [that it is still a Jubilee] even if they did not blow the trumpet. It therefore says, 'it is'. Now⁶ since one text brings some cases under the rule and another text excludes others from it, why should I expound: 'A Jubilee',⁷ even though they did not dismiss, but it is not a Jubilee unless they blew the trumpet'? Because it is possible that there should be no [opportunity for]⁸ dismissing slaves, but it is not possible that there should be no [opportunity for] blowing the trumpet.⁹ Another explanation is that the performance of the latter depends on the Beth din, but the performance of the former does not depend on the Beth din.¹⁰ What need is there

for the alternative explanation? — Because you might argue that it is impossible that there should not be someone in some part of the world who has not a slave to dismiss. Therefore I say that the one depends on the Beth din but the other does not depend on the Beth din.

I understand R. Jose's point of view, his reason being as he stated. But what is R. Judah's reason? — The text says, And ye shall proclaim liberty throughout the land,¹¹ and he holds that a text may be expounded in connection with the clause immediately preceding it, but not with the one before that.¹²

All authorities agree that the word *deror*¹³ means freedom. What does this tell us? — As it has been taught: The word *deror* means freedom. R. Judah said: What is the significance of the word *deror*? [The freedom of] one who dwells [medayyer] where he likes¹⁴ and can carry on trade in the whole country.

R. Hiyya b. Abba said in the name of R. Johanan: The views given above are those of R. Judah and R. Jose, but the Sages say that [the neglect of] any of these three ceremonies renders the Jubilee inoperative. Their view was that a text can be expounded in connection both with the clause immediately preceding it and with the one before that and with the one that follows it.¹⁵ But it is written 'Jubilee'¹⁶ — This is to show that it must be kept even outside of Palestine. But it is written 'throughout the land'¹⁷ — This means that when liberation is carried out in the land it is carried out abroad, and when it is not carried out in the land it need not be carried out abroad.

AND FOR PLANTATION. How do we know this [from the Scripture]? — Because it is written, Three years [it shall be] uncircumcised,¹⁸ and it is written, and in the fourth year,¹⁹ and we learn that this year commences with Tishri from the analogy of the word 'year' in the text from the beginning of the year.²⁰ But why not conclude that it commences with Nisan from the analogy of the word 'year' in It is the first to you of the months of the year? — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.

Our Rabbis taught: 'If one plants or bends over²¹ or grafts a tree in the year before²² the Sabbatical year thirty days before New Year — in all three cases, [by New Year] a year has passed for him,²³ and he can preserve the growth during the seventh year. [If he does so] less than thirty days before New Year, the interval [up to New Year] does not count as a year for him and he may not preserve the growth in the Sabbatical year

(1) Because the eating and drinking on the ninth day is called in the text 'fasting'.

(2) Lev. XXV, 11.

(3) Added by Bah.

(4) The superfluous word 'Jubilee' shows that even in these cases the year is observed as a Jubilee for the abstaining from sowing etc.

(5) **וְיָרָם** This word having a limiting force.

(6) This is a continuation of R. Jose's statement.

(7) So Bah; cur. edd. 'It is a Jubilee'.

(8) Lit., 'it is possible for the world'. E.g., if no Israelite had a slave.

(9) It is hardly possible that there should be no trumpet.

(10) Because the Beth din may not be able to compel all persons to dismiss their slaves.

(11) Just before the words 'it is a Jubilee'.

(12) Hence we apply the limiting force of the words 'it is' to the dismissal of slaves, but not to the blowing of the trumpet, which does not immediately precede.

(13) In Lev. XXV, 10. E.V. 'liberty'.

- (14) [**בֵּי דִירָא** , Lit., ‘in a dwelling place’. MS.M.; **דִירָא** (carrier). As a carrier carries (or, goes round with) his load everywhere he likes].
- (15) Viz., ‘and ye shall return everyone unto his possession’.
- (16) This should cancel the limiting force of ‘it is’.
- (17) So how can you say that it should be kept outside of Palestine?
- (18) Lev. XIX, 23.
- (19) Ibid. 24.
- (20) V. supra p. 31.
- (21) A branch from a tree and plants it in the ground without separating it from the parent tree.
- (22) Lit., ‘in the eve of’.
- (23) I.e., the thirty days count as one of the years of ‘uncircumcision’.

Talmud - Mas. Rosh HaShana 10a

. The fruit of such a plantation is forbidden until the fifteenth of Shebat,¹ whether as "uncircumcised" in [the year of] "uncircumcision", or as fourth year fruit in the fourth year,² What is the ground for this ruling? — R. Hiyya b. Abba said in the name of R. Johanan (though some trace it back to the authority of R. Jannai): Scripture says, And in the fourth year. . . and in the fifth year.³ There are occasions when fruit appears in the fourth year and it is still forbidden on account of 'uncircumcision', and there are occasions when fruit appears in the fifth year and it is still forbidden on account of 'fourth year'.

Shall I say that that is not [in agreement with] R. Meir,⁴ since R. Meir has affirmed⁵ that one day in the year is reckoned as a year, as it has been taught: ‘Par [bullock] is mentioned in the Torah without further qualification and means an animal twenty-four months and one day old. So R. Meir. R. Eleazar says, it means an animal twenty-four months and thirty days old. For R. Meir used to say: Wherever ‘egel [calf] is mentioned in the Torah without further qualification, it means of the first year; [‘egel]⁶ ben bakar [young ox] means, of the second year; par [bullock] means, of the third year’! — You may still say [it is in agreement with] R. Meir. When R. Meir said that one day in a year is counted as a year, he meant at the end of a period,⁷ but not at the beginning.⁸

Raba said: Cannot we apply here an argument a fortiori,⁹ [to wit]: Seeing that in the case of a niddah,¹⁰ though the beginning of the [seventh] day is not reckoned as concluding her period,¹¹ the end of the [first] day yet counts for the beginning of her period,¹² in the case of [a period of] years where one day is counted [as a whole year] at the end,¹³

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- (1) Although three years are reckoned to have been completed by the previous New Year.
- (2) Tosef. Sheb. I.
- (3) Ibid. 24, 25. Stress is laid in the exposition on the word ‘and’.
- (4) The view that thirty days are required to count as a year.
- (5) Lit., ‘for if like R. Meir, surely he said’.
- (6) But par ben bakar means ‘of the third year’. V. Tosaf. s.v. **עגל**.
- (7) E.g., the three-yearly period of the par.
- (8) E.g., of the three-yearly period of ‘uncircumcision’.
- (9) To show that it makes no difference whether the day is at the beginning or the end of the period.
- (10) A menstruous woman.
- (11) Her period of uncleanness ending only at nightfall on the seventh day, and not at any hour earlier in the day.
- (12) I.e., if she begins counting in the middle of a day, as soon as nightfall arrives she is reckoned as having completed one day. [The reference here is to Niddah who according to Biblical law was allowed to cleanse herself when seven days had passed from her first menstrual flow, provided it ceased on the seventh day before sunset. This law was later replaced by the more stringent Rabbinic rule necessitating a period of seven clean days after a single blood issue.]
- (13) As in the case of the par.

Talmud - Mas. Rosh HaShana 10b

does it not follow that one day should be counted [as a year] at the beginning? — What then? Will you say [that the passage quoted¹ follows] R. Eleazar? [How can this be, seeing that] R. Eleazar requires thirty days and thirty days,² as we have learnt: ‘It is not allowed to plant nor to bend over nor to graft in the year before the Sabbatical year less than thirty days before New Year, and if one did plant or bend over or graft, he must uproot the plant. So R. Eleazar. R. Judah said: If a grafting does not take within three days, it will not take at all. R. Jose and R. Simeon said that it takes two weeks’,³ and [commenting on this] R. Nahman said in the name of Rabbah b. Abbuha: On the view that thirty days are the period [for taking] we require thirty days and thirty;⁴ on the view that three days are the period, thirty-three days are required; on the view that two weeks are the period, two weeks and thirty days are required. Now even if [we accept the view of] R. Judah, thirty-three days are required? — The truth is [that the statement in question follows] R. Meir, and when it says thirty days, it means the thirty days of taking. In that case it should say thirty-one days?⁵ — He held that the thirtieth day counts both ways.

R. Johanan said: Both of them [R. Meir and R. Eleazar] based their views on the same verse, viz., And it came to pass in the one and six hundredth year, in the first month, on the first day of the month.⁶ R. Meir reasoned: Seeing that the year was only one day old and it is still called a year, we can conclude that one day in a year is reckoned as a year. What says the other to this? — [He says that] if it were written, ‘In the six hundred and first year’, then it would be as you say. Seeing, however, that it is written, ‘In the one and six hundredth year’, the word ‘year’ refers to ‘six hundred’, and as for the word ‘one’, this means ‘the beginning of one’.⁷ And what is R. Eleazar’s reason? — Because it is written, ‘In the first month on the first day of the month. Seeing that the month was only one day old and it is yet called ‘month’, we can conclude that one day in a month is reckoned as a month; and since one day in a month is reckoned as a month, thirty days in a year are reckoned as a year, a month being reckoned by its unit and a year by its unit.

(We infer from what has just been said that both [R. Meir and R. Eleazar] were of opinion that the world was created in Nisan.)⁸

It has been taught: R. Eliezer says: In Tishri the world was created; in Tishri the Patriarchs⁹ were born; in Tishri the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited;¹⁰ on New Year Joseph went forth from prison

(1) Where it says that less than thirty days does not count for planting etc.

(2) To elapse before a year is completed for ‘uncircumcision’ — thirty days for the ‘taking’ and thirty for the addition from the profane on to the holy (Rashi).

(3) Sheb. II, 6.

(4) To count for a year of ‘uncircumcision’. V. p. 37, n. 11.

(5) Thirty days for taking and one for the addition.

(6) Gen. VIII, 13.

(7) I.e., it merely gives the date, but gives no indication that a day can be counted as a year.

(8) Because both agree that ‘the first day of the first month’ in the text marks the beginning of another year. Rashi points out that both might equally well hold that the ‘first month’ here means Tishri, it being so called as first month to the creation and he therefore rejects this sentence. But v. Tosaf. s.v. **מזל** .

(9) Abraham and Jacob.

(10) I.e., remembered on high.

Talmud - Mas. Rosh HaShana 11a

; on New Year the bondage of our ancestors in Egypt ceased;¹ in Nisan they were redeemed and in Nisan they will be redeemed in the time to come. R. Joshua says: In Nisan the world was created; in Nisan the Patriarchs were born; in Nisan the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited; on New Year Joseph went forth from prison; on New Year the bondage of our ancestors ceased in Egypt; and in Nisan they will be redeemed in time to come.

It has been taught: 'R. Eliezer says: Whence do we know that the world was created in Tishri? Because it says, And God said, Let the earth put forth grass, herb yielding seed, and fruit-tree.² Which is the month in which the earth puts forth grass and the trees are full of fruit? You must say that this is Tishri. That time was the season of rainfall,³ and the rain came down and the plants sprouted, as it says, And a mist went up from the earth.⁴

R. Joshua says: Whence do we know that the world was created in Nisan? Because it says, And the earth brought forth grass, herb yielding seed after its kind, and tree bearing fruit.⁵ Which is the month in which the earth is full of grass and trees [begin to] produce fruit? You must say that this is Nisan. That time was the period when cattle, beasts and fowls copulate with one another, as it says, The rains have mounted the sheep etc.⁶ And how does the other explain the text, 'tree bearing fruit'? — This signifies a blessing for future generations. And what does the other make of the words 'fruit-tree'? — This is to be explained in accordance with the dictum of R. Joshua b. Levi; for R. Joshua b. Levi said: All creatures of the creation were brought into being with their full stature, their full capacities, and their full beauty, as it says, And the heaven and the earth were finished, and all the host of them [zeba'am]. Read not zeba'am, but zibyonam [their beauty].

R. Eliezer said: Whence do we know that the Patriarchs were born in Tishri? Because it says, And all the men of Israel assembled themselves unto King Solomon, at the feast in the month Ethanim;⁷ that is, the month in which the mighty ones [ethanim] of the world were born. How do you know that this word ethan means 'mighty'? — Because it is written, Thy dwelling-place is firm [ethan],⁸ and it also says, Hear, ye mountains, the Lord's controversy, and ye mighty rocks [ethanim] the foundations of the earth.⁹ It also says, The voice of my beloved, behold he cometh, leaping upon the mountains, skipping upon the hills,¹⁰ [where] 'leaping upon the mountains' means, for the merit of the patriarchs, and 'skipping upon the hills' means, for the merit of the matriarchs.

R. Joshua said: Whence do we know that the patriarchs were born in Nisan? Because it says, and it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year in the month of Ziv¹¹ — that is, the month in which the brilliant ones [zewthane] of the world were born. But how does he explain the expression 'month of Ethanim'? — It means, [the month] which is strong in religious duties.¹² What does the other make of the expression 'in the month of Ziv'? — It means, the month in which there is splendour for the trees, for so Rab Judah has said: When a man goes abroad in the days of Nisan and sees trees blossoming, he should say, 'Blessed is He that hath not left His world short of anything and has created therein goodly creatures and goodly trees to rejoice mankind'.

He who holds that they were born in Nisan holds that they died in Nisan, and he who holds that they were born in Tishri holds that they died in Tishri, as it says, I am a hundred and twenty years old this day.¹³ The word 'this day' seems here superfluous. What then is the point of it? [As much as to say], This day my days and years have reached full measure, which teaches that the Holy One, blessed be He, sits and completes the years of the righteous from day to day and from month to month, as it says, The number of thy days I will fulfil.¹⁴

Whence do we know that Isaac was born on Passover? — Because it is written, On the [next] festival¹⁵ I will return unto thee.¹⁶ Now when was he [the angel] speaking?¹⁷ Shall I say [he was

speaking] on Passover and referring to Pentecost? Could she bear in fifty days?¹⁸ Shall I say then that [he was speaking on] Pentecost and was referring to Tishri? Even in five months could she bear? I must suppose then that he was speaking on Tabernacles and referring to Passover.¹⁹ Even so, could she bear in six months? — It has been taught that that year was a leap year. All the same, if the Master deducts the days of uncleanness,²⁰ the time is too short? — Mar Zutra replied: Even those who hold that when a woman bears at nine months she does not give birth before the month is complete²¹ admit that if she bears at seven months she can give birth before the month is complete, as it says, And it came to pass after the cycle of days;²² the minimum of cycles is two, and the minimum of days is two.

‘On New Year Sarah, Rachel and Hannah were visited’. Whence do we know this? — R. Eliezer said: We learn it from the two occurrences of the word ‘visiting’, and the two occurrences of the word ‘remembering’. It is written concerning Rachel, And God remembered Rachel,²³ and it is written concerning Hannah, And the Lord remembered her,²⁴ and there is an analogous mention of ‘remembering’ in connection with New Year, as it is written, a solemn rest, a remembering of the blast of the trumpet.²⁵ The double mention of visiting [is as follows]. It is written concerning Hannah, For the Lord had visited Hannah,²⁶ and it is written concerning Sarah, And the Lord visited Sarah.²⁷

‘On New Year Joseph went forth from the prison’. Whence do we know this? — Because it is written, Blow the horn on the new moon, on the covering day for our festival . . .

(1) Six months before the redemption.

(2) Gen. I, 11.

(3) Lit., ‘fructification’.

(4) Gen. II, 6. This is supposed to have been at the time of the creation, and is therefore a proof that the world was created in Tishri.

(5) Gen. I, 12. ‘Bearing fruit’ is taken to mean, ‘about to bear fruit’.

(6) Ps. LXV, 14. ‘The meadows are clothed with flocks’. This Psalm is supposed to refer to the creation.

(7) I Kings VIII, 2. The verse continues, ‘which is the seventh month’.

(8) Num. XXIV, 21.

(9) Micah VI, 2.

(10) Cant. II, 8. This verse is adduced to show that mountains’ can refer to the Patriarchs.

(11) I Kings VI, 1. The text says that this was the second month, but sometimes the Nisan tekufah (vernal equinox) is late in occurring, in which case the month of Iyar may according to solar calculation still be Nisan (Rashi).

(12) As a number of festivals occur in it.

(13) Deut. XXXI, 2.

(14) Ex. XXIII, 26.

(15) Heb. **לְמוֹעֵד** E.V. ‘at the set time’.

(16) Gen. XVIII, 14. Said by the angel to Abraham with reference to the birth of Isaac.

(17) Lit., ‘standing’.

(18) The interval between Passover and Pentecost.

(19) According to another tradition (based on the words, knead and prepare unleavened cakes), the angels appeared to Abraham on Passover. Cf. Tosaf. s.v. **סֵס**.

(20) According to tradition, Sarah became niddah (v. Glos.) on that day.

(21) Lit., ‘defective (months)’. I.e., less than twenty-nine or thirty days.

(22) I Sam. I, 20 (E.V. ‘when the time was come about’). This is taken as proof by the Talmud that Hannah bore after six months and two days.

(23) Gen. XXX, 22.

(24) I Sam. I, 19.

(25) Lev. XXIII, 24.

(26) I Sam. II, 21.

Talmud - Mas. Rosh HaShana 11b

He appointed it for Joseph for a testimony when he went forth¹ etc.

‘On New Year the bondage of our ancestors ceased in Egypt’. It is written in one place, and I will bring you out from under the burdens of the Egyptians,² and it is written in another place, I removed his shoulder from the burden.³ ‘In Nisan they were delivered’, as Scripture recounts. ‘In Tishri they will be delivered in time to come’. This is learnt from the two occurrences of the word ‘horn’. It is written in one place, Blow the horn on the new moon,⁴ and it is written in another place, In that day a great horn shall be blown.⁵ ‘R. Joshua says, In Nisan they were delivered, in Nisan they will be delivered in the time to come’. Whence do we know this? — Scripture calls [the Passover] ‘a night of watchings’,⁶ [which means], a night which has been continuously watched for from the six days of the creation. What says the other to this? — [He says it means], a night which is under constant protection against evil spirits.⁷

R. Joshua and R. Eliezer are herein consistent [with views expressed by them elsewhere], as it has been taught: ‘In the sixth hundredth year of Noah's life, in the second month, on the seventeenth day of the month.’⁸ R. Joshua said: That day was the seventeenth day of Iyar, when the constellation of Pleiades sets at daybreak and the fountains begin to dry up, and because they [mankind] perverted their ways, the Holy One, blessed be He, changed for them the work of creation and made the constellation of Pleiades rise at daybreak and took two stars from the Pleiades and brought a flood on the world. R. Eliezer said: That day was the seventeenth of Marheshvan, a day on which the constellation of Pleiades rises at daybreak, and [the season] when the fountains begin to fill

(1) Ps. LXXXI, 4-6.

(2) Ex. VI, 6.

(3) Ps. LXXXI, 7 in reference to Joseph.

(4) Ibid. 4.

(5) Isa. XXVII, 13.

(6) Ex. XII, 42.

(7) I.e., on this night they are not allowed to roam as on other nights.

(8) Gen. VII, 11.

Talmud - Mas. Rosh HaShana 12a

, and because they perverted their ways, the Holy One, blessed be He, changed for them the work of creation, and caused the constellation of Pleiades to rise at daybreak and took away two stars [from it] and brought a flood on the world’.¹ Now accepting the view of R. Joshua, we can understand why the word ‘second’ is used;² but on R. Eliezer's view, what is meant by ‘second’? — [It means], the second to [the day of] judgment.³ Again, on R. Joshua's view we see what change there was in the work of creation; but on R. Eliezer's view what change was there?⁴ — The answer is found in the dictum of R. Hisda; for R. Hisda said: With hot liquid they sinned and with hot liquid they were punished. ‘With hot liquid they sinned’, namely, in [sexual] transgression. ‘With hot liquid they were punished’: it is written here⁵ , and the waters assuaged,⁶ and it is written elsewhere, and the wrath of the king was assuaged.⁷

Our Rabbis taught: ‘The wise men of Israel follow R. Eliezer in dating the Flood⁸ and R. Joshua in dating the annual cycles,⁹ while the scholars of other peoples follow R. Joshua in dating the Flood also’.

AND FOR VEGETABLES. A Tanna taught: 'For vegetables and for tithes and for vows'. What is meant by vegetables? The tithe of vegetables? But this is the same as 'tithes'? — [The Tanna] mentions first a tithe prescribed by the Rabbis and then those prescribed by the Torah.¹⁰ But let him mention those prescribed by the Torah first? — Since he was specially pleased with the others,¹¹ he mentions them first. And our Tanna [— why does he not mention tithes]? — He mentions a tithe prescribed by the Rabbis,¹² and [leaves us to infer] a fortiori those prescribed by the Torah. Why does not the Tanna here say simply 'tithe' [in the singular]? — He desires to include both the tithe of cattle and the tithe of cereals. Then why does he not say 'vegetable' [in the singular]? — He refers to two kinds of vegetables, as we have learnt: '[Tithe is to be given from] vegetables which are commonly made up into bundles, from the time they are so made up, and from those which are not commonly so made up, from the time when he fills a vessel with them.

Our Rabbis taught: If one¹³ gathered herbs on the eve of New Year before sunset, and then gathered some more

(1) There seems to be some confusion in the text here. To make it astronomically correct we should read (with the Seder Olam) in the dictum of R. Joshua, 'When Pleiades rises at daybreak', and in the dictum of R. Eliezer, 'sets at daybreak'.

(2) Because we find Nisan called the first month in the Torah.

(3) Which is also recognized by Scripture as the beginning of a year in the text, 'The eyes of the Lord are upon it (the Land of Israel) from the beginning of the year'.

(4) Seeing that it was the season of rain.

(5) In connection with the Flood.

(6) Gen. VIII, 1.

(7) Esth. VII, 10.

(8) I.e., the years of Noah and the calendar from Tishri; Tishri being the New Year for years.

(9) They hold that the world was created in Nisan, v. supra p. 30, n. 5.

(10) Tithes for all other kinds of produce apart from vegetables are derived by the Rabbis from biblical texts. But v. Tosaf. s.v. תנא .

(11) Because they were a rabbinic innovation.

(12) I.e., tithes for vegetables.

(13) Apparently a non-Jew is meant (Tosaf.).

Talmud - Mas. Rosh HaShana 12b

after sunset, terumah¹ and tithe are not given from one lot for another, because terumah and tithe are not given from the new for the old nor from the old for the new. If it was at the meeting point of the second and third years² [of the septennial cycle], from that [which is plucked in] the second year first and second tithe³ [have to be given], [and from that which was plucked in] the third year, first tithe and the tithe of the poor.

Whence this rule? — R. Joshua b. Levi says: [It is written], When thou hast made an end of tithing all the tithe of thine increase in the third year, which is the year of the tithe.⁴ This means the year in which there is only one tithe.⁵ How is then one to act? [He gives] the first tithe and the tithe of the poor, and the second tithe is omitted. Is this correct, or should the first tithe also be omitted? — [Not so], because it says, Moreover thou shalt speak unto the Levites and say unto them, When ye take of the children of Israel the tithe which I have given you from them for your inheritance.⁶ The text here compares the tithe [of the Levites] to an inheritance, [to signify that] just as an inheritance is to be held uninterrupted, so their tithe is to be given without interruption. It has been taught to the same effect: 'When thou hast made an end of tithing etc.' [This means] a year in which there is only one tithe. How is one to act? [He gives] first tithe and tithe of the poor, and the second tithe is omitted. Should perhaps the first tithe also be omitted? — [Not so], because it says, and the Levite shall come,⁷ which means to say, every time he comes give him.⁸ So R. Judah. R. Eliezer b. Jacob says:

We have no need [to appeal to this text].⁹ It says, Moreover thou shalt speak unto the Levites and say unto them, When ye take from the children of Israel the tithe which I have given you from them for your inheritance.¹⁰ The text here compares the tithe to an inheritance, to signify that just as an inheritance is held uninterruptedly, so the tithe is to be given without interruption.

AND FOR VOWS. Our Rabbis taught: If one is interdicted by vow to have no benefit from another person for a year, he reckons twelve months from day to day. If he said 'for this year', then even if he made the vow on the twenty-ninth of Elul, as soon as the first of Tishri arrives a year is completed for him; and this even on the view of those who say that one day in a year is not counted as a year. For he undertook to mortify himself, and he has mortified himself. But why not say [that his year ends in] Nisan? — In respect of vows, follow the ordinary use of language.¹¹

We have learnt elsewhere: 'Fenugrec¹² [becomes liable to tithe] from the time when it grows;¹³ produce¹⁴ and olives, from the time when they have grown a third'. What is meant by 'from the time when it grows'? — From the time when it grows sufficiently for resowing.¹⁵ 'Produce and olives from the time when they are a third grown'. Whence this rule? — R. Assi said in the name of R. Johanan (some trace it back to the name of R. Jose the Galilean): Scripture says: At the end of every seven years, in the set time of the year of release, in the feast of Tabernacles.¹⁶ Now how comes the year of release to be mentioned here? The feast of Tabernacles is already the eighth year? It is in fact to intimate to us that if produce has grown a third in the seventh year before New Year, the rules of the seventh year are to be applied to it in the eighth year.¹⁷

Said R. Zera to R. Assi:

(1) V. Glos.

(2) Lit., 'if the second entered into the third'. In the second year a tithe was taken to Jerusalem to be consumed there; in the third year a tithe was given to the poor, but not taken to Jerusalem. The first tithe which went to the Levites was given every year. v. infra.

(3) I.e., tithe of the Levites and tithe for Jerusalem.

(4) Deut. XXVI, 12.

(5) I.e., one of the two regular tithes.

(6) Num. XVIII, 26.

(7) Deut. XIV, 29.

(8) In the third year also.

(9) R. Eliezer apparently was not completely satisfied with the proof from this text, because it speaks of the Levite as in the category of the poor.

(10) Num. XVIII, 26.

(11) And men ordinarily talk of the year as beginning in Tishri.

(12) Or 'fenugreek', a leguminous plant allied to clover.

(13) I.e., its year is determined by the time of its growth and not of its gathering, as in the case of vegetables.

(14) התבואה It is a question whether this includes grapes or not. V. Tosaf.

(15) Cf. Tosaf. s.v. משתצמח .

(16) Deut. XXXI, 10.

(17) Tosaf. (s.v. מנהג) points out that this would seem to come under the rule already given above of adding from the profane on to the holy, and answers that from this verse we should learn only that the produce if harvested must be treated as seventh-year produce e.g.. in respect of trading interest, but not that it is forbidden to harvest it.

Talmud - Mas. Rosh HaShana 13a

But perhaps even though it has not begun to ripen at all, the All-Merciful has still laid down that it is to be left alone until the feast of Tabernacles? — Do not imagine such a thing. For it is written, and the feast of ingathering [asif] at the end of the year.¹ Now what is 'ingathering'? Shall I say it means

the feast which comes at the time of ingathering? This is already signified in the words when thou gatherest in.² What then must be meant here by asif? Harvesting;³ and the Rabbis take it for granted that all produce which is harvested by Tabernacles must have grown to a third by New Year, and Scripture applies to it the words at the end of the year.⁴ Said R. Jeremiah to R. Zera: And were the Rabbis certain that there is this distinction between a third and less than a third?⁵ He replied to him: Am I not always telling you not to let yourself go beyond the established rule? All the measurements laid down by the Sages are of this nature. In forty se'ahs [of water] a ritual bath may be taken; in forty se'ahs less a kurtub⁶ it may not be taken. [A quantity of food equal to the] size of an egg can be rendered unclean as foodstuff; if it is short of that quantity by a grain it cannot be rendered unclean. [A piece of cloth] three handbreadths by three can be rendered unclean by being trodden on,⁷ less than this quantity by one hair is not so rendered unclean. R. Jeremiah subsequently said: What I said is of no account. For R. Kahana was asked by members of the college, Whence did the Israelites bring the omer which they offered on their entry into the Land [of Israel]? If you say, it grew⁸ while still in the possession of the heathen, [this cannot be, since] the All Merciful prescribed your harvest⁹ and not the harvest of the stranger. (But how do we know that they [the Israelites] offered it at all? Perhaps they did not offer it at all? — Do not imagine such a thing. For it is written, And they did eat of the produce of the land on the morrow after the Passover.¹⁰ On the morrow after the Passover they ate, but not before, [which shows that] they brought the omer and only then ate. Whence then did they obtain it?) — He [R. Kahana] replied to them: All that had not grown to a third while in the possession of the stranger [was fitting for their use]. Now [it might be argued here also that] perhaps it had grown [in the possession of the stranger] and they were not certain. The fact, however, [that they ate it] shows that they were certain. So here,¹¹ the Rabbis are certain. But perhaps [the Israelites brought the omer from] corn which had not commenced to grow [when they entered the land], but where it had grown to a quarter they were not certain about the difference between a third and less than a third?¹² — Do not imagine such a thing. For it is written, And the people went up from the Jordan on the tenth of the month.¹³ Now if you assume that by then the corn had not grown at all, could it become ripe in five days? But [on your assumption] that it had grown to a fourth or a fifth, could [such corn] become ripe in five days? What you consequently have to answer [even on this assumption] is that the land of Canaan is called 'the land of the hind';¹⁴ so [on the other assumption] you can answer that it is called 'the land of the hind'.

R. Hanina objected strongly to the statement made above. Can you, he said, maintain that this 'asif' is 'harvesting', seeing that it is written, when thou gatherest in from thy threshing floor and from thy wine press,¹⁵ and [commenting on this] a Master has said, The verse speaks of the waste of the threshing floor and the wine press?¹⁶ Said R. Zera: I thought I was sure of this,¹⁷ and now R. Hanina has come and put a spoke in my wheel.¹⁸ How then do we know [this rule about a third]? — As it has been taught: R. Jonathan b. Joseph says: And it shall bring forth produce for the three years;¹⁹

(1) Ex. XXIII, 16.

(2) Ibid.

(3) The verse meaning that the harvest gathered in at this season belongs to the year going out.

(4) Which shows that it is regarded as belonging to the year which is going out.

(5) Viz., that what is grown to a third belongs to one year, and what is less grown to another year. This seems to R. Jeremiah rather arbitrary.

(6) A small liquid measure equal to 1/64 of a log.

(7) By one who had a flux.

(8) A third (Rashi).

(9) Ye shall bring the sheaf of the firstfruits of your harvest unto the priest. Lev. XXIII, 10.

(10) Josh. V, 11.

(11) With reference to the corn that is harvested at the season of Tabernacles.

(12) And it was not from such corn that they brought the omer.

(13) Josh. IV, 19.

(14) Dan. XI, 16 (E.V. beautiful land). The Sages say that the Land of Israel is compared to a hind on account of its swiftness in bringing its products to maturity. Keth. 112.

(15) Deut. XVI, 13. 'From' is taken in the partitive sense.

(16) To show that it may be used for covering the sukkah; and the phrase, Festival of 'asif' ('ingathering') here too has the same signification — the festival that comes at the time when people 'gather in' the waste products for the sukkah.

(17) Lit., 'this thing was in our hand'.

(18) Lit., 'has thrown into it an axe'.

(19) Lev. XXV, 21.

Talmud - Mas. Rosh HaShana 13b

read not lishlosh [for three], but lishlish [to a third].¹ But this text is required for its literal meaning?² It is written in another verse, And ye shall sow for the eighth year and eat of the produce, the old store, until the ninth year.³

We have learnt elsewhere:⁴ 'Rice, millet, hanie⁵ and sesame,⁶ if they have taken root by New Year, are for purposes of tithe counted⁷ as belonging to the year before [the New Year],⁸ and are permitted in the seventh year.⁹ Otherwise they are forbidden in the seventh year,⁹ and are reckoned for tithe as belonging to the next year.¹⁰ Rabbah said: The Rabbis have laid down that [the tithe year of] a tree is determined by its blossoming, that of produce and olives by their becoming a third grown, that of vegetables by their ingathering. In which class have these been placed by the Rabbis? — Rabbah answered himself by saying: Since they are gathered for shelling as required,¹¹ the Rabbis made the taking root the determining factor.¹²

Said Abaye to him: Can he not collect the whole crop in a heap,¹³ so that ex post facto he will have set aside from the new crop in it for the new crop in it, and from the old crop in it for the old crop?¹⁴ Has it not been taught:¹⁵ 'R. Jose b. Kippar says in the name of R. Simeon Shezuri: If Egyptian beans have been sown for seed and part takes root before New Year and part after, terumah and tithe must not be given from one lot for another, because terumah and tithe are not given from the new for the old nor from the old for the new. How then is one to manage? He collects the whole crop in a heap, so that in the end he gives terumah and tithe from the new crop in the heap for the new crop in the heap, and from the old crop in the heap for the old crop in the heap! — He replied to him: You cite R. Simeon Shezuri. R. Simeon Shezuri held that mixing can be relied on,¹⁶ whereas the Rabbis held that mixing cannot be relied on.

R. Isaac b. Nahmani said in the name of Samuel: The halachah follows the ruling given by R. Jose b. Kippar in the name of R. Simeon Shezuri. R. Zera strongly demurred to this. Did Samuel, he asked, really say this? Has not Samuel said: Mixing is not relied on for anything save wine and oil? — R. Zera overlooked the following dictum of Samuel: The determining factor is in all cases the full ripening.¹⁷

(1) Meaning that it is considered ripe when it has grown a third.

(2) And how therefore can you use it for a deduction?

(3) Ibid. 22. This shows that the produce of the sixth year will last three years, and therefore the other verse is not required to tell us this and may be used for a deduction.

(4) Sheb. II, 7.

(5) A species of millet.

(6) These are all counted as varieties of pulse.

(7) In an ordinary year.

(8) Second or third as the case may be. V. p. 44, n. 6.

(9) Viz., those that take root in the sixth.

(10) V. Sheb. II, 7.

(11) I.e., some before New Year and some after. [The phrase עשויין פרכין פרכין is difficult. Rashi renders: They (their gathering) are made (as they are needed) for shelling. R. Hananel reads פרגין ('beds') and renders, They ripen (at different times) in different beds, even though they may 'take' at the same time].

(12) Because otherwise it would be difficult to keep the old and the new separate for tithing purposes without great inconvenience.

(13) Lit., 'heap up his threshing-floor in the middle of it'.

(14) Abaye holds that if the whole crops old and new, is well mixed together, then when he sets aside terumah and tithe from it, the proportion of old and new in the terumah and tithe will be the same as the proportion of old and new in the whole crop.

(15) Tosef. Sheb. II.

(16) To produce old and new in proper proportions in the tithe. Lit., 'there is mixing'.

(17) And therefore in fact tithe is given from Egyptian beans all together, whether they took root in the outgoing or in the incoming year, which is as R. Simeon Shezuri said, in so far that the two crops can be tithed together, although according to each for a different reason. For on the view of Samuel the whole is regarded as belonging to the incoming year, which is not what R. Simeon said.

Talmud - Mas. Rosh HaShana 14a

And all three dicta of Samuel are necessary.¹ For if he had told us only that the law follows R. Simeon b. Shezuri, I should have said that his reason was because we can rely on mixing; he tells us therefore that mixing is not to be relied on for anything. And if he had told us that mixing is not to be relied on for anything, I should have said that he holds with the Rabbis;² therefore he tells us that the halachah follows R. Simeon Shezuri. If again we had only these two dicta, I should have said that Samuel contradicts himself;³ he therefore tells us that the determining factor is in all cases the full ripening.⁴ And if he had told us [only] that the determining factor is in all cases the full ripening, I should have said that this applies also to produce and olives. Therefore he tells us that the halachah follows R. Simeon Shezuri where he expresses a different view.⁵ [But if so], let him indicate [only] these two points; why does he tell us that mixing is not in all cases to be relied on? — His object is to tell us that for wine and oil mixing is to be relied on.

It has been taught: R. Jose the Galilean says: After that thou hast gathered in from thy threshing-floor and from thy wine press:⁶ [this tells us that] just as the [produce brought to the] threshing floor and the wine press have this special feature, that they are nurtured by the waters⁷ of the outgoing year and are [consequently] tithed for the outgoing year, so all products which are nurtured by the waters of the outgoing year are tithed for the outgoing year. This excludes vegetables, which are nurtured by the waters of the current year⁸ and are [consequently] tithed for the current year. R. Akiba said: 'After that thou hast gathered it, from thy threshing-floor and thy wine press:' just as [the products brought to the] threshing-floor and wine press have this special feature that they are nurtured by rain water⁹ and [consequently] are tithed for the outgoing year, so all products that are nurtured by rain water are tithed for the outgoing year. This excludes vegetables, which are nurtured by all kinds of water¹⁰ and are consequently tithed for the current year. Where do they [R. Jose and R. Akiba] differ in practice? — R. Abbahu said: They take different views with regard to seedless onions and Egyptian beans, as we have learnt:¹¹ Seedless onions and Egyptian beans which have been kept without water for thirty days before New Year [and are gathered after New Year] are tithed for the outgoing year and are permitted in the Sabbatical year. Otherwise they are forbidden in the Sabbatical year and are tithed for the current year.¹²

ON THE FIRST OF SHEBAT IS NEW YEAR FOR TREES. What is the reason? — R. Eleazar said in the name of R. Oshaia: Because [by then] the greater part of the year's rain has fallen¹³ and the greater part of the cycle¹⁴ is still to come. What is the sense of this? What it means is this: 'Although the greater part of the cycle is still to come, yet since the greater part of the year's rain has

fallen, [therefore etc.]’.

Our Rabbis taught: ‘It is recorded of R. Akiba that he once plucked a citron tree on the first of Shebat and gave two tithes from

(1) For making clear to us his point of view.

(2) So that if old and new have become mixed together, tithe for both parts of the mixture must proportionately be given from some other quarter.

(3) By saying on the one hand that the law follows R. Simeon, which would imply that mixing can be relied on, and on the other that mixing cannot be relied on.

(4) And this is the reason why the law follows R. Simeon.

(5) From the Rabbis. That is, only in the case of beans etc. but not of produce, where Samuel would hold that the decisive factor is the growth of a third. [R. Hananel reads ‘where they (R. Simeon b. Shezuri and the Rabbis) differ’].

(6) Deut. XVI, 13.

(7) This apparently includes both rain water and irrigation.

(8) Lit., ‘the year that covers’. The year in which they are gathered.

(9) Lit., ‘most (kinds of) water’.

(10) Including irrigation.

(11) Sheb. II, 9.

(12) Rashi gives two views as to what is implied in this. According to one opinion, if these vegetables have been kept without water for the last thirty days of the outgoing year, then R. Jose would hold that they must have been nurtured by the rain water of that year, and so are to be tithed for that year; whereas R. Akiba would hold that their growth is due in part to irrigation. and so they would be tithed for the next year; and the Mishnah quoted follows R. Jose. The other opinion is that as they have not been irrigated for thirty days, it is R. Akiba and not R. Jose who would hold that they have been nurtured by the rain of the outgoing year, and the Mishnah therefore follows R. Akiba. It was customary to withhold water from these two species for thirty days before plucking them so as to harden them.

(13) And the trees now begin to blossom.

(14) The cycle of Tebeth; i.e., the winter season beginning at the winter solstice. V. supra p. 30, n. 5.

Talmud - Mas. Rosh HaShana 14b

it,¹ one² in accordance with the ruling of Beth Shammai and one³ in accordance with the ruling of Beth Hillel.⁴ R. Jose b. Judah said: He did not follow the [two] rulings of Beth Shammai and Beth Hillel, but the [two] rulings of Rabban Gamaliel and R. Eliezer, as we have learnt:⁵ ‘A citron tree follows the rule of a tree in three respects and of a vegetable in one respect. It follows the rule of a tree in three respects — for ‘uncircumcision,’⁶ for fourth-year fruit, and for the Sabbatical year. It follows the rule of a vegetable in one respect, its tithe [year] being determined by its plucking. So Rabban Gamaliel. R. Eliezer, however, says that a citron follows the rule of a tree in all respects.’⁷

But is it right to adopt the harder rule from both sides?⁸ Has it not been taught: ‘As a general principle, the halachah follows Beth Hillel. If one prefers, however, to adopt the rule of Beth Shammai, he may do so, and if he desires to adopt the rule of Beth Hillel he may do so. One, however, who adopts the more lenient rulings of both Beth Shammai and Beth Hillel [on the same subject] is a bad man, while to one who adopts the more stringent rulings of both Beth Shammai and Beth Hillel may be applied the verse, But the fool walketh in darkness.’⁹ No; either one must follow Beth Shammai both where they are more severe and more lenient or Beth Hillel both where they are more severe and more lenient? — [The answer is that] R. Akiba was doubtful about the tradition, and did not know whether Beth Hillel fixed [the New Year for trees] on the first of Shebat or on the fifteenth of Shebat.¹⁰

‘R. Jose b. Judah said: He did not adopt the two rulings of Beth Shammai and Beth Hillel, but of Rabban Gamaliel and R. Eliezer [But would R. Jose hold that] in respect of the first of Shebat he

adopted the ruling of Beth Shammai?¹¹ — R. Hanina (or some say R. Hananiah) said: The case here is one of a citron which had blossomed before the fifteenth of Shebat of the previous year,¹² and R. Akiba might equally well have done the same thing at all earlier date,¹³ but this happened to be the actual date. Rabina said: Combine¹⁴ the two statements. It was not the first of Shebat but the fifteenth of Shebat,¹⁵ and he [R. Akiba] did not adopt the two rulings of Beth Shammai and Beth Hillel but of Rabban Gamaliel and R. Eliezer.

Rabbah son of R. Huna said: Seeing that Rabban Gamaliel has said that the tithe year of a citron tree is determined by its plucking like that of a vegetable, its New Year [like that of a vegetable] must be the first of Tishri. The following was cited in objection to this: 'R. Simeon b. Eleazar says: If a man plucked the fruit of a citron tree on the eve of the fifteenth of Shebat before sunset, and then plucked some more after sunset, terumah and tithe must not be given from one lot for the other because terumah and tithe are not given from the new for the old nor from the old for the new. [If it was at the meeting point of the third and] fourth years, [from the fruit of] the third year he gives first tithe and the tithe of the poor, and from the fruit of the fourth year the first tithe and the second tithe'.¹⁶

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- (1) The second tithe for the second year and the poor tithe for the third.
 - (2) The poor tithe.
 - (3) The second tithe.
 - (4) Who say that the New Year begins only on the fifteenth of Shebat.
 - (5) Bek. II, 6.
 - (6) 'Orlah, v. Glos.
 - (7) And its tithe-year is determined by its blossoming. Being in doubt whether to follow R. Gamaliel or R. Eliezer, R. Akiba gave two tithes.
 - (8) Where two authorities give each two rulings with regard to a certain subject, one being more stringent in respect of one point and the other in respect of the other. For instance, Beth Shammai rule that the lack of one vertebra in a human spine still leaves it capable of defiling by 'overshadowing' (v. Glos. s.v. ohel) but does not make an animal trefa (v. Glos.) whereas Beth Hillel says that it makes an animal trefa but leaves it incapable of defiling by overshadowing. Here Beth Shammai are more stringent in the matter of defilement and Beth Hillel in the matter of trefa (v. 'Er. 6b). So here, R. Akiba took on himself two burdens when one would have sufficed.
 - (9) Eccl. II, 14.
 - (10) And he followed Beth Hillel only.
 - (11) [For according to Beth Hillel, even if the tithe is determined by the blossoming he would still not be liable to the tithe of third year, which would not begin before the fifteenth of Shebat.]
 - (12) When the third year began, and the fruit had been left on the tree. A citron can remain on the tree for several years.
 - (13) R. Akiba following Beth Hillel and the two rulings of R. Gamaliel and R. Eliezer, the blossoming having taken place in the second year.
 - (14) In R. Jose's statement.
 - (15) When unquestionably a New Year would have commenced for trees.
 - (16) Tosef., R.H.I., cf. supra p. 44, nn. 6-7.

Talmud - Mas. Rosh HaShana 15a

Now which authority is reported to make plucking the determining factor? Rabban Gamaliel; and he says here Shebat?¹ — The statement should have been reported differently,² [thus]: Rabbah b. bar Huna said: Although Rabban Gamaliel said that [the tithe-year of] a citron tree is determined by its plucking like [that of] a vegetable, yet its New Year is Shebat.

Why in the former statement³ is the expression used, 'if it was the meeting point of the second and third years', and in this statement the expression, 'if it was the meeting point of the third and fourth years'? — This points out to us incidentally that the citron tree suffers from being handled, and since

everybody handles it in the seventh year,⁴ it does not yield fruit till the third year [after blossoming].

R. Johanan inquired of R. Jannai: When is the New Year of the citron tree? — He replied: In Shebat. Do you mean [he asked further] Shebat of the calendar⁵ or Shebat of the cycle?⁶ — He replied: Shebat of the calendar.⁷

Raba inquired of R. Nahman (or, according to others, R. Johanan inquired of R. Jannai): Suppose it was a leap year, what is the rule?⁸ — He replied: Do as in ordinary years.⁹

Rabbah said: A citron tree which has blossomed in the sixth year and ripened in the seventh¹⁰ is not liable to tithe and not liable to clearance;¹¹ while one which has blossomed in the seventh year and produced fruit in the eighth is not liable to tithe but is liable to clearance. Said Abaye to him: Your second clause is unobjectionable, because [you can say that] you take the more stringent view.¹² But your first clause [surely involves a contradiction]? [For you say], 'It is not liable to clearance'. Why so? Because we say, Make the blossoming the determining factor.¹³ But if so, it should surely be liable to tithe? — He replied to him: Everybody handles it, and you say it should be liable to tithe! R. Hamnunah, however, said: A citron tree which blossoms in the sixth year and ripens in the seventh is always reckoned as belonging to the sixth, and one which blossoms in the seventh and ripens in the eighth is always regarded as belonging to the seventh. The following was cited in objection: 'R. Simeon b. Judah said in the name of R. Simeon: A citron tree which blossoms in the sixth year and ripens in the seventh is not liable to tithe and not liable to clearance, since no fruit is liable to tithe which has not both grown and been plucked in a period of liability.¹⁴ A citron tree which blossoms in the seventh year and ripens in the eighth year is not liable either to tithe or to clearance, since no fruit is liable to clearance which has not both grown and been plucked in the seventh year'. Now the first part of this statement seems to contradict R. Hamnunah,¹⁵ and the second part both Rabbah and R. Hamnunah?¹⁶ — There is a difference of Tannaim on this point,¹⁷ as it has been taught: 'R. Jose said: Abtolmus testified in the name of five elders that a citron is determined by its plucking in the matter of tithe. Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe and of Sabbatical year'. How does Sabbatical year come to be mentioned here? —

(1) And not Tishri.

(2) Lit., 'if the statement was made it was stated thus'.

(3) In the Tosef. quoted on 12a ad fin.

(4) Since, like all other trees, it is common property in that year.

(5) I.e., the lunar month Shebat-thirty days from the first of Tebeth.

(6) Thirty days from the cycle of Tebeth (Winter Solstice, usually Dec. 22).

(7) In spite of the fact that fructification is due to the action of the sun.

(8) Do we make the New Year in Shebat which comes next to Tebeth, or in First Adar which takes the place of Shebat in this year?

(9) Lit., 'follow most of the years'. I.e., adhere to Shebat.

(10) Lit., 'the daughter of the sixth which enters into the seventh'.

(11) In the third and sixth years of the Septennate. V. Deut. XXVI, 13.

(12) I.e., the view which is more stringent in this case, viz., that we go by the blossoming and not by the plucking. And since we do this for purposes of clearance, we also do it for purposes of tithes, although this means taking the more lenient view. (V. Tosaf s.v. **בשלמא**).

(13) And so it belongs to the sixth year.

(14) And the seventh year is not a period of liability for tithe.

(15) Who holds that if it blossoms in the sixth it is liable to tithe.

(16) Who both hold that if it blossomed in the seventh year it is liable to clearance.

(17) As to whether we go by the plucking or the blossoming for purposes of the Sabbatical year.

Talmud - Mas. Rosh HaShana 15b

There is an omission in the statement, which should read as follows: '[Abtolmus testified that] a citron tree is determined by its plucking for purposes of tithe and by its blossoming for purposes of the Sabbatical year.¹ Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe and of Sabbatical year'.

It has been stated: R. Johanan and Resh Lakish both lay down that a citron tree which blossoms in the sixth year and ripens in the seventh year is always reckoned as belonging to the sixth year.² When Rabin came [from Palestine], he said in the name of R. Johanan: A citron which blossomed in the sixth year and ripened in the seventh, even though [at the beginning of the seventh] it was no bigger than an olive and it subsequently became as big as a loaf, can render one guilty of breaking the rule of tebel.³

Our Rabbis taught: If the fruit of a tree blossoms before the fifteenth of Shebat, it is tithed for the outgoing year; if after the fifteenth of Shebat, it is tithed for the incoming year. R. Nehemiah said: This rule applies only to trees which produce two broods in a year.⁴ (Two broods,⁵ do you say? — He should say, as it were two broods).⁶ Trees, however, which produce only one brood, like date trees, carob trees and olive trees, even though they blossom before the fifteenth of Shebat are tithed for the incoming year.

R. Johanan said: In regard to carob trees, it has become the general custom to follow the rule of R. Nehemiah. Resh Lakish sought to confute R. Johanan from the following: 'As regards wild fig-trees, their seventh year is the second year [of the Septennate] because [after blossoming] their fruit takes three years to grow'.⁷ — He made no answer.⁸ Said R. Abba the priest to R. Jose: Why did he make no answer? He could have said to him, I give the view of R. Nehemiah, and you bring against me the view of the Rabbis! — [He could not have answered him thus], because Resh Lakish could have retorted: Do you abandon the Rabbis and follow R. Nehemiah? — But he could have said to him, I speak to you of the general custom, and you speak to me of a prohibition?⁹ — [He could not answer thus], because he could have said to him: Where a prohibition applies, even if there is a general custom, do we allow it? — But he could have said to him: I speak to you of the tithe of carobs, which is Rabbinical, and you speak to me of the Sabbatical year, which is Pentateuchal! — The truth is, said R. Abba the priest, I wonder whether Resh Lakish put this question. Whether he put this question? But we are distinctly told that he did so! — What R. Abba should say is, whether he [R. Johanan] admitted the difficulty or not.¹⁰

(1) And this is the view taken by Rabbah and R. Hamnunah in respect of the law of clearance. For the purposes of tithes, however, Rabbah is of the opinion that although Abtolmus makes the plucking the decisive factor, he would nevertheless exempt from tithe a citron tree which blossomed in the sixth year and ripened in the seventh, for the reason that it is handled by everybody (Rashi)].

(2) Whether for purposes of the Sabbatical year or tithes.

(3) V. Glos. If it was consumed before tithe was given for it, R. Johanan being of the opinion that we go by the blossoming.

(4) R. Nehemiah's statement is here interrupted while the use of the strange word 'broods' is explained.

(5) Heb. **בְּרִיכוֹת**, a word strictly applicable only to broods of birds.

(6) I.e., their fruit is not all gathered at one time; e.g., figs; cf. supra 13b, the rule in the case of beans.

(7) Sheb. V, 1. Which would show that the blossoming is the determining factor in all trees, even those which are all plucked at one time.

(8) Lit. 'he was silenced'.

(9) The prohibition to determine the year by the plucking.

(10) I.e., whether his silence was due to the fact that he had no answer, or to the fact that he thought it obvious that tithe of carobs, which is Rabbinical, could not be put on the same footing as produce of the Sabbatical year which is

Talmud - Mas. Rosh HaShana 16a

MISHNAH. AT FOUR SEASONS [DIVINE] JUDGMENT IS PASSED ON THE WORLD:¹ AT PASSOVER IN RESPECT OF PRODUCE; AT PENTECOST IN RESPECT OF FRUIT; AT NEW YEAR ALL CREATURES PASS BEFORE HIM [GOD] LIKE CHILDREN OF MARON,² AS IT SAYS, 'HE THAT FASHIONETH THE HEART OF THEM ALL, THAT CONSIDERETH ALL THEIR DOINGS';³ AND ON TABERNACLES JUDGMENT IS PASSED IN RESPECT OF RAIN.

GEMARA. Which produce is referred to? Shall I say, the produce which is already grown?⁴ If so, then when were the hardships decreed which it has already suffered? It must be then the produce which is to be sown later.⁵ You assume then that only one judgment is passed. But it has been taught: 'If some calamity or misfortune⁶ happens to produce before Passover, it is in virtue of a judgment passed on the previous Passover, if after Passover, of a judgment passed at the Passover which has just gone.⁷ If a calamity or misfortune happens to a man before the Day of Atonement, it is in virtue of a judgment passed on the last Day of Atonement, if just after the Day of Atonement, of a judgment passed on the one just gone'! — Raba replied: This shows that two judgments are passed on the produce.⁸ Abaye remarked: Therefore if a man sees that the slow-maturing seed⁹ is doing well he should sow the quick-maturing seed¹⁰ in good time, so that it may be well grown before the time comes to judge it.¹¹

Our Mishnah seems to agree neither with R. Meir nor with R. Judah nor with R. Jose nor with R. Nathan. For it has been taught: 'All are judged¹² on New Year and their doom is sealed on the Day or Atonement. So R. Meir. R. Judah says: All are judged on New Year and the separate dooms are sealed each in its time — on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement. R. Jose says: Man is judged every day, as it says, And thou dost visit him every morning.¹³ R. Nathan says: Man is judged every moment, as it says, Thou dost try him every moment'.¹⁴ Should you maintain that it is after all in accordance with Rabbi Judah, [the seasons] mentioned in our Mishnah referring to the final doom, we may retort that if so there is a difficulty with the case of man!¹⁵ — Raba replied: This Tanna [of our Mishnah] follows the Tanna of the school of R. Ishmael, since it has been taught in the school of R. Ishmael: 'At four seasons judgment is passed on the world, on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement'. The statements of the Mishnah must then be taken to refer to the preliminary judgment.

R. Hisda said: What is the reason of R. Jose? — [How can you ask this?] Surely it is as he has stated, [viz., the text], 'And thou dost visit him every morning'! — What we mean is this: What is his reason for not taking the same view as R. Nathan? — 'Trying' merely means scrutinizing. But 'visiting' also merely means scrutinizing? The truth is, said R. Hisda, that R. Jose's reason is to be found in this text: To do the judgement of his servant and the judgement of his people Israel, as every day shall require.¹⁶

R. Hisda further said: If a king and a people present themselves together, the king stands his trial first, as it says, To do the judgement of his servant and the judgement of his people Israel.¹⁶ What is the reason? — If you like, I can say, because it is not proper that a king should remain outside, or if you like I can say, [so that he may be judged] before the [divine] anger waxes hot.¹⁷

R. Joseph said: Whose authority do we follow nowadays in praying [daily] for the sick and for the ailing?¹⁸ — Whose authority? That of R. Jose.¹⁹ Or if you like I can say that it is after all that of the

Rabbis,²⁰ but that at the same time we follow the counsel of R. Isaac. For R. Isaac said: Supplication²¹ is good for a man whether before the doom is pronounced or after it is pronounced.²²

It has been taught: R. Judah said in the name of R. Akiba: Why did the Torah enjoin on us to offer an 'Omer on Passover? Because Passover is the season of produce. Therefore the Holy One, blessed be He, said, Bring before Me an 'Omer' on Passover so that your produce in the fields may be blessed.²³ Why did the Torah enjoin on us to bring two loaves on Pentecost? Because Pentecost is the season for fruit of the tree. Therefore the Holy One, blessed be He, said: Bring before Me two loaves on Pentecost so that the fruit of your trees may be blessed.²⁴ Why did the Torah enjoin on us to pour out water on Tabernacles?²⁵ The Holy One, blessed be He, said, Pour out water before Me on Tabernacles, so that your rains this year may be blessed. Also recite before Me on New Year [texts making mention of] kingship, remembrance, and the shofar-kingship, so that you may proclaim Me king over you; remembrance, so that your remembrance may rise favourably before Me; and through what? Through the shofar.²⁶

R. Abbahu said: Why do we blow on a ram's horn? The Holy One, blessed be He, said: Sound before Me a ram's horn so that I may remember on your behalf the binding of Isaac the son of

Abraham,²⁷ and account it to you as if you had bound yourselves before Me.

R. Isaac said: Why do we sound the horn on New Year? — [You ask], why do we sound? The All-Merciful has told us to sound!²⁸ — What he means is, why do we sound a teru'ah?²⁹ [You ask] why do we sound a teru'ah? The All-Merciful has proclaimed 'a memorial of teru'ah!³⁰ — What he means is, why do we sound a teki'ah and teru'ah!³⁰ — sitting

(1) In accordance with its actions during the preceding year. By the 'world' here is probably meant only the people of Israel

(2) The general sense of this obscure expression is 'one by one', 'in single file'. Its precise meaning is discussed in the Gemara infra p. 18a q.v.

(3) Ps. XXXIII, 15.

(4) Having been sown in the previous autumn.

(5) In the coming autumn.

(6) קרי או אונם . The former by an 'act of God', the latter by an act of man', Aruch.

(7) Lit. , 'to come'. I.e., the Passover after which it had been sown.

(8) I.e., the same produce is judged in two years.

(9) Wheat and cummin, which are sown in October.

(10) Barley, 'which is sown in January or February.

(11) At the next Passover, and meanwhile it profits from the favourable judgment of the preceding Passover.

(12) This means apparently, 'all judgments are passed'.

(13) Job VII, 18.

(14) Ibid. Tosef. R.H. I.

(15) Whose judgment according to the Mishnah is on New Year.

(16) I Kings VIII, 59.

(17) Cf. supra 8b.

(18) V. P.B. p 47.

(19) Who holds that man is judged daily; v. Ned. 49a.

(20) I.e. our Mishnah.

(21) Lit., 'crying'.

(22) So that daily prayer for the sick is of some effect though judgment has already been pronounced on New Year.

(23) Passover being the season when judgment is pronounced on the produce.

(24) The connection between the loaves and fruit lies in the fact that firstfruits were not brought to the Temple before Pentecost.

- (25) The ceremony of water-pouring on Tabernacles (v. Suk. 48a) was derived by the Rabbis from hints in the Pentateuch, though it is not expressly mentioned there (V. Ta'an 2b-3a).
- (26) V. infra 34b.
- (27) Because eventually Abraham offered a ram in place of Isaac.
- (28) In the verse Sound (tik'u) the horn on the New Moon, on the appointed day of our festival. Ps. LXXXI, 4.
- (29) Because the word tik'u implies only the teki'ah sound. For teru'ah and teki'ah v. Glos.
- (30) Lev. XXIII, 24. E.V. 'a memorial proclaimed with the blast of horns'.

Talmud - Mas. Rosh HaShana 16b

and then again sound a teki'ah and teru'ah standing? — It is so as to confuse the Accuser.¹

R. Isaac further said: If the shofar is not sounded² at the beginning of the year, evil will befall at the end of it. Why so? Because the Accuser has not been confused.

R. Isaac further said: Every year which is poor³ at its opening becomes rich before it ends, as it says, From the beginning of the year — where the word is spelt meroshith⁴ — 'unto the end'; such a year is destined to have a 'latter end'.⁵

R. Isaac further said: Man is judged only according to his actions up to the time of judgment,⁶ as it says, God hath heard the voice of the lad as he is there.⁷

R. Isaac further said: Three things call a man's iniquities to mind, namely, a shaky wall,⁸ the scrutinizing of prayer,⁹ and calling for [Divine] judgment on one's fellow man. For R. Abin said: He who calls down [Divine] judgment on his neighbour is himself punished first [for his own sins], as it says, And Sarai said unto Abram, My wrong be upon thee,¹⁰ and it is written later, And Abraham came to mourn for Sarah and to weep for her.¹¹

R. Isaac further said: Four things cancel the doom of a man, namely, charity, supplication, change of name and change of conduct. Charity, as it is written, And charity delivereth from death.¹² Supplication, as it is written, Then they cried unto the Lord in their trouble, and he delivered them out of their distresses.¹³ Change of name, as it is written, As for Sarai thy wife, thou shalt not call her name Sarai, but Sarah shall her name be;¹⁴ and it continues, And I will bless her and moreover I will give thee a son of her. Change of conduct, as it is written, And God saw their works, and it continues, and God repented of the evil which he said he would do unto them and he did it not.¹⁵ Some say that change of place [also avails], as it is written, Now the Lord said unto Abram, Get thee out of thy country, and it proceeds, and I will make of thee a great nation.¹⁶ And the other [— why does he not reckon this]? — In that case it was the merit of the land of Israel which availed him.

R. Isaac further said: It is incumbent on a man to go to pay his respects to his teacher on festivals, as it says, Wherefore wilt thou go to him today? It is neither new moon nor sabbath,¹⁷ from which we infer that on New Moon and Sabbath¹⁸ one ought to go.¹⁹

R. Isaac further said: A man should purify himself for the festival, as it says, and their carcasses ye shall not touch.²⁰ It has been taught to the same effect: 'And their carcasses ye shall not touch'. I might think that [ordinary] Israelites are cautioned not to touch carcasses. Therefore it says, Say unto the priests the sons of Aaron;²¹ [which shows that] the sons of Aaron are cautioned but ordinary Israelites are not cautioned. May we not then argue a fortiori: Seeing that in the case of a serious uncleanness,²² while the priests are cautioned Israelites are not cautioned, how much less [are they likely to be cautioned] in the case of a light uncleanness!²³ What then am I to make of the words, 'and their carcasses ye shall not touch'? — On the festival.

R. Kruspedai said in the name of R. Johanan: Three books are opened [in heaven] on New Year, one for the thoroughly wicked,²⁴ one for the thoroughly righteous, and one for the intermediate. The thoroughly righteous are forthwith inscribed definitively in the book of life; the thoroughly wicked are forthwith inscribed definitively in the book of death;²⁵ the doom of the intermediate is suspended from New Year till the Day of Atonement; if they deserve well, they are inscribed in the book of life; if they do not deserve well, they are inscribed in the book of death. Said R. Abin, What text tells us this? — Let them be blotted out of the book of the living, and not be written with the righteous.²⁶ ‘Let them be blotted out from the book — this refers to the book of the wicked. ‘Of life — this is the book of the righteous. ‘And not be written with the righteous’ — this is the book of the intermediate. R. Nahman b. Isaac derives it from here: And if not, blot me, I pray thee, out of thy book which thou hast written,²⁷ ‘Blot me, I pray thee’ — this is the book of the wicked. ‘Out of thy book’ — this is the book of the righteous. ‘Which thou has written’ — this is the book of the intermediate.

It has been taught: Beth Shammai say, There will be three groups at the Day of Judgment²⁸ — one of thoroughly righteous, one of thoroughly wicked, and one of intermediate. The thoroughly righteous will forthwith be inscribed definitively as entitled to everlasting life; the thoroughly wicked will forthwith be inscribed definitively as doomed to Gehinnom, as it says. And many of them that sleep in the dust of the earth shall awake, some to everlasting life and some to reproaches and everlasting abhorrence.²⁹ The intermediate will go down to Gehinnom

(1) Heb. ‘Satan’. The devotion of the Jews to the precepts nullifies Satan’s accusation against them (Rashi). [The Shofar on New Year is blown twice: once at the close of the morning prayer and the reading of the Law when the congregation is seated, and again during the Musaf prayers while the people stand. According to J.R.H. IV, 8 the Shofar was originally blown only at the morning service, whence it was transferred to a later hour in the Musaf because their enemies on one occasion took the Shofar blasts early in the morning as a call to arms, whereupon they attacked the Jews. The custom of blowing the Shofar at Musaf service was retained even after the rite had been restored to the morning service].

(2) [This does not apply where New Year falls on Sabbath, in which case the Shofar may not be blown, but where the rite was omitted through some other cause (Tosaf.)].

(3) I.e., in which Israel humble themselves and make themselves poor in spirit.

(4) Defectively, and can be read **מְרֵשִׁית** from the poverty of’.

(5) Apparently there is an allusion here to the verse, ‘for the latter end of that man is peace’. Ps. XXXVII.

(6) And not in view of those which he is likely to commit at some later time. Lit., ‘of that hour’.

(7) Gen. XXI, 17. Stress is laid on the words as he is there (E.V. ‘where he is’); Ishmael was still righteous, whatever he was destined to become in the future.

(8) By passing under a shaky wall a man, as it were, ‘tempts Providence’.

(9) Lit., ‘speculation in prayer’. To see whether it produces an effect or not. [Or, ‘expectation of the immediate grant of one’s request’. The offence lies in the presumption of claiming that God must answer prayer of any kind whatsoever. V. Abrahams, I, Pharisaism and Gospels II, 78ff].

(10) Gen. XVI, 5.

(11) Which shows that Sarah died first. Ibid. XXIII, 2.

(12) Prov. X, 2 (E.V. ‘righteousness’).

(13) Ps. CVII, 6.

(14) Gen. XVII, 15.

(15) Jonah III, 10.

(16) Gen. XII, 1, 2.

(17) II Kings IV, 23.

(18) Which is a generic name for all holy days.

(19) [R. Hananel’s text reads on ‘But we have said (only) on festivals (whereas the verse speaks of New Moon and Sabbaths)? — If the teacher resides near him he must go to pay him his respects every Sabbath and New Moon; if he resides at a long distance, he must go to pay him his respects (only) on Festivals].

(20) Lev. XI, 8.

(21) Lev. XXI, 1. The text continues, there shall none defile himself for the dead among his people.

- (22) That of a dead body.
- (23) That of an animal carcass.
- (24) I.e. , those whose bad deeds definitely outweigh their good.
- (25) The life and death in the future world (i.e., of the soul) is meant. V. Tosaf. s.v. **ונחתמין** .
- (26) Ps. LXIX, 29.
- (27) Ex. XXXII, 32.
- (28) When the dead will arise in the flesh. V. Tosaf. s.v. **ליום** .
- (29) Dan. XII, 2.

Talmud - Mas. Rosh HaShana 17a

and squeal¹ and rise again, as it says, And I will bring the third part through the fire, and will refine them as silver is refined, and will try them as gold is tried. They shall call on my name and I will answer them.² Of them, too, Hannah said, The Lord killeth and maketh alive, he bringeth down to the grave and bringeth up.³ Beth Hillel, however, say: He that abounds in grace inclines [the scales] towards grace,⁴ and of them David said, I love that the Lord should hear my voice and my supplication,⁵ and on their behalf David composed the whole of the passage, I was brought low and he saved me.⁶

Wrongdoers of Israel who sin with their body⁷ and wrongdoers of the Gentiles who sin with their body go down to Gehinnom and are punished there for twelve months. After twelve months their body is consumed and their soul is burnt and the wind scatters them under the soles of the feet of the righteous as it says, And ye shall tread down the wicked, and they shall be as ashes under the soles of your feet.⁸ But as for the minim⁹ and the informers and the scoffers,¹⁰ who rejected the Torah and denied the resurrection of the dead, and those who abandoned the ways of the community,¹¹ and those who 'spread their terror in the land of the living',¹² and who sinned and made the masses sin, like Jeroboam the son of Nebat and his fellows — these will go down to Gehinnom and be punished there for all generations, as it says, And they shall go forth and look upon the carcasses of the men that have rebelled against me¹³ etc. Gehinnom will be consumed but they will not be consumed, as it says, and their form shall wear away the nether world.¹⁴ Why all this? Because they laid hands on the habitation [zebul], as it says, that there be no habitation [zebul] for Him,¹⁵ and zebul signifies the Temple, as it says, I have surely built thee a house of habitation [zebul].¹⁶ Of them Hannah said, They that strive with the Lord shall be broken to pieces.¹⁷ R. Isaac b. Abin said: And their faces shall be black like the sides of a pot. Raba added: Among them are the most handsome of the inhabitants of Mahuza, and they shall be called 'sons of Gehinnom'.¹⁸

The Master said [above]: 'Beth Hillel say, He that abounds in grace inclines [the scales] towards grace'. [How can this be], seeing that it is written, And I shall bring the third part through the fire?¹⁹ That refers to wrongdoers of Israel who sin with their body. Wrongdoers of Israel who sin with their body! But you said that there is no remedy for them?²⁰ — There is no remedy for them when their iniquities are more numerous [than their good deeds]. We now speak of those whose iniquities and good deeds are evenly balanced, but whose iniquities include that which is committed by sinners of Israel with their body. In that case they cannot escape the doom of 'I shall bring the third through the fire', but otherwise, [in regard to them], 'He that is abundant in grace inclines towards grace', and of them David said, I love that the Lord should hear. [On this verse] Raba discoursed as follows: What is meant by the words, 'I love that the Lord should hear'? The Community of Israel exclaimed before the Holy One, blessed be He: Sovereign of the Universe, when am I beloved in thy sight? At the time when thou hearest the voice of my supplications. 'I was brought low [dalothi] and he saved me': although I am poor (dallah) in the performance of religious duties, yet it is fitting to save me.

What is meant by 'wrongdoers of Israel who sin with their body'? — Rab said: This refers to the cranium which does not put on the phylactery.²¹ Who are 'the wrongdoers of the Gentiles who sin with their body'? — Rab said: This refers to [sexual] sin. 'Who have spread their terror in the land of the living': [who are these]? — R. Hisda said: This is a communal leader²² who makes himself unduly feared by the community for purposes other than religious.²³ Rab Judah said in the name of Rab: Any communal leader who makes himself unduly feared by the community for purposes other than religious will never have a scholar for a son, as it says, Therefore if men fear him, he shall not see [among his sons] any wise of heart.²⁴

'Beth Hillel say: He that abounds in grace inclines [the scales] to grace'. How does He do? — R. Eliezer²⁵ says: He presses down [the scale of merit], as it says, He will again have compassion on us,

he will press down our iniquities.²⁶ R. Jose b. Hanina says: [He does so] by raising [the scale of iniquities], as it says, Raising²⁷ iniquity and passing by transgression.²⁸ In the school of R. Ishmael they taught: He puts aside every first iniquity;²⁹ and herein lies the attribute [of grace]. Raba said: The iniquity itself is not obliterated, and if there is an excess of iniquities³⁰ [God] reckons it with the others.³¹

Raba said: He who forgoes his right [to exact punishment]³² is forgiven all his iniquities, as it says, Forgiving iniquity and passing by transgression. Who is forgiven iniquity? One who passes by transgression [against himself]. R. Huna the son of R. Joshua was once ill. R. Papa went to inquire about him. He saw that he was very ill³³ and said to those present, Make ready provisions for his [everlasting] journey.³⁴ Eventually, however, he [R. Huna] recovered, and R. Papa felt ashamed to see him. He said to him, What did you see [in your illness]? He replied, It was indeed as you thought, but the Holy One, blessed be He, said to them [the angels]: Because he does not insist upon his rights, do not be particular with him, as it says, Forgiving iniquity and passing by transgression. Who is forgiven iniquity? He who passes by transgression. [The verse continues], 'to the remnant of his heritage'. R. Aha son of R. Hanina said: We have here a fat tail with a thorn in it.³⁵ 'for the remnant of his inheritance', but not for all his inheritance.

(1) On account of their punishment. Al. 'struggle and rise'. [Ginzberg L.: 'be singed', i.e., by the fires of the Gehinnom, and after this experience arise thence and be healed. V. Moore S.F. Judaism III, p. 198].

(2) Zech. XIII, 9.

(3) 1 Sam. II, 6.

(4) And does not doom them to Gehinnom.

(5) Ps. CXVI, 1. Further on we read, The cords of death compassed me (v. 3).

(6) Ibid. 6.

(7) This is explained infra.

(8) Mal. III, 21.

(9) V. Glos. The reference is probably to the Judeo-Christians, as the Sadducees would be included under 'those who denied the resurrection'.

(10) אַפִּיקורְסִים ; those who treat the Rabbis and students of the Torah with disdain. If this is meant, then we should insert with MS.M. the words 'and those' before the word 'who'.

(11) Rashi deletes these words, (on the ground that they do not designate a separate class, but are a general description of all the classes mentioned.

(12) A phrase borrowed from Ezek. XXXII, 23. It is explained infra.

(13) Isa. LXVI, 24.

(14) Ps. XLIX, 15.

(15) Ibid. (E.V. 'for it'. [It is through the sins of such as these that the Temple has been destroyed (Rashi). If the reference is to Jewish Christians it may allude to their repudiation of the claims of the Temple as the place where alone true and perfect worship could be offered, V. Herford, Christianity in Talmud p. 135].

(16) I Kings VIII, 13.

(17) I Sam. II, 10.

(18) [The passage is difficult. Read with MS.M. 'The Master said (above) "Of them (of the intermediate class) Hannah said The Lord killeth and maketh alive, he bringeth down to the grave and bringeth up". R. Isaac b. Abin said, And their faces (that is, of the intermediate class) shall (on rising from Gehinnom) be black like the sides of the pot. Raba added, And yet (despite this disfigurement) they shall be more beautiful than the most handsome men of Mahuza who shall be called the sons of Gehinnom'. V. D.S. a.l.].

(19) Which was explained above to refer to the intermediate.

(20) I.e., that after passing through the fire they become dust.

(21) Even this in an Israelite is sufficient to merit Gehinnom.

(22) Heb. Parnas. (V. Git., Sonc. ed., p. 280, n. 9).

(23) I.e., not merely to make them keep the commandments.

(24) Job XXXVII, 24. E.V. Men do therefore fear Him; He regardeth not any that are wise of heart.

(25) [Read with MSM. R. Eleazar].

(26) I.e., press down the scale of merit against our iniquities, Micah VII, 19.

(27) E.V. 'that pardoneth'.

(28) Ibid. 18.

(29) Rashi and Asheri explain this to mean that if without the first iniquity the good deeds are in excess, then the first iniquity is not put back in the scale.

(30) I.e., if even so the iniquities just balance the merits.

(31) So as to count him guilty.

(32) Lit., 'passes by his measures'.

(33) Lit. 'the world (life) was getting weak for him'.

(34) I.e., prepare shrouds.

(35) A certain breed of sheep in the East have very long tails which are esteemed a great delicacy, but as they trail on the ground they often pick up thorns. Hence the proverbial expression, 'a tail with a thorn in it' for a good thing containing a snag.

Talmud - Mas. Rosh HaShana 17b

[What it means is], for him who makes himself a mere remnant.¹

R. Huna contrasted [two parts of the same verse]. It is written, The Lord is righteous in all his ways, and then it is written, and gracious in all his works.² [How is this]?³ — At first righteous and at the end gracious.⁴ R. Eleazar [similarly] contrasted two texts. It is written, Also unto thee, O Lord, belongeth mercy, and then it is written, For thou renderest to every man according to his work.⁵ [How is this]? — At first, 'Thou renderest to every man according to his work', but at the end, 'unto thee, O Lord, belongeth mercy'.

Ilfi (or, as some report, Ilfa) [similarly] contrasted two texts: It is written, abundant in goodness, and then it is written, and in truth.⁶ [How is this]? — At first, 'truth', and at the end 'abundant in goodness'.

And 'the Lord passed by before him and proclaimed [etc.]⁷ R. Johanan said: Were it not written in the text, it would be impossible for us to say such a thing; this verse teaches us that the Holy One, blessed be He, drew his robe round Him like the reader⁸ of a congregation and showed Moses the order of prayer. He said to him: Whenever Israel sin, let them carry out this service before Me,⁹ and I will forgive them.

'The Lord, the Lord': I am the Eternal¹⁰ before a man sins and the same¹⁰ after a man sins and repents. 'A God merciful and gracious:' Rab Judah said: A covenant has been made with the thirteen attributes¹¹ that they will not be turned away empty-handed,¹² as it says, Behold I make a covenant.¹³

R. Johanan said: Great is the power of repentance that it rescinds¹⁴ a man's final sentence, as it says, Make the heart of this people fat and make their ears heavy and shut their eyes, lest they seeing with their eyes and hearing with their ears and understanding with their heart return and be healed.¹⁵ Said R. Papa to Abaye: Perhaps this was before the final sentence? — He replied: It is written, 'and he be healed'. What is that which requires healing? You must say, the final sentence.

An objection [against this view] was raised [from the following]: 'If one repents in the interval,¹⁶ he is forgiven; if he does not repent in the interval, should he even offer [subsequently] all the rams of Nebayoth,¹⁷ he is not forgiven'! — There is no contradiction: the latter statement refers to an individual, the former to a community.

A further objection was raised [from the following]: ‘The eyes of the Lord thy God are upon it [the land of Israel],¹⁸ sometimes for good, sometimes for evil. How sometimes for good? Suppose Israel were [in the class of] the thoroughly wicked at New Year,¹⁹ and scanty rains were decreed for them, and afterwards they repented. [For God] to increase the supply of rain is impossible, because the decree has been issued. The Holy One, blessed be He, therefore sends down the rain in the proper season on the land that requires it,²⁰ all according to the district. How sometimes for evil? Suppose Israel were [in the class of] the thoroughly virtuous on New Year, and abundant rains were decreed for them, but afterwards they backslided. To diminish the rains is impossible, because the decree has been issued. The Holy One, blessed be He, therefore sends them down not in their proper season and on land that does not require them’.²¹ Now, [if the decree can be rescinded], for good at any rate, let the decree be rescinded and let the rains be increased? — There is a special reason there, namely, that this²² is sufficient.

Come and hear [a further objection]: ‘They that go down to the sea in ships, that do business in great waters, they saw the works of the Lord . . . For he commanded and raised the stormy wind which lifted up the waves thereof . . . they reeled to and fro and staggered like a drunken man . . . They cried unto the Lord in their trouble . . . let them give thanks unto the Lord for his mercy²³ etc. [The Psalmist] inserted here signs²⁴ having the same force as the ‘buts’ and ‘onlys’ of the Torah,²⁵ to indicate that if they cried before the final sentence they were answered, but if they cried after the final sentence they were not ‘answered’! — These also are on the same footing as individuals.

Come and hear [again]: ‘Bluria²⁶ the proselyte put this question to Rabban Gamaliel: It is written in your Law, [she said], who lifteth not up the countenance,²⁷ and it is also written, The Lord shall lift up his countenance upon thee.²⁸ R. Jose the priest joined the conversation and said to her: I will give you a parable which will illustrate the matter.²⁹ A man lent his neighbour a maneh and fixed a time for payment in the presence of the king, while the other swore to pay him by the life of the king. When the time arrived he did not pay him, and he went to excuse himself to the king. The king, however, said to him: The wrong done to me I excuse you, but go and obtain forgiveness from your neighbour. So here: one text speaks of offences committed by a man against God, the other of offences committed by a man against his fellow man. [This explanation was generally accepted] until R. Akiba came and taught

(1) I.e., who is self-effacing.

(2) Ps. CXLV, 17.

(3) How can God be both righteous (i.e., just) and gracious at the same time?

(4) When He sees that in strict justice the world cannot endure.

(5) Ps. LXII, 13.

(6) Ex. XXXIV, 6.

(7) Ibid.

(8) Lit., ‘emissary’; the one appointed to lead the congregational prayers. It is usual for such a one to draw his robe over his head.

(9) I.e., read from the Torah the passage containing the thirteen attributes.

(10) Lit., ‘He’. The Divine name YHWH (E.V. ‘the Lord’) designates the divine attribute of mercy (Rashi).

(11) Enumerated in this verse. According to one reckoning, ‘The Lord, the Lord’ count as two, according to another reckoning only the second of these counts as an attribute, and the expressions ‘keeping mercy’ and ‘unto the thousandth generation’ count as two attributes. V. Tosaf., s.v. **וְשָׁמַר**.

(12) I.e., that Israel will not be turned away empty-handed when they recite them.

(13) Ibid. 10.

(14) Lit., ‘tears up’.

(15) Isa. VI, 10.

(16) Between New Year and the Day of Atonement.

(17) Cf. Isa. LX, 7.

(18) Deut. XI, 12.

(19) I.e. at New Year their evil deeds in the past clearly exceeded their good deeds.

(20) E.g., gardens and orchards.

(21) E.g. on barren land.

(22) Sending the rain in the proper place and time.

(23) Ps. CVII, 23-31.

(24) In the Hebrew text an inverted nun is inserted before the verses 23-28 of this passage.

(25) It was a principle of R. Akiba that wherever the words **בִּלְבַד** (but) and **וְאֵלֶּיךָ** (only) occur in the Pentateuch, they are meant to except something which is not explicitly mentioned in the text.

(26) Valeria.

(27) Deut. X, 17. E. V. 'who regardeth not persons', 'countenance' referring to man's. It is here, however, taken as referring to God's in the sense of 'who shows not favour', as in the passage next quoted.

(28) Num. VI, 26.

(29) Lit., 'to what the thing is like'.

Talmud - Mas. Rosh HaShana 18a

: One text speaks of God's attitude before the final sentence, the other of his attitude after the final sentence!' — Here too the case is that of an individual.

On the question of the final sentence of an individual there is a difference between Tannaim, as it has been taught: R. Meir used to say: Two men take to their bed suffering equally from the same disease, or two men are before a criminal court to be judged¹ for the same offence; yet one gets up² and the other does not get up, one escapes death and the other does not escape death. Why does one get up and the other not? Why does one escape death and the other not? Because one prayed and was answered, and the other prayed and was not answered. Why was one answered and the other not? One prayed with his whole heart³ and was therefore answered, the other did not pray with his whole heart and was not answered. R. Eleazar, however, said: The one man was praying before his final sentence had been pronounced [in heaven], the other after his final sentence had been pronounced.

R. Isaac said: Supplication⁴ is good for a man whether before the final sentence has been pronounced or after.

But can the final sentence on a community be rescinded? Have we not one text which says, Wash thy heart from wickedness,⁵ and another which says, For though thou wash thee with nitre and take thee much soap, yet thine iniquity is marked before me,⁶ and does not the one text apply before the final sentence is pronounced and the other after? — No; both apply after the final sentence has been pronounced, yet there is no contradiction; in the one case the final sentence has been accompanied by an oath, in the other it has not been accompanied by an oath. This accords with the dictum of R. Samuel b. Ammi. For R. Samuel b. Ammi (or, as some say R. Samuel b. Nahmani) said in the name of R. Jonathan: How do we know that a final sentence accompanied by an oath is never rescinded? Because it says, Therefore I have sworn unto the house of Eli that the iniquity of Eli's house shall not be expiated with sacrifice nor offering.⁷ Raba said: With sacrifice and offering it cannot be expiated, but it can be expiated with Torah. Abaye said: With sacrifice and offering it cannot be expiated, but it can be expiated with Torah and charitable deeds. Rabbah⁸ and Abaye were of the house of Eli. Rabbah who devoted himself to the Torah lived forty years, Abaye who devoted himself both to the Torah and to charitable deeds lived sixty years.⁹

The Rabbis taught: There was a family in Jerusalem the members of which used to die at the age of eighteen. They came and told Rabban Johanan b. Zaccai. He said to them, Perhaps you are of the family of Eli, to whom it was said, and all the increase of thy house shall die young men.¹⁰ Go and study the Torah and you may live. They went and studied the Torah and lived, and they used to call

that family the family of Rabban Johanan after his name.

R. Samuel b. Inia said in the name of Rab: Whence do we know that the final sentence on a community is never sealed? — Never sealed, [you say]? Is it not written, Thine iniquity is marked before me?¹¹ What he should say is, [How do we know that] although it is sealed it can yet be rescinded? Because it says, as the Lord our God is whenever we call upon him.¹² But it is written, Seek ye the Lord while he may be found?¹³ — This verse speaks of an individual, the other of community. When can an individual [find God]? — Rabbah b. Abbuha said: These are the ten days between New Year and the Day of Atonement.

And it came to pass after the ten days that the Lord smote Nabal.¹⁴ How come these ten days here? — Rab Judah said in the name of Rab: They correspond to the ten dishes which Nabal gave to the servants of David.¹⁵ R. Nahman said in the name of Rabbah b. Abbuha: These are the ten days between New Year and the Day of Atonement.

ON NEW YEAR ALL MANKIND PASS BEFORE HIM LIKE CHILDREN OF MARON.¹⁶ What is the meaning of the expression 'like children of Maron'? — In Babylon it was translated, 'like a flock of sheep'.¹⁷ Resh Lakish said: As [in] the ascent of Beth Maron.¹⁸

Rab Judah said in the name of Samuel: Like the troops of the house of David.¹⁹ Rabbah b. Bar Hanah said in the name of R. Johanan: [All the same] they are all viewed with a simple glance. R. Nahman b. Isaac said: We also have learnt the same idea: He that fashioneth the hearts of them all, that considereth all their doings.²⁰ What does this mean? Shall I say that it means this, that [God] has created all creatures and unites all their hearts together? But we see that this is not so! No; what it means is this: 'The Creator sees²¹ their hearts together and considereth all their doings'.

MISHNAH. THERE ARE SIX NEW MOONS TO REPORT WHICH²² MESSENGERS GO FORTH [FROM JERUSALEM²³ TO THE DIASPORA]. [THE NEW MOON] OF NISAN ON ACCOUNT OF PASSOVER,²⁴ OF AB²⁵ ON ACCOUNT OF THE FAST,²⁶ OF ELUL ON ACCOUNT OF NEW YEAR,²⁷ OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS,²⁸ OF KISLEV ON ACCOUNT OF HANUKAH,²⁹ AND OF ADAR ON ACCOUNT OF PURIM.³⁰ WHEN THE TEMPLE STOOD, THEY USED ALSO TO GO FORTH TO REPORT IYAR ON ACCOUNT OF THE LESSER PASSOVER.³¹

GEMARA. Why should they not also go forth to report Tammuz and Tebeth³²

(1) So Rashi: Aliter: 'ascend the scaffold to be punished'.]

(2) Lit., 'comes down', i.e., from the bed.

(3) Lit., 'a perfect prayer'.

(4) Lit., 'cry'.

(5) Jer. IV, 14.

(6) Ibid. II, 22.

(7) I Sam. III, 14.

(8) Bar Nahmani, the colleague of R. Hisda. V. Tosaf. s.v. רבה .

(9) [Forty and sixty are mere round figures, as there is evidence that Rabbah lived more than forty years. The main thing the Talmud wishes to point out is that Abaye lived longer than Rabbah for the reason stated. V. Funk. S., Die Juden in Babylonian II, Note I and cf. A.Z., Sonc. ed., p. 101, n. 6.]

(10) I Sam. II, 33.

(11) Jer. II, 22.

(12) Deut. IV, 7.

(13) Isa. LV, 6. This implies that God cannot always be found.

(14) I Sam. XXV, 38. The question is suggested by the use of the definite article with the word 'ten'.

(15) David sent to Nabal ten young men (I Sam. XXV, 5), and Nabal according to tradition gave them each one meal. This hospitable act secured for him some respite.

(16) מרון .

(17) Passing through a wicket to be counted one by one. The word 'maron' is here connected with the Aramaic אמרא , a sheep.

(18) Var. lec. Beth Horon. A narrow pass where wayfarers had to proceed in single file.

(19) Which pass in review one by one. The word 'maron' is here connected with מרות , 'lordship'. [Cf. the reading of the Vienna MS.: נומרין (numerus), i.e., a troop of soldiers].

(20) Ps. XXXIII, 15.

(21) This word being supplied from 'beholdeth' in v. 13.

(22) I.e., to report whether the Beth din in Jerusalem have made the New Moon on the thirtieth or the thirty-first day after the preceding New Moon. Lit., 'for six months'.

(23) As soon as the New Moon has been declared, on the twenty-ninth or the thirtieth day as the case may be.

(24) So that before Passover arrives the Jews in the Diaspora will know which day is the fifteenth.

(25) There is no need for them to go on Sivan, because the date of Pentecost is known from the counting of the 'Omer.

(26) The ninth of Ab.

(27) Knowing the New Moon of Elul, the Jews of the Diaspora will fix New Year thirty days later, Elul usually having twenty-nine days, though there is still a risk that the Beth din may in any particular year declare Elul to have thirty.

(28) Viz., the Day of Atonement and Tabernacles, about which they could not be any more sure than about New Year.

(29) Which commences on Kislev 25.

(30) Adar the 14th.

(31) The Passover for the unclean, kept on the fourteenth of Iyar. V. Num. IX, 1-14.

(32) On account of the fasts of the seventeenth of Tammuz and the tenth of Tebeth.

Talmud - Mas. Rosh HaShana 18b

seeing that R. Hanah b. Bizna has said in the name of R. Simeon the Saint: 'What is the meaning of the verse, Thus had said the Lord of Hosts: The fast of the fourth month and the fast of the fifth and the fast of the seventh and the fast of the tenth shall be to the house of Judah joy and gladness?'¹ The prophet calls these days both days of fasting and days of joy, signifying that when there is peace they shall be for joy and gladness, but if there is not peace they shall be fast days'! — R. Papa replied: What it means is this: When there is peace they shall be for joy and gladness; if there is persecution,² they shall be fast days; if there is no persecution but yet not peace, then those who desire may fast and those who desire need not fast.³ If that is the case, the ninth of Ab also [should be optional]? — R. Papa replied: The ninth of Ab is in a different category, because several misfortunes happened on it, as a Master has said: On the ninth of Ab the Temple was destroyed both the first time and the second time, and Bethar was captured⁴ and the city [Jerusalem] was ploughed.⁵

It has been taught: R. Simeon said: There are four expositions among those given by R. Akiba with which I do not agree. [He said]:⁶ 'The fast of the fourth month' — this is the ninth of Tammuz, on which a breach was made in the walls of the city,⁷ as it says, On the fourth month on the ninth of the month the famine was sore in the city, so that there was no bread for the people of the land, and a breach was made in the city.⁸ Why is it called fourth? As being fourth in the order of months. 'The fast of the fifth month': this is the ninth of Ab, on which the House of our God was burnt. Why is it called fifth? as being fifth in the order of months. 'The fast of the seventh month': this is the third of Tishri on which Gedaliah the son of Ahikam was killed.⁹ Who killed him? Ishmael the son of Nethaniah killed him; and [the fact that a fast was instituted on this day] shows that the death of the righteous is put on a level with the burning of the House of our God. Why is it called the seventh? As being the seventh in the order of months. 'The fast of the tenth month': this is the tenth of Tebeth on which the king of Babylon invested Jerusalem, as it says, And the word of the Lord came unto me in the ninth year in the tenth month, in the tenth day of the month, saying, Son of man, write thee the name of the day, even of this selfsame day; this selfsame day the king of Babylon hath invested

Jerusalem.¹⁰ Why is it called the tenth? As being the tenth in the order of months. [It might be asked], should not this have been mentioned first?¹¹ Why then was it mentioned in this place [last]? So as to arrange the months in their proper order. I, however, [continued R. Simeon], do not explain thus. What I say is that ‘the fast of the tenth month, is the fifth of Tebeth on which news came to the Captivity that the city had been smitten, as it says, And it came to pass in the twelfth year of our captivity, in the tenth month, in the fifth day of the month, that one who had escaped out of Jerusalem came to me saying, The city is smitten,¹² and they put the day of the report on the same footing as the day of burning. My view is more probable than his, because I make the first [mentioned by the prophet] first [chronologically] and the last last,¹³ whereas he makes the first last and the last first, he, however, following [only] the order of months I [also follow] the order of calamities.

It has been stated [elsewhere]: Rab and R. Hanina hold that the Megillath Ta'anith¹⁴ has been annulled,¹⁵ whereas R. Johanan and Resh Lakish hold that the Megillath Ta'anith, has not been annulled. Rab and R. Hanina hold that the Megillath Ta'anith has been annulled, interpreting the words of the prophet thus: ‘When there is peace, these days¹⁶ shall be for joy and gladness, but when there is no peace, they shall be fasts’, and placing the days mentioned in the Megillath Ta'anith, on the same footing. R. Johanan and Resh Lakish hold that the Megillath Ta'anith has not been annulled, maintaining that it was those others [mentioned by the prophet] that the All-Merciful made dependent on the existence of the Temple,¹⁷ but these [mentioned in Megillath Ta'anith] remain unaffected.

R. Kahana cited the following in objection: ‘On one occasion a fast was decreed in Lydda on Hanukah¹⁸ and R. Eliezer went down there and bathed and R. Joshua had his hair cut,¹⁹ and they said to the inhabitants, Go and fast in atonement for having fasted [on this day]!’²⁰ — R. Joseph said: Hanukah is different, because there is a religious ceremony [attached to it]²¹ Said Abaye to him: Let it be abolished and its ceremony with it?²² — R. Joseph thereupon [corrected himself and] said: Hanukah is different because it commemorates publicly a miracle.²³

R. Aha b. Huna raised an objection [from the following]: ‘On the third of Tishri the mention [of God] in bonds was abolished:²⁴ for the Grecian²⁵ Government had forbidden the mention of

God's name²⁶ by the Israelites, and when the Government of the Hasmoneans became strong and defeated them, they ordained that they should mention the name of God even on bonds, and they used to write thus: ‘In the year So-and-so of Johanan, High Priest to the Most High God’, and when the Sages heard of it they said, ‘To-morrow this man will pay his debt and the bond will be thrown²⁷ on a dunghill’, and they stopped them, and they made that day a feast day.²⁸ Now if you maintain that the Megillath Ta'anith has been annulled, [is it possible that] while the former [prohibitions of fasting] have been annulled, new ones should be added? — With what are we here dealing? With the period when the Temple was still standing

(1) Zech. VIII, 19.

(2) Lit., ‘decrees of the Government’.

(3) Since these fasts were at the time of this Mishnah optional, no messengers were sent forth on their account.

(4) In the war of Bar Cochba.

(5) V. Ta'an. 20b.

(6) In expounding the verse from Zechariah quoted above.

(7) [The fast of Tammuz observed nowadays on the seventeenth of the month is in commemoration of the same calamity at the Second Destruction; v. Ta'an. 26b. Supra on Deut. VI, 4 reads, ‘on the seventeenth’ following J. Ta'an. IV, 8 that also point in their evidence since in the absence of witnesses the New Moon is on the first time the breach was made on the seventeenth, the ‘ninth’ mentioned in the text being due to miscalculation caused by the confusion of the time, v. Tosaf. s.v. טײַ].

- (8) Jer. LII, 6, 7.
- (9) V. Jer. XLI, 1, 2.
- (10) Ezek. XXIV, 1, 2.
- (11) The event commemorated being chronologically the first of those mentioned.
- (12) Ezek. XXXIII, 21. This is one of the four expositions in which R. Simeon differed from his teacher, R. Akiba. The other three are found in the Tosefta of Sot. VI and Sifre on Deut. VI, 4.
- (13) The fast of the fourth month.
- (14) Lit., 'Scroll of Fasting': a record of days on which it was prohibited to fast in memory of some joyful event which had happened on that date. It dates back in part before the destruction of the Second Temple (v. Shab. 13b). Its present form dates from the days of Hadrian.
- (15) Apparently we have to supply, 'since the destruction of the Temple'.
- (16) The four days mentioned by Zechariah.
- (17) So that when the Temple is restored and there is peace these fasts are abolished.
- (18) One of the Festivals mentioned in Megillath Ta'anith.
- (19) R. Eliezer and R. Joshua were disciples of R. Johanan b. Zaccai, and became authorities only after the destruction of the Temple. Bathing and haircutting were prohibited on fast days.
- (20) And if it was prohibited to fast on Hanukah, so also on the other days mentioned in Megillath Ta'anith.
- (21) Viz., the kindling of the lights.
- (22) Seeing that it is purely Rabbinical.
- (23) By the kindling of lights, and the people regard its ceremony like one ordained in the Torah.
- (24) This is a sentence from Megillath Ta'anith, which the Baraita explains.
- (25) I.e., Syrian.
- (26) Lit., 'the name of heaven'. [Cf. Gen. Rab. 11, 4: 'The Jews were ordered by the Greeks to write on the horn of the ox, "We have no share in the God of Israel"'].
- (27) Lit., 'it is found that the name of heaven is lying about'.
- (28) [Geiger, Urschrift, p. 34 places this in the last days of John Hyrcanus when the Pharisees turned against him; Graetz, Geschichte III, 2 p. 572 during the reign of Queen Salome when the Pharisees were in power. For other views, v. Lichtenstein, H, HUCA, pp. 283ff].

Talmud - Mas. Rosh HaShana 19a

. But [if that is so], cannot the prohibition [of the third of Tishri] be derived from the fact that it was the day on which Gedaliah the son of Ahikam was killed?¹ — Rab replied: Its [insertion in the Megillath Ta'anith] was required only to prohibit the day before it also.² But the prohibition of the day before it can also be derived from the fact that it is the day after New Moon?² — New Moon is ordained by the Written Law, and the ordinances of the Written Law do not require reinforcement, as it has been taught: 'These days which are mentioned in Megillath Ta'anith are forbidden [for fasting on] along with both the day before them and the day after them. As to Sabbaths and New Moons, they themselves are forbidden, but the days before and after them are permitted. What is the difference between one set and the other? The one set are ordained by the Torah,³ and the words of the Torah require no reinforcement, whereas the other are laid down by the Scribes, and the words of the Scribes require reinforcement'.⁴ But cannot the prohibition [of the second of Tishri] be derived from the fact that it is the day before the day on which Gedaliah the son of Ahikam was killed?⁵ — R. Ashi replied: The fast of Gedaliah the son of Ahikam is laid down in the later Scriptures,⁶ and the words of the later Scriptures are on the same footing as those of the Torah.

R. Tobi b. Mattenah raised the following objection [against the statement that Megillath Ta'anith has been annulled]: "On the twenty-eighth thereof [of Adar] came glad tidings to the Jews that they should not abandon the practice of the Law". For the Government [of Rome] had issued a decree that they should not study the Torah and that they should not circumcise their sons and that they should profane the Sabbath. What did Judah b. Shammu'a and his colleagues do? They went and consulted a certain matron whom all the Roman notables used to visit.⁷ She said to them: "Go and make

proclamation [of your sorrows] at night time". They went and proclaimed at night, crying, "Alas, in heaven's name, are we not your brothers, are we not the sons of one father and are we not the sons of one mother? Why are we different from every nation and tongue that you issue such harsh decrees against us?" The decrees were thereupon annulled, and that day was declared a feast day'.⁸ Now if you maintain that the Megillath Ta'anith⁹ was annulled, [is it possible that] after the earlier prohibitions had been annulled they should add new ones? And should you reply that this also was in the period when the Temple was still standing, [this cannot be], because Judah b. Shammu'a was the disciple of R. Meir, and R. Meir was after the destruction of the Temple. We know [that R. Judah was R. Meir's disciple] because it has been taught: 'If holes were made in a vessel of glass and filled up with lead, R. Simeon b. Gamaliel reports that R. Judah b. Shammu'a in the name of R. Meir declares it unclean,¹⁰

(1) On which, as established above, fasting was prohibited in the period of the Temple.

(2) V. infra.

(3) The Pentateuch.

(4) And the days before and after are prohibited lest one should come to fast on the actual day.

(5) Cf. p. 75, n. 1.

(6) Viz., Zechariah. Lit., 'words of Kabbalah. V. supra p., 23 n. 10.

(7) [Probably the widow of Tineius Rufus (v. A.Z. 20a) whose home was in Caesarea, (Graetz, Geschichte IV, p. 169)].

(8) [Graetz, loc. cit. refers this to the withdrawal of the Hadrianic edicts by his successor Antonius Pius in 139 — 140. For other views v. Lichtenstein op. cit. p. 279].

(9) I.e., those days that were inserted in the list before the destruction of the Temple.

(10) Supposing it had been unclean, it now reverts to the uncleanness which it had lost when it was broken, v. Shab. 15b. Or it may mean 'becomes capable of receiving uncleanness'. V. Rashi a.l. and Tosaf. s.v. יהודה .

Talmud - Mas. Rosh HaShana 19b

whereas the Sages declare it clean'! — There is a difference of opinion between Tannaim [as to whether the Megillath Ta'anith, has been annulled], as it has been taught: 'These days which are mentioned in the Megillath Ta'anith are prohibited [to be kept as fast days] whether in the period when the Temple is standing or in the period when the Temple is not standing. So R. Meir. R. Jose says: In the period when the Temple is standing they are prohibited, because they [Israel] have cause for rejoicing; in the period when the Temple is not standing they are permitted, because they have cause for mourning'. The law is that these prohibitions are annulled and the law is that they are not annulled. There is a contradiction, is there not, between these two laws? — There is no contradiction: the one¹ relates to Hanukah and Purim, the other to the other days.

OF ELUL ON ACCOUNT OF NEW YEAR, OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS. Once the messengers have gone forth to report [the new moon of] Elul, why should they be required to do so for Tishri? Should you reply that [the reason is because] perhaps Elul has been prolonged,² [this cannot be], because R. Hinena b. Kahana has said in the name of Rabbi: 'From the days of Ezra onwards we have found no instance of Elul being prolonged'! — [Exactly so]: 'We find no instance', because there was no reason [to prolong it]; where, however, there is a special reason,³ we do prolong it. But in that case New Year is interfered with?⁴ — It is better that New Year should be interfered with than that all the festivals should be interfered with. There is also an indication [that this view is correct in the language of the Mishnah], which states, OF TISHRI FOR THE ADJUSTMENT OF THE FESTIVALS. This is clear proof.

OF KISLEV ON ACCOUNT OF HANUKAH AND OF ADAR ON ACCOUNT OF PURIM. [The Mishnah], however, does not say, 'When the year is prolonged,⁵ messengers go forth to report [the new moon of] the second Adar also on account of Purim'. [This shows that] our Mishnah does not agree with Rabbi, since it has been taught: 'Rabbi says that if the year has been prolonged,

messengers go forth to report also regarding the second Adar on account of Purim'. Shall we say that the point on which they join issue is this, that one authority holds that all the ceremonies observed in the second Adar⁶ are observed also in the first,⁷ while the other holds that the ceremonies observed in the second are not observed in the first?⁸ — No. Both hold that the ceremonies observed in the second are not observed in the first, and here they differ on the question of the prolongation of the year,⁹ as it has been taught: 'How long is the period of the prolongation of the year? Thirty days. Simeon b. Gamaliel, however, says a month'.¹⁰ But why should only [the one who says] thirty days [require no messengers to be sent]? Because, you say, people in this case know when the month ends?¹¹ If the period is a month, they also know! — R. Papa said: The one who said 'a month' holds that [the Beth din may prolong the year] either by thirty days or by a month at their option.¹²

R. Joshua b. Levi testified on behalf of the holy community of Jerusalem concerning the two Adars, that they are sanctified on the day of their prolongation.¹³ This is equivalent to saying that we make them defective but we do not make them full, and excludes the statement made in a discourse by R. Nahman b. Hisda; [for R. Nahman b. Hisda stated in a discourse]: 'R. Simai testified in the name of Haggai, Zechariah and Malachi concerning the two Adars that if they [the Beth din] desired they could make both of them full, and if they desired they could make both of them, defective, and if they desired they could make one full and the other defective; and such was their custom in the Diaspora. In the name of our teacher,¹⁴ however, they said: One is always to be full and the next defective, unless you have been informed that New Moon has been fixed at its proper time'.¹⁵

They sent [from Palestine] to Mar 'Ukba to say: The Adar which precedes Nisan is always defective. R. Nahman raised an objection [from the following]: 'For the fixing of two New Moons the Sabbath may be profaned,¹⁶ for those of Nisan and of Tishri'. Now if you say that [the Adar before Nisan] is sometimes full and sometimes defective, I can understand how occasions arise for profaning the Sabbath

(1) That fasting is prohibited.

(2) I.e., made to last thirty days, and therefore the Diaspora may make a mistake about the Day of Atonement and Tabernacles.

(3) The 'special reason' is discussed *infra*, 20a.

(4) Lit., 'spoilt'. The Diaspora will keep it one day too soon.

(5) I.e., made to consist of thirteen months, by the insertion of a second Adar.

(6) Including in particular Purim.

(7) And therefore the observance of Purim in the first Adar is really sufficient for religious purposes, and so there is no need to send out messengers to fix the date of the second.

(8) And therefore it is important that Purim in the second Adar should be kept on the right day, v. Meg. 6b.

(9) I.e., the [days of the month of the first Adar which is inserted to prolong the year (Rashi)].

(10) I.e., twenty-nine days. This is apparently the opinion of Rabbi also.

(11) When the first Adar ends and the second Adar begins.

(12) And therefore it is necessary to keep the public informed. (9) [Regarded by some as a survival of an Essene community, v. J.E V. p. 226].

(13) The thirtieth day is known as the day of prolongation (**יום עיבור**) as it is the day which is added to make the preceding month full (v. *supra* p. 21, n. 7). In the case of the two Adars the thirtieth day of each is sanctified as the New Moon of the next month.

(14) Rab.

(15) I.e., that the Beth din in Jerusalem fixed the New Moon of Adar II on the thirtieth day of the first Adar, the thirtieth day always being regarded as the 'proper time' of New Moon.

(16) By the watchers for the new moon, who are allowed to exceed the two thousand cubit limit in order to report their observation to the Beth din in Jerusalem. V. *infra* 23b.

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. But if it is always defective, why should they profane it?¹ — Because it is a religious duty to sanctify [the New Moon] on the strength of actual observation.² According to another version, R. Nahman said: We also have learnt: ‘For the fixing of two New Moons the Sabbath may be profaned, for those of Nisan and of Tishri’. Now if you say that the Adar which precedes Nisan is always defective, there is no difficulty; the reason why Sabbath may be profaned is because it is a religious duty to sanctify [the New Moon] on the strength of actual observation. But if you say that it is sometimes full and sometimes defective, why should [the Sabbath] be profaned? Let us prolong [the month] today and sanctify [the New Moon] to-morrow?³ — If the thirtieth day happens to be on Sabbath, that is actually what we do. Here, however, we are dealing with the case where the thirty-first day happens to fall on Sabbath [and we allow the Sabbath to be profaned because] it is a religious duty to sanctify on the strength of actual observation.⁴

R. Kahana raised [against the instruction sent to Mar ‘Ukba] the following objection: ‘When the Temple stood, Sabbath was profaned for the fixing of all the months, for the sake of the adjustment of the sacrifice’.⁵ Now since the reason [for allowing the profanation of the Sabbath] was not in the case of all the other [months] because it is a religious duty to sanctify on the strength of actual observation, neither is the reason in the case of Nisan and Tishri because it is a religious duty to sanctify on the strength of actual observation.⁶ Now if you say that the Adar preceding Nisan is sometimes full and sometimes defective, there is no difficulty: for the reason mentioned we allow the profanation of the Sabbath. But if you say that it is always defective, why should we allow the profanation?⁷ — This is unanswerable.⁸

When ‘Ulla came [from Palestine to Babylon], he said: They have prolonged Elul.⁹ Said ‘Ulla thereupon: Do our Babylonian colleagues recognize what a boon we are conferring on them? What was the boon? — ‘Ulla said: On account of the vegetables;¹⁰

R. Aha b. Hanina said: On account of the [unburied] dead.¹¹ What difference does it make [in practice which view we adopt here]? — There is a difference, in the case of a Day of Atonement coming just after Sabbath. According to him who says that the reason is because of the [unburied] dead, we prolong Elul [so as to prevent this], but according to him who says that it is because of vegetables, [we do not do so, because] when are the vegetables required? For the evening [after the Day of Atonement]; and in the evening we can get fresh ones. But even if we accept the view that the reason is because of vegetables, we should still prolong Elul because of the unburied dead? — We must therefore say that the practical difference is in the case of a festival which comes just before or just after Sabbath. In such a case, according to him who says the reason is because of vegetables,¹² we prolong Elul [to prevent this], but according to him who says it is because of the [unburied] dead, [we do not do so], because they can be attended to by heathens. But even if we accept the view that it is because of the [unburied] dead, let us still prolong Elul on account of the vegetables? — Vegetables can be [freshened by being put] in hot water. If that is the case, why is it a boon only for us [in Babylon]? Why not also for them [in Palestine] — We suffer from oppressive heat, they do not suffer from oppressive heat.¹³

Is all this correct,¹⁴ seeing that Rabbah b. Samuel has learnt: I might think that just as the year is prolonged in case of emergency,¹⁵ so the month may be prolonged to meet an emergency; therefore it says, This month is for you the head of months,¹⁶ [which implies], See [the moon] like this and then sanctify!¹⁷ — Raba replied: There is no contradiction: in the once case we speak of prolonging the month, in the other of sanctifying it,¹⁸ and what [the above teaching] meant is this: I might say that just as the year is prolonged to meet an emergency, so the month may be sanctified to meet an emergency, therefore it says, ‘This month is for you’; See [the moon] like this, and then sanctify. This is illustrated by the dictum of R. Joshua b. Levi: ‘Witnesses¹⁹ can be intimidated [to withhold the report of] the new moon which has appeared in its due time²⁰ in order that the month may be

prolonged,²¹ but they may not be intimidated into reporting the new moon which has not appeared in its proper time in order that a New Moon may be sanctified [on the thirtieth]'. Is this so? Did not R. Judah the Prince²² send to R. Ammi a message saying: Know that when R. Johanan was alive he used to teach us that witnesses may be intimidated into reporting [on the thirtieth day] the new moon which has not appeared in its due time, in order that the New Moon may be sanctified, and even though they have not seen it they may say, We have seen it? — Abaye said: There is no contradiction: the one rule²³ holds good for Nisan and Tishri, the other for the other months of the year.²⁴ Raba said: This teaching which Rabbah b. Samuel learnt follows the 'Others', as it has been taught: 'Others say that between one Pentecost and another and between one New Year and 'another there are always four days [of the week] difference, or, if it was a leap year, five'.²⁵ R. Dimi from Nehardea reports the teaching in the reverse form: 'Witnesses can be intimidated to report [on the thirtieth day] the appearance of the moon which has not appeared in its proper time, in order that the month may be sanctified, but they may not be intimidated to withhold the report of the new moon which has been seen at its proper time in order that the month may be prolonged. What is the reason?

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- (1) Since the New Moon can be fixed without actual observation.
 - (2) Even though the observation is not necessary for the purpose.
 - (3) I.e., in all such cases we can make Adar thirty days, and if the watchers have seen the new moon on Sabbath, they need not report till the next day.
 - (4) Hence we do not make New Moon on the thirtieth day, the new moon not yet having been observed, and it is not permitted to make it on the thirty-second.
 - (5) I.e., so that the sacrifice for New Moon should be offered at the proper time.
 - (6) But, as in the case of all the others, to secure that the New Moon offering should be brought on the proper day.
 - (7) Seeing that the observation makes no difference.
 - (8) Lit., 'this is a confutation'.
 - (9) So as to prevent Sabbath and a festival falling on successive days.
 - (10) Which would become stale if kept over two days. Vegetables eaten raw are referred to, and of course, there could be no plucking on Sabbath or Festivals.
 - (11) Which would commence to decompose if kept over two days.
 - (12) Which would be required on the second of the holy days.
 - (13) Lit., 'the world is oppressive for us'. In Palestine vegetables or dead bodies could be kept for two days.
 - (14) That a month may be prolonged to prevent inconvenience to the public. Lit. 'It is not so?'
 - (15) E.g., to make Passover fall in the season of new corn., v. Sanh. 11b.
 - (16) Ex. XII, 2.
 - (17) The word 'this' is interpreted to mean that God showed Moses the new moon as a model for all future time
 - (18) V. infra.
 - (19) Men sent out by the Beth din to watch for the appearance of the new moon from points of vantage.
 - (20) I.e., on the thirtieth day.
 - (21) Over the thirtieth day and the next New Moon declared on the thirty-first, which shows that the month can be prolonged in case of need.
 - (22) The grandson of Rabbi.
 - (23) That the month may be sanctified to meet a special need.
 - (24) A 'special need' might arise in the other months of the year if, for instance, eight months in a year (which was the maximum) had already been made 'full' and in the next month the moon did not appear on the thirtieth: v. 'Ar. 8b.
 - (25) V. p. 21, nn. 12, 13, and note. For this to happen the months would have to follow the moon strictly.

Talmud - Mas. Rosh HaShana 20b

— The latter statement would be seen to be false,¹ the former statement is not seen to be false.²

Samuel said: I am quite able to make a calendar³ for the whole of the Diaspora. Said Abba the father of R. Simlai to Samuel: Does the Master know [the meaning] of this remark which occurs in

[the Baraitha known as] the secret of the Calendar?⁴ ‘If the new moon is born before midday or after midday?’ — He replied: I do not. He then said to him: Since the Master does not know this, there must also be other things which the Master does not know. When R. Zera went up [to Palestine], he sent back word to them [in Babylon]: It is necessary that there should be [on New Moon] a night and a day of the new moon.⁵ This is what Abba the father of R. Simlai meant: ‘We calculate [according to] the new moon's birth. If it is born before midday, then certainly it will have been seen shortly before sunset. If it was not born before midday, certainly it will not have been seen shortly before sunset’. What is the practical value of this remark? — R. Ashi said: To [help us in] confuting the witnesses.⁶

R. Zera said in the name of R. Nahman: The moon is invisible for twenty-four hours [round about new moon]. For us [in Babylon] six of these belong to the old moon and eighteen to the new;⁷ for them [in Palestine] six to the new and eighteen to the old.⁸ What is the practical value of this remark? — R. Ashi said: To confute the witnesses.

The Master has just said: It is necessary that there should be [on New Moon] a night and a day of the new moon. Whence is this rule derived? — R. Johanan said: [From the text]. From evening to evening;⁹ Resh Lakish said: [From the text], Until the twenty-first day of the month in the evening.¹⁰ What practical difference is there between them? — Abaye said: The difference between them is only one of exegesis.¹¹ Raba said: They differ in regard to [the hours up to] midnight.¹²

R. Zera said in the name of R. Nahman: Wherever [an extra day is kept] out of doubt, we make it the succeeding day.¹³ This means to say that we keep [Passover and Tabernacles] on the fifteenth and sixteenth but not on the fourteenth.¹⁴ But should not the fourteenth also be kept, in case both Ab and Elul¹⁵ have been declared short?¹⁶

(1) Because other people might have seen the new moon.

(2) Because it could not be proved that they had not seen it (Rashi). R. Hananel: Provided they had seen a semblance of the new moon].

(3) Heb. עָבַר lit., ‘taking across’: the word used for the prolonging of the year and the month.

(4) This was a Baraitha made up of enigmatic sentences like the one which follows.

(5) I.e., that there should be no appearance of the old moon in this period, viz., after the closing of the twenty-ninth day; otherwise New Moon cannot be proclaimed on the thirtieth.

(6) Because if the conjunction is calculated to have been after midday and they claim to have seen the new moon before nightfall, they are not telling the truth.

(7) Which would imply that in Babylon the new moon is not visible till eighteen hours after its birth (Rashi).

(8) Which would imply that in Palestine the new moon is visible six hours after its birth (Rashi).

(9) Lev. XXIII, 32, in connection with fasting on the Day of Atonement. This shows that the day follows the night in reference to the festivals.

(10) Ex. XII, 18, in connection with eating unleavened bread on Passover. This shows that the festivals end at even.

(11) Lit., ‘the interpretation of exegeses’.

(12) According to R. Johanan, the ‘night’ referred to is on the same footing as the night of the Day of Atonement which commences at nightfall. But according to Resh Lakish, it is on a par with the first night of Passover, which, in relation to the Paschal lamb, was a continuation of the afternoon before. Hence Resh Lakish holds that even if the old moon was seen in the early part of the evening, the next day may still be declared New Moon.

(13) Lit., ‘wherever there is a doubt, we cast it forward’.

(14) I.e., that we reckon fifteen days from the thirtieth day, and also from the thirty-first day of the previous Adar or Elul, out of doubt, but in no case from the twenty-ninth. This dictum would seem to be superfluous, as in no circumstances was New Moon proclaimed on the twenty-ninth day after the previous New Moon.

(15) Rashi reads ‘Shebat’.

(16) And in this case, what we suppose to have been the twenty-ninth day of Adar or of Elul would really have been the first of Nisan or of Tishri.

Talmud - Mas. Rosh HaShana 21a

— If two [successive] months¹ are declared short, the thing becomes known.

Levi once arrived in Babylon on the eleventh of Tishri.² He said [to the people there]: How good and sweet is the dish of the Babylonians on the great day of the West.³ They said to him, Testify [that this is the tenth day].⁴ He replied: I did not [personally] hear the Beth din [in Jerusalem proclaim] ‘sanctified’.⁵

R. Johanan issued a proclamation: ‘In all those places which can be reached by the messengers sent out in Nisan but not by those sent out in Tishri,⁶ two days should be kept [on Passover],⁷ Nisan being included so that there should be no mistake as to Tishri’.⁸

R. Aibu b. Nagri and R. Hiyya b. Abba once arrived at a certain place which had been reached by the messengers sent out in Nisan but not by those sent out in Tishri, and though the inhabitants kept only one day [of Passover] they did not reprove them. When R. Johanan heard this he was annoyed and said to them: Did I not tell you that in places which have been reached by the messengers sent out in Nisan but not by those sent out in Tishri they should keep two days, Nisan being included so that no mistake should be made in Tishri?

Rabbah was accustomed to fast two days [on the Day of Atonement].⁹ Once he was found to be right.¹⁰ R. Nahman had once fasted the whole of the Day of Atonement, when in the evening a man came and told him, To-morrow is the great day in the West. He said to him, Whence are you? He replied, From Damharia.¹¹ ‘Blood will be his latter end’¹² he ejaculated, applying to himself the verse, Swift were our pursuers.¹³

R. Huna b. Abin sent an instruction to Raba: When you see that the cycle of Tebeth¹⁴ extends to the sixteenth of Nisan,¹⁵ declare that year¹⁶ a leap year and have no scruples,¹⁷ since it is written, Observe the month [hodesh] of Abib,¹⁸ which signifies, See to it that the Abib of the cycle¹⁹ should commence in the earlier half [hodesh]²⁰ of Nisan.

R. Nahman said to those who were going to sea: As you will not know when New Moon is fixed, [I will tell you what to do]. When you see the moon ceases shining with daylight,²¹ clear away leaven [for Passover]. When does it so shine? On the fifteenth [of the month]. But we clear away leaven on the fourteenth? — For them, as they had a clear view,²² the moon commenced to shine into the day from the fourteenth.

(1) Viz., (apparently) Ab and Elul, or Tebeth and Shebat. Rashi: Tebeth and Tammuz are always, according to the principles of fixed calendar, defective, and if Shebat’ which follows Tebeth, Ab and Tammuz were also to be defective, it would have become known to the Diaspora before the advent of the festivals.

(2) I.e., according to the reckoning of the Babylonians who were not aware that the previous month had been prolonged in Palestine by one day. He either came from near the frontier or just before nightfall, before they had broken their fast (v. Tosaf. s.v. **וי**).

(3) I.e., this is the Day of Atonement in Palestine, and you are eating, or you are ready to break your fast, cf. p. 86, n. 10.

(4) And we will keep this day too.

(5) I.e., that the day was sanctified as New Moon and therefore he could not testify, although he knew from independent sources that this was only ten days before, v. infra 21b. [MS.M.: ‘(proclaim)’, ‘prolonged’ **מעובר** instead of **מקודש**].

(6) The messengers sent out from Jerusalem to announce the New Moon of Nisan would be able to travel further by Passover than the messengers sent out in Tishri would be able to travel by Tabernacles, because the latter would lose two days on New Year and the Day of Atonement, when it was forbidden to travel.

- (7) Although the inhabitants would know when the New Moon of Nisan had been proclaimed.
- (8) I.e., if they kept Passover only one day, they might come to keep Tabernacles only one day.
- (9) Being uncertain whether the month of Elul, which normally consisted of twenty-nine days, had not been prolonged by the Beth din in Jerusalem.
- (10) Lit., 'it was found (to be) according to him'.
- (11) [Damar S.W. of Sura. V. Obermeyer p. 298.]
- (12) Heb. Dam tehi Aharitho — a play on the name Damharia.
- (13) Lam. IV, 19.
- (14) V. supra p. 30, n. 5.
- (15) Inclusive. V. Tosaf. s.v.
- (16) In other words, if the vernal equinox is known by calculation to fall after the sixteenth of Nisan a leap year is proclaimed.
- (17) Although this follows the view only of an individual authority, as recorded in Sanh. 13b.
- (18) Deut. XVI, 1.
- (19) I.e., the beginning of the vernal equinox. The day on which the vernal equinox begins is called Abib because on that day the corn begins to ripen by the effects of the sun (Rashi). V. Sanh., Sonc. ed., p. 60 notes.
- (20) Lit., 'newness'. I.e., the first fourteen days. The New Moon of Nisan must be timed so that this can take place.
- (21) Lit., 'completing (its course) by day'.
- (22) Lit., 'as the world was revealed to them'.

Talmud - Mas. Rosh HaShana 21b

MISHNAH. FOR THE SAKE OF TWO MONTHS SABBATH MAY BE PROFANED,¹ NAMELY, NISAN AND TISHRI, SINCE IN THEM MESSENGERS GO FORTH TO SYRIA AND IN THEM THE DATES OF THE FESTIVALS ARE FIXED.² WHEN THE TEMPLE WAS STANDING THEY USED TO PROFANE SABBATH FOR ALL THE MONTHS, IN ORDER THAT THE SACRIFICE [OF NEW MOON] MIGHT BE OFFERED ON THE RIGHT DAY.³

GEMARA. [Do messengers go forth] for two months only? The following was cited as conflicting with this: 'Messengers go forth to proclaim six months'!⁴ — Abaye replied: What is meant is this: For all [the other months] the messengers set out while it is still night,⁵ but for Nisan and Tishri they do not set out till they have heard the Beth din proclaim, 'sanctified'.⁶

It has been taught to the same effect: 'For all [the other months] they [the messengers] went forth while it was still night, but for Nisan and Tishri not until they had heard the Beth din proclaim 'sanctified'.

Our Rabbis taught: How do we know [from the Scripture] that Sabbath may be profaned on account of these? Because it says, These are the appointed seasons of the Lord . . . which ye shall proclaim in their appointed season.⁷ I might say then that just as it may be profaned until they [the months] are sanctified, so it may be profaned [further] until they are promulgated?⁸ Not so, since it says, 'which ye shall proclaim:' for their proclamation you may profane the Sabbath, but not for their promulgation.⁹

WHEN THE TEMPLE WAS STANDING THEY USED TO PROFANE SABBATH FOR ALL THE MONTHS, IN ORDER THAT THE SACRIFICE MIGHT BE OFFERED ON THE RIGHT DAY. Our Rabbis taught : Originally the Sabbath could be profaned for all of them. When the Temple was destroyed, Rabban Johanan b. Zakkai said to them [the Beth din], Is there then a sacrifice [waiting to be brought]? They therefore ordained that Sabbath should not be profaned save for Nisan and Tishri alone.¹⁰

MISHNAH. WHETHER [THE NEW MOON] HAS BEEN SEEN CLEARLY¹¹ OR HAS NOT

BEEN SEEN CLEARLY, SABBATH MAY BE PROFANED ON ACCOUNT OF IT. R. JOSE SAYS, HOWEVER, THAT IF IT HAS BEEN SEEN CLEARLY SABBATH IS NOT TO BE PROFANED ON ACCOUNT OF IT.¹² IT HAPPENED ONCE THAT MORE THAN FORTY PAIRS OF WITNESSES WERE ON THEIR WAY¹³ [TO JERUSALEM] AND R. AKIBA DETAINED THEM IN LYDDA. R. GAMALIEL THEREUPON SENT TO HIM SAYING: IF YOU PREVENT THE MULTITUDE [FROM COMING TO GIVE EVIDENCE] YOU WILL PROVE TO BE THE CAUSE OF THEIR STUMBLING IN THE TIME TO COME.¹⁴

GEMARA. How do we know that the word 'alil here means 'clear'? — R. Abbahu replied: Because the Scripture says, The words of the Lord are pure words, as silver tried in the clear sight [ba-'alil] of the earth, refined seven times.¹⁵

Rab and Samuel [gave different interpretations of a certain text]. One said: Fifty gates of understanding were created in the world, and all were given to Moses save one, as it says, Yet thou hast made him but little lower than a God,¹⁶ Now, Koheleth sought to find out words of delight.¹⁷ [That is to say,] Koheleth sought to be like Moses, but a bath kol¹⁸ went forth and said to him, It is written uprightly even words of truth,¹⁹ 'There arose not a prophet again in Israel like Moses'.²⁰ The other said: Among the prophets there arose not, but among the kings there did arise. How then do I interpret the words, Koheleth sought to find out words of delight? Koheleth sought to pronounce verdicts from his own insight,²¹ without witnesses and without warning,²² whereupon a bath kol went forth and said, It is written uprightly even words of truth, 'At the mouth of two witnesses' etc.²³

(1) By witnesses who have seen the new moon, in order that they may give information in Jerusalem at the earliest possible moment. V. supra.

(2) It is difficult to see what reason this furnishes for allowing the witnesses to break the Sabbath. Rashi explains that if the witnesses are not allowed to bring the news on Sabbath, the New Moon will not be sanctified till Sunday, and so the messengers instead of setting out as soon as Sabbath is over will not set out till several hours later, and this might make them late in some places in giving notice of the date of Passover. V. Rashi and Tosaf.

(3) Lit., 'for the proper adjustment of the sacrifice'.

(4) I.e., whenever the month is lengthened to thirty days.

(5) On the thirty-first day, since it is already certain that New Moon will be on this day.

(6) Which would be at some hour in the daytime.

(7) Lev. XXIII, 4. Stress is laid on the words 'in their appointed season'.

(8) I. e., to the Diaspora, by the messengers.

(9) I. e., the witnesses may profane, but not the messengers.

(10) On account of their extra sanctity.

(11) Lit., 'in an 'alil'. V. Gemara infra.

(12) There being no necessity, as many people will have seen it.

(13) Lit., 'were passing'.

(14) As people will be reluctant to come to give evidence.

(15) Ps. XII, 7. E.V. 'in a crucible'.

(16) Ps. VIII, 6. E.V. 'than the angels'.

(17) Eccl. XII, 10.

(18) A voice from heaven, V. Glos.

(19) Ibid.

(20) Deut. XXXIV, 10.

(21) Lit., 'that are in the heart'. [Omitted in MS.M.].

(22) The forewarning required by law for the punishment of an offender.

(23) Deut. XIX, 15.

Talmud - Mas. Rosh HaShana 22a

IT HAPPENED ONCE THAT MORE THEN FORTY PAIRS [OF WITNESSES] WERE ON THEIR WAY [TO JERUSALEM] AND R. AKIBA DETAINED THEM etc. It has been taught: R. Judah said: Far be it from us to think that R. Akiba detained them. It was Shazpar the head of Geder¹ who detained them, and Rabban Gamaliel thereupon sent and they deposed him from his office.²

MISHNAH. IF A FATHER AND A SON HAVE SEEN THE NEW MOON, THEY SHOULD BOTH GO [TO JERUSALEM], NOT THAT THEY CAN ACT AS JOINT WITNESSES³ BUT SO THAT IF ONE OF THEM IS DISQUALIFIED⁴ THE OTHER MAY JOIN WITH SOME OTHER WITNESS. R. SIMEON, HOWEVER, SAYS THAT A FATHER AND SON AND ALL RELATIVES ARE ELIGIBLE TO TESTIFY TO THE APPEARANCE OF THE NEW MOON. R. JOSE SAID: IT HAPPENED ONCE WITH TOBIAH THE PHYSICIAN THAT HE SAW THE NEW MOON IN JERUSALEM ALONG WITH HIS SON AND HIS EMANCIPATED SLAVE, AND THE PRIESTS ACCEPTED HIS EVIDENCE AND THAT OF HIS SON AND DISQUALIFIED HIS SLAVE, BUT WHEN THEY APPEARED BEFORE THE BETH DIN THEY ACCEPTED HIS EVIDENCE AND THAT OF HIS SLAVE AND DISQUALIFIED HIS SON.

GEMARA. R. Levi said: What is the reason of R. Simeon? — Because it is written, and the Lord spoke unto Moses and Aaron in the land of Egypt, saying, This month shall be unto you the beginning of months,⁵ which implies, ‘this testimony shall be valid [when given] by you’.⁶ And the Rabbis? — [It implies], this evidence shall be entrusted to you.⁷

R. JOSE SAID, IT HAPPENED ONCE WITH TOBIAH THE PHYSICIAN etc. R. Hanan b. Raba said: The law⁸ is as stated by R. Simeon. Said R. Huna to R. Hanan b. Raba, We have R. Jose and an incident [on the other side], and you say that the law is as stated by R. Simeon! — He replied: Many times I said in the presence of Rab, ‘The law is as stated by R. Simeon’, and he did not correct me.⁹ He then asked him, How did you repeat [the Mishnah]? — He [R. Hanan] replied [I repeated it to him with the names] reversed.¹⁰ He [R. Huna] thereupon said to him, That was the reason why Rab did not correct you. Tabi said in the name of Mari Tabi who had it from Mar ‘Ukba: The law is as stated by R. Simeon.

MISHNAH THE FOLLOWING ARE INELIGIBLE: GAMBLER,¹¹ USURERS, PIGEON-FLYERS,¹² THOSE WHO TRAFFIC IN PRODUCE OF THE SABBATHICAL YEAR,¹³ AND SLAVES. IT IS A GENERAL RULE THAT FOR ANY TESTIMONY FOR WHICH A WOMAN IS DISQUALIFIED THESE ALSO ARE DISQUALIFIED.

GEMARA. I infer from this that any testimony which a woman is qualified to give¹⁴ they are also qualified to give. R. Ashi said: This is equivalent to saying that one who is Rabbinically¹⁵ accounted a robber is qualified to give the same evidence as a woman.

MISHNAH. IF ONE WHO HAS SEEN THE MOON IS NOT ABLE TO GO ON FOOT, HE MAY BE BROUGHT ON AN ASS OR EVEN IN A LITTER [ON SABBATH]. IF THEY [THE WITNESSES] ARE LIKELY TO BE WAYLAID,¹⁶ THEY MAY TAKE CUDGELS [TO DEFEND THEMSELVES].¹⁷ IF THE DISTANCE IS GREAT [TO JERUSALEM], THEY MAY TAKE PROVISIONS WITH THEM, SINCE FOR AS MUCH AS A NIGHT AND A DAY'S JOURNEY¹⁸ THEY WERE ALLOWED TO PROFANE SABBATH AND GO FORTH TO TESTIFY TO THE APPEARANCE OF THE NEW MOON, AS IT SAYS: THESE ARE THE APPOINTED SEASONS OF THE LORD . . . WHICH YE SHALL PROCLAIM IN THEIR APPOINTED SEASON.¹⁹

CHAPTER II

MISHNAH. IF THAT ONE²⁰ IS NOT KNOWN TO THEM [THE BETH DIN IN JERUSALEM], THEY [THE BETH DIN OF HIS OWN PLACE] SEND ANOTHER WITH HIM TO CERTIFY

HIM [AS RELIABLE]. ORIGINALLY TESTIMONY WITH REGARD TO [THE APPEARANCE OF] THE NEW MOON WAS RECEIVED FROM ANYONE. WHEN, HOWEVER, THE BOETHUSIANS²¹ ADOPTED EVIL COURSES, IT WAS ORDAINED THAT TESTIMONY SHOULD BE RECEIVED ONLY FROM PERSONS KNOWN [TO THE BETH DIN].

GEMARA. What is meant by ANOTHER? [I would naturally suppose], one other person.

- (1) [Gederah in Judah. V. Josh. XV, 36].
- (2) Lit., 'greatness'.
- (3) Near relatives being disqualified from offering evidence together.
- (4) I.e., found by the Beth din to be unreliable.
- (5) Ex. XII, 1, 2.
- (6) Even if you are near relatives.
- (7) The communal leaders, to sanctify the month on the strength of it. Nothing, however, is implied about relatives.
- (8) [MS.M. 'the Halachah' and so in all other cases in this passage].
- (9) Lit., 'he did not say anything to me'.
- (10) I.e., saying that R. Jose declared a father and son to be eligible, and that R. Simeon related the incident.
- (11) Lit., 'those who play with dice'.
- (12) For wagers.
- (13) V. Sanh., Sonc. ed. p. 142, nn. 3-5.
- (14) E.g., to testify the death of a husband so as to enable the widow to remarry.
- (15) Like those mentioned above, who are not accounted robbers according to the strict letter of the Pentateuch, since although they acquire money wrongfully they do not take anything by force: v. Yeb. 25a
- (16) Lit., 'if there are liars-in-wait for them'.
- (17) Although it was forbidden to carry on Sabbath.
- (18) If the distance was much larger there would be no point in their evidence since in the absence of witnesses the New Moon is on the first day.
- (19) Lev. XXIII, 4. V. supra, p. 89. n. 5.
- (20) V. Gemara, infra.
- (21) The followers of a certain Boethus, who seems to have lived in the second century B.C.E. Like the Sadducees, they rejected the Oral Law and opposed the Rabbis. [MS.M. 'Minim' (v. Glos. s.v. Min.)]

Talmud - Mas. Rosh HaShana 22b

But [is the word of] one person to be taken? Has it not been taught, 'On one occasion he came accompanied by the witnesses¹ who were to testify to his bona fides'? — R. Papa replied: What is meant by ANOTHER? Another pair. This view too is borne out by an examination [of the language of the Mishnah]. For should you hold otherwise, [consider the words] IF THAT ONE [OTHO] IS NOT KNOWN TO THEM. Now what is referred to by THAT ONE? Shall I say, a single person? But is [the word of] one person accepted,² seeing that the word judgment³ is used in connection with it? But in fact what is meant by THAT ONE? That pair. So here, what is meant by ANOTHER? Another pair.

But is not the word of one witness taken [in this matter]? Has it not been taught, 'On one occasion R. Nehorai accompanied the witness to testify to his bona fides on Sabbath in Usha'⁴ — I can reply that there was another witness along with R. Nehorai, and the reason why he was not mentioned was out of respect for R. Nehorai.⁵ R. Ashi said: In R. Nehorai's case there was [already] another witness in Usha,⁶ and R. Nehorai went to join his testimony with his. If that is the case, what is the point of the statement?⁷ — You might think that we do not allow the Sabbath to be profaned [by one witness] where there is any doubt [about the other].⁸ Hence we are told [that this is not so].

When 'Ulla came [to Babylon], he announced that they had sanctified the New Moon [on a certain

day] in the West [Palestine]. Said R. Kahana: Not only [in such a case] do we take the word of 'Ulla who is a great man, but we take the word of any ordinary man. What is the reason? Because whenever a thing is bound to come to light later on, men do not lie about it. It has been taught to the same effect: If a man comes from the other end of the world and says, The Beth din have sanctified the New Moon, his word is taken.

ORIGINALLY TESTIMONY WITH REGARD TO THE APPEARANCE OF THE NEW MOON WAS RECEIVED FROM ANYONE. Our Rabbis taught: What evil course did the Boethusians⁹ adopt? Once the Boethusians sought to mislead the Sages.¹⁰ They hired two men for four hundred zuzim, one belonging to our party and one to theirs. The one of their party gave his evidence and departed. Our man [came and] they said to him: Tell us how you saw the moon. He replied: I was going up the ascent of Adumim¹¹ and I saw it couched between two rocks, its head like [that of] a calf, its ears like [those of] a hind, and its tail lying between its legs, and as I caught sight of it I got a fright and fell backwards, and if you do not believe me, why, I have two hundred zuzim tied up in my cloak. They said to him: Who told you to say all this?¹² He replied: I heard that the Boethusians were seeking to mislead the Sages, so I said [to myself], I will go myself and tell them, for fear lest untrustworthy men should come and mislead the Sages. They said: You can have the two hundred zuzim as a present,¹³ and the man who hired you shall be laid out on the post.¹⁴ There and then they ordained that testimony should be received only from persons who were known to them.

MISHNAH. ORIGINALLY THEY USED TO LIGHT¹⁵ BEACONS.¹⁶ WHEN THE CUTHEANS [SAMARITANS] ADOPTED EVIL COURSES,¹⁷ THEY MADE A RULE THAT MESSENGERS SHOULD GO FORTH. HOW DID THEY LIGHT THE BEACONS? THEY USED TO BRING LONG POLES OF CEDAR AND REEDS AND OLIVE WOOD AND FLAX FLUFF WHICH THEY TIED TO THE POLES WITH A STRING, AND SOMEONE USED TO GO UP TO THE TOP OF A MOUNTAIN AND SET FIRE TO THEM AND WAVE THEM TO AND FRO AND UP AND DOWN UNTIL HE SAW THE NEXT ONE DOING THE SAME THING ON THE TOP OF THE SECOND MOUNTAIN; AND SO ON THE TOP OF THE THIRD MOUNTAIN. WHENCE DID THEY CARRY THE [CHAIN OF] BEACONS? FROM THE MOUNT OF OLIVES [IN JERUSALEM] TO SARTABA, AND FROM SARTABA TO GROFINA, AND FROM GROFINA TO HAURAN, AND FROM HAURAN TO BETH BALTIN.¹⁸ THE ONE ON BETH BALTIN DID NOT BUDGE FROM THERE BUT WENT ON WAVING TO AND FRO AND UP AND DOWN UNTIL HE SAW THE WHOLE OF THE DIASPORA¹⁹ BEFORE HIM LIKE ONE BONFIRE.²⁰

GEMARA. How do we know that the word *massi'ir*²¹ connotes 'burning'? — Because it is written in the Scripture, *wa-yisa'em, David and his men*,²² and we translate²³ 'and David burnt them'.

Our Rabbis taught 'Beacon fires are lit only for the new moon which has been seen at its proper time,²⁴ [to announce that] it has been sanctified. When are they lit? On the night following its announcement.²⁵ This means to say that we light beacons for defective months but not for full months. What is the reason? — R. Zera said: It is a precaution on account of a defective month which ends on Friday. [In that case] when do we light? On the termination of Sabbath; and if you were to insist that we should light up also for full months, this might give rise

(1) This would show that at least two were required.

(2) In giving evidence regarding the New Moon.

(3) In the verse, For it is a statute for Israel, a judgment for the God of Jacob. Ps. LXXXI, 5. 'Judgment' could be delivered only on the evidence of at least two witnesses.

(4) At the time when the Beth din was in Usha.

(5) I.e., so as not to put him on the same footing as R. Nehorai. Cf. Git. 5b for a similar incident.

(6) This witness may have been either one who had seen the new moon, or one who could testify to the bona fides of the

man who has seen it. V. Tosaf. s.v. **סדרא**.

(7) What reason was there why R. Nehorai should not have gone on Sabbath, seeing that the Mishnah permits this?

(8) Who might disappear in the interval.

(9) [MS.M.: Minim, v. supra p. 94, n. 2].

(10) By making them believe that the new moon had been seen on the thirtieth of Adar, which was a Sabbath, when in fact it had not, so that the second day of Passover might be on a Sunday and the counting of the 'Omer might commence literally 'on the morrow of the Sabbath', according to their interpretation of the words (Rashi).

(11) V. Josh. XV, 7.

(12) Lit., 'who compelled you to all this'.

(13) Beth din having the right to expropriate. [On the reading Minim, if the reference is to Jewish Christians, their desire to have the first day of Passover fall on Friday and Pentecost on Sunday as was the case in the year of the crucifixion, would supply them with a reason for tampering with the Calendar, V. Herford, Christianity in the Talmud, p. 330.]

(14) For a flogging.

(15) The Hebrew word is massi'in, which literally means 'raise up'.

(16) To convey the news of the New Moon to the diaspora in Babylon.

(17) And lit beacons on the thirtieth day, so as to mislead the Babylonians.

(18) [There is no general agreement about the identification of these places. Obermeyer (p. 17ff) locates them as follows: Sartaba == Karn Sartaba, five km from the western bank of the Jordan; Grofina (or 'Agrufina, v. D.S.) 'Arafun, a hill situated among the Gilead range of mountains; Hauran south of Damascus, cf. Ezek. XLVII, 18. Beth Baltin == Beiram (v. infra) some miles N.W. of Pumbeditha. For other views, v. Horowitz Palestine, p. 125].

(19) I.e., the district of Pumbeditha. V. Gemara. [Rashi omits 'the whole of'.]

(20) Because, as explained infra in the Gemara, the inhabitants on seeing the beacon fire used to light torches.

(21) V. supra p. 96, n. 5.

(22) 2 Sam., V, 21 in reference to the idols captured from the Philistines. E.V. 'took them away'.

(23) In the authorized Aramaic version.

(24) I.e., on the thirtieth day of the outgoing month.

(25) **יום עיבור**, 'the day of the prolongation'. V. supra, p. 81, n. 1.

Talmud - Mas. Rosh HaShana 23a

to confusion, since people would say: This month may be defective, and the reason why beacons were not lit yesterday is because it was impossible,¹ or perhaps it is full and they are lighting up at the proper time. But why should we not light up whether for a full month or a defective month, and when New Moon is on Friday not light up at all, so that since we do not light at the termination of Sabbath, in spite of the fact that we usually light for a full month, people will know that it is defective? — This nevertheless may lead to errors, since people will say, This month is full, and the reason why they have not lit up is because they have been prevented.² But why not light up for the full months and not at all for the defective months? — Abaye replied: So as not to deprive the public of two working days.³

HOW DID THEY LIGHT THE BEACONS? THEY USED TO BRING LONG POLES etc. Rab Judah said: There are four kinds of cedar — cedar, kedros,⁴ pinewood⁵ and cypress [What is] kedros? — R. Idra stated that in the school of R. Shila it was defined as mabliga,⁶ though others held that it is gulmish. He [Rab Judah] differs herein from Rabbah son of R. Huna; for Rabbah son of R. Huna reported that in the school of Rab it was stated that there are ten kinds of cedar, as it says, I will plant in the wilderness erez, shitah, and hadas and oil-tree, I will set in the desert berosh, tidhor and teashur together.⁷ 'Erez' is cedar; 'shitah' is pine; 'hadas' is myrtle; 'oil-tree' is balsam; berosh is cypress; tidhor is teak;⁸ teashur is larch.⁹ This makes seven. When R. Dimi came, he said: To these were added alonim, almonim, and almugim. 'Alonim' are terebinths; almonim are oaks; almugim are coral-wood. According to others it should be aronim, 'armonim, and almugim. Aronim are bay-trees; 'armonim are planes; almugim are coral-wood.

Neither shall gallant ship pass thereby.¹⁰ Rab said: This refers to the great ship.¹¹ How is it carried out?¹² They bring there six thousand men for twelve months (or according to others twelve thousand men for six months) and load the boat with sand until it rests on the sea-bottom.¹³ Then a diver goes down and ties a rope of flax to the coral while the other end is tied to the ship, and the sand is then taken and thrown overboard, and as the boat rises it pulls up the coral with it. The coral is worth twice its weight in silver. There were three ports, two belonging to the Romans¹⁴ and one belonging to the Persians. From the Roman side they brought up coral, from the Persian side pearls. This [the Persian] one was called the port of Mashmahig.¹⁵

R. Johanan said: Every acacia tree that was taken by the invaders from Jerusalem will be restored to it by the Holy One, blessed be He, in time to come, as it says, I will plant in the wilderness the cedar, the acacia tree,¹⁶ and ‘wilderness’ means Jerusalem, as it is written, Zion is become a wilderness¹⁷ etc.

R. Johanan further said: One who studies the Torah but does not teach it is like the myrtle in the wilderness.¹⁸ Others report [the saying thus]: One who studies the Torah and teaches it in a place where there is no [other] talmid hakam¹⁹ is like the myrtle in the wilderness, which is precious.

R. Johanan also said: Alas for the idol-worshippers since they have no means of remedy,²⁰ as it says, For brass I will bring gold, and for iron I will bring silver, and for wood brass and for stones iron.²¹ But what can they bring to replace R. Akiba and his companions? Of them the Scripture says, Though I cleanse them [of other transgressions] from their blood I shall not cleanse them.²²

WHENCE DID THEY CARRY THE CHAIN OF BEACONS etc.? FROM BETH BALTIM. What is Beth Baltin? — Rab said: This is

(1) On account of Sabbath.

(2) Through having drunk too much on Sabbath, and become intoxicated (Rashi).

(3) It was customary to abstain from work on New Moon (v. Tosaf. s.v. **מישום**). In this case the thirtieth day would always be kept as New Moon from doubt, and if the actual day fixed was the thirty-first, there would be two days New Moon.

(4) Heb. **קדרום** or **קתרום** prob. ==GR.**.

(5) Lit., ‘oil (i.e., resinous) wood’.

(6) Prob. connected with the root **זלג** ‘to drip’.

(7) Isa. XLI, 19. E.V. I will plant in the wilderness the cedar, the acacia tree, and the myrtle and the oil-tree, I will set in the desert the cypress, the plane-tree and the larch together. The Talmud proceeds to give the Aramaic equivalents of the Hebrew words.

(8) The Aramaic is shaga, of which the precise meaning is unknown.

(9) Aramaic shuribna, of which also the precise meaning is unknown.

(10) Isa. XXXIII, 21.

(11) Heb. **בורני** prob. a corruption of GR.**, a light fast-sailing Liburnian vessel. [Supply here from MS.M.: ‘For what purpose is it made? — To raise with it corals’].

(12) Viz., the coral fishing in the Persian Gulf.

(13) The water being here rather shallow.

(14) [**בי רומאי** so MS.M.; cur. edd. **בי ארמאי** Be Armae, the Hebrew equivalent of Suristan (the land of the Syrians) the name given to Babylon by the Sasamans; v. Funk, Monumenta, p. 16 and Obermeyer p. 74].

(15) [Rashi: ‘the port of the kingdom’. Fleischer (notes to Levy’s Dictionary): ‘name of an island in the Persian Gulf between ‘Oman and al-Bahrin.’]

(16) Isa. XLI, 19.

(17) Ibid. LXIV, 9.

(18) The fragrance of which is wasted.

(19) V. Glos.

(20) I.e., they will not be able to save themselves by remedying the wrong they have done.

(21) Isa. LX, 17.

(22) Joel IV, 21. E.V., And I will hold as innocent their blood that I have not held as innocent.

Talmud - Mas. Rosh HaShana 23b

Biram.¹ What is meant here by DIASPORA [GOLAH]? — R. Joseph said: This is Pumbeditha. What is meant [then] by LIKE ONE BIG BONFIRE? — A Tanna taught: ‘Every inhabitant [of Pumbeditha] takes a torch in his hand and goes up on to his roof’.² It has been taught: ‘R. Simeon b. Eleazar says: [Beacon fires were lit] also on Harim and Kayir and Geder and the neighbouring places’.³ Some say that these places are between [those mentioned in the Mishnah].⁴ Others say that they are on the further side from the Land of Israel, and that one authority [the Mishnah] reckons the places on one side,⁵ and the other reckons the places on the other.⁶ R. Johanan said: Between each one and the next⁷ there were eight parasangs.⁸ How many [parasangs] then were there altogether? Thirty-two.⁹ But to-day there is much more? — Abaye said: The [direct] roads have been closed,¹⁰ as it is written, Therefore behold, I will hedge up thy way with thorns [etc.].¹¹ R. Nahman b. Isaac said: It is stated in this verse, viz., He hath made my paths crooked.¹²

MISHNAH. THERE WAS A LARGE COURT IN JERUSALEM CALLED BETH YA'AZEK. THERE ALL THE WITNESSES USED TO ASSEMBLE AND THE BETH DIN USED TO EXAMINE THEM. THEY USED TO ENTERTAIN THEM LAVISHLY THERE¹³ SO THAT THEY SHOULD HAVE AN INDUCEMENT¹⁴ TO COME. ORIGINALLY THEY USED NOT TO LEAVE THE PLACE THE WHOLE DAY,¹⁵ BUT RABBAN GAMALIEL THE ELDER INTRODUCED A RULE THAT THEY COULD GO TWO THOUSAND CUBITS FROM IT IN ANY DIRECTION. THESE WERE NOT THE ONLY ONES [TO WHOM THIS CONCESSION WAS MADE]. A MIDWIFE WHO HAS COME [FROM A DISTANCE] TO HELP IN CHILDBIRTH OR ONE WHO COMES TO RESCUE FROM A FIRE OR FROM BANDITS OR FROM A RIVER IN FLOOD OR FROM A BUILDING THAT HAS FALLEN IN — ALL THESE ARE ON THE SAME FOOTING AS THE RESIDENTS OF THE TOWN, AND MAY GO TWO THOUSAND CUBITS [ON SABBATH] IN ANY DIRECTION.

GEMARA. The question was raised: Do we read here Beth Ya'azek or Beth Ya'zek? Do we read Beth Ya'azek, regarding the name as an elegancia¹⁶ based on the Scriptural expressions, And he ringed it round and cleared it of stones?¹⁷ Or do we read Beth Ya'zek, taking the name to connote constraint,¹⁸ as it is written, being bound in chains?¹⁹ — Abaye said: Come and hear [a proof that it is the former]: THEY USED TO ENTERTAIN THEM LAVISHLY THERE SO THAT THEY SHOULD HAVE AN INDUCEMENT TO COME. [This is not conclusive], as perhaps they treated them in both ways.²⁰

MISHNAH. HOW DO THEY TEST THE WITNESSES? THE PAIR WHO ARRIVE FIRST ARE TESTED FIRST. THE SENIOR OF THEM IS BROUGHT IN AND THEY SAY TO HIM, TELL US HOW YOU SAW THE MOON — IN FRONT OF THE SUN OR BEHIND THE SUN?²¹ TO THE NORTH OF IT OR THE SOUTH? HOW BIG WAS IT, AND IN WHICH DIRECTION WAS IT INCLINED?²² AND HOW BROAD WAS IT? IF HE SAYS [HE SAW IT] IN FRONT OF THE SUN, HIS EVIDENCE IS REJECTED.²³ AFTER THAT THEY WOULD BRING IN THE SECOND AND TEST HIM. IF THEIR ACCOUNTS TALLIED, THEIR EVIDENCE WAS ACCEPTED, AND THE OTHER PAIRS WERE ONLY QUESTIONED BRIEFLY,²⁴ NOT BECAUSE THEY WERE REQUIRED AT ALL, BUT SO THAT THEY SHOULD NOT BE DISAPPOINTED, [AND] SO THAT THEY SHOULD NOT BE DISSUADED FROM COMING.²⁵

GEMARA. ‘IN FRONT OF THE SUN’ is surely the same as ‘TO THE NORTH OF IT’, and ‘BEHIND THE SUN’ is surely the same as TO THE SOUTH OF IT’?²⁶ — Abaye said: [It means],

whether the concavity of the moon is in front of the sun or behind the sun.²⁷ If he says, in front of the sun, his evidence is rejected, since R. Johanan has said: What is meant by the verse, Dominion and fear are with him, He maketh peace in his high places?²⁸ Never did the sun behold the concavity of the new moon nor the concavity of the rainbow. It never sees the concavity of the moon, so that she should not feel humiliated.²⁹ It never sees the concavity of the rainbow so that the worshippers of the sun should not say,

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- (1) Apparently some place between Syria and Mesopotamia; v. supra p. 97, n. 1.
- (2) To spread the news throughout Babylon.
- (3) [These places are likewise difficult to identify. For various attempts v. Horowitz loc. cit. Graetz, Geschichte p. 67, n. 1 emends on the basis of the Tosef. a.l. **חרים וכייר וגדר** into **הרי מכור וגדר** the mountains of Macherus (in the south) and Gedera in the north. 'The neighbouring places' will include Tabor which is also mentioned in the Tosef.]
- (4) And therefore in Palestine.
- (5) Perhaps those nearer to Jerusalem.
- (6) Perhaps those nearer to Babylon. This reference in both cases is uncertain; v. Horowitz, Palestine, loc. cit.
- (7) Of those mentioned in the Mishnah.
- (8) About forty miles.
- (9) [Apparently from Mount of Olives to Beth Baltin, the last station in Palestine.]
- (10) And travellers are obliged to take a round about route.
- (11) Hos. II, 8. The verse continues, that she shall not find her paths.
- (12) Lam. III, 9.
- (13) Lit., 'they made for them large banquets'.
- (14) Lit., 'become accustomed to come'.
- (15) If they came on Sabbath, as they had already exceeded the limit of two thousand cubits.
- (16) Lit., 'an elevated' or 'refined expression', i.e., not belonging to the language of everyday life.
- (17) Isa. V, 2. E.V. 'and he digged it and cleared it'. The Heb. is **ויעזקהו** which the Talmud connects with the Aramaic **עזקה** 'a ring', so that Beth Ya'azek would refer to the stone wall round the court.
- (18) In allusion to the fact that they were (originally) confined to the courtyard the whole of the day. But cf. Tosaf. s.v. **אז**.
- (19) Jer. XL, 1. The Hebrew word is **באזיקים**.
- (20) I.e., both kindly and rigorously.
- (21) The meaning of this is discussed in the Gemara.
- (22) I.e., in which direction were the horns turning.
- (23) Lit., 'he has not said anything'.
- (24) Lit., 'with heads of subjects'.
- (25) Lit., 'so that they should (still) be accustomed to come'.
- (26) The new moon can be seen only about sunset, close to the sun, when the sun is travelling towards the north. We should therefore naturally take 'in front of the sun' to mean 'to the north of the sun', and 'behind the sun' to mean 'to the south of the sun'.
- (27) I.e., whether the rim of the moon visible from the earth is concave or convex in relation to the sun. By 'in front of' Abaye understands 'turned towards', and by 'behind', 'turned away from'.
- (28) Job XXV, 2.
- (29) And in this way God keeps the peace between the sun and the moon.

Talmud - Mas. Rosh HaShana 24a

He is shooting arrows [at those who do not worship him].¹

HOW HIGH WAS IT AND IN WHICH DIRECTION WAS IT INCLINED. One Tanna taught: [If he says], To the north, his evidence is accepted; [if he says], To the south, his evidence is rejected.² But it has been taught to the opposite effect: [If he says], To the south, his evidence is accepted; [if

he says], To the north, his evidence is rejected'? — There is no contradiction; one statement speaks of the dry season,³ the other of the rainy season.⁴

The Rabbis taught: If one⁵ says that it was two ox-loads high⁶ and the other three,⁷ their evidence is accepted. If one, however, says that it was three and the other five, their evidence is nullified, only each of them can be joined with another witness.⁸

Our Rabbis taught: '[If they say], We saw it in water, we saw it in a mirror, we saw it through the clouds, they are not allowed to testify concerning it. [If they say], We saw half of it in water, half of it through the clouds, half of it in a mirror, they are not allowed to testify concerning it'. Since you disallow them [when they see] the whole, can there be any question [when they see] only half? — In fact the statement should run as follows: '[If they say they saw] half of it in water and half in the sky, half of it through the clouds and half in the sky, half of it in a mirror and half in the sky, they are not allowed to testify.'

Our Rabbis taught: [If they say], We saw it [once], but did not see it again, they are not allowed to testify concerning it. [Why so?] Are they to go on seeing it the whole time? — Abaye replied: What is meant is this. [If they say], We saw it by chance,⁹ but when we came to look for it deliberately¹⁰ we could not see it, they are not allowed to testify concerning it. What is the reason? Because I might say, they saw only a circular disc in the clouds.

MISHNAH. THE HEAD OF THE BETH DIN SAYS, SANCTIFIED', AND ALL THE PEOPLE REPEAT AFTER HIM, SANCTIFIED, SANCTIFIED. WHETHER THE NEW MOON IS SEEN AT ITS PROPER TIME¹¹ OR NOT AT ITS PROPER TIME, IN EITHER CASE [THE NEW MOON] IS SANCTIFIED.¹² R. ELEAZAR B. ZADOK, HOWEVER, SAYS THAT IF IT IS NOT SEEN AS ITS PROPER TIME [THE NEW MOON] IS NOT [FORMALLY] SANCTIFIED, BECAUSE HEAVEN HAS ALREADY SANCTIFIED IT.

GEMARA. THE HEAD OF THE BETH DIN etc. What is the Scriptural warrant for this? — R. Hiyya b. Gamda said in the name of R. Jose b. Saul, who had it from Rabbi: The Scripture says, And Moses declared the appointed seasons of the Lord;¹³ from this we learn that the head of the Beth din says, 'sanctified'.

AND ALL THE PEOPLE REPEAT AFTER HIM, 'SANCTIFIED, SANCTIFIED'. Whence do we learn this? — R. Papa said: Scripture says, which ye shall proclaim [them].¹⁴ [For otham] read attem.¹⁵ R. Nahman b. Isaac said, [we learn it from here]: Even these [hem] are my appointed seasons;¹⁶ [which implies], they shall say, my seasons.¹⁷

SANCTIFIED, SANCTIFIED: why twice? — Because it is written, holy convocations.¹⁸

R. ELEAZAR B. ZADOK SAYS THAT IF IT IS NOT SEEN AT ITS PROPER TIME IT IS NOT SANCTIFIED. It has been taught: Polemo says: If seen at its time is is not sanctified,¹⁹ if seen out of its time it is sanctified. R. Eleazar b. Simeon says: in either case it is not sanctified, since it says, And ye shall sanctify the fiftieth year,²⁰ which shows that you are to sanctify years, but are not to sanctify months.

Rab Judah said in the name of Samuel: The halachah is as laid down by R. Eleazar b. Zadok. Abaye said: We have also learnt to the same effect: 'If the Beth din and all Israel saw it,²¹ and if the witnesses had been tested, but they had no time to say 'sanctified' before it grew dark, the month is prolonged', which implies that it is prolonged²² but that [the new month] is not sanctified [later in the day]. [This is not conclusive, since] there was a special reason for mentioning the prolonging. You might think that since the Beth din and all Israel saw it [the new moon] everyone knew that it

had appeared and therefore the month should not be prolonged. Therefore we are told [that this is not so].

MISHNAH. R. GAMALIEL USED TO HAVE A DIAGRAM OF PHASES OF THE MOON ON A TABLET [HUNG] ON THE WALL OF HIS UPPER CHAMBER, AND HE USED TO SHOW THEM TO THE UNLEARNED AND SAY, DID IT LOOK LIKE THIS OR THIS?

GEMARA. Is this allowed, seeing that it is written, Ye shall not make with me,²³ which we interpret, 'Ye shall not make the likeness of my attendants'? — Abaye replied: The Torah forbade only those attendants of which it is possible to make copies,²⁴ as it has been taught: A man may not make a house in the form of the Temple, or an exedra in the form of the Temple hall,²⁵ or a court corresponding to the Temple court, or a table corresponding to the [sacred] table or a candlestick corresponding to the [sacred] candlestick, but he may make one

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- (1) The rainbow in this case having the appearance of a bow bent by the sun against the earth.
 - (2) Reading this sentence in its present context, we must suppose it to mean, 'if he says, (it was inclined) to the north' etc. This is very difficult to understand, and it is much more natural to suppose that the words to be supplied are 'that he saw it', and that this sentence is to be connected with the words in the Mishnah TO THE NORTH OF IT OR TO THE SOUTH. So apparently it is taken by Rashi. V. Maharsha, ad loc.
 - (3) Lit., 'the days of the sun': the summer months.
 - (4) The new moon always appears due west. Hence in the summer months when the sun sets in the north-west it is south of the sun, and similarly in the winter months north of the sun.
 - (5) Apparently this means here, one of a pair of witnesses.
 - (6) I.e., above the horizon.
 - (7) If the preceding paragraph related to the inclination of the moon, it obviously should have followed this paragraph, which is another reason for transferring the last Mishnah heading to the beginning of this paragraph. V. n. 1.
 - (8) Who gives the same version as he does.
 - (9) Lit., 'of ourselves'.
 - (10) I.e., with the object of testifying.
 - (11) I.e., on the thirtieth day.
 - (12) On the thirtieth or the thirty-first day, as the case may be.
 - (13) Lev. XXIII, 44.
 - (14) Ibid. 4. Heb. **אֹתָם**.
 - (15) Lit., 'you', implying that the public should join in the proclamation.
 - (16) Ibid. 2.
 - (17) The word **הֵם** 'they', being superfluous.
 - (18) Ibid. The Hebrew word is **מִקְרָאִי**, 'callings' or 'proclamings', the plural implying at least two.
 - (19) Since there is no need to impress its sanctity on the public.
 - (20) Lev. XXV, 10.
 - (21) On the thirtieth day.
 - (22) I.e., New Moon is not declared till the thirty-first day.
 - (23) Ex. XX, 20.
 - (24) Lit., 'like them'. Out of the same or other materials.
 - (25) Ulam, the hall leading to the interior of the Temple, v. Mid. IV, 7. All exedra had only three sides, but since the fourth side of the Temple hall had a very wide entrance it is not counted. V. Tosaf. a.l.

Talmud - Mas. Rosh HaShana 24b

with five or six or eight lamps, but with seven he should not make, even of other metals.¹ R. Jose b. Judah said: He should not make one even of wood, this being the way in which the kings of the house of the Hasmoneans made it.² They said to him: Can you adduce this as a proof? The spits³ were of iron and they overlaid them with tin.⁴ When they grew richer they made them of silver.

When they grew richer still, they made them of gold.

But is it allowed [to make likenesses] of attendants of which it is impossible to make copies, seeing that it has been taught: 'Ye shall not make with me': [this implies], ye shall not make the likeness of My attendants who minister before Me on high?' — Abaye replied: The Torah forbade only the likeness of the four faces⁵ all together. If that is so, the portrait of a human being by himself should be allowed; why then has it been taught: All portraits are allowed, save the portrait of man? — R. Huna the son of R. Idi replied: From a discourse of Abaye I learnt: 'Ye shall not make with me' [implies], ye shall not make Me.⁶

Still, are the other attendants permitted, seeing that it has been taught: "'Ye shall not make with me": ye shall not make the likeness of My attendants who serve before Me on high, such as Ofanim and Seraphim and holy Hayyoth and ministering angels'? — Abaye replied: The Torah forbade only the attendants in the upper sphere.⁷ But are those in the lower sphere⁸ permitted? Has it not been taught: 'Which are in the heaven:⁹ this brings under the rule the sun, the moon, the stars and constellations; "above":¹⁰ this brings under the rule the ministering angels?' — That statement refers to the prohibition of [making a likeness] for serving them.

If for serving, then the tiniest worm should also [be prohibited]? — Yes, that is so, as it has been taught: Which are in the earth:¹¹ this brings under the rule mountains, hills, seas, rivers, streams and valleys. Beneath:¹² this brings under the rule the tiniest worm.

But is the mere making allowed? Has it not been taught: "'Ye shall not make with me": ye shall not make a likeness of My attendants who minister before Me, such as the sun, the moon, the stars and constellations'? — R. Gamaliel's case was different, because others¹³ made for him. But what of Rab Judah who [had a figure on a seal which] others had made for him, and yet Samuel said to him, Shinena,¹⁴ put out that fellow's eye?¹⁵ — In that case the seal was projecting, and [Samuel forbade it] so that it should not arouse suspicion,¹⁶ as it has been taught: 'A ring of which the seal projects must not be worn on the finger, but it is permitted to sign with it. If the seal is sunk in, it is permitted to wear it but forbidden to sign with it'. But does it matter if we do arouse suspicion? Was there not a synagogue which 'moved and settled' in Nehardea¹⁷ and in it was a statue [of a king] and Rab and Samuel and the father of Samuel used to go in there to pray, and were not afraid of arousing suspicion? — Where a whole body of persons is concerned it is different. But Rabban Gamaliel was an individual? — Since he was the Nasi,¹⁸ a large company was always with him. If you like I can say that it was [drawn] in sections,¹⁹ or if you like I can say that he did it for purposes of study, and it is written, Thou shalt not learn to do,²⁰ which implies that you may learn to understand and to teach.

MISHNAH. ON ONE OCCASION TWO WITNESSES CAME

AND SAID, WE SAW IT IN THE MORNING IN THE EAST

(1) Since a candlestick of other metal besides gold would have been permissible in the Temple. V. Men. 28.

(2) When they first recaptured the Temple from the Syrians, and were still too poor to provide a gold candlestick.

(3) I.e., the branches of the candlestick, so called because they had no ornaments. V. Tosaf. s.v.

(4) [MS.M.: with wood].

(5) V. Ezek. I, 10.

(6) [And since man was made in God's image (Gen. I, 27), the reproduction of the human face is not allowed.]

(7) In the seventh heaven.

(8) E.g., the second heaven, that of the sun and moon. V. Hag. 12.

(9) Ex. XX, 4 in the Ten Commandments.

(10) Ibid.

- (11) Ex. XX, 4.
- (12) Ibid.
- (13) Non-Jews.
- (14) You clever person. Lit. 'sharp-toothed'. V. B.B., Sonc. ed. p. 561, n. 14.
- (15) Deface the image. This shows that the fact that it had been made by others does not render it permissible.
- (16) That he used it for idolatrous purposes.
- (17) Rashi states that according to a legend this synagogue was originally built by King Jeconiah with stones brought from Jerusalem; v. Meg., Sonc. ed. p. 175, n. 5.
- (18) Lit., 'the Prince', the President of the Sanhedrin.
- (19) And so was not a complete likeness.
- (20) Deut. XVIII, 9.

Talmud - Mas. Rosh HaShana 25a

AND IN THE EVENING IN THE WEST.¹ R. JOHANAN B. NURI THEREUPON SAID, THEY ARE FALSE WITNESSES.² WHEN, HOWEVER, THEY CAME TO JABNEH RABBAN GAMALIEL ACCEPTED THEM. ON ANOTHER OCCASION TWO WITNESSES CAME AND SAID, WE SAW IT AT ITS PROPER TIME,³ BUT ON THE NIGHT WHICH SHOULD HAVE BEEN NEW MOON⁴ IT WAS NOT SEEN, AND RABBAN GAMALIEL [HAD ALREADY] ACCEPTED THEIR EVIDENCE.⁵ RABBI DOSA B. HARKINAS SAID: THEY ARE FALSE WITNESSES. HOW CAN MEN TESTIFY THAT A WOMAN HAS BORN A CHILD WHEN ON THE NEXT DAY WE SEE HER BELLY STILL SWOLLEN?⁶ SAID R. JOSHUA TO HIM: I SEE [THE FORCE OF] YOUR ARGUMENT. THEREUPON RABBAN GAMALIEL SENT TO HIM TO SAY, I ENJOIN UPON YOU TO APPEAR BEFORE ME WITH YOUR STAFF AND YOUR MONEY ON THE DAY WHICH ACCORDING TO YOUR RECKONING SHOULD BE THE DAY OF ATONEMENT.⁷ R. AKIBA WENT [TO R. JOSHUA] AND FOUND HIM IN GREAT DISTRESS.⁸ HE SAID TO HIM: I CAN BRING PROOF [FROM THE SCRIPTURE] THAT WHATEVER RABBAN GAMALIEL HAS DONE IS VALID, BECAUSE IT SAYS, THESE ARE THE APPOINTED SEASONS OF THE LORD, HOLY CONVOCATIONS, WHICH YE SHALL PROCLAIM IN THEIR APPOINTED SEASONS,⁹ [WHICH MEANS TO SAY THAT] WHETHER THEY ARE PROCLAIMED AT THEIR PROPER TIME OR NOT AT THEIR PROPER TIME, I HAVE NO APPOINTED SEASONS SAVE THESE.¹⁰ HE [R. JOSHUA] THEN WENT TO R. DOSA B. HARKINAS, WHO SAID TO HIM: IF WE CALL IN QUESTION [THE DECISIONS OF] THE BETH DIN OF RABBAN GAMALIEL, WE MUST CALL IN QUESTION THE DECISIONS OF EVERY BETH DIN WHICH HAS EXISTED SINCE THE DAYS OF MOSES UP TO THE PRESENT TIME. FOR IT SAYS, THEN WENT UP MOSES AND AARON, NADAB AND ABIHU AND SEVENTY OF THE ELDERS OF ISRAEL.¹¹ WHY WERE NOT THE NAMES OF THE ELDERS MENTIONED? TO SHOW THAT EVERY GROUP OF THREE WHICH HAS ACTED AS A BETH DIN OVER ISRAEL IS ON A LEVEL WITH THE BETH DIN OF MOSES.¹² HE [R. JOSHUA] THEREUPON TOOK HIS STAFF AND HIS MONEY AND WENT TO JABNEH TO RABBAN GAMALIEL ON THE DAY ON WHICH THE DAY OF ATONEMENT FELL ACCORDING TO HIS RECKONING. RABBAN GAMALIEL ROSE AND KISSED HIM ON HIS HEAD AND SAID TO HIM: COME IN PEACE, MY TEACHER AND MY DISCIPLE — MY TEACHER IN WISDOM AND MY DISCIPLE BECAUSE YOU HAVE ACCEPTED MY DECISION.

GEMARA. It has been taught: Rabban Gamaliel said to the Sages: This formula has been handed down to me from the house of my father's father: Sometimes it [the moon] traverses [the heavens]¹³ by a long course and sometimes by a short course.¹⁴ R. Johanan said: What is the reason of the house of Rabbi?¹⁵ Because it is written, Who appointest the moon for seasons, the sun knoweth his going down.¹⁶ It is the sun which knows its going down, but the moon does not know its going down.¹⁷

R. Hiyya once saw the [old] moon in the heavens on the morning of the twenty-ninth day.¹⁸ He took a clod of earth and threw it at it, saying, Tonight we want to sanctify you,¹⁹ and are you still here! Go and hide yourself.²⁰ Rabbi thereupon said to R. Hiyya, Go to En Tob²¹ and sanctify the month,²² and send me the watchword, 'David king of Israel is alive and vigorous'.²³

Our Rabbis taught: Once the heavens were covered with clouds and the likeness of the moon was seen on the twenty-ninth of the month. The public were minded to declare New Moon, and the Beth din wanted to sanctify it, but Rabban Gamaliel said to them: I have it on the authority of the house of my father's father that the renewal of the moon takes place after not less than twenty-nine days and a half and two-thirds of an hour and seventy-three halakin.²⁴ On that day the mother of Ben Zaza died, and Rabban Gamaliel made a great funeral oration over her, not because she had merited it, but so that the public should know that the Beth din had not sanctified the month.²⁵

R. AKIBA WENT AND FOUND HIM²⁶ IN GREAT DISTRESS. The question was asked, Who was in distress? Was R. Akiba in distress or was R. Joshua in distress? — Come and hear, since it has been taught: 'R. Akiba went and found R. Joshua while he was in great distress. He said to him, Master, why are you in distress? He replied: Akiba, it were better for a man²⁷ to be on a sick-bed for twelve months than that such an injunction should be laid on him.²⁸ He said to him, [Master,] will you allow me to tell you something which you yourself have taught me? He said to him, Speak. He then said to him: The text says, 'you', 'you', 'you', three times,²⁹ to indicate that 'you' [may fix the festivals] even if you err inadvertently, 'you', even if you err deliberately, 'you', even if you are misled.³⁰ He replied to him in these words: 'Akiba, you have comforted me, you have comforted me'.³¹

HE THEN WENT TO R. DOSA B. HARKINAS etc. Our Rabbis taught: Why were not the names of these elders mentioned? So that a man should not say, Is So-and-so like Moses and Aaron? Is So-and-so like Nadab and Abihu? Is So-and-so like Eldad and Medad?³² Scripture also says, And Samuel said to the people, It is the Lord that made Moses and Aaron,³³ and it says [in the same passage], And the Lord sent Jerubaal and Bedan and Jephthah and Samuel.³⁴ Jerubaal is Gideon. Why is he called Jerubaal? Because he contended with Baal. Bedan is Samson. Why is he called Bedan? Because he came from Dan. Jephthah is Jephthah

(1) We should naturally suppose this to mean that they saw the old moon in the morning and the new moon in the evening.

(2) Presumably because according to what has been stated above (20b) the old moon is never visible for twenty-four hours before the new appears. But v. infra at the beginning of the Gemara and notes.

(3) Apparently this must have been on the thirtieth day shortly before nightfall.

(4) Lit., 'the night of its carry-over', i.e., after the nightfall with which the thirty-first day begins, when it should have been clearly visible.

(5) And declared the thirtieth day New Moon.

(6) Lit., 'between her teeth'. Similarly the old moon would still be 'between the teeth' of the new.

(7) The New Moon in question was that of Tishri, and consequently the Day of Atonement according to R. Joshua would fall a day later than according to R. Gamaliel.

(8) Because he had been ordered to profane the Day of Atonement.

(9) Lev. XXIII, 4.

(10) V. supra. 89.

(11) Ex. XXIV, 9.

(12) Seeing that most of the members of that Beth din also bore no names of distinction.

(13) Lit., 'it comes (to its setting place)'.

(14) This would seem to show that (in the first case mentioned in the Mishnah) the witnesses said that they saw the new moon on both occasions, and R. Johanan b. Nuri rejected them, on the ground that it could not go from, east to west so quickly, while R. Gamaliel held that it could. V. Rashi s.v. עדי שקר in the Mishnah.

- (15) Rabbi was a descendent of Rabban Gamaliel.
- (16) Ps. CIV, 19.
- (17) I.e., its speed varies.
- (18) Which was a sign that the new moon would not appear for at least twenty-four hours.
- (19) So that the Day of Atonement should not be on Sunday.
- (20) [Before nightfall, so that there should be no appearance of the old moon after the closing of the twenty-ninth day, which would prevent the thirtieth day from being proclaimed New Moon (Rashi); v. supra p. 85, n. 5].
- (21) A place in Judah where the Beth din [used to meet to sanctify the month. V. Tosaf. s.v. **בית**].
- (22) Disregarding what you have seen.
- (23) I.e., the moon is reborn. The expression is based on Ps. LXXXIX, 38.
- (24) Lit., 'parts' (sc. of one hour), 73/1080 X 60 m == 4 m 3 1/3 sec. The new moon, therefore, could not be seen on the twenty-ninth day.
- (25) As a funeral oration would not be delivered on New Moon, which was regarded as a holy day.
- (26) [MS.M. omits 'HIM' which explains the question which follows].
- (27) [Var. lec. 'me'. V. Maharsha.]
- (28) Var. lec. 'on me'. V. Maharsha.
- (29) I.e., the word **אתם** (them) in Lev. XXII, 31, XXIII, 2 and XXIII, 4 is read **את** (you) for homiletical purposes.
- (30) By the witnesses.
- (31) By showing me that Rabban Gamaliel was within his rights. V. Maharsha ad loc.
- (32) I.e., if a man does say so about the Beth din in his own time, we can answer him that they may be at least like the seventy elders who are unknown by name.
- (33) 1 Sam. XII, 6.
- (34) Ibid. 11. These are here put on a par with Moses and Aaron.

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. It says also: Moses and Aaron among his priests and Samuel among them that call on his name.¹ [We see therefore that] the Scripture places three of the most questionable characters² on the same level as three of the the most estimable characters,³ to show that Jerubaal in his generation is like Moses in his generation, Bedan in his generation is like Aaron in his generation, Jephthah in his generation is like Samuel in his generation, [and] to teach you that the most worthless, once he has been appointed a leader⁴ of the community, is to be accounted like the mightiest of the mighty. Scripture says also: And thou shalt come unto the priests the Levites and to the judge thou shall be in those days.⁵ Can we then imagine that a man should go to a judge who is not in his days? This shows that you must be content to go to the judge who is in your days. It also says; Say not, How was it that the former days were better than these.⁶

HE TOOK HIS STAFF AND HIS MONEY IN HIS HAND. Our Rabbis taught: When he [Rabban Gamaliel] saw him, he rose from his seat and kissed him on his head, saying, Peace to thee my teacher and my disciple — my teacher, because thou hast taught me Torah publicly, my disciple because I lay an injunction on thee and thou dost carry it out like a disciple. Happy is the generation in which the greater defer to the lesser, and all the more so the lesser to the greater! [You say] 'All the more so'! It is their duty!⁷ — What it means is that because the greater defer to the lesser, the lesser apply the lesson to themselves with all the more force.⁸

CHAPTER III

MISHNAH. IF THE BETH DIN AND ALL ISRAEL SAW IT,⁹ IF THE WITNESSES WERE TESTED¹⁰ AND THERE WAS NO TIME LEFT TO SAY 'SANCTIFIED' BEFORE IT GREW DARK, THEN THE MONTH IS PROLONGED.¹¹ IF THE BETH DIN¹² ALONE HAVE SEEN IT,¹³ TWO OF THEM SHOULD COME FORWARD AND TESTIFY BEFORE THEM, AND THEN THEY CAN SAY, 'SANCTIFIED, SANCTIFIED'. IF THREE PERSONS SAW IT, THEY

[THEMSELVES] CONSTITUTING THE BETH DIN, TWO [OF THEM] SHOULD COME FORWARD AND THEY SHOULD ASSOCIATE SOME OF THEIR COLLEAGUES WITH THE ONE LEFT, AND THEY [THE TWO] SHOULD TESTIFY BEFORE THEM AND THEY CAN THEN SAY, 'SANCTIFIED, SANCTIFIED'. [THIS MUST BE DONE] BECAUSE AN INDIVIDUAL IS NOT AUTHORIZED [TO SAY 'SANCTIFIED'] BY HIMSELF.

GEMARA. What need is there to state IF THE BETH DIN AND ALL ISRAEL SAW IT?¹⁴ — It is necessary. You might think that since the Beth din and all Israel have seen it everyone knows about it and therefore they should not prolong the month.¹⁵ Therefore we are told [that this is not so].

But when once it has been stated IF THE BETH DIN AND ALL ISRAEL SAW IT, why should it further say, IF THE WITNESSES HAVE BEEN TESTED?¹⁶ — What it means is, 'Or if the witnesses had been tested and there was no time left to say "sanctified" before it grew dark, then the month must be prolonged'.

But when once it has been stated if IT GREW DARK THEN THE MONTH IS PROLONGED, why should the testing of the witnesses be mentioned at all?¹⁷ — It is necessary. For you might suppose that the testing of the witnesses is regarded as the commencement of a suit in court, and the pronouncement of 'sanctified', 'sanctified' as the end of the suit, and therefore they should sanctify at night, on the analogy of money suits, as we have learnt, 'Money suits are heard by day and concluded [if necessary] at night'; so here we should sanctify at night. Therefore we are told [that this is not so]. But cannot I say that this actually is the case?¹⁸ — Scripture says, For it is a statute for Israel, a judgment for the God of Jacob.¹⁹ When does the word 'statute'²⁰ apply? To the conclusion of the suit; and the All-Merciful calls it 'judgment'. [Therefore we reason], Just as judgment is delivered by day,²¹ so here [the pronouncement must be] by day.

IF THE BETH DIN [ALONE] HAVE SEEN IT, TWO OF THEM SHOULD COME FORWARD AND TESTIFY BEFORE THEM. Why so? Surely hearing should not carry greater weight than seeing?²² — R. Zera said, [It is necessary if] for instance, they saw it at night.²³

IF THREE PERSONS SAW IT, THEY [THEMSELVES] CONSTITUTING THE BETH DIN, TWO [OF THEM] SHOULD COME FORWARD AND THEY SHOULD ASSOCIATE SOME OF THEIR COLLEAGUES WITH THE ONE LEFT. Why so? Here too we can argue that hearing should not carry greater weight than seeing? And should you reply that here too [it is necessary] if, for instance, they saw it at night, then this is the same case as the one [preceding]? — It was necessary to state the last clause²⁴

[VIZ.]: BECAUSE AN INDIVIDUAL IS NOT AUTHORIZED [TO SAY 'SANCTIFIED'] BY HIMSELF. For you might have thought that since it has been taught, 'Money suits must be tried before three, but one who is a recognized legal expert²⁵ can try them even alone', so here too one might sanctify the month single-handed. Therefore we are told [that this is not so]. But cannot I say that this actually is the case?²⁶ — There was no more universally recognized expert in Israel than Moses, and yet the Holy One, blessed be He, said to him, [Do not sanctify the month] until Aaron is with thee, as it is written, And the Lord said unto Moses and Aaron in the land of Egypt saying, This month is to you.²⁷

This implies that a witness²⁸ may act as judge. Shall we say then that our Mishnah does not agree with R. Akiba, since it has been taught: 'If the Sanhedrin saw a man slay a person

(1) Ps. XCIX, 6. This shows that Samuel is on a par with Moses and Aaron.

(2) Lit., 'light ones of the world'.

(3) Lit., 'heavy ones of the world'.

- (4) Hebr. Parnas. V. Git, Sonc. ed, p. 280, n. 9.
- (5) Deut. XVII, 9.
- (6) I.e., had better judges than these. Eccl. VII, 10.
- (7) We naturally suppose the words to mean, 'all the more so where the lesser defer to the greater', which would imply that such a thing is not ordinarily to be expected.
- (8) I.e., they say, 'how much more should we defer to the greater'.
- (9) On the thirtieth day, shortly before nightfall.
- (10) The meaning of this is explained infra in the Gemara.
- (11) I.e., the thirty-first day becomes New Moon and not the thirtieth.
- (12) Of twenty-three members.
- (13) Not necessarily on the thirtieth day.
- (14) I.e., why mention Israel as well as the Beth din?
- (15) But reckon that same day as New Moon.
- (16) Why are witnesses needed if all the people have seen it?
- (17) Since this case can be inferred a fortiori from the previous one.
- (18) I.e., what reason is there why in general the pronouncement should not be made at night?
- (19) Ps. LXXXI, 5.
- (20) The Hebrew word is דין, which is taken by the Talmud in the sense of 'decision', 'verdict'.
- (21) V. Sanh. 32a.
- (22) I.e., the report of the witnesses should not carry greater weight than what they have seen with their own eyes.
- (23) Hence on the next day they must rely on a report.
- (24) I.e., this sentence merely leads up to the next.
- (25) Heb. Mumhe (v. Glos.).
- (26) That one expert may sanctify.
- (27) Ex. XII, 1, 2; cf. supra 22a.
- (28) I.e., one who is competent to act as witness, as here the Beth din.

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, some of them act as witnesses and some as judges. This is the view of R. Tarfon. R. Akiba says: They all act as witnesses, and a witness cannot act as a judge'? — You may say that our Mishnah agrees even with R. Akiba. R. Akiba meant this rule to apply only to capital cases, in regard to which the All-Merciful enjoined, the congregation shall judge . . . and the congregation shall deliver¹ and since they have seen him slay a person, they cannot find any defence for him. But in this case even R. Akiba would agree [that a witness may act as judge].

MISHNAH. ALL KINDS OF SHOFAR² MAY BE USED EXCEPT [ONE MADE FROM THE HORN] OF A COW, BECAUSE IT IS [PROPERLY] KEREN.³ SAID R. JOSE: ARE NOT ALL SHOFARS CALLED 'KEREN' AS IT SAYS, WHEN THEY MAKE A LONG BLAST WITH THE RAM'S KEREN [HORN]?⁴

GEMARA. R. Jose was surely quite right. What can the Rabbis reply? — That all shofars are called both shofar and keren, whereas that of a cow is called keren but is not called shofar, as it is written, His firstling bullock, majesty is his, and his horns [karnaw] are as the horns of a re'em.⁵ What says R. Jose to this? — He can reply that that of a cow is also called shofar as it is written, And it shall please the Lord better than a bullock [shor par]⁶ that hath horns and hoofs.⁷ Now if 'shor' is mentioned here why 'par', and if 'par' why 'shor'?⁸ The fact is that shor par is equivalent to shofar.⁹ And the Rabbis? — They adopt the explanation of R. Mattenah; for R. Mattenah said: What is meant by shor par? A shor which is as full-grown as a par.¹⁰ 'Ulla said: The reason of the Rabbis is to be found in the saying of R. Hisda; for R. Hisda said: Why does not the High Priest enter the inner precincts¹¹ in garments of gold¹² to perform the service there? Because the accuser may not act as defender.¹³ Is that so? What of the blood of the bullock?¹⁴ — Seeing that this has been

transformed,¹⁵ the objection to it is removed.¹⁶ But what of the ark, with the mercy-seat and the cherub?¹⁷ — What we say is that the sinner should not bring near the offering. But what of the spoon and the censer?¹⁸ — What we say is that the sinner should not adorn himself. But what of the garments of gold [which he wore] in the outer sanctuary? — We speak of [ministrations In the] inner precincts. The shofar also is [used] in the outer precincts? — Since its purpose is to awaken remembrance, it is as if it were [used] within.

But the Tanna says BECAUSE IT IS [PROPERLY] KEREN? — He mentioned [only] an additional reason:¹⁹ one reason is because the accuser cannot act as defender, and the other is because it is keren. What says R. Jose to this? — His answer is: Your statement that the accuser cannot act as defender applies only to the inner precincts, and this shofar is [used] in the outer precincts. And as for your statement that this shofar is keren, all shofars are likewise called keren.

Abaye said: The reason of the Rabbis is that the All-Merciful prescribed ‘a shofar’, and not two or three shofars, and the one made from a cow's horn being in layers²⁰ looks like two or three shofars. But the Tanna says, BECAUSE IT IS PROPERLY KEREN? — He stated [only] an additional reason:¹⁹ one reason is that the All-Merciful prescribed one shofar, and not two or three shofars, and another reason is that it is keren. What then says R. Jose to this? — He can reply: With regard to your statement that the All-Merciful prescribed one shofar and not two or three shofar, since the layers are closely joined together, it is really one, and as for your statement that it is keren, all shofars are likewise called keren.

What proof is there that the word yobel here²¹ means ram? — As it has been taught: R. Akiba said: When I went to Arabia, they used to call a ram yobla. R. Akiba further said: When I went to Gallia, they used to call a niddah²² ‘galmudah’.²³ How galmudah? — [As much as to say], gemulah da [this one is isolated] from her husband. R. Akiba further said: When I went to Africa, they used to call a ma'ah²⁴ ‘kesitah’. What is the practical importance of this? — For explaining [the Scriptural expression] a hundred kesitah;²⁵ it means, a hundred danki.²⁶

Rabbi said: When I went to the sea-ports, they called mekirah [selling] ‘kirah’. What is the practical importance of this? — To explain [the Scriptural expression] asher karithi.²⁷ R. Simeon b. Lakish said: When I went to the district of Ken Nishraya,²⁸ they used to call a bride ninfe and a cock sekvi. ‘A bride ninfe’:²⁹ where do we find this in Scripture? Yefeh nof,³⁰ the joy of the whole earth.³¹ ‘A cock sekvi’: Rab Judah said in the name of Rab, or, if you prefer,³² of R. Joshua b. Levi: Where do we find this in the Scripture? Who hath put wisdom in the tuhoth,³³ or who hath given understanding to the sekvi?³⁴ ‘Who hath put wisdom in the tuhoth’ — these are the reins; ‘or who hath given understanding to the sekvi’ — this is the cock.

In a certain place which Levi happened to visit, a man came before him and said

(1) Num., XXXV, 25, 26. The word ‘deliver’ is taken by R. Akiba to mean ‘find a defence for’.

(2) A kind of trumpet made of the horn of certain animals. Scripture prescribes (Lev. XXV, 9) that a shofar should be used for proclaiming the Jubilee. The Psalmist also says (Ps. LXXXI, 4), Blow ye the shofar on the new moon.

(3) I.e., all kinds of horns may be used for making a shofar except that of a cow, because an instrument made from a cow's horn, though similar to a shofar in all respects, is properly called keren (lit. ‘horn’)

(4) Josh. VI, 5. This is identified by the Talmud with the shofar mentioned in the same verse (when ye hear the sound of the shofar).

(5) Deut. XXXIII, 17. We see here that the horn of a bullock is called keren.

(6) שׁוֹר פֶּרֶךְ, lit., ‘ox bullock’.

(7) Ps. LXIX, 32.

(8) Either of these expressions would be sufficient by itself.

(9) With ך inserted as is found in many Hebrew nouns, Strashun.]

- (10) The name shor could be applied to the animal at birth; the name par not till it entered its third year. V. supra, 10a,
- (11) The Holy of Holies, on the Day of Atonement.
- (12) The High Priest entered the Holy of Holies wearing garments of linen only. V. Lev. XVI, 4, 23.
- (13) 'Gold' is called the accuser in reference to the Golden Calf. The garments worn by the High Priest in the Holy of Holies and all his other appurtenances there were regarded as propitiatory.
- (14) Sprinkled by the High Priest on the Day of Atonement. A bullock could be regarded as an 'accuser' for the same reason as gold.
- (15) It is no longer recognizable as a bullock.
- (16) Lit., 'since it has been changed, it has been changed'.
- (17) In all of which there was an abundance of gold.
- (18) Which the High Priest took with him into the Holy of Holies and which were also of gold.
- (19) Lit., 'he says one and again'.
- (20) As a separate layer grows each year.
- (21) In Josh. VI, 5.
- (22) V. Glos.
- (23) Lit., 'desolate'.
- (24) A small coin.
- (25) Gen. XXXIII, 19: the price paid by Jacob for the field he bought at Shechem.
- (26) One sixth of a denar (v. Glos.).
- (27) Gen. L, 5. To be rendered, 'which I have bought for myself'. E.V. 'which I have digged for myself'.
- (28) [Kennesrin, south of Aleppo; Obermeyer p. 114].
- (29) ==GR.**.
- (30) E.V. 'beautiful in elevation'.
- (31) Ps. XLVIII, 3.
- (32) [Read with MS.M.: 'or as some say'.]
- (33) E.V. 'inward parts'.
- (34) E.V. 'mind'. Job. XXXVIII, 36.

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, So-and-so has kaba'ed¹ me. He did not know what he meant, so he went and enquired in the Beth Hamidrash. They said to him: He wanted to say to you, 'has robbed me', as it is written, Will man rob [yikba'] God?² Raba from Barnish³ said to R. Ashi: Had I been there, I should have said to him, How did he kaba' you, in what did he kaba' you, why did he kaba' you, and so I should have found out [from his answers]. The other [Levi], however, thought that he meant some kind of offence.⁴

The Rabbis did not know what was meant by serugin⁵ till one day they heard the maidservant of Rabbi's household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by haluglugoth⁶ till one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your haluglugoth?

The Rabbis did not know what was meant by 'salselehah' and it shall exalt thee.⁷ One day they heard the handmaid of the household of Rabbi say to a man who was curling his hair, How long will you be mesalseh⁸ with your hair?

The Rabbis did not know what was meant by we-tetethia bematate of destruction,⁹ till one day they heard the handmaid of the household of Rabbi say to her companion, Take the tatitha [broom] and tati [sweep] the house.

The Rabbis did not know what was meant by Cast upon the Lord thy yehab and he shall sustain thee.¹⁰ Said Rabbah b. Bar Hanah: One day I was travelling with an Arab¹¹ and was carrying a load, and he said to me, Lift up your yehab and put it on [one of] the camels.¹²

MISHNAH. THE SHOFAR USED ON NEW YEAR¹³ WAS OF AN ANTELOPE'S HORN AND STRAIGHT, AND ITS MOUTH WAS OVERLAID WITH GOLD. THERE WERE TWO TRUMPETS, ONE ON EACH SIDE OF IT. THE SHOFAR GAVE A LONG BLAST AND THE TRUMPETS A SHORT ONE, SINCE THE PROPER CEREMONY OF THE DAY WAS WITH THE SHOFAR.¹⁴ ON [COMMUNAL] FAST DAYS THEY USED [TWO] CURVED SHOFARS OF RAMS, THE MOUTHS OF WHICH WERE OVERLAID WITH SILVER. THERE WERE TWO TRUMPETS BETWEEN THEM; A SHORT BLAST WAS MADE WITH THE SHOFARS AND A LONG ONE WITH THE TRUMPETS, BECAUSE THE RELIGIOUS DUTY OF THE DAY WAS [TO BE PERFORMED] WITH THE TRUMPETS.¹⁵ THE JUBILEE IS ON A PAR WITH NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS.¹⁶ R. JUDAH SAYS: ON NEW YEAR THE BLAST IS MADE WITH A SHOFAR OF RAMS AND ON JUBILEES WITH ONE OF ANTELOPES.

GEMARA. R. Levi said: The religious duty of New Year and of the Day of Atonement is performed with a curved shofar, and on other days in the year with a straight shofar. But we learn, THE SHOFAR OF NEW YEAR WAS A STRAIGHT ONE OF ANTELOPE'S HORN? — Levi followed the view of the following Tanna, as it has been taught: 'R. Judah says, On New Year they used to blow with curved shofars of rams' horns and on jubilees with shofars of antelopes' horns'. Why then did not he [Levi] say that the law¹⁷ follows the view of R. Judah?¹⁸ — If you were to say that the law follows R. Judah, I should say that in the case of the Jubilee also he was of the same opinion as R. Judah. Now we know [that this is not so]. What is the ground of the difference [between R. Judah and the First Tanna]? — One authority [R. Judah] holds that on New Year the more a man [so to speak] bends his mind the more effective [is his prayer], while on the Day of Atonement [of the Jubilee] the more a man elevates¹⁹ his mind the better is the effect.²⁰ The other authority holds that on New Year the more a man elevates his mind the better the effect, and on fast days the more he bends his mind the better the effect.

(1) קבע

(2) Mal. III, 8.

(3) [Near Sura, v. Obermeyer, p. 297.]

(4) [Lit., 'a matter of prohibition', the nature of which could not be ascertained from the answers, v. Maharsha.]

(5) Found e.g., in Meg. 17a, 'if he reads it by serugin', i.e. 'not in order.'

(6) Found in Yoma 18a.

(7) Prov. IV, 8. E.V. 'extol her'.

(8) I.e., adorning.

(9) Isa. XIV, 23. E.V. 'I will sweep it with the besom of destruction'.

(10) Ps. LV, 23. E.V. 'burden'.

(11) [Heb. Ta'ya, name of an Arab tribe which name came finally to be applied to Arabs in general, as the name of a part is often given to a whole.]

(12) On this passage v. Meg. 18a.

(13) In the Temple.

(14) Hence the sound of the shofar was allowed to be heard after that of the trumpets.

(15) As it says, (Num. X, 2), Make thee two trumpets of silver . . . for the calling of the congregation, and on fast days the public were summoned to assemble.

(16) I.e., nine blessings have to be said over the shofar as on New Year.

(17) [Read with MS.M.: 'the halachah is'.]

(18) As expressed in the Mishnah,

(19) Lit., 'straightens', with the idea of freedom.

(20) On the analogy of the words, Let us lift up our hearts to our hands unto God in the heavens (Lam. III, 41).

Talmud - Mas. Rosh HaShana 27a

AND ITS MOUTH WAS OVERLAID WITH GOLD. But has it not been taught: 'If it was overlaid with gold at the place where the mouth is applied, it is not valid;¹ if not at the place where the mouth is applied, it is valid'? — Abaye replied: When this state ment is made in our Mishnah, it also refers to the place where the mouth is not applied.

THERE WERE TWO TRUMPETS, ONE ON EACH SIDE OF IT. But can two distinct sounds be caught at once?² Has it not been taught:³ "Remember" and "observe" were spoken in a single utterance,⁴ a thing which transcends the capacity of the [human] mouth to utter and of the [human] ear to hear'? — It was for this reason that the blast of the shofar was prolonged. This implies that if one heard the end of the blast without the beginning he has performed his duty;⁵ and from this it would follow that if he heard the beginning of the blast without the end he has equally performed his duty. Come now and hear [a refutation of this idea]: 'If he blew teki'ah at the beginning [of the service] and prolonged the second so as to make it equal to two, this only counts as one'.⁶ Why should this be? Why should not it [the second blast] be counted as divided into two?⁷ — We do not divide a teki'ah into two.

Come and hear [another objection]: If one blew into a pit or a cistern or a barrel, if the sound of the shofar came out [pure], he has performed his duty, but if an echo came out [with it], he has not performed his duty.⁸ Why should this be? Cannot he have performed his duty [by hearing] the beginning of the blast, before the sound is confused [with the echo]? — The truth is that two utterances proceeding from one man cannot be distinguished, but proceeding from two men they can be distinguished.⁹ But if they proceed from two men can they be distinguished? Have we not learnt: 'In the recital of the Torah [in synagogue] one may read and another translate;¹⁰ what is not allowed is that¹¹ one should read¹² and two translate'.¹³ — The fact is that our case resembles that mentioned in the next clause [of this quotation]: 'In the recital of Hallel and the Megillah¹⁴ even ten may read'.¹⁵ This shows that since an interest is taken in these,¹⁶ the hearer pays close attention. So here, since an interest is taken, he pays close attention and hears [the two sounds]. Why then is the blast of the shofar prolonged? — So that people should know that the proper ceremony of the day is with the shofar.

ON FAST DAYS THEY USED CURVED SHOFARS OF RAMS' HORNS THE MOUTHS OF WHICH WERE OVERLAID WITH SILVER. Why in the other case should gold have been used and here silver? — If you like I can reply that for all public gatherings silver is used, as it is written, Make thee two trumpets of silver,¹⁷ or if you like I can say that the Torah wished to spare Israel unnecessary expense.¹⁸ [If that is so], we should use silver in the other case also? — Even so, this consideration is outweighed by that of paying respect to the holyday.

R. Papa b. Samuel was minded to follow the instructions of the Mishnah,¹⁹ but Raba said to him, These instructions were laid down only for the Sanctuary. It has been taught to the same effect: Where do these rules apply? To the Sanctuary; but in the provinces, where the trumpets are in place²⁰ there is no shofar, and where the shofar is in place²¹ there are no trumpets. R. Halafta adopted the same custom in Zepphoris and R. Hananiah b. Teradion in Sikni,²² and when this was reported to the Sages they said: This was not the practice save only in the gates of the East and the Mount of the Temple.²³ Said Raba — or it may be R. Joshua b. Levi: What is the Scriptural warrant for this? — Because it is written, With trumpets and the sound of the shofar shout ye before the king, the Lord:²⁴ before the king, the Lord,²⁵ we require trumpets and the sound of the shofar, but elsewhere not.

THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS. R. Samuel b. Isaac asked: What authority do we follow in saying nowadays [on New Year] the prayer, 'This day is the beginning of thy works, the commemoration of the first day'?²⁶ What authority? R. Eliezer, who said that the world was created in Tishri. R. 'Ena raised an objection [against this view]: [It is stated], THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE TRUMPET AND FOR BLESSINGS. [Now how can this be on your view] seeing that there is [the prayer], 'This day is the beginning of thy works, the commemoration of the first day'?²⁷ — The statement of the Mishnah refers to the other [features]. R. Shisha the son of R. Idi reported the discussion thus. 'R. Samuel b. Isaac said: This statement of our Mishnah, THE JUBILEE IS ON A PAR WITH THE NEW YEAR FOR BLOWING THE HORN AND FOR BLESSINGS. — which authority does it follow? Not that of R. Eliezer. For if you were to say it follows R. Eliezer, seeing that he holds that the world was created in Tishri, what would you make of "This day is the commencement of thy works, the commemoration of the first day", which is said on New Year and is not said on the Jubilee? — [The answer is that] the Mishnah speaks only of the other [features]'.

MISHNAH. A SHOFAR WHICH HAS BEEN SPLIT AND STUCK TOGETHER IS NOT VALID.²⁸ IF FRAGMENTS OF SHOFARS

ARE STUCK TOGETHER [TO MAKE ONE], IT IS NOT VALID.

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- (1) Because the blast has to be made with a shofar, and not with gold.
 - (2) As much as to say, if the shofar and the trumpets are blown together, the sound of the shofar will not be distinguished.
 - (3) B.B. 64a.
 - (4) In the version of the Ten Commandments in Ex. XX, the fourth commandment commences with the words Remember the Sabbath day, whereas in Deut. V it commences with 'Observe'; and the Rabbis explain the discrepancy in this way.
 - (5) Seeing that in this case he hears distinctly only the end of the shofar blast, after the trumpets have ceased.
 - (6) This is a quotation from the Mishnah on 33b, where an explanation will be found in the notes.
 - (7) So that the beginning would count as the end of the first series of teki'ah teru'ah teki'ah, and the end of it would count as the beginning of the second series.
 - (8) V. infra 28a.
 - (9) And so the shofar and the trumpets can be distinguished here.
 - (10) It was usual in ancient times to read after each verse of the Torah the authorized Aramaic translation (targum) of it.
 - (11) Lit., 'only one should not'.
 - (12) So in Meg. loc. cit. Our texts have here 'two should read and two translate'.
 - (13) Meg. 21b.
 - (14) The book of Esther.
 - (15) V. loc. cit. for notes.
 - (16) Lit., 'endeared'. I.e., a greater interest than in the Torah, since they come more rarely.
 - (17) Num. X, 2. V. supra.
 - (18) Lit., 'had mercy on the money of Israel'.
 - (19) I.e., to use both shofar and trumpets.
 - (20) I.e., on fast days.
 - (21) I.e., on New Year and Jubilees.
 - (22) perhaps Sogana in Galilee mentioned in Josephus, Vita, 51.
 - (23) I.e., the gates of the East on the Temple Mount. According to some, however, the 'gates of the East' were in the Women's Court (v. Rashi).
 - (24) Ps. XCVIII, 6.
 - (25) I.e., in the Temple.
 - (26) In the Musaf 'Amidah for New Year, v. P.B., p. 250.

(27) Which cannot be said on the Day of Atonement of the Jubilee.

(28) Because it is like two shofars.

Talmud - Mas. Rosh HaShana 27b

IF A HOLE IN A SHOFAR HAS BEEN STOPPED UP, IF IT INTERFERES WITH THE BLOWING IT IS NOT VALID, BUT OTHERWISE IT IS VALID.¹ IF ONE BLOWS INTO A PIT OR A CISTERN² OR A BARREL, IF HE CAN HEAR THE SOUND OF THE SHOFAR [PURE] HE HAS PERFORMED HIS DUTY, BUT IF HE HEARS THE ECHO [ALSO], HE HAS NOT PERFORMED HIS DUTY. SIMILARLY IF ONE WAS PASSING BEHIND A SYNAGOGUE OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE AND HE HEARD THE SOUND OF THE SHOFAR OR OF THE MEGILLAH³ [BEING READ], IF HE LISTENS WITH ATTENTION⁴ HE PERFORMS THE RELIGIOUS PRECEPT [BY SO HEARING], BUT OTHERWISE HE DOES NOT; ALTHOUGH ONE HEARS EQUALLY WITH THE OTHER, [YET THERE IS A DIFFERENCE, BECAUSE] THE ONE LISTENED WITH ATTENTION WHILE THE OTHER DID NOT LISTEN WITH ATTENTION.

GEMARA. Our Rabbis taught: 'If the horn was too long and it has been shortened, it is valid. If it has been scraped till it becomes thin like a wafer,⁵ it is valid. If it is overlaid at the spot where the mouth is applied, it is not valid, if not at the spot where the mouth is applied,⁶ it is valid. If it is overlaid with gold on the inside, it is not valid,⁷ if on the outside, if the sound is thereby changed from what it was before, it is not valid, but otherwise it is valid. If it had a hole which has been stopped up, if this interferes with the blast it is not valid, but otherwise it is valid.⁸ If one shofar is put inside another shofar, if one can hear the sound of the inner one he thereby performs his religious duty, but if he hears the sound of the outer one he does not thereby perform his religious duty.⁹

Our Rabbis taught: If it was scraped whether on the inside or the outside, it is valid. If it was scraped till it became [thin like] a wafer, it is valid. If one shofar is placed within another, if one hears the sound of the inner one he thereby performs his religious duty, but if he hears the sound of the outer one he does not thereby perform his religious duty. If he turns it inside out¹⁰ and blows it, he does not thereby perform his religious duty. Said R. Papa: Do not take this to mean [merely], 'if he turned it inside out like a coat', but even if he widened the narrow part and narrowed the wide part. What is the reason? — As stated by R. Mattenah; for R. Mattenah said: And thou shalt carry along:¹¹ we require [the horn to be] of the shape in which it is carried along.¹²

Our Rabbis taught: 'If the least quantity is added to it whether of its own material or of another material, it is not valid. If there was a hole in it and it is stopped up, whether with its own material or another material, it is not valid. R. Nathan, however, says, if with its own material it is valid, but if with another material it is not valid'.¹³ 'If with its own material it is valid': Said R. Johanan: This is the case only if the greater part of the original is left. From this we infer that if it is stopped with another material, even though the greater part of the original was left it may not be used. Some attach R. Johanan's remark to the latter clause: 'If with another material it is not valid': Said R. Johanan: This is the case only if the greater part of the original was removed. From this we infer that if the stoppage is made with the same material, even though the greater part of the original is gone it is valid.¹⁴ 'If it was overlaid with gold on the inside it is not valid, if on the outside, if its sound becomes different from what it was before, it is not valid, but otherwise it is valid. If it is split lengthwise it is not valid, but if breadthwise, if enough is left to produce a blast it is valid, but otherwise it is not valid.'¹⁵ How much is enough to produce a blast? — R. Simeon b. Gamaliel explained: Enough to allow of it being held in the hand and leaving something showing on either side. 'If its sound is thin or thick or dry, it is valid, since all sounds emitted by a shofar can pass muster',¹⁶

They sent to inform the father of Samuel: If one pierced it [the horn] and blew with it, he has performed his religious duty. Is not this obvious? All shofars are pierced!¹⁷ — R. Ashi explained: [It means], if he pierced the inset bone.¹⁸ You might think that although it is of the same material it makes a partition; we are therefore told [that this is not so].

IF ONE BLOWS INTO A PIT OR A CISTERN etc. R. Huna said: This rule applies only to those standing on the edge of the pit, but those standing in the pit perform their religious duty thereby. It has been taught to the same effect: 'If one blows into a pit or a cistern, he performs his religious duty'. But have we not learnt, HE DOES NOT PERFORM HIS RELIGIOUS DUTY? You must therefore understand it in the sense of R. Huna's dictum. Some put the two statements in opposition, [thus]: We have learnt, IF ONE BLOWS INTO A PIT OR A CISTERN HE DOES NOT PERFORM HIS RELIGIOUS DUTY. But has it not been taught, 'He does perform his religious duty'? — R. Huna replied: There is no contradiction; the one statement speaks of those standing on the edge of the pit, the other of those standing in the pit.

Rabbah¹⁹ said:

(1) The Talmud Yerushalmi reads here, 'If it (the hole) interfered with the blowing before it was closed, the shofar is not valid after it was closed'. Our version, however, rather implies that if the stoppage restores the shofar to its original condition, it may be used. V. Tosaf. s.v. **ניקב**.

(2) Heb. **דֹּת**, a pit faced with cement.

(3) V. Glos.

(4) Lit., 'if he applies his heart'.

(5) Lit., 'he reduced it to its coating'.

(6) This apparently means, on the top opposite the exact spot to which the mouth is applied. V. Tosaf. s.v. **צפהו**.

(7) Because the blast is then made by gold.

(8) V. supra n. 1.

(9) Because as the sound comes from the air between the two shofars, it is as if made by two or three shofars. V. Tosaf. s.v. **אם**.

(10) By means of softening it with hot water.

(11) **והעברת** Lev. XXV, 9. E.V. Then shalt thou make proclamation with. Lit., 'cause to pass'.

(12) By the ram when alive.

(13) The quotation is here interrupted with a gloss on the last clause.

(14) The quotation from the Baraitha is here resumed.

(15) The quotation is again interrupted.

(16) Lit., 'are valid'.

(17) I.e., the horn is pierced to make a shofar.

(18) A bone which grows from the animal's head inside the horn, and which is usually removed to make the shofar.

(19) Var. lec. Raba.

Talmud - Mas. Rosh HaShana 28a

If one heard part of the blast in the pit and part of the blast on the edge of the pit,¹ he has performed his religious duty. If he heard part of the blast before the dawn² and part of the blast after dawn he has not performed his religious duty. Said Abaye to him: Why this difference? Because in the latter case we require the whole of the blast [which he hears] to be obligatory and this requirement is not fulfilled?³ In the former case also we require the whole of the blast to be obligatory, and this requirement is not fulfilled!⁴ — Are the two cases parallel? In the latter, night is a time to which the obligation does not apply at all, but in the former, the pit is a place to which the obligation does apply for those who are in the pit.⁵

I infer from this that Rabbah was of opinion that if one heard the end of a blast without the

beginning he has performed his religious duty,⁶ and that from this it follows that if he heard the beginning without the end, he has likewise performed his religious duty. Come now and hear [an objection to this]: ‘If one blew a teki’ah at the beginning [of the series] and prolonged the second one so as to be equal to two, it still counts as only one’. Why should this be? Let it be counted as divided into two? — We do not divide teki’ahs.⁷ Come and hear [another objection]: ‘If one blows into a pit or a cistern or a barrel, if he hears the sound of the shofar [pure] he has performed his religious duty, but if he hears the echo he has not performed his religious duty’. Why should this be? Let him have performed his religious duty with the beginning of the blast, before the sound is confused [with the echo?] — Rabbah was speaking of one who blows [for himself] and as he blows steps out of the pit.⁸ If that is so, what is the point of his remark?⁹ — You might argue that sometimes he puts his head out while the shofar is still in the pit and so the sound is confused. We are therefore told [that this makes no difference].

Rab Judah said: One should not blow with a shofar taken from a burnt-offering,¹⁰ but if he did so¹¹ he has performed his religious duty. One should not blow with a shofar taken from a peace-offering, and if he did so he has not performed his religious duty. What is the reason? A burnt-offering is subject to the rule of trespass,¹² and once trespass has been committed with it, it becomes unhallowed. Peace-offerings, on the other hand, not being subject to the rule of trespass,¹³ are still saddled with their prohibition,¹⁴ (and do not become unhallowed).¹⁵ Raba strongly demurred to this. When [he said], is the trespass committed? After he has blown; but when he blows, he does so with something prohibited.¹⁶ No, said Raba: alike in one case and the other, he has not performed his religious duty. Later, however, he said: Alike in one case and in the other he has performed his religious duty, because religious precepts are not meant to provide physical enjoyment.¹⁷

Rab Judah said: One should not blow with a shofar which has been used for idolatrous purposes,¹⁸ but if he does so, he has performed his religious duty.¹⁹ One should not blow with a shofar from a devoted city,²⁰ and if he does so he has not performed his religious duty. What is the reason? In a devoted city nothing is [presumably] left of proper size.²¹

Raba said: If one is interdicted by vow to have any benefit²² from his neighbour, the other may yet perform the ritual blowing of the shofar for him.²³ One, too, who is interdicted by vow to have any enjoyment from a shofar may yet perform with it the ritual blowing. Raba further said: If one is interdicted by vow to have any benefit from his neighbour, the other may yet sprinkle on him the water of the sin-offering²⁴ in the rainy season, but not in the summer time. One who has vowed to have no enjoyment from a fountain may take a ritual bath in it in the rainy season²⁵ but not in the summer time.

They sent to inform the father of Samuel: If a man is compelled by force to eat unleavened bread [on Passover], he thereby performs his religious duty.²⁶ Compelled by whom? Shall I say, by an evil spirit? But has it not been taught, ‘If a man is sometimes in his sound senses and sometimes crazy, when he is in his senses he is regarded as a sane man in all particulars, and when he is crazy he is regarded as insane in all particulars’?²⁷ — R. Ashi said: [It means], if the Persians compelled him. Said Raba:²⁸ This would imply that if one blew the shofar simply to make music, he has performed his religious duty. Is not this obvious?²⁹ This is just what has been said!³⁰ — You might argue that in the previous case the All-Merciful has prescribed that unleavened bread should be eaten, and he has eaten³¹

(1) We naturally suppose this to speak of one who steps out of the pit while he hears someone else blowing in the pit.

(2) [Lit., ‘before the pillar of the dawn went up’. This is the legal dividing line between night and day.]

(3) It is obligatory to hear the shofar only by day but not by night.

(4) One who is on the edge of the pit does not fulfil his obligation by hearing one blow in the pit.

(5) And he fulfils his obligation with the part he heard in the pit.

- (6) V. supra.
- (7) V. supra, and notes.
- (8) And he hears both the beginning and the end of the blast clearly.
- (9) As it is obvious.
- (10) Made from the horn of a living animal which, has been consecrated for a burnt-offering. After it has been offered and the blood thereof sprinkled the law of trespass does not apply to its horns, v. infra.
- (11) Unwittingly. V. Tosaf. s.v. **בשופר** .
- (12) Heb. **מעילה** , the using of holy things for secular purposes, v. Lev. V, 15ff.
- (13) I.e., even while still alive. After it had been offered and the blood sprinkled the law of trespass applied to certain portions of the flesh assigned for the altar.
- (14) Even if they have been accidentally used for secular purposes, they remain hallowed and must not be further used for such purposes.
- (15) These words in the text are bracketed.
- (16) Even in the case of the burnt-offering.
- (17) And since he derives no physical enjoyment from the act, he does not commit trespass.
- (18) Because no benefit may be derived from articles which have been used for idolatrous purposes, v. A.Z. 51b.
- (19) Because such performance is not intended to give any enjoyment. This reason is based on the opinion of Raba and not of Rab Judah; perhaps therefore we should read here 'Raba said', not 'Rab Judah said'. V. Tosaf. s.v. **אמר רב יהודה** .
- (20) V. Deut. XIII, 13-17.
- (21) Lit., 'its measurements are cut to pieces'. Everything in it was supposed to be burnt.
- (22) Heb. **הנאה** which can mean either 'benefit' or enjoyment'.
- (23) For this is no physical enjoyment.
- (24) Of the red heifer, to cleanse him from the pollution of a dead body.
- (25) I.e., when it is cold.
- (26) Even though he had no intention of performing it.
- (27) And we cannot speak of the performance of religious duties in connection with an insane person.
- (28) Var. lec. Rabbah.
- (29) Viz., that this is the implication of R. Ashi's remark.
- (30) Lit., 'this is that'.
- (31) And has obtained some physical benefit.

Talmud - Mas. Rosh HaShana 28b

, whereas in this case it is written a memorial of blowing the trumpet¹ and this man is merely amusing himself.² Therefore we are told [that this argument does not apply].

We conclude from this that in Raba's opinion religious precepts do not need to be performed with deliberate intention. The following objection was raised against this view: 'If a man was reading the [passage of the shema] in the Torah and the time of reading [the shema] arrived, if he put his mind to it, he has performed his religious duty'. Does this not mean, 'put his mind to perform his religious duty'? — No; it means, [put his mind] to read [distinctly]. To read? But he is reading! — We speak of one who is reading to correct [the scroll].³

Come and hear: 'IF HE WAS PASSING BEHIND THE SYNAGOGUE, OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE, AND HE HEARD THE SOUND OF THE SHOFAR OR OF THE READING OF THE MEGILLAH, IF HE PUT HIS MIND TO IT HE THEREBY PERFORMED HIS RELIGIOUS DUTY, BUT IF NOT HE DID NOT PERFORM HIS RELIGIOUS DUTY'. Does not this mean, 'if he put his mind to perform his religious duty'? — No; [it means, if he put his mind] to hear. To hear? But he is hearing! — He may think, it is merely an ass braying. The following objection was raised against this view: 'If the hearer [of the shofar] put his mind to the act but not the performer,⁴ or the performer put his mind but not the hearer, he did not perform

his religious duty; [he does not do so] until both hearer and performer put their minds to the act'. I understand the case where the performer put his mind but not the hearer, as the latter may have thought it was merely an ass braying. But that the hearer should put his mind and not the performer — how can this happen? Is it not where the latter blows merely to make music?⁵ — Perhaps [it refers to a case] where he merely [as it were] barks.⁶ Said Abaye to him:⁷ But if that is so, then one who sleeps in the Sukkah⁸ on the eighth day should be flogged?⁹ — He replied: [Not so], because I maintain that commandments cannot be transgressed [by adding to them] save in their proper season.

R. Shaman b. Abba raised the following objection against this view: 'Whence do we learn that a priest who mounts the platform¹⁰ should not say, "Because the Torah has given me permission to bless Israel, I will add a blessing of my own, as for instance, The Lord, the God of your fathers, add unto you"?¹¹ Because it says, Ye shall not add unto the word'.¹² Now here, since he has finished blessing them,¹³ the time of the precept has passed, and yet it states that he transgresses? — Here we are dealing with the case where he has not yet finished the blessings. But the statement runs, 'he has finished'? — That means, he has finished one blessing.¹⁴ But it states, 'he finished all his blessings'? — There is a special reason in this case; seeing that, if he comes across another congregation, he may bless again, the whole day is reckoned as the proper time.¹⁵ But what is your ground for saying so? — Because we have learnt: If blood which has to be sprinkled [on the altar] once¹⁶ has been mixed with other blood which had to be sprinkled once, the whole should be sprinkled once. If blood which has to be sprinkled four times¹⁷ has been mixed with other blood which has to be sprinkled four times, the whole must be sprinkled four times. If blood which has to be sprinkled four times is mixed with blood which has to be sprinkled once, R. Eleazar says the whole should be sprinkled four times. R. Joshua says it should be sprinkled once. Said R. Eleazar to him: By doing so he transgresses the precept of 'thou shalt not diminish'.¹⁸ To which R. Joshua retorted, By doing your way, he transgresses the precept of thou shalt not add.¹⁹ Said R. Eleazar to him: The precept 'thou shalt not add' applies only when the act is repeated on the same subject.²⁰ To which R. Joshua replied: The precept 'thou shalt not diminish' applies only where the act is withheld from the same subject.²⁰ R. Joshua said further to him: If you do not sprinkle [four times], you transgress the rule of 'thou shalt not diminish', but you do not perform any positive action,²¹ When you do sprinkle, you transgress the rule of 'thou shalt not add' and you do perform a positive action.²² Now here, as soon as he has made one sprinkling for the firstborn, its time is past, and yet it says that he transgresses the precept of 'thou shalt not add'; and is not the reason for this because we say that since, if he gets hold of another firstborn he can sprinkle its blood, the whole day is reckoned its proper time? — [No.] Perhaps R. Joshua was of opinion that precepts may be transgressed even out of their proper time.²³ We argue thus.²⁴ Why does R. Shaman b. Abba leave the Mishnah and bring his objection from the Baraitha? Let him bring his objection from the Mishnah! What is the reason why he does not adduce the Mishnah? On the ground that, if he [the priest] gets hold of another firstborn he can sprinkle its blood, the whole day is its proper time. But in the case mentioned in the Baraitha also, seeing that, if he comes across another congregation he may bless again, the whole day is the proper time! What says R. Shaman b. Abba to this? — In that case [of the blood], he is bound to sprinkle;²⁵ in this case, if he likes he may bless, and if he likes he need not bless.

Raba says: For the performance of his religious duty, he does not require to put his mind to it. For transgression [by adding to the precept], he does require to put his mind. But what of the sprinkling of blood, where, according to R. Joshua, he transgresses though he does not put his mind to it?²⁶ Raba therefore [corrected himself and] said: For the performance of the religious duty he does not require to put his mind to it; for [being accounted to have committed a] transgression [by adding to the precept] if [the act is done] in proper time, he does not require to put his mind to it; if it is not done in its proper time he does require to put his mind to it.

R. Zera said to his attendant:

- (1) Lev. XXIII, 24.
- (2) Lit., 'occupying himself'. And we are told infra that one who blows merely to pass the time does not fulfil his obligation.
- (3) And only mumbles the words.
- (4) Lit., 'he who causes to hear'.
- (5) And in such a case he does not perform the precept of blowing the shofar, which would show that such performance requires intention.
- (6) I.e., produces only half the requisite sound.
- (7) Raba.
- (8) V. Glos.
- (9) Because the commandment is to sleep there only seven days, and he is adding to the commandment even if he does not mean to, v. Deut. IV, 2.
- (10) Heb. דּוֹכֵן .
- (11) Deut. I, 11.
- (12) Ibid. IV, 2.
- (13) Before he adds his own blessing.
- (14) Of the three priestly blessings.
- (15) And we may still hold that commandments cannot be transgressed by adding to them save in their proper time.
- (16) E.g., the blood of the firstborn of cattle when brought as a sacrifice. Lit., 'has to be given in a single gift'.
- (17) E.g., the blood of burnt-offerings and peace-offerings which had to be sprinkled on four corners of the altar.
- (18) Because he sprinkles in one instalment blood which should be sprinkled in four.
- (19) Because he sprinkles in four instalments blood which should be sprinkled in one.
- (20) Lit., 'when it (the instrument of the religious act) is by itself'.
- (21) I.e., the sin is one of omission only.
- (22) I.e., the sin is one of commission, v. Zeb. 80a.
- (23) So that this Mishnah affords no support for the distinction made above in regard to the blessing of the priest and thus the objection against Raba stands.
- (24) In trying to bring support from the Mishnah to the above distinction.
- (25) Lit., 'there is no way of not giving'; if he gets other blood.
- (26) He does not intend to sprinkle the blood of the firstborn in the last three installments.

Talmud - Mas. Rosh HaShana 29a

Put your mind to it and blow [the shofar] for me. I gather from this that in his opinion the performer requires to put his mind to it.¹ The following was raised in objection against this view: IF HE WAS PASSING BEHIND THE SYNAGOGUE, OR IF HIS HOUSE WAS ADJOINING THE SYNAGOGUE AND HE HEARD THE SOUND OF THE SHOFAR OR THE READING OF THE MEGILLAH, IF HE PUT HIS MIND TO IT HE THEREBY PERFORMED HIS RELIGIOUS DUTY, BUT IF NOT HE DID NOT. And if he did put his mind to it, what difference does it make [on your theory], seeing that the other [the performer] was not consciously performing for him? — We are here speaking of a congregational reader who performs consciously for all.

Come and hear: 'If the hearer put his mind to it but not the performer, or if the performer put his mind to it but not the hearer, he did not perform his religious duty; [he does not do so] until both the hearer and the performer put their mind to it'. Here he mentions the performer in the same breath with the hearer, [to indicate that] just as the hearer hears for himself, so the performer performs for himself, and [in such a case] he states that 'he did not perform his religious duty'² — There is a difference on this point between Tannaim, as it has been taught: The hearer hears for himself, and the performer performs for all and sundry.³ R. Jose said: This applies only to a congregational reader, but an ordinary individual does not perform his religious duty until both the hearer and the performer put their mind to it.

MISHNAH. [IT IS WRITTEN] AND IT CAME TO PASS, WHEN MOSES HELD UP HIS HAND THAT ISRAEL PREVAILED, ETC.⁴ NOW DID THE HANDS OF MOSES WAGE WAR OR CRUSH THE ENEMY?⁵ NOT SO; ONLY THE TEXT SIGNIFIES THAT SO LONG AS ISRAEL TURNED THEIR THOUGHTS ABOVE AND SUBJECTED THEIR HEARTS TO THEIR FATHER IN HEAVEN THEY PREVAILED, BUT OTHERWISE THEY FELL. THE SAME LESSON MAY BE TAUGHT THUS. [IT IS WRITTEN], MAKE THEE A FIERY SERPENT AND SET IT UP ON A POLE, AND IT SHALL COME TO PASS THAT EVERYONE THAT IS BITTEN, WHEN HE SEETH IT, SHALL LIVE.⁶ NOW DID THE SERPENT KILL OR DID THE SERPENT KEEP A LIVE? NO; [WHAT IT INDICATES IS THAT] WHEN ISRAEL TURNED THEIR THOUGHTS ABOVE AND SUBJECTED THEIR HEARTS TO THEIR FATHER IN HEAVEN, THEY WERE HEALED, BUT OTHERWISE THEY PINED AWAY.⁷

A DEAF-MUTE, A LUNATIC AND A MINOR CANNOT PERFORM A RELIGIOUS DUTY ON BEHALF OF A CONGREGATION.⁸ THIS IS THE GENERAL PRINCIPLE: ONE WHO IS NOT HIMSELF UNDER OBLIGATION TO PERFORM A RELIGIOUS DUTY CANNOT PERFORM IT ON BEHALF OF A CONGREGATION.

GEMARA. Our Rabbis taught: 'All [males] are under obligation to blow the shofar, Priests, Levites and lay Israelites, proselytes and emancipated slaves, tumtum⁹ and androgynus,¹⁰ and one who is half slave and half free.¹¹ A tumtum cannot perform [a religious duty] either for a fellow-tumtum or for anyone else.¹² An androgynus can perform [a religious duty] for a fellow-androgynus¹³ but nor for anyone else. One who is half a slave and half free can perform [a religious duty] neither for one in the same condition nor for anyone else'.¹⁴

The Master has here said, 'All are under obligation to blow the shofar, Priests, Levites and lay Israelites'. Is not this self-evident? If these have not the duty, who has? — This had to be stated. For you might have argued, Seeing that it is written, A day of blowing the trumpet it shall be to you,¹⁵ this obligation devolves upon those who have not to blow save on one day a year, but since these priests participate in the blowings all through the year, as it is written, And ye shall blow with your trumpets over your burnt-offerings,¹⁶ I might think that they are not bound [to observe this blowing]. Therefore we are told [that this is not so]. Is there any analogy? You cite trumpets and we speak of shofar! No; [what you must say is], This had to be stated. For I might argue that since we have learnt, 'The Jubilee is on the same footing as New Year in respect of blowing the shofar and blessings',¹⁷ those to whom the injunction of the Jubilee applies have to keep the precept of New Year, and since these priests do not come under the obligations of the Jubilee, as we have learnt, 'Priests and Levites may sell at any time and redeem at any time',¹⁸ therefore they are not bound to keep the precept of New Year. Therefore we are told [that this is not so].

'One who is half a slave and half free can perform [a religious duty] neither for one who is in the same condition nor for anyone else'. R. Huna said: He may, however, perform [the duty] for himself. Said R. Nahman to R. Huna: What is the reason why he may not perform [it] for others? Because the side of slavery [in himself] cannot perform [the duty] for the side of freedom [in others]. In regard to himself similarly, the side of slavery should not be able to perform [the duty] for the side of freedom in himself? No, said R. Nahman; he cannot perform [the duty] for himself either. It has been taught to the same effect: One who is half slave and half free cannot perform the [religious duty] even for himself.

Ahabah the son of R. Zera learnt: Any blessing which one has already recited on behalf of himself, he can recite again on behalf of others,¹⁹ save the blessing over bread and the blessing over wine.²⁰ These if he has not yet recited on behalf of himself²¹ he may recite on behalf of others,²² but if he has already recited them for himself he cannot recite them on behalf of others.²³ Raba inquired:

- (1) I.e., to perform consciously for the benefit of the hearer.
- (2) [This is difficult, v. Marginal Glosses, Bezaleel Ronsburg. Read with MS.M.: ‘and it states (in such a case, i.e., where the performer performs for himself provided the hearer puts his mind to it) he performed his duty.]
- (3) Lit., ‘according to his way’; i.e., he need not consciously perform for the benefit of the listener.
- (4) Ex. XVII, 11.
- (5) Lit., ‘break war’.
- (6) Num. XXI, 8.
- (7) This disquisition in the Mishnah is suggested by the references above to ‘religious intention’ (v. Maharsha).
- (8) Lit., ‘cannot take the public out of the power of their obligation’.
- (9) One of uncertain sex.
- (10) A hermaphrodite.
- (11) E.g., a slave of two masters, one of whom has released him.
- (12) Because possibly the tumtum is a female and as no obligation. Lit., ‘either for his own species or not for his own species’.
- (13) In virtue of the male part common to both of them.
- (14) As the slave side of the performer cannot delegate for the free side of the hearer.
- (15) Num. XXIX, 1.
- (16) Ibid. X, 10.
- (17) V. supra 26b.
- (18) ‘Ar. 33b. A better reading is, ‘may sanctify at any time and redeem etc’. (v. Tosaf. s.v. **דַּתְנִי**), the reference being to the right of a priest or Levite to sanctify or redeem at any time a field even if it has been sold by the treasurer of the sanctuary, which was not permissible to a lay Israelite; v. ‘Ar. 26b and 33b.
- (19) Lit., ‘in respect of all other blessings, though he emerged from his responsibility, he can bring (others) forth’. The blessings referred to are those said over the performance of religious precepts, and the reason is that all Israelites are responsible for one another in regard to the performance of religious precepts.
- (20) This includes blessings over food and scents generally, which are only said because it is forbidden to enjoy the goods of this world without a blessing, not because the partaking is a religious duty.
- (21) Lit., ‘if he does not emerge (from his responsibility)’.
- (22) Lit., ‘he brings forth (from their responsibility)’.
- (23) Because, as there is no religious duty involved, he is not responsible for their partaking.

Talmud - Mas. Rosh HaShana 29b

What is the rule with regard to the blessing for bread said over the mazzah and the blessing for wine said in the sanctification?¹ Do we say that since [the partaking of these] is obligatory, he can perform [the duty] for others, or have we here perhaps only an [optional] blessing, not an obligation?² — Come and hear, since R. Ashi said: When we were at the house of R. Papi, he used to say the sanctification for us, and when his tenants came from the fields he used to make the sanctification for them.³

Our Rabbis taught: A man should not break bread⁴ for visitors unless he eats with them, but he may break bread for his children and the members of his household so as to train them in the performance of religious duties. In the reciting of [the blessing over] Hallel and the Megillah, even though he has already performed [the duty] for himself, he may perform it for others.

CHAPTER IV

MISHNAH. IF THE FESTIVE DAY OF NEW YEAR FELL ON A SABBATH, THEY USED TO BLOW THE SHOFAR IN THE TEMPLE BUT NOT IN THE COUNTRY:⁵ AFTER THE DESTRUCTION OF THE TEMPLE, RABBAN JOHANAN BEN ZACCAI ORDAINED THAT IT SHOULD BE BLOWN [ON SABBATH] IN EVERY PLACE WHERE THERE WAS A BETH DIN. R. ELIEZER SAID: RABBAN JOHANAN BEN ZACCAI LAID DOWN THIS RULE FOR

JABNEH ONLY.⁶ THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. JERUSALEM HAD THIS FURTHER⁷ SUPERIORITY OVER JABNEH, THAT IN EVERY CITY FROM WHICH IT COULD BE SEEN OR HEARD AND WHICH WAS NEAR AND FROM WHICH IT WAS ACCESSIBLE THEY USED TO BLOW [ON SABBATH],⁸ WHEREAS IN JABNEH THEY USED TO BLOW IN THE BETH DIN ONLY.⁹

GEMARA. Whence [in the Scripture] is this rule¹⁰ derived? — R. Levi b. Lahma said: One verse says, a solemn rest, a memorial of blast of horns,¹¹ while another verse says, it is a day of blowing the horn unto you!¹² [Yet] there is no contradiction, as one refers to a festival which falls on Sabbath¹³ and the other to a festival which falls on a weekday. Raba said: If the prohibition [on Sabbath] is from the Written Law, how comes the shofar to be blown in the Temple? And besides, [the blowing] is no work¹⁴ that a text should be needed to except it.¹⁵ For it was taught in the school of Samuel:¹⁶ [When it says], Ye shall do no servile work [on New Year],¹⁷ this excludes the blowing of the shofar and the taking of bread from the oven,¹⁸ these being kinds of skill and not work! — No, said Raba. According to the Written Law it is allowed, and it is the Rabbis who prohibited it as a precaution; as stated by Rabbah; for Rabbah said, All are under obligation to blow the shofar but not all are skilled in the blowing of the shofar. [Hence] there is a danger that perhaps one will take it in his hand [on Sabbath] and go to an expert to learn and carry it four cubits in public domain.¹⁹ The same reason applies to the lulab and the same reason to the Megillah.²⁰

AFTER THE DESTRUCTION OF THE TEMPLE RABBAN JOHANAN BEN ZACCAI ORDAINED etc. Our Rabbis taught: Once New Year fell on a Sabbath [and all the towns assembled],²¹ and Rabban Johanan said to the Bene Bathyra,²² Let us blow the shofar. They said to him, Let us discuss the matter.²³ He said to them, Let us blow and afterwards discuss. After they had blown they said to him, Let us now discuss the question. He replied: The horn has already been heard in Jabneh, and what has been done is no longer open to discussion.²⁴

R. ELIEZER SAID: RABBAN JOHANAN BEN ZACCAI LAID DOWN THIS RULE FOR JABNEH ONLY. THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. [What] THEY SAID TO HIM is the same as the dictum of the first Tanna?²⁵ — There is a difference between them, namely, in the case of a temporary Beth din.²⁶

THEY SAID TO HIM: IT APPLIES EQUALLY TO JABNEH AND TO ANY PLACE WHERE THERE IS A BETH DIN. R. Huna said

(1) The eating of unleavened bread on the first night of Passover and the sanctification of Sabbaths are religious duties and as such have to be prefaced with blessings. In addition, the ordinary blessing is said over the mazzah and the wine as articles of physical enjoyment. Raba's question relates to these latter blessings.

(2) I.e., is the blessing on this occasion on a par with the blessing on other occasions when the partaking is optional?

(3) This would show that in this case the one who recites the blessing over bread and wine, though he had already recited it for himself, can recite it again for others.

(4) I.e., recite the blessing.

(5) Including Jerusalem (Rashi). [Maim.: excluding Jerusalem].

(6) Where there was a 'Great Beth din' or Sanhedrin of seventy-two members. [A small town on the N.W. border of Judah, the Jabneel of Josh. XV, 11. It was a seat of learning as early as the days of R. Gamaliel the Elder. At the request of R. Johanan b. Zaccai it was spared by Vespasian at the time of the destruction of the Temple. when the Great Sanhedrin removed there and was presided over by R. Johanan b. Zaccai.]

(7) The meaning of this expression is discussed in the Gemara.

(8) After the destruction of the Temple.

(9) And not in the surrounding towns.

- (10) That the shofar should not be blown on Sabbath.
- (11) Lev. XXIII, 24.
- (12) Num. XXIX, 1. How reconcile the two texts?
- (13) When there is to be only a 'memorial' or mention of the blowing of the shofar, not actual blowing.
- (14) [Read with MS.M. and Rashi: 'Is it work that etc.'.]
- (15) From the general Prohibition of work on Sabbath.
- (16) [Var. lec., R. Ishmael.]
- (17) Num. XXIX, 1.
- (18) After it is baked. V. Tosaf., s.v. **רדיית**
- (19) But this carrying was not forbidden in the Temple.
- (20) V. Glos,
- (21) To Jabneh in order to hear the blowing of the shofar by the representatives of the Beth din. The brackets appear in the text.
- (22) Descendants of the leaders of the Sanhedrin who resigned their position in favour of Hillel. V. Pes. 66a.
- (23) Whether the prohibition should be extended to a Place where there is a Beth din.
- (24) Lest we should have to stigmatize ourselves as having committed an error.
- (25) That R. Johanan b. Zaccai ordained that the shofar should be blown on Sabbath wherever there was a Beth din.
- (26) The latter authority requires that the Beth din should be a permanent one like that of Jabneh.

Talmud - Mas. Rosh HaShana 30a

, [The shofar on Sabbath is blown only] with the Beth din. What is meant by 'with the Beth din'? — In the presence of the Beth din, [and he means] to except [from the permission] any blowing [on Sabbath] not in the presence of the Beth din.

Raba raised the following objection against this view: JERUSALEM HAD THIS FURTHER SUPERIORITY OVER JABNEH etc. What does THIS FURTHER imply? Shall I say that [the text] is to be taken as it stands?¹ Then it should have said THIS simply!² Again, should it imply that in Jerusalem private individuals used to blow and in Jabneh private individuals did not blow, [I would ask,] but did not private individuals blow in Jabneh? When R. Isaac b. Joseph came, did he not report that when the congregational reader had finished blowing in Jabneh, a man could not hear his own voice³ for the noise of the blowing [of individuals]?⁴ What then must be said is that in Jerusalem the shofar was blown whether during the hours when the Beth din sat⁵ or the hours when they did not sit, but in Jabneh it was blown during the hours when they sat but not when they did not sit. You admit then that during the hours when the Beth din sat at any rate they blew away from the Beth din?⁶ — No; [what it implies⁷ is that] in Jerusalem they blew whether in the presence of the Beth din or not in their presence, but in Jabneh they did blow in the presence of the Beth din, but otherwise not.

Some attach R. Huna's dictum to [the exposition of] the text, On the day of Atonement ye shall cause a shofar to pass through all your land,⁸ [thus]: This teaches that every individual is under obligation to blow. R. Huna said: It must be with the Beth din. What is meant by 'with the Beth din'? At the time when the Beth din sits,⁹ to exclude [from the permission] the time when the Beth din does not sit. Raba raised the following objection: The blowing of the shofar on New Year and Jubilee overrides Sabbath in the country¹⁰ [for] a man and his house. What is meant by 'a man and his house'? Shall I say it means a man and his wife? Has then a woman to perform this duty, seeing that it is a duty for which there is a specific time,¹¹ and women are not liable to perform any duties for which there is a specific time? What it therefore must mean is, every man in this house', and even [I presume] during the hours when the Beth din does not sit? — No; it means in fact during the hours when the Beth din does sit.

R. Shesheth raised the following objection [against this view]: 'The Jubilee is on the same footing

as New Year for blowing the shofar and for blessings, only on the Jubilee they blew [on Sabbath] alike in a Beth din in which the New Moon had been sanctified and in a Beth din in which the New Moon had not been sanctified, and every individual was under obligation to blow, whereas on New Year they blew only in a Beth din in which the New Moon had been sanctified and private individuals were not under obligation to blow'. What is meant by 'private individuals were not under obligation to blow'? Shall I say that on the Jubilee individuals used to blow a shofar and on New Year individuals did not blow? [This cannot be], because when R. Isaac b. Joseph came he said that when the congregational reader in Jabneh finished blowing a man could not hear his own voice for the noise [of the blowings] of individuals. It must mean then that on the Jubilee they blow both during the hours when the Beth din sits and also when the Beth din does not sit, but on New Year they blow when the Beth din sits but not when the Beth din does not sit. Now it states here at any rate that on the Jubilee [it is blown] whether when the Beth din is sitting or when it is not sitting?¹² — No; what indeed is meant is, when the Beth din sits, and the statement should be understood thus: On the Jubilee [it is blown] during the hours when the Beth din sits whether in the presence of the Beth din or not in the presence of the Beth din; but on New Year it is blown only when the Beth din sits and in the presence of the Beth din. It has also been stated [elsewhere]: R. Hiyya b. Gamda said in the name of R. Jose b. Saul, who had it from Rabbi: The shofar is blown only during the hours that the Beth din sits.

R. Zera inquired: If they have made ready¹³ to rise, what is the rule? Is it necessary that the Beth din should be still seated, and this condition is fulfilled, or is it necessary that it should be during the sitting of the Beth din, and this condition is not fulfilled? — This question is left undecided.

JERUSALEM HAD THIS FURTHER SUPERIORITY OVER JABNEH etc. FROM WHICH IT COULD BE SEEN: this excludes one situated in a valley. OR HEARD: this excludes one situated on the top of a mountain. OR NEAR: this excludes one situated beyond the Sabbath limit.¹⁴ OR FROM WHICH IT WAS ACCESSIBLE: this excludes one separated from it by a river.

MISHNAH. ORIGINALLY THE LULAB WAS SHAKEN¹⁵ IN THE SANCTUARY DURING SEVEN DAYS AND IN THE COUNTRY ONLY ONE DAY.¹⁶ WHEN THE TEMPLE WAS DESTROYED RABBAN JOHANNAN B. ZACCAI ORDAINED THAT THE LULAB SHOULD BE SHAKEN IN THE COUNTRY SEVEN DAYS, IN REMEMBRANCE OF THE SANCTUARY. [HE] ALSO [ORDAINED] THAT DURING

THE WHOLE OF THE DAY OF THE WAVING [OF THE 'OMER]¹⁷ THE NEW CORN SHOULD BE FORBIDDEN.

GEMARA. What is our warrant for doing things in remembrance of the Temple? — Because the Scripture says, For I will restore health unto thee and I will heal thee of thy wound, saith the Lord, because they have called thee an outcast, 'she is Zion, there is none that inquireth after her'.¹⁸ From this we gather that she ought to be inquired after.

THAT THE WHOLE OF THE DAY OF WAVING THE 'OMER THE NEW CORN SHOULD BE FORBIDDEN. What is the reason? — The Temple, [let us hope], will speedily be rebuilt, and [the Jews] will [then] say, 'Last year did we not eat [the new corn] from daybreak?¹⁹ Now too let us eat', they not knowing that last year when there was no [waving of the] 'omer it was daybreak which rendered the new corn permissible, but now that there is the 'omer it is the 'omer which renders it permissible. When [are we supposing] it will be built? Shall I say it will be built on the sixteenth [of Nisan]? Then daybreak [of the sixteenth] will render the new corn permissible.²⁰ Shall I say then that it will be built on the fifteenth?²¹ Then let [the new corn] become Permissible from midday [on the sixteenth], since we have learnt: 'Those who are at a distance [from the Temple] are allowed to eat [the new corn] from midday, because the Beth din do not procrastinate [with the 'omer]'²² -The rule

is necessary in case the Temple will be built on the fifteenth shortly before sunset,²³ or also in case it will be built by night.²⁴

R. Nahman b. Isaac [however] said: Rabban Johanan b. Zaccai

- (1) I.e., that there is no omission to be supplied.
- (2) Because no superiority has so far been mentioned.
- (3) Lit., 'ears'. [MS.M.: voice in his ears'.]
- (4) In the text the words 'of individuals' are in brackets.
- (5) I.e., till six hours (midday) — Rashi.
- (6) Which refutes R. Huna's statement that in Jabneh the permission to blow on Sabbath was only in the presence of the Beth dill.
- (7) As to the superiority of Jerusalem.
- (8) Lev. XXV, 9.
- (9) And not, as above, in the presence of the Beth din, this being excluded by through all your land including places where there is no Beth din.
- (10) Lit., 'the borders', i.e., outside the Sanctuary.
- (11) Lit., 'which time causes (its observance)'.]
- (12) Which is contrary to the opinion of R. Huna as explained above.
- (13) Lit., 'shaken themselves'.
- (14) I.e., more than two thousand cubits from the wall of Jerusalem.
- (15) Lit., 'taken', 'lifted up'. On lulab v. Glos.
- (16) V Suk. 41a.
- (17) I.e., the sixteenth of Nisan; v. Glos. s.V.
- (18) Jer. XXX, 17.
- (19) The text says, Ye shall not eat bread . . . until this selfsame day, until ye have brought the offering (of the 'omer). — Lev. XXIII, 14. The Rabbis learn from this (Men. 68), that when the 'omer is brought the new corn may be eaten as soon as it is brought, and when it is not brought the new corn may be eaten from daybreak on the sixteenth of Nisan.
- (20) The Temple not yet having been built.
- (21) [I.e., it will have been built by the fifteenth so that there would be time to make all the preparation necessary for the offering of the 'omer v. Rashi Suk. 41a.]
- (22) And it may be safely assumed that they have brought it by midday.
- (23) [The law that the building of the Temple does not override the Sabbath (v. Sheb. 15b) does not apply to the future Temple which will be wrought by the hands of Heaven (Rashi). MS.M. (v. also Tosaf. Suk. 41a S.V. **י**) omit fifteenth, the reference being to the fourteenth day before sunset when there would not be ample time to provide for many of the preliminaries to the offering of the 'omer, which had to be attended to on the eve of the Festival (v. Men. 65a).]
- (24) And in such a case there will not be time to bring the 'omer by midday, and if the Jews should eat the new corn then they will transgress.

Talmud - Mas. Rosh HaShana 30b

based his rule on the view enunciated [later] by R. Judah, who said: [Ye shall neither eat bread . . .] until this selfsame day:¹ this means, until the termination² of the day, and he was of the opinion that the expression 'until' is inclusive [of its object]. But did Rabban Johanan concur with him [R. Judah]? Did he not join issue with him, as we have learnt:³ 'When the Temple was destroyed, Rabban Johanan b. Zaccai ordained that during the whole of the day of waving the 'omer the new corn should be forbidden. Said R. Judah: Is it not forbidden from the Torah, [as it is written, until this selfsame day]?⁴ — On that occasion it was R. Judah who made a mistake. He thought that Rabban Johanan b. Zaccai declared it only Rabbinically forbidden, but this is not the case: he declared it forbidden from the Pentateuch. But it is stated that 'he ordained'?⁵ — What is meant [here] by 'ordained'? It means, he expounded [the text] and ordained'.⁶

MISHNAH. ORIGINALLY THEY USED TO ACCEPT TESTIMONY WITH REGARD TO THE NEW MOON DURING THE WHOLE OF THE DAY. ON ONE OCCASION⁷ THE WITNESSES WERE LATE IN ARRIVING, AND THE LEVITES WENT WRONG IN THE DAILY HYMN.⁸ IT WAS THEREFORE ORDAINED THAT TESTIMONY SHOULD BE ACCEPTED [ON NEW YEAR] ONLY UNTIL

THE AFTERNOON SACRIFICE, AND THAT IF WITNESSES CAME AFTER THE AFTERNOON SACRIFICE THAT DAY⁹ SHOULD BE KEPT AS HOLY¹⁰ AND ALSO THE NEXT DAY. AFTER THE DESTRUCTION OF THE TEMPLE RABBAN JOHANAN B. ZACCAI ORDAINED THAT TESTIMONY WITH REGARD TO THE NEW MOON SHOULD BE RECEIVED DURING THE WHOLE OF THE DAY.

GEMARA. How did the Levites go wrong in the daily Psalm?¹¹ — Here [in Babylon] it was explained that they did not say any psalm at all.¹² R. Zera, however, said that they recited the weekday psalm along with the regular sacrifice of the afternoon.¹³ Said R. Zera to Ahabah his son: Go and cite to them [the Babylonians] [the following Baraitha]: ‘They made a rule that testimony with regard to the new moon should not be received unless there was still time left to offer the regular sacrifices and the additional sacrifices and their drink-offerings and to recite the psalm without confusion’.¹⁴ Now if you hold that they said the weekday psalm, we understand how there is a possibility of confusion, but if they did not say any psalm at all, how could there be confusion? — Since they did not say a psalm at all, there could be no confusion¹⁵ greater than this.

R. Aha b. Huna raised the following objection [against this latter view]: The regular morning sacrifice on New Year is offered in the usual way.¹⁶ Over the additional sacrifice what psalm is said? [The one commencing], Sing aloud unto God our strength, make a teru'ah¹⁷ unto the God of Jacob.¹⁸ At the afternoon sacrifice what did they say? [The psalm containing the words], The voice of the Lord shaketh the wilderness.¹⁹ When New Year fell on a Thursday, for which the regular psalm is ‘Sing aloud unto God our strength’,²⁰ they did not say ‘Sing aloud’ at the morning service because the same section was afterwards repeated. What then did they say? I removed his shoulder from the burden.²¹ If, however, witnesses came after the regular morning sacrifice,²² they said ‘Sing aloud’, although the verse might afterwards have to be repeated’. Now if you hold that wherever there is a doubt we say the weekday psalm, we understand the statement here that ‘it might be repeated’. But if you hold that they said no psalm at all, what is meant by repeating it? —

(1) Lev. XXIII, 14.

(2) Heb. **עצמו של יום** lit., ‘the very self of the day’.

(3) Men. 68b.

(4) These words in the text are bracketed.

(5) Heb. **התקין** a term usually applied to ordinances of the Rabbis not derived from the written text.

(6) That henceforth they should be forbidden to eat the new corn the whole of the sixteenth, this being an injunction of the Scripture.

(7) On the occasion of a New Year (Rashi).

(8) The meaning of this is discussed infra in the Gemara.

(9) I.e., the thirtieth day of the month.

(10) In point of fact it had already been kept as holy from the previous sunset, out of doubt. The rest of it was now to be kept as holy, although the New Moon would not be sanctified till to-morrow, the thirty-first day, which naturally would also be holy. The reason why the rest of the thirtieth day was declared holy was as a precaution lest, if the public were allowed to keep this part as a weekday, they might in future years keep the whole day as a weekday on the assumption that after all the witnesses would not come, or not come till late (Rashi).

(11) Lit., ‘song’. It was the custom for the Levites to chant a psalm while the drink-offering accompanying the daily sacrifices was being offered, as explained in the Gemara infra.

(12) Being in doubt whether to recite the festival psalm or that of the weekday, V. infra.

- (13) Whereas, since the day was eventually declared holy, they should have recited the festival psalm. [No special psalm was instituted to be recited in connection with the morning sacrifice on New Year as witnesses rarely came so early.]
- (14) The Hebrew word is שִׁבּוּשׁ which R. Zera apparently understands in the sense of 'gabbling'.
- (15) The word שִׁבּוּשׁ being taken in the sense of 'error'.
- (16) I.e., it is accompanied by the weekday psalm, v. p. 144, n. 5.
- (17) E.V. 'shout'.
- (18) Ps. LXXXI, 2. The words 'make a teru'ah' were of course appropriate to the day of teru'ah, — New Year.
- (19) Ps. XXIX, 8. This verse is reminiscent of the shofar blown at the giving of the Law.
- (20) V. infra, in the list of the daily psalms.
- (21) Ps. LXXXI, 7. This verse was said because it refers to Joseph who was supposed to have been liberated on New Year (v. supra 11a). Apparently the latter half of this psalm was said with the morning sacrifice and the first half with the additional sacrifice.
- (22) So that at the time of the sacrifice they did not yet know if the day would be holy.

Talmud - Mas. Rosh HaShana 31a

There the case is different, because it is the psalm of the day.¹

It has been taught: 'R. Judah said in the name of R. Akiba: On the first day [of the week] what [psalm] did they [the Levites] say? [The one commencing] The earth is the Lord's and the fulness thereof,² because He took possession and gave possession³ and was [sole] ruler in His universe.⁴ On the second day what did they say? [The one commencing], Great is the Lord and highly to be praised,⁵ because he divided His works⁶ and reigned over them like a king.⁷ On the third day they said, God standeth in the congregation of God,⁸ because He revealed the earth in His wisdom and established the world for His community.⁹ On the fourth day they said, O Lord, Thou God, to whom vengeance belongeth,¹⁰ because He created the sun and the moon and will one day punish those who serve them. On the fifth day they said, Sing aloud to the God of our strength,¹¹ because He created fishes and birds to praise His name.¹² On the sixth day they said, The Lord reigneth, He is clothed in majesty,¹³ because He completed His work and reigned over His creatures. On the seventh day they said, A psalm a song for the Sabbath day,¹⁴ to wit, for the day which will be all Sabbath.¹⁵ Said R. Nehemiah: What ground had the Sages¹⁶ for making a difference between these sections?¹⁷ No. On the first day [the reason for the psalm said is] because He took possession and gave possession and was [sole] ruler in His world; on the second day because He divided and ruled over them; on the third day because He revealed the earth in His wisdom and established the world for His community; on the fourth day, because He created the sun and the moon and will one day punish those who serve them; on the fifth day because He created birds and fishes to praise His name; on the sixth day because He completed His work and reigned over His creatures; on the seventh day, because He rested. The point at issue between them¹⁸ is whether to accept or not the dictum of R. Kattina; for R. Kattina said: The world is to last six thousand years, and one thousand it will be desolate, as it says, And the Lord alone shall be exalted in that day.¹⁹ Abaye, however, said: It will be desolate two thousand, as it says, After two days He will revive us.²⁰

At the additional sacrifice of Sabbath what did they say? — R. Anan²¹ b. Raba said in the name of Rab: Hazyw Lak.²² R. Hanan b. Raba said also in the name of Rab: As these sections are divided here, so they are divided [when read on Sabbath] in the synagogue.²³ At the afternoon sacrifice of Sabbath what did they say? — R. Johanan said: Then sang,²⁴ and Who is like thee,²⁵ and Then sang.²⁶

The question was raised: Were all these portions said on each Sabbath, or was only one said on every Sabbath? — Come and hear, since it has been taught: 'R. Jose said: By the time the first of these sections²⁷ has come round once, the second has come round twice'.²⁸ This shows that each Sabbath one portion was said: and this may be taken as proved.

R. Judah b. Idi said in the name of R. Johanan: The Divine Presence [so to speak] left Israel by ten stages²⁹ — this we know from references in Scripture — and the Sanhedrin correspondingly wandered to ten places of banishment³⁰ — this we know from tradition. ‘The Divine Presence left Israel by ten stages — this we know from references in Scripture’: [it went] from the Ark-cover to the Cherub³¹ and from the Cherub to the threshold [of the Holy of Holies], and from the threshold to the court, and from the court to the altar,³² and from the altar to the roof [of the Temple], and from the roof to the wall, and from the wall to the town, and from the town to the mountain, and from the mountain to the wilderness, and from the wilderness it ascended and abode in its own place,³³ as it says, I will go and return to my place.³⁴ ‘From the Ark-cover to the Cherub³⁵ and from the Cherub to the threshold’, as it is written, And there will I meet with thee . . . from above the ark-cover,³⁶ and it is written, And the glory of the Lord was gone up from the cherub whereupon it was to the threshold of the house.³⁷ ‘And from the threshold to the court’, as it is written, And the house was filled with the cloud, and the court was full of the brightness of the Lord's glory,³⁸ ‘From the court to the altar’, as it is written, I saw the Lord standing on the altar.³⁹ ‘And from the altar to the roof’, as it is written, It is better to dwell it, a corner of the housetop [than in a house in common with a contentious woman].⁴⁰ ‘From the roof to the wall’, as it is written, Behold, the Lord stood by a wall made by a plumbline.⁴¹ ‘From the wall to the town’, as it is written, The voice of the Lord crieth unto the city.⁴² ‘And from the city to the mountain’, as it is written, And the glory of the Lord went up from the midst of the city and stood upon the mountain which is on the east side of the city.⁴³ ‘And from the mountain to the wilderness as it is written, It is better to dwell in a desert land [than with a contentious woman].⁴⁴ ‘And from the wilderness it went and abode in its own place’, as it is written, I shall go and return to my place until they acknowledge their guilt.⁴⁵

R. Johanan said: The Divine Presence tarried for Israel in the wilderness six months in the hope that they would repent. When [it saw that] they did not repent, it said, Let their soul expire, as it says, But the eyes of the wicked shall fail and they shall have no way to flee and their hope shall be the expiry of the soul.⁴⁶

‘Correspondingly the Sanhedrin wandered to ten places of banishment, as we know from tradition’, namely, from the Chamber of Hewn Stone⁴⁷ to Hanuth,⁴⁸ and from Hanuth to Jerusalem, and from Jerusalem to Jabneh,⁴⁹

(1) And therefore was said in spite of the doubt.

(2) Ps. XXIV, 1.

(3) To the sons of men (Rashi), cf. Ps. CXV, 16. Maharsha: He made something which could subsequently be acquired, as it says, ‘Who shall go up in the Mount of the Lord’ etc.

(4) I.e., without angels, who were created on the second day.

(5) Ps. XLVIII, 2.

(6) I.e., the upper and lower worlds.

(7) This apparently means, reigned over the lower world from the heavens, referred to in the psalm as ‘beautiful in elevation in the city of a great king’. [R. Hananel: Thus did He set aside Jerusalem to become ‘the city of our God, the mountain of his holiness’.]

(8) Ps. LXXXII.

(9) Cf. Gen. I, 9.

(10) Ps. XCIV.

(11) Ps. LXXXI, 2.

(12) I.e., to manifest His glory.

(13) Ps. XCIII.

(14) Ps. XCII.

(15) When God shall be alone, between the end of the world and the resurrection of the dead (Rashi).

(16) Var. lec., ‘R. Akiba’, who in any case is meant.

- (17) Viz., the psalms for the first six days, all of which they take to refer to the past, and that for the seventh day, which they take to refer to the future.
- (18) R. Akiba and R. Nehemiah.
- (19) Isa. II, 11. A 'day' of God is reckoned as a thousand years, on the basis of Ps. XC, 4, 'For a thousand years in thy sight are but as yesterday'; v. Sanh. 97a.
- (20) Hos. VI, 2. Cf. p. 146, n. 11, R. Nehemiah holds with Abaye, and therefore cannot refer to this period as a Sabbath day.
- (21) Var. lec. Hanan.
- (22) Mnemonic (lit., 'the splendour of thine'). I.e., Ha'azinu, (give ear), Zekor, (remember), Yarkibehu (He made him ride), Wayar (and he saw), Lule (but that), Ki (when), the first words of verses 1, 7, 13, 19, 27 and 36 in Deut. XXXII, the 'Song of Ha'azinu'.
- (23) I.e., the divisions of the sidra are at the same verses.
- (24) The 'song of Moses', Ex. XV, up to v. 9.
- (25) The rest of the song of Moses.
- (26) The 'song of the well', Num. XXI, 17ff
- (27) I.e., Ha'azinu.
- (28) Because the first had six portions and the second three.
- (29) Lit., 'made ten journeys', before the destruction of the first Temple.
- (30) Before and after the destruction of the second Temple.
- (31) The text here incorrectly inserts, 'and from one cherub to the other'.
- (32) Of sacrifice.
- (33) I.e., heaven.
- (34) Hos. V, 15.
- (35) The text here incorrectly inserts, 'and from one cherub to the other'.
- (36) Ex. XXV, 22. This shows that the original abode of the Shechinah was over the ark-cover. The text here inserts, 'and it is written, And he rode upon a cherub and did fly' (II Sam. XXII, 11), which is omitted by Rashi.
- (37) Ezek. IX, 3, describing the departure of the divine glory from the Temple.
- (38) Ibid. X, 4.
- (39) Amos IX, I. These words were spoken long before the destruction of the Temple, but they are taken by the Talmud as prophetic.
- (40) Prov. XXI, 9. These words are put by the Talmud in the mouth of the Shechinah, the 'contentious woman' being the idol which was placed in the Temple.
- (41) Amos VII, 7. Cf. supra n. 8.
- (42) Micah VI, 9. Cf. supra n. 8.
- (43) Ezek. XI, 23.
- (44) Prov. XXI, 19. Cf. supra n. 9.
- (45) Hos. V, 15.
- (46) Job. XI, 20.
- (47) [Lishkath ha-Gazith in the inner court of the Temple, v. J.E. XII, p. 576].
- (48) Lit., 'shop', 'bazaar', to which the Sanhedrin removed when they ceased to judge capital cases. [Hanuth was a place on the Temple Mount outside the Chamber of Hewn Stone. Derenbourg, Essai p. 467, identifies it with the Chamber of the Sons of Hanan (a powerful priestly family, cf. Jer. XXXV, 4) mentioned in J. Pe'ah 1,5.]
- (49) Jamnia, in Judea. This was in the time of R. Johanan b. Zaccai.

Talmud - Mas. Rosh HaShana 31b

and from Jabneh to Usha,¹ and from Usha [back] to Jabneh, and from Jabneh [back] to Usha, and from Usha to Shefar'am,² and from Shefar'am to Beth She'arim, and from Beth She'arim to Sepphoris, and from Sepphoris to Tiberias,³ and Tiberias is the lowest-lying of them all,⁴ as it says, And brought down thou shalt speak out of the ground.⁵ R. Eleazar says: There were six banishments, as it says, For he hath brought down them that dwell on high, the lofty city, laying it low, laying it low even to the ground, bringing it even to the dust.⁶ Said R. Johanan: And from there they are

destined to be redeemed, as it says, Shake thyself from the dust, arise.⁷

MISHNAH. R. JOSHUA B. KORHA SAID: THIS FURTHER

REGULATION DID R. JOHANAN B. ZACCAI MAKE, THAT SHOULD THE HEAD OF THE BETH DIN BE IN SOME OTHER PLACE THE WITNESSES SHOULD STILL PROCEED ONLY TO THE PLACE OF THE ASSEMBLY.⁸

GEMARA. A certain woman was summoned to appear before Amemar in Nehardea. Meanwhile Amemar went to Mahuza, but she did not follow him. He accordingly wrote out a summons [under the penalty of the ban]⁹ against her. Said R. Ashi to Amemar: [Is this right] seeing that we have learnt: SHOULD THE HEAD OF THE BETH DIN BE IN SOME OTHER PLACE THE WITNESSES SHOULD STILL PROCEED ONLY TO THE PLACE OF THE ASSEMBLY? — He replied: This refers only to the testimony with regard to the new moon, and [the reason for it is that] if this¹⁰ [were to be insisted on], the result might be to put a stumbling block in their way for the future;¹¹ but in this case, the borrower is a servant to the lender.¹²

Our Rabbis have taught: ‘The priests are not permitted to ascend the duchan¹³ in their sandals, and this is one of the nine regulations laid down by Rabban Johanan b. Zaccai’. [What are these nine?] — Six mentioned in this chapter¹⁴ and one in the preceding chapter¹⁵ and the following one, as it has been taught: ‘One who becomes a proselyte at the present time¹⁶ must set aside a quarter¹⁷ for a nest of pigeons’.¹⁸ Said R. Simeon b. Eleazar: Rabban Johanan took a vote on it and annulled this rule, because it may lead to wrongdoing.¹⁹ As to the last,²⁰ there is a difference of opinion between R. Papa and R. Nahman b. Isaac. R. Papa said it was [the regulation] regarding a vine of the fourth year, whereas R. Nahman b. Isaac said it was the one regarding the thread²¹ of scarlet. ‘R. Papa said it was the regulation regarding the vine of the fourth year’, for we have learnt: [The fruit of] a vine in the fourth year was taken to Jerusalem from any point within a day's journey on all sides.²² The boundary of this area was as follows: Elath on the north, Akrabath on the south,²³ Lydda on the west, and Jordan on the east’. [In reference to this] ‘Ulla (or as some say, Rabbah b. ‘Ulla) said in the name of R. Johanan: What was the reason? To decorate the streets of Jerusalem with fruit.²⁴ It has been further taught: ‘R. Eliezer had a vine in its fourth year east of Lydda²⁵ at the side of Kefar Tabi, and R. Eliezer had a mind to declare it free to the poor,²⁶ but his disciples said to him, Rabbi, your colleagues have already taken a vote on it and declared it permitted’.²⁷ Who are his ‘colleagues’? — Rabban Johanan b. Zacca.

‘R. Nahman b. Isaac said it was the tongue of scarlet’, as it has been taught: ‘Originally they used to fasten the thread of scarlet on the door of the [Temple] court on the outside.²⁸ If it turned white the people used to rejoice,²⁹ and if it did not turn white they were sad. They therefore made a rule that it should be fastened to the door of the court on the inside. People, however, still peeped in and saw, and if it turned white they rejoiced and if it did not turn white they were sad. They therefore made a rule that half of it should be fastened to the rock and half between the horns of the goat that was sent [to the wilderness]’. Why did not R. Nahman b. Isaac accept the view of R. Papa? — He could reply: If you assume that it was R. Johanan b. Zaccai [who made the rule about the vine], was he the colleague of R. Eliezer? He was his teacher! [What replies] the other [to this]? — Since they were his disciples [who reported the rule to him], it was not polite of them to say to their teacher, ‘your teacher’. Why did not R. Papa accept the view of R. Nahman b. Isaac? — He could reply: If you assume It was R. Johanan b. Zaccai [who made the rule], was there in the days of R. Johanan b. Zaccai a thread of scarlet [which turned white]? Has it not been taught: ‘R. Johanan b. Zaccai lived altogether a hundred and twenty years. For forty years he was in business, forty years he studied, and forty years he taught’, and it has further been taught: ‘For forty years before the destruction of the Temple the thread of scarlet never turned white but it remained red’.³⁰ Further, the statement of the Mishnah is, ‘After the destruction of the Temple R. Johanan b. Zaccai made a rule’.³¹ [What says]

the other [to this]? — During those forty years that he studied³² his status was that of a disciple sitting before his teacher, and he would offer a suggestion and make good his reasons

(1) This was in the time of Rabban Gamaliel II.

(2) The last three in the time of R. Simeon b. Gamaliel. [The Sanhedrin met at Usha mostly after the Hadrianic persecutions, and apparently ceased functioning during the reign of Verus, and re-established in Shefar'am under Marcus Aurelius; v. Horowitz, Palestine, p. 34.]

(3) The last three were in the time of Rabbi.

(4) Being on Lake Galilee below sea-level. This is a figurative way of saying that at Tiberias the authority of the Sanhedrin sank to its lowest level.

(5) Isa. XXIX, 4.

(6) Ibid. XXVI, 5. The six are (i) he hath brought down, (ii) laying it low, (iii) laying it low, (iv) even to the ground, (v) bringing it, (vi) even to the dust.

(7) Ibid. LII, 2.

(8) And the Beth din should declare the New Moon hallowed without the head, though by rights this was his privilege, v. sura 24a.

(9) Heb. פתיחה lit., 'opening' of legal proceedings.

(10) Viz., that they should go after the head.

(11) As the messengers will refrain from going to all this trouble in order to give evidence.

(12) Quoted from Prov. XXII, 7.

(13) V. Glos.

(14) Viz., (i) that the shofar should be blown on Sabbath wherever there is a Beth din, (ii) that the lulab should be taken in the provinces seven days, (iii) that new corn should be forbidden the whole of the sixteenth of Nisan, (iv) that testimony with regard to the new moon should be received the whole day, (v) that witnesses should go only to the place of assembly, (vi) and that the priests should not ascend the duchan in their sandals. [Read with R. Hananel: 'One, the one (first stated), five in this chapter'.]

(15) That the witnesses should be allowed to profane Sabbath only for Nisan and Tishri, v. supra 21b.

(16) I.e., when there is no Temple.

(17) It is not certain whether this means a quarter of a shekel (= half a denar) or a quarter of a denar. V. Tosaf. s.v. רובע .

(18) While the Temple stood a new convert had to bring a sacrifice (v. Ker. 9a), a couple of pigeons being the smallest, and after the destruction of the Temple the Rabbis still insisted on his bringing them in case the Temple should be rebuilt.

(19) Because the money set aside might be used for secular purposes.

(20) Lit., 'and the other'.

(21) Lit., tongue'. The explanation follows immediately.

(22) According to Lev. XIX, 24 fruit produced by a tree in its fourth year was to be 'holy for giving praise to the Lord' and the Rabbis interpreted this to mean that it was to be consumed in Jerusalem. If, however, the tree was not in the Jerusalem district, the money value of the fruit could be taken to Jerusalem instead of the fruit itself.

(23) [Mishnah M.Sh. V, 2 reverses: Elath on the south, Akrabath on the north. Akrabath is perhaps the modern Akrabah twenty-five miles north of Jerusalem, and Elath is identified with (a) Eleutheropolis (Horowitz, Palestine, p. 41) (b) Beth Elonim near Hebron (Klein, D.J. s.v.).]

(24) Hence all this area was put by the Rabbis under the same rule as Jerusalem itself.

(25) I.e., between Lydda and Jerusalem.

(26) So as not to have the trouble of taking it to Jerusalem.

(27) Because as there was no longer a Temple, there was no point any more in decorating the streets of Jerusalem.

(28) After the High Priest had performed the service on the Day of Atonement. V. Yoma, 67a.

(29) This being a sign that their sins had been forgiven.

(30) When then could R. Johanan have had an opportunity of making this rule?

(31) This applies presumably to all his rules and regulations.

(32) While the Temple still existed.

Talmud - Mas. Rosh HaShana 32a

and his teacher would make it a definite rule in his name.

MISHNAH. THE ORDER OF BLESSINGS [IN THE MUSAF 'AMIDAH¹ IS AS FOLLOWS]: [THE READER SAYS THE BLESSING OF] THE PATRIARCHS,² [THAT OF] MIGHTINESS³ AND THAT OF THE SANCTIFICATION OF THE NAME⁴ AND INCLUDES THE KINGSHIP-VERSES⁵ WITH THEM AND DOES NOT BLOW THE SHOFAR. HE THEN SAYS THE SANCTIFICATION OF THE DAY⁶ AND BLOWS, THE REMEMBRANCE-VERSES⁵ AND BLOWS, AND THE SHOFAR-VERSES⁵ AND BLOWS; AND HE THEN SAYS THE BLESSING OF THE TEMPLE SERVICE⁷ AND THE ONE OF THANKSGIVING⁸ AND THE BLESSING OF THE PRIESTS.⁹ THIS IS THE VIEW OF R. JOHANAN B. NURI. SAID R. AKIBA TO HIM: IF HE DOES NOT BLOW THE SHOFAR FOR THE KINGSHIP-VERSES, WHY SHOULD HE SAY THEM? NO; [THE RULE IS AS FOLLOWS]. HE SAYS [THE BLESSING OF] THE PATRIARCHS AND OF THE RESURRECTION AND OF THE SANCTIFICATION OF THE NAME, AND SAYS THE KINGSHIP-VERSES ALONG WITH THE SANCTIFICATION OF THE DAY AND BLOWS THE SHOFAR, THEN HE SAYS THE REMEMBRANCE-VERSES AND BLOWS, AND THE SHOFAR-VERSES AND BLOWS. THEN HE SAYS THE TEMPLE SERVICE BLESSING AND THE THANKSGIVING AND THE BLESSING OF THE PRIEST.

GEMARA. SAID R. AKIBA TO HIM, IF HE DOES NOT BLOW THE SHOFAR FOR THE KINGSHIP-VERSES, WHY DOES HE SAY THEM? [He asks], Why does he say them! But the All-Merciful enjoined that they should be said!¹⁰ — What he really means is, why say ten verses? Why not only nine,¹¹ because if there is a difference [in one particular]¹² so there may as well be a difference [in another]?¹³

Our Rabbis taught: Whence do we learn in the Scripture that we are to say [the blessing of] the Patriarchs? Because it says, Ascribe unto the Lord, O ye sons of might.¹⁴ And whence do we learn that we say the blessing of mightiness? Because it says, Ascribe unto the Lord glory and strength.¹⁵ And whence that we say sanctifications? Because it says, Ascribe unto the Lord the glory of his name, worship the Lord in the beauty of holiness.¹⁶ Whence do we learn that we are to say kingship, remembrance and shofar¹⁷ [verses]? R. Eliezer says: Because it is written, a solemn rest, a memorial proclaimed with the blast of trumpets, a holy convocation.¹⁸ 'A solemn rest': this indicates the sanctification of the day. 'A memorial': this indicates remembrance verses. 'Proclaimed with the blast of horns': this indicates shofar verses. 'A holy convocation': sanctify it by [abstaining from] the doing of work. Said R. Akiba to him: Why should we not interpret 'a solemn rest' to apply to the abstention from work, seeing that the text placed this first?¹⁹ No; [we should interpret thus]: 'A solemn rest': sanctify it by [abstaining from] the doing of work — 'A memorial': this indicates the remembrance verses. 'Proclaimed with the blowing of horns': this indicates shofar-verses. 'A holy convocation': this indicates the sanctification of the day. Whence [then] do we learn that we say kingship-verses? — It has been taught: Rabbi says, I am the Lord your God,²⁰ [and immediately afterwards], In the seventh month,²¹ this [juxtaposition]²² indicates kingship-verses. R. Jose b. Judah said: There is no need [of such an interpretation]. For Scripture says, And they [the trumpets] shall be to you for a memorial before your God.²³ This makes superfluous [the succeeding words], I am the Lord your God. What then is the point of the words, I am the Lord your God? This creates a general pattern²⁴ for all places where we say remembrance verses, [to show] that kingship verses should accompany them.

Where is the blessing of the sanctification of the day to be said? — It has been taught: Rabbi says, It should be said with the kingship verses. For just as on every other occasion²⁵ we find that it comes fourth [in the order of blessings], so here it should come fourth. Rabban Simeon b. Gamaliel says: It should be said with the remembrance verses. Just as we find that on all other occasions it is said in

the middle,²⁶ so here it should be in the middle.²⁷

When the Beth din sanctified the New Moon in Usha, R. Johanan b. Beroka went down [before the ark]²⁸ in the presence of Rabban Simeon b. Gamaliel, and read as prescribed by R. Johanan b. Nuri.²⁹ Rabban Simeon said to him: That was not the way they used to do in Jabneh.³⁰ On the second day, R. Hanina the son of R. Jose the Galilean went down and read as prescribed by R. Akiba.³¹ Rabban Simeon b. Gamaliel said: So they used to do in Jabneh. This would seem to show that R. Simeon b. Gamaliel was of the same opinion as R. Akiba. But [how can this be seeing that] R. Akiba said that the kingship verses are to be joined with the sanctification of the day, whereas R. Simeon b. Gamaliel said that the sanctification of the day is to be joined with the remembrance verses? — R. Zera replied: What it indicates is that [in R. Simeon's opinion] the shofar is blown with the kingship verses.

‘On the second day R. Hanina went down’. What is meant by second? Shall I say, the second day of the holyday, which would imply that Elul had been prolonged?³² [But this cannot be] seeing that R. Hanina b. Kahana has said that from the time of Ezra there has been no case known of Elul being prolonged? R. Hisda replied: What is meant by ‘second’? It means the same holyday in the next year.

MISHNAH. THERE SHOULD BE RECITED NOT LESS THAN TEN KINGSHIP VERSES, TEN REMEMBRANCE VERSES, AND TEN SHOFAR VERSES. R. JOHANAN B. NURI SAID: IF THE READER SAYS THREE FROM EACH SET³³ HE HAS FULFILLED HIS OBLIGATION.

GEMARA. To what do these ten kingship verses correspond? — R. Levi said, To the ten praises that David uttered in the book of Psalms. But there are a large number of praises there? — It means, those among which occurs, Praise him with the blowing of the shofar.³⁴ R. Joseph said: To the ten commandments that were spoken to Moses on Sinai.³⁵ R. Johanan said: To the ten Utterances by means of which the world was created.³⁶ Which are they? The phrase ‘and he said’ occurs in the account of the creation only nine times? — The words ‘in the beginning’ are also an utterance, as it is written, By the word of the Lord the heavens were made.³⁷

R. JOHANAN B. NURI SAID: IF HE SAYS THREE OF EACH SET HE HAS FULFILLED HIS OBLIGATION. The question was raised: How is this to be understood? Three from the Pentateuch, three from the Prophets and three from the Writings, which would make nine [for each set], so that there is a difference of one between the two authorities, or is it one from the Pentateuch, one from the Prophets and one from the Writings,³⁸ making three for each set, so that they differ considerably? — Come and hear, since it has been taught: ‘There must be recited not less than ten kingship verses, ten remembrance verses, and ten shofar verses, but one who said seven of all of them has fulfilled his obligation, these corresponding to seven firmaments. R. Johanan b. Nuri said: The lowest number one should say is seven,³⁹ but if he said [even] three of them he has fulfilled his obligation, these corresponding to the Torah, the Prophets and the Writings, or, as others report, to Priests, Levites, and lay Israelites’. R. Huna said in the name of Samuel: The halachah is as laid down by R. Johanan b. Nuri.

MISHNAH. NO MENTION IS MADE OF KINGSHIP, REMEMBRANCE AND SHOFAR VERSES THAT SIGNIFY PUNISHMENT. IT IS PROPER TO BEGIN WITH THE TORAH⁴⁰ AND CONCLUDE WITH THE PROPHETS. R. JOSE SAID: IF ONE CONCLUDES WITH THE TORAH HE HAS FULFILLED HIS OBLIGATION.

(1) On New Year, v. P.B. pp. 245-254; on Musaf and ‘Amidah, v. Glos.

(2) The one ending, ‘Blessed art thou, O Lord, shield of Abraham’.

(3) Lit., ‘mightinesses’: the one ending ‘Blessed art thou, O Lord, who revivest the dead’.

- (4) The one ending, 'the holy king'. These are the first three benedictions of every 'Amidah. V. P.B. pp. 44-45.
- (5) Ten verses, v. infra.
- (6) The passage ending, 'Blessed art thou, O Lord, who dost sanctify Israel and the day of memorial'.
- (7) The passage ending, 'Blessed art thou . . . who restorest thy divine presence to Zion'.
- (8) The one ending, 'Blessed art thou . . . to thee it is fitting to give thanks'.
- (9) Which precede the last benediction of every 'Amidah, v. P.B. p. 53.
- (10) As explained infra.
- (11) I.e., three each from the Torah, the Prophets and the Writings.
- (12) Viz., in the blowing of the shofar.
- (13) So as to have nine verses instead of ten.
- (14) Ps. XXIX, 1. By 'the sons of might' the Patriarchs are understood.
- (15) Ibid.
- (16) Ibid. 2.
- (17) Heb. Malkeyoth, Zikronoth, Shoferoth.
- (18) Lev. XXIII, 24.
- (19) And abstention from work is the first mark of the day.
- (20) Lev. XXIII, 22.
- (21) Ibid. 24.
- (22) The intervening words, And the Lord spoke unto Moses saying, Speak unto the children of Israel saying, are not counted.
- (23) Num. X, 10.
- (24) Lit., 'this builds a father'.
- (25) I.e., in the 'Amidah of the other festivals.
- (26) I.e., it is the fourth out of seven blessings that constitute the 'Amidah of the festivals except the one in question.
- (27) I.e., it should be the fifth, as the New Year Musaf 'Amidah has nine blessings.
- (28) To act as reader.
- (29) I.e., he joined the kingship verses with the third blessing and did not blow the shofar after them. V. Mishnah.
- (30) In the days of his father Rabban Gamaliel, when the seat of the Sanhedrin was in Jabneh.
- (31) I. e., he joined the kingship verses with the sanctification of the day and blew the shofar after them. V. Mishnah.
- (32) So that the thirtieth day was kept as New Moon out of doubt, but the new month was not sanctified till the thirty-first.
- (33) The meaning of this is discussed infra in the Gemara.
- (34) Ps. CL, 3.
- (35) Because these were prefaced by the blowing of the shofar.
- (36) New Year being the anniversary of the creation.
- (37) Ps. XXXIII, 6. Hence the first verse of Genesis is equivalent to 'In the beginning God said, Let there be heaven and earth'.
- (38) And we translate in the Mishnah, 'three in all', i.e., in each set of the kingship, remembrance and shofar verses.
- (39) Obviously this means seven altogether in each set.
- (40) Pentateuch.

Talmud - Mas. Rosh HaShana 32b

GEMARA. [What are] KINGSHIP VERSES [signifying punishment]? — For instance, As I live, saith the Lord God, surely with a mighty hand and with an outstretched arm and with fury poured out will I be king over you,¹ and although R. Nahman said, Let the Holy One, blessed be He, be as furious as all this with us so only that He [finally] redeem us, yet since this was spoken in wrath, we do not call wrath to mind at the beginning of the year. REMEMBRANCE VERSES, as for instance, And he remembered that they were flesh² etc. SHOFAR VERSES, as for instance, Blow ye the horn in Gibeah³ etc. If, however, he desires to recite kingship, remembrance and shofar verses mentioning the punishment of idolaters, he may do so. 'Kingship verses', as for instance, The Lord reigneth, let the peoples tremble,⁴ or, The Lord is king for ever and ever, the nations are perished out of his land.⁵

'Remembrance verses', as for instance, Remember, O Lord, against the children of Edom⁶ etc. 'Shofar verses', as for instance, And the Lord God will blow the horn and will go with whirlwinds of the south,⁷ and the text continues, The Lord of hosts will defend them.⁸ [On the other hand] a verse mentioning the remembrance of an individual is not recited, even if it is for good, as for instance, Remember me, O Lord, when thou favourest thy people,⁹ or, Remember unto to me, O my God, for good.¹⁰ 'Visitation' is equivalent to 'remembrance', as, for instance, in the verse, And the Lord visited Sarah,¹¹ or, I have surely visited you.¹² This is the view of R. Jose; R. Judah, however, says that 'visitation' is not equivalent to 'remembrance'. Now on R. Jose's view, even granting that 'visitation' is equivalent to 'remembrance', the text, 'And the Lord visited Sarah' refers to the visitation of an individual,¹³ [does it not]? — Since a multitude issued from her,¹⁴ it is as good as a multitude.

[In the text], Lift up your heads, O ye gates, and be ye lifted up, ye everlasting doors, that the king of glory may come in. Who is the king of glory? The Lord strong and mighty, the Lord mighty in battle, Lift up your heads, O ye gates, yea, lift them up, ye everlasting doors, that the king of glory may come in. Who is the king of glory? The Lord of hosts, he is the king of glory,¹⁵ the first [apostrophe] contains two mentions [of God's kingship]¹⁶ and the second three. So R. Jose; R. Judah, however, says that the first contains one and the second two.¹⁷ [In the text], Sing praises to God, sing praises; sing praises unto our king, sing praises. For God is the king of all the earth,¹⁸ there are two mentions [of God's kingship]; so R. Jose. R. Judah, however, says there is only one.¹⁹ They agree, however, that in the verse, God reigneth over the nations, God sitteth upon his holy throne,²⁰ there is only one.

A remembrance verse which also mentions blowing [teru'ah], as for instance, a memorial proclaimed with the blast of horns, a holy convocation may be recited either with the remembrance verses or with the shofar verses; so R. Jose. R. Judah, however, says that it may be recited only with the remembrance verses.²¹ A kingship verse which also contains mention of blowing, as, for instance, The Lord his God is with him and the shouting [teru'ath] for the king is among them,²² may be recited either with the kingship verses or with the shofar verses; so R. Jose. R. Judah, however, says that it may be recited only with the kingship verses.²³ A verse mentioning simply blowing of the trumpet, as for instance, it is a day of blowing the horn [teru'ah] unto you,²⁴ may be recited with the shofar verses; so R. Jose. R. Judah, however, says that it may not be recited at all.²⁵

IT IS PROPER TO BEGIN WITH THE TORAH AND CONCLUDE WITH THE PROPHETS. R. JOSE SAID: IF ONE CONCLUDES WITH THE TORAH HE HAS FULFILLED HIS OBLIGATION. 'IF ONE CONCLUDES' [HE HAS FULFILLED]: that is to say, the deed having been done; but he should not do so in the first instance. [Is this correct] seeing that it has been taught: 'R. Jose says, He who concludes with the Torah verses, he is to be commended'? — Read, 'He concludes'. But it states [distinctly], IF HE CONCLUDES [etc.], [which implies that] what is done is done, but in the first instance it should not be done? — What is meant is this: 'It is proper to commence with the Torah and conclude with the Prophets. R. Jose said: It is proper to conclude with the Torah, but if one concluded with the Prophets, he has fulfilled his obligation'. It has been taught to the same effect: 'R. Eleazar b. R. Jose said: The wethikin,²⁶ used to conclude with the Torah'.

We can understand this being done with the remembrance and shofar verses, because there are numbers of them [in the Pentateuch], but of kingship verses there are only three, viz., The Lord his God is with him and the shouting for the King is among them,²⁷ And he was king in Jeshurun,²⁸ and The Lord shall reign for ever and ever,²⁹ and we require ten verses [in all]³⁰ and [in this way] we cannot find them?³¹ — R. Huna replied: Come and hear. Hear, O Israel, the Lord our God the Lord is one;³² this is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse. And thou shalt know on that day and lay it to thy heart that the Lord he is God, there is none else,³³ is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse, Unto thee it

was shown, that thou mightest know that the Lord he is God, there is none else beside him³⁴ is a kingship verse according to R. Jose, though R. Judah says it is not a kingship verse.

MISHNAH. OF THOSE WHO PASS BEFORE THE ARK³⁵ ON THE HOLYDAY OF NEW YEAR, THE SECOND³⁶ BLOWS³⁷ THE SHOFAR. ON DAYS WHEN HALLEL IS SAID,³⁸ THE FIRST³⁹ READS ALOUD THE HALLEL.⁴⁰

GEMARA. What special reason is there for the second to blow? [You must say], because of the maxim, In the multitude of people is the king's glory.⁴¹ But if that is so, Hallel should also be recited by the second because 'in the multitude of people is the king's glory'? Should you say, however, that there is a special reason why Hallel is said by the first, because the zealous come early for the performance of religious duties, then let the blowing of the shofar be performed by the first because the zealous come early for the performance of religious duties! — R. Johanan replied: They made this rule at a time when the Government had forbidden [the blowing of the shofar].⁴²

Since it says, ON DAYS WHEN HALLEL IS SAID, we infer that on New Year Hallel is not said. What is the reason? — R. Abbahu replied: The ministering angels said in the Presence of the Holy One, blessed be He: Sovereign of the Universe, why should Israel not chant hymns of praise before Thee on New Year and the Day of Atonement? He replied to them: Is it possible that the King should be sitting on the throne of justice with the books of life and death open before Him, and Israel should chant hymns of praise?

MISHNAH. [FOR THE SAKE OF] THE SHOFAR OF NEW YEAR IT IS NOT ALLOWED TO DISREGARD THE DISTANCE LIMIT⁴³ NOR TO REMOVE DEBRIS NOR TO CLIMB A TREE NOR TO RIDE ON AN ANIMAL NOR TO SWIM ON THE WATER. IT MUST NOT BE SHAPED⁴⁴ EITHER WITH AN IMPLEMENT THE USE OF WHICH IS FORBIDDEN ON ACCOUNT OF SHEBUTH⁴⁵ OR WITH ONE THE USE OF WHICH IS FORBIDDEN BY EXPRESS PROHIBITION.⁴⁶ IF ONE, HOWEVER, DESIRES TO POUR WINE OR WATER INTO IT HE MAY DO SO.⁴⁷ CHILDREN NEED NOT

BE STOPPED FROM BLOWING; ON THE CONTRARY, THEY MAY BE HELPED⁴⁸ TILL THEY LEARN HOW TO BLOW. ONE WHO BLOWS MERELY TO PRACTISE⁴⁹ DOES NOT THEREBY FULFIL HIS RELIGIOUS OBLIGATION, NOR DOES ONE WHO HEARS THE BLAST MADE BY ANOTHER WHEN PRACTISING.

GEMARA. What is the reason [why these things may not be done]? — The blowing of the shofar is [based on] a positive precept,⁵⁰ whereas the observance of the holyday is [based both on] a positive⁵¹ and a negative precept,⁵² and a positive precept cannot override both a positive and a negative precept.

NOR TO CLIMB A TREE NOR TO RIDE ON AN ANIMAL etc, Seeing that you have not allowed even Rabbinical [prohibitions to be broken],⁵³ need you mention Pentateuchal ones?⁵⁴ — The Mishnah adopts the style of 'A, and needless to say B'.

(1) Ezek. XX, 33.

(2) Ps. LXXVIII, 39.

(3) Hos. V, 8.

(4) Ps. XCIX, 1.

(5) Ps. X, 16.

(6) Ibid. CXXXVII, 7.

(7) Zech. IX, 14.

(8) Ibid. 15.

- (9) Ps. CVI, 4.
- (10) Neh. V, 19.
- (11) Gen. XXI, 1. Heb. פקד
- (12) Ex. III, 16.
- (13) Which has just been declared inadmissible.
- (14) Through this visitation.
- (15) Ps. XXIV, 7-10.
- (16) I.e., the expression 'the king of glory'.
- (17) R. Judah does not reckon the question 'who is the king of glory'.
- (18) Ps. XLVII, 7, 8.
- (19) R. Judah does not reckon 'Our King', as this does not declare God king over the whole world.
- (20) Ibid. 9.
- (21) Because the mention of teru'ah is not equivalent to the mention of shofar.
- (22) Num. XXIII, 21.
- (23) V. n. 1.
- (24) Num. XXIX, 1.
- (25) V. n. 1.
- (26) Lit., 'ancients': a name given to certain men of exceptional piety in the days of the Second Temple. [These are identified by some with the Essenes, v. J.E. V. p. 226. Others regard them as a community of priests who held a service in common; v. Blau, REJ, XXXI, pp. 184ff.]
- (27) Num. XXIII, 21.
- (28) Deut. XXXIII, 5.
- (29) Ex. XV, 18.
- (30) V. supra 32a.
- (31) As the Torah verses come last, they should be four out of the ten
- (32) Deut. VI, 4.
- (33) Ibid. IV, 39.
- (34) Ibid. 35.
- (35) Lit., 'he who passes etc.'. I.e., who read the service before the congregation. These were said to 'pass' or, more correctly, to 'go down before the Ark', because they stood in front of the Ark on a level lower than the Ark itself and the rest of the congregation.
- (36) I.e., the one who reads the Musaf service (v. Glos.).
- (37) מתקיע Hai Gaon takes it literally, 'he causes to blow', 'he orders the blowing'. I.e., he recites the prayers introductory to the blowing, v. supra 32a, but the blowing itself is performed by another to avoid confusing the reader; cf. Ber. 34a.]
- (38) Lit., 'at the time of Hallel': e.g., on the festivals.
- (39) I.e., the one who reads the shaharith service (v. Glos.).
- (40) V. Glos.
- (41) Prov. XIV, 28. The larger the congregation, the greater the honour paid to God. The implication is that there will be more persons present at the later than at the earlier service.
- (42) And the blowing was less likely to be noticed if it was postponed to the second half of the service. Once made the rule was not altered even when the reason for it had disappeared, v. supra p. 61, n. 5.
- (43) Lit., 'to pass the limit'. I.e., to travel more than the permitted two thousand cubits in order to hear the shofar blown.
- (44) Lit., 'cut'.
- (45) I.e., merely to make a distinction between Sabbath (or holydays) and weekdays, and not because any 'work' in the strict legal sense is involved. For shebuth, v. Glos.
- (46) Found in or based on the Pentateuch.
- (47) And we do not say that he is carrying out repairs, which is forbidden on the Sabbath or holydays.
- (48) Lit., 'we occupy ourselves with them'.
- (49) Lit., 'one who occupies himself'.
- (50) Num. XXIX, 1. It shall be a day of blowing the horn unto you.
- (51) Lev. XXIII, 24: In the seventh month . . . shall be a solemn rest unto you.

(52) Ibid. 25: Ye shall do no manner of servile work.

(53) The prohibitions to exceed the Sabbath limit and to remove debris are purely Rabbinical, without basis in the Pentateuch. (Rashi).

(54) Riding and climbing are forbidden because they might lead to the cutting or plucking of a branch, which is forbidden by the Pentateuch. The argument is very forced, and Rashi is inclined to regard the whole sentence as spurious. [R. Hananel takes the prohibitions regarding the Sabbath limit and removing the debris to be the Biblical prohibitions referred to.]

Talmud - Mas. Rosh HaShana 33a

IT MUST NOT BE SHAPED EITHER WITH AN IMPLEMENT THE USE OF WHICH IS FORBIDDEN ON ACCOUNT OF SHEBUTH OR WITH ONE THE USE OF WHICH IS FORBIDDEN BY EXPRESS PROHIBITION. 'An instrument the use of which is forbidden on account of shebuth' — as for instance, a sickle.¹ 'An implement which is forbidden by express prohibition' — as for instance, a knife. Seeing that you disallow an implement prohibited on account of shebuth, need you mention one disallowed by express prohibition?² — The Mishnah adopts the style of 'A and needless to say B'.

IF ONE, HOWEVER, DESIRES TO POUR WINE OR WATER INTO IT HE MAY DO SO. Wine or water he may, but urine he may not. Which authority does our Mishnah follow? — That of Abba Saul, as it has been taught: 'Abba Saul says, Wine or water is permissible, these serving to clean it, but urine is forbidden, as showing disrespect'.³

CHILDREN NEED NOT BE STOPPED FROM BLOWING. This would imply that women are stopped. [But how can this be], seeing that it has been taught: 'Neither children nor women need be stopped from blowing the shofar on the Festival'? — Abaye replied: There is no discrepancy; the one statement follows R. Judah, the other R. Jose and R. Simeon, as it has been taught: 'Speak unto the children [bene] of Israel:⁴ [this indicates that] the "sons" [bene] of Israel lay on hands but not the "daughters" of Israel. So R. Judah, R. Jose and R. Simeon say that women also have the option of laying on hands'.⁵

ON THE CONTRARY, THEY MAY BE HELPED UNTIL THEY LEARN HOW TO BLOW. R. Eleazar said: Even on Sabbath. it has been taught to the same effect: 'They may be helped till they learn how to blow even on Sabbath, and children are not stopped from blowing on Sabbath, and needless to say on a [weekday] holyday'. This statement itself involves a contradiction. You say first, 'They may be helped till they learn how to blow, even on Sabbath', from which I should infer that we may actually tell them in the first instance to blow. Then it states, 'They are not stopped', which would indicate that we do not go so far as to stop them, but we do not tell them in the first instance to blow! — There is no contradiction: In the one case we speak of

(1) To cut ordinary articles with a scythe or sickle on Sabbath is not regarded legally as 'work' because the implement is not being used for its proper purpose. The Rabbis, however, forbade it on account of shebuth.

(2) The sanction for which is Pentateuchal and not merely Rabbinical.

(3) Lit., 'because of respect'.

(4) Lev. I, 2, introducing the regulations of the sacrifice.

(5) Similarly R. Jose and R. Simeon hold that although women are not commanded to blow the shofar (this being a precept for which a definite time is fixed), they have the option of doing so, and therefore may practise.

Talmud - Mas. Rosh HaShana 33b

a child old enough to be trained [in the performance of religious precepts],¹ in the other of one not yet old enough to be trained.

ONE WHO BLOWS MERELY TO PRACTISE DOES NOT THEREBY FULFIL HIS RELIGIOUS OBLIGATION:² I infer that one who blows to make musical sounds³ does thereby fulfil his religious obligation. May we say that this supports Raba, for Raba said that one who blows to make musical sounds fulfils his religious obligation?⁴ — Perhaps our authority includes ‘making music’ also under the head of ‘practising’.

NOR ONE WHO HEARS THE BLAST MADE BY ANOTHER WHEN PRACTISING. But one who hears the blast from another who is blowing for himself, we are to assume, does fulfil his obligation? If so, this would be a refutation of R. Zera; for R. Zera said to his attendant, ‘Blow with intent to clear me⁵ also’!⁶ — Perhaps our authority having mentioned ‘practising’ in the first clause used the same expression in the second.⁷

MISHNAH. THE ORDER OF THE BLASTS CONSISTS OF THREE SETS⁸ OF THREE EACH.⁹ THE LENGTH OF A TEKI'AH IS EQUAL TO THREE TERU'AHS,¹⁰ AND THE LENGTH OF A TERU'AH TO THREE YEBABOTH.¹¹ IF ONE BLEW THE FIRST TEKI'AH¹² [AS USUAL] AND PROLONGED THE SECOND SO AS TO MAKE IT EQUAL TO TWO, IT COUNTS ONLY AS ONE.¹³ IF ONE HAS SAID THE [NINE] BLESSINGS¹⁴ AND THEN PROCURES¹⁵ A SHOFAR, HE SOUNDS A TEKI'AH TERU'AH TEKI'AH THREE

prohibition, and therefore explains that it is the other one whom we may help, and this one we simply do not stop.

TIMES!¹⁶ JUST AS THE CONGREGATIONAL READER IS UNDER OBLIGATION, SO EVERY INDIVIDUAL IS UNDER OBLIGATION.¹⁷ RABBAN GAMALIEL, HOWEVER, SAID THAT THE CONGREGATIONAL READER CLEARS THE WHOLE CONGREGATION OF THEIR OBLIGATION.

GEMARA. [THE LENGTH OF THE TEKI'AH IS EQUAL TO THREE TERU'AHS]. But it has been taught that the length of a teki'ah is equal to a teru'ah? — Abaye replied: Our Tanna reckons the teki'ahs of all the sets and the teru'ahs of all the sets,¹⁸ whereas the external Tanna¹⁹ was reckoning one set and no more.²⁰

THE LENGTH OF THE TERU'AH IS EQUAL TO THE LENGTH OF THREE YEBABOTH. But it has been taught, ‘The length of the teru'ah is equal to three shebarim’?²¹ — Abaye said: Here there is really a difference of opinion. It is written, It shall be a day of teru'ah unto you,²² and we translate [in Aramaic], a day of yebaba, and it is written of the mother of Sisera, Through the window she looked forth,²³ [wa-teyabab]. One authority thought that this means drawing a long sigh,²⁴ and the other that it means uttering short piercing cries.

Our Rabbis taught: ‘Whence do we know [that the blowing on New Year must be] with a shofar? Because it says, Thou, shalt make proclamation, with a shofar of teru'ah.²⁵ I know this so far only of the Jubilee; how do I know it of New Year? The text says significantly, In the seventh month,²⁶ when there is no real occasion for the expression, in the seventh month.²⁷ Why then does it say, in the seventh month? To show that all the teru'ahs of the seventh month should be of the same character. How do we know that there must be a plain blast²⁸ before it? Because it says, Thou, shalt make proclamation with a shofar of teru'ah.²⁹ How do we know that there must be a plain blast³⁰ after it? Because it says, Ye shall make proclamation with the shofar.³¹ I know this only of the Jubilee; how do I learn it of New Year also? It says significantly, in the seventh month³²

(1) Such a one we may actually help to learn. So Rashi. Tosaf., however, (s.v. תניא) objects that this would involve telling him to break a Rabbinical

- (2) Even if accidentally he produces the proper sounds.
- (3) Without religious intention.
- (4) V. supra 28b.
- (5) From the obligation of blowing the shofar.
- (6) This would show that in R. Zera's opinion it was not sufficient to hear another blowing merely for himself.
- (7) But he meant to include one blowing for himself
- (8) One set for the kingship, one for the remembrance and one for the shofar verses, v. supra 32a.
- (9) A teki'ah, teru'ah and teki'ah in each set. For teki'ah and teru'ah v. Glos.
- (10) V. infra in the Gemara.
- (11) Lit., 'moanings'. The meaning of this word is discussed in the Gemara infra.
- (12) Of one set of three.
- (13) I.e., he cannot count half for one set and half for the next.
- (14) Of the Musaf prayer.
- (15) Lit., 'there was assigned to him'.
- (16) For each of the three sets, cf. p. 164, n. 7.
- (17) To say the daily prayers, v. Gemara.
- (18) And we should translate: 'the length of a teki'ah is the same as that of (each of) the three teru'ahs'.
- (19) The Tanna of the Baraitha or 'external' Mishnah.
- (20) And he meant just the same thing.
- (21) Lit., 'breakings'. These are somewhat longer than yebaboth.
- (22) Num. XXIX, 1.
- (23) Jud. V, 28. E.V. 'and peered'.
- (24) The one who held that a teru'ah is equal to three shebarim.
- (25) Lev. XXV, 9, referring to the Jubilee. E.V. 'blast of the horn'.
- (26) Ibid.
- (27) Because it says immediately after, 'on the day of atonement'.
- (28) I.e., a teki'ah.
- (29) Which is taken to mean 'shofar (i.e., teki'ah) and teru'ah'.
- (30) I.e., a teki'ah.
- (31) Lev. XXV, 9. The repetition of the word shofar points to another teki'ah.
- (32) Ibid.

Talmud - Mas. Rosh HaShana 34a

when there is no real occasion for the expression, "in the seventh month". Why then does it say, "in the seventh month"? To indicate that all the teru'ahs of the seventh month should be of the same character. How do we know that there must be three sets of three each? Because it says, Thou shalt make proclamation with the shofar of teru'ah,¹ and again, a solemn rest, a memorial of teru'ah,² and again, a day of teru'ah it shall be to you.³ And how do we know that we can utilize what is said in connection with one for purposes of the other and vice versa?⁴ The word "seventh" occurs twice⁵ to provide a gezerah shawah.⁶ How then is it carried out? There are three [sets] which are nine [blasts]. The length of the teki'ah is equal to that of the teru'ah. The length of the teru'ah is equal to three shebarim'.

This Tanna first derives his inference from an analogy⁷ and now he derives it from a gezerah shawah!⁸ — He reasons thus: 'If there were no gezerah shawah, I would derive the inference from analogy; now, however, that there is a gezerah shawah, I do not require the analogy'.

The following Tanna derives the same lesson from a gezerah shawah [with the blowing of the horn ordained] in the wilderness, as it has been taught: And ye shall blow a teru'ah:⁹ this indicates that there shall be a separate teki'ah¹⁰ and a separate teru'ah. You say, there shall be a separate teki'ah and a separate teru'ah! But can it not be interpreted differently, namely, that the teki'ah and teru'ah

are all one?¹¹ When you come to the text, But when the assembly is to be gathered together ye shall blow a teki'ah but not a teru'ah,¹² you must conclude that teki'ah and teru'ah are separate. And how do we know that a plain blast is to precede it [the teru'ah]? Because it says, And ye shall blow a teru'ah.' And how do we know that a plain blast follows it? Because it says, a teru'ah shall they blow.¹³ R. Ishmael the son of R. Johanan b. Beroka said: This¹⁴ is not necessary. For the text says, And ye shall blow a teru'ah a second time.¹⁵ Here the words a second time' are unnecessary.¹⁶ Why then are the words 'a second time' inserted? This furnishes a general rule¹⁷ that wherever teru'ah is mentioned a teki'ah should follow it.¹⁸ So far I know this only of the wilderness.¹⁹ On what ground can I apply it to New Year also? Because we find teru'ah [in one place] and teru'ah [in another place]²⁰ to provide a gezerah shawah. Three teru'ahs are mentioned in connection with New Year — 'a solemn rest, a memorial proclaimed with teru'ah'; 'a day of teru'ah', and 'thou shalt make proclamation with the shofar of teru'ah'. Each teru'ah is accompanied with two teki'ahs. We thus learn that three teru'ahs and six teki'ahs were prescribed for New Year. Two of these are ordained by the Torah and one by the Soferim:²¹ [The teru'ahs mentioned in] 'a solemn rest, a memorial of teru'ah,' and in 'thou shalt make proclamation with the shofar of teru'ah' are ordinances of the Torah; the text 'a day of teru'ah it shall be to you' is required for its own lesson.²² R. Samuel b. Nahmani said in the name of R. Jonathan: One is ordained by the Torah and two by the Soferim: [That mentioned in] 'and thou shalt make proclamation with the shofar of teru'ah' is ordained by the Torah. [The texts] 'a solemn rest, a memorial of teru'ah' and, 'a day of teru'ah it shall be to you', are required for their own lessons. What is meant by saying that 'it [the latter] is required for its own lesson'?²³ — It is required to show that [the blowing must be] in the daytime and not at night. Whence does the other authority derive the rule that the blowing must be by day and not by night? — He derives it from the expression On the Day of Atonement.²⁴ But if he learns it from 'On the Day of Atonement', let him also learn from this text the rule that there is to be a plain blast before the teru'ah and a plain blast after it?²⁵ — He does not accept the implication of the expressions 'and thou shalt proclaim', 'ye shall proclaim'. How then does he expound these words? — [He expounds] 'and thou shalt proclaim' in the same way as R. Mattenah; for R. Mattenah said: 'And thou shalt proclaim': this means, in the usual manner of proclamation.²⁶ The words 'Ye shall proclaim' mentioned by the All-Merciful indicate that the shofar should be taken in the hand,²⁷ and the other, [what says he to this?] — The lesson of R. Mattenah you can learn from the fact that the text uses an unusual expression,²⁸ but that the word means 'taking in the hand' you could not maintain, for one can compare the expression 'passing' here with the expression 'passing' used in connection with Moses.²⁹ It is written here, And ye shall cause to pass a shofar of teru'ah, and it is written elsewhere, And Moses commanded, and they caused a voice to pass.³⁰ Just as there the passing was of a sound, so here it is of a sound.

And to the Tanna who derives the rule [regarding the teki'ah] from [the blowing commanded] in the wilderness, [it may be objected that] just as there trumpets were to be used, so here [on New Year] trumpets should be used? — Therefore it is written, Blow ye the shofar at the New Moon, at the concealment for the day of our festival.³¹ Which is the festival on which the moon is concealed? You must say that this is New Year; and the All-Merciful prescribed the shofar [to be used on it].

R. Abbahu prescribed in Caesarea that there should be a teki'ah, three shebarim, a teru'ah and a teki'ah. How can this be justified?³² If [the sound of teru'ah] is a kind of wailing, then there should be teki'ah, teru'ah³³ and teki'ah, and if it is a kind of groaning, there should be teki'ah, three shebarim, and teki'ah? — He was in doubt whether it was a kind of wailing or a kind of groaning.³⁴ R. 'Awira strongly demurred against this procedure, saying, Perhaps it is a kind of wailing, and the three shebarim make an interruption between the teru'ah and the [first] teki'ah? — We assume that he afterwards blows teki'ah, teru'ah, teki'ah. Rabina strongly demurred against this, saying, Perhaps it is a kind of sighing and the teru'ah makes an interruption between the shebarim and the [second] teki'ah? — We suppose that he afterwards blows teki'ah, shebarim, teki'ah. What then is the point of R. Abbahu's regulation?³⁵ If it is a groaning sound, it has already been made,³⁶ and if it is a wailing

sound it has already been made?³⁷ — He was in doubt whether it does not include both groaning and wailing. If so, the reverse should also be carried out, namely, teki'ah, teru'ah, three shebarim, teki'ah, since perhaps it is wailing and groaning? — Ordinarily when a man has a pain, he first groans and then wails.

IF ONE BLEW THE FIRST TEKI'AH AND PROLONGED THE SECOND SO AS TO MAKE IT EQUAL TO TWO. R. Johanan said: If one heard

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- (1) Lev. XXV, 9, referring to the Jubilee. E.V. 'blast of the horn',
 - (2) Ibid. XXIII, 24.
 - (3) Num. XXIX, 1.
 - (4) Two of the verses quoted occur in connection with the New Year and one in connection with the Jubilee. What right have we then to assume from this that there should be three teru'ahs on each?
 - (5) In the seventh month (Lev. XXIII, 24) in connection with New Year, and in the seventh month (Lev. XXV, 9) in connection with the Jubilee.
 - (6) V. Glos.
 - (7) On the basis of the superfluous 'in the seventh month'.
 - (8) Heb. hekkesh. Having laid down from analogy the principle that all the teru'ahs of the seventh month must be of the same character, why does he require a gezerah shawah to show that there must be three both on New Year and on the Jubilee?
 - (9) Num. X, 5. E.V. 'And when ye blow an alarm'.
 - (10) The word **ותקעתם** being taken to signify the blowing of a teki'ah.
 - (11) I.e., made in one blast. And the word **ותקעתם** means simply 'and you shall blow'.
 - (12) Ibid. 7' E.V. 'ye shall blow but ye shall not sound an alarm'.
 - (13) Ibid. 6.
 - (14) I.e., to resort to so forced an exposition.
 - (15) Ibid. 6.
 - (16) Because one blowing of an alarm has already been mentioned in v. 5'
 - (17) Lit., 'builds a father'.
 - (18) And we translate, 'and ye shall blow a teki'ah' as second to the teru'ah'.
 - (19) I.e., of the assembling of the people in the wilderness.
 - (20) Viz., in connection both with the wilderness and the New Year.
 - (21) V. Glos.
 - (22) I.e., to provide a gezerah shawah; and the third teru'ah is an ordinance of the Soferim.
 - (23) The gezerah shawah being provided by the other text.
 - (24) Lev. XXV, 9.
 - (25) . From the texts, 'and thou shalt make proclamation', 'and ye shall make proclamation', as supra 33b ad fin.
 - (26) I.e., the shofar must not be held the wrong way up, v. supra 27b.
 - (27) And not blown.
 - (28) The word **והעברת** lit., 'and ye shall cause to pass' instead of 'you shall blow'.
 - (29) [This is apparently the meaning of this difficult passage].
 - (30) Ex. XXXVI, 6.
 - (31) Ps. LXXXI, 4. E.V. 'at the full moon for our feast day, v. supra 8a.
 - (32) Lit., 'what is your desire?', a formula for posing a dilemma.
 - (33) I.e., what is elsewhere called yebaba.
 - (34) And had both sounds blown.
 - (35) If he repeats both teki'ah, teru'ah, teki'ah, and teki'ah, shebarim, teru'ah.
 - (36) In teki'ah, teru'ah, teki'ah. [MS.M.: We are making it.]
 - (37) In teki'ah, shebarim, teki'ah. We then have a set containing four blasts.

nine blasts at nine different times of the day, he has performed his religious obligation. It has been taught to the same effect: 'If one heard nine blasts at nine different times of the day, he has performed his religious obligation. If, however, he heard nine different people at once, he has not performed his obligation.¹ If he hears a teki'ah from one and a teru'ah from another, he has fulfilled his obligation, even if the intervals extended over the whole day'.

But could R. Johanan have said this,² seeing that R. Johanan said in the name of R. Simeon b. Jehozadok: If in the midst of reciting Hallel and the Megillah³ one paused long enough to say the whole, he must go back to the beginning? — There is no contradiction: in one case he was giving his own opinion, in the other that of his teacher. But does not his own opinion [conflict with the above statement]? Was not R. Abbahu once following after R. Johanan reciting the shema',³ and when he came to some dirty alley-ways he stopped, and after they had passed them he asked R. Johanan whether he should finish, and he replied, If you paused long enough to say the whole, you must start again from the beginning? What he meant to say to him was this: 'I do not hold this view,⁴ but according to you who do hold it,⁵ if you have paused long enough to say the whole, you must start afresh'.

Our Rabbis taught: '[On most days]⁶ the omission of one blast is no bar to another, and the omission of one blessing⁷ is no bar to another, but on New Year and the Day of Atonement the omission of one blast or one blessing is a bar to the others'.⁸ What is the reason? — Rabbah said: God proclaimed: Recite before Me on New Year kingship, remembrance and shofar verses; kingship verses to declare Me king over you; remembrance verses, that the remembrance of you may come before Me for good; and through what? Through the shofar.

IF ONE HAS SAID THE [NINE] BLESSINGS AND THEN PROCURES A SHOFAR, HE SOUNDS A TEKI'AH, TERU'AH, TEKI'AH. The reason is that he had no shofar to begin with. This shows that if he had a shofar to begin with, when he hears the blasts he must hear them during the recital of the blessings.⁹ R. Papa b. Samuel rose to say his prayer, and at the same time said to his attendant, When I give you a sign,¹⁰ blow the shofar for me. Said Raba to him:¹¹ This rule¹² was laid down only for a congregation.¹³ It has been taught to the same effect: 'When he hears the blasts, he must hear them in order, and during the recital of the blessings.¹⁴ When does this hold good? In a congregation; but when not praying with the congregation he must hear them in order but not necessarily during the recital of the blessings. If an individual has not blown [the shofar], another may blow it for him, but if an individual has not said the blessings another may not say them for him. It is a greater act of piety to hear the shofar than to say the blessings. Hence¹⁵ if there are two towns in one of which the shofar is being blown and in the other of which the blessings are being said, one should go rather to the place where they are blowing than to the place where they are saying the blessings'. Surely this is self-evident: the former precept is of Pentateuchal sanction, the latter [only] of Rabbinic! — It was necessary to state the rule, [to show that it still applies] even though he is certain of [finding an opportunity for] the latter and not certain of [finding an opportunity for] the former.¹⁶

JUST AS THE CONGREGATIONAL READER IS UNDER OBLIGATION, SO EVERY INDIVIDUAL etc. It has been taught: 'They said to Rabban Gamaliel: Accepting your view,¹⁷ why do the congregation [first] say the ['Amidah] prayer? He replied, So as to give the reader time to prepare his prayer.¹⁸ Rabban Gamaliel then said to them: Accepting your view,¹⁹ why does the reader go down [and stand] before the Ark?²⁰ They replied: So as to clear from his obligation one who is not familiar [with the prayers]. He said to them: Just as he clears one who is not familiar, so he clears one who is familiar'.²¹

Rabbah b. bar Hanah said in the name of R. Johanan: The Sages gave Rabban Gamaliel right. Rab, however, said: The difference of opinion still remains.²² Hiyya the son of Rabbah b. Nahmani heard

the argument [reported] and went and repeated it before R. Dimi b. Hinnena. He said to him: Thus said Rab: The difference of opinion still remains. The other said to him: This is what Rabbah b. bar Hanah also said, that when R. Johanan made this statement, Resh Lakish joined issue with him, saying: The difference of opinion still remains. But did R. Johanan say this? Has not R. Hanah of Sepphoris stated that R. Johanan said that the law²³ follows the view of Rabban Gamaliel, and since he said the law is so, we infer that there is a difference of opinion?

- (1) According to Tosaf. the reason is because he does not hear a teru'ah preceded and followed by a teki'ah. Rashi, however, reads: 'If he heard nine people at once, a teki'ah from one and a teru'ah from another, he has fulfilled his obligation, and even if he heard at intervals' etc. He points out that it has already been laid down above that two different sounds from two different persons can be discerned at once.
- (2) That it is permissible to hear different blasts at different times.
- (3) V. Glos.
- (4) That it is necessary to pause on coming to a dirty place, (V. Ber. 24b) nor, again, that it is necessary to start afresh after a pause.
- (5) And your difficulty is simply, how long the pause must be.
- (6) E.g., on fast days.
- (7) In the 'Amidah. (V. Glos.).
- (8) I.e., a teru'ah cannot be blown without a teki'ah before it, nor can remembrance verses be said unless kingship verses have first been said. V. Tosaf. 33b, s.v. שיעור sub fin.
- (9) V. supra 32a.
- (10) As a signal that I have finished a blessing which is to be followed by the blowing of the shofar.
- (11) To reassure him.
- (12) That the blasts must be heard during the recital of the blessings.
- (13) חבר עיר v. Meg. Sonc. ed., p. 164, n. 1.
- (14) Lit., 'on the order of the blessings'.
- (15) Lit., 'how so?'.
- (16) He can always find ten men to make a congregation, but he may come too late to hear the shofar.
- (17) That the reader may recite on behalf of the congregation.
- (18) I. e. , put himself in the proper frame of mind by thinking over the prayers, which in those days were recited from memory.
- (19) That each individual must pray for himself.
- (20) V. supra p. 160, n. 9.
- (21) If he has accidentally omitted something. V. Tosaf. s.v. כך
- (22) [This sentence is rightly omitted in MS.M.]
- (23) [הלכה read with MS.M. הלכתא.]

Talmud - Mas. Rosh HaShana 35a

. When R. Ammi returned from a sea-voyage,¹ he explained it thus: 'The Sages give Rabban Gamaliel right' in regard to the blessings of New Year and the Day of Atonement; and 'the halachah is so', which implies that they differ in regard to the blessings of the rest of the year.² But is this so? Did not R. Hanah of Sepphoris say in the name of R. Johanan, 'The halachah follows Rabban Gamaliel in regard to the blessings of New Year and the Day of

Atonement'³ — No, said R. Nahman b. Isaac. Who is it that gave [Rabban Gamaliel] right? R. Meir;⁴ and the halachah is so', which shows that the Rabbis⁵ refer to [the others]. For it has been taught: 'In regard to the blessings of New Year and the Day of Atonement, the reader can clear the congregation of their obligation to say them'.

Why should a difference be made in respect of these [blessings]? Should you say it is because they contain many scriptural texts, has not R. Hananel said in the name of Rab, As soon as one has

said, 'And in thy Law it is written saying',⁶ he need not recite any more [texts]? — No; the reason is because there is an extra large number of blessings.⁷

[To revert to] the [above] text — R. Hananel said in the name of Rab, As soon as one has said, "And in thy Law it is written saying", he need not recite any more [texts]'. It was presumed [in the Academy] that this applies only to an individual but not to a congregation. It has been stated, however, [elsewhere]: R. Joshua b. Levi said: [The rule] alike for an individual or a congregation is that as soon as they have said 'And in thy Law it is written saying', they need not recite any more [texts].

R. Eleazar said: A man should always first prepare himself for his prayer⁸ and then say it. R. Abba said: The dictum of R.

Eleazar appears to be well founded in respect of the blessings of New Year and the Day of Atonement and periodical [prayers]⁹ but not of the rest of the year. Is that so? Did not Rab Judah use always to prepare himself for his prayer before praying? — Rab Judah was exceptional; since he prayed only every thirty days,¹⁰ it was [to him] like a periodical [prayer].

R. Aha b. 'Awira said in the name of R. Simeon the Pious: Rabban Gamaliel used to allow even the people in the fields to be cleared [by the reader in the synagogue], and needless to say those in town.¹¹ On the contrary, [we should have expected the opposite, because] the former are prevented from coming and the latter are not prevented, in the same way as Abba the son of R. Benjamin b. Hiyya has stated, 'The People who stand behind the priests are not included in the [priestly] benediction'! — The fact is that when Rabin came [from Palestine] he stated in the name of R. Jacob b. Idi that R. Simeon the Pious said: Rabban Gamaliel allowed only the people in the fields to be cleared [by the reader]. What is the reason? Because they are prevented by their work from coming [to synagogue]. Those in the town, however, are not cleared.¹²

(1) [**בְּיַמֵּי** Aliter: From Jammi, a place in Naftali.]

(2) And thus both statements of R. Johanan might be correct.

(3) Which shows that even on this point the Sages continued to differ with him.

(4) Who agrees with him in regard to the blessings of New Year and the Day of Atonement, and not the Sages, as at first stated in the name of R. Johanan.

(5) Apart from R. Meir.

(6) I.e., the passage which runs in our prayer-book, 'May we offer before thee the additional offerings of this day according to the commandment of thy will as thou hast prescribed for us in thy law'.

(7) Viz., nine instead of seven. [In point of fact the blessings on the Day of Atonement are only seven. [In point of fact the blessings on the Day of Atonement 'blessings' (v. Lewin, Otzar ha-Geonim, Rosh Hashanah p. 73; on this reading render: they (the benedictions) are lengthy. Ritba (a.l.) takes the Day of Atonement throughout this passage to refer to the Day of Atonement on the year of Jubilee, v. supra 33b].

(8) So as to be fluent and avoid all mistakes, v. supra p. 172, n. 2.

(9) For feasts, fasts, etc.

(10) Being occupied in the intervening period with study.

(11) Lit., 'those who are here'.

(12) [Rashi: They themselves must say the prayer and not rely on the reader. Alfasi: They are not cleared by the reader unless they attend the synagogue and hear from him the prayers from beginning to end; v. Commentary of R. Nissim a.l.]

Talmud - Mas. Ta'anith 2a

CHAPTER I

MISHNAH. WHEN DO WE [BEGIN TO] MAKE MENTION OF THE POWER OF RAIN?¹ R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST.² R. JOSHUA SAYS: ON THE LAST DAY OF THE FEAST. R. JOSHUA SAID TO HIM: SEEING THAT RAIN ON THE FEAST IS A SIGN OF [GOD'S] ANGER³ WHY MAKE MENTION OF IT? THEREUPON R. ELIEZER SAID TO HIM: I ALSO DID NOT SAY TO PRAY⁴ BUT TO MAKE MENTION [IN THE WORD] 'HE CAUSETH THE WIND TO BLOW AND THE RAIN TO FALL'⁵ -IN ITS DUE SEASON. HE [R. JOSHUA] REPLIED TO HIM: IF THAT IS SO ONE SHOULD AT ALL TIMES MAKE MENTION OF IT.

WE PRAY FOR RAIN ONLY CLOSE TO THE RAINY SEASON. R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK⁶ ON THE LAST DAY OF THE FEAST MAKES MENTION, THE FIRST DOES NOT; ON THE FIRST DAY OF PASSOVER THE FIRST MAKES MENTION, THE LAST DOES NOT.

GEMARA. What has the Tanna [in mind] when he teaches WHEN etc.?⁷ -The Tanna refers to [a Mishnah] elsewhere which teaches: We make mention of the Power of Rain in the [benediction of] the Revival of the Dead,⁸ and we pray for [rain] in the Benediction of the Years⁹ and [we insert] the Habdulah¹⁰ in [the benediction] 'Thou favourest man with knowledge'.¹¹ [With that passage in mind] the Tanna now teaches: When do we [begin] to make mention of the Power of Rain? Would it not have been more appropriate to teach it there, why did he leave it until now? — [Say] rather, because the Tanna had just completed [learning the Tractate] Rosh Hashanah¹² where we have learnt: And on the Feast [the world] is judged through water. And, [as there] he taught: 'And on the Feast [the world] is judged through water,' therefore there he teaches: When do we [begin] to make mention of the Power of Rain. But let him teach: When do we [begin] to make mention of Rain: why, the Power of Rain?-R. Johanan said: Because Rain comes down by the Power [of God], as it is said, Who doeth great things und unsearchable, marvellous things without number.¹³ And it is [further] written, Who giveth rain upon the earth, and sendeth waters upon the fields.¹⁴ Where [in these verses is this idea] implied? — Rabbah b. Shila replied: It is derived from the analogous use of the word heker in verses treating of Creation. Here it is written, 'Who doeth great things and unsearchable'. And there it is written, 'Hast thou not known? hast thou not heard that the everlasting God, The Lord, the Creator of the ends of the earth, fainteth not, neither is weary? His discernment is past searching out.¹⁵ And [of Creation] it is [also] written, Who by Thy strength settest fast the mountains, Who art girded about with might.¹⁶ Whence do we know that mention of

Rain is to be made in the Prayer?¹⁷ - It has been taught: To love the Lord your God and to serve Him with all your heart.¹⁸ What is Service of Heart? You must needs say, Prayer. And the verse following reads, That I will give the rain of your land in its season, the former rain and the latter rain.¹⁹

R. Johanan said: Three keys the Holy One blessed be He has retained in His own hands and not entrusted to the hand of any messenger, namely, the Key of Rain, the Key of Childbirth, and the Key of the Revival of the Dead. The Key of Rain, for It is written, The Lord will open unto thee His good treasure, the heaven to give the rain of thy land in its season,²⁰ The Key of Childbirth, for it is written, And God remembered Rachel, and God hearkened

(1) The term 'power of Rain' is applied to the phrase 'He causeth the wind to blow and the rain to fall' inserted in the second benediction of the prayer known as 'the Eighteen Benedictions' — The Tefillah (v. Glos.) On the expression POWER OF RAIN v. infra.

- (2) The Feast, **הַחַג**, the name by which the festival of Tabernacles is referred to in Mishnah and Talmud. Cf. I Kings VIII, 2, 65; Neh. VIII, 14, 15.
- (3) Lit., curse, v. Suk. 28b.
- (4) I.e., to insert in the ninth benediction the words, 'Give dew and rain for a blessing upon the face of the earth'.
- (5) V. n. 1.
- (6) To step before the Ark (tebah), a technical term denoting the recitation of the tefillah or the Amidah by the reader. V. R.H., Sonc. ed. p. 160, n. 9.
- (7) What is the Tanna's authority that the power of rain has to be mentioned at all?
- (8) The second benediction.
- (9) The ninth benediction.
- (10) Additional prayer inserted in the fourth benediction in the evening service at the termination of Sabbath and festivals.
- (11) Ber. 33a.
- (12) The order of the tractates of the Mishnah mentioned here is the same as given by the Gaon Sherira of Pumbeditha (968 C.E.) in the letter addressed by him to the community of Kairwan. (V. Neubauer Med. Jew. Chronicles, p. 13). The same sequence is given by Maimonides in the Introduction to his Commentary on the Mishnah.
- (13) Job V, 9-10. The Gemara cites IX, 10, but the commentators substitute for it V, 9 which makes the sequence of ideas clearer.
- (14) V. supra n. 5.
- (15) Isa. XL, 28.
- (16) Ps. LXV, 7. Rabbah b. Shilah infers from the analogous use of the word **קִיּוֹן**, in Job (where it speaks of rain) and Isaiah (where it refers to Creation) that just as God displayed 'Power' at Creation so too 'Power is a concomitant of rain. Hence the expression, POWER OF RAIN.
- (17) The Tefillah.
- (18) Deut. XI, 13.
- (19) Ibid. v. 14.
- (20) Deut. XXVIII, 12.

Talmud - Mas. Ta'anith 2b

to her, and opened her womb.¹ The Key of the Revival of the Dead, for it is written, And ye shall know that I am the Lord, when I have opened your graves.² In Palestine they said: Also the Key of Sustenance, for it is said, Thou openest thy hand etc.³ Why does not R. Johanan include also this [key]? — Because in his view sustenance is [included in] Rain.⁴

R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST etc. The question was asked, Whence did R. Eliezer derive this? Did he learn it from Lulab⁵ or from the Libation of Water?⁶ If he learnt it from Lulab, then just as the obligation of the use of the Lulab comes into force on the [first] day of Tabernacles, so too should we begin to make mention of rain on that day. Or perhaps he learnt it from Libation. [If so, then] just as Water Libation may be [carried out] on the evening [preceding the first day] — (for a Master [interpreting the verse], And the meal-offering thereof and their drink-offerings,⁷ said, Even by night)-so too should one begin to make mention of rain on that evening!⁸ — Come and hear: R. Abbahu said: R. Eliezer deduced it from Lulab only. Some there are who say: R. Abbahu had a tradition. Whilst others say: He based it on a Baraitha. Which is the Baraitha? — It has been taught: 'When do we [begin to] make mention of Rain? R. Eliezer says: From the time of the taking up of the Lulab; R. Joshua says, From the time when the Lulab is discarded.⁹ Said R. Eliezer: Seeing that these Four Species are intended only to make intercession for water,¹⁰ therefore as these cannot [grow] without water so the world [too] cannot exist without water. R. Joshua said to him: Is not rain on the Feast a sure sign of [God's] anger? R. Eliezer replied: I too did not say to pray but to make mention. And just as one makes mention of the Revival of the Dead all the year round¹¹ although it will take place only in its proper time, so too should mention be made of the Power of Rain all the year round although it comes only in its due season. Therefore if

one desires to make mention all the year round he may do so. Rabbi says: I hold the view that when one ceases to pray [for rain]¹² one should also no longer make mention of it. R. Judah b. Bathyra says: On the second day of the Feast one [begins] to make mention. R. Akiba says: On the sixth day of the Feast. R. Judah says in the name of R. Joshua: The last to step before the Ark on the last day of the Feast makes mention, the first does not; on the first day of Passover the first makes mention, the last does not. Did not then R. Eliezer reply well to R. Joshua?— R. Joshua can answer you: It is quite in order to make mention of the Revival of the Dead [all the year round], since any day may be its time, but is rain seasonable at all times? Have we not learnt: Should Nisan terminate and then rain fall it is a sign of [God's] anger, for it is said, Is it not wheat harvest to-day etc.?¹³

‘R. Judah b. Bathyra says: on the second day of the Feast one [begins] to make mention’. What is R. Judah b. Bathyra's reason? — It has been taught: R. Judah b. Bathyra says, Of the second day of the Feast, Scripture Says, we-niskehem,¹⁴ [‘and their drink-offerings’] and of the sixth day, u-nesakeah¹⁵ [‘and its drink-offerings’] and of the seventh day, kemishpatam¹⁶ [according to their rule]. Note [the letters] Mem, Yod, Mem which form the word mayim [‘water’].¹⁷ Here you have the biblical allusion to the Libation of Water. And what makes him [R. Judah b. Bathyra] fix it on the second day? — Because [the first of the allusions to the Water Libation] is found in connection [with the order for] the second day. Hence why we should [begin] to make mention on the second day. R. Akiba says: On the sixth day of the Feast one [begins] to make mention, for of the sixth day Scripture says, And its drink-offerings.¹⁸ Scripture thus speaks of two libations,¹⁹ the Libation of Water and the Libation of Wine. Perhaps both Libations must be of wine? — He [R. Akiba] is of the same opinion as R. Judah b. Bathyra who said, There is an allusion to water.²⁰

(1) Gen. XXX, 22. R. Joshua stresses the connection between **מפתח** key (lit., opener’) and the verb **פתח** to open, in the verses cited.

(2) Ezek. XXXVII, 13.

(3) Ps. CXLV, 16.

(4) Since it comes through rain.

(5) The Palm-branch. Term applied to the Four Plants used in the service on Tabernacles. Cf. Lev. XXIII, 40.

(6) [The vessel for the Water Libation was filled the preceding evening, v. Suk. 51 b. Aliter: The drink-offerings of wine brought in conjunction with animal sacrifices could be offered on the evening following the animal sacrifice, v. p. 4, n.1.]

(7) Num. XXIX, 18.

(8) [On this first interpretation of Rashi this verse is irrelevant and is to be omitted, v. Rashi. On the second interpretation the argument will run as follows: Should R. Eliezer deduce his opinion from the Water Libation, the mention of rain would have to be mentioned in the evening, seeing that the evening is a time at which drink-offerings (of wine) may be offered. Once, however, it is granted that the mention of rain starts on the evening, it will have to be the preceding, so as to be on the same day as the Water Libation (the night always being counted with the following day). V. Tosaf, s.v. **איבעיא**. On this interpretation the text should read as ‘Libation (not ‘Water Libation’) may be on the evening’, v. Me’iri a.I. where also other interpretations of this difficult passage are given.]

(9) On the seventh day of the Feast.

(10) V. Suk. 37b.

(11) In the second benediction.

(12) On the first day of Passover.

(13) I Sam. XII, 17.

(14) Num. XXIX, 18.

(15) Ibid. 31.

(16) Ibid. 33.

(17) The **מ** of **נמכייהם**, the **י** of **נמכיה**, and the **מ** of **כמשפטם** taken, together spell the word, **מים** water.

(18) The plural form implies (at least) two drink-offerings. [It is taken to refer to the festival, in contradistinction to the phrase, ‘their drink-offering’ mentioned in the sixth day where ‘their’ has reference to the sacrifices.]

(19) On the Festival of Tabernacles.

(20) I.e., he accepts the allusion supplied by the letters Mem, Yod, Mem.

Talmud - Mas. Ta'anith 3a

If he accepts the view of R. Judah b. Bathyra let him also agree with him [that one begins to make mention on the second day of the Feast]? — R. Akiba holds the view that the additional Libation occurs in the text¹ on the sixth day.

It has been taught: R. Nathan says, In the holy place shalt thou pour out a drink-offering of strong drink unto the Lord.² Scripture [here] speaks of two Libations, the Libation of Water and the Libation of Wine.³ Perhaps both are of wine? — If it were so, he should have said, either *hassek hassek* or *nasok nesek*. What is the force [of the words] *hassek nesek*? — From this is to be inferred, that one points to the Libation of Water, and the other to the Libation of Wine.⁴

Who is the authority for that which we have learnt, The Libation of Water [is performed] throughout the seven days [of the Feast]? Is it R. Joshua? He would have stated on one day only!⁵ Is it R. Akiba? According to him it is performed on two days!⁶ Is it R. Judah b. Bathyra? According to him it is performed on six days?⁷ — I can still say, It is R. Judah b. Bathyra and he will hold the same opinion as R. Judah of the following Mishnah. For we have learnt: R. Judah says, A vessel of a log⁸ capacity was used for Libation throughout the eight days [of the Feast]; but he [R. Judah b. Bathyra] excludes the first day and includes the eighth day.⁹ Why does he exclude the first day? Is it because the [first of the] biblical allusions to water [is to be found] on the second day? Then the eighth day too should be excluded seeing that the last [of the] allusions to water is on the seventh day! — It must then be R. Joshua, and as for the Libation of Water being performed throughout the seven days [of the Feast] this is founded on a tradition;¹⁰ for R. Ami said in the name of R. Johanan, in the name of R. Nehunia a native¹¹ of the Plain of Beth-Hawartan,¹² the laws concerning the Ten Young Trees,¹³ the Willow of the Brook,¹⁴ and the Libation of Water are laws [communicated] to Moses from Sinai.¹⁵

‘R. Judah in the name of R. Joshua says: The last to step before the Ark on the last day of the Feast makes mention [of rain], the first does not; on the first day of Passover the first makes mention, the last does not. Which R. Joshua? Is it R. Joshua of our Mishnah? Surely he said, ON THE LAST DAY OF THE FEAST ONE MAKES MENTION? Or, is it R. Joshua of the Baraitha? Surely he said: From the day that the Lulab is discarded? And further, when it is taught: R. Judah says in the name of Ben Bathyra: The last to step before the Ark on the last day of the Feast makes mention. Which Ben Bathyra [is meant]? Is it R. Judah b. Bathyra? Surely he said: On the second day of the Feast one makes mention? — R. Nathan bar Isaac replied: [In both passages cited] it is R. Joshua b. Bathyra. Sometimes he is called by his own name and some times he is referred to by his father's name; by the one before his ordination, and by the other after his ordination.

It has been taught: The Sages did not make it obligatory on one to make mention of dew and winds, but if one desires to make mention he may do so. What is the reason? — R. Hanina said: Because they are never withheld. And how do we know that dew is never withheld? — For it is written, And Elijah the Tishbite, who was of the settlers of Gilead, said to Ahab: As the Lord the God of Israel liveth, before whom I stand, there shall not be dew nor rain these years but according to my word.¹⁶ And it is written further, Go, show thyself unto Ahab, and I will send rain upon the land.¹⁷ Of dew, however, Scripture does not speak. Why?

(1) Lit., ‘written’.

(2) Num. XXVIII, 7.

(3) On the Festival of Tabernacles.

(4) The two different word formations of the root, נסך seem to point to two kinds of libation.

- (5) On the seventh day, since R. Joshua says: We begin to make mention from the time when the Lulab is discarded. [The question is not quite clear. Rashi did not seem to have this passage which is also omitted by MS.M.]
- (6) On the sixth and seventh day. Cf. 2b.
- (7) From the second until the seventh inclusive.
- (8) A liquid measure equal to the contents of six eggs.
- (9) [I.e., whilst R. Judah b. Bathyra agreed with R. Judah that the Water Libation continued to the eighth day, he differs in so far that he holds that the rite began only with the second day, so that it lasted only seven days.]
- (10) [Var. lec. omit R. Joshua and read, 'It must then be that as for the libation of water being performed etc.' On this reading all authorities agree that the rite is performed for seven days, the difference between them being only as to where the allusion is to be found, v. D.S. a.l.]
- (11) Lit., 'a man of'.
- (12) Perhaps Beth Hawran, east of the Jordan. V. Neubauer, *Geog. du Talmud*, p. 50.
- (13) All work in a tree-planted field had to be discontinued thirty days before the end of the sixth year of the Sabbatical cycle; but where ten saplings are spread over an area of fifty square cubits they may be cultivated right until the end of the sixth year. V. Sheb. 1, 6.
- (14) The use of the Willow in the daily processions around the altar during the festival of Tabernacles. V. Suk. IV, 5-6.
- (15) A phrase often denoting a law which has no scriptural basis and the origin of which is no longer known. V. Moore, *Judaism I*, 256.
- (16) I Kings XVII, 1.
- (17) I Kings XVIII, 1.

Talmud - Mas. Ta'anith 3b

Because it is never withheld. But if it is never withheld, why did Elijah take an oath on it? — This is what he conveyed to him [Ahab]. The dew of blessing also would not fall. Then the dew of blessing should also have been restored? — Because the difference would not have been discernable. How do we know that winds are not withheld? R. Joshua b. Levi said: Scripture says, For I have spread you abroad as the four winds of heaven, saith the Lord.¹ What does the prophet desire to convey? Shall we say that the Holy One, blessed be He, spoke thus to Israel, 'I have scattered you to the four corners of the world'. If so, Scripture should have said not 'as the four' but 'to the four'. But this is what he meant: 'As the world cannot endure without winds, so too the world cannot exist without Israel'. R. Hanina said: Therefore, if in the summer one inserted [in the Tefillah the words], 'He causeth the wind to blow', he is not compelled to repeat [the Tefillah]; if, however, he said, 'He causeth the rain to fall', he is compelled to repeat [it]. Similarly, if in winter one did not insert, 'He causeth the wind to blow', he is not compelled to repeat; if, however, he did not say, 'He causeth the rain to fall', he is compelled to repeat. And furthermore, even if he said, 'He causeth the wind to pass and the dew to disappear',² he is not compelled to repeat.

A Tanna taught: The Sages did not make it obligatory to make mention of clouds and winds, but if one desires to make mention he may do so. What is the reason? Is it because they are never withheld? But are they never withheld? Did not R. Joseph learn, 'And He will shut up the heaven',³ means, in respect of clouds and winds. You say that this verse is in respect of clouds and winds, perhaps it is not so but means in respect of rain? When Scripture adds, So that there shall be no rain, rain is thus already referred to. What then is the force of [the words], And He will shut up the heaven? [It must mean] in respect of clouds and winds'. There will then be a contradiction between 'winds and winds' and between 'clouds and clouds'? — There is really no contradiction between clouds and clouds'. In the one case [the reference is] to early clouds⁴ and in the other to late clouds.⁵ Between winds and winds' too there is no contradiction; in the one case they are normal winds and in the other extraordinary winds.⁶ But are not extraordinary winds suitable for⁷ [winnowing] in the barn? — This can be done with sieves [independently of the wind].

A Tanna taught: The clouds and the winds are secondary to rain.⁸ Which are they? 'Ulla said, or

as some say, R.⁹ Judah said: Those that come after the rain. Can we then say that these are beneficial? Is it not written, The Lord will make the rain of thy land powder and dust,¹⁰ and on this 'Ulla, or as some say, R. Judah commented, [This refers to] the wind following the rain?¹¹ — There is no contradiction; in the one case [it speaks] of when the rain comes down gently and in the other when it comes down with vehemence.¹² In the latter it throws up dust, and in the former it does not.

Rab Judah further said: Wind after rain is as beneficial as rain, clouds after rain as beneficial as rain, sunshine after rain as beneficial as twofold rain. What does this exclude? — The glow after sunset and sunshine between clouds.

Raba said: Snow is beneficial to the mountains as fivefold rain to the earth, as it is said, For he saith to the snow, 'Fall thou on the earth'; likewise to the shower of rain and to the showers of His mighty rain.¹³

Raba further said: Snow is beneficial to the mountain, heavy rain to the trees, gentle rain to the fruits of the field,

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- (1) Zech. II, 10.
 - (2) Lit., 'to fly away'.
 - (3) Deut, XI, 17.
 - (4) Before the rain. These are never withheld.
 - (5) After the rain. [Such clouds depend on the rain and are withheld, nevertheless, as clouds as a whole are never withheld, no mention need be made of them.]
 - (6) [Such are withheld. Since, however, they are not particularly beneficial no mention need be made of them,.
 - (7) [R. Gershom reads, 'are necessary'].
 - (8) I.e., they are almost as beneficial as rain.
 - (9) [Read with MS.M., Rab Judah.]
 - (10) Deut. XXVIII, 24.
 - (11) The wind raises dust which in turn sticks to the damp produce.
 - (12) [Cur. edd. insert here in brackets, 'If you wish I can tell you', but this is best left out.]
 - (13) Job XXXVII, 6.

Talmud - Mas. Ta'anith 4a

drizzling rain ['urpila] even to the seeds under a hard clod. What is 'urpila? 'Uru pili ['Wake up ye cracks'].

Raba further said: A young scholar may be likened to the seeds under a hard clod; once he has sprouted he soon shoots forth.

Raba further said: If a young scholar gets into a rage it is because the Torah inflames him, as it is said, Is not my word like a fire? said the Lord.¹

R. Ashi said:² A scholar who is not as hard as iron is no scholar, as it is said, And like a hammer that breaketh the rock in pieces.³ R. Abba said to R. Ashi: You have learnt this from that verse but we have learnt it from the following verse: A land whose stones are iron.⁴ Do not read, abanaha [stones] but boneha [builders].⁵ Rabina said: Despite this, a man should train himself to be gentle, for it is said, Therefore remove vexation from thy heart, etc.⁶

R. Samuel b. Nahmani said in the name of R. Jonathan: Three [men] made haphazard requests,⁷ two of them were fortunate in the reply they received and one was not, namely, Eliezer, the servant of Abraham; Saul, the son of Kish; and Jephtha the Gileadite. Eliezer, the servant of Abraham, as it

is written, So let it come to pass, that the damsel to whom I shall say, ‘Let down thy pitcher etc.’⁸ She might have been lame or blind, but he was fortunate in the answer given to him in that Rebecca chanced to meet him. Saul, the son of Kish, as it is written, And it shall be, that the man who killeth him, the king will enrich him with great riches, and will give him his daughter.⁹ [He] might have been a slave or a bastard. He too was fortunate in that it chanced to be David. Jephtha, the Gileadite, as it is written, Then it shall be, that whatsoever cometh forth out of the doors of my house etc.¹⁰ It might have been an unclean thing. He, however, was fortunate in that it so happened that his own daughter came to meet him. This is what the prophet had in mind when he said to Israel, Is there no balm in Gilead? Is there no physician there?’’ And it is further written, Which I commanded not, nor spake it, neither came it to my mind.¹¹ ‘Which I commanded not’: This refers to the sacrifice of the son of Mesha, the king of Moab, as it is said, Then he took his eldest son that should have reigned in his stead and offered him for a burnt-offering.¹² ‘Nor spake it’; This refers to the daughter of Jephtha.¹³ ‘Neither came it to my mind’: This refers to the sacrifice of Isaac, the son of Abraham.

R. Berekiah said: The Congregation of Israel also made a thoughtless request, yet God granted that request,¹⁴ as it is said, And let us know, eagerly strive to know the Lord. His going forth is sure as the morning: and He shall come to us as the rain.¹⁵ The Holy One, blessed be He, said to her [Israel]: My daughter, thou askest for something¹⁶ which at times is desirable and at other times is not desirable, but I will be unto thee something which is desirable at all times, as it is said, I will be as dew unto Israel.¹⁷ She further made another thoughtless request. She said before Him,: O God, Set me as a seal upon thy heart,- as a seal upon thine arm.¹⁸ Thereupon the Holy One, blessed be He, replied to her: My daughter, thou askest for something which at times can be seen and at other times cannot be seen. I, however, will make of thee something which can be seen at all times, as it is said, Behold I have graven thee upon the palms of My hands.¹⁹

WE PRAY FOR RAIN ONLY etc. [The scholars] were of the opinion that ‘praying’ and ‘making mention’ are one and the same thing. Who is the authority for this?-Raba replied: It is R. Joshua, who said, [We begin to make mention of rain] from the time when the Lulab is discarded —²⁰ Abaye said to him: You can even say, that it is R. Eliezer; ‘praying’, however, is one thing and ‘making mention’ is another. Others have the reading:

(1) Jer. XXIII, 29.

(2) [So MSS. cur. edd., And R. Ashi said.]

(3) Ibid.

(4) Deut. VIII, 9.

(5) Cf. Ber. 64a for a similar example of **אל תקרי**. The scholar as the builder of minds must be adamant and determined if he is to succeed in his lofty mission.

(6) Eccl. XI, 10.

(7) Lit., ‘asked not in a proper manner’, two they answered in a proper manner, and one they answered in a non-proper manner.

(8) Gen. XXIV, 14.

(9) I Sam. XVII, 25.

(10) Jud. XI, 31. (11) Jer. VIII, 22. [Was there no remedy for Jephtha? Surely he could have had his

(11) Ibid. XIX, 5.

(12) II Kings III, 27.

(13) [So MS.M., cur. ed., ‘this refers to Jephtha’.]

(14) Cf. supra p. 10, n. 7.

(15) Hos. VI, 3.

(16) I.e., rain.

(17) Hos. Xlv, 6.

(18) Cant. VIII, 6.

(19) Isa. XLIX, 16. A seal on the heart and arm is not always visible. Hence the reply of God.

(20) Supra 2b. After the seventh day which is close to the rainy season.

Talmud - Mas. Ta'anith 4b

Shall we say it is R. Joshua, who said, From the time when the Lulab is dis-

vow annulled by appealing to Phinehas who was in Gilead for a remission of the vow; cf. Gen. Rab. LX, .] carded? — Raba replied: You can even say that it is R. Eliezer; 'praying', however, is one thing and 'making mention' is another,

R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK etc. The following was cited in contradiction to this: Until when do we [continue] to pray for rain? R. Judah says: Until Passover is over; R. Meir says, Until the end of Nisan! — R. Hisda replied: The two statements [of R. Judah] are not contradictory; the one refers to 'praying' and the other to 'making mention'; 'praying'¹ one continues [until] the end of Passover] but 'making mention' is discontinued on the first day [of Passover]. 'Ulla said: This [solution of the contradiction] by R. Hisda is as difficult as vinegar to the teeth, and as smoke for the eyes. If one makes mention of rain at such times when it is not permissible to pray for² [it], how much more so should one make mention of rain when it is permissible to pray for it? — It must be, says 'Ulla, that [there is a dispute] between two Tannaim as to the opinion of R. Judah. R. Joseph said: What is the meaning of, 'Until Passover is over'? Until the first reader on the first day of Passover is over [with his prayers].³ Said Abaye to him: Is there then a place in the Festival [Tefillah] for inserting the prayer for rain? He replied to him: Yes, the Meturgeman⁴ 'prays' — Does then the Meturgeman ever pray for something of which the community has no need? Therefore, the better solution is that of 'Ulla.

Rabbah said: What is the meaning of, 'Until Passover is over'? Until the time limit for the slaughtering of the Paschal offering has passed;⁵ and as at its beginning⁶ so at its end; just as at its beginning one makes mention [of rain] although one has not yet [begun] to pray,⁷ so too at its end he makes mention although he no longer has to pray.⁸ Abaye replied: I can understand that one should make mention at the beginning, seeing that making mention is a form of propitiation [prefatory to prayer] but as for the end, what place is there for such propitiation? Therefore, the better solution is that of 'Ulla.

R. Assi said in the name of R. Johanan, The halachah is according to R. Judah. Thereupon R. Zera asked R. Assi: Could then R. Johanan [really] have said so? Have we not learnt: We [begin] to pray for rain on the third of Marcheshvan; Rabban Gamaliel said: On the seventh of the same month — And with reference to this R. Eleazar declared: The halachah is according to Rabban Gamaliel. He [R. Assi] replied to him: You set one authority against another!⁹ Moreover, if you like I will say there is no contradiction; the one [case] speaks of 'praying' and the other of 'making mention'.¹⁰ But did not R. Johanan say: Whenever one prays one should also make mention? That [rule] applies only to the discontinuation [of 'praying'].¹¹ But did not R. Johanan say: When one begins to make mention one should also [begin] to pray; when one discontinues to pray one should also cease to make mention? — There is really no contradiction; one statement refers to us [Babylonians] and the other to them [Palestinians],¹² Why should we be different? — Is it because we have produce in the field?¹³ They also have Pilgrims?¹⁴ -R. Johanan speaks [of con — ditions] after Temple times.¹⁵ Now that you have arrived at this conclusion [I can say], Both teachings apply equally to them [Palestinians] and there is no contradiction; the one speaks [of conditions] in Temple times and the other [of conditions] after Temple times. But as for us who observe two days [of the festival],¹⁶ what shall our practice be? — Rab says: He begins [to make men-tion] in the Additional Service of the Eighth Day of the Feast, he discontinues in the Afternoon Service and in the Evening Service and in the Morning Service but resumes in the Additional Service of the second day. Samuel said to them [to the scholars]: Go and say to Abba:¹⁷ After you have declared the day holy¹⁸ can you declare it

again a weekday?¹⁹ — Therefore Samuel said: He begins [to make mention] in the Additional Service and in the Afternoon Service and discontinues in the Evening Service and in the Morning Service [of the following day], and resumes it in the Additional Service

(1) V. supra p. 1, n. 4.

(2) I.e., in the musaf of the last day of the Feast of Tabernacles, the 'prayer' for rain being inserted only in the weekday Tefillah

(3) I.e., the Shaharith Tefillah. (v. Glos.). [MS.M. 'until the time of the first... is over'].

(4) The translator or interpreter. The function of this official in Talmudic times was to interpret to the audience in the Synagogue in a popular manner and to enlarge upon the theme of the rabbi lecturing. Rashi, feeling that in our passage no such official could be referred to, explains that here the lecturing rabbi and interpreter are one and the same person, he who lectures on the first day of Passover, and that he included in his address a prayer for rain. V. however, the commentary of R. Hananel ad loc.

(5) I.e., noon of the fourteenth of Nisan.

(6) I.e., of the rainy season.

(7) V. supra p. 1, n. 4.

(8) Having ceased to pray on the preceding day in the afternoon service, v. Rashi.

(9) R. Eleazar against R. Johanan.

(10) Which begins on the seventh whereas in regard to mentioning R. Johanan will rule in accordance with R. Judah.

(11) At the end of the rainy season we stop at the same time both the making of mention and the praying for rain; but at the beginning of the rainy season we commence with the making mention of rain and at a later date we also add the formal prayer for rain.

(12) [In Babylonia the harvest was gathered later than in Palestine and consequently the prayer for rain would also begin later].

(13) And therefore rain was not opportune as long as the harvest had not been gathered in.

(14) And therefore mention of rain should be put off as late as possible to enable the Pilgrims to reach home in comfort before the rains set in. MISHNAH. UNTIL WHEN DO WE PRAY FOR RAIN? R. JUDAH SAYS: UNTIL THE PASSOVER IS OVER. R. MEIR SAYS: UNTIL

(15) When pilgrimages to Jerusalem, no longer took place.

(16) [Because of doubt, In this case whether it is the eighth or seventh day of the Festival of Tabernacles.]

(17) I.e., Rab. His proper name was Abba Arika.

(18) By making mention of rain indicating thereby that it is the eighth day of the Festival.

(19) [By discontinuing it at the afternoon service and then implying that it is still the seventh day which belongs to the half holiday.]

Talmud - Mas. Ta'anith 5a

. Raba said: Once he has begun [to make mention] he should not discontinue. And so said R. Shesheth: Once he has begun he should not discontinue. Rab also retracted his statement. For R. Hananel said in the name of Rab: One counts twenty-one days from New Year¹ and begins to make mention in the same way as one counts Ten Days [of Penitence] from the New Year until the Day of Atonement; and once he has begun he should not discontinue. And the law is, once he has begun he should not discontinue.

THE END OF NISAN, AS IT IS SAID: AND HE CAUSETH TO COME DOWN FOR YOU THE RAIN, THE FORMER RAIN AND THE LATTER RAIN, AT THE FIRST.²

GEMARA. R. Nahman said to R. Isaac: Does then the former rain [fall] in Nisan? The former rain surely [falls] in Marcheshvan. It has been taught: Former rain, [falls] in Marcheshvan and latter rain in Nisan. He replied: Thus said R. Johanan, This verse³ was fulfilled in the days [of the prophet] Joel, the son of Pethuel, That which the palmer-worm hath left hath the locust eaten etc.⁴ In that year, although Adar had passed yet no rain had fallen, and it was not until the first of Nisan that the

first rain, came down. Thereupon the prophet said to Israel, ‘Go and sow’ — They replied, If a man has a kab⁵ of wheat or two kabim of barley, should he eat them and keep himself alive, or sow them and die? He answered: ‘Despite this, go and sow’ — A miracle happened for them and they discovered whatever [grain] which was hidden [in the chinks of] the walls and in the ant-holes; they proceeded to sow on the second, on the third, and on the fourth and the second rain came down on the fifth of Nisan; on the sixteenth of Nisan they offered the ‘Omer’;⁶ and thus it so came about that the grain which should take six months to ripen ripened in eleven days.⁷ To that generation was applied the scriptural verses, They that sow in tears shall reap in joy. Though he goeth on his way weeping that beareth the measure of seed etc.⁸ What is the meaning of, ‘Though he goeth on his way weeping that beareth the measure etc.’? — Rab Judah said: When the ox is ploughing, on his forward journey he weeps, but on his return journey he eats the young green from the furrows — And this is the force of the words, ‘He shall come home with joy’ — What is the meaning of, ‘Bearing his sheaves’? — R. Hisda said: Others say it was taught in a Baraita: The stalk was then one span and the ear two spans.

R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, For the Lord hath called for a famine, and it shall also come upon the land seven years?⁹ What had they to eat during these seven years? — He replied: Thus said R. Johanan, In the first year they ate what was stored up in the houses, in the second what was in the fields, in the third the flesh of clean animals, in the fourth the flesh of unclean animals, in the fifth the flesh of forbidden animals and reptiles, in the sixth the flesh of their sons and daughters and in the seventh the flesh of their own arms and thus the verse of Scripture was fulfilled, They eat every man the flesh of his own arms.¹⁰

Further, R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, The Holy One in the midst of thee and I will not come in to the city?¹¹ [Surely it cannot be that] because the Holy One is in the midst of thee I shall not come into the city! He replied: Thus said R. Johanan: The Holy One, blessed be He, said, ‘I will not enter the heavenly Jerusalem until I can enter the earthly Jerusalem’. Is there then a heavenly Jerusalem?—Yes; for it is written, Jerusalem thou art builded as a city that is compact together.¹²

R. Nahman further said to R. Isaac: What is the meaning of the verse, But they are altogether brutish and foolish; the vanities by which they are instructed are but a stock?¹³ — He replied: Thus said R. Johanan, There is one thing that brings about the perdition of the wicked in Gehenna¹⁴ and that is, idolatrous worship. Here it is written, ‘The vanities by which they are instructed’ and elsewhere [of the idols] it is written, They are a vanity, a work of delusion.¹⁵

R. Nahman further said to R. Isaac: What is the meaning of the verse, For my people have committed two evils?¹⁶ Were they only two? Has he then ignored the fact that they were twenty-four?¹⁷ — He [R. Isaac] replied: There is one [evil]

(1) [I.e., from the first day of New Year to the eighth day of the Festival of Tabernacles. This is despite the general rule that where a Jewish month has two New Moon days, the days of the month are counted from the second day].

(2) Joel II, 23. E.V. ‘at first’.

(3) I.e., Joel I, 4.

(4) Joel I, 4.

(5) A measure of capacity equal to one-sixth of a se'ah.

(6) V. Glos.

(7) From the fifth of Nisan to the sixteenth.

(8) Ps. CXXXVI, 5-6.

(9) II Kings VIII, 1.

(10) Isa, IX, 19.

(11) Hosea XI, 9- The A.V. renders, I will not come in fury. Cf. Tosaf, s.v. **סז**.

(12) Ps. CXXII, 3. Stressing the word **שְׁחֹבְרָה** R. Johanan adduces from the verse that Jerusalem has a **חֵבְרָה** a companion (or prototype) in heaven. Both are said to be situated exactly opposite each other. [The verse in Hosea is thus taken to mean: There is a holy (city) in thy midst (referring to the earthly Jerusalem) and I (i.e., God) will not enter the city (the heavenly Jerusalem)].

(13) Jer. X, 8.

(14) A play upon the word **וּבְעֵרוֹ** the root of which (**בֵּעַר**) in the Pi'el means, to destroy, to remove. The wicked, by following the instructions of idols that are but wood, find themselves fooled and are carried off into Gehenna.

(15) Jer. X, 15.

(16) Ibid. II, 13.

(17) [Aliter: 'Has he forgiven them the twenty-four?'] The twenty-four sins enumerated in Ezek. XXII; according to some commentators the sins in transgressing the commandments contained in the twenty-four canonical books of Scripture. [Some take twenty-four as a round number. For other renderings v. Aruchs.v. **עֶשֶׂר**].

Talmud - Mas. Ta'anith 5b

which is equal to two, and that is, idolatrous worship, for it is written, For my people have committed two evils: they have forsaken me, the fountain of living waters and hewed them out cisterns, broken cisterns.¹ And further it is written, For pass over to the isles of the Kittites, and see, and send unto Kedar, and consider diligently etc. Hath nation changed its gods, which are yet no gods? But my people hath changed its glory for that which doth not profit.²

A Tanna taught: The Kittites worship fire and the Kedarites water, and although they know that water extinguishes fire they have yet not changed their gods but my people hath changed their God for that which doth not profit.

R. Nahman further said to R. Isaac: What is the meaning of the verse, And it came to pass when Samuel was old.³ Did Samuel ever reach old age? He lived only for fifty-two years. For a Master said: If a man dies in his fifty-second year he is said to have died at the age reached by Samuel, the Ramathite?⁴ — He replied: Thus said R. Johanan: Old age came prematurely upon him, for it is written, It repenteth Me that I have set up Saul to be king.⁵ Samuel complained before Him: Sovereign of the Universe! You have made me equal to Moses and Aaron, for it is written, Moses and Aaron are amongst His priests, and Samuel among them that call upon His name.⁶ As in the case of Moses and Aaron the work of their hands did not come to nought in their lifetime, so too let not the work of my hands come to nought in my lifetime. The Holy One, blessed be He, replied: How shall I act? Shall Saul die? Of this Samuel will not approve. Shall Samuel die young? People will speak ill of him.⁷ Shall neither Saul nor Samuel die? The time has come for David to reign and one reign may not encroach on another even by a hair's breadth. Thereupon the Holy One, blessed be He, said: I will make him prematurely old and this is what is written, Now Saul was sitting in Gibeah, under the Tamarisk tree in Ramah.⁸ How comes Gibeah to Ramah?⁹ This is to teach you that it was the prayer of Samuel the Ramathite that was the cause of Saul's two and a half years'¹⁰ sojourn as king in Gibeah? Should then one man be put aside because of another? — Yes, for R. Samuel b. Nahmani said in the name of R. Jonathan: What is the meaning of the verse, Therefore have I hewed them by the prophets, I have slain them by the words of my mouth?¹¹ Scripture does not say, by their works,' but, 'by the words of my mouth', this proves that one may be put aside because of another.

R. Nahman and R. Isaac were sitting at a meal and R. Nahman said to R. Isaac: Let the Master expound something. He replied: Thus said R. Johanan: One should not converse at meals lest the windpipe acts before the gullet and his life will thereby be endangered. After they ended the meal he added: Thus said R. Johanan: Jacob our patriarch is not dead. He [R. Nahman] objected: Was it then for nought that he was bewailed and embalmed and buried?—The other replied: I derive this from a scriptural verse, as It is said, Therefore fear thou not, O Jacob, My servant, saith the Lord; neither be dismayed, O Israel,- for, lo, I will save thee from afar and thy seed from the land of their captivity.¹²

The verse likens him [Jacob] to his seed [Israel]; as his seed will then be alive so he too will be alive.

R. Isaac said: Whosoever repeats [the name] Rahab, Rahab, becomes immediately subject to an onset of issue.¹³ Thereupon R. Nahman said to him: I have repeated it and was not in any way affected. R. Isaac replied: I speak only of one who knew her intimately (and recalls her likeness).¹⁴ When they were about to part, [R. Nahman] said: Pray Master, bless me. He replied: Let me tell you a parable — To what may this be compared? To a man who was journeying in the desert; he was hungry, weary and thirsty and he lighted upon a tree the fruits of which were sweet, its shade pleasant, and a stream of water flowing beneath it; he ate of its fruits, drank of the water, and rested under its shade. When he was about to continue his journey, he said: Tree, O Tree, with what shall I bless thee? Shall I say to thee, 'May thy fruits be sweet'? They are sweet already; that thy shade be pleasant? It is already pleasant; that a stream of water may flow beneath thee? Lo, a stream of water flows already beneath thee; therefore [I say], 'May it be [God's] will that all the shoots taken from thee

(1) Jer. II, 13.

(2) Ibid. v. 10-11.

(3) I Sam. VIII, 1.

(4) M.K. 28a.

(5) I Sam. XV, 11.

(6) Ps. XCIX, 6.

(7) Saying that he died young on account of his sins.

(8) I Sam. XXII, 6.

(9) Gibeah being in Benjamin while Ramah is in Ephraim.

(10) V. Seder 'Olam XIII.

(11) Hos. VI, 5.

(12) Jer. XXX, 10.

(13) Cf. Josh. II. According to Meg. 15a, she was a very beautiful woman. The thought of her physical beauty may lead one to harbour impure thoughts.

(14) Lit., 'her name'. [The words in brackets are bracketed also in the original, and left out in many edd.]

Talmud - Mas. Ta'anith 6a

be like unto thee'. So also with you. With what shall I bless you? With [the knowledge of the Torah?] You already possess [knowledge of the Torah]. With riches? You have riches already. With children? You have children already. Hence [I say], 'May it be [God's] will that your offspring be like unto you'.

Our Rabbis have taught: ['Former rain is termed] 'yoreh',¹ because it warns² people to plaster their roofs and to gather in their fruits and to attend to all their needs.³ Another explanation: It saturates⁴ the ground and waters it right down to its depths, as it is said, Watering her ridges abundantly, settling down the furrows thereof, thou makest her soft with showers; thou blessest the growth thereof.⁵ Another explanation: [It is termed] 'yoreh' because it comes down⁶ gently and not heavily. Or perhaps [it is termed] 'yoreh' because it causes the fruit to fall⁷ and it washes away the seed, and the trees? The text [therefore] adds 'malkosh' ['latter rain'];⁸ just as latter rain is a blessing, so too is former rain. Or perhaps [it is termed] 'malkosh',⁹ because It razes the houses to the ground and it shatters the trees and brings up the crickets? The text [therefore] adds 'yoreh'; just as former rain is a blessing so too is latter rain. How do we know that 'yoreh' itself is a blessing? — For it is written, Be glad then ye children of Zion, and rejoice in the Lord your God; for He giveth you the former rain [moreh] in just measure and He causeth to come down for you the rain, the former rain and the latter rain, at the first.¹⁰

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan and latter rain in Nisan; perhaps it is otherwise, former rain in Tishri and latter rain in Iyar? The text [therefore] adds, in its due season.¹¹ R. Nehilai b. Idi said in the name of Samuel: [‘Latter rain’ is termed] ‘malkosh’ because it is a thing that removes the stiff-neckedness of Israel.¹² The school of R. Ishmael taught: It is something that fills the stalks with grain.¹³ In a Baraitha it has been taught: [It is] something which falls both upon the ears and upon the stalks.¹⁴

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan; perhaps, on Kislev? The text [therefore] adds, ‘in its due season, former rain and latter rain, as latter rain is that which comes in due season (since should Nisan pass and no rain fall, it is not a sign of blessing)¹⁵ so too former is that which comes in due season.

Another [Baraitha] teaches: Former rain [falls] in Marcheshvan and latter rain in Nisan; this is the opinion of R. Meir; but the Sages say: Former rain [falls] in Kislev. Who are the Sages? R. Hisda replied: It is R. Jose. For it has been taught: Which is the first rainfall?¹⁶ The early [rain] falls on the third of Marcheshvan, the intermediate on the seventh, the late on the seventeenth; this is the opinion of R. Meir. R. Judah says: On the seventh, on the seventeenth, and on the twenty-third. R. Jose says: On the seventeenth, on the twenty-third and on the first of Kislev. And likewise R. Jose used to say: The individuals do not begin to fast until the first day of Kislev. R. Hisda said: The halachah is according to the opinion of R. Jose.

Amemar reported R. Hisda's statement in the following version: On the third day of Marcheshvan we pray for rain; Rabban Gamaliel says, On the seventh of the month. R. Hisda said: The halachah is according to Rabban Gamaliel. In accordance with whose view then is the following which has been taught: R. Simeon b. Gamaliel says: If rain falls on seven days in succession you may consider it as the combination of the first, the second [or the second] and the third rainfall?¹⁷ — It is in accordance with the opinion of R. Jose.¹⁸ R. Hisda said: The halachah is according to R. Jose. The reason for giving a date for the first rainfall is evident seeing that from that date we begin to pray for rain; likewise the date of the third rainfall is given because from that date we begin to fast; but what may be the reason for giving the date of the second rainfall?—R. Zera replied: It has to do with Vows. For we have learnt:

(1) The reference is to Deut. XI, 14.

(2) Lit., ‘teaches’. connecting יורה with the root ירה, to teach.

(3) In preparation of the Winter.

(4) Connecting יורה with the root רוה, to saturate.

(5) Ps. LXV, 11.

(6) Connecting יורה with the root ירד to descend.

(7) Connecting יורה with the root ירה to throw.

(8) Deut. XI, 14.

(9) According to Rashi מלקוש is connected with לקש (cf. Amos VII, 1) which he takes to mean, grasshopper.

(10) Joel II, 23.

(11) Deut. XI, 14.

(12) דבר שמל קשיותיהן של ישראל

(13) שממלא תבואה בקשיה

(14) דבר שיורד על המלילות ועל הקשין

(15) [The words in brackets which appear bracketed also in the original seem irrelevant here. They are more appropriate in the preceding paragraph after the words, ‘In its due season’ where in point of fact they so occur in some edd.]

(16) רביעה ראשונה. The yoreh (former rain) consists of three rainfalls, each being termed rebi'ah; when each is due is the point at issue in the discussion that follows. The word ‘first’ is accordingly difficult and is omitted by R. Hananel and MSS. of the Tosef. Ta'an. I from where the passage is quoted.]

(17) [The words in square brackets are supplied from MS.M.; v. also Tosef. loc. cit.]

(18) [According to R. Jose each rainfall is due within seven days of the other].

Talmud - Mas. Ta'anith 6b

If one interdicts himself by a vow [from the enjoyment of anything] until the rainy season or until rain has fallen, then his vow remains operative until the second rainfall.¹ R. Zebid said: It has to do with Olives — We have learnt: When is it permissible for any man to take of the gleanings² [of the field] and of the forgotten sheaves³ and of the corners of the field?⁴ After the nemushot have departed. When [is it permissible to take] of the grapes that have fallen off the branches and of the gleanings of the vine?⁵ After the poor have left the vineyard and have come back again. When of the olives?⁶ After the second rainfall.⁷ Who are the nemushoth?- R. Johanan said: Old People who walk on a staff⁸. Resh Lakish said: Those who glean behind the gleaners.⁹

R. Papa said: [The date of the second rainfall is necessary] so that travellers should know whether they may walk on private paths¹⁰ [across the fields]. For a Master said:¹¹ It is permissible for any one to walk on private paths until the second rainfall. R. Nahman b. Isaac said: [The date is necessary] for the disposal of the produce grown during the sabbatical year. For we have learnt: Until when is it permissible to derive benefit from the burning of straw and stubble grown in the sabbatical year? Until the second rainfall.¹² Why? Because it is written, And for thy cattle, and for the beasts that are in thy land;¹³ so long as there is food for the beast in the field you may feed your cattle in the house, but when there is no more food in the field for the beast to eat, you must withhold food that is in your house from the cattle.

R. Abbahu said: What is the meaning of rebi'ah?¹⁴ That which fructifies the ground — This is according to the teaching of Rab Judah who said: Rain is the husband of the soil, for it is written, For as the rain cometh down and the snow from heaven, and returneth not thither except it water the earth, and make it bring forth and bud.¹⁵

R. Abbahu further said: The first rainfall [to be beneficial] should be sufficient to penetrate the soil one handbreadth deep, the second should be sufficient to make of it a stopper for a cask.

R. Hisda said: When it has rained sufficient to make [of the soil] a stopper for a cask then [the curse contained in the words 'and He will shut up'¹⁶ does not apply.

R. Hisda further said: If rain came down before [the time for reciting in the Shema'], 'and He will shut up' then the curse contained in these words does not apply.¹⁷ Abaye thereupon interjected: This only holds good when the rain fell before [the time for the recital of the words,] 'and He will shut up' in the evening [Shema'], but if rain fell before [the time for their recital in] the morning [Shema'] then the curse can still be said to apply.¹⁸ For R. Judah b. Isaac said: The morning clouds have no significance, for it is written, O Ephraim, what shall I do unto thee? For your goodness is as the morning cloud, etc.¹⁹ Said R. Papa to Abaye: But people say, if it rains when the gates are opened [in the morning], 'lay down thy sack ass-driver and sleep'²⁰ — This is no contradiction. In the one case the heavens are overcast with thick clouds and the other with light clouds.²¹

Rab Judah said: Happy is the year wherein [the month of] Tebeth is widowed.²² Some say it is so because the gardens do not lie waste²³ [or, because the schools are not empty]; others say, Because the grain will not become subject to blast. Is that so? Did not R. Hisda say: Happy is the year wherein [the month of] Tebeth is muddy!²⁴ — This is no contradiction. The former is the case when rain had already fallen [in the previous months] and the latter when it had not yet fallen.

R. Hisda further said: If rain falls on some parts of the country and not on others then [the curse

contained in the words], ‘and He will shut up’ cannot be said to apply. Is that so? Is it not written, And I also have withholden the rain from you, when there were three months to the harvest: and I caused it to rain upon one city and caused it not to rain upon another city; one piece was rained upon etc.²⁵ And referring to this verse, Rab Judah said in the name of Rab: Both are a curse! — There is no contradiction. In the one case [Scripture speaks of] abnormal rain and in the other of normal rain . R. Ashi said: This can in fact be proved from the use of the word timoter in the verse, that is to say, it will be a place [flooded by] rain.²⁶ And thus [the interpretation] is proved.

R. Abbahu said: When do we [begin to] recite the benediction over rain?²⁷ When the bridegroom goes forth to meet the bride.²⁸ What benediction should one recite? — Rab Judah said in the name of Rab: ‘We give thanks unto Thee, O Lord, our God for every single drop which thou hast caused to fall upon us’. And R. Johanan concluded the benediction thus: ‘Though our mouths were full of song as the sea, and our tongues of exultation as the multitude of its waves, etc.!’ until, ‘Let not Thy mercies forsake us O Lord, our God, even as they have not forsaken us . Blessed art Thou to Whom abundant thanksgivings are due’. ‘Abundant thanksgivings’ and not ‘all the thanksgivings’? — Raba replied: Read, ‘The God to Whom thanksgivings are due’. R. Papa said: Therefore

(1) V. Ned. 62b for slight variants.

(2) Lev. XIX, 9.

(3) Deut. XXIV, 19.

(4) Lev. XIX, 9.

(5) Lev. XIX, 10.

(6) Deut. XXIV, 20.

(7) Pe'ah VIII, 1.

(8) These walk slowly and usually leave nothing behind them.

(9) The poor who come for the second gleanings.

(10) **שבילי הרשות** Lit., (a) ‘paths of permission’, i.e., paths which the court has sanctioned for the use of the public (Rashi); (b) ‘paths of (private) property’, R. Gershon.]

(11) B.K. 81a. Till then no injury can be done to the seeds sown.

(12) Sheb. IX, 7.

(13) Lev. XXV, 7.

(14) V. supra p. 20 n. 7.

(15) Isa. LV, 10.

(16) Deut. XI, 17.

(17) Although there most of the rain required has not yet fallen.

(18) Since they did not fall during the day they are not beneficial.

(19) Hos. VI, 4.

(20) Rain will continue to fall and there will be plenty of supplies available and consequently the prices will fall.

(21) Such have no significance.

(22) I.e., without rain. Cf. supra the statement of Rab Judah, Rain is the husband of the soil.

(23) As there is no rain people are able to attend undisturbed to the cultivation of the soil. **תרביצא**, a garden. The word is also applied figuratively to mean, School or College Assembly. As the roads are in good condition the scholars are able to attend the lectures at the School Assembly.

(24) Heavy rains fall.

(25) Amos IV, 7.

(26) **תמטר** rendered as if the word were made up of the three words, **מטר** **מקום** **מטר**.

(27) Cf. Ber. 54a.

(28) When the accumulated rain-water rebounds to meet every additional drop of rain as it falls.

Talmud - Mas. Ta'anith 7a

we should say both ‘the God to Whom thanksgivings are due’ and ‘to Whom abundant thanksgivings

are due'.

R. Abbahu said: The day when rain fails is greater than [the day of] the Revival of the Dead, for the Revival of the Dead is for the righteous only whereas rain is both for the righteous and for the wicked. And he differs from the opinion of R. Joseph who said: As [rain] is equal to the Revival of the Dead the mention of it has therefore been inserted in the section of the Revival of the Dead.¹

Rab Judah said: The day when rain falls is as great as the day when the Torah was given, as it is said, My doctrine shall drop as the rain:² and by 'doctrine' surely, Torah is meant as it is said, For I give you good doctrine, forsake ye not my Torah.³ Raba said: It is even greater than the day when the Torah was given, as it is said, My doctrine shall drop as the rain.⁴ Who is dependent upon whom? You must needs say, the lesser upon the greater.⁵

Raba pointed out a contradiction. It is written 'My doctrine shall drop as the rain', and immediately on this follows, My speech shall distil as dew.⁶ [The implication here is]. if the scholar is a worthy person then he is like unto dew, but if he is not then drop him like rain.⁷

It has been taught in a Baraita: R. Banna'ah used to say: Whosoever occupies himself with the Torah for its own sake his learning becomes an elixir of life to him, for it is said, It is a tree of life to them that grasp it;⁸ and it is further said, It shall be as health to thy navel;⁹ and it is also said, For whoso findeth me findeth life.¹⁰ But, whosoever occupies himself with the Torah not for its own sake, it becomes to him a deadly poison, as it is said, My doctrine shall drop as the rain, and 'arifa surely means, death, as it is said, And they shall break [we'arfu] the heifer's neck there in the valley.¹¹

R. Jeremiah said to R. Zera: Pray, Master, come and teach. The latter replied: I do not feel well enough¹² and am not able to do so. [Then said R. Jeremiah] Pray, Master, expound something of an aggadic character, and he replied: Thus said R. Johanan: What is the meaning of the verse, For is the tree of the field man?¹³ Is then man the tree of the field? [This can only be explained if we connect the verse with the words immediately before it] where it is written, For thou mayest eat of them, but thou shalt not cut them down; but then again it is written, 'It thou shalt destroy and cut down'?¹⁴ How is this to be explained?-If the scholar is a worthy person learn [eat] from him and do not shun [cut] him, but if he is not destroy him and cut him down.

R. Hama b. Hanina said: What is the meaning of the verse, Iron sharpneth iron? -¹⁵ This is to teach you that just as in the case of one [iron] iron sharpeneth the other so also do two scholars sharpen each others mind by halachah.

Rabbah b. Hanah said: Why are the words of the Torah likened to fire, as it is said, Is not my word like as fire? saith the Lord?¹⁶ This is to teach you that just as fire does not ignite of itself so too the words of the Torah do not endure with him who studies alone. This is in agreement with what R. Jose b. Hanina said: What is the meaning of the verse, A sword is upon the lonely,¹⁷ and they shall become fools?¹⁸ This means, destruction comes upon the enemies¹⁹ of such scholars who confine themselves to private study; and what is even more they become stultified, as it is said, And they shall become fools; and what is more they are guilty of sin. For here it is written, And they shall become fools, and there it is written, For that we have done foolishly and for that we have sinned.²⁰ If you wish, you can infer it from the following verse, The princes of Zoan are become fools . . . they have caused Egypt to go astray.²¹

R. Nahman b. Isaac said: Why are the words of the Torah likened to a tree, as it is said, It is a tree of life to them that grasp it? This is to teach you. just as a small tree may set on fire a bigger tree so too it is with scholars, the younger sharpen the minds of the older. This will be in agreement with

what R. Hanina said: I have learnt much from my teachers, and from my colleagues more than from my teachers, but from my disciples more than from them all.

R. Hanina b. Papa pointed out a contradiction . It is written, Unto him that is thirsty bring ye water;²² and it is also written Ho, everyone that thirsteth come ye for water.²³ If he is a worthy disciple, then, ‘Unto him that is thirsty bring ye water’, but if he is not, then, ‘Ho, everyone that thirsteth come ye for water’.

R. Hanina b. Hama pointed out a contradiction. It is written, Let thy springs be dispersed abroad,²⁴ and it is also written, Let them be only thine own!²⁵ If he is a worthy disciple. ‘Let thy springs be dispersed abroad,’²⁶ but if not, ‘Let them be thine own’.

R. Hanina b. Ida said: Why are the words of the Torah likened unto water-as it is written, ‘Ho, everyone that thirsteth, come ye for water’? This is to teach you, just as water flows from a higher level to a lower, so too the words of the Torah endure only with him who is meekminded. R. Oshaia said: Why are the words of the Torah likened unto these three liquids, water, wine and milk — as it is written, ‘Ho, everyone that thirsteth come ye for water’; and it is written, Come ye, buy and eat; yea, come buy wine and milk without money, and without price?²⁷ This is to teach you, just as these three liquids can only be preserved in the most inferior of vessels, so too the words of the Torah endure only with him who is meekminded. This is illustrated by the story of the daughter of the Roman Emperor²⁸ who addressed R. Joshua b. Hanania, ‘O glorious Wisdom in an ugly vessel’. He replied, ‘Does not your father keep wine in an earthenware vessel?’ She asked, ‘Wherein else shall he keep it?’ He said to her, ‘You who are nobles should keep it in vessels of gold and silver’. Thereupon she went and told this to her father and he had the wine put into vessels of gold and silver and it became sour. When he was informed of this he asked his daughter, ‘Who gave you this advice?’ She replied. ‘R. Joshua b. Hanania’ — Thereupon the Emperor had him summoned before him and asked him, ‘Why did you give her such advice?’ He replied, ‘I answered her according to the way that she spoke to me’. But are there not good-looking people who are learned?

(1) V. supra 2a.

(2) Deut. XXXII, 2.

(3) Prov. IV, 2.

(4) E. V. ‘my teaching’. Deut. XXXII, 2.

(5) Hence the Torah, which is compared to rain, is the less important.

(6) Deut. XXXII, 2.

(7) עורפהו from the root ערף, to break the neck, to destroy; cf. Ex. XIII, 13. Hos. X, 11. Drop him with all your might just as the heavy rains coming down with force on the crops crush them.

(8) Prov. III, 18.

(9) Ibid. v. 8.

(10) Prov. VIII, 35.

(11) Deut. XXI, 4.

(12) Lit., ‘my heart is faint’.

(13) Deut. XX, 19.

(14) Ibid. v. 20.

(15) Prov. XXVII, 17.

(16) Jer. XXIII, 29.

(17) בדים from בוד to be alone. E.V. ‘boasters’.

(18) Jer. L, 36.

(19) A euphemism for the scholars themselves.

(20) Num. XII, 11.

(21) Isa. XIX, 13.

(22) Isa. XXI, 14.

- (23) Isa. LV, 1.
(24) Prov.V, 16.
(25) Ibid. v. 17.
(26) Reveal the secrets of the Torah unto him.
(27) Isa. LV, 1.
(28) Hadrian.

Talmud - Mas. Ta'anith 7b

— If these very people were ugly they would be still more learned.¹ Another explanation: Just as these three liquids can become unfit for consumption only through inattention,² so too the words of the Torah are forgotten only through inattention.

R. Hania b. Hanina said: The day when rain falls is as great as the day on which heaven and earth were created, as it is said, Drop down, ye heavens from above, and let the skies pour down righteousness: let the earth open, that they may bring forth salvation, and let her cause righteousness to spring up together; I the Lord have created it.³ It is not said, 'I created them', but I have created it.⁴

R. Oshaia said: The day when rain falls is great for on it even salvation springs forth and waxes great, as it is said, 'Let the earth open, that they may bring forth salvation'.

R. Tanhum b. Hanilai said, No rain falls unless the sins of Israel have been forgiven, as it is said, Lord, Thou hast been favourable unto Thy land, Thou hast turned the Captivity of Jacob. Thou hast forgiven the iniquity of Thy people, Thou hast pardoned all their sins. Selah.⁵ Ze'iri of Dahabath⁶ said to Rabina: You have learnt it from this verse, but we have learnt from the following verse, Then hear Thou in heaven and forgive the sin etc.⁷

R. Tanhum the son of R. Hiyya of Kefar Acco⁸ said: Rain is withheld only when the enemies of Israel⁹ have merited destruction as it is said, Drought and heat consume the snow waters; so doth the nether world those that have sinned.¹⁰ Ze'iri of Dahabath said to Rabina: You have learnt from this verse, but we have learnt it from the following verse, And He will shut up the heaven . . . and ye perish quickly.¹¹

R. Hisda said: Rain is withheld only because of the neglect to bring heave-offerings and tithes, as it is said, Drought and heat¹² consume the snow waters. How is this derived from the verse? — In the school of R. Ishmael it was taught: Because you have not performed in the summer the things I have commanded you, you shall be denied snow waters in the winter.

R. Simeon b. Pazzi said: Rain is withheld only because of those who talk slander, as it is said, The north wind bringeth forth rain, and a backbiting tongue an angry countenance.¹³

R. Salla said in the name of R. Hamnuna: Rain is withheld only because of the insolent, as it is said, Therefore the showers have been withheld, and there hath been no latter rain; yet thou hadst a harlot's forehead etc.¹⁴

R. Salla further said in the name of R. Hamnuna: Any man who is insolent stumbles in the end into sin, for it is said, 'Thou hadst a harlot's forehead'. R. Nahman said: It is evident that he [actually] stumbled into sin, for it is said 'Thou hadst' and not, 'thou wilt have'. Rabbah the son of R. Huna said: It is permissible to call 'wicked' any one who is insolent, as it is said, A wicked man hardeneth his face.¹⁵ R. Nahman the son of R. Isaac said: One may even hate him, as it is said, And the boldness of his face is changed.¹⁶ Do not read yeshuneh [changed] but yesuneh [hated].

R. Kaltina said: Rain is withheld only because of the neglect of the Torah, as it is said, By slothfulness the rafters sank in [yimak].¹⁷ Because of the sloth displayed by Israel in not occupying themselves with the Torah the enemy of the Holy One, blessed be He,¹⁸ becomes Poor. Mak, actually means, poor, as it is said, But if he be too poor [mak] for thy valuation.¹⁹ Mekoreh actually denotes God, as it is said, Who layest [ha-mekoreh] the beams of Thine upper chambers in the waters.²⁰ R. Joseph derived it from the following verse, And how men see not the light which is bright in the skies; but the wind passeth and cleanseth them.²¹ And 'light' surely means Torah, as it is said, For the commandment is a lamp and the teaching [Torah] is light.²² 'Which is bright in the skies': [With reference to this] it was taught In the school of R. Ishmael: Even when the heavens are full of white spotted clouds ready to cause dew and rain to fall a wind passes and cleanses them.²³

R. Ammi said: Rain is withheld only because of the sin of violent robbery, as it is said, He covereth His hands with the lightning;²⁴ that is to say, for the sin [of violent robbery committed by] their hands He covereth the light. And 'hands' surely signifies, violent robbery, as it is said, And from the violence that is in their hands,²⁵ and 'light' Surely [stands for] rain, as it is said, He spreadeth abroad the cloud of His lightning.²⁶ What is then his remedy? — Let a man make many prayers, as it is said, And giveth it a charge that it strike the mark [be-mafgi'ah],²⁷ and pegi'ah is prayer, as it is said, Therefore pray not thou for this people . . . neither make intercession [tifga'] to me.²⁸

R. Ammi further said: What is the meaning of the verse, If the iron be blunt, and one do not whet the edge?²⁹ If you see the sky hard as iron so that neither dew nor rain fall, this is to be attributed to the deeds of the generation which are corrupt, as it is said, And one do not whet the edge. What then shall be their remedy? Let them make many prayers [for mercy], as it is said, Then must he put to more strength; but wisdom is profitable to direct.³⁰ [The latter words indicate,] how much more [efficacious their prayer would prove] if their deeds had originally been righteous.³¹

Resh Lakish said: If you see a student

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- (1) They would be meek and devote themselves even more to their studies.
 - (2) If one neglects to cover them.
 - (3) Isa. XLV, 8.
 - (4) Thus referring to the rain.
 - (5) Ps. LXXXV, 2, 3.
 - (6) Place not identified. Rashi reads: Said Mar Ze'iri to Rabina.
 - (7) I Kings VIII, 36.
 - (8) [Caphare Accho in lower Galilee; v. Hildesheimer, Beitrage, p. 81.]
 - (9) A euphemism for Israel themselves.
 - (10) Job XXIV, 19.
 - (11) Deut. XI, 17.
 - (12) צִיָּה drought, is here connected with צוּה to command and חוֹם heat, taken to mean, summer. With the completion of the harvest heave-offerings tithes have to be brought.
 - (13) Prov. XXV, 23
 - (14) Jer. III, 3.
 - (15) Prov. XXI, 29.
 - (16) Eccl. VIII, 1.
 - (17) Ibid. X, 18.
 - (18) A euphemism for God Himself. God is unable (lit., 'too poor') to send rain because Israel do not merit it.
 - (19) Lev. XXVII, 8.
 - (20) Ps. CIV, 3.
 - (21) Job XXXVII, 21.

(22) Prov. VI, 23.

(23) Because of their disregard of the Torah which is compared to light, the wind disperses the clouds that were bringing the rain.

(24) Job. XXXVI, 32.

(25) Jonah III, 8.

(26) Job XXXVII, 11. [The meaning then of the verse is: On account of hands (violence). He covers the lightning (withholds rain).]

(27) Job XXXVI, 32.

(28) Jer. VII, 16. All interplay upon the word פגע meaning both to strike and to intercede. [Var. lec. omit: 'What is then his remedy? . . . to me' which passage is apparently an intrusion from infra p. 31. V. D.S. It is a well established Talmudic teaching that no amends can be made for robbery by prayer alone; this must be accompanied by restitution, v. infra 16a and Yoma 85b.]

(29) Eccl. X, 10. R. Ammi recalling the words ונתתי את שמיכם כברזל in Lev. XXVI, 19 endeavours to find an allusion in ברזל in the verse quoted. to the hardness of the heavens. He takes the negative לא as לו 'to it', 'of it' and interprets the word קלקל 'to whet', in the later Hebrew sense of, 'to be corrupt', thus rendering the face of it (of the generation) is corrupt.

(30) Eccl. X, 10.

(31) הכשיר from the root כשר to be proper. Cf. Esth. VIII, 5.

Talmud - Mas. Ta'anith 8a

to whom his studies are as hard as iron,¹ it is because he has failed to systematize his studies, as it is said, And one do not whet the edge.² What is his remedy? Let him attend the school even more regularly, as it is said, Then must he put to more strength; but wisdom is profitable to direct. [The latter words indicate] how much more profitable would his efforts be if he had originally systematized his studies. Thus for example, Resh Lakish made it his practice to repeat in systematic order his studies forty times corresponding to the forty days³ during which the Torah was given, and only then would he come before R. Johanan. R. Adda b. Abbahu made it his practice to repeat in systematic order his studies twenty-four times corresponding to the [twenty-four books⁴ which embody] the Torah, the Prophets and the Hagiographa, and only then would he come before Raba.

Raba said: If you see a student who finds his studies as hard as iron, it is because his teacher does not encourage him,⁵ as it is said, 'and one do not whet the edge'.⁶ What is his remedy? Let him seek many companions [to intercede for him with his teacher], as it is said. 'Then must he put to more strength; but wisdom is profitable to direct.' [The latter words indicate,] how much more successful he would have been had his efforts originally found favour with his teacher.

R. Ammi further said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage?⁷ If you see a generation over whom the heavens are rust coloured⁸ like copper so that neither dew nor rain falls, it is because that generation is wanting in men who pray softly.⁹ What then is their remedy? Let them go to one skilled in the art of praying softly, as it is written, The noise thereof telleth concerning it.¹⁰ 'Then the charmer hath no advantage' [means]: 'As to him who is skilled in the art of praying softly and does not do so what benefit has he?'¹¹ But if he has prayed softly and was not answered, what is his remedy? Let him go to the most pious man of that generation that he may intercede abundantly for him, as it is said, And giveth it a charge that it strike the mark [be-mafgia'h]. and striking the mark [pegi'ah] is prayer, as it is said, Therefore pray not thou for this people, neither lift up cry nor prayer for them, neither make intercession [tifga'] to Me.¹² But if he did pray softly and proved successful and on account of this he becomes overproud he thereby brings divine displeasure upon the world, as it is said, The cattle also concerning the storm that cometh up.¹³

Raba said: Two scholars who reside in the same city but are intolerant of each other in matters of

halachah provoke anger and bring it upon themselves, as it is said, The cattle also concerning the storm that cometh up.¹⁴

Resh Lakish said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage? In the Messianic age all animals will assemble and come to the serpent and say to him, ‘The lion claws [his victim] and devours him, the wolf tears him and devours him, but as for thee what benefit dost thou derive? His reply will be, The charmer hath no advantage.¹⁵

R. Ammi said: A man's prayer is only answered if he takes his heart into his hand,¹⁶ as it is said, Let us lift up our heart with our hands.¹⁷ [But it is not so. Surely]¹⁸ Samuel appointed an amora¹⁹ to act for him and his exposition ran thus: But they beguiled Him with their mouth, and lied unto Him with their tongue. For their heart was not steadfast with Him, neither were they faithful in His covenant; and yet, But He being full of compassion, forgiveth iniquity etc.²⁰ — This is no contradiction. The one refers to the individual, and the other to the community.²¹

R. Ammi said: Rain falls only for the sake of Men of Faith,²² as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven.²³

R. Ammi further said: Come and see how great the Men of Faith are as is evidenced from the episode of the Weasel²⁴ and the Well. If this is the case with one who trusts in the Weasel and the Well how much more so if one trusts in the Holy One blessed be He!

R. Johanan said: He who leads a righteous life [on earth below]²⁵ is judged strictly [in heaven] above, as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven. R. Hiyya b. Abin in the name of R. Huna [adduced this lesson] from this verse, And Thy wrath according to the fear that is due unto Thee.²⁶ Resh Lakish said: [It may be adduced] from this verse, Thou didst take away him that joyfully worked righteousness, those that remembered Thee in Thy ways — behold Thou wast wroth, and we sinned-upon them have we stayed of old, that we might be saved.²⁷

R. Joshua b. Levi said: He who joyfully bears the chastisements that befall him brings salvation to the world as it is said, ‘Upon them have we stayed of old, that we might be saved’.

Resh Lakish said: What is the meaning of the verse, And He will shut up the heaven?²⁸ — When the heavens are shut up so that neither dew nor rain falls it is like to a woman who is in labour but who cannot give birth. This is in keeping with what Resh Lakish said in the name of Bar Kappara: ‘Withholding’ is applied to rain, and ‘withholding’ is applied to a woman;

(1) He cannot grasp what he learns.

(2) Taking קלקל as a reduplication of קל light, clear. I.e., he did not make it clear unto himself: פנים the meaning of a passage in the Torah, cf. Aboth III, 11,

(3) Ex. XXXIV, 28.

(4) On the twenty-four books of the Bible v. Blau, Zur Einleitung in die heilige Schrift, pp. 6ff.

(5) Does not show him a cheerful countenance. Cf. Aboth 1, 15 בסבר פנים יפות.

(6) [Taking קלקל in the sense of ‘corrupting’ to make unpleasant. He showed a displeasing countenance to him.]

(7) Eccl. X, 11.

(8) Taking נשך to bite, in the Aramaic sense of שתך to become rusty coloured; נחש shortened for נחשת copper. The heavens are, so to speak, covered with a deposit of copper-rust and this prevents rain and dew from falling.

(9) לחש to charm, is also used in the sense of, to whisper. and then to pray. The Tefillah (v. Glos.) was recited in silence.

(10) Job XXXVI, 33. Connecting רע noise, from root רוע to shout, with רע friend from root רעה to associate

with. The context in Job deals with rain.

(11) He himself suffers with others from the drought that follows.

(12) V. supra p. 30, n. 3. [MS.M omits: 'But if he has prayed . . . to me'.]

(13) Job XXXVI, 33- The verse is generally interpreted, that the cattle through their greater sensitiveness to atmospheric conditions feel in advance the coming of the storm. The Gemara reads **מקנה** (for **מקנה** of the Massoretic Text) in the sense of, acquire, and it takes **אף** to be a noun meaning anger; and **עולה** exalted or elated (with pride). The meaning of the verse according to this interpretation would be: He brings upon the world divine displeasure who is overbearing with pride because his prayer was answered.

(14) Raba takes **מקנה**=...**התקנא ב** to provoke; **אף** as previously, and **על יעולה**= that cometh up.

(15) Heb. **בעל הלשון** lit., 'the man of tongue'; figuratively, the slanderer. The allusion here is to the tempting of Eve, Gen. III.

(16) He feels deeply what he prays.

(17) Lam. III, 41.

(18) So Bomberg ed. and inserted in cur. edd. in square brackets, p. 33 n. 1.

(19) Same as Meturgeman. V. supra p. 12, n. 4.

(20) Ps. LXXVIII, 36-38. [MS.M. adds: 'Do these (verses) not contradict one another'. This reading makes unnecessary the insertion noted on p. 32, n. 7. V. Marginal Glosses.]

(21) The prayers of a community are accepted even if they do not come up to the higher standard set by R. Ammi.

(22) Trustworthy men, honest in business. Cf. Prov. XXVIII, 20 **איש אמונות**.

(23) Ps. LXXXV, 12. R. Ammi takes the verse to mean: When there is truth on earth righteousness symbolizing rain, (cf. Isa. XLV, 8) looketh down from heaven.

(24) An allusion to the story of a young man who extracted a promise of marriage from a maiden who had fallen into a well, if he rescued her. The well and a passing weasel were made witnesses to the undertaking and avenged subsequently the maiden for the young man's breach of promise. V. Rashi and Tosaf. a.l. and Aruch s.v. **חלד**.

(25) The greater the man the more strictly he is judged for his actions. R. Johanan takes **צדק** in the sense of strict justice **דין**.

(26) Ps. XC, 11.

(27) Isa. LXIV,4.

(28) Deut. XI, 17.

Talmud - Mas. Ta'anith 8b

'withholding' is applied to a woman, as it is said, For the Lord had fast closed up all the wombs;¹ and 'withholding' is applied to rain, as it is written, 'And He will shut up the heaven.' 'Bearing' is applied to a woman, and 'bearing' is applied to rain; 'bearing' is applied to a woman, as it is written, And she conceived and bore a son;² and 'bearing' is applied to rain, as it is written, And make it bear³ and bud.⁴ 'Remembering' is applied to a woman and 'remembering' is applied to rain; 'remembering' is applied to a woman, as it is written, And the Lord remembered Sarah;⁵ and 'remembering' is applied to rain, as it is written, Thou hast remembered the earth, and watered her, greatly enriching her, with the river of God that is full of water.⁶ What is the meaning of, 'With the river of God that is full of water'? — A Tanna taught: There is in heaven a kind of chamber from which the rain issues.

R. Samuel b. Nahmani said: What is the meaning of the verse, Whether it be for correction, or for His earth, or for mercy, that He cause it to come?⁷ If the rain is 'for correction,' [then it falls] upon the mountains and upon the hills; if it is 'for mercy', He causes it to come upon His earth, upon the fields and upon the vineyards;⁸ if it is 'for correction', upon the trees; if it is upon His earth, upon the seeds [in the ground]; if it is 'for mercy', He causes it to come for cisterns, pits and caves.

In the days of R. Samuel b. Nahmani there was a famine and pestilence. People asked, What shall we do? Shall we pray for [the removal] of the two? That is not possible. Let us then pray for [the removal of] the pestilence and we will endure the famine. Thereupon R. Samuel b. Nahmani said to

them: Let us rather pray [for the removal of] the famine, because when the All-Merciful gives plenty, He gives it for the living, as it is said, Thou openest Thy hand, and satisfiest every living thing with favour.⁹ How do we know that it is not fitting to pray for two things [at the same time]? — Because it is written, So we fasted and besought our God for this.¹⁰ ‘This’ would indicate that there were other things to pray for. In the West [Palestine] it was reported in the name of R. Haggai that it could be adduced from this verse, That they might ask mercy of the God of heaven concerning this secret.¹¹ ‘This would indicate that there were other things too [to pray for]. In the days of R. Zera there was a religious persecution and fasting was also prohibited. R. Zera said to his colleagues: Let us now resolve to fast and when the decree is rescinded we will observe these fasts. His colleagues asked him: What is your authority for this? He replied: Because it is written, Then said he unto me, ‘Fear not, Daniel, for from the first day when thou didst set thy heart to understand, and to humble thyself before thy God, thy words were heard’.¹²

R. Isaac said: If rain falls on the eve of Sabbath then though the years be [years of drought] as in the days of Elijah¹³ it is yet none-the-less but a sign of [divine] anger.¹⁴ This is in agreement with the statement of Rabbah b. Shila who said: The day when rain falls is as hard [to bear]¹⁵ as a day of Judgment.¹⁶ Amemar said: Were it not that mankind must have rain we would pray and have it cease.

R. Isaac further said: Sunshine on the Sabbath is an act of kindness towards the poor, as it is said, But unto you that fear My name shall the sun of righteousness arise with healing in its wings.¹⁷

R. Isaac further said: The day when rain falls is great for thereon even the peruta¹⁸ in one's purse is blessed, as it is said, To give the rain of Thy land in its season, and to bless all the work of thy hands.¹⁹

R. Isaac further said: Blessing is only possible in things hidden from sight, as it is said, The Lord will command the blessing with thee in thy barns.²⁰ In the school of R. Ishmael it was taught: Blessing is only possible in things not under the direct control of the eye, as it is said, ‘The Lord will command the blessing with thee in thy barns.’

Our Rabbis have taught: On entering the barn to measure the new grain one shall recite the benediction, ‘May it be Thy will O Lord, our God, that Thou mayest send blessing upon the work of our hands’. Once he has begun to measure he says, ‘Blessed be He who sends blessing into this heap’. If, however, he first measured the grain and then recited the benediction then his prayer is in vain, because blessing is not to be found in anything that has been already weighed or measured or numbered, but only in a thing hidden from sight.

(Mnemonic: Gathering of Armies, Charity, Tithes, Sustenance.)

R. Johanan said: The day on which rain falls is as great as the day of the Gathering of exiled [Israel,] as it is said, Turn our captivity: O Lord, as the streams in the dry land.²¹ By ‘streams’ rain is meant, as it is said, And the channels of the sea appeared.²²

R. Johanan further said: The day when rain falls is great, for thereon even warring armies cease [fighting], as it is said, Watering her ridges abundantly, settling down the furrows thereof.²³

R. Johanan further said: Rain is withheld only on account of those who subscribe to charity in public and fail to pay, as it is said, As vapours and wind without rain, so is he that boasteth himself of a false gift²⁴

R. Johanan further said: What is the meaning of the verse

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- (1) Gen. XX, 18.
 (2) Ibid. XXX, 23.
 (3) E.V. bring forth.
 (4) Isa. LV, 10.
 (5) Gen. XXI, 1.
 (6) Ps. LXV, 10.
 (7) Job XXXVII, 13.
 (8) [The text from this point to the end of the passage is in disorder and omitted in MS.M.]
 (9) Ps. CXLV, 16.
 (10) Ezra VIII, 23.
 (11) Dan. II, 18.
 (12) Dan. X, 12. The good intention was acceptable as a good deed.
 (13) Cf. 1 Kings XVII, 7ff
 (14) Because the rain prevents the people from making the necessary preparations for Sabbath.
 (15) Owing to the inconvenience and discomfort to which people are put.
 (16) Mondays and Thursdays when the Beth din met and the people could have their cases tried (Rashi).
 (17) Mal. III, 20. You that fear my name, I.e., those who keep the Sabbath. On the Sabbath the poor have the time and leisure to enjoy the sunshine.
 (18) Smallest coin. The word is used for money in general.
 (19) Deut. XXVIII, 12.
 (20) Deut. XXVIII, 8. R. Isaac connects the Hebrew word באסמיה with סמא to hide, conceal.
 (21) Ps. CXXXVI, 4.
 (22) II Sam. XXII, 16. The same word אפיקים is used in both verses.
 (23) Ps. LXV, n. 'Watering ridges' implies rain. גדות 'furrows' has also the meaning of, 'army'.
 (24) Prov. XXV, 14. Both act deceitfully and disappoint.

Talmud - Mas. Ta'anith 9a

, Thou shalt surely tithe?¹ Give tithes that you may be enriched.² R. Johanan met the young son³ of Resh Lakish and said to him, 'Recite to me the Bible verse [you have learnt to-day]. The latter replied, 'Thou shalt surely tithe', at the same time asking, 'What may be the meaning of these words?' R. Johanan answered, 'Give tithes that you may be enriched'. The boy then asked, 'Whence do you adduce this?' R. Johanan replied: 'Go test it [for yourself]'. The boy thereupon asked: Is it permissible to try the Holy One, blessed be He, seeing that it is written, Ye shall not try the Lord?⁴ -R. Johanan replied: Thus said R. Oshaia: The case of tithe-giving is excepted [from the prohibition], as it is said, Bring ye the whole tithe unto the storehouse, that there may be food in My house, and try Me now herewith, saith the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall be more than sufficiency.⁵ (What is the meaning [of the words], 'That there shall be more than sufficiency?' — R. Rami b. Hama said in the name of Rab: Until your lips grow weary from saying, 'It is enough'.) The boy thereupon exclaimed, Had I reached this verse [in my Bible studies] I should need neither you nor R. Oshaia, your teacher. On another occasion R. Johanan met the young son of Resh Lakish sitting and reciting the verse, The foolishness of man perverteth his way; and his heart fretteth against the Lord.⁶ R. Johanan thereupon⁷ exclaimed in amazement: Is there anything written in the Hagiographa to which allusion cannot be found in the Torah? The boy replied: Is then this verse not alluded to in the Torah, seeing that it is written, And their heart failed them, and they turned trembling one to another, saying: 'What is this that God hath done unto us?'⁸ R. Johanan lifted up his eyes and stared at him, whereupon the boy's mother came and took him away, Saying to him, 'Go away from him, lest he do unto you as he did unto your father'.⁹

R. Johanan further said: Rain may fall even for the sake of an individual but sustenance [is

granted] only for the sake of the many. [That] rain [may fall] for the sake of even one man may be learnt from the verse where it is written, The Lord will open unto thee his good treasure, the heaven to give the rain of thy land;¹⁰ sustenance for the sake of the many, as it is written, Behold I will cause to rain bread for you.¹¹

An objection was raised: R. Jose the son of R. Judah says: Three good leaders had arisen for Israel, namely. Moses, Aaron and Miriam, and for their sake three good things were conferred [upon Israel], namely, the Well,¹² the Pillar of Cloud and the Manna; the Well, for the merit of Miriam; the Pillar of Cloud for the merit of Aaron; the Manna for the merit of Moses. When Miriam died the well disappeared, as it is said, And Miriam died there,¹³ and immediately follows [the verse], And there was no water for the congregation; and it returned for the merit of the [latter] two. When Aaron died the clouds of glory disappeared, as it is written, And the Canaanite, the king of Arad heard.¹⁴ What news did he hear? He heard that Aaron had died, and that the clouds of glory had disappeared; he thought that he was free to make war on Israel. Therefore it is written, And all the congregation saw that Aaron was dead.¹⁵ With reference to which R. Abahu said: Do not read, 'they saw' [wayir-u] but 'they were seen' [wayyero-u].¹⁶ This is also in accordance with the view of Resh Lakish who said: [The word] ki may be used in four different senses, namely, 'if' 'perhaps'. 'but', 'because'.¹⁷ The two [the Well and the Cloud] returned because of the merit of Moses, but when Moses died all of them disappeared, as it is said, And I cut off the three shepherds in one month.¹⁸ Did they then all [three] die in one month? Did not Miriam die in Nisan, Aaron in Ab and Moses in Adar? This therefore is meant to teach you that the three good gifts which were given because of their merit were nullified and they all disappeared in one month. Thus we find that sustenance¹⁹ may be granted for the sake of one individual! — The case of Moses is exceptional; as he prayed on behalf of the many, he himself is regarded as a multitude.

R. Hunah b. Manoah and R. Samuel b. Idi and R. Hiyya of Wastanya²⁰ were wont to attend the discourses of Raba. When Raba died they came to those of R. Papa and whenever he expounded to them a law which did not appeal to them they winked at one another, and thus hurt him greatly.

(1) עשר תעשר Deut. XIV, 22.

(2) A play upon the words תע,ר to give tithes, and תע,ר to grow rich.

(3) The boy was a nephew of R. Johanan, being the son of his sister.

(4) Deut. VI, 16.

(5) Mal. III, 10.

(6) Prov. XIX, 3.

(7) [So MS.M. Cur. ed. Insert 'sat'.]

(8) Gen. XLII, 28. First they sold their brother and then they complained at the punishment meted out to them by God.

(9) In B.M. 84a it is related that R. Johanan was the cause of R. Lakish's untimely death.

(10) Deut. XXVIII, 12.

(11) Ex. XVI, 4.

(12) A rock that accompanied the Israelites throughout their wanderings in the wilderness. Cf. Shab. 35a.

(13) Num. XX, 1.

(14) Ibid. XXI, 1.

(15) Ibid. XX, 29.

(16) With the disappearance of the Pillar of Cloud Israel became visible and exposed to the enemy.

(17) 'Ki' here on the reading of R. Abbahu is rendered 'because'.

(18) Zech. XI, 8.

(19) I.e., the manna.

(20) [Astunia, near Pumbeditha, v. Obermeyer, p. 229.]

In a dream he was made to recite the verse, 'And I cut off the three shepherds'. When next day these disciples took leave of him he said to them, Go in peace.¹

R. Shimi b. Ashi was wont to frequent [the discourses] of R. Papa and used to annoy him, very much with questions. One day he observed that R. Papa fell on his face² [in prayer] and he heard him saying. 'May God preserve me from the insolence of Shimi'. The latter thereupon vowed silence and annoyed him no more [with questions].

Resh Lakish too held the view that rain may fall even for the sake of an individual, for Resh Lakish said: Whence do we adduce that rain may fall even for the sake of an individual? Because it is written, Ask ye of the Lord rain in the time of the latter rain, even of the Lord that maketh lightnings, and He will give them showers of rain, to every one grass in the field.³ You might have thought, only when all need [it]. therefore Scripture says. 'to everyone'. Further, it has been taught: Had Scripture said, 'to everyone' [only] you might have thought [rain would fall] only when one needs it for all his fields, therefore Scripture adds, 'field'. Had the word 'field' [been used] you might have thought only when the whole field needs [rain] Scripture therefore adds, 'grass'. This is borne out by the case of Daniel b. Kattina who had a garden which he was in the habit of inspecting daily and he would exclaim, 'This bed needs water and that one does not'; and rain would fall on those beds that needed water.

What is the meaning of the verse, 'Even the Lord that maketh hazizim [lightnings]? — R. Jose son of R. Hanina said: This teaches that God provides a haziz for each righteous man. What are hazizim? Rab Judah said: Porehoth.⁴ R. Johanan said: Porehoth are a sign of [coming] rain. What are porehoth? — R. Papa said: A thin cloud under a thick cloud. Rab Judah said: Should fine rain come down before the heavy rain then the rain will continue for some time; should it follow a heavy downpour of rain then the rain will soon cease. If before the rain, the rain will continue, of this the sieve serves as a reminder; if after a heavy rain, the rain will cease, of this goats' excrement serves as a reminder.⁵

'Ulla chanced to be in Babylon and observing light clouds [porehoth] he exclaimed, 'Remove the vessels for rain is now coming'. No rain however fell and he exclaimed, As the Babylonians are false, so too is their rain.

'Ulla chanced to be in Babylon and observing that a basketful of dates was being sold for a zuz⁶ he exclaimed, 'A basketful of honey for a zuz and yet the Babylonians do not occupy themselves with the study of the Torah'. During the night he was in agony [from eating the dates] and he then exclaimed, 'A basketful of knives for a zuz and yet the Babylonians occupy themselves with the study of the Torah.

It has been taught: R. Eliezer said: The whole world draws its water supply from the waters of the ocean, as it is said, But there went up a mist from the earth and watered the whole of the ground.⁷ Thereupon R. Joshua said to him: But are not the waters of the ocean salty? He replied: They are sweetened by the clouds. R. Joshua said: The whole world drinks from the upper waters, as it is said, And drinketh water as the rain of heaven cometh down.⁸ If so, what is the force of the verse, 'But there went up a mist from the earth'? This teaches that the clouds grow in strength as they rise towards the firmament and then open their mouth as a flask and catch the rain water, as it is said, Which distil rain from His vapour,⁹ they are perforated like a sieve and they slowly distil [mehashroth] waters on the ground. as it is said, Distilling [hashroth] of waters, thick clouds of the skies;¹⁰ there is but one hand-breadth space between one drop and another, in order to teach you that the day on which rain falls is as great as the day whereon heaven and earth were created, as it is said, Who doeth great things past finding out;¹¹ and it is written, Who giveth rain upon the earth;¹² and it is also written, Hast thou not known? hast thou not heard that the everlasting God, the Lord . . . His

discernment is past finding out?¹³

Whose view is supported by the verse, Who waterest the mountains from Thine upper chambers,¹⁴ which R. Johanan interprets to mean the upper chambers of the Almighty? Whose view? — It is that of R. Joshua. And R. Eliezer's¹⁵ view?—As [the waters] ultimately find their way above [Scripture] aptly terms them, 'from Thine upper chambers'¹⁴ For if it were not so, how will you explain, Powder and dust from heaven?¹⁶ What you must [say is] that as these rise upwards [from the ground] the words, 'from heaven' are quite aptly applied to them. Likewise as the waters eventually find their way above Scripture aptly refers to them as, from Thine upper chambers'. Whose view supports R. Hanina who said this, He gathereth the waters of the sea together as a heap; He layeth up the deeps in storehouses,¹⁷ [as meaning,] Who caused the storehouses to be filled with grain? The deeps—the view of R. Eliezer. And what of R. Joshua's [view]?¹⁸ — That [verse] refers to Creation of the world.

(1) בשלמא 'Go in peace' was addressed to the dead while to the living the greeting was לשלמא 'Go to peace'. Cf. Ber. 64a. R. Papa. by his greeting, implied that the disciples would not survive long. [MSM. however reads לשלם 'to peace'. R. Papa then in using this formula expressed the wish that the implications of the dream would not be fulfilled.]

(2) He recited the prayer known as the Tahanun. V. P. B. p. 62

(3) Zech. X, 1.

(4) [Transpose with MS.M. R. Johanan's statement after that of R. Papa which follows.]

(5) The fine flour comes first from a sieve then the heavier parts; contrariwise the goat first discharges with force then relaxes.

(6) Zuz = a denar=about a quarter of a silver shekel.

(7) Gen. II, 6.

(8) Deut. XI, 11.

(9) Job XXXVI,27.

(10) II Sam. XXII, 12. E.V. 'Gathering waters etc. '.

(11) Job V, 9.

(12) Ibid. v. 10.

(13) Isa. XL, 28.

(14) Ps. CIV, 13.

(15) How does he explain this verse?

(16) Deut. XXVIII, 24.

(17) Ps. XXXIII, 7.

(18) How does he explain this verse?

Talmud - Mas. Ta'anith 10a

Our Rabbis have taught: Palestine was created first and then the rest of the world, as it is said, While as yet He had not made the earth, nor the fields.¹ Palestine is watered by the Holy One, blessed be He, and the rest of the world is watered by a messenger, as it is said, Who giveth rain upon the earth, and sendeth waters upon the fields.² Palestine is watered by the rain and the rest of the world is watered by the residue,³ as it is said, 'Who giveth rain upon the earth, etc'.⁴ Palestine is watered first and then the rest of the world, as it is said, 'Who giveth rain upon the earth, etc'. This may be compared to a man making cheese; he removes first what is edible and discards the refuse.

The Master said: '[The waters of the ocean] are sweetened by the clouds' — Whence does he learn this? R. Isaac b. Joseph said in the name of R. Johanan: It is written, Darkness of waters, thick clouds of the skies,⁵ and it is also written, Distilling of waters, thick clouds of the skies,⁶ take away the kaf and add it to the [word written with] resh and read haksharath.⁷ As for R. Joshua what use does he make of these verses? — He is of the opinion that these verses are the basis for the statement

made by R. Dimi when he came [to Babylon] and he reported that in Palestine people say, If the clouds are bright they contain little water, but if they are dark they contain much water.⁸ In keeping with whose view is the teaching which has been taught: The upper waters remain suspended by Divine command, and their fruit is the rain-water, as it is said, The earth is full of the fruit of Thy works?⁹ This is according to R. Joshua. And as for R. Eliezer?-[He is of the opinion] that this [verse] refers to the other handiwork of God.

R. Joshua b. Levi said: The whole world is watered by the residue of the Garden of Eden, as it is said, And a river went out of Eden, etc.¹⁰ A Tanna taught: The residue of a kor¹¹ is enough to irrigate a tarkab.¹²

Our Rabbis taught: Egypt is four hundred parasangs by four hundred, and it is one sixtieth of the size of Ethiopia; Ethiopia is one sixtieth of the world, and the world is one sixtieth of the Garden [of Eden].¹³ and the Garden is one sixteenth of Eden, and Eden is one sixtieth of Gehenna;¹⁴ thus the whole world compared with the Gehenna is but as a lid to the pot. Some say that Gehenna has no limit in size; others say that Eden is without limit. R. Oshaia said: What is the meaning of the verse, O thou that dwellest upon many waters, abundant in treasures?¹⁵ What has brought it about that Babylon's treasures are full of corn? Because it dwells by many waters.¹⁶ Rab said: Babylon is rich because it harvests without rain. Abaye said: We have a tradition, Better is a flooded land than an arid land.

MISHNAH. ON THE THIRD OF MARCHESHVAN WE [BEGIN TO] PRAY FOR RAIN. R. GAMALIEL SAYS: ON THE SEVENTH, [THAT IS.] FIFTEEN DAYS AFTER THE FEAST SO THAT THE LAST ISRAELITE¹⁷ MAY REACH THE RIVER EUPHRATES.

GEMARA. R. Eleazar said: The halachah is according to R. Gamaliel. It has been taught: Hananiah says: In the Diaspora¹⁸ [we do not begin to pray] until the sixtieth day after the [Tishri] cycle.¹⁹ R. Huna b. Hiyya said in the name of Samuel: The halachah is according to Hananiah. Is it really so? Was not a question asked of Samuel: When do we begin to make mention [of the words] 'and give dew and rain'? and he replied, 'When wood is brought into the house of Tabut,²⁰ the fowler'? — Perhaps the two time limits are identical. A question was asked in the school: Is the sixtieth day counted with those that precede it or with those that follow it?²¹ -Come and hear:²² Rab said: The sixtieth day is counted with those that follow it; and Samuel said: With those that precede it.²³ R. Nahman said: The mnemonic for this is, the highlands need water, but the lowlands do not.²⁴ R. Papa said: The halachah is that the sixtieth day is counted with those that follow it.²⁵

MISHNAH. IF THE SEVENTEENTH OF MARCHESHVAN CAME AND NO RAIN FELL THE YEHDIM²⁶ [INDIVIDUALS] BEGIN TO FAST THREE FASTS; THEY MAY EAT AND DRINK AFTER IT GETS DARK²⁷ [AND ON THESE FASTS] IT IS PERMISSIBLE FOR THEM TO DO WORK, TO BATHE, TO ANOINT THEMSELVES WITH OIL, TO WEAR SHOES, AND TO HAVE

of Tabernacles may reach home without being inconvenienced by the rain. **MARITAL RELATIONS. IF THE NEW MOON OF KISLEV CAME AND NO RAIN FELL THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FASTS; [ON THESE] THEY MAY EAT AND DRINK WHILST IT IS STILL DARK AND IT IS PERMISSIBLE TO DO WORK, TO BATHE, TO ANOINT ONESELF WITH OIL, TO WEAR SHOES, AND TO HAVE MARITAL RELATIONS.**

GEMARA. Who are the yehidim? R. Huna said: The rabbis. R. Huna further said: The yehidim fast three fasts, [that is to say, on] Monday, Thursday and Monday. What new fact does he teach us? Has it not already been taught to us:²⁸ No fast is ordained upon the community to begin on a

Thursday in order to prevent a rise in food prices.²⁹ Hence the order of the first three fasts must be, Monday, Thursday, Monday? You might have thought that this applies only to public fasts but not to those of individuals therefore he teaches us [that it applies] equally to those of individuals. The same has been taught us elsewhere: When the yehidim begin to fast they fast on Monday, Thursday and Monday, and they interrupt³⁰ their fasts on New Moon

(1) Prov. VIII, 26.

(2) Job V, 10. ארץ taken to mean ארץ ישראל Palestine, and חוצות from חוץ (outside, field) the rest of the world (חוץ לארץ).

(3) [MS.M. adds, of Palestine.]

(4) [The order of the last two sentences should be reversed with MS.M.]

(5) Ps. XVIII, 12.

(6) In the parallel psalm. II Sam. XXII, 12.

(7) By the manipulation of the letters in the words השכת and השרת in the verses cited the word הכשרת is obtained, meaning 'making fit', i.e., drinkable. The meaning is the clouds make the waters drinkable. The additional change of ה to ח involved is quite common in Semitic languages.

(8) [This popular proverb is alluded to in the verse cited from Psalms, 'Darkness of waters — thick clouds of skies', R. Joshua being of the opinion that השכיו is not a variant of השרת.]

(9) Ps. CIV, 13.

(10) Gen. II, 10. The continuation of the verse is, 'and from thence it was parted and became four heads'.

(11) A dry measure = 30 se'ahs. Cf. II Kings VII, 16.

(12) Tarkab, Gk. ***=3 kabs= one half se'ah. With the residue of water used for watering a space sown with a kab seed one can water a space sown with a tarkab.

(13) If the world is one sixteenth of the Garden of Eden, then it can be seen from the previous statement that the residue of the Garden of Eden is sufficient to water the whole world.

(14) [Var. lec. omit 'and the Garden . . . of Eden' which words are difficult to explain.]

(15) Jer. LI, 13.

(16) Being a low-lying country it is well irrigated and consequently it needs but little rain.

(17) Who comes on pilgrimage to Jerusalem on the feast

(18) In the first instance applied to Babylonia.

(19) The year was divided into four cycles (v. Glos. s.v. Tekufah), Tishri, Tebeth, Nisan and Tammuz. Here the Tishri Tekufah is meant—the Autumnal Equinox.

(20) A sign that the rainy season was about to set in.

(21) Exclusive or inclusive.

(22) [Omitted in MS.M.]

(23) [R. Hananel and Aruch reverse the opinions of Rab and Samuel.]

(24) Rab came from Palestine which is mountainous and so needed more rain, while Samuel came from Babylonia which was well irrigated and therefore needed less rain. [R. Hananel and Aruch (v. n. 6): Samuel's place was Nehardea which was situated higher and consequently in greater need of rain at an earlier period than Sura, the place of Rab.]

(25) And the words 'give dew and rain' are said earlier.

(26) Distinguished persons.

(27) On the night preceding the fast, the fast beginning only with dawn.

(28) V. infra 15b.

(29) Thursday being a market day, they would purchase food for the breaking of their fast and also for the Sabbath and consequently the abnormal demand for food would tend to make the prices soar.

(30) Should any such festive day coincide with their fast days.

Talmud - Mas. Ta'anith 10b

and on such festive days as are enumerated in the Scroll of Fasts.¹

The Rabbis have taught: Let not a man say, 'I am but a disciple and I am therefore not worthy to

consider myself a yahid', since all Disciples of the Wise are accounted yehidim. Who is a yahid? And who is a disciple? A yahid is one worthy to be appointed Leader of the Community; a disciple is one who is asked any question of halachah connected with his studies and can answer it — even though it is on a subject dealt with in the Tractate Kallah.² Our Rabbis have taught: Not everyone desirous to consider himself a yahid may do so;³ a disciple however may do so; this is the opinion of R. Meir. R. Jose says: Anyone may do so, and may he be remembered for good, because it is not an advantage to him but a hardship. Another [Baraitha] teaches: Not everyone desirous to consider himself a yahid may do so; a disciple however may do so; this is the opinion of R. Simeon son of R. Eliezer. R. Simeon b. Gamaliel says: This only applies to things which are to his distinction⁴ but in things which cause him hardship any one may do so and may he be remembered for good, because it is not an advantage to him but a hardship.

Our Rabbis have taught: If one fasted on account of some visitation and it passed, or for a sick person and he recovered, he should nevertheless complete his fast. If one journeys from a place where they do not fast to a place where they do, he should fast with them; from a place where they do fast to a place where they do not, he should nevertheless complete his fast. If he forgot and ate and drank let him not make it patent in public nor may he indulge in delicacies, as it is written, And Jacob said to his sons: Why should you show yourself?⁵ Jacob conveyed thereby to his sons' 'When you are fully sated do not show yourselves either before Esau or before Ishmael that they should not envy you'. See that ye fall not out by the way. R. Eleazar said: Joseph said to his brethren, 'Do not busy yourselves with questions of law lest the road become uncertain for you [you lose the way]'.⁶ Is it really so; did not R. Elia b. Berackiah say: Two scholars who are journeying on the road and they do not discuss words of Torah merit to be devoured by fire, as it written, And it came to pass, as they still went on and talked, that behold, there appeared a chariot of fire, and horses of fire, which parted them asunder?⁷ — [They parted asunder] only because they talked [of Torah] but if they had not talked they would have merited to be devoured by fire! — There is no contradiction. The latter case speaks of repeating one's studies, and the former of cogitation.

A Tanna taught: [Joseph said to his brethren] 'Do not take big strides and bring the sun into the city'. 'Do not take big strides': For a Master said: Big strides rob a man of one five-hundredth part of his eyesight. 'And bring the sun into the city': As Rab Judah said in the name of Rab: Let a man always leave [the city by 'daylight',⁸ and enter it by 'daylight, as it is said, As soon as the morning was light, the men were sent away.⁹ Rab Judah said¹⁰ in the name of R. Hiyya: He who journeys on the road should not eat more than one eats in years of famine. Why? Here [in Babylonia] they explained the reason to be in order to prevent digestive troubles¹¹ but in Palestine they said, in order [to make] his provisions last [throughout the whole journey]. What is the difference between the two [reasons]? — The difference is

(1) Megillath Ta'anith. A chronicle enumerating thirty-five eventful days in the history of the Jewish people on which fasting is forbidden. The Scroll was written between 66-70 C.E. V. Zeitlin, Megillat Taanit.

(2) There are two explanations of the term Kallah. (a) It is the name of an apocryphal tractate of the Talmud not usually studied. (b) The term signifies the half-yearly assemblies in the Babylonian schools in Adar and Elul when a particular tractate was studied and the lecture sessions thrown open to all. V. Shab. 114a and commentaries ad loc.; J.E. VII, 423. and Kid., Sonc. ed. p. 247 n. 4.

(3) With reference to the first three fasts.

(4) Cf. Ber. 16b.

(5) Gen. XLII, 1. E. V. 'Why do you look upon one another.'

(6) [Aliter: 'Become unsafe for you'. passers-by might be irritated by your disputes.]

(7) II Kings II, 11.

(8) Cf. Gen. 1, 4. כִּי טוֹב applied by the Rabbis to the daylight.

(9) Gen. XLIV, 3.

(10) [Var. lec. insert: In the name of Rab.]

(11) Which would retard the peace of the journey

Talmud - Mas. Ta'anith 11a

apparent in the case of a man on board ship¹ or of a man journeying from one inn to another.² R. Papa ate a piece of bread at every parasang; he was therefore of the opinion that the reason is in order to prevent digestive troubles.³

Rab Judah said in the name of Rab:⁴ He who starves himself in years of famine escapes unnatural death, as it is said, In famine He will redeem thee from death.⁵ [Scripture should have said] 'from famine'. This is therefore what [Scripture] meant to convey. As a reward for starving himself in years of famine one will escape unnatural death. Resh Lakish said: A man may not have marital relations during years of famine, as it is said, And unto Joseph were born two sons before the year of famine came.⁶ A Tanna taught: Childless people may have marital relations in years of famine. Our Rabbis have taught: When Israel is in trouble and one of them separates himself from them, then the two ministering angels who accompany every man come and place their hands upon his head and say, 'So-and-so who separated himself from the community shall not behold the consolation of the community'. Another [Baraita] taught: When the community is in trouble let not a man say, 'I will go to my house and I will eat and drink and all will be well with me'. For of him who does so Scripture says, And behold joy and gladness, slaying oxen and killing sheep, eating flesh and drinking wine — 'Let us eat and drink, for to-morrow we shall die'.⁷ What follows after this [verse]? — And the Lord of Hosts revealed Himself in mine ears; surely this iniquity shall not be expiated by you till ye die. This is the conduct of the ordinary man, but what does Scripture say of the conduct of the wicked? Come ye, I will fetch wine, and we will fill ourselves with strong drink; and to-morrow shall be as this day.⁸ What follows after this [verse]? The righteous perisheth, and no man layeth it to heart . . . that the righteous is taken away from the evil to come.⁹ But rather a man should share in the distress of the community, for so we find that Moses, our teacher, shared in the distress of the community, as it is said, But Moses' hands were heavy; and they took a stone and put it under him, and he sat thereon.¹⁰ Did not then Moses have a bolster or a cushion to sit on? This is then what Moses meant [to convey], 'As Israel are in distress I too will share with them. He who shares in the distress of the community will merit to behold its consolation'.¹¹ Perhaps a man will say, 'Who is there to testify against me?' The very stones of his house and its beams testify against him, as it is written, For the stone shall cry out of the wall, and the beam out of the timber shall answer it.¹² In the school of R. Shila it was taught: The two ministering angels who accompany every man testify against him, as it is said, For He will give His angels charge over thee.¹³ R. Hidka says: A man's own soul testifies against him, as it is said, Keep the doors of thy mouth from her that lieth in thy bosom.¹⁴ And some say: A man's own limbs testify against him, as it is said, Ye are my witnesses saith the Lord.¹⁵

A God of faithfulness and without iniquity.¹⁶ 'A God of faithfulness': Just as punishment will be exacted of the wicked in the world to come even for a slight transgression which they commit, So too is punishment exacted in this world of the righteous for any slight transgression which they commit. 'And without iniquity': Just as the righteous will receive their reward in the world to come, even for the least meritorious act which they do, so too are the wicked rewarded in this world even for the least meritorious act which they do. Just and right is He:¹⁷ They [the Rabbis] said: When a man departs to his eternal home all his deeds are enumerated before him and he is told, Such and such a thing have you done, in such and such a place on that particular day. And he replies, 'Yes'. Then they say to him. 'Sign' — And he signs, as it is said, He sealeth up the hand of every man.¹⁸ And what is even more, he acknowledges the justice of the verdict and he says. 'You have judged me well', in order that the words of Scripture may be fulfilled, That thou mayest be justified when Thou speakest.¹⁹

Samuel said: Whosoever fasts [for the sake of self-affliction] is termed a sinner. He is of the same opinion as the following Tanna. For it has been taught: Eleazar ha-Kappar Berabbi²⁰ Says: What is Scripture referring to when it says [of the Nazirite] , And make atonement for him, for that he sinned by reason of the soul.²¹ Against which soul did he sin?²² [It must refer to the fact that] he denied himself wine. We can now make this inference from minor to major: If this man [Nazirite] who denied himself wine only is termed, Sinner, how much more so he who denies himself the enjoyment of ever so many things. R. Eleazar says: He is termed, Holy. as it is said, He shall be holy, he shall let the locks of the hair of his head grow long.²³ If this man [Nazirite] who denied himself wine only is termed, Holy. how much more so he who denies himself the enjoyment of ever so many things — How will then Samuel explain the verse wherein he is termed, Holy? — That refers to the locks growing long. And how will R. Eleazar explain the statement that he is termed, Sinner?—That is because he defiled himself [by contact with the dead]. But did R. Eleazar say so? Did he not say: Let a man always consider himself

(1) The former reason does not apply here, but the latter does.

(2) Lit., ‘from station to station’ where he can obtain new provisions. The latter does not apply here but the former does.

(3) [Of which he was not afraid owing to his corpulence, v. B.M. 84a.]

(4) [MS.M. adds: In the name of R. Hiyya, cf. n. 3.]

(5) Job V, 20.

(6) Gen. XLI, 50.

(7) Isa. XXII, 13.

(8) Ibid. LVI, 12.

(9) Ibid. LVII, 1.

(10) Ex. XVII, 12.

(11) [This sentence is omitted in MS.M.]

(12) Hab. II, 11.

(13) Ps. XCI, 11.

(14) Micah VII, 5. Bosom is interpreted to mean, ‘soul’.

(15) Isa. XLIII, 10.

(16) Deut. XXXII, 4.

(17) [MS.M. reverses the application of the two texts.]

(18) Job XXXVII, 7.

(19) Ps. LI, 6.

(20) Or ‘Beribi’ v. Nazir, Sonc. ed. p. 64, n. 1. J.E. s.v. Berabbi.

(21) Num. VI, 11. E.V. ‘dead’.

(22) He has sinned against his own soul.

(23) Num. VI, 5.

Talmud - Mas. Ta'anith 11b

as if the Holy One dwells within him, as it is said, The Holy One in the midst of thee, and I will not come in fury?¹ — This is no contradiction. The one speaks of him, who is able to bear self-affliction and the other of one who is not able. Resh Lakish says: He is termed, Pious, as it is said, The Pious man² weans his own soul but he that is cruel etc.³ R. Shesheth, said: The young scholar who would afflict himself by fasting let a dog devour his meal.⁴

R. Jeremiah b. Abba said: There are no public fasts⁵ in Babylonia except [the Fast of] the Ninth of Ab.⁶ R. Jeremiah b. Abba further said in the name of Resh Lakish: A scholar may not afflict himself by fasting because he lessens thereby his heavenly work.⁷

THEY MAY EAT AND DRINK AFTER IT GETS DARK etc. R. Ze'ira said in the name of R. Hanina: An individual who has undertaken to fast though he may have eaten and drunk the whole of

the [preceding] night, yet on the morrow he should recite the [special] prayer for fast days; if, however, he has continued his fast throughout the following night he may not recite the prayer for fast days [on the next day].⁸ R. Joseph asked: What view does R. Huna take? Does he take the view that one cannot [undertake a] fast for a matter of hours? Or perhaps one can undertake a fast for hours, but if one does so he should not recite the [special] prayer for fast days?⁹ — Abaye replied to him: It is quite definite R. Huna may hold the opinion that one can undertake a fast for a matter of hours and if one does so he may recite the [special] prayer for fast days, but here the case is different since he did not previously take upon himself¹⁰ [to fast]. Mar 'Ukba¹¹ chanced to come to Ganzaka¹² and he was asked: Is fasting for a matter of hours considered a fast or not? and he was unable to answer. [They then asked him] are wine-jars belonging to idolaters prohibited for use or not and he was unable to answer; [he was then asked] in which [garments] did Moses perform the service [in the Tabernacle] during the seven days of consecration¹³ and he was unable to answer. He went and inquired in the House of Learning and he was told, the law is that fasting for a matter of hours is considered a fast and we do recite the [special] prayer for fast days [if one has completed the fast].¹⁴ Further the law is that wine-jars belonging to idolaters may be used after twelve months; Moses performed the service during the seven days of consecration dressed in a white frock. R. Kahana taught: In a white frock without a border.¹⁵

R. Hisda said:

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- (1) Hosea XI, 9. R. Eleazar holds the view that the divine is ever present in man. How could then a man who fasts be called holy seeing that he humiliates God through his fasting.
- (2) E.V. 'merciful'. Resh Lakish takes **אִישׁ חַסֵּד** as denoting **חַסִּיד**.
- (3) Prov. XI, 17. Resh Lakish takes **גִּבּוֹל** in the sense of, to wean (e.g., Gen. XXI, 8). He refrains from food (Rashi). [Aliter: Resh Lakish considers the one who does not fast as pious on this view the verse is rendered: The pious man doeth good to his own soul, v. Tosaf. s.v. **גִּבּוֹל**]
- (4) He deserves to have no food on which to break his fast.
- (5) Observed with the same strictness as the fast of the ninth of Ab.
- (6) [The reference is (a) to rain fasts of which some were subject to the stringencies of the ninth of Ab (v. infra 30a). As Babylon could do with a minimum of rain (v. supra) such fasts were not decreed (v. Tosaf. s.v. **אִי**); (b) To fasts decreed for some visitation. Since there was no Sanhedrin in Babylon they were not treated as public fasts. An exception to this rule is the ninth of Ab which has been decreed for all generations by a Sanhedrin of a former age. v. Me'iri, a.I.]
- (7) He weakens himself by fasting and consequently his studies suffer.
- (8) Every fast must be explicitly undertaken on the preceding day. **קְבַלְתָּ תַעֲנִית** In the case where he merges one day's fast into another for which he has failed to make that undertaking he is not entitled to recite the **עֲנִנִי** prayer (v. P. B. p. 50) since the second day's fast in the absence of the undertaking is considered no fast and can be broken at will (Rashi).
- (9) [I.e. is R. Huna's view that a fast that has not been undertaken in the preceding day is considered no fast at all, and consequently may be broken at will, or though the fast prayer is not provided for such a fast, it is nevertheless considered a fast in so far that once begun it has to be continued to the end of the stipulated time (Rashi). For other interpretations v. R. Hananel and R. Gershom.]
- (10) [I.e., the question whether fasting by hours is considered a fast has no bearing on it. Huna's case where the individual incidentally merged one day's fast into another without at all intending the second day to be a fast. Where, however, a man vows to fast for a number of hours, the fast indeed may be considered a fast in every respect (Rashi).]
- (11) The parallel passage in A.Z. 34a has R. Akiba.
- (12) Ganzaka, identified with Shiz S.E. of Lake Urmia, N.W. Persia. V. Obermeyer. p. 10.
- (13) Lev. VIII, 33. Aaron we know did put on special priestly garments for the occasion. Cf Ex. XXIX, 29-30.
- (14) [Cf. MS.M.: 'and he who fasts by hours recites the fast prayer'; v. also A.Z. loc. cit.]
- (15) To indicate that it was for temporary ministrations only. V. Tosaf. A.Z. 34a.

Talmud - Mas. Ta'anith 12a

With reference to what you said that one may fast for a matter of hours this only applies if [the man concerned] had not tasted anything until the evening. Abaye said to him: This is then a full fast! — This speaks of a case where the fast was only an after thought.¹

R. Hisda further said: A fast over which the sun has not set cannot be deemed a fast. An objection was raised against this. The men of the Mishmar fast but do not complete [the day]. [There fasting] is merely in order to afflict themselves [in sympathy with the community].²

Come and hear: R. Eleazar b. Zadok said: I am a descendant of Sena'ah³ of the tribe of Benjamin; once the [fast of] the ninth of Ab fell on the Sabbath and we postponed it until the day after the Sabbath and we fasted but did not complete the fast because it was our festive day!⁴ — There too the fasting was merely in order to afflict themselves [in sympathy with the community].

Come and hear: R. Johanan [once] said: 'I will fast until I return home'! — There he said this merely in order to evade the hospitality of the house of the Nasi.⁵

Samuel said: A fast which one does not undertake before sunset on the previous day is not deemed to be a fast. But what if a man does observe such a fast? — Rabbah b. Shila replied: It may be compared to a pair of bellows filled with wind.⁶ At what time should one undertake such a fast? — Rab said: During the time that one may read the Afternoon Service, and Samuel said, In the course of the Afternoon Tefillah. R. Joseph said: The view of Samuel appears the more reasonable, since it is written in the Scroll of Fasts: Therefore any man who has been subject to a fast previous to this [i.e., the incidence of these festive days] should build himself⁷ [by an undertaking]. Does this not refer to an undertaking made during prayer?⁸ — No; this only denotes that he is forbidden [to break his fast because of his previous undertaking]. R. Hiyya and R. Simeon b. Rabbi differ on this question. One reads⁹ *yesar*¹⁰ ['he should bind himself by his under-taking'] and the other reads, *yeaser*¹¹ [he is forbidden, i.e., to break his fast]. The one who reads, *yesar*, justifies his view in the way we have just stated, but the one who reads, *yeaser*, what does this mean? — It has been taught in the Scroll of Fasts: Any man who is subject to a fast previous to this [incidence of these festive days] is forbidden [to break his fast]. How is this to be understood? If a man undertook to fast on Mondays and Thursdays throughout the year and any of the festive days enumerated in the Scroll of Fasts happens to fall on those days, then if his vow was made previous to our decree his vow overrides our decree, but if our decree was made before his vow then our decree overrides his vow.

Our Rabbis taught: Until when may one eat and drink [on the night preceding a fast]? Until the rise of dawn; this is the opinion of Rabbi. R. Eliezer b. Simeon says: Until cock crow. Abaye said: This only holds good where a man had not yet finished his meal, but if he had finished his meal he may not eat again.

Raba raised an objection against this: If one had completed his meal and rose from the table, he may eat further! — There it speaks of the case where he had not yet removed the [table].¹² Some say, Raba said: This holds good only when he has not gone to sleep, but if he has gone to sleep he may not eat again. Abaye raised an objection against this: If one had gone to sleep and then got up he may eat again! — There it speaks of the case where he was merely dozing. What constitutes dozing?—R. Ashi replied:

(1) R. Hisda's interpretation of fasting for a matter of hours is this. A man was too occupied for the first half of the day to have a meal and decides that he would end the day without food so as to make it constitute a fast. In such special circumstances the fast is a valid one, though the man had not explicitly undertaken it on the day previous (V. Rashi).

(2) V. Mishnah infra 15b and notes.

(3) Cf. Ezra II, 35. The Gemara reads Sena'ab.

(4) V. infra 26a.

- (5) V. Glos.
 (6) I.e., of no significance.
 (7) The text reads, יִסֵּר.
 (8) בצלו in prayer. יִסֵּר בצלו an undertaking made during the Minhah Tefillah the day previous.
 (9) In the text of the Scroll of Fasts.
 (10) יִסֵּר.
 (11) יֵאָסֵר.
 (12) The meal is not looked upon as ended.

Talmud - Mas. Ta'anith 12b

A sleep which is no sleep, a wakefulness which is no wakefulness, he answers when he is called, but cannot recall an argument; when, however, he is reminded of something he remembers it.

R. Kahana said in the name of Rab: An individual who has undertaken a fast is forbidden to wear shoes because we fear that perhaps he has undertaken a public fast.¹ How shall he declare his vow [to be able to wear shoes]?-Rabbah b. Shila said: He should make the following declaration, 'To-morrow I shall observe before Thee a private fast'. The Rabbis said to R. Shesheth: We have seen Rabbis who come to an Assembly on a fast day wearing their shoes. Thereupon he became angry and asked them, Perhaps they even eat? Abaye and Raba used to come [to the Assembly] wearing shoes² without soles. Meremar and Mar Zutra used to change the right [shoe] to the left [foot] and the left to the right.³ The scholars of the school of R. Ashi wore their shoes as usual; they were of the same opinion as Samuel who said: In Babylonia except for the Fast of the Ninth of Ab there are no public fasts.⁴

Rab Judah said in the name of Rab: One may borrow a fast and repay it [on another day]; When I repeated this [statement] before Samuel he said to me, Did he then take a vow upon himself that he must pay it?-He merely undertook to afflict himself, if he is able he afflicts himself, if not he does not do so. Some say, Rab Judah said in the name of Rab: One may borrow his fast and repay it. When I repeated this before Samuel he said to me, This is self-evident; even if it is merely a vow, would he not have to pay a vow on the next day or on a later day?

R. Joshua, the son of R. Idi chanced to be with R. Assi, and after they had prepared in his honour a three-year-old calf⁵ they said to him, 'Will the Master partake of it?' He replied. 'I am fasting'. They said to him, 'Let the Master borrow and repay [the fast later]'. Is the Master not in agreement with the view of Rab Judah, who said in the name of Rab: One may borrow a fast and repay it? — He replied: [Mine] is a fast for a [bad] dream, and Rabbah b. Mehasiah said in the name of R. Hama b. Guriah, in the name of Rab: Fasting is as efficacious for the bad dream as fire is for tow, and upon this R. Hisda commented: And [the fast must be] on the same day; and R. Joseph added: Even if [the day] is the Sabbath. What amends shall he make [for having fasted on the Sabbath]? — He should observe an additional fast.⁶

MISHNAH. IF THESE FAST DAYS PASSED AND THERE WAS NO ANSWER TO THEIR PRAYERS, THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FURTHER FASTS; [ON DAYS PRECEDING THESE FASTS] THEY MAY EAT AND DRINK [ONLY] WHILST IT IS STILL DAY, AND THEY MAY NOT [ON THESE FAST DAYS] DO WORK, NOR BATHE, NOR ANOINT THEMSELVES WITH OIL, NOR WEAR SHOES, NOR HAVE MARITAL RELATIONS; AND THE BATHS TOO ARE CLOSED. IF THESE [DAYS] PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THE BETH DIN ORDAIN UPON THE COMMUNITY A FURTHER SEVEN [FASTS]. MAKING THIRTEEN IN ALL. [IN THIS RESPECT ARE] THE LATTER MORE STRINGENT THAN THE FORMER⁷ IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. ON MONDAYS THE

SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK, BUT ON THURSDAYS THEY ARE PERMITTED⁸ [THE WHOLE DAY]⁹ IN HONOUR OF THE SABBATH. IF THESE PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THEN BUSINESS IS RESTRICTED AS ALSO IS BUILDING, PLANTING, BETROTHAL AND MARRIAGE; AND MEN GREET ONE ANOTHER AS PEOPLE LABOURING UNDER DIVINE DISPLEASURE. THE YEHDIM¹⁰ BEGIN THEIR FASTING ANEW AND CONTINUE UNTIL THE END OF NISAN; IF NISAN PASSES AND RAIN FALLS THIS IS A SIGN OF DIVINE ANGER, AS IT IS WRITTEN, IS IT NOT WHEAT HARVEST TO-DAY, etc.¹¹

GEMARA. It is reasonable that all the other restrictions [should be forbidden] because they give pleasure, but why work which is a source of pain? — R. Hisda replied in the name of R. Jeremiah b. Abba: Scripture says. Sanctify ye a fast, call a solemn assembly, gather the elders.¹² This means that [the fast day is to be treated] like a solemn assembly. Just as it is not permissible to do work on a solemn assembly it is likewise not permissible to do work on a fast day. Perhaps just as on the solemn assembly work is forbidden from the preceding evening so too on a fast day work should close on the preceding evening? — R. Zeira replied: R. Jeremiah b. Abba explained the matter to me thus: Scripture says, Gather the elders'; it is to be like a gathering of elders, as the elders foregather by day so too the fast commences on the day. Perhaps [it commences] from noon? — R. Shisha b. Idi replied: This is a support for R. Huna who said: The assembly [of the community on a fast day] takes place in the morning. How do they spend [the day]?-Abaye replied: From morning to midday they look into the affairs of the city;¹³ from then onwards they read for a quarter of the day from the Torah and the Prophets and the rest of the day [is spent] in praying for mercy, as it is said, And they stood up in their place, and read in the book of the Law of the Lord their God a fourth part of the day; and another fourth part they confessed and prostrated themselves before the Lord their God.¹⁴

(1) And therefore he must observe the fast with all the strictness of a public fast. V. supra 10a.

(2) [MS.M 'Used to wear shoes.' V. Tosaf. s.v. אָבִי.]

(3) To show that they had not forgotten that it was a fast day.

(4) V. note on supra 11 b.

(5) Another explanation is: a calf the third born of its mother.

(6) Lit., 'He should observe a fast for his fast'.

(7) [Var lec., In what respect are the latter more stringent than the former? in that on them etc.]

(8) V. Gemara.

(9) V. Mishnah text in the Gemara.

(10) V. supra p. 44, n. 9.

(11) I Sam. XII, 17.

(12) Joel I, 14.

(13) To find out if the citizens were guilty of any dishonesty or whether in the city there were men of violence (Maimonides). V. Buchler, Moses Maimonides, viii Centenary Memorial Volume, ed. by I. Epstein, pp. 13-55.

(14) Neh. IX, 3.

Talmud - Mas. Ta'anith 13a

Perhaps the order of the day is to be reversed? — This cannot possibly be so, seeing that it is written, Then were assembled unto me everyone that trembled at the words of the God of Israel, because of the faithlessness of them of the captivity etc.;¹ and then follows, And at the evening offering I arose from my fasting . . . and spread out my hands unto the Lord.²

Rafram b. Papa said in the name of R. Hisda: On any fast ordained on account of mourning, as for example the Ninth of Ab and a mourner, it is forbidden to bathe in warm or in cold water, but on any fast ordained merely to prevent indulgence in pleasure, as for example, a public fast day, bathing in

warm water is forbidden but permissible in cold water. R. Idi b. Abin said: We too have learnt: AND THE BATHS TOO ARE CLOSED? Abaye said to him: If it were forbidden to bathe even in cold water, then it should have stated, 'and the rivers are stopped up'! — R. Shisha the son of R. Idi replied: This was the difficulty which my father felt. [He argued]. Let us see: the Mishnah already states, IT IS NOT PERMISSIBLE TO BATHE, why does it add AND THE BATHS TOO ARE CLOSED? Evidently from this is to be concluded that [bathing] in warm water is forbidden but permissible in cold water.

Shall we say that the following supports [R. Hisda]: 'All those who have to take the ritual bath³ immerse in the usual way both on the Ninth of Ab and on the Day of Atonement'. In what [water is here meant]? Is it in warm [water]? Is then [ritual] immersion in warm water permissible, seeing that such water must of a necessity be drawn⁴ [and is therefore unfit for immersion]? It must therefore be in cold [water]; and yet it is only those who have to take the ritual bath who may [immerse] but others may not?⁵ — Said R. Hana b. Kattina [No:] This [passage] has special reference to the hot springs of Tiberias. If this is so how is the concluding statement to be understood? R. Hanina, the Deputy High Priest said: Our House of God merits that a man should for its sake forego an immersion once a year.⁶ Now should you say that bathing in cold water is permissible, let him then bathe in cold water! — R. Papa replied: [It speaks] of a place where cold water is not available.

Come and hear: When the Rabbis declared that it is not permissible to do work [on a public fast day] this applies only to the day but not to the night [preceding]; and when they declared that it is not permissible to wear shoes, this applies only within the city, but on the road it is permissible. How should a man act? When he sets out on a journey he puts his shoes on, but when he enters the city he removes them. And when they declared that it is not permissible to bathe they meant the whole body but he may wash his face, hands or feet. You will find that the same applies to one placed under the ban and also to the mourner. Now does not [this last statement] imply that they are subject to all [the restrictions mentioned previously]? This being so, of what [water does the Baraita] speak? Shall we say warm water? Is it then permissible [for a mourner] to wash his face, hands or feet [in warm water]? Did not R. Shesheth say: The mourner may not put even his finger into warm water? Therefore [it must speak of] cold water!⁷ — No; it refers indeed to warm water, and as for your difficulty in interpreting, 'and the same applies to one placed under the ban and also to the mourner', [you must take] this to refer only to the remaining restrictions⁸ [and not to bathing].

Come and hear: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]! — In his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor but not with scissors, in water but not in natron nor in sand.

Raba said: A mourner may bathe in cold water all the seven days in the same way as he may partake of meat and wine. An objection was raised against this:

(1) Ezra IX, 4.

(2) Ezra IX, 5.

(3) E.g. a woman after menstruation or confinement. (V. Num. XIX, 17.)

(4) Ritual immersion takes place only either in running water i.e., in a stream, or in a natural spring or in a ritual bath the waters of which are directly connected with them. To be warmed, waters would have to be 'drawn', and this is not permissible.

(5) This supports R. Hisda.

(6) On the ninth of Ab because of national mourning.

(7) [This shows that on a public fast day, as in the case of a mourner, bathing in cold water is forbidden in opposition to

R. Hisda.]

(8) I.e., working and wearing shoes.

Talmud - Mas. Ta'anith 13b

A girl who has reached adolescence¹ may not make herself unsightly during the days of mourning for her father.² This implies that a girl who has not reached adolescence may [make herself unsightly]. And in which respect [may she neglect herself]? By not bathing. [This being so], in what water? Shall I say in warm? [Then how can you say that] a girl who has not reached adolescence may not neglect herself [in this respect]? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water!³ — No; [it speaks of] painting the eyelids and dyeing the hair.

Shall we say that the following supports Raba: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]. The answer is, in his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor, but not with scissors, In water, but not in natron, nor in sand nor in aloë.

Some say. Raba said: The mourner may not [bathe] in cold water all the seven days. Why this differentiation [between bathing in cold water] and partaking of meat and wine?⁴ — Of these [the mourner] may partake in order to counteract his fear.⁵ Shall we say that support may be adduced from the following passage: A girl who has reached adolescence may not make herself un-sightly [during the days of mourning for her father]. This implies that one who has not reached adolescence may? And in what respect may she neglect herself? [By not bathing]. [This being so], in what water? Is it in warm water? Then how can you say that a girl who has reached adolescence may not neglect herself in this respect? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water! — No; it speaks of painting the eyelids and dyeing the hair. R. Hisda said this proves⁶ that a mourner is forbidden to wash his clothes throughout the seven days of mourning.⁷ The law is, a mourner is forbidden to bathe his whole body either in warm or in cold water all the seven days; his face, hands and feet he may not [wash] in warm water but in cold water he may; anointing is not permitted at all; if, however, it is to remove the dirt it is permissible.

Where is the prayer for the fast day⁸ inserted?⁹ Rab Judah brought his son R. Isaac [to the school]¹⁰ and he expounded as follows: An individual who has taken upon himself a fast should recite the prayer for the fast day. And where does he insert it? Between the benediction for 'Redemption' and the benediction for 'Healing'.¹¹ R. Isaac demurred to this [saying]: Is it proper that an individual should insert [in his prayers] a special benediction for himself? Therefore said R. Isaac: [He includes it] in the benediction 'Thou hearkenest to the prayer'.¹² And so, too, said R. Shesheth: [In the benediction] 'Thou hearkenest to the prayer'. An objection was raised [against this]: The only difference between [the Order of Prayer] of an individual on a fast day and a community is that the former recites eighteen benedictions and the latter recite nineteen. Now what is [meant by] an 'individual' and what by a 'community'? Shall we say that [by] an 'individual' [is meant] literally and [by] 'community' the Representative of the community [leading in prayer]?¹³ If so, are the benedictions [recited by the latter] nineteen? Are they not rather twenty-four?¹⁴ Therefore the [Baraita quoted] should read thus: The only difference between an individual who has undertaken a private fast and an individual who has undertaken a public fast is that the former recites eighteen [benedictions] and the latter nineteen.¹⁵ From which one may infer that an individual may insert a special benediction for himself.¹⁶ No; [by 'community' is definitely meant], the Representative of the Community and as to your difficulty, that the Representative recites twenty-four benedictions [and not nineteen]. [this refers] to the first three fasts when the twenty-four

are not [recited]. But is this so? Is it not stated that the only difference between the first three [fasts] and the middle three [fasts] is that work is permissible on the former and forbidden on the latter? Does this not imply that with regard to the recital of the twenty-four [benedictions] both are alike?—The Tanna [of the Baraitha] has stated only one [difference] and has left out [others] — What other differences has he left out besides this one?¹⁷ And further, does he not explicitly state: The only difference etc.? — The Tanna speaks only of differences with regard to things forbidden on the fast days and not [of differences with regard to] prayers. And if you like, I can say that even on the middle three fasts the twenty-four benedictions are also not recited. But is this so? Has it not been taught: ‘The only difference between the second three [fasts] and the last seven is that on the latter the alarm is sounded and the shops are closed.’ Does this not imply that in all other respects they are alike? And should you reply that here too [the Tanna] stated one difference only and left out [others], I would object on the ground that it explicitly states, ‘The only difference’! — Do you assume the expression, ‘The only difference etc.’

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- (1) **בוגרת** Twelve and a half years of age plus one day. opposed to a vrgb twelve years plus one day old.
- (2) In order not to prejudice her chances of marriage because of her unsightliness.
- (3) [And yet it is forbidden to a girl who has not reached adolescence to bathe in it during her mourning, which contradicts Raba.]
- (4) Which is permissible for the mourner.
- (5) I.e., to counteract his grief.
- (6) Which is in support of Raba. Cf. P. 59, n. 3 mutatis mutandis.
- (7) [Washing clothes is placed on a par with painting eyelids and dyeing hair (Rashi). This passage is omitted in one MS. v. D.S. a.l.]
- (8) **תפלת עננו** v. P.B. p. 50.
- (9) [This sentence is omitted in MS.B. v. D.S.]
- (10) **אדבריה** Lit., ‘to lead’. Various meanings have been given to the phrase: (a) Took him for a walk (Rashi. Bezah 29a); (b) Put the words in his mouth (R. Hananel, *ibid.*) i.e., prepared for him the exposition; (c) Gave him permission (Epstein J.N. MGWJ, LXIII, p. 258, adopted by Malter a.I.)
- (11) I.e., between the seventh and the eighth benedictions.
- (12) I.e., in the sixteenth benediction.
- (13) The Reader.
- (14) V. infra 15a.
- (15) V. supra 12b.
- (16) In opposition to R. Isaac.
- (17) Surely he would not stop short of just one item.

Talmud - Mas. Ta'anith 14a

to denote the absolute exclusion of any other differences? Has he not left out [mention of the taking out of] the Ark?¹ — [As for the taking out of the] Ark this cannot be considered an omission because [the Baraitha] enumerates only things done in private but not things done in public. R. Ashi said: This² may also be deduced from our Mishnah where it is learnt: IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER?³ IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. This would imply that in all other respects they are alike. And should you reply that here too [the Mishnah] has stated only one [difference] and left out [others]. I would object, the Mishnah explicitly states, IN WHAT RESPECT ARE THE LATTER etc.’!⁴ — Do you assume the expression, ‘IN WHAT RESPECT ARE THE LATTER etc. literally? Has he not also left out [mention of the taking out of] the Ark?— [As for the taking out of] the Ark this cannot be considered an omission because he mentions it in the next chapter. If now that you have arrived at this conclusion [the difference in respect of the recital of] the twenty-four benedictions is also no omission since he mentions it [also] in the next chapter. What is the final decision [with regard to the insertion of the special benediction for fast days]?⁵ R. Samuel b. Sasartai

said, and so too R. Hiyya b. Ashi in the name of Rab: [He inserts it] between 'Redemption' and 'Healing'. R. Ashi said in the name of R. Jannai, the son of R. Ishmael: In [the benediction] 'Who hearkenest unto prayer.

One Baraitha teaches: Pregnant women and nursing mothers fast on the first fasts but not on the last; another teaches: They fast on the last but not on the first; and yet another teaches: They fast neither on the first nor on the last! — R. Ashi said: Take it that they fast on the middle set of fasts and in this way all [three Baraithas] will be reconciled.⁶

IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER? IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. How do we sound the alarm? — Rab Judah said: By the shofar.⁷ Rab Judah the son of R. Samuel b. Shilath in the name of Rab said: By [the recital of the] 'anenu.⁸ The scholars assumed that the authority who said by the 'anenu was opposed to the sounding of the alarm by the shofar and that the one who said by the shofar was opposed to the recital of the 'anenu. But has it not been taught: No less than seven fasts are ordained upon the community upon each of which the alarm is sounded eighteen times; [as] a sign to remember this take Jericho. Now at Jericho the shofar [was used to give the alarm]. This would be a refutation of him who said: By 'anenu [only]! Hence [we must conclude] that all are agreed that the sounding of the shofar constitutes the sounding of an alarm, and that they differ only with regard to [the recital of] the 'anenu; one takes the view that it constitutes the sounding of an alarm, and the other that it does not. The authority who says that the recital of the 'anenu constitutes the sounding of an alarm [will hold] how much more so does the sounding of the shofar, but the authority who says, 'by the shofar', would exclude the recital of the 'anenu. But has it not been taught: In the case of all other visitations that break out [in the world], as for example. Itch, Locusts, Flies, Hornets, Gnats and the invasion by Snakes and Scorpions they did not sound the alarm, but they cried aloud? And as crying can only be by mouth, the sounding of the alarm must consequently be by the shofar! — This forms a subject of dispute amongst the Tannaim, for it has been learnt: In the case of these [calamities] they sound the alarm even on the Sabbath; when a city is surrounded by a ravaging troop, or is in danger of inundation by a river or when a ship is foundering on the sea, R. Jose said: [We may sound the alarm to summon] help but not for intercession! Now with what [is the alarm sounded]? Shall we say by the shofar? Is then the sounding of the shofar on the Sabbath permissible? It must therefore be by the recital of the 'anenu, and this is termed: 'Sounding the alarm'. This proves it.

In the time of R. Judah the Prince⁹ there was distress¹⁰

(1) Which was taken out during the last seven fasts but not during the intermediary, v. infra 15a.

(2) That the twenty-four benedictions are recited also during the middle three fasts.

(3) ['THE FORMER' means those immediately preceding the middle three fasts which, taken together with what follows, seems to imply that the difference is limited to the points enumerated.

(4) [Where as explained in the Gemara infra 15b it applies only to the last fast days (Rashi). R. Hananel explains differently.]

(5) I.e., by an individual (Rashi).

(6) The reconciliation of the conflicting Baraithas is arrived at in the following manner. Call the three groups of fasts A (the first three), B (the middle three) and C (the last seven). In the first Baraitha B is first with regard to C; in the second B is last with regard to A; and in the third B is the middle one.

(7) V. Glos.

(8) The fast prayer. v. P.B. p. 50.

(9) Text reads, Judah Nesi'ah. Nesi'ah, is the title by which the Patriarch Judah III (end of third century) was known.

(10) Not a drought, but some other kind of visitation.

Talmud - Mas. Ta'anith 14b

; he ordained thirteen fast days and their prayer was not answered. He thought of ordaining additional fasts but R. Ammi said to him, 'Did not [the Sages] declare we should not trouble the community unduly'. Said R. Abba the son of R. Hiyya b. Abba, 'R. Ammi [in saying this] was studying his own interests',¹ for thus did R. Hiyya b. Abba say in the name of R. Johanan: The statement [cited by R. Ammi] holds good only so far [as fasts for] rain are concerned, but in the case of other forms of visitation the fasts are continued until their prayers are answered from heaven. It has been taught to the same effect: When they [the Sages] instituted the order of fasts for [twice] three days, and then a further seven days, they intended these to be applicable only in the case of fasts for rain, but in all other forms of visitation the fasts are to be continued until their prayers are answered from heaven. Shall we say that this will be a refutation of R. Ammi? — R. Ammi can answer you: The Tannaim are divided on this question. For it has been taught: Not more than thirteen fasts are ordained upon the community because we should not trouble the community unduly; this is the opinion of Rabbi. R. Simeon b. Gamaliel says: This is not the real reason² [why no additional fasts are ordained] but it is because after these thirteen fasts the time of rainfall has gone.

The inhabitants of Nineveh³ sent to enquire of Rabbi: How should we who need rain even in the Tammuz cycle act?⁴ Are we to consider ourselves individuals and [insert the special prayer for rain] in 'Who hearkenest unto prayer'. or shall we consider ourselves a community and [insert it] in the 'Blessing of the Years'?⁵ He sent [word] back to them: Consider yourselves individuals and [insert the prayer] in, 'Who hearkenest unto prayer'. An objection was raised [against this]: R. Judah said: When did this order of fasts apply? Only at such times when the seasons of the year were normal⁶ and Israel dwelt in their own land, but to-day all depends upon the years, the countries and the seasons! He replied:⁷ You cite a Baraitha in refutation of Rabbi; Rabbi is a Tanna and has the right to differ [from a Baraitha]. What is the final decision [with regard to this matter]? — R. Nahman said: [The blessing is inserted] in the Blessing of the Years. R. Shesheth said: In 'Who hearkenest unto prayer'. The Law is [it is inserted in]. 'Who hearkenest unto prayer'.

ON MONDAYS THE SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK; BUT ON THURSDAYS THEY ARE PERMITTED⁸ THE WHOLE DAY IN HONOUR OF THE SABBATH. The question was raised: How did [the Mishnah] teach? Was it that on Mondays the shutters are opened a little when it gets dark and on Thursdays they are opened [a little] during the whole day in honour of the Sabbath, or perhaps, that on Mondays they are open a little and on Thursdays they are open wide for the whole day? — Come and hear: It has been taught: On Mondays they are opened slightly till the evening and on Thursdays they remain wide open the whole day in honour of the Sabbath; should there be two doors then one is kept open and the other remains closed; should there be a stand⁹ in front of the door he may open [the door] in the usual way without any compunction.

IF THESE 'PASSED WITHOUT THEIR PRAYER BEING ANSWERED THEN BUSINESS DEALINGS ARE RESTRICTED AS WELL AS BUILDING AND PLANTING. It has been taught: By BUILDING [is to be understood] building for joyous purposes, and by PLANTING planting for joyous purposes. What is 'building' for joyous purposes? — Building a house for the marriage-feast of one's own son. What is 'planting' for joyous purposes? When one erects a royal banqueting hall.¹⁰

AND GREETING. Our Rabbis taught: Scholars do not greet one another at all; the greetings of the ignorant are reciprocated in an undertone in a solemn manner; people are seated covered in mourner's fashion and like those placed under the ban, and like men labouring under Divine displeasure, until mercy is shown to them from heaven.

R. Eleazar said: A prominent man should not fall upon his face¹¹ unless he is confident that he will be answered like Joshua. as it is said, And the Lord said unto Joshua. 'Get thee up; wherefore

now art thou fallen upon thy face?’¹² R. Eleazar further said: A prominent man should not put on sackcloth unless he is confident that he will be answered like Jehoram, the Son of Ahab, as it is said, And it came to pass, when the king heard the words of the woman, that he rent his clothes — now he was passing by upon the wall — and the people looked, and, behold, he had sackcloth within upon his flesh, etc.¹³

R. Eleazar further said: Not everyone [is answered] through rending his garments nor is everyone [answered] through falling [on his face]. Moses and Aaron [were answered] through falling [on the face], Joshua and Caleb through rending [their] garments. Moses and Aaron through falling [on the face]; for it is written, Then Moses and Aaron fell on their faces.¹⁴ Joshua and Caleb through rending [their] garments, for it is written, And Joshua the son of Num and Caleb ... rent their clothes.¹⁵ R. Ze'ira and some say, R. Samuel b. Nahmani demurred to this. Had it been written [in the verse] ‘Joshua’. it would be as you say, but seeing that the verse reads ‘And Joshua’, they may have done both.¹⁶

R. Eleazar further said: Not all [will in the Messianic era] rise [before Israel], nor will all prostrate themselves; kings will rise and princes prostrate themselves; ‘Kings will rise’, for it is written, Thus saith the Lord, the Redeemer of Israel, his Holy One

(1) Because he did not wish to fast.

(2) Lit., ‘not of the same denomination’. Cf. Shebu. 3b.

(3) [Identified by Klein, S. (JQR. N. S. II, p. 551) with Nawa north of the Gaulan in Transjordan. The climatic conditions of the country and the stony nature of the territory rendered it necessary for them to have rain even in the summer season.]

(4) Heb. Tekufah, v. Glos.

(5) V. P.B. p. 47.

(6) I.e., divided according to the work regularly done in the fields—sowing in Marcheshvan and reaping in Nisan.

(7) [To be omitted with MS.M.]

(8) V. supra p. 55. n. 3.

(9) The stand obscures the door and it is not easily visible whether it is open or closed.

(10) For his son's wedding.

(11) Recite the Tahanum. v. P.B. p. 57.

(12) Josh. VII, 10; v. Meg., Sonc. ed. p. 137ff and notes.

(13) II Kings VI, 30.

(14) Num. Xlv, 5.

(15) Ibid. v. 6.

(16) The ‘waw’ (‘and’) connects it with the previous verse and conveys the meaning that Joshua and Caleb both rent their garments in the same way as they both fell on their faces.

Talmud - Mas. Ta'anith 15a

to him who is despised of men, to him who is abhorred of nations, to a servant of rulers; kings shall see and arise;¹ ‘and princes will prostrate themselves,’ for it is written, Princes and they shall prostrate themselves. R. Ze'ira and some say R. Samuel b. Nahmani demurred to this. Had it been written in the verse, ‘And princes shall prostrate themselves’, it would be as you say, but seeing that the verse reads, ‘Princes and they shall prostrate themselves,’ they will perhaps do both.

R. Nahman b. Isaac declared: I say furthermore, Not all are destined to share in the light nor all in the gladness. Light shall be for the righteous and gladness for the upright. ‘Light for the righteous’, for it is written, Light is sown for the righteous;² And gladness for the upright’. for it is written, And gladness for the upright in heart.²

CHAPTER II

MISHNAH. WHAT IS THE ORDER [OF SERVICE] FOR FAST DAYS?³ THE ARK IS TAKEN OUT TO THE OPEN SPACE⁴ OF THE CITY, WOOD ASHES ARE PLACED ON THE ARK, ON THE HEAD OF THE NASI⁵ AND ON THE HEAD OF THE AB-BETH-DIN.⁶ EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD; THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION [TO REPENTANCE] THUS, OUR BRETHREN, SCRIPTURE DOES NOT SAY OF THE PEOPLE OF NINEVEH, AND GOD SAW THEIR SACKCLOTH AND THEIR FASTING, BUT, AND GOD SAW THEIR WORKS, THAT THEY TURNED FROM THEIR EVIL WAY;⁷ AND IN THE PROPHETS IT IS SAID, AND REND YOUR HEART AND NOT YOUR GARMENTS.⁸ WHEN THEY STAND UP TO PRAY THEY PLACE [AS READER] BEFORE THE ARK AN OLD MAN CONVERSANT [WITH THE PRAYERS], WHO HAS CHILDREN AND WHOSE HOUSE IS EMPTY [OF FOOD], SO THAT HIS HEART IS CONCENTRATED ON HIS PRAYER; HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY, TO WHICH HE ADDS SIX AS FOLLOWS, ZIKRONOTH,⁹ SHOFAROTH,¹⁰ AND [THESE PSALMS]: IN MY DISTRESS I CALLED UNTO THE LORD;¹¹ I WILL LIFT UP MINE EYES UNTO THE MOUNTAINS ETC.;¹² OUT OF THE DEPTHS HAVE I CALLED THEE, O LORD;¹³ A PRAYER OF THE AFFLICTED WHEN HE FAINTETH.¹⁴ R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH, BUT INSTEAD HE SHOULD RECITE THE FOLLOWING SCRIPTURAL, PASSAGES, IF THERE BE IN THE LAND FAMINE, IF THERE BE PESTILENCE;¹⁵ THE WORD OF THE LORD THAT CAME TO JEREMIAH CONCERNING THE DROUGHTS;¹⁶ AND HE ENDS EACH [OF THE ADDITIONAL SIX] SECTIONS WITH ITS APPROPRIATE CONCLUDING BENEDICTION. THE FIRST HE CONCLUDES WITH, 'HE WHO ANSWERED ABRAHAM ON MT. MORIAH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REDEEMEST ISRAEL. THE SECOND HE CONCLUDES WITH, 'HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REMEMBEREST ALL FORGOTTEN THINGS. THE THIRD HE CONCLUDES WITH, HE WHO ANSWERED JOSHUA IN GILGAL, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEAREST THE TRUMPET BLAST. THE FOURTH HE CONCLUDES WITH, 'HE WHO ANSWERED SAMUEL IN MIZPAH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEARKENEST TO CRIES. THE FIFTH HE CONCLUDES WITH, 'HE WHO ANSWERED ELIJAH ON MT. CARMEL, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEARKENEST UNTO PRAYER. THE SIXTH HE CONCLUDES WITH, 'HE WHO ANSWERED JONAH IN THE BELLY OF THE FISH, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO ANSWEREST IN TIME OF TROUBLE. THE SEVENTH¹⁷ HE CONCLUDES WITH, 'HE WHO ANSWERED DAVID AND SOLOMON HIS SON IN JERUSALEM, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HAST MERCY UPON THE LAND. IT HAPPENED

(1) Isa. XLIX, 7.

(2) Ps. XCVII, 11.

(3) For rain.

(4) According to Krauss (Syn. Alt. pp. 140-1) it was an open space in front of the synagogue.

(5) Head of the Great Sanhedrin in Jerusalem.

(6) Lit., 'Father of the Beth din', generally taken to denote the Vice-President of the Great Sanhedrin and next in dignity to the Nasi. V. Hor., Sonc. ed. p. 101, n. 6.

(7) Jonah III, 10.

(8) Joel II, 13.

(9) Lit., 'remembrances'. The term is applied to the second section of the Musaf for the New Year which consists of scriptural verses describing the mindfulness of God for man. The section ends with the prayer that God may show his mindfulness of Israel in their present calamity. Cf. R.H. 32a.

(10) Lit., 'trumpets'. The term applied to the third section of the musaf of Rosh Hashanah consisting of scriptural verses which speak of God proclaiming in thunder-notes a message to the world and especially to Israel. The section concludes with the prayer for the great trumpet to be sounded heralding the redemption of Israel. Cf. R.H. 32a.

(11) Ps. CXX.

(12) Ps. CXXI.

(13) Ps. CXXX.

(14) Ps. CII.

(15) I Kings VIII, 37-41.

(16) Jer. XIV, 1-10.

(17) V. Gemara.

Talmud - Mas. Ta'anith 15b

IN THE DAYS OF R. HALAFTA AND R. HANINA B. TRADYON THAT A MAN STEPPED BEFORE THE ARK AND COMPLETED THE ENTIRE BENEDICTION AND THEY DID NOT RESPOND, 'AMEN'.¹ [THE SYNAGOGUE ATTENDANT CALLED OUT], SOUND A TEKI'AH, PRIESTS, SOUND A TEKI'AH.² [THEN THE READER EXCLAIMED], HE WHO ANSWERED ABRAHAM OUR FATHER ON MT. MORIAH, HE SHALL ANSWER YOU, AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. [THE SYNAGOGUE ATTENDANT CONTINUED], SOUND A TERU'AH,³ CHILDREN OF AARON, SOUND A TERU'AH. [THEN THE READER EXCLAIMED], HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. AND WHEN THE MATTER CAME UP BEFORE THE WISE, THEY DECLARED, THIS⁴ WAS OUR ORDER OF PROCEDURE ONLY AT THE EASTERN GATES AND ON THE TEMPLE MOUNT.⁵

ON THE FIRST THREE [RAIN]⁶ FASTS THE MEN OF THE MISHMAR⁷ FAST BUT DO NOT COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB⁸ DO NOT FAST AT ALL. ON THE SECOND THREE [RAIN FASTS]⁹ THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST; ON THE LAST SEVEN⁹ BOTH FAST AND COMPLETE THEIR FAST; THIS IS THE OPINION OF R. JOSHUA. THE SAGES, HOWEVER, SAY: ON THE FIRST THREE FASTS NEITHER FAST AT ALL, ON THE SECOND THREE, THE MEN OF THE MISHMAR FAST AND DO NOT COMPLETE THEIR FAST; BUT THE MEN OF THE BETH-AB DO NOT FAST AT ALL; ON THE LAST SEVEN, THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST.

THE MEN OF THE MISHMAR ARE PERMITTED TO DRINK WINE IN THE EVENINGS BUT NOT DURING THE DAY,¹⁰ BUT THE MEN OF THE BETH-AB MAY NOT [DRINK WINE] EITHER ON THE DAY OR ON THE PRECEDING EVENING. BOTH THE MEN OF THE MISHMAR AND THE MEN OF THE MA'AMAD¹¹ MAY NOT CUT THEIR HAIR NOR WASH THEIR CLOTHES, BUT ON A THURSDAY THEY MAY IN HONOUR OF THE SABBATH.

THE RESTRICTION AGAINST MOURNING ON THE DAYS ENUMERATED IN THE SCROLL OF FASTS¹² APPLIES EQUALLY TO THE PRECEDING DAY BUT NOT TO THE

DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN [TO MOURN] BOTH ON THE PRECEDING DAY AND) THE DAY FOLLOWING. AS FOR FASTING IT IS PERMITTED ON THE PRECEDING DAY AND ON THE DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN ON THE PRECEDING DAY BUT PERMITTED ON THE DAY FOLLOWING.

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST TO COMMENCE ON A THURSDAY IN ORDER NOT TO CAUSE A RISE IN THE MARKET PRICES. HENCE THE FIRST THREE FASTS ARE HELD [IN THIS ORDER], MONDAY, THURSDAY, AND MONDAY; THE SECOND THREE, THURSDAY, MONDAY, AND THURSDAY; R. JOSE SAYS: JUST AS THE FIRST THREE [FASTS] SHOULD NOT COMMENCE ON A THURSDAY SO TOO NEITHER THE SECOND [THREE] NOR THE LAST [SEVEN].

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST ON NEW MOON, ON HANUKKAH, OR ON PURIM, BUT IF THEY HAD ALREADY BEGUN [A SERIES OF FASTS AND ONE OF THESE FESTIVE DAYS INTERVENED] THEY DO NOT INTERRUPT [THEIR FASTS]; THIS IS THE OPINION OF RABBAN GAMALIEL. R. MEIR SAID: EVEN THOUGH R. GAMALIEL IS OF THE OPINION THAT THE [FASTS] SHOULD NOT BE INTERRUPTED HE YET AGREES THAT THEY SHOULD NOT COMPLETE THEIR FASTS. AND THE SAME APPLIES TO THE NINTH OF AB SHOULD IT FALL ON A FRIDAY.

GEMARA. WHAT IS THE ORDER [OF SERVICES] FOR FAST DAYS? THE ARK IS TAKEN out etc. Does all this apply to the first six fasts? If so, is there not a contradiction raised against this? [For it has been taught]: On the first three and also on the second three [fasts] they enter the synagogue and pray there in the same way as they pray all the year round, but on the last seven the Ark is taken to the open space of the city and ashes are placed on the Ark and also upon the head of the Ab-Beth-din, and everyone else puts ashes upon his own head. R. Nathan says: They take wood-ashes!¹³ — R. Papa replied: Our Mishnah also refers to the last seven fasts.

AND ON THE HEAD OF THE NASI: And afterwards [the Mishnah] states, EVERYONE ELSE PUTS ASHES UPON HIS OWN HEAD. But is it so? Has it not been taught: Rabbi says: Where it is a case of doing honour we begin at the most distinguished, but where it is a case of censuring we begin at the least important; as it is said, And Moses said unto Aaron, and unto Eleazar and unto Ithamar;¹⁴ but where it is a case of censuring we begin at the least important, (for a Master said:) First the serpent was cursed, and afterwards Eve and [only] then Adam?—Here [in our Mishnah] it is also a case of doing honour, because [by this act] the people convey to them¹⁵ [the thought] you are worthy to entreat for mercy on behalf of us all.

EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD: R. Adda said: Seeing that everyone else puts the ashes on his own head let also the Nasi and the Ab-Beth-din themselves take ashes and place them on their own heads! Why should someone else take ashes and put them on their head? — R. Aba of Caesarea replied: To humiliate oneself is not the same as being humiliated by others.

(1) [But the response, Blessed be the Name of the Glorious Kingdom for ever, (Me'iri) v. infra p. 77. For other interpretations v. D.S. a.l. Var. lec. 'and they answered, Amen'; v. note 5].

(2) A single long blast, V. Glos.

(3) A series of brief blasts in quick succession as for alarm. V. Glos.

(4) [The response, 'Blessed be the Name etc.', v. preceding note. On the reading 'they answered, Amen', the reference is to the custom of the synagogue attendant to call upon the priests to blow and the reader to recite the formula 'He who answered' after the conclusion of the Benediction. V. Me'iri. For other interpretations v. D.S. loc. cit.]

(5) [Var. lec. At the Eastern Gate. Others again omit: 'and on the Temple Mount' which in the context is difficult to explain. The Eastern Gate was 'the brass gate situated in the inner space of the Temple towards the East'. V. Buchler, Types p. 207.]

(6) V. supra 10a.

(7) Term applied to each of the twenty-four divisions of priests (and Levites) who did one week's duty in the Temple every half year. V. infra.

(8) Each Mishmar was subdivided into seven sections (בתי אבות) each detailed for duty on one day of the week, v. loc. cit.

(9) V. supra 12b.

(10) This is a general law without any reference to the rain fasts.

(11) A division of lay Israelites in attendance on the regular daily offerings v. Glos. and infra 20a.

(12) V. supra p. 45.

(13) [MS.M. omits: 'and also upon the head... wood ashes', these words being unnecessary in this connection.]

(14) Lev. X, 6. (3) [The brackets appear also in the original; these words being apparently superfluous, they are omitted in MS.M.]

(15) To the Nasi and Ab-Beth-din.

Talmud - Mas. Ta'anith 16a

And where [on the head] does he put [the ashes]?-R. Isaac said: On the place of the phylacteries, as it is said, To appoint unto them that mourn in Zion, to give unto them a garland for ashes.¹ (Mnemonic: open space, Ark, sackcloth, wood-ashes, dust, cemetery, Moriah.)

Why do they go out to the open space [of the city]?R. Hiyya b. Abba said: In order to express thereby [the idea], We have prayed in private but we have not been answered; we will [therefore] humiliate ourselves in public. Resh Lakish said: We have exiled ourselves [from the House of God] may our exile atone for us. What is the difference between the two explanations? — The difference is when they move from one synagogue to another.²

And why do they take out the Ark to the open space of the city? — R. Joshua b. Levi said: In order to express thereby [the idea], We had a vessel which we kept hidden and now because of our sins it has been rendered common.

And why do they clothe themselves in sackcloth? — R. Hiyya b. Abba said: In order to express thereby [the idea], We consider ourselves animals³ [before God].

And why do they place wood-ashes upon the Ark? — R. Judah b. Pazzi said: As if to say, I will be with him in trouble.⁴ Resh Lakish said: [As if to say] In all their afflictions He was afflicted.⁵ R. Zera said: When I first saw the rabbis placing wood-ashes on the Ark my whole body shook.

And why does everyone else put ashes on his head?- With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are merely like ashes before Thee; and the other says: That [God] may remember for our sake the ashes of Isaac.⁶ What is the difference between them? — The difference is with regard to [the use of] ordinary dust.⁷

Why do they go to the cemetery? — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are as the dead before Thee; and the other says: In order that the dead should intercede for mercy on our behalf. What is the difference between them? — The difference is with regard to going to the cemetery of Gentiles.⁸ What is [the meaning of] 'Mount Moriah'?⁹ — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina.¹⁰ [One says] because from this mountain instruction went forth unto Israel;¹¹ and the other says: Because it is the mountain whence fear¹² came upon the heathens.

THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION. Our Rabbis have taught: If there is an elder present he addresses them; if not, then a scholar addresses

them; and if there is no scholar present then a distinguished looking man addresses them. Does the term ‘elder’ here used denote one who is not a scholar? — Abaye replied: This is what is meant: If there is present an elder who is also a scholar then he addresses them, and if not, then a [younger] scholar addresses them, and if not, a distinguished looking man addresses them. [And this is what he says], ‘Our brethren, neither sackcloth nor fastings are effective but only penitence and good deeds, for we find that of the men of Nineveh Scripture does not say, And God saw their sackcloth and their fasting, but, God saw their works that they turned from their evil way.’

But let them be covered with sackcloth, both man and beast.¹³ How did they act? — They separated the animals from their young and they said, Master of the Universe, if Thou wilt not have mercy upon us we will not show mercy to these.

And let them cry mightily unto God.¹⁴ What did they say? — They said, Master of the Universe, If one is submissive and the other is not, if one is righteous and the other is not, who of them should yield?¹⁵

Let them turn everyone from his evil way and from the violence that is in their hands.¹⁶ What is the meaning of, ‘From the violence that is in their hands’? — Samuel said: Even if one had stolen a beam and built it into his castle he should raze the entire castle to the ground and return the beam to its owner.

R. Adda b. Ahaba said: One who has sinned and confesses his sin but does not repent may be compared to a man holding a dead reptile in his hand, for although he may immerse himself in all the waters of the world his immersion is of no avail unto him; but if he throws it away from his hand then as soon as he immerses himself in forty se'ahs of water,¹⁷ immediately his immersion becomes effective, as it is said, But whoso confesseth and forsaketh them shall obtain mercy.¹⁸ And it is further said, Let us lift up our heart with our hands unto God in the heavens.¹⁹

WHEN THEY STAND UP TO PRAY THEY PLACE BEFORE THE ARK [AS READER] AN OLD MAN etc. Our Rabbis have taught: When they stand up to pray, although there may be present an elder and a scholar, they place before the Ark [as Reader] only a man conversant with the prayers. (Who is considered conversant with prayers)?²⁰ — R. Judah says: One having a large family²¹ and has no means of support, and who draws his subsistence from [the produce of] the field,²² and whose house is empty, whose youth was unblemished, who is meek and is acceptable to the people; who is skilled in chanting, who has a pleasant voice, and possesses a thorough knowledge of the Torah, the Prophets and the Hagiographa, of the Midrash, Halachoth and Aggadot and of all the Benedictions. Thereupon the Rabbis gazed on R. Isaac b. Ammi.²³

(1) Isa. LXI, 3. The Gemara takes the word פאר, garland, to refer to the phylacteries. So Ber. 11a in interpreting Ezek. XXIV, 17.

(2) This would constitute an ‘exile’ but not a humiliation.

(3) Because sackcloth is woven of the hair of animals (Rashi).

(4) Ps. XCI, 15.

(5) Isa. LXIII, 9. The thought implied is that though God punishes people He yet does not fail to have sympathy with them.

(6) This refers to the sacrifice of Isaac. Cf. Gen. XXII.

(7) For humiliation ordinary dust or earth could be used, but for recalling the sacrifice of Isaac only ashes would do.

(8) In the former case any cemetery would be used but in the latter case only a Jewish cemetery.

(9) The mount on which the Temple was built.

(10) The difference of opinion between R. Levi and R. Hama b. Hanina also in the matter accounts for the inclusion here of this passage.

(11) Taking מורייה from ירה, ‘to teach’. [The Sanhedrin from which proceeded all legislation governing the life of the

people had its seat in the Temple Mount.]

(12) II Chron. III, 1. Taking מוריה from ירא, 'to fear'. [Either (a) fear for Israel (Rashi); or (b) reverence for God.]

(13) Jonah III, 8.

(14) Ibid.

(15) Man cannot force God to yield to him. God should, however, in his great loving-kindness yield to the prayer of a man who humiliates himself before him.

(16) Jonah III, 8.

(17) The minimum requirement for ritual immersion.

(18) Prov. XXVIII, 13.

(19) Lam. III, 41.

(20) [The bracketed words appear in brackets also in the original. The statement of R. Judah that follows is hardly relevant as a definition of 'one conversant with prayers'. The words are omitted in MS.M.]

(21) מטופל, lit., 'burdened'; var. lec. מטפל 'engages himself in work', 'labours away'.]

(22) [And thus depends for his livelihood on rain. This will make him pray with more devotion for the acceptance of his prayers].

(23) As one whom the description befits.

Talmud - Mas. Ta'anith 16b

Is not one having a large family with no means of support the same as one whose house is empty? — R. Hisda replied: The latter refers to a man whose house is free from sin.¹

Whose youth was unblemished. Abaye said: This is one against whom no evil reputation had gone forth in his youth.

My heritage is become unto Me as a lion in the forest; she hath uttered her voice against Me; therefore have I hated her.² What is the meaning of, 'She hath uttered her voice against Me'? — Mar Zutra b. Tobiah said in the name of Rab, some say R. Hama said in the name of R. Eleazar: This refers to an unfit person who steps down before the Ark [to act] as Reader.

AND HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY TO WHICH HE ADDS SIX MORE. Are there only six? Are they not actually seven, as we have learnt: THE SEVENTH [BENEDICTION] HE CONCLUDES WITH BLESSED BE HE WHO HAS MERCY UPON THE EARTH! — R. Nahman b. Isaac replied: [Do you know] which is THE SEVENTH? it is the seventh of the longer benedictions.³ As it has been taught: [The benediction], 'Who redeemest Israel,' is prolonged and at its conclusion [the Reader] adds, He who answered Abraham on Mt. Moriah, He shall answer you and hearken this day unto the voice of your cry. Blessed art Thou who redeemest Israel, and the congregation respond, Amen. The synagogue attendant⁴ calls out unto them, 'Blow a Teru'ah, ye children of Aaron, blow a Teru'ah, and [the Reader] resumes with, 'He who answered our fathers at the Red Sea, He shall answer you and hearken this day to the cry of your voice. Blessed art Thou O Lord who rememberest forgotten things'; and the congregation responds, Amen. The synagogue attendant calls out, Sound a Teru'ah, O ye children of Aaron, sound a Teru'ah. And likewise [he does] with the other benedictions, at one he calls out, sound a Teki'ah, and another, sound a Teru'ah. The order of service⁵ [in which the congregation responds, Amen] holds good for the country generally but not for the Temple, because the response, Amen' is not made use of in the Temple.⁶ And whence can it be adduced that the response, Amen, was not made use of in the Temple? — For it is said, Stand up and bless the Lord your God from everlasting to everlasting; and let them say: Blessed be Thy glorious Name, that is exalted above all blessing and praise.⁷ You might have thought that there shall be only one form, of praise after all Benedictions, therefore the text adds, 'Exalted above all blessing and praise'; that is to say, Give him 'praise' after every blessing. 'What then was said in the Temple? Blessed be the Lord God, the God of Israel, from everlasting to everlasting. Blessed art Thou who redeemest Israel;

and the congregation respond, Blessed be the name of his glorious kingdom for ever and ever.⁸ The synagogue attendant calls out unto them, Blow a Teki'ah, O Priests, sons of Aaron, blow a Teki'ah, and [the Reader] resumes with, he who answered Abraham on Mt. Moriah, He will answer you and hearken to the voice of your cry. Blessed art Thou, O Lord God of Israel, who remembers forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teru'ah, O Priests, children of Aaron, sound a Teru'ah etc. And likewise [he does] with the other benedictions; at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until he completes them all. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When however the matter came to the notice of the Sages they declared that this custom was observed only at the eastern gates and on the Temple mount.

Some report [the passage just cited] in the form taught in the following Baraitha: [The Reader] recites before them twenty-four benedictions; the eighteen recited daily, to which he adds six more. 'Where are those six included? Between the benedictions for redemption and Healing the Sick,⁹ the latter benediction being prolonged and the congregation respond, 'Amen', after every benediction. This was the custom in the country generally, but in the Temple they said, Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou O Lord who redeemest Israel and there was no response, 'Amen', after it. And why all this [long response]? Because it was not customary to respond 'Amen', in the Temple. And whence can it be adduced that they did not respond, 'Amen', in the Temple? For it is said, 'Stand up and bless the Lord your God from everlasting to everlasting, and let them say: Blessed be Thy glorious name that is exalted above all blessing and praise'; that is to say, Give Him praise after every benediction.

Our Rabbis have taught: When concluding the first benediction he says: Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou who redeemest Israel. And the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teki'ah, Priests, Sound a Teki'ah, and [the Reader] then resumes, He who answered Abraham on Mt. Moriah, He will answer you and hearken this day to the voice of your cry. And they blow a Teki'uh and sound a Teru'ah, and blow a Teki'ah [again]. When concluding the second benediction he says: Blessed be the Lord God, the God of Israel from everlasting to everlasting. Blessed art Thou who rememberest forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant then calls out, Sound a Teru'ah, children of Aaron, sound a Teru'ah, and the reader resumes, He who answered our fathers at the Red Sea, He will answer you and hearken this day to the voice of your cry. They then sound a Teru'ah and blow a Teki'ah and sound a Teru'ah [again]; and likewise he [does] after every benediction, at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until all the benedictions are concluded. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When, however, the matter was brought to the notice of the Sages, they declared that this custom was observed only at the eastern gate and on the Temple mount.

R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH etc.: Said R. Adda of Joppa; what may be R. Judah's reason? Because Zikronoth and Shofaroth are recited only on New Year

(1) He has no stolen goods or any property acquired by dishonest means (Rashi).

(2) Jer. XII, 8.

(3) לַאֲרוֹכוֹת (so R. Hananel, R. Gershom and MS. M.). The seventh benediction of the daily Tefillah ending in, 'Who redeemest Israel' (גּוֹאֵל יִשְׂרָאֵל) was on rain fasts increased by the addition of the formula, 'He who answered etc.' inserted before its conclusion. After this followed the six additional special benedictions as described in the Mishnah thus making a total of seven long benedictions. On the reading לַאֲרוֹכָה of cur. edd. render the seventh

from the seventh lengthened benediction (of the daily Tefillah) .

(4) [Hazzan. There is no certainty either in regard to the original function or rank of the Hazzan; v. Sot., Sonc. ed. p. 202, n. 4.]

(5) Lit., 'in what are these said'.

(6) [No satisfactory reason has so far been given for this regulation. Graetz, MGWJ 1872 pp. 492ff suggests that this does not mean that the response, Amen, was not allowed in the Temple, but that the solemnity of the service, heightened by the pronunciation of the Tetragrammaton as written, demanded a more extensive and impressive formula. V. also Blau, REJ. XXXIX, p. 188.]

(7) Neh. IX, 5.

(8) Cf. 'and let them say, Blessed be Thy Glorious Name etc..' cited from Neh. IX, 5.

(9) I.e., between the seventh and the eighth benedictions of the daily Tefillah.

Talmud - Mas. Ta'anith 17a

and on the [Day of Atonement of] the Jubilee year and in the time of war.¹ THE FIRST HE CONCLUDES WITH, HE WHO ANSWERED ABRAHAM etc.: A Tanna taught: Some reverse the order of the words and attribute 'crying' to Elijah and 'praying' to Samuel. True, of Samuel Scripture uses the words 'praying' and 'crying'.² but of Elijah Scripture uses only [the word] 'praying' but never 'crying'. [When Elijah says], Hear me, O Lord, hear me;³ that is an expression of 'crying'.

THE SIXTH HE CONCLUDES WITH, HE WHO ANSWERED JONAH etc.; THE SEVENTH HE CONCLUDES WITH, HE WHO ANSWERED DAVID etc. Let us see, Did not Jonah live after David and Solomon, why then is he placed first? — Because it was desired to conclude [the prayers] with, Blessed art Thou, O Lord who hast mercy upon the earth.⁴ A Tanna taught: It was reported in the name of Symmachos, [that the prayers were concluded] with, Blessed art Thou who humblest the proud.

ON THE FIRST THREE [RAIN] FASTS THE MEN OF THE MISHNAH FAST BUT DO NOT COMPLETE THEIR FAST etc. Our Rabbis have taught: Why have the Sages ruled that the Men of the Mishmar are permitted to drink wine by night and not by day, lest the work weigh too heavily on the men of the Beth-ab and then they will be called upon to help them; why have the Sages ruled that the men of the Beth-ab are forbidden [to drink] both by day and by night because they are continuously at work [in the Temple]. Hence the Sages have declared that any priest who can identify his Mishmar and his particular Beth-ab and who also knows definitely that the members of his Beth-ab were participating in the service of the Temple⁵ is forbidden to drink wine on the whole of that day.⁶ If, however, he can identify only his Mishmar but not his particular Beth-ab and yet he knows definitely that the members of his Beth-ab were participating in the service of the Temple, he is forbidden to drink wine the whole of that week.⁷ If he cannot identify his Mishmar nor his particular Beth-ab, but he knows definitely that the members of his Beth-ab were participating in the service of the Temple, he is forbidden to drink wine all the year round. Rabbi says: I declare [priests] should not at any time drink wine, but what can I do seeing that his misfortune turned out to be an advantage to him.⁸ Abaye said: According to whose opinion do priests drink wine? According to that of Rabbi.

BOTH THE MEN OF THE MISHMAR AND THE MEN OF THE MA'AMAD MAY NOT CUT THEIR HAIR NOR WASH THEIR CLOTHES, BUT ON A THURSDAY THEY MAY OUT OF RESPECT FOR THE SABBATH. What is the reason? — Rabbah b. Bar Hana said in the name of R. Johanan: In order that they should not enter on their week of duty in an unkempt state.

Our Rabbis have taught: A king cuts his hair every day, a high priest on the eve of every Sabbath, all ordinary priest once in thirty days. Why has a king to cut his hair every day? — R. Abba b. Zabda said: Scripture says, Thine eyes shall see the king in his beauty.⁹ Why has a high priest [to cut his hair] on the eve of every Sabbath? — R. Samuel b. Isaac said: Because the Mishmar changes every week. Whence can it be adduced that an ordinary priest [must cut his hair] once in thirty days? — It is to be adduced from the analogous use of the word *pera'* in connection with the Nazirite [and the priests]. Of the priests [it is written], Neither shall they shave their heads, 'nor suffer their locks [*pera'*] to grow long;¹⁰ and of the Nazirite it is written, He shall be holy. he shall let the locks of the hair of his head grow long [*pera'*];¹¹ as in the case of the Nazirite the period of growing his hair is thirty days so too must it be in the case of the ordinary priest. But whence do we know this to be the requirement of the Nazirite himself? R. Mattena said: A Nazirite's unspecified [term of] vow is thirty days. Whence is this to be adduced? — Scripture uses the word *yihyeh* the numerical value of which is thirty.¹² R. Papa said to Abaye: Perhaps Scripture means [that the priests] should not let their hair grow at all? — The latter replied: Had Scripture written, 'nor suffer to grow long their locks', it

might be as you suggest, but since Scripture has written, 'Nor suffer their locks to grow long,' this implies, they may grow their hair but they may not suffer their locks to grow long. If that is so, this restriction should be valid even at the present time! — [This restriction is] on the same lines as that of the drinking of wine; just as the restriction of drinking wine applied only to the time when they might enter [the Temple]¹³ to do service, so too with regard to the restriction of letting the locks grow long. But has it not been taught: Rabbi says, I declare that [a priest] should not at any time drink wine, but what can I do, seeing that his misfortune turned out to be an advantage to him. And on this Abaye commented: At the present time according to whom do priests drink wine? According to Rabbi.

(1) .

(2) 1 Sam. VII, 5; VIII, 6: XV, 11.

(3) I Kings XVIII, 37.

(4) Earth, in the first instance refers to the land of Israel. David and Solomon were the founders of the Jewish kingdom and prayed for its welfare.

(5) [There were many of the priestly families who had been disqualified from the priesthood.]

(6) [On the particular day on which his Beth Ab was in service, as the Temple might be rebuilt and they might be called upon to serve.]

(7) [The particular week on which the Mishmar to which he belonged was in service.]

(8) The destruction of the Temple with the consequent cessation of priestly duties enables the priests to drink wine at any time.

(9) Isa. XXXIII, 17.

(10) Ezek. XLIV, 20.

(11) Num. VI, 5.

(12) $\overline{\text{י}}\overline{\text{י}}\overline{\text{י}}$ taken numerically, $10 + 5 + 10 + 5 + 30$.

(13) I.e., so long as the Temple was in being.

Talmud - Mas. Ta'anith 17b

From this may be inferred that the Rabbis forbid [priests to drink wine], why? Perhaps the Temple may speedily be rebuilt and the need will arise for priests to do service therein and there will be none available; and so here too [in the case of letting the hair grow long] the Temple may speedily be rebuilt and the need will arise for priests fit for service and there will be none available? — [This difficulty cannot arise] here [in this latter case] since it is always possible for a priest to cut his hair and then enter [the Temple]. If that is so, then priests who are intoxicated could first sleep a little and then enter [the Temple], in accordance with the statement of Rami b. Abba who said: A mile walk or a little sleep drives away the effects of drink? — Has it not been stated in connection with this [statement]: This only holds good where a man has drunk a quarter of a log, but where he has drunk more than a quarter of a log walking renders him all the more tired, and sleep all the more drunk. R. Ashi replied: The Rabbis have decreed against those who are drunk because they profane [thereby] the service, but against those who perform the service with their hair long they did not decree because they do not [thereby] profane the service.

An objection was raised against this: The following [priests] incur the penalty of death, those who are intoxicated with wine and those whose hair has grown long. With regard to those who are intoxicated with wine, it is expressly stated, Drink no wine nor strong drink,¹ but whence do we adduce that this also applies to those who grow their hair long? For it is written, Neither shall they shave their heads, nor suffer their locks to grow long,² and the next verse states, Neither shall any priest drink wine when they enter into the inner court; thus, those who grow their hair long are likened to those who are drunk with wine, just as those who are drunk with wine incur the penalty of death so too those who grow their locks long. Now can we not carry the comparison even further [and say] that just as those who are drunk with wine profane the service, so too should those who

grow their hair long profane the service?³ — (No; [the two] are likened only with regard to the penalty of death but not with regard to the rendering of the service profane).⁴

Rabina asked R. Ashi:⁵ Who taught it⁶ before Ezekiel's time? — He replied: And according to your reasoning how will you explain the statement of R. Hisda, who said: The rule forbidding an uncircumcised priest⁷ to do service we have learnt not from the Law of Moses but from the prophets [where it is written], No alien uncircumcised in heart and uncircumcised in flesh, shall enter My sanctuary.⁸ But who stated it? It must therefore [be assumed] that it was a tradition and then Ezekiel came and gave it a Scriptural basis. Here too [of long hair profaning the service] there was a tradition and then Ezekiel came and gave it a Scriptural basis. (The tradition was with regard to the death penalty only but not with regard to the profaning of the service).⁹

THE RESTRICTION AGAINST MOURNING ON THE DAYS ENUMERATED IN THE SCROLL OF FASTS APPLIES TO THE PRECEDING DAY BUT NOT TO THE DAY FOLLOWING. Our Rabbis have taught:¹⁰ These are the days on which fasting is not permissible, and on some of them mourning also is forbidden. From the New Moon of Nisan until the eighth of the month mourning is not permissible because the Daily offering was established;¹¹ from the eighth day of the same month until the end of the festival [of Passover] mourning is not permissible since the date of the observance of the Feast of Weeks was then definitely fixed.¹²

The Master said: From the New Moon of Nisan until the eighth of the month mourning is not permissible because the Daily offering was established. Why does it state, 'from the New Moon'? Let it state from the second of Nisan and as New Moon itself is a festive day mourning is in any case forbidden thereon! — Rab replied: This is necessary in order to extend the restriction to the preceding day. But should not the restriction in any case apply to it seeing that it is the day before New Moon? — New Moon is a biblical ordinance, and a biblical ordinance needs no [additional] strengthening. For it has been taught: Mourning is forbidden before and after the days enumerated in the Megillath Ta'anith; as for Sabbaths and Festivals mourning is forbidden on the day before their incidence but not after their incidence. Why this differentiation between the two? The latter are biblical ordinances and need no [additional] strengthening, but the former are ordinances of the Soferim and ordinances of the Soferim need [additional] strengthening.

The Master said: 'From the eighth of the same month until the end of the festival [Passover] mourning is not permissible since the date of the observance of the Feast of Weeks was then definitely fixed.' Why does it state, 'until the end of the festival'? Let it state 'until the festival' and the festival itself being a holiday will ipso facto be a forbidden period for mourning? — R. Papa replied: [The answer is] as Rab who said: This was necessary

(1) Lev. X, 9.

(2) Ezek. XLIV, 20.

(3) This is in opposition to R. Ashi who holds that priests with long hair do not profane the service.

(4) [The bracketed words, which appear in brackets also in the original, stand in contradiction to the parallel passage in Sanh. 22b and are omitted in MS.M.; v. Sanh., Sonc., ed., pp. 127-8 and notes.]

(5) [MS.M.: 'said R. Ashi to Rabina' on which reading what follows is R. Ashi's reply to the objection cited against him; v. p. 84, n. 1.]

(6) That those who perform service with long hair are punishable by death.

(7) Cf. Zeb. 18b.

(8) Ezek. XLIV, 9.

(9) [These bracketed words, bracketed also in the original, are omitted in MS.M. and are difficult to explain in this context. Accepting, however, the reading of MS.M. cited supra p. 83, n. 5, these words conclude R. Ashi's argument which runs thus: Since Ezekiel merely provides here a basis for laws that are essentially based on tradition, there is no warrant for the suggested analogy between intoxicated priests and those with long hair. While the former do profane the

service, there is no tradition for this to apply to the latter.]

(10) V. Megillath Ta'anith.

(11) A dispute lasting from the first to the eighth day of Nisan took place between the Pharisees and the Sadducees with regard to the Daily offering (Num. XXVIII, 3). The Pharisees were of the opinion that it could be brought only out of public funds (i.e., from the Temple treasury) and the Sadducees maintained it might also be defrayed by private funds. The Pharisees gained the day. V. Megillath Ta'anith, ch. 1; Men. 65a.

(12) There was also a dispute between the Pharisees and Sadducees with regard to the fixing of the date of Pentecost. The dispute turned on the interpretation of the words **ממחרת השבת** (Lev. XXIII, 15). The Pharisees took the view that the 'Omer had to be brought on the second day of Passover, while the Sadducees maintained that these words meant the morrow of the first Sabbath of the Passover week and from that day forty-nine days had to be counted to Pentecost. V. Megillath Ta'anith, ch. 1; Men. 65a.

Talmud - Mas. Ta'anith 18a

in order to extend the restriction to the preceding day, so here also it was necessary in order to extend the restriction to the following day. With whose view will this agree? Is it with that of R. Jose,¹ who declared that the restriction applies equally to the day before and the day after it? If so, with regard to the twenty-ninth Adar, why need you base your restriction on the ground that it is the day before the Daily offering was established;² deduce it rather from the fact that it is the day after the twenty-eighth concerning which it has been taught: On the twenty-eighth of the month [Adar] the good news reached the Jews that they were no longer to be kept back from the study of the Torah.³ For once it was decreed that the Jews should not occupy themselves with the study of the Torah nor circumcise their children and that they should desecrate the Sabbath. What did Judah b. Shammua' and his colleagues do? They went and took counsel with a Roman Matron with whom all the prominent Romans were wont to associate. She advised them, 'Arise and raise an alarm by night'. They went and raised the alarm by night thus, 'O ye heavens, are we not your brethren? Are we not the children of one Father? Are we not the children of one mother? Wherein are we different from every other nation and tongue that ye make harsh decrees against us?' Thereupon the decrees were annulled and that day was declared a festive day!⁴ -Abaye replied: It was necessary to state the restriction in this way in order to cover the case of a full month [where Adar has thirty days].⁵ R. Ashi said: The same would be the case even when the month [of Adar] is deficient,⁶ because on a day following on a festive day fasting alone is forbidden but mourning is permissible; but as for this day [the twenty-ninth Adar] seeing that it is placed between two festive days it was considered as if it were a festive day itself, and therefore mourning too was forbidden thereon.

The Master said: 'From the eighth day of the month until the end of the festival mourning is forbidden since then the date of the observance of the Feast of Weeks was definitely fixed.' Why does he say, 'from the eighth of the same month'? Let him say, 'from the ninth of the same month' and the eighth day would ipso facto be forbidden because it is the day on which the Daily offering was established?⁷ — The reason why it is stated 'the eighth day' is this, should it ever come to pass that the seven festive days be abolished,⁸ even then on the eighth day it would still be forbidden to mourn, because it is the first day on which the date of the Feast of Weeks was definitely fixed. Now that you have arrived at this conclusion the same will apply also to the twenty-ninth Adar because should it ever come to pass that the twenty-eighth Adar be abolished as a festive day, even then the twenty-ninth would be forbidden seeing that it is the day before the Daily offering was established.

It has been taught: R. Hiyya b. Asi said in the name of Rab, the halachah is in accordance with the view of R. Jose.⁹ Samuel said, The halachah is in accordance with the view of R. Meir.¹⁰ But did Samuel actually say so? Has it not been taught: R. Simeon b. Gamaliel said: Why does the text [in the Scroll of Fasts] repeat the word 'behon' [on them] twice?¹¹ This is to teach you that the restriction applies to these days but not to the days immediately preceding or following the days enumerated in the Scroll of Fasts. On which Samuel's comment was that the halachah is in

accordance with the view of R. Simeon b. Gamaliel! — At first he thought that as there was no other authority who took a lenient view as R. Meir did he decided that the halachah was according to R. Meir, but when he heard that Rabbi Simeon took an even more lenient view he decided that the halachah was according to R. Simeon b. Gamaliel. And so too said Bali in the name of R. Hiyya b. Abba, in the name of R. Johanan: The halachah is according to R. Jose. Thereupon R. Hiyya said to Bali: I will explain to you that when R. Johanan said that the halachah was in accordance with R. Jose, he meant only with regard to the prohibition of fasting.¹² But did R. Johanan actually say so? Did not R. Johanan say that the halachah is in accordance with the anonymous opinion of a Mishnah,¹³ and it has been learnt: Although the Rabbis said that [the Megillah of Esther] could be read earlier¹⁴ but not later, yet

(1) In our Mishnah.

(2) I.e., the first of Nisan, v. supra.

(3) R.H. 19a; cf. Megillath Ta'anith, ch. 12.

(4) For notes v. R.H., Sonc. ed. 19a. Why then state that the restriction on the twenty-ninth Adar was due to the matter of the Tamid.

(5) In that case the thirtieth Adar would be the last day of the month and it could only be included in the restriction on the ground that it precedes the first Nisan and not that it follows the twenty-ninth Adar, seeing that a day (the twenty-eighth) intervenes.

(6) I.e., it has twenty-nine days.

(7) I.e., one of the eight festive days.

(8) Because of some misfortune that befalls Israel and it would be necessary to fast on these days.

(9) Who holds that the restriction applies both to the day before and the day after the festive days.

(10) Who holds that the restriction applies only to the day following the festive day but not to the day before it. This view is anonymously stated in the Mishnah and in accordance with the accepted tradition that every anonymous statement in the Mishnah goes back to R. Meir. Hence the statement in our Mishnah is taken, to be the view of R. Meir.

(11) In the introductory sentence cited supra p. 84.

(12) But not mourning.

(13) I.e., R. Meir.

(14) Than the fourteenth and fifteenth days of Adar.

Talmud - Mas. Ta'anith 18b

mourning and fasting are permitted.¹ Now to what does this apply? Shall we say that it applies to those [who should read the Megillah] on the fifteenth [Adar] and they read it on the fourteenth? Is then mourning permissible [for them on that day]?² Is it not written in the Scroll of Fasts, 'The fourteenth day and the fifteenth day [of Adar] are the days of Purim and no mourning is permissible thereon,' and Raba's comment on this was: It was necessary [to mention both these dates] in order to make it clear that what was forbidden on the one day was equally forbidden on the other! Again, should it refer to [those who should read the Megillah] on the fourteenth and they read it on the thirteenth [Adar];³ [the question arises] that is Nicanor's Day.⁴ Or again, if it refers to those [who should read it] on the fourteenth and read it on the twelfth? But then that is Trajan's Day!⁵ Hence it can only have reference [to those who should read it on] the fourteenth and they read it on the eleventh, and yet it is stated that mourning and fasting are permitted thereon!⁶ — No; it has reference to those who should read it on the fourteenth and they read it on the twelfth, and as to your objection that it is Trajan's Day, this [festive] day was subsequently abolished because Shemaiah and his brother Ahijah⁷ were killed thereon. Thus R. Nahman once ordained a public fast for the twelfth of Adar and the Rabbis objected to this because it was Trajan's Day. Thereupon R. Nahman replied: This [festive] day has been abolished because Shemaiah and his brother Ahijah were killed thereon. Let, however, the restrictions [aforementioned] remain valid for the day seeing that it is the day before Nicanor's Day? — R. Ashi replied: If the festive character of the day had been once abolished [is it then feasible] that fasting should be forbidden thereon because it is the day before Nicanor's

Day?

What is Nicanor's Day? And what is Trajan's Day? It has been taught: Nicanor was one of the Greek generals; every day he waved his hand against Judah and Jerusalem and exclaimed, 'When shall it fall into my hands that I may trample upon it?' But when the Hasmonean Rulers proved victorious and triumphed over him they cut off his thumbs and his great toes and suspended them from, the gates of Jerusalem, as if to say of the mouth that spake arrogantly, of the hands that were waved against Jerusalem, May vengeance be exacted.

What is Trajan's [Day]?⁸ It was said: When Trajan⁹ was about to execute Lulianus and his brother Pappus in Laodicea [Lydia] he said to them, 'If you are of the people of Hananiah, Mishael and Azariah, let your God come and deliver you from my hands, in the same way as he delivered Hananiah, Mishael and Azariah from the hands of Nebuchadnezzar; and to this they replied: 'Hananiah, Mishael and Azariah were perfectly righteous men and they merited that a miracle should be wrought for them, and Nebuchadnezzar also was a king worthy for a miracle to be wrought through him, but as for you, you are a common and wicked man and are not worthy that a miracle be wrought through you; and as for us, we have deserved of the Omnipresent that we should die, and if you will not kill us, the Omnipresent has many other agents of death. The Omnipresent has in His world many bears and lions who can attack us and kill us; the only reason why the Holy One, blessed be He, has handed us over into your hand is that at some future time He may exact punishment of you for our blood'. Despite this he killed them. It is reported that hardly had they moved from there when two officials¹⁰ arrived from Rome and split his skull with clubs.

WE DO NOT ORDAIN UPON THE COMMUNITY FASTS TO COMMENCE ON A THURSDAY etc.; WE DO NOT ORDAIN UPON THE COMMUNITY A FAST ON NEW MOON etc. What constitutes a beginning?¹¹ — R. Aha said: Three fasts. R. Assi said: One. Rab Judah said in the name of Rab: The view [that one should not complete the fast] is in accordance with R. Meir who reported it in the name of R. Simeon b. Gamaliel, but the Sages say: He should complete the fast. Mar Zutra expounded in the name of R. Huna: The halachah is, one should complete the fast.

CHAPTER III

MISHNAH. THE ORDER OF PUBLIC FASTS AFOREMENTIONED IS OBSERVED ONLY IN CONNECTION WITH [THE WITHHOLDING OF] THE FIRST RAIN,¹² BUT IF THE CROPS HAVE UNDERGONE [AN UNUSUAL] CHANGE THE ALARM IS SOUNDED AT ONCE. THE SAME TOO IS DONE IF FORTY DAYS ELAPSED BETWEEN THE FIRST AND THE SECOND RAINFALL¹³ BECAUSE IT IS THEN A PLAGUE DUE TO DROUGHT. IF [RAIN] FALLS FOR CROPS BUT NOT FOR THE TREES, FOR THE TREES BUT NOT FOR CROPS, FOR BOTH OF THESE BUT NOT FOR CISTERNS, DITCHES AND CAVES THE ALARM IS SOUNDED AT ONCE. AND SO TOO IF NO RAIN FALLS UPON A PARTICULAR CITY, AS IT IS WRITTEN, AND I CAUSED IT TO RAIN UPON ONE CITY, AND CAUSED IT NOT TO RAIN UPON ANOTHER CITY; ONE PIECE WAS RAINED UPON ETC.¹⁴

(1) On the days on which the Megillah is read earlier, v. Meg. 5a.

(2) On the fourteenth.

(3) Cf. Megillah I, 2.

(4) V. infra, that on which fasting is in any case forbidden.

(5) V. infra.

(6) But it is the day before Trajan's Day and according to R. Jose the restriction is extended to it. How can then mourning and fasting be permissible thereon? How could then R. Johanan declare that the halachah is according to R. Jose?

(7) [Identified with Julianus and Pappus, the martyrs of Lydia mentioned infra v. Aruch s.v. **הרג**].

(8) [The victory of Judas Maccabeus over Nicanor is mentioned in I Maccabees as the occasion for making the thirteenth

of Adar a holiday. This was in 161 B.C.E. V. Zeitlin, Megillat Ta'anit, p. 82.]

(9) [טוריינום] The identification of this name with Trajan is disputed, particularly as Trajan is known to have died a natural death. It is suggested that this reference here is to Trajan's General, Lusius Quietus, who was executed by Trajan (Schurer I, 660 n. 62). Nothing can however as yet be said with certainty. V. HUCA, Lichtenstein Die Fastenrolle, p. 273.]

(10) דיפלי So Rashi. [Aliter: GR. ** = GR. ** 'dispatch'].

(11) So that the fasts that have been begun should not be interrupted.

(12) רביעה ראשונה The first of the fructification (רביעה) rain that is expected to begin in the month of Marcheshvan, v. supra p. 20, n. 7 and Gemara.

(13) V. supra 6a.

(14) Amos IV, 7.

Talmud - Mas. Ta'anith 19a

IN SUCH A CASE THAT CITY FASTS AND SOUNDS THE ALARM, BUT THOSE [IN THE PLACES] AROUND IT FAST BUT DO NOT SOUND THE ALARM. R. AKIBA SAYS: THEY SOUND THE ALARM BUT DO NOT FAST. AND SO TOO IF A PLAGUE RAGES IN A CITY OR [ITS BUILDINGS] COLLAPSE¹ THEN THAT CITY FASTS AND SOUNDS THE ALARM, BUT THE PEOPLE [IN THE PLACES] AROUND IT FAST BUT DO NOT SOUND THE ALARM. R. AKIBA SAYS: THEY SOUND THE ALARM BUT DO NOT FAST. WHAT CONSTITUTES A PLAGUE? IF IN A CITY THAT CAN SUPPLY FIVE HUNDRED FOOT-SOLDIERS THREE DEATHS TAKE PLACE ON THREE CONSECUTIVE DAYS, THIS CONSTITUTES A PLAGUE; LESS THAN THIS IS NO PLAGUE.

THE ALARM IS SOUNDED EVERYWHERE ON ACCOUNT OF THE FOLLOWING [VISITATIONS]: BLAST, MILDEW, LOCUST, CRICKET, WILD BEASTS AND THE SWORD, AS THEY ARE ALL PLAGUES LIKELY TO SPREAD. IT HAPPENED THAT ELDERS WENT DOWN FROM JERUSALEM TO THEIR OWN CITIES AND ORDERED A FAST BECAUSE THERE WAS OBSERVED IN ASKELON BLAST WHICH AFFECTED AS MUCH GRAIN AS WOULD FILL AN OVEN [WITH LOAVES MADE THEREOF]. THEY ALSO ORDAINED A FAST BECAUSE WOLVES DEVoured TWO CHILDREN ON THE OTHER SIDE OF THE JORDAN; R. JOSE SAID: NOT BECAUSE THEY DEVoured [THE CHILDREN] BUT [MERELY] BECAUSE THEY WERE SEEN.

THE ALARM IS SOUNDED ON THE SABBATH ON ACCOUNT OF THE FOLLOWING MISHAPS: IF A CITY IS BESIEGED BY HOSTILE TROOPS OR [INUNDATED BY] THE RIVER, OR IF A SHIP IS FOUNDERING ON THE SEA, R. JOSE SAYS: [THE ALARM IS SOUNDED] FOR HELP BUT NOT FOR A CALL TO PRAYERS. SIMEON THE TEMANITE SAYS: [THE ALARM IS SOUNDED] ON ACCOUNT OF PLAGUE, BUT THE SAGES DID NOT AGREE WITH HIM.

THE ALARM IS SOUNDED ON ACCOUNT OF ANY VISITATION, THAT COMES UPON THE COMMUNITY² EXCEPT ON ACCOUNT OF AN OVER-ABUNDANCE OF RAIN. IT HAPPENED THAT THE PEOPLE SAID TO HONI THE CIRCLE DRAWER, PRAY FOR RAIN TO FALL. HE REPLIED: GO AND BRING IN THE OVENS [ON WHICH YOU HAVE ROASTED] THE PASCHAL OFFERINGS SO THAT THEY DO NOT DISSOLVE.³ HE PRAYED AND NO RAIN FELL...WHAT DID HE DO? HE DREW A CIRCLE AND STOOD WITHIN IT AND EXCLAIMED, MASTER OF THE UNIVERSE, THY CHILDREN HAVE TURNED TO ME BECAUSE THEY BELIEVE ME TO BE AS A MEMBER OF THY HOUSEHOLD; I SWEAR BY THY GREAT NAME THAT I WILL NOT MOVE FROM HERE UNTIL THOU HAST MERCY UPON THY CHILDREN. RAIN THEN BEGAN TO DRIP, AND THEREUPON HE EXCLAIMED: IT IS NOT FOR THIS THAT I HAVE PRAYED BUT FOR RAIN [TO FILL]

CISTERNS, DITCHES AND CAVES. THE RAIN THEN BEGAN TO COME DOWN WITH GREAT FORCE, AND THEREUPON HE EXCLAIMED; IT IS NOT FOR THIS THAT I HAVE PRAYED BUT FOR RAIN OF BENEVOLENCE, BLESSING AND BOUNTY. RAIN THEN FELL IN THE NORMAL WAY UNTIL THE ISRAELITES IN JERUSALEM WERE COMPELLED TO GO UP [FOR SHELTER] TO THE TEMPLE MOUNT BECAUSE OF THE RAIN. THEY CAME AND SAID TO HIM: IN THE SAME WAY AS YOU HAVE PRAYED FOR [THE RAIN] TO FALL PRAY [NOW] FOR THE RAIN TO CEASE. HE REPLIED: GO AND SEE IF THE STONE OF CLAIMANTS⁴ HAS BEEN WASHED AWAY. THEREUPON SIMEON B. SHETAH SENT TO HIM [THIS MESSAGE]: WERE IT NOT THAT YOU ARE HONI I WOULD HAVE PLACED YOU UNDER THE BAN, BUT WHAT CAN I DO UNTO YOU WHO IMPORTUNE GOD AND HE ACCEDES TO YOUR REQUEST AS A SON THAT IMPORTUNES HIS FATHER AND HE ACCEDES TO HIS REQUEST; OF YOU SCRIPTURE SAYS, LET THY FATHER AND THY MOTHER BE GLAD, AND LET HER THAT BORE THEE REJOICE.⁵

IF WHILST THEY ARE FASTING RAIN FALLS, IF IT IS BEFORE SUNRISE THEY DO NOT COMPLETE THE FAST,⁶ IF AFTER SUNRISE, THEY DO COMPLETE THE FAST. R. ELIEZER SAYS: IF BEFORE NOON THEY DO NOT COMPLETE THE FAST, AFTER NOON THEY DO COMPLETE IT. IT HAPPENED THAT THE RABBIS ORDAINED A FAST IN LYDIA AND RAIN FELL BEFORE NOON. THEREUPON R. TARFON SAID TO THEM: GO, EAT AND DRINK AND OBSERVE THE DAY AS A HOLIDAY. THEY WENT AND ATE AND DRANK AND OBSERVED THE DAY AS A HOLIDAY AND AT EVENING TIME THEY CAME AND RECITED THE GREAT HALLEL.⁷

GEMARA. THE ORDER OF PUBLIC FASTS AFOREMENTIONED IS OBSERVED ONLY IN CONNECTION WITH [THE WITHHOLDING] OF THE FIRST RAIN. A contradiction was raised against this Mishnah: [If rain is withheld at the time of] the first and second rainfalls prayers are offered; if at the third rainfall, fasts are observed!⁸ Rab Judah replied: The Mishnah means this: The order of fasts aforementioned is observed only when the time for the first, second and third fructification rainfalls has passed and no rain fell, but if rain fell at the time for the first fructification rainfall and they sowed but nothing sprouted forth, or if the [plants] did sprout forth but they had undergone an unusual change the alarm is sounded at once.⁹

R. Nahman said: Only when they had undergone an unusual change, but not if they merely withered away. Is not this self-evident? We clearly learned, HAVE UNDERGONE A CHANGE[R. Nahman's statement] is needed to cover the case of seeds that have already shot up into stalks. You might have thought that this is a sign of recovery, he therefore informs us [that it is not].

THE SAME TOO IS DONE IF FORTY DAYS ELAPSED BETWEEN THE FIRST AND THE SECOND RAINFALLS AND NO RAIN FELL etc. What is the nature of the plague of drought? Rab Judah said in the name of Rab: A plague which leads to scarcity. R. Nahman said: When [grain] has to be transported by river

(1) If the collapse is caused by an earth-quake or by some other extraordinary natural phenomena.

(2) [Aliter: 'that may not come etc.' a euphemism for 'that may come etc.']

(3) These ovens were usually made of clay and were portable.

(4) Lit., 'a stone of the losers'. A stone in Jerusalem from which announcements of property lost and found were made. (Cf. B.M. 28b where the reading is אבן הטוען 'stone of claims or claimants'). [The meaning of Honi's statement becomes clear from the parallel passage in Tosef. Ta'an. III, We are confident that God will not bring a flood upon the world according to Gen. IX, 15. It was this assurance which made it impossible for the rain to be so strong as to dissolve the stones and which should allay the fear of the anxious people.]

(5) Prov. XXIII, 25. [With this story cf. Josephus, Ant. XVI, 2,1 and v. Buchler, Types, 198ff for a fine analysis of

Honi's prayer.]

(6) Because strictly speaking the fast had not yet begun.

(7) Ps. CXXXVI. Cf. Ber. 4b.

(8) Here it is stated that fasts are ordained after these three rainfalls had failed, whereas the Mishnah says that the fasts are observed immediately after the first expected rainfalls had failed.

(9) The phrase רביעה ראשונה does not denote, as it was assumed, the first fructification rain but the whole of the former rain season (יורה) which comprises three fructification rains as stated supra 6a.

Talmud - Mas. Ta'anith 19b

[from one city to another] it is drought, but when it has to be brought [overland] from one province to another it is famine. R. Hanina said: If a se'ah of grain costs one sela' and is obtainable it is drought; but if four se'ahs cost a sela' but are not easily obtainable, then it is a famine. R. Johanan added: This holds good only when money is cheap and food dear, but if money is dear and food cheap then the alarm is sounded at once. For R. Johanan said: I remember well [the time] when four se'ahs cost one sela' and yet there were many in Tiberias swollen from hunger because there was not a coin to be had.

IF RAIN FALLS FOR CROPS BUT NOT FOR THE TREES. It is of course possible [for rainfall to be beneficial] for crops and not for the trees when [the rain] falls gently and not heavily; similarly, It can be beneficial for trees and not for crops when it falls heavily and not gently; similarly, it can be beneficial for both of them and yet not for cisterns, ditches and caves if it falls heavily and gently but yet not in great enough volume. But is it possible for rain to fall for cisterns, ditches and caves and yet not be beneficial for both of these [crops and trees] as has been taught in the Baraitha? — When the rain is torrential.

Our Rabbis have taught: The alarm [for rain] for the trees is sounded during the middle of the Passover [season],¹ and for the cisterns, ditches and caves even during² the middle of the Tabernacles [season]; and at any time should there be no water to drink the alarm is sounded at once. What is meant by 'at once'? — On the [following] Monday, Thursday and Monday. The alarm is sounded for all the aforementioned only in the particular province affected. In the case of croup the alarm is sounded only when deaths result from it, but if no deaths result the alarm is not sounded. In the case of locust the alarm is sounded no matter how small in number. R. Simeon b. Eleazar says: [The alarm is sounded] also in the case of grasshoppers.

Our Rabbis have taught: The alarm is sounded for the trees during the working years of the Sabbatical Cycle,³ but for the cisterns, ditches and caves even on the Sabbatical year. R. Simeon b. Gamaliel says: [The alarm is sounded] also for the trees during the Sabbatical year because the poor derive their livelihood from them.⁴

Another Baraitha taught: The alarm is sounded for trees during the six working years of the Sabbatical Cycle, but for the cisterns, ditches and caves even on the Sabbatical year. R. Simeon b. Gamaliel says: [The alarm is sounded] also for the trees. For what grows of itself the alarm is sounded even on the Sabbatical year because the poor derive their livelihood from them.

It has been taught: R. Eleazar b. Perata said: Ever since the day the Temple was destroyed the rains have become irregular;⁵ there are years in which rains are abundant, and there are other years when they are scanty; there are some years when the rains come in season, and there are other years when they do not. To what may be compared the years when the rains come in season? To a servant to whom his master gave his week's food allowance [in advance] on the first day of the week, with the result that the dough is baked well and eatable.⁶ To what may be compared the years when the rains do not come in season? To a servant to whom his master gave his week's food allowance on the

eve of the Sabbath with the result that his dough is not well baked⁷ and uneatable. To what may be compared the years when the rains are abundant? To a servant to whom his master gave his [year's] food allowance in one lot so that the [waste of] the mill in grinding a kor⁸ is no more than [the waste] in grinding a kab⁹ and likewise the waste in kneading a kor is no more than in kneading a kab. To what may be compared the years when the rains are scanty? To a servant to whom his master gave his [year's] food allowance little by little, so that the waste in grinding a kab is no less than in grinding a kor, and likewise the waste in kneading a kab is no less than in kneading a kor. Another explanation: When the rains are plentiful they may be compared to a man kneading clay; if he has a plentiful supply of water then the clay is well kneaded without all the water being used up, but if the supply is scanty the water will give out and the clay is not well kneaded.

Our Rabbis have taught: Once it happened when all Israel came up on pilgrimage to Jerusalem that there was no water available for drinking. Thereupon Nakdimon b. Gurion approached a certain [heathen] lord and said to him: Loan me twelve wells of water for the Pilgrims and I will repay you twelve wells of water; and if I do not, I will give you instead twelve talents of silver, and he fixed a time limit [for repayment]. When the time came [for repayment] and no rain had yet fallen the lord sent a message to him in the morning: Return to me either the water or the money that you owe me. Nakdimon replied: I have still time, the whole day is mine. At midday he [again] sent to him a message, Return to me either the water or the money that you owe me. Nakdimon replied: I still have time to-day. In the afternoon he [again] sent to him a message, Return to me either the water or the money that you owe me. Nakdimon replied, I still have time to-day. Thereupon the lord sneeringly said to him, Seeing that no rain has fallen throughout the whole year

(1) פרום 'half'. This is explained by J. T. (Sheck. III, 47b) to mean half of the thirty days before the feast, i.e., within fifteen days before the feast.

(2) Though it is still summer season (Rashi). MS.M. omits 'even'.

(3) At any time within the six years of the seven years' cycle (Shemittah).

(4) The poor had equal rights with the owners to the produce of the seventh year. Cf. Ex. XXIII, 11 and Lev. XXV, 6.

(5) צימוקין Rashi explains the word to mean 'with difficulty'. Jastrow thinks the word to be a corruption of xenium, 'a host or king's gift, donation indefinite as to time and amount', hence, irregular.

(6) He has plenty of time to devote to its baking.

(7) It is baked hurriedly.

(8) Thirty se'ahs.

(9) One sixth of a se'ah.

Talmud - Mas. Ta'anith 20a

will it then rain now? Thereupon he repaired in a happy mood to the baths. Meanwhile, whilst the lord had gone gleefully to the baths, Nakdimon entered the Temple depressed. He wrapped himself in his cloak and stood up to pray. He said, 'Master of the Universe! It is revealed and known before Thee that I have not done this for my honour nor for the honour of my father's house, but for Thine honour have I done this in order that water be available for the Pilgrims'. Immediately the sky became covered with clouds and rain fell until the twelve wells were filled with water and there was much over. As the lord came out of the baths Nakdimon b. Gurion came out from the Temple and the two met, and Nakdimon said to the lord, Give me the money for the extra water that you have received. The latter replied, I know that¹ the Holy One, blessed be He, disturbed the world but for your sake, yet my claim against you for the money still holds good, for the sun had already set and consequently the rain fell in my possession. Nakdimon thereupon again entered the Temple and wrapped himself in his cloak and stood up to pray and said, 'Master of the Universe! Make it known that Thou hast beloved ones In Thy world'. Immediately the clouds dispersed and the sun broke through. Thereupon the lord said to him, Had not the sun broken through I would still have had a claim against you entitling me to exact my money from you. It has been taught: His name was not

Nakdimon but Boni and he was called Nakdimon because the sun had broken through [nikdera] on his behalf.

The Rabbis have taught: For the sake of three the sun broke through, Moses, Joshua and Nakdimon b. Gurion. Now of Nakdimon we know from the above tradition; of Joshua too we know from Scripture where it is written, And the sun stood still, and the moon stayed,² etc.; but of Moses whence do we know this?

R. Eleazar said: We deduce it from an inference from the analagous use of the word ahel.³ Here it is written, I will begin [ahel] to put the dread of thee,⁴ and elsewhere it is written, I will begin [ahel] to magnify thee.⁵ R. Samuel b. Nahmani said: From an analogous use of the word teth.⁶ Here it is written, I will begin to put [teth] the the dread of thee, and elsewhere it is written, In the day when the lord delivered [teth] up the Amorites etc.⁷ R. Johanan said: It can be derived from the verse itself, Who, when they hear the report of thee, shall tremble and be in anguish because of thee.⁸ When did they tremble and were in anguish before Moses? When the sun broke⁹ through for Moses.

AN SO TOO IF NO RAIN FALLS UPON A PARTICULAR CITY etc. Rab Judah said in the name of Rab: Both [cities cited in the verse are under] divine displeasure.¹⁰ Jerusalem is among them as one unclean.¹¹ Rab Judah said in the name of Rab: [The verse implies] blessing; as an unclean [menstruous] woman becomes permissible [to her husband],¹² so too will Jerusalem be reinstated.

She is become as a widow;¹³ Rab Judah said: [The verse implies] blessing; 'as a widow'; not a real widow, but a woman whose husband has gone to a country beyond the sea [fully] intending to return to her.

Therefore have I also made you contemptable and base before all the people:¹⁴ Rab Judah said: [The verse implies] blessing; of you no overseers of rivers¹⁵ nor officers¹⁶ shall be appointed.

For the Lord will smite Israel as a reed is shaken in the water:¹⁷ Rab Judah said in the name of Rab: [The verse implies] blessing. For R. Samuel b. Nahmani said in the name of R. Johanan: What is the meaning of the verse, Faithful are the wounds of a friend; but the kisses of an enemy are importunate?¹⁸ Better is the curse which Ahijah the Shilonite pronounced on Israel than the blessings with which Balaam the wicked blessed them. Ahijah the Shilonite cursed them by comparing them with the 'reed'; he said to Israel, For the Lord will smite Israel as a reed is shaken in water. [Israel are as the reed], as the reed grows by the water and its stock grows new shoots¹⁹ and its roots are many, and even though all the winds of the universe come and blow at it they cannot move it from its place for it sways with the winds and as soon as they have dropped the reed resumes its upright position. But Balaam the wicked blessed them by comparing them with the 'cedar', as it is said, As cedars beside the waters;²⁰ the cedar does not grow by the waterside and its stock does not grow new shoots and its roots are not many, and even though all the winds of the universe blow at it they cannot move it from its place;²¹ if however the south wind blows at it, it uproots it and turns it upside down. Moreover, [because of its yielding nature] the reed merited that of it should be made a pen for the writing of the Law, the Prophets and Hagiographa.

Our Rabbis have taught: A man should always be gentle as the reed and never unyielding as the cedar. Once R. Eleazar son of R. Simeon was coming from Migdal Gedor,²² from the house of his teacher, and he was riding leisurely on his ass by the riverside and was feeling happy and elated because he had studied much Torah

(1) no.

(2) Josh. X, 13.

(3) 578

- (4) Deut. II, 25.
 (5) Josh. III, 7.
 (6) תת.
 (7) Josh. X, 12.
 (8) Deut. 11, 25.
 (9) There is in this passage a confusion of the root קדם with the root קדר to break through. Jast. reads שנקדה V. Jast. s.v. נקד.
 (10) The one suffers from a want of rain and the other from an excess.
 (11) Lam. I, 17.
 (12) After her period of separation.
 (13) Ibid. I.
 (14) Mal. 11,9.
 (15) I.e., toll collectors.
 (16) גזיריפטי Jastrow derives the word from the Persian meaning, a class of oppressive Persian officers.
 (17) I Kings XIV, 15.
 (18) Prov. XXVII, 6.
 (19) If the stock is cut it grows again.
 (20) Num. XXIV, 6.
 (21) [Read with MS.M.: 'it does not sway with them'. I.e., it offers resistance to the wind.]
 (22) probably in Judah. V. Josh. XV, 36.

Talmud - Mas. Ta'anith 20b

. There chanced to meet him an exceedingly ugly man who greeted him, 'Peace be upon you, Sir'. He, however, did not return his salutation but instead said to him, 'Raca,¹ how ugly you are. Are all your fellow citizens as ugly as you are?' The man replied: 'I do not know, but go and tell the craftsman who made me, "How Ugly is the vessel which you have made".' When R. Eleazar realized that he had done wrong he dismounted from the ass and prostrated himself before the man and said to him, 'I submit myself to you, forgive me'. The man replied: 'I will not forgive you until you go to the craftsman who made me and say to him, "How ugly is the vessel which you have made".' He [R. Eleazar] walked behind him until he reached his native city. When his fellow citizens came out to meet him greeting him with the words, 'Peace be upon you O Teacher, O Master,' the man asked them, 'Whom are you addressing thus?' They replied, 'The man who is walking behind you.' Thereupon he exclaimed: 'If this man is a teacher, may there not be any more like him in Israel!' The people then asked him: 'Why'? He replied: 'Such and such a thing has he done to me. They said to him: 'Nevertheless, forgive him, for he is a man greatly learned in the Torah.' The man replied: 'For your sakes I will forgive him, but only on the condition that he does not act in the same manner in the future.' Soon after this R. Eleazar son of R. Simeon entered [the Beth Hamidrash] and expounded thus, A man should always be gentle as the reed and let him never be unyielding as the cedar. And for this reason the reed merited that of it should be made a pen for the writing of the Law, Phylacteries and Mezuzoth.²

AND SO TOO, IF A PLAGUE RAGES IN A CITY OR [ITS BUILDINGS] COLLAPSE etc. Our Rabbis have taught: The 'COLLAPSE spoken of refers only to sound buildings but not to those already dilapidated; only to those which are not likely to fall in but not to those that are likely to fall in. Are not 'sound buildings' the same as 'those that are not likely to fall in'? And are not those already dilapidated' the same as 'those likely to fall in'? — It is necessary [to distinguish between them] when for instance they collapsed because of their excessive height, or, when they stood on the bank of a river.³ In Nehardea there was a dilapidated wall and neither Rab nor Samuel would go past it although it had remained standing in the same position for thirteen years. One day R. Adda b. Ahaba happened to come there and Samuel said to Rab: 'Come, Sir, let us walk around it', and the latter replied, 'This precaution is not necessary now because R. Adda b. Ahaba is with us; his merit

is great and therefore I do not fear’.

R. Huna had wine [stored] in a certain dilapidated house and he desired to remove it. He took R. Adda b. Ahaba into that house and kept him occupied with traditional teaching until he had removed it. As soon as he had left the house it fell in. R. Adda b. Ahaba noticed this and was offended, because he agreed with the statement of R. Jannai who said: A man should never stand in a place of danger and declare, ‘A miracle will befall me’; perhaps a miracle will not befall him. And if a miracle does befall him he suffers thereby a reduction from his merits. R. Hanan said: This can be inferred from the verse where it is written, I am not worthy of all the mercies, and of all the truth.⁴ .⁴ What were the merits of R. Adda b. Ahaba?—Thus it has been stated: The disciples of⁵ R. Adda b. Ahaba asked him: To what do you attribute your longevity? — He replied: I have never displayed any impatience in my house, and I have never walked in front of any man greater than myself, nor have I ever meditated [over the words of the Torah] in any dirty alleys, nor have I ever walked four cubits without [musing over] the Torah or without [wearing] phylacteries, nor have I ever fallen asleep in the Beth Hamidrash for any length of time or even momentarily, nor have I rejoiced at the disgrace of my friends, nor have I ever called my neighbour by a nickname given to him by myself, or, some say by the nickname given to him by others.⁶

Raba said to Rafram b. Papa: Tell me some of the good deeds which R. Huna had done. He replied: Of his childhood I do not recollect anything, but of his old age I do. On cloudy [stormy] days they used to drive him about in a golden carriage and he would survey every part of the city and he would order the demolition of any wall that was unsafe; if the owner was in a position to do so he had to rebuild it himself, but if not, then [R. Huna] would have it rebuilt at his own expense. On the eve of every Sabbath [Friday] he would send a messenger to the market and any vegetables that the [market] gardeners had left over he bought up and had then, thrown into the river. Should he not rather have had these distributed among the poor? — [He was afraid] lest they would then at times be led to rely upon him and would not trouble to buy any for themselves. Why did he not give the vegetables to the domestic animals? — He was of the opinion that food fit for human consumption may not be given to animals⁷ Then why did he purchase them at all? — This would lead [the gardeners] to do wrong in the future [by not providing an adequate supply].⁸ Whenever he discovered some [new] medicine he would fill a water jug with it and suspend it above the doorstep and proclaim, Whosoever desires it let him come and take of it . Some say, he knew from tradition a medicine for that disease, Sibetha⁹ and he would suspend a jugful of water and proclaim, Whosoever needs it let him come [and wash his hands] so that he may save his life from danger. When he had a meal¹⁰ he would open the door wide and declare, Whosoever is in need let him come and eat. Raba said: All these things I could myself carry out except the last one

(1) ‘Empty one’, ‘Good for nothing’.

(2) V. Glos. s.v. mezuzah.

(3) Though they were sound they were liable to fall, because of their height or because of the water washing away the foundations.

(4) Gen. XXXII, 11. R. Hanan renders the verse thus: I have become smaller on account of all the mercies, etc.

(5) Cur. edd. insert in brackets, ‘R. Zera and according to some, the disciple of’.

(6) V. Meg., Sonc. ed. p. 170, n. 11.

(7) That would be treating God's food disrespectfully.

(8) It would cause a rise in prices and the poor would suffer thereby.

(9) **שיבתא** the name of an evil spirit that attacks those who eat food with unwashed hands. Cf. Yoma 77b. Hence R. Huna suspended a jug filled with water in order to warn those whose hands were unwashed to wash them and so save themselves from the power of the evil spirit, v. Rashi ad loc. [R. Hananel takes Sibetha to be the name of a liquid medicine.]

(10) Lit., ‘wrapped bread’. It was the custom to begin a meal with herbs and salt placed between two pieces of bread, hence the phrase.

Talmud - Mas. Ta'anith 21a

because there are so many in Mahuza.¹

Ilfa and R. Johanan studied together the Torah and they found themselves in great want and they said one to another, Let us go and engage in commerce so that of us may be fulfilled the verse, Howbeit there shall be no need among you.² They went and sat down under a ruinous wall and while they were having their meal two ministering angels came and R. Johanan overheard one saying to the other, Let us throw this wall upon these [people] and kill them, because they forsake life eternal and occupy themselves with life temporal. The other [angel] replied: Leave them alone because one of them has still much to achieve.³ R. Johanan heard this but Ilfa did not. Whereupon R. Johanan said to Ilfa, Master, have you heard anything? He replied: No. Thereupon R. Johanan said to himself: Seeing that I heard this and Ilfa has not, it is evident that I am the one who still has much to achieve. R. Johanan then said to Ilfa: I will go back, that of me may be fulfilled, For the poor shall never cease out of the land.⁴ Thereupon R. Johanan went back but Ilfa did not. When [at last] Ilfa returned, R. Johanan was already presiding over the school, and the scholars said to him: Had you remained here and studied the Torah you might have been presiding.⁵ Ilfa then suspended himself from the mast of a ship and exclaimed, If there is any one who will ask me a question from the Baraitas of R. Hiyya and R. Hoshaiah and I fail to elucidate it from the Mishnah then I will throw myself down and be drowned [in the sea]. And an old man came forward and cited the following Baraita: If a man [in his last will and testament] declares, Give a shekel weekly to my sons, but actually they needed a sela'⁶ then they should be given a sela'; but if he declared, Give them a shekel only, then they should be given a shekel. If, however, he declared, On their death others should inherit [their allowance] in their stead, then whether he has declared 'give' or 'give only' they are given a shekel only.⁷ He replied: This is in accordance with the view of R. Meir who said: It is a duty to carry out the will of a dying man.⁸

It is related of Nahum of Gamzu⁹ that he was blind in both his eyes, his two hands and legs were amputated — and his whole body was covered with boils and he was lying in a dilapidated house on a bed the feet of which were standing in bowls of water in order to prevent the ants from crawling on to him. On one occasion his disciples desired to remove the bed and then clear the things out of the house, but he said to them, My children, first clear out the things [from the house] and then remove my bed for I am confident that so long as I am in the house it will not collapse. They first cleared out the things and then they removed his bed and the house [immediately] collapsed. Thereupon his disciples said to him, Master, since you are wholly righteous, why has all this befallen you? and he replied, I have brought it all upon myself. Once I was journeying on the road and was making for the house of my father-in-law and I had with me three asses, one laden with food, one with drink and one with all kinds of dainties, when a poor man met me and stopped me on the road and said to me, Master, give me something to eat. I replied to him, Wait until I have unloaded something from the ass; I had hardly managed to unload something from the ass when the man died [from hunger]. I then went and laid myself on him and exclaimed, May my eyes which had no pity upon your eyes become blind, may my hands which had no pity upon your hands be cut off, may my legs which had no pity upon your legs be amputated, and my mind was not at rest until I added, may my whole body be covered with boils. Thereupon his pupils exclaimed, 'Alas! that we see you in such a sore plight'. To this he replied, 'Woe would it be to me did you not see me in such a sore plight'. Why was he called Nahum of Gamzu? — Because whatever befell him he would declare, This also is for the best. Once the Jews desired to send to the Emperor a gift and after discussing who should go they decided that Nahum of Gamzu should go because he had experienced many miracles. They sent with him a bag full of precious stones and pearls. He went and spent the night in a certain inn and during the night the people in the inn arose and emptied the bag and filled it up with earth. When he discovered this next morning he exclaimed, This also is for the best. When he arrived at his destination and they

undid his bag they found that it was full of earth. The king thereupon desired to put them¹⁰ all to death saying, The Jews are mocking me. Nahum then exclaimed, This also is for the best. Whereupon Elijah appeared in the guise of one of them¹¹ and remarked, Perhaps this is some of the earth of their father Abraham,¹² for when he threw earth [against the enemy] it turned into swords and when [he threw] stubble it changed into arrows, for it is written, His sword maketh them as dust, his bow as the driven stubble.¹³ Now there was one province which [the emperor had hitherto] not been able to conquer but when they tried some of this earth [against it] they were able to conquer it. Then they took him [Nahum] to the royal treasury and filled his bag with precious stones and pearls and sent him back with great honour. When on his return journey he again spent the night in the same inn he was asked, What did you take [to the king] that they showed you such great honour? He replied, I brought thither what I had taken from here. [The innkeepers] thereupon razed the inn to the ground and took of the earth to the king and they said to him, The earth that was brought to you belonged to us. They tested it and it was not found to be [effective] and the innkeepers were thereupon put to death.

WHAT CONSTITUTES PLAGUE? IF IN A CITY THAT CAN SUPPLY FIVE HUNDRED FOOT-SOLDIERS etc. Our Rabbis have taught: If in a city that can supply fifteen hundred foot-soldiers, as for example Kefar Acco,¹⁴ nine deaths take place in three consecutive days, this constitutes plague; if, however, these deaths take place in one day or in four days it is not plague. And if in a city that can supply five hundred foot-soldiers, as for example, Kefar-Amiko,¹⁵ three deaths take place in three consecutive days this constitutes plague; if, however, they take place in one day or in four days it is not plague.

(1) A city in Mesopotamia on the river Tigris where Raba lived. [Soldiers would frequently be billeted in Mahuza on account of its proximity to the capital Ktesifon, v. Obermeyer, p. 174.]

(2) Deut. XV, 4.

(3) Lit., 'time stands for him' (in his favour).

(4) Ibid. 11.

(5) [Tosaf.: 'Had you returned . . . he (R. Johanan) would not have been presiding.]

(6) Two common shekalim make a sela'.

(7) V. B.B. 129a. Keth. 69a.

(8) And thus make it possible for others to inherit the residue of the estate on the death of the sons, v. Keth. 69b.

(9) **גמלי** is mentioned in II Chron. XXVIII, 18 as the name of a place. Here it is not a name of a place but a cognomen and the Gemara explains it to be the combination of **גל** 'also', and **ל** 'this'.

(10) The Jews.

(11) Romans.

(12) Cf. Midrash Tanhuma on Genesis XIX (ed. Buber); Gen. Rab. XLIII.

(13) Isa. XLI, 2.

(14) V. supra p. 28, n. 4.

(15) [North of Acco, Klein, NB, p. 9].

Talmud - Mas. Ta'anith 21b

In Derokereth,¹ a city that supplied five hundred foot-soldiers three deaths took place in one day, whereupon R. Nahman b. Hisda ordained a [public] fast. R. Nahman b. Isaac said, This must be in accordance with the authority of R. Meir who declared, If for going at long intervals [during three days] there is [full] liability, how much more so for going at short intervals [in one day].² Said R. Nahman b. Hisda to R. Nahman b. Isaac: Pray, take a seat nearer us.³ The latter replied: We have taught, R. Jose says: It is not the place that honours the man but it is the man who honours the place. We find it thus In connection with Mt. Sinai, as long as the Shechinah dwelt thereon the Torah

declared, Neither let the flocks nor herds feed before that mount;⁴ but once the Shechinah had departed thence the Torah said, When the ram's horn soundeth long, they shall come up to the mount.⁵ The same too we find in connection with the Tent of Meeting in the wilderness; so long as it remained pitched the Torah commanded, That they put out of the camp every leper;⁶ but once the curtains were rolled up⁷ both those with a running issue and the lepers were permitted to enter therein. Thereupon R. Hisda retorted: If so I will come nearer to you; whereupon the latter replied: It is more fitting that a scholar, the son of an ordinary man, should go to one who is a scholar and is the son of a scholar, than the latter should go towards the former.⁸

Once a plague broke out in Sura but it did not affect the locality in which Rab resided. People thought that this was on account of Rab's great merit but in a dream it was made clear to them that this was far too small a matter to need Rab's great merit, but that it was on account of the merit of a certain man who made it a practice to lend shovel and spade for burials.

Once a fire broke out in Derokereth but it did not spread to the locality where R. Huna resided. People thought that it was on account of the great merit of R. Huna, but in a dream it was made clear to them that this was far too small a matter to need R. Huna's great merit, but that it was on account of a certain woman who [on the eve of Sabbaths] would heat her oven and permit her neighbours to make use of it.

Once Rab Judah was informed that locusts had come and he ordained a fast. He was then told that no damage had been done, whereupon he exclaimed: Have they then brought provision with them?⁹

Once Rab Judah was informed that pestilence was raging among the swine and he ordained a fast. Can it then be concluded from this that Rab Judah is of the opinion that a plague scourging one species of animals is likely to attack also other species? No, the case of the swine is exceptional, because their intestines are like unto those of human beings.

Once Samuel was informed that pestilence was raging amongst the inhabitants of Be Hozae,¹⁰ and he ordained a fast. The people said to him: surely [Be Hozae] is a long distance away from here.¹¹ He replied: Would then a crossing prevent it from spreading?¹²

Once R. Nahman was informed that there was pestilence in Palestine and he ordained a fast, for he said, If the 'Mistress' is stricken how much more so the 'Maid-servant' .¹³ [Are we then to assume] that the reason for his ordaining the fast was because it was a case of 'mistress' and 'maid-servant', but if both were maid-servants', he would not have ordained the fast? But did not Samuel ordain a fast [in Nehardea] when he was informed that there was pestilence amongst the inhabitants of Be Hozae?¹⁴ The case there was exceptional since there are caravans which it accompanies and with which it comes along.

Abba was a cupper and daily he would receive greetings from the Heavenly Academy. Abaye received greetings on every Sabbath eve, Raba on the eve of every Day of Atonement. Abaye felt dejected because of [the signal honour shown to] Abba the Cupper. People said to him: This distinction is made because you cannot do what Abba does. What was the special merit of Abba the Cupper? When he performed his operations he would separate men from women, and in addition he had a cloak which held a cup [for receiving the blood]¹⁵ and which was slit at the shoulder¹⁶ and whenever a woman patient came to him he would put the garment on her shoulder¹⁷ in order not to see her [exposed body].¹⁸ He also had a place¹⁹ out of public gaze²⁰ where the patients deposited their fees which he would charge; those that could afford it put their fees there, and thus those who could not pay were not put to shame.²¹ Whenever a young scholar happened to consult him not only would he accept no fee from him but on taking leave of him he also would give him some money at the same time adding, Go and regain strength therewith. One day Abaye sent to him two scholars in

order to test him. He received them and gave them food and drink and in the evening he prepared woollen mattresses for them [to sleep on].

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- (1) Identified with Daraukat on the Tigris, v. Obermeyer p. 197.
- (2) Cf. B.K. 24a. An ox is considered a goring ox (mu'ad) if he gored three times in three days. R. Meir takes the view that he is considered a goring ox if he gored three times in one day (cf. ibid. 23b).
- (3) Take a more prominent place worthy of your great learning of which you have just given us proof.
- (4) Ex. XXXIV, 3.
- (5) Ex. XIX, 13.
- (6) Num. V, 2.
- (7) For the continuation of their journeyings.
- (8) R. Hisda, the father of R. Nahman, was a more eminent scholar than Isaac, the father of R. Hisda, as can be seen from the fact that the former was an ordained rabbi and is referred to as R. Hisda, whereas the latter is termed Isaac without the title 'Rabbi'. To show his less distinguished ancestry R. Nahman refers to himself as **מנה בן פרם** (מנה = GR. **,mina and פרם, half of a mina). Lit., 'a mina the son of half a mina', while R. Nahman is designated by him as 'mina the son of a mina'.
- (9) That they did not damage the crops.
- (10) [The modern Khurzistan, v. Obermeyer p. 204.]
- (11) Nehardea, the place of Samuel.
- (12) So MS.M. and Rashi. Nothing can prevent disease from spreading. Cur. edd. 'There is here no crossing to prevent them'.
- (13) Palestine is the Mistress and Babylon the Maidservant.
- (14) And there the Maidservant alone was concerned.
- (15) The caravans carry with them the pestilence to Nehardea.
- (16) Lit., 'between the shoulders, shoulder blade'.
- (17) [Var. lec.: a garment which had many slits at the shoulder blade.]
- (18) He would insert the cup through the slit on the shoulder to bleed the patient without having to expose her body.
- (19) Lit., 'hidden'.
- (20) [Var. lec.: 'outside (his surgery)'].
- (21) [Var. lec.: and those who could not pay could come in and sit down, and were not etc.]

Talmud - Mas. Ta'anith 22a

In the morning the scholars rolled these together and took them to the market [for sale]. There they met Abba and they said to him, Sir, value these, how much they are worth, and he replied, So-and-so much. They said to him, Perhaps they are worth more? He replied, This is what I paid for them. They then said to him, They are yours, we took them away from you; tell us, pray, of what did you suspect us. He replied: I said to myself, perhaps the Rabbis needed money to redeem captives and they were ashamed to tell me. They replied, Sir, take them back. He answered: From the moment I missed them I dismissed them from my mind and [I devoted them] to charity.

Raba was dejected because of the special honour shown to Abaye and he was therefore told, Be content that [through your merit] the whole city is protected.

R. Beroka Hoza'ah¹ used to frequent the market at Be Lapat² where Elijah often appeared to him. Once he asked [the prophet], is there any one in this market who has a share in the world to come? He replied, No. Meanwhile he caught sight of a man wearing black shoes and who had no thread of blue on the corners of his garment³ and he exclaimed, This man has a share in the world to come. He [R. Beroka] ran after him and asked him, What is your occupation? And the man replied: Go away and come back tomorrow. Next day he asked him again, What is your occupation? And he replied: I am a jailer and I keep the men and women separate and I place my bed between them so that they may not come to sin; when I see a Jewish girl upon whom the Gentiles cast their eyes I risk my life

and save her. Once there was amongst us a betrothed girl upon whom the Gentiles cast their eyes. I therefore took lees of [red] wine and put them in her skirt and I told them that she was unclean.⁴ [R. Beroka further] asked the man, Why have you no fringes and why do you wear black shoes?⁵ He replied: That the Gentiles amongst whom I constantly move may not know that I am a Jew, so that when a harsh decree is made [against Jews] I inform the rabbis and they pray [to God] and the decree is annulled. He further asked him, When I asked you, What is your occupation, why did you say to me, Go away now and come back to-morrow? He answered, They had just issued a harsh decree and I said I would first go and acquaint the rabbis of it so that they might pray to God.

Whilst [they were thus conversing] two [men]⁶ passed by and [Elijah] remarked, These two have a share in the world to come. R. Beroka then approached and asked them, What is your occupation? They replied, We are jesters, when we see men depressed we cheer them up; furthermore when we see two people quarrelling we strive hard to make peace between them.

THE ALARM IS SOUNDED EVERYWHERE ON ACCOUNT OF THE FOLLOWING [VISITATIONS] etc. Our Rabbis have taught: The alarm is sounded everywhere on account of the following visitations, blast, mildew, locust, crickets and wild beasts. R. Akiba says: For the slightest attack of blast and mildew; and In the case of locust and crickets even if only one winged creature is seen the alarm is sounded [immediately].

FOR WILD BEASTS etc. Our Rabbis have taught: The Alarm is sounded for wild beasts only when they are a [divine] visitation but not otherwise. What constitutes a [divine] visitation and what does not? When they make their appearance in the city that is a [divine] visitation, in the field it is not; by day it is a [divine] visitation, by night it is not; if a beast sees two persons and pursues them it is a [divine] visitation, but if it hides itself on seeing them it is not; if it killed two persons and devoured only one of them that is a [divine] visitation, but if it devoured both of them it is not;⁷ if it mounted the roof and carried off an infant out of the cradle that is a divine visitation. Is not this [Baraita] self-contradictory? [First] you say, 'If it makes its appearance in the city it is a visitation' and no distinction is made whether this happens by day or by night, and then you add 'it is a visitation', but by night it is not! — There is no contradiction. This is what is meant. If it makes its appearance in the city by day it is a visitation, but in the city by night it is not. Or, in the field even by day it is not a visitation.⁸

[First you say,] 'If the beast sees two persons and pursues them it is a visitation' which implies that if it remains still it is no visitation and then you add 'if it hides itself on seeing then it is not a visitation'; this would imply that if it remains still it is a visitation! — This is no contradiction. In the one case it speaks of [a beast] in a field near reedland,⁹ in the other in a field not near reedland.

[You say,] 'If it kills two men and devours one of them, that is a visitation but if it devours both of them it is not.' But did you not say that even if it only pursues [two people] that is a visitation? — R. Papa replied: That speaks of a case [where the beast is standing] in reedland.

The [above] text [states] 'If it mounted the roof and carried off an infant out of the cradle it is a visitation'. Is not this self-evident? R. Papa replied: This statement is meant to refer to [the case of a beast carrying off an infant out of a cradle in] a hunter's cave.¹⁰

AND THE SWORD etc. Our Rabbis have taught: By 'SWORD' is meant not only a hostile attack by an invading army but also the passing en route of a friendly army.¹¹ For there could be no more friendly army than that of Pharaoh-Necho, and yet through it king Josiah met his fate, as it is said

(1) Of Be Hozae (Khuzistan).

(2) [The capital of the province of Khuzistan during the Sasanian period, v. Obermeyer p. 209.]

(3) Cf. Num. XV, 38.

(4) She was menstruating. [As protection of the woman this was singularly effective, as among the Persians the laws of menstruation were of extreme rigour, v. Obermeyer p. 210, n. 1.]

(5) [It was the black lachets which were the distinguishing marks between Jews and Gentiles, v. Sanh. 74b and Krauss TA. I, 628.]

(6) [Var. lec.: 'two brothers'.]

(7) The animal had already satisfied its hunger by devouring the first person whom it killed; when therefore it kills another person then it can only be a divine visitation.

(8) [The text is doubtful and in disorder. MS.M. omits, or in the field... visitation'. The words 'in the fields by night it is not a visitation', which appear in the cur. ed. in brackets are best left out.]

(9) When the animal stands near reedland and it feels itself secure because it has a place of escape and it therefore is not likely to attack a person

(10) Although it is a low building and the animal need not climb up high for its prey, the attack is yet taken as a divine visitation.

(11) Lit., 'there is no need to speak of a sword that is not of peace but ever a sword of peace'.

Talmud - Mas. Ta'anith 22b

But he sent ambassadors to him, saying¹ : What have I to do with thee, thou king of Judah? I come not against thee this day, but against the house wherewith I have war: and God hath given command to speed me; forbear thee from meddling¹ with God, who is with me, that He destroyeth thee not.¹

What is meant by 'God who is with me'? — Rab Judah said in the name of Rab: Idols. Josiah said [to himself], Since he [Pharaoh-Necho] puts his trust in his idols I will prevail over him.

And the archers shot at king Josiah; and the king said to his servants: Have me away, for I am sore wounded.² What is meant by, 'For I am sore wounded'? Rab Judah said in the name of Rab: This teaches that his whole body was perforated like a sieve.³ R. Samuel b. Nahmani said in the name of R. Jonathan: Josiah was punished because he should have consulted Jeremiah and he did not. On what did Josiah rely? — On the divine promise contained in the words, Neither shall the sword go through your land.⁴ What sword? Is it the warring sword? It is already stated [in the same verse], And I will give peace in the land.⁴ It must surely refer to the peaceful sword. Josiah, however, did not know that his generation found but little favour [in the eyes of God]. When he was dying Jeremiah observed that his lips were moving and he feared that perhaps, Heaven forbid,[Josiah] was saying something improper because of his great pain; he thereupon bent down and he overheard him justifying [God's] decree against himself saying, The Lord is righteous; for I have rebelled against His word.⁵ He [Jeremiah] then cited of him, The breath of our nostrils, the anointed of the Lord.⁶

IT HAPPENED THAT THE ELDERS RETURNED FROM JERUSALEM TO THEIR OWN CITIES etc. The question was asked, [Does the Mishnah mean] as an oven full of grain, or as an oven full of bread?⁷ — Come and hear: As much as would fill the opening of an oven. The following question however still remains, Does it mean [as much bread] as would close the opening of an oven, or a row of loaves extending to the opening of the oven? This is left undecided.

THEY ALSO ORDAINED A FAST BECAUSE WOLVES DEVOURED etc. 'Ulla said in the name of R. Simeon b. Jehozadak: It happened that wolves devoured two children and they passed them out through their secretory canal and the question came up before the Sages and they declared that the flesh [of the children] was clean but that their bones were unclean.⁸

THE ALARM IS SOUNDED ON THE SABBATH etc. Our Rabbis have taught: When a city is surrounded by hostile Gentiles, or threatened with inundation by the river, or when a ship is foundering in the sea, or when an individual is being pursued by Gentiles or robbers or by an evil

spirit,⁹ the alarm is sounded [even] on the Sabbath; and on account of all these an individual may afflict himself by fasting. R. Jose says: An individual may not afflict himself by fasting lest thereby he come to need the help of his fellow men and it may be that they will not have mercy upon him. Rab Judah said in the name of Rab: R. Jose's reason is because It is written, And became a living soul;¹⁰ Scripture thereby implies, [God says], Keep alive the soul which I gave you.

SIMEON THE TEMANITE SAYS [THE ALARM IS SOUNDED] ALSO EVEN ON ACCOUNT OF PLAGUE etc. The question was asked: Did the Rabbis disagree with him only when it was a question of sounding the alarm on the Sabbath, but on weekdays they agreed with him; or, perhaps they did not agree with him in any circumstances? — Come and hear: The alarm is sounded on account of plague on the Sabbath, and, it goes without saying, on weekdays. R. Hanan b. Pitom,¹¹ a disciple of R. Akiba, said in the name of R. Akiba: We may not under any circumstances sound the alarm on account of plague.

THE ALARM IS SOUNDED ON ACCOUNT OF ANY VISITATION, THAT COMES UPON THE COMMUNITY! Our Rabbis have taught: The alarm is sounded on account of any visitation that comes upon the community! except on account of an overabundance of rain. Why?— R. Johanan said: Because we may not pray on account of an excess of good. R. Johanan further said: Whence do we derive that we may not pray on account of an excess of good? For it is said, Bring ye the whole tithe into the storehouse . . . that there shall be more than sufficiency.¹² What is the meaning of, 'More than sufficiency'? — Rami son of R. Yud interpreted: Until your lips grow weary with saying, Sufficient. Rami son of R. Yud said: In the Diaspora the alarm is sounded on account of this.¹³ It has been taught likewise: In a year of excessive rain the Men of the Mishmar send [a message] to the Men of the Ma'amad:¹⁴ Think of your brethren in the Diaspora that their houses may not become their graves.¹⁵

R. Eliezer was asked, How excessive must the rainfall be to warrant prayer for it to cease? He replied: When a man standing on Keren Ofel¹⁶ is able to dabble his feet in water. But has it not been taught 'his hands'? — I mean, his feet [at the same time] as his hands.¹⁷ Rabah bar b. Hana related: Once as I was standing on Keren Ofel I saw [below] an Arab with a spear in his hand riding on a camel and to me he looked as small as a flax-worm.

The Rabbis have taught: And I will give you rains in their season.¹⁸ [This means that the soil shall be] neither soaked nor parched, but moderately rained upon. For whenever the rain is excessive it scours away the soil so that it yields no fruit.

(1) II Chron. XXXV, 21.

(2) Ibid. 23.

(3) Rab Judah infers this from the words **יִוְרוּ הַיּוֹרִים** which he renders, 'And the archers continued shooting.' [Or, **הַחֲלִיתִי** is connected with **חָלַל** to pierce through.]

(4) Lev. XXVI, 6.

(5) Lam. I, 18.

(6) Ibid. IV, 20.

(7) The former is the larger quantity.

(8) Their flesh as mere secretion does not render anyone coming into contact with them unclean, but their bones, still retaining their solid nature, do; cf. Lev. V, 2-3.

(9) [Var. lec.: 'an evil beast'.]

(10) Gen. II, 7.

(11) [Var. lec.: b. Phinehas.]

(12) Mal. III, 10.

(13) Because of an excess of rain.

(14) The phrase, Men of the Mishmar' here does not refer to priests but to a division of lay Israelites whose

representatives in Jerusalem known as the Men of the Ma'amad (v. Glos.) stood by during the sacrificial ceremonies reciting prayers (v. Malter, a.l. and infra 27a notes).

(15) Diaspora in the first instance denotes Babylon. Babylon being a low lying country would be swamped by an excess of rain.

(16) The name of a high rock on the brook of Kidron E. of Jerusalem. Cf. Tosef. Ta'an. III, I. [The water to reach the Ofel would have to rise five hundred feet. V. Buchler, op. cit. p. 197.]

(17) [MS.M. omits, 'I mean', the reference being to the Baraitha. I.e., the Baraitha, in stating 'hands' means that the water had risen so high that one can sit on the Keren Ofel and wash his hands whilst his feet dabble in the water.]

(18) Lev. XXVI, 4.

Talmud - Mas. Ta'anith 23a

Another explanation. 'In their season': [This means that rain would fall only] on the eve of Wednesdays¹ and Sabbaths. For so it happened in the days of Simeon b. Shetah. [At that time] rain fell on the eve of Wednesdays and Sabbaths so that the grains of wheat came up as large as kidneys and the grains of barley like the stones of olives, and of the lentils like the golden denarii and they stored specimens of them for future generations in order to make known unto them the in effects of sin, as it is said. Your iniquities have turned away these things and your sins have withholden good from you.² Likewise we find happened in the days of Herod when the people were occupied with the rebuilding of the Temple. [At that time] rain fell during the night but in the morning the wind blew and the clouds dispersed and the sun shone so that the people were able to go out to their work, and then they knew that they were engaged in sacred work.

IT HAPPENED THAT THE PEOPLE SAID TO HONI, THE CIRCLE DRAWER etc. Once it happened that the greater part of the month of Adar had gone and yet no rain had fallen. The people sent a message to Honi the Circle Drawer, Pray that rain may fall. He prayed and no rain fell. He thereupon drew a circle and stood within it in the same way as the prophet Habakuk had done, as it is said, I will stand upon my watch, and set me upon the tower etc.³ He exclaimed [before God], Master of the Universe, Thy children have turned to me because [they believe] me to be a member of Thy house. I swear by Thy great name that I will not move from here until Thou hast mercy Upon Thy children! Rain began to drip and his disciples said to him, We look to you to save us from death;⁴ we believe that this rain came down merely to release you from your oath. Thereupon he exclaimed: It is not for this that I have prayed, but for rain [to fill] cisterns, ditches and caves. The rain then began to come down with great force, every drop being as big as the opening of a barrel and the Sages estimated that no one drop was less than a log. His disciples then said to him: Master, we look to you to save us from death; we believe that the rain came down to destroy the world. Thereupon he exclaimed before [God], It is not for this that I have prayed, but for rain of benevolence, blessing and bounty. Then rain fell normally until the Israelites [in Jerusalem] were compelled to go up [for shelter] to the Temple Mount because of the rain. [His disciples] then said to him, Master, in the same way as you have prayed for the rain to fall pray for the rain to cease. He replied: I have it as a tradition that we may not pray on account of an excess of good. Despite this bring unto me a bullock for a thanks-giving-offering.] They brought unto him a bullock for a thanks-giving-offering and he laid his two hands upon it and said, Master of the Universe, Thy people Israel whom Thou hast brought out from Egypt cannot endure an excess of good nor an excess of punishment; when Thou wast angry with them, they could not endure it; when Thou didst shower upon them an excess of good they could not endure it; may it be Thy will that the rain may cease and that there be relief for the world. Immediately the wind began to blow and the clouds were dispersed and the sun shone and the people went out into the fields and gathered for themselves mushrooms and truffles. Thereupon Simeon b. Shetah sent this message to him, Were it not that you are Honi I would have placed you under the ban; for were the years like the years [of famine in the time] of Elijah⁵ (in whose hands were the keys of Rain) would not the name of Heaven be profaned through you?⁶ But what shall I do unto you who actest petulantly before the Omnipresent and He

grants your desire, as a son who acts petulantly before his father and he grants his desires; thus he says to him, Father, take me to bathe in warm water, wash me in cold water, give me nuts, almonds, peaches, and pomegranates and he gives them unto him. Of you Scripture says, Let thy father and thy mother be glad, and let her that bore thee rejoice.⁷

Our Rabbis have taught: What was the message that the Sanhedrin⁸ sent to Honi the Circle-Drawer? [It was an interpretation of the verse], Thou, shalt also decree a thing, and it shall be established unto thee, and light shall shine upon thy ways etc.⁹ ‘Thou shalt also decree a thing:’ You have decreed [on earth] below and the Holy One, Blessed be He, fulfills your word [in heaven] above. ‘And light shall shine upon thy ways:’ You have illumined with your prayer a generation in darkness. ‘When they cast thee down, thou shalt say: There is lifting up:’ You have raised with your prayer a generation that has sunk low. ‘For the humble person He saveth:’ You have saved by your prayer a generation that is humiliated with sin. ‘He delivereth him that is not innocent:’ You have delivered by your prayer a generation that is not innocent. ‘Yea, He shall be delivered through the cleanliness of thy hands:’ You have delivered it¹⁰ through the work of your clean hands.

R. Johanan said: This righteous man [Honi] was throughout the whole of his life troubled about the meaning of the verse, A Song of Ascents, When the Lord brought back those that returned to Zion, we were like unto them that dream.¹¹ Is it possible for a man to dream continuously for seventy years?¹² One day he was journeying on the road and he saw a man planting a carob tree; he asked him, How long does it take [for this tree] to bear fruit? The man replied: Seventy years. He then further asked him: Are you certain that you will live another seventy years? The man replied: I found [ready grown] carob trees in the world; as my forefathers planted these for me so I too plant these for my children.

Honi sat down to have a meal and sleep overcame him. As he slept a rocky formation enclosed upon him which hid him from sight and he continued to sleep for seventy years. When he awoke he saw a man gathering the fruit of the carob tree and he asked him, Are you the man who planted the tree? The man replied: I am his grandson. Thereupon he exclaimed: It is clear that I slept for seventy years. He then caught sight of his ass who had given birth to several generations of mules;¹³ and he returned home. He there enquired, Is the son of Honi the Circle-Drawer still alive? The people answered him, His son is no more, but his grandson is still living. Thereupon he said to them: I am Honi the Circle-Drawer, but no one would believe him. He then repaired to the Beth Hamidrash and there he overheard the scholars say, The law is as clear to us as in the days of Honi the Circle-Drawer, for whenever he came to the Beth Hamidrash he would settle for the scholars any difficulty that they had. Whereupon he called out, I am he; but the scholars would not believe him nor did they give him the honour due to him. This hurt him greatly and he prayed [for death] and he died. Raba said: Hence the saying, Either companionship or death.

Abba Hilkiah was a grandson of Honi the Circle-Drawer, and whenever the world was In need of rain the Rabbis sent a message to him and he prayed and rain fell. Once there was an urgent need for rain and the Rabbis sent to him a couple of scholars [to ask him] to pray for rain. They came to his house but they did not find him there. They then proceeded to the fields and they found him there hoeing. They greeted him

(1) People did not venture out on Wednesday evenings as there was a belief that demons were about. Cf. Pes. 112b.

(2) Jer. V, 25.

(3) Hab. II, 1.

(4) The meaning of the Hebrew phrase is doubtful. (3) [Rashi: ‘for confession of sins’.]

(5) Cf. I Kings XVII, 1ff.

(6) [Honi would not have hesitated to force, so to speak, the hand of Heaven even in the face of an oath such as Elijah had made in the name of God that there would be no rain for years (1 Kings XVII, 1ff).]

(7) Prov. XXIII, 25.

(8) Lit., 'the Men of the Hall of Hewn Stone'. The Sanhedrin met in the Hall of Hewn Stone.

(9) Job XXII, 28ff.

(10) The nation.

(11) Ps. CXXXVI, 1.

(12) Cf. Jer. XXV, 11; XXIX, 10.

(13) [MS.M. omits the last sentence.]

Talmud - Mas. Ta'anith 23b

but he took no notice of them. Towards evening he gathered some wood and placed the wood and the rake on one shoulder and his cloak on the other shoulder. Throughout the journey he walked barefoot but when he reached a stream he put his shoes on; when he lighted upon thorns and thistles he lifted up his garments; when he reached the city his wife well bedecked came out to meet him; when he arrived home his wife entered first [the house] and then he and then the scholars. He sat down to eat but he did not say to the scholars, 'Join me'. He then shared the meal among his children, giving the older son one portion and the younger two. He said to his wife, I know the scholars have come on account of rain, let us go up to the roof and pray, perhaps the Holy One, Blessed be He, will have mercy and rain will fall, without having credit given to us. They went up to the roof; he stood in one corner and she in another; at first the clouds appeared over the corner where his wife stood. When he came down he said to the scholars. Why have you scholars come here? They replied: The Rabbis have sent us to you, Sir, [to ask you] to pray for rain. Thereupon he exclaimed, Blessed be God, who has made you no longer dependent on Abba Hilkiyah. They replied: We know that the rain has come on your account, but tell us, Sir, the meaning of these mysterious acts of yours, which are bewildering to us? Why did you not take notice of us when we greeted you? He answered: I was a labourer hired by the day and I said I must not relax [from my work]. And why did you, Sir, carry the wood on one shoulder and the cloak on the other shoulder? He replied: It was a borrowed cloak; I borrowed it for one purpose [to wear] and not for any other Purpose. Why did you, Sir, go barefoot throughout the whole journey but when you came to a stream you put your shoes on? He replied: What was on the road I could see but not what was in the water. Why did you, Sir, lift up your garments whenever you lighted upon thorns and thistles? He replied¹ : This [the body] heals itself, but the other [the clothes] does not. Why did your wife come out well bedecked to meet you, Sir, when you entered the city? He replied: In order that I might not set my eyes on any other woman. Why, Sir, did she enter [the house] first and you after her and then we? He replied: Because I did not know your character.² Why, Sir, did you not ask us to join you in the meal? [He replied]: Because there was not sufficient food [for all]. Why did you give, Sir, one portion to the older son and two portions to the younger? He replied: Because the one stays at home and the other is away in the Synagogue³ [the whole day]. Why, Sir, did the clouds appear first in the corner where your wife stood and then in your corner? [He replied]: Because a wife stays at home and gives bread to the poor which they can at once enjoy whilst I give them money which they cannot at once enjoy.⁴ Or perhaps it may have to do with certain robbers In our neighbourhood; I prayed that they might die, but she prayed that they might repent [and they did repent].

Hanan ha-Nehba was the son of the daughter of Honi the Circle-Drawer. When the world was in need of rain the Rabbis would send to him school children and they would take hold of the hem of his garment and say to him, Father, Father, give us rain. Thereupon he would plead with the Holy One, Blessed be He, [thus], Master of the Universe, do it for the sake of these who are unable to distinguish between the Father who gives rain and the father who does not. And why was he called, Hanan ha-Nehba? — Because he was wont to lock [mihabbeh] himself in the privy⁵ [out of modesty].

R. Zerika said to R. Safra: Come and see the difference between the [so called] hard men of

Palestine and the pious men of Babylonia. When the world was in need of rain the pious men of Babylonia, R. Huna and R. Hisda said: Let us assemble and pray, Perhaps the Holy One, Blessed be He, may be reconciled and send rain. But the great men of Palestine, as for example, R. Jonah the father of R. Mani, would go into his house when the world was in need of rain and say to his [family]: Get my haversack and I shall go and buy grain for a zuz. When he left his house he would go and stand in some low-lying spot, and then standing in this hidden spot, as it is written, Out of the depths have I called thee O Lord,⁶ dressed in sackcloth he prayed and rain came. When he returned home [his family] asked him, Have you brought the grain? He replied: Now that rain has come the world will feel relieved.

Again his son, R. Mani, was annoyed by the members of the household of the Patriarch, he went and prostrated himself on the grave of his father and exclaimed: Father, father, these people persecute me. Once as they were passing [the grave] the knees of their horses became stiff [and remained so] until they undertook not to persecute him any longer.

Again, R. Mani used often to attend [the discourses] of R. Isaac b. Eliashab and he complained: The rich members of the family of my father-in-law are annoying me. The latter exclaimed: May they become poor! And they became poor. Later on he [R. Mani] complained: They press me [for support] and R. Isaac exclaimed: Let them become rich! And they became rich. [On another occasion] he complained: My wife is no longer acceptable to me. R. Isaac thereupon asked: What is her name? He replied: Hannah. Whereupon R. Isaac exclaimed: May Hannah become beautiful! And she became beautiful. He then complained: She is too domineering over me. Whereupon R. Isaac exclaimed: If that is so, let Hannah revert to her [former] ugliness! And she became once again ugly.

Two disciples used to attend [the discourses of] R. Isaac b. Eliashab and they said to him, Master, pray that we may become very wise. He replied: Once I had the power to do this, but now I no longer possess this power.⁷

R. Jose b. Abin used to attend [the discourses of] R. Jose of Yokereth.⁸ Later he left him and went to those of R. Ashi.

(1) no.

(2) Therefore he would not leave his wife unprotected.

(3) [For instruction. The School, in Talmudic days, was attached to the synagogue.]

(4) Immediate relief is best.

(5) [Var. lec. omit: 'in the privy'. V. Rashi.]

(6) Ps. CXXX, 1.

(7) Lit., 'it was with me and I dismissed her'.

(8) Probably to be identified with דרוקרת V. supra 21b.

Talmud - Mas. Ta'anith 24a

One day he heard him reciting a tradition that Samuel had said: He that takes out of the sea a fish on the Sabbath, as soon as there is on it a dry spot as large as a sela', he has committed a breach of the Sabbath laws.¹ Thereupon R. Jose b. Abin asked him: Why does not the Master add, 'and between the fins'? He replied: Are you not aware that R. Jose b. Abin had [already] stated this? [The former] retorted: I am R. Jose b. Abin. Thereupon R. Ashi enquired: Did you not frequent the discourses of R. Jose of Yokereth? He replied: Yes. R. Ashi then asked him: Why did you leave him, Sir, and come here? He replied: How could the man who showed no mercy to his son and daughter show mercy to me?

What happened to his son? Once R. Jose had day-labourers [working] in the field; night set in and

no food was brought to them and they said to his son, 'We are hungry'. Now they were resting under a fig tree and he exclaimed: Fig tree, fig tree, bring forth thy fruit that my father's labourers may eat. It brought forth fruit and they ate. Meanwhile the father came and said to them, Do not bear a grievance against me; the reason for my delay is because I have been occupied up till now on an errand of charity. The labourers replied, May God satisfy you even as your son has satisfied us. Whereupon he asked: Whence? And they told him what had happened. Thereupon he said to his son: My son, you have troubled your Creator to cause the fig tree to bring forth its fruits before its time, may you too be taken hence before your time!

What happened to his daughter? He had a beautiful daughter. One day he saw a man boring a hole in the fence so that he might catch a glimpse of her. He said to the man, What is [the meaning of] this? And the man answered: Master, if I am not worthy enough to marry her, may I not at least be worthy to catch a glimpse of her? Thereupon he exclaimed: My daughter, you are a source of trouble to mankind; return to the dust so that men may not sin because of you. He also had an ass. When it was hired out for the day [the people who hired it] would place, in the evening, the hire on its back and the ass would make its way home to its master. If, however, the money was too much or too little, it would not go. One day a pair of sandals were left on its back and the ass would not move until they were removed and only then did it proceed.

Whenever the collectors of charity caught sight of R. Eleazar b. Birtal² they would hide themselves from him, because he was in the habit of giving away to them all that he had. One day he was going to the market to buy a trousseau for his daughter. When the collectors of charity caught sight of him they hid themselves from him. He ran after them and said to them: I adjure you, [tell me] on what mission are you engaged? And they replied: [The marriage of] an orphaned pair. He said to them: I swear, they must take precedence over my daughter. And he took all that he had and gave to them. He was left with one zuz and with this he bought wheat which he deposited in the granary. When his wife returned home she asked her daughter, What did your father bring home? She replied, He has put in the granary all that he had bought. She thereupon went to open the door of the granary and she found that it was so full of wheat that the wheat protruded through the hinges of the door-socket and the door would not open on account of this. The daughter then went to the Beth-Hamidrash and said to him [her father], Come and see what your Friend has done for you. Whereupon he said to her, I swear,³ they shall be to you as devoted property, and you shall have no more right to share in them than any poor person in Israel.⁴

R. Judah the Prince⁵ ordained a fast and he prayed but no rain fell. He thereupon exclaimed: What a great difference there is between, Samuel the Ramathite⁶ and Judah the son of Gamaliel! Woe to the generation that finds itself in such plight! Woe to him in whose days this has happened. He felt very grieved and rain fell. Once the House of the Patriarch ordained a fast and did not inform either R. Johanan or Resh Lakish. In the morning, however, they did notify them. Resh Lakish then said to R. Johanan, But we have not undertaken the fast on the previous evening.⁷ The latter replied: We are subject to their ordinances.

Once the House of the Patriarch ordained a fast and no rain fell. Thereupon Oshaiah, the youngest of the college scholars,⁸ expounded the verse, Then it shall be, if it be done in error by the congregation.⁹ This can be compared to a bride who lives in the house of her father. So long as her eyes¹⁰ are beautiful her body needs no examination; should, however, her eyes be bleared then her body needs examination. Thereupon the servants of the Patriarch came and put a scarf around his neck and tortured him. Whereupon the people of the city cried out, Leave him alone; us also he insults but since we see that whatever he does is for the sake of Heaven, we say nothing to him and we leave him alone, so you too leave him alone.

Once Rabbi ordained a fast and no rain fell. Thereupon 'Ilfa (some say, R. Ilfi),[stepped down

before the ark and] recited [the prayer], 'He causeth the wind to blow', and the wind blew. [He continued], 'He causeth the rain to fall', and rain fell. Rabbi then asked him, What is your special merit? He replied: I live in a poverty-stricken remote place where wine for Kiddush and Habdalah¹¹ is unobtainable but I take the trouble to procure for myself wine for Kiddush and Habdalah and thus help also others to fulfil their duty.

Once Rab came to a certain place and decreed a fast but no rain fell. The Reader then stepped down at his request before the ark and recited, 'He causeth the wind to blow', and the wind blew; [he continued], 'He causeth the rain to fall', and rain fell. Rab thereupon asked him, What is your special merit? The latter replied: I am a teacher of young children and I teach the children of the poor as well as those of the rich; I take no fees from any who cannot afford to pay; further, I have a fishpond and any boy who is reluctant [to learn] I bribe with some of the fishes from it¹² and thereby appease him so that he becomes eager to learn.

Once R. Nahman ordained a fast and he prayed but no rain fell. He thereupon said, 'Take Nahman and throw him down from the wall to the ground'.¹³ He felt greatly dejected and then rain came. Rabbah once decreed a fast. He prayed but no rain came. Thereupon the people remarked to him: When Rab Judah ordained a fast rain did fall. He replied: What can I do? Is it because of studies? We are superior to him, because in the time of R. Judah all studies were concentrated on

(1) Cf. Shab. 107b. He desecrates the Sabbath by killing which is one of the thirty-nine primary types of work forbidden on the Sabbath (cf. Shab. 73a).

(2) [Identified by Horowitz (Palestine p. 115) with Beiruth.]

(3) Lit., 'By the Service of the Temple', one of the formulas of oaths.

(4) R. Eleazar b. Birtah did not wish his daughter to derive any benefit from the results of a miracle.

(5) V. supra p. 64, n. 1.

(6) Cf. I Sam. XII, 17.

(7) V. supra 11b.

(8) [זְעִירָא דְמִן הַבְּרִיאָא, Aliter: (Oshaia) Ze'ira of Haberya. a village in the Hawran district. V. Horowitz, p. 263.]

(9) Num. XV, 24.

(10) The meaning is that the leaders of the community ('the eyes') because of their sins are the cause of the sufferings that have befallen the community.

(11) V. Glos.

(12) [Cur. edd. insert 'and we arrange them for him,' 'clean them for him'.]

(13) Figuratively He is not worthy of his high office.]

Talmud - Mas. Ta'anith 24b

Nezikin,¹ whereas we study all the six sections. When R. Judah reached the passage in [the Mishnah],² 'If a woman was preserving vegetables in a pot etc. or as some say the passage, 'If olives are preserved together with their leaves then the leaves are not susceptible to uncleanness',³ he exclaimed: I see here disputations of Rab and Samuel,⁴ and yet we to-day teach 'Ukkazin in thirteen different sessions.⁵ And yet when Rab Judah removed one shoe [as a sign of humiliation]⁶ rain fell but when we cry out the whole day no one pays need to us. Is it because of some failing? If so, let any one who knows of it declare it. What, however, can the great men⁷ of a generation do when their generation does not [appear good enough to favour in the eyes of God].

Once Rab Judah saw two men using bread wastefully and he exclaimed: It seems that there is plenty in the world. He gave an angry look and a famine arose. Thereupon the Rabbis said to R. Kahana the son of R. Nehunia, his attendant, You who are so constantly with him, endeavour to persuade him to go out by the door near the market place.⁸ He prevailed upon him and he went out to

the market place and seeing there a large crowd he asked. What is the matter? He was told, They stand around a mass of ground dates which is on sale. Whereupon he exclaimed: It seems that there is famine in the world. He then said to his disciple: Take off my shoes. As soon as he had taken off one shoe rain fell. As he was about to take off the other Elijah appeared and said to him: The Holy One, Blessed be He, said, if you will take off the other shoe I will lay waste the world.⁹

R. Mari the son of the daughter of Samuel related: Once I was standing on the bank of the river Papa¹⁰ and I saw angels in the guise of sailors who brought sand and loaded ships with it and it turned into fine flour. When the people came to purchase [it] I called out to them: Do not buy this because it resulted from a miracle. Next day boatloads of wheat came from Perezina.¹¹

Once Raba came to Hagrunita¹² and ordained a fast but no rain fell. Thereupon he said to the people: Continue with your fasting overnight. Next morning he said to them: If there is any one of you who had a dream let him tell it. Thereupon R. Eleazar from Hagrunita replied: To me in my dream the following was said: Good greetings to the good teacher from the good Lord who from His bounty dispenseth good to His people. Raba then exclaimed: It seems that this is a favourable time to pray. He prayed and rain fell.

Once a certain man was sentenced by the Court of Raba to receive corporal punishment because he had intercourse with a Gentile woman. Raba had the man punished and he died. The matter reached the ears of King Shapur and he sought to punish Raba. Whereupon Ifra Hormuz, the mother of King Shapur,¹³ said to her son, Do not interfere with the Jews because whatever they ask of their God He grants them. The king asked her, For example? They pray and rain falls [she replied]. He retorted: This must have been because it is the season for rain; let them pray now, in the Tammuz cycle¹⁴ for rain. She sent a message to Raba: Concentrate now your mind and pray for rain. He prayed but no rain fell. He then exclaimed: Master of the Universe, 'O God, we have heard with our ears, our fathers have told us; a work Thou didst in their days, in the days of old.'¹⁵ But as for us we have not seen [it] with our eyes. Whereupon there followed such a heavy fall of rain that the gutters of Mahuza¹⁶ emptied their waters into the Tigris. Raba's father then appeared unto him in a dream and said to him: Is there anyone who troubles Heaven so much? Change thy [sleeping] place.¹⁷ He changed his place and next morning he discovered that his bed had been cut with knives.

R. Papa ordained a fast and no rain fell. As he felt faint he sipped a plateful of grits and he again prayed, but still no rain fell. Thereupon R. Nahman b. Ushpazarti¹⁸ said to him: If you, Sir, will sip another plateful of grits rain would fall. Raba felt humiliated and faint, and rain fell.

R. Hanina b. Dosa was journeying on the road when it began to rain. He exclaimed: Master of the Universe, the whole world is at ease, but Hanina is in distress; the rain then ceased. When he reached home he exclaimed: Master of the Universe, the whole world is in distress and Hanina is at ease; whereupon rain fell. [With reference to this incident] R. Joseph remarked: Of what avail was the prayer of the High Priest [on the Day of Atonement] against that of R. Hanina b. Dosa? For we have learnt:¹⁹ [The High Priest on the Day of Atonement] prayed a short prayer in the outer room [of the Temple]. What did he pray? Raba son of R. Adda and Rabin son of R. Adda both said in the name of Rab Judah: 'May it be Thy will, O Lord our God, that this year may be one of rain and of heat'. Is then heat beneficial? Is it not rather something harmful? — Rather [the prayer reads thus], 'If the year is to be a year of heat, let it also be a year of rain and of dew, and let the prayer of those journeying on the roads gain admission before Thee.

R. Aha the son of Raba in the name of Rab Judah completed the prayer as follows: 'May a ruler never cease from the house of Judah and may Israel never be in need of sustenance one from another, nor from another people'. Rab Judah said in the name of Rab: Every day a Heavenly Voice is heard declaring, The whole world draws its sustenance because [of the merit] of Hanina my son,

and Hanina my son suffices himself with a kab of carobs from one Sabbath eve to another. Every Friday his wife would light the oven and throw twigs²⁰ into it

- (1) The fourth order of the Mishnah.
- (2) Toh. II, 1. The word עוקצין is here out of place and refers to the passage which follows.
- (3) M. Uk. 11,1.
- (4) The disputations of Rab and Samuel are proverbial for their complexity. For fuller notes V. Sanh., Sonc. ed. p. 728.
- (5) Cf. Ber. 20a and Rashi there a.l.; Ned. 41a. Rashi, on our passage; in the thirteen colleges that were to be found in the place where Rabbah resided.
- (6) Cf. 12b; Ta'an. I, 6.
- (7) [MSM.: 'leaders'.]
- (8) That he might see for himself how the people suffer because of the famine.
- (9) He should not weary God with any further prayers as He had already answered his prayer.
- (10) A tributary of the Euphrates. V. Obermeyer, p. 227.
- (11) Obermeyer (p. 227, n. 2) identifies with Parazika, Farausag near Bagdad.
- (12) A city near Nehardea in Babylonia. V. Obermeyer, p. 265-7.
- (13) [Shapur II, King of Persia (310-379 C.E.), son of King Hormuzd.]
- (14) Heb. Tekufah, v. Glos.
- (15) Ps. XLiv, 2.
- (16) [For this reading v. D.S. Mahuza was the place of Raba. Cur. edd. 'of Sepphoris'.]
- (17) Underlying this is the popular belief that a change of place brings with it a change of fortune.
- (18) [Aruch reading Ushparti takes it as the name of R. Papa's mother. The phrase is thus to be rendered: 'O son of Ushparti'.]
- (19) Yoma 53b.
- (20) Lit., 'something that produces smoke'.

Talmud - Mas. Ta'anith 25a

so as not to be put to shame. She had a bad neighbour who said, I know that these people have nothing, what then is the meaning of all this [smoke]? She went and knocked at the door. [The wife of R. Hanina] feeling humiliated [at this] retired into a room. A miracle happened and [her neighbour] saw the oven filled with loaves of bread and the kneading trough full of dough; she called out to her: You, you, bring your shovel, for your bread is getting charred; and she replied, I just went to fetch it. A Tanna taught: She actually had gone to fetch the shovel because she was accustomed to miracles.

Once his wife said to him: How long shall we go on suffering so much: He replied: What shall we do? - Pray that something may be given to you, [she replied]. He prayed, and there emerged the figure of a hand reaching out to him a leg of a golden table. Thereupon he saw in a dream that the pious would one day eat at a three-legged golden table but he would eat at a two-legged table. Her husband said to her:¹ Are you content that everybody shall eat at a perfect table and we at an imperfect table? She replied: What then shall we do? — Pray that the leg should be taken away from you, [she replied]. He prayed and it was taken away. A Tanna taught: The latter miracle was greater than the former; for there is a tradition that a thing may be given but once; it is never taken away again.

Once on a Friday eve he noticed that his daughter was sad and he said to her, My daughter, why are you sad? She replied: My oil can got mixed up with my vinegar can and I kindled of it the Sabbath light. He said to her: My daughter, Why should this trouble you? He who had commanded the oil to burn will also command the vinegar to burn. A Tanna taught: The light continued to burn the whole day until they took of it light for the Habdalah.²

R. Hanina b. Dosa had goats. On being told that they were doing damage he exclaimed, If they

indeed do damage may bears devour them, but if not may they each of them at evening time bring home a bear on their horns. In the evening each of them brought home a bear on their horns.

Once a woman neighbour of R. Hanina was building a house but the beams would not reach the walls. She thereupon came to him and said: I have built a house but the beams will not reach the walls. He asked her: What is your name? She replied: Aiku. He thereupon exclaimed: Aiku,³ may your beams reach [the walls]. A Tanna taught: They projected one cubit on either side. Some say, New pieces joined themselves [miraculously] to the beams.⁴ It has been taught: Polemo says: I saw that house and its beams projected one cubit on either side, and people told me: This is the house which R. Hanina b. Dosa covered with beams, through his prayer.

Whence did R. Hanina b. Dosa have goats seeing that he was poor? And furthermore, did not the Sages say: We may not rear small cattle in Palestine?⁵ — R. Phinehas said: Once it happened that a man passed by his house and left there hens and the wife of R. Hanina b. Dosa found them. Her husband, however, forbade her to eat of their eggs. As the eggs and the chickens increased in number he was very troubled by them and he therefore sold them and with the proceeds he purchased goats. One day the man who lost the hens passed by [the house] again and said to his companions, Here I left my hens. R. Hanina overhearing this asked him: Have you any sign [by which to identify them]? He replied: Yes. He gave him the sign and took away the goats. These were the goats that brought bears on their horns.

R. Eleazar b. Pedath found himself in very great want. Once after being bled he had nothing to eat. He took the skin of garlic and put it into his mouth; he became faint and he fell asleep. The Rabbis coming to see him noticed that he was crying and laughing, and that a ray of light was radiating from his forehead. When he awoke they asked him: Why did you cry and laugh? He replied: Because the Holy One, Blessed be He, was sitting by my side and I asked Him, How long will I suffer in this world? And He replied: Eleazar, my son, would you rather that I should turn back the world to its very beginnings? Perhaps you might then be born at a happier hour?⁶ I replied: All this, and then only perhaps?⁷ I then asked Him, Which is the greater life, the one that I had already lived, or the one I am still to live. He replied: The one that I have already lived. I then said to Him: If so, I do not want it. He replied: As a reward for refusing it I will grant you in the next world thirteen rivers of balsam oil as clear as the Euphrates and the Tigris, which you will be able to enjoy. I asked, And nothing more? He replied: And what shall I then give to your fellow men? I said: Do I then ask the share of one who has nothing? He thereupon snapped at my forehead and exclaimed: Eleazar, my son, I have shot you with my arrows.⁸ R. Hama b. Hanina ordained a fast but no rain fell. People said to him: When R. Joshua b. Levi ordained a fast rain did fall. He replied: I am I, and he is the son of Levi.⁹ Go and ask him that he may come [and pray for us] and let us concentrate on our prayer, perhaps the whole community will be contrite in heart and rain will fall.¹⁰ They prayed and no rain fell. He¹¹ then asked them: Are you content that rain should fall on our account? They replied: Yes. He then exclaimed: heaven, heaven, cover thy face.¹² But it did not cover [its face]. He then added: How brazen is the face of heaven! It then became covered and rain fell.

Levi ordained a fast but no rain fell. He thereupon exclaimed: Master of the Universe, Thou didst go up and take Thy Seat on high and hast no mercy upon Thy children. Rain fell but he became lame. R. Eleazar said: Let a man never address himself in a reproachful manner towards God, seeing that one great man did so and he became lame, and he is Levi. But was this actually the cause [of his lameness]? Was it not rather because he demonstrated to Rabbi a particular form of prostration?¹³ — Both were the cause of his lameness.

R. Hiyya b. Luliani overhearing the clouds saying to one another, Come, let us take water to Ammon and Moab, exclaimed: Master of the Universe! When Thou wast about to give the Law to Thy people Israel Thou didst offer it around amongst all the nations of the world but they would not

accept it, and now Thou wouldst give them rain; let them [the clouds] empty their waters here; and they emptied their waters on the spot.

R. Hiyya b. Luliani expounded: What is the meaning of the verse, The righteous shall flourish like the palm tree; he shall glow like a cedar in Lebanon?¹⁴ If it is said, 'Palm-tree' why is also said 'Cedar'? And if 'Cedar' why also 'Palm-tree'? Had it been said, 'Palm-tree' and not 'Cedar' I might have argued that just in the same way [

(1) [The text is in disorder. The rendering adopted is based on the reading of MS.M.].

(2) V. Glos.

(3) The name Aiku suggests to him the Greek **= Would that sc. the joists may reach the walls (Malter, Ta'an. p. 188).

(4) [Aliter:(a) They (the angels) made (added) new joints to them (R. Gershom). (b) They made of them (the lengthened beams) new joints (Aruch).]

(5) As these usually destroy the crops of the field. Cf. B.K. 79b.

(6) Lit., 'In an hour of sustenance'.

(7) He would not give God all this trouble for a mere probability.

(8) The text is in disorder and its meaning is doubtful. According to Rashi it is a gesture of God's love for Eleazar.

(9) I.e., I am not as great a man as he is.

(10) [This appears to be the meaning of text of cur. edd. from which MSS.vary.]

(11) [On our text, either R. Hama b. Hanina, or R. Joshua b. Levi, who had come at their request to pray. V. J. Ta'an III, 4.]

(12) With clouds that bring rain.

(13) And so injured himself. V. Suk. 53b.

(14) Ps. XCII, 13.

Talmud - Mas. Ta'anith 25b

as the stem of the Palm-tree does not renew itself¹ so too the stem of the righteous, Heaven forbid, does not renew itself; therefore it is said 'Cedar'. Had it been said 'Cedar' and not 'Palmtree', I might have argued that just in the same way as the Cedar does not yield fruit, so too the righteous do not yield fruit; therefore it is said, 'Palm-tree' and 'Cedar'. But does the stem of the cedar renew itself. Surely it has been taught: If one buys a tree from his neighbour for felling he must leave of the trunk one handbreadth from the ground;² of the trunk of the sycamore tree two handbreadths; of the virgin sycamore tree three handbreadths; of reeds and of vines from the knot above it;³ in the case, however, of date palms and cedars he may dig into the ground and uproot them because their stock does not renew itself.⁴ Here it speaks of other types of cedar trees in accordance with a statement of Rabbah b. Huna, who said:⁵ There are ten types of cedar trees, as it is said, I will plant in the wilderness the cedar, the acacia tree and the myrtle tree etc.⁶

Our Rabbis have taught: It is related of R. Eliezer that he ordained thirteen fasts upon the community and no rain fell. In the end, as the people began to depart [from the synagogue], he exclaimed: Have you prepared graves for yourselves? Thereupon the people sobbed loudly and rain fell.

It is further related of R. Eliezer that once he stepped down before the Ark and recited the twenty-four benedictions⁷ [for fast days] and his prayer was not answered. R. Akiba stepped down after him and exclaimed: Our Father, our King, we have no King but Thee; our Father, our King, for Thy sake have mercy upon us; and rain fell. The Rabbis present suspected [R. Eliezer], whereupon a Heavenly Voice was heard proclaiming.[The prayer of] this man [R. Akiba] was answered not because he is greater than the other man, but because he is ever forbearing and the other is not. Our Rabbis have taught: How long should it continue to rain to warrant the community breaking their fast? [Until the rain has penetrated] as far as the knee of the plough enters the soil; this is the opinion

of R. Meir. The Sages, however, say: In the case of arid soil one handbreadth, in the case of moderately soft soil two handbreadths, and in the case of cultivated soil three handbreadths.

It has been taught: R. Simeon b. Eliezer says: Not a handbreadth of rain coming down from above but that the deep with three handbreadths comes up from below to meet it.⁸ But has it not been taught: Two handbreadths? — There is no contradiction. In the one case it is cultivated soil, and in the other it is not.⁹

R. Eliezer said: When on the Feast of Tabernacles the water libations are carried out, Deep says to Deep, 'Let thy waters spring forth, I hear the voice of two friends',¹⁰ as it is said, Deep calleth unto Deep at the voice of Thy cataracts etc.¹¹ Rabbah said: I myself have seen Ridya.¹² who resembles a three years' old heifer, with its lips parted; he stands between the lower deep and the upper deep; to the upper deep he says, 'Distil thy waters', and to the lower deep he says, 'Let thy waters spring forth', as it is said, The flowers appear on the earth etc.¹³

IF WHILST THEY ARE FASTING RAIN FALLS, IF IT IS BEFORE SUNRISE etc. Our Rabbis have taught: If whilst they are fasting rain falls, if it is before sunrise they need not complete the fast; if it is after sunrise they must complete it; this is the opinion of R. Meir. R. Judah says: If before midday they need not complete the fast, if after midday they must complete it. R. Jose says: If before the ninth hour they need not complete the fast, if after the ninth hour they must complete it — For thus we find it in the case of Ahab, King of Israel, that he fasted from the ninth hour onwards, as it is said, Seest thou how Ahab humbleth himself before Me etc.¹⁴

R. Judah the Prince¹⁵ ordained a fast and rain fell after sunrise. He was of the opinion that the people should complete the fast. Said R. Ammi to him: We have learnt: [There is a difference] between before midday and after midday.

Samuel the Little ordained a fast and rain fell before sunrise. The people thought that it was due to the merit of the community, whereupon he said to them: I will quote you a parable. This can be compared to a servant who asked his master for a gratuity and the master exclaimed, Give it to him, and let me not hear his voice.

Another time Samuel the Little ordained a fast and rain fell after sunset. The people thought that it was due to the merit of the community. whereupon Samuel exclaimed: I will quote you a parable. This can be compared to a servant who asked his master for a gratuity and the master exclaimed, Keep him waiting until he is made submissive and is distressed, and then give him his gratuity. According to Samuel the Little, what would be an instance of rain falling on account of the merit of the community? — If they recited [the prayer]. 'He causeth the wind to blow', and the wind blew, and if they recited, 'He causeth the rain to fail, and rain fell.

IT HAPPENED THAT THE RABBIS ORDAINED A FAST IN LYDIA etc. Should they not have recited the Hallel first? — Abaye and Raba explained this to be because the Hallel is recited

(1) I.e. , it does not produce new shoots once it is cut down.

(2) So that the trunk above the ground may send forth fresh shoots.

(3) From the point where the plant begins to branch out.

(4) V B.B. 80a.

(5) R.H. 23a.

(6) Isa. XLI, 19.

(7) V. supra 15a.

(8) The waters below the earth rise to meet the water of the rain. Cf. supra 6b, the statement of R. Abbahu.

(9) [In cultivated soil a small quantity of water sufficient to water only one handbreadth penetrates still lower and so

attracts the deep with a response of three handbreadths (Rashi). Strashun explains differently.]

(10) The two friends are the two vessels used for the libation of water and wine respectively. V. Suk. 48a.

(11) Ps. XLII, 8.

(12) In Persian mythology the angel who has charge over rain. V. Kohut, Aruch s.v. **רידיא** and Yoma, Sonc. ed. ,21a note.

(13) Cant. II, 12. The verse is taken to point to the resurrection of nature as the result of the rain. [The verse continues, 'and the voice of the turtle (**תור**) is heard in our land'. **תור** is taken in its Aramaic sense of 'ox', thus alluding to Ridya's resemblance to a three years' old heifer.]

(14) I Kings XXI, 29. According to Pes. 107b kings dine at the ninth hour (i.e.. three o'clock) of the day. Scripture tells us that Ahab fasted and humbled himself on the day that Elijah informed him of his doom. The Gemara construes Ahab's fasting to be that he went without his meal that day. This would prove that the last moment resolution to fast, provided a man had not partaken of any food before that time, is counted as a valid fast. V. 12a, the statement of R. Hisda.

(15) V. supra p. 64, n. 1.

Talmud - Mas. Ta'anith 26a

only when the appetite is satisfied and the stomach is full? Is that so? Did not R. Papa on one occasion when coming to the synagogue at Abi-Cobar¹ ordain a fast and rain fell before midday and yet he first recited the Hallel and only after that the people ate and drank! — It is different with the people of Mahuza, because drunkenness is frequent amongst them.²

CHAPTER IV

MISHNAH. ON THREE OCCASIONS OF THE YEAR, ON FAST-DAYS, ON MA'AMADOTH,³ AND ON THE DAY OF ATONEMENT DO THE PRIESTS LIFT UP THEIR HANDS TO BLESS [THE PEOPLE] FOUR TIMES DURING THE DAY, NAMELY AT THE SHAHARITH⁴ [SERVICE], AT MUSAF,⁵ AT MINHAH⁶ AND AT THE CLOSING OF THE GATES [NE'ILAH].⁷

THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOTH. BECAUSE⁸ IT IS SAID, COMMAND THE CHILDREN OF ISRAEL [AND SAY UNTO THEM]: MY FOOD WHICH IS PRESENTED UNTO ME.⁹ NOW HOW CAN A MAN'S OFFERING BE BROUGHT [ON THE ALTAR] AND HE IS NOT PRESENT? [THEREFORE] THE EARLIER PROPHETS¹⁰ INSTITUTED TWENTY-FOUR MISHMAROTH,¹¹ AND EACH MISHMAR WAS REPRESENTED [AT THE TEMPLE] IN JERUSALEM BY ITS OWN MA'AMAD OF PRIESTS, LEVITES AND ISRAELITES. WHEN THE TIME CAME FOR THE MISHMAR TO GO UP [TO JERUSALEM] THE PRIESTS AND LEVITES WENT UP TO JERUSALEM AND THE ISRAELITES OF THAT MISHMAR ASSEMBLED IN THEIR CITIES AND READ [FROM THE LAW] THE STORY OF CREATION.¹² THE MEN OF THE [ISRAELITE] MA'AMAD FASTED ON FOUR DAYS OF THAT WEEK, FROM MONDAY TO THURSDAY; THEY DID NOT FAST ON FRIDAY OUT OF RESPECT FOR THE SABBATH NOR ON SUNDAY IN ORDER NOT TO CHANGE OVER [WITHOUT A BREAK] FROM THE REST AND DELIGHT [OF THE SABBATH] TO WEARINESS AND FASTING AND SO [PERHAPS] DIE.

ON SUNDAY [THEY READ],¹³ IN THE BEGINNING, AND, LET THERE BE A FIRMAMENT; ON MONDAY,¹⁴ LET THERE BE A FIRMAMENT, AND, LET THE WATERS BE GATHERED TOGETHER; ON TUESDAY,¹⁵ LET THE WATERS BE GATHERED TOGETHER, AND, LET THERE BE LIGHTS; ON WEDNESDAY,¹⁶ LET THERE BE LIGHTS, AND, LET THE WATERS SWARM; ON THURSDAY,¹⁷ LET THE WATERS SWARM, AND, LET THE EARTH BRING FORTH; ON FRIDAY,¹⁸ LET THE EARTH BRING FORTH, AND, AND THE HEAVENS [AND THE EARTH] WERE FINISHED.

TWO PERSONS READ BETWEEN THEM A LONG SECTION¹⁹ AND ONE A SHORT SECTION. AT SHAHARITH, MUSAF, AND MINHAH THEY ASSEMBLED AND READ [THE REQUISITE] SECTION BY HEART, IN THE SAME WAY AS PEOPLE RECITE THE SHEMA'. THEY DID NOT ASSEMBLE AT MINHAH ON FRIDAY OUT OF RESPECT FOR THE SABBATH.

ON ANY DAY WHEN HALLEL²⁰ WAS RECITED THERE WAS NO MA'AMAD [SERVICE]²¹ AT SHAHARITH;²² [ON THE DAY WHEN] A MUSAF-OFFERING [WAS BROUGHT] THERE WAS NONE. AT NE'ILAH, [ON THE DAY OBSERVED AS] THE WOOD-FESTIVAL²³ THERE WAS NONE AT MINHAH;²⁴ THIS IS THE OPINION OF R. AKIBA. BEN 'AZZAI SAID TO HIM: THUS DID R. JOSHUA LEARN: [ON THE DAY WHEN] A MUSAF-OFFERING [WAS BROUGHT] THERE WAS NONE AT MINHAH; [ON THE DAY OBSERVED AS] THE WOOD-FESTIVAL THERE WAS NONE AT THE CLOSING OF THE GATES. THEREUPON R. AKIBA RETRACTED AND LEARNT LIKE BEN 'AZZAI.

NINE TIMES IN THE YEAR [WAS OBSERVED] THE WOOD-FESTIVAL OF THE PRIESTS AND THE PEOPLE; ON THE FIRST OF NISAN THE FAMILY OF ARAH²⁵ OF THE TRIBE OF JUDAH BROUGHT THE OFFERING OF WOOD; ON THE TWENTIETH OF TAMMUZ THE FAMILY OF DAVID OF THE TRIBE OF JUDAH;²⁶ ON THE FIFTH OF AB THE FAMILY OF PAROSH²⁷ OF THE TRIBE OF JUDAH; ON THE SEVENTH OF THE SAME MONTH, THE FAMILY OF JONADAB OF THE RECHABITES;²⁸ ON THE TENTH OF THE SAME MONTH THE FAMILY OF SENAHAH OF THE TRIBE OF BENJAMIN;²⁹ ON THE FIFTEENTH OF THE SAME MONTH THE FAMILY OF ZATTU³⁰ OF THE TRIBE OF JUDAH, AND WITH THEM WERE THE PRIESTS AND LEVITES AND ALL THOSE WHO WERE NOT CERTAIN OF THEIR TRIBE AND THE BENE GONBE 'ALI AND THE BENE KOZE KEZI'OTH;³¹ ON THE TWENTIETH OF THE SAME MONTH THE FAMILY OF PAHATH MOAB³² OF THE TRIBE OF JUDAH; ON THE TWENTIETH OF ELUL THE FAMILY OF ADIN³³ OF THE TRIBE OF JUDAH; ON THE FIRST OF TEBETH THE FAMILY OF PAROSH A SECOND TIME; ON THE FIRST OF TEBETH THERE WAS NO MA'AMAD FOR THEREON THERE WAS HALLEL, MUSAF-OFFERING³⁴ AND THE WOOD-FESTIVAL.

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ AND FIVE ON THE NINTH OF AB. ON THE SEVENTEENTH OF TAMMUZ

(1) A place in the vicinity of the city of Mahuza. v. Obermeyer, pp. 177-8.

(2) Hence they cannot be trusted to leave over the Hallel until they had eaten and drunk.

(3) Cf. *infra* 27a.

(4) Morning Service.

(5) Additional Service.

(6) Afternoon Service.

(7) V. Glos. [I.e. at the service held at the end of the day about the time of the closing of the gates of the Temple. This service is now represented by the Ne'ilah service on the Day of Atonement.]

(8) V. Gemara.

(9) Num. XXVIII, 2.

(10) Samuel and David. Cf. *supra* 27a.

(11) Twenty-four divisions of lay people as well as of priests and levites, v. *supra* 27b.

(12) Gen. I.

(13) Gen. I, 1-8. Three were the minimum number of verses each person was permitted to read. As three persons (Priest, Levite and Israelite) read from the Law, there were not sufficient verses in any one section for the reading, and therefore two sections had to be coupled. Even then on some days (e.g., Sunday and Monday) a verse had to be repeated because the two sections did not have the minimum number of nine verses.

(14) *Ibid.* 6-13.

- (15) Ibid. 9-19.
 (16) Ibid. 14-23.
 (17) Ibid. 20-31.
 (18) Ibid. 24-31 and II, 1-3.
 (19) Containing at least six verses.
 (20) The name for the collection of Psalms, CXIII-CXVIII recited on festivals or semi-festivals like Hanukkah. [Here the reference is to Hanukkah, when Hallel is read but not Musaf.]
 (21) I.e., the reading of the section from Genesis.
 (22) So as not to take up too much time. The same reason applies for the absence of a Ma'amad on days when there is Musaf and wood-offering.
 (23) V. infra 28a and cf. Neh. X, 35; XIII, 31. V. also Rabbinowitz, Mishnah Megillah pp. 44-45.
 (24) [Provided the celebrants of the wood-festival were the members of the particular division on service, Me'iri.]
 (25) Neh. VII, 10.
 (26) [There is no record of this family in Neh. VII].
 (27) Neh. VII, 8.
 (28) II Kings X, 15.
 (29) Neh. VII, 38.
 (30) Neh. VII, 13.
 (31) V. Gemara.
 (32) Neh. VII, 11.
 (33) Neh. VII, 20.
 (34) Since it was New Moon and Hanukah.

Talmud - Mas. Ta'anith 26b

THE TABLES [OF THE LAW] WERE SHATTERED, THE DAILY OFFERING WAS DISCONTINUED, A BREACH WAS MADE IN THE CITY AND APOSTOMOS¹ BURNED THE SCROLL OF THE LAW AND PLACED AN IDOL IN THE TEMPLE. ON THE NINTH OF AB IT WAS DECREED THAT OUR FATHERS SHOULD NOT ENTER THE [PROMISED] LAND, THE TEMPLE WAS DESTROYED THE FIRST AND SECOND TIME, BETHAR WAS CAPTURED AND THE CITY [JERUSALEM] WAS PLOUGHED UP.

WITH THE BEGINNING OF AB REJOICINGS ARE CURTAILED. DURING THE WEEK IN WHICH THE NINTH OF AB FALLS IT IS FORBIDDEN TO CUT THE HAIR AND TO WASH CLOTHES BUT ON THE THURSDAY IT IS PERMISSIBLE IN HONOUR OF THE SABBATH. ON THE EVE OF THE NINTH OF AB ONE MAY NOT PARTAKE OF A MEAL OF TWO COURSES NOR EAT MEAT NOR DRINK WINE. RABBAN SIMEON B. GAMALIEL SAID: ONE SHOULD MAKE A DIFFERENCE IN HIS DIET. R. JUDAH MAKES IT OBLIGATORY TO TURN THE BED OVER;² THE SAGES, HOWEVER, DID NOT AGREE WITH HIM IN THIS.

R. SIMEON B. GAMALIEL SAID: THERE NEVER WERE IN ISRAEL GREATER DAYS OF JOY THAN THE FIFTEENTH OF AB AND THE DAY OF ATONEMENT. ON THESE DAYS THE DAUGHTERS OF JERUSALEM³ USED TO WALK OUT IN WHITE GARMENTS WHICH THEY BORROWED IN ORDER NOT TO PUT TO SHAME ANY ONE WHO HAD NONE. ALL THESE GARMENTS REQUIRED RITUAL DIPPING.⁴ THE DAUGHTERS OF JERUSALEM CAME OUT AND DANCED IN THE VINEYARDS EXCLAIMING AT THE SAME TIME, YOUNG MAN, LIFT UP THINE EYES AND SEE WHAT THOU CHOOSEST FOR THYSELF. DO NOT SET THINE EYES ON BEAUTY BUT SET THINE EYES ON [GOOD] FAMILY. GRACE IS DECEITFUL, AND BEAUTY IS VAIN; BUT A WOMAN THAT FEARETH THE LORD, SHE SHALL BE PRAISED.⁵ AND IT FURTHER SAYS,⁶ GIVE HER OF THE FRUIT OF HER HANDS; AND LET HER WORKS PRAISE HER IN THE GATES.

LIKEWISE IT SAYS, GO FORTH, O YE DAUGHTERS OF ZION, AND GAZE UPON KING SOLOMON, EVEN UPON THE CROWN WHEREWITH HIS MOTHER HATH CROWNED HIM IN THE DAY OF HIS ESPOUSALS, AND IN THE DAY OF THE GLADNESS OF HIS HEART.⁷ 'ON THE DAY OF HIS ESPOUSALS:' THIS REFERS TO THE DAY OF THE GIVING OF THE LAW. 'AND IN THE DAY OF THE GLADNESS OF HIS HEART:' THIS REFERS TO THE BUILDING OF THE TEMPLE; MAY IT BE REBUILT SPEEDILY IN OUR DAYS.

GEMARA. ON THREE OCCASIONS OF THE YEAR DO THE PRIESTS LIFT UP THEIR HANDS [TO BLESS THE PEOPLE]. Is there then MUSAF ON FAST-DAYS and ON MA'AMADOTH? — There is a clause wanting [in our Mishnah]. It should read thus: 'on three occasions do the priests lift up their hands [to bless the people] at all services, and on one of these⁸ occasions four times during the day, at the Shaharith [service], at Musaf, at Minhah and at the closing of the Gates. The following are the three occasions, Fast-days, Ma'amadoth and the Day of Atonement'. R. Nahman said in the name of Rabbah b. Abbuha: This is the opinion of R. Meir. The Sages, however, say: At Shaharith and at Musaf there is 'lifting up of hands' but at Minhah or at Ne'ilah there is no 'lifting up of hands'. Who are meant by 'the Sages'? — It is R. Judah. For it has been taught: At all [services, namely] at Shaharith, at Musaf, at Minhah and at Ne'ilah there is 'lifting up of hands'; this is the opinion of R. Meir. R. Judah says: At Shaharith and at Musaf there is 'lifting up of hands' but at Minhah or Ne'ilah there is no 'lifting up of hands'. R. Jose says: At Ne'ilah there is 'lifting up of hands' but at Minhah there is no 'lifting up of hands'. Wherein do they differ? R. Meir holds the view that the reason why on ordinary days the priests do not 'lift up their hands' at Minhah is because of the likelihood of intoxication,⁹ but on the days [cited above] the question of Intoxication does not arise.¹⁰ R. Judah takes the view that as drunkenness during [the time of] Shaharith and Musaf on ordinary days is not usual the Rabbis did not prohibit the lifting up of hands [at these services on fast-days also], whereas at [the time of] Minhah and Ne'ilah since on ordinary days drunkenness is quite a likely occurrence the Rabbis prohibited the 'lifting up of hands' [at these services even on fast-days]. R. Jose holds the view that the Rabbis confined their restriction to the Minhah only seeing that it is read every day, but they did not to the Ne'ilah which is not read every day.¹¹

R. Judah said in the name of Rab: The halachah is in accordance with the view of R. Meir. R. Johanan said: The people followed the view of R. Meir. And Raba said: The established custom is in accordance with the view of R. Meir. On the view that the halachah is according to R. Meir we teach it [explicitly] in the school sessions; but if we say that the established custom is according to R. Meir, then we should not teach it explicitly in the school sessions but we may give our decisions in accordance with it; if, however, we say that the people followed the view of R. Meir then we do not definitely give a decision in accordance with it, but should one have acted on it we do not declare his action null. But R. Nahman said: The halachah is according to R. Jose. And the halachah is [indeed] according to R. Jose. But nowadays why do the priests 'lift up their hands' [to bless the people] on fast-days at Minhah? — As they lift up their hands [in blessing] very near sunset¹² it is as if this was the Ne'ilah [service].

It is, however, generally agreed that an intoxicated [priest] may not lift up his hands [in benediction]. Whence is this view adduced? — R. Joshua b. Levi said in the name of Bar Kappara: Why does the section dealing with [the blessing by] the priest follow immediately after the portion of the Nazirite?¹³ In order to teach you that, just as the Nazirite is forbidden to drink wine, so too is the priest about to recite the priestly benediction. The father of R. Zera, and some say Oshaiah b. Zabbda, demurred to this: [If that is so], then just as the Nazirite is forbidden to eat the shells¹⁴ [of grapes], so too should the priest about to recite the priestly benediction be forbidden [to eat] the 'shells of grapes'.-R. Isaac replied: Scripture says, To minister unto Him and to bless in His name;¹⁵ [from this is to be inferred] that just as the officiating priest may eat the shells [of grapes]¹⁶ so too

may the priest about to recite the priestly benediction.

(1) V. J.E. s.v.

(2) And thus sleep and sit on the ground as a sign of mourning, v. infra.

(3) [Var. lec.: 'the sons of Israel'. That the same, however, applies to the daughters is clear from the Baraitha cited in the Gemara infra 31a.]

(4) In case they had been worn by a woman in a state of uncleanness and so became unclean. Cf. Lev. XV, 19ff.

(5) Prov. XXXI, 30.

(6) [Mishnah ed. Lowe reads: 'וכך הוא אומר', and thus he said', the quotation which follows being the answer of the young man, v. Malter.]

(7) Cant. III, 11. The Song of Songs has ever been regarded by the Rabbis as an allegory depicting the love of Israel for God.

(8) On the Day of Atonement.

(9) The priest may likely be intoxicated. A priest in a state of intoxication may not officiate in the Temple. Cf. Lev. X, 9.

(10) I.e., on fast days. On Ma'amadot and the Day of Atonement. The men of the Ma'amad fasted four fasts. Cf. infra 27b.

(11) It is read only on all fast-days (Rashi). [Others: only on the Day of Atonement, v. R. Hananel and Me'iri.]

(12) [On fast-days Minhah was recited close to sunset; v. supra 12b. R. Gershom refers this only to 'the Day of Atonement.]

(13) Num. VI, 1-21; the priestly section ibid. 22-27.

(14) Or 'kernels'.

(15) Deut. X, 8.

(16) Scripture forbids expressly the drinking of wine only. Cf. Lev. X, 9.

Talmud - Mas. Ta'anith 27a

[If so, why not also argue]: Just as an officiating priest may not be blemished so too may a priest reciting the benediction not be blemished. — Surely he is compared to the Nazirite.¹ Why do you choose to make your analogies more lenient [for the priest]? Why not make your analogies more strict [for him]?² — These analogies are but supports for a Rabbinical law and they must therefore incline towards the side of leniency.

THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOTH. BECAUSE IT IS SAID, COMMAND THE CHILDREN OF ISRAEL etc. What does [this Mishnah] mean to say? — This is what it means to say: THE FOLLOWING ARE [THE DETAILS CONCERNING] THE MA'AMADOTH. AND WHY WERE THE MA'AMADOTH INSTITUTED? BECAUSE IT IS SAID, COMMAND THE CHILDREN OF ISRAEL AND SAY UNTO THEM: MY FOOD WHICH IS PRESENTED UNTO ME. HOW CAN A MAN'S OFFERING BE BROUGHT [ON THE ALTAR] AND HE IS NOT PRESENT? [THEREFORE] THE EARLIER PROPHETS INSTITUTED TWENTY-FOUR MISHMAROTH; EACH MISHMAR WAS REPRESENTED [AT THE TEMPLE] IN JERUSALEM BY ITS OWN MA'AMAD OF PRIESTS, LEVITES AND ISRAELITES. WHEN THE TIME CAME FOR THE MISHMAR TO GO UP, THE PRIESTS AND LEVITES WENT UP TO JERUSALEM.

Our Rabbis have taught: 'There were twenty-four Mishmaroth in Palestine and twelve in Jericho'. [You say] there were [also] twelve in Jericho, then there were actually far more [than twenty-four]! — It must therefore be understood to mean that twelve of them [of the twenty-four] were in Jericho. When the time came for the Mishmar to go up [to Jerusalem] one half of the Mishmar went up from [their homes] in Palestine to Jerusalem and the other half went up to Jericho in order to provide their brethren in Jerusalem with water and food.

Rab Judah said in the name of Samuel: The absence of the Priests, Levites and Israelites is a bar to

[the offering of] the sacrifices. A Tanna taught: R. Simeon b. Eleazar said: The absence of Priests, Levites and musical instruments is a bar to [the offering of] the sacrifices. On what question does their dispute turn? — The one [Rab Judah] holds the view that the principal music of the Temple was vocal,³ and the other that it was with an instrument.

R. Hama b. Guria said in the name of Rab: Moses instituted for Israel eight Mishmaroth, four from [the family of] Eleazar and four from [the family of] Ithamar; Samuel came and increased them to sixteen; David came and increased them to twenty-four, as it is said, In the fortieth year of the reign of David they were sought for, and there were found among them mighty men of valour at Jazer of Gilead.⁴

An objection was raised against this: Moses instituted for Israel eight Mishmaroth, four from [the family of] Eleazar and four [from the family of] Ithamar; David and Samuel came and increased them to twenty-four, as it is said, Whom David and Samuel the seer did ordain in their set office!⁵ — This is what the passage means: From their institution by David and Samuel the Ramathite they were increased to twenty-four. Another [Baraitha] taught: Moses instituted for Israel sixteen Mishmaroth, eight from [the family of] Eleazar and eight from [the family of] Ithamar; but when the descendants of Eleazar increased in number above those of Ithamar, [the Mishmaroth] were again divided and they were increased to twenty-four, as it is said, And there were more chief men found of the sons of Eleazar than of the sons of Ithamar; and thus were they divided: of the sons of Eleazar there were sixteen, heads of fathers' houses, and of the sons of Ithamar, according to their fathers' houses, eight.⁶ And it says further, One father's house being taken for Eleazar, and proportionately for Ithamar.⁷ What is the force of the additional verse cited? Should you say, that just as the descendants of Eleazar increased in number, so also those of Ithamar increased from their original four into eight. Then come and hear: 'One father's house being taken for Eleazar, and proportionately [we-ahuz ahuz] for Ithamar.' This [Baraitha] will then refute the opinion of R. Hama b. Guria⁸ — R. Hama b. Guria will answer by saying: Tannaim are divided on the question and I accept the opinion of the Tanna [who says that Moses instituted only] eight Mishmaroth.

Our Rabbis have taught: Four Mishmaroth returned from the [Babylonian] exile, and they were: Jedaiah, Harim, Pashhur and Immer.⁹ The prophets amongst them

(1) And a blemished person may be a Nazirite.

(2) [By comparing the priest reciting the blessing to a Nazirite in respect of the eating of the shells and to an officiating priest in respect of a blemish.]

(3) Hence so long as there were Levites present to sing, the absence of musical instruments does not invalidate the sacrifices.

(4) I Chron. XXVI, 31.

(5) Ibid. IX, 22.

(6) I Chron. XXIV, 4.

(7) Ibid. XXIV, 6.

(8) Who said that Moses instituted only eight Mishmaroth, four each.

(9) V. Ezra II, 36-39.

Talmud - Mas. Ta'anith 27b

arose and divided them and increased them to twenty-four. [Lots were prepared] and mixed and placed in an urn. First came Jedaiah and took his portion and the portions of his colleagues,¹ six [in all]; then came Harim and took his portion and the portions of his colleagues six [in all]; and likewise Pashhur; and likewise Immer. And the prophets amongst them stipulated that even if Jehoiarib, who was the chief of the Mishmaroth should go up to [Jerusalem]² Jedaiah should not be ousted from his place, but Jedaiah³ should have precedence and Jehoiarib should be subordinate [to

him].⁴

AND THE ISRAELITES OF THE MISHMAR ASSEMBLED IN THEIR CITIES AND READ [FROM THE LAW] THE STORY OF CREATION, On what is this based? — R. Jacob b. Aha said in the name of R. Assi: Were it not for the Ma'amadoth heaven and earth could not endure, as it is said, And he said: O Lord God, whereby shall I know that I shall inherit it?⁵ Abraham said: Master of the Universe, should Israel sin before Thee wilt Thou do unto them [as Thou hast done] to the generation of the Flood⁶ and to the generation of the Dispersion?⁷ [God] replied to him: No. He then said to him: Master of the Universe, 'Let me know whereby I shall inherit it'. [God] answered: Take Me a heifer of three years old, and a she-goat of three years old etc.⁸ Abraham then continued: Master of the Universe! This holds good whilst the Temple remains in being, but when the Temple will no longer be what will become of them? [God] replied: I have already long ago provided for them in the Torah the order of sacrifices and whenever they read it I will deem it as if they had offered them before me and I will grant them pardon for all their iniquities.

Our Rabbis have taught: The men of the Mishmar⁹ prayed over the sacrifice of their brethren that it may be favourably accepted, whilst the men of the Ma'amad assembled in their synagogues and observed four fasts, on Monday, Tuesday, Wednesday and Thursday of that week. On Monday [they fasted] for those that go down to the sea; on Tuesday for those who travel in the deserts; on Wednesday that croup may not attack children; on Thursday for pregnant women and nursing mothers, that pregnant women should not suffer a miscarriage, and that nursing mothers may be able to nurse their infants; on Friday they did not fast out of respect for the Sabbath; and certainly not on the Sabbath. Why did they not fast on Sunday? — R. Johanan said: Because of the Nazareans.¹⁰ R. Samuel b. Nahmani said: Because it is the third day after the creation of Man.¹¹ Resh Lakish said: Because of the additional soul. For Resh Lakish said: Man is given an additional soul on Friday, but at the termination of the Sabbath it is taken away from him, as it is said, He ceased from work and rested¹² [shabat wa-yinafash] that is to say, Once the rest had ceased, woe! that soul is gone.

ON SUNDAY [THEY READ], 'IN THE BEGINNING', AND, 'LET THERE BE A FIRMAMENT'. It has been taught: Two persons read [the section] 'In the beginning', and one 'Let there be a firmament'. I can understand one person reading, 'Let there be a firmament', as it contains three verses, but how can two persons read, 'In the beginning', seeing that it contains only five verses? Has it not been taught: He who reads the Law should not read less than three verses? — Rab answered: [The third verse] is repeated. Samuel said: It is divided into two. Rab who says that the third verse is repeated why does he not agree that it is divided? — He is of the opinion that any verse which Moses did not divide, we may not divide. And as for Samuel who says that it is divided, may it then be divided? Did not R. Hanina, the Bible teacher, declare, I endeavoured hard to get permission from R. Hanina the elder to divide a verse into two and he would permit me only in the case of teaching children, because it is merely for teaching practice! — To this Samuel can reply: There [in the case of school children] the reason why [R. Hanina permitted the verse to be divided] was because it is not possible [for them to read the whole verse at one stretch], here too it is not possible. And as for Samuel who said, 'It is divided', why should he not agree that it be repeated? — In order to prevent any misunderstanding on the part of those who may enter or leave [the synagogue].¹³

An objection was raised: [A section of] six verses is read by two, but [a section of] five verses by one; should, however, the first person have read three verses then the second person reads the [remaining] two and one verse from the following section; some say, he reads three verses [from the following section] because we do not read from a [new] section less than three verses. Now in accordance with the view of him who says that it should be repeated, let then [the third verse of the first section] be repeated; and in accordance with the view of him who says that it should be divided, let the verse be divided? — There the position is different

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- (1) I.e., those of his sub-divisions.
- (2) In the First Temple, I Chron. XXIV, 7.
- (3) [Who in the First Temple was second, v. I Chron. ibid.]
- (4) [Because he refused to return at the time with Ezra, v. n. 4.]
- (5) Gen. XV, 8.
- (6) Cf. Gen. VI, 9ff.
- (7) Gen. XI, 1-9.
- (8) Gen. XV, 9.
- (9) The lay representatives at the Temple sacrifices (Rashi). [They are loosely designated the Men of the Mishmar because they were attached to a priestly division (v. Me'iri and Malter, a.l.).]
- (10) I.e., Christians, who may take umbrage at the Jews turning their Sabbath into a fast-day. V. Herford, Christianity in Talmud and Midrash, pp. 171-3.
- (11) Man was created on the sixth day (Friday). Cf. Gen. I, 27. The third day after birth, like the third day after circumcision, was considered a critical period; cf. Gen. XXXIV, 25.
- (12) Ex. XXXI, 17. The word שבת R. Lakish renders as 'ceasing' to observe the Sabbath and the word וינפש he divides into two, וי 'woe' and נפש 'soul'.
- (13) Those coming in when the second person reads verse three might conclude that the first person read two verses only; similarly those leaving the synagogue when the first person reads verse three might conclude that the second person will read two verses only.

Talmud - Mas. Ta'anith 28a

because he has plenty of verses at his disposal.¹

TWO PERSONS READ A LONG SECTION . . . AT SHAHARITH, MUSAF AND MINHAH THEY READ [THE REQUISITE] SECTION BY HEART etc. The question was raised: How is this Mishnah to be understood? [Does it mean] that at Shaharith and Musaf [the section] is read from a Scroll of the Law and at Minhah by heart in the same manner as people recite the Shema'? Or, it means this: At Shaharith it is read from a Scroll of the Law and at Musaf and Minhah by heart in the same manner as people recite the Shema'? — Come and hear: At Shaharith and Musaf they assemble in the synagogue and read [from the Scroll of the Law] in the same way as all the year round, but at Minhah an individual reads it by heart. — R. Jose asked: May then an individual read by heart in public words of the Law? It must surely be that all assemble [in the synagogue] and read it by heart in the same way as the Shema' is recited.

ON ANY DAY WHEN HALLEL WAS RECITED THERE WAS NO MA'AMAD etc. What is the difference between the one and the other?² — The one [Minhah] is a Biblical injunction and the other [Ne'ilah] is a rabbinic institution.³

THE WOOD-FESTIVAL OF THE PRIESTS AND OF THE PEOPLE etc. Our Rabbis have taught: Why was it necessary [to fix special days for] the Wood-Festival of the Priests and of the People? It is reported that when the exiles returned [to Palestine] they found no wood in the [Temple wood] chamber and the families here mentioned came forward and offered wood of their own. The prophets amongst them thereupon made it a condition that even should at any time the chamber be full of wood they should still continue their offerings, as it is said, And we cast lots the priests, the Levites and the people, for the wood-offering, to bring it into the house of our God, according to our fathers' houses at times appointed, year by year, to burn upon the altar of the Lord our God, as it is written in the Law.⁴

AND WITH THEM WERE THE PRIESTS AND THE LEVITES AND ALL THOSE WHO etc. Our Rabbis have taught: What is the incident connected with the Bene Gonbe 'Ali and the Bene

Koze Kezi'oth? It is reported that once the ruling power made a decree that Israel should not bring wood to the altar, nor bring their first-fruit to Jerusalem, and placed guards on the roads as Jeroboam the son of Nebat had done to prevent Israel from going on pilgrimage. What did the pious and sin-fearing men of that generation do? They took the baskets of the first-fruit and covered them with dried figs and carried them with a pestle on their shoulders, and when they reached the guards they were asked: Whither are you going? They replied: With the pestle on our shoulders we are going to make two cakes of pressed figs in the mortar we have yonder. When they had gone away from the guard they decorated the baskets and brought them to Jerusalem.⁵ It has been taught: The family of Salami Netofah acted in a similar way.

Our Rabbis have taught: What is the incident connected with the family of Salami Netofah? It is reported that once the ruling power decreed that Israel should not bring wood to the altar and they placed guards on the roads as Jeroboam the son of Nebat had done to prevent Israel from going on pilgrimage. What did the God-fearing men of that generation do? They took the logs of wood and made them into ladders which they carried on their shoulders and proceeded on their journey; when they reached the guards they were asked: Whither are you going? They replied: [We are going] with the ladders on our shoulders to take down young pigeons from the dovecot at a place further on. When they had gone away from the guards they dismantled [the ladders] and brought them to Jerusalem.⁶ And it is of them and of men like them that Scripture says, The memory of the righteous shall be for a blessing;⁷ and of Jeroboam and his companions the verse adds, But the name of the wicked shall rot.

ON THE TWENTIETH OF THE SAME MONTH THE FAMILY OF PAHATH MOAB: A Tanna taught: The sons of Pahath Moab b. Judah are identical with the sons of David the son of Judah; this is the opinion of R. Meir. R. Judah says: They are identical with the sons of Joab b. Zeraiah.

ON THE TWENTIETH OF ELUL THE FAMILY OF ADIN THE SON OF JUDAH: Our Rabbis have taught: The sons of Adin the son of Judah are the same as the sons of David the son of Judah; this is the opinion of R. Judah. R. Jose says: They are the same as the sons of Joab the son of Zeraiah.

ON THE FIRST OF TEBETH THE FAMILY OF PAROSH A SECOND TIME etc. With whose view does the Mishnah agree? It is neither with the view of R. Meir nor with that of R. Judah, nor with that of R. Jose. If it were in agreement with the view of R. Meir then [the Mishnah] would read, 'the sons of David b. Judah a second time'; should it be with that of R. Judah then it should read 'the sons of David b. Judah a second time'; if with that of R. Jose then it should read 'the sons of Joab b. Zeraiah a second time'! — [The Mishnah actually] agrees with the view of R. Jose, but there are two Tannaim in dispute as to what R. Jose's view was.⁸

ON THE FIRST OF TEBETH THERE WAS NO MA'AMAD etc. Mar Kashisha the son of R. Hisda asked R. Ashi

(1) But here in the case of the Ma'amadoth the Scriptural verses are limited in number. For further notes on this passage v. Meg., Sonc. ed. p. 133f.

(2) Why on the day of the Wood-Festival is no Ma'amad held at Ne'ilah but takes place as usual at Minhah?

(3) Minhah is of Biblical origin its institution being attributed to the Patriarch Isaac (cf. Ber. 26b), hence the Wood-Festival cannot supersede the Ma'amad in connection with it, whereas Ne'ilah is a rabbinic institution and therefore the festive day can supersede it. (So Rashi). V. however, Tosaf. ad loc. for an alternative interpretation of the passage.

(4) Neh. X, 35.

(5) Cf. Bik. III, 3.

(6) To be used as fuel for the altar.

(7) Prov. X, 7.

(8) On one view (represented under Mishnah) R. Jose identifies the family of Adin with that of David; on the other (in the Baraitha) with that of Joab.

Talmud - Mas. Ta'anith 28b

: Why is Hallel different that it suspends its own Ma'amad¹ while Musaf does not supersede its own Ma'amad?² — R. Ashi replied: If [Musaf] suspends the Ma'amad of a service of which it is not part, [i.e., Minhah] all the more should it suspend its own Ma'amad? — R. Kashisha then said: This is what I mean to say: Let it [Musaf] suspend its own Ma'amad only!³ — R. Ashi replied: There is R. Jose who holds the same view as you. For it has been taught: R. Jose says: Any day on which there is Musaf there is also a Ma'amad. Now which Ma'amad [is here referred to]? Shall I say the Ma'amad of the Shaharith? [Surely] the first Tanna [of our Mishnah] also says likewise! Is it the Ma'amad of the Musaf? Does not Musaf suspend even its own Ma'amad! Is it the Ma'amad of Minhah? But this is already suspended because of the Wood-Festival!⁴ It must then surely be the Ma'amad of Ne'ilah. Hence the conclusion therefrom that Musaf suspends its own Ma'amad but it does not suspend the Ma'amad of any other service. Hence it is proved.

Let [the Mishnah] also state that there was no Ma'amad on the first of Nisan, because there was Hallel,⁵ and Musaf offering and the wood-offering? — Raba replied: This proves that the recital of Hallel on New Moon is not a Biblical injunction.⁶ For R. Johanan said in the name of R. Simeon b. Jehozadak, On eighteen days in the year the individual [worshipper] completes the Hallel⁷ and they are, the eight days of the Feast of Tabernacles, the eight days of Hanukkah, the first day of Passover,⁸ and the Festival of Pentecost; but in the Diaspora⁹ [the Hallel is completed] on twenty-one days, and they are, the nine days of the Feast of Tabernacles, the eight days of Hanukkah, the first two days of Passover and the two days of Pentecost.

Rab once came to Babylonia¹⁰ and he noticed that they recited the Hallel¹¹ on New Moon; at first he thought of stopping them but when he saw that they omitted parts of it he remarked: It is clearly evident that it is an old ancestral custom with them. A Tanna taught: The individual should not deliberately begin to recite [the Hallel]¹² but once he has begun he should complete it.

FIVE MISFORTUNES BEFELL OUR FATHERS ON THE SEVENTEENTH OF TAMMUZ etc. Whence is it known that the Tables [of the Law] were shattered [on the seventeenth of Tammuz]? For it has been taught:¹³ On the sixth of the month [of Sivan] the Ten Commandments were given to Israel; R. Jose says: On the seventh of the month. He who says that they were given on the sixth takes the view that on the sixth they were given and on the seventh Moses ascended the mount. And he who says that they were given on the seventh holds that they were given on the seventh and on the seventh Moses ascended the mount. For it is written, And the seventh day he called unto Moses,¹⁴ and it is further written, And Moses entered into the midst of the cloud, and went up into the mount; and Moses was in the mount forty days and forty nights.¹⁵ The [remaining] twenty-four days of Sivan and the sixteen days of Tammuz make altogether forty. On the seventeenth of Tammuz he came down [from the mountain] and shattered the Tables, as it is written, And it came to pass as soon as he came nigh unto the camp, that he saw the calf . . . and he cast the tables out of his hands, and broke them beneath the mount.¹⁶

[THE DAILY OFFERING] WAS DISCONTINUED. This is a tradition.

A BREACH WAS MADE IN THE CITY. Did this then happen on the seventeenth? Is it not written, In the fourth month, in the ninth day of the month, the famine was sore in the city etc.,¹⁷ and in the following verse it is written, Then a breach was made in the city etc.! — Raba said: This is no

contradiction. The one refers to the First Temple and the other to the Second Temple. For it has been taught: In the First Temple the breach was made in the city on the ninth of Tammuz, but in the Second Temple on the seventeenth of Tammuz.

APOSTOMOS BURNED THE SCROLL OF THE LAW. This is a tradition.

AND PLACED AN IDOL IN THE TEMPLE. Whence do we know this? — For it is written, And from the time that the continual burnt-offering shall be taken away and the detestable thing that causeth appalment set up.¹⁸ Was there then only one detestable thing? Is it not written, And upon the wing of detestable things shall be that which causeth appalment?¹⁹ — Raba replied: There were two [idols] and one fell upon the other and broke its hand and upon it was found inscribed

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- (1) On the day when Hallel is recited is the corresponding Ma'amad prayer of the Shaharith eliminated.
 - (2) On the day when there is Musaf the Ma'amad of the Minhah is eliminated and not the one attached to the Musaf.
 - (3) And not also that of Minhah, having a similar effect as Hallel.
 - (4) [This is difficult to explain. Wilna Gaon omits the last two sentences and reads: Hence it must then surely be the Ma'amad of Minhah and Ne'ilah.]
 - (5) Being New Moon.
 - (6) As the Mishnah does not state this, it is to be inferred that in spite of the fact that the Hallel was recited on the first of Nisan the Ma'amad prayers were read as usual at the Shaharith. This proves that the recital of the Hallel on New Moon is but a custom that had sprung up and is not a Biblical institution, otherwise the Hallel would eliminate the Ma'amad.
 - (7) The complete Hallel consisted of Psalms CXIII-CXVIII; on the days when Hallel was not to be completed verses I-XI of Psalms CXV and CXVI were omitted.
 - (8) The Hallel was also completed on the Eve of Passover at the Passover sacrifices. Cf. Pes. V, 7.
 - (9) The next day was also observed as a festival.
 - (10) [Stands here for Sura, v. Meg., Sonc. ed. p. 135, n. 5.]
 - (11) The recitation of the Hallel on New Moon was one of the points of difference between the ritual of the Jews in Babylonia and Palestine.
 - (12) On the New Moon.
 - (13) Cf. Shab. 86a.
 - (14) Ex. XXIV, 16.
 - (15) Ibid. 18.
 - (16) Ex. XXXII, 19. Thus it is proved that Moses broke the Tables on the seventeenth of Tammuz.
 - (17) Jer. LII, 6-7.
 - (18) Dan. XII, 11.
 - (19) Ibid. IX, 27.

Talmud - Mas. Ta'anith 29a

: You desired to destroy the Temple, but I have handed over your hand to Him.¹

ON THE NINTH OF AB IT WAS DECREED THAT OUR FATHERS SHOULD NOT ENTER THE [PROMISED] LAND. Whence do we know this? For it is written, And it came to pass in the first month in the second year, on the first day of the month, that the tabernacle was reared up.² And [regarding this verse] a Master said: In the first year Moses built the Tabernacle, in the second year Moses erected the Tabernacle and sent out spies. Further it is written. And it came to pass in the second year, in the second month, on the twentieth day of the month, that the cloud was taken up from over the tabernacle of testimony.³ And it is further written, And they set forward from the mount of the Lord three days' journey,⁴ and R. Hama b. Hanina explained this means that on that day they turned aside from after the Lord. And it is further written, And the mixed multitude that was among them fell a-lusting; and the children of Israel also wept on their part etc.⁵ And it is further written, But a whole month etc.⁶ That brings us up to the twenty-second of Sivan. And it is further

written, And Miriam was shut up [without the camp] seven days.⁷ That brings us up to the twenty-ninth of Sivan. And it is further written, Send thou men.⁸ And it has been taught: Moses sent out spies on the twenty-ninth of Sivan. And it is further written, Add they returned from spying out the land at the end of forty days.⁹ But is not this forty days less one?¹⁰ — Abaye replied: Tammuz of that year was a full month [of thirty days],¹¹ for it is written, He hath called a solemn assembly against me to crush my young men.¹² And it is further written, And all the congregation lifted up their voice, and cried; and the people wept that night.¹³ Rabbah said in the name of R. Johanan: That night was the night of the ninth of Ab. The Holy One, blessed be He, said to them: You have wept without cause, therefore I will set [this day] aside for a weeping throughout the generations to come.

[ON THE NINTH OF AB] THE TEMPLE WAS DESTROYED THE FIRST TIME. For it is written, Now in the fifth month, on the seventh day of the month, which was the nineteenth year of King Nebuchadnezzar, king of Babylon, came Nebuzaradan the captain of the guard, a servant of the King of Babylon, unto Jerusalem. And he burnt the house of the Lord etc.¹⁴ And it is further written, Now in the fifth month, in the tenth day of the month, which was the nineteenth year of King Nebuchadnezzar, king of Babylon, came Nebuzaradan the captain of the guard, who stood before the king of Babylon into Jerusalem etc.¹⁵ With reference to this it has been taught: We cannot say that this happened on the seventh, for it has already been stated that it was ‘in the tenth’; and we cannot say that this happened on the tenth, for it has already been stated that it was ‘on the seventh’. How then are these dates to be reconciled? On the seventh the heathens entered the Temple and ate therein and desecrated it throughout the seventh and eighth [of Ab] and towards dusk of the ninth they set fire to it and it continued to burn the whole of that day, as it is said, Woe unto us! for the day declineth, for the shadows of the evening are stretched out.¹⁶ And this is what R. Johanan meant when he said: Had I been alive in that generation I should have fixed [the mourning] for the tenth, because the greater part of the Temple was burnt thereon. How will the Rabbis then [explain the contradiction]? — The beginning of any misfortune is of greater moment.

AND [THE TEMPLE WAS DESTROYED] THE SECOND TIME. Whence do we know this? For it has been taught: Good things come to pass on an auspicious day, and bad things on an unlucky day. It is reported that the day on which the First Temple was destroyed was the eve of the ninth of Ab, a Sunday, and in a year following the Sabbatical year, and the Mishmar of the family of Jehoiarib¹⁷ were on duty and the Levites were chanting the Psalms standing on the Duchan.¹⁸ And what Psalm did they recite? — [The Psalm] containing the verse, And He hath brought upon them their own iniquity; and will cut them off in their own evil.¹⁹ And hardly had they time to say, ‘The Lord our God will cut them off’,¹⁹ when the heathens came and captured them. The same thing too happened in the Second Temple.

BETHAR WAS CAPTURED. This is a tradition.

AND THE CITY WAS PLOUGHED UP. It has been taught: When Turnus Rufus the wicked destroyed²⁰ the Temple, R. Gamaliel was condemned to death. A high officer came and stood up in the Beth-Hamidrash and called out, ‘The Nose-man²¹ is wanted, the Nose-man is wanted’. When R. Gamaliel heard this he hid himself. Thereupon the officer went up secretly to him and said, ‘If I save you will you bring me into the world to come?’ He replied: Yes. He then asked him, ‘Will you swear it unto me?’ And the latter took an oath. The officer then mounted the roof and threw himself down and died. Now there was a tradition [amongst the Romans] that when a decree is made and one of their own [leaders] dies, then that decree is annulled.²² Thereupon a Voice from Heaven was heard declaring, This high officer is destined to enter into the world to come.

Our Rabbis have taught: When the First Temple was about to be destroyed bands upon bands of young priests with the keys of the Temple in their hands assembled and mounted the roof of the Temple and exclaimed, ‘Master of the Universe, as we did not have the merit to be faithful treasurers

these keys are handed back into Thy keeping'. They then threw the keys up towards heaven. And there emerged the figure of a hand and received the keys from them. Whereupon they jumped and fell into the fire. It is in allusion to them that the prophet Isaiah laments: The burden concerning the Valley of Vision. What aileth thee now, that thou art wholly gone up to the house tops, thou that art full of uproar, a tumultuous city, a joyous town? Thy slain are not slain with the sword, nor dead in battle.²³ Of the Holy One, blessed be He, also it is said, Kir shouting, and crying at the mount.²⁴

WITH THE BEGINNING OF AB REJOICINGS ARE CURTAILED. Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: Just as with the beginning of Ab rejoicings are curtailed, so with the beginning of Adar rejoicings are increased.

(1) V. Tosaf. ad loc. [Aliter: based on MS.M., I desired to destroy Thy Temple but Thy hand cut it (my hand) off.]

(2) Ex. XL, 17.

(3) Num. X, 11.

(4) Ibid. 33.

(5) Ibid. XI, 4.

(6) Ibid. 20.

(7) Ibid. XII, 15.

(8) Ibid. XIII, 2.

(9) Ibid. 25.

(10) 29-30 Sivan; 1-29 Tammuz; 1-8 Ab (2 + 29 + 8 = 39).

(11) The additional day brings the figure up to forty.

(12) Lam. I, 15. The word **מועד** 'an appointed season', festival, is interpreted homiletically as a season appointed for mourning, as the Talmud goes on explaining.

(13) Num. XIV, 1.

(14) II Kings XXV, 8-9.

(15) Jer. LII, 12.

(16) Jer. VI, 4.

(17) V. supra p. 27b.

(18) The platform in the Temple on which the Levites stood when chanting the Psalms.

(19) Ps. XCIV, 23.

(20) Var lec.: 'ploughed'.

(21) Goldschmidt (a.l.) suggests that the Roman officer confused the Hebrew title Nasi with the Latin word, nasus, nose. Hence he called out, **בעל החוטם** = vir nasi.

(22) They regard the death as a punishment for the evil decree (Rashi).

(23) Isa. XXII, 1-2.

(24) Ibid. 5. **קיר** is interpreted as **, God (Malter)

Talmud - Mas. Ta'anith 29b

R. Papa said: Therefore a Jew who has any litigation with Gentiles should avoid him in Ab because his luck is bad and should make himself available in Adar when his luck is good.

To give you a future and a hope:¹ Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: By this is meant [an abundance of] palm trees and flaxen garments.²

And he said: See, the smell of my son is as the smell of a field which the Lord hath blessed.³ Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: As the smell of an apple orchard.

DURING THE WEEK IN WHICH THE NINTH OF AB FALLS IT IS FORBIDDEN TO CUT THE HAIR AND TO WASH CLOTHES. R. Nahman said: This restriction only applies to the washing of clothes for immediate wear but the washing of clothes for storing is permissible. R.

Shesheth said: It is forbidden to wash clothes even for storing. R. Shesheth said: A proof for this is that the fullers in the house of Rab⁴ are then idle.

R. Hammuna raised an objection: ON THURSDAY IT IS PERMISSIBLE IN HONOUR OF THE SABBATH.⁵ What is permissible? Shall I say it is to wash clothes for immediate wear?⁶ Where does the honour of the Sabbath enter into it? It must surely mean, washing clothes for storing [till Sabbath], and this is permissible only on Thursday but not during other days of the week! — In reality [the Mishnah refers] to the washing of clothes for immediate wear and it speaks of a case where a man has only one shirt. For R. Assi said in the name of R. Johanan: When a man has one shirt only he may wash it in the middle days of the Festival.⁷ So too it has been stated: R. Benjamin said in the name of R. Eleazar: The restriction applies only to washing clothes for immediate wear but washing clothes for storing is permissible. An objection was raised against this: It is forbidden to wash clothes before the ninth of Ab even for storing them until after the ninth of Ab. And our [Babylonian] laundry work is like their [Palestinian] plain washing, [in respect of this prohibition],⁸ but flaxen garments are not included in this prohibition against laundry work. This is indeed a refutation.

R. Isaac b. Giyuri sent a message in the name of R. Johanan: Although the Rabbis declared that flaxen garments are not included in the prohibition against laundry work, yet it is forbidden to wear them [newly laundered] in the week in which the Ninth of Ab falls. Rab said: This applies to the days before the Ninth of Ab but on the days after it it is permissible to wear them. Samuel said: Even on the days after the Ninth of Ab it is forbidden to wear them. An objection was raised against this: The week in which the Ninth of Ab falls it is not permissible to cut the hair or to wash clothes, but on Thursday it is permissible in honour of the Sabbath. How is this to be understood? Should it fall on Sunday it is permissible to wash clothes the whole of the week, [but should it fall] on Monday or Tuesday or Wednesday or Thursday, before it it is not permissible, but after it, it is permissible; [should it fall] on Friday it is permissible to wash clothes on Thursday in honour of the Sabbath; if however he has not washed them on the Thursday it is permissible to wash them on the Friday from the hour of Minhah onwards. (Abaye, and some say, R. Aha b. Jacob expressed his strongest disapproval⁹ of any one who acted so.) Should [the Ninth of Ab] fall on Monday or on Thursday three people read the Law, and [of these the last] one also reads the prophetic lesson; but [should it fall] on Tuesday or Wednesday one reads the Law and he also reads the prophetic lesson. R. Jose says: Invariably three persons read the Law and the last one of these also reads the prophetic lesson. [Will not this Baraita be] a refutation of Samuel [who holds that it is not permissible to wash clothes, even on the days after the Ninth of Ab]? — Samuel will reply: Tannaim are divided on this point. For it has been taught: Should the Ninth of Ab fall on the Sabbath, and likewise if the eve of the Ninth of Ab falls on the Sabbath, one may eat and drink as much as he needs and he may load his table with as many viands as Solomon in his time did, but it is forbidden to cut the hair and to wash clothes, from the beginning of the month until after the fast; this is the opinion of R. Meir. R. Judah says: It is forbidden the whole month. R. Simeon b. Gamaliel says: It is forbidden only on that particular week. And elsewhere it has been taught: And mourning is observed from the beginning of the month until the fast; this is the opinion of R. Meir. R. Judah says: It is forbidden the whole month. R. Simeon b. Gamaliel says: It is forbidden only on that particular week.¹⁰

Said R. Johanan: All three authorities adduced their ruling from the same scriptural verse. For it is written, I will also cause all her mirth to cease, her feasts, her new moons, and her sabbaths.¹¹ The one who says, from the beginning of the month until the fast

(1) Jer. XXIX 11.

(2) Rab Judah points out that the blessings for the future promised by the prophet Jeremiah to the exiles in Babylonia are of a material kind.

(3) Gen. XXVII, 27.

(4) [דְּבֵי רַב] Aliter: of the school house.]

(5) Cf. supra 26b.

(6) On the same day — Thursday.

(7) Although washing is forbidden on these days. Cf. M.K. 14a, 18b.

(8) So that plain washing of clothes is permissible in Babylon for storing after the Ninth of Ab.

(9) Lit., 'cursed'.

(10) Samuel has thus the authority of R. Judah and R. Simeon b. Gamaliel in forbidding the washing of clothes on the days following the Ninth of Ab.

(11) Hosea II, 13.

Talmud - Mas. Ta'anith 30a

adduces his opinion from 'her feasts';¹ the one who says, it is forbidden the whole month, from 'her new moons';² and the one who says, it is forbidden the whole week, from 'her sabbaths'.³ Raba said: The halachah is according to R. Simeon b. Gamaliel. And Raba further said: The halachah is according to R. Meir. And both decisions are in favour of the more lenient practice, and both are needed [to be stated]. For had it only been stated that the halachah is according to R. Meir, I might have said that the restriction is in force from the beginning of the month, therefore it is also clearly stated that the halachah is according to R. Simeon b. Gamaliel; and had it only been stated that the halachah is according to R. Simeon b. Gamaliel, I would have said that the restriction continues even on the days after [the Ninth of Ab], therefore it is clearly stated that the halachah is according to R. Meir.⁴

ON THE EVE OF THE NINTH OF AB ONE MAY NOT PARTAKE OF A MEAL OF TWO COURSES etc. Rab Judah said: This restriction applies to any time after midday⁵ but not to any time before midday. Rab Judah further said: It applies only to the concluding meal [before the fast] but not to any other meal. And both decisions are in favour of the more lenient practice, and both are needed to be stated. For had it [only] mentioned the concluding meal, I would have said that the restriction held good of a meal partaken even at any time before midday, therefore it is clearly stated, from midday onwards. And had it only mentioned from midday onwards I would have said, that the restriction held good of a meal even though it be not the concluding meal, therefore it is clearly stated that it must be the concluding meal. It has been taught according to the first statement and it has also been taught according to the second statement. It has been taught according to the second statement: One who has a meal on the eve of the Ninth of Ab if it is his intention to have another meal [later] he may eat meat and drink wine; but if not, he may not eat meat nor drink wine. It has also been taught according to the first statement: On the eve of the Ninth of Ab one may not partake of a meal of two courses, nor may he eat meat nor drink wine. R. Simeon b. Gamaliel says: He should make a difference [in his diet]. What constitutes a difference in diet? If one is in the habit of having two courses he should have one only; and if he usually dines in the company of ten persons, he should dine with five; if it is his usual practice to drink ten cups [of wine] he should drink five only.⁶ These restrictions apply only to meals partaken from midday onwards, but not to meals partaken at any time before midday.

Another [Baraita] taught: On the eve of the Ninth of Ab a man may not partake of a meal of two courses, he should not eat meat, nor drink wine; this is the opinion of R. Meir. But the Sages say: He should make a difference [in his diet] and restrict his consumption of meat and wine. How should one restrict? If he was in the habit of eating one pound of meat he should eat one half only, if it is his usual practice to drink one log of wine he should drink one half log only; but if he is not in the habit of partaking any of these things he may not have these at all. R. Simeon b. Gamaliel said: If it was his habit to eat radish or savoury after his meal he may do so if he wishes. Another [Baraita] taught: At the meal intended to be the concluding one [prior to the fast of] the Ninth of Ab it is forbidden to eat meat or to drink wine or to bathe after the meal; at the meal which is not intended to be a

concluding meal prior to the Ninth of Ab⁷ it is permissible to eat meat and to drink wine but not to bathe. R. Ishmael b. Jose said in the name of his father: So long as it is permissible to eat⁸ meat it is also permissible to bathe.

Our Rabbis have taught: All the restrictions that apply to the mourner hold equally good of the Ninth of Ab. Eating, drinking, bathing, anointing, the wearing of shoes and marital relations are forbidden thereon. It is also forbidden [thereon] to read the Law, the Prophets, and the Hagiographa or to study Mishnah, Talmud, Midrash, Halachoth, or Aggadoth;⁹ he may, however, read such parts of Scripture which he does not usually read and study such parts of Mishnah which he usually does not study;¹⁰ and he may also read Lamentations, Job and the sad parts of Jeremiah; and the school children are free from school for it is said, The precepts of the Lord are right, rejoicing the heart.¹¹ R. Judah said: Even such parts of Scripture which he does not usually read he may not read, nor study parts of the Mishnah which he does not usually study, but he may read Job, Lamentations and the sad parts of Jeremiah; and the school children are free [from school] for it is said, 'The precepts of the Lord are right, rejoicing the heart'.

NOR EAT MEAT NOR DRINK WINE. A Tanna taught: But he may eat salted meat¹² and he may drink [new] wine from his vat.¹³ For how long must meat remain in salt so as to render it permissible? For the length of time that peace-offering may be eaten.¹⁴ How long is wine considered new? As long as it remains in its first stage of fermentation. A Tanna taught: The law forbidding the use of liquids left uncovered does not apply to new wine in the first stage of fermentation.¹⁵ And how long does it take to ferment? — Three days.

Rab Judah said in the name of Rab: The following was the practice of R. Judah b. Il'ai. On the eve of the Ninth of Ab there was brought to him dry bread with salt and he would take his seat

(1) New Moon is also a festive day.

(2) דָּוָשׁ 'New Moon' can also mean, month.

(3) שַׁבָּת 'Sabbath' has also the meaning, a whole week.

(4) Who is opposed to the view.

(5) Lit., 'from the sixth hour onward'.

(6) [MS.M.: '. . . out of ten (successive) cups . . . out of five'].

(7) Any other meal during the day or the concluding meal prior to any other fast, e.g., the Day of Atonement.

(8) [Var lec. omit: 'meat'.]

(9) The study of all these brings delight to the genuine student.

(10) The study of new subjects needs great application and the pleasure derived from the study is eclipsed by the efforts expended.

(11) Ps. XIX, 9. This last passage occurs again in the statement of R. Judah that follows and is thus rightly omitted in MS.M.

(12) I.e., pickled meat.

(13) As these have not a good taste.

(14) Two days and one night, i.e., sixty hours. Cf. Zeb. V, 7.

(15) There is no danger of contamination by the poison of a snake as the snake would not drink such liquid. Cf. Ter. VIII, 4.

Talmud - Mas. Ta'anith 30b

between the [baking] oven and the [cooking] stove¹ and eat and he would drink with it a pitcher full of water and he would appear as if a near relation were lying dead before him.

Elsewhere we have learnt: Where it is the custom to do work on the Ninth of Ab we may do work, but where it is not the custom we may not; and everywhere the Scholars refrain from work. R.

Simeon b. Gamaliel says: [In this respect] a man should always consider himself a scholar. It has been taught likewise: R. Simeon b. Gamaliel says: [In this respect] let a man always consider himself a scholar that he may feel more strongly the fast.

A [Baraita] taught: R. Simeon b. Gamaliel says: Any one who eats or drinks on the Ninth of Ab is as if he ate and drank on the Day of Atonement. R. Akiba says: Any one who does work on the Ninth of Ab will never see in his work any sign of blessing. And the Sages say: Any one who does work on the Ninth of Ab and does not mourn for Jerusalem will not share in her joy, as it is said, Rejoice ye with Jerusalem, and be glad with her, all ye that love her; rejoice for joy with her, all ye that mourn for her.² From this originates what they [the Rabbis] have said: Everyone who mourns for Jerusalem merits to share in her joy, and any one who does not mourn for her will not share in her joy. It has also been taught likewise: Of him who eats meat and drinks wine on the Ninth of Ab Scripture says: And their iniquities are upon their bones.³

R. JUDAH MAKES IT OBLIGATORY TO TURN THE BED OVER, BUT THE WISE DID NOT AGREE WITH HIM IN THIS. It has been taught: [The Sages] said to R. Judah: If your view is followed what will happen to pregnant women and nursing mothers?⁴ — He replied to them: I too meant my statement to apply only where it is possible. It has also been taught likewise: R. Judah agrees with the Sages where it is not possible [to overturn the beds]; and the Sages agree with R. Judah where it is possible. What is the real difference between them? The difference between them arises in the case of other beds [not used for sleeping]. As it has been taught: When the Rabbis said that a man should turn over the bed, they meant not only his own bed but also all the beds [in the house]. Raba said: The halachah is according to our Tanna, but the Sages would not accept his [R. Judah's] view at all.

R. SIMEON B. GAMALIEL SAID: THERE NEVER WERE IN ISRAEL GREATER DAYS OF JOY THAN THE FIFTEENTH OF AB AND THE DAY OF ATONEMENT. I can understand the Day of Atonement, because it is a day of forgiveness and pardon and on it the second Tables of the Law were given,⁵ but what happened on the fifteenth of Ab? — Rab Judah said in the name of Samuel: It is the day on which permission was granted to the tribes to inter-marry.⁶ Whence may this be adduced? — Scripture says, This is the thing which the Lord hath commanded concerning the daughters of Zelophehad etc.,⁷ [meaning] ‘this thing’ shall hold good for this generation only. R. Joseph said in the name of R. Nahman: It is the day on which the tribe of Benjamin was permitted to re-enter the congregation [of Israel], as it is said, Now the men of Israel had sworn in Mizpah, saying: There shall not any of us give his daughter unto Benjamin to wife.⁸ From what was their exposition?⁹ — Rab said: From the phrase ‘any of us’ which was interpreted to mean, ‘but not from any of our children’.

Rabbah b. Bar Hanah said in the name of R. Johanan: It is the day on which the generation of the wilderness ceased to die out. For a Master said: So long as the generation of the wilderness¹⁰ continued to die out there was no divine communication to Moses,¹¹ as it is said, So it came to pass, when all the men of war were consumed and dead . . . that the Lord spake unto me.¹² [Only then] came the divine communication ‘unto me’.

‘Ulla said: It is the day on which Hosea the son of Elah removed the guards which Jeroboam the son of Nebat had placed on the roads to prevent Israel from going [up to Jerusalem] on pilgrimage,¹³ and he proclaimed

(1) He took up a humble position.

(2) Isa. LXVI, 10.

(3) Ezek. XXXII, 27.

(4) Who cannot sleep on the ground.

(5) [According to a tradition in Seder Olam 6, Moses spent three periods of forty days and forty nights in the Mount beginning with the seventh of Sivan and ending on the tenth of Tishri when he came down on earth with the Second Tables.]

(6) V. next note.

(7) Cf. Num. XXXVI, 6-7. The Law was later annulled.

(8) Judg. XXI, 1.

(9) I.e., on what did they base their permission.

(10) Those who came out of Egypt.

(11) [In a direct manner as described in Num. XII, 8, 'With him I speak mouth to mouth, etc. (Rashbam, B.B. 121b).]

(12) Deut. II, 16-17.

(13) Cf. Git. 88a.

Talmud - Mas. Ta'anith 31a

, Let them go up to whichever shrine they desire. R. Mattenah said: It is the day when permission was granted for those killed at Bethar to be buried. R. Mattenah further said: On the day when permission was granted for those killed at Bethar¹ to be buried [the Rabbis] at Jabneh instituted [the recitation of] the benediction,² 'Who art kind and dealest kindly etc. '; 'Who art kind': Because their dead bodies did not become putrid;³ 'And dealest kindly': Because permission was granted for their burial. Rabbah and R. Joseph both said: It is the day on which [every year] they discontinued to fell trees for the altar.⁴ It has been taught: R. Eliezer the elder says: From the fifteenth of Ab onwards the strength of the sun grows less and they no longer felled trees for the altar, because they would not dry [sufficiently]. R. Menashya said: And they called it the Day of the Breaking of the Axe.⁵ From this day onwards,⁶ he who increases [his knowledge through study] will have his life prolonged, but he who does not increase [his knowledge] will have his life taken away.⁷ What is meant by 'taken away'? — R. Joseph learnt: Him his mother will bury.⁸

ON THESE DAYS THE DAUGHTERS OF JERUSALEM etc. Our Rabbis have taught: The daughter of the king borrows [the garments] from the daughter of the High Priest, the daughter of the High Priest from the daughter of the deputy High Priest,⁹ and the daughter of the deputy High Priest from the daughter of the Anointed for Battle,¹⁰ and the daughter of the Anointed for Battle from the daughter of an ordinary priest, and all Israel borrow from one another, so as not to put to shame any one who may not possess [white garments].

ALL THE GARMENTS REQUIRE RITUAL DIPPING: R. Eleazar said: Even though they lay folded in a box.¹¹

THE DAUGHTERS OF ISRAEL CAME OUT AND DANCED IN THE VINEYARDS. A Tanna taught: Whoever was unmarried repaired thither.

THOSE OF THEM WHO CAME OF NOBLE FAMILIES EXCLAIMED, 'YOUNG MAN etc.' Our Rabbis have taught: The beautiful amongst them called out, Set your eyes on beauty for the quality most to be prized in woman is beauty; those of them who came of noble families called out, Look for [a good] family for woman has been created to bring up a family; the ugly ones amongst them called out, Carry off your purchase in the name of Heaven, only on one condition that you adorn us with jewels of gold.

Ulla Bira'ah said in the name of R. Eleazar: In the days to come the Holy One, blessed be He, will hold a chorus for the righteous and He will sit in their midst in the Garden of Eden and every one of them will point with his finger towards Him, as it is said, And it shall be said in that day: Lo, this is our God, for whom we waited, that He might save us; this is the Lord for whom we waited, we will be glad and rejoice in His salvation.¹²

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- (1) During the Bar Kochba War. Cf. Git. 57a.
 - (2) The fourth benediction of the Grace after Meals.
 - (3) [During the long period in which the slain were left lying in the open field owing to Hadrian's decree forbidding their interment.]
 - (4) Undried wood harbours woodworms and this makes the wood unfit for the altar. After the fifteenth of Ab the rays of the sun are not sufficiently strong to dry the fresh-cut logs and therefore the felling of trees for the altar was discontinued as from this date. Cf. Mid. II, 5.
 - (5) The name signified that there was no longer any need for the woodcutter's axe.
 - (6) The nights grow longer and people have more time for study.
 - (7) Cf. Aboth. I, 13.
 - (8) He will die prematurely.
 - (9) Segan, v. Sanh., Sonc. ed., p. 97, n. 1.
 - (10) Priest anointed as Chaplain of the Army in time of war, and part of whose duty it was to make the necessary proclamations for the exemptions from military service. Cf. Deut. XX, 2ff.
 - (11) Which would show that they were new and had never been worn.
 - (12) Isa. XXV, 9.

Mishna - Mas. Shekalim Chapter 1

MISHNAH 1. ON THE FIRST OF ADAR¹ PUBLIC ANNOUNCEMENT IS MADE² CONCERNING THE PAYMENT OF THE SHEKELS³ AND CONCERNING THE DIVERSE KINDS.⁴ ON THE FIFTEENTH⁵ THEREOF THE SCROLL [OF ESTHER] IS READ IN WALLED CITIES, AND THE ROADS AND THE BROADWAYS⁶ AND THE RITUAL, WATER BATHS⁷ ARE REPAIRED, AND ALL PUBLIC DUTIES⁸ ARE PERFORMED, AND THE GRAVES ARE MARKED,⁹ AND [MESSENGERS] GO FORTH ALSO CONCERNING THE DIVERSE KINDS.¹⁰

MISHNAH 2. R. JUDAH SAID: AFORETIME THEY USED TO PLUCK UP [THE DIVERSE KINDS], AND CAST THEM BEFORE THE OWNERS.¹¹ [BUT] WHEN TRANSGRESSORS¹² INCREASED IN NUMBER, THEY USED TO PLUCK THEM UP AND CAST THEM ON THE ROADS.¹³ [FINALLY],¹⁴ THEY ORDAINED THAT THE WHOLE FIELD SHOULD BE DECLARED OWNERLESS PROPERTY.

MISHNAH 3. ON THE FIFTEENTH THEREOF TABLES [OF MONEY CHANGERS]¹⁵ WERE SET UP IN THE PROVINCES.¹⁶ ON THE TWENTY-FIFTH THEY WERE SET UP IN THE TEMPLE. WHEN [THE TABLES] WERE SET UP IN THE TEMPLE, THEY BEGAN TO DISTRAIN.¹⁷ WHOM DID THEY DISTRAIN? LEVITES AND ISRAELITES,¹⁸ PROSELYTES AND FREED SLAVES,¹⁹ BUT NOT WOMEN OR SLAVES OR MINORS.²⁰ A MINOR ON WHOSE BEHALF HIS FATHER HAD BEGUN TO PAY THE SHEKEL, MAY NOT DISCONTINUE IT AGAIN. BUT NO DISTRRAINT WAS LEVIED ON THE PRIESTS, IN ORDER TO PROMOTE PEACEFULNESS.²¹

MISHNAH 4. R. JUDAH SAID: BEN BUKRI TESTIFIED AT JABNEH THAT A PRIEST WHO PAID THE SHEKEL DID NOT COMMIT A SIN.²² BUT RABBAN JOHANAN THE SON OF ZACCAI SAID TO HIM: NOT SO, BUT A PRIEST WHO DID NOT PAY THE SHEKEL WAS GUILTY OF A SIN. ONLY THE PRIESTS EXPOUNDED THIS VERSE [THUS] FOR THEIR OWN BENEFIT: AND EVERY MEAL-OFFERING OF THE PRIEST SHALL BE WHOLLY BURNT, IT SHALL NOT BE EATEN:²³ IF THEREFORE THE 'OMER²⁴ AND THE TWO LOAVES²⁵ AND THE SHEWBREAD²⁶ ARE [BROUGHT] FROM OUR [CONTRIBUTIONS], HOW CAN THEY BE EATEN?²⁷

MISHNAH 5. ALTHOUGH IT WAS SAID THAT NO DISTRRAINT IS LEVIED ON WOMEN OR SLAVES OR MINORS, [YET] IF THESE PAID THE SHEKEL IT IS ACCEPTED OF THEM. IF A HEATHEN OR A CUTHEAN²⁸ PAID THE SHEKEL IT IS NOT ACCEPTED OF THEM. LIKEWISE BIRD-OFFERINGS OF MEN WHO HAD AN ISSUE,²⁹ AND BIRD-OFFERINGS OF WOMEN WHO HAD AN ISSUE,²⁹ AND BIRD-OFFERINGS OF WOMEN AFTER CHILDBIRTH,²⁹ AND SIN-OFFERINGS AND GUILT-OFFERINGS ARE NOT ACCEPTED OF THEM. BUT VOW-OFFERINGS³⁰ AND FREEWILL-OFFERINGS³¹ ARE ACCEPTED OF THEM. THIS IS THE GENERAL RULE: ALL OFFERINGS WHICH CAN BE MADE AS A VOW-OFFERING OR A FREEWILL-OFFERING³² ARE ACCEPTED OF THEM, BUT OFFERINGS THAT CANNOT BE MADE AS A VOW-OFFERING OR A FREEWILL-OFFERING³³ ARE NOT ACCEPTED OF THEM. AND THUS IT IS EXPLICITLY STATED IN [THE BOOK OF] EZRA, WHERE IT IS SAID: YE HAVE NOTHING TO DO WITH US TO BUILD A HOUSE UNTO OUR GOD.³⁴

MISHNAH 6. THE FOLLOWING ARE LIABLE [TO PAY] A SURCHARGE;³⁵ LEVITES AND ISRAELITES AND PROSELYTES AND FREED SLAVES,³⁶ BUT NOT PRIESTS OR WOMEN OR SLAVES OR MINORS.³⁷ IF A MAN PAID THE SHEKEL ON BEHALF OF A PRIEST, OR ON BEHALF OF A WOMAN, OR ON BEHALF OF A SLAVE, OR ON BEHALF OF A MINOR, HE IS EXEMPT.³⁸ IF A MAN PAID THE SHEKEL³⁹ ON HIS OWN BEHALF AND ON BEHALF

OF HIS FELLOW HE IS LIABLE TO PAY BUT ONE SURCHARGE, R. MEIR SAYS: TWO SURCHARGES. IF ONE GAVE A SELA' AND RECEIVED A SHEKEL,⁴⁰ HE IS LIABLE TO PAY TWO SURCHARGES.

MISHNAH 7. IF A MAN PAID THE SHEKEL⁴¹ ON BEHALF OF A POOR MAN OR ON BEHALF OF HIS NEIGHBOUR OR ON BEHALF OF HIS FELLOW-TOWNSMAN, HE IS EXEMPT [FROM A SURCHARGE]. BUT IF HE DID IT AS A LOAN TO THEM HE IS LIABLE. BROTHERS, WHO ARE PARTNERS,⁴² ARE EXEMPT FROM THE TITHE OF CATTLE⁴³ WHEN THEY ARE LIABLE TO A SURCHARGE.⁴⁴ BUT WHEN THEY ARE LIABLE TO THE TITHE OF CATTLE⁴⁵ THEY ARE EXEMPT FROM THE SURCHARGE.⁴⁶ AND HOW MUCH IS THE SURCHARGE? A SILVER MA'AH.⁴⁷ THUS R. MEIR. BUT THE SAGES SAY: HALF A MA'AH.

(1) The twelfth month of the year.

(2) Throughout the Land of Israel and the Diaspora.

(3) The annual contribution towards the upkeep of the Temple and its services which was obligatory on every adult male Israelite. It was derived from the Mosaic Institution described in Ex. XXX, 11-16 (cf. Introduction). The contribution had to be paid before the first of Nisan, the beginning of the religious year, and all public offerings brought during the new year had to come out of the new annual contributions.

(4) Of seeds, prohibited in Lev. XIX, 19; Deut. XXII, 9. Warning was given for the removal from fields and vineyards of a portion of plants which were of a kind different from the main growth, so as to reduce these foreign plants to a quantity which did not fall under the prohibition; cf. Kil. II, 1. Warning was given on the first of Adar before the plants had had time to grow up and render the whole field forfeit.

(5) The purim of Shushan. V. Esther IX, 18-19 and cf. Meg. I, 1ff.

(6) That had been damaged by the winter rains, for the benefit of the pilgrims who went up to Jerusalem for the Passover; or, according to Maimonides, for the benefit of fugitives to the Cities of Refuge; cf. Deut. XIX, 2ff and Mak. II, 5, Sonc. ed. p. 59.

(7) For the immersion of the ritually unclean. The rains might have carried soil into the pools, and thus reduced their water to less than the prescribed quantity of forty se'ahs; cf. Mik. I, 7; 'Ed. I, 3, Sonc. ed. p. 2, n. 7.

(8) That had not been fully performed during the rainy season. A list of these duties is given in the Palestinian Gemara and in the commentaries.

(9) Afresh with lime (cf. M.Sh. V, 1), after the old marks had become obliterated by the rains. These marks served to warn priests and Nazirites against approaching them and becoming defiled; cf. Num. XIX, 16; VI, 6; also Ezek. XXXIX, 15.

(10) To inspect the fields and do what is described in the following section.

(11) In order to shame them.

(12) Who fed their cattle on the uprooted plants.

(13) This prevented the obnoxious plants being used by the owners for cattle food.

(14) When even this failed to deter transgressors, since the uprooting saved them the labour of weeding their fields.

(15) For changing foreign coins of Jews from the Diaspora.

(16) Outside Jerusalem. According to others, outside the Temple (cf. infra and II, 1), and including also Jerusalem.

(17) The goods of those who had not yet paid their shekel.

(18) I.e., Jews who were not priests or Levites.

(19) These four classes were bound by law to pay the shekel.

(20) With these the payment of the shekel was a voluntary act.

(21) Lit., 'because of the ways of peace'. Because the priests contested their obligation to pay the shekel, as stated in the next section. The Palestinian Gemara seems to have read: 'Because of the respect due to them'.

(22) I.e., he may pay it, but he was not bound to pay it.

(23) Lev. VI, 16.

(24) The 'Sheaf of Waving', Lev. XXIII, 9ff; cf. Men. X, 1ff.

(25) Ibid. 17; cf. Men. XI, 1ff.

(26) Ex. XXV, 30; Lev. XXIV, 5ff. These three offerings were bought out of the Shekel fund (cf. infra IV, 1), but were

consumed by the priests.

(27) But in reality Lev. VI, 16 applied only to private meal-offerings, and not to public offerings such as the 'Omer, the Two Loaves and the Shewbread.

(28) A person from Cutha, i.e., a Samaritan. It is an opprobrious designation derived from II Kings XVII, 24.

(29) Lit., 'nests', i.e. pairs of turtle-doves or young pigeons, of which one was a sin-offering and the other a burnt-offering; cf. Lev. XV, 14f, 25f; XII, 8.

(30) An undertaking with an expression which binds the person (**הָרִי עָלַי** infra VI, 6) to bring an offering.

(31) An undertaking with an expression which dedicates a particular animal as an offering (**הָרִי זֶה**). In this case if the animal died or was lost the undertaking is considered as discharged; cf. Kin. I, 1.

(32) To the altar, such as burnt-offerings and peace-offerings, fine flour, wine, frankincense, and wood.

(33) To the altar, but only to the Repair of the Temple.

(34) Ezra IV, 3.

(35) To compensate the Temple for any loss that might be incurred in changing the Shekel (half a sela') into sela's; v. next section.

(36) Who are bound by law to pay the Shekel.

(37) Who are not bound to pay it; cf. supra p. 2; nn. 9 and 10.

(38) Even if the payment of the Shekel was not a gift to them, but a loan which they promised to repay; cf. the next section.

(39) In one coin, viz., a sela'.

(40) As change.

(41) As a gift.

(42) In the inheritance of their father. Cf. Hul. I, 7; Bek. IX, 3.

(43) Of young born during their partnership. This tithe is a personal charge, and cattle held in partnership was exempt from it; cf. Bek. *ibid*.

(44) I.e., when they had become partners again after they had already shared out the inheritance.

(45) Viz., before they had shared out the inheritance, when the cattle is still considered as the property of their father.

(46) If their Shekels were paid out of the inheritance. Their Shekels are then considered as a gift from their father, and a gift Shekel is exempt from the surcharge.

(47) 1/24th of a sela', or 1/12th of the Shekel.

Mishna - Mas. Shekalim Chapter 2

MISHNAH 1. SHEKELS MAY BE CHANGED¹ INTO DARICS² IN ORDER TO [LIGHTEN] THE LOAD OF THE JOURNEY.³ JUST AS THERE WERE CHESTS⁴ IN THE TEMPLE SO WERE THERE CHESTS IN THE PROVINCE.⁵ IF THE PEOPLE OF A TOWN HAD SENT THEIR SHEKELS AND THEY WERE STOLEN OR LOST, THEN IF THE APPROPRIATION⁶ HAD ALREADY BEEN MADE⁷ [THE MESSENGERS] SWEAR THE OATH [OF ACQUITTAL]⁸ TO THE TREASURERS; BUT IF [THE APPROPRIATION HAD] NOT [YET BEEN MADE] THEY SWEAR TO THE TOWNSPEOPLE, AND THE TOWNSPEOPLE MUST PAY [FRESH] SHEKELS IN THE PLACE OF THE [LOST] SHEKELS. [IF THE LOST SHEKELS] WERE FOUND, OR IF THE THIEVES RESTORED THEM, THEN BOTH [THE FIRST SHEKELS AND THEIR SUBSTITUTES] ARE [ACCOUNTED SACRED] SHEKELS,⁹ BUT THEY CANNOT BE CREDITED [TO THE ACCOUNT] OF THE COMING YEAR.¹⁰

MISHNAH 2. IF A MAN GAVE HIS SHEKEL TO HIS FELLOW TO PAY IT ON HIS BEHALF, BUT [HIS FELLOW] PAID IT¹¹ ON BEHALF OF HIMSELF, THEN IF THE APPROPRIATION HAD ALREADY BEEN MADE¹² [HIS FELLOW] IS GUILTY OF SACRILEGE.¹³ IF A MAN PAID HIS SHEKEL OUT OF MONEY BELONGING TO THE SANCTUARY, THEN IF THE APPROPRIATION HAD ALREADY BEEN MADE AND AN ANIMAL [BOUGHT OUT OF THE APPROPRIATION] HAD ALREADY BEEN OFFERED, HE IS GUILTY OF SACRILEGE.¹⁴ [IF HE DID IT WITH MONEY WHICH WAS] THE VALUE OF SECOND TITHES¹⁵ OR THE VALUE OF SEVENTH YEAR PRODUCE,¹⁶ HE MUST

CONSUME [FOOD TO] THE VALUE THEREOF.¹⁷

MISHNAH 3. IF A MAN SAVED COINS AND SAID: LO, THESE ARE FOR MY SHEKEL, BETH SHAMMAI SAY: THE SURPLUS [OF THE COINS GOES TO THE CHESTS OF] FREEWILL-OFFERINGS.¹⁸ BUT BETH HILLEL SAY: THE SURPLUS THEREOF IS COMMON PROPERTY.¹⁹ [IF HE SAID: FROM THESE COINS] I SHALL OFFER MY SHEKEL, [BOTH SCHOOLS] AGREE THAT THE SURPLUS THEREOF IS COMMON PROPERTY. [IF HE SAID]: THESE [COINS] ARE FOR A SIN-OFFERING, [BOTH] AGREE²⁰ THAT THE SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. [IF HE SAID]: FROM THESE I SHALL OFFER A SIN-OFFERING, [BOTH SCHOOLS] AGREE THAT THE SURPLUS IS COMMON PROPERTY.

MISHNAH 4. R. SIMEON SAID: WHAT IS THE DIFFERENCE BETWEEN SHEKELS AND A SIN-OFFERING?²¹ SHEKELS HAVE A FIXED VALUE, BUT A SIN-OFFERING HAS NO FIXED VALUE.²² R. JUDAH SAYS: SHEKELS ALSO HAVE NO FIXED VALUE. FOR WHEN THE ISRAELITES CAME UP OUT OF THE CAPTIVITY²³ THEY USED TO PAY THE SHEKEL IN DARICS,²⁴ THEN THEY PAID THE SHEKEL IN SELA'S²⁵ THEN AGAIN THEY PAID IT IN TIB'IN,²⁶ AND FINALLY THEY SOUGHT TO PAY IT IN DENARS.²⁷ BUT R. SIMEON SAID: NEVERTHELESS THE VALUE THEREOF REMAINED THE SAME FOR EVERYBODY, WHEREAS [IN THE CASE OF] A SIN-OFFERING ONE MAN MAY BRING IT OF THE VALUE OF ONE SELA', ANOTHER MAY BRING IT OF THE VALUE OF TWO SELA'S, AND AGAIN ANOTHER OF THREE SELA'S.

MISHNAH 5. THE SURPLUS OF [MONEY SET ASIDE FOR] SHEKELS IS COMMON PROPERTY, BUT THE SURPLUS OF [MONEY SET ASIDE FOR THE] TENTH OF THE EPHAH,²⁸ AND THE SURPLUS OF [MONEY SET ASIDE FOR] BIRD-OFFERINGS OF MEN WHO HAD AN ISSUE, FOR BIRD-OFFERINGS OF WOMEN WHO HAD AN ISSUE, FOR BIRD-OFFERINGS OF WOMEN AFTER CHILDBIRTH,²⁹ THEIR SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. THIS IS THE GENERAL RULE: OF ALL [MONIES SET ASIDE] FOR A SIN-OFFERING OR FOR A GUILT-OFFERING, THE SURPLUS [GOES TO THE CHESTS OF] FREEWILL-OFFERINGS. THE SURPLUS OF [MONEY SET ASIDE FOR] A BURNT-OFFERING [MUST BE USED] FOR A BURNT-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A MEAL-OFFERING [MUST BE USED] FOR A MEAL-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A PEACE-OFFERING [MUST BE USED] FOR A PEACE-OFFERING; THE SURPLUS OF [MONEY SET ASIDE FOR] A PASSOVER-OFFERING [MUST BE USED] FOR A PASSOVER-OFFERING; THE SURPLUS OF [MONEY RAISED FOR] THE OFFERINGS OF NAZIRITES³⁰ [MUST BE USED] FOR THE OFFERINGS OF OTHER NAZIRITES; THE SURPLUS OF [MONEY RAISED FOR] THE OFFERINGS OF A [PARTICULAR] NAZIRITE [MUST GO] TO THE [CHESTS OF] FREEWILL-OFFERINGS; THE SURPLUS OF [MONEY RAISED FOR] THE POOR [MUST BE USED] FOR [OTHER] POOR; THE SURPLUS OF [MONEY RAISED FOR] A [PARTICULAR] POOR PERSON³¹ [MUST BE GIVEN] TO THAT [POOR PERSON];³² THE SURPLUS OF [MONEY RAISED FOR THE RANSOM OF] CAPTIVES [MUST BE USED] FOR [THE RANSOM OF OTHER] CAPTIVES; THE SURPLUS OF [MONEY RAISED FOR THE RANSOM OF] A [PARTICULAR] CAPTIVE [MUST BE GIVEN] TO THAT CAPTIVE; THE SURPLUS OF [THE MONEY RAISED FOR THE BURIAL OF] THE DEAD [MUST BE USED] FOR [THE BURIAL OF OTHER] DEAD; THE SURPLUS OF [THE MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON [MUST BE GIVEN] TO HIS HEIRS. R. MEIR SAYS: THE SURPLUS OF [MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON MUST BE LAID ASIDE UNTIL ELIJAH COMES.³³ R. NATHAN SAYS: THE SURPLUS OF [MONEY RAISED FOR THE BURIAL OF] A [PARTICULAR] DEAD PERSON [MUST BE USED] FOR BUILDING A MONUMENT FOR HIM OVER HIS GRAVE.

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- (1) Lit., 'may be combined' (for purposes of exchange).
- (2) A Persian gold coin; cf. Ezra II, 69; VIII, 27.
- (3) Of the coins on the way up to the Temple
- (4) Heb. 'Shoferoth' (שופרות), horns of blowing. The chests were shaped like the Shofar, narrow at the top where the opening was, and widening lower down. This shape was chosen to prevent the theft of the contents.
- (5) Cf. p. 2 n. 6.
- (6) Lit., 'heave-offering' (תרומה). This term is usually applied to the offering 'heaved' from produce and given to the priest. Here it designates the portion of the shekels taken up periodically in the store-chamber for the current needs of the Temple, as described below, III, 1ff.
- (7) By making the appropriation all the shekels which are due to come to the Temple become the property of the Temple, the appropriation being made also in respect of those shekel payments which had not yet reached the Temple at the time of appropriation. V. B.M. 58a, Sonc. ed. p. 344.
- (8) The oath which acquits unpaid guardians of responsibility for the loss of goods entrusted to them; cf. B.M. 33b.
- (9) Both are the property of the Temple.
- (10) They have to pay the shekel afresh in the next year.
- (11) By error.
- (12) By the appropriation the Temple had already secured possession of the shekel from the first man; cf. p. 5, n. 7.
- (13) In accordance with Lev. V, 15ff; since he used Temple property to discharge a debt. The authorities are divided as to whether in this case also, as in the following case, an animal has first to be offered out of the appropriation before he becomes guilty of sacrilege.
- (14) But otherwise he does not incur guilt, since he has not used Temple money for any common purpose, but only transferred it from one hallowed denomination to another.
- (15) The First Tithe of produce was given to the Levites, Num. XVIII, 21. The Second Tithe had to be consumed itself, or its value in money, in Jerusalem. Cf. Deut. XIV, 24ff; 'Ed. I, 9ff, Sonc. ed. p. 4, n. 16.
- (16) Which is liable to the law of 'Removal' (ביעור), and must be consumed before the Passover; cf. M.Sh. V, 6.
- (17) He must take money equal to the value of the shekel and declare that this money shall be in place of the Second Tithes money or of the Seventh Year produce money that had been given away as a shekel, and then he must use up this money in accordance with the rules laid down for the consumption of Second Tithes (M. Sh. II, 1-4), or of Seventh Year produce (Sheb. VIII, 1-5; IX, 8).
- (18) Cf. infra VI, 6. All the coins saved have become hallowed.
- (19) It may be expended by the owner at his will.
- (20) For the reason stated by R. Simeon in the next section.
- (21) That in the case of a shekel Beth Hillel always hold the surplus of the coins to be common property, but in the case of a sin-offering they agree with Beth Shammai, that in the condition stated in the last section, the surplus falls to the chest of freewill-offerings?
- (22) Hence all the coins might have been used up for a sin-offering, therefore they are all hallowed.
- (23) In the days of Cyrus.
- (24) Viz., half a daric.
- (25) Half a sela'.
- (26) טבעין plural of טבע , minted shekel.
- (27) Half of the tib'in. Some texts add: 'But they were not accepted of them'.
- (28) Lev. V, 11-13.
- (29) Cf. supra p. 3, n. 7.
- (30) Num. VI, 10ff, 14ff.
- (31) For a definite need.
- (32) For his other needs.
- (33) Who will solve the problem of what to do with it; cf. B.M., Sonc. ed. p. 6, n. 2.

Mishna - Mas. Shekalim Chapter 3

MISHNAH 1. AT THREE PERIODS OF THE YEAR WAS THE APPROPRIATION MADE

[FROM THE SHEKELS] IN THE CHAMBER:¹ HALF A MONTH² BEFORE THE PASSOVER, HALF A MONTH BEFORE PENTECOST, AND HALF A MONTH BEFORE THE FEAST OF TABERNACLES. THESE ARE ALSO THE SEASONS³ FOR THE TITHE OF CATTLE;⁴ THUS R. AKIBA. BEN 'AZZAI SAYS: ON THE TWENTY-NINTH OF ADAR,⁵ AND ON THE FIRST OF SIVAN,⁶ AND ON THE TWENTY-NINTH OF AB.⁷ R. ELEAZAR AND R. SIMEON SAY: ON THE FIRST OF NISAN,⁵ ON THE FIRST OF SIVAN,⁶ AND ON THE TWENTY-NINTH OF ELUL. WHEREFORE DID THEY SAY, ON THE TWENTY-NINTH OF ELUL AND NOT ON THE FIRST OF TISHRI?⁸ BECAUSE THE FIRST OF TISHRI IS A FESTIVAL,⁹ AND IT IS NOT PERMITTED TO TITHE ON A FESTIVAL, THEREFORE THEY ADVANCE IT TO THE TWENTY-NINTH OF ELUL.

MISHNAH 2. THE APPROPRIATION IN THE CHAMBER WAS MADE WITH THREE BASKETS EACH OF [THE CAPACITY OF] THREE SE'AHs,¹⁰ AND ON THEM WAS INSCRIBED [RESPECTIVELY]¹¹ ALEPH, BETH, GIMEL. R. ISHMAEL SAYS: ON THEM WAS INSCRIBED IN GREEK, ALPHA, BETA, GAMLA.¹² HE WHO MADE THE APPROPRIATION DID NOT ENTER THE CHAMBER WEARING EITHER A BORDERED¹³ CLOAK OR SHOES OR SANDALS OR TEFILLIN OR AN AMULET, LEST IF HE BECAME POOR PEOPLE MIGHT SAY THAT HE BECAME POOR BECAUSE OF AN INIQUITY COMMITTED IN THE CHAMBER, OR IF HE BECAME RICH PEOPLE MIGHT SAY THAT HE BECAME RICH FROM THE APPROPRIATION IN THE CHAMBER. FOR IT IS A MAN'S DUTY TO BE FREE OF BLAME¹⁴ BEFORE MEN AS BEFORE GOD, AS IT IS SAID: AND BE GUILTLESS TOWARDS THE LORD AND TOWARDS ISRAEL,¹⁵ AND AGAIN IT SAYS: SO SHALL THOU FIND FAVOUR AND GOOD UNDERSTANDING IN THE SIGHT OF GOD AND MAN.¹⁶

MISHNAH 3. [MEMBERS] OF RABBAN GAMALIEL'S HOUSEHOLD USED TO ENTER [THE CHAMBER] WITH THEIR SHEKEL BETWEEN THEIR FINGERS, AND THROW IT IN FRONT OF HIM WHO MADE THE APPROPRIATION, WHILE HE WHO MADE THE APPROPRIATION PURPOSELY PRESSED IT INTO THE BASKET.¹⁷ HE WHO MADE THE APPROPRIATION DID NOT MAKE IT UNLESS HE FIRST SAID TO THEM:¹⁸ SHALL I MAKE THE APPROPRIATION? AND THEY SAID TO HIM THREE TIMES:¹⁹ MAKE THE APPROPRIATION! MAKE THE APPROPRIATION! MAKE THE APPROPRIATION!

MISHNAH 4. WHEN HE MADE THE FIRST APPROPRIATION²⁰ HE COVERED [WHAT WAS LEFT] WITH LEATHER SPREADS,²¹ AND WHEN HE MADE THE SECOND APPROPRIATION²² HE AGAIN COVERED [WHAT WAS LEFT] WITH LEATHER SPREADS,²¹ BUT AFTER THE THIRD APPROPRIATION HE DID NOT COVER [WHAT WAS LEFT]. [HE COVERED AFTER THE FIRST TWO APPROPRIATIONS] LEST HE SHOULD FORGET AND MAKE A [FRESH] APPROPRIATION FROM SHEKELS FROM WHICH AN APPROPRIATION HAD ALREADY BEEN MADE. THE FIRST APPROPRIATION HE MADE ON BEHALF OF THE LAND OF ISRAEL, AND THE SECOND ON BEHALF OF THE CITIES NEAR THEREUNTO, AND THE THIRD ON BEHALF OF BABYLON AND ON BEHALF OF MEDIA AND ON BEHALF OF [OTHER] DISTANT COUNTRIES.

(1) In the Temple which serves as the Treasury.

(2) Lit., breaking (into two) I.e., half the period of the preparation for the festival during which the laws of the festival are being expounded.

(3) Lit., 'threshing floors' (גרנות), a term borrowed from the tithe of produce which becomes due when the produce reaches the threshing-floor.

(4) Lev. XXVII, 32; cf. Bek. IX, 5-6. These dates were chosen to enable cattle dealers to sell their young animals after the tithing for the requirement of sacrifices on the three great Festivals of Pilgrimage.

(5) A more definite date than the one given by R. Akiba.

- (6) The supply of young animals was smaller before Pentecost, and the longer period of half a month given by R. Akiba might cause a scarcity of animals for sacrifices on Pentecost.
- (7) And not on or about the first of Tishri. Ben 'Azzai holds that animals born during the month of Elul had to be tithed by themselves, and could not be mixed up with those born before Elul; cf. Bek. IX, 5.
- (8) Like the dates which they gave for Nisan and Sivan.
- (9) The Festival of the New Year.
- (10) Three se'ahs equal the Biblical ephah; cf. 'Ed., Sonc. ed. p. 2, nn. 3, 7.
- (11) To ensure that the contents of each basket would be expended in the order in which they had been taken up.
- (12) The J. Mishnah reads Gamma.
- (13) With a border folded up at the lower end of the cloak. Aruch explains it as a cloak with sleeves. The articles of apparel enumerated may serve as a receptacle for hiding a theft from the shekels.
- (14) I.e., to give no cause for suspicion.
- (15) Num. XXXII, 22.
- (16) Prov. III, 4.
- (17) To make sure that their shekels would be used for the purchase of the offerings enumerated infra IV, 1, and not be left in the residue, *ibid.* 4.
- (18) To those who stood outside the chamber; v. Maim. Yad. Shekalim, II, 5.
- (19) Cf. Men. X, 3.
- (20) The one taken before the Passover.
- (21) GR. **. On which were laid the shekels that arrived later.
- (22) The one taken before Pentecost.

Mishna - Mas. Shekalim Chapter 4

MISHNAH 1. WHAT WAS DONE WITH THE APPROPRIATION? THEY BROUGHT THEREWITH THE DAILY BURNT-OFFERINGS¹ AND THE ADDITIONAL² BURNT-OFFERINGS AND THEIR DRINK-OFFERINGS, THE 'OMER AND THE TWO LOAVES AND THE SHEWBREAD³ AND ALL THE OTHER PUBLIC OFFERINGS.⁴ THOSE WHO WATCHED THE AFTERGROWTHS⁵ IN THE SEVENTH YEAR⁶ RECEIVED THEIR WAGES OUT OF THE APPROPRIATION FROM THE CHAMBER. R. JOSE SAYS: [IF A MAN WISHED] HE COULD VOLUNTEER TO WATCH WITHOUT PAYMENT. BUT THEY SAID TO HIM: THOU, TOO, DOST ADMIT THAT THEY⁷ CAN ONLY BE OFFERED OUT OF PUBLIC FUNDS.⁸

MISHNAH 2. THE [RED] COW⁹ AND THE SCAPEGOAT¹⁰ AND THE STRIP OF SCARLET¹¹ CAME OUT OF THE APPROPRIATION OF THE CHAMBER. THE VIADUCT FOR THE [RED] COW¹² AND THE VIADUCT FOR THE SCAPEGOAT¹³ AND THE STRIP OF SCARLET WHICH WAS BETWEEN ITS HORNS,¹⁴ AND [THE MAINTENANCE OF] THE POOL OF WATER,¹⁵ AND THE WALL OF THE CITY¹⁶ AND THE TOWERS THEREOF AND ALL THE NEEDS OF THE CITY¹⁷ CAME OUT OF THE REMAINDER¹⁸ IN THE CHAMBER. ABBA SAUL SAYS: THE VIADUCT FOR THE [RED] COW THE HIGH PRIESTS MADE OUT OF THEIR OWN [MEANS].

MISHNAH 3. WHAT WAS DONE WITH THE SURPLUS OF THE REMAINDER IN THE CHAMBER?¹⁹ THEREWITH WERE BOUGHT WINES, OILS AND FINE FLOURS,²⁰ AND THE PROFIT BELONGED TO THE SANCTUARY; THUS R. ISHMAEL. R. AKIBA SAYS: ONE MAY NOT DEAL WITH THE PROPERTY OF THE SANCTUARY,²¹ NOR WITH THE PROPERTY OF THE POOR.²²

MISHNAH 4. WHAT WAS DONE WITH THE SURPLUS OF THE APPROPRIATION:²³ [THEREOF WERE MADE] BEATEN PLATES OF GOLD FOR COVERING²⁴ THE INTERIOR OF THE HOLY OF HOLIES. R. ISHMAEL SAYS: THE SURPLUS [FROM THE SALE] OF THE

PRODUCE²⁵ WAS USED FOR THE ALTAR'S 'DESSERT',²⁶ AND THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE VESSELS OF MINISTRATION. R. AKIBA SAYS: THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE ALTAR'S 'DESSERT', AND THE SURPLUS OF THE DRINK-OFFERINGS²⁷ WAS USED FOR THE VESSELS OF MINISTRATION. R. HANANIAH THE CHIEF OF THE PRIESTS²⁸ SAYS: THE SURPLUS OF THE DRINK-OFFERINGS WAS USED FOR THE ALTAR'S 'DESSERT', AND THE SURPLUS OF THE APPROPRIATION WAS USED FOR THE VESSELS OF MINISTRATION. NEITHER OF THESE [TWO SAGES] ALLOWED [A PROFIT FROM THE SALE OF THE PRODUCE].²⁹

MISHNAH 5. WHAT WAS DONE WITH THE SURPLUS OF THE FRANKINCENSE:³⁰ THEY SET APART THEREFROM³¹ THE WAGES OF THE CRAFTSMEN,³² AND WHEN THEY HAD EXCHANGED IT³³ FOR THE WAGES OF THE CRAFTSMEN, THEY GAVE IT TO THE CRAFTSMEN AS THEIR WAGES, AND THEN THEY BOUGHT IT BACK AGAIN OUT OF A NEW APPROPRIATION.³⁴ IF THE NEW ONE³⁵ HAD ARRIVED IN TIME THEY BOUGHT IT BACK AGAIN WITH THE NEW APPROPRIATION, BUT IF NOT, THEY BOUGHT IT BACK AGAIN WITH THE OLD ONE.

MISHNAH 6. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY, AND THERE WAS AMONG THEM AUGHT THAT WAS FIT FOR PUBLIC OFFERINGS,³⁶ IT SHOULD BE GIVEN TO THE CRAFTSMEN AS THEIR WAGES; THUS R. AKIBA. BUT BEN 'AZZAI SAID TO HIM: THIS IS NOT IN ACCORDANCE WITH THE ESTABLISHED RULE.³⁷ NAY, RATHER, THEY SET APART THEREFROM³⁸ THE WAGES OF THE CRAFTSMEN, AND WHEN THEY HAD EXCHANGED IT FOR THE MONEY DUE TO THE CRAFTSMEN THEY GAVE IT TO THE CRAFTSMEN AS THEIR WAGES, AND THEN THEY BOUGHT IT BACK AGAIN OUT OF A NEW APPROPRIATION.

MISHNAH 7. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY AND THERE WERE AMONG THEM CATTLE FIT FOR THE ALTAR, MALES OR FEMALES, R. ELIEZER SAYS: MALES SHOULD BE SOLD³⁹ FOR THE USE OF BURNT-OFFERINGS AND FEMALES⁴⁰ SHOULD BE SOLD FOR THE USE OF PEACE-OFFERINGS, AND THE PRICE THEREOF TOGETHER WITH THE REST OF THE POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE.⁴¹ R. JOSHUA SAYS: THE MALES SHOULD THEMSELVES BE OFFERED UP AS BURNT-OFFERINGS⁴² AND THE FEMALES SHOULD BE SOLD FOR THE USE OF PEACE-OFFERINGS, [AND FOR THE PRICE THEREOF BURNT-OFFERINGS SHOULD BE OFFERED],⁴³ AND THE OTHER POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE. R. AKIBA SAYS: I PREFER THE OPINION OF R. ELIEZER ABOVE THE OPINION OF R. JOSHUA, FOR R. ELIEZER APPLIED A UNIFORM RULE,⁴⁴ BUT R. JOSHUA DIFFERENTIATED.⁴⁵ R. PAPIAS SAID: I HAVE HEARD A TRADITION IN ACCORDANCE WITH THE OPINIONS OF BOTH [SAGES]: THAT IF A MAN DEDICATED TO THE SANCTUARY IN DEFINITE TERMS⁴⁶ IT IS ACCORDING TO THE OPINION OF R. ELIEZER,⁴⁷ BUT IF HE DEDICATED TO THE SANCTUARY IN INDEFINITE TERMS⁴⁸ IT IS ACCORDING TO THE OPINION OF R. JOSHUA.⁴⁹

MISHNAH 8. IF A MAN DEDICATED HIS POSSESSIONS TO THE SANCTUARY AND THERE WERE AMONG THEM THINGS FIT FOR THE ALTAR [SUCH AS] WINES, OILS,⁵⁰ AND BIRDS,⁵¹ R. ELIEZER SAYS: THEY SHOULD BE SOLD FOR THE USE OF [OFFERINGS BELONGING TO] EACH PARTICULAR KIND, AND FOR THE PRICE THEREOF BURNT-OFFERINGS⁵² SHOULD BE OFFERED, WHILE THE OTHER POSSESSIONS SHOULD GO TO THE REPAIR OF THE TEMPLE.

MISHNAH 9. ONCE IN THIRTY DAYS PRICES WERE FIXED [ON BEHALF OF] THE CHAMBER.⁵³ IF A MAN HAD UNDERTAKEN TO SUPPLY FINE FLOURS AT FOUR [SE'AH'S

FOR A SELA'] AND THEY NOW STOOD AT THREE [SE'AHs FOR A SELA'] HE MUST [STILL] SUPPLY AT FOUR [SE'AHs]. [IF HE HAD UNDERTAKEN TO SUPPLY] AT THREE [SE'AHs FOR A SELA'] AND THEY NOW STOOD AT FOUR, HE MUST [ALSO] SUPPLY AT FOUR, FOR THE SANCTUARY HAS THE UPPER HAND.⁵⁴ IF THE FINE FLOUR BECAME WORM-EATEN THE LOSS IS HIS; IF THE WINE BECAME SOUR THE LOSS IS HIS. FOR HE IS NOT ENTITLED TO HIS MONEY⁵⁵ EXCEPT AFTER THE ALTAR HAS ACCEPTED THE OFFERING.⁵⁶

(1) Cf. Num. XXVIII, 1-8.

(2) The special offering for the Sabbath, the New Moon and the Festivals, enumerated in Num. XXVIII, 9-XXIX, 39.

(3) Cf. supra p. 3 nn. 2-4.

(4) E.g., frankincense and the drink-offerings ordained, infra VII, 6.

(5) Growing without human labor; cf. Lev. XXV, 5, 11.

(6) All produce of the Seventh Year was ownerless property and free to man and beast, Lev. *ibid.* 6-7. As the 'Omer and the Two Loaves had to be offered out of the new produce of the year, therefore in the Seventh Year guardians were set over a special field to guard its aftergrowths for the use of the 'Omer and the Two Loaves for that year, so that they might not be eaten by man or beast.

(7) The 'Omer and the Two Loaves.

(8) But if the watcher is unpaid the aftergrowths become automatically his own private property and could not be offered up; v. B.M., *Sonc. ed.* pp. 671ff and notes.

(9) Num. XIX, 1ff.

(10) Lev. XVI, 10, 21F.

(11) Which was thrown into the burning Red Cow, including also the accompanying cedar wood and hyssop, Num. XIX, 6. According to others, the strip of scarlet tied on the neck of the goat of the sin-offering in order to distinguish it from the scapegoat, Lev. XVI, 9; v. p. 13, n. 3.

(12) Across the valley which separated the Temple Mount from the Mount of Olives, over which the Red Cow was led by the priest. The viaduct was erected in order to protect the priest against defilement from the possible unsuspected presence of a grave in the valley; cf. *Parah III*, 6.

(13) A private exit leading out of Jerusalem for the man who carried away the scapegoat, to prevent his being mobbed; cf. *Yoma* 66a.

(14) Cf. *Yoma* 41b.

(15) In the Temple Court.

(16) Of Jerusalem.

(17) The maintenance of the water supply, the streets and markets, etc.

(18) What is left over from the shekels after the three appropriations had been made; v. supra III, 2, 4.

(19) After the needs enumerated in the foregoing section (viaducts etc.) had been satisfied.

(20) To be re-sold to those requiring them for their offerings.

(21) (a) Such trafficking is unseemly for the Temple v. *Keth.* 106b. [(b) Because trafficking may involve loss as well as gain, T.J. a.l.].

(22) 'Because a poor man might come unexpectedly and there would be nothing to give him'. *Keth. ibid.*; cf. however preceding note (b).

(23) After the needs enumerated in section 1 and the beginning of section 2 had been met.

(24) Cf. Num. XVII, 3; I Kings VI, 20ff.

(25) In accordance with his opinion in the last section.

(26) *Lit.*, 'summer-fruit', eaten as dessert, a figurative name for the burnt-offerings which were offered after all the prescribed public and private offerings had been offered, to prevent the altar standing idle, v. *Shebu.*, *Sonc. ed.* p. 50, n. 3.

(27) Sold by the officers of the Temple in accordance with infra V, 4.

(28) *Segan*, v. *Sanh.*, *Sonc. ed.* p. 97, n. 1.

(29) Against R. Ishmael, and in agreement with R. Akiba supra section 3.

(30) In conformity with an ancient tradition, the incense was prepared for the whole year in advance in a quantity of 365 minas, corresponding to the number of days in the solar year, with an extra three minas for the Day of Atonement, of

which one mina was offered daily, one half in the morning and one half in the afternoon (cf. Ex. XXX, 7-8; Ker. 6a). But as the calendar year in force was the lunar year which consists usually of 354 days (excepting the leap year which has 384 days), there was at the end of most years a surplus of eleven minas. This surplus could not be carried over for use in the next year, since all public offerings made from the first of Nisan onwards had to come out of the appropriation of the new shekels (cf. p. 12, n. 4). Hence arose the problem how to enable the surplus from the old year to be used for the new year.

(31) From the shekels in the chamber. So Maimonides and Bertinore. [Aliter: From the surplus of the frankincense (Barneth a.l.). Cf. next section, n. 5.]

(32) Who compounded the incense, made the Shewbread, and guarded the aftergrowths in the Seventh Year; cf. supra section 1, and infra V], 1.

(33) The surplus of the incense, thereby divesting it of its hallowed character and rendering it 'common'. This roundabout method was adopted, instead of selling it straightway, out of reverence for its hallowed character.

(34) And it could be used for the new year.

(35) The contribution of the new shekel.

(36) Frankincense, wine, oil, or flour.

(37) As laid down in the last section.

(38) [מִזְבֵּחַ evidently refers to the dedicated objects fit for public offerings; cf. previous section, n. 6.]

(39) But they should not themselves be offered, as, according to the view of R. Eliezer, an ordinary dedication to the Temple belonged to the general Temple fund ('The Repair of the Temple').

(40) Females could not be used for burnt-offerings, but were good for peace-offerings; cf. Lev. I, 3, 10; III, 1, 6.

(41) Cf. II Kings XII, 6ff. This was equivalent to the general Temple fund.

(42) He holds that such was the intention of the dedication.

(43) But not as peace-offerings the flesh of which is eaten by the owner, it being assumed that his intention was to dedicate them exclusively to the altar.

(44) For cattle and other possessions.

(45) Between cattle and other possessions.

(46) Making special mention of the cattle among his possessions.

(47) That cattle should be treated in the same way as his other possessions.

(48) Without mentioning the cattle.

(49) That each is treated in the manner for which it is fit.

(50) For meal-offerings and drink-offerings; cf. Num. XXVIII, 5, 7, etc.

(51) Pigeons and turtle-doves.

(52) This is deduced from the wording of Lev. XXII, 18: Of all their vows and freewill-offerings . . . for a burnt-offering, v. T.J. a.l.

(53) The treasury chamber where the shekels were deposited; III, 1.

(54) Cf. Kid. 29a.

(55) Even if he had received it in advance.

(56) As a valid one.

Mishna - Mas. Shekalim Chapter 5

MISHNAH 1. THESE WERE THE OFFICERS¹ IN THE TEMPLE: JOHANAN THE SON OF PHINEAS WAS OVER THE SEALS, AHIJAH OVER THE DRINK-OFFERINGS,² MATTITHIAH THE SON OF SAMUEL³ OVER THE LOTS,⁴ PETHAHIAH OVER THE BIRD-OFFERINGS (THIS SAME PETHAHIAH WAS MORDECAI. WHEREFORE WAS HIS NAME CALLED PETHAHIAH? BECAUSE HE 'OPENED'⁵ MATTERS AND EXPOUNDED THEM, AND HE UNDERSTOOD THE SEVENTY TONGUES);⁶ THE SON OF AHIJAH WAS OVER THE SICKNESS OF THE BOWELS,⁷ NEHUNIAH WAS DIGGER OF DITCHES,⁸ GEBINI WAS THE CRIER,⁹ THE SON OF GEBER WAS OVER THE LOCKING OF THE GATES,¹⁰ THE SON OF BEBAI WAS OVER THE STRIPS,¹¹ THE SON OF ARZA OVER THE CYMBAL,¹² HYGROS THE SON OF LEVI OVER THE SINGING,¹³ THE HOUSE OF GARMU OVER THE MAKING OF THE SHEWBREAD,¹⁴ THE HOUSE OF ABTINAS OVER THE

PREPARING OF THE FRANKINCENSE,¹⁴ ELEAZAR OVER THE VEIL,¹⁵ AND PHINEAS OVER THE VESTMENTS.¹⁶

MISHNAH 2. THE TREASURERS WERE NOT LESS THAN THREE AND THE SUPERINTENDENTS NOT LESS THAN SEVEN, NOR MAY AUTHORITY BE EXERCISED IN MATTERS OF MONEY BY LESS THAN TWO [OFFICERS], EXCEPT [IN THE CASE] OF AHIJAH¹⁷ WHO WAS OVER THE SICKNESS OF THE BOWELS AND ELEAZAR¹⁷ WHO WAS OVER THE VEIL, FOR THESE HAD BEEN ACCEPTED BY THE MAJORITY OF¹⁸ THE PUBLIC.

MISHNAH 3. THERE WERE FOUR SEALS IN THE TEMPLE, AND ON THEM WAS INSCRIBED [RESPECTIVELY] 'CALF', 'RAM',¹⁹ 'KID', 'SINNER'.²⁰ BEN 'AZZAI SAYS: THERE WERE FIVE AND ON THEM WAS INSCRIBED IN ARAMAIC [RESPECTIVELY] 'CALF', 'RAM', 'KID', 'POOR²¹ SINNER', AND 'RICH²² SINNER'. [THE SEAL INSCRIBED] 'CALF', SERVED FOR THE DRINK-OFFERINGS²³ OF KINE, BOTH GREAT AND SMALL, MALE AND FEMALE; [THE ONE INSCRIBED] 'KID' SERVED FOR THE DRINK-OFFERINGS OF FLOCKS, BOTH GREAT AND SMALL, MALE AND FEMALE, WITH THE EXCEPTION OF THOSE OF RAMS; [THE ONE INSCRIBED] 'RAM' SERVED FOR THE DRINK-OFFERINGS OF RAMS ALONE; [THE ONE INSCRIBED] 'SINNER' SERVED FOR THE DRINK-OFFERINGS OF THE THREE ANIMALS [OFFERED] BY LEPERS.²⁴

MISHNAH 4. IF A MAN REQUIRED DRINK-OFFERINGS HE WOULD GO TO JOHANAN WHO WAS THE OFFICER OVER THE SEALS, AND GIVE HIM MONEY AND RECEIVE FROM HIM A SEAL. THEN HE WOULD GO TO AHIJAH WHO WAS THE OFFICER OVER THE DRINK-OFFERINGS, AND GIVE HIM THE SEAL, AND RECEIVE FROM HIM DRINK-OFFERINGS. AND IN THE EVENING THESE TWO [OFFICERS] WOULD COME TOGETHER, AND AHIJAH WOULD BRING OUT THE SEALS AND RECEIVE MONEY FOR THEIR VALUE. AND IF THERE WAS MORE [THAN THEIR VALUE] THE SURPLUS BELONGED TO THE SANCTUARY,²⁵ BUT IF THERE WAS LESS [THAN THEIR VALUE] JOHANAN WOULD PAY [THE LOSS] OUT OF HIS OWN MEANS; FOR THE SANCTUARY HAS THE UPPER HAND.

MISHNAH 5. IF A MAN LOST HIS SEAL HIS CASE WAS DEFERRED UNTIL THE EVENING.²⁶ IF THEN THEY FOUND [MONEY OVER] TO THE VALUE OF HIS LOST SEAL THEY GAVE [IT] TO HIM, PUT IF NOT HE HAD NOTHING. MOREOVER, ON THE SEALS WAS INSCRIBED THE NAME OF THE DAY [IN ORDER TO GUARD] AGAINST IMPOSTORS.²⁷

MISHNAH 6. THERE WERE TWO CHAMBERS IN THE TEMPLE, ONE THE CHAMBER OF SECRET GIFTS AND THE OTHER THE CHAMBER OF THE VESSELS. THE CHAMBER OF SECRET GIFTS — SIN-FEARING PERSONS²⁸ USED TO PUT THEIR GIFTS THEREIN IN SECRET, AND THE POOR WHO WERE DESCENDED OF THE VIRTUOUS WERE SUPPORTED THEREFROM IN SECRET. THE CHAMBER OF THE VESSELS — WHOEVER OFFERED A VESSEL AS A GIFT USED TO THROW IT THEREIN, AND ONCE IN THIRTY DAYS THE TREASURERS OPENED IT; AND ANY VESSEL THEY FOUND THEREIN THAT WAS OF USE FOR THE REPAIR OF THE TEMPLE THEY LEFT THERE; BUT THE OTHERS WERE SOLD AND THEIR PRICE WENT TO THE CHAMBER OF THE REPAIR²⁹ OF THE TEMPLE.

(1) According to an explanation in the Palestinian Gemara, the functionaries here enumerated were all contemporaries in a particular generation. Another, less likely, explanation given there is that these persons were the worthiest of all the occupants of the offices during the whole existence of the Second Temple. [According to Hoffmann (Die Erste Mishnah

p. 17) the officers enumerated here date from the time of Agrippa. This is disputed by Graetz MGWJ, XXXIV, 195ff and Buchler, Die Priester, p. 134ff.]

(2) Cf. infra 4.

(3) A saying of his in connection with the Temple service is recorded in Yoma 28a.

(4) By which the various labours connected with the service of the altar were distributed among the priests; v. Yoma II, 2ff.

(5) I.e. pathah (**פתח**). This is an allusion to the various difficult problems in connection with bird-offerings discussed in the Tractate Kinnim; cf. also Aboth. III, 19.

(6) The number of languages into which human speech was traditionally divided, corresponding to the seventy nations enumerated in Gen. X; cf. ibid. 5, 20, 31. Of Mordecai's skill in strange languages, cf. Meg. 13b. The whole bracketed passage is probably an interpolation. The Mordecai mentioned here is identified by the commentators with Mordecai Bilshan (**בלשן** from **לשון** , language) of Ezra II, 2. According to Rashi (Men. 64b, cf. Tosaf. ibid.) and Ibn Ezra (on Ezra loc. cit) this was the Mordecai of the Book of Esther.

(7) To cure it. The Palestinian Gemara adds that the priests were specially subject to this sickness, because they went about barefooted, ate much meat, and drank much water.

(8) To supply water to pilgrims to the Temple. Cf. B.K. Sonc. ed. p. 287.

(9) Who summoned the priests to their labours every morning; cf. Tam. III, 8; Yoma 20b.

(10) To lock them in the evening and open them again in the morning.

(11) Strips of cloth of which wicks were made for the lamps and torches of the Temple. So the Palestinian Gemara. The Babylonian Gemara (Yoma 23a) explains it as the straps with which Levites were scourged when found sleeping while on night duty as watchmen. But in Mid. I, 2 the sleeping watchman is beaten with a stick.

(12) That accompanied the singing of the Levites, Tam. VII, 3.

(13) Of the Levites, Tam. VII, 4; cf. Yoma 38a. [Whether Ben Arza was a priest or a Levite, v. Buchler op. cit. pp. 126f and 142f.]

(14) V. Yoma 38a.

(15) Over its manufacture, etc.; cf. infra VIII, 5.

(16) Of the priests.

(17) Who also handled money for the purchase of medicines and of materials for the Veil.

(18) Some texts omit 'the majority of'.

(19) Lit., 'male', the Aramaic name of the ram.

(20) I.e., leper. Leprosy was considered a punishment for certain serious transgressions; cf. 'Ar. 16a.

(21) Lev. XIV, 21ff.

(22) I.e., a leper who is not poor. He has to offer the sacrifices prescribed, Lev. ibid. 10.

(23) Including meal-offerings. These had to accompany every burnt-offering and peace-offering, but differed in their quantities according as the sacrifice was of kine, or of flocks, or a ram; cf. Num. XV, 3-10.

(24) As prescribed in Lev. XIV, 10, 21 respectively.

(25) Johanan could not claim it as his own.

(26) When the two officers met together to settle the daily account.

(27) Who might use for themselves seals lost by the officers or by the buyer, or who might buy seals when produce was cheap and use them in a time when produce became dear.

(28) Pious persons who sought to avoid publicity for their deeds of charity.

(29) Cf. supra p. 15, n. 8.

Mishna - Mas. Shekalim Chapter 6

MISHNAH 1. THERE WERE IN THE TEMPLE THIRTEEN CHESTS,¹ THIRTEEN TABLES AND THIRTEEN PROSTRATIONS. [MEMBERS] OF THE HOUSEHOLD OF RABBAN GAMALIEL AND OF R. HANANIAH THE CHIEF OF THE PRIESTS, USED TO PROSTRATE THEMSELVES FOURTEEN [TIMES]. AND WHERE WAS THE ADDITIONAL [PROSTRATION]? IN FRONT OF THE STORE OF WOOD² , FOR THUS THEY HAD A TRADITION FROM THEIR FOREFATHERS THAT THE ARK WAS HIDDEN THERE.³

MISHNAH 2. ONCE IT HAPPENED THAT A CERTAIN PRIEST WHO WAS BUSY⁴ [THERE] NOTICED THAT THE PAVEMENT WAS DIFFERENT [THERE] FROM THE OTHERS. HE WENT AND TOLD [IT] TO HIS FELLOW, BUT BEFORE HE HAD TIME TO FINISH HIS WORDS HIS SOUL DEPARTED. THEN IT BECAME KNOWN OF A SURETY THAT THE ARK WAS HIDDEN THERE.

MISHNAH 3. BUT WHERE DID THEY MAKE THE PROSTRATIONS? FOUR [TIMES] IN THE NORTH, FOUR [TIMES] IN THE SOUTH, THREE [TIMES] IN THE EAST, AND TWICE IN THE WEST, IN FRONT OF THE THIRTEEN GATES. THE SOUTHERN GATES CLOSE TO THE WEST⁵ [SIDE WERE]: THE UPPER GATE,⁶ THE GATE OF THE FUEL,⁷ THE GATE OF THE FIRSTBORN [ANIMALS],⁸ AND THE WATER GATE. WHEREFORE WAS ITS NAME CALLED THE WATER GATE? BECAUSE THROUGH IT WAS BROUGHT IN THE FLASK OF WATER FOR THE LIBATION ON THE FEAST OF TABERNACLES.⁹ R. ELIEZER THE SON OF JACOB SAYS: THROUGH IT THE WATERS TRICKLED FORTH¹⁰ AND IN THE HEREAFTER THEY WILL ISSUE OUT FROM UNDER THE THRESHOLD OF THE HOUSE.¹⁰ OVER AGAINST THEM¹¹ IN THE NORTH CLOSE TO THE WEST WERE:¹² THE GATE OF JECHONIAH, THE GATE OF THE OFFERINGS¹³ THE GATE OF THE WOMEN,¹⁴ AND THE GATE OF SONG.¹⁵ AND WHEREFORE WAS ITS NAME CALLED THE GATE OF JECHONIAH? BECAUSE THROUGH IT JECHONIAH WENT FORTH INTO HIS CAPTIVITY.¹⁶ IN THE EAST WAS THE GATE OF NICANOR,¹⁷ AND IT HAD TWO WICKETS,¹⁸ ONE TO THE RIGHT AND ONE TO THE LEFT. THERE WERE ALSO TWO GATES IN THE WEST WHICH [HOWEVER] HAD NO NAME.¹⁹

MISHNAH 4. THERE WERE THIRTEEN TABLES IN THE TEMPLE, EIGHT OF MARBLE IN THE PLACE OF SLAUGHTERING ON WHICH THE ENTRAILS WERE RINSED, AND TWO TO THE WEST OF THE ASCENT²⁰ [TO THE ALTAR], ONE OF MARBLE AND ONE OF SILVER; ON THAT OF MARBLE WERE PLACED THE LIMBS²¹ [OF THE OFFERINGS], AND ON THAT OF SILVER THE VESSELS OF MINISTRATION. THERE WERE TWO TABLES IN THE PORCH²² WITHIN THE ENTRANCE OF THE HOUSE,²³ ONE OF MARBLE AND THE OTHER OF GOLD; ON THAT OF MARBLE²⁴ THE SHEWBREAD WAS PLACED WHEN IT WAS BROUGHT IN,²⁵ AND ON THAT OF GOLD [THE SHEWBREAD WAS PLACED] WHEN IT WAS TAKEN OUT,²⁶ BECAUSE THINGS SACRED MAY BE RAISED [IN HONOUR] BUT NOT LOWERED.²⁷ AND WITHIN THERE WAS ONE [TABLE] OF GOLD ON WHICH THE SHEWBREAD LAY CONTINUALLY.²⁸

MISHNAH 5. THERE WERE THIRTEEN CHESTS²⁹ IN THE TEMPLE AND ON THEM WAS INSCRIBED [RESPECTIVELY] 'NEW SHEKELS',³⁰ 'OLD SHEKELS',³⁰ 'BIRD-OFFERINGS', 'YOUNG PIGEONS FOR BURNT-OFFERINGS', 'WOOD', 'FRANKINCENSE', 'GOLD FOR THE MERCY-SEAT',³¹ AND ON SIX [WAS INSCRIBED] 'FOR FREEWILL-OFFERINGS'. 'NEW SHEKELS' — THOSE FOR EACH YEAR; 'OLD SHEKELS' — WHOSOEVER HAS NOT PAID HIS SHEKEL IN THE PAST YEAR MAY PAY IT IN THE COMING YEAR; 'BIRD-OFFERINGS' — THESE ARE TURTLE-DOVES; 'YOUNG PIGEONS FOR BURNT-OFFERINGS' — THESE ARE YOUNG PIGEONS. BOTH [THESE TWO CHESTS] ARE FOR BURNT-OFFERINGS; THUS R. JUDAH. BUT THE SAGES SAY: [OF THE CHEST INSCRIBED] 'BIRD-OFFERINGS' ONE [HALF] IS FOR SIN-OFFERINGS AND THE OTHER [HALF] FOR BURNT-OFFERINGS,³² BUT [OF THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS' ALL GOES TO BURNT-OFFERINGS.³³

MISHNAH 6. IF A MAN SAYS: 'LO,³⁴ UPON ME [BE THE DUTY OF OFFERING] WOOD', HE MAY NOT OFFER LESS THAN TWO LOGS; [IF HE SAYS: 'LO, UPON ME BE THE DUTY OF OFFERING] FRANKINCENSE', HE MAY NOT OFFER LESS THAN A HANDFUL [THEREOF]; [IF HE SAYS: 'LO, UPON ME BE THE DUTY OF OFFERING] GOLD', HE MAY

NOT OFFER LESS THAN A GOLD DENAR.

‘ON SIX [WAS INSCRIBED] "FOR FREEWILL-OFFERINGS" — WHAT WAS DONE WITH THE FREEWILL-OFFERINGS? THEY BOUGHT WITH THEM BURNT-OFFERINGS, THE FLESH [OF WHICH] WAS FOR THE DIVINE AND THE HIDES FOR THE PRIESTS. THE FOLLOWING IS THE EXPOSITION WHICH WAS EXPOUNDED BY JEHOIDA THE HIGH PRIEST: IT IS A GUILT-OFFERING; HE IS CERTAINLY GUILTY BEFORE THE LORD³⁵ — THIS IS THE GENERAL RULE: WITH WHAT IS [LEFT OVER OF MONEY] OFFERED FOR A SIN-OFFERING OR A GUILT-OFFERING BURNT-OFFERINGS SHOULD BE BOUGHT, [OF WHICH] THE FLESH GOES TO THE DIVINE AND THE HIDES TO THE PRIESTS. THUS THE TWO STATEMENTS OF SCRIPTURE ARE FULFILLED: HE IS CERTAINLY GUILTY UNTO THE LORD³⁶ AND IT IS A GUILT-OFFERING UNTO THE PRIESTS.³⁷ AND SO IT SAYS AGAIN:³⁸ THE MONEY³⁹ FOR THE GUILT OFFERINGS AND THE MONEY FOR THE SIN-OFFERINGS WAS NOT BROUGHT INTO THE HOUSE⁴⁰ OF THE LORD; IT WAS THE PRIESTS’.⁴¹

(1) Cf. supra p. 5, n. 4.

(2) V. Mid. II, 5.

(3) According to one tradition, by King Josiah before the destruction of the First Temple, v. Yoma 53b.

(4) He was engaged in picking the sound wood from the mouldy wood, as mouldy wood was unfit for the altar, Mid. ibid. Cf. also Yoma 54a.

(5) I.e., in the direction from west to east; cf. Mid. II, 6.

(6) [The western-most gate, so called on account of its elevated position, as the Temple court was situated on an incline rising from east to west. V. Hollis F. J., *The Archeology of Herod's Temple* p. 297.]

(7) Through it the wood for the altar was brought in.

(8) Through it the firstlings were led in preparatory to sacrifice.

(9) Cf. Suk. IV, 9.

(10) Cf. Ezek. XLVII, 2. 1.

(11) I.e., exactly opposite them.

(12) V. p. 22, n. 5.

(13) Through it the Most Holy sacrifices were brought in.

(14) Women entered here to attend to their offerings.

(15) Through it were brought in the musical instruments.

(16) Cf. II Kings XXIV, 12ff.

(17) Named after a man who fetched its doors from Egypt; cf. Yoma 38a.

(18) [These probably gave access to the chambers situated on the north and south respectively of the Gate of Nicanor; cf. Mid. I, 4, v. Hollis op. cit. p. 302.]

(19) [V. Tosaf. Yom Tob a.l. and Hollis pp. 139-53 where the question why these two gates were not named is discussed.]

(20) The inclined plane by which the priests went up to the altar (cf. Ex. XX, 26). V. Mid. III, 3.

(21) To keep them fresh.

(22) Ulam, the hall leading to the interior of the Temple.

(23) The Temple proper.

(24) To keep them fresh.

(25) Waiting to be laid on the table of gold, cf. Ex. XXV, 30; Lev. XXIV, 6.

(26) On the Sabbath, to make room for the new Shewbread (Lev. ibid. 8; Men. XI, 8), and before it was distributed among the priests.

(27) Hence having rested for a week on a table of gold, the Shewbread could not now be laid again on any but another table of gold; cf. Men. VI, 7.

(28) Ex. XXV, 30.

(29) Which served as receptacles of money for the purposes denoted by the various inscriptions on them.

(30) These are couched in Aramaic.

(31) **לכפרת** , viz., for the Holy of Holies (Maimonides), as there was no Mercy-seat in the Second Temple. Others suggest the reading **לכפורות** , for basins; cf. Ezra I, 10; I Chron. XXVIII, 17.

(32) Therefore a man who was obliged to offer bird-offerings (which had to consist of a pair, one a sin-offering and the other a burnt-offering; cf. supra p. 3, n. 7) could throw money into this chest, and thereby discharge his obligation, since the offerings bought with the money of this chest would be in accordance with his requirements.

(33) Therefore only freewill-offerings could be thrown into this chest, but not obligatory offerings.

(34) Cf. Men. XIII, 3.

(35) Lev. V, 19. The phrase 'It is a guilt-offering' implies that it is like any other guilt-offering of which the priests had a share, in accordance with Lev. VII, 6; on the other hand, the following phrase 'He is certainly guilty unto the Lord' implies that the whole is offered unto the Lord and is consumed by the altar, without leaving a share to the priests, thus contradicting the previous phrase. This contradiction is overcome by assigning the surplus of money offered for a sin-offering or a guilt-offering to the purchase of burnt-offerings, of which part goes to the altar, the flesh, and part to the priests, the hides.

(36) Viz., the flesh of the offering brought from the surplus of the money intended for a guilt-offering.

(37) The priests take the hides.

(38) II Kings XII, 17.

(39) Viz., the surplus of money originally intended for a guilt-offering or for a sin-offering.

(40) This is interpreted as meaning 'for the Repair of the House of the Lord', cf. the preceding verses of the chapter.

(41) This is interpreted to mean: It should be devoted to a sacrifice, of which the priests enjoy a share — the hides.

Mishna - Mas. Shekalim Chapter 7

MISHNAH 1. IF MONEY WAS FOUND BETWEEN THE [CHEST INSCRIBED] 'SHEKELS'¹ AND THE [CHESTS INSCRIBED] 'FOR FREEWILL-OFFERINGS, AND IT WAS NEARER² TO [THE CHEST INSCRIBED] 'SHEKELS', IT GOES TO THE SHEKELS; [IF NEARER TO THE CHESTS INSCRIBED] 'FOR FREEWILL-OFFERINGS', IT GOES TO FREEWILL-OFFERINGS; IF MIDWAY, IT GOES TO FREEWILL-OFFERINGS.³ [IF MONEY WAS FOUND] BETWEEN [THE CHEST INSCRIBED] 'WOOD' AND [THE CHEST INSCRIBED] 'FRANKINCENSE' AND IT WAS NEARER TO [THE CHEST INSCRIBED] 'WOOD', IT GOES TO THE WOOD; [IF NEARER TO THE CHEST INSCRIBED] 'FRANKINCENSE', IT GOES TO FRANKINCENSE; IF MIDWAY, IT GOES TO FRANKINCENSE.⁴ [IF IT WAS FOUND] BETWEEN [THE CHEST INSCRIBED] 'BIRD-OFFERINGS' AND [THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS' AND IT WAS NEARER TO [THE CHEST INSCRIBED] 'BIRD-OFFERINGS' IT GOES TO BIRD-OFFERINGS; [IF NEARER TO THE CHEST INSCRIBED] 'YOUNG PIGEONS FOR BURNT-OFFERINGS', IT GOES TO YOUNG PIGEONS FOR BURNT-OFFERINGS; IF MIDWAY, IT GOES TO YOUNG PIGEONS FOR BURNT-OFFERINGS.⁵ [IF IT WAS FOUND] BETWEEN COMMON [MONEY] AND [SECOND] TITHES [MONEY]⁶ AND IT WAS NEARER TO THE COMMON [MONEY], IT IS CONSIDERED COMMON [MONEY]; IF NEARER TO THE [SECOND] TITHES [MONEY], IT IS CONSIDERED [SECOND] TITHES [MONEY]; IF MIDWAY, IT IS CONSIDERED [SECOND] TITHES [MONEY]. THIS IS THE GENERAL RULE: SUCH MONEY IS ASSIGNED TO THAT WHICH IS NEARER TO IT, EVEN IF IT IS THEREBY MADE LESS IMPORTANT; BUT IF MIDWAY, IT IS ASSIGNED TO THAT WHICH IS THE MORE IMPORTANT.⁷

MISHNAH 2. IF MONEY WAS FOUND⁸ IN FRONT OF CATTLE DEALERS AT ANY TIME OF THE YEAR IT IS DEEMED TO BE [SECOND] TITHES [MONEY];⁹ [IF IT WAS FOUND] IN THE TEMPLE MOUNT IT IS DEEMED TO BE COMMON MONEY;¹⁰ [RUT IF IT WAS FOUND] IN JERUSALEM¹¹ DURING THE SEASON OF FESTIVALS¹² IT IS DEEMED TO BE [SECOND] TITHES [MONEY]. BUT ALL THE REST OF THE YEAR IT IS DEEMED TO BE COMMON [MONEY].¹³

MISHNAH 3. IF FLESH WAS FOUND IN THE TEMPLE COURT [AND IT WAS CUT UP IN]

LIMBS,¹⁴ [IT MUST BE TREATED AS BELONGING TO] BURNT-OFFERINGS; [BUT IF CUT UP IN ORDINARY] PIECES [IT MUST BE TREATED AS BELONGING TO] SIN-OFFERINGS.¹⁵ [IF FLESH WAS FOUND] IN JERUSALEM¹⁶ [IT MUST BE TREATED AS BELONGING TO] PEACE-OFFERINGS.¹⁷ IN EITHER CASE¹⁸ IT MUST BE LEFT TO BECOME DISFIGURED¹⁹ AND MUST THEN BE TAKEN AWAY TO THE PLACE OF BURNING. IF FOUND WITHIN THE BORDERS²⁰ [AND IT WAS CUT UP IN] LIMBS, [IT MUST BE TREATED AS] CARRION;²¹ [BUT IF CUT UP IN ORDINARY] PIECES, IT IS FIT FOR [FOOD].²² BUT [IF FOUND] DURING THE SEASON OF FESTIVALS, WHEN FLESH IS ABUNDANT,²³ IT IS FIT FOR [FOOD] EVEN WHEN CUT UP IN LIMBS.

MISHNAH 4. IF CATTLE WAS FOUND IN JERUSALEM AS FAR AS MIGDAL EDER,²⁴ AND WITHIN A LIKE DISTANCE ON ANY SIDE [OF JERUSALEM], MALES [MUST BE CONSIDERED AS BEING] BURNT-OFFERINGS, BUT FEMALES MUST BE CONSIDERED AS] PEACE-OFFERINGS.²⁵ R. JUDAH SAYS: IF THEY WERE FIT FOR THE PASSOVER-OFFERING,²⁶ [THEY MUST BE CONSIDERED AS] PASSOVER-OFFERINGS [WHEN FOUND] WITHIN THIRTY DAYS BEFORE THE FEAST [OF PASSOVER].²⁷

MISHNAH 5. AFORETIME THEY USED TO DISTRAIN²⁸ ANY ONE WHO HAD FOUND SUCH A [STRAY] ANIMAL, UNLESS HE ALSO OFFERED THE DRINK-OFFERINGS THEREOF. THEN MEN WOULD LEAVE THE ANIMAL AND RUN AWAY; SO THE COURT ORDAINED THAT THE DRINK-OFFERINGS THEREOF SHOULD BE OFFERED OUT OF PUBLIC FUNDS.

MISHNAH 6. R. SIMEON SAID: SEVEN THINGS THE COURT ORDAINED AND THAT WAS ONE OF THEM. [THE OTHERS WERE THE FOLLOWING:] IF A HEATHEN SENT A BURNT-OFFERING FROM THE LANDS BEYOND THE SEA AND WITH IT HE SENT THE DRINK-OFFERINGS²⁹ THEREOF, THEY ARE OFFERED OUT OF HIS OWN MEANS; BUT IF [HE DID] NOT [SEND THE DRINK-OFFERINGS THEREOF], THEY SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ THUS [ALSO IN THE CASE OF] A PROSELYTE³¹ WHO HAD DIED AND LEFT SACRIFICES [TO BE OFFERED], THEN IF HE HAD ALSO LEFT THE DRINK-OFFERINGS THEREOF THEY ARE OFFERED OUT OF HIS OWN; BUT IF NOT, THEY SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ IT WAS ALSO A CONDITION LAID DOWN BY THE COURT IN THE CASE OF A HIGH PRIEST WHO HAD DIED³² THAT HIS MEAL-OFFERINGS³³ SHOULD BE OFFERED OUT OF PUBLIC FUNDS.³⁰ R. JUDAH SAYS: [IT WAS OFFERED OUT] OF THE PROPERTY OF HIS HEIRS, AND HAD TO BE OFFERED OF THE WHOLE³⁴ [TENTH].

MISHNAH 7. [THEY FURTHER ORDAINED] CONCERNING THE SALT AND THE WOOD³⁵ THAT THE PRIESTS SHOULD MAKE USE THEREOF;³⁶ AND CONCERNING THE [RED] COW³⁷ THAT THE USE OF ITS ASHES SHOULD NOT INVOLVE THE GUILT OF SACRILEGE;³⁸ AND CONCERNING BIRD-OFFERINGS³⁹ WHICH HAD BECOME UNFIT [FOR SACRIFICE], THAT [OTHERS] SHOULD BE OFFERED [IN THEIR STEAD] OUT OF PUBLIC FUNDS. R. JOSE SAYS: [THE DEALER] WHO SUPPLIED THE BIRD-OFFERINGS WAS BOUND TO SUPPLY [AT HIS COST ALSO THOSE WHICH HAD TO BE OFFERED IN THE STEAD OF] THOSE WHICH HAD BECOME UNFIT.⁴⁰

(1) Cf. supra VI, 5 (p. 24).

(2) The presumption is that the money fell out of the chest nearest to it. This is deduced from Deut. XXI, 3; v. B.B. 23a.

(3) According to the rule laid down below, when the probabilities are evenly balanced, the money should be assigned to the holier of the two, which in this case is the chest of freewill-offerings, since its contents were spent entirely on burnt-offerings for the altar (supra VI, 6), whereas the contents of the chest of shekels were spent also on such less holy objects as the needs of the city of Jerusalem (supra IV, 2).

- (4) Because frankincense, which was an offering for the altar, was holier than the wood which merely served as fuel for the altar.
- (5) Which is the holier of the two, since one of the pair of bird-offerings was a sin-offering (cf. supra p. 3, n. 7), the flesh of which was eaten by the priests (Lev. VI, 19), whereas the burnt-offerings were all consumed by the fire of the altar.
- (6) Cf. supra p. 6, n. 5.
- (7) I.e., that which is holier.
- (8) In Jerusalem.
- (9) The presumption is that the money was lost by people who came to buy cattle for peace-offerings with their own second tithes money, or with the second tithes money left to them by their pilgrim friends when they returned home after the Festival. Here again the rule is followed that in case of doubt the money is to be assigned to the more hallowed object of the two.
- (10) Even during the Festival season. Though most of the money at the time is of second tithe, we assume that the money was lost before the Festival when common money is in ordinary circulation, v. n. 8.
- (11) Not in front of the cattle dealers.
- (12) When the city is full of pilgrims bringing second tithes money.
- (13) Because the streets of Jerusalem (as distinct from the Temple Mount, cf. n. 5) were swept daily, so that any second tithe money brought by the pilgrims would have been swept away. v. B.M. 26a.]
- (14) As prescribed for burnt-offerings in Tam. IV, 2 f.
- (15) Which were so cut up and divided among the priests.
- (16) Outside the Temple Court.
- (17) For these were the most frequent of the Lesser Holy offerings (קדשים קלים) which could be eaten in the Holy City outside the Temple Court; cf. Zeb. V, 7.
- (18) Whether found in the Temple Court or in the city. It cannot be eaten because it may have suffered some defilement.
- (19) It must be left untouched until the third day when such sacrificial flesh becomes 'Remnant' (נותר), and must be burnt, Lev. VII. 17. Cf. also Pes. VII, 9). It cannot, however, be burnt immediately when found, since it may never have suffered any defilement, and it is forbidden to burn sacrificial flesh which is still fit to be eaten.
- (20) Of the Land of Israel, i.e., outside Jerusalem. It is of course assumed that the majority of the inhabitants are Jews.
- (21) For so it was customary to dismember animals unfit for food and leave them to the dogs to tear at them; cf. Deut. XIV, 21.
- (22) One would not take the cutting up an animal in small pieces for dogs.
- (23) And is cut up in limbs for the Festival.
- (24) Cf. Gen. XXXV, 21; Micah IV, 8. It is situated south of Jerusalem on the Hebron road.
- (25) The finder must offer them as such; cf. supra p. 15, n. 7. Most cattle in Jerusalem and the vicinity were intended for sacrifices.
- (26) A male of the sheep or of the goats and one year old; cf. Ex. XII, 5.
- (27) For during that period such animals were mostly intended for the Passover offering.
- (28) His goods to pay for the necessary drink-offerings and meal-offerings; cf. supra p. 19, n. 4.
- (29) Viz. money to pay for them. The drink-offering itself which came from abroad could not be used, because it was considered unclean.
- (30) Out of the Shekel appropriation cf. p. 12, n. 4.
- (31) But in the case of an Israelite his heirs must pay for the drink-offerings.
- (32) And a successor had not yet been appointed.
- (33) The daily meal-offering, morning and evening, prescribed in Lev. VI, 12-16.
- (34) Whether it happened to be the morning or the evening meal-offering, the tenth of an epha was not to be divided as prescribed in Lev. ibid. 13.
- (35) That belong to the Sanctuary.
- (36) In connection with their consumption of the flesh of sacrifices.
- (37) Cf. Num. XIX, 1ff.
- (38) Cf. Lev. V, 14-16.
- (39) Bought by the Temple out of the money placed in the chest for bird-offerings by those on whom such an offering was an obligation; cf. supra p. 24, n. 9.
- (40) Just as the dealer had to make good other similar losses; cf. supra IV, 9.

Mishna - Mas. Shekalim Chapter 8

MISHNAH 1. ANY SPITTLE FOUND IN JERUSALEM¹ IS CLEAN² EXCEPT THAT WHICH IS [FOUND] IN THE UPPER MARKET;³ THUS R. MEIR. R. JOSE SAYS: AT OTHER TIMES OF THE YEAR⁴ [SPITTLE FOUND] IN THE MIDDLE⁵ [OF THE ROAD] IS UNCLEAN, WHILE [SPITTLE FOUND] AT THE SIDES⁶ [OF THE ROAD] IS CLEAN; BUT IN THE SEASON OF FESTIVALS⁷ [SPITTLE FOUND] IN THE MIDDLE [OF THE ROAD] IS CLEAN,⁸ WHILE [THAT WHICH IS FOUND] AT THE SIDES [OF THE ROAD] IS UNCLEAN; FOR SINCE [PERSONS WHO HAVE AN ISSUE] ARE FEW IN NUMBER, THEY BETAKE THEMSELVES [IN THE SEASON OF FESTIVALS] TO THE SIDES OF THE ROAD.⁹

MISHNAH 2. ALL VESSELS FOUND IN JERUSALEM¹⁰ IN THE WAY OF GOING DOWN TO THE PLACE OF IMMERSION¹¹ ARE UNCLEAN, [BUT THOSE FOUND] IN THE WAY OF GOING UP [FROM THE PLACE OF IMMERSION] ARE CLEAN; FOR THEY ARE NOT IN THE SAME CONDITION WHEN ON THE WAY GOING DOWN¹² [TO THE PLACE OF IMMERSION] AS ON THE WAY GOING UP¹³ [THEREFROM]; THUS R. MEIR. R. JOSE SAYS: THEY ARE ALL CLEAN,¹⁴ EXCEPT THE BASKET AND THE SHOVEL AND THE BONE CRUSHER¹⁵ WHICH ARE SPECIALLY CONNECTED WITH [WORK IN] BURIAL-PLACES.

MISHNAH 3. IF A [SLAUGHTERING] KNIFE WAS FOUND ON THE FOURTEENTH¹⁶ [OF NISAN] IT MAY BE USED FORTHWITH FOR SLAUGHTERING.¹⁷ [IF IT WAS FOUND] ON THE THIRTEENTH [OF NISAN] IT MUST BE IMMersed AGAIN¹⁸ [BEFORE USE]. BUT A CHOPPER,¹⁹ WHETHER [FOUND] ON THE FOURTEENTH OR ON THE THIRTEENTH, MUST BE IMMersed AGAIN [BEFORE USE]. IF THE FOURTEENTH FELL ON A SABBATH IT²⁰ MAY BE USED FOR SLAUGHTERING FORTH WITH;²¹ [IF FOUND] ON THE FIFTEENTH²² IT MAY ALSO BE USED FOR SLAUGHTERING FORTHWITH. IF [THE CHOPPER] WAS FOUND TIED TO A [SLAUGHTERING] KNIFE IT MAY BE TREATED AS THE KNIFE.²³

MISHNAH 4. IF THE VEIL²⁴ WAS DEFILED BY A DERIVED UNCLEANNESS,²⁵ IT IS IMMersed WITHIN²⁶ [THE PRECINCTS OF THE TEMPLE] AND BROUGHT IN AGAIN FORTHWITH; BUT IF IT WAS DEFILED BY A PRINCIPAL UNCLEANNESS,²⁵ IT MUST BE IMMersed OUTSIDE AND SPREAD OUT IN THE HEL.²⁷ IF IT WAS NEW IT WAS SPREAD OUT ON THE ROOF OF THE COLONNADE,²⁸ SO THAT THE PEOPLE MIGHT BEHOLD ITS FAIR WORKMANSHIP.

MISHNAH 5. RABBAN SIMEON THE SON OF GAMALIEL SAYS IN THE NAME OF R. SIMEON THE SON OF THE CHIEF [OF THE PRIESTS]:²⁹ THE VEIL WAS A HAND BREADTH IN THICKNESS AND WAS WOVEN ON SEVENTY-FOUR CORDS, EACH CORD MADE UP OF TWENTY-TWO THREADS. IT WAS FORTY CUBITS LONG AND TWENTY CUBITS BROAD, AND WAS MADE UP OF EIGHTY-TWO TIMES TEN THOUSAND.³⁰ TWO VEILS WERE MADE EVERY YEAR, AND THREE HUNDRED PRIESTS WERE NEEDED TO IMMERE IT.³¹

MISHNAH 6. IF FLESH OF THE MOST HOLY OFFERINGS WAS DEFILED, WHETHER BY A PRINCIPAL UNCLEANNESS³² OR BY A DERIVED UNCLEANNESS,³² WHETHER INSIDE OR OUTSIDE [THE PRECINCTS OF THE TEMPLE]. BETH SHAMMAI SAY: IT MUST ALL BE BURNT WITHIN,³³ EXCEPT WHEN DEFILED OUTSIDE BY A PRINCIPAL UNCLEANNESS. BUT BETH HILLEL SAY: IT MUST ALL BE BURNT OUTSIDE, EXCEPT THAT WHICH WAS DEFILED BY A DERIVED UNCLEANNESS WITHIN.

MISHNAH 7. R. ELIEZER SAYS: [FLESH³⁴ WHICH WAS DEFILED BY AN UNCLEANNESS, WHETHER INSIDE OR OUTSIDE [THE TEMPLE PRECINCTS], MUST BE BURNT WITHIN. R. AKIBA SAYS: WHERE IT WAS DEFIED THERE [ALSO] MUST IT BE BURNT.³⁵

MISHNAH 8. THE LIMBS OF THE DAILY³⁶ BURNT-OFFERING WERE PLACED ON THE HALF OF THE ASCENT³⁷ [TO THE ALTAR] DOWNWARDS ON THE WEST³⁸ SIDE, THOSE OF THE ADDITIONAL.³⁹ BURNT-OFFERING WERE PLACED ON THE HALF OF THE ASCENT DOWNWARDS ON THE EAST SIDE,⁴⁰ WHILE THOSE OF THE NEW MOON⁴¹ OFFERINGS WERE PLACED UNDER THE RIM⁴² OF THE ALTAR DOWNWARDS.

[THE LAWS OF] THE SHEKELS AND OF THE FIRST-FRUIT⁴³ HAVE FORCE ONLY DURING THE TIME OF THE EXISTENCE OF THE TEMPLE, BUT [THE LAWS OF] THE TITHE OF CORN⁴⁴ AND OF THE TITHE OF CATTLE⁴⁵ AND OF THE FIRSTBORN⁴⁶ ARE IN FORCE BOTH DURING THE TIME OF THE EXISTENCE OF THE TEMPLE AND WHEN THERE IS NO TEMPLE IN EXISTENCE. IF A MAN DEDICATED TO THE SANCTUARY SHEKELS AND FIRST-FRUIT WHEN THERE WAS NO TEMPLE IN EXISTENCE, THEY BECOME HOLY. R. SIMEON SAYS: IF HE SAID: 'THE FIRST-FRUIT BE HOLY,'⁴⁷ THEY ARE NOT HOLY.⁴⁸

(1) Where people were usually scrupulous in matters of purity. But outside Jerusalem, where people were not so scrupulous, all spittle found anywhere was declared by a preventive enactment of the Rabbis to be suspect of defilement: cf. Toh. IV, 5.

(2) It need not be suspected of being the spittle of a person who had an issue (cf. Lev. XV, 8), since persons with an issue formed an insignificant minority of the population of Jerusalem.

(3) This was frequented by heathen launderers and also by Jewish persons with an issue.

(4) When persons with a defilement were numerous.

(5) This was crowded by pedestrians.

(6) These were frequented by persons who were scrupulous about their purity and who shunned contact with the crowds in the middle of the road.

(7) When all who had a defilement sought to recover their purity, in order to be able to worship in the Temple.

(8) The crowd walking in the middle of the road may then be presumed to consist of people who had become free of defilement.

(9) So as not to cause a defilement to worshippers and pilgrims walking in the middle of the road.

(10) Outside Jerusalem all articles found anywhere were declared by a preventive enactment of the Rabbis to be suspect of defilement; cf. Toh. IV, 5; and supra n. 1.

(11) To be immersed for the purpose of purification; cf. Lev. XI, 32; XV, 17.

(12) When found on the way down they may be presumed to have been unclean vessels lost before immersion.

(13) When found on the way up they may be presumed to have been lost after immersion. So according to Maimonides. According to Rashi (Pes. 19b) the passage should be rendered as follows: 'For their way of going down (to the place of immersion) is not the same as their way of going up (therefrom),' i.e. things going down to immersion and things going up from immersion went by different routes.

(14) No suspicion need be entertained as to the purity of articles found in Jerusalem.

(15) (מריצה), from the root (רצי), an instrument for reducing the size of bones in order to get them into the basket for removal to the grave. So Maimonides. Others, after the T.J., a.l., explain it as some sort of conveyance or hand cart, from the root (רוי).

(16) The day of slaughtering of the Passover-offering; Ex. XII, 6.

(17) It may be presumed to have been purified for the slaughtering of the Passover-offering.

(18) Even though it may be presumed to have been immersed before by its previous owner. According to Maimonides it refers to the second sprinkling with the Ashes of Purification as prescribed in Num. XIX, 18-19, assuming that the previous owner had it sprinkled only once.

- (19) GR. **, a large knife which can be used for slaughtering but is primarily designed for breaking bones, consequently it could not have been intended for use with the Passover-offering, of which no bones must be broken; cf Ex. XII, 46; Num. IX, 12. The probability, therefore, is that it had not been purified.
- (20) The chopper.
- (21) For as it is not permitted to purify vessels on the Sabbath, even a chopper may be presumed to have been purified before the fourteenth of Nisan.
- (22) The Festival day, on which purification was not permitted, so it must be presumed to have been purified before the Festival.
- (23) It may be used for slaughtering straightway, even if found on the fourteenth and not on a Sabbath.
- (24) Of the Temple, Ex. XXVI, 13ff.
- (25) Such as an unclean liquid; cf. 'Ed., Sonc. ed. p. 9 nn. 3, 4.
- (26) In the 'Sea of Solomon'; cf. I Kings VII, 23ff.
- (27) Or 'The Rampart', in the space between the Temple Court and the 'Soreg', or latticed fortifications; cf. Mid. II, 3. Some texts add: 'Because it needs (to wait for) the setting of the sun', before it can recover its purity; cf. Lev. XI, 3.
- (28) On the Temple Mount. From the Hel it could not be seen so well.
- (29) V. supra p. 14, n. 3.
- (30) Threads, or according to others, denars in value. Another reading is (רִיבוֹת) 'damsels', instead of (רִיבּוֹא) 'ten thousand'; i.e., it was woven by eighty-two young damsels.
- (31) When new and before being hung up; cf. Hag. III, 2. The comment of T.J. a.l. on these figures is: 'An exaggeration!' So Maimonides.
- (32) V. p. 34, n. 5.
- (33) Within the Temple Court in the place of Ashes (בֵּית הַדֶּשֶׁן), where the ashes of the altar were deposited; cf. Zeb. V, 2.
- (34) Of Most Holy offerings. No other defiled flesh was permitted to be burnt within the Temple Court.
- (35) Irrespective of the character if the source of defilement.
- (36) Cf. Num. XXVIII, 1-8. The limbs of the daily burnt-offering were not taken up to the altar direct but were first deposited on the ascent by one party of priests, selected by lot, and then another lot was cast for a second party to take them up from the ascent to the top of the altar; v. Yoma 25a and 26a.
- (37) Cf. supra p. 23, n. 13.
- (38) Some texts read 'on the east'.
- (39) For the Sabbath and Festivals; cf. Num. ibid. 9-10, 16ff.
- (40) Some texts read 'on the west'.
- (41) Num. ibid. 11-15.
- (42) Cf. Ex. XXVII, 5. [The reference is not to the rim itself but to a line on the ascent in direct level with the rim, Var. lec. On the rim of the altar above. The 'rim' in this case does not denote the one running about the middle of the altar, but the space on the top of the altar on its four sides for the treading of the priests' feet, v. Mid. III, 1.]
- (43) Ex. XXIII, 19; Deut. XXVI, 1ff.
- (44) Comprising First (Levite's) Tithes, Second Tithes (supra p. 6, n. 5).
- (45) Cf. supra p. 9, n. 4.
- (46) Cf. Num. XVIII, 15-18, etc.
- (47) I.e., he dedicated them to the Sanctuary (Maimonides).
- (48) [Because they are not his property to be dedicated to the Sanctuary. v. Tosaf. Yom Tob. Aliter: 'If he declares his fruit holy as first-fruit, they are not holy'. The reference is to present days when there is no Temple in existence, and when the words, 'thou shalt bring them to the house of the Lord' (Ex. XXIII, 19) do not apply, Bertinoro.]

Talmud - Mas. Megilah 2a

CHAPTER I

MISHNAH. THE MEGILLAH¹ IS READ ON THE ELEVENTH, THE TWELFTH, THE THIRTEENTH, THE FOURTEENTH, AND THE FIFTEENTH [OF ADAR], NEVER EARLIER AND NEVER LATER.² CITIES³ WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN⁴ READ ON THE FIFTEENTH; VILLAGES AND LARGE TOWNS⁵ READ ON THE FOURTEENTH. THE VILLAGES, HOWEVER, MAY [SOMETIMES] PUSH THE READING FORWARD TO THE COURT DAY.⁶ HOW DOES THIS WORK OUT? IF [THE FOURTEENTH OF ADAR] FALLS ON MONDAY,⁷ THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON TUESDAY OR ON WEDNESDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁸ THE LARGE TOWNS READ ON THE DAY ITSELF, AND THE WALLED PLACES ON THE NEXT DAY. IF [THE FOURTEENTH FALLS] ON THURSDAY, THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON FRIDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY⁹ AND THE LARGE TOWNS AND WALLED PLACES READ ON THE DAY ITSELF.¹⁰ IF IT FALLS ON SABBATH, THE VILLAGES AND LARGE TOWNS PUSH THE READING FORWARD TO THE COURT DAY.⁹ AND THE WALLED PLACES READ ON THE NEXT DAY.¹¹ IF IT FALLS ON SUNDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁹ THE LARGE TOWNS READ ON THE SAME DAY, AND THE WALLED CITIES ON THE DAY FOLLOWING.

GEMARA. THE MEGILLAH IS READ ON THE ELEVENTH. Whence is this derived? — [How can you ask,] ‘Whence is this derived’? Surely it is as we state further on,¹² ‘The Sages made a concession to the villages, allowing them to push the reading forward to the Court day, so that [they should have leisure to] supply food and water for their brethren in the large towns’? — What we mean [by our question] is this: Let us see now. All these dates were laid down by the Men of the Great Assembly.¹³ For if you should [deny this and affirm] that the Men of the Great Assembly laid down only the fourteenth and fifteenth, [is it possible that] the [later] Rabbis should have come and annulled a regulation made by the Men of the Great Assembly, seeing that we have learnt, ‘One Beth din cannot annul the ordinances of another unless it is superior to it in number¹⁴ and in wisdom’?¹⁵ Obviously, therefore, all these days must have been laid down by the Men of the Great Assembly, [and we ask therefore], where are they hinted [in the Scripture]? — R. Shaman b. Abba replied in the name of R. Johanan: Scripture says, To confirm these days of Purim in their times.¹⁶ [which indicates that] they laid down many ‘times’ for them. But this text is required for its literal meaning?¹⁷ — If that were all, Scripture could say simply ‘at the [appointed] time’. What then is implied by ‘their times’? A large number of ‘times’! But still I may say that [the expression ‘their times’] is required to indicate that the time of one is not the same as the time of the other?¹⁸ — In that case, Scripture should say [simply], ‘their time’. Why does it say ‘their times’? So that you may infer from this all of them. But cannot I say that ‘their times’ means ‘numerous times’?¹⁹ — The expression ‘their times’ is to be interpreted in the same way as we should interpret ‘their time’: just as ‘their time’ would indicate two [days], so ‘their times’ indicates two [in addition].²⁰ But why not make these the twelfth and thirteenth? — For the reason given [elsewhere] by R. Samuel b. Isaac, that the thirteenth is a time of assembly for all,²¹ and no special indication is required for it in the text; so we may say here that the thirteenth day is a time of assembly and no special indication is required for it in the text. But why not say that the sixteenth and seventeenth are meant? — It is written, and it shall not pass.²²

R. Samuel b. Nahmani, however, explained thus. Scripture says. As the days wherein the Jews had rest from their enemies.²³ [The expression] ‘the days’ [would have sufficed] and we have ‘as the

days', to include the eleventh and the twelfth. But cannot I say rather the twelfth and thirteenth? — R. Samuel b. Isaac said: The thirteenth is a time of assembly for all, and does not require special indication. But cannot I say the sixteenth and the seventeenth? — It is written, 'and it shall not pass'.

Why did R. Samuel b. Nahmani not derive the rule from the expression 'in their times'? — He does not accept the distinction [made above between] 'time', 'their time' and 'their times'. And why did R. Shaman b. Abba not derive the rule from the expression 'as the days'? — He can say to you: This is meant to make the rule apply to future generations.

Rabbah b. Bar Hanah said in the name of R. Johanan: This [rule stated in the Mishnah] is the ruling of R. Akiba the anonymous authority,²⁴ who draws the distinction between 'time', 'their time' and 'their times', but according to the Sages the Megillah is to be read only on the proper day.²⁵ The following was adduced in refutation of this: 'R. Judah said, When does this rule hold good? When the years are properly fixed²⁶ and Israel reside upon their own soil. But in these days, since people reckon from it,²⁷ the Megillah is to be read only on the proper day'. Now which authority is R. Judah here following? Shall I say, R. Akiba? This cannot be, because [according to him] the regulation²⁸ is in force in these days also. It must be then that he follows the Rabbis, and [even according to them] we read [on the other days] at any rate when the years are properly fixed and Israel reside on their own soil! Is not this a refutation of R. Johanan? — It is.

Some report as follows. Rabbah b. Bar Hanah said in the name of R. Johanan: This rule follows the ruling of R. Akiba the anonymous authority, but the Sages held that in these days, since people reckon from it, we read it only on the proper day. It has been taught to the same effect: 'R. Judah said: When does this rule hold good? When the years are properly fixed and Israel reside upon their own soil, but in these days, since people reckon from it, it is read only on the proper day.'²⁹

R. Ashi noted a contradiction between two statements of R. Judah

(1) Lit., 'scroll'. The scroll of the Book of Esther is meant (v. Introduction).

(2) Lit., 'neither less nor more'.

(3) כרכין (Sing. כרך). This word is generally applied to large centres of population with a more or less metropolitan character. In Mishnah Megillah, (cf. 19a), however, it seems to be used exclusively of walled towns, whatever their size.

(4) The Gemara infra discusses what is meant by this.

(5) כפרים ועירות גדולות. The expression 'villages and large towns' in the Mishnah here seems to be merely a periphrasis for 'other places', since, as appears from the Gemara, the distinction here is between places which were walled in the days of Joshua and places which were not. The epithet 'large' is added because the word עיר (or עירה) is also often used of a small place, hardly distinguishable from a village.

(6) Lit., 'the day of assembly', i.e. Monday or Thursday, when the Beth din sat in the towns, and the people came in from the villages. They were allowed to read the Megillah then because they were more likely to find someone who could read to them in the town than in their own village (Rashi). Another reason is also given in the Gemara infra.

(7) Lit., 'the second (day of the week)'. In the Talmud the days of the week are distinguished by the ordinal numbers.

(8) I.e., the previous Monday.

(9) I.e., the preceding Thursday.

(10) Reading on the Sabbath was prohibited, for fear the scroll might be carried from place to place. V. infra.

(11) On the Sunday.

(12) V. infra p. 116.

(13) Or 'synagogue'. A name given to Ezra and his Beth din and their successors, up to the time of Simon the Just. V. Aboth, Sonc. ed. p. 1, n. 5. According to the Talmud, the Book of Esther was composed by or under the direction of the Men of the Great Assembly.

(14) Of the members of the Beth din.

(15) Cf. M.K. 3b; Git. 36a.

(16) Esth. IX, 31. E.V. 'their appointed times'. The plural form 'times' is stressed.

- (17) Lit., 'for itself'; viz., the 14th and 15th mentioned in the text.
- (18) Viz., the time for the villages is not the same as that for the walled towns.
- (19) E.g., five or six.
- (20) To the fourteenth and fifteenth, viz., the eleventh and twelfth.
- (21) Rashi explains this to refer to the statement in the Scripture that on the thirteenth the Jews assembled and defended themselves. Asheri, however, points out that this has nothing to do with the reading of the Megillah, which was instituted to commemorate the resting, and he therefore prefers the explanation of R. Tam, that on the thirteenth the Jews assemble to observe the fast of Esther.
- (22) Ibid. 27. These words are interpreted to mean, 'the observance shall not pass beyond the fifteenth day'. E.V., and it shall not fail.
- (23) Ibid. 22.
- (24) So called because Rabbi in compiling the Mishnah usually followed R Akiba when he mentioned no authority.
- (25) Viz., the fourteenth and fifteenth of Adar.
- (26) I.e., when there is a Beth din which fixes new moons and leap years as occasion arises.
- (27) I.e. count thirty days from Purim to Passover, since the new moon of Nisan will not be promulgated by the Beth din
- (28) That the Megillah may be read on the eleventh, twelfth, or thirteenth.
- (29) And there is now no contradiction between R. Johanan and Rabbi Judah.

Talmud - Mas. Megilah 2b

, and therefore attributed the statement in the Baraitha to R. Jose son of R. Judah. [He said]: Can R. Judah really have said that in these days, since people reckon from it, it is read only on the proper day? To this may be opposed the following:¹ R. Judah said, When [do they push forward the reading]? In places where the villagers go to town² on Monday and Thursday; but in places where they do not go to town on Monday and Thursday, it is read only on the proper day. But at any rate in places where they do go to town on Monday and Thursday it is read [on the earlier dates] even in these times'? He accordingly ascribed the statement in the Baraitha³ to R. Jose son of R. Judah. And because he finds a contradiction between two statements of R. Judah, is he entitled to ascribe the one in the Baraitha to R. Jose son of R. Judah? — R. Ashi had heard some report the statement in the name of R. Judah and some report it in the name of R. Jose son of R. Judah, and to avoid making R. Judah contradict himself he said that the one who ascribed the statement to R. Judah was not [reporting] accurately, while the one who ascribed it to R. Jose son of Judah was [reporting] accurately.

CITIES WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN READ ON THE FIFTEENTH. Whence is this ruling derived? — Raba replied: Because Scripture says, Therefore do the Jews of the villages that dwell in the unwalled towns,⁴ etc. Since the villages [are to read] on the fourteenth, the walled towns [must read] on the fifteenth. But why not say that the villages [should read] on the fourteenth, and those in walled towns not at all?⁵ — But are they not also Israelites? And moreover is it not written, From India into Ethiopia?⁶ But why not say that the villages [should read] on the fourteenth and those in walled towns on both the fourteenth and fifteenth, as it is written, that they should keep the fourteenth day of the month of Adar and the fifteenth day of the same yearly?⁷ — If the text had said, 'the fourteenth day and [we] the fifteenth', you would have been right. Now, however, that it is written 'the fourteenth day and [we-eth] the fifteenth — the eth⁸ comes and makes a distinction, so that the one set is on the fourteenth and the other set on the fifteenth. But why not say that the villages are on the fourteenth, and those surrounded [by a wall] can [celebrate] if they like on the fourteenth or if they like on the fifteenth? — The text says, in their seasons,⁹ the season of one is not the same as the season of the other. But why not say that they¹⁰ should celebrate on the thirteenth? — [They must do] as Susa [did].

We have accounted for the celebration [of Purim]; how do we know that the recital¹¹ [of the Megillah must be on these days]? — The text says, that these days should be remembered and

kept;¹² ‘remembering’ is put on the same footing as ‘keeping’.

Our Mishnah does not take the same view as the following Tanna, as it has been taught: ‘R. Joshua b. Korha says: Cities which have been walled since the days of Ahasuerus read on the fifteenth’. What is the reason of R. Joshua b. Korha? — [They must be] like Susa: just as Susa has been walled since the days of Ahasuerus and reads on the fifteenth, so every city that has been walled since the days of Ahasuerus reads on the fifteenth. What then is the reason of our Tanna? — He draws an analogy between the two occurrences of the word perazi [villagers]. It is written here, Therefore the Jews of the villages [ha — perazim],¹³ and it is written in another place, beside the unwalled [ha — perazi] towns, a great many;¹⁴ just as there the reference is to towns which were [not] walled in the days of Joshua son of Nun, so here the reference is to towns which were [not] walled in the days of Joshua son of Nun.¹⁵

I can understand why R. Joshua b. Korha did not adopt the view of our Tanna; he does not accept the analogy of perazi and perazi.¹⁶ But why does not our Tanna accept the view of R. Joshua b. Korha? — [You ask] why does he not? Why, because he draws the analogy of perazi with perazi, of course! What the questioner meant was this: [On the view of our Tanna], whom did Susa follow?¹⁷ It followed neither the villages nor the walled towns!¹⁸ — Raba, or, as some say, Kadi,¹⁹ replied: Susa was an exception, because a miracle was performed in it.²⁰

We can understand according to the view of our Tanna why the text should say, city and city, town and town;²¹ ‘city and city’²² to make a distinction between those which were walled in the days of Joshua son of Nun and those which were walled in the days of Ahasuerus; ‘town and town’ likewise to distinguish between Susa and other towns.²³ But according to R. Joshua b. Korha, it is true we can account for ‘city and city’, as being intended to distinguish between Susa and other cities,²⁴ but what is the purpose of ‘town and town’? — R. Joshua b. Korha can answer: And can our Tanna explain the words satisfactorily? Since he draws the analogy between perazi and perazi,²⁵ why do we require the words ‘city and city’? The truth is that the text is inserted for a homiletical purpose, and to teach the rule laid down by R. Joshua b. Levi. For R. Joshua b. Levi said: ‘A city²⁶ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’.²⁷ Up to what distance? — R. Jeremiah, or you may also say R. Hiyya b. Abba, said: As far as from Hamthan²⁸ to Tiberias, which is a mil. Why not say [simply] a mil? — We learn from this what is the extent of a mil, namely, as far as from Hamthan to Tiberias.

R. Jeremiah — or you may also say R. Hiyya b. Abba — also said: The [alternative forms of the] letters M'N'Z'P'K²⁹ were prescribed³⁰ by the Watchmen.³¹ Do you really think so? Is it not written, These are the commandments,³² which implies that no prophet is at liberty to introduce anything new³³ henceforward? And further, R. Hisda has said: The Men and the Samek in the tablets

(1) *Infra* n. 4.

(2) Lit., ‘assemble’.

(3) The former of the statements quoted.

(4) *Esth.* IX, 19.

(5) Since no mention is made of walled towns in the context.

(6) These words occur in *Esth.* I, 1, and are used here loosely instead of the words in *Esth.* IX, 30. and he (Mordecai) sent letters to . . . the hundred and twenty — seven provinces of the kingdom of Ahasuerus.

(7) *Ibid.* 21.

(8) *Eth* is a sign of the accusative, and as its use is optional, it is usually interpreted as indicating something not specified in the text. The interpretation placed upon it here is rather unusual.

(9) *Ibid.* 31.

(10) Those in the walled towns.

(11) Lit., ‘remembrance’.

- (12) Ibid. 28.
- (13) Ibid. 19.
- (14) Deut. III, 5, referring to the territory of Sihon conquered by the Israelites in the time of Moses.
- (15) The word 'not' is not in the text of the original here, but is necessary for the sense. Rashi greatly simplifies the text by reading: 'Just as there (the villages were such) from the days of Joshua, so here, (the villages must have been such) from the days of Joshua'.
- (16) I.e., he had not learnt this particular gezerah shawah from his teacher, and therefore could not reply upon it.
- (17) Since there is no evidence that it was walled in the days of Joshua.
- (18) These last words make no satisfactory sense, and seem to be interpolated. [They do not occur in MS.M.]
- (19) Aliter: 'an unknown authority', v. B.M., Sonc. ed. p. 3, n. 1.]
- (20) Since they were allowed to continue slaying their enemies on the fourteenth and did not rest till the fifteenth, they were allowed to celebrate that day (Rashi).
- (21) Esth. IX, 28. The word *medinah* which the Talmud here takes as equivalent to כרך is translated in E.V. by 'province'.
- (22) As much as to say, 'Some cities one way and some another'.
- (23) Susa also having been an unwalled town till the time of Ahasuerus.
- (24) Rashi here reads, 'to distinguish between those which were walled from the days of Ahasuerus and those which were not yet walled in the days of Ahasuerus', and this seems to be required by the sense.
- (25) That the wall must have been in existence since the days of Joshua.
- (26) כרך v. supra p. 1, n. 3.
- (27) For purposes of reading the Megillah on the fifteenth.
- (28) [The Hammath mentioned in Josh. XIX, 35.]
- (29) The five letters of the Hebrew alphabet, mem, nun, zadi, pe, and kaf, which have two forms — a middle and final form, the latter being more closed than the former. In the case of mem the final is completely closed מ, with the other the final form is distinguished by the shaft being drawn straight down as distinct from the middle form where it is bent round towards the left פת(פ)ת(כ)ן
- (30) Lit., said'.
- (31) A name applied to the prophets who flourished towards the end of the period of the first Temple. There is a play on the words *zophim* (watchmen) and *Manzepak*. [Perhaps to be read *Min Zofeka* 'from thy watcher' v. G.K. (1910) p. 27, n. 1.]
- (32) Lev. XXVII, 34.
- (33) I.e., to make any alteration in the written Torah, whether in the wording or the writing.

Talmud - Mas. Megilah 3a

remained in place by a miracle.¹ — That is so; they were in use, but people did not know which form came in the middle of a word and which one at the end, and the Watchmen came and ordained that the open forms should be in the middle of a word and the closed forms at the end. But when all is said and done, [we have the text] 'these are the commandments', which implies that no prophet was destined ever to introduce an innovation hereafter?² — What we must say therefore is that they were forgotten³ and the Watchmen established them again.

R. Jeremiah — or some say R. Hiyya b. Abba — also said: The Targum⁴ of the Pentateuch was composed by Onkelos the proselyte under the guidance⁵ of R. Eleazar and R. Joshua.⁶ The Targum of the Prophets was composed by Jonathan ben Uzziel under the guidance of Haggai, Zechariah and Malachi,⁷ and the land of Israel [thereupon] quaked over an area of four hundred parasangs by four hundred parasangs, and a Bath Kol⁸ came forth and exclaimed, Who is this that has revealed My secrets to mankind?⁹ Jonathan b. Uzziel thereupon arose and said, It is I who have revealed Thy secrets to mankind. It is fully known to Thee that I have not done this for my own honour or for the honour of my father's house, but for Thy honour I have done it, that dissension may not increase in Israel.¹⁰ He further sought to reveal [by] a targum [the inner meaning] of the Hagiographa, but a Bath Kol went forth and said, Enough! What was the reason? — Because the date¹¹ of the Messiah is

foretold in it.¹²

But did Onkelos the proselyte compose the targum to the Pentateuch? Has not R. Ika said in the name of R. Hananel who had it from Rab: What is meant by the text, And they read in the book, in the law of God, with an interpretation. and they gave the sense, and caused them to understand the reading?¹³ ‘And they read in the book, in the law of God’: this indicates the [Hebrew] text; ‘with an interpretation’: this indicates the targum,¹⁴ ‘and they gave the sense’: this indicates the verse stops; ‘and caused them to understand the reading’: this indicates the accentuation,¹⁵ or, according to another version, the massoretic notes?¹⁶ — These had been forgotten, and were now established again.

How was it that the land did not quake because of the [translation of the] Pentateuch, while it did quake because of that of the prophets? — The meaning of the Pentateuch is expressed clearly, but the meaning of the prophets is in some things expressed clearly and in others enigmatically. [For instance,] it is written, In that day shall there be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon,¹⁷ and R. Joseph [commenting on this] said: Were it not for the targum of this verse, we should not know what it means.¹⁸ [It runs as follows]: ‘On that day shall there be great mourning in Jerusalem like the mourning of Ahab son of Omri who was killed by Hadadrimmon son of Rimmon in Ramoth Gilead¹⁹ and like the mourning of Josiah son of Ammon who was killed by Pharaoh the Lame in the plain of Megiddo’.²⁰

And I, Daniel, alone saw the vision; for the men that were with me saw not the vision; but a great quaking fell upon them, and they fled to hide themselves.²¹ Who were these ‘men’ — R. Jeremiah — or some say, R. Hiyya b. Abba — said: These were Haggai, Zechariah, and Malachi. They were superior to him [in one way], and he was superior to them [in another]. They were superior to him, because they were prophets and he was not a prophet.²² He was superior to them, because he saw [on this occasion] and they did not see. But if they did not see, why were they frightened? — Although they themselves did not see, their star saw.²³ Rabina said: We learn from this that if a man is seized with fright though he sees nothing, [the reason is that] his star sees. What is his remedy? He should recite the shema’.²⁴ If he is in a place which is foul,²⁵ he should move away from it four cubits. If he cannot do this, he should say this formula: ‘The goat at the butcher's is fatter than I am’.²⁶

Now that you have decided that the words ‘city and city’ have a homiletical purpose, what is the purpose of the words ‘family and family’ [in the same verse]? — R. Jose b. Hanina replied: This contains a reference to the families of the Priests and Levites, [and indicates] that they should desist from their [Temple] service in order to come and hear the reading of the Megillah. For so said Rab Judah in the name of Rab: The Priests at their [Temple] service, the Levites on their platform,²⁷ the lay Israelites at their station²⁸ — all desist from their service in order to hear the reading of the Megillah. It has been taught to the same effect: Priests at their [Temple] service, Levites on their platform, lay Israelites at their station — all desist from their service in order to come and hear the reading of the Megillah. It was in reliance on this dictum that the members of the house of Rabbi²⁹ were wont to desist from the study of the Torah in order to come and hear the reading of the Megillah. They argued a fortiori from the case of the [Temple] service. If the service, which is so important, may be abandoned, how much more the study of the Torah?

But is the [Temple] service more important than the study of the Torah? Surely it is written, And it came to pass when Joshua was by Jericho, that he lifted up his eyes and looked, and behold there stood a man over against him, . . . (and he fell on his face.³⁰ Now how could he do such a thing, seeing that R. Joshua b. Levi has said that it is forbidden to a man to greet another by night, for fear that he is a demon? — It was different there, because he said to him, ‘I am captain of the host of the Lord’. But perhaps he was lying? — We take it for granted³¹ that they do not utter the name of heaven vainly).³² He said to him: This evening you neglected the regular afternoon sacrifice, and

now you have neglected the study of the Torah.³³ Joshua replied: In regard to which of them have you come? He answered, 'I have come now'.³⁴ Straightway, Joshua tarried that night in the midst of the valley [ha-emek],³⁵ and R. Johanan said:

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- (1) According to tradition, the letters on the tablets of Moses were cut completely through the stone, and therefore a letter which was wholly closed could keep in place only by a miracle. Hence the mem to which R. Hisda refers must have been wholly enclosed; which shows that such a mem must have been used already by Moses. This objection against R. Jeremiah is valid only if we suppose him to have been speaking of the closed forms of the letters, which is not necessarily the case. Cf. Shab. 104.
 - (2) And the determining which letters should go in which place (in the Sefer Torah) was an innovation.
 - (3) Viz., the correct place of each.
 - (4) Apparently what is meant is the official Aramaic version of the Pentateuch used in the synagogue.
 - (5) Lit., 'from the mouth of'.
 - (6) We know on good authority that a Greek translation of the Bible was composed under the guidance of R. Eleazar and R. Joshua by a proselyte named Aquilas. The Aramaic Targum probably took shape about the same time, but there is no authority except this passage for connecting it with anyone of the name of Onkelos. We may surmise therefore that we have here some confusion between the two translations. For the discussion and literature on the subject v. J.E. s.v. Targum, and Silverstone, E.A. Aquila and Onkelos.
 - (7) Jonathan b. Uzziel was a disciple of Hillel, so he can hardly have had any direct contact with the prophets mentioned. He may, however, have had traditions handed down from them (Maharsha).
 - (8) V. Glos.
 - (9) The Targum of Jonathan b. Uzziel is very paraphrastic, and applies many of the prophetic verses to the Messianic age.
 - (10) Through different interpretations being placed on the prophetic allusions.
 - (11) Lit., 'end'.
 - (12) The reference is probably to the Book of Daniel.
 - (13) Neh. VIII, 8.
 - (14) Which shows that the targum dates back to the time of Ezra.
 - (15) פִּיִּסוּק טַעְמִים. V. Ned., Sonc. ed. p. 113, n. 5.
 - (16) For notes v. Ned., Sonc. ed. p. 116.
 - (17) Zech. XII, 11.
 - (18) Because there is no mourning for Hadadrimmon mentioned in the Scripture.
 - (19) V. I Kings XXII.
 - (20) v. II Kings XXIII. It is difficult to see what 'mystery' is here revealed that should have caused the land to quake.
 - (21) Dan. X, 7.
 - (22) Although he had visions, he did not admonish or exhort the people.
 - (23) Or 'guardian angel' or 'spirit'. The Hebrew mazzal here seems to mean something corresponding to the Roman genius.
 - (24) V. Glos.
 - (25) And where the shema' may not be recited.
 - (26) Go to them for a victim.
 - (27) On which they stood to chant the daily psalm.
 - (28) A number of lay Israelites were always appointed to be present at the offering of the daily sacrifices, which they accompanied with certain prayers. V. Ta'an. 26a; and Glos. s.v. ma'amad.
 - (29) R. Judah I, the Prince.
 - (30) Josh. V, 13f.
 - (31) Lit., 'we have learnt by tradition'.
 - (32) The passage in brackets (from 'and he fell') is parenthetical, and has nothing to do with the argument.
 - (33) It is not clear what indication there is of this in the text. V. Tosaf., s.v. שָׁמַע.
 - (34) I.e., on account of the study of the Torah which you are neglecting now.
 - (35) This seems to be an alternative reading of Joshua VIII, 13. which in our text reads, And Joshua went that night in the midst of the valley. Cf. Tosaf., s.v.

Talmud - Mas. Megilah 3b

This shows that he tarried in the depths [‘umkah] of the halachah.¹ And R. Samuel b. Unia also said: The study of the Torah is greater than the offering of the daily sacrifices, as it says. ‘I have come now’ — There is no contradiction; in the one case² [the study] of an individual is meant, in the other³ that of the whole people.⁴ But is that of an individual unimportant? Have we not learnt: Women [when mourning] on a festival make a dirge⁵ but do not beat the breast. R. Ishmael says: If they are near the bier,⁶ they can beat the breast. On New Moon, Hanukkah and Purim they may make a dirge and beat the breast, but on neither the one nor the other do they wail;⁷ and in reference to this, Rabbah b. Huna said: The festival involves no restrictions in the case of a scholar, still less Hanukkah and Purim? — You are speaking of the honour to be paid to the Torah. The honour to be paid to the learning of an individual is important, the study of an individual is [comparatively] unimportant.

Raba said: There is no question in my mind that, as between the Temple service and the reading of the Megillah, the reading of the Megillah takes priority, for the reason given by R. Jose b. Hanina.⁸ As between the study of the Torah and the reading of the Megillah, the reading of the Megillah takes priority, since the members of the house of Rabbi based themselves [on the dictum of R. Jose].⁸ As between the study of the Torah and attending to a meth mizwah,⁹ attending to a meth mizwah takes precedence, since it has been taught: The study of the Torah may be neglected in order to perform the last rites or to bring a bride to the canopy. As between the Temple service and attending to a meth mizwah, attending to a meth mizwah takes precedence, as we learn from the text or for his sister,¹⁰ as it has been taught: ‘Or for his sister. What is the point of these words? Suppose he was on his way to kill his Paschal lamb or to circumcise his son, and he heard that a near relative had died,¹¹ shall I assume that he should defile himself? You must say, he should not defile himself. Shall I assume then that, just as he does not defile himself for his sister, so he should not defile himself for a meth mizwah?’¹² It says significantly, ‘or for his sister,’ it is for his sister that he may not defile himself, but he may defile himself for a meth mizwah.¹³ Raba propounded the question: As between the reading of the Megillah and [attending to] a meth mizwah, which takes precedence? Shall I say that the reading of the Megillah takes precedence in order to proclaim the miracle, or does perhaps [the burying of] the meth mizwah take precedence because of the respect due to human beings? — After propounding the question, he himself answered it saying, [Burying] the meth mizwah takes precedence, since a Master has said: Great is the [obligation to pay due] respect to human beings, since it overrides a negative precept of the Torah.¹⁴

The text [above states]: ‘R. Joshua b. Levi said: A city¹⁵ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’. A Tanna commented: Adjoining, even if it is not visible, and visible even if it is not adjoining. Now we understand what is meant by ‘visible even though not adjoining’: this can occur for instance with a city situated on the top of a hill. But how can there be ‘adjoining but not visible’? — R. Jeremiah replied: If it is situated in a valley.

R. Joshua b. Levi further said: A city which was first settled and then walled is reckoned as a village.¹⁶ What is the reason? Because it is written, And if a man sell a dwelling house of a walled city,¹⁷ one, [that is,] which was first walled and then settled, but not first settled and then walled.

R. Joshua b. Levi also said: A city in which there are not ten men of leisure¹⁸ is reckoned as a village. What does he tell us? We have already learnt this: ‘What is a large town? One in which there are ten men of leisure. If there are less than this, it is reckoned as a village’. — He had to point out that the rule applies to a city,¹⁹ even though [leisured] people come there from outside.²⁰ R. Joshua b. Levi also said: A city which has been laid waste and afterwards settled is reckoned as a city. What is meant by ‘laid waste’? Shall I say, that its walls have been destroyed, in which case if it became

settled²¹ it is reckoned as a city but otherwise not? [How can this be], seeing that it has been taught: R. Eleazar son of R. Jose says: [The text says], which has a wall;²² [which implies that it is to be reckoned as a city] even though it has not a wall now, provided it had one previously?²³ What then is meant by 'laid waste'? Laid waste of its ten men of leisure.

R. Joshua b. Levi further said:

- (1) This shows that the study of the Torah is superior to the Temple service.
- (2) That of the household of Rabbi.
- (3) That of Joshua.
- (4) Lit., 'many'.
- (5) Heb. **מענות**, all raising their voices in unison.
- (6) Lit., 'bed'.
- (7) Heb. **מקוננות** one chanting and the others responding.
- (8) V. supra P. 11
- (9) Heb. **מת מצוה** strictly speaking, a body which there is no-one else to bury and the burial of which is a religious duty. V. Glos. Meth Mizwah.
- (10) Num. VI, 7, in reference to the Nazirite.
- (11) Lit., 'that a dead one had died for him'.
- (12) Nazir 48b.
- (13) Although Scripture says 'If thou seest the ox of thy neighbour falling by the way, thou shalt not hide thyself' (Deut. XXII, 4), the Rabbis said that a man of eminence for whom it would be undignified to help may hide himself.
- (14) V. p. 13, n. 7.
- (15) **כרך**. V. supra p. 1, n. 3.
- (16) It is not clear whether this means for purposes of reading the Megillah on the fourteenth or the fifteenth, or for purposes of restoring a house to its original owner at the Jubilee. Rashi takes the latter view, Tosaf. the former. V. Tosaf. s.v. **כרך**.
- (17) V. Rashi. E.V. 'in a walled city'. Lev. XXV, 29.
- (18) Who always have time to attend synagogue. V. infra 5a.
- (19) [A **כרך** which is distinguished from a **עיר גדולה** in that it is a marketing centre to which are drawn people from all parts.]
- (20) Lit., 'from the world'. These are only a floating population, and we require ten men who are always available.
- (21) I.e., its walls were raised anew.
- (22) Lev. XXV, 30.
- (23) The lesson is derived from the curious spelling of the word in the Hebrew text, which may imply either that it has or has not a wall.

Talmud - Mas. Megilah 4a

Lod and Ono and Ge Haharashim¹ were walled in the days of Joshua son of Nun. But did Joshua build these? Was it not Elpaal who built them, as it is written, And the sons of Elpaal Eber and Misham and Shemed, who built Ono and Lod, with the towns there of?² — But on your showing³ Asa built them, as it is written, And he built fenced cities in Judah?⁴ — R. Eleazar replied: These places were walled in the days of Joshua son of Nun. They were laid waste in the days of the concubine of Gibeon,⁵ and Elpaal came and rebuilt them. They again fell, and Asa came and repaired them. There is an indication of this in the text also, as it is written, For he said unto Judah, Let us build these cities.⁶ From this we can infer that they had already been towns beforehand; and this may be taken as proved.⁷

R. Joshua b. Levi also said: Women are under obligation to read the Megillah, since they also profited by the miracle then wrought.⁸ R. Joshua b. Levi further said: If Purim falls on a Sabbath, discussions and discourses are held on the subject of the day. Why mention Purim? The same rule

applies to festivals also,⁹ as it has been taught: Moses laid down a rule for the Israelites that they should discuss and discourse on the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles! — It was necessary to state the rule [separately] in the case of Purim. For you might suggest that we should forbid this for fear of breaking the rule of Rabbah.¹⁰ We are therefore told that this is not so.

R. Joshua b. Levi further said: It is the duty of a man to read the Megillah in the evening and to repeat it in the day, as it is written, O my God, I cry in the daytime, but thou answerest not, and in the night season and am not silent.¹¹ The students took this to mean that the [Megillah] should be read at night, and the Mishnah relating to it should be learnt in the morning.¹² R. Jeremiah, however, said to them: It has been explained to me by R. Hiyya b. Abba [that the word ‘repeat’ here has the same meaning] as when, for instance, men say, I will go through this section and repeat it. It has also been stated: R. Helbo said in the name of ‘Ulla of Biri:¹³ It is a man's duty to recite the Megillah at night and to repeat it the next day, as it says, To the end that my glory may sing praise to thee [by day], and not be silent [by night]. O Lord, my God, I will give thanks to thee for ever.¹⁴

THE VILLAGES, HOWEVER, MAY PUSH THE READING FORWARD TO THE COURT DAY. R. Hanina said: The Sages made a concession to the villages by allowing them to push the reading forward to the Court day, in order that they might furnish food and water to their brethren in the cities.

(1) Three towns in the territory of Benjamin.

(2) I Chron. VIII, 12.

(3) I.e., if you appeal to the Book of Chronicles.

(4) II Chron. XIV, 6. ‘Judah’ is here apparently taken by the Talmud to include Benjamin, which was ruled by the kings of Judah.

(5) When the territory of Benjamin was laid waste. Jud. XX.

(6) II Chron. XIV, 6.

(7) [The text of this paragraph is in disorder. According to a Gaonic responsum (v. B.M.) Lewin **אוצר הגאונים** a.l. the passages, ‘But on your showing. . . in Judah’ and ‘There is an indication . . . taken as proved’ are later interpolations. For other readings v. Aruch s.v. **שפי**.]

(8) Lit., ‘for also these were (included) in that miracle’. Since Haman plotted to destroy the women also. Esth. III, 13.

(9) Although they are discussed for thirty days beforehand, so that the rule should apply all the more to Purim. V. Tosaf. s.v. **מאי**.

(10) Not to read the Megillah on Sabbath, since this might lead to its being carried from place to place, v. infra p. 19.

(11) Ps XXII, 3. This Psalm is supposed by the Talmud to refer to Esther. V. Yoma 29a.

(12) They took the word **לשנותה** (‘to repeat it’) used by R. Joshua b. Levi in the sense of ‘learning the Mishnah’.

(13) [Either Bira, S.E. or Kefar Birim, N.W. of Gush Halab, v. Klein N.B. p. 39.]

(14) Ps. XXX, 13. This Psalm was also applied by the Rabbis to Mordecai and Esther.

Talmud - Mas. Megilah 4b

This would show [would it not] that the regulation is for the benefit of the cities; but we have learnt: ‘If Purim falls on Monday, the villages and large towns read on that day’. Now if it is as you say, they should push the reading forward to the [previous] Court day? — This would bring it to the tenth, and the Sages did not fix the tenth [as a possible day].

Come and hear: ‘If it falls on Thursday, the villages and large towns read on that same day’. Now if it is as you say, they should push the reading forward to the [previous] Court day which is the eleventh? — We do not shift it from one Court day to another. Come and hear [again]: ‘R. Judah says: When [is the reading pushed forward]? In places where the villagers come into town on Mondays and Thursdays, but in places where they do not come into town on Mondays and

Thursdays it is read only on the proper day'. Now if you assume that the regulation is for the benefit of the cities, because they do not come into town on Mondays and Thursdays; are the cities to be deprived of the benefit? — Do not read [in the dictum of R. Hanina] 'in order that they may furnish food and water', but read, 'because they furnish food and water to their brethren in the cities'.¹

HOW [DOES THIS WORK OUT]? IF IT FALLS ON MONDAY, VILLAGES AND LARGER TOWNS READ ON THAT SAME DAY etc. How is it that in the first clause of the Mishnah² the dates of the month are mentioned and in the second³ the days of the week?⁴ — Since (in the second clause) the dates of the month would have to go backwards,⁵ the Mishnah prefers to mention the days.⁶ IF IT FALLS ON FRIDAY etc. Which authority does our Mishnah follow? — [You may say], either Rabbi or R. Jose. How Rabbi? — As it has been taught: 'If it falls on Friday, villages and large towns push the reading forward to the Court day, and walled cities react on the day itself. Rabbi said: I maintain that towns should not have to shift their date,⁷ but both one and the other read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year:⁸ just as every year towns read before cities, so in this case towns should read before cities. But why not argue thus: 'Every year': just as every year towns have not to shift their date, so here towns should not have to shift their date? — There is a special reason [for not reasoning thus here] since this is impracticable.⁹ What is Rabbi's reason? — [It is written], 'every year': just as in most years the towns have not to shift their date, so here they should not have to shift their date. But why not reason thus: 'every year': just as in most years towns read before walled cities, so here towns should read before walled cities? — There is a special reason [for not arguing thus here], because this is impracticable.¹⁰

How R. Jose? — As it has been taught: 'If it falls on Friday, walled cities and villages push the reading forward to the Court day, and large towns read on the day itself. R. Jose said: Walled cities do not read before towns, but both read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year': just as in most years towns react on the fourteenth and their time is not the same as the time of the walled cities, so here towns should read on the fourteenth and their time should not be the same as the time of the walled cities. But why not reason thus: 'Every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns? — Here the case is different, because it cannot be avoided. What is R. Jose's reason? — [It says], 'every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns. But why not reason thus: 'Every year': just as in most years the time of one is not the same as the time of the other, so here the time of one should not be the same as the time of the other? — Here the case is different, because it cannot be avoided.

But did Rabbi really hold that towns should not shift their time to the Court day? Has it not been taught: 'If it falls on Sabbath, villages push the reading forward to the Court day, and large towns read on Friday and walled cities on Sunday. Rabbi said: My view is that, since the towns have to shift their time, they may as well shift it to the Court day'?¹¹ — Are the two cases parallel? In this last case, the proper time is Sabbath, and since they must shift they can shift [further]; but in our case the proper time is Friday.

Whose authority is followed in this dictum enunciated by R. Helbo in the name of R. Huna: 'If Purim falls on Sabbath, all shift the reading to the Court day'? 'All shift their reading', do you say? [How can this be] seeing that we have the walled cities which read on the Sunday? — What we should say is, 'All who are shifted are shifted to the Court day'. Which authority, [you ask]? — Rabbi.

But at any rate all agree that the Megillah is not to be read on Sabbath. What is the reason? — Rabbah replied: All are under obligation to read the Megillah, but not all are competent to read it, and there is therefore a danger that one may take the scroll in his hand and go to an expert to be

instructed and [in doing so] convey it four cubits in a public domain. This is also the reason for [not blowing] the shofar on Sabbath and [for not carrying] the lulab.¹² R. Joseph said: It is because the poor are anxiously awaiting the reading of the Megillah.¹³ It has been taught to the same effect: 'Although it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day'. 'Although it has been laid down'! On the contrary, it is because it has been laid down!¹⁴ — Read therefore: Since it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day, because the poor are waiting anxiously for the reading of the Megillah, but

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- (1) The concession was therefore made to them as a reward, but if they do not come into town there would be no concession in allowing them to read earlier.
 - (2) THE MEGILLAH IS READ ON THE ELEVENTH, THE TWELFTH etc.
 - (3) IF IT FALL, ON MONDAY etc.
 - (4) Lit., 'in the first clause he (the Tanna) takes the order of the months and in the second the order of the days'.
 - (5) If he specified the dates of the month instead of the days of the week, he would have to begin with the reading on the fourteenth, and then take the thirteenth and so on.
 - (6) Because as these go in regular order, it is easier to remember, and there is less danger of the Tanna making a mistake.
 - (7) Lit., 'towns should not be shifted from their place'.
 - (8) Esth. IX, 27.
 - (9) It is impracticable for towns to retain this date and also to read before the walled cities.
 - (10) It is impracticable for the towns to read before the walled cities and yet not shift their date.
 - (11) Lit., 'since they are shifted, let them be shifted to etc.'
 - (12) V. Glos.
 - (13) Because they expect to receive gifts immediately afterwards, and on Sabbath these could not be given.
 - (14) As otherwise they would receive them on the actual day of Purim.

Talmud - Mas. Megillah 5a

rejoicing¹ is kept only at the proper season.

Rab said: On the actual day of Purim the Megillah can be read even by an individual, but on the alternative days² it should be read only in a company of ten. R. Assi, however, said: Whether on the actual day or on the alternative days, it should be read only in a company of ten. In a case which actually occurred, Rab gave weight to the opinion of R. Assi.³ But could Rab actually have said this?⁴ — Did not Rab Judah the son of R. Samuel b. Shilath say in the name of Rab: 'If Purim falls on Sabbath, Friday is the proper time'? — Friday the proper time! Surely Sabbath is the proper time! What Rab must have meant therefore is this: The alternative time is like the proper time.⁵ Just as at the proper time [the Megillah may be read] by an individual, so at the alternative time [it may be read] by an individual. — No. For the reading of the Megillah⁶ Rab requires ten. What then did he mean by saying 'Friday is the proper time'? His intention was to reject the opinion of Rabbi, who said that since the towns had to shift their time they might as well shift to the Court day. Here, therefore, Rab informs us that Friday is the proper day [to which they should shift].

MISHNAH. WHAT IS RECKONED A LARGE TOWN? ONE WHICH HAS IN IT TEN MEN OF LEISURE.⁷ ONE THAT HAS FEWER IS RECKONED A VILLAGE. IN RESPECT OF THESE⁸ IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS,⁹ OF KEEPING THE [FAST OF] THE NINTH OF AB,¹⁰ OF OFFERING THE FESTIVAL SACRIFICE,¹¹ AND OF ASSEMBLING THE PEOPLE¹² IS TO BE POSTPONED¹³ [TILL AFTER SABBATH] BUT NOT PUSHED FORWARD. ALTHOUGH IT WAS LAID DOWN THAT THE TIMES [OF READING THE MEGILLAH] ARE TO BE PUSHED FORWARD BUT NOT POSTPONED, IT IS PERMISSIBLE ON THESE [ALTERNATIVE] DAYS¹⁴ TO MOURN,

TO FAST, AND TO DISTRIBUTE GIFTS TO THE POOR. R. JUDAH SAID: WHEN IS THIS?¹⁵ IN PLACES WHERE PEOPLE COME TO TOWN ON MONDAYS AND THURSDAYS. IN PLACES, HOWEVER, WHERE THEY DO NOT COME TO TOWN EITHER ON MONDAYS OR THURSDAYS, THE MEGILLAH IS READ ONLY ON ITS PROPER DAY.

GEMARA. [TEN MEN OF LEISURE]: A Tanna taught: The ten unoccupied men who attend synagogue.¹⁶

IN RESPECT OF THESE IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. What is the reason? — R. Abba said in the name of Samuel: The text says, and he shall not go further.¹⁷ R. Abba further said in the name of Samuel: Whence do we know that years are not to be counted by days?¹⁸ Because it says, [It is the first to you] of the months of the year,¹⁹ [which implies] that you reckon a year by months but not by days. The Rabbis of Caesarea said in the name of R. Abba: How do we know that a month is not reckoned by its hours?²⁰ Because it says, until a month of days:²¹ you reckon a month by days, but you do not reckon a month by hours.²²

THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS, OF KEEPING [THE FAST OF] THE NINTH OF AB, OF OFFERING THE FESTIVAL SACRIFICE AND OF ASSEMBLING THE PEOPLE IS POSTPONED BUT NOT PUSHED FORWARD. [The reason for the Fast of] the ninth of Ab is that we do not hasten the approach of trouble. [The reason for] the festival sacrifice and the assembling of the people is that the time for their performance has not yet arrived.²³

A Tanna taught: ‘The festival sacrifice and all the period of the festival sacrifice is to be postponed’. We understand what is meant by the festival sacrifice, namely, that if its day happens to be Sabbath we postpone it till after the Sabbath. But what is meant by the ‘period of the festival sacrifice’? — R. Oshaia replied: What is meant is this: The festival sacrifice [is postponed if its time] occurs on Sabbath, and the ‘burnt-offering of appearance’²⁴ is postponed even till after the festival day which is the proper time for a festival sacrifice.²⁵ Which authority does this follow? Beth Shammai, as we have learnt: ‘Beth Shammai say, Peace-offerings may be brought on the festival, but without laying on of hands; not, however, burnt-offerings; while Beth Hillel say, Both burnt-offerings and peace-offerings may be brought, and hands may be laid on’.²⁶ Raba said: [The meaning is]: The festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁷ but not more, as we have learnt: ‘If one did not bring a festival sacrifice on the first day of the festival, he may go on to do so throughout the festival, including the last day. If the festival terminated without his having brought the festival sacrifice, he need not bring another in compensation’.²⁸ R. Ashi said: [It means that] the festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁹ and even on Pentecost which is only one day it may be postponed [for seven days], as we have learnt: [Beth Hillel] agree that if Pentecost falls on Sabbath, the day for killing [the sacrifice] is after the Sabbath’.³⁰

R. Eleazar said in the name of R. Hanina: Rabbi planted a shoot on Purim,

(1) I.e., feasting.

(2) Lit., ‘not in its proper time’.

(3) And put himself out to assemble ten persons.

(4) That on the alternative days it can only be read before ten.

(5) ‘Friday is the proper time’ means, ‘Friday is regarded as the proper time’.

(6) On the alternative days.

(7) Heb. batlanim (idle men), v. supra, p. 14, n. 5.

(8) The times when the Megillah is to be read.

- (9) It was usual for certain families to undertake to bring to Jerusalem on a certain day of the year a certain quantity of wood for the fire on the altar. V. Ta'an. 28a.
- (10) In commemoration of the destruction of the first and second Temples, v. Glos.
- (11) The hagigah, an optional peace-offering brought by individuals in honour of the festival, usually on the first day of the festival.
- (12) On the Feast of Tabernacles in the first year of the Septennate, to hear the Law read. V. Deut. XXXI, 10-13.
- (13) If it happens to fall on Sabbath.
- (14) On which the Megillah is actually read.
- (15) That a concession is made to villagers to read on the alternate days.
- (16) Lit. , 'Who are in the synagogue'. I.e., who are always available to attend synagogue if required. Cf. supra. [According to Rashi: These were men specially maintained for the purpose from the communal fund. Aliter: men of ample means who freely devoted their time to the service of the community. V. Aruch s.v. **בטל**]
- (17) Esth. IX, 27. V. supra 2a.
- (18) Lit., that we do not count days (to make up) years. I.e., 'a year' without further specification does not mean three hundred and sixty-five days but twelve (lunar) months.
- (19) Ex. XII, 2.
- (20) I.e. , if the month is defective, we reckon it as twenty-nine days, and 'a month' without further specification means (if it is defective) twenty-nine days and not twenty-nine and a half, which is the real interval between one new moon and the next.
- (21) Num. XI, 20. E.V. 'a full month'.
- (22) V. Nazir, Sonc. ed. p. 20 notes.
- (23) And so with the wood for the priests, since none of these things can be done on Sabbath. The same, however, cannot be said of the Megillah, the purpose of which is to serve as a reminder.
- (24) **עולת ראיה** A burnt-offering which was brought to fulfil the injunction of 'they shall not appear before the Lord empty, (Deut. XVI, 16). This was regarded as obligatory.
- (25) I.e., even if the first day is not a Sabbath, and a
- (26) V. Bez. 19a.
- (27) I.e., the whole seven days of Passover or Tabernacles.
- (28) Lit., 'he is not responsible for it'.
- (29) [So MS.M.; cur. ed. 'The festival sacrifice and all the period of the festival sacrifice'.]
- (30) Beth Hillel differed from Beth Shammai in the case where Pentecost fell on Friday, but in this case they also agreed that both the festival sacrifice (hagigah) and the 'burnt-offering of appearance' could be killed after the festival, since they could not be offered on Sabbath. V. Hag. 17a.

Talmud - Mas. Megilah 5b

and bathed in the [bathhouse of the] marketplace¹ of Sepphoris on the seventeenth of Tammuz² and sought to abolish the fast of the ninth of Ab, but his colleagues would not consent. R. Abba b. Zabda ventured to remark:³ Rabbi, this was not the case. What happened was that the fast of Ab [on that year] fell on Sabbath, and they postponed it till after Sabbath, and he said to them, Since it has been postponed, let it be postponed altogether, but the Sages would not agree. He

festival peace-sacrifice (hagigah) may be brought, this offering is not brought till the intermediate days. [R. ELeazar] thereupon applied to himself the verse, Better are two than one.⁴

But how could Rabbi have planted a shoot on Purim seeing that R. Joseph has learnt: [We read in connection with Purim] gladness and feasting and a good day;⁵ 'gladness': this teaches that it is forbidden on these days to mourn; 'feasting': this teaches that it is forbidden on them to fast; 'a good day': this teaches that it is forbidden on them to do work? — The fact is that Rabbi belonged to a place which kept Purim on the fourteenth, and when he planted, it was on the fifteenth. Is this so?⁶ Was not Rabbi in Tiberias, and Tiberias was walled in the days of Joshua son of Nun? — The fact is that Rabbi was in a place which kept on the fifteenth, and when he planted it was the fourteenth. But

was he certain that Tiberias was walled in the days of Joshua son of Nun, seeing that Hezekiah read the Megillah in Tiberias both on the fourteenth and on the fifteenth, being uncertain whether it had been walled in the days of Joshua son of Nun or not? Hezekiah was in doubt, but Rabbi was certain. But even supposing he was certain, was he permitted to do this, seeing that it is written in Megillath Ta'anith,⁷ 'The fourteenth day and the fifteenth day are the days of Purim on which there is to be no mourning', and Raba said, The only purpose of mentioning these days [in Megillath Ta'anith]⁸ was to make whatever is forbidden on the one forbidden on the other also? — This applies only to mourning and fasting, but for abstention from work one day and no more is prescribed. Is that so? Did not Rab see a man sowing flax on Purim, and curse him, so that the flax did not grow? — There he [the man] was doing it on the day which he ought to have kept. Rabbah the son of Raba said. You may even say [that Rabbi planted] on the day [which he ought to have kept]: [the Jews] bound themselves [in the days of Esther] to abstain from mourning and fasting, but not from work, since first it is written, 'gladness and feasting and a good day', but afterwards it is written, that they should make them days of feasting and gladness',⁹ and 'a good day' is not mentioned. Why then did Rab curse that man? — It was a case of 'things which are permitted but others make a practice of abstaining from them'; but in Rabbi's place this¹⁰ was not the practice. Or if you like I can say that they did in fact make a practice of this, and Rabbi planted a festive shoot, as we have learnt:¹¹ If these days¹² pass and they are still not answered, they abstain to a certain extent from business, from building and from planting, from betrothing and from marrying,¹³ and a Tanna taught: 'Building' here means festive building; 'planting' means festive planting. What is festive building? If one builds a wedding residence for his son [on the occasion of his marriage]. What is a festive planting? If one plants a royal abarnaki.¹⁴

The text [above state]: 'Hezekiah read in Tiberias on the fourteenth and on the fifteenth, being doubtful whether it had been walled in the days of Joshua son of Nun or not'. But could he have been in doubt about Tiberias, seeing that it is written, And the fortified cities were Ziddim-zer and Hamath and Rakath and Kinnereth,¹⁵ and it is generally agreed that Rakath is Tiberias? — The reason why he was doubtful was because one side is bounded by the lake.¹⁶ If so, why was he in doubt? It certainly was not walled, as it has been taught : Which has a wall,¹⁷ and not merely a fence of houses.¹⁸ Round about:¹⁹ this excludes Tiberias, the lake forming its wall!²⁰ In respect of the houses of a walled town he was not in doubt; where he was in doubt was in respect of reading the Megillah. [He asked]: What constitutes the difference between villages and walled towns which are mentioned in connection with the reading of the Megillah? Is it that the former are exposed and the latter are not exposed, [in which case] Tiberias [belongs to the former] being also exposed, or is it that the latter are protected and the former are not protected, [in which case] Tiberias [belongs to the latter], being protected? That was why he was in doubt.

R. Assi read the Megillah in Huzal²¹ on the fourteenth and on the fifteenth, being in doubt whether it had been walled in the days of Joshua son of Nun or not. According to another report, R. Assi said: Huzal of the house of Benjamin was walled in the days of Joshua son of Nun.

R. Johanan said: When I was a boy, I made a statement about which I afterwards questioned the old men,

(1) Heb. קרונה, a place where wagons were stationed on market.day (Rashi). [Alter: 'spring' from Gk. **. V. Aruch and Krauss T.A. 1. 212.]

(2) One of the four public fasts. V. R. H. 18.

(3) Lit., 'said in his (R. Eleazar's) presence'.

(4) Eccl. IV, 9. He was glad to be corrected.

(5) Esth. IX, 19.

(6) This is not so

(7) V. Glos.

- (8) We know already from the Scripture that 'mourning is forbidden on these days.
- (9) Esth. IX, 22
- (10) To abstain from work.
- (11) That there is a planting of a festive kind.
- (12) Of fasting for rain.
- (13) V. Ta'an 12b.
- (14) The correct form according to Levy and Jast. is achvarnaki, a Persian word for a spreading tree in a garden under which banquets could be held.
- (15) Josh. XIX, 35.
- (16) Of Galilee. Rakath therefore was not fortified on this side, and the question arises whether it should be accounted a 'walled city' for religious purposes.
- (17) Lev. XXV, 30. In a town with a wall houses could be sold permanently.
- (18) Lit., 'wall of roofs', though this is also a barricade.
- (19) Ibid. 31.
- (20) I.e., the lake being where the wall ought to be.
- (21) [In Babylonia between Nehardea and Sura. It was called 'of the House of Benjamin' (v. infra) probably because its early settlers hailed from Benjamin (v. Obermeyer pp. 299ff). There was also a Huzal in Palestine. V. Keth., Sonc. ed. p. 716, n. 7.]

Talmud - Mas. Megilah 6a

and it was found that I was right: [I said:] Hamath is Tiberias. And why was it called Hamath? On account of the hot springs [hamme] of Tiberias. Rakath is Sepphoris, And why was it called Rakath? Because it slopes down like the bank [raktha] of a river. Kinnereth is Gennesaret. And why was it called Kinnereth? Because its fruits are sweet like the music of a harp [kinnor].¹ Raba said: Is there anyone who can maintain that Rakath is not Tiberias, seeing that when a man dies here [in Babylonia] they mourn for him there [in Tiberias] as follows: 'Great was he in Sheshach² and he has a name in Rakath',³ and when the coffin is taken there they mourn for him thus: 'Ye lovers of the remnants,⁴ dwellers in Rakath, go forth and receive the slaughtered of the depths'.⁵ When R. Zera departed, a certain mourner opened his dirge thus: 'The land of Shinar⁶ conceived and bore him, the beautiful land⁷ brought up her delight. Woe to me, saith Rakath, for her precious instrument is lost'!⁸ No, said Raba. Hamath is the hot springs of Gerar; Rakath is Tiberias; and Kinnereth is Gennesaret. Why is it called Rakath? Because even the least worthy⁹ of its inhabitants are full of religious performances like a pomegranate. R. Jeremiah said: Rakath is its proper name. And why is it called Tiberias? Because it is situated in the very centre¹⁰ of the land of Israel. Rabbah said: Rakath is its name. And why is it called Tiberias? Because its aspect is good.¹¹

Zeira said: Kitron is Sepphoris. And why is it called Sepphoris? Because it is perched on the top of a mountain like a bird [zippor]. But is Kitron Sepphoris? Now Kitron was in the territory of Zebulun, as it is written, Zebulun drove not out the inhabitants of Kitron nor the inhabitants of Nahalol.¹² Now Zebulun complained of his portion, as it says, Zebulun was a people which shamed his soul to death.¹³ Why? Because Naphtali was on the high places of the field.¹⁴ Zebulun complained to the Holy One, blessed be he, saying: Sovereign of the Universe, to my brethren Thou hast given fields and vineyards and to me Thou hast given hills and mountains; to my brethren Thou hast given lands, and to me Thou hast given lakes and rivers. [God] replied: They will all require thee for the hilazon,¹⁵ as it says, and the hidden treasures of the sand,¹⁶ and R. Joseph learnt: 'Hidden' indicates the hilazon; 'treasures' indicates the tunny fish;¹⁷ 'sand' indicates white glass.¹⁸ Zebulun then said: Sovereign of the Universe, who will inform me?¹⁹ He replied: There they shall offer sacrifices of righteousness.²⁰ This shall be thy sign: whoever takes of thee without payment will not prosper in his business. Now if you assume that Kitron is Sepphoris, why did Zebulun complain of his portion, seeing that Sepphoris is an excellent spot? Nor can you say that it is not 'flowing with milk and honey'. For Resh Lakish has said: I have myself seen the trail of milk and

honey²¹ round Sepphoris, and it is sixteen miles by sixteen miles. Nor can you say that [even so] his is not as good as his brothers, since Rabbah b. Bar Hanah said in the name of R. Johanan: I have myself seen the trail of milk and honey of the whole land of Israel, and it extends [altogether] about as far as from Be Kubi²² to the Fort of Tulbanke, twenty-two parasangs in length and six parasangs in breadth?²³ Even so, he preferred fields and vineyards. This is also indicated by the language of the text, as it says, 'Naphtali upon the high places of the field'. This is a proof.

R. Abbahu said: [It is written], Ekron shall be rooted up,²⁴ this is Kisri the daughter of Edom,²⁵ which is situated among the sands, and which was a thorn in the side of Israel²⁶ in the days of the Greeks. When the House of the Hasmoneans grew powerful and conquered them, they called it 'the capture of the tower of Shir'.²⁷

R. Jose b. Hanina said: What is meant by the text, And I will take away his blood out of his mouth and his detestable things from between his teeth, and he also shall be a remnant for our God?²⁸ 'And I will take away his blood out of his mouth': this refers to their sacrificial shrines.²⁹ 'And his detestable things from between his teeth': this refers to their oracles.³⁰ 'And he also shall be a remnant for our God': these are the synagogues and houses of learning in Edom.³¹ And he shall be as a chief in Judah, and Ekron as a Jebusite:³² these are the theatres and circuses³³ in Edom in which one day the chieftains of Judah shall publicly teach the Torah. R. Isaac said: Leshem is Pamias.³⁴ Ekron shall be rooted out: this is Caesarea, the daughter of Edom, which was a metropolis³⁵ of kings. Some say that this means that kings were brought up there, and others that kings were appointed from there. Caesarea³⁶ and Jerusalem [are rivals]. If one says to you that both are destroyed, do not believe him; if he says that both are flourishing, do not believe him; if he says that Caesarea is waste and Jerusalem is flourishing, or that Jerusalem is waste and Caesarea is flourishing, you may believe him, as it says, I shall be filled, she is laid waste,³⁷ if this one is filled, that one is laid waste, and if that one is filled, this one is laid waste. R. Nahman b. Isaac derived the same lesson from here: and the one people shall be stronger than the other people.³⁸ R. Isaac also said: What is the meaning of the verse, Let favour be shown to the wicked, yet will he not learn righteousness?³⁹ Isaac said in the presence of the Holy One, blessed be He: Sovereign of the Universe, let mercy be shown to Esau. He replied: He is wicked. He said to Him; He has not learnt righteousness.⁴⁰ He replied: In the land of uprightness⁴¹ will he deal wrongfully.⁴² He said: If so, let him not behold the majesty of the Lord.⁴²

R. Isaac also said: What is meant by the verse, Grant not, O Lord, the desires of the wicked, draw not out his bit,⁴³ so that they exalt themselves, selah?⁴⁴ Jacob said before the Holy One, blessed be He: Sovereign of the Universe, grant not to Esau the wicked the desire of his heart, draw not out his bit:

(1) A more probable reason is that Kinnereth is shaped like a harp.

(2) A name given to Babylon in Jer. XXV, 26; LI, 41.

(3) Tiberias was for many centuries a great centre of Jewish learning, especially in the field of Biblical study.

(4) שרידים 'left', 'escaped'. A name given to Israel, after Jer. XXXI, 1.

(5) Babylon, so called because it was low-lying.

(6) Babylonia.

(7) The land of Israel, so called after Dan. XI, 16.

(8) Which shows that all are agreed that Rakath is Tiberias.

(9) Heb. rekanin, lit., 'empty ones'.

(10) Heb. tibbur, lit., 'navel'.

(11) Heb. Tobah Re'Iathah.

(12) Jud. I, 30.

(13) Ibid. V, 18. E.V. jeopardised their lives to the death'.

(14) Ibid.

(15) A small shell-fish from which was extracted the purple colour used for the fringes.

- (16) Deut. XXXIII, 19.
- (17) Much used for salting or pickling and an important article of commerce in ancient Palestine.
- (18) Which was made from the sand of Zebulun. [This was a source of wealth owing to the difficulty of the process for producing colourless glass among the ancients. V. Krauss T.A. II, 286.]
- (19) If they are cheating me.
- (20) Ibid.
- (21) Left by the goats after eating dates.
- (22) [Near Pumbeditha. The parallel passage (Keth. 112a) has Be Mikse (cf. also בִּי נִסִּי in MS.M. a.l.). On the geographical names v. Keth., Sonc. ed. p. 724 notes.]
- (23) As a parasang was four miles, this would be about eight times the extent of Zebulun's trail.
- (24) Zeph. II, 4.
- (25) [Caesarea by the Sea is designated 'the daughter of Edom' because it was an outpost of the Roman Empire, Edom being in Rabbinic literature the prototype of Imperial Rome.]
- (26) Lit. 'a peg driven into Israel'.
- (27) This seems to be a mistake for Zor (Tyre) which is the reading of MS.M. The Aruk reads Shed, lit., 'demons'. [The reference is probably to the conquest of Caesarea by Alexander Jannaeus, v. Josephus Ant. XIII, 15, n. Cf. also Meg. Ta'an. III. The old name of Caesarea was Strato's Tower, after the Phoenician king Strato, its founder. The reading 'shed' (demon) contains perhaps an allusion to the worship of Astarte by the original inhabitants. On the other readings v. Hildesheimer, H. Beitrage z. Geographie Palastinas, pp. 4ff]
- (28) Zech. IX, 7.
- (29) Beth Banya. Lit., 'house of high places'.
- (30) Beth Galya. Lit., 'house of revelation'. [These terms are taken by others as names of idolatrous shrines, the former being identified with Dajr al Banat and the latter with Bait Galia, both in the neighbourhood of Bethlehem. V. Horowitz S. Palestine, pp. 126 and 129.]
- (31) I.e., the Roman Empire.
- (32) Zech. IX, 7.
- (33) Where the Roman Games took place.
- (34) More correctly Panias, Caesarea Philippi, the modern Baniyas, a place near the source of the Jordan.
- (35) This may mean either that it was a capital of Palestine or that some of its Roman Governors became Emperors.
- (36) Probably Rome is meant.
- (37) Ezek. XXVI, 2, of Tyre and Jerusalem.
- (38) Gen. XXV, 23.
- (39) Isa. XXVI, 10.
- (40) Rashi renders: 'Can not one find a plea on his behalf'.
- (41) I.e., the land of Israel.
- (42) Ibid.
- (43) E.V., 'further not his evil device'.
- (44) Ps, CXL, 9.

Talmud - Mas. Megilah 6b

this refers to Germamia of Edom,¹ for should they but go forth they would destroy the whole world. R. Hama b. Hanina said: There are three hundred crowned heads in Germamia of Edom and three hundred and sixty-five chieftains in Rome,² and every day one set go forth to meet the other and one of them is killed, and they have all the trouble of appointing a king again.

R. Isaac also said: If a man says to you, I have laboured and not found, do not believe him. If he says, I have not laboured but still have found, do not believe him. If he says, I have laboured and found, you may believe him. This is true in respect of words of Torah,³ but in respect of business, all depends on the assistance of heaven. And even for words of Torah this is true only of penetrating to the meaning,⁴ but for remembering what one has learnt, all depends on the assistance of heaven.

R. Isaac also said: If you see a wicked man being favoured by fortune,⁵ do not contend with him, as it says, Do not contend with evildoers.⁶ Nor is this all, but he may even prosper in his undertakings, as it says, His ways prosper at all times.⁷ Nor is this all, but he may even be declared right, as it says, Thy judgments are far above out of his sight.⁸ Nor is this all, but he may even triumph over his enemies, as it says, As for all his adversaries, he puffeth at them.⁸ Is this so? Has not R. Johanan said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world, as it says, They that forsake the law praise the wicked, but such as keep the law contend with them.⁹ Also it has been taught: R. Dosethai b. Mathon says: It is permitted to contend with the wicked in this world. And if one should whisper to you saying, [As for the text] Do not contend with evildoers, neither be thou envious against them that work unrighteousness, one whose conscience smites him speaks thus, and the meaning is, Do not contend with the evildoer to be like evildoers, neither be envious of such as work unrighteousness; and so it says also, Let not thy heart envy sinners?¹⁰ — There is no contradiction; the one [piece of advice] refers to one's own affairs the other to religious matters.¹¹ Or if you like I may say that both refer to one's own affairs, and still there is no contradiction: the one is addressed to a man who is wholly righteous, and the other to one who is not wholly righteous,¹² as R. Huna said: What is the meaning of the verse, Wherefore lookest thou when they deal treacherously, and holdest thy peace when the wicked swalloweth up the man that is more righteous than he?¹³ He can swallow up one that is more righteous than himself, he cannot swallow up one that is completely righteous. Or if you like I can say that when fortune is smiling on him, the case is different.

'Ulla said: 'Greek Italy'¹⁴ is the great city of Rome,¹⁵ which covers an area of three hundred parasangs by three hundred. It has three hundred markets corresponding to the number of days of the solar year. The smallest of them is that of the poultry sellers, which is sixteen mil by sixteen. The king dines every day in one of them. Everyone who resides in the city, even if he was not born there, receives a regular portion of food from the king's household,¹⁶ and so does everyone who was born there, even if he does not reside there. There are three thousand baths in it, and five hundred windows the smoke from which goes outside the wall.¹⁷ One side of it is bounded by the sea, one side by hills and mountains, one side by a barrier of iron, and one side by pebbly ground and swamp.¹⁸

MISHNAH. IF THE MEGILLAH HAS BEEN READ IN THE FIRST ADAR AND THE YEAR HAS SUBSEQUENTLY BEEN PROLONGED,¹⁹ IT IS READ AGAIN IN THE SECOND ADAR. THERE IS NO DIFFERENCE BETWEEN THE FIRST ADAR AND THE SECOND ADAR SAVE ONLY IN THE READING OF THE MEGILLAH AND THE DISTRIBUTION OF GIFTS TO THE POOR.²⁰

GEMARA. This [last statement] implies that in respect of the series of special portions²¹ they are on the same footing.²² Which authority does the Mishnah follow? [It would seem], neither the First Tanna nor R. Eliezer son of R. Jose nor R. Simon b. Gamaliel [in the following Baraita], as it has been taught: 'If the Megillah has been read in the first Adar and the year has then been prolonged, it is read in the second Adar, since all the precepts which are to be performed in the second Adar can be performed in the first,²³ except the reading of the Megillah'. R. Eliezer son of R. Jose says that it is not to be read [again] in the second Adar, because all precepts that are to be performed in the second Adar may be performed in the first. R. Simon b. Gamaliel says in the name of R. Jose that it is to be read again in the second, because precepts which are to be performed in the second Adar may not be performed in the first. They all however agree in regard to mourning and fasting, that they are forbidden on [the fourteenth and fifteenth of] both. Does not R. Simon b. Gamaliel here repeat the First Tanna? — R. Papa replied: They differ on the question of the series of special portions — the First Tanna holding that these should in the first instance be read in the second [Adar], but if they have been read in the first, this suffices. [But he also] excludes from this ruling the reading of the Megillah, [holding that], even though it has been read in the first [Adar], it must be

read again in the second. R. Eliezer son of R. Jose on the other hand held that even the Megillah may in the first instance be read in the first [Adar], and R. Simon b. Gamaliel held that even the series of special portions, if they have been read in the first [Adar], must be read again in the second. Which authority then [does our Mishnah follow]? If [you say] the First Tanna, there is the difficulty of gifts.²⁴ If [you say] R. Eliezer son of R. Jose, there is the difficulty of the reading of the Megillah also. If [you say] R. Simon b. Gamaliel, there is the difficulty of the series of special portions! — In fact it is the First Tanna, and when he mentioned the reading of the Megillah, we suppose the same to apply to the gifts of the poor, since one depends on the other. Or if you like, I can say that in fact it is R. Simon b. Gamaliel, and there is an omission²⁵ in our Mishnah and what it means is this: ‘There is no difference between the fourteenth of the first Adar and the fourteenth of the second Adar save in the matter of reading the Megillah and gifts to the poor’. from which we infer that in regard to mourning and fasting they are on the same footing, while in regard to the special portions no ruling is given.²⁶ R. Hiyya b. Abin said in the name of R. Johanan: The halachah²⁷ is as laid down by R. Simon b. Gamaliel, who gave it in the name of R. Jose. R. Johanan said: Both of them [R. Simon and R. Eliezer son of R. Jose] based their opinions on the same text, in every year.²⁸ R. Eliezer son of Jose reasoned: ‘In every year’; just as in most years [we think of] Adar as the month which adjoins Shebat, so here [we keep the precepts] in the Adar which adjoins Shebat. R. Simon b. Gamaliel again reasoned: Just as in most years [we think of] Adar as adjoining Nisan, so here [we keep the precepts] in the Adar which adjoins Nisan. Now we understand R. Eliezer son of R. Jose taking the view he did, because it is inherently probable, it being a rule that we do not postpone the performance of religious precepts.²⁹ But what is the reason of R. Simon b. Gamaliel? — R. Tabi said: The reason of R. Simon b. Gamaliel is that more weight is to be attached to bringing one period of redemption close to another.³⁰ R. Eleazar said: The reason of R. Simon b. Gamaliel is derived from this verse: to confirm this second letter of Purim.³¹ And it was necessary for the text to write

(1) There was another Germamia which was probably the land of the Cimmerians. [Rieger, P. (MGWJ. LXXX, p. 455) identifies it with Carminia, the Persian Kerman.]

(2) This word seems to be an interpolation.

(3) I.e., of the effort to gain enlightenment from the Torah.

(4) Lit., ‘sharpening’ (the understanding).

(5) Lit., ‘on whom the hour smiles’.

(6) Ps. XXXVII, 1. E.V. ‘fret not thyself because of evildoers’.

(7) Ps. X, 5.

(8) Ibid.

(9) Prov. XXVIII,4.

(10) Prov. XXIII, 17. R. Johanan and R. Dosethai say that it is not permissible to contend with the wicked, which contradicts R. Isaac.

(11) In regard to which it is permissible to contend with the wicked.

(12) For whom it is not safe to contend with the wicked.

(13) Hab. I, 13.

(14) ‘Ulla probably had in mind the saying quoted in the Midrash of Cant. that when Jeroboam made the golden calf (according to another version, when Manasseh brought the image into the Temple), the angel Gabriel stuck a pole in the sea, and a dry place was formed on which subsequently Rome was built.

(15) [home is so designated on account of the great influence of the Greek civilization on the Roman, v. Bacher, REJ, XXXIII, p. 190.]

(16) [Alluding to the regular distribution of corn and money in Rome.]

(17) The windows being higher than the wall of the city. Another reading is: ‘Each one of them has five hundred windows, the smoke, etc.’ [The allusion is to the famous thermal baths constructed by Diocletian (284-304).]

(18) [The reference is respectively to the Tiber, the wall erected by the Emperor Aurelius (271-276) and to the Ostian Marshes (stagno di ostia). For the other allusions in this hyperbolic description of Rome, v. Bacher, op. cit. pp. 190ff.]

(19) By the intercalation of a second Adar.

(20) This statement is immediately discussed in the Gemara.

(21) The special portions of Shekalim (Ex. XXX, 11-16), Zakor (Deut. XXV, 17-19), Parah (Num. XIX, 1-22) and ha-Hodesh (Ex. XII, 1-20) read in the synagogue between the Sabbath preceding the first of Adar and the first of Nisan. V. infra 29a.

(22) I.e., if they had been read in the first of Adar and the year is then proclaimed a leap year, they need not be read again in the second.

(23) I.e., if they have been performed in the first and the year is then prolonged, they need not be performed again.

(24) Since, as he does not mention gifts, we presume that he allows these to be made in the first Adar.

(25) These words are out of place here and seem not to have been read by Rashi. If we omit them we translate: 'and the meaning of the Mishnah is as follows'. The omission in fact, as will be seen, is not in the Mishnah but in the Gemara which immediately follows it.

(26) It is this last clause which was omitted from the Gemara above.

(27) [הלכה] So MSS.; cur. edd. [הדכתא.]

(28) Esth. IX, 27.

(29) I.e., we perform them at the first opportunity, even though it is also permissible to perform them later.

(30) Viz., Purim to Passover.

(31) Ibid. 29.

Talmud - Mas. Megillah 7a

'the second' and also to write 'in every year'. For if I had to base the rule on 'every year', I could raise the difficulty stated above: therefore it is written 'second'.¹ And if I had been told only 'second', I might say that the Megillah is properly to be read both in the first and in the second. Therefore it says, in every year.² And what does R. Eliezer son of R. Jose make of this second? — He requires it for the statement enunciated by R. Samuel b. Judah. For R. Samuel b. Judah said: At first they [Mordecai and Esther] decreed the observance of Purim only in Susa, but afterwards³ throughout the world.

R. Samuel b. Judah said: Esther sent to the Wise Men saying, Commemorate me⁴ for future generations. They replied, You will incite the ill will of the nations against us.⁵ She sent back reply: I am already recorded in the chronicles of the kings of Media and Persia. Rab and R. Hanina and R. Johanan and R. Habiba record [the above statement in this form]: (in the whole of the Order Mo'ed, wherever this set of Rabbis is mentioned, R. Johanan is replaced by R. Jonathan).⁶ Esther sent to the Wise Men saying, Write an account of me for posterity. They sent back answer, Have I not written for thee three times⁷ — three times and not four?⁸ [And they refused] until they found a verse written in the Torah, Write this a memorial in a book,⁹ [which they expounded as follows]: 'Write this', namely, what is written here and in Deuteronomy;¹⁰ 'for a memorial', namely, what is written in the Prophets;¹¹ 'in a book', namely, what is written in the Megillah. The difference [between the first and second of these opinions] is also found between two Tannaim. 'Write this', what is written here.¹² 'For a memorial', namely, what is written in Deuteronomy. 'In a book', namely, what is written in the Prophets. So R. Joshua.¹³ R. Eliezer of Modi'im says: Write this', namely, what is written here and in Deuteronomy; for a memorial', namely, what is written in the Prophets; 'in a book', namely, what is written in the Megillah.

Rab Judah said in the name of Samuel; [The scroll] of Esther does not make the hands unclean.¹⁴ Are we to infer from this that Samuel was of opinion that Esther was not composed¹⁵ under the inspiration of the holy spirit? How can this be, Seeing that Samuel has said that Esther was composed under the inspiration of the holy spirit? — It was composed to be recited [by heart], but not to be written. The following objection was raised: 'R. Meir says that [the scroll of] Koheleth¹⁶ does not render the hands unclean, and that about the Song of Songs there is a difference of opinion. R. Jose says that the Song of Songs renders the hands unclean, and about Koheleth there is a difference of opinion. R. Simeon says that Koheleth is one of those matters in regard to which Beth Shammai were more lenient and Beth Hillel more stringent, but Ruth and the Song of Songs and

Esther [certainly] make the hands unclean'! — Samuel concurred with R. Joshua.¹⁷

It has been taught: R. Simeon b. Menasia said: Koheleth does not render the hands unclean because it contains only the wisdom of Solomon.¹⁸ They said to him], Was this then all that he composed? Is it not stated elsewhere, And he spoke three thousand proverbs,¹⁹ and it further says, Add thou not unto his words.²⁰ Why this further quotation? — In case you might object that he composed very much, and what it pleased him to write he wrote and what it did not please him he did not write. Therefore it says,²¹ Add thou not to his words.²²

It has been taught: R. Eleazar said: Esther was composed under the inspiration of the holy spirit, as it says, And Haman said in his heart.²³ R. Akiba says: Esther was composed under the inspiration of the holy spirit, as it says, And Esther obtained favour in the eyes of all that looked upon her.²⁴ R. Meir says: Esther was composed under the inspiration of the holy spirit, as it says, And the thing became known to Mordecai.²⁵ R. Jose b. Durmaskith said: Esther was composed under the inspiration of the holy spirit, as it says, But on the spoil they laid not their hands,²⁶ Said Samuel: Had I been there,²⁷ I would have given a proof superior to all, namely, that it says, They confirmed and took upon them,²⁸ [which means] they confirmed above²⁹ what they took upon themselves below. Raba said: All the proofs can be confuted except that of Samuel, which cannot be confuted. [Thus,] against that of R. Eleazar it may be objected that it is reasonable to suppose that Haman would think so, because there was no one who was so high in the esteem of the king as he was, and that when he spoke at length,³⁰ he was only expressing the thought concerning himself. Against the proof of R. Akiba it may be objected that perhaps the fact is as stated by R. Eleazar, who said that these words show that to every man she appeared to belong to his own nation.³¹ Against R. Meir it may be objected that perhaps the fact is as stated by R. Hiyya b. Abba who said that Bigthan and Teresh were two men from Tarsis.³² Against the proof of R. Jose b. Durmaskith it may be objected that perhaps they³³ sent messengers. Against the proof of Samuel certainly no decisive objection can be brought. Said Rabina: This bears out the popular saying, Better is one grain of sharp pepper than a basket full of pumpkins. R. Joseph said: It³⁴ can be proved from here: And these days of Purim shall not fail from among the Jews.³⁵ R. Nahman b. Isaac said, From here: Nor the memorial of them perish from their seed.³⁶

AND GIFTS TO THE POOR. R. Joseph learnt: And sending portions one to another³⁷ that means two portions³⁸ for one man. And gifts to the poor³⁹ that means two gifts to two men.⁴⁰ R. Judah Nesi'ah⁴¹ sent to R. Oshaia the leg of a third-born calf⁴² and a barrel of wine. He sent him back word saying,

(1) To show that it must be the Adar adjoining Nisan.

(2) To show that it is to be read only once even in leap years.

(3) By means of this second letter.

(4) Lit., 'fix me', by means of a book and a festival.

(5) Who will accuse the Jews of rejoicing at their downfall and celebrating it.

(6) This is evidently a gloss made by a later commentator.

(7) Prov. XXII, 20. (E. V. 'have I not written unto thee excellent things'.) The meaning is, Is not the war of Israel against Amalek mentioned three times in Scripture.

(8) The three times are (i) Ex. XVII, 8-16; (ii) Deut. XXV, 17-19; (iii) I Sam. XV.

(9) Ex. XVII, 14, referring to the war against Amalek.

(10) Which, being both in the Pentateuch, are counted as one.

(11) Viz., the Book of Samuel.

(12) In Ex. XVII.

(13) Who thus holds that the Megillah was not meant to be written.

(14) Like the scrolls of other books of the Scripture. V. Shab. 14.

(15) Lit., 'said'.

- (16) Ecclesiastes.
 (17) That the Megillah was not meant to be written.
 (18) And not inspired wisdom.
 (19) I Kings, V, 12. Since these were not written and Ecclesiastes was, we may conclude that the latter was inspired.
 (20) Prov. XXX, 6.
 (21) Lit., 'come and hear'.
 (22) Which shows that whatever he wrote down was inspired.
 (23) Esth. VI, 6. How could the author know this if he was not inspired?
 (24) Ibid. II, 15. Cf. previous note.
 (25) Ibid. 22. Who revealed it to him if not the holy spirit?
 (26) Ibid. IX, 10. Cf. note 8.
 (27) among the Tannaim who discussed this matter.
 (28) Ibid. 27.
 (29) In heaven.
 (30) 'As for the man whom the king delighteth to honour' etc.
 (31) V. infra 13a.
 (32) V. infra 13b.
 (33) Those in the more distant parts.
 (34) That Esther was written under the inspiration of the holy spirit.
 (35) Esth. IX, 28.
 (36) Ibid. R. Nahman prefers the second half of the verse, because the first half might refer only to that generation.
 (37) Ibid. 22.
 (38) The minimum number of 'portions' being two.
 (39) Ibid.
 (40) The minimum number of the plural אביונים 'poor' being two. Or it may mean that a gift is twice as big as a portion (Maharsha).
 (41) R. Judah, the Prince II.
 (42) So Rashi. Aliter: 'a third grown'; 'in the third year' — which was supposed to be specially good.

Talmud - Mas. Megilah 7b

You have fulfilled in our person, O our teacher, the words, and sending portions one to another.¹ Rabbah sent to Mari b. Mar by Abaye a sackful of dates and a cupful of roasted ears of corn. Said Abaye to him: Mari will now say, 'If a countryman becomes a king, he does not take his basket off his neck'.² The other [Mari] sent him [Rabbah] back a sackful of ginger and a cup full of long-stalked pepper. Said Abaye: Now the Master [Rabbah] will say, I sent him sweet and he sends me bitter. Abaye said: When I went out of the Master's [Rabbah's] house, I was already full, but when I reached the other place³ they set before me sixty dishes of sixty different preparations, and I had sixty pieces from them. The last preparation was called pot-roast, and [I liked it so much that] I wanted to lick the dish after it. Said Abaye: This bears out the popular saying, The poor man is hungry and does not know it,⁴ or the other saying, There is always room for sweet things. Abaye b. Abin and R. Hananiah b. Abin used to exchange their meals with one another.⁵

Raba said: It is the duty of a man to mellow himself [with wine] on Purim until he cannot tell the difference between cursed be Haman' and 'blessed be Mordecai'.⁶

Rabbah and R. Zera joined together in a Purim feast. They became mellow, and Rabbah arose and cut R. Zera's throat.⁷ On the next day he prayed on his behalf and revived him. Next year he said, Will your honour come and we will have the Purim feast together. He replied: A miracle does not take place on every occasion. Raba said: If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation. What is the reason? It is written, days of feasting and gladness.⁸ R. Ashi was sitting before R. Kahana. It grew late, and still the Rabbis did not arrive. He

said to him, Why have not the Rabbis come? Perhaps they are busy with the Purim feast. He said to him: Could they not have had it last night? He replied: Is your honour not acquainted with the diction of Raba, 'If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation'? He said to him; Did Raba really say so? (He replied Yes).⁹ He then repeated it after him forty times, until he had safely stored it in his mind.¹⁰

MISHNAH. THERE IS NO DIFFERENCE BETWEEN FESTIVALS AND SABBATH SAVE ONLY IN THE MATTER OF [PREPARING] FOOD.¹¹

GEMARA . We can infer from this that in the matter of preliminaries for preparing food¹² they are on the same footing. The Mishnah then does not agree with R. Judah, as it has been taught: 'There is no difference between festivals and Sabbath save in the matter of [preparing] food'. R. Judah, however, permits [on the festivals] the preliminaries for preparing food.¹² What is the reason of the First Tanna? The Scripture says: [Save that which every man must eat], that only [shall be prepared]:¹³ that and not its preliminaries. R. Judah, on the other hand, stresses the word for you:¹⁴ for you, which means, for all your requirements. Why then does not the other also admit this, seeing that it is written, 'for you'? — [This, he says, means], 'for you' and not for non-Jews; 'for you' and not for dogs. And [why does not] the other [adopt this view], seeing that it is written, 'that only'? [He replies]: It is written, 'that only', and it is written, 'for you'; we apply the one to preliminaries which can be attended to on the day before the festival, and the other to preliminaries which cannot be attended to on the day before the festival.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SABBATH AND THE DAY OF ATONEMENT SAVE ONLY THAT THE DELIBERATE VIOLATION OF THE ONE IS PUNISHED BY A HUMAN COURT AND THE DELIBERATE VIOLATION OF THE OTHER BY KARETH.¹⁵

GEMARA. It is to be inferred from this that in respect of compensation¹⁶ they are on the same footing. Whose view does the Mishnah follow? — That of R. Nehunia b. ha-Kaneh, as it has been taught: R. Nehunia b. ha-Kaneh used to put the Day of Atonement on the same footing as Sabbath in respect of compensation: just as [one who deliberately breaks] Sabbath forfeits his life but is released from the obligation to make compensation,¹⁷ so [one who deliberately breaks] the Day of Atonement forfeits his life but is released from the obligation to make compensation.

We have learnt elsewhere: If any who have incurred the penalty of kareth are flogged — they become quit of their kareth, as it says, Then thy brother should be dishonoured in thine eyes;¹⁸ once he has been flogged, he is like thy brother.¹⁹ So R. Hananiah b. Gamaliel. Said R. Johanan: The colleagues of R. Hananiah b. Gamaliel joined issue with him on this point. Raba said, They said in the school of Rab: We have [also] learnt [this]:²⁰ There is no difference between the Day of Atonement and Sabbath save that he who breaks the one is punished by a human court, while he who breaks the other is punished with kareth. Now if [R. Hananiah's opinion] is correct, then both are punished by the human court?²¹ — R. Nahman replied: Whose view is this?²² That of R. Isaac, who said that lashes are never inflicted on those who have incurred kareth, as it has been taught: Those who have incurred kareth are included in the general statement.²³ Why then is kareth specially mentioned in the case of [one who lies with] his sister?²⁴ To show that she is punished with kareth and not with lashes.²⁵ R. Ashi said: You may even say that it²⁶ is the view of the Rabbis:²⁷ in the case of the one [the breaker of Sabbath], the essential [punishment for] his presumption is inflicted by the human court, but in the case of the other, the essential punishment for his presumption consists in 'being cut off'.²⁸

(1) [Cur. ed. add: and 'gifts to the poor'].

(2) As much as to say, Although you have become head of the Academy (in Pumbeditha), you send very ordinary gifts.

- (3) The house of Mari.
- (4) Till the food is actually set before him.
- (5) According to Rashi, this means that one provided the feast one year and the other the next. More naturally it could mean that they sent their meals to one another and thereby fulfilled the obligation of 'sending portions to one another' (Maharsha).
- (6) [The two phases have the same numerical value, 502.]
- (7) Apparently without actually killing them But cf. Maharsha.
- (8) Esth. IX, 22.
- (9) These words are bracketed in the text.
- (10) Lit., 'and he was (then) like one who had put it in his purse'.
- (11) Lit., 'food of the person'. I.e., that food for the day may be cooked on festivals but not on Sabbath.
- (12) E.g., the sharpening of a knife.
- (13) Ex. XII, 16; relating to the Passover.
- (14) Ibid.
- (15) I.e., by the hand of heaven. V. Lev. XXIII, 30 and Glos.
- (16) For damage done by the act of transgression.
- (17) The lesser penalty being merged in the larger penalty.
- (18) Deut. XXV, 3.
- (19) Which shows that he is not 'cut off'.
- (20) That there is a difference of opinion.
- (21) And the one who is flogged for breaking Yom Kippur becomes quit of kareth.
- (22) That of our Mishnah. (9) And not of the colleagues of R. Hananiah.
- (23) Of the punishment for incest. Lev. XVIII, 29.
- (24) In Lev. XX, 17.
- (25) And the same applies to all other cases punishable by kareth. V. Mak. 13b.
- (26) Our Mishnah.
- (27) And still there is no difference between them and R. Hananiah.
- (28) הכרת cf. Num. XV, 31; though lashes may also be inflicted.

Talmud - Mas. Megilah 8a

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE WHO IS INTERDICTED BY VOW TO HAVE NO BENEFIT FROM HIS NEIGHBOUR AND ONE WHO IS INTERDICTED BY VOW FROM HIS FOOD, SAVE IN THE MATTER OF SETTING FOOT [ON HIS PROPERTY] AND OF UTENSILS WHICH ARE NOT USED FOR [PREPARING] FOOD.¹

GEMARA. It is to be inferred from this that in the matter of utensils which are used for preparing food they are on the same footing.

SETTING FOOT. But people are not particular about this?² — Raba said: Whose view is this? R. Eleazar's, who said that [even] a thing which is usually excused³ is forbidden to one who vows to have no benefit.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN VOWS AND FREEWILL-OFFERINGS SAVE THAT VOWED OFFERINGS HAVE TO BE REPLACED⁴ BUT FREEWILL-OFFERINGS NEED NOT BE REPLACED.

GEMARA. It is to be inferred from this that in respect of 'not delaying'⁵ they are on the same footing.

We have learnt in another place: What is a vow? Where a man says, I take upon me the obligation to bring a burnt-offering. What is a freewill-offering? Where a man says, Behold this is [to be] a

burnt-offering. What then is the [practical] difference between vows and freewill-offerings? — If vowed animals die or are stolen or lost, the one who offered is under obligation to replace them;⁶ if freewill-offerings die or are stolen or lost, he is not under obligation to replace them.⁷ Whence is this rule derived? — As our Rabbis have taught: And it shall be accepted for him to make atonement upon him:⁸ R. Simeon says: That which is ‘upon him’⁹ he is under obligation to replace.¹⁰ How is it implied [that this substitute is upon him’]? — R. Isaac b. Abdini replied: Since he has said ‘[I take] upon me’, it is as if he had taken it upon his shoulder.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE SUFFERING FROM AN ISSUE WHO MAKES TWO OBSERVATIONS¹¹ AND ONE WHO MAKES THREE,¹² SAVE IN THE MATTER OF BRINGING A SACRIFICE.¹³

GEMARA. From this it is to be inferred that in the matter of [defiling] a bed or a seat¹⁴ and counting seven days¹⁵ they are on the same footing. Whence is this rule derived? — As our Rabbis have taught: ‘R. Simai says: The text specified two [observations]¹⁶ and designated the man as unclean, and also specified three¹⁷ and designated him as unclean’. How do we explain this? Two bring uncleanness but do not entail a sacrifice, three entail a sacrifice. But cannot I say that two bring uncleanness but do not entail a sacrifice, while three entail a sacrifice but no uncleanness?¹⁸ — To this you may answer that before he has three observations he must have two.¹⁹ Let me say then that two observations entail a sacrifice but not uncleanness,¹⁸ whereas three bring uncleanness also? — Do not imagine such a thing, since it has been taught: And the priest shall make atonement for him before the Lord from his issue;²⁰ this implies that some persons with an issue bring a sacrifice and some do not.²¹ How is this? if he has three observations, he brings a sacrifice, if only two, he does not bring. Or shall we expound differently and say that if he has two he brings the sacrifice, but if three he does not? — You can reply to this that before he has three he must have had two.²² And both the exposition of R. Simai and the text ‘from his issue’ are necessary [to prove this point]. For if I had only the dictum of R. Simai, I could raise against it the objection mentioned, and therefore I have recourse to ‘from his issue’. And if I had only ‘from his issue’, I should not know how many observations [are necessary for a sacrifice]; therefore I have the dictum of R. Simai.²³

Now, however, that you have assumed that the words ‘from his issue are to be used for a special exposition,²⁴ [I may ask], what lesson do you derive from the words and when he that hath an issue is cleansed from his issue?²⁵ That is required for the following lesson, as it has been taught: ‘And when he that hath an issue is cleansed’: that is to say, when the issue ceases.²⁶ ‘From his issue’: that is to say from his issue [only], and not from both his issue and his leprosy.²⁷ ‘Then he shall number’: this teaches us that one with an issue who has had two observations must count seven days [without issue]. But cannot this be deduced logically [as follows]?²⁸ If he defiles bed and seat, shall he not [all the more] be required to count seven days?

(1) The latter may take these liberties, the former may not.

(2) And therefore if one takes this liberty, he cannot be said to be deriving any benefit.

(3) **וְיָתוּר** Aliter: ‘The (retailer's customary) addition (to exact measure)’, and the accenting of which is not counted as receiving a benefit.

(4) Lit., one is responsible for them’. V. infra.

(5) To fulfil the undertaking, in accordance with Deut. XXIII, 22.

(6) Because the vow still stands.

(7) Because the undertaking applied only to that particular animal.

(8) So lit. E.V, ‘for him’. Lev. I, 4.

(9) I.e., the vow.

(10) Apparently R. Simeon renders: ‘Any animal will be accepted so long as it is "upon him"’.

(11) On a single day or two successive days.

(12) On one day or three successive days or two on one day and one on the next.

- (13) V. Lev. XV, 13-15.
- (14) Ibid. 4-6.
- (15) For his cleansing, after the cessation of the issue. Ibid.13.
- (16) Lev. XV, 2: When a man hath an issue out of his flesh, his issue is unclean.
- (17) Ibid. 3: And this shall be his uncleanness in his issue: whether his flesh run with his issue, or his flesh be stopped from his issue, it is his uncleanness,
- (18) Viz., the stringent uncleanness of one with an issue (cf. nn. 3-4), but only the lighter uncleanness resulting from a discharge of semen. V. Deut. XXIII, 11-12.
- (19) And is already unclean as a zab.
- (20) Ibid. 15.
- (21) The proposition 'from' is stressed, as implying only part of these who have an issue.
- (22) And so already become liable for the sacrifice.
- (23) To show that it is three.
- (24) I.e., for some lesson not contained in the literal meaning of the words.
- (25) Ibid. 13.
- (26) V. next note.
- (27) If the one with an issue was also a leper, he need not wait for his counting till he is healed of his leprosy.
- (28) And why therefore is a text required?

Talmud - Mas. Megilah 8b

— This argument can be confuted by the case of the woman who is keeping day for day,¹ for such a one defiles bed and seat² but does not count seven days. And thus do not be surprised that this one also, although he defiles bed and seat, should not be obliged to count seven days. Therefore it says, 'from his issue, and he shall number', which implies that after part of his issue³ he shall number; this teache² with regard to one with an issue who has had two observations that he is required to count seven days.

R. Papa said to Abaye: Why do we use the one text 'from his issue' to include⁴ one with an issue who has had two observations, and the other text 'from his issue' to exclude⁵ one with an issue who has had two observations? — He replied: If you should assume that the former text⁶ is for the purpose of excluding, then the text could simply omit the word. And should you say, we could then derive the rule [that he is to count seven days] by a logical deduction, such a deduction could be confuted by the case of the woman who counts day for day. And should you say that this word is required to show that the text refers to one who is cleansed of his issue [only] and not [of his issue and] his leprosy, — in that case the text should say, 'and when he that hath an issue is cleansed', and no more. Why do I require, 'from his issue'? This teaches that one with an issue who has two observations is required to count seven days.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A LEPER WHO IS UNDER OBSERVATION⁷ AND ONE DEFINITELY DECLARED SUCH⁸ SAVE IN THE MATTER OF LEAVING THE HAIR LOOSE⁹ AND RENDING THE GARMENTS.¹⁰ THERE IS NO DIFFERENCE BETWEEN A LEPER WHO HAS BEEN DECLARED CLEAN⁸ AFTER BEING UNDER OBSERVATION¹¹ AND ONE WHO HAS BEEN DECLARED CLEAN⁸ AFTER HAVING BEEN DEFINITELY DECLARED A LEPER SAVE IN THE MATTER OF SHAVING AND [OFFERING] THE BIRDS.¹²

GEMARA. From this it is to be inferred that in the matter of being sent outside [the camp]¹³ and uncleanness¹⁴ they are on the same footing. Whence is this rule¹⁵ derived? — As R. Samuel b. Isaac taught before R. Huna: Then the priest shall pronounce him clean; it is a scab; and he shall wash his clothes and be clean;¹⁶ which implies that he shall already have been [in a sense] clean¹⁷ from the first, not having been liable to rending the garments and loosening the hair. Said Raba to him. If that

is so, then in regard to one with an issue, of whom it is written, and he shall wash his garments and be clean,¹⁸ how is it possible to say that he shall have been clean from the start? What it means then is, ‘clean now so far as not to defile earthenware vessels by moving them’,¹⁹ so that, even if he observes an issue again, he does not defile them retrospectively. So here, [the meaning is that] the leper is clean now to the extent of not defiling retrospectively by his entrance!²⁰ The fact is, said Raba, that we learn it from here: And the leper in whom the plague is;²¹ [that means] one whose leprosy is due to the state of his body, excluding this one²² whose leprosy is due to days.²³ Said Abaye to him: If that is so, then when it says, All the days wherein the plague is in him he shall be unclean,²⁴ are we to say that one whose leprosy is due to his state of body is required to be sent out of the camp, but one whose leprosy is not due to his state of body is not to be sent out of the camp? And should you reply that that is so, [how can this be] seeing that it states, THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF LOOSENING THE HAIR AND RENDING THE GARMENTS, from which it may be inferred that in the matter of being sent out [of the camp] and defiling by entrance they are on the same footing? — [The text might have said simply] ‘the days’, and it says, ‘all the days’, to bring a leper under observation within the rule of sending out [of the camp]. If that is the case, what is the reason that he is not required to shave and offer birds [which is not the case], as it states: THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF SHAVING AND OFFERING BIRDS? — Abaye replied: Scripture says: And the priest shall go forth out of the camp, and behold the plague of leprosy is healed in the leper;²⁵ this means, one whose leprosy is such because it requires healing,²⁶ and excludes one whose leprosy is such in virtue not of [requiring] healing but of days [of isolation].

MISHNAH. THERE IS NO DIFFERENCE BETWEEN BOOKS [OF THE SCRIPTURE]²⁷ AND TEFILLIN AND MEZUZAH²⁸ SAVE THAT THE BOOKS MAY BE WRITTEN IN ANY LANGUAGE²⁹ WHEREAS TEFILLIN AND MEZUZAH MAY BE WRITTEN ONLY IN ASSYRIAN.³⁰ R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO WERE PERMITTED [BY THE SAGES] TO BE WRITTEN ONLY IN GREEK.

GEMARA. [From this we infer] that for requiring [the sheets] to be stitched with sinews³¹ and for defiling the hands³² both are on the same footing.

BOOKS MAY BE WRITTEN IN ANY LANGUAGE. The following seems to conflict with this: ‘[A Scriptural scroll containing] a Hebrew text written³³ in Aramaic or an Aramaic text written in Hebrew,³⁴ or [either] in Hebraic script,³⁵ does not defile the hands;³⁶ [it does not do so] until it is written in Assyrian script upon a scroll and in ink’! — Raba replied: There is no contradiction;

(1) If a niddah (v. Glos.) who is counting her eleven days between the menses sees blood on one or two of the days, she need not count seven clean days but becomes clean after ablution on the evening of the following day. V. Sanh., Sonc. ed. p. 577, n. 2.

(2) V. Nid. 72b.

(3) Cf. p. 43. n. 10.

(4) Under the obligation to count seven days.

(5) From the obligation to bring a sacrifice.

(6) Lev. XV, 13.

(7) מוסגר Lit., ‘shut up’. V. Lev. XIII, 4.

(8) מוחלט Lit., ‘confirmed’; by the priest. Ibid. v. 11.

(9) Or ‘let his hair grow wild’, v. M.K 15a.

(10) Which is incumbent on the latter but not on the former. Ibid. 45.

(11) I.e., one in whom the suspicious signs did not develop into actual leprosy

(12) Which was incumbent on the latter. Lev. XIV, 2-7.

- (13) V. Num. V, 2.
- (14) The stringent laws of uncleanness to which lepers are subjected.
- (15) That the leper under observation need not loosen his hair and rend his garments.
- (16) Lev. XIII, 6, of the suspect in whom the signs do not develop.
- (17) The Hebrew word being **וטהור** in the present tense (as if to say: 'and he was already clean'), where the future **וטהור** might have been used.
- (18) Lev. XV, 13. Here again he present tense **וטהור** is used.
- (19) Without touching them. Such a defilement is termed **היסט**.
- (20) The rule was that a leper by entering a room defiled persons and things within it. The question thus remains, Whence is this rule (v. p. 45, n. 9) derived?
- (21) Lev. XIII, 45.
- (22) The leper under observation.
- (23) It is the seven days of his observation that cause him to be designated a leper, for should there be no change in the leper at the end of the seven days he is pronounced clean.
- (24) Ibid. 46.
- (25) Lev. XIV, 3.
- (26) I.e., who has been declared definitely a leper. Only such a one has to shave and bring birds.
- (27) This means apparently, scrolls of the Scriptural books.
- (28) V. Glos.
- (29) Apparently what is meant is that official translations for use in the synagogue may be made in any language. We know actually of two such — the Aramaic translation known as Targum Onkelos, and the Greek translation of Aquilas made under the supervision of R. Eleazar and R. Joshua.
- (30) 'Assyrian is used as the equivalent of Hebrew written in the square characters used for religious writings. This script was called 'Assyrian', the reason being that it came into common use after the return of the Jews from the Babylonian exile; v. Sanh. 21b, Sonc. ed. pp. 119ff and notes.
- (31) And not merely with flax thread.
- (32) V. supra p. 35, n. 11.
- (33) I.e., translated into.
- (34) E.g., the Chaldaic parts of Daniel and Ezra.
- (35) **כתב עברי**. The ancient Hebrew script (as found e.g., in the Siloam and Moabite inscriptions and old Jewish coins, and in modified form in Samaritan writing) which was in common use before the Exile. V. Sanh. ibid.
- (36) Whereas the Mishnah seems to imply that they do.

Talmud - Mas. Megillah 9a

the one statement [that of the Mishnah] speaks of [books written in] our script,¹ the other of [books written in] their script.² Said Abaye to him: How have you explained the other statement [that of the Baraitha]? As referring to their script. [If so], why should it say, 'A Hebrew text written in Aramaic or an Aramaic text written in Hebrew'? The same would apply even to a Hebrew text which is written in Hebrew or an Aramaic text which is written in Aramaic, since it goes on to say. 'till it is written in Assyrian on a scroll in ink!'³ No. [What you must say is], there is no contradiction: the one statement [in the Mishnah] represents the view of the Rabbis, the other that of R. Simeon b. Gamaliel. But if it is the view of R. Simeon b. Gamaliel, what about Greek?⁴ — No. What you must say is, there is no contradiction; the one statement [in the Mishnah] refers to scrolls, the other to tefillin and mezuzahs. What is the reason [why] tefillin, and mezuzahs [must be written in Assyrian]? — Because in reference to them it is written, and they shall be,⁵ which implies, they shall be as they originally were. What cases are there of Aramaic which can be written in Hebrew? I grant you we find in the Torah yegar sahadutha;⁶ but here [in the case of tefillin, and mezuzoth] what Aramaic is there? — No. What you must say is, there is no contradiction; the one statement [in the Baraitha] refers to the Megillah, the other to the other books [of the Scripture]. What is the reason in the case of the Megillah? — Because it is written In regard to it, according to their writing and according to their language.⁷ What case of Aramaic being written in Hebrew is possible here? — R.

Papa said: And the king's pithgam⁸ shall be published;⁹ R. Nahman b. Isaac said: And all the wives shall give yekar¹⁰ to their husbands.¹¹ R. Ashi said: That statement [in the Baraitha] was made in reference to other books [of the Scripture], and it follows the view of R. Judah, as it has been taught: 'Tefillin and mezuzahs are to be written only in Assyrian, but our Rabbis allowed them to be written in Greek also'.¹² But is it not written, and they shall be? I must say therefore, 'Scrolls of the Scripture may be written in any language, and our Rabbis permitted them to be written in Greek'.¹³ They permitted! This would imply that the First Tanna forbade it! What I must say therefore is, 'Our Rabbis permitted them to be written only in Greek'. And it goes on to state, 'R. Judah said: When our teachers permitted Greek, they permitted it only for a scroll of the Torah'.¹⁴ This was on account of the incident related in connection with King Ptolemy,¹⁵ as it has been taught: 'It is related of King Ptolemy that he brought together seventy-two elders and placed them in seventy-two [separate] rooms, without telling them why he had brought them together, and he went in to each one of them and said to him, Translate¹⁶ for me the Torah of Moses your master.¹⁷ God then prompted each one of them and they all conceived the same idea and wrote for him, God created in the beginning,¹⁸ I shall make man in image and likeness,¹⁹ And he finished on the sixth day, and rested on the seventh day,²⁰ Male and female he created him²¹ [but they did not write 'created them'],²² Come let me descend and confound their tongues,²³ And Sarah laughed among her relatives,²⁴ For in their anger they slew an ox and in their wrath they digged up a stall,²⁵ And Moses took his wife and his children, and made them ride on a carrier of men;²⁶ And the abode of the children of Israel which they stayed in Egypt and in other lands was four hundred years,²⁷ And he sent the elect of the children of Israel,²⁸ And against the elect of the children of Israel he put not forth his hand;²⁹

(1) Even though in another language.

(2) The Scriptural text was transliterated into the characters of a foreign language.

(3) This shows, according to Abaye, that the Baraitha is speaking of the language independently of the script.

(4) According to Abaye the Baraitha, in saying, 'till it is written in Assyrian' forbids even Greek, which is allowed by R. Simeon.

(5) Deut. VI, 8.

(6) Gen. XXXI, 47.

(7) Esth. VIII, 9.

(8) Aramaic for the Heb. *dabar*, 'decree'.

(9) Ibid. I, 20.

(10) Aramaic for the Heb. *kabod*, 'honour'.

(11) Ibid.

(12) The quotation is here interrupted.

(13) The quotation is again interrupted.

(14) Thus R. Judah forbade other books of the Scripture to be written save in the original language.

(15) It seems to be an historical fact that a Greek translation of the Pentateuch was made in the time of King Ptolemy Philadelphus of Egypt (285-247), but many regard this as apocryphal; cf, The Letter of Aristeas.

(16) Lit., 'write'.

(17) Here follow a number of cases in which the translation of the Elders did not follow the Massoretic text. We do not find all these variants in our texts of the Septuagint.

(18) Instead of 'In the beginning God created'. The purpose of this change was apparently to prevent the idea of Two Powers being read into the text, i.e., 'In the beginning' and 'God'. V. Rashi and Tosaf. a.I.

(19) Gen. 1, 26, instead of 'Let us make', for the same reason.

(20) Ibid. II, 2, instead of 'and he finished on the seventh day', which might be taken to imply that some work was done on the seventh day.

(21) Ibid. V, 2.

(22) Which might be taken to mean that they were separate from the first.

(23) Ibid. XI, 7: 'me' instead of 'us'. V. n. 7.

(24) Ibid. XVIII, 12: instead of 'in herself', in order to make a distinction between Sarah and Abraham, who also laughed inwardly.

(25) Ibid. XLIX, 6: 'ox' instead of 'man', to save the name of Jacob's sons.

(26) Ex. IV, 20: carrier of men' instead of 'ass', to save the dignity of Moses.

(27) Ibid. XII, 40. The words 'and in other lands' are inserted because, according to the Biblical record, the Israelites were at the utmost 210 years in Egypt.

(28) Ibid. XXIV, 5: 'elect' instead of 'young men', which is regarded as not suitable to the context.

(29) Ibid. 11 : 'elect' instead of 'nobles'.

Talmud - Mas. Megilah 9b

I have taken not one valuable of theirs;¹ Which the Lord thy God distributed to give light to all the peoples;² And he went and served other gods which I commanded should not be served.³ They also wrote for him 'the beast with small legs' and they did not write 'the hare',⁴ because the name of Ptolemy's wife was hare,⁵ lest he should say, The Jews have jibed at me and put the name of my wife in the Torah.

R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO ARE PERMITTED TO BE WRITTEN ONLY IN GREEK. R. Abbahu said in the name of R. Johanan: The halachah follows R. Simeon b. Gamaliel. R. Johanan further said: What is the reason of R. Simeon b. Gamaliel? Scripture says, God enlarge Japheth, and he shall dwell in the tents of Shem;⁶ [this means] that the words of Japheth⁷ shall be in the tents of Shem. But why not say [the words of] Gomer and Magog?⁸ — R. Hiyya b. Abba replied: The real reason is because it is written, Let God enlarge [yaft] Japheth: implying, let the chief beauty [yafyuth] of Japheth⁹ be in the tents of Shem.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A PRIEST ANOINTED WITH THE OIL OF ANOINTMENT AND ONE WHO [ONLY] WEARS THE ADDITIONAL GARMENTS¹⁰ SAVE IN THE MATTER OF THE BULLOCK WHICH IS OFFERED FOR THE [UNWITTING BREAKING OF] ANY OF THE COMMANDMENTS.¹¹ THERE IS NO DIFFERENCE BETWEEN A REGULAR¹² [HIGH] PRIEST AND ONE WHO HAS PASSED THROUGH [THE OFFICE]¹³ SAVE IN RESPECT OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH.¹⁴

GEMARA. [BETWEEN THE PRIEST ANOINTED etc.]. From this we infer that in the matter of the bullock of the Day of Atonement and the tenth of the ephah they are on the same footing. The Mishnah, it appears, does not concur with R. Meir; for with regard to the view of R. Meir, it has been taught: 'One who wears the additional garments [without having been anointed] brings the bullock which is offered [by the High Priest] for the [unwitting breaking of] any of the precepts'. So R. Meir. The Sages, however, say that he does not offer it. What is the reason of R. Meir? — As it has been taught: [If the] anointed [priest shall sin]:¹⁵ this tells me only of one anointed with the oil of anointment. How do I know that it applies also to one who [merely] wears the additional garments? — Because it says, the 'anointed'.¹⁶ How have you explained [the Mishnah]? As not concurring with R. Meir. Look now at the next clause: THERE IS NO DIFFERENCE BETWEEN A REGULAR HIGH PRIEST AND ONE WHO HAS PASSED THROUGH THE OFFICE SAVE IN THE MATTER OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH. We infer from this that in all other matters they are on the same footing; and so we come round to the view of R. Meir, as it has been taught: 'If something happened to disqualify him and another priest was appointed to take his place, when the first returns to his service the second is still liable to all the obligations of the high priesthood'.¹⁷ So R. Meir. R. Jose said: The first returns to his service whereas the second is qualified to act neither as a high priest nor as an ordinary priest. R. Jose further said: it happened with R. Jose b. Ulam¹⁸ from Sephoris that a disqualification occurred to the high priest and they appointed him in his place, and the case eventually came before the Sages and they said: The first returns to his service. The second is qualified to act neither as a high priest nor as an ordinary priest: as a high priest, so as not to create enmity,¹⁹ as an ordinary priest, because

we can raise to a higher grade of holiness but we never put down to a lower.²⁰ Are we then to say that the first clause [of the Mishnah] follows the Sages and the second R. Meir? — Said R. Hisda: Yes; the first clause follows the Sages and the second R. Meir. R. Joseph said: The whole gives the opinion of Rabbi, who combined the views of²¹ differing Tannaim.²²

MISHNAH. THERE IS NO DIFFERENCE²³ BETWEEN A GREAT HIGH PLACE²⁴ AND A SMALL ONE²⁵ SAVE IN THE MATTER OF THE PASCHAL LAMB OFFERING.²⁶ THIS IS THE GENERAL PRINCIPLE: ANY ANIMAL WHICH IS THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY BE BROUGHT ON A [SMALL] HIGH PLACE, ANY ANIMAL WHICH IS NOT THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY NOT BE BROUGHT ON A [SMALL] HIGH PLACE.

GEMARA. THE PASCHAL LAMB and nothing else?²⁷ — We should say, things like the paschal lamb.²⁸ Whose view is this? — R. Simeon's, as it has been taught: 'The congregation also did not offer [on the large high place] anything save paschal lambs and obligatory sacrifices for which there is a fixed time; but obligatory sacrifices for which there is no fixed time²⁹ were not offered either on the one or the other'.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SHILOH³⁰ AND JERUSALEM SAVE THAT IN SHILOH SACRIFICES OF LESSER SANCTITY³¹ AND SECOND TITHE³² COULD BE EATEN ANYWHERE WITHIN SIGHT [OF THE TOWN], WHEREAS IN JERUSALEM THEY HAD TO BE CONSUMED WITHIN THE WALLS. IN BOTH PLACES THE MOST HOLY SACRIFICES³³ WERE EATEN WITHIN THE CURTAINS.³⁴ AFTER THE SANCTIFICATION OF SHILOH

(1) Num. XVI, 15: 'valuable' for 'ass'.

(2) Deut. IV, 19. The words 'to give light' are inserted, to guard against misunderstanding.

(3) Ibid. XVII, 3. The words 'should be served' are inserted, to avoid misunderstanding.

(4) In Lev. XI, 6.

(5) In fact, it was Ptolemy's father who was named 'hare' (**).

(6) Gen. IX, 27.

(7) Javan (Greece) is reckoned among the sons of Japheth in Gen. X, 2.

(8) Who are also reckoned among the sons of Japheth, loc. cit.

(9) I.e., the Greek language.

(10) I.e., the robe, the breastplate, the mitre and the plate, which were worn by the high priest but not by ordinary priests. High priests, according to tradition, ceased to be anointed from the days of Josiah.

(11) Lev. IV, 3.

(12) Lit., 'officiating'.

(13) And who retired; i.e., one who was appointed to take the place of a High Priest while the latter is temporarily disqualified. When the disqualification is removed the High Priest returns to his duties while his substitute retires. V. infra.

(14) The daily offering of the High Priest. Lev. VI, 13-15. Only one person could make these two offerings.

(15) Lev. IV, 3.

(16) The definite article is regarded as adding something.

(17) E.g., to minister only in eight garments, not to mourn etc.

(18) [Or Ailim; Joseph b. Ellimus mentioned in Josephus. V. Hor., Sonc. ed. p. 89, n. 5.]

(19) Between him and the original High priest.

(20) Hence, having served as a High Priest, he can never revert to the status of an ordinary one.

(21) Lit., 'who took it according to'.

(22) For further notes on the whole passage v. Hor., Sonc. ed. pp. 88ff.

(23) In the period when the high places (Bamoth, sing. Bamah) were permitted, i.e., when there was no sanctuary at Shiloh or Jerusalem.

- (24) Those at Nob and Gibeon, where the altar made by Moses was used for public services.
- (25) Erected by any individual for private sacrifices.
- (26) Which could be offered only on the large one.
- (27) This seems to contradict the next clause, which implies that congregational sacrifices were brought on the large high places.
- (28) As explained presently.
- (29) E.g., the bullock offered in atonement for a sin committed unwittingly by the whole congregation.
- (30) Shiloh was made the religious centre of the people in the time of Joshua (Josh. XVIII, 1), and remained such till the time of Samuel, when it seems to have been laid waste by the Philistines (cf. Jer. XXVI, 6, 9).
- (31) Viz., peace-offerings, firstlings and tithes of cattle.
- (32) Set aside on the first, second, fourth and fifth years of the seven-year cycle after the dues to the priests and levites had been paid. Their second tithe or redemption money was taken to Jerusalem and there consumed by the owners. V. Deut. XIV, 22ff.
- (33) Viz., sin- and guilt-offerings, and congregational peace-offerings.
- (34) This expression applies strictly only to the Tabernacle at Shiloh. The corresponding place in the Temple at Jerusalem was the space within the walls of the Temple court.

Talmud - Mas. Megilah 10a

THE HIGH PLACES COULD AGAIN BECOME PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION.

GEMARA. R. Isaac said: I have heard that sacrifices may be offered in the Temple of Onias¹ at the present day.² He was of opinion that the Temple of Onias is not an idolatrous shrine, and that the first holiness [of Jerusalem] was conferred on it for the time being but not for all time,³ as it is written, For ye are not as yet come to the rest and to the inheritance.⁴ 'Rest' here means Shiloh and 'inheritance' means Jerusalem, and 'inheritance' is put on the same footing as 'rest', [to show that] just as after the [destruction of the] 'rest' the high places were again permitted, so after the [destruction of the] 'inheritance' they will be permitted. They said to him: Do you really say so? He replied, No. Said Raba: By God! he did say it and I learnt it from him. Why then did he retract? On account of the difficulty raised by R. Mari. For R. Mari adduced the following in confutation: AFTER THE SANCTIFICATION OF SHILOH HIGH PLACES CAN AGAIN BE PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION. We have also learnt further: After they [the Israelites] occupied Jerusalem, the high places were forbidden, and they were never permitted again, and it was the 'inheritance'. — There is a difference of Tannaim on this point, as we have learnt. 'R. Eliezer said: I have heard that when they were building the hekal⁵ [in the second Temple] they made curtains for the hekal and for the courtyard,⁵ the difference being that in the hekal they built [the walls] outside [the curtains]⁶ and in the courtyard they built [the walls] within [the curtains]. And R. Joshua said: I have heard that sacrifices may be brought even though there is no temple; that the most holy foods may be eaten, even though there are no curtains; and that foods of lesser sanctity and second tithe may be eaten even though there is no wall, because the first holiness was conferred on Jerusalem⁷ both for the time being and for all time.'⁷ We infer from this⁸ that R. Eliezer was of opinion that it was not [at first] sanctified for all time.⁹ Said Rabina to R. Ashi: How can we draw this inference? Perhaps all agree that the first holiness was conferred upon it for the time being and for all time, and one Master reported what he had heard and the other what he had heard. Should you ask, In that case, why were curtains needed according to R. Eliezer, we can answer that they were merely for privacy. Rather it is the following Tannaim who differ on this point as it has been taught: 'R. Ishmael son of R. Jose said: Why did the Sages enumerate these?¹⁰ Because when the exiles returned they found these cities [still walled] and sanctified them;¹¹ the others,¹² however, lost their privilege when the land lost its sanctity'. This shows that he was of opinion that the first holiness was conferred for the time being and not for the future. And a contradiction was pointed out with the following: 'R. Ishmael son of R.

Jose said: Were these all? Do we not find it said, Sixty cities, all the region of Argob,¹³ and it is written, All these were fortified cities with high walls?¹⁴ Why then did the Sages enumerate these? Because when the exiles returned, they found these [still walled] and sanctified them'.¹⁵ They sanctified then,

(1) A shrine built at Leontopolis in Egypt by Onias IV, a high priest who fled from Jerusalem. c. 154 B.C.E., v. Josephus, Ant. XIII, iii, 1ff and Men. 109b.

(2) This must refer to the period of the originator of the dictum, as the Temple of Onias did not exist any longer in the time of R. Isaac.

(3) Lit., 'for the future to come'. Hence after its destruction the high places would again be permitted.

(4) Deut. XII, 9.

(5) We assume for the present that the reason for the curtains was to invest the place with holiness enabling sacrifices to be offered and eaten pending the construction of the walls.

(6) [To prevent the builders from either penetrating into the hekal or gazing into it whilst engaged in their work. V. Rashi a.I. and Shebu. 16a.]

(7) V. 'Ed. VIII, 7 and Zeb. 107b.

(8) From the fact that curtains were required to confer holiness.

(9) This shows that Tannaim differ on this point.

(10) Nine cities enumerated in Tractate Arakin 32b as having been walled in the time of Joshua.

(11) I.e. gave them the status of 'walled towns'.

(12) Lit., 'the earlier ones, i.e., all the others which had previously been walled.

(13) Deut. III, 4.

(14) Ibid. 4f.

(15) The quotation is here interrupted.

Talmud - Mas. Megilah 10b

now, [say you]! Do we not say that they did not require to be sanctified?¹ What [you should say is], they found these and enumerated them. And not only in these alone, but in every one in regard to which you shall find a tradition from your ancestors that it was walled from the days of Joshua son of Nun, all these precepts² are to be observed, because the first holiness was conferred for the time being and for all future time. There is thus a contradiction between two statements of R. Ishmael! — Two Tannaim report R. Ishmael son of R. Jose differently. Or if you like, I can say that the latter dictum emanates from R. Eleazar b. Jose, as it has been taught: 'R. Eleazar b. Jose says: That has [no] wall;³ even though it has not now, but it had in previous times.'

And it came to pass in the days of Ahasuerus⁴ R. Levi, or some say R. Jonathan said: The following remark is a tradition handed down to us from the Men of the Great Assembly:⁵ wherever in the Scripture we find the term wa-yehi [and it was, and it came to pass], it indicates [the approach of] trouble.⁶ Thus, and it came to pass in the days of Ahasuerus — there was Haman. And it came to pass in the days when the Judges judged⁷ — 'there was a famine'. And it came to pass when man began to multiply⁸ — then 'God Saw that the wickedness of man was great'. And it came to pass, as they journeyed east⁹ — then 'they said, come let us build a city'. And it came to pass in the days of Amrafel¹⁰ — then 'they made war'. And it came to pass when Joshua was in Jericho¹¹ — then 'his [the angel's] sword was drawn in his hand'.¹² And the Lord was [wa-yehi] with Joshua¹³ — then, 'the children of Israel committed a trespass', And there was a certain man of Ramathaim-Zophim¹⁴ — then, for he loved Hannah but the Lord had shut up her womb'. And it came to pass when Samuel was old¹⁵ — then, 'his sons walked not in his ways'. And David had [wa-yehi] great success in all his ways¹⁶ — then, 'And Saul eyed David'.¹⁷ And it came to pass when the king dwelt in his house¹⁸ — then, 'Nevertheless thou shalt not build the house'.¹⁹ But is it not written, — And it came to pass on the eighth day,²⁰ and it has been taught, 'On that day there was joy before the Holy One, blessed be He, as on the day when heaven and earth were created. For it is written, And it came to pass

[wa-yehi] on the eighth day, and it is written in the other place, And there was [wa-yehi] one day'?²¹ Nadab and Abihu died on that day. But is it not written, And it came to pass in the four hundred and eightieth year,²² And it came to pass when Jacob saw Rachel,²³ and it is also written, And there there was evening and there was morning one day, and there is the second day and the third, and there are many other cases? — R. Ashi replied: The fact is that 'wa-yehi' sometimes has this signification and sometimes not, but the expression 'and it came to pass in the days of' always indicated trouble. Five times we find the expression 'and it came to pass in the days of'; viz., 'And it came to pass in the days when the Judges judged', 'and it came to pass in the days of Amrafel', 'and it came to pass in the days of Ahaz',²⁴ 'and it came to pass in the days of Jehoiakim'.²⁵

R. Levi further said: The following is a tradition that we have from our ancestors, that Amoz²⁶ and Amaziah²⁷ were brothers. What does this tell us?²⁸ — It confirms what was said by R. Samuel b. Nahmani in the name of R. Jonathan: Every bride who is modest in the house of her father-in-law is rewarded by having kings and prophets among her descendants. How do we prove this? From Tamar, as it is written, And Judah saw her and thought her to be a harlot; for she had covered her face.²⁹ Now because she had covered her face did he think her to be a harlot? Rather, what it means is that because she had covered her face in the house of her father-in-law and he did not know her, she was rewarded by having among her descendants kings and prophets; kings from David, and prophets — as R. Levi said, 'It is a tradition handed down to us from our ancestors that Amoz and Amaziah were brothers', and it is written, The vision of Isaiah son of Amoz.³⁰

R. Levi further said: We have a tradition from our ancestors that the ark took up no room.³¹ It has been taught to the same effect: 'The ark which Moses made had round it an [empty] space of ten cubits on every side'. Now it is written, And in front of the Sanctuary was twenty cubits in length [and twenty cubits in breadth],³² and it is also written, And the wing of the one cherub was ten cubits and the wing of the other cherub was ten cubits.³³ Where then was the ark itself? We must therefore conclude that it stood by a miracle [without occupying any room].³⁴

R. Jonathan prefaced his discourse on this section³⁵ with the text,³⁶ And I will rise against them, saith the Lord, and cut off from Babylon name and remnant', and offshoot and offspring, saith the Lord,³⁷ [which he expounded as follows]: 'Name' means script; 'remnant is language';³⁸ 'offshoot' is kingdom, and 'offspring' is Vashti.

R. Samuel b. Nahmani introduced his discourse on this section with the following text: Instead of the thorn shall come up the cypress, and instead of the brier shall come up the myrtle:³⁹ 'Instead of the thorn': instead of the wicked Haman who put himself up as an object of worship, as it is written, and upon all thorns and upon all brambles⁴⁰ 'shall come up the cypress': this is Mordecai who was called the chief of all spices, as it is said, And do thou take to thee the chief spices, flowing myrrh,⁴¹ which [last words] we translate [in Aramaic], mar deki.⁴² 'Instead of the brier': instead of the wicked Vashti, the daughter of the wicked Nebuchadnezzar who burnt the ceiling of the house of the Lord; as it is written, its top was gold,⁴³ 'the myrtle shall come up': this is the virtuous Esther who is called Hadassah,⁴⁴ as it is said, And he brought up Hadassah.⁴⁵ 'And it shall be to the Lord for a name': this is the reading of the Megillah; 'and for an everlasting sign which shall not be cut off': these are the days of Purim.

R. Joshua b. Levi introduced his discourse on this section with the following text: And it shall come to pass that as the Lord rejoiced over you to do you good, so the Lord will rejoice over you to cause you to perish.⁴⁶ Now does the Holy One, blessed be He, rejoice in the downfall of the wicked? Is it not written, as they went out before the army, and say, Give thanks unto the Lord, for his mercy endureth for ever',⁴⁷ and R. Johanan said, Why are the words 'for he is good' omitted from this thanksgiving? Because the Holy One, blessed be He, does not rejoice in the downfall of the wicked? And R. Johanan further said, What is the meaning of the verse, And one came not near the other all

the night?⁴⁸ The ministering angels wanted to chant their hymns, but the Holy One, blessed be He, said, The work of my hands is being drowned in the sea, and shall you chant hymns? — R. Eleazar replied: He himself does not rejoice, but he makes others rejoice. This is indicated also by the text, which writes *yasis* and not *yasus*;⁴⁹ which proves [what we said].

R. Abba b. Kahana introduced his discourse on this section with the following text: For to the man that is good in his sight he giveth wisdom, and knowledge and joy.⁵⁰ This, he said, is the righteous Mordecai. But to the sinner He giveth the task, to gather and to heap up;⁵⁰ this is Haman. That he may leave it to him, that is good in the sight of God;⁵⁰ this refers to Mordecai and Esther, as it is written, And Esther set Mordecai over the house of Haman.⁵¹

Rabbah b. 'Ofra introduced his discourse on this section with the following text: And I will set my throne in Elam, and will destroy from thence king and princes.⁵² 'King' indicates Vashti, and 'princes' indicates Haman and his ten sons.

R. Dimi b. Isaac introduced his discourse on this section with the following text:

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- (1) As it says presently, that all which are traditionally known to have been walled are sanctified.
 - (2) Of sending out a leper and reading the Megillah on the fifteenth and restoring a house to a vendor at the end of a year.
 - (3) Lev. XXV, 31. The *kere* means which has a wall' and the *kethib* 'which has no wall', and R. Eleazar combines both meanings, he being of the opinion that the first holiness is retained for all times, in contradistinction to R. Ishmael. These then are the two Tannaim who differ on this point.
 - (4) Esth. I, 1.
 - (5) V. p. 2, n. 5.
 - (6) *Wa-yehi* being read as *wai, hi* (woe and sorrow). V.infra.
 - (7) Ruth I, I.
 - (8) Gen. VI, I
 - (9) Ibid. XI, 2.
 - (10) Ibid. XIV, I.
 - (11) Josh. V, 13.
 - (12) Ibid.
 - (13) ,Ibid. VI,27.
 - (14) I Sam.I, 1.
 - (15) Ibid. VIII, 1.
 - (16) Ibid. XVIII, 14.
 - (17) This is in fact mentioned before the other, in v. 9 of the same chapter.
 - (18) II Sam VII, 1.
 - (19) This is in fact found in I Kings VIII, 19. In II Sam. VII the expression is, 'Shalt thou build a house'.
 - (20) Lev. IX, 1 of the setting up of the Tabernacle.
 - (21) Gen. I, 5.
 - (22) I Kings VI, 1 of the building of the Temple.
 - (23) Gen. XXIX, 10.
 - (24) Isa. VII, 1.
 - (25) Jer. I, 3.
 - (26) The father of Isaiah. V. infra.
 - (27) The king of Judah.
 - (28) I.e., what homiletical lesson does it convey.
 - (29) Gen. XXXVIII, 15.
 - (30) Isa. I, 1.
 - (31) Lit., 'the place of the ark was not included in the measurements'.
 - (32) I Kings VI, 20.

- (33) This is the sense but not the exact wording of I Kings VI, 24, 25.
- (34) V. Yoma 21a and B.B. 99a.
- (35) The Book of Esther.
- (36) Lit., 'from here'.
- (37) Isa. XIV, 22.
- (38) The connection between 'name' and 'script' and between 'remnant' and 'language' is not very clear. But v. Maharsha.
- (39) Isa. LV, 13.
- (40) Ibid. VII, 19. The proof is not clear. Cf. Maharsha.
- (41) Ex. XXX, 23.
- (42) 'Pure myrrh' a popular etymology of Mordecai.
- (43) Cant. III, 10. There is here a play on the words sirpad (brier), and refidah (top).
- (44) The Aramaic for myrtle.
- (45) Esth. 11, 7.
- (46) Deut. XXVIII, 63.
- (47) II Chron. XX, 21, of the army of Jehoshaphat marching against the Moabites.
- (48) Ex. XIV, 20, of Pharaoh and the Israelites at the Red Sea.
- (49) Yasis is a hif'il form, and should properly mean 'cause to rejoice', though it is often used as equivalent to the kal, yasus rejoice'.
- (50) Eccl. II, 26.
- (51) Esth. VIII, 2.
- (52) Jer. XLIX, 38.

Talmud - Mas. Megilah 11a

For we are bondmen; yet hath God not forsaken us in our bondage, but hath extended mercy unto us in the sight of the kings of Persia.¹ When was this? In the time of Haman. R. Hanina b. Papa introduced his discourse on this section with the following text: Thou hast caused men to ride over our heads, we went through fire and through water:² through fire in the days of the wicked Nebuchadnezzar, and through water in the days of Pharaoh. But thou didst bring us out into abundance,² in the days of Haman.

R. Johanan introduced his discourse on this section with the following text: He hath remembered his mercy and his faithfulness to the house of Israel, all the ends of the earth have seen the salvation of our Lord.³ When did all the ends of the earth see the salvation of our Lord? In the days of Mordecai and Esther.⁴

Resh Lakish introduced his discourse on this section with the following text: As a roaring lion and a ravenous bear, so is a wicked ruler over a poor people.⁵ 'A roaring lion': this is the wicked Nebuchadnezzar, of whom it is written, A lion is gone up from his thicket.⁶ 'A ravenous bear': this is Ahasuerus, of whom it is written, And behold another beast, a second, like to a bear',⁷ and R. Joseph learnt: These are the Persians, who eat and drink like bears, and are coated with flesh like bears, and are hairy like bears, and can never keep still like bears.⁸ 'A wicked ruler': this is Haman. 'Over a poor people': this is Israel, who are poor in [the observance of] precepts.

R. Eleazar introduced his discourse on this with the following text: By slothfulness he that lays beams⁹ becomes poor [yimak], and through idleness of the hands the house leaketh.¹⁰ Through the slothfulness in which Israel indulged, not busying themselves with the Torah, the enemy of¹¹ the Holy One, blessed be He, became poor. The meaning of 'mak' is poor, as it says, And if he is too mak for thy valuation,¹² and mekoreh means only the Holy One, blessed be He, as it says, Who layest the beams [ha-mekareh] of thy upper chambers in the waters.¹³

R. Nahman b. Isaac introduced his discourse on this section with the following text: A Song of Ascents: If it had not been for the Lord who was for us, let Israel now say If it had not been the Lord who was for us when a man¹⁴ rose up against us¹⁵ — ‘a man’ and not a king.¹⁶

Raba introduced his discourse on this section from here: When the righteous are increased the people rejoice, but when the wicked beareth rule the people sigh.¹⁷ ‘When the righteous are increased the people rejoice’ — this is illustrated by Mordecai and Esther, as it is written, and the city of Shushan shouted and was glad.¹⁸ ‘But when the wicked beareth rule the people sigh’ — this is illustrated by Haman, as it is written, but the city of Shushan was perplexed.¹⁹ R. Mattenah made his introduction²⁰ from this verse: For what great nation is there that hath God so nigh to them.²¹ R. Ashi made it from this verse: Or hath God assayed etc.²²

And it came to pass [wa-yehi] in the days of Ahasuerus²³ etc. Rab said, [The word wa-yehi is equivalent to] ‘wai and hi’ [woe and mourning]. With reference to this it is written, and there ye shall sell yourselves unto your enemies for bondmen and for bondwomen, and no man shall buy you.²⁴

Samuel quoted: I did not reject them, neither did I abhor them to destroy them utterly.²⁵ ‘I did not reject them’ in the days of the Greeks; ‘neither did I abhor them’ — in the days of Nebuchadnezzar;²⁶ ‘to destroy them utterly’ — in the days of Haman; ‘and to break my covenant with them’ — in the days of the Persians;²⁷ ‘for I am the Lord their God’ — in the days of Gog and Magog.²⁸ In a Baraitha It was taught: ‘I have not rejected them’ — in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; ‘neither did I abhor them’ — in the days of the Greeks, when I raised up for them Simeon the Righteous and Hasmonai and his sons, and Mattathias the High Priest;²⁹ ‘to destroy them utterly’ — in the days of Haman, when I raised up for them Mordecai and Esther; ‘to break my covenant with them’ — in the days of the Persians,³⁰ when I raised up for them the members of the house of Rabbi and the Sages of the various generations. ‘For I am the Lord their God’ — in the time to come, when no nation or people³¹ will be able to subject them.

R. Levi introduced [his discourse] from this verse: But if ye will not drive out the inhabitants of the land before you.³² R. Hiyya introduced [his discourse] from this verse: And it shall come to pass that as I thought to do unto them, so will I do unto you.³³

Ahasuerus: Rab said: He was [as his name implies], the brother of the head³⁴ and the counterpart of the head — ‘The brother of the head’: the brother of Nebuchadnezzar the wicked who was called head, as it is written, Thou art the head of gold.³⁵ ‘The counterpart of the head’: the one slew, the other sought to slay; the one laid waste, the other sought to lay waste, as it is written, And in the reign of Ahasuerus, in the beginning of his reign, wrote they an accusation against the inhabitants of Judah and Jerusalem.³⁶ Samuel said that [as his name indicates], the face of Israel was blackened³⁷ in his days like the sides of a pot. R. Johanan said that [his name indicates that] everyone who thought of him said ‘alas for my head’.³⁸ R. Hanina said, [it indicates that] all became poor³⁹ in his days, as it says, And the king Ahasuerus laid a tribute.⁴⁰

That [hu] is Ahasuerus. — [this means that] he persisted in his wickedness from beginning to end — [Similarly] this is [hu] Esau:⁴¹ the same in his wickedness from beginning to end. [Similarly], These are that [hu] Dathan and Abiram:⁴² the same in their wickedness from the beginning to the end. [Similarly], this same [hu] king Ahaz:⁴³ the same in his wickedness from the beginning to the end. [Similarly], Abram, the same [hu] is Abraham:⁴⁴ the same in his righteousness from the beginning to the end. [Similarly], These are that [hu] Aaron and Moses:⁴⁵ the same in their righteousness from the beginning to the end. [Similarly], And David, he was [hu] the smallest;⁴⁶ he persisted in his humility⁴⁷ from the beginning to the end; just as in his youth he humbled himself

before anyone who was his superior in Torah, so in his kingship he humbled himself before anyone who was his superior in wisdom.

Who reigned: Rab said: this indicates that he raised himself to the throne.⁴⁸ Some interpret this to his credit, and some to his discredit. Some interpret it to his credit, holding that there was no other man equally fitted for the throne. Others interpret it to his discredit, holding that he was not fitted for the throne, but that he was very wealthy, and by means of lavish distribution of money rose to the throne.

From Hodu to Cush.⁴⁹ Rab and Samuel gave different interpretations of this. One said that Hodu is at one end of the world and Cush at the other, and the other said that Hodu and Cush adjoin one another, and that [the meaning is that] as he ruled over Hodu and Cush, so he ruled from one end of the world to the other. A similar difference occurs with reference to the words, For he had dominion over all the region on this side of the River, from Tiphseh even unto Gaza.⁵⁰ Here again Rab and Samuel interpreted differently. One said that Tiphseh is at one end of the world and Gaza at the other, and the other said that Tiphseh and Gaza are near one another [and that what is meant is that] as he [Solomon] ruled over Tiphseh and over Gaza, so he ruled over the whole world.⁵¹ Seven and twenty and a hundred provinces. R. Hisda said: At first he ruled over seven, then over twenty [more], and finally over a hundred [more]. But if you interpret thus, what of the verse, And the years of the life of Amram were seven and thirty and a hundred years?⁵² What lesson will you derive from that? — There is a difference here, because the whole text is superfluous. See now: it is written, from Hodu to Cush. Why then do I require, seven and twenty and a hundred provinces? You must conclude that it is for a special lesson .

Our Rabbis taught: Three [potentates] ruled over the whole globe,⁵³ namely, Ahab, Ahasuerus and Nebuchadnezzar.⁵⁴ Ahab, as it is written, As the Lord thy God liveth, there is no nation or kingdom whither my lord hath not sent to seek thee etc.⁵⁵ Now if he was not king over them, how could he make them take an oath? Nebuchadnezzar, as it is written: And it shall come to pass that the nation and the kingdom which will not serve the same Nebuchadnezzar king of Babylon and will not put their neck under the yoke of the King of Babylon.⁵⁶ Ahasuerus, as we have pointed out above

(1) Ezra IX, 9.

(2) Ps. LXVI, 12.

(3) Ps. XCVIII, 3.

(4) Since letters were sent to all the provinces of the Persian Empire.

(5) Prov. XXVIII, 15.

(6) Jer. IV, 7.

(7) Dan. VII, 5.

(8) V. A.Z. 2b.

(9) Heb. **המקרה** E.V. 'the rafters sink in'.

(10) Eccl. X, 18.

(11) Euphemism.

(12) Lev. XXVII, 8.

(13) Ps. CIV, 3.

(14) E.V. 'men'.

(15) Ps. CXXIV, 1, 2.

(16) Referring to Haman.

(17) Prov. XXIX, 2.

(18) Esth. VIII, 15

(19) Ibid. III, 15.

(20) Lit., 'said'.

(21) Deut. IV, 7.

- (22) Ibid. 34.
 (23) Esth. I, 1.
 (24) Deut. XXVIII, 68.
 (25) Lev. XXVI, 44.
 (26) [The order followed here differs from that in the parallel passage in the Yalkut a.I. which is the more chronological. V. Maharsha.]
 (27) Read with MS.M. 'Romans', v. Wilna Gaon Glosses.
 (28) I.e., the days of the Messiah. V. Ezek. XXXVIII, XXXIX.
 (29) Mattathias is usually identified with Hasmonai. [MS.M. omits 'Hasmonai and his sons'.]
 (30) Here also read with MS.M. 'Romans', v. Wilna Gaon Glosses.
 (31) Lit., 'tongue, language'
 (32) Num. XXXIII, 55.
 (33) Ibid. 56.
 (34) Heb. ahiw shel rosh.
 (35) Dan. II, 38.
 (36) Ezra IV, 6.
 (37) Heb. hushharu.
 (38) Heb.ah le-rosho.
 (39) Heb.rashin.
 (40) Esth.X, 1.
 (41) Gen.XXXVI,43.
 (42) Num. XXVI, 9.
 (43) II Chron. XXVIII, 22.
 (44) I Chron. I, 27.
 (45) Ex. VI, 26.
 (46) I Sam. XVII,14. E.V. youngest'.
 (47) The Heb. katan means both 'young' and 'humble'.
 (48) Because it does not say 'who was king'.
 (49) E.V. 'from India to Ethiopia'.
 (50) I Kings V, 4.
 (51) V. Sanh., Sonc. ed. p. 110, nn. 5-6.
 (52) Ex. VI, 20.
 (53) Heb. כִּיפּוֹה. Lit., 'arch', the space beneath the vault of the heaven.
 (54) Only those mentioned in Scripture are reckoned (Tosaf.).
 (55) I Kings XVIII, 10. The text continues, and when they said, he is not here, he took an oath, etc.
 (56) Jer. XXVII, 8.

Talmud - Mas. Megilah 11b

(Mnemonic: Sh'S'D'K')¹ But are there no more? Is there not Solomon? — He did not retain his kingdom [till his death]. This is a sufficient answer for the one who holds that he was first a king and then a subject.² But for the one who holds that he was first a king, then a subject, and then a king again, what can we reply? — Solomon was in a different category, because he ruled over the denizens of the upper world³ as well as of the lower, as it says, And Solomon sat upon the throne of the Lord.⁴

But was there not Sennacherib, as it is written, Who are they among all the gods of these countries that have delivered their country out of my hand.⁵ — There was Jerusalem which he had not subdued.

But was there not Darius, as it is written, Then king Darius wrote unto all the peoples, nations and languages that dwell in all the earth, Peace be multiplied unto you?⁶ — There were the seven over which he did not rule, as it is written, It pleased Darius to set over the kingdom a hundred and twenty satraps.⁷ But there was Cyrus, of whom it is written, Thus saith Cyrus king of Persia, All the kingdom of the earth hath the Lord given me?⁸ — There he was merely indulging in a boast.

In those days, when the king sat [on his throne].⁹ [How can this be] seeing that it says just afterwards, in the third year of his reign? — Raba said: What is meant by ‘when he sat’? After he began to feel secure. He reasoned thus: ‘Belshazar calculated and made a mistake; I have calculated and made no mistake’ — What is the meaning of this? — It is written, After seventy years are accomplished for Babylon I will remember you,¹⁰ and it is written, That He would accomplish for the desolations of Jerusalem seventy years.¹¹ He reckoned forty-five years of Nebuchadnezzar and twenty-three of Evilmerodach and two of his own, making seventy in all. He then brought out the vessels of the Temple and used them. And how do we know that Nebuchadnezzar reigned forty-five years? — As a Master has said: ‘They went into exile in the seventh year and they went into exile in the eighth year; they went into exile in the eighteenth year and they went into exile in the nineteenth year’ — [That is to say], in the seventh year after the subjection of Jehoiakim¹² they underwent the exile of Jeconiah, this being the eighth year of Nebuchadnezzar.¹³ In the eighteenth year from the subjection of Jehoiakim¹⁴ they underwent the exile of Zedekiah, this being the nineteenth year of Nebuchadnezzar,¹⁵ as a Master has said, In the first year [of his reign] he [Nebuchadnezzar] overthrew Nineveh; in the second year he conquered Jehoiakim¹⁶ and it is written, And it came to pass in the seven and thirtieth year of the captivity of Jehoiachin king of Judah, in the twelfth month in the seven and twentieth day of the month, that Evilmerodach King of Babylon, in the year of his reign, lifted up the head of Jehoiachin king of Judah and brought him forth out of prison.¹⁷ Eight and thirty-seven make forty-five of Nebuchadnezzar. The twenty-three of Evilmerodach we know from tradition. These with two of his own¹⁸ make seventy. He [Belshazar] said to himself, Now of a surety they will not be redeemed. So he brought out the vessels of the Temple and used them. Hence it was that Daniel said to him, but thou hast lifted up thyself against the Lord of heaven, and they have brought the vessels of his house before thee.¹⁹ It is further written, In that night Belshazar the Chaldean king was slain,²⁰ and it is written, And Darius the Mede received the kingdom, being about threescore and two years old.²¹ He [Ahasuerus] said: He calculated and made a mistake,²² I will calculate and make no mistake. Is it written, ‘seventy years for the kingdom of Babylon?’²³ It is written, seventy years for Babylon. What is meant by Babylon? The exile of Babylon — How many years [is this reckoning] less [than the other]? Eight.²⁴ So in place of them he inserted one of Belshazar,²⁵ five of Darius and Cyrus,²⁶ and two of his own, which made seventy — When he saw that seventy had been completed and they were not redeemed, he brought out the vessels of the Temple and used them — Then the Satan came and danced among them and slew Vashti.

But he reckoned correctly? — He also made a mistake, since he ought to have reckoned from the destruction of Jerusalem.²⁷ Granted all this, how many years are short? Eleven. How long did he reign? Fourteen.²⁸ Consequently in the fourteenth year of his reign he ought to have rebuilt the Temple. Why then is it written, Then ceased the work of the house of God which is at Jerusalem?²⁹ — Raba replied: The years were not full ones.³⁰

(1) Sh=Solomon (Shelomoh);S = Sennacherib; D = Darius; K = Koresh (Cyrus).

(2) Cf. Git. 68b.

(3) The demons.

(4) 1 Chron. XXIX, 23.

(5) Isa. XXXVI, 20.

(6) Dan. VI, 26.

(7) Ibid. 2.

(8) Ezra 1, 2.

- (9) Esth. I, 2. Which would naturally mean, immediately after his accession.
- (10) Jer. XXIX, 10.
- (11) Dan. IX, 2.
- (12) By Nebuchadnezzar, as explained infra. V. Jer. LII, 28: This is the people whom Nebuchadnezzar carried away captive: in the seventh year etc.
- (13) V. II Kings XXIV, 12: And Jehoiachin (Jeconiah) the king of Judah went out to the king of Babylon . . . and he took him in the eighth year of his reign.
- (14) Jer. LII, 29.
- (15) V. II Kings XXV, 8.
- (16) Jehoiakim served Nebuchadnezzar three years (II Kings XXIV, 1), and according to the Seder Olam, he was in rebellion for three years. (This is based on Daniel I, 1. In the third year of the reign of Jehoiakim, Nebuchadnezzar came to Jerusalem, etc. which is interpreted to mean, the third year of his rebellion. V. Rashi.) In the same year he was deposed and Jeconiah went into exile, and as this was the eighth of Nebuchadnezzar (v. supra), his subjection must have commenced in the second or third year of Nebuchadnezzar.
- (17) II Kings XXV, 27.
- (18) It was in the third year of his reign that he gave his feast.
- (19) Dan. V, 23.
- (20) Ibid. 30.
- (21) Ibid. VI, 1.
- (22) In thinking that the prophecy had already been falsified.
- (23) I.e., from the accession of Nebuchadnezzar.
- (24) Because the exile of Jeconiah took place in the eighth year of Nebuchadnezzar. V. supra
- (25) I.e., the third year of Belshazar, which he himself did not reckon.
- (26) According to the Talmudic chronology, the Darius mentioned in Daniel VI was succeeded by the Cyrus who gave permission for the building of the Temple. On what authority they are supposed to have reigned five years is not clear.
- (27) Which took place eleven years after the exile of Jehoiachin.
- (28) Haman cast lots in the twelfth year (Esth. III, 7). The deliverance took place in the next year, and the second letter of Esther (v. Esth. IX, 29) is supposed to have been sent out in the next.
- (29) Until the second year of Darius who succeeded Ahasuerus. Ezra IV, 24.
- (30) I.e., the five years of Darius I and Cyrus were really only four, and a year may also have been added to the reigns of Nebuchadnezzar and Evilmerodach, so that the seventy years were really not completed till the second year of Darius II.

Talmud - Mas. Megilah 12a

It has been taught to the same effect: There was yet another year left to Babylon,¹ and Darius arose and completed it.

Raba said: Daniel also made a mistake in this calculation, as it is written, In the first year of his reign, I Daniel meditated in the books [etc.].² From his use of the words 'I meditated' we can infer that he [at first] made a mistake.

All the same, there is a contradiction between the texts [is there not]? It is written [in one], when there are accomplished for Babylon,³ and it is written [in the other], for the desolations of Jerusalem? — Raba replied: [The first term] was for visitation [pekidah] only, and this was fulfilled, as it is written, Thus saith Cyrus king of Persia, All the kingdoms of the earth hath the Lord, the God of the heavens, given to me, and he hath charged [pakad] me to build him a house in Jerusalem.⁴

R. Nahman son of R. Hisda gave the following exposition. What is the meaning of the verse, Thus saith the Lord to his anointed to Cyrus, whose right hand I have holden.⁵ Now was Cyrus the Messiah? Rather what it means is: The Holy One, blessed be He, said to the Messiah: I have a complaint on thy behalf against Cyrus.⁶ I said, He shall build my house and gather my exiles,⁷ and he [merely] said, Whosoever there is among you of all his people, let him go up.

The army of Persia and Media, the nobles. And elsewhere it is written, [The chronicles] of the kings of Media and Persia.⁸ [How is this]? — Raba replied: They [the Medes and Persians] made a stipulation with one another, saying, if we supply the kings, you will supply the Governors, and if you supply the kings we will supply the Governors.

When he showed the riches of his glorious [tif'ereh] kingdom. R. Jose b. Hanina said: This shows that he arrayed himself in priestly robes. It is written here, 'the riches of his glorious [tif'ereh] kingdom', and it is written elsewhere [in connection with the priestly garments], for splendour and for glory, [tif'ereh].⁹

And when these days were fulfilled.¹⁰ Rab and Samuel interpreted this differently. One said he was a clever king, and the other said that he was a foolish king. The one who held he was a clever king said that he did well in entertaining¹¹ his distant subjects first, because he could win over the inhabitants of his own city any time he wished. The one who held that he was foolish says that he ought to have entertained the inhabitants of his metropolis first, so that if the others rebelled against him, these would have supported him.

R. Simon b. Yohai was asked by his disciples, Why were the enemies of Israel¹² in that generation deserving of extermination? He said to them: Do you answer. They said: Because they partook of the feast of that wicked one.¹³ [He said to them]: If so, those in Susa should have been killed, not those in other parts?¹⁴ They then said, Give your answer. He said to them: It was because they bowed down to the image.¹⁵ They said to him, Did God then show them favouritism?¹⁶ He replied: They only pretended to worship,¹⁷ and He also only pretended to exterminate them; and so it is written, For he afflicted not from his heart.¹⁸ In the court of the garden of the king's palace.¹⁹ Rab and Samuel gave different interpretations of this — One said that those who had the entree²⁰ of the court were [entertained] in the court, and those who had the entree of the garden in the garden, and those who had the entree of the palace in the palace. The other said: He first put them in the court, and it did not hold them — Then he took them into the garden and it did not hold them; and finally he had to take them into the palace, and he found room for them. In a Baraitha it was taught: He took them into the court and opened two doors for them, one into the garden and one into the palace.

White [hur], fine cotton [karpas] and blue.²¹ What is hur? — Rab said, fine lace-work. Samuel said: He spread for them, carpets of white silk. Karpas: R. Jose b. Haninah said: [this means] cushions of velvet.²²

Upon silver rods and pillars of marble; the couches were of gold and silver.²¹ It has been taught: R. Judah said: Silver for some and gold for others, according to their degree. Said R. Nehemiah to him: If that were so, there would have been²³ jealousy at the banquet! No; the couches themselves were of silver and their feet of gold.

Green [bahat] and white marble.²¹ R. Assi said: [This means] stones that flash back at their owner;²⁴ and so it says, as the stones of a crown, glittering over his land.²⁵

And shell [dar] and onyx marble [sohareh].²¹ Rab said: This means rows [dari] upon rows.²⁶ Samuel says: There is a precious stone in the seaports called darah. He put it in the midst of the guests, and it lit up the place as at midday [Sahara].²⁷ In the school of R. Ishmael it was taught: It means that he gave a remission of taxes [deror] to all who dealt in merchandise [sehorah].

And they gave them drink in vessels of gold, the vessels being diverse [shonim] one from another.²⁸ It should have said, in different vessels? — Raba said: A bath kol²⁹ went forth and said to them, Your predecessors³⁰ met their end on account of vessels, and yet you use them again

[shonim]?³¹

And royal wine in abundance.²⁸ Rab said: This teaches that each one was given to drink wine older³² than himself.

And the drinking was according to law.³³ What is meant by ‘according to law’? — R. Hanan said in the name of R. Meir: According to the law of the Torah. Just as according to the law of the Torah the [quantity of] food exceeds the drink,³⁴ so in the feast of that wicked one there was more food than drink.

None did compel.³³ R. Eleazar said: This teaches that each one was given to drink from the wine of his own country.³⁵

That they should do according to every man's [ish, ish] pleasure.³³ Raba said: This means that they should do according to the will of Mordecai and Haman.³⁶ Mordecai [is called ‘man’] as it is written, A Jewish man;³⁷ and Haman, [as it is written], a man, an adversary and an enemy.³⁸

Also Vashti the queen made a feast for the women in the royal house.³⁹ It should have said, ‘the women's house’? — Raba said: Both of them [Ahasuerus and Vashti] had an immoral purpose. This bears out the popular saying, He with large pumpkins and his wife

(1) I.e., when Belshazar was killed, according to Seder Olam, only sixty-nine years had passed since Nebuchadnezzar had subdued Jehoiakim, and not seventy as reckoned above.

(2) Dan. IX, 2. Heb. **בִּינּוּתִי**, which conveys the idea of calculating and revising.

(3) Ibid. I.e., from the rise of Nebuchadnezzar.

(4) Ezra I, 2. But the actual building was commenced some years later.

(5) Isa. XLV, 1.

(6) And we translate: ‘God said to his anointed regarding Cyrus’.

(7) Ibid. 13.

(8) Esth. X, 2. Here ‘kings’ is put next to Media, not next to Persia as in the case of the ‘nobles’ in the earlier passage.

(9) Ex. XXVIII, 2.

(10) Esth. 1,5.

(11) Lit., ‘bringing near’.

(12) Euphemism for ‘Israel’.

(13) Ahasuerus.

(14) As only those in Susa were invited.

(15) Set up by Nebuchadnezzar.

(16) By delivering them, since they really deserved to be exterminated.

(17) Lit., ‘they did only for appearance’.

(18) Lam. III, 33. **מִלְבּוֹן** is rendered ‘without heart’, **ל** being taken as partitive: God does not afflict him who sins without intent (Maharsha).]

(19) Esth. I, 5.

(20) Lit., ‘he who was worthy’.

(21) Esth. I, 6.

(22) These interpretations are based on similarities in sound to the words hur and Karpas.

(23) Lit., ‘you cast’.

(24) **מִתְחַוָּטוּת** play on **בְּהַט** (‘green marble’). [Aliter: much sought after by their owners (v. Rashi).]

(25) **מִתְנוּסָמוֹת** Zech. IX, 16. [On Rashi's interpretation the verse is to be rendered as ‘stones of a crown obtainable only after many trials (**נִסְיוֹנוֹת**)’.]

(26) Possibly mosaics are meant (Jastrow).

(27) V. Rashi.

(28) Esth. I, 7

- (29) V. Glos.
 (30) Belshazar and his company.
 (31) Lit., 'repeat'.
 (32) The word rab (in abundance) being taken in its other sense of 'older'.
 (33) Ibid. 8.
 (34) E.g., the meal-offering for a bullock was three tenth deals, and the wine-offering only half a hin.
 (35) Which did not easily intoxicate him.
 (36) [Both served as butlers at the banquet (Rashi).]
 (37) Ibid. II, 5.
 (38) Ibid. VII, 6.
 (39) Ibid. I, 9.

Talmud - Mas. Megilah 12b

with small pumpkins.

On the seventh day, where the king's heart was merry with wine.¹ Was then his heart not merry with wine until then? — Rab said: The seventh day was Sabbath, when Israel eat and drink. They begin with discourse on the Torah and with words of thanksgiving [to God]. But the nations of the world, the idolaters, when they eat and drink only begin with words of frivolity. And so at the feast of that wicked one. Some said, The Median women are the most beautiful, and others said, The Persian women are the most beautiful. Said Ahasuerus to them, The vessel that I use is neither Median nor Persian, but Chaldean. Would you like to see her? They said, Yes, but it must be naked — (For man receives measure for measure.² This [remark] teaches you that the wicked Vashti used to take the daughters of Israel and strip them naked and make them work on Sabbath.³ So it is written, After these things when the wrath of the king Ahasuerus abated, he remembered Vashti and what she had done and what was decided against her.⁴ As she had done so it was decreed against her.)

And the queen Vashti refused.⁵ Let us see. She was immodest, as the Master said above, that both of them had an immoral purpose. Why then would she not come? — R. Jose b. Hanina said: This teaches that leprosy broke out on her. In a Baraitha it was taught that Gabriel came and fixed a tail on her.⁶

And the king was very angry,⁵ Why was he so enraged? — Raba said: She sent him back answer: Thou son of my father's steward,⁷ my father drank wine in the presence of a thousand,⁸ and did not get drunk, and that man has become senseless with his wine. Straightway, his wrath burnt within him.⁵

And the king said to the wise men.⁹ Who are the wise men? — The Rabbis. Who knew the times:⁹ that is, who knew how to intercalate years and fix new moons. He said to them: Try her for me. They said [to themselves]: What shall we do? If we tell him to put her to death, to-morrow he will become sober¹⁰ again and he will require her from us. Shall we tell him to let her go? She will lose all her respect for royalty. So they said to him: From the day when the Temple was destroyed and we were exiled from our land, counsel has been taken from us and we do not know how to judge capital cases. Go to Ammon and Moab¹¹ who have remained in their places like wine that has settled on its lees. They spoke to him thus with good reason, since it is written, Moab hath been at ease from his youth, and he hath settled on his lees, and hath not been emptied from vessel to vessel, neither hath he gone into captivity. Therefore his taste remaineth in him, and his scent is not changed.¹² Straightway [he did so, as we read], and the next unto him was Carshena, Shethar, Admatha, Tarshish [etc.].¹³ R. Levi said: Every name in this verse contains a reference to the sacrifices. Thus, Carshena: the ministering angels said to the Holy One, blessed be He: Sovereign of the Universe, did

they ever offer before thee lambs of the first year [karim bene shanah] as Israel offered before Thee? Shethar: did they ever offer before Thee two pigeons [shte torim]? Admatha: did they ever build before Thee an altar of earth [adamah]? Tarshish: did they ever minister before Thee in the priestly garments, of which it is written [that they contained] a beryl [tarshish], an onyx and a jasper?¹⁴ Meres: did they ever stir [mersu] the blood [of the sacrifice] before Thee? Marsena: did they ever stir [mersu] the meal-offerings before Thee? Memucan: did they ever prepare [hekinu] a table before Thee?

And Memucan said.¹⁵ A Tanna taught: Memucan is the same as Haman, And why was he called Memucan? Because he was destined [mukan] for punishment. R. Kahana said: From here we see that an ordinary man always pushes¹⁶ himself in front.¹⁷

That every man should bear rule in his house.¹⁸ Raba said: Had it not been for these first letters, there would have been left no shred or remnant of the enemies of Israel.¹⁹ People said: What does he mean by sending us word that every man should bear rule in his own house? Of course he should! Even a weaver in his own house must be commander!²⁰

And let the king appoint officers.²¹ Rabbi said: What is the meaning of the verse, Even prudent man dealeth with forethought, but a fool unfoldeth folly?²² 'Every prudent man dealeth with forethought': this applies to David, of whom, it is written, Wherefore his servants said unto him, Let there be sought for my lord the king a young virgin:²³ every one who had a daughter brought her.²⁴ But a fool unfoldeth folly': this applies to Ahasuerus, of whom it is written, and let the king appoint officers: whoever had a daughter hid her.²⁵

There was a certain Jew in Shushan the castle, etc. a Benjamite.²⁶ What is the point of this verse? If it is to give the pedigree of Mordecai, it should trace it right back to Benjamin!²⁷ [Why then were only these specified?] — A Tanna taught: All of them are designations [of Mordecai]. 'The son of Jair' means, the son who enlightened [he'ir] the eyes of Israel by his prayer. 'The son of Shimei means, the son to whose prayer God hearkened [shama']. 'The son of Kish' indicates that he knocked [hikkish] at the gates of mercy and they were opened to him. He is called 'a Jew' [yehudi] which implies that he came from [the tribe of] Judah, and he is called 'a Benjamite', which implies that he came from Benjamin. [How is this]? — R. Nahman said: He was a man of distinguished character.²⁸ Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: His father was from Benjamin and his mother from Judah. The Rabbis, however, said: The tribes competed with one another [for him]. The tribe of Judah said: I am responsible for the birth of Mordecai, because David did not kill Shimei the son of Gera, and the tribe of Benjamin said: He is actually descended from me. Raba said: The community of Israel explained [the two designations] in the opposite²⁹ sense: 'See what a Judean did to me and how a Benjamite repaid me!' What a Judean did to me

(1) Ibid. 10.

(2) Lit., 'for with the measure with which a man measures they measure to him'.

(3) [Add with MS.M.: 'Therefore was it decreed that she should be killed naked on Sabbath'.]

(4) Esth. II, 1.

(5) Ibid. I, 12.

(6) [זנב] does not necessarily mean a 'tail' but any projection or growth, v. Aruch s.v. זנב.]

(7) [Var. lec., 'Thou steward of my father'. Ahasuerus was said to have been the steward of Belshazar, the father of Vashti.]

(8) V. Dan. V, 1.

(9) Esth. I, 13.

(10) Lit., 'his wine will pass off'.

(11) According to Tosaf., 'Ammon' here should be omitted, as the Ammonites were carried into exile by Nebuchadnezzar.

- (12) Jer. XLVIII, 11.
 (13) Esth. I, 14.
 (14) Ex. XXVIII, 20.
 (15) Esth. I, 16.
 (16) Lit., 'jumps'.
 (17) Memucan is mentioned last of the seven princes, and yet it was he who spoke first.
 (18) Ibid. 22.
 (19) Euphemism for Israel. Had the people not seen from this letter how foolish the king was, when the next letter was sent out for the destruction of the Jews, they would not have waited till the appointed day.
 (20) Pardashca: a Persian word meaning 'policeman' or 'officer'.
 (21) Esth. II, 3.
 (22) Prov. XIII, 16.
 (23) I Kings I, 2.
 (24) Since only one was to be tried.
 (25) Because all were to be tried, though only one was to be closed.
 (26) Esth. II, 5.
 (27) And not mention three names only.
 (28) Lit., 'crowned with his nimus'. The word nimus means in the Talmud 'manner', or 'way' (**), hence bearing, character. Rashi translates 'with his names' (as just explained) as if 'nimus' here = Greek **. [Var. lec. add 'as an ornament', כעדי. V. Aruch who explains: He was adorned with the precepts of the Law as with an ornament. Yehudi as applied to Mordecai then does not denote a tribal name but is an epithet of distinction.]
 (29) I.e., derogatory.

Talmud - Mas. Megilah 13a

viz., that David did not kill Shimei from whom was descended Mordecai who provoked Haman. 'And how a Benjamite repaid me', viz., that Saul did not slay Agag from whom was descended Haman who oppressed Israel. R. Johanan said: He did indeed come from Benjamin. Why then was he called 'a Jew'? Because he repudiated idolatry. For anyone who repudiates idolatry is called 'a Jew', as it is written, There are certain Jews¹ etc.

R. Simon b. Pazzi once introduced an exposition of the Book of Chronicles as follows: 'All thy words are one,² and we know how to find their inner meaning'. [It is written], And his wife the Jewess bore Jered the father of Gedor, and Heber the father of Socho, and Jekuthiel the father of Zanoah, and these are the sons of Bithya the daughter of Pharaoh, whom Mered took.³ Why was she [the daughter of Pharaoh] called a Jewess? Because she repudiated idolatry, as it is written, And the daughter of Pharaoh went down to bathe in the river,⁴ and R. Johanan, [commenting on this,] said that she went down to cleanse herself⁵ from the idols of her father's house. 'Bore': But she only brought him [Moses] up? — This tells us that if anyone brings up an orphan boy or girl in his house, the Scripture accounts it as if he had begotten him. 'Jered': this is Moses. Why was he called Jered? Because manna came down [yarad] for Israel in his days.⁶ 'Gedor': [he was so called] because he fenced in [gadar] the breaches of Israel. 'Heber', because he joined [hiber] Israel to their Father in heaven. 'Socho', because he was like a sheltering booth [sukkah] for Israel. 'Jekuthiel', because Israel trusted in God [kiwu le'el] in his days. 'Zanoah', because he made Israel abandon [hizniah] their iniquities. 'Father of', 'father of', 'father of': he was a father in Torah, a father in wisdom, a father in prophecy. 'These are the sons of Bithya whom Mered took'. Was Mered his name? Was not Caleb his name?⁷ — The Holy One, blessed be He, said: Let Caleb who rebelled [marad] against the plan of the spies come and take the daughter of Pharaoh who rebelled against the idols of her father's house.

Who had been carried away from Jerusalem.⁸ Raba said: [We understand this to mean] that he went into exile of his own accord.⁹

And he brought up Hadassah.¹⁰ She is called Hadassah¹¹ and she is called Esther. It has been taught: Esther was her proper name. Why then was she called Hadassah? After the designation of the righteous who are called myrtles,¹² for so it says, And he stood among the myrtle trees.¹³ R. Judah says: Hadassah was her name — Why then was she called Esther? Because she concealed [mastereth] the facts about herself, as it says, Ester did not make known her people or her kindred.¹⁴ R. Nehemiah says: Hadassah was her name. Why then was she called Esther? All peoples called her so after Istahar.¹⁵ Ben ‘Azzai said: Esther was neither too tall nor too short, but of medium size, like a myrtle. R. Joshua b. Korha said: Esther was sallow,¹⁶ but endowed with great charm.¹⁷

For she had neither father nor mother. [And it continues] and when her father and mother died.¹⁰ Why these last words?¹⁸ — R. Aha said: When her mother became pregnant with her, her father died; when she was born, her mother died.

And when her father and mother died, Mordecai took her for his own daughter.¹⁹ A Tanna taught in the name of R. Meir: Read not ‘for a daughter’ [le-bath], but ‘for a house’ [le-bayith].²⁰ Similarly it says: But the poor man had nothing save one little ewe lamb, which he had brought up and reared; and it grew up together with him, and with his children; it did eat of his own morsel, and drank of his own cup, and lay in his bosom, and was unto him as a daughter.²¹ Because it lay in his bosom, was it like a daughter to him? Rather what it means is like a wife; so here, it means a wife.

And the seven maidens who were meet to be given to her.²² Raba said: [They were seven so that] she could count the days of the week by them.

And he changed²³ her and her maidens. Rab said: [This means that] he gave her Jewish food to eat. Samuel, however, said, it means that he gave her chines of pork²⁴ while R. Johanan said that he gave her pulse, and so it says, So the steward took away their food and gave them pulse.²⁵

Six months with the oil of myrrh.²⁶ What is the oil of myrrh? R. Hiyya b. Abba said, Satchet;²⁷ R. Huna said, Oil from olives not a third grown. It has been taught: R. Judah says that anpikinun²⁸ is oil of olives not a third grown. Why is it used for smearing? Because it removes hair and makes the skin soft.

In the evening she went and on the morrow she returned.²⁹ From the discreditable account of that wicked man we can learn something to his credit, namely, that he did not perform his marital office by day.

And Esther obtained favour.³⁰ R. Eleazar said: This informs us that every man took her for a member of his own people.

So Esther was taken unto king Ahasuerus into his house royal in the tenth month, which is the month Tebeth:³¹ the month when body warms up body.³² And the king loved Esther above all the women, and she obtained grace and favour in his sight more than all the virgins.³³ Rab said: If he wanted to find in her the taste of a virgin he found it; if the taste of a married woman, he found it.

Then the king made a great feast.³⁴ He made a feast for her, and she did not tell him [who she was]. He remitted taxes,³⁵ and she did not tell him. He sent gifts,³⁶ and she [still] did not tell him.

And when the virgins were gathered together the second time, etc.³⁷ He went and took counsel of Mordecai who said, The way to rouse a woman is to make her jealous;³⁸ and even so she did not tell.

R. Eleazar said: What is the meaning of the verse,

- (1) Dan. III, 12. Though Hananiah, Mishael and Azariah to whom he refers were not of the tribe of Judah. V. Sanh. 93 b (Tosaf.).
- (2) I.e., numerous names in the Book of Chronicles refer to the same person.
- (3) I Chron. IV, 18.
- (4) Ex. II, 5.
- (5) By means of the tebillah or ceremonial bath taken by a proselyte.
- (6) According to Wilna Gaon the correct reading is, 'because he brought down the Torah (from Heaven) for Israel'.
- (7) As stated in I Chron. IV, 15.
- (8) Esth. II, 6.
- (9) The ground of this inference is not clear. Possibly Raba is stressing the word עִם, as meaning 'in company with', 'on a footing of equality with', instead of אִתּוֹ, which would have meant 'taken along with as subsidiary'.
- (10) Ibid. 7.
- (11) Lit., 'myrtle'.
- (12) V. Sanh. 93a.
- (13) Zech. I, 8.
- (14) Esth. II, 20.
- (15) The planet Venus (Jast.).
- (16) Lit., 'greenish', like a myrtle leaf.
- (17) Lit., 'a thread of grace was drawn about her'.
- (18) Which seem superfluous.
- (19) Esth. II, 7.
- (20) I.e., a wife.
- (21) II Sam. XII,3.
- (22) Esth. II, 9.
- (23) E.V., 'advanced'.
- (24) קִדְלֵי דַחֲזִירֵי. Not that she necessarily ate them (Tosaf.). [Var. lec. קִדְלֵי דַחֲזִירֵי 'heads of radish' — a delicatessen, v. Aruch.]
- (25) Dan. I, 16; of Daniel and his companions.
- (26) Esth. II, 12.
- (27) Heb. סִטְכַת=**.
- (28) **, a kind of oil that was not allowed to be used for sacrifices.
- (29) Ibid. 14.
- (30) Ibid. 15.
- (31) Ibid. 16.
- (32) The season being midwinter.
- (33) Esth. II, 17.
- (34) Ibid. 18.
- (35) As it says here, 'and he made a release to the provinces'.
- (36) As it says, 'and gave gifts, according to the bounty of the king'.
- (37) Ibid. 19
- (38) Lit., 'a woman is only jealous of the thigh of another'.

Talmud - Mas. Megilah 13b

He withdraweth not his eyes from the righteous?¹ In reward for the modesty displayed by Rachel, she was granted to number among her descendants Saul; and in reward for the modesty displayed by Saul, he was granted to number among his descendants Esther.² What was the modesty displayed by Rachel? — As it is written: And Jacob told Rachel that he was her father's brother.³ Now was he her father's brother? Was he not the son of her father's sister? What it means is this: He said to her, Will you marry me? She replied, Yes, but my father is a trickster, and he will outwit you.⁴ He replied, I am his brother in trickery. She said to him, Is it permitted to the righteous to indulge in trickery? He

replied. Yes: with the pure thou dost show thyself pure and with the crooked thou dost show thyself subtle.⁵ He said to her, What is his trickery? She replied : I have a sister older than I am , and he will not let me marry before her. So he gave her certain tokens. When night came, she said to herself, Now my sister will be put to shame. So she handed over the tokens to her. So it is written, And it came to pass in the morning that, behold, it was Leah.⁶ Are we to infer from this that up to now she was not Leah? What it means is that on account of the tokens which Rachel gave to Leah he did not know till then. Therefore she was rewarded by having Saul among her descendants — What modesty did Saul display? — As it is written, But concerning the matter of the kingdom whereof Samuel spoke he told him not.⁷ He was therefore rewarded by having Esther among his descendants.

R. Eleazar further said: When the Holy One, blessed be He, assigns greatness to a man, he assigns it to his sons and his sons' sons for all generations, as it says, [With kings on the throne;] He setteth them for ever and they are exalted.⁸ If, however, he becomes arrogant, God humiliates him, as it says. And if they be bound in fetters etc.⁹

For Esther did the commandment of Mordecai.¹⁰ R. Jeremiah said: [This means] that she used to show the blood of her impurity to the Sages.

Like as when she was brought up with him.¹⁰ Rabbah b. Lema said in the name of Rab: [This means] that she used to rise from the lap of Ahasuerus and bathe and sit in the lap of Mordecai.¹¹

In those days, while Mordecai sat in the king's gate, Bigthan and Teresh were wroth.¹² R. Hiyya b. Abba said in the name of R. Johanan: The Holy One, blessed be He, [once] caused a master to be wroth with his servants in order to fulfil the desire of a righteous man, namely Joseph, as it says, And there was with us there a young man, a Hebrew, etc.;¹³ and servants with their master in order to perform a miracle for a righteous man, namely, Mordecai, as it is written, 'And the thing was known to Mordecai etc. ' R. Johanan said: Bigthan and Teresh were two Tarseans¹⁴ and conversed in the Tarsean language. They said: From the day this woman came we have been able to get no sleep.¹⁵ Come, let us put poison in the dish so that he will die. They did not know that Mordecai was one of those who had seats in the Chamber of Hewn Stone,¹⁶ and that he understood seventy languages.¹⁷ Said the other to him, But are not my post and your post different?¹⁸ He replied: I will keep guard at my post and at yours. So it is written, And when inquisition was made, he was found,¹⁹ that is to say, they were not [both] found at their posts.

After these things.²⁰ After what? — Raba said: After God had created a healing for the blow [which was about to fall]. For Resh Lakish has said: The Holy One, blessed be He, does not smite Israel unless He has created for them a healing beforehand, as it says . When I have healed Israel, then is the iniquity of Ephraim uncovered.²¹ Not so, however, with the other nations: He smites them first, and then creates for them a healing, as it says: The Lord will smite Egypt, smiting and healing.²²

But it seemed contemptible in his eyes to lay hands on Mordecai alone.²³ At first he aimed at 'Mordecai alone', then at 'the people of Mordecai' — and who are these? The Rabbis; and finally at 'all the Jews'.

They cast pur, that is the lot.²⁴ A Tanna taught: When the lot fell on the month of Adar, he rejoiced greatly. saying, The lot has fallen for me on the month in which Moses died. He did not know, however, that Moses died on the seventh of Adar and was born on the sixth of Adar.

There is one people.²⁵ Raba said: There never was a traducer so skillful as Haman. He said to Ahasuerus, Come, let us destroy them. He replied: I am afraid of their God, lest He do to me as He did to my predecessors. He replied: They are 'negligent'²⁶ of the precepts. He said, There are Rabbis

among them.²⁷ He replied. They are ‘one people’.²⁸ Should you say that I will make a void²⁹ in your kingdom, [I reply], they are ‘scattered abroad among the peoples’. Should you say. There is some profit in them, I reply, ‘they are dispersed’ [nifredu], like an isolated bough [peridah] that does not bear fruit. Should you say that they occupy one province, I reply, ‘they are in all the provinces of thy kingdom’. ‘Their laws are diverse from those of every other people’: they do not eat of our food, nor do they marry our women nor give us theirs in marriage, ‘Neither keep they the king's laws’, since they evade taxes the whole year³⁰ by their loitering and sauntering.³¹ ‘Therefore it profiteth not the king to suffer them’, because they eat and drink and despise the throne. For if a fly falls into the cup of one of them, he throws it out and drinks the wine, but if my lord the king were to touch his cup, he would dash it on the ground and not drink from it. ‘If it please the king, let it be written that they be destroyed, and I will pay ten thousand talents of silver’: Resh Lakish said: It was well known beforehand to Him at whose word the world came into being that Haman would one day pay shekels for the destruction of Israel. Therefore He anticipated his shekels with those of Israel. And so we have learnt: ‘On the first of Adar³² proclamation is made regarding the shekalim³³ and the mixed seeds’.³⁴

And the king said to Haman, The silver is given to thee and the people also, to do with them as it seemeth good to thee.³⁵ R. Abba said:

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- (1) Job XXXVI, 7.
 - (2) There seems to be no authority in the Scripture for this statement. V. Rashi
 - (3) Gen. XXIX, 12.
 - (4) Lit., ‘you will not be able to deal with him’.
 - (5) II Sam. XXII, 27.
 - (6) Gen. XXIX, 25.
 - (7) I Sam. X, 16.
 - (8) Job XXXVI, 7.
 - (9) Ibid. 8. How the text implies this is not clear. V. Maharsha.
 - (10) Esth. II, 20.
 - (11) As wife. The word **באמנה** (brought up) means literally ‘nursing’.
 - (12) Ibid. 21.
 - (13) Gen. XLI, 12.
 - (14) There was a Tarsus in Cilicia and in Cappodocia and it is not certain which is referred to.
 - (15) Having always to dance attendance on Ahasuerus.
 - (16) **לשכת הגזית**. The meeting place of the Sanhedrin in the Temple at Jerusalem.
 - (17) V. Sanh. 17a.
 - (18) So that neither of us can do duty for both.
 - (19) E.V., ‘it was found’.
 - (20) Esth. III, 1.
 - (21) Hos. VII, 1. E.V., ‘when I would heal’.
 - (22) Isa. XIX, 22.
 - (23) Esth. III, 6.
 - (24) Ibid. 7.
 - (25) Ibid. 8. E.V. ‘a certain people’.
 - (26) **ישנים**, lit., ‘asleep’ from a play on the word **ישנו** (there is).
 - (27) Who keep the precepts.
 - (28) And all hang together.
 - (29) Lit., ‘baldness’.
 - (30) Lit., ‘they bring out the whole year with’.
 - (31) Heb. **שהי פהי**, which may also be an abbreviation for **שבת היום פסח היום** ‘To-day is Sabbath, to-day is Passover’.
 - (32) I.e. , fourteen days before the date fixed by Haman.

(33) For the repair of the Temple.

(34) Which it is now time to uproot. V. Shek. I, 1.

(35) Esth. III, 11.

Talmud - Mas. Megillah 14a

To what can we compare Ahasuerus and Haman at this point? To two men one of whom had a mound in the middle of his field and the other a ditch in the middle of his field. The owner of the ditch said, I wish I could buy that mound, and the owner of the mound said, I wish I could buy that ditch. One day they met, and the owner of the ditch said, Sell me your mound, whereupon the other replied, Take it for nothing, and I shall be only too glad.¹

And the king removed his ring.² R. Abba b. Kahana said: This removal of the ring was more efficacious than forty-eight prophets³ and seven prophetesses⁴ who prophesied to Israel; for all these were not able to turn Israel to better courses, and the removal of the ring did turn them to better courses.⁵

Our Rabbis taught: 'Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from nor added aught to what is written in the Torah save only the reading of the Megillah'. How did they derive it [from the Torah]? — R. Hiyya b. Abin said in the name of R. Joshua b. Korha: If for being delivered from slavery to freedom we chant a hymn of praise, should we not do so all the more for being delivered from death to life? If that is the reason we should say Hallel⁶ also? — [We do not do so] because Hallel is not said for a miracle which occurred outside of the land of Israel. How then do we come to say it for the Exodus from Egypt which was a miracle which occurred outside the land of Israel? — As it has been taught: 'Until they entered the land of Israel, all lands were counted as proper for chanting a hymn of praise [for miracles done in them] — After they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]. R. Nahman said: The reading of the Megillah is equivalent to Hallel. Raba said:⁷ There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], Praise ye O servants of the Lord, who are no longer servants of Pharaoh — But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus! Whether on the view of Raba⁸ or on the view of R. Nahman,⁹ there is a difficulty in what has been taught [above], that 'after they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]'? — When the people went into exile, the other countries became proper as at first.

Were there no more prophets than these [forty-eight]? — Is it not written, How there was a man from Ramathaim-Zophim,¹⁰ [which we interpret], one of two hundred prophets [zophim]¹¹ who prophesied to Israel? — There were actually very many, as it has been taught, 'Many prophets arose for Israel, double the number of [the Israelites] who came out of Egypt', only the prophecy which contained a lesson for¹² future generations was written down, and that which did not contain such a lesson was not written.

R. Samuel b. Nahmani said: This [Ramathaim-Zophim] means, a man who came from two heights which faced one another.¹³ R. Hanin said: It means, a man who came from ancestors of the most exalted position.¹⁴ And who were they? The sons of Korah, as it says, And the sons of Korah did not die.¹⁵ A Tanna taught in the name of our Teacher:¹⁶ A special place was assigned¹⁷ to them in Gehinnom and they stood on it.

'Seven prophetesses'. Who were these? — Sarah, Miriam, Deborah, Hannah, Abigail, Hulda and Esther. 'Sarah', as it is written, The father of Milkah and the father of Yiscah',¹⁸ and R. Isaac said [on this]. Yiscah is Sarah; and why was she called Yiscah? Because she discerned [sakethah] by

means of the holy spirit, as it is said, In all that Sarah saith unto thee, hearken to her voice.¹⁹ Another explanation is: because all gazed [sakin] at her beauty. ‘Miriam’, as it is written, And Miriam the prophetess the sister of Aaron.²⁰ Was she only the sister of Aaron and not the sister of Moses? — R. Nahman said in the name of Rab: [She was so called] because she prophesied when she was the sister of Aaron [only]²¹ and said, My mother is destined to bear a son who will save Israel. When he was born the whole house was filled with light, and her father arose and kissed her on the head, saying, My daughter, thy prophecy has been fulfilled. But when they threw him into the river her father arose and tapped her on the head, saying, Daughter, where is thy prophecy? So it is written, And his sister stood afar off to know;²² to know, [that is,] what would be with the latter part of her prophecy. ‘Deborah’, as it is written, Now Deborah a prophetess, the wife of Lapidoth.²³ What is meant by a woman of flames²³ ? [She was so called] because she used to make wicks for the Sanctuary. And she sat under a palm tree²⁴ Why just a palm tree? — R. Simeon b. Abishalom said: [To avoid] privacy.²⁵ Another explanation is: Just as a palm tree has only one heart, so Israel in that generation had only one heart devoted to their Father in heaven. ‘Hannah’, as it is written, And Hannah prayed and said, My heart exulteth in the Lord, my horn is exalted in the Lord.²⁶ [She said], my horn is exalted’, and not, my cruse is exalted’, thus implying that the royalty of [the hour of] David and Solomon, who were anointed from a horn,²⁷ would be prolonged,²⁸ but the royalty of [the house of] Saul and Jehu,²⁹ who were anointed with a cruse, would not be prolonged.

There is none holy as the Lord, for there is none beside thee.³⁰ R. Judah b. Menashia said: Read not bilteka, ‘beside thee’], but read lebalotheka [‘to survive thee’]. For the nature of the Holy One, blessed be He, is not like that of flesh and blood. It is the nature of flesh and blood to be survived by its works, but God survives His works. Neither is there any rock [zur] like our God.³⁰ There is no artist [zayyar] like our God. A man draws a figure on a wall, but is unable to endow it with breath and spirit, inward parts and intestines. But the Holy One, blessed be He, fashions a form within a form and endows it with breath and spirit, inward parts and intestines.

‘Abigail’, as it is written, And it was so, as she rode on her ass and came down by the covert of the mountain.³¹ ‘By the covert [sether] of the mountain’? It should say from the mountain’! — Rabbah b. Samuel said: It means that she came with reference to blood that came from the hidden parts [setharim]. She brought some blood and showed it to him.³² He said to her: Is blood to be shown by night? She replied: Are capital cases tried at night?³³ He said to her:

(1) Lit., ‘would it were so’. So Ahasuerus was as eager to get rid of the Jews as Haman.

(2) Ibid. 10.

(3) These are enumerated in Rashi (s.v. **נְבוֹאָה**) and Seder Olam XX-XXI.

(4) V. infra.

(5) As it says, fasting³ and weeping and mourning, many put on sackcloth and ashes. Esth. IV,3.

(6) V. Glos.

(7) The Bah. reads: Raba demurred to this, saying.

(8) Who holds that Hallel would be said were we not servants of Ahasuerus.

(9) Who holds that the Megillah is equivalent to Hallel.

(10) I Sam. I, 1.

(11) Lit., ‘watchers’. V. supra.

(12) Lit., ‘was required for’.

(13) The literal meaning.

(14) Lit., ‘height of the world’.

(15) Num. XXVI, 11.

(16) Rab (?).

(17) Lit., ‘fenced in’.

(18) Gen. XI, 29.

(19) Ibid. XXI. 12.

- (20) Ex. XV, 20.
 (21) I.e., before the birth of Moses.
 (22) Ex. II, 4.
 (23) Jud. IV,4. 'Lapidoth' means literally 'flames'.
 (24) Ibid. 5.
 (25) And the possibility of scandal, a palm tree not being leafy.
 (26) I Sam. II, 1.
 (27) V. I Sam. XVI, 13 (David); I Kings I, 39 (Solomon).
 (28) As symbolized by a horn.
 (29) V. I Sam. X, 1 (Saul); II Kings IX. 1 (Jehu).
 (30) I Sam. II, 2.
 (31) Ibid. XXV, 20.
 (32) David was supposed to have been an authority on the Torah, v. Ber. 4a.
 (33) And yet you are condemning Nabal to death.

Talmud - Mas. Megilah 14b

He [Nabal] is a rebel against the king and no trial is necessary for him.¹ She replied; Saul is still alive, and your fame is not yet spread abroad in the world. Then he said to her: Blessed be thy discretion and blessed be thou, that hast kept me this day from bloodguiltiness.² The word damim [bloodguiltiness] is plural, to indicate two kinds of blood.³ The passage teaches that she bared her thigh⁴ and he went three parasangs by the light of it.⁵ He said, Listen to me. She replied, Let not this be a stumbling-block to thee.⁶ The word 'this' implies that something else would be, and what was that? The incident of Bathsheba; and so it was eventually.⁷ The soul of thy lord shall be bound up in the bundle of life.⁸ When she left him she said to him, and when the Lord shall have done good to my lord . . . then remember thy handmaid.⁹ R. Nahman said: This bears out the popular saying, While a woman talks she spins.¹⁰ Some adduce the saying: The goose stoops as it goes along, but its eyes peer afar.

'Hulda, as it is written, So Hilkiyah the priest and Ahikam and Achbor etc.¹¹ But if Jeremiah was there,¹² how could she prophesy? — It was said in the school of Rab in the name of Rab: Hulda was a near relative of Jeremiah, and he did not object to her doing so. But how could Josiah himself pass over Jeremiah and send to her? — The members of the school of R. Shila replied, Because women are tender-hearted.¹³ R. Johanan said: Jeremiah was not there, as he had gone to bring back the ten tribes. Whence do we know that they returned? — Because it is written, For the seller shall not return to that which is sold.¹⁴ Now is it possible that after the Jubilee had ceased¹⁵ the prophet should prophesy that it will cease? The fact is that it teaches that Jeremiah brought them back.¹⁶ Josiah the son of Amon ruled over them, as it says, Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God who came from Judah, and proclaimed these things that thou hast done against the altar in Beth-el.¹⁷ Now what connection is there between Josiah and the altar in Bethel?¹⁸ What it teaches therefore is that Josiah reigned over them. R. Nahman said: We learn it from here: Also, O Judah, there is a harvest appointed for thee, when I would turn the captivity of my people.¹⁹

'Esther,' as it is written, Now it came to pass on the third day that Esther clothed herself in royalty.²⁰ Surely it should say, 'royal apparel'? What it shows is that the holy spirit clothed her. It is written here, 'and she clothed', and it is written in another place. Then the spirit clothed Amasai, etc.²¹

R. Nahman said: Haughtiness does not befit women. There were two haughty women, and their names are hateful, one being called a hornet²² and the other a weasel.²³ Of the hornet it is written, And she sent and called Barak,²⁴ instead of going to him. Of the weasel it is written, Say to the

man,²⁵ instead of 'say to the king'.

R. Nahman said: Hulda was a descendant of Joshua. It is written here [in connection with Hulda]. The son of Harhas,²⁶ and it is written in another place [in connection with Joshua], In Timnath-Heres.²⁷ R. 'Ena Saba cited the following in objection to R. Nahman: 'Eight prophets who were also priests were descended from Rahab the harlot, namely, Neriah, Baruch, Serayah, Mahseyah, Jeremiah, Hilkiyah, Hanamel and Shallum.' R. Judah says: Hulda the prophetess was also one of the descendants of Rahab the harlot. [We know this] because it is written here 'the son of Tikvah' and it is written elsewhere [in connection with Rahab]. 'the line [tikvath] of scarlet thread'!²⁸ — He replied: 'Ena Saba'²⁹ — or, according to another report. 'Black bowl',³⁰ — the truth can be found by combining my statement and yours'.³¹ We must suppose that she became a proselyte and Joshua married her. But had Joshua any children? Is it not written, Nun his son, Joshua his son?³² — He had no sons, but he had daughters.

(1) I.e., he can be condemned at night. V. Tosaf.

(2) I Sam. XXV, 33.

(3) Of uncleanness and capital punishment.

(4) Not necessarily in his presence. V. Maharsha.

(5) I.e., through desire for her. V. Tosaf.

(6) Ibid. 31.

(7) This shows that she was a prophetess.

(8) Ibid. 29. This sentence seems to be an interpolation and should be omitted (Maharsha).

(9) Ibid. 30, 31.

(10) Ibid. So Abigail, while speaking about Nabal, put in a word for herself, proposing that David should marry her should Nabal die (Rashi).

(11) II Kings XXII, 14.

(12) Jeremiah began to prophesy in the thirteenth year of Josiah (Jer. I, 2) and this happened in the eighteenth year of Josiah.

(13) And she would pray for them (Maharsha).

(14) Ezek. VII, 13. Ezekiel prophesied in the period between the exiles of Jeconiah and Zedekiah.

(15) The Jubilee was to be kept only when all Israel were in the land, and therefore ceased as soon as the tribes across the Jordan were deported (Rashi).

(16) So that in that year they commenced counting again for the Jubilee.

(17) II Kings XXIII, 17.

(18) Which was in the kingdom of Ephraim.

(19) Hos. VI, 11. 'Harvest' here is supposed to have the sense of 'power' or 'greatness' (Rashi).

(20) Esth. V, 1.

(21) I Chron. XII, 19.

(22) The literal meaning of Deborah.

(23) The literal meaning of Hulda.

(24) Jud. IV, 6.

(25) II Kings XXII, 15.

(26) Ibid. 14.

(27) Jud. II, 9. This is interpreted as 'Timnath belonging to Heres', who is identified with Harhas.

(28) Josh. II, 18.

(29) Lit., 'old eye'.

(30) Alluding perhaps to his ugliness (Maharsha).

(31) Lit., 'from me and thee is the matter concluded'.

(32) I Chron. VII, 27. The genealogy stops at this point; from which it is inferred that Joshua had no sons.

Talmud - Mas. Megilah 15a

We admit that [some of] those [eight] mentioned above are expressly described [as prophets],¹ but how do we know that their fathers² [were prophets]? — From the dictum of ‘Ulla; for ‘Ulla said: Wherever a man's name is given along with that of his father as the author of a prophecy³ we know that he was a prophet son of a prophet. Where his own name is given but not that of his father, we know that he was a prophet but not the son of a prophet. Where his name and the name of his town are specified, we know that he came from that town — Where his name is given but not that of his town, we know that he was from Jerusalem — In a Baraita it was stated: If nothing is known about the character of a man or of his ancestors,⁴ and the Scripture mentions any one of them in connection with a praiseworthy action, as for instance, The word of the Lord which came to Zephaniah son of Cushi son of Gedaliah,⁵ we may know that he was a righteous man son of a righteous man; and wherever the Scripture mentions any one of them in connection with a reprehensible action, as for instance, And it came to pass in the seventh month that Ishmael the son...of Elishama came,⁶ we may know that he was a wicked man son of a wicked man.

R. Nahman⁷ said: Malachi is the same as Mordecai. Why was he called Malachi? Because he was next to the king.⁸ The following was cited in objection to this: ‘Baruch the son of Neriah and Serayah the son of Mahseyah and Daniel and Mordecai, Bilshan, Haggai, Zechariah and Malachi all prophesied in the second year of Darius’! — This is a refutation.

It has been taught: R. Joshua b. Korha said: Malachi is the same as Ezra, and the Sages say that Malachi was his proper name. R. Nahman said: There is good ground for accepting the view that Malachi was the same as Ezra. For it is written in the prophecy of Malachi, Judah hath dealt treacherously and an abomination is committed in Israel and in Jerusalem, for Judah hath profaned the holiness of the Lord which he loveth and hath married the daughter of a strange God.⁹ And who was it that put away the strange women? Ezra, as it is written, And Shechaniah the son of Jehiel, one of the sons of Elam answered and said unto Ezra: We have broken faith with our God and have married foreign women.¹⁰

The Rabbis taught: There have been four women of surpassing beauty in the world — Sarah, Rahab, Abigail and Esther. According to the one who says that Esther was sallow,¹¹ Vashti should be inserted in place of Esther.

Our Rabbis taught: Rahab inspired lust by her name; Jael by her voice; Abigail by her memory; Mical daughter of Saul by her appearance. R. Isaac said: Whoever says. ‘Rahab, Rahab’, at once has an issue. Said R. Nahman to him: I say Rahab, Rahab, and nothing happens to me! He replied: I was speaking of one who knows her and is intimate with her.

Now when Mordecai knew all that was done¹² [etc.]. What [was his cry]? — Rab said: He said, ‘Haman has raised himself above Ahasuerus’; Samuel said, ‘The upper king has prevailed over the lower king’.¹³

And the queen was exceedingly pained [wa-tithhalhal].¹⁴ What is the meaning of wa-tithhalhal?¹⁵ — Rab said: It means that she became menstruous; R. Jeremiah said that her bowels were loosened.

And Esther called Hatach.¹⁶ Rab said: Hatach is the same as Daniel. Why was he called Hatach? Because he was degraded [hataku-hu] from his position.¹⁷ Samuel said, Because all affairs of state were decided [nehtakim] by his voice.

To know what this was and why this was.¹⁶ R. Isaac said: She sent to him saying. Perhaps Israel have transgressed the five books of the Torah, in which is written, On this side and on this they were written.¹⁸

And they told Mordecai Esther's words.¹⁹ But Hatach did not go to him on this occasion.²⁰ This shows us that a recalcitrant answer²¹ need not be taken back [by the messenger].²²

Go, gather together all the Jews . . . which is not according to the custom.²³ R. Abba said: It will not be [she said] according to the custom of every other day. Till now [I have associated with Ahasuerus] under compulsion, but now I will do so of my own will.

And if I perish, I perish.²³ As I am lost to my father's house so I shall be lost to thee.²⁴

And Mordecai passed [wa-ya'abor].²⁵ Rab said: This indicates that he made the first day of Passover pass²⁶ as a fast day. Samuel said: It indicates that he crossed a stream [on that day].²⁷ Now it came to pass on the third day that Esther put on royalty.²⁸ Surely it should say, 'royal apparel'? — R. Eleazar said in the name of R. Hanina: This tells us that the holy spirit clothed her. It is written here, 'and she put on', and it is written elsewhere, And a spirit clothed Amasai.²⁹

R. Eleazar b. Hanina also said: Let not the blessing of an ordinary man be lightly esteemed in thine eyes, for two men great in their generation received from ordinary men blessings which were fulfilled in them. They were, David and Daniel. David was blessed by Araunah, as it is written, And Araunah said unto the king, The Lord thy God accept thee.³⁰ Daniel was blessed by Darius, as it is written 'Thy God whom thou servest continually, He will deliver thee.'³¹ R. Eleazar further said in the name of R. Hanina: Let not the curse of an ordinary man be lightly esteemed in thine eyes, because Abimelech cursed Sarah, saying, Behold he is to thee a covering of the eyes,³² and this was fulfilled in her seed, [as it says], And it came to pass that when Isaac was old his eyes were dim.³³

R. Eleazar further said in the name of R. Hanina: Come and observe that the way of the Holy One, blessed be He, is not like the way of flesh and blood — The way of flesh and blood is that a man places a pot on the fire and then pours water into it, but God first puts in the water and then fixes the pot, to fulfil what is written, At the sound of his giving a multitude of waters in the heavens.³⁴

R. Eleazar further said in the name of R. Hanina: Whoever reports a saying in the name of its originator brings deliverance to the world, as it says, And Esther told the king in the name of Mordecai.³⁵

R. Eleazar further said in the name of R. Hanina: When a righteous man dies, he dies only for his own generation.³⁶ It is with him as with a man who loses a pearl. Wherever it is, it remains a pearl,³⁷ and is lost only to its owner.

Yet all this availeth me nothing.³⁸ R. Eleazar said in the name of R. Hanina: Because he saw Mordecai sitting in the king's gate, was this any reason why he should say, 'All this availeth me nothing'? The explanation is in the dictum of R. Hisda; for R. Hisda said: The one came [to the court] as a counsellor³⁹ and the other

(1) Viz., Jeremiah and Hanamel (Jer. XXXII) and also Baruch and Serayah, who were disciples of Jeremiah and therefore presumably prophets also (Rashi).

(2) Viz., Hilkiyah, Shallum, Neriah and Mahseyah.

(3) Lit., 'in prophecy'.

(4) Lit., 'where his actions and those of his ancestors are not defined'.

(5) Zeph. I, 1.

(6) Jer. XLI, 1. They came to murder Gedaliah.

(7) According to a better reading, Rab. V infra.

(8) V. Esth. X, 3. 'And he was looked on as an angel (mal'ak)'. (Maharsha).

(9) Mal. II, 11.

- (10) Ezra X, 2.
 (11) V. supra p.75.
 (12) Esth. IV, 1.
 (13) Euphemistically, meaning the opposite. Or it may be taken literally, as a kind of prayer (Maharsha).
 (14) Esth. IV 4.
 (15) Lit., 'became full of hollows'.
 (16) Ibid. 5.
 (17) Which he held in the reigns of Belshazar, Darius and Cyrus.
 (18) Ex. XXXII, 15.
 (19) Esth. IV, 12.
 (20) As, if so, it would say he told.
 (21) E.g., Esther's reluctance to petition the king.
 (22) And Mordecai must have learnt from some other source.
 (23) Ibid. 16.
 (24) [By submitting voluntarily to Ahasuerus she would be for ever forbidden to Mordecai who was (v. p. 78, n. 5) her legitimate husband, according to the law which forbids a wife to her husband where she had relations of her own free will with another man.]
 (25) Ibid. 17.
 (26) A play on the word he'ebir which means, 'to prolong a month by adding an extra day', [or in the sense of 'transgressed', cf. Targum a.I.: 'and he transgressed the joy of the feast of Passover'.] The order for the destruction of the Jews was given in Susa on the thirteenth day of Nisan, and the Jews fasted the next three days.
 (27) To inform the Jews on the other side. [The Jewish quarter in Susa was separated from the main city by a small tributary of the Tigris. V. Obermeyer, p. 214.]
 (28) Esth. V, 1.
 (29) I Chron. XII, 19.
 (30) II Sam. XXIV, 23.
 (31) Dan. VI, 17.
 (32) Gen. XX, 16.
 (33) Ibid. XXVII, 1. V. supra.
 (34) Jer. X, 13. The text continues, when he causeth the vapours to ascend, like steam from a boiling pot.
 (35) Esth. II, 22.
 (36) And his name, or his soul, survives.
 (37) Lit., 'its name is pearl'.
 (38) This verse from the Book of Esther (V. 13) is here commented on out of its place, in order to introduce another dictum of R. Eleazar in the name of R. Hanina.
 (39) Heb. פרוזבולִי apparently = **.

Talmud - Mas. Megilah 15b

as an envoy.¹ R. Papa said: They also called him, The slave that was sold for loaves of bread.²

Yet all this availeth me nought. This tells us that all the treasures of that wretch were engraved on his heart, and when he saw Mordecai sitting in the king's gate he said, Yet all this³ availeth me nought.

R. Eleazar further said in the name of R. Hanina: God will in the time to come be a crown on the head of every righteous man, as it is said, In that day shall the Lord of Hosts be for a crown of glory⁴ etc. What is meant by a 'crown of glory' [zebi] and a 'diadem [zefirath] of beauty'? For them that do his will [zibyono] and who await [mezapin] his glory. Shall He be so to all? [Not so]. since it says, 'unto the residue of [lish'ar] his people': that is, to whoever makes of himself a mere residue [shirayim]. 'And for a spirit of judgment': this indicates one who brings his inclination to trial.⁵ 'To him that sitteth in judgment': this indicates one who gives a true verdict on true evidence.⁶ 'And for

strength': this indicates one who subdues his evil passions.⁷ 'That turn back the battle': this indicates those who thrust and parry⁸ in the war of the Torah. 'At the gate': these are the disciples of the wise who are early and late in synagogues and houses of study. Said the Attribute of Justice⁹ before the Holy One, blessed be He: Why this difference between these and the others? The Holy One, blessed be He, said to him: Israel busy themselves with the Torah, the other nations do not busy themselves with the Torah — He replied to Him, But these also reel through wine, and stagger through strong drink, they totter in judgment¹⁰ [paku pelilyah]; and 'paku' contains a reference to Gehinnom, as it says, that this shall be no stumbling-block [pukah] to thee;¹¹ and 'pelilyah' contains a reference to the judges, as it says. and he shall pay as the judges determine [bi-felilim].¹²

And stood in the inner court of the king's house.¹³ R. Levi said: When she reached the chamber of the idols, the Divine Presence left her. She said, My God, My God, why hast thou forsaken me.¹⁴ Dost thou perchance punish the inadvertent offence¹⁵ like the presumptuous one, or one done under compulsion like one done willingly? Or is it because I called him 'dog', as it says. Deliver my soul from the sword, mine only one from the power of the dog?¹⁶ She straightway retracted and called him lion, as it says. Save me from the lion's mouth.¹⁷

And it was so when the king saw Esther the queen.¹⁸ R. Johanan said: Three ministering angels were appointed to help her at that moment; one to make her head¹⁹ erect, a second to endow her with charm²⁰ and a third to stretch the golden sceptre. How much [was it stretched]? — R. Jeremiah said: It was two cubits long and he made it twelve cubits — Some say, sixteen, and some again twenty-four. In a Baraitha it was stated, sixty. So too you find with the arm of the daughter of Pharaoh,²¹ and so you find with the teeth of the wicked, as it is written, Thou hast broken [shibarta] the teeth of the wicked,²² and Resh Lakish said in regard to this, Read not shibarta but shirbapta [Thou hast prolonged]. Rabbah b. 'Ofra said in the name of R. Eleazar who had it from his teacher, who had it from his teacher, [that the sceptre was stretched] two hundred [cubits].

And the king said to her, What wilt thou, queen Esther? For whatever thy request, even to the half of the kingdom, it shall be given thee.²³ 'Half the kingdom', but not the whole kingdom. and not a thing which would divide the kingdom.²⁴ What could that be? The building of the Temple.

Let the king and Haman come unto the banquet.²⁵ Our Rabbis taught: What was Esther's reason for inviting Haman? — R. Eleazar said, She set a trap for him, as it says. Let their table before them become a snare.²⁶ R. Joshua said: She learnt to do so from her father's house, as it says. If thine enemy be hungry give him bread to eat, etc.²⁷ R. Meir said, So that he should not form a conspiracy²⁸ and rebel. R. Judah said: So that they should not discover that she was a Jewess.²⁹ R. Nehemiah said: So that Israel should not say, We have a sister in the palace, and so should neglect³⁰ [to pray for] mercy. R. Jose said: So that he should always be at hand for her.³¹ R. Simeon b. Menassiah said: [She said], Perhaps the Omnipresent will notice³² and do a miracle for us. R. Joshua b. Korha said: [She said], I will encourage him so that he may be killed, both he and I.³³ Rabban Gamaliel said: [She said]. Ahasuerus is a changeable king.³⁴ Said R. Gamaliel: We still require the Modean,³⁵ as it has been taught: R. Eliezer of Modi'im says, She made the king jealous of him and she made the princes jealous of him. Rabbah said: [She said], Pride goeth before destruction.³⁶ Abaye and Raba gave the same reason, saying: [She said], With their poison I will prepare their feast.³⁷ Rabbah b. Abbuha came across Elijah and said to him, Which of these reasons prompted Esther to act as she did? He replied: [All] the reasons given by all the Tannaim and all the Amoraim.

And Haman recounted unto them the glory of his riches and the multitude of his children.³⁸ How many are indicated by 'the multitude of his children'? — Rab said: Thirty. Ten died, ten were hung, and ten were reduced to beggary. The Rabbis, however, said: Those who were reduced to beggary numbered seventy, as it says, They that were full [sebe'im] have hired themselves out for bread.³⁹ Read not sebe'im, but shib'im [seventy]. Rami b. Abba said: In all they were two hundred and eight,

as it says, And the multitude [we-rob] of his sons. But we-rob in gematria⁴⁰ is two hundred and fourteen?⁴¹ — R. Nahman b. Isaac said: The word is written defectively.⁴²

On that night the sleep of the king was disturbed.⁴³ R. Tanhun said: The sleep of the King of the Universe was disturbed. The Rabbis, however, say: Those above⁴⁴ were disturbed and those below⁴⁵ were disturbed. Raba said: It means literally ‘the sleep of king Ahasuerus. A thought occurred to him: What is the meaning of Esther inviting Haman? Perhaps they are conspiring⁴⁶ against me to kill me? He thought again: If that is so, is there no man who is my friend and who would tell me? Then he thought again: Perhaps there is some man who has done me a good turn and I have not rewarded him; and therefore men refrain from informing me. Straightway, he commanded to bring the book of records of the chronicles.⁴³

And they were read.⁴³ This [form of expression]⁴⁷ indicates that they were read of themselves.

And it was found [being] written.⁴⁸ It should say, a writing [kethab] was found? — This shows

(1) Heb. פרוזבוטי apparently = ** There was a tradition that Mordecai once went with a deputation to the king of Persia to ask permission for the Jews to rebuild the Temple, v. Jast. [Rashi: One (Mordecai) came as a rich man, the other (Haman) as a debtor. Haman according to the legend had sold himself during one of the wars as a slave to Mordecai for a loaf of bread.]

(2) V. previous note.

(3) Pointing to it (Maharsha).

(4) Isa. XXVIII, 5f.

(5) And forces himself to repent (Rashi).

(6) Lit., ‘true to its own truth’.

(7) Avoids sin.

(8) Lit., ‘take and give’, i.e., ‘argue’, ‘debate’.

(9) The qualities assigned to God in Ex. XXXIV, 6,7 are called in the Talmud the divine Attributes (middoth, lit., ‘measures’). and those of Justice and Mercy are often personified.

(10) Isa. XXVIII, 7.

(11) I Sam. XXV, 31.

(12) Ex. XXI, 22.

(13) Esth. V, 2.

(14) Ps. XXII, 2.

(15) In associating with Ahasuerus.

(16) Ibid. 21.

(17) Ibid. 22.

(18) Esth. V, 2.

(19) Lit., ‘neck’.

(20) Lit., ‘to draw a thread of grace over her’.

(21) In Ex. II, 5 the words ותשלח את אמתה are translated by the Rabbis ‘and she put forth her arm’ (E.V., ‘she sent her handmaid’)

(22) Ps. III, 8. Cf. Ber.

(23) Esth. V, 3.

(24) By setting up a rival power.

(25) Ibid. 4.

(26) Ps. LXIX, 23.

(27) Prov. XXV, 21. The next verse continues, ‘for thou heapest coals of fire upon his head’.

(28) Lit., ‘take counsel’.

(29) Since she was willing to eat with Haman.

(30) Lit., ‘discuss their mind’.

(31) If she wanted to accuse him.

- (32) To what straits I am brought.
- (33) Lit., 'she'.
- (34) And I may persuade him to alter his mind while Haman is with us, so that he will not have time to change again.
- (35) To explain why Haman alone was invited (Maharsha).
- (36) Prov. XVI, 18.
- (37) Jer. LI, 39.
- (38) Esth. V, 11.
- (39) I Sam. II, 5.
- (40) V. Glos.
- (41) Viz., W = 6; R = 200; W = 6; B = 2.
- (42) I.e., without the middle waw.
- (43) Esth. VI, 1.
- (44) The angels.
- (45) Israel.
- (46) Lit., 'taking counsel'.
- (47) Instead of 'and they read them'.
- (48) Ibid. 2.

Talmud - Mas. Megilah 16a

that Shamshai¹ kept on erasing and Gabriel kept on writing. R. Assi said: R. Shila, a man of Kefar Temarta,² drew a lesson from this, saying: If a writing on earth which is for the benefit of Israel cannot be erased, how much less a writing in heaven!³

There is nothing done for him.⁴ Raba said: [They answered him thus] not because they loved Mordecai but because they hated Haman.

He had prepared for him.⁵ A Tanna stated: [This means], he had prepared for himself.⁶

And do even so to Mordecai etc.⁷ Haman said to him: Who is Mordecai? He said to him: 'The Jew'. He said: There are many Mordecais among the Jews. He replied: 'The one who sits in the king's gate'. Said Haman to him: For him [the tribute] of one village or one river is sufficient! Said Ahasuerus: Give him that too; 'let nothing fail of all that thou hast spoken'.

Then took Haman the apparel and the horse.⁸ He went and found [Mordecai with] the Rabbis sitting before him while he showed them the rules of the 'handful'.⁹ When Mordecai saw him approaching and leading the horse, he became frightened and said to the Rabbis, This villain is coming to kill me. Get out of his way so that you should not get into trouble with him.¹⁰ Mordecai thereupon drew his robe round him and stood up to pray. Haman came up and sat down before them and waited till Mordecai had finished his prayer. He said to him: What have you been discussing? He replied: When the Temple stood, if a man brought a meal-offering he used to offer a handful of fine flour and make atonement therewith. Said Haman to them: Your handful of fine flour has come and displaced my ten thousand talents of silver. Said Mordecai to him: Wretch, if a slave acquires property, whose is the slave and whose is the property?¹¹ Haman then said to him: Arise and put on this apparel and ride on this horse, for so the king desires you to do. He replied: I cannot do so until I have gone into the bath and trimmed my hair, for it would not be good manners to use the king's apparel in this state. Now Esther had sent and closed all the baths and all the barbers' shops. So Haman himself took him into the bath and washed him, and then went and brought scissors from his house and trimmed his hair. While he was doing so, he sighed and groaned. Said Mordecai to him: Why do you sigh? He replied: The man who was esteemed by the king above all his nobles is now made a bath attendant and a barber. Said Mordecai to him: Wretch, and were you not once a barber in Kefar Karzum?¹² (For so a Tanna stated: Haman was a barber in Kefar Karzum twenty-two

years.) After he had trimmed his hair he put the garments on him, and said to him, Mount and ride. He replied: I am not able, as I am weak from the days of fasting. So Haman stooped down and he mounted [on his back]. When he was up he kicked him. He said to him: Is it not written in your books,¹³ Rejoice not when thine enemy faileth?¹⁴ He replied: That refers to an Israelite, but in regard to you [folk] it is written, And thou shalt tread upon their high places.¹⁵

And proclaimed before him, This shall be done to the man whom the king delighted to honour.¹⁶ As he was leading him through the street where Haman lived, his daughter who was standing on the roof saw him. She thought that the man on the horse was her father and the man walking before him was Mordecai. So she took a chamber pot and emptied it on the head of her father. He looked up at her and when she saw that it was her father, she threw herself from the roof to the ground and killed herself. Hence it is written . . .¹⁷

And Mordecai returned to the king's gate. R. Shesheth said: This indicates that he returned to his sackcloth and fasting. But Haman hastened to his house, mourning and having his head covered; mourning for his daughter, and with his head covered on account of what had happened to him.

And Haman recounted unto Zeresh his wife and all his friends, etc. They are first called 'his friends' and then they are called 'his wise men'. R. Johanan said: Whoever says a wise thing even if he is a non-Jew¹⁸ is called 'wise'.

If Mordecai be of the seed of the Jews. They said to him: If he comes from the other tribes, you can prevail over him, but if he is from the tribe of Judah or of Benjamin, Ephraim or Manasseh, you will not prevail over him. 'Judah', as it is written, Thy hand shall be on the neck of thine enemies.¹⁹ The others, because it is written of them, Before Ephraim and Benjamin and Manasseh stir up thy might.²⁰

But falling thou shalt fall.²¹ R. Judah b. Ila'i drew a lesson from this verse, Saying: Why are two fallings mentioned here? Haman's friends said to him: This people is likened to the dust and it is likened to the stars. When they go down, they go down to the dust, and when they rise they rise to the stars. Came the king's chamberlains and hastened [wa-yabhilu] to bring Haman.²² The use of this word [wa-yabhilu]²³ tells us that they brought him all in confusion [behalah].

For we are sold, I and my people etc . . . For the adversary care²⁴ not that the king is endamaged.²⁵ She said to him: This adversary cares not for the damage of the king. He was angry with Vashti and killed her,²⁶ and he is angry with me and wants to kill me.

Then said the king Ahasuerus, and he said to Esther the queen.²⁷ Why 'said' and again 'said'? R. Abbahu replied: He first spoke to her through an intermediary.²⁸ When she told him that she came from the house of Saul,²⁹ forthwith, 'he said to Esther the queen'.

And Esther said, An adversary and an enemy, even this wicked Haman.³⁰ R. Eleazar said: This informs us that she was pointing to Ahasuerus and an angel came and pushed her hand so as to point to Haman.³¹

And the king rose in his wrath...and the king returned out of the palace garden.³² His returning is put on the same footing as his arising. Just as the arising was in wrath, so the returning was in wrath. For he went and found ministering angels in the form of men who were uprooting trees from the garden. He said to them, What are you doing? They replied: Haman has ordered us. He came into the house, and there 'Haman was falling³³ upon the couch'. 'Falling'? It should say. 'had fallen'? — R. Eleazar said: This informs us that an angel came and made him fall on it. Ahasuerus then exclaimed: Trouble³⁴ inside, trouble outside!

‘Then said the king, Will he even force the queen before me in the house? Then said Harbonah, etc.’ R. Eleazar said: Harbonah also was a wicked man and implicated in that plot.³⁵ When he saw that his plan was not succeeding, he at once fled, and so it is written, And he cast upon him and did not pity, from his hand he surely fleeth.³⁶

Then the king's wrath was assuaged.³⁷ Why are there two assuagings here?³⁸ — One of the [wrath of the] King of the Universe,³⁹ and the other of Ahasuerus. Others say, one [of the wrath] on account of Esther and the other on account of Vashti.

To all of them he gave to each man changes of raiment but to Benjamin he gave five changes of raiment.⁴⁰ Is it possible that that righteous man⁴¹ should fall into the very mistake from which he himself had suffered?

(1) A scribe, mentioned in the book of Ezra (IV, 8) as an enemy of the Jews. According to tradition he was a son of Haman.

(2) [Tamara, south of Kabul, v. E.J. s.v.]

(3) Seeing that Gabriel is already there (Maharsha).

(4) Esth. VI, 3.

(5) Ibid. 4.

(6) As otherwise the words ‘for him,’ are superfluous.

(7) Ibid. 10.

(8) Ibid. 11.

(9) V. Lev. II, 2 and infra.

(10) Lit., ‘that you be not burnt with his coal’.

(11) How then can you, being the slave of Ahasuerus, talk of your ten talents of silver. [Aliter: Haman had sold himself to Mordecai as slave. V. supra p. 90. n. 4.]

(12) [MS.M. קריינים, Kefar Karnayim in Transjordan, cf. Josephus, Ant. XII, 8,4; v. however, Romanoff, P. Amer. Acad. for Jewish Research, VII, pp. 58ff].

(13) Lit., ‘for you’.

(14) Prov. XXIV, 17.

(15) Deut. XXXIII, 29.

(16) Esth. VI, 11.

(17) These words connect with the sentence after the next, ‘but Haman hastened’ etc.

(18) Lit., ‘of the nations of the world’.

(19) Gen. XLIX, 8.

(20) Ps. LXXX, 3.

(21) So lit. E.V. Shalt surely fall.

(22) Esth. VI, 14.

(23) Instead of the more usual וימהרו.

(24) E.V., ‘is not worthy’.

(25) Esth. VII, 4.

(26) V. supra 12b.

(27) Ibid. 5.

(28) Heb. turgeman; lit., ‘interpreter’.

(29) I.e., that she was of royal descent.

(30) Ibid. 6.

(31) She meant the words ‘adversary and enemy’ to apply to Ahasuerus himself.

(32) Esth. VII, 7f.

(33) Heb. נפל.

(34) Lit., ‘woe!’.

(35) To hang Mordecai. [Otherwise how would he have known the exact measurements of the gallows.]

(36) Job XXVII, 22.

(37) Esth. VII, 10.

(38) The Hebrew is שִׁכְכָה, where שָׁכָה might have been used.

(39) Against Israel for bowing down to the image; supra 12a.

(40) Gen. XLV, 22.

(41) Joseph.

Talmud - Mas. Megilah 16b

For Raba b. Mehasia said in the name of R. Hami b. Guria, who said it in the name of Rab: Through two sela's weight of fine silk which Jacob gave to Joseph over what he gave to his brothers, a ball was set rolling and our ancestors eventually went down to Egypt! — R. Benjamin b. Japhet said: He gave him a hint that a descendant would issue from him who would go forth before a king in five royal garments, as it says, And Mordecai went forth from the presence of the king in royal apparel of blue etc.¹

And he fell upon his brother Benjamin's neck.² How many necks³ had Benjamin? — R. Eleazar said: He wept for the two Temples which were destined to be in the territory of Benjamin⁴ and to be destroyed. And Benjamin wept upon his neck:² he wept for the tabernacle of Shiloh which was destined to be in the territory of Joseph and to be destroyed.

And behold your eyes see and the eyes of my brother Benjamin.⁵ R. Eleazar said: He said to them: Just as I bear no malice against my brother Benjamin who had no part in my selling, so I have no malice against you.

That it is my mouth that speaketh unto you. As my mouth is, so is my heart.

And to his father he sent in like manner ten asses laden with the good things of Egypt.⁶ What are 'the good things of Egypt'? R. Benjamin b. Japhet said in the name of R. Eleazar: He sent him [old] wine which old men find very comforting.⁷

And his brethren also went and fell down before him.⁸ R. Benjamin b. Japhet said in the name of R. Eleazar: This bears out the popular saying, A fox in its hour — bow down to it. [You compare Joseph to] a fox! Where was his inferiority to his brothers? Rather if this was said [by R. Eleazar] it was applied as follows: And Israel bowed down upon the bed's head.⁹ R. Benjamin b. Japhet said in the name of R. Eleazar; A fox in its hour — bow down to it.¹⁰

And he comforted them and spoke kindly to them.¹¹ R. Benjamin b. Japhet said in the name of R. Eleazar: This tells us that he spoke to them words which greatly reassured them,¹² [saying], If ten lights were not able to put out one, how can one light put out ten?

The Jews had light and gladness and joy and honour.¹³ Rab Judah said: 'Light' means the Torah,¹⁴ and so it says. For the commandment is a lamp and the Torah is a light.¹⁵ 'Gladness' means a feast day; and so it says, And thou shalt be glad in thy feast.¹⁶ 'Joy' means circumcision; and so it says, I rejoice at thy word.¹⁷ 'Honour' means the phylacteries, and so it says, And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall be afraid of thee;¹⁸ and it has been taught: R. Eleazar the Great says that this refers to the phylactery of the head.

And Parshandatha . . . the ten sons of Haman.¹⁹ R. Adda from Joppa said: The ten sons of Haman and the word 'ten' [which follows] should be said²⁰ in one breath. What is the reason? Because their souls all departed together. R. Johanan said: The waw of waizatha must be lengthened like a boat-pole of the river Libruth.²¹ What is the reason? Because they were all strung on one pole. R.

Shila, a man of Kefar Temarta, drew a lesson from this saying, All the songs [in Scripture] are written in the form of a half brick over a whole brick,²² and a whole brick²² over a half brick,²³ with the exception of this one and the list of the kings of Canaan²⁴ which are written in the form of a half brick over a half brick and a whole brick over a whole brick.²⁵ What is the reason? So that they should never rise again from their downfall.

And the king said to the queen, In Shushan the castle the Jews have slain . . .²⁶ The mode of expression informs us that an angel came and slapped him on his mouth.²⁷

But when she came before the king, he said along with the letter.²⁸ ‘He said’? It should be, ‘she said’! — R. Johanan said: She said, Let there be said by word of mouth what is written in the letter.²⁹

Words of peace and truth.³⁰ R. Tanhum said: [or, according to some, R. Assi]: This shows that the Megillah requires to be written on ruled lines, like the true essence of the Torah.³¹ And the ordinance of Esther confirmed.³² Only the ordinance of Esther and not the words of the fastings? — R. Johanan said: We must read thus: The words of the fastings [and their cry] and the ordinance of Esther confirmed these matters of Purim.³³

For Mordecai the Jew was next unto king Ahasuerus, and great among the Jews and accepted of the majority of his brethren.³⁴ Of the majority of his brethren but not of all his brethren; this informs us that some members of the Sanhedrin separated from him.³⁵

R. Joseph said: The study of the Torah is superior to the saving of life. For at first Mordecai was reckoned next after four, but afterwards next after five. At first it is written, Who came with Zerubabel, [namely] Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan,³⁶ and subsequently it is written, Who came with Zerubabel, Jeshua, Nehemiah, Azariah, Raamiah, Nahamani, Mordecai, Bilshan.³⁷

Rab — or, some say. R. Samuel b. Martha — said: The study of the Torah is superior to the building of the Temple, for as long as Baruch b. Neriah was alive Ezra would not leave him to go up to the land of Israel.³⁸ Rabbah said in the name of R. Isaac b. Samuel b. Martha: The study of the Torah is superior to the honouring of father and mother. For, for the fourteen years that Jacob spent in the house of Eber, he was not punished, since a Master has said:

(1) Esth. VIII, 15.

(2) Gen. XLV, 14.

(3) The Heb. צוֹאֲרֵי can also be taken as a plural. [Rashi omits this question. He did not regard the exposition that follows as being based upon the supposed difference in the grammatical form. the neck is simply taken as allusion to the Temple.]

(4) On the Temple Mount in Jerusalem.

(5) Gen. XLV, 12.

(6) Ibid. 23.

(7) Lit., ‘in which the mind of old will take delight’.

(8) Ibid. L, 18.

(9) Ibid. XLVII, 31.

(10) By comparison with his father there would be no disrespect in referring to Joseph as a fox.

(11) Lit., ‘upon their heart’.

(12) Lit., ‘which were received upon the heart’.

(13) Esth. VIII, 16.

(14) I.e., they resumed the study of the Torah without hindrance; and so with circumcision and phylacteries.

(15) Prov. VI, 23.

- (16) Deut. XVI, 14.
- (17) Ps. CXIX, 162. The word **לֵאמֹר** (saying) here is taken to refer to circumcision because God said (**אָמַר**) to Abraham that he should circumcise his son, Gen. XVII, 9.
- (18) Deut. XXVIII, 10.
- (19) Esth. IX, 7-10.
- (20) By one reading the Megillah.
- (21) Not identified, v. B.M., Sonc. ed. p. 503, n. 10.
- (22) Al. 'blank space'.
- (23) The words in each line must be spaced in such a way as to present this appearance, the space of the half-brick being occupied in each case by the writing.
- (24) In Joshua XII.
- (25) **אִם־פִּתְּאֵי וְאֵת דְּלִפּוֹן וְאֵת פֶּרֶשְׁנֵדְתָּא וְאֵת** etc.
- (26) Esth. IX, 12.
- (27) Because he commenced as if in anger and then proceeded and what is thy request etc.
- (28) Ibid. 25.
- (29) Rashi omits here the words, 'she said', and explains that R. Johanan is here laying down the rule that the Megillah (which is called 'letter') should be read aloud. How he derives this lesson from the text is not clear.
- (30) Ibid. 30.
- (31) I.e., the Pentateuch, v. Git. 6b.
- (32) Ibid. 32.
- (33) Ibid. 31.
- (34) Ibid. X, 3.
- (35) Because when he rose to power he neglected the study of the Torah.
- (36) Ezra II, 2.
- (37) Neh. VII, 7. The list in Ezra is given in connection with the first return from Babylon, the list in Nehemiah in connection with the dedication of the Temple which is reckoned by the Talmud to have taken place twenty-four years later (v. Rashi); and the incident of Purim is supposed to have taken place in the interval.
- (38) I.e., but for Baruch, Ezra would have come back with the first of the returning exiles.

Talmud - Mas. Megilah 17a

Why are the years of Ishmael mentioned? So as to reckon by them the years of Jacob, as it is written, And these are the years of the life of Ishmael, a hundred and thirty and seven years.¹ How much older was Ishmael than Isaac? Fourteen years, as it is written, And Abram was fourscore and six years old when Hagar bore Ishmael to Abram,² and it is also written, And Abraham was a hundred years old when his son Isaac was born to him,³ and it is written, And Isaac was threescore years old when she bore them.⁴ How old then was Ishmael when Jacob was born? Seventy-four. How many years were left of his life? Sixty-three; and it has been taught: Jacob our father at the time when he was blessed by his father was sixty-three years old. It was just at that time that Ishmael died, as it is written, Now Esau saw that Isaac had blessed Jacob...so Esau went unto Ishmael and took Mahlath the daughter of Ishmael Abraham's son the sister of Nebaioth.⁵ Now once it has been said, 'Ishmael's daughter' do I not know that she was the sister of Nebaioth? This tells us then that Ishmael affianced her and then died, and Nebaioth her brother gave her in marriage.⁶ Sixty-three and fourteen till Joseph was born⁷ make seventy-seven, and it is written, And Joseph was thirty years old when he stood before Pharaoh.⁸ This makes a hundred and seven. Add seven years of plenty and two of famine,⁹ and we have a hundred and sixteen, and it is written, And Pharaoh said unto Jacob, How many are the days of the years of thy life? And Jacob said unto Pharaoh, The days of the years of my sojournings are a hundred and thirty years.¹⁰ But [we have just seen that] they were only a hundred and sixteen? We must conclude therefore that he spent fourteen years in the house of Eber,¹¹ as it has been taught: 'After Jacob our father had left for Aram Naharaim two years.¹² Eber died'. He then went forth from where he was¹³ and came to Aram Naharaim. From this¹⁴ it follows that when he stood by the well he was seventy-seven years old. And how do we know that he was not punished [for these fourteen years]? As it has been taught: 'We find that Joseph was away from his father twenty-two years.¹⁵ just as Jacob our father was absent from his father'. But Jacob's absence was thirty-six years?¹⁶ It must be then that the fourteen years which he was in the house of Eber are not reckoned. But when all is said and done, the time he spent in the house of Laban was only twenty years?¹⁷ — The fact is that [he was also punished] because he spent two years on the way, as it has been taught: He left Aram Naharaim and came to Succoth and spent there eighteen months, as it says, And Jacob journeyed to Succoth, and built him a house, and made booths for his cattle;¹⁸ and in Bethel he spent six months and brought there sacrifices.

CHAPTER II

MISHNAH. IF ONE READS THE MEGILLAH BACKWARDS,¹⁹ HE HAS NOT PERFORMED HIS OBLIGATION. IF HE READS IT BY HEART, IF HE READS IT IN A TRANSLATION [TARGUM] IN ANY LANGUAGE,²⁰ HE HAS NOT PERFORMED HIS OBLIGATION. IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT UNDERSTAND HEBREW²¹ IN A LANGUAGE OTHER THAN HEBREW. IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARS IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. IF ONE READS IT WITH BREAKS,²² OR WHILE HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. IF HE WAS COPYING IT, CORRECTING IT OR EXPOUNDING IT, THEN IF [IN DOING SO] HE PUT HIS MIND [ALSO TO THE READING] OF IT HE HAS PERFORMED HIS OBLIGATION, BUT OTHERWISE NOT. IF [THE COPY FROM WHICH HE READS] IS WRITTEN WITH SAM, WITH SIKRA, WITH KUMUS, OR WITH KANKANTUM,²³ OR ON NEYAR OR DIFTERA,²³ HE HAS NOT PERFORMED HIS OBLIGATION; IT MUST BE WRITTEN IN HEBREW²⁴ ON PARCHMENT²⁵ AND IN INK.

GEMARA. Whence is this rule [not to read backward] derived? — Raba said: The text says, according to the writing thereof and according to the appointed time thereof:²⁶ just as the appointed time cannot be backward,²⁷ so the [reading from the] writing must not be backward. But does the text speak here of reading? It speaks of keeping, as it is written, that they would keep these two

days? — The truth is that we derive the rule from here, as it is written: And that these days should be remembered and kept.²⁸ ‘Remembering’ is here put on the same footing as ‘keeping’: just as keeping cannot be in the wrong order, so remembering also.

A Tanna stated: The same rule applies to Hallel,²⁹ to the recital of the Shema’,²⁹ and to the ‘Amidah²⁹ prayer. Whence do we derive the rule as regards Hallel? — Rabbah said: Because it is written, From the rising of the sun unto the going down thereof [the Lord's name is to be praised].³⁰ R. Joseph said, [from here]: This is the day which the Lord hath made.³¹ R. Awia said: Let the name of the Lord be blessed.³² R. Nahman b. Isaac — or you may also say, R. Aha b Jacob — said, It is from here: From this time forth and for ever.³³

‘To the recital of the Shema’’, as it has been taught: The Shema’ must be recited as it is written.³⁴ So Rabbi. The Sages, however, say: It may be recited in any language. What is Rabbi's reason? Scripture says

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- (1) Gen. XXV, 17.
 - (2) Ibid. XVI, 16.
 - (3) Ibid. XXI, 5.
 - (4) Ibid. XXV, 26.
 - (5) Ibid. XXVIII, 6-9.
 - (6) Which shows that Ishmael died just about the time that Isaac blessed Jacob.
 - (7) It is reckoned by the Talmud that Jacob had been with Laban fourteen years when Joseph was born. V. Gen. XXXI, 41.
 - (8) Ibid. XLI, 46.
 - (9) V. Ibid. XLV, 6.
 - (10) Ibid. XLVII, 8,9.
 - (11) [So Rashi: cur. edd., ‘the fourteen years he spent . . . are not reckoned’.]
 - (12) [So Rashi: cur. edd. introduce passage with: ‘Jacob lay hidden in the house of Eber for fourteen years’.]
 - (13) This is the reading here of the Bah. The reading of the text is unintelligible.
 - (14) [By calculating the years Eber lived, v. Gen. XI, 17.]
 - (15) He left when he was seventeen, he was thirty when he stood before Pharaoh, and seven years of plenty and two of famine passed before he saw his father.
 - (16) He left when he was sixty-three and returned when he was ninety-nine.
 - (17) V. Gen. XXXI, 41.
 - (18) Gen. XXXIII, 17: a ‘house’ for one summer, and two ‘booths’ for two winters.
 - (19) [Perhaps as a magical incantation for driving away demons. V. Blau Das altjudische Zauberesen pp. 146ff.]
 - (20) [MS.M. If he read it in Targum (Aramaic); if he read it in any other language. The text of cur. edd. can also bear this interpretation, v. Rashi 18a s.v. קראה].
 - (21) לעויות people speaking a foreign (לעז) language.
 - (22) I.e., reads a part and then waits some time before resuming v. Gemara.
 - (23) Because these materials fade. A similar rule was laid down with regard to the Get. For the meaning of these terms, v. infra in the Gemara.
 - (24) Lit., ‘Assyrian’ characters; v. supra 8b.
 - (25) Lit., ‘on the book’. [Var lec. ‘on skin’.]
 - (26) Esth. IX, 27.
 - (27) I.e., the fifteenth cannot come before the fourteenth.
 - (28) Esth. IX, 28. The Hebrew word זכירה means both ‘remembering’ and ‘mentioning’.
 - (29) V. Glos.
 - (30) Ps. CXIII, 3. Just as the sun never goes backward from West to East, so the praise of the Lord should not be recited backward.
 - (31) Ibid. CXVIII, 24. The day also cannot go backward.
 - (32) Ibid. CXIII, 2.

(33) Ibid.

(34) I.e., in the original language.

Talmud - Mas. Megilah 17b

, [And these words] shall be,¹ which implies, they shall be kept as they are. And what is the reason of the Rabbis? — Because Scripture says, Hear,² which implies, in any language which you understand. How then can Rabbi [hold otherwise], seeing that it is written, ‘hear’? — He requires that word for the injunction, ‘Let thine ear hear what thou utterest with thy mouth’. The Rabbis, however, concurred with the authority who said that if one recites the Shema’ without making it audible, he has performed his obligation. But the Rabbis too — [how can they hold as they do], seeing that it is written, ‘And they shall be’? — They require this for the injunction that it should not be recited backwards. Whence does Rabbi derive the rule that it should not be recited backwards? From [the use of the expression] ‘the words’, where ‘words’ [would have been sufficient]. The Rabbis, however, do not accept this distinction between ‘the words’ and ‘words’.

May we say that Rabbi was of opinion that the whole of the Torah has been ordained [to be recited] in any language?³ For should you assume that it has been ordained [to be recited] only in the holy tongue, why should the words ‘and they shall be’ be inserted [in reference to the Shema’]? — These were necessary. For it might have occurred to me to understand ‘hear’ in the same sense as the Rabbis:⁴ therefore the All-Merciful wrote ‘and they shall be’. May we then say that the Rabbis were of opinion that the whole of the Torah was ordained [to be recited] only in the holy tongue, since, should you assume that it was ordained to be recited in any language, [I might ask], why should ‘hear’ be inserted [in reference to the Shema’]? — This word is necessary. For it might occur to me to understand ‘and they shall be’ in the same sense as Rabbi. Therefore the All-Merciful wrote, ‘hear’.

‘To the ‘Amidah prayer’. Whence is this derived? — As it has been taught: ‘Simeon the Pakulite⁵ formulated eighteen blessings in the presence of Rabban Gamaliel in the proper⁶ order in Jabneh.⁷ R. Johanan said (others report, it was stated in a Baraitha): A hundred and twenty elders, among whom were many prophets, drew up eighteen blessings in a fixed order’.

Our Rabbis taught: Whence do we derive that the blessing of the Patriarchs⁸ should be said? Because it says, Ascribe unto the Lord, O ye sons of might.⁹ And whence that we say the blessing of mighty deeds?¹⁰ Because it says, Ascribe unto the Lord glory and strength.¹¹ And whence that we say sanctifications?¹² Because it says, Ascribe unto the Lord the glory due unto His name, worship the Lord in the beauty of holiness.¹³ What reason had they for mentioning understanding¹⁴ after holiness? Because it says, They shall sanctify the Holy One of Jacob and shall stand in awe of the God of Israel,¹⁵ and next to this, They also that err in spirit shall come to understanding. What reason had they for mentioning repentance¹⁶ after understanding? Because it is written, Lest they, understanding with their heart, return and be healed.¹⁷ If that is the reason, healing should be mentioned next to repentance?¹⁸ — Do not imagine such a thing, since it is written, And let him return unto the Lord and He will have compassion upon him, and to our God, for he will abundantly pardon.¹⁹ But why should you rely upon this verse? Rely rather on the other! — There is written another verse, Who forgiveth all thine iniquity, who healeth all thy diseases, who redeemeth thy life from the pit,²⁰ which implies that redemption and healing come after forgiveness. But it is written, ‘Lest they return and be healed’? That refers not to the healing of sickness but to the healing [power] of forgiveness. What was their reason for mentioning redemption in the seventh blessing?²¹ Raba replied: Because they [Israel] are destined to be redeemed in the seventh year [of the coming of the Messiah],²² therefore the mention of redemption was placed in the seventh blessing. But a Master has said, ‘In the sixth year will be thunderings, in the seventh wars, at the end of the seventh the son of David will come’? — War is also the beginning of redemption. What was their reason for

mentioning healing in the eighth blessing? — R. Aha said: Because circumcision which requires healing is appointed for the eighth day, therefore it was placed in the eighth blessing. What was their reason for placing the [prayer for the] blessing of the years ninth? R. Alexandri said: This was directed against those who raise the market price [of foodstuffs], as it is written, Break thou the arm of the wicked; and when David said this, he said it in the ninth Psalm.²³

What was their reason for mentioning the gathering of the exiles after the blessing of the years? — Because it is written, But ye, O mountains of Israel, ye shall shoot forth your branches and yield your fruit to thy people Israel, for they are at hand to come.²⁴ And when the exiles are assembled, judgment will be visited on the wicked, as it says, And I will turn my hand upon thee and purge away thy dross as with lye,²⁵ and it is written further, And I will restore thy judges as at the first.²⁶ And when judgment is visited on the wicked, transgressors cease,²⁷ and presumptuous sinners²⁸ are included with them, as it is written, But the destruction of the transgressors and of the sinners shall be together, and they that forsake the Lord shall be consumed.²⁹ And when the transgressors have disappeared, the horn of the righteous is exalted,³⁰ as it is written, All the horns of the wicked also will I cut off, but the horns of the righteous shall be lifted up.³¹ And ‘proselytes of righteousness’³² are included with the righteous, as it says, thou shalt rise up before the hoary head and honour the face of the old man,³³ and the text goes on, And if a stranger sojourn with thee. And where is the horn of the righteous exalted? In Jerusalem,³⁴ as it says, Pray for the peace of Jerusalem, may they prosper that love thee.³⁵ And when Jerusalem is built, David³⁶ will come, as it says.

(1) Deut. VI, 6.

(2) Ibid. 4. The word שָׁמַע means both ‘hear’ and ‘understand’.

(3) According to Tosaf., this refers only to those passages of the Scripture which were to be recited on special occasions, e.g., the passage relating to the first-fruit, the declaration of halizah etc.

(4) Viz., in any language.

(5) Possibly this means ‘cotton dealer’ (Rashi).

(6) I.e. one based on Scriptural texts, as explained infra.

(7) V. Ber. 28b.

(8) The first blessing, containing the words, the God of Abraham, the God of Isaac, and the God of Jacob’. For the ‘Amidah prayer v. P.B. pp. 44ff.

(9) Ps. XXIX, 1. ‘Sons of might’ is taken as a description of the Patriarchs. The Talmud renders: ‘Mention before the Lord the sons of might’, i.e., the Patriarchs.

(10) The second blessing, mentioning the ‘mighty deed’ of the resurrection.

(11) Ps. XXIX, 1.

(12) The third blessing beginning, ‘Thou art holy’.

(13) Ibid. 2.

(14) In the fourth blessing, beginning, ‘Thou grantest to man understanding’.

(15) Isa. XXIX, 23f.

(16) In the fifth blessing, commencing, ‘Bring us back, O Father’.

(17) Ibid. VI, 10.

(18) Whereas in fact it comes in the next blessing but one, ‘redemption’ being interposed.

(19) Ibid. LV, 7.

(20) Ps. CIII, 3f.

(21) Concluding, ‘Blessed art thou, O Lord, who redeemest Israel’.

(22) V. Sanh. 97a.

(23) In our books it is the tenth (v. 15), but the Talmud apparently reckoned the first and second Psalms as one.

(24) Ezek. XXXVI, 8.

(25) Isa. I, 25.

(26) Ibid. 26. The next blessing proceeds, ‘Restore our judges’. etc.

(27) MS. M. minim (plur. of min v. Glos.).

(28) Mentioned in the next blessing. This, however, was not one of the original eighteen, v. Ber. 28b.

(29) Ibid. 28.

(30) The next blessing concludes, 'the support and trust of the righteous'.

(31) Ps. LXXV, II.

(32) Mentioned in the same blessing. 'Proselytes of Righteousness' are converts who completely accept the Jewish creed and life.

(33) Lev. XIX, 32.

(34) Mentioned in the next blessing.

(35) Ps. CXXII, 6.

(36) Mentioned in the next blessing, which commences, 'Cause to sprout quickly the shoot of David'.

Talmud - Mas. Megilah 18a

Afterwards shall the children of Israel return and seek the Lord their God, and David their king.¹ And when David comes, prayer² will come, as it says. Even then will I bring to my holy mountain, and make them joyful in my house of prayer.³ And when prayer has come, the Temple service⁴ will come, as it says, Their burnt-offerings and their sacrifices shall be acceptable upon mine altar.⁵ And when the service comes, thanksgiving⁶ will come, as it says. Whoso offereth the sacrifice of thanksgiving honoureth me.⁷ What was their reason for inserting the priestly benediction after thanksgiving? Because it is written, And Aaron lifted up his hands toward the people and he came down from offering the sin-offering and the burnt-offering and the peace-offerings.⁸ But cannot I say that he did this before the service? — Do not imagine such a thing. For it is written, 'and he came down from offering'. Is it written 'to offer'? It is written, 'from offering'.⁹ Why not then say it [the priestly benediction] after the [blessing of] the Temple service? — Do not imagine such a thing, since it is written, whoso offereth the sacrifice of thanksgiving.¹⁰ Why base yourself upon this verse? Why not upon the other? — It is reasonable to regard service and thanksgiving as one. What was their reason for having 'give peace' said after the priestly benediction? — Because it is written, So they [the priests] shall put my name upon the children of Israel, and [then] I shall bless them;¹¹ and the blessing of the Holy One, blessed be He, is peace, as it says, The Lord shall bless his people with peace.¹²

Seeing now that a hundred and twenty elders, among whom were many prophets. drew up the prayers in the proper order, why did Simeon the Pakulite formulate them? — They were forgotten, and he formulated them afresh. Beyond this it is forbidden to declare the praise of the Holy One, blessed be He.¹³ For R. Eleazar said: What is the meaning of the verse, Who can express the mighty acts of the Lord, or make all his praise to be heard?¹⁴ For whom is it fitting to express the mighty acts of the Lord? For one who can make all his praise to be heard. Rabbah b. Bar Hanah said in the name of R. Johanan: One who descants upon the praises of the Holy One, blessed be He, to excess is uprooted from the world, as it says, Shall it be told to him that I should speak? Should a man [try to] say, surely he would be swallowed up.¹⁵ R. Judah a man of Kefar Gibboraya,¹⁶ or, as some say, of Kefar Gibbor Hayil,¹⁷ gave the following homily: What is meant by the verse, For thee silence is praise?¹⁸ The best medicine of all is silence. When R. Dimi came, he said: In the West¹⁹ they say: A word is worth a sela', silence two sela's.

IF ONE READS IT BY HEART, HE HAS NOT PERFORMED HIS OBLIGATION. Whence this rule? — Raba said: We explain the expression zekirah²⁰ in one passage from its use in another. It is written here, And these days shall be nizkarim²¹ [remembered] and it is written elsewhere, Write this le-zikaron [for a memorial] in the book.²² Just as there it was to be in a book, so here it must be in a book. But how do we know that this 'nizkarim' implies 'uttering'? Perhaps it means mere reading with the eyes? — Do not imagine such a thing, since it has been taught: 'Remember' [zakor].²³ Am I to say, this means only with the mind? When the text says, thou shalt not forget, the injunction against mental forgetfulness is already given. What then am I to make of 'remember'? This must mean, by utterance.²⁴

IF ONE READS IT IN A TRANSLATION, HE HAS NOT PERFORMED HIS OBLIGATION. How are we to understand this? Are we to suppose that it is written in Hebrew and he reads it in a translation? This is the same as reading by heart! — It is required for the case where it is written in a translation and he reads it in a translation.

IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT SPEAK HEBREW IN A LANGUAGE OTHER THAN HEBREW. But you have just said, IF ONE READS IT IN ANY [OTHER] LANGUAGE HE HAS NOT PERFORMER HIS OBLIGATION? — Rab and Samuel both answered that what is referred to here is the Greek vernacular. How are we to understand this? Shall we say that it is written in Hebrew and he reads it in Greek? This is the same as saying by heart? — R. Aha said in the name of R. Eleazar: What is referred to is where it is written in the Greek vernacular.

(R. Aha also said in the name of R. Eleazar: How do we know that the Holy One, blessed be He, called Jacob El [God]²⁵ Because it says, And the God of Israel called him [Jacob] El.²⁶ For should you suppose that [what the text means is that] Jacob called the altar El, then it should be written, 'And Jacob called it'. But [as it is not written so], we must translate, 'He called Jacob El'. And who called him so? The God of Israel).

An objection was brought [against the dictum of Rab and Samuel] from the following: 'If one reads it in Coptic,²⁷ in Hebraic,²⁸ in Elamean, in Median, in Greek, he has not performed his obligation'! — This [statement]²⁹ means only in the same sense as the following: 'If one reads it in Coptic to the Copts,³⁰ in Hebrew to the Hebrews, in Elamean to the Elameans, in Greek to the Greeks, he has performed his obligation'. If that is the case, why do Rab and Samuel explain the Mishnah to refer to the Greek vernacular? Let them make it refer to any vernacular? — The fact is that the Mishnah agrees with the Baraitha,³¹ and the statement of Rab and Samuel was meant to be a general one [thus]: Rab and Samuel both say that the Greek vernacular is good for all peoples. But it is stated, '[He may read] in Greek for the Greeks' — for the Greeks, that is, he may, but for others not? — They [Rab and Samuel] concurred with Rabban Simeon b. Gamaliel, as we have learnt: 'Rabban Simeon b. Gamaliel says: Scrolls of the Scripture also were allowed to be written only in Greek'.³² Let them then say, The halachah is as stated by Rabban Simeon b. Gamaliel? — Had they said, The halachah is as stated by Rabban Simeon b. Gamaliel, I should have understood them to mean that this is the case with other books of the Scriptures but not with the Megillah, of which it is written, according to the writing thereof.³³ Therefore we are told [that this is not so].

IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARD IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. But he does not know what they are saying? — he is on the same footing as women and ignorant people. Rabina strongly demurred to this saying;³⁴ And do we know the meaning of ha-ahashteranim bene ha-ramakim?³⁵ But all the same we perform the precept of reading the Megillah and proclaiming the miracle. So they too perform the precept of reading the Megillah and proclaiming the miracle.³⁶

IF ONE READS IT WITH BREAKS [SERUGIN], HE HAS PERFORMED HIS OBLIGATION. The Rabbis did not know what was meant by serugin,³⁷ until one day they heard the maidservant of Rabbi's household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by haluglugoth, till one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your haluglugoth?

The Rabbis did not know what was meant by, *salseleah* and it shall exalt thee.³⁸ One day they heard the handmaid of the house of Rabbi say to a man who was curling his hair, How long will you be *mesalsel* with your hair?³⁹

The Rabbis did not know what was meant by, Cast upon the Lord thy *yehab* and he shall sustain thee.⁴⁰ Said Rabbah b. Bar Hanah: One day I was travelling with a certain Arab⁴¹ and was carrying a load, and he said to me, Lift up your *yehab* and put it on [one of] the camels.

The Rabbis did not know what was meant by, *we-tetethia bematate* of destruction,⁴² till one day they heard the handmaid of the household of Rabbi say to her companion, Take the *tatitha* [broom] and *tati* [sweep] the house.

Our Rabbis taught: If one reads it with breaks, he has performed his obligation;

(1) Hos. III, 5.

(2) Mentioned in the next blessing, which commences, 'Hear our voice .

(3) Isa. LVI, 7.

(4) The next blessing contains the words, 'Restore the service'.

(5) Ibid.

(6) The next blessing commences, 'We give thanks to Thee'.

(7) Ps. L, 23.

(8) Lev. IX, 22.

(9) [Omit with MS.M.: 'For it is written . . . to offer'?).

(10) Which shows that sacrifice is followed immediately by thanksgiving.

(11) Num. VI, 27.

(12) Ps. XXIX, 11.

(13) I.e., it is forbidden to add any more blessings.

(14) Ps. CVI, 2.

(15) Job XXXVII, 20. E.V., 'Or should a man wish that he were swallowed up'.

(16) Lit., 'village of warriors'.

(17) Lit., 'village of a mighty warrior'. [MS.M. has 'Kefar Naburya' and 'Kefar Napor Hayil. The former is identified with en-Nebraten in Upper Galilee, v. Keth., Sonc. ed. p. 391, n. 11].

(18) Ps. LXV, 2. E.V., 'Praise waiteth for thee'.

(19) Palestine.

(20) Which means both 'remembering' and 'mentioning'.

(21) Esth. IX, 28.

(22) Ex. XVII, 14.

(23) Deut. XXV, 17.

(24) Lit., 'with the mouth'. So here, the days of Purim must be 'remembered' by utterance.

(25) Generally rendered 'God'; literally, 'Mighty'.

(26) Gen. XXXIII, 20. E.V., and called it El-Elohe-Israel'.

(27) The language of the Egyptians.

(28) Apparently the reference is to a kind of Aramaic spoken by the Bene Eber, or 'on the other side' (*be'eber*) of the Euphrates.

(29) The last clause of our Mishnah.

(30) I.e., the Coptic-speaking Jews.

(31) That it may be read in a vernacular only for those who speak that vernacular.

(32) Supra 8b.

(33) Esth. IX, 27.

(34) [Read with MS.M.: 'For should you not say thus' omitting 'Rabina strongly demurred to this'].

(35) Ibid. VIII, 10. E.V., 'that were used in the king's service, bred of the stud'. The words are obviously Persian.

(36) Because they enquire and are told.

- (37) The whole of this passage, down to 'house' is repeated in R.H. 26b.
 (38) Prov. IV, 8. E.V., 'extol her'.
 (39) Which shows that salseleah means 'turn it about and about'.
 (40) Ps. LV, 23. E.V., 'thy burden'.
 (41) [Taya, name of Arab tribe which was applied to all Arabs as a part to a whole].
 (42) Isa. XIV, 23. E.V., 'I will sweep it with the besom of destruction'.

Talmud - Mas. Megilah 18b

if with omissions,¹ he has not performed it. R. Muna said in the name of R. Judah: Even with breaks, if he stops long enough to finish the whole of it, he must go back to the beginning. R. Joseph said: The halachah is as stated by R. Muna in the name of R. Judah. Abaye inquired of R. Joseph: [When it says] 'long enough to finish the whole of it', does it mean from where he is to the end, or from the beginning to the end? He replied: It means from the beginning to the end, as otherwise there would be no fixed standard.² R. Abba said in the name of R. Jeremiah b. Abba who said it in the name of Rab: The halachah is as stated by R. Muna. Samuel, however, said: The halachah is not as stated by R. Muna. This is the version given in Sura. In Pumbeditha the following version is given: R. Kahana said in the name of Rab: The halachah is as stated by R. Muna, but Samuel said that the halachah does not follow R. Muna. R. Bibi reverses the statement, [making] Rab say that the halachah does not follow R. Muna and Samuel that it does follow R. Muna. R. Joseph said: Adopt³ the version of R. Bibi, since it is Samuel who takes note of the view of an individual authority,⁴ as we have learnt: 'If a woman was waiting for the levir [to make his decision], and a [younger] brother of his became affianced to her sister, the rule was laid down in the name of R. Judah b. Bathyra that the Beth din say to him, Wait till your elder brother acts [one way or the other];⁵ and Samuel said, The halachah is as stated by R. Judah b. Bathyra'.⁶

Our Rabbis taught: If the scribe had omitted letters or verses and the reader read them like the translator when he is translating,⁷ he has performed his obligation. The following was cited in objection to this: 'If letters in it [the scroll] are partially effaced or torn, if they are still legible, it may be used, but otherwise it may not be used'! — There is no contradiction: the one statement⁸ refers to the whole of it, the other⁹ to part of it.

Our Rabbis taught: If the reader omitted one verse, he must not say, I will finish reading it [the Megillah] and I will then read that verse, but he must read [again] from that verse. If a man enters the synagogue and finds that the congregation has read half, he must not say, I will read half with the congregation and then I will read the other half, but he must read it from the beginning to the end.

IF HE WAS HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. What is meant by 'half-asleep'?¹⁰ — R. Ashi said: He is asleep and not asleep, awake and not awake; if he is called he responds, but he cannot give a rational answer, though if he is reminded [of what has been said] he remembers.

IF ONE WAS WRITING IT, EXPOUNDING IT, OR CORRECTING IT, IF HE PUT HIS MIND TO IT etc. How are we to understand this? If he was conning each verse and then writing it, what does it matter if he did put his mind to it? He is writing by heart! We must suppose therefore that he writes each verse and then recites it. But does he thereby perform his obligation? Has not R. Helbo said in the name of R. Hama b. Guria who said it in the name of Rab, The halachah follows the view of him who says that all of it [must be recited],¹¹ and even according to the one who says that it is sufficient [to recite] from 'A Jew was', it is necessary that the whole should be [already] written? We must suppose therefore that a Megillah lies before him and he reads from it, verse by verse, and then writes. Shall we then¹² say that this supports Rabbah b. Bar Hanah, for Rabbah b. Bar Hanah said in the name of R. Johanan. It is forbidden to write one letter [of the Megillah], save from a copy?

Perhaps [the Mishnah speaks only of a case] where he just happened [to have a copy before him].¹³

The text [above states]: ‘Rabbah b. Bar Hanah said in the name of R. Johanan, It is forbidden to write one letter save from a copy’. The following was cited in opposition to this: ‘It happened once that R. Meir went to prolong the year¹⁴ in Assia,¹⁵ and there was no Megillah there and he wrote one out by heart’! — R. Abbahu said: R. Meir is different, because to him could be applied the verse, Thine eyelids shall look straight before thee.¹⁶ Rami b. Hama asked R. Jeremiah from Difti:¹⁷ What is the meaning of ‘thine eyelids [‘af’apeka] shall look straight before thee’? — He replied: This refers to the words of the Torah, of which it is written, Wilt thou direct [ta’if] thine eyes from it? it is gone.¹⁸ And even so, R. Meir could produce them correctly. R. Hisda found R. Hananel writing scrolls without a copy. He said to him: You are quite qualified to write the whole Torah by heart,¹⁹ but thus have the Sages ruled: It is forbidden to write one letter save from a copy. Seeing that he said, ‘You are qualified to write the whole Torah by heart’, we may conclude that he could produce them correctly, and we see that R. Meir actually did write?²⁰ — In case of emergency it is different — Abaye allowed the members of the household of Bar Habu²¹ to write tefillin and mezuzoth²² without a copy. What authority did he follow? — The following Tanna, as it has been taught: R. Jeremiah says in the name of our Teacher:²³ Tefillin and mezuzoth may be written out without a copy, and do not require to be written upon ruled lines. The law, however, is that tefillin do not require lines,²⁴ but mezuzoth do require lines, and both may be written without a copy. What is the reason? — They are well known by heart.

IF IT WAS WRITTEN WITH SAM²⁵ etc. SAM: this is paint. SIKRA: this is vermilion. Rabbah b. Bar Hanah said: It is what we call sekarta [vermilion]. KUMUS: this is gum

(1) So Asheri. Rashi: ‘Backwards’.

(2) Lit., ‘you place your rule at the mercy of different measurements’, according to the amount that still remains to be read.

(3) Lit., ‘take hold of in your hand’.

(4) When he differs from the majority.

(5) I.e., decides either to marry the sister-in-law or to take halizah from her. Otherwise, since the levirate obligation also devolves on the younger brother, he must not marry the sister.

(6) Although the majority of the Rabbis did not agree with him. V. Yeb. 18b.

(7) The Pentateuch into Aramaic in the synagogue, which is done by heart (Rashi). [R. Hananel: Like the translator who paraphrases and adds matter which is not in the text].

(8) That it may not be used.

(9) That it may be read if letters are omitted.

(10) Lit., ‘nodding’.

(11) Infra 19a.

(12) Since the Mishnah cannot be explained in any other way.

(13) And would not insist on the rule laid down by Rabbah b. Bar Hanah.

(14) By intercalating a second Adar.

(15) Probably one of the cities of Asia Minor is meant, v. Sanh., Sonc. ed. p. 151, n. 1.

(16) Prov. IV, 25.

(17) Dibtha below the Tigris S.E. of Babylonia.

(18) I.e. if one turns his eyes a moment away from the Torah, he forgets it. Prov. XXIII, 5 E.V., ‘wilt thou set thine eyes upon it’.

(19) Lit., ‘the whole Torah is fitted to be written at thy mouth’.

(20) Then why could not he also?

(21) A vendor of tefillin, v. B.M. 29b.

(22) V. Glos.

(23) Rabbi(?)

(24) V. supra p. 16b.

(25) For this passage. cf. Git., Sonc. ed. p. 70 notes.

Talmud - Mas. Megilah 19a

. KANKANTUM: this is bootmakers' blacking. DIFTERA: this is a skin which has been salted and put in flour but not treated with gall nuts. NEYAR: this is paper.¹

IT MUST BE WRITTEN IN HEBREW. As it is written, according to the writing² thereof, and according to the appointed time thereof.²

ON PARCHMENT AND IN INK. Whence this rule? — We explain writing' in one place by the use of the term in another. It is written here, And Esther the queen wrote,³ and it is written in another place, then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book.⁴

MISHNAH. A RESIDENT OF A TOWN WHO HAS GONE TO A WALLED CITY⁵ OR OF A WALLED CITY WHO HAS GONE TO A TOWN, IF HE IS LIKELY TO RETURN TO HIS OWN PLACE⁶ READS ACCORDING TO THE RULE OF HIS OWN PLACE,⁷ AND OTHERWISE READS WITH THE REST. FROM WHERE MUST A MAN READ THE MEGILLAH SO AS TO FULFIL HIS OBLIGATION? R. MEIR SAYS, [HE MUST READ] THE WHOLE OF IT; RABBI JUDAH SAYS, [HE MUST READ] FROM 'THERE WAS A JEW';⁸ R. JOSE SAYS, FROM 'AFTER THESE THINGS'.⁹

GEMARA. Raba said: This rule applies only if he¹⁰ intends to return on the night of the fourteenth; but if he does not mean to return on the night of the fourteenth, he reads with the rest. Said Raba: Whence do I derive this ruling? Because it is written, Therefore do the Jews of the villages that dwell in the unwalled towns.¹¹ See now. It is written, 'the Jews of the villages'. Why then should it be further written, 'that dwell in the unwalled towns'? This teaches us that one who is a villager for one day is called¹² a villager. We have proved this for a villager. How do we know that it applies also to inhabitants of walled towns? — It is reasonable to suppose that since a villager of one day is called a villager, a walled-city-dweller of one day is called a walled-city-dweller.

Raba also said: A villager who has gone to a town reads with the rest in any case. What is the reason? By rights he ought to read at the same time as the townspeople — and it is the Rabbis who made a concession to the villagers so that they might supply food and drink to their brethren in the large cities.¹³ Now this applies only so long as they are in their own place, but when they are in the town, they must read like the townspeople. Abaye raised an objection to this from the following: 'If a resident of a walled city has gone to a town, in any case he reads according to the custom of his own place'. 'A resident of a walled city', do you say? His rule depends on whether he means to return!¹⁴ What you must read, then, is 'a villager'.¹⁵ — But must you not [in any case] explain [the passage]?¹⁶ Read, [then] 'reads with the rest'.

FROM WHERE MUST A MAN READ THE MEGILLAH etc. It has been taught: R. Simeon b. Yohai says, from 'On that night'.¹⁷ R. Johanan said: All these authorities derived their lesson from the same verse, viz., Then Esther the queen and Mordecai the Jew wrote all the acts of power.¹⁸ He who says that the whole Megillah must be read refers this to the power of Ahasuerus;¹⁹ he who says it must be read from 'there was a Jew', to the power of Mordecai; he who says from 'after these things', to the power of Haman; and he who says, from 'on that night', to the power of the miracle. R. Huna said: They derived it from here: And what did they see? For this reason. And what came upon them?²⁰ He who says that the whole of it must be read [interprets thus]: What had Ahasuerus seen to make him use the vessels of the Temple? It was for this reason, that he reckoned seventy years and they had not yet been redeemed;²¹ And what came upon them? that he put Vashti to death.

He who says that it should be read from 'there was a Jew' [interprets thus]: What had Mordecai seen that he picked a quarrel with Haman? It was for this reason, that he made himself an object of worship. 'And what came upon them'? that a miracle was performed [for him]. He who says that it is to be read from 'after these things', [interprets thus]: What did Haman see to make him pick a quarrel with all the Jews? It was for this reason, that Mordecai did not bow down or prostrate himself; 'and what came upon him'? They hung him and his sons on the tree. He who says that it is to be read from 'on that night' interprets thus: What did Ahasuerus see to make him order the book of chronicles to be brought? It was for this reason that Esther invited Haman with him. 'And what came upon them'? A miracle was performed for them.

R. Helbo said in the name of R. Hama b. Guria, who said it in the name of Rab: The halachah follows the view of him who says that the whole of it must be read; and even according to him who says that it need be read only from 'There was a Jew', it must all be written before him.²²

R. Hama b. Guria said in the name of Rab: The Megillah is called 'book'²³ and it is also called 'letter'.²⁴ It is called 'book' to show that if it is stitched with threads of flax,²⁵ it is not fit for use; and it is called 'letter' to show that if it is stitched with three threads of sinew, it may be used. R. Nahman said: This is only on condition that they are evenly spaced.²⁶

Rab Judah said in the name of Samuel: If one reads the Megillah from a volume containing the rest of the Scriptures,²⁷ he has not performed his obligation.²⁸ Raba said: This is the case only if it is not a little shorter or longer than the rest, but if it is a little shorter or longer than the rest,²⁹ there is no objection to it. Levi b. Samuel was reading before Rab Judah in a Megillah

(1) Made from papyrus stalk.

(2) Esth. IX, 27.

(3) Ibid. 29.

(4) Jer. XXXVI, 18.

(5) רבך. V. supra p. 1 n. 3.

(6) This is explained in the Gemara.

(7) I.e., on the fourteenth if he belongs to a town, on the fifteenth if to a city.

(8) Esth. II, 5.

(9) Ibid. III, 1.

(10) According to Rashi, this applies only to the man from the walled city who went to a town; but according to Asheri, even if a man from a town went to a walled city and stayed there over the night of the fourteenth, even if he returns to his own place on the fourteenth, he reads on the fifteenth and not on the fourteenth.

(11) Ibid. IX, 19.

(12) I.e., comes under the rule of.

(13) V. supra. 2a.

(14) As laid down explicitly in the Mishnah.

(15) And this would contradict the statement of Raba.

(16) By showing that the reading should be changed.

(17) Esth. VI,1

(18) Ibid. IX, 29.

(19) Who is mentioned at the very beginning.

(20) Ibid. 26. I.e., this is the subject-matter of the Megillah, as explained presently. E.V., 'And of that which they had seen concerning the matter'.

(21) V. supra 11b.

(22) I.e., he must have a complete copy, even if he does not read the whole of it.

(23) Esth. IX, 32.

(24) Ibid. 26.

(25) According to one authority in Mak. 11a a sefer torah must be stitched with sinews.

(26) Lit., 'trebled', i.e., placed at equal distances from one another and from the top and bottom.

(27) Lit., 'written among the writings'.

(28) Because he does not thereby sufficiently proclaim the miracle.

(29) So that it is recognizable as a separate book.

Talmud - Mas. Megillah 19b

which was included in a volume of the Scriptures. He said to him: [I must tell you that] they have said: 'If one reads the Megillah from a volume containing the rest of the Scriptures, he has not fulfilled his obligation'.

R. Hiyya b. Abba said in the name of R. Johanan: 'If one reads the Megillah in a volume containing the rest of the Scriptures, he has not fulfilled his obligation'; and he at once qualified this remark¹ by adding, 'in a congregation'.

R. Hiyya b. Abba also said in the name of R. Johanan: It is a rule deriving from Moses at Sinai that a space should be left unstitched [in the sefer torah];² and he at once qualified the remark by saying, 'this rule was laid down³ only so that it should not be torn'.⁴

R. Hiyya b. Abba also said in the name of R. Johanan: Had there been in the cave in which Moses and Elijah stood⁵ a chink no bigger than the eye of a fine needle, they would not have been able to endure the light, as it says, for man shall not see me and live.⁶

R. Hiyya b. Abba also said in the name of R. Johanan: What is the meaning of the verse, And on them was written according to all the words which the Lord spoke with you in the mount?⁷ It teaches us that the Holy One, blessed be He, showed Moses the minutiae of the Torah,⁸ and the minutiae of the Scribes,⁹ and the innovations which would be introduced by the Scribes; and what are these? The reading of the Megillah.¹⁰

MISHNAH. ALL ARE QUALIFIED TO READ THE MEGILLAH EXCEPT A DEAF PERSON,¹¹ AN IMBECILE AND A MINOR.¹² R. JUDAH DECLARES A MINOR QUALIFIED.

GEMARA. Who is the Tanna that maintains that [even if] the deaf person has read, it does not count?¹³ — R. Mattenah said: It is R. Jose, as we have learnt: 'If one reads the Shema' inaudibly, he has performed his obligation. R. Jose, however, says that he has not performed his obligation'. But why should we say that [our Mishnah] follows R. Jose and [lays down that] even if the deaf man has read, it does not count? Perhaps it follows R. Judah, and [what it means is that] the deaf man may not read in the first instance, but if he has read, his reading is accepted? — Do not imagine such a thing. For a deaf man is mentioned in the same category as an imbecile and a minor; just as the reading of an imbecile and a minor is not accepted, so the reading of a deaf man is not accepted. But perhaps there is one rule for the one and another rule for the other? — Since it states in the final clause that R. Judah declares a minor qualified, we may conclude that the first clause does not state the opinion of R. Judah. (But perhaps the whole of the Mishnah states the opinions of R. Judah? — Is it possible that he should disqualify in the first and permit in the second?)¹⁴ But perhaps the whole [of the Mishnah] gives the views of R. Judah, and he speaks of two kinds of minor, and there is an omission in the Mishnah, and it should run this: 'All are qualified to read the Megillah, except a deaf man, an imbecile and a minor. Of what kind of minor are we speaking? Of one who is not old enough to be trained in the performance of religious duties. But a minor who is old enough to be trained in religious duties¹⁵ may read even in the first instance, since R. Judah declares a minor qualified! — How then have you explained [the first clause of the Mishnah]? As following R. Judah and applying to an action already performed. What then of this statement made by Judah the son of R. Simeon b. Pazzi: 'One who can speak but not hear may set aside terumah in the first instance.'¹⁶ Whose view is

this? If you say R. Judah's. [this cannot be, because] he would say, his blessing [once made] is a blessing, but he may not say it in the first instance. If you say R. Jose, this also cannot be, since he disallows the action even if already performed! What then will you say? That it follows R. Judah, and that he allows it even in the first instance?¹⁷ What then of this which has been taught: 'A man should not say the grace after food in his heart,¹⁸ but if he does do so, he has performed his obligation'. Whose opinion is this? It is neither that of R. Judah¹⁹ nor that of R. Jose. For if it were to follow R. Judah, it would allow this even in the first instance, and if R. Jose, it would disallow it even when performed! —

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- (1) Lit., 'he struck it on the head'.
(2) I.e., the parchment sheets of which the scroll is composed should not be stitched together right to the top and right to the bottom.
(3) Lit., 'they said', i.e., the Sages. It was not derived from Moses at Sinai.
(4) Since if it is pulled violently it will give a little and the sheets will not come asunder.
(5) According to tradition, the cave in which Elijah stood when the Lord passed before him was the same as that in which Moses had stood on a similar occasion.
(6) Ex. XXXIII, 20.
(7) Deut. IX, 10.
(8) Minute indications upon which homiletical lessons are based, e.g., the words **סך** and **קך**.
(9) Inferences drawn by the Scribes from minute indications in the earlier Mishnahs.
(10) The 'men of the Great Synagogue' who are supposed to have written the Megillah are also numbered among the 'Scribes' (Soferim) by the Talmud.
(11) Because it is necessary for one who reads the Megillah to hear what he is saying.
(12) One under thirteen years of age.
(13) Lit., 'not even if (the thing) is done'.
(14) The passage in brackets is omitted by Rashi as breaking the connection.
(15) I.e., nine or ten years old, v. Yoma 82a.
(16) Although he has to say a blessing which he cannot hear.
(17) And the Mishnah does not follow R. Judah.
(18) I.e., inaudibly.
(19) According to the latest version of his opinion.

Talmud - Mas. Megillah 20a

In fact it follows R. Judah,¹ and he holds that the act may be done even in the first instance, and there is no difficulty: in the first quotation² he is giving his own opinion, in the second³ that of his teacher, as it has been taught: 'R. Judah says in the name of R. Eleazar b. Azariah: One who recites the Shema' must do so audibly, as it says, Hear, O Israel, the Lord our God is One,⁴ which implies. 'Let thine ear hear what thy mouth utters'. R. Meir says: [It says], which I command thee this day upon thy heart:⁵ according to the concentration of the mind, so is the value of the words. Now that you have come so far as this,⁶ you may even say that R. Judah was of the same opinion as his teacher, and the statement made by Judah the son of R. Simeon b. Pazzi follows R. Meir.

R. JUDAH DECLARES A MINOR QUALIFIED. It has been taught: 'R. Judah said: When I was a boy, I read it [the Megillah] before R. Tarfon and the elders in Lydda. They said to him: A proof cannot be adduced from a recollection of boyhood'.⁷ It has been taught: 'Rabbi said: When a boy, I read it before R. Judah. They said to him: A proof cannot be adduced from the very authority who allows [the act]'.⁸ Why did they not say to him, A proof cannot be adduced from recollections of boyhood? They gave him a double answer.⁹ For one thing, they said, you were a boy and besides, even had you been grown up, proof cannot be brought from the very authority who allows.

MISHNAH. THE MEGILLAH SHOULD NOT BE READ, NEITHER SHOULD

CIRCUMCISION BE PERFORMED, NOR A RITUAL BATH BE TAKEN,¹⁰ NOR SPRINKLING¹¹ BE PERFORMED, AND SIMILARLY A WOMAN KEEPING DAY FOR DAY¹² SHOULD NOT TAKE A RITUAL BATH UNTIL THE SUN HAS RISEN. BUT IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED,¹³ IT COUNTS AS DONE.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, and these days should be remembered [mentioned] and kept,¹⁴ which implies, that they are to be so by day, but not by night. Shall we say that this is a refutation of R. Joshua b. Levi; for R. Joshua b. Levi said: It is a man's duty to read the Megillah by night and a second time by day? — When the Mishnah makes this statement it is referring to the day reading.

NEITHER SHOULD CIRCUMCISION BE PERFORMED. Because it is written, And on the eighth day he shall be circumcised.¹⁵

NEITHER SHOULD A RITUAL BATH BE TAKEN NOR SPRINKLING BE PERFORMED. Because it is written, And the clean person shall sprinkle on the unclean . . . and on the seventh day:¹⁶ and bathing¹⁷ is put on the same footing as sprinkling.

AND SIMILARLY A WOMAN WHO IS KEEPING DAY FOR DAY SHOULD NOT TAKE A RITUAL BATH TILL THE SUN HAS RISEN. This is obvious! Why should a woman keeping day for day be different from all others who are under obligation to take ritual baths?¹⁸ — Her case had to be mentioned. For you might suppose that she should be on the same footing as the first observation of one with an issue, and the first observation of one with an issue has been put on the same footing as one with a seminal issue, as it is written, This is the law of him that hath an issue and of him from whom the flow of seed goeth out:¹⁹ just as one with a seminal issue takes his bath by day, so this one also should take his bath on the same day. This woman, however, cannot bathe on the day, because it is written, all the days of the issue of her uncleanness she shall be as in the days of her impurity;²⁰ so [you might say], by night at least she might keep watch for a short time²¹ and then bathe; therefore we are told that [she must not do this], because she requires to count [day for day];²²

(1) And our Mishnah in the first clause follows R. Jose.

(2) Referring to the blessing over terumah.

(3) Referring to grace after meals

(4) Deut. VI, 4.

(5) Ibid. 6.

(6) To inform us of the difference between R. Judah and R. Meir.

(7) Lit., 'from a boy'.

(8) Seeing that the majority disagree with him.

(9) Lit., 'they answered him (in the form of) one thing and yet another'.

(10) For defilement through a dead body (Num. XIX, 17ff) or through an issue (Lev. XV, 15). So Rashi. Tosaf., however, points out that, according to other passages in the Talmud, it is very doubtful if this is the rule, and therefore renders, 'the hyssop (for sprinkling) should not be dipped', v. Num. XIX, 11-12.

(11) Of the waters of purification on one who has touched a dead body.

(12) V. supra p. 44, n. 4.

(13) [Lit.. 'after the going up of the pillar of the morning'; the first streaks of light visible about 1 1/5 hours before sunrise, v. Maim. Commentary on Ber. I. 1].

(14) Esth. IX, 28.

(15) Lev. XII, 3.

(16) Num. XIX, 19.

(17) V. n. 1.

(18) If we accept the explanation of Tosaf. we must suppose this to refer not to the Mishnah but to mean, 'why should

this one be specified rather than any others who have to take ritual baths and who must bathe by day'.

(19) Lev. XV, 32.

(20) Ibid. 25. This shows that she must wait till the day is over. The verse refers to a woman who is keeping day for day.

(21) To make sure that she has no further issue.

(22) Cf. notes supra 3 and 11.

Talmud - Mas. Megilah 20b

and counting must be by day.¹

IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED, IT COUNTS AS DONE. Whence is this rule derived? — Raba said: Because the Scripture says, And God called the light day;² that which gradually becomes light He called day.³ But according to this, [when it says] and the darkness He called night,⁴ [are we to explain] that which gradually becomes dark He called night? Is it not generally agreed that till the stars come out it is not night? No, said R. Zera; we derive it from here: So we wrought in the work; and half of them held the spears from the rising of the morning till the stars appeared;⁵ and it says further, that in the night they may be a guard to us, and may labour in the day.⁶ What is the point of the second quotation?⁷ — You might say that from the time of the first rising of the dawn it is not yet day, though from the time the sun begins to set it is already night and they were early and late.⁸ Therefore come and hear: that in the night they may be a guard to us, and may labour in the day.⁹ MISHNAH. THE WHOLE OF THE DAY IS A PROPER TIME FOR THE READING OF THE MEGILLAH AND FOR THE RECITING OF HALLEL¹⁰ AND FOR THE BLOWING OF THE SHOFAR¹⁰ AND FOR TAKING UP THE LULAB¹⁰ AND FOR THE MUSAF¹⁰ PRAYER AND FOR THE ADDITIONAL SACRIFICES¹¹ AND FOR CONFESSION OVER THE OXEN¹² AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE¹³ AND FOR THE CONFESSION OF SINS ON THE DAY OF ATONEMENT,¹⁴ FOR LAYING ON OF HANDS,¹⁵ FOR SLAUGHTERING [THE SACRIFICES], FOR WAVING,¹⁶ FOR BRINGING NEAR [THE VESSEL WITH THE MEAL-OFFERING TO THE ALTAR], FOR TAKING A HANDFUL, AND FOR PLACING IT ON THE FIRE,¹⁷ FOR PINCHING OFF [THE HEAD OF A BIRD-OFFERING]¹⁸ AND FOR RECEIVING THE BLOOD,¹⁹ AND FOR SPRINKLING,²⁰ AND FOR MAKING THE UNFAITHFUL WIFE DRINK²¹ AND FOR BREAKING THE NECK OF THE HEIFER²² AND FOR PURIFYING THE LEPER.²³ THE WHOLE OF THE NIGHT IS PROPER TIME FOR REAPING THE OMER,²⁴ AND FOR BURNING FAT AND LIMBS [ON THE ALTAR].²⁵ THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT WHICH IS TO BE PERFORMED BY DAY MAY BE PERFORMED DURING THE WHOLE OF THE DAY, AND ANY COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, And these days shall be mentioned and kept.²⁶

FOR READING THE HALLEL: as it is written, From the rising of the sun to its going down.²⁷ R. Joseph says: Because it is written, this is the day on which the Lord hath wrought.²⁸

FOR THE TAKING UP OF THE LULAB: as it is written, And ye shall take you on the first day.²⁹

FOR THE BLOWING OF THE SHOFAR, as it is written, it is a day of blowing the horn unto you.³⁰

FOR THE ADDITIONAL SACRIFICES, as it is written, each on its own day.³¹

AND FOR THE MUSAF PRAYER: because the Rabbis put this on the same footing as the additional sacrifices.

AND FOR THE CONFESSION MADE OVER THE OXEN, an analogy being drawn between the 'atonement' mentioned in this connection and that mentioned in connection with the Day of Atonement, as it has been taught in reference to the Day of Atonement: 'And he shall make atonement for himself and for his house:³² the text speaks of atonement made by words. And atonement is by day, as it is written, For on this day shall atonement be made for you.³³

AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE: as it is written, And thou shalt say before the Lord thy God, I have put away the hallowed things out of my house,³⁴ and in the same context it says, This day the Lord thy God commandeth thee.³⁵

FOR LAYING ON OF HANDS AND FOR SLAUGHTERING: as it is written, and he shall lay his hand . . . and he shall kill,³⁶ and it is written in connection with killing, on the same day that ye sacrifice.³⁷

AND FOR WAVING: as it is written, and in the day when ye wave the sheaf.³⁸

AND FOR BRINGING NEAR; because this is compared to waving, as it is written, And the priest shall take the meal-offering of jealousy out of the woman's hand, and shall wave the meal-offering . . . and bring it near³⁹ [to the altar].

AND FOR PINCHING AND FOR TAKING A HANDFUL AND FOR BURNING AND FOR SPRINKLING, as it is written, in the day that he commanded the children of Israel [to present their offerings].⁴⁰

AND FOR MAKING THE UNFAITHFUL WIFE DRINK: The word 'law' which occurs in this connection is explained by its use in another.⁴¹ It is written here, and the priest shall execute upon her all this law,⁴² and it is written elsewhere, According to the law which they shall teach thee and according to the judgement⁴³

(1) As it says, And she shall count seven days. Ibid. 28.

(2) Gen. I, 5.

(3) Which shows that from dawn may be called day.

(4) Ibid.

(5) Neh. IV, 15.

(6) Ibid. 16.

(7) Lit., 'what is "and it says"'.
(8) I.e., started before day and finished after nightfall.

(8) I.e., started before day and finished after nightfall.

(9) Which shows that all the time during which they laboured was called day.

(10) V. Glos.

(11) On Sabbath or Festivals. V. Num. XXVIII-IX.

(12) Brought as a sin-offering for a sin committed unwittingly by the High Priest or by the congregation. V. Lev. IV.

(13) V. Deut. XXVI, 12-15.

(14) V. Lev. XVI.

(15) V. e.g., Lev. I, 4, III, 2.

(16) E.g., the breast of the peace-offering. V. Lev. VII, 30.

(17) From the meal-offering. V. Lev. II, 2.

(18) V. Lev. I, 15.

(19) Of the slaughtered animal in a vessel.

(20) The blood on the altar.

- (21) The bitter waters. V. Num. V, 24.
 (22) As atonement for an unpunished murder. V. Deut. XXI, 1-9.
 (23) V. Lev. XIV.
 (24) Lev. XXIII, 10-11.
 (25) V. Lev VI, 2.
 (26) Esth. IX, 28.
 (27) Ps. CXIII, 3.
 (28) Ibid. CXVIII, 24.
 (29) Lev. XXIII, 40.
 (30) Num. XXIX, 1.
 (31) Lev. XXIII, 37.
 (32) Ibid. XVI, 6.
 (33) Ibid. 30.
 (34) Deut. XXVI, 13.
 (35) Ibid. 16.
 (36) Lev. I, 4, 5.
 (37) Ibid. XIX, 6.
 (38) Ibid. XXIII, 12.
 (39) Num. V, 25.
 (40) Lev. VII, 38. and all these ceremonies constitute the presenting of the offering.
 (41) Lit., "There comes along "law", "law".
 (42) Num. V, 30.
 (43) Deut. XVII, 11.

Talmud - Mas. Megilah 21a

: just as judgement is by day,¹ so here it must be by day.

AND FOR BREAKING THE NECK OF THE HEIFER. In the school of R. Jannai it was said: [The word] 'atonement' is applied to it² as to holy things.

AND FOR THE PURIFICATION OF THE LEPER: as it is written, This shall be the law of the leper in the day of his cleansing.³

THE WHOLE NIGHT IS A PROPER TIME FOR REAPING THE 'OMER. Since a Master has said that reaping and counting are to be performed by night and the bringing by day.⁴

AND FOR BURNING FAT AND LIMBS: as it is written, All the night till the morning.⁵

THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT THAT IS TO BE PERFORMED BY DAY CAN BE PERFORMED DURING THE WHOLE OF THE DAY. [The words] 'this is the general principle' are inserted to add what? — To add the setting of the cup⁶ and the removal of the cups, and in agreement with R. Jose, as it has been taught: 'R. Jose says: If he removed the old [shew-bread] in the morning and set the new one in the evening, there is no harm.⁷ What then do I make of the verse, before me continually?⁸ [This is to show that] the table of the Lord should not be without bread.⁹

A COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT. What does this add? — It adds the consumption of the paschal lamb, thus differing from R. Eleazar b. Azariah, as it has been taught: And they shall eat the flesh on that night:¹⁰ R. Eleazar b. Azariah said: It says here, on that night, and it says elsewhere, And I shall pass through the land of Egypt on that night:¹¹ just as there up to midnight [is meant], so

here up to midnight [is meant].

CHAPTER III

MISHNAH. HE WHO READS THE MEGILLAH MAY DO SO EITHER STANDING OR SITTING. WHETHER ONE READS IT OR TWO READ IT [TOGETHER] THEY [THE CONGREGATION] HAVE PERFORMED THEIR OBLIGATION. IN PLACES WHERE IT IS THE CUSTOM TO SAY A BLESSING,¹² IT SHOULD BE SAID, AND WHERE IT IS NOT THE CUSTOM IT NEED NOT BE SAID.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH,¹³ THREE READ FROM THE TORAH, NEITHER MORE NOR LESS, NOR IS A HAFTARAH¹⁴ READ FROM A PROPHET. THE ONE WHO READS¹⁵ FIRST IN THE TORAH¹⁶ AND THE ONE WHO READS LAST¹⁷ MAKE [RESPECTIVELY] A BLESSING BEFORE READING AND AFTER.¹⁸ ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ, NEITHER MORE NOR LESS, AND THERE IS NO HAFTARAH FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. THIS IS THE GENERAL RULE: ON ANY DAY WHICH HAS A MUSAF¹⁶ AND IS NOT A FESTIVAL FOUR READ; ON A FESTIVAL FIVE READ; ON THE DAY OF ATONEMENT SIX READ; ON SABBATH SEVEN READ; THIS NUMBER MAY NOT BE DIMINISHED BUT IT MAY BE ADDED TO, AND A HAFTARAH IS READ FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. GEMARA. A Tanna stated: 'This [that one may read sitting] is not the case with the Torah'.¹⁹ Whence this rule? — R. Abbahu said: Because Scripture says, But as for thee, stand thou here by me.²⁰ R. Abbahu also said: Were it not written in the Scripture, it would be impossible for us to say it: as it were, the Holy One, blessed be He, also was standing.²¹

R. Abbahu further said: How do we know that the master should not sit on a couch and teach his disciples while they sit on the ground? Because it says, 'But as for thee, do thou stand here by me.'²²

Our Rabbis taught: From the days of Moses up to Rabban Gamaliel, the Torah was learnt only standing. When Rabban Gamaliel died, feebleness descended on the world, and they learnt the Torah sitting; and so we have learnt that 'from the time that Rabban Gamaliel died, [full] honour ceased to be paid to the Torah'.

One verse says, And I sat [wa-esheb] in the mount,²³ and another verse says, And I stood in the mount.²⁴ — Rab says: He [Moses] stood when he learnt and sat while he went over [what he had learnt]. R. Hanina said: He was neither sitting nor standing, but stooping. R. Johanan said: 'Sitting' [yosheb] here means only 'staying', as it says, And ye stayed [teshbu] in Kadesh many days.²⁵ Raba said: The easy things [he learnt] standing and the hard ones sitting.

WHETHER ONE READS IT OR TWO READ IT, THEY HAVE PERFORMED THEIR OBLIGATION.

(1) V. Sanh. 34b.

(2) 'And the blood shall be atoned unto them'. Deut. XXI, 8.

(3) Lev. XIV, 2.

(4) This is deduced from scriptural texts in Men. 66a.

(5) Ibid. VI, 2.

(6) Containing the frankincense for the shewbread.

(7) [Rashi reads, 'also this is (termed) 'continually'].

- (8) Lev. XXIV, 3.
 (9) [Var lec. 'Should not be overnight without bread'.]
 (10) Ex. XII, 8.
 (11) Ibid. 12.
 (12) After the reading. V. infra.
 (13) V. Glos. On these three occasions the first section of the Sedra (portion) of the following Sabbath is read.
 (14) V. Glos. [Lit., 'we do not dismiss (the public) with (a reading from) a prophet', the haftarah having originally formed the concluding part of the morning service Saturdays and Festivals when the worshippers were dismissed to their homes. V. Buchler JQR VI, p. 7].
 (15) Lit., 'he who opens', 'begins'.
 (16) V. Glos.
 (17) Lit., 'he who seals', 'closes'.
 (18) V. infra p. 130.
 (19) Referring to the public reading of the Law.
 (20) Deut. V, 28.
 (21) Because it says, by (lit., 'with') me.
 (22) And God was to Moses in the relation of master to pupil.
 (23) Deut. IX, 9; v. Sot. 49a.
 (24) Ibid. X, 10.
 (25) Ibid. I, 46.

Talmud - Mas. Megilah 21b

A Tanna stated: This is not the case with [the public reading of] the Torah.

Our Rabbis taught: As regards the Torah, one reads and one translates,¹ and in no case must one read and two translate [together]. As regards the Prophets, one reads and two may translate, but in no case may two read and two translate. As regards Hallel and the Megillah,² even ten may read [and ten may translate].³ What is the reason? Since the people like it,⁴ they pay attention and hear.⁵

WHERE IT IS THE CUSTOM TO SAY A BLESSING, IT SHOULD BE SAID. Abaye said: This rule applies only to the blessing after the reading, but before the reading it is a religious duty to say a blessing, since Rab Judah said in the name of Samuel: 'Over the performance of all religious precepts a blessing is said as one passes on ['ober] to perform them'. How can you prove that this 'passing on means 'just in front of'? — R. Nahman b. Isaac said: Scripture says, Then Ahimaaz ran by way of the plain and overran [wa-ya'abor] the Cushite.⁶ Abaye said: We prove it from here: And he himself passed over before them.⁷ Or, if you prefer, I can prove it from here: And their king is passed on before them and the Lord at the head of them.⁸

What blessing is said before the reading of the Megillah? — R. Shesheth from Kateriza happened [once to read] in the presence of R. Ashi, and he made the blessings M'N'H'.⁹ What blessing is said after it? — 'Blessed art thou, O Lord our God, king of the universe, [the God]¹⁰ who espoused our quarrel and vindicated our cause and executed our vengeance and punished our adversaries for us and visited retribution on all the enemies of our soul. Blessed art thou, O Lord, who avenges Israel on all their enemies'. Raba Says: [The concluding words are], 'The God who saves. R. Papa said: Therefore we should say both: 'Blessed art thou, O Lord, who avenges Israel on all their enemies, the God who saves'.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ. What do these three represent? — R. Assi said: The Pentateuch, the Prophets and the Hagiographa. Raba said: Priests, Levites, and lay Israelites. But now, in the statement of R. Shimi, 'Not less than ten verses [of the Torah] should be read in the synagogue, the verse 'and [God] spoke to [Moses saying]'

being counted as one',¹¹ — what do these ten represent? — R. Joshua b. Levi said: The ten men of leisure in the synagogue.¹² R. Joseph said: The ten commandments which were given to Moses on Sinai. (R. Levi said: The ten times hallel [praise] which David uttered in the book of Psalms.)¹³ R. Johanan said: The ten utterances with which the world was created.¹⁴ What are these? The expressions 'And [God] said' in the first chapter of Genesis.¹⁵ But there are only nine? — The words 'In the beginning' are also a [creative] utterance, since it is written, By the word of the Lord the heavens were made, and all the host of them by the breath of his mouth.¹⁶

Raba said: If the first reads four verses¹⁷ he is to be commended; if the second reads four verses¹⁸ he is to be commended; if the third reads four verses he is to be commended. 'If the first reads four verses he is to be commended', as we have learnt: 'There were three bags holding three se'ahs¹⁹ each, in which the priests take up the money-offerings out of the [shekel] chamber,²⁰ and they were labelled Aleph, Beth, Gimel,²¹ so as to show which was taken out first, so that sacrifices could be brought from that one first, since it is a religious duty to offer from the first. 'If the middle one reads four verses, he is to be commended', as it has been taught: '[The seven lamps] shall give light in front of the candlestick;²² this teaches that they were made to face the western lamp²³ and the western lamp faced the Shechinah; and R. Johanan said: This shows that the middle one is specially prized'. 'If the last reads four verses he is to be commended': because of the principle that 'in dealing with holy things we promote but never degrade'.²⁴ R. Papa was once in the synagogue of Abe Gobar,²⁵ when the first one [who was called up] read four verses, and R. Papa commended him.

NEITHER LESS NOR MORE [etc.]. A Tanna stated: The one who reads first makes a blessing before the reading, and the one who reads last makes a blessing after it. Nowadays that all make a blessing both before and after the reading, the reason is that the Rabbis ordained this to avoid error on the part of people entering and leaving synagogue.²⁶

ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF THE FESTIVAL FOUR READ. 'Ulla b. Rab enquired of Raba: How is the portion of New Moon²⁷ to be divided? [The paragraph commencing] 'command the children of Israel and say to them'²⁸ has eight verses. How are we to deal with them? Shall two persons read three verses each? Then two verses will be left [to the end of the paragraph], and it is not proper to leave over less than three verses to the end of the paragraph.²⁹ Shall two read four verses each? Then seven verses will be left altogether, [the paragraph beginning] 'and on the sabbath day'³⁰ being two, and [the paragraph beginning] 'and on your new moons'³¹ being five. How are we to do? Shall we read [as one portion] two from one paragraph and one from the next?

(1) I.e., reads the Aramaic Targum.

(2) V. Glos.

(3) Rashi omits these words on the ground that there is no Targum to the Hagiographa. Tosaf., however, points out that there is such a Targum, though it is not attributed to Jonathan b. Uzziel; v. supra 3a.

(4) Lit., 'it is beloved'.

(5) Even though many are speaking together.

(6) II Sam. XVIII, 23.

(7) Gen. XXXIII, 3, of Jacob and his family before Esau.

(8) Micah II, 13.

(9) M = Mikra (or Megillah), over the reading of the Megillah; N = Nissim, the blessing for miracles; H = she-heheyanu (or Hayyim, life) 'who has kept us alive to this day'.

(10) This word is omitted by Alfasi and Asheri.

(11) Although it is a recurring introductory formula.

(12) Every community was required to have ten men who had leisure always to attend synagogue when required. V. supra p. 21, n. 9.

(13) This is bracketed in the text, and is omitted by Bah and MS.M. [This number is exceeded many times in the Book of

Psalms and applies to Psalm CL by itself (v. R.H. 32a) hence, the omission].

(14) V. Aboth V, 1.

(15) Lit., "in "In the beginning"".

(16) Ps. XXXIII, 6. The creation of 'Heavens' and 'the host of them' (the earth) is mentioned in the first verse of Genesis.

(17) Out of the obligatory ten read on weekdays.

(18) If the first has read only three, or even if he has read four.

(19) V. Glos.

(20) Shekels brought by the public for purchasing the congregational sacrifices.

(21) V. Shek. 5a.

(22) Num. VIII, 2.

(23) According to one opinion, this was the middle lamp of the candlestick; according to another, the one second from the western end. R. Johanan evidently adopted the first opinion.

(24) Hence the religious service of the last should be at least equal to that of those who preceded him.

(25) [Or, Be Gobar, near Mahuza, v. Obermeyer p. 178. This synagogue is also mentioned in Ber. 50a and Ta'an. 26a].

(26) People who come in after the reading has commenced, on seeing a fresh person commence to read without saying a blessing, might think that no blessing is necessary before the reading. Similarly, those who leave before the reading is concluded might think that no blessing at all is necessary after the reading.

(27) Which consists of three paragraphs of eight, two and five verses. Num. XXVIII, 1-15.

(28) Ibid. 1-8.

(29) V. infra. פְּרִשָּׁה A 'paragraph' is a section at the end of which a blank space is left in the Scroll.

(30) Ibid. 9, 10.

(31) Ibid. 11-15.

Talmud - Mas. Megilah 22a

[This is not right], since we do not read less than three verses together at the beginning of a paragraph.¹ Shall the reader read two from one and three from the other? Then only two verses are left [to the end of the second paragraph]! — He replied: On this point I have not heard [any pronouncement], but I have learnt the rule in a somewhat similar case, as we have learnt: 'On Sundays, [the ma'amad² read the paragraph] "In the beginning" and "let there be a firmament",³ and to this a gloss was added, "In the beginning" is read by two and "let there be a firmament" by one', and we were somewhat perplexed by this. For that [the paragraph] 'let there be a firmament' can be read by one we understand, since it has three verses, but how can 'In the beginning, be read by two, seeing that it has only five verses, and it has been taught, 'He who reads in the Torah should not read less than three verses'? And it was stated [in answer] to this [question] that Rab says he should repeat,⁴ and Samuel says he should divide a verse. Rab said he should repeat. Why should he not say 'divide'? — He was of opinion that any verse which Moses had not divided, we may not divide, whereas Samuel held that we may divide. But surely, R. Hananiah the Bible teacher⁵ said, I was in great pain in the house of R. Hanina the great, and he would not allow me to make [additional verse] divisions save for the school children, because they are there to be taught? — Now what was the reason there [why he was allowed to make divisions]? Because it could not be avoided; here⁶ too it cannot be avoided. Samuel said that he divides. Why did he not say that he repeats? It is a precaution to prevent error on the part of those coming in and going out.⁷

An objection [against both these views]⁸ was brought from the following: 'A section of six verses may be read by two persons, a section of five verses must be read by one. If the first reads three verses, the second reads the remaining two from this section and one from the next; some, however, say that he reads three from the next, because not less than three verses should be read at the beginning of a section'.⁹ Now if it is as you said,¹⁰ then according to the one who says he should repeat, let him repeat, and according to the one who says he should divide, let him divide? — It is different here,¹¹ because this method is open to him.¹²

R. Tanhum, said in the name of R. Joshua b. Levi: The halachah follows the alternative opinion¹³ mentioned.

R. Tanhum also said in the name of R. Joshua b. Levi: Just as at the beginning of a section not less than three verses should be read, so at the end of a section not less than three verses should be left. Surely this is obvious! Seeing that in regard to the beginning of a section where the First Tanna is not so strict the alternative opinion is strict, is it not certain that in regard to the verses left [at the end of the section] where the First Tanna is strict the alternative opinion will also be strict? — You might argue that it is usual for people to come in [to synagogue during the reading of the law],¹⁴ but it is not usual for them to go out and leave the scroll of the law while it is being read;¹⁵ therefore we are told [that we do not argue thus]. But now with regard to the First Tanna: Why does he forbid [less than three verses] to be left [at the end of the section]? On account of people going out of synagogue,¹⁶ is it not? Then with regard to the beginning also he should take precautions on account of people coming in? — I can answer that a person coming in enquires [how much has been read].¹⁷

Rabbah the son of Raba sent to enquire of R. Joseph: What is the law?¹⁸ He sent him back word: The law is that the verse is repeated, and it is a middle reader¹⁹ who repeats.

THIS IS THE GENERAL RULE: WHENEVER THERE IS A MUSAF etc. The question was raised: How many read on a public fast day?²⁰ Shall we say that on New Moon and the intermediate days of the festival when there is an additional sacrifice four read, but here where there is no additional sacrifice this is not the case? Or shall we argue that here also there is an additional prayer?²¹ — Come and hear: ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ', from which we conclude that on public fasts only three read. Look now at the preceding clause: 'ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ', from which we may conclude that on a public fast four read! The truth is that we cannot decide from here.

Come then and hear [this]: 'Rab happened to be at Babylon²² during a public fast. He came forward and read in the scroll of the law. Before commencing he made a blessing but after finishing he made no blessing. The whole congregation [afterwards] fell on their faces,²³ but Rab did not fall on his face'. Let us now see. Rab read as a lay Israelite.²⁴ Why then did he say no blessing after finishing? Was it not because another was to read after him? — No. Rab read as kohen,²⁵ for R. Huna also read as kohen.²⁶ I can understand R. Huna reading as kohen, because even R. Assi and R. Ammi who were distinguished kohanim of Eretz Israel showed deference to R. Huna.²⁷ But as to Rab there was Samuel [his Babylonian contemporary] who was a kohen and who took precedence of him?²⁸ — Samuel also showed deference to Rab, and it was Rab²⁹ who of his own accord paid him special honour³⁰ and this he did only in his presence, but not when he was not present. It is reasonable also to assume that Rab read as kohen, because if you presume that he read as a layman, why did he say a blessing before reading? — It was after the regulation³¹ had been made. If so, he should have said a blessing after reading also? — Where Rab was present there was a difference, because people came in [late]

(1) V. infra.

(2) V. Glos.

(3) Gen. I, 1-5, and 6-8; v. Ta'an. 26a.

(4) The last verse read by the predecessor. Lit., 'skip', 'go back'.

(5) Heb. **סִרְיָן**, a Bible teacher who appears to have been also a professional reader of the Scripture, with proper vowels, stops and accents, as the tanna (v. Glos. s.v.) was a professional memorizer of the Mishnah or Baraitha.

(6) In the readings of the ma'amad.

(7) V. supra p. 132, n. 3.

- (8) Of Rab and Samuel.
- (9) V. Ta'an 27b.
- (10) That he either divides or repeats.
- (11) Which deals with the Biblical reading on Mondays and Thursdays.
- (12) Whereas on New Moon the next paragraph deals with a different subject and therefore cannot be read.
- (13) Lit., 'the "some say"'; viz., that three verses are read from the next paragraph.
- (14) And therefore, if they hear only the first verse of a section read, may not know that at least three verses have been read.
- (15) And therefore, even if only one verse of a section is left, they will see that three are read.
- (16) Who might think that if two verses to the end of a section had been left by a reader at the point when he went out, only those two will have been read by the next reader. Cf. n. 7.
- (17) Supposing he finds when he comes in that someone reads three verses beginning from the third verse of a paragraph, he inquires whether the previous reader read only the preceding two verses or more.
- (18) With respect to the reading by the ma'amad and on the New Moon readings.
- (19) I.e., not the one who reads last.
- (20) Other than the day of Atonement.
- (21) Inserted in the Amidah — the prayer ענינו, v. P. B. p. 47.
- (22) [Babylon stands here, as in other places in the Talmud, for Sura which was in the neighbourhood of the old great city of Babylon, and in contradistinction to Nehardea where Samuel had his seat, v. Obermeyer p. 306].
- (23) To say propitiatory prayers — tahanun, v. P.B. p. 62.
- (24) I.e., third, being neither kohen nor Levite.
- (25) I.e., first.
- (26) Although only a lay Israelite.
- (27) Cf. Git. 59b.
- (28) V. B.K. 80a.
- (29) In giving him precedence.
- (30) V. Shab. 108a.
- (31) That a blessing should be said both before and after each reading. V. supra, p. 132.

Talmud - Mas. Megilah 22b

but did not go out [during the reading of the law].¹

Come and hear: 'The general principle is that wherever the people would be hindered from their work, as on a public fast and on the month of Ab, three read, and where the people would not be hindered from their work, as on New Moons and the intermediate days of festivals,² four read'. This settles the question. Said R. Ashi: But we have learnt differently, viz., THIS IS THE GENERAL RULE: WHEREVER THERE IS A MUSAF BUT NOT A FESTIVAL FOUR READ: Now what is added [by the words 'THIS IS THE GENERAL RULE']? Is it not a public fast and the month of Ab? But according to R. Ashi,³ whose view then is recorded in the Mishnah? It is neither that of the First Tanna nor of R. Jose, as it has been taught: 'If it [the month of Ab] falls on Monday or Thursday, three read and one [of them] says a haftarah. If on Tuesday or Wednesday, one reads and [the same] one says the haftarah. R. Jose, however, says that in all cases three read and one [of them] says the haftarah'. But still⁴ the words 'THIS IS THE GENERAL RULE are difficult! — No. They add New Moon and the intermediate days. But as these are stated explicitly: ON NEW MOONS AND THE INTERMEDIATE DAYS FOUR READ? — [The Mishnah]⁵ is merely giving an indication that you should not say that the festivals and the intermediate days have the same rule, but you should take this as a general principle, that for every additional distinguishing mark an additional person reads. Hence on New Moon and the intermediate days, when there is an additional sacrifice, four read; on festivals, when [in addition] work is prohibited, five read; on the Day of Atonement when [in addition] there is a penalty of kareth, six read; on Sabbath when there is a penalty of stoning, seven read.

The text [above stated]: ‘Rab happened to be in Babylon on a public fast. He came forward and read in the scroll. He made a blessing before commencing, but made no blessing after finishing. The whole congregation [subsequently] fell on their faces, but Rab did not fall on his face’. Why did not Rab fall on his face? There was a stone pavement there and it has been taught: ‘Neither shall ye place any figured stone in your land to bow down upon it:⁶ upon it ye may not bow down in your land, but you may prostrate yourselves on the stones in the Temple’, this teaching is in accord with the opinion of ‘Ulla, who said: The Torah [here] is forbidding only a pavement of stone. If that is the case, why is only Rab mentioned? All the rest should equally have abstained? — It was in front of Rab. But could he not have gone among the congregation and fallen on his face? — He did not want to trouble the congregation.⁷ Or if you like I can say that Rab usually spread out his hands and feet [when he fell on his face], and he followed the opinion of ‘Ulla, who said, The Torah forbade only the spreading out of the hands and feet. But could he not have fallen on his face without spreading out his hands and feet? — He did not care to change his custom. Or if you like I can say that for a distinguished man the rule is different, as laid down by R. Eleazar; for R. Eleazar said: A man of eminence is not permitted to fall on his face⁸ unless he is [sure of being] answered like Joshua son of Nun, as it is written, Wherefore now art thou fallen upon thy face.⁹

Our Rabbis have taught: Kidah means falling upon the face, as it says, Then Bathsheba bowed [wa-tikod] with her face to the earth.¹⁰ Keri'ah means going down upon the knees, and so it says, [Solomon arose] from kneeling [mi-kroa'] on his knees.¹¹ Hishtahawa'ah is spreading out of the hands and feet, as it says, Shall I and thy mother and thy brethren come to prostrate ourselves [lehishtahawoth] before thee to the earth.¹²

Levi displayed a kidah¹³ in the presence of Rabbi and became lame.¹⁴ But was this the cause of his accident? Did not R. Eleazar Say: ‘A man should never complain against heaven, because a great man complained against heaven and he became lame; and who was he? Levi’?¹⁵ — Both things caused it. R. Hiyya b. Abin said: I saw Abaye

(1) Hence the reason for saying a blessing after did not apply.

(2) On the intermediate days only work which could not be left over without serious loss was allowed to be done. On New Moon it was the custom for women to abstain from work. V. Rashi and Tosaf. [In ancient times as long as the Temple stood New Moon was marked by a cessation of work; cf. Pseudo-Jonathan on I Sam. XX, 19; v. Halevy, Doroth, I, p. 330ff].

(3) That the Mishnah means to include a public fast and the month of Ab among the days on which four read.

(4) Viz., if we do not accept R. Ashi's explanation.

(5) In mentioning explicitly new moons and the intermediate days, although these are already implied in THIS IS THE GENERAL RULE.

(6) Lev. XXVI, 1. E.V., ‘to it’.

(7) Who would all have risen.

(8) In public.

(9) Josh. VII, 10. So that Rab never fell on his face for the propitiatory prayer.

(10) I Kings I, 31.

(11) Ibid. VIII, 54.

(12) Gen. XXXVII, 10.

(13) V. Suk. 53a.

(14) In getting up.

(15) V. Ta'an.

Talmud - Mas. Megilah 23a

and Raba bend over to one side.¹

ON FESTIVALS FIVE READ, ON THE DAY OF ATONEMENT SIX etc. Whose view does the Mishnah embody? It is neither that of R. Ishmael nor of R. Akiba, as it has been taught: 'On festivals five read, on the Day of Atonement six, and on Sabbath seven. This number may neither be increased nor diminished. So R. Ishmael. R. Akiba says: On festivals five read, on the Day of Atonement seven and on Sabbath six. This number may not be diminished but it may be increased'. Whom [does the Mishnah follow]? If R. Ishmael, it conflicts with him over the additional number, if R. Akiba, it conflicts with him over the question of six and seven! — Raba said: The view is that of a Tanna of the school of R. Ishmael, since in the school of R. Ishmael it was stated: 'On festivals five, on the Day of Atonement six, on Sabbath seven; this number may not be diminished but it may be increased. So R. Ishmael.' R. Ishmael is now in conflict with himself! — Two Tannaim report R. Ishmael differently.

Who is responsible for the statement which has been taught: 'On festivals people come late to synagogue and leave early.'² On the Day of Atonement they come early and leave late. On Sabbath they come early and leave early'³ Shall I say it is R. Akiba who makes an extra man [read on the Day of Atonement]? — You may also say it is R. Ishmael, [his reason being that] the order [of the service] of the day is very long.

What do these three, five and seven represent? — Different answers were given by R. Isaac b. Nahmani and one who was with him, namely, R. Simeon b. Pazzi, or, according to others, by R. Simeon b. Pazzi and one who was with him, namely, R. Isaac b. Nahmani, or according to others, R. Samuel b. Nahmani. One said that [these represent] the [respective number of Hebrew words in the three verses of the] Priestly benedictions,⁴ while the other said 'the three keepers of the door'.⁵ [The five represent] 'five of them that saw the king's face'⁶ [and the seven] 'seven men of them that saw the king's face'.⁷ R. Joseph learnt: Three, five and seven: 'three keepers of the door', five of them that saw the king's face', and 'seven that saw the king's face'. Said Abaye to him: Until to-day your honour never explained the reason to us, he replied: I never knew that you wanted to know. Did you ever ask me anything which I did not tell you?

Jacob the Mir⁸ asked R. Judah: What do the six of the Day of Atonement represent? — He replied: The six who stood at the right of Ezra and the six who stood at his left, as it says, And Ezra the scribe stood upon a pulpit of wood which they had made for the purpose, and beside him stood Mattithiah, Shema and Anaiah and Uriah and Hilkiah and Maaseiah, on his right hand; and on his left hand, Pedaiah, and Mishael and Malchijah and Hashum and Hashbaddanah, Zechariah, Meshullam.⁹ But these last are seven? — Zechariah is the same as Meshullam. And why is he called Meshullam? Because he was blameless [mishlam] in his conduct.

Our Rabbis taught: All are qualified to be among the seven [who read], even a minor and a woman, only the Sages said that a woman should not read in the Torah out of respect for the congregation.

The question was raised: Should the Maftir¹⁰ be counted among the seven? — R. Huna and R. Jeremiah b. Abba answered differently. One said that he does count and the other that he does not count. The one who says he does count points to the fact that he actually reads [from the Torah also], while the one who says he does not count relies on the dictum of 'Ulla, who said: Why is it proper for the one who reads the haftarah from the Prophet to read in the Torah first? To show respect for the Torah.¹¹ Since then he reads [only] out of respect for the Torah,¹² he should not be counted to make up the seven.

The following was cited in objection to this: 'He who says the haftarah from the Prophet should read not less than twenty-one verses, corresponding to [those read by] the seven who have read in

the Torah'. Now if it is as you say,¹³ there are twenty-four? — Since it is only out of respect for the Torah [that he reads],

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- (1) Because as men of eminence they were not permitted to fall right on their faces.
 - (2) They come late because they have been busy preparing the festival meal, and they leave early to enjoy the festival.
 - (3) They come early because their food is already prepared, and they leave early to enjoy Sabbath.
 - (4) Num. VI, 24-26.
 - (5) Mentioned in II Kings XXV, 18, among those taken captive from Jerusalem by Nebuzaradon.
 - (6) Mentioned *ibid.* 19.
 - (7) Mentioned in the corresponding account in Jer. LII, 25.
 - (8) V. Glos. Probably a Christian.
 - (9) Neh. VIII, 4.
 - (10) The one who reads the haftarah.
 - (11) I.e., by not putting the Prophet on the same level as the Torah.
 - (12) And not because an extra one is required to read.
 - (13) That the Maftir is not one of the seven.

Talmud - Mas. Megilah 23b

no corresponding verses [to those read by him] are required [in the prophetic reading]. Raba strongly demurred to this: There is, he said, [the haftarah of] 'Add your burnt-offerings'¹ in which there are not twenty-one verses, and yet we read it! — The case is different there, because the subject is completed [before twenty-one verses]. But where the subject is not completed, do we then not [read less than twenty-one]? Has not R. Samuel b. Abba said: Many times I stood before R. Johanan, and when I had read ten verses he said,² 'Stop [both of] you'? — In a place where there is a translator³ it is different, since R. Tahlifa b. Samuel has taught: This rule was laid down only for a place where there is no translator, but where there is a translator a stop may be made [earlier].

MISHNAH. THE INTRODUCTION TO THE SHEMA IS NOT REPEATED,⁴ NOR DOES ONE PASS BEFORE THE ARK,⁵ NOR DO [THE PRIESTS] LIFT THEIR HANDS,⁶ NOR IS THE TORAH READ [PUBLICLY] NOR THE HAFTARAH READ FROM THE PROPHET,⁷ NOR ARE HALTS MADE [AT FUNERALS],⁸ NOR IS THE BLESSING FOR MOURNERS SAID,⁹ NOR THE COMFORT OF MOURNERS,¹⁰ NOR THE BLESSING OF THE BRIDEGROOMS,¹¹ NOR IS THE NAME [OF GOD] MENTIONED IN THE INVITATION TO SAY GRACE,¹² SAVE IN THE PRESENCE OF TEN. FOR REDEEMING SANCTIFIED PROPERTIES¹³ NINE AND A PRIEST [ARE SUFFICIENT], AND SIMILARLY WITH HUMAN BEINGS.

GEMARA. Whence these rules?¹⁴ — R. Hiyya b. Abba said in the name of R. Johanan: Because Scripture says, But I will be hallowed among the children of Israel:¹⁵ every act of sanctification requires not less than ten. How does the verse denote this? — As R. Hiyya taught: We explain the word 'among' here by reference to its use in another place. It is written here, 'But I will be hallowed among the children of Israel', and it is written elsewhere, Separate yourselves from among this congregation;¹⁶ and we further explain the word 'congregation' here by reference to what is written in another place, How long shall I bear with this evil congregation.¹⁷ Just as there ten are indicated,¹⁸ so here.

NOR ARE HALTS MADE [AT FUNERALS]. Since [the conductor of the funeral] requires to say, 'stand, dear friends, stand; sit, dear friends, sit',¹⁹ it is not proper²⁰ [to have less than ten].

NOR IS THE BLESSING OF MOURNERS NOR THE BLESSING OF BRIDEGROOMS SAID etc. What is the blessing of mourners? The blessing of the public square,²¹ since²² R. Isaac said in the name of R. Johanan: The blessing of mourners requires the presence of ten, the mourners not

being counted; the blessing of bridegrooms requires the presence of ten, the bridegroom being counted.

THE NAME [OF GOD] IS NOT MENTIONED IN THE INVITATION TO SAY GRACE WITH LESS THAN TEN. Since the one who invites has to say, 'Let us bless our God', it is not seemly to do so with less than ten.

FOR REDEEMING PROPERTIES NINE AND A PRIEST. Whence is this rule derived? — Samuel said: Ten priests are mentioned in the section [dealing with sanctifications],²³ one for the actual priest required (and [the first] one [after] to limit),²⁴ and the rest constitute a limitation after a limitation, and a limitation after a limitation has the force of an addition, to include, namely, nine Israelites and one priest.²⁵ But cannot I [rather] say five priests and five Israelites?²⁶ — This is indeed a difficulty.

AND SIMILARLY WITH HUMAN BEINGS. But can a human being become sanctified?²⁷ — R. Abbahu said: It refers to one who says, 'My money [value] be upon me', as it has been taught: 'If a man says, My money [value] be upon me, we estimate his value as we would that of a slave'. And a slave is put on the same footing as landed property, as it is written, And ye may make them an inheritance for your children after you, to hold for a possession.²⁸

MISHNAH. ONE WHO READS THE TORAH [IN SYNAGOGUE] SHOULD READ NOT LESS THAN THREE VERSES, AND HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE [AT A TIME].²⁹

(1) Jer. VII, 21, the Maftir to section Zaw (Lev. VI, I to VIII, 36).

(2) To him and to the translator.

(3) Who repeats each verse, in the Aramaic Targum.

(4) פורסין על שמע lit., 'they do not divide over the Shema' (v. Glos.). According to Rashi this means that if a number of persons (not less than ten, or seven, or six, or three, according to various opinions, v. Tosaf. and Asheri) come into synagogue after the Shema' has been said, it is allowable for the congregation to repeat the kaddish and bareku and the first blessing before the Shema' for their benefit. From the context one would say that it means here more simply 'say the Shema' with its attendant blessings'. V. P.B. pp. 37ff. V. Rabbinowitz Mishnah Megillah, ad loc. [Kohler (The Origin of the Synagogue and the Church; p. 58) explains the phrase: 'The lifting up the hands towards heaven at the recital of the Shema' — In continuation of the old practice of the Hasidim'. Krauss (Israel-Theol. Lehranstalt, Wien, Bericht, 1933 p. 53): The stepping forward of the reader to recite the Shema'].

(5) To lead the congregation in the Amidah.

(6) To say the priestly blessing, Num. VI, 24-26.

(7) V. supra p. 140.

(8) Lit., 'they do not make a halting and sitting'. It was the custom on the return from a funeral to have seven pauses during which lamentation was made in honour of the dead. V. infra.

(9) V. infra.

(10) The formal words of consolation addressed to the mourners on passing between the two rows formed by friends after the funeral; v. Keth. 8b and Sanh. 19a. Some texts omit 'NOR COMFORT OF MOURNERS'.

(11) V. Keth. 7b and 8a and P.B. p. 299.

(12) Said by one of those present at table to the rest of the company.

(13) V. Lev. XXVII, 16-23.

(14) Relating to the synagogue.

(15) Lev. XXII, 32.

(16) Num. XVI, 21.

(17) Ibid. XIV, 27.

(18) The twelve spies without Joshua and Caleb; v. Sanh. 2a.

(19) V. B.B. 100b.

(20) Lit., 'the way of the world'.

(21) **ברכת רחבה** A blessing of consolation pronounced in the open air on the mourners return from the burial; v. Keth., Sonc. ed. p. 41, n. 5.

(22) [To be omitted with MS.M. 'R. Isaac said etc.' beginning a new sentence v. Tosaf. s.v. **ואמר**].

(23) In Lev. XXVII, three times in connection with personal valuations v. 8, three in connection with the valuation of animals vv. 11-13, four with sanctification of property vv. 14, 18, 23; v. 21 is not included as the word priest is not mentioned there in connection with the act of 'valuation'.

(24) These words are bracketed in the text.

(25) V. Sanh., Sonc. ed. p. 71 notes.

(26) The second mention adding an Israelite, the third going back to a priest, the fourth adding an Israelite and so on.

(27) Since all Israelite could not be sold in the market like a slave. (V. Tosaf.).

(28) Lev. XXV, 46.

(29) So that the translator (who had no book) should not become confused.

Talmud - Mas. Megilah 24a

IN A PROPHET, HOWEVER, [HE MAY GIVE HIM] THREE AT A TIME.¹ IF THE THREE VERSES CONSTITUTE THREE SEPARATE PARAGRAPHS,² HE MUST READ THEM [TO THE TRANSLATOR] ONE BY ONE. THE READER MAY SKIP [FROM PLACE TO PLACE] IN A PROPHET BUT NOT IN THE TORAH. HOW FAR MAY HE SKIP? [ONLY] SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED³ [BEFORE HE FINDS HIS PLACE].⁴

GEMARA. What do these three verses represent? — R. Assi said: The Pentateuch, the Prophets, and the Hagiographa.

HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE. IN A PROPHET, HOWEVER, HE MAY READ THREE. IF THE THREE VERSES CONSTITUTE THREE PARAGRAPHS, HE MUST READ THEM ONE BY ONE. For instance, [the three verses], For thus saith the Lord, ye were sold for nought; For thus saith the Lord God, my people went down aforetime to Egypt; Now therefore what do I here, saith the Lord.⁵

THE READER MAY SKIP IN A PROPHET BUT NOT IN THE TORAH. A contradiction was pointed out [between this and the following]: 'He [the High Priest] reads [on the Day of Atonement] "after the death"⁶ and "only on the tenth day".⁷ But he is skipping? — Abaye replied: There is no contradiction; in the one case the translator will have come to a stop [before the place is found] in the other case he will not have come to a stop.⁸ But it states in connection with this. THE READER MAY SKIP IN THE PROPHET BUT HE MAY NOT SKIP IN THE TORAH. AND HOW FAR MAY HE SKIP? SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED. From this we infer that in the Torah he may not skip at all? — The truth is, said Abaye, that there is no contradiction. In the one case [the reader deals] with one subject, in the other case with two; and in fact it has been taught: 'The reader may skip in the Torah [provided he keeps] to one subject, and in a Prophet even if he goes on to another subject'; and in both cases only so far that the translator will not have stopped [before he finds the place]. It has been taught in another place: 'The reader may not skip from one prophet to another. In the Twelve Minor Prophets he may skip,⁹ provided only that he does not skip from the end of the book to the beginning.'¹⁰

MISHNAH. THE ONE WHO SAYS THE HAFTARAH FROM THE PROPHET REPEATS ALSO THE BLESSINGS BEFORE THE SHEMA,¹¹ AND PASSES BEFORE THE ARK¹² AND LIFTS UP HIS HANDS.¹³ IF HE IS A CHILD,¹⁴ HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. A CHILD MAY READ IN THE TORAH AND TRANSLATE, BUT HE MAY NOT PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A PERSON IN RAGS¹⁵ MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND

TRANSLATE, BUT HE MAY NOT READ IN THE TORAH NOR PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A BLIND MAN MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND TRANSLATE. R. JUDAH SAYS: ONE WHO HAS NEVER SEEN THE LIGHT FROM HIS BIRTH MAY NOT RECITE THE BLESSINGS BEFORE THE SHEMA'.¹⁶

GEMARA. What is the reason [why the one who says the haftarah has this privilege]? — R. Papa said: As a mark of honour;¹⁷ R. Shimi said: Because otherwise quarrels might arise.¹⁸ What difference is there in practice between them? — There is a difference, in the case of one who reads gratis.¹⁹

We learn: IF HE IS A CHILD, HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. If now you say it is to avoid quarrels, will a child pick a quarrel? What then? It is a mark of respect? Does a child receive marks of respect? What you must say is, out of respect for his father and his teacher.

(1) Because if he makes a mistake, it does not matter so much.

(2) V. infra.

(3) Lit., 'so that the translator shall not (have to) pause'.

(4) I.e., he must not have much to unroll in the scroll.

(5) Isa. LII, 3, 4 and 5.

(6) Lev. XVI, 1ff.

(7) Ibid. XXIII, 26ff.

(8) Because the passages read by the High Priest are not far apart.

(9) As these were all written in one scroll,

(10) I.e., go backwards.

(11) V. supra. Sof. XIV, 8 refers this to the Shema' recited at the taking out of the law from the Ark; v. P.B. p. 145.

(12) To read the 'Amidah, and especially the kedushah.

(13) To say the priestly blessing. Why the maftir should have these privileges is not at all clear, and the 'lifting up of hands' certainly was the privilege of every priest. V. Rabinowitz, op. cit. MS.M. omits: 'AND LIFTS UP HIS HANDS.

(14) Under thirteen.

(15) So that most of his body is exposed.

(16) Which include a prayer of thanksgiving for the creation of light.

(17) I.e., as a kind of reward for having consented to read the haftarah.

(18) Between persons eager to act as reader.

(19) In which case there will not be such competition for the honour, and so there is no need to give the one who says the haftarah priority.

Talmud - Mas. Megilah 24b

So here too, there is the question of quarrels, involving him or his teacher.

A PERSON IN RAGS MAY REPEAT etc. 'Ulla b. Rab enquired of Abaye: Is a child in rags allowed to read in the Torah?¹ He replied: You might as well ask about a naked one. Why is one without any clothes not allowed? Out of respect for the congregation. So here, [he is not allowed] out of respect for the congregation.

A BLIND MAN MAY REPEAT THE BLESSINGS etc. It has been taught: They said to R. Judah: Many have discerned sufficiently [with their mind's eye] to expound the Chariot,² and yet they never saw it? — What says R. Judah to this? — There [he can reply], all depends on the discernment of the heart, and the expounder by concentrating his mind can know, but here one reads for the benefit which he derives therefrom,³ and this one derives no benefit.⁴ The Rabbis, however, hold that he does derive a benefit, for the reason given by R. Jose, as it has been taught: R. Jose said: I was long

perplexed by this verse, And thou shalt grope at noonday as the blind gropeth in darkness.⁵ Now what difference [I asked] does it make to a blind man whether it is dark or light? [Nor did I find the answer] until the following incident occurred. I was once walking on a pitch black night when I saw a blind man walking in the road with a torch in his hand. I said to him, My son, why do you carry this torch? He replied: As long as I have this torch in my hand, people see me and save me from the holes and the thorns and briars.⁶

MISHNAH. A PRIEST WHOSE HANDS ARE DEFORMED SHOULD NOT LIFT UP HIS HANDS [TO SAY THE PRIESTLY BLESSING]. R. JUDAH SAYS: ALSO ONE WHOSE HANDS ARE DISCOLOURED WITH WOAD⁷ SHOULD NOT LIFT UP HIS HANDS, BECAUSE [THIS MAKES] THE CONGREGATION LOOK AT HIM.⁸

GEMARA. A Tanna stated: The deformities which were laid down [as disqualifying] are on the face, the hands and the feet.⁹ R. Joshua b. Levi said: If his hands are spotted¹⁰ he should not lift up his hands. It has been taught similarly: 'If his hands are spotted, he should not lift up his hands. If they are curved inwards or bent sideways, he should not lift up his hands'.

R. Assi said: A priest from Haifa or Beth Shean¹¹ should not lift up his hands. It has been taught to the same effect: 'We do not allow to pass before the ark either men from Beth Shean or from Haifa or from Tib'onim,¹² because they pronounce alif as 'ayin and 'ayin as alif'.¹³

Said R. Hiyya to R. Simeon b. Rabbi: If you were a Levite, you would not be qualified to chant,¹⁴ because your voice is thick. He went and told his father who said to him: Go and say to him, When you come to the verse, And I will wait [we-hikethi] for the Lord,¹⁵ will you not be a reviler and blasphemer?¹⁶

R. Huna said: A man whose eyes run should not lift up his hands. But was there not one in the neighbourhood of R. Huna who used to spread forth his hands? — The townspeople had become accustomed to him.¹⁷ It has been taught to the same effect: 'A man whose eyes run should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'. R. Johanan said: A man blind in one eye should not lift up his hands. But was not there one in the neighbourhood of R. Johanan who used to lift up his hands? — The townspeople were accustomed to him. It has been taught to the same effect: 'A man blind in one eye should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'.

R. JUDAH SAYS: A MAN WHOSE HANDS ARE DISCOLOURED SHOULD NOT LIFT UP HIS HANDS. A Tanna stated: If most of the men of the town follow the same occupation it is permitted.

MISHNAH. IF ONE SAYS, I WILL NOT PASS BEFORE THE ARK [TO ACT AS READER] IN COLOURED ROBES, HE MUST NOT PASS BEFORE IT IN WHITE ROBES EITHER. [IF HE SAYS], I WILL NOT PASS BEFORE IT IN SHOES, HE MUST NOT PASS BEFORE IT BAREFOOT EITHER. A PHYLACTERY [FOR THE HEAD] WHICH IS MADE ROUND¹⁸ IS DANGEROUS¹⁹ AND HAS NO RELIGIOUS VALUE. TO PUT THEM ON THE FOREHEAD OR ON THE PALM OF THE HAND²⁰ IN THE MANNER OF THE HERESY,²¹ TO OVERLAY THEM WITH GOLD OR PUT [THE ONE FOR THE HAND] ON ONE'S SLEEVE IS THE MANNER OF THE OUTSIDERS.²²

GEMARA. [IN COLOURED ROBES]. What is the reason [why he must not act as reader]? We are apprehensive that he has a leaning towards minuth.²³

TO MAKE ONE'S PHYLACTERY ROUND IS DANGEROUS AND HAS NO RELIGIOUS

VALUE. May we say that our Mishnah teaches here the same as our Rabbis taught: 'That phylacteries should be square is a law set down by Moses at Sinai', and Raba explained [this to mean] in their seam and in their diagonal?²⁴ — R. Papa said: The Mishnah is speaking only of those which are made as round as a nut.²⁵

MISHNAH. IF ONE SAYS

- (1) A child not being forbidden to expose himself.
- (2) The first chapter of Ezekiel.
- (3) Viz., the light.
- (4) He does not enjoy the benefit of light.
- (5) Deut. XXVIII, 29.
- (6) So although blind, he does benefit by the light.
- (7) [Var. lec. add: 'or madder', a red dye].
- (8) And it is forbidden to look at the priests while saying the blessing, v. Hag. 16.
- (9) The priest said the blessing barefoot, v. Sot. 40a.
- (10) With white pustules. The deformity apparently is the same as that referred to in Lev. XIII, 39.
- (11) Towns in Palestine.
- (12) More correctly Tibe'on, perhaps the same as modern Tubun, W. of Sephoris.
- (13) V. Glos.
- (14) Lit., 'for the platform', on which the Levites stood while chanting.
- (15) Isa. VIII, 17.
- (16) Because he could not pronounce a heth and would say we-hikethi, which would mean 'And I shall smite'.
- (17) Lit. 'he had become familiar to the townspeople'.
- (18) Instead of cube-shaped.
- (19) [The capsule might penetrate his head during prostration at tahanun (supra p. 135 n. 6). V. Rashi and R. Hananel]. R. Tam takes this to mean that it will not avail him in time of danger. V. Shab. 49a.
- (20) According to the literal meaning of the text, and thou shalt bind them for a sign upon thy hand and they shall be phylacteries between thine eyes. Deut. VI, 8.
- (21) Minuth (v. Glos. s.v. Min) Maim.: Sadducees. The reading 'Karaites' in some texts is a censor's variant.
- (22) This term apparently designates persons who followed the Rabbis only partially. According to the Rabbis, the phylacteries had to be made wholly of the skin of a clean animal and to be placed directly on the flesh.
- (23) Probably Judeo-Christianity, the Christians being particular about this. For other suggestions v. Rabinowitz, op. cit. a.l.
- (24) Apparently this means 'both in their base and in their height'.
- (25) But the shape of an egg or of a bean might be permitted (Rashi).

Talmud - Mas. Megilah 25a

'MAY THE GOOD BLESS THEE', THIS IS A CUSTOM OF HERESY.¹ [IF HE SAYS], 'MAY THY MERCIES REACH THE NEST OF A BIRD', 'MAY THY NAME BE MENTIONED FOR WELL-DOING', 'WE GIVE THANKS, WE GIVE THANKS',² HE IS SILENCED. IF HE INTRODUCES EUPHEMISMS INTO THE PORTION DEALING WITH FORBIDDEN MARRIAGES,³ HE IS SILENCED. IF HE SAYS, [INSTEAD OF] 'AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART TO MOLOCH', 'THOU SHALT NOT GIVE TO TRANSFER IT TO A GENTILE WOMAN',⁴ HE IS BOTH SILENCED AND REBUKED.⁵

GEMARA. We understand the prohibition of saying 'WE GIVE THANKS, WE GIVE THANKS', because he seems to be addressing two Powers;⁶ also of 'THY NAME BE MENTIONED FOR WELL-DOING', because this implies, for good, yes, for evil, no, and we have learnt, 'It is the duty of a man to bless [God] for evil in the same way as he blesses for good'.⁷ But what is the reason for prohibiting, 'MAY THY MERCIES REACH THE NEST OF A BIRD'?⁸ —

Different answers were given by two Amoraim in the West [Palestine], R. Jose b. Abin and R. Jose b. Zebida. One said, it is because he creates jealousy in the work of the creation,⁹ and the other says it is because he makes the commands¹⁰ of the Holy One, blessed be He, acts of grace, whereas they are only decrees.¹¹ A certain man went down [before the ark] in the presence of Rabbah and said, 'Thou hast shown pity to the nest of a bird, do thou have pity and mercy on us'; (Thou hast shown pity to an animal and its young,¹² do thou have pity and mercy on us). Said Rabbah: How well this Rabbi knows how to placate his Master! Said Abaye to him: But we have learnt, HE IS SILENCED? — Rabbah only wanted to sharpen Abaye's wits.

A certain [reader] went down before the ark in the presence of R. Hanina and said, 'The great, the mighty, the terrible, the majestic, the strong, the powerful God'. He said to him: Have you finished the praises of your Master? Even the first three, had it not been that Moses wrote them in the Law¹³ and the Men of the Great Synagogue came and ordained them,¹⁴ we should not recite; and you say all this! It is as if a man had thousands of thousands of denarii of gold and people to praise his wealth would say he had a thousand. Would it not be an insult to him?

R. Hanina said: Everything is in the hands of heaven except the fear of heaven¹⁵ as it says, And now, Israel, what doth the Lord thy God ask of thee but to fear.¹⁶ Are we to infer from this that fear is a small thing? — Yes; for Moses our teacher it was a small thing. In the same way, if a man is asked for a big article and he has it, it seems to him only small, but if he is asked for a small article and he has it not, it seems big to him.

R. Zera said: For one to say, 'Hear, Hear',¹⁷ is like saying, 'We give thanks, we give thanks'. The following was cited in objection to this: 'He who recites the Shema' and repeats is reprehensible'. He is only reprehensible, but we do not silence him? — There is no contradiction. In the one case we suppose he repeats each word as he says it,¹⁸ in the other that he repeats a whole sentence.¹⁹ Said R. Papa to him: But perhaps [the reason why he repeats] is because at first he was not thinking of what he said, and now he does think? — He replied: Is he to treat heaven like an ordinary acquaintance?²⁰ If he does not think of what he is saying, I will hit him with a hammer till he does think.

IF HE INTRODUCES EUPHEMISMS INTO THE PASSAGE DEALING WITH FORBIDDEN MARRIAGES, HE IS SILENCED. R. Joseph learned: [If, for example, he says] 'the shame of his father, the shame of his mother'.²¹

IF ONE SAYS, AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART etc. In the school of R. Ishmael it was stated: The text speaks of an Israelite who has intercourse with a Cuthean woman and begets from her a son for idolatry.²²

MISHNAH. THE INCIDENT OF REUBEN IS READ IN SYNAGOGUE BUT NOT TRANSLATED.²³ THE STORY OF TAMAR²⁴ IS READ AND TRANSLATED. THE FIRST ACCOUNT OF THE INCIDENT OF THE GOLDEN CALF²⁵ IS BOTH READ AND TRANSLATED, THE SECOND²⁶ IS READ BUT NOT TRANSLATED. THE BLESSING OF THE PRIESTS²⁷ IS READ BUT NOT TRANSLATED. THE STORIES OF DAVID²⁸ AND AMNON²⁹ ARE READ BUT NOT TRANSLATED. THE PORTION OF THE CHARIOT³⁰ IS NOT READ AS A HAFTARAH, BUT R. JUDAH PERMITS THIS. R. ELEAZAR SAYS: THE PORTION, MAKE KNOWN TO JERUSALEM',³¹ IS NOT READ AS A HAFTARAH.

GEMARA. Our Rabbis taught: Some portions [of the Scripture] are both read and translated, some are read but not translated, [and some are neither read nor translated].³² The following are both read and translated: (Mnemonic: B'L'T' 'E'K'N' N'SHP'H').³³ The account of the creation³⁴ is both read and translated. Certainly! — You might think that [through hearing it] people are led to inquire what is above and what is below,

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- (1) Minuth (v. supra note 4); implying that only the good are invited to bless God (Rashi).
- (2) In the 'Amidah prayer.
- (3) Lev, ch. XVIII.
- (4) I.e., beget children from a Gentile woman. Aliter: 'To render pregnant a Gentile woman'. Either version is a departure from the text which is an injunction against Moloch worship. [Aruch (s.v. מולך): 'Thou shalt not give any of thy seed to the Arameans to set them apart to Moloch', implying that the prohibition applies only to the Moloch worship of a particular nation. Albeck Ch., Bericht Hochschule, Berlin 1930 p. 55 renders it: thou shalt not give thy seed to pass to heathendom, viz., to introduce them to the knowledge of heathen culture and custom.]
- (5) All this is explained in the Gemara.
- (6) V. Ber. 54a.
- (7) [The dualism of the Persians — the god of darkness and of light.]
- (8) With reference to the prohibition of taking both a bird and its nestlings. Deut. XXII, 6. 7.
- (9) As though God had mercy on birds and not on beasts.
- (10) Lit., 'his attributes'. [Herford sees in this a protest against the Pauline antithesis of Law and Grace, v. Christianity in Talmud and Midrash pp. 202ff.]
- (11) Which must be obeyed whether they are merciful or not.
- (12) V. Lev. XXII, 28. This sentence is bracketed in the text.
- (13) Deut. X, 17.
- (14) V. Neh. IX, 32.
- (15) It is left to the free choice of man whether to be Godfearing or not.
- (16) Deut. X, 12.
- (17) In reciting the Shema'.
- (18) I.e., he says, 'Hear, hear, Israel, Israel' which is only a stupidity.
- (19) I.e., he says, 'We give thanks to thee, we give thanks to thee', as if he were addressing two Powers.
- (20) Lit., 'Intimacy towards heaven!'
- (21) From prudery, instead of 'the nakedness'; Lev. XVIII, 7. [Maim: instead 'of thy father', 'of thy mother'].
- (22) Cf. Pseudo-Jonathan a.l. Apparently this is in flat contradiction with the Mishnah. Possibly R. Ishmael means to explain the words of the Mishnah which are somewhat obscure (Rashi). [According to Aruch's and Albeck's explanations (v. p. 149, n. 3) the Mishnah does not denounce R. Ishmael's version.]
- (23) Gen. XXXV, 22.
- (24) Ibid. XXXVIII.
- (25) Ex. XXXII, 1-20.
- (26) Ibid. 21-25. (So Maim).
- (27) Num. VI, 24-27.
- (28) II Sam. XI, 2-17.
- (29) Ibid. XIII, 1-4.
- (30) Ezek. I and X.
- (31) Ibid. XVI.
- (32) Wilna Gaon omits the words in brackets.
- (33) B = Bereshith (creation); L = Lot; T = Tamar; E = 'Egel (Calf); K = Kelaloth (curses); N = 'Oneshin (penalties); N = Amnon; Sh = Abshalom, P = Pilegesh (concubine); H = hoda' (make known).
- (34) Gen. I.

Talmud - Mas. Megilah 25b

and what is before and what is after.¹ Therefore we are told [that this is no objection]. The story of Lot and his two daughters² is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Abraham. Therefore we are told [that this is no objection]. The story of Tamar and Judah is both read and translated. Certainly! — We might think that [we should forbear] out of respect for Judah. Therefore we are told [that this is no objection]; [the passage] really redounds to his credit, because [it records that] he confessed.³ The first account of the making

of the Calf is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Israel. Therefore we are told [that this is no objection]; on the contrary, it is agreeable to them,⁴ because it was followed by atonement.⁵ The curses and blessings⁶ are both read and translated. Certainly! — You might think that [we should forbear] lest the congregation should become disheartened; therefore we are told [that this is no objection]. Warnings and penalties are both read and translated. Certainly! — You might think that [we should forbear] for fear that they may come to keep the commandments out of fear;⁷ therefore we are told [that this is no objection]. The story of Amnon and Tamar is both read and translated. Certainly! — You might think that [we should forbear] out of respect for David. Therefore we are told [that this is no objection]. The story of the concubine in Gibeath⁸ is both read and translated. Certainly! — You might think [that we should forbear] out of respect for Benjamin. Therefore we are told [that this is no objection]. The passage commencing ‘Make known to Jerusalem her abominations’ is both read and translated. Certainly! — This is stated to exclude the view of R. Eleazar, as it has been taught: ‘On one occasion a man read in the presence⁹ of R. Eleazar ‘Make known to Jerusalem her abominations’. He said to him, While you are investigating the abominations of Jerusalem, go and investigate the abominations of your own mother. Inquiries were made into his birth, and he was found to be illegitimate.

Mnemonic: R'E'B'D'N').¹⁰ The incident of Reuben is read but not translated. On one occasion R. Hanina b. Gamaliel went to Kabul,¹¹ and the reader of the congregation read, ‘And it came to pass when Israel abode’,¹² and he said to the translator, Translate only the latter part of the verse, and the Sages commended his action. The second account of the Calf is read but not translated. What is the second account of the Calf? — From ‘And Moses said’ up to ‘and Moses saw’.¹³ It has been taught: A man should always be careful in wording his answers, because on the ground of the answer which Aaron made to Moses the unbelievers were able to deny [God], as it says, And I cast it into the fire and this calf came forth.¹⁴

The priestly blessing is read but not translated. What is the reason? — Because it contains the words, May he lift up.¹⁵

The accounts of David and Amnon are neither read nor translated.¹⁶ But you just said that the story of Amnon and Tamar is both read and translated? — There is no contradiction; the former statement refers to where it says ‘Amnon son of David’,¹⁷ the latter to where it says ‘Amnon’ simply.

Our Rabbis taught: Wherever an indelicate expression is written in the text, we substitute a more polite one in reading.¹⁸ [Thus for] yishgalenah¹⁹ [we read] yishkabenah;²⁰ [for] ba'apolim²¹ [we read] ba-tehorim;²² [for] hiryonim²³ [we read] dibyonim;²⁴ [for] le-ekol eth horehem we-lishtoth eth meme shinehem²⁵ [we read] le-ekol eth zo'atham we-lishtoth eth meme raglehem;²⁶ [for] la-mahara'oth²⁷ [we read] lemoza'oth.²⁸ R. Joshua b. Korha, however, says that the actual word la-mahara'oth²⁷ [is read] because it is a term of opprobrium for idolatry. R. Nahman said: All gibing²⁹ is forbidden save gibing at idolatry, which is permitted, as it is written, Bel boweth down, Nebo stoopeth³⁰ and the text goes on, They stoop, they bow down together, they cannot deliver the burden, etc. R. Jannai learns the same lesson from here: The inhabitants of Samaria shall be in dread for the calves of Beth Aven, for the people thereof shall mourn over it and the Priests thereof shall tremble for it, for its glory, because it is departed from it.³¹ Read not ‘its glory’ [kebedo], but ‘its burden’ [kebedo]. R. Huna b. Manoah said in the name of R. Aha the son of R. Ika: It is permitted to an Israelite to say to a Cuthean, Take your idol and put it in your shin tof.³² R. Ashi said: It is permissible to abuse a person of ill fame³³ with the term gimel shin.³⁴ It is permissible to praise a person of good report and if one does praise him, ‘blessings shall rest upon his head’.

CHAPTER IV

MISHNAH. IF THE TOWNSPEOPLE³⁵ SELL THE TOWN SQUARE,³⁶ THEY MAY BUY WITH THE PROCEEDS A SYNAGOGUE;³⁷ [IF THEY SELL] A SYNAGOGUE, THEY MAY BUY WITH THE PROCEEDS AN ARK;³⁸ [IF THEY SELL] AN ARK THEY MAY BUY WRAPPINGS [FOR SCROLLS]; [IF THEY SELL] WRAPPINGS

- (1) I.e., before the creation and after the end of the world. Cf. Hag. 11b.
- (2) Gen. XIX, 31-38.
- (3) Ibid. XXXVIII, 26.
- (4) To have the story recounted.
- (5) [MS.M. so that there may be (by the recounting of the lapse) an atonement unto them].
- (6) Lev. XXVI; Deut. XXVII.
- (7) Rashi apparently makes this the reason for reading the curses and blessings, and reads 'out of love and fear', i.e., desire for the blessings and fear of the curses, while he transfers to this place the clause in the previous sentence, 'lest the congregation should become disheartened'. But. v. Maharsha.
- (8) Jud. XIX, XX.
- (9) [Lit., 'above', the reader in public occupying a raised position].
- (10) R = Reuben; E= 'Egel (calf); B = berakah (blessing); D = David; N = Amnon.
- (11) S.E. of Akko.
- (12) Gen. XXXV, 22.
- (13) Ex. XXXII, 21-25.
- (14) Which seems to be an admission that the calf had divine powers.
- (15) Which seems to imply favouritism for Israel.
- (16) According to R. Bezalel Ronsburg, the proper reading is 'The accounts of David and Amnon are read but not translated'.
- (17) I.e. the first verse of the chapter.
- (18) Lit., 'wherever the text is written indelicately, we read it delicately'.
- (19) ישגלנה 'ravish'.
- (20) ישכבנה Deut. XXVIII, 30. E.V. 'shall lie with her'.
- (21) בעפולים 'posteriors'.
- (22) במחורים I Sam. V, 5. E.V. 'emeralds'.
- (23) הריונים 'dove's dung'. So E.V.
- (24) דביונים II Kings VI, 25. E.V. 'decayed leaves'.
- (25) חוריהם עץמימי שיניהם 'excrement . . . urine.
- (26) צואתם עץמימי רגליהם Ibid. XVIII, 27. E.V. 'deposit . . . water of his feet'
- (27) למהראות 'privies'.
- (28) למוצאות Ibid. X, 27, 'retreats'. E.V. 'draughthouse'.
- (29) The reference apparently is to obscenity.
- (30) Isa. XLVI, 1.
- (31) Hos. X, 5.
- (32) שת. Fundament.
- (33) I.e., suspected of adultery.
- (34) According to Rashi, = gala shaita (adulterer, madman). Another reading is beth gimel = bar girtha (son of a harlot).
- (35) Lit., 'sons of the town': probably the general assembly of residents of over twelve months' standing. V. Rabbinowitz, op. cit.
- (36) Lit., 'broad place'. Where at times religious ceremonies were performed.
- (37) On the principle that we may use for a more holy purpose but not for a less holy'; and so with the rest.
- (38) In which to place the Scrolls of the Law.

Talmud - Mas. Megilah 26a

THEY MAY BUY SCROLLS;¹ [IF THEY SELL] SCROLLS THEY MAY BUY A [SEFER] TORAH. BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY WITH THE

PROCEEDS SCROLLS; IF [THEY SELL] SCROLLS THEY MAY NOT BUY WRAPPINGS; IF [THEY SELL] WRAPPINGS THEY MAY NOT BUY AN ARK; IF [THEY SELL] AN ARK THEY MAY NOT BUY A SYNAGOGUE; IF [THEY SELL] A SYNAGOGUE THEY MAY NOT BUY A TOWN SQUARE. THE SAME APPLIES TO ANY MONEY LEFT OVER.²

GEMARA. IF THE TOWNSPEOPLE SELL THE TOWN SQUARE. Rabbah b. Bar Hanah said in the name of R. Johanan: This is the view of R. Menahem b. Jose the anonymous author,³ but the Sages say that no sanctity attaches to the square. What is the reason of R. Menahem b. Jose? — Because the people pray in it on fast days⁴ and at gatherings of the ma'amad.⁵ What say the Rabbis to this? — That happens only exceptionally. IF [THEY SELL] THE SYNAGOGUE THEY MAY BUY AN ARK. R. Samuel b. Nahmani said in the name of R. Jonathan: This rule applies only to a synagogue in a village, but a synagogue in a large town, since people from all parts come to it,⁶ may not be sold, it being regarded as belonging to a wider public. Said R. Ashi: As for this synagogue in Matha Mehasia,⁷ although people come to it from all parts, since they come at my discretion,⁸ I can if I like sell it. An objection was raised: 'R. Judah says: It is recorded of the synagogue of the coppersmiths⁹ in Jerusalem that they sold it to R. Eliezer and he used it for his own purposes'. And yet that was one in a large town? — That was a very small synagogue, and they themselves had made it.

The following was further raised in objection: 'In a house of the land of your possession:¹⁰ your possession is defiled by leprosy, but Jerusalem is not defiled by leprosy'.¹¹ R. Judah said: I have not heard this laid down save with respect to the area of the Sanctuary alone. We thus see that [according to R. Judah] synagogues and houses of study are defiled; and yet why [according to you] should this be, seeing that they belong to the town?¹² — I would emend [the above statement to read]: 'R. Judah says: I have not heard this rule laid down save in relation to a sanctified place only'.¹³

On what point do these [two authorities] join issue? — The First Tanna is of opinion that Jerusalem was not apportioned to [any of] the tribes,¹⁴ while R. Judah was of opinion that it was apportioned to [certain of] the tribes; and their difference is the same as that of the following Tannaim, as it has been taught: What [part of Jerusalem] was in the portion of Judah?¹⁵ The Temple mountain,¹⁶ the priestly chambers,¹⁷ and the courts.¹⁸ And what was in the portion of Benjamin? The hall¹⁹ and the sanctuary²⁰ and the holy of holies.²¹ A strip projected from the portion of Judah into the portion of Benjamin, and in it the altar [of sacrifice] was built, and every day the righteous Benjamin fretted over it, desiring to swallow it up, as it says, Crouching over it all the day.²² Therefore Benjamin was privileged to become the host of the Shechinah'.²³ The following Tanna, however, held that Jerusalem was not apportioned to any of the tribes, as it has been taught: 'People cannot let out houses²⁴ in Jerusalem as they do not belong to them. R. Eleazar b. Zadok says: They may not hire out beds either.²⁵ Therefore householders [who took in guests] would seize the skins of [visitors'] sacrifices forcibly'.²⁶ Abaye remarked: We may see from this that it is good manners for a man to leave his [empty] wine-flask and his skin-rug at his guest-house.

Raba said: This rule²⁷ was meant to apply only where the seven 'good men' of the town²⁸ did not sell in the assembly of the townspeople. But if the seven 'good men' of the town sold in the assembly of the townspeople, even

(1) Of the Scriptural books other than the Pentateuch.

(2) From any of these purchases.

(3) I.e., whose opinions are usually quoted without mention of his name. Cf. supra p. 4, n. 1.

(4) V. Ta'an. 15a. Apparently the square was usually in front of the synagogue.

(5) V. Glos. The ma'amad did not in fact pray in the square but in the synagogue, and this word is omitted by many authorities, v. Rashi.

(6) And are regarded as having contributed to it, or may actually have contributed to it.

- (7) A suburb of Sura.
- (8) I.e., since they have contributed on condition that I may do as I please with the money (Tosaf.). Cf. B.B. 3b.
- (9) **טורסיים** (Tarsians), or 'filigree workers'. [We find a synagogue of Tarsians also in Tiberias and Lydda, and in Krauss, *Synagogale Altertumer*, p. 201, they are identical with the synagogue of Alexandrians (cf. the parallel passage in the Jerusalem Talmud Megillah III, 1) who had brought over with them to Palestine the industry in Tarsian carpets — an industry which flourished greatly in Egypt; v. also T.A. II, 625].
- (10) Lev. XIV, 34; of leprosy of houses.
- (11) V. infra.
- (12) And so cannot be called 'your possession'. (V. Tosaf. s.v. **אמני**).
- (13) Including also synagogues and houses of study.
- (14) But remained the possession of all of them jointly.
- (15) Jerusalem was on the border between the territories of Judah and Benjamin.
- (16) On the east of the city.
- (17) The rooms used by the priests for various purposes.
- (18) The Court of Women, the Israelites' Court, and the Priests' Court.
- (19) Ulam. Leading to the interior of the Temple.
- (20) Containing the candlestick and table and altar of incense.
- (21) Containing the Ark.
- (22) As if to swallow it. Deut. XXXIII, 12. E. V. 'He covereth him all the day'.
- (23) Through the Holy of Holies. V. Yoma 12a.
- (24) To the pilgrims who come to Jerusalem for the three Festivals (Rashi).
- (25) Because the ground on which they rested did not belong to them (Tosaf).
- (26) In lieu of payment for lodging.
- (27) That the proceeds of the sale could not be used for purchasing something less holy, and that the thing sold itself retained its holiness.
- (28) Seven men who acted as representatives of the town in communal matters — *optimates*.

Talmud - Mas. Megilah 26b

if it was for a drinking place,¹ the transaction holds good. Rabina had the ground of a dismantled synagogue. He applied to R. Ashi to know whether he could plant seeds there. He replied: Go and buy it from the seven 'good men' of the town in the assembly of the townspeople, and you may then sow it.

Rami b. Abba was building a synagogue. There was a certain old synagogue which he wanted to pull down, so as to take bricks and beams from it and use them for the other. He was doubtful, however, how to interpret the dictum of R. Hisda; for R. Hisda² said: A man should not pull down a synagogue until he has built another [to take its place]. The reason there, [he knew] was so that there should be no negligence.³ But what was the rule in such a case as this?⁴ He applied to R. Papa, who forbade him; to R. Huna, and he also forbade him.

Raba said: A synagogue may be exchanged or sold [for secular purposes], but may not be hired or pledged. What is the reason?

[In the latter case] its holiness is still adhering to it.⁵ Its bricks also, may be exchanged or sold [for secular purposes], but not lent. This rule applies only to old ones,⁶ but in the case of new ones there is no objection.⁷ And even if we adopt the view that the mere intention [to use a thing for a certain purpose] has a certain force, this would be the case, for instance, with one who weaves a shroud for a dead body,⁸ but in this case [the objects in question] are like thread which has still to be woven into cloth, and no authority says [that in such a case there is force in mere intention].

[With regard to a synagogue which has been made] a gift, there is a difference of opinion between

R. Aha and Rabina, one forbidding [it to be used for secular purposes] and one permitting. The one who forbade did so on the ground that there is nothing to which its holiness is transferred,⁹ while the one who permitted it argued that if he [the giver] did not derive some benefit from the act¹⁰ he would not give it, so that in the end the gift is equivalent to a sale.

Our Rabbis taught: ‘Accessories of religious observances [when disused] are to be thrown away; accessories of holiness are to be stored away. The following are accessories of religious observances: a sukkah, a lulab, a shofar,¹¹ fringes. The following are accessories of holiness: large sacks for keeping scrolls of the Scripture in, tefillin and mezuzoth,¹¹ a mantle for a sefer torah,¹¹ and a tefillin bag and tefillin straps’. Raba said: At first I used to think that the stand [on which the sefer torah is placed] is an accessory to an accessory and that it is permitted.¹² When, however, I saw that the sefer torah is placed actually on it,¹³ I came to the conclusion that it is all accessory of holiness and is forbidden. Raba further said: At first I used to think that the curtain¹⁴ is an accessory of an accessory. When, however, I observed that it is folded over and a scroll is placed on it, I came to the conclusion that it is itself an accessory of holiness, and forbidden.

Raba further said: When an ark is falling asunder, to make it into a smaller ark is permitted, but to make it into a stand¹⁵ is forbidden. Raba further said: When a curtain is worn out, to make it into a mantle for a [whole] scroll of the Law is permitted, but for a single humash¹¹ is forbidden. Raba further said: These bags for humashim and boxes for scrolls¹⁶ are accessories of holiness and must be stored away [when disused]. Is not this obvious? — You might think that these are used not out of respect [for the scrolls] but merely for protection. Therefore we are told [that this is not so].

There was a synagogue of the Roman Jews¹⁷ which opened out into a room where a dead body was deposited.¹⁸ The kohanim¹⁹ wanted to go in there to pray, and they came and asked Raba [what they should do]. He said: Take the ark and put it down there,²⁰ since it is a wooden vessel which is meant to be stationary, and every wooden vessel which is meant to be stationary is immune from defilement and forms a partition to prevent the passage of defilement. Said the Rabbis to Raba: But sometimes it is moved while a scroll of the law is resting on it, and thus it becomes a vessel which is moved both when full and when empty? If that is so [he said], there is no remedy.

Mar Zutra said: Wrappings of scrolls which are worn out may be used for making shrouds for a meth mizwah;²¹ and this act constitutes their ‘storing away’.

Raba also said: A scroll of the law which is worn out may be buried by the side of a talmid hakam,¹⁹ even though he be one who only repeats halachoth.²² R. Aha b. Jacob said: It should be put in an earthenware vessel, as it says, And put them in an earthen vessel that they may continue many days.²³

R. Papi said in the name of Raba: To turn a synagogue into a college²⁴ is permitted; to turn a college into a synagogue is forbidden. R. Papa, however, also reporting Raba, states the opposite. R. Aha said:

(1) Bah. adds: ‘or for spreading out fruit’.

(2) B.B. 3b.

(3) To build the new one after the old one had been pulled down.

(4) Where the object of pulling down the old one was to obtain building material for the new one.

(5) But if it is sold or exchanged, its holiness is transferred to the money or to its equivalent.

(6) I.e., bricks in an old synagogue.

(7) Because they have not yet become holy.

(8) The shroud being ready for use for the purpose for which it is intended.

(9) Lit., ‘(asked) to what is its holiness transferred’, reading **במאי** with Alfasi; or, ‘why should its holiness be lost’,

reading אָמַי with Asheri; cur. edd. בְּהַאי 'with this'.

(10) I.e., receive some return from the recipient, which acquires the sanctity of the synagogue.

(11) V. Glos.

(12) 'To use it for secular purposes when it is worn out'.

(13) And not on a cloth spread over it.

(14) Hung over the Ark in synagogue.

(15) On which to place the sefer torah when read.

(16) Of the Prophets or Hagiographa.

(17) יהודאי רומאי. Who had settled in Mahuza (Rashi). Probably Syrian Jews are meant, not Roman. [Obermeyer (p. 179): Jews of Rumae, the Persian Rumakan, near Mahuza, the seat of Raba].

(18) Before being taken to the cemetery, and its uncleanness spread from the room to the synagogue. V. B.B. 20a.

(19) V. Glos.

(20) Just between the room and the synagogue.

(21) Lit., 'an obligatory corpse': a dead body found by the wayside which it is obligatory on passers-by to bury if the relatives cannot be found; v. Glos.

(22) I.e., he knew only Mishnahs and Baraitas, not the Gemara also (Rashi).

(23) Jer. XXXII, 14.

(24) Lit., 'House of Rabbis'.

Talmud - Mas. Megilah 27a

The statement of R. Papi is the more probable, since R. Joshua b. Levi said: It is permissible to make a synagogue into a beth hamidrash. This seems conclusive.

Bar Kappara gave the following exposition. 'What is the meaning of the verse, And he burnt the house of the Lord and the king's house and all the houses of Jerusalem even every great man's house burnt he with fire?'¹ 'The house of the Lord': this is the Temple. 'The king's house': this is the royal palace. 'All the houses of Jerusalem': literally. 'Even every great man's house burnt he with fire':² R. Johanan and R. Joshua b. Levi gave different interpretations of this. One said, it means the place where the Torah is magnified; the other, the place where a prayer is magnified. The one who says Torah bases himself on the verse, The Lord was pleased, for his righteousness' sake to make the torah great and glorious.³ The one who says prayer bases himself on the verse, Tell me, I pray thee, the great things that Elisha has done;⁴ and what Elisha did, he did by means of prayer. It may be presumed that it was R. Joshua b. Levi who said, 'the place where Torah is magnified', since R. Joshua b. Levi said that a synagogue may be turned into a beth ha-midrash; which is a clear indication.

BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY SCROLLS. The question was raised: What is the rule about selling an old sefer torah to buy a new one? Do we say that since we do not thus go to higher grade [in the use of the money] it is forbidden, or are we to say that since there is no higher grade to go to, there is no objection? Come and hear: BUT IF THEY SELL, A [SEFER] TORAH THEY MAY NOT BUY SCROLLS; it is scrolls that they may not buy, but to buy a [sefer] torah with the money of a [sefer] torah is unobjectionable! [No.] But the Mishnah speaks of some thing already done, we ask whether it may be done in the first instance? — Come and hear: A sefer torah may be rolled up in the wrappings of a humash, or a humash in the wrappings of a scroll of prophets and hagiographa, but prophets and hagiographa may not be rolled up in the wrappings of a humash, nor a humash in the wrappings of a sefer torah.⁵ Now it states here at any rate that a sefer torah may be rolled up in the wrappings of a humash; [as much as to say], in the wrappings of a humash it may be, but in those of [another] sefer torah it may not be?⁶ — Look at the succeeding clause: 'But a humash may not be rolled up in the wrappings of a sefer torah', which would imply that there is no objection against wrapping a sefer torah in those of another sefer torah? — The fact is that from this statement no conclusion can be drawn.

Come and hear: 'A [sefer] torah may be laid on another [sefer] torah, and a [sefer] torah on separate humashim, and separate humashim on scrolls of the prophets and hagiographa, but scrolls of the prophets and hagiographa may not be placed on humashim, nor humashim on a [sefer] torah'! — You speak here of laying; laying is different, because it is impossible to avoid it; for if you do not suppose this, [we may ask,] how are we allowed to roll up the scrolls, seeing that in so doing we lay one sheet on another? The fact is that since this cannot be avoided, it is permitted; and so here also, since it cannot be avoided,⁷ it is permitted.

Come and hear, since Rabbah b. Bar Hanah said in the name of R. Johanan, who had it from Rabban Simeon b. Gamaliel: A man should not sell an old [sefer] torah in order to buy a new one with the proceeds! — There the reason is lest he should [afterwards] neglect to do so; here we speak of a case where the new one is written and waiting to be paid for. What is the rule [in such a case]? — Come and hear, since R. Johanan said in the name of R. Meir: A man should not sell a sefer torah save in order to study the Torah and to marry a wife. From this we may conclude [may we not] that there is no objection against buying one sefer torah with the proceeds of another? — Perhaps study comes under a different rule, since study leads on to practice. Marrying also [is permitted because it says], He created it not a waste, he formed it to be inhabited,⁸ but to buy a sefer torah with the proceeds of another is still not permitted.

Come and hear: 'A man should not sell a sefer torah even though he does not require it. Rabban Simeon b. Gamaliel went further and said: Even if a man has no food and he sells a sefer torah or his daughter, he will never have any luck⁹ [from that money]'.

THE SAME APPLIES TO ANY MONEY LEFT OVER. Raba said: This is the rule only if they had money left over from a sale; but if they had money left over from a collection, it is permitted [to use it for any purpose]. Abaye cited the following in objection to this: 'When does this rule apply? If they made no stipulation; but if they made a stipulation, they may even give it to the duchsusia'.¹⁰ Now how are we to understand this? Shall we say that they [the seven good men] sold [a holy article] and had money left over [after purchasing a new one]? Then even if they made a stipulation [that they could do what they liked with it], what does it avail?¹¹ We must say therefore that they collected money and had some left over, and the reason is given that 'they made a stipulation', but if they made no stipulation they cannot? — I still maintain that [what is meant is] that they sold and had something left, and the statement should run thus: 'When does this rule apply? When the seven "good men" of the town did not make any stipulation in the assembly of the townspeople; but if the seven good men of the town made a stipulation in the assembly of the townspeople, it may be used even for paying a duchsusia'.

Abaye said to a Rabbinical student who used to repeat¹² the Mishnah in the presence of R. Shesheth: Have you ever heard from R. Shesheth what is meant by duchsusia? — He replied: This is what R. Shesheth said: The town horseman.¹³ Abaye thereupon observed: This shows that a Rabbinical student who has heard something of which he does not know the meaning should ask one who is frequently in the company of the Rabbis, since he is almost certain to have heard the answer from some great man.

R. Johanan said in the name of R. Meir: If the representatives of one town¹⁴ go [on a visit] to another town and they are there rated for a charity contribution, they should pay it and on leaving they should bring the money with them¹⁵ to assist with it the poor of their own town. It has been taught to the same effect: 'If the men of one town go to another town and are there rated for a charity contribution, they should pay it, and when they leave they should bring the money back with them. If an individual, however, goes to another town and is there rated for a charity contribution, it is given to the poor of that town

R. Huna once proclaimed a fast day. R. Hana b. Hanilai and all the [leading] men of his place happened to visit him [on that day], and they were called upon for a charity contribution, and they gave it. When they were about to leave, they said to him [R. Huna], Kindly return it to us so that we may go and assist with it the poor of our own town. He replied to them: We have learnt: 'When does this rule apply? When there is no

(1) II Kings XXV, 9.

(2) These words are apparently superfluous and therefore lend themselves to a homiletical exposition.

(3) Isa. XLII, 21.

(4) II Kings VIII, 4.

(5) Because this brings the wrappings to a lower stage of holiness.

(6) And we infer that similarly one sefer torah may not be bought from the proceeds of another.

(7) In point of fact it is now avoided in the synagogue by the device of letting someone hold one sefer torah while another is being read from.

(8) Isa. XLV, 18.

(9) Lit., 'he will never see a sign of blessing'.

(10) V. infra.

(11) Since the Mishnah expressly says that it is on the same footing as purchase money.

(12) Lit., 'arrange'.

(13) Whose function it was to take urgent messages to the authorities on behalf of the town.

(14) Lit., 'Sons of the town, v. supra p. 155, n. 1. [Aliter: 'a group of people of the same town' — not necessarily representatives; v. Maim. Mat. 'Aniyim VII, 14].

(15) I.e., secure repayment.

Talmud - Mas. Megilah 27b

town scholar¹ in charge there; but if there is a scholar in control there, it should be given to the town scholar, and all the more so in this case, seeing that both my poor and your poor depend upon me.

MISHNAH. [A SYNAGOGUE² BELONGING TO A COMMUNITY³ SHOULD NOT BE SOLD TO A PRIVATE PERSON BECAUSE ITS SANCTITY IS [THEREBY] LOWERED. SO R. MEIR. THEY SAID TO HIM: IF SO, IT SHOULD NOT BE ALLOWED TO SELL FROM A LARGER TOWN TO A SMALLER ONE.

GEMARA. That was a sound objection raised by the Rabbis against R. Meir, [was it not]? What says R. Meir to this? — [To sell] from a large town to a small one [is unobjectionable], because if it was holy to begin with, it is still holy now. But if it passes from a community to an individual, there is no holiness left.⁴ [And what is the reply of] the Rabbis [to this]? — If that raises a scruple [in this case], in the other case also it raised a scruple, because 'in the multitude of people is the king's glory'.⁵

MISHNAH. A SYNAGOGUE MAY NOT BE SOLD SAVE WITH THE STIPULATION THAT IT MAY BE BOUGHT BACK [BY THE SELLERS] WHENEVER THEY DESIRE. SO R. MEIR. THE SAGES, HOWEVER, SAY THAT IT MAY BE SOLD IN PERPETUITY, SAVE FOR FOUR PURPOSES-FOR A BATH, FOR A TANNERY, FOR A RITUAL BATH, OR FOR A LAUNDRY. R. JUDAH SAYS: IT MAY BE SOLD FOR [TURNING INTO] A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES WITH IT.

GEMARA. On R. Meir's ruling, how do people live in it? [The rent they pay] would be interest!⁶ — R. Johanan replied: R. Meir gave this ruling on the basis of the view of R. Judah, who said that interest which is only contingent⁷ is permitted, as it has been taught:⁸ 'If a man lent another a maneh

and the latter made a [conditional] sale to him of his field,⁹ if the vendor takes¹⁰ the produce, this is permitted, but if the purchaser takes the produce, it is forbidden.¹¹ R. Judah said that even if the purchaser takes the produce it is permitted. Said R. Judah further: It happened once that Boethus b. Zunin made a sale of his field with the permission of R. Eleazar b. Azariah, and the purchaser took the produce. They said to him: Do you cite that as a proof? It was in fact the vendor who took the produce and not the purchaser'. On what point of principle did they differ? — On the question of contingent interest; one authority [R. Judah] held that contingent interest is permitted, and the other held that it is forbidden. Raba said: All authorities agree that contingent interest is forbidden, and the point at issue is the taking of interest on condition of returning it. One authority [R. Judah] held that to take interest on condition of returning it [when the principal is returned] is permitted,¹² while the other held that it is forbidden.

THE SAGES SAY HE MAY SELL IT IN PERPETUITY etc. Rab Judah said in the name of Samuel: It is permitted to a man to make water within four cubits of where prayers have been said. Said R. Joseph: What has he told us? We have already learnt it: R. JUDAH SAYS: IT MAY BE SOLD FOR USE AS A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES IN IT; And even the Rabbis did not forbid save in the synagogue itself, since its sanctity is permanent, but for the four adjoining cubits, the sanctity of which is not permanent,¹³ they did not make such a rule.

A tanna recited in the presence of R. Nahman: One who has just said prayers may go a distance of four cubits and make water, and one who has made water may go a distance of four cubits and pray. He said to him: I grant you that one who has made water may go four cubits and pray; this we have learnt:¹⁴ 'How far should he remove from it and from excrement? Four cubits'. But why should one who has prayed remove four cubits before making water? If that is the rule, you have sanctified all the streets of Nehardea!¹⁵ Say, 'should wait' [the time it takes to go four cubits]. [Is that so?] I grant you that one who has made water should wait till he can go four cubits, on account of drippings [on his clothes]. But why should one who has just prayed wait long enough to go four cubits? — R. Ashi replied: Because for the time it takes to go four cubits his mouth is still full of his prayer¹⁶ and his lips are still muttering it. (Mnemonic Z'L'P'N').¹⁷ R. Zaccai was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made water within four cubits of a place where prayers have been said, nor have I given an opprobrious epithet to my fellow, nor have I omitted [to perform] the sanctification of the [Sabbath] day.¹⁸ I had a grandmother who once sold her headdress so as to bring me [wine for] the sanctification of the day. It was taught: When she died she left him three hundred barrels of wine, and when he died he left his sons three thousand barrels.

R. Huna once came before Rab girded with a string. He said to him, What is the meaning of this? He replied: I had no [wine for] sanctification, and I pledged my girdle so as to get some. He said: May it be the will of heaven that you be [one day] smothered in robes of silk. On the day when Rabbah his son was married, R. Huna, who was a short man, was lying on a bed and his daughters and daughters-in-law stripped [clothes] from themselves and threw them on him until he was smothered in silks. When Rab heard he was chagrined and said, Why when I blessed you did you not say, The same to you, Sir?¹⁹

R. Eleazar b. Shammua' was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made a short²⁰ cut through a synagogue, nor have I stepped upon the heads of the holy people,²¹ nor have I lifted my hands [to say the priestly blessing] without reciting a blessing.²²

R. Peridah was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I allowed anyone to be before me at the house of study

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- (1) **חבר עיר**. A Rabbi who took a leading part in the town affairs. [Others vocalize **חבר** 'a group' denoting either a town council similar to the Roman Collegia (Krauss) or an official communal religious or charity organization, v. Krauss, *Synagogale Altertumer* pp. 20ff and Weinberg, M. Jeschurun, 1929 pp. 240ff and 1930, 269ff].
- (2) V. Rashi s.v. **ורבנן**.
- (3) Lit., 'to many'.
- (4) Since a quorum of at least ten is required for any act of sanctification (v. supra p. 142) — Rashi.
- (5) Prov. XIV, 28. The meaning is that the more worshippers, the greater the glory of God.
- (6) I.e., it becomes interest when the place is bought back and the first purchaser recovers his capital.
- (7) Lit., 'one side in interest'
- (8) B.M. 63a.
- (9) I.e., saying, 'the field is sold from now if I do not repay'.
- (10) Lit., 'consumes'.
- (11) Because if the loan is repaid, this will appear like interest on his maneh.
- (12) According to R. Judah, when the loan is repaid, any profit that has been made out of the field in the interval is to be given up. The Rabbis, however, forbid even this since the lender does after all enjoy interest for the time being on the loan. V. B.M., Sonc. ed. p. 376, n. 8.
- (13) But it lasts only while prayers are actually being said.
- (14) Ber. 22.
- (15) For there is no space of four cubits in them in which prayers have not been said by somebody.
- (16) Lit., 'his prayer is ordered in his mouth'.
- (17) Z = Zaccai; L = Eleazar; P = Peridah; N = Nehunia.
- (18) Kiddush, v. P.B. p. 142.
- (19) Because that might also have been fulfilled.
- (20) V. infra p. 171, n. 2.
- (21) I.e., pushed the disciples out of the way in order to get to his place in the beth ha-midrash. It was the custom there to sit on the ground.
- (22) 'Blessed art thou . . . who hast sanctified us with the sanctity of Aaron', v. Sot. 39a.

Talmud - Mas. Megilah 28a

, nor have I said grace before a kohen,¹ nor have I eaten of a beast from which the priestly dues² have not been given,³ as R. Isaac said in the name of R. Johanan: It is forbidden to eat from an animal from which the priestly dues have not been given; and R. Isaac further said: To eat from an animal from which the priestly dues have not been given is like eating tebel.⁴ The law, however, is not as stated by him. 'Nor did I say grace before a kohen'. This implies that this is a meritorious action. But has not R. Johanan said: 'If a talmid hakam allows even a high priest who is all ignoramus to say grace before him, that talmid hakam commits a mortal offence,⁵ as it says, All that hate me [mesanne'ai] love death;⁶ read not mesanne'ai [that hate me], but masni'ai [that make me hated]?'⁷ — When R. Johanan made this remark, he was thinking of equals.⁸

R. Nehunia b. ha-Kaneh was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I sought respect through the degradation of my fellow, nor has the curse of my fellow gone up with me upon my bed, and I have been generous with my money.⁹ 'I have not sought respect through the degradation of my fellow', as illustrated by R. Huna who once was carrying a spade on his shoulder when R. Hana b. Hanilai wanted to take it from him, but he said to him, If you are accustomed to carry in your own town, take it, but if not, I do not want to be paid respect through your degradation. 'Nor did the curse of my fellow go up on my bed with me'. This is illustrated by Mar Zutra, who, when he climbed into his bed said, I forgive all who have vexed me. 'I have been generous with my money', as a Master has said, 'Job was generous with his money; he used to leave with the shopkeeper a perutah¹⁰ of his change'. R. Akiba asked R. Nehunia the great: In virtue of what have you reached such a good old age? His attendants came and

beat him,¹¹ so he went and sat on the top of a date tree, and said to him: Rabbi, seeing that it says ‘a lamb’, why does it also say ‘one’?¹² Thereupon he [R. Nehunia] said, He is a rabbinical student, leave him alone. He then answered his question, saying, ‘One’ means ‘unique in its flock’. Then he said to him: Never in my life have I accepted presents, nor have I insisted on retribution [when wronged],¹³ and I have been generous with my money. ‘I have not accepted presents’, as illustrated by R. Eleazar, who, when presents were sent to him from the Prince would not accept them and when he was invited there would not go. He said to them: Do you not want me to live, since it says, He that hateth gifts shall live?¹⁴ R. Zera, when presents were sent to him from the Prince, would not accept them, but when he was invited there he used to go, saying, They derive honour from my presence. ‘Nor did I insist on retribution’, as Raba said: ‘He who waives his right to retribution¹⁵ is forgiven all his sins, as it says, that pardoneth iniquity and passeth by transgression.¹⁶ Whose iniquity is forgiven? The iniquity of him who passes by transgression.

Rabbi asked R. Joshua b. Korha: In virtue of what have you reached such a good old age? He said to him: Do you begrudge me my life?¹⁷ Said Rabbi to him: This is [a point of] Torah, and it is important for me to learn. He replied: Never in my life have I gazed at the countenance¹⁸ of a wicked man; for so R. Johanan said: It is forbidden to a man to gaze at the form of the countenance¹⁹ of a wicked man, as it says, Were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee nor see thee.²⁰ R. Eleazar said: His eyes become dim, as it says, And it came to pass that when Isaac was old that his eyes were dim, so that he could not see;²¹ because he used to gaze at the wicked Esau. But was that the cause? Has not R. Isaac said: Let not the curse of an ordinary person ever seem of small account to thee, for Abimelech cursed Sarah, and it was fulfilled in her seed, as it says, Behold he is for thee a covering [kesuth] of the eyes.²² Read not ‘kesuth’ but ‘kesiyath’ [blinding]? — Both caused the affliction. Raba said. We learn it from here, It is not good to respect the person of the wicked.²³ When he was about to depart life, Rabbi said to him, Bless me. He said to him: May it be heaven's will that you attain to half my days. Not to their whole length [he exclaimed]? Shall those who succeed you,²⁴ [he replied] pasture cattle?²⁵

Abbuha b. Ihi and Minyamin b. Ihi [both left sayings on this subject]. One said: May I be rewarded²⁶ because I have never gazed at a Cuthean, and the other said, May I be rewarded because I have never gone into partnership with a Cuthean.

R. Zera was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I been harsh with my household, nor have I stepped in front of one greater than myself, nor have I meditated on the Torah in filthy alleys,²⁷ nor have I gone four cubits without Torah²⁸ and tefillin,²⁹ nor have I slept in the beth ha-midrash,²⁹ either a long or a short sleep,³⁰ nor have I rejoiced in the downfall of my fellow, nor have I called my fellow by his nickname, (or, as some report, ‘family nickname’).³¹

MISHNAH. R. JUDAH SAID FURTHER:³² IF A SYNAGOGUE HAS FALLEN INTO RUINS, IT IS NOT RIGHT TO DELIVER FUNERAL ORATIONS THEREIN NOR TO WIND ROPES³³ NOR TO SPREAD NETS NOR TO LAY OUT PRODUCE ON THE ROOF [TO DRY] NOR TO USE IT AS A SHORT CUT,³⁴ AS IT SAYS, AND I WILL BRING YOUR SANCTUARIES UNTO DESOLATION,³⁵ [WHICH IMPLIES THAT] THEIR HOLINESS REMAINS EVEN WHEN THEY ARE DESOLATE. IF GRASS COMES UP IN THEM, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION.³⁶

GEMARA. Our Rabbis taught: ‘Synagogues must not be treated disrespectfully. It is not right to eat or to drink in them

(1) But invariably gave him precedence, v. Git. 59b.

(2) The shoulder, the two cheeks and the maw. Deut. XVIII, 3.

- (3) Bah. reverses the order of the two last clauses.
- (4) Produce from which the priestly and levitical dues have not been separated.
- (5) [Lit., 'deserves death', a recurring rabbinic phrase not to be taken literally but merely as expressing strong indignation].
- (6) Prov. VIII, 36. Wisdom is speaking.
- (7) The talmid hakam makes wisdom hated by allowing the ignoramus to have precedence.
- (8) I.e., where the priest is also a talmid hakam, even though not of equal standing (Tosaf.).
- (9) Lit., 'ready to excuse with my money'.
- (10) V. Glos.
- (11) For asking such a question, v. infra.
- (12) Num. XXVIII, 4, of the daily sacrifice: one lamb in the evening where 'a lamb' would have been sufficient.
- (13) Lit., 'insisted on my measures'.
- (14) Prov. XV, 27.
- (15) Lit., 'passes by his measures'.
- (16) Micah VII, 18.
- (17) That you ask me such a question.
- (18) Lit., 'likeness', with reference to Gen. I, 26.
- (19) Lit., 'image of the likeness V. ibid.
- (20) II Kings III, 14. Spoken by Elisha to Jehoram.
- (21) Gen. XXVII, 1.
- (22) Ibid. XX, 16.
- (23) Prov. XVIII, 5.
- (24) Your children (Rashi).
- (25) They will also be scholars, and if you live too long, they will not enjoy a position of dignity.
- (26) Lit., 'let it come to me'.
- (27) V. Ber. 24b.
- (28) I.e., without conning words of Torah.
- (29) V. Glos.
- (30) Lit., 'a fixed or an accidental sleep'.
- (31) So Rashi. According to Maharsha the reading should be 'my nickname, i.e., a name of reproach which he himself would reject. [According to some edd. there is no difference in the meaning but in the Hebrew word used to express 'nickname', in the former version it is hakinah, in the latter hanikah].
- (32) The point of the word 'further' is not clear, as R. Judah was the most lenient of the authorities quoted in the last Mishnah, and this Mishnah contains restrictions. V. Tosaf.
- (33) This is taken as typical of any kind of rough work which needs a great deal of room such as a synagogue would provide (Rashi).
- (34) קפנדריא, compendiaria, sc. via.
- (35) Lev. XXVI, 31.
- (36) In the beholders, and make them pray for the restoration of the holy place.

Talmud - Mas. Megilah 28b

, nor to dress up in them, nor to stroll about in them, nor to go into them in summer to escape the heat and in the rainy season to escape the rain, nor to deliver a private funeral address¹ in them. But it is right to read [the Scriptures] in them and to repeat the Mishnah and to deliver public funeral addresses.² R. Judah said: When is this? When they are still in use; but when they are abandoned, grass is allowed to grow in them, and it should not be plucked, so as to excite compassion'. Who was speaking about grass? — There is an omission, and the statement should read thus: 'They should be swept and watered so that grass should not grow in them. R. Judah said: When is this? When they are in use; but when they are abandoned, grass is allowed to grow in them; if grass does grow, it is not plucked, so that it may excite compassion

R. Assi said: The synagogues of Babylon have been built with a stipulation,³ and even so they must not be treated disrespectfully. What [for instance] is this? — Doing calculations [for business purposes] in them. R. Assi said: A synagogue in which people make calculations is used for keeping a dead body in over night. You actually think it is used for keeping a dead body in? — Is there no way otherwise? But [say] in the end a meth mizwah⁴ will be kept there over night.

‘Nor to dress up in it’. Raba said: The Sages and their disciples are permitted — since R. Joshua b. Levi has said: What is the meaning of ‘Be Rabbanan’?⁵ The Rabbis’ house.

‘Nor to go into them in summer to escape the heat and in the rainy season to escape the rain’. For instance, Rabina and R. Ada b. Mattenah were once standing and asking questions of Raba when a shower of rain came on. They went into the synagogue, saying, Why we have gone into the synagogue is not because of the rain, but because the discussion of a legal point requires clarity, like a clear day.⁶

R. Aha the son of Raba asked R. Ashi: If a man has occasion to call another out of synagogue, what is he to do? He replied: If he is a rabbinical student, let him say some halachah; if he is a tanna,⁷ let him repeat a Mishnah; if he is a Kara,⁸ let him say a verse of Scripture; if none of these, let him say to a child, ‘Repeat me the last verse you have learnt’; or else let him stay a little while and then get up.

‘To deliver public funeral addresses⁹ in them’. What is meant by a public funeral address? — R. Hisda gave as an example, For instance, a funeral address at which R. Shesheth is present.¹⁰ R. Shesheth mentioned as an example: For instance, a funeral address at which R. Hisda is present.¹¹ Rafram had a funeral address delivered for his daughter-in-law in the synagogue, saying, To pay honour to me and to the dead¹² all the people will come.¹³

R. Zera delivered a funeral address for a certain rabbinical student in the synagogue, saying, Whether to pay honour to me or to pay honour to the dead, all the public will come.

Resh Lakish delivered a funeral address for a certain rabbinical student who frequented the Land of Israel and who used to repeat halachoth¹⁴ before twenty-four rows [of disciples]. He said: Alas! The Land of Israel has lost a great man. [On the other hand] there was a certain man who used to repeat halachoth, Sifra and Sifre and Tosefta,¹⁵ and when he died they came and said to R. Nahman, Sir, will you deliver a funeral oration for him, and he said, How are we to deliver over him an address: Alas! A bag full of books has been lost!¹⁶ Observe now the difference between the rigorous scholars of the Land of Israel and the saints of Babylon.¹⁷

We have learnt in another place:¹⁸ ‘Whoever makes use of a crown, passeth away [from the world]’ and Resh Lakish commented: This applies to one who accepts service from one who can repeat halachoth, and ‘Ulla said: A man may accept service from one who can repeat the four [orders of the Mishnah]¹⁹ but not from one who can [also] teach²⁰ them. This is illustrated by the following story of Resh Lakish, he was once traveling along a road when he came to a pool of water, and a man came up and put him on his shoulders and began taking him across. He said to the man: Can you read²⁰ the Scriptures? He answered, I can. Can you repeat the Mishnah? [He replied], I can repeat four orders of the Mishnah. Resh Lakish thereupon said: You have hewn four rocks, and you carry Resh Lakish on your shoulder? Throw the son of Lakisha into the water! He replied: I would sooner that your honour tell me something.²¹ If so, he replied, learn from me this dictum which was enunciated by R. Zera: ‘The daughters of Israel imposed spontaneously upon themselves the restriction that if they saw [on their garments] a spot of blood no bigger than a mustard seed, they waited for seven days without issue [before taking a ritual bath].²²

It was taught in the Tanna debe Eliyyahu:²³ 'Whoever repeats halachoth may rest assured that he is destined for the future world, as it says, His goings [halikoth] are to eternity.²⁴ Read not halikoth but halachoth'.

Our Rabbis taught:

- (1) I.e., one not attended by the general public.
- (2) V. *infra*.
- (3) That they may be used for various purposes.
- (4) As punishment many will die and there will be no near relatives found to attend to their burial. V. *Glos*.
- (5) Lit., 'at the Rabbis', the common name for the College, exactly equivalent to the French *chez les Rabbins*, be being a contraction of *beth* (the house of).
- (6) Lit., 'a day of the north wind'. They could not think clearly in the rain.
- (7) V. *Glos. s.v. (b)*.
- (8) Lit., 'reader'; one who could recite correctly the Scriptures by heart; v. *Supra* p. 133, n. 5.
- (9) Heb. *hesped*. This was an address in honour of the dead designed to evoke lamentation and mourning, and often delivered by a professional orator called a *safdan*.
- (10) Lit., 'a hesped at which R. Shesheth stands'. (V. *Maharsha*).
- (11) R. Shesheth and R. Hisda desired to pay compliments to one another.
- (12) Rashi reads: Whether to pay honour to me or to the dead.
- (13) This makes it a public funeral address.
- (14) Traditional teachings.
- (15) *Sifra* is the halachah midrash on Leviticus; *Sifre* the halachic midrash on Num. V to the end of Deuteronomy; *Tosefta* the *Baraitha* of R. *Hiyya*; v. *Sanh. Sonc. ed.*, p. 567, n. 1.
- (16) As much as to say, that would not redound to his praise: he could only repeat these books parrot-like, but did not know what they meant.
- (17) *Resh Lakish* was from Palestine, R. *Nahman* from Babylon. On the rigour of the former v. *Yoma 9b*; on the saintliness of the latter v. *Sot. 49b*.
- (18) *Ab. I.*
- (19) Apparently the Orders of *Zera'im* and *Toharoth* were not considered so necessary as no longer having practical application (V. *Maharsha*).
- (20) I.e., explain.
- (21) So that he might be indebted to *Resh Lakish* and be allowed to perform service for him.
- (22) Whereas the law demanded this only if an issue was observed three days running, during the eleven days between the menses, v. *supra* P. 44, n. 4.
- (23) I.e., in a *Baraitha* attributed to *Elijah*; v. *Keth.*, *Sonc. ed.* p. 680, n. 2.
- (24) *Hab. III, 6. E.V.* 'as of old'.

Talmud - Mas. Megilah 29a

The study of the Torah may be suspended for escorting a dead body to the burying place and a bride to the canopy. It was recorded of R. Judah b. Ila'i that he used to suspend the study of the Torah for escorting a dead body to the burying place and a bride to the canopy. When does this rule [regarding the dead] apply? When there are not present sufficient numbers [to pay him due honour]; but if sufficient numbers are available, [the study of the Torah] is not suspended. What numbers are sufficient?—R. Samuel b. Inia said in the name of Rab: Twelve thousand and [in addition] six thousand trumpets, or, as according to another version, twelve thousand men of whom six thousand have trumpets. Ulla said: Enough to make a procession extending from the burying ground to the town gate. R. Shesheth said: The withdrawal of the Torah¹ should correspond to its delivery:² as its delivery was in the presence of sixty myriads, so its withdrawal should be accompanied by sixty myriads. This applies to one who knew by heart Scripture and Mishnah; but for one who [also] taught the Mishnah there is no limit.³

It has been taught: R. Simon b. Yohai said: Come and see how beloved are Israel in the sight of God, in that to every place to which they were exiled the Shechinah went with them. They were exiled to Egypt and the Shechinah was with them, as it says, Did I reveal myself unto the house of thy father when they were in Egypt.⁴ They were exiled to Babylon, and the Shechinah was with them, as it says, for your sake I was sent to Babylon.⁵ And when they will be redeemed in the future, the Shechinah will be with them, as it says, Then the Lord thy God will return [with] thy captivity.⁶ It does not say here we-heshib [and he shall bring back] but we-shab [and he shall return]. This teaches us that the Holy One, blessed be He, will return with them from the places of exile.

Where [is the Shechinah] in Babylon?-Abaye said: In the synagogue of Huza⁷ and in the synagogue of Shaf-veyathib⁸ in Nehardea. Do not, however, imagine that it is in both places,⁹ but it is sometimes in one and sometimes in the other. Said Abaye: May I be rewarded¹⁰ because whenever I am within a parasang¹¹ I go in and pray there.

The father of Samuel and Levi were sitting in the synagogue which 'moved and settled' in Nehardea. The Shechinah came and they heard a sound of tumult and rose and went out. R. Shesheth was once sitting in the synagogue which 'moved and settled' in Nehardea, when the Shechinah came. He did not go out, and the ministering angels came and threatened him. He turned to him and said: Sovereign of the Universe, if one is afflicted¹² and one is not afflicted, who gives way to whom? God thereupon said to them: Leave him.

Yet have I been to them as a little sanctuary.¹³ R. Isaac said: This refers to the synagogue and houses of learning in Babylon. R. Eleazar says: This refers to the house of our teacher¹⁴ in Babylon.

Raba gave the following exposition: What is the meaning of the verse, Lord, thou hast been our dwelling [ma'on] place?¹⁵ This refers to synagogues and houses of learning. Abaye said: Formerly I used to study at home and pray in the synagogue, but when I noticed¹⁶ the words of David, O Lord, I love the habitation [me'on] of thy house,¹⁷ I began to study also in the synagogue.

It has been taught: R. Eleazar ha-Kappar says: The synagogues and houses of learning in Babylon will in time to come be planted in Eretz Israel, as it says, For as Tabor among the mountains and as Carmel by the sea came.¹⁸ Now can we not draw an inference here a fortiori: Seeing that Carmel and Tabor which came only on a single occasion to learn the Torah are implanted in Eretz Israel, how much more must this be the case with the synagogues and houses of learning where the Torah is read and expounded!¹⁹

Bar Kappara gave the following exposition: What is the meaning of the verse, Why look ye askance [terazedun], ye mountains of peaks.²⁰ A bath kol²¹ went forth and said to them: Why do ye desire litigation [tirzu din] with Sinai? Ye are all full of blemishes as compared with Sinai. It is written here gabnunim [with peaks], and it is written elsewhere or crookedbacked [gibben] or a dwarf.²² R. Ashi observed: You can learn from this that if a man is arrogant, this is a blemish in him.

IT SHOULD NOT BE USED AS A SHORT CUT [KAPANDRIA]. What is kapandria?²³ Raba said: Kapandria is as its name implies. What does its name imply? As if one were to say, Instead of going round the block ['makifna adare], I will go through here. R. Abbahu said: If a road passed through there originally,²⁴ it is permitted. R. Nahman b. Isaac said: If one goes in without any intention of using it as a short cut, he may afterwards use it as a short cut. And R. Helbo said in the name of R. Huna: If one enters a synagogue to pray, he may²⁵ afterwards use it as a short cut, as it says, But when, the people of the land shall come before the Lord at the appointed seasons, he that entereth by way of the north gate to worship shall go forth by way of the south gate.²⁶

IF GRASS HAS GROWN IN IT, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION. But it has been taught: 'It should not be plucked and given as food [to cattle], but it may be plucked and left there'? — The statement in our Mishnah also refers to plucking and giving for food.

Our Rabbis taught: 'Burying grounds must not be treated disrespectfully. Cattle should not be fed in them, nor should a watercourse be turned through them, nor should grass be plucked in them, and if it is plucked, it should be burnt on the spot, out of respect for the dead'. To what do these last words apply? Shall I say, to the last clause? If it is burnt on the spot, what respect does this show for the dead? It must be then to the preceding clauses.

MISHNAH. IF THE NEW MOON OF ADAR FALLS ON SABBATH, THE PORTION OF SHEKALIM²⁷ IS READ [ON THAT DAY]. IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK.²⁸ ON THE SECOND [OF THE SPECIAL SABBATHS] ZAKOR²⁹ IS READ, ON THE THIRD THE PORTION OF THE RED HEIFER,³⁰ ON THE FOURTH THIS MONTH SHALL BE TO YOU.³¹ ON THE FIFTH THE REGULAR ORDER³² IS RESUMED. [THE REGULAR READING]³³ IS INTERRUPTED FOR ANY SPECIAL OCCASION: FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH,³⁴ AND FOR THE DAY OF ATONEMENT.³⁵

GEMARA. We have learnt in another place: 'On the first of Adar proclamation is made with regard to the shekels'³⁶

(1) I.e., the burial of a learned man.

(2) At Mount Sinai.

(3) V. Keth. 17a.

(4) I Sam. II, 27. This is taken to mean that God revealed himself to Aaron in Egypt even before Moses came.

(5) Isa. XLIII, 14. E.V. (incorrectly) 'have sent'.

(6) Deut. XXX, 3.

(7) V. supra p. 26 n. 1. Sherira Gaon, in his Epistle (ed. Lewin p. 73) locates it 'near the Beth Hamidrash of Ezra the Scribe, below Nehardea'.

(8) שֵׁף וְיָתִיב Lit., 'that moved and settled'. The name for a synagogue in Nehardea which according to tradition was built with materials brought by King Jeconiah and his companions from Jerusalem at the time of the first captivity. [For this tradition v. Sherira Gaon op. cit. p. 72-3, where the passage is also found with variants: Rab said in the synagogue of Huzal, Samuel said in the synagogue of Shaf-weyathib in Nehardea. The name is also spelled שְׁפִיתִיב and is regarded by some as being a name of a place, v. Krauss, Synagogale Altertumer pp. 214ff and Obermeyer pp. 299ff].

(9) Lit., 'here and there'. [Sherira Gaon: 'here and not there'].

(10) Lit., 'may it come to me'.

(11) Of either of these synagogues.

(12) R. Shesheth was blind.

(13) Ezek. XI, 16.

(14) Rab. [The reference is to the venerable old Synagogue founded by Rab in Sura of which there is frequent mention in the Geonic Responsa; v. Krauss, Synagogale Altertumer, p. 221 and Ginzberg, Geonica, p. 41].

(15) Ps. XC, 1.

(16) Lit., 'heard' or 'understood'. This means apparently that his attention was called to them by the exposition of Raba.

(17) Ibid. XXVI, 8.

(18) Jer. XLVI, 18. E.V. 'As Tabor... he shall come'. According to tradition these two mountains (or their angelic guardians) came to Sinai at the giving of the Law.

(19) Lit., 'spread (learning among many)'.

(20) Ps. LXVIII, 17. According to tradition, all the mountains were jealous of Sinai.

(21) V. Glos.

- (22) Lev. XXI, 20.
- (23) V. supra p. 171, n. 2.
- (24) I.e., before the synagogue was built.
- (25) According to Asheri, this is not only permitted but is a duty.
- (26) Ezek. XLVI, 9.
- (27) The Gemara discusses what this is.
- (28) In the series of four special Sabbaths; v. supra p. 32, n. 5.
- (29) Deut. XXV, 17-19; on account of Purim.
- (30) Num. XIX, calling the people's attention to the need of ritual cleanness for participating in the Paschal lamb soon to be offered.
- (31) Ex. XII; on account of the proximity of Passover.
- (32) V. Gemara infra.
- (33) The Pentateuch is divided into a number of portions (sidra), one to be read on each Sabbath of the year, commencing with the Sabbath after Tabernacles. The opening verses of each weekly portion are also read on Sabbath afternoon, and in the morning service on the Monday and Thursday of that week. It is the weekday reading that is here primarily referred to.
- (34) V. Glos.
- (35) In the Minhah service, even when it falls on Sabbath (v. Tosaf.).
- (36) The so-called *terumath halishkah*, contributions to the shekel chamber to provide the daily sacrifices for the coming year.

Talmud - Mas. Megilah 29b

and with regard to diverse seeds.¹ I can understand it being made for diverse seeds, because it is the time for sowing.² But what is the ground for making it for the shekels? — R. Tabi said in the name of R. Josiah: Because Scripture says, This is the burnt-offering of each new moon in its renewal.³ The Torah herein says to us: As you renew the month, bring an offering from the new contributions. And since it is in Nisan that we have to bring from the new contributions,⁴ we read beforehand on the first of Adar so that shekels should be brought [in time] to the Sanctuary. With whose view does this accord? Not with that of R. Simeon b. Gamaliel. For if you take the view of R. Simeon b. Gamaliel, he requires [only] two weeks' [notice], as it has been taught: 'Moot points in the law of Passover are considered⁵ from thirty days before Passover; R. Simeon b. Gamaliel, however, says, from two weeks before'. You may even say it accords with the view of R. Simeon b. Gamaliel. For since a Master has said that 'on the fifteenth of this month [Adar] tables⁶ are set up in the provinces and on the twenty-fifth in the Sanctuary',⁷ On account of the tables we read beforehand [on the first of Adar].⁸

What is the portion of Shekalim? — Rab said, Commanded the children of Israel and say unto them My food which is presented unto me,⁹ Samuel said, When thou takest.¹⁰ We call well see how, according to the one who says the portion is 'When thou takest', it is called the portion of Shekalim, because shekalim are mentioned in it. But according to the one who says it is 'My food which is presented to me', — are shekels mentioned there? — Yes; the reason is based on the dictum of R. Tabi.¹¹ I can well understand [the reason of] the one who says that 'Command the children of Israel' [should be read], because sacrifices are mentioned in it. But according to the one who says that 'When thou takest' should be read, are sacrifices mentioned there? It is the shekels for the sockets that are mentioned there!¹² — [The reason is] as R. Joseph learnt: 'There were three contributions;¹³ of the altar for the altar,¹⁴ of the sockets for the sockets, and of the repair of the House for the repair of the House'.¹⁵ There is a justification for the one who says that 'When thou takest' should be read, because he thus makes a difference between this New Moon and other New Moons. But the one who says that 'Command the children of Israel' should be read — what difference does he make?¹⁶ — He does make a difference, because on other New Moons¹⁷ six read in the portion of the day¹⁸ and one that of New Moon, whereas on this occasion all read in that of New Moon. This is a good answer for

one who says that [when the Mishnah says that the 'REGULAR ORDER' IS RESUMED it means] 'the regular order of portions'; but according to the one who says that [what it means is that] the order of haftarahs¹⁹ is resumed [and the order of Pentateuch portions has not been interrupted], what difference is there [between this New Moon and others]? — There is a difference, because on other New Moons six read in the portion of the day¹⁸ and one the special portion for New Moon, whereas on this occasion three read in the portion of the day and four in that of New Moon.

On objection was raised:²⁰ 'When the New Moon of Adar falls on Sabbath, the portion of Shekalim is read, and the chapter of Jehoiada the Priest²¹ is said as haftarah'. Now according to the one who says that 'When thou takest' should be said, there is a good reason for reading Jehoiada the Priest as haftarah because it is similar in subject,²² as it is written [there], the money of the persons for whom each man is rated.²³ But according to the one who says that 'My food which is presented to me' is read, is there any similarity? — There is, on the basis of R. Tabi's dictum.²⁴

The following was then cited in objection: 'If it [the New Moon of Adar] falls on the portion next to it [the portion of Shekalim], whether before or after, they read it and repeat it'. Now this creates no difficulty for one who holds that 'When thou takest' is read because [the regular portion containing this passage] falls about that time.²⁵ But according to the one who says that 'My food which is presented to me' is read — does [the portion containing that passage] fall about that time?²⁶ — Yes, for the people of Palestine, who complete the reading of the Pentateuch in three years.²⁷

It has been taught in agreement with Samuel: 'When the New Moon of Adar falls on Sabbath, the portion 'When thou takest' is read, and the haftarah is about 'Jehoiada the Priest'.

R. Isaac Nappaha said: When the New Moon of Adar falls on Sabbath, three scrolls of the Law are taken out [of the Ark], and read out of — from one the portion of the day, from one the portion of New Moon,²⁸ and from one 'When thou takest'. R. Isaac b. Nappaha also said: When the New Moon of Tebeth falls on Sabbath, three scrolls of the Law are brought and read out of; from one the regular portion, from a second the portion of New Moon, and from the third that of Hanukkah.²⁹ Both statements are required. For if only the latter had been given, [I might think that] in this case R. Isaac required [three scrolls], but in the other case he followed the view of Rab who said that the portion of Shekalim is 'My food which is presented to me', and therefore two would be enough. Therefore we are told that this is not so. But why not state the former [only] and the other would not need to be stated? — One was inferred from the other.³⁰

It was stated: If the New Moon of Tebeth falls on a weekday, R. Isaac [Nappaha] says that three read the portion of New Moon and one the portion of Hanukkah. R. Dimi from Haifa, however, says that three read the portion of Hanukkah and one that of New Moon. Said R. Mani: The opinion of R. Isaac Nappaha is the more probable, because when it is a question between the regular and the intermittent, the regular takes precedence.³¹ R. Abin, however, said: The opinion of R. Dimi is the more probable. For what is it that causes a fourth man to read?³² The New Moon. Therefore the fourth ought to read the portion of the New Moon. What do we decide? — R. Joseph said: We take no notice of New Moon,³³ while Rabbah said, We take no notice of Hanukkah. The law, however, is that we take no notice of Hanukkah,' and New Moon is the main consideration.

It was stated: 'If it [the Sabbath of Shekalim] falls when the portion 'And thou shalt command'³⁴ is read, then six persons read from 'And thou shalt command' to 'When thou takest', and one from 'When thou takest' to 'Thou shalt also make'.³⁵ Abaye remarked:

(1) That it is time to pluck them up, if any have appeared, v. Shek. I, 1.

(2) More precisely, sprouting (v. Tosaf.).

- (3) Num. XXVIII, 14.
- (4) This is derived in R.H. 7a from the words 'for the months of the year' in this text.
- (5) Lit., 'one asks concerning the laws of Passover'.
- (6) For changing smaller coins into shekels.
- (7) Shek. I, 3.
- (8) The two weeks before the tables are set up.
- (9) Num. XXVIII, 2. This is the portion always read on New Moon.
- (10) Ex. XXX, 12ff
- (11) Who said that shekels are to be brought in Adar for the congregational sacrifices.
- (12) As we learn from Ex. XXXVIII, 26-28.
- (13) The word *terumah* occurs three times in Ex. XXX, 12ff.
- (14) For the purchase of congregational sacrifices for the altar.
- (15) So that congregational sacrifices are also referred to in Ex. XXX, 12ff.
- (16) Since this is the portion actually read on every other new moon.
- (17) That fall on Sabbath.
- (18) The Pentateuchal portion of the particular week cf. p. 178, n. 6.
- (19) V. Glos. The special feature of the reading is that the one who is called up *maftir* reads a special portion appropriate for the day instead of the one in the sequence of the weeks.
- (20) Against the view that the portion of Shekalim is from Num. XXVIII.
- (21) 11 Kings XII.
- (22) The prophetic reading (*haftarah*) must always have some resemblance in subject matter to the Pentateuchal lesson of the day.
- (23) *Ibid.* 5.
- (24) V. p. 179, n. 7.
- (25) The portion *Ki Thisa* in which this passage occurs usually falls on a Sabbath about the beginning of Adar.
- (26) This passage is in the portion *Pinhas*, which usually falls about the middle of Tammuz.
- (27) This is known as the Triennial Cycle.
- (28) Num. XXVIII, 1-15.
- (29) In Num. VII. Hanukkah lasts from Kislev 25 to Tebeth 2 or 3.
- (30) I.e., the statement about Hanukkah was given not as a tradition but as an inference.
- (31) New Moon comes every month, Hanukkah only every twelve months.
- (32) On the other days of Hanukkah only three read.
- (33) I.e., we do not make it the first consideration.
- (34) The portion *Tezaweh* from Ex. XXVII, 20 to XXX, 10, which is followed by the portion *Ki Thissa*.
- (35) *Ibid.* XXX, 11-16. I.e., six read the portion of *Tezaweh* and one the portion of *Shekalim* which immediately follows.

Talmud - Mas. Megilah 30a

If that is done, people will say that that is where they stop.¹ No, said Abaye; six read from 'And thou shalt command' to 'Thou shalt also make', and one repeats and reads from 'When thou takest' to 'Thou shalt also make'.

The following was cited in objection to this: 'If it [the Sabbath of Shekalim] falls on the Sabbath of the portion adjoining it, whether just before or just after,² it is read and repeated'. Now if we accept the view of Abaye, this is quite in harmony with it; but on the view of R. Isaac Nappaha, it does conflict with it,³ [does it not]? — R. Isaac Nappaha can answer you: And on the view of Abaye does it create no difficulty? We may allow the Sabbath before it, but if it falls on the Sabbath after, where do you find a repetition? What you have to say in fact is that [according to Abaye] this portion [of Shekalim] is read on two successive Sabbaths;⁴ so I too can answer that it is read on two successive Sabbaths.

If it falls on the portion of 'When thou takest' itself, R. Isaac Nappaha says that six read from

‘Thou shalt also make’ to ‘And Moses assembled’,⁵ and one from ‘When thou takest’ to ‘Thou shalt also make’. Abaye strongly demurred to this, saying, Now people will say that we are reading backwards!⁶ No, said Abaye; Six read to ‘And Moses assembled’, and one repeats from ‘When thou takest’ to ‘Thou shalt also make’. It has been taught in agreement with Abaye: ‘If it falls on [the Sabbath of] ‘When thou takest itself, it is read on the Sabbath before’.

It was stated: ‘If the new moon of Adar falls on Friday, Rab says that [the portion of Shekalim] is read on the Sabbath before, while Samuel says that it is read on the Sabbath after’. Rab says it is read before, because otherwise there will be a shortage in the days of the tables.⁷ Samuel says it is read after, because after all the fifteenth day [from the new moon] falls on a Friday, and the tables will not be taken out till the Sunday; therefore we delay the reading [of the portion of Shekalim].

We have learnt: IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK. Does not this rule apply even where it falls on Friday? — No; only if it falls actually in the middle part of the week.

Come and hear: ‘Which is the first Sabbath [of the series]? That in the week succeeding which the new moon of Adar falls, even if it is on the Friday’. Now do not the words ‘even on Friday’ here [put Friday] on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? — Said Samuel: [The words ‘in the middle’ here mean], ‘on it’.⁸ So too a Tanna of the school of Samuel taught: ‘On it’. The same difference of opinion is found between Tannaim: ‘An interruption can be made [in the series] of Sabbaths. This is the ruling of R. Judah the Prince.⁹ R. Simeon b. Eleazar says: No interruption is made. Said R. Simeon b. Eleazar: When do I rule that no interruption may be made? When it [new moon] falls on Friday;¹⁰ but if it falls in the middle of the week, it [the portion of Shekalim] is read on the Sabbath before, even though that is still in Shebat’.¹¹

ON THE SECOND ZAKOR etc. It was stated: If Purim falls on Friday, Rab says that the portion of Zakor is read on the Sabbath before, while Samuel says it is read on the Sabbath after. Rab says it is read on the Sabbath before, so that the celebration [of Purim] should not precede the commemoration [of the miracle]. Samuel says on the Sabbath after; he can argue that since there are the walled cities which celebrate on the fifteenth, celebration and commemoration come together.

We learnt: ON THE SECOND ZAKOR. Now when the new moon [of Adar] is on Sabbath, Purim falls on Friday, and he states ON THE SECOND ZAKOR?¹² — R. Papa replied: What is meant by ‘second’ here? The second to the break.¹³

Come and hear: ‘Which is the second Sabbath? That in the week following which Purim falls, even if on Friday’. Now is not the Friday here mentioned meant to be on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? Said Samuel: [The proper reading is] ‘on it’;¹⁴ and so a Tanna of the school of Samuel taught, ‘On it’.

If it falls on Sabbath itself. R. Huna said, All authorities concur that the portion of Zakor is not read on the Sabbath before, whereas R. Nahman said, There is a difference of opinion on this point also. It was also stated: ‘R. Hiyya b. Abba said in the name of R. Abba, who had it from Rab: If Purim falls on Sabbath, Zakor is read on the Sabbath before’.

ON THE THIRD THE PORTION OF THE RED HEIFER etc. Our Rabbis taught: Which is the third Sabbath? The one which follows Purim. It was stated: R. Hama b. Hanina said: The Sabbath next to the new moon of Nisan. There is no conflict [between these two statements]; the one refers to where the new moon of Nisan falls on Sabbath,¹⁵ and the other to where it falls in the middle of the

week.¹⁶

ON THE FOURTH, THIS MONTH SHALL BE TO YOU. Our Rabbis taught: If the new moon of Adar falls on Sabbath, we read Ki Thissa¹⁷ and [the account of] Jehoiada as haftarah. Which is the first Sabbath? The one in the week following which the new moon of Adar falls, even if on Friday. On the second Sabbath Zakor is read, and for haftarah, I have visited.¹⁸ Which is the second Sabbath? The one in the week following which Purim falls, even if on Friday. On the third Sabbath the portion of the Red Heifer is read, and for haftarah, And I shall sprinkle on you.¹⁹ Which is the third Sabbath? The one which follows Purim. On the fourth 'This month'²⁰ is read, and for haftarah, Thus saith the Lord God, in the first month on the first of the month.²¹

(1) I.e., that the portion of Tezaweh extends to XXX, 16.

(2) I.e., the portion of Tezaweh or that of Wa-yakhel.

(3) Because there is no doubling according to R. Isaac Nappaha.

(4) Lit., 'he doubles it on Sabbaths'. Once qua Shekalim, and once as part of Ki Thissa; and this is the meaning of the word 'repeated' in the Baraita quoted.

(5) The beginning of the portion next to Ki Thissa — the portion Wa-yakhel. I. e., the whole portion Ki Thissa, commencing from Ex. XXX, 17 up to XXXIV, 35.

(6) Because the first verses of the portion (11-16) are read last.

(7) I.e., two full weeks will not elapse between the proclamation of the Shekalim and the setting of the tables on Adar 15.

(8) Viz., on the Sabbath itself.

(9) I.e., his version of the statement in the Mishnah was, 'Which is the first Sabbath? That on which etc.

(10) In which case even if it is read on the Sabbath after it would not affect the 'tables' as stated supra.

(11) The month preceding Adar.

(12) 'Second' being taken to mean the second Sabbath of the month.

(13) I.e., the Sabbath after the one on which there is no special portion.

(14) V. supra.

(15) In which case the 'portion of the red heifer' is read on the Sabbath preceding it.

(16) In which case the 'portion of the month' is read on the Sabbath preceding it.

(17) I.e., the portion of Shekalim.

(18) 1 Sam. XV.

(19) Ezek. XXXVI, 22ff

(20) Ex. XII, 1-20.

(21) Ezek. XLV, 18.

Talmud - Mas. Megilah 30b

Which is the fourth Sabbath? — The one immediately preceding the week in which the new moon of Nisan falls, even if on Friday.

ON THE FIFTH THE REGULAR ORDER IS RESUMED. What order? — R. Ammi said: The order of weekly portions: R. Jeremiah said, The order of haftarahs is resumed. Said Abaye: The opinion of R. Ammi is the more probable, Since we learnt: THE REGULAR READING IS INTERRUPTED FOR ANY SPECIAL OCCASION FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH AND FOR THE DAY OF ATONEMENT. This accords well with the opinion of the one who says that the order of weekly portions is resumed,¹ seeing that a portion [of the Law] is read on weekdays.² But on the view of him who says that the order of haftarahs is resumed — is there any haftarah on [ordinary] weekdays?³ [What says] the other to this? — The one rule holds where it applies, and the other where it applies.⁴ But on fast days [according to R. Jeremiah], why should there be an interruption [of the regular portion]? Let us read in the morning from the portion of the week and at Minhah on the subject of the fast? — [R.

Jeremiah's ruling] supports R. Huna; for R. Huna said: 'In the morning of fast days there is a public assembly'.⁵ How do we act? Abaye said: From the morning to midday we examine the affairs of the town;⁶ from midday to evening, for a quarter of the day we read the portion of the Law and the haftarah, and for a quarter we offer up supplications as it says, And they read in the book of the law of their Lord a fourth part of the day, and another part they confessed and prostrated themselves before the Lord their God.⁷ But cannot I interpret this in the reverse way?⁸ — Do not imagine such a thing, since it is written, Then were assembled unto me every one that trembled at the words of the God of Israel because of the faithlessness of them of the captivity and I sat appalled unto the evening offering;⁹ and it goes on, And at the evening offering I arose up from my fasting.¹⁰

MISHNAH. ON PASSOVER WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS.¹¹ ON PENTECOST, 'SEVEN WEEKS'¹² ON NEW YEAR, 'ON THE SEVENTH DAY ON THE FIRST OF THE MONTH';¹³ ON THE DAY OF ATONEMENT, 'AFTER THE DEATH';¹⁴ ON THE FIRST DAY OF TABERNACLES WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS, AND ON THE OTHER DAYS OF TABERNACLES THE SECTION OF THE OFFERINGS OF THE FESTIVAL.¹⁵ ON HANUKKAH WE READ THE SECTION OF [THE DEDICATION OF THE ALTAR BY] THE PRINCES;¹⁶ ON PURIM, 'AND AMALEK CAME';¹⁷ ON NEW MOONS, 'AND ON YOUR NEW MOONS';¹⁸ ON MA'AMADOTH,¹⁹ THE ACCOUNT OF THE CREATION;²⁰ ON FAST DAYS,²¹

(1) R. Ammi held that on Sabbaths a special portion was substituted for the regular one on special occasions, cf. supra p. 180.

(2) On which the ma'amadot met for prayer and a fast could be held.

(3) Though there is on fast days. V. infra.

(4) I.e., the order of haftarahs is resumed on Sabbaths and of portions on other days.

(5) And so there is no time to read the Law; v. Ta'an 12b.

(6) I.e., the conduct of the inhabitants.

(7) Neh. IX, 3.

(8) That the reading of the Law was in the morning.

(9) Ezra IX, 4.

(10) Ibid. 5.

(11) I.e., Lev. XXIII. Heb. Torath Kohanim, (lit., 'law of the priests'), the name given by the Rabbis to Leviticus.

(12) Deut. XVI, 9ff.

(13) Lev. XXIII, 23ff.

(14) Lev. XVI.

(15) Num. XXIX, 12ff.

(16) Num. VII.

(17) Ex. XVII, 8ff.

(18) Num. XXVIII, 11ff.

(19) V. Glos.

(20) Because the heaven and earth are preserved on account of the sacrifices. V. Ta'an 26a.

(21) [According to Geonic authorities the reference here is to fasts for rain. v. Lewin, Ozar ha-Geonim, Megillah p. 60].

Talmud - Mas. Megillah 31a

THE SECTION OF BLESSINGS AND CURSES.¹ THE SECTION OF CURSES MUST NOT BE BROKEN UP, BUT MUST ALL BE READ BY ONE PERSON. ON MONDAY AND THURSDAY AND ON SABBATH AT MINHAH THE REGULAR PORTION OF THE WEEK IS READ, AND THIS IS NOT RECKONED AS PART OF THE READING [FOR THE SUCCEEDING SABBATH],² AS IT SAYS,³ AND MOSES DECLARED UNTO THE CHILDREN OF ISRAEL. THE APPOINTED SEASONS OF THE LORD;⁴ WHICH IMPLIES THAT IT IS PART OF THEIR ORDINANCE THAT EACH SHOULD BE READ IN ITS SEASON.

GEMARA. Our Rabbis taught: ‘On Passover we read from the section of the festivals⁵ and for haftarah the account of the Passover of Gilgal’.⁶ Now⁷ that we keep two days Passover, the haftarah of the first day is the account of the Passover in Gilgal and of the second day that of the Passover of Josiah.⁸ ‘On the other days of the Passover the various passages in the Torah relating to Passover are read’⁹ What are these? — R. Papa said: The mnemonic is M'A'P'U'.¹⁰ ‘On the last day of Passover we read, And it came to pass when God sent,¹¹ and as haftarah, And David spoke’.¹² On the next day we read, All the firstborn,¹³ and for haftarah, This very day.¹⁴ Abaye said: Nowadays the communities are accustomed to read ‘Draw the ox’, ‘Sanctify with money’, ‘Hew in the wilderness’, and ‘Send the firstborn’.¹⁵ ‘On Pentecost, we read Seven weeks,¹⁶ and for haftarah a chapter from Habakuk.¹⁷ According to others, we read In the third month,¹⁸ and for haftarah the account of the Divine Chariot’.¹⁹ Nowadays that we keep two days, we follow both courses, but in the reverse order.²⁰ On New Year we read On the seventh month,²¹ and for haftarah, Is Ephraim a darling son unto me.’²² According to others, we read And the Lord remembered Sarah²³ and for haftarah the story of Hannah.²⁴ Nowadays that we keep two days, on the first day we follow the ruling of the other authority, and on the next day we say, And God tried Abraham,²⁵ with ‘Is Ephraim a darling son to me’ for haftarah. On the Day of Atonement we read After the death²⁶ and for haftarah, For thus saith the high and lofty one.²⁷ At minhah we read the section of forbidden marriages²⁸ and for haftarah the book of Jonah.²⁹

R. Johanan said:³⁰ Wherever you find [mentioned in the Scriptures] the power of the Holy One, blessed be He, you also find his gentleness mentioned. This fact is stated in the Torah, repeated In the Prophets, and stated a third time in the [Sacred] Writings. It is written in the Torah, For the Lord your God, he is the God of gods and Lord of lords,³¹ and it says immediately afterwards, He doth execute justice for the fatherless and widow. It is repeated in the Prophets: For thus saith the High and Lofty One, that inhabiteth eternity whose name is holy,³² and it says immediately afterwards, [I dwell] with him that is of a contrite and humble spirit. It is stated a third time in the [Sacred] Writings, as it is written: Extol him that rideth upon the skies, whose name is the Lord,³³ and immediately afterwards it is written, A father of the fatherless and a judge of the widows.

‘On³⁴ the first day of Tabernacles we read the section of the festivals in Leviticus, and for haftarah, Behold a day cometh for the Lord’.³⁵ Nowadays that we keep two days, on the next day we read the same Section from the Torah, but what do we read for haftarah.? — And all the men of Israel assembled unto King Solomon.³⁶ On the other days of the festival we read the section of the offerings of the festival.³⁷ On the last festival day we read, ‘All the firstlings’, with the commandments and statutes [which precede it],³⁸ and for haftarah, ‘And it was so that when Solomon had made an end’.³⁹ On the next day we read, ‘And this is the blessing’,⁴⁰ and for haftarah, ‘And Solomon stood’.⁴¹

R. Huna said in the name of R. Shesheth: On the Sabbath which falls in the intermediate days of the festival, whether Passover or Tabernacles, the passage we read from the Torah is ‘See, Thou [sayest unto me]’⁴² and for haftarah on Passover the passage of the ‘dry bones’,⁴³ and on Tabernacles, ‘In that day when Gog shall come’.⁴⁴ On Hanukkah we read the section of the Princes⁴⁵ and for haftarah [on Sabbath] that of the lights in Zechariah.⁴⁶ Should there fall two Sabbaths in Hanukkah, on the first we read [for haftarah] the passage of the lights in Zechariah and on the second that of the lights of Solomon.⁴⁷ On Purim we read ‘And Amalek came’.⁴⁸ On New Moon, ‘On your new moons’.⁴⁹ If New Moon falls on a Sabbath, the haftarah is [the passage concluding] ‘And it shall come to pass that from one new moon to another’.⁵⁰ If it falls on a Sunday, on the day before the haftarah is, ‘And Jonathan said to him, tomorrow is the new moon’.⁵¹ R. Huna said:

(1) Lev. XXVI.

(2) And must be repeated on the Sabbath.

- (3) This refers to all the previous part of the Mishnah.
- (4) Lev. XXIII, 44.
- (5) Lev. XXIII.
- (6) Josh. V.
- (7) This is an interpolation in the Baraitha inserted by an Amora who lived In Babylon and gives the practice of the Galuth.
- (8) II Kings XXIII.
- (9) Lit., 'he collects and reads of the subject of the day'.
- (10) M=mishku (Draw and take you lambs, Ex. XII, 21); A=im (If thou lend money to any of my people, Ibid. XXII, 24); P = pesol (Hew thee two tables of stone, Ex. XXXIV, 1); U = wayedaber (And God spoke, Num. IX, 1). All these passages go on to speak of Passover.
- (11) Ex. XII, 17 relating to the passage of the Red Sea which is supposed to have taken place on the seventh day.
- (12) David's song of deliverance in II Sam. XXII.
- (13) Deut. XV, 19.
- (14) Isa. X, 32 referring to the overthrow of Sennacherib which is supposed to have taken place on Passover.
- (15) A mnemonic of the key words in the passages following the order: Ex. Xli, 21; Lev. XXII, 27; Ex. XIII; Ex. XXII, 24; Ex. XXXIV, 1; Num. IX, I; Ex. XIII, 17; Deut. XV, 19. Cf. Tosaf.
- (16) Deut. XVI, 9.
- (17) Hab. III, which describes the giving of the Law, commemorated (according to the Rabbis) by Pentecost.
- (18) Ex. XIX.
- (19) Ezek. I, describing the heavenly hosts who also are supposed to have appeared on Mount Sinai.
- (20) I.e., Ex. XIX on the first day.
- (21) Num. XXIX, 1.
- (22) Jer. XXXI, 20. The text proceeds, 'For I shall surely remember him', which is suitable to the day of memorial.
- (23) Gen. XXI, in order that the merit of Isaac may be remembered.
- (24) I Sam. I, because Hannah was supposed to have been visited on New Year.
- (25) Gen. XXII.
- (26) Lev. XVI.
- (27) Isa. LVII, 15, which goes on to speak of repentance.
- (28) Lev. XVIII. Apparently this section is chosen because the temptation to sexual offences is particularly strong (Rashi). Cf. Tosaf.
- (29) Which speaks of repentance.
- (30) The reference to Isa. LVII leads to the introduction of the passage which follows.
- (31) Deut. X, 17.
- (32) Isa. LVII, 15.
- (33) Ps. LXVIII, 5.
- (34) The Baraitha is here resumed.
- (35) Zech. XIV, in which the festival of Tabernacles is mentioned.
- (36) I Kings VIII, 2. The verse continues, 'on the festival in the seventh month'.
- (37) Num. XXIX, 12-34.
- (38) The 'commandments and statutes' are those contained in Deut. XIV, 22-XV, 18, after which follows 'all the firstling,'. A better reading is: 'We read commandments and statutes and all the firstling.'
- (39) I Kings, VIII, 54.
- (40) Deut. XXXIII; the conclusion of the Torah.
- (41) I Kings VIII, 22.
- (42) Ex. XXXIII, 12. The festivals are mentioned in the sequel.
- (43) Ezek. XXXVII. The 'dry bones' are supposed to have been those of the Israelites who tried to break out of Egypt before the time (Rashi).
- (44) Ezek. XXXVIII, 18. The subject of this chapter is supposed to be the same as that of the chapter of Zechariah read on the first day of Tabernacles (Rashi).
- (45) The dedication of the altar in Num. VII.
- (46) Zech. IV. .

(47) 1 Kings VII, 40-50.

(48) Ex. XVII, 8ff.

(49) Num. XXVIII, 11.

(50) Isa. LXVI, 23.

(51) I Sam. XX, 18.

Talmud - Mas. Megilah 31b

If the new moon of Ab falls on a Sabbath the haftarah is [the passage with the verse] 'Your new moons and your appointed seasons my soul hateth, they are a burden unto me'.¹ What is the meaning of 'they are a burden unto me'? God said: 'It is not enough for Israel that they sin before Me, but they impose on Me the burden of considering what punishment² I shall bring upon them'. On the Ninth of Ab itself what is the haftarah? — Rab said: '[The passage containing], How is she become a harlot'.³ What is the section from the Torah? — It has been taught: Others say, 'But if ye will not hearken unto me';⁴ R. Nathan b. Joseph says, 'How long will this people despise me';⁵ and some say, 'How long shall I bear with this evil congregation'.⁶ Abaye said: Nowadays the custom has been adopted of reading [from the Torah] 'When thou shalt beget children',⁷ and for haftarah, 'I will utterly consume them'.⁸

ON MA'AMADOTH THE ACCOUNT OF THE CREATION. Whence is this rule derived? — Said R.. Ammi: But for the ma'amadoth, the heaven and earth would not be firmly established, as it says, But for My covenant [which continues] day and night, I had not set the statutes of heaven and earth,⁹ and it is written, And he said, O Lord God, Whereby shall I know that I shall inherit it.¹⁰ Said Abraham before the Holy One, blessed be He: Sovereign of the Universe, perhaps God forbid, Israel will sin before Thee and Thou wilt do to them as Thou didst to the generation of the Flood and the generation of the Division?¹¹ He answered, Not so. He then said before Him: Sovereign of the Universe, by what shall I know this? He said: Take me a heifer of three years old¹² etc. He then said before Him: Sovereign of the Universe, This is very well for the time when the Temple will be standing, but in the time when there will be no Temple what will befall them? He replied to him: I have already fixed for them the order of the sacrifices. Whenever they will read the section dealing with them, I will reckon it as if they were bringing me an offering, and forgive all their iniquities.

ON FAST DAYS [THE PORTION OF] BLESSINGS AND CURSES IS READ, AND THERE MUST BE NO BREAK IN [THE READING OF] THE CURSES. Whence is this rule derived? — R. Hiyya b. Gamda replied in the name of R. Assi: Because Scripture says, My son, despise not the chastening of the Lord.¹³ Resh Lakish said: It is because a blessing¹⁴ should not be said for chastisement. How then is the reader to do? A Tanna taught: He commences his reading with a verse¹⁵ before them and concludes it with a verse after them. Said Abaye: This rule was laid down only for the curses in Leviticus, but in the curses in Deuteronomy a break may be made. What is the reason? — In the former Israel are addressed in the plural number and Moses uttered them on behalf of the Almighty;¹⁶ in the latter Israel are addressed in the singular, and Moses uttered them in his own name.¹⁷ Levi b. Buti was once reading the curses [in Deuteronomy] in the presence of R. Huna hesitatingly. Said R. Huna to him: Do just as you please, the rule [against making a break] applies only to the curses in Leviticus, but in those in Deuteronomy a break may be made.

It has been taught: R. Simeon b. Eleazar says: Ezra made a regulation for Israel that they should read the curses in Leviticus before Pentecost and those in Deuteronomy before New Year. What is the reason? — Abaye — or you may also say Resh Lakish said: So that the year may end along with its curses. I grant you that in regard to the curses in Deuteronomy you can say, 'so that the year should end along with its curses'. But as regards those in Leviticus — is Pentecost a New Year? — Yes; Pentecost is also a New Year, as we have learnt: 'On Pentecost is the new year for [fruit of] the tree'.¹⁸

It has been taught: R. Simeon b. Eleazar says: If old men say to you, 'throw down', and young men say to you 'build up' throw down and do not build up, because destruction by old men is construction, and construction by boys is destruction; and the example is Rehoboam son of Solomon.¹⁹

Our Rabbis taught: The place [in the Torah] where they leave off in the morning service on Sabbath is the place where they begin at Minhah; the place where they leave off at Minhah [on Sabbath] is the place where they begin on Monday; the place where they leave off on Monday is the place where they begin on Thursday; the place where they leave off on Thursday is the place where they begin on the next Sabbath. This is the ruling of R. Meir. R. Judah, however, says that the place where they leave off in the morning service on Sabbath is the place where they begin on [Sabbath] Minhah, on Monday, on Thursday, and on the next Sabbath. R. Zera said: The halachah is that the place where they leave off in the morning service on Sabbath is the place where they begin at Minhah, on Monday, on Thursday and on the next Sabbath. Why does he not say, 'the halachah follows Rabbi Judah'? —

(1) Isa. I, 14.

(2) Lit. 'harsh decree'.

(3) Ibid. 21.

(4) Lev. XXVI, 14ff.

(5) Num. XIV, 11.

(6) Ibid. 27.

(7) Deut. IV, 25.

(8) Jer. VIII, 13.

(9) Jer. XXXIII, 25.

(10) Gen. XV, 8.

(11) The division of tongues at the Tower of Babel.

(12) Indicating that Israel would obtain forgiveness through the sacrifices.

(13) Prov. III, 11. As much as to say, Do not treat the portion of the curses disrespectfully by giving the impression that you do not wish to continue with the reading of it.

(14) The blessing said over the reading of the Torah.

(15) More strictly, a few verses, because the curses commence a new paragraph.

(16) 'If ye shall not hearken unto me etc.'.

(17) 'If thou shalt not hearken unto the voice of the Lord thy God etc.'

(18) R.H. 16a.

(19) Who destroyed his power by following the advice of the young men which was intended to strengthen it; v. Ned. 50a.

Talmud - Mas. Megilah 32a

Because [the names] might be reversed.¹

Our Rabbis taught: [The one who reads] opens the scroll and sees [the place], then rolls it together and says the blessing, then opens it again and reads. So R. Meir. R. Judah says: He opens and looks and says the blessing, and reads. What is R. Meir's reason? — It is similar to that of 'Ulla [in a parallel case]; for 'Ulla said: Why did they lay down that he who reads from the Torah should not prompt the translator? So that people should not say that the translation is written in the Torah. So here [R. Meir's reason is], so that they should not say that the blessings are written in the Torah. And [what says] R. Judah [to this]? — With regard to translation a mistake might be made, but no mistake will be made with regard to the blessings.² R. Zera said in the name of R. Mattenah: The halachah is that he opens and looks, then says the blessing and reads. Why not say, 'The halachah follows R. Judah'? Because the names might be reversed.³

R. Zera said in the name of R. Mattenah. No sanctity attaches to the boards and to the platforms.⁴

R. Shefatiah said in the name of R. Johanan: When one rolls up a scroll of the Torah, he should make it close at a seam.⁵

R. Shefatiah further said in the name of R. Johanan: One who rolls together a sefer torah should roll it from without and should not roll it from within,⁶ and when he fastens it he should fasten it from within and should not fasten it from without.⁷

R. Shefatiah further said in the name of R. Johanan: If ten have had a reading of the Torah, the senior among them rolls up the sefer torah. He who rolls it up receives the reward of all of them, since R. Joshua b. Levi said: If ten have had a reading of the Torah, the one who rolls it up receives the reward of all of them. The reward of all of them, think you? No; say rather, he receives a reward equal to that of all of them.

R. Shefatiah further said in the name of R. Johanan: Whence do we know that we may avail ourselves of a chance utterance⁸ [as an omen]?⁹ Because it says, And thine ears shall hear a word behind thee saying.¹⁰ This applies, however, only if one hears the voice of a man in town and of a woman in the country,¹¹ and Only if it says, yes, yes, or no.¹²

R. Shefatiah further said in the name of R. Johanan: If one reads the Scripture without a melody¹³ or repeats the Mishnah without a tune,¹⁴ of him the Scripture Says, Wherefore I gave them also statutes that were not good etc.¹⁵ Abaye strongly demurred to this, saying, Because he cannot sing agreeably, are you to apply to him the verse, 'ordinances whereby they shall not live'? No; this verse is to be applied as by R. Mesharshia, who said: If two scholars live in the same town and do not treat one another's halachic pronouncements respectfully, of them the verse says, I gave them also statutes that were not good and ordinances whereby they should not live.

R. Parnak said in the name of R. Johanan: Whoever takes hold of a scroll of the Torah without a covering¹⁶ is buried without a covering. Without a covering, think you? — Say rather, without the covering protection of religious performances. Without religious performances, think you? — No, said Abaye; he is buried without the covering protection of that religious performance.¹⁷

R. Jannai the son of the old R. Jannai said in the name of the great R. Jannai: It is better that the covering [of the scroll] should be rolled up [with the scroll] and not that the scroll of the Torah should be rolled up [inside the covering].¹⁸

And Moses declared unto the children of Israel the appointed seasons of the Lord.¹⁹ It is part of their observance that [the section relating to] each one of them should be read in its season.

Our Rabbis taught: Moses laid down a rule for the Israelites that they should enquire and give expositions concerning the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles.

(1) I. e., the opinion of R. Judah might be assigned to R. Meir and vice versa.

(2) For everyone knows that they are not written in the Torah.

(3) V. p. 192, n. 3.

(4) **הַלְּוָחֹת וְהַבִּימוֹת**. Opinions are divided as to what is meant by these two terms. We should naturally suppose 'boards' to mean a kind of noticeboard in the synagogue and 'platforms' the stand from which the Torah is read. But there is good authority for supposing that both words are technical terms for parts of the scroll of the Torah, 'boards' being the side margins and 'platforms' the upper margins, and the meaning will be that no sanctity attaches to these if they have been cut away from the scroll (v. Tosaf.) [J. Meg. III, 1 reads **בִּימָה וְלְוָחִין**; this leads Krauss (Synagogale Altertumer, p. 388) to render, 'the reading desk (made of boards, on which the Torah was read) and the platform (on which it stood)'. In a word, the almemor].

(5) So that if it is accidentally pulled, it should come asunder easily without being torn.

(6) I. e., he should have the written side of the scroll facing him (Asheri).

(7) I. e., the wrapping should be fastened in such a way that he will not need to turn the scroll over when he comes to open it again (Asheri). Rashi explains this passage differently.

(8) **בַּת קוֹל** 'a reverberating sound', 'echoing', — as it were — a thought in one's mind (Rashi).

(9) In spite of the prohibition of divination (Deut. XVIII, 11).

(10) Isa. XXX, 21.

(11) I. e., in an unusual place.

(12) I. e., says the word twice.

(13) As indicated by the singing accents.

(14) To aid the memory (Tosaf.).

(15) Ezek. XX, 25.

(16) Lit., 'naked'.

(17) I. e., the precept of reading or rolling up the scroll which he performed at that time is not accounted to him as a merit (Tosaf.).

(18) [Aliter: It is better that the covering (of the scroll) should be rolled up (round the scroll) than that the scroll of the Torah (itself) should be rolled up. MS.M. reads, The covering should be rolled (round the scroll) but not the scroll itself (without a covering); v. R. Hananel and D.S. It may however mean: It is better that the covering should be rolled round the scroll than that the scroll should be wrapped up by being rolled along the scroll].

(19) Lev. XXIII, 44.

Talmud - Mas. Mo'ed Katan 2a

CHAPTER I

MISHNAH. AN IRRIGATED FIELD¹ MAY BE WATERED DURING THE FESTIVAL² [WEEK] OR IN THE SABBATICAL YEAR³ BOTH FROM A NEWLY-EMERGING SPRING AND FROM A SPRING THAT IS NOT JUST EMERGED, BUT NOT WITH WATER FROM STORED RAIN, NOR FROM A SWIPE-WELL;⁴ NOR MAY SMALL BASINS⁵ BE FORMED ABOUT THE VINES. R. ELEAZAR B. AZARIAH SAYS THAT A [WATER] CHANNEL MAY NOT BE NEWLY MADE DURING THE FESTIVAL [WEEK], NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY THAT A CHANNEL MAY BE NEWLY MADE IN THE SABBATICAL YEAR AND ONE THAT HAS GOT OUT OF ORDER MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. AND IMPAIRED WATER WORKS⁶ IN THE PUBLIC DOMAIN MAY BE REPAIRED OR CLEANED OUT; AND ROADS, BROADWAYS AND [RITUAL] POOLS⁷ MAY BE PUT IN ORDER. AND ALL PUBLIC NEEDS MAY BE PERFORMED,⁸ AND GRAVESIDES MAY BE MARKED,⁹ AND [PUBLIC COMMISSIONERS] MAY SET OUT ALSO¹⁰ TO INSPECT DIVERSE¹¹ SEED-CROPS.

GEMARA. Now, one might argue that after [having permitted] watering FROM A NEWLY EMERGING spring — which is apt to come along tearing up [the soil]¹² — need further mention be made of [drawing from] A SPRING THAT IS NOT NEWLY EMERGING—which is unlikely to come tearing up [the soil]?¹³ — I may answer that it is necessary [to mention the latter]; for if [the Tanna] had mentioned only the newly emerging spring I might have said that only here [where it is] for an irrigation plot it is permitted — but not for a Baal-plot,¹⁴ because it is apt to come tearing up [the soil]; but [on the other hand], from a spring that is not newly emerging, which is unlikely to come tearing up [the soil], I might say that even a Baal-plot [may be watered]; therefore he informs us¹⁵ that there is no difference; be it a spring newly emerging, or a spring not newly emerging, an irrigation plot may be watered therefrom, but a Baal-plot may not be.¹⁶

And whence [know we] that the term BETH HA-SHELAHIN¹⁷ denotes a ‘thirsty’¹⁸ field? — It is written: When thou wast faint and weary,¹⁹ and we render the word ‘faint’ [in Aramaic] by meshalhi.²⁰ And whence [know we] that Beth ha-Baal²¹ denotes ‘settled’ soil? — It is written: For as a man be the husband [yib'al] of a maiden, so shall thy sons be as husbands unto thee²² and we render [in Aramaic], ‘Behold as a young man settles down with a maiden, thy sons shall become settled²³ in the midst of thee’.

Who may be the [unnamed] Tanna²⁴ who maintains that [work²⁵ to prevent] loss is allowed,²⁶ but [to augment] profit²⁷ is not allowed; and that even in [averting] loss we should not do any laborious work?²⁸ Said R. Huna: It is [the view of] R. Eliezer b. Jacob, as we learned:²⁹ R. Eliezer b. Jacob says: Water may be trained along from tree to tree, provided that one does not water thus the entire field.³⁰

I grant³¹ you may understand R. Eliezer [b. Jacob]³² to disallow exertion to enhance profit,³³ but could you also understand him [from here] to disallow exertion [even] where loss is [involved]? Rather, said R. Papa, (whose view is it)?³⁴ It is R. Judah's, as it is taught: ‘A spring newly emerging may be [used for] watering even (a field that is)³⁵ a Baal-plot. So R. Meir; R. Judah³⁶ says, None but (a field that is)³⁵ a ‘languid plot’ that has dried up may be watered [therefrom]. R. Eleazar b. ‘Azariah says, Neither one nor the other.³⁷ R. Judah³⁸ went even further and said, ‘A person may not clean out a water channel³⁹ and [with the dredging] water his garden of debris — [heap]⁴⁰ during the festival week’. [Now] what is [meant by a ‘languid plot’] that dried up?⁴¹ If you say, literally dried up’ what is the good of watering it? — Said Abaye, It means that this [old] spring has run dry⁴² and another has [just] emerged [instead].⁴³ ‘R. Eleazar b. Azariah says, Neither one nor the other’. [By

this he means to say that] it makes no difference whether the [old] spring has run dry or has not run dry, a newly emerging spring is not to be used.

But how [do you arrive at this conclusion]? Perhaps when R. Judah said that a languid plot may be watered from a newly emerging spring and a Baal-plot may not be,

- (1) **בית השלחין** means lit. 'a house of channels', i.e., a plot of land which owing to situation or climate or nature of the soil requires to be watered artificially. It is often a laborious process and at times of vital importance to the crop.
- (2) I.e., during the middle period of the two longer Feasts, namely, the 'Feast of Unleavened Bread' (Passover) and that of Tabernacles, v. Introduction.
- (3) Lit., 'the seventh year'. Every seventh year in the Jubilee cycle was ordained to be a year of remissness, or sabbath for the land, when the regular processes of agriculture for its improvement were to be suspended. V. Ex. XXIII, 10-11; Lev. XXV, 2ff and infra 3a.
- (4) **קילון** the Greek **, a mechanical contrivance for raising water by water-wheel or bucket from a deep well, like the shadoof in Egypt and the denkli or paecottah in India. The reason for the objections is stated in the Gemara.
- (5) Circular depressions made about the stem of the vine, or a small trench drawn about a group of vines to retain the water. V. infra 4b.
- (6) Broken wells, cisterns or aqueducts; pools that have become muddy puddles, or blocked drains. (**קילקולין** _ Latin cloaculae, Baneth).
- (7) For priests and pilgrims to purify themselves ritually or their vessels that have met with defilement. Cf. Lev. XI, 24-40; XXII, 1-7.
- (8) E.g., removing rubbish and thorns, levelling the road and footways, mending bridges, etc. Cf. infra 5a.
- (9) With whitewash of lime to warn passers-by against defilement. Cf. infra 5a.
- (10) [MS.M. omits 'ALSO' which is difficult to explain. V. Tosaf. Yom Tob].
- (11) Lev. XIX, 19: Thou shall not sow thy field with two (or more kinds of) seeds (promiscuously). They are neither to be sown nor preserved by active process. Infra 2b, 6a and cf. Kil. I, 1, 9; Shek. I, 1, a.
- (12) I.e., by erosion, necessitating immediate repair of the damage during the restricted period.
- (13) Running on its habitual course.
- (14) **בית בעל**, lit., 'Baal's area', or field — an old pagan denomination of a fertile soil, i.e., a soil favoured by 'Baal Lord of the heavens', Baal-Shamen, with fertilizing rain and sunshine. V. Cooke's N.S.I. p. 45, n. 1 etc. and Robertson Smith's Religion of the Semites (ed. 1894) pp. 96-97. Cf. Isa. LV, 10 and Ta'an. 6b: 'Rain is earth's husband'; also Krauss, TA II, p. 546, n. 115.
- (15) From here to the end of the sentence is not in DS., being seemingly a gloss from 2b.
- (16) From a new or old spring.
- (17) Rendered 'AN IRRIGATED FIELD'.
- (18) Or 'a languid track.' The term **שלחין** (channels) is here explained by popular etymology as derived from **שלהי** (the gutturals **ה** and **ח** interchanging), 'weary', 'exhausted'. V. n. 2.
- (19) Deut. XXV, 18. Han. and Aruch s.v. **שלה** (VIII, 80b) quote more appropriately Gen. XXV, 29 referring to Esau's exhaustion and thirst. Cf. Isa. XXIX, 8 and Ps. LXIII, 2.
- (20) A participle Shafel from **להי** meaning 'exhausted'. This derivation is grammatically unsound. In B.B., Sonc. ed. p. 271 it is more correctly connected with the root in the sense of sending water across the fields in channels. Cf. Ezek. XXXI, 4; Ps CIV, 10; Job V, 10. It is surmised that the name of the Pool of Siloam (**שילוא**) is derived from the same root. V. Krauss, TA. II, p. 547, n. 117.
- (21) V. supra p. 2, n. 7.
- (22) Isa. LXII, 5.
- (23) Cf. our expressions husbandry and husbandman.
- (24) In the first clause of the Mishnah.
- (25) During the Festival week.
- (26) I.e., watering a languid soil.
- (27) E.g., watering a fertile field to make it still more productive.
- (28) Lit., 'excessive trouble', e.g., to use rainwater or raise water by swipe.
- (29) V. infra 6b, Mishnah.

- (30) To water the whole field in that manner is all exertion to be avoided during the Festival week.
- (31) Lit., 'say'.
- (32) So correctly, R. Han., DS.
- (33) As he forbids watering the entire field, presumably thinking it unnecessary to give it an extra watering to increase its fertility.
- (34) Omitted in DS.
- (35) A doublet occurring also in the texts given in the next note.
- (36) J.M.K. I, 1 (81a) and Tosef., I, I read here, 'and the Sages say' instead, showing that it is R. Judah's view that has been adopted in the Mishnah. Obviously, the Babylonian teachers engaged in this critical discussion did not have that reading.
- (37) I.e., that a newly emerging spring may not be used either for a generally nourished field (again at R. Meir's view), nor in a 'languid field' even where it has replaced a dried-up old spring (against R. Judah's view).
- (38) He went further in his restrictions, even in the case of a 'languid field'. (Tosaf. v. Ritba).
- (39) A running brook or ditch which has become muddy and shallow, which he may clean out under certain conditions discussed infra 4b.
- (40) Used as a vegetable garden or bed for nurslings. V. Tosaf. Lit., 'his garden and his ruin'.
- (41) I.e., that is waste.
- (42) Lit., 'it is dried up from this spring'.
- (43) [All of which shows that R. Judah does not permit any laborious work even in order to avert loss, as in the case of the old spring having dried up, whereas R. Judah permits watering from the new spring that has emerged but not from rain-water or a swipe-well, which is in agreement with our Mishnah].

Talmud - Mas. Mo'ed Katan 2b

he was referring only to a newly emerging spring since it may come along tearing up [the soil]; but a spring that is not just newly emerging and which is unlikely to come along tearing up [the soil] he might allow even for a Baal-plot?¹ If [you take it] thus, then whom does our Mishnah represent?² The fact is that according to R. Judah it makes no difference, whether it be a newly emerging spring, or a spring not just newly emerging; in either case a languid plot may be watered [therefrom], but a Baal-plot may not be. And the reason why it states the 'newly emerging' spring³ is [merely] to show how far R. Meir is prepared to go, [namely], that even a newly emerging spring may be used for watering and even for a Baal-field!

It was stated: 'If one is [seen] weeding or watering his seedlings on the Sabbath,⁴ under what category [of the offence] should he be cautioned?⁵ — Rabbah said, [It comes] under the category of ploughing. R. Joseph said, under the category of sowing. Said Rabbah, My view seems the more reasonable, for what is the object of the plougher? To loosen the soil; here too, he loosens the soil. Said R. Joseph, My view seems the more reasonable, for what is the object of the sower? To promote the growth of the produce; here too, he promotes the growth of the produce.

Said Abaye to Rabbah, Your view presents difficulty and R. Joseph's view presents difficulty. Your view presents difficulty, for does the act come [only] under the category of ploughing [and] not under that of sowing [only]? R. Joseph's view presents difficulty, for does it come [only] under the category of sowing [and] not under that of ploughing also? And should you rejoin that where there are two [possible categories], the offender is liable only on one count, [this cannot be] for did not R. Kahana say that if one [incidentally] pruned [his tree] in cutting it for wood⁶ he is liable on two counts, one under the category of planting⁷ and one again under that of reaping?⁸ — This is a difficulty.⁹

R. Joseph, thereupon, put an objection to Rabbah from [the following]: One who weeds or covers [with earth] diverse-seeds¹⁰ receives [judicial] flogging. R. Akiba says, Also one who preserves [them].¹¹ Now this is in perfect accord with my view, as I say that [he who weeds is to be cautioned]

under the category of sowing, which [explains the penalty] because sowing is [explicitly] forbidden in connection with diverse-seeds; but according to your view who say that [he is to be cautioned] under the category of ploughing, is ploughing forbidden in connection with diverse-seeds? — Said he [Rabbah] to him, [He¹² is flogged] under the category of preserving [them]. But surely, since the last clause states ‘R. Akiba says, Also one who preserves [them]’, may we not infer that according to the first Tanna the penalty is not on account of preserving [them]? — The entire statement is [to be taken as] recording R. Akiba's view, and the latter clause is explanatory: ‘On what ground does one who weeds or covers [with earth] diverse-seeds receive a flogging? Because he comes under the category of preserving, for R. Akiba says, Also he who preserves [them]’. What is R. Akiba's reason? — It is taught: — Thou shalt not sow thy field with two kinds of seed’.¹³ This tells me about ‘sowing’, whence [the prohibition against] preserving [what is already sown]? — From the instructive wording *kil'ayim* [diverse-seeds] in thy field not.¹⁴ We learned: AN IRRIGATED FIELD MAY BE WATERED DURING THE FESTIVAL [WEEK] OR IN THE SABBATICAL YEAR. This [permission] is perfectly correct in regard to the festival [week] where [the prohibition is] merely to avoid exertion, but where loss is [threatened]¹⁵ the Rabbis have allowed it. But in regard to the sabbatical year, whether on the view that [watering] comes under the category of sowing¹⁶ or on the view that it comes under that of ploughing,¹⁷ is either sowing or ploughing permitted in the sabbatical year?¹⁸ — Said Abaye, Our Mishnah is speaking of the sabbatical year in the present time and it [expresses] the view held by Rabbi;¹⁹ for it is taught: Rabbi says, [It is written] And this is the manner of the release; release [by every creditor of that which he hath lent to his neighbour];²⁰ the text speaks here of two forms of release, one the release of the soil [from tillage]²¹ and the other the release of money²² [the juxtaposition of] which tells us that so long as you must release the soil [from tillage], you must release the money [debt], but when you do not release the soil, you need not release the money!²³ Said Raba [not necessarily], you may even say [it voices] the view of the Rabbis²⁴ and that they²⁵ are the principal [types of work] that the Divine Law has forbidden [explicitly],

(1) Whereas our Mishnah forbids watering a Baal-plot from a newly emerging spring. Consequently it will not represent the view of R. Judah.

(2) Lit., ‘to whom will you throw (trace the view of) our Mishnah’.

(3) In the cited Baraitha: the spring might as well have been left undefined, as either is allowed for a languid plot by R. Judah.

(4) Ritba reads on a festival, which is preferred by R. Moses Sofer. Cf. Mak., Sonc. ed., p. 149.

(5) An offender doing an act which is explicitly forbidden in Holy Writ had to be duly and accurately cautioned by two witnesses against that particular act, and informed of the exact penalty it involved, before he could be judicially punished by a duly constituted tribunal. Ploughing, sowing and mowing are of the thirty-nine main categories of work forbidden (Scripturally) on Sabbath or Festivals. For the list v. Shab. VII, 2 and Shab. 73aff.

(6) Lit., ‘he prunes and requires the wood’. Shab. 73b. Work on the Sabbath is to be purposive, whether intended or not. If one did what he desired to do, without knowing that such a thing was not to be done on the Sabbath, or forgetting for the moment that it was the Sabbath day, he would not be punishable, but would have to bring a sin-offering in Temple times.

(7) Pruning promotes growth and is therefore another form of sowing or planting.

(8) Having a definite purpose for the cuttings.

(9) Var. lec. omit this final admission. [The statement of R. Kahana, being of an Amora, is not deemed sufficiently authoritative to refute the views of Rabbah and R. Joseph. V. Tosaf. s.v. **הייב**.]

(10) Weeding and covering with earth diverse-seeds are here made punishable as sowing, v. Lev. XIX, 19 (cf. Deut. XXII, 9).

(11) Fencing in the plot to prevent cattle from trampling them out or feeding on the young blades. Cf. A.Z. 64a (Rashi and Tosaf.).

(12) He who weeds diverse-seeds.

(13) Lev. XIX, 19.

(14) Some explain a section of the Hebrew text of Lev. XIX, 19, namely, **כלאים שדך לא תזרע כלאים**, as it

were two interlocked sentences, (i) כלאים שדך לא i.e., ‘Kil'ayim in thy field not’, (which forbids the presence and the preservation of diverse-seed crops in the field); and (ii) שדך לא תזרע כלאים i.e., ‘Thy field thou shalt not sow kil'ayim’ (which forbids sowing). This explanation, however, is very strained, as the variations in the parallel passages show, having puzzled the commentators. The readings ת"ל לא כלאים and ת"ל כלאים לא are both correct and to the same effect. It is the import of the wording rather than the form of the text that R. Akiba stressed. It is the diverse mixing or crossing — ‘kil'ayim’ — that is emphatically forbidden, be it of animal, or field, or raiment (Lev. XIX, 19) and fiercest of all in the (oliveyard or) vineyard (Deut. XXII, 9). Have no share by your action in producing kil'aym!

(15) As shown above.

(16) R. Joseph, above.

(17) Rabbah, above.

(18) Sowing, pruning, gleaning and reaping are directly forbidden in Lev. XXV, 4-5. Ploughing, however, is forbidden only indirectly, by implication from a positive law in Ex. XXIII, 11; XXXIV, 21. Note this point.

(19) R. Judah ha-Nasi, compiler of the Mishnah.

(20) Deut. XV, 2.

(21) I.e., let the soil lie fallow and the crops free and unguarded against the poor, Ex. XXIII, 11.

(22) Let slip the money debts owing to you.

(23) The interpretation is based on the ground that since the Nation, Israel as a whole, is no longer in possession of the Holy Land as his inheritance, the land laws relative to the sabbatical year and Jubilee re-distributions, which are made contingent on Israel's entry and possession (Lev. XXV, 2, 10ff; cf. *ibid.* XXVI, 34-35, and Deut. XXXI, 10-13) are of necessity in abeyance, for the time being. [This according to Rabbi, since the prohibition of tilling the soil on the sabbatical years nowadays is merely Rabbinical, it is not enforced where a loss is involved; hence the ruling of our Mishnah.]

(24) That the operation of the sabbatical year nowadays is Biblical.

(25) Those that are specified in the text of Holy Writ.

Talmud - Mas. Mo'ed Katan 3a

but derivative¹ operations it has not forbidden, for it is written: But in the seventh year shall be a sabbath of solemn rest for the land..., thou shalt neither sow thy field nor prune thy vineyard. That which groweth of itself of thy harvest thou shalt not reap and the grapes of thy undressed vine thou shalt not gather.² Now, since pruning comes within the general process of sowing³ and grape-gathering within the general process of reaping,⁴ what law then did the All-Merciful desire to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable⁵ and for [any] other [secondary processes] one is not [to be] held liable.⁶ Indeed not? Surely it has been taught: Thou shalt neither sow thy field nor prune thy vineyard,⁷ that only forbids me sowing or pruning; whence is forbidden weeding or hoeing or the trimming of wilted parts? From the instructive [form of the] text: Thy field thou shalt not... thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. [Likewise] whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for supporting [fruit trees]? From the [same] instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. [Similarly] whence [is derived the rule] not to manure,⁸ or remove stones, or dust [with flower of sulphur]⁹ or fumigate the tree? From the instructive wording of the text: Thy field thou shalt not . . . thy vineyard thou shalt not, that is, no manner of work in the field, no manner of work in the vineyard. Shall I say that one should not [even] stir the soil under the olive trees, nor use the hoe under the vines, nor fill the gaps [under the olive trees]¹⁰ with water nor make drills¹¹ for the vines? There is the Instructive wording of the text: Thy field thou shalt not sow [nor thy vineyard shalt thou prune]. Now, as ‘sowing’ was already embraced in the general terms of the ordinance,¹² why then was it singled out [for mention]? To provide ground for an analogy, namely that just as sowing has the special quality of being a work common to field and orchard,¹³ so is every [other] work that is common to field and orchard [forbidden]¹⁴ — [That is only] Rabbinically; and

the text is adduced merely as a support.¹⁵ But, is it permitted to stir the soil [under the olive tree] in the sabbatical year? Surely [is it not taught]: It is written, But the seventh year thou shalt let it rest and lie fallow;¹⁶ 'let it rest' — not to hoe; and '[let it] lie fallow — not to remove stones?' — Said R. 'Ukba b. Haba, there are two sorts of hoeing, one for strengthening the [olive] tree, and another to close up fissures; that for strengthening the tree is forbidden, whereas that for closing up fissures is allowed.¹⁷

It has been stated:¹⁸ — If one ploughed in the sabbatical year,¹⁹ R. Johanan and R. Eleazar²⁰ [took opposite views]. One said that he is flogged²¹ and the other said that he is not flogged.²² Might I suggest that the issue turns on the dictum of R. Ela as reported by R. Abin? For R. Abin reported R. Ela to have stated that wherever a general [proposition] is stated in the form of a positive command and a particular [specification] in the form of a negative injunction,²³ the hermeneutical rule of General-Particular-General²⁴ does not apply to it.²⁵ [Accordingly], the one who says the offender is flogged, did not agree with that dictum of R. Abin in the name of R. Ela,²⁶ while the other who says that the offender is not flogged did agree with the dictum of R. Abin [in the name of R. Ela]?²⁷ — Not [necessarily]. It can be maintained that nobody agrees with the dictum of R. Ela, as reported by R. Abin. As to the one who says that the offender is flogged²⁸ it of course is in order, while the other who says the offender is not flogged may tell you thus:²⁹ Consider: pruning comes within [the general process of] sowing and grape-gathering within [the general process of] reaping, what rule did the All-Merciful intend to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable, but for any other secondary process³⁰ he is not [to be] held liable. But is he not? Surely it is taught: Thou shalt neither sow thy field nor prune thy vineyard, this only forbids me sowing or pruning; whence is forbidden weeding, hoeing, or the trimming of wilted parts? From the instructive [form of] the text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. Whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for [fruit] trees? From the [same] instructive text: thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. Whence [is derived the rule] not to manure, or remove stones, [or dust] or fumigate the trees? From the instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [that is], no manner of work in thy field, no manner of work in thy vineyard. Am I then to say that one may not stir the soil under the olive trees, nor use the hoe under the vines, nor fill the [open] gaps [under the olives] with water, nor make drills for the vines? There is the instructive wording of the text: Thy field thou shalt not sow and thy vineyard thou shalt not prune. Now, sowing was already embraced in the general terms of the ordinance, why then was it singled out [for mention]? For the purpose of providing [ground for] an analogy, that just as sowing has the special quality of being a work common to field and vineyard, so is any other work that is common to field and orchard [forbidden]? — [That is only] rabbinically; and the text is [adduced] as a mere support.³¹

(1) Or secondary processes which are not unspecified.

(2) Lev. XXV, 4-5.

(3) Or planting, as explained above by R. Kahana.

(4) V. Shab. 73a.

(5) To a judicial flogging.

(6) I.e., scripturally (even according to the Rabbis) though reprehensible rabbinically.

(7) The order of the Hebrew words in the text is: 'Thy field thou shalt not sow nor thy vineyard shalt thou etc.'

(8) Yalkut reads: 'remove excrescences' or 'warts'.

(9) Thus J. Sheb. II, 2; Aruch explains 'remove dust from the foliage' and Rashi here takes it as covering with dust the exposed roots. The context seems to favour the first explanation here adopted.

(10) After thinning olive trees, by lifting some to give more room for the other young trees, the gap left in the soil would ordinarily be filled with manure and olive trees need much water. Cf. Sheb. IV, 5, and Sifra Behar Rabad's Commentary.

(11) Or small ridges with furrows on top between the vines. V. loc. cit.

(12) Lev. XXV, 4: But the seventh year shall be a sabbath of solemn rest for the land, a sabbath unto the Lord, in direct contrast to verse 3; there was therefore no further need to continue with specific instances of the prohibition, such as sowing the field and pruning the vineyard.

(13) I.e., common to both, agriculture and horticulture.

(14) [Excluding the last mentioned processes which are not common to both field and vineyard. At all events this teaching shows that a number of processes though of the secondary type are forbidden in the sabbatical year].

(15) I.e., mnemotechnical and Biblically only sowing, pruning, reaping and gleaning are forbidden explicitly. The inclusion of ploughing, digging, hoeing or watering in the prohibition is purely Rabbinic. Thus the ruling of the Mishnah that an irrigated field may be watered . . . in the sabbatical year has now been explained: by Abaye on the basis of Rabbi's view, namely, that the restrictions of the sabbatical year are not operative nowadays; and, on the other hand by Raba, on the view of the other Rabbis (who do not concede Rabbi's interpretation of Deut. XV, 2), by pointing out that 'watering' is, strictly speaking, not textually forbidden, it being a 'derivative' (secondary) process, and hence allowed by the Rabbis in the sabbatical year where damage (loss of crop) is likely.

(16) Ex. XXIII, 11.

(17) The former is for enhancing profit and the latter is prevention of loss, namely, to save the tree from bleeding or rotting.

(18) The same question is again discussed from a different angle in Palestinian schools.

(19) After having been duly cautioned.

(20) B. Pedath.

(21) As having offended against a Biblical prohibition.

(22) Because 'ploughing' is not distinctly forbidden, but is only an implied offence, for which no judicial flogging can be given.

(23) E.g., in Lev. XXV, 2-5. We have first a general ordinance in positive terms: The land shall keep a sabbath unto the Lord. Six years thou shalt sow . . . prune . . . gather in the produce thereof, but the seventh year shall be a sabbath of solemn rest unto the Lord (cf. Ex. XXIII, 11); then follow the particulars in negative terms. Thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of itself thou shalt not reap and the grapes of thy undressed vines thou shalt not gather (Lev. XXV, 4-5). Then follows a general rule again in positive form: It shall be a year of solemn rest for the land.

(24) According to this rule, the particulars are in such a case considered typical as illustrations serving to include in the general rule all such items as are similar to the particulars. E.g. in Ex. XXII, 8 the text first states that an oath can be judicially imposed 'for every matter of trespass' (General term). This is followed by: 'for ox, for ass, for sheep, for raiment' (particulars), which again is followed finally by: 'for any manner of lost thing' (General). We infer from this that an oath can be imposed for things like those specified as typical instances, but not in the case of a dispute about land, being immovable property, or in the case of sanctuary-property, as it being not one's neighbour's property, or in the case of dispute about a slave, as being a (human) chattel, or about documents, as not being 'property', but merely instruments of evidence. Similarly in the case of the sabbatical year, if the particulars are typical of the general rule, one who does any of these would break the law.

(25) But it is treated merely as a general proposition which is followed only by a particularization, in which case the general proposition does not go beyond what has actually been specified by the particularization that follows it.

(26) I.e., he interprets the Sabbatical Ordinance as a pure instance of a General-Particular-General form and takes sowing, pruning, reaping and gleaning as typical illustrative instances and, accordingly, considers 'ploughing' as included in the general terms of the Ordinance and hence as a punishable offence.

(27) I.e., that the Sabbatical Ordinance cannot be treated as a pure form of General-Particular-General, it being negative in the particulars, which amounts to saying, 'Not a, not b, not c; these, I mean, precisely, and no others'. 'Ploughing' therefore is not included among the forbidden processes and hence is not a punishable offence.

(28) For ploughing in the sabbatical year.

(29) In interpreting the import of the wording of the text, to show that there is no penalty for ploughing, although the application of the General-Particular-General rule would indicate to the contrary.

(30) I.e., ploughing.

(31) For notes v. supra p. 9, n. 6.

Talmud - Mas. Mo'ed Katan 3b

When R. Dimi came [from Palestine] he said [the discussion went on]: Possibly, you might say that the offender be flogged [even] for the 'extension'? But the teaching was concluded¹ to prove that he was exempt. But [said he], I know not which was the teaching, nor what was [actually] meant by 'extension'.

R. Eleazar [b. Pedath] said that the 'extension' had reference to [the inclusion of] 'ploughing' [as a punishable offence], and the argument proceeded thus: Possibly [you might say] that he should be flogged for 'ploughing' [in the sabbatical year], the rule being inferred by [treating the sabbatical ordinance as a case of] General-Particular-General; then the teaching was concluded to prove exemption. For, if it [the flogging] were correct, what is the [legal] import of all those particulars [set out in the text]?

R. Johanan said [that the 'extension' had reference to] the extra days [of restriction] which the sages had added prior to New Year; and the argument proceeded thus: Possibly [you might say] that he should be flogged for [ploughing during] the extended extra period prior to New Year which is based on the text: 'In ploughing time and in reaping time thou shalt rest.'² Then the teaching was concluded to prove exemption [from a flogging], as we shall seek to explain presently.

What is meant by 'the days [of restriction] prior to New Year'? — According to what we learned: 'Up to what date may ploughing be done in a tree field [orchard] in the pre-sabbatical year? Beth Shammai say, As long as it is for the benefit of the fruit; Beth Hillel say, Up to the Feast of Weeks; and the [practical effect of] one ruling is much the same as that of the other.'³ And up to what date may they plough a "white field"⁴ in the pre-sabbatical year? Up to when the moisture gives out and as long as people till for planting their cucumber and gourd beds. Said R. Simeon, If that is so, you have handed over the Torah for every individual to determine for himself the right time! No: [I say], a "white field" [they may till] up to Passover and a tree field up to the Feast of Weeks'.⁵ (And Beth Hillel say up to Passover.)⁶

And⁷ R. Simeon b. Pazzi reported in the name of R. Joshua b. Levi who had it from Bar Kappara that Rabban Gamaliel and his Beth din took a vote on these two [terminal] periods⁸ and abrogated them. Said R. Zera to R. Abbahu, some say, Resh Lakish said to R. Johanan: How could Rabban Gamaliel and his Beth din abrogate a measure instituted by Beth Shammai and Beth Hillel? Surely we learned: 'No Beth din has power to nullify the words [ruling] of another Beth din unless it be superior to it in learning and number!'⁹ 'He was astonished for a while';¹⁰ then he replied: I say, they thus have stipulated among themselves that whoever might thereafter wish to abrogate that [measure] could come and abrogate it.¹¹ But was it their measure? Was it not an [ancient] halachah of Moses from Sinai?¹² As [in fact] R. Assi reported R. Johanan to have said in the name of R. Nehuniah¹³ a man hailing from the valley of Beth Hauran,¹⁴ that the [laws of] 'Ten Saplings,'¹⁵ the 'Willow'¹⁶ and the 'Water Libation'¹⁷ were 'halachah' of Moses from Sinai! — Said R. Isaac, When we received on tradition that law [of extra restriction] as [an ancient] halachah, It was only in reference to 'thirty days prior to the New Year'; thereafter came those [of Beth Shammai and Hillel] and instituted [the cessation] from Passover¹⁸ and the Feast of Weeks,¹⁹ and [at the same time] they stipulated with reference to their [measure] that whoever might [thereafter] wish to abrogate [them] might come and abrogate them.²⁰

But were these [termini] merely halachah [-usages]? Were they not [based on Biblical] texts? For is it not taught: [Six days thou shalt work, but on the seventh day thou shalt rest]: in ploughing time and in reaping time thou shalt rest.²¹ Says R. Akiba,²² There is no need to be told [in the second clause] to desist from ploughing or reaping in the seventh year, since it is already stated [elsewhere at length]: thou shalt neither sow thy field nor prune thy vineyard: [that which groweth of itself thou shalt not reap].²³ [It can be taken] only [to debar] ploughing in the pre-sabbatical year

(1) Lit., 'the Talmud took it up'. (3) As explained above. (4) The sabbatical year began with the New Year. It was necessary to stop tillage before that date; when, and where, did it originate? On what authority? These are the points to be discussed now at length.

(2) Ex. XXXIV, 21 The exposition of this follows presently.

(3) Sheb. I, 1.

(4) Preparing for a grain crop, i.e., of cereals or legumina. A white field=a sown field, not planted with trees that cast a shadow.

(5) Ibid. II, 1.

(6) This bracketed part is a meaningless gloss.

(7) [So MS. M. Cur. edd. insert 'And'].

(8) Passover (Nisan) and the Feast of Weeks (Sivan); after these were abrogated, tillage was again permitted down to New Year (Tishri).

(9) 'Ed. I, 5.

(10) A phrase from Daniel IV, 16. R. Abbahu or R. Johanan was for the moment puzzled for a reply.

(11) Should the exigencies of the time demand it.

(12) I.e., a rule of immemorial practice, whose origin is unknown. Cf. our expression 'as old as the hills'. Cf. 'Ed. VIII, 7; Yad. Malachi No. 663 and W. Bacher's Tradition und Tradenten etc. (1914) p. 33ff.

(13) Also Hunya, Huna or Huna. Bacher *ibid.* p. 38 sect. 11.

(14) A high plain S.E. of Damascus mentioned by Ezekiel, XLVII, 18, among the boundaries of Palestine (cf. R.H. 22b). Herod established there a protectorate under Zamaris, a Babylonian Jew who offered military safety to the Babylonian pilgrims on their way to Jerusalem. V. Josephus, Antiquities XVII, 11, 1-2.

(15) A young plantation in a field of fifty by fifty cubits in dimension with at least ten saplings may be tilled entirely for their benefit, down to the edge of the sabbatical year which began with New Year's day, the first of Tishri. This implies that with old trees tilling must cease before New Year.

(16) V. *infra*. Willows were carried in procession once round the altar during the first six days of Tabernacles and then fixed at the side of the altar. On the seventh day the circuit was made seven times. V. Suk. 45a, where Abbahu suggests a Biblical indication, Ps. CXVIII, 27.

(17) On the same occasions the grand celebration of the water libation took place in the Temple, a golden flagon being filled with water from Siloam, was brought amidst trumpet blasts to the Temple and poured on the altar by the High Priest.

(18) For a 'white field', growing cereals and legumina.

(19) For a tree field, an orchard.

(20) And it is only these two earlier terms, Passover and Feast of Weeks, up to thirty days before New Year that Rabban Gamaliel and his Beth din abrogated. Cf. J. Sheb. I, 5.

(21) Ex. XXXIV, 21.

(22) As all manner of work is forbidden on the sabbath day, the particular stress on ploughing and reaping suggested a connection between the sabbath-day and the sabbath-year.

(23) Lev. XXV, 4-5.

Talmud - Mas. Mo'ed Katan 4a

[which may have beneficial effects] extending into the seventh year and [likewise] to the reaping of the seventh year's crops which mature in the post-sabbatical year.¹ Says R. Ishmael, [It is purely a Sabbath law]; as the ploughing [here forbidden on Sabbath] is optional ploughing,² so is the reaping [here mentioned] optional reaping; outside this [law] is the reaping [of the new barley] for the 'omer'³ which is a religious duty [by ordinance]!⁴ — In fact said R. Nahman b. Isaac, when we received on tradition [that the pre-sabbatic restrictions had their origin in] halachah [-usage], this had reference to the permission [of tilling for the benefit] of saplings;⁵ whereas the texts are for the prohibition of old trees.⁶ But since 'halachah [-usage] allowed [tillage down to New Year] for saplings, it is not obvious that old trees were forbidden? — What we must say therefore is, the halachah [-usage] as basis for the prohibition is [necessary] according to R. Ishmael,⁷ whereas the

texts [serve as basis] according to R. Akiba.

But R. Johanan said that Rabban Gamaliel and his Beth din abrogated those [restrictions] on Biblical authority. What was the reason? He deduced it by equating the term ‘Sabbath’ common to both⁸ the Sabbath-year and the Sabbath of Creation⁹ [thus]: Just as in the case of the Sabbath Day [work is forbidden] on the day itself, but on the day before and on the day after it is allowed, so [likewise] in the Sabbath Year [tillage is forbidden] during the year itself, but in the year before and in the year after it is allowed.

To this R. Ashi demurred: On the view that it [the restriction] is a halachah [-usage] can a gezerah shawah [deduction]⁸ come and eradicate a halachah [-usage]; and [likewise] on the view that it is [based on] a Biblical text, can a gezerah shawah⁸ come and eradicate a text! — But no, said R. Ashi, Rabban Gamaliel and his Beth din concurred with R. Ishmael who held that [the presabbatical restrictions] were based on a halachah-usage. And when did the tradition of such halachah-usage [apply]? During the time when the Temple was still standing, like that of the water libation;¹⁰ but in times when the Temple is no longer standing the tradition of this halachah-usage does not apply.¹¹

BUT IT MAY NOT BE WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL. It is quite correct [to prohibit water] from a swipe-well, because that is a rather extra trouble; but rain water-what trouble is there [in using it]? — Said R. Ela, reporting R. Johanan: Rain water is prohibited as a precaution on account of the swipe-well.¹² R. Ashi said: Rain water itself may [sometimes] come to be [just as difficult to draw¹³ as] the water of a swipe-well. And they differ on [the statement of] R. Zera; for R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week.¹⁴ One Master¹⁵ is in agreement with [the statement of] R. Zera, while the other¹⁶ is not in agreement with [the statement of] R. Zera. The text [above stated]: ‘R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week’. R. Jeremiah put all objection to him [R. Zera]: **BUT... NOT WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL!**¹⁷ — Said R. Zera to him: Jeremiah, my son, these Babylonian pools are like water [pools] that do not fail.¹⁸

Our Rabbis taught: Ditches and pools¹⁹ [even though] filled with water on the day before the festival are debarred from being used for watering during the festival week,²⁰ but if a canal passes between them they may be used. Said R. Papa: This is only provided that the greater part of that field obtains its supply from that canal.²¹ R. Ashi said that [they may be used] even if the greater part of that field does not obtain its supply [from that canal], because since its flow is continuous [the owner] says. if it [the field] does not get enough drink on [this] one day, it will [soon] get its drink in two or three days.²² Our Rabbis taught: ‘If a pool gets tricklings from²³ an irrigated field [higher up], it may be used for watering another field’.²⁴ But is it not going [ultimately] to give out? — Said R. Jeremiah: For the present at any rate it is still trickling! Said Abaye: This is [permitted] only so long as the first source has not given out.²⁵

It has been taught: R. Simeon b. Menassia says: Where two cultivated beds lie one above the other, one should not²⁶ draw from the [supply of the] lower to water the upper. R. Eleazar b. Simeon went even further, saying: Even in one bed, if half of it is low and the other half higher one should not draw from the low-lying part to water the upper part.

Our Rabbis taught: ‘One may raise [medallin]²⁷ for the vegetables if they are to be eaten; but if it is to improve their appearance it is forbidden’. Rabina and Rabbah of Thospia²⁸ were [once] walking on the road when they saw a certain man drawing buckets of water during the festival week.²⁹ Said Rabbah of Thospia to Rabina: Come, Sir, put a ban³⁰ on him. Said Rabina to him, But is it not taught: ‘One may raise³¹ for vegetables to be eaten’? — Replied Rabbah, Do you think that this

medallin means one may raise water [in buckets]?³² [No], what medallin means is

(1) Accordingly 'ploughing' is Biblically forbidden in the pre-sabbatical extension and the offender would be liable to a flogging were it not for the inferences derived from the other text of Lev. XXV, 4-5, as expounded above, 3a. Cf. Tosaf. 3b s.v. **שהרי** and Han.

(2) I.e., not ordained to be done on any particular day.

(3) 'The sheaf of the first fruit of your (barley) harvest'. V. Lev. XXIII, 10ff. R. Ishmael holds that this may be reaped even on Sabbath. R. Ishmael's statement is for the moment irrelevant, though it comes in later. R. Akiba's dictum shows that the extension, i.e., the pre-sabbatical bar on tillage, is not merely a pristine halachah-usage, but has textual basis.

(4) Cf. M. Sheb. I, 4 and Mak., Sonc. ed. p. 48.

(5) Down to New Year's eve.

(6) Thirty days before New Year, which prohibition was extended by Beth Shammai and Beth Hillel to Passover and Feast of Weeks, according to the field.

(7) Who, unlike R. Akiba, uses that text for another point, namely, as permitting reaping the barley for the 'omer even on a Sabbath, if that is the date.

(8) Gezerah shawah (V. Glos.) which some admit and others do not.

(9) I.e., Ex. XXXIV, 21 taken with Lev. XXV, 2 ('a Sabbath-rest year-unto the Lord').

(10) Mentioned together with the tradition regarding the ten saplings, supra 3b.

(11) With the fall of the Temple and the Jewish State many of the laws appertaining to the Temple and the Land fell into abeyance owing to the force of circumstances. Recently, I. S. Zuri has attempted to establish that Rabban Gamaliel's abrogation was enacted soon after May 215 C.E. when Caracalla entered Antioch and thence marched his armies through Palestine on his way to Egypt, when the people had to pay 'annonae' to feed the armies. V. his **שלאטון הנשיאות והועד** I, Vol. III, 58-59.

(12) If stored rain water is permitted, one will also work a shadoof.

(13) When much of it has been drawn off he will have to go deep down with his bucket, with almost as much exertion as from a shadoof.

(14) [And we do not apprehend the possibility of the pool drying up when he might go and fetch water from another river, with all the extra trouble it involves.]

(15) R. Ashi.

(16) R. Johanan, who prohibits rain water on account of a swipe-well.

(17) [Presumably because we apprehend lest he may go deep down with his bucket should the water be drawn off and the same should apply to the case of R. Zera.]

(18) And there is no likelihood of leading to exertion during the Festival Week.

(19) The former rough-cut and the latter well-made (Commentators on Alfasi). J.M.K. I, 1 reads **הפיסקין והבריכה**, which points to the Latin piscina, reservoir, swimming bath or fish-tank.

(20) Because their supply comes from a distance and may entail exertion should the supply fail.

(21) I.e., if the supply is plentiful.

(22) Because he will get what he may and if not enough will readily wait for a day or two for another chance, without going to exertion during the festival week.

(23) [So MS.M. Cur. edd. 'trickles water (which one gets) from'].

(24) Tosef M.K. I, 1; J.M.K. I, 1.

(25) But once the trickling has ceased the pool has lost its supply and becomes like a swipe-well or stored rain water likely to entail exertion.

(26) During the festival week.

(27) [**מדלין**] either (i) 'medallin' (from **דלה**), 'raise water by means of buckets', hence irrigate; or (ii) madlin (from **דלל**) 'to lift (vegetables)' for thinning the beds. At present the first rendering is assumed].

(28) The capital of the Armeman district Thospitis.,

(29) To water his vegetables.

(30) **שמתא** cf. infra 17a.

(31) **מדלין** or **מדלין** from **דלה** to raise, draw water with bucket (**דלי**).

(32) In the course of the festival week.

Talmud - Mas. Mo'ed Katan 4b

to pull out [vegetables],¹ as we learned:² 'If one is [engaged in] thinning³ vines, just as he may thin his own, so also he may thin those due to the poor;⁴ so R. Judah. R. Meir says: He is permitted [to attend] to his own but not to those of the poor'.⁵ Said Rabina: But it is taught [explicitly]: 'One may raise water for vegetables if they are to be eaten'! — Said Rabbah [of Thospia] to Rabina: If it is thus taught, that settles the matter.⁶

NOR MAY SMALL BASINS [‘UGIOTH] BE FORMED ABOUT THE VINES. What is meant by ‘ugioth?⁷ — Said Rab Judah, [What we call] banki.⁸ It is also taught thus: These are ‘ugioth; light hoeing done about the roots of olives and at the roots of vines.⁹ [But] this is not so, for did not Rab Judah allow the family of Bar-Zittai¹⁰ to make banki in their vineyards? — This is not difficult: The one statement [in the Mishnah] refers to fresh [trenchings], the other [Rab Judah's] refers to re-trenching.¹¹

R. ELEAZAR B. AZARIAH SAYS A [WATER] CHANNEL MAY NOT BE NEWLY MADE [DURING THE FESTIVAL WEEK, NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY].¹² It is perfectly in order in regard to the festival week, because he performs laborious work, but what reason can there be [against making a channel] in the sabbatical year? — R. Zera and R. Abba b. Memel differ in the matter: One says [it is forbidden] because [the digger] seems to be doing spading [in his field]; the other says, because he is [thereby] preparing the banks for sowing. What is the [practical] difference between the two [explanations]? — There is a difference where water comes along forthwith; according to the one who says that [it is] because he is preparing the banks for sowing, there is [still an objection], but according to the one who says that [it is] because he seems to be doing spading, there is none.¹³ But, the one who objects on the ground that he seems to be doing spading, should he not likewise object on the ground that he seems to be preparing the bank for sowing? — Rather, the [practical] difference between them is where he takes [the mould] from the trench and throws it outside. According to the one who says that [it is] because he seems to be preparing the banks for sowing, there is no objection, whereas according to the one who says that [it is] because he seems to be spading, there is [still an objection]. But, he who takes the view that he seems to be preparing the banks for sowing, should he not likewise admit the objection that he seems to be doing spading? — [No,] because one who does spading, as soon as he takes up a spadeful he puts it down again in its place.

Amemar taught this [clause of the] Mishnah with the explanation [that R. Eleazar b. ‘Azariah forbids making a channel] ‘because he seems to be doing spading [in his field]’¹⁴ but felt some difficulty about it in view of another statement of R. Eleazar b. ‘Azariah. Could R. Eleazar b. ‘Azariah [said he] have held the view that wherever one seems to be spading [his field],¹⁴ it is forbidden? And he contrasted that with the [statement in the] following [Mishnah]:¹⁵ One may lay up a store of manure [in his field].¹⁴ R. Meir says he may not until he places it either three handbreadths below or three handbreadths above [the surface]. If he had some small quantity [already there] he may go on adding thereto. R. Eleazar b. ‘Azariah says [even then] he may not until he puts it down either three handbreadths below, or raises it three handbreadths above [the surface],¹⁶ or places it on a rock!’ — R. Zera and R. Abba b. Memel [explained this seeming discrepancy], one said: [The latter Mishnah means where], for instance, he has had the place excavated; the other said: [The reason there is because] the manure heap itself attests his intention.¹⁷

AND [A CHANNEL] THAT HAS GOT OUT OF ORDER MAYBE RE-PAIRED. What is meant by OUT OF ORDER? — Said R. Abba:¹⁸ ‘It means that if it is [now, for instance] but one handbreadth in depth, he may restore it to [a depth of] six handbreadths’. It is obvious that [to restore it] from half a handbreadth to [the original] three, seeing that there was [originally] scarcely any flow of water, it is nothing at all;¹⁹ [to deepen it] front two handbreadths to [the original] twelve²⁰ which

involves extra exertion,²¹ is not [allowed]. What about [deepening it] front two [handbreadths] to [the original] seven? [Do we argue that] as in the first instance [it was explained above] he deepens it by five handbreadths, [from one to six], so here he deepens it by five handbreadths [from two to seven];²² or, maybe that as in this instance he [actually] deepens the channel by an extra handbreadth there is extra exertion, and hence it is forbidden? — It stands undecided.

Abaye allowed the people of Harmek to clear away²³ [the growths obstructing]²⁴ the canal.²⁵ R. Jeremiah allowed the people of Sacutha to dredge the canal that had become blocked.²⁶ R. Ashi allowed the people of Matha-Mehasia to clear obstructions from the river Barnis, saying that as the public obtained their drinking water from it it was virtually a [pressing] public need, and we learn: **AND ALL PUBLIC NEEDS MAY BE PERFORMED.**

(1) I.e., one may lift vegetables for thinning and improving the crop. If the vegetables pulled up are to be eaten in the course of the festival week, and it should be vocalized to read madlin.

(2) Pe'ah VII, 5. Cf. IV.

(3) מִיֵּדֵל from לֵּלֵד.

(4) V. Lev. XIX, 10; Deut. XXIV, 21.

(5) Because he has no right to handle them, as if they were his.

(6) It is taught.

(7) Grooves, ditchlets, or circular depressions, or trenching drawn around a group of vines. V. n. 5 on Mishnah.

(8) Little hollows, basins.

(9) Tosef. M.K. I, 2. Cf. Ibid. Sheb. I.

(10) A well-known family referred to in Yeb. 21b.

(11) Lit., 'old ones'.

(12) V. Mishnah 2a.

(13) The flow of water in the trench shows that he has no intention of spading the field.

(14) In the sabbatical year.

(15) Sheb. III, 3.

(16) Here R. Eleazar b. 'Azariah permits digging in the field in the sabbatical year to prepare a place for the manure store without seeming concern about giving a wrong impression, that he is said to have had in his mind when he prohibited the making of a water channel.

(17) Lit., 'is the proof for him'. Cf. J.M.K. I, 2. J. Sheb. III, 2.

(18) D.S. react Abbahu.

(19) It is useless work to be done in the festival week (Rashi).

(20) That is, proportionately double, i.e., from one to six and from two to twelve.

(21) V. supra 2a, pp. 3 and 4.

(22) And it should therefore be permitted.

(23) During the festival week.

(24) Projecting from the banks, or weeds choking the canal.

(25) Or stream.

(26) According to J.M.K. I, 2 it was a public bathing pool that had got into disorder at Sacutha and R. Abbahu allowed the repairing to be done in the festival week.

Talmud - Mas. Mo'ed Katan 5a

AND IMPAIRED WATER-WORKS¹ IN THE PUBLIC DOMAIN MAY BE REPAIRED AND CLEANED OUT. [That is to say only] to repair, but not to be dug [afresh]. Said R. Jacob as reporting R. Johanan: This was taught only where there is no public need; but where there is public need² for it even [fresh] digging is allowed.

And where there is a public need is digging allowed? Surely it is taught: 'Wells,³ ditches or caverns of a private person may be cleaned out, and needless to say, those of the public; but wells,

ditches or caverns of the public may not be dug and still less those of a private person'.⁴ Does not that mean that [digging is not allowed] even where the public has need of it? — No, [only] where the public has no need of it. Then similarly the reference to a private person is where the private person has no need of it, but in that case is 'cleaning out' allowed? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them, but they may not be cleaned out, nor have their cracks plastered; but those of the public may be cleaned out and their cracks may be plastered'? — But what else [are we to say] but that the private person has need of it; in which case [the references to the public is similarly where the public has need of it? But where the public has need of it, is digging forbidden? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them or be cleaned out; but their cracks may not be plastered, nor may the scourings be put into them,⁵ nor may they be plastered with cement. But those of the public may be dug and plastered with cement'.⁶ But [if so], the first [Baraita] is difficult. Explain it thus: 'Wells, [ditches or caverns] of a private person [may be cleaned out]' — providing he has need of them, 'and needless to say those of the public' — when the public has need of them, as then, even digging is allowed.⁷ 'But wells, ditches or caverns of the public are not to be dug' — when the public has no need of them, 'still less, those of a private person', as when a private person has no need of them, even cleaning out is not allowed. R. Ashi remarked: Our own Mishnah is also precisely worded [to the same effect] as it states **AND ALL PUBLIC NEEDS MAY BE PERFORMED**. What is the force of **ALL**? Is it not meant to include digging? — No; it is to include [other instances] such as are taught [in the following]: 'They [Public Commissioners] go forth to clear the roads of thorns, to mend the broadways and [main] highways and to measure the [ritual] pools; and if any [ritual] pools be found short of forty [cubic] se'ahs of water⁸ they train a continuous flow into it [to ensure] forty se'ahs'. And whence do we know that if they did not go forth and attend to all these [public needs], then if any blood be shed there [through] this neglect [Scripture] lays [blame] on them, as if they themselves had shed it? From the instructive text, And so blood be upon thee.⁹ But surely [the Mishnah does] state these instances expressly: **AND ROADS, BROADWAYS AND [RITUAL] WATER POOLS AND ALL PUBLIC NEEDS MAY BE PERFORMED!** What else [then] may be included under this word **ALL**? Is it not digging [afresh if required by the public]? This proves it.

AND GRAVESIDES MAY BE MARKED. R. Simeon b. Pazzi said: Where is an indication in the Torah that gravesides should be marked? In the instructive text: [And when they pass through . . . the land] and one seeth a man's bone then shall he set up a sign by it.¹⁰ Said Rabina to R. Ashi, But who told us that¹¹ before Ezekiel came? — [Said the other]: Accepting your view, with regard to the statement made by R. Hisda¹² [namely]: This point we do not learn from the law of our Master Moses; we learn it from the words of [prophet] Ezekiel the son of Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My Sanctuary.¹³ [We might equally ask], who had told us that before Ezekiel came and stated it? Only, that was first learnt by oral tradition and then Ezekiel came and gave us a textual basis for it; here too, it was first learnt as an oral tradition and then Ezekiel came and gave us a textual basis for it. R. Abbahu suggested that it may be derived from this [text]: And he shall cry, 'Unclean! Unclean!'¹⁴ [That is], impurity cries out [to the passer-by] and tells him, 'Keep off!' And R. 'Uzziel, the grandson of the elder R. 'Uzziel said the same, [that] impurity cries out and tells him, 'Keep off!' But was this [text] intended for this lesson? It is required for what has been taught: And he shall cry 'Unclean! Unclean!'; [this teaches that] one must needs make his distress known to many, that many pray for mercy on his behalf? — If that be so, let the text read 'Unclean' [but once]; why has it 'Unclean', 'Unclean' [twice over]? Infer [from it] the two points. Abaye said [that the rule¹⁵ may be derived] from here: And put not a stumbling-block before the blind.¹⁶ R. Papa said: And he will say, Cast ye up, cast ye up, clear the way.¹⁷ R. Hinena suggested, Take up the stumbling-block out of the way of My people.¹⁷ R. Joshua the son of R. Idi said: And thou shalt show them the way wherein they must walk.¹⁸ Mar Zutra said: And ye shall separate the Children of Israel from their uncleanness.¹⁹ R. Ashi said: And they shall have charge of My charge,²⁰ [which implies], make safeguards to My charge. Rabina said: And to him who ordereth²¹ [we-sam] his way will I show the salvation of God.²²

Said R. Joshua b. Levi, Whoever appraises [ha-sham] his ways [in this life]²³ becomes privileged to behold the salvation of the Holy One, blessed be He, for it is said: '[And to him] who ordereth his way'.²² Read not [we-sam]²⁴ who sets [his way], but [we-sham]²⁵ who appraises the worth [of his way], him will I show the divine salvation. R. Jannai had a certain disciple who daily raised critical points [at his college]²⁶ but refrained from raising any critical points at the periodic lectures of the Festival Sabbaths²⁷

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- (1) Damaged wells or cisterns, etc. Cf. Mishnah n. 6.
 - (2) Lit., 'where the public needs them.' Though there be no immediate need for it, yet 'cleaning out' may be done in the festival week.
 - (3) Or 'cisterns, pits.
 - (4) Note the absence of the proviso of 'need' in this Baraitha, which seemingly contradicts R. Johanan's quoted comment above.
 - (5) To fill the cracks.
 - (6) The first Baraitha, which forbids digging public wells even when the public has need of them, contradicts this latter Baraitha which permits.
 - (7) In agreement with R. Johanan's ruling.
 - (8) The minimum quantity of natural flowing water, calculated to allow an average person to go in and submerge himself completely. V. Mak., Sonc. ed. p. 13, n. 2.
 - (9) Deut. XIX, 10 in conjunction with verse 3, and Num. XXXV, 12 and 25, which was a public charge.
 - (10) Ezek. XXXIX, 15. This is a mere allusion as the verse refers to the future.
 - (11) In the Pentateuch, the main source of Law.
 - (12) V. Ta'an 17a and 17b.
 - (13) Ezek. XLIV, 9.
 - (14) The leper, in his state of uncleanness, shall warn those who approach him. Lev. XIII, 45.
 - (15) For marking off graves.
 - (16) Lev. XIX, 14. A travelling priest or pilgrim might by stepping unawares on a grave become defiled.
 - (17) Isa. LVII, 14.
 - (18) Ex. XVIII, 20.
 - (19) Lev. XV, 31; which with Num. XIX, 13, 20 has a special bearing on this marking for pilgrims on their way to visit the Temple and celebrate the Passover (Num. IX, 6ff).
 - (20) Lev. XXII, 9 as referring especially to priests and Levites who are charged again and again with repeated warnings. Cf. Num. XVIII, 3,4,5.
 - (21) In the sense of marking off the unclean paths for the people to avoid.
 - (22) Ps. L, 23.
 - (23) Some texts add these words.
 - (24) From the root **נָשָׂא** to put, place, set out, e.g., Ex. XXI, 13 and especially Isa. XLIII, 19.
 - (25) From the later Hebrew **נָשָׂא**, to estimate, the value or worth of an object or claim.
 - (26) Often this task was assigned to the most prominent member of the college or the Vice-principal.
 - (27) When many strangers were gathered to hear the master on the topics of the day. Cf. B.M. 97a.

Talmud - Mas. Mo'ed Katan 5b

. He [R. Jannai] applied to him the text: And to him who ordereth his way will I show the salvation of God.¹

Our Rabbis taught: 'No markings are made to indicate [the presence of] a piece of flesh² [from a corpse] no larger than an olive, nor of [human] bone no larger than a barley-corn,³ nor of any [human] remains which do not diffuse defilement under 'tent'.⁴ But markings are made to indicate [the presence of] a [human] spine, a skull or the major members of a skeleton or the major number of lesser bones thereof.⁵ And the markings are not made in cases of certainty⁶ but [only] in cases of

uncertainty. These are [instances of] uncertainty: Leafy bowers,⁷ jutting ledges⁸ and a Peras-area.⁹ And the markings are not placed on the site of the impurity [itself], in order to avoid wasting what is [preserved as] pure;¹⁰ nor is the marking placed far away from the spot, in order to avoid wasting any space¹¹ of the Land of Israel'.¹² But does not flesh of an olive's size from a human body diffuse defilement under a tent? For we learned: 'The following diffuse defilement by tent [overspreading]: Flesh of an olive's size from a human dead body . . .!' — Said R. Papa, We speak here of an olive's size precisely which after all shrinks [to less]: far better is it that terumah and other meats that are pure¹³ should be burnt [unnecessarily] on one occasion¹⁴ than that they should be burnt continuously.¹⁵

And these are [instances] of uncertainty: Leafy bowers and jutting ledges.¹⁶ 'Leafy bowers' [means] a tree which overspreads the ground¹⁷ and 'jutting ledges' are [stones]¹⁸ projecting from wall enclosure.¹⁷ 'And a Peras-area': as we learned: 'One who runs a plough over a grave makes the site a Peras-area'; and how much thereof has he thus affected? The full length of a furrow, one hundred cubits [each way].¹⁹ But does a Peras-area convey defilement by tent? Surely, Rab Judah, citing Samuel, said that one [a pilgrim] may walk across a Peras-area cautiously fanning his way [in front of him]!²⁰ Moreover, R. Judah b. Ammi, in the name of 'Ulla, said that a Peras-area which has been [much] trampled is [considered as] clean?²¹ — Said R. Papa: 'This [discrepancy] is not difficult [to explain]. The former statement refers to a field where a grave has become lost;²² whereas the latter refers to a field where a grave had been run over by the plough'.²³ But is a field where a grave has been lost²⁴ [correctly] called a Peras-area? — Yes [indeed], for we learned: 'There are three kinds of Peras-areas — [a] a field where a grave has been lost²⁵ [b] a field where a grave has been run over by the plough²⁶ and [c] the weepers' field'.²⁷ What is the weepers' field? — R. Joshua²⁸ b. Abba explained in the name of 'Ulla that it is a field where they bid final farewell²⁹ to the dead. And wherefore [is it held as a defiling area]? — Said [R. Hisda, as reporting]³⁰ Abimi, [It is] because there is here a possibility³¹ of abandoned ownership.³² But does not a field where a grave has been run over by the plough require to be marked? Surely it is taught: 'If one came upon a marked field without knowing its character,³³ then if there are trees on it, it is thereby indicated that a grave in it had been run over by the plough;³⁴ if there are no trees, it is thereby indicated that a grave has been lost in it.³⁵ R. Judah says: [The presence of trees is no criterion] until there is some elder or disciple [to attest it], for not all are well versed on the subject [of proper markings]!' — Said R. Papa: What is taught in this [latter Baraita] refers to a field in which a grave had been lost, and which had [consequently] been marked. If there are trees on it, it is thereby indicated that a grave had been run over by the plough [subsequently]; if there are no trees on it, it is indicated that a grave had been lost in it.³⁶ But is there not a danger that the trees are situate within the field and the grave was outside?³⁷ — as 'Ulla said [elsewhere that we speak of a case where]³⁸ the trees are situate on the boundaries [of the field] here likewise they were situate on the boundary line.³⁹

(1) In appreciation of his disciple's thoughtful considerateness towards himself on those special public occasions. Cf. Ta'an. 9b and B.K. 117a.

(2) As flesh soon shrinks to less than its (traditional) minimum size of an olive and is then impotent to cause defilement without direct contact, Num. XIX, 13-16; Ohal. II, 3.

(3) Which is (traditionally) the minimum size for human bone to cause defilement by direct contact. V. references in previous note and Tosaf. s.v. **עצם**.

(4) Anything extending to one handbreadth over dead human remains represents the 'tent' of Num. XIX, 14, to diffuse defilement without contact, unless it is less than the minimum size.

(5) Any of these enumerated defile under cover without coming into direct contact with the object or grave. Any covering to the extent of one handbreadth, say his coat tail or sleeve spread, or hanging down over the spot, is enough to defile him, even if neither he nor his garment touch the unclean thing or spot.

(6) As people take care of their own accord not to run the risk of personal defilement or the loss of sacred meats.

(7) Lit., 'coverings', arbours, groves, avenues or single trees whose thick branches are full of foliage, constitute a 'tent', to spread the defilement to the walker; cf. Tosaf. s.v. **אילן**.

- (8) E.g., stone copings, boards and ledges projecting from cemetery walls each way within and without, constitute a 'tent'. These are doubtful, as one is not certain whether there is a corpse near by within.
- (9) Defined lower down. On the term v. Pes., Sonc. ed. p. 492, n. 4.
- (10) Which may be brought close to the grave and defiled before one is aware. To those pure' things belong e.g., the priest's due — terumah 'first-fruits', 'second tithe', etc. Cf. Num. XVIII, 11-13;26-30.
- (11) I.e., declaring any of it unclean unnecessarily.
- (12) Cf. Sot. 30b.
- (13) Reading טהרות (instead of קדשים), as holy sacrificial meat is not carried about.
- (14) While the human dead flesh, soon after the burial is still of the size potent to defile.
- (15) Through the unnecessary space included in the marking. Holy food or drink (wine, corn, fruit and oil) could not be given away or thrown away, it had to be burnt.
- (16) Explaining the above technical terms.
- (17) Near a cemetery; Ohal. VIII, 2.
- (18) The word 'stones' is omitted in the above Baraita as the fence or wall enclosure may be any of other materials.
- (19) Ibid. XVII, 1. (Cf. 'furlong' as the length of a furrow).
- (20) With bellows or a spade to blow away from his path, without touching any piece of splintered bone cast up by the plough. They used to bury the dead in a very shallow grave, barely three handbreadths under the surface, which were therefore easily exposed. Cf. Tosaf. s.v. מנפה and Ohal. XVIII, 5.
- (21) And need not be marked or avoided. (Han.).
- (22) And, as it cannot be located, the whole field is considered a place of defilement.
- (23) The plough, we assume, crushes the bones rendering them impotent to communicate tent-defilement.
- (24) So according to Wilna Gaon. Cur. edd., that was ploughed over.
- (25) Ohal. XVIII, 3.
- (26) Ibid. 2.
- (27) Ibid. 4'
- (28) Better D.S.; 'R. Hoshai in the name of 'Ulla'.
- (29) The 'broad place' or forum provided on the cemetery.
- (30) So D.S. and Ritba.
- (31) Lit., 'a touch of', contingency.
- (32) Loose limbs may have been dropped in transit, which the mourners being unable to identify, leave abandoned. On the practice of collecting bones after temporary burial and transferring them to their permanent place of rest v. infra 8a and Ber. 18a.
- (33) Whether a grave had been lost in it, and the field cannot then be traversed by 'fanning', or whether the grave had the plough run over it in which case it may be traversed by 'fanning'.
- (34) For the sake of the trees, this shows that a field in which a grave had been run over by the plough is marked.
- (35) As such a field is not to be planted, Ohal. XVIII, 3; Tosef. Ohal. XVII.
- (36) And had not been ploughed over.
- (37) I.e., where the soil had not been ploughed, so that it is treated like a field wherein a grave had been lost.
- (38) Ned. 42b.
- (39) And since dead are not buried on the road, the grave must be among the trees and has been run over by the plough, when the field has been tilled for the good of the trees.

Talmud - Mas. Mo'ed Katan 6a

But perhaps the defilement lies within the field while the trees stand on the outer sides [of it]?¹ — They were planted irregularly.² Or, if you like, I may explain by what was said above: Nor is the marking placed far away from the spot, in order to avoid wasting any space of the Land of Israel.³

'R. Judah says [the presence of trees is no criterion] until there be some elder or disciple [to attest that it has been ploughed], for not all are well versed in the subject [of markings]'. Said Abaye: You may infer from here, that when a scholar is resident in a place, all local matters devolve upon him.

Said Rab Judah: If one comes across a [single] stone which is marked [with lime], the space under it is defiled; if two stones [with markings] then if there is lime on the space between them, the space between is defiled, and if there is no lime between them, the intervening space is clean, even though there is no [sign of] tilling [there]. But surely it is taught: 'If one comes upon one stone which is marked, the space under it is defiled, if on two stones, if there is tilling between them, the intervening space is clean, if not, it is defiled'? — Said R. Papa. Here [it is a case where] the lime had been poured on top of the stones and got spread here and there. [Now] if there is any tilling [in the space] between them, [the space] between is clean, because it may be presumed that the [splashed] lime had got peeled off by the tilling; whereas if there is not [any trace of tilling] the lime is intended to mark the space between and it is 'defiled'.

Said R. Assi:⁴ If one boundary is marked, that side [alone] is 'defiled', but the rest of the entire field is 'clean'. If two [are marked] those [alone] are 'defiled', but the rest of the entire field is 'clean'; if three [are marked], those are 'defiled', but the rest of the entire field is clean; if the four [boundaries are marked] they are clean and the entire field [within] is 'defiled', for the Master⁵ said: 'Nor is the marking place far away from the spot, in order to avoid wasting space of the Land of Israel'.⁶

AND [PUBLIC COMMISSIONERS] SET OUT [ALSO] TO INSPECT DIVERSE SEED-CROPS. But do we set out for inspecting seed-crops during the festival week? This is contradicted by the [following]: On the first of Adar announcements are made about the [contribution of] shekels and about the diverse crops. On the fifteenth thereof the scroll [of Esther] is read in the [ancient] walled cities and [commissioners] go forth to clear the roads of thorns, mend the broadways, measure the [ritual] water-pools and to perform all public needs, and they mark the gravesides and go forth to inspect the diverse seed-crops?⁷ — R. Eleazar and R. Jose b. Hanina [gave differing explanations], One said, The latter statement speaks of earlier crops,⁸ the other of later⁹ crops; the other said, In one case⁸ [they go out to attend] to grain crops, in the others to vegetable crops.

R. Assi, reporting R. Johanan said: The rule laid down [in the Mishnah] applies only when the sproutings [of the season are late and] had not become recognizable¹⁰ [before then]; but where the sproutings had become recognizable [before], they went forth about them [even earlier].

Why do we particularly set out during the festival week? R. Jacob reporting R. Johanan explained that it was because the wages given for labour are then low with us.¹¹

R. Zebid, or some say, R. Mesharsheya said: From the afore — mentioned [explanation] you may infer that when pay was given,¹² it was given them out of the Terumah of the [Shekel] Chamber;¹³ for if you should suppose that they [the owners of the fields] themselves paid, what difference does it make to us? Let them pay whatever they ask.¹⁴

And how much [constitutes an admixture]?¹⁵ Said R. Samuel b. Isaac, The same as we learned:¹⁶ Every se'ah of seeds that contains one quarter [of a kab]¹⁷

(1) And the grave has not been disturbed at all. What is the indication of the trees in such a case?

(2) Not in even rows, but promiscuously and thus the whole site had to be disturbed by the ploughing.

(3) [And since the marking is in proximity to the trees, it is evident that the defilement lay between the trees].

(4) Explaining the precise principle and system of marking, by confining the markings close to the spot of defilement.

(5) In the Baraitha, supra 5b.

(6) [Consequently where the whole field was defiled the whole of the four boundaries had to be marked. As to the cleanliness of the boundaries themselves, v. Tosaf. s.v. אָמַר.]

(7) Shek. I, 1. Meg. 13b.

- (8) In mid Adar.
- (9) In our Mishnah again directing it to be done in mid Nisan during the festival week.
- (10) Cf. e.g., Ex. IX, 32.
- (11) As ordinary work, apart from emergencies, is suspended during the festival week.
- (12) For the work.
- (13) V. Shek. III, 1.
- (14) As this was a punitive campaign against the inobservant, let them be mulcted.
- (15) What quantity of diverse seeds necessitate; the pulling up of the (offensive) crop?
- (16) In reference to initial sowing, Kil. II, 1.
- (17) A se'ah contains six kabs and a quarter of a kab's admixture is therefore one twenty-fourth of the se'ah, or enough seed to be sown in a field of 50 X 50 cubits.

Talmud - Mas. Mo'ed Katan 6b

of another kind must be reduced.¹ But it is taught: They [the authorities] introduced a rule that they should declare ownerless the [crop of the] entire field? — That is not difficult [to explain]. The former [Mishnah] states the practice before the [new] rule, while the latter [of the Baraita] gives the practice after the [introduction] of the rule, as it is [distinctly] taught: Formerly they [the public commissioners] used to uproot [the diverse-crop], throwing it to the cattle, at which the owners were doubly pleased, for one thing that they weeded their fields for them, and again that they threw [the forbidden crop] to the cattle; thereupon they made a [new] regulation that they should pull up [the forbidden crop] and cast it on the road. And still the owners were greatly pleased, because they weeded their fields. Thereupon they instituted that they should declare ownerless the crop of the entire field.²

MISHNAH. R. ELIEZER B. JACOB SAYS: WATER MAY BE DRAWN FROM [ONE] TREE TO [ANOTHER] TREE,³ PROVIDED THE WHOLE FIELD IS NOT WATERED IN THIS WAY.⁴ SEEDS⁵ THAT HAVE NOT HAD [ANY] DRINK BEFORE THE FESTIVAL WEEK MAY NOT BE WATERED DURING THE FESTIVAL WEEK.⁶ THE SAGES HOWEVER ALLOW IT IN BOTH THE ONE CASE AND THE OTHER.⁷

GEMARA. [NOT...THE ENTIRE FIELD]. Said Rab Judah,⁸ If the field has a clayey⁹ soil he may [water it].¹⁰ It is likewise taught:¹¹ When they said¹² that it is forbidden to water them during the festival [week], they referred only to seeds that had not drunk before the festival; but seeds that had drunk before the festival may [again] be watered during the festival [week]; and if the field was a clayey soil, it is allowed [to water it]. And a bare¹³ field is not watered during the festival [week]; but the Sages allow it¹⁴ in the one case and in the other. Said Rabina: You may infer from here that a garden plot may be sprinkled¹⁵ in the festival week. For in the case of a bare field, why is it [permitted]?¹⁶ Because it just quickens a tardy soil; here too, it just quickens a tardy soil.

Our Rabbis taught: 'A white field may be sprinkled¹⁷ in the sabbatical year, but not during the festival [week]'. But it has been taught: It may be sprinkled either in the sabbatical year or during the festival [week]?¹⁸ — Said R. Huna, This [discrepancy] is not difficult [to explain]; the former [quotation] states the view of R. Eliezer b. Jacob¹⁹ and the latter that of the Rabbis.²⁰

Another [Baraita] taught: A white field may be²¹ sprinkled in the pre-sabbatical year so that the greens may sprout in the sabbatical year. Nay, more, a white field may be²¹ sprinkled in the sabbatical year, so that the greens may sprout [better] in the post-sabbatical year.

MISHNAH. MOLES AND MICE MAY BE TRAPPED IN A TREE-FIELD OR WHITE FIELD IN THE USUAL WAY²² DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR: BUT THE SAGES²³ SAY, IN THE TREE-FIELD IN THE USUAL WAY AND IN THE

WHITE FIELD NOT IN THE USUAL WAY: AND A BREACH MAY BE BLOCKED UP DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR ONE MAY BUILD IN THE USUAL WAY.

GEMARA. What is ESHUTH?²⁴ — Said Rab Judah: [It is] a creature which has no eyes. Raba b. Ishmael, some say, R. Yemar b. Shelemia, said, What [may be the] text [for this]? — ‘Let them [the wicked] be as a snail which melteth and passeth away; like the young mole [esheth]²⁵ which hath not seen the sun.’²⁶

Our Rabbis taught: Moles and mice may be trapped in a white field and in a tree-field in the usual way and ants’ holes may also be destroyed. How are they destroyed? Rabbah Simeon b. Gamaliel says: Earth is fetched from one hole and put into another and they²⁷ strangle each other. R. Yemar b. Shelemia said in the name of Abaye, That is [effective] only if [the nests are] situate on two sides of the river; and that [again], if there is no bridge; and that [again], if there is not [even] a [crossing] plank; and that [again], if there is not even a rope [to cross by].

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- (1) Or when already sown and sprouting the admixture is to be pulled up.
 - (2) As a deterrent, s.v. Shek. 1, 3.
 - (3) If the fruit-trees need it.
 - (4) I.e., under this pretext.
 - (5) Grain crops, white and leguminous, in contrast to fruit-trees.
 - (6) Either because they then require fuller attention, entailing greater exertion, or to discourage leaving the task for this week of leisure.
 - (7) The Sages disagree in both clauses of the Mishnah, i.e., that they do allow watering the entire orchard by training from tree to tree, and allow watering seeds even if they had not been watered before the festival.
 - (8) D.S.: R. Huna.
 - (9) ‘Trees, shrubs . . . generally thrive better in heavy soil’. ‘Clays are especially of a pourous nature and consequently retentive of water and plant food’. H. J. Webb, *Element, Agriculture*, 1896, p. 20.
 - (10) Otherwise the soil goes hard.
 - (11) Var. lec. insert, R. Eliezer b. Jacob said.
 - (12) R. Eliezer b. Jacob and those who share his view.
 - (13) I.e., a plot uncultivated at the moment; cf. Pes. 55a and Lewin Otz. Hag. IV, 3, No. 6, p. 10.
 - (14) Both in the case of seeds that were not watered before the festival, and in the case of a bare field when an extra chance supply of water occurs, thereby to fit the soil for its turn to be sown or planted.
 - (15) By hand, jug or watering pot but not by regular irrigation, I.e., running the water into the field by ridges or channels.
 - (16) According to the Rabbis. So taken in Otz. Hag. l.c. and Tosaf. here s.v. **י,ן** but Han. explains differently.
 - (17) Of cereals and legumina. Rashi here takes it as a Baal-field, i.e., one favourably situated as regards rain and sunshine.
 - (18) This is in agreement with Rashi and Tosaf. according to the reading in our text. Var. lec.: ‘May not be sprinkled... neither in the sabbatical year nor during the festival (week)’. V. Han. Alfasi. The reading is discussed by the Tosafist R. Shimshon (b. Abraham) of Sens in his commentary on Sheb. II, 10.
 - (19) Who disallows (in the Mishnah) watering the whole field in the festival week (and sprinkling marrows with ‘white earth’ even in the sabbatical year). Sheb. II, 10 q.v.
 - (20) Both in our Mishnah and in the first cited Baraitha, as regards the tree-field and seeds.
 - (21) Tosef. Sheb. II, 1 reads ‘a field’.
 - (22) Mishnah texts read here ‘not in the usual way’.
 - (23) Var. lec. R. Judah; v. Gemara infra. Obviously, it is ultimately the view adopted by the Sages. 7a.
 - (24) The Hebrew word for ‘moles’ in the Mishnah.
 - (25) Biblical Hebrew for Eshuth.
 - (26) Ps. LVIII, 9.
 - (27) The ants of the two nests not knowing each other.

Talmud - Mas. Mo'ed Katan 7a

How much [apart]? — Up to a parasang.¹

R. JUDAH² SAYS: IN THE TREE-FIELD IN THE USUAL WAY AND IN THE WHITE FIELD NOT IN THE USUAL WAY. Our Rabbis taught: How is the usual way? He digs a hole and suspends a trap in it. How is the unusual way? He drives a stake [into the spot] or strikes it with a pick and flattens out the soil underneath.³ It is taught: R. Simeon b. Eleazar⁴ says, When they⁵ said, [‘And in the white field not in the usual way’], they said it only in reference to a white field situate near the city; but in a white field that is situate near a tree-field [they may trap them] even in the usual way, lest these [pests] come away from the white field and destroy the tree-field.

AND A BREACH IS BLOCKED UP DURING THE FESTIVAL [WEEK]. How is it ‘blocked up’? — Said R. Joseph: With [a hurdle made of] twigs and daphne stakes. In a Baraitha it is taught: ‘Loose rubble is piled up without being plastered with clay.’⁶ Said R. Hisda, This⁷ is taught only with regard to a garden wall,⁸ but the wall of a court⁹ is built in the usual way. Might one suggest that the following supports him: A wall that is bulging out into the public domain may be pulled down and built in the usual way, because it constitutes a danger [to the passers-by]!¹⁰ — [Not necessarily]. There the reason is as stated: ‘Because it constitutes a danger’. Some [put the argument] as follows: Come and hear: A wall that is bulging out into the public domain may be pulled down and built in the ordinary way, because it constitutes a danger. That is, where it constitutes a danger he may, but if it is not a danger he may not build. May we see in this a confutation of R. Hisda? — [Not necessarily], as R. Hisda might reply: There¹¹ he may ‘pull down and build’, whereas here¹² he may build¹³ but not pull down. Then let one in that case¹¹ likewise [merely] pull down¹⁴ and not build!¹⁵ — If so, he might refrain even from pulling down.¹⁶ R. Ashi said: Our Mishnah, here, gives an indication to the same effect,¹⁷ for it states: BUT IN THE SABBATICAL YEAR, ONE BUILDS IN THE ORDINARY WAY. Now of what is it [that he may block up the breach]? If it means [the wall of] his courtyard, does this need to be stated?¹⁸ It can only be, therefore [a breach in] his garden [wall] although he might seem to be doing it in order to safeguard his fruits.¹⁹ You can infer it [from this].

MISHNAH.²⁰ R. MEIR SAYS: AN [INITIAL]²¹ INSPECTION OF LEPROUS SYMPTOMS MAY BE MADE [DURING THE FESTIVAL ‘WEEK’]²² FOR [THE PRIEST TO MAKE] A LENIENT PRONOUNCEMENT²³ [ON THE FINDINGS], BUT NOT TO MAKE A SEVERE²⁴ PRONOUNCEMENT; BUT THE SAGES SAY: [IT IS TO BE MADE] NEITHER FOR A LENIENT NOR FOR A SEVERE PRONOUNCEMENT.²⁵

GEMARA. It is taught: R. Meir says that an inspection is made [during the festival week] to make a lenient pronouncement but not for a severe one. R. Jose says: Neither for making a lenient nor a severe pronouncement;²⁶ as, if you arrive at the necessity of having to make a lenient pronouncement [on the findings] you are [likewise] bound to make a severe pronouncement. Said Rabbi: R. Meir's statement seems appropriately applied to the case of an [observational] detention²⁷ and R. Jose's to that of a decided leper.²⁸

Said Raba, In the case of one who is [as yet nominally] ‘clean’,²⁹ all are agreed that he is not examined.³⁰ In regard to one under preliminary [observational] detention, all agree that he is examined;³¹ where a difference of opinion arises is

(1) Four Roman miles.

(2) V. Mishnah note.

(3) I.e., rams it down to flatten out the tunnelled cavities.

- (4) Sheeltoth reads: R. Eleazar b. Jacob. Our reacting, however, is well attested.
- (5) The Sages (adopting R. Judah's view).
- (6) Cf. infra 11a.
- (7) The ruling that he may merely block it up but not build in the usual way.
- (8) Which can wait, as not much damage or loss could be caused by this temporary delay.
- (9) As the Talmudic saying goes: 'The breach invites the thief' (Suk. 26a, SBH), or the possible loss of cattle or poultry, by straying.
- (10) Tosef. I, 4; infra 13a.
- (11) The case of a dangerous wall.
- (12) Where there is no public danger.
- (13) If it had already broken down.
- (14) Just remove the danger.
- (15) During the festival week, as in the other private case.
- (16) It is therefore ultimately a case of public need which may be performed during the festival week. Cf J.M.K. a.l., 'R. Hananiah in the name of R. Johanan (said), They permitted the last act thereof by reason of the first (the danger)'.
- (17) As R. Hisda's interpretation.
- (18) That he may build it in the ordinary way (cf. the discussion above).
- (19) 'Yet he may in the usual way in the Sabbatical year, but not in Festival week'.
- (20) The technical points involved in the discussion of this Mishnah bearing on the diagnosis of the symptoms of (biblical) leprosy and the treatment of the patient are the following: (a) The diagnosis may be made by any expert, priest or layman, 'save that the pronouncement of "cleanness" or "uncleanness" is assigned to the priest: if the priest be told that the man is "clean", he pronounces him clean; if he be told the man is "unclean", he pronounces him unclean'. Neg. III, 1. (b) On the findings of the first inspection the priest pronounced the patient either (i) as 'clean' and discharged, or as 'unclean', to be isolated; and (ii) in some cases of doubt, to be remanded for seven days' observational detention. Cf. Lev. XIII, 2-4ff; Neg. III, 3-4. (c) After a second inspection in doubtful cases, the priest pronounced the patient either 'clean' or 'unclean' as before, or if still in doubt a further remand for seven days' observational detention. Cf. Lev. ibid. 5-8; 13-17; Neg. ibid. 5-6. (d) On the third and final inspection he declared him 'clean' and discharged or 'unclean' to be isolated, until he recovered from his affection. During these periods the patient was allowed to consort with his wife. (e) On his recovery the patient went through two ritual purifications, (i) a preliminary, outside the town and returned home for seven days, during which, however, he was not to consort with his wife; cf. Lev. XIV, 2-8; Neg. XIV, 1-2. He then went through a second ritual purification which admitted him to the sanctuary for the sacrificial rites. Lev. XIV, 9ff; Neg. ibid. 3 and 7ff.
- (21) **בתחילה** seems best omitted here, as seems apparent from Raba's comment infra, and other ancient texts, e.g., Asheri and commentaries of Alfasi, although our editions of Alfasi as well as the Mishnah texts (Babylonian and Palestian) have it. V. Heller, Tosaf. Yom Tob and particularly Dr E. Baneth's full critical examination in his commentary on the Mishnah, Berlin., 1925, Pt. II, p. 161, n. 26.
- (22) This (bracketed) expression is in the Mishnah text and is essential here.
- (23) If the findings warrant it, to pronounce him 'clean'; and if not, to withhold the adverse pronouncement pending the festival.
- (24) If the symptoms are unfavourable, to order an observational detention (first or second), or his isolation as a confirmed 'unclean' leper. Cf. supra, n. 11, b, c, and d.
- (25) I.e., no inspection is to be made during the festival week.
- (26) I.e., the view adopted by the Sages (in the Mishnah).
- (27) V. p. 35, n. 3.
- (28) After the first or second detention. V. the following discussion by Raba.
- (29) I.e., who has not yet submitted to an inspection.
- (30) During the festival.
- (31) If he is pronounced 'clean' he is happy; if he is remanded for a second period he is no worse off.

Talmud - Mas. Mo'ed Katan 7b

in the case of one under a second [observational] detention: one Master [R. Meir] considers that it is

left to [the discretion of] the priest, so that if the patient is [found] 'clean' he declares him 'clean', and if he is [found] 'unclean' he holds his peace; while the other Master [R. Jose] considers that, [since] it is written: [This is the law of the plague and leprosy. . .], to pronounce it clean or unclean,¹ [the priest has no choice].²

The Master said: Said Rabbi, R. Jose's statement seems appropriately applied to the case of a decided leper³ and R. Meir's to one under [observational] detention.⁴ But the reverse⁵ is taught [elsewhere]? — Both versions are [variant] tannaitic interpretations of Rabbi's observation. One [authority]⁶ is of the opinion that the patient prefers the company of the world at large⁷ [during the Festival], while the other [authority]⁸ holds that he prefers to retain his wife's company.⁹

Is that to say that [according to Rabbi]¹⁰ a confirmed leper may have the use of the [conjugal] bed? — [Yes], it is taught: But he shall dwell outside his tent seven days,¹¹ [that is] he shall be¹² precluded from the use of the [conjugal] bed; for 'tent' means nothing but [living with] his wife, as it is said: Go, say unto them, return ye unto your tents.¹³ R. Judah says:¹⁴ [It is written,] [And after he is cleansed] they shall reckon for him seven days,¹⁵ [which implies that he is precluded only] while counting his seven days ['after he is cleansed] but not while he is a confirmed leper'. R. Jose b. Judah says: '[I take it to mean he is precluded] while counting seven days [and] all the more so while he is a confirmed leper'. 'And' 'said R. Hiyya: 'I argued on this point before Rabbi'. Our Master! [said I], You taught that [King] Jotham could not have been born unto Uzziahu¹⁶ save during the time that he was a confirmed leper,¹⁷ [to which] Rabbi replied, 'and I said so too'.¹⁸

Wherein do they differ? — R. Jose b. Judah argues that as the All Merciful has plainly indicated¹⁹ that a convalescent leper ['shall dwell outside his tent']²⁰ while counting his seven days [of preliminary ritual purification] it is all the more [to be expected that he be apart from his wife] while being in the state of a confirmed leper; and the [other] Master [Rabbi] argues that what has been plainly indicated is [to be kept as] indicated and what has not been indicated is not [to be assumed as] indicated.²¹

[Reverting to Raba's explanation above], do you mean to say that [the postponement of an unfavourable pronouncement or of the time of inspection]²² is [solely] dependent on the discretion of the priest?²³ — Yea, indeed, as it is taught [in the following]: And on a day when [raw flesh] shall be seen in him [he shall be unclean; and the priest shall lood on the raw flesh and pronounce him unclean],²⁴ which means that there is a day when you do see it in him as well as a day when you do not see it in him. Hence said they [the Sages] that if a groom developed symptoms of leprosy they grant him [delay of inspection to the end of] the seven days of the [marriage] feast,²⁵ whether it be his person, or his house²⁶ or his garment²⁷ [that is affected]; and likewise [if the symptoms developed] during a festival they grant him [the patient] all²⁸ the seven days of the festival: thus R. Judah. Rabbi says: There is no need [to resort to this text] as it says: And the priest shall command that they empty the house²⁹ [before the priest goes in to see the plague that all that is in the house be not made unclean].³⁰ Now if [the inspection is] here delayed for his convenience, which is just an optional [matter],³¹ may it not all the more be deferred for his [due observance of a] religious obligation?³² What is the [actual] issue between them? — Said Abaye: Merely the different expository results obtained by each from his text. And Rab said, it is the delay of inspection in an optional [matter]³³ that is the issue between them, R. Judah [holding] that from the [other] text [cited above by Rabbi]³⁴ we cannot learn [this],³⁵ as it is an anomaly,³⁶

(1) Lev. XIII, 59.

(2) And he must declare one or the other, according to his findings.

(3) To make no inspection so as to avoid the adverse decision being given in the festival week.

(4) The order of the statements is reversed but not the substance.

(5) Viz., that R. Jose's ruling is appropriate to a case under second observation and R. Meir's to that of a confirmed leper.

- (6) The second Baraitha which regards the view of R. Meir as appropriate to a confirmed leper and that of R. Jose to a case under second detention.
- (7) Thus: R. Meir, having in mind a confirmed leper, says: 'Inspect him now to mitigate his plight. If he is still a leper, he loses nothing. If he is found cured, he can at once get back to the town by beginning his first ritual cleansing; and although he has thereupon to part from his wife for seven days, he does not mind it as he prefers to get back to his friends in town'. And R. Jose, thinking of the case of a second detention, says: 'No inspection! For if you find him a leper you must confirm him as such and send him into complete isolation, right away from everybody (save from his wife)'.
- (8) The first Baraitha quoted.
- (9) Thus: R. Jose, thinking of a confirmed leper says: 'No inspection! For if you examine and find him clean" (cured), he must at once begin counting seven days of his ceremonial cleansing (referred to infra) and live apart from his wife. Leave him alone, therefore, just now; he prefers his wife's company to getting back to the town'. And R. Meir, thinking of a case of second observation, says: 'Examine him to ease his plight. If you find him "clean" (cured) he is happy with the favourable decision; if "unclean", (make no pronouncement just yet, or) even if you declare him a confirmed leper and he had to be strictly isolated, he will not be much worse off, as he still retains his wife's company'.
- (10) As implied in the discussion.
- (11) 'And he that is to be cleansed shall wash his clothes . . . and bathe himself in water and he shall be clean; and after that he may come (back) into the camp, but he shall dwell . . . , Lev. XIV, 8.
- (12) Var. lec. (v. D.S., Han.) add here: 'As one under a ban and as a mourner and'; cf. infra 15b.
- (13) Deut. V, 27, which is taken to mean the removal of the injunction, 'Come not near a woman' before the theophany. Ex. XIX, 14-15 and Bez. 5b.
- (14) I.e., Rabbi, as in the texts of Sifra, ad loc. ed. Weiss, 71b and RID (R. Jacob David of Wishogrod) ed. Warsaw 1866, p. 61 and Yalk. ׀ 561.
- (15) Ezek. XLIV, 26. Although that passage speaks of the ceremonial cleansing after contact with the dead — cf. Num. XIX, II, 12ff, 19 — it is taken exegetically, as having also a bearing on the leper's ceremonial cleansing. Cf. p. 35, n. 11e.
- (16) According to calculation. V. Rashi on II Kings XV, 1; and Tosaf. s.v. **יִתָּם**.
- (17) Cf. II Chron. XXVI, 19ff, and II Kings XV, 5.
- (18) That a leper may consort with his wife while a confirmed leper. This proves that Rabbi permits a confirmed leper the use of the conjugal bed.
- (19) Lev. XIV, 8 and Ezek. XLIV, 26.
- (20) Avoid marital connection.
- (21) There is no need or warrant to extend the restriction. V. Tosaf. s.v. **בִּזְיוֹ**.
- (22) During the festival week, in a case of a second observational detention, as suggested by Raba.
- (23) And not on the condition of the patient, or the ruling of Holy Writ which fixes definite periods for inspection and detention.
- (24) Lev. XIII, 14-15. The first part is rendered here according to the needs of the exposition.
- (25) Cf. Gen. XXIX, 27-28 with Nahmanides' commentary a.l. also J. Targum a.l.
- (26) Lev. XIV, 35-38.
- (27) Ibid. XIII, 47,50ff.
- (28) Mishnah, Sifra and Han. read 'all the days . . . , which is more correct than our text, as Shabu'oth is shorter and Tabernacles is longer than seven days.
- (29) Affected by symptoms of leprosy.
- (30) Lev. XIV, 36.
- (31) To save his effects in the house from becoming involved in defilement by the priest's declaration.
- (32) Marriage is ordained in Gen. I, 22 and II, 24; the joyous observance of festivals is ordained in Deut. XIV, 26 and XVI, 11, 14-15.
- (33) In the case of body leprosy (Rashi).
- (34) Lev. XIV, 36.
- (35) That inspection is delayed in an optional matter.
- (36) Lit., 'novel', something exceptional altogether. You cannot take an exceptional instance as a basis for argument or deductions.

Talmud - Mas. Mo'ed Katan 8a

inasmuch as wood and stones elsewhere are not subject to [ceremonial] uncleanness whereas here [in a house affected by leprosy] they are [made] subject to uncleanness. And [on the other hand] Rabbi says [that this text] is also needed.¹ For had the All Merciful prescribed [only], 'And on a day when [raw flesh] shall be seen in him . . .' I might have said that postponement [of inspection or pronouncement on the findings] is granted only for the [due observance of a] religious obligation, but not for the sake of an optional [matter]; therefore did the All Merciful prescribe also, 'And the priest shall command'. Again, had the All Merciful prescribed only 'And the priest shall command that they empty the house . . .', I might have said that [postponement is granted] in the case of these effects [of the house] because the uncleanness is not that of a person, but where the uncleanness is that of a person I might say that the priest should inspect him, [without delay]: therefore it is necessary [to have both texts].

The Master said: 'There is a day when you do see it in him and there is a day when you do not see it in him. How is this implied? — Said Abaye, If it is just so,² the Divine Law should have written: 'On a day [when]'; what then is the [import of] 'And on a day [when]'? From this you infer that there is 'a day' when you see in him . . . and there is 'a day' when you do not see . . . in him. Raba said: The whole text³ is redundant altogether for if it be just so,⁴ Divine Law might have had 'And when [raw flesh] is seen [in him]'. What then is the import of the [amplification] 'And on a day'?⁵ From this infer that there is a day when you do see it in him and there is a day when you do not see it in him.⁶ And Abaye?⁷ He needs that [to teach that the inspection is held] by 'day', and not at night.⁸ And whence derives Raba this [point] 'by day and not at night'? — It is derived by him from, 'According to all the sight of the eyes of the priest'.⁹ And Abaye? — He needs that [text] to exclude a person blind in one eye [inspecting a leper]. But does not Raba also require this text for that same point? — Yea, [he does] so also. But then, whence [does he derive the point] 'by day but not at night'? — He derives it from, 'Like as a plague was seen by me in the house',¹⁰ [that is, seen] by me, not by [the aid of] my [candle] light. And Abaye?¹¹ — If he did learn from there, I might have said that these [restrictions] obtain [only] where the uncleanness is not personal [of one's body]; but where uncleanness is that of the body, [it may be inspected] also by one's [candle] light. [Therefore] the [original] text¹² conveys it to us [best].

MISHNAH. FURTHERMORE R. MEIR SAID, A MAN MAY GATHER¹³ HIS FATHER'S AND MOTHER'S BONES,¹⁴ SINCE THIS IS [AN OCCASION] 'OF JOY' FOR HIM;¹⁵ R. JOSE SAYS, IT IS AN [OCCASION] 'OF MOURNING'¹⁶ FOR HIM. A PERSON SHOULD NOT STIR UP WAILING¹⁷ FOR HIS DEAD, NOR HOLD A LAMENTATION¹⁸ FOR HIM THIRTY DAYS BEFORE A FEAST.

GEMARA. AS IT IS A JOY FOR HIM. [The following] was cited in contrast to this: 'One who gathers his father's or mother's bones holds himself in mourning for them all the day,¹⁹ but in the evening he does not hold himself in mourning for them [any longer].' And R. Hisda commented thereon, even if he had them by him tied up in a sheet.²⁰ Said Abaye, I should suggest [it means], 'because the joyousness of the feast prevails with him'.²¹

A PERSON SHOULD NOT STIR UP A WAILING FOR HIS DEAD: What is the meaning of 'stirring up a wailing for one's dead'? Rab said: In Palestine [it is customary that] whenever a professional lamenter comes round people say, 'Let all those who are sore at heart weep with him.

THIRTY DAYS BEFORE A FEAST. Why [just] thirty days? R. Kahana said that Rab Judah as reporting Rab told him that once it happened that a man saved money to 'go up for the feast'²² [to Jerusalem] when a [professional] lamenter came and stopped at his door and the wife took her

husband's savings and gave them to him, and so he was prevented from going. Then it was that they [the Rabbis] said, One should not stir up a wailing for his dead, nor hold a [funerary] lament for him thirty days before a Feast; but Samuel gave another reason, namely,

- (1) I.e., although Rabbi holds that delay is afforded in the case of body leprosy even for the sake of an optional matter on the analogy of leprosy of houses etc., yet he requires the verse quoted by R. Judah.
- (2) To be read just ordinarily.
- (3) The word 'on a day'.
- (4) To be read just ordinarily.
- (5) Which suggests, 'yet another day'.
- (6) Cf. Yeb. 72b.
- (7) Why does he not explain thus the redundant phrase 'on a day'?
- (8) Cf. Shab. 132a.
- (9) Lev. XIII. 12, so lit. This implies that it must be held by day when it can be seen well.
- (10) Ibid. XIV, 35.
- (11) Why does he not derive it from this latter text.
- (12) 'And on a day etc.' that there is a time when you see etc.
- (13) During the festival (week).
- (14) It was an ancient custom to give first a temporary burial, and after the flesh had decayed to transfer the bones to a reserved tomb or mausoleum, where they were kept in cedar or marble coffins. Cf. Sem. XII.
- (15) To perform a filial duty while he is free to go and 'bring them home' to their assigned resting place. There is another possible meaning, see the discussion later.
- (16) And should not be undertaken during the festival week.
- (17) The meaning apparently is (as explained by Rab later) to join others in lamenting their dead and resuscitate ones own old grief on the occasion. A funeral in the town or village provided a good occasion for such a renewed lament, when professional funerary orators, 'lamenters' and female dirge-singers, were available.
- (18) I.e., The ceremonial lament for an individual at the time of his death and funeral.
- (19) Contrary to R. Meir who allows it during the festival week and furthermore says, 'it is a joy for him'.
- (20) Even if he had not gathered them himself that day, their presence is mournful enough and it is surprising that R. Meir allowed transference and even said 'it was a joy for him'.
- (21) Not that it is an occasion of joy, but that the joy of the festive season prevails in dispensing with formal mourning. Or, that the performance of his filial duty will afford him a sense of satisfaction throughout the remaining festival days (J.M.K.).
- (22) On one of the three pilgrim feasts. V. Deut. XVI, 16. Cf. Ex. XXIII, 14ff. ibid. XXXIV, 23. The festival atmosphere is introduced by the study and discussion of its laws thirty days before. Pes. 6b.

Talmud - Mas. Mo'ed Katan 8b

because the dead cannot be put out of mind and heart for [at least] thirty days. What practical difference is there between the two [explanations]? — There is [a difference] between them, where [say], the [professional] lamenter does it without a charge.¹

MISHNAH. KUKIN² AND BURIAL PLACES³ MAY NOT BE DUG IN THE FESTIVAL [WEEK]: BUT KUKIN MAY BE ADAPTED⁴ DURING THE FESTIVAL [WEEK] AND A NIBREKETH⁵ MAY BE MADE IN THE FESTIVAL [WEEK] AND A BOX, WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]: R. JUDAH FORBIDS, UNLESS THERE ARE SAWN BOARDS AT HAND.

GEMARA. What are KUKIN and what are BURIAL PLACES? — Said Rab Judah, kukin are [recesses made] by excavation and 'burial-places' [are structures made by] building. It is [actually] taught thus: 'These are kukin and these are burial places: Kukin, are [niches made] by excavation and 'burial places' are [structures made] by building'.

BUT KUKIN MAY BE ADAPTED. How are they adapted? — Rab Judah said: If [for instance] one is [too] long it may be shortened. A. Tanna taught: ‘He lengthens or shortens [the recess] within⁶ [the cave]’.

AND THEY [MAY] MAKE A NIBREKETH⁷ . . . What is NIBREKETH?⁸ — Rab Judah said: It is [the same as] bekia’.⁹ But then, is it not taught: ‘The nibreketh and the bekia’ [etc.]?¹⁰ — Abaye, or as some say R. Kahana, replied [They have the same relation as] a trough and a troughlet.¹¹

AND A RON WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]. We learn here what our Rabbis taught [elsewhere]: ‘They [may] do all that the dead requires, they cut his hair and wash a garment for him and make him a box of boards that had been sawn on the day before the Festival. Rabban Simeon b. Gamaliel says, they [may] even bring trees and he saws them [into] boards in his house, behind closed doors’.

MISHNAH. ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK], WHETHER A VIRGIN OR A WIDOW, NOR EFFECT A LEVIRATE MARRIAGE,¹² AS IT IS A REJOICING FOR THE GROOM; BUT ONE MAY REMARRY HIS DIVORCED WIFE. AND A WOMAN MAY MAKE HER ADORNMENTS IN THE FESTIVAL [WEEK]. R. JUDAH SAYS, SHE MAY NOT USE LIME,¹³ AS THAT IS A [TEMPORARY] DISFIGUREMENT TO HER. AN ORDINARY PERSON SEWS IN THE USUAL WAY; BUT A CRAFTSMAN SEWS A TUCK-STITCH.¹⁴ AND THE CORDS¹⁵ IN BED-FRAMES MAY BE INTERLACED. R. JOSE SAYS, THEY MAY [ONLY] BE TIGHTENED. GEMARA. [A REJOICING FOR THE GROOM]. And if it is a rejoicing for him, what is amiss? — Said Rab Judah, as reporting Samuel, and so said R. Eleazar, as reporting R. Oshaia — and some say, R. Eleazar, as reporting R. Hanina: — It is [barred], because one ‘rejoicing’ may not be merged in another ‘rejoicing’.¹⁶ Rabbah son of R. Huna said: It is [barred] because he abandons the ‘rejoicing’ of the festival and busies himself with that of his wife. Said Abaye to R. Joseph: That explanation of Rabbah son of R. Huna is the same as that given by Rab. For R. Daniel b. Kattina reporting Rab, said, Whence [is the ruling] that ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK]? For it is said, And thou shalt rejoice in thy feast,¹⁷ [that is,] in ‘thy feast’, but not with thy [new] wife [instead]. ‘Ulla said, [It is] because of the exertion [it occasions]. R. Isaac b. Nappaha said, Because it may cause a decline in marriage and parenthood.¹⁸

An objection was raised: ‘All those who have been declared to be forbidden to take wives during the festival [week]

(1) According to the former view (of Rab), even if performed gratis it may not be held, as the bitterness and grief are thereby being roused too near the festive time. Cf. Tosaf. s.v. דקא.

(2) כוכיין (plural of כוך) are loculi, or recesses, excavated in the sides of a sepulchral cave. V. B.B. 100bff, (Sonc. ed. p. 421ff.)

(3) A sepulchral tomb, mausoleum, built above the ground.

(4) I.e., one of the loculi already excavated may be adapted to receive a particular corpse during the festival week.

(5) נברכת seems to denote a kind of (stone) tank, or trough used by fullers in which they soaked and cleansed soiled woollens. Cf. B.B. 19a. (Sonc. ed. p. 96). From the context however, it is quite obvious as Ritba points out — that here it is not the fuller's trough or tank, but the dead man's sarcophagus, a stone, clay or wooden coffin (box) that is allowed, such as the labella-troughs used as coffins.

(6) Tosef. M.K. I, 9.

(7) V. p. 42, n. 5.

(8) This word (connected with ברכה — the fuller's trench or pool in Isa. VII, 3) is most probably of Assyrian origin as the form with initial N instead of M suggests, cf. מרכבת with narkabtu. V. J.H.

(9) A small hollow creek.

(10) Which shows that they are not identical.

(11) Lit. , 'son of a trough'.

(12) The marriage of a deceased's brother's widow, if the deceased had died absolutely childless. This was an obligation on the brother to keep his deceased brother's memory alive. Deut. XXV, 5ff.

(13) As a depilatory.

(14) Or with irregular stitches, like a dog's teeth. It means here that a craftsman should not do skilled work, only what is barely needed for the festival week.

(15) Or girths that support the bedding.

(16) I.e., the festival will lose its own significance in the marriage festivities.

(17) Deut. XVI, 14.

(18) Lit., '(the precept of) being fruitful and multiplying. If marriages were to be deferred till the festival season when people are free, there would be a likelihood that some might never take place at other times, apart from the congestion that such a practice might cause; and others might come to nothing because of the delay through innumerable other causes. Marriage and parenthood are a primary duty of man and should receive every consideration. Cf. Gen. I, 27-28; II, 18, 24; IX, 1; Isa. XLV, 18.

Talmud - Mas. Mo'ed Katan 9a

are free to marry on the day previous to the festival', which presents a difficulty to all those authorities. — There is no difficulty: As to one who states [that it is forbidden] because of the 'rejoicing', [it may be said that] the main rejoicing [of a marriage celebration] lasts mainly one day.¹ As to the one who states [that it is] because of the exertion [it occasions here too] the main exertion falls on one day.¹ As to the one who says [that it is] because it may lead to a decline in marriage and parenthood, [it may be said] that for the sake of one day² a person would not put himself off [indefinitely].³ Whence do we derive the principle that 'rejoicing should not be merged in rejoicing'? From the text: So Solomon made the feast at that time and all Israel with him, a great congregation from the entrance of Hamath unto the Brook of Egypt, before the Lord our God seven days and seven days, even fourteen days.⁴ Now, if it is the fact that one rejoicing may be merged in another rejoicing, he should have kept back the consecration ceremony [of the Temple] for the time of the feast and then have held it for seven days [concurrently], for both one and the other.⁵ Maybe that the rule is [only] that we should not [deliberately keep a marriage] for the time of a festival,⁶ but where it so turns out to be [opportune], we might as well hold it then? — [If so], Solomon should have left some small part [unfinished].⁷ But perhaps this could not be done because we brook no delay in the building of the Temple!⁸ — Then he could have left [say], an ell of the Ravens' Scare Palisade.⁹ [But, it may be asked,] The ell of the Ravens' Scare Palisade was an essential part of the Temple building!¹⁰ Rather [it is derived] from [the fact that] the text is redundant. Consider, it is written 'fourteen days', wherefore the need of 'seven days and seven days'? Infer from this that these [first] seven days and those [second] seven days were distinct from each other.

R. Parnak, reporting R. Johanan, said that that year Israel did not observe the Day of Atonement, whereat they were perturbed, saying, that perhaps the enemies of Israel¹¹ had thereby incurred their doom;¹² whereat a Bath Kol¹³ came forth and announced to them: 'All of you are destined for the life of the world to come.¹⁴ What was the basis of their exposition? — They argued a fortiori [thus]: If within the Tabernacle, the sanctity of which was not to be in perpetuity,¹⁵ yet an individual's sacrificial gifts¹⁶ were allowed [at the consecration] to be offered on the Sabbath day,¹⁷ which [ordinarily] is an offence punishable by stoning¹⁸ to death; all the more is it the case [that it is permitted] with the Temple, the sanctification of which is to be for ever, and with public¹⁹ offerings, and that on the Day of Atonement, whose desecration is an offence punished only by kareth! But then, why were they perturbed? — Because there [in the former case] the offerings were brought as dues to the Supreme Being,²⁰ whereas here, they were brought for their [own] common needs.²¹ Then here too, should they not have made their offerings without partaking [on that day] of any meat or drink?²² — There is no joyous celebration without eating and drinking.²³

Whence do we know that at [the consecration of] the Tabernacle the Sabbath restrictions were suspended? Shall I say because it is written, 'On the first day [So-and-so offered] . . . on the seventh²⁴ day [So-and-so offered], then [say I], maybe it means the seventh day [in the order] of the offerings?²⁵ Said R. Nahman b. Isaac: The text says, 'On the day of the eleventh, day'²⁶ just as a day is continuous, so were the eleven days continuous.²⁷ But perhaps, it means [continuous] on days appropriate?' — Then there is yet another such text, On the day of the twelfth day,²⁸ — just as a day was continuous, so had the whole twelve days been entirely continuous. But that too, maybe means only continuous on days appropriate? — If that be so, why do I require two [peculiarly worded] texts?

Again, whence do we know that during the consecration of the Temple the restrictions of the Day of Atonement were suspended? — Shall I say because it is written, 'even fourteen days', maybe it means days appropriate?²⁹ — That is learnt from the analogy between the repeated word 'day' here and in the other place.³⁰

'Whereat a Bath kol came forth and announced to them: "All of you are destined for the life of the world to come".' And whence know we that pardon was granted them? — For R. Tahlifa taught: [It is written], On the eighth day he sent the people away and they blessed the king and went unto their tents joyful and glad of heart for all the goodness that the Lord had shown unto David His Servant and to Israel His people.³¹ 'To their tents', that is, they went [home] and found their wives in [a state] of purity³² [to receive their husbands]; joyful', that is, that they had enjoyed the radiance of the Shechinah;³³ 'and glad of heart', that is, each man's wife conceived and bore him a male child. 'For all the goodness' that is, a Bath kol had come forth and announced to them: 'All of you are destined for the life of the world to come ; That the Lord had shown unto David His servant and to Israel His people': It is perfectly clear [as to what is referred to] by 'all the goodness shown to Israel His people', as indicating that God had granted them pardon for their sin against [the non-observance of] the Day of Atonement; but what is the point of 'the goodness shown unto David His servant'? — Said Rab Judah, as reporting Rab; At the moment when Solomon wanted to bring the Ark into the Temple, the gates held fast together. Solomon recited [a prayer of] four and twenty [expressions of] intercession³⁴ but had no response. He began [anew] and said: lift up your heads, O ye gates³⁵ and again he had no response. As soon as [however] he said: [Now therefore arise, O Lord God . . . Thou and the Ark of Thy strength . . .] O Lord, turn not away the face of Thine anointed, remember the good deeds of David Thy servant,³⁶ he was answered forthwith.³⁷ At that moment the faces of David's foes turned [livid] like the [blackened] sides of a pot and all became aware that the Holy One, blessed be He, had pardoned David that misdeed.³⁸

R. Jonathan b.'Asma³⁹ and R. Judah son of proselyte parents were studying the section of 'Vows'⁴⁰ at the school of R. Simeon b. Yohai. They had taken leave from him in the evening, but in the morning they came and again took leave from him. Said he to them: But did you not take leave of me yesternight? Said they to him: Our Master, You taught us, a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once again, for it is said: 'On the eighth day⁴¹ he [King Solomon] sent the people away and they blessed the King,⁴² and [then] it is written: 'And on the three and twentieth day of the seventh month he sent the people away'.⁴³ Hence we learn from here that a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once again. Said he to his son, 'These are men of countenance,⁴⁴ go along with them, that they may bless you'. He went and found them comparing text with text: It is written: Balance the path of thy feet and let all thy ways be established;⁴⁵ and it is written: Lest thou shouldst balance the path of life?⁴⁶ It is not difficult [to explain]: the former text applies where an obligation can be discharged through another person:⁴⁷

(1) In this case on the eve of the festival.

- (2) The eve of the festival.
- (3) For fear he might be prevented from marrying on that day.
- (4) I Kings VIII, 65, and more particularly, II Chron. VII, 9.
- (5) To spare the people loss of time and work, as it could best be celebrated leisurely during the festival week.
- (6) Even as we find that Solomon did not keep back the consecration.
- (7) To be completed just before the festival so that the consecration be held on the festival. As reported, Solomon's Temple had been completed some time before. V. I Kings, VII, 51 — VIII, 1 and II Chron. V, 1-3,
- (8) And thus the Temple of Solomon affords no proof for the principle against merging one joy with another!
- (9) A projecting palisade of iron spikes, or according to others a sheet of iron one ell wide, was fixed with sharp edge upward all round the Temple walls. V. Mid. IV, 6 and cf. Josephus, Wars, V, 5, 6.
- (10) And likewise brooked no delay.
- (11) A euphemistic expression for 'Israel'.
- (12) Lev. XXIII, 29-30, threatens the non-observance of the Day of Atonement. by working and eating with the penalty of kareth.
- (13) Lit., 'the daughter of the voice'. V. Glos. and R. Hirsch Chajes' study of the subject Immrei Binah, chap. VI.
- (14) I.e., they felt reassured of their spiritual existence in the after life.
- (15) Temporary, to be replaced by a permanent structure after the settlement in the Land of Promise.
- (16) Num. VII, records the gifts which the Princes of the tribes, as individuals, brought day after day, in succession, among them 'burnt-offerings' and 'sin-offerings' which were not permitted to be eaten by the donors or the people, and the male priests alone were allowed to eat of the sin-offerings as if partaking of 'the table of the Lord'.
- (17) Only the prescribed offerings were permitted on Sabbaths and festivals. Cf. Num. XXVIII.
- (18) If the desecration was deliberate. Ex. XXXI, 14; XXXV, 2-3. For the expression מוֹת יוֹמָת (as by stoning), v. Lev. XX, 2, 27 and Num. XV, 32-36.
- (19) I Kings VIII, 62-64, more than the sacrifices prescribed for the consecration of the Tabernacle (Lev. VIII, IX), which were permitted to the priests alone as sacred meat, whereas here they brought many 'peace-offerings' to be partaken of by the whole community. Cf. Lev. VII, 11-16 and I Sam. IX, 19-24.
- (20) V. note 3 above.
- (21) Making 'peace-offerings' for their own enjoyment, mainly, as only a portion was given to the altar and the priests, and the bulk went to the people.
- (22) Fasting, v. supra p 45. n. 9.
- (23) Cf. I Sam. IX, 19-24 cited above at the end of n. 6.
- (24) Num. VII, 12, 18 and 48, the seventh day here being the Sabbath.
- (25) I.e., every day, the Sabbath excepted, when no other offerings save those prescribed for the Sabbath day were offered.
- (26) Num. VII, 72. The repetition of the word 'day' is taken to express the meaning 'day by day', daily without interruption. Cf. verse 11 and Solomon's prayer, I Kings VIII, 59; Lev. XXIV, 8.
- (27) I.e., gift-offerings were brought consecutively on each of the twelve days.
- (28) Num. VII, 78.
- (29) For feasting, exclusive of the Day of Atonement.
- (30) In connection with the offerings in the Tabernacle and here in the repetition 'seven days and seven days, even fourteen days'. This method of analogy is the Gezerah Shawah. See Glos.
- (31) I Kings, VIII, 66.
- (32) On the meaning of tent' as denoting wife, cf. supra 7b. As regards the state of purity referred to here, v. Lev. XVIII, 19 and XX, 18; XV, 19-24.
- (33) The elation of feeling the Divine Presence near.
- (34) In I Kings, VIII, 22-53, the expressions for intercession (in their nominal and verbal forms) amount to twenty-four, namely: Five in v. 28; two in 29; two in 30; two in 33; one in 35; two in 38; one in 42; one in 44; two in 45; one in 47; one in 48; two in 49; two in 52, total, twenty-four.
- (35) Ps. XXIV, 7ff.
- (36) II Chron. VI, 41-42.
- (37) The gates yielded an entry.
- (38) Against Uriah the Hittite and his wife Bath-sheba, II Sam. XI.

- (39) Many texts have b. Akmai. The theme here on taking leave from a master is in continuation of Solomon's farewell to the people.
- (40) I.e., they were pursuing the method of Midrashic exposition of Num. XXX, on the law of vows ultimately formulated in the Mishnah.
- (41) The eighth day was the twenty-second of Tishri, when they bade the King farewell.
- (42) I Kings VIII, 66.
- (43) II Chron. VII, 10. Which apparently contradicts the former verse.
- (44) Men of importance.
- (45) Prov. IV, 26, i.e., carefully pick and choose your actions and duties.
- (46) Ibid. V, 5, i.e., do not pick and choose.
- (47) Should duty's calls come from several directions some of which may be discharged through some other trusty person, choose the more important and responsible tasks for yourself.

Talmud - Mas. Mo'ed Katan 9b

the latter where the obligation cannot be discharged through another person.¹ Again they were sitting and enquiring [into the following]: It is written: She [Wisdom]² is more precious than rubies; and all the things thou canst desire are not to be compared unto her',³ [which implies] that heaven's demands [of you] are comparable to Her,⁴ Again it is written: And all things desirable are not to be compared unto Her,⁵ [which means] that even things that are of Heaven's desire are not comparable to Her?⁶ The former text applies where the duty can be discharged through others, the latter — where the Duty cannot be discharged through others. Then [turning to him] they said: 'What is your business here?'⁷ He replied: 'Father told me, "Go along with them that they may bless you".⁸ Said they to him: 'May it be [Heaven's] pleasure that you sow and mow not; that what you bring in go not out; that what goes out you bring not in; that your house be desolate and your inn be inhabited; that your board be disturbed and you behold not a new year'. 'When he came home to his father, he said to him: 'So far were they from blessing me that they [even] distressed me sorely⁷. His father asked him: 'What did they say to you?' — They said thus and thus. Said the father to him: 'Those are all blessings. That "you sow and mow not [means], that you beget children and they do not die. That "what you bring in go not out" [means], that you bring home daughters-in-law and your sons do not die, so that their wives need not leave again. "What goes out you bring not in" [means], that you give your daughters [in marriage] and their husbands do not die so that your daughters need not come back. "That your house be desolate and your inn be inhabited" [means], that this world is your inn and the other world⁷ is a home, as it is written, Their grave is their house for ever;⁸ reading not "their inward thought" [Kirbam] but "their grave (Kibram) is their house for ever, and their dwelling places be for generations."⁸ "That your board be disturbed" [that is]; by sons and daughters and "that you behold not a new year [means] that your wife do not die and you have not to take you a new wife'.⁹

R. Simeon b. Halafta took his leave from Rabbi.¹⁰ Said Rabbi to his son: 'Go along with him that he may bless you' — Said [the parting Rabbi] to him: 'May it be [Heaven's] pleasure that you be not put to shame nor feel ashamed yourself'.¹¹ When he came to his father, he asked him: 'What did he say to you?' — He replied: 'He made some commonplace remark¹² to me — Said [Rabbi] to his son: 'He blessed you with the blessing with which the Holy One [blessed be He] blessed Israel twice over; for it is written: And ye shall eat in plenty and be satisfied and shall praise the name of the Lord your God . . . And My people shall never be ashamed. And ye shall know that I am in the midst of Israel, and that I am the Lord your God, and there is none else; and My people shall never be ashamed.¹³

AND A WOMAN MAY MAKE HER TOILET DURING THE FESTIVAL [WEEK]. Our Rabbis taught: These are [permitted in] woman's adornment. She [plaits her hair]¹⁴ treats her [eyes] with kohl; fixes a parting,¹⁵ [trims her hair and nails¹⁴ and] puts rouge on her face; some say she may use a razor for her privy parts. R. Hisda's wife made her toilet in front of her daughter-in-law.¹⁶ R. Hina

b. Hinena sat before R. Hisda;¹⁷ as he sat he said that the instances [mentioned in the Mishnah] applied only to a young woman, but not to an elderly woman. Said R. Hisda to him: God! even to your mother, even to your mother's mother, yea even if she be standing at the [brink of the]¹⁸ grave, as the saying goes: 'At sixty as at six; the sound of a timbrel makes her nimble'.¹⁹

R. JUDAH SAYS SHE SHOULD NOT USE LIME. It is taught: R. Judah says, a woman should not use lime, as it is a disfigurement to her. R. Judah concedes, however, that [if it is] a lime [preparation] that can be peeled off during the festival week she may apply it during the festival week, because, although it is irksome to her at the moment, It is a pleasure to her afterwards. But does R. Judah hold this view? Surely we learned [elsewhere]: 'R. Judah said, Debts may be recovered [from pagan creditors during their festivals] as it is irksome to them'. They said to him, Although it is irksome [for them] at the moment, they feel pleased afterwards?²⁰ — Said R. Nahman b. Isaac, Do not cite the rules for the festival week, as they all derive from the principle 'that though [the task] is irksome for the moment, it gives satisfaction afterwards'.²¹ Rabina remarked that [the recovery of debts is allowed because] to a pagan the payment of a debt is always irksome.

Rab Judah [reporting Rab]²² said: The daughters of Israel, who attain puberty before the [normal] age,²³ if they are poor, put on a cosmetic preparation made of lime; richer girls put on fine-flower,²⁴ and the wealthy²⁵ girls put on oil of myrrh, as it is said: 'Six mouths with the oil of myrrh'.²⁶ What is this 'oil of myrrh'? — Said R. Huna b. Hiyya, [It is what is called] stacte.²⁷ R. Jeremiah b. Ammi²⁸ said, It is oil obtained from olives that have reached but a third of their [normal] growth. It is taught: 'R. Judah says omphacinon²⁹ is an oil made of [unripe] olives that have reached but a third of their [normal] growth' — And why do they put it on? Because it is a depilatory and softens the flesh [skin].³⁰ R. Bebai had a dark-skinned³¹ daughter; he applied to her that unguent one limb at a time and this brought her a husband with four hundred zuzim.³² There was a pagan neighbour of his who had a daughter, and he applied it all over her at once [and] she died; [whereupon] he said, Bebai killed my daughter. Said R. Nahman: 'R. Bebai drinks beer, therefore his daughters needed unguents; [but as] we do not drink beer, our daughters need no unguents'.³³

(1) If there be no trusty person at hand or there be but one call, do not delay action to wait for some more important task; be it great or small, do it promptly, as delay may rob you of your chance of doing it, or you may be too late to do anything at all.

(2) The Torah.

(3) Prov. III, 15.

(4) I.e., your own affairs and wishes are not comparable to the study of Torah; but such pursuits as please Heaven, the calls of duty and religion, are comparable to it.

(5) Ibid. VIII, 11.

(6) I.e., nothing else is comparable to the study of Torah, it is absolutely supreme.

(7) The sepulchre; cf. the term **בית עלמי** and v. Eccl. XII, 5 and Han.

(8) Ps. XLIX, 12. Cf. Targum.

(9) V. Deut. XXIV, 5.

(10) Should be Rabbi instead of Rab.

(11) Reading with MS.M., SBH and Han. **לא תיבוש** the more difficult text, but supported by Rabbi's observation. Cur. edd., 'that you shame not (others) nor feel ashamed' does not accord with the quotation.

(12) So MS. M., cur. edd., 'mere words'.

(13) Joel II, 26-27. The same assurance repeated twice.

(14) So Hananel.

(15) So Ps. Rashi and SBH. Perhaps it means making the hair frizzy or curled. Cf. Shab. 64b, Keth. 4b and 17a.

(16) To show what may and what may not be done. (SBH not so Ps. Rashi). V. Strashun's Glos. ad loc.

(17) To expound the Mishnah (SBH).

(18) So D.S. and SBH.

(19) Lit., 'run', to see a wedding procession. On the custom cf. B.B. 145b (Sonc. ed. p. 625).

- (20) V. A.Z. 6b. The idea is to avoid any dealings with pagans
 (21) E.g., baking, cooking etc., troublesome at the moment but enjoyed later.
 (22) So Han.
 (23) Lit., ‘years’, the statutory age of twelve years and one day.
 (24) A cosmetic paste.
 (25) Lit., ‘daughters of kings’. Cf. The Latin use of rex, reges for rich.
 (26) Esth. II, 12.
 (27) Latin stacta, oil of myrrh.
 (28) So D.S.; SBH and Meg. 13a read ‘b. Abba’.
 (29) Latin omphacium, oil or juice of unripe olives or grapes.
 (30) Cf. Targum Sheni on Esth. II, 12.
 (31) So MS.M.
 (32) As a gift before marriage. Cf. B.B. 146a (Sonc. ed. p. 628).
 (33) Beer produces obesity and growth of hair (Rashi).

Talmud - Mas. Mo'ed Katan 10a

AN ORDINARY PERSON SEWS IN THE USUAL WAY. How do we define ‘an ordinary person’? — At the school of R. Jannai they said, [It means] anyone who cannot draw a needful

during their festivals, as the means afforded them by the Jew may go to enhance the heathen celebrations. The settlement of a debt leaves the debtor with an easy mind. of stitches in one sweep. R. Jose b. Hainna said, [It means] anyone who cannot sew an even seam on the hem of his tunic.

BUT A CRAFTSMAN MAY SEW A TUCK-STITCH. What is meant by sewing a ‘tuck-stitch’? — R. Johanan said, [It means] ‘overstepping’.¹ Rabbah b. Samuel said, [It means that the stitches resemble] dogs’ teeth.²

AND THE CORDS MAY BE INTERLACED IN BED-FRAMES. [R. JOSE SAYS THEY MAY ONLY BE TIGHTENED]. What is meant by ‘interlacing’ and what by ‘tightening’? When R. Dimi came [from Palestine] he said that R. Hiyya b. Abba and R. Assi had different views on this, both reporting in the name of Hezekiah and R. Johanan. One said that ‘interlacing’ meant [interlacing] both the warp and the woof, and that ‘tightening’ meant putting in the warp without the woof;³ while the other said that ‘interlacing’ meant putting in the warp without the woof, and ‘tightening’ meant that he may tighten a girth cord if it has become slack.

But this cannot be [correct], for R. Tahlifa⁴ b. Saul taught: ‘And all agreed that no cords may be let in afresh’. Now this is perfectly in accord with the one who says that the ‘interlacing’ [permitted in the Mishnah] means interlacing both the warp and the woof, and that the ‘tightening’ [that R. Jose permitted] means putting in the warp without the woof; hence R. Tahlifa could say: ‘And all agreed that no cords may be let in afresh’ — But, according to one who says that ‘interlacing’ means putting in the warp without the woof and that ‘tightening’ means that he may tighten a cord if it has become slack, [how do you explain R. Tahlifa b. Saul's statement? For,] if you say that interlacing the warp and the woof is forbidden, need one [at all state] that cords are not to be let in afresh? — This is a difficulty. Said R. Nahman b. Isaac to R. Hiyya b. Abin: Is there anybody who applies the term ‘Interlacing’ to inserting a warp without the woof? For surely we learned:⁵ R. Meir says: A bed [frame] is not [subject to ritual defilement] until three warp spaces in it have been crossed? The fact is that when Rabin came [from Palestine] he said that all agree that ‘interlacing’ means interlacing the warp and woof; but where the difference arose was on the interpretation of ‘tightening’; one Master held that the ‘tightening’ [that was permitted] was inserting the warp without the woof, and the other Master held [that what was allowed was] the tightening of a cord which has become slack. An objection was raised: Bed-frames may be interlaced [during the festival week] and needless to

say that they may be tightened: these are the words of R. Meir. R. Jose says: They may be tightened, but not interlaced and 'Some say'⁶ that tightening may not be done at all — Now here [the several views are] perfectly [understandable] according to the one who says that by 'tightening' is meant 'inserting the warp without the woof', as then, 'Some' come and express their dissent [on that kind of mending]. But according to the one who says that by the 'tightening' [which is allowed] is meant that when a cord has become slack one may make it taut, then according to the view of 'Some' not even this [simple adjustment] is allowed! — Yes, indeed; because, since it is possible [temporarily] to fill [the sag] with bedclothes, we should not go to [further] exertion [during the festival week].

MISHNAH. AN OVEN STOVE⁷ OR MILL MAY BE SET UP [IN POSITION] DURING THE FESTIVAL [WEEK]; R. JUDAH SAYS, A PAIR OF MILLSTONES IS NOT TO BE COMPRESSED FOR THE FIRST TIME [IN THE FESTIVAL WEEK].

GEMARA. What is meant by 'compressing'? — Rab Judah said that [it means] chiselling⁸ the millstones; R. Jehiel said, It means [fixing] an eye-hole.⁹ An objection was raised: An oven or stove [or mill] may be set up in the festival [week], provided that the work is not entirely completed; these are the words of R. Eliezer; but the Sages say, It may even be finished off. R. Judah, speaking in his¹⁰ name says: A new one may be set up and an old [mill] compressed, and 'Some'¹¹ say compressing may not be done at all. Now this accords well with the one who says that 'compressing' means scoring the mill [stones], hence this process is applicable in the case of an old mill; but according to the one who says that it means [fixing] an eye-hole, what fixing of an eye-hole does an old mill need?¹² — I may say, for instance, that it needs widening a little more. R. Huna [once] hearing someone scraping his millstones during the festival week said: 'Who is that? May he himself suffer desecration that desecrates the festival week!' He [evidently] held the view of 'Some say' [cited above]. R. Hama expounded:¹³ 'One [may] scrape millstones during the festival [week]'. In the name of our Master¹⁴ they said: One [may] trim the hoofs of the horse he rides or the ass he rides during the festival week;

(1) Like a baste stitch, hot contiguous but in and out on either side of the material, alternatively.

(2) Irregular in form, or unevenly. Cf. n. 9. on the Mishnah, supra 8b, p. 43.

(3) I.e., putting in a cord or webbing in one direction only.

(4) MS.M.: Halafta.

(5) Kei. XVI, 1: 'Straight wooden frames, such as are used for litter or cradle, are not subject to ritual contamination until they are rubbed smooth with a fish-skin; R. Meir says, not (even then) until (the cords have been let in) and three spaces have been crossed by the woof cord'.

(6) Representing the view of R. Nathan the Babylonian. V. Hor., Sonc. ed. p. 104.

(7) Probably of clay.

(8) Scoring the grooves or scraping and removing the sediment of flour dust to make the two stones fit closely together.

(9) Of the upper stone, the runner, through which the grain is poured in.

(10) R. Eliezer's: he often cites R. Eliezer's views, which were stricter, as being of the Shammaite school.

(11) R. Nathan the Babylonian. V. p. 54, n. 2.

(12) Surely an old mill has an eye-hole already.

(13) On a Sabbath within a month before the festival.

(14) So Han. MS. M. and many texts, i.e., Rab, which is the correct reading (not R. Meir of cur. edd.).

Talmud - Mas. Mo'ed Katan 10b

but not those of the ass turning the mill.¹ Rab Judah² declared it permissible to trim the hoofs of the ass turning the mill or to set up the mill or build a mill, or to construct a base for the mill or build a horse stable. Rab³ declared it permissible to curry horses and to construct a bed⁴ or make a mattress-box.⁵ Raba allowed bleeding of cattle during the festival week. Said Abaye to him: There is a Tanna who supports you: Cattle [may] be bled and no curative means are [to be] withheld from an

animal during the festival week'. Raba allowed fulled clothes⁶ to be rubbed.⁷ On what ground? It is an ordinary unskilled process. Said R. Isaac b. Ammi, as citing R. Hisda: To pleat sleeve-ends⁸ is forbidden; on what ground? Because that is a craftsman's process.

Raba said: [With regard to] a man who levels up his ground, if it is to even [the slope of] the threshing floor⁹ it is allowed; if merely to level the soil, it is forbidden. How can one tell? If he takes up heaped [soft] soil to heap on [soft] soil, or stiff soil to lay on stiff soil, it shows that [it is done] for [improving] the threshing floor; but if he takes up heaped [soft] soil and casts it on the stiff soil, this shows that it is for [improving] the ground.¹⁰

Raba said: With regard to one who clears his field [of chips of wood], if it is for gathering [fire] wood, it is allowed; if for clearing the ground, it is forbidden. How can we tell? If he picks up the larger pieces and leaves the smaller, this shows that it is to gather [fire] wood; but if he picks up both large and small, this shows that it is to clear the field. Raba said also: With regard to one who opens [sluices] to let water run off into his field, if it be to get the fish,¹¹ it is permitted; if it is to water the soil, it is forbidden. How can we tell? If he opens two flood-gates one above¹² and another below,¹³ this shows that it is for getting the fish; but if only one gate, it is [obviously] for watering the soil. Raba further said: With regard to one who trims his palm,¹⁴ if it is for the [benefit of his] beasts it is allowed; but if for the [benefit of the] palm it is forbidden. How can we tell? If he trims one side only, this shows that it is for the beasts; if both one side and the other, it is for the [benefit of the] palm, and it is forbidden. And furthermore said Raba: Those [unripe] tauhla¹⁵ dates one may pick, but to press them is not permitted. R. Papa remarked that as [if these are left] the worms get at them, they are on the same footing as a business deal¹⁶ [the postponement of which] would entail loss,¹⁷ and therefore may be [pressed during the festival week]. Raba also said: Any business transaction whatsoever is forbidden. R. Jose b. Abin said: And if there be a risk of loss, it is permitted. Rabina had some deal on hand which would have fetched six thousand zuzim;¹⁸ he deferred the sale till after the festival and sold at twelve thousand. Rabina had advanced some money to the people living at Akra di-Shanutha.¹⁹ He came to consult R. Ashi and said: 'What about going over to them just now [during the festival week]?' — Said R. Ashi to him: 'As they had ready cash just then which they might not have later, it is [practically] like a deal [the postponement of which] would entail loss, and [accordingly] is allowed'. It is also similarly taught with reference to heathens: One may go

(1) As not being so urgent.

(2) Of Pumbeditha, Rab's disciple.

(3) Readings vary.

(4) Latin, grabatus, a Macedonian article of furniture, a very low bedframe or couch. V. the references in Tosaf. s.v. Ps. Rashi takes it as meaning a crib.

(5) Stibadium or stibas (Greek) a pallet or mattress, a semicircular low seat for lounging. Cf. Pliny's Letters, V, 6.

(6) קירמי are fulled or carded sheets of cloth (from the Latin carminare) worn as a mantle or used as coverlets and tapestries. Cf. Suk. 10a, also Kel. XXIII, 4.

(7) Han. explains (in Arabic) as 'damping to be rubbed and twisted to make them soft (or pliable)'. V. B.M. Lewin, Otz. Hag. IV, Mashkin, II, no. 173.

(8) Reading קיטורי בי ידי. Lewin, op cit. Yom-tob p. 5, no. 164. Cf. Lat. manicatae tunicae. According to another reading קיטורי בירי; to 'pleat' or 'bleach' (with sulphur fumes or with scented perfume ingredients) mantles, birri (Jast. s.v. ביריא. According to Gaonic explanation (Lewin, Otz. Hag. IV, Yom-tob, p. 55, no. 164) as al-akmis (Arabic), Camisoles, shirt-tunics. Cf. Persian pirahan.

(9) Which was raised in the centre sloping outwards.

(10) Which means that he is simply working the field during the festival week.

(11) When the water is run off.

(12) The water that carries the fish into the next section.

(13) To run off the upper water leaving the fish lower down in the shallows.

(14) Removing the foliage and young shoots.

(15) Syriac, Arabic, from Assyrian tuhallu (Brockelmann 70b) palmulla praematura. Cf. Hag. 15b.

(16) Lit., 'business transaction'.

(17) Risk of a loss may be prevented during the festival week. V. supra, 2a, p. 3.

(18) Same as (silver) denarii.

(19) The foot of Shanwatha. V. Obermeyer L.B. 268. From B.M. 73b, (Sonc. ed. p. 425), we learn it was a deal in wine.

Talmud - Mas. Mo'ed Katan 11a

to a heathen fair and buy cattle, male and female slaves, houses, fields and vineyards, and draw up contracts and have them registered at their Registry Offices,¹ because it is [practically] like rescuing something of which they [the heathens] had got possession. Rab permitted R. Hiyya b. Ashi to mend basket-traps² during the festival week. What is the reason? — It is ordinary [unskilled] work; but [to mend] mesh-nets is forbidden. What is the reason? It is work of craftsmanship. Rab Judah allowed Ammi the ovenmaker to put up ovens and Rabbah b. Ashbi he allowed to plait sieves. But this cannot be [correct], as Rabbah b. Samuel learned: And all [authorities] are agreed that an oven may not be set up for the first time [during the festival week]! — There is no difficulty [here]: The former ruling obtains during the 'warm season'³ while the latter ruling obtains in the 'rainy season'.⁴

MISHNAH. A PARAPET MAY BE PUT ROUND A ROOF OR [A RAILING ROUND] A GALLERY ROUGHLY BUT NOT IN FINISHED STYLE.⁵ PLASTER MAY BE SMEARED ON THE CREVICES⁶ AND FLATTENED DOWN WITH A ROLLER,⁷ WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS.⁸ PIVOTS AND SOCKETS,⁹ LINTELS, LATCHES,¹⁰ BOLT-LOCKS AND DOOR-HANDLES¹⁰ THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK], ONLY THEY MUST NOT BE LEFT PURPOSELY FOR THE FESTIVAL [WEEK]; AND ALL PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE.

GEMARA. What, for instance, is meant by putting up a parapet or railing 'roughly'? — R. Joseph explained: [Something like a fence of] palm-leaves and daphne-stakes.¹¹ A Tanna taught: One may pile up rubble without daubing with clay. PLASTER MAY BE SMEARED ON THE CREVICES AND FLATTENED DOWN WITH A ROLLER, WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS. Now, if you say it is allowed to flatten down with a roller, need one [be told] 'with hand or foot'? — What it means is: One may smear [plaster on] the crevices and flatten down as with a roller, by hand or foot, but not with ramming-tools.

PIVOTS AND SOCKETS, LINTELS, LATCHES, BOLT-LOCKS AND DOOR-HANDLES THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. Some contrasted this with [the following]: 'Up to his days,¹² the hammer was beating in Jerusalem during the festival [week] . . .', [that is], 'up to his days', but not thereafter!¹³ — [Said R. Huna]¹⁴ that is not difficult [to explain]; the reference there is to the smith's [hammer],¹⁵ while here [the tool allowed] is the joiner's [mallet].¹⁶ R. Hisda demurred to this [explanation] as according to this some will say that a loud din is forbidden, [but] a faint sound is allowed. No, said R. Hisda, it is not difficult [to explain]: One [the tool allowed here] is the bill-hook¹⁷ and the other [which is not allowed] is an adze.¹⁸ R. Papa said that in one statement we have the [older view held] before the restriction [had been introduced] and in the other the [later] view held after the restriction [was introduced]. R. Ashi said that one [Mishnah] expresses R. Judah's view¹⁹ and the other R. Jose's; for R. Isaac b. Abdimi said: 'Who may be the [anonymous] Tanna that [holds] that work must be done in a different way from the ordinary²⁰ [in working] during the festival [week] even where its [postponement would entail] loss? Not R. Jose'.²¹ Rabina said, Whose ruling do we follow nowadays when we raise the pivot-cups²² of the doors during the festival week? — R. Jose's. AND ALL PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE. On Baditha Luba,²³ everybody engaged in fishing and they brought in fish,²⁴ and Raba allowed to put them in

salt. Said Abaye to him: But [why]? We learned: PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE? — Said he [Raba] to him, Since they brought them home with the intention of eating them and if they leave them [uneaten] they will be spoilt, it is similar to [a case of] business that might be lost and is therefore permitted.²⁵ And some say that Raba [actually] allowed them to him, But surely we learned: PRESERVES THAT MAY BE EATABLE go fishing,²⁶ fetch the fish home and put them in salt. Said Abaye to IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE! — Said he [Raba] to him, These may be eaten [also] by means of ‘pressing’, as was the case with Samuel when they applied pressure [to the fish in salt] sixty times²⁷ and he ate [thereof]. When Raba [himself] once happened to be at the house of the Exilarch,²⁸ they prepared for him [a dish of fish] pressed sixty times and he ate it. Rab was [on a festival week] once at Bar-Shappir²⁹ [Perissabora?] where they put before him some kind of fish [which was] a third boiled, a third salted and a third broiled. Rab said, Adda the fisherman told me that a fish is at its best when it is about to turn putrid. Rab also said this, Adda the fisherman told me: Broil the fish with his brother [salt], plunge it into its father [water], eat it with its son [sauce] and drink after it its father [water]. This too Rab said: Adda the fisherman told me: [After eating] fish, cress and milk occupy your body, don't occupy your couch.³⁰ And furthermore said Rab, Adda the fisherman told the: [After] fish, cress and milk drink [rather] water, not mead;³¹ mead and not wine. [

(1) Archives.

(2) For fish or fowl.

(3) Passover time, when the clay very soon dries and the oven may be used forthwith.

(4) At the time of Tabernacles, when the rain delays its use, hence the work is untimely during the festival week.

(5) Lit., ‘the work of an ordinary man but not that of a craftsman’.

(6) On the roof, which was flat and sloping slightly towards the edges to allow the rain to run off’. Cf. Bez. 9a.

(7) A leveller, so called because of its round shape. It was made of a piece of round log with a long handle fixed at right angles, by which it was drawn to and fro, like our broom. Sometimes it was a flat stone with the edges rounded on moved in a circular motion by a long handle. V. Rashi, Mak. 7a, (Sonc. ed. p. 38).

(8) Pressing tools; Roman pavicula.

(9) The doors of the ancients did not hang on hinges, but turned on wedged shaped pins which fitted into a hollow, or metal ring fixed into the threshold and lintel. V. Krauss, T.A. I, 36ff

(10) All made of wood. Cf. ‘Er. 101a.

(11) Like a hurdle or hedge fixed temporarily. Daphne is a dwarf shrub often used for hedges.

(12) Referring to the High Priest, John Hyrcanus I, one of the Maccabean princes. Cf. Sot. 17a.

(13) Whereas here the Mishnah permits its use!

(14) So MS.M.

(15) Publicly plied in the forge.

(16) Privately, in the house.

(17) A gardener's tool for a piece of joinery.

(18) The regular artisan's tool.

(19) I.e., the stricter view, as he forbids exertion and only allows it where loss is threatened. Cf. supra 2a, p. 3.

(20) E.g., by using an improvised tool, or be satisfied with a temporary adjustment.

(21) V. infra 11a and 12a.

(22) Or the cavity which receives the bolt. Cf. Ar. Compl. s.v. VI, 161b. There are different readings.

(23) **בדיתא לבאי** i.e., the canal Baditha near Luba on the northern Euphrates, v. Obermeyer, p. 311.]

(24) The time of flood in Mesopotamia is between March and May and there was therefore at Passover-time a plentiful supply of fish in the streams.

(25) Cf. supra 10b for Raba's view in regard to merchandise, as modified by R. Jose b. Abin.

(26) Ab initio, or to purchase fish, i.e., to take advantage of the opportunity.

(27) Sixty is a Babylonian unit, e.g., sixty minutes an hour, a minute sixty seconds etc. and is used often as conventionally as here for ‘ever so many times’.

(28) Resh Galutha. The official head of the Jewish community in Babylon, an office held in succession by descendants of the royal house of David, and recognized by the Government. It was, in this distance, either Mar Huna III or Abba son

of Mar 'Ukban III, to both of whom Raba was official adviser on religious matters. V. W. Bacher's article, Jew. Encycl. V, 289, s.v. Exilarch.

(29) MS.M. Piruz-Shabur = Perisaboras was however rebuilt and so named later by Sapor II. Cf. Obermeyer p. 226.

(30) I.e., move about and do not lie down to sleep.

(31) A fermented beverage made of dates used in Babylon.

Talmud - Mas. Mo'ed Katan 11b

CHAPTER II

MISHNAH. IF ONE HAD [ALREADY] TURNED HIS OLIVES¹ WHEN MOURNING² OR SOME HINDRANCE BEFELL HIM, OR WORKMEN DISAPPOINTED HIM, HE MAY [DURING THE FESTIVAL WEEK] PUT ON THE BEAM FOR THE FIRST TIME AND LEAVE IT [THUS] UNTIL AFTER THE FESTIVAL; THESE ARE THE WORDS OF R. JUDAH. R. JOSE SAYS, HE MAY DRAW OFF [THE OIL] AND COMPLETE THE PROCESS³ AND BUNG⁴ [THE JARS] IN HIS USUAL WAY [DURING THE FESTIVAL WEEK].

GEMARA. The Mishnah begins with mourning and finally [only] deals with the festival [week]⁵ — Said R. Shisha⁶ son of Idi: This implies that things one is permitted [to do] during the festival [week] are forbidden him during [the week of] his mourning.⁷ R. Ashi says, [Not so], this wording is cast in the form of, 'No need to say' . . .,⁸ no need to say [that he may put on the beam for the first time] during [the week of] his mourning when [the restriction on work] is but rabbinical, but even during the festival [week], when [work] is restricted on Scriptural grounds, the Rabbis still permit it where loss is involved.

It was taught⁹ in the sense of R. Shisha son of Idi: These are the things they may do for the mourner during his [week of] mourning: If his olives had been turned they may put on for him [the beam for the first time], or if his wine [cask] is to be bunged, or his flax is to be lifted from the retting, or his wool is to be lifted from the dye-bath; and they may besprinkle his field¹⁰ for him when his turn for water-rights arrives. R. Judah says they may even sow for him the ploughed field or the field awaiting a flax-crop. Said they [the Rabbis] to him: [Not so], if the field is not sowed in the early season it could be sowed in the latter season and if it cannot be sowed with flax let it be sowed with some other kind [of crop].¹¹ Rabban Simeon b. Gamaliel says, If his olives had been turned and there is no skilled worker save himself, or his cask is [ready] for bunging and there is no skilled worker save himself, or his flax is [ready] for lifting from the retting or his wool for lifting from the dye-bath and there is no skilled worker save himself, such a one may perform [his task] behind closed doors. Furthermore, said Rabban Gamaliel, if he is a skilled worker engaged in the service of the public, or a hairdresser or a bath-attendant in the service of the public, and the Festival is close at hand and there is no skilled worker save him, such a one may do the work. Farmkeepers,¹² tenant-farmers¹³ and contractors of labour may have others doing work for them.¹⁴ Ass-drivers, camel-drivers and bargemen may not work;¹⁵ but if they were [already] engaged on the job or were [just then] in the hire of others, they [themselves] may do their work.¹⁴ A daily worker¹⁶ may not work, even in another town.¹⁷ One who has others' work in hand,¹⁸ even if it is a contract job,¹⁹ he may not do it. [You say,] 'Even if it is a contract job', [which implies] and all the less so if it is not a contract job. On the contrary, a contract job is like his own [work]!²⁰ Rather, whether it is a contract job or not a contract job he may not do it. If his work²¹ was placed in the hand of others, they may not do it in his own house, but in another house they may do it.

Marion the son of Rabin and Mar the son of R. Aha the son of Raba had a yoke of oxen²² between them, when a misfortune²³ befell Mar the son of R. Aha the son of Raba; he broke up the team [and did not send his animal to work]. Said R. Ashi, A great man like Mar the son of R. Aha acting in such a manner! Granted that he minds not his own loss [of earning], is he not concerned about the

loss [caused] to others? Surely it is taught: 'But if they were [already] engaged [on the job] or were [just then] in the hire of others, these may do their work'?²⁴ — He [Mar] however held the view that [the case of] a prominent man is different.²⁵

- (1) For maturing before pressing (or milling).
- (2) For the death of a parent, wife, child, brother or sister.
- (3) Of a second or third pressing, etc.
- (4) Omitted in most texts as rather more applicable to the next case, that of wine.
- (5) Without stating how to proceed in the case of mourning.
- (6) Var. lec. Shesheth.
- (7) Namely, that the permission to do those things now was granted only in connection with the festival week, but not during the week of mourning.
- (8) 'No need to say only this . . . but even that' may or may not be done.
- (9) Cf. Sem. II, 2-5, and J.M.K. II, 1 (81a).
- (10) Sem. has 'besprinkle for him a white field' and J.M.K. has 'irrigate for him a languid field'.
- (11) Abstention would thus involve no loss.
- (12) Gardeners or metayers who receive from the owner of the field or orchard a certain proportion of the produce for their labour.
- (13) Who pay a fixed annual rent in money or in kind.
- (14) While in mourning, as their abstention means a loss to the workers besides the mourners themselves.
- (15) Either drive the animal or let it out on hire just then.
- (16) I.e., on a day to day employment.
- (17) Where he is not known. [Since according to the law he may withdraw during any part of the day, v. B.K. 116a.]
- (18) I.e., he does the work at home.
- (19) I.e., he is paid by piece and not by day.
- (20) And therefore should be forbidden.
- (21) Here the quotation is resumed.
- (22) Gemella. A pair of oxen owned in partnership which they let on hire to farmers.
- (23) A bereavement.
- (24) In the Baraitha cited above, with a slight variation in the order to suit the case.
- (25) I.e., he was not unaware of the ruling in the Baraitha, but felt that a man of his status (and maybe, his partner too) should be stricter in the application of the law. Cf. Bez. II, 6; 22b; Shab. 51a.

Talmud - Mas. Mo'ed Katan 12a

Samuel said: '[If non-Jews] take work on contract they may not [work for a Jew]¹ within the [limits of the Sabbath] boundary;² but outside the boundary they may'. Said R. Papa, Even outside the boundary we do not say [they may] save where there is no town in the Vicinity; but where there is a town near by, it is forbidden. Said R. Mesharshaya: And even if there be not a town close by we [still] do not say [they may carry on the work] save on Sabbaths and festivals when there are not frequent [Jewish] passers-by, but during the festival week when people are often passing to and from the place it is forbidden. Mar Zutra son of R. Nahman had a mansion erected for himself by [non Jewish] contractor [builders] outside the boundary.³ R. Safra and R. Huna b. Hinena happened to come thither and did not enter his house; and some report that he [R. Nahman] himself did not enter the building. But did not Samuel say that contractors may not carry on their work within the boundary, but outside the boundary they may? — [The case of] a prominent man is different. Some say [his servant]⁴ had assisted then with straw. R. Hama allowed the Exilarch's table-stewards to do their work⁵ during the festival week; he said that as they received no remuneration they only intend to benefit him⁶ which concerns us nought.

Our Rabbis taught: Contracts may be made during the festival [week for work] to be executed after the festival [week]; but [to do it] during the festival [week] is forbidden. The general principle

on this point is that whatever one may do himself he may tell a non-Jew to do; and what he himself may not do, he may not tell a non-Jew to do. Another [Baraitha] taught: Contracts may be made during the festival [week] to be executed after the festival [week], only that one should not measure, weigh or count [quantities] after the manner in which this is done on an ordinary day.

Our Rabbis taught: One may not bring a sire to mate during the festival week. Similarly, a 'first-born, sire should not⁷ be [used to] mate,⁸ nor a votive beast that has become disqualified.⁹ Another [Baraitha] taught: They may not bring a sire to mate during the festival week. R. Judah says, Where an ass is hankering [for the male] they may bring her the jackass to mate lest she become chilled. All other beasts are [merely] brought into the stalls.¹⁰

Our Rabbis taught: Sheep may not be turned out to graze in a hurdled enclosure¹¹ on Sabbaths, festivals, or in the festival week, but if they come [and do it] of their own accord,¹² it is allowed; and they may not be assisted [to it]. Nor may a watchman be assigned [to the shepherds] to move the sheep about.¹³ If [the herdsman was] engaged by the week, month, year or septennate, assistance may be given to these¹⁴ and a watch may be assigned to them to move the sheep about. Rabbi¹⁵ says, [This may be done] on the Sabbath by way of favour, on the festival for meals and during the festival [week] for payment. R. Joseph stated that the law is according to Rabbi.

MISHNAH. LIKEWISE IF ONE HAD HIS WINE [ALREADY] RUN INTO THE CISTERN THEN MOURNING BEFELL HIM, OR [SOME OTHER] HINDRANCE, OR WORKMEN DISAPPOINTED HIM, HE MAY DRAW OFF [THE WINE], COMPLETE THE PROCESS AND BUNG [THE CASKS] IN HIS USUAL WAY: THESE ARE THE WORDS OF R. JOSE; R. JUDAH SAYS, HE [MERELY] COVERS [THE CISTERN] WITH SHINGLES TO PREVENT IT TURNING SOUR.

GEMARA. [LIKEWISE IF ONE HAD etc.] And this [wine clause] is necessary. Because, if [the Tanna] had told us the first [clause alone], we might have argued that only in that case did R. Jose say [he may complete the process] as the loss on oil is considerable, whereas in the case of wine, where the loss is not much, one might presume that he concurred with the [stricter] view of R. Judah. And if [the Tanna] had told us the latter [clause alone], we might have argued that only in this case [of wine] did R. Judah say [he may not do more], whereas in that [former case of oil], one might presume that he concurred with the more [lenient] view of R. Jose: [therefore] it was necessary [to enunciate both clauses]. Said R. Isaac b. Abba,¹⁶ Who is the Tanna who requires that work [if done] should be done with a difference during the festival [week] where loss is threatened? It is not R. Jose.¹⁷ R. Joseph said, The halachah is according to R. Jose.

Some [scholars] asked of R. Nahman b. Isaac: Is it permitted to coat a mead-cask [with resin]¹⁸ in the festival week? — Said he to them: Sinai¹⁹ stated that the halachah is according to R. Jose. Supposing that R. Jose said [one may] in the case of wine, [does it follow] that he said [that one may] also in the case of mead? — [Indeed,] for what is the reason [that he allows] in the case of wine? [It is] because the loss on it is considerable; it is also considerable in the case of mead, as Abaye said, Mater²⁰ told me: 'Better a coated cask of Six se'ahs than an uncoated cask of eight se'ahs'.²¹

R. Hama b. Guria citing Rab said: The halachoth²² appertaining to the festival [week] are like the halachoth regulating the dealings with Kuthites.²³ What is the legal import [of this dictum]? — Said R. Daniel son of R. Ketina, It is to say that they are 'sterile'²⁴ [regulations] and communicate nought²⁵ to each other, as [for instance] Samuel said that they [may] coat a jug with pitch but may not coat a cask; while R. Dimi of Nehardea said that they [may] coat a cask with pitch but they may not coat a jug; one master being solicitous to avert loss,²⁶ the other master being solicitous to avoid exertion²⁷ [during the festival week]. Said Abaye, We have it as tradition²⁸ that the halachoth

appertaining to the festival [week] are like the halachoth appertaining to the Sabbath:

- (1) People might say that they were given the work on the Sabbath.
- (2) On a Sabbath or Festival (Rash). V. however, Asheri.
- (3) On a Sabbath or a Festival.
- (4) Han. and other texts.
- (5) He allowed these non-Jewish servants to mend or improvise extra tables for the guests of the Exilarch. R. Hama is mentioned with Mar zutra in B.B. 7a.
- (6) By working for the Exilarch during the festival week.
- (7) At any time. Cf Tosef. M.K. II.
- (8) 'Firstborn' males of 'clean' animals are from birth dedicated to the altar and as such claimed by the priest (v. Num. XVIII, 15, 17). These may not be worked, nor shorn for fleece, nor milked (v. Deut. XV, 19-20). Cf. Mak. 22a, (Sonc. ed. p. 155) and Bek. 15a.
- (9) Having become blemished, it is unfit for the altar and may be redeemed for ordinary slaughter but not for any other use. V. Bek. 15b.
- (10) To mate without assistance.
- (11) To manure the field.
- (12) I.e., if the non-jewish herdsmen drive the cattle into the field without any Instruction or request from the owner of the field.
- (13) I.e., to use means whereby to expedite the discharge of excrements of the flock on the spot to be manured. V. Jast. s.v. נער, II.
- (14) As these non-jewish herdsmen carry out their own work according to undertaking.
- (15) J. Sheb. III, 3 reads here Rabban Simeon b. Gamaliel, besides other variations. Also cf. Tosef. Sheb. end of Chapter li and Tosef. Shab. XVIII, 16.
- (16) It is Isaac b. Abdimi on 11b.
- (17) Since R. Jose holds that he can complete the process in the usual way.
- (18) Or pitch, to make it air-tight. V. A.Z. 33a (Sonc. ed. p. 162). Han. takes it as sealing the stopper, by smearing it over with clay or pitch to prevent the wine or mead becoming vapid. The mead made from the syrup of dates was a Babylonian beverage, cf. Pes. 107a and 113b.
- (19) A complimentary appellation of R. Joseph as an eminent authority on the body of Baraita-comments (on the Mishnah), in contrast to Rabbah b. Nahmani, his great contemporary and predecessor as Principal of the Academy at Pumbeditha, who was called 'Uprooter of Mountains', a title descriptive of his method of acute analysis. V. Ber. 64a and Hor. 14a, (Sonc. ed. p. 105).
- (20) Abaye was a posthumous child and his mother died in childbirth. He was brought up by a foster mother whose instructive sayings he frequently quotes as here. V. Kid. 31b.
- (21) A se'ah is about two and a third gallons.
- (22) Traditional rules of practice.
- (23) The Samaritans who, when friendly, were treated as observant Jews, and when hostile and making common cause with the heathens in persecuting Jews and jeering at their religious practices, were treated as heathens. The attitude towards them, therefore, varied from time to time, according to circumstances.
- (24) Some texts have עקודות 'tethered', i.e., inapplicable as 'rules in practice' owing to their frequent variability.
- (25) Serving no purpose as definite instances from which to argue any definite principle.
- (26) There is more loss involved in neglecting a cask than a jug, which is much smaller.
- (27) The exertion entailed in coating a cask is greater than with a jug.
- (28) Abaye often uses that expression.

Talmud - Mas. Mo'ed Katan 12b

some acts involve no penalty, though forbidden,¹ while other acts are allowed ab initio.

R. Huna had his harvest reaped during the festival [week], whereupon Rabbah put an objection to R. Huna [from the following]: They may mill flour during the festival [week] for the requirements of

the festival; what is not required for the festival is forbidden. A thing that is perishable in the festival [week] is permitted to be done; a thing that is not perishable in the festival [week] is forbidden. When does this [rule] obtain?² In the case of something that is [already] severed from the soil, but where [the crop is still] attached to the soil, even if all of it perish it is forbidden; but if he have not food to eat, he may reap, gather into sheaves, thresh, winnow, clean and mill,³ only that he shall not thresh with cows?⁴ — He replied: That [Baraitha] is but an individual⁵ opinion, and is not generally accepted by us, as it has been taught: Rabban Simeon b. Gamaliel stated a general rule in the name of R. Jose, Whatever is [already] severed from the soil, even though only part of it might perish, yet may it be worked; while that which is [still] attached to the soil, even though it might all perish, is forbidden. But if [as you say] that [anonymous] Baraitha be R. Jose's opinion, then he should also be allowed to thresh with cows!⁶ For Surely R. Isaac b. Abba said: 'Who is the Tanna that demands some variation In the working during the festival [week] where loss is involved? It is not R. Jose!⁷ — [Said R. Huna],⁸ He [R. Jose] might reply:⁹ 'Yea indeed, so; yet as one does not usually¹⁰ thresh with cows, threshing without them [during the festival week] would be no variation now.¹¹

Our Rabbis taught: Flour may be ground during the festival [week] for the needs of the festival; but if not for the requirements of the festival [week], it is forbidden. If, however, one ground¹² and had some flour over, he is allowed to use it.¹³ Trees may be cut down during the festival [week] for the needs of the festival, but if it is not for the needs of the festival it is forbidden; if one, however, had cut down¹² and had some over, it is permitted.¹³ [The ingredients] for brewing mead¹⁴ may be put in during the festival [week] for the needs of the festival; but if it is not needed for the festival it is forbidden; and if one put in [the ingredients]¹² and had some [brew] left over, it is permitted,¹³ provided only that there is no guile.¹⁵ A contradiction was raised [from the following]: 'They may put in [ingredients for brewing] mead during the festival [week] for the needs of the festival, but what is not for the needs of the festival is forbidden, be it a brew of dates or a brew of barley, and even though one have some old [brew] he may act with guile and drink of the new?'¹⁶ — There is a difference among Tannaim as was taught: There should be no resort to guile in such matters; R. Jose son of R. Judah says, One may act with guile [sometimes].¹⁷

Rab [once] had his harvest gathered for him in the festival week. Samuel heard [of it] and was annoyed. Might one suggest that Samuel concurred with the view of the individual authority?¹⁸ — No, it was a crop of wheat which [if left a while] would not have deteriorated. What is the reason that Rab acted thus? — He had not then [enough] to eat; and as for Samuel, he had not been fully informed [of the circumstances]. Or, [maybe he thought that the case of] a prominent person is different.

R. Judah the Prince¹⁹ [once] went out [on the Sabbath] wearing an amethyst²⁰ signet and [once] drank water which an Aramean [non-Jewish] cook²¹ had heated. R. Ammi hearing of it was annoyed. Said R. Joseph: What is the reason he was annoyed? Was it on account of the amethyst signet? Why, it is taught: Chains, earrings and rings are like all articles of dress that may be worn in the courtyard!²² [Again], if because he drank water which an Aramean had made hot? Why, Samuel b. Isaac, citing Rab, stated that whatever can be eaten raw is not [debarred] as in the category of heathen-cooked food! — [The case of] a prominent person is different.²³

R. Hananel, citing Rab, said that one may lop off branches from a palm tree during the festival [week] even though he needs only the chips.²⁴ Abaye denounced²⁵ this [dictum] vehemently. R. Ashi had a wood in Shelania. He went to cut it down during the festival week. Said R. Shela of Shelania to R. Ashi, What is your ground [for acting thus]? Is it because of what R. Hananel, citing Rab, said, that one may lop branches from a palm during the festival [week] even though he needs only three chips?²⁴ But surely Abaye denounced it vehemently! — Said he [R. Ashi] to him: 'I heard it not', as much as to Say, 'I do not concur [with Abaye's view]'. The hatchet then slipped threatening to cut off his leg. He then abandoned his task and came again.²⁶

Rab Judah permitted pulling up flax, picking hops and pulling up sesame crops. Said Abaye to R. Joseph: It is quite correct to do this in the case of flax, as if may be used for covering [fruits]; in the case of hops, as they may be used for [brewing] beer; but sesame — to what [immediate] use can it be put? — [It may be picked] on account of the seeds²⁷ it contains. R. Jannai had an orchard²⁸ that had become ripe for picking during the festival week [and] he picked it. The year [after] all the people kept their orchards waiting for the festival week. R. Jannai [thereupon] renounced his [proprietary rights in the] orchard that year.²⁹

MISHNAH. A MAN MAY BRING HIS FRUITS INDOORS FOR FEAR OF THIEVES AND PULL HIS FLAX OUT OF RETTING TO PREVENT IT SPOILING, PROVIDED HE DOES NOT PURPOSELY HOLD THE WORK OVER TILL THE FESTIVAL [WEEK]; AND ALL THOSE WHO HAVE DELIBERATELY HAD THEIR WORK HELD OVER FOR THE FESTIVAL [WEEK] SHALL HAVE IT DESTROYED.³⁰

GEMARA. BRING INDOORS. A Tanna taught: Provided only that he bring them into his house privily. R. Joseph had some beams of timber which he brought in during daylight. Said Abaye, But it is taught: ‘Provided only that he bring them into his house privily’! — He replied, The [requisite] privacy for these is [attained best] during daylight, since at night more men would be needed and torchbearers too would be required, making much ado.³¹

AND PULLS HIS FLAX OUT OF RETTING. R. Jeremiah asked of R. Zera: If a man keeps work over for the festival [week] and dies, should his children be penalized after him? Should you cite³² [the case of],

(1) Cf. rules of Ulpian: ‘An in imperfect law is one which forbids something to be done, and yet if it be done, neither rescinds it nor imposes a penalty on him who has acted contrary to the Law’. I, 1.

(2) That which is perishable may be attended to in the festival week.

(3) I.e., one may do anything and everything that is necessary.

(4) I.e., he must introduce some variation. This Baraita forbidding to reap except in the case where he has no food to eat, refutes R. Huna who, it is assumed, was not short of ready food.

(5) R. Jose's view which is given in the citation that follows and which is, however, not generally accepted.

(6) Which, however, is distinctly debarred in the anonymous Baraita, above.

(7) As may be seen from his attitude in the first and second Mishnah (11b and 12a) in contrast to that of R. Judah in regard to both oil and wine. Whereas, In the anonymous Baraita ascribed to him he distinctly stipulates not to thresh with cows, insisting on a variation.

(8) To explain that there is really no contradiction in the discrepancy.

(9) SBH reads better: ‘Said he, R. Huna, to him (to Raba)’.

(10) Lit., ‘every day’.

(11) On the contrary to use cows would be in this case an undesirable offensive display of his work (Rashi).

(12) During the festival week for the needs of the festival.

(13) After the festival.

(14) Or beer.

(15) To prepare which under the guise of forgetfulness or mistake for the needs of the festival with the intention of having some left over after the festival.

(16) Indicating thereby that he made the brew for the festival week.

(17) On the principle, v. Bez. 17b, especially Rashi's observation s.v.

(18) Cf. supra R. Huna's reply to Rabbah's question.

(19) R. Judah III, Rabbi's grandson.

(20) **מְדוּשָׁא מְדוּשָׁא** representing the Greek form **. The amethyst was often worn (as its name implies) as a talisman against drunkenness. Or the phrase may possibly be a talisman ring having a setting of a Medusa head, a popular charm against spells and against the power of enemies; and, although this could not have been the case in our

instance, it is not unlikely in the instance cited in 'Er. 69a, where the wearer on sighting R. Judah the Prince, quickly covered it; he is considered there as a semi-heathen or renegade.

(21) Or tavern keeper.

(22) Cf. 'Er. 69a and R. Tam's comments, Tosaf, s.v. כִּיִּן.

(23) Cf. Shab. 51a.

(24) Or sawdust.

(25) Lit., 'cursed'.

(26) Another time.

(27) For sesame oil.

(28) J.M.K. II, 2 (81a) reads: R. Simeon, R. Jannai's son.

(29) As a self-imposed penalty for having led others to do wrong.

(30) I.e., they must be deprived of any advantage gained.

(31) Lit., 'a noisy affair'.

(32) Lit., 'Find a case to explain (my question) by saying. . .'; or, 'Extract an answer from the case of. . .'

Talmud - Mas. Mo'ed Katan 13a

'One who had [craftily] clipped the ear of his first-born beast', and whose son is penalized after him,¹ [I can reply that] that is because that is [an offence against] a Scriptural prohibition. Or should you cite [the case of], 'One who sold his [non-Jewish] slave to a non-Jew', and whose son was penalized after him, [I can say that] that is because he debarred him daily from the [performance of] religious duties.² Here, what do we say? That the Rabbis' intention was to penalize the man personally and he is no more, or, maybe that it was only to impose a pecuniary penalty [on his estate] and that is to be had? — R. Zera replied, You learned it [in the Mishnah]: 'A field that has been cleared of thorns³ during the seventh year may be sowed in the post-sabbatical year; if it had been well improved⁴ or manured⁵ by hurdling cattle⁶ on it, it may not be sowed in the post-sabbatical year',⁷ and [on this Point] R. Jose b. Hanina said: 'We have it on tradition that if one had well improved his field and died, his son may Sow it'. This shows that our Rabbis did [intend to] penalize him,⁸ but his son the Rabbis did not [intend to] penalize; here too, then, it is the man himself that they would penalize, but his son the Rabbis would not have penalized. Said Abaye, We have it on tradition that if a man has defiled his fellow's clean [produce]⁹ and dies they do not penalize his son after him [to pay for the damage caused]. What is the reason? 'Imperceptible damage¹⁰ is not in the category of [legal] damage';¹¹ the man himself the Rabbis would have penalized, but his son the Rabbis would not have penalized.

MISHNAH. HOUSES, [STONES],¹² SLAVES AND CATTLE MAY NOT BE BROUGHT SAVE FOR THE NEEDS OF THE FESTIVAL, OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. GEMARA. Raba asked of R. Nahman: What about [affording] 'earning-jobs'¹³ in aid of one who has not [enough] to eat? — He replied: We learned: OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. What is this [relative] clause, 'Who has not enough to eat' intended to cover?¹⁴ Is it not to include such [casual] 'earning-jobs'? — Not [necessarily]; it is an explanatory clause.¹⁵ Thereupon Abaye pointed out to him an objection: 'One should not write credit-bills during the festival [week]; but if [the creditor] does not trust [the person] or he [the clerk] has not [enough] to eat, one may [then] write'.¹⁶ What is the clause, 'Or he has not [enough] to eat' intended to cover here? Is it not to include [casual] 'earning-jobs'?¹³ — [Yes], you may infer that.

R. Shesheth raised an objection: 'And the Sages say, Three craftsmen [may] do work until midday on the day preceding the [Feast of] Passover,¹⁷ [namely], tailors, hairdressers and fullers; tailors, for the same reason that a private person may do [some] sewing in his usual way during the festival [week]; hairdressers and fullers, for the same reason that persons returning home from abroad,¹⁸ or coming out of prison may crop their hair and wash their clothes during the festival [week]'.¹⁹ Now,

if you presume that 'earning-jobs' are allowed²⁰ where one has not [enough] to eat, then also all [other] work should have been allowed here,²¹ because 'earning-jobs' are permitted²⁰ where one has not [enough] to eat! R. Papa demurred to this [argument]: Then accordingly, building [work should] be allowed,²² just as 'a wall which is bulging outward into the public domain, may be pulled down and rebuilt in the usual way,²³ because it is a [public] danger'!²⁴ Rabina also demurred to this [argument]: Accordingly then, a scrivener²⁵ should be allowed [to work]²² just as one may 'write marriage deeds,²⁶ bills of divorcement²⁷ and receipts'!²⁸ Said R. Ashi:²⁹ [How] can you argue thus from regulations governing the festival [week] to those governing the fourteenth of Nisan? Those governing the festival [week] are based on [the avoidance of] exertion and where loss is threatened the Rabbis have allowed [exertion]; whereas the regulations governing the fourteenth of Nisan are based on the exigencies of the Festival; anything which is required for the Festival our Rabbis have permitted and anything that is not required for the Festival our Rabbis have not permitted.

MISHNAH. ONE MAY NOT REMOVE [EFFECTS] FROM HOUSE TO HOUSE,³⁰ BUT ONE MAY REMOVE THEM TO HIS COURT. WARES³¹ MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. IF ONE IS ANXIOUS ABOUT THE THINGS,³² HE MAY REMOVE THEM TO ANOTHER COURT.³³

GEMARA. [BUT ONE MAY REMOVE THEM TO HIS COURT]. But you said at first that one's effects may not be removed at all? — Said Abaye, The latter part comes to [tell] us that [to another] house in that [same] court he may [remove his effects].³⁴

AND WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. Said R. Papa: Raba [once] gave us a test: We learned, 'WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN' and this he contrasted [with the following]: 'Wares may be conveyed [to]³⁵ and brought home from the house of the craftsman, even though they be not needed for the festival'!³⁶ And we replied to him: The latter [Baraita] refers to the fourteenth of Nisan, while here it refers to the festival week. Or, if you like, I might suggest that both [passages] refer to the festival week, [but that the ruling] here [obtains] where he trusts him³⁷ [and] the latter [ruling obtains] where he does not trust him.³⁸

(1) The firstborn male of 'clean' animals is from birth 'dedicated' or destined for the altar and its flesh is the priests' due (Num. XVIII, 15-18). It may not be used for work or be shorn, unless it be born blemished or becomes accidentally permanently maimed, when it is no longer fit for sacrifice (Deut. XV, 19-22; cf. Lev. XXII, 18ff). If the owner cunningly contrives to get it injured either to avoid the trouble and expense of keeping it or to have the flesh, he is penalized to have it buried and is mulcted to half its value for the loss he caused to a priest. V. Shul. 'Ar. Yor. De'ah. 309-310.

(2) Non-Jewish male slaves who (with their consent) had been circumcised (cf. Gen. XVII. 12-13) and (male and female) ritually received into the household, enjoyed the privileges of resting on the Sabbaths (Ex. XX, 10) and Feasts (Deut. XII, 12, 18) and to partake of holy meats (ibid. XVI, 11) even in the priest's household (Lev. XXII, 11) and to perform such Jewish religious observances as they chose. (Cf. Ber. 20a and Suk. 20b). By selling him to a non-Jew he debarred the slave from the religious observances he learned to love and enjoy, and for this heartless act the offending master was penalized by the loss of his monetary gain.

(3) Merely picked up, cleared, lifted from the soil by the first superficial ploughing which did not constitute working the soil, forbidden Scripturally.

(4) By regular harrowing or deeper or cross ploughing. V. Tosaf. s.v. **נְטִיבָה** and commentary of R. Samson of Sens on M. Sheb. IV, 2.

(5) By bringing cartloads of manure and methodically spreading it over the field.

(6) Methodically, instead of just letting cattle roam about on it.

(7) M. Sheb. IV, 2.

(8) For clearing thorns by harrowing, manuring and hurdling cattle on the field, are not of the processes explicitly forbidden in Scripture (Lev. XXV, 1-5); and though some included even such 'secondary processes' under the Scriptural prohibition (cf. supra 3a), the Rabbis did not press the penalty against the dead man's son.

- (9) Which had been carefully guarded by the owner from contamination, if the malefactor spitefully threw (for instance) a dead reptile on the heap of washed corn or among the gathered olives or grapes (cf. Lev. XI, 29-34). Priests' due of these could not be eaten, but might only be burnt as fuel. Pious lay-people would not buy such produce.
- (10) As there is no visible change in the produce that has been thus deteriorated, he call say that all is still as it was.
- (11) MS. M. and in parallel passages add here: 'The penalty (imposed) is rabbinical (in origin) '.
- (12) V. D.S. Other texts add also 'fields'.
- (13) I.e., find a poor man some odd, unnecessary job to do, as a chance of earning something wherewith to buy provisions for the Festival.
- (14) It is assumed that the words THE NEED OF A VENDOR imply that he has not enough to eat.
- (15) Explaining the phrase THE NEED OF A VENDOR. But there is no indication according to this interpretation of the Mishnah — to have any unnecessary job done in the festival week.
- (16) During the festival week, plainly allowing it as a means of helping the borrower or the (professional) scribe.
- (17) The fourteenth of Nisan, when from early afternoon the people began the preparation of the Paschal Lambs. Cf. pes. V, 1, 5ff.
- (18) Lit., 'from the maritime province', generally denoting the Diaspora.
- (19) V. Pes. 55b and cf. with the Mishnah 55a on the variations in the text.
- (20) During the festival week.
- (21) On the fourteenth of Nisan, instead of limiting the permission to three crafts only, because there may be other craftsmen who may be in need of money for food. But, as there is no mention of such a contingency there, it shows that even in such a case, unnecessary odd 'earning-jobs' may not be given in the festival week.
- (22) On the fourteenth of Nisan.
- (23) During the festival week.
- (24) V. supra 7a.
- (25) Lat. librarius.
- (26) The terms of the marriage contract agreed to by the parents, the bride and bridegroom.
- (27) To end an unhappy marriage all the sooner, it is allowed even in the festival week.
- (28) V. infra 18b.
- (29) There is a flaw in K. Shesheth's argument.
- (30) Either (i) from one house to another in the same court, or (ii) from another's house into his own, as this is gratifying to him. V. Han., Asheri and Ritba.
- (31) כְּלִים ; the term covers articles of household furniture, utensils, clothing and bedding; but obviously not tools, etc.
- (32) Fearing they might be stolen.
- (33) To ensure their safety.
- (34) Cf. p. 75. n. 9 (ii).
- (35) So SBH. p. 62. In our text as it stands, both here and pes. 55b מוֹלִיכִין might possibly refer to the conveyance of larger, unportable objects, while מוֹבִיאִין refers to smaller, portable things. The concluding words of this discussion, however, do not take note of this possibility.
- (36) V. pes. 55b.
- (37) The craftsman, and may leave his things with him safely to avoid all unnecessary 'exertion'.
- (38) Fearing they might be stolen.

Talmud - Mas. Mo'ed Katan 13b

And [in fact] it is taught [thus]: 'Wares may be brought [home] from the house of the craftsman, for instance, jugs from the jug maker's and tumblers from the glass maker's, but not wool from the dyer's nor articles from the house of the craftsman; but if he has not [enough] to eat one gives him his pay [in advance] and leaves the object with him, if however he does not trust him he leaves It In a house near him¹ and if he is anxious about the things lest they be stolen he² brings them home privily'.³ You have thus explained⁴ [the discrepancy] about 'bringing home', [but] the discrepancy about 'conveying' still remains a difficulty; for when it states WARES MAY NOT BE BROUGHT HOME, [it follows] much less may one convey [wares to the house of the craftsman]! Hence [obviously] the explanation given at first⁵ is the correct one. MISHNAH. FIGS [WHILE DRYING]

MAY BE COVERED WITH STRAW;⁶ R. JUDAH SAYS, THEY MAY EVEN BE PILED UP [IN HEAPS].⁷ VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL Privily FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. FISHERMEN, GROATS-POUNDERS AND GRIST GRINDERS⁸ PLY THEIR TRADE PRIVILY FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. R. JOSE SAYS, THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES.⁹

GEMARA. R. Hiyya b. Abba and R. Assi differ [in their interpretation] both in the name of Hezekiah and R. Johanan.¹⁰ One says that the [former expression], they MAY BE COVERED, MEHAPPIN, means [covering but] lightly, and [the latter] MAY EVEN BE PILED UP, ME'ABBIN, means [spreading the straw] closely; the other says that MAY BE COVERED, means [spreading the straw] lightly or densely, while [the latter expression], MAY EVEN BE PILED UP, means making a sort of pile.¹¹ It is also taught thus: 'May be piled up [me'abbin] — making a sort of pile: these are the words of R. Judah'.

VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL PRIVILY. The question was asked: Does THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES, mean that they do not work at all, or perhaps that they do it privily? Come and hear: 'Vendors of fruits, clothing and [other] wares sell privily for the requirements of the festival [week]; R. Jose says, The Tiberian traders have imposed a restriction on themselves not to sell at all. Deerstalkers, fowlers and fishermen catch privily for the requirements of the festival [week]; it. Jose says, The catchers of Acra have imposed a restriction on themselves not to catch at all. Groats-pounders make hilka¹² [coarse meal], tragus¹³ [pulse-porridge] and tisana¹⁴ [pearl-barley] privily for the requirements of the festival [week]; R. Jose says, The gristpounders of Sepphoris have imposed a restriction on themselves not to pound at all'. Abaye explained:¹⁵ Hilka means [groats of] one [grain broken] in two;¹⁶ tragus, one into three;¹⁷ tisana, one into four.¹⁸ When R. Dimi came [from Palestine] he said: [All these are] kuntha [spelt].

An objection was raised: Hilka, tragus and tisana are [considered as] 'tainted'¹⁹ everywhere.²⁰ Now this harmonizes well with the explanation that it is one [grain broken] in two, three or four; they are [considered] 'tainted' everywhere, because they have been rendered 'fit' [liable to take the taint of impurity]; but according to the explanation that they are all 'spelt', why then are they taken as 'tainted' everywhere, for these have not [necessarily] been rendered 'fit' [by damping]? [Sometimes they are], for instance, where the groats are [made of] peeled [spelt]; because, unless the grain had been soaked in water it would not peel. And why is it called hilka? Because it has had its 'tunic'²¹ [husk] taken off. An objection was raised: 'One who vowed [to abstain] from dagan²² is debarred even from [partaking of] the Egyptian bean²³ when dry, but is allowed to eat it when fresh [green];²⁴ and he is permitted rice,²⁵ hilka, tragus and tisana.²⁶ Now, this harmonizes well with the explanation that these [varieties] are so called because one [grain] is broken into two, three or four; it is Proper [to allow him to eat] because these [being now meal] no longer belong to the [category] of dagan [grain]; but according to him who says that hilka is [what we call] 'spelt', it is [still] properly [designated as] dagan! — This is a difficulty.

R. Huna²⁷ permitted vendors of Pot-herbs²⁸ to go and sell in the festival week in the market Place in the ordinary way. R. Kahana thereupon put an objection to him [from the following]: 'A shop which opens into a colonnade may be opened and closed in the ordinary way; if it opens into the public domain, [the shopkeeper] may open one door and close one; and on the day preceding the last day of the Feast [of Tabernacles]²⁹ he may bring out fruit and decorate the markets all round the town in honour of the last day of the Feast'. [That is to say], 'In honour of the last day of the Feast, [he may open]; but if not in honour of the last day of the Feast, he may not [open]! That is not difficult [to explain]: This latter prohibition refers to the sale of fruits, whereas in the former case it is the sale of seasoning [pot-herbs that is allowed].

CHAPTER III

MISHNAH. AND THESE [MAY] CROP³⁰ [THEIR HAIR] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM A PLACE OF CAPTIVITY OR ONE COMING OUT OF PRISON, OR ONE UNDER A BAN³² TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE³³ AND WAS ABSOLVED [BY HIM], AND A NAZIRITE³⁴ OR A LEPER ON EMERGING FROM HIS [STATE OF RITUAL] IMPURITY TO [BEGIN] HIS PURIFICATION.³⁵

AND THESE [MAY] WASH [THEIR GARMENTS] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM THE PLACE OF [HIS] CAPTIVITY, OR COMING OUT OF PRISON

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- (1) The craftsman.
 - (2) The owner takes the things into his house.
 - (3) V. supra n. 3.
 - (4) Lit., 'straightened out'.
 - (5) Namely that the Baraita ruling (cf. Pes. 55b) refers to the fourteenth of Nisan while our Mishnah refers to the festival week. Cf. R. Ash's reply, above. For further notes on this passage v. pes., Sonc. ed. p. 276.
 - (6) During the festival week, to protect them from rain. קציעות are split figs, which are sun-dried and pressed into cakes. V. commentaries on Alfasi 's text and Krauss, TA II, 246.
 - (7) The figs, or the covering straw. V. Gemara.
 - (8) Coarse and fine.
 - (9) V. Gemara.
 - (10) All four were Palestinian teachers (Tiberias).
 - (11) Supra n. 2.
 - (12) Latin halica, alicia. Cf. Martial, Epigr. XIII, 9: 'Villio est alicia, carior illa faba'. It is mentioned there with the fine Egyptian lentil (Niliacam . . . lentem).
 - (13) Lat. tragum, pulse, porridge.
 - (14) Lat. pitsana, barley crushed and cleansed from the husks.
 - (15) By popular etymology.
 - (16) Derived from חלק 'divide' (into halves).
 - (17) From the Greek ** in three parts.
 - (18) Greek ** four.
 - (19) Literally (ritually) defiled, potentially or actually, by the grain being washed before the milling. Fruits, grain and vegetables are not subject to ritual defilement until washed or sprayed or have Purposely been left exposed to get damped by rain or dew. After that deliberate damping these take ritual defilement by contact with defiling objects. Cf. Lev. XI, 34. 37-38 with commentaries of Rashi and Nahmanides and B.M. 22a-b, (Sonc. ed. p. 138-9).
 - (20) M. Maksh. VI, 2, and cf. Pes 40a.
 - (21) Another popular derivation from חלוק a shirt or tunic.
 - (22) Means 'cereal' in the (final) form of grain.
 - (23) V. supra p. 77, n. 7.
 - (24) When it is not called a 'cereal' but a 'vegetable' and 'in vows we follow the (meaning of terms in) popular parlance', Ned. 49a; cf. 55a (top) commentaries.
 - (25) Or hirse. V. Pes. 35a.
 - (26) V. Ned. 55b; Tosef. Ned. IV, 1, ZM. p. 279. 17-18.
 - (27) Of Sura, Rab's disciple and successor. Many texts (v. D.S. and SBH) read here Rab Judah at Pumbeditha, also a disciple of Rab, as was also R. Kahana, mentioned next.
 - (28) And other ingredients for food seasoning or 'cornchandlers'. V. Tosaf. s.v. בתבלין and כרופייתא (sing. כרופיתא), probably connected with the Greek **
 - (29) The bracket is omitted in the Tosefta (M.K. II, 13) and other texts and rightly so, as the addition confines the

permission only to the last part of Tabernacles, whereas there is no reason to exclude that of Passover.

(30) Lit., 'shave'.

(31) Lit., 'From a maritime province'.

(32) Lit., 'repelled' for some flagrant breach of discipline, a religious or moral offence. The matter is discussed fully infra 16aff. The 'repelled' person was expected to go about in sorry apparel, with disordered hair during the time of disgrace. as if in mourning.

(33) A hakam, an ordained Rabbi, to absolve him of a vow to go unkempt for a period, which is found to have been made rashly and is now extremely inconvenient or impossible of fulfillment. Cf. e.g., Ned. IX, 6; 66a.

(34) V. Num. VI, 1-21. If he became defiled by contact with a corpse he had first to be ritually purified and shaved (ibid 6-9); or, on the completion of his Nazirite period (13, 18).

(35) He had likewise to be shaved and to wash his garments. Lev. XIV, 8-9.

Talmud - Mas. Mo'ed Katan 14a

, OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE AND WAS ABSOLVED [BY HIM]. HAND-TOWELS, BARBERS' TOWELS AND BATH-TOWELS [MAY BE WASHED]. MEN OR WOMEN [AFFECTED] WITH 'THE FLUX'¹ OR MENSTRUANTS,² OR WOMEN AFTER CHILDBIRTH³ AND ALL THOSE EMERGING FROM [A STATE OF RITUAL.] IMPURITY⁴ TO [BEGIN] THEIR PURIFICATION ARE ALLOWED [TO WASH THEIR GARMENTS]; BUT ALL OTHER MEN ARE FORBIDDEN.

GEMARA. What is the reason that all other men are forbidden? — As we learned: 'Members of the ward on duty⁵ and [communal] Deputies at their Posts⁶ are forbidden [during their turn] to crop [their hair] or wash [their garments]. But on Thursday they are allowed, in honour of the Sabbath'. Now Rabbah b. Bar-Hana reporting R. Eleazar [as commenting on this] said: 'What is the reason [they may on Thursday]? So that they should not enter [on the duty of] their Ward in a state of untidiness'. Here also the reason is that they do not enter upon the festival in a state of untidiness.

R. Zera inquired: Suppose one had lost something on the day before the festival? [Do we say], since he was prevented [from attending to himself before] he may,⁷ or perhaps, as the reason is not obvious, he may not? — Said Abaye: [Obviously not], as people would then say: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'?⁸ But admitting your argument [against], yet what about it. Assi's statement? who citing R. Johanan said: 'Anybody who has but one tunic⁹ is allowed to wash it during the festival week'. Would not people say in that case, too: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'? — Surely it has been stated in this connection: 'Said Mar son of R. Ashi, His girdle¹⁰ proves his plight'.¹¹ R. Ashi's comments on our Mishnah were [in this form]: R. Zera enquired, What if a craftsman¹² had lost something on the day before the festival? Do we say that since he is a craftsman, the reason [why he is allowed] is obvious, or since the reason is not so obvious as in those other cases [mentioned in the Mishnah], he may not [attend to himself in the festival week]? Let this question stand [adjourned].¹³

[ONE ARRIVING HOME] FROM ABROAD [MAY CROP]. [The anonymous view of] our Mishnah is not that of R. Judah. For it is taught: R. Judah says, One arriving [home] from abroad may not crop himself [during the festival week] because he had set out [on his voyage] without the approval [of the Rabbis].¹⁴ Said Raba: 'If he merely went on a tour all [authorities] are agreed that he is forbidden;¹⁵ if to seek his bread, all are agreed that he is allowed.¹⁵ Difference of opinion arises only in the case of a voyage for business profits, one master looking upon it as equivalent to [mere] travelling, and the other master looking upon it as equivalent to seeking his bread'.

An objection was raised: 'Said Rabbi: R. Judah's opinion seems apposite where he had set out

without approval and the Sages' opinion seems apposite where he had set out with approval'. Now, what is 'without approval'? If I say for going on a tour, did you not say that all are agreed that he is forbidden?¹⁵ Again [should it mean] for seeking [his] bread; surely did you not say that [if with this object] all are agreed that he is allowed?¹⁶ It is obvious therefore that it means for profit-seeking.¹⁷ Now consider the latter clause: 'And the Sages' opinion seems apposite where he had set out with approval'; what is meant by 'with approval'? If I say [approval to set out] for earning his bread, have you not said that all are agreed that he is allowed?¹⁶ Again, should it [rather] mean for profit [seeking]; but surely then, did you not say that' R. Judah's [adverse] opinion seems apposite in this case [that he is forbidden]?¹⁸ — This is what he [Rabbi] meant to say: The Rabbis accept R. Judah's opinion where he had started out 'without approval', and what means it? For going on a tour; because, even the Sages disagree with him only on [the question of a voyage] for gaining profit, whereas in regard to going on a tour they concur with him.¹⁹ And again, R. Judah accepts the Rabbis' opinion [that he may attend to himself]¹⁶ where he had set out 'with approval', and what means it? For seeking his bread; because even R. Judah disagrees with them only on [the question of a voyage] for gaining profit, whereas in regard to going out for seeking his bread he concurs with them.²⁰

Samuel said: 'If an infant is born during the festival [week] it is allowed to cut his hair²¹ during the festival [week] because there is no imprisonment²² more real than this'. [That is, only 'if . . . born] during the festival [week]' it may be done, but [if born] before then, it is [presumably] not allowed.²³

R. Phineas raised all objection: 'Every one of those mentioned [by the Sages] as being permitted to crop his hair during the festival [week] may [likewise] crop his hair during the [thirty]²⁴ days of his mourning';²⁵ [which means conversely] that every one of those who is forbidden to crop his hair during the festival [week] is [likewise] forbidden to crop his hair during the [thirty]²⁶ days of his mourning.

(1) Ibid. XV, 2, 5, 13.

(2) Ibid. 19-27.

(3) Ibid. XII, 2; cf. XV, 25ff.

(4) Ibid. XI, 24-25, 28, 40 and Num. XIX, 19.

(5) Mishmar, v. Glos. The priests and Levites were grouped in twenty-four wards to take their turn in the Temple. V. I Chron. XXIV, 1-19 (Priests) and 20-25 (Levites). Cf. Neh. XII, 44-47 and XIII, 29-31.

(6) Ma'amad, v. Glos. Palestine was divided into twenty-four stations or districts which sent their deputies of priests, Levites and lay Israelites to represent the community at the Temple service and they served for a week. While on duty the Deputies observed a daily fast during the day, from Monday to Thursday and in a side chapel recited Holy Writ. V. Ta'an. IV, 1; Talm. 26a and 27a.

(7) Trim himself and wash his garments during the festival week.

(8) A proverbial expression, protesting against discrimination. The origin of the proverb is found in Pes. 37a where it is objected to fancy-shaped loaves for Passover use, as the shaping of the piece of dough may delay the baking to the point of leavening. R. Boethus b. Zonin suggested that the use of moulds might easily obviate this fear, which evoked the (proverbial) retort.

(9) Or shirt.

(10) Or loin cloth.

(11) While washing his shirt, he is either girded with a loin cloth or wears his outer garment fastened by the belt to avoid exposure of his body.

(12) A barber or bath attendant who is permitted to work on the fourteenth of Nisan, who mislaid or lost one of his tools, and his customers see him worried and hindered in his work.

(13) For a future adequate solution.

(14) Quoted in J.M.K. I, 1: 'For R. Judah said it is forbidden to set out on a voyage on the great sea'. The reason for his disapproval is probably on account of the risk of not arriving home in time for the festival. Cf. Shab. 19a and J. Shab. 1,

3.

(15) To attend to his personal appearance during the festival week.

(16) To attend to his personal appearance during the festival week.

(17) I.e., R. Judah does not approve of a sea voyage for mere gain or profit.

(18) All of which shows that the difference cannot be as stated on the question of a voyage for profit.

(19) That he is to be penalized if his homecoming was delayed, and not allowed to trim himself during the festival week.

(20) The accepted view is that a voyage for profit is an extenuating circumstance. V. Han., Asheri and Codes.

(21) If its hair is abnormally long and, for convenience, would best be shortened. If, however, the shortening is imperative for hygienic reasons there is no question.

(22) In the pre-natal state.

(23) Since it could have been cut before the festival.

(24) So in Tosef. II, 2. I. e., if he suffered a second bereavement before the mourning days of the first expired. V. infra 17b.

(25) V. infra 17b.

(26) V. p. 83, n. 9.

Talmud - Mas. Mo'ed Katan 14b

Now if you say that there is a difference here in the case of the infant,¹ you are this implying that [the observance of] mourning obtains in the case of a minor, whereas it is taught: 'A minor's garment is rent out of grief of soul'² R. Ashi said [that the negative inference is faulty, for] does it [actually] state 'but those who are forbidden'³ Perhaps [it means to state] that some there are who are forbidden⁴ and some others who are permitted.⁵

Amemar, or some say. R. Shisha son of R. Idi, taught thus: 'Samuel said: "An infant may be cropped in the festival [week]: it makes no difference whether he was born during the festival [week] or was born before".' Said R. Phineas: We learned this also [indirectly] from [the following]: 'Every one of those mentioned [by the Sages] as being permitted to crop during the festival [week] may likewise crop his hair during the [thirty] days of his mourning'; which means conversely, but every one of those who is forbidden to crop during the festival [week] is likewise forbidden to crop during the [thirty] days of his mourning. Now if you say that a [newly-born] infant is forbidden [to be cropped] you find yourself [implying] that [the observance of] mourning obtains in the case of a minor; whereas it is taught [distinctly]: 'The garment of a minor is rent [merely] out of grief of soul'? — Said R. Ashi: [That negative inference is faulty for] does it [actually] state, 'But he who is forbidden [in the festival week] is also forbidden during his [thirty] days of mourning? Probably it means that some there are who are forbidden and some others who are permitted.

A mourner does not deport himself as one in mourning during a festival, as it is said: And thou shalt rejoice in the feast.⁶ [For], if his mourning began before [the festival], a positive precept incumbent on the community⁷ overrides one incumbent on him as an individual;⁸ and if his mourning began just then [during the festival], an individual's function cannot come and put off that of the public.

Now what about one separated [under a ban]? Should he deport himself as one in 'separation' during a festival? — Said R. Joseph: Come and hear: 'They [the Courts] deal with capital offenses, with [offenses involving judicial] floggings⁹ and monetary suits,¹⁰ [during the festival week]'. [This implies that] if one heeds not the [court's] decision, we put him under a ban.¹¹ Now if you presume that he should not deport himself during the festival like one under 'separation', [then] seeing that where one is already fallen under a ban, the festival comes and suspends [the ban],¹² shall we pronounce him banned in the first instance [during the festival]? Abaye replied: Perhaps [the object of the adjudication is] to examine the charge against him.¹³ For, should you not say thus, then 'capital offenses' therein mentioned would likewise mean indeed that they would have him slain; but

surely thereby they [the judges] themselves would be debarred from 'rejoicing in the feast' [as is Scripturally ordained], as it is taught:¹⁴ Says R. Akiba: Whence may it be shown that a Sanhedrin [Court] that put a [sinning] soul to death do not taste [food] all that day? From the instructive text 'Ye shall not eat on the blood'.¹⁵ Therefore [I say] it must be only to examine the charge against him, and likewise here it is only to examine the charge against him. Said R. Joseph to him: If [you explain it] so, the result is that you delay the execution of his sentence [which is forbidden]?¹⁶ But [I take it], they come early in the morning and examine the charges against him; then they go home and eat and drink all that day¹⁷ and, coming back with the setting sun, they do give a final decision and [also] have him put to death.¹⁸

Said Abaye: Come and hear.¹⁹ OR ONE UNDER A BAN TO WHOM THE SAGES HAVE GRANTED ABSOLUTION.²⁰ Said Raba: Does it state: 'Whom the Sages granted absolution'? It says: OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION, [that is] where he [the offender] went and appeased the plaintiff and then came before our Rabbis²¹ and they then set him free [from restraints].²²

What about a leprous person; does he deport himself as a leper during the festival?²³ — Said Abaye: 'Come and hear: AND [ALSO] A NAZIR OR LEPER EMERGING FROM HIS [STATE OF] IMPURITY TO [BEGIN] HIS PURIFICATION [may crop his hair and wash his garments],²⁴ which implies that during the days of his impurity he does deport himself [as a leper]'! — [No]; the Tanna considered that this goes without saying [and is to be understood thus]: It goes without saying that he does not deport himself [as a leper] during the festival.²⁵ But when [he is emerging] into his state of cleanness we might [be inclined to] restrict him, in case he might defer²⁶ making his [preliminary] offerings [of purification].²⁷ Therefore he informs us [that he may, nevertheless].²⁸ Said Raba: Come and hear.²⁹ '[It is taught]: And the leper. [in whom the plague is, his clothes shall be rent and the hair of his head shall be loose . . .],³⁰ that is meant to include a High Priest [in this rule]'. Now [we learned] a High Priest all through the year is on a par with any other person on a festival, as we learned: The High Priest may make sacrifice [on the altar] even when he be onen,³¹ without however eating thereof! From this [latter restriction of even a High Priest] you can infer [about the former] that he should deport himself as a leper during the festival. — Infer that.

A mourner is forbidden to cut his hair, because since the Divine Law ordained the sons of Aaron:³² Let not the hair of your heads go loose,³³ we infer that for everybody else [cutting the hair] is forbidden

(1) Whether the infant was born during or before the festival, in which latter case he must not be cropped, and consequently on the principle just enunciated he may not be cropped on his days of mourning.

(2) V. infra 26h. It is done, not as an obligatory observance on the part of the child, but merely to deepen the poignancy of grief among the mourners by including the young, unknowing child in the sorrow.

(3) 'But those who are forbidden to crop their hair during the festival (week) are (likewise) forbidden to do it during the (thirty) days of mourning'.

(4) In the case of adults.

(5) In the case of minors.

(6) Deut. XVI, 14.

(7) The divine charge, an 'ordinance' to the community to observe the joyous celebration of the festival.

(8) The observance of mourning.

(9) Of thirty-nine stripes, for a well-attested breach of a Scriptural prohibition after due warning. V. Deut. XXV, 1-3; Mak., Sonc. ed. p. 90, n. 1.

(10) Claims or fines. So Tosef. M.K. II, 11.

(11) Shammetha, to enforce public discipline.

(12) I.e., his disabilities of seclusion and wearing a mourner's garb as in the case of the mourner.

(13) Without pronouncing judgment.

- (14) Sanh., Sonc. ed. p. 430.
- (15) Lev. XIX, 26.
- (16) Cf. Aboth. V, II and Shab. 33a.
- (17) In fulfillment of the precept of rejoicing on the Festival.
- (18) [Since after all a final decision is given on the festival week, it follows that the ban is necessarily imposed on the disobedient and consequently proves that the regulations of the ban are in force on the festival week.]
- (19) In support of my view.
- (20) The relative clause is at present assumed to mean that one who is banned is automatically released by the Sages on the festival from the disabilities of a ban.
- (21) During the festival week.
- (22) Otherwise he remains under his disabilities during the festival.
- (23) I.e., to remain isolated, let his hair remain long and wear torn or soiled clothes as a leper, during the festival week.
- (24) Cf. Mishnah supra 13b.
- (25) I.e., it is immaterial either way so long as he is still an unclean leper, as he, in any case, has to resume his disabilities after the festival. V. Ritba.
- (26) I.e., after having trimmed himself and changed his clothes during the festival he might postpone the offerings and bring them on the last day of the festival when a private sacrifice may not be offered.
- (27) I.e., taking two live birds and spring water for the ritual sprinkling with the hyssop, as prescribed in Lev. XIV, 2-8, after which he washed his clothes and shaved his body and was to return to the camp' (home) and after another seven days to complete his 'purification and atonement by sacrifice at the Temple.
- (28) Crop his hair and cleanse or change his torn clothes during the festival week.
- (29) That the leper deports himself as a leper in the festival week also.
- (30) Sifra on Lev. XIII, 45 where by laying stress on 'And the' together with the descriptive clause 'in whom the plague is' still, the wording is taken to include especially the otherwise exceptional person of the High Priest, who may never grow long hair or wear torn clothes, even when a mourner. Lev. XXI, 10.
- (31) I.e., on the day of poignant grief, when the death of his near and dear occurred. This law is based on the sad experience of Aaron who lost two of his sons on the day of his induction as High Priest. He then offered up the sacrifices, but did not partake of the holy meat. V. Lev. X, 16; 16-20. Cf. Hor., Sonc. ed. pp. 90 and 93. Any other priest may not officiate during the state of onen, except on festivals when the law of onen does not apply.
- (32) When Nadab and Abihu died.
- (33) I.e., keep it in trim. V. Lev. X, 6 and cf. Ezek. XLIV, 20.

Talmud - Mas. Mo'ed Katan 15a

. What about those 'separated' [under a ban], and [segregated] lepers in regard to cutting [their hair] during the festival week? — Come and hear. "Those "separated" [under a ban] and [segregated] lepers are forbidden to cut [their hair] and wash [their garments]. If one "separated" [under a ban] died,¹ the Beth din stone his coffin; R. Judah says, not that they set up a heap of stones over him like the heap of Achan,² but the Beth din send [commissioners]³ and have a large stone⁴ placed on his coffin, which teaches you that if anyone is placed under a ban and dies in his "separation", the Beth din stone his coffin'.⁵

A mourner is obliged to muffle his head. Since the All Merciful enjoined Ezekiel: And cover not thine upper lip,⁶ we infer that everybody else is obliged [to do so].⁷ What about one 'separated' [under a ban] in regard to muffling the head? — Said R. Joseph, Come and hear: 'And they⁸ muffle themselves and sit as men "separated" [under a ban] and like mourners until Heaven grants them mercy'. Said Abaye: Perhaps it is different with one who is 'separated' [under a ban] by displeasure of Heaven⁹ [as it were]; for that is [more] serious [than being in disfavour with man]!

What about a leper, in regard to muffling the head? — Come and hear: And he shall cover his upper lip;¹⁰ we infer from this that he is obliged to muffle his head. — Infer that.

A mourner is forbidden to put on tefillin.¹¹ Since the All Merciful ordained Ezekiel: Bind thy headtire upon thee,¹² this implies that everybody else is forbidden [to do so in deep mourning]. What about one 'separated' [under a ban], in regard to tefillin? — It stands [adjourned].

What about a leper, in regard to [putting on] tefillin? — Come and hear: [Holy Writ prescribes], 'And the leper';¹³ this [amplification] is to include [even] a High Priest [in this law];¹⁴ 'his clothes shall be perumim',¹⁵ that is, they shall be torn. 'And [the hair of] his head shall be parua'.¹⁶ 'Parua' means only letting the hair grow long;¹⁷ these are the words of R. Eliezer. R. Akiba explains [otherwise]: 'Shall be' is stated in connection with the leper's head;¹⁸ and 'shall be' is stated in connection with the leper's garment.¹⁹ [Therefore] just as 'shall be' stated in connection with the garment refers to something external to the body [clothes],²⁰ so also 'shall be' stated in connection with the head refers to something external to the body.²¹ What then [is to be discarded]? Is it not the reference to tefillin? — Said R. Papa, [Not necessarily these], it may refer to [not putting on] a cap or sudarium.²²

A mourner is forbidden to give the usual greeting [of wellbeing],²³ because the All Merciful said to Ezekiel: Sigh in silence.²⁴ What about one 'separated' [under a ban] in regard to [abstaining from] the usual greeting?²³ — R. Joseph said, Come and hear: And in regard to greeting one another 'with peace', as man to man, they [that are fasting]²⁵ behave like persons who are 'separated' [under a ban] by the Omnipresent.²⁶ Said Abaye to him, Perhaps [the case of] the 'separated' [as under a ban] by displeasure of Heaven is different because it is [more] serious.

What about a leper in regard to [abstaining from] greeting one 'with peace'? — Come and hear: [It is written]: And he shall cover his upper lip,²⁷ that is, his lips shall be compressed together, that he should behave like one 'separated' [under a ban] and like a mourner, and he is forbidden to greet one 'with peace' Infer that. Then why not solve now²⁸ [the above question] about one 'separated' [under a ban]?²⁹ — Said R. Aha b. Phineas in the name of R. Joseph: Does it [actually] state that he [the leper] is forbidden [to greet one 'with peace' like one 'separated']? It only states that he behaves like one 'separated' or like a mourner with reference to other things and at the same time that he is also forbidden to greet one 'with peace'.

A mourner is forbidden [to engage] in the words of the Torah, because the All Merciful said to Ezekiel: 'Sigh in silence'.³⁰ What about one 'separated' [under a ban engaging in] the words of the Torah? — Said R. Joseph, Come and hear: One 'separated' [under a ban] may teach [others] and others may teach him; he may be hired [for work] and others may be hired by him. One under anathema³¹ neither teaches others, nor do others recite it to him; he is not hired [for work] nor are others [to be] hired by him; but he recites to himself in order that he does not interrupt his study;³² and he makes a small stall for himself [as a means] for 'his livelihood'.³³ Whereat Rab³⁴ remarked, [As for instance] selling water at the pass of Araboth.³⁵ Infer from that.³⁶ What about a leper [engaging] in the words of the Torah? — Come and hear: [It is written], And make them known³⁷ unto thy children and thy children's children; the day that thou stoodest before the Lord thy God in Horeb. [that they may learn to fear Me all the days . . . and that they may teach their children],³⁸ that is, just as [they heard God's word] then [at Sinai] with awe, fear, trepidation and perspiration;³⁹ [so be it now studied with awe, fear, trepidation and perspiration]. Hence sad they [the Sages], that men who are [affected] with flux,⁴⁰ lepers, or such as [in error] consorted with their wife while in separation⁴¹ are allowed to read [Scripture] out of the Torah [Pentateuch], the Prophets or the Hagiographa⁴² or to recite [orally] Mishnah,⁴³ Midrash,⁴⁴ Gemara,⁴⁵ Halachah or Aggadah,⁴⁶ while those who have night pollutions are forbidden.⁴⁷ You may infer it from that.

A mourner is forbidden to wash his clothes, for it is written, And Joab sent to Tekoa and fetched thence a wise woman and said unto her: 'I pray thee, feign thyself to be a mourner and put mourner apparel, I Pray thee and anoint not thyself with oil, but be as a woman that had a long time mourned

for the dead'.⁴⁸ What about the 'separated' [under a ban] and the lepers washing their clothes? — Come and hear: Persons 'separated' [under a ban] and lepers are forbidden to cut [their hair] or wash [their clothes]. You may infer it from here.

A mourner is in duty bound to rend [his garments], because the All Merciful enjoined the sons of Aaron, 'Neither rend [your clothes]'.⁴⁹ From here you infer that everyone else is bound to do it. What about one 'separated' [under a ban] rending his garments? It stands [adjourned].

What about the leper rending his garments? — Come and hear: 'His clothes shall be perumim'⁵⁰ which means they shall be rent. [Yes], infer it.

A mourner is bound to overturn his couch, because Bar Kappara taught:

(1) Sem. V, 11 adds: 'he requires a stoning'.

(2) Josh. VII, 25.

(3) Sem. *ibid.* has: But a messenger of the Beth din takes a stone and puts it on his coffin to carry out on him the ordinance of a stoning.

(4) Cf. Lev. XXIV. 23.

(5) Cf. 'Ed. V, 6 (Sonc. ed. p. 25) and Ber. 19a.

(6) Ezek. XXIV, 17.

(7) Under similar circumstances of bereavement, as Ezekiel's grief was meant to be excessively poignant.

(8) Some of the leading Rabbis who meet to fast and pray on account of the shortage of rain. V. Ta'an. 14b.

(9) The drought being the sign of Heaven's displeasure.

(10) Lev. XIII, 45. 'Cover' here is the same term as used in Ezek. XXIV, 17; 22-23.

(11) Phylacteries. Cf. Deut. VI, 4-9; XI, 19 and Prov. III, 3; VI, 20-23.

(12) Ezek. XXIV, 17-23. Cf. Targum *ad loc.*

(13) Lev. XIII, 45. V. the full text cited by Raba p. 87.

(14) V. *supra* p. 87, n. 5.

(15) Note the phrase, also the specific meaning of the root פָּרַם , to tear, rend clothes, as here. It is used again twice (Lev. X, 6; and XXI, 10) and Lily in connection with Aaron and his sons; (not) to rend their garments for the dead.

(16) Note this phrase as well as the several meanings of the root פָּרַע ; (a) to be, or get free (from restraint or debt), be loose; (b) to grow freely (of hair, foliage or branches), Num. VI, 5; (c) to let go free, without restraint (Ex. XXXII, 25); (d) to uncover, loosen, disarrange (hair etc.), Num. V, 18.

(17) V. 3b. Cf. Pseudo Jonathan on Lev. XIII, 45.

(18) V. *supra* p. 87, n. 5.

(19) V. *supra* *ibid.*

(20) I.e., his clothes are to be rent exposing parts of the body as a sign of distress and mourning.

(21) I.e., his head to be left bare, uncovered, by not putting on any external covering, as a sign of distress and mourning. Cf. Onkelos on Lev. XIII, 45.

(22) A Latin word meaning a napkin; here a cloth used as a kerchief.

(23) Lit., 'ask after peace'. E.g., Gen. XXIX, 6: 'Is it (peace) well with him?' 'Is well': *ibid.* XLIII, 27. To ask such a question would be invidious and a happy reply even painful to the mourner who is in deep sorrow.

(24) Ezek. XXIV, 17; 22-23. Keep your grief to yourself, but outwardly chat and greet people freely, implying that other mourners may not greet, Han.

(25) on account of the prolonged drought.

(26) V. Ta'an. 12b.

(27) Lev. XIII, 45, with reference to a leper.

(28) From the leper's silence.

(29) Left in suspense because of Abaye's query that perhaps the demeanour of the faster is no criterion, as a public calamity such as drought, Hood, or epidemic disease etc. seems a more serious indication of divine displeasure than the sorrow of an individual.

(30) But converse and talk freely, as if nothing is amiss; implying that other mourners are forbidden. The learned

discussion on the words of the Torah is deemed as a joy. V. Ps. XIX, 9-11; CXIX, 15-16 etc.

(31) One put under herem. This is the extreme disciplinary measure taken against a refractory offender, who persists in his defiance of the first reprimand' (for seven days); the 'separation' (or exclusion) for another seven days (in Babylon and thirty days in Palestine), refusing to submit. The matter is dealt with fully infra 16a.

(32) MS.M., 'Does not impair his studies'.

(33) Cf. Sem. V, 12-13 (where the text is defective).

(34) MS.M., R. Hisda.

(35) A place proverbially notorious for its lack of water, and highly infested by brigands. Cf. Ber. 54a; Naz. 43b. The best place where a man like him would find ready customers.

(36) That one under a ban is permitted to engage in the words of the Torah.

(37) 'The things which the eyes saw', i.e., the scene at Sinai.

(38) Deut. IV, 9-10.

(39) 'And when people saw it they trembled . . .' Ex. XX, 15.

(40) Lev. XV, 2ff.

(41) I.e., within the forbidden period of menses. V. Lev. XV, 19, 24 and XX, 18.

(42) Because 'The sacred word is not subject to defilement'; besides, it cleanses the mind and heart.

(43) The Mishnah par excellence. Inserted by MS.M.

(44) Lit., 'exposition' of the Biblical text.

(45) Lit., 'oral' or 'complementary' teaching and explanations of the Mishnah received from the mouth of a master. These constitute the study of the Talmud.

(46) Halachah is matter of legal import, and Aggadah is ethical and homiletical exposition.

(47) V. Ber. 22a, where the subject is discussed at length showing the divided opinions of teachers, who ultimately inclined to recognize human weakness along with the value of the study of Torah as a moral aid. Cf. Mak. 10a and 23b (Sonc. ed. pp. 62, 169ff).

(48) II Sam. XIV, 2.

(49) Lev. X, 6. At the death of their brothers Nadab and Abihu, during their installation into their priestly office.

(50) Ibid. XIII, 45. Cf. Supra p. 89, n. 2.

Talmud - Mas. Mo'ed Katan 15b

'[God says], "I have set the likeness of mine image on them and through their sins have I upset it; let your couches be overturned¹ on account thereof".' What about one 'separated' [under a ban] and a leper overturning couches? Let this stand [adjourned].

A mourner is forbidden to engage in work, for it is written: And I shall turn your feasts into mourning;² [hence we say] that just as it is forbidden to engage in work during a Feast [festival], so is it forbidden to engage in work during mourning. What about one 'separated' [under a ban] in regard to doing work? — Said R. Joseph: 'Come and hear: "When the Sages said that it is forbidden them³ to engage in work, [about themselves, bathe, don shoes. . .], they laid this down only for the daytime, but at night it is all permitted and [the same restrictions] you find also in the case of one 'separated' and a mourner."⁴ Does not this refer to all those [restrictions]?' — No, it is only to the other things, [but not to work].

Come and hear: 'One "separated" [under a ban] teaches [others] and others teach him; he is hired [for work] and others are hired by him'.⁵ You may infer from that. What about a leper engaging in work? — Let this stand [adjourned]. A mourner is forbidden to wash himself, as it is written, And anoint not thyself with oil,⁶ and bathing is implied in anointing.⁷ What about one 'separated' [under a ban] bathing? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, to wash [on the fast day] they meant only in regard to washing the whole body, but one is permitted to wash one's face, hands or feet, and [the same restrictions] you find also in the case of one "separated" [under a ban] and a mourner'⁸. Now, does not this refer to all the restrictions? — No, [only] to the others [but not to bathing]. What about the leper washing himself? — Let this stand [adjourned].

A mourner is forbidden to put on sandals [shoes], as the All Merciful ordained Ezekiel, And put thy shoes upon thy feet,⁹ which implies that for everyone else it is forbidden [to do so]. What about one 'separated' [under a ban] putting on sandals? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, [on the fast day] to put on sandals, they meant only in town, but on the road it is permitted. When, for instance? When one sets out on the road he puts on [shoes], on entering town, he takes them off: and [the same] you find also in the case of one "separated" [under a ban]'.⁸ Now, does not this refer to all those [restrictions]?¹⁰ — No, [only] to the other.¹¹ What about the leper putting on sandals? — Let this stand [adjourned].

A mourner is forbidden the use of the [conjugal] bed, as it is written: And David comforted Bath-Sheba his wife and went in unto her,¹² which implies that before then¹³ it was forbidden [him]. What about one 'separated' [under a ban] in regard to the use of the [conjugal] bed? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]¹⁴ yet they used their [conjugal] beds.¹⁵ Said Abaye: But, maybe, the case of those who are 'separated' by [displeasure] of Heaven is different because it is less serious? [You say], 'less serious'! But you argued [before]¹⁶ that it was more serious? — He is uncertain on the point; [if you] go [and argue] this way, he rebuts it, and if you go [and argue] the other way, he [again] rebuts it. What about a leper, in regard to the use of the [conjugal] bed? — Come and hear, for it is taught: '[It is written], But [he] shall dwell outside his tent seven days',¹⁷ that is, he shall be like one 'separated' [under a ban] and like a mourner; and he is forbidden the use of the [conjugal] bed, as '[outside] his tent' means only [apart from] his wife, as it is said: Go say to them: Return ye to your tents.¹⁸ You may infer it from that. Then could not one now by this [conclusion] solve the above question [on this point] about one 'separated' [under a ban]? — Said R. Huna¹⁹ son of Phineas in R. Joseph's name: Does it state [categorically] that he [the leper] is forbidden [like one 'separated']? It only states that he is like one 'separated' [under a ban] and like a mourner in respect of other things and that he be [also] forbidden the use of the [conjugal] bed.²⁰

A mourner does not send his sacrifices [to the Temple], for it is taught: Says R. Simeon, [It is written, And thou shalt sacrifice] peace-offerings²¹ and eat there,²² and thou shalt rejoice before the Lord thy God,²³ that is, one offers 'peace-offerings' [only] at times when one is untroubled,²⁴ but not at a time when one is onen,²⁵ What about one 'separated' [under a ban], should he [then] send his offerings? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]²⁶ and [yet] they sent their offerings [to the Tabernacle]. Said Abaye to him: But perhaps one 'separated' by [the displeasure of] Heaven is different, because it is not so serious? [You say], 'Not so serious'! But you argued [before] that it was more serious! — [Abaye] being uncertain on the point rebutted it [either way]. What about a leper, may he send his [sacrificial] offerings? — Come and hear: And after he [a defied priest] is cleansed²⁷ — [that is, cleansed]²⁸ after coming away from his dead near of kin — they shall reckon unto him seven days²⁹ — those are the seven days which he has to count³⁰ — and in the day that he goeth into the Sanctuary,³¹ into the inner court,³² to minister in the Sanctuary, he shall offer his sin-offering³³

(1) So MS.M.; cur. edd.: 'overturn their couches'. Cf. Ezek. XXIV, 23 and J. Ber. III, 1.

(2) Amos VIII, 10.

(3) Those praying and fasting on account of persistent drought.

(4) Ta'an. 13a; Tosef. Ta'an. 1, 6; J. Ta'an. I, 3 twice, and J.M.K. III, 5.

(5) V. supra 15a.

(6) II Sam. XIV, 2.

(7) V. Ruth III, 3 and Yoma 76.

(8) Cf. supra p. 92, nn. 5 and 6.

(9) Ezek. XXIV, 17.

(10) Including that of not wearing sandals.

- (11) Exclusive of sandals.
- (12) II Sam. XII, 24 and infra 21a.
- (13) During the period of mourning.
- (14) Deut. 1, 34-35; 43-44. Cf Mekilta, Bo. Poem, based on Deut. II, 15-16.
- (15) Deut. I, 39.
- (16) V. supra p. 90.
- (17) Lev. XIV, 8.
- (18) Deut. V, 27. Cf. supra 7b.
- (19) Var. lec. Aha.
- (20) V. supra p. 93.
- (21) שלמים derived here from שלם , to be whole, hale and at peace.
- (22) These 'peace-offerings' were usually brought to the Temple by the pilgrims during the festivals (of Passover, Weeks and Tabernacles) and after the altar rites had been performed and the priests given their due portions (Lev. VII, 29-34), the worshippers with their family group ate the remainder of the sacrificial meat in a state of ritual purity as joyous celebrants (Deut. XII, 6-7; 17-19; XXVII, 7).
- (23) Deut. XXVII, 7.
- (24) Lit., 'whole'. Cf. n. 1.
- (25) V. Supra p. 87, n. 6.
- (26) V. n. 2 and Yeb. 72a. (12) Lev. XVII, 5. (Private peace-offerings). V. however Men. 45b.
- (27) Ezek. XLIV, 26.
- (28) V. verse 25; about the ritual sprinkling after being defiled by the dead (before one may enter the sanctuary), Num. XIX, 11-13; 19-20.
- (29) The (above) ritual sprinkling from defilement by contact with the dead was done on the third and seventh days after having separated from the corpse; but the use of the phrase 'they shall reckon seven days' instead of 'they shall sprinkle upon him' is taken to be reminiscent of the seven days for a leper on his recovery and his preliminary ritual cleansing, before leaving his place of Isolation (Lev. XI V, 1-8), which were followed by another seven days of ritual purification before he may proceed on the eighth day with his final purification and atonement. (Ibid. 8-11). Accordingly, the case of a leprous priest is read into the text of Ezekiel. For obviously it would be useless to cleanse a leprous priest (or layman) from his defilement by the dead while still being unclean as a leper, and as such unfit to enter the camp or sanctuary.
- (30) As a leper, 11 the course of his cleansing.
- (31) After having been purified from both defilements.
- (32) As a priest.
- (33) Prescribed for a recovered leper (Lev. Xlv, 19 or 22); or it might be translated, 'His (offerings for) cleansing' (cf. Lev. Xlv, 52; Num. VIII, 7; XIX, 9, 12, 19). V. supra n. 3.

Talmud - Mas. Mo'ed Katan 16a

— which is his [own meal-oblation¹ consisting of] one tenth part of an ephah [of fine flour]: These are the words of R. Judah. R. Simeon says, [the wording:] And in the day that he goeth into the sanctuary [into the inner court to minister in the sanctuary], he shall offer his sinoffering² [implies that only] when he is fit to go into the sanctuary he is fit to offer up [his own oblation]: and when he is not fit to go into the sanctuary, he is not fit to offer up [his own oblation].³ Raba said: Whence do we know⁴ the regulation that we send a messenger of the Court?⁵ — From what is written: And Moses sent to call Dathan and Abiram the sons of Eliab.⁶ And whence do we know that we summon⁷ him to attend [in person]? — From what is written, And Moses said to Korah, Be thou and all thy congregation before the Lord, thou and Aaron [tomorrow].⁸ [Whence, to appear] 'before a great personage'? — From what is written, Before the lord.⁸ [To name both parties], 'thou and So-and-so'? — From what is written, Thou and they [that are with thee] and Aaron.⁸ That we fix a time? — As it is written, To-morrow.⁸ Time and again?⁹ — As it is written: They called there,¹⁰ Pharaoh the king of Egypt [the author of] 'commotion'; he hath let the appointed time pass by. [As I live, saith the King, the Lord of Hosts, surely like Tabor among the mountains and like Carmel by the sea, so shall he come].¹¹ And whence do we know that if one behaves insolently towards the

Court's messenger and the latter comes and reports it, this is not deemed slander [on his part]? — As it is written: [And Moses sent to call Dathan and Abiram the sons of Eliab]; And they said: [We will not come up]⁶ . . . Wilt thou put out the eyes of these men? [We will not come up].¹² Whence do we derive that we [may] pronounce a shammetha¹³ [imprecation]? — From the text: Curse ye Meroz.¹⁴ Whence do we derive that it must be according to the considered opinion of some prominent person? — From the text: [Curse ye Meroz] said the angel of the Lord¹⁴ [to Barak]. And whence do we derive that we pronounce the herem?¹⁵ — From the [same] text: Curse ye a cursing.¹⁶ Whence do we derive that [it falls on one who] eats and drinks with the offender or stands within four cubits of him? — From the same text: [Curse ye a cursing] the inhabitants thereof.¹⁷ Whence do we derive that we publish the details of his offence? — From the [same] text: Because they [the denizens of Meroz] came not to the help of the Lord. And, said 'Ulla, Barak pronounced the shammetha¹⁸ against Meroz with [the blast of] four hundred horns. Some say that Meroz was [the name of] a great personage;¹⁹ others say that it was [the name of] a star,²⁰ as it is written [there]: They fought from Heaven, the stars in their courses fought against Sisera.²¹ Whence do we derive that his property may be forfeited?²² — From the text: And whosoever come not within three days, according to the counsel of the princes and the elders, all his substance should be forfeited and himself separated from the congregation of the captivity.²³ Whence do we derive that we may quarrel [with an offender], curse him, smite him, pluck his hair and put on him an oath?²⁴ — From the text: And I contended with them, and cursed them, and smote certain of them and plucked off their hair and made them swear by God.²⁵ Whence do we derive that we may fetter, arrest and prosecute them? — From the text: [Let judgment be executed upon him with all diligence], whether it be unto death, or to uprooting, or to confiscation of goods or to imprisonment.²⁶ What is meant by 'uprooting? Said [R.] Adda Mari, reporting Nehemiah b. Baruch, who said in the name of R. Hiyya b. Abin, who had it from Rab Judah, it mean the hardafah.²⁷ What is denoted by hardafah? — Said Rab Judah son of R. Samuel b. Shelath in the name of Rab: It means, They declare him 'separated'²⁸ forthwith; then [if he still persists] they repeat [the same declaration] after thirty days,²⁹ and finally they pronounce the herem on him after sixty days. Said R. Huna b. Hinena, This is what R. Hisda said: They [first] warn him on Monday, [then] on the Thursday³⁰ [following] and [again on the] Monday. This rule applies if he disregards a monetary judgment; but in a case of sheer contumacy the ban is imposed forthwith. When a certain butcher had been insolent to R. Tobai b. Mattena, Abaye and Raba were appointed³¹ to investigate and they pronounced the shammetha on him. In the end, the fellow went and appeased his litigant.³² Said Abaye, What is one to do? Should we absolve him now? The shammetha had not lasted [its] thirty days.³³ Shall we not absolve him? The Rabbis want to go in to him!³⁴ Said lie to R. Idi b. Abin: 'Have you [perchance] heard aught bearing on this?' He replied: 'Thus said R. Tahlifa b. Abimi as reporting Samuel: "A toot³⁵ binds and a toot releases!"' [Said Abaye] to him, Yea, but this obtains only in the case of disregarding a monetary decision, but in a case of contumacy [it holds] until it has rested on him for thirty days! Anyhow, that shows that Abaye was of opinion that if three people had pronounced the shammetha on a man three others cannot come and release him!³⁶ For the question was raised: If three people had pronounced the shammetha on a man, can three others come and remit it for him? — Come and hear: 'One who has been "separated" [under a ban] by the master is [deemed as] "separated" from the disciple;³⁷ but one who has been "separated" by the disciple is not [considered as] "separated" from the master. One who is "separated" by his own town is also "separated" from another town; but one who is "separated" by another town is not [considered] "separated" from his own town. One who is "separated" by the Nasi [Prince] is "separated" in all Israel; but one who is "separated" by all Israel is not [thereby] "separated" from the "Prince". Rabban Simeon b. Gamaliel says that if one of the disciples had "separated" someone and died, his part is not nullified'. From this you derive three points: — [a] That if a disciple 'separated' someone in [defence of] his personal dignity,³⁸ the 'separation' lies, and you infer [b] that each person revokes his own part, and you infer [c] that if a body of three have pronounced a shammetha on a person, three others may not come and release him.³⁹

Amemar said: 'The rule in practice is, that if a body of three have laid a shammetha on a person, a

body of three others [can] come and release him'. Said R. Ashi to Amemar, But it is taught: 'Rabban Simeon b. Gamaliel says that if one of the disciples "separated" someone and died, his part is not nullified'! Does not this mean, that it cannot be nullified at all? — No, [it means] not until a body of three others come and release him.

Our Rabbis taught: No 'separation' ban holds less than thirty days and no 'reproof'⁴⁰ holds less than seven days; and although there is no direct proof on that point, there is an [indirect] 'indication' of it: If her father had but spit in her face, should she⁴¹ not hide in shame seven days? [Let her be shut up without the camp seven days and after that he shall be brought in again].⁴²

R. Hisda remarked, 'Our "separation" [in Babylon] corresponds to their "reproof" [in Palestine]'. But is their 'reproof' of only seven days' duration, not more? Is it not a fact that R. Simeon, Rabbi's son, and Bar Kappara were once sitting rehearsing the lesson together when a difficulty arose about a certain passage⁴³ and R. Simeon said to Bar Kappara, 'This [matter] needs Rabbi [to explain it]', and Bar Kappara replied: 'And what forsooth can Rabbi [have to] say on this?' He went and repeated it to his father, [at which] the latter was vexed, and [when] Bar Kappara next presented himself before Rabbi, he said: 'Bar Kappara, I have never known you!'⁴⁴ He realized that he [Rabbi] had taken the matter to heart and submitted himself to the [disability of a] 'reproof' for thirty days. Again, on one occasion, Rabbi issued an order that they should not teach disciples in the open public market place. (What was his exposition?⁴⁵ — How beautiful are thy steps in sandals, O prince's daughter!⁴⁶ The roundings of thy thighs are like the links of a chain [the work of the hands of a skilled workman].⁴⁷ As the thigh is covered

(1) If he is a common priest, after full purification and re-admission into the inner court of the priests, he might on that very day officiate and offer up his own free-gift oblation (v. Men. 73-74a). This proves that as long as he is unclean, whether through contact with dead or through leprosy, he cannot bring his offerings.

(2) Ezek. XLIV, 27.

(3) That is, R. Simeon does not allow a leper and common priest or a layman to send his offerings to the Temple until after his purification and atonement by sacrifices. For a leper had to attend in person to be purified by the stated ceremony (Lev. XIV, 11, 14-18, 20).

(4) Scripturally.

(5) So amended by Bah. V. D.S. To invite one to a suit.

(6) Num. XVI, 12.

(7) The defendant.

(8) Ibid. 16.

(9) If he does not obey the first summons.

(10) 'Summoned', so the Targum.

(11) Jer. XLVI, 17-18. V. Rash. Cf. Targum and Rashi ad loc cit.

(12) Num. XVI, 12-14. V. Rashi.

(13) **משמתינן** probably a dialectical form for **משמדינן** from **שמד** to curse, which occurs in this sense of 'cursing' in a Nabatean El-Hejra inscription (Cooke N. Sem. Inscr. No. 80p. 220 line 8); cf. infra 17a note on etymology.

(14) Judg. V, 23.

(15) V. supra p. 90, n. 5.

(16) I.e., a repeated cursing (of the defiant sinner).

(17) Cf. Judg. V, 23.

(18) Note that shammetha is here used as the equivalent of herem, or its Aramaic form ahranta.

(19) Or hero, who gave his name to the city 'Meroz'. V. Gen. IV, 17, Num. XXXII, 41-42; also cf. Alexandria, Antioch, Caesarea, Constantinople.

(20) A planet, like Mars, Mercury, Jupiter; or a constellation, like Perseus or Orion.

(21) Judg. V, 20.

(22) In the case of disobedience of the court.

(23) Ezra X, 8.

- (24) To desist from his malpractices.
- (25) Neh. XIII, 25.
- (26) Ezra VII, 26.
- (27) Active pursuit, 'prosecution'; cf. Judg. XX, 43 for the term in this sense
- (28) Repel or expel him from their midst. Niddui and herem are Mishnaic, Palestinian terms, while shammetha is a popular Babylonian term loosely used for either, and whose legal denotation was the subject of discussion in Talmudic times (e.g., Ned. 7a-b) and later in Geonic responsa; as to its precise meaning, v. B.M. Lewin's Otzar ha-Geonim IV on Mashkin, Responsa 29ff, pp. 17-19.
- (29) The ordinary period of niddui, 'separation'.
- (30) The Beth din had their regular sessions on Mondays and Thursdays: a practice said to have been one of the Ten Institutions introduced by Ezra, B.K. 82a (Sonc. ed. p. 466).
- (31) With a third person, v. infra.
- (32) Apologized to R. Tobai.
- (33) The normal period of a 'separation'. V. R. Han.
- (34) They need him to obtain their meat. [Var. lec. 'The Rabbis wish to depart' (Han.). The Rabbis, who took part in imposing the ban and who must consequently be present at the absolution, wish to depart and the opportunity of releasing him will thus be lost, v. infra].
- (35) The horn blown at banning.
- (36) [Rashi! Since he himself was anxious to perform the release. In var. lec. supra n. 6 the question is clear.]
- (37) I.e., the ban is effective also as far as the disciple is concerned; and similarly in all the other cases that follow.
- (38) [Since we find that a disciple's ban has no force as far as the teacher is concerned, which can apply only to a ban imposed in defence of the disciple's own dignity, and not to one for a general transgression.]
- (39) [(b) and (c) are inferred from the statement of R. Simeon b. Gamaliel. The phrase 'his part is not nullified' is taken to mean that it can never be nullified.]
- (40) Nezfah, a 'snub'; sometimes ge'arah, a 'shout'. Cf. Gen. XXXVII, 10 and Zech. II, 2.
- (41) Miriam.
- (42) Num. XII, 14.
- (43) שמעתא ; something 'heard' or 'repeated', usually a halachic interpretation repeated in the name of a well-known master.
- (44) I.e., I don't (want to) know you, stay away, or I have never been able to understand your attitude towards me. B. Kappara clashed with Rabbi on several occasions. The cause, it seems, was not personal, but rather due to the different schools to which they each belonged. B. K. belonged to the 'Southern Sages' (Lydda and Caesarea) and was himself the compiler of an often quoted collection of Mishnah (Baraita).
- (45) A question interrupts the quotation.
- (46) The Torah, which is allegorically represented by Shulamith, 'Perfection' or 'Pence', the beloved of Solomon (the divine) King of Perfection or Peace. Cf. Prov. III, 13-18; VIII, 1 ff.
- (47) Cant. VII, 2. (Cf. its counterpart V, 15).

Talmud - Mas. Mo'ed Katan 16b

so the [discussions on the] words of the Torah are also [to be] under cover.)¹ — R. Hiyya went out and taught the sons of his two brothers in the [open] marketplace, Rab and Rabbah son of Kar Hana. Rabbi heard [of this and] was vexed. [When] R. Hiyya [next] presented himself before him, Rabbi said to him, 'Iyya!² Who is calling you outside?' He realized that he [Rabbi] had taken the matter to heart, and submitted himself to [the disability of] a 'reproof' for thirty days. On the thirtieth day Rabbi sent him a message saying 'Come!' Later he sent him a message not to come! (What³ was his idea in sending the first [message] and what in sending the second? At first he thought 'part of the day may be deemed equivalent to the whole day' and in the end he thought, we do not say part of the day may be deemed equivalent to the whole day'.)⁴ In the end he came. Said Rabbi to him, Why have you come? R. Hiyya replied: 'Because you, Sir, sent for me to come'. But then I sent to you not to come! He replied: 'The one [messenger] I saw and the other I have not seen'. Thereupon he [Rabbi] cited [as appropriate] the text: When a man's ways please the Lord, He maketh even his

enemies to be at peace with him.⁵ Wherefore, Sir, [asked Rabbi] did you act thus [contrary to order]? — Because, replied R. Hiyya, it is written: Wisdom crieth aloud in the street: [She uttereth her voice in the broad places; she calleth at the head of the street; at the entrance of the gates, in the city she uttereth her words].⁶ Said Rabbi to him: ‘If you read Holy Writ [once], you have not read it a second time; if you have read it a second time, you have not read it a third time; and if you have read it a third time, they [who taught you] have not explained it to you’.⁷ [The text] ‘Wisdom crieth aloud in the streets’ is [to be taken] in the sense in which Raba [explained it];⁸ for Raba said: ‘If one studies the Torah indoors, the Torah proclaims his merit abroad’. But then is it not written [otherwise]: ‘From the beginning I have not spoken in secret’?⁹ — That has [special] reference to the ‘Kallah’ days.¹⁰ And what [use] does R. Hiyya make of the text — ‘The roundings of thy thighs’? — He explained it in reference to the dispensing of charity and acts of lovingkindness.¹¹ Thus¹² [you see] the disability of their ‘reproof’ [in Palestine] lasts thirty days! — The ‘reproof’ of a Nasi is different. And our ‘reproof’, how long [is its disability]? — One day [only], as in the case of Samuel and Mar ‘Ukba.¹³ When they were sitting together [at the College] engaging in the revision of some theme, Mar ‘Ukba sat before him¹⁴ at a distance of four cubits; and when they sat together at a judicial session, Samuel sat before him¹⁴ at a distance of four cubits and a place was dug out¹⁵ for Mar ‘Ukba where he sat on a matting so that what he¹⁶ said should be heard. Every day Mar ‘Ukba accompanied Samuel to his house. One day he¹⁶ was [rather] engrossed in a suit, and Samuel walked behind him. When he¹⁶ had reached his house, Samuel said to him: ‘Haven’t you been rather a long time at it?’¹⁷ Take up now my case!’¹⁸ He¹⁶ then realized that he [Samuel] felt aggrieved and submitted himself to the [disability of a] ‘reproof’ for one day.

There was a certain woman who sat sprawling on the footway fanning the husks out of her barley groats, and when a Collegiate was walking past her she did not make way for him. He said, ‘How impudent is this woman!’ She came before R. Nahman. Said he to her, Did you hear him utter the shammetha?¹⁹ She replied [she had] not. Said he to her, Go and submit yourself to the [disability of a] ‘reproof’ for one day.¹⁹ Zutra b. Tobiah was [once] expounding a Scriptural lesson in the presence of Rab Judah. Coming to the verse: And these are the last words of David,²⁰ he said to R. Judah. ‘Last words’: this implies that there were former words; which are those former [words]? He [Rab Judah] kept silent, without saying anything. Again said the former: ‘Last words! This implies there were former words; which are those former [words]’? — He [then] replied: What, think you that one who does not know an explanation of that text is not an eminent man? He [Zutra] realized that he [Rab Judah] had taken the matter to heart [and] submitted himself to the [disability of a] ‘reproof’ for one day. Now, however, that we have come upon this question: “Last words”, this implies that there were former words’, what were they? — [These:] And David spoke unto the Lord the words of this song in the day that the Lord delivered him out of the hand of all his enemies and out of the hand of Saul.²¹ The Holy One, blessed ‘be He, said to David, David do you compose a song on the downfall of Saul? Had you been Saul and he David, I would have annihilated many a David out of regard for him. Hence it is written, ‘Shiggaion²² of David, which he said unto the Lord, concerning Cush a Benjamite.²³ Was Cush that Benjamite's name? And was not his name Saul? — But, just as a Cushite [Ethiopian]²⁴ is distinguishable by his skin, so was Saul distinguished by his deeds. In like manner you explain: ‘[And Miriam and Aaron spoke against Moses] because of the Cushite woman that he had taken, to wife.²⁵ Was she a Cushite [woman]? Was not her name Zipporah? But as a Cushite woman is distinguishable by her skin so was also Zipporah distinguished by her deeds. In like manner you explain: Now Ebed-Melek the Cushite . . . heard.²⁶ Now was his name Cushite? Was not his name Zedekiah?²⁷ But as the Cushite is distinguishable by his skin so was Zedekiah distinguished by his deeds. In like manner you explain: Are ye not as the children of the Cushites unto me, O children of Israel, saith the Lord?²⁸ Now is their name [children of] Cushites? Was not their name [children of] Israel? The truth is that as the Cushite is distinguishable by his skin, so are Israel distinguished by their ways²⁹ from all other nations.³⁰

R. Samuel b. Nahmani citing R. Jonathan. explained: [And these were the last words of David], The

saying of David the son of Jesse and the saying of the man raised on high,³¹ [means, it is] the saying of David the son of Jesse who established firmly the yoke [discipline] of repentance.³² [The spirit of the Lord spoke by the and His word was upon ny tongue]. The God of Israel said, The Rock of Israel spoke to me: Ruler over man shall be the righteous, even he that ruleth through the [reverent] fear of God.³³ What does this mean? — Said R. Abbahu, It means this: ‘The God of Israel said, to the [David] spake the Rock of Israel; I rule man; who rules Me? [It is] the righteous: for I make a decree and he [may] annul it’.³⁴

And these tire the names of the mighty of David: Josheb-basshebeth a Tahchemonite [etc.].³⁵ What does this mean? — Said R. Abbahu, It means: And these are the mighty deeds of David: ‘Josheb-basshebeth’ — [which means], sitting at the session;³⁶ [that is], When David sat at the College Session he was not seated on cushions and coverlets but on the [bare] ground.³⁷ For all the time that his Master, Ira the Jairite,³⁸ was alive he taught the Rabbis whilst being himself seated on cushions and coverlets; when his soul found rest David used to teach the Rabbis being himself seated on the ground.³⁹ Said they [the Rabbis] to him: ‘Sit, sit on the cushions and coverlets’; but he would not accede to their request.

‘Tahchemoni’.⁴⁰ Rab explained: The Holy One, blessed be He, said to him [to David], ‘Since you have humbled yourself you shall be like Me [that is], that I make a decree and you [may] annul it’. ‘Chief of the Captains’,⁴¹ [that is] you be chief next to the three Fathers. He is Adino⁴² the Eznite,⁴³ [that is] when he was sitting engaged in the [study of] Torah he rendered himself pliant as a worm, but when he went marching out to [wage] war he hardened himself like a lance. ‘On eight hundred slain at one time’, [that is] when he threw a javelin he felled eight hundred slain at one time and moaned for the [shortage of] two hundred, for it is written: How one should chase a thousand.⁴⁴ But an echo came forth and said: ‘Save only for the matter of Uriah the Hittite’!⁴⁵

Said R. Tanhuni son of R. Hiyya a man of Kefar Acco as citing R. Jacob b. Aha who reported R. Simlai; and some say, R. Tanhun, said as reporting R. Huna; and again some say, R. Huna alone said that

(1) The motive of this new restriction is not given. It was an old common practice to teach in the open. perhaps it was to avoid misrepresentation on the part of the passing crowds who might mistake the heated discussions for acrimonious disputations. The quotation is now resumed.

(2) Imitating Hiyya's defective pronunciation; he could not correctly pronounce the guttural letters. Cf. Meg. 24b.

(3) The quotation is here again interrupted.

(4) Cf. infra p. 129 and Pes. 4a where R. Hiyya's action determines the former alternative to be the ‘rule in practice’.

(5) Prov. XVI, 7.

(6) Ibid. I, 20-21.

(7) Cf. Ber. 18a where R. Hiyya makes the same retort to R. Jonathan.

(8) Much later; Rabbi died about 200 C.E. and Raba lived 299-352 C.E.

(9) Isa. XLVIII, 16, the prophet speaking in the name of God. This is taken to refer to the Revelation when the Torah was given to all Israel assembled at Sinai and heard by all the other nations. Cf. Shab. 88b and Zeb. 116a.

(10) These were half-yearly assemblies held in Adar and Elul, before the great Festivals.

(11) I.e., to ‘be practiced privately.

(12) Reverting to the original question.

(13) ‘Mar’ is a Babylonian title of rank and is sometimes also borne by Samuel, but mostly by the members of the Exilarch's family. Samuel was the principal of the Academy at Nehardea and the Chief justice, while Mar ‘Ukba was both a disciple of Samuel and Exilarch, the supreme civil Head of the Jewish community invested with authority by the persian king. This Mar ‘Ukba is probably the same as Nathan ‘Ukban who succeeded his father ‘Anan or Huna as Exilarch shortly before the rise of the Neo-Persian rule of the Sassanids (c. 226 C.E.). V. W. Bacher, Jew. Encyc. Vol. V, 289a s.v. Exilarch.

(14) I.e., in his presence, probably sitting at his right.

- (15) Either a kind of recess or alcove in the wall or a marked-off enclosure with a rich matting for the Exilarch. [Aliter: A place was hollowed out in the ground over which the Exilarch's matting was spread for Mar 'Ukba to sit on, in order that his seat may not be on a higher level than that of Samuel; cf. Maharsha and D.S. a.l. The text is not clear.]
- (16) Mar 'Ukba.
- (17) Lit., 'is it not yet clear to you?'
- (18) So MS.M. Cur. edd. 'his case'. V. Rashi.
- (19) Which as a 'separation 'would take effect for seven days; v. R. Hisda's observation, supra 16a,
- (20) II Sam. XXIII, 1.
- (21) Ibid. XXII, 1.
- (22) שגויון (from שגה) is here taken to mean an error'. It was an error on his part to celebrate in song the downfall of Saul.
- (23) Ps. VII, 1.
- (24) Aithiops in Greek means 'fiery-looking', 'flashing'.
- (25) Num. XII, 1.
- (26) Jer. XXXVIII, 7ff.
- (27) Sifre on Num. XII, 1 has it obviously more correctly: Baruch, son of Neriah (Jer. XXXVI, 4ff) his disciple.
- (28) Amos IX, 7.
- (29) Sifre. ibid. has: 'By their commandments'.
- (30) On this antiphrasis, cf. Juvenal, Sat. VIII, 32-33: 'Somebody's dwarf we call an Atlas and an Aethiopian a swan'. And L. Friedlander's note ad loc. quotes Isid. Orig. I, 36, 24, 'antiphrasis — hoc tropo et nani Atlantes — et vulgo Aethiopes appellatur argentei(?)'.
- (31) II Sam. XXIII, 1.
- (32) He showed the way of repentance for a heinous sin. Cf. p5, LI, 15 and A.Z., Sonc. ed. p. 19.
- (33) II Sam. XXIII, 2-3. V. Hananel.
- (34) The righteous have power to move God to change his adverse decree by prayer. Cf. Gen. XVIII, 20ff; Ex. XXXII, 7-14.
- (35) II Sam. XXIII, 8.
- (36) Playing on the meaning of the words: josheb _ sitting; basshebeth _ at the 'sitting' or 'Session' (of scholars).
- (37) Cf. Mar 'Ukba above.
- (38) II Sam. XX, 26.
- (39) Cf. 'Er. 63a and Sit. 59a.
- (40) II Sam. XXIII, 8. (From חכם), a session of the sages; but here Rab divides it into תהא כמוני 'be (thou) like me'.
- (41) Explained as Chief of the Trio, the three Patriarchs.
- (42) From עדין = 'gentle'; he was gentle, tender.
- (43) ** _ wood; the wooden lance. Cf. I Sam. XVII, 7. Cf. on this section, Seder Elijahu Rabbah Ed. M. Friedmann, III, pp. 15-16.
- (44) Deut. XXXII, 30.
- (45) I Kings XV, 5.

Talmud - Mas. Mo'ed Katan 17a

if a disciple 'separates' someone in [defence of] his personal dignity his 'separation' is an [effective] . For it is taught: 'One who has been "separated" [as under a ban] by the Master is [deemed] "separated" from the disciple; but one who has been "separated" by the disciple is not [deemed] "separated" from the Master'.¹ [That means], not 'separated' from the Master; but in regard to everybody else he is ['separated']. [Now let us see; 'separated'] for what [offence]? If [it was imposed] for some offence towards Heaven, then there is no wisdom nor understanding nor counsel against the Lord!² Therefore [presumably] it is only so³ [where a disciple had pronounced it] in [defence of] his personal dignity. R. Joseph said that a Collegiate⁴ may enforce his own rights in a matter where he is perfectly certain [as to the law]. There was once a certain Collegiate whose reputation was objectionable. Said Rab Judah, How is one to act? To put the shammetha on him [we cannot], as the Rabbis have need of him [as an able teacher]. Not to put the shammetha on him [we cannot afford] as the name of Heaven is being profaned. Said he to Rabbah b. Bar Hana, Have you heard alight on that point? He replied: 'Thus said R. Johanan: What means the text, For the priest's lips should keep knowledge and they should seek the law at his mouth; for he is the messenger of the Lord of Hosts?⁵ [It means, that] if the Master is like unto a messenger of the Lord of Hosts, they should seek the law at his mouth; but if [he be] not , they should not seek the law at his mouth'. [Thereupon] Rab Judah pronounced the shammetha on him. In the end Rab Judah became indisposed. The Rabbis came to enquire about him and that man came along with them. When Rab Judah beheld him he laughed. Said the man to him: Not enough for him that he put upon that man [me] the shammetha, but he even laughs at me! Replied he [Rab Judah]: I was not laughing at you: but as I am departing to that World [beyond] I am glad to think that even towards such a personage as you I showed no indulgence. Rab Judah's soul came to rest.⁶ The man [then] came to the College [and] said, 'Absolve me'. Said the Rabbis to him, There is no man here of the standing of Rab Judah who could absolve you; but go to R. Judah Nesi'ah⁷ that he may absolve you. He went and presented himself to him. Said he to R. Ammi: 'Go forth and look into his case; if it be necessary to absolve him, absolve him'. R. Ammi looked into his case and had a mind to absolve him. Then R. Samuel b. Nahmani got up on his feet and said: 'Why, even a 'separation" imposed by one of the domestics in Rabbi's house was not lightly treated by the Rabbis for three years; how much more so one imposed by our colleague, Rab Judah!' Said R. Zera, From the fact that this venerable scholar⁸ should just now have turned up at this College after not having come here for many years, you must take it that it is not desirable to absolve that man. He [R. Judah Nesi'ah]⁹ did not absolve him. He went away weeping. A wasp then came and stung him in the privy member and he died. They brought him into 'The Grotto of the Pious', but they admitted him not.¹⁰ They brought him into 'The Grotto of the Judges' and they received him.¹¹ Why was he admitted there? — Because he had acted according to the dictum of R. Il'ai. For R. Il'ai says, If one sees that his [evil] yezer¹² is gaining sway over him, let him go away where he is not known; let him put on sordid¹³ clothes, don a sordid wrap and do the sordid deed that his heart desires rather than profane the name of Heaven openly.¹⁴

What [was the incident] of the domestic in Rabbi's house? It was one of the maidservants in Rabbi's house that had noticed a man beating his grown-up son and said, Let that fellow be under a shammetha! because he sinned against the words [of Holy Writ]: Put not a stumbling-block before the blind.¹⁵ For it is taught: 'And put not a stumbling-block before the blind', that text applies¹⁶ to one who beats his grown-up son.¹⁷

Resh Lakish was once guarding an orchard [when] a fellow came and ate [some] figs; he shouted at him, but the fellow heeded him not, [whereupon] he said: 'Let that fellow be under a shammetha!' He replied: 'Rather be that other fellow [Resh Lakish] under a shammetha! Though I have incurred a pecuniary liability towards you, did I incur a "separation"?' [Resh Lakish] went to the College [and reported it]; they said to him: 'His "separation" is a [justified]¹⁸ "separation", yours was not a [justified] "separation".' And what is the remedy for it? — 'Go to him that he [himself] may absolve

you'. [But] I know him not! Said they to him [to Resh Lakish]: 'Go to the Nasi that he absolve you;' for it is taught: '[If] they "separate" him and he knows not who he was that "separated" him, let him go to the Nasi and let him absolve him from his "separation".'

Said R. Huna, At [one of the Synods at] Usha¹⁹ they made a regulation that if the Ab Beth din²⁰ committed an offence he was not to be [formally] 'separated', but someone was to tell him, Save your dignity and remain at home.²¹ Should he again offend they 'separate' him, because [otherwise there would be] a profanation of the Name [of God]. And this is at variance with Resh Lakish; for Resh Lakish said: If a scholar-disciple has committed an offensive deed they do not 'separate' him publicly, because it is said: Therefore shalt thou stumble' in the day and the prophet also shall stumble with thee in the night, [that is to say], Keep it dark,²² like night.

Mar Zutra, the Pious,²³ if ever a Collegiate incurred the shammetha, pronounced the shammetha first on himself²⁴ and then pronounced it on the culprit; as he entered his house he first absolved himself and then absolved the other.²⁵ Said R. Giddal, as citing Rab: 'A scholar-disciple may Pronounce "separation" on himself and absolve himself'. Said R. Papa, 'May [good] befall me, for I have never put the shammetha on any Collegiate.'²⁶ But then, when a Collegiate did incur the shammetha, how did he act? — As they do [in the West]; for in the West [Palestine] they appoint a tribunal for chastising a Collegiate but do not appoint a tribunal for pronouncing a shammetha.

What is [the etymology of the word] shammetha? — Said Rab, [It is], sham-mitha, 'death is there'. Samuel said, [It is], shemamah yihye,²⁷ 'he shall be a desolation'; and its effects adhere to one like grease to the oven. And this is in disagreement with [what] Resh Lakish said. For Resh Lakish said that just as when it [the herem] enters, it penetrates the two hundred and forty eight joints [on one's body],²⁸ so on its withdrawal it departs from the two hundred and forty eight joints. When it enters, as it is written; And the city shall be Herem, [a curse²⁹ [i.e.,] Herem being in its letter value two hundred and forty eight,³⁰ So at its withdrawal, as it is written: In wrath remember Rahem [to have compassion]³¹ the letter value being the same.

R. Joseph said, 'Cast a shammetha on the dog's tail and it will do its work'. For there was a dog that used to eat the Rabbis' shoes and they did not know what it was [that did it], so they pronounced a shammetha on the culprit, and the dog's tail caught fire and got burnt. There was a domineering fellow who bullied a certain Collegiate. The latter came before R. Joseph [for advice]. Said he to him: 'Go and put the shammetha on him'. 'I am afraid of him', he replied. Said he to him, 'Then go and take [out] a Writ³² against him.' — 'I am all the more afraid to do that!' Said R. Joseph to him: 'Take that Writ, put it into a jar,

(1) Supra p. 98.

(2) Prov. XXI, 30. That is to say, there should be no distinctions: the offender must be debarred from all and everybody.

(3) That the 'separated' is not debarred from his Master.

(4) **צורבא מרבנן**, the Babylonian appellation of an acknowledged scholar, a member of the Academy. The term has not been satisfactorily explained; but it is obviously from an Aramaic form, **צרב** = Hebrew **צרף** to be joined, adhere to, the equivalent of the Palestinian term **חבר** = associate, colleague, Collegiate.

(5) Mal. II, 7.

(6) In 299 C.E. Succeeded after a short interregnum by Rabbah b. Nahmani. V. Sherira's Epistle, ed. B. M. Lewin, p. 86.

(7) R. Judah II, grandson of Rabbi Judah I and son of Rabban Gamaliel III. Nesi'ah is the Aramaic form of Nasi 'the Prince'; it is conveniently used to indicate the second Judah (and sometimes the third).

(8) R. Samuel b. Nahmani.

(9) Or his Beth din, among whom were prominent R. Ammi and R. Zera.

(10) It is forbidden to bury a bad man next to a good man. V. Sanh. 47a.

(11) He was such himself and had repented.

(12) I.e., the evil (formative) imagining, prompting, 'urge'. V. Gen. VI, 5; VIII, 21; Deut. XXXI, 21. There is, however,

a 'steady' (formative) urge for good. V. Isa. XXVI, 3 and P.B. p. 7.

(13) Lit., 'black clothes'. He had probably in mind the Roman custom for a discredited official to be sordidatus. For an earlier reference v. Mid. V, 4; 37b. Cf however Hag. 16a.

(14) V. kid., Sonc. ed. p. 199 notes.

(15) Lev. XIX, 14.

(16) Lit., 'speaks of'.

(17) And this caused him to rebel.

(18) An effective ban, because deserved. J.M.K. III, 1 gives another version of this incident.

(19) V. e.g., Keth. 49b-50. J.M.K. III, 1.

(20) V. Glos.

(21) II Kings XIV, 10.

(22) Do it as quietly as possible for his sake and that of the community.

(23) Seemingly one of the Exilarchs or of their family. Cf. Sanh. 7b.

(24) So hateful was it to him.

(25) To be free himself before he freed another. Cf. Tosaf. s.v. **משמית**

(26) Some take it as an asseveration, 'May evil befall me if I ever did that'. Cf. II Sam. III, 35.

(27) Cf. fer. XLII, 18; Han. and Aruch have sham tehi, i.e., 'be it there'; let it stay there as a curse, citing Zech. V, 3-4.

(28) Cf. Mak. 23b.

(29) Josh. VI, 17, 'even it and all that; is therein'.

(30) **ח** = 8; **ק** = 200; **מ** = 40.

(31) Hab. III, 2.

(32) Lit., the Opening', preliminary action after a verbal shammetha. It is to write out the shammetha against him.

Talmud - Mas. Mo'ed Katan 17b

take it to a graveyard and hoot into it a thousand shipur [horn-blasts] on forty days'. He went and did so. The jar burst and the domineering bully died.

What is the [significance of using a] shipur'? — That he'll pay, the penalty.¹ What signifies the tabra² [tooting]? — Said R. Isaac son of R. Judah: [It suggests] 'the tumbling of high houses': for it is taught: Rabban Simeon b. Gamaliel said that wherever the Sages set their eye against one, [the result was] either death or poverty.³

AND THE NAZIRITE OR LEPER, EMERGING FROM HIS [STATE OF] IMPURITY TO [A STATE OF] PURITY. . . R. Jeremiah enquired of R. Zera whether this [concession]⁴ was allowed [only] when they had not an [earlier] opportunity.⁴ or, maybe, even if they had an [earlier] opportunity? — He replied, We learned it [in a Baraita]:⁵ All those who were mentioned [in the Mishnah]⁶ as being allowed to crop their hair during the festival [week, are allowed] where they had no [earlier] opportunity, but if they had an [earlier] opportunity [and did not use it] are forbidden.⁷ The Nazirite and the leper [however] are allowed,⁷ even if they had an opportunity [and did not use it]; the reason being that they should not delay bringing their [prescribed] offerings⁸ [on their release from their respective restrictions].

A Tanna taught: A priest and a mourner also⁹ are allowed to crop themselves.⁷ Now, as to this mourner, under what conditions [may he do so]? Shall I assume that the eighth day of his [mourning] fell on the day before the festival? Then he ought to have trimmed himself then, on the day before¹⁰ the festival! Again, if the eighth day of his [mourning] came on a Sabbath which was the day before the festival; [if so] then he should have trimmed his hair on the Friday. as R. Hisda stated, citing Rabina b. Shila, that 'the rule in practice' followed Abba Saul's view and that the Sages concurred with Abba Saul,¹¹ [namely] that where the eighth day of his [mourning] came on a Sabbath which was the day before a festival, [in such a case] he was allowed to trim himself on the Friday!¹² — No, this [statement in the Baraita] is required for the case where the seventh day of his [mourning] came

on a Sabbath which was also the day before the festival. [In that case] the external Tanna takes the view of Abba Saul who says that part of a day may be deemed as an entire day; and [accordingly] the seventh day of his [mourning] is counted both with the preceding and with the following period¹³ and as that happens to be a Sabbath day,¹⁴ the mourner was prevented [from trimming himself on the festival eve].¹⁵ [Whereas], our Tanna¹⁶ takes the view of the Sages who say that part of a day is not deemed as an entire day, and [accordingly] the mourner has not yet completed the seven days of his mourning [before the festival].¹⁷

Now as to the priest,¹⁸ under what conditions [may he]? Shall I assume that [the turn of] his Ward¹⁹ terminated on the day before the festival?²⁰ He should have trimmed himself then on the day before the festival! No, it is necessary to assume that [the turn of] his Ward terminated on the festival [day].²¹ [In that case], our Tanna¹⁶ then holds in view of what we learned: At three periods of the year, all the Wards have an equal right to [assist in placing] the 'ordained' parts²² of the festival offerings [on the altar] and sharing the 'shewbread'²³ — that we consider him as one whose Ward had virtually not yet completed [its turn].²⁴ Whereas the external Tanna holds that although [in a way] he belongs to the other Wards [also], his own Ward had nevertheless [actually] completed [its turn, and therefore he may trim himself].²⁵ Our Rabbis taught: All those who were mentioned [in the Mishnah] as being allowed to crop their hair during the festival [week] are likewise allowed to crop their hair during the days of their mourning. But surely it is taught that they are forbidden? — Said R. Hisda as citing R. Shela: When it is taught here that they 'are allowed [to crop their hair during the days of their mourning]', it refers only to persons who suffered one bereavement immediately after another. If it refers only [as you say] to persons who suffered one bereavement immediately after another, what is the point in wording it 'all those who were mentioned [in the Mishnah]' whereas [under such unfortunate circumstances] it is even applicable to anybody, as it is taught: 'If a person suffered one bereavement immediately after another and his hair has become oppressively [long], he may ease it with a razor and wash his raiment with water'? — But that has already been explained: R. Hisda said [it means], ease it with a razor but not with scissors: wash his raiment with water but not natron or lye.²⁶ [Furthermore] said R. Hisda: This [Baraita] indicates that [otherwise] a mourner is barred from washing [his clothes].

Our Rabbis taught: 'Just as it was said that cropping the hair during the festival [week] is not allowed, so is paring the nails during the festival [week] not allowed. This is R. Judah's opinion; but R. Jose allows it. And just as it was said that a mourner is not allowed to crop his hair within [the period of] his mourning, so is paring the nails not allowed to him within [the period of] his mourning. This is R. Judah's opinion; but R. Jose allows it

'Ulla stated that the halachah follows the view of R. Judah in the case of a mourner, and that of R. Jose in regard to the festival [week]. Samuel said

(1) She-nifra'im; lit., 'they will exact punishment'.

(2) Lit., 'broken'. The short broken toots which were sounded at a shammetha.

(3) Cf. Hag. 5b (top).

(4) To trim themselves during the festival week.

(5) V. supra 14a-b and cf. Tosef. M.K. II.

(6) V. supra 13b-14a.

(7) To trim themselves during the festival week.

(8) The Nazirite, Num. VI, 10ff; the leper, Lev. XIV, 9ff.

(9) These are not mentioned in the Mishnah list.

(10) As the seven days of mourning are over, the festival cancels the rest, down to 30 days (in all).

(11) The issues are discussed at length, infra 19b.

(12) Why then should he be allowed to crop himself during the festival week.

(13) Lit., 'with this way and that way'.

(14) On which he may not trim himself.

(15) I.e., it is not on account of his negligence, but owing to the force of circumstances, and therefore he may have his hair cut in the festival week.

(16) Of the Mishnah who does not include the priest or mourner in his list.

(17) And consequently the rest of the period is not canceled and therefore he is not among those who are allowed to trim in the festival week.

(18) Mentioned above with the mourner by the external Tanna (in the Baraitha) as being allowed to trim in the festival week.

(19) Mishmar, v. Glos.

(20) Priests were not allowed to trim themselves or wash their garments while their Ward was on duty in the Temple, save on the Friday in honour of the Sabbath. Cf. supra 14a.

(21) When he could not trim himself.

(22) V. e.g., Lev. 1, 5-9; 11-13; II, 1-3ff; VII, 1-10 etc.

(23) Ibid. XXIV, 5-9.

(24) Therefore he is not in the list of the Mishnah among those who may.

(25) Cf. n. 1.

(26) [In the case of those mentioned in the Mishnah, where they in addition suffered one bereavement after another, the said restrictions do not apply].

Talmud - Mas. Mo'ed Katan 18a

that the Halachah follows the opinion of R. Jose [both] in regard to the festival [week] and to mourning. For Samuel said that in [questions appertaining to] mourning, the halachah follows the authority of the more lenient view.

Phineas, Mar Samuel's brother, suffered a bereavement¹ and Samuel called on him to ask him the cause of it.² Noticing that his nails were long, he asked him why he had not cut them. He replied: Had this happened to you, would you have been so regardless of it [as to cut them]? This was [inauspicious], 'like an error which proceedeth from a ruler';³ and Samuel [later] suffered a bereavement himself. When his brother [Phineas] called on him to ask the cause of it, Samuel took his cut nails and cast them down in front of his brother, saying, 'Do you not hold that a covenant has been made with the lips?'⁴ For R. Johanan said: Whence is derived the notion that the lips are subject to a covenant? From what is said: And Abraham said unto his young men: 'Abide ye here with the ass, and I and the lad will go yonder; and we will worship and [we will] come back to you';⁵ and the words came true⁶ so that they both came back.

Some argued from the above [incident] that [only] the fingernails may [be cut],⁷ but not the toe-nails. But R. 'Anan b. Tahlifa said, 'I myself had it explained to me by Samuel, that there was no distinction made between the finger-nails and the toe-nails'. R. Hiyya b. Ashi citing Rab said: But with a nail-cutter it is forbidden. Said R. Shaman b. Abba: 'I was once standing before R. Johanan⁸ at the College during the festival week when R. Johanan bit off his nails and threw them away. Learn from this [incident] three points: Learn that it is allowed to take off nails during the festival week; that [doing it with the teeth] was not considered objectionable, and that [nails] may be thrown away'. But this [deduction] is not [correct]? as surely it is taught. 'Three things were said in reference to nails: One who buries them is righteous;⁹ one who burns them is pious¹⁰ and one who throws them away is a villain'! What is the reason? Lest a pregnant woman should step over them and miscarry; [but then], women do not 'often come to the College. And should you say that sometimes the nails are gathered and thrown away outside, once they have been shifted their spell has been lifted.¹¹

Rab Judah. as citing Rab, said: 'A pair [of scholars] came from Hammathan¹² before Rabbi . . .', and Mar Zutra taught [the same as a Baraitha]. 'A pair [of scholars] came from Hammathan before Rabbi, and asked him about [paring] the nails [during mourning]; and he permitted it to them. And if

they had asked him about [trimming] the upper lip. he would¹³ have permitted it to them likewise'. And Samuel stated that they did ask him also about the upper lip and that he permitted them.

Abitol the hair-dresser¹⁴ said in the name of Rab that [trimming the] upper lip means from corner¹⁵ to corner; [and of the drooping ends¹⁶ too, all that causes inconvenience]. Said R. Ammi, And as regards the upper lip [it also means only] whatever part causes inconvenience. Said R. Nahman b. Isaac, And to me [all of it]¹⁷ is like the [end of the] upper lip causing inconvenience.

And Abitol the hair-dresser, citing Rab, said [also this]: Pharaoh¹⁸ the contemporary of Moses, was [a puny fellow] a cubit [in height] with a beard a cubit long and his shock of hair¹⁹ a cubit and a span, justifying what is said: And He setteth up over it [the kingdom of men] the lowest of men.²⁰ And [furthermore] said Abitol the hair-dresser, as citing Rab, Pharaoh, the contemporary of Moses, was a Magus,²¹ because it is said: [Get thee unto Pharaoh in the morning,] lo he goeth out unto the water.²²

AND THESE [MAY] WASH [THEIR CLOTHES] DURING THE FESTIVAL [WEEK], ONE ARRIVING FROM ABROAD.²³ R. Assi, as citing R. Johanan said that one who has but one tunic is allowed to wash it during the festival week. Thereupon R. Jeremiah put an objection to him: 'AND THESE [MAY] WASH [THEIR CLOTHES] DURING THE FESTIVAL [WEEK]. ONE ARRIVING FROM ABROAD etc.' [which enumeration implies that only] those here mentioned may [wash] but one who has but one tunic²⁴ [may] not? — Said R. Jacob to R. Jeremiah [b. Tahlifa],²⁵ I will explain that to you: Our Mishnah [permits to wash] even if he has two garments if they be soiled.²⁶ R. Isaac son of R. Jacob b. Giyora sent [a message] in the name of R. Johanan that garments made of flax²⁷ one may wash during the festival week. Raba raised an objection: HAND-TOWELS, BARBERS'-WRAPS AND BATHTOWELS [MAY BE WASHED].

(1) Lit., 'something befell him'.

(2) Rashi: to console him.

(3) Eccl. X, 5.

(4) I.e., the way in which a thing is expressed may contain a prognostication for the future.

(5) Gen. XXII, 5.

(6) Lit., 'the thing was furthered'.

(7) Because they are visible.

(8) Waiting on him.

(9) By justly removing a stumbling block, a believed cause for injury,

(10) By going to greater trouble in disposing of the injurious matter effectively, beyond recovery. Cf. B. K. 30a; 50b.

(11) I.e., they are quite harmless once the nails have been shifted from their first place.

(12) Ancient Emmaus, a famous spa about a mile from Tiberias. Hanimatha(n) means 'Hot Springs'.

(13) Judging by his attitude.

(14) Hardly 'scribe', as his observation shows. He is otherwise unknown; he may have consulted Rab professionally.

(15) Of the mouth.

(16) So Rabad and SBH (p. 92). Cf. Asheri (section 20) and Ritba.

(17) So D.S.

(18) Under Pharaoh, Rab alluded veiledly to the new Persian rulers as may be gathered from the following description of the Parthians (or Persians). Two Palestinian Rabbis had visited Nehardea and had there an awkward experience. R. Jose b. Kippar, on his return, explained his timidity, thus: 'Those people are a cubit (in height) with a cap a cubit high, speaking as ventriloquists, bearing formidable names (such as) Arda(shir) and Arta (xerxes) and having a shock of hair on their head. If they say, "Fetter" they put on fetters; if they say "Kill" they kill . . . and they were related to royalty', Git. 14b. 'Surena (a Parthian grandee) had his face painted and his hair parted after the fashion of the Medes, whereas the Parthians (whom he led against Crassus 53 B.C.E.) made a more terrible appearance with their shaggy hair gathered in a mass upon their forehead after the Scythian manner'. Plutarch's Lives, Crassus (Everyman's Library, Vol. II, pp. 292-293). 'But to describe their persons and customs (says Ammianus Marcellus) they are nearly all slight in figure,

swarthy... fierce-looking with goat-like eyes, eyebrows arched in semi-circle and joined, handsome beards and long hair'. Amm. Marcell. Chapter XXIII, VI, 75 (Bohn's ed. pp. 343ff expedition of Julian in 363 C.E.).

(19) פרמשתקו Adopting J. Perles' suggested etymology cited in (Ar. Compl. s.v. 430b) as more likely correct, ** meaning here not the side whiskers but the other hair, the shock of hair on top of the head.

(20) Dan. IV, 14, in reference to Nebuchadnezzar who turned beast, with hair grown like eagles' feathers (v. 30). Cf. Kid. 72a (and parallel passage, Meg. 11a) where Persians are compared to a restless, corpulent, shaggy bear, with a corresponding reference to the Book of Daniel.

(21) I.e., a priest of the Zoroastrian religion, who adored Ahura-Mazda (Ormuzd) 'the Lord of Light' who would vanquish Angra-Mainyus, (Ahriman) 'the Lord of the Demons, Darkness and Evil'.

(22) Ex. VII, 15. It is the reference to the light of morning which is the emphatic part of this quotation. Rab undoubtedly referred to the then national revival of Zoroastrianism on the defeat of Artaban IV and the overthrow of the Parthian, Arsacid dynasty by Ardashir I — (Artaxerxes) and the establishment of the Sassanid dynasty in 226 C.E. Artaban (who is said to have been friendly disposed towards Rab) was captured, held a prisoner and finally put to death in 233. i.e., at the time when Alexander Severus repelled the Persian attacks on the Roman outposts in Northern Mesopotamia. Ardashir 'was an ardent devotee of the Zoroastrian doctrine and closely connected with the Priesthood and in his royal style assumed the designation Mazdayasman' (i.e., devotee of Ahura-Mazda) and depicted himself on rock-reliefs as King and Ormuzd both on horseback, i.e., King and god as Pharaoh did of old. Shapur I, his son and successor, was more liberal and friendly to Samuel. Hence the discussion between Rab and Samuel (Shab. 75a) as to what is a magus, a sorcerer (a muttering quack-priest) or a blasphemer, reviler of God? On the historical facts cf. Enc. Brit. II (1911) Art. Peria, VIII, p. 219a-b.

(23) Lit., 'from a maritime province'.

(24) Or shirt.

(25) So MS.M.

(26) Bit where he has only one tunic he may in all circumstances wash it.

(27) Linen, in contrast to woollens that require more skill and exertion in cleaning.

Talmud - Mas. Mo'ed Katan 18b

This [detailed enumeration] implies that these only [one may wash], but not [all sorts of] garments made of flax? — Said Abaye to him, [Not necessarily]; Our Mishnah included even those other kinds [of material].¹ Said Bar Hedyā: I have myself seen at the lake of Tiberias [people] bringing along basins full of flax garments [and washing them] during the festival week. Abaye [however] strongly contested this [testimony]. Who can vouch to us that they did it with the approval of the Sages? Possibly they did so without the approval of the Sages!

MISHNAH AND THE FOLLOWING DOCUMENTS MAY BE INDITED DURING THE FESTIVAL [WEEK]: INSTRUMENTS OF BETROTHAL,² BILLS OF DIVORCE³ AND RECEIPTS;⁴ TESTA MENTS, BEQUESTS⁵ AND PROSBOLS;⁶ VALUATION CERTIFICATES⁷ AND ORDERS FOR ALIMONY;⁸ RECORDS OF HALIZAH⁹ AND OF REPUDIATION [OF MARRIAGE]¹⁰ AND ARBITRATION RECORDS;¹¹ JUDGMENT ORDERS AND DIPLOMATIC¹² CORRESPONDENCE.

GEMARA. [INSTRUMENTS OF BETROTHAL]. Said Samuel, 'One is allowed to betroth a woman during the festival week, [the reason being] lest another [rival suitor] anticipate him'. Might one suggest that [the wording here] lends support to Samuel's view: AND THE FOLLOWING MAY BE INDITED DURING THE FESTIVAL [WEEK]: INSTRUMENTS OF BETROTHAL. What is [meant by this]? Is it not actually inditing the formula of Kiddushin?¹³ — No, [it means, drawing up] the [preliminary] terms, and as R. Giddal, citing Rab, stated: 'How much do you give to your son?' 'So much and so much.' 'How much do you give to your daughter?' 'So much and so much'. [If] they then stood up and pronounced the 'dedication' [espousal formula] they have acquired their legal rights [to the offers]; these are [among] the matters that are [legally] acquired by word of mouth.¹⁴ Might one suggest [then] the following as lending support to him [to Samuel]? 'One may take a wife

during the festival [week]. whether a virgin or a widow, but not effect a levirate marriage;¹⁵ as it is a rejoicing for him [the groom],¹⁶ [which implies] that betrothing is allowed. — Not [quite so]. He stated [the rule in the form] ‘Not merely [this is not allowed but even that]: Not merely [it is forbidden] to betroth,¹⁷ by which no scriptural obligation is carried out; but even to take [a wife in wedlock] whereby a scriptural obligation is fulfilled,¹⁸ he is forbidden. Come and hear [a support for this]: For it was learnt in the School of Samuel:¹⁹ [Grooms] may betroth, but not bring [a bride] home: and they may not make a feast of betrothal nor effect a levirate marriage, as this is a rejoicing for him [the groom]’. Infer this.²⁰

But [yet], could Samuel have said ‘Lest another [rival suitor] anticipate him’? Surely Rab Judah, as citing Samuel, said: [‘Forty days before the embryo is formed²¹ an echo issues²² forth [on high] announcing, "The daughter of So-and-so is [to be a wife] to Soand-so".’ [Similarly]. ‘Such and such a field²³ is [to belong] to Soand-so’. — No; what it means is, ‘Lest another [rival suitor] anticipate him’ by means of prayer, as is illustrated by what occurred to Raba, who overheard a certain fellow praying for grace saying: ‘May that girl be destined to be mine!’ Said Raba to the man: ‘Pray not for grace thus; if she be meet for you, you will not lose her, and if not, you have challenged Providence’.²⁴ Later he overheard him praying that either he should die before her or she before him. Said Raba to him: ‘[Praying Jack],²⁵ did I not tell you not to pray for grace in this matter?’ Thus said Rab in the name of R. Reuben b. Estroble, from the Torah,²⁶ from the Prophets and from the Hagiographa it may be shown that a woman is [destined to] a man by God. From the Torah: Then Laban and Bethuel answered and said, The thing proceedeth from the Lord.²⁷ From the Prophets: But his [Samson's] father and mother knew not that it was of the Lord.²⁸ And from the Hagiographa: House and riches are the inheritance of fathers, but a prudent wife is from the Lord.²⁹

And Rab said [also this] in the name of R. Reuben b. Estroble: ‘A person does not incur suspicion unless he has done the thing [suspected]; and if he has not done it wholly he has done it partly; and if he has not done it partly, he has a mind to do it; and if he has not had a mind to do it, he has seen others doing it and enjoyed [the sight of it]’. [As against this], R. Jacob [of Nehar Pekod]³⁰ raised an objection [from the following text]: ‘And the children of Israel did impute things that were not right unto the Lord their God.³¹ There they did it [purposely] to provoke [God].

Come [then] and hear [this statement]: And [Moses heard and fell on his face].³² What tidings had he heard? — Said R. Samuel b. Nahmani, as reporting R. Jonathan: [He heard that] they suspected him of [adultery with] a married woman, as it is said: And they were jealous³³ of Moses in the camp and of Aaron the holy one of the Lord.³⁴ And, said R. Samuel b. Isaac, this indicates that everyone was jealous of his wife because of Moses. — There [again] it was done out of hatred.³⁵

[Then] come and hear [this statement]: Said R. Jose, May my share be with him whom they suspect of something of which he is innocent. Nay further, R. Papa said, They suspected me myself of something of which I was innocent! — It is not difficult [to explain]. One [speaks of a] rumor that dies away, the other of a rumor that persists. And how long would a persistent rumor be? — Said Abaye. ‘Nanna’ told me, Local gossip lasts a day and a half; and that holds good only if it did not cease in the meantime, but if it had ceased in the meantime, we take no notice of it. If, however, it does cease in the meantime, the rule is [to disregard it] only where it was not [stopped] out of fear, but if it was stopped out of fear, it is not [to be disregarded]; again, the rule is [to disregard it] only where it does not break out again, but where it breaks out again [we do] not [disregard it]; also, the rule is [to disregard it] when he [the maligned] person has no enemies, but if he has enemies, [we say] it is his enemies who have spread the [adverse] rumor.

MISHNAH. BILLS OF CREDIT MAY NOT BE WRITTEN DURING THE FESTIVAL [WEEK]; BUT IF HE [THE CREDITOR] DOES NOT TRUST HIM OR HE³⁶ HAS NOT [ENOUGH] FOOD TO EAT, HE MAY WRITE. SCROLLS [OF THE LAW] AND THE

[SCRIPTURAL SECTIONS FOR] PHYLACTERIES³⁷ AND MEZUZOTH³⁸ MAY NOT BE WRITTEN DURING THE FESTIVAL [WEEK]; NOR MAY A SINGLE LETTER BE CORRECTED, EVEN IN THE [ANCIENT] TEMPLE-SCROLL.³⁹ R. JUDAH SAYS, A PERSON MAY WRITE THE [SCRIPTURAL SECTIONS FOR] THE PHYLACTERIES OR MEZUZOTH FOR HIMSELF

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- (1) [E.g., woollen which requires more skill in cleaning, yet in the case of hand-towels, washing is permitted. But as to those made of linen, all sorts of garments may be washed].
- (2) Either (a) the formula of espousal: 'Behold thou art dedicated unto me according to the law of Moses and Israel' (Cf. Kid. 5b and 6a), to be handed by the suitor to his bride (thereby to secure her for himself forthwith in case of another rival suitor) as a 'marriage' may not be celebrated during the festival week (Rashi); or, (b) the terms of the marriage settlement (instrumenta dotalia). V. Gemara and SHB ad loc. p. 95; also Lewin, Otz. Hag. Mashk No. 52.
- (3) Cf.. Deut. XXIV, 1-4.
- (4) Or part-cancellation of a debt. Cf. Keth. 89a ff and B.M. 18a, 19a-b.
- (5) During his lifetime. B.M. 19a. palest. Mishnah reads: 'and bequests'.
- (6) A formal written declaration made by a creditor before the Judges assigning to the Court the collection of an outstanding debt, thus preventing its cancellation by the incidence of the Sabbatical year. Cf. Deut. XV, 2, and Sheb. X, 4; Git. 36a. The Probol is said to have been instituted by Hillel.
- (7) Valuation of a debtor's property by order of Court prior to a public auction to meet the payment of his debt. Cf. B.M. 20a and 'Arach. 21b.
- (8) E.g., to keep a step-daughter for a certain period. V. Keth. 101b.
- (9) The ceremony on the refusal of the levirate marriage by the brother of a man who died absolutely childless. V. Deut. XXV, 5-10. For the text see J.M.K. ad loc. and Yeb. 3 9b.
- (10) By a girl minor who before attaining puberty had been given in marriage (after her father's death) by her mother or brothers. Her repudiation before a tribunal of three judges was sufficient to nullify the marriage. Cf. Yeb. 107b ff.
- (11) 'Compromissium', a covenant to abide by the decision of arbitrators, according to J.M.K. III, 3 or copies of the pleadings and award, according to B.M. 20a.
- (12) **ראשות רשות** government 'letters of credentials', 'diplomas'; or **רשות** voluntary, private, friendly letters, J.M.K., *ibid*; also Lewin Otz. Hag. IV, Mashk. Nos. 53-55.
- (13) The dedication formula, v. n. 6 on Mishnah.
- (14) Without formal, symbolical 'delivery'. Cf. Keth. 102a and b.
- (15) Deut. XXV, 5-6. V. p. 117, n. 5.
- (16) V. supra 8b.
- (17) During the festival week.
- (18) The duty of procreation. Gen. I, 27-28; II, 18, 22-24.
- (19) [Han.: Menasseh.]
- (20) I.e., this is conclusive.
- (21) V. D.S. note ad loc and cf. Sot. 2a and Sanh. 22a (Sonc. ed. p. 124).
- (22) Cur. edd. have here 'daily'.
- (23) Or house, family, D.S.
- (24) You will (in the end) challenge Providence for not having granted your sincere prayer.
- (25) **דלני** SBH. (Cf. Ex. XXXII, 11).
- (26) The Pentateuch.
- (27) Gen. XXIV, 50.
- (28) Judg. XIV, 4.
- (29) Prov. XIX, 14.
- (30) So MS.M. and parallels.
- (31) II Kings, XVII, 9. Surely, God has not been guilty of improper intentions. Yet ill is imputed to Him.
- (32) Num. XVI, 4. According to MS.M. Cf. Sanh. 110a.
- (33) Connecting this expression with that of Num. V, 14.
- (34) Ps. CVI, 16.
- (35) It was not suspicion, but sheer spite.

(36) The borrower or the scribe. V. J.M.K. 82a.

(37) Cf. Deut. VI, 8; XI, 18 and supra.

(38) Deut. VI, 9; XI, 20.

(39) According to some, a copy written by Ezra, according to others, the scroll kept in the 'Court' of the Temple.

Talmud - Mas. Mo'ed Katan 19a

AND MAY SPIN ON HIS THIGH THE BLUE-WOOL FOR HIS FRINGE.¹

GEMARA. Our Rabbis taught: A person [may] write [the scriptural sections for] phylacteries or mezuzoth for his own use [and spin on his thigh the blue threads for his own fringe],² and for others [he may do so] as a favour:³ this is R. Meir's view; R. Judah says, He may artfully dispose of his own and [then] write fresh ones for his own use. R. Jose says, He may write and sell [them] in his usual way enough for his [personal] requirements',⁴ Rab gave a decision to R. Hananel and some say, Rabbah b. Bar-Hanah to R. Hananel⁵ — that the halachah is that one [may] write and then in his way to the extent of his requirements.

AND [MAY] SPIN ON HIS THIGH BLUE-WOOL FOR HIS FRINGE. Our Rabbis taught: A person [may] spin on his thigh the blue [thread] for his fringe, but [may] not do so with a stone [as a spindle-whorl]: that is R. Eliezer's view; but the Sages say [he may] even with a stone. R. Judah says in his [R. Eliezer's] name: [He may] with a stone, but not with a spindle; but the Sages say, [He may] either with stone or with spindle. Said R. Judah as citing Samuel, and similarly R. Hiyya b. Abba said as citing R. Johanan: The halachah is that [one may spin the blue-wool for his fringe] whether with a stone [as whorl] or with a spindle;⁶ and it is also the halachah that one [may] write in his usual way and sell sufficient for his requirements.⁷

MISHNAH. IF ONE BURIES HIS DEAD THREE DAYS⁸ BEFORE A FESTIVAL, THE RESTRICTIONS⁹ APPERTAINING TO HIS SEVEN DAYS' MOURNING FALL AWAY; [IF HE BURIES HIS DEAD] EIGHT DAYS BEFORE A FESTIVAL, THE RESTRICTIONS OF THE THIRTY [DAYS] FALL AWAY,¹⁰ BECAUSE THEY [THE SAGES] SAID THAT THE SABBATH ENTERS INTO COUNT BUT DOES NOT INTERRUPT,¹¹ WHILE FESTIVALS INTERRUPT¹² AND DO NOT ENTER INTO COUNT.¹³ R. ELIEZER SAYS, SINCE THE SANCTUARY [AT JERUSALEM] WAS LAID IN RUINS, [THE FEAST OF] 'AZERETH'¹⁴ IS [RECKONED] AS AN [ORDINARY] SABBATH [DAY];¹⁵ RABBAN GAMALIEL SAYS, NEW YEAR AND THE DAY OF ATONEMENT ARE [RECKONED] AS FESTIVALS; WHILE THE SAGES SAY, [THE RULE IS] NEITHER ACCORDING TO THE STATEMENT OF THE ONE NOR ACCORDING TO THE STATEMENT OF THE OTHER, BUT AZERETH IS [RECKONED] LIKE [THE OTHER] FESTIVALS AND NEW YEAR AND THE DAY OF ATONEMENT ARE [RECKONED] AS A SABBATH [DAY].

GEMARA. [THE RESTRICTIONS... FALL AWAY]. Said Rab, [this means only] 'the restrictions'¹⁶ fall away, but the days [of mourning] do not fall away¹⁷ and so said also R. Huna:¹⁸ The 'restrictions fall away but the 'days' do not fall away; and R. Shesheth¹⁹ said that even the days also fall away.²⁰ What is the meaning of, 'But the days [of mourning] do not fall away'? [It means] that if he had not cropped his hair on the day before the festival he is forbidden to crop himself after the festival

(1) Num. XV, 38ff.

(2) This bracketed part is omitted in many texts. Cf. D.S.

(3) Without payment for his work.

(4) פְּרֻמָּה includes 'food, raiment and home' for himself, wife and children or his father's widow. Cf. Shab. 118a and Keth. 69a.

(5) V. J.M.K. III, 4.

(6) It being for the performance of a Biblical ordinance which gives him joy.

(7) To help him joyously to keep the festival.

(8) V. infra 20a.

(9) גזרה means generally a restrictive measure. (Cf. Be. 4b, 8b, 36b). Here it refers to the abstention, during the seven days of mourning, from work and bodily comforts — bathing, anointing, footwear and fresh clean clothes, i.e., the maintenance of a neglected disconsolate appearance in honour of the deceased. The public, religious, festive rejoicing suspends, or according to some, cancels the formal observance of sorrow.

(10) I.e., the remaining period of formal mourning down to thirty days lapses on his having duly observed the first seven days plus one day of the remaining period before the festival.

(11) I.e., it neither counts as a blank day, nor does it cancel the rest. The remaining days of mourning continue after the Sabbath.

(12) Cancel the remaining days of mourning.

(13) If the interment took place during the festival. But v. Rashi.

(14) The rabbinic term for the 'Feast of Weeks' (Deut. XVI, 10). or the Day of Bikkurim, First Fruits (of wheat; Lev. XXIII, 17). Both terms occur in Num. XXVIII, 26. V. Targums on the last, and Mid. Lekah Tob, ad loc. p. 272; cf. also infra 24b.

(15) It enters into count and does not interrupt.

(16) I.e., only the outer, formal observances of mourning but not the obligation.

(17) I.e., the period of mourning of seven or (down to) thirty days (as the case may be, according to the wording of the Mishnah) is not canceled but only deferred pending the festive time.

(18) Rab's disciple and his successor at the Academy of Sura.

(19) Var. lec., Samuel; v. D.S. a.l.

(20) I.e., they are not to be compensated after the festival to the number of the days during which the mourning formalities were suspended.

Talmud - Mas. Mo'ed Katan 19b

and that is [exactly] what is taught [in a Baraita]: If one buries his dead three days before a festival his restrictions of the seven fall away;¹ if eight days before a festival his restrictions of the thirty fall away;¹ and he crops [his hair] on the day before the festival.² If he had not cropped himself on the day before the festival, he is forbidden to crop himself after the festival.³ Abba Saul says, He is permitted to crop himself after the festival; for just as the '[observed] obligation⁴ of three' [days] quashes the restriction of the seven⁵ so does the '[observed] obligation of seven' quash the 'restrictions of thirty'.⁶ [You Say, 'The observed obligation of] seven'? But we learned [in our Mishnah] 'eight' [days before the festival]! — Abba Saul maintains the view that part of a day is [reckoned] as an entire day and [here] the seventh day [of mourning] enters into the count both this way and that.⁷ R. Hisda, as citing Rabina son of Shela, said the halachah follows the opinion of Abba Saul;⁸ and the Sages concur with Abba Saul that when his eighth day comes on a Sabbath which is the day before a festival he is permitted to crop himself [even] in the Friday.⁹

Whose opinion is followed in the statement in which R. Amram, citing Rab, said: '[As to] the mourner, as soon as the comforters have risen to depart from his house, he is permitted to bathe'? Whose view [is it]? — It is Abba Saul's [view]. Said Abaye, The halachah follows Abba Saul's view in regard to the seventh day [of mourning] and the Sages concur with Abba Saul in regard to the thirtieth day [of mourning] that we say, part of the day is regarded as the whole day. Raba said, The halachah follows Abba Saul's view in regard to the thirtieth day, but in regard to the seventh day the halachah does not follow the view of Abba Saul. And the Nehardeans¹⁰ say the halachah follows Abba Saul's view in both instances, because Samuel stated that in matters appertaining to mourning the halachah is to follow the view of the more lenient authority.

Whence [in Scripture] do we derive the term of thirty days [of mourning]? — It is obtained by an

analogy¹¹ between two texts which have in common the term *pera'* used [in connection] with mourning¹² and again used [in connection] with the Nazirite,¹³ [namely]: Here [in the law about mourning] it is written, Let not the hair of your heads grow long [tifra'u];¹² and there [in the law of the Nazirite] it is written: He shall let the locks of the hair of his head [*pera'*] grow long.¹³ Just as the period there [for the Nazirite] is thirty days, so also here [for the mourner] it is thirty days. And whence do we derive it there? — Said R. Mattena: An unspecified Nazirite-vow is [binding] for thirty days. What is the reason? The text there reads: He shall be [Yihyeh] holy;¹⁴ the [consonant] letter value of Yihyeh being [ten + five + ten + five] thirty.

Said R. Huna the son of R. Joshua,¹⁵ [Authorities] all accept the view that when the third day [of mourning] occurs on the day before the festival the mourner is forbidden to wash [his whole body]¹⁶ till the evening.¹⁷ Said R. Nehemiah the son of R. Joshua: I once found R. Pape and R. Papa sitting together and stating that the halachah is in accordance with the statement of R. Huna the son of Joshua. Some report it thus: R. Nehemiah the son of R. Joseph said, I once found R. Pape, R. Papa and R. Huna the son of R. Joshua sitting together and stating that all are agreed that when the third day occurs on the day before a festival, the mourner is forbidden to bathe till the evening.

Abaye enquired of Rabbah: What if one buried his dead during the festival? Does the festival enter into his counting of the thirty days, or does the festival not enter into his counting of the thirty days?¹⁸ I am not asking about [counting the festival as part of] the seven days, because the 'due observance of seven [days of mourning] does not obtain during the festival;¹⁹ but what I do ask is about the period of thirty days, because the 'due observance of thirty days does [partly] obtain during the festival;²⁰ what [is your view]? — He [Rabbah] replied, The [days of the] festival do not enter into the counting.

[Thereupon] he put to him an objection from [the following]: If one buried his dead two days before the festival, he counts five [supplementary] days after the festival,²¹ and his work is done [for him] by others; his men-servants and maid-servants do [their domestic] work quietly indoors, privily; and the public do not [need to] condole formally²² with him

(1) As then his obligation to the dead is already sufficiently fulfilled.

(2) In honour of the festival, although he is still within the thirty days.

(3) I.e., the remaining period of mourning up to thirty is resumed: it having been only suspended but not canceled.

(4) מצוה means a positive order and denotes rather the positive aspect, the active fulfillment of the obligation to the departed, in contrast to the גזירה, the restrictive aspect of mourning.

(5) Not to be resumed again.

(6) I.e., again, if he had not cropped himself before the festival he is permitted to do so immediately after the festival.

(7) I.e., that after part has served for the seventh day, the remainder can count as part of the eighth day with its easier regimen.

(8) [With reference to his latter ruling, cf. D.S. note 7 and Han].

(9) Though it is still the seventh.

(10) Represented by R. Han., Sanh. 17b. Also by R. Nahman b. Isaac (according to another source). V. A. Hyman, Toledoth II, p. 919.

(11) This question interrupts the discussion. The method of equalling two texts is *gezerah shawah*, v. Glos.

(12) V. Lev. X, 6; Aaron and his sons were thus commanded at the death of Nadab and Abihu, not to allow their hair to go loose, i.e., not to grow freely or long.

(13) Num. VI, 5. Cf. supra 15a.

(14) Num. VI, 5: י' 10, י" 5 (twice).

(15) The discussion on the former theme is resumed here.

(16) I.e., to bathe in warm water which affords pleasure.

(17) Even Abba Saul will in this case not regard a part of the day as the whole.

(18) Formal mourning after burial falls into three periods: (i) three days of weeping and (ii) up to the seventh day

(part-inclusive) for lamenting with abstention from work and attention to the person; then (iii) down to the thirtieth day (part-inclusive) in slightly mitigated formal mourning.

(19) Therefore it is certain that the mourner begins his observance of the seven after the festival; and as these had not begun, there was as yet no part to be taken, into account.

(20) For on it too, like during the thirty days, washing clothes and cropping hair are forbidden.

(21) To make up the requisite seven days of mourning.

(22) Lit., 'busy themselves'.

Talmud - Mas. Mo'ed Katan 20a

as they have already done that Service towards him during the festival. As a general principle on this matter [it may be stated]: 'Whatever appertains to the mourner [himself],¹ that the festival interrupts,² but whatever appertains to the [obligations of] the public,³ that the festival does not interrupt'. If he buried his dead three days towards the conclusion of the festival,⁴ he counts seven days [of mourning] after the festival. During the first four days [after the festival] the public engage [in condoling] with him, but in the last three days the public do not [need to] condole with him as they have already done [this service] towards him during the [three days within the] festival; and the festival enters into the counting. Now, does not [this last sentence] refer to the latter part [of the statement]?⁵ — No, [said Rabbah] it refers to the former part [of the statement].⁶ Thereupon he put an objection to him [from the continuation of the Baraitha]: The festival enters into the counting of thirty days: how, for instance? If one buried his dead at the beginning of the festival he counts seven days [of mourning] after the festival and his work is done by others; his men-servants and maid-servants do work quietly indoors, and the public do not [need to] engage [in condoling] with him, as they have already done that service towards him during the festival; and the festival enters in the counting!⁷ — That Is a confutation [of Rabbah].

When Rabin came [from Palestine] he reported R. Johanan to have said, Even if one buried his dead during the festival;⁸ and similarly R. Eleazar gave as his decision to his son R. Pedath, Even if one buried his dead during the festival.

Our Rabbis taught: 'If one carried out the rule of overturning the couch⁹ for three days before the festival, he need not overturn it [any more] after the festival; these are the words of R. Eliezer; but the Sages say: [He need not] even if he had [done so] only for one day or even for one hour. Said R. Simeon b. Eleazar, Those were the very words of Beth Shammai and the very words of Beth Hillel: for Beth Shammai say: 'For three days [before the festival]', and the Hillelites Say: Even [if] for one day'. R. Huna said: R. Hiyya b. Abba, as citing R. Johanan. stated¹⁰ — Simeon said that R. Johanan told R. Hiyya b. Abba and R. Huna: [He need not], even if he had [overturned the couch] for one day; even for one hour. Raba stated¹¹ that the halachah is according to our Tanna [of the Mishnah] who said three days.¹²

Rabina once came to Sura-cum-Euphrates.¹³ Said R. Habiba to Rabina: What is the law [on this point]? — He replied: 'Even [if he had the couch overturned] one day and even for one hour'. R. Hiyya b. Abba, R. Ammi and R. Isaac were [once] seated in the marquee of R. Isaac b. Eleazar¹⁴ when a discussion was begun between them: Whence is it authentically derived that the observance of mourning is for seven days? From the text, And I shall turn your feasts¹⁵ into mourning . . . [and I will make it as the mourning for an only son];¹⁶ just as the 'Feast' lasts seven days.¹⁵ so [the period of] mourning is also for seven days. But why not [draw an analogy with] the feast of 'Azereth,¹⁷ which lasts but one day? — [No], that [analogy] is needed [for another lesson] as explained by Resh Lakish; for Resh Lakish said in the name of R. Judah Nesi'ah:¹⁸ Whence is it derived that on [the receipt of] belated tidings¹⁹ [formal] mourning obtains for one day only? From the text, And I shall turn your feasts into mourning;²⁰ and we find 'Azereth as an instance where one day's celebration is designated [a 'Feast'].

Our Rabbis taught: On receiving near tidings [formal] mourning obtains for seven [days] as well as [up to] thirty [days]; on distant tidings, it obtains for one day only. Which are 'near' tidings and which 'distant' tidings? 'Near' tidings are [recent tidings] within, thirty [days] and 'distant' tidings are [belated tidings] after thirty [days]: these are the words of R. Akiba; the Sages, however, say, One and the same [practice obtains in both], on [the receipt of] 'near' tidings or of 'distant' tidings, [formal mourning] obtains for seven as well as [up to] thirty [days]. Said Rabbah b. Bar Hanah, as citing R. Johanan: Wherever you find a single authority expressing a lenient view and a number expressing a strict view, the halachah is in accordance with the strict view, save in this case: that although R. Akiba is lenient and the Sages are strict, the halachah is in accordance with R. Akiba, as Samuel stated, that in matters obtaining to mourning the halachah follows the lenient authority.

R. Hanina²¹ received tidings from Be[th]-Hozai about [the death of] his father; he consulted²² R. Hisda, [who] told him, 'On [receipt of] distant tidings [formal mourning] obtains for one day only'. R. Nathan b. Ammi received tidings from Be[th]-Hozai about his mother; he consulted²² Raba, who told him: The authorities have already stated [that] on [receipt of] distant tidings [formal mourning] obtains for one day only. Thereupon he put to him an objection [from the following]: When does this ruling apply? In the case of the [other] five nearest-of-kin [for whom mourning is] obligatory;²³ but for one's father or mother [mourning is for] seven [days] and [up to] thirty [days] — [Raba] replied: That is the ruling of an individual²⁴ with which we do not concur, as [will be made clear from what] is taught [in the following]: 'There was the case of the father of R. Zadok who had died at Ginzak,²⁵ and he was not informed till after three years. He [thereupon] came and asked of Elisha b. Abuyah and the elders that were with him and they told him to observe seven [days] and [up to] thirty, and when R. Ahiyya's son died in the Diaspora,²⁶ he [too] sat on his account seven and [observed mourning up to] thirty'. But this is not so? For when Rab, R. Hiyya's brother's son — who was also R. Hiyya's sister's son²⁷ — came up there [to Palestine], he [R. Hiyya] said to his nephew [Rab]: 'Is father alive'?²⁸

(1) I.e., the observance of formal mourning by the mourner.

(2) Is deferred till after the festival.

(3) Lit., 'the business of the public', i.e., to pay visits of condolence and offer words of comfort.

(4) **בסוף הרגל** probably a misreading of **בתוך הרגל** 'within', 'during the festival', as in MS.M.

(5) 'If one buried his dead during the festival, three days before towards conclusion . . .' As the seven days have been dealt with already, the last sentence must refer to the thirty days, namely, that the festival days enter into the counting; i.e., not as Rabbah replied, negatively.

(6) 'If one buried his dead two days before the festival', when two days of the seven were also two days of the thirty, as Abaye himself admitted when he put the question to Rabbah.

(7) Of the thirty days, obviously.

(8) That part of the festival enters in the counting of thirty days.

(9) Cf. supra p. 92.

(10) As the Palestinian practice.

(11) As the Babylonian practice.

(12) As the minimum observance of formal mourning before the festival secures remission of the remainder.

(13) The Western part of Sura which lay along the junction of the Sura canal. V. Obermeyer p. 293.

(14) Palestinian authorities.

(15) I.e., Passover and Tabernacles, Lev. XXIII, 7-8 and 34-35.

(16) Amos VIII, 10.

(17) The Feast of Weeks; Deut. XVI, 10, 16 and cf. Num. XXVIII, 26.

(18) Judah II. grandson of R. Judah ha-Nasi (Judah I).

(19) Lit., 'distant tidings' (of a death), defined below.

(20) Amos VIII, 10. (10) The Feast of Weeks, Deut. XVI, 1, 16, cf. Num. XXVIII, 26.

(21) Var. lec. R. Hinena of Be(th)-Hozai (Chuzistan).

(22) Lit., 'came before'.

(23) I.e., for brother, sister, wife, son and daughter. Lev. XXI, 2-4. This is again taken up lower down.

(24) The authority is named lower down.

(25) Gazaka, a city in North Media (Atropatene); according to Rawlinson it is Shiz near Lake Urmia. V. Obermeyer p. 10.

(26) Golah, the ancient place of the 'Captivity' when the first Temple fell, Babylon, Nehardea and later, Pumbeditha, were considered the most ancient centres of the Golah.

(27) R. Aha of Kafri married a widow and his eldest son Aybu married her daughter. From these unions Aha had a son R. Hiyya, and Aybu had a son Rab ('R. Abba the Long', later the famous principal of Sura). Rab's mother was R. Hiyya's half-sister (from one mother, i.e., R. Ala's second wife); and Rab's father Aybu was R. Hiyya's eldest half-brother (from the same father, namely, R. Aha of Kafri). R. Hiyya was therefore doubly related to his nephew Rab, being his paternal uncle as well as his maternal uncle, cf. Pes. 4a (Rashi).

(28) I.e., is my father Aha alive?

Talmud - Mas. Mo'ed Katan 20b

He replied, 'Mother'¹ is alive'. [Again] he asked 'Is mother² alive'? He replied: 'Father is alive'.³ R. Hiyya thereupon said to his attendant: 'Take off my shoes and bring along my things after me to the [public] baths'. Now from this instance we learn three lessons: We learn that a mourner is forbidden to don shoes;⁴ that distant tidings [entail formal mourning] but for one day; and that part of the day is [deemed] as all entire day's [mourning]⁵ [In fact], R. Hiyya is one person and R. Ahiyya [whose son died in the Diaspora] is another person.⁶

Said R. Jose b. Abin: [If] one received near tidings on a festival and by the [time of its] termination it became distant tidings, [the festival-time] enters into the counting and [accordingly] he observes but one day [of formal mourning]. R. Adda⁷ of Caesarea recited in the presence of R. Johanan: If one hears near tidings on a Sabbath day and by the termination of the Sabbath it has become distant tidings, he observes but one day [of formal mourning]. Does one [in such a case] rend his garment, or does he not rend his garment? — R. Mani said: He does not [need to] rend his garment; R. Hanina said, He does rend [his garment]. Said R. Mani to R. Hanina: My view that he does not rend [his garment] is consistent with the fact that there is no [observance of] 'seven'. But according to your view that he [should] rend his garment, tell me, is there a rending of [one's garment] without [the observance of] the seven [days of mourning]? But is there not? Surely, Isi, father of R. Zera — or as sonic say, R. Zera's brother, recited in the presence of R. Johanan: If one had no tunic⁸ to rend [at the time] and he obtained one during the seven [days], he should rend it then; [if it became available] after the seven days, he does not rend it! [Thereupon] R. Zera chimed in after him: 'When does this ruling apply? In the case of the [other] five nearest-of-kin [for whom mourning is] obligatory,⁹ but in the case of father or mother one always rends one's garment!' — What you cited [in fact] refers to the deference to be shown to one's father or mother.¹⁰

Our Rabbis taught: For all [nearest-of-kin] mentioned in the Priest's Section¹¹ for whom a priest is to defile himself, a mourner is to observe [formal] mourning, namely, these: [For] his wife, father or mother, brother or [single] sister, son or daughter. To these they added: His brother or single sister from the same mother,¹² as well as his married sister, be it from the same mother or the same father.¹³ And just as he observes [formal] mourning for these, he likewise observes [formal] mourning for their relatives in the second degree:¹⁴ this is R. Akiba's ruling. R. Simeon b. Eleazar says: [Extended, formal] mourning is not observed except for one's son's child and a father's father,¹⁵ and the Sages say [by way of definition]: Whomever he mourns for he should also mourn with.¹⁶ Is not the Sages' view [practically] the same as that of the former Tanna?¹⁷ — Not [quite]; there is a [practical] difference between them, whether [we require him to be, that is to say when he is] with him in the [same] house,¹⁸ as Rab¹⁹ said to his son Hiyya, and as R. Huna likewise said to his son Rabbah:²⁰ 'In her presence observe mourning; away from her presence do not observe mourning'.

[When] Mar Ukba's father-in-law's son died, he thought of sitting for him²¹ seven [days of mourning] and [continuing to] thirty. R. Huna going to his house found him [in formal mourning]. 'Do you desire', said he, 'to eat of mourners' fare?'²² They [the Sages] did not say that [one should observe formal mourning] out of deference to his wife only in the case of [the death of] his father-in-law or his mother-in-law,²³ as it is taught: 'If his father-in-law or mother-in-law died the husband may not compel his [mourning] wife to put on kohl or do her hair²⁴ [as usual], but he should overturn his [own] couch and observe [formal] mourning with her; and likewise she, when her father-in-law or mother-in-law dies, may not put on kohl or do her hair [as usual]; but she should overturn her couch and observe [formal] mourning with him'. And another Baraitha taught: 'Although it was stated [that] he may not compel his wife to put on kohl or do her hair [as usual] it is — said they — indisputably correct²⁵ that she [may] mix his wine for him, make his bed and wash his face, hands and feet'.²⁶ [Now the regulations in] the two citations contradict each other.²⁷ Hence infer from this that the one Baraitha refers to [the death of] a father-in-law or mother-in-law,²⁸ while the other to [the death of] other near of kin.²⁹ — This proves it.³⁰ It is also taught thus [explicitly]: 'They did not lay down [that one should observe formal mourning] out of deference to his wife, save [at the death of] his father-in-law or his mother-in-law alone'.

Amemar lost his son's son, and he rent [his garment]. Thereupon his son came and he [again] rent [his garment] in his [son's] presence. He then recollected that he had done it while sitting; he rose and relit [his garment again] standing. Said R. Ashi to Amemar: Whence do we derive that the rending [of a garment] is [to be done] standing? From the text: Then Job rose³¹ and rent his mantle.³²

(1) To evade a direct doleful reply, Rab said that his own mother was alive, but said nothing about his grandfather, R. Aha of Kafri.

(2) I.e., is my mother alive? I.e., R. Hiyya's mother, Rab's grandmother, R. Aha's wife.

(3) Again to evade the direct and sad answer Rab replied that his own father (i.e., Aybu, R. Hiyya's half-brother) was alive, but nothing about it. Hiyya's mother, Aha's wife. This is according to R. Hananel. Rashi and Tosaf. s.v. **א"י** offer different interpretations. V. Pes. 4a (Sonc. ed. p. 11.)

(4) Cf. supra p. 93.

(5) Even in the case of a parent one short while and one simple demonstration of respectful, sorrowful mourning, such as doffing the shoes, are enough; as soon after R. Hiyya went to the baths, which is forbidden to a mourner for a recent bereavement. Cf supra p. 101.

(6) That is, do not confuse Ahiyya of the Baraitha with Hiyya, Rab's uncle as being the same person who had acted differently on two occasions, at receiving belated distant news of the loss of a son and again of the loss of parents. They are two different persons.

(7) Var. lec. Abba.

(8) Of his own, to rend it at the poignant moment of hearing the sad tidings. Cf. infra, 24a and Tosaf. s.v. **כ"י**.

(9) Brother, sister, wife, son and daughter. see next citation.

(10) [I.e., though there is no observance of seven days he rends his garments not as an obligation but as a special mark of respect for his parents; v. Nimmuke Yosef.]

(11) Lev. XXI, 1ff.

(12) [Though not of the same father. The text implies only a paternal brother or sister.]

(13) [Although the text speaks only of a single sister (ibid. v. 3).]

(14) I.e., for his grandfather, grandmother or grandchildren; also for brothers and sisters of parents, i.e., uncles and aunts.

(15) I.e., for these only but no others of those included in R Akiba's extended list. Cf. n. 7.

(16) E.g., One mourns (in sympathy) with his father on the death of his father's father; likewise a father mourns (in sympathy) with his son who loses a child.

(17) I.e., R. Simeon b. Eleazar

(18) As implied in the words of the Sages, 'he should mourn with him'.

(19) When Rab's sister died, v. J.M.K. III, 5.

(20) When Rabbah's wife was in mourning.

(21) Out of deference to his wife.

(22) Food provided by friends. Cf. *infra* 24b arid 27aff.

(23) Cited in Samuel's name, J.M.K. III, 5.

(24) I.e., to insist that she should keep up her personal appearance, instead of looking neglected and dejected when numerous callers come to condole with her; *kohl* was used for the eye-brows.

(25) Lit., 'in truth, they said'. V. B.M. 6.

(26) I.e., she may attend to his usual needs. [Washing hands and feet means in warm water which is forbidden to a mourner (Tosaf.).]

(27) In the former it is insisted that the husband must observe formal mourning out of deference to the wife, while in the latter, it implies that the husband need not.

(28) In which case he must mourn with her.

(29) In which case he need not mourn with her.

(30) That the distinction made by R. Huna *supra* is correct.

(31) I.e., stood up to perform the act of rending.

(32) Job I, 20.

Talmud - Mas. Mo'ed Katan 21a

But if that is so,¹ [the text]: And if he stand and say, I like not to take her,² [will be interpreted] similarly? But surely it is taught: [And if she loose the shoe from off the foot of a grownup levir], whether he be standing or sitting or stooping, [the ceremony is valid]?³ . — He replied: [It is because] there it is not written, 'And he stood and said';⁴ whereas here [in our instance] it is written, 'And Job rose and rent his mantle'. Rami b. Hama said: Whence [is it derived] that the rending [of a garment] is to be done standing? From what is said: And Job rose and rent his mantle. But perhaps what he did was something extra? For should we not say so, [what of the next thing Job did], And he shaved his head, [should we] likewise [have to conform with it]? — Rather it is [to be derived] from here: Then the king arose and rent his garments.⁵ But here too, perhaps, what he did was something extra? For should you not say so [what of the next thing he did], And he lay on the earth,⁵ [should we] likewise [have to conform with it]? Whereas it is taught: 'If a mourner sat on a bed,⁶ on a chair⁷ or on a stall for urns [and cans],⁸ or even goes to the extreme⁹ of sleeping on the bare ground, he has not discharged his duty [to the dead]'. And, explained R. Johanan, [It is] because he has not carried out the [custom of] overturning the bed? — He replied: [It means that David lay] as it were on the ground.

Our Rabbis taught: The following things are forbidden to a mourner: He is forbidden to do work, to bathe or anoint himself, to have [marital] intercourse, or don sandals; he is forbidden to read the Pentateuch, Prophets or Hagiographia, or to recite the Mishnah, or Midrash and halachoth or the Talmud or aggadoth.¹⁰ If, however, the public have need of him, he need not abstain. There was all actual case, when a son of R. Jose of Sepphoris¹¹ died, he went into the Beth Hamidrash¹² and expounded there all day long; [also¹³ when a daughter of Rabbi died at Beth-Shearim, he went into the Beth Hamidrash and expounded there all day long]. Rabbah b. Bar Hanah had a bereavement [and] he thought he ought not to go out to [give] his lecture. Said Rab to him, We learned:¹⁴ 'And if the public have need of him he does not refrain'. He then thought of calling upon his 'expositor' [assistant].¹⁵ When Rab said to him, 'We learned:¹⁴ 'Provided only that he does not place [at his side] an expositor [assistant]'. But then how is he to do? — After the manner taught [in the following]: 'It happened, that when a son of R. Judah b. Il'ai died, he went into the Beth Hamidrash and R. Hananiah b. Akabia also went in and sat him down at his side: he then whispered to R. Hananiah b. Akabia and R. Hananiah b. Akabia [whispered] to the Turgeman and the Turgeman spoke aloud to the public'.

Our Rabbis taught: '[During] the first three days a mourner is forbidden to put on phylacteries.¹⁶ From the third day onward, the third day included, he is allowed to put on phylacteries and he does not¹⁷ [have to] take them off at the entry of fresh personages [visitors]:¹⁸ this is R. Eliezer's opinion.

R. Joshua says, A mourner is forbidden to put on phylacteries [during] the first two days. From the second day onward, the second day included, he is allowed to put on phylacteries; but at the entry of fresh personages [visitors] he takes¹⁷ them off.¹⁹ Said R. Mattana: What is the reason for R. Eliezer's view? — Because it is written: And the days of weeping in the mourning of Moses were ended.²⁰ Said R. Ena: What is the reason for R. Joshua's view? — Because it is written: [And I will turn your feasts into mourning . . . And I will make it as the mourning for an only son] and the end thereof as a bitter day.²¹ But as to R. Joshua, surely it is written: [And the days of weeping in the mourning for Moses] were ended? — He may reply. The case of Moses was different; the mourning for him was [more] intense. And what of R. Eliezer too, surely it is written, 'And the day thereof [I will make] as a bitter day'? — The poignancy of the bitterness is but on one day. Said 'Ulla: The halachah follows R. Eliezer in regard to taking off [the phylacteries]²² and R. Joshua in regard to putting on [the phylacteries].²³ They enquired: What of the second day [of mourning], according to 'Ulla? Does he [at the entrance of fresh personages] have to take them off, or does he not [have to] take them off? — Come and hear: 'Ulla said: He takes them off and puts them on [the second day] even a hundred times'.²⁴ Likewise it is taught: Judah b. Tema Says, He takes them off and puts them on even a hundred times. Raba said, Having put them on he does not take them off. But was it not Raba who said [above],²⁵ The halachah follows our Tanna [of the Mishnah],²⁶ who says [that the minimum observance of formal mourning is] three [days]?

(1) That the brother of the deceased husband must declare his rejection of a levirate marriage standing.

(2) Deut. XXV, 8.

(3) Yeb. 103a.

(4) The distinction is not clear, and texts vary; v. D.S. ad loc.

(5) II Sam. XIII, 31.

(6) Without any bedding.

(7) Var. lec. a bench.

(8) **אורייני** is the correct form derived from the Latin urnari(um), a low bench or stand for the urnae-cans and water buckets. This derivation fits in with the requirements of all the passages where this obscure word occurs. B.B. 144a and **עירניה** J.B.B. IX, 4; Tosef. Kel. 587, 22 and Sifra, Mezora II, Weiss 75c. Cf. however, Dictionaries and S. Krauss, T A. I., 273 n. 60 and addenda III, 361.

(9) V. marginal note according to Han. and Alfasi.

(10) The study of the Torah is considered a source of joy. Cf. Ps, XIX and CXIX, e.g. vv. 14, 16, 24, 47 etc.

(11) R. Jose b. Halaftha, prominent in the College of Rabbi.

(12) The College.

(13) This bracketed part (which occurs in MS.M.) has accidentally fallen out through the same ending 'all day long'.

(14) So MS. M.

(15) It was the practice to call upon a competent scholar or scholars at the college to stand at the side of the Principal or lecturer of the day and expound the theme to the listeners in several groups. He was called Amora or Turgeman (Meturgeman) _ expounder, interpreter (dragoman).

(16) Cf. supra 15a.

(17) In Sem. VI, and J.M.K. III, 5, it is the reverse.

(18) [Although they might be led to assume that he had donned the phylacteries also in the first two days.]

(19) Rashi: on the second day; according to J.M.K. (ibid.) in the week of mourning.

(20) Deut. XXXIV, 8. That the main mourning is during the first three days is derived by counting the three expressions, 'days', 'weeping', 'mourning'.

(21) Amos VIII, 10, which indicates that the essential mourning is but one day. .

(22) That he need not take them off on the third day at the entry of fresh visitors.

(23) On the second day.

(24) Each time at the entry of new visitors, to show the visitors that he has not been disregarding the law hitherto.

(25) 20a about keeping the bed overturned for at least three days before a festival.

(26) Supra 19a.

Talmud - Mas. Mo'ed Katan 21b

— It is different in the case of a religious precept. [like phylacteries].¹

Our Rabbis taught: A mourner is forbidden, during the first three days [to do] work, even a poor man who receives maintenance from charity; thereafter he does [his work] privately, in his house: and a woman [in mourning] plies the spindle in her house.

Our Rabbis taught: A mourner should not go during the first three days to a place of mourning;² thereafter he may go but not take a place among the comforters, but among those who are [to be] comforted.

Our Rabbis taught: A mourner is forbidden during the first three days to give greeting [of peace];³ after three and to seven [days], he responds but does not give greeting [of peace]; thereafter he gives greeting [of peace] and responds in his usual manner.

[It is stated above] 'Forbidden during the first three days to give greeting of peace'. But surely it was taught: It happened, when [two]⁴ sons of R. Akiba, [bridegrooms],⁵ died, all Israel entered⁶ and made a great lament for them, and as the people were about to depart, R. Akiba stood on a large bench⁷ and addressed them: Our brethren, the House of Israel, hear ye! Even though these two sons were 'bridegrooms',⁸ I am⁹ consoled on account of the honour you have done [them].¹⁰ And even though you have come on account of Akiba, there is many an Akiba!¹¹ But this it is what you said [to yourselves]: The law of God is in his heart, [his footsteps will not falter].¹² All the more then, two-fold be your reward: Go home unto peace!¹³ — Deference towards the public is a different matter.

[It was stated above 'After three to seven [days]; he responds but does not give greeting [of peace]; thereafter, he gives greeting [of peace] and responds, in his usual manner'. Some contrasted this statement with the following: 'One who meets his fellow mourner within thirty days, tenders him [words of] consolation but enquires not about his peace; after the thirty days he enquires about his peace, but tenders him not [words of] consolation.'¹⁴ If his [friend's] wife had died and he married another [formally],¹⁵ he is not allowed to call at his house to tender him [there,¹⁶ words of] consolation; if he meets him in the street he expresses [his condolence] to him in a low voice and with downcast looks!¹⁷ — Said R. Idi b. Abin: The mourner enquires about the peace of others [within his period of mourning]¹⁸ because others' are abiding in peace; others enquire not about the peace of the mourner, because he is not abiding in peace [but in sorrow].¹⁹ But then, since it states [in the former Baraita]: [After three to seven days] 'he responds. . .', does this not imply that others may enquire [about the mourner's peace]?²⁰ — Where they are unaware [of his bereavement]. If so, does not the same apply also to the other earlier period?²¹ — [No,] then²¹ he is obliged to acquaint them [of his sorrow] and makes no [further] response, whereas here²² he need not acquaint them [of it].

Thereupon some contrasted [this latter Baraita] with the following: One who meets another mourner within a twelvemonth tenders him [words of] consolation, but does not enquire about his 'peace';²³ after a twelvemonth, he enquires about his 'peace and does not tender him [words of] consolation, but may refer to his sorrow indirectly.²⁴ Said R. Meir: If one meets another mourner after a twelvemonth and tenders him [then words of] consolation, to what can he be likened? To [the case of] a man who had his leg broken and healed when a physican met him and said to him, Come to me and let me break it and set it [again], to convince you that my medicaments are good? — This offers no difficulty: This last citation refers to [the death of] father or mother, while the former refers to [the death of] other near of kin. But in that case²⁵ too, why not tender him [words of] consolation indirectly? — Yes indeed [he may], and what means: ['After thirty days he may] not tender him

[words of] consolation' is, [not] in one's usual manner — but he refers to his sorrow indirectly.

Our Rabbis taught: A mourner who arrives home during the first three days from a place in the near vicinity, counts [his days of mourning] with them.²⁶ If he came home from a distance, he counts on his own. Thereafter even if he came home from a place in the vicinity he counts on his own. R. Simeon says: Even if he came home on the seventh day from a place in the vicinity, he counts with them.²⁶

The Master said: 'During the first three days from a place in the vicinity, he counts with them'. R. Hiyya b. Abba, as citing R. Johanan said that this is done only where the chief person of the household was at home. The following question was then raised:

(1) Deut. VI, 8; XI. 18.

(2) Lit., 'House of mourning', i.e., either to a private house or to the cemetery to attend a funeral. Cf. Sem. VI.

(3) Lit., 'enquire about his "peace"' (welfare). E.g., Gen. XXIX, 6 and cf. supra p. 89, n. 10.

(4) Cf. D. note 7: probably during a plague.

(5) So Sem. III, 6. The expression denotes that they died in the prime of life, under thirty years of age.

(6) The cemetery.

(7) An improvised rostrum.

(8) V. p. 135 n. 8.

(9) The text reads, 'He is consoled' by way of euphemism, to avoid an omen for one who reads or recounts this.

(10) By your presence.

(11) I.e., I am not so great a man as to be entitled to it all.

(12) Ps. XXXVII, 31.

(13) Thus R. Akiba tendered 'peace' to his audience on the very first day of mourning. Cf. Sem. VIII, where this incident among others is told at length.

(14) Here ends the part that causes difficulty. The attempted reply follows later after the conclusion of the whole quotation.

(15) That is by betrothal within the thirty days of mourning: this is permitted for the sake of little children, left motherless; often it is the deceased wife's sister. He may thus marry her formally but is not to live with her as man and wife till after the period of mourning is over. Generally a widower should wait till after the three Festivals — Passover, Weeks and Tabernacles have passed, before he marries again. Cf. infra, 23a.

(16) Not to embarrass the second wife.

(17) Lit., 'with faint lip and heavy head', so as to avoid giving the impression of being cynical. | This Baraitha thus teaches that within the thirty days one may not greet a mourner, which is in opposition to the ruling of the former Baraitha that the mourner himself is permitted to exchange greetings once the seven days are over].

(18) Within the thirty days.

(19) [I.e., the two Baraithas are not contradictory: whereas the former teaches that the mourner may greet others within the thirty days, the latter forbids others to greet him within, that period.]

(20) And thus the two Baraithas are still contradictory.

(21) I.e., during the first three days.

(22) After three days.

(23) Whereas above it was ruled that after thirty days one may tender greetings.

(24) Rashi: He merely utters a word of comfort without mentioning the name of the deceased.

(25) I.e., in the case of other near-of-kin to which the former Baraitha refers.

(26) With the other members of the family.

Talmud - Mas. Mo'ed Katan 22a

What if the chief person¹ of the household had gone to the place of interment?² — Come and hear: For R. Hiyya b. Abba as citing R. Johanan. said that even if the chief person of the household went to the place of interment, he [still] counts with them. [You say] 'He counts with them?' Why, it is

taught [definitely]: ‘He counts by himself’! — That is not difficult [to explain]: The former [ruling] obtains where he returned within three [days]; the latter [ruling] obtains where he had not returned within three [days]. Similar it is to what Rab told the sons of Hazzalponi:³ Those that come [home] within three [days] should count with you; those that do not come [home] within three [days] should count by themselves. Raba told the people of Mahoza: You who do not follow the bier,⁴ should begin counting [the days of mourning] as soon as you turn your faces from the city gates.

‘R. Simeon says, Even if he came home on the seventh day from a place in the vicinity he counts with them’. Said R. Hiyya b. Gamada that R. Jose b. Saul as reporting Rabbi said: That is [done] only where [on his arrival] he found comforters still present.⁵ R. ‘Anan then enquired: What if they [the comforters] had just made ready⁶ themselves to get up [and leave] but had not yet left? — This stands over [for a solution]. The fellow-collegiate of R. Abba b. Hiyya had it as a tradition from R. Abba — Who was that [fellow-collegiate]? — R. Zera; and some say that it was the fellow-collegiate of R. Zera who had heard it from R. Zera. — And who was that [fellow-collegiate]? — R. Abba son of R. Hiyya b. Abba — who reported R. Johanan [to have stated]: ‘The halachah is to follow R. Simeon b. Gamaliel’s view on the point of terefoth⁷ and the halachah is to follow R. Simeon on the point of mourning’. The view of R. Simeon on the point of mourning is this one which we have just cited; and the view of R. Simeon b. Gamaliel on terefoth is that which is taught:⁸ ‘If intestines had become perforated and mucilage blocks the perforation, it [the animal’s flesh] is kasher’.⁹ What is ‘mucilage’? — Said R. Kahana: it is the viscous matter inside the intestines which comes away under pressure. Said someone; May I be granted to go up to [Palestine] and learn the legal dictum from the mouth of the Master himself! When he went up he came upon R. Abba son of R. Hiyya b. Abba. Said he to him: ‘Did you, sir, say that the halachah is to follow R. Simeon b. Gamaliel on the point of terefoth’? — He replied: ‘I said that the halachah is not so’! And what about the point of mourning’, [is the halachah in that case] to follow R. Simeon? — He replied: Opinions are divided on that, as it has been stated: ‘R. Hisda said, [R. Simeon’s view is] the halachah, and R. Johanan said likewise; [but] R. Nahman said, [R. Simeon’s view is] not the halachah. The [present] halachah however does not follow R. Simeon b. Gamaliel’s view in terefoth; but as to the point of mourning, the halachah is like R. Simeon’s, because of Samuel’s dictum that in matters of mourning, the halachah is to follow the [view of the] lenient authority’.

[Our Rabbis taught]:¹⁰ ‘[If] for all [other] dead one expedites [the departure of] the bier,¹¹ he is praiseworthy; but in the case of one’s father or mother, he is blameworthy. If it was the day before the Sabbath or a festival,¹² [or if pouring rain was falling on it], he is praiseworthy, as he expedites [the interment] out of deference to his father or mother. For all [other] dead, if he desires, he minimizes his business¹³ or if he does not desire,

(1) Not necessarily the senior person of the family, but the person in charge of the affairs of the household.

(2) And was away for three days. Does he count on his return with the folks at home whose period of mourning commenced as soon as the cortege departed. or does he count from the time of interment?

(3) Cf. I Chron. IV, 3. Or were these Jewish converts of the Beni-Solibi clan of bedouin Arabs, hailing from the neighbourhood of Zulfa in N.E. Arabia? V. Enc. Brit. s.v. Bedouins, III, (11th ed.) p. 623h. [Obermeyer, p. 298, identifies it with Zalfiun near Sura, the seat of Rab.]

(4) [The cemetery was far removed from the town so as not to offend the susceptibilities of the Persians who disapproved of the burial of the dead; v. Obermeyer, p. 174].

(5) Lit., ‘at his side’.

(6) Lit., ‘bestirred themselves’.

(7) Plur. of trefa, a defect indicating a disease in animals or birds slaughtered for food. Cf. Hul. III, 1ff.

(8) תניא is more correct than תני Cf. Hul. 50a.

(9) Fit for Jewish consumption, not rejected on account of some organic defect.

(10) So D.S. and many other texts. Cf. Sem. IX.

(11) I.e., hastens the interment.

(12) When delay involves keeping the body till the day after their termination.

(13) I.e., his business affairs (Rashi) before the funeral. Or, according to Han. quoting Palestinian Talmud, he minimizes the expenses of the funeral and lament. Cf. J.M.k. III, 8.

Talmud - Mas. Mo'ed Katan 22b

he does not minimize it'; but for his father or mother he should minimize [his business].¹ For all [other] dead, if he desires, he bares [his shoulder] and if he does not desire he does not bare it; for his father or mother he must bare [his shoulder].² It happened once with a certain 'great man of the generation' whose father had died, that he desired to bare [his shoulder],³ and [another] 'great man of the generation' that was with him desired to bare his too, and on that account he [the mourner] refrained and did not bare [his shoulder].⁴

Said Abaye, The 'great man of the generation' referred to was Rabbi, and the [other] 'great man of the generation' that was with him was R. Jacob b. Aha [the elder]. Some say that 'the great man of the generation' was R. Jacob b. Alia and the [other] great man of the generation' that was with him was Rabbi. Now it seems correct if Rabbi was the 'great man of the generation' that was with him [with the mourner], we understand why [R. Jacob b. Aha]⁵ refrained and did not bare [his shoulder and heart];⁶ but according to the [other] report that Rabbi [was the mourner] and that R. Jacob b. Aha was the 'great man of the generation' that was with him, why did not he [Rabbi] bare [his shoulder and both hands] as Rabban Simeon b. Gamaliel [Rabbi's father] was the Nasi, and everybody should by rights have bared [their shoulders]!⁷ — This is difficult [to explain].

'For⁸ all dead one has his hair trimmed after thirty days; for one's father or mother [one lets his hair grow long]⁹ until his companions rebuke him. For all dead one enters a house of rejoicing after thirty days; for his father and mother [not] till after twelve months'. Rabbah b. Bar Hanah¹⁰ said:¹¹ 'And [one may go] to a joyous entertainment of comrades'.¹² An objection was raised: 'And [one may not go to a joyous [feast] as well as to [an entertainment of] rejoicing and to comrades [for] thirty days'!¹³ — This [divergence] presents difficulty.

Amemar taught [his comments] on that [same] Baraita thus: Said Rabbah b. Bar Hanali, 'But [to go] to a joyous entertainment of comrades is allowed forthwith'.¹⁴ But then [in another version] it is taught: '[One may go] to a joyous [feast] after thirty [days] and to an entertainment of comrades [after] thirty days'? — This [discrepancy] is not difficult [to explain]; the latter [version] refers to a first¹⁵ [invitation to an] entertainment [of comrades], while the former [version] refers to a return entertainment¹⁶ [of comrades].

'For all¹⁷ [other] dead one makes a rent [in his tunic] of a handbreadth [in depth]; for one's father or mother [he rends his clothes] till he bares his heart [chest].' Said R. Abbahu, What text is there [which teaches this]? Then David took hold on his clothes and rent them,¹⁸ and there is no taking hold [of anything] by less than a hand's breadth.¹⁹

'For all [other] dead one rends only the uppermost [garment] even though he be wearing [then] ten; but for one's father or mother one rends them all'. And [the rending of] one's undershirt is not indispensable, be it in man or woman; R. Simeon b. Eleazar says. 'A woman rends her undermost garment and turns it [front to] back and then again rends her uppermost garment,²⁰ For all [other] dead, if one desire he divides the [upper] selvage-border of his [garment],²¹ and if he does not desire he does not divide it; for his father or mother he must divide, R. Judah says, Any rending [of a garment] that divides not the selvage-border thereof is mere make-believe. Said R. Abbahu: What is the reason for R. Judah's [statement]? — The text: [And Elisha saw it, and he cried, My father, my father, the chariots of Israel and the horsemen thereof! And he saw him no more] and he took hold of his own clothes and rent them in two pieces.²² Once it says 'and he rent them' do I not know that he

rent them in two? But [the addition of 'in two'²³ implies] that [at the rent] the garments appeared as if torn into two [separate] pieces.²⁴

'For all [other] dead, one tacks²⁵ the rent together after seven [days] and [completely] reunites [the edges] after thirty [days]; for one's father or mother one tacks it together after thirty [days], but never reunites [the edges]; a woman tacks it together forthwith, out of the respect due to her. When R. Abin came [from Palestine] he said as citing R. Johanan: 'For all [other] dead, if one desires, he rends [his garment] with the hand, or if he desires he rends by an instrument; for one's father or mother one rends with the hand'. And R. Hiyya b. Abba said, as citing R. Johanan: 'For all [other] dead [one rends] inside;²⁶ for one's father or mother one rends outside'.²⁷

R. Hisda observed: And the same rule obtains²⁸ on the [death of a] Nasi. An objection was raised: '[Those other dignitaries]²⁹ were not deemed equal to one's father or mother save in regard to re-uniting [the edges of the rent] alone'. Does not this [inequality] hold also for the Nasi?³⁰ — No, the Nasi alone [is an exception].³⁰ The Nesi'ah³¹ died. Said R. Hisda to R. Hanan b. Raba:³² Turn the mortar³³, upside down, stand on it and show the rending [of garments] to all the people!

For a Hakam [sage]³⁴ one bares [the hand and shoulder] on the right; for the Ab Beth din, on the left, and for a Nasi on both sides'.

Our Rabbis taught: When a Hakam dies, his Beth Hamidrash is in vacation; when the Ab Beth din dies all the Colleges in his city are in vacation and [the people of the synagogue]³⁵ enter the synagogue[s] and change their [usual] places: those that [usually] sit in the north sit in the south and those that [usually] sit in the south sit in the north. When a Nasi dies, all the Colleges are in vacation³⁶ and the people of the synagogue enter the synagogue³⁷

(1) I.e., even after the burial, during the thirty days of mourning. Han. and Hay Gaon, quoted Otz. Hag. no. 199.

(2) And also bares his heart (chest). Sem. IX.

(3) For a Hakam (doyen), the (shoulder and) right hand are bared; for the president of the Beth din, the (shoulder and) left hand are bared; for the Nasi both (shoulders and) hands are bared. It happened, when R. Eliezer died, that R. Akiba bared 'both his hands' (arms) and beat his breast till it was bleeding and he said: my father, my father, the chariots of Israel, and the horsemen thereof. (II Kings, II, 12). Sem. IX. Cf. infra 22b.

(4) Here the series of citations from Sem. IX is interrupted by an observation of historical interest.

(5) D.S. and many other texts.

(6) Out of deference to Rabbi who was the Nasi, and therefore for him it was *infra dignitatem*. This was no disrespect to R. Jacob's father, as this is provided for in the rules: 'And if they (one's father or mother) seem not important (enough) for (the baring), he (the son) does not bare himself even for his father or mother'. Sem. IX. It should be noted that R. Jacob's father was not a qualified Rabbi, and that if 'Rabbi' Judah, the Nasi did out of deference to R. Jacob b. Aha bare himself, it would cause adverse comment among those present at the funeral. On R. Jacob b. Aha's status, v. Shab. 31a and A. Hyman, Toledoth s.v. II, 774a.

(7) V. p. 140, n. 8.

(8) The quotation is resumed.

(9) So D.N. and other texts. V. Tosaf. s.v. **עד**.

(10) Var. lec. Rabbah b. R. Huna.

(11) [In commenting on the rule that one may enter a house of rejoicing after thirty days].

(12) **שמהת מריעות**. For the expression, cf. Judg. XIV, 10ff, where it is connected with a betrothal or marriage celebration. It is thus taken by SBH p. 110. Generally, however, it is taken to denote an ordinary social repast shared with one's intimate friends. The import of Rabbah's observation is rather ambiguous and, accordingly, taken variously: — (a) A comrade's entertainment may not be attended until before the thirty days are over, as there is conviviality, eating and drinking; much less may one go to a joyous celebration, such as a betrothal, or marriage ceremony with music and singing. (b) That a comrade's entertainment which provides enjoyment for one's own boon companions should not be entered upon before thirty days; but at a religious ceremonious celebration, a marriage ceremony, a circumcision etc. one

may attend sooner, especially if one does not join in the feasting. V. Tosaf., Asheri par. 41, Nahmanides (Torath ha-Adam) and Ritba.

(13) [This proves that the two phrases are not identical].

(14) At the termination of the seven days.

(15) There are various readings: D.S. reads — ארשיותא ; SBH: ארשותא — from רשא , ‘to begin with’. Cf. Ber. 46a and Ritba: ** — a ‘voluntary’ entertainment, which can be fixed for a later date.

(16) I.e., when it is his turn to entertain or to attend and he cannot defer it or absent himself and therefore may hold his entertainment forthwith. So Han.

(17) The quotation is resumed. V. supra p. 141, n. 8.

(18) II Sam. I, 11.

(19) Cf. Suk. 32fr, and Nid. 26a.

(20) Thus avoiding exposure of her chest.

(21) About the neck and shoulders.

(22) II Kings, 11, 12.

(23) Lit., ‘And he rent them in two rent pieces’.

(24) So infra 26a (for parents or one's teachers). V. D.S. p. 76 n. 7.

(25) Roughly, large basting stitches.

(26) Privately, aside, turned away from the bystanders (Rashi); or, rending an interior garment (Giat). V. Ritba.

(27) Coram populo, demonstratively displaying his grief before all present.

(28) As in the case of a parent, to rend publicly.

(29) One's master, the Nasi, and the president of the Beth din. Cf. infra 26a (top).

(30) In regard to rending the garment publicly.

(31) The descendant-successors of R. Judah Ha-nasi were denominated Nesi'ah (Aramaic form of ha-Nasi).

(32) Var. lec. R. Nahman b. Ammi.

(33) The mortar was a large crib or trough (for pounding olives for the press or soaking barley for brewing beer) cf. A.Z. 8b and Keth. 8a.

(34) The official title of the consultative expert of a constituted Beth din, next in rank to the Ab Beth din, Vice President of the Court and the Nasi. V. Hor., Sonc. ed. p. 101, nn. 6 and 8.

(35) So Han; Asheri etc. read: and the people of his town.

(36) Cf. Keth. 103a-b.

(37) On the Sabbath day.

Talmud - Mas. Mo'ed Katan 23a

and seven persons read [the weekly portions of the Torah]¹ and thereafter they come away. R. Joshua b. Korhah says, Not that they go and walk about in the street but they sit [at home] in silence.² Neither a halachic theme³ nor an aggadah should be discussed in the house of mourning. It was related of R. Hananiah b. Gamaliel that he used to speak on halachic and aggadic themes in the house of mourning.

Our Rabbis taught: during the first week a mourner does not go out of the door of his house; the second week he goes out but does not sit in his [usual] place [in the synagogue];⁴ the third week he sits in his [usual] place but does not speak; the fourth week he is like any other person. Says R. Judah: There was no need to say ‘In the first week he does not go out of the door of his house’, as then everybody comes into his house to comfort him; [what it should] rather [say is that] the second [week] he does not go out of the door of his house; the third [week] he goes out but does not sit in his [usual] place [in the synagogue]; the fourth [week] he sits in his place but does not speak; in the fifth [week] he is like any other person. Our Rabbis taught: For [the whole] thirty days [the mourner is debarred from] taking a wife. If his wife died, he is forbidden to take another until three Festivals have gone by. R. Judah says. [Until] the first festival and the second he is forbidden [to marry]; before the third he is allowed. If he have no children he may take a wife forthwith,⁵ lest [otherwise]⁶ he may fail in [the duty of] procreation.⁷ If she left him little children, he is allowed to take a wife

forthwith to take care of them. It happened that the wife of Joseph the Priest died and he said on the burial ground to her sister: Go and take care of your sister's children: nevertheless he did not go in to her [as husband] till a long time after. What is [meant by] a 'long time'? — R. Papa said, Alter thirty days.

Our Rabbis taught: [During the whole] thirty days [the mourner is debarred from donning] pressed⁸ clothes: it makes no difference whether they be old or new clothes coming out of the press.⁹ Rabbi says, They only forbade new clothes; R. Eleazar son of R. Simeon says, They only forbade new white linen clothes.

Abaye went out¹⁰ in a worn sarbal,¹¹ in accordance with Rabbi.¹² Raba went out¹³ in a new Roman re tunic,¹⁴ in accordance with R. Eleazar son of R. Simeon.¹⁵

BECAUSE THEY [THE SAGES] SAID¹⁶ THAT THE SABBATH ENTERS [INTO COUNT] BUT DOES NOT INTERRUPT; [WHILE FESTIVALS INTERRUPT, AND DO NOT ENTER INTO COUNT]. The Judeans and the Galileans [differed in regard to this Mishnah], the one party saying

(1) But pray individually, not as a congregational service. So Rashi. This however is contradicted by a responsum of Natronai Otz. Hag. (Lewin) n. 91.

(2) Han. Alfasi, MS.M. etc. read: 'sit in anguish'. Sem. X (end) enlarges: They sit or stand saddened and are like people who have Parnes (leader). When the time of rising arrives they minimize their affairs and rise'.

(3) שמועה — a novel exposition of the legal import of a Mishnah, Baraita 'heard' from some prominent teacher. Aggadah, is a homiletical exposition of ethical import.

(4) Sem. X.

(5) If the date of nuptials had been fixed before the bereavement took place.

(6) Delay might lead to a cancellation of the match and loss of his only opportunity for a suitable spouse.

(7) V. Gen. I, 27-28; II, 24.

(8) I.e., ironed, or pressed smooth out of their creases. S. Krauss, TA I, 156, 581 translates, 'bleaching';

(9) After bleaching, the clothes were put in a press; v. Krauss, loc. cit.

(10) During the thirty days of mourning.

(11) גרדא דסרבלא: In Syrian grida means a worn garment, or piece of cloth. Is גרדא perhaps the Aramaic equivalent of the Greek ** or **? which means a shabby, rough cloak or cape. Sarbal means a mantle (and sometimes, Persian trousers). V. Kohut Ar. Compl. s.v. סרבל. Jast. renders, in a fresh scraped and smoothed cloak.

(12) [Who permitted freshly pressed or bleached clothes provided they were not new].

(13) During the thirty days of mourning.

(14) Or shirt.

(15) [Who forbade new pressed clothes only if white].

(16) In reference to the efficacy of festivals or the Sabbath to cancel or defer the observances of formal mourning. V. Mishnah, supra 19a.

Talmud - Mas. Mo'ed Katan 23b

that [some] mourning is to be observed¹ on the Sabbath and the others saying that there is no [observance of] mourning on the Sabbath. Those that said that [some] mourning is observed on the Sabbath based themselves on the wording in the Mishnah, [THE SABBATH] ENTERS [INTO COUNT]; the others who said that mourning is not observed on the Sabbath based their view on the wording [AND] DOES NOT INTERRUPT. For, [said they], should you assume that mourning is to be observed on the Sabbath, why need we have [the reservation] AND DOES NOT INTERRUPT? But surely it states [also], [THE SABBATH] ENTERS [INTO COUNT]! — Because he has to teach in the latter part that [FESTIVALS]. . . DO NOT ENTER INTO COUNT, he teaches also [for the sake of symmetry] in the former part [THE SABBATH] ENTERS [INTO COUNT]. And as to the other side who said that [some] mourning is to be observed on the Sabbath, surely it states AND

DOES NOT INTERRUPT? — Because he has to state in the latter part that [FESTIVALS] INTERRUPT [the mourning], he teaches also [for the sake of symmetry] in the former part [THE SABBATH. . .] DOES NOT INTERRUPT.

Might not one suggest that their disagreement goes back to the [divergent] views of [older] Tannaim [as set out in the following Baraita]? For it has been taught: ‘One who has his dead laid out before him eats [his meals] in another house [room]; if he have not another house [room], he eats in his friend's house; if he have not a friend's house [available], he makes him a partition [ten handbreadths high];² if he have not the wherewithal to make a partition, he turns away his face as he takes his meals. And he does not recline³ as he eats [nor does he eat his fill]⁴ — he eats not meat nor drinks wine, nor does he say the grace. nor does he invite others [partaking in the meal to join in grace with him]⁵ nor do others invite him,⁶ and he is exempt from a recital of Shema’,⁷ from Saying the Tefillah⁸ or donning phylacteries, and [exempt] from the performance of any religious duties that are commanded in the Torah. [When do these said restrictions obtain? On weekdays];⁹ but on Sabbath¹⁰ he takes meals reclining, eats meat and drinks wine, recites grace, invites others [to join him] and others invite him and it is incumbent on him to recite the Shema’ and to say the Tefillah¹¹ and to perform all the religious duties commanded in the Torah. Rabban Gamaliel¹² says,¹³ Since he re-enters into these several obligations [here mentioned] he enters into the obligation of all [religious duties].’ [And commenting on this] R. Johanan said that the actual difference between them is the question of ‘using the [marital] couch’.¹⁴ Now, is not this the issue between them: One Master¹⁵ takes the view that [some] mourning is to be observed on Sabbath and the other Master¹⁶ that there is to be no mourning on Sabbath? Why [do you think so]? Perhaps there¹⁷ the first Tanna might not have gone so far as to forbid,¹⁸ save only because his dead is still laid out in front of him; but here,¹⁹ he might not [forbid].²⁰ Again, Rabban Gamaliel there²¹ would not have gone so far as to allow,²⁰ save only because there²¹ the incidence of mourning has not yet occurred;²² whereas here,¹⁹ where the incidence of mourning has already occurred, he might also [forbid].²⁰

(1) privately, at home, e.g., covering the head, sleeping on an overturned couch, not occupying the marital couch, not greeting with ‘peace’. ‘In Judea they greeted mourners with "peace" on entering and leaving his house, to show that mourning did not obtain on Sabbath’. Sem. X (end.).

(2) This is a gloss — not found in the parallel texts — on the technical height of a partition. Cf. Shab. 6a — and Tosa, Suk. 5b s. v. **עשרה**.

(3) On a couch or seated round the table with others; that is, he does not have his meals in style.

(4) Sem. adds: ‘Nor does he eat all he requires’ — i.e., his fill.

(5) Three or more eating together should join as a group in saying grace. Cf. Ber. 45a.

(6) [Rashi Ber. 17b explains differently: He recites no benediction before meals, nor does he say grace after meals. Nor do others recite the benediction before meals on his behalf, nor does he join in the grace after meals.]

(7) ‘Hear, O Israel. . .’, Dent. VI, 4ff Cf. P.B. pp. 30ff

(8) The ‘Amidah, or the ‘Eighteen Benedictions (19) Prayer’ for weekdays. V. P.B. p. 44ff.

(9) So Sem. X.

(10) Sem. *ibid.* adds, he eats according to his requirements.

(11) The ‘Amidah or Seven Benedictions for the Sabbath. MS. M. omits ‘phylacteries’, as these are never donned on Sabbath.

(12) So also Sem. and other texts. In Ber. 17b Rabban Simeon b. Gamaliel.

(13) Sem. inserts: A mourner on Sabbath is as if he were no mourner.

(14) I.e., marital intercourse during the Sabbath, which is otherwise forbidden during the week of mourning. Rabban Gamaliel's statement implies that he is permitted to use the marital couch on the Sabbath of the week of mourning. Conjugal rights are among the Scriptural obligations of a husband to his wife. Ex. XXI, 10 and cf. Keth. 61a.

(15) The first Tanna in the cited Baraita.

(16) R. Gamaliel.

(17) In the Baraita which deals with the case before burial.

(18) The conjugal couch on the Sabbath.

- (19) In the Mishnah which deals with mourning after the burial.
 (20) The conjugal couch on the Sabbath.
 (21) In the Baraitha which deals with the case before burial.
 (22) The observance of formal mourning does not begin till after the funeral.

Talmud - Mas. Mo'ed Katan 24a

Mar Yohani¹ enquired of Samuel, Was there [some] mourning [to be observed] on Sabbath or was there no mourning on the Sabbath? — He replied, There is no mourning [to be observed] on the Sabbath.

Some Rabbis sitting in the presence of R. Papa reported in the name of Samuel that a mourner who used the conjugal couch during the [seven] days of his mourning is guilty of a mortal offence. Said R. Papa to them, What was reported was that it is 'forbidden', not 'a mortal offence', and in the name of R. Johanan it was reported [and not in the name of Samuel]; and if you heard aught [condemned] in the name of Samuel [as a mortal offence] it was this: 'Said R. Tahlifa b. Abimi, as reporting Samuel, A mourner who did not let his hair grow long and did not rend his clothes is guilty of a mortal offence. For it was said [to Aaron and his surviving sons]:² Let not the hair of your heads go loose neither rend your clothes, that ye die not. . . ,³ which [clearly] implies that any [other] mourner if he has not let the hair [of his head] go loose and has not rent his clothes, is guilty of a mortal offence'.

Rafram⁴, b. Papa said, It is taught in the Ebel Rabbathi:⁵ 'A mourner is forbidden to use the [conjugal] couch during his [seven] days of mourning'; and it happened [once] with one who used his [conjugal] couch during the [seven] days of his mourning that swine hauled away his carcass.⁶

Samuel said, Pahaz,⁷ are obligatory; Natar,⁷ are optional [on the Sabbath] i.e., the unveiling of the head,⁸ turning the rent side [of his garment] from front to back and tilting up the couch [into its normal position] are obligatory [on the mourner, in honour of the Sabbath]; donning sandals, the use of the conjugal bed and washing his hands and feet with warm water at [the approach of the] Sabbath even are optional.⁹ But Rab says, The unveiling of his head is also optional. Now, what is the difference in the case of the donning of sandals [on the Sabbath] that Samuel treats it as optional? [presumably] because not everyone usually wears shoes;¹⁰ is it not so likewise with the unveiling of the head, as not everybody generally goes about with head unveiled? — Samuel is consistent in this, as Samuel said, 'Any rending [of clothes] not done in the flush [of grief]¹¹ is not a [proper] rending, and any muffling [of the face] not alter the manner of the Ishmaelites,¹² is not a proper muffling [for a mourner]'. R. Nahman demonstrated it [by covering himself up in his mantle] right up to the sides of the beard.¹³

Said R. Jacob, as reporting R. Johanan: This statement was made [above]¹⁴ only in reference to one who has no shoes on his feet, but if he has shoes on his feet [on the Sabbath] his shoes give evidence about him.¹⁵

'Any rending [of clothes] not done in the flush [of grief] is not a [proper] rending'. But yet [when] they said to Samuel, 'Rab's soul has gone to rest', he rent on account of him thirteen garments [and] said: 'Gone is the man before whom I trembled'!¹⁶ When they told R. Johanan. 'The soul of R. Hanina has gone to rest', he rent on account of him thirteen robes¹⁷ of Milesian wool and said: 'Gone is the man before whom I trembled'!¹⁸ — Rabbis are in a different category, since their discussions are always recalled it is [for us] like 'the first flush [of grief]'.¹⁹

Said Rabin b. Adda to Raba: Your disciple R. Amram said that it was taught, 'A mourner [hearing of a fresh bereavement] at any time during the seven [days] rends his [clothes] in the forefront

thereof, and if he has [occasion] to change [the garment], he changes and rends afresh; on the Sabbath he rends [on hearing the news] in the hinder part [of the garment]. and if he has [occasion] to change it, he changes but tears not [afresh]’?²⁰ — That was taught only where [it was] in honour of one's father or mother, [but not for other near of kin].

Are such rents [to be] sewed up²¹ or are they not [to be] sewed up? — On that, [Nahmani]²² father of R. Oshaia and Bar Kappara held different views, one saying that the rents are [to be] sewed up and the other saying that they are not [to be] sewed up. May it be inferred that it was the father of R. Oshaia that said that these were not [to be] sewed up, as R. Oshaia said that they were not [to be] sewed up; from whom had he heard this if not from his father? — Not [necessarily]: he [R. Oshaia] heard it from his master, [who was] Bar Kappara.

Raba said, A mourner may walk about in his [rent] wrap²³ indoors [on the Sabbath]. Abaye found R. Joseph going in and out of his house, his head covered with a sudarium²⁴ [on the Sabbath]. Said he to him:²⁵ Do you not, sir, hold the view that there is to be no [observance of] mourning on the Sabbath? — He replied: Thus said R. Johanan: ‘Intimate [forms of] mourning may be maintained [on the Sabbath]’.

R. ELIEZER SAYS, SINCE THE SANCTUARY [AT JERUSALEM] WAS LAID IN RUINS [THE FEAST OF] ‘AZERETH²⁶ [IS CONSIDERED] AS AN [ORDINARY] SABBATH, etc. Said R. Giddal b. Menashia as citing Samuel, The halachah follows the opinion of Rabban Gamaliel. And some attach this comment of R. Giddal b. Menashia to [the following Baraita]: ‘Any infant up to thirty days old is carried out in arms²⁷ and buried by one woman and two men, but not by one man and two women.’²⁸

(1) According to older editions and MS.M. V. D.S. p. 78. n. מ R. Johanan in our text is corrupt. V. Tosaf. s.v. בעא . V. also Hyman, ‘Toledoth, 653a who cites A.Z. 16b.

(2) When Nadab and Abihu died on the day of their induction.

(3) Lev. X, 6.

(4) An abbreviated form of R. Ephraim.

(5) אבל רבתי Major (tractate) on Mourning mentioned again infra 26b, identified with Sem. Reference is also made to a ‘Minor Tractate on Mourning’ — אבל זוטורתי by Salomo beli Hajathom (SBH) in his Commentary on M.K. (ed. H. P. Chajes, 1909, p. 125) who saw both at Rome. V. Strack's Einleitung in Talmud und Midrash (5th ed., 1921, p. 73, c).

(6) A liter: his membrum virile, as per talionem.

(7) Abbreviation used as a word of the rules that follow. P = Pri'ath ha-Rosh (unveiling of the head); H = Hazarath Keran' (turning of rent). Z = Zekifath ha-mittah (tilting up the couch); N = Ne'ilath Ha-sandal (donning sandals); T = Tashmish ha-mittah (Use of conjugal bed); R = Rehizath yadaim etc. (washing hands etc.).

(8) Ct infra n. 5.

(9) Opinion differed considerably on this also in Palestine. V. J.M.K. III, 5. Cf. n. 7 infra.

(10) On the Sabbath, and therefore the variation in honour of the Sabbath is not so marked after all.

(11) At the moment of death, or on first hearing the sad news.

(12) Samuel is speaking of the customs in Babylon where many Arabs had come to settle in constant streams from Arabia.

(13) That is, drawing the mantle together so as to enfold the forehead above and the chin and mouth below, leaving only nose and eyes exposed, as a mourner is to keep silence.

(14) In regard to the differences between Rab and Samuel about uncovering the head.

(15) That he is not observing mourning on the Sabbath.

(16) On account of his great learning.

(17) Stolae.

(18) On account of his great learning.

(19) I.e., each time when their discussions are recalled.

- (20) Which shows that rending is not limited to the first flush of grief.
- (21) Lit., 're-united', properly mended.
- (22) V. Hyman Toledoth I, 116a.
- (23) Heb. אֲוֹנָקָרִי, probably the Latin amiculum, an upper cloak. Cf. Becker's Gallus (E.T. ed. 4) Excursus II on dress, p. 436ff.
- (24) A square piece of cloth worn as a kerchief.
- (25) Abaye was a disciple of R. Joseph.
- (26) The Feast of Weeks. V. Mishnah and notes supra 19a.
- (27) Lit., 'bosom'.
- (28) For reasons of propriety. Cf. Kid. 80b.

Talmud - Mas. Mo'ed Katan 24b

Abba Saul says, Even by one man with two women. And they [the people] do not stand in line¹ on the [immature] infant's account, nor do they [need] to recite the [usual] mourners' benediction,² nor tender the [usual] condolence to the mourners. An infant thirty days old is taken forth [to burial] in a case.³ R. Judah says: Not a case that is borne on the shoulder, but one that is borne in the arms; and the people stand in line¹ on its account, and recite the [additional] mourners' benediction² and tender the [usual] condolence to the mourners. One twelve months old is taken forth [to burial] on a bier; R. Akiba says, If the infant is twelve months old and its limbs are like those of one two years old, or two years old and its limbs are like those of one twelve months old, it is carried out on a bier. R. Simeon b. Eleazar says, For any one that is taken out on a bier the public [should] show their distress;⁴ for any one that is not taken out on a bier the public do not [need] to show their distress. R. Eleazar says, If he is known to the public at large, the public should participate in the proceedings; if he be not known to many [of the public] they do not [need] to participate. And what is the rule in respect of making lamentation for them? R. Meir in the name of R. Ishmael says: In the case of the poor lamentation is made for a child of three and in the case of the rich for a child of five.⁵ R. Judah speaking in his [R. Ishmael's.] name says: With the poor [they make a lament] for children of five; with the rich for children of six. And [as for] the children of 'elders', they are [treated] in the same way as the children of the poor.⁶ Said R. Giddal b. Menashia, as citing Rab,⁷ The halachah is as stated by R. Judah in the name of R. Ishmael.

R. 'Anani b. Sason⁸ gave a discourse at the door of the Prince⁹ [and said]: 'One day [of mourning] before 'Azereth¹⁰ [the Feast of Weeks] with [one day of] 'Azereth count as fourteen days [out of the thirty].' R. Ammi heard of this and was indignant saying. Is that his own view? It is what R. Eleazar [b. Pedath] said as citing R. Oshaia! R. Isaac the smith gave a discourse at the marquee¹¹ of the Exilarch [and said]: 'One day [of mourning] before 'Azereth with the [one day of] 'Azereth, count as fourteen days [out of the thirty]'. R. Shesheth heard of this and was indignant, saying, Is that his own view? It is what R. Eleazar said, as citing R. Oshaia! For R. Eleazar, citing R. Oshaia, said: Whence is derived the ruling that 'Azereth [the Feast of Weeks] is allowed a supplementary extension to full seven days?¹² From what is said: Three times in a year shall all thy males appear before the Lord thy God in the place He shall choose: on the Feast of Unleavened Bread and on the Feast of Weeks and on the Feast of Tabernacles; and they shall not appear before the Lord thy God empty.¹³ Just as the Feast of Unleavened Bread has a supplementary [period] to full seven days [for the celebration offerings],¹⁴ the Feast of Weeks¹⁵ has likewise a supplementary extension [for festive offerings] of full seven days.¹⁶ R. Papa invited¹⁷ the elder R. Awia [to act as expositor] and he expounded [the theme]: 'One day [of mourning] before New Year and New Year's Day [together] account for fourteen [out of the thirty days]'. Said Rabina, According to this, then, one day [of mourning] before 'the Feast' [of Tabernacles] together with the [seven days of the] festival and 'the Eighth Day' [of 'Solemn Assembly'] account [together] for twenty-one [out of the thirty days of mourning]. Rabina turned up at Sura-on the Euphrates¹⁸ when R. Habiba of Sura-on-the Euphrates put the question to him: Did you, sir, say that one day¹⁹ before New Year and New Year's Day [together] account for

fourteen [out of the thirty days]? — He replied, I did say that, arguing on [the basis of] Rabban Gamaliel's view.²⁰

MISHNAH. NONE REND [THEIR CLOTHES] NOR BARE [THEIR SHOULDER], NOR PROVIDE A REPAST [FOR THE MOURNERS]²¹ SAVE THOSE [WHO ARE] NEAR OF KIN TO THE DEAD; NOR DO THEY PROVIDE A REPAST SAVE [SEATED] ON AN UPRIGHT COUCH.²²

(1) To offer condolence to the mourners.

(2) V. Keth. 8b, foot-note.

(3) דְלוֹסְקָמָא (a Doric form of) **.

(4) מַעְצִיבִין (פְּנִים) מִצְהִיבִין (פְּנִים) Cf. e.g., Gen, VI, 6; Neh. VIII, 9-10.

(5) [The grief of the poor at the loss of a child is greater than among the rich, since a child is the poor's only joy (Rashi)].

(6) For variations on the passage v. Sem. III, 2-4.

(7) Han. has, 'As citing Samuel'.

(8) Identical with עֲנִיָאֵל בַּר שִׁשׁוֹן and בַּר סִיסִי v. Zuri's שְׁלֵטוֹן הַנְּשִׂאוֹת (London, 1934) Voi I, book 3, sec. 2, pp. 36 and 142.

(9) Judah II.

(10) Pentecost, a one-day feast.

(11) Or castle.

(12) For making the prescribed 'festive' offering at the Temple. If one had been unable to make it on the festival itself, it may be done up to the seventh day after.

(13) Deut. XVI, 16.

(14) Cf. Hag. 9a.

(15) I.e., Azereth, though essentially a Feast of but one day.

(16) The same argument applies to the analogy with the Feast of Tabernacles which has a range of eight days; but this argument is logically questioned, as thereby the one-day Feast of Weeks would be entitled to a day more than the seven-day Feast of Mazzoth; besides, it is shown that the eighth day of Tabernacles is, by virtue of its special sacrificial tariff a distinct Feast by itself. Cf. Hag. 17a and note discussion that follows.

(17) אֲדַבְרִיהָ Lit., 'took him along, brought or led him forward'. R. Papa, as Principal, invited him to act as Amora or Turgeman of the occasion (cf. supra p. 133, n. 10). probably on one of the two or four Sabbaths preceding a festival — שְׁבִתָּא דְרִיגְלָא — when the theme was seasonal. Cf. Pes. 6a-b and more fully in Tosef. Meg. IV, 5: 'And they enquire about the laws of Passover at Passover; the laws of Azereth at 'Azereth; the laws of the Feast (of Tabernacles) at "the Feast" in the House of the Assembly (בְּבֵית הַוְעָד). And they enquire about the laws of Passover thirty days preceding the Festival'. And on the expression אֲדַבְרִיהָ v. Bez. 29a (Sonc. ed., p. III, n. 3).

(18) Cf. supra 20a, p. 127.

(19) 'Even one hour's mourning before the festival'.

(20) V. Mishnah supra 19a.

(21) After the interment at the house of the mourners, and sometimes in the special forum on the burial ground, where the lament was held. Cf. supra 5b and the formal tendering of comfort with the first repast which followed. Cf. infra 27a. Shab. 105a (Rashi), and Keth. 8b.

(22) I.e., a couch in its normal position. J.M.K. and other texts read, 'upright couches', i.e., couches for both the comforters and the mourners. 'Such was the custom; when they provided the mourners' fare and wished to take the meal, they set up the couches erect, and after the comforters left (the house) they overturned (upset) them (again)'. V. B.M. Lewin, Otz. Ha;. IV, n. 132.

Talmud - Mas. Mo'ed Katan 25a

GEMARA. [NONE REND etc.] even though [the dead be] a recognized scholar.¹ But then, it is taught [otherwise]: If a scholar dies, all are his near of kin?² 'All are his near of kin', say you? — Rather All are like his near of kin. — All rend their clothes on his account and all bare [their shoulders] on his account and all provide a repast for those that mourn on his account in the broad

space?³ — It⁴ is a necessary ruling where the deceased was not a scholar. But then if the deceased was a worthy person, one is [still] in duty bound to rend his clothes, as it is taught: ‘Wherefore do a person's sons and daughters die in infancy? That one should weep and mourn for a worthy person.’ — [You say]. ‘That one should weep and mourn [for a worthy person]!’⁵ What, levy a distress on one [in advance]?⁶ — Say rather, ‘Because one has not wept and mourned for a worthy person’. — ‘For⁷ whoever weeps and mourns for a worthy person, all his sins are forgiven him, on account of the honour he rendered to him [the deceased]’? — It is necessary⁸ where the deceased is not a [particularly] worthy person. But yet if one stands here, at the time of a person breathing his last, one is [also] in duty bound [to rend his clothes]. as it is taught: R. Simeon b. Eleazar says, One who stands near the dying, at the time when he breathes his last, he is in duty bound to rend [his clothes]: To what is this like? To a scroll of the Law that is burnt,⁹ when one is in duty bound to rend [his clothes]. — It is a necessary¹⁰ ruling where one was not standing there at the time when the dying breathed his last.

When the soul of R. Safra¹¹ went into repose, the Rabbis did not rend [their clothes] on account of him,¹² since, they said, We have not learnt from him [directly].¹³ Said Abaye, Is it taught: ‘When a Master died’? The teaching is: ‘When a scholar dies [all are his near-of-kin]’. Besides, we repeat daily the halachic interpretations reported [in his name] at the College! The [Rabbis of the College] then took the view that what was done was done.¹⁴ Said Abaye to them, We learned: ‘If a scholar dies, as long as they are engaged in a lament for him they are in duty bound to rend [their clothes]’. They thought then of rending forthwith [their clothes].¹⁵ Said Abaye to them, [No], it is taught: ‘A scholar is honoured at the lament held [on his account].’¹⁶

When the soul of R. Huna¹⁷ came to repose, they thought of Placing a scroll of the law on his bier.¹⁸ Said it. Hisda to them: Should one do for him now something that he did not countenance in his life-time? For R. Tahlifa¹⁹ said: I myself [once] saw R. Huna when he wanted to sit down on his couch, but there was a scroll of the law lying on it, so he put an inverted jar on the ground and put on it the scroll of the law. Obviously he thought that it was forbidden to sit on a couch when there was a scroll of the law lying thereon. Then the bier could not be got through the doorway²⁰ and they thought of letting it down from the roof. Said R. Hisda, I have learnt this from himself: ‘The honour of a scholar requires that his bier should pass through the door’. They then thought of transferring him from this bed to another, but said R. Hisda to them, I have learnt thus from himself: ‘The honour of a scholar requires that he should be taken out on the first bier’. For Rab Judah, as citing Rab, said, Whence is derived the lesson that the honour of a scholar requires that he should be borne on his first bier? From what is said: And they set the ark of God on a new cart²¹ and brought it out of the house of Abinadab that was on the hill.²² They then readied the gateway and brought it out.

R. Abba then opened [his funerary address]: ‘Our Master [said he] was worthy that the Shechinah²³ should abide with him, but [the fact of his being in] Babylon prevented it’.²⁴

Thereupon R. Nahman, son of R. Hisda — some say it was R. Hanan, son of R. Hisda — referred to [the text]: The word of the Lord came expressly unto Ezekiel the priest, the son of Buzi in the land of the Chaldeans by the river Chebar.²⁵ His father tapped him with his sandal, saying to him: Have I not told you not to worry everybody [with this point]? What is meant by the [double expression] ‘Hayoh [hayah]’?²⁶ That it had been [had come] before [he came to Babylon].

When they brought him up thither [to Palestine, for burial] people told R. Ammi and R. Assi²⁷ that R. Huna had come. They said: ‘When we were there [in Babylon] we had not [a chance] of raising our heads because of him;²⁸ now that we have come here he is come after us’.²⁹ They then were told that it was his coffin that had arrived. R. Assi and R. Assi went out [to meet him]; R. Ela³⁰ and R. Hanina did not go out. Some say, R. Ela went out, R. Hanina did not go out. What was the reason of the one who went out? According to what is taught [in the following]: ‘If a coffin is passing [on its

way] from place to place they stand in a row³¹ on account of the deceased, and say the mourners' benediction on account of him and also offer condolence to the mourners'. What was the reason of the one who did not go out? — According to what is taught [in the following]: 'If a coffin is passing [on its way] from place to place, they do not stand in a row on account of it, nor say on his account the mourners' benediction, nor [offer] condolence to the mourners'. These citations contradict one another! — This is not difficult [to explain]; the former [ruling obtains] where the body is intact; the latter where the body is not intact, and R. Huna's body was intact. Why did one not go out [to meet it]? Because he had not been fully informed of this. Then they said, Where shall we lay him to rest? [Said some, Let us lay him at the side of R. Hiyya];³² for R. Huna disseminated Torah in Israel³³ and R. Hiyya had likewise disseminated Torah³⁴ in Israel. Who will bring him into [the cave of] R. Hiyya? — Said R. Hagga 'I shall bring him in, because I sustained [revised] my studies [before him]³⁵ when I was but eighteen years of age, never having experienced the effects of an unchaste dream³⁶ and he made me his attendant³⁷ and therefore I know of his [pious] deeds. For one day the strap of his phylacteries was [accidentally] reversed,³⁸ whereupon he sat fasting forty days'. He then brought him in [to the cave].³⁹ Judah was laid there at the right of his father [R. Hiyya] and on his left was his [twin brother]⁴⁰ Hezekiah. Said Judah to Hezekiah: 'Rise from your place, for it is not good manners that R. Huna be left standing'. As he [Hezekiah] rose a column of fire rose with him⁴¹. R. Hagga, seeing that, was overcome with fear, set up the coffins and came away. And the reason that he came to no harm⁴² [from the pillar of fire] was because he set up the coffin of R. Huna.⁴³

When the soul of R. Hisda went to its rest they [the Collegiates] thought of placing a scroll of the law on his bier. Said R. Isaac to them: What he had disapproved of being done for his master, shall we now do to himself? They then thought that they should not stitch the rent in their garments, when R. Isaac b. Ammi said to them, It is taught:⁴⁴ In the case of a Scholar, [who died] as soon as they have turned away their faces, at the rear of the bier, they [may] stitch together [the rent]'.

When the soul of Rabbah⁴⁵ son of R. Huna went to its rest and [that of] R. Hamnuna, they took them [both] up thither.⁴⁶

(1) **חכם** an ordained Rabbi.

(2) The citation is here interrupted by a question and continues after the explanation.

(3) V. p. 153. n. 8.

(4) I.e., the ruling in our Mishnah, here.

(5) Again the citation is interrupted.

(6) I.e., give one cause to weep in anticipation that some worthy person shall die and not be fittingly mourned by the punished person. Cf. Rashi, Shab. 105b.

(7) Here the citation is resumed.

(8) I.e., the ruling in our Mishnah. So MS.M. and Shab. 105b. I.e., there is no contradiction between this citation and the ruling in our Mishnah.

(9) Cf. infra 26a and Rashi Shab. 105b. The divine Law is the inner Light that guides and at death it is as if the candle has been taken out of the lantern. Cf. Prov. VI, 33; XX, 27; and Sot. 21a.

(10) V. p. 154. n. 9.

(11) A great scholar, saint and merchant who used to go to and fro between Babylon and Palestine. Cf. supra 12a; Mak. 24a.

(12) At the news of his death.

(13) I.e., we are not really of his disciples.

(14) And nothing more is to be done.

(15) Without waiting for the holding of a lament for him.

(16) And it is on that occasion that the rending is proper to take place.

(17) Rab's great disciple and his successor in 247 as Principal of Sura. He died in 297, C.E.

(18) 'They laid a scroll of the law on his (King Hezekiah's) bier and said: This one maintained what is written in this (scroll)'. B.K. 17b.

- (19) Cf. Me. 32b, where as here MS.M., SBH and other texts read R. Helbo who often cites R. Huna's dicta.
- (20) Lit., 'the gateway'.
- (21) The same that had been provided originally by the Philistines. I Sam. VI, 7ff. Cf. Elijahu Rabbah (ed. Friedmann) XXIX (XXXI) p. 157: 'All Israel were gathered and David with them, to bring up the ark. And the halachah had been forgotten by them; said (Ahitophel) and all, The ark came from the field of the Philistines in the cart, likewise in the cart let it come (back) to the house of David'.
- (22) II Sam. VI, 3.
- (23) The 'Divine Presence'.
- (24) Caused it to (be otherwise for) him.
- (25) Ezek. I, 3. On this point cf. Mekilta Bo, Proemium s.v. (Ed. Friedmann 1b n. 21).
- (26) Taken as pluperfect.
- (27) Two Babylonians who had become leading scholars in Palestine. Cf. Keth. 17b.
- (28) Being aware of his superiority and seniority. Cf. Meg. 22a(bottom).
- (29) They thought we were still alive.
- (30) Also a Babylonian who became very famous in Palestine. Cf. supra 3a.
- (31) To condole with the mourners.
- (32) So MS.M.
- (33) Cf. Keth. 106a.
- (34) Cf. B.M. 85b. He was accounted as a second Ezra or Hillel; Suk. 20a.
- (35) For the expression cf. **אוקימתון מסכת פלן** Hor. 10b (Sonc. ed. p. 72.) It was customary for students to revise their studies by reciting alone before their master, periodically. Cf. Ber. 11a (R. Hiyya b. Ashi I before Rab). 38b (R. Hiyya b. Abba before R. Johanan), Hul. 86b and Ker. 27a. R. Ash did so every thirty days. (M.K. 28a). Resh Lakish did every forty days. Ta'an. 8a.
- (36) A night pollution, cf. Ber. 10b about Elisha as a holy man.
- (37) Cf. A.Z. 37a (of R. Simlai) and 58a (of R. Elyakim). Then he (Elisha) arose and went after Elijah and ministered unto him (I Kings XIX, 21). It is not said 'and he (Elijah) taught him', but 'and he (Elisha) ministered unto him'; hence they said: Greater is (practical) ministrations in (connection with) Torah than the teaching (or study) thereof. Elijahu Rabbah, V (ed. Friedmann, p. 23).
- (38) Cf. Men. 3a-b.
- (39) Cf. B.M. 85b. Like a second Ezra or Hillel. Suk. 20a. The family cave of R. Hiyya was probably at Tiberias.
- (40) Yeb. 65b.
- (41) Tilted it hastily in front of the fiery column. (Rashi); or set the coffin in its place (on stones or trestles).
- (42) V. J. Kii. IX, 4, where it is stated that R. Hagga was then eighty years old and his years were doubled.
- (43) This R. Huna II was one of the Exilarch's family. Moreover, Rab, Hiyya's nephew, had one of his daughters married into the Exilarch's family (Hul. 92a). Furthermore, the Exilarchs of Babylon were senior and held as superior both in civil authority and descent to the Nasi in Palestine, and admitted by Rabbi himself (J. Keth. XII, 3) by R. Hiyya (and his sons). Hor. 11b (Sonc. ed. p. 81) and Sanh. 5a (Sonc. ed. p. 15.) Cf. Bacher, J.E. s.v. Exilarch V, 289a.
- (44) So MS.M.
- (45) Son of the above R. Huna II.
- (46) To Palestine for burial.

Talmud - Mas. Mo'ed Katan 25b

As they came to a bridge the camels¹ halted. Said a certain Arab² to those [who accompanied the cortege], What is that?³ — They replied that the [deceased] Rabbis were doing honour to one another: one saying [as it were], 'You, Sir, proceed first', and the other saying, 'You, Sir, proceed first'. Said he, [the Arab]: [In my judgment],⁴ it is right that [a notable the son of a notable],⁴ Rabbah son of R. Huna, should take precedence. The camel bearing Rabbah son of R. Huna then passed along first. The molars and teeth of that Arab fell out.⁵ Then a certain child opened [his funerary oration] thus:

'A scion of ancient stock from Babylon⁶ came

With records of prowess in combat⁷ and fame;
Twice numerous pelican and bittern⁸ from far
Came for the ravage and ruin⁹ in Shinear.¹⁰
When [God] views His world with displeasure,
He seizes [great] souls in exacting measure,
Awaiting their coming as new brides, with delight
And, riding on Araboth¹¹ in empyrean height,

He welcomes the souls of the pure and right'.¹² When the soul of Rabina went Into repose, a certain orator opened [his funerary oration] thus:

'Ye Palms, sway your heads [and deplore]
A Saint, a noble Palm¹³ that is no more
Who days and nights in meditation spent;
For him, day and night, let us lament.'

Said R. Ashi to Bar-Kipok,¹⁴ What would you say on such a day [about me]? He responded thus:

'If a flame among the Cedars fall
What avails the lichen¹⁵ on the wall?¹⁶
If Leviathan¹⁷ by hook be hauled to land,
What hope have fishes of a shallow strand?
If fish in rushing stream by hook¹⁸ be caught
What death may in marshy ponds be wrought!'

Said Bar Abin¹⁹ to him: '[God] forbend that I should talk of "hook" or "flame" in connection with the righteous'. Then what would you say? — I should say:

'Weep ye for the mourners
Not for what is lost:
He found him rest;
'Tis we are let distressed'.

R. Ashi was' offended²⁰ with them,²¹ and their feet²² were turned.²³ On that day [of R. Ashi's

demise] they did not come to make a lament for him, and that is what R. Ashi had said: 'Neither shall Bar-Kipok²⁴ bare [his shoulder] nor shall Bar-Abin²⁴ bare²⁵ [his shoulder, for me]'.

When Raba once came to Dagleth [Tekrit],²⁶ he said to Barabin,²⁷ Get up and say something. He rose and said [the following]:²⁸

When more than a 'third'²⁹ wadeth in water deep Remember the covenant³⁰ and mercy keep.³¹ We strayed from Thee as a wayward wife;³² Leave us not: as at Marah³³ save our life. R. Honin³⁴ was a son-in-law in the Nasi's family. He had no children but he prayed for mercy and had [his wish granted]. On the day when the child was [born] unto him he himself went to his repose, and the funeral orator on that occasion opened [his lament] thus:

Joy is turned to sorrow and

Gladness linked with sadness.

When the time of joy³⁵ came nigh

The father heaved a dying sigh:

At [the birth of] his Gracious-little-son³⁶

The Gracious-sire's life was done.

They gave the child the name of Hanan after his father.

When the soul of R. Pedath³⁷ went into repose, R. Isaac b. Eleazar³⁸ opened [his address] thus: This day is as hard for Israel as the day when the sun set at noon-tide, as it is written: And it shall come to pass in that day . . . that I will cause the sun to go down at noon and I will darken the earth in the clear day. And I will turn your feasts into mourning and all your songs into lamentation. . . as the mourning of an only so,³⁹ And, said R. Johanan, that was the day of King Josiah's death.⁴⁰

When the soul of R. Johanan went into repose R. Ami observed [on his account] the seven [days of mourning] and the thirty. Said R. Abba son of R. Hiyya b. Abba: What R. Ammi did, he did but on his own initiative;⁴¹ for thus said R. Hiyya b. Abba, as citing R. Johanan: 'Even for his master who had taught him Wisdom⁴² one sits but one day'. When the soul of R. Zera⁴³ went into repose the orator of that occasion opened [his address] thus:

'The land of Shinear⁴⁴ was his home of birth

The land of Glory⁴⁵ reared her Darling⁴⁶ to fame;

"Woe is me!" saith Rakath⁴⁷ in lament,

For she hath lost her choicest ornament.'

When the soul of R. Abbahu went into repose the columns at Caesarea ran with tears.⁴⁸ At [the death of] R. Jose⁴⁹ the roof gutters at Sepphoris ran with blood. At that of R. Jacob [b. Aha],⁵⁰ Stars were visible in daytime. At that of R. Assi [all cedars]⁵¹ were uprooted; [at the death of R. Samuel b. Isaac]⁵¹ all trees were uprooted. At that of R. Hiyya [b. Abba]⁵⁰ fiery stones came down from the sky; at that of R. Menahem [b. Simai]⁵⁰ all images were effaced⁵² and came to be [used] as stone rollers;⁵³ at that of Tanhum son of R. Hiyya [of Kefar Acco]⁵¹ all human statues were torn out of

their position; at that of [R. Isaac, son of R.]⁵¹ Eliashib seventy houses were broken into [by thieves] at Tiberias;⁵⁴ at that of R. Haninuna,⁵⁵ hail stones came down from the sky; at that of Rabbah and R. Joseph the rocks of the Euphrates kissed each other;⁵⁶ at that of Abaye and Raba the rocks of the Tigris kissed each other. When the soul of R. Mesharsheya went into repose the palms were laden with thorns.⁵⁷

Our Rabbis taught:

- (1) Which were carrying the coffins.
- (2) Tayi'a, the name of an Arab tribe which came to be used for Arabs in general.
- (3) What does this strange thing indicate?
- (4) The bracketed words which form the reading of MS.M. are here combined with the text of cur. edtl. to bring out the import of the Arab's remarks more fully.
- (5) A proverbial expression. He received the meed for his irreverence.
- (6) The Babylonian Exilarchs to which Rabbah b. R. Huna belonged traced their descent to Jehoiachim, King of Judah. V. JEV, 288ff.
- (7) Referring to his prowess and triumphs at the Collegiates' discussions.
- (8) An echo of Isa. XXXIV, 11; Zeph. II, 14.
- (9) Cf. Isa. LI, 19 and Jer. XLVIII, 3.
- (10) I.e., Babylon. Cf. Gen. XIV, 1.
- (11) Ps. LXVIII, 5 is taken as 'High-Heavens'; cf. v. 34 and Deut. XXXIII. Hoffin. Mid. Tann. ad loc. p. 221 and Hag. 12b.
- (12) With this thought, cf. Midr. Tehil. on Ps. CXVI, 15: Precious in the sight of the Lord is the death of His saints, a parable of a king who sent an eparchos (prefect) to a place which he directed well. Having completed his term, the king gave him another eparchia (province). In the place which he was leaving they praised him that he had directed them well, and in the place that he was entering they (also) praised him, that he was going to rule them well. Likewise, when the Holy One, blessed be He, sent a righteous man into the world to direct the age and he directed it well, on his departure from the world, people are distressed about him (leaving): for so long as the righteous man is among them he prevents tribulation from coming into the world while the Ministering Angels rejoice about his coming to abide among them. (Edition Buber, p. 478)
- (13) Cf. Ps. XCII, 13.
- (14) A noted orator.
- (15) The hyssop is frequently associated with the cedar, the high and low in contrast. Cf. Lev. XIV, 51, 52 and I Kings V, 13. Cf. 'And he (Solomon) spake of trees, from the cedar that is in Lebanon even unto the hyssop that springeth out of the wall'.
- (16) V. Elijahu Rabbah (ed. Fried.) XIV (XIII) p. 65.
- (17) The monster fish. 'Canst thou draw out Leviathan with a fish hook, or press down his tongue with a cord?' Job XL, 25. Cf. Isa. XXVII, 1; Ps. CIV, 25-26.
- (18) נפלה הרבה Var. lec. (v. D.S. p. 86) 'If rushing stream run dry What water may marshy ponds supply?' — Cf. Jer. XIV, 3; Ezek. XLVII, 11.
- (19) A noted orator.
- (20) Lit., 'his mind weakened', felt discouraged, disappointed.
- (21) At their ill-chosen metaphors, such as a flame among the cedars (cf. Judg. IX, 15); hooking the Leviathan (cf. n. 5), or marshy shallows, or 'what is lost', implying as it were that all his life's best work, the encouragement of scholarship and the careful redaction of the Talmud, are of no lasting value.
- (22) Lit., 'knees'.
- (23) I.e., they turned about and fled in confusion, ashamed of their indiscreet and almost impudent poetic effusion. For the idiomatic use of this expression, cf. R. Johanan's similar utterance in a sharp disputation with Resh Lakish who was his junior: 'We cut off the legs of the youngster'. Me'ila 7b and also Bez. 25b. The traditional interpretation takes it literally, that they both became crippled. V. next notes.
- (24) Yeb. 103a has בר קיפוף and בר אובא
- (25) I.e., shall not attend my funeral nor bare their shoulder as is done at the lament of a Principal of an Academy. Cf.

supra p. 140, n. 7. The traditional explanation takes the above observation as referring to their 'lameness' in connection with a discussion between R. Ashi and Amemar on the possibility of effecting the rite of halizah, i.e., taking off the shoe, by the levir or brother of a deceased childless husband, if he is a cripple where the malformation of his foot is such as to render it impossible to walk or don or take off a shoe, as required by Scriptural law. Deut. XXV, 5-10. According to this interpretation the translation of the sentence is: 'Neither Bar-Kipok nor Bar-Abin are fit to submit to the rite of halizah. V. Yeb., Sonc. ed. ' p. 709.

(26) **דגלת** . Tagrit, Tekrit or Tikrit (cf. Obermeyer p. 142). It could not be here the Tigris, as Mahoza itself lay on the Tigris. Tagrit or Tekrit lies higher up on the Tigris between Mosul and Baghdad and is often mentioned in Syrian literature.

(27) It seems doubtful whether it is the same Bar-Abin as above.

(28) The following poem seems to be part of a **סליחה** which had been composed by Bar-Abin on the occasion of a bad flooding of the Tigris in spring time, April-May, cf. Ta'an. 14a (bottom).

(29) A third of the country is flooded. Perhaps **שלישית** here refers to Israel, the Jewish quarter in the town. Cf. Isa. XIX, 24 and Shab. 88a.

(30) That a flood come not again. Cf. Gen. IX, 15, 16.

(31) Cf. Hab. III, 2 and P.B. P. 65.

(32) A faithless wife was tried by water, Num. V, 22. The flooding has made the waters undrinkable and caused many deaths.

(33) Var. lec. **בזכות מי מרה** by virtue of the old favour at Marah's water', or, as our text: **באות מי מרה** . Deliver us now miraculously as when the bitter water was healed and sweetened for our forefathers at Marah, Ex. XV, 23-25.

(34) probably pronounced Honein. He may be identical with 'Anani b. Sason mentioned supra 24b. R. Honein is cited infra 28a.

(35) The joyous birth of the child.

(36) **הנינתו** (from **הנינה** Grace) a diminutive form (fu'ailah) i.e., 'Little Honein' — a play on his father's name, from **הנין** (graced, favoured).

(37) So MS.M. and other texts; but cur. edd. R. Johanan, which seems however incorrect.

(38) Lived and taught at Caesarea.

(39) Amos VIII, 9-10.

(40) At Megiddo. V. Ii Chron. XXXV, 23-25; Rashi on v. 25; Targum on Lam. IV, 20; infra p. 188 and Ta'an. 22b.

(41) I.e., as his personal tribute to R. Johanan; but it is not to be taken as a rule to be followed generally.

(42) I.e., Torah.

(43) A great Babylonian sage highly esteemed for his learning, piety and noble character. Cf. supra 17a; Meg. 28a (twice) and Sanah. 14a (Sonc. ed., p. 65).

(44) Babylon.

(45) Palestine. Cf. Dan. XI, 16, 41.

(46) Cf. Jer. XXXI, 19.

(47) An ancient name identified with Sepphoris or Tiberias, both the seat of the Nasi. V. Meg. 6a (top).

(48) **דמעתא** (instead of **מיא** water, sweat). So MS. M., J.A.Z. III, 1 and other texts.

(49) Jose b. Halafta. J.A.Z. ibid. names Laodicea as the place.

(50) So MS.M.

(51) MS.M. and other texts, v. J.A.Z. ibid.

(52) As he refused to look even at the image of coins. Cf. J.A.Z. ibid. 'At the death of R. Nahum b. Simai they covered all the images, saying that as he never looked at them in his lifetime he should not see them after he fell asleep'.

(53) Cf. supra 11a.

(54) So MS.M. CC. more correctly than Nehardea of cur. edd., as J.A.Z. ibid. states it happened in Galilee and Ta'an. 23b shows this R. Isaac b. El. to have been with R. Mani of Tiberias. Besides, Nehardea had been in ruins since 259 C.E.

(55) Mentioned supra p. 158.

(56) I.e., they were thrown together, probably referring to the tier rocks which carried the bridges of the river. Cf. B.M. 86a where it is related that at Rabbah's death there arose so violent a storm that an Arab with his camel were bodily carried across the Nehar Papa canal. Cf. Obermeyer pp. 166 and 238.

(57) [According to the Meiri (Jerusalem 1937), these were figures of speech introduced by orators as the funerary

orations respectively on the deaths of the above-named scholars, describing the gravity of the loss.]

Talmud - Mas. Mo'ed Katan 26a

And these are rents that are not [to be] sewed up: One who rends [his clothes] for his father or mother; or his master who taught him Wisdom,¹ for a Nasi, or Ab Beth din;² or on hearing evil tidings or [hearing] God's name blasphemed, or when a scroll of the law has been burnt; or at the [sight of the ruined] cities of Judea, the Holy Temple or Jerusalem. And one rends [first] for the Temple and then enlarges [the rent] for Jerusalem.

‘For his father or mother or for his master who taught him Wisdom’. Whence derive we [these rulings]? — From what is written: And Elisha saw it and he cried: My father. my father, the chariots of Israel and the horsemen thereof.³ ‘My father, my father’, that is, [to rend on the loss of] one's father or mother. ‘The chariots of Israel and the horsemen thereof’, that is [for] a Master who taught one Torah. How exactly does it convey this [meaning]? — As R. Joseph rendered it [in Aramaic]: ‘My master, my master, who was better [protection] to Israel with his prayer than chariots and horsemen’.

And whence that these rents are not [to be] reunited? — From what is written [in the same passage]: And he [Elisha] took hold of his own clothes and rent them in two pieces.³ Once it says ‘and he rent then;’, do I not know that he rent them in two [asunder]? It must be meant to teach that the severed parts ever remain rent [apart] in two.⁴ Said Resh Lakish to R. Johanan: Elijah [however] is alive!⁵ — He replied, Since it is written there ‘And he saw ‘him no more,’ he was as dead to him [to Elisha].

‘For a Nasi or Ab Beth din or on hearing evil tidings’. Whence do we derive [these rulings]? — From what is written: Then David took hold of his clothes and rent them,’ and likewise all the men that were with him. And they wailed and wept and fasted until even, for Saul and for Jonathan his son and for the people of the Lord and for the house of Israel, because they were fallen by the sword.⁶ Now ‘Saul’, that is the Nasi [Prince]; ‘Jonathan’, that is the Ab Beth din. ‘And for the people of the Lord and for the house of Israel’, that refers to ‘evil tidings’ [that reached them].

Said Rab b. Shabba to R. Kahana: Might not one explain that [they did] not [rend their clothes] until [after hearing] all those misfortunes [that had then happened]?⁷ He replied, The repetition of ‘for’ this ‘and for’ that ‘and for’ separate the items [from one another]. Yet do we [have to] rend [clothes] on hearing evil tidings? For when they informed Samuel that King Shapur had slain twelve thousand Jews at Caesarea-Mazaca,⁸ he did not [then] rend his clothes? — They [the Sages] did not say [it should be done] save where the misfortune involves the larger part of the Community resembling the typical instance.⁹ And is it a fact that King Shapur slew Jews? For [it is reported] that King Shapur said to Samuel,¹⁰ ‘May [ill] befall me if I have ever slain a Jew!’ — For there, it was they [the Jews] that had brought it on themselves, as R. Ammi said, that the noise of the harp-strings¹¹ about Caesarea-Mazaca burst the wall of Laodicea.¹²

‘[Rents] on [hearing] God's name blasphemed’.¹³ Whence do we derive this? — From what is written: Then came Eliakim the son of Hilkiah who was over the household and Shebna the scribe and Joah the son; of Asaph the recorder to Hezekiah with their clothes rent and told him the [blasphemous] words of Rabshakeh.¹⁴

Our Rabbis taught: ‘It makes no difference whether one hears it [himself] or hears it from another who had heard it, he is in duty bound to rend [his clothes], but the witnesses are not in duty bound to rend [again on reporting] as they have already rent at the time they heard [the blasphemy]’. [You say], ‘as they have already rent at the time they heard [the blasphemy]’, what matters it, since they

do hear it now [again in reporting]? — Do not imagine such a thing. For it is written, And it came to pass, when the King heard it, that he rent his clothes:¹⁵ the King [we are told], rent [his clothes], but they [who reported it] did not rend [again]. And whence [do we know] that these rents are not [to be] mended? — That is learnt from a comparison¹⁶ between the ‘rending’ [here] by King Hezekiah and ‘rending’ [elsewhere].¹⁷

‘[Rents] when a scroll of the law has been burnt’. What is the source for this? — What is written: And it came to pass when Jehudi had read three or four columns that he cut it with a penknife and cast it into the fire that was in the brazier.¹⁸ What is the point of saying ‘[had read] three or four columns’? — They told [King] Jehoiakim that Jeremiah had written a book of Lamentations, [and] he said to them: What is written there? [They quoted] ‘How doth the city sit solitary’.¹⁹ — [The King] replied: I am the King.²⁰ They then cited to him [the second verse]: She weepeth sore in the night. He replied [again]: I am the King. [They then cited the third verse]: Judah is gone into exile because of affliction. [Again he replied]: I am the King. [They continued with verse four]: The ways of Zion do mourn. I am the King [he replied]. [They continued with the fifth verse]: Her adversaries are become the head. He asked: Who said that? — [They continued with that same verse]: For the Lord hath afflicted her for the multitude of her transgressions. Forthwith he [began to] cut out all the names of God mentioned therein and burnt them in the fire; hence it is written [in the report there]: Yet they were not afraid, nor rent their garments, neither the King, nor any of his servants that heard all these words,²¹ which implies that the [bystanders] should have rent [their clothes]. Said Abaye to R. Papa: Might it not be suggested that the reason [why they should have rent was] for hearing evil tidings?²² — He replied: [Hardly, for] were there at that time any evil tidings as yet?

Said R. Helbo, as citing R. Huna: One who witnesses a scroll of the law being torn²³ is in duty bound to make two rents: one on account of the [injury to the] parchment²⁴ and one for [the injury to] the writing, as [may be gathered] from what is said: Then the word of the Lord came to Jeremiah after that the King had burned the roll and the words which Baruch wrote at the mouth of Jeremiah.²⁵ ‘The roll,’ that is, the parchment and ‘and the words’, that is, the writing.²⁶

R. Abba and R. Huna b. Hiyya were once sitting together. R. Abba got up to [go and] relieve himself. He took off his head phylactery and put it down on a pillow, when a young ostrich came and wanted to swallow it.²⁷ Said he [R. Abba]: [If that had been swallowed] I should now have had to make two rents.²⁸ Said the other:²⁹ Whence do you derive this? A similar thing happened to me and I came to R. Mattenah [asking for guidance] and he had none to give me. I then came to Rab Judah and he told me: Thus said Samuel: ‘The [Rabbis] taught [that one should rend] only where [a sacred text is torn or burnt] by force majeure³⁰ and as in the example cited’.³¹ ‘Or at the [sight of the ruined] cities of Judea: the Holy Temple or Jerusalem’. Whence do we learn this? — From what is written: And it came to pass the second day after he³² had slain Gedaliah and no man knew it that there come certain men from Shechem, front Shiloh and from Samaria, even fourscore men, having their beards shaven and their clothes rent and having cut themselves, with meal-offerings and frankincense in their hand to bring them in the house of the Lord.³³ Said R. Helbo, as citing ‘Ulla of Berai who reported R. Eleazar: One who sees the cities of Judah in their [state of] ruin, recites the verse: Thy holy cities are become a wilderness,³⁴ and rends his garment. [On seeing] Jerusalem in its [state of] ruin, one recites: Our holy and our beautiful house, where our fathers praised Thee, is burned with fire and all our pleasant things are laid waste,³⁵ and rends his garment.

‘He [first] makes a rent for the Holy Temple and then enlarges [the rent] for Jerusalem’. [In contrast to this] some cited [the following Baraitha]: ‘It is all the same whether one hears [that Jerusalem is fallen into ruin]³⁶ or sees [Jerusalem in ruin he is] in duty bound to rend [his garment].³⁶ As soon as he reaches the Scopus he rends; and he rends for the holy Temple separately and for Jerusalem separately’? — This [seeming discrepancy] is not difficult [to explain]. The former ruling obtains where he first [of all] encounters the site of the [ruined] Sanctuary³⁷ and the latter, where he

encounters Jerusalem [ruins] first [and afterwards the Sanctuary].

Our Rabbis taught: 'And all these [rents] they may tack together,³⁸ baste or pick up [the frayed edges]³⁹ or with a ladderstitch, but may not reunite the edges [by a sewn seam]'.⁴⁰ Said R. Hisda:

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- (1) I.e., Torah.
 - (2) V. Glos.
 - (3) II Kings II, 12.
 - (4) I.e., the two edges of the torn part remain as they are, apart. Cf supra 22b.
 - (5) He constantly reappears, from time to time, communing with saintly persons. Cf. B.M. 85b and Ta'an. 22a. How can this be the guiding instance for a ruling on a loss by death?
 - (6) II Sam. I, 11-12.
 - (7) The case of Saul and Jonathan.
 - (8) Shapur I (241-272) is said to have destroyed Caesarea-Mazaca, the capital of Cappadocia, a vital military post on the main roads leading to the East, in 260 C.E. after he defeated the Emperor Valerian. It is said that there were then four hundred thousand inhabitants. Cf. Enc. Brit. (11th ed.) IV, 943a. The date 260 however makes this statement rather difficult, as Samuel died in 252 and Papa bar Nasr of Palmyra (Odenath) destroyed Nehardea 259. The occasion must therefore have been earlier, after the murder of Gordian III at Zaitha in 244 when Philip the Arab (of Hauran) made the best terms he could with Shapur [V. Graetz MGWJ 1852, p. 512 and Hoffmann D. Mar Samuel, p. 48.]
 - (9) Of Saul and Jonathan.
 - (10) They were on very friendly terms.
 - (11) Played by the Jews rebelling against the Persians (Rashi).
 - (12) I.e., brought about the destruction of Laodicea. Laodicea Combusta lay further West.
 - (13) Resuming the discussion of the points quoted in the Baraita.
 - (14) II Kings XVIII, 37.
 - (15) Ibid. XIX, 1.
 - (16) Gezerah shawah, v. Glos.
 - (17) In the case of Elisha as explained above from 'and he rent them in two pieces'. II Kings II, 12.
 - (18) Jer. XXXVI, 23ff.
 - (19) Lam. I, 1ff.
 - (20) There is nothing in that verse about the King himself, but only lamentations about the city of Jerusalem.
 - (21) Jer. XXXVI, 24.
 - (22) And not for blasphemy.
 - (23) MS.M., Asheri and other texts read here burnt.
 - (24) Which is especially prepared as dedicated for a sacred text.
 - (25) Ibid. v. 27.
 - (26) So MS.M. and J.M.K.
 - (27) 'R. Huna seized the bird and held it by the throat'. J.M.K. III, 7.
 - (28) If the ostrich had swallowed or destroyed it. for the parchment and also for the text.
 - (29) R. Huna b. Hiyya. In J.M.K. the names are reversed.
 - (30) An irresistible attack, lit., 'by arm'.
 - (31) Blasphemously, as did Jehoiakim and his friends; but not when happening casually, as in this instance.
 - (32) Ishmael the son of Nethaniah.
 - (33) Jer. XLI. 4.5.
 - (34) Isa. LXIV, 9.
 - (35) Ibid. 10.
 - (36) Enlarged according to the version in J.M.K. III, which is merely condensed in our texts.
 - (37) Without somehow having caught sight of the ruins of Jerusalem on entering the city, travelling in a covered van, for instance or entering at dusk. He then rends first for the ruined Sanctuary and enlarges the rent on beholding the ruins of Jerusalem.
 - (38) Soon after, the next day.
 - (39) With a herringbone or cross stitch.

(40) Sew up permanently.

Talmud - Mas. Mo'ed Katan 26b

Nor may the Alexandrian¹ mending [be used]. Our Rabbis taught: One who rends [his garment] in a part that had been tacked together, basted, or [the edges] picked up by cross or ladderstitch, has not discharged his duty; if in a part which had been rejoined [in a seam], he has discharged his duty. Said R. Hisda: Also [if he rent] in a part [which had been done up] with the Alexandrian mending.

Our Rabbis taught: One is allowed to turn [a garment] upside down² and [then] completely mend the rent. R. Simeon b. Eleazar forbids complete mending of the rent. And just as the vendor [of the garment] is forbidden to reunite the rent [completely] the buyer too is forbidden to reunite it [completely] and accordingly the vendor is bound to inform the buyer of [the nature of the rent].

Our Rabbis taught: The initial rending is [to the extent of] a handbreadth,³ and any extension thereof⁴ is to be to the depth of three fingers: these are the words of R. Meir. R. Judah says: The initial rending is [to the extent of] three fingers and the extension may be as small as he cares.⁵ Said 'Ulla, The halachah; follows R. Meir in regard to the [initial] rending and in regard to the extension, the halachah follows R. Judah. It is likewise taught: R. Jose Says. The initial rending is [to the extent of] one handbreadth and the extension may be as little as one cares.⁵

Our Rabbis taught: If one was informed that his father died and he rent [his garment], [then] that his son died and he added thereto, the lower [inner portion] may be reunited; the upper parts is not to be reunited; that his son died and he rent his garment, [then] that his father died and he added thereto, the upper part may be reunited [and] the lower part⁶ is not to be reunited. [If one was informed] that his father died, that his mother died, that his brother died, that his sister died,⁷ he makes one rent for all. R. Judah b. Bathyra⁸ says: For all [near of kin he makes] one rent; for his father and/or mother⁹ [he makes] another rent: because a rent made for one's father or mother is not to be added to.¹⁰ What is the reason [for this differentiation]? — Said R. Nahman b. Isaac, it is because there is no extension [of a rent] in their case.¹¹ Samuel said: The halachah follows the view of R. Judah b. Bathyra. But did Samuel say that? Inasmuch Samuel stated that the halachah in matters of mourning is to follow the view of the [more] lenient authority!¹² — The [observance¹³ of] mourning comes under one category and the [act of] rending¹⁴ under another [category],

To what extent does one rend [his garment]? — To [exposing his breast down to] the [region of the] navel; some say, [only] down to the [region of the] heart — Although there is no [authentic] proof on this point, there is some [Scriptural] allusion to it, as it is said: And rend your hearts and not your garments.¹⁵ Having reached to the navel, [on hearing another evil report] he moves away a space of three fingers [from the former rent] and rends [afresh]. If the forepart of his garment is become full [of rents], he turns the garment front to back and then rends [again]; if it become full [of rents] in the upper parts. he turns the garment [upside] down; but one who rends the lower part or on the sides [of the garment] has not discharged his duty, save the High Priest, who rends [his garment] below.

[On the extension rending] R. Mattenah and Mar 'Ukba held different views and both advanced them in the names of [Abba] Samuel's father and R. Levi [b. Sisi]. One said: 'Anytime during the seven days. one rends [anew for another bereavement] and after the seven he [merely] adds [to the first rent]'. The other said: 'Anytime during the thirty. one rends [anew for another bereavement] and after the thirty he [merely] adds thereto'. To these statements R. Zera demurred. Now [said R. Zera], in regard to the one who says: 'Anytime during the seven days one rends [anew for another bereavement]',¹⁶ why [rend anew]? Because the rent may not be tacked together;¹⁷ then [in the case of a woman] in view of the Master's statement: 'A woman [mourner] tacks the rent together

forthwith' [may she not] just as well [add even to the first rent]?¹⁷ — [No, because] there¹⁸ it is [a concession merely] out of the respect due to a woman.¹⁹ Again [said R. Zera], in regard to the one who says: 'Anytime during the thirty, one rends [anew for another],¹⁶ why is that? Because the rent is not to be reunited,²⁰ then [in the case of] a rent made for a father or mother that is never to be reunited, [may he not] just as well [add to the rent]?²¹ — [No, because] there [also the restriction is merely] out of the deference²² due to one's father and mother.

Our Rabbis taught: One who goes forth before the dead with a garment already rent, robs the dead and the living [relatives of their due]. Rabban Simeon b. Gamaliel says: If a man says to his friend, 'Lend me your cloak and I shall go and visit my father who is ill', and he went and found him already dead, he rends it and then mends the rent. After returning home he returns the cloak and compensates him for the damage done by the rent; but if he had not informed him [of his intention to visit his sick father], he must not touch it.

Our Rabbis taught: If one who is ill sustains bereavement, they should not inform him thereof, lest he thereby become distracted in mind; nor do they direct to have any garments rent in his presence and they direct the women to keep silent [from lamenting] in his presence. Children may be made to rend their clothes in order to stir up sadness and garments are also rent for a father-in-law or mother-in-law, out of deference to one's wife. R. Papa said: It is taught in the Ebel Rabbathi:²³ 'A mourner should not set an infant on his knee, because the child may amuse him and he may thereby incur censure from his fellow men'.

NOR DO THEY PROVIDE A REPAST SAVE²⁴ [SEATED] ON UPRIGHT COUCHES.²⁵ Our Rabbis taught: 'One who goes to the house of a mourner, if he be on familiar terms with him, may provide the repast for him [to be taken]²⁶ on overturned couches, but if not, he provides the repast for him [to be taken] on couches in erect position'.²⁷

Raba suffered a misfortune and Abba b. Martha, who is the same as Abba b. Manyomi, went to the house [to provide the mourner's repast for him]. Raba sat on all upright couch while Abba b. Martha sat on an overturned one. Said Raba: How lacking in [good] sense²⁸ is that Associate of the Rabbis!

Our Rabbis taught: One who goes from place to place [and mourning befell him while being on the road],²⁹

(1) Neatly sewed together on the surface with the joined ends on the wrong side of the material, or darned invisibly, or a piece neatly let in. V. Tosaf. s.v. **אִיחָוִי**.

(2) I.e., adapting the bottom part for the neck.

(3) Four fingers, the width of the palm.

(4) on the intermediate occurrence of another bereavement.

(5) Lit., 'whatever it be'.

(6) Of the rent made for a parent.

(7) I.e., the news of their several deaths reached him simultaneously. J.M.K. III, 7 reads thus: 'Even if he heard of the death of his father and mother and of his Master who had taught him wisdom, he makes one rent for all'.

(8) J.M.K. III, 7 reads: 'R. Judah b. Tema says. 'He makes a rent for this one separately and for that one separately: only that he does not make that for his father and that for his mother as an extension". But is not this (latter part) to the same effect as the former part? Only, what he means is, that one shall make no extension on a rent made for a father or a mother'.

(9) Note the ambiguity indicated here by 'and/or', that is, either (a) a separate rent for father and mother jointly, quite apart from the rent made for the other near-of-kin on that occasion; or (b) a separate rent for each, even if the news of their deaths was communicated to him at the same moment. The former interpretation (with some reservations) is accepted by Ritba. V. infra n. 1.

- (10) Cf. n. 1 *supra*. Sem. IX reads as follows: One whose father and mother died (together) makes one rent for both; R. Judah b. Tema says: He makes a rent for this one separately and a rent for this one separately.
- (11) Tosaf. s.v. **נָמַר** fails to see the purport of this remark of R. Nahman b. Isaac and favours the view that the last clause ('because a rent made. . .') is probably a gloss (and is in fact not found in Sem. I.e.). Rabad, however, cited by Asheri, n. 71, explains the comment thus: Since a rent for a parent extends to the region of the heart (or even to the navel), any extension of it (for another sorrow) would fail to be any indication thereof, as his friends would take the enlarged rent as the sign of the mourners excessive grief for his parent.
- (12) Whereas R. Judah's view is in fact stricter than the first.
- (13) I.e. , the period of seven or thirty days. which begins after the interment.
- (14) Which is effected at the most poignant moment of grief, at witnessing the death of a beloved (even before the interment) or at the first intelligence of it. It is a tribute to the dead.
- (15) Joel II, 13.
- (16) It is the last part of the quotation on which the argument turns.
- (17) Within the seven days.
- (18) V. *supra* 22b, p. 142.
- (19) V. *ibid*. Not the law, whereas rending the garment is a duty according to the law for all, it is a tribute she owes to the dead, and like everybody else she should act in the regular way for all, i.e., rend anew.
- (20) During the thirty days. V. *supra* p. 143.
- (21) Even during the thirty days; as, even after the thirty days he would, according to the view expressed above, act like any other person according to the law and merely add to the rent a little, in tribute of the fresh loss; otherwise there is no concession in the case of a son mourning for a parent until the end of the year.
- (22) Not the law; hence after thirty days he merely adds to the rent.
- (23) Cf. *supra* p. 148, n. 10.
- (24) [MS.M. omits 'save', v. n. 6.]
- (25) For the reading. v. *supra* p. 154, n. I.
- (26) The one who provided the mourner's would also join him at the meal.
- (27) [Our Mishnah accordingly speaks of one who is not on familiar terms with the mourner. Raabad and others (v. Asheri) explain the Mishnah as referring to festival week, when in no case is the meal provided on overturned couches. As, however, no couches are overturned on festival week, the word 'SAVE' is redundant and on this interpretation is to be omitted, v. n. 3.]
- (28) As Raba and his visitor were not on intimate terms, it was presumptuous on the part of the visitor to sit low, while Raba out of deference to the visitor sat on the couch in its normal position.
- (29) So MS.M. Asheri and other texts.

Talmud - Mas. Mo'ed Katan 27a

if he can reduce his business affairs, he should do so, and if not, let him carry on with them [as best he may].

Our Rabbis taught: When do mourners overturn the beds? From the moment [the corpse] is taken from the house: these are the words of R. Eliezer; R. Joshua Says, From the moment that the rolling slab¹ closes the tomb. It happened [when] Rabban Gamaliel the Elder² died, as soon as he was taken out of the door of his house, R. Eliezer said to them,³ Overturn your beds. And after the 'rolling slab' had been placed [to close the tomb] R. Joshua said to them:³ 'Overturn your beds'. Said they to him, 'We have already overturned them by order of the Elder' [R. Eliezer].

Our Rabbis taught: When do they place the beds in erect position on the [approaching] eve of the Sabbath? From the time of the evening offering⁴ onwards'. Said Rabbah son of Huna,⁵ Nevertheless he [the mourner] does not sit down on it until it gets dark, and on the termination of the Sabbath, although he may have but one day [more] to sit [in mourning] he overturns it again.⁶

Our Rabbis taught: One who [has to] overturn his bed, over turns not his own bed alone, but all

the beds he has in the house;⁷ even though he has ten beds in ten places, he overturns them all.⁸ And even if there be five brothers one of whom died, they all overturn [their beds].⁹ If, however, it be a bed specially set apart for vestments,¹⁰ that one need not be overturned. A dargesh¹¹ [couch] need not be overturned, but should be tilted up;¹² Rabban Simeon b. Gamaliel says, [In the case of] a dargesh [it is enough if] he loosens the bolster-frame and lets it drop [down] of its own accord. What is a dargesh? — Said ‘Ulla, It is a Couch of Fortune.¹³ Said Rabbah to him: But then [how does that] meaning fit the ruling in reference to a king, for we learned:¹⁴ ‘[And when they provide for him the mourner's repast] all the people recline [at the repast] on the ground while the king sits on the dargesh’.¹⁵ Is there any reason why he should now be seated on [a special couch] which he had hitherto not been able to sit on?¹⁶ To this question R. Ashi demurred, [saying]: What is this difficulty? It may be just as exceptional as eating and drinking [with the king], because heretofore they [the people] did not provide for him food and drink, whereas now [in his mourning] they do provide for him food and drink! But, if difficulty there be [in the offered explanation] it arises from what is taught: ‘There is no need to overturn a dargesh, but he [merely] tilts it up’. Now if dargesh be a ‘Couch of Fortune’ why is there no need to overturn it, surely it is taught: ‘One who [has to] overturn his bed overturns not his own bed alone but all the beds he has in his house! And what is this difficulty? Why, a dargesh is similar to a bed specially set apart for vestments,¹⁷ as it is taught [there]: ‘If it be a bed specially set apart for vestments, that need not be overturned’. But if difficulty there be [in the explanation] it is this [from what is taught there]: ‘Rabban Simeon b. Gamaliel says, [In the case of] a dargesh [it is enough if] he unfastens the inner bolster-frame and lets it drop [down]’. Now if you suppose that dargesh means a ‘Couch of Fortune’ , what bolster-frame is there [at all]?

When Rabin came [home from Palestine] he said, One of the Rabbis whose name is R. Tahlifa the Palestinian, who used to frequent the leather-mart, told me: What is a dargesh? It is [said he] a couch covered with a hide.¹⁸ It has also been stated: ‘R. Jeremiah said,¹⁹ In a dargesh the interlacing²⁰ [of the girths] is on the inside; in a bed [couch] the interlacing [of the girths] is on the outside’. Said R. Jacob b. Aha as reporting R. Joshua b. Levi: The halachah follows the opinion of R. Simeon b. Gamaliel.²¹ Also this, R. Jacob b. Ala is to have said as reporting R. Assi that where a couch has projecting lean-backs,²² it is enough if he merely tilts it up.²³

Our Rabbis taught: If he slept [during the seven days] on a chair, or on a large bench for water-jugs²⁴ or [even] on the ground. he has not discharged his duty.²⁵ Said R. Johanan: [He has not discharged his duty] because he has not conformed to [the practice of] overturning the bed.²⁶

Our Rabbis taught: We may sweep or strew²⁷ [the floors] in a house of mourning and wash dishes, cups, jugs and wine-goblets²⁸ in a house of mourning; but do not bring perfumes²⁹ or spices into a house of mourning. But this is not [correct]? For Bar Kappara taught: One should not say a benediction for [enjoying the scent of] perfumery or spices in a house of mourning, which implies that while we do not say a benediction, they may yet be taken into the house? — That presents no difficulty: the former ruling is for the house of mourning,³⁰ while the latter ruling is for the house of comforters.³¹

MISHNAH. [PROVISIONS]³² SHOULD NOT BE CONVEYED TO THE HOUSE OF MOURNING ON AN [ORNAMENTAL] TRAY,³³ SALVER,³⁴ OR FRUIT-BASKET,³⁵ BUT IN [PLAIN] BASKETS. AND THE MOURNERS BENEDICTION [IN GRACE AFTER MEALS] IS NOT SAID DURING THE FESTIVAL [WEEK]. BUT COMFORTERS MAY STAND IN A ROW AND COMFORT [THEM].³⁶ AND THE MOURNERS GIVE LEAVE OF DEPARTURE TO THE MANY [COMFORTERS]. THE BIER IS NOT SET DOWN IN THE BROADWAY [DURING THE FESTIVAL WEEK] SO AS NOT TO ENCOURAGE THE [FUNERARY] LAMENT; AND THE BIER OF WOMEN IS NEVER [SET DOWN IN THE BROAD WAY] FOR THE SAKE OF PROPRIETY.

GEMARA. Our Rabbis taught: Formerly they were wont to convey [victuals] to the house of mourning, the rich in silver and gold baskets and the poor in osier baskets of peeled willow twigs, and the poor felt shamed: they therefore instituted that all should convey [victuals] in osier baskets of peeled willow twigs out of deference to the poor.

Our Rabbis taught: Formerly, they were wont to serve drinks in a house of mourning, the rich in white glass vessels and the poor in coloured glass, and the poor felt shamed: they instituted therefore that all should serve drinks in coloured glass,³⁷ out of deference to the poor.³⁸ Formerly they were wont to uncover the face of the rich and cover the face of the poor, because their faces turned livid in years of drought and the poor felt shamed; they therefore instituted that everybody's face should be covered, out of deference for the poor.³⁸ Formerly, they were wont to bring out the rich [for burial] on a dargesh³⁹ aid the poor

(1) גלגל, a stone rolling in a groove to close a tomb.

(2) Rightly omitted in J. Ber. and J.M.K. (loc. cit.), as this could be only Rabban Gamaliel II (of Jabne). R. Eliezer's brother-in-law. Cf. B.M. 59b (Sonc. ed., p. 354, nn. 3 and 4.)

(3) To his wife Imma Shalom, Rabban Gamaliel's sister and others in the house. J. Ber. and J.M.K.: 'To his disciples'.

(4) I.e., 3.30 p.m. The Minhah was a meal-offering which accompanied the 'daily offerings', morning and afternoon. Num. XXVIII, 5, 8.

(5) Asheri read, 'Rabba b. 'Ulla'.

(6) To remind him that he is still a mourner within the seven days. J.M.K. III, 5.

(7) 'His own as well as those of his wife and children, who observe mourning in the house out of deference to him, but not those of strangers staying in the house'. Raabad, cited in Asheri.

(8) If he occupies any of those, even away from the place where the death had taken place (Asheri). Cf. Sem. XI.

(9) If they sleep in their own homes.

(10) A kind of sofa or couch like our ottomans, for clothes or coverlets; i.e., one not used for sleeping.

(11) An elaborate couch, explained and discussed below at length.

(12) To make it uncomfortable for sleeping or sitting on it.

(13) Among non-Jews. Among the Romans the lectus genialis was a symbolical, ornamental marriage-bed placed on the day of marriage in the front hall, the atrium, (as the bride's domain). 'Genialis lectus, qui nuptiis sternitur in honorem genii' quoted by Becker, Gallus, Excursus I (on Woman and Roman Marriage) p. 166. Cf. ibid. p. 154.

(14) Sanh. 20a.

(15) So that the king does not go down to the level of the people and sit with them.

(16) I.e., how call dargesh possibly mean a 'Couch of Fortune'? It can only mean a couch other than the ordinary, for the king.

(17) Not for sleeping.

(18) I.e., a bedstead with a hide thrown on girths or stretched on the frame which serves as a mattress or bolster. So Han., v. Becker's Charicles, Scene VIII, n. 8 (Eng. Trans. p. 136).

(19) In J.M.K. III, 5 we have: 'Where the interlacing (girths) are attached to the body (i.e., the frame of the bedstead itself) it is a bed; where the interlacing is not attached to the body (i.e., that the mattress-frame is a separate piece, the grabatus) it is a dargesh. Cf. further the notes on the discussion of the Mishnah.

(20) Horace's tenta cubilia.

(21) That it is enough, in the case of a dargesh, if he unfastens the inner bolsterframe and lets it drop down.

(22) נקליטי = **, lit. , 'something to lean back on'; here are meant head-rests and the back of a couch to support the cushions as well as the poles, at the head and the foot of a bed, to support a curtain or net. Cf. Suk. 10b.

(23) To show that it is not in use and does not need to be overturned.

(24) The Roman urnarium, a low oblong bench or kitchen-table, used for keeping near to hand urns, water vessels and other earthenware utensils and out of the way of being broker. אורניי for אורניי is the correct rendering and this meaning of the word fits all the parallel passages.

(25) J.M.K. III, 5 explains the context: 'If he said, I am not going to up turn the bed, for behold, I shall sleep on a bench, they do not listen to him, because he said, "I am not going to upturn the bed"; but if he said, lo, I am going to upturn the

bed . . . they do listen to him’.

(26) Cf. Sem. XI, (end). ‘But they say to him, There is the Mizwah (duty) of upturning’.

(27) With sawdust or said.

(28) and ** a Lacoman earthen drinking vessel or goblet.

(29) Spices to be burnt on ‘coals’ in fumigation pans.

(30) While the corpse is still in the house; it suggests that the dead is objectionable. Cf. Baraitha on the next Mishnah.

(31) I.e., after the burial, when comforters come in to visit and condole with the mourner.

(32) ‘The mourners fare’.

(33) Tabella or tabula.

(34) Scutella.

(35) Calathus.

(36) On the cemetery after the burial, during the festival week.

(37) Tosef. Nd. IX, 17 has: ‘Then they reverted to bringing (drink) in coloured or white (glass vessels)’.

(38) MS.M. inserts: Our Rabbis taught.

(39) **דרגש** a tall state bed, ornamented and covered with rich coverlets. V. Targum and Kimhi on Ezek. XXIII, 41 **מטה כבודה**. In Lewin, Otz. Hag. No. 208 it is explained by **מטה משובחת** and SBH explains it by **מטה השובה**. Cf. Persius, Sat. III, 103, ‘tandemque beatulus alto Compositus lecto...,’ and at last our blessed (dead) little friend being laid out on a tall bier’. Cf. also Jos., Ant. XVII, 8, 3 (197) and War, XXXIII, 9 (671) about Herod's gorgeous bier.

Talmud - Mas. Mo'ed Katan 27b

on a plain bier,¹ and the poor felt shamed: they instituted therefore that all should be brought out on a plain bier, out of deference for the poor. Formerly they were wont to set a perfuming-pan under [the bed of] those that died of intestinal disorders, and the living suffering from intestinal disorders felt shamed: they instituted therefore that it should be set under all [alike], out of deference to the living that suffer from intestinal disorders. Formerly they were wont to subject to [ritual] ablution all utensils that had been used by [dying] menstruants,² and the living menstruant women felt thereby shamed: they instituted therefore that they should subject utensils used by all [dying] women alike, out of deference to the living menstruants. Formerly they were wont to subject to [ritual] ablution all utensils used by those suffering from a flux.³ while dying, and the living suffering from a flux felt shamed: they therefore instituted that they should subject to ablution utensils used by all, out of deference to the living suffering from flux.⁴ Formerly the [expense of] taking the dead out [to his burial] fell harder on his near-of-kin than his death so that the dead man's near-of-kin abandoned him and fled, until at last Rabban Gamaliel came [forward] and, disregarding his own dignity, came out [to his burial] in flaxen⁵ vestments and thereafter the people followed his lead to come out [to burial] in flaxen vestments. Said R. Papa. And nowadays all the world follow the practice of [coming out] even in a paltry⁶ [shroud] that costs but a zuz.

THEY SET NOT DOWN THE BIER IN THE BROADWAY. Said R. Papa,⁷ in the case of a scholar [who died] no regard is paid to the festival [week].⁸ and much less so during Hanukkah⁹ or Purim,¹⁰ and this ruling obtains only in his presence, but away from his presence no [lament is allowed]. But that is not [correct]? For R. Kahana did make a lament for R. Zebid of Nehardea at Pum-Nahara? — Said R. Papi,¹¹ it was on the day of [receiving] the tidings [of his death] and that is deemed the same as in his presence.

Said ‘Ulla: [The technical meaning of] a hesped¹² is [lamenting with striking] upon the breast, as it is written: [Tremble ye... strip you... and gird sackcloth upon your loins]. striking upon the breast.¹³ [The technical meaning of] tippuah¹⁴ is clapping one's hands [in grief], and that of killus¹⁵ is [tapping] with the foot [in mourning].

Our Rabbis taught: One who does the tapping with the foot. should not do so when wearing either

sandal or boot, because of the danger.¹⁶

Said R. Johanan, As soon as the mourner nods his head,¹⁷ the comforters are no longer allowed to remain seated by him. R. Johanan said also, All are in duty bound to rise at the Presence of the Nasi,¹⁸ save a mourner, or one who feels ill. And furthermore, said R. Johanan, To all we may say¹⁹ 'be seated' save to a mourner or one who feels ill.²⁰

Said Rab Judah, as citing Rab: A mourner is forbidden to eat of his own bread on the first day [of mourning].²¹ as the All-Merciful said to Ezekiel: And eat thou not the bread of men.²² Rabbah and R. Joseph alternately provided the repast to each other.

This also said Rab Judah as reporting Rab: When a person dies in town, all the townspeople are forbidden from doing work. R. Hammuna once came to Daru-matha;²³ he heard the sound of the funerary-bugle²⁴ [and] seeing some people carrying on their work, he said: Let the people be under the shammetha [ban]! Is there not a person dead in town? They told him that there was an Association²⁵ in the town. If so, said he to them, it is allowed you [to work]. And furthermore, Rab Judah said, as citing Rab, Whoever indulges in grief to excess over his dead will weep for another. There was a certain woman that lived in the neighbourhood of R. Huna; she had seven sons one of whom died [and] she wept for him rather excessively. R. Huna sent [word] to her: 'Act not thus'. She heeded him not [and] he sent to her: If you need my word it is well; but if not, are you anxious to make provision²⁶ for yet another? He [the next son] died and they all died. In the end he said to her, Are you fumbling with provision for yourself? And she died.

[Our Rabbis taught]:²⁷ 'Weep ye not for the dead, neither bemoan him²⁸ [that is], 'Weep not for the dead' [that is] in excess, 'neither bemoan him' — beyond measure. How is that [applied]? — Three days for weeping and seven for lamenting and thirty [to refrain] from cutting the hair and [donning] pressed clothes; hereafter, the Holy One, blessed be He, says, 'Ye are not more compassionate towards him [the departed] than I'.

Weep sore for him that goeth away.²⁸ Said Rab Judah [as reporting Rab],²⁹ that means, Weep for him who goes [to his long home] childless.³⁰ R. Joshua b. Levi would not go to [visit] a house of mourning save to that of one who had gone childless, for it is written [said he]: Weep sore for him that goeth away,³¹ for he shall return no more nor see his native country.²⁸ R. Huna said this [verse refers to] one who committed a sinful act and repeated it again. R. Huna is here adhering to his own view, as he said: 'As soon as a person has continued a sinful act and has repeated it, it has become unto him permissible'. [You say]. 'Become unto him permissible'? Can you conceive such a thing? — Say rather that it has become unto him as though it were something permissible.

Said R. Levi: A mourner [during] the first three days should look upon himself as if a sword is resting between his shoulders;³² from the third to the seventh, as if it stands in the corner facing him; thereafter as if it is moving alongside him in the [broad] market place.

AND THE BIER OF WOMEN IS NEVER [SET DOWN IN THE BROADWAY] FOR THE SAKE OF PROPRIETY. Said the Nehardeans:³³ This [Mishnah] was taught only

(1) Or box.

(2) A menstruant's touch defiled persons, her bed, clothes and utensils. Cf. Lev. XV, 19-24.

(3) Lev. XV, 4-12.

(4) MS.M. inserts: Our Rabbis taught.

(5) That is, dressed in linen instead of woollen expensive vestments, as had been the custom heretofore.

(6) **סררר** : This is the correct reading for **סרררר** a popular pronunciation of the Latin word sordida which means cheap, poorly, mean, ragged. Cf. sordidn amictus and the Latin proverb: 'Saepe est etiam sub palliolo sordido sapientia'

(Wisdom is often hidden under a ragged cloak). Also Juv. III, 149: Si toga sordidula est etc. (If the toga is somewhat threadbare...). This meaning fits also R. Papa's statement in B.M. 51b as cheap, slightly soiled (second-hand?) clothes dealers. Cf. also Hul. 105b צרדא רוח with רוח זוהמא Shab. 82a.

(7) MS.M. and other texts read: Rabbah b. R. Huna.

(8) I.e., lament may be made for a scholar even on festival week.

(9) The Maccabean Feast of Lights beginning on the 25th of Kislev. V. I Macc. IV; II Macc. X, 1ff.

(10) V. Esth. IX, 19ff.

(11) MS.M., R. Papa.

(12) הספד .

(13) Isa. XXXII, 11-12.

(14) טפוח , v. Tosaf.

(15) קלום , cf. Ezek. VI, 11.

(16) Of twisting the ankle or hurting another's foot.

(17) Thereby indicating to the comforters that they may retire, whatever his reason may be, whether his wish or necessity; he may not bid them farewell with the word 'Peace' — שלום .

(18) At his entry.

(19) E.g., to distinguished visitors or elderly persons.

(20) As this might be taken ill, as an ominous expression wishing one to 'be seated' as a mourner.

(21) I.e., after the funeral.

(22) Ezek. XXIV, 17. to be taken there as having been contrary to all regular practice, and done by the prophet to convey to his hearers the magnitude of the threatening calamities.

(23) Obermeyer, p. 197 suggests that this place is identical with Darukart, in the neighbourhood of Wasit. SBH reads: Dara (N. of Nisibis).

(24) Cf. Meg. 29a (top).

(25) A collegium that attended to burials.

(26) Provision for the long way, shrouds, etc.

(27) So Han. and SBH.

(28) Jer. XXII, 10.

(29) So MS.M. and Yalkut.

(30) Cf. B.B. 116a (Sonc. ed. p. 477.)

(31) 'Goeth away' also means 'to die childless'. Cf. Gen. XV, 2.

(32) Close by and ready to slay him.

(33) R. Hama, R. Nahman and Samuel. V. Sanh. 17b and A. Hyman Toledoth III, 919b.

Talmud - Mas. Mo'ed Katan 28a

with reference to a woman who died in childbirth,¹ but [that of] other women may be set down [in the roadway]. R. Eleazar says: [The rule applies] even to other women, as it is written: And there Miriam died and was buried there,² which shows that her death was close to her [place of] burial. R. Eleazar also said that Miriam also died by the Divine kiss [like Moses]: We interpret the expression 'there' [used at Miriam's death] in the same sense as that of the expression 'there' used of Moses.³ Wherefore then is it not said about her [that she died] by the mouth of the Lord?³ Because it would be unbecoming to say so.

Said R. Ammi, Wherefore is the account of Miriam's death⁴ placed next to the [laws of the] red heifer?⁵ To inform you that even as the red heifer afforded atonement [by the ritual use of its ashes], so does the death of the righteous afford atonement [for the living they have left behind].

R. Eleazar said, Wherefore is [the account of] Aaron's death closely followed by [the account of the disposal of] the priestly vestments?⁶ [To inform you] that just as the priest's vestments were [means] to effect atonement,⁷ so is the death of the righteous [conducive to procuring] atonement.

Our Rabbis taught: If one die suddenly, this is [reckoned] as being 'snatched away'; if one is ill one day and dies, that is reckoned as being hustled away; R. Hanania b. Gamaliel says, That is death by a stroke, for it is said: Son of Man, behold I take away from thee the desire of thine eyes with a pestilential stroke,⁸ and it is written [there. after], So I spoke unto the people in the morning and at even my wife died.⁹ After two days' [illness], it is a rather precipitous death.¹⁰ [After] three — it is one of reproof; [after] four — it is one of rebuff [snubbing]; [after] five is the ordinary death of all men.¹¹ (Said R. Honin: What is the text [for this]? Behold thy days are approached that thou must die.¹² 'Behold' [accounts for] one;¹³ 'thy days' accounts for two [more]; 'are approached' [gives us] two [more], which makes five. 'Behold' makes one because the word for 'one' in Greek is hen.)¹³

'If one dies [under]¹⁴ fifty years [old] — that is death by kareth;¹⁵ at fifty-two years — that is the death of Samuel of Ramah; at sixty — that is by the hand of Heaven'.¹¹ (Said Mar Zutra: What is the text [for this]? Thou shalt come to thy grave in ripe age,¹⁶ as the [numerical value of the] word for 'in ripe age' yields sixty.) 'At seventy, it is the death of the hoary head; at eighty it is the death of a vigorous [old man]. for it is written, The days of our years are three score and ten, or even by reason of strength four score years.¹⁷ Said Rabbah,¹⁸ From fifty to sixty years [of age]. that is death by kareth, and the reason why this has not been mentioned was out of deference to [the prophet] Samuel of Ramah. R. Joseph, on his attaining the age of sixty, made a festival day for the Rabbis [of the Academy] saying. 'I have just passed beyond [the limit of] kareth'. Said Abaye to him: 'Granted, Sir, that you have passed the [limit of] kareth as to years. but as to the [limit of sickening] days¹⁹ have you escaped that'? He replied: 'Nevertheless, hold on to the half'.²⁰ R. Huna's soul went into repose suddenly²¹ and the Rabbis [of the academy] were perturbed [thereat] when Zoga²² who hailed from Adiabene taught them:²³ 'What we learned applies only when one has not attained the "age of strength" [eighty] but if one has attained the "age of strength" [eighty] a sudden death is dying by the kiss'.

Raba said: [Length of] life, children and sustenance depend not on merit but [rather on] mazzal.²⁴ For [take] Rabbah and R. Hisda. Both were saintly Rabbis; one master prayed for rain and it came, the other master prayed for rain and it came. R. Hisda lived to the age of ninety-two,²⁵ Rabbah²⁶ [only] lived to the age of forty. In R. Hisda's house there were held sixty marriage feasts, at Rabbah's house there were sixty²⁷ bereavements. At R. Hisda's house there was the purest wheaten bread for dogs, and it went to waste;²⁸ at Rabbah's house there was barley bread for human beings and that not to be had. This too, Raba said: These three requests I made of Heaven; two were granted me and one was not. [I prayed for] the scholarship of R. Huna and the wealth of R. Hisda which were granted me; but the modest disposition of Rabbah son of R. Huna,²⁹ that was not granted me.

R. Se'orim, Raba's brother, while sitting at Raba's bedside³⁰ saw him [Raba] going into sleep [dying],³¹ when he [the invalid] said to his brother: 'Do tell him,³² Sir, not to torment me'. R. Se'orim replied: 'Are you, Sir, not his intimate friend?'³³ Said Raba: 'Since [my] mazzal³⁴ has been delivered [to him], he takes no heed of me'. R. Se'orim then said to the dying: 'Do, Sir, show yourself to me [in a dream]'. He did show himself and when asked: 'Did you, Sir, suffer [pain]?' He replied: 'As from the prick of the cupping instrument'.

Raba, while seated at the bedside³⁰ of R. Nahman, saw him sinking into slumber [death].³⁵ Said he to Raba: 'Tell him,³⁶ Sir, not to torment me'. Said Raba: 'Are you, Sir, not a man esteemed?'³⁷ Said [R. Nahman] to him, 'Who is esteemed, who is regarded, who is distinguished [before the Angel of Death]?' Said [Raba] to him: 'Do, Sir, show yourself to me [in a dream]'. He did show himself. [Raba] asked him: 'Did you suffer pain, Sir'? He replied: 'As [little as] the taking of a hair from the milk; and were the Holy One, blessed be He, to say to me, Go back to that world as you were, I wish it not, for the dread thereof [of death] is great'.

R. Eleazar was eating some terumah [priest's holy food] when he³⁶ showed himself to him. Said

he, Am I not [in the pious act of] eating terumah and is not that designated 'holy [meat]'?³⁸ The [fatal] moment [thus] was past! R. Shesheth caught sight of him³⁶ in the market place. Quoth he: 'Do you [seize me] in the market place like a beast? Come to [the] house'! R. Ashi³⁹ caught sight of him³⁶ in the market place. Quoth he: 'Grant me thirty days' respite and I shall revise my studies, inasmuch as you say [in Heaven above]: "Happy he that cometh hither [to Heaven] bringing his learning ready with him".'⁴⁰ he came [again] on the thirtieth day; quoth he, 'What is the urgency?' He replied: R. Huna⁴¹ b. Nathan is close on your heels⁴² and, 'No sovereignty encroaches upon the sphere of another even to a hair's breadth'.

As for R. Hisda, he³⁶ could never overcome him as his mouth was never silent from [repeating] his learning by rote. So he went and settled on the cedar tree of the Schoolhouse. The tree cracked; R. Hisda stopped [and] he overcame him.

As for R. Hiyya, he³⁶ could not gain access to him. So one day he adopted the guise of a poor man and came and rapped at the gate, saying, 'Bring me out some bread'. They [others] brought out some bread to him. Said he then to R. Hiyya: 'Don't you, Sir, treat the poor kindly? Why not, Sir, [also] treat kindly this man [standing outside]?'⁴³ He [R. Hiyya] opened the door to him,⁴⁴ whereupon, showing him a fiery rod, he made him yield his soul.

(1) For obvious reasons of delicacy; they might stain their clothing and bier.

(2) Num. XX, 1, 'There' being repeated twice.

(3) Deut. XXXIV, 5: So Moses the servant of the Lord died there in the land of Moab by the mouth of the Lord. In the passage 'there' could have been omitted, and in the above passage we have also a superfluous 'there', which suggests the Gezerah shawah, v. Glos.

(4) Num. XX, I.

(5) Ibid. XIX. It is called a 'sin-offering' and the ritual use of its ashes afforded the means of purification as well as the desire to sanctification.

(6) Ibid. XX, 26, 28.

(7) Lev. XVI, 4, 24, 32, 33. Cf. Zeb. 88b.

(8) Ezek. XXIV, 16.

(9) Ibid. verse 18.

(10) Cf. P5. CXVIII, 13, דָּהָה דְּהִיתָנִי, and XXXVI, 13.

(11) Here the quotation is interrupted.

(12) Deut. XXXI. 14.

(13) The word הֵן, — hen — similar in sound to ** — hen — the Greek neuter for one. The quotation is now resumed.

(14) So Sem. III, 8.

(15) 'Cut off' for certain sins. E.g., Lev. XVIII. V. Mak. Chapter III, 13aff. (Sonc. ed., p. 90. n. 2). Cf. Tosaf. here, s.v.

(16) Job V, 26. כִּלְהָהּ = 2 + 20 + 30 + 8, in letter value.

(17) Ps. XC, 10.

(18) Raba is probably more correct, as Rabbah himself died at forty.

(19) I.e., there is yet the danger of dying suddenly without any warning as cited above.

(20) Take what you get, a proverbial phrase.

(21) 297 C.E. Cf. supra 25a.

(22) Or Zawa.

(23) I.e., cited to them a Baraita on the point.

(24) 'Destiny'. Cf. however, Shab. 156a.

(25) Died 309 C.E.

(26) 13. Nahmani, died 330 C.E.

(27) A proverbial number. The number sixty is a Babylonian unit, e.g., the hour and minute are divided into sixty.

(28) Lit., 'was not wanted'.

(29) Died 322 C.E.

(30) Lit., 'in front of R.'

(31) 252 C.E.

(32) The Angel of Death.

(33) Lit., 'a bosom friend', cf. Sanh. III, 5. As a teacher of Torah, he is God's messenger himself. V. Mal. II, 6-7.

(34) The guardian Angel.

(35) 320 C.E.

(36) The Angel of Death.

(37) To make your appeal direct to the Angel of Death; He would surely grant your request.

(38) Cf. Num. XVIII, 11-12. If he were to die just then the terumah would be defiled which is not a correct thing to do. Besides, 'a pious deed acts as a shield against tribulation'. Cf. Aboth. IV, 11, P.B. p. 107 (top).

(39) Var. lec. Assi.

(40) Lit., 'in his hand'. Cf. Pes. 50a.

(41) So MS.M. V. Git. 59a and Zeb. 19a. Var. lec. R. Huna b. Hisda,

(42) I.e., waiting to succeed you.

(43) Why not yourself befriend me, this poor man, and give me the bread with your own hand?

(44) Cf. A.Z. 58a (Sonc. ed., 11. 289). Here probably to be one word **הִדְלִיף** 'he pushed the door aside'; cf. **שֵׁנִי** for a slab used for closing the entrance to a tomb.

Talmud - Mas. Mo'ed Katan 28b

MISHNAH. WOMEN MAY RAISE A WAIL DURING THE FESTIVAL [WEEK], BUT NOT CLAP [THEIR HANDS IN GRIEF]; R. ISHMAEL SAYS, THOSE THAT ARE CLOSE TO THE BIER CLAP [THEIR HANDS IN GRIEF]. ON THE DAYS OF NEW MOON, OF HANUKKAH AND OF PURIM¹ THEY MAY RAISE A WAIL AND CLAP [THEIR HANDS IN GRIEF]. NEITHER ON THE FORMER² NOR ON THE LATTER OCCASIONS DO THEY CHANT A DIRGE. AFTER [THE DEAD] HAS BEEN INTERRED THEY NEITHER RAISE A WAIL NOR CLAP [THEIR HANDS IN GRIEF]. WHAT IS MEANT BY RAISING A WAIL' ['INNUY]?³ WHEN ALL SING IN UNISON. WHAT IS MEANT BY A DIRGE [KINAH]?⁴ WHEN ONE SPEAKS⁵ AND ALL RESPOND AFTER HER, AS IT IS SAID: AND TEACH YOUR DAUGHTERS WAILING AND ONE ANOTHER [EACH] LAMENTATION [KINAH].⁶ BUT AS TO THE FUTURE [DAYS] TO COME, [THE PROPHET] SAYS: HE WILL DESTROY DEATH FOR EVER AND THE LORD GOD WILL WIPE AWAY TEARS FROM OFF ALL FACES.⁷

GEMARA. What say the women [in lament]? — Said Rab.⁸ 'Cry woe o'er him that is now departing! Cry woe o'er his wounds⁹ [and smarting]!' Raba¹⁰ said, The women of Shoken-Zeb¹¹ speak thus:

'Cry woe o'er him that is departing!

Cry woe o'er his wounds and smarting!'

Raba also said, The women of Shoken-Zeb speak thus:

'Withdraw the bone from out the pot¹²

And the kettles¹² fill with water [hot]'

Raba said this also: The women of Shoken-Zeb speak thus:

'Be muffled,¹³ ye high mountains,

[Clouds] covering your head;

Of high lineage and grand ancestry

Came he that is dead’.

Also this said Raba: The women of Shoken-Zeb speak thus:

‘Borrow [and buy] a Milesian¹⁴ robe

To dress a free-born son;

[Give it free of charge] for

Provision left he none’.¹⁵

And furthermore said Raba: The women of Shoken-Zeb speak thus:

‘Comes hurrying and scurrying¹⁶ Tumbling aboard the ferry

And having to borrow his fare’.

Again this said Raba: The women of Shoken-Zeb speak thus:

‘Our brothers are merchants who

At the custom houses¹⁷ are searched’.

And again said Raba: The women of Shoken-Zeb speak thus:

‘This death or that death [is the end of the quest];

Our bruises are the rate of interest’.

It is taught: R. Meir was wont to say: ‘[It is written], It is better to go to the house of mourning than to go to the house of feasting; for that is the end of all men and the living will lay it to heart.¹⁸ ["And the living will lay it to heart"], what is that? Things about death; if one makes lament, others will lament for him; if one assists at burial, others will bury him; if one bears the bier, others will bear him; if one raises [his voice]¹⁹ others will raise [their voice] for him’. Others read [the last]: ‘And he that raises not [himself with pride], others will raise him, as it is written: Glorify not thyself in the presence of the King and stand not in the place of great men; for better is it that it be said unto thee, Come up hither, than that thou shouldest be put lower in the presence of the prince.²⁰

Our Rabbis taught: When the sons of R. Ishmael died, four Elders went into his house to comfort him. R. Tarfon, R. Jose the Galilean, R. Eleazar b. ‘Azaria and R. Akiba. Said R. Tarfon to them: ‘Know ye, he is a great sage and erudite in homiletic exposition, let none of you break in while another is speaking’. Said R. Akiba: ‘And I be last!’ R. Ishmael opened²¹ [the conversation] and said: ‘His²² sins were many, his sorrowful bereavements came in close succession; he²² troubled his Masters once and a second time!’ R. Tarfon responded and said: ‘But your brethren, the whole house of Israel bewail the burning which the Lord hath kindled.²³ Is not this universal sorrow more due²⁴ now [even than there]? Why, if Nadab and Abihu who had performed but one office — as it is written: And the sons of Aaron presented the blood unto him²⁵ . . . were thus [universally mourned] — how much more due to the sons of R. Ishmael!’ R. Jose the Galilean then responded and said: It is written: And all Israel shall make lamentation for him and bury him.²⁶ Is not more due now? Why,

if Abijah Jeroboam's son who had done but one good thing — as it is written: Because in him there is found some good thing towards the Lord God of Israel,²⁶ — was mourned in such universal manner, how much more is due to the sons of Ishmael!

What was that 'good thing'? R. Zeira and R. Hanina b. Papa [gave different explanations]: one saying that he left his charge [post] and went on a festive pilgrimage [to Jerusalem]; the other saying that he removed the military guards²⁷ that his father had posted on the roads to prevent the Israelites from going on a pilgrimage [to Jerusalem].²⁸

R. Eleazar b. 'Azaria then responded and said: 'Thou shalt die in peace and with the burning of thy fathers, the former kings that were before thee, so shall they make a burning for thee.'²⁹ Is not more due now? Why, if Zedekiah King of Judah who had performed but one office in having had Jeremiah lifted from the mire,³⁰ was to be mourned thus, how much more is due to the sons of Ishmael'!

R. Akiba then responded and said: 'In that day there shall be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon'.³¹ [On this] R. Joseph said, Had we not the [Aramaic Targum] rendering of that text, I would not have known what it said there: 'In that time the mourning at Jerusalem will be as great as the lament over Ahab son of Omri whom Hadadrimmon son of Tabrimmon had slain³² and as the lament over Josiah son of Amon whom Pharaoh the Lame³³ [Necho] had slain in the valley of Megiddon.³⁴ Is not more due now? Why, if Ahab King of Israel who had done but one good thing — as it is written: And the king was stayed up in his chariot against the Arameans [and died at even]³⁵ — was lamented thus how much more is due to the sons of Ishmael'!

Said Raba to Rabbah b. Mari, It is written about Zedekiah: Thou shalt die in peace,³⁶ yet it is written [thereafter]: Moreover he [Nebuchadnezzar] put out Zedekiah's eyes?³⁷ — He replied that R. Johanan had explained it thus, [namely] that Nebuchadnezzar died in Zedekiah's lifetime.³⁸ Again said Raba to Rabbah b. Mari, it is written: Therefore, behold I will gather thee to thy fathers, and thou shalt be gathered to thy grave in peace;³⁹ yet it is written [about him elsewhere]: And the archers shot at King Josiah,' [and the King said to his servants, Have me away for I am sore wounded;⁴⁰ And [on this last part] R. Judah citing Rab, commented: They riddled⁴¹ his body like a sieve! — This, too he replied, R. Johanan explained that the Temple had not been destroyed [as threatened] in his lifetime.

Said R. Johanan.⁴² Comforters are not permitted to say a word until the mourner opens [conversation], as it is said: So they sat down with him on the ground. . . and none spake a word unto him; for they saw that his grief was very great.⁴³ After this opened Job his mouth⁴⁴ . . . Then answered Eliphaz the Temanite.⁴⁵

Said R. Abbahu: Whence [derive we the practice] that the mourner reclines in the foremost place⁴⁶ [at the mourners' repast]? From what is said [by Job]: I chose out their way, and sat chief, and dwelt as a king it, the army, as one comforteth the mourners.⁴⁷ 'As one comforteth the mourners'? Does not that convey [rather] that he was [at the head in] comforting others? — Said R. Nahman b. Isaac: [Not necessarily as] it is written Yenahem, it may be rendered, 'as when one comforteth mourners'.⁴⁸

Mar Zutra said: The rule might be [derived] from here:⁴⁹ And prince⁵⁰ be he who is embittered — distraught⁵¹ among those stretched [on couches].⁵² Said R. Hama b. Hanina, Whence [is derived the practice] that a bridegroom reclines in the foremost place [at the marriage feast]? From what is said: I will rejoice in the Lord . . . for He hath clothed me with the garments of salvation . . . as a bridegroom that ministers in his diadem as a priest.⁵³ Which means that just as a priest [with whom he is compared] is at the head, so is the bridegroom [placed] at the head. And whence have we this

ruling about the priest himself? — From what is taught in [a Baraitha of] the School of R. Ishmael: And thou shalt sanctify him [the priest] for he offereth the bread of thy God,⁵⁴ which means, [sanctify him] in every matter appertaining to hallowed things, to be first to begin,⁵⁵ first to say grace, first to take a fair portion.

R. Hanina said: The dying gasps severely agitate the body

(1) For these cf. supra p. 178, nn. 7 and 8.

(2) The festival week.

(3) I.e., what is the technical meaning of the word used in the Mishnah, which literally means chanting, singing the lamenting words.

(4) The term for chanting a dirge used in the Mishnah.

(5) Or, leads.

(6) Jer. IX, 19.

(7) Isa. XXV, 8 cited here as a comforting conclusion to the lugubrious subject of the tractate.

(8) Died 247 C.E.

(9) Cf. P5. XVIII, 5-6; CXVI, 3; Micah II, 10. Aliter: 'loss'.

(10) Died 309 C.E. half a century after Rab, who reported the same dirge.

(11) Identified by Obermeyer. 190ff as Askun — Zefia, two places in close proximity on the eastern bank of the Tigris, a parasang (mile) from Sikara and, higher up. Mahoza, Raba's place.

(12) Reading **מִכְבֵּא** instead of **מִכְבֵּא** as in our text (or D.S. **מִכְבֵּא**) which means, 'Withdraw the bone from the molar tooth' which gives no sense, as the dying do not suck or gnaw a bone. It has hitherto defied all explanation. It is probably a misreading of **כְּכַבֵּא** from ** or Latin cacabus a three-legged cooking pot synonymous with cucuma — **קוּמְקוּם** — associated here with **אֲנִימֵיכִי** = ** (V. Shab. 41a) meaning: He's dead, he needs no broth; fill now the pots and kettles with hot water to wash the dead instead.

(13) Cf. supra 24a about the mourner muffling himself in his cloak and covering his head. Han. and other commentators give other various interpretations.

(14) A robe of Milesian wool was the finest. V. Classical Dictionaries.

(15) Lit., 'has come to an end', has run out. Give him a decent funeral.

(16) Han. has different readings to the same effect — 'Running and tumbling comes one with a wallet...' Cf 'a purse of denars'. B.M. 28b (Sonc. ed., p. 176) and v. Jast. 22a.

(17) Reading **אֲזַבְנֵי**. Cf. Kohut, Ar. Compl. III, 264 s.v. **זְבֻנֵי**. His correction is confirmed by SBH p. 235. Kohut appropriately refers to Shab. 32a q.v. Han. gives another reading cited in Ar. Compl. l.c.: 'Our brothers are merchants who are tested by the goods they sell'.

(18) Eccl. VII, 2.

(19) I.e., will cry aloud in his lament. Cf. Ber. 6b.

(20) Prov. XXV, 6-7.

(21) Comforters are not to speak until the mourner has acknowledged their presence by some word addressed to them. Cf. Job II, 11-13; III, 1ff

(22) Euphemistically altered by the Scribe, instead of saying. 'My sins etc.' 'I troubled...'

(23) Lev. X, 6.

(24) Lit., 'is not this a fortiori?'

(25) Ibid. IX, 9, while assisting their father at the ceremony of their induction into the priestly office.

(26) I Kings XIV, 13.

(27) **פְּרִיסְתָּאוֹת** or **פְּרִיסְתָּאוֹת** = praesidia. V. Ar. Compl. VI, p. 418a. Var. lec. **פְּרִיסְתָּאוֹת** cf. **

(28) Cf. B. B., Sonc. ed. p. 499.

(29) Jer. XXXIV, 5.

(30) Cf. Ibid. XXXVIII, 6.

(31) Zech. XII, 11. The quotation is interrupted by a comment.

(32) I Kings XXII, 34f.

(33) Translation of **נִכְרָה** — Necho. Cf. II Sam. IV, 4; IX, 3.

(34) II Kings XXIII, 29-20; II Chron. XXXV, 20ff.

- (35) I Kings XXII, 35. The good deed consisted in the wounded king being propped up so as not to discourage the fighting men and not to give the enemy an advantage.
- (36) Jer. XXXIV, 5.
- (37) Ibid. XXXIX, 7.
- (38) I.e., Zedekiah had the satisfaction to outlive his captor.
- (39) II Kings XXII, 20 addressed to King Josiah.
- (40) II Chron. XXXV, 23.
- (41) Taking the word **החליתי** (I have been made ill) as if it were from **הלל** (I am pierced, holed). Cf Num. XIX, 16. J. Kid. I, 7 adds: 'They riddled him with three hundred arrows',
- (42) D.S., Han., Asheri and others have: Said Rab Judah, as citing Rab.
- (43) Job. II, 13.
- (44) Ibid. III, 1.
- (45) Ibid. IV, 1.
- (46) On the table etiquette of the ancients, both in Palestine and in Babylon, v. Ber. 46b, where both R. Naliman b. Isaac and Mar Zutra mentioned here are among the persons taking part in the discussion on this point.
- (47) Job XXIX, 25. Possibly R. Abbahu and Mar Zutra (mentioned next) read into the terms 'chief' and 'king' the popular, familiar usage of these terms in Latin and Greek, by which they designated the person presiding over the toasts at the end of a feast, the rex convivii, basileus, or symposiarch. The following citation from Sem. XIV, (end), will make it clear: 'Ten cups (toasts) they drink in the house of mourning; two before the meal, five during the meal and three after the meal (namely) one for the benediction of the mourners, one for comforting the mourners and one (in reference) to acts of loving-kindness (the merits of the deceased; the bearers of the biers and the orators at the funeral; cf. Sot. 14a). Then they added more cups — one (toast) for the "chief of the synagogue", one for the "administrator of the synagogue" and one to (the memory of) Rabban Gamaliel. But when the Beth din saw that some were coming away drunk they issued an inhibition (on the innovation) and made them go back to the old practice'. For considerable divergencies v. Keth. 8b. Cf. Ber. 46b. In J. Ber. III, 1 it is stated that the cup for Rabban Gamaliel had been introduced after his death. Seemingly it was introduced to commemorate his great social reform in directing the simplification of funerals. Cf. supra 27b, p. 177.
- (48) Which is the equivalent of the passive 'as when mourners are being comforted'. For other instances of this use of the third person singular in the passive sense v. Gen. XLVIII, 1-2 (someone told Joseph, one told Jacob). Cf. Gesenius, Hebrew Grammar, 144, 3a. Or, it may be pointed **ינחם** = as when 'it being comforted', i.e., when comfort is being tendered to mourners.
- (49) Amos VI, 7. The rendering is here adapted to the requirements of the exposition. The prophet there threatens: Therefore now shall they (the callous revellers) go captive at the head of captives and the revelry (**מריצה**) of them that lay (**סרוחים**) stretching (on banqueting couches) shall pass away (**סר**). It is the three words, **וסר מריצה סרוחים**, in the second half of the sentence that are being strained to yield the sense required by Mar Zutra.
- (50) **וסר** (and shall pass away) = **ושר** (and prince be).
- (51) **מריצה** is divided into **מר** (bitter) and **צה** (moved, perturbed, distraught). Cf. Rashi on the parallel passage Keth. 69b. The term **מריצה** denotes solemn feasting, particularly a funerary repast, as seems clear from Jer. XVI, 5-8. Cf. Ar. Compl., a.v. Also, Kimhi on Jer. l.c. and on Amos, l.c.
- (52) Cf. Amos VI, 4.
- (53) Isa. LXI, 10.
- (54) Lev. XXI, 8.
- (55) The reading of the Law in the synagogue.

Talmud - Mas. Mo'ed Katan 29a

like the rigging¹ at the edge of the mast.² R. Johanan said, like the top-sail³ at the edge of the mast.

R. Levi b. Hitha said: One bidding farewell to the dead should not say unto him 'Go unto peace', but 'Go in peace'; one bidding farewell to the living [friend] should not say to him 'Go in peace'. but 'Go unto peace'. One bidding farewell to the dead should not say to him, 'Go unto peace', because it

is said [unto Abraham]: But thou shalt go to thy fathers in Peace,' thou shalt be buried.⁴ One bidding farewell to the living [friend]⁵ should not say to him, 'Go in peace', but 'Go unto peace', because there was David [who] said to Absalom, 'Go in peace,⁶ and he went and was hanged.⁷ Whereas, Jethro said to Moses, 'Go unto peace,⁸ [and] he went and succeeded.

And, said R. Levi:⁹ Whoever comes out of the Synagogue and goes into the Beth Hamidrash, or from the Beth Hamidrash to the synagogue shall gain the privilege of being admitted into the Presence of the Shechinah,¹⁰ as it is said: They go from strength to strength, every one of them appeareth before God in Zion.¹¹ R. Hiyya b. Ashi as citing Rab, said: The disciples of the Sages have no rest even in the world to come, as it is said: They go from strength to strength, every one of them appeareth before God in Zion.

(1) So Rashi here (which is not of Rashi's authorship) and on Ber. 8b. In this naval simile we need not be surprised to find the terms used to be of Greek origin, just as we have many naval terms in English of Dutch origin. **צפורי** in the sense of 'rigging' is seemingly the Greek ** = cord, rope, especially a ship's cable. The term may mean the 'top-sail', ** Latin, siparum and supparum, which is defined by Festus as, Velum Minus in navi ut acation (acatum) majus; (v. Lewis and Short, Lat. Dict. s.v.).

(2) **וושט**, connected by Rashi with **תורן** (a mast) is the Greek **.

(3) **פטורי** is the Greek ** which means, anything suspended aloft or fluttering in mid-air, a top-mast or pennant.

(4) Gen. XV, 15.

(5) So Asheri and other texts.

(6) II Sam. XV, 9.

(7) Ibid. XVIII, 9ff.

(8) Ex. IV, 18.

(9) Ber. 64a has R. Levi b. Hiyya.

(10) The Divine Presence.

(11) Ps. LXXXIV, 8.

Mishna - Mas. Hallah Chapter 1

MISHNAH 1. FIVE SPECIES [OF CEREALS] ARE SUBJECT TO [THE LAW OF] HALLAH.¹ WHEAT, BARLEY, SPELT, OATS AND RYE.² THESE ARE SUBJECT TO HALLAH, AND [SMALL QUANTITIES OF DOUGH MADE OF THE DIFFERENT SPECIES] ARE RECKONED TOGETHER ONE WITH ANOTHER [AS ONE QUANTITY]³ AND ARE ALSO SUBJECT TO THE PROHIBITION OF [THE CONSUMPTION OF] 'NEW' [PRODUCE]⁴ PRIOR TO THE OMER,⁵ AND TO [THE PROHIBITION OF] REAPING PRIOR TO PASSOVER.⁶ IF THEY TOOK ROOT PRIOR TO THE OMER, THE OMER RELEASES THEM;⁷ IF NOT, THEY ARE PROHIBITED UNTIL THE NEXT OMER HAS COME.

MISHNAH 2. IF ONE HAS EATEN ON THE PASSOVER AN OLIVE-SIZE⁸ OF UNLEAVENED BREAD [MADE] OF THESE [CEREALS], HE HAS FULFILLED HIS OBLIGATION;⁹ [IF ONE HAS EATEN ON THE PASSOVER] AN OLIVE-SIZE OF LEAVEN [MADE OF THESE CEREALS], HE HAS INCURRED THE PENALTY OF KARETH.¹⁰ IF ONE OF THESE [CEREALS, HAVING BECOME LEAVENED,] HAS BECOME MIXED WITH ANY OTHER SPECIES, ONE TRANSGRESSES THE [LAWS OF] PASSOVER.¹¹ IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] BREAD AND TEBU'AH [(CEREAL) PRODUCE].¹² HE IS PROHIBITED FROM CONSUMING THESE [FIVE SPECIES]; THIS IS THE OPINION OF R. MEIR. THE SAGES SAY: IF ONE HAS VOWED [TO ABSTAIN] FROM [CONSUMING] DAGAN [CORN], HE IS PROHIBITED FROM [CONSUMING] THESE [SPECIES] ONLY.¹³ THEY ARE SUBJECT TO HALLAH AND TITHES.¹⁴

MISHNAH 3. THE FOLLOWING ARE SUBJECT TO HALLAH, BUT EXEMPT FROM TITHES: LEKET,¹⁵ SHIKEHAH,¹⁶ PE'AH,¹⁷ AND PRODUCE, OWNERSHIP OF WHICH HAS BEEN WAIVED,¹⁸ AND THE FIRST TITHE¹⁹ OF WHICH TERUMAH [THE PRIEST'S PORTION] HAD BEEN TAKEN OFF,²⁰ AND THE SECOND TITHE,²¹ AND CONSECRATED [PRODUCE]²² WHICH HAVE BEEN REDEEMED, AND THAT WHICH REMAINS OVER FROM THE OMER,²³ AND GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE].²⁴ R. ELIEZER SAID: GRAIN WHICH HAS NOT GROWN ONE-THIRD [RIPE] IS EXEMPT [ALSO] FROM HALLAH.²⁵

MISHNAH 4. THE FOLLOWING ARE SUBJECT TO TITHES, BUT EXEMPT FROM HALLAH: RICE, MILLET, POPPY-SEED, SESAMUM, PULSE,²⁶ AND LESS THAN FIVE-FOURTHS [OF A KAB] OF [THE FIVE KINDS OF] GRAIN,²⁷ SPONGE-BISCUITS, HONEYCAKES,²⁸ DUMPLINGS,²⁹ CAKE [COOKED] IN A PAN³⁰ AND MEDUMMA'³¹ ARE EXEMPT FROM HALLAH.

MISHNAH 5. DOUGH WHICH WAS ORIGINALLY [INTENDED FOR] FANCY-BAKING,³² AND FINALLY [COOKED AS] FANCY-BAKING, IS EXEMPT FROM HALLAH.³³ [IF IT WAS] ORIGINALLY [ORDINARY] DOUGH, BUT FINALLY [COOKED AS] FANCY-BAKING, [OR IF IT WAS] ORIGINALLY [INTENDED FOR] FANCY-BAKING, BUT FINALLY [COOKED AS ORDINARY] DOUGH, IT IS SUBJECT TO HALLAH; SIMILARLY ARE RUSKS³⁴ SUBJECT [TO HALLAH].³⁵

MISHNAH 6. THE [FLOUR-PASTE CALLED] ME'ISAH³⁶ BETH SHAMMAI DECLARE EXEMPT [FROM], BUT BETH HILLEL DECLARE SUBJECT [TO HALLAH].³⁷ THE [FLOUR-PASTE CALLED] HALITA³⁸ BETH SHAMMAI DECLARE SUBJECT [TO], AND BETH HILLEL DECLARE EXEMPT [FROM HALLAH].³⁹ AS FOR THE LOAVES OF THE THANKSGIVING SACRIFICE⁴⁰ AND THE WAFERS OF A NAZIRITE,⁴¹ — IF ONE MADE THEM FOR ONESELF, THEY ARE EXEMPT [FROM HALLAH].⁴² [IF ONE MADE THEM] TO SELL IN THE MARKET,⁴³ THEY ARE SUBJECT [TO HALLAH].

MISHNAH 7. IF A BAKER MADE DOUGH FOR DISTRIBUTING,⁴⁴ IT IS SUBJECT TO HALLAH.⁴⁵ IF WOMEN GAVE [FLOUR]⁴⁶ TO A BAKER TO MAKE FOR THEM DOUGH,⁴⁷ — AND IF THERE IS NOT IN THAT WHICH BELONGS TO [ANY] ONE OF THEM THE [MINIMUM] MEASURE,⁴⁸ IT⁴⁹ IS EXEMPT FROM HALLAH.⁵⁰

MISHNAH 8. DOUGH FOR DOGS⁵¹ AS LONG AS [IT IS SUCH AS] SHEPHERDS PARTAKE THEREOF,⁵² IS SUBJECT TO HALLAH;⁵³ AND ONE MAY MAKE AN 'ERUB⁵⁴ THEREWITH,⁵⁵ AND EFFECT A SHITTUF⁵⁶ THEREWITH;⁵⁵ AND ONE SHOULD SAY THE BLESSINGS FOR [BEFORE⁵⁷ AND AFTER⁵⁸ EATING] IT, AND ONE SHOULD SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁵⁹ AND IT MAY BE COOKED ON A FESTIVAL,⁶⁰ AND A PERSON DISCHARGES THEREWITH ONE'S OBLIGATION ON THE PASSOVER;⁶¹ BUT IF [THE DOUGH BE SUCH AS] SHEPHERDS DO NOT PARTAKE THEREOF⁶² IT IS NOT SUBJECT TO HALLAH;⁶³ NOR MAY ONE MAKE AN 'ERUB THEREWITH, NOR EFFECT A SHITTUF THEREWITH; NOR SHOULD ONE SAY THE BLESSINGS FOR [BEFORE⁶⁴ AND AFTER]⁶⁵ IT, NOR SAY THE INTRODUCTORY FORMULA TO A CORPORATE RECITAL OF GRACE AFTER IT;⁶⁶ NOR MAY IT BE COOKED ON A FESTIVAL; NOR DOES A PERSON DISCHARGE THEREWITH ONE'S OBLIGATION ON THE PASSOVER. IN EITHER CASE IT IS SUSCEPTIBLE TO RITUAL DEFILEMENT AFFECTING FOODSTUFFS.⁶⁷

MISHNAH 9. IN THE CASE OF HALLAH AND TERUMAH; ONE IS LIABLE, ON ACCOUNT OF [HAVING EATEN] THEM, TO DEATH,⁶⁸ OR⁶⁹ TO [REPAY] 'ONE-FIFTH',⁷⁰ AND THEY ARE FORBIDDEN [AS FOOD] TO 'STRANGERS',⁷¹ THEY ARE THE PROPERTY OF THE PRIEST;⁷² THEY ARE VOID [IF ONE PART OF EITHER IS MIXED] WITHIN ONE-HUNDRED-AND-ONE [PARTS, THE REST BEING NON-SACRED DOUGH OR PRODUCE];⁷³ THEY REQUIRE WASHING OF ONE'S HANDS,⁷⁴ AND [WAITING UNTIL] THE SETTING OF THE SUN [PRIOR TO EATING THEM];⁷⁵ THEY MAY NOT BE TAKEN OFF A CLEAN [LOT]⁷⁶ FOR [DISCHARGING THE OBLIGATION⁷⁷ IN RESPECT ALSO OF] AN UNCLEAN [LOT],⁷⁸ AND [ARE NOT TAKEN OFF ONE LOT IN RESPECT ALSO OF ANY OTHER LOT]⁷⁹ EXCEPT OF SUCH [LOTS] AS ARE CLOSE TOGETHER,⁸⁰ AND FROM SUCH AS ARE [IN A] FINISHED [STATE].⁸¹ IF ONE SAID: ALL MY THRESHING-FLOOR IS TERUMAH, OR ALL MY DOUGH IS HALLAH, HE HAS NOT SAID ANYTHING, UNLESS HE HAS LEFT SOME OVER.⁸²

(1) The law relating to the portion of dough assigned to the priests in accordance with Num. XV, 17-21, . . . When ye eat the bread of the land . . . of the first of your dough ye shall set apart a cake (hallah) for a gift . . . Of the first of your dough ye shall give unto the Lord a portion for a gift throughout your generations.

(2) V. Kil. I, notes. These species are held to be subject to Hallah because the word **חלה** (bread) is used here and also in connection with Passover, 'bread of affliction', Deut. XVI, 3. The argument, by gezerah shawah (v. Glos.) is: Since, in the case of Passover, **חלה** obviously implies a cereal capable of becoming leavened, so too does the capacity for leavening determine the liability of produce to hallah.

(3) Amounting to the minimum subject to hallah. It is only when all of these are mixed together in the flour, or if after having been kneaded separately, they are kneaded together, that this rule applies unconditionally. If, however, the doughs (each less than the minimum) were kneaded out of various species and later they stuck together (v. infra II. 4) their being deemed as forming one quantity liable to hallah depends on which particular species have been used (v. note *ibid*).

(4) V. Lev. XXIII, 14.

(5) 'This selfsame day' (*ibid.*) refers to the day on which the Omer was brought to the Temple. viz., the second day of Passover.

(6) V. *ibid.* v. 10ff. The expression 'The sheaf (Omer) of the first of your harvest', is taken to imply that the reaping of the Omer must be the first reaping, and that, therefore, there must be no reaping prior thereto, i.e., before Passover. The

analogy between liability to hallah and liability to Hadash (the law relating to 'new' sc. produce) is based — by gezerah shawah — on the use of the term ראשית 'first' in the case of hallah (the first of your dough) as well as in the case of new produce (the first of your harvest).

(7) For harvesting.

(8) The statutory minimum in matters of this kind.

(9) Only species which are liable to leaven can, when deliberately prevented from doing so, serve for unleavened bread for Passover.

(10) 'Cutting off', 'excision'; a punishment by the hand of God as distinct from one by that of man; v. Ex. XII, 19: For whosoever eateth that which is leavened, that soul shall be cut off from the Congregation of Israel.

(11) If he keeps the mixture in his possession during the festival; v. Ibid. XII, 19; XIII. 7.

(12) A term which, in the opinion of all, denotes only the five species enumerated in Mishnah I.

(13) because they considered Tebu'ah and Dagan synonymous whereas H. Meir — who was at one with the Sages with regard to the word Tebu'ah — considered Dagan a more comprehensive term including also all seed- and pulse-foods and held that a man using that term in his vow debarred himself not only from the five species but also from seed- and pulse-foods.

(14) There are also other species subject to tithes, but the species so far enumerated are subject to both tithes and hallah. The Mishnah proceeds to specify categories which are subject to hallah but not to tithes, and vice-versa.

(15) Gleanings, v. Lev. XIX, 9.

(16) The Forgotten, sc. Sheaf. Deut. XXIV, 19.

(17) The Corner, sc. of the field. Lev. XIX, 9.

(18) Such waiving of ownership is termed hefker. It is only when the owner declared the produce hefker before smoothing the pile of grain that it is exempt from tithing. The Levites were entitled to tithes from commodities belonging to Israelites, in which the former, on account of being Levites, had no share (deduced from Deut. XIV, 29, v. T.J.); but since the Levites were included among those entitled to help themselves to the produce coming under the categories named (v. Deut. ibid.) the latter were not subject to being tithed for the benefit of the Levites.

(19) Assigned to the Levites.

(20) The terumah which the Levite had to give, a tithe out of the tithe received by him from the Israelite, to the Priests. In Ter. I, 5, a marginal reading is 'of which terumah had not been taken', meaning the terumah gedolah due from the Israelite to the Priest, The case contemplated in our reading is, according to T.J., one in which a Levite took his tithe from an Israelite whilst the grain was still in ears, and before the ordinary terumah had been taken off. In that event a Levite is bound to give thereof only his terumah (a tithe from the tithe he received) to the priest, but he is not expected to give to the priest anything on account of the terumah which would have accrued to the latter from the Israelite if the Levite had not claimed his tithe so soon. It might have been thought that as the Levite's portion in such a case contained something that might be regarded as due to the priest, it would, for that reason, be exempt from hallah; the Mishnah therefore makes it clear that it is subject thereto.

(21) Which at the end of the agricultural year was to be taken to Jerusalem and consumed there. In the event of inconvenience through distance, it was to be redeemed and the money spent in Jerusalem on food, drink and anointing oneself, in which case (v. Lev. XXVII, 31) the proceeds of the redemption were to be increased by an amount equal to one-fifth of the eventual sum total, i.e., by one-fourth of the money-value of the tithe. The Mishnah here intimates that in the event of the second tithe having been separated whilst the corn was in a state when it was not liable to terumah or tithes (viz., when still in ear, v. T. J. and L.) it is exempt from the (first) tithe even after redemption, cf. Terumah I, 5. Such redeemed second tithe is, however, subject to hallah, because the latter is to be taken from the dough, and at the time of kneading the produce is already hullin (non-sacred).

(22) Being Temple property, technically termed hekdesch. V. Lev. XXVII, 11-27; cf. infra III, 3.

(23) In the Omer they offered up one-tenth of an ephah taken from flour made from three se'ah of barley; the remainder of the flour (spoken of here) was redeemed and could thereafter be eaten by anybody, and was therefore subject to hallah. It is, on the other hand, exempt from tithes, because at the material time, i.e., 'when the pile was made even' it was Temple property and thus exempt from tithes.

(24) T.J. deduces this exemption from Deut. XIV, 22, Thou shalt surely tithe the produce of thy sowing, the argument being: If the sowing has been productive it is to be tithed, if it has not been productive (and if it has resulted in a crop less than one-third ripe it cannot be said to have been productive) it does not require to be tithed. To hallah, however, it is subject because even when only one-third ripe it is capable of leavening (v. supra I, n. 2).

(25) This view is based on Num. XV, 20, where with reference to hallah it is said: As that which is set apart (terumah) of the threshing-floor so shall ye set it (i.e., hallah) apart, from which R. Eliezer deduces that whatever applies to terumah applies equally to hallah and, therefore, that just as a grain which has not grown one-third ripe is exempt from terumah and tithes it is likewise exempt from hallah.

(26) These are liable to tithes as produce, but not being capable of leavening, are not subject to hallah (v. supra I, n. 2). There are other species of produce which do not leaven, but these are particularized because they were often milled into flour and made into dough.

(27) The statutory minimum amount subject to hallah, as laid down infra II, 6; somewhat over 3 1/2 lbs. V. 'Ed. I, 2 and notes (Sonc. ed.) p. 2.

(28) T.J. renders 'honey-milk (cake)'. v. Simponte a.l. Cake made of ordinary dough cooked in honey. According to some, also is made of dough kneaded with honey, it is exempt from hallah, but v. infra p. 328. n. 1.

(29) **אסקריטין** Jast. 'dumpling'. B. here and Rashi (to Pes. 37a) 'something made of a very soft (light) dough'. T.J. (p. 57) renders Halita, 'sold in the open market'. Halita, according to Pes. 37b (explaining the terms of Hallah I, 5), is dough made by pouring boiling water on flour, but according to R. Ishmael b. Jose (T.J.) it is flour poured into hot water. Aruch identifies the term with the Latin crustulum, 'small cake'. For other possible etymologies v. Kohut in Aruch Completum s.v.

(30) A cake or loaf prepared in a **משרת** pan (rather in a manner of frying) and not in an oven, and it is only something baked inside an oven and also styled bread (**לחם**) which is liable to hallah. T.J. renders halita, of water v. preceding note. Maim. emphasizes that the point about these four preparations is that from the very beginning they are kneaded with oil, or honey, or spices and are cooked in unusual ways, and are, in fact, designated not as bread but are named after the various admixtures which give them their distinctive character.

(31) I.e., produce or (as here) dough to which originally no holiness attached, but which by accidentally receiving an admixture of terumah of a quantity more than one-hundredth part of the original amount, becomes thereby prohibited to non-priests and permitted only to priests and is, therefore, not liable to hallah. Tosaf Yom-Tob and other commentators say that here the Mishnah has in mind post-Temple days, for the following reason: In Temple times hallah is a biblical precept, but medumma' is a Rabbinic institution (in purely Biblical law the admixture of terumah of a lesser quantity than the original amount of non-sacred produce is considered as neutralized, 'lost' and ritually of none effect, so that the whole mixed quantity would, in such a case, be non-sacred, hullin, and subject to hallah), and a remission resulting from the application of a Rabbinic ordinance cannot cancel a duty imposed by Scriptural command. In non-Temple times, however, when hallah, too, is only on Rabbinic authority, it can be, and is over-ridden by the Rabbinic regulation of medumma'.

(32) **סופגנין**, the word translated 'sponge-biscuits' in Mishnah 4, but used here for all fancy-baking, various kinds of which are enumerated there.

(33) This is explanatory of Mishnah 4.

(34) **הקנובקאות**, explained by Maim, and others as brittle cakes of parched flour kneaded with oil, which after having been baked, are crushed and prepared as gruel for very young children, v. Jast. For possible etymologies v. Aruch Completum.

(35) R. Joshua b. Levi (T.J. Hallah 58a) explains: Since these are to be crushed back into flour, it might have been thought that they are exempt from hallah, the Mishnah had, therefore, to make it clear that this is not the case.

(36) Made by pouring hot water on flour.

(37) Cf. 'Ed. V, 2 where this is mentioned as one of six exceptional instances in which Beth Hillel hold the stringent, and Beth Shammai the lenient view.

(38) Made by pouring flour into hot water (v. Mish. 4, n. 6).

(39) For the purposes of practical law the difference between me'isah and halita does not matter. The relevant difference between the two statements is that whilst the first-reported Tanna held that in this instance Beth Hillel were stringent and Beth Shammai the lenient, the latter Tanna held that the reverse was the case. The final state of the law with regard to any variety of plain dough is that if cooked inside an oven (i.e., baked), it is subject to hallah, but if cooked in a pan over a flame that passes underneath it, it is exempt.

(40) V Lev. VII, 22ff.

(41) Forming part of the sacrifice brought by a Nazirite when the period for which he vowed self-consecration is completed. Num. VI, 15. In fact, both loaves and wafers were required in either case.

(42) Being intended for the offering the dough was thus consecrated ab initio.

- (43) But, naturally, with the intention of making ordinary use of them should there be no buyers requiring them for sacrificial purposes; thus at the material time (viz., of kneading) these loaves or wafers were not consecrated.
- (44) In portions every one of which is less than the minimum liable to hallah.
- (45) Because it is obviously his intention, in the event of there being no customers, to bake it all himself,
- (46) But not money. v. Yoreh De'ah, 326, 3.
- (47) And he, without their knowledge, kneaded all the flour together.
- (48) Liable to hallah, viz., 1 1/4 kab, v. supra Mish. 4.
- (49) I.e., the whole dough.
- (50) Though the dough as a whole is now large enough to be subject to hallah; for the reason that it is taken for granted that those who gave their flour to the baker were 'particular' that their several quantities of flour be kneaded separately. — The Mishnah here speaks of women, because it is, as a rule, they who attend to a matter of this kind.
- (51) I.e., for baking bread or biscuits for dogs. It consisted of flour and coarse bran (T.J.).
- (52) When it contains rather less bran.
- (53) The law of hallah is introduced (Num. XV, 19), And it shall come to pass when ye eat of the bread . . . Since this dough (when baked) is fit for human food, it is liable to hallah.
- (54) Lit., 'a merging' of rights, interests or privileges; the legal device whereby permission is contrived for (a) carrying on the Sabbath from a private to a public domain, and vice-versa (v. Shabb. 6a), known as 'The 'Erub of Courtyards', for (b) walking on the Sabbath more than the Sabbath limit (2000 cubits) outside a town, known as 'The 'Erub of Boundaries', and for (c) cooking food on a festival for the following day, if a Sabbath, known as 'The 'Erub of Cooked Foods' (Bezah II, 1). In (a), the food, contributed to by all the participants and kept in a place accessible to all of them, creates and represents a community of possession, constituting the area concerned a private domain ad hoc; in (b), the placing of food at the Sabbath boundary is presumed to constitute, for those having and deemed as having, a share in that food, a 'dwelling-place' which serves as a starting-point for a further Sabbath-limit of 2000 cubits; in (c), the setting aside of food cooked on the day prior to the festival, and leaving it till the end of the Sabbath is presumed to have the effect of rendering the cooking on the festival day (originally permitted in the Bible, Ex. XII, 16 for that day only) merely a continuation of the cooking in preparation for the Sabbath which had been commenced on the week-day prior to the festival.
- (55) For the above purposes human food is obviously essential,
- (56) Lit., 'a partnership'; the full form is 'a partnership in an alley or street', presumed to create 'a private domain', and conferring the right to carry on the Sabbath between a number of courtyards and an alley into which these open. 'Shittuf' is similar in significance to 'Erub.
- (57) Viz., 'Who bringest forth bread from the earth', the benediction for bread.
- (58) **ברכת המזון**. The full form of Grace after Meals said only if bread was part of the meal, v. Ber. 44a.
- (59) When three or more adults have partaken of a common major meal (i.e., one of which bread formed part) a special formula (termed 'summoning') is pronounced by one of them, calling on his companions to join in Grace. V. Ber. 45a.
- (60) The law prohibiting work on festivals is qualified thus: No manner of work shall be done in them, save that which every man may eat (Ex. XII, 16). The word rendered 'by you', viz., **לכם**, is capable of being translated 'for yourselves', from which the Rabbis infer that only food fit for human beings is permitted to be cooked on a festival.
- (61) Sc. to eat unleavened bread on the first night of Passover. Only that which is capable of leavening is (if fit for human food) subject to hallah, and is also (if deliberately prevented from leavening) usable for unleavened bread (v. supra I, 1, n. 2, 2, n. 3). In the course of mixing this dough it was intended that it should be eatable by human beings; it is therefore subject to the same laws as all dough meant for human consumption.
- (62) On account of there being too much bran in the mixture.
- (63) Because hallah is due only from 'your dough' (Num. XV, 20) i.e., dough fit for human consumption (Sifre Zutta). — According to Tosef. Hal. I and T.J. 58a this rule obtains only if the 'dog's dough' was baked in the shape of boards, i.e., quite unlike bread for human consumption, but not if baked in the shape of **ככרין** 'round cakes' (so Tosef. ed. Wilna. Jast reads there **כעבין** which he renders 'prongs', also in T.J. where some texts have **כעבין**) V. Yoreh De'ah 310, 9. In Pithehe Teshubah, ad loc., it is pointed out that the latter ruling can be applicable only to the Land of Israel where alone hallah is a Biblical precept (cf. infra IV, 8), and that, even so, the insistence on separating hallah from exclusively 'dog's dough' for no other reason than their having been baked in the shape of ordinary loaves, can be attributed only to the principle of 'appearance to the eyes', i.e., the desire to avoid even the merest semblance of wrong-doing, in conjunction with the maxim 'that which the Rabbis have decreed on account of appearances is

prohibited even in the strictest privacy’.

(64) I.e., not ‘Who bringest forth bread from the earth’; the correct blessing in this case is ‘by Whose word all things came into being’, (so L. q.v.).

(65) I.e., not the full grace after meals. The correct one in this case is the shorter grace after food.

(66) I.e., if two of the three forming the (minimum) company at the meal have eaten bread made of ‘dog's dough’. If, however, two ate real bread, and only the third had the other kind (or any which is not considered bread), then the latter man may be reckoned in the company for purposes of zimmun.

(67) According to Lev. XI, 34. All food which may be eaten, that on which water cometh, shall be unclean, when it has come into contact with the carcass of an unclean swarming thing. The Rabbis understood ‘all food that may be eaten’ by anyone, whether man or beast; as long, therefore, as any food is fit for dogs, it is susceptible to ritual uncleanness. Dough, of course, satisfies the condition: ‘That on which water cometh’.

(68) Sc. ‘by the hand of heaven’, Sanh. 83a. This refers to a non-priest who has eaten either hallah or terumah wittingly, though without having been first warned. If he has eaten these after statutory warning, his punishment is ‘stripes’ (v. Ter. VII, 1). This is deduced from Lev. XXII, 9 in conjunction with v. 10 and v. 6, it being understood from the latter that by the ‘holy things’ spoken of throughout the passage, precisely terumah is intended (since only for eating terumah need the priest who had been unclean wait, on the day of his ablution, till sunset). V. Sanh. loc. cit. Hallah is considered as terumah since in Num. XV, 20 the latter term is applied also to the former.

(69) In ease of an unwitting transgressor.

(70) V. Lev. XXII, 14, And if a man eat of the holy thing unwittingly, then he shall put the fifth part thereof unto it and shall give unto the priest the holy thing, i.e its cost. The added sum was to be equal to a fifth of the eventual total paid, i.e., a quarter of the assessed money-value of the consecrated produce or dough eaten. Cf supra 3, n. 4. The principal was to be paid to the priest whose property the terumah or hallah was, and the added sum to any priest.

(71) I.e., non-priests, non-Aaronides. Though this prohibition is already understood from the provisions preceding it in this Mishnah, its re-statement in positive form is not superfluous — as some authorities thought it to be — but is required to establish the fact that the prohibition is against non-priests consuming even less than the minimum quantity for which they are punishable.

(72) He may sell it, or acquire with it anything he wishes; if it should become unclean, he may use it as fuel over which to do cooking for himself.

(73) If the non-sacred is more than a hundred times the sacred (terumah or hallah), the non-sacred character of the mixture is in no wise affected; if the proportion of non-sacred to sacred is less than 100 to 1, the mixture is medumma’ and prohibited to non-priests (v. supra 4 n. 8).

(74) On the part of the priest, before touching or eating them. If he does not wash his hands specially he renders terumah (even of fruit) or hallah pasul i.e., unfit.

(75) A priest who has become unclean has to undergo ablutions and wait till after sunset before eating terumah (or hallah), Lev. XXII, 6-7.

(76) Of produce or dough.

(77) Of terumah, hallah or tithes.

(78) Terumah, hallah or tithes may be separated from one lot of produce or dough in a quantity sufficient to cover the terumah-, hallah- or tithe-obligation, also for other lots, but only if all such lots are close together; should one of the lots be unclean, the owner would be afraid to let it be close enough to the others lest the unclean touches the clean and makes the latter, too, unclean. Hence this regulation. Cf, infra IV, 6.

(79) So Maim. and other commentators.

(80) V. n. 5.

(81) Ma'as. I, 2ff, enumerate the stages at which various kinds of produce are considered in a ‘finished’ state, at which they severally become liable to have terumah or tithes separated from them. In the case of dough the time of separating hallah is when it has been rolled (v. infra III, 1).

(82) Terumah and hallah are both to be the ‘first’ of the produce or the dough respectively (Deut. XVIII, 4, Num. XV, 20), which implies that there must be some left over after they have been taken off.

Mishna - Mas. Hallah Chapter 2

MISHNAH 1. PRODUCE [GROWN] OUTSIDE THE LAND,¹ THAT CAME INTO THE LAND

IS SUBJECT TO HALLAH;² [IF IT] WENT OUT FROM HERE³ TO THERE,⁴ R. ELIEZER DECLARES [IT] TO BE SUBJECT [THERETO],⁵ BUT R. AKIBA DECLARES [IT] TO BE EXEMPT [THEREFROM].⁶

MISHNAH 2. IF EARTH FROM OUTSIDE THE LAND HAS COME TO THE LAND IN A BOAT,⁷ [THE PRODUCE GROWN THEREIN] IS SUBJECT TO TITHES AND TO THE [LAW RELATING TO] THE SEVENTH YEAR.⁸ SAID R. JUDAH: WHEN [DOES THIS APPLY]? WHEN THE BOAT TOUCHES [THE GROUND].⁹ DOUGH WHICH HAS BEEN KNEADED WITH FRUIT-JUICE¹⁰ IS SUBJECT TO HALLAH,¹¹ AND MAY BE EATEN WITH UNCLEAN HANDS.¹²

MISHNAH 3. A WOMAN MAY SIT AND SEPARATE HER HALLAH¹³ [WHILST SHE IS] NAKED,¹⁴ SINCE SHE CAN COVER HERSELF¹⁵ BUT A MAN [MAY] NOT. IF ONE IS NOT ABLE TO MAKE ONE'S DOUGH IN CLEANNESSE HE SHOULD MAKE IT [IN SEPARATE] KABS,¹⁶ RATHER THAN MAKE IT IN UNCLEANNESSE;¹⁷ BUT R. AKIBA SAYS: LET HIM MAKE IT IN UNCLEANNESSE RATHER THAN MAKE IT [IN SEPARATE] KABS, SINCE THE SAME DESIGNATION AS HE GIVES TO THE CLEAN, HE LIKewise GIVES TO THE UNCLEAN; THE ONE HE DECLARES HALLAH TO THE NAME,¹⁸ AND THE OTHER HE DECLARES HALLAH TO THE NAME¹⁸ BUT [SEPARATE] KABS HAVE NO PORTION [DEVOTED] TO THE NAME.¹⁹

MISHNAH 4. IF ONE MAKES HIS DOUGH [IN SEPARATE] KABS,²⁰ AND THEY TOUCH ONE ANOTHER,²¹ THEY ARE EXEMPT FROM HALLAH,²² UNLESS THEY STICK TOGETHER.²³ R. ELIEZER SAYS: ALSO IF ONE SHOVELS²⁴ [LOAVES FROM AN OVEN] AND PUTS [THEM] INTO A BASKET,²⁵ THE BASKET JOINS THEM TOGETHER FOR [THE PURPOSES OF] HALLAH.²⁶

MISHNAH 5. IF ONE SEPARATES HIS HALLAH [IN THE STATE OF] FLOUR, IT IS NOT HALLAH,²⁷ AND IN THE HAND OF A PRIEST IT IS [AS] A THING ROBBED;²⁸ THE DOUGH ITSELF²⁹ IS STILL SUBJECT TO HALLAH,³⁰ AND THE FLOUR,³¹ IF THERE BE OF IT THE STATUTORY MINIMUM QUANTITY,³² IT³³ [ALSO IS] SUBJECT TO HALLAH,³⁴ AND IT IS PROHIBITED TO NONPRIESTS:³⁵ [THE LATTER IS] THE OPINION OF R. JOSHUA. THEY TOLD HIM OF AN OCCURRENCE WHEN A SCHOLAR — NONPRIEST — SEIZED IT.³⁶ SAID HE TO THEM: INDEED, HE DID SOMETHING DAMAGING TO HIMSELF,³⁷ BUT BENEFITING TO OTHERS.³⁸

MISHNAH 6. FIVE-FOURTHS [OF A KAB]³⁹ OF FLOUR⁴⁰ ARE SUBJECT TO HALLAH. [IF] THESE⁴¹ INCLUDING THEIR LEAVEN⁴² AND THEIR LIGHT BRAN AND THEIR COARSE BRAN [MAKE UP THE] FIVE-FOURTHS, THEY ARE SUBJECT;⁴³ IF THEIR COARSE BRAN HAD BEEN REMOVED FROM THEM⁴⁴ AND RETURNED TO THEM, THEY ARE EXEMPT.⁴⁵

MISHNAH 7. THE [STATUTORY MINIMUM] MEASURE OF HALLAH IS ONE TWENTY-FOURTH [PART OF THE DOUGH].⁴⁶ IF ONE MAKES DOUGH FOR ONESELF, OR ONE MAKES IT FOR HIS SON'S BANQUET,⁴⁷ IT IS ONE TWENTY-FOURTH. IF A BAKER MAKES TO SELL IN THE MARKET, AND SO [ALSO] IF A WOMAN⁴⁸ MAKES TO SELL IN THE MARKET, IT IS ONE FORTY-EIGHTH.⁴⁹ IF DOUGH IS RENDERED UNCLEAN EITHER UNWITTINGLY OR BY FORCE,⁵⁰ IT IS ONE FORTY-EIGHTH,⁵¹ IF IT WAS RENDERED UNCLEAN DELIBERATELY, IT IS ONE TWENTY-FOURTH, IN ORDER THAT ONE WHO SINS SHALL NOT PROFIT [FROM HIS SIN].⁵²

MISHNAH 8. R. ELIEZER SAID: HALLAH MAY BE TAKEN FROM [DOUGH] THAT IS

CLEAN, [IN A QUANTITY SUFFICIENT TO DISCHARGE THE OBLIGATION] IN RESPECT ALSO OF [DOUGH] THAT IS UNCLEAN!⁵³ HOW [MAY THIS BE DONE]? [IF ONE HAS] A CLEAN DOUGH AND AN UNCLEAN DOUGH, HE TAKES SUFFICIENT HALLAH⁵⁴ OUT OF A DOUGH, HALLAH WHEREOF HAD NOT YET BEEN TAKEN,⁵⁵ AND PUTS [DOUGH] LESS THAN THE SIZE OF AN EGG⁵⁶ IN THE MIDDLE,⁵⁷ IN ORDER THAT HE MAY TAKE OFF [THE HALLAH] FROM WHAT IS CLOSE TOGETHER,⁵⁸ BUT THE SAGES PROHIBIT.⁵⁹

(1) Sc. of Israel.

(2) Based on Num. XV, 18 ff. When ye come to the land whither I bring you . . . ye shall set apart hallah.....which implies that in Palestine dough from grain whether of native or foreign growth is subject to hallah (v. T.J.).

(3) Palestine.

(4) Abroad.

(5) Relying on When ye eat of the bread (i.e., cereal produce) of the land (ibid 19), whether made into dough in the Land or elsewhere (T.J.).

(6) Being of the opinion that the word 'There' (in Num. XV, 18, which literally translated is When ye come to the land which I bring you there) has the force of making the law of hallah applicable exclusively to dough kneaded in the Land (T.J.).

(7) Which has an aperture in its bottom, and (as explained by R. Judah) is aground on Palestinian soil, and thus anything grown in the soil in the boat sucks up sustenance from the soil of Palestine.

(8) And to all laws applicable to Palestinian produce (v. Maim.). On the 'SEVENTH YEAR' v. Ex. XXIII, 10 and Lev. XXV, 3-7; it is the subject of Tractate Shebi'ith in this Seder.

(9) V. supra n. 1. R. Judah explains what the first reported unnamed Tanna (R. Meir) meant. The term 'WHEN' used by R. Judah in the Mishnah introduces, as here, an explanation; in Baraitha it introduces, as a rule, a differing view (v. 'Ikkar Tosaf. Yom. Tob).

(10) Apparently even without water (v. infra p. 328, n. 1).

(11) There are two considerations that might have led people to assume a contrary ruling. (a) The principle indicated in I, 4 and 5 that any but plain dough, and especially such as had an admixture giving it a special character, is exempt from hallah. (b) If a standard for liquids affecting ritual considerations regarding food were sought, it could be found in the seven liquids (viz., wine, date-honey, blood, water, oil, milk and dew) which when they moisten food render it susceptible to uncleanness (v. p. 325. n. 1). It might have been thought that whichever liquids rendered the flour-paste susceptible to uncleanness, also rendered it subject to hallah, in which case it would have appeared as if only those fruit-juices which had the former effect and are numbered among the seven liquids (viz., wine, date-honey and oil) rendered dough kneaded with them subject to hallah, but that dough kneaded with other fruit-juices is exempt from hallah. Hence the need for the Mishnah to make it clear that dough kneaded with any fruit-juice is liable to hallah. On the other hand, however, according to I, 4 (v. p. 320, n. 5) cake dough prepared with date-honey appears to be exempt from hallah. Thus there seems to be no unexceptionable guidance on the subject of how fruit-juices affect liability to hallah in view of these uncertainties, the dilemma could, in practice, be solved either by separating hallah in such a case, but without reciting the blessing ('who . . . hast commanded us to separate hallah from the dough'), or by putting that doubtful dough close to dough that is certainly subjected to hallah, and take hallah from the latter for both (cf. supra I, 9). V. Yoreh De'ah, 329, 9 and the commentators ad loc.

(12) This can be the case only if fruit-juices are not considered as moisture rendering food liable to uncleanness, as it is only then that unclean hands will not make the dough (or whatever is baked therefrom) unclean. Incidentally the difficulty arises again in that three of the liquids rendering food susceptible to uncleanness are fruit-juices; but even if we should decide that 'fruit-juices' in this Mishnah means 'fruit-juices except those among the seven liquids' there should still arise the following dilemma: In non-Temple days hallah is separated (and a blessing recited), but it is not given to a priest to eat because hallah must be eaten only in the levitical purity of the person, which state of purity is virtually nonexistent in non-Temple times (owing to the absence of means of purification). Eo ipso the hand of the person separating the hallah, who too cannot be ritually clean, renders the hallah unclean, and it is for these reasons burnt. Now if it be the case that dough kneaded with fruit-juice is altogether insusceptible to defilement and yet liable to hallah, then since one is debarred from giving the hallah to a priest, the only alternative would be to burn perfectly 'clean' hallah, and that is a thing that should not be done. To avoid this dilemma it is strongly recommended by the authorities that those

who bake should be sure always to mix into the dough some water or other liquid which renders it susceptible to uncleanness; hallah is then separated (accompanied with the recital of the appropriate blessing) and being through unavoidable conditions unclean is burnt (v. Yoreh De'ah ibid, 10).

(13) Pronouncing the appropriate benediction.

(14) Not withstanding the rule that in the presence of nakedness one is not permitted to utter sacred words (v. Per. 22b).

(15) By sitting with her feet together, so that the labia cannot be seen (Maim). The buttocks do not constitute 'nakedness' for the purpose of preventing the uttering of a benediction (v. Ber. 24a).

(16) Less than 1 1/4 kab being exempt from hallah (v. infra Mishnah 6).

(17) Which would result in wittingly defiling sacred matter, viz., hallah.

(18) Reading not **בשם** but **לשם** the variant mentioned in the commentators. For **שם** as The Name of God, v. Yoma III, 8 etc. and Marmorstein The Old Rabbinic Doctrine of God, p. 105.

(19) R. Akiba held that as hallah is given to the priest, whether — when it is clean — to be eaten or — when it is unclean — to be burnt by him as fuel for cooking for himself, it is — in either case — an expression of the Israelite's indebtedness to God, and of use to the priest, and should therefore not be avoided by deliberately kneading one's dough in quantities less than the minimum liable to hallah. R. Akiba's view is not accepted since as 'they said before R. Akiba: One does not say to a person: "Arise and commit a transgression so that thou mayest create for thyself an opportunity for a meritorious act", or "Arise and spoil in order that thou mayest mend"' (Tosef. Hal. 1, 8).

(20) Every separate piece of dough being thus exempt from hallah.

(21) In the course of baking (Maim.).

(22) But not from terumah, with regard to which, only proximity is required.

(23) Lit., 'bite [one into another]', stick together in the oven so that when pulling apart a portion of one loaf is detached by the other. Even so the effectiveness of such coalescence in rendering such loaves liable to hallah, depends on the precise species thus stuck together. V. infra IV, 2.

(24) Singly and separately, and they had not stuck together.

(25) Or any container.

(26) In Pes. 48b, it is discussed whether a flat board having no rim is to be considered as 'joining together' small quantities of dough for purposes of hallah, but the matter is left undecided. Later authorities recommend the covering over of all pieces of dough, or loaves, with a cloth, which has the same effect as a basket. (Yoreh De'ah, 325, 1).

(27) Because the commandment is definitely 'the first of your dough'.

(28) He must give it back to the Israelite, else by retaining it he would cause the latter to believe that he has duly performed the obligation of hallah, and that the dough he makes from the remaining flour is thereby exempt and permitted to be eaten, which is not the case (v. Kid. 46b).

(29) Made from the remaining flour.

(30) V. supra n. 7.

(31) Erroneously separated as hallah.

(32) 1 1/4 kab, or an Omer. v. infra Mish. 6.

(33) When made into dough.

(34) According to Maim. this liability is not a definite one.

(35) Lit., 'strangers'. This prohibition has, according to Rash and Asheri, no positive basis and is enacted only in view of the possibility of people seeing a non-priest eating something that had already been given to a priest, and thinking that the non-priest is committing the sin of partaking of consecrated food.

(36) **קפשה** the verb is, according to Maim. a cognate of **כבש**. Maim. appears to say that the word occurs often, and Emden (Glosses in Wilna Talmud) says. I know no place where it occurs except Lam. III, 16 (where the root is **כפש**). Maim. evidently thought of the frequent occurrence of **כבש**. The assumption, in T.J., is that this lay scholar not only seized the flour but also ate it, and thus demonstrated a view opposed to that of R. Joshua. L. assumed that the scholar, before eating the flour, had separated hallah from the flour, or that the latter was less in quantity than the statutory minimum and, of course, exempt from hallah.

(37) Since he is punished (T.J.).

(38) In that 'They eat and rely on him' (T.J.) which B. and L. and the codes apparently assume to mean that non-priests will be glad to partake of such flour and escape punishment by referring to a authoritative personal example. This interpretation was evidently felt to be, and indeed it is, strained and unsatisfactory; witness that some read the reverse (v. T.J.) viz., 'he did something that is benefiting to himself, but damaging to others' which is explained (ibid.), 'he

benefited himself since — anyway — he ate it, but did a disservice to others who will think that what he has eaten is exempt from hallah, whereas it is subject.

(39) 1 1/4 of this measure, as standardized in Sepphoris, was equivalent to an Omer which in the wilderness was the standard measure of food per person per day (Ex. XVI, 16); v. supra I, 4.

(40) When made into dough.

(41) Quantities of flour.

(42) The leaven (yeast) put into the dough-mixture.

(43) Because such flour, though coarse, is largely used for human food, particularly by the poor.

(44) And less than 1 1/4 kab is, thus, left.

(45) Because whilst it is usual, for the purposes of kneading dough, to sift flour and remove the coarse bran, it is not usual to put it back once it has been removed (T.J.); also, because coarse bran itself is not subject to hallah (Maim.).

(46) The proportions here laid down are not indicated in the Torah, but are 'a tradition of the Scribes'. T.J. explains that since Scripture says of hallah 'ye shall give', the amount handed over as hallah should be sufficiently appreciable to be handed over. From the minimum quantity of dough liable to hallah, viz., 1 1/4 kab (which == about 3 1/2 lbs), one twenty-fourth amounts to 2 to 2 1/2 ounces.

(47) No distinction is made between doughs whether big or small intended for private consumption

(48) This applies equally to a man in similar circumstances, viz., who bakes in a small way at home but for sale. The Mishnah speaks here of a woman because it was as a rule women who engaged in this kind of small baking-business. Again no distinction is made between doughs whether large or small, intended for trading purposes.

(49) T.J. (as corrected according to Tosef Hal. I, 6) explains the reason for varying the proportions: The individual person baking for one's private use is more liberal than the professional baker who bakes to sell and make profit. — In non-Temple times when, owing to the all-prevailing ritual uncleanness (from defilement, direct and indirect, by dead bodies) all hallah is unclean, and cannot be given to priests (even in Palestine, and certainly outside Palestine even in Temple times since there hallah is separated always in deference not to a Scriptural precept, but only to a Rabbinic requirement), just a kazayith 'the size of an olive' of dough is taken off and burnt.

(50) Of unavoidable or overpowering circumstances.

(51) The smaller proportion is laid down in this case because the hallah being unclean it may not be eaten and can serve the priest only as fuel (Rash and Bert.); also, because one should not deliberately increase the amount of such holy things as are ab initio and inevitably rendered unclean.

(52) I.e., so that no premium be placed on transgression by way of deliberate defilement of dough for the purpose of evading half of one's obligation in respect of hallah.

(53) Even if each dough is large enough to be itself subject to hallah. The advantage of this procedure is that the full quota of hallah in respect of all the doughs concerned could be eaten by the priest.

(54) I.e., the aggregate amount due from both doughs.

(55) Because it is not permitted to reckon in dough (already) exempt from hallah.

(56) 'Less than the size of an egg' is a quantity which even though it may itself become unclean, does not render other objects unclean by contact ('Orlah II, 4, end). For the principle that the standard proportion in matters of food rendered unclean by contact with or being in the same vessel as, a dead reptile, is 'the size of an egg', v. Yoma 79b-80a.

(57) The commentators amplify: the portion of clean dough already taken off as hallah is placed on the small piece put in the middle — between the two doughs — and lifted off as hallah for all the doughs together. By this method (a) all the dough has had the hallah levy discharged for it; (b) all the hallah is available as food (for the priest); (c) the (bulk of the) clean dough remains clean.

(58) V supra p. 326, n. 5.

(59) The Sages' ruling is due to the possibility of the two main pieces of dough coming into contact (Bert.) or the middle piece (advocated by R. Eliezer) being the size of an egg (Rashi, Sotah 30b). For a full examination of the possible reasons underlying the difference of opinion between R. Eliezer and the Sages on this point v. Sotah 30a — b.

Mishna - Mas. Hallah Chapter 3

MISHNAH 1. ONE MAY EAT IN A CASUAL MANNER FROM DOUGH BEFORE IT IS ROLLED,¹ IN [THE CASE OF] WHEATEN [FLOUR], OR BEFORE IT IS MIXED INTO A COHESIVE BATTER, IN [THE CASE OF] BARLEY [FLOUR].² [ONCE] ONE HAS ROLLED IT

[IN THE CASE OF] WHEATEN [FLOUR], OR ONE HAS MIXED IT INTO A COHESIVE PASTE, IN [THE CASE OF] BARLEY [FLOUR], ONE WHO EATS THEREOF,³ IS LIABLE TO DEATH.⁴ AS SOON AS SHE⁵ PUTS IN THE WATER SHE SHOULD LIFT OFF HER HALLAH,⁶ PROVIDED ONLY THAT THERE ARE NOT FIVE-FOURTHS [OF A KAB] OF FLOUR⁷ THERE.⁸

MISHNAH 2. [IF] THE DOUGH BECAME MEDUMMA⁹ BEFORE SHE HAD ROLLED IT, IT IS EXEMPT [FROM HALLAH].¹⁰ [IF] AFTER SHE HAD ROLLED IT, IT IS SUBJECT [THERETO].¹¹ [IF] THERE OCCURRED TO HER SOME UNCERTAIN UNCLEANNESS¹² BEFORE SHE HAD ROLLED IT, IT MAY BE COMPLETED¹³ IN UNCLEANNESS,¹⁴ [IF] AFTER SHE HAD ROLLED IT, IT SHOULD BE COMPLETED IN CLEANNESS.¹⁵

MISHNAH 3 . [IF] SHE¹⁶ CONSECRATED¹⁷ HER DOUGH BEFORE ROLLING IT, AND REDEEMED IT,¹⁸ SHE IS BOUND [TO SEPARATE HALLAH];¹⁹ [IF SHE CONSECRATED IT] AFTER ROLLING IT, AND REDEEMED IT, SHE IS [LIKEWISE] BOUND;²⁰ [BUT IF] SHE CONSECRATED IT BEFORE ROLLING IT, AND THE GIZBAR²¹ ROLLED IT, AND AFTER THAT SHE REDEEMED IT, SHE IS EXEMPT, SINCE AT THE TIME OF HER OBLIGATION²² IT WAS EXEMPT.²³

MISHNAH 4.²⁴ SIMILAR THERETO²⁵ [IS THE FOLLOWING]: [IF] ONE CONSECRATED HIS PRODUCE BEFORE IT REACHED THE STAGE [WHEN IT BECOMES LIABLE] FOR TITHES,²⁶ AND REDEEMED IT,²⁷ IT IS SUBJECT [TO TITHES];²⁸ [IF ONE CONSECRATED IT] AFTER IT HAD REACHED THE STAGE FOR TITHES, AND REDEEMED IT, IT IS [LIKEWISE] SUBJECT;²⁹ [BUT IF] ONE CONSECRATED IT BEFORE IT WAS 'COMPLETED',³⁰ AND THE GIZBAR 'COMPLETED' IT,³¹ AND AFTERWARDS [THE OWNER] REDEEMED IT, IT IS EXEMPT, SINCE AT THE TIME OF ITS OBLIGATION IT WAS EXEMPT.³²

MISHNAH 5. [IF] A NON-ISRAELITE GAVE [FLOUR] TO AN ISRAELITE TO MAKE FOR HIM DOUGH, IT IS EXEMPT FROM HALLAH;³³ IF HE [THE NON-ISRAELITE] GAVE IT TO HIM AS A GIFT, BEFORE ROLLING IT, HE IS LIABLE.³⁴ [IF] AFTER ROLLING IT, HE IS EXEMPT.³⁵ [IF] ONE MAKES DOUGH TOGETHER WITH A NON-ISRAELITE, [THEN] IF THERE IS NOT IN [THE PORTION] OF THE ISRAELITE THE [MINIMUM] MEASURE SUBJECT TO HALLAH,³⁶ IT IS EXEMPT FROM HALLAH.³⁷

MISHNAH 6. [IF] ONE BECAME A PROSELYTE AND HAD DOUGH, [THEN IF] IT WAS MADE³⁸ BEFORE HE BECAME A PROSELYTE, HE IS EXEMPT [FROM HALLAH]. [BUT IF] AFTER HE BECAME A PROSELYTE, HE IS LIABLE. ALSO IF THERE IS A DOUBT,³⁹ HE IS LIABLE;⁴⁰ BUT [A NON-PRIEST WHO HAS UNWITTINGLY EATEN OF SUCH HALLAH] IS NOT LIABLE IN RESPECT THEREOF TO [REFUND AN ADDITIONAL] 'ONE-FIFTH.'⁴¹ R. AKIBA SAID: IT ALL DEPENDS ON THE [TIME OF THE] FORMATION OF THE LIGHT CRUST IN THE OVEN.⁴²

MISHNAH 7. [IF] ONE MAKES DOUGH FROM WHEATEN [FLOUR] AND FROM RICE [FLOUR],⁴³ AND IT HAS A TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁴⁴ AND ONE FULFILLS THEREWITH ONE'S OBLIGATION ON PASSOVER;⁴⁵ BUT IF IT HAS NO TASTE OF CORN, IT IS NOT SUBJECT TO HALLAH, NOR DOES ONE FULFIL THEREWITH ONE'S OBLIGATION ON PASSOVER.

MISHNAH 8. [IF] ONE HAS TAKEN LEAVEN⁴⁶ OUT OF DOUGH FROM WHICH HALLAH HAD NOT BEEN TAKEN,⁴⁷ AND PUT IT INTO DOUGH FROM WHICH HALLAH HAD BEEN TAKEN,⁴⁸ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE,⁴⁹ HE [RECKONS IN

WITH IT THE LEAVEN],⁵⁰ [AND] TAKES OUT⁵¹ [HALLAH] IN ACCORDANCE WITH THE PRECISE AMOUNT;⁵² BUT IF [HE HAS] NOT,⁵³ HE TAKES OUT ONE [PORTION OF] HALLAH FOR THE WHOLE [DOUGH].⁵⁴

MISHNAH 9. SIMILAR THERETO⁵⁵ [IS THE FOLLOWING]: IF OLIVES OF [REGULAR] PICKING⁵⁶ BECAME MIXED WITH OLIVES [LEFT OVER] FOR STRIKING-OFF⁵⁷ [BY THE NEEDY],⁵⁸ OR GRAPES OF [REGULAR] VINTAGE WITH GRAPES [LEFT OVER] FOR GLEANING [BY THE NEEDY],⁵⁹ [THEN] IF HE HAS A SUPPLY FROM ANOTHER PLACE⁶⁰ HE [RECKONS IN WITH IT THE REGULAR FRUIT CONTAINED IN THE MIXTURE, AND] TAKES OUT⁶¹ [TERUMAH AND TITHES] IN ACCORDANCE WITH THE PRECISE AMOUNT,⁶² IF [HE HAS] NOT,⁶³ HE TAKES OUT TERUMAH AND TERUMAH-OF-THE-TITHE⁶⁴ FOR ALL [THE FRUIT]⁶⁵ , AND [AS FOR] THE REST [OF THE DUES], [HE SEPARATES] THE TITHE AND THE SECOND TITHE⁶⁶ IN ACCORDANCE WITH THE PRECISE AMOUNT.⁶⁷

MISHNAH10 . IF ONE TAKES LEAVEN FROM A DOUGH OF WHEATEN [FLOUR]⁶⁸ AND PUTS [IT] INTO DOUGH OF RICE [FLOUR],⁶⁹ [THEN] IF IT HAS THE TASTE OF CORN, IT IS SUBJECT TO HALLAH,⁷⁰ [BUT] IF [IT HAS] NOT, IT IS EXEMPT.⁷⁰ IF [THAT IS] SO, WITH REGARD TO WHAT⁷¹ THEN DID THEY SAY:⁷² ‘[AN ADMIXTURE OF] TEBEL,⁷³ HOWEVER LITTLE OF IT⁷⁴ THERE BE, RENDERS FOOD PROHIBITED’? [WITH REGARD TO A MIXTURE OF] A SPECIES WITH ITS OWN SPECIES,⁷⁵ BUT [WITH REGARD TO A MIXTURE OF A SPECIES] NOT WITH ITS OWN SPECIES,⁷⁶ [THE PROHIBITION APPLIES ONLY] WHEN IT [THE TEBEL ADMIXTURE] IMPARTS TASTE.

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- (1) I.e., properly kneaded, when it constitutes dough in the sense of the Biblical precept relating to hallah.
 - (2) Barley flour does not form so firm a dough as wheaten flour, and there is no point in waiting for a perfect dough which cannot be achieved.
 - (3) Without hallah having been taken from it. in that state it is termed Tebel.
 - (4) Sc. ‘by the hand of Heaven’, v. Lev. XXII. 9; cf., supra I, 9.
 - (5) This provision applies also to a man; but the Mishnah speaks here of a woman since (a) it is women who are usually occupied in baking, cf. supra II, 7, n. 2 and (b) the reason for the regulation which follows is the contingency of a condition more liable to occur with a woman than with a man.
 - (6) This a Rabbinic precautionary regulation, viz., to take off hallah at the earliest possible moment (even though the stage of liability according to Scriptural requirement has not fully been reached, v. supra n. 1) lest the dough become unclean before there is a chance of separating hallah from the rolled dough. In non-Temple times the point of anticipating possible defilement does not arise, and hallah should be taken off when the dough has been rolled, prior to dividing it up into loaves.
 - (7) Sc. left entirely unmixed with the water, and as dry flour not yet liable to hallah, being also of an amount large enough to become (when eventually mixed with water) liable thereto. T.J. rules that in these circumstances one may take hallah for the whole of the contents of the mixing vessel by deliberately and explicitly reckoning in the as yet unmixed flour which is in it. — Another reading is ‘provided only that there are five-fourths of flour’ etc. already mixed with the water.
 - (8) In the mixing vessel.
 - (9) V. supra I, 4, n. 8.
 - (10) For the reason explained *ibid.*
 - (11) It had already, through having been rolled, become liable to hallah, and this being a Biblical precept, it cannot be overridden by the Rabbinic regulation of Medumma’.
 - (12) V. Nid. 5a ff.
 - (13) Lit., ‘done’.
 - (14) Because in any case the hallah when taken will be unfit for eating owing to the possibility of its being unclean. Further, it is permitted to cause uncleanness to hullin (Sot. 30b) v. Hid. 6b (bottom).
 - (15) Because hullin which is subject to hallah is like hallah, and the latter, like all terumah (a term also applied to hallah)

the cleanness of which is in doubt, must not be made unclean deliberately. Such 'hallah in suspense' is not to be eaten, as it may be unclean, nor may it be burnt, as it may be clean; one should wait until it becomes certainly unclean and then burn it (v. Nid. 7a).

(16) V. supra Mishnah I n. 5.

(17) V. Lev. XXVII, 14 and passim.

(18) Also before rolling. On 'redeeming' consecrated things. v. Lev. ibid. 15 and passim.

(19) Since at the material time, viz., that of rolling, it was her property (again), cf. supra I, 3.

(20) Since at the material time it was obviously her property.

(21) The Temple store-keeper who received and was in charge of consecrated objects.

(22) I.e., the time of rolling.

(23) Because at that time the dough was not her property, but that of the Sanctuary.

(24) This Mishnah occurs verbatim also in Pe'ah IV, 8. The reason for this repetition is discussed in T.J. Hal. ad loc. and T.J. Pe'ah ad loc.

(25) Lit., 'as something that goes in [the same way as] it (viz., the preceding case)', a case that takes the same course, follows the same lines.

(26) The several stages at which different kinds of produce become subject to tithes are particularized in Ma'as. I, 2 — 4.

(27) Also before the tithestage.

(28) Since at the material time it was his property (again).

(29) Since at the material time it was certainly his property.

(30) I.e., brought to the state at which it becomes subject to terumah and tithes. Such 'completed state' varies according to the produce, v. ibid. I, 5 ff.

(31) By the appropriate act which brings it to the terumah and tithe stage.

(32) Having been at the time Temple property.

(33) Since it is not the property of an Israelite, and it is only the 'first of your dough' which I commanded, Num. XV, 20.

(34) Because at the material time (viz., of rolling) it was the Israelite's property.

(35) Because at the material time, it was not the property of an Israelite.

(36) 1 1/4 kab., v. supra II, 6.

(37) The converse is implied, viz., if the portion belonging to the Israelite is itself sufficiently large to be subject to hallah, the hallah must be given accordingly.

(38) V. supra Mishnah I, n. 1.

(39) As to whether he was a proselyte at the material time.

(40) Since, however, it is doubtful whether the priest is entitled to it, it may be sold — instead of given — to him.

(41) Lev. XXII, 14 And if a man eat of the holy thing through error, then he shall put the fifth part thereof unto it, and shall give unto the priest the holy thing. On 'one-fifth', v. supra I, 9, n. 4. p. 325, In our case, in view of the doubt, he is to separate as a compensatory quantity of dough as great as, but not greater than, he had eaten; because of the doubt too, he is permitted to sell it to the priest. V. preceding note. Cf. Demai I, 2.

(42) R. Akiba differs from the accepted view. From T.J. ad loc. it would appear as if R. Akiba is here confining himself to the case under discussion. Maim., however, basing himself on Sifre to Num. XV, 21 understands R. Akiba as regarding the formation of a light crust in the oven as the statutory stage at which dough, in all cases, becomes liable to hallah.

(43) Which is a species not subject to hallah, v. supra I, 4.

(44) Even if it contains less than the minimum (1 1/4 kab) liable to hallah. L. points out that this ruling applies exclusively in the case of wheat and rice, because of the latter's resemblance to the former; if, however, a species which is subject to hallah has been kneaded with some species which is exempt, then the resultant dough is subject to hallah only if both the following conditions are present: (a) the taste of corn is noticeable, and (b) it contains at least the minimum quantity (1 1/4 kab) of corn, even though the latter be exceeded by the non-labile species present in the mixture.

(45) Cf. supra I, 2.

(46) To be used for leavening another dough; likewise, for the purpose of this Mishnah, dough.

(47) Such dough, or produce, from which the priestly dues had not been separated is known as *tebel* and may not be eaten.

(48) This latter dough thereby becomes prohibited for eating (v. infra 10, n. 4) until an appropriate portion, such as the

Mishnah proceeds to define, is separated as hallah.

(49) I.e., some dough from which or in respect of which no hallah had yet been taken.

(50) So Tosef.; so as to make up with the leaven the minimum subject to hallah.

(51) From the new supply.

(52) In respect of which no hallah had yet been taken, viz., the tebel leaven put into the dough, and the dough 'from another place'.

(53) Sc. any other such dough, or flour, to reckon in with the leaven.

(54) Including the leaven and the dough into which it had got mixed. In this case he takes off as hallah the appropriate proportion (1/24th or 1/48th, v. supra II, 7) of the whole dough.

(55) V. supra Mishnah 4, n. 17.

(56) Which are subject to terumah and tithes.

(57) A term suggested by the expression 'the striking-off of olives', Isa. XVII, 6, XXIV, 13.

(58) As commanded in Deut. XXIV, 20. When thou beatest thine olive-tree, thou shalt not go over the boughs again; it shall be for the stranger, for the fatherless, and the widow. These olives are exempt from priestly and levitical dues; v. Pe'ah I, 6.

(59) As commanded Deut. ibid. v. 21: When thou gatherest the grapes of thy vineyard, thou shalt not glean after thee; it shall be for the stranger, for the fatherless, and for the widow. These gleanings are exempt from priestly and levitical dues; v. Pe'ah ibid.

(60) I.e., other lots of regular olives and grapes in respect of which terumah or tithes have yet to be taken.

(61) From the new supply.

(62) Viz., of the regular fruit mixed with the gleanings, plus the new supply, in respect of both of which terumah and tithes are still outstanding.

(63) I.e., no new supply.

(64) Otherwise called the 'tithe of the tithe', Num. XVIII, 26. I.e., the tithe which a Levite is enjoined to give to the priest out of the tithe which he, the Levite himself, receives from the Israelite (ibid. vv. 21ff). Here it means the amount that would become due for this 'tithe of the tithe', if the first tithe were to be taken off the total produce (which, in fact, is not the case; v. note 4) i.e., one-hundredth part of the latter.

(65) I.e., the gleanings together with the admixture of regular fruit which made the whole lot tebel.

(66) The designation given by tradition to the tithe (commanded in Deut. XIV, 22ff) which was itself, or its equivalent in money, to be taken to Jerusalem and there consumed in rejoicing.

(67) I.e. supposing the total that had got mixed up was 100 quarters, 50 of regular fruit (still to be tithed etc.), and 50 of gleanings (which do not require to be tithed etc.). In that case the owner is to give 2 quarters (i.e. one-fiftieth of the total) as terumah, and 1 quarter (one-hundredth of the total, v. note 1) as 'tithe of the tithe'. For the first tithe, however, he is to separate only 5 quarters (one-tenth of the 50 quarters which alone are liable to tithing) and deduct half a quarter in respect of the 'tithe of the tithe' (which he had already set aside), thus handing over to the Levite 4 1/2 quarters. The 'second tithe' he is to take from that which remains (over from the 50 quarters which were liable to tithing (after Simponte). L. explains the procedure thus: He separates terumah, tithe and second tithe from all the produce; from the first tithe he gives a tithe to the priest as the 'tithe of the tithe'; but to the Levite he gives only such part of the tithe as is due from the amount that had been originally liable to tithing. The second tithe he also gives as from the bulk amount. — The requirement, here, that terumah and terumah of the tithe be levied upon a larger amount of produce than are the other dues, is attributed to the circumstance that the penalty for infringement of the law of terumah of the tithe is death ('by the hand of heaven'; cf. I, 9 note 2), and so as to be certain of having fully complied with these precepts, the proportions to be set aside are computed on the maximum amount of produce so 'taxable'.

(68) Which is subject to hallah and from which hallah is still due.

(69) Which, as such, is not subject to hallah (v. supra I, 4).

(70) In accordance with the principle established in Mishnah 7.

(71) Vocalizing למה .

(72) The Sages, v. 'Abodah Zara 73b. Halevy, Doroth II, p. 830 says, אמרו ('they said') introduces a quotation from the Mishnah in its original form; such passages as ours are additions made at the time of the closing of the Mishnah for the purpose of finally elucidating the point under discussion by correlating all the relevant dicta having a bearing thereon.

(73) Eatables at the stage when they severally become subject to the separation of priestly and levitical dues, but before

that separation has been effected, at which stage they may not be eaten.

(74) I.e., of the tebel.

(75) E.g., wheat which is tebel, with other wheat (or like species; v. infra IV, 2) which is not.

(76) E.g., wheat-dough which is tebel, with dough from a grain dissimilar thereto (v. IV, 2) which is exempt (either abintio or so rendered) from hallah, or with rice dough which is in no circumstances subject to hallah.

Mishna - Mas. Hallah Chapter 4

MISHNAH 1. IF TWO WOMEN¹ MADE [SEPARATE DOUGHS] FROM TWO [SEPARATE] KABS,² AND THESE [THE DOUGHS] TOUCHED ONE ANOTHER, [THEN] EVEN IF THEY ARE OF ONE SPECIES, THEY ARE EXEMPT [FROM HALLAH].³ BUT IF THEY BELONG TO ONE WOMAN, [THEN] IF IT BE [A CASE OF] ONE SPECIES WITH ITS [LIKE] SPECIES, THEY ARE SUBJECT [TO HALLAH].⁴ BUT WITH AN UNLIKE SPECIES, THEY ARE EXEMPT.⁵

MISHNAH 2. WHAT IS IT [THAT CONSTITUTES THE CATEGORY OF] A SPECIES WITH ITS [LIKE] SPECIES?⁶ WHEAT IS NOT RECKONED TOGETHER WITH ANY [SPECIES]⁷ OTHER THAN WITH SPELT; BARLEY IS RECKONED TOGETHER WITH ALL [SPECIES] EXCEPT WHEAT. R. JOHANAN B. NURI SAID, THE REST OF THE SPECIES⁸ ARE RECKONED TOGETHER ONE WITH ANOTHER.⁹

MISHNAH 3. [IF THERE ARE TWO DOUGHS FROM] TWO [SEPARATE] KABS,¹⁰ AND [DOUGH FROM] A KAB OF RICE,¹¹ OR [FROM] A KAB OF TERUMAH¹² [LYING] BETWEEN,¹³ THEY ARE NOT RECKONED TOGETHER;¹⁴ [IF THERE WAS] A THING [VIZ., DOUGH] FROM WHICH HALLAH HAD BEEN TAKEN¹⁵ [LYING] BETWEEN, THEY ARE RECKONED TOGETHER, SINCE IT¹⁶ HAD ALREADY [ONCE] BEEN SUBJECT TO HALLAH.¹⁷

MISHNAH 4. [IF DOUGH FROM] A KAB OF 'NEW' [CORN].¹⁸ AND [DOUGH FROM] A KAB OF 'OLD' [CORN]¹⁸ STUCK ONE WITH THE OTHER,¹⁹ R. ISHMAEL SAID: LET HIM TAKE [HALLAH] FROM THE MIDDLE,²⁰ BUT THE SAGES PROHIBIT.²¹ IF ONE HAS TAKEN HALLAH FROM [DOUGH MADE OUT OF] ONE KAB, R. AKIBA SAYS: IT IS HALLAH,²² BUT THE SAGES SAY: IT IS NOT HALLAH.²³

MISHNAH 5. [IF ONE HAS] TWO [SEPARATE] KABS [OF DOUGH]²⁴ FROM ONE OF WHICH HALLAH HAD BEEN TAKEN SEPARATELY, AND FROM THE OTHER [TOO,] SEPARATELY, AND HE WENT BACK [TO THEM] AND MADE [OF] THEM ONE DOUGH, R. AKIBA DECLARES IT EXEMPT,²⁵ BUT THE SAGES DECLARE IT LIABLE.²⁶ [THUS] IT IS FOUND THAT [THE VERY PROPOSITION²⁷ GIVING RISE TO] THE STRINGENCY OF THE ONE [RULING]²⁸ IS [THE PROPOSITION THAT GIVES RISE TO] THE LENIENCY OF THE OTHER [RULING].²⁹

MISHNAH 6. A MAN MAY TAKE THE REQUISITE AMOUNT FOR HALLAH OUT OF A [CLEAN] DOUGH FROM WHICH HALLAH HAS NOT [PREVIOUSLY] BEEN TAKEN — [HIS PURPOSE BEING] TO EFFECT IT IN CLEANNESS — BY WAY OF GOING ON SEPARATING [HALLAH] THEREFROM IN RESPECT OF [UNCLEAN] DEMAI,³⁰ UNTIL IT PUTRIFIES, SINCE HALLAH IN RESPECT OF DEMAI MAY BE TAKEN FROM CLEAN [DOUGH] IN RESPECT OF UNCLEAN [DOUGH], AND FROM [ONE DOUGH IN RESPECT OF ANOTHER DOUGH] WHICH IS NOT CLOSE TOGETHER.

MISHNAH 7. IF ISRAELITES WERE TENANTS OF GENTILES IN SYRIA,³¹ R. ELIEZER DECLARES THEIR PRODUCE SUBJECT TO TITHES AND TO [THE LAW OF] THE

SEVENTH [YEAR],³² BUT RABBAN GAMALIEL DECLARES [IT] EXEMPT.³³ RABBAN GAMALIEL SAYS: [ONE IS TO GIVE] TWO HALLAH-PORIONS IN SYRIA,³⁴ BUT R. ELIEZER SAYS: [ONLY] ONE HALLAH-PORION.³⁵ THEY³⁶ ADOPTED THE LENIENT RULING OF RABBAN GAMALIEL,³⁷ AND THE LENIENT RULING OF R. ELIEZER.³⁸ EVENTUALLY THEY WENT BACK [ON THIS PRACTICE]³⁹ AND INSTITUTED THE PRACTICE IN ACCORDANCE WITH RABBAN GAMALIEL IN BOTH RESPECTS.⁴⁰

MISHNAH 8. RABBAN GAMALIEL SAYS: THERE ARE THREE TERRITORIAL DIVISIONS⁴¹ WITH REGARD TO [LIABILITY TO] HALLAH: FROM THE LAND OF ISRAEL TO KEZIB⁴² — ONE HALLAH-PORION; FROM KEZIB⁴³ TO AMANAH⁴⁴ — TWO HALLAH-PORIONS: ONE FOR THE FIRE⁴⁵ AND ONE FOR THE PRIEST,⁴⁶ TO THE ONE FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁴⁷ TO THE ONE FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY;⁴⁸ FROM THE RIVER⁴² TO AMANAH AND [THE ZONE] INWARD, TWO HALLAH-PORIONS: ONE FOR THE FIRE AND ONE FOR THE PRIEST, TO THE ONE [INTENDED] FOR THE FIRE THE [RULE OF THE STATUTORY] PROPORTION DOES NOT APPLY,⁴⁹ TO THE ONE [INTENDED] FOR THE PRIEST THE [RULE OF THE STATUTORY] PROPORTION APPLIES,⁵⁰ AND [A PRIEST] WHO HAS IMMERSSED HIMSELF DURING THE DAY [AND HAS TO WAIT TILL SUNSET FOR HIS PURIFICATION TO BE COMPLETE]⁵¹ MAY EAT IT.⁵² R. JOSE SAYS: ONE DOES NOT REQUIRE IMMERSION.⁵³ IT IS FORBIDDEN [AS FOOD] TO MEN WHO HAVE AN ISSUE,⁵⁴ TO WOMEN WHO HAVE AN ISSUE, TO WOMEN DURING MENSTRUATION,⁵⁵ TO WOMEN AFTER CHILDBIRTH,⁵⁶ BUT MAY BE EATEN WITH A 'STRANGER' AT THE [SAME] TABLE,⁵⁷ AND MAY BE GIVEN TO ANY PRIEST.⁵⁸

MISHNAH 9. THESE, TOO, MAY BE GIVEN TO ANY PRIEST:⁵⁹ DEVOTED THINGS,⁶⁰ FIRSTLINGS,⁶¹ THE [LAMB SUBSTITUTED AS] RANSOM FOR THE FIRSTLING OF AN ASS,⁶² THE SHOULDER, THE TWO CHEEKS AND THE MAW,⁶³ THE FIRST OF THE FLEECE,⁶⁴ OIL [FIT ONLY] FOR BURNING,⁶⁵ CONSECRATED FOOD [ORDAINED TO BE CONSUMED WITHIN THE PRECINCTS] OF THE SANCTUARY,⁶⁶ AND THE FIRST-RIPE FRUITS.⁶⁷ R. JUDAH PROHIBITS IN [THE CASE OF] FIRST-RIPE FRUITS.⁶⁸ [AS FOR] HORSEBEANS [SET ASIDE] FOR TERUMAH, R. AKIBA PERMITS,⁶⁹ BUT THE SAGES PROHIBIT.⁷⁰

MISHNAH 10. NITTAI [A MAN OF] TEKOA⁷¹ BROUGHT HALLAH-PORIONS FROM BE-JATTIR,⁷² BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷³ THE MEN OF ALEXANDRIA BROUGHT THEIR HALLAH-PORIONS FROM ALEXANDRIA, BUT THEY DID NOT ACCEPT [THESE] FROM THEM.⁷³ THE MEN OF MOUNT ZEBOIM⁷⁴ BROUGHT THEIR FIRST-RIPE FRUITS PRIOR TO THE FESTIVAL,⁷⁵ BUT THEY DID NOT ACCEPT [THESE] FROM THEM, ON ACCOUNT OF THAT WHICH IS WRITTEN IN THE LAW: AND THE FEAST OF THE HARVEST, THE FIRST-FRUITS OF THY LABOURS, WHICH THOU SOWEST IN THE FIELD.⁷⁶

MISHNAH 11. BEN ANTIGONUS⁷⁷ BROUGHT UP⁷⁸ FIRSTLINGS FROM BABYLON, BUT THEY DID NOT ACCEPT [THESE] FROM HIM.⁷⁹ JOSEPH THE PRIEST⁸⁰ BROUGHT FIRST-RIPE FRUITS [IN THE FORM] OF WINE AND OIL,⁸¹ BUT THEY DID NOT ACCEPT [THESE] FROM HIM;⁸² HE ALSO BROUGHT UP HIS SONS AND MEMBERS OF HIS HOUSEHOLD TO CELEBRATE THE LESSER PASSOVER⁸³ IN JERUSALEM, BUT THEY TURNED HIM BACK,⁸⁴ SO THAT THE THING SHOULD NOT BECOME FIRMLY FIXED AS AN OBLIGATION. ARISTON⁸⁵ BROUGHT HIS FIRST-RIPE FRUITS FROM APAMEA⁸⁶ AND THEY ACCEPTED [THESE] FROM HIM,⁸⁷ BECAUSE THEY SAID,⁸⁸ ONE WHO OWNS [LAND] IN SYRIA IS AS ONE WHO OWNS [LAND] IN THE OUTSKIRTS OF JERUSALEM.⁸⁹

- (1) Not necessarily, but most likely to occur with women in the course of their household activities.
- (2) One kab is not subject to hallah, in accordance with the view of the School of Hillel ('Ed. I, 2).
- (3) Because as a rule each of the women not only does not contemplate her dough coming into contact with someone else's, but actually objects to it; the two kabs are, therefore, considered as separate (just as their owners deem them to be) despite the fact that by chance they touched or even stuck together.
- (4) In circumstances explained supra II, 4.
- (5) This exemption applies also in the event of the two doughs being of the same species but otherwise different, e.g., one of coarse and the other of fine flour (T.J.) or one seasoned with saffron and the other not (v. L.).
- (6) So that they might combine by contact to make up the requisite minimum (viz., 1 1/4 kab) to be subject to hallah. It should be noted that the considerations envisaged in this Mishnah have reference only to hallah but not to other priestly or levitical dues.
- (7) Of the five kinds of grain. v. supra I, 1.
- (8) Enumerated supra I, 1.
- (9) The question as to which species combine with which to form a minimum subject to hallah, arises only when the doughs touch or stick to one another; if any two or more species (liable to hallah) have mingled, either in the flour or in two kneading, they are without question 'reckoned together' (T.J.).
- (10) Both of one species which is liable to hallah.
- (11) A species not liable to hallah
- (12) Which, as a priestly perquisite, is not liable to hallah.
- (13) And sticking to the two on either side.
- (14) Because the connecting intervening piece of dough, whether it is of rice or terumah, is one not liable to hallah. T.J. explains the necessity for instancing both rice and terumah: (a) if rice only had been mentioned, it might have been thought that just rice is not to be 'reckoned in' for the reason that it is a species ab initio not subject to hallah, but that terumah, which is of course of grain, that is in itself liable to hallah, should be reckoned in; (b) if terumah alone had been mentioned it might have been inferred, that just terumah is not 'reckoned in' for the reason that an admixture of it to other dough, by making the whole Medumma' (v. I, 4, n. 8). renders it exempt from hallah, but that rice, an admixture of which to grain does not invariably impair the liability of the dough to hallah (v. III. and 10), might be 'reckoned in'.
- (15) And therefore no longer liable to hallah.
- (16) The piece of dough in the middle.
- (17) Constituting in this respect a category different from the preceding cases where the dough lying in the middle had never been liable to hallah.
- (18) According to Ter. I, 5, it is unavailing to separate terumah from one year's corn an amount large enough to cover the requirements for terumah in respect also of either the preceding or the following year's corn. The same rule applies mutatis mutandis to taking hallah.
- (19) Lit., 'hit one with the other', cf. supra II, 4, n. 2.
- (20) Where the two doughs run into one another, thus taking some from each.
- (21) The prohibition of the Sages is directed against taking, in these circumstances, just one hallah-portion even if it be out of the place where both doughs coalesce. The fact that the two doughs have stuck together certainly renders them jointly subject to hallah, but since one is of 'old' and the other of 'new' corn, the statutory proportion (1/24th or 1/48th v. supra II, 7) must be taken separately from each dough.
- (22) I.e., if subsequently the kab was increased to 1 1/4 kab, whereby the portion that had erroneously been taken off is deemed as having been only prematurely separated and retroactively made into hallah with all due sanctity attaching thereto.
- (23) Since at the time a portion was taken off the dough was, owing to the small amount thereof, not subject to hallah, the separation of the dough portion was gratuitous and entirely without effect on its non-sacred (hullin) status.
- (24) I.e., neither is large enough to be subject to hallah.
- (25) Since in accordance with the view enunciated in his name in Mishnah 4, the dough-portions taken separately from each of the doughs and, erroneously, but in good faith-intended as hallah, have been validated as such by the subsequent addition of the other dough.
- (26) In accordance with their view, contrary to R. Akiba's, in Mishnah 4.
- (27) Viz., that of R. Akiba set out supra n. I.
- (28) I.e., the stringency which results from the application of R. Akiba's view to the case in Mish. 4, where the owner is

thereby deprived of the dough-portions which are, in that view, held to have been consecrated by him as hallah.

(29) I.e., the leniency which is the effect of the application of that same view to the case in our Mishnah, inasmuch as here the owner is thereby exempted from giving away a further portion of dough as hallah.

(30) Ordinarily demai denotes produce with regard to which there is suspicion, inasmuch as it has been obtained from an 'am ha-arez, that it may not have been properly tithed. Here, according to Maim. it means dough with regard to which there is doubt, for the same reason as above, whether hallah had been separated. Rash and Bert, say it means dough from grain that was demai (in the original sense, viz., in respect of tithes). Such corn presumed to have come from an 'am ha-arez was unclean and so, too, the dough made from it. L. reviews and criticizes the above interpretations and finally rejects them as untenable. His own interpretation is, that this Mishnah is concerned with dough bought from a Cuthean (Samaritan) and it is uncertain whether the latter has intended the dough for his own consumption (when, in view of known Samaritan religious scruples, he can be trusted to have separated hallah), or for sale (when one cannot assume that the Samaritan had separated hallah, inasmuch as the Samaritan code did not require hallah to be taken from dough intended for sale). Such dough is thus demai (in respect of hallah), and it is this kind of demai that is meant here. Furthermore, a Samaritan's dough is, failing certain knowledge to the contrary, unclean. The dough spoken of first in our Mishnah is also demai, but it is clean, either because the Samaritan had, in the presence of an Israelite, undergone ritual ablution from uncleanness immediately prior to preparing the dough, or because the flour had been mixed not with water but with fruit-juice (which does not render dough capable of contracting uncleanness; cf. supra II, 2, p. 328, n. 1). The position then is this: One dough is clean, the other unclean. In ordinary circumstances it is not permitted to take hallah from clean dough in sufficient quantity to exempt also unclean dough (v. supra I, 9), but because in our case both doughs are demai in respect of hallah, it is permitted to do so, as well as to take hallah from such a dough in sufficient quantity to exempt also other similar doughs without putting them close together.

(31) A geographical term denoting territories outside the boundaries of the Land of Israel (as delimited in Num. XXXIV) which were captured by King David before he completed the conquest of the Land of Israel proper (Jebus i.e. Zion remained in gentile possession till nearly the end of David's reign; v. II Sam. XXIV). It was agreed that these adjacent territories were of lesser sanctity than the Land proper, but there were differences of opinion as to which of the precepts enjoined for the Land of Israel were applicable also to Syria.

(32) Since in his view Syria was like the Land of Israel in these matters. In T.J. it is suggested that the intention of R. Eliezer in imposing this obligation was to 'fine' these Israelite tenants in Syria. Rash suggests that the purpose of the proposed fine was to discourage Jews from settling permanently in Syria. The law of the 'Seventh Year' is promulgated in Ex. XXIII, 10-11, Lev, XXV, 1 ff and forms the subject of tractate Shebi'ith in our Seder.

(33) Because he held that Syria was like the Land of Israel in regard to tithes etc., only if the land (in Syria) on which the produce was grown was the property of Israelites (v. end of chapter) but not when, as here, the latter were merely tenants.

(34) One portion to burn, because it is unclean (as everywhere outside the Land), and the other to give to a priest so as to prevent the law of hallah from being entirely forgotten (v. infra 9).

(35) Just as in the Land of Israel (v. n. i).

(36) The Jews in Syria.

(37) Exempting the produce of Israelite tenants in Syria from tithes and Shebi'ith.

(38) Demanding from them only one hallah-portion (instead of two as R. Gamaliel).

(39) Because they found that it was considered unworthy, and even wicked, to take advantage of the lenient rulings of two authorities when those rulings arose from opposing principles. The norm was that if you adopt the principle of one authority giving rise to a lenient ruling, you must consistently follow that principle wherever it applies, whether the effect of such application is a leniency or a stringency.

(40) Lit., 'ways'; i.e., both in the matter of tithes and Shebi'ith (where he is lenient) and in that of hallah (where he is stringent).

(41) Lit., 'lands'.

(42) For these geographical items v. Shebi'ith VI, 1. notes.

(43) That zone was authentic Land of Israel by reason of being within the boundaries mentioned in Num. XXXIV, having been occupied in the first conquest, and also reoccupied by the returned Babylonian exiles under Zerubbabel and Ezra, and therefore indubitably subject to the precepts bound up with the sanctity of the Land.

(44) A zone within the Pentateuchal boundaries of the Land of Israel and therefore originally holy; but since it had not been reoccupied by those who returned from Babylon, it did not re-assume complete holiness.

- (45) I.e., to be burnt by the owner, being unclean hallah. Since this zone was not restored to its original holiness, its hallah is unclean just as the hallah in any land outside the Land of Israel.
- (46) This is not mandatory, but instituted by the authorities to draw attention to the peculiar character of that zone with regard to sanctity. This procedure is to obviate on the one hand the likely erroneous notion that the territory is to be regarded as definitely outside the Land in respect of sanctity, and on the other hand the other mistaken notion that it is to be regarded as completely holy territory. The very contradictoriness of the procedure will stimulate enquiry which will enable people to learn of the special status of the zone.
- (47) Because this portion is in virtue of that zone having been originally holy and liable to hallah on Biblical authority — the direction to burn it being due solely to its being unclean, in which circumstances it would have to be burnt even in the Land of Israel proper.
- (48) Because this portion is only an institution of the Scribes.
- (49) Less than the minimum may be separated because (a) it is on solely Scribal authority and (b) because it is to be burnt.
- (50) This hallah-portion too is only on Scribal authority, but since it is to be eaten the full amount should be given.
- (51) V. supra I, 9, p. 326, n. 2. The regulations with regard to a person in that state are detailed in the tractate of that name Tebul Yom in seder Tohoroth.
- (52) Since this hallah-portion is on the authority only of the Scribes, the eating thereof is prohibited only to such as are in a state of actual uncleanness by reason of an issue or of menstruation (v. infra notes 4-6) but not to anyone unclean through any other cause, or whose cleanness is, as in the case of tebul yom, in a state of suspense until the end of the day.
- (53) So that, according to R. Jose, outside the Land, one who has had an issue may eat hallah.
- (54) V. Lev. XV, 2-15.
- (55) V. ibid. 19-30.
- (56) V. ibid. XII.
- (57) With consecrated food it is insisted that it should not be eaten by the priest at the same table where a non-priest is eating, lest the latter partake of the consecrated food either by accident or in error. Since the hallah-portion with which we are here concerned is not scripturally ordained this precaution is not required.
- (58) Maim. reproduces the T.J. interpretation of 'any priest', viz., 'be it a priest who is a kabir (i.e., a scholar) or one who is an 'am ha-rez (i.e., an unlearned person)'. Evidently what is meant is: whether the priest be one who takes care to eat consecrated food in cleanness, or one who does not. V. Bert. and Tusef. Yom Tob. Bert. writes as if Maim.'s explanation is at variance with that of the Talmud, whilst Maim. does nothing but reproduce T.J. verbatim.
- (59) V. preceding Mishnah, end n. 8.
- (60) V. Lev. XXVII, 28. No devoted thing, a man may devote to the Lord of all that he hath . . . shall be sold or redeemed: every devoted thing is most holy unto the Lord; Num. XVIII, 14: Every devoted thing in Israel shall be thine i.e., the priest's. Since it is to be redeemed with money, the latter may obviously be given to any priest without references to the likelihood of his being clean or unclean.
- (61) V. Ex XIII, 12: Thou shalt set apart unto the Lord all that openeth the womb; every firstling that is a male, which thou hast coming of a beast, shall be the Lord's, Deut. XV, 19 ff: All the firstling males of thy herd all of thy flock thou shalt sanctify unto the Lord thy God . . . thou shalt eat it before the Lord thy God . . . in the place which the Lord shall choose (i.e. the Holy City of Jerusalem) . . . And if there be any blemish therein, lameness, or blindness, any ill blemish whatsoever, thou shalt not sacrifice it unto the Lord thy God. Thou shalt eat it within thy gates: the unclean and the clean may eat it. Reference to Num. XVIII, 17-18 shows that 'Thou shalt eat it' is addressed to the priest. It is clear that our Mishnah speaks of the flesh of a blemished firstling, and since this may be eaten by 'the unclean and the clean' it may, obviously, be given to any priest irrespective of his cleanness.
- (62) V. Ex. XIII, 13: And the firstling of an ass thou shalt redeem with a lamb. This lamb is not considered consecrated (Bert.).
- (63) V. Deut, XVIII, 3: And this shall be the priests' due from the people, from them that offer a sacrifice, whether it be ox or sheep, that they shall give to the priest the shoulder, the two cheeks and the maw. V. n. 5 infra.
- (64) V. ibid. 4 . . . the first of thy fleece shalt thou give him.
- (65) I.e. , oil set aside as terumah, which has become unclean.
- (66) Since these are parts of sacrifices brought into the Sanctuary where no unclean priest may enter there is, obviously, no fear that it may be eaten by a priest during his uncleanness. (It is different with hallah and terumah; these may be

- eaten outside sacred precincts where there are priests of all kinds, and care should therefore be taken that these priestly dues do not get into the hands of priests who are either unclean or possibly neglectful of their ritual cleanness.)
- (67) V. Num. XVIII, 13: The first-ripe fruits of all that is in their land, which they bring unto the Lord, shall be thine; every one that is clean in thy house may eat thereof. These were to be brought by the Israelite direct to the Sanctuary, v. n. 5.
- (68) R. Judah's reason is: Seeing that first-ripe fruits are not offered on the altar, ignorant priests are likely to underrate the sacredness of first-ripe fruits and to eat them prior to self-purification.
- (69) Sc. to give to any priest, since these are rarely eaten by human beings, and the likelihood of these being eaten by an unclean priest is therefore remote.
- (70) Seeing that they are sometimes eaten by human beings, no exception is to be made of them.
- (71) In South Judah v. Amos I, 1, II Sam. XIV, 2.
- (72) Reading with Kohut, Aruch Completum, s.v. יתיר יתיר יתיר (or spelt defectivum יתר) is mentioned Josh. XV, 48, XXI, 14, I Sam. XXX, 27, I Chron. VI, 42 in S. Judah. In T.J. Sheb. p. 36, it is mentioned among places on the borders of the Land of Israel in relation to the applicability of the laws of the sanctity of the Land. According to the above data it would be in the neighbourhood of Tekoa. It is this place that is probably meant by Schurer (*Geschichte des Volkes Israel I*, p. 693) when he identifies our place-name as Be-jittar. Hirschensohn, Sheba' Hokmoth s.v. בתיר thinks of Botrys on the North African coast.
- (73) For the reasons: (a) These hallah-portions could not be eaten, since, coming from not fully sacred territory, they were unclean. (b) They could not accept them and burn them, because (since their place of origin was in a zone of partial but not complete sanctity) the fact that such hallah is unclean is not generally known, and people might be led to think that clean hallah was being — and permitted to be — burnt in Palestine. (c) Accepting these hallah-portions and sending them out of Palestine to burn them, would lead people to think, entirely erroneously, that any hallah or terumah may be sent out of the Land of Israel. The only possible thing to do is to let these dough-portions remain till the Eve of Passover when they should be burnt with other leaven (T.J.).
- (74) Probably close to the valley of that name (I Sam. XIII, 18) and the town of that name (Neh. XI, 34) in Judea.
- (75) Azereth, a Rabbinic designation for the Feast of Weeks or Pentecost, on which the first-ripe fruits were due to be brought to the Temple. Lit., 'the closing', Pentecost being considered the closing festival to Passover.
- (76) Ex. XXIII, 16 (cf. Lev. XXIII, 15-21, Num. XXVIII, 26). According to this verse it was the first-fruits coming from 'that which thou sowest in the field' i.e., the 'Two Loaves' (which, too, were termed 'First-fruits') that were the first to be brought to the Temple, before the other first-ripe produce, indeed before any of the other priestly and levitical dues. Seemingly the refusal recorded here is contrary to Mishnah Men. X, 6 which lays it down that although the first-fruits are in the first instance not to be brought before the Two Loaves, nevertheless if one had already unintentionally done so, such first-fruits are valid. (They are not accepted at the time but laid aside till after the bringing of the Two Loaves on the day of the Festival, and then they are handed to the priest and the declaration prescribed in Deut. XXVI is recited.) T.J., however, explain that the refusal of the prematurely brought first-fruits, in our case, was on the ground that acceptance would, in the circumstances, have given the impression that it was the proper thing to bring first-fruits prior to the Feast of Weeks.
- (77) Var. lec.: Antinos.
- (78) To the Temple.
- (79) From Deut. XIV, 23. And thou shalt eat before the Lord thy God, in the place which He shall choose . . . the tithes of thy corn, thy wine and thine oil, and the firstlings of thy cattle and thy flocks, a deduction is made that even as terumah and tithes are not to be brought to the altar from outside of sacred territory so too are firstlings not to be brought from such places. Such firstlings are to be allowed to pasture till they become unfit for sacrifice and then they are eaten by priests (v. T.J.).
- (80) He was evidently well-known as one who was particularly concerned to avoid circumstances defiling the sanctity attaching to a priest (v. Zeb. 10a, Sifra to Lev. XXI, 2, 'Er. 47b; 'A.Z. 13a).
- (81) The law is that first-ripe fruits may be brought in liquid form only if there was such intention at the time of the picking of the olives or grapes.
- (82) Because there had been no prior intention to bring them in liquid form; T.J.
- (83) As a rule designated 'the Second Passover'. According to Num. IX, 1-12, a person who was unclean on the Eve of the Passover and therefore unable to offer up the Paschal Lamb, was to do so exactly a month later (i.e. on the eve of the 15th Iyyar). The occasion reported here was probably in the year when his wife died on the Eve of Passover. Unwilling

to miss the Paschal Sacrifice, he was, then, most reluctant to allow himself to become defiled through her dead body (v. Num. XIX, II, 14) although the death of a wife is a case in which a man is permitted to defile himself (Lev. XXI, 2, where the phrase 'for his kin that is near unto him' refers, according to Rabbinic interpretation, to his wife). His colleagues, however, forcibly overcame his reluctance and he did allow himself to become unclean (Sifra loc. cit., Zeb. loc. cit. and parallels). V. Hyman, *Toledoth Tannaim* s.v. where he usually corrects an erroneous inference by Weiss (Dor I. P. 46, n. 2, p. 47) as to the date of the halachah permitting a priest to defile himself on the death of his wife.

(84) According to Ex. XXIII, 17, Passover was one of the three festivals when all males were to 'appear before the Lord', but that is ordained only for the real Passover and not for the 'Second (called here Lesser) Passover'. Pilgrimage to the Temple was of course permitted throughout the year and priests — like Joseph ha-Kohen — naturally had access to the Temple. Notwithstanding this and the fact that he was attending for the purposes of carrying out the precept of the 'Second Passover', he was turned back because he brought his young sons etc. with him, lest his act lead the public — as it was most likely to do — to an erroneous conclusion that the Second Passover required just like Passover itself not only the sacrifice of the Paschal Lamb by those who had been unable to do so on the real Passover, but also the pilgrimage of all males.

(85) Perhaps not the proper name of a man, but just a man of noble birth or standing.

(86) A few places of this name are known. Probably Paneas in Syria is meant here.

(87) First-ripe fruits were accepted from abroad, unlike *terumah*. The decision not to subject produce abroad to *terumah* is due to a desire to discourage priests from leaving the Holy Land as they would be tempted to do in order to collect *terumah* abroad. Owners had no need to 'bring' *terumah* to the Temple but just to distribute it among priests. Such a cause did not exist in the case of first-ripe fruits which had to be brought to the Sanctuary.

(88) The phrase indicates a reference to a Mishnah in the Mishnah-collection in its earliest form. Cf. *supra* III end.

(89) And the product of such Jewish owned land in Syria is accordingly subject to tithes etc. This is not the case if the land in Syria is held by Jews only on tenancy v. *supra* Mish. 7. V. Git. 8a for a list of particulars in which Syria is treated in law like the Land of Israel. MS. M. adds the following passage (which is quoted in B. K 110b and Hul. 133b as a *Baraitha*): Twenty-four dues were given to the priests: ten in the Temple and four in Jerusalem and ten within the borders (of the Land of Israel). These are the ten given them in the Temple: Sin-offerings, sin-offerings of birds, the unconditional and suspensive guilt-offerings, the peace-offering of the congregation, the log of oil of the leper, the remainder of the Omer, the Two Loaves, the Shewbread, the residue of the meal-offerings. And these are the four given in Jerusalem: The firstlings, the first-fruits, the heave-offering from the thank-offering, and the ram of the Nazirite, and the skins of hallowed sacrifices. And these are the ten given them within the borders: *Terumah*, *terumah* of the tithe, *hallah*, the first of the shearing, the priestly gifts (from every beast slaughtered for food), the redemption price of the firstborn son, the redemption price of the firstling of an ass, the field of possession, the devoted field, and what was wrongly obtained of a proselyte (who died without any legal issue). No priest who is not well versed in these things may receive them as gifts.

Talmud - Mas. Yevamoth 2a

CHAPTER I

MISHNAH. FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS¹ AND THE RIVALS OF THEIR RIVALS² AND SO ON, AD INFINITUM,³ FROM THE HALIZAH⁴ AND FROM THE LEVIRATE MARRIAGE;⁵ AND THESE ARE THEY: HIS DAUGHTER,⁶ THE DAUGHTER OF HIS DAUGHTER⁷ AND THE DAUGHTER OF HIS SON;⁷ THE DAUGHTER OF HIS WIFE,⁸ THE DAUGHTER OF HER SON AND THE DAUGHTER OF HER DAUGHTER; HIS MOTHER-IN-LAW,⁹ HIS MOTHER-IN-LAW'S MOTHER,¹⁰ AND HIS FATHER-IN-LAW'S MOTHER;¹⁰ HIS MATERNAL SISTER,¹¹ HIS MOTHER'S SISTER,¹¹ HIS WIFE'S SISTER AND HIS MATERNAL BROTHER'S WIFE;¹²

(1) Heb., zarah, צרה 'rival'. Where a husband has more than one wife, each woman is a zarah in relation to the other. The term is derived from צרר which signifies oppression, hence 'rival', 'adversary', as in I Sam. I, 6 (cf. Kimhi a.l.) or 'to tie up', 'to bind', hence 'associate', 'co-wife'.

(2) The co-wives of a rival through a second marriage.

(3) עד סוף העולם lit., 'to the end of the world'.

(4) הלצה (rt. הלץ, 'to take off' or 'to loosen'), the ceremony of drawing off the shoe of the brother of her husband who died without issue. According to Biblical law (v. Deut. XXV, 5-9) the brother-in-law must either marry the widow (v. following note) or be subjected to halizah.

(5) יבום, rt. יבם 'to marry the levir'. Any woman coming under the fifteen categories enumerated below is not only herself exempt from halizah and yibbum but exempts also her own rivals as well as the rivals of her rivals, ad infinitum, as explained anon.

(6) Who had been married to his brother who subsequently died childless. Since he is forbidden to marry his daughter he is thereby also forbidden to marry any of her rivals, the widows of his deceased childless brother. 'HIS DAUGHTER' includes even one born to him as a result of outrage, v. infra.

(7) Cf. previous note. All the fifteen categories enumerated are among the near relatives whom a man is forbidden to marry in accordance with the explicit and implicit prohibitions in Lev. XVIII, 6ff.

(8) From a former husband.

(9) Who, after the death of her husband, had married his brother who subsequently died childless.

(10) The prohibition to marry in this case is derived in Sanhedrin 75a from Lev. XVIII, 17.

(11) Who was married to his paternal brother. The laws of the levirate marriage and halizah are applicable to a paternal, but not to a maternal brother.

(12) Who, after the death of her husband, had married his paternal brother.

Talmud - Mas. Yevamoth 2b

THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY,¹ AND HIS DAUGHTER-IN-LAW.² ALL THESE EXEMPT THEIR RIVALS AND THE RIVALS OF THEIR RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. IF, HOWEVER, ANY AMONG THESE³ DIED,⁴ OR MADE A DECLARATION OF REFUSAL,⁵ OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED;⁶ THOUGH, OF COURSE, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, OF THE MOTHER OF HIS MOTHER-IN-LAW AND OF THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL.⁷

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED], TO BE UNDERSTOOD? IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE [AT THE TIME] WHEN HE DIED, THEN AS HIS DAUGHTER IS EXEMPT SO IS HER RIVAL

EXEMPT. IF HIS DAUGHTER'S RIVAL WENT AND MARRIED A SECOND BROTHER OF HIS,⁸ WHO ALSO HAD YET ANOTHER WIFE WHEN HE DIED, THEN AS THE RIVAL OF HIS DAUGHTER IS EXEMPT SO IS ALSO HIS DAUGHTER'S RIVAL'S RIVAL EXEMPT, EVEN IF THERE WERE A HUNDRED [BROTHERS].⁹

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED, THEIR RIVALS ARE PERMITTED?¹⁰ IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE, THEN, IF HIS DAUGHTER DIED OR WAS DIVORCED, AND HIS BROTHER DIED SUBSEQUENTLY, HER RIVAL IS PERMITTED.¹⁰

THE RIVAL OF ANY ONE WHO IS ENTITLED TO MAKE A DECLARATION OF REFUSAL¹¹ BUT DID NOT EXERCISE HER RIGHT, MUST PERFORM HALIZAH [IF HER HUSBAND DIED CHILDLESS], AND MAY NOT CONTRACT LEVIRATE MARRIAGE.¹²

GEMARA. Consider: All these¹³ are deduced from the [exemption of] a wife's sister.¹⁴ Why then was not HIS WIFE'S SISTER mentioned¹⁵ first?¹⁶ And if it be replied that the Tanna enumerated¹⁷ [the forbidden relatives] in the order of the degrees of their respective severity,¹⁸ and that it [our Mishnah] represents the view of R. Simeon who regards burning¹⁹ as the severest,²⁰ [it may be retorted that], if that is the case,²¹ HIS MOTHER-IN-LAW should have been mentioned¹⁶ first, since [Scripture] enunciated the principle of burning in the case of a mother-in-law.²² And, furthermore, HIS DAUGHTER-IN-LAW should have come¹⁵ immediately after HIS MOTHER-IN-LAW, since, next to burning, stoning²³ is the severest penalty! — But [this in fact is the proper reply]: Since [the prohibition of intercourse with] 'HIS DAUGHTER'²⁴ has been arrived at by exposition²⁵ it is given preference.²⁶

(1) Lit., 'in his world', i.e., who died before he was born. Such a brother's widow and her rivals etc. are exempt. If, for instance, C was born after his brother A had died childless, so that his widow, N married (in accordance with the laws of the levirate marriage) a contemporary brother of his, B, who had another wife, or wives, and B also died childless, all B's widows are exempt from halizah and yibbum as far as C is concerned on account of N who is forbidden to him.

(2) Who married his brother after the death of his son. The marriage of a daughter-in-law is forbidden for ever, even after the death of one's son.

(3) Lit., '(in the case of) all of them'.

(4) Prior to the death of her husband who subsequently died childless.

(5) Such a declaration, mi'un מִיּוֹן, may be made against her husband (without any further necessity for a divorce) by a wife, while she is a minor, or as soon as she becomes of age, prior to cohabitation, in cases where she was betrothed either (a) as an orphan, by her mother or brothers or (b) even in the lifetime of her father (v. infra 109a) if she was once divorced (after her father had contracted for her a betrothal) and was betrothed again while still a minor.

(6) I.e., levirate marriage may be contracted, or halizah must be performed.

(7) For, having given birth they must be of age.

(8) Whenever one of the surviving brothers is not related to either of the widows, but another brother is, it is his duty to perform the levirate marriage or to submit to halizah.

(9) Everyone of whom had also another wife or wives and the rival's rival married them in turn, ad infinitum.

(10) V. p. 2, n. 7.

(11) A minor (V. supra, p. 2, n. 6).

(12) V. Gemara infra.

(13) Exemptions enumerated in our Mishnah.

(14) V. infra.

(15) Lit., 'let him teach'.

(16) In the list.

(17) Lit., 'took'.

(18) The degree of the severity of the penalty incurred by sexual intercourse with one of these relatives.

- (19) The death penalty incurred for sexual intercourse with one of the first eight categories enumerated in our Mishnah. V. Sanh. 75a.
- (20) Of the four death penalties. V. Sanh. 49b.
- (21) Lit., 'if so'.
- (22) Lev. XX, 14.
- (23) The penalty for intercourse with one's daughter-in-law. V. Sanh. 53a.
- (24) I.e., born as a result of outrage. V. supra p. 1, n. 6.
- (25) V. infra.
- (26) Lit., 'beloved to him'.

Talmud - Mas. Yevamoth 3a

[The law, surely,] concerning all the others also was arrived at¹ by exposition!² — Granted that in respect of [exemption from] the levirate marriage [the law in relation to them] was arrived at by exposition, the principle of prohibition [of sexual intercourse] with them has been explicitly enunciated in Scripture, [while as regards] his daughter³ the very principle underlying the prohibition [of intercourse with her] has been arrived at by exposition; for Raba⁴ stated: R. Isaac b. Abdimi told me, 'Hennah⁵ is derived from hennah⁶ and zimmah⁷ is derived from zimmah'.⁸

Now that it has been stated that preference is given to whatever is arrived at by exposition, the Tanna should have placed⁹ HIS WIFE'S SISTER last!¹⁰ — As he was dealing with a prohibition due to sisterhood¹¹ he mentioned also HIS WIFE'S SISTER. Then let him relegate⁹ the entire passage¹² to the end!¹³ — But [this is really the explanation]: The Tanna follows the order of the respective degrees of kinship. He, therefore, mentions [first] HIS DAUGHTER, THE DAUGHTER OF HIS DAUGHTER AND THE DAUGHTER OF HIS SON because they are his own next of kin; and since he enumerated three generations of his relatives in descending order he enumerated also three generations of her¹⁴ relatives in descending order. Having enumerated three generations of her¹⁴ relatives in descending order he proceeded to enumerate also three generations of her relatives in ascending order. He then mentions HIS SISTER and HIS MOTHER'S SISTER who are his blood¹⁵ relatives;¹⁶ and while dealing with prohibitions due to brotherhood he also mentions HIS WIFE'S SISTER. And it would indeed have been proper that HIS DAUGHTER-IN-LAW should be placed before THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY, since it is not on account of kinship¹⁷ that the latter is forbidden, but as he was dealing with a prohibition due to brotherhood he mentioned also THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY and then mentioned HIS DAUGHTER-IN-LAW.

What argument can be advanced for using¹⁸ the expression EXEMPT¹⁹ and not that of²⁰ 'prohibit'?²¹ — If 'prohibit' had been used it might have been assumed that the levirate marriage only was forbidden but that halizah²² must nevertheless be performed,²³ hence it was taught²⁴ [that halizah also need not be performed]. Let it then be stated,²⁵ 'She is forbidden to perform halizah!²⁶ — No harm, surely, is thereby done.²⁷ But why indeed should not [the expression of prohibition be applicable to halizah]? If you were to say that halizah is permissible, [one might say that] levirate marriage is also permitted!²⁸ — As a rival²⁹ is forbidden only where the commandment [of the levirate marriage] is applicable but is permitted where the commandment is not applicable,³⁰ it was therefore necessary to use the expression, EXEMPT.³¹

What justification is there for stating, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE when it would have been sufficient to state³² FROM THE LEVIRATE MARRIAGE only?³³ — If FROM THE LEVIRATE MARRIAGE only had been stated it might have been assumed that she must perform halizah³⁴ though she is exempt from the levirate marriage, hence it was taught³⁵ that whoever is subject³⁶ to the obligation of levirate marriage is also subject to halizah and whosoever is not subject to the obligation of the levirate marriage is not subject to halizah.

Let it [first] be stated,³⁷ FROM THE LEVIRATE MARRIAGE [and then] FROM THE HALIZAH,³⁸ or else only FROM THE HALIZAH?³⁹ — This Mishnah represents the view of Abba Saul who maintains that the commandment of halizah takes precedence over that of levirate marriage.⁴⁰

What [was intended] to be excluded [by the] numeral at the beginning⁴¹ and what [again was intended] to be excluded [by the] numeral at the end?⁴²

- (1) In respect to their exemption from the levirate marriage.
- (2) By deduction from the law of a wife's sister.
- (3) V. n. 2.
- (4) Others, 'Rab', who was a disciple of R. Isaac b. Abdimi, v. Tosaf. s.v. **דאמר** a.l.
- (5) **הנה** ('they' or 'theirs') in Lev. XVIII, 10 which deals according to Talmudic interpretation with the daughter of his son, or of his daughter that was born from an outraged woman, but not with the daughter herself.
- (6) Ibid. v. 17 which places a daughter on the same footing as a son's and a daughter's daughter. By this analogy the inference is arrived at that intercourse even with a daughter from an outraged woman is forbidden.
- (7) **זמה** ('lewdness' or 'wickedness'), ibid. where the penalty of burning is not mentioned.
- (8) Ibid. XX, 14 where the penalty of burning with fire is explicitly stated. Thus it is shown that the very foundation of the prohibition of sexual intercourse with a daughter from an outraged woman, as well as the death penalty of burning which the crime involves, are entirely dependent on inferences arrived at by exposition, v. Sanh. 51a.
- (9) Lit., 'let him teach'.
- (10) In the list in our Mishnah; since, as will be shewn infra, the exemption from levirate marriage in respect of all the others is derived by exposition from 'his wife's sister'.
- (11) 'His mother's sister', v. our Mishnah.
- (12) Which deals with the prohibitions through sisterhood.
- (13) Of the list.
- (14) His wife's.
- (15) Lit., 'his own'.
- (16) While a daughter-in-law is not consanguineous.
- (17) A daughter-in-law should, consequently, receive priority.
- (18) In our Mishnah.
- (19) Which might imply that the levirate marriage in these cases is not obligatory but optional.
- (20) v. supra p. 4, n. 13.
- (21) Since, in fact, no marriage with a deceased brother's widow is permitted whenever the obligation of the levirate marriage does not exist.
- (22) V. Glos.
- (23) Since a prohibition could not very well apply to halizah which is a harmless act, the expression of 'prohibit' in respect of halizah would have been interpreted as a 'prohibition to be married to anyone before halizah had been performed'.
- (24) By the use of the expression, 'exempt'.
- (25) In our Mishnah.
- (26) And, consequently, the expression 'prohibit' which is preferable to that of 'exempt' (v. supra notes 6 and 8) could well be used for the levirate marriage.
- (27) Lit., 'what does he do', i.e., there is no reason why halizah should be forbidden. Hence the expression of 'prohibit' could not properly be used.
- (28) The expression of 'prohibit' in relation to halizah could, consequently, properly have been used. Why then was 'exempt' preferred to 'prohibit'?
- (29) Of one's daughter, for instance.
- (30) If his daughter, e.g., had married one who was not his near of kin, her rival, on the death of her husband, is not forbidden to marry the father; v. infra 13a.
- (31) 'Prohibit' might have implied that a daughter, e.g., always causes her rival to be prohibited to her father whether the

precept of the levirate marriage is applicable or not.

(32) Lit., 'let him teach'.

(33) It is obvious that if one is exempt from the levirate marriage there could be no question of being subject to halizah which is only the result of a refusal to contract the prescribed marriage.

(34) In order that the law of the levirate marriage be not entirely abrogated.

(35) By the use of the expression, exempt'.

(36) Lit., 'goes up' sc. to the gate, i.e., the court (cf. Deut. XXV, 7.)

(37) In our Mishnah.

(38) The marriage surely is of greater importance than the halizah, the latter being only an alternative of the former. V. Deut. XXV. 7.

(39) The exemption from the marriage being then self-evident.

(40) Infra 39b, 109a. And if only FROM THE HALIZAH had been stated, there would be no basis for this inference.

(41) Of our Mishnah, 'FIFTEEN'.

(42) Of the list; 'ALL THESE', implying the 'FIFTEEN' mentioned. If nothing were to be excluded, there would be no need for the addition of a cardinal at the beginning, or of a reference to it at the end of a list which presumably enumerated all possible cases.

Talmud - Mas. Yevamoth 3b

— [They were intended] to exclude the respective rulings of Rab and R. Assi.¹ What, [however, do the numerals] exclude according to Rab and R. Assi? — If they share each other's views, one numeral would serve to exclude the rival of one who made a declaration of refusal,² and the other to exclude the rival of a wife whom [her husband] remarried after having divorced her.³ If they do not share the views of each other, [each would regard] one [numeral as serving] to exclude the ruling of his colleague,⁴ and the other numeral, as serving to exclude either the rival of one who made a declaration of refusal² or the rival of a wife whom [her husband] remarried after having divorced her.³

According to Rab and R. Assi these⁵ should have been enumerated in our Mishnah! — [This could not be done] because the law of the rival's rival⁶ is not applicable [to these cases].⁷

Whence is this law⁸ derived?⁹ — [From] what our Rabbis taught: And thou shalt not take a woman to her sister, to be a rival to her, to uncover her nakedness, 'aleha [beside her] in her lifetime,¹⁰ what need was there for the expression 'aleha'?¹¹ Because it was stated, Her husband's brother shall go in 'aleha [unto her],¹² it might have been imagined¹³ that Scripture¹⁴ speaks even of any of all the forbidden relatives enumerated in the Torah. Hence it was here¹⁰ stated, 'aleha'¹⁵ and elsewhere¹² it was also stated 'aleha'.¹⁶ Just as elsewhere it is in the case of a precept¹⁷ so here also it is in the case of a precept;¹⁷ and yet did not the All Merciful say, Thou shalt not take.¹⁸ We are thus in a position to know the law concerning herself;¹⁹ whence do we derive the law concerning her rival? — From the Scriptural expression, To be a rival to her.¹⁰ We have so far deduced the law concerning her rival only. Whence do we arrive at the law concerning her rival's rival? — From the fact that Scripture uses the expression li-zeror²⁰ and not that of la-zor.²¹ Thus we have deduced the law concerning a wife's sister, whence is the law concerning the other forbidden relatives to be inferred? — It can be answered: As a wife's sister is singled out in that she is a forbidden relative, the penalty for presumptuous intercourse with her is kareth²² and for unwitting intercourse a sin-offering, and she is forbidden to the levir, so also any woman who is a forbidden relative, and the penalty for presumptuous intercourse with whom is kareth²² and for unwitting intercourse a sin-offering, is forbidden to the levir. Now we know the law concerning themselves only;²³ whence is the law concerning their rivals deduced? — It may be answered: As a wife's sister is singled out in that she is a forbidden relative, kareth is incurred by presumptuous intercourse with her and a sin-offering for unwitting intercourse, and she is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, and for presumptuous intercourse with

whom is incurred the penalty of kareth and for unwitting intercourse a sin-offering, and who is forbidden to the levir, her rival is forbidden. Hence have the Sages said: FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS AND THEIR RIVALS' RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. One might assume that the six more rigidly forbidden relatives²⁴ are also included in the ruling,²⁵ so that their rivals also²⁶ are forbidden,²⁷ hence it must be stated:²⁸ As a wife's sister is singled out in that she is a forbidden relative, kareth is incurred for presumptuous intercourse with her and a sin-offering for unwitting intercourse, she may be married to the other brothers, but is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, for presumptuous intercourse with whom is incurred the penalty of kareth and for unwitting intercourse a sin-offering, who may marry one of the other brothers, but is forbidden to the levir, her rival also is forbidden; excluded, however, are the six more rigidly forbidden relatives. Since they may not be married to the other brothers, their rivals are permitted; for [the law of] 'rival'²⁹ is applicable only [to widows] of a brother.³⁰

Thus we have deduced the prohibition. Whence, however, is the penalty inferred? — Scripture said, For whosoever shall do any of these abominations etc. [shall be cut off from among their people.]³¹

The reason,³² then, is because the All Merciful has written, 'aleha',³³ otherwise it would have been said that levirate marriage may be contracted with the wife's sister; what is the reason? Is it because we assume that a positive precept,³⁴ supersedes a negative precept?³⁵ Surely, it is possible that³⁶ the rule that a positive precept supersedes a negative precept applies only where the latter is a mere prohibition; does it, however, supersede a prohibition involving the penalty of kareth?³⁵ Furthermore, whence is it derived that it may supersede even a mere prohibition?

(1) Infra 11a and 12a.

(2) A minor who was one of the wives of a deceased childless brother, on declaring her refusal to marry the levir, exempts thereby her rivals from the levirate marriage but not from halizah.

(3) If one of the widows of a deceased brother was divorced once, and then remarried to him after she had married another man, she causes the exemption of her rivals from the levirate marriage, v. infra 11b. The halizah, however, must be performed.

(4) According to Rab that of R. Assi, and vice versa.

(5) The subjects of their respective rulings, i.e., the sotah (v. Glos.) and the barren wife, who, they maintain, infra 11a, 11b, exempt their rivals both from the levirate marriage and from halizah.

(6) V. our Mishnah.

(7) Since neither a sotah nor a barren woman may marry any one of the brothers.

(8) Of our Mishnah, that forbidden relatives as well as their rivals and rivals' rivals, ad infinitum, are exempt from the levirate marriage and from halizah.

(9) Lit., 'whence these words'.

(10) Lev. XVIII, 18.

(11) Which does not add any point to the law enunciated.

(12) Deut. XXV, 5.

(13) Lit., 'I hear'.

(14) Since it drew no distinction between a brother's wife who was a forbidden relative and one that was not forbidden.

(15) I.e., 'beside her'.

(16) I.e., 'unto her'. In both cases the respective terms 'beside her' and 'unto her' are expressed by the same Heb. word עִלְיָהּ.

(17) That of levirate marriage.

(18) Two sisters, Lev. XVIII, 18. The verse in Lev. thus means that the prohibition of marrying the wife's sister is in force even where she is his dead brother's widow, in regard to whom the precept, 'her husband's brother shall go in unto her', might apply.

(19) Lit., 'there is not to me but she', sc. the forbidden relative herself.

(20) לָרִוּר 'to be a rival',

(21) לָצַר 'to oppress', the longer form li-zeror implies many rivals, i.e., rivals of the rivals. The last question and answer are deleted by R. Tam and Nahmanides. Cf. הַגְּהוּת הַגֵּר §

(22) V. Glos.

(23) The forbidden relatives.

(24) Enumerated infra 13a.

(25) Relating to the other forbidden relatives.

(26) If they and their rivals were married to a stranger.

(27) To marry the man whom the forbidden relatives themselves are not allowed to marry.

(28) Lit., 'say'.

(29) I.e., the rival's exemption from the levirate marriage and halizah.

(30) Where one of the widows is a forbidden relative of one of the surviving brothers and no forbidden relative of the deceased. As the relative is forbidden to marry the brother, her rival also is forbidden to him as 'his brother's wife'. Where the relative, however, is married to a stranger, her rival is permitted to those to whom the relative herself is forbidden.

(31) Lev. XVIII, 29.

(32) Why a wife's sister is forbidden the levirate marriage.

(33) V. the texts from Lev. and Deut. and the analogy supra.

(34) The commandment of the levirate marriage.

(35) The prohibition to marry one's wife's sister.

(36) Lit., 'say'.

Talmud - Mas. Yevamoth 4a

— Because¹ it is written, Thou shalt not wear a mingled stuff . . .² Thou shalt make thee twisted cords,³ and R. Eleazar said,⁴ 'Whence is the rule of proximity [of texts] derived from the Torah?'⁵ As it is said, They are established⁶ for ever and ever, they are done in truth and uprightness.⁷ Furthermore, R. Shesheth stated⁸ in the name of R. Eleazar who stated it in the name of R. Eleazar b. Azariah: Whence is it proved that a sister-in-law, who falls to the lot of a levir who is afflicted with boils, is not muzzled?⁹ From the Biblical text, Thou shalt not muzzle the ox when he treadeth out the corn,¹⁰ and in close proximity to it is written If brethren dwell together.¹¹ Furthermore R. Joseph said: Even he who does not base interpretations on the proximity [of Biblical texts] anywhere else does base them [on the texts] in Deuteronomy,¹² for R. Judah who does not elsewhere base any interpretations [on textual proximity], bases such interpretations on the Deuteronomic text.¹³ And whence is it proved that elsewhere he¹⁴ does not advance such interpretation?¹⁵ — From what has been taught: Ben 'Azzai said, It was stated, Thou shall not suffer a sorceress to live,¹⁶ and it is also stated, Whosoever lieth with a beast shall surely be put to death;¹⁷ one subject was placed near the other to indicate that as the man who lies with a beast is to suffer the death penalty of stoning so also is a sorceress to suffer the death penalty of stoning. Said R. Judah to him: Shall we, because one subject was placed in close proximity to the other, lead out a person¹⁸ to be stoned? In truth¹⁹ [the penalty of the sorceress is derived from the following]: The necromancer and the charmer were included among the sorcerers; why then were they mentioned separately?²⁰ In order that the others may be compared to them, and to tell you that as the necromancer and the charmer are subject to the death penalty of stoning,²⁰ so is a sorceress also subject to the penalty of stoning.

And whence is it proved that in Deuteronomy he²¹ does advance such interpretation?¹⁵ — From what we learned: A man may marry a woman who has been outraged or seduced by his father or his son. R. Judah prohibits in the case of a woman outraged or seduced by one's father.²² And in connection with this, R. Giddal said in the name of Rab: What is R. Judah's reason? Because it is written, A man shall not take his father's wife, and shall not uncover his father's skirt,²³ the 'skirt' which his father saw he shall not uncover. And whence is it inferred that this is written with

reference to an outraged woman? — From the preceding section of the text where it is written, Then the man that lay with her shall give unto the damsel's father fifty shekels of silver²⁴ near which it is stated, A man shall not take etc.²⁵ And the Rabbis?²⁶ — If one text had occurred in close proximity to the other the exposition would have been justified;²⁷ now, however, that it does not occur in close proximity²⁸ [it must be concluded that] the context speaks of a woman who is awaiting the decision of the levir²⁹ and that, [in marrying such a woman, a son]³⁰ transgresses two negative precepts.³¹

And what is the reason why [R. Judah] derives laws [from the proximity of texts] in Deuteronomy? — If you wish I might say: Because [there the deduction]³² is obvious; and if you prefer I might say: Because [there the text] is superfluous.³³ 'If you prefer I might say: Because [there the deduction] is obvious', for, otherwise,³⁴ the All Merciful should have written the prohibition in the section of forbidden relatives. 'And if you prefer I might say: Because [there the text] is superfluous', for otherwise³⁵ the All Merciful should have written, A man shall not take his father's wife.²⁵ what need was there for adding,³⁶ And shall not uncover his father's skirt?²⁵

(1) This is an answer to the second question. The first is answered infra 5b.

(2) Deut. XXII, 11.

(3) Ibid. 12.

(4) V. Ber. 10a.

(5) Heb. Semukim סְמוּכִים (rt. סִמַּךְ 'to join'); i.e., the exegetical principle that we deduce laws from the proximity of Biblical texts.

(6) 'Semukim'.

(7) Ps. CXI, 8. The proximity of the two texts (Deut. XXII, 11 and 12) may consequently be taken to indicate that though the wearing of mingled stuff (linen and wool) is forbidden in ordinary cases (Deut. XXII, 11) it is nevertheless permitted in the case of the performance of a positive precept such as that of the making of 'twisted cords' or zizith (v. Glos.) on the four corners of a garment (ibid. v. 12).

(8) Mak. 23a.

(9) I.e., she is not prevented from objecting to the levirate marriage, and is entitled to halizah. 'Muzzled' (rt. מִזְמָז) is taken from Deut. XXV, 4 from which this law is derived.

(10) Deut. XXV, 4.

(11) Ibid. v. 5, forming the introduction to the law of halizah. Thus it has been shewn that a law may be based on the proximity of Biblical texts, and this confirms the conclusion in respect of 'mingled stuff' in zizith (v. Deut. XXII, 11).

(12) Where the texts of 'mingled stuff' and zizith occur.

(13) Ber. 21b. Cf. Pes. 67b.

(14) R. Judah.

(15) Interpretations based on semukim or proximity of texts.

(16) Ex. XXII, 17.

(17) Ibid. 18.

(18) Lit., 'this' sc. the sorceress.

(19) Lit., 'but'.

(20) V. Lev. XX, 27.

(21) R. Judah.

(22) Ber. 21a, infra 97a.

(23) Deut. XXIII, 1.

(24) Deut. XXII, 29.

(25) Deut. XXIII, 1.

(26) Represented by the view of the first Tanna who differs from R. Judah. How do they, in view of R. Judah's exposition, allow the marriage of a woman outraged or seduced by one's father?

(27) Lit., 'as you said'.

(28) Cur. edd. contain within parentheses: 'Since the text, A man shall not take his father's wife is written between them'.

(29) Whether he will marry her or consent to halizah.

(30) Of the levir for whose decision the woman is waiting.

(31) Infra 97a. One is that of marrying a woman who is virtually his father's wife being subject still to the levirate marriage, and the other is that of marrying an aunt, the wife of his father's deceased brother.

(32) From the proximity of the texts.

(33) Lit., 'free', 'disengaged'. i.e., unnecessary for the contexts and consequently free for interpretation and exposition.

(34) Lit., 'if so', i.e., if the text was meant to convey its plain meaning only.

(35) Cf. previous note.

(36) Lit., 'wherefore to me'.

Talmud - Mas. Yevamoth 4b

Hence it must be concluded that the text was meant to provide a superfluous text.¹

Similarly in the case of zizith,² if you wish I might reply:³ Because [there⁴ the deduction] is obvious. And if you prefer I might reply:⁵ Because [there⁶ the text] is superfluous.⁷ 'If you prefer I might say: Because [there the deduction] is obvious', for otherwise,⁸ the All Merciful should have written [the precept] in the section of zizith;⁹ with what other practical rule in view has he written it here?¹⁰ 'And if you prefer, I might reply: Because [there the text] is superfluous', for observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together.¹¹ What need then was there for stating, Thou shalt not wear a mingled stuff?¹² Hence it must be concluded that the object was to provide a superfluous text.¹³

But [surely] both these texts¹⁴ are required? For if the All Merciful had only written, Neither shall there come upon thee¹⁵ it might have been assumed that all kinds of 'putting on' were forbidden by the All Merciful, even that of clothes dealers,¹⁶ hence the All Merciful, has written, Thou shalt not wear a mingled stuff,¹⁷ [showing that the 'putting on' must be] of the same nature as that of wearing for personal comfort. And if the All Merciful had only written, Thou shalt not wear¹⁸ it might have been assumed that only wear [is forbidden] because the pleasure derived therefrom is great, but not mere 'putting on', hence the All Merciful has written, Neither shall there come upon thee!¹⁹ — If so,²⁰ the All Merciful should have written, 'Thou shalt not wear a mingled stuff' what need was there for adding, 'Wool and linen'? For²¹ observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together,¹⁵ and in connection with this a Tanna of the School of R. Ishmael taught: Whereas garments generally²² were mentioned in the Torah, and in one particular case²³ Scripture specified wool and linen,²³ all must consequently be understood as having been made of wool and linen, what need, then, was there for the All Merciful's specific mention of wool and linen? Consequently it must be concluded that its object was to provide a superfluous text.²⁴

But the text²⁵ is still required [for another purpose]! For it might have been assumed [that the limitation²⁶ applies] only to 'putting on', where the benefit is not great, but that in respect of wear, the benefit from which is great, any two kinds were forbidden by the All Merciful, hence has the All Merciful written, 'wool and linen'!²⁷ — If so, Scripture should have omitted it altogether²⁸ and [the law²⁹ would have been] deduced [by analogy between] 'mingled stuff'³⁰ and 'mingled stuff'³¹ [the latter of which occurs in connection with the law] of 'putting on'.³²

As to the Tanna of the School of R. Ishmael, is the reason [why 'mingled stuff' is permitted in zizith] because the All Merciful has written 'wool and linen', but if He had not done so, would it have been assumed that the All Merciful had forbidden two kinds of stuff in the zizith? But, surely. it is written, And they shall make them fringes in the corners of their garments³³ and a Tanna of the School of R. Ishmael [taught]: Wherever 'garment' [is written] such as is made of wool or flax [is meant], and yet the All Merciful said that in them 'purple' shall be inserted, and purple, surely, is wool. And whence is it deduced that purple is wool? Since linen³⁴ is flax, purple must be wool.³⁵ —

[The text] was necessary; for it might have been assumed [that the interpretation is] according to Raba. For Raba pointed out a contradiction: It is written, the corner,³⁶ [which implies that the fringes must be of the same] kind of [material as that of the] corner,³⁷ but then it is also written, wool and linen.³⁸ How then [are these texts to be reconciled?] Wool and linen discharge [the obligation to provide fringes] both for a garment of the same, as well as of a different kind of material, while other kinds [of material]³⁹ discharge [the obligation for a garment made] of the same kind [of material] but not for one made of a different kind [of material].⁴⁰

But the Tanna of the School of R. Ishmael,⁴¹ surely, does not hold the same view as Raba!⁴² — [The text]⁴³ is still necessary; for it might have been assumed that Raba's line of argument⁴⁴ should be followed: 'The corner' [implies that the fringes must be made of the same] kind of [material as the] corner, and that what the All Merciful meant was this: 'Make wool [fringes] for wool [garments] and linen ones for linen; only when you make wool fringes for wool garments you must dye them'; but no wool fringes may be made for linen or linen fringes for wool, hence the All Merciful has written 'wool and linen' [to indicate] that even wool fringes [may be] made for linen garments or linen fringes for woollen garments.⁴⁵

(1) V. supra note 10.

(2) V. Glos.

(3) To the question why R. Judah expounds semukim in Deuteronomy.

(4) In Deuteronomy.

(5) To the question why R. Judah expounds semukim in Deuteronomy.

(6) In Deuteronomy.

(7) V. p. 12, n. 10.

(8) Lit., 'if so', i.e., if the text was meant to convey its plain meaning only.

(9) V. Glos.

(10) None. Consequently it must have been intended for a deduction on the basis of semukim.

(11) Lev. XIX, 19.

(12) Deut. XXII, 11.

(13) V. p. 12, n. 10.

(14) Lev. XIX, 19 and Deut. XXII, 11.

(15) Lev. XIX, 19.

(16) Who put on garments for mere business display or transport and not for bodily comfort or protection.

(17) Deut. XXII, 11, emphasis on wear.

(18) Ibid.

(19) Since both texts, then, are required for the purpose mentioned, how could they be employed for the deduction of a new law?

(20) That the texts were required only for the purpose mentioned.

(21) Should it be suggested that the text was required to indicate that the 'mingled stuff' forbidden was that of wool and linen.

(22) Without specifying the material they are made of.

(23) With reference to plagues in garments, Lev. XIII, 47, 48.

(24) V. p. 12, n. 10, supra.

(25) 'Wool and linen' (Deut. XXII, 11).

(26) Of the materials to wool and linen.

(27) How, then, could this text which is required for another purpose be expounded on the basis of semukim?

(28) Lit., 'kept silence from it'.

(29) Which has just been enunciated, i.e., that only wool and linen are forbidden.

(30) Deut. XXII, 11.

(31) Lev. XIX, 19.

(32) As the latter applies to wool and linen only, so also the former.

(33) Num. XV, 38.

(34) In the description of the materials of the High Priests' garments (Ex. XXXIX, 1ff).

(35) As the garments were either of wool or flax, and linen (flax) was specified in the case of one, all the others must have been wool. Now since it has been shewn that purple is wool, it obviously follows that woollen zizith or fringes are permissible in a garment of flax. What was the need, then, for a specific text to prove the permissibility of mingling wool and flax in zizith?

(36) Num. XV, 38.

(37) I.e., if the material of the corner is wool the fringes must be wool; if of flax the fringes must be of flax.

(38) Cf. Deut. XXII, 11f: Mingled stuff, wool and linen thou shalt make the twisted cords, which shews that the fringes may be made either of wool or of flax whatever the material of the corner might be.

(39) Silk for instance.

(40) So also according to the Tanna of R. Ishmael's school, (as will be explained in the Gemara anon) if Scripture had not specified 'wool and linen' it might have been assumed that in a woollen garment the fringes must be made of wool while in a garment of flax they must be made of flax, hence wool and linen were specified to shew on the basis of semukim that mingled stuffs also are allowed in zizith.

(41) At the moment it is assumed that the suggestion is that he is in agreement with Raba's argument in all respects.

(42) For, according to him, since 'garment' denotes only such as is made of wool and linen, garments made of other materials require no fringes (zizith). What need, then, was there for the expression of wool and linen to differentiate these from other materials?

(43) Wool and linen.

(44) Though not his view, applying his method of reasoning only in regard to a garment made of wool or linen.

(45) I.e., that mingled stuffs are permissible in the performance of the precept of zizith.

Talmud - Mas. Yevamoth 5a

This¹ is satisfactory according to the view of the Tanna of the School of R. Ishmael;² as to the Rabbis,³ however, how do they arrive at the deduction?⁴ — They derive it from his head;⁵ for it was taught: [Scripture stated], 'His head';⁵ what need was there for it?⁶ — Whereas it has been stated, Ye shall not round the corners of your head,⁷ one might infer that [this law⁸ applies to] a leper also, hence it was explicitly stated, his head;⁹ and this Tanna is of the opinion that rounding all the head is also regarded as 'rounding'.¹⁰ This [conclusion, however,] may be refuted: The reason why the prohibition of¹¹ 'rounding' [may be superseded is] because it is not applicable to everybody!¹² — But [the inference] is derived from his beard;¹³ as it was taught: 'His beard';¹³ what need was there for stating it?¹⁴ — Whereas it was said, Neither shall they shave off the corners of their beard,¹⁵ one might infer that this prohibition applies also to a leprous priest,¹⁶ hence it was explicitly stated, 'his beard'.¹⁷ And since there is no object in applying it to a prohibition which is not incumbent upon everybody,¹⁸ let it be applied to a prohibition which is incumbent upon all.¹⁹ But this²⁰ is still required [for its own context]! For since it might have been assumed that as priests are different from [other people]. Scripture having imposed upon them additional commandments, and so even a prohibition which does not apply to everybody is not superseded in their case; [therefore] it was necessary to teach us that it does supersede.²¹ — In truth the inference comes from 'his head' [in the manner deduced by] the following²² Tanna. For It was taught: His head:²³ what need was there for mentioning it?²⁴ Whereas Scripture had stated, There shall no razor come upon his head,²⁵ one might infer that the same prohibition is applicable to a leprous nazirite²⁶ also, hence it was explicitly stated, 'his head'.²⁷ This,²⁸ however, may be refuted: The reason why a [leprous] nazirite [may shave his head] is because he is also in a position to obtain absolution.²⁹ For, were not this the reason,³⁰ what then of the accepted rule,³¹ that no positive precept may supersede a negative and positive precept combined; why not deduce the contrary from the law³² of the [leprous] nazirite?³³ Consequently, [it must be conceded that] the reason why no deduction may be made [from the law of the nazirite is] because it may be refuted [on the grounds] that in his case absolution is possible; so here also the refutation may be advanced, 'Since in his case absolution is possible'!³⁴ — The deduction, in fact, is made

- (1) The deduction from semukim that a positive precept supersedes a negative one.
- (2) Since on the lines of his interpretation the text, 'wool and linen' is superfluous and consequently free for the deduction mentioned.
- (3) Who do not interpret 'garment' as denoting such as is of wool and flax.
- (4) The text, 'wool and linen', being required for the completion of the plain meaning of the text, there remains no superfluous expression for the deduction. V. supra n. 2.
- (5) Lev. XIV, 9, dealing with the purification of the leper.
- (6) It was previously stated, and shave off all his hair (Lev. XIV, 8) which obviously includes that of the head.
- (7) Lev. XIX. 27.
- (8) The prohibition to round the corners of the head.
- (9) Indicating that, despite the general prohibition, it is the leper's duty to round his head.
- (10) Though the text speaks of rounding the corners. Such a rounding then, though generally forbidden, is in the case of a leper, permitted, because Scripture explicitly stated 'shave all the hair of his head' (Lev. XIV, 9). Thus it has been proved that the positive precept of the shaving of the leper supersedes the prohibition of rounding off one's head. Similarly, in the case of the levirate marriage, it might have been assumed that the positive precept of marrying the deceased brother's widow supersedes the prohibition of marrying a wife's sister; hence the necessity for a special text (v. supra 3b end and p. 10, n. 7) to prove that it does not.
- (11) Lit., 'what as to the negative (command)'.
- (12) Lit., 'equal in all'; women being exempt. (V. Kid. 35b). The prohibition of the marriage of a wife's sister, however, is applicable to the man and to the woman, the brother-in-law as well as the sister-in-law.
- (13) Which also occurs in the regulations for the purification of the leper. (V. Lev. XIV, 9).
- (14) Seeing that it was previously mentioned (Lev. XIV, 8) that the leper must 'shave off all his hair', which obviously includes that of his beard.
- (15) Lev. XXI, 5.
- (16) The prohibition of shaving the corners of one's head having been addressed to the priests. V. Lev. XXI, 1ff.
- (17) Indicating that in the case of a leprous priest the precept of shaving supersedes the prohibition of 'shaving'.
- (18) That such a prohibition is superseded by a positive precept having been deduced supra from 'his head'.
- (19) Thus it has been proved that a positive precept supersedes any prohibition even if the latter is generally applicable. Marriage between a levir and his deceased brother's widow who is his wife's sister might, consequently, have been assumed to be permitted had not an explicit text pointed to its prohibition.
- (20) The text, 'his beard'.
- (21) How, then, can the same text which is required for the purpose mentioned also be used for a general deduction.
- (22) Lit., '(manner) of that'.
- (23) Lev. XIV, 9.
- (24) Cf. supra, p. 16, n. 7.
- (25) Num. VI, 5 dealing with the laws of the nazirite.
- (26) So Rashal. Cur. edd. read, 'leper and nazirite'.
- (27) Thus it is proved that a positive precept supersedes a prohibition. Cf. supra, note 7.
- (28) The deduction from the nazirite.
- (29) Heb. she'elah שאלה 'request', i.e., the nazirite may request a qualified person to disallow his vow and thus avoid the prohibition of shaving.
- (30) Lit., 'if you will not say so'.
- (31) Lit., 'that which is established for us'.
- (32) Lit., 'let it be deduced'.
- (33) The shaving of a nazirite's head is forbidden (a) by the precept that he must grow his hair long and (b) by the prohibition of allowing a razor to come upon his head.
- (34) Whence, then, is it proved that a positive precept supersedes a prohibition?

Talmud - Mas. Yevamoth 5b

from the first cited text:¹ Since² Scripture could have used the expression, Thou shalt make thee fringes,³ what need was there for that of 'twisted cords'? Consequently it must have been intended

for the purpose of allowing that text to be used for the deduction.⁴ But this⁵ is required for the determination of the number [of threads, thus]:⁶ ‘Twisted cord’ implies two threads,⁷ [and so] ‘twisted cords’⁸ implies four threads, therefore,⁹ one twisted cord is to be made [of the four] and from the middle of it separate threads¹⁰ are to hang down!¹¹ — If so,¹² Scripture should have stated, Thou shalt not wear a mingled stuff wool and linen:¹³ what need was there to add ‘together’?¹³ Consequently it must have been intended for the purpose of allowing a free text for the deduction.¹⁴ But this text too¹⁵ is required for the deduction that two stitches¹⁶ form a combination¹⁷ and that one stitch does not! — If so, the All Merciful should have written, Thou shalt not wear wool and linen together; what need was there for inserting ‘mingled stuff’? Hence it must be concluded that the purpose was to allow a free text for deduction.¹⁸ But is not this text¹⁹ still required [for the deduction that ‘mingled stuff’²⁰ is not forbidden] unless it was hackled, spun and twisted?²¹ — But [the fact is that] all this is deduced from the expression of ‘mingled stuff’.²²

So far it has been shewn that a positive precept supersedes a mere prohibition,²³ where, however, do we find that it supersedes also a prohibition involving kareth,²⁴ and that in consequence [the explicit expression] ‘aleha’²⁵ should be required to forbid it?²⁶ And if it be replied that this²⁶ might be deduced from circumcision,²⁷ [it may be retorted]: Circumcision stands in a different category,²⁸ for concerning it thirteen covenants²⁹ were made!³⁰ From the paschal lamb?³¹ — The paschal lamb also stands in a different category³² since it too involves kareth!³⁰ From the daily offering?³¹ — The daily offering also stands in a different category³³ since it is also a regular [offering]!³⁰ [Now though] it³⁴ cannot be derived from one³⁵ it might be derived from two. From which shall it be derived? [If the reply is]: Let it be derived from circumcision and the paschal lamb, [it may be retorted]: These also involve kareth.³⁶ From the paschal lamb and the daily offering? — Both are also intended for the Most High.³⁷ From circumcision and the daily offering? — Both were also in force before the giving of the law,³⁸ this being according to the view of him who holds that the burnt-offering which Israel offered in the wilderness was the daily burnt-offering.³⁹ Nor [can the derivation be made] from all of them, since they were all in force before the giving of the law.⁴⁰

But [this is the reason for] the need of a special text.⁴¹ It might have been assumed⁴² that this⁴³ should be derived from the precept of honouring one's father and mother; for it was taught: Since one might have assumed that the honouring of one's father and mother should supersede the Sabbath, it was explicitly stated, Ye shall fear every man his mother and his father, and ye shall keep My Sabbaths,⁴⁴ it is the duty of all of you⁴⁵ to honour Me. Now is not the case in point one where the parent said to him, ‘Slaughter for me’,⁴⁶ or ‘Cook for me’,⁴⁶ and the reason [why the parent must not be obeyed is] because the All Merciful has written, ‘Ye shall keep my Sabbaths’,⁴⁴ but had that not been so⁴⁷ it⁴⁸ would have superseded?⁴⁹ — No;

(1) ‘Mingled stuff’ in the case of zizith. (V. Deut. XXII, 11, 12 and supra p. 15, n. 3).

(2) Lit., ‘if so’, i.e., if according to the Rabbis the expression, ‘wool and linen’, is required for its own context and that text, therefore, is not available for deduction.

(3) The expression used in Num. XV, 38 in the section dealing with the precept of the fringes.

(4) That a positive precept supersedes a prohibition. Cf. supra, p. 10, n. 13.

(5) The expression of ‘twisted cords’, גְּדִילִים, Deut. XXII, 12.

(6) In the fringes.

(7) The twisted cord cannot be made of less than two threads.

(8) The plural, i.e., twice two.

(9) To harmonize this text (Deut. XXII, 12) which implies twisted cords, with that of Num. XV, 38, and that they put with the fringe of each corner a thread of blue, which implies only twisted threads.

(10) The four threads are inserted into the corner of the garment and, having been folded to form a fringe of eight threads, they are joined (by winding one of the threads round the others) into one twisted cord which extends over a section of length and is then separated again into eight separate threads.

(11) Men. 39b. Now, since the expression, ‘twisted cords’, is required for the determination of the number of the threads,

how could the Rabbis deduce from it the law of 'mingled stuff' in the fringes?

(12) That the law of 'mingled stuff' in the fringes was not to be deduced from the text cited.

(13) Deut. XXII, 11.

(14) Cf. supra p. 18, n. 10.

(15) Together, in Deut. XXII, II.

(16) Combining a material made of wool with one made of flax.

(17) Of 'mingled stuff' which is forbidden.

(18) Cf. supra p. 18, n. 10.

(19) Mingled stuff, Deut. XXII, 11.

(20) Of wool and flax.

(21) An etymological explanation of, or a play upon, the words 'mingled stuff' **שעטנו**, in Deut. XXII, 11. **שעטנו** is assumed to be an abbreviation of **שוע טוי ונוז**.

(22) The use of the peculiar expression, **שעטנו**, and not the usual **כלאים**, implies both (a) the deduction mentioned, (v. previous note) and (b) the deduction that a positive precept supersedes a prohibition (v. supra p. 10, n. 13).

(23) Cf. 3b end and p. 10, n. 7.

(24) V. Glos.

(25) Lev. XVIII, 18.

(26) The marriage by the levir of the widow of his deceased childless brother, when she happens to be a forbidden relative. V. p. 8, n. 9.

(27) Which must be performed on the eighth day of the child's birth even though that day happens to be a Sabbath when manual work is forbidden under the penalty of kareth.

(28) Lit., 'what in respect of circum-cision'.

(29) The expression 'covenant' (in various grammatical forms) occurs thirteen times in Gen. XVII, the section dealing with the precept of circumcision, v. Ned. 31b.

(30) Hence it may also supersede the Sabbath. It supplies, however, no proof that a positive precept which is not so stringent (such as the marriage with the levir) also supersedes a prohibition involving kareth.

(31) The slaughtering of which (a positive precept) supersedes the Sabbath though slaughtering is manual work which is forbidden on the Sabbath under the penalty of kareth.

(32) Lit., 'what in respect of the paschal lamb'.

(33) Lit., 'what in respect of the daily offering'.

(34) V. p. 19, n. 16.

(35) Circumcision, the paschal lamb, or the daily offering alone.

(36) Cf. supra n. 1.

(37) They are offered on the altar. Cf. supra n. 1.

(38) On Mount Sinai. Lit., 'speech' i.e., of the Deity. 'revelation', and as such are deemed of greater stringency.

(39) V. Ex. XXIV, 5 and Hag. 6a. Circumcision was ordained in the time of Abraham. V. Gen. XVII.

(40) V. supra nn. 9 and 10. The law of the paschal lamb also was given in Egypt prior to the date of the Revelation. V. Ex. XII.

(41) Beside her (Lev. XVIII, 18), to indicate that levirate marriage is forbidden when the widow of the deceased brother is the surviving brother's forbidden relative.

(42) Had not that text (in Lev. XVIII, 18; v. previous note) been written.

(43) That a positive precept supersedes a prohibition involving kareth and that consequently a levir may marry his deceased childless brother's widow even if she happens to be a forbidden relative of his.

(44) Lev. XIX, 3.

(45) Parents and children.

(46) I.e., to desecrate the Sabbath by an action the penalty for which is kareth.

(47) Had no such text been available.

(48) A parent's order, (the positive precept of honouring one's parents.)

(49) The prohibition of work on the Sabbath, though it is one involving kareth. Similarly in the case of the levirate marriage. Cf. supra p. 20, n. 14.

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this is a case¹ of ass driving.² And [you say that] it does not supersede³ even in such a case?⁴ But then what of the generally accepted rule that a positive precept supersedes a prohibition. Should it not be inferred from this case that it does not supersede!⁵ And if it be replied that the prohibitions of the Sabbath are different⁶ because they are more stringent,⁷ surely the following Tanna, [it may be pointed out,] speaks of prohibitions generally⁸ yet no one advances any objection.⁹ For it was taught: Since it might have been assumed that if his father had said to him,¹⁰ ‘Defile yourself’,¹¹ or if he said to him, ‘Do not restore,’¹² he must obey him, it was explicitly stated, Ye shall fear every man his mother, and his father, and ye shall keep my Sabbaths,¹³ it is the duty of all of you to honour Me!¹⁴ — The real reason¹⁵ is because this objection may be advanced: Those¹⁶ are in a different category¹⁷ since they are also essentials in the execution of the precept.¹⁸

But [the reason¹⁹ is because] it might have been assumed that this²⁰ should be derived from the precept of the building of the Sanctuary. For it was taught: Since it might have been assumed that the building of the Sanctuary should supersede the Sabbath, it was explicitly stated, Ye shall keep My Sabbaths, and reverence My Sanctuary;²¹ it is the duty of all of you to honour Me. Now is not the case in point one of [a father's order to his son to] build or to demolish,²² and yet the reason [why it does not supersede the Sabbath is] because the All Merciful has written, ‘Ye shall keep My Sabbaths’,²³ but had that not been written it would have superseded?²⁴ — No; the case in point is one of ass driving.²⁵

And [you say] that it²⁶ does not supersede a prohibition even in such a case?²⁷ But what of the generally accepted rule that a positive precept supersedes a prohibition? Should we not infer from this case that it does not supersede! And if it be replied that the prohibitions of the Sabbath are different²⁸ because they are of a more stringent nature,²⁹ surely the following Tanna [it may be pointed out] speaks of prohibitions generally³⁰ yet no one advances any refutation.³¹ For it was taught: Since it might have been assumed that if his father had said to him,³² ‘Defile yourself’,³³ or if he said to him, ‘Do not restore,’³⁴ he must obey him, hence it was explicitly stated, Ye shall fear every man his mother, and his father etc.,³⁵ it is the duty of all of you to honour Me!³⁶ — The true reason³⁷ is because this objection may be advanced: Those³⁸ are in a different category³⁹ since they are also essentials in the execution of the precept.⁴⁰ [But the law relating to] essentials in the execution of a precept could be derived from the previously cited text!⁴¹ — That is so indeed. What need, then, was there for the text, Ye shall keep My Sabbaths, and reverence My Sanctuary?²³ — It is required for the following deduction:⁴² As it might have been imagined that a man should reverence the Sanctuary, it was explicitly stated in the Scriptures, Ye shall keep My Sabbaths, and reverence My Sanctuary;²³ the expression of ‘keeping’ was used in relation to the Sabbath and [in the same verse] that of ‘reverence’ in relation to the Sanctuary [in order that the following comparison may be made]: As in the case of ‘keeping’ used in relation to the Sabbath

(1) Lit., ‘negative precept’.

(2) I.e., where a father ordered his son to desecrate the Sabbath by driving an ass; a prohibition which, unlike slaughtering or cooking, does not involve the penalty of kareth. V. Shab. 154a.

(3) Lit., ‘and even thus’, sc. even the mere prohibition of ass driving.

(4) A mere prohibition not involving the penalty of kareth.

(5) Even a mere prohibition which does not involve the penalty of kareth.

(6) From other prohibitions.

(7) Since the infringement of any one of the laws of the Sabbath is regarded as the sin of idolatry (v. ‘Er. 69b), even a mere prohibition which does not involve kareth, cannot be superseded by a positive precept.

(8) Lit., ‘stands in the world’, i.e., he compares with the prohibitions of the Sabbath others which have no connection with it.

(9) That the prohibitions of the Sabbath being more stringent than others should not be compared with them.

- (10) His son who was a priest.
- (11) For the dead, which is forbidden to a priest. V. Lev. XXI, 1ff.
- (12) A lost animal. V. Deut. XXII, 1.
- (13) Lev. XIX, 3.
- (14) Thus it has been shewn that prohibitions generally may be compared with those of the Sabbath. The suggestion, therefore, that the parents' order supra concerned the performance of the act of ass driving is untenable. If, consequently, the order must have consisted of a request to perform an act involving the penalty of kareth, that case well supplies a satisfactory answer to the question (supra 5b) as to what need was there for the text, 'aleha', in Lev. XVIII, 18.
- (15) Why no satisfactory reply to the question, what need is there for the text 'aleha', may be obtained from the precept of honouring one's parents.
- (16) A father's orders to his son to slaughter or to cook on the Sabbath.
- (17) From such a precept as the levirate marriage.
- (18) Lit., 'it is a preparation of the precept'. The precept of honouring a father cannot possibly be performed by the son unless he actually executes the act of slaughtering or of cooking, which he has been ordered by his father to do, so that the fulfilment of the positive precept (honouring one's parents) is entirely dependent on its superseding the prohibition (that, e.g., of cooking). Hence it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfilment of the precept, since, instead of the marriage, halizah may be arranged, and the question remains, what need is there of the verse 'aleha'.
- (19) Why the text, 'aleha' (Lev. XVIII, 18) was needed to indicate that wherever the deceased childless brother's widow was the living brother's forbidden relative no levirate marriage must take place.
- (20) That a positive precept supersedes a prohibition involving kareth and consequently that the levirate marriage may take place even in such a case (v. previous note).
- (21) Lev. XIX, 30.
- (22) Actions which are among the principal classes of labour that are forbidden on the Sabbath under the penalty of kareth.
- (23) Lev. XIX, 30.
- (24) Thus it follows that a positive precept does supersede a prohibition even though the latter involves kareth.
- (25) Which does not involve kareth.
- (26) A positive precept.
- (27) Which does not involve kareth.
- (28) From other prohibitions.
- (29) Cf. supra p. 21, n. 13.
- (30) Cf. supra p. 21, n. 14.
- (31) Cf. supra p. 21, n. 15.
- (32) His son who was a priest.
- (33) Cf. supra p. 21, n. 17.
- (34) Cf. supra p. 21, n. 18.
- (35) Lev. XIX, 3.
- (36) Cf. supra p. 22, n. 2.
- (37) Cf. supra p. 22, n. 3.
- (38) Cf. supra p. 22, n. 4.
- (39) Cf. supra p. 22, n. 5.
- (40) Cf. supra p. 22, n. 6.
- (41) Lit., 'from there', from Lev. XIX, 3, and this superfluous text serves to extend the principle of a positive precept superseding a negative precept involving kareth to a case such as levirate marriage. Hence the need of the text 'aleha'.
- (42) Lit., 'for as it was taught'.

Talmud - Mas. Yevamoth 6b

one does not reverence the Sabbath but Him who ordered the observance of the Sabbath, so in the case of 'reverence' used in relation to the Sanctuary, one is not to reverence the Sanctuary but Him

who gave the commandment concerning the Sanctuary. And what is regarded as the ‘reverence of the Sanctuary’? — A man shall not enter the Temple mount¹ with his stick, shoes or money bag² or with dust upon his feet, nor may he use it for making a short cut,³ and spitting [is there forbidden] by inference a minori ad majus.⁴ This, however, might apply⁵ only to the time when the Sanctuary was in existence; whence is it deduced that the same holds good of the time when the Sanctuary no longer exists? It was expressly stated in Scripture, Ye shall keep My Sabbaths, and reverence My Sanctuary;⁶ as the ‘keeping’ that was used in relation to the Sabbath holds good forever, so also the ‘reverence’ used in relation to the Sanctuary must hold good forever.⁷

Really [the reason⁸ is because] it might have been assumed that this⁹ should be derived from the prohibition of kindling a fire [on the Sabbath]. For a Tanna of the School of R. Ishmael taught: Wherefore was it stated, Ye shall kindle no fire throughout your habitations?¹⁰ ‘Wherefore ‘was it stated’!¹¹ Surely if one is to follow R. Jose, it was to intimate that [kindling a fire on the Sabbath is] a prohibition only;¹² and, if one is to follow R. Nathan, it was to intimate that even a single transgression involves one in the prescribed penalties;¹³ for it was taught: ‘The prohibition of kindling a fire [on the Sabbath] was mentioned separately¹⁴ in order to [indicate that its transgression is] a prohibition only;¹⁵ so R. Jose, while R. Nathan maintains that the intention was to intimate that even a single transgression involves the offender in the prescribed penalties’!¹³ And Raba explained that the Tanna¹⁶ found difficult the expression of habitations,¹⁷ [arguing thus]: What need was there for Scripture to state ‘habitations’? [Is not this¹⁸ obvious?] For consider: The observance of the Sabbath is a personal obligation, and any personal obligation is valid both in the Land [of Israel] and outside the land;¹⁹ what need, then, was there for the All Merciful to write it²⁰ in connection with the Sabbath? This was explained by a disciple in the name of R. Ishmael: Whereas it was stated in the Scriptures, And if a man have committed a sin worthy of death, and he be put to death,²¹ one might infer [that the death penalty may be executed] both on week-days and on the Sabbath and, as regards the application of the text, Everyone that profaneth it²² shall surely be put to death,²³ this might be said to refer to the several kinds of labour other than the execution of a judicial death sentence; or again it might be inferred²⁴ that it²⁵ refers even to a judicial execution of a death sentence and, as regards the application of He shall surely be put to death²³ [this might be said to refer] to week-days but not to the Sabbath; or again it might be thought²⁶ to apply also to the Sabbath; hence it was expressly stated, Ye shall kindle no fire throughout your habitations,²⁷ and further on it is stated, And these things shall be for a statute of judgment unto you throughout your generations in all your habitations;²⁸ as the expression of ‘habitations’ mentioned below²⁸ refers to the Beth din, so the expression ‘habitations’ mentioned here²⁷ refers also to the Beth din, and concerning this the All Merciful said, ‘Ye shall kindle no fire’.²⁹ Now, are we not to assume this statement to be in agreement with the view³⁰ of R. Nathan who holds that the object was to intimate that even a single transgression involves the offender in the prescribed penalties,³¹ and the reason³² is because the All Merciful has written, Ye shall kindle no fire,²⁷ but had that not been the case it would have superseded the [Sabbath]!³³ — No; this may be according to R. Jose.³⁴

Granted, however, [that it is according to the view of] R. Jose, might it not be suggested that R. Jose said that ‘kindling a fire [on the Sabbath] is mentioned separately in order to indicate that it is a mere prohibition’ [in the case only of] ordinary burning; the burning by the Beth din,³⁵ [however, is surely a case of] boiling of the metal bar³⁶ concerning which R. Shesheth said that there is no difference between the boiling of a metal bar and the boiling of dyes?³⁷ — R. Shimi b. Ashi replied: This Tanna³⁸ [requires Scriptural texts] not because elsewhere he holds that a positive precept supersedes a prohibition, but because this³⁹ might have been obtained by inference a minori ad majus; and it is this that he meant to say: ‘As regards the application of the text, Every one that profaneth it⁴⁰ shall surely be put to death,⁴¹ it might have been said to apply to the several kinds of labour other than that of the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, by inference a minori ad majus:

- (1) On which the Sanctuary stood.
- (2) פונדה, Lat. funda. Others, 'a hollow girdle in which money is kept'.
- (3) קפנדריא, cf. compendiaria.
- (4) Bet. 54a. For an explanation of the inference, v. *ibid.* 62b.
- (5) Lit., 'it is not (known) to me'.
- (6) Lev. XIX, 30.
- (7) And since there is no superfluous verse to extend the principle in such a case as levirate marriage, the question remains, what need was there for the text 'aleha'.
- (8) Cf. *supra* p. 22, n. 7.
- (9) Cf. *supra* p. 22, n. 8.
- (10) Ex. XXXV, 3.
- (11) The prohibition of kindling a fire, surely, is included in the general prohibition of labour on Sabbath.
- (12) I.e., only a negative commandment the transgression of which does not, like the other Sabbath offences, involve the penalties of stoning or kareth. The former, if the offender was warned beforehand of the consequence of his offence, the latter, where no such warning had been given.
- (13) Lit., 'to divide', i.e., one of the thirty-nine kinds of labour that are forbidden on the Sabbath was singly specified in order to indicate that to incur the prescribed penalties it is not necessary to commit all the thirty-nine transgressions (as the one general, all-embracing prohibition of about might have seemed to imply). The mention of one prohibition (kindling of fire) separately breaks up, so to speak, (divides), all the others into single units, indicating that, as in its own case, so in that of all the others first mentioned together with it, every single transgression involves the penalty of stoning, kareth, or a sin-offering.
- (14) Lit., 'went out'.
- (15) V. p. 24, n. 12.
- (16) Who asked, *supra*, 'wherefore was it stated?'
- (17) Ex. XXXV, 3.
- (18) That the prohibition is in force in all 'habitations'.
- (19) I.e., throughout all habitations.
- (20) The phrase, 'throughout your habitations', Ex. XXXV, 3.
- (21) Deut. XXI, 22.
- (22) The Sabbath.
- (23) Ex. XXXI, 14 which prohibits all kinds of about on the Sabbath.
- (24) Lit., 'or it is not but'.
- (25) The prohibition of labour.
- (26) Lit., 'or it is not but'.
- (27) Ex. XXXV, 3.
- (28) Num. XXXV, 29, referring to the death penalties of murderers.
- (29) I.e., execute no death penalty of burning on the Sabbath. The death penalty of 'burning' was executed by pouring molten lead through the condemned man's mouth into his body, thus burning his internal organs.
- (30) Lit., 'what, (is it) not?'
- (31) Of death or kareth. V. *supra* p. 25, n. 1.
- (32) Why the death penalty of burning — a kind of work — which according to R. Nathan would involve kareth must not be executed on the Sabbath.
- (33) Though the penalties involved include that of kareth. Thus it follows that a positive precept may supersede even such a prohibition. So also in the case of the levirate marriage it might have been assumed that the precept of marrying one's deceased childless brother's widow supersedes the prohibition of marrying a consanguineous relative despite the fact that such a transgression involves elsewhere the penalty of kareth; hence it was necessary for Scripture to add, 'aleha' (Lev. XVIII, 18), to indicate that even a levirate marriage is in such a case forbidden. (V. *supra* 3b and 5b).
- (34) V. *supra* p. 24, n. 12.
- (35) The death penalty of burning.
- (36) Cf. *supra* note 4.
- (37) Lit., 'what (difference is it) to me', Shab. 106a. The dyes were boiled in connection with the construction of the Tabernacle that was made by Moses, and any kind of labour that was there performed is included among the thirty-nine

principal kinds of labour which are forbidden on the Sabbath (v. Shab. 73a) and involve the penalty of kareth. Cf. supra p. 26, n. 8.

(38) Who deduced from Scriptural texts that a judicial death sentence may not be executed on the Sabbath.

(39) The assumption that the execution of a judicial death sentence might supersede the Sabbath.

(40) The Sabbath.

(41) Ex. XXXI, 14.

Talmud - Mas. Yevamoth 7a

If the Temple service which is of high importance and supersedes the Sabbath¹ is itself superseded by [a death sentence for] murder, as it is said, Thou shalt take him from Mine altar, that he may die,² how much more reasonable is it that the Sabbath which is superseded by the Temple service should be superseded by [a death sentence for] murder'. How, then, could it be said, 'Or it might rather [etc.]'?³ — He means this: The burial of a meth mizwah⁴ might prove [the contrary], since it supersedes the Temple service⁵ and does not nevertheless supersede the Sabbath.⁶ Then⁷ he argued: It might be inferred a minori ad majus that the burial of a meth mizwah should supersede the Sabbath, [thus]: If the Temple service which supersedes the Sabbath is superseded by the burial of a meth mizwah, by deduction from Or for his sister,⁸ how much more should the Sabbath which is superseded by the Temple service be superseded by the burial of a meth mizwah; hence it was explicitly stated, Ye shall kindle no fire.⁹ [etc].¹⁰

According to our previous assumption, however, that a positive precept supersedes a prohibition, what is meant by, 'Or it might rather [etc.]'?¹¹ — It is this that was meant: 'As regards the application of the text, Every one that profaneth it¹² shall surely be put to death,¹³ it might have been said to apply to the several kinds of labour other than the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, for a positive precept¹⁴ supersedes the prohibition. Then¹⁵ he argued: It might be suggested that a positive precept supersedes a prohibition in the case of a mere prohibition only; has it, however, been heard to supersede a prohibition which involves kareth? Then he concluded: 'Even where¹⁶ a positive precept supersedes a prohibition, is not the prohibition of a more serious nature than the precept?'¹⁷ And yet the positive precept comes and supersedes the prohibited; on what grounds, then, should a distinction be made between a minor and a major prohibition?¹⁸ Hence it was explicitly stated, Ye shall kindle no fire⁹ [etc].¹⁹

But²⁰ [this is the reason why a specific text] was needed:²¹ It might have been assumed that this [case of a] brother's wife should be regarded as a subject which was included in a general proposition²² and was subsequently singled out in order to predicate another law,²³ the predication of which is not intended to apply to itself alone but to the whole of the general proposition. For it was taught: 'A subject which was included in a general proposition and was subsequently singled out, etc. How [is this to be understood]? But the soul that eateth of the flesh of the sacrifice of peace-offerings [that pertain unto the Lord], having his uncleanness upon him;²⁴ were not peace-offerings included among the other holy things?²⁵ Why, then, were they subsequently singled out? In order that [the others] may be compared to them, and in order to tell you that as peace-offerings are distinguished by being consecrated objects of the altar so must also all other things²⁶ be consecrated objects of the altar, the objects consecrated for Temple repair only being excluded.'²⁷ Similarly here it might have been argued:²⁸ Since a brother's wife was included among all the other forbidden relatives, why was she singled out? In order that [the others] may be compared to her, and in order to tell you that as a brother's wife is permitted²⁹ so also are all the other forbidden relatives permitted.³⁰

Are these, however, similar? There³¹ both the general proposition³² and the particular specification²⁴ relate to a prohibition, but here³³ the general proposition relates to a prohibition while the particular specification relates to something which is permitted!³⁴ This, surely, is rather to be

compared to an object that was included in a general proposition and was subsequently singled out in order to be made the subject of a fresh statement, which you cannot restore to the restrictions of the general proposition unless Scripture specifically restores it; for it was taught: Anything which was included in a general proposition and was subsequently excluded in order to be made the subject of a fresh statement, cannot be restored to the restrictions of the general proposition unless Scripture has explicitly restored it.³⁵ How³⁶ [may this principle be illustrated]? And he shall kill the he-lamb in the place where they kill the sin-offering and the burnt-offering in the place of the Sanctuary; for as the sin-offering is the priest's so is the guilt-offering.³⁷ Now since there was no need to state, 'As the sin-offering so is the guilt-offering.'³⁸ why did Scripture explicitly state. As the sin-offering so the guilt-offering? Because seeing that the guilt-offering of the leper was singled out³⁹ in order to impart a new law concerning the thumb of the right hand and the great toe of the right foot,⁴⁰ it might have been assumed that it required no application of blood to, and no burning of the prescribed portions of the sacrifice upon the altar;

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- (1) Labour prohibited on the Sabbath may be performed in connection with the service of the Temple.
 - (2) Ex. XXI, 14. This is taken to mean that he may be removed from the altar even if he has to perform service thereon.
 - (3) Supra 6b. Since the inference was made a minori ad majus how could anyone dispute it?
 - (4) V. Glos.
 - (5) A priest may defile himself by the burial of a meth mizwah though he thereby becomes disqualified from performing the Temple service. V. Meg. 3b.
 - (6) Burial is forbidden on the Sabbath. So also, it could be argued, the execution of a death sentence, though it supersedes the Temple service, need not necessarily supersede the Sabbath.
 - (7) Saying again, 'Or it might rather etc.', supra 6b.
 - (8) Num. VI, 7; v. Meg. 3b.
 - (9) Ex. XXXV, 3.
 - (10) For the continuation, v. supra 6b.
 - (11) Cf. supra p. 27, n. 8. How, in view of this assumption, could any other conclusion be arrived at?
 - (12) The Sabbath.
 - (13) Ex. XXXI, 14.
 - (14) That the man worthy of death be put to death (v. Deut. XXI, 22).
 - (15) By saying again, 'Or it might rather', supra 6b.
 - (16) Cf. Bah, a.l.
 - (17) A transgression of the prohibition involves the serious penalty of flogging, while the non-performance of the precept is no punishable offence.
 - (18) As a positive precept supersedes an ordinary prohibition so it should also supersede one which involves kareth.
 - (19) V. supra note 3.
 - (20) Now that it is concluded that the need of the Scriptural text prohibiting the execution of a death sentence on Sabbath is because otherwise the permissibility thereof might have been argued a minori, and not on the ground of the principle that a positive command supersedes a prohibition, there is no proof available for the assumption that a positive precept supersedes a prohibition which involves kareth, and thus the original question again arises: What need was there for the specific text of Lev. XVIII, 18, 'aleha' (supra p. 8), to indicate the obvious? (i.e., that the positive precept of the levirate marriage does not supersede the prohibition of marrying a consanguineous relative).
 - (21) V. previous note.
 - (22) The prohibition of incest, Lev. XVIII, 29.
 - (23) The marriage of the widow of a deceased childless brother.
 - (24) Lev. VII, 20.
 - (25) Lev. XXII, 3, where the penalty of kareth is pronounced for eating consecrated things during one's uncleanness.
 - (26) For the eating of which during one's uncleanness the penalty of kareth is incurred.
 - (27) Ker. 2b. If these were eaten by one in a state of uncleanness no obligation is incurred.
 - (28) Reading with Bah **ה** **ה** (**הוה אצ"ה**). Cur. edd. retain **ה** with no sign of abbreviation.
 - (29) To be married to the levir if her husband died childless.
 - (30) Cf. previous note. A text was consequently needed to intimate that the law was not so,

- (31) The case of consecrated objects.
- (32) Lev. XXII, 3.
- (33) Levirate marriage and forbidden relatives.
- (34) How, then, could the two be compared?
- (35) Now, as the case of a brother's wife has not been restored to the general proposition, what need was there for the specific text of Lev. XVIII, 18?
- (36) This is the continuation of the quotation.
- (37) Lev. XIV, 13, dealing with the leper's guilt-offering.
- (38) Since the place of killing was indicated at the beginning of the verse while the other regulations concerning this sacrifice are found in the laws of the guilt-offering in Lev. VII, 1ff.
- (39) From the laws relating to other guilt-offerings.
- (40) V. Lev. XIV, 14.

Talmud - Mas. Yevamoth 7b

hence it was explicitly stated, 'As the sin-offering so is the guilt-offering': As the sin-offering¹ requires application of the blood to, and burning of the prescribed portions upon the altar, so does the guilt-offering also require application of the blood to, and burning of the prescribed portions upon the altar.² Had Scripture not restored it,³ however, it would have been assumed that it was singled out only in respect of what was explicitly specified but not in any other respect;⁴ so also here,⁵ I would assume, only a brother's wife who was explicitly mentioned [can be said] to be permitted⁶ but not any of the other forbidden relatives!⁷

But⁸ it might have been assumed that the law of a wife's sister⁹ should be deduced from what has been found in the case of a brother's wife; as a levir may marry his brother's wife so he may also marry his wife's sister.¹⁰

Are, however, the two cases¹¹ similar? In the one case¹² there is only one prohibition; in the other¹³ there are two prohibitions!¹⁴ — It might have been assumed that since she¹⁵ was permitted¹⁶ [in respect of one prohibition]¹⁷ she was also permitted [in the case of the other].¹⁸ And whence is it derived that we assume that 'since something was permitted [in one respect] it was also permitted [in the other]'? — From what was taught: In the case of a leper whose eighth day [of purification]¹⁹ fell on the Passover eve,²⁰ and who, having observed a discharge of semen on that day,²¹ had taken a ritual bath, the Sages said: Although no other *tebul yom*²² may enter [the Temple mount],²³ this one²⁴ may enter, for it is better that the positive precept,²⁵ the non-observance of which involves *kareth*, shall supersede a positive precept²⁶ the infringement of which involves no *kareth*.²⁷ And in connection with this R. Johanan said: According to the Torah, not even [the infringement of] a positive precept is involved,²⁸ for it is said, And Jehoshaphat stood in the congregation of Judah . . . before the new court.²⁹ What is meant by the new court? Rabbi³⁰ replied: That they enacted therein new laws, ordaining that a *tebul yom*³¹ must not enter the camp of the Levites.³² And 'Ulla said: 'What is the reason?'³³ Since he was given permission³⁴ in respect of his leprosy,³⁵ permission was also given to him in respect of his discharge of the semen.³⁶ But is this case³⁷ similar to that of 'Ulla?

(1) Of a leper.

(2) Zeb. 49a.

(3) The leper's guilt-offering and brought it into line with other guilt-offerings.

(4) Lit., 'to what it went out, it went out; and to what it did not go out, it did not go out'.

(5) The case of the levirate marriage.

(6) Lit., 'that was permitted is permitted'.

(7) The question consequently arises again: What need was there for 'aleha' in Lev. XVIII, 18. (Cf. supra p. 30, n. s).

(8) The reason why a superfluous text (v. previous note) was needed.

- (9) For this reading v. Bah.
- (10) Hence it was necessary to have the superfluous text, ‘‘aleha’ (v. supra n. 4) to shew that the law was not so.
- (11) Brother's wife and wife's sister.
- (12) Lit., ‘there’, a brother's wife.
- (13) Lit., ‘here’, a wife's sister.
- (14) The prohibitions to marry (a) a brother's wife and (b) a wife's sister. How then could the one be deduced from the other?
- (15) A brother's wife who is also one's wife's sister and whose husband died childless.
- (16) By the positive precept of the levirate marriage.
- (17) That of marrying a brother's wife.
- (18) The prohibition of marrying one's wife's sister. Hence etc. V. supra note 7.
- (19) On which he completes the days of his purification and brings the prescribed sacrifices, presenting himself (whither as a leper he was till that day forbidden to enter) on the Temple mount at the entrance to the Nikanor gate of the Sanctuary, from where he extends his thumb and great toe into the Sanctuary (whither he is not yet allowed to enter) for the priest to apply to them some of the sacrificial blood, v. Nazir, Sonc. ed. p. 165ff.
- (20) When the paschal lamb is sacrificed to be eaten in the evening.
- (21) Such a discharge ordinarily disqualifies a man from entering the Temple mount.
- (22) טבול יום one who has had his ritual bath and is awaiting nightfall for the completion of his purification.
- (23) Before nightfall.
- (24) The leper in the circumstances mentioned.
- (25) That of the paschal lamb.
- (26) That a leper like certain other unclean persons must be sent out from the Levitical camp in which the Temple mount is included.
- (27) If he were not allowed to enter the Temple mount his purification from leprosy could not have been completed (cf. supra p. 31, n. 16) and he would in consequence have been prevented from participating in the paschal lamb. By allowing him to enter he is enabled to complete his purification, while nightfall would also terminate the uncleanness due to the discharge, and thus he is in a position to participate in the evening in the paschal lamb which during the day is prepared for him by a deputy.
- (28) In allowing the leper in the conditions mentioned to enter the Temple court.
- (29) II Chron. XX, 5, referring to a day when Israel completed a period of purification.
- (30) This is the reading also in Zeb. 32b. Cur. edd. enclose in parentheses ‘R. Johanan’.
- (31) V. Glos.
- (32) Which proves that the prohibition for a tebul yom to enter the Levitical camp was not of Pentateuchal origin, having been first enacted in the days of Jehoshaphat.
- (33) Why was a leper in the circumstances mentioned permitted to extend his hands into the Sanctuary whither an unclean person, according to ‘Ulla, may not project even part of his body?
- (34) To project his hands into the Sanctuary.
- (35) Despite the prohibition for an unclean person, though the days of his purification have been duly observed, to enter the Sanctuary even partially, prior to the offering of the prescribed sacrifices.
- (36) Thus it is proved that since something was permitted in one respect the permission remains in force even when another prohibition may be involved in another respect. The same argument might have also applied to a wife's sister or widow of a deceased brother. Hence the need of the text, ‘‘aleha’.
- (37) A brother's wife who is also one's wife's sister.

Talmud - Mas. Yevamoth 8a

[The comparison] might well be justified where the deceased brother married [first]¹ and the surviving brother married [his brother's wife's sister] afterwards,² for, in this case, since the prohibition of brother's wife was removed,³ that of wife's sister⁴ is also removed; but where the surviving brother had married [first] and the deceased brother had married subsequently, the prohibition of wife's sister was Surely in force first!⁵ Furthermore, even where the deceased had married [first], [the comparison] would be justified in the case where the deceased had married and

died, and the surviving brother had married afterwards so that [the widow] was eligible in the interval;⁶ where, however, the deceased had married, and before he died his wife's sister was married by his surviving brother, [his widow] was never for a moment eligible for his brother! Does not 'Ulla admit that if the leper observed semen on the night preceding the eighth day⁷ of his purification he must not project his hand into the Sanctuary on account of his thumb⁸ because at the time he was eligible to bring the sacrifice [of the cleansed leper]⁹ he was not free from uncleanness?¹⁰

But [this is really the explanation]: If 'aleha' was at all needed, [it was for such a case as] where the deceased brother had married [first] and died, and the surviving brother married [the widow's sister] subsequently.¹¹

If you prefer I can say [that the reason¹² is because] it¹³ might have been deduced by means of R. Jonah's analogy. For R. Jonah — others say, R. Huna son of R. Joshua — said: 'Scripture stated: For whosoever shall do any of these abominations shall be cut off,¹⁴ all forbidden relatives were compared to a brother's wife';¹⁵ [so in this case also it might have been said], as a brother's wife is permitted¹⁶ so also are all other forbidden relatives permitted; hence the All Merciful has written, 'aleha'.¹⁷

Said R. Aha of Difti¹⁸ to Rabina: Consider! All forbidden relatives¹⁹ might be compared to a brother's wife²⁰ and might equally be compared to a wife's sister,²¹ what reason do you see for comparing them to a wife's sister?²¹ Compare them rather to a brother's wife!²⁰ — If you wish I might say: When a comparison may be made for increasing as well as for decreasing restrictions, that for increasing restrictions must be preferred. If you prefer, however, I might say: In the former cases²² there are two prohibitions in the one as well as in the other,²³ and a double prohibition may justly be inferred from a double prohibition; in the latter case, however,²⁴ only one prohibition is involved,²⁵ and a double prohibition may not be inferred from a single one.

Raba said: [That] a forbidden relative herself²⁶ [may not contract the levirate marriage] requires no Scriptural text to prove it, since no positive precept can supersede a prohibition which involves kareth; if a Scriptural text was at all needed it was for the purpose of forbidding a rival.

And in the case of a forbidden relative is no Scriptural text required [to prohibit her levirate marriage]? Surely it was taught, 'Thus we are in a position to know the law concerning herself'!²⁷ — On account of her rival.²⁸ Was it not taught, however, 'Now we know the law concerning themselves'?²⁹ — On account of their rivals.³⁰

Come and hear: Rabbi said: [Instead of] and take, [Scripture stated], and take her,³¹ [and instead of] and perform the duty of a husband's brother [Scripture stated], and perform the duty of a husband's brother unto her,³¹ in order to prohibit³² [the levirate marriage of] forbidden relatives and their rivals!³³ — Read, 'To forbid [the levirate marriage of] the rivals of the forbidden relatives'. But two texts, surely, were mentioned;³⁴ was not one for the forbidden relative and the other for her rival? — No; both were for the rival, but one indicates prohibition³⁵ of a rival where the precept³⁵ is applicable, and the other indicates permission to marry the rival where the precept³⁵ is not applicable.³⁶ What is the reason? — [Because instead of] 'And perform the duty of a husband's brother' [Scripture stated] And perform the duty of a husband's brother UNTO HER, [which indicates that] only where levirate marriage is applicable is a rival forbidden³⁷ but where levirate marriage is not applicable³⁶ a rival is permitted.³⁷ R. Ashi said: [This³⁸ may] also be inferred from our Mishnah where it was stated, FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS, but it was not stated, 'are exempt³⁹ and exempt [their rivals]'. This proves it.

In what respect does the case of a forbidden relative differ⁴⁰ that it should require no text?⁴¹ Obviously because no positive precept may supersede a prohibition which involves kareth. But then

the case of a rival also should require no text,⁴¹ since no positive precept may supersede a prohibition which involves kareth!⁴² — Said R. Aha b. Bebai Mar to Rabina, Thus it has been stated in the name of Raba: In the case of a rival also no Scriptural text⁴¹ was needed; if a text was needed at all

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- (1) His wife thus becoming a forbidden relative to his brother as 'brother's wife'.
 - (2) Thus adding to the one prohibition (v. previous note) the other of 'wife's sister'.
 - (3) By the precept of the levirate marriage, owing to the childlessness of the deceased.
 - (4) Since it was added subsequently.
 - (5) And could not consequently be removed by the removal of a prohibition which took effect subsequent to it.
 - (6) Between the death of her husband and the marriage of her sister by his surviving brother. This case would be analogous to that of the leper who was eligible to bring his sacrifices on the eighth day of his purification during the interval between the beginning of the day and the hour on that day he contracted a new uncleanness by his discharge.
 - (7) The night is reckoned as the beginning of the day following it.
 - (8) V. supra p. 31, n. 16.
 - (9) The eighth day of his purification.
 - (10) Owing to the discharge of the semen which occurred in the night. As a sacrifice must be brought in the day time only, there was not a single moment during which he was eligible to bring the sacrifices as being clean in all respects. The prohibition consequently remains in force. So also in the case of a wife's sister as regards the levirate marriage. The question, therefore, arises again, what need was there for the superfluous text of Lev. XVIII, 18. V. supra p. 30, n. 2.
 - (11) So that there was an interval during which he was permitted to marry the widow. V. p. 33. n. 11.
 - (12) Why the superfluous 'aleha' in Lev. XVIII, 18 was required.
 - (13) The law that forbidden relatives may be married in the case of a levirate marriage.
 - (14) Lev. XVIII, 29.
 - (15) Having been grouped together in this text.
 - (16) In the case of a levirate marriage.
 - (17) Lev. XVIII, 18; to intimate that they are not permitted.
 - (18) Dibtha, below the Tigris, S.W. of Babylon.
 - (19) That were enumerated in our Mishnah.
 - (20) And levirate marriage with all of them would thus be permitted.
 - (21) With whom the levirate marriage is forbidden by the text 'aleha' (v. supra).
 - (22) Lit., 'here', (a) in that of a wife's sister and (b) all the other forbidden relatives (other than a brother's wife).
 - (23) Lit., 'and here two prohibitions', (a) forbidden relatives and (b) brother's wife.
 - (24) Lit., 'but here,' a brother's wife who is not a consanguineous relative.
 - (25) That of a brother's wife.
 - (26) So Bah.
 - (27) I.e., the forbidden relative, supra 3b.
 - (28) Whose case had to be proved, it was necessary to begin with this introduction.
 - (29) I.e., the forbidden relatives.
 - (30) Cf. supra n. 3.
 - (31) Deut. XXV, 5.
 - (32) By the use of 'her' and 'unto her' which implies 'but no other'.
 - (33) Which shews that a Scriptural text is required, even in the case of forbidden relatives themselves, to prove that levirate marriage is prohibited.
 - (34) Lit., 'he took.'
 - (35) Of the levirate marriage.
 - (36) As, for instance, in the case of a rival of a forbidden relative who married a stranger, v. infra 13a.
 - (37) To be married by the man to whom the relative herself is forbidden.
 - (38) Raba's statement that the prohibition to contract levirate marriage with a forbidden relative is so obvious that no Scriptural text is required to prove it.
 - (39) Which shews that the exemption of the forbidden relatives themselves from the levirate marriage (i.e., the prohibition ever to marry them) was taken in our Mishnah for granted.

(40) From the case of her rival.

(41) To prove its prohibition even in the case of the levirate marriage.

(42) Kareth being the penalty in both cases.

Talmud - Mas. Yevamoth 8b

it was for the purpose of permitting a rival where the precept¹ is not applicable. What is the reason?² — Scripture stated, ‘aleha’,³ to indicate that only in the case of ‘unto her’⁴ is she⁵ forbidden,⁶ where the other, however, may not, she is permitted.

Said Rami b. Hama to Raba: Might it not be suggested⁷ that the forbidden relative⁸ herself is permitted⁹ where the precept¹⁰ is not applicable? — Is not [such an argument contrary to the principle of inference] a minori ad majus? Being forbidden where the precept¹⁰ is applicable, would she be permitted where the precept is not applicable? — [‘The case of a] rival’, the first replied, ‘could prove it, since she is forbidden⁹ where the precept¹⁰ is applicable, and is permitted⁹ where the precept¹⁰ is not applicable’. ‘It is for your sake,’ the other replied, ‘that Scripture states, In her life-time,¹¹ so long as she¹² lives’.¹³ But is not the expression,¹⁴ In her life-time,¹¹ required for the exclusion [of the prohibition of marriage] after her¹² death?¹⁵ — This is deduced from the text, And a woman to her sister.¹¹ If [the deduction were only] from the text. ‘And a woman to her sister’,¹¹ it might have been said that if she¹⁶ was divorced the sister would be permitted, hence it was expressly stated, ‘In her life-time.’¹¹ So long as she¹⁶ is alive, even though she has been divorced, [her sister must] not [be married].¹⁷ — But, said R. Huna b. Tahlifa in the name of Raba, two Scriptural texts are available; it is written, Thou shalt not take a woman to her sister, to be a rival to her¹⁸ [implying two],¹⁹ and it is also written, To uncover her nakedness,²⁰ which implies that only one is forbidden; how then [are the two texts to be reconciled]? Where the precept²¹ is applicable both are forbidden;²² where the precept²¹ is not applicable she²³ is forbidden but her rival is permitted. Might not the deduction be reversed: Where the precept²¹ is applicable she²³ is forbidden but her rival is permitted, but where the precept is not applicable both are forbidden!²² — If so, ‘aleha’ should not have been stated.²⁴

Said R. Ashi to R. Kahana: Whence is it derived that the expression ‘aleha²⁵ indicates prohibition? Is it not possible that it implies permission, and that it is this that the All Merciful meant to imply: Thou shalt not take a woman to her sister, to be a rival to her,²⁵ neither herself nor her rival where ‘unto her’²⁶ is not applicable,²⁷ but where ‘unto her’²⁶ is applicable²⁸ both are permitted!²⁹ — If so, how could the ‘uncovering of the nakedness’ of one³⁰ be possible? If in the case where the precept³¹ is applicable, both are permitted;³² and if where the precept is not applicable both are forbidden!³³

[Reverting to] the [above] text, Rabbi said: Instead of And take, Scripture stated, ‘And take her’ and instead of ‘And perform the duty of a husband's brother’, Scripture stated, ‘And perform the duty of a husband's brother unto her’, in order to prohibit [the levirate marriage of] forbidden relatives and their rivals. Are, then, rivals mentioned here at all? And, furthermore, the law of rivals has been derived from the expression To be her rival!³⁴ — The expression To be her rival is employed by Rabbi for R. Simeon's deduction.³⁵ Where,³⁶ however, is the rival mentioned?³⁷ — What he meant is this: If so,³⁸ Scripture should have stated, And take; why then did it state, ‘And he shall take her’?³⁹ To indicate that wherever there are two to be taken,⁴⁰ he⁴¹ having the choice of marrying whichever he prefers⁴² both are permitted,⁴³ but if not,⁴⁴ both are forbidden; And perform the duty of a husband's brother unto her,⁴⁵ indicates that where levirate marriage is applicable there is the rival forbidden, where, however, levirate marriage is not applicable the rival is permitted.

As to the Rabbis,⁴⁶ to what do they apply the verse ‘And he shall take her’? — They require it for the deduction of R. Jose b. Hanina. For R. Jose b. Hanina said: ‘And he shall take her’⁴⁵ teaches that

he⁴⁷ may divorce her with a letter of divorce⁴⁸ and that he may remarry her;⁴⁹ And he shall perform the duty of a husband's brother unto her, even against her will.⁵⁰ And Rabbi?⁵¹ — The law of R. Jose b. Hanina is deduced from To a wife,⁴⁵ and that the marriage may take place against her will is deduced from Her husband's brother shall go in unto her.⁴⁵

What does Rabbi do with [the expression], ‘aleha’? — He requires it [for another deduction], as we learnt: The Beth din⁵² are under no obligation⁵³ unless [they ruled] concerning a prohibition the punishment for which is kareth, if the transgression was wilful, and a sin-offering if the transgression was unwitting; and so it is with the anointed High priest.

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- (1) Of the levirate marriage.
 - (2) I.e., how is the permissibility deduced?
 - (3) Lev. XVIII, 18.
 - (4) Lit., ‘in the place of עליה with reference to the verse ‘Her husband's brother shall go in unto her’ (v. supra p. 8, n. 9) i.e., where the command of levirate marriage would otherwise apply.
 - (5) The rival.
 - (6) To be married, cf. supra p. 35, n. 12.
 - (7) On the lines of the argument just advanced.
 - (8) I.e., the wife's sister.
 - (9) To be married.
 - (10) Of the levirate marriage.
 - (11) Lev. XVIII, 18.
 - (12) One's wife.
 - (13) Her sister must not be married. (Other forbidden relatives, as has been shewn supra, are deduced from one's wife's sister).
 - (14) Lit., ‘that’.
 - (15) I.e., that the prohibition of a wife's sister which on the present assumption is limited to cases where the precept of levirate marriage is applicable, applies only during the lifetime of one's wife.
 - (16) The wife.
 - (17) But it can still be maintained that where no levirate marriage is applicable, there is no prohibition of marrying the wife's sister.
 - (18) Lev. XVIII, 18.
 - (19) I.e., that both the wife's sister and her rival are forbidden to be married. (This, as will be shewn infra, is deduced from the expression li-zeror.)
 - (20) Lev. XVIII, 18, emphasis on her (sing.).
 - (21) Of the levirate marriage.
 - (22) To be married.
 - (23) The forbidden relative herself.
 - (24) Since even without this additional phrase the two contradictory texts would have been naturally reconciled by applying the former (prohibition of both) to a case where the precept of the levirate marriage is inapplicable, and the latter (permission of the rival) to a case where it is applicable. The addition of the phrase must consequently have been intended to impart a new law, viz. that a rival is forbidden, like the forbidden relative herself, where the precept of the levirate marriage is applicable.
 - (25) Lev. XVIII, 18.
 - (26) V. supra p. 8, n. 9.
 - (27) I.e., where the law of the levirate marriage does not apply.
 - (28) Where levirate marriage does apply.
 - (29) The concluding part of the verse עליה בהייה meaning where he has to go ‘unto her’, the sister of his wife who is the widow of his brother, he may do so even in her (his wife's) life-time.
 - (30) V. Lev. XVIII, 18, implying, as explained supra, the prohibition of one only.
 - (31) Of the levirate marriage.
 - (32) So that there are two, not only one.

- (33) And there is none.
- (34) Heb. li-zeror (Lev. XVIII, 18), supra 3b. How then could it be said to be derived from a different text?
- (35) V. infra 28b.
- (36) V. Emden a.l. Cur. edd. read 'here'.
- (37) In Deut. XXV, 5, the text cited by Rabbi. Clearly, it was not mentioned at all; how then could Rabbi derive from the text a law concerning a subject of which no mention was made?
- (38) That the text refers to the forbidden relative only and not to a rival.
- (39) Deut. XXV, 5.
- (40) Lit., 'takings', i.e., when the deceased childless brother is survived by two widows, and the levir has to decide which of them to marry.
- (41) The levir.
- (42) I.e., when neither of the two is a forbidden relative.
- (43) The emphasis on 'her' in And take her implies that there is a choice between two, and the phrase 'and take her' is taken to imply that the levir is in a position to choose whichever he pleases, since either of them must be capable of having the phrase 'and take her' applied to her.
- (44) If one cannot be married by him on account of her being his forbidden relative.
- (45) Deut. XXV, 5.
- (46) Who made the deduction from li-zeror.
- (47) The levir.
- (48) After he married her; and she requires no halizah.
- (49) Though the precept of the levirate marriage has been fulfilled and she might have been assumed to be forbidden to him as a brother's wife. The text is interpreted as follows: And he takes her to him to wife, as soon as he has taken her, she is regarded henceforth in all respects as his wife, i.e., as if she had never been forbidden to him as a brother's wife.
- (50) Emphasis on 'unto her' (v. Tosaf).
- (51) Whence does he derive the law deduced by R. Jose b. Hanina?
- (52) Who are guilty of an erroneous ruling.
- (53) To bring the sacrifice prescribed in Lev. IV, 13ff.

Talmud - Mas. Yevamoth 9a

Nor [are they liable] in respect of idolatry unless [they ruled] concerning a matter the punishment for which is kareth, if it was committed wilfully and a sin-offering if committed unwittingly;¹ and we also learnt: [For the unwitting transgression of any] commandment in the Torah the penalty for which, if committed wilfully, is kareth and, if committed unwittingly a sin-offering, the private individual brings a sin-offering of a lamb or a she-goat; the ruler brings a goat; and the anointed High Priest and the Beth din bring a bullock. In the case of idolatry the individual and the ruler and the anointed High Priest bring a she-goat while the Beth din² bring a bullock and a goat, the bullock for a burnt-offering and the goat for a sin-offering. Whence is this deduced? From the following. For our Rabbis taught: When the sin wherein they have sinned is known:³ Rabbi said, here⁴ we read 'aleha⁵ and further on⁶ we also read 'aleha;⁷ as further on⁶ the prohibition involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting, so here⁸ also, [the ruling must be concerning] a prohibition which involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting.⁹

Proof has thus been adduced for the case of the congregation; whence for that of the anointed High Priest? — It is written in relation to the High Priest, So as to bring guilt upon the people;¹⁰ this shews that the anointed High Priest is like the congregation. And for an individual and a ruler? — The inference is made by a comparison of Things¹¹ with Things.¹² 'Nor [are they liable] in respect of idolatry unless [their ruling] concerned a matter the punishment for which is kareth if it was committed wilfully, and a sin-offering if committed unwittingly'. As regards the congregation in the matter of idolatry, deduction¹³ is made by comparison between From the eyes¹⁴ and From the eyes.¹⁵ [The law¹⁶ of] a private individual, a ruler and an anointed High Priest [is deduced] from, And if one

soul¹⁷ which implies that there is no distinction between a private individual, a ruler and an anointed High Priest, while the waw¹⁸ connects them with the previous subject,¹⁹ and consequently the latter²⁰ may be deduced from the former.²¹

Whence, however, do the Rabbis²² arrive at this inference?²³ — They deduce it from the Biblical interpretation which R. Joshua b. Levi taught to his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,²⁴ all the Torah is compared to the prohibition of idolatry;²⁵ as in regard to idolatry [obligation is incurred only where] the offence involves the punishment of kareth²⁶ when it was committed wilfully and a sin-offering²⁷ when committed unwittingly, so also in the case of any other transgression [it must be such] as involves kareth when committed wilfully and a sin-offering when committed unwittingly.

Proof has thus been found for the case of a private individual, a ruler and an anointed High Priest²⁸ both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same law applies also to] the congregation in the case of idolatry? — Scripture said, And if one soul,²⁹ and the former³⁰ may be deduced from the latter.³¹ Whence, however, [is it deduced that the same law applies to] the congregation in the case of the other commandments? — Deduction is made by comparison between ‘From the eyes’ and ‘From the eyes’.³²

And what does Rabbi do with the text of One law?³³ — He applies it to the following.³⁴ Whereas we find that Scripture made distinction between individuals and a group,³⁵ individuals being punished by stoning and their money, therefore, being spared, while a group are punished by the sword and their money is consequently destroyed, one might also assume that a distinction should be made in respect of their sacrifices; hence it was explicitly stated, Ye shall have one law.³³

R. Hilkiah of Hagronia³⁶ demurred: Is the reason³⁷ because the All Merciful has written, Ye shall have one law,³³ so that had it not so been written it might have been thought that a distinction should be made [in respect of their sacrifices]? What, however, could they bring! Should they bring a bullock? The congregation,³⁸ surely, brings a bullock for the transgression of any one of all the other commandments!³⁹ [Should they bring] a lamb? An individual, surely, brings a lamb if he transgressed any of the other commandments!⁴⁰ A he-goat? A ruler brings one in the case of transgression of any of the other commandments!⁴⁰ A bullock for a burnt-offering and a goat for a sin-offering? Such, surely, are brought by the congregation in the case of idolatry!⁴⁰ Should they, then, bring a she-goat? This, surely, is also the sin-offering of a private individual!⁴¹ — [The text]⁴² was required, because it might have been suggested that whereas the congregation, in the case of an erroneous ruling, brings a bullock for a burnt-offering and a he-goat for a sin-offering, these⁴³ should also bring the same sacrifices, but] in the reverse order;⁴⁴ or [it might have been assumed to be] necessary⁴⁵ but that there was no remedy;⁴⁶ hence it was necessary to teach us.⁴⁷

Said Levi to Rabbi: What ground is there for stating⁴⁸ FIFTEEN? Sixteen should have been stated! — The other replied: It seems to me that this man has no brains in his head. ‘Do you mean’, he continued, ‘a man's mother who had been outraged by his father?’⁴⁹ The case of a man's mother who has been outraged by his father is a matter in dispute between R. Judah and the Rabbis,⁵⁰ and the author of our Mishnah does not deal with any controversial matter’. But does he not? Surely, the prohibition due to a Rabbinical ordinance and the prohibition due to the levir's sanctity,⁵¹ concerning which R. Akiba and the Rabbis are in dispute,⁵² are mentioned! — We mean, in our chapter. But, surely it was taught,⁵³ ‘Beth Shammai permit rivals to the other brothers and Beth Hillel prohibit them’!⁵⁴ — The view of Beth Shammai where it is in contradiction to that of Beth Hillel is of no consequence.⁵⁵

Is there not the case of the wife of a man's brother who was not his contemporary.⁵⁶

- (1) Hor. 8a.
- (2) So in Hor. 9a. Cur. ed. 'congregation'.
- (3) Lev. IV, 14.
- (4) Concerning an erroneous ruling of the Beth din.
- (5) עֵינָהּ, Lev. loc. cit. ('wherein').
- (6) Concerning marrying two sisters.
- (7) Ibid. XVIII, 18, E.V., 'Beside the other'.
- (8) Concerning an erroneous ruling of the Beth din.
- (9) Thus it has been shewn that Rabbi requires the text Beside the other for another deduction.
- (10) Lev. IV, 3.
- (11) Heb. mizwoth מצוות 'commandments'.
- (12) Lev. IV, 22 and IV, 13.
- (13) That the transgression must be one which involves kareth if done wilfully, and a sin-offering if done unwittingly.
- (14) Num. XV, 24, dealing with idolatry.
- (15) Lev. IV, 13, referring to an erroneous ruling.
- (16) V. note 12.
- (17) Num. XV, 27.
- (18) 'And', in we'im (וְאִם), and if).
- (19) The congregation.
- (20) Individual, ruler and High Priest.
- (21) The congregation, concerning whom deduction has previously been made from the law relating to an erroneous ruling.
- (22) Who, unlike Rabbi, require the expression 'aleha (beside her) for deduction in connection with the laws of incest and rival wives, supra 3b.
- (23) That obligation is incurred only where the prohibition involves kareth where it was transgressed wilfully and a sin-offering when transgressed unwittingly.
- (24) Num. XV, 29, 30.
- (25) The text, according to Rabbinical exposition, refers to idolatry and in relation to it the expression Law (Torah) is used.
- (26) E.g., offering of a sacrifice.
- (27) V. Num. XV, 30. Where wilful transgression involves kareth, unwitting transgression is atoned for by a sin-offering.
- (28) By deduction from soul (nefesh, Num. XV, 27) which includes all ranks of individuals.
- (29) Num. XV, 27, referring, as has just been pointed out, to individuals of all ranks.
- (30) Congregation.
- (31) Individuals.
- (32) V. supra p. 40, n. 13 and p. 40, n. 14.
- (33) Num. XV, 29.
- (34) Lit., 'requires it for as it was taught'.
- (35) Lit., 'many', i.e., the inhabitants of a city condemned for idolatry (Deut. XIII, 13ff).
- (36) A suburb of Nehardea.
- (37) Why the sin-offerings of a group and of individuals are the same in the case of idolatry (v. previous note).
- (38) I.e., a majority of all the tribes of Israel.
- (39) What distinction, then, would there be between the sin-offerings of a 'condemned city' and those of the 'congregation'? (V. previous note). If a distinction is to be made between the sacrifices of a 'condemned city' and those of individuals, how much more should such a distinction be made between the former and those of the 'congregation'!
- (40) Cf. n. 7, supra.
- (41) Now, since no distinction in the sacrifice could possibly be made, what need was there for the text of Num. XV, 29?
- (42) V. previous note.
- (43) The men of a 'condemned city'.
- (44) A bullock for a sin-offering and a he-goat for a burnt-offering.
- (45) For the men of a 'condemned city' to bring a special sin-offering.

- (46) If the sin was committed unwittingly since an offering peculiar to themselves is an impossibility.
- (47) That the sacrifices are the same (cf. supra p. 42, n. 5) as deduced from Num. XV, 27. For further notes v. Hor., Sonc. ed. pp. 53ff.
- (48) In our Mishnah, supra 2a.
- (49) I.e., that the Mishnah should have included as a sixteenth forbidden relative, a man's mother who was not the lawful wife of his father, and who, having been subsequently married by his paternal brother who died childless, is now subject to the levirate marriage or halizah of her own son, the brother of her second husband.
- (50) Whether she may be married to his paternal brother, supra 4a.
- (51) **איסור מצוה** a prohibition not included in the Biblical laws of incest, but ordained by the Rabbis. **איסור קדושה** a prohibition due to sanctity in the case, e.g., of a widow whose levir is a High Priest. (For this and an alternative explanation v. infra 20a).
- (52) Infra loc. cit.
- (53) In our very chapter, infra 13a.
- (54) Which shews that even laws which are in dispute are recorded in the chapter.
- (55) Lit., 'is not a teaching'; the view of Beth Hillel is accepted as law, and can consequently be included in our chapter.
- (56) Lit., 'in his world', i.e., who was born after the death of his childless brother.

Talmud - Mas. Yevamoth 9b

concerning which R. Simeon and the Rabbis are in dispute,¹ and which is nevertheless mentioned? — R. Simeon does not dispute the case where the birth² was first, and the levirate marriage³ later.⁴ Did not R. Oshaia, however, say¹ that R. Simeon disputed the first case also?⁵ — Surely. R. Oshaia's view was refuted.

Did not, however, Rab Judah state in the name of Rab, and R. Hiyya also taught: In the case of all these⁶ it may happen that she who is forbidden to one brother may be permitted to the other¹ while she who is forbidden to the other brother may be permitted to the one, and that her sister who is her sister-in-law may be subject either to halizah or to the levirate marriage.⁷ And Rab Judah interpreted [it⁸ as referring to those]⁹ from one's MOTHER-IN-LAW onwards but not to the first six categories. What is the reason? Because in the case of a daughter this¹⁰ is possible only [with one born] from a woman who had been outraged but not [with one born] from a legal marriage,¹¹ [and the author of our Mishnah] deals only with cases of legal matrimony and not with those of outraged women.¹² And Abaye interpreted it⁸ [as referring] also to a daughter from a woman who had been outraged, because, since [the application of Rab's statement] is quite possible in her case, it matters not whether she was born from a woman who was legally married or from one that had been outraged; but not to the wife of a brother who was not his contemporary. What is the reason? Because [the application of Rab's statement in this case] is possible only according to the view of R. Simeon and not according to that of the Rabbis, [the author of our Mishnah] does not deal with any matter which is in dispute. And R. Safra interprets it¹³ as referring also to the wife of a brother who was not his contemporary, and [in his opinion] it¹³ is possible in the case of six brothers in accordance with the view of R. Simeon.¹⁴

(1) Infra 18b.

(2) Of a third brother. (V. infra n. 4).

(3) Between the second brother and the widow of the first brother who died without issue (V. following note).

(4) In such a case, R. Simeon agrees that the third brother must not marry the widow, because at the time when he was born the widow was forbidden to him as 'the wife of his brother who was not his contemporary'. R. Simeon's disagreement with the Rabbis is limited to the case where the first brother, A, died childless and his widow was married to the second brother, B, prior to the birth of the third brother, C. If subsequently B died also childless, R. Simeon, contrary to the opinion of the Rabbis, allows the levirate marriage between the widow and C, because when C was born the widow was already the wife of B, and C's levirate marriage now is not due to A whose widow was a married woman when he was born, but to B whose contemporary he is.

- (5) I.e., where C (v. note 4) was born before the levirate marriage between A's widow and B took place.
- (6) The fifteen forbidden categories enumerated in our Mishnah, supra 2af.
- (7) For full explanation of this statement V. infra 26a and 28b.
- (8) Rab's statement.
- (9) Forbidden categories.
- (10) The full application of Rab's statement.
- (11) Who would be forbidden to all the brothers.
- (12) And since the case of a daughter could not be included, the other five cases also, bearing on a daughter, were excluded.
- (13) Rab's statement.
- (14) V. infra 28b for explanation.

Talmud - Mas. Yevamoth 10a

And your mnemonic is, 'Died, born, and performed the levirate marriage; died, born, and performed the levirate marriage'!¹ — Rabbi² does not accept these rules.³

R. Adda Karhina stated before R. Kahana in the name of Raba: Rabbi, in fact, does accept these rules,⁴ but it was this that he meant to say to [Levi]:⁵ [The application of the statement⁴ to] a woman outraged by one's father is possible only in one [of its parts]; it is impossible, however, to apply it in [both its parts], for if Jacob outraged his two sisters,⁶ it is possible [to apply that part of the statement relating to] 'her sister who is her sister-in-law',⁷ but not that of 'she who is forbidden to one brother may be permitted to the other';⁸ and if he outraged two strangers,⁹ it is possible [to apply the statement], 'she who is forbidden to one brother may be permitted to the other'¹⁰ but not that of 'her sister who is her sister-in-law'.¹¹

R. Ashi said: Rabbi, in fact, does not accept these rules¹² and [our Mishnah] does deal with matters in dispute, and as to the meaning¹³ of 'It seems to me that this man has no brains in his head' which he¹⁴ addressed to him,¹⁵ what he meant was this: 'Why did you not carefully consider our Mishnah? For our Mishnah represents the view of R. Judah who forbids the marriage of a woman that was outraged by one's father,¹⁶ as it was taught: Six forbidden relatives come under greater restrictions,¹⁷ since they are to be married to strangers only,¹⁸ and their rivals are permitted.¹⁹ [These are:] his mother, his father's wife and his father's sister [etc.].²⁰ Now, what is meant by "his mother"? If it be assumed to mean one who was legally married to his father, such a woman surely is "his father's wife".²¹ Must it not consequently mean one who was outraged by his father? And yet it was stated, "since they are to be married to strangers only", implying "to strangers only but not to the brothers". Now, who has been heard to hold such an opinion? Surely it was R. Judah who forbids marriage with a woman who was outraged by one's father.²² Hence²³ it was not included in our Mishnah.'²⁴

Said Rabina to R. Ashi: [Such a levirate relationship]²⁵ is possible even according to R. Judah if and when one had married²⁶ illegally!²⁷ — The author of the Mishnah is not concerned with an 'if'.²⁸ Said R. Ashi to R. Kahana: This²⁹ is also possible without the 'if',³⁰ where Jacob³¹ outraged his daughter-in-law, begat from her a son, and then Reuben³² died without issue, and she thus came into levirate relationship with her son;³³ and since she is forbidden to him,³⁴ her rival also is likewise forbidden!³⁵ — The other replied: [The author of our Mishnah] deals only with lawful brotherhood but not with brotherhood which is due to a forbidden act.

Levi nevertheless³⁶ inserted it³⁷ in his Mishnah. For Levi taught: One's mother sometimes exempts her rival³⁸ and sometimes she does not exempt her. If his mother, for instance,³⁹ was lawfully married to his father, and then she was married⁴⁰ to his paternal brother⁴¹ who subsequently died, such a mother does not exempt her rival.⁴²

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- (1) Now, since in the case of 'the wife of a brother who was not his contemporary' the application of Rab's statement is only possible according to the view of R. Simeon but not according to that of the Rabbis, and since the statement is based on our Mishnah, it is obvious that our Mishnah deals also with a case which is in dispute.
- (2) Cf. Bah. Cur. edd. insert, 'but'.
- (3) Of Rab and R. Hiyya. Our Mishnah consequently deals only with that case in which R. Simeon and the Rabbis are in agreement. (V. supra 9b top).
- (4) Of Rab and R. Hiyya, supra 9b.
- (5) Whom he addressed supra 9a.
- (6) And after one of them had given birth to a child, C, and the other to one, D, the first was married by A and the second by B, two of Jacob's sons from another wife.
- (7) For should A and B die childless their wives who are sisters as well as sisters-in-law come under the law of the levirate marriage in relation to C and D the brothers of A and B.
- (8) Both being forbidden to C as well as to D. The mother of C is forbidden to C as mother and to D as mother's sister, and the mother of D is similarly forbidden to D and C.
- (9) Cf. n.8.
- (10) Since the women are strangers and the restrictions mentioned in note 10 do not apply.
- (11) The women being sisters-in-law only but not sisters. Thus it has been shewn that the statement could not be applied in its entirety to the case of an outraged woman. Hence it was excluded from the enumeration in our Mishnah.
- (12) Of Rab and Hiyya.
- (13) Lit., 'and what'.
- (14) Rabbi.
- (15) Levi, supra 9a.
- (16) Hence it is impossible for a mother, whether legally married or outraged, ever to come into levirate relationship with her son. (Cf. supra p. 45, n. 8.)
- (17) Than those relating to the fifteen enumerated in our Mishnah.
- (18) No paternal brother of the person concerned may ever marry them.
- (19) To marry the brother of their deceased husband who had been married to their rival (one of the six relatives) illegally (Maimonides). If the marriage was with a stranger the permissibility of marriage is obvious since the laws of rivals apply only to a brother's widow.
- (20) Infra 13a.
- (21) Who was specifically mentioned.
- (22) So that it is impossible for one ever to be subject to levirate marriage with his brother's wife whose legitimate or illegitimate son he is.
- (23) Since R. Judah holds such an opinion and the Mishnah represents his view.
- (24) Lit., 'he did not teach it'.
- (25) Cf. supra p. 46, n. 13.
- (26) The woman his father had outraged and who is also the mother of his brother.
- (27) Infra 78a. In such a case it is surely possible for a mother to come into the levirate relationship with her son.
- (28) Lit., 'when if he does not teach', i.e., he is not concerned with a levirate relationship that may arise out of a possible and unlikely breach of the law.
- (29) Levirate relationship with a mother. Cf. supra p. 46, n. 13.
- (30) I.e., even if the deceased brothers did not transgress the law.
- (31) The father of the deceased.
- (32) Her husband, Jacob's son.
- (33) Lit., 'and she fell before her son', who is the paternal brother of her deceased husband, Reuben.
- (34) As his mother.
- (35) Why then was not this case included in our Mishnah?
- (36) Despite Rabbi's abusive reply, supra 9a.
- (37) בדקוה lit., 'examined it', i.e., revised our Mishnah and added the case under discussion. [Levi drew up a collection of teachings like those of R. Hiyya and R. Oshaia, v. B.B., Sonc. ed. p. 216].
- (38) From halizah and the levirate marriage.

(39) Lit., 'how so?'

(40) Unlawfully.

(41) Which is a marriage forbidden under the penalty of kareth and is, therefore, illegal and invalid.

(42) The marriage having been invalid, the woman is not regarded as his brother's wife.

Talmud - Mas. Yevamoth 10b

If his mother, however, was a woman that had been outraged by his father and was then married to his paternal brother who subsequently died, such a mother does exempt her rival.¹ And though the Sages taught in our Mishnah FIFTEEN we must add a case like this as a sixteenth.

Resh Lakish said to R. Johanan: According to Levi who maintains that an 'if'² is also included,³ let our Mishnah also include⁴ the case of a levir who gave halizah to his sister-in-law⁵ and later betrothed⁶ her and died without issue, for since [the widow of such a one] is forbidden,⁷ her rival also is forbidden!⁸ — The other replied: Because in this case the law of the rival of the rival⁹ cannot be applied.¹⁰ But could he¹¹ not have answered¹² him¹³ [that the brothers] are only subject to the penalties of a negative precept,¹⁴ and that those who are subject to the penalties of a negative precept are¹⁵ under the obligations of halizah and the levirate marriage?¹⁶ — He¹⁷ answered him¹⁸ in accordance with the view he¹⁸ holds. 'According to my view,' he¹⁹ argued, [the brothers] are only subject to the penalties of a negative precept,²⁰ and those who are subject to the penalties of a negative precept are²¹ under the obligations of halizah and the levirate marriage,²² but even according to your view that they are subject to the penalty of kareth [the case could not have been included in our Mishnah] because the law of the rival's rival cannot be applied'.²³

It has been stated: Where [a levir] had performed the ceremonial of halizah with his sister-in-law, and then betrothed her, Resh Lakish holds that he is not subject to the penalty of kareth for the haluzah,²⁴ but the other brothers are subject to kareth for the haluzah.²⁵ In the case of the rival,²⁶ both he²⁷ and the other brothers are subject to kareth for a rival.²⁸ R. Johanan, however, holds that neither he²⁷ nor the other brothers are subject to kareth either for the haluzah or for her rival.²⁹ What is the reason of Resh Lakish? — Scripture stated, That doth not build,³⁰ since he has not built he must never again build.³¹ He himself is thus placed under the prohibition of building no more,³² but his brothers remain in the same position in which they were before.³³ Furthermore, the prohibition to build no more applies only to herself,³⁴ her rival, however, remains under the same prohibition as before.³³ And R. Johanan?³⁵ — Is it inconceivable³⁶ that at first halizah should be allowed to be performed by any one of the brothers³⁷ and with either of the widows of the deceased brother³⁸ and that now one or other of these persons should³⁹ be involved in kareth!⁴⁰ But [in point of fact] he⁴¹ merely acts as agent for the brothers while she⁴² acts as agent for her rival.⁴³

R. Johanan pointed out to Resh Lakish the following objection: 'If a levir who submitted to halizah from his sister-in-law, later betrothed her and died,⁴⁴ [the widow] requires halizah from the surviving brothers'. Now, according to me who maintains that [the surviving brothers]⁴⁵ are subject to the penalties of a negative precept only, one can well understand why she requires halizah from the other brothers.⁴⁶ According to you, however, why should she require halizah?⁴⁷ — Explain, then, on the lines of your reasoning, the final clause, 'If one of the brothers⁴⁸ actually⁴⁹ betrothed her, she has no claim upon him'!⁵⁰ R. Shesheth replied: The final clause represents the opinion of R. Akiba who holds that a betrothal with those who are subject thereby to the penalties of a negative precept is of no validity.⁵¹ Should it not then have been stated, 'according to the view of R. Akiba she⁵² has no claim upon him'!⁵³

(1) Since her marriage with the deceased brother was not unlawful, her rival (any other wife of her husband) is subject to the same laws as any other rival in the case of the fifteen relatives of our Mishnah.

(2) Cf. p. 47, n. 4, supra.

- (3) By R. Judah who, as has been shown supra, is the author of our Mishnah. Though he prohibits the marriage of a woman that was outraged by one's father, he nevertheless, according to Levi's recital, included the case in our Mishnah.
- (4) Lit., 'teach'.
- (5) Whom he is in consequence forbidden to marry.
- (6) Since the marriage in such a case is forbidden under a negative precept the transgression of which does not involve the penalty of kareth, the betrothal is legally valid.
- (7) To the brothers of the levir who gave the halizah: this prohibition, according to Resh Lakish infra involving the penalty of kareth.
- (8) To the brothers. Why then was not this case also added to the fifteen?
- (9) V. our Mishnah.
- (10) Her rival (as well as herself), being forbidden to all the other brothers (as brother's wife or as the haluzah of one of the brothers), can never have any of the wives of the brothers as her rival. In the case of the forbidden relatives in our Mishnah, they are forbidden to one of the brothers only, hence they or their rivals are not otherwise precluded from marrying one of the other brothers.
- (11) R. Johanan.
- (12) Lit., 'and he should say'.
- (13) Resh Lakish.
- (14) If they married the haluzah, their deceased brother's widow, with whom halizah had been performed by one of them. According to R. Johanan, infra, contrary to the view of Resh Lakish, no penalty of kareth is involved in such a marriage, whether the transgressor be the brother who performed the halizah or any of the other brothers.
- (15) Unlike those subject to the penalty of kareth who are exempt from halizah and from the levirate marriage.
- (16) I.e., though the marriage with them is forbidden by a negative precept, they remain nevertheless under the obligations of the levirate relationship and must, therefore, undergo the ceremonial of halizah. Why, then, did not R. Johanan give Resh Lakish this reply which would well account for the omission from our Mishnah of the case he mentioned?
- (17) R. Johanan.
- (18) Resh Lakish.
- (19) R. Johanan.
- (20) V. p. 48, n. 13.
- (21) V. p. 48, n. 14.
- (22) Cf. previous note.
- (23) Cf. supra p. 48, n. 9.
- (24) V. Glos. I.e., for having intercourse with her. Consequently the betrothal is valid.
- (25) Consequently should any of the other brothers betroth the haluzah, the betrothal is invalid.
- (26) Of a haluzah (v. previous note). A rival is exempt from halizah and the levirate marriage by the action of the haluzah.
- (27) The levir who participated in the halizah.
- (28) V. infra 53a.
- (29) Infra 40b and l.c.
- (30) Deut. XXV, 9.
- (31) The imperfect **יבנה** may be rendered as a present as well as a future.
- (32) I.e., under a negative precept only which involves no kareth.
- (33) I.e., under the prohibition to marry a brother's wife, which involves the penalty of kareth.
- (34) The haluzah.
- (35) What reason does he advance for his opinions?
- (36) Lit., 'is there (such) a thing'?
- (37) Lit., 'if he prefers, this one participates in the halizah and if he prefers etc.'
- (38) Lit., 'and if he prefers he performs the halizah with that one and if he prefers etc'.
- (39) In case of a betrothal.
- (40) Though the others are not.
- (41) The brother who participated in the halizah.
- (42) The widow who performed the halizah ceremonial.

(43) Hence all the brothers as well as all the rivals are in this respect in exactly the same position. As the brother and the widow who between them carried out the halizah ceremonial are in a case of subsequent marriage exempt from kareth and are subject only to the penalties of a negative precept, so also are all the others on whose behalf they acted.

(44) Without issue.

(45) In subsequently marrying the haluzah.

(46) Since the negative precept which bars them from the levirate marriage does not supersede halizah.

(47) Marriage with them would involve the penalty of kareth, and whenever such a penalty is involved the parties are not subject to the laws of halizah!

(48) Other than the one who participated in the halizah.

(49) Lit., 'stood'.

(50) I.e., the betrothal is invalid, she receives no kethubah, and no divorce is needed. This obviously proves that the penalty for such an ensuing marriage is kareth, as Resh Lakish maintains; for had it been, as R. Johanan asserts, that of a negative precept only, the betrothal should have been valid.

(51) Keth. 29b, Kid. 64a, 68a, Sot. 18b, infra 52b, 69a.

(52) So Bah, a.l. Cur. edd., 'he'.

(53) Since it is the general opinion that such a betrothal is valid.

Talmud - Mas. Yevamoth 11a

— This is rather a difficulty.

R. Ashi holds the same opinion as Resh Lakish¹ and explains it² in accordance with the ruling of R. Simeon.³ Rabina holds the same opinion as R. Johanan⁴ and explains it⁵ in accordance with the ruling of the Rabbis.⁶ 'R. Ashi holds the same opinion as Resh Lakish and explains it in accordance with the ruling of R. Simeon', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she⁷ requires halizah from the brothers. Who are these brothers? Those born [subsequently].⁸ According to whose view? According to that of R. Simeon.⁹ If one of the previously born¹⁰ brothers, however, betrothed her, she has no claim upon him.¹¹ According to whose view? According to that of Resh Lakish.¹¹

'Rabina holds the same opinion as R. Johanan and explains it in accordance with the ruling of the Rabbis', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she requires halizah from the brothers. Who are these brothers? Those born [prior to the halizah]. According to whom? According to R. Johanan.¹² If one of the subsequently¹³ born brothers, however, betrothed her, she has no claim upon him. According to whose view? According to that of the Rabbis.¹⁴

It has been stated: In the case where [the Ievir] had intercourse with his sister-in-law¹⁵ and one of the other brothers had intercourse with her rival, there is a difference of opinion between R. Aha and Rabina. One said: [It involves¹⁶ a transgression subject] to kareth and the other said: [The transgression] of a positive precept.¹⁷ He who said, '[A transgression subject] to kareth' follows Resh Lakish;¹⁸ and he who said, '[The transgression] of a positive precept' follows R. Johanan.¹⁹

Rab Judah said in the name of Rab: The rival of a sotah²⁰ is for bidden.²¹ What is the reason?²² — Because uncleanness is ascribed to her²³ as to the cases of incest.²⁴ R. Hisda raised an objection:²⁵ R. Simeon²⁶ said, the intercourse²⁷ or halizah of the brother of the first husband exempts her rival!²⁸ — Rab can answer you, 'I speak of a sotah that is Biblically forbidden,²⁹ and you talk of a sotah that is only Rabbinically forbidden'.³⁰

But as to him who raised this objection, what did he imagine?³¹ — He thought that Rabbinical provisions were given the same force as Biblical laws.³²

R. Ashi raised an objection: If she³³ entered with the man into a private place and remained with him for a period sufficient for the consummation of defilement, she is forbidden to her house,³⁴ she may not eat of terumah,³⁵ and if he died she must undergo the ceremony of halizah

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- (1) That any brother, other than the one who submitted to the halizah, who married the widow after she had performed the halizah is subject to the penalty of kareth (v. supra 10b).
 - (2) The first clause of the statement cited in the discussion between R. Johanan and Resh Lakish, according to which halizah is required.
 - (3) Who maintains that a brother born after the levirate marriage of his elder brother is not subject, in relation to the deceased brother, to the restriction of a 'brother who was not his contemporary'. The first clause then, which requires halizah, may consequently refer to brothers born after both the halizah and the betrothal had taken place. The widow of the levir not being forbidden to them on account of her first deceased husband, is subject to halizah on account of the second. (The final clause which clearly agrees with the view of Resh Lakish requires of course no explanation).
 - (4) Who maintains that the brother who performed the halizah as well as all the other brothers are forbidden to marry the widow subsequent to the halizah, not under the penalty of kareth but under that of a negative precept. Hence the ruling in the first clause that halizah is required.
 - (5) The final clause. (Cf. n. 2 supra).
 - (6) Who hold that even a brother born after the levirate marriage (v. n. 3 supra) is subject to the restrictions of 'a brother who was not his contemporary'. The final clause may accordingly refer to such brothers to whom the widow is forbidden for this reason (not on account of the halizah that had been performed) and the marriage or betrothal with whom is consequently invalid. (The first clause obviously is in agreement with R. Johanan).
 - (7) In the case where the levir who betrothed her also died without issue.
 - (8) After the halizah and the betrothal. Having been born after the halizah they have never been subject to the levirate relationship on account of the first deceased brother and the halizah of the levir had, therefore, imposed no restrictions upon them in relation to the widow.
 - (9) V. supra n. 3. Hence it is the duty of one of these brothers to submit to halizah which is incumbent upon them as brothers of the levir who also died without issue.
 - (10) Prior to the performance of the halizah.
 - (11) Since according to Resh Lakish the performance of the halizah by one of the brothers had caused the prohibition of the widow upon all other contemporary brothers under the penalty of kareth, such a betrothal is invalid.
 - (12) V. supra p. 51, n. 4.
 - (13) After the performance of the halizah.
 - (14) V. supra p. 51, n. 6.
 - (15) The widow of his deceased childless brother.
 - (16) For the other brother.
 - (17) The precept is to perform one levirate marriage but not more than one, a transgression to which no penalty is attached.
 - (18) In whose view (supra 10b) the levir who marries, or participates in halizah with the widow, does not act as the agent of the other brothers. Hence, despite the fact that in the levir's own case the prohibition to marry the rival is regarded as having the force of a positive precept, in that of the other brothers the original prohibition to marry a brother's wife remains in force and marriage with her involves, therefore, the penalty of kareth.
 - (19) Who regards the levir as the agent of the brothers (supra 10b). Hence they are subject to the same prohibition. As in the levir's own case so in that of the other brothers the levirate obligations supersede the prohibition of marrying a brother's wife, and with it the original penalty of kareth.
 - (20) סוֹטָה, a married woman suspected of adultery, who is subject to the ordeal prescribed in Num. V, 12ff. V. Glos.
 - (21) To the levir; in the case where there are witnesses that the sotah had committed the crime and her husband subsequently died childless. The rival and certainly the sotah herself are in such a case exempt from both the levirate marriage and the halizah.
 - (22) So Bah. Cur. edd. omit.
 - (23) She being defiled. Num. V, 13.
 - (24) Defile ye not yourselves. Lev. XVIII, 24. As the rival in the latter case is forbidden, so is she in the former.
 - (25) The following refers to a case where a woman married a second husband on the basis of a report by one witness that

her first husband had died in a foreign country. If later it was discovered that her first husband was alive, she must be divorced by both. If both died childless prior to the divorce she requires halizah from a brother of each but may not, according to the Rabbis, marry either of them.

(26) Disagreeing with the Rabbis in one point.

(27) Her second marriage having been entered into through an innocent error, no penalty is incurred by her as far as her relationship with the levir from the first marriage is concerned. Hence, in the opinion of R. Simeon, either marriage or halizah is permitted, v. infra 87a.

(28) From this it follows that the rival of a married woman who had intercourse with another husband is permitted to the levir both according to R. Simeon and according to the Rabbis (the latter having only disputed the case of the married woman herself). Why, then, did Rab state that the rival of a sotah is forbidden?

(29) A woman that was faithless to her husband. (Num. V, 12ff).

(30) The woman who married a second husband under an honest misapprehension. Biblically she is permitted to live again with her husband since her second marriage was entered into on the basis of a report by a witness, on the strength of which she was by Biblical law fully permitted to contract the marriage.

(31) He must surely have known that the one was Biblical and the other only Rabbinical! **וְדַקְאָרִי לָהּ מֵאֵי קִאָרִי אָרָא** or **אָרִי** (cf. Gr. **) ‘to speak’, ‘enquire’, ‘argue’.

(32) Lit., ‘all that the Rabbis provided, like that of the Torah they provided’.

(33) A woman suspected by her husband who warned her not to seclude herself with a certain man.

(34) I.e., to her husband.

(35) V. Glos.; in the case where the husband is a priest.

Talmud - Mas. Yevamoth 11b

though she may not marry the levir!¹ — Rab can answer you. ‘I speak of a definite sotah, and you speak of a doubtful one’. But why should a definite sotah be different? Obviously because in relation to her the expression of ‘uncleanness’ is used;² is not, however, the expression of ‘uncleanness’ also used in relation to a doubtful sotah! For it was taught: R. Jose b. Kipper said in the name of R. Eleazar, The remarriage by a husband of his divorced wife is forbidden after marriage³ and permitted after betrothal,⁴ because it is stated in the Scriptures. After that she is defiled.⁵ The Sages, however, say, the one as well as the other⁶ is forbidden,⁷ and the expression⁸ ‘After that she is defiled’ implies the inclusion of a sotah who secluded herself with a man!⁹ — The underlying meaning of ‘secluded herself’ is ‘sexual intercourse’. Why then did he say ‘secluded herself’? — In order to employ a euphemism.¹⁰ But in relation to sexual intercourse, [surely,] uncleanness was actually mentioned in the Scriptures. She being defiled secretly!¹¹ — To subject the offence¹² to a negative precept.¹³ And R. Jose b. Kipper?¹⁴ — He does not hold the view that a negative precept is applicable to a sotah, even in the case where she had actually committed adultery. What is the reason? — [Because in reference to the remarriage of a divorced wife] Scripture uses the expression of¹⁵ becoming¹⁶ as well as that of matrimony.¹⁷

Rab Judah inquired of R. Shesheth: What is the law in regard to the rival of a woman whom her former husband remarried after her second marriage and died?¹⁸ According to the view of R. Jose b. Kipper the question does not arise. For R. Jose b. Kipper having stated that ‘uncleanness’ is mentioned in the case of him who remarried his divorced wife, it follows that her rival is subject to the very same restrictions. And if [objection be raised] from the Scriptural text, She is an abomination,¹⁹ [it may be replied that the implication is] that she is an abomination and not her children,²⁰ her rival, however, being an abomination. The question, however, arises on the view of the Rabbis: Does the Scriptural text,²¹ despite the fact that the Rabbis had applied the expression ‘uncleanness’ to the sotah, also bear its ordinary meaning,²² or since it²³ was once torn away [from its ordinary meaning] it must in all respects so remain?²⁴ Others say: According to the Rabbis no question arises, for since the text has once been torn away [from its ordinary meaning] it must in all respects so remain. The question, however, arises according to the view of R. Jose b. Kipper: What is the law? [Is it assumed that] although R. Jose b. Kipper stated that the expression of ‘uncleanness’

refers to the remarriage of a divorced wife, the All Merciful has written ‘She is an abomination’ to indicate that ‘she’ is an abomination but not her rival,²⁵ or is the implication, perhaps, that ‘she’ is an abomination, but her children are not; a rival, however, being an abomination?²⁶ — The other replied: You have learnt it, ‘If one of them²⁷ was a permitted wife and the other a forbidden one; if he²⁸ submit to halizah he must submit to that of the forbidden one;²⁹ and if he marries he marries the permitted one.’²⁹ Now what is meant by ‘permitted’ and ‘forbidden’? If it be suggested that ‘permitted’ means permitted for all the world,³⁰ and ‘forbidden’ means forbidden for all the world,³¹ what practical difference, in view of the fact that she is in either case suitable for him,³² could this make to him? Consequently ‘permitted’ must mean permitted to him, and ‘forbidden’, forbidden to him; and this may happen where³³ he³⁴ remarried his divorced wife;³⁵ and yet it was taught, ‘and if he marries he marries the permitted one’!³⁶ — No; ‘permitted’ may still mean permitted to all the world³⁰ and ‘forbidden’, forbidden for all the world;³¹ and as to your question, ‘what practical difference, in view of the fact that she is in either case suitable for him, could this make’, one must take into account the moral lesson³⁷ of R. Joseph. For R. Joseph stated: Here³⁸ Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³⁹

Come and hear: ‘Where a man remarried his divorced wife after she had been married,⁴⁰ she and her rival are to perform the halizah.’ Is it possible to say ‘she and her rival’?⁴¹ Consequently it must mean, ‘Either she or her rival.’⁴² Did you not, however, have recourse to an interpretation?⁴³ [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Hiyya b. Abba said: R. Johanan inquired as to what is the law⁴⁴ in regard to a rival of a divorced woman whom her former husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding herself!⁴⁵ — Concerning herself I have no question since her case may be inferred a minori ad majus: If she is forbidden to him⁴⁶ to whom she was originally⁴⁷ permitted, how much more so to the man⁴⁸ to whom she was originally⁴⁷ forbidden!⁴⁹ The question, however, remains concerning her rival: Is the inference a minori ad majus strong enough to exclude a rival⁵⁰ or not?

R. Nahman b. Isaac taught as follows: R. Hiyya b. Abba said, R. Johanan enquired as to what is the law⁴⁴ in regard to a divorced woman whom her husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding her rival! — Concerning her rival I have no question, for an inference a minori ad majus⁵¹ is not strong enough to exclude a rival;⁵⁰ the question, however, remains regarding herself. Is the inference a minori ad majus strong enough [to be acted upon] where a precept⁵² is involved or not?

(1) If the sotah herself must go through the ceremony of halizah, much more so her rival; how then could Rab state that the rival of a sotah (and much more so the sotah herself, v. supra p. 53, n. 1) is exempt from halizah?

(2) Num. V, 13.

(3) With a second husband who subsequently died or divorced her.

(4) Where no marriage with the second man took place, and he died.

(5) Deut. XXIV, 4, referring, in the opinion of R. Eleazar, to a divorced woman who had married a second husband.

(6) Married or betrothed.

(7) This is deduced by the Sages from And goeth and becometh another man's wife (Deut. XXIV, 2) which, they maintain, implies betrothal as well as marriage.

(8) Lit., ‘but what do I establish’.

(9) That the husband must not take her back. This clearly shews that the expression of ‘uncleanness’ was also used concerning a doubtful sotah.

(10) Lit., ‘he took a nice (or superior) expression’.

(11) Num. V, 13; what need, then, was there for the implication of the text of Deut. XXIV, 4?

(12) Of remarrying a sotah.

- (13) Lit., 'to cause to stand concerning it in a negative (prohibition)'; the negative can only be derived from Deut. XXIV, 4: May not take her again to be his wife.
- (14) Who applies the entire text to the remarriage of a divorced wife, whence does he derive the law concerning the sotah?
- (15) Lit., 'it is written concerning it'.
- (16) Deut. XXIV, 2, And she departeth out of his house, and goeth and becometh (ותיתה) another man's wife.
- (17) Ibid., Or if the latter husband (השי) die, implying that the divorced woman's connection with the second man must be that of 'husband and wife', i.e., lawful matrimony. In the case of the sotah the intercourse was unlawful and cannot come, therefore, under the prohibition of Deut. XXIV, 4.
- (18) Is the rival subject to the levirate marriage and halizah?
- (19) Deut. XXIV, 4, dealing with a woman remarried after divorce. The text She is an abomination. תועבה היא might be taken to imply that the designation, and consequently the restrictions, refer to the woman only (היא= she) and not to her rival.
- (20) I.e., the exclusion of היא may refer not to her rival but to her children who, unlike their mother who is regarded as an 'abomination', may marry into priestly families.
- (21) Describing the woman (or the act of remarriage) as 'uncleanness'.
- (22) I.e., its bearing on the woman remarried (v. previous note), with whose case the text in its ordinary meaning is concerned, and consequently on her rival also.
- (23) The expression of uncleanness.
- (24) Lit., 'that it was uprooted it was uprooted', i.e., since it was removed from its context and applied to the sotah, it can never be re-applied to its original case. Hence a rival would not come under the same restrictions as the sotah herself.
- (25) To whom, consequently, the restrictions would not apply.
- (26) And consequently subject to the same restrictions as the woman herself.
- (27) Two widows of a brother who died without issue.
- (28) The levir.
- (29) Infra 44a, and thereby liberates also the other widow, her rival.
- (30) I.e., even to priests.
- (31) In case she was once, e.g., a divorced woman and is thus forbidden to marry a priest.
- (32) He being an ordinary Israelite.
- (33) Lit., 'and what is it'.
- (34) The deceased brother.
- (35) In which case the woman who was remarried is forbidden to the levir as she was forbidden to his deceased brother who had married her unlawfully, while her rival, having been lawfully married, is permitted to the levir.
- (36) Which clearly shews that the rival of a woman remarried by her former husband is subject to the levirate marriage.
- (37) Lit., 'because of'.
- (38) In the Mishnah cited where it is stated that halizah is to be performed with the forbidden one.
- (39) A man should not destroy anything which may be of use to others though it is of no use to him. In the case under discussion, the levir submits to halizah from the forbidden one and thus liberates the permitted one to marry even a priest to whom she would have been forbidden had the halizah been performed by her.
- (40) To a second husband who divorced her or died.
- (41) Halizah surely is performed by one of the widows only!
- (42) Which supplies an answer to the enquiry addressed by Rab Judah to R. Shesheth.
- (43) 'He and her rival' was interpreted as 'Either etc.'
- (44) In respect of the levirate marriage.
- (45) The remarried woman.
- (46) Her first husband.
- (47) Before she married her second husband.
- (48) The levir.
- (49) As brother's wife.
- (50) From the levirate marriage.
- (51) V. previous paragraph.

Talmud - Mas. Yevamoth 12a

— The other replied,¹ You have learned it: If one of them was a permitted wife and the other a forbidden one; if she submits to halizah he must submit to that of the forbidden one; and if he marries, he marries the permitted one. Now, what is meant by 'permitted' and 'forbidden'? If it be suggested that 'permitted' means permitted to all the world and 'forbidden' means forbidden to all the world, what practical difference, in view of the fact that she is in either case suitable for him, could this make to him? Consequently 'permitted' must mean permitted to him, and 'forbidden', forbidden to him; and this may happen where he remarries his divorced wife; and yet it was taught. 'If he marries he marries the permitted one'!² — No; 'permitted' may still mean permitted to all the world, and 'forbidden', forbidden to all the world; and as to your question. 'What practical difference, in view of the fact that she is in either case suitable for him, could this make'? One must take into account the moral lesson of R. Joseph. For R. Joseph said: Here, Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³

Come and hear: 'Where a man remarried his divorced wife after she had been married, she and her rival are to perform halizah.' Is it possible to say 'she and her rival'? Consequently it must mean, 'either she or her rival.'⁴ Did you not, however, have recourse to an interpretation? [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Levi b. Memel said in the name of Mar 'Ukba in the name of Samuel: The rival of a mema'eneth⁵ is forbidden. To whom [is she forbidden]? If it be suggested, to the brothers,⁶ [it may be retorted], now that she herself⁷ is permitted,⁸ for Samuel said, 'If she refused one brother she is permitted to marry the other',⁹ is there any question that her rival is permitted!⁸ Hence [it means] to himself.¹⁰ Wherein, however, does the mema'eneth¹¹ differ¹² that she is in consequence permitted to the other brothers? Obviously, in that she had taken no action in relation to them;¹³ but her rival also had taken no action in relation to them!¹⁴ — It is an enactment made to prevent marriage with the rival of one's daughter¹⁵ who was a mema'eneth.¹⁶

Is, however, the rival of one's daughter who is a mema'eneth forbidden? Surely we learned, IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED¹⁷ [etc.] THEIR RIVALS ARE PERMITTED. Now, against whom was the declaration of refusal made? If it be suggested that she refused the husband, then this case is identical with that of a divorced woman.¹⁸ Consequently it must refer to refusal of the levir!¹⁹ — No; it may, in fact, refer to the refusal of a husband, but there are two kinds of divorce.²⁰

Wherein, however, does the refusal of a husband differ?²¹ Obviously in that she thereby annuls the original marriage; but when she refused the levir she has also annulled the original marriage! — [It differs] in respect of what Rami b. Ezekiel had learnt. For Rami b. Ezekiel learnt: If she²² declared her refusal against the husband she is permitted to marry his father;²³ if against the levir, she is forbidden to his father.²⁴ From this it clearly follows that from the moment she becomes subject to the levirate marriage²⁵ she is looked upon as his²⁶ daughter-in-law; similarly here also²⁷ she is looked upon as the rival of his daughter from the moment she²⁸ becomes subject to the levirate marriage.

Said R. Assi: The rival of a woman incapable of procreation is forbidden,²⁹ for it is said in the Scriptures, And it shall be that the firstborn that she beareth,³⁰ which excludes a woman incapable of procreation, since she does not bear.³¹ R. Shesheth raised an objection: In the case where three brothers were married to three women who were strangers to one another, and one of them having

died, the second brother addressed to her³² a ma'amar³³ and died, behold these³⁴ must perform the halizah but may not marry the levir; for it is said, And one of them die [etc.] her husband's brother shall go in unto her,³⁵ only she³⁶ who is tied to one levir³⁷ but not she who is tied to two levirs;³⁸ and concerning this it was taught: R. Joseph said, 'This is the rival of a paternal brother's wife whose prohibition³⁹ is due to her double subjection to the levirate marriage,⁴⁰ a case the like of which we do not find through out the Torah'.⁴¹ Now, what does the expression 'This is' exclude? Does it not exclude the rival of a woman incapable of procreation, who is permitted!⁴² — No; it excludes the rival of a woman incapable of procreation who is forbidden. What, then, is meant by the expression, 'This is'?⁴³ — It is that in this case, where the subjection to the levirate marriage has caused the prohibition, her rival requires halizah; in the case, however, of a woman incapable of procreation even halizah is not required. What is the reason? — The prohibition of the one⁴⁴ is Pentateuchal;⁴⁵ that of the other only Rabbinical.⁴⁶

We learnt; IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED!⁴⁷ — This is no difficulty; the one⁴⁸ is a case where he⁴⁹ knew her defect⁵⁰ while the other⁵¹ is a case where⁵² he did not know of it.⁵³ The inference from our Mishnah also proves this; for it was stated WERE FOUND⁵⁴ and not 'were'. This proves it.

Raba said:

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- (1) This reply applies to both versions of the inquiry.
 - (2) Which shews that for the rival levirate marriage is permitted while for the remarried woman herself it is forbidden. For further notes v. supra p. 56.
 - (3) For notes v. supra p. 56f.
 - (4) Which supplies answers to the enquiries raised by R. Johanan in both versions.
 - (5) A minor who declared her refusal to marry the levir. V. Glos. s.v. mi'un.
 - (6) Of the levir.
 - (7) The minor who refused to marry the levir.
 - (8) To marry the other brothers.
 - (9) Infra 107b.
 - (10) To the levir whom the minor had refused. The refusal removes the precept of the levirate marriage and in respect of the rival the prohibition of marrying a brother's wife comes again into force.
 - (11) V. p. 58, n. 6.
 - (12) From her rival.
 - (13) Her refusal having been confined to one of the brothers only.
 - (14) Not even against one of them. Why then is she forbidden to the levir?
 - (15) Who comes in the category of forbidden relatives whose rivals also are forbidden. On the possibility of mi'un during a father's lifetime, v. supra p. 2, n. 6.
 - (16) If the one were permitted the other also might erroneously be married.
 - (17) So Bah. Cur. edd. omit.
 - (18) Which was already mentioned.
 - (19) And yet, as our Mishnah shews, her rival is permitted in all cases enumerated, i.e., even in that of one's daughter.
 - (20) Actual divorce and one by mi'un.
 - (21) From that of the levir.
 - (22) A minor who was married to a stranger.
 - (23) Her declaration of refusal having completely annulled the original betrothal, she is no more his daughter-in-law.
 - (24) Her former marriage having once subjected her to levirate relationship, she must be regarded as the levir's father's daughter-in-law. V. infra 13a.
 - (25) Lit., 'falling'.
 - (26) The levir's father's.
 - (27) In the case of the rival of one's daughter who made the declaration of refusal.

- (28) The daughter.
- (29) I.e., if one of the widows of the brother who died without issue is such the other also is forbidden.
- (30) Deut. XXV, 6.
- (31) Hence she herself is forbidden as a brother's wife, and her rival as the rival of a forbidden relative.
- (32) The widow of the deceased.
- (33) V. Glos.
- (34) The widows of the two dead brothers.
- (35) Deut. XXV, 5.
- (36) May marry the levir.
- (37) I.e., where the second brother had actually married her and has thus severed all her connections with the first. In such a case as in that of the usual levirate she would stand in relation to the third brother as the widow of one brother only.
- (38) The formula of betrothal or ma'amar addressed to her by the second brother has only partially attached her to him and has not completely severed her connection with her husband, the first brother. She thus remains tied to the two, and consequently entirely forbidden the levirate marriage.
- (39) Of the levirate marriage.
- (40) Lit., 'falling'. Her levirate relationship with the third brother being due to her partial connection with each of the two dead brothers.
- (41) The widow not being one of the relatives forbidden by the Torah. The prohibition of the levirate marriage in her case is only Rabbinical, the Biblical text cited being a mere *asmakta*.
- (42) How, then, could R. Assi state that a rival of one incapable of procreation is forbidden?
- (43) Which seems to imply that only this case is forbidden but not the other.
- (44) A woman incapable of procreation.
- (45) The prohibition being derived from Deut. XXV, 6 *supra*.
- (46) V. *supra* n. 1.
- (47) V. *supra* n. 2.
- (48) Lit., 'here', in R. Assi's statement.
- (49) The husband now deceased.
- (50) At the time their marriage took place. Having known her defect he was not in any way misled, and the marriage, therefore, is valid. Her rival is consequently the rival of a legally married wife who is incapable of procreation and is forbidden by the deduction from Deut. XXV, 6.
- (51) Our Mishnah.
- (52) The husband now deceased.
- (53) At the time he married her. Since her defect was unknown to him the marriage which had taken place under a misapprehension is invalid. The woman, therefore, is not his lawful wife, and her rival cannot be regarded as a legal rival. Hence the statement in our Mishnah that such a rival is permitted.
- (54) Implying discovery after the event, i.e., after the marriage.

Talmud - Mas. Yevamoth 12b

The law is that the rival of a woman incapable of procreation is permitted, even though he¹ knew her defect,² and even the rival of one's own daughter who was incapable of procreation [is permitted].³ But what about the expression WERE FOUND⁴ in our Mishnah? — Read, 'were'.

When Rabin came⁵ he stated in the name of R. Johanan: The rival of a *mema'eneth*,⁶ the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,⁷ are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may⁸ use an absorbent⁹ in their marital intercourse:¹⁰ A minor, a pregnant woman and a nursing woman. The minor,¹¹ because [otherwise] she might¹² become pregnant, and as a result¹³ might die. A pregnant woman,¹¹ because [otherwise]. she might¹² cause her foetus to degenerate into a sandal.¹³ A nursing woman,¹¹ because

[otherwise] she might¹² have to wean her child prematurely¹⁴ and this would result in his death. And what is the age of such a minor?¹⁵ From the age of eleven years and one day until the age of twelve years and one day. One who is under,¹⁶ or over this age¹⁷ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from heaven,¹⁸ for it is said in the Scriptures. The Lord preserveth the simple.¹⁹

Since it has been stated, 'because she might become pregnant and as a result might die' it may be implied that it is possible for²⁰ a minor to be pregnant and not die. But, if so, one could imagine a case where²¹ a mother-in-law should be in a position to make a declaration of refusal,²² whereas we learned, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW AND THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL! — Read, 'because she might become pregnant and die';²³ for Rabbah b. Liwai said: She²⁴ is subject to an age limitation. Prior to that period²⁵ she does not conceive at all; during that period²⁵ she dies and her embryo dies; after that period²⁵ both she and her embryo survive. But is it really so? Surely, Rabbah b. Samuel recited: One cannot say of a man's mother-in-law, the mother of his mother-in-law and the mother of his father-in-law that they were found incapable of procreation or that they made a declaration of refusal, since they have already given birth to children!²⁶ — But [the reading], in fact, is, 'because she might become pregnant and as a result might die'. But, [then, the previously mentioned] difficulty remains!²⁷ — R. Safra replied: Children are like marks of puberty.²⁸ Others Say: Children are more conclusive proof than the marks of puberty. What practical difference is there between the two statements? — [It is this: That] even he who follows R. Judah who stated, '[a girl may exercise the right of refusal] until the black²⁹ predominates'³⁰ admits in the case of children.³¹

(1) The deceased brother, at the time when he married.

(2) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife.

(3) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. **הלכות גדולות** quoted by Rashi.

(4) V. p. 61, n. 14.

(5) From Palestine to Babylon.

(6) V. Glos. s.v. mi'un. In this case it refers to one who refused the levir (V. Rashi a.l.).

(7) After she had been married by a second husband who divorced her or died.

(8) [So Rashi. R. Tam: Should use, v. Tosaf s.v. **שש**.]

(9) **מוך**, hackled wool or flax.

(10) To prevent conception.

(11) May use the absorbent.

(12) Lit., 'perhaps'.

(13) **סנדל** lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation.

(14) Owing to her second conception.

(15) Who is capable of conception but exposed thereby to the danger of death.

(16) When no conception is possible.

(17) When pregnancy involves no fatal consequences.

(18) To save her from danger.

(19) Ps. CXVI, 6; those who are unable to protect themselves.

(20) Lit., 'there is'.

(21) Lit., 'we found'.

(22) In the case, for instance, where the minor gave birth to a child in her twelfth year and that child was betrothed

before the year was over. The minor who thus becomes a mother-in-law is entitled to make a declaration of refusal before, and until she enters her thirteenth year.

(23) I.e., while conception is a matter of doubt, death is a certainty whenever conception happened to take place.

(24) A minor.

(25) The age of eleven years and one day to the age of twelve and one day.

(26) Rabbah does not state, 'since they already grew up' but 'gave birth', which proves that even a minor (not yet grown up) is capable of bearing living children.

(27) From here it appears that a minor can bear children while from our Mishnah it follows that she cannot.

(28) As soon, therefore, as she gave birth to a child the minor is assumed to have passed out of the age of minority into that of puberty. Hence it is impossible for a mother, whatever her age, ever to make a declaration of refusal to which a minor only is entitled.

(29) I.e., the pubic hair.

(30) The growth of two hairs which the Rabbis regard as a definite mark of puberty not being considered by R. Judah as conclusive proof. Keth. 36a, B.B. 156a, Nid. 52a.

(31) That they provide definite proof of puberty irrespective of the state of the hair.

Talmud - Mas. Yevamoth 13a

R. Zebid, however, stated: No children are possible prior to the appearance of the marks of puberty.¹ Then let an examination be held!² — There is the possibility that they might have fallen off.³ This reply is perfectly satisfactory according to him who holds that such a possibility is taken into consideration,⁴ what, however, can be said according to him who holds that no such contingency need be considered? — Even according to him who holds that no such contingency need be considered, the possibility must be taken into consideration in this case on account of the pains of birth.⁵

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED] TO BE UNDERSTOOD? Etc. Whence is this law⁶ deduced? — Rab Judah replied: [From] Scripture which stated, *li-zeror*,⁷ [implying that] the Torah included many rivals.⁸ R. Ashi replied. 'It⁹ is arrived at by reasoning: Why is a rival forbidden? Surely because she takes the place of the forbidden relative; the rival's rival also takes the place of the forbidden relative'.

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED etc. Even if he¹⁰ married¹¹ first and then divorced?¹² This, then, would be contradictory [to the following Mishnah]: '[The case of] three brothers two of whom were married to two sisters and the third was married to a stranger, and one of the husbands of the sisters divorced his wife while the one who married the stranger died, and he who had divorced his wife then married the widow¹³ and died, is one concerning which it has been said, that if they died or were divorced, their rivals are permitted'.¹⁴ The reason, then,¹⁵ is because the divorce¹⁶ took place first and the marriage¹⁷ was subsequent to it, but had the marriage¹⁷ taken place first and the divorce¹⁶ after it, [the rival would] not [have been permitted]!¹⁸ — R. Jeremiah replied: Break it up!¹⁹ He who taught the one did not teach the other. The one Tanna²⁰ is of the opinion that it is the death²¹ which subjects the widow to the levirate marriage²² while the other²³ holds the opinion that it is the original marriage that subjects her to the levirate marriage.²⁴ Raba said: [Both statements] may, in fact, represent the views of [one Tanna,] it²⁵ being a case of 'this; and there is no need to state that'.²⁶

WHOSOEVER IS ENTITLED TO MAKE A DECLARATION OF REFUSAL [etc.]. Then let her²⁷ declare her refusal now²⁸ and thus enable [her rival] to be married to the levir!²⁹ May it then³⁰ be suggested that this supports R. Oshaiah? For R. Oshaiah said: She³¹ may annul [the levir's] *ma'amar*³² by her declaration of refusal,³³ but may not sever by such a declaration the levirate bond!³⁴ — No;³⁵ the case of the rival of a forbidden relative is different;³⁶ for Rami b. Ezekiel learnt: If a minor made a declaration of refusal against her husband she is permitted to marry his

father.³⁷ If, however, she made her declaration of refusal against the levir³⁸ she is forbidden to marry his father.³⁹ From this it clearly follows that from the moment she becomes subject to the levirate marriage⁴⁰ she is looked upon as his⁴¹ daughter-in-law; similarly here also⁴² she is looked upon as the rival of his daughter from the moment she becomes subject to the levirate marriage.⁴³ MISHNAH. [IN THE CASE OF THE FOLLOWING] SIX RELATIVES, MARRIAGE WITH WHOM IS MORE RESTRICTED THAN WITH THESE,⁴⁴ IN THAT THEY MAY ONLY BE MARRIED TO STRANGERS,⁴⁵ MARRIAGE WITH THEIR RIVALS IS PERMITTED:⁴⁶ HIS MOTHER.⁴⁷ HIS FATHER'S WIFE,⁴⁸ HIS FATHER'S SISTER,⁴⁸ HIS PATERNAL SISTER.⁴⁸ HIS FATHER'S BROTHER'S WIFE⁴⁸ AND HIS PATERNAL BROTHER'S WIFE.⁴⁸

BETH SHAMMAI PERMIT THE RIVALS⁴⁹ TO THE SURVIVING BROTHERS, AND BETH HILLEL PROHIBIT THEM.

(1) Should an apparent minor, whatever her age, ever give birth to a child it must be taken for granted that the marks of puberty had already appeared, and the age of minority had passed.

(2) Why should the existence of the marks be left to conjecture when an examination would definitely determine the facts?

(3) And the examination would prove nothing.

(4) This is a question in dispute in Nid. 46a.

(5) Which may have caused the falling off of the hair.

(6) Lit., 'these words'. That a rival's rival is also exempt.

(7) Lev. XVIII, 18, to be a rival. V. supra 3b.

(8) For explanation, v. p. 12, n. 8.

(9) The exemption of a rival's rival.

(10) The brother now deceased.

(11) The rival.

(12) His first wife, the forbidden relative. In such a case, is the rival, though the two were rivals prior to the divorce, permitted to the levir wherever the forbidden relative was dead or divorced at the time their husband died and the question of the levirate marriage arose?

(13) Lit., 'her',

(14) Infra 30a.

(15) Why the rival in this case is permitted.

(16) Of one of the sisters.

(17) Of the widow.

(18) How, then, could this be reconciled with our Mishnah from which it has been inferred that 'even if he married first and then divorced' the rival is permitted?

(19) תרבא, rt. תבר, Heb. שבר 'break', 'divide'.

(20) Of our Mishnah.

(21) Of the husband.

(22) And if at that time the women were no longer rivals it matters little whether marriage or divorce (cf. supra nn. 5 and 4) took place first.

(23) The Tanna of the Mishnah cited from 30a infra.

(24) Consequently, if the marriage of the second took place after the divorce of the first, levirate marriage is permitted since the two have never been real rivals. If, however, the marriage preceded the divorce, even if only by a fraction of time, the two have become rivals, and the rival of a forbidden relative is forbidden for ever, even after the rivalry had ceased.

(25) The statements and arrangement of our Mishnah and that cited from 30a infra

(26) זו ואין צריך לומר זו, one of the systems adopted in arranging legal statements. Our Mishnah permits 'this', the case of the rival whose marriage preceded the divorce of the forbidden relative, and consequently 'there is no need to state that', the case (infra 30a) of a rival whose marriage followed the divorce of the forbidden relative. (Cf. supra n. 12).

(27) The forbidden relative who is still a minor.

- (28) And thus annul the original marriage.
- (29) Since as a result of the annulment of the marriage the other would no more be the rival of a forbidden relative.
- (30) As such a declaration is not allowed.
- (31) A minor.
- (32) V. Glos. Since the actual marriage had not yet taken place.
- (33) She has only to perform the halizah; but there is no need for a divorce which would have been required had she been of age (v. infra 50b).
- (34) I.e., she has no power to annul the original marriage in order to be exempt thereby from halizah also. Similarly here (v. note 4) the declaration of the minor has no force to annul the original marriage and thus (v. supra note 3) to enable her rival to marry the levir.
- (35) The inference from our Mishnah provides no support for R. Oshaia.
- (36) The prohibition of a minor's declaration in this case is not Biblical, but a Rabbinical enactment made in order to prevent laxity in the law of rivals of forbidden relatives (cf. infra n. 17).
- (37) The refusal having completely annulled the marriage, the minor and her former father-in-law are now mere strangers.
- (38) I.e., after the death of her husband, when she became subject to the levirate marriage of his brother.
- (39) Her former father-in-law who is also the father of the levir whom she refused.
- (40) Lit., 'falling'.
- (41) The levir's father's.
- (42) The case of a rival of one's daughter.
- (43) Had the original marriage been allowed to be annulled by the daughter's present declaration, and had her rival in consequence been permitted to marry the minor's father, any rival of one's daughter might similarly be allowed and thus an important restriction against incest would be broken down. (V. supra n. 10 and cf. text and notes, supra 12a).
- (44) The fifteen enumerated in the previous Mishnah, supra 2af.
- (45) But never to one's paternal brothers.
- (46) Though they themselves ate forbidden. Their husbands having been strangers, the law prohibiting the marriage of rivals, which is only applicable in connection with the levirate marriage, does not apply. Should one's brother unlawfully marry one of these six relatives his marriage would be regarded as null and void and the law relating to the rivals would still be inapplicable. (Cf. Maimonides, Commentary on the Mishnah a.l.).
- (47) Who is also forbidden to his paternal brother as 'his father's wife'.
- (48) Who obviously stands in the same relationship to his paternal brother.
- (49) In respect of the levirate marriage.

Talmud - Mas. Yevamoth 13b

IF THEY¹ PERFORM THE HALIZAH,² BETH SHAMMAI DECLARE THEM INELIGIBLE TO MARRY A PRIEST,³ AND BETH HILLEL DECLARE THEM TO BE ELIGIBLE.⁴ IF THEY WERE MARRIED TO THE LEVIRS, BETH SHAMMAI DECLARE THEM ELIGIBLE [TO MARRY A PRIEST],⁵ AND BETH HILLEL DECLARE THEM INELIGIBLE.⁶ THOUGH THESE FORBODE WHAT THE OTHERS PERMITTED, AND THESE REGARDED AS INELIGIBLE WHAT THE OTHERS DECLARED ELIGIBLE, BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM [THE FAMILIES OF] BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM [THE FAMILIES OF] BETH SHAMMAI. [SIMILARLY, IN RESPECT OF] ALL [QUESTIONS OF RITUAL] CLEANNES AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.⁷

GEMARA. R. Simeon b. Pazzi said: What is Beth Shammai's reason?⁸ — Because it is written, The outside⁹ wife of the dead shall not be married unto one not of his kin;¹⁰ 'outside'¹¹ implies that there is also an internal,¹² and the All Merciful said, She shall not marry [unto one not of his kin].¹³

And Beth Hillel?¹⁴ — They require the text for the exposition which Rab Judah reported in the name of Rab. For Rab Judah stated in the name of Rab: Whence is it deduced that betrothal [by a stranger] is of no validity in the case of a sister-in-law?¹⁵ For it is said in the Scriptures, The wife of the dead shall not be married¹⁶ outside¹⁷ unto one not of his kin;¹⁸ there shall be no validity in any marriage of a stranger with her.¹⁹ And Beth Shammai? — Is it written ‘la-huz’?²⁰ Surely ‘huzah’²¹ was written. And Beth Hillel? — Since the expression used was huzah²² it is just the same as if la-huz had been written; as it was taught: R. Nehemiah said, ‘In the case of every word which requires a ‘lamed’ at the beginning²³ Scripture has placed a ‘he’²⁴ at the end; and at the School of R. Ishmael the following examples were given:²⁵ Elim, Elimah;²⁶ Mahanayim, Mahanayimah;²⁷ Mizrayim, Mizraimah;²⁸ Dibelathaimah;²⁹ Yerushalaimah;³⁰ midbarah.³¹

Whence do Beth Shammai derive the deduction made by Rab Judah in the name of Rab? — It is derived from Unto one not of his kin.³² Then let Beth Hillel also derive it from ‘Unto one not of his kin’! — This is so indeed. What need, then, was there for ‘huzah’? — To include one who was only betrothed.³³ And the others? — They derive it from the use of ha-huzah where huzah could have been used.³⁴ And the others? — A deduction from huzah ha-huzah does not appeal to them.

Raba said: Beth Shammai's reason³⁵ is that one prohibition³⁶ cannot take effect on another prohibition.³⁷ This explanation is satisfactory in the case where the deceased had married first and the surviving brother married³⁸ afterwards, since the prohibition of marrying a wife's sister³⁹ could not come and take effect on the prohibition of marrying a brother's wife;⁴⁰ where, however, the surviving brother had married first⁴¹ and the deceased married later,⁴² the prohibition of ‘wife's sister’ was, surely, first!⁴³ — Since the prohibition of a ‘brother's wife’ cannot take effect on the prohibition of ‘wife's sister’, [any of the other widows] is the rival of a forbidden relative to whom⁴⁴ the precept of the levirate marriage is inapplicable, and is consequently permitted.⁴⁵

IF THEY HAD PERFORMED THE HALIZAH, BETH SHAMMAI DECLARE THEM INELIGIBLE etc. Is not this obvious?⁴⁶ — [It had to be stated] in order to exclude [the instruction] of R. Johanan b. Nuri who said: Come and let us issue an ordinance that the rivals⁴⁷ perform the halizah but do not marry the levir.⁴⁸ Hence it was taught that Beth Hillel declare them eligible.⁴⁹

IT THEY WERE MARRIED TO THE LEVIRS etc. BETH HILLEL DECLARE THEM INELIGIBLE. What need again was there for this? — Because it was taught, IF THEY PERFORM THE HALIZAH⁵⁰ it was also taught, IF THEY WERE MARRIED TO THE LEVIRS.⁵¹

We learned elsewhere: The Scroll of Esther⁵² is read on the eleventh, the twelfth, the thirteenth, the fourteenth or the fifteenth [of Adar].⁵³ but not earlier⁵⁴ or later.⁵⁵ Said Resh Lakish to R. Johanan: Apply here the text of Lo tithgodedu,⁵⁶ you shall not form separate sects!⁵⁷ (Is not Lo tithgodedu required for its own context, the All Merciful having said, ‘You shall not inflict upon yourselves any bruise for the dead’?⁵⁸ — If so, Scripture should have said, Lo tithgodedu,⁵⁹ why did it say ‘Lo tithgodedu’?⁶⁰ hence it must be inferred that its object was this.⁶¹ Might it not then be suggested that the entire text refers to this only?⁶² — If so, Scripture should have said, Lo thagodu,⁶³ why did it say ‘Lo tithgodedu’? Hence the two deductions.)⁶⁴ — The former answered: Have you not yet learned,⁶⁵ ‘Wherever it is customary to do manual labour on the Passover Eve until midday it may be done; wherever it is customary not to do any work it may not be done’?⁶⁶ The first said to him: I am speaking to you of a prohibition, for R. Shaman b. Abba said in the name of R. Johanan: ‘Scripture having said, To confirm these days of Purim in their appointed times,⁶⁷ the Sages have ordained for them different times,⁶⁸ and you speak to me of a custom!⁶⁹ But is there no prohibition there?⁷⁰ Surely we learned, ‘Beth Shammai prohibit work during the night⁷¹ and Beth Hillel permit it’!⁷² — The other said to him: In that case,⁷³ anyone seeing [a man abstaining from work] would suppose him to be out of work.⁷⁴ But do not BETH SHAMMAI PERMIT THE RIVALS TO THE OTHER BROTHERS AND BETH HILLEL FORBID THEM!⁷⁵

-
- (1) The rivals.
- (2) With the brothers.
- (3) In the opinion of Beth Shammai the halizah is legal and any woman who performed legal halizah is, like one divorced, forbidden to marry a priest.
- (4) In their opinion the halizah was unnecessary and may, therefore, be treated as if it had never taken place.
- (5) When their husbands die.
- (6) Because having married persons to whom they are forbidden they are regarded as harlots who are ineligible ever to marry a priest.
- (7) Lit., 'do clean things, these upon these'.
- (8) For permitting the rivals to marry the other brothers.
- (9) **החוצה** is rendered, 'the one who is the outside one', the word being regarded as an adjective fem. with the relative. E.V., 'abroad'.
- (10) Deut. XXV, 5.
- (11) I.e., the one who is not otherwise related to the levir.
- (12) Related to the levir.
- (13) But only unto her husband's brother (Deut. XXV, 5), which shews that a rival is permitted to the other brothers.
- (14) Who prohibit the rival to the brothers, how do they explain this text?
- (15) Before halizah had been performed.
- (16) Lit., 'she shall not be', **לא תהיה** (rt. **היה**).
- (17) Cf. E.V. for **החוצה**, supra note 3.
- (18) Deut. XXV, 5.
- (19) Lit., 'a stranger shall have no being (**הויה** of the root **היה**) in her'.
- (20) **לחויץ**, lit., 'to the outside'.
- (21) **החוצה**, v. supra note 3.
- (22) **חוצה**.
- (23) To indicate direction.
- (24) The he being the he local.
- (25) Lit., 'he recited' or 'taught'.
- (26) 'To **אילם** appears as **אילמה** (Ex. XV, 27) instead of **לאילם**.
- (27) 'To **מחנים**' appears as **מחמימה** (II Sam. XVII, 24) instead of **למחמים**.
- (28) 'To **מצרים**', **מצרימה**, Gen. XII, 10.
- (29) 'To **דבלימה**, **דבלימה** (Num. XXXIII, 47).
- (30) 'To **ירושלים**' (Jerusalem) **ירושלימה** (Ezek. VIII, 3).
- (31) 'To **מדבר** (wilderness or place-name) **מדברב** (I Chron. V, 9).
- (32) Deut. XXV, 5.
- (33) To the deceased brother. Such a widow also is subject to the levirate marriage as if she had been actually married. 'Huzah' implies (cf. supra p. 68, n. 3) 'outside', i.e., one who is not within the marriage bond.
- (34) The addition of the 'he' in **החוצה** where **חוצה** would have conveyed the same meaning implies the inclusion of the betrothed. (V. n. 6.)
- (35) V. p. 68, n. 2, supra.
- (36) That, e.g., of marrying a brother's wife.
- (37) That of marrying a forbidden relative (e.g., a daughter). Since the latter prohibition takes no effect in such a case, the forbidden relative whom the levirate bond does not consequently affect may be regarded as non-existent, so far as her levirate obligations are concerned. Her rivals, therefore, come under the category of complete strangers and are consequently permitted to the brothers.
- (38) A sister of his brother's wife.
- (39) Which arose later.
- (40) As legally the widow is only 'his brother's wife' but not 'his wife's sister', her rivals may justly be regarded as strangers who are permitted.
- (41) And his wife's sister has in consequence become forbidden to him.
- (42) When the prohibition of a brother's wife arose.

- (43) And consequently had taken effect; why then are her rivals permitted? This objection is based on the assumption that Raba, in stating the prohibition of marrying a forbidden relative cannot take effect owing to the prohibition of 'brother's wife', was referring only to such prohibitions as are due to a marriage contract, e.g., a wife's sister.
- (44) Lit., 'in the place'.
- (45) V. supra p. 69, n. 10.
- (46) What need then was there for stating it.
- (47) Of forbidden relatives.
- (48) And being subject to halizah, even though on account of a Rabbinical ordinance only, it might have been assumed that they are ineligible for marriage with a priest. (Cf. supra p. 67, n. 9.)
- (49) Indicating that the rivals in such a case are not even Rabbinically subject to the halizah.
- (50) For the reason given supra. V. previous note.
- (51) Halizah and marriage usually being the only alternatives.
- (52) **מגילה** 'scroll', always signifies in Rabbinical literature the Scroll of Esther, unless the context explicitly or implicitly points to any other scroll.
- (53) According to whether the readers live in a village, a town, or a town that had been walled in the days of Joshua, and according to the day of the week on which the feast of Purim occurs.
- (54) Than the eleventh.
- (55) Than the fifteenth. Meg. 2a.
- (56) **לא תתגודדו** (Deut. XIV, 1), rendered by E.V. Ye shall not cut yourselves, is here taken as a form of the root **אגד**, 'to bind', implying the formation of separate groups, sects, factions.
- (57) Why, then, was the Scroll allowed to be read on different days by different classes of people?
- (58) Cf. supra n. 13 for the rendering of E.V.
- (59) Which would have implied the prohibition of cutting or bruising the body. (V. p. 70, n. 13.)
- (60) The longer form, the Hithpael.
- (61) Lit., 'for this it came', to imply both 'cutting the body for the dead', and 'the formation of sects'.
- (62) The formation of sects.
- (63) Which would have been understood to refer to the undesirable formation of sects.
- (64) It has thus been shewn that the formation of sects is undesirable; why then was it allowed to form separate groups to read the Scroll of Esther on different dates?
- (65) Or 'You should have replied' (Rashi).
- (66) Which shews that, despite the undesirability of forming separate groups, different customs are allowed.
- (67) Esth. IX, 31, emphasis on 'appointed times', **בזמניהם**.
- (68) I.e., a group who were ordained to read the Scroll on a particular date must not read it on any other date.
- (69) Manual labour on the Passover Eve is universally permitted, and its prohibition in certain places is not a matter of law but merely a question of custom.
- (70) In the case of work on the Passover Eve. (Both the day and the night preceding the Passover are designated **ערב פסח** Passover Eve).
- (71) Preceding the first Passover night.
- (72) Which shews, since some would be acting in accordance with the ruling of Beth Shammai while others would follow Beth Hillel, that even in the case of a prohibition the formation of sects is allowed.
- (73) Lit., 'there', where some people do no work though permitted.
- (74) The question of sects does not arise in such a case.
- (75) A dispute which creates faction, some following the ruling of the one authority and others that of the other.

Talmud - Mas. Yevamoth 14a

— Do you imagine that Beth Shammai acted in accordance with their views? Beth Shammai did not act in accordance with their views.

R. Johanan, however, said: They certainly acted [in accordance with their views]. Herein they¹ differ on the same point as do Rab and Samuel. For Rab maintains that Beth Shammai did not act in accordance with their views, while Samuel maintains that they certainly did act [in accordance with

their views]. When?² If it be suggested, prior to the decision of the heavenly voice,³ then what reason has he who maintains that they did not act [in accordance with their own view]? If, however, after the decision of the heavenly voice, what reason has he who maintains that they did act [in accordance with their views]? — If you wish I could say, prior to the decision of the heavenly voice; and if you prefer I could say, after the heavenly voice. ‘If you wish I could say, prior to the heavenly voice’, when, for instance, Beth Hillel were in the majority: One maintains⁴ that they⁵ did not act [according to their view] for the obvious reason that Beth Hillel were in the majority; while the other maintains⁶ that they did act [according to their view, because] a majority is to be followed only where both sides are equally matched;⁷ in this case, however, Beth Shammai were keener of intellect. ‘And if you prefer I could say, after the heavenly voice’; one maintains that they⁵ did not act [according to their view] for the obvious reason that the heavenly voice had already gone forth;⁸ while the other who maintains that they did act [according to their view] is [of the same opinion as] R. Joshua who declared that no regard need be paid to a heavenly voice.⁹

Now as to the other who ‘maintains that they did act [according to their views]’¹⁰ — should not the warning, ‘Lo tithgodedu, you shall not form separate sects’¹¹ be applied? — Abaye replied: The warning against opposing sects is only applicable to such a case as that of two courts of law in the same town, one of whom rules in accordance with the views of Beth Shammai while the other rules in accordance with the views of Beth Hillel. In the case, however, of two courts of law in two different towns [the difference in practice] does not matter. Said Raba to him: Surely the case of Beth Shammai and Beth Hillel is like that of two courts of law in the same town! The fact, however, is, said Raba, that the warning against opposing sects is only applicable to such a case as that of one court of law in the same town, half of which rule in accordance with the views of Beth Shammai while the other half rule in accordance with the views of Beth Hillel. In the case, however, of two courts of law in the same town [the difference in practice] does not matter.

Come and hear: In the place of R. Eliezer, wood was cut on the Sabbath wherewith to produce charcoal on which to forge the iron.¹² In the place of R. Jose the Galilean the flesh of fowl was eaten with milk.¹³ In the place of R. Eliezer only¹⁴ but not in the place of R. Akiba; for we learnt: R. Akiba laid it down as a general rule that any labour which may be performed on the Sabbath Eve¹⁵ does not supersede the Sabbath!¹⁶ — What an objection is this! The case, surely, is different [when the varied practices are respectively confined to] different localities. What then did he who raised this question imagine?¹⁷ — It might have been assumed that owing to the great restrictions of the Sabbath [different localities are regarded] as one place, hence it was necessary to teach us [that the law was not so].

Come and hear: R. Abbahu, whenever he happened to be in the place of R. Joshua b. Levi, carried¹⁸ a candle,¹⁹ but when he happened to be in the place of R. Johanan²⁰ he did not carry a candle!²¹ — What question is this! Has it not been said that the case is different [when the varied practices are respectively confined to] varied localities? — This is the question:²² How could R. Abbahu act in one place in one way and in another place in another way?²³ — R. Abbahu is of the same opinion as R. Joshua b. Levi,²⁴ but when he happened to be in R. Johanan's place he did not move a candle out of respect for R. Johanan. But his attendant,²⁵ surely was also there!²⁶ — He gave his attendant the necessary instructions.

Come and hear: **THOUGH THESE FORBADE WHAT THE OTHERS PERMITTED . . . BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM THE FAMILIES OF BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM THE FAMILIES OF BETH SHAMMAI.** Now, if it be said that they²⁷ did not act [in accordance with their own view] one can well understand why **THEY DID NOT REFRAIN [from intermarrying with one another].**²⁸ If, however, it be said that they²⁷ did act [in accordance with their own view], why did they not refrain? That Beth Shammai did not refrain from marrying

women from the families of Beth Hillel may well be justified because such²⁹ are the children of persons guilty only of the infringement of a negative precept;³⁰ but why did not Beth Hillel refrain from [marrying women from the families of] Beth Shammai? Such,³¹ surely, being children of persons who are guilty of an offence involving kareth, are bastards!³² And if it be suggested that Beth Hillel are of the opinion that the descendant of those who are guilty of an offence involving kareth is not a bastard,³³ surely, [it may be retorted], R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, they concede that a bastard is only he who is descended from a marriage which is forbidden as incest and punishable with kareth! Does not this then conclusively prove that they²⁷ did not act [in accordance with their own view]? — No; they²⁷ acted, indeed, [in accordance with their own view], but they²⁷ informed them³⁴ [of the existence of any such cases] and they³⁴ kept away.

This³⁵ may also be proved by logical inference; for in the final clause it was stated. [SIMILARLY IN RESPECT OF] ALL [THE QUESTIONS OF RITUAL] CLEANNESS AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.

(1) R. Johanan and R. Lakish.

(2) I.e., to what period does the dispute just mentioned refer?

(3) **בַּת קוֹל** (v. Glos. s.v. Bath Kol), which decided that the law in practice was always to be in accordance with the rulings of Beth Hillel (v. 'Er. 13a).

(4) Lit., 'according to him who said'.

(5) Beth Shammai.

(6) Lit., 'and he who said'.

(7) In qualifications and attainments.

(8) And decided the issue in favour of Beth Hillel.

(9) B.M. 59b, Ber. 52a, 'Er. 7a, Pes. 114a.

(10) Even after the heavenly voice.

(11) Cf. supra p. 70, n. 13.

(12) The knife required for the performance of circumcision. The circumcision of a child, his health permitting, must take place on the eighth day of his birth (v. Gen. XVII, 12) even though it happened to fall on a Sabbath when manual labour is prohibited. And since the precept itself supersedes the Sabbath, all its requisites such as the wood and coals (for the preparation of warm water) and the knife may also be performed on the Sabbath.

(13) Though it is forbidden to eat meat, or any dishes made of meat, together with milk or any preparation of milk. R. Jose exempts the flesh of fowl from the general prohibition of the consumption of meat and milk. Shab. 130a, Hul. 116a.

(14) Lit., 'yes'; only there was the preparation of the requisites of circumcision permitted on the Sabbath.

(15) Such as the cutting of wood, the production of coals and the forging of the knife.

(16) Now, in view of the undesirability of creating different sects, why were all these varied practices allowed?

(17) It should have been obvious to him that different localities may differ in their custom. (Cf. supra p. 53, n. 11.)

(18) Lit., 'moved'.

(19) On the Sabbath. A candle, though it was burning when Sabbath set in may, according to R. Joshua who follows R. Simeon in permitting mukzeh (v. next note), be moved on the Sabbath after the flame has gone out.

(20) R. Johanan, following R. Judah, forbids the carrying or moving of a candle that had been burning when the Sabbath set in though it had subsequently gone out. As it was burning at the commencement of the Sabbath it was at that time fit for no other use and is regarded, therefore, as mukzeh, i.e., 'something set aside', that is not to be used for any other purpose. Anything that was mukzeh when the Sabbath began remains so until it ends.

(21) Is not the practice of carrying a candle in one place and not carrying it in another as undesirable as the formation of opposing sects?

(22) Lit., 'we say thus'.

(23) Lit., 'how did he do here thus' (bis).

(24) V. supra note 3.

- (25) Who well knew that his master was of the same opinion as R. Joshua b. Levi. The **שמעיה** was in many cases both an attendant on the master and also one of his learned disciples.
- (26) And might move such a candle on the Sabbath even in R. Johanan's place.
- (27) Beth Shammai.
- (28) Since, in practice, both schools followed the same principles.
- (29) The descendants from the marriages with strangers contracted by the rivals who, in accordance with the ruling of Beth Hillel, performed no halizah.
- (30) Even Beth Shammai who require the rivals to perform the halizah regard such marriages as the infringement of a prohibition only ('The wife of the dead shall not be married abroad', Deut. XXV, 5), which does not involve kareth. The children of such marriages are consequently not deemed to be bastards.
- (31) Descendants from marriages between rivals and brothers-in-law. Such marriages, which are permitted by Beth Shammai, are regarded by Beth Hillel as forbidden under the prohibition of marrying one's brother's wife, which involves the penalty of kareth.
- (32) How, then, did they intermarry with families containing such members?
- (33) A bastard being the descendant only of such marriages as are subject to one of the capital punishments that are carried out under the jurisdiction of a court.
- (34) Beth Hillel.
- (35) That Beth Shammai duly informed Beth Hillel of any families contracting marriages which according to the ruling of the latter were forbidden.

Talmud - Mas. Yevamoth 14b

Now, if it be agreed that the required information was supplied¹ one well understands why they² did not abstain.³ If, however, it be assumed that no such information was supplied, one can still understand why Beth Shammai did not abstain from using the utensils of Beth Hillel, since that which was regarded by Beth Hillel as ritually unclean was deemed by Beth Shammai to be ritually clean; but why did not Beth Hillel abstain from using the utensils of Beth Shammai when that which was deemed clean by Beth Shammai was regarded as unclean by Beth Hillel? Must it not, then, be concluded that they supplied them with the required information! Our point is thus proved.

In what respect is the one⁴ more conclusive proof⁵ than the other?⁶ — It might have been thought that the case of a rival⁷ receives due publicity,⁸ hence it was necessary [for the inference from the final clause] to be cited.

[Reverting to] the previous text, 'R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the question of rivals they concede that a bastard is only he who is descended from a marriage forbidden as incest and punishable by kareth'. Who concedes? If it be said, Beth Shammai to Beth Hillel;⁹ this, surely, is obvious, since the children of those who are guilty of the infringement of a negative precept¹⁰ are deemed legitimate.¹¹ Must it not consequently be the case that Beth Hillel conceded to Beth Shammai;¹² but this very case is subject to the penalty of kareth! — The fact is that Beth Shammai conceded to Beth Hillel; and the purpose was to exclude the opinion of R. Akiba, who maintains that a descendant from persons guilty of the infringement of a negative precept is deemed a bastard.¹³ Hence it was taught¹⁴ that a descendant from persons guilty of the infringement of a negative precept is not deemed a bastard.

Come and hear: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, sisters,¹⁵ an old bill of divorce,¹⁶ a doubtfully married woman,¹⁷ a woman whom her husband had divorced¹⁸ and who stayed with him over the night in an inn,¹⁹ money, valuables, a perutah and the value of a perutah,²⁰ Beth Shammai did not, nevertheless, abstain from marrying women of the families of Beth Hillel, nor did Beth Hillel refrain from marrying those of Beth Shammai. This is to teach you that they shewed love and friendship towards one another, thus putting into practice the Scriptural text, Love ye truth and peace.²¹ R. Simeon said: They abstained [from marrying] in cases

of certainty but did not abstain in doubtful cases.²² Now, if you agree that they²³ acted [in accordance with their own views] one can well understand why they abstained. If, however, you assume that they did not so act, why did they abstain? — And how do you understand this? Even if it be granted that they did act (in accordance with their own views), one can only understand why Beth Hillel abstained from intermarrying with Beth Shammai, because the latter, in the opinion of Beth Hillel, were guilty of offences involving kareth and their descendants were consequently bastards; as to Beth Shammai, however, why did they abstain from intermarrying with Beth Hillel, when they were [even in the opinion of Beth Shammai] only guilty of the infringement of a negative precept and [their descendants] were consequently legitimate? — As R. Nahman said elsewhere that the statement was required only for the case of the rival herself, so here also the Statement is required for the case of the rival herself.²⁴

Why is a doubtful case different from a case of a certainty? Obviously because it is forbidden. Is not a doubtful case also forbidden? — Do not read, 'from a doubtful case', but 'from a case unknown', since when they received the information they kept away.²⁵ And what does he teach us thereby? That they shewed love and friendship to one another? But this is exactly the same as the first clause!²⁶ — He teaches us this: That the entire Mishnah represents the views of R. Simeon.

Come and hear: R. Johanan b. Nuri said: 'How is this law²⁷ to be promulgated in Israel? Were we to act in accordance with the ruling of Beth Shammai,²⁸ the child would, in accordance with the ruling of Beth Hillel, be a bastard.²⁹ And were we to act in accordance with the ruling of Beth Hillel,³⁰ the child, according to the ruling of Beth Shammai, would be tainted;³¹ come, then, and let us issue an ordinance that the rivals

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- (1) By Beth Shammai.
 - (2) Beth Hillel, who were the more rigorous in matters of ritual cleanness.
 - (3) From using the utensils of Beth Shammai. The fact that any vessel was not clean according to Beth Hillel would have been, they knew, duly communicated to them.
 - (4) The inference from the final clause of our Mishnah relating to ritual cleanness and uncleanness.
 - (5) That the required information was supplied.
 - (6) The first clause dealing with the marriages of rivals.
 - (7) Who married one of the brothers.
 - (8) And no special report on such a case is needed.
 - (9) Where a rival married a stranger without previously performing the halizah (v. our Mishnah).
 - (10) V. supra p. 75, n. 4.
 - (11) And the question of legitimacy does not at all arise in the dispute.
 - (12) In respect of a rival who married one of the brothers.
 - (13) Infra 49a.
 - (14) In our Mishnah.
 - (15) Who married their brothers; infra 26a.
 - (16) Git. 79b.
 - (17) I.e., where the validity of her marriage is in doubt. V. infra 107a.
 - (18) Lit., 'and about him who divorced his wife'.
 - (19) Git. 81a.
 - (20) The last four deal with the question of what constitutes legal betrothal. Kid. 2a and 11a.
 - (21) Zech. VIII, 19.
 - (22) Tosef. Yeb. I.
 - (23) Beth Shammai.
 - (24) Whom Beth Shammai abstained from marrying before she performed the halizah.
 - (25) So long, therefore, as no report had been received the unknown case was assumed to belong to the pure families.
 - (26) Why then should there be a repetition of the same thing?
 - (27) Relating to the marriages of rivals.

(28) Who permit the rivals to marry the brothers.

(29) Having been born from a forbidden marriage (that of a brother's wife) which involves kareth.

(30) Permitting rivals to marry strangers without previous halizah.

(31) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.

Talmud - Mas. Yevamoth 15a

perform the halizah¹ but do not marry any of the brothers'.² They had hardly time to conclude the matter before confusion set in. Said R. Simeon b. Gamaliel to them, 'What now could we do with previous rivals'!³ Now, if you assume that they⁴ acted [in accordance with their own rulings] one can understand why he said, 'What shall we do'.⁵ If, however, you assume that they did not so act, what is the meaning of 'What shall we do'?⁶ — R. Nahman b. Isaac replied: This⁷ was required only in the case of the rival herself;⁸ and this is the meaning of the objection 'what shall we do': 'How shall we, according to Beth Shammai, proceed with those rivals [who married⁹ in accordance with the rulings] of Beth Hillel? Should they be asked to perform the halizah, they would become despised by their husbands; and should you say, "Let them be despised", [it could be retorted]. Her ways are ways of pleasantness and all her paths are peace'.¹⁰

Come and hear: R. Tarfon¹¹ said: Would that the rival of [my] daughter¹² were to fall to my lot¹³ so that I could marry her!¹⁴ — Read, 'that I could make her marry [another]'.¹⁵ But he said, 'Would'!¹⁶ — It¹⁷ implies objection to the ordinance¹⁸ of R. Johanan b. Nuri.¹⁹

Come and hear: It happened that R. Gamaliel's daughter was married to his brother Abba who died without issue, and that R. Gamaliel married her rival!²⁰ — But how do you understand this? Was R. Gamaliel²¹ one of the disciples of Beth Shammai!²² But [this is the explanation]: R. Gamaliel's daughter was different because she was incapable of procreation.²³ Since, however, it was stated in the final clause, 'Others say that R. Gamaliel's daughter was incapable of procreation' it may be inferred that the first Tanna is of the opinion that she was not incapable of procreation! — The difference between them²⁴ is the question whether he²⁵ knew her²⁶ defect²⁷ or not.²⁸ And if you wish I might say that the difference between them²⁴ is the case where he²⁵ married [the rival] first and subsequently divorced [his wife].²⁹ And if you wish I might say that the difference between them²⁴ is whether a stipulation³⁰ in the case of matrimonial intercourse is valid.³¹

R. Mesharsheya raised an objection: It once happened that R. Akiba gathered the fruit of an ethrog³² on the first of Shebat³³ and subjected it to two tithes,³⁴ one³⁵ in accordance with the ruling of Beth Shammai³⁶ and the other³⁷ in accordance with the ruling of Beth Hillel.³⁸ This proves that they³⁹ did act [in accordance with their rulings!] — R. Akiba was uncertain of his tradition, not knowing whether Beth Hillel said the first of Shebat⁴⁰ or the fifteenth of Shebat.⁴⁰

Mar Zutra raised an objection: It once happened that Shammai the Elder's daughter-in-law was confined with child⁴¹ and he⁴² broke an opening through the concrete of the ceiling and covered it above the bed with the proper festival roofing⁴³ for the sake of the child.⁴⁴ Does not this prove that they³⁹ did act [in accordance with their rulings]?⁴⁵ — In that case, any onlooker might assume that it was done in order to increase the ventilation.⁴⁶

Mar Zutra raised an objection: It once happened with Jehu's Trough in Jerusalem, which was connected by means of a hole with a ritual bathing pool,⁴⁷ and in which⁴⁸ all ritual cleansing in Jerusalem was performed, that Beth Shammai sent and had the hole widened; for Beth Shammai maintain that the greater part [of the intervening wall] must be broken through.⁴⁹ But we have also learned that the combination of bathing pools⁵⁰ may be effected by a connecting tube of the size of the mouth-piece of a leather bottle in diameter and circumference,⁵¹ viz., a tube in which two fingers may conveniently be turned round.⁵² Does not this prove that they⁵³ did act [in accordance with their

rulings]?⁵⁴ — There

- (1) So that any stranger might be permitted to marry them, even according to Beth Shammai.
- (2) And thus prevent their children from being branded bastards according to Beth Hillel. (V. supra note 6).
- (3) Tosef. Yeb, I; the rivals who, relying on Beth Shammai, married brothers-in-law, prior to the ordinance, whose children would, were the ordinance of R. Johanan b. Nuri to be accepted, become bastard.
- (4) Beth Shammai.
- (5) Since some may have married brothers-in-law. V. supra n. 1.
- (6) No such marriage could possibly have taken place.
- (7) R. Simeon b. Gamaliel's precaution.
- (8) Who may have married a stranger without previous halizah, in accordance with the ruling of Beth Hillel. It has no reference at all to the children, who would not be regarded bastards even according to Beth Shammai.
- (9) Strangers, previously performing the halizah.
- (10) Prov. III, 17. The ways of the law must lead to no unpleasantness for the innocent.
- (11) A disciple of Beth Shammai.
- (12) Who was married to a brother of his.
- (13) As levir.
- (14) Which shews that Beth Shammai acted in accordance with their ruling that the rival of a forbidden relative is permitted to the brothers.
- (15) Which is, of course, permitted according to Beth Hillel. The Heb. אֲשַׁנְנָהּ 'I will marry her' (verb. neut. Kal) may be easily mistaken for אֲשַׁנְנֶהּ 'I will cause her to marry another' (verb. act. Hif.).
- (16) Which implies a desire to shew something novel. Marrying a stranger, in accordance with the ruling of Beth Hillel, is the usual practice.
- (17) The expression 'would'.
- (18) Lit., 'to bring out', 'to exclude (the view)'.
- (19) Who desired to institute for rivals halizah to enable them to marry strangers, though prohibiting their marriage with the brothers
- (20) Thus acting in accordance with the ruling of Beth Shammai. (V. p. 79, n. 12.)
- (21) A descendant of the house of Hillel.
- (22) Obviously not. How, then, could it be assumed that he acted in accordance with a ruling of Beth Shammai?
- (23) And the rival of such a woman is permitted to the brothers. V. Mishnah supra 2b.
- (24) The 'Others' and the first Tanna.
- (25) The husband, R. Gamaliel's brother.
- (26) R. Gamaliel's daughter's.
- (27) At the time of their marriage.
- (28) V. supra 12a. According to the first Tanna, the rival of R. Gamaliel's daughter was permitted only because her husband was unaware of her defect, and their marriage consequently took place under a misconception. Such a marriage being invalid, R. Gamaliel's daughter was not a legal wife, and her rival consequently was a mere stranger to her father. According to the 'Others', who use the expression 'was incapable' and not 'was discovered to be incapable', the rival was permitted to R. Gamaliel irrespective of whether his daughter's defect had or had not been known, to her husband.
- (29) V. supra 13a. Such as was the case with R. Gamaliel's daughter. The first Tanna is of the opinion that the rival was permitted to R. Gamaliel because at the time his brother died she was no more his daughter's rival. The 'Others', however, maintain that so long as the two were rivals for any length of time (in this case, between the time of the marriage with the rival and the divorce of R. Gamaliel's daughter) they remain legally as rivals for all time, and the only reason why R. Gamaliel was allowed to marry the rival of his daughter was because his daughter had the defect of being incapable of procreation, and the rival of such a woman is permitted to the brothers. V. supra 2b.
- (30) That the woman, e.g., suffers from no illness or that she is not afflicted with any infirmity.
- (31) Such a stipulation was made by the husband in the case of R. Gamaliel's daughter. The first Tanna is of the opinion that the stipulation is valid, and since an infirmity was subsequently discovered, the marriage is null and void and the rival as a mere stranger is consequently permitted. The 'Others', however, regard a stipulation in connection with marital intercourse as invalid. R. Gamaliel's marriage with the rival was consequently permitted only because his daughter was incapable of procreation.

(32) V. Glos.

(33) The eleventh month in the Hebrew calendar, the first day of which is regarded by Beth Shammai as the New Year for trees. The period of the gathering was about the end of the second year of the septennial cycle and the beginning of the third.

(34) The 'second tithe' which is due in the second year of the septennial cycle, and the 'tithe for the poor' which is due in the third year of the cycle.

(35) The 'tithe for the poor'.

(36) According to whom, the first of Shebat being regarded as the beginning of the New Year for trees, the third year of the cycle had already begun, and the tithe due is, therefore, that of the poor.

(37) The 'second tithe'.

(38) Who, maintaining that the new year for trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due. 'Er. 7a, R.H. 14a.

(39) Beth Shammai.

(40) Was the new year. Cf. supra nn. 5-7.

(41) During the Festival of Tabernacles when it is obligatory upon all males to dwell in booths (Lev. XXIII, 42), the roof of which must consist of branches or leaves or any similar material which grows from the ground (v. Suk. 2aff).

(42) Shammai.

(43) V. supra n. 10.

(44) Who was a male and, in the opinion of Beth Shammai, a male child, though still dependent on his mother, is like any male adult subject to the obligation of dwelling in a booth during the festival. Suk. 28a.

(45) Since according to Beth Hillel the child, being dependent upon his mother, is exempt from the obligation.

(46) The action, therefore, did not in any way demonstrate a disregard for the ruling of Beth Hillel.

(47) **מִקְוֵה** 'a gathering together', applied to a bath or pool containing forty se'ah of water, which is the prescribed minimum for a ritual bath.

(48) The trough, though containing less than the required minimum, was rendered ritually fit through fusion with the larger pool by means of the connecting hole.

(49) Mik. IV, 5.

(50) Which renders the smaller one, containing less than the prescribed minimum, ritually fit.

(51) Lit., 'like the tube of a leather bottle in its thickness and hollow space'.

(52) Hag. 21b, Mik. VI, 7; lit., 'as two fingers returning to their place'.

(53) Beth Shammai.

(54) Since the original tube, according to Beth Hillel, was quite sufficient, and they had nevertheless ordered its extension.

Talmud - Mas. Yevamoth 15b

the onlooker might assume that the extension was made in order to increase the volume of the water.¹

Come and hear: R. Eleazar b. Zadok said: When I was learning Torah with R. Johanan the Horonite² I noticed that in the years of dearth he used to eat dry bread with salt. I went home and related it to my father, who said to me, 'Take some olives to him'. When I brought these to him and he observed that they were moist³ he said to me, 'I eat no olives'.⁴ I again went out and communicated the matter to my father, who said to me, 'Go tell him that the jar was broached,⁵ only the lees had blocked up the breach';⁶ and we learned: A jar containing pickled olives, Beth Shammai said, need not be broached;⁷ but Beth Hillel say: It must be broached.⁸ They admit, however, that where it had been broached and the lees had blocked up the holes, it is clean.⁹ And though he¹⁰ was a disciple of Shammai, he always conformed in practice¹¹ to the rulings of Beth Hillel. Now, if it be conceded that they¹² did act in accordance with their own rulings, one can well understand why his¹⁰ action was worthy of note;¹³ if, however, it were to be contended that they did not so act, in what respect was his conduct noteworthy!¹⁴

Come and hear: R. Joshua was asked, 'What is the law in relation to the rival of one's daughter'? He answered them, 'It is a question in dispute between Beth Shammai and Beth Hillel'. — 'But [he was asked] in accordance with whose ruling is the established law'? 'Why should you,' he said to them, 'put my head between two great mountains, between two great groups of disputants, aye, between Beth Shammai and Beth Hillel? I fear they might crush my head! I may testify to you, however, concerning two great families who flourished in Jerusalem, namely, the family of Beth Zebo'im of Ben 'Akmai and the family of Ben Kuppai of Ben Mekoshesh,¹⁵ that they were descendants of rivals¹⁶ and yet some of them were High Priests who ministered upon the altar'. Now, if it be conceded that they¹⁷ acted [in accordance with their own rulings] it is quite intelligible why he said, 'I fear'.¹⁸ If, however, it be suggested that they¹⁷ did not so act, why did he say, 'I fear'?¹⁹ But even if it be granted that they did act [according to their rulings], what [cause had he for saying,] 'I fear'? Surely R. Joshua said that a bastard was only he who was a descendant of one of those who are subject to capital punishments which are within the jurisdiction of the Beth din!²⁰ — Granted that he²¹ was not a bastard, he is nevertheless tainted;²² as may be deduced by inference a *minori ad majus* from the case of the widow: If the son of a widow²³ who is not forbidden to all²⁴ is nevertheless tainted,²⁵ [how much more so the son of a rival]²⁶ who is forbidden to all.²⁷

They asked him concerning rivals and he answered them about the sons of the rivals! — They really asked him two questions: 'What is the law concerning the rivals? And if some ground could be found in their case in favour of the ruling of Beth Hillel, what is the law according to Beth Shammai in regard to the sons of the rivals, [who married]²⁸ in accordance with the ruling of Beth Hillel'?²⁹ What practical difference is there?³⁰ — That a solution may be found, according to Beth Hillel, for the question of the child³¹ of a man who remarried his divorced wife.³² Do we³³ apply the inference a *minori ad majus*, arguing thus: 'If the son of a widow who was married to a High Priest, who is not forbidden to all,³⁴ is nevertheless tainted,³⁵ how much more so the son of her³⁶ who is forbidden to all';³⁷ or is it possible to refute the argument, thus: 'The case of the widow is different because she herself is profaned'?³⁸ And he said to them, 'With reference to the rivals I am afraid.'³⁹

(1) V. note 2.

(2) [Cf. Hauran, mentioned in Ezek. XLVII, 18, south of Damascus, the Auranitis of the Graeco-Roman times.]

(3) Moisture renders fruit susceptible to Levitical uncleanness.

(4) He hesitated to eat them owing to the possibility (Rashi) or the certainty (Tosaf. a.l. s.v. אָמַר) that the earthen jar in which they were kept had been touched by an 'am ha-arez and, being moist, received the uncleanness imparted to them by the jar which, by Rabbinical enactment, had become unclean by the touch of the 'am ha-arez.

(5) Keeping olives in a broached container is clear evidence that the owner had no desire to retain the sap that exudes from the olives; and only liquids which are desired by the owner render the fruit susceptible to Levitical uncleanness.

(6) And thus the undesired 'moisture remained on the olives. As such moisture does not render the fruit susceptible to uncleanness (v. previous note) the olives may safely be eaten even by the scrupulous.

(7) Because in their opinion the moisture that exudes from the olives is regarded as a fruit juice which does not render food susceptible to Levitical uncleanness.

(8) The moisture is regarded by them as actual oil which does render food susceptible to uncleanness. Broaching is consequently necessary in order to indicate thereby that the owner had no desire to preserve the liquid.

(9) I.e., the liquid, having clearly been shewn to be unwanted, does not render the olives susceptible to Levitical uncleanness. 'Ed. IV, 6.

(10) R. Johanan the Horonite.

(11) Lit., 'all his deeds he only did'.

(12) Beth Shammai.

(13) Lit., 'that is his greatness'; i.e., his conduct was remarkable and worthy of note in that he acted according to the ruling of Beth Hillel despite the practice of his colleagues of acting in accordance with the rulings of their own School.

(14) Lit., 'what was his greatness'; he only acted on the same lines as the other disciples of Beth Shammai. Consequently it must be concluded that Beth Shammai did act in accordance with their own rulings.

(15) [A locality in Judaea; on the identification of the other names, v. Klein MGWJ 1910, 25ff, and 1917, 135ff and Buchler Priester, p. 186.]

(16) Who, in accordance with the ruling of Beth Hillel, married strangers without previously performing halizah with the levirs.

(17) Beth Shammai.

(18) As the rivals, acting on the ruling of Beth Shammai, might have married the brothers, their children who, according to Beth Hillel, would thus be descendants of marriages forbidden under the penalty of kareth, would be deemed to be bastards. These would certainly resent R. Joshua's declaration in favour of Beth Hillel, and his life would thus be in danger.

(19) No one could possibly resent his decision since no one would be adversely affected by it. Cf. supra p. 83, n. 10, final clause.

(20) Infra 49a. Now, even if he had decided in favour of Beth Hillel no one would have been degraded thereby to the level of a bastard. Why then was he afraid?

(21) A descendant from a marriage punishable by kareth.

(22) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.

(23) Born from her marriage with a High Priest.

(24) A widow is forbidden only to a High Priest. V. Lev. XXI, 14.

(25) V. note 8.

(26) Cur. edd., 'etc.'

(27) A rival is forbidden to Israelites as well as priests.

(28) Strangers without previous halizah with the levirs.

(29) Are the children of such marriages, which are forbidden by a negative precept, disqualified from the priesthood?

(30) Since the halachah is according to Beth Hillel.

(31) A daughter.

(32) After she had been married to another man. Such remarriage is also forbidden (v. supra note 2) by a negative precept (V. Deut. XXIV, 1-4.)

(33) In this case according to Beth Hillel, as in the case of a rival's son according to Beth Shammai; both cases coming under the prohibition of a negative precept.

(34) V. p. 84, n. 10.

(35) V. p. 84, n. 8.

(36) A rival.

(37) A rival is forbidden to Israelites as well as to priests.

(38) On the death of the High Priest to whom she was unlawfully married she may not marry any more even an ordinary priest, and as she was a priest's daughter she is henceforth forbidden to eat terumah. On a woman, however, who was remarried after divorce no new restrictions are imposed.

(39) V. supra p. 84, n. 4.

Talmud - Mas. Yevamoth 16a

as to the sons of the rivals¹ I may testify to you'.²

Come and hear: In the days of R. Dosa b. Harkinas the rival of a daughter was permitted to marry the brothers.³ From this it may be inferred that [Beth Shammai] acted [in accordance with their own rulings].⁴ This proves the point.

[To turn to] the main text. In the days of R. Dosa b. Harkinas, the rival of a daughter was permitted to marry the brothers. This ruling was very disturbing to the Sages, because he⁵ was a great scholar⁶ and his eyes were dim so that he was unable to come to the house of study.⁷ When a discussion took place as to who should go and communicate with him, R. Joshua said to them, 'I will go'. 'And who after him?' — 'R. Eleazar b. Azariah.' 'And who after him?' — 'R. Akiba'. They went and stood at the entrance of his house. His maid entered and told him, 'Master, the Sages of Israel are come to you'. 'Let them enter', he said to her; and they entered. Taking hold of R. Joshua

he made him sit upon a golden couch. The latter said to him, 'Master, will you ask your other disciple to sit down?' 'Who is he?' [the Master] enquired. — 'R. Eleazar b. Azariah'. 'Has our friend Azariah a son?' [the Master] exclaimed, and applied to him this Scriptural text, I have been young and now I am old; yet have I not seen the righteous forsaken, nor his seed begging bread;⁸ and so took hold of him also and made him sit upon a golden couch. 'Master', said he,⁹ 'will you ask your next disciple also to sit down?' 'And who is he?' [the Master] asked. — 'Akiba the son of Joseph'. 'You are,' [the Master] exclaimed, 'Akiba son of Joseph whose name is known from one end of the world to the other! Sit down, my son, sit down. May men like you multiply in Israel'. Thereupon they began to address to him all sorts of questions on legal practice¹⁰ until they reached that of the daughter's rival. 'What is the halachah', they asked him, 'in the case of a daughter's rival?' 'This,' he answered them, 'is a question in dispute between Beth Shammai and Beth Hillel.' 'In accordance with whose ruling is the halachah?' — 'The halachah,' he replied, is in accordance with the ruling of Beth Hillel'. 'But, indeed,' they said to him, 'it was stated in your name that the halachah is in accordance with the ruling of Beth Shammai!' He said to them: 'Did you hear, "Dosa"¹¹ or "the son of Harkinas?"'¹² — 'By the life of our Master,' they replied. 'We heard no son's name mentioned.'¹³ 'I have,' he said to them, 'a younger brother who is a dare-devil¹⁴ and his name is Jonathan and he is one of the disciples of Shammai.¹⁵ Take care that he does not overwhelm you on questions of established practice, because he has three hundred answers to prove that the daughter's rival is permitted. But I call heaven and earth to witness that upon this mortar¹⁶ sat the prophet Haggai¹⁷ and delivered the following three rulings: That a daughter's rival is forbidden, that in the lands of Ammon and Moab the tithe of the poor is to be given in the Seventh Year,¹⁸ and that proselytes may be accepted from the Cordyenians and the Tarmodites.'¹⁹

A Tanna taught: When they came²⁰ they entered through one door; when they went out they issued through three different doors.²¹ He came upon R. Akiba, submitted his objections to him and silenced him.²² 'Are you', he called out, 'Akiba whose name rings from one end of the world to the other? You are blessed indeed to have won fame while you have not yet attained the rank of oxherds.' 'Not even,' replied R. Akiba, 'that of shepherds.'

'In the lands of Ammon and Moab the tithe of the poor is given in the Seventh Year,' because a Master said: Those who came up from Egypt²³ had conquered many cities which those who came up from Babylon²⁴ did not conquer, and the first sanctification²³ was intended for that time only but not for the future.²⁵ Hence they were allowed [cultivation]²⁶ in order that the poor²⁷ might find their support there in the Seventh Year.²⁸

'And that proselytes may be accepted from the Cordyenians and the Tarmodites'. But [the law, surely,] is not so! For Rami b. Ezekiel learnt: No proselyte may be accepted from the Cordyenians. — R. Ashi replied: The statement was Kartuenians,²⁹ as people, in fact, speak of 'disqualified Kartuenians'.

Others say: Rami b. Ezekiel learnt, 'No proselytes are to be accepted from the Kartuenians'. Are not Kartuenians the same as Cordyenians? — R. Ashi replied: No; Kartuenians are a class by themselves, and Cordyenians are a class by themselves, as people, in fact, speak of 'disqualified Kartuenians'.³⁰

Both R. Johanan and Sabya maintain that no proselytes may be accepted from the Tarmodites. Did R. Johanan, however, say such a thing? Surely we learned: All blood stains [on women's garments] that come from Rekem³¹ are levitically clean,³² and R. Judah declares them unclean because [the people there] were proselytes though misguided,³³ [those that come] from the heathens³⁴ are levitically clean.³⁵ And the difficult point was raised

(1) Whether they are tainted or not.

- (2) V. supra 15b, which shews that they were not tainted, since they were permitted to occupy the highest office in the priesthood.
- (3) Of the father of that daughter.
- (4) Since the permission to marry was issued by a brother of R. Dosa (v. infra) who was a member of Beth Shammai.
- (5) R. Dosa, who was thought to be the author of the ruling.
- (6) And they did not venture to act against his decision without first consulting him.
- (7) And was thus unaware that the general opinion at the College was against the ruling.
- (8) Ps. XXXVII, 25.
- (9) R. Joshua.
- (10) Lit., 'surrounded him with halachoth'.
- (11) I.e., that Dosa permitted the rival.
- (12) Without the mention of the name of the son.
- (13) Lit., 'not specifically', 'undefined'.
- (14) **בכור שטן** lit., 'the first-born of Satan', first in obstinate dispute (Jast.); Satansjunge similar to Teufelskerl (Golds.); keen and obstinate (Rashi). Some suggest **בהור שונן** 'keen — witted youth'. R. Dosa appears to have been playing upon the rhyme of ah katan, bekor satan, and Jonathan.
- (15) And it must have been Jonathan who dared to issue a ruling in accordance with the views of his school against those of Beth Hillel.
- (16) **מדוכה** or mortar-shaped seat.
- (17) [That does not mean that he was a contemporary of Haggai the prophet, but that he had an incontrovertible tradition on the matter, Me'iri.]
- (18) Of the septennial cycle. The countries of Ammon and Moab, though conquered by Moses and included in the boundary of the Land of Israel, were in the days of the Second Temple excluded. The laws of the Seventh or Sabbatical year, which apply to the Land of Israel, were consequently inapplicable to the lands of Ammon and Moab. Any Jews living in those countries, it was ordained by the Rabbis, were to be allowed to cultivate their fields in this year, but besides the 'first tithe' which is due in all other years, they were to give the tithe of the poor also.
- (19) Despite the opinion of some Rabbis that they were to be regarded as bastards. Cordyene or Kardu was in Babylon; Tarmod or Tadmor, (Palmyra) lay in an oasis of the desert of Syria. [According to Obermeyer (p. 133) the question as to the legitimacy of the offering of the Kardu was on account of the possible intermarriage of the non-Jewish inhabitants with the Jewish converts, won over to Christianity by the Christian missions from Edessa in the first century.]
- (20) To interview R. Dosa.
- (21) Either in order not to attract Jonathan's attention, or, on the contrary, in the hope that one of them at least might meet him.
- (22) Lit., 'and made him stand'.
- (23) In the days of Joshua.
- (24) In the days of Ezra.
- (25) Hag. 3b.
- (26) In the Sabbatical year.
- (27) Of the Land of Israel where no cultivation was permitted and where consequently no poor-tithe was given in that year.
- (28) By obtaining employment in the fields or by receiving the tithes and the other gifts of the poor.
- (29) Mountaineers of Media. The Gr. ** natives of Karta are mentioned by Polybius and Strabo.
- (30) The Cordyenians, however, are not tainted.
- (31) Place on the borders of Palestine. Perhaps Petra or the Biblical Sela in Edom, v. Git., Sonc. ed. p. 1, n. 2.
- (32) Only the menstrual blood of the daughters of Israel is levitically unclean; and no pure Israelites lived at Rekem.
- (33) Though they no longer observed the religious laws of Judaism they were once proselytes and as such their menstrual blood is levitically unclean as is the case with that of Israelites.
- (34) I.e., from localities where no Israelites live.
- (35) Nid. 56b, Bek. 38b.

Talmud - Mas. Yevamoth 16b

that having stated categorically,¹ '[those that came] from the heathens' [he must also imply,] 'even those from Tarmod'² And R. Johanan replied: This proves that proselytes may be accepted from Tarmod.³ And if it be replied [that R. Johanan only said], 'This',⁴ but he himself does not hold this view,⁵ surely R. Johanan said, 'The halachah is in accordance with an anonymous Mishnah'⁶ — It is a question in dispute between Amoraim as to what was actually the view of R. Johanan.

Why are no [proselytes to be accepted] from Tarmod? — R. Johanan and Sabya give different reasons. One says, 'On account of the slaves of Solomon,'⁷ and the other says, 'On account of the daughters of Jerusalem.'⁸

According to him who Says. 'On account of the slaves of Solomon,' the reason is quite intelligible, because he may hold the opinion that the child of a heathen or a slave who had intercourse with a daughter in Israel is a bastard. According to him, however, who said, 'On account of the daughters of Jerusalem', what is the reason? — R. Joseph and the Rabbis dispute the point, and both of them in the name of Rabbah b. Bar Hana. One maintains that [the number was] twelve thousand [foot]men and six thousand archers, and the other maintains that there were twelve thousand men and, of these, six hundred archers. At the time when the heathens entered the Temple, everyone made for the gold and the silver, but they made for the daughters of Jerusalem; as it is said in the Scriptures. They have ravished the women in Zion, the maidens in the cities of Judah.⁹

R. Samuel b. Nahmani said in the name of R. Jonathan: The following verse was uttered by the Genius of the Universe:¹⁰ I have been young and now I am old¹¹ For who else could have said it! If the Holy One, blessed be He, be suggested, is there any old age in his case? Then David must have said it? But was he so old? Consequently it must be concluded that the Genius of the Universe had said it.

R. Samuel b. Nahmani further said in the name of R. Jonathan: What is [the meaning of] the Scriptural text,¹² The adversary hath spread out his hand upon all her treasures?¹³ — This [refers to] Ammon and Moab. At the time when the heathens entered the Temple all made for gold and silver, but they turned to the Scroll of the Law, saying, 'That in which it is written, An Ammonite or a Moabite shall not enter into the assembly of the Lord,¹⁴ shall be burned with fire.'

The Lord hath commanded concerning Jacob that they that are round about him should be his adversaries.¹⁵ Rab said: As, for instance, Humania towards Pum Nahara.¹⁶

Rab Judah said in the name of R. Assi: If at the present time a heathen betroths [a daughter in Israel], note must be taken of such betrothal since it may be that he is of the ten tribes.¹⁷ But, surely, anything separated [from a heterogeneous group] is re garded as having been separated from the majority!¹⁸ — [R. Assi's statement refers] to places where they have settled;¹⁹ for R. Abba b. Kahana said: And he put them in Halah and in Habor, on the river of Gozan, and the cities of the Medes;²⁰ Halah is Halwan,²¹ and Habor

(1) Lit., 'he decides and teaches'.

(2) But can that be so in view of the doubtful character of the admixture of Jewish stock of its inhabitants?

(3) Nid. 56b. I.e., they are not regarded as an admixture of Jewish stock and tainted from birth and disqualified. How then could it be said supra that R. Johanan maintains that proselytes may not be accepted from the Tarmodites?

(4) 'This proves etc.' supra.

(5) I.e., he disagrees with the Mishnah.

(6) Which, as has been shewn, implies that proselytes may be accepted from Tarmod.

(7) Who married Jewish women.

(8) This is explained immediately.

(9) Lam. V, 11.

- (10) Or 'Prince of the world'; identified by some writers with Metatron 'whose name is similar to that of his master'; v. Sanh., Sonc. ed. p. 245, nn. 11 and 12 and cf. op. cit. p. 246, n. 6. V. also 'A.Z., Sonc. ed. p. 10, n. 6.
- (11) Ps. XXXVII, 25, referred to by R. Dosa supra 16a.
- (12) Lit., 'what of that which was written?'
- (13) Lam. I, 10.
- (14) Deut. XXIII, 4.
- (15) Lam. I, 17.
- (16) Both were localities in Babylon. The former, inhabited by Greeks, was a constant source of annoyance to the latter the inhabitants of which were poor Israelites. Humania was below the city of Ctesifon and near it was Pum Nahara.
- (17) Whom Shalmaneser had carried away into captivity (II Kings XVIII, 11) where they intermarried with the heathens. Children born from such marriages are bastards, and R. Assi holds that a bastard's betrothal is valid.
- (18) I.e., if it is not known to which group or class a person or object that comes from a mixed multitude belongs, it is always assumed that the unit came from the majority. Now, since the ten tribes represent only a minority of the heathens, it should be assumed that the betrothal was not made by one of the ten tribes but by a heathen.
- (19) And formed a majority of the inhabitants (Tosaf. s.v. **בדוכתא** a.l.). Rashi: A group which is in a settled condition, (kabu'a, v. Keth. 15a and Glos.), though it is a minority, is deemed to represent a half of the whole multitude.
- (20) II Kings XVIII, 11.
- (21) So Kid. 72b. Cur. edd., **הלנין**. Halwan is a locality in Assyria. V. Kid., Sonc. ed. p. 367, n. 4.

Talmud - Mas. Yevamoth 17a

is Hadyab,¹ the river Gozan is Ginzak,² and the cities of the Medes are Hamdan³ and its neighbouring towns; others say, Nihar⁴ and its neighbouring towns. Which are its neighbouring towns? — Samuel replied: Karak,⁵ Moshki,⁶ Hidki⁷ and Dumkia.⁸ R. Johanan said: All these⁹ [were enumerated] in order to declare them as being unfit.¹⁰ When, however, I¹¹ mentioned the matter¹² in the presence of Samuel he said to me: Thy son,¹³ implies that he who is descended from an Israelitish woman may be called thy son, but thy son who is descended from a heathen woman is not called thy son but her son.¹⁴ But, surely, there were also daughters,¹⁵ and Rabina had said, 'From this it may be inferred that thy daughter's son born from [a union with] a heathen is called thy son'!¹⁶ — There is a tradition that the women of that generation were sterilized.¹⁷

Others read: When I mentioned the matter¹⁸ in the presence of Samuel he said to me, 'They did not move from there until they had declared them¹⁹ to be perfect heathens; as it is said in the Scriptures, They have dealt treacherously against the Lord, for they have begotten strange children.'²⁰

R. Joseph sat behind R. Kahana while R. Kahana sat before Rab Judah, and while sitting he made the following statement: 'Israel will make a festival when Tarmod will have been destroyed'.²¹ But, surely, it was destroyed! — That²² was Tammod.²³

R. Ashi said: Tarmod and Tammod are identical, but the city was rebuilt;²⁴ when it was destroyed on one side it was settled on the other side, and when the other side was destroyed it was settled on the first side.²⁵

R. Hammuna sat before 'Ulla and was engaged in discussing a traditional law when the latter remarked,²⁶ 'What a man! And how much more important would he have been²⁷ had not Harpania²⁸ been his [native] town'! As the other was embarrassed, he said to him, 'Where do you pay poll tax'? — 'To Pum Nahara', the other replied. 'If so', 'Ulla said, 'You belong to Pum Nahara'. What [is the meaning of] Harpania? — R. Zera replied: A mountain whither everybody²⁹ turns.³⁰ In a Baraitha it was taught: Whosoever did not know his family and his tribe³¹ made his way thither. Raba said: And it was deeper than the nether-world,³² for in the Scripture it is said, I shall ransom them from the power of the nether-world; I shall redeem them from death,³³ but for the unfitness of these there is no remedy at all; the unfit of Harpania on account of the unfit of Meshan,³⁴ and the unfit of Meshan on account of the unfit of Tarmod,³⁵ and the unfit of Tarmod on account of the slaves of Solomon.³⁶ Thus it is that people say, 'The small kab and the big kab³⁷ roll down to the nether-world, from the netherworld to Tarmod,³⁸ from Tarmod to Meshan, and from Meshan to Harpania.'³⁹

CHAPTER II

MISHNAH. HOW [IS THE EXEMPTION OF HER RIVAL BY] THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY⁴⁰ [TO BE UNDERSTOOD]?- IF THERE WERE TWO BROTHERS ONE OF WHOM DIED, AND AFTER A THIRD⁴¹ BROTHER WAS BORN⁴² THE SECOND⁴³ TOOK IN LEVIRATE MARRIAGE HIS DECEASED BROTHERS WIFE AND THEN DIED HIMSELF, THE FIRST WOMAN⁴⁴ IS EXEMPT⁴⁵ AS 'THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY', AND THE SECOND⁴⁶ [IS EXEMPT]⁴⁵ AS HER RIVAL. IF HE⁴⁷ ADDRESSED TO HER A MA'AMAR⁴⁸ AND DIED,⁴⁹ THE SECOND⁵⁰, MUST PERFORM HALIZAH⁵¹ BUT MAY NOT ENTER INTO THE LEVIRATE MARRIAGE.⁵²

GEMARA. R. Nahman said: He who uses the expression FIRST⁵³ commits no error and he who uses the expression SECOND⁵³ also commits no error. 'He who uses the expression

- (1) Adiabene, a region between the rivers Caprus and Lycus in Assyria.
- (2) Ganzaka, identified with Shiz, S.E. of Urmia Lake, N.W. of Persia, v. *ibid.* n. 8.
- (3) Hamadan, the capital of Media, otherwise known as Ekbatana. V. Schrader, *Keilinschriften*, p. 378.
- (4) Nahawand, a town on the south of Ekbatana (v. previous note). V. *ibid.* n. 4.
- (5) כַּרְךְ, Others read, כַּרְךְ (fort) in the construct, and connect it with the following nouns.
- (6) Or Kerak Moshki, the Fort of Moshki. The land of the Moshki lay on the southern side of Colchis.
- (7) A locality in Assyria, variously described as Hudki, Hirki, Hizki and Huski.
- (8) Rumki, Ruthki, or the Fort of Rumki in Media. On all these localities v. *Kid.*, *Sonc.* ed. pp. 365ff notes.
- (9) Localities mentioned.
- (10) Most of their inhabitants being deemed bastards, since the women had intermarried with the heathens, and their descendants, furthermore, married forbidden relatives.
- (11) This is the continuation of Rab Judah's statement.
- (12) R. Assi's ruling, *supra* 16b.
- (13) V. *Deut.* VII, 4 and *Kid.* 68b.
- (14) I.e., is regarded as a perfect heathen and his betrothal has no validity.
- (15) Of the ten tribes who married heathens.
- (16) V. *infra* 23a. The children of such unions, then, being deemed Israelites though unfit, should have the right of betrothal. How then could Samuel contend that they are deemed to be perfect heathens? (V. *supra* p. 91, n. 18).
- (17) אֶצְטְרוּי אֶצְטְרוּ (root, צַר, or צָרָא. Ithpa., 'to tear', 'split'. Lit., 'they were split', i.e., an operation for sterilization was performed on them.
- (18) Of R. Assi's ruling *supra* 16b.
- (19) The ten tribes.
- (20) *Hos.* V, 7.
- (21) Being of tainted birth they contaminated many pure families in Israel by their intermarriages.
- (22) The destroyed city.
- (23) [According to Obermeyer. p. 199, the district between Medina and Syria inhabited by the Arab tribe Thamod, mentioned by Plinius and which, according to the Koran (VII, 76) has been destroyed by earthquake.]
- (24) Lit., 'redoubled'.
- (25) This explains the destruction and existence of the same city.
- (26) Referring to R. Hamnuna.
- (27) Lit., 'his strength' (Bah). *Cur. edd.*, repeat 'what a man'.
- (28) Hipparenum, a wealthy industrial town in the Mesene district, inhabited by a Jewish community of tainted birth.
- (29) Of spurious or tainted descent who cannot obtain a wife anywhere else.
- (30) הַר שֶׁחֹל פּוֹנִין בּוֹ a play upon the word הַרְפִּנְחָא, the Aleph in הַרְפִּנְיָא taking the place of the waw in בּוֹ.
- (31) V. n. 1.
- (32) Sheol, Hell.
- (33) *Hos.* XIII, 14.
- (34) Mesene, the island territory lying between the Tigris, the Euphrates and the Royal Canal. Its inhabitants were of spurious descent (v. *Kid.* 71b) and Harpania was situated near it.
- (35) [Palmyrean merchants would make with their caravans across the wilderness direct for Mesene and there intermarry with the inhabitants, v. Obermeyer, p. 198.]
- (36) V. *supra*, 16b.
- (37) I.e., both measures are false. This saying is a metaphor for all sorts of people who in a minor or major degree are of spurious descent.
- (38) Tarmod being deeper and lower than Hell itself.
- (39) Harpania lying in the lowest depths of immorality and tainted descent.
- (40) V. *Mishnah supra* 2b top.
- (41) Lit., 'to them'.
- (42) And thus found his deceased brother's widow subject to the marriage with his elder brother and forbidden to himself as 'the wife of his brother who was not his contemporary'.
- (43) Of the two elder brothers who was already a married man.

- (44) The widow of the first deceased brother who is now also the widow of the second brother.
- (45) From levirate marriage with the third brother.
- (46) Her rival, the widow of the second brother, who in ordinary circumstances would have been subject to levirate marriage with the third brother since he was a contemporary of her husband.
- (47) The second brother.
- (48) I.e., said to her in the presence of witnesses, 'Be thou betrothed unto me'.
- (49) Prior to the consummation of the marriage.
- (50) V. note 7.
- (51) With the third brother. Since her husband's union with his deceased brother's widow was not consummated he never was her legal husband, and as she is consequently not her rival she cannot be exempt from the halizah.
- (52) Because the ma'amar that the husband of the second addressed to the first widow has partially attached that woman to him, and the second has, in consequence, become the partial rival of a forbidden relative and is, therefore, Rabbinically forbidden to enter into the levirate marriage.
- (53) In describing the widow of the first deceased brother.

Talmud - Mas. Yevamoth 17b

FIRST commits no error', since 'first' may signify¹ 'first to be subject [to the levirate marriage]'; and 'he who uses the expression SECOND also commits no error', since 'second' may signify 'second to marry',² Does not our Mishnah, however, include also³ the case of one who contracted the levirate marriage first and subsequently married his other wife?⁴ What, then, is meant by 'second'? Second in respect of her marriages.⁵

Where [in the Scriptures] is [the prohibition of marrying] 'the wife of his brother who was not his contemporary' written? — Rab Judah replied in the name of Rab: Scripture states, If brethren dwell together,⁶ i.e., dwell in the world at the same time; the wife of one's brother who was not his contemporary is consequently excluded; 'together' implies who are together in respect of inheritance,⁷ a maternal brother is, therefore, excluded.

Rabbah said: [That legal] brothers [are only those who are descended] from the same father is deduced by a comparison of this 'brotherhood'⁸ with the 'brotherhood' of the sons of Jacob;⁹ as there [the brotherhood was derived] from the father¹⁰ and not from the mother,¹¹ so here also [the brotherhood spoken of is that] from the father and not from the mother.¹²

Let him rather deduce this 'brotherhood'⁸ from the 'brotherhood' of forbidden relatives!¹³ — Brethren⁸ may be deduced from brethren,⁹ but not brethren⁸ from thy brother.¹⁴ What practical difference is there [between the two expression]? Surely the School of R. Ishmael taught: And the priest shall return,¹⁵ and the priest shall come,¹⁶ 'returning' and 'coming' are the same thing!¹⁷ — Such an analogy is drawn only¹⁸ where there is no other identical word; when, however, there occurs another word which is identical, the analogy is made only with that which is identical.

Let him, then, deduce this 'brotherhood'¹⁹ from the 'brotherhood' in the case of Lot, since it is written in the Scriptures. For we are brethren!²⁰ -It stands to reason that the deduction should be made from the sons of Jacob. because the [analogous expression] is available for the purpose;²¹ for it could have been written, Thy servants are twelve sons of one man²² and yet 'brethren' also was written. Hence it must be inferred that the word was made available for the deduction.²³

It was necessary for Scripture to write brethren,²⁴ and it was also necessary to write together.²⁴ For had the All Merciful written 'brethren' only, it might have been suggested that this 'brotherhood' should be deduced from the 'brotherhood' in the case of Lot. And were you to reply that [the analogous word]²⁵, is not available for deduction,²¹ your statement would be negated,²⁶ [the analogous word] being indeed available; for whereas he could have written 'friends' and yet

wrote 'brethren', the inference must be that the object was to render it available for analogous deduction; hence the All Merciful has written 'together', implying only those who are together in respect of inheritance.²⁷ If, [on the other hand,] the All Merciful had only written 'together', it might have been said to refer to such as have the same father and mother; [hence both expressions were] required.

But how could you have arrived at such an opinion?²⁸ The All Merciful has, surely, made²⁹ the levirate marriage dependent on inheritance,³⁰ and inheritance³¹ is derived from the father and not from the mother!³² -It³³ was necessary. For it might have been assumed that whereas this³⁴ is an anomaly,³⁵ a forbidden relative³⁶ having been permitted, the brotherhood must, therefore, be both paternal and maternal; [hence it was] necessary [to teach us that the law was not so].

R. Huna said in the name of Rab: If a woman awaiting the decision of the levir!³⁷ died, [the levir] is permitted to marry her mother. This obviously shews that he!³⁸ is of the opinion that no levirate bond³⁹ exists⁴⁰ let him then say, the halachah is in accordance with the view of him who said no levirate bond exists!⁴¹ — If he had said so, it might have been suggested that this applied only to the case of two⁴² but that in the case of one⁴³ a levirate bond does exist. Then let him say, 'The halachah is in accordance with him who said no levirate bond exists even in the case of one levir'!⁴⁴ — If he had said so it might have been assumed even where she⁴⁵ is alive;⁴⁶ hence he taught us that only after death and not when she is still alive, because it is forbidden to abolish the commandment of levirate marriages.

We learned, 'If his deceased brother's wife died he may marry her sister',⁴⁷ which implies that her sister only may be married but not her mother! — The same law applies even to her mother; only because he taught in the earlier clause 'if his wife died he is permitted to marry her sister' in which case only her sister is meant and not her mother, since the latter is Biblically prohibited, he also taught in the latter clause 'he is permitted to marry her sister'.⁴⁸

Rab Judah, however, said: If a woman awaiting the decision of the levir⁴⁹ died, the levir is still forbidden to marry her mother. This⁵⁰ obviously implies that he⁵¹ is of the opinion that a levirate bond exists,⁵² let him then say, the halachah is in accordance with the view of him who said a levirate bond exists!⁵³ -If he had said so it might have been suggested that this applied only to the case of one,⁵⁴ but in the case of two⁵⁵ no levirate bond exists. But the dispute,⁵⁶ surely, centered round the question of two!⁵⁷ — But [this is really the reply]: If he⁵¹ had said so⁵⁸

(1) Lit., 'what is first?'

(2) The second brother who was already a married man when he contracted the levirate marriage with her. V. supra p 94. n. 4.

(3) Lit., 'are we not engaged on'.

(4) In which case the widow was also the first to marry him.

(5) The first marriage with her husband and the second with the levir.

(6) Deut. xxv, 5.

(7) I.e., entitled to inherit from one another.

(8) The expression 'brethren' in Deut. xxv, 5' in relation to the levirate marriage.

(9) the thy servants are twelve brethren (Gen. XLII, 13).

(10) Jacob.

(11) Since they were born from different mothers.

(12) B.B. 110b, infra 22a.

(13) The nakedness of thy brother's wife (Lev. XVIII, 26) which includes (v. infra 55a) the wife of a maternal brother.

(14) In the case of the levirate marriage (Deut. xxv, 5) as well as that of Jacob's sons (Gen. XLII, 13) the expression is **אֶחָיו** 'brethren'; In that of Lev. XVIII, 16 it is **אָחִיךָ** 'thy brother'.

(15) Lev. XIV, 39.

- (16) Ibid. v. 44.
- (17) And an analogy between them may be drawn. Though in that case the expressions **ושב** and **ובא**, are derived from different roots they are nevertheless, owing to their similarity in meaning. employed for the purposes of an analogy ('Er. 51a, Yoma 2b, Naz. 5a, Mak. 13b, Hor. 8b et a.l.), how much more so should an analogy be justified between the same nouns which differ only (v. supra p. 95' n. 14) in their suffixes!
- (18) Lit., 'these words'.
- (19) The expression 'brethren' in Deut. xxv, 5 in relation to the levirate marriage.
- (20) Gen. Xlii, 8. Lot having been Abraham's nephew the deduction would establish a novel law of marriage with a deceased uncle's or nephew's widow.
- (21) Lit., 'vacant'.
- (22) Gen. XLII, 23. Cur. edd., read, in. stead of 'one man', 'our father', which occurs in v. 32. If the reference were to the latter verse 'thy servants' which does not occur there would have to be deleted here. Several MSS. support the reading here adopted.
- (23) Lit., 'to make it vacant.'
- (24) Deut. xxv, 5.
- (25) In the case of Lot.
- (26) **לאִי** (cf. Jast.) or **לאִי** (cf. Levy). Contract. of **הִי לֹא** 'not it'. Aruk: derivation is from **לאִי** + Gr. ** 'not so my son'.
- (27) V. supra p. 95, n. 7.
- (28) Lit., 'and this, whence does it come', i.e., how could any one have assumed that the levirate marriage should only apply to brothers from the same father and mother?
- (29) Lit 'hung'.
- (30) [Infra 24a.
- (31) Of one's brother.
- (32) What need then was there for the expression 'brethren'?
- (33) The expression 'brethren,.
- (34) Levirate marriage.
- (35) Lit., 'something novel'.
- (36) A brother's wife.
- (37) **שומרת יבם** a woman during the period between the death of her husband and the levirate marriage or halizah.
- (38) Rab.
- (39) Zikah **זיקה** v. Glos.
- (40) Between the widow of the deceased brother and the levir, prior to the levirate marriage. Had such a bond existed, her mother would have been forbidden to the levir as his mother-in. law.
- (41) V. infra 41a.
- (42) Brothers. Since it is not known which of them will actually marry her, the levirate bond is necessarily weak.
- (43) Who alone is entitled to marry her,
- (44) Infra 29b.
- (45) The widow.
- (46) Her mother is permitted to the levir. Consequently she would be exempted from halizah as 'his wife's daughter'.
- (47) Infra 49a.
- (48) Her mother, however, is equally permitted.
- (49) V. supra, p. 97' n. 11.
- (50) The prohibition to marry her mother prior to the levirate marriage as if she had already been his actual mother-in-law.
- (51) Rab Judah.
- (52) Between the widow of the deceased brother and the levir, before levirate marriage takes place.
- (53) Infra 41a.
- (54) Brother, who is the only one entitled to marry the widow, and may consequently be regarded as the actual husband.
- (55) v. supra p. 97' n. 16.
- (56) Between R. Judah and the Rabbis, infra 41a.
- (57) Brothers. How then could it possibly have been assumed that the halachah referred to the case of one brother only?

(58) That the halachah was in accordance with the view of him who said that a levirate bond exists between the widow and the levir prior to the levirate marriage.

Talmud - Mas. Yevamoth 18a

it might have been assumed [that this holds good only] while she is alive but that after death the bond is broken,¹ hence it was taught that the levirate bond is not automatically² dissolved.

May it be suggested that the following supports his view: 'If his deceased brother's wife died, the levir is permitted to marry her sister', which implies her sister Only but not her mother?³ — The same law may apply even to her mother; but because he taught in the earlier clause, 'if his wife died he is permitted to marry her sister', in which case her sister only is permitted and not her mother, the latter being forbidden Biblically, he also taught in the latter clause, 'he is permitted to marry her sister'.

R. Huna b. Hiyya raised an objection: IF HE ADDRESSED THE MA'AMAR TO HER AND DIED, THE SECOND MUST PERFORM HALIZAH BUT MAY NOT ENTER INTO THE LEVIRATE MARRIAGE.⁴ The reason then⁵ is because he addressed to her⁶ the ma' amar, but had he not addressed a ma'amar to her,⁵ the second also would have been permitted to enter into the levirate marriage with him. Now, if it be maintained that the levirate bond does exist,⁷ the second, owing to this bond, would be the rival of the 'wife of his brother who was not his contemporary'!⁸ — Rabbah replied: The same law, that the second must perform the halizah with, but may not be married to the levir, applies even to the case where no ma'amar was addressed to her;⁶ and the ma'amar was mentioned only in order to exclude the view of Beth Shammai. Since they maintain that the ma'amar effects a perfect contract,⁹ he teaches us [that it was not so].

Abaye pointed out the following objection to him:¹⁰ In the case of two [contemporary] brothers one of whom died without Issue, and the second determined¹¹ to address a ma'amar to his deceased brother's wife¹² but before he managed to address a ma'amar to her a third¹³ brother was born and he himself died, the first¹⁴ is exempt¹⁵ as 'the wife of his brother who was not his contemporary' while the second¹⁶ either performs the halizah or enters into the levirate marriage.¹⁷ Now, if it be maintained that a levirate bond does exist,¹⁸ the second, owing to this bond, would be the rival of 'the wife¹⁹ of his brother who was not his contemporary'!²⁰ Whose view is this? It is that of R. Meir, who holds that no levirate bond exists.

Does R. Meir, however, maintain that no levirate bond exists?¹⁸ Surely we have learned: In the case of four brothers two of whom were married to two sisters, if those who were married to the sisters died, behold their widows perform the halizah but may not be taken in levirate marriage [by either of the levirs].²¹ Now, if R. Meir is of the opinion that no levirate bond exists,²² these would come from two different houses,²³ and one brother could marry the one while the other could marry the other! — The fact is that [R. Meir maintains that] no levirate bond exists; [but the levirate marriage is nevertheless forbidden] because he is of the opinion that it is forbidden to annul the precept of levirate marriages, it being possible that while one of the brothers married [one of the widowed sisters] the other brother would die,²⁴ and thus the precept of levirate marriages would be annulled.²⁵

If, however, no levirate bond exists, let [also the precept of the levirate marriage] be annulled! For R. Gamaliel who holds that no levirate bond exists²⁶ also [maintains that] the precept of the levirate marriage may be annulled; as we learned; R. Gamaliel said, 'If she²⁷ made a declaration of refusal²⁸ well and good;²⁹ if she did not make a declaration of refusal let [the elder sister] wait until [the minor] grows up³⁰ and this one³¹ is then exempt as his wife's sister'!³² -The other³³ said to him: Are you pointing out a contradiction between the opinion of R. Meir and that of R. Gamaliel?³⁴ No

[replied Abaye]; we mean to say this: Does R. Meir provide even against a doubtful annulment³⁵ and R. Gamaliel does not provide even against a certainty!³⁶ — It is quite possible that he who does not provide³⁷ makes no provision even against a certain annulment, while he who does provide³⁷ makes provision even against a doubtful annulment.³⁸

Said Abaye to R. Joseph: Rab Judah's statement³⁹ is Samuel's;⁴⁰ for we learnt:

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- (1) Lit., 'burst', 'split'.
 - (2) Lit., 'by nothing', 'without formality', i.e., without the due performance of the halizah.
 - (3) Because she is presumably regarded as his mother-in-law.
 - (4) Supra 17a, q.v. for notes.
 - (5) Why the levirate marriage is forbidden to the second
 - (6) The first, the widow of the first deceased brother.
 - (7) Between the widow and the levir, from the moment her husband, the first brother, died.
 - (8) With whom levirate marriage is forbidden.
 - (9) Lit., 'acquires perfect possession', i.e., the widow is regarded as the legal wife of the second brother, and his own wife thus becomes her rival and is consequently exempt even from the halizah.
 - (10) To Rabbah.
 - (11) Lit., 'stood'.
 - (12) The widow of the first deceased brother.
 - (13) Lit., 'to him'.
 - (14) The widow of the first deceased brother.
 - (15) From the halizah and levirate marriage of the third brother.
 - (16) Her rival, the widow of the second deceased brother.
 - (17) With the third brother. Infra 19a.
 - (18) v. supra p. 99' n. 5.
 - (19) The bond being regarded to be just as binding as actual marriage.
 - (20) And she should be exempt.
 - (21) 'Ed. V, 5' infra 23b, 26a, 7b; because, obviously, both are bound by a levirate bond to both surviving brothers and each is the sister of a woman who is connected with either of the brothers by such a levirate bond.
 - (22) V. supra p. 99' n. 5.
 - (23) None of them standing in any marital relationship with either of the surviving brothers.
 - (24) And be prevented from marrying the other widow.
 - (25) Since the surviving brother would not be able to marry (or to participate in the halizah of) the second widow who is now his wife's sister.
 - (26) Infra 51a.
 - (27) A minor who was married to one brother while her sister had been married to another brother who died without issue.
 - (28) A minor may refuse to live with her husband and no divorce is needed in her case. V. Glos. s.v. m1 un.
 - (29) Lit., 'she refused'. By her declaration of refusal her marriage becomes null and void retrospectively. As she has thus never been the legal wife of the levir, her sister (being no more his 'wife's sister') may contract the levirate marriage with him.
 - (30) And becomes the legal wife of the surviving brother.
 - (31) I.e., the elder sister.
 - (32) Infra 79b, 109a; which shews that R. Gamaliel permits the annulment of the law of the levirate marriage. Similarly, if R. Meir maintains, like R. Gamaliel, that no levirate bond exists, he should also permit the annulment of the precept of the levirate marriage.
 - (33) Rabbah.
 - (34) Though they may agree on the question of the levirate bond, it does not necessarily follow that they agree also on the question of permission to annul the precept of the levirate marriage.
 - (35) Supra; the possibility that one of the brothers might die.
 - (36) It is a certainty that when the minor becomes of age the elder sister will be precluded from both marriage and

halizah. This wide divergence of opinion is unlikely. Hence the fear of annulling the levirate marriage cannot be the reason for R. Meir's ruling in the above cited Mishnah; and consequently R. Meir cannot be of the opinion that no levirate bond exists.

(37) Against the annulment of the precept of the levirate marriage.

(38) So that R. Meir need not necessarily agree with R. Gamaliel on this point though he will agree with him on the question of the levirate bond.

(39) That if a woman awaiting the decision of the levir died, the levir is still forbidden to marry her mother (supra 17b end).

(40) Not Rab's who also was his teacher.

Talmud - Mas. Yevamoth 18b

If the brother of the levir had betrothed the sister of the widow who was awaiting the levir's decision,¹ he is told, so it has been stated in the name of R. Judah b. Bathyra, 'Wait² until your brother has taken action';³ and Samuel said, 'The halachah is in accordance with the ruling of R. Judah b. Bathyra'.⁴ The other⁵ asked him: 'What [objection could there be] if the statement⁶ be attributed to Rab?⁷ Is it the contradiction between the two statements of Rab?⁸ Surely it is possible that these Amoraim⁹ are in dispute as to what was the opinion of Rab!' — Since this ruling was stated with certainty in the name of Samuel, while as to Rab's view [on the matter] Amoraim differ, we do not ignore¹⁰ the statement attributing it with certainty to Samuel in favour of the one¹¹ which involves Amoraim In a dispute as to the opinion of Rab.

Said R. Kahana: I reported the statement¹² in the presence of R. Zebid of Nehardea, when he said: You teach it thus;¹³ our version is explicit:¹⁴ 'Rab Judah stated in the name of Samuel, "If a woman awaiting the decision of the levir died, [the levir] is forbidden to marry her mother", from which it naturally follows that he is of the opinion that a levirate bond exists'.¹⁵ Samuel is here consistent; for Samuel said, 'The halachah is in accordance with the view of R. Judah b. Bathyra'.

Said [both statements¹⁶ are] necessary. For had he only stated, 'A levirate bond exists', it might have been assumed to refer to the case of one levir only¹⁷ but not to that of two,¹⁸ hence we are taught¹⁹ [that the Same law applies also to two]. And if it had only been stated, 'The halachah is in accordance with the opinion of R. Judah b. Bathyra', it might have been assumed [that the levirate bond is in force] while the widow²⁰ is alive but that after her death the bond is dissolved, hence we are taught²¹ that the levirate bond Is not dissolved automatically.²²

MISHNAH. IF THERE WERE TWO BROTHERS AND ONE OF THEM DIED,²³ AND THE SECOND PERFORMED THE LEVIRATE MARRIAGE WITH HIS [DECEASED] BROTHER'S WIFE, AND AFTER A [THIRD] BROTHER WAS BORN THE SECOND DIED,²³ THE FIRST²⁴ IS EXEMPT²⁵ ON ACCOUNT OF HER BEING THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY', WHILE THE SECOND IS EXEMPT AS HER RIVAL.²⁶ IF HE²⁷ ADDRESSED TO HER²⁸ A MA'AMAR AND DIED,²⁹ THE SECOND MUST PERFORM THE HALIZAH³⁰ BUT SHE MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. R. SIMEON SAID:³¹ HE³² MAY EITHER TAKE IN LEVIRATE MARRIAGE WHICHEVER OF THEM HE DESIRES³³ OR HE MAY PARTICIPATE IN THE HALIZAH WITH WHICHEVER OF THEM HE DESIRES.³³

GEMARA. R. Oshaia said: R. Simeon disputed the first case also²⁴ Whence is this inferred? From the existence Cf a Super. fluous Mishnah. For in accordance with whose view was it necessary to teach the clause of the first [Mishnah]? If it be suggested, [according to that] of the Rabbis, [it may be retorted]: If when the levirate marriage had taken place first and the birth³⁴ occurred afterwards, in which case he,³⁵ found her³⁶ permitted,³⁷ the Rabbis nevertheless forbade her,³⁸ is there any need [for them to specify prohibition in the case where] the birth³⁴ occurred first and the marriage took

place afterwards!³⁹ Consequently⁴⁰ it must have been required [in connection with the view] of R. Simeon; and the first [Mishnah] was taught in order to point out to you how far R. Simeon⁴¹ is prepared to go⁴² while the last Mishnah was taught in order to show you how far the Rabbis⁴³ are prepared to go. It would, indeed, have been logical for R. Simeon to express his dissent in the first case, but he waited for the Rabbis to conclude their statement and then he expressed his dissent with their entire statement.⁴⁴

How, in view of what has been said,⁴⁵ is it possible according to R. Simeon to find a case of ‘a wife of his brother who was not his contemporary’?⁴⁶ — In the case of one brother who died and a second brother was subsequently⁴⁷ born;⁴⁸ or also in the case of two brothers⁴⁹ where the second has neither taken the widow in the levirate marriage nor died.⁵⁰

One can well understand [R. Simeon's reason]⁵¹ where the levirate marriage⁵² took place first and the birth⁵³ afterwards, for in this case he found her permitted;⁵⁴ where, however, the birth occurred first and the levirate marriage took place afterwards,⁵⁵ what [reason [could be advanced]]?⁵⁶ -He holds the opinion that a levirate bond exists⁵⁷ and that such a bond is like actual marriage.⁵⁸

R. Joseph demurred: If R. Simeon is in doubt as to whether in the case of a ‘levirate bond’ and a ‘ma amar’ combined the widow should or should not be regarded as married, need there be any [doubt in the case of] a ‘levirate bond’ alone?⁵⁹ Whence is this known?⁶⁰ — We have learned: In the case where three brothers were married to three women who were strangers [to one another] and, one of the brothers having died, the second brother addressed to her⁶¹, a ma'amar and died, behold these⁶² must perform halizah with, but may not marry the [surviving] levir; for it is said in the Scriptures, And one of them die [etc.], her husband's brother shall go in unto her,⁶³ only she⁶⁴ who is tied to one levir,⁶⁵ but not she who is tied to two levirs.⁶⁶ R. Simeon said: He⁶⁷ may take in levirate marriage whichever of them he pleases⁶⁸ and submits to the halizah of the other.⁶⁹ He must not take both widows in levirate marriage since it is possible that a levirate bond exists⁷⁰ and thus the two sisters-in-law⁷¹ would be coming

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- (1) Her sister being forbidden to him as the sister of the woman connected with him by a levirate bond.
 - (2) With the consummation of the marriage.
 - (3) I.e., married the widow, when the levirate bond between her and the third brother will have been severed, and her sister will consequently be permitted to marry him.
 - (4) *Infra* 410. *Meg.* 18b. This shews that in the opinion of Samuel a levirate bond exists between a widow and the brothers-in-law whose decision she is awaiting. (*V.* previous note).
 - (5) R. Joseph.
 - (6) Cf. *supra* p.101, n.13.
 - (7) Cf. p.101, n. 14.
 - (8) Lit., ‘that of Rab upon Rab’, i.e., Rab's presumed statement reported by Rab Judah is contradictory to the statement made in his name by R. Huna, *supra* 17b.
 - (9) R. Huna and Rab Judah, both of whom were disciples of Rab.
 - (10) Lit., ‘leave aside’.
 - (11) Lit., ‘and establish it’.
 - (12) Rab Judah's.
 - (13) Attributing the ruling to Rab Judah without mentioning the authority from whom it originated.
 - (14) I.e., specifically indicating the reported authority.
 - (15) *V.* *supra* p. 99, n. 5.
 - (16) Of Samuel.
 - (17) Cf. *supra* p. 98, n. 8.
 - (18) Cf. *supra* . *gin.* 16.
 - (19) By the statement that the halachah is in accordance with R. Judah b. Bathyra.
 - (20) The sister.in.law awaiting the levir's decision.

- (21) By the statement, 'a levirate bond exists'.
- (22) V. supra p. 98, n. 24.
- (23) Without issue.
- (24) The widow of the first deceased brother who is now also the widow of the second.
- (25) From halizah and marriage with the third brother.
- (26) Both having been the wives of the second brother.
- (27) The second brother.
- (28) The first brother's widow.
- (29) Before marriage took place.
- (30) With the third brother.
- (31) With reference to the first case of our Mishnah.
- (32) The third brother.
- (33) And thereby exempt the other. (16) That mentioned in the previous Mishnah (supra 17a ad fin.). In his opinion the third brother may marry or submit to halizah from either of the two widows, even if he was born before the second brother had married the first brother's widow. (17) Lit., 'that which was taught'.
- (34) Of the third brother.
- (35) The third brother on the date of his birth.
- (36) The widow of the first brother.
- (37) As an ordinary sister-in-law; she being no more the 'wife of his brother who was not his contemporary'. Lit., 'for when he found her he found her in a permitted state'.
- (38) To marry the third brother.
- (39) In which case the third brother's birth took place during the period when she was forbidden him as the 'wife of his brother who was not his contemporary'.
- (40) Lit., 'but not?'
- (41) Who permits marriage with the third brother even where his birth occurred prior to the widow's marriage. v. supra note 6.
- (42) Lit., 'the strength of R. Simeon'.
- (43) Who forbid the marriage even when the birth followed the marriage. Cf 'pro note 4.
- (44) Lit., 'against them'.
- (45) Lit., 'but'; if R. Simeon permits marriage in both cases.
- (46) To be forbidden the levirate marriage in accordance with the statement in the first Mishnah of the Tractate, supra 2b ab init.
- (47) Lit., 'to him'.
- (48) The levirate relationship here is entirely due to the deceased brother who was not the surviving brother's contemporary; and marriage is, therefore, rightly forbidden.
- (49) The first of whom died without issue.
- (50) The third brother, who was born after the death of the first, is forbidden to marry the widow whose connection with the first brother has never been severed, since the second has neither married her nor submitted to her halizah.
- (51) For permitting the third brother to marry either of the widows.
- (52) With the second brother.
- (53) Of the third brother.
- (54) V. supra p. 104, on 2-4.
- (55) v....supra p. 104, n. 6.
- (56) For R. Simeon's permission of marriage.
- (57) Between widow and living levir.
- (58) The widow is consequently regarded as the wife of the second brother from the moment the first died. When the third brother is subsequently born the widow has no longer any connection with the deceased brother and cannot any more be regarded in relation to the third, as 'the wife of his brother who was not his contemporary'.
- (59) Obviously not. How then could it be said that R. Simeon definitely regards the 'levirate bond' alone as actual marriage?
- (60) Lit., 'what is it?' where did R. Simeon express such doubt?
- (61) The widow of the deceased brother.

(62) The widows of the two deceased brothers.

(63) Deut. XXV, 5.

(64) May be taken in levirate marriage.

(65) v. supra p. 98, n. 8.

(66) V. supra p' 97' n. 16.

(67) The levir.

(68) R. Simeon does not recognize a double bond. If the ma'amar addressed by the second brother was binding, the bond with the first brother, he maintains, was thereby severed, and there remains only the bond with the second; and if it was not binding then again only one bond exists, that with the first brother.

(69) Infra 31b. For the reason given anon.

(70) Between the levir (the second brother) and the first widow.

(71) The second brother's actual wife and the widow of the first to whom he addressed a ma'amar and who is his virtual wife.

Talmud - Mas. Yevamoth 19a

from one house.¹ Nor must he take one in levirate marriage and thereby exempt the other, for it is possible that the levirate bond is not as binding as actual marriage, and the two sisters-in-law would thus be coming from two houses.² From this it clearly follows that he³ is in doubt.⁴ And should you reply that Biblically one of the widows may indeed be taken in levirate marriage and the other is thereby exempt, but that this procedure had Rabbinically been forbidden as a preventive measure against the possibility of the assumption that where two sisters-in-law came from two houses⁵ one may be taken in levirate marriage and the other is thereby exempt without any further ceremonial;⁶ surely [it may be pointed out] R. Simeon's reason is because of his doubt as to the validity of the levir's ma'amar!⁷ For it was taught: R. Simeon said to the Sages, 'If the ma'amar of the second brother is valid he⁸ is marrying the wife of the second; and if the ma'amar of the second is invalid he is marrying the wife of the first'! — Said Abaye to him:⁹ Do you not make any distinction between the levirate bond with one levir and the levirate bond with two levirs? It is quite possible that R. Simeon said the levirate bond is like actual marriage in the case of one levir only¹⁰ but not in that of two levirs.¹¹

Does R. Simeon, however, recognize such a distinction?¹² Surely it was taught: R. Simeon has laid down a general rule that wherever the birth¹³ preceded the marriage¹⁴ the widow is neither to perform halizah nor to be taken in levirate marriage. If the marriage¹⁴ preceded the birth¹³ she may either perform the halizah or be taken in levirate marriage. Does not this apply to one levir?¹⁵ And yet It is stated 'she is neither to perform halizah nor to be taken in levirate marriage'!¹⁶ — No; it applies to two levirs.¹⁷ But in the case of one levir,¹⁷ may she in such circumstances also¹⁸ either perform halizah or contract levirate marriage? If so, instead of stating, 'If the marriage preceded the birth she may either perform halizah or be taken in levirate marriage' the distinction should have been drawn in this very case itself,¹⁹ thus: 'This applies only to the case of two brothers-in-law but with one brother-in-law she may either perform halizah or be taken in levirate marriage'! — The entire passage dealt with two brothers-in-law.²⁰

What, then, is meant by the general rule?²¹ And a further objection²² was raised by R. Oshaia: If there were three brothers and two of them were married to two sisters, or to a woman and her daughter, or to a woman and her daughter's daughters or to a woman and her son's daughter, behold these²³ must²⁴ perform the halizah²⁵ but may not be taken in levirate marriage.²⁶ R. Simeon, however, exempts them.²⁷ Now, if it be assumed that R. Simeon is of the opinion that the 'levirate bond' has the same force as actual marriage, let [the third brother] take the first widow²⁸ in levirate marriage and let the other²⁹ be thereby exempt.³⁰ R. Amram replied: The meaning of 'exempt'³¹ is that he exempts the second widow,³² But has it not been taught: R. Simeon exempts them both?³³ -Raba replied: The second of the one pair and the second of the other pair.³⁴ Raba, however, was

mistaken [in the interpretation] of the four pairs.³⁵ For, in the first instance, we have twice the word 'or',³⁶ and, furthermore, [if Raba's interpretation were the correct one]³⁷ it should [have read], 'R. Simeon exempts the four'.³⁸ Furthermore, it was taught: R. Simeon exempts both³⁹ from the halizah and from the levirate marriage, for it is said in the Scriptures, And thou shalt not take a woman to her sister, to be a rival to her,⁴⁰ when they become rivals to one another⁴¹ you may not marry even one of them!⁴² But, said R. Ashi: If they⁴³ had become subject [to the levir] one after the other, the law would indeed have been so.⁴⁴ Here,⁴⁵ however, we are dealing with the case where both become subject to him at the same time; and R. Simeon shares the view of R. Jose the Galilean who stated, 'It is possible to ascertain simultaneous occurrence'.⁴⁶

R. Papa⁴⁷ said: R. Simeon differs⁴⁸ only where the levirate marriage⁴⁹ took place first, and the birth⁵⁰ afterwards; he does not differ, however, when the birth⁵⁰ occurred first, and the marriage⁴⁹ took place afterwards; and both these cases⁵¹ are required on account of the Rabbis,⁵² and⁵³ [a stronger case is given after a weaker] 'not only this⁵⁴ but also that'.⁵⁵

It was taught in agreement with R. papa⁵⁶ and in contradiction to R. Oshaia: If one of two contemporary brothers died without Issue, and the second intended to address a ma'amar to his deceased brother's wife but before he was able to do so a third brother was born and he himself died, the first widow is exempt⁵⁷ as 'the wife of the brother who was not his contemporary', and the second⁵⁸ may either perform the halizah or be taken in levirate marriage. If, however, he⁵⁹ addressed a ma'amar to the widow and subsequently a third brother was born, or if a third brother was born first and he⁵⁹ addressed the ma'amar to the widow subsequently, and died, the first widow is exempt⁵⁷ as 'the wife of his brother who was not his contemporary' while the second⁵⁸ must perform the halizah,⁶⁰ though she may not be taken in levirate marriage.

(1) One as actual, the other as virtual wife of the same husband, the second brother. The Torah required the levir 'to build up his brother's house' (Deut. XXV, 9) from which it is inferred that it is his duty to build up only a house but not houses, i.e., to marry his brother's one wife but not his two wives.

(2) Both of whom are subject to the levirate marriage. and one of whom cannot exempt the other.

(3) R. Simeon.

(4) As to whether a levirate bond exists. Cf. supra p. 105, n. 9.

(5) Where two brothers died simultaneously; when the one widow is as much tied to him as the other.

(6) Lit., 'with nothing'.

(7) Lit., 'saying and not saying' or 'ma'amar and not ma'amar'.

(8) The third brother.

(9) R. Joseph.

(10) As in our Mishnah where the first brother was survived by one brother only. The subsequent birth of a third brother does not affect the levirate any more than it can affect an actual marriage.

(11) Of which the cited Baraitha speaks. There, when the first brother died he was survived by two brothers.

(12) Between one levir and two.

(13) Of a third brother.

(14) Of the second brother with the widow of the first.

(15) Who survived the first deceased brother after whose death the third brother was born.

(16) Which proves that even in the case of one levir R. Simeon does not recognize the existence of a levirate bond.

(17) Cf. supra note 4.

(18) Where the birth of the third preceded the marriage of the second.

(19) Where birth preceded marriage.

(20) The Tanna preferred to draw a distinction between two sets of circumstances both of which relate to the brothers-in-law rather than to draw a distinction between one brother-in-law and two brothers-in-law in the same set of circumstances.

(21) According to which neither halizah nor levirate marriage is allowed whenever the birth preceded the marriage. Both, according to what has just been said, are permissible in the case of one levir.

- (22) Against the statement that R. Simeon regards the levirate bond as actual marriage.
- (23) The women enumerated.
- (24) If their husbands, the two brothers, died without issue.
- (25) With the third surviving brother.
- (26) By that brother; since both are equally related to him by the same 'levirate bond' and each is forbidden to him as the consanguineous relative of the woman connected with him by such bond.
- (27) Infra 28b; even from the halizah.
- (28) I.e., the widow whose husband had died first, and who, through the 'levirate bond', is regarded as the levir's virtual wife even before he married her.
- (29) Her consanguineous relative, the widow of the second deceased brother.
- (30) As a forbidden relative; being consanguineous with his virtual wife.
- (31) In R. Simeon's statement.
- (32) Whose husband died last. The first, however, is to be taken in levirate marriage.
- (33) Infra 28b, Rid. 50b.
- (34) 'Both' used by R. Simeon refers to the second of each pair. Raba assumed that the two brothers had married two sisters and also a mother and her daughter. One of the first is taken in levirate marriage and the others are thereby exempt either as 'forbidden relatives' or 'rivals'.
- (35) Enumerated in the cited Mishnah, assuming as he did that it meant marriage by the two brothers of more than one pair (v. previous note).
- (36) 'Or' occurs after the enumeration of each pair.
- (37) Viz., that R. Simeon's exemption refers to the second of each pair.
- (38) Since four pairs were enumerated.
- (39) Widows of the first brother.
- (40) Lev. XVIII, 18.
- (41) As in the case cited, where each of the two brothers was married to one of each pair, and when the first brother died all his widows became subject to levirate marriage with the second brother and thus become rivals.
- (42) Even the first widow. Consequently R. Simeon's exemption applies to all, which shews that he recognizes no distinction on the question of the levirate bond between one levir and two levirs!
- (43) The widows.
- (44) That the 'levirate bond' in the case of one levir being recognized even by R. Simeon as being as forcible as actual marriage. the levir (the third brother) marries the first while the other is exempt, though her husband (the second brother) died before he actually married the first.
- (45) In the Mishnah cited by R. Oshaia in objection against the view attributing to R. Simeon a distinction between one levir and two levirs.
- (46) I.e., to ascertain that two things occur exactly at one and the same moment, Bek. 17a. Hence it may happen that both brothers die simultaneously and both widows simultaneously become subject to the third brother and consequently, on the view of R. Simeon, both exempt from halizah and levirate marriage.
- (47) Disagreeing with R. Oshaia, supra 18b.
- (48) From the Rabbis of our Mishnah.
- (49) With the second brother.
- (50) Of the third brother.
- (51) 'Marriage before birth' in our Mishnah and 'birth before marriage' in the previous one.
- (52) To shew that they exempt not only in the one case but also in the other. Cf. infra notes 11-12
- (53) As to the objection raised (supra 18b): Since they exempt in the second case, what need was there to mention the first which could have been inferred from it a minori ad majus?
- (54) The case in the first Mishnah, the birth of the third brother before the marriage of the second, where the birth occurred while the widow was still under a prohibition to marry him.
- (55) The case in the second Mishnah, where the birth of the third brother occurred when the widow was already permitted to him.
- (56) That when the birth of the third brother occurred prior to the marriage of the second with the widow of the first, R. Simeon agrees with the Rabbis.
- (57) From marriage and halizah with the third brother.

(58) The widow of the second brother.

(59) The second brother.

(60) The ma'amar addressed to the first widow not having 'the same force as actual marriage to render the second brother's wife her rival to be exempt from halizah as well as from the levirate marriage with the third brother.

Talmud - Mas. Yevamoth 19b

R. Simeon said: Intercourse or halizah with the one of them¹ exempts her rival.² If, however, he³ participated in halizah with her to whom [the second brother had] addressed the ma'amar, her rival is not exempt.⁴ If he¹ married her⁵ and died, and a [third] brother was subsequently born, or if a [third] brother was born, and subsequently he married her⁵ and died, both [widows] are exempt from the halizah and the levirate marriage. If he married her⁵ and [after that a third] brother was born and then he himself died, both widows are exempt from the halizah and the levirate marriage; this is the opinion of R. Meir. R. Simeon, however, said: Since, when he⁶ came [into the world] he found her⁷ permitted to him,⁸ and she was never forbidden to him even for one moment, he⁶ may take in levirate marriage whichever of them he desires or he may participate in the halizah with whichever of them he desires. Now, in accordance with whose view was the case in the latter clause⁹ taught?¹⁰ If it be suggested that it was taught in accordance with the view of R. Meir,¹¹ it might be observed that, as R. Meir draws no distinction between marriage that was followed by birth and birth that was followed by marriage, all these cases should have been combined in one statement!¹² Consequently it must have been in accordance with the view of R. Simeon who thus differs¹³ only in the case where the levirate marriage was followed by birth¹⁴ but does not differ¹³ where birth was followed by levirate marriage.¹⁵ Our point is thus proved.

The Master said, '[If] the second intended to address a ma'amar to his deceased brother's wife but before he was able to do so, a third brother was born while he himself died, the first widow is exempt as "the wife of the brother who was not his contemporary and the second may either perform halizah or be taken in levirate marriage'. What is meant by 'he intended' and what by 'he was not able'? If he did it, it is an accomplished fact;¹⁶ and if he did not do it, it is not an accomplished fact!¹⁶ -In fact [this is the meaning:] 'He intended' with her consent and 'he was not able' with her consent but against her wish.¹⁷

This,¹⁸ however, is not in agreement with the view of Rabbi. For it was taught: If a man addressed a ma'amar to his deceased brother's wife against her consent, Rabbi regards this as legal [betrothal].¹⁹ But the Sages say, This is not a legal [betrothal]. What is Rabbi's reason?-He deduces [this form of betrothal] from the intercourse with the wife of a deceased brother; as the Intercourse with the wife of a deceased brother may be effected against her will²⁰ so may the betrothal of the wife of a deceased brother be effected against her will. And the Rabbis?-They deduce it from the usual form of betrothal;²¹ as the usual betrothal can be effected with the woman's consent only so may the betrothal of a yebamah²² be effected with her consent only. On what principle do they differ? — One Master²³ is of the opinion that matters relating to a yebamah should be inferred from matters relating to a yebamah and the Masters²⁴ are of the opinion that matters of betrothal should be inferred from matters of betrothal.²⁵

'If, however, he addressed a ma'amar to the widow, and subsequently a third brother was born, or if a third brother was born first and he²⁶ addressed the ma'amar to the widow subsequently and died, the first widow is exempt as "the wife of his brother who was not his contemporary" while the second must perform the halizah, though she may not be taken in levirate marriage. R. Simeon said: Intercourse or halizah with the one of them exempts her rival'.²⁷ What is R. Simeon referring to?²⁸ If it should be suggested, 'To the case where the third brother was born first and he²⁶ addressed the ma'amar subsequently's surely it has been stated, that where birth preceded marriage R. Simeon does not differ from the Rabbis!²⁹ — But [the reference is] to the case where the ma'amar was addressed

first and the third brother was born subsequently. Hence, 'if he participated in halizah with her to whom [the second brother had] addressed the ma'amar, her rival is not exempt', because³⁰ the [subjection of the] rival³¹ is a certainty³² while [the subjection of her] to whom the ma'amar had been addressed is doubtful,³³ and no doubt may over-ride³⁴ a certainty.

R. Manasseh b. Zebid sat in the presence of R. Huna, and in the course of the session he said: What is R. Simeon's reason?³⁵ — 'What is R. Simeon's reason'! [Surely it is] as it has been stated: The reason is 'because when he was born he found her permitted to him, and she was never forbidden him even for one moment'!³⁶ But [the question rather is] what is the reason of the Rabbis?³⁷ -Scripture said, A/Id take her to him to wife, and perform the duty of a husband's brother unto her,³⁸ the former levirate attachment still remains with her.³⁹ But then what of the following⁴⁰ where we learned, 'If he⁴¹ married her⁴² she is regarded as his wife in every respect'⁴³ and [in connection with this] R. Jose b. Hanina said, 'This teaches

(1) I.e., the second widow.

(2) As will be explained infra this applies to the case where the ma'amar was addressed to the first widow and the third brother was born subsequently, R. Simeon being of the opinion that it is uncertain whether the ma'amar has the same force as actual marriage or not. The rival is in either case exempt: If the ma'amar was binding, then even the first widow is according to R. Simeon permitted to the third brother, since it is a case of 'marriage prior to birth', and the halizah with the second consequently exempts the first as her rival, both having been married to the same husband; and if the ma'amar was not binding, the first widow is forbidden to the third brother as the widow of 'the brother who was not his contemporary' while the second is not her rival and may be taken in levirate marriage or perform the halizah.

(3) The third brother.

(4) Since it is possible that the ma'amar is not binding and she is in consequence forbidden to him as 'the wife of his brother who was not his contemporary' and her halizah has no validity.

(5) The first widow.

(6) The third brother.

(7) The first widow.

(8) Having been born after her marriage with the second brother had entirely severed her connection with the first brother.

(9) Marriage between the second brother and the first widow, followed by the birth of the third brother, which again was followed by the death of the second.

(10) I.e., in accordance with whose view was it necessary to have the case of marriage prior to birth separated from that of marriage after birth?

(11) To indicate that even in such a case he forbids marriage.

(12) Lit., 'let him mix them and teach them'; the third case, 'if he married her and (after that a third) brother was born and then he himself died' should not have been separated from the previous two cases, since according to R. Meir it matters little whether marriage of the second brother with the first widow preceded or followed the birth of the third brother.

(13) From the Rabbis.

(14) As R. Papa stated. V. supra note 7.

(15) Contrary to the opinion of R. Oshaia.

(16) And the intention is of no consequence.

(17) The object of the statement being that the ma'amar has not even partially the force of marriage if it was made against the woman's will. The second widow may, therefore, be taken in levirate marriage.

(18) That the ma'amar addressed to the wife of a deceased brother (Yebamah. v. Glos.) is invalid unless she consented to the betrothal.

(19) Lit., 'he acquired'.

(20) V supra 8b.

(21) The betrothal of a stranger.

(22) The wife of a deceased brother.

(23) Rabbi.

- (24) The Sages.
- (25) Rid. 440.
- (26) The second brother.
- (27) Supra 19a-b, q.v. for notes.
- (28) In differing from the Rabbis. Lit., 'on what does he stand'.
- (29) But agrees that the first widow in relation to the third brother is to be regarded as 'the wife of his brother who was not his contemporary'. Now, since it is possible that the ma'amar is as valid as actual marriage, how could R. Simeon have permitted the rival of a forbidden relative? Furthermore, the expression 'she exempts her rival' would be unsuitable, since her rival has all the time been exempt as the 'wife of the brother who was not his contemporary'.
- (30) Lit., 'what is the reason'.
- (31) To the third brother.
- (32) If the ma'amar was valid both widows are subject to the third brother, since it is a case of marriage before birth; if the ma'amar is invalid, the second is still subjected to the levir since, no marriage having taken place, she is not the rival of a forbidden relative.
- (33) It being possible that the ma'amar is not valid, and the first widow thus remains forbidden to the third brother as 'the wife of his brother who was not his contemporary'. Halizah with her is, therefore, of no validity and cannot exempt the second widow.
- (34) Lit., 'puts out'.
- (35) For permitting levirate marriage with the third brother in the case where the second brother had married the first widow prior to the birth of the third brother.
- (36) Supra, q.v. for notes.
- (37) Why do they forbid the levirate marriage between the first widow and the third brother, where the only relationship between them is through the second brother, the relationship through the first brother having ceased with the levirate marriage of the widow by the second brother prior to the birth of the third?
- (38) Deut. XXV, 5.
- (39) ולקחה לרעה לרעה 'taking her to wife', ולקחה, does not remove from her the designation of 'brother's wife' רעה
- (40) Lit., 'but that'.
- (41) A brother-in-law.
- (42) The widow of his deceased childless brother.
- (43) Infra 38a. Keth. 80b.

Talmud - Mas. Yevamoth 20a

that he may divorce her with a letter of divorce and that he may remarry her',¹ let it there also be said, 'And perform the duty of a husband's brother unto her,² the former levirate attachment still remains with her' and, consequently, she should require halizah [also]! — There the case is different; since Scripture stated, 'And take her to him to wife',² as soon as he married her she becomes his wife in every respect. If so, [the same deduction should be applied] here also! — Surely the All Merciful has written, 'And perform the duty of a husband's brother unto her'.² And why the differentiation?³ - It stands to reason that permission⁴ should be applied to that which is [also otherwise] permitted,⁵ and that prohibition⁶ should be applied to that which is [also otherwise] prohibited.⁷

According to R. Simeon, however, who stated, 'Because when he was born he found her permitted, and she was never forbidden to him even for one moment',⁸ a brother, if this reason is tenable,⁹ should be allowed to take in levirate marriage his maternal sister whom his paternal brother had married prior to his birth, dying subsequently, since, when he was born, he found her permitted.¹⁰ — Whither did the 'prohibition of sister' vanish?¹¹ — Here, also, whither did the prohibition of 'the wife of the brother who was not his contemporary' vanish! — The one¹² is a prohibition which can never be lifted; the other¹³ is a prohibition which may be lifted.¹⁴

MISHNAH. A GENERAL RULE HAS BEEN LAID DOWN¹⁵ IN RESPECT OF THE DECEASED BROTHER'S WIFE:¹⁶ WHEREVER SHE IS PROHIBITED¹⁷ AS A FORBIDDEN RELATIVE, SHE¹⁸ MAY NEITHER PERFORM THE HALIZAH NOR BE TAKEN IN LEVIRATE MARRIAGE. IF SHE IS PROHIBITED BY VIRTUE OF A COMMANDMENT¹⁹ OR BY VIRTUE OF HOLINESS,²⁰ SHE MUST PERFORM THE HALIZAH AND MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. IF HER SISTER IS ALSO HER SISTER-IN-LAW,²¹ SHE²² MAY PERFORM THE HALIZAH OR MAY BE TAKEN IN LEVIRATE MARRIAGE.²³

PROHIBITED BY VIRTUE OF A COMMANDMENT' [REFERS TO] THE SECONDARY DEGREES IN RELATIONSHIP FORBIDDEN BY THE RULING OF THE SCRIBES. 'PROHIBITED BY VIRTUE OF HOLINESS' [REFERS TO THE FOLLOWING FORBIDDEN CATEGORIES]: A WIDOW TO A HIGH PRIEST;²⁴ A DIVORCED WOMAN, OR ONE THAT HAD PERFORMED HALIZAH TO A COMMON PRIEST;²⁵ A FEMALE BASTARD OR A NETHINAH²⁶ TO AN ISRAELITE;²⁷ AND A DAUGHTER OF AN ISRAELITE,²⁷ TO A NATHIN²⁸ OR A BASTARD.

GEMARA. What was the GENERAL RULE meant to include?²⁹ — R. R. b. papa replied: TO include the rival of a woman who was incapable of procreation, In agreement with the view of R. Assi.³⁰

Some there are who say:³¹ 'Whenever her prohibition is that of a forbidden relative then only is her rival forbidden; when, however, her prohibition is not that of a forbidden relative, her rival is not forbidden'. What was this meant to exclude? — R. R. replied: To exclude the rival of one incapable of procreation, contrary to the view of R. Assi.³⁰

IF HER SISTER IS ALSO HER SISTER-IN-LAW [etc.]. Whose sister? If the sister of her who is forbidden by Virtue of an ordinance of the Scribes be suggested, fit may be objected,] since, pentateuchally, she³² is subject to the levir, he would³³ come in marital contact with the sister of her who is connected with him by the levirate bond! — It means the sister of her who is prohibited to him as a forbidden relative.

PROHIBITED BY VIRTUE OF A COMMANDMENT', [REFERS TO] THE SECONDARY DEGREES. Why are these designated, PROHIBITED BY VIRTUE OF A COMMANDMENT'?-Abaye replied: Because it is a commandment to obey the rulings of the Sages.

PROHIBITED BY VIRTUE OF HOLINESS'... A WIDOW TO A HIGH PRIEST; A DIVORCED WOMAN, OR ONE WHO HAD PERFORMED THE HALIZAH, TO A COMMON PRIEST. Why are these designated 'PROHIBITED BY VIRTUE OF HOLINESS'?-Because It is written in the Scriptures, They shall be holy unto their God.³⁴

It was taught: R. Judah reverses the order: prohibited by virtue of a commandment [refers to the following prohibited categories:] a widow to a high priest; a divorced woman or one that had performed halizah, to a common priest. And why are these designated, prohibited by virtue of a commandment? — Because it is written in the Scriptures, These are the commandments.³⁵ prohibited by virtue of holiness [refers to] the secondary degrees of relationship forbidden by the rulings of the scribes. And why are these designated, prohibited by virtue of holiness?-Abaye replied: Because whosoever acts in accordance with the rulings of the Rabbis is called a holy man. Said Raba to him: Then he who does not act in accordance with the rulings of the Rabbis is not called a holy man; nor is he called a wicked man either?³⁶ — No, said Raba: 'Sanctify yourself by that which is permitted to you'.³⁷

A WIDOW TO A HIGH PRIEST. An unqualified ruling is laid down making no distinction

between a nissu'in³⁸ widow and an erusin³⁸ widow. Now, one can well understand the reason the case of a nissu'in widow [since marriage with her is forbidden by] a positive³⁹ and a negative precept⁴⁰,⁴⁰ and no positive precept⁴¹ may override both a negative and a positive precept. In the case, however, of an erusin widow [marriage with whom is forbidden by] a negative precept only,⁴² let the positive precept⁴¹ override the negative⁴⁰ one? — R. Giddal replied in the name of Rab: Scripture stated, Then his brother's wife shall go up to the 'gate,⁴³ where there was no need to state his brother's wife;⁴⁴ why then was 'his brother's wife' specified? [To indicate that] there is a case of another⁴⁵ brother's wife who goes up for halizah but does not go up for levirate marriage.⁴⁶ And who is she? One of those prohibited⁴⁷ by a negative precept.⁴⁸

Might it⁴⁹ not be said [to include also] such as are subject to the penalty of kareth?⁵⁰ — Scripture said, If the man like not to take,⁵¹ if he likes, however, he may take her in levirate marriage, [hence it is to be inferred that] whosoever may go up to enter into levirate marriage may also go up to perform halizah and whosoever may not go up to enter into levirate marriage⁵² may not go up to perform halizah either. If so, the same should apply also to those forbidden by a negative Precept! — But, surely, the All Merciful has included them [by the expression] 'His brother's wife'. What ground is there for such differentiation?⁵³

(1) Supra 8b, q.v. for notes, infra 39a.

(2) Deut. XXV, 5'

(3) Lit., 'and what did you see', i.e., why apply the first part of the text to one case and the second part of the same text to the other?

(4) To give ordinary divorce without submitting to halizah. and to remarry, which is derived from And take her to him to wife.

(5) Ordinary levirate.

(6) Implied in the words 'And perform the duty of a husband's brother unto her'.

(7) I.e., 'the wife of his brother who was not his contemporary'.

(8) Supra 19b, q.v. for notes.

(9) Lit., 'but from now'.

(10) When he was born she was already his 'brother's wife'.

(11) Lit., 'whither did it go?'

(12) Prohibition of a sister.

(13) A brother's wife.

(14) Where the brother died without issue. When the first brother died childless the prohibition of 'brother's wife' was removed and thus the widow was permitted to the second brother. Her connection with the first thus having come to an end, the third brother, as her legitimate levir through the second brother, may consequently marry her.

(15) Lit., 'they said'.

(16) Whose husband died without issue.

(17) To marry the levir.

(18) The rival, and much more so the forbidden relative herself.

(19) Or 'an ordinance of the Scribes'. The term **אִיסוּר מִצְוָה** is discussed infra.

(20) **קְדוּשַׁת אִיסוּר** v. infra.

(21) In the case where two sisters were married to two brothers who died childless, and both widows become subject to levirate marriage with a third brother towards whom one of them stood in any kind of forbidden relationship as, say, that of mother-in-law or daughter-in-law.

(22) The sister of the forbidden relative.

(23) Since the forbidden relative may never marry the levir, her sister does not come under the prohibition of 'the sister of his zekukah' i.e., of 'the woman related to him by the levirate bond'.

(24) Whose holy status precludes him from marrying a widow. V. Lev. XXI, 13f.

(25) Where his brother unlawfully married such a woman and died without issue. The levir must not marry her on account of his holy status. v. Lev. XXI, 7.

(26) V. Glos.

- (27) Who is forbidden on the ground of the sanctity of Israel to marry such types.
- (28) V. Glos.
- (29) In addition to the forbidden relatives actually enumerated.
- (30) Who stated (supra 12a) that such a woman may neither perform halizah nor be taken in levirate marriage.
- (31) In interpretation of our Mishnah.
- (32) The woman forbidden by the ordinance of the Scribes.
- (33) Should he marry her sister.
- (34) Lev. XXI, 6.
- (35) Lev. XXVII, 34 which refers to all the priestly commandments laid down in that book.
- (36) Surely, a person disobeying the Rabbis is indeed a wicked man!
- (37) I.e., marriages forbidden by the rulings of the scribes are designated as 'prohibited by virtue of holiness' because these restrictions are designed to promote self-sanctification and as a barrier and a safeguard against marriage with those who are Pentateuchally forbidden.
- (38) V. Glos.
- (39) Lev. XXI, 13. And he shall take a wife in her virginity.
- (40) Ibid. v. 14, A widow... shall he not take.
- (41) That of the levirate marriage.
- (42) V. supra n. 6. The positive precept (v. n. 5) is not infringed since she is still a virgin.
- (43) Deut. XXV, 7.
- (44) Since the pronoun implied in **ועלתה** (then she shall go up) sufficiently indicates the subject which has been previously mentioned.
- (45) Cf. Bah a.l. Cur. edd., 'one'.
- (46) I.e., a brother's wife not coming under the obligation of levirate marriage as the one spoken of previously in the text.
- (47) Lit., 'guilty of'.
- (48) A widow to a High Priest. V supra p. 117, n. 6.
- (49) The text, His brother's wife.
- (50) And so subject them also to halizah.
- (51) Deut. xxv, 7'
- (52) Such as those who are subject to kareth.
- (53) Lit., 'what did you see', i.e., why include the one and exclude the other?

Talmud - Mas. Yevamoth 20b

— This¹ stands to reason, since betrothal of those forbidden by a negative precept is valid while the betrothal of those subject to kareth is not valid.

Raba raised an objection: In the case of one forbidden by virtue of a commandment or by virtue of holiness, with whom the levir had intercourse or participated in halizah, her rival is thereby exempt. Now, if one is to assume that those forbidden by a negative precept are Pentateuchally subject to halizah but not to the levirate marriage, why should her rival be exempt when he had intercourse with her? He raised the objection and he also supplied the answer: This is to be understood respectively;² 'he had intercourse with her' refers to one prohibited by virtue of a commandment,³ 'participated in halizah with her' refers to the one forbidden by virtue of holiness.⁴

Raba raised an objection: He who is wounded in the stones or has his privy member cut off, a man-made saris,⁵ and an old man, may either participate in halizah, or contract levirate marriage. How?⁶ If these died and were survived by brothers and by wives, and those brothers arose and addressed a ma'amar to the widows, or gave them letters of divorce, or participated with them in halizah, their actions are legally valid;⁷ if they had intercourse with them, the widows become their lawful wives.⁸ If the brothers died and they⁹ arose and addressed a ma'amar to their wives, or gave them divorce, or participated with them in halizah, their actions are valid,⁷ and if they had intercourse with them, the widows become their lawful wives but they¹⁰ may not retain them,

because it is said in the Scriptures — He that is wounded in the stones or hath his privy member cut off shall not enter [into the assembly of the Lord] .¹¹ Now, if it could be assumed that those forbidden by a negative precept are Pentateuchally subject to halizah and not to levirate marriage, why should the widows become their lawful wives if they¹² had intercourse with them?¹³

But, said Raba, [say rather that] an erusin widow is forbidden¹⁴ by both a positive and a negative precept, for it is written in the Scriptures, They shall be holy unto their God.¹⁵ What, however, can be said in respect of a bastard or a nethinah?¹⁶ — It is written, And sanctify yourselves.¹⁷ If so,¹⁸ all the [negative precepts of the] Torah should be regarded as positive and negative since it is written in the Scriptures, And sanctify yourselves!¹⁷ But, said Raba, [the fact is that]¹⁹ an erusin widow is forbidden²⁰ as a preventive measure against the marriage of a nissu'in widow.²¹ What, however, can be replied in respect of a bastard and a nethinah?²² — [The prohibition in] the case where a precept is applicable²³ is a preventive measure against [a marriage] where no precept is applicable. If so, let one's paternal brother's wife not be allowed levirate marriage as a preventive measure against marriage with the wife of his maternal brother! — 'We All Merciful made levirate marriage dependent on inheritance²⁴ [and the relationship] is, therefore, well known.²⁵ A woman, then, who has no children should not be taken in levirate marriage as a preventive measure against the marriage of a woman who has children! — The All Merciful made levirate marriage dependent on [the absence of] children, [and the fact²⁶ would be] well known. The wife of one's contemporary brother should not be taken in levirate marriage as a preventive measure against marriage with the wife of one's brother who was not one's contemporary! — The All Merciful has made it²⁷ dependent on dwelling together²⁸ [and the fact]²⁹ is well known. All women should not be taken in levirate marriage as a preventive measure against the marriage of a woman incapable of procreation! — This³⁰ is unusual.³¹ A bastard and a nethinah also are unusual!³² — But, said Raba, [this is the reason]: The first act of Intercourse³³ is forbidden³⁴ as a preventive measure against a second act of intercourse.³⁵

It has been taught likewise: If they³⁶ had intercourse [with any of the forbidden women] they acquire [her as wife] by the first act of intercourse, but may not keep her for a second act of intercourse.³⁷

Subsequently Raba, others say R. Ashi, said: The statement I made³⁸ is valueless,³⁹ for Resh Lakish said, 'Wherever you come upon a combination of a positive and a negative precept and⁴⁰ you are able to act in conformity with both, well and good; but if not, the positive precept must override the negative'.⁴¹ Similarly here⁴² it is possible to perform halizah, whereby one is enabled to keep the positive as well as the negative precept.

An objection was raised: If they³⁶ had intercourse [with any of the forbidden women] they acquire [her as wife]!⁴³ — This is indeed a refutation.

It was stated: Concerning an act of intercourse between a High Priest and a widow⁴⁴ [there is a difference of opinion between] R. Johanan and R. Eleazar. One maintains that it does not exempt her rival,⁴⁵ and the other maintains that it does exempt her rival.⁴⁶)

(1) The inclusion of the one who is prohibited by a negative precept and the exclusion of those who are subject to kareth.

(2) Lit., 'he taught to sides'.

(3) As defined in our Mishnah. I.e., a woman forbidden by Rabbinic ordinance but who is Pentateuchally permitted and subject to levirate marriage. Intercourse with her consequently exempts her rival.

(4) With whom marriage is forbidden, and her halizah only exempts her rival.

(5) Lit., 'eunuch of man', opp. to natural castration due to a disease etc. V. notes on the Mishnah, infra 79b.

(6) I.e., in what circumstances is the law mentioned applicable.

(7) Lit., 'what they have done is done'; a divorce is required in respect of the ma'amar; no marriage may take place after

the divorce, though no ma'amar preceded it, and the halizah is valid.

(8) Lit., 'they acquired'.

(9) I.e., the maimed persons mentioned, or the old man.

(10) I.e., those that are maimed. The old man is excluded. V. infra.

(11) Deut. XXIII, 2. V. Tosef. Yeb. XI, infra 79b.

(12) Who are crushed or maimed in their privy parts and who are, therefore, forbidden by a negative precept to marry an Israelite's daughter.

(13) This proves that those forbidden by negative precept are subject to levirate marriage no less than to halizah, and thus the question remains, why should an erusin widow be forbidden in levirate marriage to a High Priest?

(14) To a High Priest.

(15) Lev. XXI, 6. This text adds a positive precept to the negative one of ibid. 14, and for this reason an erusin widow is forbidden in levirate marriage to a High Priest.

(16) Marriage with whom is forbidden by a negative precept only and yet may not be superseded by the positive precept of the levirate.

(17) Lev. XI, 44cf. p. 119, n. II.

(18) That Lev. XI, 44 provides a text from which a positive precept may be deduced and added to the negative one.

(19) Raba's answer thus being rebutted, there remains the question, why should an erusin widow be forbidden in levirate marriage to a High Priest.

(20) To a High Priest.

(21) Not because those forbidden by a negative precept may not contract levirate marriage. Pentateuchally, in fact, they may; and this is the reason why marital intercourse with such consummates marriage, as stated supra.

(22) Why are these forbidden levirate marriage?

(23) Such as the precept of the levirate marriage.

(24) Supra 17b, infra 240.

(25) Everybody knows whether the brother is paternal or only maternal.

(26) That there are children, or that there are not. as the case may be.

(27) Levirate marriage.

(28) I.e., that the brothers must be contemporaries. v. supra.

(29) That the levir was, or was not 'dwelling together with the deceased'.

(30) That a woman should be incapable of procreation.

(31) And there is no need to provide against rare cases.

(32) And yet they were forbidden as a preventive measure.

(33) In the levirate marriage, Pentateuchally permissible even in the case of one forbidden by a negative precept, the positive precept overriding the negative.

(34) In the case of an erusin widow.

(35) When only the prohibition under the negative precept remains, the positive precept of the levirate marriage having been fulfilled with the first act of intercourse.

(36) Those who are forbidden marriage by a negative precept.

(37) Sanh. 19a.

(38) That the first act of intercourse is Pentateuchally permitted.

(39) Lit., 'it is nothing'.

(40) Lit., 'if'.

(41) Shab. 133a, Naz. 41a, Men. 56a.

(42) The case of the erusin widow of a brother of a High Priest who died after betrothal and before marriage.

(43) Which shews that Pentateuchally the positive precept of levirate marriage does supersede the prohibition of marrying a widow. Had that not been the case, the levir's Pentateuchal illegitimate intercourse could not have constituted a legal bond of marriage.

(44) Whose deceased husband, the High Priest's brother, died without issue.

(45) From the levirate marriage or halizah.

(46) As well as herself, who would, as a result, require a divorce but no halizah.

Talmud - Mas. Yevamoth 21a

Talmud - Mas. Yevamoth 21a

In the case of a nissu'in widow they both agree¹ that it does not exempt, since no positive precept may override a combination of a positive and a negative precept.² They differ, however, in the case of an erusin widow. He who maintains that it³ exempts [does so because] a positive precept supersedes a negative one; and he who maintains that it³ does not exempt holds that the positive precept here does not supersede the negative one since [in this case] halizah is possible.⁴

An objection was raised: If they⁵ had intercourse [with any of the forbidden women] they acquire [her as wife]⁶ -This is indeed a refutation. May this⁷ be assumed to provide a refutation of the view of Resh Lakish also?⁸ -Resh Lakish can answer you: I said it only in the case where the precept is fulfilled; here, however, halizah as a substitute for the levirate marriage is not a fulfilment of the precept.⁹

Raba said: Where in the Torah may an allusion be found to [the prohibition of] relations in the second degree?¹⁰ It is said, For all these abominations have the men of the land done;¹¹ the expression, these¹² implies grave abominations, from which it may be inferred that there are milder ones. And what are these? The cases of incest of the second degree. What proof is there that 'these'¹² is an expression of gravity? — Because it is written in the Scriptures, And the mighty¹³ of the land he took away.¹⁴ May it be assumed that this view¹⁵ differs from that of R. Levi? For R. Levi said: The punishments for [false] measures are more rigorous than those for [marrying] forbidden relatives; for in the latter case the word used is El,¹² but in the former Eleh.¹⁶ — El implies rigour, but Eleh implies greater rigour than El.¹⁷ Is not Eleh written also In connection with forbidden relatives?¹⁸ -That [Eleh has been written] to exclude [the sin of false] measures from the penalty of kareth.¹⁹ In what respect, then,²⁰ are they²¹ more rigorous? — In the case of the former,²² repentance is possible; in that of the latter²³ repentance is impossible.²⁴

Rab Judah said: It²⁵ may be derived from the following: Yea he pondered, and sought out, and set in order many proverbs,²⁶ in relation to which 'Ulla said in the name of R. Eleazar, 'Before Solomon appeared, the Torah was like a basket without handles; when²⁷ Solomon came he affixed handles²⁸ to it.

R. Oshaia said: It²⁵ may be derived from the following: Avoid it, pass not by it; turn from it, and pass on.²⁹

Said R. Ashi: R. Oshaia's interpretation may be represented by the simile³⁰ of a man who guards an orchard. If he guards it from without, all of it is protected. If, however, he guards it from within, only that section in front of him is protected but that which is behind him is not protected. This statement of R. Ashi, however, is mere fiction.³¹ There,³² the section in front of him, at least, is protected; while here were it not for the prohibition of incest of the second degree, one would have encroached upon the very domain of incest.

R. Kahana said, it may be derived from here: Therefore shall ye keep My charge,³³ provide a charge to my charge.³⁴

Said Abaye to R. Joseph: This,³⁵ surely, is Pentateuchal!³⁶ — It is Pentateuchal' but the Rabbis have expounded it.³⁷ All the Torah, surely- was expounded by the Rabbis!³⁸ But [the fact is that the prohibition³⁹ is] Rabbinical, while the Scriptural text is [adduced as] a mere prop.⁴⁰

Our Rabbis taught: Who are the forbidden relatives in the second degree?⁴¹ — His mother's mother, his father's mother, his father's father's wife, his mother's father's wife, the wife of his father's maternal brother, the wife of his mother's paternal brother, the daughter-in-law of his son daughter-in-law his daughter. A man is permitted to marry the wife of his father-in-law and the wife

of his step-son but is forbidden to marry the daughter of his step-son. His step-son is permitted to marry his⁴² wife and his⁴² daughter. The wife of his step-son may say to him, 'I am permitted to you though daughter is forbidden to you'.

Is not the daughter of, his step-son forbidden, it being written in the Scriptures, Her son's daughter or her daughters daughter?'³³ — As he wished to state in the latter clause, 'The wife of his step-son may say to him, "I am permitted to you though my daughter is forbidden to you", and though my daughter is forbidden to you Pentateuchally the Rabbis did not forbid me as a preventive measure', he stated in the previous clause also 'the daughter of his step-son'. If so,⁴³ could not the wife of his father-in-law also say, 'I am permitted to you and my daughter is forbidden to you', since she is his wife's sister?⁴⁴ -The prohibition of the one⁴⁵ is permanent;⁴⁶ that of the other is not.⁴⁷

Rab said: Four [categories of] women [forbidden in the second degree] are subject to a limitation.⁴⁸ Of these Rab knew⁴⁹ three: The wife of a mother's⁵⁰ paternal brother, the wife of a father's⁵¹ maternal brother, and one's daughter-in-law.⁵² Ze'iri, however, adds also the wife of his mother's father. Said R. Nahman b. Isaac: Your mnemonic sign is, 'Above that of Rab'.⁵³ Why does not Rab include it?⁵⁴ — Because she⁵⁴ might be mistaken for the wife of one's father's father.⁵⁵ And Ze'iri?-Thither⁵⁶ one usually goes,⁵⁷ but hither⁵⁸ one does not usually go.⁵⁹

Is not the prohibition of one's daughter-in-law

- (1) Lit., 'all the world do not differ'.
- (2) The levirate marriage is consequently illegal.
- (3) The act of intercourse.
- (4) Which would not conflict with the negative precept, while the requirements of the positive one would also be complied with.
- (5) V. supra p. 121, n. 5.
- (6) V. supra p. 121, n. 12.
- (7) The Baraitha cited.
- (8) Who stated (supra 20b) that whenever it is possible to observe the positive, as well as the negative precept, the rule of the abrogation of the one by the other is not to be applied.
- (9) It is only a ritual to be observed where levirate marriage cannot take place. The precept of levirate marriage, however, is not thereby fulfilled.
- (10) Lit., 'whence an allusion to seconds from the Torah'.
- (11) Lev. XVIII, 27, dealing with incest.
- (12) **האיל**
- (13) **אילי** which is analogous to **האיל**
- (14) Ezek. XVII, 13. describing the serious and grave position of Judah
- (15) Of Raba.
- (16) **האיל** Deut. XXV, 16. This implies that the sin of incest is of a milder nature.
- (17) El and Eleh have the same meaning, but the additional eh (**הי**) at the end of the latter is taken to imply additional punishment.
- (18) Lev. XVIII, 26. **האיל**
- (19) Since the expression of 'abomination' has been applied in the Pentateuchal text to both false measures and forbidden relations, it might have been assumed that the sin of the former is, like the latter, subject to kareth. Hence the need for the excluding word.
- (20) If the penalty of kareth is inflicted for the sin of incest only and not for that of false measures.
- (21) The punishments for false measures.
- (22) Incest, so long as there was no Issue.
- (23) False measures.
- (24) V. B.B. 88b. One cannot by mere repentance make amends for robbing. The return of the things robbed must precede penitence. In the case of false measures it is practically impossible to trace all the individual members of the

public that were defrauded.

(25) An allusion to the prohibition of relations in the second degree.

(26) Eccl. XII, 9.

(27) Lit., 'until'.

(28) **אָרְבֵּי אָזְנוֹת**, sing. **אָזְנוֹת**, 'ear' or 'handle'. The Heb. **אָזְנוֹת** (E.V. he pondered) is regarded as denominative of **אָזְנוֹת**, 'he made handles', i.e., he added restrictions to the commandments of the Torah, such as the prohibitions of incest of the second degree, which helped to preserve the original precepts of the Torah as handles are an aid to the preservation of the basket.

(29) Prov. IV, 15; an allusion to the Torah. One must add restrictions to its precepts, such as those of incest of the second degree, in order to keep away from any possible infringement of its original precepts.

(30) Lit., 'the parable of R. Oshaia, to what may the thing be compared?'

(31) **בְּדִתְיָא** v.B.M., Sonc. ed. p.47, n.1.

(32) The orchard.

(33) Lev. XVIII, 30, dealing with incest.

(34) Or 'make a keeping to my keeping', a protection to my protection', i.e., 'add restrictive measures to safeguard my original precept'.

(35) R. Kahana's text.

(36) Why then is this class of incest described as of the 'second' degree?

(37) Hence it must come under the second degree.

(38) And yet no one would describe those laws as of the second degree!

(39) Of incest of the second degree.

(40) Heb., Asmakta, v. Glos.

(41) Of incest.

(42) The step-father's. (13) Lev. XVIII, 17. Why include it among incest of the second degree?

(43) [If this is the reason for including Pentateuchal prohibition in this list].

(44) [And thus let him also include the daughter of his mother-in-law.]

(45) Lit., that', the daughter of his step-son.

(46) Lit., 'it is definite to him'.

(47) The daughter of his mother-in-law is permitted to him after the death of her sister, his wife.

(48) Lit., 'break' i.e., only they themselves are forbidden but not their descendants or ancestors in the descending or ascending line. In the case of the other relatives in the second degree of incest the prohibition extends throughout all generations in the ascending. and descending lines.

(49) Lit., 'held in his hand'.

(50) But not, e.g., of a mother's mother's.

(51) Not of a father's father's.

(52) This case is discussed infra.

(53) Ze'ri's addition to the limitations is one generation above that of Rab. While the latter stops at the second generation (that of father and mother) the former goes as far as the third (mother's father).

(54) Ze'ri's addition, a mother's father's wife.

(55) Who is Pentateuchally forbidden. Were a limit to be set in the case of the former, a similar limit would erroneously be set to the latter.

(56) To the family of one's father.

(57) I.e., there is frequent social intercourse between the members of the family on the paternal side.

(58) One's mother's family.

(59) No mistake, therefore, could occur between a mother's father and a father's father. Hence no preventive measure is necessary.

Talmud - Mas. Yevamoth 21b

Pentateuchal, it being written in the Scriptures, Thou shalt not uncover the nakedness of thy daughter-in-law?¹ — Read, 'the daughter-in-law of his son'. But is there any limitation² for the daughter-in-law of one's son? Surely it was taught: His daughter-in-law is a forbidden relative, and

the daughter-in-law of his son is a forbidden relative of the second degree; and the same principle is to be applied to one's son and son's son to the end of all generations!³ — But read, 'the daughter-in-law of his daughter' for R. Hisda said: I heard from a great man—And who is he? R. Ammi— [the following statement]: 'The daughter-in-law was forbidden only on account of the daughter-in-law'; and when the soothsayers⁴ told me, 'You will be a teacher', I thought, 'If I would be a great man⁵ I would explain it⁶ on my own; and should I be a Scripture teacher of little children I would ask the Rabbis who come to the school house.⁷ Now I am in a position to explain it on my own: The daughter-in-law of one's daughter was forbidden only on account of the daughter-in-law of one's son.

Said Abaye to Raba: I can explain it to you: Take as an example a daughter-in-law of the house of Bar Zithai.⁸ R. Papa said: As for example a daughter-in-law in the house of R. Papa b. Abba.⁹ R. Ashi said: As for example a daughter-in-law of the house of Mari b. Isak.⁹

An inquiry was made: What [is the law in respect of] the wife of a mother's maternal brother? Did the Rabbis forbid as a preventive measure only the wife of a father's maternal brother and the wife of a mother's paternal brother because in these cases there is a paternal strain,¹⁰ but where there is no paternal strain¹¹ the Rabbis did not pass any preventive measure, or is there no difference? R. Safra replied: She herself¹² is forbidden as a preventive measure; shall we come and superimpose a preventive measure upon a preventive measure! Said Raba: Are not others¹³ forbidden as a preventive measure to a preventive measure? His mother, e.g., is a forbidden relative, his mother's mother is a forbidden relative of the second degree, and yet was his father's mother forbidden as a preventive measure against his mother's mother¹³ And what is the reason? Because they are both called 'grandmother'¹⁴ His father's wife is a forbidden relative, his father's father's wife is a forbidden relative of the second degree, and yet was his mother's father's wife forbidden as a preventive measure against his father's father's wife! And what is the reason? Because they are both called 'grandfather'.¹⁵ The wife of his father's paternal brother is a forbidden relative, the wife of his father's maternal brother is a forbidden relative of the second degree, and yet was the wife of his mother's paternal brother forbidden as a preventive against the wife of his father's maternal brother! And what is the reason? Because they are both called uncle!¹⁵ What, then, is the law?¹⁶ Come and hear: When R. Judah b. Shila came¹⁷ he stated that In the West¹⁸ the rule was laid down¹⁹ that whenever a female²⁰ is a forbidden relative the wife of the male²¹ is forbidden in the second degree as a preventive measure; and Raba remarked: 'Is this a general rule? Surely one's mother-in-law is a forbidden relative and yet is one's father-in-law's wife permitted, the daughter of his mother-in-law is a forbidden relative and yet is the wife of the son of his mother-in-law permitted, his step-daughter is a forbidden relative and yet is the wife of his step-son permitted, the daughter of his step-daughter is a forbidden relative and yet is the wife of the son of his step-son permitted'; what, then, does R. Judah b. Shila's [reported rule] include? Does it not then include the case of the wife of a mother's maternal brother, since 'wherever a female²² as a forbidden relative²³ the wife of the male²⁴ is forbidden in the second degree as a preventive measure'!²⁵

What is the difference between those²⁶ and this?²⁷ — In this case²⁷ she becomes related to him by one act of betrothal;²⁸ in those cases²⁹ they do not become related to him until two acts of betrothal have taken place.³⁰

R. Mesharsheya of Tusaneya³¹ sent to R. Papi: Will our Master instruct us as to what is the law concerning the wife of the father's father's [paternal]³² brother, and a father's father's sister?³³ Seeing that the degree below is incest,³⁴ has a preventive measure been issued in respect also of the degree above,³⁵ or perhaps [not]. since the relationship has branched off?³⁶ Come and hear: Who are the forbidden relatives of the second degree [etc.];³⁷ and these³⁵ were not enumerated among them!³⁸ — Some might have been mentioned and others omitted.³⁹ What other omissions were made such as to justify this omission also? — The forbidden relatives of the second degree, of the School of R.

Hiyya,⁴⁰ were also omitted.

Amemar permitted the wife of one's father's father's brother and one's father's father's sister. Said R. Hillel to R. Ashi:⁴¹ 'I saw the [list of] forbidden relatives of the second degree of Mar the son of Rabana⁴² and sixteen were written down as forbidden cases. Would they not be the eight of the Baraita,⁴³ the six of the School of R. Hiyya,⁴⁴ and these two,⁴⁵ in all sixteen?-But according to your view there should be seventeen, since there is also the case of the wife of a mother's maternal brother, who in accordance with our decision is forbidden!' — 'This is no difficulty.

(1) Lev. XVIII, 15; why then did Rab include her among those of the second degree?

(2) V. supra p. 125, n. 6.

(3) Ker. 14b.

(4) כְּלָדָיִם lit., 'Chaldeans', known for their extensive practice of divination and soothsaying.

(5) I.e., if 'teacher' implied a teacher of scholars at the academy.

(6) R. Ammi's vague statement.

(7) [Lit., 'House of Assembly', the synagogue to which was attached the school for children.]

(8) In that family there were both a daughter-in-law of Bar Zithai's son and a daughter-in-law of his daughter, and permission to marry the latter might easily have led to the erroneous conclusion that the former also was permitted.

(9) Cf. n. 7' mutatis mutandis.

(10) Lit., 'side of father'.

(11) As in the case of the wife of a mother's maternal brother, here under discussion.

(12) The wife of a mother's paternal brother.

(13) Lit., 'all of them'. v. Rashi, a.l.

(14) Lit., 'all of them call her of the house of grandmother'. Hence the necessity for a preventive measure.

(15) Cf. previous note mutatis mutandis. All of which shews that we do superimpose a Preventive measure upon a preventive measure.

(16) With respect to the wife of a mother's maternal brother.

(17) From Palestine to Babylon.

(18) Palestine.

(19) Lit., 'they said'.

(20) In any degree of relationship.

(21) In the same degree of relationship as the female.

(22) In any degree of relationship.

(23) Such as a mother's maternal sister.

(24) In the same degree of relationship as the female.

(25) Hence the wife of a mother's maternal brother must be forbidden as a relative in the second degree.

(26) The cases pointed out by Raba.

(27) The wife of a mother's maternal brother. v. n. 4.

(28) The betrothal of the woman by his mother's maternal brother.

(29) Pointed out by Raba.

(30) In the case of the wife of his father-in-law, for instance, her relationship to him is dependent on (a) his betrothal of his own wife whereby her father becomes his father-in-law, and (b) the betrothal by his father-in-law of his wife; and similarly in all the other cases pointed out by Raba.

(31) [Prob. for Astunia near Pumbeditha (Obermeyer p. 229. n' 1.); cf. Keth., Sonc. ed. p. 715, n. 4.

(32) Cf. Rashi a.l.

(33) Paternal or maternal.

(34) The wife of a father's paternal brother, and a father's paternal or maternal sister.

(35) The cases cited in the inquiry, which are a generation higher.

(36) Lit., 'divided' or 'removed'.

(37) Supra 21a.

(38) Which seems to prove that these were not forbidden.

(39) Lit., 'he taught and left over'; though the others might be equally forbidden.

(40) Infra 22a.

(41) Who held the same opinion as Amemar. V. Tosaf. a.l. s.v. אממר.

(42) Or Rabina.

(43) Supra 21a.

(44) Infra 22a.

(45) Those of Amemar, agreed to by R. Ashi. V. supra p. 128. n. 20.

Talmud - Mas. Yevamoth 22a

Those two which resemble one another¹ are reckoned as one, and thus [the total is] sixteen.' 'But, after all, I saw that these were written down as forbidden!'² The other said to him: 'Granted that this is so, would you have relied upon that list, if the cases had been written down as permitted? "Has Mar the son of Rabana signed them?" [you would have argued]. Now then that they have been written down as forbidden, [you might also argue]. "Mar the son of Rabana has not signed them".

It was taught at the School of R. Hiyya: The third generation of his son,³ of his daughter.⁴ of the son of his wife⁵ or of the daughter of his wife⁶ [is forbidden as incest of the] second degree; the fourth generation⁷ through his father-in-law⁸ or his mother-in-law⁹ [is forbidden as incest of the] second degree.

Said Rabina to R. Ashi: Why is the wife included in the ascending line¹⁰ and not included in the descending line?¹¹ -In the case of the ascending line, where the prohibition is due to his wife, she is included; in the descending line, where the prohibition is not due to his wife,¹² she is not included. But, surely, there is the case of the son of his wife and the daughter of his wife whose prohibition is due to his wife who is, nevertheless, not included! — As he enumerated three generations in the descending line on his side¹³ and did not include her, he also enumerated three generations in the descending line on her side¹⁴ and did not include her.

Said R. Ashi to R. Kahana: Are the second degrees of incest of the School of R. Hiyya subject to the limitation¹⁵ or not? Come and hear what Rab said: 'Four [categories of forbidden] women are subject to a limitation',¹⁶ but no more. But is it not possible that Rab was only referring to that Baraitha!¹⁷

Come and hear: 'The third' and 'the fourth',¹⁸ which implies the third and fourth generations only but no further. But is it not possible [that this meant] from the third generation onwards¹⁹ and from the fourth generation onwards!¹⁹

Raba said to R. Nahman, 'Has the Master seen the young scholar who came from the West²⁰ and stated: The question was raised in the West whether the second degrees of incest were forbidden as a preventive measure among proselytes or not?' — The other replied: Seeing that even in respect of actual incest 'but for the fear that they might be said to have exchanged a [religion of] stricter for [one of] more easy-going sanctity, the Rabbis would not have imposed upon them any preventive measures,²¹ is there any question [that they should have done so in respect of] the second degrees?

Said R. Nahman: As the subject of proselytes has come up,²² let us say something about them: Maternal brothers may not tender evidence;²³ if, however, they did, their evidence is valid.²⁴ Paternal brothers may tender evidence without challenge.²⁵

Amemar said: Even maternal brothers may tender evidence without challenge. And why is this case different from incest?²⁶ — Matters of incest lie in everybody's hands;²⁷ evidence is entrusted to Beth din, and [they know that] one who has become a proselyte is like a child newly born.²⁸

MISHNAH. IF ONE HAS ANY KIND OF BROTHER,²⁹ [THAT BROTHER] IMPOSES UPON HIS BROTHER'S WIFE THE OBLIGATION OF THE LEVIRATE MARRIAGE AND IS DEEMED TO BE HIS BROTHER IN EVERY RESPECT. FROM THIS IS EXCLUDED A BROTHER BORN FROM A SLAVE OR A HEATHEN.³⁰

IF ONE HAS ANY KIND OF SON, [THAT SON] EXEMPTS HIS FATHER'S WIFE FROM THE LEVIRATE MARRIAGE, IS LIABLE TO PUNISHMENT FOR STRIKING OR CURSING [HIS FATHER]. AND IS DEEMED TO BE HIS SON IN EVERY RESPECT. FROM THIS IS EXCLUDED THE SON OF A SLAVE OR A HEATHEN.³¹ GEMARA. What does the expression ANY KIND include? Rab Judah said: It includes a bastard. Is not this obvious? Surely, he is his brother! — It might have been assumed that 'brotherhood'³² here should be deduced from 'brotherhood' in the case of the sons of Jacob;³³ as there they were all legitimate and untainted, so here also [the brothers must be] legitimate and untainted; hence we were taught [that it is not so]. [Might we still suggest that it is so?] — Since he³⁴ has at any rate the power to confer exemption from the levirate marriage³⁵

- (1) Amemar's cases, both of whom are related to one through one's father (paternal grandfather's brother's wife, and paternal grandfather's sister) and both are one degree above that of actual incest.
- (2) While according to Amemar and R. Ashi (v. supra p. 128, n. 20) these are permitted! [The text is difficult. Read with MS.M.: But after all I saw (the list) and sixteen were written down as forbidden.]
- (3) I.e., his son's son's daughter, his son's daughter being forbidden as actual incest, v. Lev. XVIII, 10.
- (4) His daughter's son's daughter; his daughter's daughter coming under the prohibition of actual incest. Cf. n. 7.
- (5) Cf. note 7, mutatis mutandis.
- (6) Cf. note 8, mutatis mutandis.
- (7) From his wife.
- (8) His father-in-law's mother's mother who is the fourth generation from his wife. (A father-in-law's mother comes under the prohibition of actual incest).
- (9) His mother-in-law's mother's mother. Cf. previous note.
- (10) V. previous three notes.
- (11) Regarding, for instance, his son's son's daughter as of the third generation and not of the fourth, as would have been the case had his wife (his son's mother) been included.
- (12) Since, as has been explained supra 40, Lev. XVIII, 10 refers to a son born from a woman whom he had outraged.
- (13) The third generation of his son or daughter born from a woman he had outraged.
- (14) The third . generation of the son or daughter of his wife.
- (15) V. supra P. 125, n. 6.
- (16) Supra 21a.
- (17) Which enumerated (supra 1.c.) eight cases only of the second degrees of incest, but none of those of the School of R. Hiyya.
- (18) I.e., the School of R. Hiyya supra included in the second degree only the third generation in the descending, and the fourth generation in the ascending line.
- (19) Are forbidden in the second degree of incest; but those of the nearer generations are forbidden as actual incest.
- (20) Palestine.
- (21) Biblically, the proselyte is regarded as a newborn child and all his previous family ties are severed. It is only Rabbinically that he was subjected to the laws of incest.
- (22) Lit., 'to our hand'.
- (23) Since the family relationship in their case is a certainty, and a relative is ineligible as a witness.
- (24) As, Biblically, the proselyte is deemed to be a newborn child without any relatives. V. supra p. 130, n. 10.
- (25) Lit., 'as from the start', since in: their case no brotherly relationship is recognized, the heathens having been known to indulge in promiscuous intercourse.
- (26) Which is applicable to a proselyte also. If he married, for instance, his maternal sister he must divorce her (infra 98a).
- (27) Marriages are not, as a rule, arranged with the aid of the Beth din, and, should a proselyte be permitted to live with

his sister, some people might infer that such a marriage was permitted to an Israelite also. Hence the prohibition.

(28) The Beth din who know this law would not allow a brother of an Israelite to give evidence though this would be allowed to a brother of a proselyte.

(29) This is explained in the Gemara. Lit., 'from any place'.

(30) Such children assume their mother's status of inferiority, and are not regarded as one's paternal brothers.

(31) Cf. n. 9.

(32) Brethren in the context of the levirate relationship, Deut. XXV, 5.

(33) Gen. XLII, 13, twelve brethren.

(34) A bastard.

(35) A woman whose husband died without leaving any issue from their union may, nevertheless, be exempt from the requirements of the levirate marriage if that husband had a bastard son.

Talmud - Mas. Yevamoth 22b

he also has the power to impose the obligation of the levirate marriage.¹

AND IS DEEMED TO BE HIS BROTHER IN EVERY RESPECT. In respect of what, in actual practice?—That he is to be his heir and that he² may defile himself for him. Is not this obvious, he being his brother! — Whereas it is written, Except for his kin, that is near unto him,³ and a Master had said that 'his kin' refers to his wife, while [on the other hand] it is written, A husband among his people shall not defile himself, to profane himself,⁴ [which verses taken together mean],⁵ some kind of husband may defile himself and some kind of husband may not, and how [is this to be understood]? He may defile himself for his lawful wife but may not defile himself for his unlawful wife; and so here it might have been assumed that he may defile himself for a legitimate brother but may not defile himself for an illegitimate brother; hence it was taught [that it is hot so]. Might we still suggest that it is so? In that case she is liable at any moment to be sent away,⁶ but here he is his brother.

FROM THIS IS EXCLUDED A BROTHER BORN FROM A SLAVE OR A HEATHEN. What is the reason? Scripture stated, The wife and her children shall be the master's.⁷

IF ONE HAS ANY KIND OF SON, [THAT SON] EXEMPTS etc. What does ANY KIND include?—Rab Judah said: It includes a bastard. What is the reason? — Because Scripture stated, And have no [en lo] child⁸ which implies 'hold an inquiry⁹ concerning him.'¹⁰

AND IS LIABLE TO PUNISHMENT FOR STRIKING [HIM]. But why? One should apply here the Scriptural text, Nor curse a ruler of thy people.¹¹ only when he practises the deeds of thy people!¹² — As R. Phinehas in the name of R. Papa said [elsewhere] 'When he repented', so here also it is a case where he repented. Is such a persona however, capable of penitence? Surely we learnt: Simeon b. Menasya said, That which is crooked cannot be made straight.¹³ refers to him who had intercourse with a forbidden relative and begot from her a bastard! — Now, at any rate, he is practising 'the deeds of thy people'.¹⁴

Our Rabbis taught: He who has intercourse with his sister who is also the daughter of his father's wife¹⁵ is guilty¹⁶ on account of both his sister and his father's wife's daughter. R. Jose son of R. Judah said: He is only guilty on account of his sister but not of the daughter of his father's wife.

What is the Rabbis' reason? Observe, they would say, it is written, The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother,¹⁷ what need was there for The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister?¹⁸ In order to intimate that he is guilty on account of both his sister and his father's wife's daughter. And R. Jose son of R. Judah? — Scripture stated, She is thy sister,¹⁹ you can hold him guilty on account of his sister, but you cannot

hold him guilty for his father's wife's daughter. And to what do the Rabbis apply the expression, 'She is thy sister'?-They require it [for the deduction] that a man is guilty on account of his sister who is the daughter of his father and the daughter of his mother,²⁰ thus indicating that no prohibition²¹ may be deduced by logical argument.²² And R. Jose son of R. Judah?²³ -If so, the All Merciful should have written 'thy sister', what need was there for 'she is'? To indicate that you may hold him guilty on account of 'thy sister' but you cannot hold him guilty on account of 'his father's wife's daughter'. And the Rabbis? Although 'thy sister' was written, It was also necessary to write 'she is'; in order that no one should suggest that elsewhere a prohibition may be deduced by logical argument and that the All Merciful has written here, 'thy sister'²⁴ because Scripture takes the trouble to write down any law that may be deduced a minori ad majus; hence did the All Merciful write 'she is'.²⁵

And R. Jose son of R. Judah?-If so, the All Merciful should have written [the expression], 'She is thy sister' in the other verse.²⁶

And to what does R. Jose son of R. Judah apply the phrase Thy father's wife's daughter?²⁷ — He requires it for [the deduction]: Only she with whom your father can enter Into marital relationship, but a sister born from a slave or a heathen²⁸ is excluded, since your father cannot enter with her into marital relationship.²⁹

Might it not be said to exclude a sister born from one whom his father had outraged? — You cannot say this owing to Raba's statement. For Raba pointed out a contradiction: It is written In Scripture, The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover,³⁰ thus it follows that her³¹ son's daughter and her daughter's daughter are permitted; but [below] it is written, Thou shalt not uncover the nakedness of a woman and her daughter; [thou shalt not take] her son's daughter or her daughter's daughter.³² How then [are these to be reconciled]? The one³³ refers to a case of outrage,³⁴ the other³² to that of lawful marriage.

(1) Upon the wife of any son of his father. However, since he is debarred from marrying her, he frees her by halizah, v. supra 20a.

(2) Even if he is a priest. Cf. Lev. XXI, 1ff.

(3) Ibid. v. 2.

(4) Ibid. v. 4. The Talmudic rendering of the verse differs slightly from E.V. which render husband בעל as 'chief',

(5) In order to remove the apparent contradiction.

(6) The husband is not allowed to live with her. Hence she cannot be regarded as his wife.

(7) Ex. XXI, 4, referring to a slave. The case of the heathen is explained infra.

(8) Deut. XXV, 5. וְבִן אֵינִי לוֹ.

(9) עִי 'examine', 'search', 'investigate'. The Aleph (א) of אֵינִי is interchangeable with the 'Ayin (ע) of עִי

(10) I.e., inquire whether he has been survived by ANY KIND OF SON. Cf. B.B. 115a, Sonc. ed., p. 474 nn. 6ff.

(11) Ex. XXII. 27.

(12) This father, however, who is guilty of incest did not practise the deeds of his people! Why then should his son be punished for his action against such a man?

(13) Eccl. I, 15.

(14) Though he cannot clear his past he may turn over a new leaf.

(15) I.e., the offspring of a lawful marriage.

(16) V. infra p. 201, n.16. and Mak. 13a.

(17) Lev. XVIII, 9, referring to the offspring of an intercourse, whether as a result of marriage or outrage.

(18) Ibid. v. II. This, surely, is only a petition of one of the cases dealt with in v.9.

(19) Lev. XVIII, 11.

(20) Who was not his father's lawful wife; in the case, for instance, when he and his sister were born from one whom their father had outraged. This case could not be deduced from Lev. XVIII, 9, since the sister born as a result of outrage, spoken of there, is one who is the daughter of the father or of the mother, while the expression Thy father's wife's daughter refers to one born from a lawful marriage.

- (21) Such, e.g., as intercourse with a sister born from the same woman whom their father had outraged.
- (22) If a sister who is the daughter of only one of his parents is forbidden, how much more so a sister who is the daughter of both his parents. V. Mak., Sonc. ed. pp. 18 and 26.
- (23) How does he meet the argument of the Rabbis?
- (24) Lit., 'and if you would say what need was there for "thy sister" what the All Merciful has written'.
- (25) Only she is, i.e., only in this case, where Scripture had explicitly stated it, is the prohibition in force; but elsewhere, where Scripture has not explicitly stated the prohibition, the inference a minori ad majus cannot bring a prohibition into force.
- (26) In Lev. XVIII, 9' which speaks of a sister born from a woman his father had outraged. Since, however, it was inserted in v.11 which speaks of a sister born from a marriage it must have been meant to imply. as R. Jose said supra, that one 'is only guilty of incest with his sister but not with that of the daughter of his father's wife'.
- (27) Lev. XVIII, II.
- (28) The betrothal of either of whom is not considered valid.
- (29) V. Kid. 68a.
- (30) Lev. Xviii, 10.
- (31) One's wife's.
- (32) Lev. XVIII, 17.
- (33) Lit., 'here'; Lev. XVIII. 10.
- (34) In which case a man may not marry the daughter of his own son or the daughter of his own daughter, and may marry the daughter of the son or the daughter of the daughter whom the outraged woman had from another husband; since he himself is not her lawful husband. As in the case of one's own son and one's own daughter, though the offspring of a woman he outraged, they are legally regarded as son and daughter. so is the sisterhood and brotherhood of such children regarded as legal.

Talmud - Mas. Yevamoth 23a

Might it not be suggested that it excludes those who are subject to the penalties of negative precepts?¹ -R. Papa² replied: The betrothal of those forbidden under negative precept is valid,³ for it is written in the Scriptures, If a man have two wives, the one beloved and the other hated;⁴ can it be said that the Omnipresent loves the one⁵ or hates the other?⁶ But 'beloved' means beloved in her marriage;⁷ 'hated' means hated in her marriage;⁸ and yet the All Merciful has said if ... have.⁹ Might it be taken to exclude those who are liable to kareth?¹⁰ — Raba replied: Scripture said, The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother, whether born at home, or born abroad,¹¹ whether your father is told, 'You may keep her' or whether your father is told, 'Let her go',¹² the All Merciful said, 'She is thy sister'.

Will you suggest [that what is meant is]: Whether your father is told, 'You may keep her' or whether your father is told, 'Let her go'. the All Merciful said, 'She is thy sister', to include his sister from a slave and a heathen! — Scripture stated, The father's wife's daughter,¹³ only she with whom your father can enter into marital relationship, but a sister from a slave or a heathen is excluded.¹⁴ And what ground is there for this?¹⁵ — It is logical to include those subject to kareth since generally¹⁶ their betrothal is valid.¹⁷ On the contrary! A slave and a heathen should have been included since on embracing the Jewish faith, betrothal with himself is also valid! — When any of these adopts the Jewish faith she becomes a different person.¹⁸

Whence do the Rabbis deduce the exclusion of a slave and a heathen?—They deduce it from The wife and her children shall be her master's.¹⁹ And R. Jose son of R. Judah?— One text refers to a slave and the other to a heathen. And both are required; for had we been informed [concerning the exclusion of the] slave, it might have been thought [that this was so in her case] because she has no recognized ancestry, but not in that of a heathen who has recognized ancestry. And had we been informed [of the exclusion of the] heathen, it might have been assumed [that this was so In her case] because she stands under no obligation In relationship to the observance of commandments,²⁰ but

not In that of a slave who is [in some respects] attached to the observance of the commandments.²¹ Hence both were required.

With reference to the Rabbis, we have discovered [the reason for the exclusion of a] slave; whence do they derive [the exclusion of the] heathen? And should you suggest that we might derive it by inference from the slave, those²² were surely needed!²³ R. Johanan replied in the name of R. Simeon b. Yohai: Scripture stated, For he will turn away thy son from following Me;²⁴ 'thy son born from an Israelitish woman is called thy son²⁵ but 'thy son who was born from a heathen is not called thy son²⁵ but her son.²⁶ Said Rabina: From this it follows²⁷ that the 'son of your daughter' who derives from a heathen is called 'thy son'.²⁸ Does this imply that Rabina is of the opinion that if a heathen or a slave had intercourse with a daughter of Israel the child is considered fit!²⁹ -Though he is admittedly no bastard neither is he considered fit; he is rather regarded³⁰ as a tainted Israelite.³¹

But does not that text³² occur in connection with the seven nations?³³ — For he will turn away³² includes all who turn away. This is satisfactory if we follow R. Simeon who expounds³⁴ his own reasons for Scriptural precepts;³⁵ whence, however, do the Rabbis³⁶ derive it according to their view?³⁷ — Who is the Tanna³⁸ who disputes the opinion of R. Jose son of R. Judah? It is R. Simeon.

(1) If his father, e.g., had married a bastard, who is forbidden by a negative Precept. the daughter from such a union should not be regarded as his legitimate sister.

(2) Aruch reads, 'Raba'.

(3) Hence the sisterhood must also be deemed legal.

(4) Deut. XXI, 15.

(5) Lit., 'is there a loved one before the Omnipresent'.

(6) I.e., the husband's love or hatred could not obviously influence a divine law; why then should his love or hatred be mentioned at all?

(7) I.e., permitted to marry him.

(8) I.e., forbidden to marry.

(9) תהיין (rt. היה 'to be'). i.e., the betrothal is Sc. remains valid.

(10) I.e., a daughter from such a marriage which is legally invalid should not be deemed one's legal sister.

(11) Lev. XVIII, 9.

(12) Whether he is permitted to live with her (בית at home) or not (חוץ abroad).

(13) Lev. XVIII, 11.

(14) Since betrothal or marriage with either is invalid.

(15) Lit., 'and what do you see', to apply the excluding text to a slave and a heathen. and the including one to those subject to kareth. Why not reverse the application?

(16) Lit., 'to the world', to those who are not forbidden relatives.

(17) The betrothal of a slave or a heathen, however, is always invalid.

(18) And is no longer regarded as a heathen or slave.

(19) Ex. XXI, 4.

(20) A heathen is under no obligation to observe the precepts of the Torah.

(21) A slave must observe certain commandments. V. Hag. 40.

(22) The texts speaking of the slave and the heathen, supra.

(23) In connection with their own context. They are not available for any deduction.

(24) Deut. VII, 4. The pronoun he in this clause must, according to Talmudic exposition, refer to the antecedent son in v. 3' thy daughter thou shalt not give unto his son, and not to son in the clause, nor his daughter shalt thou take unto thy son. Had the reference been to the latter the reading in v. 4 would have been, for SHE (i.e., the heathen woman) will turn away thy son. 'He' must consequently refer to the heathen husband of the Israelitish woman who would turn away the son of his Israelitish wife, the (grand)son of her father. The son of his son born from the heathen. however, is obviously not called his (grand)son since, 'For he will turn etc.' does not apply to him.

(25) במך thy son or grandson.

(26) I.e., he is a heathen like his mother.

- (27) Cf. supra n. 5.
- (28) V. kid., Sonc. ed. p. 345 nn. 5.6.
- (29) This is a question in dispute, infra 450. [Cf. parallel passage in Kid. 68b where the reading is, the child is a mamzer, a reading to which Tosaf. (s.v. קסבר) gives preference.]
- (30) Lit., 'called'.
- (31) For further notes, v. Kid., Sonc. ed. p. 345ff
- (32) Deut. VII, 4, from which deduction has just been made.
- (33) Enumerated in Deut. VII, I. How, then, could the same text be applied to other nations?
- (34) Even where Scripture assigns no reason.
- (35) V. B.M. 115a; the explicit reason, For he will turn etc. given here is consequently superfluous and may be used for the deduction mentioned.
- (36) Who do not assign reasons for Biblical precepts t,unless Scripture itself supplies them.
- (37) The text, For he will turn etc. being required as a reason for the precepts enunciated in that context itself.
- (38) Designated supra as 'the Rabbis'.

Talmud - Mas. Yevamoth 23b

MISHNAH. IF A MAN BETROTHED ONE OF TWO SISTERS AND DOES NOT KNOW WHICH OF THEM HE HAS

BETROTHED, HE MUST GIVE A LETTER OF DIVORCE TO THE ONE AS WELL AS TO THE OTHER.¹ IF HE DIED,² LEAVING A BROTHER,³ THE LATTER MUST PARTICIPATE IN THE HALIZAH WITH BOTH OF THEM.⁴ IF HE HAD TWO BROTHERS,³ ONE IS TO PARTICIPATE IN THE HALIZAH⁵ AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.⁶ IF THEY ANTICIPATED [THE BETH DIN] AND MARRIED THEM⁷ THEY ARE NOT TO BE [PARTED FROM] THEM.⁸

IF TWO MEN BETROTHED TWO SISTERS AND THE ONE DOES NOT KNOW WHOM HE BETROTHED AND THE OTHER DOES NOT KNOW WHOM HE BETROTHED, THE ONE MUST GIVE TWO LETTERS OF DIVORCE AND THE OTHER MUST ALSO GIVE TWO LETTERS OF DIVORCE. IF THEY DIED AND THE ONE LEFT A BROTHER AND THE OTHER ALSO LEFT A BROTHER, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS AND THE OTHER ALSO MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS.⁹ IF ONE¹⁰ LEFT ONE BROTHER AND THE OTHER LEFT TWO, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS¹¹ AND [AS REGARDS] THE TWO, ONE PARTICIPATES IN THE

HALIZAH¹² AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.¹³ IF THEY ANTICIPATED [THE BETH DIN] AND MARRIED THEM,¹⁴ THEY ARE NOT TO BE DEPRIVED OF THEM.¹⁵ IF ONE¹⁰ LEFT TWO BROTHERS AND THE OTHER¹³ ALSO LEFT TWO, ONE BROTHER OF THE ONE PARTICIPATES IN THE HALIZAH WITH ONE WIDOW AND ONE BROTHER OF THE SECOND PARTICIPATES IN THE HALIZAH WITH THE OTHER WIDOW, [AND THEN THE OTHER] BROTHER OF THE FIRST MAY CONTRACT LEVIRATE MARRIAGE WITH THE HALUZAH OF THE SECOND¹⁶ AND [THE OTHER] BROTHER OF THE SECOND MAY CONTRACT THE LEVIRATE MARRIAGE WITH THE HALUZAH OF THE FIRST. IF BOTH¹⁷ ANTICIPATED [THE BETH DIN] AND PARTICIPATED IN THE HALIZAH,¹⁸ THE [OTHER] TWO MUST NOT BOTH CONTRACT THE LEVIRATE MARRIAGE,¹⁹ BUT ONE MUST PARTICIPATE IN THE HALIZAH²⁰ AND THE OTHER MAY THEN CONTRACT THE LEVIRATE MARRIAGE.²¹ IF BOTH²² ANTICIPATED [THE BETH DIN]²³ AND MARRIED²⁴ THEY ARE NOT TO BE DEPRIVED OF THEM.²⁵

GEMARA. Is it to be inferred from here that even betrothal which cannot culminate in connubial intercourse²⁶ is also valid?²⁷ — Here we are dealing with the case where they were known²⁸ but were later confused. This may also be proved by deduction, since it was stated, AND HE DOES NOT KNOW²⁹ and it was not stated ‘and it was not known’³⁰ This proves it.

What, then, does our Mishnah teach us?³¹ — The second clause was necessary:³² IF HE DIED AND LEFT A BROTHER, THE LATTER MUST PARTICIPATE IN THE HALIZAH WITH BOTH OF THEM. IF HE HAD TWO BROTHERS, ONE IS TO PARTICIPATE IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE, only halizah must be first and the levirate marriage afterwards, but not the levirate marriage first, since, thereby, he might infringe [the interdict against] the sister of her who is connected with him by the levirate bond.³³

IF TWO MEN BETROTHED TWO SISTERS etc. Does this imply that a betrothal which cannot culminate in connubial intercourse is also valid?³⁴ — Here also it is a case where they were known.³⁵ but were subsequently confused. This may also be proved by deduction, since it was stated, AND THE ONE DOES NOT KNOW,³⁶ and it is not stated ‘and it is not known’.³⁷ This proves it.

What, then, does our Mishnah teach us?³⁸ — It was necessary to have the latter clause,³⁹ IF THEY DIED ... AND ONE LEFT ONE BROTHER AND THE OTHER LEFT TWO, THE ONE BROTHER MUST PARTICIPATE IN THE HALIZAH WITH THE TWO WIDOWS AND, [AS REGARDS] THE TWO, ONE PARTICIPATES IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE.⁴⁰ Is not this obvious, being in the same case as the first clause?⁴¹ -It might have been assumed that [levirate marriage should be forbidden in the case of] two brothers as a preventive measure against the case Of one, hence we were taught [that it was not so], and also that halizah must be first and the levirate marriage afterwards, but the .levirate marriage must not take place first, for thereby, one might infringe [the interdict against] a yebamah's marriage to a stranger.

IF ONE LEFT TWO BROTHERS AND THE OTHER ALSO LEFT TWO etc. What need was there again for this statement? It is, surely. the same!⁴² — It might have been assumed that [the marriage should be forbidden] as a preventive measure against marrying without previous (halizah,⁴³ hence we were taught [that no such measure Was enacted].⁴⁴ Wherein does this case differ from the following in which we learned: In the case of four brothers two of whom were married to two sisters, and those who were married to the sisters died, behold their widows may only perform the halizah but may not be taken in levirate marriage [by either of the levirs]?⁴⁵ -What a comparison!⁴⁶

(1) He is forbidden to live with either since each might be ‘his wife's sister’.

(2) Without issue.

(3) Who survived him.

(4) Since it is not known which is his sister-in-law. He may not marry the one and submit to halizah from the other, because the sister of a haluzah (v. Glos.) is Rabbinically forbidden. Even prior to the halizah with the one he may not marry the other; for if she is not his sister-in-law she is still forbidden to him as the sister of his zekukah (v. Glos.)

(5) With one of the widows.

(6) With the other, subsequent to the halizah of the first. This procedure is safe in either ease; if the second widow is really his sister-in-law he is legally entitled to marry her. But even if she is not, she is no longer forbidden as the sister of the first who was his zekukah since the halizah has severed the bond.

(7) Each brother married one of the sisters.

(8) Since each of them is entitled to marry one of the widows either as his yebamah (v. Glos.) or as a stranger. The question of the forbidden marriage of the sister of a zekukah does not arise, since both are now married, and the marriage of the zekukah to the one brother has severed her levirate bond with the other.

(9) Neither may marry any of the widows since either might happen to be the sister of his zekukah.

- (10) Of the deceased.
- (11) For the reasons explained supra p. 138, n. 9.
- (12) And thus, in case she is the actual yebamah, severs the levirate bond between her and the brothers. Her sister may then be married by the other brother in any case: If she is the sister-in-law he may rightly marry her; and if not, she is no longer forbidden as the sister of a zekukah in view of the fact that the halizah of the other had severed that bond.
- (13) V. previous note.
- (14) Each brother married one of the sisters.
- (15) V. p. 138. n. 13.
- (16) This Procedure enables both widows to marry. because in the case of each it may be said: If she is his yebamah, he may marry her since his brother did not participate in the halizah with her but with her sister who was a Perfect stranger to him, and the halizah with her is of no legal value. If, on the other hand, she is not his yebamah, he may certainly marry her as a stranger. The question of the 'sister of a zekukah' does not arise, since that bond has in any case been severed by the halizah in which his brother had participated with her sister.
- (17) Brothers of one of the deceased.
- (18) With both widows.
- (19) One brother with the one widow and the other with the other widow; because whichever widow any one of them would desire to marry might be the sister of his .zekukah.
- (20) With one 'of the widows.
- (21) With the other sister. For the reason cf. supra p. 139, n. 4.
- (22) The second two brothers.
- (23) After halizah was performed with the first.
- (24) Each one of them one of the sisters.
- (25) Cf. supra p. 138. n. 13.
- (26) It is now assumed that even at the time of the betrothal it was not known which of the sisters was betrothed; when, for instance, the man said 'I betroth one of you' and both appointed an agent to receive on their behalf the token of betrothal. In such a case the man may have no connubial intercourse with either of the women since each might be his wife's sister.
- (27) Since our Mishnah requires him to give a letter of divorce to each. Why then did this question remain a matter in dispute between Abaye and Raba in Kid. 51a?
- (28) At the time of the betrothal, as to which was, and which was not the betrothed one. Hence it was a betrothal which could culminate in connubial intercourse.
- (29) I.e., now.
- (30) Which would have implied that the identity of the betrothed was never known.
- (31) If the betrothal was valid and the man does not know now whom he betrothed it is self-evident that both women must be divorced!
- (32) And because of the second the first also had to be stated.
- (33) His zekukah. V. supra . 138, n. 11,
- (34) Cf. supra p. 140, n.11.
- (35) V.p. 140. n.12.
- (36) I.e., now,
- (37) V. p.140, n. 14.
- (38) V.p. 140, n. 15.
- (39) And because of the second the first also had to be stated.
- (40) This indicates that halizah must take place first.
- (41) Where it was stated that if there were two brothers one submits to halizah first while the other may subsequently contract the levirate marriage. (10) Lit., 'a yebamah for the street'. A yebamah who is subject to the levirate marriage may not be married by a stranger before the levir has submitted to halizah. For further notes on the whole passage v. Kid., Sonc. ed. pp. 26off.
- (42) As the one already made earlier in our Mishnah: ONE PARTICIPATES IN THE HALIZAH AND THE OTHER MAY CONTRACT THE LEVIRATE MARRIAGE. There it is a case of two brothers and here also of two groups of two, one of each participating in halizah and the other contracting levirate marriage.
- (43) And each of the two brothers so marrying would infringe the prohibition against marriage of a doubtful yebamah

and the sister of a zekukah.

(44) This could not have been inferred from the previous clause where only one marriage takes place. The fact that at least one of the sisters may not be married and must perform halizah only, would sufficiently indicate that in the case of the other also halizah by one brother must precede the marriage by the other. Where, however, as here, both sisters are married it might well have been considered likely that the law requiring previous halizah might be overlooked.

(45) 'Ed. V, 5, infra 26a. [According to Rashi (he question is from the concluding part of that Mishnah which reads, 'If they had forestalled (the Beth din) and married them, they must put them away', whereas in our Mishnah it is ruled that they are not to be parted. Aliter: In our Mishnah levirate marriage may take place after halizah had been performed, whereas in the other Mishnah no levirate marriage is allowed at all for fear it is contracted before halizah. v. Tosaf. ha-Rosh.]

(46) Lit., 'thus now'.

Talmud - Mas. Yevamoth 24a

There,¹ if one is to follow the view of him who said that a levirate bond does exist,² a levirate bond exists;³ and if one is to follow him who said⁴ that it is forbidden to annul the precept of levirate marriage,⁵ well, it is forbidden to annul the precept of levirate marriage. Here, however, it is possible to assume that every one will happen to get his own.⁶

IF BOTH ANTICIPATED [THE BETH DIN] AND MARRIED THEY ARE NOT TO BE PARTED FROM THEM etc. Shila recited:

Even if both were priests.⁷ What is the reason?⁸ — Because a haluzah is only Rabbinically forbidden,⁹ and in the case of a doubtful haluzah¹⁰ the Rabbis enacted no preventive measures.¹¹ But is a haluzah only Rabbinically forbidden? Surely it was taught: From Put away¹² one might only infer the prohibition concerning a divorced woman; whence that of a haluzah? Hence it was explicitly stated, And a woman!¹³ The prohibition is really Rabbinical, and the Scriptural text is a mere prop.¹⁴

MISHNAH. THE COMMANDMENT OF THE LEVIRATE MARRIAGE DEVOLVES UPON THE [SURVIVING ELDER BROTHER]. IF A YOUNGER BROTHER, HOWEVER, FORESTALLED HIM, HE IS ENTITLED TO ENJOY THE PRIVILEGE.

allowed to marry one of the widows he would not be able either to contract levirate marriage or to participate in halizah with the other widow (she being forbidden to him as 'his wife's sister'), should the other brother happen to die before he married that widow; and thus the entire precept of levirate marriage would in such a case be annulled. GEMARA. Our Rabbis learned: And it shall be, that the firstborn¹⁵ implies¹⁶ that the commandment of the levirate marriage devolves upon the [surviving elder brother];¹⁷ that she beareth¹⁵ excludes a woman who is incapable of procreation, since she cannot bear children: shall succeed in the name of his brother,¹⁵ in respect of inheritance.¹⁸ You say, 'in respect of inheritance';¹⁹ perhaps it does not [mean that]. but, 'in respect of the name':²⁰ [If the deceased, for Instance, was called] Joseph [the child] shall be called Joseph; If Johanan he shall be called Johanan! — Here it is stated, shall succeed in the name of his brother¹⁵ and elsewhere it is stated, They shall be called after the name of their brethren in their inheritance,²¹ as the 'name' that was mentioned there [has reference to] inheritance, so the 'name' which was mentioned here [has also reference] to inheritance. That his name be not blotted out¹⁵ excludes a eunuch²² whose name is blotted out.

Said Raba: Although throughout the Torah no text²³ loses its ordinary meaning, here the :gezerah shawah²⁴ has come and entirely deprived the text of its ordinary meaning.²⁵

But apart from the gezerah shawah, would it have been thought that 'name' actually signifies 'a

name'? To whom, then, does the All Merciful address the instruction!²⁶ If to the levir, the wording should have been, 'shall succeed in the name of thy brother'; if to the Beth din, the wording should have been, 'shall succeed in the name of his father's brother'!²⁷ — It is possible that the All Merciful thus addressed the Beth din: Tell the levir, 'He²⁸ shall succeed to the name of his²⁹ brother'; but the gezerah shawah has come and deprived the text entirely [of its ordinary meaning].

Now that it has been stated that Scripture speaks of the elder brother only, why not assume that the firstborn must perform the duty of the levirate marriage and that any ordinary brother may not contract a levirate marriage at all!³⁰ — If so, what need³¹ was there for the All Merciful to have excluded the 'wife of his brother who was not his contemporary'?³²

R. Aha objected: Might it not be suggested that the exclusion³³ had reference to a mother's firstborn son!³⁴ -You could not possibly have assumed that,³⁵ since the All Merciful has made levirate marriage dependent on inheritance, and the right of inheritance derives from the father and not from the mother.³⁶ But might It not be suggested that where there is a firstborn the commandment of the levirate marriage shall be observed;³⁷ where, however, there is no firstborn the commandment of the levirate marriage shall not be observed?³⁸ Scripture stated, And one of them died;³⁹ does not this include also the case where the firstborn died,⁴⁰ and so the All Merciful has said that the younger shall perform the duty of the levirate marriage?

But perhaps⁴¹ [the text speaks of a case] where the younger died, and the All Merciful says that the firstborn shall perform the duty of the levirate marriage?-Surely, the All Merciful has excluded the wife of his brother who was not his contemporary!⁴²

May it be suggested that where there is no firstborn the younger brother, if he forestalled [the Beth din],⁴³ is entitled to the privilege,⁴⁴ but that where there is a firstborn the younger brother, even if he forestalled him, is not entitled to the privilege? — Scrip. stated, If brethren dwell together,⁴⁵ the dwelling of one brother was compared to that of the other.⁴⁶ May it be suggested that where there is a firstborn one turns to the eldest⁴⁷ but where there is no firstborn one does not turn to the eldest?⁴⁸ Why, then, did Abaye the Elder teach that the commandment to perform the duty of the levirate marriage is incumbent Upon the elder brother; if he refuses, the younger brother is approached,⁴⁹ if he also refuses,⁵⁰ the elder is approached again!⁵¹ — [Scripture has designated him] as the firstborn;⁵² as with the firstborn the cause is his birthright, so with the elder brother the cause is his Seniority. Might it be said that when the firstborn performs the duty of the levirate marriage he also takes the inheritance⁵³ but when an ordinary brother performs the duty of the levirate marriage, he⁵⁴ does not take the inheritance?⁵³ Scripture stated, Shall succeed in the name of his brother⁵⁵ and behold he has succeeded!⁵⁶

But since the All Merciful called him the firstborn;⁵⁷

(1) Where both sisters are bound by the levirate tie.

(2) Between the levir and his deceased brother's widow from the moment death took place.

(3) Consequently both widows are forbidden in levirate marriage, each being in relation to the other a sister of one's zekukah. But such prohibition is never removed even when one of them subsequently performed the halizah with one of the brothers and has thus severed her levirate bond, for once a yebamah is prohibited to her deceased husband's brother for a single moment, she is in the same category as a widow of a brother who died with issue.

(4) The reason why none of the surviving brothers may marry one of the two widows.

(5) Were one brother to be

(6) Now, if the widow whom one of them had married was really his yebamah. the other must be a total stranger to him and to the other brother; and since this might be said in the case of each pair of brothers where the marriage had already taken place. They are not, in the face of such a possibility. to be parted (Rashi). [According to the alternative interpretation (supra p. 142, n. 4.) in face of such a possibility the Rabbis saw no reason for enacting the preventive

measure forbidding levirate marriage after halizah had been performed.]

(7) Who are forbidden to marry a haluzah.

(8) One of them, surely, must inevitably have married a haluzah since, In case she is not his yebamah, she is the betrothed of the stranger with whose brother (v. our Mishnah) she had performed halizah'

(9) To marry a Priest.

(10) As here where each brother can claim that the one he married was his yebamah.

(11) The prohibition consequently does not apply. Hence they may continue to live with the widows they had married.

(12) Lev. XXI, 7, speaking of priests.

(13) Ibid.. which proves that the prohibition is Pentateuchal.

(14) Asmakta, v. Glos.

(15) Deut. XXV, 6.

(16) Lit., 'from here (it is deduced)'.
(17) The text of Deut. XXV, 6. being connected with v. 5 preceding it, thus: Her husband's brother shall ... take her to him to wife (v. 5) and he shall be the firstborn (ibid. v. 6). והיה הבכור והיה in

may be rendered either, and it shall be (as E.V.) or and he (i.e., the levir) shall be as the Talmud here renders it.

(18) Only the brother who marries the widow, and no other brother, is entitled to the inheritance of the deceased.

(19) Taking the 'brother' who marries the widow as the subject of 'shall succeed'. (Cf. supra n. 3)'

(20) The subject of 'shall succeed' being 'the child' that will be born from the levirate union.

(21) Gen. XLVIII, 6.

(22) Since he is incapable of procreation. his wife is exempt alike from yibbum and halizah.

(23) Though it had been given a Midrashic interpretation.

(24) V. Glos. גזרה שוה the word analogy between the expression 'name' in the two cited texts.

(25) So that despite the ordinary meaning of the text, the child born from the levirate union need not be named after the deceased.

(26) About the name.

(27) Consequently. name in this text could not possibly have borne its ordinary meaning, but must have that given to it in the exposition supra. viz., that Beth din are instructed to hand over the inheritance Of the deceased to the levir who married his widow. An objection against Raba!

(28) The child that will be born.

(29) The levir's.

(30) Neither when there is, nor when there is not, a firstborn.

(31) Lit., 'why to me'.

(32) He would in any case have been excluded since he was not the firstborn.

(33) Of the 'wife of a brother who was not his contemporary'.

(34) Who was the paternal brother of the deceased.

(35) That a mother's firstborn should be regarded as the legal firstborn in respect of the levirate marriage.

(36) Hence there was no need to exclude him. The exclusion consequently indicates that by firstborn, in this context, any elder brother was meant.

(37) Either by the firstborn or by any other of the brothers, and that for this reason the exclusion of 'a brother who was not his contemporary' was necessary.

(38) At all; by any brother.

(39) Deut. XXV, 5, which refers to all cases, even to that where there were Only two brothers.

(40) Since the text does not specify any particular case.

(41) Lit., 'and say'.

(42) Were it as suggested this exclusion would be unnecessary. Cf. supra p. 145, nn. 6 and 13.

(43) Married before the Beth din could prevent him.

(44) Of the levirate marriage.

(45) Deut. XXV. 5.

(46) All brothers must be equal in respect of the levirate marriage.

(47) If the other brothers refused to marry the widow it should be his duty to marry her.

(48) Not being the firstborn it is no more his duty to marry the widow than it is that of his brothers.

(49) I.e., all the brothers are approached in the order of seniority. V. Tosaf. s.v. גַּיָּו, a.l., and cf. Rashi a.l.

(50) I.e., when the youngest of all has also refused to marry the widow.

(51) Now, since the brothers are approached, in the order of seniority, it is obvious that it is always the eldest, not necessarily the firstborn, upon whom the duty of the levirate marriage devolves!

(52) V. supra p. 144, n. 3.

(53) Of his deceased brother.

(54) The ordinary brother.

(55) Deut. XXV, 6.

(56) Hence any brother who marries the widow is entitled to the inheritance of the deceased.

(57) And not merely 'the elder' or 'the eldest'.

Talmud - Mas. Yevamoth 24b

what practical ruling was thereby intended?¹ — To impair his rights; As a firstborn does not take a double portion in his father's prospective property² in the same way as he does in that which is already in his possession,³ so does this one⁴ take no [double]⁵ portion in [his father's] prospective property⁶ as he does in that which is already in his possession.⁷

MISHNAH. IF A MAN IS SUSPECTED OF [INTERCOURSE]⁸ WITH A SLAVE WHO WAS LATER EMANCIPATED, OR WITH A HEATHEN WHO SUBSEQUENTLY BECAME A PROSELYTE, LO, HE MUST NOT MARRY HER.⁹ IF, HOWEVER, HE DID MARRY HER THEY NEED NOT BE PARTED.¹⁰ IF A MAN IS SUSPECTED OF INTERCOURSE⁸ WITH A MARRIED WOMAN¹¹ WHO, [IN CONSEQUENCE,] WAS TAKEN AWAY FROM HER HUSBAND,¹² HE MUST LET HER GO EVEN THOUGH HE HAD MARRIED HER.¹³

GEMARA. This implies that she may become a proper proselyte!¹⁴ But against this a contradiction is raised. Both a man who became a proselyte for the sake of a woman and a woman who became a proselyte for the sake of a man, and, similarly, a man who became a proselyte for the sake of a royal board, or for the sake of joining Solomon's servants,¹⁵ are no proper proselytes. These are the words of R. Nehemiah, for R. Nehemiah used to say: Neither lion-proselytes,¹⁶ nor dream-proselytes¹⁷ nor the proselytes of Mordecai and Esther¹⁸ are proper proselytes unless they become converted at the present time. How can it be said, 'at the present time'?—Say 'as at the present time'!¹⁹—Surely concerning this it was stated that R. Isaac b. Samuel b. Martha said in the name of Rab: The halachah is in accordance with the opinion of him who maintained that they were all proper proselytes. If so, this²⁰ should have been permitted altogether!²¹—On account of [the reason given by] R. Assi. For R. Assi said,²² Put away from thee a froward mouth, and perverse lip's etc.²³

Our Rabbis learnt: No proselytes will be accepted in the days of the Messiah.²⁴ In the same manner no proselytes were accepted in the days of David nor in the days of Solomon.²⁵ Said R. Eleazar: What Scriptural [support is there for this view]?—Behold he shall be a proselyte who is converted for my own sake,²⁶ he who lives with you shall be settled among you,²⁷ he only who 'lives with you' in your poverty shall be settled among you; but no other.

IF A MAN IS SUSPECTED OF INTERCOURSE WITH A MARRIED WOMAN etc. Rab said: [This²⁸ must be confirmed] by witnesses.²⁹ Said R. Shesheth: It seems³⁰ that Rab made this statement while he was sleepy and about to doze off;³¹ for it was taught: 'If a man is suspected of intercourse with a married woman who, in consequence was taken away from her husband³² and was subsequently divorced by another man,³³ he³⁴ need not part with her once he has married her'. Now, how is this to be understood? If it is a case where witnesses³⁵ are available, of what avail is it that another man stepped in and checked the rumour?³⁶ [Must we] not then [conclude that this is a case] where there were no witnesses;³⁵ and the reason³⁷ is because another man stepped in and checked the rumour, but had that not happened she would have been taken away from him?³⁸ — Rab

can answer you: The same law, that where witnesses³⁵ are available she is taken away from him and that where no witnesses are available she is not taken away, applies also to the case where no other man stepped in and checked the rumour, but this it is that was meant: 'Even if another man stepped in and checked the rumour it is not proper for him³⁹ to marry her'.⁴⁰

An objection was raised: This⁴¹ has been said in the case only where she had no children,⁴² but if she has children⁴² she must not be divorced.⁴³ If, however, witnesses to the seduction⁴⁴ presented themselves, she must go away from him⁴⁵ even if she had ever so many children!⁴⁶ -Rab explains our Mishnah as dealing with the case where she has children and witnesses against her are available.

What, however, impels Rab to explain our Mishnah as dealing with a case where she has children and where witnesses against her are available, and to give as the reason why she is to be taken away, because witnesses are available, and [to imply that] if witnesses are not available she is not taken away; let him rather explain [our Mishnah as dealing with the case] where she has no children [and has to be taken away] even though no witnesses are available! Raba replied: Our Mishnah presented a difficulty to him. What point was there [he argued] for using the expression 'WAS TAKEN AWAY'?⁴⁷ It should have been stated 'he parted from her';⁴⁸ but any such expression as 'was taken away' implies 'by the Beth din' and the Beth din take away Only where witnesses are available.⁴⁹

If you prefer I may say that that Baraitha⁵⁰ represents the view of Rabbi;⁵¹ for It was taught: When a pedlar⁵² leaves a house and the woman within is fastening her sinner,⁵³ since the thing is ugly she must, said Rabbi, go.⁵⁴ If spittle is found⁵⁵ on the upper part of the curtained bed, since the thing is ugly,⁵⁶ she must, said Rabbi, go.⁵⁴

(1) For all practical purposes. as it has been shewn, the elder or eldest brother has the same privileges as the firstborn; why, then, was the expression בכור, (firstborn) used instead of גדול (elder or eldest) which would have included the firstborn?

(2) Property which was not in his father's possession at the time of his death.

(3) At the time he died.

(4) The levir who marries the widow and is given a double share (his and that of the deceased) in the inheritance of their father.

(5) Rashi. [Aliter: the levir inherits only such property of the deceased brother as had been in the latter's possession at the time of his death. Any property that fell into his possession subsequent thereto he shares equally with the other brothers. On this view the levir has no claim to the share which the deceased brother would have been entitled to in the property of their father had he survived the father, v. Nimmuke Joseph and Me'iri.]

(6) V. supra note 3.

(7) V. note 4.

(8) נטען lit., 'spoken against' 'having to be a defendant'. Rt. טען 'to plead', 'sue'.

(9) Since such a marriage might confirm the rumour.

(10) Lit., 'they do not take out of his hand'.

(11) Lit., 'the wife of a man'.

(12) Lit., 'and they (i.e., Beth din) took her out from under his hand'. He was ordered to divorce her.

(13) Because the woman is Biblically forbidden to both husband and seducer. (V. Sot. 27b).

(14) Even though her conversion was solely due to her desire to contract the marriage.

(15) To enter the king's employ.

(16) גרי אריות 'proselytes of lions', those who, like the Samaritans (II Kings XVII, 25), were converted to Judaism by the fear of divine visitation.

(17) גרי חלומות 'proselytes of dreams', those who embraced Judaism in response to a dream or the advice of a dreamer.

(18) V. Esth. VIII, 17. Those who from similar motives of expediency adopt the Jewish faith.

(19) In the dire days after the Hadrianic Wars, when the proselyte is not actuated either by motives of fear or of gain. Now, how is this Baraitha to be reconciled with Our Mishnah?

- (20) The marriage of the proselyte spoken of in our Mishnah.
- (21) Lit., 'even as at the start'. Why then was it stated, HE MUST NOT HARRY HER?
- (22) In explaining the reason for the prohibition of marrying the proselyte. (Rashi); v. Keth., Sonc. ed. p. 123. n. 5'
- (23) Prov. IV, 24. Owing to the rumour of Previous Intercourse one should not contract such a marriage. V. supra p. 147, n. 10.
- (24) When Israel will be Prosperous and Prospective proselytes will be attracted by worldly considerations.
- (25) During Israel's heyday. V. previous note.
- (26) Or who is converted while I am not with you (v. Rashi, a.l.) i.e., while Israel is in exile and forsaken by God.
- (27) Isa. LIV, 15, according to the Midrashic interpretation of R. Eleazar. The rt. גָּוַר which E.V. renders 'to gather' is here interpreted 'to become a proselyte', 'to be converted'.
- (28) The suspicion.
- (29) Who were present during the misconduct.
- (30) Lit., 'I would say'.
- (31) Lit., 'dozing and lying'.
- (32) V. supra p. 147. nn. 9' 12 and 13.
- (33) To whom she was married after her first husband had divorced her.
- (34) The paramour.
- (35) V. supra note 3.
- (36) By his marriage. The testimony of the witnesses surely caused her to be permanently prohibited to the paramour.
- (37) Why the paramour need not divorce her once he has married her.
- (38) How then could Rab maintain that she is taken away Only where there are witnesses?
- (39) The paramour.
- (40) Only if he already married her may she in this case remain with him.
- (41) That the paramour must divorce her.
- (42) From the first husband.
- (43) A divorce would be regarded as a confirmation of the suspicion, and the children would thereby be tainted as bastards.
- (44) Lit., 'uncleanness'.
- (45) The paramour.
- (46) Which shews, contrary to the Opinion of Rab, that when she has no children 'she is to part from her paramour even where witnesses are not available.
- (47) הוֹצִיָאָה lit., 'they (i.e. Beth din) took her away'.
- (48) הוֹצִיָאָה, lit., 'he (i.e., the husband) brought her out'.
- (49) No wife may be taken away from her husband because of a mere rumour or suspicion.
- (50) Which requires a wife who had no children to leave her husband even where no witnesses are available.
- (51) Who forbids a wife to her husband even on the grounds of a rumour or suspicion. According to the other Rabbis, however, who are the majority, the woman, as Rab said, need not be taken away where no witnesses are available, even if she has no children.
- (52) רֹכֵל Rashi explains rokel as dealer in women's perfumes.
- (53) The מִינָר was a kind of breech-cloth or petticoat women wore as a matter of chastity (v. Rashi, a.l.).
- (54) Even if there were no witnesses that misconduct took place.
- (55) After the pedlar had left the house.
- (56) Only the woman lying face upwards could have spat on that spot Intercourse may. therefore, be suspected.

Talmud - Mas. Yevamoth 25a

if shoes¹ lie under the bed, since the thing is ugly,² she must, said Rabbi, go.³ 'Shoes'?⁴ One can surely see whose they are! — Say rather the marks⁵ of shoes.⁶

The law is in accordance with the view of Rab,⁷ and the law is in accordance with the view of Rabbi.⁸

This, then, represents a contradiction between one law and the other! — There is no contradiction. One⁹ refers to a rumour that had ceased;¹⁰ the other, to a rumour that had not ceased. Where the rumour has not ceased, though no witnesses are available, [the law is] according to Rabbi; where the rumour has ceased but witnesses are available [the law is] according to Rab.

For how long [must a rumour continue in order to be regarded] as uninterrupted? Abaye replied: Mother¹¹ told me that a town rumour¹² [must remain uncontradicted for] a day and a half. This has been said Only in the case where It was not interrupted in the meantime. If, however, it was interrupted in the meantime, well, it was interrupted.¹³ This, however, is only when the interruption was not due to intimidation, but if it was due to intimidation, well, it was due to intimidation.¹⁴ This,¹⁵ however, has been said only in the case where no enemies are about, but where enemies are about, well, it must have been the enemies who published the rumour.¹³

We learned elsewhere: If a man divorced his wife because of a bad name,¹⁶ he must not remarry her; if on account of a vow he must not remarry her.¹⁷ Rabbah son of R. Huna¹⁸ sent to Rabbah son of R. Nahman: Will our Master Instruct us as to whether he¹⁹ must part with her if he did remarry her? The other replied: We have learnt It: IF A MAN IS SUSPECTED OF INTERCOURSE WITH A MARRIED WOMAN WHO [IN CONSEQUENCE] WAS TAKEN AWAY FROM HER HUSBAND²⁰ HE MUST LET HER GO EVEN THOUGH HE HAS MARRIED HER!²¹ He said to him: Are these two cases at all alike? There²² she was taken away;²³ here he²⁴ had let her go.²⁵

And Rabbah son of R. Nahman?²⁶ — In our Mishnah also we learned, ‘He let her go’.²⁷ But even now, are they at all alike? Here²⁸ it is the husband;²⁹ there³⁰ it is the seducer!³¹ — The other replied: They are indeed alike.³² For here³⁰ the Rabbis said, ‘he³³ must not marry her, and if he did marry he must let her go’ and there²⁷ also the Rabbis would Say, ‘he³⁴ must not remarry her and if he did remarry he must let her go’. This, however, is not [much of an argument]. There³⁰ he lends colour to the rumour,³⁵ while here it might well be assumed that he³⁴ investigated the rumour and found it to be groundless. MISHNAH. A MAN WHO BRINGS A LETTER OF DIVORCE FROM A COUNTRY BEYOND THE SEA³⁶ AND STATES, ‘IT WAS WRITTEN IN MY PRESENCE AND IT WAS SIGNED IN MY PRESENCE’, MUST NOT MARRY THE [DIVORCER'S] WIFE.³⁷ [SIMILARLY, IF HE STATES]. ‘HE DIED’, ‘I KILLED HIM’, OR ‘WE KILLED HIM’, HE MUST NOT MARRY HIS WIFE. R. JUDAH SAID:

[IF THE STATEMENT IS], ³⁶ KILLED HIM’, THE WOMAN MAY NOT MARRY [ANY ONE];³⁸ [IF, HOWEVER, IT IS], ‘WE KILLED HIM’,

THE WOMAN MAY MARRY AGAIN.³⁹

GEMARA. The reason then⁴⁰ is because he came FROM A COUNTRY BEYOND THE SEA, in which case we have to entirely upon him;⁴¹ but [had he come] from the Land of Israel, in which case we need not depend upon him,⁴² would he have been allowed to marry the divorcer's wife? But, surely, when the Statement is, ‘HE DIED’, in which case we do not depend entirely upon him since a Master said, ‘a woman⁴³ makes careful inquiry before she marries’⁴⁴ and yet it was stated, HE MUST NOT MARRY HIS WIFE! — There,⁴⁵ no document exists, but here⁴⁶ a document⁴⁷ does exist. For thus we have learned: Wherein lies the difference between [the admissibility of] a letter of divorce and [that of evidence of] death?⁴⁸ In that the document⁴⁷ supplies the proof.⁴⁹

[SIMILARLY, IF HE STATES], ‘HE DIED’, ‘I KILLED HIM’, OR ‘WE KILLED HIM’, HE MUST NOT MARRY HIS WIFE. Only he, then, must not marry his wife, she, however, may be married to another man? But, surely, R. Joseph said: [If a man stated], ‘So-and-so committed pederasty with me against my will’, he and any other witness may be combined⁵⁰ to procure his execution; [if, however, he said], ‘with my consent’,⁵¹ he is a wicked man concerning whom the

Torah said, Put not thy hand with the wicked to be an unrighteous witness!⁵² And were you to reply that matrimonial evidence⁵³ is different because the Rabbis have relaxed the law in its case,⁵⁴ surely, [it may be pointed out], R. Manasseh stated:

- (1) So MSS. Cur. edd. add. 'overturned'.
- (2) The shoes indicating the presence of an unknown stranger on the bed.
- (3) Even if there were no witnesses that misconduct took place.
- (4) So MSS. Cur. edd. add. 'overturned'.
- (5) Lit., 'place of', i.e., the shoes have left marks on the floor.
- (6) Cur. edd. contain the following addition. 'Overturned under the bed, said Rabbi, since the thing is ugly she shall go'. All this with the exception of the first word is enclosed in parentheses. Cf. Rashal.
- (7) That no rumour or suspicion is to be relied upon in forbidding a wife to her husband. Only the evidence of witnesses may be acted upon.
- (8) Cf. supra p. 150, n. 7.
- (9) The law according to Rab.
- (10) I.e., when a contradictory rumour obtained currency.
- (11) His foster-mother. V. Kid. 31b.
- (12) דוּמָי, 'suspicion' or 'gossip'.
- (13) And it cannot any more be regarded as 'an uninterrupted rumour'.
- (14) The force of the rumour is not thereby impaired.
- (15) That an uninterrupted rumour is relied upon.
- (16) Suspected immorality.
- (17) V. Git., Sonc. ed. pp. 200ff, q.v. notes.
- (18) So Emden. Cur. edd: Omit 'R'.
- (19) Who divorced his wife 'because of a bad name'.
- (20) [So MS.M. in conformity with the text of our Mishnah. Cur. edd.: and he had let her go.]
- (21) So also in the case under discussion, though he married her, he must part from her.
- (22) In our Mishnah.
- (23) By the Beth din acting on the evidence of witnesses.
- (24) Her husband at his own discretion.
- (25) And the prohibition to remarry her is only Rabbinical. Hence it is possible that once he has remarried her he need not part from her.
- (26) How can he draw a comparison between two dissimilar cases?
- (27) Though there were no witnesses. Consequently, the woman is forbidden to her paramour Rabbinically only on the ground of suspicion (cf. supra p. 148. n. 10) and yet it was stated that he must part with her, which proves that even where the prohibition to marry is Rabbinical only (cf. supra note 9) the woman must be parted from the man.
- (28) Rabbah b. R. Huna's enquiry.
- (29) Whose remarriage of his former wife is obviously not suggestive of any immorality.
- (30) Our Mishnah.
- (31) Whose marriage with the woman undoubtedly lends colour to the rumoured suspicion. In such circumstances it is quite reasonable to order their separation. How can this, however, be used as an example for the case in the enquiry? (Cf. supra n. 13).
- (32) Since the prohibition in both cases is only Rabbinical.
- (33) Her paramour.
- (34) The woman's former husband.
- (35) Lit., 'he enforces the rumour'. Cf. supra n. 15.
- (36) מְדִינַת הַיָּם, lit., 'country of the sea', a term applied to all countries of the world exclusive of Palestine and Babylonia.
- (37) Since the validity of the divorce is entirely dependent on his word (v. infra n. 6) he may be suspected of giving false evidence with a view to marrying the woman himself. As, however, a woman is permitted to marry even if only a single witness had testified to the death of her husband, she is allowed to marry any other man.
- (38) Having admitted murder he cannot any longer be regarded as a reliable witness.

- (39) This is explained infra.
- (40) Why the man who brings the letter of divorce may not marry the divorcer's wife.
- (41) The divorce not being valid unless the carrier of the letter of divorce can testify that it was written and signed in his presence. (V. Git. 20).
- (42) Reliance being placed on the qualified scribes of Palestine, there is no need for the carrier of a letter of divorce to declare that he witnessed the writing and the signing of it.
- (43) Ab death of whose husband is attested by one witness Only.
- (44) And for this reason is allowed to remarry. Infra 53 b, 115a. 116b.
- (45) In the case of evidence of death.
- (46) Divorce.
- (47) The letter of divorce.
- (48) I.e., why are certain relatives accepted as legally qualified. carriers of a letter of divorce but not as witnesses to the death of a husband?
- (49) V. Git. 23b, infra 117a.
- (50) The two together forming a pair of witnesses, the minimum required for bringing about a man's condemnation by a court of law.
- (51) Was the crime committed.
- (52) Ex. XXIII, which shews that a man who admitted a criminal offence may not act as a witness at all!
- (53) In allowing a woman to marry on the evidence of the death of her husband.
- (54) In other cases two witnesses are required and in this case one is sufficient.

Talmud - Mas. Yevamoth 25b

'One who is Rabbinically regarded as a robber¹ is eligible to be a witness in matrimonial matters;² one, however, who is Biblically regarded as a robber is ineligible to act as witness in matrimonial matters;³ would it then be necessary to assume that R. Manasseh holds the same opinion as R. Judah?⁴ - R. Manasseh can answer you: My statement may be reconciled even with the view of the Rabbis, but the reason of the Rabbis⁵ here is the same as that of Raba. For Raba said, 'A man is his own relative and consequently⁶ no man may declare himself wicked'.

Must it then be assumed that R. Joseph⁷ is of the same opinion as R. Judah?⁸ — R. Joseph can answer you: 'My Statement may be in agreement even with the view of the Rabbis, but matrimonial evidence⁹ is different, since the Rabbis relaxed the law in its case;¹⁰ and it is R. Manasseh who adopted the view of R. Judah'.

'I KILLED HIM' etc., 'WE KILLED HIM ... MAY MARRY etc. What is the practical difference between 'I killed him' and 'we killed him'?¹¹ — Rab Judah said: [Our Mishnah speaks of the case] where he said, 'I was present together with his murderers' —¹² Has it not, however, been taught: They said to R. Judah, 'It once happened that a robber when led out to his execution in the Cappadocian Pass¹³ said to those present,¹⁴ "Go and tell the wife of Simeon b. Kohen that I killed her husband when I entered Lud" [others Say: When he entered Lud], and his wife was permitted to marry again!¹⁵ He answered them: Is there any proof from there? [It was a case] where he said, 'I was present together with his murderers'.¹² But it was stated, 'a robber'! — He was apprehended on account of robbery.¹⁶ But it was stated, 'led out to his execution'! — [He was sentenced by] a heathen court of law who executed without due investigation.¹⁷

MISHNAH. A SAGE WHO HAS PRONOUNCED A WOMAN FORBIDDEN TO HER HUSBAND BECAUSE OF A VOW¹⁸ MUST NOT MARRY HER HIMSELF.¹⁹ IF, HOWEVER, A WOMAN MADE A DECLARATION OF REFUSAL²⁰ OR PERFORMED HALIZAH IN HIS PRESENCE, HE MAY MARRY HER, SINCE HE [WAS BUT ONE OF THE] BETH DIN.²¹

GEMARA. This implies that if he had disallowed her vow, he would have been permitted to

marry her!²² What then are the circumstances?²³ If [he acted] alone, could one disallow a vow? Surely²⁴ R. Hiyya b. Abin said in the name of R. Amram that it was taught: The disallowance of vows is to be carried out by three! If, however, three were Present, would they be suspected? Surely we learned, IF, HOWEVER, A WOMAN MADE A DECLARATION OF REFUSAL OR PERFORMED HALIZAH IN HIS PRESENCE, HE MAY MARRY HER, SINCE HE [WAS BUT ONE OF THE] BETH DIN!-The fact is that [he acted] alone, and²⁵ as R.

Hisda said in the name of R. Johanan, 'By a fully qualified individual',²⁶ so here also it is a case of one fully qualified individual.²⁶

IF A WOMAN MADE A DECLARATION OF REFUSAL, OR PERFORMED HALIZAH etc. The reason, then,²⁷ is because [he was one of a] Beth din,²⁸ but had he been one of a group of two only. would he not [have been permitted]? Wherein, then, does this case differ from the following concerning which it was taught:²⁹ If witnesses signed on [a document relating to] a purchased field or on a letter of divorce, the Rabbis do not apprehend such collusion!³⁰ — It is this very thing that he taught us,³¹ viz., that the opinion of him who said that a declaration of refusal may be made in the presence of two is to be rejected and that one is to infer³² that a declaration of refusal must be made in the presence of three.³³

The question was raised: If he³⁴ married her³⁵ must he part from her? R. Kahana said: Though he married, he must part from her. R. Ashi said: Once he has married, he need not part from her.

R. Zuti at the School of R. Papa recited [a teaching] in accordance with the opinion of him who said that if he³⁴ married her³⁵ he need not part from her. Said the Rabbis to R. Ashi: Is this³⁶ a tradition or a matter of opinion? He answered them: It is a Mishnah: If a man is suspected of intercourse with a slave who was subsequently emancipated, or with a heathen who subsequently became a proselyte, lo, he must not marry her; if, however, he did marry her the marriage need not be dissolved. Which proves

(1) A gambler, for instance, who is not Biblically forbidden to act as a witness. V. R.H. 220.

(2) V. note 4.

(3) Which proves that even in matrimonial matters a murderer (a man Biblically regarded as wicked) is not eligible as a witness.

(4) Who in our Mishnah rejected the evidence of the man who admitted murder. The halachah being according to the Rabbis who are the majority, would R. Manasseh ignore the majority in favour of a minority?

(5) For admitting the evidence of a man who announced himself as a murderer.

(6) As no relative is admitted as witness.

(7) Who does not admit the evidence of the man who declared himself a murderer, (supra 25a).

(8) V.p. 154, n. 9.

(9) V. p. 154, n. 4.

(10) V. supra p. 154, n. 5. Hence they also admitted the evidence of one who declared himself to be a murderer.

(11) In either case he admitted murder.

(12) But did not himself participate in the crime.

(13) Or 'ford'.

(14) Lit., 'to them'.

(15) Tosef. Yeb. IV; which proves that the evidence of a murderer is accepted.

(16) V. n. 10. He was Only present during the robbery.

(17) The condemned man, however, was not a murderer.

(18) Which the woman made. If she vowed, for instance, to derive no benefit from her husband, and he did not annul her vow; and on consulting the Sage and finding no ground for the remission of her vow (v. Ned. 22b), her vow was not disallowed and her husband was consequently forbidden to her.

(19) To avoid the suspicion that his motive in forbidding the woman was to marry her himself.

(20) V. Glos. s.v. mi'un.

(21) Declarations of refusal and the performance of halizah, unlike the disallowance or confirmation of vows, must always take place in the presence of a court of three; and a court of three would not be suspected.

(22) If her husband subsequently divorced her or died.

(23) Lit., 'in what are we engaged'.

(24) Cur. edd. add in parentheses. 'Rab said'.

(25) As to the difficulty of the implication that one individual should be in a position to disallow vows.

(26) A mumhe (v. Glos.) who, like a lay court of three, is empowered to disallow vows by himself. Ned. 78b, B.B. 120b, 121a.

(27) Why the Sage may marry the woman in question.

(28) Which consists of no less than three members.

(29) Cur. edd., we learned'.

(30) Lit., 'this thing'. They do not, as a precaution against collusion, forbid the witnesses the subsequent purchase of the field from the buyer. or the marriage with the woman in whose divorce they assisted. This obviously shews that even a group of two is not to be suspected!

(31) By mentioning Beth din which implies three members.

(32) From the mention of Beth din in our Mishnah.

(33) And not, as has been assumed, that only three are not to be suspected. Two also are above suspicion.

(34) The Sage referred to in our Mishnah (Rashb. and Asheri). The Sage or the man who delivered a letter of divorce mentioned in the previous Mishnah (Rashi and Maimonides). V. Wilna Gaon, Glosses, a.l.

(35) The woman who was forbidden to her husband or the one divorced (v. previous note).

(36) The statement R. Ashi made.

Talmud - Mas. Yevamoth 26a

that [once a woman was married she] is not taken away because of a mere rumour; and so here also [the woman married] is not to be taken away because of a rumour.

MISHNAH. IF ALL THESE¹ HAD WIVES² WHO [SUBSEQUENTLY] DIED, [THE OTHER WOMEN]³ ARE PERMITTED TO MARRY THEM.⁴ IF THEY³ WERE MARRIED TO OTHERS⁵ AND WERE [SUBSEQUENTLY] DIVORCED,⁶ OR WIDOWED, THEY MAY BE MARRIED TO THESE.⁷ THESE⁸ ARE ALSO PERMITTED TO THEIR⁶ SONS OR BROTHERS.⁹

GEMARA. Only if they¹⁰ died¹¹ but not if they were divorced.¹² Said R. Hillel to R. Ashi: Surely, it was taught: Even if they were divorced! — This is no difficulty: The one¹³ refers to the case where they led¹⁴ a quarrelsome life;¹⁵ the other,¹⁶ where they¹⁷ had no quarrels.¹⁸ If you prefer I might say that the one as well as the other [refers to the case] where there were no quarrels, and yet there is no difficulty: The former¹⁶ is a case where the husband had led on [to the divorce];¹⁹ in the latter,²⁰ she led on to the divorce.

IF THEY WERE MARRIED etc. It was now assumed that death²¹ has reference to the case of death,²² and divorce²³ to that of divorce.²⁴ Must it then be said that our Mishnah²⁵ is in disagreement the delivery of the letter of divorce by the messenger, or the evidence of the man who testified to their husbands' deaths. with the view of Rabbi? For had it been in agreement with Rabbi, [a third marriage would not have been allowed], for he said that two occurrences constitute a hazakah.²⁶ — No;²⁷ death²⁸ [has reference] to divorce,²⁹ and divorce²⁸ to death.³⁰

THESE ARE ALSO PERMITTED TO THEIR SONS OR BROTHERS. Wherein is this different from the following where it was taught:³¹ A man who is suspected of intercourse with a woman is forbidden to marry her mother, her daughter and her sister.³² -It is the usual thing for women to pay frequent visits to other women;³³ it is not usual, however, for men to pay frequent visits to other men.³⁴ Or [this] also:³⁵ Women who do not cause one another to be forbidden by their cohabitation³⁶

do not particularly mind one another;³⁷ men, however, who do cause one another to be forbidden by their cohabitation³⁸ do mind one another.³⁴ If so,³⁹ [the same law⁴⁰ should] also [apply to] one's father!⁴¹ -The meaning is, 'There is no need',⁴² [thus]: There is no need [to state that the law⁴⁰ is applicable to] one's father before whom a son is shy;⁴³ but [in the case of] one's son⁴⁴ before whom a father⁴⁴ is not shy it might have been assumed [that this law was] not [to be applied], hence we were informed [that the same law was applicable to a son also].

CHAPTER III

MISHNAH. [IN THE CASE OF] FOUR BROTHERS, TWO OF WHOM WERE MARRIED TO TWO SISTERS, IF THOSE WHO WERE MARRIED TO THE SISTERS DIED, BEHOLD. THESE⁴⁵ MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE [BY THE BROTHERS].⁴⁶ IF THEY HAD ALREADY⁴⁷ MARRIED THEM, THEY MUST DISMISS THEM. R. ELIEZER SAID: BETH SHAMMAI HOLD THAT THEY MAY RETAIN THEM, AND BETH HILLEL HOLD THAT THEY MUST DISMISS THEM.

IF ONE OF THE SISTERS⁴⁸ WAS FORBIDDEN TO ONE [OF THE BROTHERS] UNDER THE PROHIBITION OF INCEST,⁴⁹ HE IS FORBIDDEN TO MARRY HER BUT MAY MARRY HER SISTER,⁵⁰ WHILE TO THE SECOND BROTHER BOTH ARE FORBIDDEN.

[IF ONE SISTER,⁴⁸ WAS FORBIDDEN BY VIRTUE OF A COMMANDMENT⁵¹ OR BY VIRTUE OF HOLINESS⁵¹ SHE MUST PERFORM THE HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

IF ONE OF THE SISTERS⁴⁸ WAS FORBIDDEN TO ONE BROTHER UNDER THE LAW OF INCEST AND THE OTHER SISTER WAS FORBIDDEN TO THE OTHER UNDER THE LAW OF INCEST, SHE WHO IS FORBIDDEN TO THE ONE IS PERMITTED TO THE OTHER AND SHE WHO IS FORBIDDEN TO THE OTHER IS PERMITTED TO THE FIRST. THIS IS THE CASE CONCERNING WHICH IT HAS BEEN SAID: WHEN HER SISTER IS HER SISTER-IN-LAW⁵² SHE MAY EITHER PERFORM HALIZAH OR BE TAKEN IN LEVIRATE MARRIAGE.⁵³

GEMARA. This then⁵⁴ implies that a levirate bond exists;⁵⁵ for if no levirate bond exists, observe this point: These widows come from two different houses,⁵⁶ let one brother take in levirate marriage the one and the other brother the other!⁵⁷ — As a matter of fact it may still be assumed that no levirate bond exists⁵⁵ [but the levirate marriage is nevertheless forbidden] because he⁵⁸ is of the opinion that it is forbidden to annul the precept of levirate marriage, it being possible that while one of the brothers married [one of the widowed sisters] the other brother would die,⁵⁹ and the precept of levirate marriage would be annulled.⁶⁰ If so,⁶¹ [the same applies to] three [brothers] also!⁶² — This may be regarded as the case of 'There is no need etc.';⁶³ thus: There is no need to state three,⁶⁴ since the precept of levirate marriage would inevitably have to be annulled;⁶⁵ but [in the case of] four⁶⁶ [it might have been assumed that] one need not take precautions against [possible] death,⁶⁷ hence we were informed [that even in such a case levirate marriage is forbidden].⁶⁸ If so,⁶⁹

(1) Lit., 'and all of them'. The Sage, the messenger who brought a letter of divorce and the man who testified to the death of a husband. (V. previous two Mishnahs, supra 250, 25b).

(2) At the time of their action which resulted in enabling the women there mentioned to marry.

(3) I.e. the women concerned in their respective actions. V. previous note.

(4) Having had their own wives at the time they were engaged in the other women's affairs they are not to be suspected of any ulterior motives. Cf. supra p. 153, n. 2 and p. 155. n. 12.

(5) After the decision of the Sage,

(6) By their second husbands.

- (7) Cf. supra p. 157, n. 6.
- (8) V. p. 157, n. 8.
- (9) The prohibition being limited to themselves.
- (10) The wives of the Sage, messenger and witness (cf. supra p. 157, n. 6).
- (11) Lit., 'they died, yes'; only then is it permissible for the husbands to marry the women whom they had helped to obtain permission to marry.
- (12) It being possible that their action in favour of the women and the subsequent divorces were dictated by the same ulterior motive.
- (13) The Baraitha quoted by R. Hillel.
- (14) Before their respective husbands had acted in favour of the other women.
- (15) With their husbands. It is consequently obvious that the divorces were due to the domestic differences, and that the husband's subsequent actions were not dictated by ulterior motives.
- (16) That implied in our Mishnah.
- (17) V. supra note 5.
- (18) As husbands and wives lived in peace until the former had met the other women, there is good reason to suspect that the divorces were due to these meetings.
- (19) Hence there is cause for suspicion.
- (20) V. supra note 8.
- (21) Of the second husbands with whom marriage had taken place In the meanwhile.
- (22) In the second clause of the Previous Mishnah but one (supra 25a), where evidence was given that the woman's first husband had died or was killed.
- (23) Cf. supra n. 16.
- (24) Where a letter of divorce was brought by a messenger, (v. the first clause of the Mishnah supra 25a).
- (25) Which allows a woman to marry a third husband though her first two husbands had died or divorced her.
- (26) V. Glos. An established characteristic or defect in the woman, physical or moral, which confirms her as the cause of the death of her husbands or as the cause of the divorces. Hence, she should not have been permitted ever to marry again.
- (27) Our Mishnah does not differ from Rabbi.
- (28) V. p. 158, n.16. .
- (29) V. p.158,n.19.
- (30) V. supra p. 158. n. 17. Hence no two husbands died or divorced the same woman, and no hazakah could, therefore, have been constituted.
- (31) Cur. edd., 'we learned'.
- (32) Because there is reason to suspect that the marriage was planned by the man as a mere means of bringing him into closer association and intimacy with his paramour. Why, then, is this suspicion disregarded in the case of our Mishnah?
- (33) Misconduct may, therefore, occur and suspicion (v. previous note) is justified.
- (34) And suspicion that any intimate intercourse might take place would, therefore, be groundless.
- (35) May be said in reply.
- (36) With one another's husbands. The husband is not forbidden to his wife if cohabitation occurred between him and another woman.
- (37) V. note 8.
- (38) With one another's wives. The wife of one with whom the other cohabited is forbidden to her husband.
- (39) That men are watchful of one another, and that consequently there is no ground for suspicion.
- (40) Permitting the marriage of any of the women in question.
- (41) Why, then, does our Mishnah mention sons and brothers only?
- (42) Lit., 'it is not required he said'.
- (43) And would not venture to be too intimate with his wife.
- (44) Or brother.
- (45) The sisters.
- (46) The reason is explained in the Gemara, infra.
- (47) Lit., 'anticipated' (the ruling of the court).
- (48) In the case mentioned in the first paragraph of our Mishnah.
- (49) E.g., as a mother-in-law.

- (50) Who is not forbidden on account of her rival since the latter is biblically forbidden to the levir and cannot be regarded as his zekukah (v. Glos.).
- (51) The term is used in the Mishnah supra 20a and discussed in the Gemara loc. cit.
- (52) The wife of her husband's brother.
- (53) V. supra 20a. Cf. supra p. 162, n. 6.
- (54) The first clause of our Mishnah.
- (55) Between the widow of a deceased childless brother and his surviving brothers, in consequence of which each widow being a zekukah (v. Glos.), is forbidden as the sister of a zekukah.
- (56) They are the widows of two different husbands and neither of them stands in any marital relationship with any of the surviving brothers (v. previous note).
- (57) A levirate bond then obviously does exist. That being so, why has the question of the existence of a levirate bond remained a matter of dispute in Ned. 742 and supra 17b?
- (58) The author of our Mishnah.
- (59) And thus be prevented from marrying the other widow.
- (60) Because the surviving brother would then not be able either to marry, or to participate in the halizah with the second widow who by that time will have become his wife's sister. If, however, halizah only is performed with one brother and the death of the other should occur before the second widow had performed halizah with him, no difficulty would arise, since the first brother may then participate in the halizah of the second also.
- (61) That the reason for the prohibition of the levirate marriage with the widowed sisters is not the existence of a levirate bond but the endeavour to prevent the annulment of the precept of levirate marriage.
- (62) If two of them died childless and both their widows become subject to the levirate marriage or halizah of the third. In this case too the third brother must only participate in halizah; for, should he marry one of the sisters, the other would be forbidden, as the sister of his wife, either to marry him or to perform halizah with him.
- (63) Lit., 'it is not required, do we say'.
- (64) That where one of three brothers survived, no levirate marriage must take place.
- (65) Were he to marry one of the widows. Cf. supra p. 162, n. 8.
- (66) Brothers, two of whom survived.
- (67) And that consequently one brother should marry one of the widows and the other brother the other.
- (68) Because provision must always be made against possible death.
- (69) v. previous note.

Talmud - Mas. Yevamoth 26b

the same applies to five brothers also!¹ -The possibility that two might die² need not be taken into consideration.

Rabbah³ son of R. Huna said in the name of Rab: If three sisters who are sisters-in-law fell to the lot of two brothers who are their brothers-in-law, one of the brothers participates in her halizah with one, and the other brother participates in the halizah with the other, but the third,⁴ requires halizah from both. Said Rabbah to him: Since you say that the third widow requires submission to halizah by both brothers, you must be holding the opinion that a levirate bond exists⁵ and that the halizah is of an impaired character,⁶ and that as an impaired halizah it must go the round of all the brothers;⁷ but if so, [the same should apply to] the first [two sisters] also!⁸ — If they⁹ had become subject [to the levirs] at the same time the law would indeed have been so;¹⁰ [the statement of our Mishnah, however,] was required only in the case where they become subject [to the levirs] one after another. When the first sister became subject to the obligation of the levirate marriage. Reuben¹¹ participated in her halizah;¹² when the second came Under the obligation. Simeon¹³ participated in her halizah;¹⁴ when the third came under the obligation.¹⁵ if the one brother participated in her halizah he removed his own levirate bond,¹⁶ and when the other participated in the halizah he likewise removed his own levirate bond. But, surely. Rab said that no levirate bond exists!¹⁷ — This statement¹⁸ he made in accordance with the opinion of him who maintains that a levirate bond does exist.

Samuel, however, stated that one brother participates in the halizah with all of them. But consider: We have heard Samuel say that a proper halizah is required for Samuel said:

- (1) Two of whom who were married to two sisters died and three survived. In this case also, if provision is to be made against the possibility of death, no levirate marriage should be allowed to any of the three survivors, since it might happen that two of the survivors would also die and the last and only surviving brother would be precluded from levirate marriage and halizah because the widows would then be his wife's sisters.
- (2) Lit., 'for the death of two'.
- (3) So Emden. Cur. edd., 'Raba'.
- (4) Lit., 'the middle one'.
- (5) V. supra p. 162, n. 3'
- (6) Since each brother may only participate in halizah with the widow but may not, as she is the sister of his haluzah (v. Glos.) marry her. Such a halizah is not of the same validity as one which is the alternative of a permitted levirate marriage.
- (7) The levirate bond between the widow and the other brothers cannot be dissolved by such a halizah with one of them. [Me'iri seems to have had a shorter and smoother text: . . . that a levirate bond exists and that an impaired halizah must go the round of all the brothers'.]
- (8) Since they, like the third, are subject to the levirate bond, and with them also only halizah, but not levirate marriage may take place, and their halizah also is consequently of an impaired character.
- (9) All the three sisters.
- (10) Halizah would have had to be performed by every one of them with every brother.
- (11) I.e., the first brother. Reuben was Jacob's first son (Gen. XXIX, 32).
- (12) This was a proper halizah since at that time he could have married her if he wished.
- (13) I.e., the second brother. Simeon was the second son of Jacob. (Cf. Gen. XXIX, 33)
- (14) This also was a proper halizah since he could marry her if he wished. She is no longer the sister of his zekukah (v. Glos.) since the first brother had already performed with that zekukah proper halizah and had thereby severed the levirate bond between her and Simeon as well as between her and himself.
- (15) Levirate marriage is no more possible since, in the case of each brother, she is the sister of his haluzah, while exemption from halizah cannot be granted because the prohibition to marry the sister of one's haluzah is only Rabbinical and cannot supersede the Biblical precept which requires halizah where no levirate marriage takes place.
- (16) Which otherwise could not have been severed. V. previous note.
- (17) Supra 17b.
- (18) Reported supra by Rabbah b. R. Huna.

Talmud - Mas. Yevamoth 27a

if he¹ participated in the halizah with the sisters, the rivals are not exempt;² how then should Reuben,³ where the halizah of Simeon⁴ has the force of a valid halizah,⁵ participate in an impaired halizah?⁶ — By saying. 'One brother participates in the halizah with all of them' he also meant 'the third widow'.⁷ But surely, 'All of them' was stated!⁸ -As the majority is on his side⁹ it may be described as 'All of them'. If you prefer I might say: Only in respect of exempting one's rival¹⁰ did Samuel say that proper halizah was required; as regards exempting herself, however, [any halizah]¹¹ sets her free.¹²

[To turn to] the main text,¹³ Samuel said: If he¹⁴ participated in the halizah with the sisters, the rivals are not exempt;¹⁵ ff with the rivals, the sisters are exempt.¹⁶ If he¹⁷ participated in the halizah with the one¹⁸ who had been divorced,¹⁹ her rival is not thereby exempt;²⁰ if with the rival²¹ the divorced woman is exempt —²² If he¹⁷ participated in the halizah with one¹⁸ to whom he addressed a ma'amar, her rival is not thereby exempt;²³ if with the rival,²⁴ the widow to whom the ma'amar had been addressed is exempt.²⁵

In what respect are the sisters different that [by their halizah] the rivals should not be exempted?

Apparently because [each one of them] is 'his wife's sister' through the levirate bond;²⁶ [but for this very reason] the sisters also, if he participated in the halizah with their rivals, should not be exempt, since those are the rivals of 'his wife's sister' through the levirate bond!²⁷ — Samuel holds the opinion that no levirate bond exists. But, surely, Samuel said that a levirate bond did exist!²⁸ -He was here speaking in accordance with the view of him who maintains that a levirate bond does not exist. If so,²⁹ why are not the rivals exempt when he participated In the halizah with the sisters? One can well understand why Rachel's³⁰ rival is not exempt; for, as he had already participated in the halizah of Leah³¹ and only subsequently participated in the halizah of Rachel, Rachel's halizah is a defective one;³² but Leah's rival should be exempt!³³ -When he³⁴ said that 'The rivals are not exempt', he meant indeed the rival of Rachel. But, surely, he used the expression 'rivals'!³⁵ -Rivals generally. If so,³⁶ how could the sisters be exempt if he participated in the halizah with their rivals? Is Rachel exempt by the halizah of her rival!³⁷ Surely we learned: A man is forbidden to marry the rival of the relative of his halizah³⁸ — Samuel also [is of the same opinion] but draws a distinction according to the manner In which³⁹ one began or did not begin: If one began with the sisters⁴⁰ he must not finish with the rivals,⁴¹ for we learned, 'A man is forbidden to marry the rival of the relative of his haluzah',⁴² but if he began with the rivals⁴³ he may finish even with the sisters,⁴⁴ for we learned, 'A man is permitted to marry the relative of the rival of his haluzah'.⁴⁵

R. Ashi said: Your former assumption⁴⁶ may still be upheld, and [yet no difficulty⁴⁷ arises] because the levirate bond is not strong enough to make the rival equal to the forbidden relative herself.⁴⁸

It was taught in agreement with the view of R. Ashi: If the levir participated in the halizah with the sisters, their rivals are not thereby exempt; but if with the rivals, the sisters are thereby exempt. What is the reason? Obviously⁴⁹ because he is of the opinion that a levirate bond exists and that that bond is not strong enough to make the rival equal to the forbidden relative herself.

R. Abba b. Memel said: Who is the author of this?⁵⁰ Beth Shammai; for we learned: Beth Shammai permit the rivals to the [surviving] brothers.⁵¹ If so,⁵² let them⁵³ be taken in levirate marriage also!⁵⁴ [This is] in agreement with R. Johanan b. Nuri who said: Come, let us issue an ordinance that the rivals perform the halizah but do not marry the levir.⁵⁵ But did not a Master say that they had hardly time to conclude the matter before confusion set in?⁵⁶ — R. Nahman b. Isaac replied: After him⁵⁷ they re-ordained it.

The question was raised:

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- (1) A levir whose two deceased childless brothers were survived by two widows who were sisters, each of whom had also a rival.
 - (2) Because the halizah with the sisters is defective, the levir not being in a position to marry either of them. Cf. supra p. 263, n. 11,
 - (3) Cf. supra note 2,
 - (4) cf. note 4.
 - (5) Simeon, having participated in no halizah, the second sister is not the sister of his haluzah.
 - (6) In the case of Reuben who had already participated in the halizah of one sister, the halizah with the second is a halizah performed by the sister of his haluzah, which is not a completely valid operation.
 - (7) I.e., the second brother, after he participated in the halizah with the second widow, also participates in the halizah with he third (who is now the sister of his as well as of his brother's haluzah): and there is no need, according to Samuel, for a defective halizah to go the round of all the surviving brothers.
 - (8) How- then could the expression 'all' refer to the second and third widows only?
 - (9) Simeon having participated in the halizah of two widows out of the three.
 - (10) As he actually said, 'The rivals are not exempt'.
 - (11) Even a defective one.

- (12) In the case of the three widows mentioned above, where there are no rivals, the defective halizah is, therefore, valid even according to Samuel.
- (13) A passage from which was cited supra top of page.
- (14) V.p. 164,n. 10.
- (15) V.p. 164, n.11.
- (16) As the prohibition to marry the rivals is not so severe as that of the sisters, the halizah with the former is of greater validity and force than that with the latter. Cf. supra p. 163,n.11.
- (17) The levir.
- (18) Of two sisters-in-law, widows of the same brother.
- (19) By the levir prior to the halizah.
- (20) A halizah after a divorce is defective, since the levirate bond had already been partially severed by the divorce that preceded it.
- (21) Since no letter of divorce was given to her.
- (22) Infra 51a.
- (23) Since the halizah alone does not in this case exempt the widow; a divorce also, owing to the ma'amar, being required.
- (24) To whom no ma'amar had been addressed.
- (25) infra 53a.
- (26) In consequence of which he may marry neither of them and the halizah in which he participates is for this reason of a defective character.
- (27) A rival taking the place of a forbidden relative, being subject to the same restrictions as the relatives, is also forbidden to be taken in levirate marriage.
- (28) Supra 18b.
- (29) That no levirate bond exists and the halizah with the sisters is consequently perfectly valid.
- (30) I.e., the sister who was second to perform the halizah. Rachel was Jacob's second, Leah his first wife (v. Gen. XXIX, 23-28).
- (31) I.e., the first sister. Cf. previous note.
- (32) Because Rachel cannot any more be married to him owing to her being the sister of his haluzah.
- (33) Leah's halizah having been perfect, since the levir could have married her if he wished.
- (34) Samuel.
- (35) The plural.
- (36) That the expression of 'rivals' refers only to rivals of the sister who was second to perform the halizah and not to those of the first also.
- (37) Would the sister of a haluzah be exempt by the halizah of her rival?
- (38) Infra 40b. As he cannot marry the rival of Rachel who is his haluzah's sister, his halizah with her would be of a defective character which, consequently, could not exempt Rachel.
- (39) Lit., 'he said'.
- (40) Participated in the halizah with one of them.
- (41) By participating in the halizah with the rival of the second sister. Such halizah would not exempt the sister.
- (42) Much more so the relative herself. The halizah, therefore, being defective, would have to be performed by both the second sister and her rival.
- (43) If he participated in the halizah with the rival of the first sister.
- (44) He may participate in halizah not only with the rival of the second sister and thus exempt the sister herself, but also with the second sister and thus exempt her rival.
- (45) Rachel (the second sister), being the relative of Leah (the first sister) who is the 'rival' of the haluzah, is consequently permitted to marry the levir, and her halizah is, therefore, perfectly valid and exempts also her rival.
- (46) That the rivals are not exempted by the halizah of the sisters, owing to its defectiveness which is due to the existence of the levirate bond (cf. supra p. 164, n. 21).
- (47) As to why the halizah of the rival of the relative of a haluzah should be more valid than that of the relative of the haluzah herself (v. supra p. 266, n. 2).
- (48) The Rabbis who forbade the marriage of a zekukah owing to the levirate bond did not extend the prohibition to her rival. The halizah of the latter is, therefore, more valid and exempts also the former.

(49) Lit., 'not'?

(50) The Baraitha quoted.

(51) Supra 132, 'Ed. Iv, 8; as marriage with the rivals is permitted, their halizah also (cf. supra p. 163, n. 11) is perfectly valid.

(52) That the Baraitha quoted represents the view of Beth Shammai.

(53) The rivals.

(54) Why then was only halizah mentioned?

(55) Supra 13b, 14b.

(56) Supra 15a, q.v. notes.

(57) R. Johanan b. Nuri.

Talmud - Mas. Yevamoth 27b

Between the one¹ who was given² a letter of divorce and the other¹ to whom a ma'amar had been addressed² who is to be preferred?³ Is she who was divorced to be preferred.⁴ or is, perhaps, she to whom the ma'amar had been addressed to be preferred since she is nearer to him in respect to intercourse? — R. Ashi replied, Come and hear: R. Gamaliel, however, admits⁵ that a letter of divorce⁶ after a ma'amar,⁷ and a ma'amar⁶ after a letter of divorce⁸ is valid.⁹ Now, if a letter of divorce has the preference.¹⁰ the ma'amar after it should have no validity; and if the ma'amar has the preference, the divorce after it should have no validity. Consequently it must be concluded that they have both equal validity. This proves it.

R. Huna¹¹ said in the name of Rab: If two sisters who were sisters-in-law became subject to one levir, the one is permitted¹² when he¹³ has participated in her halizah; and the other is permitted¹⁴ when he has participated in her halizah. If the first¹⁵ died¹⁶ he¹⁷ is permitted [to marry] the second,¹⁸ and there is no need to state that if the second¹⁹ died¹⁶ the first is permitted,¹⁴ since, as a sister-in-law who was permitted,²⁰ then forbidden²¹ and then again permitted,²² she returns to her former state of permissibility. R. Johanan, however, said: If the second¹⁹ died¹⁶ he¹⁷ is permitted to marry the first,²³ but if the first²⁴ died he is forbidden to marry the second.¹⁹ What is the reason? Because any sister-in-law to whom the injunction. Her husband's brother shall go in unto her²⁵ cannot be applied at the time of her coming under the obligation of the levirate marriage²⁶ is, indeed,²⁷ like the wife of a brother who has children and is, consequently, forbidden. But does not Rab hold the same view?²⁸ Surely Rab said: Any woman to whom the injunction, Her husband's brother should go in unto her²⁵ cannot be applied at the time of her coming under the obligation of the levirate marriage is, indeed, like the wife of a brother who has children and is, consequently, forbidden!²⁹ -That statement³⁰ applies only to the case where the woman is faced with the prohibition of 'a wife's sister', which is Pentateuchal,³¹ here, however, [the prohibition due to] the levirate bond is only Rabbinical.³²

R. Jose b. Hanina raised the following objection against R. Johanan:³³ IN THE CASE OF FOUR BROTHERS, TWO OF WHOM WERE MARRIED TO TWO SISTERS, IF THOSE WHO WERE MARRIED TO THE SISTERS DIED, BEHOLD, THESE MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE. But why? Let one of the brothers take on the duty of participating in the halizah with the second widow, and thus place the first widow, in relation to the second, in the category of a deceased brother's wife that was permitted- then forbidden, and then again permitted,³⁴ and thus she would return to her former state of permissibility! — The other replied: I do not know who was the author of the statement concerning the sisters.³⁵ But let him rather reply that the meaning of the expression of MUST PERFORM THE HALIZAH, which had been used, indeed signifies that only one is to perform the halizah!³⁶ -The expression used was THEY MUST PERFORM THE HALIZAH.³⁷ Then let him reply that the expressions THEY MUST PERFORM THE HALIZAH³⁷ refers to women generally³⁸ who perform the halizah!-It was stated, BEHOLD THESE.³⁹ Let him, then, reply that [this is a case] where halizah was already performed

by the first!⁴⁰ -[The expression] THESE MUST PERFORM HALIZAH

- (1) Of two widows of the same husband who was survived by one brother.
- (2) By the surviving brother.
- (3) In respect of the halizah, if that halizah is to exempt the rival. None of these widows may be taken in levirate marriage: the one, because a letter of divorce was given to her, and the other, because she is the rival of the former. The only question is, which of the two should perform the halizah and which should thereby be exempt.
- (4) I.e., shall she perform the halizah and thus exempt her rival? Cur. edd. add., 'because he began with her with halizah'. Rashal (Glosses. a.l.) reads, 'divorce' for 'halizah'. Both additions are absent in MSS, v. Tosaf. s.v. בעלה-
- (5) Though he holds that a divorce to one of the widows of his deceased brothers after a divorce to her rival is invalid (infra 50a).
- (6) To one of the widows of his deceased childless brother.
- (7) That had been first addressed to the other widow, her rival.
- (8) Given first to the other.
- (9) Infra 51a. Lit., 'there is'. If the ma'amar was made first, the subsequent divorce forbids the marriage of the second and also that of the first, the ma'amar to her not being regarded as actual marriage, and if the divorce was first and the ma'amar afterwards, the second widow also requires a divorce, the divorce of the first not having the force of halizah to invalidate the ma'amar addressed to the second.
- (10) Over the ma'amar.
- (11) Asheri: Judah.
- (12) To marry any stranger.
- (13) The levir.
- (14) To marry any stranger.
- (15) Widow; the one whose husband died first, and who became subject to the levirate marriage before the other.
- (16) Before she had performed the halizah with the levir.
- (17) The levir.
- (18) Since death had severed his levirate bond with the first, and the surviving widow is no longer the sister of a zekukah.
- (19) The widow of the brother who died after the first, and who became subject to the levirate marriage after the subjection of the first.
- (20) To the levir. At the time she became subject to him there was no other zekukah.
- (21) When her sister's husband died.
- (22) When her sister died.
- (23) V. note 2, because at the time she became subject to the levirate marriage she was permitted to him.
- (24) V. note 2.
- (25) Deut. XXV, 5.
- (26) As in this case where she was forbidden to the levir, as 'the sister of his zekukah', at the time she came under the obligation of the levirate marriage through her husband's death.
- (27) Lit., 'behold'.
- (28) That had been advanced by R. Johanan.
- (29) Infra 30a, 111b.
- (30) Of Rab, just quoted.
- (31) As in the case of three brothers two of whom were married to two sisters (infra 30a) in connection with which Rab made his statement.
- (32) And is, therefore, removed as soon as one of the sisters dies.
- (33) The same objection applies to Rab also (Rashi). Cf. however, Tosaf. s.v. איתיביה a.l.
- (34) V. supra2 p. 169, nn. 7, 11.
- (35) I.e., the Mishnah is not authoritative. —
- (36) Lit., 'she performs the halizah, (namely) one', i.e., the second widow.
- (37) חולצות the pr. particip. Plural.
- (38) In similar circumstances.
- (39) Which implies the two spoken of.

(40) So that the other, who is not exempted by that of the first, must also perform halizah.

Talmud - Mas. Yevamoth 28a

is an instruction as to what it is the proper thing to do.¹ Let him reply that it² was a preventive measure against the possibility of the levir's participating first in the halizah of the first!³ — It was stated, BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE, i.e., the law of the levirate marriage is not applicable here at all.⁴ Let him, then, reply that it⁵ was a preventive measure in case he⁶ might die,⁷ it being forbidden to annul the precept of levirate marriage!⁸ — R. Johanan makes no provision against possible death.⁹ Then let him reply that it⁵ is the ruling of R. Eleazar¹⁰ who said that so long as she remained forbidden to him for one moment she is forbidden to him for ever!¹¹ — Since the latter clause [represents the view of] R. Eleazar,¹² the first clause cannot represent his view. Then let him reply that it¹³ is a case where they¹⁴ fell under the obligation¹⁵ at the same time, and that it represents the opinion of R. Jose the Galilean who maintains that it is possible to ascertain simultaneity!¹⁶ — The Tanna would not have recorded an anonymous Mishnah in agreement with the view of R. Jose the Galilean. Let him reply [that it¹³ is a case] where it is not known which¹⁷ came under the obligation¹⁵ first!¹⁸ — If that were the case¹⁹ how could it have been stated,²⁰ EVEN IF THEY HAD ALREADY MARRIED THEM THEY MUST DISMISS THEM! In the case of the first,²¹ at least, one can understand [the reason].²² since he can be told, 'Who permitted her to you'?²³ In the case, however, of the second,²⁴ the levir²⁵ could surely claim, 'My friend²⁶ has taken the second in levirate marriage²⁷ and I take the first' ²⁸ This, then,²⁹ is the reason why he³⁰ said to him,³¹ 'I do not know who was the author of the statement concerning the sisters'.³²

We learned: IF ONE OF THE SISTERS WAS FORBIDDEN TO ONE [OF THE BROTHERS] UNDER THE PROHIBITION OF INCEST,³³ HE IS FORBIDDEN TO MARRY HER BUT MAY MARRY HER SISTER, WHILE TO THE SECOND BROTHER BOTH ARE FORBIDDEN. It was now assumed that his mother-in-law³⁴ came under the obligation³⁵ first.³⁶ Now, why [should both sisters be forbidden]?³⁷ Let the son-in-law undertake the duty of marrying first that sister who is not his mother-in-law,³⁸ and his mother-in-law, in relation to the other levir, would thereby come into the same category as a sister-in-law that was permitted,³⁹ then forbidden,⁴⁰ and then permitted again,⁴¹ who returns to her former state of permissibility! R. Papa replied: [They are forbidden] in a case where she who was not his mother-in-law came under the obligation⁴² first.⁴³

R. ELIEZER SAID: BETH SHAMMAI HOLD etc. The following was taught: R. Eliezer said: Beth Shammai hold that they may retain them, and Beth Hillel hold that they must dismiss them. R. Simeon said: They may retain them. Abba Saul said: Beth Hillel uphold in this matter the milder rule, for it was Beth Shammai who said that the women must be dismissed while Beth Hillel said they may be retained.⁴⁴

Whose view does R. Simeon represent?⁴⁵ If that of Beth Shammai,⁴⁶ he is merely repeating R. Eliezer; if that of Beth Hillel,⁴⁶ he is repeating Abba Saul! It was this that he meant: In this matter there is no dispute at all between Beth Shammai and Beth Hillel.

IF ONE OF THE SISTERS etc. But we have learned this already: When her sister is her sister-in-law she may either perform halizah or be taken in levirate marriage!⁴⁷ — [Both are] necessary. For had the law been stated there⁴⁸ it might have been assumed [to apply to that case alone],⁴⁹ because there is no need to enact a preventive measure against a second brother,⁵⁰ but not [to the case] here where it might be advisable to issue a preventive measure against a second brother.⁵⁰ And had the law been stated here,⁵¹ it might have been assumed [to apply to this case alone] because there is a second brother who proves it⁵² but not [to that case] where no second brother exists.⁵³ [Hence were both] required.

BY VIRTUE OF A COMMANDMENT etc. But we have [already] learned this also:

- (1) And not as to what is to be done in certain eventualities. Lit., 'for as at the beginning, it was taught'.
- (2) The provision that both widows are to perform halizah and that none may be taken in levirate marriage.
- (3) And then he would marry the second, in his erroneous assumption that, as he may participate in the halizah of the second and marry the first, so he may participate in the halizah of the first and marry the second. This, however, does not imply that if he already did participate in the halizah of the second he may not, after her death, marry the first. In this latter case the reason for the marriage with the first would be obvious and would leave no room for erroneous conclusions.
- (4) Even if halizah was first performed by the second.
- (5) The provision in our Mishnah that both widows must perform halizah and none of them may be taken in levirate marriage.
- (6) One of the surviving brothers who intended to marry one of the widowed sisters.
- (7) After the second brother had married the second widow and had thus become disqualified from marrying or participating in the halizah of the other — who is now forbidden to him as the sister of his wife.
- (8) And this only is the reason for the prohibition of the levirate marriage with either of the sisters. Had this prohibition been due to the levirate bond, as suggested, the first would certainly have been permitted to marry the levir after halizah with the second, which had severed the levirate bond, had taken place. Consequently, in the case discussed by R. Johanan, where the second died, and the preventive measure is not applicable, the first may indeed be taken in levirate marriage!
- (9) The ruling in our Mishnah could not, therefore, be due to a preventive measure.
- (10) Bah a.l. reads, 'Eliezer' throughout the context.
- (11) Infra 1092; while R. Johanan, agreeing with the Rabbis, may disregard this individual opinion.
- (12) His authorship being specifically stated there.
- (13) V. note 2, supra
- (14) Both sisters.
- (15) Of the levirate marriage.
- (16) supra 19a, Bek. 92a
- (17) Of the two widowed sisters.
- (18) So that there is no known 'second' widow with whom to participate in the halizah
- (19) That the prohibition in our Mishnah to marry the two widowed sisters is entirely due to the fact that it is not known which of them was the first to become a widow and which was second; and that, had the fact been known, the first would have been permitted to be taken in the levirate marriage.
- (20) Lit., '(is it) that why it was stated'!
- (21) I.e., the levir who married first, Cf. Bah a.l. Cur. edd. read, ראשון for ראשונה
- (22) Why the woman must be dismissed.
- (23) Before the marital bond between him and her sister was severed she was forbidden to him as the sister of his zekukah. Hence he must rightly dismiss her.
- (24) Levir (v. Bah) who married after his brother had married one of the widows. Cur. edd. שני for שניב.
- (25) When he is ordered to divorce the woman.
- (26) The levir who married first.
- (27) I.e., the sister who became widow second; and naturally no one could disprove his contention.
- (28) Who became permitted to him owing to the previous marriage of her sister who, he claims, was the second widow. The marriage of the second severs the marital bond between the sister and the levirs, and thus liberates the first from the prohibition of 'the sister of one's zekukah' and brings her under the category of 'permitted, forbidden and permitted again'.
- (29) Since this last suggested answer is also untenable.
- (30) R. Johanan, supra 27b.
- (31) R. Jose.
- (32) Cf. supra p. 170. n. 3'
- (33) If she was, for instance, his mother-in-law.
- (34) V. previous note. 'Mother-in-law' is taken as an instance of any forbidden relative.

- (35) Of the levirate marriage.
- (36) I.e., her husband died before the other brother.
- (37) To marry the other levir.
- (38) That widow is permitted to him, because she is neither his forbidden relative nor the sister of his zekukah, since a forbidden relative is not a zekukah.
- (39) Since at the time she became subject to the levirate marriage she was not the sister of a zekukah.
- (40) When her sister became the zekukah of the surviving levirs by the death of her husband.
- (41) 'When his brother had contracted with her the levirate marriage.
- (42) Of the Levirate marriage.
- (43) So that his mother-in-law who came under the obligation next was never for one moment permitted even to the other levir.
- (44) Tosef. v.
- (45) Lit., 'R. Simeon like whom'. He could not possibly advance a view of his own, since he is not sufficiently great to disagree either with Beth Shammai or with Beth Hillel.
- (46) I.e., if he maintains that what he said was their view.
- (47) Supra 20a, which Implies the law here stated, viz, that he is forbidden to marry the forbidden relative but may marry her sister.
- (48) And not here.
- (49) Where one brother only is involved.
- (50) Who might marry a sister of his zekukah by mistaking the reason for the levirate marriage of his brother.
- (51) And not there.
- (52) That there is a special reason why his brother may marry one of the sisters. The fact that he himself does not marry either of the sisters is sufficient proof that the sister of a zekukah is forbidden.
- (53) And people might erroneously infer that the sister of a zekukah is always permitted.

Talmud - Mas. Yevamoth 28b

If she is forbidden by virtue of a commandment or by virtue of holiness she must perform halizah and may not be taken in levirate marriage!¹ -There¹ it is a question of one forbidden by virtue of a commandment alone,² but here [it is a case of one] forbidden by virtue of a commandment and [by virtue of] her sister.³ Since it might have been assumed that the prohibition by virtue of a commandment shall take the same rank as the prohibition by the law of incest⁴ and [her sister] should, therefore, be taken in levirate marriage, hence we were taught [that the law is not so].

But how could she⁵ possibly be taken in levirate marriage? Since Pentateuchally she⁶ is to submit to him,⁷ he would come in contact with the sister of his zekukah⁸ -It might have been thought that such provision⁹ was made by the Rabbis for the sake of the precept,¹⁰ hence we were taught [that it was not so].

IF ONE OF THE SISTERS etc. What need was there again for this statement? Surely, it is precisely identical [with the one before]!¹¹ For what difference is there whether [a woman is forbidden] to one or to two?- [Both are] required. For had the former only¹² been stated, it might have been assumed [that the law was applicable there only] because there exists a second brother to indicate the cause,¹³ but not here where there is no second brother to indicate it.¹⁴ And if the statement had been made here only it might have been assumed on the contrary that both brothers afford proof in regard to each other,¹⁵ but not in the other case;¹⁶ [hence both were] required.

THIS IS THE CASE CONCERNING WHICH IT HAS BEEN SAID etc. What is the expression, THIS IS intended to exclude?¹⁷ -To exclude the case [where one sister was forbidden by] Virtue of a commandment to the one [brother]. and [the other sister was forbidden] by virtue of a commandment to the other. But what need was there for this [additional statement]? Surely it is precisely identical [with that mentioned before];¹⁸ for what difference is there whether it relates to one or to two! — It

might have been thought that only where there is the necessity of providing for a preventive measure against a second brother do we not say that the prohibition by a commandment takes the same rank as a prohibition by the law of incest,¹⁹ but that where there is no necessity to provide against a second brother we do say that in the case of the one brother the prohibition by a commandment is to be given the same force as the prohibition by the law of incest, and that also in the case of the other brother the prohibition by a commandment is to be given the same force as the prohibition by the law of incest, and that the sisters may consequently be taken in levirate marriage; hence we were taught [that such an assumption is not to be made].

Rab Judah said in the name of Rab and so did R. Hiyya teach: In the case of all these²⁰ it may happen that she who is forbidden to one brother²¹ may be permitted to the other,²² and that her sister who is her sister-in-law may either perform the halizah or be taken in the levirate marriage;²³ and Rab Judah interpreted it²⁴ [as referring to those]²⁵ from one's mother-in-law onward but not to the first six categories. What is the reason? Because this²⁶ is only possible in the case of a daughter born from a woman who had been outraged.²⁷ but not in that of a daughter born from a legal marriage.²⁸ [and the author of that Mishnah]²⁹ deals only with cases of legal matrimony and not with those of outraged women.³⁰

Abaye. however, interprets i²⁴ as referring also to a daughter from a woman that had been outraged. because, since [the application of Rab's statement]³¹ is quite possible in her case, it matters not whether she was born from a woman who was legally married or from one that had been outraged; but not to the 'wife of a brother who was not his contemporary' since this³¹ is possible only according to the view of R. Simeon³² and not according to that of the Rabbis and he³³ does not deal with any matter which is a subject of controversy. But R. Safra interprets [it³⁴ as referring] also to the 'wife of a brother who was not his contemporary', and this³⁴ is possible in the case of six brothers in accordance with the view of R. Simeon.³⁵ And your mnemonic is, 'died, born, and performed the levirate marriage; died, born, and performed the levirate marriage'.³⁶ [Suppose. for instance]. Reuben and Simeon³⁷ were married to two sisters, and Levi and Judah were married to two strangers. When Reuben died, Issachar was born and Levi took the widow in levirate marriage. When Simeon died, Zebulun was born and Judah took [the second widow] in levirate marriage. When Levi and Judah subsequently died without issue and their widows fell under the obligation of the levirate marriage before Issachar and Zebulun, she³⁸ who is forbidden to the one³⁹ is permitted to the other⁴⁰ while she⁴¹ who is forbidden to the other⁴² is permitted to the first.⁴³

In the example of 'her sister who is her sister-in-law',⁴⁴ what need was there⁴⁵ for Judah to contract the levirate marriage? Even if Judah did not contract any levirate marriage it is also possible!⁴⁶ — Owing to the rival.⁴⁷ This⁴⁸ satisfactorily explains the case of the rival; what can be said, however, in respect of the rival's rival?⁴⁹ — If, for instance, Gad and Asher also subsequently married them.⁵⁰

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS, OR TO A WOMAN AND HER DAUGHTER, OR TO A WOMAN AND HER DAUGHTER'S DAUGHTER, OR TO A WOMAN AND HER SON'S DAUGHTER, BEHOLD, THESE⁵¹ MUST⁵² PERFORM THE HALIZAH⁵³ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.⁵⁴ R. SIMEON, HOWEVER, EXEMPTS THEM.⁵⁵

IF ONE OF THEM⁵⁶ WAS FORBIDDEN TO HIM BY THE LAW OF INCEST, HE IS FORBIDDEN TO MARRY HER BUT IS PERMITTED TO MARRY HER SISTER. IF, HOWEVER, THE PROHIBITION IS DUE TO A COMMANDMENT OR TO HOLINESS, THEY MUST PERFORM THE HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

GEMARA. It was taught: R. Simeon exempts both from the halizah and the levirate marriage. for

it is said in the Scriptures, And thou shalt not take a woman to her sister, to be a rival to her:⁵⁷ when they become rivals to one another,⁵⁸ you may not marry even one of them.

IF ONE OF THEM WAS etc. What need was there again for this statement? Surely it is the same!⁵⁹ -It was necessary because of the opinion of R. Simeon: As it might have been assumed that, since R. Simeon had said that two sisters were neither to perform halizah nor to be taken in levirate marriage. A preventive measure should be enacted⁶⁰ against two sisters generally.⁶¹ hence we were taught⁶² [that it was not so].⁶³

IF, HOWEVER, THE PROHIBITION IS DUE TO A COMMANDMENT etc.

(1) Supra 202, Sanh. 532.

(2) Only one sister-in-law being concerned.

(3) Since two sisters, the widows of the two brothers, are here involved, and one of them is forbidden not only as the sister of his zekukah but also by virtue of a commandment.

(4) As the one is not regarded as a zekukah so neither is the other.

(5) The sister of one forbidden by virtue of a commandment.

(6) The sister-in-law forbidden by virtue of a commandment.

(7) To levirate marriage; her prohibition being only Rabbinical.

(8) Which cannot obviously be permitted. What need, then, was there for a law that is so obvious.

(9) The permission to marry the sister of his zekukah.

(10) Of the levirate marriage. In order that this precept may be fulfilled they may have removed the prohibition of the marital bond, which is only Rabbinical, in cases where the woman is not forbidden by the law of incest but by virtue of a commandment only.

(11) Where one sister-in-law is similarly forbidden to one levir, and he is permitted to marry her sister.

(12) Lit., 'there'.

(13) Since one brother is forbidden to marry either sister it will be obvious that the brother was permitted to marry one of the sisters for a special reason.

(14) Since both brothers marry respectively the two sisters, it might be assumed that any levir may marry the sister of his zekukah.

(15) Since each brother is permitted to marry only one particular sister and not the other, it is obvious that the other is forbidden to him. The law of zekukah could not consequently be mistaken.

(16) Where there is only one brother, and no other brother to indicate that there is a special reason why the sister of his apparent zekukah, should be permitted to be taken in levirate marriage.

(17) THIS IS implies this and no other.

(18) In our Mishnah: [IF ONE SISTER] WAS FORBIDDEN BY VIRTUE OF A COMMANDMENT... SHE MUST PERFORM THE HALIZAH AND MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

(19) V. supra p. 174. n. 6.

(20) The fifteen forbidden categories enumerated in the Mishnah, supra 2af.

(21) As a forbidden relative under the law of incest.

(22) With whom she is not so closely related.

(23) The prohibition of the one under the law of incest removes the marital bond, and her sister who, in consequence, is no longer the 'sister of a zekukah', may, therefore, be married to, or perform the halizah with the levir to whom the former is forbidden.

(24) Rab's statement.

(25) Of the fifteen relatives enumerated in the Mishnah mentioned.

(26) That two sisters shall be the daughters of two brothers, and that the one forbidden to one brother shall be permitted to the other brother. V. n. 8.

(27) If, of four brothers, A, B, C and D, A had a daughter from a woman he had outraged. and B had a daughter from the same woman whom he outraged after A, and these daughters of A and B, who are maternal sisters, married their father's brothers, C and D, who subsequently died without issue, A's daughter is permitted to B (who is her brother-in-law but otherwise a complete stranger) and is forbidden to A her father. For similar reasons A's daughter is permitted to A and

forbidden to B. Thus it is possible for two sisters to marry the two levirs respectively because each one of them is a daughter of the other levir to whom she is forbidden by the law of incest.

(28) Since the mother of such a daughter would be forbidden to marry her husband's brother, even though she had been divorced by her husband after the birth of that daughter.

(29) Supra 2a, which is now under discussion.

(30) And since the case of a daughter could not be included (v. supra nn. 8 and 9), the other five cases which also bear on a daughter had equally to be excluded.

(31) V. supra p. 176. n. 7.

(32) Supra 18b. V. also R. Safra's interpretation and notes, *Infra*.

(33) Rab or R. Hiyya.

(34) Rab's statement.

(35) Who in certain circumstances permits the marriage of the 'widow of a brother who was not his contemporary'. V. supra 18b.

(36) v. *infra*, when (a) death, (b) birth and (c) marriage occurred in this order in the case of both groups of brothers.

(37) Jacob's sons, the sequence of whose births is known (v. Gen. XXIX. 32-XXX, 20), are taken here as an illustration of the possibility of the application of Rab's statement in certain circumstances of birth, death and marriage.

(38) The widow of Levi.

(39) To Issachar, because he was born before the marriage of Levi had removed the levirate bond between Reuben's widow and the other brothers, and thus came under the prohibition of marrying 'the wife of his brother who was not his contemporary'.

(40) To Zebulun who was born after she had married Levi and the levirate bond between her and the other brothers had been removed.

(41) The wife of Judah.

(42) To Zebulun, to whom the widow of Simeon stands in the same relation as the widow of Reuben to Issachar. (V. supra note 9).

(43) Issachar who was Simeon's contemporary.

(44) Supra.

(45) In R. Safra's interpretation.

(46) For one sister to be forbidden to one brother and permitted to the other, and vice versa. Suppose Reuben died, and then Issachar was born, and Levi married the widow; then Simeon died, Zebulun was born, and Levi died; and the widows of Simeon and Levi came under the obligation of the levirate marriage with Issachar and Zebulun. Levi's widow is forbidden to Issachar owing to the levirate bond originating from her first husband, Reuben, (v. supra p. 177, n. 9) and is permitted to Zebulun (v. p. 177, n. 10), while Simeon's widow is forbidden to Zebulun (v. p. 177, n. 12) and permitted to Issachar (v. p. 177. n. 13). Now, since the point may be illustrated by five brothers, why was it necessary to bring in six?

(47) As the Mishnah under discussion (supra 2af) speaks of the rivals it was desired to give an illustration which may be applicable to rivals as well as to the forbidden relatives, and this could only be done by assuming that Judah married Simeon's widow. Had he not married her, the rival would have had to be not Judah's but Simeon's wife who would thus be forbidden to Zebulun not as 'rival' but as 'the wife of his brother who was not his contemporary'.

(48) The illustration with the six brothers.

(49) How is it possible that one rival's rival shall be forbidden to one brother and permitted to the other while the other rival's rival should be forbidden to the other brother and permitted to the first?

(50) The first wives of Levi and Judah (the rivals of their second wives, the widows of Reuben and Simeon). If Gad who married, say. the widow of Judah, and Asher who married, say. the widow of Levi died subsequently without issue and were survived by their wives who are now subject to the levirate marriage with Issachar and Zebulun the surviving brothers, Gad's first wife, the rival of his second wife (the widow of Judah) who was the rival of Simeon's wife, is forbidden to Zebulun as the rival's rival of the wife of Simeon who was not his contemporary, but is permitted to Issachar. Similarly Asher's first wife is forbidden to Issachar and permitted to Zebulun.

(51) The women enumerated.

(52) If their husbands, the two brothers, died without issue.

(53) With the third surviving brother.

(54) By that brother; since both are related to him by the 'levirate bond' and each is forbidden to him as the

consanguineous relative of the woman connected with him by such bond.

(55) Even from the halizah. V. Gemara infra.

(56) The sisters.

(57) Lev. XVIII, 18.

(58) The Ievirate bond which subjects both to the same levir causing them to be rivals.

(59) As that which had been taught in an earlier Mishnah in the case of four brothers, supra 26a.

(60) Forbidding levirate marriage even where the prohibition of one is due to the law of incest.

(61) Lit., 'of the world'. If permission to marry one of the sisters were given where one is forbidden by the law of incest, it might be mistakenly concluded that levirate marriage is allowed even when none was forbidden by the law of incest.

(62) By the statement in our Mishnah that one IS PERMITTED TO MARRY HER SISTER.

(63) The similar statement in the earlier Mishnah (supra 262) does not prove this point as far as R. Simeon is concerned, since it refers to the view of the Rabbis according to whom the marriage of the sister of a zekukah is only Rabbinically forbidden and no preventive measure is obviously required against a possible infringement of such a prohibition. According to R. Simeon, however, who regards the marriage of a sister of a zekukah as incest, a preventive measure might have been expected had not our Mishnah proved the contrary.

Talmud - Mas. Yevamoth 29a

But did not R. Simeon state that two sisters¹ are neither to perform the halizah nor to be taken in levirate marriage!² — This³ is a preventive measure against any other case where the prohibition is due to a commandment —⁴ This is a satisfactory explanation in respect of herself;⁵ what, however, can be said in respect of her sister?⁶ -The provision was made in the case of her sister as a preventive measure against herself.⁷ But, surely, no such preventive measures were made in the case where one was forbidden as incest!⁸ — A case of incest is different because people are well acquainted with it⁹ and it¹⁰ is well known.¹¹

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS UNMARRIED,¹² AND WHEN ONE OF THE SISTERS HUSBANDS DIED, THE UNMARRIED BROTHER ADDRESSED TO HER¹³ A MA'AMAR,¹⁴ AND THEN HIS SECOND BROTHER DIED, BETH SHAMMAI SAY: HIS WIFE¹⁵ [REMAINS] WITH HIM WHILE THE OTHER IS EXEMPT¹⁶ AS BEING HIS WIFE'S SISTER.¹⁷ BETH HILLEL, HOWEVER, MAINTAIN THAT HE MUST DISMISS HIS WIFE¹⁸ BY A LETTER OF DIVORCE¹⁹ AND BY HALIZAH,²⁰ AND HIS BROTHER'S WIFE BY HALIZAH.²¹ THIS IS THE CASE IN REGARD TO WHICH IT WAS SAID: WOE TO HIM BECAUSE OF HIS WIFE, AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE.²²

GEMARA. What was THIS IS meant to exclude?²³ — To exclude the statement²⁴ of R. Joshua,²⁵ [and to indicate] that we do not act in accordance with his view but either in accordance with that of R. Gamaliel or that of R. Eliezer.

R. Eleazar said: It must not be assumed that a ma'amar according to Beth Shammai constitutes a perfect kinyan,²⁶ so that, if he²⁷ wishes to dismiss her, a letter of divorce is sufficient; but rather that, according to Beth Shammai, a ma'amar constitutes a kinyan only so far as to keep out the rival.²⁸ Said R. Abin: We also have learned the same thing: Beth Shammai said, 'They may retain them',²⁹ which implies that they may only retain them³⁰ but [that they may] not [marry them] at the outset.³¹

(1) Who are both subject to Ievirate marriage.

(2) Owing to the levirate bond which Pentateuchally binds both sisters to the levir. Why, then, should halizah be performed here where Pentateuchally both sisters are subject to the levirate marriage and each is, consequently, forbidden as the sister of a zekukah?

(3) The provision that halizah shall be performed.

(4) Were halizah to be discarded in this case, an erroneous conclusion might be formed that it is to be discarded in all

cases where the prohibition is due to a commandment (as if it had been due to the Pentateuchal laws of incest). even if the question of the sister of a zekukah did not arise.

(5) The sister forbidden by a commandment.

(6) Why is she not exempt from the halizah as the sister of a zekukah?

(7) **לְחַלְצָהּ לְחַלְצָהּ** 'her ill-luck'. Others render, 'company'. As the sister who is forbidden by a commandment is subject to halizah (as a preventive measure, for the reason previously stated) so must her sister (so that one case be not mistaken for the other) be also subject to the same measure.

(8) V. our Mishnah: HE IS FORBIDDEN TO MARRY HER BUT IS PERMITTED TO MARRY HER SISTER, and no preventive measure against the sister was enacted.

(9) And would know that one sister was forbidden because of incest.

(10) The cause why the second sister is taken in levirate marriage.

(11) Lit., 'it has a voice'. And no one would in consequence permit elsewhere the marriage of the sister of another zekukah who is not forbidden by the laws of incest.

(12) **בְּיָדָהּ** 'empty'.

(13) The widow.

(14) V. Glos.

(15) The sister-in-law to whom he addressed the ma'amar though he had not actually married her. A ma'amar, according to Beth Shammai, constitutes legal marriage in this respect. V. infra.

(16) From levirate marriage and halizah.

(17) Since her sister is regarded as legally married she is no more the sister of the levir's zekukah but of his wife.

(18) Cf. supra n. 4.

(19) Since the ma'amar is partially regarded as marriage.

(20) A ma'amar, according to Beth Hillel, does not constitute a proper marriage, and she is now the sister of a zekukah. V. following note.

(21) v. previous note. As the ma'amar did not constitute a proper marriage with her sister she is the sister of a zekukah who may not contract levirate marriage but must perform halizah.

(22) V. infra 109a. The second widow who becomes subject to him through the levirate law is not only herself forbidden to marry him (cf. note 10) but deprives him also of the first widow, his virtual wife. (Cf. note 9)-

(23) THIS IS implying this but not other cases.

(24) Lit., 'that'.

(25) Infra 109a.

(26) V. Glos., i.e., perfect marriage.

(27) The levir.

(28) I.e., her rival who is her sister does not cause her to be forbidden to the levir as the 'sister of a zekukah'.

(29) Supra 26a, in the case where the levirs married the sisters-in-law before consulting the Beth din as to the permissibility of their action.

(30) If they had already married them.

(31) Because each one is the sister of a zekukah. Lit., 'they may retain, yes; for as at the start, not'.

Talmud - Mas. Yevamoth 29b

Now, if it could be assumed that a ma'amar, according to Beth Shammai, constitutes a perfect kinyan, let the one levir address a ma'amar¹ and constitute thereby a kinyan,² and let the other also address a ma'amar¹ and thereby constitute a kinyan.³ What then! [Is it your inference that] it⁴ keeps the rival completely out?⁵ Let then one levir address a ma'amar¹ and keep her out⁶ and let the other levir also address a ma'amar¹ and keep her out!⁷ What, however, may be said in reply? That a permitted ma'amar⁸ does keep the rival out, while a forbidden ma'amar⁹ does not keep her out; so also here, even according to him who maintains that a ma'amar constitutes a perfect kinyan, only a permitted ma'amar¹⁰ constitutes a kinyan. but a forbidden one⁸ does not.

R. Ashi taught it¹¹ in the following manner: R. Eleazar said: It must not be assumed that a ma'amar, according to Beth Shammai, keeps the rival¹² completely out, and that she does not require

even halizah; but rather it¹³ keeps her out¹⁴ and still leaves [a partial bond].¹⁵ Said R. Abin: We also have learned the same thing: Beth Shammai said, 'they may retain them',¹⁶ which implies that they may only retain them¹⁶ but [that they may] not [marry them] at the outset.¹⁷ Now, if it could have been assumed that a ma'amar, according to Beth Shammai, keeps a rival out completely. let the one levir address a ma'amar,¹⁸ and thus keep her out.¹⁹ and let the other also address a ma'amar¹⁸ and so keep her out.²⁰ But. surely. it was taught. BETH SHAMMAI SAY: HIS WIFE [REMAINS] WITH HIM WHILE THE OTHER IS EXEMPT AS HIS WIFE'S SISTER!²¹ — The fact is, a yebamah who is eligible for all²² is also eligible for a part;²³ a yebamah who is not eligible for all²⁴ is not eligible for a part.²⁵

Rabbah inquired: Does a ma'amar, according to Beth Shammai, constitute marriage or betrothal? — Said Abaye to him: On what practical issue [does this question bear]? Shall I say on [the issue] of inheriting from her,²⁶ defiling himself to her²⁷ or annulling her vows?²⁸ surely. [it could be answered that] seeing that in the case of²⁹ ordinary betrothal³⁰ R. Hiyya taught, that where the wife has only been betrothed³¹ [the husband] is neither subject to the laws of onan³² nor may he defile himself for her.²⁷ and she in his case is likewise not subject to the laws of onan³³ nor may she defile herself for him,³⁴ and that if she dies he does not inherit from her though if he dies she collects her kethubah,³⁵ is there any need [to speak of the case where] a ma'amar had been addressed!³⁶ Rather. [the question is] in respect of introduction into the bridal canopy: Does it³⁷ constitute a marriage and, therefore. no introduction into the bridal canopy is required.³⁸ or does it perhaps constitute betrothal and, consequently, introduction into the bridal canopy is required? The other replied: If where he did not address to her any ma'amar it is written [in Scripture]. Her husband's brother shall go in unto her,³⁹ even against her will, is there any need [to speak of the case where] he has addressed to her a ma'amar!⁴⁰ The former retorted: Yes;⁴¹ since I maintain that whenever a levir has addressed a ma'amar to his sister-in-law, the levirate bond disappears and she comes under the bond of betrothal. What [then is the decision]? — Come and hear: In the case of a widow awaiting the decision of the levir.⁴² whether there be one levir or two levirs, R. Eliezer said. he⁴³ may annul [her vows]. R. Joshua said: [Only where she is waiting] for one and not for two.⁴⁴ R. Akiba said: Neither when she [is waiting] for one nor for two.⁴⁵ Now we pondered thereon: One can well understand R. Akiba, since he may hold that no levirate bond exists even in the case of one;⁴⁶ according to R. Joshua, the levirate bond may exist where there is one levir but not where there are two levirs.⁴⁷ According to R. Eliezer, however, granted that a levirate bond exists, one can understand why, in the case of one, he may annul, but why also in the case of two?⁴⁸ And R. Ammi⁴⁹ replied: Here it is a case where he addressed to her a ma'amar, and the statement represents the opinion of Beth Shammai who maintain that a ma'amar constitutes a perfect kinyan.⁵⁰ Now, if it be granted that it⁵¹ constitutes a marriage, it is quite intelligible why he may annul her vows. If. however, it be assumed that it constitutes only a betrothal, how could he annul her vows? Surely we learned: The vows of a betrothed girl may be annulled by her father in conjunction with her husband!⁵² -Said R. Nahman b. Isaac: What is meant by annulment? Jointly.⁵³

According to R. Eleazar, however, who holds that a ma'amar, In the opinion of Beth Shammai, constitutes a kinyan only so far as to keep out the rival, how⁵⁴ could the annulment be effected even jointly?⁵⁵ — R. Eleazar can answer you: When I said that it⁵¹ constitutes a kinyan so far only as to keep out the rival, [I meant to indicate] that a letter of divorce was not sufficient⁵⁶ but that halizah also was required;⁵⁷ did I say anything. however, as regards the annulment of vows! And if you prefer I might say. R. Eleazar can answer you: Is it satisfactorily explained according to R. Nahman b. Isaac?⁵⁸ Surely it was not stated 'they may annul' but 'he may annul'!⁵⁹ Consequently this must be a case where he⁶⁰ appeared before a court⁶¹ and⁶² a specified sum for alimony was decreed for her out of his estate; and [this is to be understood] In accordance with the statement R. Phinehas made in the name of Raba. For R. Phinehas stated in the name of Raba: Any woman that utters a vow does so on condition that her husband will approve of it.⁶³

- (1) To one of the sisters-in-law; since such an action is not forbidden.
- (2) v. Glos. i.e., perfect marriage.
- (3) The prohibition 'as sister of a zekukah' would consequently be removed and both levirs could properly marry the respective sisters-in-law.
- (4) The ma'amar.
- (5) V. supra p. 181, n. 17.
- (6) v. p. 181, n. 17.
- (7) V. supra p. 181, n. 17, and supra n. 6. Why, then, was levirate marriage with the two sisters forbidden!
- (8) One addressed to a sister-in-law in a case where levirate marriage with her was permissible at the time.
- (9) When two sisters were subject to the levirate marriage before the ma'amar had been addressed.
- (10) V. note 11.
- (11) The previous statement of R. Eleazar and R. Abin etc.
- (12) The sister-in-law who, like her sister (the other sister-in-law), is subject to the levirate bond.
- (13) The ma'amar.
- (14) So that she cannot cause the prohibition of the other to whom the ma'amar had been addressed.
- (15) Which necessitates her performing the halizah if she wishes to marry a stranger before he levir had properly married her sister.
- (16) V. supra p, 182, n. 1.
- (17) V. supra p. 182, n. 3.
- (18) v. supra p. 182, n. 4.
- (19) Cf. supra p. 181, n. 17.
- (20) Consequently it must be concluded that a ma'amar still leaves a partial bond, and that before the other sister had performed the halizah the first is forbidden as the sister of one's zekukah.
- (21) Which shews that no halizah at all is required!
- (22) For both levirate marriage and halizah, as in the case of our Mishnah where the ma'amar was addressed to one sister before the death of the husband of the other had subjected that other also to the same levir.
- (23) To the ma'amar which, in such circumstances. completely keeps out the other when she also, through her husband's subsequent death, comes under the obligation.
- (24) As in the Mishnah, supra 26a, where both widows were equally subject to the levirs at the time the ma'amar had been addressed, and none was eligible for both the levirate marriage and the halizah.
- (25) I.e., for the ma'amar which, in such a case, does not keep out the sister.
- (26) As a husband who is the heir of his wife.
- (27) If he is a priest who may defile himself by attending on the dead bodies of certain relatives of whom a wife is one.
- (28) A husband may annul the vows of his wife. v. Num. XXX. 7ff
- (29) Lit.. 'now'.
- (30) Lit., 'a betrothed in the world', i.e., ordinary betrothal which is pentateuchally valid.
- (31) But not yet married.
- (32) A mourner prior to the burial of certain relatives is called onan (v. Glos.) and is subject to a number of restrictions. If his betrothed died he may, unlike one whose married wife died, partake of holy things.
- (33) She also is allowed to partake of holy things.
- (34) During a festival when not only priests but also Israelites and women are forbidden to attend on the corpses of those who are not their near relatives. (V. R.H. 16b). Others render. 'nor need she defile etc'. Cf. Tosaf. a.l., s.v. **ס**
- (35) v. Glos., in a case where such a document was given to her at the betrothal, prior to the marriage (v. Keth. 89b).
- (36) A ma'amar is only a Rabbinical enactment. If Pentateuchal betrothal has not the force of a marriage in respect of the laws mentioned, how much less the Rabbinical ma'amar!
- (37) The ma'amar.
- (38) She being regarded as his wife even if connubial intercourse took place against her will, and should he wish to part with her, a Get will suffice without additional halizah.
- (39) Deut. XXV, 5-
- (40) Where there is, in addition to his claim as levir, the force of the ma'amar.
- (41) So Bah. a.l.
- (42) **שומרת יבם** V. Glos. s.v. shomereth yabam.

- (43) Any one of the levirs.
- (44) In the latter case neither of the levirs is entitled to annul her vows.
- (45) Ned. 74a.
- (46) Hence a levir is never entitled to the privilege of a husband in respect of the annulment of vows.
- (47) Since it is not known to which of them she is really subject, the bond between them and the widow is necessarily a weak one.
- (48) Only both together. but not one only, should be allowed to annul her vows.
- (49) Cur. edd. enclose in parentheses 'b. Ahabah'.
- (50) Ned. loc. cit.
- (51) The ma'amar.
- (52) But not by her husband alone. And, since the levir alone may here annul, a ma'amar must have the force of marriage.
- (53) The levir and her father, as in the case of a betrothal. Hence no proof may be adduced from here as to whether a ma'amar has the force of a marriage or of a betrothal.
- (54) Not having the force even of a betrothal.
- (55) Cf. supra note 8.
- (56) In the case of a yebamah to whom a ma'amar had been addressed.
- (57) If he did not wish to marry her.
- (58) Who holds that the father and husband jointly annul the vows of the widow to whom a ma'amar has been addressed.
- (59) The reading is **יַרְוֵהָ** (sing.). not **יַרְוֵהוּ** (plur.). How, then, could he state that two jointly annul her vows!
- (60) The levir. So Bah a.l. Cur. edd., 'she'.
- (61) Either before he addressed the ma'amar (according to R. Nahman b. Isaac) or after the ma'amar (according to R. Ammi).
- (62) As he refused either to marry, or to submit to her halizah.
- (63) Since she is maintained out of his estate he is regarded by her as husband and her vows are subject to his will. Hence he may also annul them. With the whole passage cf. Ned. 74a. Sonc. ed. pp. 233ff, q.v. notes.

Talmud - Mas. Yevamoth 30a

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND ONE OF THE SISTERS' HUSBANDS DIED AND THE BROTHER WHO WAS MARRIED TO THE STRANGER MARRIED HIS WIFE AND THEN DIED HIMSELF, THE FIRST¹ IS EXEMPT² AS BEING A WIFE'S SISTER, AND THE SECOND IS EXEMPT² AS BEING HER RIVAL. IF, HOWEVER, HE HAD ONLY ADDRESSED TO HER³ A MA'AMAR AND DIED, THE STRANGER IS TO PERFORM THE HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.⁴

GEMARA. The reason⁵ is because he had addressed to her³ a ma'amar;⁶ had he, however, not addressed a ma'amar to her,³ the stranger also would have had to be taken in levirate marriage.⁷ This proves, said R. Nahman, that no levirate bond exists⁸ even in the case of one brother.⁹

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND WHEN THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED, ONE OF THE SISTERS' HUSBANDS MARRIED HIS WIFE AND THEN DIED HIMSELF, THE FIRST¹⁰ IS EXEMPT¹¹ IN THAT SHE IS HIS WIFE'S SISTER, AND THE OTHER¹² IS EXEMPT AS HER RIVAL. IF, HOWEVER, HE HAD ONLY ADDRESSED TO HER¹³ A MA'AMAR AND DIED, THE STRANGER MUST PERFORM HALIZAH¹⁴ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.

GEMARA. What need was there again [for the law in this Mishnah]? Surely it is the same:¹⁵ If there,¹⁶ where the wife's sister is only a rival to the stranger¹⁷ it has been said that the stranger is forbidden,¹⁸ how much more so¹⁹ here where the stranger is the rival to a wife's sister!²⁰ -The Tanna

had taught first this,²¹ while the other²² was regarded by him as a permissible case, and so he permitted her.²³ Later, however, he came to regard it as a case that was to be forbidden;²⁴ and, as it was dear to him,²⁵ he placed it first; while the other Mishnah²⁶ was allowed to stand in its original form.²⁷

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND WHEN ONE OF THE SISTERS' HUSBANDS DIED THE BROTHER WHO WAS MARRIED TO THE STRANGER MARRIED HIS WIFE, AND THEN THE WIFE OF THE SECOND BROTHER DIED, AND AFTERWARDS THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED ALSO, BEHOLD, SHE²⁸ IS FORBIDDEN TO HIM²⁹ FOR ALL TIME, SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT.³⁰

GEMARA. Rab Judah said in the name of Rab: Any yebamah to whom the instruction Her husband's brother shall go in unto her³¹ cannot be applied at the time she becomes subject to the levirate marriage, is indeed like the wife of a brother who has children, and is consequently forbidden.³² What new thing does he³³ teach us? Surely we have learned, SHE IS FORBIDDEN TO HIM FOR ALL TIME SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT! — It might have been assumed that this³⁴ applies only to the case where she³⁵ was not suitable for him³⁶ at all during the period of her first subjection;³⁷ but that where she³⁸ was at all suitable for him³⁹ during her first subjection⁴⁰ it might have been assumed that she³⁸ should be permitted, hence, he⁴¹ taught us [that It was not so].

But we have learned this also: If two brothers were married to two sisters, and one of the brothers died and afterwards the wife of the second brother died, behold, she⁴² is forbidden to him for all time, since she was forbidden to him for one moment!⁴³ — It might have been assumed [that this law is applicable] only there because she was completely forced out of that house;⁴⁴ but here, where she was not entirely forced out of that house,⁴⁵ it might have been said that as she is suitable for the brother who married the stranger she is also⁴⁶ suitable for the other brother,⁴⁷ hence he⁴¹ taught us [that she was not].

MISHNAH. IF TWO OF THREE BROTHERS WERE MARRIED TO TWO SISTERS AND THE THIRD WAS MARRIED TO A STRANGER, AND ONE OF THE SISTERS' HUSBANDS DIVORCED HIS WIFE, AND WHEN THE BROTHER WHO WAS MARRIED TO THE STRANGER DIED HE WHO HAD DIVORCED HIS WIFE MARRIED HER AND THEN DIED HIMSELF- THIS IS A CASE CONCERNING WHICH IT WAS SAID: AND IF ANY OF THESE DIED OR WERE DIVORCED. THEIR RIVALS ARE PERMITTED.⁴⁸ GEMARA. The reason⁴⁹ is because he⁵⁰ had divorced [his wife first] and [his brother]⁵¹ died afterwards,⁵² but [if the other]⁵¹ had died [first] and he⁵⁰ divorced [his wife] afterwards,⁵³ she⁵⁴ is forbidden.⁵⁵ Said R. Ashi: This proves that a levirate bond exists,⁵⁶ even where two brothers are involved.⁵⁷

But as to R. Ashi's [inference] does not that of R. Nahman⁵⁸ present a difficulty?-R. Ashi can answer you: The same law, that the stranger is to perform the halizah and that she is not to be taken in levirate marriage, is applicable⁵⁹ even to the case where no ma' amar had been addressed; and the only reason why ma'amar was at all mentioned⁶⁰ was in order to exclude the ruling of Beth Shammai. Since they maintain that a ma'amar constitutes

(1) Widow, who is now also the widow of the second deceased brother.

(2) From levirate marriage and halizah with the surviving brother.

(3) The first widow.

(4) With the surviving brother.

(5) Why the stranger is not to be taken in levirate marriage.

- (6) Since our Mishnah makes the stranger's exemption dependent on the ma'amar, whereby she became the first widow's rival.
- (7) Despite the fact that the first widow is also subjected to the levir for the levirate marriage.
- (8) Between the widow of the deceased brother and the levirs.
- (9) As here, where only one brother could possibly marry her, she being forbidden to the other as his wife's sister. Even in such a case the mere subjection of the widow to the levir (to be taken in levirate marriage or to perform the halizah) does not constitute a levirate bond to attach her to him as if she had been his actual wife.
- (10) Wife of the second deceased brother.
- (11) From marriage and halizah with the surviving brother.
- (12) The stranger, whom the second deceased brother had taken in levirate marriage.
- (13) To the stranger.
- (14) With the surviving brother.
- (15) As the law implied in the previous Mishnah.
- (16) In the previous Mishnah.
- (17) Who was the first and proper wife.
- (18) To be taken in levirate marriage.
- (19) Should the stranger be forbidden to be taken in levirate marriage.
- (20) Who was the first and proper wife.
- (21) The second Mishnah.
- (22) Mishnah, which is now the first.
- (23) I.e., allowed the stranger to be taken in levirate marriage by the surviving brother, because the prohibition that arose from her husband's 'wife's sister' was imposed upon her later, after she had been lawfully married to her husband and after a period during which, had he died without issue, she would have been permitted to be taken in levirate marriage by his brother. It was not the Tanna's Intention, therefore, to include this case in a Mishnah at all.
- (24) Since her rival was, after all, the surviving brother's wife's sister.
- (25) Owing to its novelty.
- (26) The second Mishnah.
- (27) Lit., 'did not move from its place'. though in the light of the newly added Mishnah it had obviously become superfluous.
- (28) The wife of the first brother.
- (29) The surviving brother.
- (30) Lit., 'hour'. When her husband died she was forbidden to his brother who was married to her sister as his 'wife's sister'. This prohibition remains permanently in force and is not removed even when her sister subsequently dies and she is no longer the levir's 'wife's sister'.
- (31) Deut. XXV, 5'
- (32) Even later when the cause of the prohibition is removed. Cf. our Mishnah.
- (33) Rab.
- (34) The law in our Mishnah.
- (35) The widow of the first brother.
- (36) The brother who was married to the second sister.
- (37) I.e., if her sister, the wife of the second brother, did not die until after she had married the brother whose wife was the stranger.
- (38) The widow of the first brother.
- (39) The brother who was married to the second sister.
- (40) If her sister died before she (the first widow) had married the other brother.
- (41) Rah.
- (42) The widow of the first brother.
- (43) Infra 32a.
- (44) When her husband died and she was not permitted to marry his only surviving brother whose wife's sister she was, her connection with her husband's family had been completely severed, she remaining free to marry any stranger.
- (45) Since she was still under the obligation of marrying the third brother who was married to the stranger.
- (46) Thanks to the levirate bond with a member of her deceased husband's family.

- (47) Who was the husband of her sister, now that the latter is dead.
- (48) The stranger who was taken in levirate marriage was never the rival of the sister of the wife of the surviving brother, since the sister had been divorced before the levirate marriage with the stranger had taken place.
- (49) Why the stranger who was taken in levirate marriage by one of the husbands of the sisters is permitted to the last surviving brother.
- (50) The brother who divorced his wife.
- (51) The first husband of the stranger.
- (52) So that the stranger was not even for one moment the rival of one of the sisters, either through marriage or through the levirate bond of subjection.
- (53) In which case the stranger came for a certain period under the levirate bond in respect of the husbands of the two sisters.
- (54) The stranger.
- (55) To marry the last surviving brother. Since she was, for a period at least, the rival of one of the sisters, through the levirate bond, she may never be married to the husband of that sister's sister (being forbidden to him as the rival of his wife's sister) even if the sister whose rival she was had been subsequently divorced and ceased to be her rival.
- (56) Between the widow of a deceased childless brother and the levirs.
- (57) Since, in the case under discussion, the widow whose husband died before one of the sisters had been divorced was subject to two levirs and is, nevertheless, regarded as the rival of the divorced sister, in consequence of which she is forbidden to the last surviving brother.
- (58) From a Mishnah supra, that no levirate bond exists even in the case of one brother.
- (59) Contrary to R. Nahman's inference.
- (60) In that Mishnah.

Talmud - Mas. Yevamoth 30b

a perfect kinyan,¹ he taught us² that [the halachah is] not in accordance with Beth Shammai.

But then as to R. Nahman's [inference] does not that of R. Ashi present a difficulty? And should you reply that the same law, that her rival is permitted,³ is also applicable to the case where he⁴ died first and the other brother⁵ divorced his wife afterwards,⁶ what [it could be objected] would THIS IS exclude? It might exclude the case where he⁵ married her⁷ first and then divorced his wife.⁸ This might be a satisfactory explanation if he⁹ holds the view of R. Jeremiah who said, 'Break it up: He who taught the one did not teach the other,'¹⁰ [for, if this is so]. one Tanna may hold the opinion that it is death¹¹ that causes the subjection¹² while the other might be of the opinion that it is the original marriage¹¹ that causes the subjection,¹³ and THIS IS would thus exclude the case where he first married⁷ and then divorced;¹⁴ if, however, he is of the same opinion as Raba who said, 'Both statements may in fact represent the views of one Tanna, it being a case of "this and there is no need to state that"',¹⁵ what does THIS IS exclude?¹⁶ — He⁹ has no alternative but to adopt the view of R. Jeremiah.

And according to Raba,¹⁷ the explanation would be satisfactory if he held the View of R. Ashi,¹⁸ for then, THIS IS would exclude the case of one who died without first divorcing his wife;¹⁹ if, however, he holds the same view as R. Nahman,²⁰ what would THIS IS exclude?²¹ -He²² has no alternative but to accept the view of R. Ashi. MISHNAH. [IF IN THE CASE OF ANY ONE OF] ALL THESE²³ THE BETROTHAL OR DIVORCE²⁴ WAS IN DOUBT, BEHOLD, THESE RIVALS MUST PERFORM THE HALIZAH²⁵ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.²⁶ WHAT IS MEANT BY DOUBTFUL BETROTHAL? IF WHEN HE THREW TO HER A TOKEN OF BETROTHAL²⁷ IT WAS UNCERTAIN WHETHER IT FELL NEARER TO HIM²⁸ OR NEARER TO HER,²⁹ THIS IS A CASE OF DOUBTFUL BETROTHAL. DOUBTFUL DIVORCE? IF HE WROTE A LETTER OF DIVORCE IN HIS OWN HANDWRITING AND IT BORE NO SIGNATURES OF WITNESSES,³⁰ OR³¹ IF IT BORE SIGNATURES BUT NO DATE, OR IF IT BORE A DATE BUT THE SIGNATURE OF ONLY ONE WITNESS, THIS IS A CASE OF

DOUBTFUL DIVORCE.

GEMARA. In the case of divorce, however, It is not stated IT WAS UNCERTAIN WHETHER IT FELL NEARER TO HIM OR NEARER TO HER; what is the reason?³² -Rabbah replied: This woman³³ is in a state of permissibility to all men;³⁴ would you forbid her [marriage] because of a doubt?³⁵ You must not forbid her because of a doubt!³⁶ Said Abaye to him: If so, let us also in the matter of betrothal say: This woman³⁷ is in a state of permissibility to the levir;³⁸ would you forbid her³⁹ because of a doubt? You must not forbid her because of a doubt! — There⁴⁰ [it leads] to a restriction.⁴¹ But it is a restriction which may lead to a relaxation! For, sometimes, he would betroth her sister⁴² by betrothal that was not uncertain, or it might occur that another man would betroth her also by a betrothal that was not uncertain and, as the Master has forbidden her rival to be taken in levirate marriage. it would be assumed that the betrothal of the first⁴³ was valid and that that of the latter was not!⁴⁴

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- (1) And not even halizah is required.
 - (2) By stating that halizah must be performed.
 - (3) To the third surviving brother.
 - (4) The first husband of the stranger.
 - (5) The brother who divorced his wife.
 - (6) The levirate bond with the stranger, prior to the divorce of his wife, not constituting the one woman a rival of the other.
 - (7) The stranger.
 - (8) In such a case, since she was actually married, the stranger is regarded as the rival of the third brother's wife's sister, though at the time she becomes subject to him she and his wife's sister have ceased to be rivals.
 - (9) R. Nahman.
 - (10) Supra 13a.
 - (11) Of the childless brother.
 - (12) Of the widow to the levir.
 - (13) v. previous note and supra p. 65, n. 7.
 - (14) His wife.
 - (15) V. supra p. 65, n. 14 and cf. p. 65, n. 12, so that even if marriage of the stranger took place prior to the divorce of the other, the former, after divorce had taken place, is permitted, even according to the Tanna of our Mishnah.
 - (16) When the levirate marriage is permitted in both these cases.
 - (17) Who holds that the subjection to the levirate marriage is caused by the death of the childless brother, and that the rival is permitted to the surviving levir even if the deceased had married her prior to his divorcing his wife, who is the sister of the surviving levir's wife.
 - (18) That a levirate bond exists.
 - (19) And without marrying the stranger who would, nevertheless, be forbidden to the surviving third brother on account of the levirate bond.
 - (20) That no levirate bond exists.
 - (21) In view of the fact that levirate marriage is permitted in all cases except one, where the second brother took the stranger in levirate marriage and did not divorce his wife, a case which was explicitly stated and required no expression like THIS IS to exclude it.
 - (22) Raba.
 - (23) Fifteen relatives enumerated in the first Mishnah of the Tractate, supra 2af.
 - (24) On the part of the deceased childless brother.
 - (25) Since it is possible that the betrothal was, or that the divorce was not valid, and they are consequently the rivals of a forbidden relative.
 - (26) It being possible that the betrothal was not, or that the divorce was valid and they are, therefore, not rivals of a forbidden relative.
 - (27) While they were both standing in a public domain and a distance of exactly eight cubits intervened between them.
 - (28) I.e., within the four cubits nearest to him.

- (29) Within her four cubits. The person within whose four cubits the object rested is deemed to be the legal possessor.
- (30) A document in one's own handwriting, even though it is not signed by witnesses, is within certain conditions and limitations deemed to be valid. V. B.B. 175b.
- (31) Where it is not in his own handwriting.
- (32) Why should not even halizah on the part of the rival, be required in such a case?
- (33) The rival.
- (34) Lit., 'to the market', i.e., the public. The rival of a forbidden relative, not being subject to levirate marriage or halizah, is permitted to marry any one she desires.
- (35) The possibility that the forbidden relative's divorce was valid.
- (36) The doubt here being whether the forbidden relative was divorced at all. In the three cases of divorce mentioned in our Mishnah, however, the prohibition is not due to doubtful divorce but to a defect or an irregularity in the document itself.
- (37) The rival.
- (38) Had her husband died childless before he married the forbidden relative.
- (39) To be taken in levirate marriage.
- (40) The case of doubtful betrothal.
- (41) The prohibition to marry the levir.
- (42) The sister of the one whose betrothal was doubtful.
- (43) Since her rival is forbidden.
- (44) Because, in the first case, he betrothed his wife's sister; and, in the second, he betrothed a married woman. In the latter case, the betrothal being regarded as invalid, the woman might illegally marry another man. In the former case, should he die without issue, his maternal brother might illegally marry her, believing her never to have been the wife of his brother.

Talmud - Mas. Yevamoth 31a

— Since she is required to perform halizah it is sufficiently known that it¹ is a mere restriction.² If so, let him, in the case of divorce also,³ state it,⁴ and require her to perform halizah, and it will be sufficiently known that it⁵ was a mere restriction!⁶ — Were you to say that she was to perform halizah it might also be assumed that she may be taken in levirate marriage.⁷ But here also,⁸ were you to say that she is to perform halizah, she might also be taken in levirate marriage!⁷ -Well, let her be taken in levirate marriage and it will not matter at all since thereby she only retains her former status.⁹

Abaye raised the following objection against him:¹⁰ If the house collapsed upon him¹¹ and upon his brother's daughter.¹² and it is not known which of them had died first, her rival must perform halizah¹³ but may not contract the levirate marriage.¹⁴ But why? Here also it may be said, 'This woman finds herself in the status of permissibility to all,¹⁵ would you forbid her [marriage on the basis] of a doubt? You must not forbid her [on the basis] of a doubt'! And should you suggest that here also the prohibition is due to a restriction, [it may be retorted that] it is a restriction which may result in a relaxation, for should you say that she is to perform the halizah she might also be taken in levirate marriage! — In respect of divorce which is of frequent occurrence the Rabbis enacted a preventive measure;¹⁶ in respect of the collapse of a house which is not of frequent occurrence the Rabbis did not enact any preventive measure. Or else:¹⁷ In the case of divorce, where the forbidden relative is demonstrably alive, were her rival to be required to perform halizah, it might have been thought that the Rabbis¹⁸ had ascertained that the letter of divorce was a valid document,¹⁹ and the rival might, therefore, be taken in levirate marriage. In the case of a house that has collapsed, however, could the Rabbis¹⁸ have ascertained [who was first killed] in the ruin!²⁰

Have we not learned a similar law in the case of divorce? Surely we learned: If she²¹ stood in a public domain, and he²² threw it²³ to her, she is divorced if it fell nearer to her; but if nearer to him she is not divorced. If it was equidistant,²⁴ she is divorced and not divorced. And when it was asked,

‘What is the practical effect of this’,²⁵ [the reply was] that if he was a priest she is forbidden to him;²⁶ and if she is a forbidden relative, her rival must perform the halizah.²⁷ We do not say, however, that were you to rule that she must perform halizah she might also be taken in levirate marriage!²⁸ -Concerning this statement, surely, it was said: Both Rabbah and R. Joseph maintain that here we are dealing with two groups of witnesses, one of which declare that it²³ was nearer to her and the other declares that it²³ was nearer to him, which creates a doubt involving a Pentateuchal [prohibition] —²⁹ Our Mishnah, however, speaks of one group.³⁰ where the doubt involved is only Rabbinical.³¹

Whence is it proved that our Mishnah speaks of one group? — On analogy with betrothal:³² As in betrothal only one group is involved so also in divorce³³ one group only could be involved. Whence is it known that in betrothal itself only one group is involved? Is it not possible that it involves two groups of witnesses! — If two groups of witnesses had been involved, she would have been allowed to contract the levirate marriage, and no wrong would have been done.³⁴ Witnesses stand and declare that it³⁵ was nearer to her,³⁶ and you say that she may be taken in levirate marriage and no wrong will be done!³⁷ Furthermore, even where two groups of witnesses are involved the doubt is only Rabbinical, since it might be said ‘Put one pair against the other and let the woman retain her original status’!³⁸ This indeed is similar to [the incident with] the estate of a certain lunatic. For a certain lunatic once sold some property. and a pair of witnesses came and declared that he had effected the sale while in a sound state of mind, and another pair came and declared that the sale was effected while he was in a state of lunacy. And R. Ashi said: Put two against two

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- (1) The prohibition to take her in levirate marriage.
 - (2) And is not due to the fact that the betrothal of the forbidden relative was valid.
 - (3) As in the case of betrothal.
 - (4) The case of uncertainty as to whether the letter of divorce rested nearer to the husband or nearer to the wife (v. our Mishnah).
 - (5) The halizah.
 - (6) Seeing that levirate marriage was forbidden to her.
 - (7) And by marrying the rival of a forbidden relative one might become subject to the penalty of kareth.
 - (8) In the case of doubtful betrothal.
 - (9) Of being permitted to marry the levir.
 - (10) Rabbah.
 - (11) Who was childless.
 - (12) To whom he had been married.
 - (13) With the daughter's father, the brother of the deceased. Though the dead woman was his forbidden relative, since it is possible that she had been killed before the man, her rival becomes subject to the obligation of performing halizah.
 - (14) Infra 67b. Since it is also possible that the man was killed first and the rival remained forbidden to the levir as the rival of his daughter.
 - (15) v. supra p. 192, n. 12.
 - (16) That wherever the divorce is doubtful the rival must not perform halizah in order that this performance might not lead also to levirate marriage.
 - (17) It may be replied.
 - (18) The scholars or experts who dealt with the case.
 - (19) And the forbidden relative was no more the wife of the deceased.
 - (20) It would be obvious, therefore, that the requirement of halizah was a mere restriction.
 - (21) The wife.
 - (22) The husband.
 - (23) The letter of divorce.
 - (24) Lit., ‘half on half’.
 - (25) The statement that she is divorced and not divorced.
 - (26) A priest must not marry or continue to live with a divorced woman.

(27) Git. 78a.

(28) Which shews that even in the case of divorce no preventive measure has been enacted.

(29) As two witnesses declare that the letter of divorce was nearer to the woman, and as evidence of two witnesses is Pentateuchally valid, the possibility that her rival is no more the rival of a forbidden relative must be taken into consideration, and she cannot be permitted to marry a stranger without previous halizah with the levir.

(30) One witness of which is contradicting the other.

(31) Hence, in the matter of betrothal, where the rival enjoyed the status of permissibility to the levir, the law that halizah is required in the case of such contradictory evidence could well be applied, since she cannot be deprived of her status by the evidence of the single witness who states that the token of betrothal was nearer to her. In the case of divorce, however, where the rival has the status of permissibility to marry any stranger, the law that halizah is required in the case of contradictory evidence of two single witnesses could not be applied. since the evidence of one witness is not sufficient to deprive her of that right. particularly as it can also be claimed that were she required to perform halizah she might be taken in levirate marriage also.

(32) Divorce and betrothal being mentioned side by side in this Mishnah.

(33) Had it been included in our Mishnah.

(34) Since the evidence of one pair would have been sufficient to confirm the rival in her status of permissibility to the levir. Hence, as levirate marriage was forbidden it cannot be a case of two groups of witnesses.

(35) The token of betrothal.

(36) Thus presenting a Pentateuchal doubt (cf. supra p. 195. n. 9).

(37) This, surely. might result in the breach of a Pentateuchal law!

(38) Why. then, even in the case of divorce itself, when the two groups of witnesses cancel each other, should the rival, who was hitherto in a state of permissibility to marry anyone. be required to perform halizah!

Talmud - Mas. Yevamoth 31b

and let the land remain in the possession of the lunatic! — Rather, said Abaye. Its friend telleth concerning it:¹ that which was taught in connection with betrothal² is also to be applied to divorce,³ and what was taught in connection with divorce⁴ is also to be applied to betrothal.

Said Raba to him: If its friend telleth concerning it' what was the object of stating THIS IS?⁵ -Rather, said Raba, whatever is applicable to betrothal⁶ is also to be applied to divorce, but certain points are applicable to divorce,⁷ which cannot be applied to betrothal. And THIS IS⁸ which was mentioned in the case of divorce is not to be taken literally. as THIS IS was used in connection with betrothal⁹ only because it was also used in connection with divorce.

What was THIS IS mentioned in connection with betrothal meant to exclude? — To exclude the question of date which is inapplicable to betrothal.¹⁰ And wherefore was no date ordained to be entered in [documents of] betrothal? This¹¹ may well be satisfactorily explained according to him who holds [that the date is required In a letter of divorce]¹² on account of the usufruct,¹³ since a betrothed woman has no [need to reclaim] usufruct —¹⁴ According to him, however, who holds [that it¹⁵ was ordained] on account of one's sister's daughter.¹⁶ the insertion of a date should have been ordained [in the case of betrothal also]¹⁷ — Since some men betroth with money¹⁸ and others betroth with a document the Rabbis did not ordain the inclusion of a date.

Said R. Aha son of R. Joseph to R. Ashi: What about the case of a slave of whom some acquire possession by means of money and others by means of a deed, yet the inclusion of a date has nevertheless been ordained by the Rabbis! — In that case¹⁹ acquisition is generally by means of a deed; here,²⁰ it is generally by means of money. If you prefer I might say: Because it is impossible.²¹ For how should one proceed? Were it²² to be left with her, she might erase it.²³ Were it²² to be left with him, it might happen that the betrothed might be his sister's daughter and he would shield her.²⁴ Were it to be left with the witnesses-well, if they remember²⁵ they could come and tender their evidence;²⁶ and if they do not,²⁷ they may sometimes consult the document and then come and

tender evidence, while the All Merciful said, 'out of their mouth'²⁸ but not out of their writing. If so, let the same argument²⁹ be applied to divorce also! — There,³⁰ it³¹ comes to save her,³² here,³³ it³¹ comes to condemn her.³⁴

MISHNAH. IN THE CASE WHERE THREE BROTHERS WERE MARRIED TO THREE WOMEN WHO WERE STRANGERS [TO ONE ANOTHER]. AND ONE OF THEM HAVING DIED³⁵ THE SECOND BROTHER ADDRESSED TO HER³⁶ A MA'AMAR³⁷ AND DIED, BEHOLD, THESE³⁸ MUST PERFORM HALIZAH³⁹ BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE; FOR IT IS SAID. AND ONE OF THEM DIED [ETC.] HER HUSBAND'S BROTHER SHALL GO IN UNTO HER.⁴⁰ ONLY SHE WHO IS BOUND TO ONE LEVIR⁴¹ BUT NOT SHE WHO IS BOUND TO TWO LEVIRS.⁴² R. SIMEON SAID: HE MAY TAKE IN LEVIRATE MARRIAGE WHICHEVER OF THESE HE WISHES⁴³ AND THEN PARTICIPATE IN THE HALIZAH WITH THE OTHER.⁴⁴

GEMARA. If, however, the levirate bond with two levirs⁴⁵ is Pentateuchal,⁴⁶ even halizah should not be required! — But it⁴⁷ is only Rabbinical,⁴⁸ a preventive measure having been enacted against the possible assumption that two sisters-in-law coming from the same house⁴⁹ may both be taken in levirate marriage. Then let one be taken in levirate marriage and the other be required to perform halizah! — A preventive measure has been enacted against the possible assumption that one house was partially built

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- (1) Job XXXVI, 33. רִיעוּן, (E.V., the noise thereof) is here rendered its friend. The text is taken to imply that passages in close proximity are to be compared to one another and what is applicable to one is to be applied to the other also.
 - (2) The case of uncertainty as to whether the token of betrothal fell nearer to the man or nearer to the woman.
 - (3) When a similar doubt has arisen with reference to a letter of divorce that had been thrown in, similar circumstances.
 - (4) IF A MAN WROTE IN HIS OWN HANDWRITING etc. (V. our Mishnah).
 - (5) Which implies some exclusion.
 - (6) UNCERTAIN WHETHER IT WAS NEARER TO HIM etc. (V. our Mishnah).
 - (7) v. infra for further explanation.
 - (8) Which implies that only that which was specified and no other doubt is applicable, v. supra p. 196, n. 10.
 - (9) Where THIS IS excludes the question of date, which is not applicable to it but to divorce only.
 - (10) The date does not matter in a document whereby betrothal is effected. V. infra.
 - (11) Why no date was required.
 - (12) v. Git. 26b.
 - (13) Which the wife is entitled to reclaim from her husband, in respect of her estate, from the date of her letter of divorce, though the document itself may not have been delivered to her until a much later date. v. Git. 17a.
 - (14) The man who betrothed her having no right whatsoever to the usufruct of her estate until actual marriage has taken place. Cf. Keth. 51a.
 - (15) The insertion of a date in a letter of divorce.
 - (16) Who was his wife and had committed adultery. Her uncle, in his desire to protect her, might supply her with an undated letter of divorce which would enable her to escape her due punishment by pleading that the offence had been committed after she had been divorced.
 - (17) Since a betrothed woman also possessing an undated document of betrothal could protect herself against punishment for adultery. by pleading that the offence had been committed prior to the betrothal.
 - (18) Where a date is, of course, inapplicable.
 - (19) A slave.
 - (20) Betrothal.
 - (21) Usefully to insert a date in a deed of betrothal.
 - (22) The deed.
 - (23) The date. V. supra p. 197, n. 12 and cf. p.197,n.11.
 - (24) By erasing the date. V. previous note.
 - (25) The date of the betrothal.

- (26) Of what use, then, is the deed?
- (27) Remember the date.
- (28) Cf. Deut. XVII, 6, At the mouth of two witnesses etc., which is taken to imply that evidence must be given from memory (the witnesses' own mouth) and not from information obtained from a written document. V. Git. 71a.
- (29) Used in respect of betrothal, that there is no safe or proper place to keep the deed.
- (30) In the case of divorce.
- (31) The document.
- (32) Unless she produced it, were she ever to be accused of adultery. she would certainly be condemned since she was known as a married woman. The letter of divorce being her sole protection, it being the sole proof that her married state had ended, she should in her own interest carefully preserve it intact for fear that should she tamper with it, the deed may be declared invalid. (Cf. Tosaf. s.v. **הַשְּׂדֵדָה**, a.l.).
- (33) The case of betrothal.
- (34) The document is proof that she had passed out of her unmarried state and that henceforward she is forbidden to all men except her betrothed. She (or any friend of hers) is not anxious to preserve such a document; and, should an accusation of adultery ever be brought against her, she could either destroy it or erase the date and claim her previously confirmed status of an unmarried woman. Hence no date was ordained to be included.
- (35) Without issue.
- (36) The widow of the deceased brother.
- (37) v. Glos.
- (38) The two widows.
- (39) With the surviving brother.
- (40) Deut. xxv, 5.
- (41) Is to be married by him.
- (42) The first to whom she was bound by the levirate tie and the second to whom she is bound by the ma'amar. A ma'amar of a levir, unlike his levirate marriage. cannot sever the bond between the widow and her deceased husband-the levirate tie.
- (43) v. supra 19a. If the ma'amar has the validity of marriage, the surviving levir is marrying his second brother's wife, and if a ma'amar is invalid he is marrying either the wife of his first brother or the wife of the second.
- (44) The levirate marriage of the one cannot exempt the other from the halizah, since it is possible that a ma'amar is invalid and the two widows are consequently of different brothers. He may not marry the two, since a ma'amar may be valid and he would thus be marrying two widows of the same brother.
- (45) According to the Rabbis of our Mishnah.
- (46) Since they forbade the levirate marriage in such a case.
- (47) The levirate bond with two levirs.
- (48) Pentateuchally a ma'amar is not binding. and the two widows consequently are of two different brothers and may both be married.
- (49) I.e., widows of the same brother.

Talmud - Mas. Yevamoth 32a

and partially pulled down.¹ Well, let the assumption be made!² — Had he first contracted the levirate marriage and then participated in the halizah, no objection could be raised —³ The preventive measure, however, has been enacted against the possibility of his participating in the halizah first and contracting the levirate marriage afterwards and thus placing himself under the prohibition of That doth not build up,⁴ the All Merciful having said, 'Since he had not built⁵ he must never again build'.⁶

Raba said: If he⁷ gave a letter of divorce in respect of his ma'amar, her rival⁸ is permitted;⁹ but she herself is forbidden, because she might be mistaken for one who is the holder of a letter of divorce.¹⁰ Others say that Raba said: If he¹¹ gave a letter of divorce in respect of his ma'amar even she herself becomes permitted.¹² What is the reason? — Because what he has done to her he has taken back.¹³

MISHNAH. IF TWO BROTHERS WERE MARRIED TO TWO SISTERS, AND ONE OF THE BROTHERS DIED, AND AFTERWARDS THE WIFE OF THE SECOND BROTHER DIED, BEHOLD, SHE¹⁴ IS FORBIDDEN TO HIM¹⁵ FOREVER, SINCE SHE WAS FORBIDDEN TO HIM FOR ONE MOMENT.¹⁶ GEMARA. Is not this obvious? If there,¹⁷ where she¹⁸ was not entirely excluded from that house¹⁹ it has been said, 'No',²⁰ how much more so here²¹ where the widow is completely excluded from that house!²² -The Tanna had taught first this,²¹ while the other²³ was regarded by him as a permissible case,²⁴ and so he permitted it —²⁵ Later, however, he came to regard it as a case that was to be forbidden;²⁶ and, as it was dear to him²⁷ he placed it first; while our Mishnah was allowed to remain in its original form.²⁸

Our Rabbis learned: If he²⁹ had intercourse with her,³⁰ he is guilty on account of both 'his brother's wife'³¹ and 'his wife's sister';³² so R. Jose. R. Simeon said: He is guilty on account of 'his brother's wife' only. But, surely, it was taught that R. Simeon said: He is guilty on account of 'his wife's sister' only! — This is no difficulty: There, it is a case where the surviving brother had married first³³ and the deceased had married afterwards;³⁴ here it is a case where the deceased had married first and the surviving brother afterwards.³⁵ As to R. Simeon, in the case where the deceased had married first and the surviving brother married afterwards, let her, since the prohibition of wife's sister cannot take effect, be permitted even to contract the levirate marriage! — R. Ashi replied: The prohibition of wife's sister remains suspended, and as soon as the prohibition of brother's wife is removed³⁶ the prohibition of wife's sister comes into force; hence It cannot be treated as non-existent.³⁷

Does, then, R. Jose hold the view that one prohibition may be imposed upon another? Surely, it was taught: A man who committed a transgression which involves two death penalties³⁸ is punished by the severer one. R. Jose said: He is to be dealt with in accordance with that prohibition which came into force first.³⁹ And it was taught: How is one to understand R. Jose's statement that sentence must be in accordance with the prohibition which came into force first? [If the woman was first] his mother-in-law⁴⁰ and then became also a married woman, he is to be sentenced for [an offence against] his mother-in-law; if she was first a married woman and then became his mother-in-law, he is to be sentenced for [an offence against] a married woman!⁴¹

(1) And the same procedure would unlawfully be followed in the case of two widows of the same brother.

(2) What objection can be raised against it?

(3) Lit., 'thus also', the assumption would not have mattered.

(4) אִשָּׁר לֹא יִבְנֶה Deut. XXV, 9.

(5) I.e., refused to marry his brother's widow, but participated in her halizah.

(6) Must never marry the other widow. The imperfect יִבְנֶה may be rendered as a past, present or future.

(7) The second brother who had addressed a ma'amar to the first brother's widow. V. our Mishnah.

(8) I.e., his first wife.

(9) To the third surviving brother if the second also died without issue. The two widows are no longer rivals since the divorce has annulled the ma'amar, and they, being the widows of two different brothers, are now coming from two different houses.

(10) . That was given to her in respect of the levirate bond as well as of the ma'amar, v. infra 52b. Such a sister-in-law is forbidden under the prohibition of 'That doth not build up (v. supra and notes 3, 4 and 5)' since in her case the levirate bond also had been severed.

(11) V. note 6.

(12) And she is thus subject to the third brother as the widow of the first.

(13) The ma'amar by which he bound her he has himself annulled.

(14) The widow.

(15) The surviving brother.

(16) Prior to his wife's death and after the death of her husband, however short that period may have been, she was forbidden to him as his wife's sister.

(17) The third Mishnah, on fol. 30a supra, where there were three brothers involved, two of whom were married to two sisters and one to a stranger.

(18) The widow of the first brother.

(19) For though she had been forbidden to the second brother, who was married to her sister, she was permitted to the third and she remained in the family.

(20) I.e., she has been forbidden to the second brother, after the death of the third brother who had married her, owing to the original prohibition which may have lasted one moment only. even after his wife (her sister) had died.

(21) Our Mishnah where only two brothers are involved.

(22) When her husband died there was not a single brother whom she was permitted to marry. What need, then, was there for our Mishnah?

(23) v. note 1.

(24) Since, there, she was not entirely forced out of the family.

(25) Hence he did not consider it necessary to enunciate It 10 a Mishnah.

(26) As, after all, in the case of the second brother, the levirate marriage was for a time forbidden to her.

(27) Owing to its novelty and its wider range.

(28) Lit. — 'did not move from its place'. Though in the presence of the other Mishnah it is indeed superfluous.

(29) The levir.

(30) The widow (v. our Mishnah), while his wife was still alive.

(31) Since she is exempt from the levirate marriage she is forbidden to the levir as any widow of a brother who has issue.

(32) So that if the offence was committed unwittingly he is liable to bring two sin-offerings.

(33) One of the sisters; and thus the prohibition of 'wife's sister' came into force first.

(34) The other sister. The added prohibition of 'brother's wife' could not take effect where one prohibition was already in force.

(35) Cf. previous two notes mutatis mutandis.

(36) **יָרַב**, lit., 'to split', hence removed'.

(37) Lit., 'it is not removed'. The levirate marriage is consequently forbidden.

(38) Intercourse, for instance, with a mother-in-law (which is punishable by burning) who was at the time a married woman (the penalty for which is strangulation).

(39) Tosef. Sanh. XII, Sanh. 81a.

(40) Having been a widow or divorcee at the time of his marriage.

(41) Though the penalty in this case (strangulation) is lighter than that for an offence against a mother-in-law (burning). This proves that one prohibition may not be imposed upon another. Had it been otherwise, the severer penalty should have been inflicted though the prohibition which had caused it came into force later.

Talmud - Mas. Yevamoth 32b

— R. Abbahu replied: R. Jose admits¹ where the latter prohibition is of a wider range.²

This is satisfactory in the case where the surviving brother had married³ first and the deceased had

married⁴ afterwards, since the prohibition, having been extended in the case of the brothers, had also been extended in his own case.⁵ What extension of the prohibition is there, however, where the deceased had married³ first⁶ and the surviving brother had married⁴ afterwards?⁷ And were you to reply: Because thereby⁸ he is forbidden to marry all the sisters,⁹ [it may be retorted that] such is only a comprehensive prohibition!¹⁰

The fact is, said Raba, he is deemed¹¹ to have committed two offences,¹² but is liable for one only.¹³

Similarly when Rabin came¹⁴ he stated in the name of R. Johanan: The offender is deemed¹¹ to have committed two offences, but he is only liable for one. What practical difference does this¹⁵ make?- That he must be buried among confirmed sinners.¹⁵

This¹⁶ is a question on which opinions differ. For It was stated: A common man¹⁷ who performed some Temple service on the Sabbath, is. R. Hiyya said, liable for two offences.' Bar Kappara said: He is only liable for one.¹⁸ R. Hiyya jumped up and took an oath. 'By the Temple',¹⁹ [he exclaimed]. 'so have I heard from Rabbi:²⁰ two'! Bar Kappara jumped up and took an oath, 'By the Temple. thus have I heard from Rabbi:²⁰ one'! R. Hiyya began to argue the point thus: Work on the Sabbath was forbidden to all [Israelites,] and when it was permitted in the [Sanctuary], it was permitted to the priests, hence it was permitted to the priests only, but not to common men. Here, therefore, is involved the offence of Temple service by a common man, and that of the desecration of the Sabbath. Bar Kappara began to argue his point thus: Work on the Sabbath was forbidden to all [Israelites]. but when it was permitted in the Sanctuary, it was permitted [to all], hence only the offence of Temple service by a common man is here involved.

A priest having a blemish who performed [some Temple] services²¹ while unclean is. R. Hiyya said, guilty of two offences. Bar Kappara said: He is guilty of one offence only. R. Hiyya jumped up and took an oath, 'By the Temple. thus have I heard from Rabbi: two'! Bar Kappara jumped up and took an oath, 'By the Temple, thus have I heard from Rabbi: one'! R. Hiyya began to reason: [Temple service during one's] uncleanness was forbidden to all; and when it was permitted in the Sanctuary,²² it was permitted to priests who had no blemish — Hence it must have been permitted only to priests who had no blemish, but not to those who had. Consequently. both the offence of service being done by one with a blemish and that of service during one's uncleanness are here involved. Bar Kappara began to reason thus: [Temple service during] uncleanness was forbidden to all. When it was permitted at the Sanctuary.²³ was [universally] permitted.²⁴ Consequently. only one offence, that of service by one who had a blemish, is involved.

A common man who ate melikah²⁵ is. R. Hiyya said, guilty of two offences. Bar Kappara said: He is guilty only of one. R. Hiyya jumped up and took an oath, 'By the Temple. so I heard from Rabbi: two'! Bar Kappara jumped up and took an oath, 'By the Temple. so I heard from Rabbi: one'! R. Hiyya began to reason thus: Nebelah²⁶ was forbidden to all; and when it was permitted in the Sanctuary²⁷ it was permitted in the case of the priests. Hence it must be permitted to priests only and not to common men. Consequently. both the offence of consumption²⁸ by a common man, and that of melikah are here involved. Bar Kappara began to reason: Nebelah²⁶ was forbidden to all; and when it was permitted in the Sanctuary²⁷ it was [universally] permitted — Consequently. only the offence due to consumption²⁸ by a common man is here involved.

(1) That one prohibition may be imposed upon another.

(2) **אסור מוסף** lit., 'a prohibition which adds', i.e., one which causes an object (or a person) to be forbidden to others to whom it was not previously forbidden. Hence he admits the imposition of the prohibition of 'brother's wife' upon that of 'wife's sister', even where the latter prohibition was already in force, because the former, unlike the latter, is applicable not only to him alone but to the other brothers also. In the case, however, of a married woman who became

his mother-in-law where the first prohibition was of a wider range (the woman being forbidden to all men except her husband) and the later one (forbidden to him only) of a restricted range, the second prohibition cannot be imposed upon the first. The reason why in the case of a mother-in-law who became a — married woman the sentence is to be that for an offence against a mother-in-law is not because the latter (which is of a wider range) cannot be imposed upon the former, but because wherever two penalties are to be inflicted the severer one (burning) supersedes the lighter one (strangulation).

(3) One of the sisters.

(4) The other sister.

(5) V. supra p. 202, n. 9.

(6) Bringing into force the prohibition of brother's wife which is applicable to all brothers.

(7) Adding the prohibition of wife's sister which, being applicable to himself only, is of a more restricted range, and cannot consequently be imposed on that of brother's wife, which preceded it.

(8) By marrying the other sister.

(9) While before this marriage the widow only was forbidden.

(10) **אִיסוּר כּוֹלֵל** lit., 'a prohibition which includes'. The additional prohibition includes the widow in the same manner only as it does the other sisters but, unlike an *issur mosif* (the prohibition of the wider range, v. supra p. 202, n. 9), it does not place any additional restriction as far as the widow herself is concerned upon any other men.

(11) Lit., 'I bring upon him'.

(12) I.e., in this sense only is R. Jose's statement, that he is guilty of two offences (supra 32a), to be understood.

(13) Because R. Jose. in fact, does not admit the imposition of one prohibition upon another.

(14) From Palestine to Babylon. (13) The fact that he is theoretically guilty of two offences.

(15) The Beth din had at its disposal two burial places, and offenders who were executed or died were buried in the one or the other according to the degree of their respective offences. (V. Sanh. 46a). The reference here will consequently be to an intentional transgression.

(16) Whether one act involving two transgressions is deemed to be one offence or two offences.

(17) **זָר** lit., 'a stranger', I.e., a non-priest.

(18) This is explained infra.

(19) Lit., 'the (Temple) service'.

(20) R. Judah the Prince, compiler of the Mishnah.

(21) Such as that connected with the rites of a congregational offering which may be performed in certain circumstances by priests (v. Yoma 6b). even when they are unclean, provided they are physically fit.

(22) Cf. previous note.

(23) v. p. 204, n' 7.

(24) Even to a priest afflicted with a blemish.

(25) **מַלְיָקָה** (rt. **מַלְקָה** 'to pinch'), applied to the meat, of a fowl whose head was 'pinched off', in accordance with Lev. I, 15.

(26) **נְבֵלָה** 'a corpse'. 'carrion', applied also to animals that have not been ritually slaughtered and the consumption of which is forbidden.

(27) Melikah being permitted to the priests.

(28) Of sacrificial meat.

Talmud - Mas. Yevamoth 33a

What is the point at issue between them?¹ -R. Jose's view² with regard to a comprehensive prohibition.³ R. Hiyya is of the opinion that in the case of a comprehensive prohibition R. Jose deems the transgressor guilty of two offences,⁴ while Bar Kappara is of the opinion that he deems him guilty of one offence only.⁵ But what comprehensive prohibition. is here involved? In the case of a common man⁶ this⁷ may well be understood, since at first⁸ he was permitted to do ordinary work though forbidden to perform the Temple service, and when Sabbath came in, as he was now forbidden to do any other work,⁹ so he was also forbidden to perform the Temple service.¹⁰ [Similarly with a priest] who had a blemish,¹¹ since he was at first¹² permitted to eat [of sacrificial meat] though forbidden to perform the Temple service, now that he became defiled, as he was

forbidden to eat of sacrificial meat¹³ so he was also forbidden to perform the Temple service.¹⁴ Mehkah, however, is only an illustration¹⁵ of prohibitions that set in simultaneously¹⁶ but not of a comprehensive prohibition!¹⁷ -Rather, the point at issue between them¹⁸ is that of simultaneous prohibitions' and R. Jose's view¹⁹ regarding them. R. Hiyya is of the opinion that in the case of simultaneous prohibitions R. Jose deems the transgressor guilty of two offences,²⁰ while Bar Kappara is of the opinion that he deems him guilty of one offence only.²¹ But how are here simultaneous prohibitions possible?²² — In the case of a common man who performed the Temple service on the Sabbath, when, for instance, he grew two hairs²³ on the Sabbath, so that the prohibitions of Temple service by a common man and of work on the Sabbath have simultaneously arisen.²⁴ [In the case of a priest] who had a blemish, also, when, for instance, he grew two hairs,²³ while he was unclean, so that [his disability as] a man with a blemish and his uncleanness²⁵ have simultaneously arisen.²⁶ Or else, if a man cut his finger with an unclean knife.²⁷

Now according to [the statement of] R. Hiyya it is quite possible to explain²⁸ that he²⁹ was taught³⁰ in accordance with the view of R. Jose, and that Bar Kappara was taught in accordance with the view of R. Simeon.³¹ According to [the statement of] Bar Kappara, however,³² did R. Hiyya swear falsely?³³ -Rather, the question at issue between them³⁴ is that of simultaneous prohibitions, and the view of R. Simeon³⁵ on the subject.

One can well understand why R. Hiyya took an oath. He did it in order to weaken the force³⁶ of R. Simeon's view.³⁷ What need, however, was there for Bar Kappara to take an oath? — This is a difficulty.

Now according to [the statement of] Bar Kappara, it is possible to explain³⁸ that when Rabbi taught him he was enunciating the opinion of R. Simeon,³⁹ and that when he taught R. Hiyya he was enunciating the opinion of R. Jose.⁴⁰ According to [the statement] of R. Hiyya, however,⁴¹ did Bar Kappara⁴² tell a lie?⁴³ R. Hiyya can answer you:⁴⁴ When Rabbi taught him, he taught him two instances⁴⁵ only where the transgressor is exempt⁴⁶

(1) R. Hiyya and Bar Kappara.

(2) Who maintains supra that in certain circumstances a prohibition may be imposed upon a prohibition which is already in force.

(3) **אִיסוּר כּוֹלֵל** Cf. supra p. 203. n. 8.

(4) Nebelah and melikah. V. supra. no. 3 and 4.

(5) And R. Jose's statement supra that the transgressor is guilty of two offences is, according to Bar Kappara, applicable only where the surviving brother had married one of the sisters before the deceased had married the other. (V. supra p. 203. nn. 1ff and relevant text). R. Simeon's statement, (supra 32a) that 'he is guilty on account of brother's wife only', which has been interpreted as referring to the case where the deceased had married prior to the surviving brother, is according to Bar Kappara, to be deleted from the Baraita.

(6) Who performed some Temple service on the Sabbath.

(7) That a comprehensive prohibition is involved.

(8) Before the Sabbath.

(9) Owing to Sabbath.

(10) The prohibition being 'comprehensive' in that it included both ordinary work and Temple service. It is not a 'prohibition of a wider range' since the prohibition of Temple service itself was in no way extended.

(11) Cf. supra, n. 2.

(12) Prior to his defilement.

(13) Owing to his uncleanness.

(14) The prohibition comprehending the Temple service as well as the consumption of sacrificial meat. Cf. supra. n' 5'

(15) Lit., 'it is found'.

(16) **בַּת אֶחָת** 'at once', 'at the same moment'. Before the head of the fowl was pinched off there was only the prohibition of nebelah (v. Glos.) which included also priests. The two prohibitions of nebelah and melikah as far as

common men are concerned had set in simultaneously at the moment of the pinching off of the fowl's head.

(17) Since both have been simultaneous. How then could the dispute on melikah be dependent on the principle of a 'comprehensive prohibition'?

(18) R. Hiyya and Bar Kappara.

(19) V. supra p. 205. n. 8.

(20) R. Jose's statement (supra 32a). that the transgressor is guilty of the offences of (a) brother's wife and (b) wife's sister, is taken to refer to the case where the two brothers appointed an agent to betroth for them the two sisters, who in turn appointed an agent to act on their behalf. At the moment the agents carried out their mission both prohibitions had set in.

(21) Cf. supra p. 205, n. 11.

(22) As has been shewn, the instances mentioned, with the exception of melikah, are 'comprehensive prohibitions!'

(23) The marks of puberty.

(24) In this particular case, since prior to the manifestation of the marks of puberty he was considered a minor, and not subject to legal penalties.

(25) I.e., his liability to penalties for performing Temple service under such conditions.

(26) Cf. note 4, mutatis mutandis.

(27) Which act caused both the blemish and the uncleanness to set in at the very same instant.

(28) To reconcile the contradictory statements made by R. Hiyya and Bar Kappara both in the name of Rabbi.

(29) R. Hiyya.

(30) By Rabbi. Lit., 'when he taught him (it was)'.

(31) And that Bar Kappara may have misunderstood Rabbi to give him the opinion of R. Jose.

(32) Who asserts that Rabbi recognizes one offence only according to R. Jose.

(33) If R. Jose allows the lighter punishment, how much more so R. Simeon. If R. Hiyya. then, made the statement that Rabbi taught him that a double offence had been committed he could not have spoken the truth since according to Bar Kappara no authority ever held such a view.

(34) R. Hiyya and Bar Kappara.

(35) R. Hiyya maintains that R. Simeon subjected the transgression to one offence only in the case of a 'comprehensive prohibition'; but that in a 'simultaneous prohibition' he admits, like R. Jose, a double offence. Bar Kappara, on the other hand, maintains that R. Simeon disagrees with R. Jose even in regard to simultaneous prohibitions, always admitting one offence only.

(36) By his oath he affirmed that R. Simeon is in favour of the lighter course only in the case of a 'comprehensive prohibition' but not in that of 'simultaneous prohibitions'.

(37) Which is known to favour the lighter penalty.

(38) I.e., to reconcile the contradictory statements. v. supra, p. 207. n. 8.

(39) Favouring the lighter penalty.

(40) Who imposes the heavier penalty; but R. Hiyya mistook him to be reporting R. Simeon and thus the discrepancy arose.

(41) Who submitted that the heavier penalty was imposed even by R. Simeon, much more so by R. Jose.

(42) Who submitted that Rabbi taught him that the lighter penalty only was to be imposed.

(43) He could not have spoken the truth if R. Hiyya's report was at all correct. v. note 6.

(44) Bar Kappara did not tell a lie.

(45) The first two—that of a non-priest who performed the Temple service on the Sabbath and that of a priest who had a blemish and performed the Temple service while he was unclean.

(46) From one of the penalties.

Talmud - Mas. Yevamoth 33b

. and [thereby he, in fact.] taught him the law of comprehensive prohibition¹ in accordance with the view of R. Simeon. Bar Kappara. however, considered the case of a common man who ate melikah and, as it seemed to be similar to the others, he treated it like the others.² When, later, he examined it³ and found it to be possible only as a case of simultaneity of prohibitions. he imagined that as this one³ is a case of simultaneity so are also the others cases of simultaneity;⁴ and as the others are cases

where the transgressor is exempt⁵ so [he assumed] is this also one in which the transgressor is exempt.⁵

An objection was raised: If a common man performed some Temple service on the Sabbath, or if a priest having a blemish performed Temple service while he was levitically unclean, the offences of service by a common man and the desecration of the Sabbath or those of service by a man with a blemish and levitical uncleanness are here respectively involved. These are the words of R. Jose. R. Simeon who said: Only the offence of service by a common man or that of service by a man with a blemish respectively is here involved.⁶ [The case of] melikah, however, is here omitted.⁷ Now, on account of whom was it omitted?⁸ If it be suggested, on account of R. Jose⁹ [it may be retorted], if¹⁰ R. Jose subjects one to two penalties where the prohibition is comprehensive, how much more so¹¹ when it is simultaneous. Consequently It must have been¹² on account of R. Simeon¹³ who thus grants exemption only where the prohibition is comprehensive¹⁴ but imposes both penalties when the prohibitions are simultaneous —¹⁵ This, then, is a refutation against Bar Kappara!¹⁶ This is indeed a refutation.

‘If a common man performed some Temple service on the Sabbath’. Of what nature? If slaughtering, slaughtering is permitted by a common man.¹⁷ If reception¹⁸ or carriage.¹⁹ this involves only a mere movement.²⁰ If burning,²¹ surely R. Jose said, ‘The prohibition of kindling a fire [on the Sabbath]²² was mentioned separately²³ in order to [indicate that its transgression is] a prohibition only’!²⁴ — R. Aha b. Jacob replied: The slaughtering of the bullock of the High Priest,²⁵ and in accordance with the view of him who stated that the slaughtering of the bullock of the High priest on the Day of Atonement by a common man Is Invalid.²⁶ If so, what reason is there for mentioning a common man? Even a common priest would have been equally forbidden!²⁷ -What was meant was one who is a common man as far as It Is concerned.²⁸

R. Ashi demurred: Was any mention made of sin-offerings or of negative precepts?²⁹ Surely, only forbidden acts were spoken of!³⁰ — The point at issue is whether he is to be buried among confirmed sinners.³¹

MISHNAH. IF TWO MEN BETROTHED TWO WOMEN, AND AS THESE WERE ENTERING INTO THE BRIDAL CHAMBER, THEY EXCHANGED THE ONE FOR THE OTHER, BEHOLD, THEY³² ARE GUILTY OF AN OFFENCE AGAINST A MARRIED WOMAN. IF THEY³² WERE BROTHERS THEY ARE GUILTY ALSO OF AN OFFENCE AGAINST A BROTHER'S WIFE. IF [THE BETROTHED WOMEN] WERE SISTERS, THEY³³ ARE GUILTY ALSO ON ACCOUNT OF THE PROHIBITION, [AND THOU SHALT NOT TAKE] A WOMAN TO HER Sister.³⁴ IF THESE³⁵ WERE MENSTRUANTS [THEY³³ ARE GUILTY ALSO] ON ACCOUNT OF [THE LAW OF THE] MENSTRUANT.³⁶

THEY³⁵ MUST BE KEPT APART³⁷ FOR THREE MONTHS, SINCE IT IS POSSIBLE THAT THEY ARE PREGNANT.³⁸ IF THEY³⁵ WERE MINORS INCAPABLE OF BEARING CHILDREN, THEY MAY BE RESTORED³⁹ AT ONCE. IF THEY³⁵ WERE PRIESTLY WOMEN THEY ARE DISQUALIFIED FROM THE PRIESTHOOD.⁴⁰

GEMARA. THEY EXCHANGED?⁴¹ Are we discussing wicked men!⁴² Furthermore, [there is the difficulty] of the statement made by⁴³ R. Hiyya. that⁴⁴ sixteen sin-offerings⁴⁵ are here [involved]. Is any sacrifice brought⁴⁶ where the act⁴⁷ was wilful?⁴⁸ Rab Judah replied: Read THEY WERE EXCHANGED.⁴⁹ This⁵⁰ may also be proved by logical reasoning. For in the latter clause it was stated, IF THEY WERE MINORS INCAPABLE OF BEARING CHILDREN THEY MAY BE RESTORED AT ONCE. Now, if the act⁴⁷ had been willful, would [this⁵¹ have been] permitted! — This is no difficulty. The seduction of a minor is deemed to be an outrage, and an outraged woman is permitted to an Israelite.⁴² But, then, what of that which is stated, that THEY MUST BE KEPT

APART FOR THREE MONTHS, SINCE IT IS POSSIBLE THAT THEY ARE PREGNANT, implying that if they were not pregnant they would be permitted. Now if the act⁵² had been wilful would she be permitted! Consequently⁵³ the reading must have been⁵⁴ THEY WERE EXCHANGED.⁵⁵ This may be taken as proved.

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- (1) Though when the prohibitions in these cases should happen to be simultaneous, the double penalty would undoubtedly be imposed.
 - (2) Lit., 'mixed it up with them'; as those are cases where the transgressor is exempt from one of the penalties, so' he thought. was that of melikah.
 - (3) Melikah.
 - (4) I.e., the same law is applicable to them whether the case is that of a comprehensive prohibition' or, like melikah, one of 'simultaneous prohibitions'.
 - (5) From one of the penalties.
 - (6) Tosef. Yeb. V.
 - (7) Implying that there is no difference of opinion regarding the case where a common man ate of melikah.
 - (8) I.e., who agrees with whom in this case that it should be excluded from the dispute.
 - (9) I.e., that R. Jose agrees in the case of melikah with R. Simeon.
 - (10) Lit., 'now'.
 - (11) Lit., 'is it required (to be stated)'?
 - (12) Lit., 'but (is it) not'.
 - (13) Who, despite his opinion that in the two cases mentioned only one penalty is involved, agrees with R. Jose that in melikah two penalties are involved.
 - (14) As in the two cases mentioned.
 - (15) As in melikah, v. supra.
 - (16) Who maintained supra that even in simultaneous prohibitions R. Simeon exempts from one of the penalties.
 - (17) Hence no prohibition of 'service by a common man' is here involved.
 - (18) Of the sacrificial blood in a basin for sprinkling purposes.
 - (19) Bringing the blood near the altar.
 - (20) טַלְטוּלָה 'moving an object from place to place'; and such movement on the Sabbath is no punishable offence.
 - (21) Of the sacrifices.
 - (22) In Ex. XXXV, 3.
 - (23) Lit., 'went out'.
 - (24) Shab. 702, Sanh. 35b, 62a, supra 6b. A 'prohibition', i.e., a negative commandment that does not involve any of the death penalties of stoning or of kareth.
 - (25) On the Day of Atonement (v. Lev. XVI, 3ff) which happened to fall on a Sabbath.
 - (26) V. Yoma 42a. As it is invalid it is also forbidden on the Sabbath under the death penalties of stoning or kareth which are incurred by the performance of certain kinds of manual labour on the Sabbath.
 - (27) Lit., 'also', since the opinion that disqualifies the common man for this service disqualifies also the common priest.
 - (28) Lit., 'who is a stranger to it', i.e., the particular service, including here even a common priest.
 - (29) Which entail flagellation.
 - (30) Since no actual penalty. either of a sin offering or flagellation, is involved, what matters it whether the two offences are regarded as one or as two? V. next note.
 - (31) V. supra p. 204, n. 1. [Aliter: Since no actual penalty is involved the reference might indeed be to 'burning', the practical point at issue being whether he is to be buried among confirmed sinners.]
 - (32) The men if they had intercourse with the women.
 - (33) The men if they had intercourse with the women.
 - (34) Lev. XVIII, 18.
 - (35) The women.
 - (36) Lev. XVIII, 19.
 - (37) Away from their husbands.
 - (38) Children from such a union are bastards and precaution must be taken that they are not allowed to pass as legitimate children.

- (39) To their husbands.
 (40) So Rashal. Cur. edd. 'terumah'.
 (41) **ההליפו** Hif., 3rd plural.
 (42) Who had deliberately exchanged their wives.
 (43) Lit., 'that which he taught'.
 (44) Lit., 'behold'.
 (45) Four offerings, (one for each transgression enumerated) by each of the four persons mentioned.
 (46) Lit., 'is there?'
 (47) In this case the exchange.
 (48) V. supra notes 9 and 10. For wilful transgression other penalties are prescribed!
 (49) **הוהלפן** (B.H. **ההלפו**), Hof., i.e., accidentally.
 (50) That the exchange was not a wilful act.
 (51) The immediate restoration of the minors to their husbands. (20) Her husband. V. Keth. 51b.
 (52) In this case the exchange.
 (53) Lit., 'but not'.
 (54) Lit., 'infer from this'.
 (55) v. supra p. 211, n. 17.

Talmud - Mas. Yevamoth 34a

And who is this Tanna¹ that admits the force² of a 'comprehensive prohibition', a 'prohibition of a wider range' and 'simultaneous prohibitions'?³ -Rab Judah replied in the name of Rab: It is R. Meir; for we learnt:⁴ A man may sometimes consume one piece of food⁵ and incur thereby the penalty of four sin-offerings and one guilt-offering. [If. e.g., a man levitically] unclean ate suet⁶ that remained over from holy sacrifices,⁷ on the Day of Atonement⁸ R. Meir said: If this happened on⁹ the Sabbath and [the consumer] carried out [the suet] in his mouth, liability is incurred [for this act¹⁰ also].¹¹ They said to him: This¹⁰ is an offence of a different character.¹²

Whose view, however, IS R. Meir¹³ following? If he follows R. Joshua.¹⁴ surely the latter had said that he who made a mistake in respect of a commandment¹⁵ is exonerated!¹⁶ — Rather he follows the view of R. Eliezer.¹⁷ If you prefer I might say: He may, in fact, follow the view of R. Joshua, for R. Joshua's statement, that he who made a mistake in respect of a commandment is exonerated, may only be applicable to the case of the children,¹⁸ where one is pressed for time.¹⁹ but not in such a case as this,²⁰ where time is not pressing.²¹

What about terumah,²² where one is not pressed for time, and he²³ nevertheless exonerates! For we learnt: In the case of a priest who was In the habit of eating terumah and it then transpired that he was the son of a divorced woman or of a haluzah,²² R. Eliezer imposes payment of the principal and of a fifth,²⁴ and R. Joshua exonerates!²⁵ — Surely, in relation to this it was stated that R. Bibi b. Abaye said: We are here speaking of terumah²⁶ on the Eve of Passover when time is pressing.²⁷ If you prefer I might say: [Our Mishnah speaks] of simultaneous prohibitions, and may represent even the View of R. Simeon.²⁸

All these,²⁹ it may well be conceded, may occur [simultaneously] where [the brothers] appointed an agent³⁰ and [the sisters also] appointed an agent³¹ and one agent met the other;³² but how could such [simultaneity] occur with menstruation?³³ - R. Amram in the name of Rab replied: When the women's menstrual discharge continued from [the men's] thirteenth, until after their thirteenth [birthday], when these become subject to legal punishments; and from their own twelfth, until after their twelfth [birthday], when they themselves become subject to punishments.³⁴

THEY MUST BE KEPT APART. Surely, no woman conceives from the first contact.³⁵ R. Nahman replied in the name of Rabbah b. Abuha: Where contact was repeated. Why, then, did R.

Hiyya state, 'Behold sixteen offerings are here involved',³⁶ when, in fact,³⁷ there should be thirty-two?³⁸ And according to your line of reasoning, following the opinion of R. Eliezer who deems they are guilty for every sexual effort, are there not more?³⁹ But [your own answer would be] that he only takes into consideration the first effort. Well, here also, only the first contact is taken into consideration.

Said Raba to R. Nahman:

(1) In our Mishnah.

(2) Lit., 'to whom there is'.

(3) Wherever they can all be applied to the same person. If, e.g., A the brother of B betrothed C the sister of D, C is forbidden to B as 'his brother's wife' and as 'a married woman', both prohibitions having come into force simultaneously. If B subsequently betrothed D, her sister C becomes forbidden to him, by the comprehensive prohibition of 'his wife's sister', (comprehending all the sisters of D inclusive of C). When C becomes a menstruant she is forbidden to B as a menstruant also, this last being a prohibition of a wider range extending as it does the prohibition of the woman to A also.

(4) Cur. edd., 'it was taught'.

(5) Lit., 'there is one eating'.

(6) Forbidden fat.

(7) Nothar, v. Glos.

(8) The four sin-offerings are due for the eating of (a) holy food while the man is levitically unclean, (b) forbidden fat, (c) nothar and (d) food on the Day of Atonement; while the guilt-offering (asham me'loth) is incurred for the benefit the consumer (even though he were a priest) had from holy things which were to be burnt on the altar.

(9) Lit., 'it was'.

(10) Carrying on the Sabbath.

(11) Thus it is shewn that R. Meir recognizes the validity of the three kinds of prohibition: When the animal was consecrated, the prohibition of having any benefit from any part of it has been added to that of eating its suet (wider range). and when a piece of the suet became nothar (since it is thereby forbidden to be offered up on the altar, which is an added restriction) the prohibition of nothar has also been imposed in respect of its consumption by the priests (again wider range). When the priest becomes unclean and is consequently forbidden to consume any holy meat he is also forbidden to consume the nothar (comprehensive), and with the advent of the Day of Atonement the prohibition of the consumption of food generally on that day falls also on the nothar (again comprehensive). Finally, at the moment Sabbath sets in two more prohibitions are imposed (simultaneous) that of carrying on the Sabbath and that of eating on the Day of Atonement (Rashi) or those of carrying on the Sabbath and on the Day of Atonement (Tosaf., s.v. **והוצתא** a.I.).

(12) Lit., 'it is not from the (same) designation'. Shab. 102a, Shebu. 24b, Ker. 13b.

(13) Who, as has been shown, is represented by the Tanna of our Mishnah who admits the imposition of one prohibition upon another even where the performance of a commandment (e.g. marriage) was intended.

(14) Who is at variance on a similar question with R. Eliezer (Shab. 1370). Both R. Joshua and R. Eliezer were R. Meir's teachers.

(15) I.e., if his intention was to fulfil a precept and, through an error, his act resulted in a transgression. Cf. the case in our Mishnah and v. supra n. 1 —

(16) While our Mishnah declares the men guilty!

(17) v. supra. n. 2.

(18) One of whom had to be circumcised on the Sabbath and by mistake another child was circumcised who was born a day later. Only circumcision which takes place on the eighth day of birth is permitted on the Sabbath. Any other is forbidden like all manual labour.

(19) One is anxious to perform the commandment at its proper time, and one's anxiety that the day shall not pass without its performance may easily result In an error.

(20) Marriage. spoken of in our Mishnah.

(21) One may contract marriage during any time of his life.

(22) V. Glos.

(23) R. Joshua.

(24) The disqualified priest, having consumed terumah which was forbidden to him, must pay compensation as any layman, as prescribed in Lev. V, 16.

(25) Ter. VIII, 1; Pes. 72b, Mak. 11b.

(26) Containing 'leaven' or any other hamez.

(27) After a certain hour on that day all hamez, would have to be burnt.

(28) Who agrees with R. Meir that simultaneous prohibitions do rank as equal in force, and both may be imposed.

(29) Prohibitions, enumerated in our Mishnah.

(30) To betroth the women on their behalf.

(31) To accept on their behalf the tokens of betrothal.

(32) So that all prohibitions took effect at the very same moment.

(33) Which would naturally occur either before, and thus prevent the other three prohibitions from coming into force; or after, and thus be prevented itself from coming into force.

(34) A male becomes legally liable to punishments on the termination of his thirteenth, and a female on that of her twelfth year of age. If the respective agents of the two parties who were of the same age to a day, met sometime prior to the conclusion of the last day of the year (twelfth of the females and thirteenth of the males), and arranged for the betrothals to take effect on the following day when both parties become 'of age' (as otherwise the betrothals would not be valid) the betrothals and the prohibitions simultaneously come into force.

(35) What, then, is the need for the precaution?

(36) Supra 33b.

(37) Since our Mishnah represents the view of R. Eliezer (or Eleazar).

(38) Sixteen for each contact. V. infra 92a, Ker. 15a.

(39) Sin-offerings involved.

Talmud - Mas. Yevamoth 34b

Surely Tamar¹ conceived from a first contact! The other answered him: Tamar exercised friction with her finger;² for R. Isaac said: All women of the house of Rabbi who exercise friction³ are designated Tamar. And why are they designated Tamar? — Because Tamar exercised friction with her finger. But were there not Er and Onan?⁴ — Er and Onan indulged in unnatural intercourse.

An objection was raised: During all the twenty-four months⁵ one may thresh within and winnow without;⁶ these are the words of R. Eliezer. The others said to him: Such actions are only like the practice of Er and Onan!⁷ -Like the practice of Er and Onan, and yet not [exactly] like the practice of Er and Onan: 'Like the practice of Er and Onan', for it is written in Scripture, And it came to pass, when he went in unto his brother's wife, that he spilt it on the ground;⁸ and 'not [exactly] like the practice of Er and Onan', for whereas there it was an unnatural act, here it is done in the natural way.

[The source for] Onan's [guilt] may well be traced, for it is written in Scripture, That he spilt it on the ground;⁸ whence however, [that of] Er?-R. Nahman b. Isaac replied: It is written, And He slew him also,⁹ he also died of the same death.¹⁰

[The reason for] Onan's [action] may well be understood, because he knew That the seed would not be his;⁸ but why did Er act in such a manner? — In order that she might not conceive and thus lose some of her beauty.

Our Rabbis taught [The woman also] with whom [a man shall lie],¹¹ excludes a bride;¹² so R. Judah. But the Sages say: This excludes unnatural intercourse.

Said Hon son of R. Nahman to R. Nahman: Does this imply that R. Judah is of the opinion that the Torah had consideration for the bride's make-up?¹³ — The other replied: Because no woman conceives from her first contact —¹⁴ On what principle do they differ? — The Rabbis are of opinion

that 'carnally'¹¹ excludes the first stage of contact, and 'with whom'¹¹ excludes unnatural intercourse; but R. Judah is of the opinion that the exclusion of unnatural intercourse and the first stage of contact may be derived from 'carnally'.¹¹ while 'with whom'¹¹ excludes a bride.

When Rabin came¹⁵ he stated in the name of R. Johanan: A woman who waited ten years after [separation from] her husband, and then remarried, would bear children no more. Said R. Nahman: This was stated only in respect of one who had no Intention of remarrying: if, however, one's intention was to marry again she may conceive.

Raba said to R. Hisda's daughter:¹⁶ The Rabbis are talking about you. She answered him: I had my mind on you.

A woman once appeared before R. Joseph, and said to him: Master, I remained unmarried after [the death of] my husband for ten years and now I gave birth to a child — He said to her: My daughter, do not discredit the words of the Sages. She thereupon confessed, 'I had intercourse with a heathen'.¹⁷

Samuel said: All these women,¹⁸ with the exception of a proselyte and an emancipated slave who were minors, must wait three months.¹⁹ An Israelitish minor, however, must wait three months. But how [was she separated]?²⁰ If by a declaration of refusal,²¹ surely. Samuel said that she²² need not wait!²³ And if by a letter of divorce, surely Samuel has already stated this once! For Samuel said: If she' formally refused him²¹ she need not wait three months; if he gave her a letter of divorce she must wait three months!²⁴ -[It²⁵ was] rather in respect of unlawful intercourse,

(1) V. Gen. XXXVIII, 15, 18, 24ff.

(2) Having thus destroyed her virginity she was capable of conception from a first contact.

(3) To destroy their virginity.

(4) Who were married to Tamar prior to the incident with Judah (v. Gen. XXXVIII, 6ff) and her virginity would presumably have been destroyed then.

(5) After the birth of a child, i.e., during the period in which the mother is expected to breast-feed her child.

(6) Euphemism. This would prevent possible conception which might deprive the young child of the breast feeding of his mother.

(7) Which implies that there was natural contact. Cf. supra note 5.

(8) Gen. XXXVIII, 9.

(9) Ibid. 10.

(10) For the same offence.

(11) Lev. XV, 18.

(12) She does not become unclean by the first contact and does not require, therefore, any ritual bathing.

(13) Which would be spoiled by the water were she required to perform ritual ablution.

(14) Scripture speaking only of intercourse which may result in conception. V. Lev. ibid.

(15) From Palestine to Babylon.

(16) Whom he married after a period of ten years had passed since the death of her husband, Rami b. Hama.

(17) During the ten years.

(18) Enumerated infra 41a, 42b.

(19) Before they marry again.

(20) From her former husband.

(21) Mi'un, v. Glos.

(22) A minor.

(23) Three months.

(24) Keth. 100b; why, then, should he repeat it here?

(25) Samuel's statement.

Talmud - Mas. Yevamoth 35a

the Rabbis having made the provision¹ in the case of a minor² as a precaution against one who is of age.³ But is provision made in the case of a minor as a precaution against one who is of age? Surely we learnt, IF THEY WERE MINORS INCAPABLE OF BEARING CHILDREN THEY MAY BE RESTORED AT ONCE! — R. Giddal replied: This⁴ was a special ruling.⁵ Does this imply that such a case had actually occurred!⁶ — Rather [this is the meaning:] It⁴ was like a special ruling, since the exchange of brides is an unusual occurrence.⁷

[Others adopt] a different reading: Samuel said: All these women,⁸ with the exception of a proselyte and an emancipated slave who were of age. must wait three months.⁹ An Israelitish minor, however, need not wait three months. But how [was she separated]? If by a declaration of refusal, Surely Samuel has already stated this one! And if by a letter of divorce, Samuel surely stated that she' must wait! For Samuel said: If she exercise her right of refusal against him, she need not wait three months; if he gave her a letter of divorce she must wait three months! [It was] rather in respect of harlotry. and harlotry with a minor⁸ an unusual occurrence.⁷

Let, however, a preventive measure¹⁰ be made in respect of a proselyte and an emancipated slave with whom harlotry is not unusual! — He holds the same view as R. Jose. For it was taught: Proselytes,¹¹ captives or slaves¹¹ who were redeemed, or embraced the Jewish faith or were emancipated, must wait three months; so R. Judah. R. Jose permits immediate betrothal and marriage.¹² Rabbah said: What is R. Jose's reason? He is of the opinion that a woman who plays the harlot makes use of an absorbent in order to prevent conception.¹²

Said Abaye to him: This¹³ is intelligible in the case of a proselyte; as her intention is to embrace the Jewish faith she is careful¹⁴ in order to know the distinction between the seed that was sown in holiness and the seed that was sown in unholiness. It¹³ is also [intelligible In the case of] a captive and a slave; since on hearing from their masters¹⁵ they exercise care.¹⁶ How is this¹³ to be applied. however, in the case of one who is liberated through the loss of a tooth or an eye?¹⁷ And were you to suggest that wherever something unexpected happens¹⁸ R. Jose admits,¹⁹ surely it was taught:²⁰ A woman who had been outraged or seduced must wait three months; so R. Judah. R. Jose permits immediate betrothal and marriage!²¹ — Rather, said Abaye,²² a woman playing the harlot turns over In order to prevent conception.²³ And the other?²⁴ -There is the apprehension that she might not have turned over properly.²⁵

IF THEY WERE PRIESTLY WOMEN etc. Only²⁶ priestly women but not an Israelitish woman?²⁷ -Read, 'If they were the wives of priests'.²⁸ Only 'priests' wives,²⁹ but not Israelites' wives?³⁰ Surely R. Amram said, 'The following statement was made to us by R. Shesheth who threw light on the subject³¹ from our Mishnah:³² An Israelite's wife³³ who was outraged, though she is permitted to her husband, is disqualified from the priesthood.³⁴ — Raba replied: It is this that was meant:³⁵ IF THEY WERE PRIESTLY WOMEN³⁶ married to Israelites THEY ARE DISQUALIFIED from eating terumah at their parents' home.³⁷ [

(1) That three months must be allowed to pass.

(2) Though she is not capable of conception.

(3) A proselyte and an emancipated slave who were minors are, however, exempt. because, being cases of rare occurrence, no preventive measure is required.

(4) The ordinance in our Mishnah.

(5) **שעה** **הוראת** lit., 'a ruling of the hour'.

(6) But our Mishnah, 'IF THEY WERE MINORS etc. Obviously speaks of a contingency and not of a fact.

(7) And no preventive measure is. therefore, necessary.

(8) Enumerated infra 41a, 42b.

- (9) Before they are allowed to marry again. (17) That in such circumstances she need not wait three months.
- (10) To avoid conception and the mingling of legitimate with illegitimate children.
- (11) In the original the noun is in the sing.
- (12) Keth. 372.
- (13) Rabbah's explanation.
- (14) Cf. supra note 1; and has always some absorbent in readiness.
- (15) Of their impending liberation.
- (16) Cf. supra notes 1 and 5.
- (17) V. Ex. XXI, 26, where the liberation of the slave comes suddenly. and no previous care would have been exercised by her.
- (18) Lit., 'of itself', when the woman was not likely to have been prepared with an absorbent.
- (19) That a waiting period of three months must be allowed.
- (20) Cur. edd., 'we learned'.
- (21) Which shews that even when the unexpected happens R. Jose requires no waiting period!
- (22) The reading in Keth. 372 is 'Rabbah'. Others, 'Raba' (v. Alfasi).
- (23) Keth. loc. cit. No absorbent is needed. Similarly in the case of a liberated captive or slave. Hence no waiting period is required.
- (24) Why then does he require a waiting period?
- (25) And conception might have taken place. V. Keth. loc. cit.
- (26) Lit., 'yes'.
- (27) The wife of a priest. Surely she also is forbidden to her husband!
- (28) V. previous note.
- (29) Are forbidden to marry priests.
- (30) Who were priests' daughters.
- (31) Lit., 'and lit up our eyes'.
- (32) I.e., the Mishnah infra 53b which was under discussion.
- (33) A priest's daughter who on the death of her husband returns to her father's house and is permitted again to eat terumah. V. Lev. XXII, 12-13.
- (34) Infra 56af. She may not marry a priest even after the death of her husband.
- (35) By our Mishnah.
- (36) I.e., daughters of priests.
- (37) PRIESTHOOD in our Mishnah referring to the right of eating terumah on their return to their parents' home in their widowhood (v. Lev. XXII, 13). V. supra n. 8, and the reading of cur. edd. supra p. 211, n. 8.

Talmud - Mas. Yevamoth 35b

CHAPTER IV

MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE¹ WHO WAS SUBSEQUENTLY FOUND TO BE PREGNANT, AND SHE GAVE BIRTH, HE IS, WHEREVER THE CHILD IS VIABLE,² PERMITTED TO MARRY HER RELATIVES AND SHE IS PERMITTED TO MARRY HIS RELATIVES,³ AND HE DOES NOT RENDER HER UNFIT FOR THE PRIESTHOOD;⁴ BUT WHEREVER THE CHILD IS NOT VIABLE,⁵ THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST.

IF A LEVIR MARRIED HIS DECEASED BROTHER'S WIFE¹ WHO IS FOUND TO HAVE BEEN PREGNANT,⁶ AND SHE GAVE BIRTH, HE, WHEREVER THE CHILD IS VIABLE, MUST⁷ DIVORCE HER. AND BOTH ARE UNDER THE OBLIGATION OF BRINGING AN OFFERING;⁸ BUT IF THE CHILD IS NOT VIABLE, HE MAY RETAIN HER. IF IT IS DOUBTFUL WHETHER IT IS A NINE-MONTHS CHILD OF THE FIRST [HUSBAND] OR A SEVEN-MONTHS CHILD OF THE SECOND [HUSBAND]. SHE MUST BE DIVORCED, AND

THE CHILD IS LEGITIMATE,⁹ BUT THEY ARE UNDER THE OBLIGATION OF AN ASHAM TALUI.¹⁰ GEMARA. It was stated: In the case of a levir who participated In halizah with a pregnant woman who subsequently miscarried, R. Johanan said, She need not perform the halizah with the brothers; and Resh Lakish said: She must perform halizah with the brothers. 'R. Johanan said, She need not perform halizah with the brothers', because the halizah of a pregnant woman¹¹ is deemed to be proper halizah and marital contact with a pregnant woman is deemed to be proper marriage.¹² 'Resh Lakish said: She must perform halizah with the brothers', because the halizah with a pregnant woman is not deemed to be a proper halizah, nor is marital contact with a pregnant woman deemed to be a proper marriage. On what principle do they¹³ differ? — If you wish I might say: In the interpretation of a Scriptural text. And if you prefer I might say: On a logical point. 'If you wish I might say: In the interpretation of a Scriptural text';¹⁴ R. Johanan is of the opinion that the All Merciful said, And have no child,¹⁵ and this man¹⁶ surely has none; while Resh Lakish is of the opinion that And have no [en lo] child¹⁷ implies. 'Hold an inquiry¹⁸ concerning him'.¹⁹ 'And If you prefer I might say: On a logical point'; R. Johanan argues: Had Elijah²⁰ appeared and announced that the woman would miscarry. would she not have been subject to halizah or levirate marriage?²¹ Now also²² the fact is established retrospectively. And Resh Lakish maintains that a fact cannot be said to have been established retrospectively.

R. Johanan raised an objection against Resh Lakish: WHEREVER THE CHILD IS NOT VIABLE THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST. This is quite correct according to my view: Since I maintain that the halizah of a pregnant woman is a proper halizah he, consequently, renders her unfit. According to you, however, who maintain that the halizah of a pregnant woman is not proper halizah, why does he render her unfit to marry a priest? — The other answered him: It²³ is only Rabbinical and it is a mere restriction.²⁴

Others say: Resh Lakish raised an objection against R. Johanan: WHEREVER THE CHILD IS NOT VIABLE THE LEVIR IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES, AND HE RENDERS HER UNFIT TO MARRY A PRIEST. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is not a proper halizah it was justly stated as a restriction,²⁵ that HE RENDERS HER UNFIT TO MARRY A PRIEST but not that 'she requires no halizah from the brothers';²⁶ according to you, however,²⁷ it should have been stated that 'she requires no halizah from the brothers'!²⁸ — The other replied: It should have been indeed;²⁹ only because in the first clause it was stated, HE DOES NOT RENDER HER UNFIT³⁰ it was also³¹ stated in the latter clause, HE RENDERS HER UNFIT.³²

R. Johanan raised an objection against Resh Lakish: IF THE CHILD IS NOT VIABLE, HE MAY RETAIN HER. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is a proper halizah and marital contact³³ with a pregnant woman is a proper marriage. it was rightly stated HE MAY RETAIN HER.³⁴ According to you, however, who maintain that the halizah of a pregnant woman is not a valid halizah and the marital contact³⁵ with a pregnant woman is not a valid marriage, it should have been stated, 'He must repeat contact and only then he may retain her'! — The meaning of HE MAY RETAIN HER is that he must repeat contact and then HE MAY RETAIN HER, but not otherwise.³⁶

Others say: Resh Lakish raised an objection against R. Johanan: IF THE CHILD IS NOT VIABLE HE MAY RETAIN HER. This is quite correct according to my view; since I maintain that the halizah of a pregnant woman is not a valid halizah and marital contact with a pregnant woman is not a valid marriage, it was rightly stated HE MAY RETAIN HER, [meaning that] he must repeat contact and then HE MAY RETAIN HER, since otherwise this³⁷ would not have been permitted.³⁸ According to you,³⁹ however, it should have been stated, 'If he wishes he may divorce her and if he prefers he may continue to live with her'! — It should have been indeed;⁴⁰ only because in the

earlier clause it was stated HE MUST DIVORCE HER, it was also stated in the latter clause HE MAY RETAIN HER.

An objection was raised: 'Where a levir married his yebamah who was found to be pregnant, her rival may not be married, since it is possible that the child would be viable'. On the contrary! If the child were viable her rival would be exempt!⁴¹ — But read: Since it is possible that the child would not be viable.⁴² Now, if it could be imagined that marital contact with a pregnant woman is to be regarded as a valid marriage, why may not her rival be married? She should be exempted through the marital contact of her associate! — Abaye replied: Both⁴³ agree that by marital contact she does not exempt [her rival]; they differ only on the question of halizah. R. Johanan is of the opinion that the halizah of a pregnant woman is a valid halizah, though marital contact with a pregnant woman is not a valid marriage, while Resh Lakish is of the opinion that marital contact with a pregnant woman is no valid marriage, nor is halizah with a pregnant woman a valid halizah. Said Raba: Whatever is your opinion? If marital contact with a pregnant woman is a valid marriage, the halizah of a pregnant woman should be a valid halizah; or if marital contact with a pregnant woman is no valid marriage, the halizah of a pregnant woman also should be no proper halizah; for we have an established rule

- (1) Whose husband died without issue.
- (2) Although the child died soon after.
- (3) Since a viable child was born the halizah is rendered void.
- (4) She, unlike any other haluzah, may marry a priest. V. n. 3 supra.
- (5) I.e., if it was of a premature birth.
- (6) Prior to the levirate marriage.
- (7) Since the levirate marriage should not take place where the deceased brother has had any issue.
- (8) A sin-offering for their unwitting transgression in contracting a forbidden marriage (one's brother's wife) where the precept of the levirate marriage did not apply. V. supra n. 7.
- (9) Since in either case he has been born from a lawful union: If he is a nine-months child he is the legitimate offspring of the deceased brother; and if he is a seven-months child of the surviving brother, the deceased had died without issue and the marriage between the widow and the surviving brother was accordingly lawful.
- (10) The offering prescribed for doubtful trespass. V. Lev. V, 17ff and cf. Ker. 17b.
- (11) Who miscarried.
- (12) The miscarriage proved that the previous halizah or marriage were lawful.
- (13) R. Johanan and Resh Lakish.
- (14) V. Bah a.l. Cur. edd. reverse the order.
- (15) Deut. XXV, 5.
- (16) The deceased whose widow has now miscarried.
- (17) וּבִין אֵין לָא.
- (18) עֵיין 'consider', 'investigate'. The 'Ayin (ע) of עֵיין is interchanged with the Aleph (א) of אֵין.
- (19) Inquire whether the deceased has been survived by any kind of child. Even a miscarriage is deemed to be a child. Cf. B.B., Sonc. ed., p. 474. nn. 6ff.
- (20) The prophet, who could predict the future.
- (21) Of course she would.
- (22) That she has actually miscarried, though after the halizah or levirate marriage.
- (23) The prohibition for the woman to marry a priest.
- (24) One not knowing the circumstances of this particular case would erroneously assume that any other haluzah may also be married to a priest.
- (25) V. supra n. 2. Had not this been specifically stated it might have been assumed that, as the halizah is invalid, she is not rendered unfit at all.
- (26) Because she does.
- (27) Who regard the halizah as valid.
- (28) And the prohibition to marry each other's relatives and his rendering her unfit for a priest would be inferred as self-evident.

- (29) Lit., yes, thus also’.
- (30) The ruling concerning halizah not being applicable in this context, since a viable child was born.
- (31) So in old editions. Cur. edd. omit ‘also’.
- (32) Thus, as in the first clause, omitting all reference to halizah.
- (33) Of the levir.
- (34) Emphasis on MAY. No second contact is necessary after the miscarriage, (since the first was valid) and the levir may also, if he wishes, divorce her.
- (35) Of the levir.
- (36) Lit., ‘it is not enough without such’. V. Emden, a.l. Cur. edd. omit the last two words.
- (37) The option of either retaining or divorcing her.
- (38) Cf. n. 3 supra.
- (39) Who deem the marriage to be valid.
- (40) Lit., ‘yes thus also’.
- (41) And free to marry. since her deceased husband is now survived by a living child, and neither she nor the other widow is subject to halizah or levirate marriage.
- (42) So that his mother as well as her rival would be subject to the levir, the former's previous marital contact, during her pregnancy. being invalid.
- (43) R. Johanan and Resh Lakish.

Talmud - Mas. Yevamoth 36a

that whosoever is subject to the obligation of levirate marriage is also subject to halizah, and whosoever is not subject to the obligation of the levirate marriage is not subject to halizah!¹ Rather, said Raba, it is this that was meant:² Where a levir married his yebamah who was found to be pregnant, her rival may not be married, because it is possible that the child would be viable, and marital contact with a pregnant woman is no proper marriage nor is the halizah of a pregnant woman proper halizah, while the child does not bring exemption until he is actually born.³

It was taught in agreement with the view of Raba: Where a levir married his yebamah who was found to be pregnant, her rival may not be married, because it is possible that the child would be viable, and neither marital contact nor halizah but only the child brings exemption; and the child brings exemption only after he is born.

The reason, then,⁴ is because it is possible that the child might be viable, but where the child is not viable her rival is exempt;⁵ does this imply an objection against Resh Lakish?⁶ — Resh Lakish can answer you [that the Baraitha] is thus to be interpreted:⁷ Where a levir married his yebamah who was found to be pregnant, her rival may not be married; since it is possible that the child may not be viable, and the halizah of a pregnant woman is no valid halizah nor is the marital contact with a pregnant woman a proper marriage; and were you to suggest that one should be guided by the majority of women, and the majority of women bear healthy children, [it could be retorted that] a child brings no exemption until he is actually born.⁸

Said R. Eleazar: Is it possible that there should exist [such a ruling as] that of Resh Lakish and that we should not have learnt it in a Mishnah? When he went out he carefully considered the matter and found one. For we learned: If people came to a woman whose husband and rival had gone to a country beyond the sea and told her, ‘Your husband is dead’,⁹ she may neither be married¹⁰ nor be taken in levirate marriage¹¹ until she has ascertained whether her rival¹² is pregnant.¹³ One can well understand why she may not be taken in levirate marriage, since it is possible that the child¹⁴ may be viable and [the levir] would thus¹⁵ infringe the Pentateuchal prohibition against [marrying] a brother's wife: but why should she not perform the halizah? It is possible to understand the reason why she must not perform the halizah within the nine months¹⁶ and also contract a marriage within nine months,¹⁶ since such [procedure would naturally be forbidden on account of the] doubt;¹⁷ but

let her perform the halizah within the nine months¹⁶ and be married after the nine months!¹⁸ — But even in accordance with your view,¹⁹ let her perform the halizah and be married after the nine months!²⁰ The fact, however, is that nothing may be inferred from this;²¹ for both Abaye b. Abin²² and R. Hinena b. Abin²² stated:²³ It is possible that the child²⁴ might be viable²⁵ and you would then subject her to the necessity of an announcement²⁶ in respect of the priesthood.²⁷ — Well, let her be subjected!²⁸ — It may happen that someone would be present at the halizah and not at the announcement,²⁶ and would form the opinion that a haluzah was permitted to a priest.

Said Abaye to him: Was it stated, ‘She shall neither perform halizah nor be taken in levirate marriage’? The statement, surely, was, ‘She shall neither be married nor be taken in levirate marriage’²⁹ without halizah; if halizah, however, had been performed³⁰ she would indeed have been permitted!³¹

It was taught in agreement with Resh Lakish: Where a levir participated in the halizah with a pregnant woman who subsequently miscarried, she is required to perform halizah with the brothers.

Raba said: The law is in accordance with the views of Resh

!!

If on the other hand, a viable child had been born, exemption took effect at his birth, and subsequent marriage would consequently be lawful. As the Mishnah, however, forbids halizah and marriage even after the nine months, unless definite information about the rival had been received, it must be assumed to represent the view of Resh Lakish who deems a halizah invalid wherever the child is not viable and the ceremony took place during pregnancy. Lakish in the following three rulings.³² One is the ruling just spoken of. Another is his ruling in connection with the following Mishnah:³³ If a man³⁴ distributed his property verbally³⁵ and gave to one [son] more and to another less, or if he assigned to the firstborn a share equal to that of his brothers,³⁶ his arrangements are valid.³⁷ If, however, he said, ‘As an inheritance’,³⁸ his instructions are disregarded.³⁹ If he wrote⁴⁰ either at the beginning or the end or the middle, ‘as a gift’,⁴¹ his instructions are valid.⁴²

(1) Supra 3a.

(2) By the Baraitha cited.

(3) Lit., ‘he went forth into the air of the world’.

(4) Why the rival is not exempt.

(5) On the strength of the marital contact which took place prior to the miscarriage of the child, no repeated contact being necessary.

(6) Who does not regard the marital contact of a pregnant woman as a valid marriage

(7) Lit., ‘thus he taught’.

(8) Lit., ‘he went forth unto the air of the world’.

(9) And has left no issue.

(10) To a stranger.

(11) By the levir.

(12) Who went together with her husband.

(13) Infra 119a. Only if she learns that her rival is not pregnant may she contract the levirate marriage.

(14) That might be born from the rival.

(15) By marrying the widow of his brother who did not die without issue.

(16) After the death of her husband.

(17) It being uncertain whether the child would be viable or not. Should he be viable, neither the halizah nor the marriage would be valid, while exemption on his account would not come into force until his actual birth.

(18) This should be permitted according to the view of R. Johanan at all events: If the rival had been pregnant and miscarried or had not been pregnant at all, the halizah was, surely, valid.

- (19) That halizah is forbidden because of the possibility that the rival was pregnant at the time halizah took place.
- (20) When all doubt as to pregnancy would have been removed. Why, then, has it been stated that she may not marry until she had ascertained (even though many years have passed), whether her rival had been pregnant.
- (21) Mishnah. Lit., 'but outside of that'. No support to the view of Resh Lakish may be derived from it.
- (22) Cur. edd., 'Abaye'.
- (23) The reason why no halizah may take place.
- (24) Of the rival.
- (25) The birth of a viable child renders the halizah invalid and the woman is consequently permitted to marry a priest.
- (26) That the halizah was unnecessary and therefore invalid.
- (27) V. supra n. 7.
- (28) Lit., 'required'.
- (29) [Rashi apparently omits this and reads: 'She shall neither be married' without halizah].
- (30) Even within nine months.
- (31) To marry at the end of that period; the Baraita will then afford no support to Resh Lakish.
- (32) B.B. 129b, Hul. 77a.
- (33) Lit., 'because we learned'.
- (34) Lying on his death-bed.
- (35) I.e., explicitly intimated his desire and did not die intestate (v. Rashi, a.l.).
- (36) Lit., 'he made the firstborn equal to them', though Biblically he is entitled to a double portion.
- (37) Lit., 'his words stand', because a man is entitled to dispose of his property, as a gift, in any manner that may appeal to him.
- (38) I.e., if he distributed the shares as portions of an inheritance and not as gifts.
- (39) Lit., 'he said nothing'. One has no right to give instructions which are contrary to the law of the Torah which entitled every son to a portion and the firstborn to a double portion in the father's estate.
- (40) In disposing of his property in a written will.
- (41) I.e., used an expression denoting 'gift', even though it was accompanied by one denoting 'inheritance'. If he wrote, for instance, let a certain field (a) be presented to X that he may inherit it (beginning), or (b) inherited by X and be presented to him that he may inherit it (middle), or (c) be inherited by X and be presented to him (end).
- (42) B.B. 126b. V. supra note 6. So long as the expression of 'gift' was used, the other expression of 'inheritance' that may have been coupled with it, does not in any way affect the validity of the testator's instructions.

Talmud - Mas. Yevamoth 36b

And [in connection with this] Resh Lakish stated: No possession is ever acquired,¹ unless the testator had said, 'Let X and Y inherit this and that particular field which I have assigned to them as a gift, so that they may inherit them'.² And the third³ is his ruling in connection with the following Mishnah:⁴ If a man assigned all his estate, in writing, to his son⁵ [to be his]⁶ after his⁷ death, the father may not sell it⁸ because it is assigned to the son, and the son may not sell it because it is in the possession of the father. If the father sold the estate, the sale is valid until his death.⁹ If the son sold it, the buyer has no claim whatsoever upon it until the father's death.¹⁰ And it was stated: If the son sold the estate¹¹ during the lifetime of his father, and died while his father was still alive, R. Johanan said: The buyer does not acquire ownership;¹² and Resh Lakish said: The buyer does acquire ownership.¹³ R. Johanan said that 'the buyer does not acquire ownership', because possession of usufruct is like possession of the capital;¹⁴ and Resh Lakish said that 'the buyer does acquire ownership', because possession of usufruct is not like possession of the capital.¹⁵

BUT IF THE CHILD IS NOT VIABLE etc. A Tanna taught: It has been said in the name of R. Eliezer that¹⁶ he must put her out by means of a letter of divorce.¹⁷

Said Raba: R. Meir and R. Eliezer taught the same law.¹⁸ R. Eliezer, in the ruling just mentioned, R. Meir [in the following Baraita] wherein it was taught: A man shall not marry the pregnant, or nursing wife of another;¹⁹ and if he married, he must put her out and never remarry her; so R. Meir.

But the Sages said: He shall let her go.²⁰ and at the proper time²¹ he may marry her again.²²

Abaye said to him:²³ How do you arrive at such a conclusion which may possibly be wrong?²⁴ R. Eliezer's ruling might extend to the present case²⁵ only because the levir is encroaching²⁶ upon the prohibition of 'brother's wife', which is Pentateuchal,²⁷ but there,²⁸ where the prohibition is only Rabbinical,²⁹ he may hold the same view as the Rabbis. Alternatively, it is possible that R. Meir's ruling extends only to that case because the prohibition is Rabbinical,²⁹ and the Sages have given more force to their provisions than to those which are Pentateuchal,³⁰ but not to the case here,³¹ where the prohibition is Pentateuchal,²⁶ and people as a rule keep away from it.³²

Raba said: Even according to the ruling of the Rabbis³³ he must let her go from him by means of a letter of divorce.³⁴ Said Mar Zutra: This may also be deduced, since the expression used was 'he shall put her out'³⁵ and not 'he shall let her part'.³⁶ This proves it.

R. Ashi said to R. Hoshiaia son of R. Idi: 'Elsewhere it was taught.'³⁷ "R. Simeon b. Gamaliel said: Any human child³⁸ that survived for thirty days cannot be regarded as a miscarriage.³⁹ Had he not lived so long,⁴⁰ however, he would have been a doubtful case.⁴¹ But it was also stated: Where he⁴² died within thirty days⁴³ and she⁴⁴ was subsequently⁴⁵ betrothed,⁴⁶ Rabina said in the name of Raba that if she⁴⁴ was the wife of an Israelite⁴⁷ she must perform the halizah⁴⁸ and if she was the wife of a priest⁴⁹ she must not perform the halizah.⁵⁰ R. Mesharsheya⁵¹ said in the name of Raba: The one as well as the other must perform the halizah. Said Rabina to R. Mesharsheya:⁵¹

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- (1) Where two fields were given to two persons and the expression of 'inheritance was used together with that of 'gift'.
 - (2) Both acquire possession of the respective fields because the testator had used the expression, 'which I have assigned to them as a gift', implying that the gift was made before it was assigned as an 'inheritance' (v. R. Gershom, B.B. 129a).
 - (3) Lit., 'and the other', the third ruling of Resh Lakish, which is an accepted halachah.
 - (4) Lit., 'because we learned'.
 - (5) Inserting the formula 'From this day and after my death'. The law that follows applies also to a gift made by any other person.
 - (6) The sons.
 - (7) The testator's.
 - (8) Either the land or its produce.
 - (9) Lit., 'sold until he dies'. Until then only may the buyer enjoy its usufruct.
 - (10) B.K. 88b, B.B. 1362.
 - (11) Assigned to him by his father for possession after his death.
 - (12) Even after the father's death, since the estate has never come into the son's possession.
 - (13) After the death of the father, as the representative of the son, who, were he alive, would have been entitled to the inheritance.
 - (14) Since the usufruct was in the ownership of the father, the capital, i.e., the soil, is also regarded as being in his possession, and the son, therefore, during the lifetime of his father is not entitled to transfer it to the buyer.
 - (15) B.K. l.c., B.B. 136af. The soil, therefore, was the undisputed property of the son who, consequently, was fully entitled to transfer it to the buyer.
 - (16) Contrary to the law of our Mishnah which allows the levir to continue his connubial association with his sister-in-law wherever the child is not viable.
 - (17) Though the death of the child has proved retrospectively that the levirate marriage was lawful, divorce is imposed upon such a union as a penalty for contracting it at a time when, owing to the uncertainty of the result of the pregnancy, it was of doubtful legality.
 - (18) Lit., 'said one word', that the penalty of divorce is imposed upon any union the legality of which was doubtful at the time the marriage was contracted.
 - (19) Though she is now a widow or divorced.
 - (20) V. infra for meaning.
 - (21) Lit., 'and when his time to marry arrives', i.e. at the end of the period of twenty-four months allowed for the nursing

of a child.

(22) Sot. 262.

(23) Raba.

(24) Lit., 'from what? perhaps it is not (so)'.

(25) Lit., 'R. Eliezer did not so far say (his ruling) here'.

(26) It being possible that the child would be viable.

(27) For such a serious offence a penalty is rightly imposed.

(28) Marriage with an expectant. or nursing mother.

(29) Biblically one need not wait twenty-four months before marrying her.

(30) As people might be lax in the observance of a Rabbinical law it was necessary to impose a penalty for its non-observance.

(31) Marriage with an expectant yebamah.

(32) Or 'her', i.e., from marrying an expectant yebamah. No penalty. therefore, need be imposed upon an occasional offender.

(33) Who permit marriage after the period of twenty-four months had elapsed.

(34) Mere separation is not enough.

(35) **יוציא** Hif. of **יצא** 'to go out'.

(36) **יפיש** Hif. of **פרש** 'to separate'.

(37) Cf. Tosaf. Hul. 87b, s.v. **תנן** and Bek. 49a s.v. **מת**. Cur. edd., 'we learned'.

(38) Of doubtful premature birth. Lit., 'among man', opp. to cattle mentioned in the final clause.

(39) Tosef. Shab. XVI, Shab. 135b, Nid. 44b, infra 80b; and consequently exempts his mother from levirate marriage and halizah. In the case of a mature birth (cf. prev. note) the child exempts his mother on the first day of his birth. (V. Nid. 43b).

(40) [Rashi: By dying a natural death; Tosaf. If he was killed; for if he died a natural death within thirty days even the Rabbis would regard him as a miscarriage, v. Tosaf, s.v. **היא**].

(41) And his mother would have had to perform halizah only, but would not have been allowed to contract the levirate marriage.

(42) The child of a sister-in-law whose husband had died without having left any other issue.

(43) Of his birth.

(44) His mother, the widow of his deceased father.

(45) Lit., 'stood up.'

(46) To a stranger; believing that the birth of the child was sufficient to exempt her from the obligations of the levirate marriage and the halizah.

(47) I.e., if the man who betrothed her was an Israelite who may marry a haluzah.

(48) With the levir.

(49) Cf. supra 8. A priest may not marry a haluzah.

(50) Were she to perform it. her husband could not subsequently be allowed to live with her. Hence she is granted exemption from halizah by virtue of the child's birth alone.

(51) Var. lec. 'Sherabya', v. Shab. 136b.

Talmud - Mas. Yevamoth 37a

Raba said so¹ in the evening, but on the following morning he retracted.² The other exclaimed, "So you have permitted;³ would that you permitted also abdominal fat!"⁴ Now, what is the law here in respect of the pregnant, or nursing wife of another man who was married to a priest? Did the Rabbis make any provision for a priest⁵ or not?' — The other⁶ replied:⁷ What a comparison!⁸ [The distinction]⁹ is well justified there;¹⁰ since the Rabbis differ from R. Simeon b. Gamaliel in maintaining that the child is deemed to be sound even though he did not live long enough,¹¹ we may, in the case of a priest's wife, where no other course is open,¹² act in accordance with the view of the Rabbis.¹³ Here,¹⁴ however, in accordance with whose view could we act? If in accordance with that of R. Meir, he surely stated that he¹⁵ must put her out and never remarry her! And if in accordance with the view of the Rabbis, they, surely, stated [that she must be sent away] by means of a letter of

divorce!¹⁶

It was stated: [The case of the man who] betrothed a woman¹⁷ within the three [months]¹⁸ and fled, is one concerning which R. Aha and Rafram are at variance. One holds that the man is to be placed under the ban,¹⁹ but the other holds that his flight is sufficient.²⁰ Such an incident once happened, and Rafram ruled,²¹ 'His flight is sufficient'.²⁰

IF IT IS DOUBTFUL WHETHER IT IS A NINE-MONTHS CHILD etc. Said Raba to R. Nahman. Let the ruling be that one is to go by the majority of women, and the majority of women bear at nine months!²² — The other replied: Our women bear at seven months. 'Are your women', the first retorted, 'the majority of the world'! — 'What I mean', the other replied, 'is this: Most women bear at nine months and a minority at seven, and the embryo in the case of every woman who bears at nine is recognizable after a third of the period of her pregnancy;²³ and in the case of this woman, since her embryo was not recognized after a third of the period of her pregnancy²³ [her presumption to belong to] the majority is impaired'.

If in the case of every woman, however, who bears at nine the embryo is recognizable after a third of the period of her pregnancy. it is obvious that with this [woman], since her embryo had not been recognized after a third of the period of her pregnancy, it must be a seven-months child of the second²⁴ husband! — But say rather: When a woman bears at nine months, her embryo in most cases is recognizable after a third of her pregnancy. and with this woman, since her embryo was not recognized after a third of the period of her pregnancy, [her presumption to belong to] the majority is impaired.

Our Rabbis taught: The first [child]²⁵ is fit to be a High priest,²⁶ and the second²⁷ is deemed a bastard owing to his doubtful origin.²⁸ R. Eliezer b. Jacob said: He is not of doubtful bastardy.²⁹ What does he³⁰ mean?³¹ — Abaye replied: It is this that he meant, 'The first child²⁵ is fit to be a High priest²⁶ while the seconds is one of doubtful bastardy²⁹ and is consequently forbidden to marry a bastard.³² R. Eliezer b. Jacob said: He is not one of doubtful bastardy but an assured bastard, and is consequently permitted to marry a bastard'. Raba replied: It is this that was meant: 'The first³³ is fit to be a High priest³⁴ and the second,³⁵ on account of his doubtful origin,³⁶ is deemed to be an assured bastard and is consequently permitted to marry a bastard; but R. Eliezer b. Jacob said: He cannot be deemed an assured bastard on account of his doubtful origin;³⁶ he is, however, regarded as one of doubtful bastardy and is consequently forbidden to marry a bastard.³⁷ And they³⁸ differ in [the interpretation of a ruling] of R. Eleazar. For we learned: 'R. Eleazar said, persons of confirmed illegitimacy may [intermarry] with others of confirmed illegitimacy, but those of confirmed illegitimacy may not intermarry with those of doubtful illegitimacy;³⁹ nor those of doubtful, with those of confirmed illegitimacy; nor those of doubtful, with others of doubtful illegitimacy. And the following are of doubtful legitimacy: The shethuki,⁴⁰ the asufi⁴¹ and the Samaritan.⁴² And [in connection with this] Rab Judah stated in the name of Rab, 'The halachah is in accordance with the ruling of R. Eleazar, but when I stated this in the presence of Samuel⁴³ he said to me, "Hillel taught that the following ten different genealogical classes went up from Babylon:⁴⁴ priests, Levites, Israelites, profaned priests,⁴⁵ proselytes, emancipated slaves, bastards, nethinim,⁴⁶ shetkuki⁴⁰ and asufi,⁴¹ and all these may inter marry",⁴⁷ and you state that the halachah is in accordance with the ruling of R. Eleazar'⁴⁸ Now Abaye upholds the opinion of Samuel who stated that the halachah is in agreement with the ruling of Hillel and consequently brings the ruling of R. Eliezer b. Jacob into harmony with the halachah so that there may be no contradiction between the one halachah and the other.⁴⁹ Raba, on the other hand, upholds the opinion of Rab who stated that the halachah is in agreement with the ruling of R. Eleazar, and so he brings the ruling of R. Eliezer b. Jacob into harmony with the halachah in order that there may be no contradiction

(1) That halizah must be performed even where the husband is a priest (R. Mesharsheya's version).

- (2) Exempting the widow from halizah where a priest is involved (Rabina's version).
- (3) Var. lec. 'permitted it'.
- (4) Shab. 136af.
- (5) That temporary separation until the twenty-four months had elapsed shall suffice and that, unlike an Israelite, the priest shall not be required to give a divorce. If an Israelite gives a divorce in such circumstances he may remarry the woman after the lapse of the forbidden period. A priest, however, being forbidden to marry a divorced woman, would never again be allowed to remarry her once she had been divorced.
- (6) R. Hoshaia.
- (7) To R. Ashi.
- (8) Lit., 'thus now'.
- (9) Between an Israelite and a priest.
- (10) Where the child died within the first thirty days of his life and his mother was betrothed to a stranger.
- (11) The full thirty days.
- (12) Since a priest is forbidden to marry a divorced woman.
- (13) In regarding the child as viable and thus exempting the mother from the levirate marriage and halizah.
- (14) Where the levir married his sister-in-law while she was an expectant, or nursing mother.
- (15) The levir.
- (16) V. supra 36b and cf. p. 229, nn. 16 and 17.
- (17) An expectant, or nursing mother who was a widow or divorcee.
- (18) After she became a widow or divorcee.
- (19) Until he consents to divorce the woman.
- (20) He need not be compelled to give her a divorce, and no penalty need be imposed upon him, since his flight may be taken as an indication that it was not his intention to live with her before the lapse of a period of twenty-four months after the birth of a child.
- (21) Lit., 'said to them'.
- (22) The child would consequently be deemed to be the son of the first husband, and the marriage of his mother with the levir would be a forbidden union. The levir who thus married unlawfully his brother's wife should bring a sin-offering and not, as stated in our Mishnah, an asham talui.
- (23) Lit., 'her days'.
- (24) Lit., 'last'.
- (25) Born from the levirate marriage, and in respect of whom it is doubtful whether he is a nine-months child of the deceased or a seven-months one of the levir.
- (26) His legitimacy is beyond all doubt. If he is the son of the deceased brother he is legitimate, though the subsequent levirate marriage is a forbidden one; and if he is the son of the levir, the levirate marriage itself is a lawful union.
- (27) Any child after the first, born from the levirate marriage.
- (28) It being possible that the first child was the son of the deceased, and that the levirate marriage was consequently forbidden under the penalty of kareth. Children born from such a union are bastards.
- (29) Cur. edd., 'There is no bastard on account of doubt'.
- (30) R. Eliezer b. Jacob.
- (31) Does he imply that one cannot be described as a bastard unless his illegitimacy is a certainty?
- (32) Since it is equally possible that he himself is not a bastard. (11) So Bah a.l. cur. edd. omit the last two words.
- (33) V. supra p. 232, n. 3.
- (34) V. loc. cit. n. 4.
- (35) V. loc. cit. n. 5.
- (36) V. loc. cit. n. 6.
- (37) Since it is equally possible that he himself is not a bastard.
- (38) Abaye and Raba in their differing explanations of the Baraita cited.
- (39) Since it is possible that a person of doubtful legitimacy may in fact be legitimate, and by marrying one whose illegitimacy is established a bastard, contrary to Pentateuchal law, would be 'admitted into the congregation'. (V. Deut. XXIII, 3).
- (40) שתוקי (rt. שתק 'to be silent'), he who knows his mother but does not know who was his father (v. Kid. 6); who 'keeps silent' about his origin.

- (41) אֲסוּפֵי (rt. אָסַף 'to gather') a child picked up in the street, and whose fatherhood and motherhood are unknown (v. Kid. l.c.); 'a foundling'.
- (42) Kid. 74a. In all these cases the legitimacy is doubtful: in the first two, because the father is unknown; and in the last, because the Samaritans did not observe all the laws of betrothal, and any Samaritan might be the issue of an illicit union between his father and a woman who had been legally betrothed to another man.
- (43) After Rab's death, where Rab Judah joined Samuel's academy for a short period.
- (44) To Judaea, in the days of Ezra.
- (45) Priests born from a forbidden union (cf. Lev. XXI, 7).
- (46) נַתִּינִים, plur. of nathin, v. Glos.
- (47) I.e., each class may intermarry with at least one other class.
- (48) Kid. 75a. How, in view of Hillel's ruling (v. supra n. 1), could the halachah be said to be in agreement with the view of R. Eleazar according to whom certain classes, not being of confirmed illegitimacy, could never intermarry!
- (49) The halachah is always determined by the teachings of R. Eliezer h. Jacob whose information was well sifted and authoritative. (V. Git. 67a).

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between one halachah and the other.

Said Abaye: Whence do I infer that R. Eliezer b. Jacob treats any doubtful case as a certainty? — [From] what was taught: R. Eliezer b. Jacob said, 'Behold, when a man has intercourse with many women and does not know with which particular woman¹ he had intercourse, and, similarly, when a woman with whom many men had intercourse does not know to which particular man her conception is due, the consequences are that a father will be marrying his daughter and a brother his sister, and the whole world will be filled with bastards,² and concerning this it was said, And the land became full of lewdness'.³ And Raba?⁴ — He can answer you: It is this that was meant, 'What might be the result'?⁵

More than that⁶ was said by R. Eliezer b. Jacob: A man shall not marry a wife in one country and then proceed to marry one in another country, since [their children]⁷ might marry one another and the result might be that a brother would marry his sister.⁸

But, surely, this could not be [the accepted ruling], for Rab, whenever he happened to visit Dardeshir,⁹ used to announce, 'Who would be mine¹⁰ for the day'! So also R. Nahman, whenever he happened to visit Shekunzib,¹¹ used to announce, 'Who would be mines for the day'!¹² — The Rabbis came under a special category since they are well known.¹³

But did not Raba say: A woman who had an offer of marriage and accepted must allow a period of seven ritually clean days to pass!¹⁴ — The Rabbis sent their representatives and these presented the announcements to the women.¹⁵ And if you prefer I might say: The Rabbis only had them¹⁶ in their private rooms;¹⁷ for the Master said, 'He who has bread in his basket cannot be compared to him who has no bread in his basket'.¹⁸

A Tanna taught: R. Eliezer b. Jacob said: A man must not marry a woman if it is his intention to divorce her, for it is written, Devise not evil against thy neighbour, seeing he dwelleth securely by thee.¹⁹

If the 'doubtful son'²⁰ and the levir came to claim a share²¹ in the estate of the deceased,²² the 'doubtful son' pleading, 'I am the son of the deceased and the estate is mine', while the levir pleads, 'You are my son and you have no claim whatsoever upon the estate', it is a case of money of doubtful ownership,²³ and money the ownership of which is doubtful must be divided.²⁴

Where the ‘doubtful son’²⁰ and the sons of the levir came to claim their share²¹ in the estate of the deceased, the ‘doubtful son’ pleading, ‘I²⁵ am the son of the deceased and the estate is mine while the sons of the levir plead, ‘You are our brother and you have only a share equal to ours’, it was the intention of the Rabbis to submit to R. Mesharsheya that this was a case [identical with that] of a Mishnah wherein we learned, ‘He²⁶ does not inherit from them²⁷ but they inherit from him’,²⁸ since here the case is just the reverse:²⁹ There they tell him, ‘produce proof and take [your share]’³⁰ while here he tells them, ‘produce proof and take your share’.³¹ R. Mesharsheya, however, said to them, ‘Are [the two cases] equal? There, their claim is a certainty³² while his is doubtful,³³ while here both are doubtful!³⁴ If, however, a case is to be compared to a Mishnah it is to the following: That of a ‘doubtful son’³⁵ and the sons of the levir who came to claim³⁶ shares in the estate of the levir himself, where they can say to him: produce proof that you are our brother and take your share’.³⁷

If a ‘doubtful son’³⁵ and the sons of the levir came to claim³⁶ their shares in the estate of the levir after the levir had received his share in the estate of the deceased, the sons of the levir pleading, ‘produce proof that you are our brother and you will receive [your share]’, the ‘doubtful son’ can tell them, ‘Whatever you wish: If I am your brother, give me a share among you;³⁸ and if I am the son of the deceased, return to me the half which your father received when he shared the estate with me’.

Said R. Abba in the name of Rab: The judgment must stand.³⁹ R. Jeremiah said: The judgment is to be reversed.⁴⁰

May it be suggested that they⁴¹ differ on the same principle as that which underlies the dispute between Admon and the Rabbis? For we learned: If a man went to a country beyond the sea and [in his absence] the path to his field was lost,⁴² he shall, Admon said, use the shortest cut;⁴³ but the Sages said: He must purchase a path even though it will cost him a hundred maneh or else fly in the air.⁴⁴ And in discussing this [Mishnah it was pointed out] against the Rabbis that Admon was perfectly right; and Rab Judah replied in the name of Rab that here it is a case where [the fields of] four persons surrounded it on its four sides.⁴⁵ But [it was asked] what is Admon's reason? And Raba replied: Where four persons⁴⁶ derive their rights of possession from four persons⁴⁷ or where four persons derive it from one⁴⁵ all agree that these⁴⁸ can refuse⁴⁹ him; the dispute only concerns one person who derived his rights from four. Admon is of the opinion that he⁵⁰ can tell him, ‘At all events⁵¹ my path is in your fields’,⁵² while the Rabbis hold that the other can answer him, ‘If you will keep quiet, well and good;⁵³ and if not, I will return the deeds to their original owners whom you will have no chance to call to law’.⁵⁴ May it, then, be suggested that R. Abba⁵⁵ holds the view of the Rabbis⁵⁶ and R. Jeremiah⁵⁷ that of Admon?⁵⁸ R. Abba can tell you: I may even hold the view of Admon; he made his ruling there⁵⁹ only because he⁶⁰ can say to him,⁶¹ ‘Whatever you wish to plead,

(1) Among those who had issue from their unlawful connection.

(2) Thus it has been shewn that, according to R. Eliezer b. Jacob, even persons of doubtful illegitimacy are described as ‘bastards’.

(3) זמרה Lev. XIX, 29, Tosef. Kid. I.

(4) How could he maintain a ruling which is contrary to the statement of R. Eliezer b. Jacob just quoted?

(5) מה היא Lit., ‘this, what is it’, a play on the word זמרה (cf. Ned. 51a), i.e., R. Eliezer b. Jacob implies the possibility that the consequences might be the bringing of bastards into the world; not that all the issue would be deemed confirmed bastards.

(6) I.e., not only did he denounce indiscriminate intercourse, as has just been shewn, but he also forbade lawful marriage wherever its consequences might lead to moral chaos.

(7) Born in different parts of the world and knowing nothing of each other's parentage.

(8) Yoma 18b.

(9) [Ardashir, a town near Mahuza. V. Obermeyer pp. 164ff and 175, n. 1.].

(10) By marriage.

(11) [A town on the eastern bank of the Tigris, v. op. cit. p. 190].

- (12) Yoma l.c. [Rashi: 'for the days' (plur.). He was anxious to establish a home in Shekunuzib which he often visited on business affairs and consequently wished to secure a wife to bless his home whenever he would stay there, v. Obermeyer, p. 191].
- (13) Should there be any issue from their marriages, in whatever part of the world this might happen, it will be well known to everybody who the father is.
- (14) Nid. 662; because it is possible that the excitement of the proposal and its acceptance has produced menstrual flow, and the woman has thus become levitically unclean. How, then, could the Rabbis mentioned marry on the very day on which their announcements were made?
- (15) Seven days prior to the Rabbis' arrival.
- (16) The women they married for the day.
- (17) Rt. **תתי** B.H. **תתס**, 'to be alone with one other person'; but no connubial intercourse took place.
- (18) Yoma loc. cit., Keth. 62b. The consciousness of having no bread at all intensifies the pangs of hunger, while the presence of bread in the basket, and the knowledge that it may be enjoyed at any moment, mitigates the craving. Similarly, the consciousness of the presence of one's own wife mitigates the sensual desires.
- (19) Prov. III, 29; v. Git. 90a.
- (20) A son of whom it is not known whether he was a nine-months child of the deceased, or a seven-months one of the levir. (V. our Mishnah).
- (21) Lit., 'to divide', or 'to dispute'.
- (22) Who died without issue and whose expectant wife had married the levir and bore this 'doubtful son'.
- (23) Lit., 'which is thrown into doubt'; none of the disputants has any claim superior to that of the other.
- (24) Between the claimants.
- (25) Lit., 'that man'.
- (26) The son concerning whom it is uncertain whether he was a nine months child of his mother's first, or a seven-months child of her second husband. Cf. supra n. 2.
- (27) Neither from the sons of his mother's first, nor from those of her second husband. As his claim is indefinite, since he cannot possibly know who his father really was, each group of heirs, whose claim to the estate of their respective fathers is definite and certain, can plead that he is not the son of their father.
- (28) Infra 100b. When he dies, the two groups of brothers, since they have exactly equal claims upon his estate, are entitled to equal shares in it.
- (29) While in the Mishnah cited their claim is certain and his is not, in this case his claim is certain while theirs is not. His claim is certain since at all events he is entitled either to all the estate (if he is the son of the deceased) or to a part at least (if he is the son of the levir), their claim, however, is doubtful since it is possible that he is the son of the deceased and they, as the sons of the levir, have no claim whatsoever upon the estate.
- (30) Cf. supra note 9.
- (31) Cf. supra p. 236, n. 11.
- (32) They know exactly whose children they are and by virtue of whose rights they advance their claims.
- (33) He is not sure whose son he is.
- (34) He himself whose claim to heirship is certain is also in doubt as to who exactly his father was and by virtue of whose rights he is entitled to the estate.
- (35) V. supra p. 236, n. 2.
- (36) V. loc. cit. n. 3.
- (37) Here, as in the Mishnah, one claim is a certainty (that of the sons of the levir) while the other (that of the 'doubtful son') is not.
- (38) And the half he already received he would return. This, of course, applies to the case only where one share in the levir's estate exceeds half the estate of the first deceased brother.
- (39) Once the levir received a half of the estate of his deceased brother it cannot again be taken away from his heirs. The second claim of the 'doubtful son' is, therefore, invalid.
- (40) The sons of the levir must either return to the 'doubtful son' the half which their father had received or allow him in their father's estate a share equal to theirs.
- (41) R. Abba and R. Jeremiah.
- (42) It being unknown in which of the surrounding fields it lay.
- (43) He must be allowed a short path through one of the surrounding fields. V. infra for further explanation.

(44) Keth. 109b.

(45) So that each person can plead that it was not in his field, but in one of the others, that the lost path lay.

(46) The respective owners of the four surrounding fields.

(47) Who presented or sold the fields to them.

(48) The present four owners.

(49) Lit., 'reject'.

(50) Whose path was lost.

(51) In whichever field it was lost,

(52) Hence he is entitled to the short cut.

(53) Lit., 'you will keep quiet'. He will sell him a path at a reasonable price (Rashi). Cf., however, Tosaf. s.v. דאמר.

(54) Lit., 'and you will not be able to talk law with them'. V. supra note 3.

(55) Who does not allow the alternative claim of the 'doubtful son'.

(56) Who also disallow the alternate claim of the loser of the field.

(57) Who admits the alternative claim of the 'doubtful son'.

(58) Who also admits the alternative claim in the case of the lost path.

(59) The case of the lost path.

(60) The loser of the path.

(61) The present owner of the fields.

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my only path lies in your fields', but could such a plea be advanced here! And R. Jeremiah can tell you: I may uphold even the view of the Rabbis, for the Rabbis made their ruling there only because he can tell him, 'If you keep silence, well and good, and if not I will return the deeds to their original owners and you will have no chance to call them to law', but could such a plea be advanced here!

Where a 'doubtful son'¹ and a levir came to claim their shares² in the estate of the grandfather,³ the former⁴ pleading, 'I am⁵ the son of the deceased and half of the estate belongs, therefore, to me', while the levir pleads, 'You are my own son and you have, therefore, no share whatsoever', the levir's claim being a certainty⁶ and that of the 'doubtful son' a doubtful one,⁷ doubt may not supersede⁸ a certainty.

Where the 'doubtful son'¹ and the sons of the levir came to claim their shares² in the estate of their grandfather,⁹ the former⁴ pleading, 'I am⁵ the son of the deceased and half of the estate is, therefore, mine'¹⁰ while the sons of the levir plead, 'You are our brother and you have a share like one of us',¹¹ they receive the half which he concedes to them while he receives the third¹² which they concede to him, and thus a sixth¹³ remains,¹⁴ which, being property¹⁵ of uncertain ownership, is to be equally divided.¹⁶

Where the grandfather¹⁷ and the levir [claim their shares] in the estate of the 'doubtful son' or where the grandfather¹⁷ and the 'doubtful son' [claim their shares] in the estate of the levir, the estate is to be regarded as money of uncertain ownership and is to be equally divided.¹⁶ MISHNAH. IF A WOMAN AWAITING [THE DECISION OF] THE LEVIR¹⁸ CAME INTO THE POSSESSION OF¹⁹ PROPERTY,²⁰ BETH SHAMMAI AND BETH HILLEL AGREE THAT SHE MAY SELL IT OR GIVE IT AWAY, AND THAT HER ACT IS LEGALLY VALID. IF SHE²¹ DIED, WHAT SHALL BE DONE WITH HER KETHUBAH²² AND WITH PROPERTY THAT COMES IN AND GOES OUT WITH HER?²³ BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND²⁴ ARE TO SHARE IT²⁵ WITH THE HEIRS OF HER FATHER;²⁶ AND BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS, [HENCE] THE KETHUBAH IS TO REMAIN IN THE POSSESSION OF THE HEIRS OF THE HUSBAND WHILE THE PROPERTY WHICH COMES IN AND GOES OUT WITH HER²³ REMAINS IN THE POSSESSION OF THE HEIRS OF HER FATHER.²⁷ WHERE HE MARRIED HER,¹⁸ SHE IS

DEEMED TO BE HIS WIFE IN EVERY RESPECT SAVE THAT HER KETHUBAH REMAINS A CHARGE ON HER FIRST HUSBAND'S ESTATE.

GEMARA. Wherein does the first clause²⁸ in which there is no dispute between them²⁹ differ from the final clause³⁰ in which they²⁹ do dispute?³¹ 'Ulla replied: The first clause deals with a woman who became subject to the levirate marriage³² while betrothed, and the final clause with one who became subject to the levirate marriage³² while married. And 'Ulla is of the opinion that the levirate bond³³ of a betrothed woman renders her 'doubtfully betrothed'³⁴

(1) V. supra p. 236, n. 2.

(2) V. loc. cit. n. 3.

(3) Of the 'doubtful son', the father of the levir and the deceased.

(4) Lit., 'the doubtful'.

(5) Lit., 'that man'.

(6) He knows exactly by virtue of whose, and by virtue of what rights he advances his claim, and he may consequently be regarded as being in actual possession of the estate.

(7) He cannot in any way be sure whose son he is and by virtue of whose rights his claim is advanced.

(8) Lit., 'take out'.

(9) Cf. supra note 3.

(10) Since it is to be divided into two equal shares between the two sons of the deceased.

(11) If for instance, the total number of brothers was three, he is entitled, they claim, to a third of the estate only, and not to a half,

(12) V. note 13 supra.

(13) דַּנְקָא, a sixth of a denar, hence a 'sixth' generally.

(14) $1 - (1/2 + 1/3) = 1/6$.

(15) Lit., 'money'.

(16) Between the claimants.

(17) V. supra note 3.

(18) שׁוֹמֵרֵת יָבָם the widow of a deceased brother during the period intervening between the death of her husband and the halizah or marriage with the levir.

(19) Lit., 'there fell to her'. The assumption now is that this occurred during her 'waiting period'. v. supra n. 1,

(20) Bequeathed to her by her father or presented to her as a gift

(21) V. supra note 1.

(22) V. Glos.

(23) Her melog property. v. Glos.

(24) Who is heir to his wife. Husband in this context _ levir.

(25) In the Gemara it is explained that this refers to the melog property only. In respect to the kethubah Beth Shammai agree with Beth Hillel.

(26) It being a matter of doubt whether the levirate bond with the levir constitutes such a close relationship as that of an actual marriage, the right of heirship as between her husband's heirs and hers cannot be definitely determined and the property must, therefore, be equally divided between them.

(27) For further notes v. Keth., Sonc. ed. pp. 507 ff.

(28) The case where the widow is alive.

(29) Beth Shammai and Beth Hillel.

(30) Where the widow had died.

(31) Why is the widow in the first case regarded as the confirmed possessor of the property and allowed to dispose of it in any manner she desires, while in the second case her right of possession is in dispute, her rightful heirs not being regarded as the lawful and undisputed successors to her property?

(32) Lit., 'when she fell'.

(33) Between the widow and the levir, due to the obligations of the levirate.

(34) The levirate bond not carrying the same force as actual betrothal.

Talmud - Mas. Yevamoth 38b

and the levirate bond of a married woman renders her 'doubtfully married'.¹ 'The levirate bond of a betrothed woman renders her doubtfully betrothed', for were we to assume that she is regarded as definitely betrothed, [how could both] BETH SHAMMAI AND BETH HILLEL AGREE THAT SHE MAY SELL IT OR GIVE IT AWAY AND THAT HER ACT IS LEGALLY VALID when we learned: If she came into the possession of property while she was betrothed, Beth Shammai said, she may sell it, and Beth Hillel said, she may not sell it, but both agree that if she had sold or had given it away her act is legally valid!² Consequently³ it must be inferred that the levirate bond of a betrothed woman renders her 'doubtfully betrothed'.⁴ 'The levirate bond of a married woman renders her doubtfully married', for had it been possible to assume that she is regarded as definitely married, [how could] Beth Shammai state that THE HEIRS OF HER HUSBAND ARE TO SHARE IT WITH THE HEIRS OF HER FATHER when we learned: If she came into the possession of property while she was married, both⁵ agree that, if she had sold or given it away, her husband may seize it from the hand of the buyers!⁶ Consequently it must be inferred that the levirate bond of a married woman renders her 'doubtfully married'.⁷

Said Rabbah to him:⁸ Why, then, do they⁹ dispute on [the question of the estate] itself after the death [of the widow]? Let them rather dispute on the question of the usufruct while she is alive! No, said Rabbah, both clauses deal with property which came into her possession while she was married; and the levirate bond of a married woman stamps her as doubtfully married. In the first clause, therefore, where she is alive, she is the certain possessor¹⁰ while they are only doubtful possessors, and doubt cannot override a certainty.¹¹ In the final clause, however, where she is dead, both groups come equally as heirs¹² and are, therefore,¹³ to take equal shares.¹⁴

Abaye pointed out an objection against him:¹⁵ Cannot a doubt, in accordance with the view of Beth Shammai, override a certainty? Surely we learned: [In the case where] a¹⁶ house collapsed upon a man¹⁷ and his father or upon a man¹⁷ and those whose heir he was,¹⁸ and that man had against him the claim of his wife's kethubah¹⁹ or that of a creditor,²⁰ [and in the first case], the heirs of the father plead that the son died first and the father afterwards,²¹ while the creditor pleads that the father died first and the son afterwards,²² Beth Shammai hold [that the amount in dispute is] to be divided,²³ and Beth Hillel hold that the estate is to remain in its former status.²⁴ Now here, surely, [the claim of] the heirs of the father is a certainty²⁵ and that of the creditor is only a doubt²⁵ and yet²⁶ the doubtful claim overrides the certainty!²⁷ — Beth Shammai are of the opinion that a bond of indebtedness which is due for repayment is regarded as [already] repaid!²⁸

And whence do you derive this?²⁹ — [From] what we learned: If their husbands³⁰ died before they drank,³¹ Beth Shammai rule that they are to receive their kethuboth³² and that they need not drink,³³ and Beth Hillel rule that they either drink³³ or they do not receive their kethuboth.³⁴ [But how can it be ruled,] 'They either drink', when the All Merciful said, Then shall the man bring his wife³⁵ and he is not there! Consequently [the meaning must be that] as they do not drink they are not to receive their kethuboth.³² Now here, surely, it is a matter of doubt, it being uncertain whether she did play the harlot³⁶ or not,³⁷ and yet the doubt overrides the certainty.³⁸ Consequently³⁹ it must be inferred that a bond of indebtedness which is due for repayment is regarded as already repaid.⁴⁰

Abaye,⁴¹ then,⁴² should have raised his objection from this!⁴³ — [The law of] a wife's kethubah might be different owing to considerations of courtesy.⁴⁴

Then let him⁴⁵ raise his objection from the law of the kethubah in our Mishnah!⁴⁶ They⁴⁷ do not dispute this point.⁴⁸

But do they not? Surely we learned,⁴⁹ IF SHE DIED, WHAT SHALL BE DONE WITH HER

KETHUBAH AND WITH PROPERTY THAT COMES IN AND GOES OUT WITH HER? BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND ARE TO SHARE IT WITH THE HEIRS OF HER FATHER; BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS! — It is this that was meant: IF SHE DIED, WHAT SHALL BE DONE WITH HER KETHUBAH? and then [the enquiry] was abandoned. As to PROPERTY THAT COMES IN AND GOES OUT WITH HER, BETH SHAMMAI SAID: THE HEIRS OF HER HUSBAND ARE TO SHARE WITH THE HEIRS OF HER FATHER AND BETH HILLEL SAID: THE PROPERTY IS TO REMAIN WITH THOSE IN WHOSE POSSESSION IT IS.

Said R. Ashi: The inference from the expressions in our Mishnah leads to the same conclusion,⁵⁰ for it was stated, THE HEIRS OF HER HUSBAND ARE TO SHARE WITH THE HEIRS OF HER FATHER⁵¹ and it was not stated ‘the heirs of the father [are to share it] with the heirs of the husband’.⁵² This proves it.

[Reverting to the previous question,]⁵³ Abaye replied: The first clause [deals with property] that came into her possession while she was awaiting [the decision of] the levir,⁵⁴ and the latter clause [with such] as came into her possession while she was still with her husband.

(1) Cf. supra n. 3.

(2) Keth. 78a., Sonc. ed. pp. 490ff q.v.

(3) Since in the case of a definite betrothal Beth Hillel, contrary to the opinion of Beth Shammai do not allow the widow the right of sale or gift, while in the first clause of our Mishnah they do.

(4) Hence Beth Shammai, who concede to the widow the right to sell and to give away even where her betrothal was certain, with all the more reason concede such rights to the widow spoken of in the first clause of our Mishnah where her betrothal is only doubtful. Beth Hillel, too, since in the case of a definite betrothal they agree that a sale or gift that had already taken place is valid, may rightly concede to the widow in the case of doubtful betrothal the full rights of selling and giving away.

(5) Beth Shammai and Beth Hillel.

(6) Keth. loc. cit.

(7) And so both Beth Shammai and Beth Hillel, who in the case of a definite marriage recognize the husband's right to seize from the buyers even property that his wife had already sold, agree that in the case of our Mishnah, the status of marriage being a matter of doubt, the husband's rights are also a matter of doubt. Hence Beth Shammai might well maintain that the property which is of doubtful ownership should be equally divided between the rival claimants, while Beth Hillel may maintain that the widow's right of possession is to be given priority since she came into the possession of the property at a time when her married status was a matter of uncertainty.

(8) ‘Ulla.

(9) Beth Shammai and Beth Hillel.

(10) Since the property is in any case hers.

(11) Hence Beth Shammai as well as Beth Hillel agree that she is fully entitled to sell the property or to give it away.

(12) Lit., ‘those come to inherit’ (bis). Had the levirate bond borne the same force as marriage the estate would undoubtedly have become the property of the levir only. Had it not borne the same force as marriage the estate would have been given to her father's heirs only, and the levir would have had no claim whatsoever. The claims of either group are consequently evenly balanced.

(13) Since the claim of either is equally doubtful.

(14) According to Beth Shammai. Beth Hillel's view, on the other hand, may be justified on the ground that the widow's father's heirs are her certain relatives and are, therefore, entitled to inherit that which was in her possession. No such claim, however, could be advanced by the husband's relatives since the husband himself was never for one moment in definite and undisputed possession of the property in question.

(15) Rabbah.

(16) Lit., ‘the’.

(17) Lit., ‘upon him’.

(18) Brothers, for instance, or other relatives, who had no other heirs but him.

(19) V. Glos.

(20) And he left no other money or possessions wherewith to meet his obligations, while those whose heir he was did leave possessions.

(21) The son did not consequently inherit from his father whose estate would, therefore, belong to the surviving heirs.

(22) And the son had, therefore, inherited his father's estate which may consequently be seized in payment of the son's debts.

(23) Between the creditor and the heirs, their respective claims being regarded by Beth Shammai as of equal force.

(24) B.B. 157a; With the heirs of the father. The claim of the heirs is regarded by Beth Hillel as a certainty, since they are in possession of the estate either as heirs of the father or as heirs of the son, while the claim of the creditor, being dependent on his being put into possession of the estate by the court, is of doubtful validity, and 'doubt cannot override a certainty'.

(25) v. supra n. 8.

(26) According to Beth Shammai.

(27) Lit., 'and doubt comes and takes away from the hands of certainty'. V. supra n. 8.

(28) Sot. 25a. The amount of the debt is deemed to be in the virtual possession of the creditor. The claims respectively of the heirs and the creditor are, consequently, of equal force. If the father died first his son inherited his estate and the creditor had immediately come into the legal possession of a share of the estate equal to the amount of his debt. If the son died first the heirs come into possession of the entire estate. As it is not known who died first the claims of the two parties are equally doubtful and of equal validity.

(29) That Beth Shammai hold the opinion just attributed to them.

(30) Of women suspected of illicit intercourse with strangers after they had been warned by their husbands. V. Glos. s.v. sotah.

(31) The water of bitterness. V. Num. V, 24.

(32) Pl. of kethubah, v. Glos.

(33) The water of bitterness. V. Num. V, 24.

(34) Sot. 24a, Keth. 81a.

(35) Num. V, 15; emphasis on man.

(36) And has, therefore, lost the right to her kethubah.

(37) And is consequently entitled to receive it.

(38) Cf. supra p. 243, n. 12. Despite the doubt as to whether she is entitled to her kethubah she receives it, according to Beth Shammai; and she thus takes away the amount of her kethubah from the heirs of her husband who are the undoubted successors to his property.

(39) Since the rule is that 'doubt cannot override certainty's

(40) The kethubah is, therefore, deemed to have been collected as soon as the husband died, and the widow is consequently deemed to be the virtual possessor of such a portion of his estate as would cover the amount of her kethubah.

(41) Whose objection to Rabbah, supra, was based on a Mishnah from Baba Bathra.

(42) Since the principle of virtual possession did not occur to him as the reason for allowing a doubtful claim in face of certain one.

(43) The Mishnah just cited which is embodied in the Tractates of Sotah and Kethuboth both of which belong to the same order as our Tractate. Since the principles in both Mishnahs are identical, why did Abaye resort to a Mishnah in another order when one was available in our order of Nashim.

(44) **הינא** 'gracefulness', 'loveliness'. It is possible that in order that pleasant and cordial relations may exist between husband and wife the law has been enacted that, despite the general rule that 'doubt cannot override a certainty', a woman shall be privileged to collect her kethubah even when her own claim is of a doubtful character and that of her litigants is a certain one. No objection could, therefore, be put forward from such a special case; and Abaye had consequently to resort to a Mishnah in Nezikin. Other explanations of **משום הינא** (v. Jast.): 'In order to make her attractive', 'that women may be willing to marry'.

(45) Abaye.

(46) Where, according to Beth Shammai, the heirs of the father (by virtue of his being heir to his daughter, the widow), though their claim is of a doubtful nature, share the amount of the kethubah with the heirs of the husband whose rights to the amount of the kethubah (as the heirs of the husband) are certain. At the moment it is assumed that Beth Shammai's

disagreement with Beth Hillel extends to the KETHUBAH as well as to the PROPERTY THAT COMES IN AND GOES OUT WITH HER; and 'considerations of courtesy' could not, of course, apply when the woman is dead and the claimants are her male heirs. Cf. Keth. 97b.

(47) Beth Shammai.

(48) They agree with Beth Hillel that the KETHUBAH IS TO RETAIN IN THE POSSESSION OF THE HEIRS OF THE HUSBAND. V. supra p. 240, n. 8.

(49) So MS.M. Cur. edd. 'it was taught'.

(50) That Beth Shammai's disagreement with Beth Hillel does not extend to the question of the kethubah.

(51) I.e., the former take a share in that which is virtually in the possession of the latter, viz., the melog property which belongs to the heirs of the wife's father.

(52) Which would have referred to the kethubah which is in the virtual possession of the husband's heirs,

(53) Supra 38a, 'Whereby does the first clause etc.

(54) As the levirate bond is not strong enough to give the levir any right over that property, it is generally agreed that she and, in case of her death, her heirs also are entitled to dispose of it in any manner they like.

Talmud - Mas. Yevamoth 39a

And Abaye¹ maintains that a husband's rights² have the same force as his wife's.³ Said Raba to him:⁴ If she came into possession of property while she was still With her husband, no one⁵ would dispute the view that his rights are superior to hers.⁶ Both [clauses of our Mishnah], however, [deal with property] which came into her possession while she was awaiting [the decision of] the levir; the first clause speaking of one to whom a ma'amar had not been addressed,⁷ and the final clause, of one to whom a ma'amar had been addressed.⁸ And Raba is of the opinion that a ma'amar, according to Beth Shammai, renders [the widow] definitely betrothed and doubtfully married. She is deemed to be definitely betrothed in respect of excluding her rival;⁹ and she is deemed to be doubtfully married in respect of taking a share in the property.¹⁰

A statement was made in the name of R. Eleazar in agreement with Raba and a statement was made in the name of R. Jose son of R. Hanina in agreement with Abaye. Could R. Eleazar, however, have made such a statement? Surely R. Eleazar said: A ma'amar, according to Beth Shammai, constitutes a kinyan in so far only as to keep out the rival!¹¹ — Reverse [the statements]. If you prefer I might say: There is really no need to reverse [them, for] R. Eleazar can tell you, 'What I said [amounted to this]: that a letter of divorce alone is not enough¹² but that she requires also halizah; did I state, however, that the ma'amar constitutes no kinyan even in respect of taking a share in her property'!¹³

Said R. Papa: The inference from our Mishnah is in agreement with the opinion of Abaye,¹⁴ although 'IF SHE DIED' presents a difficulty.¹⁵ Seeing that it was stated PROPERTY THAT COMES IN AND GOES OUT WITH HER, what is meant by COMES IN and what by GOES OUT? Obviously,¹⁶ 'COMES INTO the possession of her husband'¹⁷ and 'GOES OUT from the possession of her husband into the possession of her father'.¹⁸

'Although IF SHE DIED presents a difficulty': Why should they¹⁹ dispute [on the question of the property] itself, which can arise only in the event of the woman's death²⁰, let them rather dispute on the question of the usufruct which arises even when the woman is still alive!²¹ The fact is that no further objection [can be raised].²²

WHERE HE MARRIED HER, SHE IS DEEMED etc. For what practical law [was this statement needed]? — R. Jose b. Hanina replied: To indicate that he may divorce her by means of a letter of divorce²³ and that he may remarry her.

'He may divorce her by means of a letter of divorce'; Is not this obvious?²⁴ — It might have been

assumed that, since the All Merciful said²⁵ And perform the duty of a husband's brother unto her,²⁶ she retains the obligation of the first levirate relationship²⁷ and so may be set free²⁸ only through halizah but not through a letter of divorce, hence it was necessary to teach us [that the law is not so].

‘He may remarry her’; Is not this obvious?²⁹ — It might have been assumed that since he³⁰ has already performed³¹ the commandment which the All Merciful has imposed upon him, she shall now be forbidden to him as the wife of his brother, hence it was necessary to teach us [that he may nevertheless remarry her]. Might it not be suggested that the law is so indeed?³² — Scripture stated, And take her to him to wife;³³ as soon as he has taken her she is deemed to be his wife in every respect.

SAVE THAT HER KETHUBAH etc. What is the reason? — A wife has been given³⁴ to him³⁵ from heaven.³⁶ If, however, she is unable nothing more’. The inference from our Mishnah is undoubtedly in agreement with the view of Abaye, the only difficulty being the one mentioned. to obtain her kethubah from her first [husband], provision was made that she [is to receive it] from the second³⁷ in order that it may not be easy for him to divorce her.³⁸

MISHNAH. THE DUTY OF THE LEVIRATE MARRIAGE IS INCUMBENT UPON THE ELDEST [OF THE SURVIVING BROTHERS].³⁹ IF HE DECLINES, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN.⁴⁰ IF THEY ALL DECLINE, THE ELDEST IS AGAIN APPROACHED AND HE IS TOLD, ‘THE DUTY IS INCUMBENT UPON YOU; EITHER SUBMIT TO HALIZAH OR PERFORM THE LEVIRATE MARRIAGE.

IF HE⁴¹ WISHED TO SUSPEND ACTION⁴² UNTIL A MINOR⁴³ BECOMES OF AGE, OR UNTIL THE ELDEST⁴³ RETURNS FROM A COUNTRY BEYOND THE SEA OR [UNTIL A BROTHER WHO WAS] DEAF⁴⁴ OR AN IMBECILE [SHOULD RECOVER],⁴⁵ HE IS NOT TO BE LISTENED TO, BUT IS TOLD, ‘THE DUTY IS INCUMBENT UPON YOU; EITHER SUBMIT TO HALIZAH OR PERFORM THE LEVIRATE MARRIAGE.

GEMARA. It was stated: [On the relative importance of] the intercourse of a younger, and the halizah of an elder brother there is a difference of opinion between R. Johanan and R. Joshua b. Levi. One holds that the intercourse of the younger is preferable and the other holds that the halizah of the elder is preferable. ‘One⁴⁶ holds that the intercourse of the younger is preferable,’ because the commandment, surely, is to perform the levirate marriage;⁴⁷ and ‘the other⁴⁶ holds that the halizah of the elder is preferable’, because in the presence of an elder brother the intercourse of the younger is valueless.⁴⁸

We learned, IF HE DECLINED, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN. Does not this mean that he declined to contract the levirate marriage but [was willing] to submit to the halizah? And yet it was stated, ALL THE OTHER BROTHERS ARE APPROACHED IN TURN, which proves⁴⁹ that the intercourse of a younger brother is preferred! — No; he wished neither to submit to halizah nor to perform the levirate marriage. Similarly, then, in the case of the other brothers, [the meaning is that] they declined both halizah and levirate marriage;⁵⁰ why, then, is THE ELDEST AGAIN APPROACHED with the object of bringing pressure upon him? Let pressure be brought to bear upon them!⁵¹ — As the duty⁵² is incumbent upon him, pressure also must be used against him.

We learned, IF HE WISHED TO SUSPEND ACTION UNTIL A MINOR BECOMES OF AGE ... HE IS NOT TO BE LISTENED TO. But if the intercourse of a minor is to be preferred, why IS HE NOT TO BE LISTENED TO? Let us rather wait, since on becoming of age he might contract the levirate marriage! — Following your view [it might similarly be objected], why [if he wished to wait] UNTIL THE ELDEST RETURNS FROM A COUNTRY BEYOND THE SEA . . . HE IS

NOT TO BE LISTENED TO? Let us rather wait, since on his return he might contract the levirate marriage!⁵³ The fact is that the performance of a commandment must not be delayed.⁵⁴

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- (1) Since he explains the latter clause to be dealing with property that came into the wife's possession while her husband was still alive.
 - (2) To his wife's melog property.
 - (3) Lit., 'his hand is like her hand'. The husband's rights, according to Beth Hillel, he maintains, are in no way superior to those of his wife. Hence, when he dies and the widow comes only under the levirate bond, the levir's rights, which cannot have the same force as those of a husband, are inevitably inferior to those of the widow. The property, therefore, must remain in the possession of herself or her heirs. Beth Shammai, on the other hand, maintain that a husband's rights have more force than those of his wife. When he dies and the levir steps in by virtue of the levirate bond, the latter's rights, though inferior to those of the husband, are of equal force with those of the widow whose rights also are inferior to those of her husband.
 - (4) Abaye.
 - (5) Lit., all the world', even Beth Hillel.
 - (6) Lit., 'his hand is better than her hand', and the husband's heirs would consequently have been entitled to the property.
 - (7) By the levir, before the property came into her possession. The levirate bond alone is not sufficient to effect a transfer of the property to the levir.
 - (8) And after that the property came into her possession. As the ma'amar, according to Beth Shammai, is regarded as virtual marriage (v. supra 29a), the levir also is entitled to the property. Hence it must be divided. Beth Hillel, on the other hand, not regarding a ma'amar as marriage, deny the levir all rights upon the property which is, therefore, to remain with the heirs of the woman.
 - (9) Her sister who does not cause her to be forbidden to the levir as 'his zekukah's sister'. V. supra 29a.
 - (10) The levir is not entitled to all the property as if he had actually married the widow, but only to a share of it.
 - (11) Supra 29a, Ned. 74a.
 - (12) When a ma'amar had been addressed to the widow.
 - (13) Certainly not. Consequently his statement in agreement with the view of Raba may be perfectly authentic.
 - (14) That the final clause deals with property that came into the woman's possession while she was still living with her husband.
 - (15) This is explained infra.
 - (16) Lit., 'not?'
 - (17) At the time they came into her possession.
 - (18) When she dies. The property must consequently have come into her possession when she was still living with her husband, as Abaye maintains.
 - (19) Beth Shammai and Beth Hillel.
 - (20) Lit., 'and after death'.
 - (21) Lit., 'in her life and concerning the fruit'.
 - (22) Lit., 'and
 - (23) And no halizah is required.
 - (24) Since with the levirate marriage she assumes the status of a married woman.
 - (25) So MS.M. Cur. edd., add, 'It is written, And take her to wife'.
 - (26) Deut. XXV, 5; although it was already stated in the same verse, and take her to wife.
 - (27) So MS.M., cur. edd., 'the levirate relationship of the first'.
 - (28) Lit., 'yes'.
 - (29) Cf. supra n. 2.
 - (30) The levir.
 - (31) By his first marriage.
 - (32) That a brother's widow with whom levirate marriage was performed still requires halizah and may not be remarried by the levir after he had divorced her.
 - (33) Deut. XXV, 5; where only the latter part of the verse, And perform the duty of a husband's brother unto her would have been sufficient. V. supra 8a.
 - (34) Lit., 'they caused him to acquire'.

(35) The levir.

(36) He has neither chosen her nor has he undertaken any obligations towards her. She was imposed upon him by the divine law of the levirate marriage. The claim of her kethubah must, therefore, be a charge upon the estate of her first husband whose choice she had been.

(37) The levir.

(38) Lit., 'that she may not be easy in his eyes to cause her to go out'.

(39) V. supra 24a.

(40) In the descending order of age.

(41) The eldest brother present on the spot. (Rashi).

(42) Lit., 'he hung' or 'suspended'. [Aliter. He referred (the action) to; v. n. 9].

(43) Brother.

(44) in Rabbinic literature usually signifies one who is deaf from birth. Hence 'a deaf-mute'.

(45) [Tosaf.: He referred her to a deaf brother etc.].

(46) Lit., 'he who'.

(47) Halizah being merely a substitute for it.

(48) Since the duty is, in the first instance, incumbent upon the elder.

(49) Since the younger brothers are asked to contract the levirate marriage when the elder expressed his willingness to submit to halizah.

(50) Since the same expression of unwillingness is used.

(51) If the eldest had only refused marriage but was willing to submit to halizah, as has first been assumed, one could explain our Mishnah to mean that 'THE ELDEST IS AGAIN APPROACHED with a view to halizah'; he being the eldest, halizah also is first offered to him. If, however, he refused both halizah and marriage, as has now been explained, and the object of approaching him is coercion, why should the Beth din be troubled to summon him again in order to coerce him when any of the brothers who happens to be near at hand might just as well be coerced?

(52) Of the levirate marriage. V. our Mishnah.

(53) So marginal gloss. Cur. edd., 'and submits to halizah'.

(54) And this is the only reason why his request is not granted.

Talmud - Mas. Yevamoth 39b

Some say: As regards intercourse all agree that the intercourse of a younger brother is preferred.¹ They only differ on the halizah of a younger brother. And the statement² ran thus: [On the relative importance of] the halizah of a younger, and the halizah of an elder brother there is a difference of opinion between R. Johanan and R. Joshua b. Levi. One holds that the halizah of the elder is preferable, and the other holds that both are of equal importance. 'One³ holds that the halizah of the elder is preferable'⁴ because the commandment surely, is incumbent upon the elder. And the other [maintains that] the statement, 'the commandment is incumbent upon the elder', [was made] in respect of the levirate marriage; in respect of the halizah, however, they are both of equal importance.

We learned, IF THEY ALSO DECLINE, THE ELDEST IS AGAIN APPROACHED. Does not this mean that they declined to contract the levirate marriage but [were willing] to submit to halizah? And yet it was stated, THE ELDEST IS AGAIN APPROACHED, which proves that the halizah of the elder is preferred! — No; they declined the halizah as well as the levirate marriage.

Similarly, in the case of the eldest brother, he declined the halizah as well as the levirate marriage;⁵ why, then, IS THE ELDEST AGAIN APPROACHED with the object of coercing him? Let coercion be used against them!⁶ — As the duty⁷ is incumbent upon him, coercion also must be used against him.

Come and hear: IF HE WISHES TO SUSPEND ACTION . . . UNTIL THE ELDEST RETURNS FROM A COUNTRY BEYOND THE SEA . . . HE IS NOT TO BE LISTENED TO. But if the

halizah of the eldest is preferable why IS HE NOT TO BE LISTENED TO? Let us rather wait, since it is possible that when he returns he will submit to halizah! — Following your view [it might similarly be objected], why [if he wishes to postpone action] UNTIL A MINOR BECOMES OF AGE . . . HE IS NOT TO BE LISTENED TO? Let us rather wait, since, on becoming of age, he might contract the levirate marriage!⁸ The fact is that the performance of a commandment must not be delayed.⁹

We learned elsewhere: At first, when the object was the fulfilment¹⁰ of the commandment, the precept of the levirate marriage was preferable to that of halizah; now, however, when the object is not the fulfilment of the commandment, the precept of halizah, it was laid down, is preferable to that of the levirate marriage.¹¹ Rab said: But no coercion¹² may be used.¹³

When they¹⁴ came before Rab he addressed them thus: 'If you¹⁵ wish, submit to halizah; if you prefer, contract the levirate marriage; the All Merciful has given you the choice:¹⁶ And if the man like not to take his brother's wife,¹⁷ implying, if he likes he may, whenever he wishes, submit to halizah or, if he prefers, contract the levirate marriage.'

Rab Judah also is of the opinion that no coercion may be applied; since Rab Judah has ordained [the following formula] for a deed of halizah: '[We certify] that So-and-so daughter of So-and-so brought before us into court her brother-in-law So-and-so, and we have ascertained him to be the paternal brother of the deceased. We told him, "If you wish to contract the levirate marriage, contract it, and if not, incline¹⁸ towards her your right foot". He inclined¹⁹ towards her his right foot and she removed his shoe from off his foot and spat out before him, a spittle which has been seen by the court upon the ground'.

R. Hiyya b. Iwya in the name of Rab Judah concluded²⁰ as follows: 'And we read before them [the relevant passage] that is written in the Book of the Law of Moses'.

'We ascertained him'. On this, R. Aha and Rabina are in dispute. One says: Through [qualified] witnesses. The other says: Even a relative and even a woman²¹ [may tender the evidence].

The law is that it²² is a mere intimation, and that even a relative and even a woman [may tender the evidence].

'At first, when the object was the fulfilment of the commandment, the precept of the levirate marriage was preferable to that of halizah; now, however, when the object is not the fulfilment of the commandment, the precept of halizah, it was laid down, is preferable to that of the levirate marriage'. Said Rami b. Hama in the name of R. Isaac: It was re-enacted that the precept of the levirate marriage is preferable to that of halizah.

Said R. Nahman b. Isaac to him: Have the generations improved in their morals? — At first they held the opinion of Abba Saul, and finally they adopted that of the Rabbis. For it was taught: Abba Saul said, 'If a levir marries his sister-in-law on account of her beauty, or in order to gratify his sexual desires or with any other ulterior motive, it is as if he has infringed the law of incest; and I am even inclined to think that the child [of such a union] is a bastard'. But the Sages said, 'Her husband's brother shall go in unto her,²³ whatever the motive'.²⁴

Who is the Tanna of the following statement which our Rabbis taught: 'Her husband's brother shall go in unto her,²³ is a commandment; for originally²⁵ she stood in relation to him in the status of permissibility, then²⁶ she was forbidden to him, and then again²⁷ permitted; consequently it might have been assumed that she reverts to her original status of permissibility, hence it was specifically stated, Her husband's brother shall go in unto her,²³ it is a commandment'. — Who, now, is the

Tanna? — R. Isaac b. Abdimi replied. It is [the statement of] Abba Saul, and it is this that he meant: Her husband's brother shall go in unto her,²³ is a commandment; for originally²⁵ she stood in relation to him in the status of permissibility; he could have married her, if he wished, on account of her beauty and he could have married her, if he wished, in order to gratify his sexual desires; then²⁸ she was forbidden to him, and then again²⁹ permitted; consequently it might have been assumed that she reverts to her original status of permissibility,³⁰ hence it was specifically stated, Her husband's brother shall go in unto her³¹ only with the intention of performing the commandment.³²

Raba said: You may even say [that the authorship³³ is that of] the Rabbis,³⁴ and it is this that was meant: Her husband's brother shall go in unto her,³¹ is a commandment; for originally³⁵ she was in the status of permissibility; he could have married her if he wished and, if he preferred, he could have abstained from marrying her; then²⁸ she was forbidden to him, and then again²⁹ permitted; consequently it might have been assumed that she was to revert to her original status of permissibility, so that, if he wished, he might marry her and, if he preferred, he could abstain from marrying her. [You say,] 'If he preferred he could abstain from marrying her'? Surely she is tied to him;³⁶ can she be set free by no act whatever! — Say rather: [It might have been assumed that] if he wished he might marry her, and, if he preferred, he might submit to halizah, hence it was specifically stated her husband's brother shall go in unto her,³¹ it is a commandment.³⁷

Read, then,³⁸ the first clause: 'It shall be eaten without leaven in a holy place,³⁹ is a commandment;

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- (1) To the halizah of an elder brother.
 - (2) Of the dispute supra 39a.
 - (3) Lit., 'he who'.
 - (4) To the halizah of a younger one.
 - (5) V. p. 250, n. 3. supra.
 - (6) V. p. 250, n. 4.
 - (7) Of the levirate marriage. V. our Mishnah.
 - (8) Cur. edd. enclose the following in parentheses. 'Or also he might come and contract with her the levirate marriage'.
 - (9) V. supra p. 250, n. 7.
 - (10) Lit., 'they had the intention for the name etc.'
 - (11) Bek. 13a. Keth. 64a.
 - (12) To perform or to submit to halizah.
 - (13) If both parties consent to contract the levirate marriage.
 - (14) Levirate cases.
 - (15) Speaking to the levir.
 - (16) Lit., 'hung upon you'.
 - (17) Deut. XXV, 7.
 - (18) Af. of **טלע**, 'to halt' (Heb. **צלע**). hence 'incline'. Others: Ethp. of **טלע = שלף** and **חליץ** (cf. Targ. Ruth IV, 7, 8; Lam. IV, 3) hence 'allow . . . to be removed or untied'. 'Turn thy right foot towards her' (Jast.). 'Allow the shoe of your right foot to be removed by her' (Aruk.).
 - (19) Cf. supra n. 11.
 - (20) The formula of the certificate of halizah.
 - (21) Who are, as a rule, ineligible as witnesses.
 - (22) The insertion of 'we ascertained him'.
 - (23) Deut. XXV, 5.
 - (24) Tosef. Yeb. VI,
 - (25) Before she married his brother.
 - (26) When she married his brother.
 - (27) When his brother died childless.
 - (28) When she married his brother.

- (29) When his brother died childless.
- (30) So that he may marry her with any ulterior motive.
- (31) Deut. XXV, 5.
- (32) לְמִצְוָה lit., 'for the commandment', i.e., the fulfilment of the Scriptural text.
- (33) Of the above cited teaching.
- (34) The Sages who oppose Abba Saul, supra.
- (35) Before she married his brother.
- (36) By the levirate bond.
- (37) מִצְוָה, a mere commandment, no intention at the performance thereof being particularly essential (cf. n. 5). The duty to contract the levirate marriage far exceeds that of halizah which is only a substitute to be resorted to as a last expedient.
- (38) If the interpretation of R. Isaac b. Abdimi of the final clause of the Baraita cited is tenable.
- (39) Lev. VI, 9, dealing with the laws of the meal-offering and the consumption thereof by the priest who performed the rite.

Talmud - Mas. Yevamoth 40a

for originally¹ its status in relation to him was one of permissibility; then² it was forbidden, and again³ permitted; consequently one might assume that it reverts to its first status of permissibility, hence it was specifically stated, 'It shall be eaten without leaven in a holy place,⁴ it is a commandment'. Now, according to Raba who said that it⁵ represents the view of⁶ the Rabbis, one could well explain that what is meant here⁷ is this: 'It shall be eaten without leaven in a holy place⁴ is a commandment, for at first⁸ its status in relation to him was one of permissibility since, if he desired, he could eat it and, if he preferred, he could abstain from eating it; then⁹ it was forbidden, and again³ permitted; consequently it might be assumed that it reverts to its first status of permissibility¹⁰ so that, if he wished, he could eat it and, if he preferred, he could abstain from eating it. — [You say,] 'If he preferred he could abstain from eating it'? Surely it is written in the Scriptures, 'And they shall eat those things wherewith atonement was made'¹¹ which teaches that the priests must eat them, and that the owner attains thereby atonement! Say rather: [it might be assumed that] if he wished, he¹² may eat it¹³ himself and, if he preferred, another priest may eat it, hence it was specifically stated, 'It shall be eaten' without leaven in a holy place,¹⁴ it is a commandment.¹⁵ According to R. Isaac b. Abdimi, however, who said that it¹⁶ [represents the view of] Abba Saul, what two alternatives¹⁷ exist here?¹⁸ And were you to suggest¹⁹ that if he wished he could eat it¹³ to appease his appetite and, if he preferred, he could devour it gluttonously [can eating gluttonously] [it may be retorted] be described as proper eating? Surely Resh Lakish said, 'He who eats gluttonously on the Day of Atonement²⁰ is exempt [from kareth],²¹ since [Scripture has stated], 'Shall not be afflicted'²² [Were you to suggest], however,²³ that if he wished he could eat it²⁴ unleavened and, if he preferred, he could eat it leavened, surely [it might be retorted] it is written in Scripture, 'It shall not be baked with leaven their portion²⁵ from which Resh Lakish inferred that even their portion²⁶ must not be baked with leaven! Again [Were you, to suggest,]²³ that if he wished he could eat it²⁴ unleavened and, if he preferred, he could eat it as a dumpling,²⁷ how [it could be retorted] is one to imagine [such a dumpling]? If it is unleavened, well, then it is unleavened;²⁸ and if it is not unleavened, the All Merciful, surely, has said without leaven!²⁹ — No;³⁰ it³¹ may indeed be assumed to be unleavened; but the object of the exposition of the Scriptural text³² was to forbid it.³³ In respect of what practical issue, then,³⁴ has it been stated that a dumpling may be regarded as unleavened bread? — [The statement was made] to indicate that a man may perform with it³¹ his duty³⁵ on the Passover. Though he made it first into a dumpling, it is nevertheless designated the 'bread of affliction', since he subsequently baked it in an oven. Consequently a man may perform with it his duty³⁵ on the Passover. MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE HE IS REGARDED AS ONE OF THE OTHER BROTHERS IN RESPECT OF INHERITANCE.³⁶ IF, HOWEVER, THE FATHER³⁷ WAS LIVING,³⁸ THE ESTATE BELONGS TO THE FATHER.³⁹

HE WHO MARRIES HIS DECEASED BROTHER'S WIFE GAINS POSSESSION OF HIS BROTHER'S³⁷ ESTATE. R. JUDAH SAID: IN EITHER CASE,⁴⁰ IF THE FATHER³⁷ WAS LIVING³⁸ THE ESTATE BELONGS TO THE FATHER.

GEMARA. Is not this⁴¹ obvious? — It might have been presumed that halizah takes the place of the levirate marriage and he receives, therefore, all the estate, hence it was taught [that he does not].⁴² If so,⁴³ why was it stated that HE IS REGARDED AS ONE OF THE OTHER BROTHERS when it should have been stated, he is to be regarded only as one of the brothers! — In truth [this is the purpose of our Mishnah]: It might have been assumed that because he deprived her [of levirate marriage]⁴⁴ he shall be penalized,⁴⁵ hence we were taught [that he does receive a share].

IF, HOWEVER, THE FATHER WAS LIVING, [THE ESTATE BELONGS TO HIM], for a Master said that a father takes precedence over all his lineal descendants.⁴⁶

HE WHO MARRIES HIS DECEASED BROTHER'S WIFE etc. What is the reason? — The All Merciful said, Shall succeed in the name of his brother,⁴⁷ and behold he⁴⁸ has succeeded.

R. JUDAH SAID etc. Said 'Ulla: The halachah is in agreement with R. Judah, and R. Isaac Nappaha likewise said: The halachah is in agreement with R. Judah.

'Ulla, furthermore, (others say, R. Isaac Nappaha) said: What is R. Judah's reason? — Because it is written in Scripture, And it shall be, that the firstborn that he beareth,⁴⁹ [he is] like the firstborn; as the firstborn has nothing while his father is alive, so has this one⁵⁰ also nothing while his father is alive. If [one were to suggest that] as the firstborn receives a double portion after his father's death so shall this one also receive a double portion⁵¹ after his father's death, [it might be retorted]: Is it written, 'Shall succeed in the name of his father'? It is written, surely, Shall succeed in the name of his brother,⁵² not 'in the name of his father'.⁵³ Might it be suggested that, where the father is not alive to receive the inheritance,⁵⁴ the law of the levirate marriage should be carried out, but where the father is alive [and the levir] does not receive the inheritance the law of the levirate marriage shall not be carried out? — Has the All Merciful in any way made the levirate marriage dependent on the inheritance? The levir must contract the levirate marriage in any case, and if any inheritance is available he receives it; if not, he does not receive it.

The Bible teacher, R. Hanina, once sat before R. Jannai, and as he sat there he stated: The halachah is in agreement with R. Judah. The other called out to him: Go out, read Biblical verses outside,⁵⁵ the halachah is not in agreement with R. Judah.

A tanna recited in the presence of R. Nahman: The halachah is not in agreement with R. Judah. The other said to him: In agreement with whom, then? In agreement with the Rabbis? This is surely obvious, [since in a dispute between] one individual and a majority the halachah is in agreement with the majority! — 'Shall I', the first asked him, 'reject it'?⁵⁶ 'No', the other replied, 'you were taught [that] the halachah is [in agreement with R. Judah] which, presenting to you a difficulty,⁵⁷ you reversed,⁵⁸ and in so far as you reversed it your wording is well justified.⁵⁹

MISHNAH. IF A LEVIR PARTICIPATED IN HALIZAH WITH HIS DECEASED BROTHER'S WIFE HE IS FORBIDDEN TO MARRY HER RELATIVES AND SHE IS FORBIDDEN TO MARRY HIS RELATIVES.⁶⁰

(1) Before its ingredients were consecrated.

(2) When its ingredients were consecrated as a meal-offering,

(3) When the 'handful' (v. Lev. VI, 8) had been offered up upon the altar.

- (4) V. p. 254, n. 1 2.
- (5) The first clause of the Baraitha cited.
- (6) Lit., 'this, whose'.
- (7) In the second clause which presumably represents the views of the same authors.
- (8) Before its ingredients were consecrated.
- (9) When its ingredients were consecrated as a meal-offering.
- (10) Cur. edd. enclose 'then it was forbidden . . . permissibility' in parentheses.
- (11) Ex. XXIX, 33.
- (12) The priest who performed the ceremonial.
- (13) The meal-offering.
- (14) Lev. VI, 9, dealing with the laws of the meal-offering.
- (15) מִצֵּוָה That the first priest (v. supra n. 10) shall eat it.
- (16) The first clause of the Baraitha cited.
- (17) Analogous to those in the first clause.
- (18) Acting (a) with, and (b) without the intention of fulfilling the commandment, which are the alternatives in the case of the levirate marriage in the first clause, are obviously inapplicable here, since whatever be the motive of one's eating, no prohibition, such as is the case with levirate marriages, is thereby infringed.
- (19) As the two alternatives.
- (20) When eating is prohibited.
- (21) V. Glos.
- (22) And whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people (Lev. XXIII, 29). An excessive meal being injurious to the body is deemed to be an affliction. Now, since such a meal is not regarded as eating in the case of the Day of Atonement, how could it be regarded as proper eating in the case of a meal offering?
- (23) As the two alternatives.
- (24) The meal-offering.
- (25) Lev. VI, 20.
- (26) That of the priests, the remnants of the meal-offering.
- (27) מֵלֶחֶם (rt. to mix'), a paste prepared by stirring flour in hot water.
- (28) And is not forbidden at all.
- (29) Take the meal-offering . . . and eat it without leaven (Lev. X, 12); what need then was there for repeating the same prohibition in Lev. VI, 9?
- (30) The eating of the meal-offering with leaven is not one of the alternatives.
- (31) The dumpling.
- (32) In the first clause of the Baraitha cited.
- (33) Lit., 'to prevent'. A meal-offering may not be prepared in the form of a dumpling even though that paste is unleavened.
- (34) Since a meal-offering which must be unleavened may not be prepared in the form of a dumpling.
- (35) Of eating unleavened bread. Cf. Ex. XII, 18.
- (36) Of the estate of the deceased brother.
- (37) Of the deceased brother.
- (38) Lit., 'if there is'.
- (39) A father takes precedence over a brother in respect of inheritance. V. B.B. 115a and infra.
- (40) Whether the levir married, or submitted to the halizah from his sister-in-law.
- (41) That participation in the halizah does not deprive the levir of his share in his brother's estate.
- (42) The object of our Mishnah is not to state that the levir is entitled to a share but that he is not entitled to all the estate.
- (43) That the object of our Mishnah is to indicate his disadvantage. V. supra n. 7.
- (44) Halizah with him has placed the widow under the prohibition of marrying any of the brothers.
- (45) And shall receive no share at all.
- (46) B.B. 115a. V. supra note 4.
- (47) Deut. XXV, 6.
- (48) The levir who, according to Rabbinic interpretation (v. supra 24a), is the subject of shall succeed.

(49) Deut. XXV, 6.

(50) The levir.

(51) His own and his brother's.

(52) Ibid.

(53) And since he is not entitled to a double portion at the time he steps into the place of his brother he cannot subsequently claim such a portion when he ultimately becomes entitled to a share in the same estate only by virtue of his succession to his father.

(54) Which consequently passes over into the possession of the levir.

(55) V. Keth., Sonc. ed. p. 328, n, 7.

(56) As a superfluous addition.

(57) How could the halachah be in agreement with an individual against the rule of a majority?

(58) Stating, 'the halachah is not in agreement with R. Judah.

(59) Lit., 'you reversed well'. [He, however, forgot that he had reversed it; cf, supra 33b, v. Strashun].

(60) All relatives that are Biblically forbidden to husband and wife respectively are Rabbinically forbidden to levir and haluzah respectively.

Talmud - Mas. Yevamoth 40b

HE IS FORBIDDEN TO MARRY HER MOTHER, HER MOTHER'S MOTHER AND HER FATHER'S MOTHER; HER DAUGHTER, HER DAUGHTER'S DAUGHTER AND HER SON'S DAUGHTER; AND ALSO HER SISTER WHILE SHE¹ IS ALIVE. THE OTHER BROTHERS, HOWEVER, ARE PERMITTED.² SHE¹ IS FORBIDDEN TO MARRY HIS FATHER AND HIS FATHER'S FATHER;³ HIS SON AND HIS SON'S SON; HIS BROTHER AND HIS BROTHER'S SON.

A MAN IS PERMITTED TO MARRY THE RELATIVE OF THE RIVAL OF HIS HALUZAH BUT IS FORBIDDEN TO MARRY THE RIVAL OF THE RELATIVE OF HIS HALUZAH.

GEMARA. The question was raised: Were relatives of the second degree⁴ forbidden⁵ in the case of a haluzah as a preventive measure,⁶ or not? Did the Rabbis forbid marriage with relatives of the second degree, as a preventive measure,⁶ only in respect of a relative who is pentateuchally forbidden,⁷ but in respect of a haluzah⁸ the Rabbis did not forbid relatives of the second degree as a preventive measure, or is there perhaps no difference?⁹ — Come and hear: HE IS FORBIDDEN TO MARRY HER MOTHER AND HER MOTHER'S MOTHER, but 'her mother's mother's mother' is not mentioned!¹⁰ [No.] It is possible that the reason why this relative was omitted¹¹ is because it was desired to state in the final clause, THE OTHER BROTHERS, HOWEVER, ARE PERMITTED, and, were 'her mother's mother's mother' also mentioned it might have been presumed that the brothers are permitted [to marry] her mother's mother's mother only¹² but not her mother's mother or her mother.¹³ Then let 'her mother's mother's mother' be mentioned, and let it also be stated: The brothers are permitted to marry all of them!¹⁴ — This is a difficulty.

Come and hear: SHE IS FORBIDDEN TO MARRY HIS FATHER AND HIS FATHER'S FATHER. 'His father's father,' at any rate, was mentioned. Is not this¹⁵ due to¹⁶ the levir who participated in the halizah, through whom she is the daughter-in-law of his¹⁷ son?¹⁸ — No; this¹⁹ is due to the deceased through whom she is the daughter-in-law of his²⁰ son.²¹

Come and hear: AND HIS SON'S SON, Is not this¹⁹ due to the levir who participated in the halizah through whom she is the wife of his²² father's father?¹⁸ — No; it¹⁹ is due to the deceased through whom she is his²² father's father's brother's wife.²¹ But, surely, Amemar permitted the marriage of one's father's father's brother's wife!²³ — Amemar interprets that²⁴ to refer to the son of the grandfather.²⁵ If so, [HIS SON, AND SON'S SON] are the same as HIS BROTHER AND HIS BROTHER'S SON!²⁶ — Both his paternal brother and his maternal brother were specified.²⁷

Come and hear what R. Hiyya taught:²⁸ Four [categories of relatives are forbidden]²⁹ Pentateuchally³⁰ and four Rabbinically.³¹ His³² father and his³³ son, his³⁴ brother and his³⁵ brother's son are Pentateuchally forbidden;³⁰ his father's father³⁶ and his mother's father,³⁷ his son's son³⁸ and his daughter's son³⁹ are forbidden Rabbinically.⁴⁰ 'His father's father', at any rate, is mentioned here. Is not this⁴¹ due to the levir who participated in the halizah through whom she is his son's daughter-in-law?⁴² — No; it⁴¹ is due to the deceased⁴³ whose son's daughter-in-law she is.

Come and hear: 'His mother's father'.⁴⁴ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his⁴⁵ daughter's daughter-in-law?⁴⁶ — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his⁴⁵ daughter's daughter-in-law.

Come and hear: 'And his son's son'.⁴⁸ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his father's father's wife?⁴² — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his father's father's brother's wife. But, surely, Amemar permitted the marriage of one's father's father's brother's wife!⁴⁹ — Amemar explains that⁵⁰ to be due to the levir who participated in the halizah,⁵¹ but is of the opinion that relatives of the second degree were forbidden as a preventive measure even in respect of a haluzah.⁵²

Come and hear: 'And the son of his daughter'.⁴⁸ Is not this⁴¹ due to the levir who participated in the halizah through whom she is his mother's father's wife?⁴² — No; it⁴¹ is due to the deceased⁴⁷ through whom she is his mother's father's brother's wife. But, surely, no prohibition as a preventive measure was made in respect of the second degrees of incest!⁵³ Consequently⁵⁴ it must be due to the levir who participated in the halizah,⁵⁵ and thus it may be inferred that relatives of the second degree were forbidden as a preventive measure even in the case of a haluzah. This proves it.

A MAN IS PERMITTED etc. R. Tobi b. Kisna said in the name of Samuel: Where a man had intercourse with the rival of his haluzah the child [born from such a union] is a bastard. What is the reason? — Because she⁵⁶ remains under her original prohibition.⁵⁷

Said R. Joseph: We also have learned [to the same effect]: A MAN IS PERMITTED TO MARRY THE RELATIVE OF THE RIVAL OF HIS HALUZAH. Now, if you grant that the rival is excluded⁵⁸ one can well understand why the man is permitted to marry her sister.⁵⁹ If it be maintained, however, that the rival has the same status as the haluzah, why [should her sister] be permitted [to him]?⁶⁰

May it be suggested that this⁶¹ furnishes an objection against R. Johanan who stated: Neither he⁶² nor the other brothers are subject to kareth either for [the betrothal of] a haluzah or for [the betrothal of] her rival?⁶³ — R. Johanan can answer you: Do you understand it!⁶⁴ Is the sister of a haluzah Pentateuchally forbidden?⁶⁵ Surely Resh Lakish said: Here⁶⁶ it was taught by Rabbi that the prohibition to marry the sister of a divorced wife is Pentateuchal and that that of the sister of a haluzah is Rabbinical!⁶⁷

Why is there a difference [in the law] between the one and the other?⁶⁸

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- (1) The haluzah (v. Glos.).
 - (2) To marry the enumerated relatives of the haluzah.
 - (3) Bomberg ed. adds, 'and his mother's father'.
 - (4) E.g., the haluzah's mother's mother's mother or her father's mother's mother (Rashi). Cf. supra 21a.
 - (5) Rabbinically.
 - (6) Against marriage with relatives of the first degree.
 - (7) I.e. 'a wife's relatives whose prohibition is specifically stated in the Pentateuch.

- (8) Whose relatives, even of the first degree, are only Rabbinically forbidden.
- (9) In respect of the law of incest, between the relatives of a wife who are Pentateuchally forbidden and those of a haluzah who are only Rabbinically forbidden.
- (10) V. supra p. 259, n. 9.
- (11) Lit., 'that he did not teach'.
- (12) Because even in the case of one's wife she is not Biblically forbidden.
- (13) Who, in the case of one's wife, are Pentateuchally prohibited.
- (14) And the possible misinterpretation would thus be avoided.
- (15) Prohibition to marry a father's father.
- (16) Lit., 'what not, owing to'.
- (17) The father's father.
- (18) I.e., a relative of the second degree, which proves that even such relatives were forbidden in respect of a haluzah.
- (19) V. supra note 9.
- (20) V. supra n. 20.
- (21) In whose case the prohibition is Pentateuchal and provides no answer to our enquiry.
- (22) The son's son.
- (23) Supra 21b. How, then, according to Amemar, could this case be included among forbidden relatives?
- (24) The SON'S SON in our Mishnah.
- (25) The father of both the deceased and of the levir who submitted to the haluzah. Our Mishnah is thus interpreted: HIS FATHER is the father of the deceased and of the levir who participated in the haluzah; HIS SON, i.e., the son of the FATHER mentioned, who is the brother of the deceased and of the levir who participated in the haluzah; and HIS SON'S SON is the son of the son of the father mentioned, to whom the haluzah is forbidden as the wife of his father's brother.
- (26) V. supra n. 1.
- (27) The former by HIS SON AND HIS SON'S SON (v. supra n. 1) and the latter by HIS BROTHER AND HIS BROTHER'S SON, the prohibitions being Pentateuchal since they are due to the woman's relationship with the deceased as his wife, and not to her relationship with the levir as haluzah, the prohibitions resulting from which could only be Rabbinical.
- (28) In respect of a haluzah.
- (29) To marry her.
- (30) Lit., 'from the words of the Torah', i.e., owing to their relationship to the haluzah as the wife of the deceased, and the prohibition to marry whom is specifically mentioned in the Pentateuch.
- (31) Lit., 'from the words of the Scribes'.
- (32) The levir's (who participated in the haluzah). The prohibition is Pentateuchal, it being due to his brother, the deceased, whose wife and whose father's daughter-in-law the haluzah was.
- (33) The levir's (v. supra n. 8). The haluzah is forbidden to him Pentateuchally as the wife of his father's brother.
- (34) The levir's (v. supra n. 8), who is also the brother of the deceased, and the haluzah is forbidden to him Pentateuchally.
- (35) The levir's (v supra n. 8), the deceased also having been his father's brother, and the prohibition is consequently Pentateuchal.
- (36) To whom the haluzah is forbidden as his son's daughter-in-law.
- (37) The prohibition being that of one's daughter's daughter-in-law.
- (38) It is now assumed that the prohibition to marry this relative is due to the levir who participated in the haluzah through whom she is his father's father's wife.
- (39) Whose mother's father's wife she was.
- (40) Cf. supra note 7, all being cases of the second degree, forbidden by a provision of the Rabbis only.
- (41) The prohibition to marry this relative.
- (42) Which proves that, even in respect of a haluzah, relatives of the second degree are prohibited.
- (43) In whose case the prohibition is Pentateuchal, and supplies no answer to our enquiry.
- (44) This is a citation from R. Hiyya's Baraita supra.
- (45) His mother's father's.
- (46) V. supra n. 2.
- (47) The prohibition being a preventive measure against the infringement of a Pentateuchal law. Consequently it supplies

no proof in respect of our enquiry which is concerned with a preventive measure against an infringement of a Rabbinical law.

(48) V. supra n. 4.

(49) How then could such a case be included among forbidden relatives?

(50) 'Son's son' in R. Hiyya's Baraitha.

(51) The prohibition being that of 'his father's father's wife', as first assumed.

(52) According to those, however, who, contrary to the opinion of Amemar, forbid marriage with a father's father's brother's wife, the prohibition in R. Hiyya's Baraitha might still be attributed to the deceased (v. supra n. 7), and the original enquiry as to whether relatives of the second degree were forbidden in the case of a haluzah still remains unanswered.

(53) How then could it be suggested that the prohibition is due to the fact that the haluzah is the 'wife of the mother's father's brother' of the deceased?

(54) Lit., 'what, not'?

(55) The prohibition being that of 'his mother's father's wife' who is a relative of the second degree.

(56) The rival.

(57) Of 'brother's wife', which is subject to the penalty of kareth. Children born from a union that is forbidden under such a penalty are deemed to be bastards.

(58) [Lit., 'outside'. Rashi reads: 'Stands outside'.] From the restrictions of the haluzah, the latter not being regarded as her agent or representative.

(59) Since she herself remains forbidden to the levir as 'brother's wife', her sister is not the 'sister of a haluzah'.

(60) She should be forbidden as the sister of a haluzah! As she is permitted, however, it must be granted that the rival of a haluzah remains under the original prohibition of 'brother's wife', which entails the penalty of kareth. (V. supra n. 5).

(61) The inference from our Mishnah. (V. supra n. 8 second clause).

(62) The levir who submitted to halizah.

(63) Supra 10b; while from the inference of our Mishnah, as has been proved, the penalty for contracting a union with the rival of a haluzah is kareth!

(64) R. Joseph's argument.

(65) As R. Joseph implies by his assumption that if the rival had the same status as the haluzah her sister would be forbidden.

(66) In the following Mishnah to which he refers.

(67) The reason why the sister of a rival of a haluzah is permitted is not that assumed by R. Joseph. but the following: As the prohibition of the sister of a haluzah herself is only Rabbinical, the prohibition was not extended to the sister of the rival of the haluzah also.

(68) The first and second case of the final clause of our Mishnah. THE RIVAL OF THE RELATIVE OF HIS HALUZAH is surely as much of a stranger to him as THE RELATIVE OF THE RIVAL OF HIS HALUZAH.

Talmud - Mas. Yevamoth 41a

— The Rabbis have enacted a preventive measure¹ in respect of her who accompanies the haluzah to court;² in the case, however, of her who does not accompany her to court³ the Rabbis enacted no preventive measure.⁴

MISHNAH. WHERE HE PARTICIPATED IN A HALIZAH WITH HIS DECEASED BROTHER'S WIFE, AND HIS BROTHER MARRIED HER SISTER AND DIED,⁵ THE WIDOW⁶ MUST PERFORM HALIZAH BUT MAY NOT BE TAKEN IN LEVIRATE MARRIAGE.⁷

SIMILARLY⁸ WHERE A MAN DIVORCED HIS WIFE AND HIS BROTHER MARRIED HER SISTER AND DIED⁵ THE WIDOW IS EXEMPT.⁹

IF A BROTHER OF THE LEVIR HAD BETROTHED THE SISTER OF THE WIDOW WHO WAS AWAITING THE LEVIR'S DECISION, HE IS TOLD, SO IT HAS BEEN STATED IN THE NAME OF R. JUDAH B. BATHYRA, WAIT¹⁰ UNTIL YOUR BROTHER HAS ACTED'.¹¹ IF

HIS BROTHER HAS PARTICIPATED WITH THE WIDOW IN THE HALIZAH OR CONTRACTED WITH HER THE LEVIRATE MARRIAGE, HE MAY MARRY HIS [BETROTHED] WIFE. IF THE SISTER-IN-LAW DIED HE MAY ALSO MARRY HIS [BETROTHED] WIFE. BUT IF THE LEVIR DIED, HE¹² MUST RELEASE HIS [BETROTHED] WIFE BY A LETTER OF DIVORCE AND HIS BROTHER'S WIFE BY HALIZAH.¹³

GEMARA. What [is meant by] SIMILARLY?¹⁴ — Read: BUT WHERE A MAN DIVORCED.

Resh Lakish said: Here¹⁵ it was taught by Rabbi¹⁶ that [the prohibition to marry the] sister of a divorced wife is pentateuchal [and that of] the sister of a haluzah is Rabbinical.

HAD BETROTHED [THE SISTER OF THE] WIDOW WHO WAS AWAITING THE LEVIR'S DECISION etc. Samuel said: The halachah is in agreement with the view of R. Judah b. Bathyra.¹⁷

The question was raised: If his wife¹⁸ died may he marry his sister-in-law?¹⁹ — Both Rab and R. Hanina stated: If his wife died he is permitted to marry his sister-in-law. But both Samuel and R. Assi stated: If his wife died he is forbidden to marry his sister-in-law. Said Raba: What is Rab's reason? — Because she is a deceased brother's wife who was permitted²⁰ then forbidden²¹ and then again permitted²² and who consequently reverts to her first state of permissibility.

R. Hammuna raised an objection: If two of three brothers were married to two sisters and the third was unmarried, and when one of the sisters' husbands died the unmarried brother addressed to the widow a ma'amar, and then the second brother²³ died,²⁴ and after him his wife also died,²⁵ that sister-in-law must perform halizah but may not be taken in levirate marriage.²⁶ But why?²⁷ Let her be regarded²⁸ as a deceased brother's wife who was permitted²⁹ then forbidden,³⁰ and then again permitted²² who reverts to her former state of permissibility!³¹ He remained silent. After the other went out he said: I should have told³² him that it³³ represents the view of R. Eleazar who maintains that once she has been forbidden to him for one moment she is forbidden to him for ever! Subsequently he remarked: It might be contended that R. Eleazar held that view only where she was not fit³⁴ at the time she became subject to the levirate marriage;³⁵ did he express such an opinion, however, in the case where she was fit³⁴ at the time she became subject to the levirate marriage?³⁶ Subsequently however, he said: Yes,³⁷ for, surely, it was taught: R. Eleazar said: If his³⁸ yebamah died, his wife is permitted to him; if his wife died, that yebamah must perform halizah but may not be taken in levirate marriage.

Must it then be assumed that Samuel and R. Assi are of the same opinion as R. Eleazar?³⁹ — The may be said to be in agreement even with the Rabbis. For the Rabbis differed from R. Eleazar⁴⁰ only because from the time she became subject to the levirate marriage and onward she was no longer forbidden to him.⁴¹ Here,⁴² however, where she was so forbidden⁴³ even the Rabbis agree.⁴⁴

MISHNAH. THE DECEASED BROTHER'S WIFE⁴⁵ SHALL NEITHER PERFORM THE HALIZAH NOR CONTRACT LEVIRATE MARRIAGE BEFORE THREE MONTHS HAVE PASSED.⁴⁶ SIMILARLY ALL OTHER WOMEN⁴⁷ SHALL BE NEITHER BETROTHED NOR MARRIED BEFORE THREE MONTHS HAVE PASSED⁴⁶ WHETHER THEY WERE VIRGINS OR NON-VIRGINS, WHETHER DIVORCEES OR WIDOWS,⁴⁸ WHETHER MARRIED OR BETROTHED.

R. JUDAH SAID: THOSE WHO WERE MARRIED MAY BE BETROTHED [FORTHWITH], AND THOSE WHO WERE BETROTHED MAY EVEN BE MARRIED [FORTHWITH], WITH THE EXCEPTION OF THE BETROTHED WOMEN IN JUDAEA, BECAUSE THERE THE BRIDEGROOM WAS TOO INTIMATE⁴⁹ WITH HIS BRIDE.⁵⁰

R. JOSE SAID: ALL [MARRIED] WOMEN⁵¹ MAY BE BETROTHED [FORTHWITH] EXCEPTING THE WIDOW⁵²

- (1) The prohibition to marry the rival of the relative of one's Haluzah.
- (2) I.e., her sister whom she takes with her to court when she goes to perform the halizah. The public, not being aware which of the sisters is the haluzah, might subsequently mistake the one for the other. Hence the rival of the sister was forbidden to the levir who participated in the halizah in order that people might not think that he married the rival of the haluzah herself.
- (3) The widow does not take her rival with her when she goes to court to perform halizah.
- (4) Since no one is likely to mistake the rival for the haluzah. Hence the law that the relative of the rival is permitted.
- (5) Without issue.
- (6) Being the sister of a haluzah.
- (7) The sister of a haluzah is (a) Pentateuchally permitted but (b) Rabbinically forbidden. Because of (a) she is subjected to the levirate bond and requires halizah, and because of (b) she is forbidden to contract the levirate marriage.
- (8) This expression is discussed in the Gemara infra.
- (9) From the halizah as well as from the levirate marriage. The sister of a divorced wife is Pentateuchally forbidden to the divorcee.
- (10) With the consummation of the marriage.
- (11) I.e., until he had either contracted the levirate marriage or submitted to halizah. Before such action the sister of the widow is forbidden to him, as to all the other brothers, as the sister of their zekukah.
- (12) Being the only surviving brother and, consequently, the only one to whom the widow is subject.
- (13) Being the sister of his divorced wife she is not permitted to contract with him the levirate marriage. (Cf. supra p. 264, n. 11.
- (14) Seeing that the clause introduced by this expression is not at all similar to the previous one.
- (15) In the first two clauses of our Mishnah,
- (16) R. Judah the Prince, Redactor of the Mishnah.
- (17) That the levirate bond between the widow and all the surviving brothers remains in force until one of the brothers has contracted the levirate marriage or has submitted to halizah.
- (18) The sister of the widow of his deceased brother.
- (19) I.e., the widow whose deceased sister is now no more his wife.
- (20) When her husband died without issue.
- (21) When the brother had betrothed her sister.
- (22) When her sister died.
- (23) Of the two who married the two sisters.
- (24) And his widow, the sister of the first widow to whom the ma'amar had been addressed by the third brother, had thus come under the levirate bond and consequently caused her sister's prohibition to the third brother as 'the sister of his zekukah'.
- (25) When the first widow, the surviving sister, is no more the 'sister of his zekukah'.
- (26) Cf. supra 29a.
- (27) If Rab's reason as given by Raba is to be accepted, why should not the widow, now that her sister had died, be permitted to enter into levirate marriage?
- (28) On the analogy of Rab's reasoning.
- (29) When her husband died and the unmarried brother addressed a ma'amar to her.
- (30) When the second brother, the husband of the other sister, died.
- (31) Why then was it stated that she may not contract the levirate marriage and that she is restricted to halizah only?
- (32) Lit., 'why did I not tell'.
- (33) The Baraitha cited by R. Hamnuna.
- (34) To be married by the levir.
- (35) R. Eleazar's view was expressed in connection with a woman who had been divorced (and had thus become forbidden to the levir as the 'divorcee of his brother'), and then was remarried, and finally, on the death of her husband, became subject to the levir as the wife of his deceased childless brother (v. infra 108bf). In this case, when the widow became subject to the levirate obligations, she had been already, for a time, forbidden to the levir as the 'divorcee of his

brother'.

(36) As is the case in the Baraita cited by R. Hamnuna. The prohibition there arose after she had become subject to the obligations of the levirate.

(37) I.e., R. Eleazar forbids levirate marriage for ever, if the widow was unfit for such a marriage for one single moment, even if at the time when she became subject to the levirate obligations she (the widow) was quite fit to contract the carriage.

(38) The levir's, who betrothed the sister of his yebamah.

(39) Who is in a minority, against that of the Rabbis. Would they agree with a minority against the ruling of the majority?

(40) In the case of a woman who had been divorced and then remarried and then became subject to the levirate obligation, *infra* 108b. Cf. *supra* p. 266, n. 16.

(41) The prohibition having ceased with the death of her husband when the obligation of the levirate had arisen.

(42) The case cited by R. Hamnuna.

(43) Because after she became subject to the levirate obligations he was for a time, owing to the death of his second brother, forbidden to her as the sister of his zekukah.

(44) That only halizah must be performed, levirate marriage being forbidden.

(45) Whose husband died without issue, and who became subject to the levirate obligations.

(46) From the date of her husband's death. The reasons are discussed in the Gemara *infra*.

(47) Whose husbands have died.

(48) The distinctions between these classes are discussed in the Gemara.

(49) Lit., 'his heart is bold', and cohabitation might have taken place.

(50) Cf. Keth. 12a,

(51) Whose husbands have died.

(52) Who must allow a period of thirty days to pass.

Talmud - Mas. Yevamoth 41b

OWING TO HER MOURNING.¹

GEMARA. It is quite reasonable that she² shall not be taken [forthwith] in levirate marriage, since the child [whom she might bear] may be viable,³ and the levir would thus infringe the prohibition of marrying a brother's wife, which is Pentateuchal; but why should she not [forthwith] perform the halizah?⁴ Does this,⁵ then, present an objection against R. Johanan who said that the halizah of a pregnant woman is deemed to be a valid halizah?⁶ But has not an objection against R. Johanan once been raised?⁷ — [The question is whether] it may be assumed that an objection arises from here also?⁸ — No; here, the reason⁹ is this: The child might be viable;¹⁰ and you would in consequence subject her to the need for an announcement¹¹ in respect of the priesthood.¹² Well, let her be subjected!¹³ — It may happen that some people would be present at the halizah but would not be present at the announcement, and they would consider her ineligible to marry a priest.

This quite satisfactorily explains the case of a widow; what can be said, however, in respect of a divorced woman?¹⁴ — Because she would thereby¹⁵ lose her maintenance.¹⁶ This provides a quite satisfactory explanation in the case of a married woman; what can be said, however, in respect of a betrothed divorcee?¹⁷ — The reason¹⁸ is rather the ruling of¹⁹ R. Jose. For it was taught: A man once appeared before R. Jose and said to him; 'May halizah be performed within three months'? The master replied, 'She must not perform the halizah'. — 'Let her perform the halizah! What would she lose'?²⁰ Thereupon he recited for him this Scriptural text: If the man like not,²¹ [implying] that if he likes he may contract the levirate marriage; whosoever may go up²² to contract the levirate marriage may also go up to perform the halizah etc.²³

R. Hinena raised an objection: In doubtful cases halizah is performed and no levirate marriage may be contracted. Now, what is meant by 'doubtful cases'? If it be assumed to mean doubtful

betrothal;²⁴ why, indeed, should no levirate marriage be contracted? Let the widow be taken in levirate marriage since no objection could possibly be raised!²⁵ Consequently,²⁶ the doubt must consist in the betrothal of two sisters when the man is uncertain which of them he betrothed;²⁷ and yet it was stated that halizah was to be performed!²⁸ — How now! There,²⁹ if Elijah were to come and point out the sister that was betrothed, she would be eligible for both halizah and levirate marriage;³⁰ here,³¹ however, were Elijah to come and declare that the widow was not pregnant, would anyone heed him and allow her to contract the levirate marriage? Surely even a minor who is incapable of pregnancy must wait three months!³²

Our Rabbis taught: A yebamah³³ is maintained during the first three months out of the estate of her husband. Subsequently³⁴ she is not to be maintained either out of the estate of her husband or out of that of the levir. If, however, the levir appeared in court³⁵ and then absconded, she is maintained out of the estate of the levir. If she became subject to a levir who was a minor she receives nothing from the levir. Does she, however, [receive her maintenance] from her husband's estate? — On this question, R. Aha and Rabina are in dispute. One holds that she receives and the other holds that she does not. And the law is that she receives nothing; for her penalty comes from heaven.

Our Rabbis learned: A yebamah,³⁶ with whom the brothers had participated in halizah within the three months, must wait three months.³⁷

-
- (1) Which terminates on the thirtieth day.
 - (2) The deceased brother's wife spoken of in our Mishnah.
 - (3) And the levirate obligations would thereby be removed.
 - (4) Marriage with an outsider could thus take place after three months, if she is found to be without child or if she miscarried.
 - (5) The implication that halizah is forbidden because it is possible that the woman will miscarry after the ceremony and, believing the halizah to have been valid, would remarry without performing the ceremony again while, in fact, the law is that the halizah of a pregnant woman is not valid.
 - (6) Supra 35b.
 - (7) V. n. 11; why then doubt it?
 - (8) So that if the first objection should ever be removed the second would still remain.
 - (9) Why halizah also must be postponed until three months have passed.
 - (10) And his birth would render the halizah invalid, and his mother would consequently be permitted to marry a priest whom, as a haluzah, she would not have been allowed to marry.
 - (11) That the halizah was invalid and that the widow is eligible to marry a priest.
 - (12) V. p. 268 n. 15.
 - (13) To the necessary announcement. What loss could such an announcement cause her?
 - (14) I.e., who had been a divorcee prior to her marriage with the deceased brother. Having been divorced once, she is forever ineligible to marry a priest, even though she were no haluzah. Why, then, should she be forbidden to perform the halizah forthwith?
 - (15) By performing the halizah before the three months have passed.
 - (16) Which she receives from her deceased husband's estate for a period of three months. This would cease with the performance of the halizah. [On this view the Mishnah does not state a prohibition but a piece of sound advice (Tosaf.)]
 - (17) A woman who has been betrothed whilst she was a divorcee and became a widow before the marriage took place. As a betrothed she is not entitled to maintenance from the dead man's estate, and as a divorcee she is not eligible to marry a priest. Why, then, should she not be allowed forthwith to perform the halizah?
 - (18) V. supra p. 268, n. 14.
 - (19) Lit., 'because of'.
 - (20) Lit., 'and what in it'.
 - (21) Deut. XXV, 7.
 - (22) Sc. to the gate (cf. loc. cit.) i.e., to court.
 - (23) 'And whosoever may not go up to contract the levirate marriage may not go up to perform the halizah' (v. supra

20a, 36a, infra 44a). Since the widow may not contract levirate marriage within three months, she may not perform halizah either. This, however, presents no objection to R. Johanan's ruling since, though it is improper to arrange a halizah within the three months, if halizah had actually taken place it is valid.

(24) Such as are dealt with in the Mishnah and subsequent Gemara supra 30b.

(25) Lit., 'and there is nothing in it'. If the widow's betrothal by the deceased was valid, the levirate marriage is also valid; and if it was not valid, the so-called widow is in reality an unmarried woman and may be married as a stranger.

(26) Lit., 'but not?'

(27) And he died without issue.

(28) Though no levirate marriage may be contracted owing to the doubt in the case of each sister that she might be the 'sister of a zekukah'. How, then, could it be said that halizah may be performed only where levirate marriage also is possible?

(29) Where it is uncertain which sister was betrothed.

(30) Each sister may consequently be regarded as virtually fit for the levirate marriage.

(31) A widow within the first three months after her husband's death.

(32) As levirate marriage is thus absolutely forbidden for the time being, the halizah also must be postponed until the time when levirate marriage would be permitted. [Where, however, the prohibition to contract levirate marriage is absolute, as, for example, in the case of a sister of a haluzah (supra 41a) halizah may be performed (Rashi).]

(33) Who awaits halizah or levirate marriage which is not to take place before three months have passed.

(34) Lit., 'from now and onwards'.

(35) In response to the widow's claim that he should contract levirate marriage or submit to halizah.

(36) V. p. 270, n. 10.

(37) Dating from her husband's death, and may contract marriage after that period.

Talmud - Mas. Yevamoth 42a

If [the halizah was performed] after the three months, she need not wait three months.¹ Thus it may be inferred that the three months spoken of are [to be dated] from the time of the husband's death and not from the time of the levir's halizah.

Why [is the law here]² different from that of a letter of divorce where Rab maintains [that the waiting period is to date] from the time of the delivery³ and Samuel maintains [that it is to date] from the time of writing?⁴ — Raba replied: A minori ad majus, if you permitted marriage⁵ where a prohibition under the penalty of kareth is involved,⁶ how much more so [should marriage be permitted⁵ where only] an ordinary prohibition⁷ [is involved]!⁸

SIMILARLY ALL OTHER WOMEN. The case of a sister-in-law⁹ one can well understand, as has just been explained,¹⁰ but why ALL OTHER WOMEN?¹¹ — R. Nahman replied in the name of Samuel: Because Scripture said, To be a God unto thee and unto thy seed after thee,¹² a distinction must be made between the seed of the first husband and the seed of the second.

Raba raised an objection: Hence must a male proselyte and a female proselyte¹³ wait three months.¹⁴ Now, what distinction is there to be made here? — Here also there is the distinction to be made between seed that was sown in holiness and seed that was not sown in holiness.

Raba said: This¹⁵ is a preventive measure against the possibility of his¹⁶ marrying his paternal sister,¹⁷ contracting levirate marriage with the wife of his maternal brother,¹⁸ setting his mother free to marry anybody¹⁹ and releasing his sister-in-law to all the world.²⁰

R. Hanania raised an objection: In all these²¹ I read a provision against incest, but here²² it is a provision in favour of the child.²³ Now, if this²⁴ is tenable, all²⁵ would be due to a provision against incest! — The meaning of 'a provision in favour of the child' is that the child might not infringe a prohibition of incest'.²⁶

It is easy to understand why [a divorcee or widow] shall not marry after waiting a period of just two months because that would create a doubt as to whether the child is a nine-months one of the first²⁷ or a seven-months one of the second.²⁷ Let her wait, however, one month only and then marry, so that, should she give birth at seven months, the child would be a seven-months one of the last husband;²⁸ and should she give birth at eight months the child would obviously be a nine-months one of the first!²⁷ — Even if she gave birth at eight months it might still be assumed to be the child of the last husband since it may be that her conception was delayed one month.²⁹

Let her, then, wait two months and a half and marry, so that, were she to give birth at seven months, the child would obviously be a seven-months one of the last,²⁷ and were she to give birth at six months and a half, the child would naturally be a nine-months one of the first;³⁰ for had he been the son of the last he would not be viable as a six-and-a-half-months child. — Even if she gave birth at six and a half months it is still possible to assume the child to be that of the last husband, for Mar Zutra stated: Even according to him who said that a woman who bears at nine months does not give birth before the full number of months had been completed,³⁰ a woman who bears at seven months ‘does give birth before the full number of months has been completed;³⁰ for it is stated in Scripture, And it came to pass, after the cycles of days,’³¹ the minimum of ‘cycles’³² is two, and the minimum of ‘days’ is two.³³ Let her, then, wait a little³⁴ and marry, and when the three months³⁵ will have been fulfilled she might be examined!³⁶ — R. Safra replied: Married women are not examined, in order that they may not become repulsive to their husbands. Then let her be examined by her walk!³⁷ — Rami b. Mama replied: A woman conceals the fact³⁸ in order that her child may inherit his share in her [second] husband's estate. Where, however, it has been ascertained that she³⁹ was pregnant, let her be permitted to marry! Why then was it taught: A man shall not marry the pregnant, or nursing wife of another;⁴⁰ and if he married, he must divorce her and never again remarry her! — This⁴¹ is a preventive measure against the possibility of turning the foetus into a sandal.⁴² If so, [this should apply in the case] of one's own wife also!⁴³ — If according to him who said, ‘With an absorbent’,⁴⁴ she uses⁴⁵ an absorbent; and if according to him who said, ‘Mercy will be shewn from heaven’,⁴⁶ mercy will be shewn from heaven. Here also⁴⁷ [it could be argued]: If according to him who said, ‘With an absorbent’, she uses an absorbent; if according to him who said, ‘Mercy will be shewn from heaven’, mercy will be shewn from heaven! — [The prohibition]⁴⁸ is due, rather, to [the danger of abdominal] pressure.⁴⁹ If so, [this⁵⁰ applies in the case] of one's own wife also!⁵¹ — A man has consideration for his own.⁵² Here also⁵³ one would have consideration for the child!⁵⁴ — [The reason is]⁵⁵ rather because a pregnant woman is usually expected to breast-feed her child [and were she to marry during pregnancy] she

(1) From the date of the halizah.

(2) Halizah.

(3) Of the letter of divorce to the woman.

(4) Git. 18a. Why, then, should not here also a period of three months after halizah be required to pass before the widow is allowed to remarry?

(5) Three months after the death of the husband.

(6) The marriage with the levir, where the widow gives birth to a viable child, is an act of incest which is punishable by kareth.

(7) Marriage by the widow with a stranger during pregnancy.

(8) Hence, whenever the halizah was performed three months after the husband's death, the widow may forthwith be permitted to marry.

(9) The reason why she must not marry before three months from the date of her husband's death have passed

(10) Supra 41b.

(11) Why must they also wait three months?

(12) Gen. XVII, 7 emphasis on ‘thy’.

(13) Husband and wife (Rashi). Cf. however, Tosaf. s.v. **ר** a.l.

- (14) After their conversion, before resuming connubial relations.
- (15) That any widow or divorced woman shall not marry before three months have passed after her husband's death or divorce respectively.
- (16) The son born from a widow or divorcee who married within the three months, and who is a nine-months child of her first husband but is assumed to be a seven-months child of the second.
- (17) A daughter of the first husband from another wife, believing her to be a stranger.
- (18) He, if his mother bore a son to her second husband, and that son died childless, would be contracting levirate marriage with his widow in the belief that he is the paternal brother while in fact he is his maternal brother whose wife is, therefore, forbidden to him under the penalty of kareth.
- (19) Lit., 'to the market'. Should his mother's second husband die without having had any other children his mother would be deemed to be free from the levirate obligations on the assumption that he was the son of the second husband.
- (20) Lit., 'to the market'. If his brother (the son of his mother's first husband from another wife) dies childless and is survived by no other known brother his widow would be released to marry any stranger on the assumption that he had no surviving brother, while in reality the widow is bound to him by the levirate bond.
- (21) prohibitions to marry or to contract levirate marriage.
- (22) The law of a three months' period of waiting before any widow or divorcee is permitted to marry.
- (23) This is assumed to mean: In order that it be known whose child he is.
- (24) Raba's explanation.
- (25) Prohibitions to marry or to contract levirate marriage.
- (26) In the other cases the man and the woman themselves might encroach on the prohibition of incest.
- (27) Husband.
- (28) Had he been an eight-months child of the first husband he would not have been viable.
- (29) And the child is one of seven months.
- (30) לְמִקְטַעֵי (rt. קטע 'lop off') 'incomplete number of months'.
- (31) I Sam. I, 20. E.V., When the time was come about.
- (32) תְּקוּפוֹת pl. of תְּקוּפָה. The year is divided in four cycles (tekufoth), each consisting of three months. The pl. תְּקוּפוֹת represents no less than two, hence six months.
- (33) The text, speaking of Hannah's conception and the birth of Samuel, implies that a viable child may be born after a pregnancy of six months and two days.
- (34) A week or two.
- (35) Dating from the time of her first husband's death or divorce.
- (36) If she is found to be pregnant it will be obvious that the child's father was the first husband; if not, the father of the child born subsequently will be the second husband. After three months of conception the marks of pregnancy may be distinguished.
- (37) A pregnant woman, walking on soft soil or loose earth, leaves a deeper impression than a non-pregnant woman (Responsa of the Geonim, Cf. Rashi a.l.).
- (38) Lit., 'covers herself'. She makes every effort to conceal all signs of pregnancy which might lead to the discovery that the child's father was her first husband.
- (39) A divorced woman or a widow.
- (40) Though she had been divorced or widowed.
- (41) The reason why no expectant mother may be married.
- (42) סַנְדָּף 'a flat fish', hence an abortion that has the shape of a flat fish, assumed to be caused by intercourse during pregnancy.
- (43) During pregnancy. V. supra n. 7.
- (44) That a woman during pregnancy may use an absorbent to prevent a second conception. V. supra 12b.
- (45) Lit., 'with'.
- (46) No artificial means of contraception may be used. The woman must have implicit confidence in divine protection.
- (47) A divorced woman or a widow.
- (48) To marry an expectant mother.
- (49) Which may cause the death of the foetus.
- (50) The reason why no expectant mother may be married.
- (51) During pregnancy. V. supra note 7.

- (52) And takes every possible precaution to-avert danger.
(53) With a divorced woman or a widow.
(54) A man would surely take care not to destroy any life.
(55) The reason why no expectant mother may be married.

Talmud - Mas. Yevamoth 42b

might conceive again, her milk would become turbid, and she might thereby¹ cause the death of the child. If so, [this applies in the case] of the man's own child also! — His own child she would sustain with eggs and milk. Would she not sustain her own child also with eggs and with milk? — Her husband would not give her the means. Let her claim it² from the heirs!³ — Abaye replied: A woman would shrink from going to court⁴ and would rather let her child die.

WHETHER THEY WERE VIRGINS OR NON-VIRGINS. Who are the VIRGINS and who are the BETROTHED?⁵ Who are NON-VIRGINS and who are MARRIED women?⁶ — Rab Judah replied, It is this that was meant: WHETHER VIRGINS OR NON-VIRGINS who became widows or were divorced⁷ either after betrothal or after marriage.⁸

R. Eleazar did not go one day⁹ to the Beth Hamidrash. On meeting R. Assi he asked him, 'What did the Rabbis discourse at the Beth Hamidrash?' The other replied 'Thus said R. Johanan: The halachah is in agreement with R. Jose'.¹⁰ — Does this, then, imply that only individual opinion¹¹ is against him?¹² — Yes; and so it was taught: A [married woman] who was always anxious¹³ to spend her time¹⁴ at her paternal home,¹⁵ or who had some angry quarrel at her husband's home,¹⁶ or whose husband was in prison¹⁷ or was old or infirm,¹⁶ or who was herself infirm,¹⁸ or had miscarried after the death of her husband, or was barren, old, a minor, incapable of conception or in any other way incapacitated from procreation, must¹⁹ wait three months.²⁰ These are the words of R. Meir. R. Judah²¹ permits immediate betrothal and marriage.²²

R. Hiyya b. Abba said: R. Johanan retracted.²³ Said R. Joseph: If he retracted, he did so on account of what has been taught at the Vineyard.²⁴ For it was taught: R. Ishmael son of R. Johanan b. Beroka said: I heard from the mouth of the Sages in the Vineyard of Jabneh that all women must wait three months.²⁵

Said R. Jeremiah to R. Zerika: When you visit R. Abbahu point out to him the following contradiction: Could R. Johanan have said, 'The halachah is in agreement with R. Jose' seeing that he stated elsewhere 'the halachah is in agreement with the anonymous Mishnah',²⁶ and we learned, ALL OTHER WOMEN SHALL BE NEITHER MARRIED NOR BETROTHED BEFORE THREE MONTHS HAVE PASSED, WHETHER THEY WERE VIRGINS OR NON-VIRGINS!²⁷ The other replied, 'The one who pointed out to you this contradiction did not care much for [the quality of] flour.'²⁸ This is an anonymous Mishnah that was followed by a dispute,²⁹ where the halachah does not agree with the anonymous Mishnah; for R. Papa or, some say, R. Johanan stated: When a disputed ruling is followed by an anonymous one,³⁰ the halachah is in agreement with the anonymous ruling; when, however, an anonymous ruling is followed by a dispute,³¹ the halachah is not in agreement with the anonymous ruling.

R. Abbahu once walked leaning upon the shoulder of his attendant,³² R. Nahum, whilst gathering from him information as to traditional rulings.³³ He inquired of him: What [is the halachah] where a dispute is followed by an anonymous statement? The other replied: The halachah is in agreement with the anonymous statement, 'What [is the halachah], the first enquired, 'when] an anonymous statement is followed by a dispute'? The other replied: The halachah is not in agreement with the anonymous statement. 'What if the anonymous statement occurs in a Mishnah and the dispute in a Baraita'? The other replied: The halachah is in agreement with the anonymous statement. 'What if

the dispute is in the Mishnah and the anonymous statement in the Baraita'? The other replied:

- (1) Since she would either feed him with contaminated milk or deprive him altogether of her breast milk.
- (2) The extra cost of the maintenance.
- (3) Of her first husband.
- (4) To litigate with the heirs.
- (5) Both are identical. No virgin can possibly be subject to the levirate obligations unless she has been previously betrothed!
- (6) Cf. supra n. 9, mutatis mutandis.
- (7) This is the meaning of WHETHER DIVORCEES OR WIDOWS.
- (8) This has been expressed by WHETHER MARRIED OR BETROTHED. The last four terms are interpretations of the first two.
- (9) Lit., 'enter'.
- (10) That women who were married may be betrothed forthwith, and those who were betrothed may even be married forthwith, with the exception of the betrothed in Judaea (as R. Judah, with whom R. Jose is in agreement, has stated in our Mishnah) and with the exception of married women that became widows who must allow the period of thirty days of mourning to pass before remarriage or betrothal (v. our Mishnah).
- (11) That of the first Tanna in our Mishnah, SIMILARLY ALL OTHER WOMEN etc.
- (12) Otherwise the halachah should be in agreement with the view of the majority.
- (13) Pas. particip. of רָדַף 'to pursue', 'be anxious'.
- (14) Lit., 'to go'.
- (15) And was there when her husband died.
- (16) At the time of his death.
- (17) Tosef. J. and Babli in Keth. 60b add, 'or if her husband had gone to a country beyond the sea'. Cf. Wilna Gaon, Glosses, a.l.
- (18) When her husband's death occurred.
- (19) Though in all these cases it is obvious that the woman is not pregnant.
- (20) Before remarriage or betrothal, as a precaution against such marriage or betrothal on the part of a normal woman who might be pregnant.
- (21) So in Tosef. In 'Er.47a, Keth. (v. n. 12) and She'iltoth, however, the reading is R. Jose.
- (22) Tosef. VI, 6; 'Er. 47a, Keth. 60b. Thus it has been shewn that the opinion of the first Tanna who disagrees with R. Jose (or R. Judah) is that of R. Meir alone, and is, therefore, only that of an individual.
- (23) And ruled that the halachah is not in agreement with R. Jose.
- (24) כַּרְמֵיָא, designation of the academy at Jabneh or Jamnia where the students' seats on the ground were arranged in rows like vines in a vineyard.
- (25) After their divorce or the death of their husbands, before they may remarry or accept betrothal (v. supra note 10). Tosef. VI.
- (26) Shab. 46a.
- (27) And this Mishnah is anonymous!
- (28) 'What kind of flour he grinds'. He was careless in his arguments.
- (29) The anonymous statement of the first Tanna in our Mishnah is immediately followed by the dispute of R. Judah and of R. Jose.
- (30) Either in the same Tractate or in the same Order.
- (31) As in our Mishnah.
- (32) שְׂמֵי' Many of the Rabbis had a שְׂמֵי', sham'a, who was both attendant and disciple of the Master and himself a scholar.
- (33) Or halachoth.

Talmud - Mas. Yevamoth 43a

If Rabbi¹ has not taught it,² whence would R. Hiyya³ know it! The first said to him: Surely we learned: A hackle for flax, whose teeth were broken off and two remained, is [susceptible to

levitical] uncleanness, but [if only] one [tooth remained,⁴ it is levitically] clean.⁵ All the teeth, however, if they were removed one by one are individually [susceptible to levitical] uncleanness.⁶ A wool [comb] whose alternate teeth⁷ are broken off is levitically clean.⁸ If three consecutive⁹ teeth, however, remained, it is susceptible to levitical uncleanness. If one of these was a side tooth,¹⁰ [the comb] is levitically clean.¹¹ If two [teeth] were removed and someone used them as pincers, they are susceptible to levitical uncleanness. One [tooth also] that was adopted for [snuffing] the light,¹² or as a spool,¹³ is susceptible to levitical uncleanness.¹⁴ And we have it as a traditional ruling that the halachah is not in agreement with this Mishnah!¹⁵ — The other replied, ‘With the exception of this;¹⁶ for both R. Johanan and Resh Lakish stated: This is not [an authoritative] Mishnah’.

What is the reason? — R. Huna b. Manoah replied in the name of R. Idi son of R. Ika: Because the first clause is in contradiction to the second one. For at first it was stated that ‘a wool comb whose alternate teeth are missing is levitically clean’ from which it follows that if two consecutive teeth did remain it would be susceptible to uncleanness, while immediately afterwards it was stated, ‘If three consecutive teeth, however, remained it is susceptible to levitical uncleanness’ from which it follows that only three but not two! — What difficulty is this? It is possible that one¹⁷ refers to the internal,¹⁸ and the other¹⁹ the external teeth!²⁰

The contradiction, however, arises from the following²¹ It was taught first, ‘all the teeth, however, if they were removed one by one are individually susceptible to levitical uncleanness’ [implying], even though each tooth was not adapted [for the purpose] . Now read the final clause: ‘One tooth that was adapted for snuffing the light, or as a spool, is susceptible to levitical uncleanness’, [implying,] only when he adapted it but not when he did not adapt it! — Abaye replied: What is the difficulty? It is possible that the one [refers to a tooth] with a handle²² and the other [to a tooth] without a handle! R. Papa replied: What is the difficulty? It is possible that the one refers to small,²³ and the other to thick teeth.²⁴ [The reason]²⁵ is rather because accurate scholars add this conclusion: ‘These are the words of R. Simeon’.²⁶

R. Hiyya b. Abin sent the following message: Betrothal may take place within the three months, and the practice [of the Sages]²⁷ is also in accordance with this ruling. And R. Eleazar, too, taught us the same law in the name of R. Hanina the Great: The greater part of the first month, the greater part of the third one, and the full middle month.²⁸

Amemar permitted betrothal on the ninetieth day.²⁹ Said R. Ashi to Amemar: But, surely, both Rab and Samuel stated that the widow must wait three months exclusive of the day on which her husband died and exclusive of the day of her betrothal! — This ruling was stated in connection with a nursing mother; for both Rab and Samuel stated: She must wait twenty-four exclusive of the day on which the child was born and exclusive of the day of her betrothal.³⁰ Did not, however, a man once arrange a betrothal feast on the ninetieth days³¹ and Raba spoil his feast!³² — That was a wedding feast.

The law is that [a nursing mother] must wait twenty-four months, exclusive of the day on which the child was born and exclusive of the day on which she is to be betrothed. Similarly. One [who is not a nursing mother] must wait three months, exclusive of the day on which her husband died and exclusive of the day on which she is to be betrothed.

EXCEPTING THE WIDOW etc. R. Hisda said: [Cannot the law³³ be deduced by inference] from major to minor?³⁴ If when washing of clothes is forbidden,³⁵ betrothal is permitted, how much more should betrothal be permitted when the washing of clothes is permitted!³⁶ What is it?³⁷ — We learned: During the week in which the Ninth of Ab occurs it is forbidden to cut the hair and to wash clothes. On the Thursday, however, this is permitted in honour of the Sabbath.³⁸ And [in connection with this Mishnah] it was taught: Before this time³⁹ the public must restrict their activities in

commerce, building and plantings but it is permissible to betroth though not to marry, nor may any betrothal feast be held!⁴⁰ — That was taught in respect of the period before that time.⁴¹ Said Raba, Even in respect of the ‘period before that time’⁴² [the law might be arrived at by inference from] major to minor: If where it is forbidden to trade it is permitted to betroth, how much more should betrothal be permitted where trade also is permitted! — Do not read, R. JOSE SAID: ALL [MARRIED] WOMEN⁴³ MAY BE BETROTHED but read, ‘ALL MARRIED WOMEN⁴³ may be married’.⁴⁴

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- (1) The Redactor of the Mishnah and teacher of R. Hiyya.
 - (2) As an anonymous ruling which is to represent the established halachah.
 - (3) Rabbi's disciple, who compiled Baraithas and the reputed author of the Tosefta. (11) Since the hackle can still be used even though only two teeth remained. כְּלִים ‘vessels’ (v. Lev. XI, 32ff) by which all kinds of implements and instruments are understood, are susceptible to levitical uncleanness so long only as they are useable. Broken ‘vessels’ which cannot be put to any further use are always levitically clean.
 - (4) The hackle thus becoming unusable.
 - (5) V. supra p. 277. n. 11 last clause.
 - (6) Since each single broken tooth can be used for some purpose. V. infra.
 - (7) Lit., ‘one from between’, i.e., one tooth between every three.
 - (8) Its teeth are far apart. and the absence of every alternate tooth renders the instrument useless.
 - (9) Lit., ‘in one place’.
 - (10) Which serves as a protection for the other teeth but is in itself useless for combing purposes.
 - (11) V. supra p. 277. n. 11 .
 - (12) V. Jast.; or ‘for picking a candlestick’, v. Rashi a.l.
 - (13) Lit., ‘for stretching’. V. Jast.
 - (14) Kelim XIII, 8.
 - (15) Though it is anonymous.
 - (16) Only here has the anonymous Mishnah been disregarded.
 - (17) The first clause which implies that if only two teeth remained the comb is still susceptible to uncleanness.
 - (18) With two teeth of which the comb may still be used.
 - (19) The final clause, implying that if only two teeth remained the comb is no more susceptible to uncleanness.
 - (20) Two of which are useless. A wool comb had two sets of teeth, external and internal. The former were used for the main work, and no less than three were required. The latter served only the purpose of holding up the wool, and two of these were quite sufficient for that purpose. It should be noted that the ‘side tooth’ mentioned in the Baraitha does not refer to these but to the first or last tooth of the row (v. supra p. 278, n. 7).
 - (21) Lit., ‘but from here’.
 - (22) When a part of the wooden base of the comb was broken off together with the tooth. In this case no adaptation is necessary.
 - (23) Small teeth require a handle without which they cannot be used.
 - (24) Which can be used without any adaptation.
 - (25) Why the halachah is not in agreement with that Mishnah.
 - (26) The Mishnah thus is not at all anonymous.
 - (27) Which he witnessed (v. Rashi a.l.).
 - (28) Constitute the required period of three months. Three full months are not necessary.
 - (29) After divorce or husband's death.
 - (30) Keth. 60b.
 - (31) After divorce or husband's death.
 - (32) By forbidding the betrothal on that day.
 - (33) On a widow's betrothal within the period of the thirty days of mourning.
 - (34) In a way contrary to the ruling of R. Jose.
 - (35) During the week in which the fast of the Ninth of Ab occurs.
 - (36) A mourner may wash his clothes before the period of the thirty days of mourning has passed- the prohibition extending to the first week of mourning only.

(37) I.e., where does the law concerning washing and betrothal occur.

(38) Ta'an. 26b.

(39) This is now assumed to mean, before the Ninth of Ab and during the week in which the fast occurs.

(40) Which shews that betrothal is permitted even when washing of clothes is forbidden. How, then, could R. Jose forbid betrothal where even washing was permitted? (V. supra note 7).

(41) Lit., 'before of before', prior to the week in which the fast occurs, when washing also is permitted. During the week itself, however, betrothal as well as washing is forbidden.

(42) V. supra p. 280, n. 12.

(43) Whose husbands died.

(44) R. Jose's disagreement with R. Judah has no bearing on the question of marriage during mourning on which R. Judah and R. Jose are in agreement, the former also admitting that no marriage may be celebrated during the mourning period. R. Jose's disagreement relates to the general question of the remarriage of a married woman within three months after her husband died (or divorced her). While R. Judah permits a married woman within three months betrothal only, but not marriage, R. Jose permits marriage also.

Talmud - Mas. Yevamoth 43b

Does not R. Jose, then, hold the view that it is necessary to make a distinction?¹ — If you wish I might say² that he does not. And if you prefer I might say that he does, in fact, hold [this view],³ but read, 'R. Jose said: All betrothed women who were divorced may be married'.⁴ If so, it⁵ is the same view as that of R. Judah!⁶ — The point at issue between them is the question of the betrothal⁷ of a married woman. R. Judah maintains that a married woman may be betrothed,⁷ while R. Jose maintains that a married woman may not be betrothed.⁷ But is R. Jose of the opinion that a married woman is forbidden betrothal?⁷ Surely it was taught, 'R. Jose said: All women⁸ may be betrothed,⁷ excepting the widow, owing to her mourning. And how long does her mourning continue? Thirty days. And all these must not marry before three months have passed'! — What an objection is this!⁹ If it be argued: Because it was stated, 'R. Jose said: All women may be betrothed', is this [it may be retorted] of greater force than our Mishnah? As that was interpreted to mean that 'betrothed women who were divorced may be married' so here also [it might be interpreted to mean], 'All betrothed women who were divorced may be married'! — [The objection,] however, [arises from] the final clause where it was stated, 'And all these must not marry before three months have passed', [implying that] only marriage is forbidden to them but they may well be betrothed!¹⁰ — Raba replied: Explain and reconstruct it¹¹ as follows:¹² R. Jose said: Betrothed women who were divorced may be married, excepting the widow owing to her mourning. And how long does her mourning continue? Thirty days. And married women may not be betrothed before three months have passed.¹³ But is any mourning to be observed by an erusin¹⁴ widow? Surely R. Hiyya b. Ammi taught: In the case of a betrothed wife,¹⁵ the husband is neither subject to the laws of onan¹⁶ nor may he defile himself¹⁷ for her;¹⁸ and she, [in his case,] is likewise not subject to the laws of onan¹⁶ nor may she defile herself for him;¹⁹ if she dies he does not inherit from her, though if he dies she collects her kethubah!²⁰ — The fact, however, is that this²¹ is a question in dispute between²² Tannaim. For it was taught: From the first day of the month²³ until the fast,²⁴ the public must restrict their activities in trade, building and planting, and no betrothals or marriages may take place.²⁵ During the week in which the Ninth of Ab occurs it is forbidden to cut the hair, to wash clothes;²⁶ and others say that this is forbidden during the entire month.²⁷ R. Ashi demurred: Whence is it proved that betrothal means actual betrothal! Is it not possible that it is only forbidden to give²⁸ a betrothal feast but that betrothal itself is permitted?²⁹ — If so, does 'no marriage may take place' also mean that the giving of a wedding feast is forbidden but marriage itself is permitted! — How now! In the case of a marriage without a feast there is still sufficient rejoicing;³⁰ in the case of betrothal, however, is there any rejoicing when no feast is held?³¹ The fact is, said R. Ashi, that recent mourning³² is different from ancient mourning,³³ and public mourning³³ is different from private mourning.³⁴ MISHNAH. WHERE FOUR BROTHERS WHO WERE MARRIED TO FOUR WOMEN DIED, THE ELDEST³⁵ MAY, IF HE DESIRES, CONTRACT LEVIRATE MARRIAGE WITH ALL OF

THEM.

WHERE A MAN WHO WAS MARRIED TO TWO WOMEN DIED, COHABITATION OR HALIZAH WITH ONE OF THEM EXEMPTS HER RIVAL.

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- (1) Between a child of the first, and one of the second husband. (V. supra 42a). If he does, how could he permit marriage within the three months?
- (2) V. Bah a.l. Wanting in cur. edd.
- (3) He admits the necessity for a distinction between the children of the two husbands.
- (4) Forthwith. In such cases the question of pregnancy does not arise. Hence, immediate marriage is permitted except in the case of mourning (v. our Mishnah final clause).
- (5) R. Jose's view.
- (6) Who stated, **THOSE WHO WERE BETROTHED MAY EVEN BE MARRIED FORTHWITH.**
- (7) Forthwith.
- (8) Even married women.
- (9) The point of the objection is explained infra.
- (10) How, then, could R. Jose say here that betrothal is forbidden.
- (11) The second Baraitha cited.
- (12) Lit., 'and say thus'.
- (13) R. Jose in the Baraitha, in thus forbidding betrothal, advances the same opinion as R. Jose in our Mishnah in accordance with the interpretation supra.
- (14) V. Glos.
- (15) Before her marriage has taken place.
- (16) A mourner for certain relatives prior to their burial (v. Glos.) who is subject to a number of restrictions.
- (17) If he is a priest who is forbidden to come in contact with dead bodies except those of very near relatives among whom a wife is included. Aliter: 'nor need he defile himself'; v. supra 29b.
- (18) A 'betrothed wife' not being regarded as being as near of kin as a married wife.
- (19) During a festival when Israelites and women (and not only priests) are forbidden to attend on a dead body (unless they are engaged in its burial) if they are not near relatives (cf. R.H. 16b). Others render, 'nor need she . . . him'. (V. Rashi a.l. and Tosaf. supra 29b s.v.).
- (20) V. Glos. in a case where the document was given to her at the betrothal. Supra 29b, B.M. 18a, Keth. 53a. The reference in the Mishnah hence cannot be to an erusin widow but to the prohibition of the betrothal of a widow within thirty days, which brings us back to the original question of R. Hisda.
- (21) Whether betrothal is forbidden or permitted before the Fast of Ab.
- (22) Lit., 'but it'.
- (23) Of Ab.
- (24) On the ninth of the month.
- (25) Ta'an. 26b.
- (26) Cut. edd. insert in parentheses, 'and it is forbidden to betroth'.
- (27) Ta'an. 29b. The Tanna of this Baraitha thus forbids betrothal before the Ninth of Ab though the Tanna of the Baraitha previously cited (supra 43a) permits it. The objection against R. Jose raised by R. Hisda from the first Baraitha is, therefore, untenable, since R. Jose may disagree with that Tanna and follow the view of the one in the second Baraitha, who forbids betrothal. R. Jose's statement in our Mishnah may consequently be read and interpreted as originally assumed, viz., that **ALL (MARRIED) WOMEN MAY BE BETROTHED**, the point at issue between him and R. Judah being the question of mourning during which in the opinion of the first betrothal is, and in the opinion of the latter is not forbidden.
- (28) Lit., 'to make'.
- (29) Cf. infra note 10.
- (30) Hence it is quite conceivable that marriage, even though no wedding feast is held, should be forbidden.
- (31) It is quite possible, therefore, that the 'betrothal' forbidden is only one celebrated with the holding of a festive meal, while betrothal alone is permitted. The second Baraitha would thus be in agreement with the first. How, then, could R. Jose, contrary to the rulings of the two Baraithas maintain that betrothal during mourning is forbidden?

(32) After a personal bereavement.

(33) That before the Fast of Ab in commemoration of historical events.

(34) Personal and recent grief is more poignant, and is subject to more stringent regulations than those of public mourning which is less rigid. Hence there need be no contradiction between R. Jose's ruling concerning the prohibition of betrothal during the widow's personal mourning and the permission of betrothal in the Baraitas which speak of public mourning. Consequently the assumption that the two Baraitas are in disagreement and that R. Jose follows the latter is no longer necessary. Both Baraitas, in fact, may permit betrothal before the Fast of Ab, and R. Jose also may share the same view.

(35) Surviving brother; v. Gemara.

Talmud - Mas. Yevamoth 44a

IF ONE OF THESE, HOWEVER, WAS ELIGIBLE¹ AND THE OTHER INELIGIBLE,¹ THEN IF HE² SUBMITS TO HALIZAH IT MUST BE FROM HER WHO IS INELIGIBLE,³ AND IF HE CONTRACTS LEVIRATE MARRIAGE IT MAY BE EVEN WITH HER WHO IS ELIGIBLE.

GEMARA. FOUR BROTHERS? Is this conceivable!⁴ — Read, FOUR of the BROTHERS.

MAY. And is he allowed?⁵ Surely it was taught: Then the elder's of his city shall call him,⁶ 'they' but not their representative; 'and speak unto him'⁶ teaches that he is given suitable advice. If he,² for instance, was young and she⁷ old, or if he was old and she was young, he is told, 'What would you with⁸ a young woman?' or 'What would you with an old woman?' 'Go to one who is [of the same age] as yourself and create no strife in your house'⁹ — This is applicable to that case only where he can afford it.¹⁰ If so, even more wives also!¹¹ — Sound advice was given: Only four but no more, so that each may receive one marital visit a month.¹²

WHERE A MAN WHO WAS MARRIED etc. Let him contract levirate marriage with both! — R. Hiyya b. Abba replied in the name of R. Johanan: Scripture stated, That doth not build up his brother's house,¹³ he builds one house¹⁴ but does not build two houses. Then let him submit to halizah from both of them! — Mar Zutra b. Tobia replied: Scripture stated, The house of him who had his shoe drawn off,¹⁵ he submits to the drawing off of the shoe in respect of one house but must not submit to the drawing off of the shoe in respect of two houses. Then let him submit to halizah¹⁶ from one and contract levirate marriage with the other! — Scripture stated, That doth not build,¹⁷ as he has not built¹⁸ he must never again build. Then let him contract levirate marriage with one and submit to halizah from the other! — Scripture states, If he like not,¹⁹ if, however, he liked, he may contract levirate marriage; whosoever may go up²⁰ to contract levirate marriage, may also go up to perform halizah and whosoever may not go up¹⁷ to contract levirate marriage²¹ may not go up to perform halizah. Furthermore, in order that it be not said that the same house²² is partially 'built' and partially 'drawn off'. But let them say! — If he had first contracted levirate marriage and then submitted to halizah this would have been so indeed;²³ it is possible, however, that he may submit to halizah and subsequently contract levirate marriage and thus place himself under the prohibition of that doth not build.²⁴

Might it be suggested that where there is only one,²⁵ the law of the levirate marriage shall be observed, but that where there are two, the law of levirate marriage shall not be observed! — If so, what need was there for the All Merciful to prohibit marriage with the rival of a forbidden relative? If any two rivals, it has been said, are not both subject to halizah and the levirate marriage, was there any need [to mention the exemption of] a rival of a forbidden relative! Why not? It is certainly needed! For it might have been assumed that the forbidden relative stands excluded, and her rival may, therefore, be taken in levirate marriage, hence it was taught that she also was forbidden! — But in fact [this is the proper explanation:] The repetition of his brother's wife²⁶ widened the scope.²⁷

IF ONE OF THEM, HOWEVER, WAS ELIGIBLE. Said R. Joseph: Here²⁸ it was taught by Rabbi²⁹ that a man should not pour the water out of his cistern while others may require it.³⁰

MISHNAH. A MAN WHO REMARRIED HIS DIVORCED WIFE,³¹ OR MARRIED HIS HALUZAH, OR MARRIED THE RELATIVE OF HIS HALUZAH MUST DIVORCE HER, AND THE CHILD³² IS A BASTARD; THESE ARE THE WORDS OF R. AKIBA. BUT THE SAGES SAID: THE CHILD IS NOT A BASTARD. THEY AGREE, HOWEVER, THAT WHERE A MAN MARRIED THE RELATIVE OF HIS DIVORCEE THE CHILD³² IS A BASTARD.

GEMARA. Does R. Akiba hold the view that the child of a man who MARRIED THE RELATIVE OF HIS HALUZAH is a bastard? Surely Resh Lakish stated: Here³³ it was taught by Rabbi³⁴ [that the prohibition to marry] the sister of a divorced wife is Pentateuchal and that that of the sister of a haluzah is Rabbinical!³⁵ — Read,³⁶ THE RELATIVE OF HIS divorcee. This view may also logically be supported. For it was stated in the final clause, THEY AGREE, HOWEVER, THAT WHEN A MAN MARRIED THE RELATIVE OF HIS DIVORCEE THE CHILD IS A BASTARD. Now, if you grant that her case³⁷ was under discussion one can well see the reason why the expression of THEY AGREE had been used; if you contend, however, that her case³⁷ was not under discussion what is the purport of THEY AGREE?³⁸

Is it not possible that we were informed³⁹ that the [offspring of a union] of those who are subject to the penalty of kareth is a bastard?⁴⁰ — This surely is taught below: ‘Who is a bastard? [The offspring of a union with] any consanguineous relative with whom cohabitation is forbidden; so R. Akiba. Simeon⁴¹ the Temanite said: [The offspring of any union] the penalty for which is kareth at the hands of heaven. And the halachah is in agreement with his view.⁴² But is it not possible that the Tanna⁴³ intended to indicate by his anonymous statement that the halachah is according to Simeon⁴¹ the Temanite?⁴⁴ — If so, he should have stated, ‘Others who are subject to the penalty of kareth’, why then [specify] THE RELATIVE OF HIS DIVORCEE? Consequently it must be inferred that this case⁴⁵ was under discussion. But is it not indeed possible to maintain that it⁴⁵ was not under discussion, but because THE MAN WHO REMARRIED HIS DIVORCED WIFE OR MARRIED HIS HALUZAH OR THE RELATIVE OF HIS HALUZAH was spoken of,⁴⁶ he also introduced THE RELATIVE OF his divorcee’?⁴⁷

Would consequently [the offspring of a union with] the RELATIVE OF HIS HALUZAH, according to R. Akiba,⁴⁸ be a bastard!⁴⁹ — R. Hiyya b. Abba replied in the name of R. Johanan, This is R. Akiba's reason: Because Scripture stated, The house of him that had his shoe drawn off,⁵⁰ Scripture thus called it his house.⁵¹

R. Joseph stated in the name of R. Simeon b. Rabbi: All agree that, where a man remarried his divorced wife,

(1) To marry a priest. V. Lev. XXI, 7.

(2) The levir.

(3) So that the halizah shall not disqualify the eligible widow from marrying a priest.

(4) If there were only four brothers and all of them died, how could levirate marriage take place?

(5) To marry four wives.

(6) Deut. XXV, 8.

(7) The widow, his sister-in-law.

(8) Lit., ‘what to thee at’.

(9) Infra 101b. Similarly in the case of our Mishnah also the levir should have been advised not to undertake the responsibility of maintaining four wives.

(10) When he possesses the means.

(11) Should be allowed. Why then were FOUR only mentioned.

- (12) Once a week, on Friday evenings, is the time when scholars in moderate health should pay their marital visits (Keth 62b). More than four wives would reduce each one's visits to less than one per month.
- (13) Deut. XXV, 9: emphasis on 'house' (sing.).
- (14) I.e., marries one widow.
- (15) E.V., loosed, ibid. 10, emphasis on 'house'.
- (16) For this insertion v. Bah a.l.
- (17) Ibid. 9, emphasis on 'not build'.
- (18) I.e., did not contract levirate marriage.
- (19) Ibid. 7.
- (20) Sc. to the gale (ibid.), i.e., the court.
- (21) As is the case with the rival who may not contract levirate marriage, for the reason given supra, 'he builds one house but does not build two houses'.
- (22) Of the one brother.
- (23) What people might say about 'partially built' etc. would not have mattered.
- (24) V. supra note 5, 'as he has not built he must never again build'.
- (25) Widow.
- (26) Deut. XXV, 7.
- (27) Indicating that even where there are two rivals the precept of levirate marriage is to be observed.
- (28) By the instruction that halizah is to be performed by the ineligible, and not by the eligible widow.
- (29) R. Judah the Prince, Redactor of the Mishnah.
- (30) Though the levir himself would lose nothing by disqualifying the widow from marriage with a priest, he must not be the cause of her disqualification out of consideration for a priest who might wish to marry her.
- (31) After she had been married to another man.
- (32) The offspring of any such union.
- (33) In the Mishnah supra 41a to which Resh Lakish refers.
- (34) The Redactor of the Mishnah.
- (35) Supra 40b, 41a. The offspring of a union that is only Rabbinically forbidden would not be a bastard.
- (36) In R. Akiba's statement in our Mishnah.
- (37) That of the relative of a divorcee.
- (38) One does not AGREE in respect of a case that never was in dispute!
- (39) By the use of the expression AGREE.
- (40) I.e., the Rabbis AGREE in this case because it involves kareth, though they maintain that the offspring of those who are subject to the penalty of flogging only is not a bastard, AGREE would consequently provide no proof that R. Akiba spoke of the relative of a divorcee!
- (41) Cur. edd. add 'R'.
- (42) Infra 49a. The halachah must obviously be in agreement with the Rabbis who form the majority. Consequently there was no need for the Rabbis to state the same halachah in our Mishnah also. THEY AGREE must, therefore, imply that R. Akiba also spoke of the relative of a divorcee.
- (43) Of our Mishnah.
- (44) Hence the repetition in Our Mishnah of the one infra 49a. Cf. supra n. 5 second clause.
- (45) The case of the relative of one's divorcee.
- (46) And on which the Rabbis disagreed with R. Akiba. In the case of the RELATIVE OF HIS HALUZAH, however, R. Akiba, it might still be contended, regards the child as a bastard.
- (47) In whose case the Rabbis agree with R. Akiba.
- (48) Since the expression RELATIVE OF HIS HALUZAH in R. Akiba's statement is not amended to 'RELATIVE OF HIS divorcee'.
- (49) On what ground could R. Akiba maintain such an opinion?
- (50) Deut. XXV, 10.
- (51) The relative of a haluzah, according to R. Akiba, is consequently, like that of a divorcee, forbidden Pentateuchally. The offspring of a union with such a relative is, therefore, a bastard.

Talmud - Mas. Yevamoth 44b

the child¹ is tainted in respect of the priesthood.² Who [is meant by] 'All agree'? — Simeon the Temanite. For although Simeon the Temanite stated that the offspring of a union forbidden under the penalty of flogging is not a bastard, he agrees that, though he is not a bastard, he is nevertheless tainted.³ This is deduced a *minori ad majus* from the case of a widow: If in the case of a widow married to a High Priest, the prohibition of whom is not applicable to all,⁴ her son¹ is tainted,³ how much more should the son of a divorcee be tainted, whose prohibition is equally applicable to all.⁵ [This argument, however], may be refuted: A widow's case may well be different⁶ because she herself becomes profaned and;⁷ and, furthermore, it is written in Scripture, She is an abomination,⁸ 'she'⁹ only is an abomination but her children are not an abomination. — Furthermore, it was taught: Where a man remarried his divorced wife, or married his haluzah, or married the relative of his haluzah, R. Akiba said, his betrothal of her is not valid,¹⁰ she requires no divorce from him, she is disqualified,¹¹ her child is disqualified,¹² and the man is compelled to divorce her. And the Sages said: His betrothal of her is valid, she requires a divorce from the man, she is fit, and her child is fit. Now, in respect of what?¹³ Obviously in respect of the priesthood!¹⁴ — No; in respect of entering the congregation.¹³

If so, in respect of whom is she¹⁵ fit? If it be suggested 'in respect of entering the congregation', is not this [it may be retorted] obvious? Has she become ineligible to enter the congregation because she played the harlot!¹⁶ Consequently it must mean in respect of the priesthood. Now, since she is [untainted] in respect of the priesthood, her child also must be [untainted] in respect of the priesthood!¹⁴ — Is this an argument? The same term may bear different interpretations in harmony with its respective subjects.¹⁷ This¹⁸ is also logically sound. For in the first clause¹⁹ it was stated, 'She is disqualified and her child is disqualified'. Now, in respect of what is 'she disqualified'? If it be suggested, 'in respect of entry into the congregation', does she [it may be retorted] become disqualified for entry into the congregation because she played the harlot!²⁰ Consequently it must mean 'in respect of the priesthood!' Now, again, in respect of what is 'her child disqualified'? If it be suggested, 'in respect of the priesthood' thus implying that he is permitted to enter the congregation, surely [it may be objected] R. Akiba stated that the child is a bastard!²¹ Obviously then 'in respect of entry into the congregation'.²² And, as in the first clause the same term bears different interpretations in harmony with its respective subjects, so may the same term in the final clause bear different interpretations in agreement with its respective subjects.²³ Also as to the expression²⁴, This is an abomination it [may be interpreted]: 'She is an abomination but her rival is no abomination'.²⁵ Her children, however, are an abomination.²⁶

The objection, however, from the 'widow' [still remains, thus]: 'A widow's case may well be different²⁷ because she herself becomes²⁸ profaned'²⁹ — But [the fact is that] if any statement was made³⁰ it was as follows:³¹ R. Joseph stated in the name of R. Simeon b. Rabbi, 'All agree that where a man cohabited with any of those who are subject to the penalty of kareth³² the child³³ is tainted'.³⁴ Who [is referred to by] 'All agree'? — R. Joshua. For although R. Joshua stated that the offspring of a union forbidden under the penalty of kareth is not a bastard, he agrees that, though he is no bastard, he is nevertheless tainted.³⁵ This is deduced a *minori ad majus* from the case of a widow: If in the case of a widow married to a High Priest, the prohibition of whom is not applicable to all,³⁶ her son³⁷ is tainted,³⁵ how much more should the son of this woman be tainted whose prohibition is equally applicable to all.³⁸

And were you to object: A widow's case may be different³⁹ because she herself becomes profaned,⁴⁰ [it may be retorted that], here also, as soon as the man had any connubial relations with her he stamped her as a harlot.⁴¹

Rabbah b. Bar Hana said in the name of R. Johanan: All agree that where a slave or an idolater had intercourse with a daughter of an Israelite the child is a bastard. Who is meant by 'All agree'? —

Simeon the Temanite. For although Simeon the Temanite stated that the offspring of a union forbidden under the penalty of flogging is not a bastard, his statement applies only

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- (1) The offspring of such a union.
 - (2) פגום defective, inferior (in status). If a male he is disqualified from the priesthood: and if a female she is ineligible to marry a priest. [Rashi reads simply: 'the child is tainted', so MS.M.]
 - (3) And disqualified for the priesthood.
 - (4) A widow is forbidden to a High Priest only, but not to an ordinary priest or an Israelite.
 - (5) No one, priest or Israelite, may remarry his divorced wife after she had been married to another man.
 - (6) I.e., her son may indeed be tainted.
 - (7) Having once married a High Priest unlawfully, she may not marry after his death even an ordinary priest (v. Kid. 77a), and if she is a priest's daughter she loses her privilege to eat terumah (v. infra 68a). In the case of a remarried divorcee these restrictions do not apply, since she is permitted to eat terumah if she is a priest's daughter (v. infra 69a) while her prohibition to marry a priest is not due to her remarriage, but to her previous divorce.
 - (8) Deut. XXIV, 4.
 - (9) ה"י rendered by E.V., it; lit, 'she', is taken to refer to the woman. The Talmudic text here is not very clear. (V. supra 11b for a smoother text and further notes, and cf. Bah a.l.).
 - (10) Unions subject to the penalty of flogging are in his opinion invalid.
 - (11) May not marry a priest.
 - (12) Being deemed a bastard.
 - (13) Is the child regarded as fit. I.e. fit to marry a proper Israelite; v, Deut. XXIII, 1ff.
 - (14) Which is contrary to the conclusion arrived at by the argument a minori ad majus!
 - (15) The remarried divorcee.
 - (16) I.e., contracted a forbidden marriage.
 - (17) Lit., 'that as it is and that etc.'. The term 'untainted' in the case of the woman may have reference to priesthood, but in the case of the child it may refer to entry into the congregation; while in respect of the priesthood the child may well be regarded as tainted.
 - (18) The thesis that the interpretation of the same term may vary in harmony with its respective subjects though both appear in the same context.
 - (19) Of the cited Baraita.
 - (20) I.e., contracted a forbidden marriage.
 - (21) Who may not enter into the congregation. (V. Deut. XXIII, 3).
 - (22) Although the same term, in the same context, when applied to the mother, referred to the priesthood.
 - (23) V. supra p. 289. n. 10, for lit. meaning.
 - (24) From which it has been sought to prove supra that the inference from the case of a widow married to a High Priest cannot be upheld.
 - (25) I.e., the exclusion refers to her rival who may contract levirate marriage.
 - (26) I.e., disqualified from the priesthood. as has been inferred supra.
 - (27) I.e., her son may indeed be tainted.
 - (28) V. supra p. 288, n. 13.
 - (29) Which leads to the conclusion that no inference a minori ad majus may be drawn from the case of the widow. How, then, could R. Joseph state in the name of R. Simeon, supra, that all agree that the child is disqualified?
 - (30) By R. Joseph in the name of R. Simeon, on the subject under discussion.
 - (31) Lit., 'thus it was said'.
 - (32) For that cohabitation.
 - (33) The offspring of such a union.
 - (34) V. supra p. 282, no. 8ff.
 - (35) And disqualified for the priesthood.
 - (36) A widow is forbidden to a High Priest only, but not to an ordinary priest or Israelite.
 - (37) The offspring of such a union.
 - (38) No one, priest or Israelite, may remarry his divorced wife after she had been married to another man.
 - (39) I.e., her son may indeed be tainted.

(40) V. supra p. 288, n. 13.

(41) Because of the forbidden union, and she, like the widow who was married to a High Priest, is in consequence forbidden to marry even a common priest.

Talmud - Mas. Yevamoth 45a

to the offspring of a union forbidden under the penalty of flogging, since the betrothal in such a case is valid¹ but here, in the case of an idolater and a slave, since betrothal in their case is invalid,² they are like those whose union is subject to the penalty of kareth.³

An objection was raised: If a slave or an idolater had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard. R. Simeon b. Judah said: A bastard is only he who [is the offspring of a union which] is forbidden as incest and is punishable by kareth!⁴ — No, said R. Joseph, who [is referred to by] ‘all cable only according to the view of R. Akiba who regards a haluzah as a forbidden relative’,⁵ while he himself does not share the same view,⁶ he agrees⁷ in the case of an idolater and a slave. For when R. Dimi came⁸ he stated in the name of R. Isaac b. Abudimi in the name of our Master,⁹ ‘If an idolater or a slave had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard’.

R. Aha, the governor of the castle,¹⁰ and R. Tanhum son of R. Hiyya of Kefar Acco¹¹ once redeemed some captives who were brought from Armon to Tiberias,¹² [Among these] was one who had become pregnant from an idolater. When they came before R. Ammi he told them: It was R. Johanan and R. Eleazar and R. Hanina who stated that if an idolater or a slave had intercourse with the daughter of an Israelite the child born is a bastard.

Said R. Joseph: Is it a great thing to enumerate persons?¹³ Surely it was Rab and Samuel in Babylon and R. Joshua b. Levi and Bar Kappara in the Land of Israel — (others say, ‘Bar Kappara’ is to be altered to¹⁴ the ‘Elders of the South’)¹⁵ — who stated that if an idolater or a slave had intercourse with a daughter of an Israelite, the child born is untainted! — No, said R. Joseph, it¹⁶ is [the opinion of] Rabbi.¹⁷ For when R. Dimi came⁸ he stated in the name of R. Isaac b. Abudimi that it was reported in the name of our Masters that if an idolater or a slave had intercourse with the daughter of an Israelite the child [born from such a union] is a bastard.

R. Joshua b. Levi said: The child¹⁸ is tainted. In respect of what?¹⁹ If it be suggested in respect of entry into the congregation, surely [it may be retorted] R. Joshua b. Levi stated that the child was fit! It must be then in respect of the priesthood;¹⁹ for all Amoraim who declare the child¹⁸ fit admit that he is ineligible for the priesthood.²⁰ This is inferred by deduction from the case of a widow a *minor ad majus*. If in the case of a widow who was married to a High priest whose prohibition is not equally applicable to all²¹ her son²² is tainted,²³ how much more should the son of this woman²⁴ be tainted whose prohibition is equally applicable to all.²⁵ The case of a widow who was married to a High Priest may be different, since she herself becomes profaned!²⁶ — Here also,²⁷ as soon as cohabitation occurred the woman is disqualified;²⁸ for R. Johanan stated in the name of R. Simeon:²⁹ Whence is it inferred that if an idolater or a slave had intercourse with the daughter of a priest, of a Levite or of an Israelite, he disqualified her?³⁰ It was stated But if a priest's daughter be a widow, or divorcee;³¹ Only in the case of a man in relation to whom widowhood or divorce is applicable;³² an idolater and a slave are consequently excluded since in relation to them no widowhood or divorce is applicable.³³

Said Abaye to him:³⁴ What reason do you see for relying upon R. Dimi?³⁵ Rely rather on Rabin!³⁶ For when Rabin came³⁷ he reported that R. Nathan and R. Judah the Prince ruled that such a child is legitimate;³⁸ and³⁹ R. Judah the Prince is, of course, Rabbi!

And Rab also ruled that the child is legitimate.⁴⁰ For once a man⁴¹ appeared before Rab and asked him, 'What [is the legal position of the child] where an idolater or a slave had intercourse with the daughter of an Israelite?' 'The child is legitimate', the Master replied. 'Give me then your daughter' said the man. 'I will not give her to you' [was the Master's reply]. Said Shimi b. Hiyya to Rab. 'People say that in Media⁴² a camel can dance on a kab;⁴³ here is the kab, here is the camel and here is Media, but there is no dancing'!⁴⁴ 'Had he been⁴⁵ equal to Joshua the son of Nun I would not have given him my daughter', the Master replied. 'Had he been like Joshua the son of Nun', the other retorted, 'others would have given him their daughters, if the Master had not given him his; but with this man, if the Master will not give him, others also will not give him'.⁴⁶ As the man refused to go away he fixed his eye upon him and he died. R. Mattena also ruled that the child is legitimate.⁴⁷ Rab Judah also ruled that the child is legitimate.⁴⁷ For when one⁴⁸ came before Rab Judah, the latter told him, 'Go and conceal your identity⁴⁹ or marry one of your own kind'.⁵⁰ When such a man⁵¹ appeared before Raba he told him, 'Either go abroad or marry one of your own kind'.⁵²

The men of Be-Mikse⁵³ sent [the following enquiry] to Rabbah: What [is the law in respect of the legitimacy of the child of] one who is a half slave and half freed man⁵⁴ who cohabited with the daughter of an Israelite? — He replied: If [the child of] one who is fully a slave has been declared legitimate, is there any need [to question the case of the child of one who is only] a half slave!

R. Joseph said: The author of this traditional ruling⁵⁵

(1) V. supra 23a.

(2) V. Kid. 68b.

(3) The offspring from which is a bastard.

(4) Now this Tanna, whose view is exactly the same as that of Simeon the Temanite, indicates quite clearly that the offspring of a union with an idolater or slave is not a bastard! (V. supra n. 10). (12) That cohabitation with a deceased brother's wife after halizah with her rival has not the force of marriage and no divorce is required. The child from such a union would consequently be deemed a bastard.

(5) Infra 52b.

(6) But maintains that the child of such a union is no bastard.

(7) With R. Akiba; and the child is consequently a bastard.

(8) From Palestine to Babylon.

(9) Rabbi, R. Judah the Prince.

(10) Cf. Neh. VII, 2.

(11) כפר עכו in lower Galilee, v. Sanh., Sonc. ed. p. 484, n. 7.

(12) [Rashi reads: Antioch. Armon has not been identified. V. Horowitz I.S. Palestine, s.v.].

(13) Just as a string of names could be quoted in support of the view that the child is a bastard, an equally imposing number could be quoted in opposition.

(14) Lit., 'and bring in'.

(15) [With particular reference to the scholars of Lydda among whom Bar Kappara and R. Joshua b. Levi were included.]

(16) The ruling that the child is a bastard.

(17) And it is Rabbi's fame and position, and not the number of comparatively minor authorities (v. supra n. 9), that imparted the force of law to this view.

(18) Born from a union between a Jewish woman and an idolater or a slave.

(19) Is the child deemed tainted. This applies to a female child who is disqualified from marrying a priest. A male child, being the son of an idolater or slave, cannot obviously ever be himself a priest.

(20) V. supra note 2.

(21) A widow is only forbidden to marry a High Priest but not an Israelite or an ordinary priest.

(22) Born from her union with the High Priest.

(23) If a male; and if a female she is ineligible to marry a priest.

(24) Who had intercourse with an idolater or a slave.

- (25) The daughters of priests, of Levites and of Israelites are all equally forbidden to marry an idolater or a slave.
- (26) V. supra p. 288, n. 23.
- (27) Where intercourse took place between a Jewess and an idolater or a slave.
- (28) From ever marrying a priest.
- (29) Others, 'Ishmael'. V. Bah. a.l.; and Tosaf., infra 68b, s.v. **יִשְׁמָאֵל**.
- (30) From eating terumah if she is the daughter of a priest. If the daughter of a Levite or an Israelite who was married to a priest and left with children after her husband's death, she loses her right to the eating of terumah (to which she was entitled by virtue of her children) and, of course, becomes ineligible to marry a priest, as soon as Intercourse with the idolater or slave had taken place.
- (31) Lev. XXII, 13. The conclusion of the verse reads, And is returned unto her father's house . . . she shall eat of her father's bread (i.e., terumah),
- (32) I.e., an Israelite. Only then does she regain her right of eating her father's bread. V. n. 14.
- (33) Their very betrothal and marriage having no validity.
- (34) R. Joseph.
- (35) Who, on the authority of Rabbi supra, declared the child to be a bastard.
- (36) Who, also on the authority of Rabbi, does not regard such a child as a bastard.
- (37) From Palestine to Babylon.
- (38) Lit., 'rule concerning it towards permissibility'.
- (39) Lit., 'and who'.
- (40) Cf. supra n. 6.
- (41) The offspring of union between a Jewess and an idolater.
- (42) I.e., in foreign lands where wonders occur, (Golds.).
- (43) The kab is a small measure of capacity equal to four log or a sixth of a se'ah.
- (44) I.e., Rab had displayed originality and marvelous courage by his ruling, and yet stops short of carrying it into practice.
- (45) V. Bah a.l.
- (46) They would regard the Master's refusal as an indication that the man is really illegitimate.
- (47) Lit., 'rule concerning it towards permissibility'.
- (48) The issue of a union between a Jewess and an idolater.
- (49) I.e., 'go to a place where you are unknown and where you might in consequence pass as a legitimate Israelite and be allowed to marry a Jewess'. Since Rab Judah counselled him to marry a Jewess if he could, by concealing his origin, it is obvious that in his opinion the man was legitimate. A bastard would not have been allowed marriage with a Jewess under any circumstances.
- (50) V. infra n. 3.
- (51) Cf. supra p. 294, n. 7.
- (52) I.e., a woman born from a similar union. Raba did not allow him, however, to marry a bastard or a slave; which proves that in his opinion the man was legitimate and therefore forbidden to marry either a bastard or a slave,
- (53) [A frontier town between Babylon and Arabia, v, Obermeyer, p. 334].
- (54) V. Git., Sonc. ed. pp, 175ff.
- (55) That the offspring of a union between a Jewess and an idolater or slave is legitimate.

Talmud - Mas. Yevamoth 45b

is, of course,¹ Rab Judah.² But surely Rab Judah had explicitly stated: Where one who is a half slave and half freed man cohabited with the daughter of an Israelite the child born from such a union can have no redress!³ — Rab Judah's ruling⁴ was made only in the case where he⁵ betrothed⁶ the daughter of an Israelite,⁷ in consequence of which his partial slavery cohabits with a married woman.⁸

But did not the Nehardeans state in the name of R. Jacob that according to him who regards [the offspring]⁹ as illegitimate, the child is so regarded even [where cohabitation had taken place] with an unmarried woman; and according to him who regards [the child] as legitimate, the child is so

regarded even [if the cohabitation had taken place] with a married woman! And the deduction by both¹⁰ was made from none other than the wife of one's father.¹¹ He who regards the child⁹ as illegitimate is of the opinion that as with the wife of one's father, betrothal with whom is invalid, the child is a bastard. So is the child a bastard in the case of all those¹² betrothal with whom is invalid. And he who regards the child as legitimate is of the opinion [that the comparison is]: As with the wife of one's father, betrothal with whom is invalid in the case of the son only,¹³ but is valid in the case of others;¹⁴ an idolater and a slave betrothal with whom is in all cases invalid are consequently excluded!¹⁵

Hence the statement of R. Judah¹⁶ must have been made in respect of one¹⁷ who had intercourse with a married woman, so that his emancipated side¹⁸ cohabits with a married woman.¹⁹

Rabina said: R. Gaza told me, 'R. Jose b. Abin happened to be at our place when an incident²⁰ occurred with an unmarried woman and declared the child to be legitimate: [and when it occurred] with a married woman he declared the child to be illegitimate'.

R. Shesheth said: R. Gaza told me that it was not R. Jose b. Abin but R. Jose son of R. Zebida, and that he declared the child to be legitimate, both in the case of the married, as well as in that of the unmarried woman.²¹

R. Aha son of Raba²² said to Rabina: Amemar once happened to be in our place and he declared the child²³ to be legitimate in the case of a married, as well as in that of an unmarried woman.

And the law is that if an idolater or a slave had cohabited with the daughter of an Israelite the child [born from such a union] is legitimate, both in the case of a married, and in that of an unmarried woman.²¹

Raba declared R. Mari b. Rache²⁴ to be a legitimate Israelite and appointed him among the pursers²⁵ of Babylon. And although a Master said: Thou shalt in any wise set him king over thee . . . one from among thy brethren,²⁶ all appointments which you make must be made only 'from among thy brethren', [means that] such a man,²⁷ since his mother was a descendant of Israel, may well 'be regarded as 'one from among thy brethren'.

The slave of R. Hiyya b. Ammi once made a certain idolatress bathe for a matrimonial purpose.²⁸ Said R. Joseph: I could declare her to be a legitimate Jewess²⁹ and her daughter³⁰ to be of legitimate birth.³¹ In her case, in accordance with the view of R. Assi; for R. Assi said, 'Did she not bathe for the purpose of her menstruation'?³² In the case of her daughter, because when an idolater or a slave has intercourse with a daughter of an Israelite, the child [born of such a union] is legitimate.³³

A certain person was once named 'son of the female heathen'.³⁴ Said R. Assi, 'Did she not bathe for the purpose of her menstruation'?

A certain person was once named 'son of the male heathen'.³⁵ Said R. Joshua b. Levi, 'Did he³⁶ not bathe in connection with any mishap³⁷ of his'?³⁸

R. Hama b. Guria said in the name of Rab: If a man bought a slave from an idolater and [that slave] forestalled him and performed ritual ablution with the object of acquiring the status of a freed man, he acquires thereby his emancipation. What is the reason?

(1) Lit., 'who is it'?

(2) So that Rabbah's decision in the case of the half slave is based on a ruling of Rab Judah.

(3) I.e., he is a bastard, and may never marry a Jewess, How, then, could Rabbah regard the child of such a union as

legitimate?

(4) That he can have no redress.

(5) The half slave,

(6) Not merely cohabited without betrothal.

(7) The betrothal, as far as his partial status of a slave is concerned, is invalid, while in respect of his partial state of emancipation it is valid. The Jewess is consequently his legal wife.

(8) The slave in him having cohabited with the woman who is legally betrothed to the emancipated part of him causes the offspring of the union to be deemed a bastard, as is the case with the offspring of any union between a betrothed or married woman and a stranger, be the latter Israelite, idolater or slave. If, however, cohabitation only between the half slave and a Jewess took place, 'without previous betrothal, the woman is not the legal wife of the 'half freed man' and the child born from the union is the child of an unmarried woman and is consequently legitimate, as Rabbah ruled. In the case of a full slave the question of betrothal does not arise since even if betrothal did take place it is invalid and the woman is legally deemed to be unmarried.

(9) Of a union between a Jewess and an idolater or a slave.

(10) He who regards the child as legitimate and the other who regards him as illegitimate.

(11) Betrothal of whom by the son is invalid and the offspring of any union between them is a bastard.

(12) Such as an idolater or a slave,

(13) Lit., 'to him'.

(14) So in all such cases, A child born from such unions only is illegitimate.

(15) The cases of these being different from that of 'father's wife', the child born from a union between a Jewess and any of these must be deemed to be legitimate. The father is entirely eliminated and the child is ascribed to the mother. Now, since the statement of the Nehardeans proves that there is no difference between an unmarried and a married (or betrothed) woman, the distinction drawn supra between cohabitation after a betrothal and one in the absence of betrothal is obviously untenable. The objection then against Rabbah's ruling remains!

(16) That the child has no redress.

(17) The half slave and half freed man spoken of.

(18) Which has the same status as that of an Israelite,

(19) Cf. supra p. 295, n. 14. As the offspring of a union between an Israelite and a married woman is a bastard, so is that of the union between the semi-emancipated (cf. supra n. 10) and a married woman.

(20) A child was born from a union between a slave and a Jewess.

(21) For the reason given supra Cf. supra p. 296, nn. 6, 7 and text.

(22) So Emden a.l, Cur. edd., 'Rabbah'.

(23) Cf. supra n. 1.

(24) Rachel was one of Mar Samuel's captive daughters, who, while in captivity, was married to an idolater and gave birth to Mari, Issur, the father of the child, embraced Judaism while Rachel was still in her pregnancy, and he is several times referred to in the Talmud as Issur the proselyte. (V. Keth. 23a; B.B. 149a. Sonc. ed. p. 644, and notes a.l.).

(25) פורסי, sing. פורסא cf. Gr. **, 'supervisor', 'purser' or 'collector'. The appointment gave its holder authority over the Jews under its jurisdiction.

(26) Deut. XVII, 15. Cf. Bah a.l.

(27) R. Mari.

(28) The slave wished to take her as wife. Lit., 'wife', or 'wifehood'. He made her take a ritual bath in accordance with the requirements prescribed for the menstruant before she can be permitted connubial intercourse.

(29) Though the bath was taken for menstrual purification yet since an idolatress takes no such baths, it may be regarded as one for the purpose of her conversion also. Usually, before he may be admitted as a legitimate proselyte, the convert must both be circumcised and bathe in a ritual bath for the specific purpose of the conversion. V, infra 46b.

(30) Born from the slave and herself,

(31) Though she is the offspring of a union between a slave and a woman who, at the time of giving birth to her, had already enjoyed the status of a Jewess.

(32) So long as she bathed for one purpose she may be deemed to have bathed for the other also. (V. infra).

(33) For the reason given supra. Cf. supra p. 296. on. 6, 7 and text.

(34) Because his mother did not take a ritual bath at the time of her conversion to Judaism.

(35) Cf. note 6 mutatis mutandis.

(36) The father.

(37) Keri, the emission of semen,

(38) V. supra note 4.

Talmud - Mas. Yevamoth 46a

— The idolater has no title to the person [of the slave]¹ and he can transfer to the Israelite only that which is his. And [the slave], since he forestalled him and performed ritual ablution for the purpose of acquiring the status of a freed man, has thereby cancelled the obligations of his servitude, in accordance with the ruling of Raba. For Raba stated: Consecration,² leavened food³ and manumission⁴ cancel a mortgage.⁵

R. Hisda raised an objection: It happened with the proselyte Valeria⁶ that her slaves forestalled her and performed ritual ablutions⁷ before her. And when the matter came before the Sages they decided that the slaves had acquired the status of freed men.⁸ [From here it follows that] only if they performed ablution before her,⁹ but not if after her!¹⁰ — Raba replied: ‘Before her’ they acquire their emancipation whether the object of their bathing had, or had not been specified;¹¹ ‘after her’ emancipation is acquired only when the object had been specified,¹² but not when it had not been specified.¹³

R. Iwya said: What has been taught¹⁴ applies only to one¹⁵ who buys¹⁶ from an idolater; but the idolater himself¹⁷ may well be acquired;¹⁸ for it is written in Scripture, Moreover from the children of the strangers that do sojourn among you, of them may ye buy:¹⁹ you may buy of them but they may not buy of you, nor may they buy of one another.²⁰ ‘But they may not buy of you’. — What can this refer to? If it be suggested [that it refers] to one's manual labour, may not an idolater, [it may be asked,] buy an Israelite to do manual labour? Surely it is written, Or to the offshoot of a stranger's family,²¹ and a Master said that by ‘stranger's family’ an idolater was meant?²² Consequently it must refer to his person;²³ and the All Merciful said, ‘You may buy of them,²⁴ even their persons’. R. Aha objected: It²⁵ might be said [to refer to acquisition] by means of money and ritual ablution!²⁶ — This is a difficulty.

Samuel said: He²⁷ must be firmly held²⁸ while he is in the water;²⁹ as [was done with] Menjamin, the slave of R. Ashi who wished to perform ritual ablution,³⁰ and was entrusted to Rabina and R. Aha son of Raba. ‘Note’, [R. Ashi] said to them, ‘that I shall claim him from you’.³¹ They put a chain³² round his neck, and loosened it and again tightened it. They loosened it in order that there might be no interposition.³³ They then tightened it again in order that he might not forestall them and declare,³⁴ ‘I perform the ablution in order to procure thereby the status of a freed man’. While he was raising his head from the water they placed upon it a bucket full of clay and told him, ‘Go, carry it to your master's house.

R. Papa said to Raba: The master must have observed the men of Papa b. Abba's house who advance sums of money on people's accounts in respect of their capitation taxes,³⁵ and then force them into their service. Do they,³⁶ when set free, require a deed of emancipation or not? He replied: Were I now dead I could not have told you of this ruling. Thus said R. Shesheth: The surety for these people³⁷ is deposited in the king's archive, and the king has ordained that whosoever does not pay his capitation tax shall be made the slave of him who pays it for him.³⁸

R. Hiyya b. Abba once came to Gabla³⁹ where he observed Jewish women who conceived from proselytes who were circumcised but had not performed the required ritual ablution;⁴⁰ he also noticed that idolaters were serving⁴¹ Jewish wine and Israelites were drinking it,⁴² and he also saw that idolaters were cooking lupines and Israelites ate them;⁴³ but he did not speak to them on the matter at all. He called, however, upon R. Johanan who instructed him: Go and announce that their

children are bastards; that their wine is forbidden as nesek wine;⁴⁴ and that their lupines are forbidden as food cooked by idolaters, because⁴⁵ they⁴⁶ are ignorant of the Torah.

‘That their children are bastards’, R. Johanan ruling in accordance with his view. For R. Hiyya b. Abba stated in the name of R. Johanan: A man cannot become a proper proselyte unless he has been circumcised and has also performed ritual ablution; when, therefore, no ablution has been performed he is regarded as an idolater; and Rabbah b. Bar Hana stated in the name of R. Johanan that if an idolater or a slave cohabited with the daughter of an Israelite the child [born from such a union] is a bastard.

‘That their wine is forbidden as nesek wine’, because a nazirite⁴⁷ is told, ‘Keep away; go round about; approach not the vineyard’.⁴⁸

‘That their lupines are forbidden as food cooked by idolaters, because they are ignorant of the Torah’. [Would their lupines have been] permitted if the men had been acquainted with the Torah? Surely R. Samuel b. R. Isaac stated in the name of Rab, ‘Any foodstuff that may be eaten raw does not come under the prohibition of food cooked by idolaters’, and since lupines cannot be eaten raw the prohibition of food cooked by idolaters should apply!⁴⁹ — R. Johanan holds the view as expressed in a second version. For R. Samuel b. R. Isaac stated in the name of Rab, ‘Whatever is not served on a royal table as a dish to be eaten with bread is not subject to the prohibition of food cooked by idolaters The reason, therefore,⁵⁰ is because they were ignorant of the Torah;⁵¹ for had they been acquainted with the Torah [their lupines would have been] permitted.

Our Rabbis taught: ‘If a proselyte was circumcised but had not performed the prescribed ritual ablution, R. Eliezer said, ‘Behold he is a proper proselyte; for so we find that our forefathers⁵² were circumcised and had not performed ritual ablution’. If he performed the prescribed ablution but had not been circumcised, R. Joshua said, ‘Behold he is a proper proselyte; for so we find that the mothers⁵³ had performed ritual ablution but had not been circumcised’. The Sages, however, said, ‘Whether he had performed ritual ablution but had not been circumcised or whether he had been circumcised but had not performed the prescribed ritual ablution, he is not a proper proselyte, unless he has been circumcised and has also performed the prescribed ritual ablution.

Let R. Joshua also infer from the forefathers, and let R. Eliezer also infer from the mothers! And should you reply⁵⁴ that a possibility⁵⁵ may not be inferred from an impossibility,⁵⁶ surely [it may be retorted] it was taught: R. Eliezer said, ‘whence is it deduced that the paschal lamb⁵⁷ of later generations⁵⁸ may be brought from hullin⁵⁹ only? Those in Egypt were commanded to bring⁶⁰ a Paschal lamb and those of later generations were commanded to bring a Paschal lamb; as the Paschal lamb spoken of in Egypt could be brought from hullin⁵⁹ only, so may also the paschal lamb which had been commanded to later generations be brought from hullin only’. Said R. Akiba to him, ‘may a possibility be inferred from an impossibility!’⁶¹ The other replied. ‘Although an impossibility, it is nevertheless a proof of importance and deduction from it may be made’!⁶² — But

(1) As will be explained infra, no idolater may acquire the person of another idolater.

(2) For the altar, of a pledged animal,

(3) Which is pledged to a non-Israelite but kept in the possession of an Israelite when the time for its destruction on the Passover Eve arrived. No leavened food may be kept in Jewish possession (though pledged to a non-Jew) from midday of Passover Eve until the conclusion of the Passover festival.

(4) Of a mortgaged slave, v. Git. 40b.

(5) Similarly here, the ritual ablution of the slave, for the purpose of procuring his manumission, cancelled his obligations to his idolatrous master, and ipso facto to his Jewish master who is only the representative of the former and can lay no greater claim to the slave than he.

(6) Heb. בְּלוּרִי.

- (7) For the purpose of conversion to Judaism, and thereby procuring their manumission.
- (8) *Infra* 66b, *Keth*, 59b, *Git*, 40b, *Ned*, 86b, *B.K.* 89b.
- (9) Are they manumitted; because, in that case, they were already proselytes while she was still an idolatress with no title to them.
- (10) *Lit.*, 'before her, yes: after her, no'. Thus it has been shewn that if the owner is an Israelite, ritual ablution does not procure the slave's manumission, which is in contradiction to what *R. Hama* stated in the name of *Rab!*
- (11) *Lit.*, 'whether specified or unspecified'.
- (12) When the slave specifically stated that his ablution was performed for the purpose of procuring his manumission: cf. the statement of *R. Hama b. Guria*.
- (13) *Lit.*, 'by specified, yes: by unspecified. no'.
- (14) That by ritual ablution a slave procures his emancipation.
- (15) *Lit.*, 'they did not teach but'.
- (16) A slave.
- (17) If he sold his own person.
- (18) And a ritual ablution does not procure his liberation.
- (19) *Lev*, XXV, 45.
- (20) *Git*. 37b.
- (21) *Lev*. XXV, 47.
- (22) How then could it be suggested that an Israelite may not sell his manual labour to an idolater!
- (23) An idolater cannot acquire the person of an Israelite,
- (24) Of then, may ye by, *Lev*, XXV, 45.
- (25) The authorization to buy the person of an idolater.
- (26) As a slave of a Jew. A heathen, bought as a slave by a Jew, had to submit to circumcision and ritual ablution and thereby acquired partly the status of a Jew: in respect of observances he was on the same footing as Jewish women and minor sons. What proof, however, is there that an idolater does not acquire his freedom if he performed ritual ablution with the specific object of procuring thereby his manumission?
- (27) An idolatrous slave who is performing his ablution on his initiation into Judaism as a slave of a Jew.
- (28) To indicate that he is performing his ablution as a slave.
- (29) Unless some outward mark of slavery accompanied the ablution the slave can procure his manumission by making a declaration, while he is still in, the water, that he performs his ablution for the purpose of procuring thereby his freedom.
- (30) On his initiation as the slave of a Jew.
- (31) If, while in the water, he will declare that his ablution was performed for the purpose of procuring his emancipation.
- (32) **אָרױסאַ** 'chain' (*Aruk*): — Persian *arvis*, 'rope' (*Perles*, *Ety. Stud.*); 'halter' (*Jast.*); v. *Levy*.
- (33) Between his body and the water. In all cases of ritual ablution the water must come in direct contact with every external part of the body.
- (34) So *Bah. Cur. edd.*, add, 'to them'.
- (35) Which they themselves are unable to pay to the government when due.
- (36) These temporary slaves who were heathens.
- (37) **מױהרקייהן** v. *Jast* **מױהרקי** 'signatures' (*Rashi*) or 'registers of tax payers' (*V. Aruk*), 'written document *V. Levy*.
- (38) The temporary service is consequently regarded as proper slavery, and a deed of emancipation is necessary should such slaves ever desire to embrace Judaism and to be permitted to marry a Jewess.
- (39) *Gabal* of *Ps. LXXXIII*, 8. i.e. , the northern part of *Mt. Seir*.
- (40) Ritual ablution is an essential part of the ceremonial of initiation into Judaism.
- (41) The verb **מױג** (cf. *Gr. ** Lat. misceo*). *lit.*, 'to mix', sc. wine with water or spices, also signifies 'to fill the cup, 'to serve'.
- (42) Wine that has been touched by an idolater suspected of dedicating it to idolatrous purposes is forbidden to an Israelite.
- (43) Although an Israelite is forbidden to eat of the food which an idolater has cooked.
- (44) **יױ נסך** 'wine of libation', applied to wine that has been, or is suspected of having been dedicated as a 'drink offering' to an idol or idolatrous purpose.
- (45) The reason applies to the prohibition of the lupines. v. *infra*.

- (46) The men of Gabla.
- (47) V. Num. VI, 2ff.
- (48) I.e., a man must be so careful in the observance of a commandment that he must not only keep away from a prohibition itself but also from that which is permitted but might lead to an infringement of a prohibition, A nazirite who is forbidden to drink wine must not even approach a vineyard. Similarly nesek wine is forbidden only when an idolater has actually touched it; but as a preventive measure it has been forbidden, as here, even when contact was indirect.
- (49) What need then was there to give as a reason, 'because they are ignorant of the Torah'?
- (50) Why the lupines of the men of Gabla were forbidden,
- (51) The restriction having been imposed upon them as a preventive measure against their possible laxity in the general laws concerning food cooked by idolaters; cf. parallel passage 'A.Z. 59a.
- (52) Those who departed from Egypt as heathens and received the Torah on Mount Sinai when they were, so to speak, converted to Judaism.
- (53) V. supra p. 302, n. 6.
- (54) To the second query.
- (55) It is possible to circumcise a male proselyte.
- (56) The mothers who left Egypt may have been admitted to Judaism by ritual ablution only because the other rite was in their case an impossibility.
- (57) V. Ex. XII, 3ff.
- (58) Subsequent to the generation that brought the first Paschal lamb in Egypt.
- (59) חולין 'profane', animals that had not previously been consecrated. In the case of the Paschal lamb consecrated animals could only be such as had been set aside as 'second tithe' the law of which had not been promulgated till after the Exodus.
- (60) Lit., 'it was said'.
- (61) The Paschal lamb in Egypt could not possibly have been brought from consecrated animals. V. supra n. 7, second clause.
- (62) Men. 82a, which proves that even from an impossibility an inference may be drawn. The difficulty, therefore, remains, why does not R. Eliezer, like R. Joshua, infer from the mothers?

Talmud - Mas. Yevamoth 46b

all agree¹ that ritual ablution without circumcision is effective; and they differ only on circumcision without ablution. R. Eliezer infers from the forefathers,² while R. Joshua [maintains that] in the case of the forefathers also ritual ablution was performed. Whence does he³ deduce it?⁴ If it be suggested, 'From that which is written, Go unto the people, and sanctify them to-day and to-morrow, and let them wash their garments,⁵ if where washing of the garments is not required⁶ ablution is required,⁷ how much more should ablution be required where washing of the garments is required',⁸ [it may be retorted that] that⁹ might have been a mere matter of cleanliness.¹⁰ — It is rather from here:¹¹ And Moses took the blood, and sprinkled it on the people,¹² and we have a tradition that there must be no sprinkling without ritual ablution.¹³

Whence does R. Joshua infer that the mothers performed ritual ablution? — It is a logical conclusion, for, otherwise,¹⁴ whereby did they enter under the wings of the Shechinah!¹⁵

R. Hiyya b. Abba stated in the name of R. Johanan: A man can never become a proselyte unless he has been circumcised and has also performed the prescribed ritual ablution.¹⁶ Is not this obvious? [In a dispute between] an individual and a majority the halachah is, surely, in agreement with the majority!¹⁷ — The expression 'Sages' is in fact meant for¹⁸ 'R. Jose'. For it was taught: If [a proselyte] came and stated, 'I have been circumcised but have not performed ritual ablution' he is 'permitted to perform the ablution¹⁹ and [the proper performance of the previous circumcision] does not matter;²⁰ so R. Judah.

R. Jose said: He is not to be allowed ablution,²¹ Hence²² it is permissible for a proselyte²³ to

perform the prescribed ablution on the Sabbath;²⁴ so R. Judah. R. Jose, however, said: He is not to be allowed to perform the ablution.²⁵

The Master said, 'Hence it is permissible for a proselyte to perform the prescribed ablution on the Sabbath; so R. Judah'.²⁶ Seeing that R. Judah stated that one²⁷ suffices is it not obvious that, if circumcision has been performed in our presence, he is permitted to perform ablution! Why then, 'Hence'?²⁸ — It might have been assumed that in the opinion of R. Judah, ablution forms the principal [part of the initiation],²⁹ and that ablution is not to take place on the Sabbath because, thereby, a man is improved;³⁰ hence we were taught³¹ that R. Judah requires either the one or the other.³²

'R. Jose, however, said: He is not to be allowed to perform the ablution'. Is not this obvious? Since R. Jose said that both³³ are required [ablution must be forbidden as] the improvement of a man³⁴ may not be effected on the Sabbath! — It might have been assumed that in the opinion of R. Jose circumcision forms the principal [part of the initiation] and that the reason there³⁵ is because the circumcision had not been performed in our presence³⁶ but where the circumcision had taken place in our presence³⁷ it might have been assumed that a proselyte in such circumstances³⁸ may perform the prescribed ablution even on the Sabbath, hence we were taught³⁹ that R. Jose requires both.³³

Rabbah stated: It happened at the court of R. Hiyya b. Rabbi (and R. Joseph taught: R. Oshaia b.⁴⁰ Rabbi;⁴¹ and R. Safra taught: R. Oshaia b. Hiyya)⁴¹ — that there came before him a proselyte who had been circumcised but had not performed the ablution.⁴² The Rabbi told him, 'Wait here until tomorrow⁴³ when we shall arrange for your ablution'. From this incident three rulings may be deduced. It may be inferred that the initiation of a proselyte requires the presence of three men;⁴⁴ and it may be inferred that a man is not a proper proselyte unless he had been circumcised and had also performed the prescribed ablution; and it may also be inferred⁴⁵ that the ablution of a proselyte may not take place during the night.

Let it be said that from this incident it may also be inferred that qualified scholars are required!⁴⁶ — Their presence might have been a mere coincidence.⁴⁷

R. Hiyya b. Abba stated in the name of R. Johanan: The initiation of a proselyte requires the presence of three men; for law⁴⁸ has been written in his case.⁴⁹

Our Rabbis taught: As it might have been assumed that if a man came and said, 'I am a proselyte' he is to be accepted,⁵⁰ hence it was specifically stated in the Scriptures With thee,⁵¹ only when he is well known to thee. Whence is it inferred that if he came, and had his witnesses with him, [that his word is accepted]? — It was specifically stated in Scripture, And if a proselyte sojourn . . . in your land.⁵²

(1) Even R. Eliezer.

(2) Who, he maintains, did not perform any ritual ablution when they were admitted to Judaism.

(3) R. Joshua.

(4) That the forefathers had performed ritual ablution.

(5) Ex. XIX, 20,

(6) E.g., after nocturnal pollution; *keri. v. Glos.*

(7) V. Lev. XV, 26,

(8) As was the case when Israel received the Torah and were thus admitted into Judaism. (V. Ex, XIX, 10).

(9) The washing of the garments.

(10) And had no reference to Levitical purity. Such washing, therefore, can have no bearing on the question of the ritual ablution of proselytes.

(11) Is R. Joshua's deduction made.

- (12) Ex. XXIV, 8.
- (13) Ker, 9a.
- (14) Lit., 'for if so', if even ablution was not performed.
- (15) V. Glos. They could not have been initiated without any ceremonial whatsoever.
- (16) Ber. 47b.
- (17) And this view is held (supra 46a) by the Sages who obviously form a majority against the individual or joint opinions of R. Eliezer and R. Joshua.
- (18) Lit., 'who are the Sages'?
- (19) And by this act alone he is admitted as a proper proselyte.
- (20) Lit., 'and what is there in it'. Whether the circumcision had been valid, having been performed for the specific ritual purpose of the proselyte's initiation into Judaism, or whether it had been invalid because it was carried out as a mere surgical operation or as a non-Jewish sectarian rite, is of no consequence, since the present performance of the ritual ablution is alone sufficient for the initiation.
- (21) Because both circumcision and ablution are required. As the validity of the former is in doubt (v. supra note 1) the latter must be allowed unless some act of circumcision (causing a few drops of blood to flow) had again been carried out specifically for the purpose of the initiation.
- (22) Since according to R. Akiba one act, either ablution or circumcision, suffices.
- (23) Who had been circumcised on Sabbath Eve in the ritually prescribed manner.
- (24) The ablution being of no consequence (v. supra on. 3 and 4), the proselyte's person in no way being improved by it, it is an act which is permitted on the Sabbath.
- (25) The ablution completes the initiation and thus effects the proselyte's improvement, which is an act forbidden on the Sabbath. Thus it has been shewn that the author of the view that both ablution and circumcision are required, given supra as the opinion of 'the Sages', is in fact R. Jose.
- (26) V, Bah. Cur. edd. omit the last three words.
- (27) Either circumcision or ablution.
- (28) — Hence etc.'. There is no need, surely, to state the obvious.
- (29) Since circumcision he stated supra does not matter.
- (30) V. supra note 6.
- (31) By the addition of 'Hence etc.',
- (32) Either circumcision or ablution.
- (33) Circumcision and ablution,
- (34) Which is completed by the ablution (v. supra p. 305, n. 6).
- (35) Supra. Where a proselyte who declared, 'I have been circumcised but have not performed ritual ablution' is not to be allowed ablution.
- (36) And may be presumed to have been invalid.
- (37) And is known to us to have been carried out in accordance with the requirements of the law.
- (38) Lit., 'this'.
- (39) By R. Jose's apparently superfluous statement,
- (40) Alfasi: Berabbi, v. Nazir Sonc. ed. p. 64, n. 1.
- (41) Was also present.
- (42) Requesting that he be allowed to perform the prescribed ablution, so as to complete his initiation.
- (43) The incident having occurred during the night.
- (44) Since R. Safra insisted that three scholars (R. Hiyya and the two R. Oshaias) were present at the time the proselyte's request for his initiation was dealt with.
- (45) Since the ablution was postponed till the following morning.
- (46) To witness the initiation of a proselyte, as was the case here where all the three were qualified men, v, Glos. s.v. Mumhe.
- (47) And provides no proof that in all other cases the presence of qualified scholars is essential.
- (48) Num, XV, 16, One law . . . for the proselyte גֵּר (E.V. 'Stranger').
- (49) As no point of law can be authoritatively decided by a court of less than three men who constitute a Beth din, so may no initiation of a proselyte take place unless it is witnessed by three men.
- (50) As a legitimate proselyte, and he should require no [initiation ceremonial].

(51) Lev. XIX, 33. And if a proselyte (גֵּר E.V., 'stranger') sojourn with thee.

(52) Ibid., i.e., as long as he is in your land even if he is not well known to you. Cf. n. 4, supra. Cur. edd. include here 'with thee' which should be omitted since the phrase has been previously employed as proof to the contrary that the proselyte must be well known.

Talmud - Mas. Yevamoth 47a

From this I only know [that the law is applicable] within the Land of Israel, whence is it inferred [that it is also applicable] within the countries outside the Land? — It was specifically stated in Scripture, With thee, i.e., ‘wherever he is with thee’.¹ If so, why was the Land of Israel specified? — In the Land of Israel² proof must be produced;³ outside the Land of Israel⁴ no such proof need be produced; these are the words of R. Judah. But the Sages said: Proof must be produced both within the Land of Israel and outside the Land.

‘If he came and had witnesses with him,’ what need is there for a Scriptural text?⁵ R. Shesheth replied: Where they⁶ state, ‘We heard that he be came a proselyte at a certain particular court’. As it might have been taught that we are not to believe them,⁷ we were taught [that we do believe them].

‘In your land,⁸ from this I only know [that the law is applicable] within the Land of Israel, whence is it inferred [that it is also applicable] within the countries outside the Land? — It was specifically stated in Scripture, With thee, i.e., wherever he is with thee’. But this,⁹ surely, had been expounded already!¹⁰ — One is derived from With thee¹¹ and the other from With you.¹²

‘But the Sages said: Proof must be produced both within the Land of Israel and outside the Land’. But, it is written, surely, in your land!¹³ — That expression is required [for the deduction] that proselytes may be accepted even in the Land of Israel. As it might have been assumed that there they become proselytes only on account of the prosperity of the Land of Israel, and at the present time also, when there is no prosperity, they might still be attracted¹⁴ by the Gleanings,¹⁵ the Forgotten Sheaf,¹⁶ the Corner¹⁷ and the Poor Man's Tithe,¹⁸ hence we were taught [that they may nevertheless be accepted].

R. Hiyya b. Abba stated in the name of R. Johanan, ‘The halachah is that proof must be produced¹⁹ both in the Land of Israel and outside the Land’. Is this not obvious? [In a dispute between] an individual and a majority the halachah is, of course, in agreement with the majority!²⁰ — It might have been suggested that R. Judah's view is more acceptable since he is supported by Scriptural texts, ‘A hence we were taught [that the halachah is in agreement with the Sages].

Our Rabbis taught: And judge righteously between a man and his brother, and the proselyte that is with him;²¹ from this text²² did R. Judah deduce that a man who becomes a proselyte²³ in the presence of a Beth din is deemed to be a proper proselyte; but he who does so privately is no proselyte.²⁴

It once happened that a man came before R. Judah and told him, ‘I have become a proselyte privately’. ‘Have you witnesses?’ R. Judah asked. ‘No’, the man replied. ‘Have you children?’ — ‘Yes’, the man replied. ‘You are trusted’, the Master said to him, ‘as far as your own disqualification is concerned but you cannot be relied upon to disqualify your children.’²⁵

Did R. Judah, however, state that a proselyte is not trusted in respect of his children? Surely it was taught: He shall acknowledge²⁶ implies, ‘he shall be entitled to acknowledge him before others?’²⁷ From this did R. Judah deduce that a man is believed when he declares, ‘This son of mine is firstborn’,²⁸ And as a man is believed when he declares, ‘This son of mine is firstborn’ so is he believed when he declares, ‘This son of mine is the son of a divorced woman’ or ‘the son of a haluzah’.²⁹ But the Sages say: He³⁰ is not believed!³¹ — R. Nahman b. Isaac replied: It is this that he³² really told him,³³ ‘According to your own statement you are an idolater, and no idolater is eligible to tender evidence’.³⁴

Rabina said: It is this that he³⁵ really told him,³⁶ ‘Have you children?’ [And when the other

replied] ‘Yes’ [he asked] ‘Have you grandchildren’. [The reply being again] ‘Yes’, he told him ‘You are trusted so far as to disqualify your own children³⁷ but you cannot be trusted so far as to disqualify your grandchildren’.

Thus it was also taught elsewhere: R. Judah said, ‘A man is trusted in respect [of the status of] his young son but not in respect of that of his grown-up son; and R. Hiyya b. Abba explained in the name of R. Johanan that ‘young’ does not mean actually a minor and ‘grown-up’ does not mean one who is actually ‘of age’, but any young son who has children is regarded as of age while any grown-up son who has no children is deemed to be a minor. And the law is in agreement with R. Nahman b. Isaac.³⁸ But, surely, [a Baraitha] was taught in agreement with Rabina!³⁹ — That statement was made with reference to the law of acknowledgement.⁴⁰

Our Rabbis taught: If at the present time a man desires⁴¹ to become a proselyte, he is to be addressed as follows: ‘What reason have you for desiring⁴² to become a proselyte; do you not know that Israel at the present time are persecuted and oppressed, despised, harassed and overcome by afflictions’? If he replies, ‘I know and yet am unworthy’,⁴³ he is accepted forthwith, and is given instruction in some of the minor and some of the major commandments. He is informed of the sin [of the neglect of the commandments of] Gleanings,⁴⁴ the Forgotten Sheaf,⁴⁵ the Corner⁴⁶ and the Poor Man's Tithes.⁴⁷ He is also told of the punishment for the transgression of the commandments. Furthermore, he is addressed thus: ‘Be it known to you that before you came to this condition, if you had eaten suet⁴⁸ you would not have been punishable with kareth, if you had profaned the Sabbath you would not have been punishable with stoning; but now were you to eat suet⁴⁸ you would be punished with kareth; were you to profane the Sabbath you would be punished with stoning’. And as he is informed of the punishment for the transgression of the commandments, so is he informed of the reward granted for their fulfilment. He is told, ‘Be it known to you that the world to come was made only for the righteous, and that Israel at the present time are unable to bear

(1) Even outside the Land of Israel. This exposition is discussed infra.

(2) Where it is an advantage to be a proselyte.

(3) By the proselyte, that his circumcision was duly performed at the Beth din for the specific purpose of his initiation. Otherwise he is not to be trusted.

(4) Where no material advantage is to be gained in claiming to be a proselyte.

(5) To prove that the proselyte is accepted.

(6) The witnesses.

(7) Since they were not eye witnesses.

(8) V. Bah. Cur. edd., ‘in the land’.

(9) The Scriptural expression, with thee.

(10) Lit., ‘thou hast brought it out’, supra, to exclude the acceptance of a proselyte when not well known. How then could the same phrase be used for two different expositions?

(11) אתך Lev. XIX, 33.

(12) אתכם ibid. 34. V. א. הגות הגר a.l. and Torath Kohanim. Cur. edd. read, מעמך ‘from with thee’ which occurs in Lev, XXV, 47.

(13) Lev. XIX, 33. (Cf. Bah. Cur. edd., ‘in the land’) which excludes other countries.

(14) Lit., ‘there is’.

(15) לקט ‘gleaning’: the gleanings of the harvest which must be left for the poor. V. Lev. XIX, 9, XXIII, 22, Peah IV, 10f.

(16) שכחה ‘forgetting’; any sheaf forgotten when a field is reaped belongs to the poor. V. Deut. XXIV, 19, Peah V, 7f, VI f.

(17) פאה, ‘corner’, sc. of the field, the produce of which must not be harvested by the owner, it being the portion of the poor. V. Lev. XIX, 9, XXIII, 22, Peah 1ff.

(18) מעשר עני given to the poor in the third and sixth years of the septennial cycle.

(19) By a man who claims to have been properly initiated as a proselyte.

- (20) In the law under discussion the Sages are in the majority against R. Judah's individual opinion. (14) With thee' and 'In your land'. V. supra.
- (21) Deut. I, 16. גֵּר 'proselyte' (E.V. 'stranger').
- (22) Since 'proselyte' was mentioned in the same context as 'judge'.
- (23) I.e., who had been circumcised and performed the prescribed ablution.
- (24) As a judicial matter requires a Beth din so does the initiation of a proselyte.
- (25) [As children of a heathen father they would be disqualified, even if the mother was a Jewess, R. Judah being of the opinion that the offspring of the union of a heathen with a Jewess is mamzer, v. Tosaf. s.v. מַמְזֵר].
- (26) Sc. the firstborn (Deut. XXI, 17).
- (27) יְכִיר E.V., he shall acknowledge, being a Hif., may also be rendered as here, 'he shall make known', viz., to others.
- (28) Though another was hitherto reputed to be his firstborn son.
- (29) V. Glos.
- (30) If another son of his was reputed to be the firstborn.
- (31) Kid. 74a. 78b, B.B. 127b. Thus it has been shown that, according to R. Judah, a father's word is accepted in respect of the status of his children. How, then, could it be stated here that the word of a proselyte was not to be relied upon as far as the eligibility of his children is concerned?
- (32) R. Judah.
- (33) The proselyte.
- (34) As his children have hitherto been reputed to be legitimate, his ineligible evidence cannot disqualify them.
- (35) R. Judah.
- (36) The proselyte.
- (37) In accordance with the deduction from 'He shall acknowledge' in the Baraita cited from Kid. and B.B. supra.
- (38) Who regarded the proselyte, on the strength of his own testimony, as an idolater whose evidence is inadmissible even in the case of his own children.
- (39) That a father is to be trusted in respect of a son of his who has no children. The assumption at the moment is that this referred to the case of a proselyte.
- (40) Lit., 'he shall acknowledge' (Deut. XXI, 17), i.e., the reference is not to a proselyte but to an Israelite whose word is accepted when he testifies that his son is either a firstborn, or the son of a divorced woman or the son of a haluzah. It is in connection with this only that it was stated that the father, being believed in respect of his children, but not his grandchildren, is trusted in the case of his son who has no children, but not in the case of one who has children.
- (41) Lit., 'who comes'.
- (42) Lit., 'what have you seen that you came'.
- (43) Of the privilege of membership of Israel.
- (44) V. supra p. 308. n. 8.
- (45) V. loc. cit. n. 9.
- (46) V. loc. cit. n. 10.
- (47) V. loc. cit. n. 11.
- (48) I.e., forbidden fat.

Talmud - Mas. Yevamoth 47b

either too much prosperity. or too much suffering'. He is not, however, to be persuaded or dissuaded too much.¹ If he accepted,² he is circumcised forthwith. Should any shreds³ which render the circumcision invalid remain, he is to be circumcised a second time. As soon as he is healed arrangements are made for his immediate ablution, when two learned men must stand by his side and acquaint him with some of the minor commandments and with some of the major ones.⁴ When he comes up after his ablution he is deemed to be an Israelite in all respects.

In the case of a woman proselyte, women make her sit in the water up to her neck, while two learned men stand outside and give her instruction in some of the minor commandments and some of the major ones.

The same law⁵ applies to a proselyte and to an emancipated slave; and only where a menstruant may perform her ablution⁶ may a proselyte and an emancipated slave perform this ablution;⁷ and whatever is deemed an interception in ritual bathing⁸ is also deemed to be an interception in the ablutions of a proselyte, an emancipated slave and a menstruant.⁹

The Master said, 'If a man desires to become a proselyte . . . he is to be addressed as follows: "What reason have you for desiring to become a proselyte . . ." and he is made acquainted with some of the minor, and with some of the major commandments'. What is the reason? — In order that if he desire to withdraw let him do so;¹⁰ for R. Helbo said: Proselytes are as hard for Israel [to endure] as a sore,¹¹ because it is written in Scripture. And the proselyte¹² shall join himself with them, and they shall cleave¹³ to the house of Jacob.¹⁴

'He is informed of the sin [of the neglect of the commandment of] Gleanings, the Forgotten Sheaf, the Corner and the Poor Man's Tithe'. What is the reason? — R. Hiyya b. Abba replied in the name of R. Johanan: Because a Noahide¹⁵ would rather be killed than spend so much as a perutah¹⁶ which is not returnable.¹⁷

'He¹⁸ is not, however, to be persuaded, or dissuaded too much'. R. Eleazar said: What is the Scriptural proof? — It is written, And when she saw that she was steadfastly minded to go with her, she left off speaking unto her.¹⁹ 'We are forbidden', she²⁰ told her,²¹ '[to move on the Sabbath beyond the] Sabbath boundaries'!²² — 'Whither thou goest' [the other replied] 'I will go'.²³

'We are forbidden private meeting between man and woman'!²⁴ — 'Where thou lodgest. I will lodge'²³

'We have been commanded six hundred and thirteen commandments'! — 'Thy people shall be my people'.²³

'We are forbidden idolatry'! — 'And thy God my God'.²³

'Four modes of death²⁵ were entrusted to Beth din'!²⁶ — 'Where thou diest, will I die'.²⁷

'Two graveyards²⁸ were placed at the disposal of the Beth din'! — 'And there will I be buried'.²⁷ Presently she saw that she was steadfastly minded etc.¹⁹

'If he accepted, he is circumcised forthwith'. What is the reason? — The performance of a commandment must not in any way be delayed.

'Should any shreds which render the circumcision invalid remain etc.', as we learned: These are the shreds which render the circumcision invalid: Flesh which covers the greater part of the corona,²⁹ [a priest having been so circumcised] is not permitted to eat terumah; and R. Jeremiah b. Abba explained in the name of Rab: Flesh which covers the greater part of the height of the corona.³⁰

'As soon as he is healed arrangements are made for his immediate ablution'. Only after he is healed but not before!³¹ What is the reason? — Because the water might irritate the wound.

'When two learned men must stand by his side'. Did not R. Hiyya, however, state in the name of R. Johanan that the initiation of a proselyte requires the presence of three? — But, surely. R. Johanan told the tanna:³² Read, 'three'.

'When he comes up after his ablution he is deemed to be an Israelite in all respects'. In respect of

what practical issue? — In that if he retracted and then betrothed the daughter of an Israelite he is regarded as a non-conforming Israelite and his betrothal is valid.³³

‘The same law applies to a proselyte and to an emancipated slave’. Assuming this³⁴ to apply to the acceptance of the yoke of the commandments,³⁵ the following contradiction may be pointed out: This³⁶ applies only to a proselyte. but an emancipated slave need not accept!³⁷ — R. Shesheth replied: This is no contradiction, One statement is that of R. Simeon; the other, that of the Rabbis. For it was taught: And bewail her father and her mother etc.³⁸ This only applies when she did not accept,³⁹ but if she did accept,³⁹ her ablution may be arranged, and he is permitted to marry her forthwith. R. Simeon b. Eleazar said: Even though she did not accept³⁹ he may force her to perform one ablution as a mark of her slavery and a second ablution as a mark of her emancipation, and having liberated her

(1) Lit., ‘and they do not increase upon him nor do they enter with him in details’.

(2) All the restrictions and disabilities pointed out to him.

(3) Round the corona of the membrum virile.

(4) With the ablution the proselyte completes his ritual initiation. Hence it is necessary that at that moment he shall submit to the ‘yoke of the commandments’.

(5) This is explained infra.

(6) I.e. — a ritual bath containing no less than forty se'ah of water.

(7) Though the ablutions of the latter are not in connection with levitical uncleanness.

(8) The water must come in direct contact with the bather. Should any foreign matter intervene between his body and the water the ablution is thereby rendered invalid.

(9) Although the purpose of these ablutions is not, like that of the usual ablutions, to qualify for the eating, or the handling of, levitically clean things. The ablutions of the proselyte and the slave are only a part of their initiation ceremonial, while that of the menstruant has for its object the woman's permissibility to her husband.

(10) Lit., ‘that if he separates let him separate’.

(11) **ספחת** cf. Lev. XIII, 2.

(12) **הגֵר** (E.V., ‘stranger’).

(13) **ונספחו** of the same rt. as **ספחת** (v. supra note 7), ‘they will be like a sure’.

(14) 15a. XIV, 1. Cf. Kid. 70b, Nid. 13a. infra 109b. An influx of proselytes tends to lower the moral standards of Judaism.

(15) A descendant of Noah, i.e., all idolaters.

(16) The smallest coin.

(17) Hence he is informed of the laws of the yearly gifts to the poor. On learning of the Israelite's financial obligations to the causes of charity he would either resign himself to the inevitable or withdraw altogether from his intended conversion. For another interpretation of this dictum, v. ‘A.Z. Sonc. ed. p. 343.

(18) V. Rashal a.l. Cur. edd. contain in parentheses: ‘And he is informed of the sin of the Forgotten Sheaf and the Corner’.

(19) Ruth I, 18.

(20) Naomi.

(21) Ruth.

(22) **תחום שבת** a distance of two thousand cubits in every direction from one's town, abode or resting place, within which alone one is permitted to move on the Sabbath.

(23) Ruth I, 16.

(24) **יהוד** lit., ‘uniting’. Unless married, man and woman may not remain in privacy with one another for any length of time.

(25) Penalties for various offences.

(26) V. Sanh. 49b.

(27) Ruth I, 17.

(28) One for the gravest offenders who suffered the death penalties of stoning or burning, and another for such as were executed by decapitation or strangulation.

- (29) Of the membrum virile.
- (30) I.e., even if only on a minor portion of the circumference.
- (31) Lit., 'he was healed, yes; he was not healed, no'.
- (32) Who recited before him the Baraitha under discussion.
- (33) Separation cannot be effected except by means of a letter of divorce. The betrothal of an idolater is of no validity at all and no divorce is required.
- (34) The comparison between the proselyte and the slave.
- (35) As the proselyte who must at the time of his ablution accept the yoke of the commandments is made acquainted with some of them so must an emancipated slave when he performs ablution on the occasion of his emancipation.
- (36) That at the ablution a declaration of acceptance must be made.
- (37) His duty to observe the commandments having commenced at the moment he had performed his first ablution on the occasion of his initiation as the slave of an Israelite.
- (38) Deut. XXI, 13.
- (39) The obligations of a proselyte.

Talmud - Mas. Yevamoth 48a

he is permitted to marry her forthwith.¹

Raba said: What is R. Simeon b. Eleazar's reason?² — Because it is written, Every man's slave that is bought for money;³ [could it mean] the slave of a man and not the slave of a woman?⁴ But [this is the implication]: The slave⁵ of a man may be forcibly circumcised but no son of a man⁶ may be forcibly circumcised. And the Rabbis?⁷ — 'Ulla replied: As you, admittedly, may not by force circumcise the son of a man⁸ so you may not forcibly circumcise the slave of a man. But, surely, there is the Scriptural text, Every man's slave!⁹ — That text is required for a deduction made by Samuel. For Samuel stated: If a man declared his slave to be ownerless that slave acquires thereby his freedom and requires no deed of emancipation; for it is stated in Scripture. Every man's slave that is bought for money,³ [could it mean] the slave of a man and not the slave of a woman?¹⁰ But [the meaning is that] a slave who is under his master's control is a proper¹¹ slave but he who is not under his master's control is not a proper¹¹ slave.¹²

R. Papa demurred: It might be suggested that the Rabbis were heard¹³ in respect of a woman of goodly form¹⁴ only,¹⁵ because she¹⁶ is under no obligation to observe the commandments; but that in respect of a slave,¹⁷ who is under the obligation of observing commandments, even the Rabbis agree!¹⁸ For it was indeed taught. 'Both a proselyte and a slave bought from an idolater must make¹⁹ a declaration of acceptance'.²⁰ Thus it follows²¹ that a slave bought from an Israelite need not make a declaration of acceptance.²⁰ Now, whose view is this? If that of R. Simeon b. Eleazar, he, surely, had stated that even a slave bought from an idolater need make no declaration of acceptance!²² Consequently it must be the view of the Rabbis; and so it may be inferred that only a slave bought from an idolater is required to make a declaration of acceptance²⁰ but a slave bought from an Israelite is not required to make a declaration of acceptance.²³ But then the contradiction from the statement 'The same law applies to a proselyte and to an emancipated slave'²⁴ remains! — That²⁵ was taught only with reference to the ablution.²⁶

Our Rabbis taught: And she shall shave her head, and do²⁷ her nails,²⁸ R. Eliezer said, 'She shall cut them'.²⁹ R. Akiba said, 'She shall let them grow'. R. Eliezer said:³⁰ An act³¹ was mentioned in respect of the head, and an act was mentioned in respect of the nails;³² as the former signifies removal, so does the latter also signify removal. R. Akiba said:³⁰ An act³¹ was mentioned in respect of the head and an act was mentioned in respect of the nails;³² as disfigurement is the purpose of the former so is disfigurement the purpose of the latter. The following, however, supports the view of R. Eliezer: And Mephibosheth the son of Saul came down to meet the king, and he had neither dressed his feet, nor had he done³³ 'his beard,³⁴ by 'doing'³⁵ removal was meant.

Our Rabbis taught: And bewail her father and her mother;³⁶

- (1) Thus it has been shown that while the first Tanna requires the slave's acceptance of the obligation of Judaism, R. Simeon maintains that acceptance is not required, the ablution for the purpose of the emancipation is alone sufficient, even though its performance had been forced upon the slave.
- (2) That compulsion is permitted. Cf. p. 324, n. 10.
- (3) Ex. XII. 44.
- (4) Is not a woman's slave subject to the same laws!
- (5) The emphasis in man's slave is not on 'man' but on slave.
- (6) The son of an idolater who is not a slave, or the son of a proselyte if he is of age.
- (7) How could they oppose R. Simeon b. Eleazar's view which has Scriptural support!
- (8) V. supra n. 6 since there is no Biblical authority for such force.
- (9) From which forcible circumcision has been deduced supra.
- (10) Is not a woman's slave subject to the same laws!
- (11) Lit., 'called'.
- (12) V. Git. 38a.
- (13) To forbid forcible conversion to Judaism.
- (14) V. Deut. XXI, 11.
- (15) The text from Deut. XXI, 23. cited supra deals with such a woman.
- (16) Prior to conversion.
- (17) Who has been with an Israelite for some time and has in consequence become subject to the commandments that are incumbent upon such a slave.
- (18) That no acceptance is needed, and that the slave may be forced into observance of the commandments.
- (19) At the time of his ablution as proselyte or slave respectively.
- (20) Of the observance of the commandments.
- (21) Since 'slave' is qualified by the condition of 'bought from an idolater'.
- (22) He can be forced into the observance of the commandments.
- (23) Having previously served an Israelite he has even without any declaration on his part become subject to the laws of Judaism. (Cf. supra p. 315, n. 16). This confirms R. Papa's contention that the Rabbis' view had reference only to the woman spoken of in Deut. XXI, 11ff, but not to the slave of an Israelite.
- (24) Supra 47b.
- (25) The comparison between the proselyte and the slave. Lit., when that was taught'.
- (26) Both require ablution on their admission as a proselyte and as a slave of an Israelite respectively. In respect of acceptance of the laws of Judaism, however, they come under different categories. While the former's initiation is not complete without his formal acceptance of the laws of Judaism, that of the latter (v. supra p. 323. n. 16) requires no acceptance at all on his part, the ablution alone being sufficient.
- (27) **ועשתה**. E.V. 'pare'.
- (28) Deut. XXI, 22.
- (29) Her nails.
- (30) In explanation of his view.
- (31) She shall shave, *ibid*.
- (32) And do, v. supra note 8.
- (33) **עשה** E.V. 'trimmed'.
- (34) II Sam, XIX, 25.
- (35) **עשיה** v. supra n. 1.
- (36) Deut. XXI, 23.

Talmud - Mas. Yevamoth 48b

R. Eliezer said: 'Her father' means her actual father; 'Her mother', her actual mother. R. Akiba said: 'Her father and her mother' refer to idolatry; for so Scripture says, Who say to a stock;¹ 'Thou art

my father', etc.² A full month, 'month' means thirty days. R. Simeon b. Eleazar said: Ninety days. For 'month' means thirty days; 'full',³ thirty days; 'and after that' thirty days. Rabina demurred: Might it not be suggested that 'month' means thirty days; 'full', thirty days; 'and after that' as many again!⁴ — This is a difficulty.

Our Rabbis taught: Uncircumcised slaves may be retained; this is the opinion of R. Ishmael. R. Akiba said: They may not be retained.⁵ Said R. Ishmael to him: Behold it is written, And the son of thy handmaid may be refreshed!⁶ 'This text', the other replied. speaks of a slave that has been bought at twilight,⁷ when there was not time enough to circumcise him.⁸

All at any rate agree that And the son of thy handmaid may be refreshed⁶ was written in respect of an uncircumcised slave; whence may this be inferred? — From what has been taught: And the son of thy handmaid may be refreshed,⁶ Scripture speaks of an uncircumcised slave. You say. 'Of an uncircumcised slave'; perhaps it is not so⁹ but of a circumcised slave? Since it has been stated 'That thy man-servant and thy maid-servant may rest as well as thou,¹⁰ the circumcised slave has already been spoken of; to what then is one to apply 'And the son of thy handmaid may be refreshed?'¹¹ Obviously to an uncircumcised slave. And the stranger¹² refers to a domiciled proselyte.¹³ You say. 'It refers to a domiciled proselyte'; perhaps it is not so,¹⁴ but to a true proselyte?¹⁵ Since it was stated, No' thy strange' that is with its thy gates,¹⁰ the true proselyte has already been mentioned; to what then is one to apply, and the stranger?¹² Obviously, to the domiciled proselyte.

R. Joshua b. Levi said: If a man bought a slave from an idolater, and the slave refused to be circumcised, he may bear with him for twelve months. [If by that time he had] not been circumcised, he must re-sell him to idolaters.

The following was said by the Rabbis in the presence of R. Papa: In accordance with whose view?¹⁶ Obviously not in accordance with that of R. Akiba, since he¹⁷ stated [that uncircumcised slaves] may not be retained.¹⁸ R. Papa answered them: It may be said to be the view even of R. Akiba; for this¹⁹ applies when no definite consent has ever been given,²⁰ but where definite consent²¹ had once been given,²² his original decision is taken into consideration.²³

R. Kahana stated: I mentioned this reported discussion in the presence of R. Zebid of Nehardea and he said to me: If so, instead of R. Akiba replying²⁴ that '[the text speaks] of a slave that has been bought at twilight'. he should rather have given this reply!²⁵ — He gave him one of the two available solutions.

Rabin sent a message in the name of R. Il'ai, [adding]. 'All my masters have so reported in his name': Who is an uncircumcised slave that may be retained? He who was bought by his master with the intention of not having him circumcised.

The Rabbis argued the following in the presence of R. Papa; In accordance with whose view?²⁶ Obviously not in accordance with that of R. Akiba, since he²⁷ stated that [uncircumcised slaves] may not be retained! R. Papa answered: It may be said to be the view even of R. Akiba, for this²⁸ applies where he had made no stipulation with him,²⁹ but where a stipulation²⁹ was made, that stipulation must be taken into consideration.³⁰

R. Kahana said: When I mentioned the reported discussion in the presence of R. Zebid of Nehardea, he said to me: If so, instead of R. Akiba having recourse to the answer³¹ [that 'the text speaks] of a slave who has been bought at twilight when there was not time enough to circumcise him' he should rather have given this reply!³²

But even if your argument is admitted he should rather have given that reply!³³ But [the fact is],

he mentioned one of two or three solutions.

R. Hanina b. Papi, R. Ammi, and R. Isaac Nappaha once sat in the ante-chamber³⁴ of R. Isaac Nappaha, and while there, they related: There was a certain town in the Land of Israel where slaves refused to be circumcised, and after bearing with them for twelve months they re-sold them to idolaters. In accordance with whose view? — In accordance with that of the following Tanna. For it was taught: If one bought a slave from an idolater, and the slave refused to be circumcised, he bears with him for twelve months. [If by that time] he has not been circumcised, he re-sells him to idolaters. R. Simeon b. Eleazar said: In the Land of Israel he must not be kept owing to [possible] damage to levitically clean foodstuffs,³⁵ and in a town which is near the frontier³⁶ he must not be kept at all, since he might overhear some secret and proceed to report it to a fellow idolater.³⁷

It was taught: R. Hanania son of R. Simeon b. Gamaliel said: Why are proselytes at the present time oppressed and visited with afflictions? Because they had not observed the seven Noahide³⁸ commandments.³⁹

R. Jose said: One who has become a proselyte is like a child newly born.⁴⁰ Why then are proselytes oppressed? — Because they are not so well acquainted with the details of the commandments as the Israelites.⁴¹

Abba Hanan said in the name of R. Eleazar: Because they do not do it⁴² out of love⁴³ but out of fear.⁴⁴ Others said: Because they delayed their entry under the wings of the Shechinah. Said R. Abbahu, or it might be said R. Hanina: What is the Scriptural proof?⁴⁵ — The Lord recompense thy work, and be thy reward complete from the Lord, the God of Israel, under whose etc. thou art come to take refuge.⁴⁶

(1) The idol.

(2) Jer. II, 27.

(3) ימים lit., 'days'.

(4) Lit., 'like these', i.e., equal to the sum of these two numbers, sixty: the meaning of the text being: And after another one like that, i.e., after the completion of another period equal in duration to the former (a total of a hundred and twenty days) thou mayest go in unto her etc. (Deut. XXI, 23).

(5) Even for one day.

(6) Ex. XXIII, 12. This text, as will be explained infra, deals with an uncircumcised slave.

(7) On the Sabbath Eve.

(8) Circumcision in such a case being forbidden on the Sabbath. Only a circumcision which takes place on the eighth day of a child's birth, מילה מזמנה may be performed on the Sabbath. Since circumcision of the slave could not be performed until after the Sabbath, Scripture indicated by the injunction And the son of thy handmaid may be refreshed that oven on the first Sabbath on which he is still uncircumcised he must observe the Sabbath rest.

(9) Lit., 'or it is not'.

(10) Deut. V, 24.

(11) V. p. 317, n. 10.

(12) Ex. XXIII, 22, והגר.

(13) Or, resident alien. גר תושב, a non Israelite domiciled in Palestine who renounces idolatry and observes also the other six of the seven Noahide commandments (V. Sanh. 56a). Opp. to גר צדק infra. Working on the Sabbath while in the employ of an Israelite (v. Tosaf. s.v. זיה a.l.) is regarded as idolatry (Rashi a.l.); hence it is forbidden even to the domiciled proselyte.

(14) Lit., 'or it is not'.

(15) גר צדק 'the proselyte of righteousness' who accepts all the obligations of an Israelite.

(16) Was R. Joshua b. Levi's statement made,

(17) Lit., 'for if R. Akiba, surely'.

(18) Even for one day.

- (19) R. Akiba's ruling that an uncircumcised slave may not be kept at all.
- (20) By the slave. He never agreed to the circumcision and to the adoption of the obligations of an Israelite slave.
- (21) Cf. supra n. 22.
- (22) Lit., 'the thing was not definitely decided'. If at the time he was bought he consented, though he subsequently retracted,
- (23) Lit., it was definitely decided'. Once he has consented he may be kept for twelve months in the expectation that he will consent again. (Cf. Rashi and Tosaf. s.v. **היכא** and **תוספות ישנים** a.l. for other interpretations).
- (24) To R. Ishmael's objection supra.
- (25) That the text speaks of a slave who has once consented. (V. p. 328, n. 23).
- (26) Was the ruling in the name of R. Il'ai made.
- (27) Lit., 'for if R. Akiba surely'.
- (28) V. supra p. 318, n. 20.
- (29) That he would not circumcise him.
- (30) Lit., 'surely he had made a stipulation.'
- (31) To R. Ishmael's objection supra.
- (32) That the text refers to a slave with whom his master had stipulated not to circumcise him.
- (33) The first answer of R. Papa. V. supra note 2.
- (34) **קילעיא** 'curtained enclosure' (Jast.). 'door' (Golds.).
- (35) E.g., terumah which would be defiled by the touch of the idolater who is always deemed to be levitically unclean.
- (36) Of the Land of Israel.
- (37) Across the frontier.
- (38) V. Sanh. 56a.
- (39) While they were still idolaters. Though they have now embraced Judaism they have yet to atone by their sufferings for their sins of the past.
- (40) All his previous sins are forgiven.
- (41) And cannot properly observe them.
- (42) The performance of the commandments.
- (43) Of the faith and the commandments.
- (44) Of divine punishment.
- (45) For the opinion advanced by the 'Others'.
- (46) Ruth II, 22. 'Thou art come' before 'to take refuge' implies haste. Ruth was given credit for the haste she made in entering under the divine wings. Delay in such action is culpable.

Talmud - Mas. Yevamoth 49a

MISHNAH. WHO IS DEEMED TO BE A BASTARD?¹ [THE OFFSPRING OF A UNION WITH] ANY CONSANGUINEOUS RELATIVE WITH WHOM COHABITATION IS FORBIDDEN;² THIS IS THE RULING OF R. AKIBA. SIMEON THE TEMANITE SAID: [THE OFFSPRING OF ANY UNION] THE PENALTY FOR WHICH IS KARETH AT THE HANDS OF HEAVEN; AND THE HALACHAH IS IN AGREEMENT WITH HIS VIEW, AND R. JOSHUA SAID: [THE OFFSPRING OF ANY UNION]. THE PENALTY FOR WHICH IS DEATH AT THE HANDS OF BETH DIN.

SAID R. SIMEON B. 'AZZAI: I FOUND A ROLL OF GENEALOGICAL RECORDS IN JERUSALEM, AND THEREIN WAS WRITTEN, SO-AND-SO IS A BASTARD [HAVING BEEN BORN] FROM [A FORBIDDEN UNION WITH] A MARRIED WOMAN',³ WHICH CONFIRMS THE VIEW OF R. JOSHUA.

IF A MAN'S WIFE DIED, HE IS PERMITTED TO MARRY HER SISTER. IF HE DIVORCED HER AND THEN SHE DIED HE IS PERMITTED TO MARRY HER SISTER. IF SHE WAS⁴ MARRIED TO ANOTHER MAN AND DIED, HE IS PERMITTED TO MARRY HER SISTER.

IF A MAN'S SISTER-IN-LAW⁵ DIED, HE MAY MARRY HER SISTER. IF HE SUBMITTED TO HER HALIZAH AND THEN SHE DIED, HE IS PERMITTED TO MARRY HER SISTER. IF SHE WAS MARRIED⁶ TO ANOTHER MAN AND THEN DIED HE IS PERMITTED TO MARRY HER SISTER.

GEMARA. What is R. Akiba's reason? — Because it is written A man shall not take his father's wife and shall not uncover his father's skirt,⁷ he shall not uncover the skirt which his father saw; and he⁸ holds the same opinion as R. Judah who said that this Scriptural text⁷ speaks of a woman whom his father had outraged,⁹ and who is classed among those forbidden to him under the penalty for a negative precept;¹⁰ and since close to this [text occurs the commandment], A bastard shall not enter the assembly of the Lord,¹¹ it is obvious that the offspring of any such union¹² is deemed to be a bastard. According to R. Simai also who includes¹³ [the offspring of] any other union that is forbidden by a negative precept even though [the offenders are] not consanguineous relatives,¹⁴ and according to R. Yeshebab who includes¹³ even the offspring of a union forbidden under a positive commandment,¹⁵ the deduction¹⁶ is made from And . . . not.¹⁷

And Simeon the Temanite?¹⁸ — He holds the same opinion as the Rabbis who stated that the text¹⁷ speaks of a woman¹⁹ awaiting the levirate decision of his father,²⁰ the union with such a woman²¹ being forbidden under the penalty of kareth; and since close to this text appears. A bastard shall not enter,¹¹ it proves that the offspring of a union forbidden under the penalty of kareth is deemed to be a bastard.

And R. Joshua?²² — The All Merciful should have written²³ 'Shall not uncover' only!²⁴ What need was there for 'Shall not take'?²⁵ Must it not, consequently, be concluded that it is this that was meant:²⁶ [The offspring] of [a union with her who is explicitly mentioned between] 'Shall not take' and 'Shall not uncover'²⁷ is deemed to be a bastard, but no others²⁸ are to be regarded as bastards.²⁹

Abaye said: All agree that if one cohabited with a menstruant

(1) V. Deut. XXIII, 2.

(2) Under the penalty of flogging (incurred for the infringement of a negative precept).

(3) Such a union is punishable by death at the hands of Beth din,

(4) After her divorce.

(5) The widow of his brother who died without issue.

(6) After the halizah.

(7) Deut. XXIII, 1.

(8) R. Akiba.

(9) Not his lawful wife. *Infra* 97a.

(10) Flogging (v. *supra* note 1).

(11) Deut. XXIII, 3.

(12) Forbidden under the penalty for a negative precept (v. *supra* p. 321, n. 1).

(13) In R. Akiba's category of bastards.

(14) *Keth*, 29b, *Kid.* 68a, the marriage, e.g., with one's divorced wife.

(15) The union, e.g., with an Edomite or an Egyptian (v. Deut. XXIII, 8-9) the prohibition of which is derived from the positive precept. The third generation that are born unto then, may enter into the assembly of the Lord (*ibid.* 9) from which it follows that only the third generation may enter; but not the first, or the second generation. Any prohibition that is derived from a positive precept has only the force of a positive precept and does not involve the penalty of flogging, much less that of kareth. V. *Keth.* 29b.

(16) That these categories are also classed as bastards.

(17) Deut. XXIII, 1b.

(18) Whence, in view of R. Akiba's deduction, does he derive his ruling in our Mishnah?

(19) Whose husband died without issue.

- (20) Who most decide whether to contract with her the levirate marriage or to submit to halizah from her.
- (21) As one's father's brother's wife.
- (22) Whence does he derive his ruling in out Mishnah?
- (23) If the text of Deut. XXIII, 1b speaks of a woman outraged by one's father (as R. Judah maintains) or of a widow awaiting the decision of the levir (as Simeon the Temanite asserts).
- (24) From which text alone R. Judah and the Rabbis could have deduced their respective rulings, while the case of one's father's wife would follow logically by inference a minori ad majus.
- (25) Cf. Rashal. Cur. edd. insert in parentheses, 'And shall not uncover.'
- (26) By the addition of the text Shall not take.
- (27) I.e., one's father's wife, forbidden under the death penalty at the hands of Beth din.
- (28) The offspring of unions which are forbidden under the penalty of kareth or flogging.
- (29) The proximity of Deut, XXIII, 3 (the text relating to the bastard) to that of v. 1, according to R. Joshua, beats on the case of a father's wife only (v. 2a). The mention of 'shall not uncover' (v. 1b) implies, if it refers to one's father's brother's widow awaiting the levir's decision (the view of the Rabbis and Simeon the Temanite), that cohabitation with her is forbidden to the levir's son by two negative precepts, those of Lev. XVIII, 24 and Deut. XXIII, 1b; and if it refers to a woman whom one's father has outraged (the view of R. Akiba and R. Judah). the text is required to lay down this very prohibition.

Talmud - Mas. Yevamoth 49b

or with a sotah,¹ the child [born from either union] is no bastard.² 'A menstruant', since betrothal with her is valid because it is said, And her impurity be upon him,³ even at the time of her menstruation betrothal with her is valid.⁴ 'A sotah' also, since her betrothal is valid.⁵ It has been taught likewise: All agree that if one cohabited with a menstruant or with a sotah or with a widow awaiting the decision of a levir, the child [born from any such union] is no bastard.⁶ And Abaye?⁷ — He was in doubt in the case of a widow awaiting the decision of the levir as to whether [the law⁸ is] in agreement with Rab or with Samuel.⁹

SAID R. SIMEON B. AZZAI etc. [A tanna] recited: Simeon b. 'Azzai said, 'I found a roll of genealogical records in Jerusalem and therein was written "So-and-so is a bastard [having been born] from a forbidden union with] a married woman" and therein was also written "The teaching of R. Eliezer b. Jacob is small in quantity¹⁰ but thoroughly sifted".¹¹ And in it was also written, "Manasseh slew Isaiah"'.¹²

Raba said: He¹² brought him to trial and then slew him. He¹² said to him: Your teacher Moses said, 'For men shall not see Me and live'¹³ and you said, 'I saw the Lord sitting on a throne, high and lifted up'.¹⁴ Your teacher Moses said, 'For what [great nation is there, that hath God so nigh unto them], as the Lord our God is whensoever we call upon him',¹⁵ and you said, 'Seek ye the Lord when he may be found'.¹⁶ Your teacher Moses said, 'The number of thy days I will fulfil'¹⁷ but you said, 'And I will add on to your days fifteen years'.¹⁸ 'I know', thought Isaiah, 'that whatever I may tell him he will not accept; and should I reply at all, I would only cause him to be a wilful [homicide]'. He thereupon pronounced [the Divine] Name and was swallowed up by a cedar. The cedar, however, was brought and sawn asunder. When the saw reached his month he died. [And this was his penalty] for having said, 'And I dwell in the midst of a people of unclean lips'.¹⁹

[Do not] the contradictions between the Scriptural texts, however, still remain? — 'I saw the Lord',²⁰ [is to be understood] in accordance with what was taught: All the prophets looked into a dim glass,²¹ but Moses looked through a clear glass.²² As to 'Seek ye the Lord when he may be found [etc.] one [verse]¹⁶ applies to an individual,²³ the other²⁴ to a congregation. When [is the time for] an individual? — R. Nahman replied in the name of Rabbah b. Abbuha: The ten days between the New Year²⁵ and the Day of Atonement.²⁵ Concerning the number of thy days I will fulfil,²⁶ Tannaim are in disagreement. For it was taught: The number of thy days I will fulfil²⁶

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- (1) **סוטה** a woman known to be, or suspected of being faithless to her husband. V. Num. V, 22ff. Such a woman is forbidden to her husband under the penalty of flogging. (V. supra 11b).
- (2) Even R. Akiba admits in the latter case though the penalty is flogging (v. supra n. 5), and even Simeon the Temanite admits in the former case though the penalty is kareth.
- (3) Lev. XV, 24; emphasis on him.
- (4) The offspring of a forbidden but valid union cannot be considered a bastard.
- (5) Her certain or suspected adultery does not annul her original betrothal to her husband (Rashi) or alternatively, the betrothal of a sotah by her husband after he had divorced her is valid (Tosaf. s.v. **סוטה** a.l.).
- (6) Kid. 68a.
- (7) Why did he omit the mention of the third case?
- (8) As to the validity of her betrothal by a stranger.
- (9) The former regards such betrothal as in. valid and maintains that no divorce is required, while the latter holds that a divorce is necessary (infra 92b). Being uncertain of the validity of such betrothal Abaye could not determine the legitimacy of the child,
- (10) **קב** a small measure of capacity (v. Glos.). His rulings in the Mishnah and Baraitha ate only few.
- (11) **נקי** lit., 'clean', 'pure'. The halachah is always in agreement with R. Eliezer b. Jacob's rulings.
- (12) Manasseh.
- (13) Ex. XXXIII, 20.
- (14) Isa. VI, 1.
- (15) Deut. IV, 7, implying 'at all time'.
- (16) Isa. LV, 6 which implies 'but not always'.
- (17) Ex. XXIII, 26, but will not make any additions.
- (18) II Kings XX, 6.
- (19) Isa. VI. 5.
- (20) Isa. VI, 2.
- (21) In their prophetic visions they, like Isaiah, only imagined that they saw the deity. In reality they did not (v. Rashi).
- (22) In his prophetic insight he knew that the deity could not be seen with mortal eye.
- (23) Who may seek the Lord at stated periods only.
- (24) Deut. IV, 7, implying 'at all time'.
- (25) V. Glos.
- (26) Ex. XXIII, 26, but will not make any additions.

Talmud - Mas. Yevamoth 50a

refers to the years of the generations.¹ If one is worthy one is allowed to complete the full period; if unworthy. the number is reduced; so R. Akiba. But the Sages said: If one is worthy years are added to one's life;² if unworthy, the years of his life are reduced. They said to R. Akiba: Behold, Scripture says,³ And I will add unto your days fifteen years!⁴ He replied: The addition was made of his own,⁵ You may know [that this is so]⁶ since the prophet⁷ stood up and prophesied: Behold, a son shall be born to the house of David, Josiah by name,⁸ while Manasseh⁹ had not yet been born.¹⁰ And the Rabbis!¹¹ — Is it written 'from Hezekiah'? It is surely written, 'To the house of David';⁸ he¹² might be born either from Hezekiah or from any other person.¹³

IF A MAN'S WIFE DIED etc. IF A MAN'S SISTER-IN-LAW DIED etc. R. Joseph said: Here Rabbi taught an unnecessary Mishnah.¹⁴

CHAPTER V

MISHNAH. R. GAMALIEL SAID: THERE IS NO [VALIDITY IN A] LETTER OF DIVORCE AFTER ANOTHER LETTER OF DIVORCE,¹⁵ NOR IN A MA'AMAR AFTER ANOTHER MA'AMAR¹⁶ NOR IN AN ACT OF COHABITATION AFTER ANOTHER ACT OF

COHABITATION,¹⁷ NOR IN A HALIZAH AFTER ANOTHER HALIZAH.¹⁸ THE SAGES, HOWEVER, SAID: A LETTER OF DIVORCE HAS VALIDITY AFTER ANOTHER LETTER OF DIVORCE,¹⁹ AND A MA'AMAR AFTER ANOTHER MA'AMAR;²⁰ BUT THERE IS NO VALIDITY IN ANY ACT AFTER COHABITATION OR HALIZAH.²¹

HOW [IS THE RELEASE FROM THE LEVIRATE BOND²² EFFECTED]? — IF A LEVIR ADDRESSED A MA'AMAR TO HIS SISTER-IN-LAW AND SUBSEQUENTLY GAVE HER A LETTER OF DIVORCE, IT IS NECESSARY FOR HER TO PERFORM THE HALIZAH WITH HIM.²³ IF HE ADDRESSED TO HER A MA'AMAR AND PARTICIPATED IN THE HALIZAH, IT IS NECESSARY FOR HER TO OBTAIN FROM HIM A LETTER OF DIVORCE.²⁴ IF HE ADDRESSED TO HER A MA'AMAR AND THEN COHABITED WITH HER, BEHOLD THIS IS IN ACCORDANCE WITH THE PRESCRIBED PRECEPT.²⁵

IF THE LEVIR GAVE HER A LETTER OF DIVORCE AND THEN ADDRESSED TO HER A MA'AMAR, IT IS NECESSARY FOR HER TO OBTAIN [A SECOND] LETTER OF DIVORCE²⁶ AND TO PERFORM THE HALIZAH.²⁷ IF HE GAVE HER A LETTER OF DIVORCE AND THEN COHABITED WITH HER, IT IS NECESSARY FOR HER TO OBTAIN A LETTER OF DIVORCE AND TO PERFORM THE HALIZAH.²⁸ IF HE GAVE HER A LETTER OF DIVORCE AND THEN SUBMITTED TO HALIZAH, THERE IS NO VALIDITY IN ANY ACT²⁹ AFTER HALIZAH HAD BEEN PERFORMED.

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HER HALIZAH, NO ACT IS VALID AFTER HALIZAH³⁰

(1) The span of life allotted to every human being at his birth.

(2) The meaning of fulfil is addition to the allotted span of life.

(3) II Kings XX, 6.

(4) Emphasis on add.

(5) Years which were originally allotted to him and then curtailed.

(6) That the years added were only those allotted to Hezekiah at his birth and reduced at his illness.

(7) In the days of Jeroboam, long before the birth of Hezekiah.

(8) I Kings XIII, 2.

(9) From whom Josiah descended.

(10) At the time of Hezekiah's illness. Manasseh, in fact, was born three years after his father's illness (v. II Kings XXI, 2); and since the birth of his son Josiah was prophetically announced long before the birth of his father Hezekiah, it is obvious that the years allotted to Hezekiah at his birth extended beyond the year of his illness (to include the year of Manasseh's birth). Consequently, the original number must have been reduced at his illness; and, at his recovery, only that was added which was first reduced.

(11) How could they, in view of the argument advanced, maintain that view years were added to Hezekiah's life?

(12) Josiah.

(13) Of the house of David.

(14) Since the laws therein enumerated are self-evident. Lev. XVIII, 18, from where the prohibition of marrying the sister of one's wife originates, distinctly limits the prohibition to the wife's life-time: And thou shalt not take a woman to her sister . . . in her life-time. V. Rashi a.l. According to Tosaf (s.v. שנה a.l. q.v.) the unnecessary Mishnah is only that portion which relates to the sister-in-law whose case could be inferred from that of the wife a minori ad majus.

(15) Given in succession by one levir to two sisters-in-law, i.e., the widows of a deceased childless brother, or by two levirs to one sister-in-law. (The term sister-in-law used throughout this chapter is to be understood in the sense defined). The second divorce is invalid and the relatives of the second widow are, therefore, permitted to the levir, and so are the relatives of the one widow to the second levir. Whether the first divorce is valid or not, the second is at all events

valueless. For if the first is valid the levirate bond with both the widows is thereby severed and the second widow (in the case of one levir) or the one widow (in the case of two Levirs) when receiving the second letter of divorce, is a complete stranger to the levir. If, on the other hand, the first divorce was invalid, the second also, for the same reason, is invalid.

(16) Addressed in succession (a) by one levir to two sisters-in-law or (b) by two levirs to one sister-in-law. The first ma'amar has satisfied all the requirements of the levirate obligations and, consequently, (a) the second widow, or (b) the one widow to whom the second ma'amar was addressed, requires no letter of divorce from (a) the one levir or (b) the second levir respectively. The second widow, moreover, does not cause the prohibition to the levir of the first widow, and her relatives also are permitted to the levir as are those of the one widow to the second levir.

(17) The second act by the one levir with the second widow or by the second levir with the one widow respectively, is deemed to be one of mere adultery and has no matrimonial validity to cause the prohibition of her relatives to the levir.

(18) Cf. supra n. 2. The first halizah has finally severed the levirate bond between the levir or the levirs and the widow or the widows. The second halizah is, therefore, valueless.

(19) The relatives of the second widow are, therefore, forbidden to the levir (as relatives of his legal divorcee), and the relatives of the one widow are similarly forbidden to the second levir. The first letter of divorce, the Sages maintain, is only partially valid since halizah also is required. The levirate bond consequently is not thereby completely severed and the second divorce brings the widow under the category of a divorced woman. Cf supra 327 n. 1.

(20) The first ma'amar effected only partial matrimony and the levirate obligations were not fully satisfied before the consummation of the marriage took place. The second ma'amar, since it was made before consummation had taken place, is, therefore, valid.

(21) Either of these acts satisfies fully all the requirements of the levirate obligations. The former effected complete union; the latter final severance. No act in connection with the levirate obligations that follows either of these can, therefore, have any validity.

(22) Between one levir and one sister-in-law. This section has no reference to the dispute in the previous section. V. Gemara infra.

(23) But no levirate marriage may now be contracted. The ma'amar alone has not completely satisfied the requirements of the levirate obligations (cf. supra n. 1), hence the need for halizah. Since, however, a divorce had been given the levir had placed himself under the prohibition of Deut. XXV, 9 'That doth not build': if he once refused to build he must never again build (v. supra 10b), hence the prohibition of the levirate marriage.

(24) To annul the ma'amar which, in some respects, has the force of a betrothal. The halizah alone is not enough since it only severs a levirate bond but does not annul a ma'amar.

(25) This is discussed in the Gemara infra.

(26) Even according to R. Gamaliel. The divorce is required to annul the ma'amar since it is possible that the first divorce was invalid and the ma'amar had, therefore, been valid. According to the Sages, who regard the divorce as partially valid, the ma'amar also is partially valid and a divorce is required to annul that part.

(27) In order to sever thereby the levirate bond. Levirate marriage, however, must not take place now after the delivery of the first letter of divorce (v. supra p. 325, n. 4 final clause).

(28) Levirate marriage is forbidden owing to the first divorce (v. supra p. 325, n. 4, final clause), a letter of divorce is required owing to the act of cohabitation, while halizah is necessary to sever the levirate bond.

(29) Whether it be the addressing of a ma'amar or cohabitation. The levirate bond has completely disappeared.

(30) Cf. supra n. 3. This refers to the cases where halizah was performed first. With reference to the last three cases, where cohabitation took place first, the expression should be 'no act is valid after cohabitation'. V. Gemara infra.

Talmud - Mas. Yevamoth 50b

AND THE LAW IS THE SAME WHETHER THERE IS ONE SISTER-IN-LAW TO ONE LEVIR OR TWO SISTERS-IN-LAW TO ONE LEVIR.

HOW?¹ — IF THE LEVIR ADDRESSED A MA'AMAR TO THE ONE² AND A MA'AMAR TO THE OTHER,² TWO LETTERS OF DIVORCE³ AND ONE HALIZAH⁴ ARE REQUIRED.⁵ IF HE ADDRESSED A MA'AMAR TO ONE AND GAVE A LETTER OF DIVORCE TO THE OTHER, [THE ONE] REQUIRES A LETTER OF DIVORCE⁶ AND [THE OTHER MUST PERFORM] THE HALIZAH.⁷ IF HE ADDRESSED A MA'AMAR TO ONE AND COHABITED WITH THE

OTHER, BOTH REQUIRE LETTERS OF DIVORCE⁸ AND [ONE MUST PERFORM] THE HALIZAH.⁹ IF HE ADDRESSED A MA'AMAR TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER, IT IS NECESSARY FOR THE FIRST TO OBTAIN A LETTER OF DIVORCE.¹⁰

IF THE LEVIR GAVE A LETTER OF DIVORCE TO ONE AS WELL AS TO THE OTHER, HALIZAH IS NECESSARY FOR BOTH.¹¹ IF HE GAVE A LETTER OF DIVORCE TO ONE AND COHABITED WITH THE OTHER, [THE SECOND] REQUIRES A LETTER OF DIVORCE¹² AND MUST ALSO PERFORM THE HALIZAH.¹³ [IF HE GAVE] A LETTER OF DIVORCE TO ONE AND ADDRESSED A MA'AMAR TO THE OTHER, [THE SECOND] REQUIRES A LETTER OF DIVORCE AND [ONE OF THEM MUST PERFORM] THE HALIZAH. [IF HE GAVE] A LETTER OF DIVORCE TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS THE HALIZAH.¹⁴

IF THE LEVIR SUBMITTED TO HALIZAH FROM THE ONE AND FROM THE OTHER, OR SUBMITTED TO HALIZAH [FROM ONE] AND ADDRESSED [TO THE OTHER] A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH THE ONE AND WITH THE OTHER, OR COHABITED [WITH THE ONE] AND ADDRESSED [TO THE OTHER] A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HER HALIZAH, NO ACT IS VALID AFTER THE HALIZAH.¹⁵ [THERE IS NO DIFFERENCE IN THE LAW] WHETHER THERE WAS ONE LEVIR TO TWO SISTERS-IN-LAW OR TWO LEVIRS TO ONE SISTER-IN-LAW.¹⁶

[IF THE LEVIR]¹⁷ SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER¹⁸ A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER; OR IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR SUBMITTED TO HALIZAH, NO ACT IS VALID AFTER THE HALIZAH, WHETHER [IT WAS PERFORMED] IN THE BEGINNING, IN THE MIDDLE,¹⁹ OR AT THE END.²⁰ IN THE CASE OF COHABITATION, IF IT TOOK PLACE FIRST NO ACT THAT FOLLOWS IT HAS ANY VALIDITY; IF IT OCCURRED, HOWEVER, IN THE MIDDLE²¹ OR AT THE END²² SOMETHING VALID²³ STILL REMAINS.²⁴ R. NEHEMIAH SAID: WITH COHABITATION AS WITH HALIZAH, WHETHER IT TOOK PLACE IN THE BEGINNING, IN THE MIDDLE, OR AT THE END, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT.²⁵

GEMARA. Their difference²⁶ concerns only a letter of divorce after another letter of divorce and a ma'amar after another ma'amar, but one letter of divorce to one sister-in-law or one ma'amar to one sister-in-law is valid.²⁷

Why did the Rabbis say that a letter of divorce to one sister-in-law is valid?²⁸ — Because it is also valid elsewhere.²⁹ For should you suggest that it is not valid,³⁰ it might be argued that since a letter of divorce serves to release a woman and halizah serves to release a woman, as the letter of divorce is of no effect,³¹ so is the halizah also of no effect, and thus one would come to consummate marriage after halizah.³²

And why did the Rabbis say that a ma'amar with one sister-in-law is valid?³³ — Because it is valid elsewhere.³⁴ For should you say that it is not valid,³⁵ it might be argued that since a ma'amar serves the purpose of acquisition³⁴ and cohabitation serves the purpose of acquisition,³⁶ as a ma'amar is of no effect,³⁷ so is cohabitation also of no effect³⁸ and one would thus consummate marriage³⁹ after an act of cohabitation.⁴⁰

And why did the Rabbis say that after an invalid cohabitation something⁴¹ lingers?⁴² — It might be replied that if it is a cohabitation⁴³ after a letter of divorce,⁴⁴ a preventive measure was made⁴⁵ against cohabitation after halizah;⁴⁶ and if it is a cohabitation⁴³ after a ma'amar⁴⁴ a preventive measure had to be made⁴⁷ against cohabitation after cohabitation.⁴⁸

And why did the Rabbis say that after the invalid halizah⁴⁹ nothing lingers?⁵⁰ — It may be replied: What kind of preventive measure could have been enacted! Should halizah after a letter of divorce be forbidden as a preventive measure against halizah after halizah?⁵¹ Under such circumstances, surely, halizah might well be indefinitely continued!⁵² And should halizah after a ma'amar be forbidden as a preventive measure against halizah after cohabitation?⁵³ Surely [it may be replied] is not in the case of halizah after a ma'amar, a letter of divorce required in respect of one's ma'amar? So also in the case of halizah after cohabitation, a letter of divorce is required in respect of one's cohabitation.⁵⁴

Raba said:

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- (1) How are the obligations of the levirate carried out where there is one levir and two sisters-in-law?
 - (2) Sister-in-law.
 - (3) One for each woman, in accordance with the view of the Sages in our Mishnah that a ma'amar after a ma'amar is valid.
 - (4) With either. The halizah with one exempts her rival.
 - (5) Levirate marriage, however, is now forbidden since one must not build two houses'. V. supra.
 - (6) Marriage with her must not be consummated on account of the divorce of the second; hence the necessity for a divorce to annul the ma'amar which the halizah cannot do.
 - (7) To sever thereby the levirate bond which a letter of divorce cannot do.
 - (8) On account of the ma'amar and the cohabitation respectively. The second widow may not be retained in matrimony owing to the bond of the ma'amar with the first.
 - (9) The other becoming thereby exempt from the levirate obligations. The divorce alone does not set the second free because the cohabitation with her was not the performance of a legal commandment but an unlawful act.
 - (10) The halizah of this second cannot annul the force of the ma'amar of the first.
 - (11) The halizah is performed by one who thereby exempts the other. V. Gemara infra.
 - (12) She is forbidden to the levir on account of the divorce of the first.
 - (13) Divorce alone is not enough since the cohabitation was unlawful (cf. supra note 3).
 - (14) The halizah of the second sets both widows free; and the divorce of the first is of no consequence.
 - (15) Cf p. 329, n. 4. The relatives of the second widow are permitted to him as if he had not acted at all after the first halizah.
 - (16) And the two levirs performed the above mentioned acts with the same widow.
 - (17) Where there was only one levir and one sister-in-law.
 - (18) The same sister-in-law.
 - (19) Between a ma'amar and a divorce. If, e.g., he gave a letter of divorce to one, submitted to halizah from the other and then addressed a ma'amar to one of them.
 - (20) After a ma'amar and a divorce. The halizah is invariably valid, and any ma'amar addressed subsequently has no validity at all, and the widow requires no divorce.
 - (21) If, e.g., he divorced one, cohabited with the other and addressed a ma'amar to a third, in which case the cohabitation, owing to the previous divorce, was unlawful.
 - (22) If he divorced one, addressed a ma'amar to the other, and then cohabited with one of them. V. supra n. 7.
 - (23) Of the levirate bond.
 - (24) Hence, in the first case (v. supra n. 7), the relatives of the last widow are forbidden to him, and in the second case (v. supra n. 8), halizah is required, since the levirate bond cannot be severed by a letter of divorce.
 - (25) After cohabitation a letter of divorce without halizah is enough, and betrothal of the other after cohabitation with the first is invalid.
 - (26) That of R. Gamaliel and the Sages in our Mishnah.

- (27) The divorce prevents subsequent levirate marriage under the prohibition of ‘that doth not build’ etc. (v. supra p. 328, n. 4, second clause); and the ma'amar prevents the levirate marriage of a rival under the injunction, ‘a levir may build one house but not two houses’, and necessitates also a letter of divorce should it be desired to cancel the ma'amar.
- (28) In the Pentateuch, surely, only halizah was prescribed and the prohibition under ‘that doth not build’ should apply to the prescribed ceremony only!
- (29) In the release of all married women.
- (30) And that the levir may marry the widow even after he gave her a letter of divorce.
- (31) v. supra n. 4.
- (32) And thus infringe a Pentateuchal prohibition.
- (33) Forbidding levirate marriage with her rival. Since, according to the Pentateuch, acquisition of the sister-in-law is effected by the consummation of the levirate marriage, that consummation only should have had the force of forbidding marriage with the rival.
- (34) The usual betrothal between man and woman, which is as binding as the consummation of marriage.
- (35) And that after a ma'amar had been addressed to a sister-in-law her rival may be married.
- (36) Cf. supra n. 7.
- (37) Without subsequent cohabitation.
- (38) Unless there was also a ma'amar.
- (39) With a rival.
- (40) With one of the widows. Such a marriage, however, would infringe (v. supra note 1) a Pentateuchal prohibition.
- (41) Of the levirate bond.
- (42) Halizah being required in the case of the second widow in addition to the letter of divorce. V. supra p. 330, nn. 6 and 7.
- (43) With one sister-in-law.
- (44) To the other.
- (45) V. p. 332. n. 16.
- (46) Were a letter of divorce alone, without halizah, permitted, it might have been assumed that as unlawful cohabitation is so effective it might also be effective enough to annul a previous halizah.
- (47) Cf. p. 332, n. 26, and p. 330, nn. 2 and 3.
- (48) It might have been assumed that as unlawful cohabitation has the force of validity even after a ma'amar which is a legal kinyan, it has also the same force after a kinyan that had been effected through lawful cohabitation. Acting on this argument one would infringe the prohibition of marriage with one's brother's wife.
- (49) Performed after a divorce or a ma'amar.
- (50) Should the levir subsequent to such a halizah address a ma'amar or give a letter of divorce to a third sister-in-law his act would have no validity whatsoever.
- (51) So that a levir does not submit to the halizah of two sisters-in-law in succession, and two levirs do not submit in succession to the halizah of one sister-in-law.
- (52) And none will be the worse for it.
- (53) That it be not assumed that halizah without a letter of divorce is sufficient after an act of cohabitation.
- (54) The implication of ‘nothing lingers after an unlawful halizah’ is the invalidity of all subsequent acts. Any previous act such as ma'amar or cohabitation is valid, and a letter of divorce to annul it is certainly required.

Talmud - Mas. Yevamoth 51a

What is R. Gamaliel's reason?¹ — Because he was in doubt whether a letter of divorce does, or does not set aside [the levirate bond, and whether] a ma'amar does, or does not effect a kinyan.² ‘Whether a letter of divorce does, or does not set aside the levirate bond’: If the first³ does set aside [the levirate bond], what purpose could the latter serve?⁴ If the first³ does not set aside [the levirate bond], the latter also does not set it aside. ‘Whether a ma'amar does, or does not effect a kinyan’: if the first⁵ does effect a kinyan, what purpose could the latter serve?⁴ And if the first⁵ effects no kinyan, the latter also does not.

Abaye raised the following objection against him: R. Gamaliel, however, admits that ‘there is

[validity in] a letter of divorce after a ma'amar,⁶ in a ma'amar after a letter of divorce,⁷ in a letter of divorce after cohabitation and a ma'amar,⁸ and in a ma'amar after cohabitation and a letter of divorce'.⁹ Now, if R. Gamaliel was in doubt,¹⁰ the cohabitation¹¹ should be regarded as if it had taken place at the beginning,¹² and thus constitute a kinyan; for surely we have learnt, IN THE CASE OF COHABITATION, IF IT TOOK PLACE FIRST, NO ACT THAT FOLLOWS IT HAS ANY VALIDITY!

But, said Abaye, though obvious to R. Gamaliel that a letter of divorce does set aside the levirate bond and that a ma'amar does effect a kinyan,¹³ the Rabbis have nevertheless ruled that with the sister-in-law a letter of divorce is partially valid and a ma'amar is partially valid. Consequently, a letter of divorce after another letter of divorce does not set aside the levirate bond since this¹⁴ was already set aside by the first,¹⁵ and a ma'amar after a ma'amar does not constitute a kinyan since this kinyan¹⁶ has already been constituted by the first,¹⁵ with a letter of divorce after a ma'amar, and a ma'amar after a letter of divorce, however, the one act¹⁷ sets aside¹⁸ while the other¹⁹ effects a kinyan.²⁰ (And the Rabbis?²¹ — [They hold that] the Rabbis have instituted for every levir a letter of divorce and a ma'amar in respect of every sister-in-law.)²²

But as to an invalid cohabitation²³ [according to R. Gamaliel]²⁴ it is [in one respect] of superior force to a ma'amar and [in another respect] of inferior force to a ma'amar. It is superior to a ma'amar, since whereas a ma'amar after another ma'amar is not effective,²⁵ an act of cohabitation after a ma'amar is effective.²⁶ It is inferior to a ma'amar, for whereas a ma'amar after a letter of divorce constitutes a kinyan of all that the letter of divorce has left,²⁷ cohabitation after a letter of divorce does not constitute a kinyan of all that the divorce has left.²⁸

Our Rabbis taught; How [are we to understand] R. Gamaliel's statement that there is [no validity in] a letter of divorce after another letter of divorce? If two sisters-in-law have fallen to the lot of one levir, and he gave a letter of divorce to one as well as to the other, he submits, in accordance with R. Gamaliel's statement, to halizah from the first,²⁹ and is forbidden to marry her relatives,³⁰ though the relatives of the second one are permitted to him.³¹ But the Sages said: If he gave a letter of divorce to one and to the other, he is forbidden to marry the relatives of both³² and he submits to halizah from either of them. And the same law applies where there are two levirs³³ and one sister-in-law.

What did R. Gamaliel mean by his statement that³⁴ there is no [validity in] a ma'amar after another ma'amar? If two sisters-in-law have fallen to the lot of one levir, and he addressed a ma'amar to the one as well as to the other, he gives, according to R. Gamaliel, a letter of divorce to the first, submits also to her halizah, and is in consequence forbidden to marry her relatives,³⁵ though the relatives of the second are permitted to him.³⁶ The Sages, however, said: He gives letters of divorce to both, and the relatives of both are forbidden to him,³² while he submits to halizah from one of them. And the same law is to be applied where there are two levirs and one sister-in-law.³⁷

The Master said, 'If he gave³⁸ a letter of divorce to one as well as to the other, he submits, according to R. Gamaliel's statement, to halizah from the first and is forbidden to marry her relatives, though the relatives of the second are permitted to him'. Must this be assumed to present an objection against a ruling of Samuel, since Samuel stated, 'If he submitted to halizah from the one³⁹ who had been divorced,⁴⁰ her rival⁴¹ is not thereby exempt'!⁴² — Samuel can answer you: What I said was in agreement with him who maintains that a levirate bond exists,⁴³ while R. Gamaliel holds the opinion that no levirate bond exists.⁴⁴

Since R. Gamaliel, however, is of the opinion that no levirate bond exists,

(1) In our Mishnah, v. supra p. 327, nn. 1 and 2.

(2) To constitute a legal marriage.

- (3) Letter of divorce.
- (4) Obviously none. Consequently it is valueless.
- (5) Ma'amar.
- (6) If the ma'amar was addressed to one of the widows and the letter of divorce was subsequently given to the other, the first also is forbidden levirate marriage, while the relatives of both are forbidden to the levir.
- (7) If a letter of divorce was given to one of the widows first, and a ma'amar was subsequently addressed to the second, a letter of divorce must also be given to the second in order to annul thereby the force of the ma'amar.
- (8) Which was addressed to one of the widows prior to the cohabitation with the second that preceded the letter of divorce to the third. The validity of the letter of divorce causes the prohibition to the levir of the relatives of the third widow.
- (9) Given to one of the widows prior to the cohabitation with the second that preceded the ma'amar addressed to the third. The ma'amar constitutes a kinyan, and the relatives of the third widow are forbidden to the levir, while she herself can be released by a letter of divorce only.
- (10) As to the validity of a letter of divorce and a ma'amar given or addressed respectively to a sister-in-law.
- (11) Which took place between the other two acts.
- (12) And the act that follows it, whether it be the delivery of a letter of divorce or the addressing of a ma'amar, should in any case be invalid: In the case of a ma'amar, cohabitation, and divorce, if the ma'amar with the first was valid and effected kinyan, the cohabitation with the second was obviously invalid and much more so the letter of divorce that was given to the third. If, on the other hand, the ma'amar to the first was invalid, the cohabitation with the second widow that followed was obviously valid and there could consequently be no validity in the letter of divorce that was subsequently given to the third. Similarly in the case of divorce, cohabitation and ma'amar, if the letter of divorce given to the first widow was valid the cohabitation that followed had no validity and much more so the ma'amar that came last. If, on the other hand, the letter of divorce given to the first widow was invalid, the cohabitation with the second widow that followed was obviously valid and consequently there could be no validity in the ma'amar that was subsequently addressed to the third widow. In both cases, then, cohabitation which took place between the other two acts should be as valid as if it had taken place at the beginning.
- (13) Cohabitation, therefore, that follows either of these acts cannot have the same force as cohabitation that takes place first.
- (14) Whatever part of the levirate bond a divorce can set aside.
- (15) And the second can add nothing to it.
- (16) As far as a ma'amar has the force of constituting it.
- (17) The divorce.
- (18) Partially.
- (19) The ma'amar.
- (20) V. supra n. 4. In the case of a divorce after a ma'amar, that part of the levirate bond with the first widow which the ma'amar did not effect is set aside by the letter of divorce that was given to the second. Similarly, where there are two levirs and one widow, whatever was not covered by the kinyan of the ma'amar of the first levir is set aside by the letter of divorce of the second. So also in the case of a ma'amar after a letter of divorce, whatever part of the levirate bond remained after the letter of divorce had been given to the first widow (or to one widow by the first levir) is brought under the kinyan constituted by the ma'amar that has been addressed to the second widow (or to the one widow by the second levir).
- (21) The Sages in our Mishnah. How, in view of what has just been explained — can they maintain that A LETTER OF DIVORCE HAS VALIDITY AFTER ANOTHER LETTER OF DIVORCE, AND A MA'AMAR AFTER ANOTHER MA'AMAR?
- (22) The divorce or ma'amar of one levir does not in any way affect the validity of that of any other levir, nor does any of these acts, performed by a levir in respect of one sister-in-law, affect his performance of these acts in respect of another sister-in-law. The divorce or ma'amar in respect of the first sister-in-law does not, therefore, affect that of the second, and the performance of the same acts by the first levir in respect of one sister-in-law does not invalidate the performance of these acts in respect of the same sister-in-law by the other levir. Hence the opinion of the Rabbis in our Mishnah.
- (23) That which was preceded by divorce or ma'amar.
- (24) Who stated that a letter of divorce following a cohabitation which followed a ma'amar, and a ma'amar following a

cohabitation which followed a letter of divorce are valid.

(25) As has been stated supra.

(26) As may be inferred from the ruling concerning 'a letter of divorce after cohabitation and a ma'amar', which implies that cohabitation after a ma'amar is valid (Rashi). Cf. Tosaf. s.v. **עדיפא**, and **תוספות ישנים** a.l.

(27) For should a ma'amar, subsequent to the first, be addressed to a third widow it would be altogether invalid, R. Gamaliel invariably admitting no ma'amar after another ma'amar whether the first one was, or was not preceded by a letter of divorce.

(28) A ma'amar being valid even if it was addressed after an act of cohabitation that followed a letter of divorce.

(29) Though he could certainly submit to halizah from the second, the letter of divorce to whom is invalid, and thereby exempt the first also. He is advised, however, to submit to halizah from the first because by so doing he averts the prohibition to him of the second widow's relatives who, had he submitted to her halizah, would have become forbidden to him as the 'relatives of his haluzah'. The prohibition to him of the relatives of the first as 'relatives of his haluzah' is of no practical consequence since they are already, owing to the divorce he had given her forbidden to him as the 'relatives of his divorcee'.

(30) They being the relatives of both his divorcee and his haluzah. Cf. supra p. 336, n. 7.

(31) Because she is neither his haluzah nor his divorcee, the halizah not having been performed by her and the letter of divorce that was given to her being invalid.

(32) Both divorces being valid.

(33) And each of them gave a letter of divorce to the one sister-in-law. According to R. Gamaliel, halizah is performed with the first levir and the second levir is permitted to marry her relatives; while according to the Rabbis her relatives are forbidden to both levirs and the halizah is performed with either of them.

(34) Lit., 'how'.

(35) As the 'relatives of his haluzah'.

(36) Since she is neither his wife nor his haluzah nor his divorcee.

(37) Cf. supra n. 4.

(38) The Heb. uses here the present participle instead of the perfect used supra in the original.

(39) Of two sisters-in-law, the widows of his deceased childless brother.

(40) By him, prior to the performance of the halizah.

(41) Who had not been divorced and whose levirate bond has consequently still its full force.

(42) Supra 27a. A halizah performed by one whose levirate bond had been weakened by divorce cannot sever the levirate bond of the other which had never been weakened by divorce and had retained therefore its full force (v. supra n. 2). This is contradictory to R. Gamaliel's view according to which the halizah of the first, though it followed her divorce which had weakened her levirate bond, is effective enough to exempt her rival whose levirate bond retained its full force, since her divorce was invalid and might be regarded as never having taken place.

(43) Between the levir and the sister-in-law. This levirate bond can only be severed by a halizah which is free from all objection.

(44) v. infra 109a. Hence, even a halizah which is not free from objection is effective enough to sever it.

Talmud - Mas. Yevamoth 51b

the Rabbis are presumably of the opinion that a levirate bond does exist,¹ and yet it was stated in the final clause, 'And the same law applies where there are two levirs and one sister-in-law'!² Must it then be said that this represents an objection to a statement made by Rabbah son of R. Huna in the name of Rab? For Rabbah son of R. Huna stated in the name of Rab: A halizah of an impaired character must go the round of all the brothers!³ — Rabbah son of R. Huna can answer you: Both according to the view of R. Gamaliel and that of the Rabbis no levirate bond exists,⁴ and their difference here extends only to the question of a divorce that followed another divorce and a ma'amar that followed another ma'amar.

The Master said, 'If he addressed a ma'amar to the one as well as to the other, he gives, according to R. Gamaliel, a letter of divorce to the first, submits also to her halizah, and is in consequence forbidden to marry her relatives, though the relatives of the second are permitted to him'. Now,

consider! Since R. Gamaliel holds that there is no [validity in a] ma'amar that follows another ma'amar, the first [sister-in-law] should even be permitted to contract the levirate marriage!⁵ — A preventive ordinance had to be made⁶ against the possibility of the levir's marrying the second.

R. Johanan said: R. Gamaliel, Beth Shammai, R. Simeon b. 'Azzai and R. Nehemiah are all of the opinion that a ma'amar constitutes a [fairly]⁷ perfect kinyan:⁸

As to R. Gamaliel, there is the statement already mentioned.⁹

Beth Shammai? — For we learned: If two of three brothers were married to two sisters and the third was unmarried, and when one of the sisters' husbands died, the unmarried brother addressed to her a ma'amar and then his second brother died, Beth Shammai say: His wife¹⁰ [remains] with him¹¹ while the other is exempt¹² as being his wife's sister.¹³ cannot have any validity¹⁴ if, however, the cohabitation of the first has no validity, then that of the second also has no validity.¹⁵ Now, the cohabitation of one who is nine years of age has been given by the Rabbis¹⁵ the same force as that of a ma'amar¹⁶ and yet R. Simeon stated that such cohabitation¹⁷ has no validity.¹⁸

Ben 'Azzai? — For it was taught: Ben 'Azzai stated, 'A ma'amar is valid after another ma'amar where it concerns two levirs¹⁹ and one sister-in-law,²⁰ but no ma'amar is valid after a ma'amar where it concerns two sisters-in-law and one levir'.²¹

R. Nehemiah? — For we learned, R. NEHEMIAH SAID: WITH COHABITATION AS WITH HALIZAH WHETHER IT TOOK PLACE AT THE BEGINNING, IN THE MIDDLE, OR AT THE END, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT. Now, an invalid cohabitation has been given by the Rabbis the same force as a ma'amar,²² and yet it was stated, THERE IS NO VALIDITY IN ANY ACT THAT FOLLOWS IT.²³

HOW . . . IF A LEVIR ADDRESSED A MA'AMAR etc.

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- (1) It is now assumed that, as the Rabbis disagreed with R. Gamaliel on the question of a divorce that followed another divorce, they disagreed also on that of the levirate bond.
 - (2) According to which the Rabbis maintain that either levir may submit to the halizah (v. supra p. 337, n. 4) and the performance of this impaired halizah exempts the other brother,
 - (3) V. supra 26b. The performance of it by one brother does not exempt any of the others!
 - (4) While Rabbah son of R. Huna himself does not follow this view but that of the authority who maintains that a levirate bond does exist.
 - (5) Since the ma'amar to the second had no validity at all.
 - (6) That levirate marriage shall not be contracted with the first.
 - (7) V. Rashi, a.l.
 - (8) I.e., it is regarded as a perfect kinyan in some, though not in all respects. Cf. Tosaf. s.v. **דַּתְנִיָּא** supra 19a.
 - (9) Supra, that a ma'amar is invalid after another ma'amar, because the first had already constituted an kinyan.
 - (10) I.e., the widow to whom he had addressed the ma'amar.
 - (11) Because the ma'amar he had addressed to her constituted a kinyan and she is regarded as his wife. Her sister, when she subsequently became subject to the levirate marriage through the death of her husband, could no more be married to him since at that time she was already 'his wife's sister'.
 - (12) Even from halizah.
 - (13) 'Ed. IV, 9, supra 29a. (10) Of two young levirs of the ages of nine years and one day. According to the Rabbis, if two levirs of such an age cohabited successively with their sister-in-law, the widow of their deceased brother, their acts have the same force as that of a ma'amar that followed a ma'amar. As with a ma'amar the second has also the validity of a betrothal and causes the prohibition of the sister-in-law to the first, so with cohabitation, the act of the second levir causes the sister-in-law to be forbidden to the first levir also. R. Simeon, however, regards the first act only as a valid kinyan. The other consequently is invalid. V. infra 96b. (11) Effecting a kinyan.

(14) The kinyan of the first would not admit it.

(15) *Infra* 96b.

(16) *V. supra* p. 339, n. 10.

(17) By the second levir.

(18) Obviously because the kinyan had been effected by the cohabitation of the first. Thus it follows that a ma'amar also (cohabitation and ma'amar having equal validity) effects kinyan.

(19) Each one of whom had addressed to the widow only one ma'amar.

(20) Since each levir is entitled to a ma'amar. *V. supra* 51a.

(21) The second ma'amar has no validity, because by the first ma'amar the levir had already effected the kinyan of the sister-in-law to whom he had addressed it.

(22) Since in both cases, divorce alone is not enough to sever the levirate bond, halizah also being required.

(23) Obviously because the cohabitation like a ma'amar had constituted a kinyan.

Talmud - Mas. Yevamoth 52a

Is this an illustration of a letter of divorce after a letter of divorce?¹ Rab Judah replied it is this that was meant: [The illustration of] A LETTER OF DIVORCE AFTER ANOTHER LETTER OF DIVORCE and OF A MA'AMAR AFTER AN OTHER MA'AMAR is as stated;² but³ HOW IS THE RELEASE [FROM THE LEVIRATE BOND EFFECTED] where there is one levir and one sister-in-law? — IF A LEVIR ADDRESSED A MA'AMAR TO HIS SISTER-IN-LAW AND SUBSEQUENTLY GAVE HER A LETTER OF DIVORCE, IT IS NECESSARY FOR HER TO PERFORM THE HALIZAH WITH HIM.⁴

IF HE ADDRESSED TO HER A MA'AMAR AND THEN COHABITED WITH HER, BEHOLD THIS IS IN ACCORDANCE WITH THE PRESCRIBED PRECEPT. Might it be suggested that this provides support for R. Huna? For R. Huna stated: The precept of marriage with a sister-in-law is properly performed when the levir first betroths, and then cohabits with her.⁵ — One might read,⁶ THIS IS also IN ACCORDANCE WITH THE PRESCRIBED PRECEPT. Is not this obvious? — It might have been presumed that since a Master stated, 'If the levir addressed a ma'amar to his sister-in-law, the levirate bond disappears, and he comes under the bond of betrothal and marriage',⁷ he⁸ is not performing the commandment,⁹ hence we were taught [that he does].

[To turn to] the main text. 'R. Huna said: The precept of marriage with a sister-in-law is properly performed when the levir first betroths and then cohabits with her. If he cohabited with her, and then addressed to her a ma'amar a kinyan is nevertheless constituted.' 'If he cohabited with her and then addressed to her a ma'amar is so obvious,¹⁰ since he had acquired her by the cohabitation!¹¹ — Read, rather, 'If he cohabited with her without previously addressing to her a ma'amar a kinyan is nevertheless constituted'. But was it not taught that the penalty of flogging¹² is inflicted upon him?¹³ — Chastisement¹⁴ was meant, which is a Rabbinical penalty.¹⁵ For Rab ordered the chastisement¹⁶ of any person who betrothed by cohabitation,¹⁷ who betrothed in the open street,¹⁸ or who betrothed without previous negotiation;¹⁹ who annulled a letter of divorce,²⁰ or who made a declaration against a letter of divorce;²¹ who was insolent²² towards the representative of the Rabbis,²³ or who allowed a Rabbinical ban upon him to remain for thirty days and did not come to the Beth din to request the removal of that ban; and of a son-in-law who lives in his father-in-law's house. [You say,] only if he lives,²⁴ but not if he only passes by? Surely, a man once passed by the door of his father-in-law's house, and R. Shesheth ordered his chastisement! — That man was suspected of immoral relations with his mother-in-law. The Nehardeans stated: Rab ordered the chastisement of none of these²⁵ except him who betrothed by cohabitation without preliminary negotiation. Others say: Even with preliminary negotiation; because [such a practice is sheer] licentiousness. Our Rabbis taught: How is betrothal effected with a ma'amar? — If he gave her²⁶ some money or anything of value.²⁷ And how is it effected by a deed? — 'How is it effected by a deed'? Surely as has been stated:²⁸ If he wrote for her on a piece of paper or on a sherd, although it was not worth even a perutah,²⁹ 'Behold thou

art be trothed unto me'!³⁰ Abaye replied, It is this that was meant: How is the deed of the kethubah³¹ in a levirate marriage [to be drawn up]? He writes for her. 'I, So-and-so, son of So-and-so, undertake to feed and maintain in a suitable manner my sister-in-law So-and-so, provided that her kethubah remains a charge upon the estate of her first husband'.³² If, however, she is unable to obtain it from her first husband, provision was made by the Rabbis [that she is to receive it] from the second,³³ in order that it may not be easy for him to divorce her.³⁴

Abaye enquired of Rabbah: What is the law if he gave her³⁵ a letter of divorce and said, 'Behold thou art divorced from me, but thou art not permitted to any other man'?³⁶ The divorce of a sister-in-law being Rabbinically valid, [shall I say that] only a divorce which is valid in the case of a married woman is valid in the case of a sister-in-law, but a divorce which is invalid in the case of a married woman is also invalid in the case of a sister-in-law,³⁷ or [had provision to be made here³⁸ against] the possibility of mistaking it for an unqualified divorce?³⁹ — The other replied: Provision has to be made against the possibility of mistaking it for an unqualified divorce.³⁴ Rabbah b. Hanan demurred: Now then,⁴⁰ had he given her a mere scrap of paper would he also have disqualified her?⁴¹ The other replied: There [the scrap of paper] does not cause the woman to be unfit for a priest;⁴² here, however, [the qualified divorce] does cause the woman to become unfit for a priest⁴³, for it was taught, Neither shall they take a woman put away from her husband,⁴⁴ even if she was only divorced from her husband⁴⁵ they may not take her,⁴⁶ and that is what was meant by the 'scent of the divorce' that causes a woman's unfitness for a priest.⁴⁷

Rami b. Hama said: It has been definitely⁴⁸ stated that if a man said to a scribe, 'Write a letter of divorce for my betrothed so that when I have married her I may divorce her' the letter of divorce is valid,⁴⁹ because it was in his power⁵⁰ to divorce her;⁵¹

(1) The Sages speak of a letter of divorce another letter of divorce, while the illustration which follows describes a ma'amar that was followed by a letter of divorce!

(2) In the Baraitha supra 51a, 'Our Rabbis taught: How . . . R. Gamaliel's statement etc.' The Mishnah, however, provides no explanation of illustration of these cases, and proceeds to another point.

(3) This is the meaning of what follows.

(4) V. supra p. 325, n. 4.

(5) And ma'amar and betrothal are essentially the same form of kinyan

(6) In our Mishnah.

(7) Supra 29b. It will be noted that the text there slightly differs from the text here.

(8) Because of the ma'amar he had addressed.

(9) Of the levirate marriage, even though cohabitation had taken place subsequently.

(10) That a kinyan had been effected.

(11) What need then was there to state the obvious?

(12) Malkoth (v. Glos.) inflicted for the transgression of Pentateuchal negative precepts.

(13) For the omission of the ma'amar, prior to his cohabitation, A ma'amar is consequently (v. supra n. 9) a Pentateuchal requirement. How, then, could it be said that a kinyan may be constituted though the ma'amar had been omitted!

(14) Makkath marduth, v. Glos.

(15) For offences that are not Pentateuchal.

(16) Makkath marduth, v. Glos.

(17) Regarding such a practice as immoral.

(18) V. supra note 3, even if in a legal manner,

(19) Regarding such a practice as immoral.

(20) Such an act might lead a divorced woman, who was unaware of the annulment, to an illegal marriage.

(21) That it was invalid. If he stated, e.g., that he gave it under compulsion.

(22) Cf. Rashi a.l. Or, 'who offends'. V. Tosaf. s.v. דמתפקר a.l.

(23) A messenger (a) of the Beth din (Rashi); (b) of any Rabbi (Tosaf.).

(24) At his father-in-law's.

- (25) Cases, enumerated supra.
- (26) The levir to the sister-in-law.
- (27) And addressed to her the ma'amar in the prescribed form: 'Be thou betrothed unto me by this levirate ma'amar. Though betrothal with money in the case of an ordinary union constitutes perfect kinyan, in the case of betrothal by a levir (to whom a sister-in-law is ordinarily forbidden, and betrothal with whom is consequently invalid) betrothal alone, even when it concerns a levirate union, is not sufficient to constitute a kinyan until consummation of the marriage has taken place.
- (28) In the case of any other betrothal that is effected by means of a deed.
- (29) V. Glos.
- (30) Kid. 9a. As betrothal by money in the case of a levirate union takes the same form as that of an ordinary betrothal so should betrothal by deed!
- (31) By 'deed' the kethubah (v. Glos.) was meant and not the 'deed of the ma'amar'.
- (32) The deceased brother (supra 38a) because 'a wife has been given to him from heaven' (v. supra 39a and notes).
- (33) The levir who married her.
- (34) Cf. supra 39a.
- (35) The levir to the sister-in-law.
- (36) Does such a qualified divorce effect the prohibition of the widow to the levir and to his brother as if an unqualified divorce had been given to her? In the case of a married woman no divorce can release her unless it was free from all qualifying conditions.
- (37) Hence there is no validity in this divorce, and the sister-in-law remains permitted to the levirs as if no divorce had ever been given.
- (38) That the divorce is valid despite its qualification (v. supra n. 7).
- (39) Were the widow to be permitted to the levir after a qualified divorce she might erroneously be permitted even after an unqualified, and valid, divorce.
- (40) If provision has to be made against mistaking a valid, for an invalid document.
- (41) From subsequently marrying the levir.
- (42) Having no validity whatsoever it could never be mistaken for a proper divorce.
- (43) A priest causes his wife to be forbidden to him even if the divorce he gave her was only a qualified one.
- (44) Lev. XXI, 7.
- (45) I.e., if she was given a qualified divorce which does not set her free to marry any other man.
- (46) Since such a divorce has the validity of causing the woman's prohibition to her husband who is a priest it might easily be mistaken for a valid divorce. Hence the provision mentioned.
- (47) Git. 82b, infra 94a.
- (48) Lit., 'behold'.
- (49) If he gave it to her after marriage.
- (50) At the time the letter of divorce was written.
- (51) As his betrothed.

Talmud - Mas. Yevamoth 52b

if¹ for any other woman, the letter of divorce has no validity,² because it was not in his power to divorce her.³ Rami b. Hama inquired, however, what is the law if⁴ for one's sister-in-law?⁵ Is she, because she is bound to him,⁶ regarded as his betrothed⁷ or perhaps, since he addressed no ma'amar to her, she is not so regarded. This is undecided.⁸

R. Hanania inquired: What is the law if he⁹ wrote a letter of divorce in respect of his levirate bond but not in respect of his ma'amar, or in respect of his ma'amar and not in respect of his levirate bond?¹⁰ Is the ma'amar imposed upon the levirate bond,¹¹ so that the levir's action¹² is like that of divorcing half a woman,¹³ and when a man divorces half a woman his action, surely, has no validity at all; or do they remain independent of one another?¹⁴ — Might not this enquiry be solved by reference to Raba's ruling? For Raba ruled: If he¹⁵ gave her a letter of divorce in respect of his ma'amar, her rival¹⁶ is permitted!¹⁷ — This was obvious to Raba; to R. Hanania, however, it was a

matter of doubt. What, then, is the decision? — This remains undecided.¹⁸

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR. Rab Judah said in the name of Rab: This¹⁹ is the view of R. Akiba who holds that betrothal with those whose intercourse involves the penalties of a negative precept is of no validity; the Sages, however, maintain that there is some validity in acts after halizah. But how can you ascribe it²⁰ to R. Akiba? In the first section, surely, it was stated, IF THE LEVIR GAVE HER A LETTER OF DIVORCE AND THEN ADDRESSED TO HER A MA'AMAR, IT IS NECESSARY FOR HER TO OBTAIN [A SECOND] LETTER OF DIVORCE AND TO PERFORM THE HALIZAH, while if [this Mishnah represented the view of] R. Akiba would a ma'amar to her be valid after a letter of divorce had already been given to her? Surely it was taught: R. Akiba said, 'Whence is it deduced that if a man gives a letter of divorce to his sister-in-law she is thereby forbidden to him for ever? Because it was stated Her former husband, who sent her away, may not [take her again to be his wife],²¹ [i.e., immediately] after sending her away'!²² R. Ashi replied: A divorce given by levirs is only Rabbinically valid,²³ and the Scriptural text is a mere prop.²⁴ Likewise it was also taught: Rabbi said, this statement²⁵ was made only in accordance with the view of R. Akiba who treated a haluzah as a forbidden relative;²⁶ the Sages, however, maintain that there is some validity in acts after halizah; and I say, 'When [is betrothal after halizah valid]? Only when he betrothed her as in ordinary matrimony,²⁷ but if he betrothed her for levirate union,²⁸ there is no validity in any such act after the halizah.²⁹ It was taught elsewhere: If a man submitted to halizah from his sister-in-law and then betrothed her, Rabbi said, 'If he betrothed her as in ordinary matrimony it is necessary for her to obtain from him a letter of divorce, but if as for a levirate union there is no need for her to obtain from him a letter of divorce'. The Sages, however, said: 'Whether he betrothed her as in ordinary matrimony or as for the levirate union it is necessary for her to obtain from him a letter of divorce'.

Said R. Joseph: What is Rabbi's reason?³⁰ — It was given the same legal force as that of the action of a person digging in the estate of a proselyte³¹ believing it to be his own,³² which constitutes no kinyan.³³ Said Abaye to him:³⁴ Are the two cases alike? There³⁵ he³⁶ had no intention at all of acquiring possession,³⁷ but here³⁸ his intention, surely, was to acquire possession!³⁹ This, indeed, could only be compared to the case of a person who digs in the estate of one proselyte and believes it to be that of another, where he does acquire possession!⁴⁰ No, explained Abaye, here we are dealing with a case where the levir said to her, 'Be thou betrothed to me by the ma'amar of the levirate union'. Rabbi is of the opinion that the ma'amar can only be imposed upon the levirate bond,⁴¹ but here⁴² the halizah had already previously removed the levirate bond.⁴³ The Rabbis, however, are of the opinion that the one is independent of the other.⁴⁴ If, then, the levir had said to her at first,⁴⁵ 'Be thou betrothed unto me by this ma'amar of the levirate union', would not his kinyan have been valid?⁴⁶ Consequently it is now also valid.

Raba said: Had he said to her,⁴⁷ 'By the ma'amar of the levirate union', there would be no disagreement [among the authorities] that it is valid; but here⁴⁸ we are dealing with a case where the levir said, 'Be thou betrothed unto me by the bond of the levirate'. Rabbi is of the opinion

(1) The scribe was asked to write the letter of divorce.

(2) Even if it was given to the woman after he had married her.

(3) Since at that time she was to him a complete stranger.

(4) The scribe was asked to write the letter of divorce.

(5) The letter of divorce having been written before the levirate marriage, and delivered to the widow after it had taken place.

(6) By the levirate bond.

(7) And the divorce is consequently valid.

(8) Teku, v. Glos.

- (9) A levir after he addressed a ma'amar to his sister-in-law.
- (10) Is she thereby forbidden to him as if a valid divorce had been given to her?
- (11) And becomes united with, and inseparable from it.
- (12) In severing the bond or annulling the ma'amar.
- (13) Since the divorce in respect of his one connection with the woman has no validity in respect of his other connection which forms together with the first one complete whole.
- (14) Lit., 'that stands alone' (bis). The ma'amar and the levirate bond constitute separate and independent connections between the levir and the widow. Hence, if the divorce was for the levirate bond alone, the widow is forbidden to the levir who gave her the divorce (under the prohibition 'that doth not build etc.') as well as to his brothers (the levirate bond having been severed); and if the divorce was for the ma'amar only, the widow, though forbidden to the levir who gave her the divorce (for the reason stated), is nevertheless permitted to his brothers, since the levirate bond has never been severed.
- (15) The second of three brothers who had addressed a ma'amar to the first brother's widow. V. Mishnah supra 31b.
- (16) The second brother's first wife who, while the ma'amar remained in force, was forbidden to the third brother.
- (17) To the third surviving brother if the second brother also died without issue. The two widows, owing to the divorce which had annulled the ma'amar, are no longer rivals; and being now the widows of two different brothers, are in fact both permitted to the third brother. The widow to whom the divorce had been given is forbidden only as a preventive measure (v. supra 32b). From the fact, however, that the second brother's first wife is permitted to the third surviving brother it follows that the divorce (a) annuls the ma'amar and (b) does not sever the levirate bond. Had it not annulled the ma'amar, the widow would have been forbidden owing to the levirate bond emanating from two levirs; while if the levirate bond also had been severed she would have been forbidden to the third brother as 'brother's wife'. Why then was R. Hanania doubtful on the point?
- (18) Teku, v. Glos.
- (19) That no act is valid after halizah.
- (20) The quoted section of our Mishnah, and presumably all our Mishnah.
- (21) Deut. XXIV, 4.
- (22) Even before she had been married to a second husband. (V. Deut, XXIV, 2-4). The superfluous expression 'who sent her away' implies that divorce in a certain case, viz., in that of a sister-in-law, causes the permanent prohibition of the divorced woman to the man who divorced her immediately after divorce had taken place. Now, since betrothal of a sister-in-law by a levir who divorced her is forbidden by the negative precept of Deut. XXIV, 4, how could a ma'amar addressed to her after divorce have any validity?
- (23) Pentateuchally it has no validity at all.
- (24) Since the prohibition is not Pentateuchal the ma'amar is obviously valid.
- (25) That no act is valid after halizah.
- (26) As no act of betrothal is valid in the case of the latter so is no such act valid in that of the former.
- (27) By a form of betrothal prescribed in ordinary cases other than those of a levir. Such betrothal is valid even where it involves the transgression of a negative precept.
- (28) By addressing to her a ma'amar.
- (29) The halizah having severed the levirate bond, there is no room any more for the levirate betrothal. The action of any levir using it is consequently null and void.
- (30) For regarding as invalid a betrothal for a levirate union, when ordinary betrothal with the same woman would have been valid.
- (31) Who was survived by no Jewish heirs. Anyone digging in such ownerless property with the intention of acquiring it gains thereby full legal title thereto.
- (32) It having been situated in close proximity to his own estate.
- (33) As the digging (though a legal form of kinyan) is invalid because there was no intention to constitute a kinyan thereby, so also betrothal (though a legal kinyan) is invalid because the levir's intention was not to constitute an ordinary betrothal (which would indeed have been valid) but a levirate betrothal which after a halizah has no validity.
- (34) R. Joseph.
- (35) Digging in the estate of a proselyte.
- (36) The digger.
- (37) Since he believed the field to be his own.

- (38) Betrothal by the levirate formula.
- (39) Of his sister-in-law as his legal wife.
- (40) Since his intention was to execute by his act a legal kinyan, the mistake he made as to its owner is of no consequence. Similarly, here, the mistake in the nature of the union he was contracting should not affect the legality of the kinyan which he at all events intended.
- (41) Only where the levirate bond is still in force has the ma'amar the required validity.
- (42) Where halizah had been performed.
- (43) Hence the invalidity of the ma'amar.
- (44) A ma'amar is consequently valid even where no levirate bond exists.
- (45) Before the performance of the halizah.
- (46) Certainly it would. The force of the ma'amar irrespective of the levirate bond (v. supra n. 2) would have executed the kinyan.
- (47) After the introductory formula, 'Be thou betrothed unto me'.
- (48) The dispute between Rabbi and the Rabbis.

Talmud - Mas. Yevamoth 53a

that a levirate bond does exist¹ but the halizah had previously removed that [levirate] bond.² The Rabbis, however, hold that no levirate bond exists.³ If, then, he had said to her at first,⁴ 'Be thou betrothed unto me by the bond of the levirate' would not his word have been valid?⁵ Consequently it is now also valid.

R. Sherabia said: Had a proper halizah been performed all would agree that if he said to her,⁶ 'Be thou betrothed unto me by the bond of the levirate', there is no validity in his betrothal. Here, however, the dispute relates to a halizah of an impaired character. One Master⁷ holds that a halizah of an impaired character provides [all the necessary] exemption,² and the Masters hold that a halizah of an impaired character provides no exemption.⁸

R. Ashi said: [No;] All agree that a halizah of an impaired character provides no exemption. Here,⁹ however, the dispute centres round the question whether a condition¹⁰ may affect the validity of halizah.¹¹ The Masters hold that a condition¹¹ does affect the validity of a halizah¹² and the Master¹³ holds that no condition may affect the validity of a halizah.¹⁴

Rabina said: [No;] All agree that a condition does affect a halizah. Here,⁹ however, the dispute is dependent on the question of the doubled condition.¹⁵ The Master¹³ holds that a doubled condition is essential¹⁶ and the Masters hold the opinion that a doubled condition is unnecessary.¹⁷

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR, GAVE HER A LETTER OF DIVORCE, OR COHABITED WITH HER etc. It should also have been stated, 'No act is valid after cohabitation'!¹⁸ — Both Abaye and Raba replied: Read,¹⁹ 'NO ACT IS VALID AFTER cohabitation'. But our Tanna?²⁰ — [The statement regarding] the permissibility of the sister-in-law to marry anyone²¹ was preferred by him.²²

THE LAW IS THE SAME WHETHER THERE IS ONE SISTER-IN LAW . . . OR TWO SISTERS-IN-LAW. Our Mishnah²³ is not in agreement with the ruling of Ben 'Azzai. For it was taught: Ben 'Azzai stated: A ma'amar is valid after another ma'amar where it concerns two levirs²⁴ and one sister-in-law,²⁵ but no ma'amar is valid after a ma'amar where it concerns two sisters-in-law and one levir.²⁶ HOW? . . . A MA'AMAR TO THE ONE etc. May it be suggested that this²⁷ provides support to a ruling of Samuel, Samuel having stated that if the levir had participated in the halizah with her to whom he addressed a ma'amar, her rival was not thereby exempt; and an objection to the ruling of R. Joseph?²⁸ — Does it state: He may participate in the halizah? What it states is 'had participated', implying a fait accompli.²⁹

A LETTER OF DIVORCE TO THE ONE AS WELL AS TO THE OTHER etc. May it be suggested that this³⁰ provides support to Rabbah son of R. Huna. For Rabbah son of R. Huna stated, 'A halizah of an impaired character must go the round of all the brothers'?³¹ — By IT IS NECESSARY FOR BOTH, widows generally³² were meant.³³

IF HE GAVE A LETTER OF DIVORCE TO ONE AND SUBMITTED TO HALIZAH FROM THE OTHER. May it be suggested that this³⁴ provides support to the ruling of Samuel³⁵ and presents an objection against the ruling of R. Joseph?³⁶ — Does it state: He may participate in the halizah? What it states is 'had participated', implying a fait accompli.³⁷

IF THE LEVIR SUBMITTED TO HALIZAH FROM THE ONE AND FROM THE OTHER, OR SUBMITTED TO HALIZAH etc. It should also have been stated, 'No act is valid after cohabitation'!³⁸ Both Abaye and Raba replied: Read,³⁹ 'no act is valid after cohabitation'.

But our Tanna?⁴⁰ — [The statement on] the permissibility of the sister-in-law marrying anyone⁴¹ was preferred by him.⁴²

THERE IS NO DIFFERENCE IN THE LAW WHETHER THERE WAS ONE LEVIR TO TWO SISTERS-IN-LAW etc. According to R. Johanan who ruled that the whole house⁴³ stands under the prohibition of a negative precept,⁴⁴ it is intelligible why it was necessary to inform us⁴⁵ that betrothal with those whose intercourse involves the penalties of a negative precept is invalid;⁴⁶ according to Resh Lakish, however, who ruled that all the house⁴⁷ is subject to the penalty of kareth,⁴⁸ was there any need to inform us that betrothal with those whose intercourse involves kareth is invalid?⁴⁹ — Resh Lakish can answer you: And even according to your conception was it necessary to tell us in the final clause, which speaks of the case where the LEVIR COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR, that there was no validity in a betrothal with a married woman?⁴⁹ But the fact is that as he taught concerning the permissibility⁵⁰ of one levir and one sister-in-law,⁵¹ he also taught concerning two sisters-in-law and one levir. And since he taught concerning two sisters-in-law and one levir, he also taught concerning two levirs and one sister-in-law.

(1) I.e., the validity of such a formula elsewhere is absolutely dependent on the existence of the levirate bond.

(2) Hence the invalidity of the formula that followed it.

(3) The levirate bond does not in any way add to, or subtract from the force of the formula.

(4) Before the performance of the halizah.

(5) V. supra note 4.

(6) After the halizah, for instance, which has been performed after a divorce.

(7) Rabbi.

(8) The original bond remains and the halizah is altogether disregarded. Hence the validity of the formula after an improper halizah.

(9) The dispute between Rabbi and the Rabbis.

(10) Made by the levir. If, e.g., he submitted to the halizah on the understanding that the widow would give him a certain sum of money or render him some service.

(11) Where the condition had not been fulfilled.

(12) As the halizah is invalid (v. supra n. 3) the original bond remains and the formula is consequently valid.

(13) Rabbi.

(14) Even if the condition was not fulfilled the halizah remains valid. Hence there could be no force in the formula that follows it.

(15) **תנאי כפול** a stipulation and its alternative. The classical example is the condition made by Moses with the children of Gad and Reuben: If they passed the Jordan, the land of Gilead would be given to them; if they did not pass the Jordan, they would take their share in the land of Canaan. V. Num. XXXII, 29f.

- (16) As the levir's condition was not a 'doubled one' it has no validity. The halizah is consequently valid and the formula following it is invalid.
- (17) The condition being valid, the halizah depending on it, where it is unfulfilled, is invalid. Hence the validity of the levirate formula.
- (18) Since that section of our Mishnah deals not only with (a) certain acts after halizah but also with (b) certain acts after cohabitation.
- (19) [Var. lec., 'Both Abaye and Raba read'. The reading that follows actually occurs in Tosef. Yeb. VII. Cf. **תוספות ישנים**]
- (20) Why did he omit the mention of cohabitation?
- (21) I.e., the permissibility though halizah.
- (22) Hence halizah only was mentioned. After cohabitation the sister-in-law is permitted to one man (the levir) only. As the Tanna preferred the case of halizah to that of cohabitation and as the invalidity of any acts after cohabitation may be inferred from the invalidity of those after halizah, the Tanna did not consider it necessary to mention cohabitation at all.
- (23) Which admits the validity of a ma'amar after another ma'amar in the case of two sisters-in-law and one levir,
- (24) Each one of whom in turn addressed a ma'amar to the sister-in-law.
- (25) Each levir being entitled to a ma'amar. V. supra 51a.
- (26) The second ma'amar, contrary to the ruling of our Mishnah, has no validity because by the first ma'amar, in the opinion of Ben 'Azzai, the levir had exhausted all his rights.
- (27) The statement, **THE ONE REQUIRES A LETTER OF DIVORCE AND THE OTHER**, but not the first to whom the ma'amar had been addressed, **MUST PERFORM THE HALIZAH** because, obviously, halizah with the first does not exempt the second, her rival.
- (28) 'Who stated, supra 44a, 'A man should not pour the water out of his cistern while others may require it', i.e., a levir shall not cause the disqualification, by halizah, of the widow who is not otherwise disqualified, when the halizah could well be performed by the other widow who was in any case disqualified. In our Mishnah, contrary to R. Joseph's ruling, halizah is performed by the second who would in consequence be disqualified from marrying a priest, and not by the first who is already disqualified by the divorce she had been given.
- (29) The proper procedure, however, might still be for the halizah to be performed by the widow to whom the ma'amar had been addressed.
- (30) The statement in our Mishnah that **HALIZAH IS NECESSARY FOR BOTH**, which seems to imply that each widow must perform halizah where there is only one levir and, since the Mishnah also stated **THAT THERE IS NO DIFFERENCE IN THE LAW WHETHER THERE WAS ONE LEVIR AND TWO SISTERS-IN-LAW OR TWO LEVIRS AND ONE Sister-IN-LAW**, that where there are two levirs and one sister-in-law halizah must be performed with both levirs.
- (31) Supra 26b, 51a.
- (32) In similar circumstances,
- (33) But in every case the halizah is performed by one widow only and the other is thereby exempt. V. supra p. 330, n. 5.
- (34) The ruling that halizah is performed by the second widow and not by the first to whom the divorce had been given.
- (35) Who stated, supra 27a, that if the levir had participated in the halizah with her whom he had divorced, her rival is not thereby exempt. Consequently, as was stated in our Mishnah, the halizah is to be performed by the second.
- (36) V. p. 350, n. 6.
- (37) Cf. supra p. 350, n. 7.
- (38) Cf. p. 350, n. 6.
- (39) Cf. p. 349, n. 11.
- (40) Cf. p. 349, n. 12.
- (41) Cf. p. 349, n. 13.
- (42) Cf. p. 349, n. 14.
- (43) I.e., all the brothers of the deceased including the levir who submitted to the halizah.
- (44) Both the levir and the other brothers (v. supra n. 13) are forbidden by the negative precept 'that doth not build' to marry the halizah or her rival. V. supra 10b.
- (45) By the statement that a ma'amar is invalid after halizah.
- (46) Had not this been indicated it might have been assumed that a betrothal of a woman forbidden only by a mere negative precept is legally valid.

(47) V. supra p. 351, n. 13.

(48) If any one of the brothers married the rival of the haluzah, or if any of them (other than the levir who participated in the halizah) married the haluzah herself; the prohibition in all these cases being that of marriage with 'a brother's wife' which is punishable by kareth. The prohibition of the levir who participated in the halizah to marry the haluzah herself is, of course, even according to Resh Lakish, only that of a negative precept (v. supra 10b).

(49) Such a ruling is surely obvious!

(50) I.e., that there is no validity in the betrothal.

(51) A ruling which was necessary, even according to Resh Lakish, since he also, like R. Johanan, subjects the marriage between the levir who submitted to the halizah and the haluzah to the penalty of a negative precept only (v. supra n. 3).

Talmud - Mas. Yevamoth 53b

IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR [and] GAVE etc. One can well understand why it was necessary [to lay down a rule¹ where] THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR; since it might have been assumed that provision was to be made² for a ma'amar that followed halizah³ as a preventive measure against a ma'amar that preceded halizah,⁴ it was consequently necessary to tell us that no such preventive measure was to be made. What need, however, was there for the ruling⁵ where THE LEVIR SUBMITTED TO HALIZAH AND THEN GAVE HER A LETTER OF DIVORCE?⁶ — Read, then, according to your own view, the final clause, IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR or if he cohabited with her and then GAVE HER A LETTER OF DIVORCE. One can well understand [it might be argued here also] why it was necessary [to lay down a ruling⁷ where] the levir cohabited with her and then GAVE HER A LETTER OF DIVORCE; since it might have been assumed that provision was to be made for a divorce that followed cohabitation⁸ as a preventive measure against a divorce that preceded cohabitation,⁹ it was consequently necessary to tell us that no such preventive measure was required. But what need was there [for the ruling¹⁰ where] HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR?¹¹ But [the fact is that] as he taught, IF THE LEVIR SUBMITTED TO HALIZAH AND THEN ADDRESSED TO HER A MA'AMAR,¹² he also taught: IF HE COHABITED WITH HER AND THEN ADDRESSED TO HER A MA'AMAR. And since he desired to teach the rule where 'he cohabited with her and then GAVE HER A LETTER OF DIVORCE' he also taught, IF THE LEVIR SUBMITTED TO HALIZAH and then GAVE HER A LETTER OF DIVORCE.

IF IT TOOK PLACE¹³ etc. Our Mishnah cannot be reconciled with the opinion of the following Tanna: For it was taught: Abba Jose b. Johanan of Jerusalem reported in the name of R. Meir, 'Alike in the case of cohabitation or of halizah, [if it took place] first,¹⁴ no act that follows has any validity; but if it occurred in the middle¹⁴ or at the end,¹⁴ something valid still remains'. On this question, in fact, three different views have been expressed. The first Tanna is of the opinion that in the case of cohabitation, where a preventive measure is required,¹⁵ a preventive measure was made,¹⁶ but in the case of halizah where no preventive measure is called for¹⁷ no preventive measure was made. R. Nehemiah, on the other hand, is of the opinion that in the case of cohabitation also no preventive measure is called for.¹⁸ And as to your possible objection that provision should be made where cohabitation followed a letter of divorce as a preventive measure against cohabitation that followed a halizah,¹⁹ [it may be replied that] as halizah is a Pentateuchal law it is well known.²⁰ And as to your objection that provision should be made where cohabitation followed a ma'amar as a preventive measure against cohabitation that followed another cohabitation, [it may also be replied that] as kinyan by cohabitation is a Pentateuchal law it is certainly well known.²⁰ And Abba Jose b. Hanan,²¹ again, holds the same view as the Rabbis²² who ordained a preventive measure²² in the case of cohabitation,²³ and he made similar provision in the case of halizah as a preventive measure against cohabitation.

CHAPTER VI

MISHNAH. IF A MAN COHABITED WITH HIS DECEASED BROTHER'S WIFE²⁴ WHETHER IN ERROR²⁵ OR IN PRESUMPTION,²⁶ WHETHER UNDER COMPULSION OR OF HIS OWN FREE WILL, EVEN IF HE ACTED IN ERROR AND SHE IN PRESUMPTION, OR HE IN PRESUMPTION AND SHE IN ERROR, OR HE UNDER COMPULSION AND SHE NOT UNDER COMPULSION, OR SHE UNDER COMPULSION AND HE NOT UNDER COMPULSION, WHETHER HE PASSED ONLY THE FIRST, OR ALSO THE FINAL STAGE OF CONTACT, HE CONSTITUTES THEREBY A KINYAN,²⁷ IRRESPECTIVE OF THE NATURE²⁸ OF THE INTERCOURSE.²⁹

SIMILARLY, IF A MAN HAD INTERCOURSE³⁰ WITH ANY OF THE FORBIDDEN RELATIVES ENUMERATED IN THE TORAH, OR WITH ANY OF THOSE WHO ARE INELIGIBLE TO MARRY HIM AS, FOR INSTANCE, A WIDOW WITH A HIGH PRIEST, A DIVORCED WOMAN OR A HALUZAH WITH A COMMON PRIEST, A BASTARD OR A NETHINAH³¹ WITH AN ISRAELITE OR THE DAUGHTER OF AN ISRAELITE WITH A BASTARD OR A NATHIN, HE HAS THEREBY RENDERED HER INELIGIBLE,³² IRRESPECTIVE OF THE NATURE OF THE INTERCOURSE.²⁹ GEMARA. What is the purport of EVEN? — [The formula of] 'It is not necessary' is thereby to be understood: It is not necessary [to state that a kinyan is constituted where] he acted in error³³ and her intention was the performance of the commandment³⁴ or where he acted in presumption and her intention was the performance of the commandment,³⁵ but even if he acted in error and she in presumption,³⁶ or³⁷ he in presumption and she in error, so that the intention of neither of them was the fulfilment of the commandment,³⁸ a kinyan is nevertheless effected.

R. Hiyya taught: Even if both acted in error, both in presumption, or both under compulsion.³⁹ How is one to understand the action UNDER COMPULSION in our Mishnah? If it be suggested [that] idolaters compelled him to cohabit with her, surely [it may be pointed out] Raba stated: There can be no compulsion in sexual intercourse since erection depends entirely on the will! But when he slept?⁴⁰ Surely Rab Judah ruled

(1) That there is no validity in the ma'amar.

(2) Even according to R. Akiba.

(3) By giving to the ma'amar the force of a valid betrothal and by subjecting the sister-in-law, in consequence, to the necessity of a divorce.

(4) Were the former to be regarded as invalid, the latter also might erroneously be so regarded.

(5) That there is no validity in the divorce where there is only one levir and one sister-in-law. (V. supra p. 331, n. 3).

(6) What possible consequences could ensue from the presumed validity of such a divorce that are not already in force as a result of the halizah? The halizah, like a divorce, causes the prohibition of the widow to the levir, and her relatives also are thereby forbidden as the relatives of his haluzah'!

(7) That nothing of the levirate bond remains after cohabitation and that, consequently, the divorce alone is a valid act and there is no need for halizah also.

(8) By requiring halizah in addition to the divorce.

(9) Were halizah to be dispensed with in the former case it might erroneously be presumed that as a letter of divorce alone is valid enough in this case it is also valid in the latter case, and thus divorce might be allowed to supersede the halizah of any sister-in-law.

(10) That there is no validity in the ma'amar.

(11) Of what consequence could the ma'amar be after cohabitation whereby the woman had become the levir's proper wife?

(12) Which was certainly necessary, as has just been explained.

(13) Lit., 'in the time when it is'.

(14) For an explanation of this term v. notes on our Mishnah supra.

- (15) Since something of the levirate bond remains after an improper cohabitation.
- (16) Hence he ruled that only when cohabitation had taken place at the beginning (but not when in the middle or at the end) does the levirate bond completely disappear.
- (17) Because in his opinion even an improper halizah is valid in all respects.
- (18) Maintaining as he does that nothing of validity remains either after halizah or after cohabitation.
- (19) Were the former to be regarded as valid the latter also might be so regarded.
- (20) And no one would draw comparisons between the two.
- (21) Abbreviation of 'Johanan'.
- (22) In our Mishnah.
- (23) V. supra 50b.
- (24) The widow of his deceased childless brother.
- (25) Not knowing that she was his sister-in-law.
- (26) To gratify his passions and with no intention of fulfilling the precept of the levirate marriage.
- (27) Lit., 'he acquires her'. The widow is deemed to be his legal wife. He is entitled to the heirship of her estate; and she can be released only by a letter of divorce.
- (28) Lit., 'and he made no distinction'.
- (29) Whether it was natural or unnatural.
- (30) In any of the circumstances mentioned.
- (31) Fem. of nathin, v. Glos.
- (32) To marry a priest, and to eat terumah even if she had previously been eligible to eat of it. This, of course, does not apply to the bastard and nethinah who are from birth ineligible either to marry a priest or to eat terumah. Their inclusion among the others merely serves the purpose of indicating that in their case also the penalty for illicit intercourse is imposed whether it was ONLY IN THE FIRST, OR ALSO IN THE FINAL STAGE.
- (33) Not knowing that she was his sister-in-law.
- (34) Of the levirate marriage.
- (35) In such cases the validity of the kinyan is obvious.
- (36) Cf. supra p. 355, n. 3.
- (37) So Bah a.l. Cur. edd. omit 'or he . . . error'.
- (38) Of the levirate marriage.
- (39) Kinyan is nevertheless constituted.
- (40) COMPULSION implying unconsciousness of action.

Talmud - Mas. Yevamoth 54a

that one in sleep cannot acquire his sister-in-law!¹ But when accidental insertion occurred?² Surely Rabbah stated: One who fell from a roof and his fall resulted in accidental insertion, is liable to pay an indemnity³, for four things,⁴ and if the woman was his sister-in-law no kinyan is thereby constituted!⁵ — It is⁶ when, for instance, his intention was intercourse with his wife and⁷ his sister-in-law seized him and he cohabited with her.

How is one to understand, 'Both under compulsion', taught at the School of R. Hiyya? — When, for instance, his intention was intercourse with his wife and idolaters seized him,⁸ brought him and her⁹ into close contact and he cohabited with her.

Whence these words?¹⁰ — From what our Rabbis taught: Her husband's brother shall go in unto her¹¹ is a commandment.¹² Another interpretation: Her husband's brother shall go in unto her whether in error or in presumption, whether under compulsion or of his own free will.¹³ But, surely, deduction has already been made from this text that it¹⁴ is a commandment!¹⁵ — That it¹⁴ is a commandment¹⁶ may be inferred from And if the man like not¹⁷ which implies that if he likes he contracts the levirate marriage;¹⁶ so that the other text¹¹ may serve the purpose of deducing,¹⁸ 'whether in error or in presumption, whether under compulsion or of his own free will'.¹⁹

Another [Baraita] taught: Her husband's brother shall go in unto her,¹¹ in the natural way; and take her,¹¹ even though in an unnatural way;²⁰ and perform the duty of a husband's brother unto²¹ her,¹¹ only the cohabitation consummates her marriage, but neither money²² nor deed²² can consummate her marriage; and perform the duty of a husband's brother unto her,¹¹ even against her will.²³

The Master said:²⁴ 'Another interpretation: Her husband's brother shall go in unto her whether in error etc.' But, surely, deduction has been made from this text¹¹ that it²⁵ must be in the natural way! — This may be deduced from To raise up unto his brother a name,¹⁷ [i.e.,] only where a name is raised up;²⁶ so that the other text¹¹ may be employed for the deduction,²⁷ 'whether in error or in presumption, whether under compulsion or of his own free will.'²⁸

[To turn to] the main text. 'Rab Judah ruled that one in sleep cannot acquire his sister-in-law, for Scripture stated, Her husband's brother shall go in unto her,²⁹ only when the cohabitation was intentional'.³⁰ But, surely, it was taught: Whether he was awake or asleep! — Read: Whether she was awake or asleep. But, surely, it was taught: Whether he was awake or asleep; or whether she was awake or asleep! — This statement refers to one who was in a state of drowsiness. What state of drowsiness is hereby to be understood? R. Ashi replied: When a man is half asleep and half awake³¹ as, for instance, when he answers on being addressed but is unable to give any sensible reply, and when he is reminded of anything he can recall it.

[To turn to] the main text. Rabbah stated: One who fell from a roof, and his fall resulted in accidental insertion, is liable to pay an indemnity for four things, and if the woman was his sister-in-law no kinyan is thereby constituted. [He must pay her for] bodily injury, for pain inflicted, for enforced unemployment, and for medical expenses; but he is not liable to indemnify her for indignity, for a Master said, 'One is not liable to pay any indemnity for indignity unless it was intentionally caused'.³²

Raba said: If a levir's intention was to shoot³³ against a wall and he accidentally shot at his sister-in-law, no kinyan is thereby constituted;³⁴ if he intended, however, to shoot at a beast and he accidentally shot at his sister-in-law, kinyan is thereby constituted, since some sort of intercourse had been intended.

WHETHER HE PASSED ONLY THE FIRST . . . STAGE. 'Ulla stated: Whence is it proved that the first stage of contact is pentateuchally forbidden?³⁵ — It is said, And if a man shall lie with a menstruant woman,³⁶ and shall uncover her nakedness, he hath made naked her fountain³⁷ it is deduced from this text that the first stage of contact³⁸ is pentateuchally forbidden. Thus the case of a menstruant has been arrived at; whence that of other forbidden unions?³⁹ And were you to suggest that [their case] might be inferred from that of the menstruant, [it might be retorted] the menstruant is different since she causes the defilement of the man who cohabited with her.⁴⁰ — Rather the deduction³⁹ is made from 'a brother's wife' concerning whom it is written, And if a man shall take his brother's wife, she is a menstruant.⁴¹ Now is a brother's wife always menstruant?⁴² But [the meaning is] 'like a menstruant as with a menstruant the first stage constitutes the offence, so does the first stage constitute an offence with a brother's wife. But a brother's wife [it may be objected] is different since it is in his⁴³ power to increase the number, for should he wish, he could go on betrothing as many as a thousand!⁴⁴ — The deduction⁴⁵ is rather made from the 'father's sister' and 'the mother's sister'. For it is written in Scriptures And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister, for he hath made naked his near kin.⁴⁶ But it may be objected that a father's sister and a mother's sister come under a different category, since the prohibition in their case is natural.⁴⁷ — If it⁴⁵ cannot be deduced from one category⁴⁸ then let it⁴⁹ be deduced from the two categories.⁵⁰

From which⁵¹ however shall deduction be made? Were it made from a brother's wife⁵² and a father's sister⁵³ and a mother's sister,⁵³ [it might be objected that] those stand in a different category, since the prohibition of these is due to relationship!⁵⁴ — Deduction is rather made⁵⁵ from the menstruant⁵⁶ and a father's sister and a mother's sister. Those however [it may be objected] are in a different category since the prohibition is natural!⁵⁷ — The deduction⁵⁵ is rather made from the menstruant and a brother's wife; since no⁵⁸ objection can be raised [against the two].⁵⁹

R. Aha son of R. Ika demurred: A menstruant and a brother's wife are different,⁶⁰ since marriage with them cannot be permitted during the lifetime of the man who caused their prohibition! Would you, then, apply [their restrictions] to a married woman who might be permitted to marry even during the lifetime of the man who caused her prohibition?⁶¹

Said K. Aha of Difti to Rabina: Are a menstruant and a brother's wife forbidden to marry only during the lifetime of the man who caused their prohibition but permitted after that?⁶² With a menstruant, surely,

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- (1) An unconscious act having no legal validity.
 - (2) When in a state of erection the levir fell from a raised bench upon his sister-in-law who happened to be below (v. Rashi).
 - (3) To the woman with whom the accidental contact had taken place.
 - (4) Bodily injury, pain, medical expenses and unemployment during illness. The damages or indemnity must be paid even if the injury was inflicted accidentally or under compulsion (v. B.K. 85b). An indemnity for the indignity caused by the injury is payable only when the act was wilful. V. infra.
 - (5) By the accidental contact. She does not thereby become his lawful wife.
 - (6) Intercourse under compulsion is possible.
 - (7) While he was in the state of erection.
 - (8) While he was in the state of erection.
 - (9) His sister-in-law'.
 - (10) The statement in the first clause of our Mishnah.
 - (11) Deut. XXV, 5.
 - (12) Halizah is a substitute only, and preference must always be given to levirate marriage.
 - (13) Whatever the circumstances the kinyan is valid.
 - (14) The levirate marriage. v. supra note 5.
 - (15) How then may a second deduction be made from the same text?
 - (16) V. supra note 5.
 - (17) Deut. XXV, 7.
 - (18) Lit., 'comes'.
 - (19) Whatever the circumstances the kinyan is valid.
 - (20) Whatever the nature of the intercourse the sister-in-law is thereby acquired by the levir as his lawful wife.
 - (21) v. Emden, a.l. and cf. M.T.
 - (22) Whereby kinyan of betrothal is usually executed.
 - (23) V. Kid. 14a.
 - (24) So Bah a.l. Cur. edd. omit.
 - (25) The cohabitation.
 - (26) From unnatural intercourse there is no issue and no name, of course, can be raised.
 - (27) Lit., 'comes'.
 - (28) Whatever the circumstances the kinyan is valid.
 - (29) Deut. XXV, 5.
 - (30) Emphasis on 'shall go in'.
 - (31) Lit., 'asleep and not asleep, awake and not awake'.
 - (32) Which was not the case here.
 - (33) A euphemism.

- (34) The act of the intercourse having been accidental and unintentional.
- (35) In the case of forbidden unions.
- (36) **וְהָיָה** rendered by E.V. *ibid.*, having her sickness.
- (37) Lev. XX, 18.
- (38) **הָעֵרְסָה** (first stage) is of the same rt. as **הָעֵרָה** he hath made naked (*ibid.*).
- (39) That with the other relatives also, or with any woman one is forbidden to marry, the first stage constitutes the offence.
- (40) He, like herself, remains levitically unclean for seven days (v. Lev. XV, 24). As the restrictions of the menstruant are more rigid in respect of the defilement of the man they may also be more rigid in respect of the first stage of contact. What proofs however, is this that prohibition of the first stage of contact extends to other forbidden unions?
- (41) Lev. X, 21. **נְדָה** E.V., it is impurity.
- (42) Surely not. Why then was she so described?
- (43) The brother's.
- (44) The number of relatives forbidden through marriage may be indefinitely increased. Hence only such relatives (e.g., a father's wife, daughter-in-law, mother-in-law) may be inferred from a brother's wife who also is a relative forbidden through marriage. What proof, however, does this provide that restrictions applicable to these are also applicable to relatives forbidden from birth (e.g. a mother, sister, daughter) whose number it is not in one's power to increase?
- (45) v. *supra* note 3.
- (46) Lev. XX, 19.
- (47) I.e., they are relatives forbidden from birth. What proof, however, does this supply in the case of relatives by marriage? (Cf. *supra* p. 359, n. 8).
- (48) Either from that of relatives from birth or from that of relatives by marriage.
- (49) Cur. edd. insert in square brackets 'one'.
- (50) Any objection that might be raised against the one could not possibly apply to the other. (Cf. p. 359, nn. 8 and 11).
- (51) Particular case or cases in the categories mentioned.
- (52) A relative by marriage.
- (53) A relative from birth.
- (54) No proof would consequently be available that the same restriction is applicable to intercourse, for instance, with any married woman who is neither a relative from birth nor by marriage.
- (55) V. *supra* p. 359, n. 3.
- (56) Who may be a stranger.
- (57) It is not due to any human act.
- (58) Lit., 'for what'.
- (59) A brother's wife is a relative forbidden through marriage and consequently the second objection (v. *supra* p. 359. n. 1) cannot be advanced; while the first objection (v. *supra* p. 359, n. 8) and the third objection (v. *supra* n. 7) cannot be raised in view of the law of the menstruant.
- (60) From the other women one is forbidden to marry.
- (61) I.e., her husband, if he divorced her.
- (62) When the man died.

Talmud - Mas. Yevamoth 54b

the prohibition depends on the number of days,¹ and with a brother's wife the All Merciful made her prohibition dependent on the birth of children!² — But the objection may be raised thus: A menstruant and a brother's wife are different,³ since the man who caused them to be forbidden cannot cause them to be permitted.⁴ Would you [then] apply their restrictions to a married woman whose permissibility is brought about⁵ by the man who caused her to be forbidden? But, said R. Johanan, or as some say, R. Huna son of R. Joshua, Scripture stated, For whosoever shall do any of these abominations, even the souls that do them shall be cut off,⁶ all forbidden unions were compared to the menstruant;⁷ as the first stage constitutes the offence with the menstruant so does the first stage constitute the offence with all the others.

What need, then, was there⁸ to mention the menstruant in the context of brother's wife?⁹ — For an inference like that of R. Huna. For R. Huna stated: Whence in the Torah may an allusion to the sister-in-law¹⁰ be traced? [You ask,] 'Whence'? Surely it is written in Scripture, Her husband's brother shall go in unto her!¹¹ — [The query is] rather, whence the allusion that a sister-in-law is forbidden¹² during the lifetime of her husband?¹³ But surely this is a logical inference: Since the All Merciful said that she¹⁴ is permitted to marry after the death of her husband, it may be inferred that during the lifetime of her husband¹³ she is forbidden! — [No] for is it not possible [to maintain] that after the death of her husband it¹⁵ is a commandment, and during the lifetime of her husband it¹⁵ is only optional? Or else, [though] indeed,¹⁶ only after the death of the husband,¹⁷ and not during the lifetime of her husband; yet being a negative commandment¹⁸ that is derived from a positive one¹⁹ it has only the force of a positive commandment!²⁰ — Scripture stated: And if a man shall take his brother's wife, she is a menstruant.²¹ Now is a brother's wife always a menstruant?²² But the meaning is, 'like a menstruant': as a menstruant, although permitted afterwards,²³ is forbidden under the penalty of kareth during the period of her prohibition, so also a brother's wife, though permitted afterwards,²⁴ is forbidden under the penalty of kareth during the lifetime of her husband.

What need, however, was there to mention the first stage in connection with a father's sister or a mother's sister?²⁵ — For an inference like that mentioned in the following question which Rabina addressed to Raba: What is the law if a man passed the first stage in pederasty? [You ask,] 'What is the law in pederasty'? Surely it is written, As with womankind!²⁶ — But [the query is] what is the law when one passed the first stage with a beast? The other replied: No purpose is served by the text²⁷ in [forbidding] the first stage in the case of a father's sister and a mother's sister, since in their case the prohibition is arrived at by the comparison of R. Jonah, apply that text to the first stage with a beast.

Observe! Intercourse with a beast is among the offences subject to the death penalties of a Beth din; why then was the first stage in relation to it enumerated among offences that are subject to the penalty of kareth?²⁸ It should rather have been written among those which are subject to the death penalty of the Beth din,²⁹ and thus one offence that is subject to the death penalty of a court would be inferred³⁰ from a similar offence that is subject to the death penalty of a court! — Since the entire context³¹ was to serve the purpose of exposition,³² this thing³³ was also included that it may serve the purpose of exposition.

What is the exposition?³⁴ — It was taught, Thou shalt not uncover the nakedness of thy father's sister,³⁵ whether she is paternal or maternal. You say, 'Whether she is paternal or maternal', perhaps it is not so, but only when she is paternal and not when maternal? — This³⁶ is only logical: A man is subject to a penalty³⁷ in this case and he is also subject to penalty³⁷ in the case of his sister; as with his sister it is the same whether she is paternal or maternal, so here also³⁸ it is the same whether she is paternal or maternal. But might it not be argued³⁹ in this way: A man is subject to a penalty³⁷ in this case and is also subject to a penalty³⁷ in the case of his aunt;⁴⁰ as his aunt is forbidden only when she is paternal⁴¹ but not when maternal,⁴² so here also³⁸ when she is paternal and not when maternal! — Let us consider whom it more closely resembles. A prohibition which is natural⁴³ ought to be inferred from a prohibition which is also natural⁴⁴ but let no proof be adduced from an aunt whose prohibition is not natural.⁴⁵ But might it not be argued⁴⁶ thus: The relatives of a father⁴⁷ should be inferred from the relatives of a father⁴⁰ but let no proof be adduced from a sister who is one's own relative! Hence it was stated,⁴⁸ Thou shalt not uncover the nakedness of thy father's sister,⁴⁹ implying⁵⁰ whether paternal or maternal, and Thou shalt not uncover the nakedness of thy mother's sister,⁵¹ implying also whether paternal or maternal.

What need was there to write it⁵² in respect of a father's sister and also in respect of a mother's sister?⁵³ — R. Abbahu replied: Both are required. For had the All Merciful written it⁵² in respect of a father's sister [it might have been assumed to apply to her alone] because her relationship is legally

recognized,⁵⁴ but not to a mother's sister.⁵⁵ And had the All Merciful written it⁵⁶ in respect of a mother's sister [it might have been assumed to apply to her alone] because her relationship is certain, but not to her father's sister.⁵⁷ [Hence both were] required.

As to one's aunt concerning whom the Tanna had no doubt that she must be paternal⁵⁸ and not maternal, whence does he derive it? Raba replied: It is arrived at by a comparison between the words 'His uncle' [in two passages]: Here it is written, He hath uncovered his uncle's nakedness,⁵⁹ and there it is written, Or his uncle or his uncle's son may redeem him,⁶⁰ as there he must be paternal and not [necessarily] maternal⁶¹ so here also, he⁶² must be paternal⁶³ and not [necessarily] maternal. And whence is it⁶⁴ proved there? — Scripture stated, Of his family may redeem him,⁶⁰ and only a father's family may be called the proper family, but the mother's family cannot be called the proper family.⁶⁵

But surely we learned: If a man was told, 'Your wife is dead', and he married her paternal sister; [and when he was told] 'She⁶⁶ also is dead', he married her maternal sister; 'She⁶⁷ too is dead', and he married her paternal sister; 'She⁶⁸ also is dead', and he married her maternal sister, he is permitted⁶⁹ to live with the first,⁷⁰ third⁷¹ and fifth⁷² who also exempt their rivals;⁷³ but he is forbidden to live with the second and the fourth,⁷⁴ and cohabitation with one of these does not exempt her rival. If, however, he cohabited with the second after the death of the first, he is permitted to live with the second⁷⁵ and with the fourth⁷⁶ who also exempt their rivals,⁷³ but he is forbidden to live⁷⁷ with the third and with the fifth.⁷⁸

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- (1) Even after the death of her husband she remains forbidden to marry anyone until the prescribed number of seven unclean days has passed.
 - (2) If she gave birth to any child she remains forbidden to her husband's brothers even after his death.
 - (3) From the other women one is forbidden to marry.
 - (4) The former is dependent on the prescribed number of days and the latter on the absence of any issue. And thus the original question remains: Whence is deduced the prohibition of the first stage of contact in the ease of all forbidden unions?
 - (5) Through divorce.
 - (6) Lev. XVIII, 29.
 - (7) who also was mentioned in the same Scriptural section.
 - (8) If all forbidden unions are compared with one another and are consequently equal in their restrictions.
 - (9) From which it was inferred supra that these two were to be compared with one another in respect of the first stage.
 - (10) The brother's wife.
 - (11) Deut. XXV, 5.
 - (12) To marry her husband's brother.
 - (13) Even if he had divorced her.
 - (14) The sister-in-law.
 - (15) Marriage by the levir.
 - (16) Lit., yes.
 - (17) May the levir marry her.
 - (18) Not to marry one's sister-in-law during the lifetime of her husband, his brother.
 - (19) Her husband's brother shall go in unto her after the death of his brother.
 - (20) The penalty for the transgression of which is not that of kareth. Whence therefore can he traced in the Bible that the penalty involved is kareth?
 - (21) V. supra p. 359, n. 5.
 - (22) V. supra p. 359, n. 6.
 - (23) When the days of her uncleanness are over.
 - (24) After her husband's death.
 - (25) Who also are included among the others and subject, therefore, to the same restrictions and penalties. Cf. supra p. 362, n. 8.
 - (26) Lev. XVIII, 22. Since pederasty is compared to natural intercourse it is obviously subject to the same restrictions

and penalties, including that of the first stage!

- (27) Lev. XX, 19.
- (28) Such as intercourse with a father's sister or a mother's sister.
- (29) As, for instance, intercourse with a mother and a mother-in-law.
- (30) As supra by R. Jonah's comparison.
- (31) In which the cases of father's sister and mother's sister were enumerated.
- (32) As will be shewn infra.
- (33) The text from which the first stage with a beast is inferred.
- (34) Just referred to.
- (35) Lev. XVIII, 12.
- (36) That a maternal sister is subject to the same restrictions as a paternal one.
- (37) For intercourse.
- (38) With one's father's sister.
- (39) כלה == ולי כלה 'cease and go', similar to apage, GR.**.
- (40) The wife of his father's brother.
- (41) When her husband is his father's paternal brother.
- (42) If her husband was his father's maternal brother she is not forbidden under this category.
- (43) Due to birth. A father's sister is forbidden from birth.
- (44) One's own sister, whose prohibition also begins at birth.
- (45) Her prohibition being due to the marriage with his father's brother.
- (46) Cf. supra note 11.
- (47) A father's sister, for instance.
- (48) In addition to the prohibition in Lev. XX, 19, And thou shalt not uncover the nakedness of thy mother's sister nor of thy father's sister.
- (49) Lev. XVIII, 12.
- (50) By the repetition.
- (51) Ibid. 13.
- (52) The repetition.
- (53) Even if one only had been repeated, the other could have been inferred from it.
- (54) Children are legally ascribed to their paternal ancestry.
- (55) Whose relationship is not legally recognized. V. supra note 7.
- (56) The repetition.
- (57) Who might not be his sister at all. There is no absolute proof that his father is also her father.
- (58) The wife of his father's paternal brother.
- (59) Lev. X, 20.
- (60) Ibid. XXV, 49.
- (61) As will be shewn anon.
- (62) The husband of his aunt.
- (63) His father's paternal brother.
- (64) That the relationship must be paternal.
- (65) V. supra note 7.
- (66) His second wife.
- (67) His third wife.
- (68) The fourth.
- (69) If it is found that all these are alive.
- (70) Since the marriage with her was valid.
- (71) As the union with the second was unlawful, on account of her being his wife's sister, the marriage with her had no validity. As she is not his wife, her sister is a perfect stranger to the man who married them both in succession. The marriage with her sister (his third wife) is consequently valid.
- (72) The union with the fourth being unlawful, owing to the legal marriage with her sister (the third wife) the marriage with the fifth is consequently legal. Cf. note 5.
- (73) If he died without issue, and one of his brothers submitted to halizah from one of them.

(74) Because the legality of his marriage with the first and third renders them respectively forbidden as 'his wife's sister'. Cf. note 5.

(75) As the death of the first has removed from her the prohibition of 'wife's sister', the marriage with her is legal.

(76) As the marriage with the second was legally valid, that with the third (as wife's sister) was invalid. The fourth (sister of the third) being in consequence a mere stranger is therefore permitted to be married. Cf. supra note 5.

(77) Cf. previous notes mutatis mutandis.

(78) Infra 96a.

Talmud - Mas. Yevamoth 55a

From this it clearly follows that a wife's sister, whether she is paternal or maternal, is forbidden.¹ Whence, however, is this derived? — Deduction is made from one's sister; as a sister [is forbidden] whether she is paternal or maternal, so here also² whether she is paternal or maternal. But let the deduction³ be made from one's aunt; as one's aunt [is forbidden only when she is] paternal⁴ and not when maternal, so here³ also [the prohibition should apply when she is] paternal and not when maternal! — It stands to reason that the deduction should be made from one's sister, since [laws concerning] his own relatives⁵ [should be inferred] from [laws concerning others of] his own relatives.⁶ On the contrary! Deduction⁷ should have been made from one's aunt, since a relationship effected through betrothal⁸ [should be inferred] from one effected through betrothal!⁹ — The deduction⁷ is rather made from a brother's wife, since her relationship¹⁰ is through betrothal, and she is of his own relatives.

Whence, however, is [the law concerning] a brother's wife herself derived? — From what was taught: Thou shalt not uncover the nakedness of thy brother's wife,¹¹ whether he is paternal or maternal. You say, 'Whether he is paternal or maternal', perhaps it is not so, but only when paternal and not when maternal? This is a matter of logical argument: He is subject to a penalty here¹² and he is also subject to penalty [for intercourse] with his sister; as [the prohibition of] his sister applies whether she is paternal or maternal, so here also¹² [the prohibition applies] whether he¹³ was paternal or maternal. But might it not be argued¹⁴ thus: He is subject to a penalty here¹² and he is also subject to penalty [for intercourse] with his aunt. As therefore [the prohibition of] his aunt applies only when she is paternal¹⁵ and not when only maternal, so here¹² also [the prohibition applies only when he¹³ is] paternal and not when only maternal! Let us observe whom the case¹⁶ more closely resembles. Deduction concerning one's own relatives should be made from one's own relatives, and let no proof be adduced from one's aunt whose relationship is due to his father. But might it not be argued as follows:¹⁴ Deduction should be made concerning a relationship which is due to betrothal¹⁶ from a relationship that is due to betrothal,¹⁷ but let no proof be adduced from a sister the prohibition of whom is natural!¹⁸ — For this reason¹⁹ it was specifically stated in Scriptures, It is thy brother's nakedness,²⁰ implying²¹ whether he is paternal or only maternal.

Might it not be suggested that the one as well as the other²² speaks of the wife of a paternal brother, the one referring to a brother's wife who had children during the lifetime of her husband,²³ while the other refers to a brother's wife who had no children during the lifetime of her husband! — The case of one who had no children during the lifetime of her husband may be deduced from the statement of R. Huna.²⁴

Might not both²⁵ still speak of the wife of a paternal brother, the one referring to a brother's wife who had children during the lifetime of her husband and the other to one who had children after the death of her husband! — The case of one who had children after the death of her husband requires no Scriptural text; for since the All Merciful said that she who had no children was permitted, it is obvious that if she had children she is forbidden.

Is it not possible that she who has no children is forbidden to all men but permitted to the levir

while she who has children is permitted both to all men and to the levir! Or else: If she has no children it is a commandment²⁶ but if she has children it is optional! Or else: [Though indeed] the levir may marry her if²⁷ she has no children but he may not if she has children, yet [as the prohibition²⁸ is] a negative commandment that is derived from a positive one²⁹ it has only the force of a positive commandment!³⁰ — For this reason Scripture wrote another text,³¹ He hath uncovered his brother's nakedness.³² But might it be said that the wife of a maternal brother is like the wife of a paternal brother, and that as the wife of a paternal brother is permitted³³ after the death of her husband, so is also the wife of a maternal brother³⁴ permitted after the death of her husband! — Scripture said, She is,³⁵ she retains her status.³⁶

What need was there to specify the penalty of kareth for intercourse with one's sister?³⁷ — To infer a ruling like that of R. Johanan. For R. Johanan stated: If one committed all these offences³⁸ in one state of unawareness, he is liable for every one of them.³⁹ According to R. Isaac, however, who stated, 'All those who are subject to the penalty of kareth were included in the general rule; and why was the penalty of kareth for [intercourse with] a sister stated separately? In order to indicate that his⁴⁰ penalty is kareth and not flogging',⁴¹ whence is the division⁴² deduced? — It is deduced from, And unto a woman . . . as long as she is impure by her uncleanness,⁴³ that guilt is incurred for every single woman.⁴⁴

For what purpose did the All Merciful write, They shall be child less⁴⁵ in the case of one's aunt?⁴⁶ — It is required for an exposition like that of Rabbah. For Rabbah pointed out the following contradiction: It is written, They shall be childless,⁴⁵ and it is also written, They shall die childless!⁴⁷ How [are these two versions to be reconciled]? If he has children he will bury them; if he has no children, he will be childless.⁴⁸

And it was necessary to write They shall be childless,⁴⁵ and it was also necessary to write, They shall die childless.⁴⁷ For had the All Merciful written only, They shall be childless,⁴⁵ it might have been assumed to refer to children born before the offence⁴⁹ but not to those born subsequent to the offence,⁵⁰ hence the All Merciful wrote, They shall die childless.⁴⁷ And had the All Merciful written, They shall die childless,⁴⁷ it might have been assumed to refer to those born subsequent to the offence,⁵¹ but not to those who were born previously,⁵⁰ [hence both texts were] required.

Whence [is the prohibition of] the first stage among those who are subject to the penalty of negative commandments⁵² to be inferred? — As the All Merciful specified carnally⁵³ in the case of a designated⁵⁴ bondmaid,⁵⁵ it may be inferred that among all the others who are subject to the penalty of negative commandments,⁵⁶ the first stage by itself constitutes the offence.⁵⁷ On the contrary! As the All Merciful specified the first stage in the case of those who are subject to the penalty of kareth,⁵⁸ it may be inferred that among those who are subject to the penalty of negative commandments consummation only constitutes the offence! — R. Ashi replied: If so,⁵⁹ Scripture should have omitted [the reference]⁶⁰ in the case of the designated handmaid.⁶¹

Whence [is the prohibition of] the first stage inferred in the case of offences for which priests alone are subject to the penalty of negative commandments?⁶² — This is arrived at by an analogy between the expressions of 'taking'.⁶³

Whence [is the prohibition⁶⁴ in respect of] those who are subject⁶⁵ to the penalty of a positive commandment⁶⁶ inferred?

(1) Since the third, the maternal sister of the second, is permitted only on account of the illegality of the marriage of the second, but is forbidden where the marriage with the second is legal.

(2) A wife's sister is forbidden.

(3) In respect of a wife's sister.

- (4) When her husband is his father's paternal brother.
- (5) A wife's sister whose relationship to him is due to his own (and not his father's) act of marriage with her sister.
- (6) His sister. An aunt's relationship, however, is due not to his own, but his father's relationship with her husband. V. supra.
- (7) In respect of a wife's sister.
- (8) A man's wife's sister is related to him through betrothal of her sister (his wife).
- (9) The aunt whose relationship to him is due to her betrothal by his uncle.
- (10) Like that of his wife's sister.
- (11) Lev. XVIII, 16.
- (12) For intercourse with a brother's wife.
- (13) The brother.
- (14) V. supra p. 363, n. 11.
- (15) When her husband is his father's paternal brother.
- (16) A brother's wife.
- (17) V. supra note 5.
- (18) It is due to vicissitudes of birth and not to any act of his.
- (19) To exclude this argument.
- (20) Lev. XVIII, 16b.
- (21) Since, in view of Lev. XVIII, 16a, it is superfluous.
- (22) The two sections of the verse cited.
- (23) Who divorced her.
- (24) Supra 54b; and no special text is needed for the purpose.
- (25) The two sections of the verse cited.
- (26) That the levir marries her.
- (27) Lit., 'yes'.
- (28) Not to marry a wife of a deceased brother if she has children.
- (29) Her husband's brother shall go in unto her if she has no children.
- (30) The penalty for the transgression of which is not that of kareth!
- (31) Which, in view of the texts from Lev. XVIII, 16a and b, is superfluous.
- (32) Lev. XX, 21, to indicate that the prohibition is to apply to all cases whether that of a paternal or only that of a maternal brother.
- (33) To marry the levir if her husband died without issue.
- (34) Who died childless.
- (35) E.V. 'it is'. Lev. XVIII, 16, which speaks also, as deduced supra, of the wife of a maternal brother.
- (36) As she was forbidden to the levir during the lifetime of her husband she remains so after his death.
- (37) Her case, surely, is included in Lev. XVIII, 29, among all the others with whom intercourse is forbidden under the penalty of kareth!
- (38) Of forbidden intercourse.
- (39) Mak. 14a, Ker. 2b. Because the penalty of kareth was specifically mentioned in the case of intercourse with a sister who is taken as an example for all the others included in the general statement in Lev. XVIII, 29. This is in accordance with the principle that if any case is included in a general rule and is then made the subject of a special statement, that which is predicated of it is to be applied to the whole of the general rule. Had not the sister been mentioned separately it might have been assumed that as all the offences were included in the general prohibition, and as they were all committed in one state of unawareness, one liability only is incurred for all.
- (40) The brother's.
- (41) Even though he had been duly warned.
- (42) That liability is incurred for every single offence even though all were committed in one state of unawareness.
- (43) Lev. XVIII, 19, emphasis on woman. Since, instead of the longer expression 'A woman . . . as long as she is impure by her uncleanness', the shorter one, 'a menstruant could have been used.
- (44) With whom intercourse took place; v. Mak. Sonc. ed. pp. 97ff.
- (45) Lev. XX, 21.
- (46) By childless ערירים the penalty of kareth is understood: Not only the offender but his children also are thereby

cut off.

(47) Ibid. 20.

(48) V. infra nn. 5ff.

(49) The expression shall be childless would have been taken to imply that the children born prior to the offence would die as a result of the offence. The parents, however, would not die childless because the children born after the offence would live.

(50) Who would live. V. supra note 5.

(51) Shall die childless, being preceded by They shall bear their sin (Lev. XX, 20), implying that the penalty would affect only those children who were born after the sin had been committed.

(52) I.e., to flogging but not to kareth.

(53) Lev. XIX, 20, implying the second stage of consummation.

(54) **הַרְוֵהָ** This form of the kinyan by a Jewish slave of a Canaanitish bondwoman takes the place of the ordinary betrothal of a free woman.

(55) Intercourse with whom is forbidden by a negative commandment and is consequently subject to the penalty of flogging, in addition to the prescribed guilt-offering (v. Lev. XIX, 21f).

(56) Such as a bastard and an undesignated bondmaid.

(57) As only the designated bondmaid must pass the second stage in order to constitute an offence for which liability to a guilt-offering is incurred, it follows that in all the other cases, where no guilt-offering is ever incurred, the offence is constituted with the first stage alone.

(58) In Lev. XVIII, 29.

(59) That with all the others who are subject to the penalty of negative commandments the offence is not constituted unless, as with the designated bondmaid, the second stage was passed.

(60) 'Carnally'. Lit., 'let the text keep silence.'

(61) Since, however, the second stage was specifically postulated in her case, it follows that with all the others the first stage by itself constitutes the offence.

(62) From the designated maid supra only such prohibitions may be inferred as are applicable to all and not to priests only.

(63) The expression of 'taking' is used in the case of intercourse with a sister (Lev. XX, 17) which is punishable by kareth, and a similar expression is used in the case of marriages forbidden to priests under the penalty of a negative commandment (Lev. XXI, 7).

(64) Of the first stage.

(65) For intercourse with an Israelite's daughter.

(66) An Egyptian or an Edomite, for instance, (v. Deut. XXIII, 8, 9) whose prohibition to marry an Israelite's daughter is based on the positive precept, The third generation . . . shall (E.V. may) enter into the assembly of the Lord, which implies that the first and second generations must not. A negative precept derived from a positive one has the force of a positive precept.

Talmud - Mas. Yevamoth 55b

— It is arrived at by an analogy between the two expressions of 'coming'.¹

Whence [the prohibition of a yebamah]² to a stranger?³ — If [one follows] him who holds that it⁴ is a negative precept,⁵ [it would be subject to the same restrictions as any other] negative precept;⁶ if [one follows] him who holds that it⁷ is a positive precept,⁸ [it would be subject to the same restrictions as any other] positive precept.⁶ Whence, however, [its⁹ force¹⁰ in respect of] the yebamah and the levir? — It is arrived at by the analogy between the two expressions of 'coming'.¹¹

Whence [its⁹ force¹² in respect of the kinyan], between husband and wife? — It is arrived at by comparison between the expressions of 'taking'.¹³

Raba said: For what purpose did the All Merciful write 'carnally' in connection with the designated bondmaid,¹⁴ a married woman,¹⁵ and a sotah?¹⁶ That in connection with the designated

bondmaid [is required] as has just been explained.¹⁷ That in connection with a married woman excludes intercourse with a relaxed membrum.¹⁸ This is a satisfactory interpretation in accordance with the view of him who maintains that if one cohabited with forbidden relatives with relaxed membrum he is exonerated;¹⁹ what, however, can be said, according to him who maintains [that for such an act one is] guilty? — The exclusion is rather that of intercourse with a dead woman.²⁰ Since it might have been assumed that, as [a wife], even after her death, is described as his kin,²¹ one should be guilty for [intercourse with] her [as for that] with a married woman, hence we were taught [that one is exonerated]. What was the object of that²² of the sotah? — Such as was taught: Carnally²² excludes [the case where the husband's warning was] concerning something else. What is meant by 'something else'? R. Shesheth replied: The exclusion is the case where he warned her concerning unnatural intercourse. Said Raba to him: The text reads, As with womankind!²³ — Rather, said Raba, the exclusion is the case where the husband's warning concerned lecherous contact of her limbs. Said Abaye to him: Has the All Merciful forbidden [a wife to her husband] because of obscenity?²⁴ — Rather, said Abaye, the exclusion is the case where the husband's warning was concerning superficial contact.²⁵ This is a satisfactory explanation according to him who maintains that the first stage of contact²⁶ is the insertion of the corona;²⁷ what can be said, however, according to him who maintains that it²⁸ is the superficial contact!²⁹ — The exclusion is rather the case where he warned her concerning lecherous contact of her limbs; but³⁰ it was necessary [to state it, because] it might have been assumed that, as the All Merciful has made the prohibition³¹ dependent on the objection of the husband,³² [the woman should here be forbidden] since he objected,³³ hence we were taught [that such a case is excluded].

Samuel stated: The first stage is constituted by superficial contact.²⁵ This may be compared to a man who puts his finger to his mouth; it is impossible for him not to press down the flesh. When Rabbah b. Bar Hana came³⁴ he stated in the name of R. Johanan: Consummation in the case of a designated bondmaid is constituted by the insertion of the corona.

R. Shesheth raised an objection: 'Carnally³⁵ implies that guilt is incurred only when intercourse was accompanied by friction';³⁶ does not this refer to friction of the membrum! — No; friction of the corona.

When R. Dimi came³⁴ he stated in the name of R. Johanan: The first stage is constituted by the insertion of the corona. They said to him: But, surely, Rabbah b. Bar Hana did not say so! — He replied: Then either he is the story-teller³⁷ or I.³⁸

When Rabin came³⁴ he stated in the name of R. Johanan, 'The first stage is constituted by the insertion of the corona'. He is certainly in disagreement with the report of Rabbah b. Bar Hana.³⁹ Must it be said, however, that he differs also from Samuel?⁴⁰ — No; [the entire process] from the superficial contact until the insertion of the corona is described as the first stage.⁴¹

When R. Samuel b. Judah came³⁴ he stated in the name of R. Johanan, 'The first stage is constituted by the insertion of the corona; and the final stage, by actual consummation.

(1) The expression of 'coming' is used with a case that is forbidden by a negative precept (Deut. XXIII, 3) as well as with those whose prohibition is derived from a positive precept (ibid. 9) and whose penalty is kareth. Cf. note 9 supra.

(2) Prior to halizah.

(3) Lit., 'to the street'.

(4) The marriage with a stranger before halizah had been performed.

(5) Derived from Deut. XXV, 5, Shall not be married abroad.

(6) And, as has been shewn supra, the first stage is included in the restrictions.

(7) The marriage with a stranger before halizah had been performed.

(8) From Deut. XXV, 5, it follows that the levir shall marry her (positive); hence no other (negative); and a negative

precept derived from a positive one has the force of the positive.

(9) Of the first stage.

(10) To constitute levirate marriage as if actual cohabitation had taken place.

(11) Cf. supra p. 370, n. 10. The expression of 'coming' is also used in respect of the levir (v. Deut. XXV, 5).

(12) Cf. supra note 5.

(13) Used in the case of husband and wife (Deut. XXIV, 1) as well as in that of those whose penalty is kareth. Cf. supra p. 370, n. 10.

(14) Lev. XIX, 20.

(15) Ibid. XVIII, 20.

(16) Num. V, 13.

(17) Supra 55a.

(18) Since no fertilisation can possibly result.

(19) Shebu. 18a, Sanh. 55a.

(20) Even though she died as a married woman.

(21) In Lev. XXI, 2, where the text enumerates the dead relatives for whom a priest may defile himself. As was explained, supra 22b, his kin refers to one's wife.

(22) The expression 'carnally' in Num. V, 13.

(23) Lev. XVIII, 22, in which natural and unnatural intercourse are regarded as analogous (v. Sanh. 54a). What matters it then for which she was warned!

(24) Surely not. For mere laxity, in the absence of adultery, a wife would not have been subjected to such a severe penalty. What need then was there to state the obvious?

(25) Lit., 'kissing'.

(26) Which is forbidden.

(27) Infra. As this stage only constitutes cohabitation and causes the prohibition of the woman to her husband, it is possible to exclude from such prohibition the earlier stage of superficial contact.

(28) The 'first stage' that is forbidden.

(29) How can this be excluded from the prohibition in view of the ruling that the first stage does constitute cohabitation!

(30) Despite Abaye's objection (v. supra note 3).

(31) Of a sotah to her husband.

(32) The laws of the sotah apply only where such an objection or warning has been expressed.

(33) By his warning.

(34) From Palestine to Babylon.

(35) Lev. XIX, 20, dealing with a designated bondmaid.

(36) מִירוֹק 'friction', Syr.-Aram. rt. מִרְקָ So Golds. against Levy's (III, p. 260) Ergiessung which he regards as an error based on a misunderstanding of Rashi.

(37) Lit., 'liar'. Rabbah h. Bar Hana was a well known teller of hair-raising stories (Cf. B.B. 73aff). and sometimes made self-contradictory statements on questions of halachah also (cf. Hul. 97a, Kid. 75b).

(38) Lit., 'I lied', i.e., they had his word against Rabbah b. Bar Hana's, and it was for them to decide the report of which of them was the more reliable.

(39) Who regards this act as consummation.

(40) Who reported that superficial contact alone constitutes the first stage.

(41) On this both Samuel and Rabin agree; the one mentioning the beginning of the process and the other the conclusion.

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Beyond this, the act is no more than superficial contact and one is exonerated in regard to it'. He thus differs from Samuel.

WHETHER HE PASSED ONLY THE FIRST, OR ALSO THE FINAL STAGE OF CONTACT HE CONSTITUTES THEREBY A KINYAN. In what respect is kinyan constituted? — Rab replied: Kinyan is constituted in all respects;¹ and Samuel replied: Kinyan is constituted only in respect of the things specified in the section,² viz., to inherit the estate of his brother³ and to exempt her⁴ from

the levirate marriage.⁵ If [she⁶ became subject to the levir] after her marriage⁷ she may, according to the view of all,⁸ eat [terumah],⁹ since she has been eating it before.¹⁰ They differ only [where she became subject to the levir] after betrothal.⁷ Rab maintains that she may eat, since the All Merciful has included cohabitation in error, [giving it the same validity] as when done presumptuously. But Samuel maintains that the All Merciful has included it¹¹ in so far only as to put him¹² in the same position as the husband,¹³ but not to confer upon him more power than upon the husband.¹⁴ And [in giving this ruling] Samuel is consistent with his own view, for R. Nahman stated in the name of Samuel: wherever the husband entitles her to eat, the levir also entitles her to eat; and wherever the husband does not entitle her to eat the levir also¹⁵ does not entitle her to eat.

An objection was raised: 'If the daughter of an Israelite, capable of hearing, was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].¹⁶ If he died¹⁷ and she became subject to a deaf levir, she may eat;¹⁸ and in this respect the power of the levir is superior to that of the husband'. Now, according to Rab, this statement is perfectly satisfactory.¹⁹ According to Samuel, however, a difficulty arises!²⁰ Samuel can answer you: Read thus . . . who became deaf before he had time to marry her, she may not eat [terumah]; if, however, he married her and then became deaf she may eat it; if he died and she became subject to a deaf levir, she may eat it'.²¹ 'Then what is meant by 'in this respect'?²² — While if the husband had been deaf before,²³ she would not have been entitled to eat, if the levir had been deaf before²³ she may eat.

Others say: If [she²⁴ became subject to the levir] after her betrothal²⁵ all²⁶ agree that she may not eat [terumah], since 'she was not allowed to eat it during the lifetime of her husband. They differ only [when she became subject to the levir] after her marriage.²⁵ Rab maintains that she may eat, since she has been eating before; but Samuel maintains that she may not eat, because the All Merciful has included cohabitation in error, [giving it the same force] as cohabitation in presumption, only in respect of the things that were enumerated in the section,²⁷ but not in all other respects. But surely R. Nahman stated in the name of Samuel, 'Wherever the husband entitles her to eat the levir also entitles her to eat'!²⁸ — Read: Every cohabitation whereby a husband entitles her to eat also entitles her to eat if performed by the levir, and every cohabitation whereby the husband does not entitle her to eat, does not entitle her to eat if performed by the levir.

An objection was raised: 'If the daughter of an Israelite capable of hearing was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].²⁹ If he died³⁰ and she became subject to a deaf levir she may eat;³¹ and in this respect the power of the levir is superior to that of the husband'. Now, according to Rab,³² this³³ might well be explained as was explained above,³⁴ according to Samuel, however, a difficulty arises!³⁵ — This is indeed a difficulty.

Our Rabbis taught: If the daughter of an Israelite capable of hearing was betrothed to a priest capable of hearing, who became deaf before he had time to marry her, she may not eat [terumah].³⁶ If a son was born to her she may eat.³⁷ If the son died,³⁸ R. Nathan said, she may eat;³⁹ but the Sages said: She may not eat. What is R. Nathan's reason?⁴⁰ Rabbah replied: Because she was eating⁴¹ before. Said Abaye to him: What now? would the daughter of an Israelite who was married to a priest who subsequently died⁴² be entitled to eat [terumah] because she was eating it before? But⁴³ [the fact is that] as soon as [her husband] died his sanctity is withdrawn from her; so here also as soon as [the son] died his sanctity is withdrawn from her!⁴⁴ — Rather, said R. Joseph, R. Nathan holds that marriage with a deaf [priest]⁴⁵ does entitle the woman to eat terumah,⁴⁶ and that no prohibition⁴⁷ is to be made in respect of the marriage of a deaf priest⁴⁸ as a preventive measure against the betrothal of a deaf priest.⁴⁹ Said Abaye to him: If so,⁵⁰ what need was there [to state] 'If a son was born to her'? — Because of the Rabbis.⁵¹ Then⁵² R. Nathan should have expressed his disagreement with the Rabbis in the first clause!⁵³ — He allowed the Rabbis to finish their statement

and then expressed his disagreement with them.⁵⁴ If so,⁵⁵ the statement should have read, 'If the son died she may not eat;⁵⁶ R. Nathan said: She may eat'⁵⁷ — This is a difficulty.

SIMILARLY, IF A MAN HAD INTERCOURSE WITH ANY OF THE FORBIDDEN RELATIVES. R. Amram said: The following statement was made to us by R. Shesheth

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- (1) The yebamah may even eat of terumah if the levir was a priest.
 - (2) Deut. XXV, 5ff, which deals with the obligations and privileges of the levir and the yebamah.
 - (3) Inferred from v. 6 in the section.
 - (4) If he died without issue from her but had children from another wife, or if he divorced her.
 - (5) The first stage having the same validity as actual marriage.
 - (6) The sister-in-law upon whom one of the forms of kinyan, including cohabitation in error, spoken of in our Mishnah had been executed.
 - (7) With her husband, the levir's deceased brother.
 - (8) Rab and Samuel.
 - (9) If the levir was a priest.
 - (10) While she was still with her husband.
 - (11) Cohabitation in error.
 - (12) The levir.
 - (13) He is entitled to confer upon his sister-in-law the same rights that had been conferred upon her by her husband. Hence, if she was married and entitled to eat terumah the levir also may confer upon her this privilege.
 - (14) As her husband's priesthood did not entitle her to eat terumah during the period of their betrothal, since only actual marriage can confer this privilege, the levir also cannot now confer this privilege upon her.
 - (15) If the kinyan was in one of the imperfect forms spoken of in our Mishnah.
 - (16) Even after their marriage. The reason will be explained infra.
 - (17) After the marriage.
 - (18) After the levirate marriage. The cohabitation of a deaf levir is considered to be no less valid to constitute a kinyan than the imperfect forms of kinyan mentioned in our Mishnah which constitute kinyan in the case of any levir.
 - (19) Because he regards an imperfect cohabitation which in ordinary cases constitutes no kinyan as valid in the case of the levir.
 - (20) According to him, imperfect cohabitation confers no more rights through the levir than through the husband; and here it is stated that the levir entitles her to eat terumah though her husband could not confer this privilege upon her!
 - (21) Because she was entitled to the same privilege during the lifetime of her husband,
 - (22) If she is only entitled to the privilege she enjoyed during the lifetime of her husband, in what respect is 'the power of the levir superior to that of the husband'?
 - (23) He married her.
 - (24) V. supra p. 374, n. 6.
 - (25) V. loc. cit., n. 7.
 - (26) V. loc. cit., n. 8.
 - (27) V. loc. cit., n. 2.
 - (28) How then could Samuel maintain that 'she may not eat' even though she had enjoyed that privilege while her husband was alive?
 - (29) V. supra p. 374, n. 16.
 - (30) V. loc. cit., n. 17.
 - (31) V. p. 375, n. 1.
 - (32) Though he maintains (according to the second version) that the levir does not confer any privileges that were not previously conferred by the husband.
 - (33) The statement just cited that she may eat terumah if the levir is deaf though she was not permitted to eat it while her husband was alive.
 - (34) I.e., the explanation given supra, in reply to the objection raised against Samuel, may now be given as a reply to the objection against Rab, viz., that the clause, 'If however, he married her and then became deaf she may eat it', is to be inserted before 'If he died and she became subject to a deaf levir, she may eat', the last clause thus referring to a married

woman that was permitted to eat terumah during the lifetime of her husband.

(35) Since, in his opinion (according to the second version), the deaf levir (whose kinyan has the same validity as that effected through the imperfect forms mentioned in our Mishnah) does not confer the privilege of eating terumah even if the woman had enjoyed the privilege while her husband was alive.

(36) V. supra p. 374. n. 16.

(37) The terumah; by virtue of her son, as deduced from Lev. XXII, 11, infra 67a.

(38) But was survived by his father.

(39) By virtue of her husband.

(40) Why may she eat now by virtue of her husband while in the previous case, where she never had a son, her husband could not confer that privilege upon her?

(41) V. supra note 9.

(42) Not being survived by any son.

(43) Since the law is that she may not.

(44) How, then, could R. Nathan allow her to continue to eat terumah?

(45) Where the betrothal took place while he was still capable of hearing.

(46) Because Pentateuchally the betrothal confers the privilege upon her. Its postponement until after the marriage is merely a preventive measure Rabbinically instituted (v. Keth. 57b). which is, of course, not applicable here where marriage with the deaf man had already taken place.

(47) Against the woman's eating of terumah.

(48) V. supra note 3.

(49) There is no need to provide against the possibility of mistaking betrothal for marriage and for thus allowing a woman to eat terumah immediately after betrothal, since it is well known that the betrothal of a deaf man has no validity. The Rabbis who forbid the woman to eat terumah even after the marriage, it may be explained, provided against the possibility of mistaking such a marriage which followed a betrothal that took place while the priest was still capable of hearing (which Pentateuchally entitles the woman to the privilege) for one which followed a betrothal that took place when he was already deaf and which is Pentateuchally invalid.

(50) If according to R. Nathan it is the marriage, even though there was no son, that entitles the woman to the terumah.

(51) Who in such a case only agree with R. Nathan that the woman may eat terumah.

(52) Since he maintains that after the marriage, though there was no son, the woman is entitled to the privilege.

(53) Where the woman is prohibited to eat terumah even after the marriage.

(54) With their views in both the first and the final clause.

(55) That R. Nathan reserved his opinion until the Rabbis had finished their full statement.

(56) Which would have concluded the statement of the Rabbis.

(57) I.e., R. Nathan's view would thus have come at the very end. As, however, his opinion is inserted before 'she may not eat' which is the statement of the Rabbis, it cannot be maintained any more that he was waiting until they had concluded their full statement, and the original difficulty consequently arises again.

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who enlightened us on the subject¹ from our Mishnah. 'An Israelite's wife who was outraged, though she is permitted to her husband, is disqualified from the priesthood;² and so it was taught by our Tanna:³ SIMILARLY, IF A MAN HAD INTERCOURSE WITH ANY OF THE FORBIDDEN RELATIVES ENUMERATED IN THE TORAH, OR WITH ANY OF THOSE WHO ARE INELIGIBLE TO MARRY HIM; now, what is the purport of SIMILARLY? Does it not mean, WHETHER IN ERROR OR IN PRESUMPTION, WHETHER UNDER COMPULSION OR OF HIS OWN FREE WILL? And yet it was stated, HE HAS THEREBY RENDERED HER INELIGIBLE'.⁴ — No; SIMILARLY might refer⁵ to the FIRST STAGE.⁶ 'To the first stage' with whom? If it be suggested, 'With one of the forbidden relatives', does this then imply [it might be retorted] that the case of the forbidden relatives is derived from that of the sister-in-law?⁷ On the contrary, the case of the sister-in-law was derived from the forbidden relatives, since the original prohibition of the first stage was written in connection with the forbidden relatives! — Rather, SIMILARLY refers⁸ to Unnatural intercourse with forbidden relatives.⁹ On the contrary; the original

prohibition of the various forms of intercourse with a woman was written in connection with the forbidden relatives!¹⁰ — Rather, SIMILARLY refers⁸ to unnatural intercourse with those [cohabitation with whom is] subject to the penalty of negative precepts.¹¹

Rabbah¹² stated: If the wife of a priest had been outraged, her husband suffers the penalty of flogging on her account¹³ for [cohabiting with] a harlot.¹⁴ Only for [cohabiting with] a harlot, but not for ‘defilement’?¹⁵ — Read, ‘Also for [cohabitation with] a harlot’.¹⁶

R. Zera raised an objection: And she be not seized,¹⁷ she is forbidden; if, however, she was seized¹⁸ she is permitted.¹⁹ But there is another woman who is forbidden¹⁹ even though she was seized.¹⁸ And who is that? The wife of a priest. Now, a negative precept²⁰ that is derived from a positive one²¹ has only the force of a positive precept!²² — Rabbah replied: All²³ were included in the category of harlot.²⁴ When, therefore, Scripture specified in the case of the wife of an Israelite that only if she be not seized¹⁷ she is forbidden but if she was seized¹⁸ she is permitted, it may be inferred that the wife of a priest retains her forbidden status.²⁵

Others say: Rabbah stated, If the wife of a priest had been outraged, her husband suffers for her the penalty of flogging²⁶ on account of ‘defilement’.²⁷ Only on account of ‘defilement’ but not for [connubial relationship with] a harlot. Thus it is obvious that [when the woman acted] under compulsion she is not to be regarded as a harlot. R. Zera raised an objection: ‘And she be not seized,²⁸ she is forbidden; if, however, she was seized²⁹ she is permitted. But there is another woman who is forbidden³⁰ even though she was seized.²⁹ And who is that? The wife of a priest’. Now, a negative precept³¹ that is derived from a positive one³² has only the force of a positive precept!³³ — Rabbah³⁴ replied: All³⁵ were included in [the prohibition to live with her] after that she is defiled.³⁶ When, therefore, Scripture specified in the case of the wife of an Israelite that only when she be not seized³⁷ she is forbidden, but if she was seized³⁸ she is permitted, it may be inferred that the wife of a priest retains her forbidden status.³⁹

MISHNAH. THE BETROTHAL OF A WIDOW TO A HIGH PRIEST AND OF A DIVORCED WOMAN OR A HALIZAH TO A COMMON PRIEST⁴⁰ DOES NOT CONFER UPON THEM THE RIGHT TO EAT TERUMAH.⁴¹ R. ELEAZAR AND R. SIMEON, HOWEVER, DECLARE THEM ELIGIBLE.⁴² IF THEY BECAME WIDOWS OR WERE DIVORCED AFTER MARRIAGE THEY REMAIN INELIGIBLE,⁴³ IF AFTER BETROTHAL THEY BECOME ELIGIBLE.⁴⁴

GEMARA. It was taught: R. Meir said, [this⁴⁵ may be arrived at by an inference] a minori ad majus: If permissible betrothal⁴⁶ does not confer the right of eating terumah, how much less forbidden betrothal.⁴⁷ They, however, replied: No; if you have said it⁴⁸ in respect of permissible betrothal⁴⁶ where the man may never confer the right of eating,⁴⁹ would you also say it⁴⁸ in respect of sinful betrothal⁴⁷ where the [priest], in other circumstances,⁵⁰ is entitled to confer the right of eating?⁵¹

R. Eleazar stated in the name of R. Oshaia: In the case where a priest who was wounded in the stones⁵² betrothed a daughter of an Israelite,⁵³ we have a difference of opinion between R. Meir and R. Eleazar and R. Simeon. According to R. Meir who holds that a woman awaiting a pentateuchally forbidden cohabitation⁵⁴ may not eat terumah, this woman also⁵⁵ may not eat; but according to R. Eleazar and R. Simeon who maintain that a woman awaiting a pentateuchally forbidden cohabitation⁵⁴ may eat

(1) Lit., ‘and lit up our eyes’.

(2) Supra 35a. She may not marry a priest even after the death of her husband.

(3) In our Mishnah תונה = our Tanna (Rashi). ותנה תונה = and our Tanna also taught so. Others render תונה ‘confirmation: ותנה תונה = and the Tanna is (or provides) confirmation (v. Jast.). [Or, ותנה תונה

'The Tanna teaches', v. Epstein, Schwarz-Festschrift pp. 319ff].

(4) To marry a priest. Since a married woman is subject to the same restrictions as the 'forbidden relatives', she being included in the penalty of incestuous unions in Lev. XVIII (v. verse 20), it follows that whatever renders the forbidden relatives in our Mishnah ineligible to marry a priest renders a married woman also ineligible. As 'outrage' or 'intercourse under compulsion' is included, our Mishnah must be in agreement with the ruling of R. Shesheth.

(5) Lit., 'what'.

(6) I.e., as in the previously mentioned cases so in the following, the first stage has the same force as consummation. The ineligibility of an outraged woman, therefore, does not at all come within the purview of our Mishnah.

(7) Since the law in the latter is made to apply by comparison also to the former.

(8) Lit., 'what'.

(9) The meaning being that as with the sister-in-law so with the other forbidden relatives kinyan is constituted IRRESPECTIVE OF THE NATURE OF THE INTERCOURSE, even if it was unnatural. Cf. supra p. 378, n. 6 second clause.

(10) The case of the sister-in-law is derived from them; not theirs from hers.

(11) Cf. supra p. 378, n. 6 and supra n. 2 mutatis mutandis.

(12) Cur. edd., 'Raba'.

(13) If he has intercourse with her.

(14) Who is forbidden to a priest (v. Lev. XXI, 7) whether her adultery was committed willingly or under compulsion. It is in the case of an Israelite only that a distinction is made between a woman's voluntary and compulsory adultery.

(15) If to an Israelite she is forbidden on account of her defilement when her act was voluntary (v. supra 11b), she should be forbidden to a priest on the same account even when her act was under compulsion!

(16) He suffers for both.

(17) Num. V, 13. E.V., neither she be taken in the act.

(18) I.e., if she acted under compulsion.

(19) To her husband.

(20) That a priest must not live with his outraged wife.

(21) An Israelite only may live with such a wife.

(22) It is not punishable by flogging. How then could Rabbah subject the husband to such a penalty?

(23) Married women who played the harlot whether willingly or under compulsion.

(24) Who is forbidden to her husband by a negative precept.

(25) Her prohibition to the priest, even if she acted under compulsion, is consequently derived from the original negative precept, and not, as had been assumed, from the positive precept relating to an Israelite.

(26) If he has intercourse with her.

(27) V. supra p. 379, n.8.

(28) Num. V, 13. E.V., neither she be taken in the act.

(29) I.e., if she acted under compulsion.

(30) To her husband.

(31) Cf. supra p. 379, n. 13 mutatis mutandis.

(32) An Israelite only may live with such a wife.

(33) V. supra p. 379, n. 15.

(34) So Bah. Cur. edd., 'Raba'.

(35) V. supra p. 379, n. 16.

(36) Deut. XXIV, 4.

(37) Num. V, 13, E.V., neither she be taken in the act.

(38) I.e., if she acted under compulsion.

(39) Cf. supra note 1.

(40) Since such betrothal is unlawful.

(41) If they were the daughters of Israelites. If they were the daughters of priests, their right to the eating of terumah which they enjoyed prior to their betrothal, ceases with the forbidden betrothal. (V. Rashi s.v. לשון אחר a.l.) According to Tosaf. (s.v. בן a.l.) the Mishnah refers to the daughters of priests only. Cf. also תוספות ישנים a.l.

(42) During the period of betrothal, so long as actual marriage has not taken place.

(43) Since, in the case of priests' daughters, marriage caused their permanent profanation, and in that of others the

privilege had never been conferred upon them.

(44) Even according to the first Tanna. Priests' daughters lose the privilege only during the period of betrothal. As soon as the betrothal period ends either through death or divorce they may again eat terumah; and in the case of widowhood they may also marry a common priest. Daughters of Israelites are entitled to the same privileges except that of eating of terumah to which, of course, they had never been entitled.

(45) The ruling that the betrothals spoken of in our Mishnah do not confer upon the daughter of an Israelite the privilege of eating terumah (v. Rashi, second explanation).

(46) When an Israelite betroths the daughter of an Israelite.

(47) Of which our Mishnah speaks. [Var. lec.: 'If permissible betrothal renders her ineligible (a priest's daughter is not allowed to eat terumah after her betrothal to an Israelite), how much more forbidden betrothal'. This reading — a reading which it must be confessed appears more feasible — is adopted by Tosaf. in view of their interpretation (v. supra p. 380, n. 17) that the Mishnah refers only to daughters of priests].

(48) That betrothal does not confer the privilege of eating terumah.

(49) An Israelite is neither himself entitled to the eating of terumah nor can he confer the right upon others.

(50) If he married a woman permitted to him.

(51) Obviously not. Hence the ruling in our Mishnah that the betrothals confer the privilege.

(52) One so incapacitated is not permitted to marry even the daughter of an Israelite, v. Deut. XXIII, 2.

(53) [Var. lec.: 'a daughter of a priest'. A reading adopted by Tosaf. on their interpretation (cf. n. 6)].

(54) I.e., if she was betrothed to a man whom she is forbidden to marry.

(55) Who married the incapacitated priest.

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this woman also may eat.¹

Whence [is this² proved]? Is it not possible that R. Eleazar and R. Simeon maintain [their opinion] only there because in other circumstances³ he is entitled to confer the right of eating, but not here where he is never entitled to confer the right of eating!⁴ And were you to reply that here also he⁵ is entitled to confer upon the daughter of proselytes⁶ the right of eating, surely [it may be retorted] this very question was addressed by R. Johanan to R. Oshaia⁷ who gave him no answer!⁸

It was stated:⁹ Abaye said,¹⁰ Because¹¹ he is entitled to confer upon [his wife]¹² the right to eat [terumah] so long as he does not cohabit with her.¹³ Raba said,¹⁰ Because¹¹ he may confer the right of eating¹⁴ [terumah] upon his Canaanitish bondmen and bondwomen.¹⁵

Abaye did not give the same explanation as Raba because matrimonial kinyan may be inferred from matrimonial kinyan, but matrimonial kinyan may not be inferred from the kinyan of slaves. And Raba does not give the same explanation as Abaye because there¹⁶ it is different, since she has already been eating it previously.¹⁷ And Abaye?¹⁸ — [The argument], 'since she has already been eating' cannot be upheld;¹⁹ for should you not admit this,²⁰ a daughter of an Israelite who was married to a priest who subsequently died should also be allowed to eat terumah since she has already been eating it!²¹

And Raba?²² — There,²³ his kinyan had completely ceased;²⁴ here, however, his kinyan did not cease.²⁵

[To turn to] the main text. R. Johanan enquired of R. Oshaia: If a priest who was wounded in the stones married the daughter of proselytes does he confer upon her the right of eating terumah? The other remained silent and made no reply at all. Later, another great man came and asked him a different question which he answered. And who was that man? Resh Lakish. Said R. Judah the Prince to R. Oshaia: Is not R. Johanan a great man?²⁶ The other replied: [No reply could be given] since he submitted a problem which has no solution.

In accordance with whose view?²⁷ If according to R. Judah,²⁸ she is not entitled to eat terumah whether he²⁹ does or does not retain his holiness. For if he retains his holiness she may not eat since the Master said³⁰, 'The daughter of a male proselyte is like the daughter of a male who is unfit for the priesthood';³¹ and if he does not retain his holiness,³² she may not eat either, since it has been said that the assembly of proselytes is called an 'assembly'!³³ If, however, according to R. Jose,³⁴ she is entitled to eat terumah whether he does or does not retain his holiness. For if he retains his holiness she may eat, since he³⁵ stated that even when a proselyte married a proselyte his daughter is eligible to marry a priest;³⁶ and if he does not retain his holiness, she may also eat since he³⁵ said that the assembly of proselytes is not called an 'assembly'!³⁷ It must rather be³⁸ in accordance with the view of the following Tanna. For we learned: R. Eliezer b. Jacob said, 'A woman who is the daughter of a proselyte must not be married to a priest unless her mother was of Israel',³⁹ And it is this that his question amounts to: Has only her eligibility⁴⁰ increased⁴¹ and consequently she is entitled to eat terumah⁴² or has perhaps her sanctity also increased⁴³ and consequently she is not permitted to eat?⁴⁴

Come and hear: When R. Aha b Hinena arrived from the South, he came and brought a Baraita with him: Whence is it deduced that if a priest, who is wounded in the stones, married the daughter of proselytes, he confers upon her the right to eat terumah? For it was stated, But if a priest buy any soul, the purchase of his money⁴⁵ etc.,⁴⁶ he may eat of it. Now, in accordance with whose view?⁴⁷ If it be suggested, 'according to R. Judah', surely [it may be retorted] he stated that whether he⁴⁸ does or does not retain his holiness she⁴⁹ is not permitted to eat.⁵⁰ And if⁵¹ 'in accordance with the view of R. Jose', what need [it may be asked] was there for a Scriptural text? Surely, he⁵² stated that whether he⁴⁸ does or does not retain his holiness she⁴⁹ is permitted to eat! Must it not [consequently be assumed that it⁵³ is] in accordance with the view of R. Eliezer b. Jacob? And so it may be inferred that only her eligibility⁵⁴ had been increased and that she is consequently permitted to eat. This proves it.

It was stated: Rab said,

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- (1) Since through the kinyan of the betrothal the woman becomes the priest's acquisition and is, therefore, like himself, entitled to eat terumah so long as she does not become profaned (a halalah) through actual marriage.
 - (2) The ruling according to R. Eleazar and R. Simeon just deduced.
 - (3) If he married a woman permitted to him.
 - (4) Since he is not permitted to marry any woman.
 - (5) The incapacitated priest, since he is only forbidden to enter into the assembly of the Lord (Deut. XXIII, 2), i.e., to marry a Jewess, but he is permitted to marry a proselyte.
 - (6) Who is not included in the assembly of the Lord. V. supra n. 7.
 - (7) Infra.
 - (8) As to whether such an incapacitated priest may confer upon the daughter of a proselyte the right of eating terumah. Since no answer was given, there is no proof that the right may be conferred at all. The difficulty consequently remains: How could the case of the incapacitated priest who can never confer the right upon others be inferred from the case of one who is, in certain circumstances, entitled to confer such a right?
 - (9) In reply to the difficulty raised. V. supra n. 10.
 - (10) The incapacitated priest is entitled to confer upon the woman he betrothed the right to eat terumah.
 - (11) In certain other circumstances.
 - (12) Whom he married before he had been incapacitated.
 - (13) After becoming incapacitated (v. infra 70a). Since he may confer the privilege of eating terumah in this case he may also confer it where the betrothal was unlawful, so long as the woman had not been profaned by him through marriage.
 - (14) מאכיל so MS.M. (Cur. edd מאכילה 'enables her to eat').
 - (15) As he may confer the privilege in that case he may also confer it upon the woman he betrothed.
 - (16) Where the incapacity occurred after marriage.

- (17) Prior to the man's incapacity. This, therefore, provides no proof that a man who is already incapacitated can also confer the privilege.
- (18) How does he reconcile the difference in two cases?
- (19) Lit., 'we do not say'.
- (20) But insist on upholding Raba's distinction.
- (21) Prior to her husband's death. As in this case the argument is obviously untenable so it is untenable in the case of the incapacitated priest.
- (22) How can he advance an argument that is untenable in the case cited?
- (23) Where the priest died.
- (24) As soon as the priest died, leaving no sons, their marital relationship was completely severed.
- (25) He is still her husband.
- (26) And so entitled to a reply.
- (27) Did R. Johanan ask his question.
- (28) Who, in Kid. 77a, differs from R. Jose on the question of the daughter of a proselyte.
- (29) The incapacitated Priest.
- (30) R. Judah.
- (31) **הַחַלָּה** halal. As he may not consequently marry a proselyte's daughter she is obviously forbidden to eat of the terumah.
- (32) And the priestly sanctity is consequently no reason for her prohibition to marry a halal.
- (33) An 'assembly of the Lord' into which an incapacitated person may not enter. (Cf. supra p. 382, nn. 7 and 8). The marriage is consequently forbidden and, therefore, confers upon the woman no right to the eating of terumah.
- (34) Did R. Johanan ask his question.
- (35) R. Jose. [So MS.M. cur. edd., 'a Master said'].
- (36) Kid. 77a. Hence she is not inferior in this respect to the daughter of an Israelite.
- (37) The marriage with her being consequently permissible, the right of eating terumah should obviously be conferred upon her.
- (38) R. Johanan raised his question.
- (39) Bik. I,5.
- (40) Where her mother was of Israel.
- (41) I.e., is she, if her mother was of Israel, thereby only enabled to marry a priests but is not regarded as a proper daughter of Israel to be included in the 'assembly of the Lord', so as to be forbidden to one incapacitated.
- (42) In any ease. Even if the incapacitated priest is holy he may marry her. And, as she is not included in the 'assembly' (v. supra n. 13), she is not forbidden to marry him.
- (43) And she is thus included in the 'assembly' and hence forbidden to marry one incapacitated.
- (44) Since the marriage was a forbidden one.
- (45) Lev. XXII, 11.
- (46) The Heb. **אִיִּי** in the original seems to be a mistake for **אִיִּי** which is the only word omitted from the Scriptural quotation.
- (47) Was R. Aha's Baraitha necessary.
- (48) A priest suffering from the incapacity mentioned in the Baraitha.
- (49) The woman who married him.
- (50) Which is contrary to the Baraitha which permits it.
- (51) Cf. supra n. 3.
- (52) R. Jose.
- (53) R. Aha's Baraitha,
- (54) V. supra p. 384, nn 13 and 14.

Talmud - Mas. Yevamoth 57b

'The bridal chamber¹ constitutes kinyan² with ineligible women³ and Samuel said, 'The bridal chamber⁴ does not constitute kinyan² with ineligible women'.³ Said Samuel: Abba⁵ agrees with me in the case of a girl who is under three years of age and one day; since cohabitation with her

constitutes no kinyan,⁶ the bridal chamber⁷ also constitutes no kinyan.⁶

Raba said, We also learned a similar Baraita:⁸ A girl who is three years of age and one day may be betrothed by cohabitation; if a levir cohabited with her, he has thereby acquired her;⁹ one incurs through her the guilt of intercourse with a married woman; she¹⁰ defiles her cohabitor in respect of his imparting defilement to the lower, as well as to the upper couch;¹¹ if she was married to a priest she may eat terumah, and anyone ineligible¹² who cohabited with her causes her ineligibility.¹³ Thus only a girl of the age of three years and one day, who is rendered ineligible by cohabitation, is also rendered ineligible through the bridal chamber; but a girl younger than three years and one day, who is not rendered ineligible by cohabitation, is not rendered ineligible through the bridal chamber either.¹⁴ This proves it.

Rami b. Hama stated: [In regard to the question whether] the bridal chamber¹⁵ constitutes kinyan¹⁶ with ineligible women,¹⁷ we arrive at a difference of opinion between R. Meir and R. Eleazar and R. Simeon.

(1) Lit., 'there is huppah' (v. Glos.), even if it was unaccompanied by any other form of betrothal such as money, deed, or cohabitation (Rashi). On huppah v. Kid., Sonc. ed. p. 5, n. 7,

(2) To deprive the woman of her right to eat terumah where, as the daughter of a priest, she had previously been entitled to this privilege.

(3) Whom one is not permitted to marry; a widow, e.g., to a High Priest or a divorcee to a common priest. [On Rashi's interpretation which is followed here, both Rab and Samuel hold with R. Huna (v. Kid. 3a) that huppah by itself constitutes kinyan. They differ, however, in the case of ineligible women, Samuel being of the opinion that huppah with them constitutes no kinyan, since it does not allow them to enter into marital union. Rabbenu Tam, on the other hand, explains huppah here as having been preceded by kiddushin and with reference to the last clause of our Mishnah, the point at issue being whether with ineligible women it is considered nissu'in disqualifying the widow, or erusin; v. Tosaf s.v. **בג**].

(4) If unaccompanied by any other forms of matrimonial kinyan. V. supra n. 11.

(5) I.e., Rab, whose proper name was Abba. The former name (Rab == Master) was a title of honour conferred upon him as the Master par excellence of his time. According to Rashi, a.l., 'Abba' was a term of respect synonymous with 'prince' and 'master' by which Samuel, his younger contemporary, referred to Rab.

(6) V. supra p. 385, n. 12.

(7) Which constitutes kinyan only where cohabitation is possible, but which is not the case with a child under the age mentioned.

(8) From which the ruling on which Rab and Samuel are in agreement may be inferred.

(9) She is deemed to be his legal wife,

(10) During her period of menstruation.

(11) If he lies on a number of couches (coverlets, bed-spreads, and the like) resting one upon the other, he imparts levitical defilement to all, though he comes in direct contact with the uppermost one only.

(12) A bastard, for instance,

(13) V, supra p. 385, n. 12. Cf. Kid. 10af, v. Sanh. Sonc. ed. p. 376, n. 2.

(14) Cf. supra note 3.

(15) V. p. 385, n. 11.

(16) V. loc. cit., n. 12.

(17) V. loc. cit., n. 13.

Talmud - Mas. Yevamoth 58a

According to R. Meir who holds that the betrothal causes ineligibility, the bridal chamber¹ also causes ineligibility, while according to R. Eleazar and R. Simeon who maintain that betrothal causes no ineligibility the bridal chamber also causes no ineligibility. But whence [is this proved]? Is it not possible that R. Meir advanced his view only there, in respect of betrothal, whereby kinyan is

effected, but not in respect of the bridal chamber whereby no kinyan is effected!² Or else: R. Eleazar and R. Simeon may have advanced their view there only, in respect of betrothal, since it is not close to the act of intercourse; but the bridal chamber which is close to the act of intercourse, may well cause ineligibility.

But if anything can be said³ [it is, that the question⁴ depends] on the dispute between the following Tannaim: For it was taught, 'This class or that, [viz.,] eligible or ineligible women, who were married [to a priest], or who only entered [with him] into the bridal chamber without any intercourse having taken place, are entitled to sustenance from his estate and are also permitted to eat terumah'. 'Who only entered [etc.]' implies that 'were married' means that they were actually married!⁵ Must it not [consequently be concluded that the meaning is], 'as, for instance,⁶ when they entered the bridal chamber without any intercourse having taken place'? And yet it was stated that 'they are entitled to sustenance from his estate and are also permitted to eat terumah'.⁷ R. Ishmael son of R. Johanan b. Beroka said: Any woman whose cohabitation entitles her to the eating of terumah is also entitled to the eating of it through her entry into the bridal chamber, and any woman upon whom cohabitation does not confer the right to eat terumah is not entitled through her entry into the bridal chamber also to the eating of it.⁸

Whence, [however, the proof]? Is it not possible that R. Ishmael son of R. Johanan b. Beroka is of the same opinion as R. Meir, who maintains that through betrothal alone a woman is not entitled to eat! — Instead, then, of the statement 'Any woman upon whom cohabitation does not confer the right to eat terumah is not entitled through her entry into the bridal chamber also to the eating of it', the statement should have run, 'Any woman upon whom cohabitation does not confer the right to eat terumah, is not entitled through her money⁹ also to the eating of terumah'. But is it not possible that as the first Tanna spoke of the bridal chamber he also spoke of the bridal chamber!

R. Amram stated, The following ruling was given to us by R. Shesheth and he threw light on the subject¹⁰ from a Mishnah: The bridal chamber constitutes kinyan with ineligible women.¹¹ And the following Tanna taught the same thing:¹² 'Amen¹³ that I¹⁴ have not gone aside¹⁵ as a betrothed, as a married woman, as one awaiting the decision of the levir or as one taken [by the levir]'.¹⁶ Now, how is one to imagine the case of the 'betrothed'? If it be suggested that she was one who was warned¹⁷ while she was betrothed, and then she secluded herself¹⁸ and is now made to drink¹⁹ while she is still only betrothed; is a betrothed [it may be asked] subject to the drinking? Surely we learned: A betrothed or one awaiting the decision of a levir neither drinks²⁰ nor receives a kethubah!²¹ Should it, however, [be suggested that she is one] who was warned while she was betrothed, and then she secluded herself,²² and is now made to drink when she is already married; do the waters [it may be asked] test her? Surely it was taught: And the man shall be clear from iniquity,²³ only when the man is 'clear from iniquity' do the waters test his wife; when, however, the man is not 'clear from iniquity'²⁴ the waters do not test his wife!²⁵ Consequently [she²⁶ must be one] who was warned while she was betrothed and then she secluded herself,²² and subsequently entered the bridal chamber but there was no cohabitation. Thus²⁷ it may be inferred that the bridal chamber alone constitutes kinyan²⁸ with ineligible women.²⁹ Said Raba: Do you think that this³⁰ is an authenticated statement?³¹ Surely when R. Aha b. Hanina³² arrived from the South, he came and brought a Baraitha with him: Besides thy husband,³³ only when the cohabitation of the husband preceded that of the adulterer, but not when the cohabitation of the adulterer preceded that of the husband! Rami b. Hama replied: This³⁴ is possible where, for instance, he³⁵ cohabited with her while she was only betrothed and still in the house of her father. Similarly in respect of the woman awaiting the decision of the levir³⁶ [it must obviously be a case] where the man cohabited with her in the house of her father-in-law!³⁷

(1) Even in the absence of betrothal.

(2) The bridal chamber alone without the additional kinyan of money, deed, or cohabitation is of no validity. V. Kid. 5a.

- (3) On the lines of Rami b. Hama's statement.
- (4) Whether the bridal chamber constitutes kinyan with ineligible women. (Cf. supra p. 385, nn. 11 and 13).
- (5) Otherwise both expressions would have meant exactly the same classes. But this meaning is impossible in view of the fact that after actual marriage it is unanimously agreed that the woman is ineligible to eat terumah!
- (6) I.e., the expression 'or', **וְ** is to be understood as the equivalent of 'as for instance' **כְּגוֹן**, and the clause following is an illustration of the preceding one.
- (7) Which proves that, even where the union was a forbidden one, the entry into the bridal chamber alone does not deprive a woman of the right of eating terumah if she was previously entitled to it.
- (8) If she was the daughter of an Israelite (v. Keth. 57a). As the bridal chamber and cohabitation are in this case placed on the same level, it follows that in the case of the daughter of a priest also, if she loses her right to the terumah by cohabitation, she also loses it by entry into the bridal chamber. Thus it has been shewn that the question referred to by Rami b. Hama is a matter of dispute between the first Tanna and R. Ishmael son of R. Johanan b. Broka.
- (9) The token of betrothal.
- (10) Lit., 'and he lit up our eyes'.
- (11) Cf. supra p. 385, nn. 11 and 13.
- (12) **וּתְנָא תוּנָא** v. supra p. 378, n. 3.
- (13) As the term was repeated (v. Num. V, 22) it includes all the following.
- (14) I.e., the sotah who confirms the declaration (v. Num. V, 19).
- (15) 'Have not been faithless'. Cf. ibid. vv. 19, 20.
- (16) Where the levir suspects her of infidelity, v. Sotah 18a, Kid. 27b.
- (17) That she must not hold secret meetings with a certain man.
- (18) With the man. V. Bah. Cur. edd. omit, 'and then . . . herself'.
- (19) The 'water of bitterness' (cf. Num. V, 18 and ibid. 17).
- (20) The 'water of bitterness' (cf. Num. V, 18 and ibid. 17).
- (21) If she secluded herself with the suspected man and if, in consequence of this, she is divorced by her husband. V. Sotah 23b, Kid. 27b, Sifre, Nasso,
- (22) With the suspected man, during the period of her betrothal.
- (23) Num. V, 31.
- (24) As in this case where he married her, despite her intimacy with the suspected man during her betrothal which had caused her prohibition to him.
- (25) Sotah 28a, 47b, Shebu. 5a, Kid. 27b.
- (26) The betrothed spoken of,
- (27) Since the woman is subjected to the test of the water though no cohabitation had taken place.
- (28) In the absence of cohabitation. Had not the bridal chamber constituted the kinyan, which brought the woman within the category of marriage, she would not have been subject to the test to which a married woman only must submit. (Cf. Num. V, 19, being under thy husband).
- (29) Among whom the Sotah is, of course, included. Cf. supra n. 5.
- (30) The Mishnah cited by R. Shesheth.
- (31) **מִתְרַצְתָּא** (rt. **תְּרִין**, 'to be right'), a version the correctness of which has been upheld by refuting all objections raised against it.
- (32) Cf. supra 57a where the reading is 'Hinena'.
- (33) Num. V, 20.
- (34) The Mishnah cited by R. Shesheth.
- (35) The husband.
- (36) Since in her case also the cohabitation of the levir must precede that of the adulterer. Alternatively: Since she also is not subject to the test of the water.
- (37) So that his cohabitation took place prior to that of the suspected adulterer, which was also preceded by the warning of the levir and followed by the bridal chamber but by no cohabitation; and the woman is submitted to the test of the water of bitterness in respect of her suspected act during her betrothal! Alternatively: Since in her case, unlike that of the betrothed, the kinyan of the bridal chamber is not applicable.

Talmud - Mas. Yevamoth 58b

Why then, do you call her 'a woman awaiting the decision of the levir' [when such a woman] is in fact his proper wife, since Rab had stated, 'kinyan is constituted in all respects'?¹ — [The Mishnah is] in accordance with the view of Samuel who stated, 'Kinyan is constituted only in respect of the things specified in the section'.²

Is not this³ adduced only as a reason and support for the opinion of Rab?⁴ And Rab, surely, had said that 'Kinyan is constituted in all respects'⁵ — Here we are concerned with a case where for instance he⁶ addressed to her a ma'amar,⁷ and it³ represents the view of Beth Shammai who maintain that a ma'amar constitutes a perfect kinyan.⁸ If so, she would be identical with the 'betrothed woman'⁹ — And according to your view, has not a 'married woman' and 'one taken [by the levir]' the same status?¹⁰ But [the explanation must be that] 'a married woman' refers to one's own wife, and 'one taken [by the levir]' refers to that of another man.¹¹ So here also 'betrothed' means his own and 'a woman awaiting the decision of the levir', that of another.¹¹

R. Papa said: I¹² represents the view of the following Tanna.¹³ For it was taught: It is not permissible to warn a betrothed woman in order that she may be made to drink¹⁴ while she is betrothed. She may, however, be warned in order that she may be made to drink when she is already married.¹⁵ R. Nahman b. Isaac explained: By implication.¹⁶

R. Hanina sent [an instruction] in the name of R. Johanan: A levir who addressed a ma'amar to his yebamah, while he has a living brother, causes her disqualification from the eating of terumah¹⁷ even if he is a priest and she the daughter of a priest.¹⁸ According to whom?¹⁹ If it be suggested, according to R. Meir, it is possible [it might be objected that] R. Meir said that one that is subject to an illegitimate cohabitation²⁰ is not permitted to eat terumah [only when the cohabitation is] Pentateuchally forbidden;²¹ did he, however, say [that the same law holds when the prohibition is only] Rabbinical? [Is it], however, [suggested that it was made] according to R. Eleazar and R. Simeon? [It may be objected]: If the eating of terumah is permitted to one who is subject to a cohabitation which is pentateuchally forbidden, is there any need to speak of one which is only Rabbinically forbidden! When Rabin, however, came²² he stated: Where a levir addressed a ma'amar to his yebamah, all²³ agree that she is permitted to eat terumah. If he has a profaned brother,²⁴ all²³ agree that she is not permitted to eat.²⁵ They only differ where he²⁶ gave her²⁷ a letter of divorce.²⁸ R. Johanan maintains that she may eat, and Resh Lakish maintains that she may not eat. 'R. Johanan maintains that she may eat', for even the statement of R. Meir who holds that she may not eat applies only to one subject of a Pentateuchally forbidden cohabitation; where, however, it is only Rabbinically forbidden she may eat. 'And Resh Lakish maintains that she may not eat' for even the statement of R. Eleazar and R. Simeon, who hold that she may eat, applies only to one who has elsewhere the right²⁹ to confer the privilege of eating, but not in this case,³⁰ since he has no right³¹ to confer the privilege elsewhere. And should you suggest that here also he has the right³¹ to confer the privilege of eating in the case where she returns,³² [it may be retorted that] one who returns³² severs her connection with him and resumes her relationship with her father's house;³³ but this woman³⁴ remains bound to him.³⁵

IF THEY BECAME WIDOWS OR WERE DIVORCED etc. R. Hiyya b. Joseph enquired of Samuel: If a High priest betrothed a minor, who became adolescent³⁶ during her betrothal with him,³⁷

(1) Supra 56a, and the woman is regarded as his wife even if the cohabitation was not intended to serve as a legal matrimonial kinyan.

(2) Cf. loc. cit. and notes.

(3) The Mishnah cited by R. Shesheth.

(4) Who, contrary to the opinion of Samuel, maintains that the bridal chamber does constitute kinyan with ineligible

women (supra 57b).

(5) V. supra note 3.

(6) The levir.

(7) And then cohabited with her adulterously in her father-in-law's house, with no intention of effecting a legal kinyan. Alternatively: Only a ma'amar was addressed to her but no cohabitation at all took place. The cohabitation of the adulterer which, according to this interpretation, precedes that of the levir does not affect the legality of the water test since in any case the cohabitation of the first husband (the deceased brother) preceded.

(8) Supra 29b. The sister-in-law thus loses entirely her former status of 'widow of a deceased brother' and assumes that of a 'betrothed woman'. Subsequent intercourse with her unless accompanied by the entry into the bridal chamber does not, therefore, change her status, as is the case where no ma'amar had been addressed, to that of a married woman. Her description, consequently, can only be that of 'one awaiting the decision of the levir'.

(9) Whose case had been specifically mentioned. Why should the same law be mentioned twice?

(10) And both were nevertheless specified.

(11) I.e., his brother's widow whom he married.

(12) The Mishnah cited by R. Shesheth.

(13) It being a case where the warning was given during betrothal, and the seclusion with the man took place after marriage and cohabitation. The water test is applied on the basis of that warning. Alternatively: The warning was given during betrothal and it was followed by the seclusion with the man, the test being applied after marriage. The previously cited deduction, that when the husband is not clear from iniquity the test is not admissible, is not accepted by this authority.

(14) The water of bitterness.

(15) Sotah 25a. The man in such a case is clear from iniquity. No proof may consequently be adduced from the Mishnah cited by R. Shesheth that the bridal chamber constitutes kinyan. Alternatively: This Tanna does not accept the deduction in respect of the husband's clearness from iniquity. (V. supra n. 4, end).

(16) **וְיִשָּׁבֵר**, v. Kid. 27b. The oath the woman is made to take at the drinking of the water of bitterness in respect of the days of her betrothal is not a direct oath but one added to that which she takes in connection with a suspected act after her marriage.

(17) Until marriage had been consummated.

(18) Because (v. infra) his brother might cohabit with her and thus cause her prohibition to marry either of them (v. supra 50b).

(19) Was R. Johanan's statement made.

(20) As, e.g., in this case, where either brother might marry her, while the cohabitation of one of them is Rabbinically forbidden.

(21) E.g., a widow to a High Priest.

(22) From Palestine to Babylon.

(23) R. Johanan as well as Resh Lakish.

(24) Halal (v. Glos.) whose cohabitation would disqualify her.

(25) Even though she is the daughter of a priest and even where the ma'amar had been addressed to her by a qualified priest, she is forbidden to eat terumah, owing to her being subject at least to one Pentateuchally forbidden cohabitation. Even R. Eleazar and R. Simeon who allow terumah in the case of a widow to a High priest do not allow it here since, unlike the High Priest who in cases other than that of the widow and the like is entitled to confer the right, the halal can never confer such a privilege upon anyone.

(26) A levir who was a priest.

(27) His yebamah who was the daughter of a priest.

(28) Which Rabbinically causes her prohibition to the levir, while Pentateuchally she is still awaiting cohabitation with him. She is thus awaiting a cohabitation which is Rabbinically forbidden.

(29) Through a similar act of betrothal.

(30) Where a letter of divorce was given.

(31) By means of a similar act of divorce.

(32) To the house of her father, if she was the daughter of a priest. Cf. Lev. XXII, 13.

(33) Her regaining the privilege of eating terumah is due to her relationship not with him but with her father's family.

(34) To whom the letter of divorce was given.

(35) Since a letter of divorce does not sever the levirate bond.

(36) בגרה v. infra p. 394 n. 7; perhaps of advanced age, when she is no more in possession of her full virgin powers (cf. Golds. a.l.). Such a woman is forbidden to a High priest by deduction from Lev. XXI, 13 And he shall take a wife in her virginity.

(37) Lit., 'under him'.

Talmud - Mas. Yevamoth 59a

what [is the law]:¹ Are we guided by the marriage² or by the betrothal?³ — The other replied to him: You have learned it: IF THEY BECAME WIDOWS OR WERE DIVORCED AFTER MARRIAGE THEY REMAIN INELIGIBLE; IF AFTER BETROTHAL THEY BECOME ELIGIBLE.⁴ The first said to him: With reference to rendering her a halalah,⁵ I have no doubt that it is the forbidden cohabitation⁶ that causes her to be a halalah. My question is only: What is implied by, And he shall take a wife in her virginity:⁷ Is the 'taking' of betrothal required,⁸ or is it the 'taking' of marriage that is required?⁹ The other replied, You have learned this also: [A priest who] betrothed a widow, and was subsequently appointed to be a High Priest, may consummate the marriage!¹⁰ — There it is different because it is written, Shall he take to wife.¹¹ Here also it is written wife!¹² — Only one¹³ but not two. And what is the reason?¹⁴ — In the case of the one,¹⁵ her body has undergone a change;¹⁶ in that of the other her body underwent no change.

MISHNAH. A HIGH PRIEST SHALL NOT MARRY A WIDOW¹⁷ WHETHER SHE BECAME A WIDOW AFTER A BETROTHAL OR AFTER A MARRIAGE. HE SHALL NOT MARRY ONE WHO IS ADOLESCENT.¹⁸ R. ELEAZAR AND R. SIMEON PERMIT HIM TO MARRY ONE WHO IS ADOLESCENT,¹⁸ BUT HE MAY NOT MARRY ONE WHO IS WOUNDED.¹⁹

GEMARA. Our Rabbis taught: A widow . . . shall he not take,¹⁷ whether she became a widow after a betrothal or after a marriage. Is not this obvious?²⁰ — It might have been assumed that [the meaning of] widow²¹ is to be inferred from widow²² in the case of Tamar; as there²² it was one after marriage, so here²¹ also it is one after marriage; hence we were taught [that any widow was meant]. But might it not be suggested that it is indeed so?²³ — [It is compared] to a divorced woman:²⁴ As 'divorced woman'²⁴ [includes any divorcee] whether after betrothal or after marriage,²⁵ so also 'widow'²⁴ [includes any widow] whether after betrothal or after marriage.

HE SHALL NOT MARRY ONE WHO IS ADOLESCENT. Our Rabbis taught: And he shall take a wife in her virginity²⁶ excludes one who is adolescent, whose virginity is ended; so R. Meir. R. Eleazar and R. Simeon permit the marriage of one who is adolescent. On what principle do they differ? — R. Meir is of the opinion that virgin²⁷ implies even [one who retains] some of her virginity; her virginity²⁸ implies only one who retains all her virginity;²⁹ in her virginity³⁰ implies only [when previous intercourse with her took place] in the natural manner,³¹ but not when in an unnatural manner.³² R. Eleazar and R. Simeon, however, are of the opinion that virgin would have implied a perfect virgin; her virginity implies even [one who retains] only part of her virginity;³³ in her virginity implies only one whose entire virginity is intact,³⁴ irrespective of whether [previous intercourse with her was] of a natural or unnatural character.³⁵

Rab Judah stated in the name of Rab: A woman who was subjected to unnatural intercourse is disqualified from marrying a priest.³⁶ Raba raised an objection: And she shall be his wife,³⁷ applies to a woman eligible to marry him. This excludes [the marriage of] a widow³⁸ to a High Priest,³⁹ of a divorced woman³⁸ and a haluzah³⁸ to a common priest. Now, how is one to understand [the outrage]?⁴⁰ If it be suggested that it was one of natural intercourse, what [it may be asked] was the object of pointing to her widowhood⁴¹ when [her prohibition] could be inferred from the fact that she had had carnal intercourse with a man?⁴² Must it not consequently [be assumed to be] a case of unnatural intercourse; and the only reason⁴³ [why the woman is forbidden⁴⁴ is] because she is a

widow, and not because she had had carnal intercourse!⁴⁵

- (1) May he marry her despite her advanced age?
- (2) When she was already of age and consequently forbidden to him.
- (3) When she was still permitted.
- (4) From which it appears that, in respect of those who are ineligible to marry priests, marriage is the main factor. Had not the marriage to be taken into consideration a widow, for instance, who was betrothed to a High Priest would also be ineligible after his death.
- (5) 'Profaned' and forbidden to a priest.
- (6) I.e., the consummation of marriage.
- (7) Lev. XXI, 13.
- (8) And as at that time she was eligible he may now marry her.
- (9) As by that time she is already forbidden, he may not marry her, despite their permitted betrothal.
- (10) Infra 61a, which proves that betrothal is the main factor.
- (11) Lev. XXI, 14. From the superfluous word wife it is deduced (v. infra 61a) that in the case mentioned the High Priest may consummate the marriage. This, however, supplies no answer to the question under consideration.
- (12) Lev. XXI, 13.
- (13) Deduction may be made from the term 'wife'.
- (14) Lit., 'what do you see'? Why should the deduction be made to permit the marriage of the widow to a High Priest and not that of the minor who became adolescent?
- (15) The minor who became of age.
- (16) And she may, therefore, be regarded as a different person.
- (17) V. Lev. XXI, 14.
- (18) בונרת, one over twelve years and six months of age. Cf. supra p. 393, n. 5.
- (19) מוכת עץ lit., 'struck by wood', one who lost her hymen as the result of a blow.
- (20) The expression widow surely does not imply any distinction between the one and the other!
- (21) Spoken of in connection with a High Priest (Lev. XXI, 14).
- (22) Gen. XXXVIII, 11.
- (23) That only one after marriage was meant, as in the case of Tamar.
- (24) Spoken of in the same context in connection with a High Priest (Lev. XXI, 14).
- (25) So Yalkut. Cur. edd. reverse the order.
- (26) Lev. XXI, 13.
- (27) בתולה .
- (28) בתוליה .
- (29) Which excludes the one who is adolescent, whose virginity has ended.
- (30) בבתוליה , (Lev. XXI, 13).
- (31) Is she forbidden to a High Priest.
- (32) The superfluous ב (= in), in בבתוליה excludes unnatural intercourse, whereby 'virginity' is not affected.
- (33) Which includes the one who is adolescent.
- (34) Is permitted to be married by a High priest.
- (35) Even if it was unnatural she is forbidden, unless her virginity remained completely intact. Cf. supra n. 7. As, according to R. Eleazar and R. Simeon, one who is adolescent is permitted it was necessary to have the Scriptural text to exclude this case. According to R. Meir, however, who excludes one who is adolescent, there is no need any more to exclude this case which is easily inferred a minori ad majus from the former.
- (36) I.e., a High Priest who is permitted to marry a virgin only.
- (37) Deut. XXII, 29, referring to a virgin who had been outraged.
- (38) After her betrothal.
- (39) If it was he who committed the outrage.
- (40) If committed by a High Priest.
- (41) Lit., 'on account of widow'.
- (42) With the High Priest himself, who is forbidden to marry an outraged or seduced woman even if he himself had committed the offence.

(43) Lit., 'yes'.

(44) To the High Priest.

(45) Which proves that unnatural intercourse does not cause a woman to be forbidden to marry a High Priest. How then could Rab state that a woman in such circumstances is forbidden?

Talmud - Mas. Yevamoth 59b

— This¹ represents the view of² R. Meir,³ while Rab holds the same view as R. Eleazar.⁴ If [Rab holds the same view] as R. Eleazar, what was the object of pointing to her previous carnal intercourse⁵ when [her prohibition] could have been inferred from the fact that she was a harlot,⁶ R. Eleazar having stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot!⁷ — R. Joseph replied:⁸ When, for instance, the woman was subjected to intercourse with a beast, where the reason of 'previous carnal intercourse may be applied but not that of harlot.'⁹ Said Abaye to him: Whatever you prefer [your reply cannot be upheld], If she is a be'ulah¹⁰ she must also be a harlot; and if she is not a harlot¹¹ she cannot be a be'ulah either! And were you to reply: This case is similar to that of a wounded woman,¹² [it may be pointed out] that if [the disqualification should be extended to] unnatural intercourse also,¹³ you will find no woman eligible to marry a [High Priest [since there is not one] who has not been in some way wounded¹⁴ by a splinter! No, said R. Zera,¹⁵ in respect of a minor who made a declaration of refusal.¹⁶

R. Shimi b. Hiyya stated: A woman who had intercourse with a beast is eligible to marry a priest.¹⁷ Likewise it was taught: A woman who had intercourse with that which is no human being,¹⁸ though she is in consequence subject to the penalty of stoning,¹⁹ is nevertheless permitted to marry a priest.²⁰

When R. Dimi came²¹ he related: It once happened at Haitalu²² that while a young woman was sweeping the floor²³ a village dog²⁴ covered her from the rear,²⁵ and Rabbi permitted her to marry a priest. Samuel said: Even a High Priest. But was there a High Priest in the days of Rabbi?²⁶ — Rather, [Samuel meant]: Fit for a High Priest.

Raba of Parzakaia²⁷ said to R. Ashi: Whence is derived the following statement which the Rabbis made: Harlotry is not applicable to bestial intercourse? — It is written, Thou shalt not bring the hire of a harlot, or the price of a dog,²⁸ and yet we learned that the hire of a dog²⁹ and the price of a harlot³⁰ are permitted³¹ because it is said, Even both these,²⁸ two only but not four.

Our Rabbis taught: [A High Priest] shall not marry the woman he himself has outraged or seduced.³² If, however, he married her, the marriage is valid.³³ He shall not marry a woman whom another man has outraged or seduced. If he did marry her, the child, said R. Eliezer b. Jacob, is profaned:³⁴ but the Sages said: The child is legitimate.³⁵

'If, however, he married her, the marriage is valid'. Said R. Huna in the name of Rab: But he must put her aside by a letter of divorce. What, then, [is the explanation] of the statement 'If, however, he married her, the marriage is valid'? — R. Aha b. Jacob replied: It was meant to imply

(1) The Baraitha cited by Raba.

(2) Lit., 'this, according to whom'?

(3) Cf. supra p. 395, n. 7.

(4) Cf. supra p. 395, n. 10.

(5) As a reason for prohibition.

(6) Who is forbidden not only to a High Priest but also to a common priest (v. Lev. XXI, 7). Why, then, did Rab refer to a High Priest only?

- (7) *Infra* 61b, 76a, *Sanh.* 51a, *Tem.* 30a.
- (8) Rab's reason of 'previous carnal intercourse was necessary.'
- (9) A term which is not applicable to bestial intercourse. *V. infra.*
- (10) בעולה one who had experienced carnal intercourse.
- (11) Presumably because her act cannot be regarded as 'sexual intercourse'.
- (12) *V. supra* p. 394, n. 8. As in her case marriage with a High Priest is forbidden (*v. our Mishnah*), though she is no harlot, so also in the case of bestial intercourse.
- (13) *I.e.*, if injury to the anus is to be subject to the same restrictions as injury to the hymen.
- (14) *Cf. supra* p. 394, n. 8.
- (15) Rab's reason of 'previous carnal intercourse' was necessary.
- (16) *Mema'eneth*, *v. Glos.* Unnatural intercourse with her by her husband places the minor in the status of *be'ulah* (*v. Glos.*) but not in that of harlot, while her refusal to live with him does not give her the status of divorcee or widow but that of *mema'eneth*. Hence the necessity for Rab's statement that such a minor also is forbidden to marry a High Priest.
- (17) Even a High Priest, The result of such intercourse being regarded as a mere wound, and the opinion that does not regard an accidentally injured hymen as a disqualification does not so regard such an intercourse either.
- (18) A beast.
- (19) If the offence was committed in the presence of witnesses after due warning.
- (20) In the absence of witnesses and warning.
- (21) From Palestine to Babylon.
- (22) [Babylonian form for Aitalu, modern Aiterun N.W. of Kadesh, *v. S. Klein, Beitrage* p. 47].
- (23) *Lit.*, 'house'.
- (24) Or 'big hunting dog' (*Rashi*), 'ferocious dog' (*Jast.*), 'small wild dog' (*Aruk*).
- (25) A case of unnatural intercourse.
- (26) *Judah ha-nasi* (the Prince or Patriarch) I, who flourished 170-217 C.E., above a hundred years after the destruction of the second Temple.
- (27) *So Bomberg ed.*; *MS.M.*, 'Parazika' (*cf. Golds.*); *Cur. edd.*, 'Parkin'.
- (28) *Deut.* XXIII, 19.
- (29) The beast which a harlot receives for her intercourse with a dog.
- (30) A beast received as the price of a harlot who has been sold.
- (31) To be consecrated to the altar.
- (32) *Cf. Lev.* XXI, 14: But a virgin . . . shall he take, *i.e.*, she must be a virgin at the time he marries her.
- (33) *Lit.*, 'he is married'.
- (34) *Halal*, *v. Glos.*
- (35) He is not subject to any disabilities, religious or civil,

Talmud - Mas. Yevamoth 60a

that he pays no fine¹ in the case of a seduced woman.²

R. Gebiha of *Be Kathi*³ came and repeated the reported ruling⁴ in the presence of *R. Ashi*, whereupon the other said to him: Surely both Rab and *R. Johanan* stated '[a High Priest] must not marry a woman who is adolescent⁵ or "wounded",⁶ but if he married her, the marriage is valid', which clearly proves [that he may continue to live with the woman because in any case] she would ultimately have become adolescent and would ultimately have been 'wounded' by living with⁷ him; here also⁸ [she should be permitted to live with him because] ultimately she would have become a *be'ulah* by living with⁷ him! — This is a difficulty.

'He shall not marry a woman whom another man has outraged or seduced. If he did marry her, the child, said *R. Eliezer*⁹ *b. Jacob*, is profaned; but the Sages said: The child is fit'.¹⁰ Said *R. Huna* in the name of Rab: The halachah is in agreement with *R. Eliezer b. Jacob*; and so said *R. Giddal* in the name of Rab: The halachah is in agreement with *R. Eliezer b. Jacob*. Others say: *R. Huna* stated in the name of Rab. What is *R. Eliezer b. Jacob's* reason?¹¹ — He is of the same opinion as *R.*

Eleazar.¹² But is the former of the same opinion as the latter? Surely we have an established tradition that ‘the teaching of R. Eliezer b. Jacob is small in quantity, but select’,¹³ while in this case R. Amram¹⁴ stated that the halachah is not in accordance with R. Eleazar!¹⁵ — This is a difficulty.

R. Ashi explained: They¹⁶ differ [on the question whether the offspring] of a union forbidden by a positive commandment¹⁷ is deemed to be a halal. R. Eliezer b. Jacob is of the opinion [that the offspring] of a union forbidden by a positive commandment is deemed to be a halal while the Rabbis are of the opinion that the offspring of a union forbidden by a positive commandment is no halal. What is R. Eliezer b. Jacob's reason? — Because it is written, ‘A widow, or one divorced, or a profaned woman, or a harlot, these shall he not take,’ but a virgin etc.,¹⁸ and this is followed by the Scriptural injunction, ‘And he shall not profane¹⁹ his seed among his people,²⁰ which refers to all.²¹ And the Rabbis?²² — [By the expression] these¹⁸ the context is broken up.²³ But R. Eliezer b. Jacob maintains that the expression, these,¹⁸ serves the purpose of excluding the menstruant.²⁴

Whose view is represented in the following statement wherein it was taught: [Only the offspring] of these²⁵ is to be regarded a halal but no offspring of a menstruant is to be deemed a halal.²⁶ — Whose view? That of R. Eliezer b. Jacob. But on the view of R. Eliezer b. Jacob, the expression these²⁶ should have been written at the end!²⁷ — This is a difficulty.²⁸

Our Rabbis taught: For a betrothed sister,²⁹ R. Meir and R. Judah said, [a common priest]³⁰ may defile himself.³¹ R. Jose and R. Simeon said: He may not defile himself for her. For [a sister who was] outraged or seduced, all agree that he may not defile himself.³¹ As to one ‘wounded’,³² R. Simeon says he may not defile himself for her; for R. Simeon maintains that he may defile himself for one who is fit for a High Priest,³³ but he may not defile himself for one who is not fit for a High Priest.³⁴ For one who is adolescent, all agree³⁵ that he may defile himself.³⁶

What is R. Meir's and R. Judah's reason? — They make the following exposition: And for his sister a virgin,³⁷ excludes one who had been outraged or seduced.³⁸ It might be assumed that one who was ‘wounded’ is also to be excluded.³⁹ Hence it was specifically stated, ‘That hath had no husband,³⁷ only she whose condition is due to a man [is excluded]³⁹ but not one⁴⁰ whose condition is not due to a man. That is near,³⁷ includes a betrothed [sister]; unto him,³⁷ includes a sister who is adolescent.

What need was there for a Scriptural text in this case?⁴¹ Surely R. Meir stated, ‘virgin implies even [one who retains] some of her virginity’!⁴² — It was required, because it might have been assumed that the expression of virgin⁴³ shall be deduced from virgin elsewhere;⁴⁴ as there it refers to a na'arah⁴⁵ only, so here also it refers to a na'arah⁴⁵ only, hence we were taught [that the case here is different]. And what are the reasons of R. Jose and R. Simeon? — They make the following exposition: And for his sister a virgin,⁴³ excludes one who has been outraged, seduced or wounded;⁴⁶ that hath had no,⁴³ excludes one who is betrothed; that is near,⁴³ includes a betrothed who had been divorced; unto him,⁴³ includes one who is adolescent. ‘That is near, includes a betrothed who had been divorced’;

(1) Prescribed in Ex. XXII, 16.

(2) The marriage exempts him from the fine (v. *ibid.* 15-16).

(3) [On the Tigris N. of Bagdad, v. Obermeyer, pp. 143 ff].

(4) That of R. Huna in the name of Rab, *supra* 59b ad fin.

(5) Bogereth, v. Glos.

(6) V. our Mishnah.

(7) Lit., ‘under’.

(8) Cf. *supra* note 8.

(9) Cur. edd., ‘Eleazar’ is apparently a misprint.

- (10) Supra 59b.
- (11) For declaring the child to be a halal.
- (12) Who stated, infra 61b, that intercourse for a non-matrimonial purpose between an unmarried man and an unmarried woman renders the latter a harlot, cohabitation with whom is forbidden by a negative commandment, and any issue therefrom is deemed to be a halal.
- (13) Supra 49b, q.v. for notes.
- (14) V. Bah. Cur. edd. add, 'in the name of Rab'.
- (15) V. infra 61b.
- (16) R. Eliezer b. Jacob (who in fact is in disagreement with R. Eleazar), and the Rabbis.
- (17) Such as that between a High Priest and a be'ulah which is forbidden owing to the positive commandment that he must marry a virgin.
- (18) Lev. XXI, 14.
- (19) I.e., cause the child to be a halal.
- (20) Ibid. 15.
- (21) That were previously enumerated, including the prohibition to marry a be'ulah, which is derived from the positive commandment a virgin . . . 'shall he take to wife'.
- (22) Why, in view of this Scriptural proof do they not regard such offspring as a halal?
- (23) Thus separating those subject to the penalty of a negative commandment from those who are subject to the penalty of a positive commandment. The reference to profanation (halal) applies only to the former.
- (24) If a priest cohabited with his wife while she was in such a condition, the child is not to be regarded as a halal.
- (25) Those enumerated in Lev. XXI, 14.
- (26) Lev. XXI, 14.
- (27) Of Lev, XXI, 14, since in his opinion it was not meant to break up the text. Cf. supra p. 399, n. 13.
- (28) According to R. Ashi who explained the dispute to be dependent on the interpretation of Lev. XXI. 14, 15.
- (29) Who died,
- (30) Who is forbidden to defile himself for his married sister. V. Lev. XXI, 3,
- (31) The reason is given infra.
- (32) V. our Mishnah,
- (33) I.e., a virgin.
- (34) Since virgin was mentioned in both cases (v. Lev. XXI, 3 and 14). As the 'wounded' is not permitted to a High Priest she is obviously not deemed to be a virgin. Hence she can no longer be regarded as a virgin in the matter of a priest's defilement either.
- (35) Even R. Meir who forbids a High Priest to marry her.
- (36) The reason is given infra.
- (37) Lev. XXI, 3.
- (38) Who cannot be regarded as a virgin.
- (39) From the term of virgin. Since she also has lost her virginity.
- (40) Lit., 'this went out'.
- (41) To include one who is adolescent.
- (42) Supra 59a and notes. Since virgin includes one who is adolescent, what need was there again for the text of 'unto him' to include her?
- (43) Lev. XXI, 3.
- (44) Deut, XXII, 28, dealing with a case of outrage.
- (45) נערה one of the age of twelve to twelve and a half years.
- (46) V. our Mishnah.

Talmud - Mas. Yevamoth 60b

but, surely, R. Simeon said, 'He may defile himself for one who is fit for a High Priest, but may not defile himself for one who is not fit for a High Priest'!¹ — There² it is different, because the All Merciful has included her [by the expression] near.³ If so, the 'wounded' also should be included! — Near³ implies one and not two. And what [reason for this]⁴ do you see? — To the body of the one

something had been done while to that of the other nothing had been done.

As to R. Jose, since his colleague⁵ had left him,⁶ it may be inferred that in respect of the 'wounded', he himself is of the same opinion as R. Meir.⁷ Whence, however, does he derive it? — From That hath had no man. But deduction,⁸ surely, had already been made⁹ from this text! — One⁸ is deduced from That hath had no and the other¹⁰ from man.¹¹

"Unto him", includes one who is adolescent'. But surely R. Simeon stated that 'virgin' implied a perfect virgin!¹² — His reason there is also derived from here, because he makes the following exposition: since [the Scriptural text], 'unto him', was required to include one who is adolescent, it is to be inferred that 'virgin' implies a perfect virgin.

It was taught: R. Simeon b. Yohai stated: A proselyte who is under the age of three years and one day is permitted to marry a priest,¹³ for it is said, But all the women children that have not known man by lying with him, keep alive for yourselves¹⁴, and Phinehas¹⁵ surely was with them. And the Rabbis?¹⁶ — [These were kept alive] as bondmen and bondwomen.¹⁷ If so,¹⁸ a proselyte whose age is three years and one day¹⁹ should also be permitted! — [The prohibition is to be explained] in accordance with R. Huna. For R. Huna pointed out a contradiction: It is written, Kill every woman that hath known man by lying with him,²⁰ but if she hath not known, save her alive; from this it may be inferred that children are to be kept alive whether they have known or have not known [a man]; and, on the other hand, it is also written, But all the women children, that have not known man by lying with him, keep alive for yourselves,¹⁴ but do not spare them if they have known. Consequently²¹ it must be said that Scripture speaks of one who is fit²² for cohabitation.²³

It was also taught likewise: And every woman that hath known man,²⁰ Scripture speaks of one who is fit²³ for cohabitation. You say, 'Of one who is fit for cohabitation'; perhaps it is not so but of one who had actual intercourse? — As Scripture stated, But all women children, that have not known man by lying with him,²⁴ it must be concluded that Scripture speaks of one who is fit for cohabitation.²³

Whence did they know?²⁵ — R. Hana²⁶ b. Bizna replied in the name of R. Simeon the Pious: They were made to pass before the frontplate.²⁷ If the face of anyone turned pale²⁸ it was known that she was fit for cohabitation; if it did not turn pale²⁸ it was known that she was unfit for cohabitation.

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

Similarly, it is said, And they found among the inhabitants of Jabesh-gilead four hundred young virgins, that had not known man by lying with him;²⁹ whence did they know it?³⁰ R. Kahana replied: They made them sit upon the mouth of a wine-cask. [Through anyone who had] had previous intercourse, the odour penetrated; through a virgin, its odour did not penetrate. They should have been made to pass before the frontplate!³¹ — R. Kahana son of R. Nathan replied: It is written, for acceptance,³² for acceptance but not for punishment. If so, the same should have applied at Midian also!³³ R. Ashi replied: It is written, 'unto them', implying unto them³⁴ for acceptance but not for punishment; unto idolaters,³⁵ however, even for punishment.³⁶

R. Jacob b. Idi stated in the name of R. Joshua b. Levi: The halachah is in agreement with R. Simeon b. Yohai.³⁷ Said R. Zera to R. Jacob b. Idi: Did you hear this³⁷ explicitly or did you learn it by a deduction? What [could be the] deduction? — As R. Joshua b. Levi related: There was a certain town in the Land of Israel the legitimacy of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an enquiry and found in it the daughter of a proselyte who was under the age of three years and one day,³⁸ and Rabbi declared her eligible to live with a priest.³⁹ The other⁴⁰ replied:⁴¹ I heard it explicitly. And what [matters it] if it⁴² was learned by deduction?⁴³ — It is

possible that there⁴⁴ it was different; since the marriage had already taken place he sanctioned it; for, indeed, both Rab and R. Johanan stated: A priest may not marry one who is adolescent or 'wounded', but if already married, he may continue to live with her. How now! There it is quite correct [to sanction the marriage since in any case] she would ultimately become adolescent while she⁴⁵ will be with him,⁴⁶ and she would also ultimately become a be'ulah while with him;⁴⁶ but here, would she ultimately become a harlot⁴⁷ while with him?⁴⁸ R. Safra taught [that he⁴⁰ arrived at it]⁴² by deduction, and, having raised the difficulty,⁴⁹ answered it in the same way.⁵⁰

A certain priest married a proselyte who was under the age of three years and one day. Said R. Nahman b. Isaac to him: What [do you mean by] this?⁵¹ — The other replied: Because R. Jacob b. Idi stated in the name of R. Joshua b. Levi that the halachah is in agreement with R. Simeon b. Yohai.⁵² 'Go', the first said, 'and arrange for her release, or else I will pull R. Jacob b. Idi out of your ear'.⁵³

It was taught: And so did R. Simeon b. Yohai state

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- (1) One divorced is not fit for a High Priest!
 - (2) Defilement by a common priest.
 - (3) קְרוֹבָה sing.
 - (4) To exclude the one and include the other.
 - (5) R. Simeon who, in respect of the betrothed, expressed the same opinion as R. Jose (supra 60a).
 - (6) So Bah. Cur. edd., 'since he left his colleague'. R. Simeon only is mentioned in the case of the wounded.
 - (7) That the priest may defile himself for her.
 - (8) The exclusion of the betrothed.
 - (9) By R. Jose.
 - (10) Permission to marry the wounded.
 - (11) Only when her condition was due to the action of a man is she forbidden.
 - (12) Supra 59a. One who is adolescent is no more a perfect virgin.
 - (13) She is not regarded as a harlot.
 - (14) Num. XXXI, 18.
 - (15) Who was a priest.
 - (16) How could they, contrary to the opinion of R. Simeon b. Yohai, which has Scriptural support, forbid the marriage of the young proselyte?
 - (17) Not for matrimony.
 - (18) That, according to R. Simeon, Num. XXXI, 18 refers to matrimony.
 - (19) So long as she has 'not known man'.
 - (20) Num. XXXI, 17.
 - (21) To reconcile the contradiction.
 - (22) I.e., one who had attained the age of three years and one day.
 - (23) Not one who had actually experienced it.
 - (24) Implying that any grown-up woman is not to be spared, even if she hath not known man.
 - (25) Which of the Midianite women, referred to in the texts quoted, was, or was not fit for cohabitation.
 - (26) Cur. edd., 'Huna'.
 - (27) יָיִץ the gold plate which was worn by the High Priest on his forehead. V, Ex. XXVIII, 36ff.
 - (28) Lit., '(sickly) green'.
 - (29) Judges XXI, 12.
 - (30) Cf. supra n. 1 mutatis mutandis.
 - (31) As was done in the case of the Midianites (v. supra).
 - (32) Ex. XXVIII, 38, referring to the front-plate.
 - (33) Why then was the test there performed before the plate?
 - (34) Israelites, as were the inhabitants of Jabesh-gilead.
 - (35) As were the Midianites.

- (36) By the front-plate.
- (37) That a proselyte under the age of three years and one day may be married by a priest.
- (38) And was married to a priest.
- (39) I.e., permitted her to continue to live with her husband.
- (40) R. Jacob b. Idi.
- (41) To R. Zera.
- (42) V. supra p. 403. n. 13.
- (43) From the incident in the Palestinian city. Why then was R. Zera anxious to ascertain the manner whereby the ruling was obtained?
- (44) The incident in Palestine.
- (45) Even if she were now *virgo intacta*.
- (46) The union is consequently allowed to remain.
- (47) Which is the prohibition under which a priest may not marry the proselyte mentioned.
- (48) Obviously not. Hence, it may well be concluded that were she not allowed to marry a priest, the union would have had to be dissolved even after marriage had taken place.
- (49) Mentioned supra. that an *ex post facto* may be different.
- (50) Had it not been permitted originally the marriage would have had to be annulled even *ex post facto*.
- (51) I.e., on what authority did you contract the marriage.
- (52) V. supra p. 403. n. 13.
- (53) He would place him under the ban and thus compel him to carry out his decision which is contrary to that of R. Jacob b. Idi.

Talmud - Mas. Yevamoth 61a

that the graves of idolaters do not impart levitical uncleanness by an *ohel*,¹ for it is said, And ye My sheep the sheep of My pasture, are men;² you are called men³ but the idolaters are not called men.³

An objection was raised: And the persons were sixteen thousand!⁴ — This is due to [the mention of] cattle.⁵ Wherein are more than six-score thousand persons that cannot discern between their right and their left hand!⁶ — This is due [to the mention of] cattle.⁷ Whosoever hath killed any person, and whosoever hath touched any slain, purify yourselves!⁸ — One of the Israelites might have been slain. And the Rabbis?⁹ — [Scripture states]. There lacketh not one man of us.¹⁰ And R. Simeon b. Yohai? — There lacketh not one man of us, through indulgence in sin.

Rabina replied: Granted that Scripture excluded them¹¹ from imparting uncleanness through an *ohel*,¹² because of the written text, When a man dieth in the tent,¹³ did Scripture also exclude them from [imparting uncleanness by] touch and carriage?¹⁴

MISHNAH. [A PRIEST WHO] BETROTHED A WIDOW, AND WAS SUBSEQUENTLY APPOINTED HIGH PRIEST, MAY CONSUMMATE THE MARRIAGE. IT ONCE HAPPENED WITH JOSHUA B. GAMALA THAT HE BETROTHED MARTHA THE DAUGHTER OF BOETHUS, AND THE KING APPOINTED HIM HIGH PRIEST, AND HE, NEVERTHELESS, CONSUMMATED THE MARRIAGE.

IF ONE AWAITING THE DECISION OF THE LEVIR¹⁵ BECAME SUBJECT TO A COMMON PRIEST WHO WAS SUBSEQUENTLY APPOINTED HIGH PRIEST, [THE LATTER], THOUGH HE ALREADY ADDRESSED TO HER A MA'AMAR, MUST NOT CONSUMMATE THE MARRIAGE.

GEMARA. Our Rabbis taught: Whence is it deduced that [a priest] who betrothed a widow and was afterwards appointed High Priest may consummate the marriage? It is specifically stated in Scripture, Shall he take to wife.¹⁶ If so, [the same law should apply to] a *yebamah* awaiting the

decision of the levir also! — A 'wife' but not a yebamah.

IT ONCE HAPPENED TO JOSHUA etc. He APPOINTED HIM¹⁷ but he was not elected!¹⁸ Said R. Joseph: I see here a conspiracy;¹⁹ for R. Assi, in fact, related that Martha the daughter of Boethus brought to King Jannai²⁰ a tarkab²¹ of denarii before he gave an appointment to Joshua b. Gamala among the High Priests.²²

MISHNAH. A HIGH PRIEST WHOSE BROTHER DIED²³ MUST SUBMIT TO HALIZAH BUT MAY NOT CONTRACT THE LEVIRATE MARRIAGE.²⁴

GEMARA. He lays down a general rule implying²⁵ that there is no difference whether [the yebamah became a widow] after betrothal or after marriage! One can well understand [the case of the widow] after marriage, [since marriage with her is forbidden by] a positive²⁶ as well as by a negative commandment,²⁷ and no positive commandment²⁸ may override a negative and a positive commandment;²⁹ but [in the case of a widow] after betrothal, the positives should override the negative commandment!³⁰ — The first act of cohabitation³¹ was forbidden as a preventive measure against the second act of cohabitation.³²

MISHNAH. A COMMON PRIEST SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION,³³ UNLESS HE HAD ALREADY A WIFE³⁴ OR CHILDREN.³⁵ R. JUDAH SAID: EVEN THOUGH HE HAS HAD A WIFE AND CHILDREN HE SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION, SINCE SUCH³⁶ [IS INCLUDED IN THE TERM OF] HARLOT MENTIONED IN THE TORAH.³⁷ BUT THE SAGES SAID: THE TERM HARLOT IMPLIES ONLY A FEMALE PROSELYTE,³⁸ FREED BONDMAID³⁸ AND ONE WHO HAS BEEN SUBJECTED TO MERETRICIOUS INTERCOURSE. GEMARA. Said the Exilarch³⁹ to R. Huna: What is the reason?⁴⁰ Obviously because of the duty of the propagation of the race; are, then, only priests commanded concerning the propagation of the race while Israelites are not commanded?⁴¹ The other replied:⁴² Because it was desired to state in the final clause, R. JUDAH SAID: EVEN THOUGH HE HAS HAD A WIFE

(1) אָהֵל , lit., 'tent', i.e., on the man who stands on, or bends over such a grave, constituting his body, as it were, a tent.

(2) Ezek. XXXIV, 31.

(3) אָדָם (Adam), in respect of levitical uncleanness by ohel. The expression אָדָם is also used in the Pentateuchal text dealing with the laws of the uncleanness of objects found in a tent in which lay a corpse. V. Num, XIX, 14ff. [This is held by R. Simeon b. Yohai to denote, as distinct from the other terms for 'man' (אִישׁ , גֵּבֵר , אָנוּשׁ), only an Israelite who, as a worshipper of the true God, can be said to have been like Adam created in the image of God. (Cf. Gen. I, 27 and V, I, where the Heb. text has in each case Adam for 'man'). Idol worshippers having marred the Divine image forfeit all claim to this appellation. V. also B.M. Sonc. ed. p. 651, n. 6].

(4) Num. XXXI, 40. Here also the Heb. equivalent for persons is אָדָם though it refers to the Midianites who were idolaters.

(5) V, ibid. 37ff. In contrast to cattle, idolaters also may be described as Adam (men).

(6) Jonah IV, 11. Cur, edd. add in parentheses 'and much cattle', Here also אָדָם is the original word rendered persons, though it refers to the idolaters of Nineveh.

(7) The conclusion of the verse reads, and also much cattle. Cf, supra n. 4.

(8) Num. XXXI, 19, speaking of the slain Midianites; which proves that the corpses of idolaters also impart levitical uncleanness!

(9) How could they infer from this text that idolaters also impart levitical uncleanness?

(10) Num. XXXI, 49, so that the verse cannot refer to the corpses of Israelites.

(11) Idolaters.

(12) V. Glos.

(13) Num. XIX, 14. V. supra note 2.

(14) Of a corpse. Certainly not. Hence no objection may be raised from texts which may refer to uncleanness through

carriage or touch.

(15) Shomereth yabam, v. Glos.

(16) Lev. XXI, 14. The word 'wife' is superfluous; hence the deduction.

(17) **מוהו** Piel of **מנה** is the form of the verb used for an appointment by the State without previous nomination by the religious authorities. Such appointments were not made on the merits of the candidates but were procured by bribe or political intrigue.

(18) **נתמוה** Nithpael of **מנה** is the form of the verb usually used for the appointment of High Priests who were duly nominated by the priests and the Sanhedrin.

(19) Political intrigue against the wishes of the religious authorities.

(20) [Jannai is often employed in the Talmud as a general patronym for Hasmonean and Herodian rulers. Here it stands for Agrippa II, v. Josephus Antiquities XX, 9, 4, and Derenbourg, Essai, pp. 248ff].

(21) A measure of capacity. V, Glos.

(22) Yoma 18a.

(23) Without issue,

(24) His sister-in-law, being a widow, is forbidden to him.

(25) Lit., 'he cuts off (decides) and teaches'.

(26) And he shall take a wife in her virginity, Lev. XXI, 13.

(27) A widow . . . shall he not take, *ibid.* 14.

(28) That of the levirate marriage, v. Deut, XXV, 5.

(29) V. supra nn. 3 and 4.

(30) V. supra n. 4. The positive commandment that 'he must marry a virgin' (v. supra n. 3) is not thereby infringed!

(31) Which is indeed Pentateuchally permitted. Cf. supra n. 5.

(32) Which is not required for the fulfillment of the precept of the levirate marriage.

(33) **אילנית** v. Glos. s.v. Ilonith.

(34) So Maimonides. Rashi seems to omit 'wife'.

(35) Because it is one's duty to propagate the race. V. Gemara infra.

(36) A woman one marries for the gratification of one's passions and not for the propagation of the race.

(37) V. Lev. XXI, 7.

(38) Who is disqualified through her presumed intercourse with idolaters and slaves.

(39) **ריש גלותא** .

(40) Why a priest may not marry a woman incapable of procreation?

(41) Why then was only the priest mentioned?

(42) Priest only had to be mentioned.

Talmud - Mas. Yevamoth 61b

AND CHILDREN HE SHALL NOT MARRY A WOMAN INCAPABLE OF PROCREATION, SINCE SUCH [IS INCLUDED IN THE TERM OF] HARLOT MENTIONED IN THE TORAH. Since priests only were commanded concerning the harlot while Israelites were not so commanded, therefore PRIEST only was mentioned.

Said R. Huna: What is R. Judah's reason? — Since it is written, And they shall eat, and not have enough, they shall commit harlotry and shall not increase,¹ any cohabitation which results in no increase is nothing but meretricious intercourse.

It was taught: R. Eliezer stated, A priest shall not marry a minor. Said R. Hisda to Rabbah: Go and consider this matter,² for in the evening R. Huna will question you on the subject. When he went out he considered the point [and came to the conclusion that] R. Eliezer was of the same opinion as R. Meir and also of the same Opinion as R. Judah. 'He is of the same opinion as R. Meir' who takes exceptional cases³ into consideration;⁴ and 'also of the same opinion as R. Judah', who holds that a woman incapable of procreation is regarded as a harlot.⁵ But does he⁶ hold the same opinion as R. Meir? Surely it was taught: A minor, whether male or female, may neither perform, nor submit to

halizah, nor contract levirate marriage; so R; Meir. They said to R. Meir: You spoke well [when you ruled], may neither perform, nor submit to halizah', since in the Pentateuchal section⁷ man was written,⁸ and we also draw a comparison between woman and man.⁹ What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;¹⁰ a minor female might be found to be incapable of procreation; and thus the law of incest would be violated.¹¹ And it was also taught: A minor female may contract the levirate marriage¹² but may not perform halizah;¹³ so R. Eliezer!¹⁴

And does he hold the same opinion as R. Judah? Surely it was taught: Zonah¹⁵ implies, as her name [indicates, a faithless wife];¹⁶ so R. Eliezer. R. Akiba said: Zonah implies one who is a prostitute.¹⁷ R. Mathia b. Heresh said: Even a woman whose husband, while going¹⁸ to arrange for her drinking,¹⁹ cohabited with her on the way,²⁰ is rendered a zonah. R. Judah said: Zonah implies one who is incapable of procreation.²¹ And the Sages said: Zonah is none other than a female proselyte, a freed bondwoman, and one who has been subjected to any meretricious intercourse. R. Eleazar²² said: An unmarried man who had intercourse with an unmarried woman, with no matrimonial intent, renders her thereby a zonah!²³ No, said R. Adda b. Ahabah, the reference here²⁴ is to²⁵ a High Priest. For when does he acquire her [as his lawful wife]? Only when she grows up,²⁶ but, then, she is already a be'ulah.²⁷ Said Raba:²⁸ What thoughtlessness!²⁹ If her father had arranged her betrothal, then [the High Priest] would have acquired her from that very moment,³⁰ and if she herself had accepted the betrothal, is this³¹ then the view of R. Eliezer only³² and not that of the Rabbis!³³ No, explained Raba, it³⁴ refers indeed to a common priest, but [the prohibition to marry the minor] is a precaution against the possibility of her seduction³⁵ while living with him. If so, [the same should apply to] an Israelite also! — The seduction of a minor is regarded as an outrage, and an outraged woman is permitted in the case of an Israelite.³⁶ R. Papa replied: [It³⁴ speaks] of a High Priest, and it represents the opinion of the following Tanna. For it was taught: A virgin;³⁷ as one might assume it to mean a minor, it was explicitly stated wife. If only 'wife' [had been written], it might have been assumed to mean one who is adolescent,³⁸ hence it was explicitly stated, 'a virgin'. How, then [is the text to be understood]? One who has emerged from her minority but has not yet attained adolescence.³⁹

R. Nahman b. Isaac explained.⁴⁰ It is the opinion of the following Tanna. For it was taught: A virgin;³⁷ the only meaning of 'virgin' is damsel;⁴¹ and so it is said in Scripture, And the damsel⁴² was very fair to look upon, a virgin.⁴³ 'R. Eleazar said: An unmarried man who had intercourse with an unmarried woman, with no matrimonial intent, renders her thereby a zonah.' R. Amram said: The halachah is not in agreement with the opinion of R. Eleazar.

MISHNAH. A MAN SHALL NOT ABSTAIN FROM THE PERFORMANCE OF THE DUTY OF THE PROPAGATION OF THE RACE⁴⁴ UNLESS HE ALREADY HAS CHILDREN. [AS TO THE NUMBER]. BETH SHAMMAI RULED: TWO MALES, AND BETH HILLEL RULED: MALE AND A FEMALE, FOR IT IS STATED IN SCRIPTURE, MALE AND FEMALE CREATED HE THEM.⁴⁵

GEMARA. [This implies] if he has children, he may abstain from performing the duty of propagation but not from that of living with a wife.⁴⁶ This provides support for a statement R. Nahman made in the name of Samuel who ruled that although a man may have many children he must not remain without a wife, for it is said in the Scriptures, It is not good that the man should be alone.⁴⁷

Others read: [This⁴⁸ implies] if he has children he may abstain from performing the duty of propagation and also from that of living with a wife. May it, then, be said that this presents an objection against the statement R. Nahman made in the name of Samuel?⁴⁹ — No; if he has no children he must marry a woman capable of procreation; and if he has children he may marry a

woman who is incapable of procreation. What is the practical difference?⁵⁰ — In respect of selling a Scroll of the Law for the sake of children.⁵¹ BETH SHAMMAI RULED: TWO MALES. What is Beth Shammai's reason? We make an inference from Moses, in connection with whom it is written, The sons of Moses: Gershom and Eliezer.⁵² And Beth Hillel? — We infer from the creation of the world. Let Beth Shammai also infer from the creation of the world! — The possible cannot be inferred

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- (1) Hos. IV, 10.
 - (2) Why R. Eliezer ruled a priest shall not marry a minor.
 - (3) Lit., 'minority'.
 - (4) It is possible, though not usual, that the minor would be found to be sterile.
 - (5) If she marries. Cf. supra p.407, n.13, and text.
 - (6) R. Eliezer.
 - (7) Dealing with halizah.
 - (8) V. Deut. XXV, 7.
 - (9) As the male must be a grown-up man and not a minor so must the female be a grown-up woman.
 - (10) Wanting in generative powers. V. Glos.
 - (11) Bek. 19b, infra 119a; they not being capable of procreation, there would be no offspring to succeed to the name of the deceased brother. The woman, therefore, is forbidden to the man as 'his brother's wife'.
 - (12) Though the act of a minor has no validity, she may contract the marriage, since the commandment of the levirate marriage will be fulfilled as soon as she becomes of age.
 - (13) Since her action has no validity and cannot, therefore, set her free to marry a stranger.
 - (14) How then, could R. Eliezer be said to hold the same view as R. Meir?
 - (15) E.V. harlot (Lev. XXI, 7) who is forbidden to marry a priest (ibid.).
 - (16) V. Rashi. זָנָהּ from rt. זָנָה 'to go astray', 'to run away' sc. from her husband.
 - (17) Though unmarried.
 - (18) To the supreme court in Jerusalem.
 - (19) Of the water of bitterness; v. Num. V, 8.
 - (20) When she is forbidden to him. From the moment of her seclusion with a stranger, after her husband had warned her to hold no secret meetings with that man, until after the test of the water, cohabitation between husband and wife is forbidden.
 - (21) If she marries. Cf. supra p. 407, n. 13 and text.
 - (22) Cur. edd. 'Eliezer'.
 - (23) How, then, could it be said that R. Eliezer is of the same opinion as R. Judah?
 - (24) The statement of R. Eliezer supra.
 - (25) Lit., 'here we are engaged in'.
 - (26) While she is a minor, her betrothal has no validity.
 - (27) V. Glos. Owing to his own cohabitation which had no lawful sanction and was in the nature of an outrage or seduction.
 - (28) With reference to R. Adda b. Ahabah's reply.
 - (29) מַבְלֵי לֵב == מַבְלֵי לֵב (v. Rashi) without heart. מַבְלֵי לֵב may perhaps mean 'consumption of the heart', i.e., 'what annoyance' to hear such an illogical explanation!
 - (30) A father is fully entitled to arrange the betrothal of his minor daughter (v. Kid. 3b).
 - (31) The ruling that a High Priest may not marry her.
 - (32) As seems to be implied by the statement supra where only R. Eliezer is mentioned as if the Rabbis differed from him.
 - (33) In such a case, surely, even the Rabbis agree.
 - (34) The statement of R. Eliezer supra.
 - (35) Owing to her youth and inexperience.
 - (36) To a priest, however, she is forbidden. Hence R. Eliezer's restriction of his ruling to the priest only:
 - (37) Lev. XXI, 4.
 - (38) A bogereth (v. Glos.).

- (39) A minor is thus forbidden, and R. Eliezer's ruling is based on a Pentateuchal deduction.
- (40) Following the line of R. Papa.
- (41) נערה , one between twelve and twelve and a half years of age.
- (42) והנערה .
- (43) בתולה , Gen. XXIV, 16.
- (44) פריה ורביה . V, Gen. I, 28: פרו ורבו , be fruitful and multiply.
- (45) Gen. V, 2.
- (46) Since our Mishnah mentions only the exemption from the former and not from that of the latter.
- (47) Gen. II, 18.
- (48) [Since the Mishnah does not state, A man shall not marry a woman who is incapable of bearing children unless he already has children (Tosaf.)].
- (49) Supra, that a man must never remain unmarried.
- (50) As regards the duty of marriage. In either case one must not remain single.
- (51) Only a man who has no children must sell even such a precious object if thereby he is enabled to marry a woman capable of procreation. If he has children such a sale is forbidden, and he must contract a less expensive marriage with an old or sterile woman.
- (52) I Chron. XXIII, 15.

Talmud - Mas. Yevamoth 62a

from the impossible.¹ Let Beth Hillel, then, make the inference from Moses! — They can answer you: Moses did it with His consent.² For it was taught: Moses did three things on his own initiative and his opinion coincided with that of the Omnipresent. He separated himself from his wife,³ broke the Tables of Testimony⁴ and added one day.⁵

‘He separated himself from his wife’; what exposition did he make?⁶ — He said, ‘If to the Israelites, with whom the Shechinah spoke only for a while and for whom a definite time was fixed, the Torah nevertheless said, Come not near a woman,⁷ how much more so to me, who am liable to be spoken to at any moment and for whom no definite time has been fixed’. And his view coincided with that of the Omnipresent; for it is said, Go say to them: Return ye to your tents; but as for thee, stand thou here by Me.⁸

‘He broke the Tables of Testimony’; what exposition did he make?⁶ — He said, ‘If of the Paschal lamb, which is only one of the six hundred and thirteen commandments, the Torah said, There shall no alien eat thereof,⁹ how much more should this apply to the entire Torah when all Israel are apostates’. And his view coincided with that of the Omnipresent; for it is written, Which thou didst break¹⁰ and Resh Lakish explained: The Holy One, blessed be He, said to Moses, ‘I thank you for breaking them’.¹¹

‘He added one day’ on his own initiative. What exposition did he make?¹² — ‘As it is written, And sanctify them to-day and to-morrow¹³ [It implies that] to-day shall be the same as to-morrow; as to-morrow includes the previous night¹⁴ so to-day must include the previous night. As, however, to-day's previous night has already passed away,¹⁵ it must be inferred that two days exclusive of to-day must be observed’. And his view coincided with that of the Omnipresent, for the Revelation did not take place¹⁶ before the Sabbath.¹⁷

It was taught: R. Nathan stated: Beth Shammai ruled: Two males and two females;¹⁸ and Beth Hillel ruled: A male and a female.¹⁸ Said R. Huna: What is the reason which R. Nathan assigns for the opinion of Beth Shammai? Because it is written, And again she bore his brother Abel¹⁹ [which²⁰ implies:] Abel and his sister; Cain and his sister.²¹ And it is also written, For God hath appointed me another seed instead of Abel;²² for Cain slew him.²³ And the Rabbis? She was merely expressing her gratitude.²⁴

Elsewhere it was taught: R. Nathan stated that Beth Shammai ruled: A male and a female;²⁵ and Beth Hillel ruled: Either a male or a female.²⁵

Said Raba: What is the reason which R. Nathan assigns for the view of Beth Hillel? — Because it is said, He created it not a waste, He formed it to be inhabited,²⁶ and he²⁷ has obviously helped it to be inhabited.

It was stated: If a man had children while he was an idolater and then he became a proselyte, he has fulfilled, R. Johanan said, the duty of propagation of the race; and Resh Lakish said: He has not fulfilled the duty of propagation of the race. ‘R. Johanan said: He has fulfilled the duty of propagation’, since he had children. ‘And Resh Lakish said: He has not fulfilled the duty of propagation’ because one who became a proselyte is like a child newly born.

And they²⁸ follow their views.²⁹ For it was stated: If a man had children while he was an idolater and then he became a proselyte, he has, R. Johanan said, no firstborn in respect of inheritance,³⁰ since he already had³¹ the first-fruits of his strength.³² Resh Lakish, however, said: He has a firstborn son in respect of inheritance, for a man who became a proselyte is like a child newly born.

And [both statements³³ were] necessary. For if the first only had been stated [it might have been assumed that] only in that state- ment did R. Johanan maintain his view, since formerly he³⁴ was also subject to the obligation of propagation,³⁵ but in respect of inherit- ance, since [the proselyte's former children] are not entitled to heirship, it might have been presumed that he agrees with Resh Lakish. And were only the second stated [it might have been assumed that] only in that did Resh Lakish maintain his view but that in the former he agrees with R. Johanan. [Hence both were] necessary.

R. Johanan raised an objection against Resh Lakish. At that time Berodach-baladan the son of Baladan, King of Babylon etc.³⁶ — The other replied: While they are idolaters they have legally recognized ancestry, but when they become proselytes they have no longer any legally recognized ancestry.

Rab³⁷ said: All agree that a slave has no legally recognized relatives, since it is written, Abide ye here with³⁸ the ass,³⁹ people who are like the ass.⁴⁰

An objection was raised: Now Ziba had fifteen sons and twenty servants!⁴¹ — R. Aba b. Jacob replied: Like a young bullock.⁴² If so, [the same reply could be given] there also!⁴³ — There it is different, since Scripture mentioned his⁴⁴ own name as well as his father's⁴⁵ name, while here⁴⁶ [the son's names] were not specified. If you prefer I might say: They⁴⁷ were elsewhere ascribed to their father and their father's father; as it is written, And King Asa sent them to Ben-hadad, the son of Tabrimmon, the son of Hezion, the King of Aram, that dwelt at Damascus, saying.⁴⁸

It was stated: If a man had children and they died, he has fulfilled, said R. Huna, the duty of propagation. R. Johanan said: He has not fulfilled it. 'R. Huna said: He fulfilled' because [he follows the tradition] of R. Assi. For R. Assi⁴⁹ stated: The Son of David⁵⁰ will not come before all the souls in Guf⁵¹ will have been disposed of, since it is said, For the spirit that unwrappeth itself is from Me etc.⁵² And 'R. Johanan said: He has not fulfilled the duty of propagation' because we require [the fulfilment of the text] He formed it to be inhabited,⁵³ which is not the case here.⁵⁴ An objection was raised:

(1) It would have been impossible for the human race to propagate had not one of each sex been created. For the preservation of the race, however, it is not necessary for every man to have children of both sexes.

(2) God approved of Moses' action. No inference for other people may be drawn from an exceptional case.

(3) Though no daughter had been born from their union.

(4) When, on descending from the mountain, he found the people worshipping the golden calf (v. Ex. XXXII, 19).

(5) To the prescribed period of sanctification that preceded the revelation on Sinai (v. Ex. XIX, 10 and 15).

(6) In support of his action.

(7) Ex. XIX, 15.

(8) Deut. V, 27f.

(9) Ex. XII, 43.

(10) Ibid. XXXIV, 1, אשר שברת .

(11) יישר כהך , lit., 'may thy strength be firm'. יישר and אשר are regarded as coming from the same rt. אשר

(12) In support of his action.

(13) Ex. XIX, 10.

(14) The day always beginning after the sunset of the previous day.

(15) At the time Moses received his instructions.

(16) Lit., 'the Shechinah did not dwell'.

(17) The sanctification began on Wednesday. They observed all Thursday and Friday; and the Shechinah descended on the Sabbath which was the third of the two complete days (V. Shab. 86a), thus, as Moses expected, disregarding the first

day which was incomplete.

(18) Are the minimum required to fulfil the duty of the propagation of the race. V. Tosef. Yeb. VIII.

(19) Gen. IV, 2.

(20) אָת , (the sign of the defined accusative) which could be omitted (as in many other instances), appearing both before brother and before Abel.

(21) Two males and two females.

(22) Obviously to make up the minimum.

(23) Gen. IV, 25.

(24) The duty of propagation, however, would have been fulfilled without the additional birth.

(25) V. supra note 8.

(26) Isa. XLV, 18. It is the duty of man to assist in making the world inhabited.

(27) The man who has even only one son or one daughter.

(28) R. Johanan and Resh Lakish.

(29) Expressed elsewhere.

(30) The first son born after his conversion is not entitled to the double portion of the firstborn.

(31) Before his conversion.

(32) V. Deut. XXI, 17.

(33) That relating to the duty of propagation and that in respect of the firstborn.

(34) Lit., 'they', sc. idolaters.

(35) It being one of the seven Noahide commandments. V. Gen. IX, 7.

(36) II Kings, XX, 12; which shews that an offspring of an idolater is also described as a son!

(37) Others, 'R. Abba', v. Alfasi and ראש.

(38) עם , the same consonants as עם 'a people'.

(39) Gen. XXII, 5.

(40) With reference to Abraham's slaves v. Gen. ibid. The slave, like the ass, is considered the chattel of the master.

(41) II Sam. IX, 10. Ziba was a slave (v. ibid. 9) and yet he is described as having sons.

(42) פֶּרֶן בֶּן בָּקָר , lit., 'a bullock the son of a herd'. The expression of son in the case of the slave Ziba had no greater significance than the expression of 'son' in the case of cattle.

(43) In the description of Berodach in II Kings XX, 12.

(44) Cf. supra p. 414, n. 9.

(45) Which may indeed be taken as proof that idolaters' children are legal descendants and may be described as 'sons'.

(46) Ziba's descendants.

(47) Idolaters.

(48) I Kings XV, 18. Cf. supra n. 9.

(49) Others, 'Jose'. V. 'A.Z. 5a, Nid. 13b.

(50) The Messiah.

(51) Lit., 'body', the region inhabited by the souls of the unborn.

(52) Isa. LVII, 16. This being the reason for the duty of propagation, the duty is fulfilled as soon as a child is born, i.e., as soon as his soul has left the region of Guf irrespective of whether he survives or not.

(53) Isa. XLV, 18.

(54) The children being dead.

Talmud - Mas. Yevamoth 62b

Grandchildren are like children!¹ — This was taught only in respect of supplementing.²

An objection was raised: Grandchildren are like children. If one of them died or was found to be a saris³ the father has not fulfilled the duty of propagation.⁴ Is not this a refutation against R. Huna?⁵ — It is indeed a refutation.

'Grandchildren are like children'. Abaye intended to say: A grandson for a son and a granddaughter for a daughter, and certainly a grandson for a daughter; but not a granddaughter for a

son.⁶ But Raba said to him: We only require [the fulfilment of the text] He formed it to be inhabited,⁷ which is the case here.

All, at any rate, agree⁸ that two children of one⁹ are not sufficient. But [are they] not? The Rabbis surely said to R. Shesheth,¹⁰ 'Marry a wife and beget children', and he answered them, 'My daughters' children are mine'! — There he was merely putting them off, because R. Shesheth became impotent owing to the long discourses of R. Huna.¹¹

Said Rabbah to Raba b. Mari: Whence the statement made by the Rabbis that grandchildren are like children? If it be suggested that it is deduced from the Scriptural text, The daughters are my daughters and the children are my children,¹² would then [it may be objected] the same [meaning be given to the text] And the flocks are my flocks?¹² But [the meaning there is obviously] 'which you have acquired from me', so here also [the meaning may be], 'which you have acquired from me'! The deduction is rather made from the following:¹³ And afterwards Hezron went to the daughter of Machir the father of Gilead; . . . and she bore him Segub,¹⁴ and it is also written, Out of Machir came down lawgivers,¹⁵ and furthermore it is written, Judah is my lawgiver.¹⁶

Our Mishnah¹⁷ cannot represent the opinion of R. Joshua. For it was taught: R. Joshua said, If a man married in his youth, he should marry again in his old age; if he had children in his youth, he should also have children in his old age; for it said, In the morning¹⁸ sow thy seed and in the evening¹⁹ withhold not thine hand; for thou knowest not which shall prosper, whether this or that, or whether they shall both be alike good.²⁰ R. Akiba said: If a man studied Torah in his youth, he should also study it in his old age; if he had disciples in his youth, he should also have disciples in his old age. For it is said, In the morning sow thy seed etc.²⁰

It was said that R. Akiba had twelve thousand pairs of disciples, from Gabbatha²¹ to Antipatris;²² and all of them died at the same time because they did not treat each other with respect. The world remained desolate²³ until R. Akiba came to our Masters in the South and taught the Torah to them. These were R. Meir, R. Judah, R. Jose, R. Simeon and R. Eleazar b. Shammua; and it was they who revived the Torah at that time. A Tanna taught: All of them²⁴ died between Passover and Pentecost. R. Hama b. Abba or, it might be said, R. Hiyya b. Abin said: All of them died a cruel death. What was it?—R. Nahman replied: Croup.²⁵

R. Mattena stated: The halachah is in agreement with R. Joshua.²⁶

R. Tanhum stated in the name of R. Hanilai: Any man who has no wife lives without joy, without blessing, and without goodness. 'Without joy'. for it is written, And thou shalt rejoice, thou and thy house.²⁷ 'Without blessing', for it is written, To cause a blessing to rest on thy house.²⁸ 'Without goodness', for it is written, It is not good that the man should be alone.²⁹

In the West³⁰ it was stated:³¹ Without Torah and without a [protecting] wall. 'Without Torah', for it is written, Is it that I have no help³² in me, and that sound wisdom³³ is driven quite from me.³⁴ 'Without a [protecting] wall', for it is written, A woman shall encompass a man.³⁵

Raba b. 'Ulla said:³¹ Without peace, for it is written, And thou shalt know that thy tent³⁶ is in peace; and thou shalt visit thy habitation and shalt miss nothing.³⁷

R. Joshua b. Levi said: Whosoever knows his wife to be a God-fearing woman and does not duly visit her is called a sinner; for it is said, And thou shalt know that thy tent is in peace³⁸ etc.³⁹

R. Joshua b. Levi further stated: It is a man's duty to pay a visit to his wife when he starts on a journey; for it is said, And thou shalt know that thy tent is in peace etc.³⁷ Is this⁴⁰ deduced from

here? Surely it is deduced from the following:⁴¹ And thy desire shall be to thy husband⁴² teaches that a woman yearns for her husband when he sets out on a journey! — R. Joseph replied: This⁴³ was required only in the case where her menstruation period was near.⁴⁴ And how near? Rabbah⁴⁵ replied: Twelve hours.⁴⁶ And this⁴⁷ applies only [when the journey is] for a secular purpose, but when for a religious purpose [it does not apply, since then] people are in a state of anxiety.⁴⁸ Our Rabbis taught: Concerning a man who loves his wife as himself, who honours her more than himself, who guides his sons and daughters in the right path and arranges for them to be married near the period of their puberty, Scripture says, And thou shalt know that thy tent is in peace.⁴⁹ Concerning him who loves his neighbours, who befriends his relatives, marries his sister's⁵⁰ daughter,

(1) Infra 70a. It is now assumed that whenever one's own child died the grandchild may take his place in exempting his grandfather from the duty of propagation. From this it follows that only living children or grandchildren exempt a man from the duty of further propagation. How then could R. Huna maintain that dead children also exempt one from this duty?

(2) If a man had only one son he is exempt from the duty of propagation if his son had a daughter. If, however, he once had a male and a female who subsequently died he is in any case exempt.

(3) V. Glos.

(4) Tosef. Yeb. VIII.

(5) Cf. supra note 1, final clause.

(6) I.e., a granddaughter cannot take the place of a son to exempt one from the duty of further propagation.

(7) Isa. XLV, 18.

(8) Lit., 'all the world', i.e., Abaye and Raba.

(9) Son or daughter.

(10) Others, 'Abba b. Zabda'. V. She'iltot. Sec. ha-Berakah.

(11) The discourses being long, R. Shesheth, in his desire not to interrupt them, suppressed his needs and thus impaired his generative organs. V. Bek. 44b.

(12) Gen. XXXI, 43.

(13) Lit., 'from here'.

(14) I Chron. II, 21.

(15) Judges V, 14.

(16) Ps. LX, 9. As this text implies that the lawgivers were descendants of Judah, Machir (Judges V, 14), a descendant of Manasseh, could not have been the paternal, but only the maternal ancestor of the lawgivers that descended from him. The lawgivers were thus the offspring of the union mentioned in I Chron. II, 21, between Hezron, a descendant of Judah, and a daughter of Machir. This then proves that the sons of one's daughter are also regarded as one's own sons.

(17) Which permits abstention from further propagation after the birth of the prescribed number of children.

(18) I.e., 'the morning of life', youth.

(19) I.e., 'old age'. V. supra n. 5.

(20) Eccl. XI, 6.

(21) Gibbethon, in the territory of Dan.

(22) N.N.W. of Jerusalem.

(23) Through lack of learning.

(24) The disciples of R. Akiba.

(25) אִסְכְּרָה (rt. סָכַר, 'stop', 'choke').

(26) Supra, that the duty of propagation never ceases.

(27) Deut. XIV, 26. House, בֵּית, refers to one's wife. Cf. Yoma 2a.

(28) Ezek. XLIV, 30. Cf. supra n. 3.

(29) Gen. II, 18.

(30) Palestine.

(31) Concerning the unmarried man.

(32) I.e., 'a wife'. Cf. A help meet for him, Gen. II, 18.

(33) תּוֹשִׁיָה, the Torah.

(34) Job VI, 13.

- (35) Jer. XXXI, 22. Cf. R.V.
- (36) I.e., wife. Cf. M.K. and supra note 3.
- (37) Job V, 24.
- (38) I.e., 'that thy wife is in peace with God' sc. 'chaste', or. reading שלום as שלם, 'perfect'.
- (39) Ibid., then thou shalt visit etc.
- (40) The duty of visiting prior to setting out on a journey.
- (41) Lit., 'from there'.
- (42) Gen. III, 16.
- (43) The statement as to the duty of visiting.
- (44) At the time he sets out on his journey. When no journey is contemplated one must keep away from his wife when the menstruation period is near. V. Shebu. 18b.
- (45) Cur. edd., 'Raba'.
- (46) עונה lit., 'period'. i.e., a whole day or a whole night. If the menstruation occurs during the day, he must keep away throughout that day, and if during the night, he must keep away during all that night.
- (47) The duty of visiting prior to setting out on a journey.
- (48) Or, 'they might be preoccupied' and thus delay the journey and neglect the performance of the religious act.
- (49) Job V, 24.
- (50) This is a meritorious act, because the affection a man has for his sister will be extended to her daughter, his wife.

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and lends a sela'¹ to a poor man in the hour of his need, Scripture says, Then shalt thou call, and the Lord will answer; thou shalt cry and He will say: 'Here I am'.²

(Mnemonic: Woman and land help this two shoots, tradesmen inferior.)³

R. Eleazar said: Any man who has no wife is no proper man; for it is said, Male and female created He them and called their name Adam.⁴

R. Eleazar further stated: Any man who owns no land is not a proper man; for it is said, The heavens are the heavens of the Lord; but the earth hath he given to the children of men.⁵

R. Eleazar further stated: What is the meaning of the Scriptural text, I will make him a help meet for him?⁶ If he was worthy she is a help to him;⁷ if he was not worthy she is against him.⁸ Others say: R. Eleazar pointed out a contradiction: It is written kenegedo⁹ but we read kenegedo!¹⁰ — If he was worthy she is meet for him;¹⁰ if he was not worthy she chastises him.⁹

R. Jose met Elijah and asked him: It is written, I will make him a help;¹¹ how does a woman help a man? The other replied: If a man brings wheat, does he chew the wheat? If flax, does he put on the flax?¹² Does she not, then, bring light to his eyes and put him on his feet!

R. Eleazar further stated: What is meant by the Scriptural text, This is now bone of my bones, and flesh of my flesh?¹³ This teaches that Adam had intercourse with every beast and animal but found no satisfaction until he cohabited with Eve.

R. Eleazar further stated: What is meant by the text, And in thee shall the families of the earth be blessed?¹⁴ The Holy One, blessed be He, said to Abraham, 'I have two goodly shoots to engraft¹⁵ on you: Ruth the Moabitess and Naamah the Ammonitess'.¹⁶ All the families of the earth,¹⁴ even the other families who live on the earth are blessed only for Israel's sake. All the nations of the earth,¹⁷ even the ships that go from Gaul to Spain are blessed only for Israel's sake.

R. Eleazar further stated: There will be a time when all craftsmen will take up agriculture;¹⁸ for it

is said, And all that handle the oar, the mariners, and all the pilots of the sea, shall come down from their ships; they shall stand upon the land.¹⁹

R. Eleazar further stated: No²⁰ occupation is inferior to that of agricultural labour; for it is said, And they shall come down.²¹

R. Eleazar once saw a plot of land that was ploughed across its width.²² 'Wert thou to be ploughed along thy length also',²³ he remarked, 'engaging in business would still be more profitable'. Rab once entered among growing ears of corn. Seeing that they were swaying²⁴ he called out to them, 'Swing as you will,²⁵ engaging in business brings more profit than you can do'.

Raba said: A hundred zuz²⁶ in business means meat and wine every day; a hundred zuz in land, only salt and vegetables.²⁷ Furthermore it causes him to sleep on the ground²⁸ and embroils him in strife.²⁹

R. Papa said, 'Sow³⁰ but do not buy,³¹ even if the cost is the same; there is a blessing in the former. Sell out³² to avoid disgrace;³³ but only mattresses, [not] however, a cloak, [since one] might not always again obtain [a suitable one].³⁴ Stop up³⁵ and you will need no repair;³⁶ repair³⁷ and you will not need to rebuild; for whosoever engages in building grows poor. Be quick in buying land; be deliberate in taking a wife. Come down a step in choosing your wife;³⁸ go up a step in selecting your shoshbin.³⁹

R. Eleazar b. Abina⁴⁰ said: Punishment comes into the world only on Israel's account; for it is said, I have cut off nations, their corners are desolate; I have made their streets waste,⁴¹ and this is followed by the text, 'I said: Surely thou wilt fear Me, thou wilt receive correction'.⁴²

Rab was once taking leave of R. Hiyya. The latter said to him, 'May the All Merciful deliver you from that which is worse than death'. 'But is there' [Rab wondered] 'anything that is worse than death'? When he went out he considered the matter and found [the following text]: And I find more bitter than death the woman etc.⁴³

Rab was constantly tormented by his wife. If he told her, 'Prepare me lentils', she would prepare him small peas; [and if he asked for] small peas, she prepared him lentils. When his son Hiyya grew up he gave her [his father's instruction] in the reverse order.⁴⁴ 'Your mother', Rab once remarked to him, 'has improved'!⁴⁵ 'It was I', the other replied, 'who reversed [your orders] to her'. 'This is what people say', the first said to him, 'Thine own offspring teaches thee reason';⁴⁶ you, however, must not continue to do so' for it is said, They have taught their tongue to speak lies, they weary themselves etc'.⁴⁷

R. Hiyya was constantly tormented by his wife. He, nevertheless, whenever he obtained anything suitable wrapped it up in his scarf and brought it to her. Said Rab to him, 'But, surely, she is tormenting the Master!' — 'It is sufficient for us', the other replied, 'that they rear up our children and deliver us

(1) A coin. V. Glos.

(2) Isa. LVIII, 9. This refers to the preceding text: If then thou seest the naked, that thou cover him (ibid. 7), i.e., helping the poor at the hour of his need; and that thou hide not thyself from thine own flesh (ibid.) implies benefiting relatives including the marriage of a sister's daughter and loving one's neighbours who are regarded as relatives.

(3) The words in the mnemonic correspond to terms outstanding in the respective statements of R. Eleazar, that follow.

(4) Gen. V, 2. Adam == man. Only when the male and female were united were they called Adam.

(5) Ps. CXV, 16, emphasis on man and earth.

(6) Gen. II, 18.

- (7) עֵזֶר , 'help'.
- (8) כִּנְגְדוּ , meet for him may also be rendered 'against him'.
- (9) כִּנְגְדוּ (rt. נָגַד , 'to strike').
- (10) כִּנְגְדוּ meet for him.
- (11) Gen. II, 18.
- (12) Obviously not. His wife grinds the wheat and spins the flax.
- (13) Gen. II, 23, emphasis on This is now.
- (14) Ibid. XII, 3, וְנִבְרְכוּ.
- (15) לְהַבְרִיךְ in Hif. is of the same rt. (בָּרַךְ) as וְנִבְרְכוּ in Nif.
- (16) Both belonged to idolatrous nations and were 'grafted' upon the stock of Israel. The former was the ancestress of David (V. Ruth IV, 13ff), and the latter the mother of Rehoboam (v. I Kings XIV, 31) and his distinguished descendants Asa, Jehoshaphat and Hezekiah.
- (17) Gen. XVIII, 18.
- (18) Lit., 'they shall stand upon the land'.
- (19) Ezek. XXVII, 29.
- (20) Lit., 'not to thee'.
- (21) V. supra note 11, emphasis on down.
- (22) Apparently as a measure of economy.
- (23) I.e., were it to be ploughed ever so many times.
- (24) Suggestive of a swaggering motion; pride.
- (25) Other readings and interpretations: 'Eh! thou desirest to be winnowed with the fan'; 'Thou swingest thyself like a swing'; 'Swing thyself' i.e., 'be as proud as thou wilt' (v. Aruk and Jast.).
- (26) A coin. V. Glos.
- (27) חֲפֹרֶה may be compared with Arab. hafire 'the beginning of a thing', hence the first stage in the ripening of the corn (cf. Levy), 'unripe ears' (v. Rashi); 'grass' (Golds.); 'common vegetables' (Jast.).
- (28) Since he must remain in his field during the night to watch the crops.
- (29) With the owners of adjoining fields.
- (30) Crops for the requirements of one's household.
- (31) Corn in the market.
- (32) Possessions or household goods.
- (33) Of starvation or begging (v. Rashi). Other readings and interpretations: 'Buy ready-made cloth and do not wind skeins' (read תִּיזוּל for תִּידוּל); 'Buy etc. and do not spin' (v. Jast. and Aruk).
- (34) V. Bah. a.l.
- (35) A small hole in a building.
- (36) Cf., 'a stitch in time saves nine' (Eng. prov.).
- (37) If it is too late to stop up the cracks.
- (38) A wife of superior position or rank might put on airs. or not be contented with her husband's social or financial position.
- (39) The bridegroom's best man. By associating with superior men one has a good example to emulate.
- (40) The last two words are missing in Yalkut.
- (41) Zeph. III, 6.
- (42) Ibid, 7.
- (43) Eccl. VII, 26.
- (44) So that when his mother, as usual, did the reverse of what she was requested by Hiyya in the name of his father, Rab had exactly what he had wished for.
- (45) Lit., 'improved for you', (dative of advantage).
- (46) The expedient had not occurred to him before his son had thought of it.
- (47) Jer. IX, 4.

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from sin'.

Rab Judah was reading with his son R. Isaac the Scriptural text, And I find more bitter than death the woman. When the latter asked him, 'Who, for instance?' — 'For instance, your mother'. But,¹ surely, Rab Judah taught his son R. Isaac, 'A man finds happiness² only with his first wife; for it is said, Let thy fountain be blessed and have joy of the wife of thy youth';³ and when the latter asked him, 'Who for instance?' [he answered:] 'For instance, your mother'!⁴ — She was indeed irascible but could be easily appeased with a kindly word.⁵

How is one to understand the term a 'bad wife'? Abaye said: One who prepares for him⁶ a tray⁷ and has her tongue⁸ also ready for him. Raba said: One who prepares for him⁶ the tray and turns her back upon him.⁹

R. Hama b. Hanina stated: As soon as a man takes a wife his sins are buried;¹⁰ for it is said: Whoso findeth a wife findeth a great good and obtaineth¹¹ favour of the Lord.¹²

In the West,¹³ they used to ask a man who married, 'findeth or find?'¹⁴ Findeth, because it is written, Whoso findeth a wife, findeth a great good;¹² Find, because it is written, And I find more bitter than death the woman.¹⁵

Raba said: [If one has] a bad wife it is a meritorious act to divorce her,¹⁶ for it is said, Cast out¹⁷ the scoffer, and contention will go out; yea, strife and shame will cease.¹⁸

Raba further stated: A bad wife, the amount of whose kethubah¹⁹ is large,²⁰ [should be given] a rival at her side; as people say, 'By her partner rather than by a thorn'.²¹

Raba further stated: A bad wife is as troublesome as a very rainy day; for it is said, A continual dropping in a very rainy day and a contentious woman are alike.²²

Raba further stated: Come and see how precious is a good wife and how baneful is a bad wife. 'How precious is a good wife', for it is written: Whoso findeth a wife findeth a great good.¹² Now, if Scripture speaks of the woman herself, then how precious is a good wife whom Scripture praises. If Scripture speaks of the Torah, then how precious is a good wife with whom the Torah is compared. 'How baneful is a bad wife', for it is written, And I find more bitter than death the woman.²³ Now, if Scripture speaks of herself, then how baneful is a bad wife whom Scripture censures. If Scripture speaks of Gehenna, then how baneful is a bad wife with whom Gehenna is compared.

Behold I will bring evil upon them, which they shall not be able to escape.²⁴ R. Nahman said in the name of Rabbah b. Abbuha: This refers to a bad wife, the amount of whose kethubah²⁵ is large.²⁶

The Lord has delivered me into their hands against whom I am not able to stand.²⁷ R. Hisda said in the name of Mar 'Ukba b. Hiyya: This refers to a bad wife the amount of whose kethubah²⁵ is large.²⁶ In the West²⁸ it was said: This refers to one whose maintenance depends on his money.²⁹

Thy sons and thy daughter's shall be given unto another people.³⁰ R. Hanan b. Raba stated in the name of Rab: This refers to one's father's wife.³¹

I will provoke them with a vile³² nation.³³ R. Hanan b. Raba stated in the name of Rab: This refers to a bad wife the amount of whose kethubah²⁵ is large.³⁴ R. Eliezer stated: This refers to the Sadducees;³⁵ for so it is said, The fool³² has said in his heart: 'There is no God' etc.³⁶ In a Baraita it was taught: This refers to the people of Barbaria³⁷ and the people of Mauretania³⁸ who go naked in the streets; for there is nothing more objectionable and abominable to the Omnipresent than the man who goes naked in the streets. R. Johanan said: This refers to the Parsees.³⁹

When R. Johanan was informed that the Parsees⁴⁰ had come to Babylon, he reeled and fell.⁴¹ When however he was told that they accepted bribes he recovered⁴² and sat down again.⁴³

They⁴⁴ issued three decrees as a punishment for three [transgressions]:⁴⁵ They decreed against [ritually prepared] meat,⁴⁶ because the priestly gifts⁴⁷ [were neglected]. They decreed against the use of baths, because ritual bathing [was not observed]. They exhumed the dead,⁴⁸ because rejoicings were held on the days of their⁴⁹ festivals; as it is said, Then shall the hand of the Lord be against you, and against your fathers,⁵⁰ and Rabbah b. Samuel said that that⁵¹ referred to the exhumation of the dead, for the Master said, 'For the sins of the living the dead are exhumed'.

Said Raba to Rabbah b. Mari: It is written, They shall not be gathered, nor be buried, they shall be for dung upon the face of the earth,⁵² but it is also written,⁵³ And death shall be chosen rather than life!⁵⁴ — The other replied: 'Death shall be chosen' for the wicked, in order that they may not live in this world and thus sin and fall into Gehenna.⁵⁵ It is written in the book of Ben Sira: —⁵⁶

A good wife is a precious gift;⁵⁷ she will be put in the bosom of the God-fearing man.⁵⁸ A bad wife is a plague to her husband. What remedy has he? — Let him give her a letter of divorce and be healed of his plague.

A beautiful wife is a joy to her husband;⁵⁹ the number of his days shall be double.⁶⁰

Turn away thy eyes from [thy neighbour's] charming wife lest thou be caught in her net. Do not turn in to her husband to mingle with him wine and strong drink; for, through the form of a beautiful woman, many were destroyed and a mighty host are all her slain.⁶¹

Many were the wounds of the spice-peddler,⁶² which lead him on to lewdness like a spark that lights the coal.⁶³

As a cage is full of birds so are [the harlots'] houses full of deceit .⁶⁴

Do not worry about to-morrow's trouble, for thou knowest not what the day may beget. To-morrow may come and thou⁶⁵ wilt be no more and so thou hast worried about a world which is not thine.⁶⁶

Keep away many from thy house; and do not bring everyone into thy house.

Many be they that seek thy welfare; reveal thy secret only to one of a thousand.

R. Assi stated: The son of David⁶⁷ will not come before all the souls in Guf⁶⁸ are disposed of; since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.⁶⁹

It was taught: R. Eliezer stated, He who does not engage in propagation of the race is as though he sheds blood; for it is said, Whoso sheddeth man's blood by man shall his blood be shed,⁷⁰ and this is immediately followed by the text, And you, be ye fruitful and multiply.⁷¹ R. Jacob said: As though he has diminished the Divine Image; since it is said, For in the image of God made he man,⁷² and this is immediately followed by, And you, be ye fruitful etc.⁷¹ Ben 'Azzai said: As though he sheds blood and diminishes the Divine Image; since it is said,⁷³ And you, be ye fruitful and multiply.⁷¹

They said to Ben 'Azzai: Some preach well and act well, others act well but do not preach well; you, however, preach well but do not act well!⁷⁴ Ben 'Azzai replied: But what shall I do, seeing that my soul is in love with the Torah; the world can be carried on by others.

Another [Baraita] taught : R. Eliezer said, Anyone who does not engage in the propagation of the race is as though he sheds blood; For it is said, Whoso sheddeth mans's blood,⁷² and close upon it follows, And you, be ye fruitful etc.⁷¹ R. Eleazar b. Azariah said: As though he diminished the Divine Image. Ben 'Azzai said etc.⁷⁵ They said to Ben 'Azzai: Some preach well etc.⁷⁵

Our Rabbis taught: And when it rested, he said: 'Return O Lord unto the ten thousands and⁷⁶ thousands of Israel',⁷⁷

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- (1) Bah inserts, 'it is not so'.
- (2) Or 'satisfaction', 'contentment'.
- (3) Prov. V, 18.
- (4) Sanh. 22b. Which is apparently contradictory to the former character attributed to her!
- (5) Cf. Jast. and Golds.
- (6) Her husband.
- (7) His meal.
- (8) Lit., 'mouth'.
- (9) Euphemism.
- (10) **מתפקקין** lit., 'stopped up'.
- (11) **ויפק** regarded to have the same meaning as **מתפקקין** supra n. 7.
- (12) Prov, XVIII, 22.
- (13) Palestine.
- (14) Hebr. Moze or Maza.
- (15) Eccl. VII, 26.
- (16) **לגרשה** rt. **גרש** v. infra.
- (17) **גרש** of the same rt. as supra n. 13.
- (18) Prov. XXII, 10.
- (19) V. Glos.
- (20) Which the husband, should he desire to divorce her, cannot afford to pay.
- (21) I.e., a bad wife is more easily corrected by subjecting her to the unpleasantness of a rival than by chastising her with thorns.
- (22) Prov. XXVII, 15.
- (23) Eccl, VII, 26.
- (24) Jer. XI, 11.
- (25) V. Glos.
- (26) Which the husband, should he desire to divorce her, cannot afford to pay.
- (27) Lam, I, 14.
- (28) Palestine.
- (29) Having no land of his own from which to obtain his food, he is subject to the extortionate prices of unscrupulous dealers upon whom he must depend for the supply of his daily food.
- (30) Deut. XXVIII, 32.
- (31) A stepmother.
- (32) **נבל** .
- (33) Deut. XXXII, 21.
- (34) Which the husband, should he desire to divorce her, cannot afford to pay.
- (35) Bomberg ed., Minim, 'heretics'.
- (36) Ps. XIV, 1.
- (37) Tunis.
- (38) Britannia? v. Jast.
- (39) The followers of an expanded Zoroastrian ritual who, under the guidance of the Magians, in the reign of Ardashir I (226-241), severely oppressed the adherents of other creeds.
- (40) V. p. 424, n. 17.

- (41) Knowing as he did their intolerance and cruel religious fanaticism.
- (42) Lit., 'made (himself) straight'.
- (43) All hope, he felt, was not lost when concessions might be obtained by paying for them.
- (44) The Parsees who were accepted by Israel as a visitation sent by the divine will for their neglect of the Torah and its commandments.
- (45) Of Israel in Babylon.
- (46) Under a decree that any animal killed for human consumption must not be eaten unless certain parts of it were first offered on the Parsee altars, Jews were practically excluded from the eating of meat.
- (47) Prescribed in Deut. XVIII, 3.
- (48) One of the religious laws of the Parsees forbade the pollution of the earth by the burial of corpses. As a result, the graves in the Jewish cemeteries were broken open, and the dead exhumed and thrown to the beasts and birds of prey.
- (49) The idolaters'.
- (50) I Sam, XII, 15.
- (51) The hand of the Lord against the fathers who were no more alive.
- (52) Jer. VIII, 2.
- (53) Immediately following this text.
- (54) Jer. VIII, 3. How could it be said that such an ignominious death as described (ibid. 2) would be chosen rather than life?
- (55) The choice of death will not be made, as was assumed, by the sufferers. It is the prophet's oracle on the destiny of the wicked.
- (56) Ecclesiasticus,
- (57) So Bah. Cur. edd. add, 'to her husband; and it is written, good'.
- (58) Cf. Ecclesiasticus XXVI, 3.
- (59) Lit., 'happy is her husband'. Cf. Ps. I, 1.
- (60) Cf. Ecclesiasticus XXVI, 1. Every happy day is as good as two (v. Rashi).
- (61) Cf. Ben Sira (Ben Zeeb ed.) IX, 8, 10, 11.
- (62) His business of selling spices and perfumes to women leads him to much temptation.
- (63) Cf. Ben Sira (Ben Zeeb ed.) IX suppl. to v. 12.
- (64) Cf. Jer. V, 27 and op. cit., second suppl. loc. cit,
- (65) Lit., 'he'.
- (66) Lit., 'his'. Cf. Ben Sira, op. cit., XXX, 23. 24.
- (67) The Messiah,
- (68) Lit., 'body', the region inhabited by the unborn souls.
- (69) Isa LVII, 16. The previous section of the verse speaks of the redemption (Rashi). Hence the deduction that the redemption that is to come through the Messiah will not take place before all the unborn souls have been made, i.e., passed through the life of this world.
- (70) Gen. IX, 6.
- (71) Gen. IX, 7.
- (72) Ibid. 6.
- (73) After both Whoso sheddeth man's blood and In the image of God made he man. (Gen. IX, 6).
- (74) He remained a bachelor.
- (75) V. supra.
- (76) E.V. 'of the'.
- (77) Num. X, 36.

Talmud - Mas. Yevamoth 64a

teaches that the Divine Presence does not rest on less than two thousand and two myriads of Israelites.¹ Should the number of Israelites happen to be two thousand and two myriads less one, and any particular person has not engaged in the propagation of the race, does he not thereby cause the Divine Presence to depart From Israel! Abba Hanan said in the name of R. Eliezer: He deserves the penalty of death; for it is said, And they had no children,² but if they had children they would not

have died. Others say: He causes the Divine Presence to depart from Israel; for it is said, To be a God unto thee and to thy seed after thee;³ where there exists 'seed after thee' the Divine Presence dwells [among them]; but where no 'seed after thee' exists, among whom should it dwell! Among the trees⁴ or among the stones? MISHNAH. IF A MAN TOOK A WIFE AND LIVED WITH HER FOR TEN YEARS AND SHE BORE NO CHILD, HE MAY NOT ABSTAIN [ANY LONGER FROM THE DUTY OF PROPAGATION].⁵ IF HE DIVORCED HER SHE IS PERMITTED TO MARRY ANOTHER, AND THE SECOND HUSBAND MAY ALSO LIVE WITH HER [NO MORE THAN] TEN YEARS.⁶ IF SHE MISCARRIED [THE PERIOD OF TEN YEARS] IS RECKONED FROM THE TIME OF HER MISCARRIAGE.

GEMARA. Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her and give her her kethubah,⁷ since it is possible that it was he who was unworthy to have children from her.⁸ Although there is no definite proof for this statement⁹ there is nevertheless a [Scriptural] allusion to it: After Abram had dwelt ten years in the land of Canaan.¹⁰ This¹¹ teaches you that the years of his stay outside the Land¹² were not included in the number.¹³ Hence, if the man or the woman was ill, or if both were in prison, [these years] are not included in the number.¹⁴

Said Raba to R. Nahman: Let deduction be made from Isaac, concerning whom it is written, And Isaac was forty years old when he took Rebecca etc.¹⁵ and it is also written, And Isaac was threescore years old when she bore them!¹⁶ — The other replied: Isaac was barren.¹⁷ If so,¹⁸ Abraham also was barren!¹⁹ — That text²⁰ is required For a deduction in accordance with the statement of R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: Why were the years of Ishmael counted? In order to determine thereby the years of Jacob.²¹

R. Isaac stated: Our father Isaac was barren; for it is said, And Isaac entreated the Lord opposite²² his wife.²³ It does not say 'for his wife' but opposite. This teaches that both were barren.²⁴ If so, And the Lord let Himself be entreated of him²⁵ should have read, And the Lord let Himself be entreated of them!²⁵ — Because the prayer of a righteous man the son of a righteous man is not like the prayer of a righteous man the son of a wicked man.²⁶

R. Isaac stated: Why were our ancestors barren? — Because the Holy One, blessed be He, longs to hear the prayer of the righteous.

R. Isaac further stated: Why is the prayer of the righteous compared to a pitchfork?²⁷ As a pitchfork turns the sheaves of grain from one position to another, so does the prayer of the righteous turn the dispensations of the Holy One, blessed be He, from the attribute of anger to the attribute of mercy.

R. Ammi stated: Abraham and Sarah were originally of doubtful sex;²⁸ for it is said, Look unto to the rock

(1) The pl. number, רבבות (myriads) and אלפי (thousands), having been used in both cases. The pl. signifies not less than two.

(2) Num. III, 4, referring to the deaths of Nadab and Abihu.

(3) Gen. XVII,7.

(4) Or 'wood'.

(5) He must take another wife.

(6) If she had no issue from him also.

(7) V. Glos.

(8) She, therefore, must not be deprived of her kethubah,

(9) As to the period of ten years.

- (10) Gen. XVI, 3, with reference to Abram's marriage to Hagar.
- (11) The explicit statement, dwelt...in the land.
- (12) Palestine.
- (13) Living outside Palestine being a sin, it is presumed that this might have been the cause of 'their childlessness.
- (14) Since no propagation was possible in such circumstances.
- (15) Gen. XXV, 20.
- (16) Ibid. 26, which shews that he waited (60 — 40 ==) twenty years!
- (17) Knowing that the disability was due to his weakness he waited ten years longer than Abraham.
- (18) V. supra n. 13.
- (19) Why then did he not wait more than ten years?
- (20) The age of Isaac, Gen, XXV, 20.
- (21) And for the same reason was it necessary to give the age of Isaac. V. Meg. 17a. As the text is required for this purpose, no other deduction may be made from it. The text of the ten years of Abraham's waiting, however, as it is required for no other deduction, rightly serves the purpose of the allusion mentioned.
- (22) So lit., E.V. 'for'.
- (23) Gen. XXV, 21.
- (24) He had to pray not only for her but for himself also.
- (25) Since Isaac's prayer was not on behalf of his wife only but on behalf of himself as well.
- (26) Rebekah's father, Bethuel, was a wicked man. The implication of 'him' in 'entreated of him' is that Isaac's prayer was accepted before Rebekah's.
- (27) עֵתָר or עֵתָרָה of the same rt. as וַיֵּעֲתָר and he entreated.
- (28) טוּמְטוּמִין v, Glos, s.v. tumtum.

Talmud - Mas. Yevamoth 64b

whence you were hewn¹ and to the hole of the pit² whence you were digged,³ and this is followed by the text, Look unto Abraham your father, and unto Sarah that bore you.⁴

R. Nahman stated in the name of Rabbah b. Abbuha: Our mother Sarah was incapable of procreation; for it is said, And Sarai was barren; she had no child,⁵ she had not even a womb.⁶

Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: That⁷ was taught only in respect of the early generations who lived many years. In respect of the later generations, however, whose years of life are few, only two years and a half, corresponding to three periods of pregnancy⁸ [are allowed].⁹

Rabbah stated in the name of R. Nahman: Three years [must elapse],⁹ corresponding to three remembrances;¹⁰ For a Master said: Sarah, Rachel and Hannah¹¹ were remembered on New Year's Day.¹²

Rabbah ruled: These general principles¹³ are to be disregarded.¹⁴ For consider: Who compiled our Mishnah? Rabbi, of course; but the years of life were already reduced in the days of David. For it is written, The days of our years are threescore years and ten.¹⁵

With regard to the assumption that 'it is possible that it was he who was unworthy to have children from her',¹⁶ is it not possible that it was she who was unworthy?¹⁷ — Since she is not commanded to fulfil the duty of propagation she is not so punished.¹⁸ But surely it is not so!¹⁹ For the Rabbis once said to R. Abba b. Zabda, 'Take a wife and beget children', and he answered them, 'Had I been worthy I would have had them from my first wife'! — There he was merely evading the Rabbis; for, in fact, R. Abba b. Zabda became impotent through the long discourses of R. Huna.²⁰

R. Giddal became impotent through the discourses of R. Huna,²⁰ R. Helbo became impotent

through the discourses of R. Huna,²⁰ and R. Shesheth also became impotent through the discourses of R. Huna.²⁰

R. Aha b. Jacob was once attacked by dysuria,²¹ and when he was supported on the college cedar tree a discharge issued like a green palm shoot.

R. Aha b. Jacob stated: We were a group of sixty scholars, and all became impotent through the long discourses of R. Huna;²⁰ with the exception of myself who followed the principle, Wisdom preserveth the life of him that hath it.²²

IF HE DIVORCED HER SHE IS PERMITTED etc. Only a second husband²³ but not a third,²⁴ whose view, then, is represented by our Mishnah? — It is that of Rabbi. For it was taught: If she circumcised her first child and he died,²⁵ and a second one who also died,²⁵ she must not circumcise her third child; so Rabbi. R. Simeon b. Gamaliel, however, said: She circumcises the third, but must not circumcise the fourth child. But, surely, the reverse was taught,²⁶ now which of these is the latter?²⁷ — Come and hear what R. Hiyya b. Abba stated in the name of R. Johanan: It once happened with four sisters at Sepphoris that when the first had circumcised her child he died; when the second [circumcised her child] he also died, and when the third [circumcised her child] he also died. The fourth came before R. Simeon b. Gamaliel who told her, 'You must not circumcise [the child]' .²⁸ But is it not possible that if the third sister had come he would also have told her the same!²⁹ — If so,³⁰ what could have been the purpose of the evidence of R. Hiyya b. Abba? [No]. It is possible that he meant to teach us the following: That sisters also establish a presumption!³¹

Raba said: Now that it has been stated that sisters also establish a presumption, a man should not take a wife either from a family of epileptics, or from a family of lepers. This applies, however, only when the fact had been established by the occurrence of three cases.³²

What is the decision?³³ — When R. Isaac b. Joseph came he related: Such a case was once submitted to R. Johanan in the Synagogue of Ma'on³⁴ on the Day of Atonement which fell on a Sabbath. A woman, it happened, had circumcised her child³⁵ who died; her second [sister circumcised her child] and he also died, and her third sister appeared before him. He said to her, 'Go and circumcise him'. Said Abaye to him:³⁶ See, you have permitted³⁷ a forbidden³⁸ and a dangerous³⁹ act.

Abaye, however, relying upon this statement⁴⁰ married Homa the daughter of Isi son of R. Isaac the son of Rab Judah, although Rehaba of Pumbeditha had married her and died, and R. Isaac son of Rabbah b. Hana had subsequently married her and also died. And after he had married her, he himself died also.

Said Raba: Would any one else have exposed himself to such danger? Surely he himself had said that Abin was reliable⁴¹ but that Isaac the Red was not a person to be relied upon;⁴¹ that Abin was well acquainted with any change⁴² [in the views of R. Johanan] but Isaac the Red was not acquainted with any such changes! Furthermore, it might be said that their dispute⁴³ extended only to the case of circumcision; do they, however, differ also in the case of marriage? — Yes; for so it was taught: If a woman was married to one husband⁴⁴ who died, and to a second one who also died, she must not be married to a third; so Rabbi. R. Simeon b. Gamaliel said: She may be married to a third, but she may not be married to a fourth.⁴⁵

In the case of circumcision, one can well understand [why the operation is dangerous with some children and not with others] since the members of one family may bleed profusely⁴⁶ while those of another family may bleed little;⁴⁷ what, however, is the reason in the case of marriage?⁴⁸ — R. Mordecai answered R. Ashi: Thus said Abimi from Hagronia in the name of R. Huna, 'The source⁴⁹

is the cause'.⁵⁰ But R. Ashi stated: '[The woman's] ill luck is the cause'.⁵⁰ What practical difference is there between them?⁵¹ — The difference between them is the case where the man only betrothed her and died,⁵² or also when he fell off a palm-tree and died.⁵²

SAID R. JOSEPH SON OF RABA to Raba: I enquired of R. Joseph whether the halachah is in agreement with Rabbi, and he replied in the affirmative. [I asked] whether the halachah is in agreement with R. Simeon b. Gamaliel, and he again replied in the affirmative. Was he thereby merely ridiculing me?' — The other replied: No; there are several anonymous statements [in the Mishnah] and he informed⁵³ you [that in the matter of] marriage and flogging [the anonymous Mishnah]⁵⁴ agrees with Rabbi, and that in the matter of menstrual periods and the ox [whose owner has been] fore-warned⁵⁵ [the anonymous Mishnah] agrees with R. Simeon b. Gamaliel.

As to marriage, there is the statement just discussed.⁵⁶ 'Flogging'? — As we learned: A man upon whom the penalty of flogging had been repeatedly inflicted is to be placed⁵⁷ under confinement⁵⁸ and fed on barley, until his stomach bursts.⁵⁹

'The menstrual periods'? — As we learned: A woman may not

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- (1) Allusion to the male organ. It was hewn but was not there originally.
 - (2) Allusion to that of the female. Cf supra n. 9. Here the deduction is from digged.
 - (3) Isa. LI, 1.
 - (4) Ibid. 2. This verse explains to whom v. 1 alludes.
 - (5) Gen. XI, 30.
 - (6) As the second section of the verse is superfluous, child, **ולד** is taken to imply **בית ולד** the uterus or womb.
 - (7) The period of ten years spoken of in our Mishnah,
 - (8) Each period extending over nine months with the addition of one month after each period to cover the days of levitical uncleanness to which a woman after a confinement is subjected.
 - (9) Before the husband must take another wife.
 - (10) Three Rosh Hashanah festivals. The first two days of the new year are a time of prayer on which God remembers the childless women. The festival is also known as the Day of Memorial **יום הזכרון**
 - (11) Who were originally barren. (Cf. Gen. XI, 30, XXIX, 31, I Sam. I, 2, 5).
 - (12) R.H. 11b, Ber. 29a.
 - (13) Which reduce the period of ten years in the case of later generations.
 - (14) Lit., 'are not'.
 - (15) Ps, XC, 10.
 - (16) Supra 64a.
 - (17) Why then is she entitled to receive her kethubah?
 - (18) By barrenness,
 - (19) This refers to the implication of the statement, supra, that the husband must take another wife, because it is possible that he was unworthy to have children from the first but may have them from the second.
 - (20) V. supra p. 416, n. 11.
 - (21) **סוסכינתא** a painful or difficult discharge of the urine, occasioned by his suppression of his needs. Aruk reads, **ססגוניתא** 'uratic stone'. Cf. Jast.
 - (22) Eccl. VII, 12.
 - (23) Lit., 'second, yes'.
 - (24) Because, having remained barren after living with two husbands for a period of twenty years, her sterility is regarded as established.
 - (25) As a result of the operation.
 - (26) Rabbi's opinion was attributed to R. Simeon and vice versa.
 - (27) The latter version of a statement is regarded as the more reliable, since the author may have recognized his error and changed his view.
 - (28) This incident must have occurred in the latter days of R. Simeon b. Gamaliel, since it was witnessed by R. Johanan

who already belonged to the first generation of Amoraim. As the ruling in this incident clearly shews, R. Simeon b. Gamaliel held at that time the view attributed to him in the first cited Baraita which must consequently be regarded as representing the later, and the more reliable version.

(29) And, consequently, the second Baraita might represent the later version!

(30) That R. Hiyya b. Abba's statement was not intended to testify that a presumption can only be established by the threefold repetition of an act.

(31) I.e., not only is presumption established when the act or incident is repeated three times in the case of one woman, but also when it is so repeated in the case of three sisters (women).

(32) Lit., 'three times',

(33) Lit., 'what about it'.

(34) [Tell Ma'un, west of Tiberias, v, Klein, S. Beitrage, p. 60].

(35) Lit., 'and the first circumcised'.

(36) To R. Isaac b. Joseph.

(37) [I.e., by reporting R. Johanan's ruling. Var. lec., 'the Master permits a forbidden' etc., referring probably to R. Johanan].

(38) As the third child was not permitted to be circumcised, the operation constituted manual labour which is forbidden on the Sabbath.

(39) The child might have died as a result of the operation as did the other two.

(40) Of R. Isaac in the name of R. Johanan, that a presumption can only be established when an incident has occurred three times.

(41) In the reports he made in the name of R. Johanan. Both Abin and R. Isaac the Red reported rulings in the name of R. Johanan.

(42) **חזרה** lit., 'retraction'. **חזרה** may also signify repetition', i.e., Abin is reliable 'because he repeated and revised what he heard' while R. Isaac the Red did not. [Hyman, Toledoth p.794 explains it as: 'return'. Abin had proved reliable and hence entrusted by Babylonian scholars with traditional teachings for him to repeat on his 'return' to Palestine, which was not the case with R. Isaac].

(43) That of Rabbi and R. Simeon b. Gamaliel.

(44) Lit., 'to the first'.

(45) Nid. 64a.

(46) Lit., 'the blood is loose'.

(47) Lit., 'the blood is held fast'.

(48) Why is marriage with certain women a danger?

(49) Some malignant disease in the womb.

(50) Of the death of successive husbands.

(51) R. Ashi and Abimi.

(52) Here the source cannot have been the cause and the deaths can only be attributed to ill luck. According to the former view, therefore, no presumption would thereby be constituted.

(53) Lit., 'solved', 'made clear'.

(54) The halachah is always in agreement with the anonymous Mishnah.

(55) Mu'ad (**מועד**) v. Glos.

(56) Supra. Since our Mishnah permits the woman to marry a second husband but not a third, it must obviously represent the view of Rabbi.

(57) If he commits an offence for the third time.

(58) Lit., 'they bring him into a vaulted chamber'.

(59) Sanh. 81b.

Talmud - Mas. Yevamoth 65a

regard her menstrual periods as regular¹ unless the recurrence had been regular three times. Nor is she released from the restrictions of an established regular period unless it has varied three² times.³

'And the ox [whose owner has been] forewarned'? — As we learned: An ox is not deemed a

mu'ad unless [its owner] has been forewarned three times.⁴ Our Rabbis taught: A woman who had been married to one husband and had no children and to a second husband and again had no children, may marry a third man only if he has children. If she married one who has had no children she must be divorced without receiving her kethubah.

The question was raised: Where she married a third husband and bore no children, may her first two husbands reclaim [the respective amounts of her kethubah]?⁵ Can they plead, 'It has now been proved that you were the cause',⁶ or can she retort, 'It is only now that I have deteriorated'? — It stands to reason that she may plead, 'It is only now that I have deteriorated'.

The question was raised: If she married a fourth husband and gave birth to children, may she claim her kethubah from her third husband? — We advise her: 'Your silence is better than your speech'; for⁷ he⁸ could tell her, 'I would not have divorced you in such circumstances'.⁹ R. Papa demurred: Even if she keeps silence, should we remain silent? The divorce, surely,¹⁰ is annulled,¹¹ and her children are bastards! In truth,¹² the fact is,¹³ that it is assumed that she has now been restored to health.¹⁴

If the husband¹⁵ pleads, 'The fault is hers',¹⁶ and the wife pleads, 'The fault is his',¹⁷ R. Ammi ruled: In private matrimonial affairs¹⁸ the wife is believed. And what is the reason? — She is in a position to know whether emission is forceful,¹⁹ but he is not in a position to know it.

If the husband states that he intends taking another wife to test his potency.²⁰ R. Ammi ruled: 'He must in this case also divorce [his present wife] and pay her the amount of her kethubah; for I maintain that whosoever takes in addition to his present wife another one must divorce the former and pay her the amount of her kethubah.'

Raba said: A man may marry wives in addition to his first wife; provided only that he possesses the means to maintain them.

(1) To be deemed levitically clean until that period actually arrives. A woman of irregular periods is regarded as unclean for twenty-four hours prior to the monthly date on which her previous discharge occurred (v. Nid. 2a). Should a woman, the regularity of whose periods had been established omit to examine her body when menstruation is due, and subsequently find a discharge, we assume her retrospectively to have become unclean at the beginning of her period, while a woman whose periods are irregular cannot, of course, be subject to such restriction.

(2) If the change of date occurred no more than twice the restrictions remain in force (v. supra n. 8 last clause).

(3) Nid. 63b.

(4) B.K. 23b.

(5) Which each of them paid her when their respective divorces had taken place.

(6) Of the absence of any issue.

(7) Should she persist in her claim.

(8) Her third husband.

(9) That she was not really barren. By advancing such a plea the husband might retrospectively annul the divorce altogether.

(10) If the third husband's plea is tenable.

(11) Since it was given under a misapprehension.

(12) The third husband's plea is really untenable. Once he has determined to divorce her, at a time when her sterility was a matter of doubt, he cannot again retract.

(13) The reason why she cannot claim her kethubah.

(14) But was incapable of conception at the time of her divorce; and this is the reason why she has no claim for her kethubah upon the third man.

(15) Refusing to pay his wife's kethubah.

(16) That their union had produced no issue. Lit., from her'.

(17) Lit., 'from him' (cf. supra n. 12).

(18) Lit., 'things which are between him and her'.

(19) Lit., 'shoots like an arrow', which is an essential in fertilization. V. Hag. 15a.

(20) To beget children.

Talmud - Mas. Yevamoth 65b

If the husband pleads¹ that his wife had miscarried within the ten years.² and she states, 'I had no miscarriage',³ R. Ammi ruled: She is believed in this case also; for if she had really miscarried she would not herself have sought to acquire the reputation of a barren woman.

A woman who miscarried, and then miscarried a second, and a third time, is confirmed as one subject to abortions.⁴

If he⁵ said, 'She miscarried two'⁶ and she said, 'three'⁷ — R. Isaac b. Eleazar stated: Such a case was dealt with at the college, and it was ruled that she was to be believed; for if she had not miscarried⁸ she would not herself have sought to acquire the reputation of producing only miscarriages.

MISHNAH. A MAN IS COMMANDED CONCERNING THE DUTY OF PROPAGATION BUT NOT A WOMAN. R. JOHANAN B. BEROKA, HOWEVER. SAID: CONCERNING BOTH OF THEM⁹ IT IS SAID, AND GOD BLESSED THEM; AND GOD SAID UNTO THEM: 'BE FRUITFUL, AND MULTIPLY.'¹⁰ GEMARA. Whence is this¹¹ deduced? R. Ile'a replied in the name of R. Eleazar son of R. Simeon: Scripture stated, And replenish the earth, and subdue it;¹² it is the nature of a man to subdue but it is not the nature of a woman to subdue. On the contrary! And subdue it¹³ implies two!¹⁴ R. Nahman b. Isaac replied: It is written, And thou subdue it.¹⁵

R. Joseph said: Deduction¹⁶ is made from the following. I am God Almighty, be thou fruitful and multiply,¹⁷ and it is not stated, 'Be ye fruitful and multiply'.¹⁸

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: As one is commanded to say that which will be obeyed,¹⁹ so is one commanded not to say that which will not be obeyed.²⁰ R. Abba stated: It²⁰ is a duty; for it is said in Scripture, Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.²¹

R. Ile'a further stated in the name of R. Eleazar son of R. Simeon: One may modify a statement in the interests of peace; for it is said in Scripture, Thy father did command etc. so shall ye say unto Joseph: Forgive, I pray thee now, etc.²² R. Nathan said: It²³ is a commandment; for it is stated in Scripture, And Samuel said: 'How can I go? If Saul hear it, he will kill me', etc.²⁴

At the School of R. Ishmael it was taught: Great is the cause of peace. Seeing that for its sake even the Holy One, blessed be He, modified a statement; for at first it is written, My lord being old,²⁵ while afterwards it is written, And I am old.²⁶

R. JOHANAN B. BEROKA, HOWEVER, SAID. It was stated: R. Johanan and R. Joshua b. Levi [are at variance]. One stated that the halachah is in agreement with R. Johanan b. Beroka, and the other stated that the halachah is not in agreement with R. Johanan b. Beroka. It may be proved that it was R. Johanan who stated that the halachah is not [in agreement etc.]. For R. Abbahu was once sitting [at the college] and reported in the name of R. Johanan that the halachah [was in agreement etc.], and R. Ammi and R. Assi turned away their faces.²⁷ Others say: R. Hiyya b. Abba made the report,²⁸ and R. Ammi and R. Assi turned away their faces. Said R. Papa: According to him who maintains that R. Abbahu made the statement²⁸ it is easy to understand that it was out of respect for

the royal house that they²⁹ said nothing to him.³⁰ According to him, however, who maintains that R. Hiyya b. Abba made the statement,²⁸ they²⁹ should have told him that R. Johanan did not say so!

Now, what is the decision?³¹ — Come and hear what R. Aha b. Hanina stated in the name of R. Abbahu in the name of R. Assi: Such a case³² once came before R. Johanan at the Synagogue of Caesarea, and he decided that the husband must divorce her and also pay her the amount of her kethubah. Now, if it be suggested that a woman is not subject to the commandment,³³ how could she have any claim to a kethubah? — It is possible that this was a case where she submitted a special plea; as was the case with a certain woman who once came to R. Ammi and asked him to order the payment of her³⁴ kethubah. When he replied, ‘Go away, the commandment³⁵ does not apply to you’,³⁶ she exclaimed, ‘What shall become of a woman like myself³⁷ in her old age!’³⁸ ‘In such a case’, the Master said, ‘we certainly compel [the husband]’.³⁹

A woman once came [with a similar plea]⁴⁰ before R. Nahman. When he told her, ‘The commandment³⁵ does not apply to you’, she replied, ‘Does not a woman like myself³⁷ require a staff in her hand and a hoe for digging her grave’!⁴¹ ‘In such a case’, the Master said, ‘we certainly compel [the husband]’,³⁹

Judah and Hezekiah were twins. The features of the one were developed at the end of nine months, and those of the other were developed at the beginning of the seventh month.⁴² Judith,⁴³ the wife of R. Hiyya, having suffered in consequence agonizing pains of childbirth, changed her clothes [on recovery] and appeared⁴⁴ before R. Hiyya. ‘Is a woman’, she asked, ‘commanded to propagate the race’? — ‘No’, he replied. And relying on this decision,⁴⁵ she drank a sterilizing potion. When her action finally became known, he exclaimed, ‘Would that you bore unto me only one more issue of the womb!’⁴⁶ For a Master stated: Judah and Hezekiah were twin brothers and Pazi and Tawi

(1) When, having lived with his wife for ten years without begetting any issue, he is ordered to divorce her and to pay her the amount of her kethubah. V. supra.

(2) And, consequently, he claims the right to continue to live with her until a period of ten years has passed from the date of the miscarriage (v. our Mishnah).

(3) I.e., she was always sterile.

(4) And, consequently, she must be divorced; but is entitled to her kethubah.

(5) Refusing to pay her kethubah.

(6) And, consequently, her proneness to miscarry is not established.

(7) I.e., that she miscarried three times and has thus established a reputation for miscarriage.

(8) Three times, as she pleaded.

(9) Adam and Eve, i.e., man and woman.

(10) Gen. I, 28.

(11) That only the man, and not the woman, is subject to the duty of propagation.

(12) Gen. I, 28.

(13) **וכבשה** *ibid.*

(14) Since **וכבשה** is the plural of the sec. person imperative.

(15) The written form is **וכבשה** which, without the M.T. vowels, may also be read **וכבשה** the imper. sing. with pron. suffix.

(16) V. supra note 1.

(17) Gen. XXXV, 11 **פרה ורבה** (sing.).

(18) **פרו ורבו** the sec. masc. pl.

(19) Cf. Lev. XIX, 17, Thou shalt surely rebuke thy neighbour. **הוכח תוכיח** the repetition of the vb. implies ‘rebuke only where rebuke will be effective’. (V. Rashi).

(20) No rebuke should be addressed to one who is sure to ignore it.

(21) Prov. IX, 8.

(22) Gen. L, 16f. It is nowhere found that Jacob commanded it; but the brothers attributed the request to him for the sake

of preserving the peace between themselves and Joseph.

(23) Modification of a statement in the interests of peace.

(24) I Sam. XVI, 2. In response to this, Samuel was advised by God to say that he came to sacrifice to the Lord (ibid.) though his mission, in fact, was the anointing of David (v. ibid. 1 and 13).

(25) Gen. XVIII, 12, a slight on Abraham,

(26) Ibid. 13. Thus God, when speaking to Abraham, modified Sarah's expression concerning him, which he might have resented, to one in which the slight of 'crabbed old age' was directed towards Sarah herself; v. B.M. Sonc. ed. p. 502, n. 4.

(27) Because they knew that R. Johanan said the reverse. Out of respect, however, for the Master they refrained from a direct contradiction.

(28) In the name of R. Johanan.

(29) R. Ammi and R. Assi.

(30) R. Abbahu. He was one of the most prominent men of his time and persona grata with the government. Cf. Hag. 14a, Keth. 17a, Sanh. 14a.

(31) Lit., 'what was (the decision) about it'. V. following note.

(32) Where a woman desired to be divorced on the ground that she had borne no issue from her husband.

(33) Of the propagation of the race.

(34) Lit., 'give me'.

(35) Of the propagation of the race.

(36) Hence divorce in her case was unnecessary and consequently she can lay no claim to her kethubah.

(37) Lit., 'this'.

(38) If there will be no children to provide for her.

(39) To give a divorce and to pay also the kethubah.

(40) V. supra p. 438. n. 8.

(41) I.e., children who would maintain her during her lifetime and provide for her burial when she died.

(42) The former was born three months before the latter. Cf. Nid. 27a.

(43) Their mother.

(44) In her disguise.

(45) Lit., 'she went'.

(46) One other pair of twin sons at least.

Talmud - Mas. Yevamoth 66a

twin sisters.¹

But does not the commandment apply to women? Surely, R. Aha b. R. Kattina related in the name of R. Isaac: It once happened in the case of a woman who was half slave and half free, that her master was compelled to emancipate her!² R. Nahman b. Isaac replied: People were taking liberties with her.³

CHAPTER VII

MISHNAH. IF A WIDOW [WHO MARRIED] A HIGH PRIEST⁴ OR IF A DIVORCED WOMAN OR A HALUZAH [WHO MARRIED] A COMMON PRIEST BROUGHT IN TO HER HUSBAND MELOG⁵ SLAVES AND ZON BARZEL⁵ SLAVES. THE MELOG SLAVES MAY NOT EAT TERUMAH BUT THE ZON BARZEL SLAVES MAY EAT OF IT.⁶

THE FOLLOWING ARE MELOG SLAVES: THOSE WHO, IF THEY DIE, ARE THE WIFE'S⁷ LOSS AND, IF THEIR VALUE INCREASES, ARE HER PROFIT. THOUGH IT IS THE HUSBAND'S DUTY TO MAINTAIN THEM, THEY MAY NOT EAT TERUMAH.⁶

THE FOLLOWING ARE ZON BARZEL SLAVES: IF THEY DIE, THEY ARE THE LOSS OF

THE HUSBAND AND, IF THEIR VALUE INCREASES, ARE A PROFIT TO HIM. SINCE HE IS RESPONSIBLE FOR THEM,⁸ THEY ARE PERMITTED TO EAT TERUMAH.

IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST, AND SHE BROUGHT HIM IN SLAVES, THEY ARE PERMITTED TO EAT TERUMAH WHETHER THEY ARE MELOG SLAVES, OR ZON BARZEL SLAVES.⁶ IF THE DAUGHTER OF A PRIEST, HOWEVER, WAS MARRIED TO AN ISRAELITE AND SHE BROUGHT HIM IN SLAVES, THEY MAY NOT EAT TERUMAH WHETHER THEY ARE MELOG SLAVES OR ZON BARZEL SLAVES.⁶

GEMARA. And MELOG SLAVES MAY NOT EAT TERUMAH! What is the reason? Let them rather be regarded as a possession that was acquired by one in his possession [who is permitted to eat terumah]. for it was taught: Whence is it deduced that the wife whom a priest married or the slaves which he purchased may eat terumah.? It is said, But if a priest buy any soul the purchase of his money, he may eat of it.⁹ And whence is it deduced that if a woman¹⁰ purchased slaves¹¹ or if a priest's slaves purchased¹² other slaves, these may eat terumah? It is said, But if a priest buy any soul, the purchase of his money, he may eat of it;⁹ a possession which his possession has acquired may eat!¹³ — Whosoever may himself eat may confer the right of eating upon others but whosoever may not himself eat may not confer the right of eating upon others.¹⁴ May he not, indeed?¹⁵ There is, surely, the case of¹⁶ an uncircumcised man and that of all levitically unclean persons who may not themselves eat terumah and yet confer the right of eating it upon others!¹⁷ — In those cases¹⁸ they are merely suffering pain in their mouths.¹⁹ But there is, surely, the case of¹⁶ the bastard²⁰ Who may not eat terumah himself²¹ and yet may confer the right of eating it upon others!²² — Rabina replied. He speaks of an acquisition²³ that is permitted to eat: Any acquisition that may eat may confer the right of eating upon others, and any acquisition that may not eat may not confer the right upon others.

Raba, however, stated²⁴ that pentateuchally they²³ may in fact eat terumah; but it is the Rabbis who instituted the prohibition in order that the woman might complain, 'I am not allowed to eat; my slaves are not allowed to eat; I am only his mistress!', in consequence of which he would be likely to divorce her. R. Ashi stated:²⁴ The prohibition is a preventive measure against the possibility of her feeding them²⁵ with terumah after the death [of her husband].²⁶ Now, then,²⁷ a daughter of an Israelite who was married to a priest should also be forbidden to feed [her melog slaves with terumah] as a preventive measure against her feeding them after [her husband's] death!²⁸ — But, said R. Ashi, [our Mishnah refers to] a priestly widow²⁹ who³⁰ might draw the following conclusion:³¹ 'At first³² they³³ ate terumah at my paternal home;³⁴ and when I married this man³⁵ they³³ ate³⁶ of the terumah of my husband; they³³ should now,³⁷ therefore, revert to their former condition',³⁸ and she would not know that at first³⁹ she had not made of herself a profaned woman⁴⁰ while now⁴¹ she has made herself a profaned woman.⁴⁰ This explanation is quite satisfactory in the case of a priestly widow;⁴² what explanations however, is there in the case of a widow who is the daughter of an Israelite?⁴³

The Rabbis made no distinction between one widow and another.⁴⁴

It was stated: If a wife: who brought to her husband⁴⁵ appraised goods,⁴⁶ demands,⁴⁷ 'I will accept only my own goods',⁴⁸ and he replies 'I am only paying their value'⁴⁹ — in whose favour is judgment to be given? Rab Judah said:

(1) The two pairs of twins were children of R. Hiyya from Judith.

(2) So that she might be permitted to marry a free man, As a half slave she was not allowed to contract such a marriage. Now, since her master was compelled to give her the opportunity of marrying, it is obvious that the commandment of propagation applies to women also!

- (3) And marriage was her only protection; and this was the reason why her master was compelled to emancipate her.
- (4) Contracting thereby a forbidden union.
- (5) V. infra and Glos.
- (6) The reason is given in the Gemara.
- (7) Lit., 'died for her'.
- (8) He or his heirs must restore them to his wife in a healthy condition should he divorce her or die.
- (9) Lev. XXII, 11.
- (10) The daughter of an Israelite, who married a priest.
- (11) Out of her melog property the principal of which is hers.
- (12) With a sum of money that was given to them as their absolute property. on the condition that their master was to have no claim whatsoever upon it.
- (13) The expression, 'the purchase of his money is superfluous' and the text is, therefore, expounded thus: If the purchase of his money, i.e., a priest's wife or slave (who is the priest's acquisition) buy any soul, he (i.e., the one purchased) 'may eat of it'. Why then are not melog slaves, being an acquisition of the priest's wife, permitted to eat terumah?
- (14) The priest's wife in this case is not herself permitted to eat terumah, since her union with this priest is a forbidden one. V. Lev. XXI, 7,13 and supra p. 441, n. 1.
- (15) Lit., 'and not'?
- (16) Lit., 'and behold'.
- (17) Their slaves, e.g., are permitted to eat terumah. Cf. infra 70a.
- (18) Lit., 'there'.
- (19) I.e., their disability is restricted to their mouth alone. They are only temporarily forbidden to eat the terumah. At the moment their unclean period is over or circumcision is performed their rights are fully restored. In the case of the priest's wife in our Mishnah, however, the disability is permanent, since by her forbidden marriage she remains for ever a profaned woman.
- (20) I.e., mamzer, (v. Glos.) the issue of a union between a slave or idolater and a woman who was the issue of a marriage between a priest and the daughter of an Israelite.
- (21) Since he is neither priest nor even a legitimate Israelite.
- (22) His grandmother, the wife of the priest, may continue to eat terumah even after the death of her husband so long as the bastard (being a descendant of her husband through their daughter) is alive. As the widow of a priest she would have lost the privilege of eating terumah on her husband's death had there been no surviving descendants. V. infra 69b.
- (23) Not of a descendant.
- (24) In explaining the reason why MELOG SLAVES MAY NOT EAT TERUMAH.
- (25) The melog slaves.
- (26) Believing that, as she was allowed to feed them with terumah during the lifetime of her husband though they were her property, she may continue to do so even after his death. In the case of zon barzel slaves, however, no such error need be feared since the slaves are not hers, but his absolute property until the moment when it is surrendered to her by her husband or heir, v. infra.
- (27) If such an error as suggested is to be feared.
- (28) But our Mishnah distinctly states that her melog slaves also may eat terumah!
- (29) The daughter of a priest who, as a widow, married a High Priest, and thus became profaned through their forbidden marriage.
- (30) If her melog slaves were permitted to eat terumah while she lived with the High Priest.
- (31) After the High Priest's death.
- (32) During her first widowhood.
- (33) The melog slaves.
- (34) As a widow she then returned to her father's priestly house and was again entitled to eat terumah herself and to feed her slaves with it.
- (35) The High Priest.
- (36) Cf. supra n. 8.
- (37) When the High Priest died, though she remained a profaned widow who is, in fact, forbidden to eat terumah.
- (38) To be allowed again. as before, to eat terumah.

- (39) During her first widowhood.
- (40) Halachah (v. Glos.) through her forbidden marriage.
- (41) Having married a High Priest to whom a widow is forbidden.
- (42) V. supra p. 443, n. 7.
- (43) The error mentioned cannot occur in her case; but as our Mishnah draws no distinction between the two, the question remains: Why should not her melog slaves be permitted to eat terumah?
- (44) Lit., 'in her widowhood'. Were the feeding permitted in the case of the one, the other might erroneously be presumed to come under the same law.
- (45) As zon barzel property (v. Glos.).
- (46) Shum (v. Glos.). V. Ket. Sonc. ed. p 401. n. 11. In consideration of which he guarantees her a specified sum in her kethubah, which is recoverable by her at his death, or earlier if she is divorced.
- (47) When she claims her kethubah. v. supra n. 9.
- (48) I.e., the actual objects she had brought to her husband.
- (49) In accordance with the appraisal in the kethubah.

Talmud - Mas. Yevamoth 66b

Judgment is to be given in her favour;¹ and R. Ammi said: Judgment is to be given in his favour. 'Rab Judah said: Judgment is to be given in her favour because [they represent] assets of her paternal property [which] belong to her. R. Ammi said: Judgment is to be given in his favour' for, as the Master said, [THE FOLLOWING ARE ZON BARZEL SLAVES:] IF THEY DIE, THEY ARE THE LOSS OF THE HUSBAND AND, IF THEIR VALUE INCREASES- ARE A PROFIT TO HIM; [AND] SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT TERUMAH [they are therefore obviously regarded as his own].² R. Safra said: Was it stated, 'and they belong to him? The statements surely only reads, SINCE HE IS RESPONSIBLE FOR THEM! In fact, then, they may not belong to him at all. But [is it a fact that] those for whom he³ is responsible invariably eat terumah? Surely we learned: An Israelite who hired a cow from a priest may feed her on vetches of terumah. A priest, however, who hired a cow from an Israelite, though it is his duty to supply her with food,⁴ must not feed her on vetches of terumah!⁵ — How could you understand it thus! Granted that he is liable for theft or loss, is he also liable for accidents, emaciation or reduction in value!⁶ [The case⁷ in our Mishnah], surely, can only be compared to that in the final clause:⁸ An Israelite who hired a cow from a priest, guaranteeing him its appraised value,⁹ may not feed it on vetches of terumah. A priest, however, who hired a cow from an Israelite, guaranteeing him its appraised value,⁹ may feed it on vetches of terumah.¹⁰

Rabbah and R. Joseph were sitting at their studies at the conclusion of R. Nahman's school session, and in the course of their sitting they made the following statement: [A Baraitha] was taught in agreement with Rab Judah; and [another Baraitha] was taught in agreement with R. Ammi. ['A Baraitha] was taught in agreement with Rab Ammi': Zon barzel slaves procure their freedom when the man,¹¹ but not when the woman [struck out] a tooth or an eye.¹² ['A Baraitha] was taught in agreement with Rab Judah': If a wife brought in to her husband appraised goods,¹³ the husband may not sell them even if it is his desire to do so.¹⁴ Furthermore, even if he brought in to her appraised goods of his own,¹⁵ he may not sell them even if he desired to do so. If either¹⁶ of them sold [any of the appraised goods] for their maintenance. Such an incident was once dealt with by R. Simeon b. Gamaliel, who ruled that the husband¹⁷ may seize them from the buyers.¹⁸

Raba¹⁹ stated in the name of R. Nahman: The law is in agreement with Rab Judah. Said Raba to R. Nahman: But surely [a Baraitha] was taught in agreement with R. Ammi! Although [a Baraitha] was taught in agreement with R. Ammi, Rab Judah's view is more logical, since any asset of a woman's paternal property [should rightly belong to her].

A woman once brought²⁰ in to her husband a robe of fine wool [which was appraised and

included] in her kethubah. When the man died it was taken by the orphans and spread over the corpse. Raba ruled that the corpse had acquired it.²¹

Said Nanai son of R. Joseph son of Raba to R. Kahana: But, surely, Raba²² stated in the name of R. Nahman that the law is in agreement with Rab Judah!²³ The other replied: Does not Rab Judah admit that the robe had still to be collected [by the wife]?²⁴ Since it had still to be collected it remained in the husband's possession.²⁵ [In this ruling] Raba acted in accordance with his view [elsewhere expressed]. For Raba stated:²⁶ Consecration,²⁶ leavened food²⁶, and

(1) Her own objects must be returned to her.

(2) Cf. Bomberg ed. where an amplified version of this text is given including the clause enclosed here in square brackets.

(3) A priest.

(4) And though he is also responsible for the loss, or theft of the animal.

(5) 'A.Z. 15a; which shews that even an animal for which a priest is responsible (v. supra n. 2) is not permitted to eat terumah. How, then, could it be said, SINCE HE IS RESPONSIBLE FOR THEM THEY ARE PERMITTED TO EAT?

(6) Certainly not. Such a restricted responsibility, therefore, is incomplete and does not confer the right to terumah.

(7) Of zon barzel.

(8) Of the Baraitha cited.

(9) Lit., 'if an Israelite appraised a cow from'. I.e., he undertook to make good to the owner any loss in the value of the animal between the date of hire and the date of the return.

(10) The animal being regarded as the priest's own property, in respect of its feeding on terumah, owing to his responsibility for the return of its full value. Thus it follows that, though an animal would be returned in body, should its value on the day of its return be equal to that of its appraised value, it is nevertheless, owing to the priest's complete responsibility, deemed to be the priest's property so long as it remains in his possession; so also in the case of zon barzel slaves: though they would ultimately be returned to the woman in body, they are regarded, in respect of terumah, as the property of the priest, who accepted full responsibility for them, so long as they remain with him.

(11) The husband, who is regarded, in agreement with R. Ammi, as the owner of the slaves.

(12) Cf. Ex. XXI, 26.

(13) Which the husband includes in her kethubah, and undertakes to return to her at their appraised value should he divorce her or die.

(14) It is his duty to keep them intact so that the objects themselves, not merely their value, may be returned to the woman in due course.

(15) Included them in the amount of her kethubah.

(16) Lit., 'both'. V. Rashi a.l.

(17) I.e., even he.

(18) If the woman died; the sale being deemed invalid. That the woman, when her husband dies or divorces her, may seize such property, in the event of a sale by him, is obvious.

(19) Wanting in MSS. which read 'R. Nahman stated'.

(20) In her dowry, as zon barzel.

(21) The shroud, wraps. or any article of dress that has covered the body of a corpse is deemed to be the dead man's property, and no living person may derive any benefit from it. V. Sanh. 47b.

(22) Cf. supra n. 7.

(23) That zon barzel property, such as the robe was, belongs to the wife'!

(24) Of course he does. The robe does not come into the actual possession of the woman until her claim is proved and the robe surrendered to her by the husband or his heirs.

(25) The orphans were, therefore, entitled to use it as part of the dead man's shroud. The woman's claim upon it is undoubtedly valid, but has not any greater force than that of the holder of a mortgage. V. infra note 3.

(26) Supra 46a q.v. for notes. V. also Keth. 59b, Git. 40b, B.K. 89b.

Talmud - Mas. Yevamoth 67a

manumission cancel a mortgage.¹

Rab Judah stated: If a wife brought to her husband² two articles worth a thousand zuz, and their value increased to two thousand, she receives one³ in settlement of her kethubah;⁴ and for the other⁵ she pays its price and receives it, since it represents assets of her paternal property.⁶

What are we taught by this⁷ statement! That assets of her paternal property belong to her? This, surely, has already been stated by Rab Judah!⁸ — It might have been assumed that that statement⁸ applied only where she came to claim [paternal property] as part of her kethubah, but not where she desired to take it in return for payment of its value, hence we were taught [that she may also pay its price and receive it].

MISHNAH. IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST WHO DIED AND LEFT HER PREGNANT, HER SLAVES MAY NOT EAT TERUMAH⁹ IN VIRTUE OF THE SHARE OF THE EMBRYO,¹⁰ SINCE AN EMBRYO MAY DEPRIVE¹¹ [ITS MOTHER]¹² OF THE PRIVILEGE [OF EATING TERUMAH]¹³ BUT HAS NO POWER TO BESTOW IT UPON HER;¹⁴ SO R. JOSE. THEY¹⁵ SAID TO HIM: SINCE YOU HAVE TESTIFIED TO US IN RESPECT OF THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A PRIEST,¹⁶ THE SLAVES OF THE DAUGHTER OF A PRIEST, WHO A MARRIED TO A PRIEST WHO DIED AND LEFT HER WITH CHILD, SHOULD ALSO BE FORBIDDEN TO EAT TERUMAH ON ACCOUNT OF THE SHARE OF THE EMBRYO!¹⁷

GEMARA. A question was raised: Is R. Jose's reason¹⁸ because he is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a nonpriest,²⁰ or is his reason because only the born may bestow the right of eating but the unborn may not? — In what respect could this difference matter?²¹ — In respect of an embryo in the womb of a priest's daughter.²² Now, what is the reason? Rabbah replied: R. Jose's reason is this. He is of the opinion that an embryo in the womb of a lay woman¹⁹ is regarded as a non-priest.²⁰ R. Joseph replied: The born may bestow the privilege of eating while the unborn may not.

An objection was raised: They said to R. Jose: Since you have testified to us in respect of the daughter of an Israelite who was married to a priest, what is the law in respect of the daughter of a priest who was married to a priest? 'The first',²³ he replied, 'I heard;²⁴ but the other²⁵ I have not heard'.²⁶ Now, if you agree [that R. Jose's reason is because] an embryo in the womb of a lay woman²⁷ is regarded as a non-priest,²⁸ it was correct for him to say, 'The first I heard, but the other I did not'. If you maintain, however, [that R. Jose's reason is because] the born may bestow the right of eating and the unborn may not, what [could he have meant by] 'The first I have heard but the other I have not heard', when the principle is the same! — This is indeed a difficulty.

Said Rab Judah in the name of Samuel: This²⁹ is the opinion of R. Jose; but the Sages said: If he³⁰ has children,³¹ they³² may eat [terumah] by virtue of his children;³³ if he has no children, they³² may eat by virtue of his³⁴ brothers, and if he has no brothers they³² may eat by virtue of the entire family.³⁵ 'This',³⁶ would imply that he³⁷ himself does not share the view;³⁸ but, surely, Samuel said to R. Hana of Bagdad, 'Go bring me a group of ten men that I may tell you in their presence³⁹ that if title is conferred upon an embryo [through the agency of a third party], it does acquire ownership'!⁴⁰ The fact is that 'this' here denotes that he⁴¹ also holds the same opinion. What, then, does he⁴¹ teach us?⁴² That the Rabbis disagree with R. Jose! But do they, in fact, disagree? Surely R. Zakkai stated:⁴³ This evidence⁴⁴ was submitted by R. Jose in the name of Shemaiah and Abtalion and they⁴⁵ agreed with him! — R. Ashi replied: Does it read, 'and they accepted'? It was only said, 'and they agreed', [which may only mean] that his view is logical.⁴⁶

Our Rabbis taught: If he⁴⁷ left children,⁴⁸ both these and the others⁴⁹ may eat terumah.⁵⁰ If he⁵¹

left his widow with child,⁵² neither these nor the others⁴⁹ may eat it.⁵³ If he left children and also left his widow with child, the melog slaves may eat as she may eat;⁵⁴ but the zon barzel slaves may not eat, on account of the share of the embryo which may deprive [its mother]⁵⁵ of the privilege [of eating terumah] but has no power to bestow it;⁵⁶ so R. Jose. R. Ishmael son of R. Jose stated in the name of his father: A daughter may bestow the right of eating; a son may not.⁵⁷ R. Simeon b. Yohai said: [If the children⁵⁸ are] males, all [the slaves] may eat.⁵⁹ [If however they are] females, [the slaves] are not permitted to eat, since it is possible that the embryo might be a male;⁶⁰ and daughters, where there is a son, have no share at all.⁶¹ What need was there to point⁶² to the possibility that the embryo might be a male when this⁶³ might be equally deduced [from the fact] that [even when the embryo is] a female it deprives them of the privilege!⁶⁴ — He meant to say: There is one reason and also an additional one. ‘There is the one reason’ that a female embryo also deprives [the slaves] of the privilege; and, furthermore,⁶⁵ ‘it is possible that the embryo might be a male and daughters, where there is a son, have no share at all’.

‘[If the children are] males, [the slaves] may eat’. But, surely, there is an embryo in existence!⁶⁶ — He is of the opinion

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- (1) The prohibition against the use of a dead man's shroud has the same force as that of consecrated objects and invalidates, therefore, the legal force of the wife's mortgage. V. supra note 1.
 - (2) In her dowry as zon barzel.
 - (3) Which is now worth one thousand zuz.
 - (4) Which entitles her only to the one thousand zuz which was the sum at which the two articles were appraised at the time she transferred them to her husband.
 - (5) The value of the second article, now belonging to the husband since the appreciation took place while the articles were in his possession.
 - (6) Which property belongs to her.
 - (7) R. Judah's.
 - (8) Supra 66b, top.
 - (9) Even if she had other children by virtue of whom she herself is entitled to the eating of terumah.
 - (10) A portion of each slave belonging to the embryo who is one of the heirs.
 - (11) The reasons are explained infra.
 - (12) If she is the daughter of a priest who was married to an Israelite who died.
 - (13) Even though there are no other children from that union to deprive her of the right of returning to the priestly house of her father and to enjoy the privilege again.
 - (14) If she is an Israelite's daughter married to a priest who died leaving her with no children but the embryo. As it cannot bestow such right upon its mother so it cannot bestow it upon its slaves.
 - (15) The Sages who disagreed with him.
 - (16) That an embryo does not entitle one (either its mother or slaves) to the privilege of eating terumah.
 - (17) V. p. 447, n. 12.
 - (18) In forbidding in our Mishnah the eating of terumah by zon barzel slaves.
 - (19) The daughter of an Israelite, belonging to no priestly family.
 - (20) Even if his father was a priest.
 - (21) Since, whatever the reason, the embryo does not bestow the privilege.
 - (22) Who had been married to a priest. The first reason does not apply, while the second, does
 - (23) Lit.. ‘this’.
 - (24) That the slaves are forbidden to eat terumah.
 - (25) Lit., ‘this’.
 - (26) V. supra p. 448, n. 13. Consequently they are allowed to eat terumah.
 - (27) V. p. 448,n.8.
 - (28) V. p. 448,n.9.
 - (29) The ruling in our Mishnah.
 - (30) The deceased priest.

- (31) Besides the embryo.
- (32) The zon barzel slaves.
- (33) The embryo is entirely disregarded.
- (34) The deceased priest's.
- (35) Among the entire family of the priest there must be at least one who is entitled to be his heir; and so long as the embryo is unborn, that born heir, as the owner of the slaves, is fully entitled to confer upon them the right of eating terumah.
- (36) The expression, 'This is the opinion of R. Jose'.
- (37) Samuel.
- (38) That an embryo acquires ownership.
- (39) Thus giving the matter due publicity.
- (40) B.B. 142b, Keth. 7b, Zeb. 95a.
- (41) Samuel.
- (42) By pointing out that the statement is that of R. Jose.
- (43) V. Bah. Cur. edd., 'R. Zakkai raised an objection'.
- (44) Recorded in our Mishnah.
- (45) The Rabbis.
- (46) They, however, did not accept it.
- (47) A deceased priest.
- (48) And his widow was not pregnant.
- (49) The melog and the zon barzel slaves.
- (50) The melog slaves are entitled to the privilege by virtue of the rights of the widow who is entitled to it by virtue of her surviving children; and the son barzel slaves are entitled to the privilege by virtue of the priest's living children who are now their owners.
- (51) The deceased priest.
- (52) And he is not survived by any other children.
- (53) Since the embryo cannot bestow the privilege (cf. supra n. 4) either upon his mother or upon the slaves.
- (54) The melog's slaves being the property of the widow and the embryo having no share in them. As by virtue of her living sons the widow is herself entitled to eat terumah she may also feed her slaves on it, Cf. supra n' 4.
- (55) V, supra p. 448, n. 1.
- (56) v. supra p. 448, n. 3.
- (57) This is explained infra.
- (58) Who survived the deceased priest.
- (59) On their account because the chances that the embryo will be a viable male and thus have a share in the slaves are so uneven that they may be disregarded. For, in the first instance, it is likely that the embryo will be a female and thus have no share at all in the slaves. And secondly, were it to be a male, it might yet be a miscarriage, which again would have no share in the slaves (v. infra).
- (60) Who, when born, will become the owner of the slaves.
- (61) The slaves, therefore, would be the property of the embryo which cannot bestow upon them the right of eating terumah.
- (62) As a reason why the slaves are forbidden to eat terumah in the latter case.
- (63) The prohibition upon the slaves.
- (64) Since the female embryo, when born, would be entitled to a share among the other daughters and now, therefore, as an embryo, deprives the slaves of the privilege.
- (65) Which is the other reason.
- (66) And it, owing to its share in them, should deprive the slaves of the privilege.

Talmud - Mas. Yevamoth 67b

that no provision need be made against the less usual cases.¹ Or if you prefer I might say that he² is of the opinion that provision in fact must be made against the less usual cases also, [but here] a special arrangement might be made³ in accordance with a ruling of R. Nahman in the name of

Samuel. For R. Nahman stated in the name of Samuel: Where orphans⁴ wish to divide the property of their [deceased] father, Beth din appoint a guardian for [every one of] them, and [each guardian] chooses for his ward a suitable portion. As soon, however, as they reach their majority they are entitled to enter a protest.⁵ In his own name, however, R. Nahman stated: Even when they reach majority they are not entitled to protest, for otherwise what validity is there in the authority of a Beth din!⁶

Must it be assumed that R. Nahman's ruling is a matter of dispute between Tannaim!⁷ — No; all accept R. Nahman's [arrange. ment],⁸ but the dispute here⁹ centres on the question whether¹⁰ provision was to be made against the less usual cases.¹¹

‘R. Ishmael], son of R. Jose, stated in the name of his father: A daughter may bestow the right of eating; a son may not.¹² Wherein lies the difference [between the son and the daughter]? If a son may not bestow the right of eating on account of the share of the embryo, a daughter also should not be entitled to bestow the right of eating on account of the share of the embryo! — Abaye replied: Here¹³ we are dealing with a small estate¹⁴ and in a case where there is a son¹⁵ as well as a daughter, [so that the slaves may eat the terumah] whatever be the assumption [as to the sex of the embryo]. If the embryo is a son then he is not better than the one who is already born.¹⁶ And if it is a daughter, then why does a daughter eat at all?¹⁷ Surely by virtue of an ordinance of the Rabbis.¹⁸ But so long as she has not seen the light¹⁹ no provision for her has been made by the Rabbis.²⁰ If you take it²¹ to refer²² to a small estate, [how will you] explain the final clause,²³ ‘since it is possible that the embryo might be a male, and daughters, where there is a son, have no share at all’? On the contrary; a small estate belongs to the daughters! — The final clause refers to a large estate. But does a small estate belong to the daughters? Surely, R. Assi stated in the name of R. Johanan: Where male orphans forestalled [the ruling of Beth din] and sold a small estate, their sale is valid!²⁴ — But the fact is that by the mention of daughter ‘the mother’ is to be understood.²⁵ If so, this is exactly the same statement as that of R. Jose! — The entire statement was made by R. Ishmael son of R. Jose.

MISHNAH. AN EMBRYO,²⁶ A LEVIR,²⁷ BETROTHAL,²⁸ A DEAF-MUTE,²⁹ AND A BOY WHO IS NINE YEARS AND ONE DAY OLD,³⁰ DEPRIVE [A WOMAN]³¹ OF THE RIGHT [OF EATING TERUMAH], BUT CANNOT BESTOW THE PRIVILEGE UPON HER,³² [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD OR NOT,³³ OR WHETHER HE³⁴ HAS PRODUCED TWO HAIRS³⁵ OR NOT.

IF A HOUSE COLLAPSED UPON A MAN AND UPON HIS BROTHER'S DAUGHTER,³⁶ AND IT IS NOT KNOWN WHICH OF THEM DIED FIRST, HER RIVAL MUST PERFORM HALIZAH³⁷ BUT MAY NOT CONTRACT LEVIRATE MARRIAGE.³⁸

GEMARA. AN EMBRYO, for if [its mother] is the daughter of a priest [who was married] to an Israelite [the embryo] deprives her of the privilege,³⁹ [for it is written]. As in her youth,⁴⁰ which excludes one who is with child.⁴¹ And if she is the daughter of an Israelite [who was married] to a priest, the embryo does not bestow the privilege³⁹ upon her, because the living child does bestow the privileged but not the unborn.⁴²

A LEVIR, for if [his yebamah] is the daughter of a priest who was married to an Israelite, [the levir] deprives her of the privileged [for it is written], And is returned unto her father's house,⁴⁰ which excludes one who is awaiting the decision of the levir;⁴³ and if she is the daughter of an Israelite [who was married] to a priest [the levir] does not bestow the privilege upon her, because the All Merciful said, The purchase of his money.⁴⁴ while she is the purchase of his brother. **BETROTHAL,** for if [the woman] is the daughter of a priest [who was betrothed] to an Israelite, [betrothal] deprives her of the privilege,

- (1) Lit., 'a minority'. I.e., against the possibility that the embryo might be born a viable male. Against the possibility of male births there is the equal possibility of female births, and by adding the minority of miscarrying women to the half of female births, the male births are found to form only a minority.
- (2) R. Simeon.
- (3) The embryo is allotted as his share a portion of the estate exclusive of the slaves, who consequently form a portion of the shares of the living brothers, who, as their owners, bestow upon the slaves the right of eating terumah. Where, however, there are only daughters, such an arrangement cannot be made, since in such a case the embryo, in case he is born a viable male, is the sole heir and owner.
- (4) Who are minors.
- (5) Against the original division, and to demand a new one. The validity of acceptance of the shares by the guardians extends only to the produce or yield of the estate up to the date of the protest.
- (6) V. Kid. Sonc. ed., p. 210, notes.
- (7) That R. Simeon, who permits the slaves to eat, in the case of sons, by adopting the arrangement mentioned, is of the same opinion as R. Nahman; while R. Jose, who forbids terumah to the slaves, maintaining as he evidently does that the arrangement is of no avail and that the division must be postponed until the heirs reach majority, is in disagreement with R. Nahman.
- (8) Wherever such had been made,
- (9) Between R. Jose and R. Simeon, supra 6a.
- (10) Where R. Nahman's arrangement had not been made,
- (11) R. Simeon permits the slaves to eat terumah, because he holds that no provision has to be made against the less usual cases (v. supra p. 451, n. 3) while R. Jose forbids them to eat it, because he maintains that provision must be made even against the less usual case.
- (12) This is now assumed to mean that where there is a daughter but no son, she bestows the right of eating terumah upon the slaves, but where there is a son, the slaves are not permitted to eat the terumah.
- (13) R. Ishmael's statement.
- (14) Which, by an ordinance of the Rabbis, must be handed over to the daughters for their maintenance while the sons receive nothing. v. B.B., 139b.
- (15) To whom the estate belongs in accordance with the Pentateuchal law.
- (16) Lit., 'exists', 'stands'. Since the Rabbis deprived the living son of his share and gave it to the daughters. they have, even more so, deprived the embryo of its share.
- (17) From her father's estate, though he is also survived by sons'
- (18) Pentateuchally she has no claim at all in the presence of a son.
- (19) Lit., 'came out into the air of the world'.
- (20) The embryo, consequently, cannot possibly have a share in the slaves, who may, therefore, eat terumah by virtue of the rights of the living children. Had there been a daughter only and no son, the slaves would not have been permitted to eat terumah on account of the embryo, which, were it a female, would have had in the slaves an equal share with their sister.
- (21) R. Ishmael's statement.
- (22) Lit., 'in what did you place it'.
- (23) Which presumably deals with a similar case.
- (24) Keth. 103a, Sotah 21b, B.B. 140a. Which proves that the estate, even when small, belongs to the sons also. How then could the slaves be permitted to eat terumah?
- (25) I.e., the mother of the embryo may feed her melog slaves with terumah as she herself is permitted to eat it by virtue of her living sons. A son, however, may not feed the zon barzel slaves with terumah owing to the share of the embryo.
- (26) Whose mother was (a) the daughter of a priest married to an Israelite, or (b) the daughter of an Israelite married to a priest, and whose father died before he (the embryo) was born.
- (27) The widow of whose deceased brother was (a) the daughter of a priest (he and his brother being Israelites), or (b) the daughter of an Israelite (he and his brother being priests).
- (28) Of (a) the daughter of a priest to an Israelite, or (b) the daughter of an Israelite to a priest.
- (29) Who is (a) an Israelite married to the daughter of a priest, or (b) a priest married to the daughter of an Israelite.
- (30) This is explained in the Gemara, infra.
- (31) If she is (a) the daughter of a priest (cf. last four notes).

- (32) If she is (b) the daughter of an Israelite (cf. supra notes 6-9).
- (33) This has no reference to what follows and is explained in the Gemara.
- (34) Who betrothed the woman.
- (35) Which are the marks of puberty, when he becomes legally entitled to contract a marriage.
- (36) To whom he had been married and who, like himself, died childless.
- (37) With the daughter's father, the brother of the deceased. Though the dead woman was his forbidden relative, her rival becomes subject to the halizah because it is possible that the woman had been killed before the man, and when the man died her former rival was no longer related to her. V. infra note 6.
- (38) Because it is also possible that the man was killed first and that the rival consequently remained forbidden to the levir as the rival of his daughter.
- (39) Of eating terumah.
- (40) Lev. XXII, 13.
- (41) Only when she returned unto her father's house as in her youth (v. *ibid.*), i.e., if, like a virgin, she has no child at all, not even an embryo, may she eat of her father's bread (*ibid.*) i.e., terumah.
- (42) This is deduced from Such as are born in his house etc. (Lev. XXII, 11) by taking the Kal יאכל in the sense of Hif. יאכל V Torath Kohanim, a.l., (v. Rashi).
- (43) Being dependent on the levir's will she cannot without his release, return to her father's house.
- (44) Lev. XXII, 11 emphasis on 'his.'

Talmud - Mas. Yevamoth 68a

since he acquires her by the betrothal;¹ and if she is the daughter of an Israelite [who was betrothed] to a priest, the betrothal cannot bestow the privilege upon her, owing to the ruling of 'Ulla.²

A DEAF-MUTE, for if [the woman] is the daughter of a priest [who was married] to [him³ who is] an Israelite, he deprives her of the privilege, since he⁴ acquired her by virtue of a Rabbinical enactment;⁵ and if she is the daughter of an Israelite [who was married] to [him³ who is] a priest, he cannot bestow the privilege upon her, because the All Merciful said, The purchase of his money,⁶ while he³ is not eligible to execute any kinyan.

AND A BOY WHO IS NINE YEARS etc. This was assumed⁷ to refer to the case of a yebamah who was awaiting the decision of a levir who was nine years and one day old.⁸ Now, in what respect?⁹ If in respect of depriving her¹⁰ of the privilege,¹¹ a younger child would also equally deprive her of the privilege! And if in respect of bestowing the privilege,¹² a grownup levir also cannot bestow this privilege!¹³ — Abaye replied: We are dealing here with a levir of the age of nine years and one day, who cohabited with his yebamah¹⁴ who, according to Pentateuchal law, becomes his kinyan. Since it might have been assumed that, as Pentateuchally she becomes his kinyan, and his cohabitation also is legal, he should be entitled to bestow the privilege upon her, hence we were taught that the cohabitation of a boy who is nine years and one day old has been given the same validity only as that of a ma'amar by an adult.¹⁵ Said Raba to him: If so,¹⁶ [why] is it stated in the final clause, [EVEN WHEN] IT IS A MATTER OF DOUBT WHETHER THE BOY IS NINE YEARS AND ONE DAY OLD, OR NOT? If a boy who is certainly of the age of nine cannot bestow the privilege, is there any need to speak of a boy whose age is in doubt! — No, said Raba, [the Mishnah] deals with a boy of the age of nine years and one day belonging to one of the classes of disqualified persons who, by their cohabitation, deprive a woman¹⁷ of the privilege of eating terumah;¹⁸ as it was taught: An Ammonite,¹⁹ a Moabite,¹⁹ an Egyptian,²⁰ or an Idumean²⁰ proselyte, a Cuthean²¹, a nathin,²¹ a halal²¹ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priests of a Levite or of an Israelite, disqualifies her.²² But since it is stated in the final clause,²³ 'If they are not fit to enter the assembly of Israel they render [a woman] unfit', it may be inferred that the first clause does not deal with such disqualified persons! — The first clause speaks of those who are disqualified to enter the assembly, while the latter clause speaks of those who are disqualified to marry the daughter of a priest.²⁴

[To turn to] the main text:²⁵ An Ammonite,²⁶ a Moabite,²⁶ an Egyptian or an Idumean²⁷ proselyte, a Cuthean,²⁸ a nathin,²⁸ a halal²⁸ or a bastard, of the age of nine years and one day, who cohabits with the daughter of a priest, of a Levite or of an Israelite disqualifies her.²⁹ R. Jose said: Anyone whose children are disqualified causes disqualification;³⁰ he whose children are not disqualified does not cause disqualification.³⁰ R. Simeon b. Gamaliel said: Whenever you may marry his daughter you may marry his widow,³⁰ and whenever you may not marry his daughter you may not marry his widow.³¹

Whence are these rulings³² deduced? — Rab Judah replied in the name of Rab: Scripture stated, And if a priest's daughter be married unto to a strange man,³³ as soon as she has had connubial relations with a disqualified person³⁴ the latter disqualified her. But the text cited is surely required [for another] purpose, viz., that the All Merciful ordained that the daughter of a priest who was married to a layman³⁵ may not eat terumah! — That³⁶ may be deduced from the text, And is returned unto her father's house, as in her youth, she may eat of her father's bread.³⁷ Since the All Merciful ordained, And is returned unto her father's house . . . she may eat,³⁷ it follows that prior to that³⁸ she was not permitted to eat. But if [deduction were to be made] from that text,³⁷ [it may be objected] one might have assumed that as a negative precept³⁹ which is derived from a positive one⁴⁰ it has only the force of a positive precept,⁴¹ hence did the All Merciful write the other text⁴² to [indicate that it is] a negative precept! — [That it is] a negative precept may be deduced from, There shall no strange man⁴³ eat⁴⁴ of the holy things.⁴⁵

(1) And being, therefore, deemed to be his legal wife she is forbidden to eat terumah. V. Lev. XXII, 12.

(2) Though Pentateuchally a woman who is betrothed to a priest is entitled to the privilege of eating terumah, she has been forbidden to eat it during the period of betrothal, when she is still in her father's house, as a preventive measure against the possibility of her treating to it a brother or a sister of hers. V. Keth. 57b.

(3) The deaf-mute.

(4) Though mentally defective and, therefore, Pentateuchally ineligible to execute any kinyan.

(5) V. infra 112b.

(6) Lev. XXII, 11, emphasis on purchase (kinyan).

(7) By him who raised the following objection.

(8) And with whom no connubial intercourse had taken place.

(9) Is the age mentioned of any consequence.

(10) If she is the daughter of a priest, and the levir is an Israelite.

(11) Of the eating of terumah; the purpose of the ruling being to indicate that the levirate bond comes into force simultaneously with the levir's capability of cohabitation.

(12) When he is a priest and she is the daughter of an Israelite; the purpose being to indicate that, though he is capable of cohabitation, his levirate bond is not powerful enough to bestow upon his yebamah the privilege of eating terumah.

(13) As was explicitly stated earlier in our Mishnah.

(14) An act which in the case of a levir who is of age is valid.

(15) Which does not constitute complete kinyan (cf. supra 50a). The boy of the age of nine years and one day CANNOT consequently BESTOW THE PRIVILEGE any more than the others enumerated in our Mishnah. The ruling as to 'depriving a woman of the privilege' applies only to the cases of the EMBRYO, THE LEVIR, BETROTHAL AND THE DEAF-MUTE but not to that of the boy of the age mentioned.

(16) That the boy of the age of nine years and one day was included only because of the ruling that he CANNOT BESTOW THE PRIVILEGE, and that the ruling of 'depriving a woman of the privilege' does not apply to him, cf. supra n. 2.

(17) If she is the daughter of a priest.

(18) The boy of the age of nine years and one day accordingly deprives a woman of the privilege; and it is because of this ruling that the case of the boy was included in our Mishnah. The second ruling that certain persons CANNOT BESTOW THE PRIVILEGE is not, of course, necessary in his case and applies only to the others enumerated, vi., THE EMBRYO, THE LEVIR, BETROTHAL AND A DEAF-MUTE.

- (19) Who is forbidden to enter the congregation of the Lord. Cf. Deut. XXIII, 4.
- (20) Who, to the third generation, is forbidden to enter the congregation of the Lord. Cf. *ibid.* 9f.
- (21) V. Glos.
- (22) Kid. 74b. If the woman is the daughter of a Levite or an Israelite she is forbidden to marry a priest, and if she is the daughter of a priest she may neither marry a priest nor may she continue to eat terumah.
- (23) In the continuation of our Mishnah *infra* 6.
- (24) As e.g., a *halal* who is permitted to enter the assembly (i.e., to marry the daughter of an Israelite), but is forbidden to marry the daughter of a priest. (Cf. *supra* 37a). Though the expression 'not fit to enter the assembly of Israel' was used in the final clause also, it only implies marriage with the daughter of a priest, since otherwise this part of the Mishnah would have been a mere repetition of the first and, consequently, superfluous.
- (25) The full text of the previous citation.
- (26) V. *supra* p. 456, n. 6.
- (27) V. *loc. cit.* n. 7.
- (28) V. Glos.
- (29) V. p. 456, n. 9.
- (30) For explanation v. Gemara *infra*.
- (31) Tosef. Nid. VI.
- (32) Concerning the disqualifications enumerated in the cited Baraitha.
- (33) So literally. (a) 'one who is not a priest'; (b) 'one strange to her', 'a disqualified person', E. V. a common man'. Lev. XXII, 12.
- (34) 'Strange man' is taken in sense (b).
- (35) Non-priest, an Israelite. V. *supra* n. 11.
- (36) That a priest's daughter who was married to an Israelite loses the privilege of eating terumah.
- (37) Lev. XXII, 13.
- (38) Before she returned to her father's house, i.e., while she was still a married woman, 'living with her husband.
- (39) Not to eat terumah.
- (40) 'When she returned to her father's house she may eat terumah'.
- (41) Which is not punishable by flogging.
- (42) Lev. XXII, 12.
- (43) Non-priest, an Israelite. V. *supra* p. 457. n. 11.
- (44) It is now presumed that as the woman married a stranger she assumes his status and is consequently, like her husband, forbidden to eat terumah.
- (45) Lev. XXII, 10.

Talmud - Mas. Yevamoth 68b

But that text is required for its own purpose!¹ The expression, 'There shall no strange man', is written twice.² But still is not this³ required for the exposition of R. Jose b. Hanina? For R. Jose b. Hanina stated: There shall no strange man³ implies, 'I have imposed upon you a prohibition concerning non-priests only but not concerning onan'⁴ — R. Jose b. Hanina's exposition may be deduced from the Scriptural use of the longer expression 'And there shall no strange man' instead of 'strange man'.⁵

But still is not this,⁶ required for the following which was taught:⁷ When she⁸ returns,⁹ she returns only to [the privilege of eating] terumah, but does not return to [the privilege of eating] the breast and shoulder.¹⁰ And¹¹ R. Hisda stated in the name of Rabina b. R. Shila, 'What Scriptural text proves this? It is written, but if a priest's daughter be married unto a strange man, she shall not eat of the terumah of the holy things,¹² she must not eat of that which is set apart¹³ from the holy things'¹⁴ — If so,¹⁵ Scripture should have written. She shall not eat of the holy things'. why [then the longer expression], of the terumah of the holy things? Two deductions¹⁶ may, consequently be made.

We have now deduced¹⁷ [the law relating to] a priest's daughter;¹⁸ whence, however, is this

deduced in respect of the daughter of a Levite or an Israelite? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] ‘But a daughter’ [where only] ‘daughter’ [could have been used].¹⁹ so here also [deduction is made from the use of] ‘and a daughter’ [where only] ‘daughter’ [could have been used].²⁰ In accordance with whose view?²¹ Is it Only in accordance with that of R. Akiba who bases expositions on [superfluous] Wawin!²² — It²³ may be said to have been made even according to the view of the Rabbis, because the entire Scriptural expression, And a daughter²⁴ is superfluous.²⁵ [Thus the disqualification] in respect of terumah has been proved;²⁶ whence, [however, is it deduced that the disqualification extends also] to the prohibition of marrying a priest?²⁷ — Has not the daughter of a Levite or of an Israelite been included²⁸ in respect of priestly marriage only? For, as regards terumah, neither of them is ever eligible to eat it.²⁹

Are they never eligible?³⁰ Such eligibility surely occurs when [a mother]³¹ eats terumah³² by virtue of the rights of her son!³³ — [The case of a mother, who eats terumah] by virtue of the rights of her son, may be deduced by inference a minori ad majus: If the daughter of a priest who eats the terumah by virtue of her own sanctity becomes disqualified³⁴ how much more so the daughter of a Levite or of an Israelite who eats it only by virtue of the rights of her son.³⁵ [On the contrary], this [very point]³⁶ provides the reason.³⁷ A priest's daughter whose body is sacred is rightly disqualified,³⁴ this woman, however, whose own body is not sacred might not become disqualified!³⁸ — The fact is rather, that the prohibition³⁹ to marry a priest may be deduced a minori ad majus from a divorced woman: If a divorced woman who is permitted to eat terumah is nevertheless forbidden to marry a priest, how much more reason is there that such a woman⁴⁰ who is forbidden to eat terumah should be disqualified from marrying a priest.³⁵

May a prohibition, however, be deduced by logical argument!⁴¹

This⁴² is a mere elucidation [of the law].⁴³

Might it not be suggested [that the statement,] ‘she had connubial relations with a disqualified person’⁴⁴ [refers to persons cohabitation with whom is] subject to the penalty of kareth!⁴⁵ — The All Merciful said, If. . . be married,⁴⁶ only those with whom marriage is valid,⁴⁷ with those who are subject to the penalty of kareth marriage is not valid.⁴⁸ If so,⁴⁹ no idolater or slave should cause disqualification!⁵⁰ — These cause disqualification in accordance with a ruling of R. Ishmael. For R. Johanan stated in the name of R. Ishmael: Whence is it deduced that if an idolater or a slave cohabits with the daughter of an Israelite, of a priest or of a Levite, he disqualifies her?⁵¹ — It was stated in, But if a priest's daughter be a widow or divorced etc.,⁵²

(1) For the law concerning a non-priest. What proof then is there that a priest's daughter who married such a man is also subject to the same law?

(2) Once in Lev. XXII, 10, which refers to any non-priest; and a second time, ibid. 13. which speaks of the daughter of a priest who returns to her father's house, and concludes with the expression, There shall no strange etc. referring to the priest's daughter who is married to such a man.

(3) The second text, Lev. XXII, 13.

(4) Infra 70b, 71a. **אֲנִינֹת** the mourning of an onan, v. Glos.

(5) The superfluous and serves the purpose of R. Jose's deduction, and the remainder of the clause, therefore, indicates the negative precept.

(6) The text of Lev. XXII, 12.

(7) Infra 87a.

(8) The daughter of a priest who was divorced or became a widow and had no child.

(9) To her father's house.

(10) Which are also among the priestly gifts. Cf. Ex. XXIX, 27. Lev. VII, 34. X, 14.

(11) In explanation of the Baraitha.

(12) Lev. XXII, 12. תרומת הקדשים

(13) מורם of the same rt. as צרומת. V. supra n. 3.

(14) From the sacrifices, i.e., the breast and the shoulder. V. supra n. 1.

(15) That only one of the deductions mentioned is to be made from this text.

(16) That (a) a disqualified person disqualifies a priest's daughter with whom he cohabited (supra 68a), and (b) that when a priest's daughter returns as a widow or a divorcee to her father's house she is not permitted to eat of the breast and the shoulder of the peace-offerings.

(17) Lit., 'we found'.

(18) V. supra n. 7 (a).

(19) Infra 6a, 87a.

(20) The superfluous 'and' indicates a comparison between the daughter of the priest and the daughter of a Levite or of an Israelite.

(21) Is the deduction made (v. n. 11).

(22) Plur. of waw 'and'. And not in accordance with the Rabbis who are in the majority? V. Sanh. 51b.

(23) The deduction from 'and a daughter'.

(24) Not only the jaw.

(25) Since the context, But if a priest . . . and such as are born in his house (Lev. XXII, 11) speaks of the relatives of a priest, it would have been obvious to whom v. 12 referred even if a priest's daughter were omitted, reading only. If she be married etc.

(26) Since Scripture mentions it. Lit., 'we found'.

(27) If a disqualified person cohabited with her. V. supra 68a.

(28) In the prohibition.

(29) Lit., 'for if for terumah, are they subjects of eating terumah?' As they are never allowed to eat terumah there is obviously no need to forbid it to them.

(30) To eat terumah. Lit., 'why not'.

(31) The daughter of a Levite or of an Israelite.

(32) After the death of her husband who was a priest.

(33) Who survived his father. A Scriptural text might consequently have been required to forbid a woman in such circumstances from eating terumah if she cohabited with a disqualified person!

(34) Lit., 'he (i.e., the disqualified man who cohabited with her) disqualifies her'.

(35) Hence no Scriptural text was needed to exclude her.

(36) The sacredness of the body of the priest's daughter.

(37) Why a priest's daughter only should be disqualified.

(38) Cf. supra notes 7 and 8 second clause.

(39) On the part of the daughter of a priest who cohabited with one of the disqualified persons mentioned.

(40) Cf. supra n. 13.

(41) A prohibition, which involves the penalty of flogging. must be derived from an explicit Scriptural text. V. Mak. 17b.

(42) The inference a fortiori mentioned.

(43) The actual prohibition, how ever, is based on the fact that she is forbidden to eat terumah; as she is forbidden to eat it owing to the loss of her sanctity, so is she forbidden to marry a priest.

(44) Who, as has been inferred, supra 68a, from a Scriptural text, causes her disqualification.

(45) A brother, for instance, betrothal with whom is invalid. What proof, however, is there that persons, such as a Cuthean, a nathin or a bastard, cohabitation with whom is subject to flogging only and betrothal with whom is valid, also disqualify a priest's daughter from marrying a priest?

(46) Lev. XXII, 12.

(47) Cause disqualification.

(48) Hence there was no need for a Scriptural text to exclude them. The text consequently refers to those who are subject to the penalty of flogging.

(49) That Scripture refers only to those with whom marriage is valid.

(50) But, as stated infra 69b, a slave does cause disqualification.

(51) From (a) marrying a priest; and (b) eating terumah in the case of the daughter of a priest, or in the case of the

daughter of a Levite or an Israelite who was married to a priest who left her with children by virtue of whom she was entitled to the privilege of eating terumah.

(52) Lev. XXII, 13 which concludes, and is returned unto her father's house . . . she may eat of her father's bread, i.e., terumah.

Talmud - Mas. Yevamoth 69a

only in the case of a man in relation to whom widowhood or divorce is applicable;¹ an idolater and a slave, however, are excluded, since in relation to them no widowhood or divorce is applicable.²

Thus we have found [the law concerning] the daughter of a priest;³ whence, however, [is the law concerning] the daughter of a Levite and of an Israelite to be inferred? — As R. Abba stated in the name of Rab [that deduction is made from the Scriptural use of] ‘And a daughter’, [where only] ‘daughter’ [could have been used],⁴ so here also [deduction is made from the use of] ‘And a daughter’, [where only] ‘daughter’ could have been used.⁵ In accordance with whose view?⁶ Is it only in accordance with that of R. Akiba, who bases expositions on [superfluous] Wawin?⁷ — It⁸ may be said to have been made even according to the view of the Rabbis, because the entire [Scriptural expression] And a daughter⁹ is a superfluous text.¹⁰ But might it be suggested that in the case of a man in relation to whom widowhood and divorce is possible,¹¹ [the woman]¹² may eat terumah if she¹³ has no children,¹⁴ and may not eat if she has children, but in the case of a man in relation to whom widowhood and divorce are not possible¹⁵ she may eat terumah even if she¹³ has children?¹⁶ — If so,¹⁷ what need was there to include the daughter of a Levite and of an Israelite!¹⁸

According to R. Akiba, however, who stated that betrothal with those whose intercourse involves the penalty of a negative commandment has no validity and that the meaning of¹⁹ If . . . be married²⁰ to a strange man²¹ is ‘if she cohabits’,²² what need was there²³ [for] ‘widow or divorced’?²⁴ — The widow was stated²⁵ in order to restrict her privilege;²⁶ and the divorced woman, in order to relax her restrictions.²⁷ And [both²⁸ were] required. For had only the widow been mentioned it might have been assumed that only a widow may eat terumah if she has no children because she is eligible to marry a priest but, a divorced woman who is ineligible to marry a priest may not eat it even if she has no children. And had the divorced woman only been mentioned it might have been suggested that only a divorced woman may not eat terumah if she has children because she is ineligible to marry a priest, but a widow who is eligible to marry a priest may eat it even if she has children. [Hence both were] necessary.

Might it not be suggested [that the statement], ‘She had connubial relations with a disqualified person’²⁹ refers also to one who remarried his divorced wife!³⁰ — The All Merciful said, To a strange man, only one who was formerly a stranger to her.³¹ Her former husband³² is excluded since he was not formerly a stranger to her.

If so, a halal,³³ who is not a stranger³⁴ to her,³⁵ should not cause her disqualification! Scripture stated, He shall not profane his seed among his people;³⁶ ‘his seed’³⁷ is compared to himself, as he disqualifies³⁸ so does his seed disqualify.³⁹

Might it be suggested [that the disqualification⁴⁰ is effected] from the moment of betrothal?⁴¹ — [His case⁴² must be] similar to that of a High Priest with a widow. As a High Priest, in the case of a widow, [causes her disqualification] by cohabitation only,⁴³ so does this [person⁴⁴ cause disqualification] by cohabitation only.

Might it be suggested [that disqualification⁴⁰ is effected] only where there was betrothal as well as cohabitation? — His case⁴² must be similar to that of a High Priest with a widow. As the High Priest, [when he marries] a widow, [causes her disqualification] by cohabitation alone⁴⁵ so does this

[person⁴⁶ cause disqualification] by cohabitation alone.

‘R. Jose however said: ‘Anyone whose children are disqualified causes disqualification, but he whose children are not disqualified does not cause disqualification’. What is the practical difference between the first Tanna and R. Jose? — R. Johanan replied: The difference between them is the case of an Egyptian proselyte of the second generation and an Idumean proselyte of the second generation.⁴⁷ And both of them⁴⁸ deduced their respective views from none other than [the disqualification] of a widow by a High Priest. The first Tanna reasons: As a High Priest whose cohabitation with a widow is forbidden causes her disqualification, so does this person⁴⁹ also cause disqualification. R. Jose, however, reasons thus: Like a High Priest. As a High Priest whose seed is disqualified causes disqualification, so does any other person cause disqualification only when his seed is disqualified; an Egyptian proselyte of the second generation is thus excluded, since his children are not disqualified, for it is written, The children of the third generation that are born unto them may enter into the assembly of the Lord.⁵⁰

‘R. Simeon b. Gamaliel said: Whenever you may marry his daughter, you may marry his widow etc.’ What is the practical difference between R. Jose and R. Simeon b. Gamaliel? ‘Ullah replied: The difference between them is the case of an Ammonite and a Moabite proselyte.⁵¹ And both of them⁵² derived their respective views from none other than [the disqualification] of a widow by a High Priest. R. Jose reasons thus: As with a High Priest who married a widow, his seed is disqualified and he himself causes disqualification, so does any other person cause disqualification only when his seed is disqualified. R. Simeon b. Gamaliel, however, reasons thus: As with a High Priest who married a widow, all his seed⁵³ is disqualified and he himself causes disqualification, so does only such a person cause disqualification, all whose seed is disqualified; an Ammonite and a Moabite are, therefore, excluded since not all their seed are disqualified.⁵⁴ For a Master said: An Ammonite,⁵⁵ but not an Ammonitess; a Moabite,⁵⁵ but not a Moabite.⁵⁶ MISHNAH. THE VIOLATOR, THE SEDUCER AND THE IMBECILE⁵⁷ CAN NEITHER DEPRIVE A WOMAN⁵⁸ OF THE RIGHT OF EATING TERUMAH NOR CAN THEY BESTOW THE RIGHT UPON HER.⁵⁹ IF THEY ARE, HOWEVER, UNFIT TO ENTER INTO THE ASSEMBLY OF ISRAEL⁶⁰ THEY DO DEPRIVE A WOMAN⁵⁸ OF HER RIGHT TO THE EATING OF TERUMAH.⁶¹ HOW? IF⁶² AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST⁶³ SHE MAY STILL CONTINUE TO EAT TERUMAH.

(1) Viz., a legitimate Israelite. Only in such a case does the widow or divorced woman regain her right of eating terumah.

(2) Their betrothal and marriage having no validity.

(3) That intercourse with a slave or an idolater causes her disqualification.

(4) Supra 68b, infra 87b.

(5) Supra 68b, p. 459, n. 11.

(6) Was the deduction made.

(7) V. supra p 459, O. 13.

(8) The deduction from ‘And a daughter.’

(9) Lev. XXII, 13.

(10) As Lev. XXII, 13 follows v. 12 which deals with the daughter of a priest, the subject, ‘a priest's daughter’, of v. 13, could have been omitted as self-evident.’

(11) A legitimate Israelite or Levite.

(12) A priest's daughter after she had been divorced by her husband or become a widow.

(13) Cf. Rashi, Cur. edd., ‘to him’.

(14) From that husband. V. supra n. 8.

(15) An idolater, for instance, or a slave.

(16) The cohabitation with such a person having no legal effect whatsoever.

(17) That from the Scriptural text mentioned a relaxation of the law is to be deduced, its purpose being the indication that

a priest's daughter is not disqualified even where she has issue from an idolater or a slave.

(18) If a priest's daughter is not disqualified, how much less the daughter of a Levite or of an Israelite. The purpose of the Scriptural text, therefore, must be taken to be the disqualification of the daughter of a priest. The inclusion of the daughter of a Levite and of an Israelite was, therefore, necessary to indicate that even if either of those was enjoying the privilege of eating terumah, by virtue of the rights of the children she had from a priest, she loses that privilege if she cohabited with an idolater or a slave even though the act resulted in no issue.

(19) Lit., 'and what'.

(20) **תהיה** lit., 'shall be'.

(21) Lev. XXII, 12.

(22) Since no legal marriage with any of the disqualified persons is at all possible.

(23) When cohabitation with an idolater or a slave had taken place.

(24) To exclude, as stated supra an idolater and slave, in relation to whom no widowhood or divorce is possible since they are surely included among the other disqualified persons betrothal or marriage with whom is invalid!

(25) Not for the purpose of the deduction made by R. Ishmael.

(26) To indicate that a priest's daughter who was the widow of an Israelite may not eat terumah if she has children, even after the death of her husband. Had no Scriptural text indicated this law it might have been assumed that she may eat terumah even if she had children from the Israelite.

(27) To allow her (cf. supra n. 4) to eat terumah where she has no issue from the Israelite. Had not Scripture indicated this law it might have been assumed that as the divorcee was forbidden to marry a priest so she was forbidden to eat terumah even if her union with the Israelite produced no issue.

(28) Widow and divorcee.

(29) Who, as deduced from a Scriptural text, supra 68a, causes the disqualification of the woman with whom he cohabited.

(30) After she had been married to another man. Such a marriage being forbidden (v. Deut. XXIV, 4), the first husband should be regarded as a 'strange man' (Lev. XXII, 12) and consequently included among the persons who cause a woman's disqualification. Why, then, was it stated (supra 44b) that a woman so remarried to her first husband is permitted to marry a priest and, all the more, to eat terumah! (V. Rashi a.l. Cf., however, Tosaf s.v. **איה** supra 44b).

(31) Who was never allowed to marry her.

(32) Lit., that'.

(33) V. Glos.

(34) V. Rash and Bah. Cut. edd. insert, 'formerly'.

(35) He may marry' a priest's daughter.

(36) Lev. XXI, 15, referring to a High Priest.

(37) I.e., a halal

(38) A widow whom he married from the eating of terumah (v. Kid. 77a).

(39) Any woman he marries.

(40) Of a woman by marrying a 'strange man', a disqualified person.

(41) **הויה** havayah as implied in the expression **תהיה** tihyeh '(she shall) be' Lev. XXII, 12 (of the same rt. **היה**), the woman remaining disqualified even if, owing to the death of the disqualified person no cohabitation took place.

(42) That of the disqualified person. deduced from the text mentioned.

(43) Since the text specifically mentions his seed (Lev. XXI, 15). V. also supra 56b.

(44) The disqualified person, V. supra n. 10.

(45) Since the disqualification is effected even if there was no betrothal.

(46) V. supra note 10.

(47) Who are themselves forbidden to marry into the congregation (v. Deut. XXIII, 8) but their children, being of the third generation, are permitted. (Ibid. 9). According to the first Tanna one of the second generation causes the disqualification of the woman he marries; while according to R. Jose he does not, because his children are not disqualified.

(48) R. Jose and the first Tanna.

(49) An Ammonite or a Moabite proselyte of the second generation, cohabitation with whom is forbidden. Cf. p. 464, n. 15.

(50) Deut. XXIII, 9.

- (51) According to R. Jose such a proselyte causes disqualification; according to R. Simeon b. Gamaliel he does not. V. Gemara infra.
- (52) R. Simeon b. Gamaliel and R. Jose.
- (53) Daughters as well as sons.
- (54) Their daughters being permitted to marry into the congregation.
- (55) Shall not enter into the assembly of the Lord. Deut. XXIII, 4.
- (56) Infra 76b, Kid. 67b, Keth. 7b, Hul. 62b.
- (57) Even if betrothal took place. The action of an imbecile has no legal force.
- (58) If she is a priest's daughter entitled to eat terumah.
- (59) If they are priests and she is the daughter of an Israelite.
- (60) Those, e.g., who are enumerated in Deut. XXIII, 2ff.
- (61) Since she becomes profaned through their intercourse with her.
- (62) Cur. edd. insert in parenthesis, 'he was'. Bah reads instead, 'behold'.
- (63) Against her will or with her consent, but with no matrimonial intention.

Talmud - Mas. Yevamoth 69b

IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT TERUMAH.¹ IF THE EMBRYO WAS CUT IN HER WOMB SHE MAY EAT.² IF³ A PRIEST HAD INTERCOURSE WITH THE DAUGHTER OF AN ISRAELITE, SHE MAY NOT EAT TERUMAH. [EVEN IF] SHE BECOMES PREGNANT SHE MAY NOT EAT.⁴ IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT.⁵ THE POWER OF THE SON IS THUS GREATER THAN THAT OF THE FATHER.⁶

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN⁷ OF THE PRIVILEGE OF EATING TERUMAH⁸ BUT NOT AS HER OFFSPRING.⁹ HOW? — IF THE DAUGHTER OF AN ISRAELITE WAS MARRIED TO A PRIEST OR THE DAUGHTER OF A PRIEST WAS MARRIED TO AN ISRAELITE, AND SHE BORE A SON BY HIM, AND THE SON WENT AND VIOLATED A BONDWOMAN WHO BORE A SON BY HIM, SUCH A SON IS A SLAVE;¹⁰ AND IF HIS FATHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY NOT EAT TERUMAH;¹¹ BUT IF SHE WAS A PRIEST'S DAUGHTER AND MARRIED TO AN ISRAELITE SHE MAY EAT TERUMAH.¹²

A BASTARD DEPRIVES A WOMAN¹³ OF THE PRIVILEGE OF EATING TERUMAH AND ALSO BESTOWS THE PRIVILEGE UPON HER.¹⁴ HOW? IF AN ISRAELITE'S DAUGHTER WAS MARRIED TO A PRIEST OR A PRIEST'S DAUGHTER WAS MARRIED TO AN ISRAELITE, AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A SLAVE OR AN IDOLATER AND BORE A SON BY HIM, SUCH A SON IS A BASTARD; AND IF HIS MOTHER'S MOTHER WAS AN ISRAELITE'S DAUGHTER WHO WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH; BUT IF SHE WAS A PRIEST'S DAUGHTER WHO WAS MARRIED TO AN ISRAELITE SHE MAY NOT EAT TERUMAH.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN¹³ OF HER RIGHT TO EAT TERUMAH. HOW? IF A PRIEST'S DAUGHTER WAS MARRIED TO AN ISRAELITE AND SHE BORE A DAUGHTER BY HIM, AND THE DAUGHTER WENT AND MARRIED A PRIEST AND BORE A SON BY HIM, SUCH A SON IS FIT TO BE A HIGH PRIEST, TO STAND AND MINISTER AT THE ALTAR. HE ALSO BESTOWS UPON HIS MOTHER¹⁵, THE PRIVILEGE OF EATING TERUMAH, BUT DEPRIVES¹⁶ HIS MOTHER'S MOTHER¹⁷ OF THIS PRIVILEGE. THE LATTER¹⁸ CAN RIGHTLY SAY, '[MAY THERE] NOT [BE ANOTHER] LIKE MY GRANDSON THE HIGH PRIEST WHO DEPRIVES ME OF THE PRIVILEGE OF EATING TERUMAH.

GEMARA. [Here]¹⁹ we learn what the Rabbis taught: If an imbecile or a minor married and died, their wives are exempt from halizah and from levirate marriage.²⁰

IF AN ISRAELITE HAD INTERCOURSE WITH THE DAUGHTER OF A PRIEST SHE MAY STILL CONTINUE TO EAT TERUMAH. IF SHE BECOMES PREGNANT SHE MAY NO LONGER EAT. Since she may not eat when she is definitely with child, precaution should be taken against the possibility that she might be with child!²¹ Did we not learn, 'They²² must be kept apart²³ for three months, since it is possible that they are pregnant'?²⁴ Rabbah son of R. Huna replied: In respect of genealogy²⁵ precautions were taken;²⁶ in respect of terumah no such precautions were considered necessary. But was no such precaution considered necessary in respect of terumah? Surely, it was taught: [If a priest said]²⁷ 'Here is your letter of divorce [which shall become effective] one hour before my death', she is forbidden to eat terumah at once!²⁸ — In fact,²⁹ said Rabbah son of R. Huna, precautions were taken in respect of legitimate marriage,³⁰ but in respect of illegitimate intercourse³¹ no such precaution was considered necessary.³² But was such precaution, taken in respect of legitimate marriage? Surely, it was taught: If a priest's daughter was married to an Israelite who died,³³ she may perform her ritual immersion³⁴ and eat terumah the same evening!³⁵ — R. Hisda replied: She performs the immersion but may eat terumah only until the fortieth day. For if she is not found pregnant³⁶ she never was pregnant;³⁷ and if she is found pregnant,³⁸ the semen, until the fortieth day, is only a mere fluid.³⁹ Said Abaye to him: If so,⁴⁰ read the final clause: If the embryo in her womb can be distinguished she is considered to have committed an offence⁴¹ retrospectively!⁴² — The meaning is that⁴³ she is considered to have committed an offence⁴¹ retrospectively⁴⁴ to the fortieth day.⁴⁵

It was stated: Where a man cohabited with his betrothed in the house of his [future] father-in-law, Rab said: The child is a bastard; and Samuel said: The child is a shethuki.⁴⁶ Raba said: Rab's view is reasonable in the case where the betrothed woman was suspected of illicit relations with strangers.⁴⁷ Where, however, she is not suspected of illicit relations with strangers the child is ascribed to him.⁴⁸ Said Raba: Whence do I infer this? From the statement, IF, HOWEVER, SHE GAVE BIRTH TO A CHILD SHE MAY EAT. For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with strangers, why should she be allowed to eat terumah when she bore a child!⁴⁹ Consequently it must refer to a woman⁵⁰ who was suspected of illicit relations with him only but not with strangers. Now, if there⁵¹ where she is forbidden to the one as well as to the other,⁵² the child is regarded as his⁵³ how much more so⁵⁴ here⁵⁵ where she is forbidden to all other men and permitted to him. Said Abaye to him: It may still be maintained that Rab is of the opinion that wherever she is suspected of illicit relations with him,⁵⁶ the child is deemed to be a bastard even where she is not suspected of such relations with others. What is the reason? Because it is assumed that as she exposed herself to the man who betrothed her so she exposed herself to others also; but our Mishnah⁵⁷ deals with the case where both of them⁵⁸ were imprisoned in the same gaol.⁵⁹

Others say: Where he⁵⁶ cohabited with her, no one disputes that the child is regarded as his; but the statement made was in the following form. Where a betrothed woman became pregnant, Rab ruled: Such a child is a bastard; and Samuel ruled: The child is a shethuki.⁶⁰ Raba said: Rab's view is reasonable where the woman was not suspected of illicit relations with him,⁵⁶ but was suspected of such relations with others,⁶¹

(1) The embryo causes its mother's disqualification. V. supra 67b.

(2) Immediately. And the same law applies where the embryo was born dead.

(3) Cur. edd., 'he was'; Bah, 'behold'.

(4) An embryo in the womb cannot confer upon its mother the privilege of eating terumah, as deduced from born in his house (Lev. XXII. 11). V. supra 67b.

(5) By virtue of the existence of a son, though he is illegitimate.

- (6) While the latter, as a violator or seducer, cannot confer the privilege, the son can.
- (7) If she is a priest's daughter entitled to eat terumah.
- (8) As explained supra 68b.
- (9) If the slave is the offspring of a priest's daughter who was married to an Israelite now dead, he does not deprive her of the right of returning to the house of her father again to eat terumah. V. infra for further explanation.
- (10) The child of a bondwoman, though of an Israelite father, is deemed a slave, as deduced from Ex. XXI, 4.
- (11) If her husband and her son (the father of the slave) are dead. Though the son of a son (like a son) confers upon his grandmother the right of eating terumah (v. infra 70a), the offspring of a union between an Israelite and a bondwoman is not regarded as the legitimate son of his father but as the child of his mother.
- (12) The slave not being regarded as legitimate offspring (cf. supra n. 2) to deprive her of the privilege.
- (13) If she is a priest's daughter entitled to eat terumah.
- (14) If she was the daughter of an Israelite who was married to a priest now dead.
- (15) Even after the death of his father.
- (16) As the living offspring of an Israelite.
- (17) Though his own mother is dead. Were it not for his existence, his grandmother would have regained her original right of eating terumah on the death of her daughter. V. infra 87a.
- (18) Lit., 'this'.
- (19) In the statement that an imbecile's betrothal neither confers upon a woman, nor deprives her of the right of eating terumah (v. our Mishnah), thus affirming that an imbecile's kinyan has no validity.
- (20) Tosef. Yeb. XI, infra 96b, 2b; because there is no validity whatsoever in the kinyan of his marriage.
- (21) And should, in consequence, be forbidden to eat terumah immediately after intercourse had taken place. Why then was it stated, IF AN ISRAELITE HAD INTERCOURSE. . . SHE MAY STILL CONTINUE TO EAT TERUMAH?
- (22) Women who have been exchanged for one another. (V. the Mishnah, supra 33b).
- (23) I.e., they are forbidden to cohabit with their husbands.
- (24) Supra 33b. Similar precaution, then, should have been taken here also!
- (25) The Mishnah cited is concerned with safeguarding the status of a legitimate child by taking the necessary precautions to distinguish him from the illegitimate.
- (26) In the interests of the purity of family life special precautions were necessary.
- (27) To his wife, the daughter of an Israelite.
- (28) Suk. 23b, Git. 28a, Ned. 3b; since the priest might die at any moment while the woman was indulging in the consumption of terumah. This proves that in respect of terumah also precautions were taken.
- (29) Withdrawing from his first reply.
- (30) Of which the Mishnah (supra 33a) cited speaks.
- (31) The subject of the section of our Mishnah under consideration.
- (32) V. supra 35a.
- (33) On the same day, after one act of cohabitation.
- (34) Prescribed in Lev. XV, 18.
- (35) No precaution being taken against the possibility that the woman may have conceived and thereby remained forbidden to eat terumah.
- (36) On the fortieth day.
- (37) And is allowed to eat terumah after that day also.
- (38) On the fortieth day.
- (39) And cannot be regarded as a child.
- (40) That prior to the fortieth day the woman is not regarded as pregnant.
- (41) Lit., 'injured'.
- (42) She pays compensation for any terumah she may have consumed by returning to the priest the principal plus a fifth. V. Lev. XXII, 14.
- (43) Lit., 'what'.
- (44) If she ate terumah at any time after the fortieth day.
- (45) But not earlier. She pays no compensation for any terumah she may have consumed prior to the fortieth day.
- (46) Only a doubtful bastard. V. Glos. and Kid. 6.
- (47) Lit., 'when she is spoken of in a low voice from (by) the world'.

- (48) The man who betrothed her.
- (49) There is no proof that the priest was the child's father.
- (50) Lit., 'but no'.
- (51) In our Mishnah.
- (52) To the violator and seducer as well as to any other man, for it is forbidden to have intercourse with a woman without betrothal.
- (53) The violator's or seducer's.
- (54) Should the child be regarded as the son of the man who betrothed her.
- (55) The case where the man cohabited with his betrothed.
- (56) The man who betrothed her.
- (57) Which regards the child as the son of the violator or seducer.
- (58) The man and the woman.
- (59) Where no intercourse with any other man was possible.
- (60) Only a doubtful bastard. V. Glos. and Kid. 6.
- (61) These being in the majority, the child is deemed to be the son of one of the strangers.

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, but where she is suspected of illicit relations with him, the child is regarded as his, although she is also suspected of such relations with others. Said Raba: Whence do I derive this? From the Statement, IF, HOWEVER, SHE GAVE BIRTH TO A CHILD, SHE MAY EAT. For how is this to be understood? If it be suggested to refer to a woman who is suspected of illicit relations with him but not with strangers, was it at all necessary to state that she may eat terumah?¹ Consequently it must refer to a woman² who was suspected of illicit relations with strangers also. Now, if there,³ where she is forbidden to the one as well as to the other,⁴ the child is regarded as his,⁵ how much more so⁶ here⁷ where she is forbidden to any other man and is permitted to him.⁸ Said Abaye to him: It may still be maintained that Rab is of the opinion that wherever she is suspected of illicit relations with strangers the child is deemed to be a bastard even if she is also suspected of such relations with him; and our Mishnah deals with one who had not been suspected at all.⁹

A SLAVE, BY HIS COHABITATION, DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING TERUMAH etc. What is the reason?¹⁰ — Scripture stated, The wife and her¹¹ children shall be etc.¹²

A BASTARD DEPRIVES A WOMAN OF THE PRIVILEGE OF EATING TERUMAH AND ALSO BESTOWS THE PRIVILEGE UPON HER. Our Rabbis taught: And have no child.¹³ So far I only know¹⁴ of her own child; whence her child's child? It was consequently stated, And have no child,¹³ implying 'any child whatsoever'.¹⁵ So far I only know of a legitimate child; whence the illegitimate child? It was stated, And have no [en lah]¹⁶ child,¹³ which implies, 'hold an enquiry'¹⁷ concerning her.'¹⁸ But from this text,¹³ surely, the deduction concerning a child's child was made! — No Scriptural text is really required for the inclusion of one's child's child, since children's children are like children;¹⁹ if a text is at all required it is for the inclusion of an illegitimate child.

Said Resh Lakish to R. Johanan: In accordance with whose view?²⁰ Is it only in accordance with that of R. Akiba who maintains that the offspring of a union between such whose intercourse involves them in the penalty of a negative precept is regarded as a bastard!²¹ — It may even be said to represent the view of the Rabbis, since in respect of an idolater and a slave they agree.²² For when R. Dimi came²³ he stated in the name of R. Isaac b. Abdimi in the name of our Master:²⁴ If an idolater or a slave cohabited with the daughter of an Israelite, the child born from such a union is deemed a bastard.

A HIGH PRIEST SOMETIMES DEPRIVES A WOMAN OF HER RIGHT. Our Rabbis taught:

[The grandmother might justly say], 'I would [willingly] be an atonement²⁵ for my grandson, the little cruse²⁶ who bestows upon me the privilege of eating terumah,²⁷ but would not be an atonement for my grandson, the big jar²⁸ who deprives me of the privilege of eating terumah.²⁷

CHAPTER VIII

MISHNAH. AN UNCIRCUMCISED [PRIEST]²⁹ AND ALL LEVITICALLY UNCLEAN PERSONS MAY NOT EAT TERUMAH. THEIR WIVES AND SLAVES, HOWEVER, MAY EAT TERUMAH.³⁰ [A PRIEST WHO IS] WOUNDED IN HIS STONES³¹ AND ONE WHOSE MEMBRUM IS CUT OFF,³² AS WELL AS THEIR SLAVES, MAY EAT TERUMAH, BUT THEIR WIVES MAY NOT.³³ IF, HOWEVER, NO COHABITATION TOOK PLACE AFTER THE MAN WAS WOUNDED OR HAD HIS MEMBRUM CUT OFF, THE WIVES³⁴ ARE PERMITTED TO EAT.³⁵

WHO IS TERMED A PEZU' A DAKKAH?³¹ A MAN WHO IS WOUNDED EITHER IN BOTH HIS STONES, OR EVEN ONLY IN ONE OF THEM. AND A KERUTH SHOFEKAH ? A MAN WHOSE MEMBRUM IS CUT OFF. IF, HOWEVER, [ANY PART] OF THE CORONA REMAINED, EVEN SO MUCH AS A HAIR'S BREADTH, THE MAN IS REGARDED AS FIT.

GEMARA. It was taught: R. Eliezer³⁶ stated, Whence is it deduced that an uncircumcised [priest] may not eat terumah? A sojourner and a hired servant were mentioned in connection with the paschal lamb,³⁷ and A sojourner and a hired servant were also mentioned in respect of terumah,³⁸ as the paschal lamb, in connection with which 'A sojourner and a hired servant' were mentioned, is forbidden to the uncircumcised,³⁹ so is terumah, in respect of which 'A sojourner and a hired servant' were mentioned, forbidden to the uncircumcised. R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁴⁰ the uncircumcised also is included.⁴¹

The Master said, 'R. Eliezer stated, "A sojourner and a hired servant were mentioned in connection with the paschal lamb, and "A sojourner and a hired servant" were also mentioned in respect of terumah,'⁴² as the paschal lamb, in connection with which "A sojourner and a hired servant" were mentioned, is forbidden to the uncircumcised, so is terumah, in respect of which "A sojourner and a hired servant were mentioned, forbidden to the uncircumcised'. Is it⁴³ free for deduction?⁴⁴ For if it is not free, the objection might be raised⁴⁵ that the paschal lamb may be different⁴⁶ since in connection with it one may also incur penalties⁴⁷ for pigul,⁴⁸ nothar⁴⁸ and uncleanness!⁴⁹ — It is certainly free for the deduction. Which expression⁵⁰ is free? Is it that of terumah? Surely it is required for its own purpose. For it was taught: A sojourner⁵¹ means one who is acquired for life⁵² and a hired servant⁵¹ means one who is acquired for a number of years.⁵³ But let 'sojourner' only be mentioned and a 'hired servant' be omitted and one would infer: If one who is acquired for life⁵⁴ is not permitted to eat terumah how much less one who is acquired only for a number of years! If so,⁵⁵ it might have been assumed that 'a sojourner' means one who is acquired for a number of years [and that only he may not eat terumah],⁵⁶ but that one who is acquired for life may eat,⁵⁷ hence the insertion of the expression, 'a hired servant', which explains the meaning of sojourner,⁵⁸ [viz.,] that it signifies one who, though acquired for life, may not eat!⁵⁹ — But [in fact] the one⁶⁰ mentioned in respect of the paschal lamb is free for deduction. For what could be the meaning of 'A sojourner and a hired servant' which the All Merciful wrote in connection with the paschal lamb?⁶¹ If it be suggested that it means the actual sojourner and hired servant,⁶² [could it have been imagined] that [an Israelite]⁶³ is exempt from the Paschal lamb because he is a sojourner or a hired servant? Surely, we have it as an established law in regard to terumah that such a person is not permitted to eat it,⁶⁴

(1) Certainly not; since the child is obviously the son of the priest.

(2) Lit., 'but no'.

- (3) In our Mishnah.
- (4) To the violator and seducer as well as to any other man.
- (5) The violator's or seducer's.
- (6) Should the child be regarded as the son of the man who betrothed her.
- (7) The case of the betrothed.
- (8) The man who betrothed her.
- (9) Either in respect of the violator or seducer on the one hand or in respect of any others. All that our Mishnah teaches is that if cohabitation with the former took place, even if only once, the child is regarded as his.
- (10) Why is he not regarded as the offspring of the priest? V. our Mishnah and supra p. 466, n. 16.
- (11) Emphasis on her.
- (12) Shall be her master's (Ex. XXI, 4), i.e., they are regarded (a) as slaves, and (b) as the offspring of the bondwoman. Hence they cannot be regarded as the offspring of the priest.
- (13) **וּזְרַע אֵין לָהּ** Lev. XXII, 13.
- (14) Had **לָהּ** been omitted.
- (15) Lit., 'from all (any) place'.
- (16) **אֵין לָהּ**.
- (17) **עֵיִן** ayayn 'examine', 'investigate'. The Aleph of **אֵין** is interchangeable with the 'Ayin of **עֵיִן**.
- (18) An enquiry is to be made whether she has any kind of son, i.e., even if only a bastard. Thus a bastard also is deemed to be her child. Cf. supra 22b.
- (19) Supra 62b.
- (20) Was it stated in our Mishnah that the offspring of a union between the daughter of an Israelite and an idolater or a slave (a union which is forbidden by a negative precept only, no kareth being involved, cf. supra 45a) is regarded as a bastard.
- (21) Does our Mishnah, then, represent the view of an individual, which is contrary to the expressed view of the majority.
- (22) With R. Akiba.
- (23) From Palestine.
- (24) Rabbi, Judah the Prince, the Master par excellence of his time. Cf. supra 45a.
- (25) **הַרִינִי כַפְרַת** an expression of respect or affection. Cf. Kid. 31b.
- (26) Metaph. for bastard. **כּוֹזֵה** cf. **כּוֹם**.
- (27) As stated in our Mishnah.
- (28) The High Priest. Cf. the colloquial expres. 'big pot'.
- (29) Though the uncircumcision was not due to any fault of his. If, e.g., he was forbidden circumcision because his brothers died as a result of such an operation. Cf. supra 64b.
- (30) By virtue of the rights of their husband and master. Uncircumcision and uncleanness are only temporary disqualifications which prevent the priest from eating terumah, while they continue. His sanctity and privileges, however, remain in force.
- (31) **פְּצוּעַ דָּכָה**
- (32) **כְּרוֹת שִׁפְכָה**
- (33) Because the cohabitation with these maimed priests causes the profanation of the women.
- (34) Who were married to them before they were maimed.
- (35) Terumah.
- (36) Cur. edd. 'Eleazar'. Cf. Tosaf. Sotah 240 s.v. **וּרְבִי**, and Men. 17b s.v. **מֵאֵי**.
- (37) Ex. XII, 45.
- (38) Lev. XXII, 10.
- (39) Ex. XII, 48.
- (40) Lev. XXII, 4.
- (41) In the prohibition; the text, according to Rabbinical interpretation, referring to the prohibition of eating terumah.
- (42) V. supra p. 473 notes.
- (43) The expression. 'A sojourner and a hired servant'.
- (44) I.e., is not the expression required in connection with the subject spoken of in the context.
- (45) Against deducing terumah from the Paschal lamb.

- (46) From terumah, i.e., subject to greater restrictions.
- (47) Kareth if the transgression was wilful, and a sin-offering if unwitting.
- (48) V. Glos.
- (49) How then could terumah which is not surrounded by such restrictions be deduced from it?
- (50) Of the two expressions, 'A sojourner and a hired servant'.
- (51) Lev. XXII, 20.
- (52) Lit., 'an everlasting possession', i.e., a Hebrew servant who, on refusing to go out free, has had his ear bored. (Cf. Ex. XXI, 5f).
- (53) The ordinary Hebrew servant who remains the property of his master for six years only, after which he goes out free for nothing (v. Ex. XXI, 2).
- (54) Who is in fact his master's absolute property.
- (55) If only the sojourner had been mentioned.
- (56) Since he is not his master's absolute possession.
- (57) Since he is the absolute property of his master.
- (58) Since a hired servant implies one who is acquired for a period, the other expression cannot refer to the same class of servant, but to one acquired for life. תושב E.V. a sojourner (rt. ישב 'to abide') implies longer service than that of the שכיר E.V., hired servant.
- (59) How, then, since the expression is required for the laws of terumah, could it be suggested that the expression, 'a sojourner and a hired servant', mentioned in connection with terumah, is free for deduction?
- (60) The expression 'A sojourner and a hired servant'.
- (61) Ex. XII, 45, a sojourner . . . shall not eat thereof.
- (62) I.e., a Hebrew servant who (a) serves his master for life or (b) for a period of years. Cf. supra p. 474, nn. 14 and 15.
- (63) Who is subject to the fulfilment of the commandments.
- (64) Though his master is a priest.

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which proves¹ that his master does not acquire his person² so that here also³ his master does not acquire his person!⁴ [The expression]⁵ must consequently [have been written] for the purpose of the deduction.⁶

But is it⁷ not free in one direction only,⁸ while R. Eliezer⁹ was heard to state [that an analogy between expressions of which only] one¹⁰ is free¹¹ may be drawn, but may also be refuted!¹² — Since [the expressions]¹³ are not required [for their own context]¹⁴ one of them is allotted to the law¹⁵ in respect of which the inference is made¹⁶ and the other is allotted to the law from which the inference is made,¹⁷ so that a word analogy is obtained which is free in both directions.

Might¹⁸ [not the deduction be made:]¹⁹ As the paschal lamb is forbidden to an onan²⁰ so is terumah forbidden to an onan²¹ — R. Jose son of R. Hanina replied: Scripture stated, 'There shall no common man,²² I commanded you concerning its prohibition to the common man²³ but not concerning that of the onan. But might it be suggested: But not the uncircumcised!²⁴ Surely 'A sojourner and a hired servant'²⁵ was written.²⁶ And what reason do you see?²⁷ — It is logical to infer that the case of the uncircumcised is to be included, since²⁸ it involves the absence of an act²⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by kareth;³⁰ the law²⁹ was in force before the Revelation;³¹ and the [non]-circumcision of one's male children and slaves debars [one from eating of the paschal lamb].³² On the contrary; the case of the onan should have been included,³³ since mourning is an ever-present possibility,³⁴ is common to men as well as to women, and no man has the power to cure himself of it!³⁵ — Those³⁶ are more in number.

Raba said: Even if those³⁶ were not more in number, you could not suggest that uncircumcision, which is actually mentioned in respect of the Paschal lamb, should be excluded³⁷ while the mourning of an onan, which in the case of the paschal lamb itself was deduced from that of the tithe,³⁸ should

be deduced from it.

Might³⁹ [it not be said:]⁴⁰ As the [non]-circumcision of one's male children and slaves debar one from the eating of the paschal lamb, so should the [non]-circumcision of one's male children and slaves debar one from the eating of terumah! — Scripture stated, When thou hast circumcised him, then shall he eat thereof,⁴¹ the [non]-circumcision of one's male children and slaves debar one from the eating thereof, of the Paschal lamb only; the [non]-circumcision of one's male children and slaves does not, however, debar one from the eating of terumah. If so,⁴² [why not] say, But no uncircumcised person shall eat thereof⁴³ [also implies:] He may not eat 'thereof' only but may eat terumah!⁴⁴ — Surely it was written A sojourner and a hired servant.⁴⁵ And what reason do you see?⁴⁶ — It is only logical to include a man's own circumcision, since the act is performed on his own person and its neglect is punishable by kareth. On the contrary; the circumcision of one's male children and slaves should have been excluded because it may occur at any time! — The former restrictions are more in number. And if you prefer I might say that even if those were not more in number your suggestion could not be entertained; for is there anything which is not debarred by his own state of uncircumcision but is debarred by that of the other!

Now that it has been said that the expression. 'Thereof,' was introduced for expository purposes. what⁴⁷ was the purpose of the text, There shall no alien eat of it?⁴⁸ — Only with regard to it⁴⁹

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- (1) Since a Canaanite slave, whose body is acquired by the master, may eat of his terumah.
 - (2) The Hebrew servant sells only his labour, while he himself remains a free man.
 - (3) In respect of the Paschal lamb.
 - (4) As he is thus a free man, it is obviously his duty to observe the commandment of the Paschal lamb. What need then was there for the specification of A sojourner and hired servant?
 - (5) A sojourner and a hired servant. Ex. XII, 45.
 - (6) [The verse would then be referring to a non-jew, 'a sojourner' denoting a resident alien and 'a hired servant' an idolater. This, however, would be included in uncircumcised' (Ex. Xli, 48) and 'alien' (verse 43). Consequently the verse must have been written for deduction (Tosaf.)].
 - (7) The expression. A sojourner and a hired servant.
 - (8) That of the Paschal lamb.
 - (9) Cur. edd. 'Eleazar'.
 - (10) Lit., 'from one side'.
 - (11) For interpretation or deduction.
 - (12) Infra 104a. The analogy in the present instance might be refuted by the objection raised supra 70a.
 - (13) (a) sojourner and (b) hired servant.
 - (14) Both being superfluous and free for deduction.
 - (15) That of terumah.
 - (16) That terumah may not be eaten by the uncircumcised.
 - (17) Paschal lamb.
 - (18) Lit., 'if (you say)'.
 - (19) Since a word analogy has been established.
 - (20) V. Glos.
 - (21) If the two are compared as regards the uncircumcised they should also be compared in respect of the onan!
 - (22) Lev. XXII, 10.
 - (23) The non-priest.
 - (24) I.e., the uncircumcised might have been excluded by the text cited, not the onan.
 - (25) Ex. XII, 45.
 - (26) Which includes the uncircumcised in the prohibition.
 - (27) For excluding onan and including the uncircumcised.
 - (28) Cur. edd. insert in parenthesis the following mnemonic as an aid to the recollection of the characteristics which distinguish the uncircumcised from the onan: Acts cut (kareth) in the Word (Revelation) of the servant.

- (29) Circumcision.
- (30) If he wilfully neglects the fulfilment of the precept.
- (31) On Sinai. Lit., 'and it is before (divine) speech'. The commandment concerning circumcision was given to Abraham. V. Gen. XVII, 9ff.
- (32) A man is forbidden to participate in the eating of the Paschal lamb if any of his sons or slaves who are liable to circumcision remain uncircumcised. Cf. Ex. XII, 44, 48.
- (33) In the prohibition to eat terumah.
- (34) Lit., 'it is at all hours'; one may have more than one bereavement in his lifetime, but can be circumcised once only.
- (35) The cause of an onan's mourning is not controlled by human action. To make oneself fit by circumcision is within man's own power.
- (36) The restrictions of circumcision.
- (37) Lit., 'leave out' from the prohibition.
- (38) v. infra 73a.
- (39) Lit., 'if (you say)'.
- (40) Since a word analogy has been established.
- (41) Ex. XII, 44, emphasis on thereof.
- (42) Since the expression 'thereof' is made the basis of an exposition.
- (43) Ibid. 48.
- (44) Which, of course, would be contrary to the deduction supra.
- (45) From which deduction was made that an uncircumcised person may not eat terumah.
- (46) For including in the prohibition one's own circumcision and excluding that of one's sons and slaves.
- (47) Bah emends the following version by some transpositions and additions.
- (48) Ex. XII, 43. emphasis on the last word, **בו** of it (E.V. thereof).
- (49) **בו** (cf. supra n. 2). the Paschal lamb.

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does apostasy disqualify,¹ but in respect of tithe, apostasy does not disqualify.

What was the purpose of, But no uncircumcised person shall eat thereof?² — 'Thereof'³ only may he not eat, but he may eat of the unleavened bread and bitter herbs.⁴ And it was necessary for Scripture to specify⁵ both 'Uncircumcised' and 'There shall no alien.' For had the All Merciful mentioned the 'uncircumcised' only it might have been assumed [that the prohibition applies only to him], because he is repulsive. but not to an alien who is not repulsive. And had the All Merciful written only 'There shall no alien' it might have been assumed [that only he is subject to the prohibition]. because his heart is not directed towards heaven, but not the uncircumcised whose heart is directed towards heaven. [Hence both were] required.

What⁶ was the purpose of repeating the expression. 'Of it',⁷ twice? — As expounded by Rabbah in the name of R. Isaac.⁸

The Master said, 'R. Akiba stated: This deduction is unnecessary. Since it was stated, What man soever,⁹ the uncircumcised also was included'.¹⁰ Might it be suggested that it¹¹ includes the onan?¹² R. Jose b. Hanina replied: Scripture stated, There shall no common man,¹³ I commanded you concerning its prohibition to a common man¹⁴ but not concerning that of an onan.¹² Might it be suggested: But not the uncircumcised?¹⁵ — Surely, what man soever' was written.¹⁶ And what reason do you see?¹⁷ — It is logical that the case of the uncircumcised should be included, since¹⁸ it involves the absence of an act¹⁹ and that act is one affecting the man's own body; [the uncircumcised] is punishable by kareth;²⁰ the law²¹ was in force before the Revelation;²² and the [non]-circumcision of one's male children and slaves debars [one from eating the paschal lamb].²³ On the contrary; the case of the onan should have been included,²⁴ since mourning is an ever-present possibility,²⁵ is common to men as well as women, and no man has the power to cure himself of It!²⁶

— Those²⁷ are more in number. Raba said: Even if those²⁷ were not more in number, you could not make your suggestion.²⁸ For Scripture stated, What man soever.²⁹ Now what disability is it that is applicable to a man and not to a woman? You must, of course, say that it is uncircumcision.

What expository use does R. Akiba³⁰ make of the expression A sojourner and a hired servant?¹³ R. Shemaia replied: To include³¹ a circumcised Arab and a circumcised Gibeonite.³² Are these, however, regarded as circumcised at all? Surely we learned: [If a man said]. ‘Konam³³, if I benefit from the uncircumcised’, he may benefit from uncircumcised Israelites³⁴ but is forbidden to benefit from circumcised idolaters.³⁵ [If he said]. ‘Konam’, if I benefit from the circumcised’, he is permitted to benefit from circumcised idolaters but is forbidden to benefit from uncircumcised Israelites!³⁶ — But In truth [the text referred to] includes³⁷ a proselyte who had been circumcised but did not perform the prescribed ritual immersion,³⁸ and a child who was born circumcised,³⁹ he⁴⁰ holding that it is necessary to provide for a few drops of the blood of the covenant⁴¹ to flow;⁴² while R. Eliezer⁴³ follows his own view, he having stated that ‘A proselyte who has been circumcised, though he has not performed his ritual immersion, is regarded as a proper proselyte’.⁴⁴ and he is also of the opinion that it is not necessary to provide for any drops of the blood of the covenant⁴¹ to flow where a child was born circumcised.³⁹

What expository use, however, does R. Eliezer make of the expression. What man soever?⁴⁵ — The Torah, [he maintains], speaks in the language of [ordinary] men.⁴⁶

R. Hama b. Ukba inquired: May an uncircumcised child⁴⁷ be anointed with the oil of terumah?⁴⁸ Does non-circumcision in the pre-circumcision period⁴⁹ constitute a bar⁵⁰ or not? — R. Zera replied: Come and hear: I only know [of the command]⁵¹ concerning the circumcision of the male children [which he has] at the time of the preparation⁵² [of the paschal lamb].⁵³ and concerning the slaves [which he has] at the time of the eating thereof;⁵⁴ whence, however, is it deduced that the restriction mentioned in respect of this category is to be applied to the other, and that of the other to this one?⁵⁵ Then⁵⁶ was specifically stated in both categories⁵⁷ so that an analogy between the two might be drawn.⁵⁸ Now, it is quite possible to imagine a man's slaves as being with him at the time of the eating of the paschal lamb but not at the time of its preparation,⁵⁹ when, for instance, he bought them in the meantime.⁶⁰ How is it possible, however, that a person's male children should be in existence during the eating and not during the preparation? Obviously only when birth occurred in the interval between the preparation and the eating.⁶¹ Thus it may be inferred that uncircumcision in the pre-circumcision period⁶² constitutes a legal status of uncircumcision.⁶³ Said Rabbah:⁶⁴ Do you understand this? The All Merciful said, Let all his males be circumcised, and then let him come near and keep⁶⁵ it; but such a child is not fit to be circumcised!⁶⁶ But what are we dealing with here? With a child⁶⁷ who recovered from a fever.⁶⁸ Then⁶⁹ let him be granted [a period of convalescence of] full seven days.⁷⁰ for⁷¹ Samuel said that a child who recovered from a fever must be allowed a period of convalescence of full seven days!⁷² — Where he was already granted the seven days' period.⁷³ He should, then,⁷⁴ have been circumcised in the morning!⁷⁵ — We require

(1) An apostate may not participate in the eating of the Paschal lamb.

(2) Ex. XII, 48, emphasis on ‘3. Cf. supra note 2.

(3) לֶכֶּלֶם (cf. note 2) the Paschal lamb.

(4) Which were served with the Paschal lamb. V. Ex. XII, 8.

(5) Lit., ‘to write’, in regard to the prohibition of eating the Paschal lamb.

(6) Since the expression. ‘Thereof’. is made the basis of an exposition.

(7) Ex. XII, 9, 10; also mentioned in respect of the Paschal lamb.

(8) Infra 74a. Pes. 96a.

(9) Lev. XXII, 4.

(10) In the prohibition against eating terumah, supra 70a, q.v. for notes.

(11) The Scriptural text cited.

- (12) V. Glos.
- (13) Lev. XXII, 10.
- (14) The non-priest.
- (15) Cf. supra p. 476. n. 18.
- (16) Which includes the uncircumcised in the prohibition.
- (17) For including the uncircumcised and excluding the onan.
- (18) V. supra p. 476. n. 22, where the mnemonic also is explained.
- (19) The circumcision.
- (20) V. supra p. 476. n. 24.
- (21) Of circumcision.
- (22) V. supra p. 476. n. 25.
- (23) V. supra p. 477. n. 1.
- (24) In the prohibition of eating terumah.
- (25) V. supra p. 477. n. 3.
- (26) V. supra p. 477, n. 4.
- (27) The restrictions of circumcision.
- (28) To include the onan and exclude the uncircumcised.
- (29) Lev. XXII, 4, אִישׁ אִישׁ (lit., 'man man'). emphasis on man.
- (30) Who deduces the prohibition of the uncircumcised, in respect of terumah, from What man soever.
- (31) In the prohibition to eat of the Paschal lamb.
- (32) גִּבְעוֹנִי (Cf. Josh. IX, 3ff); synonymous with nathin (v. Glos.). Aruk and MSS. read גִּבְעוֹנִי 'highlander'. Cf. 'A.Z. 27a. The circumcision of these men was not performed in fulfilment of the Pentateuchal commandment and had, therefore, no religious value.
- (33) קוֹנָם an expression used in a vow of abstinence. V. Ned. 3lb.
- (34) In ordinary speech (the usages of which are the determining factor in vows), even such Israelites are never described as uncircumcised'.
- (35) Since such idolaters also are in ordinary speech described as 'uncircumcised'.
- (36) V. supra note 2. Now, since circumcised idolaters are never regarded as 'circumcised', they are obviously forbidden to eat of the Paschal lamb; what need then was there for a special text to include them in the prohibition?
- (37) In the prohibition to eat of the Paschal lamb.
- (38) He may not eat of the Paschal lamb before he has performed the immersion.
- (39) I.e., without his foreskin.
- (40) R. Akiba.
- (41) בְּרִית. V. Gen. XVII, 10.
- (42) Though no proper circumcision is necessary. Cf. supra n. 6.
- (43) Who does not include these in the prohibition to eat the Paschal lamb.
- (44) Supra 46a.
- (45) V. supra p. 479. n. 21.
- (46) In ordinary speech people repeat certain words. The repetition of the term man (v. supra p. 479. n. 21) has, therefore, no expository significance.
- (47) During the days preceding the child's circumcision which is normally due on the eighth day of his birth, v. Gen. XVII, 12.
- (48) Anointing with the oil of terumah is forbidden wherever its consumption is forbidden. V. Shab. 86a.
- (49) v. p. 480. n: 15.
- (50) Against the consumption etc. (v. supra n. 1) of terumah.
- (51) In regard to the eating of the Paschal lamb.
- (52) Its ritual slaying.
- (53) Scripture states, Let all his males (i.e.. his children) be circumcised, and then let him (i.e.. the master) . . . keep it (Ex. XII, 48); one's own keeping (v. supra n. 5) is thus made dependent on the circumcision of one's children.
- (54) Since Scripture stated, Every man's servant..when..circumcised. then shall he (i.e., his master) eat (Ex. XII, 44); one's own eating of the lamb is thus dependent on the circumcision of one's slaves.
- (55) I.e., that the non-circumcision of a person's children born to him subsequent to the preparation of the Paschal lamb

debars him from the eating of it, and that the non-circumcision of his slave debars him not only from the eating of it but also from its preparation.

(56) **י**

(57) In Ex. XII, 44. and *ibid.* 48.

(58) V. *supra* note 8.

(59) Its ritual slaying.

(60) Between the preparation and the consumption.

(61) I.e., on the same day. viz., on the fourteenth of Nisan, the Passover Eve.

(62) The child being only one day old (v. *supra* n. 24).

(63) The answer to R. Hama's enquiry is consequently in the negative.

(64) *Cur. edd.*, 'Raba'.

(65) Ex XII, 48, i.e., in order that a man shall be enabled to observe the commandment of the Paschal lamb he is advised, or instructed, to circumcise all his males.

(66) How, then, could the text possibly have referred to his case!

(67) Over the age of eight days (cf. *supra* p. 480, n. 15).

(68) Lit., 'fever released him'. The fever from which he suffered during the time of the preparation of the Paschal lamb. While in his fever he was physically unfit for, and hence exempt from circumcision. Now that he has recovered he is, at the time of consumption of the Paschal lamb, physically fit, and consequently subject to circumcision.

(69) If the child recovered from an illness.

(70) Before circumcision is allowed.

(71) *Cur. edd.* encloses in parenthesis 'for . . . seven days'.

(72) Before the seven days are passed the child remains unfit for circumcision. How, then, could his state of lawful uncircumcision debar his father from the consumption of the Paschal lamb?

(73) And it expired on the Passover Eve.

(74) V. *supra* n. 9.

(75) I.e., before the time of the preparation of the Paschal lamb; and, since that was not done, the child was in a legal state of uncircumcision not only during the time of eating, but also during the time of the preparation. The difficulty then arises again: What need was there for a Scriptural text to include the prohibition of eating the Paschal lamb while such a child remained uncircumcised, when the preparation that must precede the eating is already forbidden!

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a full period of seven days.¹

But, surely, Luda'ah learned, 'The day of a child's recovery is like the day of his birth'.² Does not this mean that as in respect of the day of his birth no full period is required³ so is no full period required in respect of the day of his recovery? — No; the day of his recovery is superior to the day of his birth. For, whereas in respect of the day of his birth no full period is required,³ in respect of the day of his recovery a full period is required.¹ R. Papa replied:⁴ Where, for instance, the child had a pain in his eye and recovered⁵ in the meantime.⁶ Raba replied:⁷ Where, for instance, his father and mother were confined in prison.⁸ R. Kahana son of R. Nehemiah replied:⁷ Where, for instance, the child was a tumtum⁹ who in the meantime¹⁰ was operated upon and was found to be a male. R. Sherabia replied:⁷ 'Where, for instance, the child put forth his head out of the forechamber [of the uterus]'.¹¹ But can such a child survive? Surely it was taught: As soon as the child emerges into the air of the world the closed organ¹² is opened and the opened¹³ is closed,¹⁴ for otherwise he could not survive even for one hour!¹⁵ — Here we deal with a case where the heat of the fever sustained him. Whose fever? If 'his own fever' be suggested, he should, if such was the case, be allowed a full period of seven days!¹⁶ — It means, where the fever of his mother sustained him. And if you prefer I might say that the statement¹⁷ applies only when the child does not cry. When, however, it cries it undoubtedly survives.

R. Johanan stated in the name of R. Bana'ah: An uncircumcised [Israelite] is eligible to receive

sprinkling;¹⁸ for so we find that our ancestors¹⁹ received sprinkling²⁰ while they were still uncircumcised, since it is said, And the people came up out of the Jordan on the tenth day of the first month,²¹ but on the tenth they were not circumcised owing to the fatigue of the journey; when, then, [could the sprinkling] have been performed?²² Obviously²³ while they were still uncircumcised.²⁴ But is it not possible that they prepared no Paschal lamb at all? — This suggestion cannot be entertained at all, since it is written, And they kept the Passover.²⁵ Mar Zutra demurred: It is possible that it²⁶ was a paschal lamb that was prepared in uncleanness!²⁷ — R. Ashi retorted: It was explicitly taught: They were circumcised, they performed their ritual ablutions, and they prepared their paschal lambs in a state of cleanness.

Rabbah b. Isaac stated in the name of Rab: The commandment of uncovering the corona at circumcision²⁸ was not given to Abraham; for it is said, At that time the Lord said unto Joshua: 'Make thee knives of flint etc.' [¹⁹ But is it not possible [that this applied to] those who were not previously circumcised; for it is written, For all the people that came out were circumcised,²⁹ but all the people that were born etc.?²⁹ — If so,³⁰ why the expression. 'Again!' Consequently³¹ it must apply to the uncovering of the corona.³² Why, then,³³ the expression, 'A second time?'³⁴ — To compare the termination of the circumcision with its commencement; as the commencement of the circumcision is essential³⁵ so is the termination of circumcision³⁶ essential;³⁷ for we learned, 'These are the shreds which render circumcision invalid: Flesh which covers the greater part of the corona; and [a priest whose circumcision was so defective] is not permitted to eat terumah'; and Rabina, or it might be said, R. Jeremiah b. Abba, stated in the name of Rab: Flesh which covers the greater part of the height of the corona.³⁸

Why were they not circumcised in the wilderness? — If you wish I might say: Because of the fatigue of the journey;

(1) Lit., 'from time to time. If the child, for instance, recovered in the afternoon, circumcision may not be performed before the same hour on the afternoon of the eighth day. If this day happens to be the Passover Eve, the child is not fit for circumcision at the time of the preparation though he may be fit at the time of eating.

(2) Shab. 137a.

(3) Circumcision may be performed at any hour on the eighth day of a child's birth without any regard to the hour at which he was born.

(4) It is possible for a child to be unfit for circumcision at the time of the preparation of the Paschal lamb and yet be fit at the time of eating.

(5) On the Passover Eve.

(6) Between the preparation and the eating. At the preparation the child was still unfit for circumcision; at the eating, however, he was fit, since no period of seven days' convalescence is allowed after recovery from such a minor ailment.

(7) V. supra note 1.

(8) At the time the Paschal lamb was prepared for them by an agent. At the time of eating, however, they were free. While in prison they were unable to perform, and consequently were exempt from the duty of circumcising their child. When they were set free they came under the obligation.

(9) V. Glos.

(10) Between the preparation and the eating of the Paschal lamb.

(11) Seven days prior to the Passover Eve; while birth was completed on the Passover Eve between the time of the preparation and the time of the eating. As the protrusion of the head constitutes birth in respect of circumcision (v. Nid. 29a) the operation must be performed as soon as birth is completed.

(12) The mouth.

(13) The navel.

(14) In the embryonic state the mouth is closed and the navel, by means of which it draws sustenance, open.

(15) Nid. 30b. Since it has no means whereby to draw sustenance.

(16) Like any other child recovering from a serious illness.

(17) That the child cannot survive.

- (18) Of the water of purification (cf. Num. XIX. 2f) if he was levitically unclean. He is, thereby, enabled to eat holy food, immediately after the circumcision, no other sprinkling being required.
- (19) Who were born in the wilderness and were not circumcised until they entered Canaan (cf. Josh. V. 4ff).
- (20) To enable them to eat of the Paschal lamb. They were all levitically unclean owing to contact with the dead in the wilderness. Such persons remain unclean for seven days and, before they are allowed to eat of the Paschal lamb, must, on the third and the seventh day, be sprinkled upon with the water of purification.
- (21) Josh. IV. 19.
- (22) It could not have been performed on the eleventh, since that would not allow a period of four days (v. supra n. 3) between the first and the second sprinkling if they were to participate in the meal of the Paschal lamb which is prescribed for the fourteenth.
- (23) Lit., 'not'?
- (24) I.e., either on the tenth, when they were still uncircumcised, or earlier. In either case it follows that the sprinkling which was performed while they were still uncircumcised enabled them to eat of the Paschal lamb.
- (25) Josh. V, 10.
- (26) The Paschal lamb spoken of in the text cited.
- (27) As is permitted when the majority of the congregation is in a state of uncleanness; v. Yoma 6b.
- (28) פריעת מילה uncovering the corona of the membrum by splitting the membrane that covers it and drawing it towards its base. (12) And circumcise again (Josh. V. 2). Since a second circumcision was necessary (emphasis on 'again') it is assumed that the previous circumcisions performed in accordance with the law given to Abraham, without uncovering the corona, were made invalid in the days of Joshua.
- (29) In the wilderness . . . had not been circumcised, Josh. V, 5.
- (30) If the instruction to circumcise applied to the non-circumcised only.
- (31) Lit., 'but not'?
- (32) I.e., a second circumcision for those who were already, but not properly, circumcised.
- (33) Since the expression, 'Again', is used for the purpose of an exposition.
- (34) Josh. V, 2. As 'Again', so should 'A second time' also be expounded.
- (35) Lit., 'prevents'; unless circumcision was performed the Paschal lamb may not be eaten.
- (36) The uncovering of the corona.
- (37) Cf. supra n. 7.
- (38) Shab. 137a and supra 47b q.v. for notes.

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and if you prefer I might say: Because the North wind¹ did not blow upon them. For it was taught: In all the forty years during which Israel was in the wilderness the North wind did not blow upon them. What was the reason? — If you wish I might say: Because they were under divine displeasure.² And if you prefer I might say: In order that the clouds of glory³ might not be scattered.

R. Papa said: Hence, no circumcision may be performed on a cloudy day or on a day when the South wind⁴ blows; nor may one be bled⁵ on such a day. At the present time, however, since many people are in the habit of disregarding these precautions,⁶ The Lord preserveth the simple.⁷

Our Rabbis taught: In all the forty years during which Israel was in the wilderness⁸ there was not a day on which the North wind⁹ did not blow at the midnight hour; for it is said, And it came to pass at midnight, that the Lord smote all the firstborn etc.¹⁰ How is the deduction arrived at? — By this we were taught that an acceptable time¹¹ is an essential.¹²

R. Huna said: A mashuk¹³ is Pentateuchally permitted to eat terumah but has been forbidden to do so by Rabbinical ordinance, because he appears to be like one uncircumcised.

An objection was raised: The mashuk requires to be [re-] circumcised!¹⁴ — Only by Rabbinical ordinance.

But he who raised the objection on what ground did he raise it, when it was definitely stated 'requires'!¹⁵ — He misunderstood the final clause: R. Judah said, He¹⁶ should not be circumcised because such an operation is dangerous in his case.¹⁷ They said to him: 'Surely many were circumcised in the days of Ben Koziba¹⁸ and yet gave birth to sons and daughters, [such circumcision being lawful] as, in fact, it is said in Scripture, Must needs be circumcised,¹⁹ even a hundred times. And, furthermore, it is said, He hath broken My covenant,²⁰ which includes the mashuk'.²¹ What need was there for the additional text? — In case you might argue that Must needs be circumcised²² includes only the shreds which render a circumcision invalid²³ [so he added]. Come and hear, He hath broken My covenant²⁰ which includes the mashuk.²⁴ He²⁵ consequently thought that, as the Talmud²⁶ made use of a Scriptural text, the law²⁷ must be pentateuchal; but the fact is that it is only²⁸ Rabbinical, and the Scriptural text is a mere prop.

An objection was raised: A tumtum²⁹ may not eat terumah,³⁰ but his women³¹ and slaves may eat of it. A mashuk³² and one born circumcised³³ may eat of it. The hermaphrodite³⁴ may eat terumah but not holy food³⁵ while the tumtum may eat neither terumah nor holy food.³⁶ At all events, it was taught here that the mashuk and one born circumcised may eat terumah; is not this a refutation against R. Huna!³⁷ — It is indeed a refutation.³⁸

The Master said, 'A tumtum may not eat terumah, but his women³⁹ and slaves may eat of it'. By what legal act could a tumtum acquire his wives?⁴⁰ If it be suggested, by betrothing them; for it was taught. 'If a tumtum betrothed a woman, his betrothal is valid and if he was betrothed by a man his betrothal is also valid',⁴¹ it might be retorted that the validity was intended only as a restrictive measure;⁴² was it, however, intended also as a relaxation of a law?⁴³ He⁴⁴ is possibly a woman, and no woman, surely, may betroth a woman! — Abaye replied: Where his testes can be distinguished externally. Raba replied: 'What is the meaning of "his women"? — His mother'. But [is not the case of his mother] self-evident? It might have been presumed that only one capable of procreation bestows the privilege of eating terumah, but one who is incapable does not bestow it, hence we were taught [that even a tumtum may bestow the privilege].

Come and hear: A tumtum may eat neither terumah nor holy food.⁴⁵ According to Abaye, this⁴⁶ is quite correct, since the first clause speaks of the certainly non-circumcised person⁴⁷ while the final clause speaks of the doubtful one; according to Raba, however, what need was there for the mention of the tumtum in the final clause? — The meaning of⁴⁸ tumtum⁴⁹ is 'the uncircumcised'.⁵⁰ If, however, one whose status as a non-circumcised person is in doubt is not permitted to eat terumah,⁵¹ would any one who is definitely an uncircumcised person be permitted to eat it?⁵² — The final clause is an interpretation of the first.⁵³ Why may not 'a tumtum eat terumah'? Because he might have the status of an uncircumcised person,⁵⁴ and a man who is uncircumcised 'may eat neither terumah nor holy food'.

May it be assumed that this⁵⁵ is a question in dispute among Tannaim: A mashuk,⁵⁶ and⁵⁷ a proselyte whose conversion took place while he was already circumcised,⁵⁸ and a child, the proper time of whose circumcision had passed,⁵⁹ and all other circumcised persons, this means to include one who has two foreskins, may be circumcised in the daytime only. R. Eleazar b. Simeon, however, said: At the proper time⁶⁰

(1) Which in that part of the world brings fine, mild and wholesome weather.

(2) On account of the sin of the golden calf (Rashi). v. Ex. XXXII; or that of the spies (Tosaf. a.l. s.v. **נִזְוָפִי**), v. Num. XIII.

(3) Which surrounded Israel. Cf. Ex. XIII. 21f.

(4) Which brings unwholesome weather.

(5) By blood-letting.

- (6) Lit., 'they tread in it'.
- (7) .Ps. CXVI, 6. Providence protects those who are unable to protect themselves.
- (8) Though they were in disgrace. (Cf. supra p. 485. n. 22).
- (9) Which in that part of the world brings fine, mild, and wholesome weather.
- (10) Ex. XII, 29.
- (11) Midnight.
- (12) In respect of the plague of the firstborn which brought deliverance to the oppressed; and so also in respect of the blessings of the North wind without which life would be intolerable. Cf. Rashi, a.l.
- (13) מִשּׁוּךְ (rt. מִשַּׁךְ 'to draw'). a circumcised person whose prepuce has been drawn forward to cover up the corona. V. Glos.
- (14) Tosef. Shah. XVI; presumably in accordance with Pentateuchal law.
- (15) Which implies a Rabbinical provision only. A Pentateuchal law would have read, 'the mashuk is regarded as an uncircumcised person'.
- (16) The mashuk.
- (17) It might fatally injure him.
- (18) Or Bar Kokeba, the leader of the Judean revolt against Rome in 132 C.E. In the course of the persecutions that preceded the revolt, many had their prepuces forcibly drawn in order to obliterate the sign of the Abrahamic covenant, and when liberation came they were again circumcised.
- (19) Gen. XVII, 13, הַמּוּל יְמוּל , repetition of the verb.
- (20) Gen. XVII. 14.
- (21) V. supra p. 486. n. 8.
- (22) Gen. XVII. 13. הַמּוּל יְמוּל repetition of the verb.
- (23) A second circumcision being required only when such shreds remained.
- (24) Since the former case is covered already by the previous text.
- (25) The student who raised the objection against R. Huna, supra.
- (26) [So MS. M. Cur. edd. (שֵׁשׁ הַסְּדָרִים) 'Six orders'. The term Talmud here denotes the discussion of a halachic statement with a view to elucidating the basis on which it is based. V. Strack. Introduction, p. 5].
- (27) In respect of the mashuk.
- (28) Lit., 'and it is not (so)'.
- (29) One whose sex is uncertain. V. Glos.
- (30) Though he is a priest. It is possible that an operation would reveal him to be a male who, prior to his circumcision, is forbidden to eat terumah.
- (31) At present this is assumed to mean wives .
- (32) V. supra p. 486, n. 8.
- (33) I.e., without a prepuce.
- (34) If he is a circumcised priest.
- (35) This refers to the highest grade of holy food such, for instance, as the sin, and guilt-offerings which may be eaten by priestly males only. The hermaphrodite cannot be regarded as a male.
- (36) Tosef. Yeb. X.
- (37) Who stated that these are, at least Rabbinically, forbidden to eat of it.
- (38) According to another reading (v. Rashi). the Baraitha is cited in support for R. Huna's view, it being interpreted that 'the mashuk etc. may eat by Pentateuchal law only' but is Rabbinically forbidden.
- (39) At present assumed to mean wives.
- (40) Lit., 'whence to him, to the tumtum, his wives'?
- (41) In the latter case the man is forbidden to marry the tumtum's mother or sister; and in either case the betrothal may be annulled by a letter of divorce only. Tosef. Yeb. XI. Bek. 42b.
- (42) To require, for instance, a letter of divorce. Cf. supra note 1.
- (43) To allow an Israelite woman to eat terumah by virtue of the tumtum's doubtful manhood.
- (44) The tumtum.
- (45) Tosef. Yeb. X.
- (46) The mention of the tumtum in this, as well as in the first clause.
- (47) Where the testes may be externally distinguished.

- (48) Lit., 'what is'.
- (49) In the final clause.
- (50) The rt. of tumtum, **תומטום** also signifies 'stop up'. 'closing up'. sc the foreskin.
- (51) The case referred to in the first clause.
- (52) Obviously not. What need then was there for the final clause!
- (53) Lit., 'what is the reason, he said'.
- (54) Lit., 'doubtfully uncircumcised'.
- (55) The law concerning the mashuk in R. Huna's statement supra.
- (56) V. Glos.
- (57) V. Rashal. Cur. edd. insert here in parenthesis. 'and one born circumcised'.
- (58) While he was still an idolater, the operation having been performed with no religious motive.
- (59) I.e., after the eighth day of his birth. V. Gen. XVII, 12.
- (60) On the eighth day. Cf. supra note 4.

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children may be circumcised in the daytime only; and if not at the proper time they may be circumcised both by day and by night,¹ Do they not differ on the following principle: While one Master² is of the opinion that the circumcision of a mashuk is a pentateuchal law, the other Master³ is of the opinion that the circumcision of the mashuk is only a Rabbinical ordinance?⁴ — And can you understand this?⁵ Is there any authority who maintains that the duty to circumcise a child whose proper time of circumcision had passed⁶ is only Rabbinical!⁷ But the fact is that both⁸ agree that the circumcision of a mashuk is a Rabbinical ordinance,⁹ and that the duty to circumcise a child whose proper time of circumcision had passed, is Pentateuchal. Here,¹⁰ however, their difference depends on the following principle: One Master¹¹ holds that [the conjunctive in the expression]. And in the day¹² is to be expounded;¹³ and the other Master³ is of the opinion that [the conjunctive in] And in the day¹² is not to be expounded.¹⁴ [The exposition here is of the same nature] as the following:¹⁵ When R. Johanan was once sitting [at his studies] and expounding that 'nothar¹⁶ at its proper time¹⁷ may be burned in the daytime only,¹⁸ and if not at its proper time,¹⁹ it may be burned either in the day or in the night'. R. Eleazar raised an objection: I only know that a child whose circumcision takes place on the eighth day must be circumcised in the daytime only; whence, however, is it deduced that the case of a child whose circumcision takes place on the ninth, tenth, eleventh or twelfth²⁰ is also included? Because it was expressly stated, 'And in the day';²¹ and even he²² who bases no expositions on a Waw does base his exposition on the basis of a Waw and a He!²³ The other remained silent. After he went out, R. Johanan said to Resh Lakish: I observed that the son of Pedath²⁴ was sitting and making expositions like Moses in the name of the Almighty. 'Was this his'? Resh Lakish replied. 'It is really a Baraita'. 'Where', the first asked. 'was it taught'? — 'In Torath Kohanim'.²⁵ He went out and learned it²⁶ in three days; and was engaged in making deductions and drawing conclusions from it for a period of three months.

R. Eleazar stated: The sprinkling²⁷ performed²⁸ by an uncircumcised person is valid, for his status is similar to that of a tebul yom²⁹ who, though forbidden to eat terumah, is permitted to prepare³⁰ the red heifer.³¹

The case of the tebul yom,²⁹ however, might be different, since he is also permitted to eat tithel!³² — Are we speaking of eating?³³ We speak only of touching: If a tebul yom who is forbidden to touch terumah is permitted [to occupy himself] with the red heifer,³⁰ how much more so the uncircumcised who is permitted to touch terumah!

The same [law] was also taught [elsewhere]: The sprinkling³⁴ performed³⁵ by an uncircumcised man is valid; and such an incident once happened, and the Sages declared his sprinkling to be valid.

An objection was raised: If a tumtum³⁶ performed sanctification,³⁷ his sanctification is invalid, because he [has the status of the person whose uncircumcision is a matter of] doubt, and such a person is forbidden to perform sanctification.³⁷ If an hermaphrodite.³⁸ however, performed sanctification,³⁷ his sanctification is valid. R. Judah said: Even if an hermaphrodite performed sanctification his act has no validity. because [his sex might] possibly be that of a woman, and a woman is ineligible to perform sanctification.³⁹ At all events it was taught here that the uncircumcised or the person whose uncircumcision is a matter of doubt is forbidden to perform sanctification!³⁹ R. Joseph replied: This Tanna is one of the school of R. Akiba who include the uncircumcised in the same prohibition as that of the unclean; as it was taught: R. Akiba said, 'What man soever⁴⁰ includes also the uncircumcised'.⁴¹

Raba related: I was once sitting before R. Joseph when I raised the following difficulty: Then⁴² the Tanna⁴³ should not have omitted to state.⁴⁴ 'The uncircumcised and the unclean', and one would at once suggest that the author was R. Akiba!⁴⁵ — But does he not?⁴⁶ Surely it was taught: The uncircumcised and the unclean are exempt from appearing at the Festivals!⁴⁷ — There [the case is different], because he is a repulsive person.⁴⁸

They⁴⁹ follow their own respective views. For it was taught: All⁵⁰ are permitted to perform sanctification,⁵¹ with the exception of the deaf, the imbecile and the minor. R. Judah permits in the case of the minor but regards a woman and an hermaphrodite as unfit.⁵² What is the Rabbi's reason? — Because it is written, And for the unclean they shall take of the ashes of the burning of the purification from sin,⁵³ those who are ineligible⁵⁴ for the gathering⁵⁵ are also ineligible for the sanctification,⁵⁶ but those who are eligible⁵⁷ for the gathering⁵⁵ are also eligible for the sanctification.⁵⁸ And R. Judah?⁵⁹ — He can answer you: If so,⁶⁰ Scripture should have used⁶¹ the expression 'He shall take',⁶² why then, And they shall take?⁶³ To indicate that even those who are ineligible there⁶⁴ are eligible here. If so, a woman also should be eligible!⁶⁵ Shall he put⁶⁶ but not 'Shall she put'. And the Rabbis? — Had it been written, 'He shall take'⁶⁷ and 'Shall he put'.⁶⁷ it might have been assumed that only one individual must take⁶⁸ and only one must put,⁶⁹ hence did the All Merciful write, And they shall take.⁷⁰ And had the All Merciful written, 'And they shall take' and also 'Shall they put'.⁷⁰ it might have been assumed that two must take⁶⁸ and two must put,⁶⁹ hence did the All Merciful write, And they shall take⁶⁷ and Shall he put.⁶⁷ [to indicate that the rites are duly performed] even if two take⁶⁸ and one put.⁶⁹

(1) Tosef. Shab. XVI.

(2) The first Tanna who restricts the time of the circumcision to the day only.

(3) R. Eleazar b. Simeon.

(4) Hence he permits its performance during the night also. Would then R. Huna's ruling agree with the view of one Tanna only!

(5) That the point at issue should be the one suggested.

(6) V. supra note 4.

(7) Certainly not. Being obviously a Pentateuchal law, the point at issue in the Baraitha cited cannot be the one suggested.

(8) Lit., 'but, that all the world', i.e., the first Tanna and R. Eleazar b. Simeon.

(9) In agreement with R. Huna's ruling.

(10) In the Baraitha cited.

(11) V. supra note 7.

(12) The Waw (and) in **וַבַּיּוֹם** Lev. XII, 3.

(13) Since the statement, In the eighth day the flesh of his foreskin shall be circumcised (ibid.) would have sufficiently indicated that circumcision must be performed in the daytime, the addition of the conjunction waw is regarded as an indication that even a circumcision that takes place after its proper time must be performed in the daytime only. And the case of the mashuk was, by Rabbinical ordinance. given the same force as that of the child.

(14) Nothing may be inferred from the use of the conjunctive Waw, not even the case of the child whose proper time of

- circumcision had passed, much less that of the circumcision of the mashuk, which is altogether a Rabbinical enactment. The circumcision of either may consequently be performed in the night also.
- (15) In the objection raised by R. Eleazar infra.
- (16) V. Glos.
- (17) On the third day. V. Lev. VII. 17.
- (18) Since the expression day was explicitly used.
- (19) After the third day. V. supra n. 5.
- (20) Day of its birth. V. Shab. 137a.
- (21) Lev. XII. 3.
- (22) R. Eleazar b. Simeon. supra.
- (23) Both these letters are found in the word **והנותר** And that which remaineth (ibid. VII. 17), and both are superfluous; which proves that even when burning takes place after the proper time it must be done in the daytime. How then could R. Johanan state that nothar, after its proper time, may be burned either in the day or in the night?
- (24) R. Eleazar's father was Pedath.
- (25) **תורת כהנים** 'the law of the priests'. an halachic commentary on Leviticus. sometimes designated Sifra.
- (26) The book, Torath Kohanim.
- (27) Of the waters of purification. V. Num. XIX. 2ff.
- (28) V. ibid. 19.
- (29) **טבול יום** , one who has performed his ritual ablution and is awaiting sunset, when his purification will be completed. V. Glos.
- (30) And also to sprinkle the waters of purification. (V. Rashi).
- (31) From which the water of purification (p. 490. n. 14) is prepared.
- (32) As the law in his case was relaxed in respect of the tithe it might also have been relaxed in respect of purification. How, then, could the uncircumcised, whose case is more restricted, be compared to him?
- (33) Of the red heifer. In such a case the objection might be justified.
- (34) Of the waters of purification. V. Num. XIX. 2ff.
- (35) V. ibid. 19.
- (36) V. Glos.
- (37) Of the water of purification by mixing the water with the ashes of the red heifer. V. Num. XIX. 27.
- (38) Who had been duly circumcised.
- (39) Tosef. Parah IV. (12) How then could R. Eleazar maintain that the uncircumcised may touch terumah?
- (40) Lev. XXII, 4, lit., 'man man'.
- (41) Supra 70a. As he is included there, so he is also included in the prohibition to touch terumah. R. Eleazar need not adopt this view, since the Rabbis are in disagreement with it.
- (42) If R. Akiba regards the uncircumcised and the unclean as having the same status in all respects.
- (43) Whenever he deals with uncleanness caused by touch.
- (44) Lit., 'and (he) should teach'.
- (45) Since, however. the uncircumcised is always omitted. it follows that, with the exception of the case of the red heifer, he does not have the same status as the unclean. How then could it be said that according to R. Akiba the uncircumcised may not touch terumah?
- (46) Mention the two side by side.
- (47) Hag. 4b. Three times a year. on the occasion of the Festivals of Passover, Pentecost and Tabernacles, all males had to appear before the Lord in the Temple at Jerusalem. V. Ex. XXIII. 17 and cf. Hag. 20.
- (48) It is revolting to have an uncircumcised man in the Temple. Hence the prohibition. This, however, supplies no proof that in all other respects also the uncircumcised has the same status as the unclean.
- (49) R. Judah and the Rabbis, in their difference on the question of the hermaphrodite.
- (50) Levitically clean persons, including a woman.
- (51) V. supra p. 491. n. 9.
- (52) Parah V, 4.
- (53) Num. XIX, 17.
- (54) Minors.
- (55) Of the ashes of the red heifer.

- (56) Since the mention of the latter rite, in Num. XIX, follows that of the former, no other rite in respect of the red heifer being mentioned in between.
- (57) Women. V. Yoma 43a.
- (58) V. p. 492. n. 17.
- (59) How, in view of this deduction made by the Rabbis, can he maintain that an hermaphrodite is ineligible?
- (60) That sanctification is to be compared to gathering.
- (61) In Num. XIX, 17.
- (62) The sing., as was done in the case of the verb referring to the gathering. V. ibid. 9.
- (63) The plural.
- (64) Minors.
- (65) Since she is eligible for the gathering.
- (66) And running water shall he put. Num. XIX, 17.
- (67) In Num. XIX. 17. V. infra nn. 11 and 12.
- (68) The ashes.
- (69) The water.
- (70) The plural.

Talmud - Mas. Yevamoth 73a

And the clean person shall sprinkle upon the unclean,¹ [since] clean [was mentioned]² the implication must be that he is [somewhat unclean.³ Thus it was taught that a tebul yom⁴ is permitted to prepare the red heifer.

R. Shesheth was asked: Is an uncircumcised person permitted to eat tithe:⁵ Is tithe deduced from the paschal lamb in the case of circumcision⁶ as the paschal lamb is deduced from tithe in the case of the mourning of an onan,⁷ or may only the major [sanctity] be deduced from the minor but not the minor from the major [sanctity]? He replied. You have learned this: In respect of terumah and the first ripe fruits⁸ one may incur the penalties of death⁹ and a fifth;¹⁰ these furthermore are forbidden to non-priests, they are the [undisputed] property of the priest,¹¹ they are neutralized¹² in one hundred and one,¹³ and they require washing of the hands,¹⁴ and sunset,¹⁵ All these restrictions apply to terumah and bikkurim only but not to tithe.¹⁶ Now, if that were so,¹⁷ it should have been stated here, 'The uncircumcised is forbidden to eat of them, which prohibition is not applicable to tithe'¹⁸ — He might have taught some¹⁹ and omitted others.²⁰

What else did he omit that he should have omitted this?²¹ — He omitted the following. In the final clause while it was stated: 'Some restrictions apply to tithe and the first ripe fruits, but not to terumah, since tithe and the first ripe fruits must be brought to the appointed place,²² they require confession²³ and are forbidden to an onan, and R. Simeon permits [the bikkurim to an onan]; they are,²⁴ furthermore, subject to removal;²⁵ but R. Simeon exempts them',²⁶ [the laws that] they may not be burned²⁷ even when levitically unclean,²⁸

(1) Num. XIX. 19.

(2) Which was unnecessary. it being self-evident that the rite of purification should be performed by a clean person.

(3) The object of the text being to indicate that though he is not clean in all respects he may nevertheless perform the rite of sprinkling.

(4) V. Glos. The tebul yom is in one respect regarded as clean, since he has already performed his ritual ablution (v. Lev. XIV. 9), while in another respect (the eating of holy food), he is still regarded as unclean until sunset.

(5) The 'second tithe' which is permitted to Israelites under certain restrictions. V. Deut. XIV, 22-27.

(6) As the Paschal lamb is forbidden to the uncircumcised so is also the second tithe.

(7) V. Glos. The prohibition of the second tithe to the onan is specifically referred to in Deut. XXVI, 14, while the prohibition to him of the Paschal lamb is arrived at by deduction from the former.

(8) Bikkurim v. Glos.

- (9) For unlawfully eating of them (v. Lev. XXII, 9 and Mak. 17a).
- (10) Of the value of the food, in addition to its actual cost, which a non-priest must pay if he consumed unwittingly any quantity of terumah or bikkurim. V. Lev. XXII. 24.
- (11) He may purchase with them any objects and may also use them as a token of betrothal.
- (12) Lit., 'go up' . i.e., lose their sanctity.
- (13) If the ratio of the ordinary food to that of the terumah of bikkurim is that of a hundred to one. The priest is then given 1/101 of the mixed quantity and the rest is permitted to be eaten by any person.
- (14) On the part of the man who wishes to eat of them, even if they consist of fruit only, which, unlike bread, if not consecrated requires no washing of the hands.
- (15) Before an unclean person, though he has performed his ablution, is permitted to eat of them.
- (16) Bik. II. 1; B.M. 52b.
- (17) That the uncircumcised is permitted to eat the second tithe.
- (18) Since, however, this was omitted, it follows that tithe also is forbidden to the uncircumcised.
- (19) Of the restrictions that do not apply to tithe.
- (20) The uncircumcised among them.
- (21) If nothing else was omitted it is unlikely that one single case only should have been omitted.
- (22) Jerusalem. V. Deut. XIV, 22ff and XXVI, 2ff.
- (23) V. Deut. XXVI, 10 (bikkurim); *ibid.* 13 (tithe).
- (24) Cf. Pes. 36b.
- (25) From the house, by the third, and the sixth year of the Septennial cycle. Cf. I have put away the hallowed things out of my house (Deut. XXVI, 13) and v. Maas. V, 6.
- (26) From the law of removal. Bik. II, 2.
- (27) Oil, for instance, for lighting purposes.
- (28) And not fit to be eaten.

Talmud - Mas. Yevamoth 73b

and that the man¹ who eats of them while they themselves are levitically unclean is to be flogged,² and that these laws do not apply to terumah, were not stated.³ This proves clearly that only some were taught and others were omitted.⁴

The Master said,⁵ 'And are forbidden to an onan, and R. Simeon permits [the bikkurim to an onan]'.⁶ Whence do they derive their views? — From the Scriptural text, Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thine oil or the firstlings of thy herd⁵ etc. nor the offering of thy hand,² and a Master said that 'the offering of thy hand' refers to bikkurim;⁷ and bikkurim were compared to tithe: As tithe is forbidden to the onan so are bikkurim also forbidden to the onan. And R. Simeon?⁸ — The All Merciful called them terumah: As terumah is permitted to the onan⁹ so are bikkurim permitted to the onan.

'They are, furthermore, subject to removal; but R. Simeon permits them'. One Master¹⁰ compares [bikkurim to tithe]¹¹ and the other Master does not.

'They may not be burned when levitically unclean, and the man who eats of them while they themselves are levitically unclean is to be flogged'. Whence is this derived? — From what was taught: R. Simeon said, Neither have I burned¹² thereof, being unclean,¹³ whether I was unclean and it was clean or I was clean and it was unclean. I do not know, however, where one was forbidden to eat it'.¹⁴ (But, surely, in relation to it, the uncleanness of the body was specifically stated: The soul that touches any such shall be unclean until the even, and shall not eat of the holy things,¹⁵ unless he bathe his flesh in waters — This is the question: Whence the prohibition [to eat it] where the thing itself is unclean?¹⁶ It was expressly stated,¹⁷ Thou mayest not eat within thy gates the tithe of thy corn¹⁸ but further on¹⁹ it was stated. Thou shalt eat it within thy gates; the unclean and the clean may eat it alike as the gazelle, and as the hart,²⁰ and at the school of R. Ishmael it was taught that the

unclean and the clean may eat together even on the same table, and the same plate, and no precautions need be taken. Thus the All Merciful stated, 'That, concerning which I told you there, Thou shalt eat it within thy gates,²⁰ you may not eat here'.²¹

'That these laws do not apply to terumah'. Whence do we derive this? — R. Abbahu replied in the name of R. Johanan: Scripture stated, Neither have I burnt thereof, being unclean,²² you may not burn 'thereof', but you may burn the oil of terumah if it has become unclean.²³ Might it not be suggested: You may not burn any 'thereof'. but you may burn holy²⁴ oil that became unclean? — This, surely, may be inferred a minori ad majus: If in respect of the tithe, the sanctity of which is of a minor character, the Torah stated, Neither have I burnt thereof, being unclean,²² how much more so in respect of holy food the Sanctity of which is of a major character. If so, terumah also might be inferred a minori ad majus! — Surely 'thereof' was written. And what reason do you see?²⁵ It is logical that holy food should not be excluded, since²⁶ [the following restrictions also apply to it:] piggul,²⁷ nothar,²⁷ sacrifice, me'ilah,²⁷ kareth,²⁷ and it is also forbidden to an onan.²⁷ On the contrary; terumah should not be excluded since [to it apply the restrictions of]²⁸ death.²⁹ a fifth,³⁰ it cannot be redeemed³¹ and it is forbidden to non-priests!³² — Those³³ are more in number. And if you prefer I might say: Kareth³⁴ is regarded as being of greater importance.

'The man that eats of them while they themselves are levitically unclean is to be flogged, and that these laws do not apply to terumah'. He is apparently³⁵ exempt only from flogging, but a prohibition³⁶ remains. Whence is this derived? — Scripture stated. Thou shalt eat it within thy gates.³⁷ only 'it'³⁸ but not any other;³⁹ and a negative precept that is derived from a positive one [has only the force of] a positive.⁴⁰

R. Ashi said.⁴¹ From the first clause also⁴² you may infer that the Tanna taught some⁴³ and omitted others,⁴⁴ since he did not state

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- (1) Himself levitically clean.
 - (2) V. infra.
 - (3) Though, according to the first Tanna who compares bikkurim and tithe in all respects, these laws also should have been included in his statement.
 - (4) The uncircumcised among them.
 - (5) V. Bah. Cur. edd. omit.
 - (6) Supra 73a.
 - (7) In reference to which 'hand' was mentioned. V. Deut. XXVI. 4. (Tosaf. s.v. תְּרוּמַת a.l.).
 - (8) Why does he permit it?.
 - (9) As shewn supra 70a.
 - (10) The first Tanna.
 - (11) In respect of which the prohibition was stated in Deut. XXVI. 13. Cf. supra p 494. n. 18.
 - (12) E.V. 'put away'.
 - (13) Deut. XXVI, 14.
 - (14) The prohibition referring to burning only. The question is assumed to refer to the uncleanness of either the tithe or the one who eats it.
 - (15) Which, as shewn infra 74b, refers to tithe.
 - (16) Lev. XXII, 6.
 - (17) In respect of the 'second tithe'.
 - (18) Deut. XII, 17.
 - (19) In reference to dedicated animals which are permitted to a non-priest if they were redeemed after having become blemished.
 - (20) Deut. XV, 22.
 - (21) Only there may the clean eat though the unclean had touched the plate and caused the defilement of the food, but not here in the case of the second tithe.

- (22) Deut. XXVI, 24.
- (23) Which proves that no prohibition is attached to terumah.
- (24) Dedicated, for instance, as a meal-offering.
- (25) For inferring holy food a minori ad majus, and for excluding terumah by the expression thereof?
- (26) The mnemonic פנקעכס represents the initials, or striking letters of Piggul. Nothar, Korban (sacrifice). me'ilah (the 'Ayin). Kareth. asur (forbidden).
- (27) V. Glos.
- (28) The mnemonic מדהפ"ז (cf. supra n. 1) represents the initials of מיתה 'death', חומש fifth', פדיון 'redemption', זר 'non-priest'.
- (29) For the person who eats it while he is in a state of uncleanness.
- (30) Payable by a non-priest who eats terumah unwittingly even at a time when it is permitted to priests. The fifth is not payable in respect of holy food when its consumption is permitted to priests.
- (31) Holy food, however, may be redeemed in certain circumstances.
- (32) Holy food of the minor degree is permissible to non-priests.
- (33) The restrictions in respect of terumah.
- (34) Which is incurred in connection with holy food and not in connection with terumah.
- (35) Since flogging was mentioned.
- (36) To eat unclean terumah.
- (37) Deut. XV, 22.
- (38) May be eaten.
- (39) Terumah.
- (40) Transgression of which is not punishable by flogging.
- (41) With reference to the question supra p. 494. n. 14.
- (42) Not only from the second.
- (43) Of the restrictions that do not apply to tithe.
- (44) The uncircumcised among them.

Talmud - Mas. Yevamoth 74a

'And they¹ apply in all² the years of the septennial cycle³ and cannot be redeemed', and that 'this does not apply to the [second] tithe'. This proves it.

Come and hear: 'If shreds⁴ which render the circumcision invalid remain, he may not eat terumah, nor the paschal lamb, nor holy food, nor tithe'. Does not tithe refer to the tithe of the corn? — No; the tithe of cattle.⁵ But is not the tithe of cattle the same as holy food?⁶ — Even on your view are we not told here of the paschal lamb and yet 'holy food' also is mentioned! — One can well understand why it was necessary to mention both the paschal lamb and holy food; for if the paschal lamb only had been stated it might have been assumed that it only is forbidden, because uncircumcision was written in Scripture in connection with the paschal lamb, but not holy food. And if holy food only had been stated it might have been assumed that what was meant by holy food was the paschal lamb.⁷ What need, however, was there for the mention here of the tithe of cattle!⁸ — [No, say,] rather, tithe refers to the first tithe; and this [teaching] is that of R. Meir who holds that the first tithe is forbidden to non-priests.⁹

Come and hear: Since R. Hiyya b. Rab of Difti has learned, 'An uncircumcised is forbidden to eat of both tithes', is not one the tithe of the corn and the other the tithe of the cattle! — Here also the first tithe was meant and the ruling is that of R. Meir.

Come and hear: 'An onan is forbidden to eat of tithe but is permitted to eat terumah, and [to engage] in the [preparation of] the red heifer;¹⁰ a tebul yom¹¹ is forbidden to eat terumah, but is permitted [to engage] in [the preparation of] the red heifer, and to eat tithe; and he who was still short of atonement¹² is forbidden [to engage] in [the preparation of] the red heifer, but is permitted to

eat terumah and tithe'. Now, if it were so,¹³ it should have been stated, 'The uncircumcised is forbidden to eat terumah but is permitted [to engage] in [the preparation of] the red heifer¹⁴ and to eat tithe'¹⁵ — This represents the view of a Tanna of the school of R. Akiba, who includes the uncircumcised, like the unclean, in the prohibition.¹⁶ As it was taught: Any man soever¹⁷ includes the uncircumcised.

Who is the Tanna who differs from R. Akiba?¹⁸ — It is the Tanna who [is in disagreement with] R. Joseph the Babylonian. For it was taught: The burning¹⁹ by an onan or by one who is still short of atonement is valid; but R. Joseph the Babylonian said: That of the onan is valid but that of him who is short of atonement is not valid.²⁰

R. Isaac also is of the opinion that the uncircumcised is forbidden to eat [second] tithe. For R. Isaac stated: Whence is it deduced that the uncircumcised is forbidden to eat [second] tithe? 'Thereof' was stated in respect of [the] tithe,²¹ and 'thereof' was also stated in respect of the paschal lamb;²¹ as the paschal lamb, in respect of which 'thereof' was used, is forbidden to the uncircumcised, so is [the] tithe, in respect of which 'thereof' was used, forbidden to the uncircumcised. Is it²² free for deduction? For if it is not free, it could be objected: The Paschal lamb is rightly subject to the restriction²³ since one may incur in respect of it the penalties for piggul,²⁴ nothar' and levitical uncleanness!²⁵ — It is indeed free for the deduction. Which²⁶ is free? Raba replied in the name of R. Isaac: 'Thereof' is written three times in connection with the paschal lamb.²⁷ One is required for the paschal lamb itself;²⁸ one for the analogy;²⁹ and as to the third, according to him who maintains that Scripture intended³⁰ a positive precept to follow a negative³¹ one,³² 'thereof' was written [a second time],³³ because nothar was written [a second time];³³ and according to him who maintains [that the repetition of until the morning³⁴ was intended] to allow a second morning for its burning,³⁵ 'thereof' was written [a second time],³⁶ because until the morning³⁴ had to be written [a second time]. Also, in connection with tithe, 'thereof' was written three times. One is required for its own purpose;³⁷ one is required for the deduction which R. Abbahu made in the name of R. Johanan;³⁸ and the third is required for the exposition made by Resh Lakish. For Resh Lakish stated in the name of R. Simya: Whence is it deduced that second tithe which has become levitically unclean may be used for anointing? It is said, Nor have I given thereof for the dead,³⁹ only for a dead man have I not given, but I have given for a living man in the same manner as for the dead. Now, what is it that may be equally applied to the living and to the dead? You must say that it is anointing.⁴⁰ Mar Zutra demurred: It³⁹ might be suggested to refer to the purchase for the dead of a coffin and shrouds!⁴¹ — R. Huna son of R. Joshua replied: 'Thereof' means of the tithe itself.⁴² R. Ashi replied: Nor have I given³⁹ must be analogous to I have not eaten,³⁹ as there⁴³ it refers to the tithe itself so here also⁴⁴ it must refer to the tithe itself. But still it⁴⁵ is free, however, in one direction only!⁴⁶ [The analogy is] quite satisfactory according to him who maintains that deduction may be made [even in such a case]. and may not be refuted.⁴⁷ According to him, however, who is of the opinion that deduction may be made but also refuted, what can be said?⁴⁸ — R. Abbahu's deduction⁴⁹ may be inferred from the text cited in the statement which R. Nahman made in the name of Rabbah b. Abbuha. For R. Nahman stated in the name of Rabbah b. Abbuha: What was meant by the Scriptural text, And I, behold, I have given thee⁵⁰ the charge of My heave-offerings?⁵¹ Scripture speaks of two kinds of terumah. One, clean terumah, and the other, unclean terumah; and concerning these the All Merciful said, 'It shall be thine,⁵⁰ even for burning under your dish.'⁵²

AND ALL LEVITICALLY UNCLEAN PERSONS etc. Whence is this deduced? — R. Johanan replied in the name of R. Ishmael: Scripture stated, What man soever of the seed of Aaron is a leper, or hath an issue etc.⁵³ Now, what is it that is equally

(1) Terumah and bikkurim.

(2) Lit., 'other', i.e., even in the third and sixth. V. next note.

- (3) And not only, like the second tithe, in the first, second, fourth and fifth years of the cycle.
- (4) Of the corona.
- (5) Which solves the question put to R. Shesheth.
- (6) Which is already mentioned.
- (7) Both were therefore necessary.
- (8) Which is included in 'holy food'. V. supra n. 2. Hence 'tithe' must mean second tithe, which solves the question put to R. Shesheth.
- (9) And owing to its sanctity it was also forbidden to the uncircumcised.
- (10) Since it is not offered on the altar, its sanctity is of a lesser degree.
- (11) V. Glos.
- (12) An unclean person the requirements of whose purification have, with the exception of the sacrifice prescribed for the unclean, been satisfied.
- (13) That the uncircumcised is permitted to eat second tithe.
- (14) As stated supra 72b.
- (15) Since this, however, was omitted it must be assumed that the omission was due to the fact that tithe is permitted to the uncircumcised!
- (16) To engage even in the preparation of the red heifer (supra 72b).
- (17) Lev. XXII, 4; lit., 'man man'.
- (18) And maintains (v. supra 72b) that the uncircumcised may deal with the red heifer.
- (19) Of the red heifer. V. Num. XIX, 5.
- (20) As the first Tanna differs from R. Joseph in respect of the man who was short of atonement, he presumably differs also in respect of the uncircumcised.
- (21) V. infra for further explanation.
- (22) The expression 'thereof' used in the analogy.
- (23) Its prohibition to the uncircumcised.
- (24) V. Glos.
- (25) Hence no analogy between it and tithe would be justified.
- (26) Of the expressions, 'thereof'.
- (27) Ex. XII, 9,10.
- (28) [In 'Ye shall not eat thereof raw' (verse 9) 'thereof' is required as otherwise it might have been assumed to refer to the unleavened bread and bitter herbs mentioned in the preceding verse (Tosaf)].
- (29) With second tithe.
- (30) By the text, Ye shall burn (that which remains) with fire (Ex. Xli, 10).
- (31) Ye shall let nothing thereof remain (ibid.).
- (32) In order to exempt the transgressor from the penalty of flogging. v. Mak. 4b.
- (33) In Ex. XII, 20., cf. previous note.
- (34) Ibid. Earlier in the text it was already stated, And ye shall let nothing thereof remain until the morning.
- (35) The morning after the first day of the Passover. V. Pes. 83b.
- (36) In Ex. XII. 10.
- (37) [The first 'thereof' to exclude the first tithe from the restriction in regard to onan (v. Glos) תום ישנים].
- (38) Permitting the burning of unclean oil of terumah for lighting purposes. V. supra 73b.
- (39) Deut. XXVI, 24.
- (40) It cannot refer to eating which is, of course, inapplicable to the dead.
- (41) And not to anointing. The deduction, consequently, would be that though unclean tithe may not be exchanged for money wherewith to buy the requirements of the dead, it being unfit as food, it may be exchanged for the purpose of buying anything for the living.
- (42) Not with the money for which it was exchanged.
- (43) In respect of eating.
- (44) The 'giving'.
- (45) The expression. 'Thereof'.
- (46) In that of the Paschal lamb; those occurring in the section of tithe being required for other deductions.
- (47) Nid. 22b.

(48) In view of the objection that the Paschal lamb is subject to restrictions which are inapplicable to the second tithe.

(49) From one of the expressions of 'thereof'.

(50) ¶⁵.

(51) Num. XVIII, 8.

(52) Since R. Abbahu's deduction may be made from this text, one of the expressions of 'thereof' remains free for the purpose of the analogy.

(53) Lev. XXII, 4.

Talmud - Mas. Yevamoth 74b

applicable to all the seed¹ of Aaron? You must say that it is terumah.² But might it not be assumed to refer to the breast and the shoulder?³ — [These are] not [permitted] to [a woman] who returns.⁴ But terumah also is not permitted to a halalah!⁵ — A halalah is not regarded as of the seed of Aaron.⁶ And whence is it inferred that until he be clean⁷ means 'until sunset',⁸ perhaps it means, 'until the atonement is brought'? — This cannot be entertained. For a Tanna of the school of R. Ishmael [taught] that Scripture⁷ speaks of a zab⁹ who noticed only two issues, and of a leper while under observation,¹⁰ both being cases similar to that of one who is unclean by the dead;⁷ as he who is unclean by the dead⁷ is not liable to bring an atonement so are these¹¹ such as are not liable to bring an atonement.¹² Let it be said, then, that this¹³ applies only to those who are not liable to bring an atonement, but that for those who are liable to an atonement,¹⁴ purification is incomplete until the atonement has been brought! Furthermore, in respect of what we learned, 'If he performed the prescribed ablution and came up from his bathing he may eat of the [second] tithe; after sunset he may eat terumah; and after he has brought his atonement he may also eat of the holy food',¹⁵ whence, it may also be asked, are these laws derived? — Raba replied in the name of R. Hisda: Three Scriptural texts are recorded: It is written, And shall not eat of the holy things, unless he bathe his flesh in water,¹⁶ implying if he bathed, however, he is clean. It is also written, And when the sun is down, he shall be clean, and afterwards he may eat of the holy things.¹⁷ And finally, it is written, And the priest shall make atonement for her, and she shall be clean.¹⁸ How, [then, are these contradictory conditions¹⁹ to be reconciled]?²⁰ The first refers to [second] tithe; the second to terumah, and the third to holy food. Might not these be reversed?²¹ It is reasonable that terumah should be subject to the greater restriction, since²² it is also subject to the restrictions of the death penalty,²³ the fifth,²⁴ it cannot be redeemed,²⁵ and is also forbidden to the non-priest.²⁶ On the contrary; [second] tithe might be regarded as subject to the greater restriction, since it²⁷ has to be brought to the appointed place,²⁸ requires confession,²⁹ is forbidden to an onan, must not be burned³⁰ [even] when unclean, the penalty of flogging is incurred for eating it when it is unclean,³¹ and it is also subject to the law of removal!³² — The penalty of death, nevertheless, is of the greatest severity. Raba said: Apart from the fact that the death penalty is of the greatest severity it could not be said so;³³ for Scripture stated, soul.³⁴ Now, what is it that is equally [permitted] to every soul? You must admit that it is tithe.³⁵ Still, this³⁶ might apply only to one who is not liable to bring an atonement;³⁷ but where a man is liable to an atonement it might be said that [purification is not complete] until he has brought the atonement! — Abaye replied: Two Scriptural texts are recorded in the case of a woman in childbirth.³⁸ It is written, Until the days of her purification be fulfilled,³⁹ as soon as her days are fulfilled she is clean; and it is also written, And the priest shall make atonement for her, and she shall be clean,⁴⁰ how, [then, are the two to be reconciled]?⁴¹ The former applies to terumah, the latter to holy food.⁴²

But might not these be reversed?⁴³ — It stands to reason that holy food should be subject to the greater restriction,⁴⁴ since it is also subject to the restrictions of⁴⁵ piggul⁴⁶ nothar,⁴⁶ sacrifice, me'ilah,⁴⁶ kareth,⁴⁶ and is also forbidden to an onan.⁴⁶ On the contrary, terumah should be subject to the greater restriction,⁴⁷ since it is also subject to the restrictions⁴⁸ of⁴⁵ the death penalty,⁴⁹ the fifth,⁵⁰ it cannot be redeemed,⁵¹ and is also forbidden to the non-priest!⁵² — Those⁵³ are more in number.

Raba said: Apart from the fact that those⁵³ are more in number this⁵⁴ could not be maintained. For Scripture stated, And the priest shall make atonement for her, and she shall be clean,⁵⁵ which implies that [until that moment] she was unclean. Now, were it to be assumed that this text⁵⁶ speaks of holy food,⁵⁷ the text, And the flesh that toucheth any unclean thing shall not be eaten⁵⁸ should apply to it!⁵⁹ It must, therefore, be concluded that the text⁶⁰ speaks of terumah.

R. Shisha son of R. Idi demurred: How could it be said that the law of terumah was prescribed in this text?⁶⁰ Surely it was taught: [From the text]. Speak unto the children of Israel.⁶¹ one would only learn [that these laws⁶² are applicable to] the children of Israel; whence, however, is one to infer that they also apply to a proselyte or an emancipated slave? Scripture consequently stated,⁶³ Woman.⁶⁴ Now, if it were to be assumed that the text speaks of terumah, are a proselyte and an emancipated slave, [it may be asked,] permitted to eat terumah!⁶⁵ Said Raba: But does it⁶⁶ not?⁶⁷

(1) Males and females.

(2) It cannot refer to holy food of the higher degree of sanctity which is permitted to male priests only.

(3) Of the peace-offerings which belong to the class of holy food of a minor degree of sanctity, and are permitted to the priestly males and females. (V. Lev. X, 14).

(4) From the home of her husband who was an Israelite and died without issue, to that of her father who is a priest (v. supra 68b). Terumah, however, is permitted in such a case.

(5) V. Glos., though she is the daughter of a priest.

(6) Having been born of a forbidden marriage.

(7) Lev. XXII, 4.

(8) And on the basis of this interpretation the unclean is permitted to eat terumah even before he has brought his atonement.

(9) V. Glos.

(10) Lit., 'a locked-up leper'. V. Lev. XIII, 4ff.

(11) The zab and leper spoken of in this text.

(12) Only a confirmed leper, and a zab who has had three attacks of gonorrhoea are, on recovery and purification, liable to bring sacrifices. Cf. Meg. 8a.

(13) That sunset alone, though no sacrifice had yet been brought, completes the purification of the unclean as far as the consumption of terumah is concerned.

(14) The confirmed leper, and a zab who had three attacks.

(15) Neg. XIV, 3, Pes. 35a, Nid. 71b.

(16) Lev. XXII, 6.

(17) Ibid. 7.

(18) Ibid. XII, 8.

(19) Bathing, sunset and sacrifice.

(20) Each text obviously pointing to a different condition as the essential, or completion of purification!

(21) For terumah bathing alone should suffice; while for tithe, waiting until sunset should be required.

(22) V. supra p 497. n. 3.

(23) V. supra p. 497. n. 4

(24) V. supra p. 497 n. 5.

(25) While tithe may be redeemed.

(26) Tithe is not.

(27) The mnemonic **הזד"ם ט"ב** lit., 'a good myrtle', represents distinctive letters occurring in prominent words describing the following restrictions **ה**=הבאה=ה confession; **ם** = אסור prohibition sc. to an onan; **ט** = טומאה uncleanness; **ב** = בעור removal.

(28) Jerusalem. V. Deut. XIV, 22ff.

(29) V. Deut. XXVI, 13.

(30) For lighting purposes, if, for instance, it consisted of oil.

(31) While the man is clean.

- (32) V. supra p. 494 n. 18.
- (33) V. supra p. 502, n. 15.
- (34) Lev. XXII, 6.
- (35) This verse then must refer to tithe, and it requires ablution only and no waiting for sunset.
- (36) That purification in respect of terumah is complete even before the sacrifice had been brought.
- (37) As, for instance, the case of the leper under observation, and that of the zab who had no more than two attacks, of whom the text mentioned speaks.
- (38) Who is liable to bring a sacrifice.
- (39) Lev. XII, 4.
- (40) Ibid. 8.
- (41) According to the former text, cleanness is complete at the conclusion of the prescribed period, while according to the latter the woman cannot be clean before her sacrifices are offered.
- (42) Thus it follows that even when a sacrifice has been prescribed (cf. p. 505, n. 17) terumah may be eaten before that sacrifice has been brought.
- (43) The first text applying to holy food, and the second to terumah.
- (44) That its consumption be not permitted before the prescribed sacrifice had been offered.
- (45) For explanation of the mnemonics v. supra p. 497 nn. 1 and 3.
- (46) V. Glos.
- (47) V. supra note 2.
- (48) V. supra p. 497, n. 3.
- (49) V. supra p. 497 n. 4.
- (50) V. supra p. 497 n. 5.
- (51) Holy food may be redeemed.
- (52) Holy food is not.
- (53) The restrictions in connection with holy food.
- (54) That the first text, Lev. XII, 4. which permits consumption before the sacrifice is brought, should refer to holy food.
- (55) Lev. XII. 8.
- (56) V. supra note 12.
- (57) Which would accordingly be permitted to be eaten even before the prescribed sacrifice had been offered.
- (58) Lev. VII, 29.
- (59) Since the person who has not brought the prescribed sacrifice is still regarded as unclean. How then could the consumption of holy food be permitted to him?
- (60) Lev. XII. 4.
- (61) Ibid. 2.
- (62) Relating to uncleanness after childbirth. V. Lev. XII, 2ff.
- (63) Lev. XII, 2.
- (64) Cf. Ker. 7b.
- (65) Certainly not. The text must consequently refer not to terumah but to holy food!
- (66) The text cited.
- (67) Speak of terumah?

Talmud - Mas. Yevamoth 75a

Surely it is written,¹ She shall touch no hallowed thing² [which] includes terumah!³ The fact, however, is that Scripture enumerated a number of distinct subjects.⁴ Now what need was there for three distinct texts⁵ in respect of terumah! — They are all required. For were terumah to be deduced from Until he be clean,⁶ it would not be known whereby,⁷ hence did the All Merciful write, And when the sun is down, he shall be clean.⁸ And if the All Merciful had written only And when the sun is down,⁸ it might have been assumed [to apply to such a person] as is not liable to bring a sacrifice, but in the case of one who is liable it might have been presumed that cleanness is not effected before he has brought his atonement, hence the All Merciful wrote, Until. . . be fulfilled.⁹ And had the All Merciful written only, Until . . . be fulfilled,¹⁰ it might have been presumed that cleanness may be

effected even without ablution, hence did the All Merciful write, Until he be clean.⁶

According. however, to that Tanna who disagrees with the Tanna of the school of R. Ishmael, maintaining that the text⁶ speaks of a zab who had three attacks of gonorrhoea and of a confirmed leper,¹¹ and that the deduction from Until he be clean⁶ is 'until he brings his atonement,'¹² what need was there for two texts¹³ in respect of holy food? — [They are both] required. For had the All Merciful written about the woman after childbirth only,¹⁴ the law¹⁵ might have been said to apply to her only because her uncleanness is of long duration,¹⁶ but not to a zab. And had the All Merciful written the law¹⁷ in connection with a zab only,¹⁸ it might have been assumed to apply to him only since his uncleanness does not automatically cease,¹⁹ but not to a woman after childbirth.²⁰ [Hence both texts were] necessary.

What was the need²¹ for the text, It must be put into water, and it shall be unclean until the even?²² — R. Zera replied: In respect of touch,²³ as it was taught: And it shall be unclean²⁴ might have been taken to refer to all cases,²⁵ hence it was stated, Then shall it be clean.²⁶ And if only Then shall it be clean²⁶ had been stated it might have been assumed to refer to all cases,²⁷ hence it was stated, And it shall be unclean.²⁸ How then [are the two to be reconciled]? The one²⁹ refers to [second] tithe and the other³⁰ to terumah. But might not the deduction be reversed? — It stands to reason that as the eating of terumah is more restricted than the eating of tithe, so shall the touching of terumah be more restricted than the touching of tithe.

If you prefer I might say that the prohibition against the touching of terumah³¹ is deduced from the following. It was taught:³² She shall touch no hallowed thing,³³ is a warning against its consumption.³⁴ Perhaps it is not so, but against touching it? It was stated, She shall touch no hallowed thing, nor come into the sanctuary,³³ the hallowed thing is thus compared to the sanctuary; as [an offence against] the sanctuary involves loss of life,³⁵ so [must the offence against] the hallowed thing be such as involves loss of life, while in respect of touch no loss of life is involved; and the reason [why eating] was expressed by a term denoting touch is to indicate that touching and eating are equally [forbidden].³⁶

[A PRIEST WHO IS] WOUNDED IN HIS STONES etc. Who is it that taught: A woman subject to a pentateuchally forbidden cohabitation³⁷ may eat terumah?³⁸ — R. Eleazar replied: This question is the subject of a dispute, and the ruling here is that of R. Eleazar and R. Simeon.³⁹ R. Johanan said: [The ruling here] may even be that of R. Meir,³⁹ the circumstances here being different, since the woman has already been eating.⁴⁰ And R. Eleazar? — The argument, 'since she has already been eating' cannot be entertained; for should you not admit this,⁴¹ a daughter of an Israelite who was married to a priest and whose husband subsequently died, should also be permitted to eat terumah since she has already been eating it.⁴² And R. Johanan? — There,⁴³ his kinyan had completely lapsed;⁴⁴ here, however, his kinyan did not lapse.⁴⁵

WHAT IS TERMED A PEZU'A? Our Rabbis taught: What is termed a pezu'a dakkah? A man both of whose stones were wounded or even only one of them; even though they were only punctured, crushed, or simply defective. Said R. Ishmael son of R. Johanan b. Beroka: I heard from the mouth of the Sages at the Vineyard⁴⁶ at Jabneh that one having only one stone is a natural born eunuch⁴⁷ and is, therefore, a fit person. How could it be said that such a person is a natural born eunuch!⁴⁸ — Say rather, he is like a natural born eunuch and is, therefore, fit.⁴⁹

Is [a man whose stones are] punctured incapable of procreation? Surely, a man once climbed up a palm tree

(1) In the same section.

(2) Lev. XII, 4.

- (3) V. Mak. 14b. The proselyte and emancipated slave are also included in such a prohibition.
- (4) One may be applicable to one class of persons. and another to others.
- (5) Lev. XXII, 4. *ibid.* 7, and *ibid.* XII, 4, which, as explained *supra*. refer to *terumah*.
- (6) Lev. XXII, 4.
- (7) Cleanness is effected.
- (8) *Ibid.* 7.
- (9) *Ibid.* XII, 4. which speaks of a woman after childbirth, who is liable to bring a sacrifice and is, nevertheless, regarded as clean in respect of *terumah* immediately after the sunset of the last day of the prescribed period.
- (10) V. *supra* n. 24.
- (11) Both of whom are liable to bring sacrifices.
- (12) The text referring to holy food, *terumah* having been deduced by him from Lev. XXII, 7.
- (13) Lev. XII, 8 and *ibid.* XXII, 4.
- (14) I.e., Lev. XII, 8.
- (15) That the prescribed sacrifice must be brought before cleanness is effected.
- (16) Eighty days must elapse in the case of the birth of a daughter (v. Lev. XII. 5) before the mother is permitted to eat of *terumah* or of holy food.
- (17) V. *supra* note 3.
- (18) I.e., Lev, XXII, 4.
- (19) He remains unclean however long his affliction may last.
- (20) Who, in respect of connubial relations, is regarded as clean on the termination of the prescribed period, though the flow may still continue.
- (21) In view of Lev. XXII, 7 which makes the consummation of cleanness dependent on sunset.
- (22) Lev. XI, 32, which, also making the consummation of cleanness dependent on sunset, must, like Lev. XXII, 7 refer to *terumah*.
- (23) Before sunset on the day of purification no *terumah* may come in contact with the unclean vessel; and the same restriction applies to the *tebul yom* (v. *Glos.*). This could not have been deduced from Lev. XXII, 7 which does not speak of touch or contact but of eating.
- (24) Lev. XI, 32, even after it had been put in water.
- (25) I.e., that the uncleanness remains in respect of both *terumah* and [second] *tithe*.
- (26) *Ibid.* טָהַר. The use of this form of the verb (which may also represent the present participle), instead of the imperfect, implies a state of cleanness even before the sun had set. (V. Rashi).
- (27) That the state of cleanness arises, as soon as ablution had taken place, in respect of both *tithe* and *terumah*.
- (28) Lev. XI, 32.
- (29) The latter, Be clean.
- (30) The former, Be unclean.
- (31) On the part of a *tebul yom*. V. *Glos.*
- (32) So Bah. Cur. *edd.* omit.
- (33) Lev. XII, 4.
- (34) Before the sunset of the last day of the prescribed period, the woman being regarded until then as a *tebul yom*, the 'day' (*yom*) being a 'long one' embracing all the days of the prescribed period.
- (35) The penalty for entering the sanctuary while one is unclean is *kareth*. Cf. Num. XIX, 20.
- (36) To the unclean or the *tebul yom*.
- (37) As is the case in our Mishnah with the wife of the mutilated priest with whom no cohabitation has yet taken place after his mutilation, though such cohabitation may still take place at any moment.
- (38) V. our Mishnah.
- (39) V. *supra* 57b.
- (40) Before her husband was disabled. She is not deprived of a privilege she had been enjoying though she may not be entitled to new privileges.
- (41) That the argument is untenable.
- (42) Which is absurd. The argument is consequently untenable.
- (43) The case of a priest who married the daughter of an Israelite and died.
- (44) When he died. Hence the woman's loss of her privilege.

(45) Since the marriage had not been annulled.

(46) The College. So called because the students were sitting in rows arranged like the vines in a vineyard.

(47) סְרִימַת הַמָּוֶה lit., 'a eunuch through heat', i.e., fever, illness (v. Golds.) or 'a eunuch of the sun', i.e., from birth when the child first saw the sun (v. Jast.).

(48) The former surely might be the result of an accident!

(49) The prohibition being restricted to the wounded or crushed.

Talmud - Mas. Yevamoth 75b

and a thorn pierced his stones, [his semen] issued like a thread of pus, and, [despite the accident], he begat children! — In that case, as a matter of fact, Samuel sent word to Rab, telling him, 'Institute enquiries respecting the parentage of his children'.

Rab Judah stated in the name of Samuel: A man whose stones have been injured by a supernatural agency¹ is regarded as a fit person.² Said Raba: This is the reason why the Scriptural text reads, Who is wounded³ and not 'the wounded'.⁴

In a Baraitha it was taught: It was said in Scripture. He who is wounded . . . shall not enter³ and it was also said, A bastard shall not enter,⁵ as the latter is the result of human action, so is the former the result of human action.⁶

Raba stated: Wounded³ applies to all,⁷ crushed³ applies to all,⁷ and cut off⁸ applies to all.⁹ 'Wounded applies to all': Whether the membrum, the stones or the spermatic cords of the stones were injured. 'Crushed applies to all': Whether the membrum, the stones or the spermatic cords were crushed. 'Cut off applies to all': Whether the membrum, the stones or the spermatic cords were cut off.

A certain Rabbi asked Raba: Whence is it inferred that the expression pezu'a dakkah⁸ refers to an injury in the privy parts; might it not be said to refer to the head? The other replied: As no number of generations is mentioned,¹⁰ it may be inferred that the reference is to the privy parts.¹¹ But is it not possible that the reason why no number of generations is given in this case is because only he himself¹² is forbidden,¹³ while his son and the son of his son are permitted! — [This must be] similar to the case of him whose membrum is cut off; as the latter involves the privy parts, so must the former involve those parts.

And whence is it inferred that the injury of the keruth shafekah¹⁴ himself involves his privy parts? Might it not be one involving his lips!¹⁵ — Shafekah¹⁶ is written, implying, 'at the spot where it discharges',¹⁷ But might it not refer to one's nose? — It is not written, '[Cut] at the organ that discharges', but 'a cut organ that discharges'; thus implying that organ which in consequence of a cut discharges, and in the absence of a cut does not discharge but flows out. This excludes the nose which in either case¹⁸ emits a discharge.¹⁹

In a Baraitha it was taught: It was said in Scripture. He who is wounded in his stones shall not enter,⁸ and it was also said. A bastard shall not enter,²⁰ as the latter refers to the privy parts, so does the former refer to the privy parts.

In a case where a puncture beginning below the corona terminated²¹ at the other end of it above the corona, R. Hiyya b. Abba desired to declare the sufferer as fit.²² Said R. Assi to him: Thus ruled R. Joshua b. Levi, '[A perforation of] any size in the corona constitutes a bar [against fitness]'.

IF, HOWEVER, ANY PART OF THE CORONA REMAINED etc. Rabina, while sitting [at his studies], raised the following question: Must the HAIR'S BREADTH of which they spoke extend

over the entire circumference thereof or only over its greater part? — ‘The HAIR'S BREADTH’, said Rabbah²³ Tosfa'ah to Rabina, must extend over the greater part of it and towards its upper section’.²⁴

R. Huna ruled: If it²⁵ is cut away like a reed pen it constitutes no disqualification; if like a gutter²⁶ it causes disqualification. For in the latter case the air penetrates;²⁷ in the former it does not. R. Hisda, however, ruled: [If the cut was] in the shape of a gutter no disqualification is constituted; if it had the shape of a reed pen disqualification is constituted. For in the first case friction may be produced; in the latter it cannot.

Raba said: It is reasonable to adopt the view of R. Huna that in the latter case the air penetrates while in the former it does not. For in regard to friction it is only like a bung in a cask.²⁸

Said Rabina to Meremar: Thus said Mar Zutra in the name of R. Papa, ‘The law is that no disqualification is constituted whether the corona was cut away like a reed pen or like a gutter He raised, however, the question. [whether such a cut must be] below the corona or may even be above it?²⁴ — It is obvious that it may even be above it; for were it to be below the corona, the man would be regarded as fit even if the entire membrum there had been cut off. Rabina, however,²⁹ only desired to test Meremar.

Such an incident³⁰ once occurred at Matha Mehasia, and R. Ashi arranged for the corona to be cut into the shape of a reed pen, and then declared the man to be fit. It once happened at Pumbeditha that a man had his semen duct blocked, and the discharge of the semen made its way through the urinal duct. R. Bibi b. Abaye intended to declare the man fit. R. Papi, however, said to him, ‘Because you are yourselves

(1) Lit., ‘by the hands of heaven’, through lightning, for instance, or from birth.

(2) He is not included in the prohibition to enter the congregation of the Lord. V. infra n. 9.

(3) Deut. XXIII. 2.

(4) The definite article would have implied that the incapacity was of long standing. (Cf. supra note 7).

(5) Deut. XXIII, 3.

(6) Not that of a supernatural force. (Cf. supra note 7).

(7) The organs of procreation.

(8) Deut. XXIII. 2.

(9) The organs of procreation.

(10) Forbidding them to enter into the assembly of the Lord, as is the case with a bastard, an Ammonite, a Moabite etc. V. Deut. XXIII, 2ff.

(11) An injury which deprives one of the power of procreation.

(12) Who is wounded.

(13) To enter into the assembly of the Lord. V. ibid. 2.

(14) Here rendered, ‘one whose membrum is cut off’.

(15) From which spittle may be emitted. Shafekah, from rt. שפך ‘to pour out’, emit’.

(16) Cf. supra n. 8.

(17) Spittle does not flow out of the mouth.

(18) Even when it is not cut.

(19) But does not ejaculate.

(20) Deut. XXIII. 3.

(21) By sloping upwards towards the body.

(22) Since one end of the perforation is below the corona.

(23) So Emden. Cur. edd. ‘Raba’.

(24) Which is nearer to the body.

(25) The corona.

(26) The cut running across the centre and leaving the sides intact.

(27) Cooling the membrum and preventing the flow of the semen.

(28) Though the bung is cut away at its lower end it nevertheless closes the hole with its upper part which comes in contact with the sides of the bung hole. The contact produced by the upper part of the membrum is sufficient for the generation of the heat required for fertilization.

(29) In raising a question the answer to which was, so obvious.

(30) The cut having taken the shape of a gutter.

Talmud - Mas. Yevamoth 76a

frail beings you speak frail words;¹ through its proper duct it fertilizes but when not passing through its proper duct it does not fertilize.’

Rab Judah stated in the name of Samuel: If it had a small perforation which was closed up, the man is deemed to be unfit if the wound re-opens when semen is emitted, but if it does not re-open the man is regarded as fit.

In respect of this ruling Raba raised the question: Where? If the perforation is below the corona,² [the man should remain fit] even if it were cut off! — It means, in the corona itself. So it was also stated elsewhere: R. Mari b. Mar said in the name of Mar Ukba in the name of Samuel: If a hole that has been made in the corona itself is closed, the man is disqualified if it re-opens when semen is emitted; but if it does not [re-open the man is deemed to be] fit.

Raba the son of Rabbah sent to R. Joseph: Will our Master instruct us how to proceed.³ The other replied: Warm barley bread is procured, and placed upon the man's anus. Thereby the flow of semen sets in, and the effect can be observed. Said Abaye: Is everybody like our father Jacob concerning whom it is written, My might, and the first-fruits of my strength,⁴ because he never before experienced the emission of semen!⁵ — No, said Abaye, coloured garments⁶ are dangled before him.⁷ Said Raba: Is everybody then like Barzillai the]Gileadite!⁸ — In fact it is obvious that the original answer is to be maintained.

Our Rabbis taught: If i⁹ was punctured [the man is regarded as] unfit, because the flow is sluggish.¹⁰ If it was closed up [he is deemed to be] fit, because he is then capable of production. And this is a case where the unfit may return to his former state of fitness. What does the expression ‘this’ exclude? — It excludes the case where a membrane was formed on the lungs in consequence of a wound; since such cannot be regarded as a proper membrane.¹¹

R. Idi b. Abin sent the following question to Abaye: How are we to proceed?¹² — A grain of barley is to be procured wherewith the spot¹³ is lacerated.¹⁴ Tallow is rubbed in, and a big ant, procured for the purpose, is allowed to bite in, and its head is severed.¹⁵ It must be a grain of barley; an iron instrument would cause inflammation. This procedure, furthermore, applies only to a small perforation; a large one would peel off.

Rabbah son of R. Huna stated: A man who urinates at two points is an unfit person.¹⁶

Said Raba: The law is in agreement neither with the view of the son nor with that of the father. As to the son, there is the statement just mentioned. As to the father? — Since R. Huna said: Women who practise lewdness with one another are disqualified from marrying a priest.¹⁷ And even according to R. Eleazar, who stated that an unmarried man who cohabited with an unmarried woman with no matrimonial intention renders her thereby a harlot, this disqualification ensues only in the case of a man;¹⁸ but when it is that of a woman¹⁹ the action is regarded as mere obscenity.

MISHNAH. A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE. THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY,²⁰ AS IT IS SAID IN SCRIPTURE, HE THAT IS WOUNDED IN HIS STONES OR HATH HIS PRIVY MEMBRUM CUT OFF SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD.²¹

GEMARA. R. Shesheth was asked: May a priest who is wounded in his stones marry a proselyte or an emancipated slave,²² does he²³ remain in his state of holiness and is consequently forbidden²⁴ or does he not remain in his state of holiness and is consequently permitted?²⁴ — R. Shesheth replied: You have learned this [law in the following]. ‘An Israelite who is wounded in his stones is permitted to marry a nethinah’.²⁵ Now, were it to be assumed that he²⁶ retains his holiness, the text, Neither shalt thou make marriages with them²⁷ should be applicable here.²⁸ Said Raba: Is the law there²⁹ due at all to sanctity or non-sanctity? [It is merely due to] the possibility that he³⁰ might beget a child who³¹ would proceed to worship idols. This, then, is applicable only when they³² are still idol worshippers. When, however, they are converted, they are undoubtedly permitted,³³ and it was only the Rabbis who placed them³⁴ under a prohibition as a preventive measure.³⁵ But such a preventive measure was instituted by the Rabbis in respect of those only who are capable of procreation, not in respect of those who are incapable of procreation.³⁶

Now, then,³⁷ a bastard also, since he is capable of procreation,³⁸ should also be forbidden,³⁹ while in fact, we have learned, ‘Bastards and nethinim may intermarry with one another’!⁴⁰ — In fact [this is the explanation:] the Rabbis instituted a preventive measure only in the case of the fit but not in that of the unfit.⁴¹

Subsequently Raba stated: What I said⁴² is of no consequence. For while they are still idolaters their marriages are invalid; only when they are converted are their marriages valid.⁴³

R. Joseph raised an objection: And Solomon became allied to Pharaoh King of Egypt by marriage, and took Pharaoh's daughter!⁴⁴ — He caused her to be converted. But, surely, no proselytes were accepted either in the days of David or in the days of Solomon!⁴⁵ — Was there any reason for it⁴⁶ but [that the motive of the proselytes might be the benefits] of the royal table?

(1) מוליתא = מולאאי ‘frail things’, applied to the speaker's clan as well as to his rulings. דאתו, ‘because you’. מולאאי may also mean ‘short lived people’ and דאתו according to Bah, should read דאתיתו משום דאתיתו מולאאי ‘because you are descendants of short lived people’. R. Bibi was a descendant of the house of Eli who were condemned to die young (v. I Sam. II, 32f). The expression may also, like a similar root in Arabic, bear the meaning of ‘foolishness’. (Cf. B.B. Sonc. ed. p. 582, n. 6).

(2) Away from the body.

(3) With the test, when it is desired to ascertain whether the semen will re-open a closed up perforation.

(4) Gen. XLIX, 3, referring to Reuben, Jacob's firstborn son.

(5) Other people are not so saintly. Why then should the elaborate test described be necessary in ordinary cases?

(6) Peculiar to women.

(7) Exciting his passions and thus causing a discharge.

(8) Known for his indulgence in carnal gratification (v. Shab. 152a).

(9) The duct of the semen.

(10) And does not fertilize.

(11) It may easily burst. The lungs are, therefore, regarded as wounded, and the animal from which they were taken is unfit for consumption. Cf. Hul. 42a.

(12) In healing a perforated membrum.

(13) Round the perforation.

(14) The shreds thus formed ultimately join and aid in closing up the perforation.

(15) Thus remaining in the cavity and assisting in the closing up and healing.

- (16) He is similar to the disabled persons spoken of in Deut. XXIII, 2.
- (17) Shab. 65a.
- (18) Who cohabited with a woman.
- (19) Indulging in lewdness with another.
- (20) They may not marry the daughter of an Israelite.
- (21) Deut. XXIII. 2.
- (22) I.e., women whom a priest is forbidden to marry.
- (23) The disabled priest.
- (24) To marry the women mentioned (Cf supra n. 6).
- (25) Fem. of nathin for which v. Glos.
- (26) A disabled man.
- (27) Deut. VII, 3.
- (28) How, then, is an Israelite permitted to marry a nethinah! Since, however, the law does permit him to marry such a woman it is obvious that a disabled man loses his sanctity. As the disabled Israelite loses his sanctity so does the disabled priest lose his.
- (29) In the case of marriage between a fit or disabled Israelite and an idolatress or a nethinah.
- (30) The man who marries an idolatress.
- (31) Through the influence of his mother.
- (32) The women spoken of in Deut. VII, 3.
- (33) Pentateuchally. Cur. edd., 'In Israel' should be omitted with the 1509 Pesaro ed. (cf. Golds.).
- (34) The nethinah as well as the idolatress.
- (35) V. infra 78b.
- (36) This is the reason why a disabled Israelite is permitted to marry a nethinah. No inference, therefore, may be drawn from this in respect of a disabled priest.
- (37) Since in respect of those who are capable of procreation the Rabbis did institute a preventive measure.
- (38) And is Pentateuchally forbidden to marry an idolatress.
- (39) To marry a nethinah, as a preventive measure of the Rabbis.
- (40) Kid. 6.
- (41) Those, e.g., spoken of in Deut. XXIII, 2f.
- (42) V. Bah. That Deut. VII, 3 refers to idolaters only and not to proselytes.
- (43) Deut. VII, 3, must consequently refer to proselytes, the prohibition being due to the Israelite's sanctity. As the nethinah was not forbidden to the disabled Israelite it follows that a disabled man, be he priest or Israelite, loses his sanctity; as at first suggested supra.
- (44) I Kings III. 1. The term וִיתַחֲתֵן 'allied . . . by marriage' implies recognition of validity of marriage. The Talmudic text of the verse seems to represent an abbreviation of M.T.
- (45) Cf. supra 24b.
- (46) For the refusal to admit proselytes.

Talmud - Mas. Yevamoth 76b

Such a woman¹ obviously was in no need of it.² But let the inference³ be drawn from the fact that she¹ was an Egyptian of the first generation!⁴ And were you to reply that those⁵ had already departed, and these⁶ are others;⁷ surely, it may be pointed out, it was taught: R. Judah stated, 'Menjamin, an Egyptian proselyte, was one of my colleagues among the disciples of R. Akiba, and he told me: I am an Egyptian of the first generation and married an Egyptian woman of the first generation; I shall arrange for my son to marry an Egyptian of the second generation in order that my grandson may be enabled to enter into the congregation of Israel!'⁸ R. Papa replied: Are we to take our directions from Solomon! Solomon did not marry at all,⁹ for it is written, Of the nations concerning which the Lord said unto the Children of Israel: 'Ye shall not go among them, neither shall they come among you; for surely they will turn away your heart after their gods'; Solomon did cleave unto them in love.¹⁰ The expression. And he become allied. . . in marriage,¹¹ however, presents a difficulty!¹² — On account of his excessive love for her. Scripture regards him as if he

had become allied by marriage to her. Said Rabina to R. Ashi: Surely we learned A MAN WHO IS WOUNDED IN HIS STONES, AND ONE WHOSE MEMBRUM VIRILE IS CUT OFF, ARE PERMITTED TO MARRY A PROSELYTE OR AN EMANCIPATED SLAVE, [from which it follows] that they are forbidden to marry a nethinah!¹³ — The other replied: According to your view,¹⁴ read the final clause, THEY ARE ONLY FORBIDDEN TO ENTER INTO THE ASSEMBLY, [from which it follows] that they are permitted to marry a nethinah! But [the fact is that] no inference may be drawn from this Mishnah.

MISHNAH. AN AMMONITE AND A MOABITE ARE FORBIDDEN¹⁵ AND THEIR PROHIBITION IS FOR EVER¹⁶, THEIR WOMEN, HOWEVER, ARE PERMITTED AT ONCE.¹⁷ AN EGYPTIAN AND AN EDOMITE ARE FORBIDDEN¹⁸ ONLY UNTIL THE THIRD GENERATION.¹⁹ WHETHER THEY ARE MALES OR FEMALES. R. SIMEON, HOWEVER, PERMITS THEIR WOMEN FORTHWITH.¹⁷ SAID R. SIMEON: THIS LAW²⁰ MIGHT BE INFERRED A MINORI AD MAJUS: IF WHERE THE MALES ARE FORBIDDEN FOR ALL TIME²¹ THE FEMALES ARE PERMITTED FORTHWITH,²² HOW MUCH MORE SHOULD THE FEMALES BE PERMITTED FORTHWITH WHERE THE MALES ARE FORBIDDEN UNTIL THE THIRD GENERATION ONLY.²³ THEY REPLIED: IF THIS²⁰ IS AN HALACHAH,²⁴ WE SHALL ACCEPT IT; BUT IF IT IS ONLY AN INFERENCE,²⁵ AN OBJECTION CAN BE POINTED OUT. HE REPLIED: NOT SO.²⁶ [BUT IN FACT] IT IS AN HALACHAH THAT I AM REPORTING.

GEMARA. Whence are these laws inferred? — R. Johanan replied: Scripture stated, And when Saul saw David go forth against the Philistine, he said into Abner, the captain of the host: ‘Abner, whose son is this youth?’ And Abner said: ‘As thy soul liveth, O King, I cannot tell’.²⁷ But did he²⁸ not know him? Surely it is written, And he loved him greatly; and he became his armour bearer!²⁹ — He rather made the inquiry concerning his father. But did he not know his father? Surely it is written, And the man was an old man in the days of Saul, stricken in years among them;³⁰ and Rab or, it might be said, R. Abba, stated that this referred to the father of David, Jesse. who came in with an army³¹ and went out with an army!³¹ — It is this that Saul meant: Whether he descended from Perez,³² or from Zerah.³³ If he descended from Perez he would be king, for a king breaks³⁴ for himself a way and no one can hinder him. If, however, he is descended from Zerah he would only be an important man.³⁵ What is the reason why he gave instructions that enquiry be made concerning him? — Because it is written, And Saul clad David with his apparel.³⁶ being of the same size as his,³⁷ and about Saul it is written, From his shoulders and upward he was higher than any of the people.³⁸ Doeg the Edomite then said to him,³⁹ ‘Instead of enquiring whether he is fit to be king or not, enquire rather whether he is permitted to enter the assembly or not!’ ‘What is the reason?’⁴⁰ ‘Because he is descended from Ruth the Moabitess’. Said Abner to him,⁴¹ ‘We learned: An Ammonite,⁴² but not an Ammonitess; A Moabite,⁴² but not a Moabitess!⁴³ But in that case⁴⁴ a bastard⁴⁵ would’ imply: But not a female bastard?’ — ‘It is written mamzer [Which implies] anyone objectionable’.⁴⁶ ‘Does then⁴⁷ Egyptian⁴⁸ exclude the Egyptian woman?’ — ‘Here⁴⁹ it is different, since the reason for the Scriptural text is explicitly stated: Because they met you not with bread and with water;⁵⁰ it is customary for a man to meet [wayfarers]; It is not, however, customary for a woman to meet [them]’.⁵¹

‘The men should have met the men and the women the women!’

He⁵² remained silent, Thereupon. the King said.⁵³ ‘Inquire thou whose son the stripling is’.⁵⁴ Elsewhere he calls him youth,⁵⁵ and here⁵⁴ he calls him, stripling!⁵⁶ — It is this that he implied, ‘You have overlooked⁵⁷ an halachah,’ go and enquire at the college!’ On enquiry, he was told: An Ammonite,⁵⁸ but not an Ammonitess; A Moabite,⁵⁸ but not a Moabitess.

(1) Pharaoh's daughter.

- (2) Hence she could be accepted.
- (3) That marriage with a forbidden woman is valid.
- (4) Who is forbidden to marry into the congregation of Israel. The third generation only is permitted. (V. Deut. XXIII. 9).
- (5) The old Egyptians spoken of in the text cited (supra n. 4).
- (6) The Egyptians of later times.
- (7) Other nations superseded them. Hence the prohibition does not apply to them.
- (8) Which shews that even after the days of Solomon the Egyptians were still regarded as the descendants of the ancient inhabitants of Egypt.
- (9) His marriage with Pharaoh's daughter was an invalid one, and she could only be regarded as his mistress.
- (10) I Kings XI. 2, emphasis on love, sc. he did not marry them.
- (11) V. supra p. 514, n. 15.
- (12) Here the union is actually described as a marriage!
- (13) Had they been permitted to marry such a woman, this should have been stated; and the permission to marry a proselyte and an emancipated slave would be inferred a minori ad majus. How then could it be stated, supra 76a. that a nethinah is permitted to be married to a man wounded in his stones?
- (14) That a nethinah is forbidden to marry disabled men.
- (15) To enter the assembly of the Lord (v. Deut. XXIII. 4ff).
- (16) V. ibid.
- (17) Immediately after conversion.
- (18) Cf. supra n. 2 and v. Deut. ibid. 8f.
- (19) Exclusive. The third generation is permitted.
- (20) That Egyptian and Edomite women are permitted to marry an Israelite immediately after their conversion.
- (21) Ammonites and Moabites. for instance.
- (22) Immediately after conversion.
- (23) Egyptians and Edomites.
- (24) I.e., a tradition R. Simeon received from his teachers.
- (25) Of R. Simeon's own reasoning.
- (26) Even though the ruling were based on an inference no valid objection could be advanced against it. V. Gemara infra.
- (27) I Sam. XVII, 55.
- (28) Saul.
- (29) I Sam. XVI, 21.
- (30) Ibid. XVII, 12.
- (31) He was chief over six hundred thousand men (Rashi).
- (32) The son of Judah. (V. Gen. XXXVIII. 29. Ruth, IV. 18ff).
- (33) V. Gen. ibid. 30.
- (34) Heb. פָּרַץ 'to break', a play upon the rt. of Perez פֶּרֶץ.
- (35) Zerah of the rt. זָרַח 'to shine'.
- (36) I Sam. XVII, 38, his apparel — מְדִי.
- (37) כְּמִדְתּוֹ 'like his size', play upon מְדִי of the same rt. מִדָּה.
- (38) Ibid. IX, 2. His unusual stature impressed him.
- (39) To Saul.
- (40) That his eligibility to enter the congregation should be questioned.
- (41) To Doeg.
- (42) Deut. XXIII, 4.
- (43) Supra 6a. The prohibition to enter into the congregation (v. ibid.). since the masculine gender was used in the text, applies to the males only
- (44) If the masculine gender excludes the women.
- (45) Deut XXIII,3 מְמוֹזֵר masc.
- (46) Man or woman. מִזֶּה lit., 'anything strange', play upon מְמוֹזֵר.
- (47) If the masculine gender excludes the women.

- (48) Deut. XXIII, 8 **מצרי** masc.
- (49) In the case of the Ammonite and Moabite.
- (50) Ibid. 5.
- (51) The women were, therefore, excluded from the prohibition.
- (52) Abner.
- (53) To Doeg. V. infra.
- (54) 1 Sam. XVII, 56.
- (55) **נער** ibid. 55.
- (56) **עלם**.
- (57) Lit., 'it was concealed'; rt. **עלם** the same as that of **עלם** (v. supra n. 9).
- (58) Deut. XXIII. 4.

Talmud - Mas. Yevamoth 77a

As, however, Doeg submitted to them all those objections¹ and they eventually remained silent, he desired to make a public announcement against him.² Presently [an incident occurred]: Now Amasa was the son of a man, whose name was Ithna the Israelite, that went in to Abigail³ the daughter of Nahash,⁴ but elsewhere it is written, Jether the Ishmaelite!⁵ This teaches, Raba explained, that he girded on his sword like an Ishmaelite and exclaimed, 'Whosoever will not obey the following halachah will be stabbed with the sword; I have this tradition from the Beth din of Samuel the Ramathite: An Ammonite but not an Ammonitess; A Moabite, but not a Moabitess'!⁶ Could he, however, be trusted?⁷ Surely R. Abba stated in the name of Rab: Whenever a learned man gives directions⁸ on a point of law, and such a point comes up [for a practical decision], he is obeyed if his statement was made⁹ before the event;¹⁰ but if it was not so made he is not obeyed! Here the case was different, since Samuel and his Beth din were still living.¹¹

The difficulty,¹² however, still remains! — The following¹³ interpretation was given: All glorious is the king's daughter within.¹⁴ In the West¹⁵ it was explained. others quote it in the name of R. Isaac: Scripture said, And they said unto him: 'Where is Sarah thy wife?' etc.¹⁶

The question¹⁷ is a matter in dispute between Tannaim: An Ammonite,¹⁸ but not an Ammonitess; A Moabite,¹⁸ but not a Moabitess. So R. Judah. R. Simeon, however, said: Because they met you not with bread and with water;¹⁹ it is customary for a man to meet etc.²⁰

Raba made the following exposition: What was meant by, Thou hast loosed my bonds!²¹ David said to the Holy One, blessed be He, 'O Master of the world! Two bonds were fastened on me,²² and you loosed them: Ruth the Moabitess²³ and Naamah the Ammonitess.²⁴

Raba made the following exposition: What was meant by the Scriptural text, Many things hast Thou done, O Lord my God, even Thy wondrous works, and Thy thoughts toward us?²⁵ It is not written, 'toward me', but toward us. This teaches that Rehoboam²⁶ sat on the lap of David when the latter said to him. 'Those two Scriptural verses²⁷ were said concerning me and you.'²⁸

Raba made the following exposition: What was meant by the Scriptural text, Then said I: 'Lo, I am come with the roll of a book which is prescribed for me'?'²⁹ David said,³⁰ 'I thought I have come³¹ only now; but I did not know that in the Roll of the Book³² it was already³³ written about me'. For there it is written, That are found,³⁴ and here it is written. I have found³⁵ David My servant; with My holy oil have I anointed him.³⁶

'Ulla said in the name of R. Johanan: The daughter of an Ammonite proselyte³⁷ is eligible to marry a priest. Said Raba b. 'Ulla to 'Ulla: In accordance with [whose view is your statement made]? If in accordance with that of R. Judah, he surely had stated that the daughter of a male proselyte is like the daughter of a male halal!³⁸ And if in accordance with the view of R. Jose, your statement is self-evident, for surely he had stated: Even where a male proselyte had married a female proselyte his daughter is eligible to marry a priest!³⁹ And were you to reply that this⁴⁰ applies to such as are fit to enter the assembly⁴¹ but not to this man who⁴² is not fit to enter the assembly⁴³ whence [it may be asked] is this distinction [inferred]! — It is inferred from the case of a High Priest who married a widow.⁴⁴ [But it may be objected] the marriage between a High Priest and a widow is different, since his cohabitation constitutes a transgression!⁴⁵ — [Then the case of the] halal proves it?⁴⁶ [But it may be objected that] a halal is different since his formation was in sin!⁴⁷ — [Then the case of the] High Priest⁴⁸ proves it; and thus the argument will go round,⁴⁹ though the aspect of the one is unlike that of the other and the aspect of the other is unlike that of the first, their common characteristic is that either of them is unlike the majority of the assembly⁵⁰ and his daughter⁵¹ is ineligible,⁵² so here also since he⁵³ is unlike the majority of the assembly,⁵⁴ his daughter should be ineligible.⁵² [But it may

again be objected] their common characteristic⁵⁵ is different, since it also involves an aspect of sin!⁵⁶ Did you possibly⁵⁷ speak of an Ammonite who married the daughter of an Israelite,⁵⁸ [informing us that], though his cohabitation is an act of transgression, his daughter is nevertheless eligible? — The other replied: Yes; for when Rabin came⁵⁹ he reported in the name of R. Johanan on the daughter of an Ammonite proselyte⁶⁰ and the daughter of an Egyptian of the second generation⁶⁰ that R. Johanan declared her eligible⁶¹ while Resh Lakish maintained that she was ineligible.⁶¹

‘Resh Lakish maintained that she was ineligible’, for he infers this case from that of a High Priest who married a widow. ‘R. Johanan declared her eligible’.

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- (1) Addressed to Abner supra.
 - (2) To brand David publicly as a descendant of a Moabitess, and unfit to enter the congregation of Israel in accordance with Deut. XXIII, 4.
 - (3) Cur. edd., ‘Abigail’, is apparently a printer's error (cf. M.T.). V., however, I Chron. II, 17.
 - (4) II Sam. XVII, 25.
 - (5) I Chron. II, 17. Some MSS, read Ishmaelite in the [text of Sam. also. How then are the two readings to be reconciled?
 - (6) V. supra p. 517, n. 17. [On the political issues involved in this controversy v. Aptowitz, *Parteipolitik der Hasmonaerzeit* pp. 31ff. He regards the attack on the legitimacy of David as a movement inspired by the Sadducees to support the Hasmoneans' right to the throne against the challenge of their opponents. V. *Kid. Sonc. ed.* pp. 332ff].
 - (7) In such circumstances.
 - (8) Basing his ruling on traditional law which he claims to have received from his teachers.
 - (9) In the course of his discourses and studies.
 - (10) Before the point of law assumed practical importance.
 - (11) Had not the statement been a true one, he would not have ventured to make it when its validity could be so easily tested.
 - (12) Raised by Doeg (supra 76b) to which no reply was forthcoming
 - (13) Cf. Bah. a.l.
 - (14) Ps. XLV, 14. Respectable women remain at home and do not go into the open road even to meet members of their own sex. No blame, therefore, is attached to the Ammonite and Moabite women for not meeting the Israelites with bread and with water. Cf. Deut. XXIII, 5.
 - (15) Palestine.
 - (16) Gen XVIII, 9, and he answered, ‘Behold in the tent’. Sarah remained indoors attending to the duties of her household, though there were visitors whom Abraham was entertaining in the open under the tree (ibid. 4).
 - (17) As to the Scriptural text from which the admission of Ammonite and Moabite women is deduced.
 - (18) Deut. XXIII, 4.
 - (19) Ibid. 5.
 - (20) V. supra 76b.
 - (21) Ps. CXVI, 16.
 - (22) Upon David's dynasty.
 - (23) From whom David himself descended. V. Ruth IV. 13. 17ff.
 - (24) The wife of Solomon and mother of Rehoboam, David's grandson. V. I Kings XIV, 21, 31.
 - (25) Ps. XL, 6.
 - (26) V. supra p. 519. n. 17.
 - (27) Gen. XVIII. 9 and Ps, XLV. 14, from which the permissibility of admitting Ammonite and Moabite women into the congregation of Israel was deduced.
 - (28) Divine providence which permitted Ammonite and Moabite women to enter the assembly has saved them from being excluded from the congregation of Israel.
 - (29) Ps. XL. 8.
 - (30) When he was anointed king.
 - (31) To the kingship.
 - (32) The Scroll of the Law, the Pentateuch.
 - (33) Since the days of Abraham.

- (34) Gen. XIX. 1, (rt. **מצא**) referring to the two daughters of Lot. from whom descended Ammon and Moab respectively.
- (35) Rt. **מצא**.
- (36) Ps. LXXXIX. 21.
- (37) It is now assumed that the daughter was born from an Ammonite father and mother after their conversion.
- (38) Who is forbidden to marry a priest! Kid. 77a. For halal v. Glos.
- (39) Kid. loc. cit.
- (40) The dispute between 'R. Judah and R. Jose.
- (41) Those of the nations who are not forbidden by the prohibitions prescribed in Deut. XXIII.
- (42) As an Ammonite.
- (43) In accordance with the prohibition in Deut. XXIII. 4. (20) Between an Ammonite's daughter who, as a female, is not included in the prohibition, and the daughter of any other people. What proof is there that a father's status deprives a daughter of her rights?
- (44) As the daughter of a High Priest who is forbidden to marry a widow, is ineligible to marry a priest, so is the daughter of an Ammonite proselyte.
- (45) The marriage between an Ammonite and an Ammonitess, however, is no transgression.
- (46) The marriage by a halal (v. Glos.) of the daughter of an Israelite constituting no transgression, and yet his daughter is ineligible to marry a priest.
- (47) A halal is the offspring of a forbidden union; the Ammonite proselyte is not. How, then, could the latter be inferred from the former?
- (48) Whose formation was not in sin, and yet his daughter is forbidden.
- (49) If objection is raised against the case of the High Priest. that of the halal will be adduced as proof; and if objection is raised against that of the halal, the case of the High Priest will be adduced as proof.
- (50) As to the High Priest his cohabitation is forbidden, and as to the halal his formation was in sin.
- (51) The High Priest's and the halal's.
- (52) To marry a priest.
- (53) The Ammonite proselyte.
- (54) He is forbidden to enter the assembly of the Lord (Deut. XXIII. 4).
- (55) That of the High Priest and the halal.
- (56) The daughter of the High Priest was born in sin, since the marriage of her parents was a forbidden one, and in the case of the daughter of the halal, the birth of the father was in sin. In the case of the Ammonite proselyte, however, neither the daughter nor her father was born in sin. How, then, could this case be inferred from the two former? And thus the question remains, what need was there for R. Johanan to teach the evident case of the daughter of an Ammonite proselyte?
- (57) 'Certainly' is to be deleted. V. Bah.
- (58) Not as previously assumed (v. supra p. 520, n. 13)
- (59) From Palestine to Babylon.
- (60) Who married the daughter of an Israelite and thus contracted a forbidden union.
- (61) To marry a priest.

Talmud - Mas. Yevamoth 77b

as R. Zakkai recited¹ in the presence of R. Johanan, '[The expression,] But a virgin of his own people shall he take to wife,² includes a woman who is fundamentally a proselyte³ who is eligible to marry a priest', and the other said to him, 'I learn: ["Since. instead of] 'His people'. Of his people [was written]. a virgin who descended from two peoples⁴ is also included", and you mention only a fundamental proselyte and no other!' Now. what is meant by 'two peoples'? If it be suggested that it refers to the case of an Ammonite who married an Ammonitess. and that these are described as of 'two peoples' because the males are forbidden and the females are permitted, such a case [it may be objected] is the same as that of a fundamental proselyte! Consequently it must refer to an Ammonite who married the daughter of an Israelite.⁵

Others say: He said to him,⁶ 'I learn: ["Since, instead of] 'His people'. Of his people² [was written], a virgin who is descended from two peoples⁷ and from a people consisting of two groups of people⁸ is included", and you mention only a fundamental proselyte and no other!'⁹

According to this latter version, however,¹⁰ whence is it inferred that the daughter of an Egyptian of the second generation¹¹ is eligible to marry a priest? And should you suggest that this might be inferred from the case of an Ammonite who married the daughter of an Israelite, [it may be objected that] the case of the Ammonite who married the daughter of an Israelite is different since the Ammonite females are eligible.¹² — An Egyptian of the second generation who married an Egyptian woman of the second generation might prove it.¹³ But [it may be objected that the case] of an Egyptian of the second generation who married an Egyptian woman of the second generation is different since his cohabitation constitutes no transgression? — An Ammonite who married the daughter of an Israelite might prove it,¹⁴ and thus the argument would go round etc.¹⁵

Said R. Joseph: This¹⁶ then it is that I heard Rab Judah expounding on 'His people. Of his people' and I did not [at the time] understand what he meant.¹⁷

When R. Samuel b. Judah came, he stated: Thus he¹⁸ recited in his¹⁹ presence: An Ammonite woman is eligible;²⁰ her son that is born from an Ammonite is ineligible; and her daughter that is born from an Ammonite is eligible. This, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible. [On hearing this] the other said to him, 'Go recite this outside. For your statement that "an Ammonite woman is eligible" [is quite acceptable, since] Ammonite²¹ excludes the Ammonitess. That "her son that is born from an Ammonite is ineligible" [is also correct] since he is in fact an Ammonite. In what respect, however, is "her daughter that was born from an Ammonite eligible"? If in respect of entering the assembly, is there, now that her mother is eligible, any need to mention her! The eligibility must consequently be in respect of marrying a priest. [But then what of the statement], "this, however, applies only to an Ammonite and an Ammonitess who were converted; but her daughter that was born from an Ammonite is ineligible"? What is meant by "her daughter that was born of an Ammonite"? If it be suggested that it refers to an Ammonite who married an Ammonitess,²² then this is the same case as that of a fundamental proselyte!²³ Consequently it must refer to an Ammonite who married the daughter of an Israelite'.²⁴ [Concerning this] he told him. 'Go recite this outside'.²⁵

AN EGYPTIAN AND AN EDOMITE ARE FORBIDDEN ONLY etc. What is the OBJECTION?²⁶ — Raba b. Bar Hana replied in the name of R. Johanan: Because it may be said that the case of forbidden relatives proves it,²⁷ since in respect of them the prohibition extends to the third generation only²⁸ [and is nevertheless applicable to] both males and females.²⁹ [But can it not be argued that the case] of forbidden relatives is different.³⁰ since in their case the penalty of kareth is involved?³¹ — [The case of the] bastard³² proves it. [But can it not be suggested that the case] of the bastard is different³³ since he is forever ineligible to enter the congregation?³⁴ — [The case of] forbidden relatives³⁵ proves it. Thus the argument could go round.³⁶ The aspects of one are unlike those of the other and the aspects of the other are unlike those of the first. Their common characteristic, however, is that both males and females are equally forbidden; so might one also include the Egyptian man and the Egyptian woman so that in their case also both males and females should be equally forbidden.³⁷ This common characteristic, however, [it may be retorted,] is different.³³ since in one respect it also involves kareth.³⁸ And the Rabbis?³⁹ They infer it⁴⁰ from the halal⁴¹ who is the offspring of a union between those who through it, are guilty of transgressing a positive commandment;⁴² and in accordance with the view of R. Eliezer b. Jacob.⁴³ Then what is meant by, NOT SO?⁴⁴ — It is this that he said to them: As far as I am concerned, I do not accept the view of R. Eliezer b. Jacob;⁴⁵ but according to you, since your view is that of R. Eliezer b. Jacob,⁴⁶ [my reply is that] IT IS AN HALACHAH THAT I AM REPORTING.⁴⁷

It was taught: R. Simeon said to them,⁴⁸ 'I am reporting an halachah and, moreover, a Scriptural text supports my view, [it having been written] sons⁴⁹ but not daughters'.

Our Rabbis taught: Sons,⁴⁹ but not daughters; so R. Simeon. R. Judah, however, said: Behold it is said in Scripture. The sons of the third generation that are born unto them;⁵⁰ Scripture has made them dependent on birth.⁵¹

R. Johanan said: Had not R. Judah declared, 'Scripture made them dependent on birth',⁵² he would not have found his hands and feet at the house of study.⁵³ For as a Master said that a congregation of proselytes is also called an assembly.⁵⁴

(1) I.e., from this statement it is deduced what was R. Johanan's view.

(2) Lev. XXI, 14.

(3) Or 'a proselyte of her own status' (Jast.). who was a proselyte from her birth, i.e., when her father and mother were converted after their marriage and before her birth. Where an Ammonite proselyte marries the daughter of an Israelite, the offspring of such a union is not fundamentally a proselyte and is ineligible to marry a priest since the union was a forbidden one.

(4) This is explained presently

(5) Thus it is proved (v. supra n. 4) that, in the opinion of R. Johanan, such a case is eligible.

(6) R. Johanan to R. Zakkai.

(7) From the daughter of an Israelite who married an Ammonite proselyte.

(8) I.e., whose father is the Ammonite proselyte, a descendant of a people whose males are forbidden and whose females are permitted.

(9) According to this version, unlike the former where it was arrived at by inference. R. Johanan's view is explicitly stated.

(10) Since the case of the Ammonite only was mentioned. (Cf. supra n. 2).

(11) Who married the daughter of an Israelite and thus contracted a forbidden union.

(12) While the Egyptian females, like the man, are forbidden for three generations.

(13) His daughter is permitted since she belongs to the third generation, although she also belongs to the Egyptian people whose males and females are equally forbidden. As this latter restriction is no bar in this case it should form no bar in the case of an Egyptian of the second generation who married the daughter of an Israelite.

(14) His daughter is eligible though his marriage constitutes a transgression.

(15) Continued as supra 77a.

(16) The ruling permitting the daughter of an Ammonite proselyte who married the daughter of an Israelite.

(17) R. Joseph, as a result of a serious illness, lost his memory and only dimly recollected some of the rulings and expositions of his teachers.

(18) R. Zakkai. V. supra.

(19) R. Johanan's.

(20) This is explained presently.

(21) Deut. XXIII, 4.

(22) Who were converted prior to the birth of their daughter.

(23) Who, as stated in the first clause, is eligible!

(24) The daughter being ineligible because of the forbidden marriage of her parents.

(25) In such a case also the daughter is eligible as deduced supra from the expression, Of his people (Lev. XXI. 14) instead of 'his people'.

(26) That can be advanced, according to the Rabbis, against R. Simeon's argument in our Mishnah.

(27) That R. Simeon's argument is untenable.

(28) Both in the ascending and the descending line.

(29) Similarly in the case of the Egyptian and the Edomite.

(30) I.e., it is more restricted than that of marriage with an Egyptian etc.

(31) Since they are subject to the one restriction (kareth) they are also subject to the other (equal prohibition of males

and females). The case of the Egyptian and the Edomite, however, which does not involve kareth might not include the females either!

(32) Cohabitation with whom is not subject to the penalty of kareth, and both males and females are nevertheless equally subject to the prohibition.

(33) I.e., it is more restricted than that of marriage with an Egyptian etc.

(34) As he is subject to this restriction he is also subject to the other (cf. supra n. 1).

(35) Who are only forbidden to intermarry with each other, but are severally permitted to all the other members of the congregation.

(36) Should objection be raised against the case of the forbidden relatives, that of the bastard could be adduced as proof; and should objection be raised against that of the bastard, that of the forbidden relatives might be adduced as proof.

(37) This then, is the objection which the Rabbis could raise against R. Simeon's a minori argument.

(38) Even in the case of the bastard, kareth is involved as the penalty of his parents for the action which was the origin of his birth. In the case of the Egyptian and Edomite, however, there is no aspect whatsoever involving this penalty. The latter, therefore, cannot be deduced from the others.

(39) How could they still maintain their objection against R. Simeon's argument.

(40) The prohibition of the females.

(41) And not, as has previously been assumed, from the bastard.

(42) When, e.g., a High Priest married a seduced woman (cf. supra 60a) who is forbidden to him by virtue of the positive precept of Lev. XXI. 13.

(43) Who, contrary to the view of the Sages, regards such a child as halal (supra 59b and 60a). Thus it has been proved that even where no kareth is involved, both males and females (the halalah like the halal) are included in the prohibition. Similarly in the case of the Egyptians and the Edomites.

(44) The objection of the Rabbis is strong enough!

(45) Cf. supra p. 523. n. 13. ab. init., R. Simeon being of the opinion that the offspring of a union between those who are thereby guilty of transgressing a positive precept only is not regarded as a halal.

(46) And consequently you might derive the prohibition of the females from the law of the halal.

(47) And an objection is of no validity in the face of a definite tradition.

(48) The Rabbis of our Mishnah.

(49) **בְּיָמֵינוּ** Deut. XXIII, 9.

(50) Ibid. emphasis on are born.

(51) Irrespective of sex. Had the law applied to males only the clause 'that are born etc,' should have been omitted.

(52) I.e., that the females also are forbidden.

(53) His position would have been untenable.

(54) The assembly of the Lord (cf. Deut. XXIII, 2, 3, 4, 9. and Kid. 73a.).

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how¹ could an Egyptian of the second generation ever attain purity!² But is not this possible when he transgressed and did marry one?³ — Scripture⁴ would not have written of a case of 'when'.⁵ Behold the case of the bastard which is one of 'when'⁶ and yet Scripture did write it!⁷ — It wrote of a 'when' [leading] to a prohibition;⁸ it would not have written of a 'when' [if it led] to permissibility.⁹ Behold the case of the man who remarried his divorced wife,¹⁰ which involves a 'when' [leading] to a permitted act¹¹ and yet did Scripture write of it! — In that case it was written mainly for the purpose of the original prohibition.¹²

Our Rabbis taught: If the expression of sons¹³ was used, why was also that of generations¹³ used; and if that of generations was used, why also that of sons?¹⁴ If the expression of 'sons' had been used and not that of 'generations'¹⁵ it might have been assumed that only the first and second son is forbidden but that the third¹⁶ is permitted, the expression of 'generations'¹⁷ was, therefore, used. And had the expression of 'generations' only been used and not that of sons,¹⁸ it might have been assumed that the precept was given only to those who stood at Mount Sinai,¹⁹ the expression of sons' was therefore used.²⁰ Unto them,²¹ Count from them.²² Unto them.²³ Be guided by the status

of the ineligible among them.²⁴

It was necessary [for Scripture] to write unto them,²⁵ and it was also necessary for it to write, That are born.²⁵ For had the All Merciful written only. 'That are born', it might have been presumed that the counting must begin from their children,²⁶ hence did the All Merciful write 'Unto them'.²⁷ And had the All Merciful written only 'Unto them',²⁸ it might have been presumed that, where a pregnant Egyptian woman became a proselyte, she and her child are regarded as one generation. hence did the All Merciful write. 'That are born'.²⁹

It was, furthermore. necessary to write unto them²⁸ in this case,³⁰ and Unto him³¹ in respect of the bastard. For had the All Merciful used the expression here only,³⁰ [the restriction³² might have been assumed to apply to this case only], because the child descended from a tainted origin.³³ but not to a bastard, since he is descended from an untainted origin.³⁴ And had the All Merciful written the expression in respect of the bastard, [the restriction³² might have been presumed to apply to him only]. because he is for all time unfit to enter into the assembly, but not in this case.³⁵ [Both texts were, therefore,] required.

Rabbah b. Bar Hana stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian woman of the first generation, her son is [regarded as belonging to the] third generation. From this it is obvious that he³⁶ is of the opinion that the child is ascribed to him.³⁷

R. Joseph raised an objection: R. Tarfon said, 'Bastards may attain to purity. How? If a bastard married a female slave, their child is a slave. When, however, he³⁸ is emancipated he becomes a free man'.³⁹ This⁴⁰ clearly proves that the child is ascribed to her! — There it is different, because Scripture said, The wife and her children shall be her master's.⁴¹

Raba raised an objection: R. Judah related, 'Menjamin, an Egyptian proselyte. was one of my colleagues among the disciples of R. Akiba, and he once told me: I am an Egyptian of the first generation and married an Egyptian wife of the first generation; and I shall arrange for my son to marry an Egyptian wife of the second generation in order that my grandson shall be eligible to enter the congregation'.⁴² Now, if it could be assumed that the child is ascribed to his father, [he could have married a wife] even of the first generation!⁴³ — The fact is that⁴⁴ R. Johanan said to the Tanna:⁴⁵ Read, '[a woman of the] first generation'.

When R. Dimi came⁴⁶ he stated in the name of R. Johanan: If an Egyptian of the second generation married an Egyptian wife of the first generation. her son is [regarded as belonging to the] second generation. From this it is obvious that a child is ascribed to his mother.

Said Abaye to him: What then of the following statement of R. Johanan. 'If a man set aside a pregnant beast as a sin-offering and it then gave birth, his atonement may be made, if he desires, with the beast itself, and, if he prefers, his atonement may be made with her young'.⁴⁷ This law would be intelligible if you admit that an embryo is not regarded as a part⁴⁸ of its mother, since this case would be similar to that of one who set aside as a security two sin-offerings,⁴⁹ in respect of which R. Oshaia had stated that a man who set aside two sin-offerings as a security⁴⁹ is to be atoned for with either of them, while the other goes to the pasture.⁵⁰ If you maintain, however, that an embryo is a part⁵¹ of its mother, the former is like the young of a sin-offering,⁵² and the young of a sin-offering is sent to die!⁵³ The other remained silent. 'Is it not possible', the first said to him, 'that there⁵⁴ it is different.⁵⁵ since it is written That are born,⁵⁶ Scripture made it dependent on birth'?⁵⁷ — 'Clever man',⁵⁸ the other replied, 'I saw your chief⁵⁹ between the pillars⁶⁰ when R. Johanan gave the following traditional ruling: The reason⁶¹ here is because it was written, That are born,⁵⁶ elsewhere, however, the child is ascribed to the father'.⁶²

What, however, of the following statement of Raba. 'If a pregnant gentile woman was converted, there is no need for her son to perform ritual immersion'.⁶³ Why⁶⁴ is there no need for him to perform immersion? Should you reply that it⁶⁵ is due to a ruling of R. Isaac; for R. Isaac stated: Pentateuchally [a covering of] the greater part,⁶⁶ if one objects to it,⁶⁷ constitutes legally an interposition,⁶⁸ and if one does not object to,⁶⁹ no legal interposition is constituted;⁷⁰

- (1) If Egyptian women were not included in the prohibition to enter the assembly.
- (2) Entry into the assembly. Egyptian women proselytes being regarded, like Israelites, as an assembly (v. supra n. 12), no Egyptian male proselyte of the first or second generations would ever be permitted to marry them. How then, since he can marry neither a woman of Israel nor a proselyte of his own people, would he ever produce a third generation (v. Deut. XXIII, 9) that would be fit to enter the assembly?
- (3) A woman in Israel or an Egyptian woman proselyte.
- (4) In permitting the third generation (v. Deut. XXIII, 9).
- (5) I.e., of a possibility that a person might transgress and thus produce a generation that will be fit.
- (6) The assumption of a bastard's birth is dependent on the possibility that someone will commit an offence.
- (7) Ibid. 3.
- (8) The case of the bastard was stated in order to forbid his entry into the assembly.
- (9) The third generation may enter (ibid.).
- (10) After she had been married to another man (v. Deut. XXIV, 1ff).
- (11) The children of such a marriage, as deduced from Deut. XXIV, 4, are eligible. (Kid. 77a and supra 11b).
- (12) The ineligibility of the woman herself. The eligibility of her children is only indirectly arrived at by a deduction.
- (13) Cf. Deut. XXIII, 9: The sons (E.V., children) that are born . . . the third generation.
- (14) Either the one expression or the other should have been used throughout the context.
- (15) The text reading the 'third son' instead of third generation.
- (16) Though the son of a proselyte of the first generation.
- (17) Indicating all the sons of the same generation.
- (18) Reading 'generations that are born'.
- (19) And that Egyptians born three generations later than the date of the promulgation of the Law shall no more be subject to its restrictions.
- (20) Indicating respectively individual sons in all subsequent generations.
- (21) **וְהָיָה** Deut. XXIII, 9.
- (22) From the generation of the proselyte. He represents the first generation; his son, the second; and his grandson, being of the third, is permitted to enter the congregation.
- (23) A second **וְהָיָה** (v. p. 527. n. 18) not translated in E.V.
- (24) Whether the father is an Egyptian proselyte and the mother is of Israel, or whether the mother is an Egyptian and the father is an Israelite. the children are in either case ineligible until the third generation.
- (25) Deut. XXIII. 9.
- (26) The proselytes themselves not being counted at all in the generations.
- (27) To indicate that the proselytes themselves are regarded as the first generation.
- (28) Deut. XXIII, 9.
- (29) That birth constitutes a new generation:
- (30) In respect of the Egyptian.
- (31) Ibid. 3.
- (32) That the ineligibility of any one of the parents causes the ineligibility of the child. Cf. supra note 2.
- (33) Lit., 'drop'. One of his parents at least was ineligible.
- (34) His father and mother may have been proper Israelites.
- (35) Since an Egyptian is permitted after the third generation.
- (36) R. Johanan.
- (37) Had he been ascribed to her he should have been regarded as belonging to the second generation.
- (38) The child.
- (39) V. Kid. 69a.
- (40) Since the child, prior to emancipation, is regarded as a slave.

- (41) Ex. XXI, 4, indicating that in this particular case, (that of the children of a female slave), the children are ascribed to their mother. This is no proof, however, that in other cases also children are to be ascribed to their mother.
- (42) Tosef. Kid. V; Sotah 9a; supra 76b.
- (43) And the child would have been eligible by virtue of his father.
- (44) Lit., 'surely'.
- (45) Who recited the Baraita mentioned.
- (46) From Palestine to Babylon.
- (47) Tem. 25a.
- (48) Lit., 'thigh'.
- (49) In case one should be lost, the other would take its place.
- (50) Until it contracts a blemish, when it is redeemed. As the young and its mother spoken of in R. Johanan's statement are regarded as separate beasts, they also would be subject to the same law, and atonement may be made by either.
- (51) Lit., 'thigh'.
- (52) Which was without child at the time of its dedication.
- (53) How', then, could R. Johanan state that atonement may be made with either?
- (54) The ruling about the ascription of the Egyptian child to its mother, reported in the name of R. Johanan.
- (55) From other cases. While elsewhere the child may be ascribed to its father, in the case spoken of by R. Johanan it is ascribed to the mother.
- (56) Deut. XXIII, 9.
- (57) I.e., on its mother.
- (58) קרקפנא (adj. of קרקף or קרקפא 'head') 'mann von Kopf'. 'Geistreicher' v. Levy.
- (59) Rabbah who was Abayeer's teacher (v. Tosaf. s.v. חזיתיה a.l., and cf. Tosaf. 'Er. 22b, s.v. קרקפנא).
- (60) Of the college.
- (61) Why the children are ascribed to the mother.
- (62) The suggestion was consequently not the result of Abaye's own ingenuity but a mere repetition of what he heard from his Master, Rabbah.
- (63) Which forms a part of the conversion ceremonial. The immersion that had been performed by his mother exempts him also.
- (64) If the child is elsewhere not regarded as part of its mother.
- (65) The exemption of the child from the immersion.
- (66) Of a hair (v. Rashi, Suk. 6b); that prevents it from coming in direct contact with the water.
- (67) To the object or substance that causes the interposition.
- (68) And invalidates the immersion.
- (69) The presence of the interposition, when, e.g., it is necessary for it to remain there.
- (70) 'Er. 4b, Nid. 67b. As the embryo must necessarily remain within its mother's body during the period of conception, it cannot possibly object, so to speak, to its mother's interposition.

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surely [it may be retorted] R. Kahana stated: This applies only in respect of its greater part, but when the whole of it is effected a legal interposition is constituted!¹ — The case of the embryo is different since its position² is that of its natural growth.³

When Rabina⁴ came, he stated in the name of R. Johanan: Among the other nations follow the male.⁵ If they are converted⁶ follow the more tainted of the two.⁷

'Among the other nations follow the male, as it was taught: Whence is it deduced that if one of the other nations⁸ cohabited with a Canaanitish⁹ woman and begat a son, that son may be purchased as a slave?¹⁰ It is said, Moreover of the children of the strangers¹¹ that do sojourn among you, of them may ye buy.¹² As it might have been assumed that even if one of the Canaanites⁹ had cohabited with one of the women of the other [gentile] nations⁸ and begat a son, you may buy that son as a slave, it was explicitly stated, That they have begotten in your land;¹² only from those who were begotten¹³

in your land, but not from those who dwell in your land.¹⁴

‘If they are converted, follow the more tainted of the two’. In what case? If it be suggested that it refers to an Egyptian¹⁵ who married an Ammonitess,¹⁶ how could the expression ‘the more tainted of the two’, be applicable when Scripture explicitly said, An Ammonite,¹⁷ but not an Ammonitess?¹⁸ — Rather, the reference is to an Ammonite¹⁹ who married an Egyptian wife.²⁰ If [the child of such a marriage] is a male, he is ascribed to the Ammonite;²¹ if it is a female, she is ascribed to the Egyptian.²²

MISHNAH. BASTARDS AND NETHINIM²³ ARE INELIGIBLE,²⁴ AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES.

GEMARA. Resh Lakish said: A woman bastard is eligible²⁵ after ten generations. This is derived from an analogy between tenth,²⁶ and tenth²⁷ mentioned in respect of the Ammonite and the Moabite; as in the latter case the females are permitted²⁷ so are they permitted in the former case.²⁸ Should you suggest that as in the latter case eligibility begins forthwith so it does in the former case, [it may be replied] that the analogy can only be effective in respect of the generations after the tenth.²⁹ But, surely, we learned, **BASTARDS AND NETHINIM ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME, WHETHER THEY BE MALES OR FEMALES!**³⁰ — This is no difficulty: One statement³¹ is in agreement with him who holds³² that a deduction is carried through in all respects,³³ while the other³⁴ is in agreement with him who maintains³² that a deduction is restricted by its original basis.³⁵

R. Eliezer was asked: What [is the legal position³⁶ of] a female bastard after ten generations? ‘Were anyone to present to me’, he replied, ‘a third generation. I would declare it pure!’ He is obviously of the opinion [that the stock of] a bastard does not survive.³⁷ So also did R. Huna state: A bastard's stock does not survive. Did we not learn, however, **BASTARDS ARE INELIGIBLE, AND THEIR INELIGIBILITY IS FOR ALL TIME?** — R. Zera replied: It was explained to me by Rab Judah that those who are known³⁸ survive,³⁹ those who are not known³⁸ do not survive; and those who are partly known and partly unknown survive for three generations but no longer.

A certain man once lived in the neighbourhood of R. Ammi. and the latter made a public announcement that he was a bastard. As the other was bewailing the action,⁴⁰ [the Master] said to him: I have given you life.⁴¹

R. Hana b. Adda stated: David issued the decree of prohibition⁴² against the nethinim,⁴³ for it is said, And the king called the Gibeonites,⁴⁴ and said unto them-now the Gibeonites were not of the children of Israel etc.⁴⁵

Why did he issue the decree against them? — Because it is written. And there was a famine in the days of David three years. year after year.⁴⁶ In the first year he said to them, ‘It is possible that there are idolaters among you, for it is written, And serve other gods, and worship them . . . and he will shut up the heaven, so that there shall be no rain etc.’⁴⁷ They instituted enquiries but could not discover any idolaters. In the second year he said to them, ‘There may be transgressors among you, for it is written, Therefore the showers have been withheld and there hath been no latter rain; yet thou hadst a harlot's forehead etc.’⁴⁸ Enquiries were made but none was found. In the third year he said to them, ‘There might be among you men who announce specified sums for charity in public but do not give them, as it is written, As vapours and wind without rain, so is he that boasteth himself of a false gift’.⁴⁹ Enquiries were made and none was found. ‘The matter’, he concluded, ‘depends entirely upon me; Immediately, he sought the face of the Lord.’⁴⁶ What does this mean? — Resh Lakish explained: He enquired of the Urim and Tummim.⁵⁰ How is this inferred? R. Eleazar replied: It is arrived at by an analogy between two occurrences of the expression of ‘countenance of’; for

here it is written, And David sought the countenance of the Lord,⁴⁶ and elsewhere it is written, Who shall enquire for him by the judgment of the Urim before the countenance of the Lord.⁵¹ And the Lord said: 'It is for Saul and his bloody house, because he put to death the Gibeonites'.⁵² 'For Saul', because he was not mourned for in a proper manner; 'and his bloody house, because he put to death the Gibeonites'. Where, however, do we find that Saul 'put to death the Gibeonites'! The truth is that, as he killed the inhabitants of Nob, the city of the priests who were supplying them⁵³ with water and food, Scripture regards it as if he himself had killed them.

Justice is demanded for Saul because he was not properly mourned for, and justice is demanded because he put to death the Gibeonites?⁵⁴ — Yes; for Resh Lakish stated: What is meant by the Scriptural text, Seek ye the Lord, all ye humble of the earth, that have executed His ordinance?⁵⁵ Where there is his ordinance,⁵⁶ there are also his executions.⁵⁷

David said: As to Saul, there have already elapsed

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- (1) Even if the person does not mind the interposition. In the case of the embryo, surely, all its body remains untouched by the water. Why, then, should the child be exempt from the immersion!
 - (2) In utero, during pregnancy.
 - (3) The mother's body is inseparable from it and cannot, therefore, be regarded as an interposition.
 - (4) [Read R. Abin, v. Kid 67a].
 - (5) The child is ascribed to its father; though the mother may belong to a different gentile nation. V. infra.
 - (6) To Judaism.
 - (7) V. infra.
 - (8) Other than the seven enumerated in Deut. VII, 1.
 - (9) General designation of the seven nations, (v. supra n. 11) the males of which were to be exterminated (ibid. XX, 16).
 - (10) And, being ascribed to his father, is not subject to the law of extermination. V. supra n. 12.
 - (11) I.e., not of the seven nations who were the inhabitants of Canaan (v. supra n. 12).
 - (12) Lev. XXV, 45.
 - (13) I.e., whose mother that bore him, not his father, was a native of the land of Canaan.
 - (14) Whose father belonged to one of the seven nations of Canaan (v. supra n. 22). Thus it has been shewn that among the gentile nations also the child is ascribed to its father.
 - (15) Who until the third generation is ineligible to enter the congregation.
 - (16) Who is eligible immediately after conversion.
 - (17) Deut. XXIII, 4.
 - (18) She is not tainted at all!
 - (19) Who is ineligible for all time. (Ibid.).
 - (20) Eligible only after three generations.
 - (21) His father, and is consequently forbidden for all time to enter the congregation. Had he been ascribed to his mother he would have been eligible after the third generation.
 - (22) Her mother (cf. supra n. 6). Had she been ascribed to her father she would have been eligible forthwith (cf. supra n. 4).
 - (23) Pl. of nathin, v. Glos.
 - (24) To marry the daughter of an Israelite.
 - (25) To enter the congregation (cf. Deut. XXIII, 3), i.e., to marry an Israelite.
 - (26) In respect of the bastard (ibid.).
 - (27) V. supra 69a.
 - (28) [Rashi gives the fuller version. The Sifre: Just as 'tenth' stated with an Ammonite means for ever' (v. Deut. XXIII, 4). so does 'tenth' stated with mamzer mean 'for ever'. Consequently. as in the former. males (are forbidden) and not females, so in the latter].
 - (29) Since in the case of the bastard the prohibition of the first ten generations was explicitly stated and includes, as the term mamzer connotes (v. supra 76b), both men and women, whereas the prohibition after ten generations in the case of bastards is not stated explicitly but derived on the basis of analogy from an Ammonite, in respect of whom 'for ever' is

explicitly stated. V. p. 532, n. 14.

(30) How, then, could Resh Lakish maintain that the bastard is permitted after the tenth generation?

(31) The statement of Resh Lakish.

(32) V. Hul. 120b.

(33) Lit., 'judge from it and from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced. As the case of the bastard is deduced from that of the Ammonite in one respect, it must also agree with it in all other respects, including eligibility of the females after the tenth generation, as Resh Lakish ruled. It is only in respect of the first ten generations which are explicitly forbidden in Scripture that deduction could not be made (cf. supra p. 532, n. 15).

(34) The ruling in our Mishnah.

(35) Lit., 'judge from it and set it in its (original) place', i.e., the rules of the case deduced limit the scope of the deduction. Though the case of the bastard is deduced from that of the Ammonite in respect of forbidding the former, like the latter, for all time, the exclusion of the females, though applicable to the latter, does not apply to the former, and female bastards (cf. supra p. 532, n. 15) remain, therefore, forbidden for all time.

(36) As regards entry into the congregation.

(37) A third generation would never come into existence.

(38) As bastards.

(39) There being no danger of intermarriage with them or their descendants.

(40) Lit., 'and wept'.

(41) Cf. supra. text and p. 533, nn. 9 and 10.

(42) To enter the assembly.

(43) Pl. of nathin. V. Glos.

(44) I.e., nethinim. Cf. supra n. 4.

(45) II Sam. XXI, 2, the last six words implying that they were excluded from the congregation.

(46) Ibid. 1.

(47) Deut. XI. 16f.

(48) Jer. III, 3.

(49) Prov. XXV, 14.

(50) V. Glos.

(51) Num. XXVII. 21.

(52) II Sam. XXI, 1.

(53) The Gibeonites who, as hewers of wood and drawers of water for the altar (v. Josh. IX, 23, 27), were maintained by the priests.

(54) A simultaneous claim in his favour and against him!

(55) Zeph. II, 3. **משפטו בעליו**.

(56) **משפטו** lit., 'his judgment', for Saul's guilt.

(57) Read **פעליו** his work, sc. Saul's good deeds.

Talmud - Mas. Yevamoth 79a

the twelve months of the [first] year¹ and it would be unusual to arrange for his mourning now. As to the nethinim,² however, let them be summoned and we shall pacify them. Immediately³ the king called the Gibeonites, and said unto them . . . 'What shall I do for you? and wherewith should I make atonement, that ye may bless the inheritance of the Lord'? And the Gibeonites said to him: 'It is no matter of silver or gold between us and Saul, or his house,' neither is it for us [to put] any man etc. . . . Let seven men of his sons be delivered unto us and we will hang them up unto the Lord etc.'⁴. He tried to pacify them but they would not be pacified. Thereupon he said to them: This nation⁵ is distinguished by three characteristics: They are merciful, bashful and benevolent. 'Merciful', for it is written, And shew thee mercy, and have compassion upon thee, and multiply thee.⁶ 'Bashful', for it is written, That His fear may be before you.⁷ 'Benevolent', for it is written, That he may command his children and his household etc.⁸ Only he who cultivates these three characteristics is fit to join this nation.⁹

But the king took the two sons of Rizpah the daughter of Aiah, whom she bore into Saul, Armoni and Mephibosheth; and the five sons of Michal the daughter of Saul, whom she bore to Adriel the son of Barzillai the Meholathite.¹⁰ Why just these? — R. Huna replied: They¹¹ were made to pass before the Holy Ark. He whom the Ark retained [was condemned] to death and he whom the Ark did not retain was saved alive.

R. Hana b. Kattina raised an objection: But the king spared Mephibosheth, the son of Jonathan the son of Saul!¹² — He did not allow him to pass.¹³ Was there favouritism then! — In fact he did let him pass and it retained him, but he invoked on his behalf divine mercy and it released him. But here, too, favouritism is involved!¹⁴ — The fact, however, is that he invoked divine mercy that the Ark should not retain him. But, surely, it is written, The fathers shall not be pit to death for the children etc.¹⁵ — R. Hiyya b. Abba replied in the name of R. Johanan: It is better that a letter be rooted out of the Torah than that the Divine name shall be publicly profaned.¹⁶

And Rizpah the daughter of Aiah took sackcloth, and spread it for her upon the rock, from the beginning of harvest until water was poured upon them from heaven; and she suffered neither the birds of the air to rest on then by day, nor the beast of the field by night.¹⁷ But, surely, it is written, His body shall not remain all night upon the tree!¹⁸ — R. Johanan replied in the name of R. Simeon b. Jehozadak: It is proper that a letter be rooted out of the Torah so that thereby the heavenly name shall be publicly hallowed. For passers-by were enquiring, ‘What kind of men are these?’ — ‘These are royal princes’ — ‘And what have they done?’ — ‘They laid their hands upon unattached¹⁹ strangers’ — Then they exclaimed: ‘There is no nation in existence which one ought to join as much as this one. If [the punishment of] royal princes was so great. how much more that of common people; and if such [was the justice done for] unattached proselytes, how much more so for Israelites

A hundred and fifty thousand men immediately joined Israel; as it is said, And Solomon had threescore and ten thousand that bore burdens, and fourscore thousand that were hewers in the mountain.²⁰ Might not these have been Israelites? — This cannot be assumed, for it is written, But of the children of Israel did Solomon make no bondservants.²¹ But that²² might have represented mere public service!²³ — [The deduction,] however, [is made] from the following: And Solomon numbered all the strangers that were in the Land of Israel, etc. And they were found a hundred and fifty thousand etc. And he set threescore and ten thousand of them to bear burdens, and fourscore thousand to be hewers in the mountains.²⁴

Was it David, however, who issued the decree of prohibition against the nethinim? Moses, surely, issued that decree, for it is written, from the hewer of thy wood to the drawer of thy water!²⁵ — Moses issued a decree against that generation only²⁶ while David issued a decree against all generations.

But Joshua, in fact, issued the decree against them, for it is written, And Joshua made them that day hewers of wood and drawers of water for the congregation, and for the altar of the Lord!²⁷ — Joshua made his decree for the period during which the Sanctuary was in existence²⁸ while David made his decree for the time during which the Sanctuary was not in existence.

(1) Of mourning. A year is regarded as the maximum period for mourning after the dead. Cf. M.K. 21b.

(2) Pl. of nathin. V. Glos.

(3) V. Bah.

(4) II Sam. XXI, 2-4, 6.

(5) Israel.

(6) Deut. XIII, 18.

(7) Ex. XX, 17.

- (8) To be benevolent, לעשות צדקה lit. 'to practise charity' (E.V. righteousness) Gen. XVIII. 19.
- (9) Israel. As the Gibeonites displayed a spirit of revenge and vindictiveness they were excluded from, and forbidden even to enter, the assembly of Israel.
- (10) II Sam. XXI, 8.
- (11) All the surviving descendants of Saul.
- (12) Ibid. 7. Had the selection been made by the Ark, what need was there for David to spare him?
- (13) To avoid the risk of being retained.
- (14) If he who was retained was released another would have to die in his place!
- (15) Neither shall the children be put to death for the fathers (Deut. XXIV, 16). Why then were Saul's descendants made to suffer for the sin of Saul?
- (16) Which would have been the case had the crime against the Gibeonites been allowed to go unpunished.
- (17) II Sam. XXI, 10.
- (18) Deut. XXI, 23.
- (19) גרורים lit., 'dragged in'; proselytes who have not been admitted into the congregation, [or, 'self-made proselytes', a class of converts who Judaize in mass under the impulsion of fear. V. Moore, G. F. Judaism I, 337].
- (20) I Kings V, 29.
- (21) Ibid. IX. 22.
- (22) The labour spoken of in I Kings V, 29.
- (23) Not the labour of slaves. דוּגָר perhaps a corruption of the Persian רוּזְגָר 'day labourer'. Cf. Golds. a.l. and Jast. s.v. רוּנְגָר.
- (24) II Chron. II, 16f.
- (25) Deut. XXIX, 10. Since these were specially singled out they obviously did not form a part of the congregation of Israel, while their services were exactly those which were peculiar to the nethinim or the Gibeonites.
- (26) Of his own time.
- (27) Josh. IX, 27.
- (28) As it was specifically stated, For the altar (ibid.).

Talmud - Mas. Yevamoth 79b

In the days of Rabbi there was a desire to permit the nethinim.¹ Said Rabbi to them, 'We could very well surrender our portion; who could surrender the portion of the altar?'² He³ is thus in disagreement with R. Hiyya b. Abba. For R. Hiyya b. Abba stated in the name of R. Johanan: The portion of the congregation is forbidden for ever,⁴ and the portion of the altar is forbidden only when the Sanctuary is in existence, but when the Sanctuary is not in existence it is permitted.

MISHNAH. R. JOSHUA STATED: I HAVE HEARD⁵ THAT A SARIS⁶ SUBMITS TO HALIZAH⁶ AND THAT HALIZAH IS ARRANGED FOR HIS WIFE, AND ALSO THAT A SARIS⁶ DOES NOT SUBMIT TO HALIZAH AND THAT NO HALIZAH IS TO BE ARRANGED FOR HIS WIFE, AND I AM UNABLE TO EXPLAIN THIS.⁷ R. AKIBA SAID, I WILL EXPLAIN IT: A MAN-MADE SARIS⁸ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE THERE WAS A TIME WHEN HE WAS IN A STATE OF FITNESS. A SARIS BY NATURE⁹ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE THERE NEVER WAS A TIME WHEN HE WAS FIT. R. ELIEZER SAID: NOT SO, BUT A SARIS BY NATURE⁹ SUBMITS TO HALIZAH AND HALIZAH IS ALSO ARRANGED FOR HIS WIFE, BECAUSE HE MAY BE CURED. A MAN-MADE SARIS¹⁰ NEITHER SUBMITS TO HALIZAH NOR IS HALIZAH ARRANGED FOR HIS WIFE, SINCE HE CANNOT BE CURED. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM. THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR, THUS CONFIRMING THE OPINION OF R. AKIBA.

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE

MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION MUST NEITHER PERFORM HALIZAH NOR BE TAKEN IN LEVIRATE MARRIAGE.

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹⁰ IF, HOWEVER, HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED.¹¹ SINCE HIS ACT IS SHEER PROSTITUTION.¹² SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION, THEY DO NOT THEREBY CAUSE HER TO BE DISQUALIFIED.¹¹ IF, HOWEVER, THEY COHABITED WITH HER, THEY CAUSE HER TO BE DISQUALIFIED.¹¹ SINCE COHABITATION WITH HER IS AN ACT OF PROSTITUTION.¹³

GEMARA. Observe! R. Akiba was heard to state that ‘Those who are subject to the penalty of negative precepts¹⁴ are on a par with those who are subject to the penalties of kareth’;¹⁵ but those who are subject to the penalty of kareth are not eligible for halizah or levirate marriage!¹⁶ — R. Ammi replied: ‘What we are dealing with here is with a case, for instance, where his brother¹⁷ had married a proselyte; and R. Akiba is of the same opinion as R. Jose, who stated that an assembly of proselytes is not regarded as an assembly.’¹⁸ If so,¹⁹ he should also be permitted to contract levirate marriage!²⁰ — The law is so indeed; only because R. Joshua used the expression ‘SUBMITS TO HALIZAH’²¹ he [R. Akiba] also used the expression ‘SUBMITS TO HALIZAH’. This²² may also be proved by inference; for it was stated, R. JOSHUA B. BATHYRA TESTIFIED CONCERNING BEN MEGOSATH, WHO WAS A MAN-MADE SARIS LIVING IN JERUSALEM, THAT HIS WIFE WAS ALLOWED TO BE MARRIED BY THE LEVIR,²³ THUS CONFIRMING THE OPINION OF R. AKIBA. This proves it.²²

Rabbah raised an objection: He who is wounded in the stones or has his privy member cut off, a man-made saris, and an old man, may either participate in halizah or contract levirate marriage. How?²⁴ If these died²⁵ and were survived by wives and brothers, and those brothers addressed a ma'amar to the wives, or gave them letters of divorce, or participated with them in halizah, their actions are legally valid;²⁶ if they cohabited with them, the widows become their lawful wives.²⁷ If the brothers died and they²⁸ addressed a ma'amar to their²⁹ wives, or gave them divorce, or participated with them in halizah, their actions are valid;³⁰ and if they cohabited with them the widows become their lawful wives, but they³¹ may not retain them, because it is said in Scripture. He that is wounded in the stones or hath his privy member cut off shall not enter into the assembly of the Lord.³² This clearly proves that we are dealing³³ with members of the assembly!³⁴ — The fact is, said Rabbah, that this³⁵ is a case where the widow became subject to him³⁶ first and he was subsequently maimed.³⁷ Said Abaye to him: Let the prohibition against the maimed man override the positive precept of the levirate marriage! Did we not learn [of a similar case]: R. Gamaliel said, If she³⁸ made a declaration of refusal³⁹ well and good;⁴⁰ and if not, let [the elder sister] wait until the minor grows up and she will then be exempt as his wife's sister.⁴¹ Thus it follows that the prohibition against a wife's sister has the force of overriding [that of the levirate marriage]; here also, then, let the prohibition against the maimed man have the force of overriding it! — But, said R. Joseph. this Tanna⁴² represents the view of the Tanna of the school of R. Akiba, who maintains that [the issue] of a union which is subject to the penalty of negative precepts owing to consanguinity⁴³ is regarded as a bastard, but [the issue] of a union that is merely subject to the penalty of negative precepts is not a bastard.⁴⁴

The text, ‘To raise up unto his brother a name’⁴⁵ should be applicable to this case⁴⁶ also, but he,⁴⁷ surely, is incapable of raising it!⁴⁸ — Raba replied: If so,⁴⁹ there exists no woman who is eligible for the levirate marriage whose husband was not a saris by nature⁵⁰ for a short time, at least, prior to his death.⁵¹

Against R. Eliezer,⁵² however, Raba's reply⁵³ presents a [valid] objection! — There⁵⁴ it is only a

general state of debility⁵⁵ that had set in.⁵⁶

What are we to understand by A SARIS BY NATURE? — R. Isaac b. Joseph replied in the name of R. Johanan: Any man

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- (1) To enter into the congregation.
 - (2) Both the congregation and the altar have shares in them (cf. Josh. *ibid.*).
 - (3) Rabbi, who forbade the portion of the altar in his time though the Sanctuary was no more in existence.
 - (4) Until a properly constituted authority should allow it.
 - (5) A tradition from his teachers.
 - (6) V. Glos.
 - (7) In what case of saris halizah is, and what case it is not applicable.
 - (8) סְרִיִם אָדָם lit., a ‘eunuch of man’, one whose emasculation was the result of human action. (Cf. *infra* n. 12).
 - (9) סְרִיִם הַמָּה lit., a ‘eunuch of the sun’, one who was a eunuch from the time he first saw the sun, i.e., a congenital eunuch.
 - (10) V. p. 538, n. 10.
 - (11) To marry a priest.
 - (12) The woman being forbidden to him as ‘his brother's wife’.
 - (13) Cf. *supra* n. 3.
 - (14) A man-made saris is one of these, since cohabitation with him is forbidden by a negative precept in Deut. XXIII, 2.
 - (15) V. *supra* 49a.
 - (16) How then could R. Akiba maintain in our Mishnah that A MAN-MADE SARIS SUBMITS TO HALIZAH.
 - (17) The deceased brother of the saris.
 - (18) A proselyte, not being included in the term assembly (v. Deut. XXIII. 2) she is permitted to the saris. Hence he submits to her halizah.
 - (19) V. *supra* n. 1.
 - (20) Why then was only halizah mentioned?
 - (21) According to R. Joshua, who regards an assembly of proselytes as a congregation, marriage is in fact forbidden. Only halizah is permitted because in his opinion it is applicable in the case of those a union between whom is subject to the penalty of a negative precept.
 - (22) That according to R. Akiba even the levirate marriage is permitted.
 - (23) Levirate marriage. V. *supra* n. 5.
 - (24) I.e., in what connection is this law applicable?
 - (25) Without issue.
 - (26) Lit., ‘what they did they have done’; after their ma'amar, a divorce is required; after their divorce, no marriage may take place; and their halizah is valid.
 - (27) Lit., ‘they acquired’.
 - (28) The maimed mentioned or the old man.
 - (29) Brothers’.
 - (30) V. *supra* note 9.
 - (31) Those that are maimed. The old man is excluded. V. *infra*.
 - (32) Deut. XXIII, 2. V. Tosef. XI.
 - (33) In regarding the halizah and marriage with an impotent person as valid.
 - (34) How then could it be suggested that R. Akiba speaks of women proselytes who are not included in the term ‘assembly?’
 - (35) R. Akiba's statement in our Mishnah.
 - (36) As his deceased brother's wife.
 - (37) Since the obligation arose while the man was still in a state of potency, halizah with him is both necessary and valid.
 - (38) A minor who was given away in marriage by her mother or brothers after the death of her father and whose elder sister has now become subject to the levirate marriage of her husband.
 - (39) Mi'un (v. Glos.). No divorce is needed in the case of such a minor's marriage.
 - (40) Lit., ‘she refused’. Her marriage becomes null and void retrospectively, and, as she has thus never been the legal

wife of the levir, her sister (who is now no more the levir's wife's sister) may well contract with him the levirate marriage.

(41) Supra 18a, infra 109a.

(42) Who, in fact, deals with a case where the impotency had set in prior to the obligation and yet permits the halizah.

(43) Of the contracting parties.

(44) This Tanna, like the Tanna of our Mishnah, thus draws a distinction between two classes of trespass that are subject to the penalty of negative precepts: (a) cases due to consanguinity and (b) other cases. While the former are subject to the restrictions of those who are liable to kareth, the latter are not. Maimed persons belong to the latter class and are consequently subject to the levirate law. Cf. supra 49a.

(45) Deut. XXV, 7.

(46) The maimed levir.

(47) Owing to his impotency at the time of the halizah.

(48) Though at some earlier period he might have been; why then should he be subject to halizah?

(49) If his former potency is not to be taken into consideration.

(50) Approaching death deprives a person of his generating powers, and he may then be regarded virtually as a saris.

(51) The widow of such a saris should consequently be exempt from halizah (v. our Mishnah). How, then, would a widow ever be subject to halizah? It must, therefore, be admitted that a person's former capacity for propagation is taken into consideration even though that capacity was subsequently lost.

(52) Who maintains that a manmade saris does not submit to halizah, though prior to his incapacitation he was capable of propagation.

(53) Which proves the contrary of R. Eliezer's statement (cf. supra n. 6).

(54) Where the power of propagation is lost on approaching death.

(55) Which precedes death.

(56) And this cannot at all be compared with the case of an actual saris whose incapacity is due to a definite defect in his generative organs.

Talmud - Mas. Yevamoth 80a

who has not experienced a moment [of life] in a state of fitness.¹ How could this² be ascertained? — Abaye replied: [By observing whether] when he urinates no arch is formed. What are the causes?³ — That the child's mother baked at noon⁴ and drank strong⁵ beer.

R. Joseph said: It must have been such a saris⁶ of whom I heard Ammi saying. 'He who is afflicted from birth',⁷ and I did not know [at the time] to whom he was referring. But should we not take into consideration the possibility that he might have recovered in the meantime!⁸ — Since he suffered from affliction in his early as well as in his later life, no [possible interval of recovery] need be taken into consideration

R. Mari raised an objection: R. Hanina b. Antigonus stated, 'It⁹ is to be examined¹⁰ three times in eighty days'¹¹ — Precautions are to be taken in respect of one limb;¹² in respect of the entire body¹³ no such precautions need be taken.¹⁴

R. ELIEZER SAID: NOT SO etc. A contradiction may be pointed out: If at the age of twenty he¹⁵ did not produce two hairs,¹⁶ they¹⁷ must bring evidence that he is twenty years of age and he, being confirmed as a saris,¹⁸ neither submits to halizah nor performs the levirate marriage. If the woman¹⁹ at the age of twenty did not produce two hairs,²⁰ they²¹ must bring evidence that she is twenty years of age and she, being confirmed as a woman who is incapable of procreation neither performs halizah nor is taken in levirate marriage; so Beth Hillel. But Beth Shammai maintain that with the one as well as with the other [this takes place at] the age of eighteen. R. Eliezer said. In the case of the male, the law is in accordance with Beth Hillel and in the case Of the female, the law is in accordance with Beth Shammai because a woman matures earlier than a man!²² Rami b. Dikuli replied in the name Of Samuel: R. Eliezer changed his view.²³

The question was raised: From which statement did he withdraw? — Come and hear what was taught: R. Eliezer said. A congenital saris²⁴ submits to halizah, and halizah is arranged for his wife, because cases of such a nature are cured in Alexandria in Egypt.²⁵

R. Eleazar said: As a matter of fact he²⁶ did not change his view at all, but that statement²⁷ was taught in respect [of the age of] punishment.²⁸

It was stated: If a person²⁹ between the age of twelve years and one day³⁰ and that of eighteen years³¹ ate forbidden fat,³² and after the marks of a saris had appeared, he grew two hairs.³³ Rab ruled that the person is deemed to be a saris retrospectively.³⁴ But Samuel ruled [that the person is regarded as] having been a minor at that time.³⁵

R. Joseph demurred against Rab.³⁶ According to R. Meir,³⁷ a woman who is incapable of procreation³⁸ should be entitled to a fine!³⁹ — Abaye replied: She passes from her minority [directly] into adolescence.⁴⁰ The other said to him: May all such fine sayings be reported in my name. For so it was taught: A saris is not tried as a stubborn and rebellious son,⁴¹ because no stubborn and rebellious son is tried unless he bears the mark of the pubic hair.⁴² Nor is a woman who is incapable of procreation tried as a betrothed damsel⁴³ because from her minority she passes [directly] into adolescence.⁴⁴

R. Abbahu stated: On [the basis of] the marks of a saris, of a woman incapable of procreation, and of an eight-[month] child⁴⁵ no decision is made⁴⁶ until they attain the age of twenty.⁴⁷ Is, however, an eight-[month] child viable? Surely it was taught: An eight-month child is like a stone,⁴⁸ and it is forbidden to move him;⁴⁹ only his mother may bend over him and nurse him

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- (1) I.e., who was born with defective organs.
 - (2) That a child was a saris from birth.
 - (3) Of congenital impotency.
 - (4) The heat of the oven combined with the heat of the day obviously affected the generative organs of the embryo.
 - (5) Others, 'pale', 'diluted'.
 - (6) The congenital eunuch or 'saris by nature' spoken of in our Mishnah.
 - (7) Lit., 'from his mother's bowels'.
 - (8) Between the periods of his early and present impotency. And since he was possessed of his manly powers even if only for a short time, how could he (v. our Mishnah) be regarded as a 'saris by nature'?
 - (9) The firstborn of a beast afflicted with a serious blemish which renders it unfit for the altar.
 - (10) To ascertain whether the blemish is a permanent one. If it was only a passing affliction it does not affect the legal fitness of the animal.
 - (11) At the beginning, middle and end of the period. Only where the blemish remained for the full eighty days is it regarded as permanent. If no examination was made in the middle of the period mentioned, the blemish cannot be deemed to be a permanent since it is possible that it had disappeared for some time and reappeared again V. Bek. 38b. Why, then, is the middle period disregarded in the case of the saris?
 - (12) The eye, for instance, which was the limb affected in the case cited.
 - (13) The impotency of the saris is an affliction affecting his body as a whole.
 - (14) It is unlikely that such a defect should appear, disappear and reappear again.
 - (15) A levir whose duty it is to contract levirate marriage or to submit to halizah.
 - (16) The marks of puberty.
 - (17) The relatives of the widow who wish to exempt her from the halizah and the marriage.
 - (18) By a display of the required symptoms.
 - (19) The widow whose husband had died without issue.
 - (20) The marks of puberty.
 - (21) The levir's relatives. Cf. supra note 9, mutatis mutandis.

- (22) Nid. 47b. Now, the case spoken of here is that of a congenital saris and yet R. Eliezer stated that he is subject neither to halizah nor to the levirate marriage, which is in direct contradiction to his statement in our Mishnah!
- (23) The two statements were made at an earlier and later period respectively.
- (24) V. supra p. 538. n. 11.
- (25) As this Baraitha agrees with our Mishnah and, in addition, contains also a reason for its statement, based on actual experience. it is reasonable to assume that R. Eliezer withdrew from his other view contained in the Baraitha of Niddah.
- (26) R. Eliezer.
- (27) Supra, that the age of a male is twenty, in agreement with Beth Hillel, and that that of a female is eighteen, in agreement with Beth Shammai.
- (28) At the ages stated males and females respectively, emerging from their state of minority and entering that of majority, become subject to all legal obligations and penalties. The statement has no reference at all to halizah or the levirate marriage.
- (29) The reference is to a female though the masc. gender 'saris' is used. The age of twelve years and one day is applicable to females only.
- (30) Below this age a girl is regarded as a minor.
- (31) This will be according to R. Eliezer, supra.
- (32) Or committed any other transgression. The eating of forbidden fat, חלב is invariably taken as the example of a punishable offence. Cf. Golds. a.l.
- (33) The marks of puberty.
- (34) From the age of twelve years and one day. Despite the absence of the hairs until after the age of eighteen. and their subsequent appearance. the girl is regarded as having passed into her majority at the earlier age of twelve years and one day. and consequently subject from that time to all legal penalties, the delay in the emergence of her marks of puberty being attributed to her mere impotence.
- (35) Between the ages of twelve and eighteen. Samuel holds that majority sets in at the latter age only when the girl's impotency is definitely established.
- (36) Who regards a girl, who was only subsequently found to be a saris, as having been a saris and consequently also of age from the moment she was twelve years and one day old.
- (37) Who exempts the seducer of a minor from the payment of the fine prescribed in Deut. XXII, 29.
- (38) The seducer of whom is also exempt from the fine mentioned (supra note 2) on the ground that, as she did not produce the required hairs, she was regarded at the time as a minor. V. Keth. 35b.
- (39) Because, since it was later established that she was sterile, she should be regarded (cf. supra note 1) as having been sterile, and so also of age, retrospectively.
- (40) The former age is twelve years and one day; the latter is twelve and a half plus one day. In the intervening age a girl is described as נערה damsel or maiden; and it is during this period (נערות) that she is entitled to the fine mentioned. The sterile woman does in fact become of age retrospectively, as Rab laid down, but she assumes the status of the adolescent woman who is not entitled to the fine.
- (41) Cf. Deut. XXI, 18ff.
- (42) Lit., 'lower beard'.
- (43) Who has been outraged (v. Deut. XXII, 23ff).
- (44) Cf. supra n. 5.
- (45) Born in the eighth month of conception. who, as a rule, is not viable.
- (46) As to whether in the case of the former they are impotent and of age, and in the case of the latter whether he is viable.
- (47) Between the age of twelve and this age the former are regarded as minors until they have produced two pubic hairs, if these appear before they were twenty; and if these were not produced at twenty their majority begins from the age of twelve. In the case of the child he cannot be regarded as viable before he has completed the twentieth year of his life.
- (48) Obviously because he is not viable.
- (49) On the Sabbath when only such objects may be moved as were intended to be used on that day. The moving of a stone is forbidden.

in order to avert danger!¹ — Here² we are dealing with one whose marks³ have not⁴ been developed.⁵ For it was taught: Who is an eight-month child? He whose months [of conception] have not been completed. Rabbi said: The marks, his hair and nails which were not developed, would indicate it.⁶ The reason then is because they were not developed, but had they been developed it would have been assumed that the child was a seven-month one⁷ only his [birth] was somewhat delayed.⁸

With reference, however, to the practical decision which Raba Tosfa'ah gave in the case of a woman whose husband had gone to a country beyond the sea and remained there for a full year of twelve months, where he declared the child legitimate,⁹ in accordance with whose [view did he act]? [Was it] in accordance with that of Rabbi who maintains that [birth] may be delayed!¹⁰ — Since R. Simeon b. Gamaliel also maintains that [birth may] be delayed. he acted in agreement with a majority. For it was taught: R. Simeon b. Gamaliel said: Any human¹¹ child that lingers for thirty days can not be regarded as a miscarriage.¹²

Our Rabbis taught: Who is a congenital saris?¹³ Any person who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if he produced them afterwards he is deemed to be a saris in all respects. And these are his characteristics: He has no beard, his hair is lank, and his skin is smooth. R. Simeon b. Gamaliel said in the name of R. Judah b. Jair:¹⁵ Any person whose urine produces no froth; some say: He who urinates without forming an arch; some say: He whose semen is watery; and some say: He whose urine does not ferment. Others say: He whose body does not steam after bathing in the winter season. R. Simeon b. Eleazar said:¹⁵ He whose voice is abnormal so that one cannot distinguish whether it is that of a man or of a woman.

What woman is deemed to be incapable of procreation? — Any woman who is twenty years of age and has not produced two pubic hairs.¹⁴ And even if she produces them afterwards she is deemed to be a woman incapable of procreation in all respects. And these are her characteristics: She has no breasts and suffers pain during copulation. R. Simeon b. Gamaliel said:¹⁵ One who has no mons veneris like other women. R. Simeon b. Eleazar said: One whose voice is deep so that one cannot distinguish whether it is that of a man or of a woman.

It was stated: As to the characteristics of a saris, R. Huna stated, [Impotency cannot be established] unless they are all present. R. Johanan, however, stated: Even if only one of them is present.¹⁶ Where two hairs were produced¹⁷ all agree that impotency cannot be established unless all characteristics¹⁸ are displayed. They only differ in the case where these were not produced. With reference, however, to what Rabbah b. Abbuha said to the Rabbis, 'Examine R. Nahman. and if his body steams I will allow him to marry my daughter'; in accordance with whose view [was he acting]? [Was it] according to R. Huna!¹⁹ — No; R. Nahman had some stray hairs.²⁰

THE SARIS NEITHER SUBMITS TO HALIZAH NOR CONTRACTS THE LEVIRATE MARRIAGE, AND SO ALSO A WOMAN WHO IS INCAPABLE OF PROCREATION etc. The saris was mentioned in the same way as the woman who is incapable of procreation; as the woman's incapacity is due to an act of²¹ heaven so must that of the saris be an act²¹ of heaven; and this anonymous [Mishnah] is in agreement with R. Akiba who stated [that halizah applies] only to a man-made [saris but] not [to one afflicted] by the hand of heaven.²²

IF A SARIS SUBMITTED TO HALIZAH FROM HIS SISTER-IN-LAW, HE DOES NOT THEREBY CAUSE HER TO BE DISQUALIFIED etc. The reason then [why when HE COHABITED WITH HER HE CAUSES HER TO BE DISQUALIFIED] is because he²³ cohabited with her; another man, however, does not;²⁴

(1) To the mother and the child. The latter might otherwise die of starvation before his time, and the former might

contract serious illness through the accumulation of superfluous milk in her breasts. V. Tosef. Shab. XVI. Now, since the child, because he is not viable, is regarded as a stone (v. p. 545. n. 13), how could he ever attain the age of twenty?

(2) In the cited Baraita.

(3) Of viability. such as hair and nails.

(4) So Alfasi, Bah and some MSS. Cur. edd. omit, 'not' referring to R. Abbahu's statement.

(5) Where the marks, however, are developed. as is the case in the Baraita cited, the child may be viable.

(6) Tosef. Shab. XVI. Lit., 'concerning him', whether he is an eight-month child.

(7) A child whose development is completed in the seventh month is viable.

(8) R. Abbahu, supra, referring to such a case, teaches that, even according to Rabbi, no definite decision can be arrived at before the child has grown up and attained the age of twenty.

(9) Assuming, as he did, that it remained in utero three months after the nine-monthly period.

(10) Would he agree with an individual, against the opinion of a majority?

(11) In the case of an animal the period is eight days.

(12) Supra 36b, Shab. 135b, Nid. 44b. The child is assumed to be a seven-month one whose birth had been delayed and who is consequently viable.

(13) V. supra p. 538, n. 11.

(14) The usual marks of puberty.

(15) In reply to the question 'who is a saris?'

(16) Lit., 'by one of them'.

(17) Elijah Wilna deletes 'In the beard' of cur. edd. [The reference will be accordingly to an emergence of hairs after the age of twenty, for had they appeared earlier, he would no longer be regarded as a saris even in the face of all other characteristics of a saris, v. supra p. 543. Tosaf., however, retains the reading of our text and consequently draws a distinction between hairs of the beard and on any other part of the body. The former in themselves, unlike the latter, are not sufficient to establish potency. V. Tosaf. s.v. **דְּהַבִּיָּא**].

(18) Of a saris.

(19) Since the absence of one characteristic satisfied him, contrary to the opinion of R. Johanan supra.

(20) V. supra p. 547, n. 5. **סִיכֵי** pl. of **סִיכָא**.

(21) Lit., 'by the hands of'.

(22) The congenital eunuch or the saris by nature. Cf. supra p. 538. n. 11.

(23) The levir to whom, as his brother's wife, she is forbidden under the penalty of kareth.

(24) Cause her to be disqualified.

Talmud - Mas. Yevamoth 81a

is this, then, an objection to the view of R. Hamnuna who stated that a widow awaiting the decision of her levir who committed adultery¹ is disqualified [from marrying her] brother-in-law!² — No; the same law³ is applicable to [the case of cohabitation with] another man also; Only because the first clause was taught in respect of himself,⁴ the latter clause also was taught in respect of himself.

SIMILARLY, WHERE BROTHERS SUBMITTED TO HALIZAH FROM A WOMAN INCAPABLE OF PROCREATION etc. The reason then [why when THEY COHABITED WITH HER THEY CAUSE HER TO BE DISQUALIFIED] is because they cohabited with her, but had they not cohabited with her they would not;⁵ in accordance with whose view [is this statement made]? — Not in accordance with that of R. Judah; for should it [be suggested that it is in agreement with] R. Judah, he, surely, [it might be objected,] stated that a woman incapable of procreation is regarded as a harlot.⁶

MISHNAH. IF A PRIEST WHO WAS A SARIS BY NATURE⁷ MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT OF EATING TERUMAH. R. JOSE AND R. SIMEON STATED: IF A PRIEST WHO WAS AN HERMAPHRODITE MARRIED THE DAUGHTER OF AN ISRAELITE, HE CONFERS UPON HER THE RIGHT TO EAT TERUMAH.

R. JUDAH STATED: IF A TUMTUM,⁸ WAS OPERATED UPON⁹ AND HE WAS FOUND TO BE A MALE, HE MUST NOT PARTICIPATE IN HALIZAH,¹⁰ BECAUSE HE HAS THE SAME STATUS AS A SARIS. THE HERMAPHRODITE MAY MARRY [A WIFE] BUT MAY NOT BE MARRIED [BY A MAN].¹¹ R. ELIEZER¹² STATED: [FOR COPULATION] WITH AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.¹³

GEMARA. [Is not this]¹⁴ obvious!¹⁵ — It might have been assumed that only one who is capable of propagation is entitled to bestow the right of eating¹⁶ and that he who is not capable of propagating is not entitled to bestow the right of eating; hence we were taught [that even the saris may bestow the right].

R. JOSE AND R. SIMEON STATED . . . HERMAPHRODITE. Resh Lakish said: He CONFERS UPON HER THE RIGHT OF EATING TERUMAH but does not confer upon her the right to eat of the breast and the shoulder.¹⁷ R. Johanan, however, said: He also confers upon her the right to eat of the breast and shoulder.¹⁷

According to Resh Lakish,¹⁸ why is the breast and the shoulder different?¹⁹ [Obviously] because [it was] Pentateuchally [ordained].²⁰ [Was not] terumah, [however]. also Pentateuchally [ordained]? — We are dealing here with terumah at the present time,²¹ which [is only a] Rabbinical [ordinance].²² What is the law, however, when the Sanctuary is in existence?²³ [Obviously that terumah may] not [be eaten]!²⁴ Why, then, did he state, ‘But does not confer the right of eating the breast and the shoulder’?²⁵ He should rather have drawn the distinction in respect of the terumah itself, thus: This²⁶ applies only to Rabbinical terumah,²⁷ but not to terumah that has been Pentateuchally ordained!²⁸ — It is this, in fact, that he meant: When he²⁹ confers upon her³⁰ the right of eating, he enables her to eat terumah at the present time²⁷ only when it is a Rabbinical ordinance;³¹ he is not entitled, however, to confer upon her the right of eating terumah at the time when the law of the breast and the shoulder is in force,³² even if the terumah is only Rabbinical,³³ for she might in consequence also come to eat of Pentateuchal terumah.³⁴

‘R. Johanan, however, said: He also confers upon her the right to eat of the breast and the shoulder’. Said R. Johanan to Resh Lakish: Do you³⁵ maintain that terumah at the present time is only a Rabbinical ordinance? — ‘Yes’, the other replied, ‘for I read:³⁶ A cake of figs³⁷ among cakes of figs is neutralised’.³⁸ ‘But I’, said the first, ‘read, “A piece³⁹ among pieces⁴⁰ is neutralized”;⁴¹ you obviously believe that the reading⁴² is, “Whatsoever⁴³ one is wont to count”,⁴⁴ the reading in fact is, “That which one is wont to count”’.⁴⁵

What [Mishnah⁴⁶ is] it? — That wherein we learned: If a man had bundles of fenugreek of kil'ayim⁴⁷ of the vineyard⁴⁸ they must be burned.⁴⁹ If these were mixed up with others,⁵⁰

(1) With any man.

(2) As any harlot. Consequently she would also be forbidden to marry a priest. But according to the implication of our Mishnah she is not disqualified from marrying a priest!

(3) Of our Mishnah, that cohabitation with the widow causes her disqualification.

(4) The levir.

(5) Cause her to be disqualified.

(6) Supra 61a. Cf. supra p. 548, n. 8, mutatis mutandis.

(7) This excludes the man-made saris who stands under the prohibition of Deut. XXIII, 2, and cannot consequently confer upon his wife the right of eating.

(8) V. Glos.

(9) Lit., ‘was torn asunder’.

(10) If he has a brother who could participate in the ceremony instead of him.

- (11) He has the status of a male rather than that of a female, and his cohabitation with a male would be an act of sodomy.
- (12) 'Eleazar' according to תוספות יום טוב. Cf. however, Tosaf. s.v. רבי infra 84a.
- (13) On the difference between R. Eliezer and R. Judah. v. Gemara infra.
- (14) That the congenital saris bestows the right of eating terumah upon his wife.
- (15) His marriage being lawful; since he is not subject to the prohibition in Deut. XXIII, 2 (cf. supra note 3), he is obviously entitled to bestow the right.
- (16) Cf. Lev. XXII, 11. And such as are born in his house, they may eat of his bread, emphasis on born in his house. Cf. Rashi, a.l.
- (17) The priest's due from certain sacrifices. Cf. Lev. VII, 34.
- (18) Who forbids the breast and the shoulder to the wife of the hermaphrodite.
- (19) From terumah which may be eaten by her.
- (20) Cf. supra n. 1.
- (21) After the destruction of the Temple.
- (22) Pentateuchally it is only due while the Temple is in existence.
- (23) Cf. supra note 6.
- (24) By the wife of an hermaphrodite.
- (25) Drawing a distinction between terumah and other priestly gifts.
- (26) That the hermaphrodite confers upon his wife the right of eating.
- (27) After the destruction of the Temple.
- (28) Cf. supra note 6.
- (29) The hermaphrodite.
- (30) His wife.
- (31) Pentateuchally it is only due while the Temple is in existence.
- (32) When the Temple is in existence.
- (33) Such as that given from the fruit of the trees, which is at all times a Rabbinical ordinance only.
- (34) That which is given from corn, wine and oil.
- (35) Since you restrict the right of consumption to terumah and exclude that of the breast and the shoulder.
- (36) In a Baraitha. Cf. the Mishnah cited infra and note 11.
- (37) A number of figs pressed together.
- (38) If such a cake of terumah was mixed up with a hundred non-consecrated cakes of the same size, or if a cake of terumah that was levitically unclean was mixed up with a hundred such cakes of clean terumah, the entire quantity is permitted. in the latter case, to clean priests and, in the former case, to Israelites also. This proves that terumah at the present time is only a Rabbinical ordinance, since such neutralization, had the ordinance been Pentateuchal, would not, owing to its comparative importance (its high commercial value, v. infra), have been permitted. Though the terumah of figs, like that of all other fruit of trees, is at all times a Rabbinical ordinance only, its neutralization would not have been permitted at the present time had there been any Pentateuchal terumah in existence at the same time. The neutralization of the former would have been forbidden as a preventive measure against the possible assumption that the 'latter also might be neutralized.
- (39) Of an unclean sin-offering which is Pentateuchally forbidden. V. the Baraitha infra 81b.
- (40) Of clean meat.
- (41) And is permitted to be eaten. As a piece of meat which is Pentateuchally forbidden (v. supra n. 5) may be neutralized, even though its importance, owing to its commercial value, may be as high as that of a cake of figs, so may any food be neutralized even though its prohibition is Pentateuchal.
- (42) Cf. the Mishnah cited infra.
- (43) Any objects which any person whatsoever sells by counting the units. V. infra n. 11.
- (44) Cannot be neutralized.
- (45) 'Whatsoever' is more comprehensive than 'that'. According to the former reading, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold not in bulk but in units. According to the latter reading, neutralization is permitted in all cases except those where the units are of such a high value that they are not sold save by counting single units. Now, since cakes of figs are not invariably sold in units they may of course be neutralized even though they consist of Pentateuchal terumah (cf. supra n. 7). Resh Lakish, therefore, remains with no proof whatsoever that terumah at the present time is a mere Rabbinical ordinance. [This interpretation

which follows Rashi does not account for the phrase 'one is wont etc', mentioned also with the latter reading. Me'iri explains the former as including whatever is being sold as a rule by counting among the poor, whereas the latter requires the sale by counting to be the general practice among the rich as well as the poor. On either reading it is the general practice rather than the invariable rule which is the determining factor].

(46) Referred to by R. Johanan (cf. p. 551. n. 8).

(47) V. Glos.

(48) Cf. Deut. XXII, 9.

(49) This is deduced from the expression **תקדש** (ibid. R.V., forfeited; R.V. marg., consecrated), read as **תוקדש** 'shall be burned with fire'.

(50) Permitted bundles of fenugrec.

Talmud - Mas. Yevamoth 81b

they must all be burned;¹ so R. Meir. The Sages, however, stated: They are neutralized in [a mixture of] two hundred and one.² R. Meir, [in his ruling,] is of the opinion that whatever³ might be counted causes forfeiture,⁴ while the Sages are of the opinion that only six things cause forfeiture.⁵ R. Akiba said: Seven. They are the following: Crack-nuts,⁶ the pomegranates of Badan,⁷ sealed jugs [of wine], young shoots of beet,⁸ cabbage roots and the Grecian gourd. R. Akiba adds also home made⁹ bread.¹⁰ Those which are subject to the law of 'orlah¹¹ [impart the prohibition of] 'orlah¹² [and those which are subject] to the law of kil'ayim of the vineyard¹³ [impart¹² that of the] kil'ayim of the vineyard.¹⁴ R. Johanan holds the view that the reading¹⁵ was, 'That which one is wont to count'¹⁶ while Resh Lakish holds the view that the reading was 'Whatsoever one is wont to count'.¹⁷

What [is the Baraita about the] piece?¹⁸ — It was taught: A piece of a levitically unclean sin-offering that was mixed up with a hundred pieces of clean sin-offerings and, similarly, a piece of levitically unclean shewbread¹⁹ that was mixed up with a hundred pieces of clean shewbread is neutralized.²⁰ R. Judah said: It is not neutralized.²¹ If, however, a piece of a levitically clean sin offering was mixed up with a hundred pieces of clean and unconsecrated meat, and similarly if a piece of levitically clean shewbread was mixed up with a hundred pieces of clean unconsecrated bread, all agree that neutralization cannot take place.²² Now in the first clause, at any rate, it was stated that it 'is neutralized'!²³ — R. Hiyya son of R. Huna replied: In [the case where it was] crushed.²⁴ If so,²⁴ what is R. Judah's reason?²⁵

(1) The forbidden kil'ayim cannot be neutralized. The reason is given infra.

(2) I.e., if the permitted food is two hundred times the quantity of the forbidden kil'ayim.

(3) V. supra p. 551. n. 9.

(4) Lit., consecrates'. (Cf. R.V. and J.T., Deut. XXII, 9, be forfeited). All the mixture is forbidden on account of the importance (cf. supra p. 551, n. 11) of the forbidden object it contained, which can never be neutralized.

(5) Cf. supra n. 9.

(6) **אגוזי פרך** (cf. Jast. and Golds.). Rashi regards Perek as a place name. Parka (Perek) is situated in Samaria in the vicinity of Shechem.

(7) A Samaritan town north-east of Shechem lying in the valley Wadi Baidan.

(8) Or 'tomatoes'.

(9) Lit., 'of the master of the house'.

(10) Lit., 'loaves'.

(11) V. Glos. The nuts, pomegranates and jugs of wine.

(12) Upon the entire mixture.

(13) The beet, cabbage and gourd.

(14) 'Orlah III, 6, Bezaḥ 3b. Zeb. 72a.

(15) In the Mishnah cited.

(16) Cf. supra p. 551, n. 11. Only such objects cannot be neutralized. Cakes of figs and pieces of meat, however, since some people do not always sell them singly but in bulk, are of less commercial importance and may, therefore, be

neutralized.

(17) Cf. supra p. 551, nn. 7 and 8. As cakes of figs are sometimes sold by being counted singly, they are regarded as commercially important objects which, were they Pentateuchally forbidden, could never be neutralized. As it was stated, however, that a cake of figs of *terumah* may be neutralized, it follows, according to Resh Lakish, that *terumah* at the present time is only a Rabbinical, and not a Pentateuchal ordinance.

(18) Mentioned by R. Johanan. Cf. supra p. 551. n. 5.

(19) Cf. Ex. XXV, 30.

(20) The entire mixture is regarded as clean sin-offering meat and clean shewbread respectively.

(21) The reason is discussed *infra*.

(22) Neutralization would have removed a Pentateuchal prohibition (that of eating consecrated food by a non-priest) from the piece of the sin-offering or from that of the shewbread. As, however, the entire mixture, which consists of pieces that are sometimes sold by number, may be eaten even without recourse to neutralization by a priest to whom it could be sold, though this might have to be done at a reduced cost, the law of neutralization, which is applied even in such circumstances whenever the prohibition is Rabbinical, as in the case of the cake of figs (*supra*), is not applied here where it is Pentateuchal.

(23) Though these objects are sometimes sold in units. This obviously proves that the reading was, as R. Johanan stated, 'That which one is wont to count'. How, then, could Resh Lakish maintain that the reading was 'Whatsoever one is wont to count'?

(24) When it is no longer sold in units but in bulk.

(25) Why does he in such a case object to neutralization?

Talmud - Mas. Yevamoth 82a

— R. Judah follows his own view; for he stated:¹ The law of neutralization takes no effect in homogeneous objects.² [Had the piece] not been crushed, however, what [would have been the law]? Assumingly that it could not be neutralized! Why, then, was it taught. 'If, however, a piece of a levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat . . . neutralization cannot take place'?³ Let the distinction be drawn in [the case of consecrated meat] itself, thus: This⁴ applies only where it⁵ was crushed; but when it was not crushed it may not be neutralized! — He preferred [to speak of] a mixture of clean with clean.⁶

According to Resh Lakish,⁷ wherein lies the difference between the first clause and the final clause?⁸ — R. Shisha the son of R. Idi replied: The first clause deals with uncleanness that was due to liquids,⁹ which is only Rabbinical,¹⁰ while the final clause [deals with a prohibition]¹¹ which is Pentateuchal.¹² What, however, [would be the law in the case of] uncleanness through a reptile?¹³ Assumingly that no neutralization is permitted! Why, then, did he state in the final clause, 'If, however, a piece of levitically clean sin-offering was mixed up with a hundred pieces of clean and unconsecrated meat . . . neutralization cannot take place'?¹⁴ Let the distinction rather be drawn in [respect of consecrated meat] itself, thus: This¹⁵ applies only to uncleanness due to liquids, but when it is due to a reptile it may not be neutralized! — He preferred [to speak] of a mixture of clean with clean.¹⁶

Rabbah replied:¹⁷ The first clause [deals with] a prohibition under a negative precept¹⁸ while the final clause [deals with] one that involves the penalty of *kareth*.¹⁹ But surely was it not Rabbah who stated that in all Pentateuchal prohibitions there is no difference²⁰ between a prohibition that is due to a negative precept and one that involves *kareth*!²¹ — This is a difficulty.

R. Ashi replied:¹⁷ [The law²² in the] final clause is due to the fact that [the consecrated food] is an object which may be made²³ permissible,²⁴ and any object which [in certain circumstances] becomes permitted²⁴ cannot be neutralized even in a thousand.²⁵ This statement of R. Ashi, however, is mere fiction.²⁶ For to whom [would the mixture become permitted]!²⁷ To²⁸ the priest it is permitted [all the time];²⁹ to the Israelite²⁸ it is for ever forbidden!³⁰ The statement of R. Ashi must consequently

be regarded as mere fiction. But is R. Johanan of the opinion that terumah at the present time³¹ is Pentateuchal?³² Surely it was taught: If in front of two baskets, one of which contained unconsecrated fruit and the other that of terumah, were two se'ah measures, one containing unconsecrated fruit and the other that of terumah, and the latter fell into the former, behold these are permitted,³³ for it is assumed that the terumah fell into the terumah and the unconsecrated fruit fell into the unconsecrated fruit.³⁴ And [in reference to this ruling] Resh Lakish stated: 'Only if the unconsecrated fruit³⁵ was more than that of the terumah',³⁶ while R. Johanan stated, 'Even if the unconsecrated fruit were no more than the terumah'.³⁷ Now, according to Resh Lakish³⁸ the ruling³⁹ may well be justified since he may hold the opinion that with Rabbinically [forbidden food] also it is necessary⁴⁰ to have a larger quantity [of the permitted food]. According to R. Johanan.⁴¹ however, a difficulty arises!⁴² 'This'⁴³ [R. Johanan may reply] 'is the view of⁴⁴ the Rabbis,⁴⁵

(1) Zeb. 79a, Men. 22b.

(2) Lit., 'a kind in its kind does not cease to exist'.

(3) Thus drawing a distinction between a mixture of consecrated and unconsecrated meat.

(4) That neutralization takes place.

(5) The piece of the sin-offering.

(6) To indicate that even in such a case, where the law of neutralization might have been expected to apply (cf. Ter. V. 3-4). the mixture remains forbidden.

(7) Who explained the Baraitha under discussion to refer to a crushed piece.

(8) In either case the piece is Pentateuchally forbidden. As neutralization takes place in the case of the first clause owing to the insignificant value of the piece. neutralization should also take place, for the same reason, in the case of the final clause! According to R. Johanan, the reason for the difference between the two clauses has been explained supra p. 553, n. 6.

(9) If the crushed mixture was contained, for instance. in a vessel that had been in contact with unclean liquids.

(10) Pentateuchally no unclean liquid can impart uncleanness to a vessel.

(11) The consumption of consecrated food by a non-priest.

(12) Food Pentateuchally forbidden, if mixed with other food of the same kind, cannot be neutralized, according to this opinion. even if it is sold in bulk.

(13) Pentateuchal uncleanness.

(14) V. supra note 2.

(15) That neutralization takes place.

(16) V. supra p. 554, n. 5.

(17) To the objection raised against Resh Lakish.

(18) That of eating consecrated meat which is unclean. V. Lev. VII, 19.

(19) Were the crushed mixture which contained a piece of consecrated meat to be regarded as neutralized and treated like unconsecrated meat, it might be eaten by an unclean person who would thus incur the penalty of kareth for eating consecrated meat during his uncleanness. Cf. Lev. VII, 20.

(20) In respect of preventive measures enacted by the Rabbis.

(21) Infra 219a, where, however, the reading is 'Raba'.

(22) Disallowing neutralization.

(23) If the consumer is, for instance, a priest.

(24) Even though no neutralization were to take place.

(25) Times its quantity.

(26) **בדוּתָא** v. B. M., Sonc. ed., p. 47. n. 1.

(27) The law which rules out neutralization in the case of objects which may attain to a state of permissibility without this process, is applicable only to such objects as become permissible, i.e., which emerge from a state of prohibition into one of permissibility. Cf. Bezah 3b.

(28) Lit., 'if to'.

(29) He may eat the piece of consecrated food even if it were never mixed up with the unconsecrated food.

(30) If no neutralization were to be allowed.

(31) After the destruction of the Temple.

- (32) As stated supra 81a.
- (33) Even an Israelite may eat from the basket that contained the unconsecrated fruit.
- (34) Tosef. Ter. VI end; Pes. 9b, 44a; Naz. 36b.
- (35) In the basket.
- (36) In the se'ah measure. Only in such a case is the assumption mentioned made, because the terumah representing the smaller quantity might be regarded as neutralized even if it had fallen into the basket of the unconsecrated fruit.
- (37) No excess of unconsecrated fruit is necessary since the assumption mentioned is alone sufficient to establish the permissibility of the unconsecrated fruit.
- (38) Who, as stated supra, regards terumah at the present time as Rabbinical.
- (39) In the Baraitha cited.
- (40) To make the mentioned assumption.
- (41) In whose opinion terumah is Pentateuchal at the present time also.
- (42) How could the assumption mentioned be made in the case of a prohibition which is Pentateuchal!
- (43) The ruling in the Baraitha cited.
- (44) Lit., 'this according to whom?'
- (45) Who hold that terumah at the present time is only Rabbinical.

Talmud - Mas. Yevamoth 82b

while I maintain the view of R. Jose'.¹ For it was taught in Seder 'Olam:² Which thy fathers possessed, and thou shalt possess it,³ they had a first,⁴ and a second⁵ possession,⁶ but they had no third one;⁷ and R. Johanan stated, 'Who is the author of Seder 'Olam? R. Jose'.⁸

But is R. Johanan of the opinion that in respect of a Rabbinically forbidden object no excess is required?⁹ Surely we learned: A ritual bath containing exactly forty se'ah [of water]¹⁰ to which one se'ah¹¹ was added and from which one se'ah¹² was taken off, is deemed to be ritually fit.¹³ And R. Judah b. Shila stated in the name of R. Assi in the name of R. Johanan. 'As much as its greater part'.¹⁴ Does not this mean that the greater part must remain?¹⁵ — No; that the greater part must not be removed.¹⁶ And if you prefer I might say: Here¹⁷ it is different,¹⁸ since it may be said, 'For it is assumed'.¹⁹

We learned, THE HERMAPHRODITE MAY MARRY [A WIFE]²⁰ — Read, 'If he married',²¹ But, surely, it was stated MAY MARRY!²² — And even in accordance with your view what is the meaning of BUT MAY NOT BE MARRIED [BY A MAN]?²³ Consequently it must be granted that as MAY . . . BE MARRIED²³ implies an act that had already been performed, so also MAY MARRY implies an act that had already been performed. It may still be urged: No;²⁴ MAY MARRY implies that the act is permissible; but MAY NOT BE MARRIED²³ implies, not even if the act had already been performed.²⁵ But surely since it was taught in the final clause, R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE, it is to be inferred that the first Tanna was doubtful on the point!²⁶ — The law²⁷ was clear to the one Master as well as to the other Master; the only difference between them was the question of stoning for copulation through either of his two organs. One Master²⁸ was of the opinion that the penalty of stoning is incurred by copulation through either of the two organs,²⁹ while the other Master³⁰ was of the opinion [that it is incurred through the male organ only] AS [IF HE WERE] A MALE.

Rab said:

(1) Who stated in our Mishnah that the hermaphrodite may confer upon his wife the right of eating terumah. It was in reference to this that R. Johanan had stated that the hermaphrodite may also confer upon his wife the right of eating the breast and the shoulder, which are Pentateuchally ordained, since terumah also according to R. Jose is even at the present time a Pentateuchal ordinance.

- (2) Lit., 'Order of the World', a chronological work compiled in the first half of the second century by R. Jose b. Halafta.
- (3) Deut. XXX. 5, **וירשנו וירשתה**, the rt. of **רש** is repeated.
- (4) After the conquest in the days of Joshua
- (5) In the days of Ezra.
- (6) The sanctity of Eretz Israel having ceased with the destruction of the first Temple and the Babylonian exile, a second 'possession was necessary to restore to the land its sanctity.
- (7) Which was not necessary, the second sanctification having remained for all time. As the land thus remained sacred the Pentateuchal obligation of terumah also remained in force.
- (8) V. Nid. 46b.
- (9) To effect neutralization. It is now assumed that the reason why R. Johanan maintains that 'even if the unconsecrated fruit were no more than the terumah' it is permitted is because, in the case of a Rabbinical prohibition, neutralization is effected by the mere accident of the mixing of consecrated with unconsecrated fruit even though the latter did not form the larger part and not because he relies on the above mentioned assumption.
- (10) The minimum quantity of water that constitutes a ritual bath.
- (11) Of unsuitable liquid.
- (12) Of the entire quantity of forty-one se'ah.
- (13) Mik. VII, 2. The se'ah of unsuitable liquid is regarded as having been neutralized in the forty se'ah of water, so that when one se'ah of the mixture was subsequently removed, the minimum of forty se'ah of suitable liquid still remained in the bath.
- (14) Zeb. 22a. This is explained presently.
- (15) I.e., se'ah after se'ah of unsuitable liquid may be added and an equal quantity of the mixture may be successively removed only until a minimum of twenty-one se'ah of suitable water remains in the bath. Should there remain less, so that the suitable liquid no longer represents the greater part of the mixture, the bath would become ritually unfit. This (the unsuitability of certain liquids in a ritual bath being only a Rabbinical provision) proves that according to R. Johanan an excess is required even in the case of Rabbinical ordinances!
- (16) If only half of the suitable water remained the unsuitable liquid is neutralized, no excess being required.
- (17) The case in the Baraitha of Terumoth.
- (18) From the case of the ritual bath or other Rabbinical ordinances where an excess may in fact be required.
- (19) 'That the terumah fell into the terumah and the unconsecrated fruit etc.' (v. supra), so that no forbidden food had ever entered the basket of the unconsecrated fruit. Such an assumption is obviously inapplicable in the case of the bath.
- (20) **נִשְׂא**. This shews that he is regarded as a proper male. As such he should confer upon his wife the right to eat of the breast and the shoulder. How then could Resh Lakish maintain supra that he does not?
- (21) **נִשְׂא** i.e., if marriage had already taken place it is valid in so far as to require a letter of divorce for its dissolution since it is possible that he is a male. Originally, however, no such marriage is permitted owing to the equal possibility that he is not a male but a female.
- (22) Implying that marriage may be contracted in the first instance. CF. supra n.1.
- (23) **נִשְׂא**. Perfect. Surely this cannot refer to marriage in the first instance but to a marriage already performed?
- (24) The two expressions are not identical.
- (25) The difficulty against the view of Resh Lakish consequently remains, while the opinion of R. Johanan receives confirmation.
- (26) Whether the hermaphrodite is to be regarded as a male. This, then, presents an objection against the view of R. Johanan.
- (27) That the hermaphrodite is regarded as a male.
- (28) The first Tanna.
- (29) Even if it was effected through his female organ.
- (30) R. Eliezer.

Talmud - Mas. Yevamoth 83a

Our Mishnah¹ cannot be maintained in the presence of the following Baraitha. For it was taught: R. Jose stated, 'The hermaphrodite is a creature sui generis, and the Sages did not determine whether he is a male or a female'.² On the contrary; the Baraitha² cannot be maintained in the face of our

Mishnah!³ — As R. Jose left his colleague⁴ it may be inferred that he changed his opinion.⁵

Samuel, however, said: The Baraitha² cannot be maintained in the face of our Mishnah.³ On the contrary; our Mishnah³ cannot be maintained in the face of the Baraitha,² since Samuel was heard to take note of an individual opinion!⁶ — This⁷ applies only to a case where the Mishnah is not thereby uprooted; when the Mishnah, however, is thereby uprooted it need not be taken into consideration.

At the school of Rab it was stated in the name of Rab that the halachah is in agreement with R. Jose in respect of the hermaphrodite and grafting; and Samuel stated: In respect of protracted labour and forfeiture.

As to the 'hermaphrodite', there is the ruling just mentioned.⁸ 'Grafting'? — As we have learned: There must be no planting, no sinking⁹ and no grafting on the eve of the Sabbatical Year¹⁰ within thirty days before the new year; and if one planted or sank or grafted, the tree must be uprooted.¹¹ R. Judah said: Any grafting¹² which takes no root within three days will never take root. R. Jose and R. Simeon stated: [Within] two weeks.¹³ And, [in reference to this.] R. Nahman stated in the name of Rabbah b. Abbuha that according to him who stated, 'thirty days', thirty and thirty are required; according to him who stated 'three days', three and thirty are required;¹⁴ and according to him who stated 'two weeks', two weeks and thirty days are required.¹⁴

'And Samuel stated: In respect of protracted labour and forfeiture'. 'Protracted labour'? — As we learned: How long does the period of protracted labour¹⁵ continue? R. Meir said: Forty or fifty days.¹⁶ R. Judah said: Her [ninth] month is sufficient.¹⁷ R. Jose and R. Simeon said: Protracted labour cannot extend beyond two weeks.¹⁸ 'Forfeiture'? As we have learned: If one causes his vine to overhang¹⁹ above the crops of his neighbour, behold he causes thereby their forfeiture,²⁰ and he is liable to make compensation; so R. Meir. R. Jose and R. Simeon said:

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- (1) Which attributes to R. Jose the opinion that the hermaphrodite bestows upon his wife the right of eating terumah.
 - (2) Tosef. Bik. II. Since his sex is a matter of doubt he cannot obviously bestow the right(v. p. 558, n. 12) upon his wife.
 - (3) V. p. 558. n. 12.
 - (4) In his statement in the Baraitha where he alone appears as the author. In the Mishnah both R. Jose and R. Simeon appear as the authors.
 - (5) Which he first expressed in our Mishnah.
 - (6) If that opinion is more rigid. (Cf. supra 41a Meg. 18b). Here too R. Jose's opinion in the Baraitha is more restrictive than his opinion in our Mishnah and should therefore be taken into consideration!
 - (7) That an individual opinion is to be taken into consideration.
 - (8) In our Mishnah (cf. Rashi a.l.).
 - (9) The sinking of a branch under the ground while one end of it remains attached to the tree and the other end is made to protrude from the ground so that in due course it may develop into an independent tree.
 - (10) Cf. Lev. XXV, 4ff.
 - (11) A tree does not take root according to this view, before thirty days from the day of its planting have elapsed, and by that time the Sabbatical Year has already begun where all such agricultural activities are forbidden.
 - (12) And similarly any planting or sinking.
 - (13) Sheb. II, 6.
 - (14) Since the last thirty days of the eve of the Sabbatical Year are regarded as part of the next Sabbatical Year (v. M.K. 3b). the plant, in order that it may be permitted, must have taken root prior to these last thirty days.
 - (15) During this period a woman is not subject to the restrictions of a zabah (v. Glos.), if the flow occurred during the eleven days that intervene between her menstrual periods, even if the discharge continued for three consecutive days. Such a continuous discharge at any other time, when it cannot be attributed to labour, subjects a woman to the uncleanness of a zabah. As in this case, however, the discharge may be regarded as that attendant on labour, the woman must observe only the days prescribed for one after childbirth (cf. Lev. XII, 2ff) and not those prescribed for a zabah (cf. ibid. XV, 25ff). V. Nid. 36b.

(16) Prior to the birth of the child.

(17) Should the flow begin prior to the ninth month and continue for three consecutive days she is regarded as a zabah.

(18) Nid. 36b.

(19) Lit., 'to cover'. 'to make a shadow'.

(20) Cf. Deut. XXII, 9.

Talmud - Mas. Yevamoth 83b

No man can impose a prohibition upon that which is not his.¹

The question was raised: What would Samuel² have said with regard to the hermaphrodite?³ — Come and hear what Samuel said to R. Anan: The Baraita cannot be maintained in the face of our Mishnah.⁴

What would Samuel have said in respect of grafting?³ — Come and hear what Samuel said to R. Anan: Teach in accordance with the view of him who stated 'three and thirty'.

What is the opinion of Rab⁵ in respect of protracted labour?⁶ — This is undecided.⁷

What is Rab's Opinion in respect of forfeiture?⁶ R. Joseph replied. Come and hear what R. Huna stated in the name of Rab: The halachah is not in agreement with R. Jose.

Said Abaye to him:⁸ What reason do you see for relying upon this statement?⁹ Rely rather on that which R. Adda made in the name of Rab: The halachah is in agreement with R. Jose! — Who is it [that is referred to by the phrase] 'At the school of Rab it was stated'?¹⁰ R. Huna [of course];¹¹ and R. Huna it was who stated that the halachah is not in agreement [with R. Jose].¹²

R. JUDAH STATED: A TUMTUM etc. R. Ammi remarked: What would R. Judah¹³ have done with a case like that of the tumtum of Bairi,¹⁴ who, after having been placed upon the operating table¹⁵ and operated upon, begat seven children!¹⁶ And R. Judah?¹⁷ — He could tell you:¹⁸ An enquiry should be made as to the origin of his children.

It was taught: R. Jose son of R. Judah stated that a tumtum must not participate in halizah, since it is possible that on being operated upon he may be found to be a congenital saris.¹⁹ Is everyone then,²⁰ who is operated upon a male! — It is this that he meant: It is possible that on being operated upon he may be found to be a female; and were he found to be a male, it is even then possible that he might be found to be a congenital saris. What is the practical difference between them?²¹ — Raba replied: The practical difference between them is the question of disqualification²² where other brothers are in existence,²³ and that of halizah where no other brothers exist.²⁴

R. Samuel son of R. Judah said in the name of R. Abba, the brother of R. Judah b. Zabdi, in the name of Rab Judah in the name of Rab: In respect of the hermaphrodite the penalty of stoning is incurred through either of his organs.

An objection was raised: R. Eliezer stated, 'In respect of the hermaphrodite the penalty of stoning is incurred as in the case of a male. This, however, applies only to his male organ; but in respect of his female organ no penalty is incurred'²⁵ — He²⁶ holds the same opinion as the following Tanna. For it was taught: R. Simai stated that in respect of the hermaphrodite the penalty of stoning is incurred through either of his organs. What is R. Simai's reason? — Raba replied: Bar Hamduri has explained it to me as follows: And thou shalt not lie with a male, as well as with womankind;²⁷ what male is it that is capable of two manners of lying?²⁸ Obviously²⁹ the hermaphrodite. And the Rabbis? — Though he is capable of two manners of lying it is nevertheless written in Scripture.

With a male.³⁰ Whence, however, do the Rabbis³¹ derive the law concerning an ordinary male? — From And.³² Whence³³ the prohibition in respect of unnatural intercourse with a woman? — From Woman.³⁴

R. Shezbi stated in the name of R. Hisda: It is not in all respects that R. Eliezer maintains that the hermaphrodite is a proper male. Since, were you to say so, [such an animal]³⁵ would be fit for consecration.³⁶ And whence is it derived that it³⁷ may not be consecrated? — From what the Rabbis taught: [A bird] that was covered,³⁸ set aside [for idolatrous purposes], or worshipped, that was the hire of a harlot³⁹ or the price of a dog,³⁹ a tumtum or hermaphrodite, causes the defilement of one's clothes⁴⁰ by [contact with one's] oesophagus.⁴¹ R. Eliezer said: [A bird that was] a tumtum or hermaphrodite does not impart the defilement of clothes through contact with one's oesophagus; for R. Eliezer maintained that wherever male and female were mentioned,⁴² the tumtum and hermaphrodite are to be excluded; but [in the case of the sacrifice of a] bird, since in respect of it no mention was made of male or female, the tumtum and hermaphrodite are not to be excluded.⁴³

R. Nahman b. Isaac said: We also learned [a similar Baraita]: R. Eliezer stated:

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- (1) Kil. VII, 4; B.K. 100a.
 - (2) Who only mentioned protracted labour and forfeiture.
 - (3) Does he agree that here also the halachah is in agreement with R. Jose?
 - (4) V. supra 83a and cf. supra p. 558. n. 2 and p. 559, n. 1.
 - (5) Whose school reported in his name (supra 83a) on the hermaphrodite and grafting only.
 - (6) V. supra p. 560. n. 10.
 - (7) Teku תיקן v.Glos.
 - (8) R. Joseph.
 - (9) That of R. Huna.
 - (10) Supra 38a where only the hermaphrodite and grafting were mentioned.
 - (11) V. Sanh. 17b. Wherever it is reported that 'At the school of Rab it was stated' the author of the statement was R. Huna. When, however, R. Huna himself reports 'At the school etc.' the author of the statement is R. Hamnuna. V. Rashi a.l. and cf. Tosaf. s.v. אומר.
 - (12) In respect of forfeiture, supra.
 - (13) Who regards the tumtum as a saris even if after an operation he is found to be a male.
 - (14) A mountain village north of Safed in Palestine, once a famous town.
 - (15) Lit., 'his (sc. the operator's) chair'.
 - (16) Which proves, contrary to the opinion of R. Judah, that such a tumtum is no saris.
 - (17) How could he maintain his opinion in view of this incident?
 - (18) אומר לך so MS.M.]
 - (19) Tosef. Yeb. XI. Bek. 42b. A congenital saris (v. Glos.) is, of course, exempt from halizah.
 - (20) Since R. Jose mentions only the possibility of being a saris and not that of being a female.
 - (21) Between R. Jose and his father R. Judah. Whether such a tumtum is a doubtful or a certain saris he is, in either case, exempt from halizah.
 - (22) From the levirate marriage.
 - (23) Besides the tumtum. According to R. Judah, who regards him as definitely a saris, the widow, if the tumtum submitted to her halizah, is not thereby disqualified from subsequently marrying any of the other brothers, since the halizah of a saris is null and void. According to R. Jose, however, the widow is disqualified, since the tumtum might possibly be a male and his halizah might be valid.
 - (24) According to R. Judah no halizah takes place; while according to R. Jose halizah must be performed owing to the possibility of his being a male.
 - (25) Tosef. Yeb. X.
 - (26) Rab.
 - (27) Lev. XVIII, 22. משכבי pl., lit., 'lyings'.
 - (28) V. n. 7.

- (29) Lit., 'be saying'.
- (30) זכר sing. masc. ibid., which excludes copulation through his female organ.
- (31) Who employ the expression With a male (ibid.) in relation to the hermaphrodite.
- (32) Lev. XVIII, 22. וּמִן הַיָּמִין, the superfluous particle of the defined accusative. Cur. edd. read, 'from woman'. For the reading adopted here, v. Bah, a.l.
- (33) According to both the Rabbis and R. Simai.
- (34) Ibid. cf. Bah.
- (35) An hermaphrodite.
- (36) As a sacrifice for the altar.
- (37) The hermaphrodite.
- (38) Used for bestiality.
- (39) Cf. Deut. XXIII. 19.
- (40) If the bird was offered up as a sacrifice in consequence of which its head is pinched off (cf. Lev. I, 15). As for the reasons stated, the bird is unfit for the altar, pinching (which is not the ritual mode of slaughter for unconsecrated birds) renders the bird nebelah (v. Glos.) which imparts uncleanness to one's clothes. V. infra n. 10.
- (41) I.e., through eating it. It is in this manner, and not by touch, that the nebelah of a clean bird (cf. Deut. XIV, 11) imparts uncleanness to a person.
- (42) In the Torah.
- (43) Bek. 42a, Zeb. 85b. Since in the case of sacrifices of beasts, male and female were mentioned, it is obvious that, according to R. Eliezer, no tumtum or hermaphrodite is suitable.

Talmud - Mas. Yevamoth 84a

A hybrid, terefah,¹ one that was extracted through the abdominal wall,² the tumtum and the hermaphrodite can neither become sacred nor can they impart sanctity to others; is and Samuel explained: They neither become sacred by means of exchange,³ nor do they impart sanctity [to any other beast]⁴ by causing it to become an exchange.⁵ This proves [what has been said].

R. ELIEZER STATED . . . THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE. It was taught: Rabbi related, 'When I went to learn Torah at [the school of] R. Eleazar b. Shammu'a, his disciples combined against me like the cocks of Beth Bukya⁶ and did not let me learn more than this single thing in our Mishnah: R. ELIEZER STATED: [FOR COPULATION WITH] AN HERMAPHRODITE THE PENALTY OF STONING IS INCURRED AS [IF HE WERE] A MALE.

CHAPTER IX

MISHNAH. SOME WOMEN ARE PERMITTED⁷ TO THEIR HUSBANDS AND FORBIDDEN⁷ TO THEIR LEVIRS,⁸ OTHERS ARE PERMITTED⁷ TO THEIR LEVIRS AND FORBIDDEN⁷ TO THEIR HUSBANDS, OTHERS ARE PERMITTED TO BOTH THE FORMER AND THE LATTER, WHILE OTHERS ARE FORBIDDEN TO THE FORMER AS WELL AS TO THE LATTER. IN THE FOLLOWING CASES THE WOMEN⁹ ARE PERMITTED TO THEIR HUSBANDS AND FORBIDDEN TO THEIR LEVIRS: IF A COMMON PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST; IF A HALAL¹⁰ WHO MARRIED A WOMAN OF LEGITIMATE STATUS¹¹ HAD A BROTHER OF LEGITIMATE STATUS;¹² IF AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, 'OR IF A BASTARD WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED⁷ TO THEIR HUSBANDS AND FORBIDDEN⁷ TO THEIR LEVIRS.

THE FOLLOWING⁹ ARE PERMITTED⁷ TO THEIR LEVIRS AND FORBIDDEN⁷ TO THEIR HUSBANDS: IF A HIGH PRIEST WHO BETROTHED A WIDOW¹³ HAD A BROTHER A

COMMON PRIEST; IF ONE OF LEGITIMATE STATUS¹² WHO MARRIED A HALALAH¹⁰ HAD A BROTHER A HALAL;¹⁰ IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER A BASTARD, OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER AN ISRAELITE, [IN ALL THESE CASES THE WOMEN] ARE PERMITTED TO THEIR LEVIRS AND FORBIDDEN TO THEIR HUSBANDS.

THE FOLLOWING¹⁴ ARE FORBIDDEN¹⁵ TO BOTH THE FORMER AND THE LATTER;¹⁶ IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST, OR IF A COMMON PRIEST OF LEGITIMATE STATUS¹⁷ WHO MARRIED A HALALAH¹⁸ HAD A BROTHER OF LEGITIMATE STATUS,¹⁷ OR IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE, OR IF A BASTARD WHO MARRIED THE DAUGHTER OF AN ISRAELITE HAD A BROTHER A BASTARD, [IN ALL THESE CASES THE WOMEN] ARE FORBIDDEN¹⁵ BOTH TO THE FORMER AND THE LATTER.¹⁶ ALL OTHER WOMEN ARE PERMITTED¹⁵ TO BOTH THEIR HUSBANDS AND THEIR LEVIRS.

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE, [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES,¹⁹ A WOMAN WHO IS WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE LEVIR,²⁰ IS FORBIDDEN TO THE HUSBAND AND PERMITTED TO THE LEVIR; [A WOMAN WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE LEVIR BUT NOT WITHIN THE SECOND GRADE OF KINSHIP TO THE HUSBAND IS FORBIDDEN TO THE LEVIR AND PERMITTED TO THE HUSBAND; [WHILE ONE WHO IS WITHIN] THE SECOND GRADE OF KINSHIP TO THE ONE AND TO THE OTHER IS FORBIDDEN TO THE ONE AS WELL AS TO THE OTHER. SHE CANNOT CLAIM EITHER KETHUBAH,¹⁸ OR USUFRUCT,²¹ OR ALIMONY, OR HER WORN CLOTHES.²² [SHOULD A] CHILD [BE BORN HE] IS ELIGIBLE [FOR THE PRIESTHOOD]; BUT THE HUSBAND MUST BE COMPELLED TO DIVORCE HER. A WIDOW, HOWEVER, WHO WAS MARRIED TO A HIGH PRIEST, A DIVORCEE OR HALUZAH WHO WAS MARRIED TO A COMMON PRIEST, A BASTARD OR A NETHINAH²³ WHO WAS MARRIED TO AN ISRAELITE, OR THE DAUGHTER OF AN ISRAELITE WHO WAS MARRIED TO A NATHIN²³ OR A BASTARD IS ENTITLED TO HER KETHUBAH.

GEMARA. What was the point in teaching MARRIED?²⁴ He could have taught: ‘Betrothed’!²⁵ And were you to reply that the reason [for the prohibition²⁶ is only] because he MARRIED, since [in that case]²⁷ a positive²⁸ as well as a negative²⁹ precept is involved,³⁰ but where betrothal only took place the positive precept²⁶ does override the negative;³¹ but [it could be retorted] the whole of our section deals with a positive,³² versus a negative precept.³³ and the positive nevertheless does not override the negative! — As it was desired to state in the final clause, A HIGH PRIEST WHO MARRIED A WIDOW, [who is forbidden]³⁴ only where [the High Priest] MARRIED her, since in that case he caused her to be a halalah, but [not where he only] betrothed [her in which case] she is permitted [to his brother],³⁵ he taught in the first clause also: MARRIED.

But why should the expression³⁶ be determined by³⁷ the final clause? Let it be determined by³⁸ the middle clause: IF A HIGH PRIEST WHO BETROTHED A WIDOW HAD A BROTHER A COMMON PRIEST!³⁹ — The determining factor,⁴⁰ rather, is the case immediately following in the same context.⁴¹ As it was desired to teach, IF A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS, where the reason [for her prohibition⁴² is] because [the halal] MARRIED her and thus caused her to become a halalah, but where he had only betrothed her she would have been permitted to him; MARRIED was, therefore, taught [here also].⁴³

What point, however, was there in teaching, A widow? He should have taught: ‘A virgin’!⁴⁴

- (1) V. Glos.
- (2) By means of the 'Caesarean operation'. (15) Tem. 17a. V. also op. cit. 11a and Bek. 42a.
- (3) If any of these was exchanged for a consecrated beast. (Cf. Lev. XXVII, 10). That these cannot be directly consecrated is obvious. Cf. Bek. 14a.
- (4) If they themselves were sacred. In the case of the hybrid, tumtum and hermaphrodite their sanctity is possible only where they were born from a consecrated beast. In the case of the terefah and the one extracted by means of the Caesarean operation sanctity is possible if the former was consecrated before it became terefah and the latter while it was still in its embryonic state.
- (5) Cf. Lev. XXVII, 10.
- (6) A town in Upper Galilee notorious for its fierce cocks who do not allow the intrusion of a strange cock among them (Rashi).
- (7) In marriage.
- (8) If their husbands died without issue when, in ordinary cases, it is the duty of the levir to marry his deceased brother's widow.
- (9) Lit., 'and these'.
- (10) V. Glos.
- (11) Eligible to marry a priest.
- (12) Of pure priestly stock.
- (13) But did not marry her. If marriage took place the woman would in consequence be ineligible to marry even a common priest.
- (14) Lit, 'and these'.
- (15) In marriage.
- (16) Lit., 'to these and to these'.
- (17) Of pure priestly stock.
- (18) v. Glos.
- (19) Cf. supra 201, 211.
- (20) If, for instance, the woman was the husband's mother's mother and the levir was his paternal, but not his maternal brother.
- (21) Which the husband had consumed. The reason is given infra 89a.
- (22) Which she brought to her husband at their marriage. She has no claim upon such clothes even if they were still available (Rashi). According to Tosaf. (infra 85a, s.v. בלאות) she is entitled to such clothes, and the ruling here applies to compensation for clothes which have been completely worn out. Cf Keth. 201a.
- (23) V. Glos.
- (24) In the first section of our Mishnah.
- (25) Even if only betrothal had taken place the woman would be permitted to her husband and forbidden to the levir.
- (26) Of the levirate marriage.
- (27) Where the levir is a High Priest.
- (28) A virgin . . . shall (positive) he take (Lev. XXI, 14) but not a widow (negative). A negative derived from a positive has only the force of a positive.
- (29) A widow . . . shall he not (negative) take (ibid.).
- (30) Were the levirate marriage to take place two precepts would have been overridden by the single positive precept of the levirate marriage.
- (31) V. supra n. 7. The positive precept. A virgin . . . shall he take (v. supra note 6) is not in this case infringed, since a widow after a betrothal is still in her virginity.
- (32) Of the levirate marriage.
- (33) A bastard, for instance, to an Israelite.
- (34) To his brother who is a common priest.
- (35) Lit., 'to him'.
- (36) In the first section of our Mishnah.
- (37) Lit., 'and instead of teaching on account of'.
- (38) Lit., 'let him teach on account of'.
- (39) Where the expression used was BETROTHED, and not 'married'.

(40) In the use of the expression of MARRIED.

(41) Lit. , 'but because of the daughter of the (same) valley'.

(42) To his brother.

(43) In the first case, that of the common priest who married a widow.

(44) Who, becoming a widow after her husband's death, is, like one who was married as a widow, forbidden to a High Priest.

Talmud - Mas. Yevamoth 84b

And should you reply that this Tanna holds the opinion that the original marriage¹ causes the subjection;² behold, [it may be pointed out, the case of] the HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS³ where it is not said that 'the original marriage causes the subjection'!⁴ — This⁵ is certainly due to the final clause. As it was desired to teach in the final clause, IF A HIGH PRIEST WHO MARRIED A WIDOW HAD A BROTHER A HIGH PRIEST OR A COMMON PRIEST, where [the prohibition⁶ applies to] a WIDOW only⁷ but [not to] a virgin who is eligible to marry him,⁸ therefore, WIDOW was taught [here also].⁹

R. Papa demurred: If the law is in agreement with the following ruling¹⁰ which R. Dimi, when he came,¹¹ reported in the name of R. Johanan, viz., that if an Egyptian of the second generation married an Egyptian woman of the first generation her son is regarded as belonging to the second generation,¹² [our Mishnah] should also have taught: If an Egyptian of the second generation married two Egyptian women, one of the first, and the other of the second generation, and he had sons from the first and from the second, [the wives of these sons], if they¹³ married in the proper manner,¹⁴ are permitted to their husbands but forbidden to their levirs,¹⁵ and if they married in the reverse order¹⁶ [the wives] are permitted to their levirs¹⁷ and forbidden to their husbands;¹⁸ proselyte women¹⁹ are permitted to the one as well as to the other,²⁰ and women who are incapable of procreation are forbidden to the one as well as the other!²¹ — He taught some cases and omitted others. What else did he omit that he should have omitted this also? — He omitted [the case of the man] wounded in the stones.²² If this is all that can be pointed out,²³ the case of the man wounded in the stones cannot be regarded as an instance of an omission, since those that are subject to the penalty of negative precepts were [already] mentioned!²⁴ — Were not several specific cases mentioned²⁵ of those that are subject to the penalty of negative precepts? Surely it was stated, IF A COMMON PRIEST MARRIED A WIDOW and then again IF A HALAL MARRIED A WOMAN OF LEGITIMATE STATUS!²⁶ That case²⁷ was required [for the specific purpose] of informing us [that the law is] in agreement with [the ruling] Rab Judah reported in the name of Rab. For Rab Judah reported in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth.²⁸

But, surely, he taught regarding A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS and then again regarding AN ISRAELITE WHO MARRIED THE DAUGHTER OF AN ISRAELITE AND HE HAD A BROTHER A BASTARD!²⁹ — This also is not a repetition of what was already taught, since thereby he taught us [first] regarding a negative precept which is not applicable to all³⁰ and then he taught us regarding a negative precept which is applicable to all. But did he not teach³¹ IF AN ISRAELITE WHO MARRIED A BASTARD HAD A BROTHER AN ISRAELITE!³² Consequently³³ it must be concluded that he taught some cases while others he omitted. This proves it.

[Reverting to] the main text, 'Rab Judah reported in the name Of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of tainted birth'. Might it be suggested that the following provides support for his view? [It was stated], A HALAL WHO MARRIED A WOMAN OF LEGITIMATE STATUS; does not [this refer to] a priestess (who was fitting unto him),³⁴ and is not the meaning of³⁵ LEGITIMATE STATUS eligible for priesthood!³⁶ — No; [it

might refer to] the daughter of an Israelite, and LEGITIMATE STATUS means³⁵ eligible for the assembly.³⁷ If so, HAD A BROTHER OF LEGITIMATE STATUS would also [mean] 'eligible for the assembly', from which it would follow that he himself is ineligible for the assembly!³⁸ Consequently it must refer to a priest; and since he is a priest she also must be a priestess.³⁹ What an argument! Each phrase may bear its own peculiar interpretation.⁴⁰

Rabin b. Nahman raised an objection: They shall not take . . . they shall not take⁴¹ teaches⁴² that the prohibition was addressed to the woman through the man!⁴³ — Raba replied, [This is the meaning]: Where the prohibition is applicable to him it is also applicable to her, but where it is not applicable to him it is also inapplicable to her.⁴⁴ Is this,⁴⁵ however, deduced from this text? Surely it was deduced from a text which Rab Judah expounded in the name of Rab! For Rab Judah stated in the name of Rab and so it was taught at the school of R. Ishmael: When a man or woman shall commit any sin that men commit;⁴⁶ Scripture compared the woman to the man in respect of all the punishments in the Torah!⁴⁷ — If deduction had been made from that [text]⁴⁶ it might have been assumed [to apply only to] a prohibition that is equally applicable to all, but not to a prohibition that is not equally applicable to all.⁴⁸

(1) Of the deceased brother.

(2) Of the woman to the levirate marriage, i.e. , the widow's status at the time of her husband's death is determined by the status in which she found herself when he married her, not by that in which his death placed her, consequently if at the time of the marriage she was a virgin she would not have been regarded as a widow and would, therefore, have been permitted to marry a priest.

(3) Who becomes, thereby, disqualified from marrying his brother.

(4) Had this been the case, his brother should have been permitted to marry her, owing to the fact that at the time of her marriage with the deceased (when she presumably became subject to the levirate marriage) she was no halalah.

(5) The mention of WIDOW rather than 'virgin'.

(6) To her husband who was a High Priest. and to the levir who was a common priest.

(7) Who becomes a halalah through such a forbidden marriage.

(8) The High Priest, (her first husband) and, after his death, also his brother if he was a common priest.

(9) In the first case, that of the common priest who married a widow.

(10) Lit., 'if there is that'.

(11) From Palestine to Babylon.

(12) Supra 78a.

(13) The sons.

(14) I.e., if the son of the Egyptian of the second generation, who thus belongs to the third and is permitted to enter the assembly (v. Deut. XXIII, 9), married the daughter of an Israelite; while the other who belongs to the second generation married an Egyptian of the second generation.

(15) Should one of the brothers die without issue. The son of the third generation is forbidden to marry the Egyptian of the second generation, while the son of the second generation is forbidden to marry the daughter of an Israelite.

(16) I.e., if the son of the second generation married the daughter of an Israelite, while the son of the third generation married an Egyptian of the second generation.

(17) Cf. supra n. 5 mutandis mutandis.

(18) Cf. supra. 6 mutatis mutandis.

(19) Who are not included in the term 'assembly of the Lord' (v. Deut. XXIII, 9).

(20) Both the Israelite and (for the reason indicated in n. 10) the Egyptian of the second generation may marry a proselyte.

(21) The son of the second generation may not marry her because she is the daughter of an Israelite, while after his death she is forbidden to his brother because a woman who is incapable of procreation is not subject to the levirate marriage and is consequently forbidden to him as his brother's wife.

(22) In respect of such a maimed person, prohibition and permission similar to those in our Mishnah could be stated: If he is maimed and his brother is fit the woman is forbidden to him (v. Deut. XXIII, 2) and permitted to his brother; if he is fit and his brother maimed she is permitted to him and forbidden to his brother; if both are maimed etc. proselyte

women are permitted to both.

(23) Lit., 'if because of'.

(24) And among these, this case also is included. What proof, then, is there that any cases other than that of R. Dimi were omitted?

(25) Lit., 'did he not teach and then taught again'.

(26) Which proves that the Mishnah did not avoid giving more than one example of the same type of prohibition.

(27) Of a halal who married a woman of legitimate status.

(28) Kid. 731, 76a, infra 85a. The purpose of our Mishnah in giving the law of the halal was not to teach the prohibition of the woman to the levir (which, of course, as pointed out supra, was unnecessary) but her permission to marry a husband though he is a halal and she is of legitimate status or of pure priestly stock. The prohibition to marry one of impure stock is incumbent upon the man and not upon the woman.

(29) Which shews that the Mishnah did not avoid giving more than one example of the same type of prohibition.

(30) The case of the halal is applicable to priests only, not to Israelites.

(31) Lit., 'surely he taught'.

(32) Also a case of a negative precept! (cf. n. 7). Cur. edd. insert in parenthesis 'and a bastard who married a bastard and he has a brother an Israelite', which Rashal omits.

(33) Lit., 'but not'?

(34) Though he may marry the daughter of an Israelite he should preferably marry the daughter of a priest. Cf. Pes. 49a. [The bracketed words are rightly omitted in MS.M].

(35) Lit., 'and what'.

(36) To marry a priest. Which is in agreement with the opinion of Rab.

(37) I.e. 'to marry an Israelite.'

(38) Surely not!

(39) I.e., since the term 'legitimate status in the case of the man has reference to a priest, so the reference in the case of the woman must be to a priestess which shews that a priestess may marry one of tainted birth.

(40) Lit., 'that as it is and that as it is'.

(41) Lev. XXI, 7.

(42) Since the expression was repeated.

(43) This is now assumed to mean that as the untainted priest may not marry a halalah so may not the untainted priestess marry a halal. An objection against the opinion of Rab.

(44) The halalah whom an untainted priest is forbidden to marry is herself forbidden to marry such a priest. The untainted priestess however, whom a halal is not forbidden to marry, may also marry the halal.

(45) The equality of men and women in respect of prohibitions

(46) Num. v, 6.

(47) Whether flogging or kareth.

(48) That of the priesthood does not apply to Israelites. Hence it was necessary to have the text of Lev. XXI, 7.

Talmud - Mas. Yevamoth 85a

Behold, however, [the prohibition against] defilement¹ which is a prohibition that is not equally applicable to all² and [yet the sole] reason [why it is inapplicable to woman is] because the All Merciful wrote The sons of Aaron³ and not the daughters of Aaron; had, however, no such text been available⁴ it would have been assumed that women also come under the same obligation. What is the reason? Obviously⁵ because of the deduction Rab Judah reported in the name of Rab!⁶ — No; this might have been deduced from They shall not take.⁷

Others Say:⁸ [The prohibition in regard] to marrying had to be specified.⁹ Since it might have been assumed that it¹⁰ should be inferred from [that relating to] defilement,¹¹ therefore he taught us¹² [that women are subject to the same prohibition as men].

R. Papa and R. Huna son of R. Joshua once happened to be at Hinzebu,¹³ the town of R. Idi b. Abin, when the following question was asked of them: Were women of legitimate [priestly] status

forbidden to be married to men of tainted birth or not? R. Papa replied, 'You have learned it [in the following]. Ten different genealogical classes went up from Babylon:¹⁴ Priests, Levites, Israelites, halalim,¹⁵ proselytes, emancipated slaves, bastards, nethinim,¹⁶ shethuki¹⁷ and asufi.¹⁷ Priests, Levites and Israelites may intermarry with one another. Levites, Israelites, halalim, proselytes and emancipated slaves may intermarry with one another. Proselytes, emancipated slaves, bastards, nethinim,¹⁶ shethuki¹⁷ and asufi¹⁷ are permitted to intermarry with one another.'¹⁸ That daughters of priests, however, [may be married to a] halal was not mentioned.¹⁹ Said R. Huna son of R. Joshua to him: Only cases where the women may marry the men, and the men may marry the women were enumerated;²⁰ the case of the Priest, however,²¹ was not mentioned, because a halalah, should he even desire to marry one, is forbidden to him.²² When they came before R. Idi b. Abin he said to them, 'O, school-children! Thus said Rab Judah in the name of Rab: Women of legitimate [priestly] status were not forbidden to be married to men of illegitimate Status'.²³

[IN RESPECT OF] RELATIVES OF THE SECOND GRADE [WHO ARE FORBIDDEN] BY THE ORDINANCES OF THE SCRIBES etc. The men of Bairi²⁴ enquired of R. Shesheth: Is a woman who is of the second grade of kinship to her husband but not to her levir entitled to claim her kethubah from the levir or not? [Do we say that] since a Master said that her kethubah²⁵ is a charge on the estate of her first husband²⁶ she has no [claim upon the levir];²⁷ or, possibly, since the Rabbis have ordained that wherever she is unable to obtain it from her first husband²⁸ [she may collect it] from the second, she²⁹ is entitled to claim it³⁰ [from the levir]? R. Shesheth replied, 'You have learned this: Her kethubah²⁵ is a charge upon the estate of her first husband, but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

Does [the expression,³¹ however,] imply that some [widows] do receive their³⁰ kethubah from the levir!³² — There is a lacuna, and thus it is the correct reading.³³ Her kethubah²⁵ is a charge upon the estate of her first husband; and if she obtains nothing from the first, the Rabbis have ordained [that she is to receive it] from the second; but if she was a relative of the second grade of kinship to her husband she receives nothing even from the levir.

R. Eleazar enquired of R. Johanan: Is a widow [who was married] to a High Priest, or a divorcee or a haluzah [who was married] to a common priest entitled to maintenance or not? How is this question to be understood? If [it is a case] where she still lives with him,³⁴ would she, when it is his duty to divorce her,³⁵ be entitled to receive maintenance!³⁶ — This question was necessary in the case³⁷ where he went to a country beyond the sea and she borrowed money wherewith to maintain herself;³⁸ it being desired to ascertain³⁹ whether, [owing to the fact that] maintenance³⁹ among the conditions of the kethubah, she is entitled to maintenance just as she is entitled to the kethubah, or is she entitled to the kethubah only because she receives it and goes, but not to maintenance which might induce her to remain with him? — The other replied: She is not entitled to maintenance.⁴⁰ But, surely, it was taught: She is entitled to maintenance.⁴¹ — That was taught In respect of [alimony] after [her husband's] death.⁴²

Another reading:⁴³ He said to him, 'It was taught: She is entitled to maintenance'.⁴¹ 'Surely', [the other asked], 'it is his duty to divorce her!'⁴⁴ 'But then', [the first retorted], 'it was taught: She is entitled to maintenance'!⁴¹ — 'That', [the other replied], 'was taught in respect of [alimony] after his death'.⁴²

Our Rabbis taught: A widow [who was married] to a High Priest, or a divorcee or haluzah [who was married] to a common priest is entitled to her kethubah, usufruct,⁴⁵ alimony and worn clothes,⁴⁶ but she becomes thereby unfit, and her child is unfit, and [the husband] is compelled to divorce her. Relatives of the second grade of kinship [who are forbidden] by the ordinances of scribes are entitled neither to kethubah, nor to usufruct,⁴⁵ nor to alimony⁴⁶ nor to worn clothes;⁴⁶ the woman remains fit and her child is fit; but [the husband] is compelled to divorce her. R. Simeon b. Eleazar said, 'Why

was it ordained that a widow married to a High Priest is entitled to her kethubah? Because he becomes unfit⁴⁷ and she becomes unfit and wherever he becomes unfit and she becomes unfit⁴⁸

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- (1) For the dead.
 - (2) Having been given to priests only. v. Lev. XXI, 1ff.
 - (3) Ibid. 2.
 - (4) Lit., 'but (if) not so'.
 - (5) Lit., 'not?'
 - (6) Which shews that even a prohibition which is not applicable to all would be assumed to be applicable to women by deduction from Rab's text!
 - (7) Lev. XXI, 7, from which it has been deduced (supra 84b, end) that women are subject to the same prohibitions as men even where the prohibitions are not applicable to all. Hence the necessity for the text of Lev. XXI, 1, which excludes women. From Num. v, 6, however, it may still be maintained, deduction could be made only in respect of a prohibition that is applicable to all.
 - (8) Although the equality of men and women in respect of prohibitions could be deduced from the text cited by Rab Judah in the name of Rab.
 - (9) Lit., 'taking was necessary for him', with reference to the verse, 'They shall not take'.
 - (10) The prohibition of the marriage of the halalah to a halal.
 - (11) Which, as has just been shewn, applies only to men and not to women.
 - (12) In the case of marriage by the text of Lev. XXI, 7.
 - (13) Or 'Shekanzebu' (Bah). The reading 'Shekanzib' (cf. supra 37b) is quoted by Golds., a.l., and rejected in favour of the reading in our text.
 - (14) In the days of Ezra.
 - (15) Pl. of halal, profaned priests. V. Glos.
 - (16) Pl. of nathin, v. Glos.
 - (17) For notes v. supra 37a.
 - (18) Kid. 69a.
 - (19) The answer to their question is, therefore, in the affirmative.
 - (20) Lit., 'wherever these take from those and those take from these he taught'.
 - (21) Though, were he a halal, he would not have been forbidden to marry a priest's daughter.
 - (22) So that the Mishnah of Kid. is not conclusive.
 - (23) V. supra 84b.
 - (24) V. supra p. 561, n. 10. [Here probably Be Bari, south of Sura (v. Obermeyer, p. 308)].
 - (25) Of a widow subject to the levirate marriage.
 - (26) Supra 381, Keth. 80b.
 - (27) Though in this particular case she can have no claim upon the estate of her husband.
 - (28) If, for instance, he is without means.
 - (29) Since here also she receives nothing from the estate of her first husband.
 - (30) Lit., 'there is to her'.
 - (31) 'She receives nothing even from the levir'.
 - (32) Which is contrary to the ruling supra that the kethubah remains a charge upon the estate of the first husband.
 - (33) Lit., 'and thus he taught'.
 - (34) Lit., 'sits under him', her forbidden husband.
 - (35) Lit., 'He stands under (the charge) to get up and make her go out'.
 - (36) Obviously not. What need, then, was there to ask a question the answer to which is so obvious?
 - (37) Lit., 'it is not required (but)'.
 - (38) Lit., 'and she ate'.
 - (39) Lit., 'what'.
 - (40) Lit., 'there is not to her'.
 - (41) Lit., 'there is to her'.
 - (42) If her husband died before she was divorced. Since in such a case there is no cause to apprehend that she will be induced to remain with him, she is entitled to alimony.

(43) Lit., 'there is one who says'.

(44) Cf. supra p. 574 n. 11. How, then, could he be expected to maintain her?

(45) Consumed by the husband from her melog (v. Glos.) property.

(46) Cf. nn. on our Mishnah.

(47) He is not permitted to perform the Temple service as long as he refuses to part with her. V. Bek. 45b and Git. 35b.

(48) [Tosaf.: 'Wherever he becomes unfit or she becomes unfit'. The resulting unfitness of either of them is sufficient to act as a deterrent to the woman in view of the effect it has on the child's fitness. R. Tam, on the other hand, whilst agreeing with this rendering, takes 'he' as referring to the child].

Talmud - Mas. Yevamoth 85b

[the Rabbis] have penalized him [by ordering him to pay her] kethubah.¹ And why was it ordained that relatives of the second grade of kinship, [who are forbidden] by the ordinances of the Rabbis, are not to receive their kethubah? Because the man remains fit and the woman remains fit, and wherever he as well as she remains fit [the Rabbis] have penalized her [by depriving her of her] kethubah.² Rabbi said, 'The former³ are prohibitions⁴ of the Torah, and prohibitions of the Torah require no reinforcement;⁵ while the latter⁶ are prohibitions of the scribes, and the prohibitions of the scribes require reinforcement.⁷ Another reason⁸ is: In the former case the man induces the woman⁹ [into the marriage];¹⁰ in the latter case she induces him.¹¹ Who stated the 'other reason'? One opinion asserts¹² that it was R. Simeon b. Eleazar who stated it; and he gave an answer¹³ [to the question] 'what is the reason'. 'What is the reason', [he said in effect,] 'why it was ordained that when the man is unfit and the woman is unfit the man is penalized by having to pay the kethubah? Because he induces the woman into the marriage.¹⁴ And what is the reason why when he remains fit and she remains fit she is penalized by losing her kethubah? Because she induces him, [into the marriage]'.¹⁵ Another opinion asserts¹² that it was Rabbi¹⁶ who stated it, because the case of the haluzah presented to him the following difficulty: A haluzah, surely, is only Rabbinically [forbidden to be married to a common priest]¹⁷ and yet she receives her kethubah.¹⁸ Thereupon he stated: Since the man disqualifies her by Rabbinical law¹⁹ it is he, [who in the former case], induces²⁰ her [into marriage]²¹ but in the latter case it is she that induces him [into marriage].²²

What practical difference is there between [the reason given by] Rabbi and [that given by] R. Simeon b. Eleazar? — R. Hisda replied: The practical difference between them is the case of a bastard or a nethinah [who was married] to an Israelite. According to him who gave the reason²³ that [the prohibitions were] Pentateuchal, then this case²⁴ also is Pentateuchal;²⁵ but according to him who gave as the reason,²³ that the man induces the woman²⁶ then here, it is she that induces him [into the marriage].²⁷ According to R. Eliezer, however, who²⁸ stated, 'Behold he²⁹ is both a slave and a bastard',³⁰ the woman, surely, would not induce the man at all!³¹ — Rather, said R. Joseph, the practical difference between them³² is the case of the man who remarried his divorced wife after she had been married.³³ According to him who gave the reason³⁴ that [the prohibitions were] Pentateuchal, then this case³⁵ also is Pentateuchal;³⁶ but according to him who gave as the reason³⁴ that the man induces the woman³⁷ then here, surely, she induces him.³⁸

But according to R. Akiba who stated that the offspring of a union forbidden under the penalty of a negative precept is deemed to be a bastard,³⁹ she,⁴⁰ surely, would not induce the man at all!⁴¹

Rather, said R. Papai the practical difference between them⁴² is the case of a be'ulah⁴³ [who was married] to a High Priest.⁴⁴ According to him who gave as the reason³⁴ that [the prohibitions were] Pentateuchal, then this case also is Pentateuchal;⁴⁵ but according to him who gave as the reason³⁴ that the man induces the woman,³⁷ then here, surely, it is she that induces him.⁴⁶

According to R. Eliezer b. Jacob, however, who stated that the offspring of a union that is forbidden under a positive precept is deemed a halal,⁴⁷ she,⁴⁸ surely, would not at all induce him!⁴⁹

Rather, said R. Ashi, the practical difference between them⁴² is the case of the man who cohabits again with his doubtful sotah.⁵⁰ According to him who stated that the reason³⁴ is that [the prohibition is] Pentateuchal, then this case also is Pentateucha⁴⁶ but according to him who stated that the reason³⁴ is that the man induces the woman³⁷ here it is she that induces him.⁴⁶

And according to R. Mathia b. Heresh who stated that even a woman whose husband, while going to arrange for her drinking [of the water of bitterness]⁵¹ cohabited with her on the way, is rendered a harlot, she,⁵² surely, would not at all induce him [to such a marriage]⁵³ Rather, said Mar b. R. Ashi, the practical difference between them⁵⁴ is the case of a confirmed sotah⁵⁵.

MISHNAH. THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE, MAY NOT EAT TERUMAH.⁵⁶ THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, WAS PREGNANT FROM A LEVITE, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A LEVITE; AND, SIMILARLY, THE DAUGHTER OF A LEVITE [WHO STOOD IN SUCH RELATIONSHIP] TO AN ISRAELITE MAY NOT EAT TITHE.⁵⁷ THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST, WAS PREGNANT FROM A PRIEST, OR WAS AWAITING THE DECISION OF A LEVIR WHO WAS A PRIEST; AND, SIMILARLY, THE DAUGHTER OF A PRIEST [WHO STOOD IN SUCH RELATIONSHIP TO A LEVITE, MAY EAT NEITHER TERUMAH NOR TITHE.

GEMARA. And granted that she⁵⁸ is [no more than] an ordinary woman,⁵⁹ is not any ordinary woman permitted to eat tithe?⁶⁰ R. Nahman replied in the name of Samuel: This ruling represents the view of R. Meir⁶¹ who stated: The first tithe is forbidden to common people.⁶² For it was taught:

- (1) The woman is already penalized by a marriage which taints both herself and her husband and which is naturally followed by an unhappy family life. In such circumstances the woman would either not consent to marriage or would be anxious to have such a union severed at the earliest possible moment. The penalty was, therefore, imposed upon the husband.
- (2) In order that she might, in consequence, be deterred from contracting such a marriage or, if contracted, be anxious to have it severed.
- (3) Lit., 'those', the marriage of a widow to a High Priest and that of a divorcee or haluzah to a common priest.
- (4) Lit., 'words'.
- (5) Hence there was no need to deprive the woman of her kethubah. Cf. supra n. 1.
- (6) Marriages with relatives of the second grade of kinship.
- (7) Cf. supra n. 1.
- (8) Why in the former case the man is to pay the kethubah while in the latter the woman loses her kethubah.
- (9) Lit., '(in) this he leads her'. מרגילה denom. of רגל 'foot' (cf. Jast.). Colds. (a.l.) renders 'befleckt er sie'.
- (10) The woman is reluctant to contract a marriage which taints her and her children.
- (11) As the marriage subjects neither the woman nor her children to any disability, it is assumed that she, as a woman, is more anxious than the man to marry.
- (12) Lit., 'there is (one) who said'.
- (13) Lit., 'he said'.
- (14) V. supra notes 8 and 9.
- (15) V. supra note 10.
- (16) Who had previously explained that the reason why the woman was deprived of her kethubah was because prohibitions of the scribes require reinforcement.
- (17) Cf. Kid. 78a.
- (18) If Rabbinical prohibitions require reinforcement the haluzah should not have been entitled to her kethubah. (Cf. supra p. 576, n. 2).

- (19) [(a) According to Rashi: from eating terumah; (b) MS. M. reads: 'he disqualifies her seed by rabbinic law'. Cf. also Me'iri].
- (20) V. supra p. 576, n. 8.
- (21) The woman is reluctant to contract such a union.
- (22) V. supra p. 576, n. 10.
- (23) Why in the former case, supra, the woman is entitled to her kethubah.
- (24) Of the bastard or the nethinah.
- (25) And the woman is, therefore, entitled to her kethubah.
- (26) Into the marriage.
- (27) She, being in any case forbidden to marry an Israelite, has nothing to lose by her marriage which, under certain conditions, may even be advantageous to her, since according to R. Tarfon (cf. Kid. 69a, supra 78a), it may enable her descendants to become proper Israelites. The woman, therefore, loses her kethubah.
- (28) Disagreeing with the view of R. Tarfon. (Cf. supra n. 11).
- (29) The son of a union between a bastard and a slave.
- (30) And can never become a legitimate Israelite. Cf. Kid. 69a.
- (31) Why then should she lose her kethubah?
- (32) Rabbi and R. Simeon b Eleazar.
- (33) After she had been married to another man. V. Rashi and cf. Bah a.l. Cur. edd. read, 'a divorced woman after she had been married'.
- (34) V. supra p. 57, n. 7.
- (35) The remarriage of one's divorcee.
- (36) It is pentateuchally forbidden to marry such a woman. (V. Deut. XXIV, 4). Cf. supra p. 57, n. 9.
- (37) Into the marriage.
- (38) Since the prohibition was addressed to the man; and neither the woman nor her children are subject to any disability in consequence of such a marriage.
- (39) V. supra 49a.
- (40) The divorced woman who has been married to another man and whose remarriage with her first husband is forbidden by a negative precept.
- (41) She would not be anxious to contract a union the issue from which would be bastards.
- (42) Rabbi and R. Simeon b. Eleazar.
- (43) A woman who has lost her virginity. v. Glos.
- (44) Such a union is forbidden under the positive precept. A virgin . . . shall he take (Lev. XXI, 14), and not by a negative one. A negative precept derived from a positive has only the force of a positive. The offspring therefore, would be no bastard even according to R. Akiba.
- (45) Cf. supra n. 11 and supra p. 57, n. 9.
- (46) V. supra note 5.
- (47) V. supra 600.
- (48) A be'ulah.
- (49) Since such a marriage would render her child a halal.
- (50) V. Glos. Such a woman is pentateuchally forbidden to her husband though the offspring of the union is not regarded as a bastard. V. supra 49b.
- (51) V. Num. V, 18f.
- (52) The doubtful sotah.
- (53) Which would render her a harlot and her children bastards.
- (54) Rabbi and R. Eleazar b. Simeon.
- (55) Who is Pentateuchally forbidden to her husband though their offspring is not deemed to be a bastard. As she herself is in any case forbidden to marry a priest she has nothing to lose by cohabiting with her husband, and she would consequently persuade him to live with her again. Hence the ordinance that in such a case she loses the rights to her kethubah.
- (56) As explained supra 67b.
- (57) Which is the due of the Levites. V. Num. XVIII, 24.
- (58) The daughter of the Israelite or the Levite who was betrothed etc. to a Levite and an Israelite respectively.

(59) זָרֵה (masc. זָר), lit., 'a stranger', not of priestly, or levitical stock.

(60) Of course she is. Why, then, does our Mishnah forbid it?

(61) Lit., 'this, who is it? It is R. Meir'.

(62) Supra 74a. Cf. supra note 1 and p. 579, n. 7.

Talmud - Mas. Yevamoth 86a

Terumah to the priest and the first tithe to the Levite;¹ so R. Meir. R. Eleazar b. Azariah permits it to the priest,² 'Permits it'!³ Does this then imply that some authority forbids it?⁴ Read, therefore, 'He may give it to the priest also'. What is R. Meir's reason? R. Aha son of Rabbah replied on the authority of a traditional statement:⁵ For the tithe of the children of Israel, which they set apart as terumah unto the Lord,⁶ as terumah is forbidden to common people so is the first tithe forbidden to common people. May it be assumed that⁷ as in the case of terumah the penalties of death and of a fifth⁸ are incurred, so are the penalties of death and of a fifth incurred in the case of tithe? — Scripture stated, And die therein if they profane it⁹ . . . then he shall put the fifth part thereof unto it;¹⁰ 'therein',¹¹ but not in the tithe; 'Into it'¹² but not unto tithe. And the Rabbis?¹³ — As terumah is a cause of tebel¹⁴ so is the first tithe a cause of tebel;¹⁵ and this is in agreement with what was taught: R. Jose said, It might have been presumed that guilt is incurred only for tebel from which nothing whatsoever¹⁶ had been set apart; whence is it deduced [that guilt is also incurred when] terumah gedolah¹⁷ had been set apart but not the first tithe,¹⁸ first tithe but not the second tithe¹⁹ or even if the poor man's tithe²⁰ [only had not been set apart]? Scripture stated, Thou mayest not eat within thy gates²¹ and further on it was stated, That they may eat within thy gates, and be satisfied;²² as 'Thy gates' which was stated below²² refers to the poor man's tithe,²³ so 'Thy gates' which was stated here²¹ refers to the poor man's tithe, and [concerning it] the All Merciful has said, Thou mayest not.²⁴ And if the deduction had been made from that text²⁵ only²⁶ it might have been assumed [to imply the penalty] of a negative precept²⁷ but not [the penalty of] death; hence we were taught [the earlier text²⁸ also].²⁹

Another reading: That the first tithe is a cause of tebel³⁰ may surely be deduced from the text cited by R. Jose!³¹ — If [deduction had been made] from that text²⁵ only³² it might have been assumed [to imply the penalty] of a negative precept²⁷ but not the penalty of death; hence we were taught [the earlier text²⁸ also].²⁹

How did you explain it?³³ In accordance with the view of R. Meir! Explain, then, the final clause: THE DAUGHTER OF A LEVITE WHO WAS BETROTHED TO A PRIEST and THE DAUGHTER OF A PRIEST . . . TO A LEVITE MAY EAT NEITHER TERUMAH NOR TITHE; what [bearing has the question of] non-priestly stock in this case?³⁴ — R. Shesheth replied: The meaning of³⁵ the expression,³⁶ SHE MAY NOT EAT is that she may not give permission to one to set apart³⁷ the tithe.³⁸ Does this³⁹ then imply that a married woman may give such permission? — Yes; and so it was taught: And ye may eat it in every place, ye and your household⁴⁰ teaches that a married daughter of an Israelite⁴¹ may give permission for terumah⁴² to be set apart.⁴³ You say: Permission for terumah⁴³ to be set apart; perhaps it is not so, but to eat it?⁴⁴ It can be replied: If she⁴⁵ may eat terumah which is subject to greater restrictions, how much more may she⁴⁶ eat tithe which is subject to lesser restrictions.⁴⁷ The text⁴⁸ must consequently⁴⁹ have taught that a married daughter of an Israelite may give permission for terumah⁴² to be set apart.⁴³

Mar the son of Rabana⁵⁰ stated: This⁵¹ teaches that she is not given a share in the tithe in the threshing-floors.⁵² This is a satisfactory explanation according to him who holds that this⁵³ is due to considerations of privacy governing the sexes;⁵⁴ according to him, however, who holds that this⁵³ is due to [possible abuse by] a divorced woman,⁵⁵ may not a divorced woman who is the daughter of a Levite⁵⁶ eat tithe?⁵⁷ — And according to your argument, may not a divorced woman who is the daughter of a priest eat terumah!⁵⁸ But [the fact is that the ordinance⁵⁹ is] a preventive measure

against [abuse by] a divorced woman who was the daughter of an Israelite.⁶⁰ If so,⁶¹ what was the point in mentioning BETROTHED? [The same rule should be applied] even to one who was married! — As in the first clause BETROTHED was taught,⁶² BETROTHED was also taught in the final clause.⁶³

Our Rabbis taught: Terumah gedolah⁶⁴ belongs to the priest, and the first tithe belongs to the Levite; so R. Akiba. R. Eleazar b. Azariah said:

(1) As the terumah must be given to the priest and may be eaten by priests only and not by common people so must the first tithe also be given to Levites and be eaten by Levites only and not by common people (v. Rashi).

(2) Keth. 26a.

(3) The eating of tithe by a priest.

(4) Which is absurd. A priest, surely, is not included among the 'common' people to whom tithe should be forbidden!

(5) Attributed to R. Meir himself.

(6) Num. XVIII, 24; terumah (E.V. gift) and tithe having been mentioned in juxtaposition.

(7) Lit., 'if'.

(8) Cf. Lev. XXII. 14.

(9) Ibid. 9.

(10) Ibid. 14.

(11) Shall the penalty of death be incurred.

(12) Shall a fifth be added.

(13) How do they explain the comparison between the terumah and tithe to which Scripture points?

(14) טָבֵל v. Glos. The penalty for eating tebel is death.

(15) V. supra n. 18, though for the eating of the tithe itself no death penalty is incurred.

(16) Neither the priestly, nor the levitical dues.

(17) V. Glos.

(18) Which is not so sacred as terumah, being permitted to Levites.

(19) Which even common people are permitted to eat. Cf. Deut. XIV, 22-27.

(20) Which is not even sacred, it being regarded as mere alms.

(21) Deut. XII, 17, speaking of tithe.

(22) Ibid. XXVI, 12, speaking of the tithe of the poor man.

(23) The text speaking of the third year, (ibid.). The third and the sixth year of the Septennial cycle are the years in which the poor man's, instead of the second tithe is given to all who are in need of it.

(24) Eat, (ibid. XII, 17), before it is set apart from the produce.

(25) Deut. XII, 17, speaking of tithe.

(26) Lit., 'and if from there'.

(27) For the eating of the tithe, since the prohibition only was stated, but no death penalty was mentioned.

(28) Num. XVIII, 24.

(29) From which a comparison is made between the tithe and terumah. Cf. supra p. 580. n. 10.

(30) V. Glos.

(31) In the Baraitha just discussed. What need, then, was there for the comparison deduced from Num. XVIII, 24?

(32) Lit., 'if from that'.

(33) The reference to tithe in the case of THE DAUGHTER OF AN ISRAELITE WHO WAS BETROTHED TO A LEVITE, and THE DAUGHTER OF A LEVITE... TO AN ISRAELITE.

(34) Lit., 'what strangeness is there here'; neither the daughter of a priest nor the daughters of a Levite are 'strangers' or 'common' women to whom tithe is forbidden.

(35) Lit., 'what'.

(36) Lit., 'that was taught'.

(37) From the produce of her betrothed, or of the levir whose decision she is awaiting.

(38) And the terumah of this tithe (cf. Num. XVIII, 26) so that she might be enabled to eat of the tithe. The reason for the prohibition is not because the tithe is forbidden to her, but because she is not entitled to appoint an agent for the setting apart of terumah without the owner's knowledge.

- (39) Since BETROTHED was mentioned.
- (40) Num. XVIII, 31. The husband (ye) was compared to his wife (household; **בֵּית** term for 'wife').
- (41) I.e., one married to a Levite.
- (42) From her husband's produce.
- (43) Cf. supra note 5.
- (44) The tithe.
- (45) The wife of a priest, because she is entitled to the same rights as her husband.
- (46) The wife of a Levite who also, like the wife of the priest, is entitled to her husband's rights.
- (47) As this law is so obvious there was no need to have a Scriptural text from which to deduce it.
- (48) V. supra n. 7.
- (49) Lit., 'but'. Since it is available for a comparison between husband and wife.
- (50) Or 'Rabina' (v. Rashi).
- (51) The final clause in our Mishnah, THE DAUGHTER OF A LEVITE TO A PRIEST and THE DAUGHTER OF A PRIEST TO A LEVITE.
- (52) If she comes unaccompanied by her husband. The first clause will, however, refer to eating and is in accordance with R. Meir's view.
- (53) The prohibition to give a share in the terumah or tithe to a woman when she comes alone to the threshing-floor.
- (54) **וְיָהוּדִי** v. Glos. s.v. yihud and cf. infra 100a.
- (55) Who might continue to collect tithe at the threshing-floors even after her divorce from her husband when she returns to her former status of an ordinary woman and forbidden to share in the priestly dues and, according to R. Meir, also in the levitical tithe.
- (56) Another reading, 'May not the daughter of a priest eat terumah? — And according to your argument may not a divorced woman who is the daughter of a Levite eat tithe?' Cur. edd. enclose the reading of our text in parenthesis.
- (57) Of course she may. Why, then, should she be refused a share in the tithe even in the absence of her husband!
- (58) She undoubtedly may. Why then is the wife of a priest refused a share in terumah in the absence of her husband (cf. infra 100a) irrespective of whether she is the daughter of a priest or of an Israelite?
- (59) V. p. 582, n. 20.
- (60) Such a preventive measure is, of course, applicable to the daughter of a Levite in respect of tithe in the same way as to the daughter of a priest in respect of terumah.
- (61) That the prohibition is merely a preventive measure.
- (62) In the first clauses the expression BETROTHED was essential, since the object of the Mishnah was to state that betrothal alone does not confer upon the daughter of an Israelite the right of eating terumah and tithe, and upon the daughter of a Levite the right to terumah, if the former was betrothed to a priest or a Levite and the latter to a priest; and that even betrothal, and not only marriage, deprives the daughter of a priest and the daughter of a Levite of the right of eating terumah and tithe respectively if the man was in the former case an Israelite or a Levite and in the latter case an Israelite.
- (63) Where the reference is to the woman's eligibility to call for a share in the tithe; though in this case the woman, whether betrothed or married, is subject to the same restriction.
- (64) V. Glos.

Talmud - Mas. Yevamoth 86b

To the priest.¹ 'To the priest', but not to the Levite!² — Read: To the priest also.

What is R. Akiba's reason? — Because it is written, Moreover thou shalt speak unto the Levites, and say unto them;³ Scripture thus refers specifically to the Levites. And the other?⁴ — His view follows that of R. Joshua b. Levi. For R. Joshua b. Levi stated: In twenty-four passages were the priests described as Levites, and the following is one of them: But the priests the Levites, the sons of Zadok.⁵ And R. Akiba? You cannot say so⁶ here; for it is written, And ye may eat it in every place,⁷ [it is to be given to him only] who 'may eat it in every place'; a priest, however, is excluded since he may not eat it in a graveyard.⁸ And the other? — [The meaning⁹ is] wherever he wishes: Neither is it required [to eat it within the] wall¹⁰ nor is a man subject to flogging for eating it while his body